TITLE: FEDERAL REGISTER

REEL NO: 7 of 8

PAGES: 23,795 - 27,713

VOLUME: 48

ISSUES: 104 - 117

DATE: May 27 - June 16, 1983

PUBLICATION NO: 2575

NOTES: The paper and ink used in the original material affect the quality of the micro-edition. This reproduction is the best copy available.

THIS PERIODICAL MAY BE COPYRIGHTED, IN WHICH CASE THE CONTENTS REMAIN THE PROPERTY OF THE COPYRIGHT OWNER. THE MICROFORM EDITION IS REPRODUCED BY AGREEMENT WITH THE PUBLISHER. DUPLICATION OR RESALE WITHOUT PERMISSION IS PROHIBITED.

UNIVERSITY MICROFILMS INTERNATIONAL, ANN ARBOR, MICHIGAN

VOL
48
ISS
104
MAY
27
1983
UMI

5-27-83
Vol. 48

Unite
Gove
Printi
SUPERI
OF DOC
Washing
OFFICIA
Penalty
Federal
(ISSN 0

5-27-83
Vol. 48 No. 104

federal register

Friday
May 27, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

A FR SERIA300S NOV 83 R DIR
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

U.S.MAIL
Postage and Fees Paid
U.S. Government Printing Office
375

SECOND CLASS NEWSPAPER

VOL
48
ISS
1
0
4
MY
27
1983
UMI

5-27-8
Vol. 4
Pages

5-27-83
Vol. 48 No. 104
Pages 23795–24024

federal register

Friday
May 27, 1983

Selected Subjects

Administrative Practice and Procedure
Postal Rate Commission
Air Pollution Control
Environmental Protection Agency
Antibiotics
Food and Drug Administration
Communications Common Carriers
Federal Communications Commission
Disaster Assistance
Small Business Administration
Food Assistance Programs
Food and Nutrition Service
Food Grades and Standards
Food and Drug Administration
Food Stamps
Food and Nutrition Service
Government Contracts
Forest Service
Hazardous Materials
Environmental Protection Agency
Loan Programs—Business
Farmers Home Administration
Loan Programs—Communications
Rural Electrification Administration
Marketing Agreements
Agricultural Marketing Service
CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

Natural Gas
Federal Energy Regulatory Commission 23795

Nuclear Power Plants and Reactors
Nuclear Regulatory Commission 23874

Poultry and Poultry Products
Animal and Plant Health Inspection Service 23805

Railroads
Interstate Commerce Commission 23828

Reporting and Recordkeeping Requirements
Food and Drug Administration 23942
Food and Nutrition Service 23942

Tea
Food and Drug Administration 23880

Television Broadcasting
Federal Communications Commission 23876

Contents

Federal Register
Vol. 48, No. 104
Friday, May 27, 1983

The President
PROCLAMATIONS
23795 Safe Boating Week, National (Proc. 5065)

Executive Agencies

Administrative Conference of United States
NOTICES
Meetings:
23874 Adjudication Committee

Agricultural Marketing Service
RULES
23805 Lemons grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Food and Nutrition Service; Food Safety and Inspection Service; Forest Service; Rural Electrification Administration; Soil Conservation Service.

Animal and Plant Health Inspection Service
PROPOSED RULES
23828 Poultry improvement plan and auxiliary provisions; control of poultry diseases

Arts and Humanities, National Foundation
NOTICES
Meetings:
23942 Dance Advisory Panel
23942 Museum Advisory Panel

Blind and Other Severely Handicapped, Committee for Purchase From
NOTICES
23880 Procurement list, 1983; additions and deletions (2 documents)

Civil Aeronautics Board
NOTICES
23876 Certificates of public convenience and necessity and foreign air carriers permits; weekly applications
Hearings, etc.:
23877 Buffalo Airways, Inc.; fitness investigation
23877 Michigan Peninsula Airways; fitness investigation
23877 Northeast Imperial Airlines; fitness investigation
23877 Northwest Airlines, Inc.; enforcement proceeding

Commerce Department
See Economic Development Administration; Foreign-Trade Zones Board; International Trade Administration.

Consumer Product Safety Commission
NOTICES
23962 Meetings; Sunshine Act (2 documents)

Defense Department
NOTICES
Meetings:
23880, 23881 Science Board task forces (2 documents)

Economic Development Administration
RULES
Public works and development facilities program:
23810 Direct and supplemental grants (emergency jobs appropriations act); interim; correction

Economic Regulatory Administration
NOTICES
Electric energy transmission; exports to Canada or Mexico; authorizations, permits, etc.:
23882 Citizens Utilities Co.
Natural gas; fuel oil displacement certification applications:
23882 Al Tech Specialty Steel Corp.
23883 Geo. W. Bollman & Co., Inc., et al.
23884 Kaufman's Bakery, Inc.
23884 Milliken & Co. et al.
23885 Nevamar Corp.
23886 Tam Ceramics Inc.
23886 Witco Chemical Corp.
Natural gas exportation or importation petitions:
23883 Northwest Pipeline Corp. et al.

Employment and Training Administration
NOTICES
Job Training Partnership Act:
23937 Indian and Native Americans, employment and training programs
23932 Migrant and seasonal farmworker programs
Unemployment compensation; extended benefit periods:
23939 Rhode Island and Vermont

Employment Standards Administration
NOTICES
23992 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ala., Conn., Fla., Ga., Ind., Mich., Nebr., N. Mex., Oreg. and Utah)

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
Environmental statements; availability, etc.:
23881 New England/Hydro-Quebec electric transmission line, N.H. and Quebec

Environmental Protection Agency
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
23852 Indiana
Hazardous waste programs; interim authorizations; State programs:
23853 Texas

NOTICES
Environmental statements; availability, etc.:
23905 Agency statements; weekly receipts
23906 Caster Bayou project, DeSoto Parish, La.; withdrawn
Toxic and hazardous substances control:
23903 Premanufacture notices receipts
23902 Premanufacture notification requirements; test marketing exemption applications

Equal Employment Opportunity Commission
NOTICES
23962 Meetings; Sunshine Act

Farm Credit Administration
NOTICES
Authority delegations:
23906 Marketing and Funding Division, Director, et al.
23906 Senior Deputy Governor et al.

Farmers Home Administration
RULES
Loan and grant programs:
23806 Business and industrial loan program; administrative procedure

Federal Communications Commission
PROPOSED RULES
Common carrier services:
23854 AT&T; manual and procedures for the allocation of costs
Communications equipment and radio services:
23859 Low power unlicensed microwave device, and operation of low power, limited coverage systems
Television stations; table of assignments:
23862 Alabama
23871 Arkansas
23869 Kentucky
23863 North Carolina
23864, 23865 Tennessee (2 documents)
23866, 23870 Texas (2 documents)
23868 Wisconsin

Federal Deposit Insurance Corporation
NOTICES
23962–23964 Meetings; Sunshine Act (6 documents)

Federal Emergency Management Agency
RULES
Flood elevation determinations:
23823 Virginia
NOTICES
23907 Agency forms submitted to OMB for review
Disaster and emergency areas:
23907 California
23907 Louisiana
23907 Utah

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act:
23810 Incremental pricing; acquisition cost thresholds
NOTICES
Hearings, etc.:
23897 El Paso Natural Gas Co.
23887 Interstate Power Co.
23898 Niagara Interstate Pipeline System
23898 Northern Natural Gas Co.
23899 Northwest Pipeline Corp.
23899 Pacific Power & Light Co.
23900 Panhandle Eastern Pipe Line Co. et al.
23900 Scott, David H.
23900 Southwest Gas Transmission Co.
23901 Texaco Inc. et al.
23901 Transcontinental Gas Pipe Line Corp.
23887 Transwestern Pipe Line Co.
23902 United Gas Pipe Line Co.
23902 United Gas Pipe Line Co. et al.
23887 Hydroelectric applications (HY-TECH Co. et al.)
23964 Meetings; Sunshine Act
Natural Gas Policy Act:
23998, 23403 Jurisdictional agency determinations (2 documents)

Federal Home Loan Bank Board
NOTICES
23964 Meetings; Sunshine Act

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
23815 Multifamily mortgage amounts, increase; National Housing Act, conformity; effective date

Federal Maritime Commission
NOTICES
Casualty and nonperformance, certificates:
23907 Hyannis Harbor Tours, Inc.

Federal Reserve System
NOTICES
Applications, etc.:
23908 Anchor Bancorp., Inc., et al.
23908 F&M Financial Services Corp.
23909 Persia Bancorp, Inc.
23910 Security Pacific Corp.
23909 United Counties Bancorporation et al.
Bank holding companies; proposed de novo nonbank activities
23908 Central of Kansas, Inc.
23965 Meetings; Sunshine Act (2 documents)

Food and Drug Administration
RULES
Food additives:
23812 Adjuvants, production aids, and sanitizers; calcium bis(monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl)phosphonate)
Food for human consumption:
23812 Cheese and cheese products; identity standards, etc.; effective date confirmed
23811 Mozzarella cheese, etc.; identity standards; effective date confirmed
Human drugs:
23813 Antibiotics; doxycycline hyclate tablets
23814 Tea importation; standards
PROPOSED RULES
Biological products:
23849 Hepatitis in vitro diagnostic products; sterility, transparency, and color of final packaging containers; standards; correction

Medical devices:
24014 Reporting and recordkeeping requirements
NOTICES
Human drugs:
23913 Benzodiazepine or minor tranquilizer drugs; international drug scheduling; Psychotropic Substances Convention; inquiry
23911 Tetracycline in fixed combination with one or more sulfonamides for oral use, etc.; drug efficacy implementation study; approval withdrawn, etc.
Laser variance approvals, etc.:
23910 Laser Concepts et al.
Meetings:
23914 Advisory committees, panels, etc.

Food and Nutrition Service
RULES
Food distribution program:
23804 Puerto Rico nutrition assistance grant program; prohibition on use of cash for providing for food assistance
Food stamp program:
23797 Error rate reduction system; interim
PROPOSED RULES
Food stamp program:
23825 State agency reporting requirements

Food Safety and Inspection Service
RULES
Meat and poultry inspection:
23807 Poultry carcases and parts condemned for disease; disposition; correction

Foreign-Trade Zones Board
PROPOSED RULES
23848 Foreign-trade zones in U.S.; extension of time

Forest Service
RULES
23818 Timber sales and disposal; purchaser suspension and debarment; interim

Health and Human Services Department
See also Food and Drug Administration; Health Care Financing Administration; Health Resources and Services Administration; Public Health Service.
NOTICES
23917 Agency forms submitted to OMB for review

Health Care Financing Administration
NOTICES
Medicaid; State plan amendments, reconsideration; hearings:
23914 New Hampshire
Medicare:
23915 Periodic interim payments to hospitals (PIP); delay

Health Resources and Services Administration
NOTICES
Meetings; advisory committees:
23916 June

Housing and Urban Development Department
See also Federal Housing Commissioner—Office of Assistant Secretary for Housing.
NOTICES
23917-23919 Agency forms submitted to OMB for review (3 documents)
Authority delegations:
23917 Acting Regional Administrator; order of succession

Interior Department
See Land Management Bureau; Minerals Management Service; National Park Service.

Internal Revenue Service
RULES
Income taxes:
23815 Trade shows; treatment of income

International Trade Administration
NOTICES
Antidumping:
23879 Color television receivers from Korea and Taiwan
Scientific articles; duty free entry:
23878 National Bureau of Standards
23877 Purdue University et al.
23878 University of Arizona
23878 University of Rochester
23879 University of Washington

International Trade Commission
NOTICES
23965 Meetings; Sunshine Act (2 documents)

Interstate Commerce Commission
RULES
Motor carriers:
23823 Property carriers; liability insurance; minimum amounts for bodily injury and property damage; effective date stayed
Rail carriers:
23824 Contract implementation date
PROPOSED RULES
Tariffs and schedules:
23872 Railroads; recylcables cost ratio
NOTICES
Motor carriers:
23931 Compensated intercorporate hauling operations; intent to engage in
23926 Finance applications
23926, 23928 Permanent authority applications (2 documents)
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
23931 Atlas Van Lines, Inc., et al.
23931 Interstate Motor Freight System et al.

Justice Department
See Parole Commission.

Labor Department
See also Employment and Training Administration; Employment Standards Administration.
NOTICES
23940 Agency forms submitted to OMB for review

Land Management Bureau
NOTICES
Alaska native claims selection; applications, etc.:
23920 Gana-a 'Yoo, Ltd.

Coal leases, exploration licenses, etc.:
23925 Alabama
Environmental statements; availability, etc.:
23921 Clark County Wilderness Study Area, Nev.
23920 Safford District Draft Wilderness Program, Ariz. and N. Mex.
Meetings:
23922 Carson City District Advisory Council
23922 Carson City District Grazing Advisory Board
23925 Mineral lease form, combined; inquiry; extension of time
Sale of public lands:
23924 California
23922 Mississippi
23923 Ohio

Legal Services Corporation
NOTICES
23965 Meetings; Sunshine Act

Merit Systems Protection Board
NOTICES
23965 Meetings; Sunshine Act

Minerals Management Service
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
23925 Chevron U.S.A., Inc.

Motor Carrier Ratemaking Study Commission
NOTICES
23940 Hearings

National Aeronautics and Space Administration
NOTICES
Meetings:
23940, 23941 Aeronautics Advisory Committee (2 documents)
23941 Space Systems and Technology Advisory Committee

National Park Service
NOTICES
Meetings:
23925 Martin Luther King, Jr., National Historic Site Advisory Commission

National Science Board
NOTICES
23965 Meetings; Sunshine Act

Nuclear Regulatory Commission
RULES
Production and utilization facilities, domestic licensing:
24008 Light-water nuclear power reactors; fracture toughness requirements
23807 Standard review plan; guidance for implementation
NOTICES
Applications, etc.:
23944 Energy Department et al.
Environmental statements; availability, etc.:
23943 Babcock & Wilcox Co.
23943 Export and import license applications for nuclear facilities or materials (Exxon Nuclear Co. et al.)
Meetings:
23942 Reactor Safeguards Advisory Committee
23965 Meetings; Sunshine Act
23944 Regulatory guides; issuance, availability, and withdrawal

Occupational Safety and Health Review Commission
NOTICES
23966 Meetings; Sunshine Act

Parole Commission
NOTICES
23966 Meetings; Sunshine Act (2 documents)

Personnel Management Office
NOTICES
23946 Agency forms submitted to OMB for review

Postal Rate Commission
PROPOSED RULES
Practice and procedure:
23849 Appeals from decisions to close or consolidate post offices

Public Health Service
PROPOSED RULES
Indian health:
23854 Penobscot Reservation, Maine; redesignation of contract health service area; withdrawn

Rural Electrification Administration
RULES
Telephone borrowers:
23805 Filled buried wire, PE-54 (Bulletin 345-70)
PROPOSED RULES
Telephone borrowers:
23827 Terminating (TIP) cable, PE-87 (Bulletin 345-87)
NOTICES
Environmental statements; availability, etc.:
23874 Delta-Montrose Electric Association, Inc.

Science and Technology Policy Office
NOTICES
Meetings:
23946 Acid Rain Peer Review Panel

Securities and Exchange Commission
NOTICES
Hearings, etc.:
23947 Allied Capital Corp. et al.
23949 Consolidated Natural Gas Co. et al.
23951 Middle South Energy, Inc.
23953 Middle South Utilities, Inc.
23953 Sears Government Investment Trust et al.
23955 Sears Tax-Exempt Investment Trust et al.
23966 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
23957 National Association of Securities Dealers, Inc.

Small Business Administration
PROPOSED RULES
23836 Disaster loans
NOTICES
23958 Agency forms submitted to OMB for review

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
23875 Cabell County Board of Education Critical Area Treatment and Land Drainage RC&D Measure, W. Va.
23876 Grindstone-Lost-Muddy Creek Watershed, Mo.
23875 Kimberling Creek Pastures Critical Area Treatment RC&D Measure, Va.
23875 Slate River Watershed Roadbank Critical Area Planting, Va.

State Department
NOTICES
Meetings:
23959 International Investment, Technology, and Development Advisory Committee

Trade Representative, Office of United States
NOTICES
Unfair trade practices, petitions, etc.:
23947 National Soybean Processor Association; production and export of soybean oil and meal

Treasury Department
See Internal Revenue Service.

Veterans Administration
NOTICES
23960 Agency forms submitted to OMB for review
Environmental statements; availability, etc.:
23959 Augusta, Ga.
23959 Cheyenne, Wyo.
Meetings:
23961 Readjustment Problems of Vietnam Veterans Advisory Committee

---

Separate Parts in This Issue

Part II
23992 Department of Labor, Employment Standards Administration, Wage and Hour Division

Part III
23998 Department of Energy, Federal Energy Regulatory Commission

Part IV
24008 Nuclear Regulatory Commission

Part V
24014 Department of Health and Human Services, Food and Drug Administration

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
5065 23795

7 CFR
271 23797
272 23797
275 23797
277 23797
285 23804
910 23805
1701 23805
1980 23806
Proposed Rules:
272 23825
274 23825
1701 23827

9 CFR
381 23807
Proposed Rules:
145 23828
147 23828

10 CFR
50 (2 documents) 23807, 24006

12 CFR
305 23810
Proposed Rules:
123 23836

15 CFR
Proposed Rules:
400 23848

16 CFR
282 23810

21 CFR
133 (2 documents) 23811, 23812
178 23812
446 23813
1220 23814
Proposed Rules:
660 23849
803 24014

24 CFR
207 23815
213 23815
220 23815
221 23815
231 23815
234 23815
236 23815
255 23815

26 CFR
1 23815

36 CFR
223 23818

39 CFR
Proposed Rules:
3001 23849

40 CFR
Proposed Rules:
52 23852
271 23853

42 CFR
Proposed Rules:
36 23854

44 CFR
67 23823

47 CFR
Proposed Rules:
Ch. I 23854
15 23859
73 (9 documents) 23862–23871
94 23859

49 CFR
1003 23823
1039 23824
1043 23823
Proposed Rules:
Ch. X 23872

Federal Register
Vol. 48, No 104
Friday, May 27, 1983

Presidential Documents

Title 3—

The President

Proclamation 5065 of May 25, 1983

National Safe Boating Week, 1983

By the President of the United States of America

A Proclamation

Americans increasingly look to the water for recreation and relaxation, and this year approximately one-quarter of them will enjoy boating in one of its many and varied forms.

It is of paramount importance that those involved in recreational boating recognize that observance of proper safety practices is essential to the enjoyment of boating. In order to protect their families and friends, all persons who use our waters should be courteous and well-versed in safety rules and the techniques of safe boating operation.

Since learning the fundamentals of safe boating adds to the pleasure of boating, participants should take advantage of the many boating courses offered by Federal and State agencies and private organizations.

In addition, all persons should wear a personal flotation device while on the water. Seventy-five percent of those who died in boating accidents last year might have been saved had they worn these devices.

In recognition of the need for boating safety, the Congress enacted the joint resolution of June 4, 1958 (36 U.S.C. 161) as amended, requesting that the President proclaim annually a National Safe Boating Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning June 5, 1983, as National Safe Boating Week.

I also invite the Governors of the States, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, and American Samoa, and the Mayor of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th. day of May, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-14519
Filed 5-26-83: 10:36 am]
Billing code 3195-01-M

VOL
48
ISS
104
MAY
27
1983
UMI

This se
contains
general
of whic
the Co
publishe
U.S.C.
The Co
by the
Prices
first FE
month.

DEPAR

Food a

7 CFR

[Amdt.

Food S
Reduct

AGENC
USDA.

ACTION

SUMMA
Federa
Stamp
made b
Act An
provisi
States
improv
that wi
error r
the acc
of food
partici
50 perc
the Dep
States
and iss
increas
admini
State t
error, c
admini
State w

DATES:
May 27
change
Octobe
case pr
funding
apply f
Septem
receive

ADDRE
submit
Branch
Rulema
Develo
Food a

Rules and Regulations

Federal Register
Vol. 48, No. 104
Friday, May 27, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 272, 275, and 277

[Amdt. No. 252]

Food Stamp Program; Error Rate Reduction System

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: This action incorporates in Federal regulations changes to the Food Stamp Error Rate Reduction Program made by provisions of the Food Stamp Act Amendments of 1982. These provisions are aimed at encouraging States to commit themselves to improved administration of the program that will result in progressively lower error rates. States are responsible for the accurate certification and issuance of food stamps to households eligible for participation in the program and receive 50 percent administrative funding from the Department to do so. To encourage States to reduce erroneous certification and issuance, the Department may increase the percentage of administrative funding provided to a State that has a relatively low rate of error, or may reduce the percentage of administrative funding provided to a State with an excessive error rate.

DATES: This action is effective on May 27, 1983. However, the statutory changes it embodies were effective October 1, 1982, except that the negative case provisions for 55 percent enhanced funding contained in 7 CFR 277.4(b)(7) apply from October 1, 1981 through September 30, 1982. Comments must be received on or before August 25, 1983.

ADDRESS: Comments should be submitted to Thomas O'Connor, Acting Branch Chief, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Food and Nutrition Service, Alexandria, Virginia 22302, 703–756–3429. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia, Room 708.

FOR FURTHER INFORMATION CONTACT: John Hitchcock, Acting Supervisor, State Agency Management Control Section, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Family Nutrition Programs, Food and Nutrition Service USDA, Alexandria, Virginia 22302; 703–756–3429.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291. This interim rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been classified "not major." The rule will not have an annual effect on the economy of $100 million or more, nor will it result in a major increase in the cost of prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. Since this rule will not affect the business community, it would not result in significant and adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act. This rule has also been reviewed with regard to the requirements of Pub. L. 96–354, and Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that it will not have a significant economic impact on a substantial number of small entities. The rule changes Federal regulations to incorporate the provisions of Pub. L. 97–253, the Food Stamp Act Amendments of 1982, designed to encourage State agencies to reduce errors made in the certification of households and reduce the resulting dollar loss. State and local welfare agencies would be affected since they administer the program and may be liable, through a reduction in Federal administrative funding, if error rates are not reduced or may receive additional funding if their error rate is very low. Individuals participating in the program who receive incorrect allotments of food stamps will be most affected once error rates are reduced and such allotments are corrected.

Interim rule. Robert E. Leard, Administrator, Food and Nutrition Service has also determined, pursuant to 5 U.S.C. 553, that prior public comment on this rulemaking is impracticable and contrary to public interest and that good cause exists for making this rule effective less than 30 days after publication. Public comment is solicited on this rule for 90 days. All comments received will be analyzed and any appropriate changes in the rule will be incorporated in a subsequent publication.

The Department has no discretion regarding the specific modifications to the sanction/incentive systems addressed by this rule since they are mandated by legislation. As required by Section 193(b) of the 1982 Amendments, all the provisions of Section 180 became effective October 1, 1982.

Paperwork Reduction Act. This action does not contain reporting and recordkeeping requirements subject to approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Background

In the Food Stamp Act Amendments of 1980 (Pub. L. 96–249, 94 Stat. 257, May 26, 1980, referred to herein as the 1980 Amendments), Congress established the quality control (QC) based sanction/incentive systems in the Food Stamp Program. In the October 3, 1980, Federal Register (at 45 FR 65832), the Department issued proposed rules on these systems. On January 23, 1981, the Department published final rules (at 46 FR 7258), governing the previous sanction/incentive systems, based upon comments received from 105 States, counties, and other interested parties. Section 180 of the Food Stamp Act Amendments of 1982 (Pub. L. 97–253, enacted September 8, 1982, hereafter referred to as the 1982 Amendments) provides for continuation of sanction and incentive systems in the Food Stamp Program with a number of significant revisions to the rules governing their operation.

Persons wishing to comment on this interim rule should be aware that requirements imposed by statute cannot be altered through the rulemaking process. The provisions of the sanction/

incentive system mandated by the 1980 Amendments and those of the 1982 Amendments are, therefore, compared and discussed here to ensure a clear understanding by all interested parties.

Sanctions

Section 126 of the 1980 Amendments defined the "payment error rate" as the percentage total of all food stamp allotments that are issued to households which fail to meet the eligibility requirements of the Act, are overissued to eligible households, and are underissued to eligible households. Section 180 of the 1982 Amendments modifies this definition by excluding the percentage of food stamp allotments underissued to eligible households. Thus, payment error rates will now measure only dollars issued to ineligible cases and dollars overissued to eligible cases.

The sanction system established under the 1980 Amendments was based upon four key factors: (1) Each State agency's payment error rate during the first six months of each fiscal year (the base period); (2) the national standard payment error rate (average of all State agencies' error rates) during each base period; (3) the national annual rates of reduction; and (4) States' actual error rates during each 6-month period of the subsequent fiscal year. To avoid liability, State agencies with error rates less than the national standard payment error rate during the base period were required to remain below the standard throughout the two reporting periods of the subsequent fiscal year. State agencies with error rates higher than the standard were required to reduce their error rate to the standard, or to a level set by applying the national annual rate of reduction to their error rates, whichever was higher. A State agency failing to meet its required error rate goal for a given 6-month reporting period was liable for the dollar value equivalent of the difference between its goal and its payment error rate expressed as a percentage of its total food stamp issuance during the 6-month period.

The 1982 Amendments change the sanction system by establishing set goals for all State agencies for each fiscal year. All State agencies are required to achieve a payment error rate of nine percent or less in Fiscal Year 1983, seven percent or less during Fiscal Year 1984, and five percent or less during Fiscal Year 1985 and each subsequent fiscal year to avoid liability based upon error rates. It is important to note that State agencies' performances will now be determined on an annual basis rather than at the end of each 6-month reporting period.

In the 1982 Amendments Congress also modified the sanction system by basing liability for failure to meet the standard upon State agencies' shares of Federal administrative funding, rather than a percentage of the benefits issued. For each percentage point (or fraction thereof) by which a State agency's payment error rate exceeds its goal, the State agency will lose five percent of its normal share of Federal administrative funding for the applicable fiscal year. For each percentage point (or fraction of a point) by which a State agency exceeds its error rate goal by more than three percentage points, it will lose ten percent of its normal Federal administrative funding. These provisions are intended to set "* * * realistic penalties that are much less likely to be waived." See Senate Report No. 97–504, 97th Congress, 2nd Session, p. 69 (1982). Thus, the Department will no longer contribute a relatively high proportion (50 percent) of a State agency's administrative costs when that administration results in excessive Federal dollar loss. (The 75 percent Federal funding of operations such as investigations or administration of the program on Indian reservations would not be affected by these reductions.) For example, if a State agency missed its target error rate by two tenths of a percentage point in a given fiscal year it would be liable for an amount equal to five percent of its Federal administrative funding at the 50 percent rate. If its Federal share of administrative funding were $10,000,000, the State agency would be liable for $500,000. However, the law requires that the Department not reduce a State agency's Federally funded share of administrative costs by more than the difference between its goal and its error rate in terms of actual error dollars issued during a fiscal year. Suppose that the State agency in the above example issued $200,000,000 in food stamps over the fiscal year. Its liability would be two tenths of one percent of $200,000,000 or $400,000, rather than the $500,000 figure computed from administrative funding. This provision ensures that a State agency is not held liable for more money than was lost by its failure to meet the error rate standard.

While both Congress and the Department view error reduction and the elimination of wasteful spending of Federal dollars by State agencies as being one of the program's highest priorities, reduction of Federal administrative funding is not viewed as a desirable goal. Rather, the sanction system is "* * * intended to encourage States to reduce the issuance of erroneous benefits * * *" (See Senate Report No. 97–504, p. 69.)

Therefore, in the 1982 Amendments, Congress included the following provisions (which are incorporated in this interpretive rule). For Fiscal Year 1983, State agencies must achieve a nine percent error rate *or* reduce their payment error rate by at least 33.3 percent of the difference between their payment error rates during the October 1980 through March 1981 reporting period and a five percent error rate to avoid any liability. For Fiscal Year 1984, State agencies must have a seven percent payment error rate *or* reduce their payment error by at least 66.7 percent of the difference between their payment error rates during the October 1980 through March 1981 reporting period and a five percent error rate to avoid any liability. State agencies' payment error rates for the October 1980 through March 1981 period will be recalculated based upon the revised definition of the payment error rate in determining whether the 33.3 and/or 66.7 percent reductions have been met. These provisions of the law and the rule will allow State agencies with high error rates to avoid sanctions so long as substantial reductions are made.

The following examples illustrate how the revised sanction system will work. If a State agency's payment error rate (based upon the revised definition) was 15 percent in the October 1980 through March 1981 period, the State agency would avoid liability by reducing its payment error rate in Fiscal Year 1983 by one third of the difference between 15 percent and 5 percent. This means that the 15 percent payment error rate would need to be lowered by at least 3.33 percentage points to 11.67 percent or lower in Fiscal Year 1983, to 8.33 percent or lower in Fiscal Year 1984 and 5 percent or lower in Fiscal Year 1985 and thereafter.

Suppose that the State agency's actual error rates turn out to be 14 percent in Fiscal Year 1983, 10 percent in Fiscal Year 1984, and 9 percent in Fiscal Year 1985. In that event the State agency would be subject to reduction of administrative funding as follows:

	Percentage points above standard	Percent reduction in Federal funding	Resulting funding level
Year:			
1983	2.33	15	42.5
1984	1.67	10	45
1985	4.0	25	37.5

It should be noted that the dramatic increase in the percentage reduction of Federal funding in 1985 is primarily due to application of a ten percent reduction in Federal funding for the fourth percentage point by which the State agency exceeded its goal. The 37.5 percent funding level is arrived at by multiplying the percent reduction in Federal funding (.25) by the standard level of Federal funding (.50) and subtracting the result from the standard 50 percent rate.

Any State agency with a payment error rate of less than nine percent in Fiscal Year 1983, seven percent in 1984 or five percent thereafter, will avoid liability without regard to the 33.3 and 66.7 percent reduction provision.

While the Department and Congress view the reduction of error rates as critical, they also realize that situations may develop that prevent a State agency from reaching its goal. Congress indicated its intent by saying "the sanctions established in the Committee's proposal, on the other hand, are more realistic and should not be waived except when unusual circumstances intervene." (See S. Rep. No. 97–504, pages 70–71.) Therefore, the statutory changes contemplated retention of the "good cause" provisions of the prior regulations except for the "good faith effort" described in 7 CFR 275.25(d)(5)(i)(G) of the January 23, 1981 regulations. The good faith effort provision will, of course, continue to apply to requests for waivers of sanctions for excess error rates during Fiscal Years 1981 and 1982. With regard to any reporting period subsequent to Fiscal Year 1982, that good faith provision is replaced by the 33.3 and 66.7 percent reduction provisions of the 1982 Amendments described earlier. The intent of the good faith effort provision was to allow State agencies time to show progress toward error reduction through corrective action. Congress discussed the new provisions by saying "State agencies which do not meet these national error rate targets and which cannot show good cause or are not making satisfactory progress toward meeting these goals would receive reduced administrative funding from the Federal government. To qualify as making satisfactory progress in Fiscal Year 1983, a State agency would have to reduce its error rate by at least ⅓ of the difference between its error rate in the period of October 1, 1980 to March 31, 1981, and the ultimate 5 percent target." See S. Rep. No. 97–504, p. 98. This rule places these existing good cause provisions in the context of the new statutory system where progress is carefully defined beyond which intervention of unusual circumstances is necessary for the Department to consider waiver of a sanction. The Department will not waive reductions in Federal administrative funding except in the specific circumstances outlined in 7 CFR 275.25(d)(5) and will review each good cause request carefully.

Incentive Funding

Public Law 97–253 also modifies the provisions dealing with financial incentives for State agencies with low errors. Under the 1980 Amendments, a State agency could obtain: (1) 55 percent funding by reducing its error rate by 25 percent or more in a year's time; (2) 60 percent funding by attaining a payment error rate of eight percent or less; and (3) 65 percent funding by attaining a payment error rate of 5 percent or less.

This rule incorporates the changes made by the 1982 Amendments which provide that, beginning with the Fiscal Year 1983 review period, a State agency's Federal share of administrative funding will be increased to 60 percent if the sum of its payment error rate and its rate of underissuance to eligible households is less than five percent, provided that its rate of invalid decisions in denying and terminating eligibility is less than the national weighted mean rate. The Department, in establishing an acceptable rate of invalid decisions, will continue to follow current regulatory procedures and use the national weighted mean rate. Comments are encouraged on this aspect of the incentive provisions.

This statutory modification to the enchanced funding provisions is consistent with the new sanction provisions of the legislation, i.e., it is inconsistent to require a State agency to achieve a payment error rate of seven percent or less in Fiscal Year 1984 to avoid sanctions and at the same time provide State agencies with additional funding for achieving error rates of less than eight percent.

This rule also contains a modification of current provisions regarding a State agency's entitlement to 55 percent enhanced administrative funding by requiring that a State agency which qualifies for such funding, based upon its active case error rate, also meets the negative case error rate standard. This provision is mandated under Section 1326 of Pub. L. 97–98, the Food Stamp and Commodity Distribution Amendments of 1981 (enacted on December 22, 1981), and is effective for the period of October 1, 1981, through September 30, 1982.

Technical Modifications

Beyond incorporation of the nondiscretionary provisions of the law contained in these rules, this rule makes the following technical modifications that are necessary to the proper operation of the QC system.

Relationship to Suspension/ Disallowance of Funds. In 7 CFR 275.25(d)(4) the provisions dealing with the relationship between the negligence provisions of 7 CFR 276.3 and the QC sanction system have been deleted. These provisions were intended to ensure that State agencies were not held accountable for the same dollar loss under two different accounting procedures. Since the 1982 Amendments changed the basis for determining the amount of sanctions to administrative funding rather than food stamp issuance, the potential for dual liability under the provisions of 7 CFR 276.3 and 275.25 has been eliminated. However, the Department recognizes the new potential for reduction of a State agency's Federal administrative funds under this rule in addition to a disallowance of funds under the provisions of 7 CFR 276.4. Therefore, the Department has, in this rule, included provisions which will ensure a State agency does not lose allowable administrative funding under both 7 CFR 276.4 for noncompliance with a specific program requirement and under 7 CFR 275.25 (for the effect of the noncompliance on the error rate). While FNS may continue to suspend and/or disallow Federal administrative funds if a State agency's administration of the program is ineffective or inefficient, the actual amount of funds withdrawn from the State agency will be adjusted if the specific reason for the disallowance contributes to the State agency's payment error rate and the State agency is held liable for an excesssive payment error rate during a given fiscal year. For example, if a State agency fails to comply with the requirements for testing households' eligibility based upon gross income (FNS disallows $100,000 for this failure under 7 CFR 276.4) and, as a direct result, the State agency also fails to reach its payment error rate goal for a concurrent period of time (and application of the provisions of 7 CFR 275.25(d)(3) would result in a reduction of $200,000 in its administrative funds), FNS would adjust the billings to reflect a total State agency liability of $200,000. However, if in another situation, FNS disallowed funds for failure to provide households with notice of adverse action, the amount of such a disallowance would not be offset

against a QC sanction since the payment error rate would not include such failure. Establishing the relationship between noncompliance with a program requirement and an excessive error rate, in order to demonstrate double billing, shall be each applicable State agency's responsibility.

Definitions. Modifications are also made throughout 7 CFR 275.25 to reflect the revised definitions of "payment error rate" and "review period" and a definition for "underissuance error rate" has also been added.

New Forms. The language of 7 CFR 275.4 and 275.14 has been revised to identify the revised forms now required to be used in the Food Stamp Quality Control Review Process. (Office of Management and Budget approval numbers: 0960–0176 and 0960–0113.)

Future Modifications

Annual Sampling. As discussed earlier, the 1982 Amendments place the determination of State agency liability or enhanced administrative funding for error rates on an annual rather than semiannual basis. As a result, the Department is reexamining the structure of the QC sampling requirements both in terms of the reliability of the error rate estimates generated and the related cost. The Department has determined that the QC system can be placed on annual sampling basis and will propose this change in future rulemaking. This raises the issue of whether a change to current sample sizes is practicable. While the Department is committed to a QC system that produces highly reliable error rate estimates, which depend to a great extent on sufficiently large samples, the Department also recognizes State agencies' desires to dedicate additional resources to error reduction activities in a time of increasing budget difficulties.

In examining the issue of a future shift of the QC sample from a semiannual to an annual basis, the Department recognizes the potential for monthly sample size reductions in the larger States. The Department is carefully examining the reliability and precision of the error rate estimates that the six month sample sizes yield and those that could be expected under an annual sampling system. While it is likely that levels of precision similar to those associated with the six month error rate estimates could be obtained if State agencies' current sample sizes were spread out over a year, there are complicating factors. The precision of each State agency's estimate depends not only on its case sample size, but also on its error rate estimate and on the size and distribution of the dollar amounts issued to sample cases. Neither of these factors can be controlled or known prior to sample selection and will vary from State to State. In addition, the size and findings of the Federal validation sample have a major impact upon the precision of each State agency's final error rate estimate.

The Department plans to continue its examination of this issue together with DHHS officials responsible for the AFDC and Medicaid programs' QC systems, and is particularly interested in comments from State agencies and other interested parties. The Department plans to publish separate proposed regulations revising this and other aspects of the system in the next few months. In commenting upon future sample sizes, the Department expects each State agency to examine its individual circumstances with regard to expected precision of error rate estimates, resource needs, and timeliness of its QC system's data.

The Department will use the weighted average of State agencies' six month error rate estimates to arrive at official error rates for Fiscal Year 1983. For example, if a State agency had an average monthly issuance of $10,000,000 in the first half of Fiscal Year 1983 and $15,000,000 in the second half of the fiscal year, with corresponding payment error rates of 11 and 10 percent, the State agency's payment error rate for the entirety of Fiscal Year 1983 would be calculated as follows. The annual average monthly dollar loss projected from the QC reporting periods $(((.11)(10,000,000)+(.10)(15,000,000))/2=1,300,000)$ would be divided by the annual average monthly issuance $((15,000,000+10,000,000)/2=12,500,000))$ for Fiscal Year 1983 payment error rate of 10.4 percent (1,300,000/12,500,000=.104).

Disposition of Cases

The Department is concerned with the timeliness of QC data for the following reasons. First, with implementation of annual sampling, final reports for a given fiscal year would not be completed under the current system until 15 months after the beginning of the fiscal year. This is too long for either Federal or State managers to wait before beginning analysis and correction of errors.

Second, with implementation of the Integrated Quality Control System Reporting Network, most State agencies now have the capability of entering, editing, and transmitting data from quality control reviews immediately. While the Department does not expect data entry on a daily basis, weekly or monthly submission is anticipated and should not impose an unreasonable burden upon any State agency's QC operation.

Third, compliance with an ongoing monthly case disposition standard would standarize both State agency and Federal review workload over the review period, and avoid the current problem many State agencies experience when incomplete QC reviews pile up at the end of the period. The Department is concerned that the quality of cases selected in the last one or two months of a review period may suffer as State reviewers attempt to simultaneously complete all outstanding cases from previous months of the period.

Finally, any monthly sample size reductions should enable State agencies to focus increased attention on each case selected. Thus, delays in the completion of cases due to the work required by other cases should be significantly reduced and review quality increased.

The Department is aware that the Social Security Administration (SSA), Department of Health and Human Services, has recently issued a final rule in the **Federal Register** (at 45 FR 46507) which establish quality control case completion standards for the Aid to Families with Dependent Children (AFDC) and Adult Assistance Programs. SSA established case completion standards that require completion of 90 percent of the cases selected each month within 75 days after the end of the sample month and 100 percent of the cases selected in a quarter within 120 days after the end of the quarter. While the Department is committed to working closely with SSA in making the rules governing the Food Stamp and AFDC Quality Control Systems compatible, adoption of SSA's case completion standard could result in delaying compilation of final error rate reports by almost a month relative to current food stamp reporting requirements (120 days-vs-95 days). The Department intends to continue working with SSA to eliminate such differences wherever possible and pursue development of a single case disposition standard for both programs. The Department welcomes comment on this issue, and will use any received in developing, through the rulemaking process, a single reporting standard for all State agencies.

Reporting

FNS is currently working closely with DHHS officials responsible for the AFDC and Medicaid Programs' QC systems on implementation of the

Integrated Quality Control System (IQCS) and issues related to this system's potential for supplying the necessary QC reports. Clearly, the automated data entry and transmission aspect of the system eliminates the need for the Form FNS–247 series reports as they now exist. (See 7 CFR 275.21.) Concurrently, until the IQCS is a fully tested and proven system, it is necessary to ensure that no discrepancies exist between the State agencies' QC findings and the information received by the Department. This is most critical with regard to reported error rates and final sample disposition. The Department plans to deal with these issues in a future proposed rulemaking to obtain State agencies' comments prior to establishment of any final reporting requirements.

In the interim, FNS will not require State agencies to submit the Forms FNS–247–2, Distribution of Variances by the Type of Agency and Participant Error, 247–3, Distribution of Variances by Element, or 247–4, Distribution of Administrative Deficiencies. This requirement will be waived in light of State agencies' efforts to transmit information through the IQCS. However, to ensure that there is no confusion over what State agencies' reported error rates are, the Form FNS–247–1, Statistical Summary of Sample Distribution, will continue to be required. State agencies may generate this report using the computer terminals and software of the IQCS or through other systems they may be using. While the regulations will not be changed until a proposed and subsequent final rule is implemented, FNS will waive the regulatory requirements for the Forms FNS–247–2, 247–3, and 247–4 effective with publication of this rule.

FNS is also examining the Form FNS–248, Statistical Summary of Sample Distribution. (See 7 CFR 275.21.) While some form of a monthly status report will continue to be necessary, the IQCS has the potential of rendering this report obsolete in its current form. Again, changes to this report will be addressed in a future proposed rulemaking and State agencies' comments will be solicited. Until final regulations are published, the Department will continue to require submission of the Form FNS–248 or a similar report. FNS will also continue to request that States submit disposition lists and the complete Form FNS–380–1 sample data in a machine-readable form in the Federally specified format.

List of Subjects

7 CFR Part 271

Administrative practice and procedure, Food stamps, Grant programs—social programs.

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 275

Administrative practice and procedure, Food stamps, Reporting and recordkeeping requirements.

7 CFR Part 277

Food stamps, Government procurement, Grant programs—social programs, Investigations, Records, reporting requirements.

Therefore, 7 CFR Parts 271, 272, 275, and 277 are being amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

1. In § 271.2 the definitions of "payments error rate" and "review period" are revised and "underissuance error rate" is added in alphabetical order to read as follows:

§ 271.2 Definitions.

* * * * *

"Payment error rate" means the sum of the allotments issued to eligible households to which they were not entitled and the allotments issued to ineligible households expressed as a percentage of all allotments issued to completed active sample case excluding those cases processed by SSA personnel or participating in certain demonstration projects designated by FNS.

* * * * *

"Review period" means the 12-month period from October 1, of each calendar year through September 30 of the following calendar year and is made up of two 6-month reporting periods.

* * * * *

"Underissuance error rate" means an estimate of the proportion of allotments to which eligible households were entitled but did not receive, expressed as a percentage of all allotments issued to active sample cases.

* * * * *

PART 272—REQUIREMENTS FOR PARTICIPATING IN STATE AGENCIES

2. A new paragraph (g)(64) is added to § 272.1 to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(64) Amendment 252.

(i) The sanction/incentive provisions of § 275.25 were effective October 1, 1982. The previous provisions of § 275.25 shall continue to apply to the review periods prior to October 1982.

(ii) The funding provisions of § 277.4(b)(2) were effective on October 1, 1982, and shall apply to the October 1982, through September 1983, review period and every review period thereafter.

(iii) The revised funding provisions of § 277.4(b)(7) shall apply to the 6-month review periods October 1, 1981 through March 1982 and April through September 1982.

PART 275—PERFORMANCE REPORTING SYSTEM

3. In § 275.3, paragraph (c)(7) is revised to read as follows:

§ 275.3 Federal monitoring.

* * * * *

(c) Validation of States' payment/cumulative allotment error rates.

* * * * *

(7) FNS will validate the negative case and underissuance error rate for each period a State agency's payment error rate would entitle it to an increased share of Federal administrative funding as outlined in § 277.4(b) (2), (5), (6), or (7). Procedures similar to those of paragraphs (c) (1), (2), (3) and (4) of this section and § 275.25(d) shall be used to validate State agencies' negative case and underissuance error rates.

* * * * *

4. In § 275.4, paragraph (c) is revised to read as follows:

§ 275.4 Record retention.

* * * * *

(c) QC review records consist of Forms FNS–380, Worksheet for Integrated AFDC, Food Stamps and Medicaid Quality Control Reviews, FNS–380–1, Integrated Review Schedule, FNS–245, Negative Quality Control Review Schedule, and Form FNS–248, Status of Sample Cases in Reporting Month and Period; other materials supporting the review decision; sample lists; tabulation sheets; and semiannual reports.

5. In § 275.14, the section title the first two sentences in paragraph (a) and the first sentence in (b) are revised to read as follows:

§275.14 Review schedules.

* * * * *

(a) The Integrated Review Schedule, Form FNS–380 shall be used by the reviewer to record required information

for active cases from the case record, plan and conduct the field investigation, and record findings which contribute to the determination of eligibility and basis of issuance. Decisions reached by the reviewer, for active cases, shall be coded on Form FNS–380–1, Integrated Review Schedule or, for negative cases on Form FNS–245, Negative Quality Control Review Schedule. * * *

(b) In some instances reviewers may need to supplement Form FNS–380 with other forms. * * *

6. In § 275.25:

a. Paragraphs (c)(1)(i) and (c)(1)(iv) are revised;

b. Introductory paragraph (c)(2) is revised, and paragraphs (c)(2)(i), (c)(2)(ii) and (c)(2)(iii) are removed;

c. Paragraph (c)(3) is revised;

d. The title of paragraph (d) and paragraphs (d)(1), (d)(2), and (d)(3) are revised;

e. The title of paragraph (d)(4) and paragraph (d)(4)(ii) are revised, and paragraph (d)(4)(iii) is removed;

f. Paragraph (d)(5)(i) (C), (E) and (F) are revised, and paragraph (d)(5)(i) (G) is removed; and

g. Paragraphs (d)(5)(ii) and (d)(6)(i) are revised, and paragraphs (d)(6)(i) (A), (B) and (C) are added.

The revisions read as follows:

§ 275.25 Determination of State agency program performance.

* * * * *

(c) *Federal Enhanced Funding.* * * *

(1) * * *

(i) Validate the State agency's reported payment error rate and its underissuance error rate as provided for in § 275.3(c);

* * * * *

(iv) Validate the State agency's negative case error rate following the procedures of paragraphs (c)(1) (i), (ii), and (iii) of this section.

(2) Upon completion of the activities specified in paragraph (c)(1) of this section, FNS will, if necessary, correct or adjust a State agency's error rate as described in paragraph (d)(6) of this section. After validation and any necessary adjustment of error rates, a State agency with a combined payment error rate, and underissuance error rate of five percent or less shall be eligible for a 60 percent Federally funded share of administrative costs, provided that the State agency's negative case error rate is less than the national weighted mean negative case error rate for the period of enhanced funding.

(3) State agencies entitled to enhanced funding shall receive the additional funding on a retroactive basis only for the review period in which their error rates are less than the levels described in paragraph (c)(2) of this section.

(d) *State Agencies' Liabilities for Payment Error Rates.* (1) At the end of each fiscal year, each State agency's payment error rate over the entire fiscal year will be computed, as described in paragraph (d)(6) of this section, and evaluated to determine whether the payment error rate goals established in the following paragraphs have been met.

(2) *Establishment of Payment Error Rate Goals.* (i) Each State agency's payment error rate goal for Fiscal Year 1983 shall be nine percent. Each State agency's payment error rate goal for Fiscal Year 1984 shall be seven percent. Each State agency's payment error rate goal for Fiscal Year 1985, and each fiscal year thereafter, shall be five percent. State agencies' payment error rates for any fiscal year shall be derived from the review period corresponding to the fiscal year.

(ii) If a State agency fails to achieve a nine percent payment error rate in Fiscal Year 1983 but reduces its payment error rate for Fiscal Year 1983 by 33.3 percent (or more) of the difference between its payment error rate during the period of October 1980 through March 1981 and a five percent payment error rate, the State agency shall bear no fiscal liability for its payment error rate. If a State agency fails to achieve a seven percent payment error rate in Fiscal Year 1984, but reduces its payment error rate for Fiscal Year 1984 by 66.7 percent (or more) of the difference between its payment error rate during the period of October 1980 through March 1981 and a five percent payment error rate, the State agency shall share no fiscal liability for its payment error rate.

(iii) State agencies' payment error rates shall be rounded to the nearest one-hundredth of a percent with .005 and above being rounded up to the next highest one-hundredth and .004 and below being rounded to the next lowest one-hundredth.

(3) *States Agencies Failing to Achieve Payment Error Rate Goals.* Each State agency which fails to achieve its payment error rate goal during a fiscal year shall be liable as specified in the following paragraphs.

(i) For every percentage point, or fraction thereof, by which a State agency's payment error rate exceeds the goal for a fiscal year, FNS shall reduce the money it pays for the State agency's Food Stamp Program administrative costs by five percent for that fiscal year; provided that for every percentage point, or fraction thereof, by which a State agency's payment error rate exceeds its goal by more than three percentage points, FNS shall reduce the Federally funded share of Food Stamp Program administrative costs by ten percent for the applicable fiscal year. Thus, if a State agency's reported error rate in Fiscal Year 1983 is 10.5 percent, its Federal administrative funding could be reduced by ten percent. A 13.1 percent error rate or 4.1 percentage points above the goal, would result in a reduction of 5 percent for each of the three first points, 10 percent for the fourth point and another 10 percent for the fraction above 4 percentage points. This would amount to a 35 percent reduction in Federal administrative funds unless the provisions of paragraph (ii) are applicable to the State agency's circumstances.

(ii) If a State agency fails to reach its payment error rate goal but reduces its error rate as explained in paragraph (d)(2)(ii) of this section for a given fiscal year it will share no liability for its error rates. If, however, a State agency fails to reach the established goal and fails to meet the reduction percentage for Fiscal Year 1983 and/or 1984, its Federally funded share of program administrative costs shall be reduced by five percent for every percentage point, or fraction thereof, (with a 10 percent reduction applied for every percentage point or fraction above 3 percentage points) by which its error rate exceeds the payment error rate it would have achieved had it met the 33.3 or 66.7 percent reduction percentage for the applicable fiscal year. Thus, if a State agency's payment error rate during the October through March 1981 period was 13 percent and its error rate for Fiscal Year 1983 is 11 percent, it will have failed to achieve a 33.3 percent reduction (13−(13−5)(33.3)=10.34 percent, i.e., the rate the State agency would have achieved had it met the reduction percentage) and incurred a liability equal to five percent of its Federal administrative funding. If the State agency's payment error rate increased to 13 percent in Fiscal Year 1984, it will have missed a 66.7 percent reduction by 5.34 percentage points (13−(13−5)(66.7)=7.66 percent) and incurred a liability equal to 45 percent of its Federal administrative funding. In the latter example, the 45 percent funding reduction results from a 15 percent reduction for the first three percentage points and 30 percent for the additional 2.34 percentage points by which the State agency exceeded a 7.66 percent error rate.

(iii) If a State agency is found liable for an excessive payment error rate, the amount of liability will be calculated by: (A) Multiplying the percent the Federal share is to be reduced by the base

Federal reimbursement rate of 50 percent; (B) subtracting the product of (A) from 50 percent; and (C) multiplying the result of (B) by the State agency's costs covered under the base Federal reimbursement rate for the fiscal year in which the State agency incurred the liability. For example, if the total administrative costs (State and Federal) in a State agency are $4,000,000 for the fiscal year, and the State agency's Federal funding is to be reduced by 25 percent, the State agency would be reimbursed at a rate of 37.5 percent (i.e., 50 percent minus 25 percent times 50 percent) or $1,500,000. The State agency's liability would be $500,000 or 12.5 percent of its administrative costs.

(iv) A State's Federally funded share of administrative costs shall not be reduced by an amount that exceeds the difference between its payment error rate goal (or what its error rate would have been had it met the reduction criteria of paragraph (ii) above) and its actual error rates expressed as a percentage of its total issuance during the fiscal year. Therefore, if the State agency in the above example issued $10,000,000 in food stamps in the fiscal year and exceeded its goal by four percentage points (as demonstrated by a 25 percent reduction in Federal funding), the State agency's liability would be capped at $400,000 [(.04)(10,000,000)], even though the calculation based upon administrative funds would result in a liability of $500,000.

(4) *Relationship to Warning Process and Disallowance of Funds.* * * *

(ii) FNS may reduce a State agency's share of Federal administrative funding under the provisions of this section or disallow administrative funds under the provisions of § 276.4(c). If a State agency's administrative funding is reduced under the provisions of this section and a portion is also disallowed under § 276.4(c), FNS shall adjust the billing if the disallowance is based upon noncompliance with a program requirement that would constitute a dollar loss reflected in the State agency's payment error rate to the extent that the disallowance and reduction are for the same deficiency and period of time. This adjustment shall ensure that a State agency is not double-billed for the same deficiency in its administration of the program. It shall be each State agency's responsibility to demonstrate the need for any adjustments.

(5) *Good Cause and Appeals.*

(i) * * *

(C) Significant caseload growth prior to or during a fiscal year of, for example, 15 percent;

* * * * *

(E) Misapplication of Federal policy where such misapplication directly affects the State's QC error rates and was incorrectly provided or approved by an FNS representative who is reasonably believed to have the necessary authority; and

(F) Other circumstances beyond the control of the State.

(ii) If FNS determines that there was good cause for all or part of a State agency's error rate to exceed its goal in a fiscal year, FNS shall reduce or eliminate the State agency's liability as appropriate.

* * * * *

(6) *Determination of Payment Error Rates.* * * *

(i) FNS will adjust State agencies' reported error rates through findings of rereviewed cases. Once the Federal case rereviews have been completed and all differences with the State agency have been resolved, the State agency's reported error rate will be adjusted using the following linear regression equation.

(A) $y' = y + b(X - x)$ where y' is the average value of allotments overissued to eligible and ineligible households; y is the average value of allotments overissued to eligible and ineligible households in the rereview sample according to the Federal finding; b is the estimate of the slope parameter; x is the average value of allotments overissued to eligible and ineligible households in the rereview sample according to State agency findings; and X is the average value of allotments overissued to eligible and ineligible households in the full quality control sampling according to the State agency's findings.

(B) The adjusted error rates are given by $r = y'/u$, where u is the average value of allotments issued to participating households.

(C) After application of the provisions of paragraph (d)(6)(iii) of this section, the adjusted payment error rate will then become the State agency's official payment error rate for use in the reduced and enhanced funding determinations described in paragraphs (c) and (d) of this section.

* * * * *

PART 277—PAYMENT OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

4. In § 277.4, paragraphs (b)(2), (b)(5), (b)(6), and (b)(7), are revised, and a new paragraph (b)(8) is added. The revisions and addition read as follows:

§ 277.4 Funding.

* * * * *

(b) *Federal Reimbursement Rate.* * * *

(2) For the period beginning October 1, 1982, a State agency's Federally funded share of the Food Stamp Program administrative costs shall be increased to 60 percent when the sum of the State agency's payment and underissuance error rates is less than five percent; provided that the State agency's negative case error rate is less than the national weighted mean negative case error rate for the fiscal year of enhanced funding. The State agency's error rates shall be determined through the quality control review process as described in Part 275.

* * * * *

(5) For the period beginning October 1, 1980, a State agency's Federally funded share of Food Stamp Program administrative costs shall be increased to 65 percent when the State agency's cumulative allotment error rate is less than five percent; provided that the State agency's negative case error rate is less than the national weighted mean negative case error rate for the 6-month period of enhanced funding. This provision shall not apply to any period after the April through September 1982 period.

(6) For the period beginning October 1, 1980, a State agency's Federally funded share of Food Stamp Program administrative costs shall be increased to 60 percent when the State agency's cumulative allotment error rate is less than eight percent; provided that the State agency's negative case error rate is less than the national weighted mean negative case error rate for the 6-month period of enhanced funding. This provision shall not apply to any period after the April through September 1982 period.

(7) For the 6-month period beginning October 1, 1980, a State agency with a 25 percent or greater reduction in its cumulative allotment error rate from one 6-month period to the comparable period of the next fiscal year shall be entitled to a 55 percent Federally funded share of Food Stamp Program administrative costs; provided that, effective with the 6-month period beginning October 1, 1981, the State agency's negative case error rate is less than the national weighted mean negative case error rate for the period of enhanced funding. This provision shall not apply to any period after the April through September 1982 period.

(8) Beginning October 1982, the Federally funded share of administrative costs, as identified in paragraph (b) of this section, may be decreased based upon its payment error rate as described in § 275.25. The rates of Federal funding for the activities identified in paragraphs (b)(1), (b)(3), and (b)(4) of this section shall not be reduced based upon the agency's payment error rate.

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalogue of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: May 20, 1983.

Robert E. Leard,

Administrator.

[FR Doc. 83–14317 Filed 5–26–83; 8:45 am]

BILLING CODE 3410–30–M

7 CFR Part 285

[Amdt. No. 239]

Noncash Nutrition Assistance in Commonwealth of Puerto Rico

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rulemaking amends the regulations published July 27, 1982 at 47 FR 32409 concerning the Commonwealth of Puerto Rico's Nutrition Assistance Program. These changes are required to implement a provision of the Food Stamp Act Amendments of 1982. This rule will prohibit the use of cash for providing food assistance in the Commonwealth of Puerto Rico after September 30, 1983.

EFFECTIVE DATE: This rule will be effective on June 27, 1983.

FOR FURTHER INFORMATION CONTACT: William B. Fisher, Acting Supervisor, Eligibility and Certification Section, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. Phone: (703) 756–3429.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This regulation does not contain reporting and recordkeeping requirements subject to approval by OMB under the Paperwork Reduction Act.

Classification

This final rule has been reviewed under Executive Order 12291 and the Secretary's Memorandum No. 1512–1 and has been classified as "not major". The final rule will not have an annual effect on the economy of $100 million or more, nor is it likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions. This final rule will not affect the business community and will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This final rule has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This rule will implement that provision of the Food Stamp Act Amendments of 1982 which prohibits the use of cash for providing food assistance in the Commonwealth of Puerto Rico after September 30, 1983. The State and local welfare agencies will be affected to the extent that they administer the current program.

Background

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) provided for the conversion of the Food Stamp Program in the Commonwealth of Puerto Rico to a nutrition assistance grant effective July 1, 1982. Following publication of an interim rule on March 12, 1982 (at 47 FR 10767), a final rule implementing this legislative provision was published on July 27, 1982 (47 FR 32409).

The July 27, 1982 rulemaking required that the Commonwealth of Puerto Rico submit a plan of operation for fiscal years 1982 and 1983. The Commonwealth submitted its plan to provide nutrition assistance in the form of cash. The Department approved the plan and on July 1, 1982, the Commonwealth began issuing checks for food assistance.

During the deliberation of proposed legislation which eventually became the Food Stamp Act Amendments of 1982 (Pub. L. 97–253 enacted September 8, 1982), the House Agriculture Committee expressed concern "* * * that using cash for nutrition assistance in Puerto Rico would jeopardize the integrity of the food assistance program and would preclude close monitoring for potential abuse. The Committee, not wanting the Food Stamp Program to become an income transfer program in Puerto Rico or in any of the fifty States, declared its opposition to a block grant concept that cashes out food assistance." H.R. Rep. No. 97–687, 97th Cong, 2d Sess. p. 57 (1982). Additionally, the General Accounting Office's Inspector General testified that a cash-out system in the Commonwealth of Puerto Rico would make the prevention or detection of fraud difficult and perhaps impossible. (H.R. Rep. No. 97–687, p. 68). In response to these concerns, Section 184 of the Food Stamp Act Amendments of 1982 prohibits the use of cash for food assistance in the Commonwealth of Puerto Rico after September 30, 1983. In enacting this amendment Congress is not suggesting a return to coupons as the medium of nutrition assistance. Legislative history shows, however, that Congress believes that cash or checks are an unacceptable medium for this purpose in the Commonwealth of Puerto Rico or elsewhere (H.R. Rep. No. 97–687, p. 77).

In response to this legislative enactment the Department issued a proposed rulemaking on January 4, 1983 at 48 FR 259, that would require a noncash nutrition assistance program in the Commonwealth of Puerto Rico.

The Department received five comments on the proposal, two of which did not address specifically any of the regulatory provisions proposed. Most of the discussion in the other three comments addressed the provision of the January 4, 1983 proposal which would restrict cash change returned to a recipient from any nutrition assistance grant transaction to no more than 99 cents. This proposed restriction was based, in part, on current procedures in use in the Food Stamp Program.

One commenter suggested a liberalization of our proposed 99 cent restriction that would lead to substantially more cash returned from transactions. The commenter said that our 99 cent limitation would require that retailers issue credit slips for change in excess of 99 cents that could only be redeemed at the issuing store, thus requiring the household to return again to the same store. (If the recipient household does not redeem the credit slip the store would realize an unearned profit.)

However, throughout the legislative history Congressional intent has plainly been to provide nutrition assistance rather than a simple income supplement This philosophy, we believe, would support the stricter cash change limitation in our proposal. Accordingly this provision is retained intact in the final rule. Both of the other two commenters who addressed this issue favored the 99 cent limitation we proposed.

Implementation

In accordance with Section 184(b) of the Food Stamp Act Amendments of 1982, the provisions in this rulemaking would be implemented no later than October 1, 1983.

List of Subjects in 7 CFR Part 285

Accounting, Food assistance programs, Grant programs—agriculture, Grant programs—social programs, Intergovernmental relations, Puerto Rico, Technical assistance, Reporting and recordkeeping requirements.

Accordingly, 7 CFR Part 285 is amended as follows:

PART 285—PROVISION OF A NUTRITION ASSISTANCE GRANT FOR THE COMMONWEALTH OF PUERTO RICO

§ 285.2 [Amended]

1. In § 285.2(a), the first sentence is amended by inserting the word "noncash" before the words "food assistance" wherever it appears.

2. In § 285.3:

a. Paragraph (b)(3)(i) is amended by replacing the semicolon at the end of the paragraph with a period and by adding three new sentences after the period.

b. Paragraph (b)(3)(ii) is amended by replacing the period at the end of the paragraph with a semicolon.

c. A new paragraph (b)(3)(iii) is added.

The additions read as follows:

§285.3 Plan of operation.

* * * * *

(b) * * *

(3) * * *

(i) * * * This nutrition assistance shall be in the form of a noncash benefit that can only be used for obtaining food. Noncash nutrition assistance shall be in a form other than cash or checks. Alternate benefit delivery systems include but are not limited to: food vouchers, electronic funds transfer and food coupons;

* * * * *

(iii) If change in an amount of less than 1-dollar is required, the Commonwealth of Puerto Rico may allow eligible households to receive the change in cash. At no time may cash change be in excess of 99 cents. Food stores may not engage in a series of transactions of less than one dollar in order to provide the same customer an amount of cash change greater than the maximum 99 cents cash change allowed in one transaction.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps)

Dated: May 23, 1983.

Mary C. Jarratt,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 83-14516 Filed 5-26-83; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 413]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period May 29–June 4, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: May 29, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on May 24, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.713 is added as follows:

§ 910.713 Lemon Regulation 413.

The quantity of lemons grown in California and Arizona which may be handled during the period May 29, 1983, through June 4, 1983, is established at 300,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-14553 Filed 5-26-83; 11:53 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins; REA Specification for Filled Buried Wire, PE–54

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA is amending Appendix A—REA Bulletins (7 CFR Part 1701) by removing Bulletin 345–70, Specification

for Filled Buried Wire, PE–54. This action will eliminate problems associated with the frequent misapplication of the product and result in cost savings for both producers and users of wire and cable. This product was used in REA systems as a distribution wire and service drop. When station carrier was applied to long runs of this product, attenuation problems were encountered which rendered service difficult. Use of the superior products characterized in REA Bulletin 345–87, Specification for Filled Telephone Cables (PE–39) and REA Bulletin 345–86, Specification for Filled Buried Service Wire (PE–86), will permit borrowers to take advantage of the economies of service provided by station carrier which renders the product characterized by REA Bulletin 345–70, Specification for Filled Buried Wire (PE–54), obsolete.

EFFECTIVE DATE: May 19, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 2835, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–8663. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: REA regulations are issued pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.). This final action has been reviewed in accordance with Executive Order 12291, Federal Regulation. This action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act and is not subject to OMB Circular A–95 review. This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

Background

This product was used in REA systems both as a distribution wire and service drop. Because of attenuation problems with this wire in distribution systems using station carrier, we are deleting approval of this product which should resolve these problems. The removal of this specification affects manufacturers in a positive way by reducing their inventory costs associated with stocking of this wire. It affects REA borrowers in a way that our borrowers will be able to take full advantage of cost savings when using station carrier that otherwise would be negated by keeping this product.

A Notice of Proposed Rulemaking was published in the **Federal Register** on February 1, 1983, Volume 48, Number 22, page 4478. However, no public comments were received in response to the proposal.

In view of the above, Appendix A—REA Bulletins is amended by removing REA Bulletin 345–70, REA Specification for Filled Buried Wire, PE–54.

Indexing Terms: As required by 1 CFR 18.20, the following are the indexed terms and list of subjects:

List of Subjects in 7 CFR Part 1701

Loan programs—communications, Telecommunications, Telephone.

Dated: May 19, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83–14279 Filed 5–26–83; 8:45 am]

BILLING CODE 3410–15–M

Farmers Home Administration

7 CFR Part 1980

General, Business and Industrial Loan Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations pertaining to the Business and Industrial (B&I) Loan Program. The intended effect of this action is to change an Administrative procedure to more effectively administer the program. This action is taken in order to provide certain redelegation of program authority to the State Directors in their administration of the program.

EFFECTIVE DATE: May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas D. Campbell, Business and Industry Loan Division, South Agriculture Building, Washington, D.C. 20250 telephone (202) 475–4100.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be exempt from those requirements because it involves only internal agency management related to program authorities delegated to FmHA State Directors. It is the policy of the department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. However, this amendment is not published for proposed rulemaking because it affects agency administrative procedures only and immediate implementation is necessary for effective administration of the B&I program, therefore publication for prior public comment is unecessary and inpractical. Sections 1980.469 and 1980.471 Administrative of Subpart E of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations is amended to reflect the redelegation of separate written program authorities for each state in this regulation. The following specific changes are being made:

Section 1980.469 Loan Servicing

Administrative: C.2. is amended to authorized State Directors to approve B&I Guaranteed loan servicing actions within their loan servicing authority.

Section 1980.471 Liquidation. (See § 1980.64)

Administrative: C. is amended to provide State Directors approval authority as delegated for guaranteed loan liquidation plans. E. is amended to authorized State Directors to approve as delegated final reports of loss from the lender. F. is amended to require that all reviews for final loss claims which are in excess of the approval for which the State Director has been delegated final loss settlement authority will be submitted to the National Office prior to the State Director's approval of the claim.

In addition, § 1980.500 is added to show the OMB control number.

This document has been reviewed in accordance with Subpart G of Part 1901, "Environmental Impact Statements." It is the determination of FmHA that the action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190 an Environmental Impact Statement is not required.

List of Subjects in 7 CFR Part 1980

Loan programs—business and industry, Rural development assistance, Rural areas.

PART 1980—[AMENDED]

Accordingly, Subpart E of Part 1980 is amended as follows:

1. In § 1980.469, under the heading "Administrative," paragraphs C. 2. (a) through (f) are removed and paragraph C. 2. is revised to read as follows:

§ 1980.469 Loan servicing.

* * * * *

Administrative

* * * * *

C. State Director Authorities:

* * * * *

2. The State Director may approve B&I guaranteed loan servicing actions as authorized in separate written approval authorities issued in accordance with Subpart A of Part 1901 of this chapter.

* * * * *

2. In § 1980.471, under the heading "Administrative," paragraphs C, E and F are revised to read as follows:

§ 1980.471 Liquidation. (see § 1980.64)

Administrative

* * * * *

C. State Directors are authorized to approve lender liquidation plans as authorized in separate written approval authorities issued in accordance with subpart A of part 1901 of this chapter.

* * * * *

E. *Paragraph XII E 2.* State Directors are authorized to approve final reports of Loss from the lender as authorized in separate written approval authorities issued in accordance with Subpart A of Part 1901 of this chapter. The State Director will submit to the Finance Office for payment any loss claims of the lender on Form FmHA 449–30, "Loan Note Guarantee Report of Loss." The Finance Office forwards loss payment checks to the State Director for delivery to Lender. When a loss claim is involved on a particular loan guarantee, ordinarily one Estimated Loss Report will be authorized. Only one final Report of Loss will be authorized. A final Form FmHA 449–30 must be filed with the Finance Office at the completion of all liquidations. Finance Office will use this form to close out the account.

F. *Paragraph XII E 3.* Final loss payments will be made within the 60 days required but only after a review by FmHA to assure that all collateral for the loan has been properly accounted for and liquidation expenses are reasonable and within approved limits. State Directors are responsible to see that such reviews are accomplished by the State within 30 days and final loss claims in excess of the State Director's approval authority are forwarded to be accepted or otherwise resolved by the Director, Business and Industry Division within the 60-day period. Community and Business Program Chiefs (C&BP), Business and Industry Chiefs or Loan Specialists will conduct such reviews. The State Director may request National Office assistance in the conduct of any review. All reviews for final loss claim in excess of the State Director's approval authority (See Subpart A Part 1901 of this chapter), will be submitted to the National Office, Business and Industry Division for concurrence prior to the State Director's approval of the claim. Close scrutiny of liquidation proceeds and their application in accordance with lien priorities is required. Before final loss payments are approved and to assist in the required review, the C&BP Chiefs, B&I Chief, or Loan Specialist will prepare a narrative history of the guarantee transaction which will serve as the summary of occurrence which led to failure of the borrower and actions taken to maximize loan recovery. The original of this report will be filed in the loan case file. A copy of this report together with the review of the final loss claim will be included in the material sent to the Director, B&I Division, for review prior to approval of final loss payments.

* * * * *

3. Section 1980.500 is added to read as follows:

§ 1980.500 OMB control numbers.

The collection of information requirements in this regulation have been approved by the Office of Management and Budget and assigned OMB control number 0575–0029.

Authorities: (7 U.S.C. 1989 delegation of authority by the Secretary of Agriculture; 7 CFR 2.23 delegation of authority by the Assistant Secretary of Agriculture for Rural Development, 7 CFR 2.70)

Dated: May 19, 1983.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 83–14327 Filed 5–26–83; 8:45 am]

BILLING CODE 3410–07–M

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 81–051F]

Disposition of Condemned Poultry Carcasses and Parts

Correction

In FR Doc. 83–13804 beginning on page 22897 in the issue of Monday, May 23, 1983, make the following correction:

On page 22899, column one, amendment two, § 381.78(b), line one, "to" should read "of."

BILLING CODE 1505–01–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Guidance for Implementation of the Standard Review Plan Rule

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Final Guidance for the Implementation of Standard Review Plan (SRP) Rule.

SUMMARY: The Nuclear Regulatory Commission staff's recommended "Guidance for Implementation of 10 CFR 50.34(g)" (NUREG–0906) was published in the **Federal Register** on October 22, 1982 (47 FR 47019). The **Federal Register** notice invited comments, suggestions, or recommendations on the content of the proposed guidance. The comment period expired on December 20, 1982. Ten comments were received. After consideration of these comments and other factors involved, the NRC staff has amended the guidance proposed for public comment to permit applicants more flexibility in determining where to locate their SRP evaluation within their Safety Analysis Reports (SAR).

EFFECTIVE DATE: June 27, 1983.

ADDRESS: Copies of the Final Guidance, related background material and comments received on the proposed rule are available for inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. Single copies may be obtained on request from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Document Control.

FOR FURTHER INFORMATION CONTACT: Robert A. Purple, Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–7980.

SUPPLEMENTARY INFORMATION:

[NUREG–0906]

Guidance for Implementation of 10 CFR 50.34(g)

I. Background

On March 18, 1982, the NRC published a final rule in the **Federal Register** (47 FR 11651) entitled "Conformance with the Standard Review Plan (SRP)." This rule requires certain applicants to include in their application an evaluation of all design features, analytical techniques, and procedural methods proposed for a nuclear power facility that are different from those given in the acceptance criteria of the Standard Review Plan (NUREG–0800).

The facilities covered under this rule are those for which an application for an operating license, construction permit, manufacturing license, or preliminary or final design approval for standard plants is docketed after May 17, 1982. The affected applicants are required to provide an evaluation of the facility

against the acceptance criteria of the SRP in effect on May 17, 1982 (NUREG–0800) or the most recent revision of the SRP in effect six months prior to the docketing date, whichever is later. This rule and the staff's related guidance is not intended to apply to the FSAR updates that are required by 10 CFR 50.71(e).

In particular, the applicants are required to identify and describe all differences in design features, analytical techniques, and procedural methods proposed and those corresponding features, techniques, and methods identified in the SRP acceptance criteria. Where such differences exist, an evaluation is required that discusses how the proposed alternatives provide an acceptable method of complying with the NRC regulations which underlie the corresponding SRP acceptance criteria. The SRP is not a substitute for the regulations and compliance with it is not required. It defines methods that are acceptable to the staff for satisfying the relevant regulations and is used by the staff in its evaluation of whether an applicant meets the requirements of NRC regulations.

In the notice accompanying the rule, the Commission indicated that guidance documents being developed by the staff to implement the rule would be published for public comment. Ten comments were received. Five of the comments received stated the commenter's position that the Rule itself was inappropriate. These comments did not relate to the staff's guidance contained in NUREG–0906 but rather, are related to the already effective rule. Four comments were received that stated that the staff should allow flexibility in scheduling and location of the SRP comparisons within the SAR to prevent delay of applications that have been substantially completed. These comments were considered and the guidance document was modified to permit the applicant to determine where the SRP comparison should be located within the FSAR.

The Commission has amended the guidelines as published for public comment to permit some flexibility for applicants in the manner in which they comply with 10 CFR 50.34(g). These changes to the guidelines recognize the fact that for the near future most of the operating license applicants, to whom this rule applies, have already submitted or prepared their 10 CFR 50.34(g) compliance submittal, and would require a significant amount of rework to put their submittal in the format suggested in the version of NUREG–0906 published for comment.

Two comments related to the need for clarification of the applicability of the rule to the FSAR updates required by 10 CFR 50.71(e). The guidance was modified to clarify the staff's intent that the guidance does not apply to 50.71(3) updates. Two commenters stated that the proposed guidance is adequate and appropriate.

II. Guidance for Implementation of 10 CFR 50.34(g), NUREG–0906

This document provides guidance for describing the identified differences from the SRP and provides example evaluations of such differences. The staff considers these examples to be acceptable in technical content and level of detail if all other related technical issues have been resolved to the satisfaction of the staff. These particular examples were chosen to present a range of types of differences and acceptable evaluations. They are not intended to circumscribe an applicant in the type or scope of evaluation to be presented. Applicants are encouraged to meet with the staff during the preparation of their application to resolve any questions concerning the SRP acceptance criteria. It should be noted that while the particular examples given may be applicable and acceptable in a number of specific applications, they may not be applicable or acceptable for all applications because of specific design or site characteristics.

Applicants should include the evaluation required by the SRP Rule in Chapter 1 of their Safety Analysis Reports (SAR) at the time of tendering the SAR. An SAR is required to be included in applications by 10 CFR 50.34 (a) or (b) of the Commission regulations.

Guidance for the preparation of SARs is currently available in Regulatory Guide (RG) 1.70, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants—LWR Edition," (Revision 3). A future revision of Regulatory Guide 1.70 will identify the specific section of the SAR in which the information required by the SRP rule is to be included. Section 1.8 of Chapter 1 of RG 1.70 currently calls for a description of the extent to which an applicant intends to comply with all applicable regulatory guides and any proposed exceptions to the regulatory positions in those guides. Until RG 1.70 is revised, applicants should retitle Section 1.8 "Conformance with the Standard Review Plan," and should include therein the information described below, rather than that which is presently called for in RG 1.70.

In Section 1.8 of the SAR, applicants should identify and describe, preferably in tabular format, all differences in design features, analytical techniques, and procedural measures proposed for a facility and those corresponding features, techniques, and measures given in the SRP acceptance criteria. The information should include: (1) Identification of the relevant section of the SRP; (2) a brief summary of the specific SRP criteria for which a difference exists; (3) a summary description of the nature of the difference; and (4) a page number, subsection, or tabular reference, that identifies where each proposed alternative providing an acceptable method of complying with the applicable regulation is located.

The specific acceptance criteria in the SRP are presented as Subsection II of each SRP section. Subsection II also identifies the underlying regulations for that feature of the facility. Applicants are not required to address the other subsections of each SRP section. These other subsections (Areas of Review, Review Procedures, Evaluation Findings, Implementation, and References) are intended for use by the staff in conducting its review, and provide a basis on which the staff concludes that the specific feature, technique, or measure meets the acceptance criteria. Applicants may find the material in these other subsections useful in identifying and evaluating differences from the specific acceptance criteria.

The "evaluation" required by § 50.34(g)(2) consists of (1) a review of the proposed design against the applicable specific SRP acceptance criteria, with the results of the review (i.e., any differences) being identified and described, preferably in tabular format, in Section 1.8 of the SAR as discussed above; and (2) a discussion of each difference in the applicable SAR section that presents the reasons for concluding that the proposed difference is an acceptable method of complying with the regulations. The specific SRP acceptance criteria are guidelines that define a method acceptable to the staff for satisfying the relevant regulations. They are not requirements per se, and other methods can be found acceptable by the staff as long as compliance with the underlying regulations is demonstrated. In some instances, however, the specific SRP acceptance criteria are identical to the requirements of the regulations. For these situations the applicant should include in the evaluation required by § 50.34(g)(2) a discussion that represents the reasons for concluding that the proposed difference is acceptable from a safety standpoint. In addition, an application

for an exemption from the regulations providing all the information needed to make the findings required under §50.12 of the Commission regulations should be separately submitted by the applicant.

The following examples show how the above information should be presented:

1.8 *Differences From SRP Acceptance Criteria*

(Applicant) has reviewed the (plant name) and concludes that it will meet all applicable specific acceptance criteria in the Standard Review Plan (NUREG–0800), except as noted below. The cited text references in the following table include discussions that describe the basis by which (applicant) concludes that the underlying regulatory requirements have been satisfied in those instances for which there are differences from the SRP.

TABLE 1.8.1.—SUMMARY OF DIFFERENCES FROM SRP

SRP section	Specific SRP acceptance criteria	Summary description of difference	SAR section where discussed
5.3.1 (Rev. 1)	II.6.c. (1)—Surveillance specimens	Surveillance specimens not taken from actual production plates.	5.3.1.6.2
6.2.4 (Rev. 2)	II. c. and d.—Containment isolation provisions for CRD withdraw lines.	Manually operated containment isolation valves.	6.2.4.3.2
15.4.6	II.5.b.—Operator action, in a boron dilution event during hot standby, minimum time 15 minutes.	Operator action within 13 minutes	15.4.6.2

Discussion in SAR Section [1]

5.3.1.6.2 *RPV Material Surveillance Test Specimens*

(*excerpt* [2]) * * * Acceptance criterion II.6.c.(1) of SRP Section 5.3.1 provides that the material for surveillance test specimens representing the reactor vessel beltline welds be prepared from actual production plates. This criterion is derived from Appendices G and H to 10 CFR part 50, which requires that surveillance specimens be taken from locations alongside fracture toughness test specimens and that fracture toughness specimens for the reactor vessel beltline region be taken directly from excess material and welds in the vessel shell courses.

The welding test specimens for (plant name) will be prepared from plates of the same "p" number and, same filler material, as those used in the corresponding actual shell material. The welding conditions will be the same for the test specimens and the production welds, and the qualification procedures conform to the requirements of NB 4330 of the ASME Code.

Based on these similarities between the belt line region test samples and production materials, the technical requirements of Appendix H are satisifed since this provides equivalent test specimens for the material surveillance program for the reactor pressure vessel.[3]

6.2.4.3.2 *Containment Isolation Design Basis for CRD Withdraw Lines*

(*excerpt*) * * * In SRP Section 6.2.4, acceptance criterion II.d. provides, in part, that the isolation provisions for lines used in systems needed for safe shutdown of the plant that penetrate primary containment and are part of the reactor coolant pressure boundary normally consist of one automatic isolation valve inside and one automatic isolation valve outside of containment. Acceptance criteria II.c. states the remote-manual valves may be used in lieu of automatic valves for such lines, provided that provisions are made to detect possible leakage from the lines outside containment. The underlying regulation for these criteria is GDC 55 which requires such containment isolation provisions unless it can be demonstrated that other provisions are acceptable on some other defined bases.

The Control Rod Drive (CRD) withdraw lines penetrate the primary containment and communicate with the reactor coolant pressure boundary (RCPB) through the CRD assemblies. However, as can be seen in Figure 4.6 the CRD assemblies are composed of a series of seals and mechanical restrictions, such that the CRD withdraw lines represent a unique kind of extension of the RCPB as defined in 10 CFR 50.2(v). Because of the unique function and features of these lines the usual automatic or remote-manual isolation valves are not provided.

Specifically, contrary to the SRP acceptance criteria described above, the CRD withdraw lines are provided with manually operated isolation valves as described in table 6.2.4–X in lieu of automatic or remote-manual isolation valves, and there are no specific provisions for detection of leakage from these lines outside the containment. Automatic or remote-manual isolation valves are not used since the CRD system performs an essential safety function and the addition of automatic isolation capability could compromise that safety function. Moreover, since leakage from any break in one of the CRD withdraw lines is within the capabilities of the reactor coolant makeup systems (Feedwater and RCIC), the risk associated with having an automatic or remote-manual isolation valve fail closed in these lines before achieving a successful reactor scram in emergency situations would exceed the risk associated with not isolating such a line should it rupture. In addition, the CRD withdraw lines are designed to high quality standards as described in Section 3.2.2. and the preservice inspection and surveillance inspections described in Section 4.6.X and the general leakage monitoring capabilities described in Section 5.2.5–X will assure that the likelihood and consequences of breaks in the CRD withdraw lines are small. The leakage monitoring capabilities referred to include: (a) CRD high temperature alarms; (b) CRD position indication; (c) level instruments in the secondary containment sump; and (d) area radiation monitors that indicate an alarm in the control room. Should primary system water begin flowing out a broken CRD withdraw line, these monitors will provide the operator with timely information that would permit effective corrective actions.

The design features described above constitute an "other defined basis" of acceptability of the containment isolation provisions for the CRD withdraw lines, as permitted by GDC 55.[4]

---

[1] For comparisons submitted within 90 days after the publication of this final guidance, the applicant may locate the evaluation of alternative methods of meeting the SRP in Chapter 1 of the SAR, or in an Appendix to the SAR, rather than rewriting the affected SAR section.

[2] In this and the other examples that follow, the material presented is an *excerpt* from a section of the SAR assumed to have been developed in accordance with Regulatory Guide 1.70. Thus, the examples have been prepared on the assumption that complete and adequate information on technically related features of the plant is available in the SAR provided by the applicant.

[3] Note that an exemption to the regulation (Appendix H to 10 CFR Part 50) would be required in this instance, and that a request for the exemption should be submitted separately by the applicant.

[4] Note that in this instance an exemption to the regulation is not required.

15.4.6.2 *Boron Dilution Events During Hot Standby*

(*excerpt*) * * * In Section 15.4.6, acceptance criterion II.5.b specifies that if operator action is required during hot standby to terminate a transient resulting from a boron dilution event, a minimum time period of 15 minutes must be available between the time the first alarm annunciates to alert the operator, and the time that all shutdown margin is lost and criticality occurs. The underlying regulatory requirements for this acceptance criterion are GDC 10, 15 and 26 which collectively require that the reactor core, reactor coolant and associated auxiliary systems, reactivity control systems and the reactor protection system be designed with appropriate margin to assure that specified acceptable fuel design limits and the design conditions of the reactor coolant pressure boundary are not exceeded during any condition of normal operation, including anticipated operational occurrences.

The technical specifications for the (plant name) will require that the reactor be shutdown by at least 2% k/k (i.e., K_{eff}=0.98) while in hot standby. Our analysis of the most limiting boron dilution event during this operational mode, described in Section 15.2.4, assumes an initial reactor shutdown condition of this amount. It was also assumed that all control rods are withdrawn in order to maximize the initial boron concentration and subsequent dilution effects. Approximately 13 minutes after the dilution begins, a high source range count alarm, which is set at twice the initial source level, would occur. Our analysis then shows that 13.4 minutes would be available for the operator to take appropriate action to terminate the boron dilution event between the time of annunciation of this alarm and the time of reaching criticality. The difference between the calculated minimum operator action time to terminate this event (13.4 min.) and the SRP acceptance criterion (15 min.) is small, and the reliability of the source range count alarms is high since they are redundant and of high quality, as described in Section 7.4.1.X.

We conclude, therefore, that for the most limiting boron dilution event during hot standby, the relevant portions of GDC 10, 15 and 25 are satisfied since fuel damage limits and the design conditions of the reactor coolant pressure boundary will not, with considerable margin, be exceeded during this event.

III. Submittals Made Before the NRC Guidance Document Becomes Effective

Several applicants have indicated that their 10 CFR 50.34(g) submittals have been prepared in a format other than that suggested by the NRC staff for comment on October 22, 1982. Some of these applicants had already submitted their comparison prior to the publication of NRC guidance, and others have completed their comparison during the comment period on NUREG–0906.

To assure that following the staff's guidance does not delay an applicant in providing the staff with the required comparison, the NRC staff has concluded that it is acceptable for applicants, whose 10 CFR 50.34(g) comparison is submitted within 90 days after the publication of this final guidance, to locate their evaluation of how alternative methods of meeting the SRP in Chapter 1 of the SAR, or in an Appendix to the SAR, rather than in each affected SAR section.

Paperwork Reduction Act Statement

This final Guidance Document does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3401 et seq.). Existing requirements were approved by the Office of Management and Budget approval number 3150–0011.

Dated at Washington, D.C., this 19th day of May 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83–14380 Filed 5–26–83; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Part 305

Public Works and Development Facilities Program

Correction

In FR Doc. 83–13954, beginning on page 23154 in the issue of Monday, May 23, 1983, make the following corrections.

On page 23155, third column, § 305.5(b)(3)(iv) should have read:

* * * * *

(b)* * *

(3) The maximum grant rate of funds granted under authority of title I of the Act for projects in designated areas, determined by relative needs, is a follows:

* * * * *

(iv) Projects located in redevelopment areas designated under section 401(a)(6) of the act but which cannot meet the requirement of paragraph (b)(3)(ii) of this section will be:

(A) The annual average unemployment rate for the preceding 12 months is 12 percent or higher	80
(B) The annual average unemployment rate for the preceding 12 months is 10.5 percent to 11.9 percent	70
(C) The annual average unemployment rate for the preceding 12 months is 9 percent to 10.4 percent	60
(D) The annual average unemployment rate for the preceding 12 months is less than 9 percent	50

This amendment will not affect projects authorized prior to May 23, 1983.

* * * * *

BILLING CODE 1505–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[NGPA Docket No. RM79–14]

Incremental Pricing Regulations Implementing the Incremental Pricing Provision of the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Prescribing Incremental Pricing Thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357–8500.

Issued May 24, 1983.

In the matter of Publication of Prescribed Incremental Pricing Acquisition Cost Threshold of the NGPA of 1978; Docket No. RM79–14; Order of the Director, OPPR.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices

prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to §375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of June 1983 is issued by the publication of a price table for the applicable month.

List of Subjects in 18 CFR Part 282

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES—CALENDAR YEAR 1980

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA Section 102 Threshold	2.388	2.391	2.404	2.426	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.916	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.300	8.040	7.040	7.380	7.400	7.400	7.450	7.500

CALENDAR YEAR 1981

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$1.891	$1.908	$1.925	$1.942	$1.954	$1.967	$1.980	$1.990	$2.000	$2.010	$2.025	$2.041
NGPA Section 102 Threshold	2.657	2.696	2.729	2.761	2.787	2.813	2.840	2.863	2.885	2.909	2.940	2.971
NGPA Section 109 Threshold	1.957	1.975	1.995	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130% of No. 2 Fuel Oil in New York City Threshold	7.810	7.760	8.260	8.010	8.510	9.430	9.360	9.260	8.860	8.700	8.930	8.990

CALENDAR YEAR 1982

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$2.057	$2.071	$2.085	$2.099	$2.106	$2.113	$2.120	$2.129	$2.139	$2.149	$2.159	$2.169
NGPA Section 102 Threshold	3.009	3.033	3.063	3.098	3.112	3.132	3.152	3.176	3.200	3.224	3.249	3.274
NGPA Section 109 Threshold	2.128	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214	2.224	2.234	2.244
130% of No. 2 Fuel Oil in New York City Threshold	9.160	9.340	9.470	9.340	9.280	8.000	8.170	8.670	8.880	8.950	8.940	8.890

CALENDAR YEAR 1983

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$2.179	$2.197	$2.195	$2.203	$2.214	$2.225						
NGPA Section 102 Threshold	3.299	3.323	3.344	3.367	3.394	3.421						
NGPA Section 109 Threshold	2.254	2.262	2.270	2.278	2.289	2.300						
130% of No. 2 Fuel Oil in New York City Threshold	9.420	9.320	8.620	8.120	7.580	6.950						

[FR Doc. 83-14360 Filed 5-26-83; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 76P-0078]

Mozzarella Cheese and Low-Moisture Mozzarella Cheese; Amendment of Standards of Identity; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date for compliance with the amendments to the standards of identity for mozzarella cheese and low-moisture mozzarella cheese and, by cross-reference, part-skim mozzarella cheese and low-moisture part-skim mozzarella cheese, to permit the addition of safe and suitable artificial coloring during the manufacturing process.

DATES: Effective July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 25, 1983 (48 FR 3363), FDA issued a final rule amending the standards of identity for mozzarella cheese (21 CFR 133.155) and low-moisture mozzarella cheese (21 CFR 133.156) and, by cross-reference, part-skim mozzarella cheese (21 CFR 133.157) and low-moisture part-skim mozzarella cheese (21 CFR 133.158). Any person adversely affected by the regulation could have, at any time on or before February 24, 1983, filed written objections to the final regulations and requested a hearing on the specific provisions to which there were objections. No objections or requests for a hearing were received.

List of Subjects in 21 CFR Part 133

Cheese, Food standards.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the

Commissioner of Food and Drugs (21 CFR 5.10), notice is given that the effective date for compliance with the standards of identity for mozzarella cheese (21 CFR 133.155) and low-moisture mozzarella (21 CFR 133.156) and, by cross-reference, part-skim mozzarella cheese (21 CFR 133.157) and low-moisture part-skim mozzarella cheese (21 CFR 133.158) as amended in the **Federal Register** of January 25, 1983 (48 FR 3363) is July 1, 1985. Voluntary compliance may have begun March 28, 1983.

Dated: May 19, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-14122 Filed 5-26-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 133

[Docket No. 77N-0331]

Nine Natural Cheeses; Revision Based on International Standards of Identity; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date for compliance with the amended "Definitions" section and the new "Methods of Analysis" section for all standardized cheeses and related cheese products. FDA is also confirming the revision of the standards of identity for nine natural cheeses and appropriate cross-referenced standards. The revision brings the standards into closer conformance with the applicable recommended international Codex standards.

DATES: Effective July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun March 22, 1983.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 21, 1983 (48 FR 2736), FDA issued a final rule amending the "Definitions" section (21 CFR 133.3), establishing a new "Methods of Analysis" section (21 CFR 133.5), and revising the standards of identity for blue cheese (21 CFR 133.106); cheddar cheese (21 CFR 133.113); edam cheese (21 CFR 133.138); gouda cheese (21 CFR 133.142); gruyere cheese (21 CFR 133.149); limburger cheese (21 CFR 133.152); provolone cheese (21 CFR 133.181); samsoe cheese (21 CFR 133.185); swiss and emmentaler cheese (21 CFR 133.195); and by cross-reference, cheddar cheese for manufacturing (21 CFR 133.114) low sodium cheddar cheese (21 CFR 133.116), and swiss cheese for manufacturing (21 CFR 133.196). Any person who would be adversely affected by the regulations could have, at any time on or before February 22, 1983, filed written objections to the final regulations and requested a hearing on the specific provisions to which there were objections. No objections or requests for a hearing were received.

List of Subjects in 21 CFR Part 133

Cheese, Food standards.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and drugs (21 CFR 5.10), notice is given that the effective date for compliance with §§ 133.3, 133.5, 133.106, 133.113, 133.114, 133.116, 133.138, 133.142, 133.149, 133.152, 133.181, 133.185, 133.195, and 133.196 as published in the **Federal Register** of January 21, 1983 (48 FR 2736) and as editorially corrected in the **Federal Register** of March 18, 1983 (48 FR 11426) is July 1, 1985. Voluntary compliance with these regulations may have begun on March 22, 1983.

Dated: May 19, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-14262 Filed 5-26-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 178

[Docket No. 82F-0347]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Calcium Bis[Monoethyl(3,5-Di-Tert-Butyl-4-Hydroxybenzyl)Phosphonate]

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of calcium bis[monoethyl(3,5-di-*tert*-butyl-4-hydroxybenzyl)phosphonate] as an antioxidant and/or stabilizer without temperature limitation in certain olefin polymers intended to contact food. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective May 27, 1983; objections by June 27, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice in the **Federal Register** of December 17, 1982 (47 FR 56556), FDA announced that a food additive petition (FAP 2B3668) had been filed by the Ciba-Geigy Corp., Hawthorne, NY 10532, proposing that Part 178 (21 CFR Part 178) of the food additive regulations be amended to provide for the expanded use of calcium bis[monoethyl(3,5-di-*tert*-butyl-4-hydroxybenzyl)phosphonate] as an antioxidant and/or stabilizer for polypropylene, high-density polyethylene complying with § 177.1520(c), items 2.1, 2.2, and 2.3; and olefin copolymers complying with § 177.1520(c), items 3.1 and 3.2 intended for food-contact applications without use temperature limitations.

FDA has evaluated the data in the petition and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2) (21 CFR 171.1(h)(2)), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this rule as announced in the notice of filing in the **Federal Register**. No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 178

Food additives; Food packaging; Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 178 is amended in § 178.2010(b) by revising the entry for calcium bis[monoethyl(3,5-di-*tert*-butyl-4-hydroxybenzyl)phosphonate] as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * *	* * *
Calcium bis[monoethyl(3,5-di-*tert*-butyl-4-hydroxybenzyl)phosphonate] (CAS Reg. No. 65140–91–2).	For use only: 1. At levels not to exceed 0.25 percent by weight of polypropylene that complies with § 177.1520(c) of this chapter, items 1.1, 1.2, and 1.3. 2. At levels not to exceed 0.2 percent by weight of polyethylene and olefin copolymers that comply with § 177.1520(c) of this chapter, items 2.1, 2.2, 2.3, 3.1, and 3.2 that have a density greater than 0.94 gram per cubic centimeter.
* * *	* * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 27, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. May 27, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C 321(s), 348))

Dated: May 17, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-14110 Filed 5-26-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 446

[Docket No. 83N–0149]

Antibiotic Drugs; Doxycycline Hyclate Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new strength of doxycycline hyclate tablet. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective May 27, 1983; comments, notice of participation, and request for hearing by June 27, 1983; data, information, and analyses to justify a hearing by July 26, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, National Center for Drugs and Biologics (HFN–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new strength (50 milligrams) of doxycycline hyclate tablet. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Part 446 (21 CFR Part 446) to provide for the inclusion of accepted standards for the product.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 446

Antibiotics, Tetracycline.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055–1058 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), § 446.120c is amended by revising the second sentence in paragraph (a)(1) to read as follows:

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

§ 446.120c Doxycycline hyclate tablets.

(a) * * *

(1) * * * Each tablet contains doxycycline hyclate equivalent to 50 or 100 milligrams of doxycycline. * * *

* * * * *

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this regulation is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective May 27, 1983. However, interested persons may, on or before June 27, 1983, submit written comments on this regulation to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before June 27, 1983, a written notice of participation and request for hearing, and (2) on or before July 26, 1983, the data, information, and analyses on which the person relies to justify a hearing, as specified in § 430.20 (21 CFR 430.20). A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing

that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in § 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 221 U.S.C. 331(j) or 18 U.S.C 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective May 27, 1983.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: May 19, 1983.

James C. Morrison,

Assistant Director for Regulatory Affairs.

[FR Doc. 83–14164 Filed 5–26–83; 8:45 am]

BILLING CODE 4160–01–M

---

21 CFR Part 1220

[Docket No. 80N–0185]

Regulations Under the Tea Importation Act; Tea Standards

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing the establishment of tea standards for the year beginning May 1, 1983, and ending April 30, 1984. The tea standards are provided for under the Tea Importation Act.

DATES: Effective May 1, 1983; comments by June 27, 1983.

ADDRESS: Written comments may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John C. Taylor, Bureau of Foods (HFF–310), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204; 202–245–1186.

SUPPLEMENTARY INFORMATION: This amendment is based on the recommendation of the Board of Tea Experts (the Board), which is comprised of tea experts drawn from the tea trade, who are representative of the trade as a whole, and FDA. The standards are selected each year, under the provisions of the Tea Importation Act (21 U.S.C. 41), from tea samples submitted by members of the tea trade to the Board. The Board selects one tea to represent the standard for each major type of tea imported into the United States. In picking a standard, the Board tries to select one at least equal in quality to that of the previous year.

The agency has determined pursuant to 21 CFR 25.24(b)(13) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required. Because this provision is issued as a final rule without being preceded by general notice of proposed rulemaking, a final regulatory analysis under section 604 of the Regulatory Flexibility Act (94 Stat. 1167) is not required. In any event, the rule will not have a significant economic impact on a substantial number of small entities. Only teas that meet or exceed the standards will be permitted entry into the United States. Accordingly, the agency certifies that a regulatory flexibility analysis is not required. In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this rule, and the agency has determined that it is not a major rule as defined by that Order.

List of Subjects in 21 CFR Part 1220

Tea Importation Act, Tea standards.

Therefore, under the authority vested in the Secretary of Health and Human Services by the Tea Importation Act (secs. 3, 10, 29 Stat. 605, 607, 41 Stat. 712, 54 Stat. 1237, 67 Stat. 631 (21 U.S.C. 43, 50)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) Part 1220 is amended by revising § 1220.40(a) to read as follows:

PART 1220—REGULATIONS UNDER THE TEA IMPORTATION ACT

§ 1220.40 Tea standards.

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on March 1, 1983, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1983, and ending April 30, 1984:

(1) Formosa Oolong.

(2) Black Tea (for Argentina teas).

(3) Black Tea (for all teas except those from China, Formosa (Taiwan), Iran, Japan, Russia, Turkey, and Argentina).

(4) Black Tea (for teas from China, Formosa (Taiwan), Iran, Japan, Russia, and Turkey).

(5) Green Tea.

(6) Canton Oolong (for all Canton types from China to Formosa (Taiwan)).

(7) Scented Black Tea.

(8) Spiced Tea.

These standards apply to tea shipped from abroad on or after May 1, 1983. Tea shipped prior to May 1, 1983 will be governed by the standards that became effective May 1, 1982.

* * * * *

Because these standards are based on characteristics of taste aided by sight and smell as determined by experts, FDA believes that public comment would not be helpful and thus that notice and public procedure are unnecessary and may be dispensed with as authorized under 5 U.S.C. 553. However, pursuant to § 10.40(e) (21 CFR 10.40(e)), interested persons may on or before June 27, 1983, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this regulation. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comments will be the subject of a further amendment.

Effective date. May 1, 1983.

(Secs. 3, 10, 29 Stat. 605, 607, 41 Stat. 712, 54 Stat. 1237, 67 Stat. 631 (21 U.S.C. 43, 50))

Dated: April 20, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–14121 Filed 5–26–83; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 207, 213, 220, 221, 231, 234, 236, and 255

[Docket No. R-83-1081]

Mortgage and Loan Insurance Programs Under the National Housing Act; Multifamily Mortgage Insurance Program Amendments

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of announcement of effective date for final rule.

SUMMARY: This notice announces the effective date for the final rule published in the **Federal Register** on April 19, 1983 (48 FR 16667) that amended the multifamily mortgage insurance regulations. These regulations increased, from 90 percent to 140 percent, the maximum amount by which the Federal Housing Commissioner may, on a project-by-project basis, permit the mortgage amount limitations to be exceeded in high cost geographical areas, except for mortgages purchased or to be purchased by the Government National Mortgage Association under its special assistance functions. The effective date provision of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver, and announced that future notice of the effectiveness of the rule would be published in the **Federal Register.**

Thirty calendar days of continuous session of Congress have expired since the rule was published.

DATE: The effective date for the final rule published April 19, 1983 (48 FR 16667), is May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Frank D. Brown, Office of Multifamily Housing Development, Room 6128, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-5720. (This is not a toll-free number.)

Dated: May 23, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-14269 Filed 5-26-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7896]

Income Tax; Taxable Years Beginning After December 31, 1953; Income From Trade Shows

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the treatment of income from qualified trade shows sponsored by certain exempt organizations. Changes to the applicable tax law were made by the Tax Reform Act of 1976. These regulations provide necessary guidance to the public for compliance with that Act and would affect certain exempt organizations that sponsor trade shows. The regulation also conforms the regulations to changes in the tax law concerning the time for filing an exempt organization's income tax return. In addition, this document makes clerical changes in the regulations to reflect a recent amendment to the Statement of Procedural Rules.

DATE: The amendments regarding qualified convention and trade show activities are effective for taxable years beginning after October 4, 1976. Changes concerning the time for filing income tax returns are effective for taxable years beginning after November 10, 1978.

FOR FURTHER INFORMATION CONTACT: Janet Painter of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3544) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On December 9, 1980, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 513(d) of the Internal Revenue Code of 1954. These amendments were proposed to conform the regulations to section 1305 of the Tax Reform Act of 1976 (90 Stat. 1718) and section 6 of the Act of November 10, 1978 (Pub. L. 95-628, 92 Stat. 3630), and are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805). A public hearing was requested and was held on April 22, 1981. After consideration of all comments regarding the proposed amendments, those amendments are adopted with modifications as set forth in this Treasury decision.

Discussion of Issues

1. Conflicting Example

It has been suggested that the conclusion of Example 3 of Treas. Reg. § 1.513-1(d)(4)(i), which was not discussed in the proposed regulations, might be misleading in light of results reached under the proposal. In that example, a trade association carries on a trade show where no selling is conducted. Income from the activity is not unrelated business taxable income. It was suggested that the example implies that the determination of unrelated business taxable income might be different if selling were allowed. Because the final regulations specifically provide that sales activities do not necessarily yield unrelated business income, and an unintended implication might have arisen from the facts presented in the example, a cross-reference to the proposed regulations has been added to Example 3 of Treas. Reg. § 1.513-1(d)(4)(i).

2. Qualified Activities Not Unrelated

Several public inquiries concerned the tax treatment of nonqualifying convention and trade show activities. The proposed regulations stated that activities which are not "qualified" activities, as defined in the regulations, are unrelated to the organization's exempt purpose. Criticism of that provision centered on the argument that nonqualified activities should be subject to the tests generally applicable to all activities of exempt organizations. The proposal did not establish a more stringent test for the tax treatment of these activities, but merely expanded the test otherwise applicable. The proposed language reaches the same result as would a general cross-reference to section 513 as any trade show activity which would be considered a related activity under the general test of section 513(a) would also be considered related under the final regulations specifically applicable to trade show activities. A cross-reference to the general test to determine whether a convention or trade show activity is unrelated would be redundant. A change to the text of the proposed regulations has been judged unnecessary.

3. Impact on Internal Revenue Code Section 501(c) (3) and (4) Organizations

Several commentators asked the Service to address the proposed regulations' impact on section 501(c) (3)

and (4) organizations and on a series of rulings, issued in 1975, which include Rev. Ruls. 75–516 through 75–520, 1975–2 C.B. 220–227. This series of rulings concerns the effect of sales activity on the taxability of rental income from conventions and trade shows, that is whether that income is taxable unrelated trade or business income.

Section 513(d)(3)(C) of the Internal Revenue Code provides a limited exception to the definition of the term "unrelated trade or business" for organizations described in sections 501(c)(5) and 501(c)(6) of the Code. The legislative history of this section indicates that it was intended to supersede the 1975 series of rulings. This regulation also addresses only those organizations described in sections 501(c)(5) and 501(c)(6). It is anticipated that the Service will issue revised rulings that will reflect positions consistent with the final regulations and will address the issues raised in Rev. Rul. 67–219, 1967–2 C.B. 210 and Rev. Ruls. 75–516 through 75–520, 1975–2 C.B. 220–227.

Organizations described in other sections of the Code, such as sections 501(c)(3) and 501(c)(4), are governed by the general principles set forth in section 513(a) of the Code in determining whether any trade show activity is or is not related to the purposes for which such organizations was granted exemption.

4. Products and Services

The proposed regulations define a qualified convention or trade show as one which has as one of its purposes the promotion of products and services of an industry. One commentator suggested that final regulations should refer to "products *or* services" rather than "products *and* services" so that a show at which products are exhibited to stimulate interest in the services of those who created the products would not find itself excluded from the definition of a "qualifying show."

The statute uses three combinations of the words "products" and "services": (1) "products *or* services" in the definition of "convention and trade show activity"; (2) "products *and* services" in the definition of qualified activities; and (3) "products" (only) in the definition of "qualifying organization". The final regulations will not maintain the technical distinctions among these terms because to do so would be inconsistent with the general thrust of the Code provision—that commercial displays of members' products, services, or a combination of the two, are consistent with trade association activities.

The final regulations will not disqualify an activity which is intended to stimulate an interest in services rather than in products of the sponsoring organization, whether through demonstration of the services or exhibition of products which are related to those services. The final regulations have been altered so that the term "products and services" and the term "products" as used in the above definitions will be interpreted to mean "products or services".

5. Qualified Convention or Trade Show

It was suggested that a show at which the only displays are educational suppliers' exhibits and at which selling and order taking are prohibited, might not be a qualified show under the proposed regulation because no interest or demand for members' products or services would be stimulated. Income from rental of exhibition space to such suppliers might then be considered unrelated business taxable income. The Service previously indicated, in Rev. Rul. 75–516, 1975–2 C.B. 220, that in such a situation the income would not be unrelated business taxable income. The final regulations do not alter that result. The final regulations include educational activities among those carried on at a qualified show. This change assures that rental income from exhibition space at a show, such as the one at which the only displays are educational suppliers' exhibits and at which selling and order taking are prohibited, would still not constitute unrelated business taxable income.

6. Examples

It was suggested that an example be added to discuss organizations which display products in order to increase interest in members' services. As indicated above, the regulation, as proposed, would include this type of show as a qualified trade show. It was therefore judged unnecessary to include the suggested example.

Another commentator recommended an example addressing the treatment of two or more organizations which jointly sponsor a show. Concern was expressed as to how to allocate the tax treatment of a show, one sponsor of which is a "qualifying organization" and one of which is not. Such an allocation would be made using the same partnership principles already articulated in the Code regarding allocation of income among partners. Therefore, such an allocation regarding trade show activities would result in an exempt trade association's otherwise qualifying activities remaining qualified while nonqualifying exempt organizations' activities would still be considered unrelated trade or business. The final regulation is unchanged from the proposal.

Several commentators objected to a proposed example's conclusion that a supplier show is not a qualified show, as defined in the regulations. In light of the language of the statute, which does not include supplier shows, and of the general legislative intent, it has been determined that only supplier shows which fit within the language of the statute should be qualified. Therefore, the final regulations retain this example concerning "nonqualified" supplier exhibits.

It was also suggested that the same supplier show example did not specify the purpose of the exhibits and that this factor could be significant. In Rev. Rul. 75–516, 1975–2 C.B. 220, an organization that sponsored a supplier show at which selling and soliciting were prohibited and that had as its only activity the display of supplier exhibits which were educational in nature, was not taxed on its income from rental of exhibit space. The final regulations contain additional facts to distinguish the show in this example, which functions as a sales vehicle for suppliers (income from which would be unrelated business income to the sponsoring organization), from the purely educational show of Rev. Rul. 75–516 (income from which would not be taxable to the sponsoring organization).

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of that Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply and no Regulatory Flexibility analysis is required for this rule.

Drafting Information

The principal author of this regulation is Janet Painter of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects

26 CFR 1.401–1—1.425–1

Income taxes, Employee benefit plans.

26 CFR 1.501(a)–1—1.528–10

Income taxes, Exempt organizations, Unrelated trade or business.

Adoption of amendments to the regulations.

PART 1—[AMENDED]

Accordingly, 26 CFR Part 1 is amended as follows:

§ 1.401 (b)–1 [Amended]

Paragraph 1. Section 1.401(b)–1(d)(3) is amended by striking out "§ 601.201(o)" and inserting in lieu thereof "§ 601.201(s)".

Par. 2. Section 1.401(b)–1(e) is amended by striking out "§ 601.201(o)(3)(xii)" from the fifth sentence and inserting in lieu thereof "§ 601.201(s)(3)(xii)".

§ 1.503(c)–1 [Amended]

Par. 3. Section 1.503(c)–1(a) is amended by striking out "paragraph (o) of § 601.201" from the fourth sentence and inserting in lieu thereof "paragraph (s) of § 601.201".

Par. 4. Section 1.513–1(d)(4)(i) is amended by striking out Example (3) and inserting in lieu thereof the following:

§ 1.513–1 Definition of unrelated trade or business.

* * * * *

(d) *Substantially related.* * * *

(4) *Application of principles*—(i) * * *

Example (3). O is an industry trade association qualified for exemption under section 501(c)(6). It presents a trade-show in which members of its industry join in an exhibition of industry products. O derives income from charges made to exhibitors for exhibit space and admission fees charged patrons or viewers of the show. The show is not a sales facility for individual exhibitors; its purpose is the promotion and stimulation of interest in, and demand for, the industry's products in general, and it is conducted in a manner reasonably calculated to achieve that purpose. The stimulation of demand for the industry's products in general is one of the purposes for which exemption is granted O. Consequently, the activities productive of O's gross income from the show—that is, the promotion, organization and conduct of the exhibition—contribute importantly to the achievement of an exempt purpose, and the income does not constitute gross income from unrelated trade or business. See also section 513(d) and regulations thereunder regarding sales activity.

* * * * *

Par. 5. The following new section is added immediately after § 1.513–2:

§ 1.513–3 Qualified convention and trade show activity.

(a) *Introduction*—(1) *In general.* Section 513(d) and § 1.513–3(b) provide that convention and trade show activities carried on by a qualifying organization in connection with a qualified convention or trade show will not be treated as unrelated trade or business. Consequently, income from qualified convention and trade show activities, derived by a qualifying organization that sponsors the qualified convention or trade show, will not be subject to the tax imposed by section 511. Section 1.513–3(c) defines qualifying organizations and qualified conventions or trade shows. Section 1.513–3(d) concerns the treatment of income derived from certain activities, including rental of exhibition space at a qualified convention or trade show where sales activity is permitted, and the treatment of supplier exhibits at qualified conventions and trade shows.

(2) *Effective date.* This section is effective for taxable years beginning after October 4, 1976.

(b) *Qualified activities not unrelated.* A convention or trade show activity, as defined in section 513(d)(3)(A) and § 1.513–3(c)(4), will not be considered unrelated trade or business if it is conducted by a qualifying organization described in section 513(d)(3)(C) and § 1.513–3(c)(1), in conjunction with a qualified convention or trade show, as defined in section 513(d)(3)(B) and § 1.513–3(c)(2), sponsored by the qualifying organization. Such an activity is a qualified convention or trade show activity. A convention or trade show activity which is conducted by an organization described in section 501(c)(5) or (6), but which otherwise is not so qualified under this section, will be considered unrelated trade or business.

(c) *Definitions*—(1) *Qualifying organization.* Under section 513(d)(3)(C), a qualifying organization is one which—

(i) Is described in either section 501(c)(5) or (6), and

(ii) Regularly conducts as one of its substantial exempt purposes a qualified convention or trade show.

(2) *Qualified convention or trade show.* For purposes of this section, the term "qualified convention or trade show" means a show that meets the following requirements:

(i) It is conducted by a qualifying organization described in section 513(d)(3)(C);

(ii) At least one purpose of the sponsoring organization in conducting the show is the education of its members, or the promotion and stimulation of interest in, and demand for, the products or services of the industry (or segment thereof) of the members of the qualifying organization; and

(iii) The show is designed to achieve that purpose through the character of a significant portion of the exhibits or the character of conferences and seminars held at a convention or meeting.

(3) *Show.* For purposes of this section, the term "show" includes an international, national, state, regional, or local convention, annual meeting or show.

(4) *Convention and trade show activity.* For purposes of this section, convention and trade show activity means any activity of a kind traditionally carried on at shows. It includes, but is not limited to—

(i) Activities designed to attract to the show members of the sponsoring organization, members of an industry in general, and members of the public, to view industry products or services and to stimulate interest in, and demand for such products or services;

(ii) Activities designed to educate persons in the industry about new products or services or about new rules and regulations affecting the industry; and

(iii) Incidental activities, such as furnishing refreshments, of a kind traditionally carried on at such shows.

(d) *Certain activities*—(1) *Rental of exhibition space.* The rental of display space to exhibitors (including exhibitors who are suppliers) at a qualified trade show or at a qualified convention and trade show will not be considered unrelated trade or business even though the exhibitors who rent the space are permitted to sell or solicit orders.

(2) *Suppliers defined.* For purposes of subparagraph (1), a supplier's exhibit is one in which the exhibitor displays goods or services that are supplied to, rather than by, the members of the qualifying organization in the conduct of such members' own trades or businesses.

(e) *Example.* The provisions of this section may be illustrated by the following examples:

Example 1. X, an organization described in section 501(c)(6), was formed to promote the construction industry. Its membership is made up of manufacturers of heavy construction machinery many of whom own, rent, or lease one or more digital computers produced by various computer manufacturers. X is a qualifying organization under section 513(d)(3)(C) that regularly holds an annual meeting. At this meeting a national industry sales campaign and methods of consumer financing for heavy construction machinery are discussed. In addition, new construction machinery developed for use in the industry is on

display with representatives of the various manufacturers present to promote their machinery. Both members and nonmembers attend this portion of the conference. In addition, manufacturers of computers are present to educate X's members. While this aspect of the conference is a supplier exhibit (as defined in paragraph (d) of this section), income earned from such activity by X will not constitute unrelated business taxable income to X because the activity is conducted as part of a qualified trade show described in § 1.513–3(c).

Example 2. Assume the same facts as in Example 1, but the only goods or services displayed are those of suppliers, the computer manufacturers. Selling and order taking are permitted. No member exhibits are maintained. Standing alone, this supplier exhibit (as defined in paragraph (d)(2) of this section) would constitute a supplier show and not a qualified convention or trade show. In this situation, however, the rental of exhibition space to suppliers is not unrelated trade or business. It is conducted by a qualifying organization in conjunction with a qualified convention or trade show. The show (the annual meeting) is a qualified convention or trade show because one of its purposes is the promotion and stimulation of interest in, and demand for, the products or services of the industry through the character of the annual meeting.

Example 3. Y is an organization described in section 501(c)(6). The organization conducts an annual show at which its members exhibit their products and services in order to promote public interest in the line of business. Potential customers are invited to the show, and sales and order taking are permitted. The organization secures the exhibition facility, undertakes the planning and direction of the show, and maintains exhibits designed to promote the line of business in general. The show is a qualified convention or trade show described in paragraph (c)(2) of this section. The provision of exhibition space to individual members is a qualified trade show activity, and is not unrelated trade or business.

Example 4. Z is an organization described in section 501(c)(6) that sponsors an annual show. As the sole activity at the show, suppliers to the members of Z exhibit their products and services for the purpose of stimulating the sale of their products. Selling and order taking are permitted. The show is a supplier show and does not meet the definition of a qualified convention show as it does not satisfy any of the three alternative bases for qualification. First, the show does not stimulate interest in the members' products through the character of product exhibits as the only products exhibited are those of suppliers rather than members. Second, the show does not stimulate interest in members' products through conferences or seminars as no such conferences are held at the show. Third, the show does not meet the definition of a qualified show on the basis of educational activities as the exhibition of suppliers' products is designed primarily to stimulate interest in, and sale of, suppliers' products. Thus, the organization's provision of exhibition space is not a qualified convention or trade show activity. Income derived from rentals of exhibition space to suppliers will be unrelated business taxable income under section 512.

Par. 6. Section 1.6072–2 is amended by revising paragraph (c) to read as follows:

§ 1.6072–2 Time for filing returns of corporations.

* * * * *

(c) *Exempt organizations.* For taxable years beginning after November 10, 1978, the income tax return required under section 6012 and § 1.6012–2(e) of an organization exempt from taxation under section 501(a) (other than an employee's trust under section 401(a)) shall be filed on or before the fifteenth day of the fifth month following the close of the organization's taxable year.

* * * * *

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68 Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: February 28, 1983.

John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 83–14289 Filed 5–26–83; 8:45 am]
BILLING CODE 4830–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

Sale and Disposal of Timber, Suspension and Debarment

AGENCY: Forest Service, USDA.

ACTION: Interim rule.

SUMMARY: This rule governs debarment and suspension of purchasers of National Forest System timber. This rule essentially adopts the revised policies and procedures of the Federal Procurement Regulations on debarment and suspension with necessary modifications to accommodate the Forest Service timber sale program. In addition, it provides for the compilation, maintenance, and distribution of a list of National Forest System timber purchasers suspended or debarred by the Forest Service. These policies and procedures are adopted in order to remain consistent with govenment-wide suspension and debarment policies and procedures. The intended effect is to ensure that Forest Service timber sale contracts are awarded to responsible purchasers.

EFFECTIVE DATE: May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Lloyd W. Olson, Timber Management Staff, Forest Service, U.S. Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, (202) 475–3758 or Rhea Daniels Moore, Attorney, Natural Resources Division, Office of General Counsel, U.S. Department of Agriculture, Room 2409 South Building, Washington, D.C. 20250, (202) 447–4801.

SUPPLEMENTARY INFORMATION:

Objective

This rulemaking action makes Forest Service timber sale contract suspension and debarment procedures consistent with the new government-wide policies and procedures applicable to procurement actions. Effective September 30, 1982, the policies and procedures of the Federal Procurement Regulations (41 CFR Subpart 1–1.6) were, after extensive debate and comment, revised by the General Services Administration to implement Office of Federal Procurement Policy Letter 82–1 and to make debarment of procurement contractors effective government-wide (FPR Temporary Regulation 65, 47 FR 43692, October 4, 1982). The Department of Agriculture, in turn, was required to implement the new government-wide debarment regulations on procurement contracts. On April 21, 1983, the Department of Agriculture regulations on debarment and suspension at 41 CFR Subpart 4–1.6 were revised to apply only to procurement transactions; they no longer include Forest Service timber sale contracts (48 FR 17079, April 21, 1983). Accordingly, this rule essentially adopts the policies and procedures of FPR Temporary Regulation 65 and consolidates, at 36 CFR 223.12, the codification of policies and procedures on suspension and debarment of National Forest System timber purchasers previously found at 36 CFR 223.9(c) and 41 CFR 4–1.6.

This rule delegates authority to the Deputy Chief, National Forest System (NFS), and the Associate Deputy Chief, Resource Divisions, National Forest System, to act as suspending and debarring officials for Forest Service timber sale contracts. The Deputy Chief, National Forest System, is also required to compile, maintain, and distribute a current list of suspended and debarred National Forest System timber purchasers.

Suspended and debarred National Forest System timber purchasers will no longer be included on the consolidated list of debarred, suspended and ineligible contractors maintained by the

General Services Administration concerning procurement actions. Examples of actions the Forest Service regards as so serious as to justify suspension or debarment are identical to those formerly codified at 36 CFR 223.9(c). This rule also continues the right to appeal a Debarring Official's decision to the Agriculture Board of Contract Appeals.

Public Comment

This rule relates to public contracts. In accordance with exceptions to rulemaking procedures in 5 U.S.C. 553 and Department of Agriculture policy (36 FR 13804; July 24, 1971), it is found and determined upon good cause that advance notice and request for comments are unnecessary, impracticable, and contrary to the public interest. It is determined that this interim rule is necessary to provide appropriate procedures for any suspension or debarment action deemed necessary to protect the public interest. Following publication of this interim rule, a proposed rule will be published in the **Federal Register** for public comment. Comments submitted will receive careful consideration in the promulgation of a final rule. In no event will this interim rule be in effect for more than one year from the date of its publication.

Regulatory Impact

This action has been reviewed pursuant to Executive Order 12291, and it has been determined that this regulation is not a major rule. This regulation will have little or no effect on the economy since it is procedural and is invoked only on a case-by-case basis when in the public interest and for the government's protection. For the same reasons, this regulation will not result in any major increase in costs to consumers, industry, or government agencies or have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete on the foreign market.

This action is not a rule as defined in Pub. L. 96-354, the Regulatory Flexibility Act, and thus it is exempt from the provisions of that Act. This rule does not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969.

Controlling Paperwork Burdens on the Public

Under this interim rule, individuals or firms who receive notice from the Forest Service of suspension or proposed debarment action may present facts and information pertaining to the basis of the action and/or to mitigation of any decision. The interim rule does not specify the nature or format of any information so provided to the Forest Service. Therefore, the rule does not impose an information collection requirement as that term is defined in Office of Management and Budget (OMB) regulations at 5 CFR 1320.7. Moreover, since 5 CFR 1320.3(c) exempts information collections involving administrative actions and investigations as well as the conduct of criminal proceedings or civil actions against specific individuals or entities by federal agencies, the rule in its entirety is exempt from OMB information collection clearance procedures.

List of Subjects in 36 CFR Part 223

Exports, Government contracts, National forests, Reporting and recordkeeping requirements, Timber.

PART 223—[AMENDED]

For the reasons set forth above, Part 223 of Chapter II, Title 36, Code of Federal Regulations is hereby revised as follows:

1. The authority citation for Part 223 reads as follows:

Authority: Sec. 14, Pub. L. 94-588, 90 Stat. 2958, 16 U.S.C. 472a, unless otherwise noted.

§ 223.9 [Amended]

2. The heading of § 223.9 is amended by removing "and debarment."

3. Section 223.9 is amended by removing paragraph (c).

4. A new § 223.12 is added to read as follows:

§ 223.12 Suspension and debarment.

(a) *Scope.* This section:

(1) Prescribes policies and procedures governing the debarment and suspension of purchasers of National Forest System timber for the causes stated in paragraphs (h) and (m) of this section.

(2) Provides for the listing of debarred and suspended purchasers; and

(3) Sets forth the treatment to be accorded to purchasers listed as debarred or suspended.

(b) *Policy.* (1) The Forest Service shall solicit bids and proposals only from, award contracts to, and approve or consent to subcontracts with, responsible business concerns and individuals. Debarment and suspension are discretionary actions which, taken in accordance with this section, are appropriate means to effectuate this policy.

(2) The serious nature of debarment and suspension requires that they be imposed only in the public interest, for the Government's protection and not for purposes of punishment. Debarment and suspension shall be imposed to protect the Government's interest, and only for the causes and in accordance with the procedures set forth in this section.

(c) *Definitions.* As used in this section,

(1) "Adequate evidence" means information sufficient to support the reasonable belief that a particular act or omission has occurred.

(2) "Affiliates." Business concerns or individuals are affiliates if, directly or indirectly, (i) either one controls or can control the other, or (ii) a third controls or can control both.

(3) "Conviction" means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or plea, and includes a conviction entered upon a plea of *nolo contendere.*

(4) "Debarment" means action taken by a debarring official under paragraphs (g) through (k) to exclude a purchaser from Government contracting and Government approved subcontracting for a reasonable, specified period; a purchaser so excluded is "debarred."

(5) "Debarring Official" is the Duputy Chief, National Forest System, or the Associate Deputy Chief, Resources Divisions, National Forest System.

(6) "Indictment" means indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given be the same effect as an indictment.

(7) "Legal proceedings" means any civil judicial proceeding to which a State or the Federal Government is a party or any criminal proceeding. The term also includes appeals from such proceedings.

(8) "Preponderance of the evidence" means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

(9) "Purchaser" means any individual or other legal entity that (i) submits bids or proposals for or is awarded, or reasonably may be expected to submit bids or proposals for or be awarded, a Government timber sale contract or (ii) conducts business with the Government as an agent or representative of another purchaser.

(10) "Suspending Official" is the Deputy Chief, National Forest System, or the Associate Deputy Chief, Resources Divisions, National Forest System.

(11) "Suspension" means action taken by a suspending official under

paragraphs (l) through (p) to disqualify a purchaser temporarily from purchasing National Forest System timber; a purchaser so disqualified is "suspended."

(d) *List of debarred and suspended purchasers.* (1) The Deputy Chief, National Forest System, shall compile and maintain a current list of National Forest System timber purchasers debarred or suspended. This list shall be distributed to all Regional Foresters and Forest Supervisors, the General Services Administration, the General Accounting Office, and other federal agencies requesting said list.

(2) The list of debarred or suspended purchasers shall contain the following information:

(i) The names and addresses of all debarred or suspended purchasers.

(ii) The cause for the action (see paragraphs (h) and (m)).

(iii) Any limitations to or deviations from the normal effect of debarment or suspension.

(iv) The effective date of the action and, in the case of debarments, the termination date.

(v) The name and telephone number of the point of contact in the Forest Service regarding the action.

(e) *Treatment to be accorded listed purchasers.* (1) Purchasers debarred or suspended in accordance with this section shall be excluded from receiving Forest Service timber sale contracts and the Forest Service shall not knowingly solicit offers from, award contracts to, renew or otherwise extend the duration of an existing timber sale contract with, or consent to subcontracts with these purchasers, unless the Chief of the Forest Service or authorized representative determines, in writing, that there is a compelling reason for such action.

(2) Notwithstanding the listing of a purchaser for the cause(s) set forth in this section, the Forest Service may continue contracts or subcontracts in existence at the time the purchaser was debarred or suspended, unless the Chief of the Forest Service or authorized representative determines that termination of the contract is in the Government's best interest. Decisions regarding the termination of contracts, if any, should be made only after review by Forest Service contracting and technical personnel and by legal counsel to assure the propriety of the proposed action.

(f) *Restrictions on subcontracting.* When a debarred or suspended purchaser is proposed as a subcontractor for any subcontract subject to Government consent, approval shall not be given unless the Chief of the Forest Service or authorized representative determines in writing that there is a compelling reason for such action.

(g) *Debarment.* (1) The debarring official may, in the public interest, debar a purchaser for any of the causes contained in paragraph (h), using the procedures in paragraph (i). The existence of a cause for debarment under paragraph (h), however, does not necessarily require that the purchaser be debarred; the seriousness of the purchaser's acts or omissions and any mitigating factors should be considered in making any debarment decision.

(2) Debarment of a purchaser constitutes debarment of all divisions or other organizational elements of the purchaser, unless the debarment decision is limited by its terms to specific divisions, organizational elements, or commodities. The debarring official may extend the debarment decision to include any affilitates of the contractor, if they are (i) specifically named and (ii) given written notice of the proposed debarment and an opportunity to respond (see paragraph (i)(3)).

(3) When no suspension is in effect under paragraphs (l) through (p) at the time debarment is proposed, no contracts shall be awarded to, and no subcontracts shall be consented to or approved for, the purchaser pending a debarment decision.

(h) *Causes for debarment.* The debarring official may debar a purchaser for any of the following causes:

(1) Conviction of or civil judgment for—

(i) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract, or subcontract;

(ii) Violation of Federal or State antitrust statutes relating to the submission of bids or proposals; or

(iii) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(iv) Commission of any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the present responsibility of a Government purchaser or subcontractor.

(2) Violation of the terms of a Government contract or subcontract so serious as to justify debarment, such as—

(i) Willful failure to perform in accordance with the terms of one or more contracts; or

(ii) A history of failure to perform, or of unsatisfactory performance of, one or more contracts.

(3) Any other cause of so serious or compelling a nature that it affects the present responsibility of a Government purchaser or subcontractor.

(4) Debarment for any of the above causes by another federal agency which sells timber.

(5) Among actions the Forest Service regards as so serious as to justify debarment are the willful violation or repeated failure to perform or satisfactorily perform timber sale contract provisions relating to the following:

(i) Fire suppression or prevention and the disposal of slash.

(ii) Protection of soil, water, and residual trees when such failure causes significant environmental or resource damage.

(iii) Removal of designated timber when such failure causes substantial product deterioration or conditions favorable to insect epidemics.

(iv) Restrictions on the exportation of timber included under the contract.

(v) Access by the Forest Service upon its request to purchaser's books and accounts; and

(vi) Restrictions on the disposal of timber on small business set-aside sales.

(i) *Procedures for debarment.*—(1) *Investigation and referral.* Whenever a Forest Supervisor becomes aware of possible irregularities or any information which may be sufficient cause for debarment under paragraph (h), the matter shall be immediately referred through the Regional Forester to the Forest Service Debarring Official. The referral shall be accompanied by a complete statement of the facts supported by appropriate exhibits along with a recommendation for action. Where the statement of facts indicates possible criminal offenses, the Debarring Official shall notify the Office of Inspector General, U.S.D.A.

(2) *Decisionmaking process.* (i) Purchaser (and any specifically named affiliates) shall be given an opportunity to submit, in person, in writing, or through a representative, information and arguments in opposition to proposed debarment.

(ii) In actions not based upon a conviction or judgment or on a debarment by another federal agency which sells timber, if it is found that the purchaser's submission in opposition raises a genuine dispute over facts material to the proposed debarment, fact-finding shall be conducted. The official conducting the fact-finding shall—

(A) Afford the purchaser an opportunity to appear with counsel, submit documentary evidence, present witnesses, and confront any person the Forest Service presents; and

(B) Ensure that a record of the fact-finding is transcribed and made available at cost to the purchaser upon request, unless the purchaser and the Forest Service, by mutual agreement, waive the requirement for a transcript.

(iii) A decision to debar by the Forest Service Debarring Official may be appealed within 30 days from receipt of the decision by the purchaser and any affiliates involved by mailing or otherwise furnishing a written notice to the U.S. Department of Agriculture Board of Contract Appeals, Washington, D.C. 20250. A copy of the appeal shall be furnished to the debarring official from whose decision the appeal is taken. Appeals shall be governed by the rules and procedures of the U.S. Department of Agriculture Board of Contract Appeals set forth in 7 CFR Part 24.

(3) *Notice of proposal to debar.* Debarments shall be initiated by informing purchasers and any specifically named affiliates by certified mail return receipt requested, as follows:

(i) A debarment is being considered.

(ii) The reasons for the proposed debarment in terms sufficient to put the purchaser on notice of the conduct or transaction(s) upon which it is based.

(iii) The cause(s) relied upon under paragraph (h) for the proposed debarment.

(iv) The purchaser, within 30 days after receipt of the notice, may submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment, including any additional specific information that raises a genuine dispute over the material facts.

(v) If purchaser requests a hearing before the debarring official pursuant to subparagraph (iv), the hearing will be held within 20 calendar days.

(vi) The potential effect of the proposed debarment (see paragraph (e)); and

(vii) Pending a final debarment decision if no suspension is in effect under paragraphs (l) through (p), no contracts will be awarded to, and no subcontracts will be consented to or approved for the purchaser.

(4) *Debarring official's decision.* (i) In actions based upon a conviction or civil judgment, or a debarment by another federal agency which sells timber, or in which there is no dispute over material facts, the debarring official shall make a decision on the basis of all the information in the administrative record, including any submission made by the purchaser. If no suspension is in effect under paragraphs (l) through (p), the decision shall be made within 30 working days after receipt of any information and argument submitted by the purchaser, unless the debarring official extends this period for good cause.

(ii) In actions in which fact-finding is necessary as to disputed material facts, written findings of fact shall be prepared. The debarring official shall base the decision on the facts as found, together with any information and argument submitted by the purchaser and any other information in the administrative record.

(A) The debarring official may refer matters involving disputed material facts to another official for findings of fact. The debarring official may reject any such findings, in whole or in part, only after specifically determining them to be arbitrary and capricious or clearly erroneous.

(B) The debarring official's decision shall be made after the conclusion of the proceedings with respect to disputed facts.

(iii) In any action in which the proposed debarment is not based upon a conviction, civil judgment or debarment by another federal agency which sells timber, the cause for debarment must be established by a preponderance of the evidence.

(5) *Notice of debarring official's decision.* (i) If the debarring official decides to impose debarment, the purchaser and any affiliates involved shall be given prompt notice by certified mail return receipt requested, as follows:

(A) The notice of proposed debarment shall be referenced;

(B) The reasons for debarment shall be specified; and

(C) The period of debarment including effective dates (see paragraph (j)) shall be stated.

(ii) If a debarment is not imposed, the debarring official shall promptly notify the purchaser and any affiliates involved of the decision by certified mail return receipt requested.

(j) *Period of debarment.* (1) Debarments shall be for a period commensurate with the seriousness of the cause(s). Generally, a debarment should not exceed 3 years. If suspension precedes a debarment, the suspension period shall be considered in determining the debarment period. The debarring official's decision to debar becomes final and effective 30 days after receipt of the notice under paragraph (i) (5), unless the purchaser files a notice of appeal with the Agriculture Board of Contract Appeals pursuant to paragraph (i)(2)(iii).

(2) The debarring official may extend the debarment for an additional period if that official determines that an extension is necessary to protect the government's interest. However, a debarment may not be extended solely on the basis of the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined necessary, the procedures in paragraph (i) shall be followed to extend the debarment.

(3) The debarring official may consider terminating the debarment or reducing the period or extent of debarment, upon the purchaser's application, supported by documentation, for reasons deemed appropriate by the debarring official, such as:

(i) Newly discovered material evidence.

(ii) Reversal of the conviction or judgment upon which the debarment was based.

(iii) Bona fide change in ownership or management.

(iv) Elimination of other causes for which the debarment was imposed.

(k) *Imputed conduct for debarment.* (1) The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with a purchaser may be imputed to the purchaser when the conduct occurred in connection with the individual's performance of duties for or on behalf of the purchaser, or with the purchaser's knowledge, approval, or acquiescence. The purchaser's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

(2) The fraudulent, criminal, or other seriously improper conduct of a purchaser may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the purchaser who participated in, knew of, or had reason to know of the purchaser's conduct.

(3) The fradulent, criminal, or other seriously improper conduct of one purchaser participating in a joint venture or similar arrangement may be imputed to other participating purchasers if the conduct occurred for, or on behalf of, the joint venture or similar arrangement or with the knowledge, approval, or acquiescence of those purchasers. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

(l) *Suspension.* (1) The suspending official may, in the public interest,

suspend a purchaser for any of the causes in paragraph (m), using the procedures in paragraph (n).

(2) Suspension is a serious action to be imposed on the basis of adequate evidence of one or more of the causes set out in paragraph (m), pending the completion of investigation or legal proceedings, when it has been determined that immediate action is necessary to protect the Government's interest. In assessing the adequacy of the evidence, consideration should be given to how much information is available, how credible it is given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result. This assessment should include an examination of basic documents such as contracts, inspection reports, and correspondence, as appropriate.

(3) Suspension constitutes suspension of all divisions or other organizational elements of the purchaser, unless the suspension decision is limited by its terms to specific divisions, organizational elements, or commodities. The suspending official may extend the suspension decision to include any affiliates of the purchaser if they are (i) specifically named and (ii) given written notice of the suspension and an opportunity to respond (see paragraph (n)(3)).

(m) *Causes for suspension.* (1) The suspending official may, upon adequate evidence, suspend a purchaser suspected of the following:

(i) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract;

(ii) Violation of Federal or State antitrust statutes relating to the submission of bids or proposals;

(iii) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(iv) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a Government purchaser or subcontractor.

(2) Indictment for any of the causes in paragraph (1) above constitutes adequate evidence for suspension.

(3) The suspending official may upon adequate evidence also suspend a purchaser for any other cause of so serious or compelling a nature that it affects the present responsibility of a Government purchaser or subcontractor.

(4) A purchaser may be suspended for any of the above causes based on a suspension by another federal agency which sells timber.

(5) Among actions the Forest Service regards as so serious as to justify suspension are the willful violation or repeated failure to perform or satisfactorily perform timber sale contract provisions relating to the following:

(i) Fire suppression or prevention and the disposal of slash.

(ii) Protection of soil, water, and residual trees when such failure causes significant environmental or resource damage.

(iii) Removal of designated timber when such failure causes substantial product deterioration or conditions favorable to insect epidemics.

(iv) Restrictions on the exportation of timber included under the contract.

(v) Access by the Forest Service upon its request to purchaser's books and accounts; and

(vi) Restrictions on the disposal of timber on small business set-aside sales.

(n) *Procedures for suspension.*—(1) *Investigation and referral.* Whenever a Forest Supervisor becomes aware of possible irregularities or any information which may be sufficient cause for suspension under paragraph (m), the matter shall be immediately referred through the Regional Forester to the Forest Service Suspending Official. The referral shall be accompanied by a complete statement of the facts supported by appropriate exhibits along with a recommendation for action. Where the statement of facts indicates possible criminal offenses, the Suspending Official shall notify the Office of Inspector General, U.S.D.A.

(2) *Decision-making process.* (i) Purchaser (and any specifically named affiliates) shall be given an opportunity, following the imposition of suspension, to submit, in person, in writing, or through a representative, information and arguments in opposition to the suspension.

(ii) In actions not based on an indictment or a suspension by another federal agency which sells timber, if it is found that the purchaser's submission in opposition raises a dispute over facts material to the suspension and if no determination has been made, on the basis of advice received from the Department of Justice or a state prosecuting official, that substantial interests of the Government in pending or contemplated legal proceeding based on the same facts as the suspension would be prejudiced, fact-finding shall be conducted. The official conducting fact-finding shall:

(A) Afford the purchaser an opportunity to appear with counsel, submit documentary evidence, present witnesses and confront any person the agency presents; and

(B) Ensure that a record of the fact-finding is transcribed and made available at cost to the purchaser upon request, unless the purchaser and the agency, by mutual agreement, waive the requirement for a transcript.

(3) *Notice of suspension.* When purchasers and any specifically named affiliates are suspended, they shall be informed immediately by certified mail return receipt requested, as follows:

(i) A decision to suspend has been made and that the suspension is based on an indictment or other adequate evidence that the purchaser has committed irregularities (A) of a serious nature in business dealings with the Government, or (B) seriously reflecting on the propriety of further Government dealings with the purchaser; any such irregularities shall be described in terms sufficient to place the purchaser on notice without disclosing Government evidence.

(ii) The suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue.

(iii) The cause(s) relied upon under paragraph (m) for imposing suspension.

(iv) The effect of the suspension (see paragraph (e)),

(v) The purchaser, within 30 days after receipt of the notice, may submit, in person, in writing, or through a representative, information and argument in opposition to the suspension, including any additional specific information that raises a genuine dispute over material facts.

(vi) Fact-finding to determine disputed material facts will be conducted unless (A) the action is based on an indictment or another federal timber selling agency's suspension or (B) a determination is made, on the basis of the advice of a Department of Justice or a state prosecuting official, that the substantial interests of the Government or the state in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced.

(4) *Suspending official's decision.* (i) In actions (A) based on an indictment or a suspension by another federal agency which sells timber, (B) in which the purchaser's submission does not raise a dispute over material facts; or (C) in which fact-finding to determine disputed material facts has been denied on the basis of the advice of the Department of Justice or a state prosecuting official, the suspending official's decision shall be based on all the information in the

administrative record, including any submission made by the purchaser.

(ii) In actions in which fact-finding is necessary as to disputed material facts, written findings of fact shall be prepared. The suspending official shall base the decision on the facts as found, together with any information and argument submitted by the purchaser and any other information in the administrative record.

(A) The suspending official may refer matters involving disputed material facts to another official for findings of fact. The suspending official may reject any such findings, in whole or in part, only after specifically determining them to be arbitrary and capricious or clearly erroneous.

(B) The suspending official's decision shall be made after the conclusion of the proceedings with respect to disputed facts.

(iii) The suspending official may modify or terminate the suspension or leave it in force (see paragraph (j)(3)) for the reasons for terminating or reducing the period or extent of debarment.

(iv) A prompt written notice of the suspending official's decision shall be sent to the contractor by certified mail return receipt requested.

(o) *Period of suspension.* (1) Suspension shall be for a temporary period pending the completion of investigation and any ensuing legal proceedings unless sooner terminated by the suspending official or as provided in this paragraph (o).

(2) If legal proceedings are not initiated within 12 months after the date of the suspension notice, the suspension shall be terminated unless an Assistant Attorney General or a state prosecuting official requests its extension, in which case it may be extended for an additional 6 months. In no event may a suspension extend beyond 18 months, unless legal proceedings have been initiated within that period.

(3) The suspending official shall notify the Department of Justice or the state prosecuting official of the proposed termination of the suspension, at least 30 days before the 12-month period expires to give that agency an opportunity to request an extension.

(p) *Scope of suspension.* The scope of suspension shall be the same as that for debarment (see paragraph (k)), except that the procedures in paragraph (n) shall be used in imposing the suspension.

Dated: May 13, 1983.

Douglas W. MacCleery,

Deputy Assistant Secretary for Natural Resources and Environment.

[FR Doc. 83-14354 Filed 5-26-83; 8:45 am]

BILLING CODE 3410-11-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6401]

National Flood Insurance Program; Final Flood Elevation Determination; Virginia

AGENCY: Federal Emergency Management Agency.

ACTION: Deletion of final rule.

SUMMARY: The Federal Emergency Management Agency has erroneously published the final flood elevation determination for Accomack County, Virginia. This notice will serve to delete that publication. Following an engineering analysis and review, a revised notice of proposed flood elevation determination will be issued.

EFFECTIVE DATE: May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: As a result of a recent engineering anaylsis, the Federal Emergency Management Agency has determined that the notice of final flood elevation determination for Accomack County, Virginia, published at 47 FR 57941, on December 29, 1982, should be deleted. After a technical evaluation, a revised notice of proposed flood elevations will be issued, with a ninety-day period specified for comments and appeals.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Develpment Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 16, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-14283 Filed 5-26-83; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003 and 1043

[Ex Parte No. MC-5 (Sub-No. 1)]

Motor Carriers of Property Minimum Amounts of Bodily Injury and Property Damage Liability Insurance

AGENCY: Interstate Commerce Commission.

ACTION: Stay of effective date of final rules.

SUMMARY: On January 26, 1983, by decision, served January 28, 1983, and published at 48 FR 5269 (February 4, 1983) the Commission stayed the effective date of Final Rules, which were to be effective on February 14, 1983, until June 3, 1983. The rules were adopted by the Commission in a decision served December 13, 1982, and published at 47 FR 55939 (December 14, 1982), to modify its insurance regulations pursuant to the requirements of 49 U.S.C. 10927. The effective date of the Commission's decision and final rules is further postponed.

DATE: The effective date of the final rules is postponed until October 3, 1983.

FOR FURTHER INFORMATION CONTACT: Alice K. Ramsay, (202) 275-0854, or Delores Patterson, (202) 275-0898.

SUPPLEMENTARY INFORMATION:

Background

Subsequent to the Commission's decision in the subject proceeding which adopted final rules which would have brought the Commisson's financial responsibility regulations into conformity with those of the Federal Highway Administration of D.O.T., the Surface Transportation Assistance Act of 1982 (STAA of 1982, Pub. L. 97-424, 96 Stat. 2097) became law, modifying the minimum levels of financial responsibility required for some of the affected motor carriers of property. The Commission, as a consequence, postponed the effective date of its decision and Final Rules due to the critical importance of insurance filings, the need for both the carriers and insurers to know with certainty the meaning of required filings and the desirability of avoiding repetitive filings.

During the intervening period the Commission has been examining the need for clarification or correction of some of the final rules and the problems

brought to its attention regarding the use of the forms adopted with the view to modifying them and/or providing alternative forms where possible.

The Federal Highway Administration, during the same period, has published a series of changes in its current rules to implement the provisions of STAA of 1982. The most recent of these is in *BMCS Docket No. MC–94–2 Minimum Levels of Financial Reponsibility for Motor Carriers of Property—Extension of Reduced Levels.* Published at 48 FR 15499 (April 11, 1983), the Notice of Proposed Rulemaking in that proceeding calls for comments on May 26, 1983. The proposed change would extend the effective date for reduced liability from July 1, 1983, to January 1, 1985, and a final rule is expected to be published by the Federal Highway Administration before July 1, 1983.

While the subject proceeding has been pending, motor carriers of property have been required to meet the financial responsibility requirements set forth in temporary rules at 49 CFR 1043.2(c) (46 FR 38486, July 27, 1981). These temporary rules will continue to be controlling until final rules become effective.

The Stay of the Effective Date

As soon as possible after the Federal Highway Administration publishes final rules in *BMCS Docket No. MC–94–2,* this Commission will publish modifications of its final rules to be effective October 3, 1983. An implementation period of 90 days before that date is contemplated to allow the carriers and insurers sufficient time for printing new forms, distributing them, negotiating necessary contracts, and making required filings.

This decision will not affect the quality of the human environment or the conservation of energy resources, nor will it have an adverse affect on small business.

Decided: May 23, 1983.

By the Commission: Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–14302 Filed 5–26–83; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1039

[Ex Parte No. 387 (Sub-No. 200)]

Railroads and Shippers; Contract Implementation Date

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting final rules (pursuant to 48 FR 2399, January 19, 1983) permitting rail contracts between railroads and shippers under 49 U.S.C. 10713 to be implemented prior to Commission approval pursuant to Section 10713(e). Because Section 10713(e) provides 30 days' public notice prior to Commission approval or rejection of a rail contract, these contracts will remain subject to Commission jurisdiction during the 30-day period. Parties using express mail or express service, as defined at 49 CFR 1104.6, may use the date following the postmark date of a mailed contract as the date of filing. Both shippers and railroads will benefit if contracts may become effective on the date of their filing and that the rights of interested third parties will be fully protected.

EFFECTIVE DATE: These rules will be effective on June 27, 1983.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278, or Gerald E. Proger, (202) 275–7957.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (D.C. Metropolitan Area) or toll free (800) 424–5403.

Environmental and Energy Considerations

We adopt our preliminary finding that the rules will not have a significant impact on the quality of the human environment or the conservation of energy resources. No parties submitted comments to the contrary. The rules here merely implement the statutory contract provisions.

This action is taken under the authority of 49 U.S.C. 10321 and 10713(e) and 5 U.S.C. 553.

List of Subjects in 49 CFR Part 1039

Administrative practice and procedure, Agricultural commodities, Intermodal transportation, Railroads.

Decided: May 17, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1039—[AMENDED]

Title 49 of the Code of Federal Regulations is amended by adding § 1039.2 to read as follows:

§ 1039.2 Contract implementation date.

Transportation or service performed under a contract or amendment may begin, without specific Commission authorization, on or after the date the contract and contract summary or contract amendment and supplement are filed and before Commission approval as defined at 49 CFR 1039.3(f), subject to the following conditions:

(a) The contract or contract amendment shall specifically state that the transportation or service may begin on the date of filing and that performance is subject to the conditions of 49 CFR 1039.2. The contract summary or supplement shall separately reflect the date of commencement of service under this provision under "duration of the contract," 49 CFR 1300.313(a)(4).

(b) If the rail equipment standards of 49 U.S.C. 10713(k) are exceeded, prior relief shall be obtained from the Commission and shall be specifically identified in the contract summary.

(c) If the Commission disapproves or rejects the contract or amendment, the appropriate non-contract tariffs or the contract provisions otherwise in effect under previously approved contracts and amendments will be applicable.

(d) Before Commission approval, the contract or amendment and transportation are subject to Commission jurisdiction, 49 U.S.C. 10713, and applicable regulations.

(e) Transportation or service may not begin under a contract or an amendment to a contract before the filing date of either the contract or the amendment, respectively.

[FR Doc. 83–14306 Filed 5–26–83; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 48, No. 104
Friday, May 27, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 274

[Amdt. No. 253]

Food Stamp Program; Amendments to Requirements for State Agency Reporting

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rulemaking would amend the requirements for State agency reporting as issued in the Federal Register of January 9, 1981, at 46 FR 2332. The proposed changes would reduce the frequency of State agency reports on the form FNS–256, and revise the information requirements for the form FNS–388. These changes are intended to improve the utility of the information submitted on the reports. The changes are needed in order to allow more accurate reporting of program expenditures to Congress and to provide a better basis for assessing the need for benefit reductions in the event that expenditures would otherwise exceed appropriations.

DATE: Comments must be received by July 26, 1983 in order to be considered in final rulemaking.

ADDRESS: Comments should be addressed to: Thomas O'Connor, Chief, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. Written comments will be available for public inspection during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at this address, room 706.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor at the above address or by telephone at (703) 756–3425.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB). They will not be effective until OMB approval has been obtained.

Classification

This proposed rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been classified "not major." The proposed rule will not have an annual effect on the economy of $100 million or more, nor is it likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. Because this proposed rule would not affect the business community, it would not result in significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This proposed rule also has been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Robert E. Leard, Administrator of the Food and Nutrition Service has certified that this action would not have a significant economic impact on a substantial number of small entities.

Background

Section 1 of Pub. L. 96–58 requires the Secretary to report to Congress each month regarding Program expenditure levels. In these reports, the Secretary is required to indicate whether there is reason to believe that a reduction in benefits will be necessary in order to avoid obligating more funds than have been appropriated. In addition, Pub. L. 96–58 establishes a timeframe for implementing any necessary benefit reduction.

To secure the data needed to fulfill these statutory requirements, the Department published a final rule (on January 9, 1981, 46 FR 2332) establishing the current reporting requirements for State agencies. Two of the reports required by the regulations are the FNS–388 and the FNS–256.

The FNS–388 is submitted by the 19th of each month and contains estimates of the dollar value of coupons issued and of the number of households and persons participating Statewide during the current and the preceding months. The figures reported for the preceding month normally are updates of the estimates provided in the previous report, although State agencies which have actual figures available for the preceding month may report them instead of estimates.

On the FNS–256 for each month, State agencies report the dollar value of coupons actually issued and the number of households and persons who actually participated in each project area. The basic rule requires that each month FNS–256 be submitted by the 45th day following the report month. However, any State agency which achieves and sustains a high degree of accuracy in its estimates on the FNS–388 is allowed to submit the FNS–256 for just the first month of each quarter of the fiscal year, rather than for all months. The standards for accuracy, which must be met for three consecutive months, are that all of the current month's estimates must be within + or −4 percent, and all of the revised estimates must be within + or −2 percent, of actual levels.

The Department intended that the FNS–388 and FNS–256 reporting requirements work together to secure accurate monthly figures (estimates) for Statewide issuance and participation levels, and at the same time offer a reduction in reporting burden regarding project area information. Since the implementation of the current reporting requirements, 29 out of 54 State agencies have been able to meet the standards and are required to submit project level FNS–256 reports once a quarter rather than on a monthly basis. The Department will continue to encourage State agencies to improve the accuracy of their monthly estimates on the FNS–388 reports. In addition, the Department is proposing modifications of the reporting procedures to further reduce the large number of project level reports now submitted to FNS and to improve the reporting of actual participation by the State agencies. The Department's proposal, described below, is one way to accomplish this objective.

Proposed Changes

FNS–388. The proposed rule would require that the FNS–388 also include the State agencies' actual participation figures for the second preceding month, in addition to the estimates of issuance and participation for the current and the preceding month. The proposal would require, for example, that the FNS–388 due to be mailed to the FNS Regional Office by July 19th include estimated figures of issuance and participation for July, revised estimates of issuance and participation (or actual figures if available) for June, and actual participation figures for May. The information required for the current and preceding month would continue to be the dollar value of coupons authorized to be issued and the number of households and persons who participated Statewide. The revised FNS–388 would not require State agencies to report issuance figures (as opposed to participation figures) for the second preceding month since these figures can be obtained from the FNS–250 reports.

The Department is concerned that the changes in the FNS–388 requirements not be the cause of nor the justification for failure to submit timely reports. Under current requirements, actual issuance and participation figures for each project area (on the FNS–256) are due to be mailed to FNS within 45 days of the end of the report month. The proposed rule would require actual *Statewide* participation figures for the second preceding month on the FNS–388. The timeframe for mailing the FNS–388 is somewhat more generous than that for the FNS–256, allowing between 47 and 50 days following the end of the actual report month. Therefore, the proposed reporting requirements should not be more difficult to fulfill than the current requirements.

The proposed requirement for the FNS–388 would provide a continuous train of updated information. This flow of information should allow the Department to make accurate projections of Program expenditures and, therefore, to determine supplemental funding needed or to tailor any necessary reductions in benefits as closely as possible to the amount of funds available. Monthly Statewide issuance and participation data are needed because of the required monthly report to Congress and the necessity of evaluating the need for benefit reductions on a reguar basis.

FNS–256. Under current regulations, less than half of all State agencies submit their FNS–256 reports on amonthly basis, and the other State agencies submit theirs on a quarterly basis, for the months of October, January, April, and July. As described above, those State agencies which submit the FNS–256 on a quarterly basis are allowed to do so because they have met high standards for accuracy of estimates on their FNS–388 reports. The proposed rule would change the schedule for submission of the FNS–256 by requiring that each State agency submit the report just twice each year, for the months of January and July. The proposed reduction in the frequency of submission of the FNS–256 is made feasible by the inclusion of actual Statewide participation data on the monthly FNS–388. The FNS–256 continues to be necessary, even if only for two months out of 12, because it is provided by project area, while the FNS–388 contains only Statewide information.

As part of the Department's effort to streamline the current reporting requirements where possible and to ensure that all information needed to administer this Program is collected, three content changes are being proposed for the FNS–256. First, information now reported on the FNS–366B regarding the number of applications received categorized by type of household, i.e., public assistance (PA) and non-public assistance (NPA), and action taken, i.e., approved or denied, would be reported on a revised FNS–256 rather than on the FNS–366B. In this way information about participation and case activity will be consistent.

A second change would require that State agencies report case activity pertaining to expedited service. The FNS–256 would require that the number of applications received and processed under the expedited service rules be reported. The collection of this information will give the Department, for the first time, an indication of the volume of cases being processed under expedited service procedures. This in turn will enable the Department to judge whether further changes in expedited service procedures may be warranted.

The final change in the FNS–256 report would require that the certification and participation data on the report be categorized as PA and NPA households. This information will help the Department to understand the types of households applying and participating in the Program. Such information is of particular value in projecting caseload during times such as recent months when increasing numbers of applicants and participants are thought to be non-public assistance households that become eligible due to loss of employment.

Standards for Accuracy. As described above, current regulations establish tolerance levels for the accuracy of estimates submitted on the FNS–388. State agencies which meet and sustain the established levels of accuracy have been allowed to reduce the frequency of submission of the FNS–256 from a monthly to a quarterly basis.

Under the proposed rule, meeting the tolerance levels would no longer affect the frequency of submission of the FNS–256. The proposed rule would require simply that all State agencies submit the FNS–256 twice each year. While the tolerance levels would not be used as they are under current regulations, they would continue to be used as standards for accuracy of estimates which State agencies must seek to achieve. The Department would continue to monitor FNS–388 estimates for accuracy against information available on the FNS–250 and FNS–256 reports, as well as the actual data that would be reported on the FNS–388.

Implementation

The proposed rule would require State agencies to implement the new requirements for FNS–388 and FNS–256 reports simultaneously. When State agencies begin to include actual data for the second preceding month on the FNS–388, they would cease submission of the monthly or quarterly (as the case may be) FNS–256. All State agencies would be required to submit the next semiannual FNS–256 in accordance with the proposed rule, regardless of the date on which they stop submitting a monthly or quarterly FNS–256. The proposed rule would require simultaneous implementation to occur no later than the first day of the first month which begins 120 days after publication of the final rule. When State agencies begin submitting the revised FNS–256, they will no longer be required to submit case activity data on the FNS–366 B.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 274

Administrative practice and procedure, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

Accordingly, it is proposed that 7 CFR Part 272 and 7 CFR Part 274 be amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, a new paragraph (g)(65) is added to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) * * *

(65) Amendment 253. The provisions of § 274.8(a)(6) (i), (ii), and (iii) shall be implemented simultaneously, but no later than (the first day of the month following the 120th day after publication of the final rule).

* * * * *

PART 274—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 274.8:

A. The third sentence of paragraph (a)(6)(i) is amended;

B. Paragraph (a)(6)(ii) is amended by removing all that follows the third sentence (which ends with the words "on the FNS–250 for the corresponding month") and adding four sentences in lieu thereof; and

C. Paragraph (a)(6)(iii) is revised.

The amendments and revisions read as follows:

§ 274.8 State agency reporting and destruction of unusable coupons.

(a) * * *

(6) * * *

(i) * * * The FNS–388 shall contain estimates of issuance and participation for the current month, revised estimates or actual numbers for issuance and participation for the preceding month, and actual issuance numbers for the second preceding month. * * *

(ii) * * * FNS shall monitor periodically the accuracy of the estimated number of households and persons participating as reported on the FNS–388 against the actual total participation for the State as reported on succeeding FNS–388 reports and as reported on the FNS–256 for the combination of all project areas. FNS standards for accuracy are that estimates for the current month be within + or −4 percent of the actual levels and revised estimates for the preceding month be within + or −2 percent of the actual levels. If the degree of accuracy falls outside of these tolerances, FNS shall notify the State agency and assist the State agency in revising its estimating procedures to improve the degree of accuracy. In no event shall the failure to meet these tolerances result in an administrative sanction against the State agency.

(iii) The State agency shall mail to the appropriate FNS Regional Office the Project Area Participation and Coupon Issuance Form, FNS–256, for each project area in the State, for the months of January and July. The State agency shall submit these FNS–256 reports along with the FNS–388 reports containing actual Statewide figures for January and July. With prior FNS approval, the State agency may substitute its own form or other reporting document provided that the alternative reporting format contains all the information required in the FNS–256.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2029), and Sec. 1, Pub. L. 96–58, 93 Stat. 389 (7 U.S.C. 2027))

(Catalog of Federal Domestic Assistance Program No. 10.551, Food Stamps)

Dated: May 23, 1983.

Robert E. Leard,

Administrator.

[FR Doc. 83–14318 Filed 5–26–83; 8:45 am]

BILLING CODE 3410–30–M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins; REA Specification for Terminating (TIP) Cable, PE–87

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to amend Appendix A—REA Bulletins by issuing a new REA Bulletin 345–87, REA Specification for Terminating (TIP) Cable, PE–87. There presently exists no formal REA specification for TIP cables. As a result, REA borrowers may inadvertently purchase inferior products which could cause serious service effecting problems. By establishing minimum acceptable levels of performance for the product REA seeks to assure that cost-effective service will be provided.

DATE: Public comments must be received by REA no later than July 26, 1983.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 2835, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 2840, South Building U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–8667. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A—REA Bulletins by issuing a new Bulletin 345–87, REA specification for Terminating (TIP) Cable, PE–87. This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. The action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act and is not subject to OMB Circular A–95 review. This program is listed in the Catalog of Federal Domestic Assistance as 10.851, Rural Telephone Loans and Loan Guarantees.

A copy of the proposed new specification is available upon request from the address indicated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

Background

Presently terminating cables used on REA borrower telephone systems are not covered by an REA specification. Without a specification, REA borrowers could purchase terminating cables of low quality without their knowledge. These cables could produce numerous service problems which could lead to increased maintenance costs and also jeopardize government loan security. We are, therefore, proposing to issue an REA specification to establish minimum requirements for terminating cables, thus assuring the quality of the product and improving government loan security. This new specification would set minimum standards to insure mechanical integrity of the insulating material through such tests as tensile strength, ultimate elongation and others. It would also set specifications for electrical parameters which are important for satisfactory operation.

This proposed action establish minimum REA requirements for terminating cables without affecting the

current designs or manufacturing techniques of cable manufacturers. This action will also affect REA borrowers in that they will be able to identify and install good quality terminating cable without an increase in cable cost. These cables will provide better service performance which should result in reduced maintenance cost for our borrowers.

In view of the above, the Administrator is proposing to issue REA Bulletin 345–87, REA Specification for Terminating (TIP) Cable, PE–87.

Indexing Terms

As required by 1 CFR 18.20, the following are the indexed terms and list of subjects:

List of Subjects in 7 CFR Part 1701

Loan programs—communications, Telecommunications, Telephone.

Dated: May 19, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-14278 Filed 5-26-83; 8:45 am]

BILLING CODE 3410-15-M

Animal and Plant Health Inspection Service

9 CFR Parts 145 and 147

[Docket No. 83-004]

National Poultry Improvement Plan and Auxiliary Provisions on National Poultry Improvement Plan

AGENCY: Animal and Plant Healthe Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend portions of the provisions governing the National Poultry Improvement Plan and Auxiliary Provisions to incorporate changes pertaining to the control of certain poultry diseases.

Changes are being proposed in an effort to reduce the cost of certain blood testing programs, to provide for effective sanitizing procedures for hatching eggs and hatchery equipment, and to use more standardized laboratory techniques in screening infected or suspicious specimens. New programs are being proposed to provide qualified started poultry with certain Mycoplasma classifications. Additionally, poultry exhibited in U.S. Pullorum-Typhoid Clean States would be required to be banded. The intended effect of these proposals is to continue providing valid tests for the different diseases at lower cost to the owner, to provide more definitive techniques, and to offer new testing and classification programs which permit prospective buyers to know the health status of products before making a purchase.

DATE: Comments should be received on or before July 26, 1983.

ADDRESS: Written comments should be submitted to T. O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m. Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Raymond D. Schar, USDA, APHIS-VS, Room 828, Federal Building, Hyattsville, MD 20782. (301) 436–5140.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed action has been reviewed in conformance with Executive Order 12291, and has been classified as not a "major rule." The Department has determined that this action would have an annual effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility

Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action would not have a significant economic impact on a substantial number of small entities because the proposed amendments would only affect owners of hatcheries who are voluntarily participating in the National Poultry Improvement Plan (NPIP) programs. Presently there is a total of 1053 hatcheries in the NPIP, of which 42 commercial egg- and meat-type chicken hatcheries and 8 turkey hatcheries are considered to be small entities which could be affected. However, only seven of these small entities have ever blood tested for the particular diseases with which these proposed amendments are concerned. Furthermore, it is considered unlikely that the balance of these small entities which participate in the NPIP will blood test for *Mycoplasma gallisepticum* (MG) or *Mycoplasma synoviae* (MS) in the forseeable future. Additonally, it is not anticipated that this action would have a significant economic impact on small organizations or small governmental jurisdictions.

Background

The NPIP is a cooperative State-Federal program through which new technology can be effectively applied to the improvement of poultry breeding stock and hatchery products through the control of certain hatchery-disseminated diseases. The provisions of this voluntary program are changed from time to time to conform with the development of the industry and to utilize new information as it becomes available. These changes are based on recommendations initiated at the biennial National Plan Conference. On July 16, 1982, there was published in the **Federal Register** (47 FR 31028) a notice of the August 2–5, 1982, meeting of the General Conference Committee and the biennial National Plan Conference. The recommended amendments contained in this proposed rule were made by the delegates to that conference, while representing participating flockowners, breeders, and hatcherymen from all cooperating States. Since this is a voluntary program, these provisions apply only to those who wish to participate in the program.

One proposed amendment would reduce the size of the sample of breeding turkeys officially tested for MG if the flock is located in a State which has been classified as an "U.S. M. Gallisepticum Clean State, Turkeys" for two or more years. New provisions are proposed which would require turkey breeding flocks which are molted (or recycled) to be retested in order to retain their MG classification. In order to properly identify poultry which are shown at public exhibitions in U.S. Pullorum Typhoid Clean States, a proposal is being made which would require all exhibited birds to be individually identified with a band when they are blood tested. Amendments are being proposed which would provide for effective sanitizing procedures for hatching eggs and hatchery equipment and which would lessen the chance of spread of a mycoplasmal disease from a poultry house from which infected breeding poultry had been removed. Since the nature of the breeding and hatching industry involves the exchange of hatching eggs and baby poultry between establishments located in different States, but owned or managed by the same company, a proposal is made which would require all such flocks or hatcheries to participate in the program

if any are to participate. In addition, new programs are being proposed to blood test and classify flocks of started poultry which are found to be negative for MG and MS. Also, an extensive testing protocol would be provided to serve as a standardized guide for all laboratories to follow in using the various options for testing for any of the *Mycoplasma* organisms.

Affecting the Mycoplasma Provisions

Sections 145.23 and 145.33 are proposed to be amended by adding new paragraphs (g) to provide for the testing and subsequent classification of qualified egg- and meat-type flocks of started poultry as U.S. M. Synoviae Clean. Also, § 145.33 would be amended by adding a new paragraph (f) to provide for the testing and classification of qualified meat-type flocks of started poultry as U.S. M. Gallisepticum Clean. In order to qualify for these two classifications, a sample of the birds in each flock would be required to have a negative blood test for the disease indicated by the classification. The size of the sample would be 75 birds, if all of the birds in the flock are housed in one building or a minimum of 50 birds per building if the birds in the flock are housed in more than one building. These proposed sample sizes would give a 95 percent probability of finding reactors in a flock in which the rate of infection is at least two percent. According to information presented at the 1978 National Plan Conference by representatives of four State diagnostic laboratories, this rate of infection is the minimum normally found in flocks infected with either MG or MS. Those reports are included in the proceedings of that conference.[1] Tables to determine the sample size at the 95 percent probability level are found in Regulatory Statistics, 5th Edition, June 1975, published by Veterinary Services, APHIS, U.S. Department of Agriculture, hereinafter referred to as "Regulatory Statistics".[2]

Millions of laying hens originate as started poultry provided by other companies or by other divisions within an egg producing company. These testing and classification programs would provide a reliable indication of the *Mycoplasma* status of the flock prior to it being moved to laying quarters. Since flocks negative to these two diseases will produce from 8 to 10 more eggs per year per hen than infected flocks, the goal of the industry is to eventually rid all poultry of the MG and MS organisms.

Section 145.43, paragraph (c)(2) is proposed to be amended by requiring turkey breeding flocks which have been blood tested and classified as U.S. M. Gallisepticum Clean to be retested for MG if they are to retain this classification beyond their first normal egg-laying period. This retest procedure would be the same as for the original test, namely a random sample of at least 10 percent of the birds in the flock, or a minimum of 300 birds tested in flocks of more than 300 birds and each bird in flocks of 300 or less. The usual routine followed for turkey breeding flocks is to keep them in production as long as they are profitably producing hatching eggs. They would then be marketed for human consumption. However, there have been recent instances where breeding flocks can profitably be given a rest at the end of this first laying period and then brought back into egg production for a second time. The time period elapsed from the original blood test at approximately 4 months of age until a flock is brought back into egg production a second time can be from 11 to 12 months. This extended period of time increases the chance that a flock could be exposed to MG and thus contact the disease. This proposal would ascertain that the flock is still negative for MG when it starts into its second egg laying period.

Section 145.44(c) is proposed to be amended by adding a new paragraph (3) which would permit a smaller sample of breeding turkeys to be blood tested for an official MG classification if the flock is located in a State which has been deemed by the Department to be a "U.S. M. Gallisepticum Clean State, Turkeys" for a period of two or more years. The normal sample required to be tested in order to qualify for an official MG classification consists of a random sample of at least 10 percent of the birds in the flock, or a minimum of 300 birds tested in flocks of more than 300 birds and each bird in flocks of 300 or less. This proposal would permit flocks to be qualified on the basis of a negative test of 100 birds if they were located in States which were deemed to be a "U.S. M. Gallisepticum Clean State, Turkeys" for the past 2 years. The lowering of the sample size is justified for flocks located in qualified States because of the added mandatory safeguards which pertain to all turkeys within the State. Under these additional criteria, the chance of a breeding flock becoming infected with MG is greatly lessened. Although the size sample is lower, it is still sufficiently large to detect an infection with a probability of 95 percent, according to the tables found in "Regulatory Statistics."

Section 147.24(a)(2) is proposed to be amended by adding a voluntary management practice to lessen the chance of spread of a mycoplasmal disease. This recommendation urges the poultry farm manager not to remove floor litter from a poultry house which contained birds infected with a mycoplasmal disease for a period of 7 days after removal of the birds. Infected birds shed the mycoplasma organism quite readily at certain stages of the infection. Litter becomes contaminated with the organism and if it is removed too soon, it becomes a potential source of infection for birds in other flocks. This can take place through the moving of litter over roads which are in close proximity of other flocks and particles of litter are blown off the vehicle, or where the litter is spread on fields located near other flocks. By waiting 7 days before removal, most of the organisms will have died and the chance of spread is greatly lessened.

Affecting the Salmonella Provisions

Section 145.53(b) is proposed to be amended by adding the requirement that all poultry which are publicly exhibited in a U.S. Pullorum Typhoid Clean State be identified with a sealed and numbered band. At present this practice is optional and each State determines whether or not exhibited birds should be banded. Under this proposal, birds would be banded to identify them as having been tested for *Salmonella pullorum* and *S. gallinarum* (fowl typhoid). States which are deemed to be U.S. Pullorum-Typhoid Clean States by the Department (presently there are 28 such States) are required to have all exhibited birds blood tested for *S. pullorum* and *S. gallinarum* within 90 days of being exhibited or to have come from a U.S. Pullorum-Typhoid Clean flock. There are many poultry exhibitors who show their birds at numerous shows which are often located in different States. The task of identifying these birds to determine if they have been blood tested is quite great. By requiring them to be identified with a sealed band at testing time, the State inspector will be able to determine their status very quickly.

Affecting General and Auxiliary Provisions

Section 145.1 is proposed to be amended by adding a new paragraph (gg) to define the word "sanitize" in order to recognize procedures other than

[1] Copies may be obtained upon request from the NPIP Staff, USDA, APHIS, Room 828, Federal Building, Hyattsville, MD 20782.

[2] Copies may be obtained upon request from the NPIP Staff, USDA, APHIS, Room 828, Federal Building, Hyattsville, MD 20782.

fumigation with formaldehyde gas for use in reducing disease causing organisms on hatching eggs and on hatchery equipment. While formaldehyde gas has been used extensively for this purpose for many years, new products and procedures are being made available which may accomplish the same results while complementing a total management program. Products and procedures registered with the Environmental Protection Agency as germicidal, fungicidal, pseudomonocidal, or tuberculocidal, used in accordance with the specifications for use as shown on the label of each product, may be approved for use. In addition to the above section, other sections of Parts 145 and 147 which pertain to specific application of sanitation measures would be amended to recognize alternative sanitizing mentods. These sections are 145.6(a)(5); 145.22(d); 145.23(d)(1)(v); 145.32(c); 145.33(d)(1)(v); 145.42(c); 145.52(b); 147.22(c) and (e); 147.23(c), (d), and (e); 147.24(b)(3) and (c); and 147.25.

Section 145.6(e) is proposed to be amended to require all hatcheries which are operated under the ownership or management of the same person or persons or related corporations to participate in the pullorum-typhoid control portion of the program if any of them are to participate. The breeding and hatching industry is being controlled by fewer and fewer persons or corporations. This invariably results in the larger organization having hatcheries in more than one State. The nature of the business dictates that hatching eggs and baby poultry move between hatcheries of the same organization, as the need arises. Consequently, it is imperative that such products have the same pullorum-typhoid classification. At present, all hatcheries within a State which are owned or managed by the same person or organization must have a pullorum-typhoid classification. Changing industry patterns have necessitated this proposed amendment.

Part 147 is proposed to be amended by adding a new section (§ 147.7) outlining recommended procedures for conducting various tests for the mycoplasmas. Over one hundred State and university laboratories cooperate with Federal laboratories and the NPIP program by testing blood samples for the mycoplasmas. Presently there is no single reference where procedures to conduct and interpret all of the different official mycoplasma tests can be found. Testing procedures set forth in this proposed amendment are drawn from several sources, among which are the Proc. 77th Annual Meeting, U.S. Animal Health Association, 1973; Isolation and Identification of Avian Pathogens, 2nd Edition; and Methods of Examining Poultry Biologics and for Identifying and Quantifying Avian Pathogens, 1971. In addition, a well qualified group of research scientists, extension veterinarians, and diagnostic laboratory personnel was convened during the 1982 National Plan Conference to iron out any differences in published procedures and to incorporate newer techniques and materials proven effective in determining the accuracy of the tests. By consolidating and updating all of the official testing procedures, each cooperating laboratory will have uniform guidelines for determining the mycoplasma status of a flock.

Comments

As noted above, this proposal is based on recommendations initiated at the biennial National Plan Conference. A number of comments have already been submitted concerning these recommendations. These comments will be included in the administrative record and considered as comments for this rulemaking proceeding.

List of Subjects in 9 CFR Parts 145 and 147

Poultry diseases, Mycoplasma gallisepticum, Mycoplasma synoviae, Salmonella pullorum, Salmonella gallinarum, Hatcheries, National Poultry Improvement Plan.

Accordingly, it is proposed to amend Parts 145 and 147, Title 9, Code of Federal Regulations, as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN

1. § 145.1, paragraph (gg) would be added to read as follows:

§ 145.1 Definitions.

* * * * *

(gg) *Sanitize.* To treat with a product which is registered by the Environmental Protection Agency as germicidal, fungicidal, pseudomonocidal, or tuberculocidal, in accordance with the specifications for use as shown on the label of each product. The Official State Agency, with the concurrence of the Service, shall approve each product or procedure according to its specified usage.

2. In § 145.6, paragraph (a)(5), the last sentence would be revised to read as follows:

§ 145.6 Specific provisions for participating hatcheries.

(a) * * *

(5) * * * While not mandatory for participation, all eggs set should be fumigated as described in § 147.25, or otherwise sanitized.

* * * * *

§ 145.6 [Amended]

3. In § 145.6, paragraph (e) would be amended by removing the phrase "within a State" following the words "All hatcheries."

4. In § 145.22, paragraph (d) would be revised to read as follows:

§ 145.22 Participation.

* * * * *

(d) Hatching eggs produced by primary breeding flocks shall be fumigated as described in § 147.25 or otherwise sanitized.

5. In § 145.23, paragraph (d)(1)(v) would be revised and new paragraph (g) added to read as follows:s

§ 145.23 Terminology and classification; flocks and products.

* * * * *

(d) * * *

(1) * * *

(v) Hatching eggs are collected at least four times a day and are handled as described in § 147.22 and are fumigated on the farm as described in § 147.25(a) or otherwise sanitized.

* * * * *

(g) *U.S. M. Synoviae Clean Started Poultry. (1) A flock which originated from U.S. M. Synoviae Clean breeding flocks and was hatched in a hatchery approved by the Official State Agency for production of U.S. M. Synoviae Clean chicks.*

(2) All other poultry on the premises of the candidate flock must originate from U.S. M. Synoviae Clean sources.

(3) The flock is maintained in compliance with the provisions of § 147.26.

(4) The flock's freedom from *M. synoviae* is demonstrated by a negative blood test, as provided in § 145.14(b), of a sample of 75 birds, with a minimum of 50 birds per poultry house, between 15–20 days prior to the flock being moved to laying quarters.

(5) Started poultry shall be delivered to and from the farm premises in crates and vehicles which have been cleaned and disinfected as described in § 147.24(a) of this chapter.

6. § 145.32, paragraph (c) would be revised to read as follows:

§ 145.32 Participation.

* * * * *

(c) Hatching eggs produced by primary breeding flocks shall be

fumigated as described in § 147.25 or otherwise sanitized.

(7) In § 145.33, paragraph (d)(1)(v) would be revised and new paragraph (f) and (g) added to read as follows:

§ 145.33 Terminology and classification; flocks and products.

* * * * *

(d) * * *

(1) * * *

(v) Hatching eggs are collected at least four times a day and are handled as described in § 147.22 and are fumigated on the farm as described in § 147.25(a) or otherwise sanitized; and

* * * * *

(f) *U.S. M. Gallisepticum Clean Started Poultry.* (1) A flock which originated from U.S. M. Gallisepticum Clean breeding flocks and was hatched in a hatchery approved by the Official State Agency for the production of U.S. M. Gallisepticum Clean chicks.

(2) All other poultry on the premises of the candidate flock must originate from U.S. M. Gallisepticum Clean sources.

(3) The flock is maintained in compliance with the provisions of § 147.26.

(4) The flock's freedom from *M. gallisepticum* is demonstrated by a negative blood test, as provided in § 145.14(b), of a sample of 75 birds, with a minimum of 50 birds per poultry house, between 15–20 days prior to the flock being moved to laying quarters.

(5) Started poultry shall be delivered to and from the farm premises in crates and vehicles which have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(g) *U.S. M. Synoviae Clean Started Poultry.* (1) A flock which originated from U.S. M. Synoviae Clean breeding flocks and was hatched in a hatchery approved by the Official State Agency for the production of U.S. M. Synoviae Clean chicks.

(2) All other poultry on the premises of the candidate flock must originate from U.S. M. Synoviae Clean sources.

(3) The flock is maintained in compliance with the provisions of § 147.26.

(4) The flock's freedom from *M. synoviae* is demonstrated by a negative blood test, as provided in § 145.14(b), of a sample of 75 birds, with a minimum of 50 birds per poultry house, between 15–20 days prior to the flock being moved to laying quarters.

(5) Started poultry shall be delivered to and from the farm premises in crates and vehicles which have been cleaned and disinfected as described in § 147.24(a) of this chapter.

8. In § 145.42, paragraph (c) would be revised to read as follows:

§ 145.42 Participation.

* * * * *

(c) Hatching eggs shall be fumigated as described in § 147.25 or otherwise sanitized.

9. In § 145.43, paragraph (c)(2) would be revised to read as follows:

§ 145.43 Terminology and classification; flocks and products.

* * * * *

(c) * * *

(2) A flock qualified as U.S. M. Gallisepticum Clean may retain the classification though its first egg-laying cycle, provided it is maintained in isolation and no evidence of *M. gallisepticum* infection is revealed. A flock which is molted following completion of an egg-laying cycle and subsequently brought back into production, shall be retested within 2 weeks prior to production, as described in paragraph (c)(1) of this section. A State inspector shall visit with the owner or manager of each flock at least once during each laying cycle to discuss and ascertain whether the applicable conditions outlined in § 147.26 of this chapter are being met. If a flock proves to be infected with *M. gallisepticum*, it shall lose this classification.

* * * * *

10. In § 145.44, new paragraph (c)(3) would be added to read as follows:

§ 145.44 Terminology and classification; States.

* * * * *

(c) * * *

(3) If a State retains this status for 2 or more years, individual breeding flocks in the State may qualify for an *M. gallisepticum* classification based on a negative test of a sample of 100 birds.

11. In § 145.52, paragraph (b) would be revised to read as follow:

§ 145.52 Participation.

* * * * *

(b) Hatching eggs produced by primary breeding flocks shall be fumigated as described in § 147.25 or otherwise sanitized.

12. In § 145.53, paragraph (b) would be amended by adding a period at the end of the word "section" and inserting a second sentence before the parenthetical phrase to read as follows:

§ 145.53 Terminology and classification; flocks and products.

* * * * *

(b) * * * All poultry going to public exhibition shall be identified with a sealed and numbered band obtained through or approved by the Official State Agency and the band mumbers shall appear on all VS Form 9–2 or similar pullorum-typhoid testing reports.* * *

* * * * *

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

13. Part 147 would be amended by adding a new § 147.7 to read as follow:

§ 147.7 Standard test procedures for mycoplasma.[1]

The serum plate or the tube agglutination test should be considered basic screening tests for mycoplasma antibodies. The test selected will depend on preference, laboratory facilities, and availability of antigen. Both tests, though quite accurate, determine flock status rather than individual bird status, since occasional reactions are nonspecific. Under normal circumstances, the rate of such nonspecific reactions is low. Nonspecific reactions may occasionally be high, particularly after the use of erysipelas bacterin in turkeys and where mycoplasma antibodies are present for closely related mycoplasma other than for the species being tested. The hemagglutination-inhibition (HI) test is too cumbersome for routine screening use. Positive reactions are extremely accurate however, and are useful in evaluating serum samples that react with the plate and/or tube antigens. The test should be conducted with 4 HA units. Titers of 1:80 or greater for both chicken and turkey sera are considered positive, while a 1:40 or 1:20 titer would be strongly suspicious and additional tests should be required.

(a) *Serum plate test.* (1) The serum plate test for mycoplasma is conducted by contacting and mixing 0.02 ml of test serum with 0.03 ml of serum plate antigen on a glass at room temperature. The standard procedure is:

(i) Allow antigen and test serums to warm up to room temperature before use.

(ii) Dispense test serums in 0.02 ml amounts with a pipette (rinsed between samples) to 1½ inch squares on a ruled glass plate. Limit the number of samples (no more than 25) to be set up at one time according to the speed of the operator. Serum should not dry out before being mixed with antigen.

---

[1] For additional information on mycoplasma test procedures, refer to the following references: Proc. 77th Annual Meeting, U.S. Animal Health Association, 1973; Isolation and Identification of Avian Pathogens, 2nd. Edition; Methods for Examining Poultry Biologics and for Identifying and Quantifying Avian Pathogens, 1971.

(iii) Dispense 0.03 ml of antigen beside the test serum on each square.

(iv) Mix the serum and antigen, using a multimixing device if large numbers are to be run at one time.

(v) Rotate the plate for 5 seconds. At the end of the first minute, rotate the plate again for 5 seconds and read 55 seconds later.

(2) A positive reaction is characterized by the formation of definite clumps, usually starting at the periphery of the mixture. Most samples that are highly positive will react well within the 2-minute test period. Reactions thereafter should be considered negative, although partial agglutination at 3 and 5 minutes may warrant further retesting. High-quality antigen contacted with negative serum will usually dry up on the plate without visible clumping. Whenever samples are run, the antigen should be tested against known positive and negative control serums. Standard reference antigens and negative and positive titered sera are available from the National Veterinary Services Laboratories (NVSL), P.O. Box 884, Ames, Iowa 50010.

(3) Since it is difficult to measure uniform amounts of serum with a calibrated loop, this technique should not be used in conducting an official test.

(b) *Serum plate dilution test.* (1) The serum plate dilution (SPD) test may be used to evaluate possible nonspecific reactions, gain additional information to evaluate positive plate tests occurring in an unexpected manner, and/or to evaluate the level of mycoplasma antibodies present in the serum sample. If sufficient serum is available, the following method would provide the dilutions required to conduct the test.

(i) Rack three tubes and put 0.8 ml of phosphate-buffered saline (PBS) in tube 1 and 0.5 ml of PBS in tubes 2 and 3.

(ii) Pipette 0.2 ml of the test serum into tube 1 and discard the pipette.

(iii) With a pipette, mix the serum and PBS in tube 1 and withdraw 0.5 ml and add to tube 2.

(iv) Repeat the process in step (iii), mixing the contents of tube 2 and transferring 0.5 ml to tube 3.

(v) Conduct the test, as described for the serum plate test in paragraph (a), on the undiluted sample and on samples in tubes 1, 2, and 3 after proper mixing of each dilution.

(vi) To assist in the evaluation of the test, conduct concurrent SPD tests using both positive 1:80 and positive 1:160 HI sera for the mycoplasma being tested. The antigen should be pretested for reactivity with standard serum at the 1:5 and 1:10 dilution.

(vii) Interpretation of the SPD test results should be based on the criteria in § 147.6(b) of this part.

(2) Reserved

(c) *Tube agglutination test.* (1) The mycoplasma tube agglutination test is conducted by mixing 0.08 ml of test serum with 1.0 ml of diluted (1:20) antigen in a tube and allowing the mixture to react for 18–24 hours at 37°C. The diluent will be the standard phosphate-buffered saline with phenol. This solution is made up as follows:

	Grams
Sodium hydroxide (C.P.)	0.15
Sodium chloride (C.P.)	8.5
Potassium dihydrogen phosphate (KH_2PO_4) (C.P.)	0.68
Phenol (Crystal) (C.P.)	2.5
Distilled water to make 1,000 ml.	

The pH of the buffered phenolized saline will be 7.1–7.2 if all reagents are accurately measured. The stock tube antigen is diluted 1:20 with buffered phenolized saline. The procedures for the tube test are as follows:

(i) Rack 12×75 mm clean tubes and identify the tubes according to the sample to be tested.

(ii) Add 0.08 ml of the individual test serum to each tube. This will create approximately a 1:12.5 screening dilution of test serum when 1.0 ml of diluted antigen is added. The use of a pipetting device will insure proper mixing of serum and antigen.

(iii) To interpret positive reactions to the 1:12.5 dilution, two additional dilutions may be made by adding 0.04 ml of serum for 1:25 dilution and 0.02 of serum for 1:50 dilution, with the addition of 1.0 ml of diluted antigen as indicated in paragraph (c)(1)(ii) above.

(iv) Shake racks and incubate test systems for 18–24 hours at 37°C.

(2) Tests are read against a dark background under indirect fluorescent light. Regarded as a positive reaction is a clearing of the supernatant fluid, with visible sediment in the bottom of the tube. Incomplete reactions are suspect. Positive and negative control serums should be incorporated into each day's run of tests. Reactions at 1:25 or greater are considered positive. They should be confirmed by the HI test. Incubation for periods greater than 24 hours may be helpful in evaluating suspicious reactions and need for possible retesting or other diagnostic tests.

(d) *Hemagglutination-Inhibition (HI) test.* The mycoplasma HI test is conducted by the constant-antigen, decreasing-serum method. This method requires using a 4-hemagglutination (HA) unit of diluted antigen. Differences in the number of HA units used will change the titers of positive sera markedly. Standard HA antigens for *Mycoplasma gallisepticum, M. synoviae,* and *M. meleagridis* are available from NVSL. The antigen has been titrated and diluted to approximately 1:640. The HA titration of each sample should be checked as described in paragraph (d)(2) on initial use or after long storage. To maintain HA activitiy, the undiluted HA antigen should be stored at −60 to −70°C. The test procedures are illustrated in Tables 2 and 3 of this paragraph.

(1) *Preparation of materials.*

(i) Prepare phosphate-buffered saline (PBS) as follows:

	Grams
Sodium hydroxide (C.P.)	0.15
Sodium Chloride (C.P.)	8.5
Potassium dihydrogen phosphate (KH_2PO_4)	0.68
Distilled water to make 1,000 ml.	

The pH of the PBS will be 7.1–7.2 if all reagents are accurately measured.

(ii) Collect the turkey or chicken red blood cells (RBC's) in Alsever's solution which has been prepared as follows:

	Grams
Sodium citrate	12.0
Sodium chloride	4.2
Dextros	20.5

The sodium citrate and sodium choride are dissolved in 800 ml distilled water and sterilized at 15 lbs. pressure for 15 minutes. Dissolve the dextrose in 200 ml distilled water, sterilize by Seitz filtration and then add aseptically to the sterile citrate and sodium chloride solution.

(iii) From a turkey(s) or chicken(s) known to be free of the mycoplasma being tested, withdraw sufficient blood with a syringe containing Alsever's solution to given a ratio of 1 part blood to 5 parts Alsever's solution (e.g., 8 ml blood in 40 ml of Alsever's solution). Centrifuge the blood suspension at 1,000 rpm for 10 minutes and remove the Alsever's solution or supernatant with a pipette.

(iv) Wash the RBC's two times in 10 or more parts of Alsever's solution, centrifuging after each washing. Centrifugation is at 1,000 rpm for 10

minutes. The supernatant fluid is removed and the RBC deposit resuspended to give a 25 percent suspension of packed RBC's in Alsever's solution. (In testing either chicken or turkey sera, the homologous RBC system must be used; i.e., use chicken cells

(v) For the test, 1 ml of the 25 percent RBC's is added to 99 ml of buffered when testing chickens serum and turkey cells when testing turkey serum.) If this suspension it kept refrigerated, it should keep for 7 or 8 days after the blood has been collected.

saline to make a 0.25 percent RBC suspension.

(2) *Hemagglutination (HA) antigen titration.* The titer of HA antigen is determined as illustrated in Table 1 and described in subparagraphs (d)(2) (i) through (x) of this paragraph.

TABLE 1 Titration of Hemagglutination (HA) Antigen

	Tube No.						
Reagents (ml)	1	2	3	8	9	10	11[a]
PBS	0.8	0.5	0.5.....	0.5	0.5	0.5	0.5
Antigen	0.2						
Transfer	0.5→	0.5→	0.5—...→	0.5→	0.5→	0.5→	c
0.25% RBC	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Ant. dilution	1:5	1:10	1:20	1:640	1:1280	1:2560	
Results[b]	+	+	+	+	-	-	

[a] Tube 11, PBS/RBC control.

[b] + = HA; - = no HA (sample titer 1:640).

[c] Discard 0.5 ml.

(i) Rack a series of 11 chemically clean 12 x 75 mm test tubes. Label the tubes 1–11, left to right.

(ii) Put 0.8ml of PBS in tube 1 and 0.5 ml of PBS in each of tubes 2–11.

(iii) Add 0.2 ml of antigen to tube 1. This will make a 1:5 dilution of antigen. Discard pipette.

(iv) Mix contents of tube 1 thorughly with a clean pipette, and transfer 0.5 ml to tube 2. This will make a 1:10 dilution of antigen in tube 2. Discard pipette.

(v) Continue making serial twofold dilutions of antigen, changing pipettes after each transfer, through tube 10. This will result in a series of twofold dilutions ranging from 1:5 to 1:2560. Discard 0.5 ml of antigen dilution from tube 10.

(vi) Add 0.5 ml of 0.25 percent RBC's to tubes 1–11. Tube 11 will serve as a PBS/RBC control.

(vii) Shake the rack and incubate at room temperature until the cells in the PBS/RBC control tube have settled into a compact button at the bottom of the tube.

(viii) If turkey sera is also to be tested for HI titer, repeat steps outlined in (d)(2) (i) thru (vii) of this paragraph, using 0.25 percent turkey RBC's.

(ix) The end point of the titration is the highest dilution of antigen that produces complete agglutination of the RBC's, as evidenced by the formation of a thin sheet of cells covering the concave bottom of the tube. For example, if complete agglutination is produced through tube 8 (a dilution of 1:640 of antigen), the antigen would be said to titer 640, the reciprocal of the dilution. After the potency of the antigen is established, it should be diluted with 75 percent PBS buffer and 25 percent glycerin to an appropriate titer concentration (1:320–1:640), dispensed in screwcap vials, and stored at −70° C. Under such conditions, potency will be retained for years. There will be a rapid loss of titer if improperly stored.

(x) Specificity of HA antigen should be determined by conducting HI tests with specific chicken sera of variable HI titers. Specific turkey sera of varying HI Titers should be used if turkey sera is also to be tested.

BILLING CODE 3410-34-M

TABLE 2 Hemagglutination-Inhibition (HI) Test:

	Tube No.						
Reagents (ml)	1[a]	2	3	8	9	10	11[b]
PBS	0.9	0	0		0	0	0.5
8-unit antigen	0	0.5	0		0	0	0
4-unit antigen	0	0	0.5	0.5	0.5	0.5	0
Test serum	0.1	0	0	0	0	0	0
Transfer	0.5→	0.5→	0.5—...→	0.5→	0.5→	0.5→	
0.25% RBC	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Serum dilution	1:10	1:20	1:40 ...	1:1280	1:2560	1:5120	

[a] Tube 1. Serum control.

[b] Tube 11. PBS/RBC control.

TABLE 3 Antigen Control:

	Tube No.				
Reagents (ml)	1	2	3	4	5
4-unit antigen	1.0	0	0	0	0
PBS	0	0.5	0.5	0.5	0.5
Transfer	0.5→	0.5→	0.5→	0.5→	0.5[b]
0.25% RBC	0.5	0.5	0.5	0.5	0.5
Unit Antigen/tube	4	2	1	1/2	1/4
Results[a]	+	+	+	-	-

[a] + = HA; - = no HA.

[b] Discard 0.5 ml.

BILLING CODE 3410-34-C

(3) *Reagents for mycoplasma HI test.*

(i) Eight-unit antigen (Dilution factor for stock antigen is established by dividing titer by 8; i.e., 640 antigen is diluted 1:80 PBS to make 8-unit antigen.)

(ii) Four-unit antigen (made by diluting surplus 8-unit antigen 1:2 with PBS).

(iii) PBS at pH 7.0.

(iv) Unknown test serums.

(v) Positive control serum of known titer (should be from the same species as the unknown).

(vi) Negative control serum (should be from the same species as the unknown).

(vii) Solution of 0.25 percent washed RBC's.

(4) *Test outline.*

(i) Rack 10 chemically clean 12×75 mm tubes for each serum, including controls, to be tested. Identify each row of tubes, and label tubes in each row 1–10, left to right. In row 1, add tube 11 for a PBS/RBC control.

(ii) Put 0.9 ml of PBS in tube 1 of each test row; put 0.4 ml of 8-unit antigen in tube 2 of each test row; put 0.5 ml of 4-unit antigen in each of tubes 3–10 in each test row; and put 0.5 ml of PBS in tube 11.

(iii) Add 0.1 ml of test serum to tube 1. This tube will be the serum control in the test system.

(iv) Mix and make 0.5-ml transfers from tube 1 through tube 10. This will result in serial twofold dilutions of serum starting with 1:10 and ending with 1:5120. Discard 0.5 ml from tube 10.

(v) Rack five tubes in which to set up an antigen control.

(vi) In tube 1, put 1.0 ml of 4-unit antegen; put 0.5 ml of PBS in tubes 2–5.

(vii) Make 0.5–ml serial transfers from tube 1 through tube 5, changing pipettes after each transfer. Discard 0.5 ml from tube 5. This will result in a series of tubs respectively containing 4, 2, 1, ½, and ¼ units of antigen.

(viii) After 20–30 minutes at room temperature to submit antibody-antigen reaction, add 0.25 percent washed RBC's to each tube. Shake racks and incubate as for HA titration.

(ix) In this test system, positive serum should inhibit the HA activity of the antigen, while negative serum should have no effect. Inhibition will be evidenced by the formation of a free-flowing button of cells in the bottom of the tube. The titer of the serum can be calculated as the reciprocal of the highest dilution of serum that produces complete HI. Controls should read as follows:

(*a*) Serum control (tube 1). Cells should settle out.

(*b*) PBS control. Cells should settle out.

(*c*) Antigen control. HA in tubes 1–3. Cells should settle out in tubes 4–5.

(*d*) Positive and negative serum control. Positive control should inhibit to its known titer; negative control should have no inhibitory effect.

(x) With this test system and 4 units of antigen HI titers of 80 or above are considered positive and titers of 40 are strongly suspicious. However, titers of 10 or 20 are usually negative. Sample test results are illustrated in Table 4 in this paragraph.

TABLE 4.—SAMPLE RESULTS OF HI TESTS

(Tube and Serum Dilution)

	1 1:5	2 1:10	3 1:20	4 1:40	5 1:80	6 1:160	7 1:320	8 1:640	9 1:1280	10 1:2560
Serum A (HI neg.)	–	+	+	+	+	+	+	+	+	+
Serum B (HI 1:40)	–	–	–	–	+	+	+	+	+	+
Serum C (HI 1:160)	–	–	–	–	–	–	+	+	+	+
Serum D (HI 1:20)	–	–	–	+	+	+	+	+	+	+

+, HA.
–, no HA or HI.

(xi) If serological results from agglutination tests complemented by the HI test are inconclusive, cultural examination, bio-assay, or retesting of samples after an interval of at least 21 days may be indicated.

(e) *Procedure for mycoplasma hemagglutination-inhibition test using microtiter technique.* The microtiter mycoplasma HI test was develop from the tube HI test described in § 147.7(c). Refer to these procedures for preparation of materials not listed below.

(1) *Materials needed.*

(i) Microtiter equipment (minimal); i.e., microplates microdiluters, micropipettes, go-no-go Diluter Delivery Tester, (0.05 ml).

(ii) Phosphate-buffered saline (PBS).

(iii) Reagents from NVSL; i.e., HA antigen and negative and positive titered sera for the mycoplasma to be tested.

(iv) Homologous red blood cells (RBC's) suspension 0.5 percent (2 ml of 25 percent RBC's to 98 ml of PBS) obtained from birds free of the mycoplasma to be tested. (See paragraph (d)(1)(iv) of this section for preparation of RBC's.)

(2) *Microtiter hemagglutination (HA) antigen titration.*

(i) Mark off two rows of 10 wells each for antigen titer (HA is done in duplicate).

(ii) Mark last well in each row for cell controls.

(iii) Prepare in small test tube (12×75 mm) a starting dilution of antigen by combining 0.1 ml antigen with 0.9 ml PBS. This is a 1:10 dilution.

(iv) Add 0.05 ml PBS to all wells, including cell controls.

(v) Add 0.05 ml antigen (1:10 dilution) with diluters to the first well in both rows, mix thoroughly, transfer diluter to second well of each row and mix, continuing through the 10th well of each row. With mixture in diluter from last well, check diluter on go-no-go card, then place diluter in distilled water. If diluter checks out, antigen dilution will be 1:20, 1:40, 1:80, 1:160 1:320, 1:640, 1:1280, 1:2560, 1:5120.

(iv) Add 0.05 ml of 0.5 percent RBC suspension to all wells using a 0.05 dropper.

(vii) Seal plate, shake and allow to stand at room temperature until cells in cell control gather in compact button. The titer is the highest dilution in which agglutination is complete. The dilution contains 1 HA unit in 0.05 ml.

(viii) Prepare a dilution of antigen which contains 8 HA units in 0.05 ml. Example: If the antigen titer is 1:640, then that dilution contains 1 HA unit per 0.05 ml. Then 640 ÷ 8 = 80, or a dilution of 1:80 containing 8 HA units. Or 640 ÷ 4 = 160, a dilution of 1:160 containing 4 HA units per 0.05 ml.

(3) *Microtiter HI test.*

(i) Prepare two dilutions of antigen, one containing 8 HA units per 0.05 ml and one containing 4 HA units per 0.05 ml. The 4-unit antigen can be prepared from the 8-unit antigen by mixing with equal parts of PBS.

(ii) Mark off one row of 8 wells for each test.

(iii) Prepare a 1:15 dilution of each sera to be tested in a small test tube (12 × 75mm): 0.1 ml serum plus 0.4 ml PBS or 0.05 ml serum plus 0.20 ml PBS.

(iv) Add 0.05 ml PBS with the 0.05 ml dropper to the first well in each row.

(v) Add 0.05 ml of 8-unit antigen to well 2 in each row.

(vi) Add 0.05 ml of 4-unit antigen to well 3 through 8 for each row.

(vii) For each serum to be tested, load 0.05 ml diluter with 1:5 dilution as

prepared in paragraph (iii) above and place in first well of row.

(viii) Mix well and transfer loaded diluter to well 2. Continue serial twofold dilutions through well number 8.

(ix) Well 1 (serum dilution of 1:10) is serum control. Well 2=1:20 dilution; well 3=1:40 dilution; well 4=1:80 dilution; well 5=1:160 dilution; well 6=1:320 dilution; well 7=1:640 dilution; and well 8=1:1280 dilution.

(x) *Antigen control*

(*a*) Mark of 6 wells for antigen controls.

(*b*) Add 0.05 ml PBS to wells 2, 3, 4, 5, and 6.

(*c*) Add 0.05 ml 8-unit antigen to wells 1 and 2.

(*d*) With empty diluter, mix contents of well 2. Continue serial twofold dilutions through well 6.

(*e*) Well 1 contains 8 units; well 2 contains 4 units; well 3 contains 2 units; well 4 contains 1 unit; well 5 contains ½ unit; and well 6 contains ¼ unit.

(*f*) Mark off two wells for cell controls and add 0.05 ml PBS to each.

(*g*) After 20–30 minutes at average room temperature (20°–23°) to permit antibody-antigen reaction, add 0.05 ml of a 0.05 percent suspension of RBC's to all wells.

(*h*) Seal all wells and shake thoroughly.

(*i*) Incubate at room temperature for 30–45 minutes.

(xi) *Interpretation:* The HI titer is the highest serum dilution exhibiting complete inhibition of hemmagglutination as indicated by flowing of cells when the plate is tilted. Serum having a titer of 1:80 or greater is considered positive. A titer of 1:40 or 1:20 is suspicious.

§ 147.22 [Amended]

14. In § 147.22, paragraph (c) would be amended by removing the period from the end of the first sentence and adding the phrase "or otherwise sanitized." and, in the second sentence, by replacing the word 'fumigated' with the word "sanitized".

15. In § 147.22, paragraph (e) would also be amended by adding the phrase "or otherwise sanitized" between the words 'clean, fumigated,' and 'used cases.'

§ 147.23 [Amended]

16. In § 147.23, paragraph (c) would be amended by adding the pharse "or otherwise sanitized" between the words 'and fumigated' and 'after each'.

17. In § 147.23, paragraph (d) would also be amended by adding, in the first sentence, the phrase "or otherwise sanitized" between the words 'be fumigated' and 'prior to' and by adding, in the second sentence, the phrase "or otherwise sanitized" between the words 'be fumigated' and 'after transfer.'

18. In § 147.23, paragraph (e) would also be amended by adding the phrase "or otherwise sanitized" between the words 'clean, fumigated' and 'egg cases'.

19. In § 147.24, paragraph (a)(2) would be amended by adding a final sentence to read as follows:

§ 147.24 Cleaning and disinfecting.

(a) * * *

(2) * * * Housing where poultry infected with a mycoplasmal disease were kept should remain closed for 7 days, before removal of the litter.

* * * * *

20. In § 147.24, paragraph (b)(3) would be amended by adding the phrase "or otherwise sanitized" between the words 'in § 147.25 (e)' and 'prior to.'

21. In § 147.24, paragraph (c) would also be amended by deleting the period at the end of the paragraph and adding the phrase "or otherwise sanitized."

§ 147.25 [Amended]

22. In § 147.25, the introductory paragraph would be amended by replacing the phrase 'is recommended' with the phrase "may be used".

(Sec. 101 (b), Pub. L. 425, 78th Cong. 58 Stat. 734, as amended, 7 U.S.C. 429)

Done at Washington, D.C. this 23rd day of May, 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 83-14161 Filed 5-26-83; 8:45 am]

BILLING CODE 3410-34-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

[Revision 10]

Disaster Loans

AGENCY: Small Business Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: Part 123 of the Agency's regulations relating to disaster loans has been rewritten to improve the format and to incorporate legislative changes contained in the Omnibus Budget and Reconciliation Act of 1981 (Pub. L. 97–35).

In addition, this revision includes new criteria for disaster declarations and agricultural loans, definitions of "substantial change of ownership" and "substantial economic injury," refinancing criteria for business machinery and equipment, procedures for reconsideration, and a provision making a disaster declaration applicable to physical loss arising from such disaster after the date contained in the declaration.

All interest rates applicable to loans made before August 13, 1981, have been deleted from the body of the regulations and placed in Appendix A thereto.

The revised agreement between Small Business Administration and Farmers Home Administration is contained in Appendix B.

DATE: Comments must be received on or before June 27, 1983.

ADDRESS: Written comments are to be submitted in duplicate to the Deputy Associate Administrator for Disaster Assistance, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Bernard Kulik, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416; 202–653–6879.

SUPPLEMENTARY INFORMATION: This proposed rule is a complete revision of Part 123, necessitated by legislative changes and by the need to provide a format facilitating reference to grouped subject matter. In the instances of changes in the regulation mandated by changes in legislation, SBA had no choice but to make those changes as directed. No other interpretation but that which appears was permissible.

Although most of the changes are legislative in origin, the Agency is also incorporating matters of policy to be followed in the Administration of the disaster loan program. They are:

1. Step-by-step procedures for applicants seeking reconsideration of their loan requests (§ 123.11). Such reconsideration has always been available to applicants, and applicants have been so advised, but step-by-step procedures have not been set forth in the regulations previously.

2. New criteria for disaster declarations (§ 123.23). The minimum amount of damage warranting a disaster declaration by Small Business Administration has been amended to change the amount of individual damage to homes or businesses from "40 percent or more of their estimated fair replacement value" to "40 percent or more of their estimated fair replacement value" to "40 percent or more of their estimated fair replacement value or predisaster fair market value, whichever is lower."

3. New loss formula for agricultural loans (§ 123.28). Loss eligibility would be based on "cash outlays production costs" rather than the prior year's market prices. A "minimum loss"

criteria, similar to Farmers Home Administration criteria, is included, to avoid disparity between the two agricultural assistance programs.

4. A definition of "substantial change of ownership" (§ 123.22). This definition would exclude minor changes in ownership from the prohibition against assisting persons who purchase the property subsequent to the disaster.

5. A provision making eligible any damage occurring after the disaster date but resulting from the disaster (§ 123.23). This will eliminate administrative problems in flood disasters.

6. Amendment of geographic area (from state to county) for damage criteria relating to a disaster certified by the Governor of a State and requiring publication thereof in the **Federal Register** (§ 123.24). This change will affect economic injury criteria only.

7. A provision permitting physical disaster loan proceeds to be used for refinancing existing loans for substantially damaged business machinery and equipment, under certain conditions (§ 123.25). The regulations presently allow such refinancing for real estate only.

8. A definition of "substantial economic injury" (§ 123.41). This definition will inform and assist businesses in preparing applications for Economic Injury Disaster Loans.

9. Substitution of the revision of the agreement between Small Business Administration and Farmers Home Administration (Appendix B) for the form of agreement presently contained in Appendix A of the regulations.

Regulatory Impact: SBA has determined that this proposal taken as a whole does not constitute a major rule for the purposes of Executive Order 12291. In this regard we are certain that the annual effect of this rule on the economy will be less than $100 million. In addition, this proposed rule, if promulgated as final, will not result in a major increase in costs or price for consumers, individual industries, Federal, State or local government agencies or geographic regions, and will not have significant adverse effects on competition, employment, investment, productivity, or innovation.

For the purpose of compliance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., certain provisions of this proposal, if promulgated in final form, may have significant economic impact on a substantial number of small entities. The following analysis of those provisions is provided within the context of the review prescribed by the Regulatory Flexibility Act (5 U.S.C. 603).

1. Proposed § 123.24(c) provides that the governor of a state may certify to SBA that at least 5 small business concerns located in the same county or political subdivision have suffered substantial economic injury due to a disaster and that SBA may thereafter publish an appropriate disaster designation. This is a departure from present procedure which permits publication of such a designation upon substantial economic injury to 5 small businesses located within a given state. This will make declaration of an economic injury diaster more difficult, and will restrict such a declaration to the political subdivision of a state in which the injury actually occurred. In this way SBA's assistance will be more accurately focused than heretofore. This provisions will be of general applicability in all economic injury disaster situations.

The legal basis for this provision 15 is U.S.C. 636(b). The provision itself will involve no bookkeeping or recordkeeping requirements other than filing normal applications for assistance. There are no other Federal rules which overlap or otherwise duplicate this proposal. An exemption from coverage of this rule for small entities would not be feasible or consistent with the applicable statutory provisions.

2. Proposed § 123.28 provides a formula by which compensable loss to farm disaster sufferers must be computed. This is a new addition to SBA's regulations. The purpose of the formual is to restrict compensation to a properly measurable amount of loss. SBA contemplates that this formula will not often be used, since under present law farm losses are to be compensated by SBA only if not compensable by FmHA.

The legal basis of this proposal is 15 U.S.C 636(b). It imposes no recordkeeping or bookkeeping requirements by itself. There are no other Federal rules which overlap or otherwise duplicate this proposal. An exemption from coverage of this rule for small entities would not be feasible or consistent with the applicable statutory provisions.

3. Proposed § 123.41 provides a new definition of the statutory term "substantial economic injury" for the purpose of qualification for disaster benefits. This proposal represents a codification of the meaning SBA has previously attached to the term in its Standard Operating Procedure. The effect of the definition is to qualify entities which have suffered such injury for disaster benefits. The legal basis for the proposal is 15 U.S.C. 636(b)(2). It is not feasible to estimate the number of entities to which the proposal would apply, nor is it possible, within the applicable statutory framework, to provide an exemption from its coverage for small entities. There are no Federal rules which duplicate, overlap or conflict with this proposal.

Collection of information and recordkeeping requirements have been submitted to OMB for approval under the Paperwork Reduction Act.

List of Subjects in 13 CFR Part 123

Disaster loans, Federal action loans.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 631 et seq.), Part 123, Title 13 of the Code of Federal Regulations is proposed to be revised as follows:

PART 123—DISASTER—PHYSICAL DISASTER AND ECONOMIC INJURY LOANS

Sec.

123.1 Explanation of regulations.

Subpart A—Conditions Applicable to All Loans Under This Part

123.2 Authority.
123.3 Types of loans.
123.4 Financial institutions.
123.5 Fees and charges.
123.6 Where to apply.
123.7 Obtaining loan funds.
123.8 Terms and amounts of loans.
123.9 Interest rates.
123.10 Collateral.
123.11 Reconsideration.
123.12 Loan administration and liquidation.
123.13 Requirements applicable to flood-prone areas.
123.14 Civil rights requirements and economic protection.
123.15 Lead based paint prohibition.
123.16 Loans to agricultural enterprises.
123.17 Books and records; SBA access.

Subpart B—Physical Disaster Loans

123.20 Introduction.
123.21 Physical disaster loans.
123.22 Definitions.
123.23 Damage criteria.
123.24 Declaration procedures (physical disaster).
123.25 Conditions affecting all physical disaster loans.
123.26 Special conditions—Home loans.
123.27 Special conditions—Business loans.
123.28 Additional conditions—Farm loans.
123.29 Loans to major sources of employment.
123.30 Loans to privately owned colleges and non-profit organizations.
123.31 Step-by-step procedure for physical disaster loan applicants.

Subpart C—Economic Injury Disaster Loans, and Economic Injury Federal Action Loans

123.40 Introduction.
123.41 General provisions applicable to all loans.
123.42 Special provisions—Economic injury disaster loans.

Sec.
123.43 Special provisions—Federal action economic injury loans.
Appendix A—Interest rates in effect prior to August 13, 1981.
Appendix B—Memo of Understanding with Farmers Home Administration.

Authority: Sec. 5(b)(6) of the Small Business Act, 15 U.S.C. 631 et seq.

§ 123.1 Explanation of regulations.

(a) *Programs covered.* This part covers the disaster programs authorized under subsections 7 (b), (c) and (f) of the Small Business Act, 15 U.S.C 636 (b) and (c), and is published pursuant to Sec. 5(b)(6) of that Act, 15 U.S.C. 634(b)(6).

(1) Subpart A includes regulations common to all disaster programs.

(2) Subpart B includes regulations governing physical disaster loans, including loans to Major Sources of Employment.

(3) Subpart C includes regulations for loan programs designed to alleviate economic injury casued by physical disasters and by action of the Federal government.

(b) *Emergency Changes.* Because of the emergency nature of the programs covered by this Part, particularly the physical disaster loan program in Subpart B, the regulation cannot anticipate all the contingencies, problems and needs which may arise in any given situation. SBA therefore advises that the regulations under this part must be and are subject to change without advance notice and publication in the **Federal Register**. SBA will, however, make every effort to publicize changes of substance and procedure by whatever means practicable under the circumstances, including, but not limited to press releases to newspapers, radio and television stations, posting notices in public places, and by direct mailings (when possible) to affected concerns or persons. Publication in the **Federal Register** of appropriate regulatory changes will follow as soon as possible.

(c) *Captions* are inserted for convenience only, and are not a part of these regulations.

Subpart A—Conditions Applicable to All Loans Under This Part

§ 123.2 Introduction.

SBA is authorized to make or to guarantee loans as necessary or appropriate to victims of physical disaster or of economic injury caused by such disaster, or by Federal action. No economic injury disaster loans or Federal action economic injury loans are authorized for applicants able to obtain Credit Elsewhere (see definition in § 123.22). No person who has been convicted of a felony during and in connection with a riot or civil disorder shall be permitted, for a period of one year after the date of the conviction, to receive any benefit under any law of the United States providing relief for disaster victims (Pub. L. 90–448, Sec. 1106(e); 5 U.S.C. 7313 note).

§ 123.3 Types of loans.

All financial assistance programs implemented in this part may be made as direct loans or in participation with a financial institution on an immediate or guaranteed basis as defined in §§ 122.7, .8 and .10 of this chapter, and SBA's share in an immediate participation or guaranteed loan may not exceed 90 percent of the balance of such loan outstanding at the time of disbursement.

§ 123.4 Financial institutions.

"Financial institutions" under this part are those which meet the criteria set forth in § 120.4 of this chapter.

§ 123.5 Fees and charges.

(a) *Closing fees.* No closing fee will be charged to a borrower with respect to any loan authorized in this part.

(b) *Service fees.* A financial institution, while it services an immediate participation loan, or a deferred participation loan (guaranty) where SBA has purchased its portion, may not charge the borrower a fee for such service. However, for loans made under section 7(b)(3) of the Small Business Act, participating institutions may deduct, only out of interest collected for the account of SBA, and only so long as such participating institution is servicing the loan, a service fee of three-eights of one percent per annum where SBA's share is 75 percent or less, or of one-fourth of one percent where SBA's share is more than 75 percent, computed on the unpaid principal balance of SBA's share of the loan. Such fee shall not be added to any amount which the borrower is obligated to pay under the loan.

(c) *Guaranty fee.* A guaranty fee will be charged by SBA to the lender with respect to all physical disaster and economic injury loans, as set forth for business loans in Part 120.

§ 123.6 Where and how to apply.

A single copy of an application on a form provided by SBA (OMB Approval No. 32450017 or 32450018) may be filed with the District office, Branch office, Disaster Branch office or Disaster Area Office, as appropriate. If a financial institution is participating, two copies of the application should be filed with such institution, and it will forward one copy to SBA. An applicant must complete a disaster loan application and submit such additional information as SBA may require. This information should be submitted to the nearest SBA disaster or other field office, preferably in person, within the time limit established in the applicable disaster declaration for the filing of applications. SBA will accept applications after such time limit only when SBA determines that an extreme hardship existed and the late filing was the result of causes substantially beyond the control of the applicant.

§ 123.7 Obtaining loan funds.

(a) *Loan authorization.* When a loan has been approved, a loan authorization is issued, which will specify the conditions the borrower must meet.

(b) *Loan Closing.* If the loan is a direct loan, the applicant will be notified by SBA of the conditions and loan closing procedure. Otherwise, the participating lender will arrange the closing.

§ 123.8 Terms and amounts of loans.

(a) *Loan terms.* No loans made under this part, including renewals and extensions thereof, may be authorized for a term in excess of 30 years (see also § 123.12(b)), and no physical disaster loan made to a business able to obtain Credit Elsewhere (as defined in § 123.22) may be authorized for a term exceeding three years. Maturity will be established on each loan on the basis of the need of the borrower and the borrower's ability to repay. Repayment ability according to the loan terms must be determined by SBA. Generally, equal monthly payments of principal and interest are required, except that borrowers with seasonal or fluctuating income may be accorded other payment terms. Payments will normally begin no later than 5 months from the date of the note. There is no penalty for prepayment of a direct loan.

(b) *Loan amounts.* Subject to the limitations and conditions imposed by §§ 123.13, 123.25 through 123.28 and 123.41 through 123.43, loans under this part may be in amounts equal to 100 percent of the Eligible Physical Loss, as defined in § 123.22, if the applicant is a Homeowner, and 85 percent if the applicant is a business or otherwise.

§ 123.9 Interest rates.

Specific interest rates for physical disaster home loans are set forth in § 123.26, and the rate for physical disaster and economic injury business loans in § 123.27 and § 123.41, respectively. The applicable rate of interest shall appear in the Disaster Declaration and shall be that rate which is in effect on the Commencement Date, as defined in § 123.22.

§ 123.10 Collateral.

The Small Business Act contains no specific requirements with respect to collateral as security for disaster or economic injury loans, nor has SBA established any rigid rule in regard to collateral. However, SBA may require applicants to pledge whatever collateral is available.

§ 123.11 Reconsideration.

(a) *Where to apply.* Any applicant whose request for a loan is declined has the right to present information to overcome the reason(s) for decline and to request reconsideration. However, any decline due to size can only be appealed in accordance with the procedures set forth in Part 121 of the Regulations.

(b) *How to apply.* A request for reconsideration must be in writing and received by the office that declined the original request, within 6 months of the initial decline. After 6 months a new application is required.

(c) *Contest of request.* The written request for reconsideration must contain all significant new information that the applicant relies on to overcome the reason(s) for decline. The request for reconsideration of a business loan must also be accompanied by current business financial statements.

(d) *Alternate reasons for decline.* The specification by SBA of any reason for denial of a loan request shall not constitute a waiver of SBA's right to deny such request for any other reason.

(e) *Further reconsideration.* An applicant whose request is declined on reconsideration has the right to request further reconsideration at the next higher office. The "next higher office" in the case of a branch office is the Area Processing Center. In the case of the Area Processing Center it is the Area Director's office.

(f) *Contents of request for further reconsideration.* All requests for reconsideration at the next higher office must be in writing and received by the office that processed and declined the prior reconsideration within 30 days of the decline action. The request must state that the applicant is seeking action at the next higher office and must contain the applicant's written justification for believing that the decline action should be reversed.

(g) *Final decision.* The decision of the Area Director is final unless: (1) The Area Director does not have authority to approve the requested loan, or (2) the Area Director refers the matter to the Deputy Associate Administrator for Disaster Assistance, or (3) the Deputy Associate Administrator for Disaster Assistance, upon a showing of special circumstances, requests the Area Director's office to forward the matter to the Central Office for final consideration. "Special Circumstances" as used herein may include, but are not limited to, policy reconsideration or reevaluation by elements of the Agency, alleged improper acts by SBA personnel or others, conflicting policy interpretation between two area offices or other such considerations.

§ 123.12 Loan administration, extension and liquidation.

(a) *Loan administration.* Immediate participation and guaranteed loans closed by participating lenders will be administered by such lenders. All direct and immediate participation loans closed by SBA will be administered by SBA. Loans are administered and, if necessary, liquidated by sale of collateral and other legal recourse against borrower and guarantors according to the procedures and policies of §§ 122.20 through 122.25 of this chapter, as applicable.

(b) *Extensions* of maturity or renewals of loans are limited to such periods of time as appear necessary to avoid the forced liquidation of loans. Generally, several short extensions will be granted rather than one lengthy one. Subject to § 123.8(a), extensions are granted only when it appears that no other course of action will result in a greater or earlier recovery. The maturity of SBA's share of physical disaster repair and replacement loans to Homeowners and small concerns may be extended and payments of principal and interest may be suspended for periods not to exceed five years, if the related disaster declaration was made by the President or the Secretary of Agriculture, and SBA finds such action necessary to avoid severe financial hardship. Physical disaster and economic injury loans may also be extended or renewed for additional periods not to exceed ten years beyond the original maturity on request of the loan participant, to avoid a default, and upon agreement by the borrower to repay SBA for funds expended in connection therewith, if such extension or renewal will aid in the orderly liquidation of such loan, and if the original maturity of such loan did not exceed twenty years. For additional moratorium provisions, see Part 131 of this chapter.

(c) *Split interest rates.* On loans made under prior legislation at split interest rates, all repayments of principal of SBA's share shall be applied first to portions of loans carrying the lowest interest rate.

§ 123.13 Requirements applicable to flood-prone areas.

(a) *Community participation in flood insurance.* SBA has no authority to make loans in special hazard areas (flood, mudslide and flood-related erosion areas) defined by the Federal Insurance Administration unless the local community participates in the Federal flood insurance program, or less than a year has elapsed since the community was formally notified of the identification of a special hazard area within its boundaries. (See 44 CFR Part 64.)

(b) *Maintenance of flood insurance.* Eligible Applicants in such special hazard areas must purchase flood insurance in accordance with the requirements of Part 116, Subpart B of this chapter. Failure to maintain or obtain flood insurance as required by SBA will result in ineligibility for future SBA financial assistance. This requirement is in addition to other insurance requirements specified in the loan authorization.

(c) *Floodplains and Wetlands.* For special requirements in such areas, see Subpart D, Part 116 of this chapter.

§ 123.14 Civil rights requirements and economic protection.

(a) *Civil rights regulations.* Loan recipients (other than Homeowners) are subject to the civil rights requirements of Parts 112 and 113 of this chapter, and of Part 117, when adopted. The age of an applicant will not be considered in determining whether a loan should be made, or the amount of the loan, provided the applicant has the legal capacity to contract. The requirements of the Equal Credit Opportunity Act, 15 U.S.C. 1691 apply to all SBA loan recipients. See 12 CFR Part 220 and the Equal Credit Opportunity provision of SBA Form 1261.

(b) *Construction loans.* If loan proceeds in excess of $10,000 are to be used for the alteration, rehabilitation, construction, conversion, extension or repair of buildings or real property, applicants must sign and comply with "Applicant's Agreement of Compliance," SBA Form 601.

§ 123.15 Lead based paint prohibition.

Loan recipients are subject to the prohibition against the use of lead based paint set forth in Part 116, Subpart C of this chapter.

§ 123.16 Loans to agricultural enterprises.

"Agricultural enterprises" means those businesses engaged in the production of food and fiber, ranching and raising of livestock, aquaculture,

and all other farming and agriculture-related industries. An agricultural enterprise is eligible for loan assistance under Subpart B (physical disaster) to repair or replace property other than residences and personal property only if it is not eligible for emergency loan assistance from the Farmers Home Administration (for example, because of: (a) Alien status; (b) being a corporation, partnership or cooperative not primarily engaged in farming; or (c) owned by an individual who does not operate the farm). Applicants declined by FmHA for any other reason including unfavorable credit determination or lack of repayment ability are not eligible for SBA disaster loan assistance. All agricultural enterprise applicants to SBA must present a letter or referral from FmHA which specifies the particular reason for ineligibility. See §§ 123.28 and 123.42 for economic injury disaster loans.

§ 123.17 Books and records; SBA access.

(a) *Conditions applicable to all loans.* As a condition of the receipt of a loan under this part, the borrower shall maintain complete records of all transactions financed by the loan proceeds, including copies of all contracts and receipts, for a period of three years after the final loan disbursement, and during the same period, shall make those records available upon request for inspection, audit and reproduction by SBA or other authorized Government personnel during normal business hours.

(b) *Conditions applicable to loans to businesses and agricultural enterprises.* As a condition of the receipt of a loan under this part, the borrower shall maintain current and proper books of account for the most recent five years in a manner satisfactory to SBA and any financial institution participating in the loan until three years after the date of maturity, including any extensions made pursuant to § 123.12(b), or the date of the loan is paid in full, whichever occurs first. This shall include borrower's financial and operating statements, insurance policies, tax returns and related filings, records of earnings distributed and dividends paid, and records of compensation to officers, directors, holders of 10% or more of borrower's capital stock, partners and proprietors. The borrower shall make available to SBA or other authorized Government personnel upon request all such books and records for inspection, audit and reproduction during normal business hours. The borrower shall also permit SBA and any participating financial institution to inspect and appraise borrower's assets.

Subpart B—Physical Disaster Loans

§ 123.20 Introduction.

This Subpart contains the regulations specifically dealing with loans made to repair or replace property damaged by a physical disaster. (For regulations applicable to all loans under this part, see Subpart A.) This Subpart sets forth the procedures by which a Disaster Area is declared, and assistance made available by SBA to disaster victims. Conditions affecting all loans are set forth first, then special conditions for home, business, agricultural loans, loans to Major Sources of Employment, and loans to privately owned colleges and universities.

§ 123.21 Physical disaster loans.

(a) *Loans to victims.* SBA is authorized to make, or to participate (on an immediate or guaranty basis) in, loans to victims of floods, riots, civil disorders or other catastrophes, to repair, rehabilitate or to replace physically damaged or lost property when a physical disaster declaration has been issued.

(b) *Major employer.* For loans to any Major Source of Employment, see § 123.29.

(c) *Flood-prone areas.* For limitations on the foregoing authority, see § 123.13 above and Subpart B, Part 116 of this chapter.

§ 123.22 Definitions.

Defined terms are capitalized throughout this subpart.

Adjusted Treasury Rate: The rate of interest determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities of such loans made under Section 7(b) of the Act, plus an additional charge of not to exceed one percent per annum as determined by the Administrator, and adjusted to the nearest one-eighth of one percent.

Commencement Date: The beginning of events of a catastrophic nature culminating in a Disaster. Such Commencement Date will be stated in the relevant Disaster declaration (see also § 123.24(a)).

Credit Elsewhere: The availability, in the judgment of SBA, of sufficient credit from non-Federal sources on reasonable terms and conditions, taking into consideration prevailing rates and terms in the community in or near where the concern transacts business or the Homeowner resides, for similar purposes and periods of time.

Disaster: This term means, generally, a single sudden physical event of catastrophic nature (such as floods, riots or civil disorders) which causes severe damage.

Disaster Area: An area which has been declared or designated as such because of damage suffered as a result of a physical disaster;

Eligible Applicants: A homeowner, business of any size, nonprofit corporation, religious or eleemosynary institution, or other private organization (including a privately owned college or university) which has suffered physical damage as a result of its location in a Disaster Area is eligible to apply for assistance.

Eligible Physical Loss: (a) A physical loss is necessary to loan eligibility under this Subpart B. It must be verified by SBA. Loss may be claimed only by the owner(s) (or the lessee(s) of the property if the lease requires the lessee to repair or rebuild) at the time of the disaster. Beneficial ownership as well as legal title (real or personal) may be considered in determining who suffered the loss, except that an equitable interest resulting from a mortgage or deed of trust will not make the holder of such interest eligible.

(b) Losses shall not be eligible:

(1) When a substantial (more then 50%) voluntary change of ownership occurred after the disaster, and no contract of sale existed at the time of the disaster;

(2) When the replacement value is extraordinarily high, and is not easily verified, such as in the case of the value of antiques or hobby collections;

(3) To the extent that such loss is covered by insurance, grants, gifts to replace personal property (such as from the American Red Cross), or other compensation, if all or part of such compensation is available for repair or replacement. Such compensation must either be deducted from the claim, or assigned (paid) to SBA to reduce the outstanding balance of the loans, since Federal law prohibits duplication of benefits. (Borrowers must notify SBA of any amounts so received and must apply them to the outstanding loan balance in inverse order of maturity.) However, any financial assistance supplied by an Individual and Family Grant Program (Federal Emergency Management Agency) solely to meet an emergency need pending processing of an SBA loan may be repaid out of SBA loan proceeds, provided the funds were used for eligible SBA loan purposes. Condemnation awards shall be taken into consideration in determining the amount of the loss to the extent that

such awards are available for replacement purposes.

(4) When the victim is deemed to have assumed the risk, (for example, when property is located within a flowage easement, or in an area between a river and a levee without a business need therefor), or where flood insurance was previously required but not purchased, or was purchased and not maintained.

(5) If the property damaged constitutes a secondary home. The loss may be considered a business loss if the property is rented and if the property would not constitute a "residence" under the provisions of § 280A of the Internal Revenue Code.

(6) If the property is a vehicle of the type normally used for recreational purposes, such as motor homes, aircraft, boats, etc. The loss may be included in a business applicant's loan if the applicant submits evidence of its use in the business.

(7) If the property consists of cash or securities.

Homeowner: This term includes owner-occupants and lessees (renters) of residential property and also includes owners of personal property damaged by the Disaster.

Loan Purposes: The purpose of these loans and the only permissible use therefor is to restore or replace a victim's primary home (including a mobile home used as the primary residence of the applicant) or business property as nearly as possible to predisaster condition. A loan to a Homeowner may be used to repair or replace damaged or lost furniture and other belongings, or to repay interim financing obtained for that purpose, subject to the definition of Eligible Physical Loss of this section. Funds may be used by a business concern to repair or replace destroyed or damaged business facilities, inventory, machinery or equipment, or to repay interim financing obtained for such purpose. If the disaster victim elects to construct a new home or new business facilities on a different site, the loan may be used for such purpose. Any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property. SBA's lien position shall be at least as strong as it would have been if the victim had restored at the original location, and loans to relocate a 1 to 4 family residential structure will be subject to the Real Estate Settlement Procedures Act of 1974.

Major Disaster: A disaster declared by the President which includes individual assistance. (See § 123.24(a).)

Major Source of Employment: (a) A concern which employed 10 percent or more of the entire work force of a geographically identifiable community, no larger than a county; or (b) a concern which employed 10 percent or more of the work force in an industry within the Disaster Area; or (c) any business within the Disaster Area which employed 1,000 or more employees.

"Old Formula Rate": An interest rate not to exceed the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of one percent plus one-quarter of one percent.

§ 123.23 Damage criteria.

(a) *Minimum damage requirements.* A physical disaster declaration by the Administrator of SBA is based solely on physical damage to buildings, machinery, equipment, inventory, homes and other property, of an extent that warrants a declaration. The Administrator of SBA has no legal authority to make any physical disaster declaration based solely on economic injury. The minimum amount of damage that SBA usually requires before making a physical disaster declaration is:

(1) In any county or other political subdivision of a State, at least 25 homes or 25 businesses, or a combination of at least 25 homes, businesses, or other eligible institutions have each sustained uninsured losses of forty (40) percent or more of their estimated fair replacement value or predisaster fair market value, whichever is lower; or

(2) At least three businesses have sustained uninsured losses of forty (40) percent or more of their estimated fair replacement value or predisaster fair market value, whichever is lower, and, as a direct result of the physical damage, 25 percent or more of the work force in the community would be unemployed for at least 90 days.

(b) *Continuing damage.* All damage suffered in the Disaster Area subsequent to the Commencement Date as a result of the event for which the declaration was made (for example, continued flooding or snowfall) will be considered eligible damage, deemed to have occurred on the Commencement Date.

§ 123.24 Declaration procedures (physical disaster).

(a) *Major Disaster.* When, pursuant to the Disaster Relief Act of 1974, 42 U.S.C. 5141(b), the President declares a Major Disaster which includes the provision of individual assistance, SBA shall issue its disaster declaration in accordance therewith except that if SBA has previously issued a disaster declaration with an earlier Commencement Date, SBA will continue to use its established Commencement Date.

(b) *Small Business Administration Disaster Declaration.* A physical disaster declaration by SBA must be requested by the Governor of the State in which the Disaster occurred. Such request must be made to SBA's Regional Office wherein the Disaster occurred and must be within sixty (60) days of the incident period of a Disaster. The Administrator may, in case of undue hardship extend the filing time for request. The appropriate SBA Regional Office will forward the request to the appropriate Disaster Area Office where the request will be evaluated and forwarded, with a recommendation, to SBA's Central Office. The Administrator will take final action, and if the request is approved, publish a notice of Disaster declaration in the **Federal Register**. An Economic Injury Declaration always accompanies a Major Disaster Declaration and an SBA Disaster Declaration.

(c) *Certification by Governor.* When Disaster damage is insufficient for a Major Disaster Declaration, an SBA Disaster Declaration or a Designation by the Secretary of Agriculture, The Governor of the State wherein the disaster occurred may certify to SBA that at least five (5) small business concerns have suffered Substantial Economic Injury and are in need of financial assistance not otherwise available on reasonable terms in the Disaster Area. The minimum five (5) small business concerns must be located in the county or other political subdivision of a state in which the Disaster occurred. Such certification with supporting documentation shall be sent to the Regional Office wherein the Disaster occurred within 120 days of the incident period of the physical Disaster. The Regional Office will forward the request to the appropriate Disaster Area Office where the request will be evaluated and forwarded with a recommendation to SBA's Central Office. The Administrator will take final action and if the request is approved, publish a notice for Disaster designation in the **Federal Register**. The Administrator may in the case of undue hardship accept such request after 120 days have expired.

(d) *Designations by the Secretary of Agriculture.* SBA May provide economic injury assistance for a natural disaster, determined by the Secretary of Agriculture pursuant to the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961). Under these designations SBA makes Economic Injury assistance

available to eligible nonfarm small businesses.

§ 123.25 Conditions affecting all physical disaster loans.

(a) *Amount.* The amount of a loan is limited to the Eligible Physical Loss sustained and funds permitted under subsections (f), (g), (h) and (i) of this section. (Also see limitation on Business Loans in § 123.8(b).) In no event may the total amount of SBA's share outstanding and committed to a borrower, resulting from a single Disaster, exceed $500,000, except as permitted in § 123.29 and limited by § 123.26. SBA's share of an immediate participation in or guaranty of a loan under this Part may not exceed 90 percent of the sum of the unpaid principal and accrued interest.

(b) *Repayment ability.* Loans are further limited by SBA's determination of the applicant's ability to repay. If this amount is not sufficient to restore the damaged property, the applicant must show that sufficient funds are available from other sources to complete restoration.

(c) *Receipts.* Each borrower must retain evidence as to the use of loan proceeds for a period of three years from the date of last disbursement, and make such evidence available to SBA or other authorized Government personnel upon demand.

(d) *Use of proceeds.* Each borrower must use the loan proceeds for the Loan Purposes set forth in the authorization. Any loan recipient who wrongfully applies loan proceeds shall be civilly liable to SBA in an amount equal to one and one-half times the original amount of the loan.

(e) *Personal funds.* SBA may authorize funds for the repayment of personal funds used solely to alleviate the Eligible Physical Loss.

(f) *Refinancing.* A part or all of existing loans secured by recorded liens on real property or on business machinery and equipment damaged by the disaster may be refinanced with a portion of disaster loan proceeds, subject to § 123.26(a)(iv): *Provided,* That: (1) The property suffered uninsured damage of 40 percent or more of the market value at the time of the disaster; (2) the amount refinanced may not exceed the Eligible Physical Loss; (3) the victim is unable to obtain Credit Elsewhere; and (4) the damaged property is to be rehabilitated or replaced (including relocation) except where a community is under sanction or suspension pursuant to the Flood Disaster Protection Act of 1973, see § 123.13. See also § 123.27(a).

(g) *Relocation.* If the disaster victim elects to construct or buy another home or business facility in a new location, the loan may be used for such purpose, subject to § 23.26(a). However, any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property, plus amounts eligible for refinancing of existing liens or mortgages on the damaged property. SBA's security interest in the new property shall at least equal such interest SBA would have had at the original location.

(h) *Building restrictions.* Where building restrictions prevent rehabilitation of real property, damage to such property shall be deemed to amount to total loss. In these cases the loan shall be in such greater or lesser amount as SBA deems sufficient to replace the borrower's real property at the new location, and include funds to cover losses of personal property, and eligible refinancing, subject to § 123.26(a).

(i) *Building codes.* Repair to and replacement of property must conform to local building codes.

(j) *Minimum standards of safety and decency.* Upgrading with loan proceeds is not allowed except as necessary to meet minimum standards of safety and decency or to meet building codes.

§ 123.26 Special conditions—home loans.

(a) *Limits.* SBA's share of loans to a Homeowner (including all dependents) are limited administratively for any one disaster to the following:

(1) $10,000 for repair or replacement of household and personal effects;

(2) $50,000 for repair or replacement of realty, including repair or replacement of landscaping and/or recreational facilities not to exceed $2,500.

(3) The total under paragraphs (1) and (2) shall not exceed $55,000; plus

(4) Eligible refinancing pursuant to § 123.25(f) not to exceed the lesser of the physical damage to the real property which is to be repaired or $50,000;

(5) The total loan may not exceed $105,000 within the limitations specified in (1) through (4) of this section.

(b) *Additional limits.* Persons living in a damaged home who are not dependents of the occupant may apply for loans to repair or replace personal property to the extent of their loss, but such loans may not exceed $10,000.

(c) *Interest.* Loans made to Homeowners able to secure Credit Elsewhere to repair or replace a home and personal property as a result of a disaster occurring on or after August 13, 1981, will bear interest at the Adjusted Treasury Rate. Loans made to Homeowners unable to obtain Credit Elsewhere will be made at the rate prescribed by the Administration but shall not exceed the lesser of one-half of the Adjusted Treasure Rate or 8% per annum. (For rates applicable to Disasters occurring prior to August 13, 1981, see Appendix A.)

(d) *Supplements.* SBA loans may be supplemented (but not duplicated) with assistance from private relief organizations such as the American Red Cross, the Salvation Army, the Mennonite Disaster Service and other relief disaster assistance organizations.

(e) *State grants.* Where a State has instituted a grant program under the Disaster Relief Act of 1974 for victims of Major Disasters, those victims who have suffered only personal property damage and who lack repayment ability shall be immediately referred to appropriate State representatives, in order to expedite assistance to victims. SBA shall presume that such victims who rely for over half of their support on unemployment, social security, welfare, survivor or other similar program, lack repayment ability. Disaster victims, who desire to do so, however, may file an application (OMB Approval No. 32450017 or 32450018) with SBA in order to obtain a decision on their eligibility for financial assistance from SBA.

(f) *Liens.* Homeowners may not refinance liens on personal property nor may they use any loan proceeds to pay indebtedness on personal property. Disaster loan liens may be transferred from condemned properties to other properties which have been acquired with the proceeds of condemnation.

(g) *RESPA.* Owner occupied 1–to–4 family residences are subject to the provisions of the Real Estate Settlement Procedures Act of 1974, as amended.

(h) *Rescission.* Any recipient of an approved disaster home loan for which security is required shall be entitled to rescind said loan pursuant to the Consumer Credit Protection Act, 15 U.S.C. 1601, and Regulation Z of the Federal Reserve Board, 12 CFR Part 226. Any note and mortgage, lien or security agreement which has been executed will be canceled upon return of all funds which have been disbursed.

§ 123.27 Special conditions—Business loans.

(a) *Limits.* Disaster business loans (for the aggregate of physical disaster and economic injury loans) are limited by statute to a ceiling of $500,000 per applicant for SBA's share in any one disaster for direct, immediate participation, or the guaranteed portion of guaranteed loans, unless the Administration finds that an applicant is a Major Source of Employment (as defined in § 123.22) in the Disaster Area,

and the Administration waives the $500,000 limitation; *Provided, however,* That in no case shall the total amount of the loan exceed 85% of the Eligible Phisical Loss (as defined in § 123.22) excluding allowable refinancing (see § 123.25(f)). These limitations apply to a concern together with its affiliates as that term is defined in § 121.3–2 of this chapter. Refinancing of liens on personal property employed in the business, such as machinery and equipment, is permissible if such property was substantially damaged (see limitations in § 123.25(f)). Funds allocated for repair or replacement of landscaping (including recreational facilities) may not exceed $2,500 unless such landscaping fulfilled a functional need or contributed to the generation of business.

(b) *Interest.* Loans made as a result of a disaster occurring on or after August 13, 1981 to business concerns which, in the judgment of SBA, are unable to obtain sufficient Credit Elsewhere, to repair or replace property damaged or destroyed will bear interest at a rate not to exceed 8 percent. Physical disaster business loans to concerns which, in the judgment of SBA, are able to obtain Credit Elsewhere, will bear interest at a rate prescribed by the Administration not exceeding the rate prevailing in the private market for similar loans and not exceeding the maximum interest rate for loans guaranteed under § 7(a) of the Small Business Act.

(c) *Maximum Terms of Loans.* See § 123.8(a).

§ 123.28 Additional conditions—Farm loans.

(a) *Computation of Loss.* To determine the eligible loan amount for full or partial physical crop losses for applicants determined by SBA to be eligible for assistance under this part, the Eligible Physical Loss is 85% of an amount which is determined by multiplying the number of acres planted, times the percentage of loss, time per acre cash outlay (production cost) and deducting therefrom recoveries such as crop insurance, USDA grants or other recoveries. Normal yield is defined as the yield determined by the Agricultural Stabilization and Conservation Service (ASCS) for program crops, and by the Statistical Reporting Service (SRS) county or state averages for those non-program crops for which such averages are available. County Emergency Board (CEB) averages (as appropriate) may be used for those non-program crops for which SRS does not maintain averages. Alternate data sources may be approved by SBA if a normal yield is not available from either ASCS, SRS or an appropriate CEB. Cash outlay (production costs) is defined as the actual out-of-pocket cash investment required to plant and/or harvest a particular crop, and such costs as are required to properly maintain such crop.

(b) *Livestock loss* is limited to 85% of the amount of the replacement cost remaining after deduction of any insurance proceeds.

(c) *Partial crop loss.* Applications based on partial crop losses will not be approved until after the normal harvest season for that crop or crops in order that the actual loss may be ascertained.

(d) *Minimum loss.* Applicants must meet minimum loss criteria substantially similar to criteria applied by Farmers Home Administration (see Appendix B).

(e) *Duplication.* Applicants will not be eligible for ecomonic injury assistance for any loss which qualifies as an eligible loss (regardless of percentage reductions) at Farmers Home Administration.

§ 123.29 Loans of major sources of employment.

Loans to Major Sources of Employment shall be made under the authority of the Small Business Act and the provisions of this part. In such cases, the Administration, in its discretion, may waive the $500,000 limitation of § 123.27(a), if the applicant has used all funds from its own resources and all available Credit Elsewhere (see § 123.22) to alleviate the physical damage and/or economic injury sustained plus eligible refinancing.

§ 123.30 Loans to privately owned colleges and non-profit organizations.

(a) SBA is authorized to make physical disaster loans in the case of loss or damage as a result of a declared disaster (see § 123.24), to the extent that such loss or damage is not compensated for by insurance or otherwise, to a privately owned college or university without regard to the availability of Credit Elsewhere, at the Old Formula Rate, and may, in the case of a Major Disaster, waive interest payments and defer principal payments on such loans for the first three years of the term of such loans. See also § 123.12.

(b) SBA is also authorized to make physical disaster loans to eleemosynary and other non-profit organizations in the case of loss or damage as a result of a declared disaster, to the extent that such loss or damage is not compensated for by insurance or otherwise without regard to the availability of Credit Elsewhere, at the Old Formula Rate.

Subpart C—Economic Injury Disaster Loans and Economic Injury Federal Action Loans

§ 123.40 Introduction.

Loans to which this subpart applies are available only for shall concerns situated in a Disaster Area which have suffered or are likely to suffer Substantial Economic Injury as a result of that specific Disaster, or have suffered adverse effects caused by Federal Government action, see § 123.43. For definition of capitalized terms, see § 123.22.

§ 123.41 General provisions applicable to all loans.

(a) *Substantial Economic Injury* means a change in the financial condition of a small business concern attributable from the effect of a specific declared disaster, as defined, resulting in the inability of such small concern to meet its obligations as they mature, and to pay its ordinary and necessary operating expenses. If a small concern was established or has undergone a substantial change of ownership after an impending economic injury became apparent (e.g., where the acquisition was made at a "distressed" price), the owner shall be deemed to have assumed that risk, and not to have incurred economic injury. Loss of anticipated profits or a drop in sales which is not disaster-related, is not considered an economic injury. Evidence of loss or injury and of the cause thereof, satisfactory to SBA, must be provided by the applicant (OMB Approval No. 32450017). Economic injury may be evidenced by a showing of:

(1) A generally impaired financial condition attributable to a physical disaster or the alleged Federal Government action; and

(2) The need for funds created by a physical disaster or Federal Government action alleged to have caused the economic injury.

(b) *Eligible Applicants:* An applicant must be a small concern as defined in Part 121 of this Chapter. Small concerns regardless of their business activity are eligible to apply for these loans, except for multilevel sales distribution plans of the "pyramid" type, gambling (see § 120.2(d)(5)), financing (see § 120.2(d)(6)), speculative (e.g., mineral exploration), rental property (see § 120.2(d)(7)), and illegal activities (see § 120.2(d)(9)). Cooperatives, other than consumer or marketing cooperatives, are eligible if owned only by eligible small concerns. All other non-profit groups are ineligible. Applicants determined by SBA as able to obtain Credit Elsewhere

(as defined in § 123.22) are not eligible for such loans.

(c) *Term of Loan:* See § 123.8(a).

(d) *Amount of loan:* Economic injury loans of both types, together with physical disaster loans, are limited to a maximum of $500,000 for SBA's share for each applicant together with its affiliates as defiend in § 121.3–2 of this Chapter. *Provided, however,* That this maximum may be waived by SBA for an economic injury disaster loan if the small concern is a Major Source of Employment, as defined in § 123.22. Applicants must use personal and business assets to the greatest extent without incurring personal hardship.

(e) *Use of Proceeds:* Loan proceeds may be used for:

(1) Alleviation of the economic injury pursuant to § 123.43 (federal action);

(2) Working capital necessary to carry the concern until resumption of normal operations, including debt service and operating costs, but not to exceed that which the business could provide had the disaster not occurred.

(f) *Prohibited use of loan funds.* No funds may be provided for the payment of dividends or other disbursements to owners, partners, officers or stockholders unless they constitute reasonable salary and are directly related to their performance of services.

(g) *Interest.* Economic injury disaster loans made as a result of a disaster occurring on or after August 13, 1981, and Federal action loans, will bear interest at a rate not to exceed 8 percent. No such loans shall be made to applicants able to obtain Credit Elsewhere.

§ 123.42 Special provisions—Economic injury disaster loans.

(a) *Availability.* These loans are available for eligible small concerns located in an area which has been:

(1) Declared a Major Disaster Area by the President,

(2) Designated a natural Disaster Area, by the Secretary of Agriculture,

(3) Declared a physical Disaster Area by SBA, or

(4) Designated an area of economic injury by SBA pursuant to a Governor's certification, see § 123.24(c).

(b) *Loan Amount.* Economic injury disaster loans may be approved in addition to any physical disaster loan for which the business may be eligible: *Provided, however,* That the aggregate amount of a physical disaster and an economic injury disaster loan to a single applicant (other than a Major Source of Employment) in a single disaster shall not exceed $500,000 (SBA's share). See also definition of Eligible Physical Loss in § 123.22.

(c) *Use of Proceeds.* Working capital necessary to carry the concern until resumption of normal operations, including debt service and operating costs, but not to exceed that which the business could provide had the disaster not occurred.

(d) *Timely application.* Applicants must apply for a loan within the time established by the disaster declaration or designation (see § 123.24).

(e) *Receipts.* Each borrower shall retain evidence as to the use of proceeds for a period of three years from the date of last disbursement, and make such evidence available to SBA or other authorized governmental personnel upon demand.

§ 123.43 Special provisions—Federal action economic injury loans.

(a) *Availability.* Federal action loans are available to eligible small business concerns when:

(1) The injury results:

(i) From action of the Federal government, or

(ii) As a consequence of Federal action, or

(iii) From requirements or restrictions imposed on such concern under any Federal law, any State law enacted in conformity with such law, or any regulation or order of a duly authorized Federal, State, regional or local agency issued in conformity with such Federal law; and

(2) As a result of the Federal, State or local action listed in paragraph (a)(1) of this section, the small business concern must:

(i) Effect additions to, alterations in or reestablish its plant or facilities in a new or the same location, or

(ii) Alter its method of operation; and

(3) Without assistance under the Federal Action loan program the small business concern is likely to be unable to market a product, or to suffer substantial economic injury, and

(4) The small business concern is unable to obtain Credit Elsewhere as defined in § 123.22.

(b) *Loan Amount.* No loan under this section shall exceed $500,000, and the amount of such loan shall be based solely on a determination made on each application.

(c) *Use of Proceeds.* (1) Alleviation of the problem caused by the Federal action (e.g., change in location or method of operation).

(2) Working capital necessary to carry the concern until resumption of normal operations, including debt service and operating costs, but not to exceed that which the business could provide had the federal action not occurred.

(3) Upgrading, when deemed necessary by SBA. Such upgrading is limited to one-third of building size and one-half of land space, and to meet building code requirements.

(4) The refunding of bank or prior SBA loans when SBA deems the debt service too burdensome or otherwise inappropriate, subject to § 120.2(d)(1) of this Chapter. No refunding shall be permitted on loans provided, guaranteed or insured by another Federal agency or a small business investment company licensed under the Small Business Investment Act.

(d) *Types of Loans.* See § 123.3.

(e) *Terms of Loans.* See § 123.8(a).

(f) *Service Fees.* See § 123.5.

Appendix A—Interest Rates in Effect Prior to August 13, 1981

Since these regulations are based on currently applicable interest rates (i.e., since August 13, 1981), rates applicable to earlier disaster loans, on SBA's share of a loan, are summarized here for convenience only. For details, see Rev. 9 of Part 123, 1981 edition of Title 13, Code of Federal Regulations, Ch. 1.

(1) *Disasters on or After January 1, 1971, and before January 1, 1972.* For physical disaster loss assistance, and for economic injury assistance in areas declared to be major disaster areas by the President or natural disaster areas declared by the Secretary of Agriculture, in an area accepted by SBA as a natural disaster-caused economic injury area upon it Governor's certification the interest rate on SBA's share of the loan is three percent (3%).

(2) *Disasters on or after January 1, 1972, and before April 20, 1973.* For losses described under (1) above one percent (1%), except natural disasters declared only by the Secretary of Agriculture, three percent (3%).

(3) *Disasters on and after April 20, 1973, and before August 5, 1975.* A rate not to exceed five percent (5%).

(4) *Disasters on and after August 5, 1975, and before July 1, 1976.* The five percent (5%) rate is continued for physical disaster, economic injury caused by physical disaster and product disaster assistance, but displaced business, regulatory compliance, strategic arms limitation, base closing, energy shortage and water pollution control assistance loans carry interest at a rate determined by the Secretary of the Treasury taking into consideration the average interest rate on all interest-bearing U.S. public debt obligations as computed at the end of the fiscal year next preceding the date of the loan, adjusted to the nearest one-eighth percent (0.125%) plus one-quarter percent (0.25%) (hereinafter called Old Formula Rate), such rate not to exceed the rate of interest in effect at the time of the occurrence of the disaster.

(5) *Disasters on and after July 1, 1976, and before October 1, 1978.* (a) *Physical Disaster Home Loans:* One percent (1%) on the first $10,000 to repair or replace primary residence or personal property, three percent (3%) from $10,000 up to $40,000, and the Old Formula

Rate on any repair on replacement costs exceeding $40,000, and on any amounts used for refinancing.

(b) *Other Physical Disaster Loans:* Three percent (3%) up to $250,000 and the Old Formula Rate thereafter;

(c) *Loans for Economic Injury Resulting From a Physical Disaster:* Three percent (3%) for the first $25,000 of such loan, Old Formula Rate thereafter;

(d) *All Other Economic Injury Loans:* Old Formula Rate;

(6) *Disasters on or after October 1, 1978, and before July 2, 1980.* (a) *Physical Disaster Home Loans:* Three percent (3%) for loans to repair or replace a primary residence or personal property, up to $50,000 and $10,000, respectively, but not to exceed $55,000 combined. The Old Formula Rate applies to amounts in excess thereof and also applies to homes other than primary and owner-occupied 1–4 residences;

(b) *Physical Disaster Business Loans:* Where SBA determines that the small concern is unable to obtain Credit Elsewhere (see § 123.22 for definition), five percent (5%), but the Old Formula Rate for the refinancing part thereof. Absent such determination, the Old Formula Rate applies.

(7) *Disasters on or after July 2, 1980 and before 13, 1981.* Same as in (6) above, except that loans to businesses able to obtain Credit Elsewhere were made at the Adjusted Treasury Rate, as defined in § 123.22.

Appendix B—Memorandum of Understanding Between the Small Business Administration (SBA) and the United States Department of Agriculture (USDA)—Farmers Home Administration (FmHA) Pertaining to Disaster Loan Assistance Programs

1. Preamble

Pub. L. 96–302, which amended the Small Business Act and the Consolidated Farm and Rural Development Act, amends Section 18 of the Small Business Act by—"(1) striking the comma after the phrase 'agricultural related industries' and inserting the following: ': Provided, That prior to October 1, 1983, and agricultural enterprise shall not be eligible for loan assistance under paragraph (1) of section 7(b) to repair or replace property other than residences and/or personal property unless it is declined for, or would be declined for, emergency loan assistance at substantially similar rates from the Farmers Home Administration under Subchapter III of the Consolidated Farm and Rural Development Act,' and * * *."

This legislation makes it clear that farmers are to be directed to the FmHA for disaster loan assistance once a disaster declaration has been made as a result of disasters commencing on or after July 3, 1980.

This joint Memorandum reaffirms the mutual desire of SBA and FmHA to cooperate in the use of their respective disaster loan-making authorities to complement the disaster program activities of each other, consistent with the basic purpose of the legislation.

It is *not* intended that this Memorandum alter the relationship that currently exists between FmHA and SBA regarding the handling of each Agencies' regular lending programs.

With respect to their regular programs, FmHA and SBA will continue, to the extent possible, to improve and expand the delivery of financial assistance to the agricultural community.

II. Definitions

1. *Farming* is the business of producing crops, livestock, livestock products, and aquatic organisms through the management of land, water, labor, capital and basic raw materials, e.g., seed, feed, fertilizer and fuel.

2. *Natural Disaster* (As authorized by FmHA State Directors) is a disaster caused by such natural phenomena as hurricanes, tornadoes, cyclones, excessive rainfall, floods, earthquakes, blizzards, freezes, electrical storms, snowstorms, drought, excessively high temperatures, and hail; insects where abnormal weather contributed substantially to the spreading and flourishing of such insects; fire resulting from lightning, and fires of other origins which could not be controlled because of abnormal weather; and plant and animal diseases where abnormal weather contributed substantially to such diseases spreading into epidemic stages.

3. *Physical Disaster* (As declared by the Administrator of SBA) is a disaster caused by a flood, riot, civil disorder, hurricane, tornado, storm, high water, wind-driven water, tidal wave, snowstorm, drought, fire, explosion or other catastrophic event.

4. *Major Disaster* (As declared by the President) is a disaster caused by any catastrophic event of sufficient magnitude to warrant major disaster assistance by the Federal Government, under the Disaster Relief Act of 1974.

5. *Housing Losses* are losses sustained to the farmowner's personal dwelling, tenant housing or farm labor housing and their contents, and other personal property contained therein.

6. *Agricultural Enterprises* are those businesses engaged in the production of food and fiber, ranching and raising of livestock, aquaculture, and all other farming and agricultural related industries.

7. *Credit Elsewhere:*

(a) For SBA purposes, is the availability of sufficient credit from non-Federal sources at reasonable rates and terms, taking into consideration prevailing private rates and terms in the community in or near where the disaster loan applicant transacts business for similar purposes and periods of time.

(b) For FmHA purposes, is the availability of sufficient credit elsewhere taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time.

8. *Federal Individual Assistance* is the Federal disaster assistance made available to private individuals and privately owned and operated agricultural enterprises as compared to public assistance disaster programs which are available to governing bodies and quasi-governing bodies of political subdivisions.

9. *Presidential Emergency* is any disaster in any part of the United States which is of such magnitude that the President makes a declaration and which requires certain Federal emergency programs to supplement State and local efforts in the preservation of lives and protection of property, public health and safety, or to avert or lessen the threat of a more severe disaster.

III. General Guidelines

1. The FmHA administers its financial assistance programs through its State, District and County offices.

The SBA administers its financial assistance programs through its Regional, District and Branch offices.

2. All farm disaster loss loan applications heretofore and hereafter approved by SBA will be serviced by SBA.

3. The SBA and FmHA will have substantially similar interest rates for their respective loss loans. It is agreed, therefore, that such interest rates will not differ any more than one percent per annum at any given time, and will be applied in accordance with section 114 of Pub. L. 94–305; and that the FmHA Deputy Administrator for Farm and Family Programs and the SBA Associate Administrator for Financial Assistance will consult before either Agency changes its loss loan rate of interest.

4. FmHA State Directors and SBA District Directors will consult with each other when either is contemplating authorizing or recommending that an area(s) be named where farm disaster financial assistance is to be made available. Each Agency, at the National level, will notify the other in writing when such declaration or authorization is officially made.

5. FmHA State Directors and SBA District Directors will exchange addresses of their respective offices and identify the geographical area(s) served by each. This specific information will be available in all field offices of both Agencies so applicants can be referred to the appropriate offices with a minimum of delay. The FmHA uses its local county offices to administer disaster emergency programs. SBA will either establish special local offices for administering its disaster assistance programs, or utilize permanent SBA offices, as appropriate.

6. SBA Disaster Branch Offices and FmHA County Offices will cooperate to avoid overlapping and duplication of disaster benefits by exchanging loan application and loan approval information while ensuring that farmers and rural resident disaster victims receive the assistance to which they are entitled.

7. FmHA State Directors and SBA District Directors will meet on a frequency of not less than annually to review this Memorandum of Understanding, clarify and agree on each Agency's disaster program responsibilities, and plan appropriate training meetings for their respective employees to assure familiarity with and common understanding of the contents of this Memorandum of Understanding.

IV. How Loans Are Made Available

1. *FmHA Emergency (EM) Loans.* EM Loans will be made available in counties named by the Federal Emergency Management Agency (FEMA) as eligible for Federal Individual Assistance under a major

disaster or emergency declaration by the President, or in counties where EM Loans are authorized by the FmHA State Director because of a natural disaster.

2. *SBA Disaster Loans.* SBA Physical Loss and Economic Injury Disaster Loans will, as determined to be necessary and appropriate, be made available in counties named by FEMA, as well as in counties declared by the Administrator of SBA. Economic Injury Disaster Loans, as a separate program, will be made available to nonfarm small business concerns in counties where FmHA State Directors have authorized EM Loans, and furthermore, SBA Physical Disaster Loans will be made available to those agricultural enterprises referred to SBA by FmHA pursuant to paragraph IV 4 (e) of this Memorandum of Understanding.

3. FmHA and SBA will establish a liaison at both the State Director/District Director level and the National level and periodically coordinate their activities to: (a) Exchange detailed information concerning the disaster loan programs, (b) define areas of cooperation between the two Agencies, (c) assure that their programs are serving the intended recipients, (d) establish new methods to serve the public more expeditiously, and (e) achieve maximum utilization of their respective resources.

4. The SBA and FmHA agree that the interests of agricultural enterprises will be best served, and that each Agency will achieve better utilization of available resources, through the operating guidelines discussed in this section relative to areas where these Agencies offer disaster assistance. Furthermore, National FmHA and Central SBA office representatives agree to meet on a frequency of not less than annually to review this Memorandum of Understanding, discuss matters of mutual concern relating to each Agency's disaster loan programs and to revise this document, if appropriate.

(a) When an applicant has sustained only housing and personal property losses in areas where SBA's Physical Loss Loans are available, *only* SBA will make loans for the restoration or replacement of disaster caused housing losses as defined in paragraph II 5 of this Memorandum of Understanding. When an agricultural enterprise has suffered farm production and/or physical farm losses, as well as housing losses, and SBA has not approved a physical disaster declaration for the affected area, FmHA wll make the loan(s) for the production and physical farm losses as well as the housing losses.

In the event both Agencies have made their disaster assistance programs available for the area, applicants will have the option of going to FmHA *or* SBA for disaster loan assistance to restore or replace their housing losses; however, *in all cases,* farm production and farm physical loss loans will be made by FmHA, providing the applicant is otherwise eligible.

In those instances where an FmHA farm production and/or physical farm loss loan(s) is to be made, following approval of an SBA Housing Loss Loan, the SBA will, upon request from FmHA, subordinate its lien to FmHA, as may be required for approval of the FmHA loss loan(s).

(b) When an applicant makes an initial inquiry for disaster assistance from SBA and farm losses are evident, the applicant will be advised of the provisions of (a) above and referred to FmHA for the needed financing based on farm losses. When an applicant makes an initial inquiry with SBA seeking disaster assistance for housing losses *only,* the applicant will be referred to FmHA for consideration whenever the losses suffered were not in an SBA authorized area. Should such an applicant be in an SBA authorized area and be denied SBA assistance because of a lack of repayment ability due to low income, the applicant may be referred to FmHA for its consideration under FmHA's 502 Rural Housing Interest Credit Loan Program, provided the applicant resides in a rural community or in a community under 20,000 population. FmHA may be able to extend interest credit assistance to such borrowers at rates as low as 1 percent under that Loan Program.

(c) In any event, potential farm loan applicants should contact FmHA for an interview to determine whether they are eligible for disaster loan assistance from the FmHA. [Those not eligible will be referred to the SBA for consideration, except those discussed in paragraph (e) below.] Where a referral or denial action is taken by the FmHA, the referral or denial letter to the applicant will specify the reason(s) why the disaster type assistance requested by the applicant was not made available by FmHA.

(d) Potential applicants are not to be referred back and forth between FmHA and SBA. Representatives of each Agency must be reasonably certain the disaster victim is eligible for assistance from the other agency before a referral is made.

(e) FmHA personnel will refer, by letter, those applicants ineligible for FmHA EM Loan assistance for reasons such as alien status; corporations, partnerships and coperatives not being primarily engaged in farming; and farm owners who do not operate their farm(s). Referral letters will state the specific reason(s) for ineligibility and will include the following statement, "Applicant has been informed that applicants for SBA Physical Disaster Loan assistance must meet minimum loss criteria substantially similar to that employed by FmHA." Referrals will not be made by FmHA when the reason(s) for loan denial is based on unfavorable credit determinations (includes inadequate security), lack of repayment ability, or when it is known to FmHA that sustained disaster losses are insufficient to meet its minimum loss criteria.

(f) Disaster victims filing for financial assistance from either Agency will give written permission for FmHA and SBA to exchange all prior and current loan application and loan experience information, including appraisals. The format for this permission must be developed in compliance with the Privacy Act.

(g) Applicants filing for financial assistance from either Agency must use the forms and procedures of the Agency being requested to provide such assistance. An applicant who is denied assistance by either Agency must file a new application with the other in accordance with that Agency's forms and procedures. However, the earliest filing date of an application for losses with either Agency will constitute the filing date with regard to termination dates for receiving applications by either Agency; provided *not more than six months* has elapsed since the termination date of the second Agency contacted, at the time that Agency is requested to process an application.

V. Description of Lending Policies

The FmHA guarantees EM Loans and also makes insured EM Loans. Guaranteed EM Loans are loans where an eligible lender advances the entire loan from its own resources and services the loan. The FmHA guarantees repayment to the lander of a certain percentage of any loss of principal and interest. Insured EM Loans are those made from the Agricultural Credit Insurance Fund (ACIF) by FmHA employees and serviced by FmHA employees.

The SBA makes direct, immediate participation, and guaranteed loans. Direct loans are made with SBA funds only. Immediate participation loans are those in which SBA agrees to pruchase a specified percentage of a loan from a lender immediately after disbursement of such loan. Guaranteed loans are made by a conventional lender from its own funds and SBA guarantees a percentage of the unpaid balance.

VI. Loan Programs

The Emergancy and Disaster Loan Programs of FmHA and SBA are outlined in Table I which sets forth the comparative similarities and differences of each program.

VII. Administrative Guidelines

1. The services of FmHA and SBA, which are available to lenders and applicants are, by mutual agreement, services that each Agency would provide any eligible applicant in the normal course of business; and normally there will be no reimbursement by either Agency to the other for such services.

2. The National Office of FmHA and the Central Office of SBA will cooperate in counseling their field offices and in resolving problems in specific cases.

3. This Memorandum of Understanding in no way alters or supersedes the existing Memoranda between the two Agencies covering FmHA's regular farmer loan authorities and its Business and Industrial Loan authorities, and all of SBA's regular loan programs. However, this Memorandum replaces the previous Memorandum of Understanding on disaster type loan assistance, signed by SBA on July 21, 1977, and by FmHA on August 25, 1977.

4. This agreement may be amended at any time by written agreement of both parties.

5. This agreement shall take effect upon the later date shown below.

Dated: August 23, 1980.
Gordon Cavanaugh,
Administrator, Farmers Home Administration.

Dated: September 26, 1980.
A. Vernon Weaver,
Administrator, Small Business Administration.

Dated: April 6, 1983.
James C. Sanders,
Administrator.

SBA/FmHA Memorandum of Understanding Disaster Loan Assistance Programs

TABLE I.—COMPARATIVE SIMILARITIES AND DIFFERENCES

FmHA	SBA
ELIGIBILITY	
1. An individual applicant must be a citizen of the United States. For applicants which are organized as a partnership, a cooperative, or a corporation, the principal owners must be U.S. citizens; over 50 percent of the ownership of such entities must be held by U.S. citizens; and the manager of any such entity must have an ownership interest in the entity and be a U.S. citizen. Such entity must be recognized and authorized to farm in the State(s) in which it will operate a farm(s), and such entity will be in good standing in that State(s).	1. Citizenship is not required. However, use of disaster loan proceeds outside the United States or its possessions is not permitted.
2. EM loan applicants *able* to obtain their needed credit elsewhere may be considered for an *Actual Loss Loan only at a current market rate of interest.* EM Loan applicants *unable* to obtain their needed credit elsewhere, exclusive of an SBA Physical Disaster Loss Loan, may qualify for an *Actual Loss Loan(s) at 5 percent interest, and EM Annual Production and/or EM Major Adjustment Loan(s) at the current market rate of interest.*	2. Physical Disaster Loans are made to non-business loan applicants, without regard to the availability of other financing or resources, and business loan eligibility is similar. However, the SBA's judgment of the business' capacity to obtain credit elsewhere will determine the applicable interest rate. Applicants for Economic Injury Disaster Loan (EIDL) assistance *must* seek and fully utilize all alternate financing resources prior to obtaining an EIDL loan from SBA. EIDL applicants must be eligible *small* businesses according to SBA size standards.
3. The applicant must be an established farmer, rancher or aquaculture operator, either tenant-operator or owner-operator. If the applicant is a partnership, corporation, or cooperative, it must be primarily engaged in farming; i.e., it must derive over 50 percent of its gross income from all sources from the farming operation(s), and the farming operation(s) must be managed by one or more of the principal partners, principal stockholders, or principal members.	3. Most homeowners, businesses and nonprofit institutions are eligible for Physical Disaster Loan assistance.
4. The applicant must have been conducting a farming operation(s) at the time of the disaster in a county or counties where EM Loans have been authorized.	4. The applicant must be within the disaster area as defined by the SBA disaster declaration.
5. The applicant must have suffered qualifying property damage or production losses as a direct result of the declared or authorized disaster.	5. The applicant must have suffered real or personal property damage as a direct result of the declared disaster.
6. The applicant must be of good character, have the necessary experience and/or training, industry, and ability to carry out the proposed operation.	6. Applicants must be of good character and must be able to provide reasonable assurance of loan repayment ability.
7. Will take all farm disaster applications and approve EM Loans based on disasters commencing *after July 2, 1980,* regardless of whether or not an applicant can obtain the credit needed elsewhere.	7. Will take any farm disaster applications and approve disaster loans based on disasters commencing *on or before July 2, 1980.* Applicants applying for farm disaster loans based on disasters commencing *on or after July 3, 1980,* will be referred to FmHA.
LOAN PURPOSES	
1. For those unable to obtain credit, to cover actual losses for damaged or destroyed farm property and production; provide essential annual farm production and family living expenses; and provide the financing necessary to make adjustments in the farming operation, which will assure the return of the operation to a financially sound pre-disaster base.	1. The purpose of Physical Disaster Loans is to restore the disaster victim's home or business property, real or personal, as nearly as possible to its pre-disaster condition. No upgrading is permitted except as required for code compliance.
2. Housing losses—available under FmHA's Rural Housing Disaster Loan Program only when SBA's Physical Disaster Loan assistance is *not* available. When housing and farm losses are involved, the applicant may choose between SBA or FmHA for loan assistance on the housing loss, but all farm loss assistance will be provided by FmHA.	2. Housing losses—When only housing losses are sustained, SBA will make all Housing Loss Loans caused by the declared disaster. In those areas where both FmHA and SBA disaster programs are available, applicants may select the Agency from which they wish to obtain their Housing Loss Loan, but all applications for farm loss loans will be referred to FmHA.
3. Initial EM Annual Production Loans may be applied for up to 12 months from the disaster authorization date. Subsequent EM Annual Production Loans may be applied for up to three full calendar years after the disaster authorization date. However, EM Annual Production Loans, initial or subsequent, are *not* available to applicants who are initially *able* to obtain their needed credit elsewhere.	3. Economic Injury Disaster Loans are somewhat similar; however, the need for these loans must be specifically related to the physical disaster as declared by SBA.
4. EM Major Adjustment Loans may be applied for up to 12 months after the disaster authorization date, but are *not* available to applicants who are initially *able* to obtain their needed credit elsewhere.	4. No comparable disaster loan program; however, SBA's Regular Business Loan Program is somewhat similar.
RATES AND TERMS	
1. Actual Loss Loans: (a) For applicants who are *able* to obtain their credit elsewhere, the interest rate for EM Actual Loss Loans is established by the Secretary of Agriculture, based on the cost of money to the Government using the statutory formula.	1. Interest rate on Physical Disaster Business Loans where credit elsewhere is available is determined by a statutory formula which is based upon the cost of money to the Government, and which will remain in effect for all disasters occurring on or after October 1, 1978, and prior to October 1, 1983.
(b) For applicants who are *unable* to obtain their credit elsewhere, the interest rates for EM Actual Loss Loans are as follows:	During the same period, October 1, 1978, through September 30, 1983, there is a 3 percent interest rate for losses to primary homes and personal property; and a 5 percent rate for loans to businesses, which in SBA's judgment are unable to obtain credit elsewhere. Interest rates on loans for all other purposes are based upon a statutory formula.
(1) For disasters occurring through September 30, 1978, for which loans were approved on or after October 1, 1978, the rate is 3.00 percent.	

TABLE I.—COMPARATIVE SIMILARITIES AND DIFFERENCES—Continued

FmHA	SBA
(2) For disasters occurring on or after October 1, 1978, the rate is 5.00 percent. Actual Production Loss Loans are normally made for up to 7 years. Under certain circumstances loss loans for production and chattel losses may extend up to 20 years with special conditions, depending on the life expectancy of the collateral securing the loan(s). Actual Loss Loans for real estate purposes will normally be for 30 years, but may extend up to 40 years.	SBA Home, Personal Property, Business, and Economic Injury Disaster Loans may have maturities of up to 30 years. However, the repayment ability of the applicant will determine the actual maturity of the loan.
2. Annual Production Loans—at the current prevailing market rate established periodically by the Secretary and repayable when principal income from the year's operation is normally [illegible].	2. Interest rate for Economic Injury Disaster Loans which are similar is based upon a statutory formula.
3. Major Adjustment Loans—at prevailing current market rate as established periodically by the Secretary. Such loans for chattels are normally made for up to 7 years, and for real estate, normally up to 30 years. Under certain circumstances loans for chattels may extend up to 20 years and loans for real estate may extend up to 40 years.	3. No comparable disaster loan program.
LOAN LIMITS	
1. In addition to the ceiling limitations listed herein, the extent of loan assistance is also limited by the amount of actual loss, potential repayment ability, collateral available, the applicant's needs and other credit factors.	1. Home Loans—No statutory limit; however, the following administrative limits have been established: (a) $50,000 for real estate, (b) $10,000 for personal property, or (c) $55,000 for combined purposes and up to $50,000 for eligible refinancing.
(a) There is a statutory limit of $500,000 per disaster per applicant for Actual Loss Loan assistance for both those who *can obtain* and those who *cannot obtain* their credit elsewhere.	2. Business Loans, Physical Disasters—No statutory limit for disasters commencing prior to enactment of Public Law 96-302, i.e., July 2, 1980; however, a $500,000 administrative limit was in effect; exceptions permitted by SBA Regional Administrator to avoid undue financial hardship.
(b) Administrative ceilings for those who cannot obtain credit elsewhere have been [illegible] as follows:	
(1) Actual Loss Loan—$500,000 per applicant per disaster designation for disasters occurring on or after October 1, 1978.	For disasters commencing on or after July 3, 1980, the *statutory* limit is $500,000 per disaster per borrower.
(2) $250,000 per applicant per disaster designation for disasters occurring through September 30, 1978.	
(3) Annual Production and/or Major Adjustment Loans—$1,500,000 outstanding principal balance authorized per EM borrower, regardless of the number of disasters. A further sub-limitation setting a $300,000 maximum outstanding principal balance on Major Adjustment Loans for refinancing debts, which are secured by real estate, is established within the above $1,500,000 ceiling. However, borrowers indebted for an EM Loan(s) on or before December 15, 1979, who cannot obtain credit elsewhere, may receive subsequent Annual Production Loans in amounts necessary to continue their normal operation(s) without regard to this indebtedness ceiling.	Limit may be waived by Administrator if applicant is a major source of employment in an area suffering a major disaster declared by the President. 3. Business Loans, Economic Injury—No statutory limit, the amount of economic injury determines the size of the loan.
GRADUATION POLICY	
1. Reviewed to determine ability to obtain credit from other credit sources after a three (3) year period following receipt of the initial EM loan, and every two (2) years thereafter, until graduation is achieved or the loan(s) is paid in full. Refinancing, when available, is mandatory for borrowers who, when they received their initial loans, were unable to obtain [illegible] from other sources.	1. Business loan applicants, who can obtain credit elsewhere (loans approved at formula rate), will be reviewed for graduation three years after a Physical Disaster Business Loan is fully disbursed, and every two years thereafter for the term of the loan. Refinancing, when available, is mandatory.
ECONOMIC INJURY LOANS	
1. EM loans for annual production purposes are similar.	1. SBA is authorized to make Economic Injury Disaster Loans to small business concerns that have suffered cash flow problems related to the disaster. These loans are for working capital only and do not allow for any expansion.

[FR Doc. 83-14087 Filed 5-26-83; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

15 CFR Part 400

[Docket No. 21222-257]

Foreign-Trade Zones in the United States; Time Extension for Comments

AGENCY: Foreign-Trade Zones Board, Commerce.

ACTION: Proposed rule; Further extension of comment period.

SUMMARY: A proposed revision of the Foreign-Trade Zones Board's regulations (15 CFR Part 400) was published in the **Federal Register** on February 18, 1983 (48 FR 7188-7200), with corrections published on February 28, 1983 (48 FR 8291) An extension of the period for comment to May 31, was published on April 18, 1983 (48 FR 16502).

This notice further extends the period for comments.

In response to requests received for a further extension of the period for comments because additional time is needed to fully review and comment on the revised regulations, the period for public comment is further extended to June 24, 1983. This extension is granted in the interest of full public participation in the rulemaking, recognizing the extent and complexity of the proposed revision.

DATE: Comments must be received by June 24, 1983.

ADDRESS: Comments (original and 6 copies) are to be addressed to the Executive Secretary, Foreign-Trade Zones Board, International Trade Administration, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Room 1872, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

John J. Da Ponte, Jr., Executive Secretary, Foreign-Trade Zones Board, 202/377-2862.

(Sec. 8, Foreign Trade Zones Act of June 13, 1934, 48 Stat. 1000; 19 U.S.C. 81h)

Dated: May 24, 1983.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 83-14319 Filed 5-26-83; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 660

[Docket No. 82N-0358]

General Biological Products Standards—Sterility; Additional Standards for Diagnostic Substances for Laboratory Tests—Amendment of Final Container Requirements for Certain In Vitro Diagnostic Products

Correction

In FR Doc. 83-11978 beginning on page 20433 in the issue of Friday, May 6, 1983, make the following correction:

On page 20434, middle column, the bold face heading designated as Part 600 should have been designated as Part 660.

BILLING CODE 1505-01-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM83-6]

Rules of Practice and Procedure

May 20, 1983.

AGENCY: Postal Rate Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Postal Rate Commission proposes, pursuant to 39 U.S.C. 404(b) and 3603, to make a number of changes in its rules of practice and procedure governing appeals from Postal Service decisions to close or consolidate post offices. In general, these amendments are designed to streamline and clarify various portions of the appeal process. The Commission is proposing five changes: the adoption of an optional form for participants' use in framing their arguments; the deletion of the requirement for petitions to include a copy of the Postal Service's Final Determination; a clarification that the Commission does not expect to hold oral argument except in unusual circumstances; a clarification that petitions of appeal are to be received by the Commission within the 30 days statutorily allowed for appeals; and the extension by 5 days of the amount of time for intervention (and also extending by 5 days other affected dates in the procedural schedule).

DATE: Comments in response to this Notice should be filed on or before July 18, 1983.

ADDRESSES: Comments and other correspondence relating to this Notice should be sent to the Secretary of the Commission, Postal Rate Commission, 2000 L Street, NW., Suite 500, Washington, D.C. 20268 (telephone: 202/254-3880).

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 2000 L Street, NW., Suite 500, Washington, D.C. 20268 (telephone: 202/254-3824.

SUPPLEMENTARY INFORMATION: The rules of procedure [1] for these cases were based, with appropriate simplifications, on the rules which govern Courts of Appeals' review of administrative agency decisions. The Commission's experience with the operation of these rules has led it to conclude that they can be improved by certain amendments. In general, these amendments are designed to streamline and clarify various portions of the appeal process. The Commission is proposing five changes: the adoption of an optional form for participants' use in framing their arguments; the deletion of the requirement for petitions to include a copy of the Postal Service's Final Determination; a clarification that the Commission does not anticipate holding oral argument except in unusual circumstances; a clarification that petitions of appeal are to be received by the Commission within the 30 days allowed by the statute; and extending by 5 days the amount of time for intervention (and also extending by 5 days other affected dates in the procedural schedule).

Optional form instead of brief. The Commission believes that providing the petitioners with a form they can use in presenting their views, instead of requiring the more traditional format for legal briefs, will help to streamline the appeal proceedings by assisting to narrow and define the issues the petitioners wish to present. It is apparent to the Commission that most petitioners in these cases represent themselves and are not familiar with the traditional format for briefs in legal proceedings. The Commission also believes that providing an explanation of the Commission's role in such cases as well as instructions for the optional form should prove helpful. (A copy of the form and instructions is appended to this notice.)

The Commission believes an optional form is well suited to these cases because, as is the situation with appeals to the Tax Court, the Commission is quite familiar with the proceedings leading to the appeal. In many other situations, the petitioners rely on their brief to familiarize the appellate court with the applicable law as well as to present a general idea of the action about which they are complaining. Owing to the Commission's familiarity with these cases, briefs to the Commission may appropriately dispense with this background material, just as the Tax Court has done in considering the appeals of taxpayers representing themselves.

To illustrate a situation in which the form could prove helpful, in a recent case, Docket No. A82-6, *Stonewall, Arkansas*, the Commission received a petition consisting of two paragraphs stating a generalized complaint about the Postal Service's decision to convert the post office into a contractor-operated facility; the petition included two pages of signatures from the patrons of the office. In response, the Postal Service filed a 21-page motion to address the petitioners' undefined complaints about the Postal Service's decision, which in turn had been based on a 92-page record. In the motion, the Postal Service noted that it had difficulty in trying to determine the specifics of the issues the petitioners were raising. The Commission believes that, in similar situations, the form and instructions may enable petitioners to describe with a reasonable degree of precision their objections to the Postal Service's administative action.

Other agencies with appellate authority, such as the Tax Court, have found it helpful to provide forms and explanations to citizens representing themselves in their proceedings. The Postal Service provides forms and explanations to patrons at each stage of the post office closing or consolidation administrative procedings in which they are invited to present their views. *See, e.g.*, Domestic Mail Manual § 113.242. Additionally, persons seeking to appeal a Postal Service determination have asked the Commission to send them the appropriate forms. *E.g.*, Docket No. A82-7.

The Commission believes that providing petitioners with an optional form to use in presenting their arguments will assist in obtaining expeditious and reasonably specific statements of why the petitioners believe the Postal Service's decision should be reversed. Having been given an appropriate format, the petitioners will be able in their pleadings to focus on their reasons for objecting to the Postal Service's decision. They will not have to be concerned that their pleadings may not meet the Commission's standards and perhaps be rejected for reasons of form.

Inclusion of Final Determination. The Commission's current rules require that a copy of the Postal Service's written Final Determination be attached to

[1] Adopted at 42 FR 10989-94 (February 18, 1977).

petitions of appeal. The purpose of this requirement is to assure the Commission that the postal Service has indeed made a final, appealable decision in its proceeding, and the Postal Service is not at some intermediate stage in its decisionmaking.

Few petitioners have complied with this condition. The Commission has found that it is able to decide the appeal proceedings without undue delay in the many cases in which the petitioners did not supply a copy of the Final Determination. The Commission developed a notification procedure to advise the Postal Service of the filing of an appeal. In the unusual situation where a petitioner has filed an appeal before the Postal Service reached its decision, the Postal Service has officially notified the Commission of that fact and the Commission dismissed the appeal as not ripe for review. Docket No. A81–4.

The amendment encourages, but does not require, petitioners to provide a copy of the Final Determination with their appeals. The inclusion of a copy of the Final Determination can help the Commission expedite its consideration of cases. On the other hand, obtaining a copy could delay the filing of an appeal,[2] and the Commission must receive the appeal within 30 days of the posting of the Final Determination, or the petitioners lose their right to appeal.

Oral argument. The Commission's general rule governing oral argument states that it will decide whether oral arguments should be held after considering the applicable time constraints, the complexity and importance of the issues, and the public interest. After determining a considerable number of these cases, the Commission has come to the conclusion that oral argument is not warranted except under extraordinary circumstances. The Commission believes that most records in these cases are adequate without the additional procedure of oral argument. One of the primary reasons for this is the time constraint of the 120-day limit for the Commission to issue a decision in these cases. 39 U.S.C. 404(b)(5). Additionally, the Commission's experience with these cases has shown that only in unusual circumstances would oral argument provide parties an opportunity to explain their views more completely than is possible in written filings.

Filing of petition. The applicable statute, 39 U.S.C. 404(b)(5), states that a patron may appeal a Postal Service decision to close or consolidate a post office within 30 days. The current rules instruct persons wishing to appeal to file a petition with the Commission within the 30-day limit.

From the Commission's experience with these cases, it appears that a clarification of what is meant by the term "filing" should prove beneficial. In appellate proceedings, the general rule is that the petition of appeal must be received by the reviewing body within the applicable time limit, rather than simply put in the mailstream—as evidenced by the postmark—within the time limit. The Commission's proposed change states explicitly that an appeal is to be received within the 30-day time limit. This clarification is particularly important because the statute limits the partons' right to appeal to 30 days after the Postal Service has given written notice of its decision to close or consolidate a post office. *Compare.* Docket No. A83–4; Docket No. A82–3.

Time for intervention. The current rule states that an interested party may file a petition for leave to intervene within 20 days of the filing of an appeal. Many persons who wish to present their views in these cases have not been able to meet the current deadline. In over one-third of these cases, the Commission has received additional appeal letters after the time given for intervention.

The Commission proposes to alleviate this problem by extending the time for filing petitions to intervene by 5 days. The time for filing briefs will also be extended by 5 days. The Commission believes that allowing interested persons an additional 5 days to intervene will not have an adverse effect on its ability to issue decisions within the 120-day deadline.

Impact of proposed changes. Pursuant to Executive Order 12291, the Commission finds that the proposed rule changes do not constitute a "major rule." The changes deal with procedural matters and it is not anticipated that they could result in an appreciable change in the costs of participating in these cases. Nor will the changes have any adverse effects on competition, employment or the other factors listed in E.O. 12291.

The above analysis that the proposed rule changes do not constitute a major rule for purposes of E.O. 12291, applies with equal force to the Regulatory Flexibility Act. However, we would welcome comments as to whether the rule could have a significant economic impact on a substantial number of small entities, as well as suggestions as to how minimize any such impact.

List of Subjects in 39 CFR Part 3001

Adminstrative practice and procedure.

PART 3001—RULES OF PRACTICE AND PROCEDURE

Subpart H—Administrative Practice and Procedure

For the reasons set out above, the Commission proposes to amend its rules of procedure applicable to appeals from Postal Service decisions to close or consolidate post offices (39 CFR 3001.110–3001.116) as set forth below:

1. Section 3001.111 is revised as follows:

§ 3001.111 Initiation of review proceedings.

(a) *Petition for review.* Review of a determination of the Postal Service to close or consolidate a post office shall be obtained by filing a petition for review with the Secretary of this Commission. Such petition must be received by the Commission within 30 days after the Service has made available to persons served by that post office the written determination to close or consolidate required by 39 U.S.C. 404(b) (3) through (4). The petition shall specify the parties seeking review, all of whom must be persons served by the post office proposed to be closed or consolidated and shall identify the Postal Service as respondent. The Commission encourages parties seeking review to attach a copy of the Postal Service written determination, as the appeal process is thereby expedited. If two or more persons are entitled to petition for review of the same determination and their interests are such as to make joinder practicable, they may file a joint petition for review and may thereafter proceed as a single petitioner.

(b) *Intervention.*

A person served by the post office to be closed or consolidated pursuant to the Postal Service written determination under review who desires to intervene in the proceeding, or any other interested person, or any counsel, agent or other person authorized or recognized by the Postal Service as such interested person's representative or the representation of such interested person's recognized group, such as

[2] To obtain a copy of the Final Determination, the Commission assumes a patron would first speak to a Postal Service employee at the post office. It might be necessary then to contact the office of the sectional center manager (the Postal Service employee with management reponsibility for the area in which the post office is located). *See* Domestic Mail Manual section 113.27. The Commission has no information on the length of time needed to obtain a copy of the Final Determination.

Postmasters, shall file with the Secretary of the Commission and serve upon all parties a petition for leave to intervene in a form prescribed by § 3001.20. The petition shall contain concise statement of the interest of the moving party and the grounds upon which intervention is sought. A petition for leave to intervene shall be filed within 25 days of the date on which the petition for review is filed. The provisions of § 3001.20 (c) through (f) of Subpart A of this part shall apply to petitions for leave to intervene in review proceedings.

2. Redesignate present § 3001.115 (a), (b), (c) and (d) to become § 3001.115 (b), (c), (d) and (e) respectively. Add a new paragraph (a) and revise the redesignated § 3001.115 (b), (d) and (e) to read as follows:

§ 3001.115 Participant statement or brief.

(a) *Participant statement.* Upon the filing of the petition for review of a decision to close or consolidate a post office, the Secretary shall furnish the petitioner with a copy of PRC Form 61, a form designed to permit the appellant to make a concise statement of his or her arguments in support of the petition and the instructions regarding its use. In addition to eliciting this information, the instructions for Form 61 shall provide: (1) notification that, if the appellant prefers, he or she may file a brief as described in paragraph (b) of this section presenting the arguments, in lieu of completing PRC Form 61; (2) a concise explanation of the purpose of the form; and (3) notification that the completed form, or a brief as described in paragraph (b) of this section, in lieu thereof, must be filed with the Commission not more than 35 days following the date of filing of the petition (which date shall be set forth, as it appears in the Commission's records).

(b) *Appellant's initial brief.* The initial brief of the appellant shall be filed with the Secretary of the Commission and served on all parties 35 days after the filing of the petition for review of a decision to close or consolidate a post office.

* * * * *

(d) *Reply by appellant.* The appellant may file a written response to the brief of the Postal Service 15 days after the date designated for the filing of the brief, which shall be strictly limited in content to reply to arguments made by the Postal Service. If presented as a brief, such reply brief shall conform to the format detailed in paragraph (b) of this section.

(e) *Intervenor statements or briefs.* An intervenor shall file its brief within the time allowed for initial and reply, or answering, briefs, as appropriate. The Secretary shall furnish to each intervenor a copy of PRC Form 61 as soon as intervenor status is granted. If the intervenor chooses to file a brief, the brief shall follow the format detailed in paragraph (b) of this section.

3. Redesignate § 3001.116 to become § 3001.117 and add a new § 3001.116 to read as follows:

§ 3001.116 Oral argument.

Oral argument will be held in these appeal cases only when a party has made a showing that, owing to unusual circumstances, oral argument is a necessary addition to the written filings. Any request for oral argument shall be filed within 7 days of the date on which reply briefs are due. If a request for oral argument is granted, it will be held at the Postal Rate Commission's offices at 2000 L Street, N.W., Suite 500, Washington, D.C. 20268.

After the rule change, the Commission intends to send the material set out in Appendix A to persons participating in these appeals.

By the Commission.

Cyril J. Pittack,

Acting Secretary.

Note.—Appendix A will not appear in the Code of Federal Regulations.

Appendix A

PLEASE READ THIS ENTIRELY BEFORE FILLING OUT THE ENCLOSED "PARTICIPANT STATEMENT"

Appeals From Postal Service Determinations To Close or Consolidate Post Offices

Introduction

Congress has provided, by law, that the Postal Service follow a specific procedure and consider certain factors before making a final determination to close or consolidate a post office. The law gives any patron the right to appeal the Postal Service's final determination to the Postal Rate Commission (PRC)—an independent agency not associated with the Postal Service. It is the job of the PRC, when a patron appeals a Postal Service final determination, to decide whether the Postal Service's actions were consistent with the law.

The purpose of this paper is to help explain the Postal Rate Commission's process in dealing with appeals of Postal Service determinations to close or consolidate post offices.

To assist the Postal Rate Commission in its consideration of the appeal from the Postal Service's decision to close or consolidate your post office, you may also want to send a written argument explaining why you believe the Postal Rate Commission should reverse the Postal Service's determination and return the entire matter to it for further consideration. We have enclosed a "Participant Statement" form that you may choose to use to present your written argument. The section, "PARTICIPANT STATEMENT," beginning on page 8, is of particular interest.

Postal Rate Commission Authority

In cases of appeals from Postal Service determinations to close or consolidate post offices, the PRC has only "appellate jurisdiction"—a very limited authority.

One limitation on the PRC's authority is that we cannot conduct our own fact-finding investigation. The PRC must consider appeals based upon the "record" (the Proposal, Final Determination and other documents involved in the decisionmaking) that the Postal Service collected during the time it was making its decision whether or not to close or consolidate the post office. The Postal Service's regulations require that a copy of the record be available at the affected post office for 30 days after the final determination is posted. After that time, if you want to look at the record you may have to ask the person in charge of your post office where you can look at a copy or how to obtain one.

Due to the limits the law has placed on our authority, the PRC may not return a final determination to the Postal Service merely because the PRC believes a different result might be just as good or better. Rather, the PRC may only examine the Postal Service's decision and record, and decide whether the Postal Service has stayed within the guidelines the law has set up.

Specifically, the law requires that the PRC affirm the Posal Service's final determination unles the determination is:

(A) Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

(B) Without observance of procedure required by law; or

(C) Unsupported by substantial evidence on the record.

Furthermore, the PRC may not change the Postal Service's final determination. It may only: (1) Affirm (with the result that the Postal Service's decision will stand), or (2) return the entire matter to the Postal Service for further consideration.

Postal Service's Authority

In keeping with its responsibility to operate the nation's mail system, the Postal Service has been given much authority over post offices, including the power to decide whether an office should be closed or consolidated. However, before reaching a decision to close or consolidate a post office, the Postal Service must follow a procedure set up by law, and also consider specific factors involved in such an action.

Procedure

The law sets out the steps the Postal Service must take before it closes or consolidates a post office. Specifically:

The Postal Service, prior to making a determination * * * as to the necessity for the closing or consolidation of any post office, shall provide adequate notice of its intention to close or consolidate such post office *at least 60 days prior to the proposed date of such closing or consolidation* to

persons served by such post office to insure that such persons will have an opportunity to present their views.

The Postal Service calls its "notice of its intention to close or consolidate" the "Proposal." As noted above, the proposal must be posted for 60 days. During the 60 days patrons are invited to give the Postal Service their comments on the proposed closing or consolidation. The Postal Service calls its determination to close or consolidate the "Final Determination."

Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made * * *. Such determination and findings shall be made vailable to persons served by such post office.

The Postal Service shall take no action to close or consolidate a post office *until 60 days after its written determination is made available to persons served* by such post office.

Factors To Be Considered

In addition to following the required procedure, the Postal Service must also consider certain factors. The law states:

The Postal Service, in making a determination whether or not to close or consolidate a post office, shall consider—

(A) The effect of such closing or consolidation on the community served by such post office;

(B) The effect of such closing or consolidation on employees of the Postal Service employed at such office;

(C) Whether such closing or consolidation is consistent with the policy of the Government * * * that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

(D) The economic savings to the Postal Service resulting from such closing or consolidation; and

(E) Such other factors as the Postal Service determines are necessary.

Participant Statement

We have included a form that you may use, if you choose, for your written argument. The purpose of the Participant Statement is the same as a formal brief—to point out issues that you believe the PRC should consider in its review of the Postal Service's actions. You may choose to file either a Participant Statement or a formal brief. General examples of some issues that would be proper to include would be:

(1) That the Postal Service did not consider certain issues it is required to consider.

(2) The facts the Postal Service is relying on have not been established.

(3) The Postal Service did not follow the procedure required by law.

(4) The facts in the Postal Service's final determination are true, but they do not prove what the Postal Service says they prove.

It is best to be as specific as possible.

In reviewing Postal Service determinations to close or consolidate post offices, the PRC proceedings can be much less formal than is customary in courts. That is, the PRC does not require patrons appealing Postal Service decisions to meet the usual requirements for the form of papers filed—such as typing the documents. No technical formalities are required. However, it is important that papers sent to the PRC be legible. It is also important for statements to be clear and as specific as possible.

Time for Filing Participant Statement

The date a Participant Statement (or brief if you choose to file one instead of a Participant Statement) is due is found in the schedule which is attached as an Appendix to the "Notice and Order of Filing of Appeal." You should have a copy of the Notice and Order. If you do not, you should be able to find a copy posted at the post office. Under its rules, the Postal Rate Commission expects to *receive* briefs on the day specified in the schedule (rather than receiving briefs that are simply postmarked by that day).

Filing the Brief or Participant Statement

Address the brief or Participant Statement to: Office of the Secretary, Postal Rate Commission, 2000 L St., N.W., Suite 500, Washington, D.C. 20268.

Please include the Docket Number the PRC has given your case on your brief and on any other papers you send to the PRC concerning the case.

Before the Postal Rate Commission

Washington, D.C. 20268

In the Matter of:
Docket No: ———
Post Office ————————,
State———, ZIP code ———
(Name of person(s)
filing)————————, Petitioner(s)

Participant Statement

1. Petitioner(s) are appealing the Postal Service's Final Determination concerning the ————————, post office. The Final Determination was posted (date) ————.

2. In accordance with applicable law [39 U.S.C. 404(b)(5)], the Petitioner(s) request the Postal Rate Commission to review the Postal Service's determination on the basis of the record before the Postal Service in the making of the determination.

3. Petitioners: Please set out below the reasons why you believe the Postal Service's Final Determination should be reversed and returned to the Postal Service for further consideration. See pages 5–6 of the Instructions for an outline of the kinds of reasons the law requires us to consider. Please be as specific as possible. Please continue on additional paper if you need more space and attach the additional page(s) to this form.

Signature of Petitioner(s) ————————
(Date) ————————
(Address) ————————
(Use of this Form is optional.)
PRC Form 61
May 1983

[FR Doc. 83-14325 Filed 5-26-83; 8:45 am]
BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AH-FRL 2282-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: Indiana requested that EPA approve as a revision to the Indiana State Implementation Plan (SIP) a variance from the State opacity regulations for the Indiana-Michigan Electric Company's Breed Power Plant (Breed) during startup/shutdown. EPA is proposing to disapprove this variance because the State has not demonstrated that the National Ambient Air Quality Standards (NAAQS) will be protected during such periods of excess emissions.

DATE: Comments on this revision and on EPA's proposed action must be received by July 26, 1983.

ADDRESSES: Copies of the SIP revisions and the supporting data are available at the following addresses for review. (It is recommended that you telephone Robert B. Miller at (312) 886-6031 before visiting the Region V office.)

Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Indiana Air Pollution Control Division, 1330 W. Michigan Street, Indianapolis, Indiana 46206

Comments on this action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section (5AP-11), Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air Programs Branch, Region V (5AP-26), Environmental Protection Agency, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: In order to attain and maintain the total suspended particulate (TSP) NAAQS, the Indiana SIP requires all sources to meet a TSP mass emission limit and an opacity (visible emissions) limit.[1]

[1] The Indiana SIP opacity regulation is APC 3, as approved in part as a revision to Indiana's opacity SIP on October 28, 1975 (40 FR 50033; January 23, 1978, 41 FR 4375). The State has subsequently adopted several revised opacity regulations, each of which supercedes for State purposes the State's previous regulation, and has submitted them to EPA as revisions to the SIP. The most recent of these submittals was on October 6, 1980 when Indiana submitted to EPA as a revision to Indiana's SIP the

However, Indiana's operating permit regulation, 325 IAC Article 2, provides that Indiana may adopt operating permits which contain site-specific emission limits less stringent than those contained within Indiana's general regulations, as long as the NAAQS are protected with the less stringent limits. These relaxed limits supercede those in the general regulations and must be submitted to EPA as revisions to the SIP.

Pursuant to this provision, Indiana adopted an operating permit for Breed which contains a site specific variance to Indiana's opacity regulation, 325 IAC 5–1.[2] The State submitted this operating permit to EPA on February 26, 1981. EPA returned the revision to the State on August 21, 1981, because the SO_2 emission limit relaxation contained in the permit was inadequately supported. On June 22, 1982, Indiana resubmitted to EPA as a revision to the SIP the Breed operating permit with the additional needed SO_2 support material.

The operating permit opacity variance allows Breed to exceed Indiana's 40% opocity limit [3] during boiler startup and shutdown for a period of up to ten hours or until the flue gas temperature entering the electrostatic precipitator reaches 250°F, whichever comes first. The average opatity during these times of excess emissions may not exceed 70%.

EPA has determined that Sullivan County, the County in which Breed is located, is currently attaining the TSP NAAQS (43 FR 8962, March 3, 1978). However, Indiana did not submit any data which demonstrate that the TSP NAAQS would be maintained during these excess emission startup/shutdown periods. EPA is, therefore, proposing to disapprove the opacity variance contained in the Breed operating permit, because Indiana did not demonstrate that the NAAQS are protected during such periods of excess emissions.

EPA's excess emissions policy [4] does permit the exercise of enforcement discretion for unavoidable excess emissions. In determining an appropriate enforcement action, EPA will consider the criteria articulated in this policy.[5]

All interested persons are invited to submit written comment on EPA's proposed disapproval of this variance. Written comments will be considered in determining EPA final action on the variance. After review of all comments submitted, EPA will publish in the Federal Register the Agency's final action.

Under 5 U.S.C. 605(b), the EPA must determine if its action will have a significant economic impact on a substantial number of small entities. EPA's proposed disapproval of the opacity variance will not affect a significant number of small entities, because it deals with only one source, the Breed Powerplant.

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection at the EPA Region V office listed above.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, and 7601(a))

Dated: December 29, 1982.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 83–14274 Filed 5–26–83; 8:45 am]

BILLING CODE 6560–50–M

State's revised opacity regulation, 325 IAC Article 5–1. Indiana had adopted this regulation for State purposes on September 15, 1980.

EPA proposed to disapprove 325 IAC Article 5–1 as a revision to the SIP on March 3, 1982, because it would relax opacity limits in nonattainment areas (42 FR 9019). EPA will take final action on this regulation in a future Federal Register notice. Until such time as EPA ultimately approves a revised Indiana opacity regulation as a revision to the SIP, the SIP opacity regulation remains APC 3, as approved on October 28, 1975.

[2] This same operating permit also established a revised sulfur dioxide (SO_2) emission limit, for Breed of 9.57 pounds of SO_2 per million British Thermal Units. EPA is proposing to approve this revised emission limit in a separate Federal Register notice.

[3] The opacity SIP limit for this facility is also 40%. The SIP provides for a limited, narrow exception from compliance during "fire starting". This exception permits emissions up to 60% opacity for a period not to exceed 10 minutes on one occasion during a 24-hour period.

[4] EPA's excess emission policy is found at: 42 FR 21472, April 27, 1977; 42 FR 58171, November 8, 1977, *Workshop on Requirements for Nonattainment Area Plans* (Revised Edition, April 1978), P. 229; and a September 28, 1982 memorandum from Kathleen Bennett, Assistant Administrator for Air, Noise, and Radiation, to Regional Administrators, Regions I–X, concerning [EPA's] Policy on Excess Emissions During Startup, Shutdown, Maintenance, and Malfunction).

[5] In determining an appropriate enforcement response, EPA will consider any demonstration that the source makes as to whether the excess emissions were due to a sudden and unforeseeable breakdown in the equipment, could have been avoided through better scheduling for maintenance, or could have been avoided through better operation and maintenance practices. EPA will also consider if repairs, if any, were made in an expeditious manner, whether the amount and duration of the excess emissions were minimized, and whether the excess emissions are part of a recurring pattern indicative of inadequate design, operation, or maintenance.

40 CFR Part 271

[SW–6–FRL 2372–4]

Hazardous Waste Management Program; Texas Application for Interim Authorization, Phase II Component C

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of a public hearing.

SUMMARY: Today EPA is announcing the availability for public review of the Texas application for Phase II, Component C, Interim Authorization, Hazardous Waste Management Program, inviting public comment, and giving notice that if significant public interest is expressed, EPA will hold a public hearing on the application.

DATE: If significant public interest is expressed in holding a hearing, a public hearing is scheduled for July 14, 1983 at 7:00 p.m. EPA reserves the right to cancel the public hearing if significant public interest in holding a hearing is not communicated to EPA by telephone or in writing by July 7, 1983. EPA will determine by July 11, 1983, whether there is significant interest to hold the public hearing. All written comments on the Texas Interim Authorization application must be received by the close of business on July 7, 1983.

ADDRESSES: If significant public interest is expressed, EPA will hold a public hearing on Texas' application for Interim Authorization on July 14, 1983, at 7:00 p.m., at the Stephen F. Austin State Office Building, Room 118, 1700 N. Congress Avenue, Austin, Texas

Written comments on the application and written or telephoned communication of interest in EPA's holding a public hearing on the Texas appication must be sent to: U.S. Environmental Protection Agency, Region VI, Air and Waste Management Division, Attn: H. J. Parr, Hazardous Materials Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767–2645.

If you wish to find out whether or not EPA will hold a public hearing on the Texas application based upon EPA's decision that there was significant public interest in such a hearing, write or telephone after July 11, 1983, the EPA contact person listed below or telephone: Dan Eden, Texas Department of Water Resources, P.O. Box 13087, Capitol Station, Austin, Texas, Telephone (512) 475–2041.

Copies of the Texas Interim Authorization application for Phase II Component C, are available during normal business hours at the following addresses for inspection and copying:

Texas Department of Health, Bureau of Solid Waste Management, Room 602, 1100 West 49th Street, Austin, Texas 78756, (512 458–7271
Texas Department of Water Resources, Stephen F. Austin State Office Building, Library—Room 511, 1700 N. Congress Avenue, Austin, Texas 78711, (512) 475–3781
Texas Department of Water Resources District Office, 4301 Center Street, Deer Park, Texas 77536, (713) 479–5981
Texas Department of Water Resources District Office, Klee Square Building, Suite 515, 505 South Water Street, Corpus Christi, Texas 78401, (512) 882–2548
Texas Department of Water Resources District Office, 2321 A 50th Street, Lubbock, Texas 79412, (806) 799–1164
Environmental Protection Agency, Region VI, Library, 28th Floor, 1201 Elm Street, Dallas, Texas 75270, (214) 767–7341
EPA Headquarters Library, 401 M St., SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: H. J. Parr, Hazardous Materials Branch, U.S. Environmental Protection Agency, Region VI, Dallas, Texas 75270, (214) 767–2645.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, **Federal Register** (45 FR 33066), the Environmental Protection Agency promulgated regulations, pusuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State program can be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of Texas received Interim Authorization for Phase I on December 24, 1980.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase Ii of Interim Authorization. Component A, published in the **Federal Register** January 12, 1981 (46 FR 2802), contains standards for permitting containers, tanks, surface impoundments and waste piles. Component B, published in the **Federal Register** January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators.

The State of Texas received Interim Authorization for Phase II, Components A and B, on March 23, 1982.

In the July 26, 1982 **Federal Register** (47 FR 32378), the Environmental Protection Agency announced that states with qualified programs can be authorized for Phase II interim Authorization, Component C. Component C published in the **Federal Register** includes standards for permitting of land disposal facilities.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 271, Subpart F (45 FR 33479; May 19, 1980).

As noted in the May 19, 1980 **Federal Register**, copies of complete state submittals for Phase II Interim Authorization are to be made available for public inspection and comment. In addition, if significant public interest is expressed a public hearing is to be held on the submittal.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indians—land, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business formation.

(Solid Waste Disposal Act, amended by Resource Conservation and Recovery Act of 1976 and Solid Waste Disposal Act Amendments of 1980, 42 U.S.C. 6901 et seq.)

Dated: May 19, 1983.

Dick Whittington, P.E.,

Regional Administrator.

[FR Doc. 83–14276 Filed 5–26–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 36

Indian Health; Redesignation of Contract Health Service Delivery Area

AGENCY: Public Health Service, HHS.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws a notice of proposed rulemaking on redesignation of the geographical boundaries of the Contract Health Service Delivery Area (CHSDA) for the Penobscot Reservation in Maine that appeared at page 1318 in the **Federal Register** dated Tuesday, January 6, 1981 (46 FR 1318). On September 30, 1982, by Resolution Number 9–30–82–7, the Penobscot Indian Nation rescinded its request for a redesignation of the CHSDA applicable to the Tribe. We are, therefore, withdrawing the notice of proposed rulemaking.

DATE: The withdrawal notice is effective May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Richard J. McCloskey, Parklawn Building, Room 6A20; Telephone 301–443–3116.

SUPPLEMENTARY INFORMATION: In accordance with the final regulations for IHS Contract Health Services (CHS) published in the **Federal Register** on August 4, 1978 (43 FR 34650) and codified at 42 CFR 36.21 et. seq.), the Penobscot Tribe by Resolution Number 3–19–79 requested a redesignation of their CHSDA. The redesignation would have expanded the CHSDA to include twelve additional counties. The NPRM which was published on January 6, 1981 (46 FR 1318–1319) received no comments during the comment period. On September 30, 1982 the Governing Body of the Tribal Council of the Penobscot Nation issued Resolution Number 9–30–82–7 rescinding their March 19, 1979 resolution. Accordingly, after considering the Tribe's request to rescind in light of budgetary constraints and other criteria, the Secretary has decided to withdraw the notice of proposed rulemaking.

Dated: April 7, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: May 18, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83–14227 Filed 5–26–83; 8:45 am]

BILLING CODE 4160–16–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 79–245; FCC 83–240]

American Telephone and Telegraph Co.; Manual and Procedures for Allocation of Costs

AGENCY: Federal Communications Commission.

ACTION: Proposed rule related notice.

SUMMARY: This Notice proposes changes in the *Interim Cost Allocation Manual (ICAM)* use by AT&T to allocate costs among its interstate services. The changes to the *ICAM* are needed to make it consistent with changes in the

Jurisdictional Separations Manual, our Access Charge Rules (Part 69) and to eliminate references to classes of equipment or services which will no longer be part of AT&T after the divestiture of its Operating Companies. This action will simplify and update the *ICAM*.

DATES: Comments are due by June 8, 1983, and replies by June 22, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Leonard S. Sawicki, Common Carrier Bureau, (202) 632-6363.

Notice of Proposed Rulemaking

In the matter of American Telephone and Telegraph Co.; manual and procedures for the allocation of costs; CC Docket No. 78-245.

Adopted: May 13, 1983.

Released: May 18, 1983.

By the Commission. Commissioner Jones concurring in the result.

1. The *Third Report and Order* in CC Docket No. 78-72 [*Access Charge Order*] [1] adopted rules for the calculation of access charges. The *Access Charge Order* represents a significant departure in the traditional methods of charging for interstate telephone service. Of course, this also signals equally important changes in the method of determining those charges. In order to bring the *Interim Cost Allocation Manual (ICAM)* for AT&T's interstate services in line with the access charge scheme, we are proposing several changes to that *Manual*. Further, AT&T's divestiture of the Bell Operating Companies under the Modification of Final Judgment (MFJ) [2] necessitates changes in the treatment of various items in the *ICAM*.

2. The current *ICAM* was adopted in 1981.[3] A number of minor revisions were approved in April 1982 and April 1983 by the Chief of the Common Carrier Bureau. These changes were made consistent with the authority delegated to the Bureau Chief in the Manual (*ICAM*, p. 1). The actions proposed in this *Notice* are directed at the very narrow issues of making the *ICAM* consistent with the *Access Charge Order* and the MFJ. These changes are necessary so that AT&T may file new interstate tariffs by October 1983, to be effective at divestiture on January 1, 1984. We contemplate an expeditious review of the *Manual* in order to enable AT&T to meet this deadline.

3. We recognize that other issues are pending in this docket. Our actions here in no way will prejudge those questions. We hope to act on those soon. In addition, we have no desire to rehear the arguments made for or against specific actions taken in the *Access Charge Order*. For the purposes of these technical adjustments to the *ICAM*, we will accept the *Access Charge Order* as given. Our primary purpose here is to identify parts of the *ICAM* which need changes and conform the *ICAM* to the access rules. In the analysis below, we proceed through the *ICAM* and make adjustments that appear to be appropriate. The proposed *ICAM* is included as an appendix to this *Notice*.

4. If the access charges are revised in response to petitions for reconsideration or the Emergency Petition for Waiver relating to transport charges of divested Bell Operating Companies is granted, it will probably be necessary to revise some of the tentative *ICAM* revisions described in this Notice. We expect to incorporate any such revisions in the final order. The tariff filing schedule that we have adopted to accommodate the MFJ schedule will not permit an opportunity for further comment before such revisions are adopted. Interested persons are accordingly encouraged to suggest revisions in the proposed *ICAM* that would be appropriate if we adopt changes in access charges that have been proposed in petitions for reconsideration or waiver.

I. Investments and Reserves

A. *Company Instructions.*

5. The first section of the *ICAM* includes instructions for the Bell Operating Companies (BOCs). After divestiture the need to differentiate between BOC and Long Lines interstate investment will disappear. The BOC section is deleted, leaving Section I.B. as a general instruction to AT&T and any interexchange carrier subsidiaries it may choose to create.

B. *Reporting Categories.*

6. The new reporting categories are Exchange Contract Services to Divested Companies, Private Line, MTS and WATS. Because ENFIA will no longer be an AT&T offering after January 1, 1984, it has been dropped. To account for shared facilities and services offered to the divested operating companies after January 1, 1984, we have added a new reporting category. All investments, reserves and expenses associated with the shared facilities will be allocated to this category. Because this is a new category to the *ICAM* (and a new area for the industry), we expect the rules for the allocations to this category to evolve and gain greater sophistication and precision over time. In the first year, we expect that the supporting information will come from AT&T's contract records. As our accounting and auditing surveillance yields specific information, we will require greater detailed supporting information in the annual filings. All of the exchange contract investments, reserves and expenses will be subtracted from the appropriate accounts before those accounts are allocated to the other service categories.

7. All references to exchange in the other categories are deleted. The obvious reason for this is the divestiture. However, some of the principles for allocation are retained in a later section concerning the allocation of access charge expenses incurred by AT&T in the rendition of its interstate services. The investment, reserve and expense amounts are allocated by the local telephone companies under our Part 69 Access Rules to categories which are not uniquely related to AT&T's interstate services. Therefore, these expenses (to AT&T) must be apportioned among the interstate services. We have tried to retain the essential methods of allocation in the changes which we are proposing. They appear under the next major heading in the revised *ICAM*.

8. The major items removed from this section are the references to exchange (as we noted above), and the references in the MTS and WATS category to Local Dial Switching. Footnote 2 is deleted from this section but reappears with changes in the exchange access expense allocation section. References to BOC switchboard investment are also deleted. Finally, while the divested operating companies will perform billing for AT&T in the near term (and others on a nondiscriminatory basis if others request such services), it is possible that AT&T may someday do its own billing. We have retained the section under "MTS and WATS" to handle the allocation of billing equipment if the need arises.

II. Allocation of Exchange Access Expenses

9. AT&T will pay for the nine elements listed in § 69.4(b) of our Rules, Billing and Collection [§ 69.4(c)], and Premium Access (§ 60.207) and certain transitional surcharges (§ 96.206). These new classes of expenses dictate changes in the format of the *ICAM*. Most of these elements will have to be allocated to the MTS, WATS or private line service

---

[1] MTS/WATS Market Structure Inquiry, 48 FR 10319 (March 11, 1983).

[2] Modification of Final Judgment (MFJ), United States v. American Telephone and Telephone Co., 552 F. Supp. 131 (D.D.C. 1982) *aff'd sub nom.* Maryland v. United States, 51 U.S.L.W. 3628 (U.S. March 1, 1983).

[3] American Telephone and Telegraph Company, 84 FCC 2d 385, recon. denied, 86 FCC 2d 667 (1981), *affirmed sub nom.* MCI Telecommunications Corp. v. FCC ("ICAM"), 679 F. 2d 408 (D.C. Cir. 1982)

categories. This section contains the instructions for these allocations. While the instructions are fairly self-explanatory, we should point out that we have attempted to make the instructions and methods of allocation consistent with the *Access Charge Order*. The measure of WATS minutes in the current *ICAM* will be changed to include only open minutes to be consistent with separations changes which will be recommended by the Joint Board.

III. Expenses Not Related to Access and Income

10. Most of the changes to this section of the ICAM are editorial. They are proposed to make this section consistent with changes proposed in the "Investment and Reserves" section, above or to eliminate expense categories which will no longer apply to AT&T after divestiture. Only the changed categories are discussed here:

603–01 Subscriber Line Testing is deleted. This function will be performed by the local companies and will be subsumed in the access charges.

605 Station Equipment Maintenance is deleted due to the deregulation of this equipment.

608 Depreciation is revised to delete obsolete references to Associated Companies.

632 Public Telephone Expenses. This function will be performed by local companies and will be subsumed in access charges.

644 Connecting Company Relations. The allocation relationship has been revised to reflect the changed relationships among the companies.

645 Local Commercial Operations is changed to Commercial Operations and all references to the associated companies have been deleted. AT&T presumably will have no further "local" commercial operations.

648 Public Telephone Commission is deleted. This expense is accounted for in the Pay Phone end user access charge.

649 Directory is deleted. This local expense is accounted for under the "Information" access element.

LL Settlements except Division of Revenue. This is deleted because there is no need for this distinction after divestiture. Any settlements will be included in "Independent Company Settlements."

General Services and Licenses. This has been revised to substitute a general instruction to apportion payments for affiliate company services in the same manner as directly incurred expenses.

Regulatory Flexibility Act and Paperwork Reduction Act

11. We certify that the Regulatory Flexibility Act is not applicable to the revisions of the *Manual* set forth in this proceeding. The ICAM only applies to AT&T which does not fall within the Regulatory Flexibility Act's definition of a "small entity." AT&T is a large firm, dominant in its field of operation and therefore cannot be considered a "small entity." The Paperwork Reduction Act of 1980 does not apply to this Notice. See 44 U.S.C. 3506(c)(5).

Conclusion and Ordering Clauses

12. We have proposed these changes to bring the *ICAM* in line with our Access Rules and the Modification of Final Judgment. The changes are detailed in the attached revised *ICAM*. We seek comments on whether our changes actually are consistent with Part 69 and the MFJ, and whether the changes are complete.

13. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantial disposition of the matter is to be considered in a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever occurs earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation, and that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy of the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally*, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

14. Accordingly, it is hereby ordered, that comments may be filed on the issues and proposals discussed herein no later than June 8, 1983 and that replies may be filed no later than June 22, 1983. In accordance with the provisions of Section 1.419 of the Commission's Rules, 47 CFR 1.1419, an original and five copies of all statements, briefs or comments, or replies, shall be filed with the Federal Communications Commission, Washington, D.C., 20554, and all such filings will be available for public inspection in the Docket Reference Room at the Commission's Washington, D.C., offices. In reaching its decision, the Commission may consider information and ideas not contained in filings, provided that such information is reduced to writing and placed in the public file, and provided that the fact of the Commission's reliance thereon is noted in the Order.

15. It is further ordered, that, pursuant to 47 U.S.C. 154(i), 154(j), 201–205, and 5 U.S.C. 553, notice is hereby given of the proposed adoption of new or modified rules, in accordance with the discussion and delineation of issues in this *Notice* and on the basis of previous notices and filings in this proceeding.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Cost Allocation Manual

This manual contains general instructions for allocating the annual investment and expense costs to the following reporting categories for AT&T: Exchange Contract Services, Private Line, Message Telecommunications Service (MTS), Outward WATS and 800 Service (collectively, WATS).

For each of the reporting categories, an earnings ratio will be developed according to this formula:

$$\text{Earnings Ratio} = \frac{\text{Revenues minus (expenses and taxes)}}{\text{Gross investment minus reserves}}$$

These earnings ratios, plus supporting documents, will be filed with the Commission during June following the reporting year ("central submission"). These earnings ratios will be subject to final interpretation by the Commission.

The process for making changes to this manual shall be determined by the Chief, Common Carrier Bureau. Minor changes (such as changes in account names) may be made providing these changes are approved by the Chief, Common Carrier Bureau prior to filing of the central submission. Substantive changes, which may be requested by any party, will require appropriate procedures.

I. Investments and Reserves

Instructions in this section are to be used to allocate interstate investments and reserves to the reporting categories.

A. *General Instructions*

Using Jurisdictional Separations Process (JSP) principles and AT&T accounting records, investment and reserves for the company and any wholly owned carrier subsidiaries will be divided between exchange contract services, private line and message categories. Message investments will be grouped into interexchange and "other" categories to be used in further allocation to MTS and WATS. Those portions of investment associated with the switching function will be allocated separately as described below.

B. *Reporting Categories*

Exchange Contract Services to Divested Companies

This category will include investments and reserves for those services and facilities offered to the divested companies under contract as contemplated by the Modified Final Judgment. Investments and reserves are developed from contract and separations-related data. All related costs will be subtracted from the appropriate accounts before allocation to the other reporting categories listed below.

Private Line

This category contains investments and reserves associated with private line services less any related exchange contract service investment.

MTS and WATS

Investment and reserve amounts for the message category, as developed above, will be allocated to MTS and WATS. Message telephone plant (defined here as Account 100.1 less exchange contract services and private line investment, land, buildings, furniture and office equipment, and vehicles an other work equipment) will be identified. Toll Dial Switching and Switchboard investment will also be separately identified. Interexchange outside plant amounts will be allocated between MTS and WATS based on network message minute miles. Toll Dial Switching investment will be allocated on the basis of switched message minutes. The determination of investment in the various switchboard types will be based on JSP data. Interexchange COE circuit equipment will be allocated on the basis of the allocation of interexchange circuits. Investment in message switchboards will be directly assigned to the MTS reporting category. Investment in switchboards used to provide 800 Service Information will be assigned to the WATS category. In the event that AT&T performs its own billing, investment serving billed messages will be allocated between MTS and WATS based on the relative number of MTS and WATS messages served by such investment. Investment serving non-billed messages will be allocated based on the relative number of total MTS and Outward WATS messages. International satellite associated earth station investment (Account 100.5) and its associated depreciation and amortization account (Account 175) will be allocated on the basis of international satellite rents.

Interexchange, international satellite and switching telephone plant developed separately for MTS and WATS will be added together to form total message telephone plant amounts for MTS and WATS. The percentage which MTS and WATS telephone plant each makes of total message plant (as defined above) will be used as a distributive ratio to allocate all remaining investment ("other") and reserve accounts between MTS and WATS.[1]

II. Allocation of Access Expenses

Procedures in this section are used to allocate the expenses associated with payments to local exchange carriers for access to their local facilities. The allocation of all other expense accounts is contained in Section III, below. "Private line" use referred to in categories allocated directly or indirectly among MTS, WATS and private line on a message minute basis means FX, CCSA and CCSA equivalent Open End traffic.[2]

[1] Included in these remaining investment and reserves portions are the following accounts: Land and Buildings; Furniture and Office Equipment; Vehicles and Other Work Equipment; Telephone Plant Under Construction; Property Held For Future Telephone Use; Materials and Supplies; Customer Deposits; Organization, Franchise and Patent Rights; Depreciation Reserve and Accumulated Deferred Income Tax Reserve; Amortization Reserve; and Cash Working Capital.

[2] In developing the count of minutes of use, only "open end" WATS minutes of use will be counted. The usage measures specified herein are based on total daily volumes.

Access expense	Allocation procedures
Transitional surcharges billed on a per minute basis	Apportion among MTS, WATS and Private Line on the basis of the relative conversation minutes attributed to each category for purposes of such access charge billings.
	FX, CCSA and CCSA equivalent Open End usage is Private Line usage for purposes of this Manual
Transitional surcharges billed on a per call basis	Apportion among MTS, WATS and Private Line on the basis of the relative calls attributed to each category for purposes of such access charge billings.
Carrier Common Line Usage	Apportion among MTS, WATS and Private Line on the basis of the relative conversation minutes attributed to each category for purposes of such access charge billings.
Premium Access	Apportion between MTS and WATS in the relative proportions as Carrier Common Line Usage charges apportioned to such categories.
Line Termination	Apportion among MTS, WATS and Private Line on the basis of the relative conversation minutes attributed to each category for purposes of such access charge billings.
Local Switching 1	Assign to the Private Line category.
Local Switching 2	Apportion between MTS and WATS in the same proportions as Line Termination charges apportioned to such categories.
Intercept	Apportion between MTS, WATS and Private Line in the same proportions as Line Termination charges apportioned to such categories.
Information	Assign to MTS and WATS on the basis of the relative proportion of total MTS and WATS calls.
Operator Assistance	Assign to MTS.
Common Transport	Apportion among MTS, WATS and Private Line on the basis of the relative conversation minutes attributed to each such category for purposes of such access charge billings.
Dedicated Transport	Apportion between MTS and WATS in the same proportions as Line Termination charges apportioned to such categories.
Special Access	Apportion between WATS and Private Line in the same proportions as such access charge billings attributed to each category.

Access expense	Allocation procedures
Billing and Collection	Apportion among MTS, WATS and Private Line in the same proportions as such access charge billings attributed to each category..

III. Expenses Not Related to Access and Income—Description of FDC Methodologies

Procedures in this section are to be used to distribute all interstate expenses not related to access expenses (600 series accounts) and income to the reporting categories. All expenses related to "contract services" are deducted before allocation to other categories. Expenses are directly assigned where aplicable or allocated on the basis of the of the procedures described below. Certain accounts are allocated on the basis of "total attributable expenses." This factor represents each reporting category's precentage share of expenses derved through direct assignment and allocation procedures (except local, state and federal income taxes).

EXPENSES AND REVENUES—FDC METHODS

Operating expense accounts	Allocation procedures
602.1–602.8—Repairs of outside Plant (OSP)	Allocate to reporting categories based on associated OSP in service (Accounts 241 through 244).
603–02—Service Order Testing	Allocate maintenance of overseas facilities to reporting categories based on the number of associated circuits in service.
603–04—Trunk Testing	Directly assign the portion identified in JSP data as Private Line to the Private Line reporting category. Allocate amounts identified in the JSP as Message interexchange to the MTS and WATS categories based on the distribution of outside plant and interexchange central office plant in service.
604—COE Repairs	Allocate circuit testing to reporting categories using an analysis of reported testing hours. Overseas testing allocated to reporting categories based on number of circuits in service. Allocate facilities testing to reporting categories based on associated interexchange (IX) OSP and COE plant in service, excluding overseas. Directly assign the Service Engineering portions of Account 604 to the private line reporting category. Directly assign #4ESS international generic program costs to MTS. Allocate the circuit rearrangements and change portions of Account 604–07 and Account 604–08 (less Service Engineering) to reporting categories based on number of IX circuit sections. Allocate overseas facility terminal equipment maintenance to reporting categories based on associated number of circuits. Allocate the remainder of Account 604 to reporting categories based on associated COE plant in service.
606—Buildings and Grounds	Allocate to reporting categories based on investment in buildings.
610—Maintaining Transmission Power	Allocate to reporting categories based on COE plant (Account 221) separately for domestic and oversees.
612—Other Maintenance	Allocate to reporting categories based on combined Accounts 602 through 606 and 610.
608—Depreciation	Allocate to reporting categories based on the depreciable classes of plant in service using applicable depreciation rates. (Ocean cable depreciation is allocated separately based on the ocean plant in service in each category.)
609—Extraordinary Requirements	Allocate to reporting categories based on special analysis of accounting records.
613—Amortization of Intangible Property	Allocate to reporting categories based on total attributable expenses.
614—Amortization of Plant Acquisition Adjustments	Directly assign to reporting categories based on special analysis of accounting records.
621–01—General Traffic Supervision (Except Accounts 621–311 and 316).	Allocate to reporting categories based on Account 624 less 624–22 and 634–25.
621–311/316/05, 622–02/03, 624–25/629–08, 631–38 and 631–48—Business Services	Allocate to reporting categories using data from a Business Service time reporting system.
621–03, 624–22, 629–07, 631–37/47—Network Administration	Allocate Accounts 621–431, 624–222, 624–422 and 624–622 (switching and line and number administration) to reporting categories based on toll dial switching equipment plant in service. Allocate Accounts 621–331 and 624–322 (traffic load data administration) to reporting categories based on toll dial switching and switched services IX central office equipment and OSP plant in service, excluding dedicated oversees IX central office equipment and outside plant. Allocate Accounts 624–722 (Trunk Administration) to reporting categories based on switched services IX central office equipment plant and OSP plant in service, excluding dedicated oversees IX central office equipment and outside plant. Allocate Accounts 621–231 (network administration staff) to reporting categories based on the combined attribution of Accounts 624–222, –622 and –722. Allocate the remainder (training and other staff) of Account 621–03 based on the combined attribution of Accounts 621–231, –331 and –431. Allocate the remainder (supervision, training and other) of Accounts 624–22, 629–07, 631–37 and 631–47 based on the combinad attribution of Accounts 624–222, –322, –422, –622 and –722.
622–01—Service Observing	Allocate to reporting categories based on Account 624 less 624–22 and 624–25.
624 (Except Accounts 624–22 and 624–25)—Operators Wages less Network Administration and Business Services.	Directly assign expenses to Private Line and MTS. Directly assign expenses incurred at 800 Service Switchboards to WATS. Allocate expenses incurred at network service switchboards (rate and route, information, intercept and miscellaneous) to MTS and OUTWATS based on the relative number of MTS and outward WATS messages. Determine expenses incurred at other switchboards associated with billed messages on the basis of traffic units. Allocate expenses associated with billed messages based on the relative number of MTS and WATS messages served by such switchboards. Allocate expenses associated with non-billed messages based on the relative number of total MTS and OUTWATS messages.
626—Rest and Lunch Rooms	Allocate to reporting categories based on Account 624 less 624–22, and 634–25. (Network Administration and Business Service portions of these accounts are treated above).
627—Operator's Employment and Training	Same as Account 626.
629 less –07 and –08—Co Stationery and Printing	Same as Account 626.
630—Co House Service	Same as Account 626.
631 less –37, –38, –47 and –48—Miscellaneous Co Expenses	Same as Account 626.
633—Other	Same as Account 626.
634—Joint Traffic—Debit	Same as Account 626.
635—Joint Traffic—Credit	Same as Account 626.
640—General Commercial Administration	Directly assign Service Management expense to reporting categories. Allocate remainder of Account 640 to service categories based on Account 643.
642—Advertising	Directly assign Long Distance Residence Sales, Long Distance Business Sales, Long Distance International, Long Distance Public, and Long Distance DIAL-IT to MTS. Allocate remainder based on total attributable expenses.
643—Sales	Allocate to reporting categories using the results from a sales time reporting system.
644—Connecting Company Relations	Allocate to reporting categories based on allocation of Independent Company settlements for interexchange facilities.
645—Commercial Operations	Allocate expenses to reporting categories using results from a sales time reporting system.
650—Other Commercial Expenses	Allocate expenses based on Account 643.
661—Executive Department	Allocate based on total attributable expenses.
662—Accounting Department	Allocate Revenue Accounting to reporting categories based on analysis of Revenue Accounting Offices. Allocate remainder to reporting categories based on total attributable expenses.
663—Treasury Department	Allocate to reporting categories based on plant in service.
664—Law Department	Directly assign oversees legal expenses to oversees services based on analysis of records. Directly assign outside legal consultant fees and associated costs based on analysis of applicability to a category.

EXPENSES AND REVENUES—FDC METHODS—Continued

Operating expense accounts	Allocation procedures
	Allocate remainder to reporting categories based on total attributable expenses.
665—Other General Office Salaries and Expenses	Allocate Personnel, Account 665–03, to reporting categories based on Maintenance, Traffic, Commercial and Revenue Accounting salaries.
	Directly assign service Engineering expenses (Portion of 665–09) to the private line category.
	Allocate Account 665–29, Customer Services, to categories based on reported hours.
	Allocate Account 665–149, Central Office Planning and Engineering, based on toll dial switching equipment plant in service.
	Allocate remainder based on total attributable expenses.
668–669—Insurance and Accidents and Damages	Allocate to reporting categories based on plant in service.
670—Earth Station Expenses	Allocate to reporting categories based on Account 100.5.
671—Operating Rents	Allocate circuit and miscellaneous rents to reporting categories based on interexchange OSP and Circuit equipment and toll switching equipment plant in service.
	Directly assign international satellite rents incurred for services that can only be provided on satellite facilities directly to reporting categories. Allocate remaining international satellite rents to reporting categories based on total international voice-grade circuits in use.
	Allocate domestic satellite rents to reporting categories based on domestic satellite circuits in use.
	Allocate building space rents to reporting categories based on the combined Account 643 and Revenue Accounting portion of 662.
672—Relief and Pensions	Allocate to reporting categories based on Maintenance, Traffic, Commercial, and Revenue Accounting Salaries.
673—Telephone Franchise Requirement (dr)	Allocate based on the total investment in Account 100.1.
675—Other Expenses	Allocate to reporting categories based on plant in service.
676—Telephone Franchise Requirements (cr)	Allocate based on the total investment in Account 100.1.
677—Expenses Charged Construction (cr)	Same as Account 675.

INCOME ACCOUNTS—FDC METHODS SUBSECTION

Income Accounts	Allocation procedures
Gross Service Revenues (Accounts 510–516)	Directly assign to reporting categories based on accounting records.
Earth Station Revenue (Account 522)	Allocate to reporting categories based on the allocation of international satellite rent expense.
Rent Revenues (Account 524)	Directly assign to reporting categories based on accounting records.
Other Operating Revenues (Account 526)	Allocate to reporting categories based on gross revenues (Accounts 510–526) less Account 526.
Uncollectibles (Account 530)	Allocate to reporting categories based on an analyses of accounting records.
Independent Company Settlements	Allocate based on revenue account charged.
Miscellaneous Income Charges (Account 323)	Allocated based on plant in service (Account 100.1).
Interest on Customer Deposits	Allocate based on total investment in Account 100.1.

Taxes—FDC Methods

Type of tax	Allocation procedures
Gross Receipts Taxes	Allocate based on the allocation of reporting category revenues.
Social Security Taxes (Account 307–05)	Allocate based on the apportionment of Maintenance, Traffic, Commercial, and Revenue Accounting salaries.
Ad Valorem Taxes (Account 307–01)	Allocate based on the allocation of plant in service.
Income Adjustments for Income Tax Determinations	Allocate depreciation of capitalized items, Relief and Pensions, and Social Security Taxes capitalized based on plant in service.
	Allocate Operating Fixed Charges based on the allocation of net investment.
State and Local Income Taxes (Account 307–02)	Allocate the actual tax incurred based on the state and local taxable income for each reporting category (net revenue less expenses, income charges, taxes excluding Federal Income Taxes, and income adjustments).
Amortization of Investment Credits	Allocate based on the allocation of plant in service.
Federal Income Tax	Allocate to reporting categories by multiplying the statutory rate times the Federal taxable income for each reporting category (net revenue less expenses, income charges, other taxes, and income adjustments).
General Services and Licenses	Payment for services rendered by an affiliated company shall be assigned to expense categories in the same manner as expenses that are incurred directly by AT&T or a carrier subsidiary and shall be apportioned in the same manner as such directly incurred expenses.

[FR Doc. 83–14426 Filed 5–26–83; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Parts 15 and 94

[General Docket 79–337; RM–3241; RM–3678; FCC 83–166]

Operation of Low Power, Limited Coverage Systems in the 22.0–23.6 GHz Band, and Creation of New Class of Low Power Unlicensed Microwave Device in the 24 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Second Report and Order (Dismissal of Petition and withdrawal of proposed rule).

SUMMARY: The Federal Communications Commission determines that permitting non-frequency coordinated operations in the 21.2–23.6 GHz band is not in the public interest, thus it does not amend Part 94 as previously proposed. In addition, FCC finds that permitting the operation of uncoordinated, unlicensed low power radio systems in the 24.05–24.25 GHz band is also not in the public interest, thus it does not amend Part 15. Finally, the Commission dismisses the General Electric Company's Petition for Limited Further Reconsideration of the *First Report and Order.*

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Donald Draper Campbell, Office of Science and Technology, Spectrum Management Division, Telephone (202) 653–8177.

Second Report and Order (Proceeding Terminated)

In the matter of amendment of Part 94 of the Commission's Rules and Regulations to facilitate operation of low power, limited coverage systems in the 22.0–23.6 GHz band, and amendment of Part 15 of the Commission's Rules to create a new class of low power unlicensed microwave device in the 24 GHz band. Gen. Docket No. 79–337 RM–3241, RM–3678.

Adopted: April 27, 1983.

Released: May 5, 1983.

By the Commission. Commissioner Jones absent.

Summary of Action

1. In the *First Report and Order* in this docket,[1] the Commission created a low power microwave communications service in the 23 GHz band. Here we have concluded that the technical standards, licensing and frequency coordination requirements applied to this new service should be retained. In addition we conclude that low power point-to-point microwave service should not be extended to the 24 GHz band.

Background

2. *First Report and Order* amended Part 94 of the Commission's Rules to provide for the operation of short haul, low cost, low power microwave communications systems in four channel pairs within the band segments 21.8–22.0 GHz and 23.0–23.2 GHz with somewhat relaxed technical standards.[2,3] During the course of the proceeding, two commenters, General Electric Company (GE) and M/A–COM, Incorporated (M/A–COM), questioned the necessity for frequency coordination for these low power devices. M/A–COM stated that the cost of frequency coordination might be greater than any savings realized in relaxing the technical standards and GE agreed that uncoordinated operations would meet the needs of some users. Further, both GE and M/A–CO suggested that Part 15 of the Rules could be amended to allow operation of these devices without a license. GE also suggested that the Commission adopt a temporary licensing program for these systems. Additionally, on 15 May 1980, M/A–COM petitioned the Commission (RM–3678) to amend Rule Part 15 to accommodate the operation of low power fixed service microwave radio systems in the 24.05–24.25 GHz band. The issues raised by GE and M/A–COM were not resolved in the *First Report and Order*. Instead, the Commission issued a *Further Notice of Proposed Rule Making* (*FNPRM*) to seek comment on these matters.[4]

Further Notice of Proposed Rule Making

3. The applications for the low power systems foreseen by GE and M/A–COM, and the issues raised by the companies, were sufficiently similar to warrant consolidation of the M/A–COM petition into this proceeding. The Commission did not want to delay introduction of the low power devices while the issues of frequency coordination and unlicensed operations were being solved. In the *FNPRM*, the Commission asked for public comment on questions concerning the need for frequency coordination and licensing for the low service and on the appropriate technical standards. We stated that we saw merit in providing spectrum for non-frequency coordinated operations in the 22 to 24 GHz band because these low power devices were envisioned to be highly directional and to have limited (short range) interference potential. Thus, we proposed to eliminate the coordination requirement for the channel pair 21.825/23.025 GHz,[5] except within 25 kilometers of the Canadian and Mexican borders. We also proposed to apply the same technical standards set forth for the other low power devices to this channel pair. Furthermore, we stated that some form of licensing seems appropriate because these low power microwave operations do not fall within Part 15 of the Rules. However, we posed questions on these points. We specifically asked commenters to address the following questions:

(a) Is one 50 MHz channel pair sufficient for non-frequency coordinated operations?

(b) Should unlicensed operations of these devices be permitted? If so, under what conditions?

(c) Is there a need for temporary or point of sales licensing?

(d) Should these devices be subject to different technical standards than proposed?

(e) Is there a need to permit mobile operation and if so, what would be the implication for fixed operations?

Discussion

4. Comments were filed by M/A–COM, GE, Datapoint Corporation (Datapoint) and the Central Committee on Telecommunications of the American Petroleum Institute (API). Reply comments were filed by M/A–COM, GE and API.

5. All agreed that there is merit in providing spectrum for non-frequency coordinated operations for those users who are willing to forego guarantees of protection from interference in order to implement operations more quickly. There was disagreement, however, over how many channels should be designated for non-frequency coordination and whether they should be taken from the four channel pairs or from other spectrum. API felt that spectrum for non-frequency coordinated operations should be limited to one channel pair, while M/A–COM and Datapoint felt the several, or all, of the channels in these band segments should be so designated. GE felt that several pairs should be allocated for non-frequency coordinated operations but that they should be taken from other band segments in this region of spectrum.

6. Since the time of the *Report and Order* and *FNPRM*, these low power channels have experienced significant development ans several manufacturers now provide equipment for voice, data and video transmissions. There are now a substantial number of licensees and applicants, which could be affected by non-frequency coordinated operations. At present, usage of the low power channels is evenly distributed over the four channel pairs available at 21.8–22.0 GHz and 23.0–23.2 GHz. Additionally, the receivers currently available are highly susceptible to interference from adjacent channel signals.[6] Thus, the introduction of uncoordinated operations on the 21.825/23.025 GHz channel pair would also have an adverse impact on adjacent channel operations which would remain subject to prior frequency coordination. In the absence of prior frequency coordination, the Commission and its licensees would have to rely on after-the-fact investigation to detect and eliminate adjacent channel interference. Such investigations could be more expensive and time consuming than prior frequency coordination. While it might be possible to require coordination for adjacent channel operations without requiring coordination for co-channel operations, we doubt that this approach would speed up the licensing process.

7. As M/A–COM noted in its comments, it is difficult to allow uncoordinated operations if there are

---

[1] *First Report and Order*, FCC 80–485, released August 19, 1980, 45 FR 55731 August 21, 1980, 81 FCC 2nd 140 (1980).

[2] In response to a Petition for Clarification of the *First Report and Order* filed by M/A–COM, Incorporated, and a Petition for Limited Reconsideration and Clarification filed by the General Electric Company, the Commission adopted a *Memorandum, Opinion and Order* (FCC 81–414, released September 29, 1981, 87 FCC 2nd 1090 (1981)). GE subsequently filed a Petition for Limited Further Reconsideration on October 29, 1981.

[3] The term 'low power' is dervied from the fact that operations in the 23 GHz band pursuant to § 94.73 are limited to transmitter output power of 10.0 watts or less, whereas operations on the four subject channel pairs using reduced technical standards pursuant to § 94.91 are limited to transmitter output power of 0.1 watts or less.

[4] *FNPRM*, FCC 80–486, released August 19, 1980, 45 FR 55775, August 21, 1980.

[5] The four available channels are: 21.825/23.025, 21.875/23.075, 21.925/23.125 and 21.975/23.175 GHz.

[6] Most receivers at 23 GHz employ simple Schottky diode detectors which have front-end responses of nearly 200 MHz. Even superheterodyne receivers have IF's of a full 30 MHz and a frequency stability of ±11.5 MHz.

already users who have done frequency coordination and expect to operate with guranteed freedom from interference. For this reason we are not changing the rules of Part 94 to provide for uncoordinated operations in the band segments 21.8–22.0 GHz and 23.0–23.2 GHz.

8. We do not find that it is appropriate to introduce a non-frequency coordinated, unlicensed communications service into the 24 GHz band. The band is allocated on a primary basis for Federal Government radiolocation use and on a secondary basis for non-Government radiolocation and amateur use, as well as for Industrial, Scientific and Medical Service (ISM) equipment. The frequencies are already being used by radar devices, and NTIA has recommended that the operations proposed by M/A–COM not be permitted in the 24 GHz band because they would be inconsistent with the current allocated use of the band.[7] We are, therefore, not adopting rules authorizing low power microwave operations in the 24 GHz band.

9. The possibilities for providing spectrum for non-frequency coordinated operations in other band segments are being considered in Docket 82–334, which is dealing with the development of utilization policy for fixed and mobile services' use of certain bands between 947 MHz and 40 GHz . The *Notice of Inquiry* [8] in that Docket solicited comments on the need for coordination in bands between 17.7 and 40.0 GHz , and the *Notice of Proposed Rule Making* [9] in that Docket proposed to allocate all of the spectrum at 31.0–31.2 GHz for low power, non-frequency coordinated operations. That band is already allocated to the fixed and mobile services.

10. The commenters agreed that some form of licensing is necessary to provide records to locate sources of interference in bands where protection is afforded. M/A–COM noted that temporary licensing is not compatible with frequency coordination since the value of temporary licensing is to provide more immediate access to the spectrum while the purpose of frequency coordination is to make the review necessary to insure that operations will be interference free. GE, on the other hand, suggested a temporary licensing approach wherein applicants who had completed frequency coordination could immediately implement their systems, subject to final review by the Commission.

11. The issue of applying temporary licensing procedures to channels where frequency coordination is required has been treated in the *First Report and Order* in this proceeding and in a *Memorandum Opinion and Order* responding to a Petition for Limited Reconsideration filed by GE. We found that to preserve an interference protected environment we should continue the review of all applications prior to grant of license. The need to provide operational safeguards against the possibility of temporarily licensed users causing interference to other licensees is now even more important given the growth and use discussed above. Therefore, we will continue the existing licensing procedure for these channels.

12. The commenters generally agreed with the technical standards in § 94.91 and felt that there should not be different standards for noncoordinated equipments if channels were set aside for these operations. M/A–COM, however, said that the beamwidth standard should be relaxed to permit 6° beamwidth antennas; this would allow 8 inch rather than 12 inch antennas. On the other hand, GE argued that narrow beams resulting from the 4° beamwidth antenna standard provide more efficient spectrum utilization and lessen chances for interference. The commenters also agreed that certain operating standards, specifically those dealing with user transmitter measurements (§ 94.85), notification to the local Engineer-In-Charge (§ 94.55) and maintenance of station records (§ 94.113) are excessive regulation and unneeded for the low power operations. The suggestion to delete these regulations is beyond the scope of this proceeding and are more appropriately addressed in the context of Docket 82–334 where more general regulatory issues are being considered, and they will be taken into account in that proceeding.

13. With regard to mobile operations, commenters indicated that the need for mobile operations at this frequency range is unknown but likely to be small. Further, the possibilities of interference arising from mobile operations are likely to be small at this frequency range and short-lived due to movement of the mobiles. Until further experience is gained, we will not make particular provisions for mobile operations. We will handle applications on a case-by-case basis.

Other Matters

14. The Commission still has before it for consideration the matters raised in GE's Petition for Limited Further Reconsideration of the *First Report and Order*, filed October 29, 1981, in this docket. GE objected to the channel assignment policy set out in the *First Report and Order* and the *Memorandum Opinion and Order* adopted on September 22, 1981 and released on September 29, 1981. GE contended that the Commission's Rules, by mandating the use of designated channel pairs in the 21.8–22.0 GHz and 23.0–23.2 GHz band segments, would reult in highly inefficent spectrum utilization. GE was concerned that the technical limitations of state-of-the-art receiver design would preclude users from establishing parallel 23 GHz systems on adjacent channels. Thus, GE sought a channel assignment scheme which would provide licensees with the flexibility to establish 50 MHz guardbands between the transmit frequencies used by parallel systems. GE argued, therefore, that the Commission should not designate any particular channels for use in simplex or duplex systems.

15. GE stated, further, that if the Commission felt it necessary to maintain a formal channel assignment plan, it would be necessary to rearrange the channelization plan set forth in the *First Report and Order*. To provide for a 50 MHz guardband between parallel systems, GE urged the Commission to designate the 21.825/23.025 GHz channel pair, which was allocated in the *First Report and Order* for simplex operations, for duplex operations. Similarly, GE urged that the 21.975/23.175 GHz pair, previously designated for duplex operation, be made available for simplex systems.

16. Racon, Inc. (Racon) and M/A–COM filed comments in response to GE's Petition for Limited Further Reconsideration and, in turn, GE submitted a Reply and Request for Expedited Action. Racon pointed out that its products utilized receiver technology similar to that employed by GE. Racon therefore supported GE's arguments in favor of a more flexible channel assignment scheme. M/A–COM expressed the belief that it would be unwise for the Commission to adopt any policies "intended to protect nonselective receivers from interference." M/A–COM noted that the guardbands needed to protect GE's receivers from adjacent channel interference were spectrally inefficient

---

[7] Letter dated February 1981 from Mr. Leo A. Buss, Director, Spectrum Plans & Policies, NTIA to Mr. Robert L. Cutts, Chief, International and Operations Division, FCC. A copy of this letter has been placed in the docket file of this proceeding.

[8] Paragraphs 52 and 53 of the *NOI* (FCC 82–286, released July 9, 1982, 47 FR 31959, July 23, 1982).

[9] Paragraphs 29–30 of the *NPRM* (FCC 83–2, released January 13, 1983, 48 FR 6730, February 25, 1983).

and would be contrary to the public interest. M/A-COM concluded that the Commission should not adopt a channelization plan merely for the purpose of protecting adjacent channel receivers from interference when the same purpose could be accomplished with higher-stability oscillators and more selective receivers.

17. On October 15, 1982, the Commission issued a *Public Notice* which summarized and further clarified the licensing policies adopted for low power microwave systems in the 23 GHz band. The *Public Notice* reaffirmed that, in accordance with existing Commission rules, the channels designated for single or adjacent channel operations could be assigned for duplex operations and vice versa in certain situations when necessary to avoid intra-system or inter-system interference. The *Public Notice* also made it clear that adjacent channel operations could be authorized on frequencies other than those so designated upon a technical showing justifying the need for a exception to the established channel assignment plan. In response to the *Public Notice*, GE, on November 12, 1982, filed a Motion to Dismiss its Petition for Limited Further Reconsideration. In view of the fact that the matters raised in GE's Petition and in the corresponding comments filed by Racon and M/A-COM now appear to be moot, we think it appropriate to dismiss GE's Petition for Limited Further Reconsideration.

Conclusion

18. Accordingly, it is ordered, that pursuant to Section 4(i) and 303(r) of the Communications Act of 1934, as amended, the General Electric Company's Petition for Limited Further Reconsideration, filed October 29, 1981, is dismissed as moot.

19. It is further ordered that this proceeding is terminated.

20. For further information contact Donald Draper Campbell, Spectrum Management Division, 202-653-8177.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-14027 Filed 5-26-83; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-424; RM-4332]

TV Broadcast Stations in Mobile, Alabama; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 61 to Mobile, Alabama, as its seventh television assignment in response to a petition filed by David Allen Crabtree.

DATES: Comments must be filed on or before June 20, 1983, and reply comments on or before July 5, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Mobile, Alabama); MM Docket No. 83-424, RM-4332.

Adopted: April 21, 1983.

Released: May 6, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making, filed January 6, 1983, by David Allen Crabtree ("petitioner"), seeking the assignment of UHF Television Channel 61 to Mobile, Alabama, as its seventh television assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria.

2. Mobile (population 200,452),[1] seat of Mobile County (population 364,379), is located on the Gulf Coast of Alabama.

3. In view of the fact that Mobile could receive its seventh television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
[illegible]	5+, 10+, 15+, 21+, *31, *42.	5+, 10+, 15+, 21+, *31, *42, 61.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

[1] Population figures taken from the 1980 U.S. Census Advance Rep

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 20, 1983, and reply comments on or before July 5, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to

which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other document shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-13463 Filed 5-26-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-419; RM-4334]

TV Broadcast Stations in Raleigh, North Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 50 to Raleigh, North Carolina, as its fourth television assignment, in response to a petition filed by Dennis H. Owen.

DATE: Comments must be filed on or before June 5, 1983, and reply comments on or before July 5, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Raleigh, North Carolina); MM Docket No. 83-419 RM-4334.

Adopted: April 21, 1983.

Released: May 5, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 6, 1983, by Dennis H. Owen ("petitioner") seeking the assignment of UHF Television Channel 50 to Raleigh, North Carolina, as its fourth television assignment. The petitioner filed information in support of the proposal and expressed his interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria.

2. Raleigh (population 149,771) [1], the seat of Wake County (population 300,833), and the capital of the State of North Carolina, is located in the central part of North Carolina.

3. In view of the fact that Raleigh could receive its fourth television assignment, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following city:

City	Channel No.	Present / Proposed
Raleigh, N.C.	5, 22, *34-	5, 32, *34-, and 50+

4. The Commissions's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 20, 1983, and reply comments on or before July 5, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignements, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is not longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

which the reply is directed, consititutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C 154, 303).

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponents(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channnel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Conterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in the *Notice*, they will be considered as comments in the proceeding and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-13458 Filed 5-26-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-416; RM-4309]

TV Broadcast Stations in Livingston, Tennessee: Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 60 to Livingston, Tennessee, in response to a petition filed by Peggy Rothchild Sparks. The assignment could provide Livingston with its first television allocation.

DATES: Comments must be filed on or before June 20, 1983, and reply comments on or before July 5, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C., 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(d), Table of Assignments, Television Broadcast Stations. (Livingston, Tennessee) MM Docket No. 83-416, RM-4309

Adopted: April 21, 1983.

Released: May 5, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed by Peggy Rothchild Sparks ("petitioner"), seeking the assignment of UHF television Channel 60 [1] to Livingston, Tennessee, as that community's first television assignment. Petitioner indicates that she, or an entity of which she is a part, will apply for the channel, if assigned.

2. Livingston (population 3,372),[2] the seat of Overton County (population 17,575), is located in north central Tennessee, approximately 130 kilometers (80 miles) northwest of Knoxville. At the present time, Livingston is devoid of any local television assignment.

3. UHF Television Channel 60 can be assigned to Livingston consistent with the minimum distance separation requirements of § 73.610 of the Commission's Rules provided a site restriction of 107 miles north of the community is imposed to avoid short spacing to a construction permit on the co-channel in Gadsen, Alabama.

4. In view of the above, we believe the petitioner's proposal warrants consideration since the proposed television assignment could provide Livingston with a first local television broadcast service. Accordingly, the Commission proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Livingston, Tennessee		60 –

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: a showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

[1] The petition, as initially submitted requested the assignment of UFH television Channel 58 to Livingston. However, that proposal was found to conflict with an earlier petition filed by David Allen Crabtree requesting assignment of Channel 58 to Nashville, Tennessee (RM-4299). Therefore petitioner amended the proposal to specify a non-conflicting assignment.

[2] Population figures were extracted from the 1980 U.S. Census, Advance Reports.

6. Interested parties may file comments on or before June 20, 1983, and reply comments on or before July 5, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules.* 46 FR 11549, published February 9,1981.

8. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4.303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83–13455 Filed 5–26–83; 8:45 am]
BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 83–417; RM–4310]

TV Broadcast Stations in Kingsport, Tennessee; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 44 to Kingsport, Tennessee, as its second television assignment, in response to a petition filed by Peggy Ann Rothchild.

DATES: Comments must be filed on or before June 20, 1983, and reply comments on or before July 5, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Kingsport, Tennessee); MM Docket No. 83–417, RM–4310.

Adopted: April 21, 1983.

Released: May 5, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 7, 1983, by Peggy Ann Rothchild ("petitioner"), seeking the assignment of UHF television Channel 44 to Kingsport, Tennessee, as its second television assignment. A site restriction of one mile northwest of Kingsport is required.

2. Kingsport (population 32,027)[1], in Sullivan County (population 143,968), is located in eastern Tennessee, approximately 140 kilometers (88 miles) northeast of Knoxville, Tennessee.

3. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

4. In view of the fact that Kingsport could receive its second television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

Commission's Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Kingsport, Tennessee	10	19, 44 –

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 20, 1983, and reply comments on or before July 5, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See, § 1.420 (a), (b), and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-13456 Filed 5-26-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-421; RM-4313]

TV Broadcast Stations in San Antonio, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 59 to San Antonio, Texas, as its eighth television assignment, in response to a petition filed by Stanley G. Emert.

DATES: Comments must be filed on or before June 20, 1983, and reply comments on or before July 5, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (San Antonio, Texas); MM Docket No. 83–421, RM–4313.

Adopted: April 21, 1983.

Released: May 6, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 7, 1983, by Stanley C. Emert ("petitioner"), seeking the assignment of UHF Television Channel 59 to San Antonio, Texas, as its eighth television assignment.

2. San Antonio (population 785,410),[1] seat of Bexar County (population 988,800), is located in south Texas, approximately 120 kilometers (75 miles) southwest of Austin, Texas.

3. Petitioner has submitted information in support of his proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria.

4. In view of the fact that San Antonio could receive its eighth local television service, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) for the following community:

City	Channel No.	
	Present	Proposed
San Antonio, Texas	4, 5, *9–, 12+, *23–, 29+, 41+	4, 5, *9–, 12+, *23–, 29+, 41+, 59+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 20, 1983, and reply comments on or before July 5, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C..

[FR Doc. 83–13460 Filed 5–26–83; 8:45 am]

BILLING CODE 6712–01–M

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

47 CFR Part 73

[MM Docket No. 83-418; RM-4302]

TV Broadcast Stations Green Bay, Wisconsin; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 44 to Green Bay, Wisconsin, as its sixth television assignment, in response to a petition filed by David Allen Crabtree.

DATES: Comments must be filed on or before June 20, 1983, and reply comments on or before July 5, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Green Bay, Wisconsin); MM Docket No. 83-418, RM-4302.

Adopted: April 21, 1983.

Released: May 5, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 6, 1983, by David Allen Crabtree ("petitioner"), seeking the assignment of UHF Television Channel 44 to Green Bay, Wisconsin, as its sixth television assignment. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria.

2. Green Bay (population 87,899),[1] seat of Brown County (population 175,280), is located on Green Bay, an arm of Lake Michigan, approximately 165 kilometers (102 miles) north of Milwaukee, Wisconsin.

3. Petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned.

4. In view of the fact that Green Bay could receive its sixth television service, we shall seek comments on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with respect to the following city:

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

City	Channel No.	
	Present	Proposed
Green Bay, Wisconsin	2+, 5+, 11+, 26+, *38	2+, 5+, 11+, 26+, *38, 44+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 20, 1983, and reply comments on or before July 5, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regultory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules and Divison, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file commnents even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advance in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commisson's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions

by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 83-13457 Filed 5-26-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-420; RM-4340]

TV Broadcast Stations in Bowling Green, Kentucky; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 59 to Bowling Green, Kentucky, as its fourth television assignment in response to a petition filed by Stanley G. Emert.

DATE: Comments must be filed on or before June 20, 1983, and reply comments on or before July 5, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rulemaking

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Bowling Green, Kentucky); MM Docket No. 83-420 RM-4340.

Adopted: April 21, 1983.
Released: May 6, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 11, 1983, by Standley G. Emert ("petitioner"), seeking the assignment of UHF Television Channel 59 to Bowling Green, Kentucky, as its fourth television assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria.

2. Bowling Green (population 40,450) [1], seat of Warren County (population 71,828), is located in southwestern Kentucky, approximately 157 kilometers (98 miles) southwest of Louisville, Kentucky.

3. In view of the fact that Bowling Green could receive its fourth television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Bowling Green, Kentucky	13, 40+, *53-	13, 40+, *53-, 59+

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 20, 1983, and reply comments on or before July 5, 1983 and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. for further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

---

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments amd reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-13459 Filed 5-26-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-422; RM-4314]

TV Broadcast Stations in Odessa, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communication Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 42 to Odessa, Texas, as its fifth television assignment, in response to a petition filed by Stanley G. Emert.

DATES: Comments must be filed on or before June 20, 1983, and reply comments on or before July 5, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rulemaking

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Odessa, Texas), MM Docket No. 83-422 RM-4314.

Adopted: April 21, 1983.
Released: May 6, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration a petition for rule making filed January 7, 1983, by Stanley G. Emert ("petitioner"), which seeks to assign UHF Television Channel 42 to Odessa, Texas, as its fifth television assignment.

2. Odessa (population 90,027)[1], seat of Ector County (population 115,374), is located in west Texas, approximately 200 kilometers (125 miles) southwest of Lubbock, Texas. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

3. In view of the fact that Odessa could receive a fifth local television broadccast service, the Commission believes it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) for the following community:

City	Channel No.	
	Present	Proposed
Odessa, Tex.	7-, 24-, 30, and *36+.	7-, 24-, 30, *36+, and 42

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 20, 1983, and reply comments on or before July 5, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission considerations, or court review, all *ex parte* contacts are prohibited in Commission proceedings such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-13481 Filed 5-26-83, 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-423; RM-4339]

TV Broadcast Stations in Rogers, Arkansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 51 to Rogers, Arkansas, as its first television assignment, in response to a petition filed by Stanley G. Emert.

DATES: Comments must be filed on or before June 20, 1983, and reply comments on or before July 5, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), table of assignments, TV broadcast stations, (Rogers, Arkansas); MM Docket No. 83-423, RM-4339.

Adopted: April 21, 1983.
Released: May 6, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making, filed January 11, 1983, by Stanley G. Emert ("petitioner"), seeking the assignment of UHF Television Channel 51 to Rogers, Arkansas, as its first television assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria.

2. Rogers (population 17,429),[1] in Benton County (population 78,115), is located in northwestern Arkansas, approximately 240 kilometers (150 miles) northwest of Little Rock, Arkansas.

3. In view of the fact that Rogers could receive its first television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following city:

City	Channel No.	
	[illegible]	Proposed
Rogers, Arkansas		51 -

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 20, 1983, and reply comments on or before July 5, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(B) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counter proposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later then that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-13462 Filed 5-26-83; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 394[1]; No. 38679]

Cost Ratio for Recyclables—1980 Determination; Restructured Rates on Recyclables, O/T Iron or Steel Scrap; Conrail

AGENCY: Interstate Commerce Commission.

ACTION: Advanced notice of proposed rulemaking (notice for submission of additional supplemental statements).

SUMMARY: A Commission decision was served May 20, 1983. In Ex Parte No. 394, supplemental statements to evidence compliance with previous orders are evaluated. Specified rate reductions, and additional statements are ordered. A notice of proposed rulemaking will be issued in the near future. In No. 38679, the U.S. Court of Appeals, D.C. Circuit, has vacated and remanded the case. On remand, we must examine the rates for connecting carriers of Conrail to determine if they exceed 146 percent of variable costs and, if so, order reductions and refunds. We must also reconsider issues with regard to certain Class III railroads.

[1] Also embraces No. 38805, *Railroad Cost Recovery Increase on Recyclables (other than Iron or Steel Scrap).*

DATES: Rate reductions as specified in Appendix A must be published by July 19, 1983. Supplemental statements, as required or permitted in Appendix B, must be submitted by June 9, 1983. Reply statements are due June 20, 1983.

ADDRESS: Send original and 10 copies of statements to: Rail Section, Room 5344, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: In Ex Parte No. 394, the Commission has established a revenue to variable cost ratio of 146 percent for nonferrous recyclables pursuant to 49 U.S.C. 10731. Our decision served December 6, 1982, found that the carriers had complied in varying degrees with our prior orders, but that supplemental statements were necessary to clarify the carriers' compliance. The supplemental statements have been submitted and are evaluated in our decision served simultaneously with this notice. We found that the carriers have, for the most part, complied with the previous orders. Some have not complied entirely, but have specified the rate categories where reductions are necessary. These reductions, which have been ordered, are contained in Appendix A of this notice; additionally required carrier statements are set out in Appendix B.

In addition, we are allowing carriers to comment on their need for redress due to rate reductions which turned out to exceed those which are required under our current "segmented" approach to administration of section 10731.

Refunds are deferred until consideration is given to a May 17, 1983, petition by the nation's rail carriers. The carriers seek an order declaring and/or clarifying their obligations to make certain rate reductions and refunds under Ex Parte No. 394.

In No. 38679, the U.S. Court of Appeals, D.C. Circuit, vacated and remanded our decision of March 26, 1982, which allowed Conrail to cancel its joint rates on recyclables and impose single-line rates for all its recyclables shipments. The court order requires the Commission to: (1) Determine by July 5, 1983, the proper rates for all carriers, including Conrail, which will bring rates to which Conrail is a party (single-factor, combination, or other type), to a level not exceeding the 146-percent ratio; (2) allow Conrail's rates currently on file to remain effective until a new order issues; (3) include in our final order a provision requiring the carriers

to refund any excess amounts collected over the appropriate new rates since August 1, 1981, the effective date of Conrail's new rates; and (4) reconsider the issues presented by New York Dock Railway and Brooklyn Eastern District Terminal. Because of the overlapping issues in the two proceedings, we have adopted the Court's suggestion and consolidated the cases.

We have ordered the carriers to submit statements evidencing their compliance with the 146-percent ratio for joint-line movements with Conrail, including the necessary rate adjustments and when the adjustments were made. Moreover, similar evidence must be submitted by Chessie's connecting carriers for joint-line movements with that carrier. Certain data also are required for Union Pacific single-line traffic. The railroads filed a petition for reopening. We will address that petition, and seek public comments, in a notice of proposed rulemaking which will be issued in the near future. The evidence of these three categories is more fully described in Appendix B.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Decided: May 18, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

Appendix A

Reductions required to comply with orders in Ex Parte No. 394.

SPC. No.	Description	Additional reduction (percent)
	A. 1 ICG Single-line Intradistrict West	
[illegible]	Rubber or Plastic Scrap or Waste	3.1
91.1	Cullet	[illegible]
118.1	Blast Furnace products	[illegible]
119.0	Cooper Matte	[illegible]
119.1	Lead Matte	[illegible]
119.2	Zinc Dross & Residue	[illegible]
119.3	Aluminum Residue	6.2
119.4	Miscellaneous Nonferrous Residue	5.4
119.6	Brass, Bronze, Copper or Alloy Scrap	[illegible]
119.7	Lead, Zinc or Alloy Scrap	[illegible]
119.8	Aluminum or Alloy Scrap	11.1
120.0	Textile waste	3.1
121.0	Paper Waste or Scrap	[illegible]
	A. 2 ICG Single-line Intradistrict South	
118.1	Blast Furnace Products	[illegible]
119.2	Zinc Dross & Residue	[illegible]
119.5	Ashes	3.4
119.7	Lead, Zinc or Alloy Scrap	3.5
	B. SRC Single-line Intradistrict South	
118.1	Blast Furnace Products	[illegible]
119.2	Zinc Dross & Residue	3.6
119.5	Ashes	3.4
119.7	Lead, Zinc or Alloy Scrap	4.5
	C. 1 STR Interline Intradistrict South	
119.2	Zinc Dross & Residue	4.0
119.5	Ashes	3.3
119.9	Tin Scrap	3.0
	C. 2 STR Interline Interdistrict	
118.1	Blast Furnace Products (South to East)	2.4
119.2	Zinc Dross & Residue (East to South)	3.2
119.7	Lead, Zinc or Alloy Scrap (East to South)	3.0
	D. SSR Single-line Intradistrict South	
118.1	Blast Furnace Products	3.8
119.2	Zinc Dross & Residue	5.6
119.5	Ashes	3.6
119.7	Lead, Zinc or Alloy Scrap	3.7
	E. 1 N&W Joint-line East	
119.2	Zinc Dross & Residue	5.7
	E. 2 N&W Single-line East	
[illegible]	Reclaimed Rubber	[illegible]
119.2	Zinc Dross & Residue	[illegible]
119.6	Brass, Bronze, Copper or Alloy Scrap	[illegible]
119.7	Lead Zinc or Alloy Scrap	7.4
120.1	Wood Scrap or Waste	7.4
123.0	Shipping Containers Returned Empty	7.1
	E. 3 N&W Single-line South	
118.1	Blast Furnace Products	[illegible]
119.2	Zinc Dross & Residue	[illegible]
119.5	Ashes	3.8
119.7	Lead, Zinc or Alloy Scrap	[illegible]
	E. 4 N&W Single-line West	
[illegible]	Rubber or Plastic Scrap or Waste	3.3
118.1	Blast Furnace Products	13.0
119.1	Zinc Dross & Residue	[illegible]
119.6	Brass, Bronze, Cooper or Alloy Scrap	2.9
119.7	Lead, Zinc or Alloy Scrap	7.4
120.0	Textile Waste	[illegible]
121.0	Paper Waste or Scrap	[illegible]
	F. UP Single-line West [1]	
054	Bakery Refuse	0.7
119.2	Zinc Dross	6.4
119.3	Aluminum Residue	49.0
119.7	Lead, Zinc or Alloy Scrap	9.9

[1] Reductions must, in addition, reflect any impact of X375C.

Appendix B—Supplemental Statements

I. Required

A. All Carriers (Except Conrail)

Where applicable, evidentiary statements conclusively showing that rates for joint-line traffic with Conrail and/or Chessie (for Chessie's 11 commodities set out in footnote 5 of this decision) do not exceed the 146-percent benchmark. The statements shall also identify which rates exceeded the 146-percent ratio because of the Conrail cancellation in No. 38679 and/or the Chessie cancellation, the tariffs in which the needed reductions were made, and the effective dates of the tariff changes.

B. Chessie

Evidentiary statement conclusively showing that rates for joint-line traffic with Conrail (other than the 11 commodities set out in footnote 5 of this decision) do not exceed the 146-percent benchmark.

C. UP Single-line Western Rates

Evidentiary statement conclusively showing whether evidentiary data have accounted for any rate increases in X375C; if the data have not, then the statement must show: (1) what additional adjustments are needed and (2) what steps are being taken to make the appropriate adjustments.

II. Permissive

D. Class III Carriers

These parties may submit such information as they deem relevant. In the absence of further statements, the issues will be resolved on the present record.

E. Nari

This party may submit detailed data as to its allegations of non-compliance. If it does so, it must also establish that it is authorized by the firms on whose behalf it complains.

F. Carriers Party to Tea 2008–L, Item 5750

These carriers may submit statements showing why corrective action is not necessary.

G. Carrier Redress for Excessive Reductions Under the National Approach

Carriers may submit comments on redress for rate reductions under the national approach in excess of those required under the segmented approach.

[FR Doc. 83–14425 Filed 5–26–83; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 48, No. 104
Friday, May 27, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Adjudication; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Adjudication of the Administrative Conference of the United States, to be held at 10:00 a.m., Thursday, June 9, 1983, at 1730 K Street, NW., Federal Mine Safety and Health Review Commission, Washington, D.C. The meeting will be held in the Sixth Floor Hearing Room.

The committee will meet to hear a status report from Professor David Welborn on his study of agency experience under theGovernment in the Sunshine Act. The status of other committee projects will also be discussed.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days prior to the meeting. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting, contact Richard K. Berg, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037. Telephone: (202–254–7020.) Minutes of the meeting will be available on request.

Dated: May 23, 1983.

Richard K. Berg,

General Counsel.

[FR Doc. 83–14352 Filed 5–26–83; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Delta-Montrose Electric Association, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500) and REA's Bulletin 20–21:320–21, Environmental Policies and Procedures, has made a Finding of No Significant Impact (FONSI) with respect to proposed financing assistance to Delta-Montrose Electric Association, Inc. (Delta-Montrose), of Delta, Colorado. The financing assistance is necessary for the construction of 115 kV transmission facilities in Delta County, Colorado.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment (EA) and Delta-Montrose's Borrower's Environmental Report (BER) may be reviewed at or obtained from Mr. William E. Davis, Director, Western Area—Electric, Rural Electrification Administration, Room 3304, South Argiculture Building, Washington, D.C. 20250, telephone (202) 382–8848, or Mr. C. Ward Armstrong, Manager, Delta-Montrose Electric Association, Inc., 423 Main Street, Montrose, Colorado 81401 or 121 E. 12th Street, Delta, Colorado 81416, telephone (303) 874–8081, during regular business hours.

SUPPLEMENTARY INFORMATION: REA has reviewed the BER submitted by Delta-Montrose and has determined that it represents an accurate assessment of the environmental impact of the proposed project. The proposed project would consist of approximately 43 km (27 miles) of 115 kV transmission line which is to extend from North Delta Substation to Hotchkiss Substation. A distribution substation (Read Substation) is also to be constructed south of Austin, Colorado.

The BER and EA adequately consider potential impacts of the proposed project to resources including threatened and endangered species, important farmlands, cultural resources, floodplains and wetlands.

Alternatives examined included no action, energy conservation and loan management, underground construction, and alternative routes. The proposed route would extend north out of the Hotchkiss Substation, then west along State Route 92 to the proposed Read Substation site, and then west to the 115 kV line. Alternative routes 2, 3, 4 and 5 would extend south from the Hotchkiss Substation and follow the North Fork of the Gunnison River. The routes would cross the river in the vicinity of its confluence with the Gunnison River, then would proceed west to the 115 kV line. Alternative 2 would bypass the proposed Read Substation and alternatives 3 and 4 would pass through North Delta. After reviewing these alternatives, REA determined that the proposed project is an acceptable alternative because it meets Delta-Montrose's needs with a minimum of adverse impact.

Based upon the BER and other related data, REA prepared an EA and Finding of No Significant Impact concerning the proposed construction. It is REA's view that the proposed financing assistance will not be a major Federal action that will affect significantly the quality of the human environment.

In accordance with REA's Bulletin 20–21:320–21, dated January 21, 1980, Delta-Montrose advertised the availability of the BER in the local newspapers. Comments were solicited and the public was given thirty (30) days to reply. No comments were received.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850-Rural Electrification Loans and Loan Guarantees.

Dated: May 20, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83–14277 Filed 5–26–83; 8:45 am]

BILLING CODE 3410–15–M

Soil Conservation Service

Cabell County Board of Education Critical Area Treatment and Land Drainage RC&D Measure, West Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cabell County Board of Education Critical Area Treatment and Land Drainage RC&D Measure, Cabell County, West Virginia.

FOR FURTHER INFORMATION CONTACT: Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Morgantown, West Virginia 26505, telephone 304–291–4151.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. Rollin N. Swank, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure purpose is to provide Critical Area Treatment and Land Drainage at three school sites in Cabell County, West Virginia. The conservation practices included in the measure plan are approximately 280 feet of diversion, 2,200 feet of subsurface drains, and revegetation of 3.5 acres.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Rollin N. Swank, State Conservationist.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and Local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 13, 1983.

Rollin N. Swank,

State Conservationist.

[FR Doc. 83–14120 Filed 5–26–83; 8:45 am]

BILLING CODE 3410–16–M

Kimberling Creek Pastures Critical Area Treatment RC&D Measure, Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Kimberling Creek Pastures Critical Area Treatment RC&D Measure, Bland and Giles Counties, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North Eighth Street, P.O. Box 10026, Richmond, Virginia 23240, telephone 804–771–2455.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Manly S. Wilder, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment on severely eroding pastureland within the Kimberling Creek Watershed, Bland and Giles County, Virginia. The planned work will include critical area planting, grassed waterway or outlet, grade stabilization structure, diversion, lined waterway or outlet, tree planting, sediment basin and fencing.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Manly S. Wilder.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 18, 1983.

Manly S. Wilder,

State Conservationist.

[FR Doc. 83–14117 Filed 5–26–83; 8:45 am]

BILLING CODE 3410–16–M

Slate River Watershed Roadbank Critical Area Planting, Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Slate River Watershed Roadbank Critical Area Planting, Buckingham County, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North Eight Street, P.O. Box 10026, Richmond, Virginia 23240, telephone 804–771–2455.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Manly S. Wilder, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area stabilization on the roadbanks and ditches within the County of Buckingham. The planned work will include grading and shaping, hydroseeding, and mulching. All disturbed areas will be seeded with adapted permanent vegetation.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr Manly S. Wilder.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection Resource and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 18,1983.

Manly S. Wilder,

State Conservationist.

[FR Doc. 83-14118 Filed 5-26-83; 8:45 am]

BILLING CODE 3410-16-M

Grindstone-Lost-Muddy Creek Watershed, Missouri; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council in Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Supplement No. 2 of the Grindstone-Lost-Muddy Creek Watershed Work Plan—Clinton, Daviess, De Kalb and Gentry Counties, Missouri.

FOR FURTHER INFORMATION CONTACT: Paul F. Larson, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65202, telephone 314/875-5214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul F. Larson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this supplement.

The supplement concerns watershed protection and providing recreational opportunities. The planned works of improvement include a fish and wildlife development; 290 grade stabilization and gully control structures and accelerated technical assistance for land treatment.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul F. Larson.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Paul F. Larson,

State Conservationist.

[FR Doc. 83-14119 Filed 5-26-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended May 20, 1983

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases, a final order without further proceedings. (See 14 CFR 302.1701 et seq.)

Date filed	Docket No.	Description
May 16, 1983	[illegible]	Trans-Mediterranean Airways, S.A.L., c/o Richard A. Popkin, Surrey & Morse, 1250 Eye Street, N.W., Suite 1100, Washington, D.C. 20005. Application of Trans-Mediterranean Airways, S.A.L., pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal and modification of its Foreign Air Carrier Permit, for a period of three years, in accordance with the Diplomatic Notes exchanged between the Governments of the United States and Lebanon on April 29, 1983. These Notes authorize TMA to engage in foreign air transportation of property and mail (four round-trip flights per week with narrow-bodied aircraft or equivalent capacity) between a point or points in Lebanon, the intermediate points Basel, Amsterdam, Copenhagen, Stockholm, Frankfurt, Paris, and London and the terminal point New York, New York, without traffic rights between New York and the intermediate points Paris, London and Frankfurt. TMA further requests authorization to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by the Board's Regulations governing charters. Answers may be filed by June 14, 1983.
May 18, 1983	[illegible]	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Conforming Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its Certificate of Public Convenience and Necessity for Route 57 so as to authorize it to perform scheduled foreign air transportation (of mail, passengers and property) between Spokane, Washington, in the United States, and Calgary, Alberta in [illegible]. Answer may be filed by June 1, 1983.
May 18, 1983	41494	Pacific Express, Inc., c/o Marvin S. Cohen, Stroock & Stroock & Lavan, 1150 Seventeenth Street, N.W., Suite 600, Washington, D.C. 20036. Application of Pacific Express, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity authorizing it to serve between Spokane and Calgary and Edmonton, Route F.5 of the United States-Canada bilateral. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 15, 1983.
May 20, 1983	[illegible]	Transbrasil S.A. Linhas Aereas, c/o Joanne W. Young, Barrett, Smith, Schapiro, Simon & Armstrong, 1201 Pennsylvania Avenue, N.W., Washington, D.C. [illegible]. Application of Transbrasil S.A. Linhas Aereas pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations applies for a foreign air carrier permit to engage in charter foreign air transportation of persons and property between the United States and the Federative Republic of Brazil. Answer may be filed by June 17, 1983.

Date filed	Docket No.	Description
May 19, 1983.....	41401	Aviation Associates Limited, c/o Martin P. Mittet, 589 D Division Street, Port Orchard, Washington 98366. Supplemental information to the Application of Aviation Associates Limited, for a certificate of public convenience and necessity under Section 401(d)(1) and Subpart Q of the Board's Procedural Regulations. Answer may be filed by June 16, 1983.

Phillis T. Kaylor,
Secretary.
[FR Doc. 83-14337 Filed 5-26-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 41499]

Buffalo Airways Inc.; Fitness Investigation, Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to him.

Dated at Washington, D.C., May 23, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.
[FR Doc. 83-14339 Filed 5-26-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 41478]

Michigan Peninsula Airways; Fitness Investigation, Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to him.

Dated at Washington, D.C., May 23, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.
[FR Doc. 83-14340 Filed 5-26-83; 8:45 am]
BILLING CODE 6320-01-M

[83-5-111; Docket No. 41080]

Application of Northeast Imperial Airlines for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Fitness Investigation, 83-5-111, Docket 41080.

SUMMARY: The Board is instituting an investigation to determine the fitness of Northeast Imperial Airlines to engage in interstate and overseas charter air transportation.

DATE: Persons wishing to intervene in the Northeast Imperial Airlines Fitness Investigation shall file their petitions in Docket 41080 by June 6, 1983.

ADDRESS: Petitions to intervene should be filed in Docket 41048 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: John F. Brennan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-5-111 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-5-111 to that address.

By the Bureau of Domestic Aviation: May 24, 1983.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 83-14341 Filed 5-26-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 412 42]

Northwest Airlines, Inc.; Enforcement Proceeding; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on June 27, 1983, at 10:00 a.m. (local time) in Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., May 23, 1983.

Ronnie A. Yoder,
Administrative Law Judge.
[FR Doc. 83-14338 Filed 5-26-83; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 1523, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 83-197. Applicant: Purdue University, West Lafayette, IN 47907. Instrument: Free Flow Electrophoresis Apparatus, Model VAP5, complete with Peristaltic Pump, Tubings and Necessary Accessories. Manufacturer: Bender and Hobein GMBH, West Germany. Intended Use of Instrument: The instrument is intended to be used to subfractionate Golgi apparatus of rat liver into their component cisternae. The Golgi apparatus is a complex cell component consisting of stacks of dissimilar cisternae with a marked functional polarity from one face of the stack to the other. In order to characterize this cellular component and to better understand its dynamic character, it is necessary to (1) isolate the complete stack from the cell, (2) neutralize the forces that hold the stack together, and (3) prepare purified fractions of cisternae or plates from each level in the stack. Application received by Commissioner of Customs: May 11, 1983.

Docket No. 83-201. Applicant: University of Wyoming, University Station, Laramie, WY 82071. Instrument: Spectropolarimeter, Model J-500A and Accessories. Manufacturer: Japan

Spectroscopic Co., Ltd., Japan. Intended use of instrument: The instrument is intended to be used to obtain circular dischroism spectra of proteins and nucleic acids under a variety of experimental conditions. The objectives of these experiments are: (i) To develop quantitative methods of assessing the structure of proteins and nucleic acids. (ii) To study subtle changes of the environment of protein and nucleic acid chromaphores. (iii) To study the interaction of proteins and nucleic acids with a variety of other substances. (iv) To compare predicted and experimental structures. Application received by Commissioner of Customs: May 16, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-14291 Filed 5-26-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-40. Applicant: National Bureau of Standards, Washington, D.C. 20234. Instrument: Neutron Dose-Rate Equivalent Monitor, Type 0949-4 with Accessories. Manufacturer: Atomic Research Establishment, United Kingdom. Intended use of instrument: See notice on page 55987 in the **Federal Register** of December 14, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a prompt (1.7 to 17 seconds) and stable response. The Department of Health and Human Services advises in its memorandum dated April 29, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-14294 Filed 5-26-83; 8:45 am]

BILLING CODE 3510-25-M

University of Arizona; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 83-41. Applicant: University of Arizona, College of Medicine, Department of Physiology, Arizona Health Sciences Center, Tucson, AZ 85724. Instrument: Puller, Glass Micro-Electrode, Model PD-5 and Micro Forge with Stereo Microscope, Model MF-79. Manufacturer: Narishige Scientific Products, Japan. Intended use of instrument: See notice on page 56533 in the **Federal Register** of December 17, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument is a two-stage device with separate controls of heater and puller magnet. The Department of Health and Human Services advises in its memorandum dated April 29, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-14292 Filed 5-26-83; 8:45 am]

BILLING CODE 3510-25-M

University of Rochester; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517). A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 83-46. Applicant: University of Rochester, Department of Dental Research; 601 Elmwood Avenue, Rochester, New York 14642. Instrument: Program Controlled Automatic Feed Unit, FAG-KT (72 Cages) and Accessories. Manufacturer: Andreas Hofer, Switzerland. Intended use of instrument: See notice on page 55987 in the **Federal Register** of December 14, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument can feed 72 experimental animals

simultaneously at 17 programmed times per day. The Department of Health and Human Services advises in its memorandum dated April 29, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-14293 Filed 5-26-83; 8:45 am]

BILLING CODE 3510-25-M

University of Washington; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82-00087. Applicant: University of Washington, Department of Chemistry, BG-10, Seattle, WA 98195. Instrument: NMR Spectrometer, Model WM-500 and Accessories. Manufacturer: Bruker Analytishe, Messtechnik, West Germany. Intended use of instrument: See notice on page 41409 in the **Federal Register** of September 20, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (December 2, 1980).

Reasons: The foreign instrument is a 11.75 tesla, 52 mm bore, nuclear magnetic resonance spectrometer capable of providing a signal-to-noise ratio of 130:1 for a sample of 60 percent C_6D_6 in dioxane in a 10 mm sample tube. The National Bureau of Standards advises in its memorandum dated April 28, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-14295 Filed 5-26-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigations; Color Television Receivers From the Republic of Korea and Taiwan

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigations.

SUMMARY: On the basis of petitions filed with the United States Department of Commerce, we are initiating antidumping investigations to determine whether color television receivers from the Republic of Korea (Korea) and Taiwan are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of these actions so that it may determine whether imports of this merchandise are materially injuring, or threatening to materially injure, a United States industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before June 16, 1983 and we will make ours on or before October 11, 1983.

EFFECTIVE DATE: May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Richard Rimlinger, Steven Lim or Paul Thran, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 telephone: (202) 377-3962 or 377-1776.

SUPPLEMENTARY INFORMATION: On May 2, 1983, we received petitions from counsel for the Independent Radionic Workers of America; the International Brotherhood of Electrical Workers; the International Union of Electrical, Radio & Machine Workers; and the Industrial Union Department, AFL-CIO. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitions allege that imports of the subject merchandise from Korea and Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegations of sales at less than fair value of the merchandise under investigation from Korea and Taiwan are supported by comparisons of actual United States prices with the foreign market value based on actual home market prices for comparable models.

Initiation of Investigations

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioners supporting the allegations. We have examined the petitions filed by the representatives of the domestic manufacturers of color television receivers, and we have found that they meet the requirements of section 732(b) of the Act. Therefore, we are initiating antidumping investigations to determine whether color television receivers from Korea and Taiwan are being, or are likely to be, sold at less than fair value in the United States. If our investigations proceed normally, we will make our preliminary determinations by October 11, 1983.

Scope of the Investigations

The merchandise covered by these investigations are color television receivers, complete or incomplete, currently classified under items 685.11 and 685.14 of the *Tariff Schedules of the United States* (1983).

Notification to the ITC

Section 732(d) of the Act requires us to notify the United States International

Trade Commission of these actions and to provide it with the information we used to arrive at these determinations. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determinations by ITC

The ITC will determine within 45 days of the date the petitions were received whether there is a reasonable indication that imports of color television receivers from Korea and Taiwan are materially injuring, or are threatening to materially injure, a United States industry. If its determinations are negative, these investigations will terminate; otherwise they will proceed according to the statutory procedures.

David Diebold,

Acting Deputy (for Policy), to the Deputy Assistant Secretary for Import Administration.

May 23, 1983.

[FR Doc. 83-14299 Filed 5-26-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1983 commodities to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: May 27, 1983.

ADDRESS: Committee for Purchase From the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On December 23, 1982 and April 1, 1983, the Committee for Purchase From the Blind and Other Severely Handicapped published notices (47 FR 57324 and 48 FR 14021) of proposed additions to Procurement List 1983, November 18, 1982 (47 FR 52101):

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities listed.

c. The actions will result in authorizing small entities to produce commodities procured by the Government.

Accordingly, the following commodities are hereby added to Procurement List 1983:

Class 7530

Folder, File (Pressboard), 7530-00-926-8981, 7530-00-926-8983, 7530-00-739-7723

Paper, Carbon, Typewriter, 7530-00-244-4035 (Requirements for GSA Regions 1, 2, 3, 6, 7 and 8)

C. W. Fletcher,

Executive Director.

[FR Doc. 83-14323 Filed 5-26-83; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1983; Proposed Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1983 a commodity to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 29, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and services to Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 6530

Bag, Urine collection, 6530-00-057-0953

SIC 7349

Custodial Service, U.S. Army Reserve Center, Dublin Lane, Owensboro, Kentucky

SIC 7399

Assembly, Living Kit, Basic and Supplemental (Requirements of GSA Region 4 only)

C. W. Fletcher,

Executive Director.

[FR Doc. 83-14324 Filed 5-26-83; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on the Defense Data Network; Advisory Committee Meeting

The Defense Science Board Task Force on the Defense Data Network will meet in closed session on 21-22 June 1983 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 21-22 June 1983 the Task Force will review the progress in implementing the Defense Network Program.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. I (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

Dated: May 23, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83-14310 Filed 5-26-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on the Supercomputer Applications; Advisory Committee Meeting

The Defense Science Board Task Force on the Supercomputer Applications will meet in closed session on 13–14 July 1983 in Washington, D.C. and 16–17 August 1983 in San Diego, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meetings on 13–14 July and 16–17 August 1983 the Task Force will conduct a review of the Defense Department's programs to apply the emerging capacity of computers to contribute to military programs and issues. It will attempt to identify areas where improvement in computing power by many orders of magnitude is expected to be of aid to the Defense establishment.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. app. I (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

Dated: May 23, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83–14311 5–26–83; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Availability of the Draft Environmental Impact Statement for the New England/Hydro-Quebec Electric Transmission Line

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Availability of the Draft Environmental Impact Statement, DOE/DEIS–0103, for the New England/Hydro-Quebec ±450-kv d.c. Electric Transmission Line.

SUMMARY: The Department of Energy (DOE) has published a Draft Environmental Impact Statement, DOE/DEIS–0103, for a proposed ±450 kv d.c. electric transmission line to be built between Sherbrooke, Quebec, and Comerford, New Hampshire. Written comments are invited and a public hearing may be held if DOE decides one is in the public interest.

DATE: Written comments should be received by DOE no later than July 11, 1983.

ADDRESSES: Copies of the DEIS may be obtained from and written comments on the DEIS should be addressed to: Mr. Garet Bornstein, Office of Fuels Programs, Economic Regulatory Administration, Room GA–017, 1000 Independence Ave., SW., Washington, D.C. 20585, (202) 252–5935.

FOR FURTHER INFORMATION CONTACT:

Mr. Garet Bornstein, or
Ms. Linda Desell, Office of Environmental Compliance, Department of Energy, Room 4G–057, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6374
Ms. Lise Courtney M. Howe, Office of International Trade and Emergency Preparedness, Office of General Counsel, Department of Energy, Room 6A–099, 1000 Independence Ave., SW., Washington, D.C. 20585, (202) 252–2900

SUPPLEMENTARY INFORMATION: Pursuant to Executive Order 10485, as amended, a Presidential Permit must be obtained from DOE before an electric utility or other entity can construct, operate and maintain an electric transmission line crossing U.S. international borders. On December 11, 1981, DOE received two Permit applications each proposing to construct the U.S. portion of an electric transmission line connecting Sherbrooke, Quebec, and Comerford, New Hampshire, using alternative routes. The stated purpose of these proposed projects was to connect the Hydro-Quebec and New England Power Pool systems to achieve economic exchange of power, increased reliability of electrical supply, and decreased reliance on imported oil as fuel for electric power generation. The application filed by the New England Electric Transmission Company (NEET) proposed a route entering the U.S. in Coos County, New Hampshire, and terminating at Comerford, New Hampshire. NEET officially withdrew this application from further DOE consideration on January 3, 1983. The second application filed by the Vermont Electric Power Company (VELCO) proposed to install a ±450 kv direct current overhead transmission line entering the U.S. near Norton, Vermont, and crossing into New Hampshire near Comerford station.

The total length of the U.S. portion of the line is 60 miles (54 miles in Vermont and 6 miles in New Hampshire). The initial capacity is planned to be 690 megawatts (MW); ultimate capacity could potentially reach 2000 MW.

The DOE considers the issuance of the subject Presidential Permit to be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, the preparation of an Environmental Impact Statement (EIS) is required in accordance with 40 CFR 1502.3 *et seq.* Accordingly, DOE published a notice of intent to prepare an EIS on the proposed international interconnection in the March 1, 1982 **Federal Register** (47 FR 8619).

Public hearings were held on March 10 and March 11, 1982 to obtain information from all interested parties regarding the scope of the environmental impacts.

The DEIS concludes that the principal environmental impact of the proposed project will be the clearing of about 480 ha (1200 acres) of forestland during construction. A secondary impact from clearing will be accelerated erosion which would be small relative to that cuased by the ongoing timber harvesting in the area. During the lifetime of the transmission facility, this cleared forestland will be maintaind as low-growing shrubland or grassland. The clearing will amount to less than 0.1% of the available forest land in the study area and will not remove any areas of unique or important habitat. Because the area to be cleared represents a minute amount of the forestland in the region, no serious impacts to timber harvesting or wildlife populations are expected.

It is also anticipated that the transmission line will have visual impacts at several points along its route: at the U.S.-Canadian border crossing, several areas in the central stretches of the route, and in the vicinity of Moore Reservoir, near the southern terminus.

The DEIS considers four principal alternative corridors for routing the interconnection: three in northeastern Vermont and one in northwestern New Hampshire.

Copies of the DEIS have been distributed to Federal, State and local agencies, organizations and to individuals known to be interested in the proposed transmission facility. Additional copies may be obtained from the Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Ave., SW., (Room GA–017), Washington, D.C. 20585, Phone (202) 252–5935. Copies of the DEIS are available for public inspection at the following locations:

Littleton Public Library, Main Street, Littleton, New Hampshire 03561
Monroe Free Public Library, P.O. Box 67, Monroe, New Hampshire 03771
Colebrook Public Library, Main Street, Colebrook, New Hampshire 03576
William D. Weeks Memorial Library, 128 Main Street, Lancaster, New Hampshire 03584
Northeast Regional Library, Danville Road, St. Johnsbury, Vermont 05819
Barnet Public Library, Main Street, Barnet, Vermont 05821
St. Johnsbury Athenaeum, 30 Main Street, St. Johnsbury, Vermont 05819
Guildhall Library, Guildhall, Vermont 05905
Alden Balch Memorial Library, Main Street, Lunenburg, Vermont 05906
Greensborough Free Library, Greensborough, Vermont 05841
Cobleigh Public Library, 70 Depot Street, Lyndonville, Vermont 05851
Goodrich Memorial Library, Newport, Vermont 05855

Written Comments

Interested parties are invited to provide written comments on the DEIS to Mr. Garet Bornstein, Office of Fuels Programs, Economic Regulatory Administration, Room GA–017, 1000 Independence Ave., SW., Washington, D.C. 20585. Comments should be identified on the outside of the envelope with the designation: "Draft EIS for the New England/Hydro-Quebec Electric Transmission Line." To insure consideration in preparing the final environmental impact statement, all comments and related information should be received by the DOE by July 11, 1983.

Any information or data considered to be confidential must be so identified and accompanied by a written Statement of Confidentiality. Any material not accompanied by a Statement of Confidentiality will be considered to be nonconfidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., May 20, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14177 Filed 5–26–83; 8:45 am]

BILLING CODE 6450–01–M

Application for Presidential Permit PP–80 by Citizens Utilities Company

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Application from the Citizens Utilities Company for a Presidential Permit for two 25 kilovolt (kv) transmission lines.

SUMMARY: The Department of Energy (DOE) has received an application from Citizens Utilities Company (Citizens) to construct two 25 kv transmission lines from the State of Vermont to Canada. The first will connect a 25/34.5 kv substation, located near Route 141 in Canaan, Vermont, with a 25 kv tie point to be established with Hydro Quebec at the U.S./Canada border. The second will connect a 25/12.5 kv substation, located near Route 114 in Norton, Vermont, with a 25 kv tie point to be established with Hydro Quebec at the U.S./Canada border.

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Division of Petroleum and Electricity (RG–44), Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Forrestal Building, Room GA–017, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–5935

Lise Courtney M. Howe, Office of Assistant General Counsel, International Trade and Emergency Preparedness (GC–11), Department of Energy, Forrestal Building, Mail Stop 6F–094, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2900

SUPPLEMENTARY INFORMATION: On May 3, 1983, Citizens filed with DOE an application for a Presidential Permit to construct, connect, operate and maintain two 25 kv transmission lines. The first line, 300 feet in length, would cross the U.S./Canada border near Canaan, Vermont; the second line, 1150 feet in length, would cross the U.S./Canada border near Norton, Vermont. Both lines will connect Citizens' substations with 25 kv tie points established with Hydro Quebec on the U.S./Canada border.

According to the applicant, no environmental impacts are expected, since the Canaan and Norton substation sites are in areas with existing electric distribution facilities.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Division of Petroleum and Electricity (RG–44), Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–017, 1000 Independence Avenue, SW., Washington, D.C. 20585, in accordance with § 1.8 or 1.10 of the Rules of Practice and Procedure (18 CFR 1.8 or 1.10).

Any such petitions or protests should be filed by July 1, 1983. Protests will be considered by DOE in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this application are on file with DOE and will, upon request, be made available for public inspection and copying at the Division of Petroleum and Electricity (RG–44), Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–017, 1000 Independence Avenue, SW., Washington, D.C.

Issued in Washington, D.C., May 20, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14161 Filed 5–26–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83-CERT-023]

Al Tech Specialty Steel Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Al Tech Specialty Steel Corporation (AL TECH), P.O. Box 152, Dunkirk, New York 14048, filed an application on April 13, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its steel manufacturing facility in Dunkirk, New York, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, AL TECH indicates that the volume of natural gas for which it requests certification is approximately 800 Mcf per day during an initial 90-day delivery period and 1,120 Mcf per day thereafter. This volume is estimated to displace the use of approximately 7,777 gallons of No. 3 fuel oil (0.5–1.0 percent sulfur) per day.

The eligible seller is J&L Oil and Gas Corporation, Newell Road, Dunkirk, New York 14048. The gas will be transported by National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301; and by National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the

circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Al Tech and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 23, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14243 Filed 5–26–83; 8:45 am]

BILLING CODE 6450–01–M

Authorization To Import Natural Gas at Reduced Border Price

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Letters Sent to Certain Importers Stating that Reduced Border Price for Natural Gas Is Authorized.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has sent letters to two importers of natural gas, in response to applications for new import authority, informing them that natural gas may be imported at the reduced (Canadian) border price of U.S. $4.40 per MMBtu under the provisions of their existing import authorizations. ERA advised the Northwest Pipeline Corporation (Northwest) that its existing authorization to import natural gas at a price "not to exceed U.S. $4.94 per MMBtu" permits Northwest to import authorized volumes at a border price of U.S. $4.94 per MMBtu, or at any border price lower than U.S. $4.94 per MMBtu, including U.S. $4.40 per MMBtu. ERA advised Border Gas Inc. (Border), that its existing authorization to import previously authorized volumes of natural gas from Mexico at the higher of U.S. $4.94 per MMBtu or the price authorized in Clause Sixteen of the gas purchase contract with Petroleos Mexicanos (Pemex), the Mexican state oil company, was intended to establish a maximum authorized border price for natural gas imported from Mexico and to permit any lower border price to be paid by Border.

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Department of Energy, Forrestal Building, Room GA–007, RG–43, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9182

Merrill F. Hathaway, Jr., Office of General Counsel, Natural Gas and Mineral Leasing, Department of Energy, Forrestal Building, Room 6A–141, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–4407

PROCEDURAL MATTERS: A copy of the letters sent to Northwest and Border respectively are available for inspection and copying in the Natural Gas Division Docket Room, located in Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., Between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D. C. on May 23, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14244 Filed 5–26–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–035 etc]

Geo. W. Bollman & Co., et al., Application for Certification of the Use of Natural Gas To Displace Fuel Oil

In the matter of Geo. W. Bollman & Company, Incorporated, [ERA Docket No. 83–CERT–035;] Howmet Aluminum Corporation, [ERA Docket No. 83–CERT–036;] Alton Fabrics, Incorporated, [ERA Docket No. 83–CERT–037;] General Battery Corporation, [ERA Docket No. 83–CERT–038;] Dart Container Corporation, [ERA Docket No. 83–CERT–039;] Pfizer, Incorporated, [ERA Docket No. 83–CERT–040;] Kutztown State College, [ERA Docket No. 83–CERT–041;] Victor F. Weaver, Incorporated, [ERA Docket No. 83–CERT–042;] Dana Corporation, [ERA Docket No. 83–CERT–043.]

On April 26, 1983, Geo. W. Bollman & Co., Inc. (BOLLMAN), P.O. Box 517, Adamstown, Pennsylvania 19501; Howmet Aluminum Corporation, Mill Products Division (HOWMET), Box 3167, Lancaster, Pennsylvania 17604; Alton Fabrics, Inc. (ALTON), 1801 Union Boulevard, Allentown, Pennsylvania 18103; General Battery Corporation (GENERAL), P.O. Box 1262, Reading, Pennsylvania 19603; Dart Container Corporation, a division of Dart Container Corporation of Michigan (DART), 60 East Main Street, Leola, Pennsylvania 17540; Pfizer, Inc., MPM Division (PFIZER), 640 N. 13th Street, Easton, Pennsylvania 18042; Kutztown State College (KSC), Kutztown, Pennsylvania 19530; Victor F. Weaver, Inc. (WEAVER), 403 S. Custer Avenue, New Holland, Pennsylvania 17557; and Parish Division of Dana Corporation (DANA), P.O. Box 1422, Reading, Pennsylvania 19603, filed with the Administrator of the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at one college and eight manufacturing facilities in Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the applications on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In their applications, the Applicants indicate the total volume of natural gas for the nine Pennsylvania facilities for which they request certification is approximately 109,659,700 Mcf per year. This volume is estimated to displace the use of approximately 6,525,190 gallons of No. 6 fuel oil (1.0–2.3 percent sulfur) per year and approximately 12,958,650 gallons of No. 2 fuel oil (0.036–0.35 percent sulfur) per year.

The quantities at each location are subject to variation with changes in demand, but estimated gas usage and resulting oil displacement volumes are listed below:

ERA Docket No. 83-CERT-	Location	Estimated volume (Mcf) per year	Estimated oil displacement (gallons) per year)			
			No. 6	Percent sulfur content	No. 2	Percent sulfur content
-035 (BOLLMAN)	Adamstown Plant, Adamstown, PA	109,500	730,000	2.3		
-036 (HOWMET)	Lancaster Plant, Lancaster, PA	108,000,000			7,847,500	0.035
-037 (ALTON)	Allentown Plant, Allentown, PA	175,000	1,200,000	2.0		
-038 (GENERAL)	Reading Plant, Reading, PA	216,000			1,598,400	0.5
-039 (DART)	Leola Plant, Leola, PA	315,700	2,115,190	2.3		
-040 (PFIZER)	Easton Plant, Easton, PA	547,500	2,480,000	1.0	1,350,000	0.20
-041 (KSC)	Kutztown State College, Kutztown, PA	40,000			300,000	0.31
-042 (WEAVER)	New Holland Plant, New Holland, PA	146,000			1,076,750	0.15-0.30
-043 (DANA)	Parish Division, Reading Plant, Reading, PA	110,000			786,000	0.3
Total		109,659,700	6,525,190		12,958,650	

For each application noted above, the eligible seller is Exxon USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314; and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning any of these applications to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of any of these applications may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to the Applicant and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C. on May 13, 1983

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14248 Filed 5-26-83; 8:45 a.m.]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-083]

Kaufman's Bakery, Inc., Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Kaufman's Bakery, Inc. (Kaufman's Bakery), 2381 Fillmore Avenue, Buffalo, New York 14214, filed an application on May 10, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its facility in Buffalo, New York pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W. Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Kaufman's Bakery indicates that the volume of natural gas for which it requests certification is approximately 280 Mcf per day. This volume is estimated to displace the use of approximately 1,850 gallons of No. 6 fuel oil (1.0 percent sulfur) per day.

The eligible seller is U.S. Energy Development Corporation, Statler Building, Buffalo, New York 14202. The gas will be transported by National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301; and by National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, withing ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Kaufman's Bakery and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 23, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14245 Filed 5-26-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-028 et al.]

Milliken & Co., et al.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

In the matter of Milliken & Company [ERA Docket No. 83-CERT-028]; Fiber Industries, Incorporated [ERA Docket No. 83-CERT-029]; Celanese Fibers Company [ERA Docket No. 83-CERT-030]; Hoechst Fibers Industries [ERA Docket No. 83-CERT-031]; W. R. Grace & Company [ERA Docket No. 83-CERT-032]; North Carolina Baptist Hospitals, Incorporated [ERA Docket No. 83-CERT-033].

On April 25, 1983, and as amended on May 3, 1983, Milliken & Company (Milliken), P.O. Box 1926, Spartanburg, South Carolina 29304; Fiber Industries, Incorporated (Fiber), P.O. Box 32414, Charlotte, North Carolina 28232; Celanese Fibers Company, Division of Celanese Corporation (Celanese), P.O.

Box 32414, Charlotte, North Carolina 28232; Hoechst Fibers Industries, Division of American Hoechst Corporation (Hoechst), P.O. Box 5887, Spartanburg, South Carolina 29304; Cryovac Division of W. R. Grace & Company (Cryovac), P.O. Box 338, Simpsonville, South Carolina 29681; and North Carolina Baptist Hospitals, Incorporated (NCBH), 300 South Hawthorne Road, Winston-Salem, North Carolina 27103, filed with the Administrator of the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at one hospital, one technical center, and nine manufacturing facilities in North Carolina and South Carolina, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the applications on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In their applications, the applicants indicate the total volume of natural gas for the eleven North Carolina and South Carolina facilities for which they request certification is approximately 6,254,640 Mcf per year. This volume is estimated to displace the use of approximately 42,738,510 gallons of No. 6 fuel oil (1.5–2.8 percent sulfur) per year.

The quantities at each location are subject to variation with changes in demand, but estimated gas usage and resulting oil displacement volumes are listed below:

ERA Docket No. 83–CERT	Location	Estimated volume (Mcf) per year	Estimated oil (No. 6) displacement (gallons) per year	Percent sulfur content
–028 (milliken)	1. Gayley Mill, Marietta, SC	155,855	1,070,204	2.5
	2. Enterprise Plant, Marietta, SC	129,210	887,242	2.8
	3. Crestex Plant, Spartanburg, SC	50,940	350,956	2.8
	4. Dewey Plant, Inman, SC	78,475	538,851	2.8
–029 (Fiber)	1. Greenville Facility, Greenville, SC	377,775	2,594,053	2.8
	2. Salisbury Facility, Salisbury, NC	2,232,705	15,121,224	2.1
	3. Shelby Facility, Shelby, NC	425,225	2,919,678	2.1
–030 (Celanese)	1. Technical Center, Charlotte, NC	76,650	526,330	2.1
–031 (Hoechst)	1.Spartanburg Facility, Spartanburg, SC	2,372,500	16,291,167	2.8
–032 (Cryovac)	1. Cryovac-Simpsonville Plant, Simpsonville, SC	106,215	729,343	1.5
–033 (NCBH)	1. N.C. Baptist Hospital, Winston-Salem, NC	243,090	1,669,216	2.1
Total		6,254,640	42,738,510	

For each application noted above, the eligible seller is Oklahoma Natural Gas Company, P.O. Box 871, Tulsa, Oklahoma 74102. The gas will be transported by Transcontinental Gas Pipeline Corporation, P.O. Box 1396, Houston, Texas 77251; Northern Natural Gas Company, 2223 Dodge Street, Omaha, Nebraska 68102; and Piedmont Natural Gas Company, Inc., P.O. Box 33068, Charlotte, North Carolina 28233, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning any of these applications to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue., SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of any of these applications may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to the Applicant and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on May 23, 1983.

James W. Workman,

Director, Office of Fuels Program, Economic Regulatory Administration.

[FR Doc. 83–14242 Filed 5–26–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–048]

Nevamar Corp.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Nevamar Corporation (NEVAMAR), 8339 Telegraph Road, Odenton, Maryland 21113, filed an application on May 2, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its facility in Odenton, Maryland, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). The application was amended on May 12, 1983, to add a second eligible seller; the volumes remain the same. More detailed information is contained in the application of file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, NEVAMAR indicates that the volume of natural gas for which it requests certification is approximately 375,000 Mcf per year. This volume is estimated to displace the use of approximately 64,000 barrels of No. 2 fuel oil (0.3 percent sulfur) per year.

The eligible sellers are Exxon Company, USA, P.O. Box 2180, Houston, Texas 77001; and Victory Development, 114 Wilmar Drive, Pittsburgh, Pennsylvania 15238. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and by Baltimore Gas and Electric Company, P.O. Box 1475, Baltimore, Maryland 21203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any

person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that any oral presentation is necessary, further notice will be given to NEVAMAR and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C. on May 23, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14247 Filed 5–26–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–063]

TAM Ceramics Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

TAM Ceramics Incorporated (TAM), P.O. Box C, Bridge Station, Niagara Falls, New York 14305, filed an application on May 3, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its facility in Niagara Falls, New York, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). The application was amended on May 11, 1983, to request expedited handling. More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, TAM indicates that the volume of natural gas for which it requests certification is approximately 567 Mcf per day. This volume is estimated to displace the use of approximately 4,079 gallons of No. 2 fuel oil (1.0 percent sulfur) per day.

The eligible seller is Trison Petroleum Corporation, Douglas Energy Ltd., 717 Seventeenth Street (2650), Denver, Colorado 80802. The gas will be transported by National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301; and by National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to TAM and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C. on May 23, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14246 Filed 5–26–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–046]

Witco Chemical Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Witco Chemical Corporation, Kendall/Amalie Division (Witco), 77 N. Kendall Avenue, Bradford, Pennsylvania 16701, filed an application on May 2, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its plant in Bradford, Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for pubic inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Witco indicates that the volume of natural gas for which it requests certification is approximately 1,000 Mcf per day during an initial 90-day period, and 1,500 Mcf per day during the nine-month period immediately thereafter. This volume is estimated to displace the use of approximately 9,900 gallons of low pour No. 6 fuel oil (1.0 percent sulfur) per day.

The eligible seller is Witco Chemical Corporation, Oil & Gas Division, 77 N. Kendall Avenue, Bradford, Pennsylvania 16701. The gas will be transported by National Fuel Gas Supply Corporation, 308 Seneca St., Oil City, Pennsylvania 16301; and by National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest.

If ERA determines that an oral presentation is necessary, further notice will be given to Witco and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 23, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14241 Filed 5-26-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ES82-69-001]

Interstate Power Co.; Amended Application

May 18, 1983.

Take notice that on May 9, 1983, Interstate Power Company (Applicant) filed an amendment to its application in Docket No. ES82-69-000 with the Federal Energy Regulatory Commission. Applicant seeks authority to increase its short-term borrowings from $40 million to $50 million outstanding consisting of promissory notes and/or commercial paper to be issued on or before December 31, 1983, and to mature not later than December 31, 1984.

Any person desiring to be heard or to make any protest with reference to such application, as amended, should, on or before May 31, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application, as amended, is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14235 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-25-000]

Transwestern Pipe Line Co.; Informal Settlement Conference

May 11, 1983.

Take notice that on June 3, 1983, at 9:30 a.m., an informal settlement conference will be convened in the above-captioned docket. The meeting place for the conference will be at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

All interested parties and Staff are invited to attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14236 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 7126-000, et al.]

Hydroelectric Applications (HY-TECH Company, et al.; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: Preliminary Permit.

b. Project No.: 7126-000.

c. Date Filed: March 7, 1983.

d. Applicant: HY-TECH Company.

e. Name of Project: South Piney Creek.

f. Location: South Piney Creek, Johnson and Sheridan Counties, Wyoming.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Carl W. Haywood, 2109 Broadview Drive, Lewiston, Idaho 83501.

i. Comment Date: July 11, 1983.

j. Description of Project: The proposed project would consist of: (1) a proposed concrete diversion structure, 10 feet high and 60 feet long; (2) a proposed penstock, approximately 12,000 feet long; (3) a proposed powerhouse containing 3 generating units with a total installed capacity of 9,600 kW; (4) and (5) appurtenant facilities. Applicant estimates the annual power production to be 19.2 GWh.

k. Purpose of Project: Applicant states that the project power will be sold to Montana—Dakota Utility Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

2a. Type of Application: Preliminary Permit.

b. Project No.: 7183-000.

c. Date Filed: March 30, 1983.

d. Applicant: HY-TECH Company.

e. Name of Project: South Tongue River.

f. Location: South Tongue River, Sheridan County, Wyoming.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Carl W. Haywood, 2109 Broadview Drive, Lewiston, Idaho 83501.

i. Comment Date: July 11, 1983.

j. Description of Project: The proposed project would consist of: (1) a proposed reinforced concrete diversion structure, approximately 6 feet high and 100 feet long; (2) a proposed 60-inch diameter, 8,000 feet long penstock; (3) a proposed powerhouse with a 4.3 MW generating unit; (4) a proposed 6 miles long transmission line to connect with the existing power grid; and (5) appurtenant facilities. Applicant estimates the total annual power production to be 10.5 GWh.

k. Purpose of Project: Applicant proposes to sell the project power to Montana—Dakota Utility Company or to Pacific Power and Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

3a. Type of Application: License (Over 5 MW).

b. Project No.: 2924-002

c. Date Filed: February 27, 1982.

d. Applicant: The Electric Plant Board of the City of Glasgow.

e. Name of Project: Rough River Reservoir Dam Project.

f. Location: On the Rought River in Breckinridge and Grayson Counties, Kentucky.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. William M. Lewis, Jr., W. M. Lewis and Associates, Inc., P.O. Box 1383, Portsmouth, Ohio 45667.

i. Comment Date: July 11, 1983.

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Rough River Reservoir Dam. Project No. 2924 would consist of: (1) a proposed intake structure; (2) a proposed tunnel and penstock, approximately 750 feet long; (3) a proposed turbine house located to the left and downstream of the existing dam, with 4 generating units for a total capacity of 5.5 MW; (4) a discharge channel leading from the turbine house to the Rough River; (5) a proposed 5-mile long transmission line; and (6) appurtenant facilities.

k. The notice also consists of the following standard paragraphs: A2, B, C, and D1.

4a. Type of Application: Preliminary Permit.

b. Project No.: 7127-000.

c. Date Filed: March 8, 1983.

d. Applicant: STS Consultants, Ltd.

e. Name of Project: Trowbridge Dam.

f. Location: Kalamazoo River, Allegan County, Michigan.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(A)-825(r).

h. Contact Person: Mr. Mark J. Sundquist, STS Consultants, Ltd., 3001 S. State Street, Ann Arbor, Michigan 48104.

i. Comment Date: July 11, 1983.

j. Description of Project: The proposed project would consist of: (1) the existing Trowbridge Dam, and earthfill structure about 180 feet long and 35 feet high, and owned by the Michigan Department of Natural Resources; (2) and existing powerhouse structure to be refurbished and fitted with new electrical and hydro-turbine equipment, with a total

installed capacity of 2,100 kW; (3) a proposed one mile long transmission line to connect with the existing power grid; and (4) appurtenant facilities. Applicant estimates the average annual energy production to be 11.0 GWh.

k. Purpose of Project: Applicant proposes to sell the power generated to Consumers Power Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

5a. Type of Application: Case—specific exemption from licensing for hydroelectric power projects of 5 MW or less capacity.

b. Project No: 6638–001.

c. Date Filed: February 1, 1983.

d. Applicant: Elba Hydroelectric Company, Inc.

e. Name of Project: Elba Hydroelectric Project.

f. Location: Pea River in Coffee County, Alabama.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 2705, and 2708 *as amended.*

h. Contact Person: Mr. William M. Towns, Route #3, Box 10, Oneonta, Alabama 35121.

i. Comment Date: June 20, 1983.

j. Description of Project: The project will consist of: (1) the existing 400-foot-long Elba Dam, which has an overall height of 29 feet including the four-foot-high flashboards; (2) a six-foot-high, 200-foot-long auxiliary spillway; (3) a 95-acre reservoir at normal surface elevation of 168 feet msl; (4) an existing powerhouse which will contain three generating units with a combined installed capacity of 1.8 MW; (5) a proposed 100-foot-long transmission line; and (6) appurtenant facilities. The Applicant estimates the average annual energy generation to be 7,779 MWh.

k. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

6a. Type of Application: Minor License.

b. Project No.: 6614–000.

c. Date Filed: August 18, 1982.

d. Applicant: El Dorado Irrigation District.

e. Name of Project: Pleasant Oak Main Reservoir B Hydroelectric Project.

f. Location: On Pleasant Oak Main, near Placerville, in El Dorado County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. A. A. Lind, District Engineer, El Dorado Irrigation District, P.O. Box 1608, Placerville, California 95667.

i. Comment Date: July 11, 1983.

j. Description of Project: The proposed project would be located on Bureau of Reclamation's (BOR) Pleasant Oak Main pipeline which gets its water from the BOR's Sly Park Dam and would consist of: (1) a 30-inch-diameter, 500-foot-long steel penstock; (2) a powerhouse containing one generating unit with a rated capacity of 250 kW; (3) a 40-inch-diameter tailrace conduit; and (4) a 1-mile-long, 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company (PG&E) line. The Applicant estimates that the project would produce about 1 million kWh average annual energy. The project energy would be offered for sale to the PG&E or other entities. The total cost of project is $920,000.

k. This notice also consists of the following standard paragraphs: A2, B, C, D1.

7a. Type of Application: Preliminary Permit.

b. Project No.: 7177–000.

c. Date Filed: March 28, 1983.

d. Applicant: Southern Hydro Systems.

e. Name of Project: Henrietta Hydroelectric Project.

f. Location: Rutherford County, North Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. George W. Cooper, III, Route 1, Box 303, Piedmont, South Carolina 29673.

i. Comment Date: July 11, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing reservoir with a surface area of 6 acres and a storage capacity of 30 acre-feet at power pool elevation of 782 feet m.s.l.; (2) an existing stone masonry gravity dam which is 22-feet high and 363-feet long; (3) existing flume and penstocks; (4) an existing powerhouse which would contain two generating units rated at 200 MW and 300 MW, respectively, for a total installed capacity of 500 kW; and (5) appurtenant facilities. The Applicant estimates the average annual energy output to be 3,801,160 kWh.

k. Purpose of Project: The Applicant proposes to sell the power generated at the project to Duke Power Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

8a. Type of Application: 5 MW Exemption.

b. Project No.: 3180–001.

c. Date Filed: April 1, 1983.

d. Applicant: The New Hampshire Water Resources Board and Gregg's Falls Hydroelectric Associates.

e. Name of Project: Gregg's Falls Project.

f. Location: On the Piscataquog River in Hillsborough County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Raymond A. Wingert, c/o National Hydro Corporation, 77 Franklin Street, Boston, Massachusetts 02110 and Delbert F. Downing, New Hampshire Water Resources Board, 37 Pleasant Street, Concord, New Hampshire 03301.

i. Comment Date: July 24, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing earthfill and concrete gravity dam 1,360 feet long and 60 feet high; (2) a reservoir (Glenn Lake) with a storage capacity of 3,600 acre-feet; (3) existing intake structures; (4) new fish passage facilities; (5) an existing concrete penstock 31.75 feet long and 10 feet by 17.5 feet oblong shape, transitioning to 7.5 feet diameter circular shape; (6) an existing powerhouse containing 2 turbines and 2 new generators with a total installed capacity of 3,820 kW; (7) a new switchyard; and (8) a new 100-foot-long transmission line. The Applicants propose to raise the concrete spillway crest by one foot with provisions for six-inch flashboards which would raise the normal maximum surface elevation from 272.5 to 273.0 feet NGVD and increase the reservoir's storage capacity to 3,650 acre-feet. Applicants estimate an average annual generation of 8,733,000 kWh.

k. Purpose of Project: Project energy would be sold to the Public Service Company of New Hampshire.

l. This notice also consists of the following standard paragraphs: A1, B, C, D1 and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

9a. Type of Application: Application for License (under 5MW).

b. Project No: 2994–002.

c. Date Filed: March 29, 1983.

d. Applicant: The Borough of Lehighton.

e. Name of Project: Beltzville Project.

f. Location: On the Pohopoco Creek in Carbon County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mortimer L. Smedley, Borough Manager, Borough of Lehighton, P.O. Box 29, Lehighton, Pennsylvania 18235.

i. Comment Date: July 11, 1983.

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Beltzville Dam and

Reservoir and would consist of: (1) modification of the outlet works for project purposes; (2) a new 6.5-foot-diameter and 230-foot-long steel penstock; (3) a new powerhouse with two turbine-generator units with a total capacity of 2,150 kw; (4) a switchyard; (5) a 1.7-mile transmission line; and (6) other appurtenances. Applicant estimates an average annual generation of 8,400,000 kWh. This application was filed during the term of Applicant's preliminary permit for Project No. 2994.

k. Purpose of Project: Project energy would be sold to the Pennsylvania Power and Light Company.

l. This notice also consists of the following standard paragraphs: A2, B, C, and D1.

10a. Type of Application: Preliminary Permit.

b. Project No: 7033–000.

c. Date Filed: January 28, 1983, and revised on April 5, 1983.

d. Applicant: Beaver Power Group I, Ltd.

e. Name of Project: Rock Hill Dam Water Power Project.

f. Location: On the Conestoga River, in Lancaster County, near Rockhill, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: B. Ryland Wiggs, Esq., 2285 Schoenersville Road, Suite 207, Bethlehem, Pennsylvania 18018.

i. Comment Date: July 11, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing concrete encased, stone filled, timber crib dam, 13 feet high, 315 feet long; (2) a reservoir with an estimated storage capacity of 1.5 acre-feet; (3) a proposed rehabilitation of an existing forebay structure; (4) a proposed re-building of a demolished powerhouse to accommodate the housing of one tubular turbine/generator rated at 400 kW; (5) a proposed tailrace approximately 400 feet long by 40 feet wide; (6) a proposed 7000-volt transmission line approximately 200 feet in length; and (7) appurtenant facilities. Applicant estimates that the average annual energy generation would be 2,102,000 kWh.

k. Purpose of Project: The Applicant anticipates that power will be sold to the Pennsylvania Power and Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the technical, economic and environmental feasibility of the project, and, if feasible would prepare an application for FERC license. Applicant estimates the cost of studies under the permit would be $150,000.

11a. Type of Application: License (Over 5 MW).

b. Project No: 3348–002.

c. Date Filed: January 21, 1983.

d. Applicant: The City of Covington, Virginia.

e. Name of Project: Gathright Dam Project.

f. Location: On the Jackson River in Alleghany County, Virginia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. James L. Jamison, city of Covington, 158 North Court Avenue, Covington 24426.

i. Comment Date: July 11, 1983.

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Gathright Dam and would consist of: (1) a 1,500-foot-long penstock; (2) a powerhouse containing a generating unit having a total rated capacity of 6 MW; (3) 2.75-mile-long transmission line; and (4) appurtenant facilities. The Applicant estimates the average annual energy generation to be approximately 32.4 GWh.

k. This notice also consists of the following standard paragraphs: A2, B, C, and D1.

12a. Type of Application: License (5 MW or Less).

b. Project No: 3307–002.

c. Date Filed: March 30, 1983.

d. Applicant: Hydro Corporation of Pennsylvania.

e. Name of Project: Tionesta Lake Project.

f. Location: Tionesta Creek in Forest County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Bruce Bennett, P.E., National Hydro Corporation, 77 Franklin Street, 9th Floor, Boston, Massachusetts 02110.

i. Comment Date: July 8, 1983.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers Tionesta Lake Dam and Reservoir, and would consist of: (1) an existing 143-foot-high intake tower; (2) modifying an existing 1,875-foot-long, 19-foot-diameter, concrete outlet tunnel by grouting a 1,700-foot-long section and installing a 125-foot-long steel liner in the downsteam end; (3) a proposed 40-foot-long, 12-foot-diameter steel penstock; (4) a proposed 74-foot by 38-foot concrete powerhouse containing one generator unit with an installed capacity of 5.0 MW; (5) a proposed 90-foot-long, 24-foot-wide tailrace channel; (6) an existing stilling basin; (7) a proposed 1-mile-long, 34.5-kV transmission line; and (8) appurtenant facilities. The estimated average annual generation would be 16,300 MWh. This license application was filed during the term of the Applicant's Preliminary Permit for Project No. 3307.

k. Purpose of Project: Project energy would be sold to Pennsylvania Electric Company.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

13a. Type of Application: Major License (5 MW or Less).

b. Project No: 3359–003.

c. Dated Filed: January 28, 1983.

d. Applicant: Continental Hydro Corporation.

e. Name of Project: Berlin Lake.

f. Location: Mahoning River in Portage and Mahoning Counties, Ohio.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Bruce A. Bennett, National Hydro Corporation, 77 Franklin Street, 9th Floor, Boston, Massachusetts 02110.

i. Comment Date: July 18, 1983.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Berlin Dam and Reservoir, and would consist of: (1) modifications to the existing sluice opening; (2) a proposed 78-foot-high reinforced concrete intake tower; (3) a proposed 300-foot-long, 54 to 78-inch diameter steel penstock; (4) a proposed 28-foot by 51-foot powerhouse containing one generator unit with an installed capacity of 1.5 MW; (5) a proposed 25-foot-long tailrace; (6) a proposed 4.16/69-kV transformer; (7) a proposed 450-foot-long, 69-kV transmission line; and (8) appurtenant facilities. The estimated average annual generation would be 5,850 MWh. This license application was filed during the term of the Applicant's Preliminary Permit for Project 3359.

k. Purpose of Project: Project energy would be sold to Ohio Edison Company or America Municipal Power—Ohio.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

14a. Type of Application: Minor License.

b. Project No: 6157–003

c. Date Filed: April 7, 1983.

d. Applicant: Hydro-Ventures & Glen Thomason.

e. Name of Project: Hagerman Hatchery.

f. Location: Gooding County, Idaho; Riley Creek.

g. Filed Pursuant to: Federal Power Act, U.S.C 791(a)–825(r).

h. Contact Person: Glenn Thomas, 2141 Quince #25, Forest Grove, Oregon 97116.

i. Comment Date: July 18, 1983.

j. Description of Project: The proposed project would consist of: (1) a 36-inch-diameter, 50-foot-long bypass to be installed in an existing 36-inch-diameter water supply pipe in the Hagerman National Fish Hatchery of the U.S. Fish and Wildlife Service, conveying water to the powerhouse; (2) a powerhouse with a total installed capacity of 118-kW; (3) a 36-inch-diameter, 50-foot-long outlet pipe carrying water back into the existing water supply pipe of the Hagerman Hatchery; (4) a 0.5-mile long transmission line connecting with an existing Idaho Power Company transmission line.

k. Purpose of Project: The estimated annual output of 0.982 million kWh generated by the proposed project would be sold to the Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A2, B, C, D1.

15a. Type of Application: License (5 MW or Less).

b. Project No.: 6368–000.

c. Date Filed: May 25, 1982.

d. Applicant: Climax Manufacturing Company.

e. Name of Project: Carthage Paper Makers Mill

f. Location: Black River in Jefferson County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Lee Hirschey, President, Climax Manufacturing Company, Carthage, New York 13619.

i. Comment Date: June 27, 1983.

j. Competing Application:

Project No.:	*Date Filed:*
4906–001	12–16–81
5000–000	12–21–81
4636–001	1–04–82
5023–000	1–28–82
6094–000	9–21–82
6095–000	9–21–82

k. Description of Project: The proposed run-of-river project would increase the capacity of the existing, operating project and would consist of: (1) the existing 829-foot-long, 2 to 8-foot-high, Carthage State Dam, owned by the State of New York; (2) an existing 690-acre reservoir at an elevation of 726 feet M.S.L.; (3) an existing 500-foot-long intake channel; (4) an existing 20-foot by 30-foot powerhouse; (5) a proposed 30-foot by 80-foot powerhouse to be constructed adjacent to the existing powerhouse; (6) the addition of a single 1,800-kW generating unit to the existing 800 kW unit, providing a total installed capacity of 2,600 kW; (7) an existing 700-foot-long, 23-kV transmission line; (8) a proposed 600-foot-long transmission line; (9) a proposed step-up transformer; and (10) appurtenant facilities. The existing project facilities are owned by Carthage Paper Makers, Inc., a division of Climax Manufacturing Co.

l. Purpose of Project: Project energy would be generated for use by the Carthage Paper Makers Mill and any excess power would be sold to Niagara Mohawk Power Corporation.

m. This notice also consists of the following standard paragraphs: A3, B, C, and D1.

16a. Type of Application: Major License (Under 5 MW).

b. Project No.: 6780–000.

c. Date Filed: October 19, 1982.

d. Applicant: Enviro Hydro Incorporated.

e. Name of Project: Deadwood Creek Project.

f. Location: On Deadwood Creek, tributary of the North Yuba River, near Marysville, in Yuba County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. H. L. Childers, Enviro Hydro Incorporated, 9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: July 18, 1983.

j. Description of Project: The proposed run-of-river project would consist of: (1) a 3-foot-high, 60-foot-wide diversion structure located on Deadwood Creek one mile upstream from its confluence with the North Yuba River; (2) a 42-inch diameter, 4,700-foot-long steel pipeline; (3) a 42-inch-diameter, 1,500-foot-long steel penstock; (4) a powerhouse containing a single turbine-generator unit with an installed capacity of 3.0 MW and an average annual generation of 10.5 GWh; (5) a 10-foot-wide, 50-foot-long open channel tailrace; (6) 2.5 miles of primary transmission line; and (7) appurtenant facilities. Project power would be sold to Pacific Gas and Electric Company. The project would affect 9.0 acres of Plumas National Forest lands.

k. This notice also consists of the following standard paragraphs: A2, B, C, D1

17a. Type of Application: Preliminary Permit.

b. Project No: 7071–000.

c. Date Filed: February 10, 1983, revised on April 5, 1983.

d. Applicant: Beaver Power Group III, Ltd.

e. Name of Project: Pocono Lake Dam.

f. Location: On Tobyhanna Creek, in Monroe County, near Blakeslee, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: B. Ryland Wiggs, Esquire, Suite 207, 2285 Schoenersville Road, Bethlehem, Pennsylvania 18018.

i. Comment Date: July 15, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing ogee concrete and zoned earth dam, 580 feet long and having a maximum height of 47 feet; (2) a reservoir with an estimated storage capacity of 5,400 acre-feet, and normal water surface elevation of 1633.5 M.S.L.; (3) a proposed siphon intake structure; (4) a proposed 5-foot diameter steel penstock, approximately 200 feet long; (5) a proposed powerhouse housing one tubular turbine/generator rated at 375 kW; (6) a proposed tailrace channel approximately 100 feet long by 20 feet wide; (7) a proposed switchyard and 13,000-volt transmission line approximately 300 feet in length; and (8) appurtenant facilities. Applicant estimates that the average annual energy generation would be 1,971,000 kWh.

k. Purpose of Project: The Applicant anticipates that power will be sold to Metropolitan Edison Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a perliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $150,000.

18a. Type of Application: Preliminary Permit.

b. Project No: 7078–000.

c. Date Filed: February 14, 1983.

d. Applicant: Fluid Energy System, Inc.

e. Name of Project: West Walker River Hydroelectric Power.

f. Location: On the West Walker River in Mono County, California, within the Toiyabe National Forest Due Date: June 6, 1983.

g. Filed Pursuant to: Federal Power Act, (16 U.S.C. 791(a)–825(r)).

h. Contact Person: Mr. K. Thomas Miller, Fluid Energy Systems, Inc., 2210 Wilshire Blvd., #699, Santa Monica, California 90403.

i. Comment Date: June 27, 1983.

j. Competing Application: Project No. 7081–000. Date Filed: 2/14/83. Public Notice issued: April 5, 1983. Due Date: June 6, 1983.

k. Description of Project: The proposed West Walker River Hydroelectric Project (WWR) would consist of three developments.

WWR–I would consist of: (1) a 40-foot-high diversion structure with crest elevation 7120 feet; (2) a 5-foot-diameter, 5,000-foot-long pipeline/penstock; (3) a powerhouse at elevation 6,760 feet containing a turbine generator with a rated capacity of 6,480 kW and an average annual output of 39.4 GWh; and (4) a 7,000-foot-long transmission line.

WWR–II would consist of: (1) a 40-foot-high diversion structure with crest elevation 6740 feet; (2) a 5-foot-diameter, 10,000-foot-long pipeline/penstock; (3) a powerhouse at elevation 6,650 feet containing two identical turbine generators with a total rated capacity of 1,940 kW and an average annual output of 11.89 GWh; and (4) a 9,000-foot-long transmission line.

WWR–III would consist of: (1) a 80-foot-high diversion structure with crest elevation 6,640 feet; (2) a 6 to 8-foot-diameter, 26,000-foot-long pipeline/penstock; (3) a powerhouse at elevation 6,020 feet containing four turbine generators with a total rated capacity of 14,300 kW and an average annual output of 87.69 GWh; and (4) a 100-foot-long transmission line.

The earth fill and concrete diversion structures would impound forebays with surface areas of 3.5, 83 and 69 acres, respectively. Transmission lines would connect to Southern California Edison Company lines.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 36-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. Those studies would include core borings and test pits at the dam sites, penstock routes and powerhouse sites. The Applicant has stated that new access roads are not necessary and that all disturbed lands would be restored. The estimated cost of the above activities is $350,000.

l. This notice also consists of the following standard paragraphs: A3, B, C and D2.

19a. Type of Application: Preliminary Permit.

b. Project No.: 7122–000.

c. Date Filed: March 4, 1983.

d. Applicant: City of Las Cruces.

e. Name of Project: Caballo Project.

f. Location: On Rio Grande in Truth or Consequences Township, Sierra County, New Mexico.

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Dana Miller, P.O. Drawer CLC, Las Cruces, New Mexico 88004.

i. Comment Date: July 15, 1983.

j. Description of Project: The proposed project would utilize the existing Bureau of Reclamation's Caballo Dam and would consist of: (1) the outlet works gate chamber; (2) a new 200-foot-long 12-foot-diameter steel liner within the existing 400-foot-long 14-foot-diameter outlet tunnel; (3) a new bifurcation, gates, and gate control house at the existing tunnel outlet portal; (4) a new 50-foot-long 11.5-foot-diameter buried penstock; (5) a new powerhouse containing two generating units having a total rated capacity of 5,596-kW; (6) a new tailrace; (7) a new switchyard; (8) two, one-mile-long 115-kV transmission lines; and (9) appurtenances.

k. Purpose of Project: Applicant intends to consume the energy produced. Applicant estimates that the average energy output would be 18.4 GWh.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform studies and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $60,000.

20a. Type of Application: Exemption from licensing (5 MW or less).

b. Project No.: 7182–000.

c. Date Filed: March 29, 1983.

d. Applicant: Gerald L. and Lois R. Simms.

e. Name of Project: Davis Creek Hydroelectric.

f. Location: On Davis Creek in Lewis County, Washington, partially within the Gifford Pinchot National Forest.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Mr. Ted P. Lehn, 1955 6th Avenue West, Seattle, Washington 98119.

i. Comment Date: June 27, 1983.

j. Competing Application: Project No. 6635. Date Filed: August 23, 1982. Public Notice issued October 8, 1982.

k. Description of Project: The proposed project would consist of: (1) a 4-foot-high, L-shaped concrete inlet structure recessed into the creek bank at elevation 1370 feet; (2) a 2-foot-diameter, 3,500-foot-long penstock; (3) a powerhouse at elevation 980 feet containing a turbine generator with a rated capacity of 1.6 MW and an average annual output of 6.5 GWh; (4) a 0.5-mile-long transmission line connecting to existing Lewis County PUD transmission lines; and (5) a 1,200-foot-long access road.

l. This notice also consists of the following standard paragraphs: A3, B, C, and D3a.

21a. Type of Application: License (under 5 MW).

b. Project No.: 7189–000.

c. Date Filed: April 1, 1983.

d. Applicant: Green Lake Water Power Company.

e. Name of Project: Green Lake Project.

f. Location: Green Lake, Reeds Brook, City of Ellsworth, Hancock County, Maine.

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).

h. Contact Person: Anne M. Finlayson, Kleinschmidt and Dutting, 75 Main Street, P.O. Box 76, Pittsfield, Maine 04967–0076.

i. Comment Date: July 18, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing 75-foot-high, 270-foot-long dry-stone and timber crib dam with a 22-foot-long concrete gravity gate section located in the center of the dam which discharges into Reeds Brook; (2) an existing 2,989-acre reservoir (Green Lake) with a usable storage capacity of 10,000 acre feet at elevation 160.7 feet M.S.L.; (3) a 12-foot-long new intake structure located at the southwest side of the existing concrete gravity gate section; (4) a new 1,700-foot-long 4-foot-diameter concrete and wood stave penstock; (5) a new powerhouse located on the southwest bank of Reed Brook containing two turbine-generators with a total rated capacity of 375 kW; (6) a tailrace channel; (7) a 1,000-foot-long underground transmission line interconnected with the adjacent fish hatchery and the existing Bangor Hydro-Electric Company's distribution line; and (8) appurtenant facilities. The project would utilize 2 acres of land owned by the U.S. Department of the Interior Green Lake National Fish Hatchery. The project would generate up to 1,100,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to Bangor Hydro-Electric Company and supplied to the Green Lake National Fish Hatchery during power outages.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

22a. Type of Application: Exemption for a Small Conduit Hydroelectric Project.

b. Project No.: 7190–000.

c. Date Filed: April 1, 1983.

d. Applicant: City of Santa Monica, California.

e. Name of Project: Santa Monica Municipal Hydroelectric Facility Project.

f. Location: On an existing feeder line within the Santa Monica Arcadia Water Softening Plant, in Los Angeles County, California.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: Mr. Stanley E. Scholl, Director of General Services, 1685 Main Street, Santa Monica, California 90401.

i. Comment Date: June 27, 1983.

j. Description of Project: The proposed project, to be located on the existing 24-inch Sepulveda Feeder Line, would consist of a powerhouse to contain two generating units with a total rated capacity of 150 kW producing approximately 800,000 kWh annually under a head of 203 feet; and appurtenant facilities.

k. This notice also consists of the following standard paragraphs: B, C, and D3b.

23a. Type of Application: Preliminary Permit.

b. Project No: P–7198–000.

c. Date Filed: April 7, 1983.

d. Applicant: Balance One Incorporated.

e. Name of Project: Cordingly Dam.

f. Location: The Charles River in Middlesex and Norfolk County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Allen Benjamin, 99 Concord Road, Wayland, Massachusetts 01778.

i. Comment Date: July 14, 1983.

j. Description of Project: The proposed project would consist of: (1) the existing 16-foot-high, 120-foot-long, Metropolitan District Commission's Cordingly Dam; (2) a proposed 200-foot-long concrete penstock; (3) a proposed powerhouse containing one or more generating units having a total rated capacity of 400 kW; (4) an existing transmission line with a proposed interconnecting line 200 feet long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,540 MWh.

k. Purpose of Project: The most likely market for the energy derived at the proposed project would be the Metropolitan District Commission, The Boston Edison Company, or nearby industrial establishments.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 18 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $51,500.

24a. Type of Application: Preliminary Permit.

b. Project No: 7204–000.

c. Date Filed: April 7, 1983.

d. Applicant: Cascade Area Council, Inc.

e. Name of Project: Neal Creek.

f. Location: On Neal Creek, near Jordan, in Linn County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. William J. Claussen, Cascade Area Council, Inc., Boy Scouts of America, 4392 Liberty Road South, Salem, Oregon 97302.

i. Comment Date: July 18, 1983.

k. Description of Project: The proposed run-of-river project would consist of: (1) a 4-foot-high, 40-foot-wide concrete diversion structure at elevation 1420 feet; (2) a 3,900-foot-long, 24-inch-diameter pipeline; (3) a 450-foot-long, 12-inch-diameter penstock; (4) a powerhouse containing a single turbine-generator with an installed capacity of 300 kW and an average annual generation of 1,568 MWh; and (5) appurtenant facilities. Project power would be sold to a private or public utility. A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project and estimates the cost of the studies at $15,000–25,000.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

25a. Type of Application: Preliminary Permit.

b. Project No: 7206–000.

c. Date Filed: April 8, 1983.

d. Applicant: Tygh Valley Associates.

e. Name of Project: Tygh Valley Power Project.

f. Location: On White River, in Wasco County, in Tygh Valley, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040 and Mr. Joel Rector, Attorney at Law, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: July 14, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing 8-foot-high by 226-foot-long concrete dam with spillway elevation at 1018.5-feet msl creating a pondage of approximately 8-acre-feet; (2) an existing 5-foot-diameter, 600-foot-long low pressure pipeline; (3) an existing settling basin with pool elevation at 1017 feet msl; (4) an existing 5-foot-diameter, 480-foot-long penstock (to be renovated); (5) an existing powerhouse to contain 3 new Francis-type, turbine-generating units with a total rated capacity of 5,625 kW, producing 24.3 million kWh of energy annually under a head of 144 feet; and (6) a 0.75-mile-long transmission line to be constructed between the powerhouse and an existing Pacific Power & Light Company transmission line. The proposed project would utilize and renovate the former Pacific Power & Light Company's unlicensed project which was deeded to the State of Oregon.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. Applicant estimates that the feasibility studies conducted under the permit would cost $125,000.

k. Purpose of Project: The Applicant proposes to sell the project power to the Pacific Power & Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

26a. Type of Application: Preliminary Permit.

b. Project No: 7210–000.

c. Date Filed: April 11, 1983.

d. Applicant: WP, Incorporated.

e. Name of Project: Boundary Creek Project.

f. Location: On Boundary Creek, near Bonners Ferry, in Boundary County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Gary W. Tripp, WP, Incorporated, 821 East Thomas Street, Seattle, Washington 98102.

i. Comment Date: July 15, 1983.

j. Description of Project: The proposed run-of-river project would consist of: (1) a 10-foot-high, 25-foot-wide concrete diversion structure located on Boundary Creek 8.5 miles upstream from its confluence with the Kootenai River; (2) a 25,000-foot-long, 6-foot-diameter pipeline; (3) an 8,300-foot-long, 63-inch-diameter penstock; (4) a powerhouse containing two turbine-generator units with a total installed capacity of 25,660 kW and an average annual generation of 73,720 GWh; and (5) appurtenant facilities. Project power would be sold to a private or public utility. The project would affect 1,020 acres of Kaniksu National Forest lands.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project and estimates the cost of the studies at $100,000–200,000.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

27a. Type of Application: Preliminary Permit.

b. Project No: 7220–000.

c. Date Filed: April 12, 1983.

d. Applicant: Muskingum River Hydro Associates.

e. Name of Project: Ellis Lock and Dam No. 11.

f. Location: On the Muskingum River in Muskingum County, Ohio.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. Sections 791(a)–825(r).

(h) Contact Person: Mr. Wayne L. Rogers, President, Synergics, Inc., 1444 Foxwood Court, Annapolis, Maryland 21401.

i. Comment Date: July 14, 1983.

j. Description of Project: The proposed project would consist of: (1) the existing Ellis Lock and Dam No. 11 owned by the Ohio Department of Natural Resources; (2) a new powerhouse containing two generating units having a total rated capacity between 4.5 and 5.0 MW; (3) and existing 138-kV transmission line owned by the American Electric Power Company; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be from 27 to 30 GWh.

k. Purpose of Project: The most likely market for the energy derived at the proposed project would be the American Electric Power Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 24 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $36,000.

28a. Type of Application: Preliminary Permit.

b. Project No: 7233–000.

c. Date Filed: April 18, 1983.

d. Applicant: Aero Construction, Inc.

e. Name of Project: Aberdeen Lock and Dam.

f. Location: On the Tombigbee River, in Monroe County, Mississippi.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. Sections 791(a)–825(r).

h. Contact Person: Ralph L. Laukhuff, Jr., Forte and Tablada, Inc., P.O. Box 64844, Baton Rouge, Louisiana 70896.

i. Comment Date: July 18, 1983.

j. Description of Project: The proposed project would utilize the existing Army Corps of the Engineers' Aberdeen Lock and Dam, presently under construction, and would consist of: (1) a proposed powerhouse with an installed generating capacity of 4 MW; and (2) appurtenant facilities. The Applicant estimates the average annual energy generation to be 14.5 GWh.

k. Purpose of Project: Aero Construction, Inc. plans to market the hydroelectric power to Monroe County Electric and/or local municipalities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. *Proposed Scope of Studies under Permit:*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is $20,000.

n. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

29a. Type of Application: Preliminary Permit.

b. Project No: 7243–000.

c. Date Filed: April 22, 1983.

d. Applicant: Metropolitan District Commission.

e. Name of Project: Circular Dam.

f. Location: Charles River, Cities of Newton, Wellesley and Needham, Suffolk, Norfolk and Middlesex Counties, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Alfred F. Ferullo, MDC, Director of Environmental Quality, 20 Somerset Street, Boston, Massachusetts 02108.

i. Comment Date: June 27, 1983.

j. Competing Application: Project No. 7053–000 Date Filed: 2/3/83.

k. Description of Project: The proposed project would consist of: (1) an existing 10-foot high, 84-foot long granite block dam; (2) a 0.1 acre reservoir with in stroage capacity at elevation 71.40 feet M.S.L.; (3) a new powerhouse located near the east dam abutment containing turbine-generators with a total rated capacity of 275 kW; (4) a tailrace channel; (5) a 100-foot long transmission line; and (6) appurtenant facilities. The dam is owned by the Applicant. The project would generate up to 1,220,000 kWh annually.

l. Purpose of Project: Energy produced at the project would be sold to Boston Edison Company.

m. This notice also consists of the following standard paragraphs: A3, B, C and D2

30a. Type of Application: Preliminary Permit.

b. Project No: 6946–000.

c. date Filed: December 20, 1982.

d. Applicant: Grand Mesa Water Conservancy District.

e. Name of Project: Grand Mesa.

f. Location: Surface Creek in Delta County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Herschel G. Burgess, President, Grand Mesa Water Conservancy District, Box 129, Cedaredge, Colorado 81413.

i. Comment Date: July 25, 1983.

j. Description of Project: The proposed project consists of two separate developments. Development #1 would consist of: (1) an existing 20-foot-long, 5-foot-high concrete diversion structure owned by the Cedar Mesa Ditch

Company; (2) enlarging a 9,000-foot-long feeder ditch; (3) a proposed 5,500-foot-long feeder ditch leading to; (4) a proposed 10-acre surface area, 100 acre-foot storage capacity forebay reservoir at elevation 8440 feet M.S.L. created by; (5) a proposed 600-foot-long, 65-foot-high, earth/rockfill dam to be owned by the Applicant; (6) a proposed 8,510-foot-long, 36-inch-diameter penstock; (7) a proposed powerplant with an installed capacity of 2.5 MW; (8) a proposed 18,000-foot-long, 12.4–kV transmission line; and (9) appurtenant facilities. Development #2 would consist of: (1) an existing 20-foot-long, 5-foot-high diversion structure owned by Cedar Mesa Ditch Company; (2) a proposed 2,600-foot-long feeder ditch leading to; (3) a proposed 10-acre surface area, 100 acre-foot storage capacity forebay reservoir at elevation 7605 feet M.S.L. created by; (4) a proposed 900-foot-long, 60-foot-high, rock/earthfill dam to be owned by the Applicant; (5) a proposed 6,570-foot-long, 36-inch-diameter penstock; (6) a proposed 4,500-foot-long, 42-inch-diameter penstock; (7) a proposed powerplant with an installed capacity of 1.9 MW; (8) a proposed 16,000-foot-long, 12.4-kV transmission line; and (9) appurtenant facilities. The estimated average annual energy is 28,000 MWh.

k. Purpose of Project: Project energy would be sold to either Delta-Montrose Electrical Association or the City of Delta.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, project power potential, and conduct geologic testing. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the costs of the studies under permit would be $250,000.

31a. Type of Application: Preliminary Permit.

b. Project No: 7232–000.

c. Date Filed: April 18, 1983.

d. Applicant: Aero Construction, Inc.

e. Name of Project: Columbus Lock and Dam.

f. Location: On the Tombigvee River in Lowndes County, Mississippi.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Ralph L. Laukhuff, Jr., Forte and Tablada, Inc., P.O. Box 64844, Baton Rouge, Louisiana 70896.

i. Comment Date: July 25, 1983

j. Description of Project: The proposed project would utilize the exisitng Army Corps of Engineers' Columbus Lock and Dam and consist of: (1) a proposed powerhouse which will contain an installed generating capacity of 6 MW; and (2) appurtenant facilities. The Applicant estimates the average annual energy generation to be 22 GWh.

k. Purpose of Project: Areo Construction, Inc. plans to market the hydroelectric power to Four Counties Electric Power and/or local municipalities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is $20,000.

n. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

a. Type of Application: Exemption (5MW or Less).

b. Project No: 7211–000.

c. Date Filed: April 11, 1983.

d. Applicant: Vernon L. and Betty J. Herzinger.

e. Name of Project: Salmon Falls Creek.

f. Location: On Salmon Falls Creek, near Buhl, in Twin Falls County, Idaho, and occupying BLM lands.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408 16 U.S.C. 2705 and 2708 *as amended*.

h. Contact Person: Marc Auth, J–H–B Engineers, Inc., 250 South Beechwood Avenue, Boise, Idaho 83709.

i. Comment Date: July 5, 1983.

j. Description of Project: The proposed project would consist of: (1) the rehabilitation of an existing 6-foot-high breached rock-and-earth-fill dam; (2) a 6-foot-high, 8-foot-long concrete weir at crest elevation 2,935 feet; (3) a 12-foot-long, 8-foot-wide intake structure; (4) a 500-foot-long, 6-foot-diameter steel penstock; (5) a powerhouse at elevation 2,920 feet, containing three generating units, rated at 120 kW, 93kW, and 53 kW respectively; (6) a tailrace; and (7) a 500-foot-long transmission line. The average annual energy generation is estimated to be 1.8 million kWh.

k. Purpose of Project: Power will be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, D3a.

a. Type of Application: Preliminary Permit.

b. Project No: 7185–000.

c. Date Filed: March 30, 1983.

d. Applicant: Mr. Richard R. Gresham.

e. Name of Project: NG Rock Creek #5.

f. Location: On Rock Creek in Shoshone County, Idaho near the Town of Mullan.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Richard Gresham, P.O. Box 52, Kellogg, Idaho 83837.

i. Comment Date: July 25, 1983.

j. Description of Project: The proposed project would consist of: (1) a 2.9-foot-high, 16-foot-long diversion structure at elevation 30 feet; (2) a 16-inch-diameter, 2,900-foot-long penstock; (3) a powerhouse containing two generating units with a combined rated capacity of 150 kW, operating under a head of 455 feet; and (4) a 250-foot-long underground cable tying into an existing Washington Power Company transmission line. The average annual energy output would be 1,100,000 kWh.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a 24 month permit to study the feasibility of constructing and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these feasibility studies is $13,010.

k. Purpose of Project: Project power will be sold to Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C, and D2.

34 a. Type of Application: License (Under 5 MW).

b. Project No: 4587–002.

c. Date Filed: February 28, 1983.
d. Applicant: Dennis V. McGrew, Thomas M. McMaster, and Kenneth R. Koch.
e. Name of Project: Ruth Creek.
f. Location: On Ruth Creek, near Glacier, in Whatcom County, Washington, on U.S. lands in Mt. Baker National Forest.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
h. Contact Person: Thomas R. Childs, McGrew and Associates, c/o Western Power, Inc., P.O. Box 5663, Bellingham, Washington 98227.
i. Comment Date: July 25, 1983.
j. Description of Project: The proposed project would consist of: (1) a 9-foot-high, 50-foot-long concrete diversion structure at elevation 2,630 feet; (2) a 6,320-foot-long, 48-inch-diameter steel penstock; (3) a powerhouse containing one generating unit rated at 2.8 MW at elevation 2,210 feet; (4) a tailrace; and (5) a 1.9-mile-long, 55-kV transmission line. The average annual energy generation is estimated to be 11.5 million kWh.
k. Purpose of Project: The energy generated by the project would be sold to Puget Sound Power and Light Company.
l. This notice also consists of the following standard paragraphs: A2, B, C, and D1.
35a. Type of Application: Preliminary Permit.
b. Project No: 7207–000.
c. Date Filed: 4/8/83.
d. Applicant: Blachly-Lane Associates.
e. Name of Project: Lake Creek Power Project.
f. Location: On Lake Creek, Lane County, Oregon.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
h. Contact Person: Tom Forbes, P.O. Box 421, Mercer Island, Oregon 98040.
i. Comment Date: July 25, 1983.
j. Description of Project: The proposed project would consist of: (1) a 10-foot-high, diversion structure with a spillway crest elevation at 675 feet; (2) a 6-foot-diameter, 500-foot-long penstock; (3) a powerhouse at elevation 425 feet, containing a generating unit with a rated capacity of 5 MW; and (4) a 0.25-mile-long transmission line. The Applicant estimates a 17-GWh average annual energy production. The Applicant has requested a 36-month permit in which to do feasibility studies and prepare a license application at a cost of $125,000.00.
k. Purpose of Project: Power would be sold to local utilities.
l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.
36a. Type of Application: Exemption from licensing (5MW or less).
b. Project No: 6391–001.
c. Date Filed: December 17, 1982.
d. Applicant: Lawrence J. McMurtrey.
e. Name of Project: Marten Creek.
f. Location: On Marten Creek in Snohomish County, Washington, within Mt. Baker National Forest.
g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended).
h. Contact Person: Lawrence J. McMurtrey, 12122 196th, N.E., Redmond, Washington 98052.
i. Comment Date: July 5, 1983.
k. Description of Project: The proposed project would consist of: (1) a reinforced concrete inlet structure in the streambed at elevation 2,640 feet; (2) an 18-inch-diameter, 7,010-foot-long pipeline; (3) a powerhouse at elevation 1,520 feet containing a single generating unit with a rated capacity of 1.54 MW and an average annual output of 8.1 GWh; (4) a 1,190-foot-long transmission line; and (5) a 1,190-foot-long access road.
l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.
37a. Type of Application: Preliminary Permit.
b. Project No: 7194–000.
c. Date Filed: April 5, 1983.
d. Applicant: Birch Power Company.
e. Name of Project: Birch Project.
f. Location: Birch Creek, Clark County, Idaho.
g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).
h. Contact Person: Ted S. Sorenson, 550 Linden Dr., Idaho Falls, Idaho 83401.
i. Comment Date: July 25, 1983.
j. Description of Project: The proposed all new run-of-the-creek project would utilize lands of the United States administered by Interior's Bureau of Land Management and would consist of: (1) a concrete diversion structure with sill elevation 5,654 feet m.s.l. and having radial gate control and a fish ladder; (2) a 34,000-foot-long 5-foot-deep earthen feeder ditch; (3) a forebay having a surface area of ⅓-acre and a gross storage capacity of 2 acre-feet at surface elevation 5,626 feet m.s.l.; (4) a screened intake structure; (5) a 42-inch diameter 4,700-foot-long steel penstock; (6) a powerhouse containing a generating unit having a rated capacity of 1,100–kW operated under a 276-foot head and at a flow of 60 cfs; (7) a 0.2-mile-long transmission line; (8) an 18,900-foot-long earthen outfall ditch; and (9) appurtenant facilities.
k. Purpose of Project: Project energy would be sold to Utah Power & Light Company. Applicant estimates that the average annual generation would be 3,000,000 kWh.
l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.
m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform studies and, if feasible, would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $25,000.
38a. Type of Application: Preliminary Permit.
b. Project No: 7072–000.
c. Date Filed: February 10, 1983, revised on April 5, 1983.
d. Applicant: Beaver Power Group IV, Ltd.
e. Name of Project: Lock Haven Dam.
f. Location: On West Branch of the Susquehanna River, in Clinton County, near Dunnstown, Pennsylvania.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
h. Contact Person: B. Ryland Wiggs, Esquire, Suite 207, 2285 Schoenersville Road, Bethlehem, Pennsylvania 18018.
i. Comment Date: July 25, 1983.
j. Description of Project: The project would consist of: (1) an existing reinforced concrete dam 820 feet long and 11 feet high; (2) a reservoir with a normal water surface elevation of about 544 feet USGS; (3) a proposed headrace approximately 250 feet long; (4) a proposed powerhouse housing four tubular turbine/generators with a total rated capacity of 3,120 kW; (5) a proposed tailrace approximately 250 feet long and 20 feet in depth; (5) a proposed switchyard and transmission lines; and (6) appurtenant facilities. Applicant estimates that the average annual energy generation would be 16,399,000 kWh.
k. Purpose of Project: The Applicant anticipates that power will be sold to Pennsylvania Power and Light Company and/or another entity via a tie-in with P.P. & L's distribution system.
l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.
m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of

the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $375,000.

39a. Type of Application: Major License 5 MW or Less.

b. Project No: 4687–001.

c. Date Filed: December 8, 1981.

d. Applicant: Long Lake Energy Corporation.

e. Name of Project: Mechanicville Lock C–2 Project.

f. Location: On the Hudson River, Champlain Canal, in Saratoga County, New York.

g. Filed Pursuant to: The Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Paul J. Elston, Long Lake Energy Corporation, 420 Lexington Avenue, Suite 3020, New York, New York 10170.

i. Comment Date: July 25, 1983.

j. Description of Project: The proposed project would consist of: (1) the existing concrete gravity Lock C–2 Dam, 15 feet high and 692 feet long; (2) a reservoir with a surface area of 323 acres, a mean surface elevation of 46.8 feet m.s.l.; (3) a new intake; (4) a new power canal; (5) a new powerhouse having two units with a total generating capacity of 4,146 kW; (6) a new tailrace; (7) the existing switchyard owned by Niagara Mohawk Power Corporation; (8) a 5,000 KVA transmission line 1,100 feet long along the existing access road and connecting to the Niagara Mohawk Power Corporation 5,000 KVA transmission line; and (9) appurtenant facilities. Applicant estimates total cost of the proposed project would be $6,910,398. The Applicant estimates the annual average energy production to be 13,690,000 kWh. The Lock C–2 Dam is owned by the New York State Department of Transportation.

k. Purpose of Project: All project energy would be sold to the Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A2, B, C, D1.

40a. Type of Application: Exemption for Small Hydroelectric Power Project of 5MW or less capacity.

b. Project No: 5118–001.

c. Date Filed: February 25, 1983.

d. Applicant: Glenn M. Phillips.

e. Name of Project: Big Sheep Creek.

f. Location: Stevens County, Washington; Big Sheep Creek.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408, (16 U.S.C. 2705 and 2708, *as amended*).

h. Contact Person: Mr. David Ward, Farmer, McGuin, Flood, Bechtel & Ward, 1000 Potomac Street, N.W., Suite 402, Washington, D.C. 20007.

i. Comment Date: July 5, 1983.

j. Description of Project: The proposed project would consist of: (1) a 6-foot-high diversion structure at stream bed elevation 1580 feet msl; (2) a 20-foot-wide, 5-foot-deep and 500-foot-long diversion canal; (3) a 700-foot-long, 48-inch-diameter penstock; (4) a 700-foot-long, 54-inch-diameter penstock; (5) a powerhouse containing two turbines, one with an installed capacity of 1,000 kW and the other with an installed capacity of 3,000 kW; and (6) a 1000-foot-long, 12.5-kV transmission line connecting with an existing Washington Power Company transmission line.

k. Purpose of Project: The estimated annual output of 16 million kWh generated by the proposed project would be sold to the Washington Power Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, D3a.

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33 (a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, exemption or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate). Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

Preliminary Permits

A4a. Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214

(1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filling is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Exemption applications (5 MW or less capacity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be includes as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substative issues relevant to the granting of an exemption. If an agency does not file comments with 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: May 20, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14227 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80–175–001]

El Paso Natural Gas Company; Petition To Amend

May 23, 1983.

Take notice that on April 29, 1983, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP80–175–001 a petition to amend the order issued in Docket No. CP80–175 on February 28, 1980, pursuant to Section 7(c) of the Natural Gas Act so as to reflect deletion of authorization to modify certain compression facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued February 28, 1980, it was authorized to construct and operate 1,070 horsepower of additional compression through modifications to three existing Solar Centaur T–3000 gas turbine-driven centrifugal compressor units, two at Petitioner's Jal No. 3 filed plant in Lea County, New Mexico, and one at Petitioner's Puckett plant in Pecos County, Texas. Petitioner explains that the increase in horsepower was to be a result of inspection and overhauling to be performed by Solar Turbines International.

Petitioner further explains that subsequent to Petitioner's proposed shipment of the final unit to be overhauled to Solar Turbines International it was advised that Custom Equipment Rebuilders, a division of Universal Parts and Repairs, Inc. could perform the necessary inspection, maintenance and overhauling of the remaining Solar Centaur T–3000 compressor unit located at the Jal No. 3 field plant at a lower cost to Petitioner. It is asserted that such overhauling would not require upgrading the remaining compressor unit from its current ISO rating of 3,300 horsepower to 3,550 horsepower. Petitioner, therefore, requests deletion of its

authorization to upgrade such compressor unit.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14363 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-249-000]

Niagara Interstate Pipeline System; Application for a Permit

May 23, 1983.

Take notice that on March 25, 1983, Niagara Interstate Pipeline System (Applicant), Tenneco Building, 1010 Milam, Houston, Texas 77002, filed in Docket No. CP83-249-000 an application for a permit pursuant to Executive Order Nos. 10485 and 12038, the Secretary of Energy's Delegation Order No. 0204-5 and Section 153.10 of the Commission's Regulations (18 CFR 153.10) authorizing Applicant to construct, operate, connect and maintain facilities at the international boundary between the United States and Canada near Niagara Falls, New York, for the importation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant is concurrently filing an amendment to its application pending in Docket No. CP83-170-000 so as to reflect the facilities required to import the actual volume of gas approved for export by the Canadian National Energy Board (NEB). It is stated that the NEB approved for export in its January 1983 decision substantially less gas than petitioning exporters requested. It is stated that the related applications filed pursuant to Section 3 of the Natural Gas Act associated with the proposed importation of gas include the following dockets:

Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee)	CP81-298-000 CP82-470-000
Texas Eastern Transmission Corporation	CP82-46-000 CP82-326-000 CP82-423-000
Transcontinental Gas Pipe Line Corporation	CP82-46-000 CP82-125-000 CP82-125-005
Algonquin Gas Transmission Company	CP82-46-000

Applicant states that the facilities to be constructed at or near the international boundary would consist of two 36-inch pipelines which would interconnect with the facilities of TransCanada PipeLines Limited on the Canadian shore of the Niagara River, would cross the Niagara River, and would connect with a single 42-inch pipeline to be constructed by Applicant on the United States side of the river. Applicant states that it also proposes to construct a check meter station in the vicinity of the United States shore of the Niagara River. Applicant further states that its proposed facilities would parallel existing facilities owned and operated by Tennessee.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate actionto be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a part to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14364 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-289-000]

Northern Natural Gas Co., a Division of InterNorth, Inc.; Application

May 23, 1983.

Take notice that on April 22, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-289-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of 150 Mcf per day of seasonal service demand gas to Kansas Power and Light (KP&L), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the request for authorization for abandonment of service is the direct result of the expiration of KP&L's existing service agreement for seasonal service demand which expired March 27, 1982. It is asserted that KP&L has indicated to Applicant that the 150 Mcf per day firm entitlement is in excess of its needs due to its customers' conservation and economic downtrend. Therefore, the reduction would assist KP&L in achieving maximum utilization of its available supply source, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14366 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-283-000]

Northwest Pipeline Corp; Application

May 23, 1983.

Take notice that on the April 20, 1983, Northwest Pipeline Corporation (Applicant), 295 Chipeta Way, Salt Lake City, Utah 84108, filed at Docket No. CP83-283-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon all or much of its Ignacio, Colorado, gas conditioning/extraction plant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant purchases and gathers gas in the San Juan Basin area of Colorado and New Mexico. It is, further stated that because much of this gas is "wet" gas it must be conditioned, (i.e., liquefiables must be removed) prior to its delivery into Applicant's mainline transmission system. It is asserted that the conditioning of this gas is necessary to make the gas transportable and this process is currently performed at Applicant's Ignacio, Colorado, extraction plant which is located adjacent to its Ignacio compressor Station.

Applicant states that the Ignacio extraction plant was constructed in the mid-1950's as part of the original gas gathering and transmission system constructed and operated by Applicant's predecessor, Pacific Northwest Pipeline Corporation (Pacific Northwest). It is explained that although the Commission generally does not assert jurisdiction over extraction plants and require their certification the existing Ignacio plant was included as part of the original Pacific Northwest system certificate application, was specifically mentioned in the subsequent order of the Commission, and was thus arguably certificated along with the other clearly jurisdictional facilities covered by said application.

It is asserted that the Commission has consistently refrained from requiring certification of extraction plants pursuant to Section 7(c) of the Natural Gas Act based upon its experience that the interests of gas consumers can be adequately served through the exercise of its rate authority over pipelines served by such plants. Consequently, it is further asserted if the existing Ignacio conditioning/extraction plant were to be built today, certification would not be required. Applicant states that it has been stated in a recent Commission General Counsel's opinion that the Ignacio plant is a certificated facility, and that in order to obtain certainty, uniformity, and to avoid potential future conflict, Applicant seeks an order permitting and approving the abandonment of all or so much of the existing plant as is appropriate for Applicant to accomplish the purposes hereinafter described.

The existing plant is an ambient temperate lean oil absorption plant capable of removing propane, butanes, pentanes and hexanes-plus and has a nominal design capacity of 300 MMcf per day at a design propane recovery level of 30 percent. Feed gas from the San Juan Basin is delivered to the Ignacio plant by Applicant's gathering system at a nominal pressure of 200 psig. Upstream from the plant the Ignacio compressor pressure of 200 psig system at a nominal station increases the gas pressure to a nominal 800 psig prior to the conditioning, extracting operations in the plant and subsequent delivery into Applicant's mainline transmission system. The Ignacio extraction plant has been included in Applicant's cost-of-service and revenues from the sale of liquids extracted by Applicant are credited to Applicant's cost of service.

Applicant intends to modernize its Ignacio facility by replacing a major portion of the nearly thirty-year-old existing extraction plant with a more efficient state-of-the-art cryogenic turboexpander plant. It is stated that the modernized plant would remove greater amounts of liquefiables than can be removed by the existing plant and, in addition, would have the capability of removing ethane. Although the modernized plant would remove more liquefiables, Applicant's customers would receive the same thermal amount of gas in the residue stream because more gas could be processed in the plant, it is explained. Applicant states that the new facilities will be included in rate base; and the current rate treatment of the costs and revenues associated with the new facilities will be continued, that is, Ignacio's cost-of-service would be included in Applicant's overall cost-of-service, and revenues from extracted products will be credited to that cost of service.

Applicant states that it and certain of its customers operate gas liquefaction facilities which are served from Applicant's general system supply and that certain problems have arisen in the operation of these plants due to excess amounts of heavy hydrocarbons in Applicant's gas supply. It is asserted that the proposed modification of the existing Ignacio plant would help assure a gas quality compatible with the requirements of Applicant's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10) All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14366 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-43-000]

Pacific Power & Light Co.; Application

May 23, 1983.

Take notice that on May 16, 1983, Pacific Power & Light Company (Applicant) filed its application with the Federal Energy Regulatory Commission,

pursuant to Section 204 of the Federal Power Act, seeking an order (1) authorizing it to issue and sell not more than 3,000,000 additional shares of its common stock pursuant to its Dividend Reinvestment and Stock Purchase Plan and (2) exempting the issuance from competitive bidding pursuant to 18 CFR 34.2(b)(2).

Any person desiring to be heard or to make any protest with reference to the application should, on or before June 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with 18 CFR 385.211 or 385.214, respectively. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14367 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-43-005]

Panhandle Eastern Pipe Line Co. et al.; Application

May 23, 1983.

Take notice that on April 25, 1983, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-43-005 a joint application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the limited term transportation of natural gas provided by Applicants for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization to terminate an October 13, 1981, limited-term transportation agreement among Applicants and United. It is asserted that the agreement between Applicants and United expired on December 31, 1982. Applicants were performing the limited-term transportation service for United pursuant to Rate Schedules LT-1 and LT-3 of Panhandle's and Trunkline's FERC Gas Tariffs, Original Volume No. 2, respectively, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14368 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5206-002]

David H. Scott; Surrender of Preliminary Permit

May 23, 1983.

Take notice that David H. Scott, Permitee for the West Manton Power Project, FERC No. 5206, has requested that his preliminary permit be terminated. The preliminary permit for Project No. 5206 was issued on January 14, 1982, and would have expired on June 30, 1983. The project would have been located on North Fork Battle Creek and Digger Creek in Shasta County, California.

David H. Scott filed the request on April 29, 1983, and the surrender of the preliminary permit for Project No. 5206 is deemed accepted as of April 29, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14362 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-284-000]

Southwest Gas Transmission Co.; Application

May 23, 1983.

Take notice that on April 22, 1983, Southwest Gas Transmission Company (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP83-284-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition from Transwestern Pipeline Company (Transwestern) of interstate pipeline facilities located in Mohave County, Arizona, and the transportation of natural gas on behalf of El Paso Natural Gas Company (El Paso) for ultimate delivery to Southwest Gas Corporation (Southwest) at the Arizona/Nevada border, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it would acquire from Transwestern approximately 8.9 miles of 20-inch O.D. pipeline located in Mohave County, Arizona. It is stated that the Arizona facilities connect Transwestern's Northern Arizona pipeline system with Southwest's 9.6-mile 20-inch O.D. pipeline at the Arizona/Nevada boundry. It is stated that the Nevada facilities, owned and operated by Southwest, and the Arizona facilities, owned and operated by Transwestern, were originally built to deliver up to 350,000 Mcf of natural gas per day to the Mohave Power Plant in Ft. Mohave, Nevada, during emergency situations. It is further stated that no emergency requiring the use of the Arizona and Nevada facilities has ever occurred.

Applicant states that, as the nominee of Southwest, it has the right to purchase the Arizona facilites from Transwestern at their net depreciated book value, estimated at approximately $1 million as of July 1983.

Applicant proposes to transport gas on behalf of El Paso for ultimate redelivery to Southwest at the Arizona/Nevada border pursuant to the terms

and conditions contained in its proposed *pro forma* FERC Gas Tariff, Original Volume No. 2, Rate Schedule T–1. Monthly demand charges are estimated by Applicant at $32,326.

Applicant further states that El Paso will file an application for a certificate of public convenience and necessity for authorization to, *inter alia*, construct and operate inter-connection facilities, operate and maintain the Arizona facilities and establish a new delivery point to Southwest at the Arizona/Nevada state line where the Arizona facilities connect with the Nevada facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commisson by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–14369 Filed 5–26–83: 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CI77–329, CP77–304, CP84–97]

Texaco Inc., Sabine Pipe Line Company; Petition for Clarification of Settlement Orders

May 23, 1983

Take notice that on April 28, 1983, Texaco Inc. filed a petition for clarification of the settlement orders in the above-entitled proceedings, issued July 14 and 26, 1977, and February 10, 1978. The settlement, as modified and approved, provided essentially that Texaco would pay back to the interstate market from onshore sources other than gas previously dedicated to the interstate market approximately 208 Bcf of gas relating to past periods and additional volumes relating to a period subsequent to the settlement. The settlement also provided that Texaco would phase out use of natural gas for steam generation in the existing gas-fired boilers (Port Arthur Plant and Port Neches Plant) during a three-year conversion program. Delivery authorization for natural gas from the Federal Domain for process usage at Port Authur through Sabine Pipe Line Company was limited to three years.

Texaco states that pursuant to the Commission orders herein it ceased all deliveries of natural gas from the Federal Domain, Offshore Louisiana, to the Port Arthur Refineries on July 4, 1980; that to replace such gas, it substituted intrastate gas for process gas use; that Texaco converted all of its existing boiler facilities located at the power stations for steam generation at the Port Arthur Refineries so as to be able to Burn No. 6 fuel oil; that Texaco is no longer transporting natural gas from the Federal Domain, Offshore Louisiana, through Sabine to the Port Arthur Refineries; and that no natural gas from any source is now being used under the boilers at the Port Arthur Refineries.

Texaco seeks clarification of the orders issued herein to permit the following: It proposes to install equipment to permit use of small amounts of natural gas as a standby boiler fuel in the event of flameout of the boilers, which normally burn refinery offgases. It also proposes initially one natural gas-fired combustion gas turbine to generate electricity and hot air exhaust for plant use at a consumption of 8000 Mcf/D of natural gas, plus two more of these over the next several years. Texaco states these are needed because refinery operations have changed to produce less steam and require more electricity. Finally, Texaco proposes to replace a worn out waste heat recovery boiler which uses natural gas and plant produced gas and (perhaps) to install a natural gas-fired combustion turbine to drive a process compressor, which, according to Texaco, would be more economical than the present steam-driven arrangement.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary

[FR Doc. 83–14370 Filed 5–26–83: 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP83–299–000]

Transcontinental Gas Pipe Line Corp.; Application

May 23, 1983.

Take notice that on April 29, 1983, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83–299–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Libby Owens Ford Company (LOF), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is presently authorized to transport certain quantities of natural gas for LOF which is received from Panhandle Eastern Pipe Line Company and Trunkline Gas Company for the account of LOF.

It is stated that LOF has sold its reserves from which production was being transported and, therefore, terminated its transportation agreement with Applicant in a letter dated March 3, 1983. Applicant states that LOF has advised that there is no possibility that it would desire further transportation service under the existing agreement. Applicant, therefore, requests approval to abandon the transportation of natural gas for LOF.

Any person desiring to be heard or to make any protest with reference to said

application should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14371 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-387-002]

United Gas Pipe Line Company; Petition To Amend

May 23, 1983.

Take notice that on April 27, 1983, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-387-002 a petition to amend the order issued December 2, 1981, in Docket No. CP81-387-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the delivery of gas to First Energy Corporation (First Energy) in the order of priority as set out in a May 1, 1982, amendment to a transportation agreement, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically the amended agreement provides that the gas to be transported by United to First Energy at Bayou Cassottee, Jackson County, Mississippi, would be delivered in the following order or priority:

First, volumes up to 798 Mcf of gas per day would be designated as contract sales gas.

Second, volumes up to 300 Mcf of gas per day would be considered as transported gas.

Third, volumes up to 1,702 Mcf of gas per day would be sales contract gas.

Fourth, all remaining volumes would be delivered as transported gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14372 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-24-014]

United Gas Pipe Line Company et al.; Petition to Amend

May 23, 1983.

Take notice that on April 29, 1983, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151 filed in Docket No. CP77-24-014 a petition to amend the order issued January 13, 1977,[1] as amended, in Docket No. CP77-24 so as to authorize the transportation of natural gas to two additional redelivery points, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

United and Arkla propose to establish two new redelivery points pursuant to letter agreements between United and Arkla dated June 15, 1982, and October 6, 1982. It is stated that the first is located in the Rudd Unit 1 No. 2 Well, W. R. Anderson Survey, Abstract No. 60, Waskon Field, Harrison County, Texas. It is further stated that the second is at the existing 2-inch tap near the Northwest Corner of Section 3, Township 21 North, Range 9 West, Webster Parish, Louisiana. United and Arkla further propose the implementation of future delivery and redelivery points without amendment to Docket No. CP77-24 with the understanding that such changes would be reported on an annual basis.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14373 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59127; TSH-FRL 2371-7]

Toxic Substances; Premanufacture Exemption Applications; Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing

exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: June 13, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS–59127]" and the specific TME number should be sent to: Document Control Officer (TS–793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E–401, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm E–216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

TME 83–55

Manufacturer. Confidential.

Chemical. (G) Tannins, hydroxyethylamino and methylamino methylated.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. A total of 15 workers may have dermal exposure during manufacturing, processing, use and disposal.

Environmental Release/Disposal. Disposal by publicly owned treatment works (POTW) and landfill.

TME 83–56

Manufacturer. Confidential.

Chemical. (G) Esterified vinyl, alkenyl polymer.

Use/Production. (G) Performance enhancer. Prod. range: 120,000 lbs.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, during sampling and in case of accidental leaks or spills.

Environmental Release/Disposal. Confidential.

Dated: May 20, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83–14154 5–26–83; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–51468] TSH–FRL 2371–8]

Toxic Substances; Premanufacture Notices; Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture of import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of twenty-eight PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83–673 and 83–674—July 25, 1983.

PMN 83–709 and 83–710—August 7, 1983.

PMN 83–729, 83–730, 83–731, 83–732, 83–733, 83–734, 83–735 amd 83–736—August 10, 1983.

PMN 83–737 and 83–738—August 13, 1983.

PMN 83–739, 83–740, 83–741, 83–742 and 83–743—August 14, 1983.

PMN 83–744, 83–745 and 83–746—August 15, 1983.

PMN 83–747, 83–748, 83–749, 83–750, 83–751 and 83–752—August 16, 1983.

Written comments by:

PMN 83–673 and 83–674—June 25, 1983.

PMN 83–709 and 83–710—July 8, 1983.

PMN 83–729, 83–730, 83–731, 83–732, 83–733, 83–734, 83–735 and 83–736—July 16, 1983.

PMN 83–737 and 83–738—July 14, 1983.

PMN 83–739, 83–740, 83–741, 83–742 and 83–743—July 15, 1983.

PMN 83–744, 83–745 and 83–746—July 16, 1983.

PMN 83–747, 83–748, 83–749, 83–750, 83–751 and 83–752—July 17, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS–51468]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460 (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460 (202–382–3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manfacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

PMN 83–673

Importer. Confidential.

Chemical. (G) 1-((4-((substitutedphenyl)azo)-1-naphthalenyl)amino)-3-methoxy-2-propanol.

Use/Import. (S) Dye for synthetic fiber. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–674

Importer. Confidential.

Chemical. (G) 1-((4-((substitutedphenyl)azo)-1-naphthalenyl)amino)-3-butoxy-2-propanol.

Use/Import. (S) Dye for synthetic fiber. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–709

Importer. Confidential.

Chemical. (G) Acetamide, N-((4-methoxy-2-((5-nitro-2-thiazoleyl)azo)-5-(substituted)amino)phenyl).

Use/Import. (S) Dye for synthetic fibers. Import range: Confidential.

Toxicity Data. TLm_{96} (orange medaka): 140 parts per million (ppm).

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–710

Importer. Confidential.

Chemical. Further clarification needed before information can be released to the public files.

Use/Import. (S) Dye for synthetic fibers. Import range: Confidential.

Toxicity Data. Bioconcentration (carp): below 10 times; TLm_{96} (orange medaka): >1,000 ppm.
Exposure. No data submitted.
Environmental Release/Disposal. No release.

PMN 83-729

Manufacturer. Confidential.
Chemical. (G) Copolymer of mixed alkyl esters of acrylic and methacrylic acids.
Use/Production. (G) Open use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-730

Manufacturer. Confidential.
Chemical. (S) Oxo-hexyl acetate.
Use/Production. (S) Solvent for primary use in surface coatings. Prod. range: Confidential.
Toxicity Data. Acute oral: >10 g/kg; Acute dermal: >3.16 g/kg; Irritation: Skin—Minimal, Eye—Slight to moderate; Inhalation: Irritant.
Exposure. Manufacture: dermal and inhalation, a total of 48 workers, up to 1 hr/da, up to 180 da/yr.
Environmental Release/Disposal. No release. Disposal by biological treatment system.

PMN 83-731

Manufacturer. Reichhold Chemicals, Inc.
Chemical. (G) Acrylic resin.
Use/Production. (G) Commercial pressure sensitive adhesive. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and disposal: dermal, less than 29 workers, up to 3–25 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air with 1,000–10,000 kg/yr to water and land. Disposal by biological treatment system and approved landfill.

PMN 83-732

Importer. Mitsubishi Chemical Industries America, Inc.
Chemical. (G) Polymer of styrene with divinylbenzene substituted partially by N-hydroxyalkyl-N,N-dialkyl ammonium alkyl and partially by N,N-dialkylaminoalky.
Use/Importer. (S) Industrial ion exchange for sugar purification and desalination. Import range: 1,000–300,000 kg/yr.
Toxicity Data. Acute oral: 5 g/kg; Irritation: Skin—Mild; Ames Test: Negative.
Exposure. Use: dermal, up to 2–3 da/yr.
Environmental Release/Disposal. 10–10,000 kg/yr released to land.

PMN 83-733

Manufacturer. Confidential.
Chemical. (S) Cyclohexanedimethanol, isophthalic acid, trimellitic anhydride condensation product.
Use/Production. (S) Plastics. Prod. range: 5,000–25,000 kg/yr.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: inhalation, up to 8 hrs/da, up to 20 da/yr.
Environmental Release/Disposal. 10–100 kg/yr released to air. Disposal by approved landfill.

PMN 83-734

Manufacturer. Confidential.
Chemical. (G) Toluene di-isocyanate adduct with a poly hydroxy compound.
Use/Production. (G) Polymer used in the manufacture of polyurethane by reaction with polyol polymers. Prod. range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg.
Exposure. Manufacture and use: dermal, inhalation and ocular, a total of 18 workers, up to 70 da/yr.
Environmental Release/Disposal. No. release. Disposal by incineration.

PMN 83-735

Manufacturer. Confidential.
Chemical. (G) Ketimine.
Use/Production. (G) Intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-736

Manufacturer/Importer. Confidential.
Chemical. (G) Alkoxylated polyamine.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Minimal.
Environmental Release/Disposal. Negligible. Disposal according to Resource Conservation and Recovery Act (RCRA) regulations.

PMN 83-737

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic resin.
Use/Production. (G) Coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing and disposal: dermal; a total 8 workers, up to less than 1 hr/da.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration.

PMN 83-738

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic resin.
Use/Production. (G) Coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing and disposal: dermal; a total of 16 workers, up to less than 1 hr/da, up to 80 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration.

PMN 83-739

Manufacturer. Confidential.
Chemical. (G) Diamide of polybutenyl. succinic anhydride.
Use/Production. (G) Industrial and commercial organic chemical. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—7.3/8.0, Eye—82.6/110 @ 48 hrs.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-740

Manufacturer. Confidential.
Chemical. (G) Polymer of acrylic acid and mixed alkyl acrylates.
Use/Production. (S) Site-limited and industrial intermediate used in metal coating. Prod. range: 5,000–1,000,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and disposal: dermal, a total of 11 workers, up to 1 hr/da, up to 150 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to land. Disposal by incineration and approved landfill.

PMN 83-741

Manufacturer. Confidential.
Chemical. (G) Substituted polyalkylene polyamine.
Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 1,000–2,000 mg/kg; Acute dermal: 1,000–2,000 mg/kg; Irritation: Skin—No irritation, Eye—Slight.
Exposure. Manufacture and use: dermal, a total of 22 workers, up to 2 hrs/da, up to 200 da/yr.
Environmental Release/Disposal. No release. Disposal by industrial waste treatment facility.

PMN 83-742

Manufacturer. Confidential.
Chemical. (G) Polyalkyleneoxy alkanoate.
Use/Production. (S) Industrial Solvent. Prod. range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Acute dermal: >5 g/kg; Irritation: Skin—Slight, Eye—Moderate; Inhalation: >5 mg/L; BOD_{28}—67% of ThOD consumed with industrial seed; LC_{50}, fathead minnow—151 mg/L; LC_{50}, water flea—1,090 mg/L.

Exposure. Manufacture and use: dermal and inhalation, a total of 15 workers, up to 7 hrs/da, up to 225 da/yr.

Environmental Release/Disposal. Release is minimal. Disposal by incineration and landfill.

PMN 83-743

Manufacturer. Confidential.

Chemical. (G) Alkoxy alkyl halo alkanoate.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 600–1,300 mg/kg; Acute dermal: 200–2,000 mg/kg; Irritation: Skin—Very slight, Eye—Very slight; LC_{50}, 96 hr. fathead minnow—10 mg/L; LC_{50}, 48 hr. water flea—87.4 mg/L; BOD—70% of ThOD consumed.

Exposure. Manufacture and use: dermal and inhalation, a total of 16 workers, up to 45 min/da, up to 100 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration and industrial waste treatment facility.

PMN 83-744

Manufacturer. Confidential.

Chemical. (G) Heteroazine.

Use/Production. (S) Intermediate. Prod. range: Confidential.

Toxicity Data. No date submitted.

Exposure. Manufacture: inhalation, a total of 3 workers, up to 1 hr/da, up to 50 da/yr.

Environmental Release/Disposal. No release.

PMN 83-745

Manufacturer. Confidential.

Chemical. (G) Modified rosin ester.

Use/Production. (S) Industrial surface coatings and tackifier resin for adhesives. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 2 workers, up to 1 hr/da, up to 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–100 kg/yr to land. Disposal by publicly owned treatment works (POTW).

PMN 83-746

Manufacturer. Confidential.

Chemical. (G) Esterified vinyl, alkenyl polymer.

Use/Production. (G) Performance enhancer. Prod. range: 0.9–1.8 million 1bs/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: up to 8 hrs/da, up to 40 da/yr.

Environmental Release/Disposal. No release.

PMN 83-747

Manufacturer. Confidential.

Chemical. (G) Copolymer of alkyl methacrylates and substituted alkyl methacrylates.

Use/Production. (G) Open use. Prod. range: 0–2,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, inhalation and ocular, a total of 155 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–1,000 kg/yr to land. Disposal by incineration.

PMN 83-748

Manufacturer. Confidential.

Chemical. (G) Alkylamine salt of a substituted phenol.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal, a total of 25 workers, up to 12 hrs/da, up to 212 da/yr.

Environmental Release/Disposal. 100–1,000 kg/yr released to water. Disposal by biological treatment system.

PMN 83-749

Manufacturer. Confidential.

Chemical. (G) Alkylamine salt of a substituted phenol.

Use/Production. Confidential. Prod. range. Confidential.

Texicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal, a total of 29 workers, up to 12 hrs/da, up to 180 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air with 100–1,000 kg/yr to water. Disposal by biological treatment system and approved landfill.

PMN 83-750

Manufacturer. Confidential.

Chemical. (G) Alkylamine salt of a substituted phenol.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal, a total of 25 workers, up to 12 hrs/da, up to 180 da/yr.

Environmental Release/Disposal. More than 10,000 kg/yr released to water. Disposal by wastewater treatment system.

PMN 83-751

Manufacturer. Confidential.

Chemical. (G) Alkylamine salt of a substituted phenol.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal, a total of 25 workers, up to 12 hrs/da, up to 180 da/yr.

Environmental Release/Disposal. More than 10,000 ky/yr released to water. Disposal by wastewater treatment system.

PMN 83-752

Importer. Confidential.

Chemical. (G) Benzothiazole, N-substituted-2-substituted.

Use/Import. Confidential. Import range: 5–30 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: a total of 8–10 workers, up to 100 man-hrs/yr, up to 25 batches/yr.

Environmental Release/Disposal. No release.

Dated: May 23, 1983.

Ronald A. Stanley,

Acting Director, Management Support Division.

[FR Doc. 83-14155 Filed 5-26-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2372-5]

Availability of Environmental Impact Statements Filed May 16 through May 20, 1983 Pursuant to 40 CFR 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382–5075 or 382–5076.

U.S. Army Corps of Engineers:

EIS No. 830269, Draft, COE, CA, Cullinan Ranch Residential/Recreational Plan, Permit, Solano County, Due: July 11, 1983

EIS No. 830281, Final, COE, IN, Burns Waterway Small Boat Harbor Improvements, Porter County, Due: June 27, 1983

Department of Energy:

EIS No. 830265, Draft, DOE, SEV, NH, VT, New England/Hydro-Quebec Transmission Line, Permit, Due: July 11, 1983

Department of the Interior:

EIS No. 830270, Draft, NPS, AK, Denali NP/Preserve, Kantishna Hills/Dunkle Mine Areas, Resource Management, Due: July 26, 1983

EIS No. 830271, Draft, BLM, NV, Clark County WSAs Designation, Stateline-Esmeralda Resource Area, Due: Aug. 26, 1983

EIS No. 830272, Draft, BLM, SEV, AZ, NM, Safford District Wilderness Study Areas, Designation, Due: Aug. 31, 1983

EIS No. 830273, Draft, BLM, WY, Riley Ridge Natural Gas Development Project, Right-of-Way Permit, Due: July 19, 1983
EIS No. 830288, Final, BLM, UT, Henry Mountain Livestock Grazing Management Plan, Wayne/Garfield/Kane Counties, Due: June 28, 1983
EIS No. 830283, Final, BLM, OR, Eugene-Medford 500 kV Transmission, Right-of-Way, Douglas/Jackson Counties, Due: July 15, 1983
Department of Transportation:
EIS No. 830284, Draft, FHW, CT, CT-72 Construction/Extension, Plainville to Bristol, Hartford County, Due: July 11, 1983
EIS No. 830275, Draft, FHW, SC, I-85 Upgrading or Relocation, SC-129 to US 221, Spartenburg County, Due: July 15, 1983
EIS No. 830267, Final, FHW, GA, North Rome Connector Construction, Redmond Rd to GA-53, Floyd County, Due: June 27, 1983
EIS No. 830266, Final, FHW, OR, Corvallis Bypass Construction, Corvallis City CBD, Benton and Linn Counties, Due: June 27, 1983
EIS No. 830245, Final, FHW, WA, I-5 Improvement, 220th St. Interchange Reconstruction, Snohomish County, Due: June 27, 1983
Environmental Protection Agency:
EIS No. 830276, Draft, EPA, REG, Uranium Ore Processing Byproducts Materials, Standards, Due: July 11, 1983
EIS No. 830262, Final, EPA, AK, City of Anchorage WWT Facilities Expansion, Grant, Due: June 27, 1983
Department of Agriculture:
EIS No. 830274, Draft, AFS, WY, Riley Ridge Natural Gas Development Project, Right-of-Way Permit, Due: July 19, 1983
Amended Notices:
EIS No. 830238, Final, COE, MS, Krebs Lake Channel Navigation Improvements, Jackson County, Published FR 05/13/83—Review extended, Due: June 27, 1983
EIS No. 830250, Draft, FWS, CA, PRO, Trinity River Basin Fish & Wildlife Management, Humboldt/Trinity Counties, Published FR 05/20/83—Incorrect due date, Due: July 20, 1983

Dated: May 24, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-14336 Filed 5-26-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2372-5]

Withdrawal of Intent To Prepare an Environmental Impact Statement; DeSoto Parish, Louisiana

AGENCY: Environmental Protection Agency (EPA), Region VI, Dallas, Texas.

ACTION: Withdrawal of notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: On January 29, 1982, EPA published in the **Federal Register** (47 FR 4335, 4336) its intention to prepare a draft EIS for the issuance of an NPDES permit to the Louisiana Division of Dow Chemical USA for discharge of wastewater from the Caster Bayou Project located in DeSoto Parish, Louisiana. Dow Chenical USA has withdrawn its permit application and has decided not to proceed with the Caster Bayou Project at this time. The EIS that EPA had been preparing in conjunction with the US Army Corps of Engineers has therefore been terminated.

Dated: May 24, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-14332 Filed 5-26-83; 8:45 am]

BILLING CODE 6560-50-M

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 843; Revocation of FCA Order No. 828]

Authority Delegations; Officers to Act as Governor

ACTION: Notice.

The Governor of the Farm Credit Administration has issued Order No. 843 authorizing certain officers of the Farm Credit Administration to act as Governor in the event the Governor is absent or unable to perform the duties of the office. The text of the Order is as follows:

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of the Office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all fuctions, powers, authority, and duties pertaining to the Office of Governor of the Farm Credit Administration:

(a) Senior Deputy Governor;

(b) Deputy Governor and Chief of Staff;

(c) Deputy Governor, Office of Supervision;

(d) Deputy Governor, Office of Administration;

(e) Deputy Governor and Chief Examiner;

(f) General Counsel;

(g) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective on May 26, 1983, and supersedes Farm Credit Administration Order No. 828 dated October 1, 1980 (45 FR 65306).

Donald E. Wilkinson,

Governor, Farm Credit Administration.

[FR Doc. 83-14355 Filed 5-26-83; 8:45 am]

BILLING CODE 6705-01-M

[Farm Credit Administration Order No. 842; Revocation of FCA Order No. 777]

Delegation of Governor's Authority to Approve Terms, Conditions and Take Other Action Involving Various Obligations of the Banks

ACTION: Notice.

The Governor of the Farm Credit Administration issued Order No. 842 delegating the Governor's authority to authorize and approve terms, conditions and take other action involving the various obligations of the banks of the Farm Credit System. The text of the Order is as follows:

Whereas, the Governor of the Farm Credit Administration is authorized by sections 4.2, 4.3, 4.4 and 4.5 of the Farm Credit Act of 1971, as amended, 12 U.S.C. 2001, *et seq.* ("Act"), to approve the issuance, forms, amounts, maturities, rates of interest, terms, conditions and participation by the several banks of the Farm Credit System in each issue of individual, consolidated and Systemwide obligations and to execute such obligations on their behalf; and

Whereas, The Governor is authorized by section 5.13 of the Act to exercise and perform his powers through such other officers and employees of the Farm Credit Administration as he shall designate;

Now, therefore, it is hereby ordered, effective immediately, that:

(1) The Director, Division of Marketing and Funding is hereby designated as the person authorized and empowered to approve the issuance, forms, amounts, maturities, rates of interest, terms, conditions and participation by the several banks of the Farm Credit System in each issue of Systemwide discount notes, and to execute such notes on their behalf; and

(2) When the Governor is absent or not able to perform the duties of the Office for any other reason, the Acting Governor, determined in accordance with Farm Credit Administration Order No. 843, is hereby designated as the person authorized and empowered to approve the issuance, forms, amounts, maturities, rates of interest, terms, conditions, and participation by the several banks of the Farm Credit System in each issue of individual, consolidated and Systemwide obligations except

discount notes, and to execute such obligations on their behalf.

Donald E. Wilkinson,

Governor, Farm Credit Administration.

[FR Doc. 83-14356 Filed 5-26-83; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Form Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Existing collection in use without OMB control number.

Title: FEMA Procurement Solicitation and Contract Clauses.

Abstract: This contains documents used by FEMA to solicit and procure supplies and services and also sets out procurement contract clauses. Affected public includes State and local governments, businesses and other for-profit organizations, nonprofit institutions, Federal agencies, and small businesses.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 287-9906, 500 C Street, SW., Washington, DC 20472.

Comments should be directed to Ken Allen, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Room 3225 New Executive Office Building, Washington, DC. 20503.

Dated: May 16, 1983.

Walter A. Girstantas,

Director, Office of Administrative Support.

[FR Doc. 83-14284 Filed 5-26-83; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-682-DR]

California; Amendment to Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-682-DR), dated May 5, 1983, and related determinations.

DATE: May 19, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice: The notice of a major disaster for the State of California dated May 5, 1983, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 5, 1983:

The Westside Fire Protection District facilities in Fresno County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-14285 Filed 5-26-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-679-DR]

Louisiana; Amendment to Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Louisiana (FEMA-679-DR), dated April 20, 1983, and related determinations.

DATED: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice: The notice of a major disaster for the State of Louisiana dated April 20, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 20, 1983.

Livingston, St. Tammany, Tangipahoa and Washington Parishes for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-14287 5-26-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-680-DR]

Utah; Amendment to Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Utah (FEMA-680-DR), dated April 30, 1983, and related determinations.

DATED: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice

The notice of a major disaster for the State of Utah dated April 30, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 30, 1983:

Sanpete County as an adjacent county for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-14286 Filed 5-26-83; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public

Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Hyannis Harbor Tours, Inc., Ocean Street Docks, Hyannis, Massachusetts 02601.

Dated: May 24, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-14353 Filed 5-26-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; Anchor Bancorp, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Anchor Bancorp, Inc.*, Wayzata, Minnesota; to acquire 86.72 percent of the voting shares or assets of West Saint Paul State Bank, West St. Paul, Minnesota. Comments on this application must be received not later than June 22, 1983.

B. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Broadway Bancshares Inc.*, San Antonio, Texas; to acquire 100 percent of the voting shares of Eisenhower National Bank, Fort Sam Houston, Texas. This application may be inspected at the offices of the Board of Governors of the Federal Reserve Bank of Dallas. Comments on this application must be received not later than June 13, 1983.

2. *Commercial Bank Investment Company*, Denver, Colorado; to retain 100 percent of the voting shares or assets of Century Bank Southeast, N.A., Englewood, Colorado and Century Bank North, Denver, Colorado. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than June 22, 1983.

Board of Governors of the Federal Reserve System, May 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14253 Filed 5-26-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company; Proposed de Novo Nonbank Activities; Central of Kansas, Inc.

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Central of Kansas, Inc.*, Junction City, Kansas (financing and insurance activities; Kansas): To engage, through its subsidiary, Central of Kansas Finance, Inc. in consumer and commercial finance activities, including the extension of direct loans for the purchase of consumer goods, the extension of loans for home improvements, the discount of retail and installment notes or contracts, the purchase of retail and installment notes or contracts; and acting as an agent for the sale of life, accident, health and physical damage insurance directly related to its extensions of credit. These insurance activities are permitted under section 601 (A) and (B) of the Garn-St Germain Depository Institutions Act of 1982. These activities would be conducted from an office in Junction City, Kansas, serving north Central Kansas, including Geary County, Kansas, the contiguous counties and the Fort Riley Military Reservation. Comments on this application must be received not later than June 22, 1983.

Board of Governors of the Federal Reserve System, May 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14256 Filed 5-26-83; 8:45 am]

BILLING CODE 6210-01-M

F & M Financial Services Corp.; Proposed Acquisition of Leasenu, Inc.

F & M Financial Services Corporation, Menomonee Falls, Wisconsin, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Leasenu, Inc., Menomonee Falls, Wisconsin.

Applicant states that the propose subsidiary would engage in leasing activities. These activities would be performed from offices of Applicant's subsidiary in Menomonee Falls, Wisconsin, and the geographic area to be served is the State of Wisconsin. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the

evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 20, 1983.

Board of Governors of the Federal Reserve System, May 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14254 Filed 5-26-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; United Counties Bancorporation, et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *United Counties Bancorporation*, Cranford, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of United Counties Trust Company, Elizabeth, New Jersey. Comments on this application must be received not later than June 22, 1983.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First National London Bancshares Corp.*, London, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank in London, London, Kentucky. Comments on this application must be received not later than June 22, 1983.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *York Bancshares, Inc.*, York, South Carolina; to become a bank holding company by acquiring 90.4 percent of the voting shares of Bank of York, York, South Carolina. Comments on this application must be received not later than June 20, 1983.

2. *United Bankshares, Inc.*, Parkersburg, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of The Parkersburg National Bank, Parkersburg, West Virginia; Union Central National Bank, Vienna, West Virginia; and Valley Bank, Parkersburg, West Virginia. Comments on this application must be received not later than June 22, 1983.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *I.S.B. Financial Corp.*, Midlothian, Illinois; to become a bank holding company by acquiring at least 80 percent of the voting shares of Interstate Bank of Oak Forest, Oak Forest, Illinois. Comments on this application must be received not later than June 15, 1983.

E. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Posey Bancorporation*, Wadesville, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers Bank & Trust Company, Wadesville, Indiana. Comments on this application must be received not later than June 22, 1983.

F. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Fort Riley Bancshares*, Fort Riley, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Fort Riley National Bank, Fort Riley, Kansas. Comments on this application must be received not later than June 22, 1983.

G. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Timber Bancorp*, Roseburg, Oregon; to become a bank holding company by acquiring 100 percent of the voting shares of Timber Community Bank, Roseburg, Oregon. Comments on this application must be received not later than June 22, 1983.

H. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Girod Trust Company, S.A.*, Geneva, Switzerland; to become a bank holding company by acquiring at least 80 percent of the voting shares of Girod Trust Company, Old San Juan, Puerto Rico. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York. Comments on this application must be received not later than June 22, 1983.

2. *IVB Financial Corporation*, Philadelphia, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Industrial Valley Bank and Trust Company, Philadelphia, Pennsylvania. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Philadelphia. Comments on this application must be received not later than June 22, 1983.

Board of Governors of the Federal Reserve System, May 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14257 Filed 5-26-83; 8:45 am]

BILLING CODE 6210-01-M

Persia Bancorp, Inc.; Formation of Bank Holding Company

Persia Bancorp, Inc., Woodbine, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 84 percent or more of the voting shares of Home Savings Bank, Persia, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Persia Bancorp, Inc., Woodbine, Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Willard Insurance Agency, Persia, Iowa.

Applicant states that the proposed subsidiary would engage in general insurance activities in a community of less than 5,000 persons. These activities would be performed from offices of Applicant's subsidiary in Persia, Iowa, and the geographic area to be served is in and within ten miles of Persia, Iowa. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permisible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether

consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than June 23, 1983.

Board of Governors of the Federal Reserve System, May 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14255 Filed 5-26-83; 8:45 am]

BILLING CODE 6210-01-M

Security Pacific Corp.; Proposed Expansion of Activities of Security Pacific Mortgage Services, Inc.

Security Pacific Corporation, Los Angeles, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage through its indirect subsidiary, Security Pacific Mortgage Services, Inc., Los Angeles, California, in execution and clearance, on behalf of affiliated and unaffiliated persons, of financial futures contracts on U.S. Government securities and U.S. and foreign money market instruments on commodity exchanges which Security Pacific Mortgage Services, Inc., may join as a clearing member; the execution and clearance, on behalf of affiliated and unaffiliated persons, of options on financial futures contracts, options on securities issued or guaranteed by the U.S. Government or its agencies and options on U.S. and foreign money market instruments; and the purchase and sale, for its own account and as a broker for affiliated and unaffiliated persons, of securities issued or guaranteed by the U.S. Government or its agencies. Security Pacific Mortgage Services, Inc., will offer incidental investment advice in connection with the proposed activities, including its brokerage activities with respect to U.S. government securities and options on government securities. These activities will be performed from offices of Applicant's subsidiary in Denver, Colorado; Los Angeles, California; Atlanta, Georgia and Seattle, Washington, and the geographic area to be served is worldwide.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than June 23, 1983.

Board of Governors of the Federal Reserve System, May 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14256 Filed 5-26-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 78P-0432 et al.]

Availability of Approved Variances for Laser Light Shows

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Acting Director, Office of Radiological Health (formerly the Bureau of Radiological Health) of FDA's National Center for Devices and Radiological Health has approved variances from the performance standard for laser products for certain laser light shows, or laser light show projectors manufactured and produced by 10 organizations. The projector provides a laser display to produce a variety of special lighting effects principally to provide entertainment to general audiences.

DATES: The effective dates and termination dates of the variances are listed in the table below.

ADDRESS: The application and all correspondence on the various applications have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Norbert P. Heib, Jr., National Center for Devices and Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), each of the organizations listed in the table below has been granted a variance from § 1040.11(c) of the performance standard for laser products (21 CFR 1040.11(c)). Each variance permits the listed manufacturer to introduce into commerce a demonstration laser product that is the manufacturer's particular variety of laser light show, or laser light show projector or both, assembled and produced by it. All the laser products will have levels of accessible laser radiation in excess of the Class II levels permitted by § 1040.11(c) but not exceeding those required to perform the intended function of the product.

Suitable means of radiation protection will be provided by constraints on the physical and optical design of the products, and by procedures for personnel who will operate the products. Therefore, on the dates specified in the table below, FDA approved the requested variances by letter, from the Acting Director, Office of Radiological Health, to each manufacturer.

So that the product will bear evidence of the variance granted to the manufacturer of that product, each product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) the docket number and effective date of the variance as specified in the table below.

Docket No.	Manufacturing organization	Demonstration laser products	Effective date/ Termination date
78P-0432 (extension)	Laser Concepts, 3246 Grand Avenue South, Room 100, Minneaplois, MN 55408.	Laser Light Shows and Projector, Laserscan 2001 Scanner, Which Incorporates a Class III Helium-Neon Laser, and for Laser Light Shows Assembled and Produced by Laser Concepts Using the Laserscan 2001.	Mar. 15, 1983. May 1, 1985.
80P-0151 (extension)	Guptill Arena, Route 1, Cohoes, NY 12407	Laser Light Show Incorporating a SFC-2002 Laser Scanning System Manufactured and Produced by Guptill Arena.	Feb. 10, 1983. Feb. 10, 1985.
80P-0215 (extension)	Metatron Laser Art, 3130 Ala Ilima, Apt. 6A, Honolulu, HA 96818.	The Class IIIb Metatron Laser Art Projector, Model M.L. 95-5K, and Laser Light Shows Assembled and Produced by Metatron Laser Art Alone or With Laser Show, Inc.	Mar. 16, 1983. Mar. 16, 1985.
80P-0480 (extension)	Sudekum Planetarium, Cumberland Museum Science Center, 800 Ridley Boulevard, Nashville, TN 37203.	Laser Light Shows and the Incorporated Laser Projectors Assembled and Produced by the Cumberland Museum and Science Center. These Shows May Incorporate a Class III Laser Systems Development Corporation Model C-3(a) He Ne and Ar-ion Laser Projector or a Projector Containing a Class III Amencan Optical Co. Model 3100 He Ne Laser System	Feb. 4, 1983 Aug 31, 1983.
80P-0495 (extension)	Showlasers, Inc., P.O. Box 470206, Dallas, TX 75247.	The Class IV Showlaser Model LP1 Laser Effects Projector Containing Argon, Krypton, or Dye Lasers and for Laser Light Shows Assembled and Produced by Showlasers, Inc.	Mar. 7, 1983. Feb. 26, 1985.
81P-0278 (amendment) (reinstate- [redacted].	Lightform, NS 118, Buffalo State College, 1300 Elmwood Avenue, Buffalo, NY 14222.	The Lightform Laser Light Show Containing the Lightform Projectors Which May Use He-New, Ar-Kr, He-Cd, NdYAG, Copper Vapor, or Mercury Vapor Lasers With a Maximum Peak Power of 20 Watts.	Mar. 9, 1983. July 21, 1984
82P-0248 (amendment)	Yellow Brick Raod, Inc., 2777 Allen Parkway, Suite 984, Houston, TX 77019.	Laser Light Shows Assembled and Produced by Yellow Brick Road, Inc. at Numbers Disco and in Mobile Shows to be Performed in a Variety of Locations Incorporating the LMS Series Krypton Laser Projector Manufactured by Laser Media, Inc. The Numbers Disco Portion of this Variance is for a Fixed Installation While the Mobile Portion is for Shows to be Performed at Different Locations for Varying Periods of Time.	Mar. 9, 1983. Aug. 19, 1984.
83P-0071	Busch Entertainment Corp., d.b.a. Bush Gardens. P.O. Drawer FO, Williamsburg, VA 23187.	Laser Light Shows Produced and Assembled by Busch Entertainment Corporation d.b.a. Busch Gardens at the Hastings Theater Incorporating a Laser Media LMS Series Laser Projection System.	Mar. 15, 1983 Mar. 15, 1985.
83P-0078	Lazarus Productions, 2821 Ninth Street, Berkeley, CA 94710.	Laser Light Shows Incorporating the Macron Beam I Laser Projector Assembled and Produced by Lazarus Productions.	Mar. 17, 1983. Mar. 17, 1985.
83P-0085	Mr. Albert J. Hill, 2728 Grove Street, Berkeley, CA 94703.	Laser Light Shows Assembled and Produced by Albert J. Hill Incorporating Class IV Laserscape II Krypton and ABP-1 Argon Laser Projectors.	Mar. 17, 1983. Mar. 17, 1985.

In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on the various applications have been placed on public display in the Dockets Management Branch, Food and Drug Administration (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 19, 1983.

William F. Randolph,

Acting Associate Commissioner for Regualtory Affairs.

[FR Doc. 83-14264 Filed 5-26-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83N-0030; DESI 50213]

Certain Fixed-Combination Drug Products Containing a Tetracycline and One or More Sulfonamides (With or Without Analgesic) for Oral Administration; Final Order on Objections and Request for a Hearing; Withdrawal of Approval of New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs denies a hearing and withdraws approval of the new drug applications for Tetrex Syrup with Triple Sulfonamides, Azotrex Syrup, Polycycline Suspension with Triple Sulfonamides, and Azotrex Capsules. These products, which contain a tetracycline in fixed combination with one or more sulfonamides (with or without an analgesic—phenazopyridine hydrochloride), are or have been offered to treat various infections, primarily those involving the urinary tract. The basis of the withdrawal is that the drug products lack substantial evidence of effectiveness for their labeled indications.

EFFECTIVE DATE: June 27, 1983.

FOR FURTHER INFORMATION CONTACT: Douglas I. Ellsworth, National Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of April 2, 1969 (34 FR 6008), the Food and Drug Administration (FDA) announced its evaluation of reports received from the National Academy of Sciences/National Research Council, Drug Efficacy Study Group (NAS/NRC) on Tetrex Syrup with Triple Sulfonamides (NDA 60-050), Azotrex Syrup (NDA 60-031), Polycycline Suspension with Triple Sulfonamides (NDA 50-282), and Azotrex Capsules (NDA 50-213); all manufactured by Bristol Laboratories, Inc., P.O. Box 657, Syracuse, NY 13201 (Bristol). These products contain tetracycline and one or more sulfonamides as antibacterial components. One product also contains an analgesic component—phenazopyridine hydrochloride. FDA evaluated these antibiotic-containing combination drug products as lacking substantial evidence of effectiveness, proposed to initiate proceedings under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) to revoke provisions for their certification, and offered interested persons 30 days to submit data bearing on the proposal.

Because the data submitted in response to the April 1969 notice did not provide substantial evidence of effectiveness for any of these combination drugs, FDA published an order in the **Federal Register** of June 30, 1970 (35 FR 10587) that amended the antibiotic regulations (formerly 21 CFR Parts 146c and 148n; now 21 CFR Part 446) to revoke provisions for their certification. Also affected by this order was Urobiotic Capsules (NDA 60-568) containing oxytetracycline hydrochloride (equivalent to 125 or 250 milligrams (mg) of oxytetracycline), 250 mg of sulfamethizole, and 50 mg of phenazopyridine hydrochloride marketed by Pfizer, Inc., 235 East 42nd St., New York, NY 10017 (Pfizer). This order was to become effective in 40 days and gave affected manufacturers and interested persons 30 days to file objections and request a hearing. Subsequently, by order published in the **Federal Register** of August 8, 1970 (35 FR 12653), FDA extended the time for filing objections and hearing requests an additional 8 days and changed the effective date of the June 1970 order to August 17, 1970. The August 1970 order also stated that the effective date of the amendments would be extended if objections were filed.

On July 29, 1970, Bristol filed objections and requested a hearing. Bristol's submission consisted solely of

legal objections; no data were presented to support the claims made for the firm's affected drugs. On August 7, 1970, Pfizer requested a hearing and supplied data concerning Urobiotic 250 Capsules—the product with 250 mg of oxytetracycline. (Pfizer discontinued the marketing of the product with 125 mg of oxytetracycline.) No objections or hearing requests were filed by any other person.

Despite the filing of timely objections by Bristol and Pfizer, the amendments inadvertently were not stayed by the agency, and succeeding codifications of the antibiotic regulations did not explicitly provide for the certification of these products. Nevertheless, FDA permitted Bristol and Pfizer to continue distribution of their products, with appropriate batch testing, pending resolution of their hearing requests. Later, FDA exempted all classes of antibiotic drugs from batch certification and such products became the subjects of approved new drug applications. (See 47 FR 39155; September 7, 1982.)

By letters dated January 17, 1978, the Director of the Bureau of Drugs advised Bristol and Pfizer that he had evaluated their hearing requests and concluded that summary judgment should be considered. Under 21 CFR 430.20(b)(8)(iii), the letters enclosed a proposed order denying the hearing requests. The Director notified the firms that they had 60 days to respond to the proposal and to demonstrate that there is a genuine and substantial issue of fact which justifies a hearing. Pfizer responded with data, information, and analyses. These materials are currently under review, and the order that follows does not apply to Pfizer's NDA 60–568 for Urobiotic.

Bristol responded with further legal arguments; no data or analyses were submitted. The Commissioner of Food and Drugs has considered the legal arguments offered by Bristol and concludes that they are insubstantial and present no genuine issue of material fact requiring a hearing.

I. The Drugs

A. Tetrex Syrup with Triple Sulfonamides: Each 5 milliliters (mL) contains tetracycline (equivalent to 125 mg of tetracycline hydrochloride), 167 mg of sulfadiazine, 167 mg of sulfamerazine, and 167 mg of sulfamethazine.

B. Azotrex Syrup: Each 5 mL contains tetracycline (equivalent to 125 mg of tetracycline hydrochloride) and 250 mg of sulfamethizole.

C. Polycycline Suspension with Triple Sulfonamides: Each 5 mL contains 125 mg of tetracycline hydrochloride, 167 mg of sulfadiazine, 167 mg of sulfamerazine, and 167 mg of sulfamethazine.

D. Azotrex Capsules: Each capsule contains tetracycline phosphate complex (equivalent to 125 mg of tetracycline hydrochloride), 250 mg of sulfamethizole, and 50 mg of phenazopyridine hydrochloride.

II. Recommended Uses

A. Tetrex with Triple Sulfonamides is not currently marketed and current labeling is not available. Previous labeling recommended the drug product for mixed infections and for infections due to organisms that are more sensitive to tetracycline and sulfonamides than to either antibacterial agent alone, including mixed infections of the urinary tract and of the respiratory tree.

B. Azotrex Syrup is not currently marketed and current labeling is not available. Previous labeling recommended the drug product to provide systemic and local antibacterial action in acute and chronic urinary tract infections due to organisms sensitive to tetracycline and sulfamethizole. Labeling also indicated that the drug product could be used in mixed infections in which the invading organisms are more sensitive to the combination than to either antibacterial agent alone.

C. Polycycline Suspension with Triple Sulfonamides is not currently marketed and current labeling is not available. Previous labeling recommended the drug product for the treatment of bacterial infections suspected to be more susceptible to combined therapy than to either tetracycline or sulfonamide therapy alone; for the treatment of bacillary dysentery, especially that caused by the Shigella organism; and for the tratment of gonorrhea. The labeling also indicated that sulfonamides, when combined with an antibotic, assist in the prevention of secondary infections, as well as augment the effectiveness of the antibiotic.

D. Azotrex Capsules is currently marketed and current labeling recommends the drug product as follows:

> This drug product provides systemic and local antibacterial action in acute and chronic urinary tract infections due to organisms sensitive to tetracycline and sulfamethizole. It may be used in mixed infections where the invading organisms are more sensitive to the combination than to either antibacterial agent alone and is not intended for the treatment of infections where complete response to either component might be expected.
>
> It is indicated in the treatment of cystitis, urethritis, pyelonephritis, ureteritis, and prostatitis due to bacterial infection, prior to and following genitourinary surgery and instrumentation, prophylactically in patients with urethrostomies and cord bladders.
>
> In geriatrics this drug is particularly useful when exacerbations of infection occur in such conditions as cystocele, prostatitis, and nonspecific urethritis.
>
> Infections caused by beta-hemolytic streptococci should be treated for at least 10 days to help prevent the occurrence of rheumatic fever or acute glomerulonephritis.

The labeling also claims that Azotrex Capsules possesses two effects: one an antibacterial effect due to its tetracycline and sulfamethizole components; the other an analgesic effect due to its phenazopyridine hydrochloride component.

III. Legal Arguments

In the proposed final order, the Bureau of Drugs stated that Bristol's objections were based on then-pending court cases and noted that both cases were subsequently decided adversely to Bristol's contentions and reliance. *Pfizer, Inc.* v. *Richardson*, 434 F.2d 536 (2d Cir. 1970) and *Pharmaceutical Mfrs. Ass'n* v. *Richardson*, 318 F. Supp. 301 (D. Del. 1970). The Bureau also pointed out that it is settled that the Commissioner has the authority to establish criteria for adequate and well-controlled clinical investigations necessary to demonstrate effectiveness of drug products on the market, including antibiotics, and may condition the holding of a formal evidentiary hearing on a showing that reasonable grounds exist. *Weinberger* v. *Hynson, Westcott, & Dunning, Inc.*, 412 U.S. 609 (1973); *Agri-Tech, Inc.* v. *Richardson*, 482 F.2d 1148 (8th Cir. 1973); *Pfizer, Inc.* v. *Richardon, supra; Ciba-Geigy Corp.* v. *Richardson*, 446 F.2d 466 (2d Cir. 1971); *Upjohn Co.* v. *Finch*, 422 F.2d 944 (6th Cir. 1970); *Pharmaceutical Mfrs. Ass'n* v. *Richardson, supra.* In response to the proposed final order, Bristol reaffirmed its legal objections. Bristol's response does not change the fact that the courts have ruled adversely to the firm's objections.

Bristol further contends that all data in the record of this proceeding that are scientifically pertinent to the drugs manufactured by Bristol must be considered in support of its products. The Commissioner agrees; however, no data have been submitted in this proceeding that are scientifically pertinent to Bristol's products. The data submitted by Pfizer, the only other manufacturer involved in this proceeding (in support of a product previously certified under a different antibiotic regulation than any of Bristol's products—previously 21 CFR 148n.4 for Urobiotic 250 as opposed to 21 CFR 146c.204, 146c.217, and 146c.222 for

Bristol's products), relate to a combination that contains a ratio of 250 mg of oxytetracycline to 250 mg of sulfamethizole as its antibacterial components. None of Bristol's products contains this ratio of a tetracycline component to a sulfonamide component. Azotrex Capsules and Azotrex Syrup each contain a ratio of 125 mg of tetracycline to 250 mg of sulfamethizole. Tetrex Syrup with Triple Sulfonamides and Polycycline Suspension with Triple Sulfonamides each contain a ratio of 125 mg of tetracycline to 501 mg of sulfonamides. Obviously, the submitted data are not applicable to Bristol's products (21 CFR 314.111(a)(5); 300.50).

IV. Findings

On the basis of the foregoing, the Commissioner finds that there is a lack of substantial evidence that Tetrex Syrup with Triple Sulfonamides, Azotrex Syrup, Polycycline Suspension with Triple Sulfonamides, and Azotrex Capsules have the effects they are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling, and a lack of substantial evidence that each component in these products contributes to the total effects claimed for them. Furthermore, Bristol has failed to show that there is a genuine and substantial issue of fact requiring a hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053 as amended (21 U.S.C. 355)) and under the authority delegated to the Commissioner (21 CFR 5.10), Bristol's request for a hearing is denied, and approval of the new drug applications for Tetrex Syrup with Triple Sulfonamides (NDA 60–050), Azotrex Syrup (NDA 60–031), Polycycline Suspension with Triple Sulfonamides (NDA 50–282), and Azotrex Capsules (NDA 50–213) is withdrawn effective June 27, 1983.

Dated: May 19, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83–14263 Filed 5–26–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83N–0154]

International Drug Scheduling; Convention on Psychotropic Substances; Benzodiazepines

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that it will consder the submitted data or comments concerning the abuse potential, actual abuse, and medical usefulness of 12 "benzodiazepine" or "minor tranquilizer" drugs in preparing a response from the United States to the World Health Organization (WHO) about the abuse liability of these drugs. WHO will use this information to consider whether to recommend that international restrictions be placed on these drugs. The information was requested in a notice in the **Federal Register** of May 13, 1983. The May 13 notice also stated that the official notification from WHO had not been received and that when it was, it would be published in a subsequent **Federal Register** notice. The official notification is now available and is reprinted below as required by law.

DATE: Comments by June 13, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD, 20857, 301–443–6490.

FOR FURTHER INFORMATION CONTACT: Edwin V. Dutra, Jr., National Center for Drugs and Biologics (HFN–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD, 20857, 301–443–6490.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 13, 1983 (48 FR 21661), FDA asked people to submit information on abuse potential, actual abuse, and medical usefulness of 12 "benzodiazepine" or "minor tranquilizer" drugs. As stated in the May 13, 1983 notice, the Controlled Substances Act (CSA) (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970) provides that, when WHO notifies the United States under Article 2 of the Convention on Psychotropic Substances that it has information that may justify adding a drug or other substance to one of the schedules of that Convention, transferring a drug or substance from one schedule to another, or deleting it from the schedules, the Secretary of State must transmit the notice to the Secretary of Health and Human Services (HHS). The Secretary of HHS must then publish the notice in the **Federal Register** and provide an opportunity for interested persons to submit comments to assist HHS in preparing scientific and medical evaluations of the drug or substance.

The Secretary of HHS received the following notice from WHO on behalf of the Secretary-General:

The Secretary General of the United Nations presents his compliments to the Secretary of State of the United States of America and has the honour to inform His Excellency's Government that he has been asked to assist the Director-General of the World Health Organization in obtaining data on the following 39 benzodiazepines:

alprazolam	loprazolam
bromazepam	lorazepam
camazepam	lormetazepam
chlordiazepoxide	medazepam
clobazam	nimetazepam
clonazepam	nitrazepam
clorazepate	nordazepam
clotiazepam	oxazepam
cloxazolam	oxazolam
delorazepam	pinazepam
diazepam	pirenzepine
estazolam	prazepam
ethyl loflazepate	propizepine
etifoxine	temazepam
fludiazepam	tetrazepam
flunitrazepam	tofisopam
flurazepam	tibezonium
halazepam	triazolam
haloxazolam	zopiclone
ketazolam	

A WHO expert group will review these substances in September with a view to determining whether any of them should be brought under the control of the 1971 Convention on Psychotropic Substances.

The Secretary-General would therefore be most grateful if His Excellency's Government would submit data on each substance concerning the extent or likelihood of abuse, the degree of seriousness of the public health and social problems associated with such abuse and the usefulness in medical therapy.

It would also be very useful if His Excellency's Government would indicate whether any of the above-mentioned substances have been seized from the illicit drug traffic during the past three years, and, if so, the amounts seized, the number of such seizures and, where this could be determined, the provenance of the substances. Any additional information on clandestine laboratories where these substances may have been manufactured and on precursors used in this process would also be valuable.

The Secretary-General has already received information relating to a number of the above-mentioned substances in response to this Notes verbales NAR/CL.5/1981 of 9 March 1981 (concerning chlordiazepoxide, clonazepam, clorazepate, diazepam, flurazepam, lorazepam, medazepam, nitrazepam, oxazepam, oxazolam, prazepam and temazepam) as well as NAR/CL.11/1982 of 30 March 1982 (concerning alprazolam, bromazepam, camazepam, clobazam, cloxazolam, estazolam, fludiazepam, flunitrazepam, halazepam, ketazolam, nimetazepam, nordazepam, pinazepam, tetrazepam and triazolam). It would accordingly be appreciated if data concerning the substances mentioned above for the first time (clotizepam, delorazepam, ethyl loflazepate, etifoxine, haloxazolam, loprozolam, lormetazepam, pirenzepine, propizepine, tofisopam, tibezonium and zopiclone) could be submitted together with any supplementary information which would be useful to update the files already prepared on the other 27 substances.

In view of the fact that the Secretary-General must prepare a report for WHO on

this subject, it would be appreciated if the information requested in this note could be sent to the Director, United Nations Division of Narcotic Drugs, Vienna International Centre, P.O. Box 500, A–1400 Vienna, Austria, as soon as possible, and preferably before 15 July 1983.

April 21, 1983.

Therefore, as required by section 201(d)(2)(A) of the Controlled Substances Act (21 U.S.C. 811(d)(2)(A)), FDA on behalf of HHS invites interested persons to submit data or comments regarding the named benzodiazepine drugs. As stated in the May 13 notice, however, full information on only 12 minor tranquilizer drugs need be submitted. These 12 drugs are clotizepam, delorazepam, ethyl loflazepate, etifoxine, haloxazolam, loprazolam, lormetazepam, pirenzepine, propizepine, tibezonium, tofisopam, and zopiclone. As explained in the notification above and in the May 13 notice, supplementary information only is requested for the other 27 substances.

Note.—In the May 13, 1983 notice discussed above the substance "propizepine" is misspelled throughout the document. The correct spelling is as it appears in this notice.

Interested persons may, on or before June 13, 1983, submit to the Docket Management Branch (address above), written comments regarding this action. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 19, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–14261 5–26–83; 8:45 am]

BILLING CODE 4160–01–M

Panel on Review of Allergenic Extracts; Republishing of Meeting Notice

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is republishing the notice announcing a meeting of the Panel on Review of Allergenic Extracts scheduled for June 3 and 4, 1983. The meeting was announced in the **Federal Register** of May 13, 1983 (48 FR 21660). The notice is being republished because the meeting will have a closed presentation of data session. The Panel has received new information relevant to a pending biological license application for a modified ragweed pollen allergenic extract. This new information involves trade secret or confidential commercial information.

Panel on Review of Allergenic Extracts

Date, time, and place. June 3 and 4, 8 a.m., Rm. 115, Bldg. 29, 8800 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Closed presentation of data, June 3, 8 a.m. to 9 a.m.; open public hearing, June 3, 9 a.m. to 10 a.m.; open committee discussion, June 3, 10 a.m. to 5 p.m., June 4, 8:30 a.m. to 1:30 p.m.; Clay Sisk, National Center for Drugs and Biologics (HFN–6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455.

General function of the committee. The committee reviews and evaluates data on the safety, effectiveness, and appropriate use of allergenic products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will continue the reevaluation of allergenic biological products previously classified in Category IIIA, the designation for those licenses biological products judged to have insufficient available data to classify as safe and effective, but which should remain licensed pending completion of further testing as provided in 21 CFR 601.25(e). The products are being reclassified under the procedures described in the **Federal Register** of October 15, 1982, (47 FR 46138) and 21 CFR 601.26. Allergenic extracts of pollens, molds, basidiomycetes, insects, foods, house dust, and inhalant allergens will be discussed.

Closed presentation of data. The committee will review trade secret or confidential commercial information relevant to a pending biological license application for a modified ragweed pollen allergenic extract. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Dated: May 24, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83–14429 Filed 5–26–83; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Disapproval of a New Hampshire State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of Hearing.

SUMMARY: This notice announces an administrative hearing on July 12, 1983 in Boston, Massachusetts to reconsider our decision to disapprove New Hampshire State Plan Amendment 82–17.

CLOSING DATE: Requests to participate in the hearing as a party must be received by June 13, 1983.

FOR FURTHER INFORMATION, CONTACT: Docket Clerk, Bureau of Eligibility, Reimbursement and Coverage, 365 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594–8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove a New Hampshire State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with the requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter is whether New Hampshire's proposal to limit Medicaid reimbursement for inpatient hospital services violates section 1902(a)(13)(A) of the Social Security Act (Act), 42 U.S.C. 1396(a)(13)(A). This provision requires, in relevant part, that payment for hospital services under the

State plan be through the use of payment rates which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable State and Federal laws, regulations and quality and safety standards. The New Hampshire State Medicaid Plan currently provides for reimbursement of the reasonable costs of inpatient hospital services based upon the Medicare program's principles of reimbursement. New Hampshire proposes to amend its State plan to permit a reimbursement methodology which would limit payment to a percentage of the reasonable cost of services when the costs exceed the amount budgeted for such services. HCFA has determined that, although a State may consider budgetary constraints when it establishes a reimbursement methodology, the State cannot use such constraints to avoid the reimbursement requirements of section 1902(a)(13)(A) of the Act. HCFA determined that the budget constraints contained in the reimbursement mehodology proposed by New Hampshire would reduce reimbursement for all inpatient hospital services to 80 percent of the reasonable costs of services. As indicated above, sections 1902(a)(13)(A) of the Act requires a State to utilize reimbursement rates which are reasonable and adequate to meet the costs which must be incurred by an efficiently and economically operated facility. HCFA therefore concluded that application of New Hampshire's proposed methodology, which would reduce reimbursement to 20 percent below the costs which must be incurred by even the most efficiently and economically operated facility in the State, violates section 1902(a)(13)(A) of the Act.

The notice to New Hampshire announcing an administrative hearing to reconsider our disapproval of its State plan amendment reads as follows:

Mr. Richard A. Chevrefils, *Director,*
Department of Health and Welfare,
Division of Welfare,
Hazen Drive,
Concord, New Hamsphire 03301

Dear Mr. Chevrefils: This is to advise you that your request for reconsideration of the decision to disapprove New Hampshire State Plan Amendment 82-17 was received on April 25, 1983. You have requested a reconsideration of whether this plan amendment, which would limit Medicaid reimbursement for inpatient hospital services to an amount determined solely by State budget appropriations, conforms to the requirements for approval under the Social Security Act and pertinent Federal requirements.

I am scheduling a hearing on your request to be held on July 12, 1983, at 10:00 a.m. in Room 1211, John F. Kennedy Federal Building, Boston, Massachusetts. If this date is not acceptable, we would glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Stanley Krostar as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached on (301) 594-8261.

Sincerely yours,

Carolyne K. Davis, Ph. D.

(Sec. 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: May 24, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83-14342 Filed 5-26-83; 8:45 am]
BILLING CODE 4120-03-M

Medicare Program; Temporary Delay in Periodic Interim Payments (PIP) to Hospitals

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: This notice announces a delay of Medicare payments that would otherwise be made in the last 3 weeks of September 1983 and September 1984 to hospitals reimbursed under the Periodic Interim Payment (PIP) method. This notice also specifies the conditions under which HCFA will authorize accelerated payments to individual hospitals to prevent them from experiencing severe financial distress as a result of the delay in payment. The notice reflects recent legislation (section 120 of Pub. L. 97-248), and is intended to help ensure that Medicare payments are made in accordance with that legislation.

DATES: Effective Date: Effective for the last 21 day period for which PIP payments would otherwise be made in fiscal year 1983 (October 1, 1982-September 30, 1983) and fiscal year 1984 (October 1, 1983-September 30, 1984), respectively.

FOR FURTHER INFORMATION CONTACT: William J. Goeller, (301) 597-1802.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1814(b) of the Social Security Act (the "Act") (42 U.S.C. 1395f(b)) requires that hospitals and other institutional providers furnishing health care services to Medicare beneficiaries be paid on the basis of the lesser of the reasonable cost or the customary charges for those services. Since virtually all providers' charges exceed their costs, the discussion below refers to cost reimbursement.

In addition, because the actual costs of a provider's services cannot be determined until the provider submits its detailed cost report after the end of its accounting period, section 1815(a) of the Act (42 U.S.C. 1395g(a)) requires that payments for services furnished be made at such time, or times, as the Secretary believes appropriate, but not less often than monthly. These are referred to as interim payments. The total interim payments made during each accounting period are intended to approximate, as closely as possible, the total Medicare reimbursement that would be due during the year, and are estimated based on the data available.

Current Medicare regulations (42 CFR 405.454) permit the amount of these interim payments to be determined by either the "regular method", or the "periodic interim payment" (PIP) method. Under the "regular method", payments of estimated costs are based on the volume of services, as indicated by individual provider billings submitted during a billing cycle. Under the PIP method, providers are paid on a fixed interval at predetermined rates that are based on estimated annual costs. In both cases, adjustments are made at the settlement of the cost report to reflect the actual amount due the provider. At that time, any underpayments or overpayments for the period are corrected.

The PIP method was designed as an administrative device to reduce the pressure of paperwork on providers in the preparation, submittal, and processing of billing forms, and to alleviate cash flow problems experienced by them under the regular method as a result of bill processing problems. Its principal feature is that it permits payment of predetermined, standard amounts that are not directly based on individual provider billings submitted during a billing cycle and, therefore, are not dependent on provider and intermediary bill processing practices.

Providers reimbursed under the PIP method generally receive payments for a two-week service period, and these

payments are issued no earlier than 14 days after the end of the service period to which they apply. This method, therefore, involves an average lapse of three weeks between delivery of service and disbursement of payment for these services. The average time lag between the date of service and the date of payment under the regular method is approximately six weeks.

II. Temporary Deferral of PIP

A. Recent Legislation

In recognition that the average time lag in payment for providers using the PIP method is approximately three weeks shorter than the average lag for providers receiving payment under the regular method, and in the interest of controlling FY 1983 and FY 1984 program outlays, Congress enacted legislation to require a delay in the flow of PIP payments to hospitals during both September 1983 and September 1984. (See S. Rep. No. 97–494, 97th Cong., 2nd Sess. 30 (1982).) This legislation (section 120 of Pub. L. 97–248, the Tax Equity and Fiscal Responsibility Act of 1982) provides that, notwithstanding section 1815(a) of the Act, with respect to the last 21 days for which PIP payments would otherwise be made during FY 1983, these payments will be deferred until FY 1984. The legislation also requires a similar deferral of PIP payments for the last 21 days for which PIP payments would otherwise be made during FY 1984. Section 120 thus supersedes 42 CFR 405.454(j) to the extent that the latter is inconsistent with the former. In practice, this will mean a delay in issuance of one and one-half PIP payments at the end of both fiscal years 1983 and 1984 in those cases where payments are on a biweekly cycle. Where the PIP cycle is not on a biweekly basis, 21 days' worth of payments will be delayed at the end of each of the two fiscal years. To minimize hardship to hospitals as a result of this delay, we will instruct intermediaries to pay the reimbursement amounts no later than October 4, 1983 for payments deferred in FY 1983 and no later than October 2, 1984 for payments deferred in FY 1984.

The following example illustrates the manner in which the PIP delay will be implemented: The Medicare fiscal intermediary for Hospital A is ordinarily scheduled to issue biweekly PIP payments to the hospital on September 9 and 23, and October 7, 1983. Each biweekly payment is in the amount of $100,000. However, as a result of the temporary delay requirements for PIP, the intermediary will adjust its payments for the last three weekly payment amounts that would have otherwise been issued in FY 1983. It will release a PIP payment in the amount of $50,000 to Hospital A on September 9, 1983. (Half the regular PIP payment is withheld since half of the two-week period represented by that PIP payment falls within the three-week period whose payments must be delayed.) No PIP payment is issued on September 23, 1983. (That payment would have been for the two-week period falling entirely within the three-week period whose payment must be delayed.) On October 4, 1983, the intermediary will release a payment of $150,000 to Hospital A covering the amounts withheld from the September payment schedule. The intermediary also will resume its normal PIP schedule and issue a payment of $100,000 to the hospital on October 7, 1983.

The implementation of this provision will not change the normal schedule of PIP disbursement for any period other than those identified above. In accordance with the intent of Congress to control FY 1983 and FY 1984 expenditures, we will not consider this temporary deferral as a basis for hospitals to request or obtain accelerated payments, or for any upward adjustment in PIP rates during the quarter that deferral occurs, except as described in section II. B. below. Intermediaries will be expected to maintain all regular PIP activities and schedules while delaying the payments deferred as a result of section 120 so that there will be no other effect on the PIP process.

Under the law, this deferral of PIP will apply solely to hospitals; it will not apply to skilled nursing facilities and home health agencies being reimbursed under this payment mechanism. Also, it will not apply to hospitals that are paid under the regular method.

B. Hospitals Under Financial Hardship

The legislative history of this provision cited above indicates that Congress recognized that any short-term interruption in cash flow could result in substantial financial distress to hospitals with insufficent working capital and who are unable to obtain a short-term loan.

This situation will be particularly acute for those hospitals that receive a substantial portion of their reimbursement revenues from the Medicare program. In these instances, Congress expected the Department to utilize existing regulations that provide for accelerated payments for providers in financial difficulties.

Current regulations at 42 CFR 405.454(h) permit accelerated payments to a provider when the provider has experienced financial difficulties due to delay by the intermediary in making payments. Accordingly, under this temporary deferral, we will authorize intermediaries to make accelerated payments to hospitals that are experiencing cash flow problems caused by the interruption of PIP when:

A. The provider received more than one-half of its total revenue from the Medicare program in the last cost-reporting period for which a completed cost report was submitted, and

B. The provider, on the basis of the intermediary's knowledge, cannot obtain a short-term loan from its usual lending sources to cover its cash flow shortfall resulting from the temporary deferral of PIP payments.

In these situations only, a fiscal intermediary will be permitted to make accelerated payments to the hospital for the period between the last full PIP amount made for FY 1983 and FY 1984 and the date on which the deferred PIP payment is made in the following fiscal year.

(Secs. 1102, 18414(b), 1815(a), 1833(a)(2), 1861(v), and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395f(b), 1395g(a), 1395l(a)(2), 1395x(v), and 1395hh)

(Catalog of Federal Domestic Assistance Program, No. 13.773, Medicare—Hospital Insurance Program, No. 13.774 Medicare—Supplementary Medical Insurance Program)

Dated: April 14, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83–14343 Filed 5–26–83: 8:45 am]

BILLING CODE 4120–03–M

Health Resources and Services Administration

National Advisory Council on the National Health Service Corps; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1983:

Name: NATIONAL ADVISORY COUNCIL ON THE NATIONAL HEALTH SERVICE CORPS

Date and Time: June 15–17, 1983, 1:00 p.m.

Place: Parklawn Building, Conference Room M on June 15. Parklawn Building, Conference Room G on June 16–17, 5600 Fishers Lane, Rockville, Maryland 20857.

Open for entire meeting.

Purpose: The Council will advise and make appropriate recommendations on the National Health Service Corps (NHSC) program as mandated by legislation. It will

also review and comment on proposed regulations promulgated by the Secretary under provisions of the legislation.

Agenda: The meeting will cover remarks by the Administrator, and the Director of the Bureau of Health Care Delivery and Assistance; discussion of the National Health Service Corps 1984 Placement and Reimbursement Policies; and the status of the legislation.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Ms. Charlotte Walch, or Mr. Billy Sandlin, National Health Service Corps, Health Resources and Services Administration, Room 6–40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: 301 443–5493.

Agenda items are subject to change as priorities dictate.

Dated: May 24, 1983.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 83–14228 Filed 5–26–83; 8:45 am]

BILLING CODE 4160–15–M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on May 20.

Public Health Service

National Institutes of Health

Subject: Career Information Service Call Record Form (0925–0176)—reinstatement
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello

Office of the Assistant Secretary for Health

Subject: Evaluation of the Data Collection Policies of the National Ambulatory Medical Care Survey (0937–0109)—New
Respondents: Hospitals
OMB Desk Officer: Fay S. Iudicello

Health Care Financing Administration

Subject: Early and Periodic Screening, Diagnosis and Treatment Report (HCFA–156)—New
Respondents: State Medicaid agencies
Subject: Health Insurance Claim Form (HCFA 1500)—Revised
Respondents: Physicians and medical suppliers participating in the Medicare program
OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn.: (name of OMB Desk Officer).

Dated: May 23, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83–14313 Filed 5–26–83; 8:45 am]

BILLING CODE 4150–4–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–83–696]

Office of Regional Administrator; Region V, Chicago; Designation

AGENCY: Housing and Urban Development Department

ACTION: Designation of Acting Regional Administrator; Order of Succession.

SUMMARY: The Regional Administrator, Region V (Chicago) is designating officials who may serve as Acting Regional Administrator during the absence, disability or vacancy in the position of Regional Administrator.

EFFECTIVE DATE: May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Richard J. Flando, Regional Counsel, Department of Housing and Urban Development, Region V, 300 South Wacker Drive, Chicago, Illinois 60606.

SUPPLEMENTARY INFORMATION: Designation of Acting Regional Administrator, Region V, Chicago.

The officers appointed to the following listed positions in Region V, (Chicago) are hereby designated to serve as Acting Regional Administrator, Region V, Chicago, during the absence, disability or vacancy in the position of the Regional Administrator with all the powers, functions and duties redelegated or assisgned to the Regional Administrator. Provided,

That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose title precede his or hers in this designation are unable to act by reason of absence, disability or vacancy in said listed position:

1. Deputy Regional Administrator
2. Executive Assistant to the Regional Administrator
3. Regional Counsel
4. Director, Office of Regional Administration
5. Director, Office of Regional Housing
6. Director, Office of Regional Community Planning and Development
7. Director, Office of Regional Fair Housing and Equal Opportunity

The above designations supersede and cancel the designation of Acting Regional Administrator published on February 15, 1977 (42 FR 9233) and effective as of January 1, 1977, and any supplemental delegations, published or unpublished, that may be in effect prior to the date of this document.

(Delegation of Authority effective May 4, 1962 (27 FR 4319; Interim Order II, 31 FR 815, January 21, 1966))

Alfred C. Moran,

Regional Administrator, Region V, Chicago.

[FR Doc. 14287 Filed 5–26–83; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–83–1242]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Procurement Policies and Procedures

Office: Administration.
Form Number: Handbook 2210.3 Rev. 1.
Frequency of Submission: On Occasion.
Affected Public: State or Local Governments and Businesses or Other Institutions (except farms).
Estimated Burden Hours: 150,000.
Status: New.
Contact: Michael Franklin, HUD, (202) 755–5294; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act. 42 U.S.C. 3535(d).

Dated: May 16, 1983.

Proposal: ADP Contracts

Office: Administration.
Form Number: Unassigned.
Frequency of Submission: Weekly, biweekly and monthly.
Affected public: Businesses or other institutions (except farms).
Estimated Burden hours: 10,431.
Status: New.
Contact: Margaret Bassford, HUD, (202) 755–5280; Robert Neal, OMB, (202) 395—7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 16, 1983.

Proposal: Application for Grants and Cooperative Agreements

Office: Administration.
Form number: SF–424, SF–269, SF–270, SF–272, etc.
Frequency of submission: On occasssion.
Affected public: Individuals or households, State or local governments and businesses or other institutions (except farms).
Estimated burden hours: 240,000.
Status: New.
Contact: Michael Franklin, HUD, (202) 755–5294; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C 3535(d).

Dated: May 16, 1983.

Proposal: Procurement from Established Supply Sources and Small Purchases

Office: Administration.
Form number: Handbook 2210.10.
Frequency of submission: On occasion.
Affected public: Business or other institutions (Except farms).
Estimated burden hours: 31,675.
Status: New.
Contact: Michael Franklin, HUD, (202) 755–5294; Robert Neal, OMB (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42, U.S.C. 3535(d).

Dated: May 16, 1983.

Proposal: Bidders Mailing List Application

Office: Administration.
Form Number: SF–129 and Checklist.
Frequency of Submission: On occasion.
Affected Public: Individuals or households and businesses or other Institutions (except farms).
Estimated Burden Hours: 250.
Status: New.
Contact: Michael Franklin, HUD, (202) 755–5294; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 16, 1983.

Proposal: Procurement Handbook for Public/Indian Housing Authorities

Office: Housing.
Form Number: Handbook 7460.8.
Frequency of Submission: On occasion.
Affected Public: Businesses or other for-profit and small businesses or organizations.
Estimated Burden Hours: 420,000.
Status: New
Contact: Clarence Meadows, HUD, (202) 755–5840; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C 3535(d).

Dated: May 16, 1983.

Proposal: Accounting Handbook for Acquired Properties

Office: Housing.
Form Number: Handbook 4305.3.
Frequency of Submission: On occasion.
Affected Public: Businesses or other for-profit.
Estimated Burden Hours: 340,000.
Status: New.
Contact: Freeman Grote, HUD, (202) 755–5740; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C 3535(d).

Dated: May 16, 1983.

Proposal: Property Disposition Handbook One-to-four Family Properties

Office: Housing.
Form Number: Handbook 4310.5.
Frequency of Submission: On occasion.
Affected Public: Individuals of households, businesses or other for-profit and small businesses or organizations.
Estimated Burden Hours: 151,500.
Status: New.
Contact: Freeman Grote, HUD, (202) 755–5740; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 16, 1983.

Proposal: Property Disposition Handbook—Contracting

Office: Housing.
Form Number: HUD–4320.1.
Frequency of Submission: On occasion.
Affected Public: Individuals or local governments, businesses or other for-profit and small businesses or organizations.
Estimated Burden Hours: 125,240.
Status: New.
Contact: William Novack, HUD, (202) 426–3970; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 16, 1983.

Proposal: Property Disposition Handbook—Multifamily Properties

Office: Housing.
Form Number: Handbook 4315.1.
Frequency of Submission: On occasion.
Affected Public: Individuals or households, businesses or other for-profit and small businesses or organizations.
Estimated Burden Hours: 151,500.
Status: New.
Contact: Marc A. Harris, (202) 755–7357; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 16, 1983

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83–14286 Filed 5–26–83: 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N-83-1244]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street. S.W., Washington, D.C. 20410, telephone (202) 755–5310. This is not a tool-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David s. Cristy, acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Request for Approval of Advance, of Escrow Funds.

Office: Housing.
Form Number: HUD–92464.
Frequency of Submission: On occasion.
Affected Public: Businesses or other institutions (except farms).
Estimated Burden Hours: 18,000.
Status: Extension.
Contact: William C. Howell, HUD, (202) 426–0730; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 22, 1983.

Proposal: Application for Assignment of Portion of Set-Aside to Specific Project

Office: Housing.
Form Number: HUD–52516.
Frequency of submission: On occasion.
Affected Public: State or local governments.
Estimated Burden Hours: 20.
Status: Extension.
Contact: Ken Hoagland, HUD, (202) 426–0730; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 22, 1983.

Albert J. Kliman,
Director, Office of Budget.

[FR Doc. 83–14270 Filed 5–26–83; 8:45 am]
BILLING CODE 4210–01–M

[Docket No. N–83–1243]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number .

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35) .

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Summary of Guaranty Agreement-Graduated Payment

Office: GNMA
Form Number: HUD–1746, 1748A, and 1748B
Frequency of Submission: Monthly
Affected Public: Businesses or Other Institutions (except farms)
Estimated Burden Hours: 3,750
Status: Extension
CONTACT: Pat Gifford, HUD, (202) 755–5550, Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 6, 1983.

Proposal: Report of Construction Status of Advance Planning Project

Office: Housing
Form Number: HUD–4435
Frequency of Submission: On Occasion
Affected Public: State or Local Governments
Estimated Burden Hours: 1 244

Status: Extension
CONTACT: Stanley F. Victor, HUD, (202) 755–8145, Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 6, 1983.

Lee Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-14271 Filed 5-26-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-48315, F-14858-A]

Alaska Native Claims Selection; Gana-a 'Yoo, Ltd.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to Gana-a 'Yoo, Limited, for the village of Galena, for approximately 11.24 acres. The lands involved are certain portions of U.S. Survey No. 2627 within Tps. 8 and 9 S., R. 10 E., Kateel River Meridian, Alaska.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the TUNDRA TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until June 27, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filling an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Department of the Army, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510

Gana-a 'Yoo, Limited, Box 38, Galena, Alaska 99741

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701

B. LaVelle Black,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-14322 Filed 5-26-83; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 83-36]

Arizona; Safford District Draft Wilderness Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of draft environmental impact statement (DEIS) and public hearings schedule.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, BLM has prepared a DEIS on the Proposed Wilderness Program for the Safford District, Cochise, Gila, Graham, and Greenlee Counties, Arizona and Hidalgo County, New Mexico.

The Proposed Action (Preferred Alternative) recommends portions of four wilderness study areas (WSAs) as suitable for inclusion in the National Wilderness Preservation System. The total public land in the four areas is 34,881 acres. The following table lists the WEAs and the total suitable and nonsuitable WSA acres.

PROPOSED ACTION

[BLM's preferred alternative]

Wilderness study areas		Public land acres		
Number	Name	WSA	Suitable	Nonsuitable
1A	Needle's Eye	9,485	8,970	515
8	Black Rock	8,492	6,590	1,902
14	Fishhooks	15,013	10,083	4,930
15	Day Mine	16,629	0	16,629
22/23/24(A)	Gila Box	17,831	0	17,831
22/23/24(B)	Turtle Mountain	17,422	0	17,422
48	Javelina Peak	17,870	0	17,870
60	Paloncito Mountains	12,317	0	12,317
65	Happy Camp Canyon.	16,761	9,238	7,523
Totals	9	131,820	34,881	96,939

There are four additional alternatives analyzed in the DEIS. They are: All Wilderness (9 WSAs, 131,820 acres), Enhanced Wilderness (9 WSAs, 98,618 acres), Moderate Wilderness (5 WSAs, 45,073 acres), and No Wilderness (no action).

DATES: BLM invites written comments on the DEIS to be submitted within 90 days of its filing with the Environmental Protection Agency. Comments must be received by August 31, 1983.

ADDRESSES: Comments should be sent to the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546.

A limited number of DEIS copies are available upon request to the District Manager at the above address.

Public reading copies are available for review at the following locations:

Safford District Office, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546 Telephone: (602) 428–4040

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240, Telephone: (202) 343–5717

Public Room, Arizona State Office Bureau of Land Management 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone: (602) 261–3706

In addition, the DEIS will be available for review at city libraries in Clifton, Globe, and Safford, Arizona and at libraries at Arizona State University in Tempe, Northern Arizona University in Flagstaff, and the University of Arizona in Tucson.

FOR FURTHER INFORMATION CONTACT: Lester K. Rosenkrance, District Manager, or Steve Know, Team Leader, at the above Safford district address.

SUPPLEMENTARY INFORMATION: BLM will receive oral and written comments at formal public hearings to be held on July 18, 1983 in Safford, Arizona; July 19, 1983 in Lordsburg, New Mexico; July 20, 1983 in Tucson, Arizona; and July 21, 1983 in Phoenix, Arizona. All hearings will begin at 7:00. The Safford hearing will be at the Old Armory Meeting Room, 921 Thatcher Boulevard. The Lordsburg hearing will be at the Lordsburg Cultural Center West Meeting Room, 313 E. 4th Street. The Tucson hearing will be at the Pima County Board of Supervisors Hearing Room, 111 W. Congress, 1st Floor. The Phoenix hearing will be at the Hotel Westcourt Ball Room, 10220 N. Metro Parkway East, Metro Center.

A hearing officer will preside over the hearings. A time limit may be placed on oral comments depending on the number of people who wish to make a statement. Those wanting to testify may preregister by submitting a written request by July 15, 1983 to the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546. Individuals who do not preregister may register at the hearing location prior to the hearing.

BLM will give written and oral comments on the DEIS equal consideration during preparation of the Final EIS.

Dated: May 16, 1983.

D. Dean Bibles,

State Director.

[FR Doc. 83-14004 Filed 5-26-83; 8:45 am]

BILLING CODE 4310-84-M

Availability of the Draft Wilderness Environmental Impact Statement for Clark County, Nevada

AGENCY: Bureau of Land Management (BLM), Department of Interior.

ACTION: Notice of Availability of the Draft Environmental Impact Statement for Wilderness Study Areas: Clark Count, Nevada.

SUMMARY: Pursuant to Section 603 of the Federal Land Policy and Management Act of 1976 and Section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM Las Vegas District has prepared a Draft Environmental Impact Statement (DEIS) on proposed wilderness suitability recommendations for Wilderness Study Areas (WSAs) in Clark County, Nevada.

SUPPLEMENTARY INFORMATION: The Clark County Wilderness DEIS analyzes the potential effects of designating or not designation all or portions of seven Wilderness Study Areas, totaling 383,429 acres, as wilderness. The goal of this analysis is to recommend for wilderness designation those areas where wilderness is determined to be the most appropriate use of the land and its resources. This analysis involved evaluation of the potential manageability of wilderness, accessibility of identified mineral values for exploration and development, and the enhancement and development of such resource values and uses as wildlife habitat, recreation, livestock grazing, cultural resources, utility corridors, critical watershed, and others.

The recommendations made in the Draft EIS are not final decisions. Following the public comments on the DEIS, a final EIS and recommendations will be prepared for the signature of the Secretary of the Interior, and submitted through the President to Congress for final decision on which areas will be designated into the National Wilderness Preservation System.

A mineral survey will be conducted by the U.S. Geological Survey and U.S. Bureau of Mines on those lands preliminarily recommeded suitable for wilderness designation prior to final recommendation by the BLM.

The following Wilderness Study Areas are evaluated in the Clark County Wilderness DEIS:

Arrow Canyon Range NV-050-0215—32,853 acres
Muddy mountains NV-050-0229—96,170 acres
Mount Stirling NV-050-0401—69,650 acres
La Madre Mountains NV-050-0412—56,967 acres
Pine Creek NV-050-0414—24,000 acres
North McCullough Mountains NV-050-0425—47,166 acres
South McCullough Mountains NV-050-0435—56,623 acres

Four alternatives were considered in addition to the Preferred Alternative. They are All Wilderness, Management Enhancement, Wilderness Accent, and No Wilderness (No Action). A discussion of the affected environment is briefly summarized and the environmental consequences anticipated from each of the five alternatives are documented in the DEIS.

The BLM's Preferred Alternative for each of the WSAs is as follows:

Arrow Canyon Range (NV-050-0215)—The entire WSA, totalling 32,853 acres, would be recommended nonsuitable.

Muddy Mountains (NV-050-0229)—A total of 44,260 acres, including the Muddy Peak area, Hidden Valley, Lovell Wash and Gale Hills, would be recommended for wilderness designation. A total of 51,910 acres, including Bitter Springs valley and the California Wash bajada, would be recommended for non-wilderness.

Mount Stirling (NV-050-0401)—A total of 30,190 acres, including Wheeler Peak and the northern spring Mountains, would be recommended of wilderness designation. A total of 39,460 acres, including Mr. Stirling and the surrounding foothills, would be recommended for non-wilderness.

La Madre Mountains (NV-050-0412)—A total of 44,388 acres, including the La Madre Mountains ridgeline, White Rock Hills and Brownstone Basin, would be recommended for wilderness designation. A total of 12,579 acres, including the easternmost fringe area and the northern flank of La Madre Mountains, would be recommended for non-wilderness.

Pine Creek (NV-050-0414)—A total of 21,530 acres, including all of the Red Rock escarpment, would be recommended for wilderness designation. A total of 2,470 acres, including an area adjacent to the town of Mountain Springs, would be recommended for non-wilderness.

North McCullough Mountains (NV-050-0425)—The entire WSA, totaling 47,166 acres, would be recommended for non-wilderness.

South McCullough Mountains (NV-050-0435)—The entire WSA, totalling 56,623 acres, would be recommended for non-wilderness.

FOR FURTHER INFORMATION CONTACT: Kemp Conn, District Manager, Attn: Wilderness EIS Team Leader, Bureau of Land Management, P.O. Box 26569, Las Vegas, NV. 89126, (702) 385-6403 or 385-6463.

Copies of the DEIS are available for review at the following BLM offices:

Office of Public Affairs, 18th and C Streets, NW., Washington, D.C. 20240
Nevada State Office, 300 Booth Street, Reno, NV 89520
Battle Mountain District Office, North 2nd and Scott Streets, Battle Mountain, NV 89820
Carson City District Office, 1050 E. William Street, Carson City, NV 89701
Elko District Office, 2002 Idaho Street, Elko, NV 89801
Ely District Office, Star Route 5, Box 1, Ely, NV 89301
Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, NV 89126
Arizona Strip District Office, 8916 East Tabernacle, St. George, UT 84770
Cedar City District Office, 1579 North Main, Cedar City, UT 84720
Riverside District Office, 1695 Spruce Street, Riverside, CA 92507

Also, copies are available for review at the following public libraries:

Boulder City Library, 539 California Ave., Boulder City, NV 8005
Bunkerville Library, Bunkerville, NV 89007
Charleston Heights Library, 800 Brush St., Las Vegas, NV 89107
Clark County Community College, Learning Resource Center, 3200 E. Cheyenne Ave., North Las Vegas, NV 89030
Clark County Library, 1401 E. Flamingo Rd., Las Vegas, NV 89109
Las Vegas Public Library, 1762 E. Charleston Blvd., Las Vegas, NV 89104
Moapa Valley Library, Overton, NV 89040
North Las Vegas Library, 2300 Civic Center Dr., North Las Vegas, NV 89030
Searchlight Library, Searchlight, NV 89046
James Dickinson Library, Documents Division, University of Nevada, 4505 Maryland Parkway, Las Vegas, NV 89154
Getchell Library, Government Publications Department, University of Nevada, Reno, NV 89507
Virgin Valley Library, Mesquite, NV 89024
Nevada State Library, Library Building, Carson City, NV 89710

A copy of the Draft EIS will be sent to all individuals, agencies, and groups who have expressed an interest in the wilderness review process in Clark County, and a limited number of copies are available on request to the District Manager. A Wilderness Technical Report has also been prepared, providing supplementary information to the DEIS, and is also available on request to the above address.

DATES: Written comments concerning issues pertinent to the Clark County Wilderness EIS will be accepted for 90 days following the publication of this notice of availability. A public hearing on the DEIS has been scheduled for June 28, 1983 at 7:00 p.m. in the Natchez Room of the Showboat Hotel, 2800 E. Fremont, in Las Vegas, Nevada. Interested individuals, representatives of organizations, and public officials wishing to testify are requested to contact the District Manager for advance registration, at the above address or phone number, by 4:15 p.m., June 27, 1983. Oral testimony will be limited to ten minutes.

Dated: May 9, 1983.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 83-14008 Filed 5-26-83; 8:45 am]

BILLING CODE 4310-84-M

Carson City District Advisory Council—Meeting Notice

SUMMARY: The Carson City District Advisory Council will meet at 7:00 p.m., June 17, 1983, in the Churchill County Multi-Purpose Building, 225 Scheckler Road in Fallon, Nevada.

SUPPLEMENTARY INFORMATION: The agenda will consist primarily of a public meeting on the subject of wilderness study areas in the Lahontan Resource Area. The meeting is open to the public, and anyone may appear before the Council at 8:00 p.m.

FOR FURTHER INFORMATION CONTACT: Steve Weiss, Public Affairs Officer, 1050 E. William St., Suite 335, Carson City, NV 89701, (702) 882-1631.

Dated: May 19, 1983.

Norman L. Murray,

Acting District Manager.

[FR Doc. 83-14234 Filed 5-26-83; 8:45 am]

BILLING CODE 4310-84-M

Carson City District Grazing Advisory Board Meeting Notice

SUMMARY: The Carson City District Grazing Advisory Board will meet at 9:30 a.m., July 1, 1983, at 1050 E. Williams St., Suite 344, Carson City, Nevada.

SUPPLEMENTARY INFORMATION: The agenda will include the topics of Asset Management, range improvement projects,the Lahontan Resource Management Plan, and the Walker Resource Management Plan. The meeting is open to the public, and anyone may appear before the Board at 3:00 p.m.

FOR FURTHER INFORMATION CONTACT: Steve Weiss, Public Affairs Officer, 1050 E. William St., Suite 335, Carson City, NV 89701, (702) 882-1631.

Dated: May 19, 1983.

Norman L. Murray,

Acting District Manager.

Carson City District Grazing Advisory Board

Agenda

9:30 am. July 1, 1983 in the District Office
1. A. *Call to Order*
B. *Introductions*
2. *Approval of Minutes*
Minutes of the November 19, 1982, meeting having been delivered th the Board members and submitted to the Bureau and other interested parties, unless there are omissions or corrections, a motion is in order approving those minutes.
3. *Correspondence*
4. *Business*
4.1 Asset Management
4.2 Range Improvement Projects—1983 progress, 1984 proposals, 1985 planning
A. Walker Resource Area
B. Lahontan Resource Area
4.3 Coordinated Resource Management and Planning
4.4 Lahontan Resource Management Plan
A. Categorization of Allotments
B. Selection of Management Alternatives
4.5 Walker Resource Management Plan—Issue Identification
4.6 Wild Horse and Burro Update
4.7 Water Rights
4.8 Grazing Advisory Board Election
5. *Public Statements*
6. *Adjournment*

[FR Doc. 83-14233 Filed 5-26-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32196]

Mississippi; Realty Action, Modified Competitive Sale of Public Land in Greene County, Mississippi

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, U.S.C. 1713), at no less than the fair market value:

St. Stephens Meridian, Mississippi

T. 2N., R. 4 W.,

Factional Section 30, containing 30.4 acres.

The land will be sold at public auction by modified competitive bidding. Marion and Alvia Blankinchip, Box 432, Leakesville, Mississippi 39451, the adjoining landowners will have a preference right to purchase the tract. Such preference is offered due to an historical claim of ownership which this family has exerted on the subject property for over 100 years, and subsequent improvements made by them to the tract.

The land has not been used for, and is not required for any Federal purpose. The location and physical characteristics of the parcel make it difficult and uneconomical to manage as public land. Disposal would best serve the public interest. The sale is consistent with the Bureau's planning system for the land involved. The land will not be offered for sale until at least 60 days after the date of this notice.

A patent for the land, when issued, will be subject to the following conditions:

1. All minerals will be reserved to the United States in accordance with Section 209 (a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.

2. The sale of these lands will be subject to oil and gas lease ES 11614 issued November 1, 1980.

Bidding Information and Instruction

Bidder Qualifications: The Federal Land Policy and Management Act of 1976 requires that bidders must be citizens of the United States, 18 years of age or over, or, in the case of a corporation, be subject to the laws of any State of the United States. Bids may be made by a principal (the one desiring to purchase the land) or his qualified agent.

Bid Standards: No bid will be accepted for less than the appraised fair market value of $13,500. Bids must be for all the land identified in this notice.

Method of Bidding: Bids may be made either by mail or personally at the sale. Bids sent by mail will only be considered if received at the Jackson District Office, 300 Woodrow Wilson Drive, Jackson, Mississippi 39213, prior to 1:00 p.m. on September 9, 1983. Bids sent by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft or cashier's check made payable to the Bureau of Land Managment for not less than one-fifth of the amount of the bid. All sealed envelopes must be marked in the lower left-hand corner, "Sealed Bid, Public Land Sale, ES-32196". If two or more valid sealed bids in the same amount are received and they are the high bid, the determination of which bid is to be considered the highest bid shall be by a drawing. The drawing, if required, shall be held immediately following the opening of the bids. The hghest qualifying sealed bid shall then be announced.

Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid is announced. The highest sealed bid will be the base for oral bids. All oral bids must be in increments of $20.00. Sealed bidders present at the sale may also make oral bids. The highest bid price, either sealed or oral, will establish the sale price.

Modified Bidding: For a period of 30 days following the date of the sale, Marion and Alvia Blankinchip will have a preference right to purchase the land by meeting the highest bid. If they meet the highest bid, the land will be sold to them and the other low bids will be returned. Refusal or failure by the designated bidder to meet the highest bid shall constitute a loss of preference rights, and the land will be sold to the highest bidder.

Final Details: Once a high bid is accepted, the successful bidder shall submit the balance of the full bid price within the time designated by the authorized officer. Failure to submit the required balance within the period of time allowed will result in cancellation of the sale and the bid deposit will be forfeited. If the high bid is accepted, the full price is paid, and the required citizenship or corporate qualifications are met, title to the lands will be conveyed by a patent. Publication of this Notice will segregate the lands form all appropriations under the public land laws, but not the mineral leasing laws. This segregation will terminate upon the issuance of a patent, or 2 years from the date of this Notice, or upon publication of a notice of termination.

Further Information: Detailed information concerning the sale can be obtained by contacting Robert Gausman at (703) 235–2855, or at the following address. For a period of 45 days from the date of this Notice, interested parties may submit comments to the Eastern States Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Any adverse comments will be evaluated by the Eastern States Director, who may vacate or modify this Notice of Realty Action and issue a final determination. In the absence of any action by the Eastern States Director, this realty action will become the final determination of the Department of the Interior.

G. Curtis Jones, Jr.,

Eastern States Director.

[FR Doc. 83–14239 Filed 5–26–83; 8:45 am]

BILLING CODE 4310–84–M

[ES 32195]

Ohio; Realty Action, Competitive Sale of Public Land in Seneca County, Ohio

The following described parcels have been identified as suitable for disposal by sale under the provisions of Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value:

First Principal Meridian, Ohio	Acres	Appraised value
T. 3 N., R. 16 E., Section 16		
Parcel A: NE¼SW¼	40	$18,000
Parcel B: S½NW¼SE¼	20	12,000

The land will be sold by competitive bidding.

Bidding Information and Instructions: The Federal Land Policy and Management Act (90 Stat. 2757; 43 U.S.C. 1717) and regulations promulgated thereunder require that bidders be citizens of the United States, 18 years of age or over, or, in the case of a corporation, be subject to the laws of any state of the United States. Bids may be made by a principal (the one desiring to purchase the land) or his duly authorized agent. Agents will be required to submit proof of power of attorney.

Method of Bidding: Each bid must be for all the land in a specified parcel. Sealed bids must be submitted to the Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Such bids will only be considered if received at the above address after 7:30 a.m., August 15, 1983, but prior to 10 a.m., September 9, 1983. No oral bids will be accepted. Sealed bids, accompanied by a certified check, postal money order, bank draft, or cashiers check made payable to the Bureau of Land Management for not less than one fifth of the amount of the bid must be in a separate sealed envelope, within the transmittal envelope. The sealed envelopes must be marked in the lower lefthand corner, "Sealed Bid, Parcel ———, Public Land Sale ES 32195." All sealed bids will be opened at 10 a.m. on September 9, 1983.

The successful high bidder will be required to submit the remainder of the payment by cash, certified check, bank draft, money order, or combination thereof, within thirty (30) days after receipt of the decision accepting the highest bid. If final payment is not received within the specified 30 day period, the bid will be rejected, the deposit forfeited, and the parcel offered to the next highest bidder. All unsuccessful sealed bids will be returned within 30 days of the sale.

Those parcels not sold pursuant to this Notice of Realty Action shall remain available for sale 2 years from the date of this Notice. Subsequent purchases may be transacted at the Eastern State Office.

A patent for the land, when issued, will contain the following reservation: All minerals will be reserved to the United States. Said mineral reservation will include the right to explore, prospect for, mine, and remove same under applicable law and regulations promulgated thereunder, as prescribed by the Secretary of the Interior.

Publication of this Notice will segregate the lands from all appropriations under the public land laws, but not the mineral leasing laws. This segregation will terminate upon the issuance of a patent, or 2 years from the date of this Notice, or upon publication of a notice of termination.

Detailed information concerning the sale can be obtained by contacting Robert Gausman at (703) 235–2855, or at the following address. For a period of 45 days from the date of this Notice,

interested parties may submit comments to the Eastern States Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Any adverse comments will be evaluated by the Eastern States Director, who may vacate or modify this Notice of Realty Action and issue a final determination. In the absence of any action by the Eastern States Director, this realty action will become the final determination of the Department of the Interior.

G. Curtis Jones, Jr.,

Eastern States Director.

[FR Doc. 83-14240 Filed 5-26-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. CA 13587 through CA 13602]

State of California; Realty Action, Sale of Public Lands in Riverside County

AGENCY: Bureau of Land Management.

ACTION: State of California: Realty action sale of public lands in Riverside County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value stated below for each parcel.

Legal description	Acreage	Appraised value
Parcel 1: T. 5 S., R. 15 E., SBBM., CA 13587 Sec. 2, S½	320	$288,000
Parcel 2: T. 5 S., R. 15 E., SBBM., CA 13587 Sec. 11, NW¼, N½SW¼	240	237,600
Parcel 3: T. 5 S., R. 15 E., SBBM., CA 13587 Sec. 11, NE¼, N½SE¼, SE¼SE¼	280	267,400
Parcel 4: T. 5 S., R. 15 E., SBBM., CA 13587 Sec. 12, NE¼, N½SW¼	240	237,600
Parcel 5: T. 5 S., R. 15 E., SBBM., CA 13587 Sec. 12, NE¼, NW¼SE¼	200	207,000
Parcel 6: T. 4 S., R. 15 E., SBBM., CA 13588 Sec. 35, S½	320	288,000
Parcel 7: T. 5 S., R. 16 E., SBBM., CA 13589 Sec. 6, Lots 1 and 2 of NW¼, lot 1 of NE¼, W½ Lot 2 of NE¼	278.62	275,900
Parcel 8: T. 4 S., R. 15 E., SBBM., CA 13590 Sec. 25, N½NE¼, SW¼NE¼, NW¼ T. 4 S., R. 16 E., SBBM., Section 30, Lot 3 of N½	347.05	313,000
Parcel 9: T. 4 S., R. 15 E., SBBM., CA 13590 Sec. 25, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼, SE¼SW¼, W½SE¼, SE¼SE¼ T. 4 S., R. 16 E., SBBM., Section 30, Lot 3 of S½	337.69	304,000
Parcel 10: T. 5 S., R. 16 E., SBBM., CA 13591 Sec. 17, NW¼NW¼, S½N½	200	207,000
Parcel 11: T. 5 S., R. 15 E., SBBM., CA 13592 Sec. 13, S½	320	288,400
Parcel 12: T. 5 S., R. 16 E., SBBM., CA 13592 Sec. 18, SE¼, lots 1 and 2 of S½	325.87	288,400
Parcel 13: T. 5 S., R. 16 E., SBBM., CA 13593 Sec. 19, NE¼, lots 1 and 2 of N½	321.21	289,200
Parcel 14: T. 5 S., R. 16 E., SBBM., CA 13593 Sec. 19, SE¼, lots 1 and 2 of S½	321.47	289,200
Parcel 15: T. 5 S., R. 15 E., SBBM., CA 13594 Sec. 24, N½	320	288,000
Parcel 16: T. 5 S., R. 15 E., SBBM., CA 13594 Sec. 23, SE¼NE¼, SE¼	200	180,000
Parcel 17: T. 5 S., R. 15 E., SBBM., CA 13594 Sec. 24, SW¼, E½SE¼, SW¼SE¼	308	277,200
Parcel 18: T. 5 S., R. 15 E., SBBM., CA 13595 Sec. 11, N½NW¼SW¼SW¼	5	4,500
Parcel 19: T. 5 S., R. 15 E., SBBM., CA 13596 Sec. 11, S½NW¼SW¼SW¼	5	4,500
Parcel 20: T. 5 S., R. 15 E., SBBM., CA 13597 Sec. 11, N½SW¼SW¼SW¼	5	4,500
Parcel 21: T. 5 S., R. 15 E., SBBM., CA 13598 Sec. 10, N½SE¼SE¼SE¼	5	4,700
Parcel 22: T. 5 S., R. 15 E., SBBM., CA 13599 Sec. 10 S½NE¼SE¼SE¼	5	4,700
Parcel 23: T. 5 S., R. 15 E., SBBM., CA 13600 Sec. 10, N½NE¼SE¼SE¼	5	4,700
Parcel 24: T. 5 S., R. 15 E., SBBM., CA 13601 Sec. 10, N½NW¼SE¼SE¼	5	4,950
Parcel 25: T. 5 S., R. 15 E., SBBM., CA 13602 Sec. 10, S½NW¼SE¼SE¼	5	4,950

Each of the twenty-five parcels totaling 4887.91 acres will be separately offered for sale at the public sales scheduled for July 28, 1983. The subject public land sales will be held at the Bureau of Land Management, California Desert District Office, 1695 Spruce Street, Riverside, California.

Disposal of the subject lands will serve important public objectives, including but not limited to, expansion of communities and increasing the opportunity for industrial, commercial and agricultural development. The majority of the surrounding private lands have been developed for agriculture. The subject land would better meet the public's needs by disposing of these lands, rather than maintaining them in Federal ownership. The proposed sales are consistent with the Bureau's planning system. Disposing of these lands will provide more consistency and logic in local land-use patterns.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719); however, under Section 209 of the said Act of October 21, 1976, the high bidder may apply to purchase the mineral interests.

3. The patent will be subject to all valid existing rights.

4. Federal law requires that all bidders be United States citizens, or in the case of corporations be authorized to own real estate in the State of California. A State, State instrumentality or political subdivision must be authorized to hold property. Proof of these requirements shall accompany the bid.

5. Upon disqualifiction of an apparent high bidder, the next high bid will be honored.

DATES: The above described land will be offered for sale by sealed and oral bids. The sealed bids will be opened at 10:00 a.m. on July 28, 1983, at the California Desert District Office of their Bureau of Land Management, 1695 Spruce Street, Riverside, California, 92507. Bids may be made by a principal or a duly qualified agent, either mailed or delivered to the California Desert District Office, Bureau of Land Management, at the above address. Sealed bids shall be considered only if received prior to 10:00 a.m. on July 28, 1983, and are made for at least the appraised value of the land. Each sealed bid shall be accompanied by certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed envelope must be marked in the lower left hand corner "Desert Center Public Land Sale, Parcel No. —— sale held July 28, 1983." No bid will be accepted for less than the appraised value, and bids must include all of the land in the parcel. The sealed bids shall be opened and publicly declared at the beginning of the oral bidding. Only those bidders submitting qualified sealed bids will be allowed to participate in the oral auction. The purpose of the oral bid is to allow each qualified participant to revise their bid. Oral bidding will begin at 11:00 a.m. on July 28, 1983 at the California Desert District Office. The person declared to have entered the highest qualifying oral bid shall submit payment for case, personal check, bank draft, moneyorder or any combination for not less than one-fifth of the amount of bid immediately following the close of the sale.

The successful bidder, whether such bid is a sealed or oral bid, shall submit the remainder of the full bid price prior to the expiration of 30 days from the date of the sale. Failure to submit the full bid price prior to, but not including the 30th day following the day of the sale, shall result in cancellation of the sale of the specific parcel and the deposit forfeited and disposed of as other receipts of sale. If two or more sealed bids for the same amount are received and no oral bids are received, then the apparent high bidder shall be determined by a drawing.

FOR FURTHER INFORMATION CONTACT: Concerning the sale, including the land

report and environmental assessment report, is available for review at the California Desert District Office at 1695 Spruce Street, Riverside, California 92507. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the State Director, California State Office, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: May 18, 1983.

Bary Freet,

Assistant District Manager for Administration.

[FR Doc. 83–14123 Filed 5–26–83; 8:45 am]

BILLING CODE 4310–84–M

[Coal Lease Application ES 32085]

Tuscaloosa County, Alabama; Invitation—Coal Exploration License Application

Members of the public are hereby invited to participate with Mitchell and Neely, Inc., in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Tuscaloosa County, Alabama:

Huntsville Meridian, Alabama

T. 18 S., R. 9 W.,
Sec. 31, S½NE¼, S½NW¼, SW¼, SE¼;
Sec. 32, S½SW¼.

The area described contains 560.00 Total Acres.

Any party electing to participate in this exploration program shall notify, *in writing* both the Eastern States Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304; and Mitchell and Neely, Inc., P.O. Box 5957, Birmingham, Alabama 35259. Such written notice must refer to serial number ES 32085 and be received no later than 30 calendar days after the last publication of this Notice in the **Federal Register** or 10 calendar days after the last publication of this Notice in the Tuscaloosa News and Birmingham News, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the Minerals Manager, Eastern Region, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. The exploration plan is available for public inspection at this office.

Pieter J. VanZanden,

Eastern States Associate Director.

[FR Doc. 83–14252 Filed 5–26–83; 8:45 am]

BILLING CODE 4310–84–M

Federal Mineral Leasing Other Than Oil, Gas, Geothermal, Oil Shale and Combined Hydrocarbon Leasing; Extension of Comment Period on Combined Mineral Lease Form Proposal

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of comment period on combined mineral lease form proposal.

SUMMARY: The cobined mineral lease form proposal was published in the **Federaal Register** on April 28, 1983 (48 FR 19240) with a 30-day comment period. In response to the request of several individuals that the comment period be extended, the comment period is extended by this notice to June 30, 1983.

DATE: Comments should be submitted by June 30, 1983. Comments received or postmarked after that date may not be considered in the decisionmaking process on the final combined mineral leasing form.

ADDRESS: Comments and suggestions should be sent to: Director (650), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240. Comments will be available for public review in Room 3538 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Marcia Rohn (202) 343–8537.

James M. Parker,

Acting Director.

May 25, 1983.

[FR Doc. 83–14487 Filed 5–26–83; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Oil and Gas and Sulfur Operations on the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A., Inc. has submitted a development and production plan describing the activities it proposes to conduct as operator of Lease OCS–P 0316, offshore California. The purpose of this Notice is to inform the public that the Minerals Management Service (MMS) is considering approval of the plan and that it is available for public review and comment.

DATES: The plan may be reviewed weekdays, 8:00 a.m. to 3:00 p.m. Written comments must be received or postmarked by July 18, 1983.

ADDRESSES: The plan is available for public review at the Office of the Regional Manager, Pacific OCS Region, Minerals Management Service, Room 160, 1340 West 6th Street, Los Angeles, California 90017. Written comments may be mailed or hand-delivered to the same address.

FOR FURTHER INFORMATION CONTACT: Mr. H. T. Cypher, Regional Supervisor, Field Operations, Pacific OCS Region, (213) 688–4551.

SUPPLEMENTARY INFORMATION: Section 25 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1351, requires the MMS to make any development and production plans available for public review. Regulation 30 CFR 250.34 provides for the publication of a Notice that such a plan is available for review.

Reid T. Stone,

Regional Manager, Pacific OCS Region.

[FR Doc. 83–14336 Filed 5–26–83; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Martin Luther King, Jr., National Historic Site and Preservation District Advisory Commission, Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Martin Luther King, Jr., National Historic Site Advisory Commission will be held at 11:00 a.m. on Thursday, June 23, 1983, at the Martin Luther King, Jr., Community Center, Conference Rooms A and B, 450 Auburn Avenue NE., Atlanta, Georgia 30312.

The purpose of the Martin Luther King, Jr., National Historic Site Advisory Commission is to consult and advise with the Secretary of the Interior on matters of planning, development and administration of the Martin Luther King, Jr., National Historic Site. The purpose of this meeting will be to: (1) Review the Advisory Commission Impact Study; and (2) review the scope of work for the Development Study by the City of Atlanta.

The members of the Advisory Commission are as follows:

Mr. William Allison, Chairman

Mr. John H. Calhoun, Jr.
Dr. Elizabeth A. Lyon
Mr. C. Randy Humphrey
Mrs. Christine King Farris
Mr. Handy Johnson, Jr.
Mr. Howard H. Arnold III
Mrs. Freddye Scarborough Henderson
Mrs. Millicent Dobbs Jordan
Mr. John W. Cox
Reverend Joseph L. Roberts, Jr.
Mrs. Coretta Scott King, Ex-Officio Member
Director, National Park Service, Ex-Officio Member

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Janet C. Wolf, Superintendent, Martin Luther King, Jr., National Historic Site, 522 Auburn Avenue NE., Atlanta, Georgia 30312; Telephone 404/221–5190. Minutes of the meeting will be available approximately 4 weeks after the meeting.

Dated: May 19, 1983.

Neal G. Guse, Jr.,

Acting Regional Director, Southeast Region.

[FR Doc. 83–14315 Filed 5–26–83; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[OP4FC–315]

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved; subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 4 at (202) 275–7669.

MC-FC-81396, filed April 12, 1983. By decision of May 20, 1983, issued under 49 U.S.C. 10926 and the Commission's transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to John Perkins Trucking Co., Inc., Greenville, SC, of Permit Nos. MC-134017, issued May 31, 1973, Sub 2, issued October 23, 1973, Sub 3, issued December 20, 1973, Sub 5, issued December 30, 1974, Sub 7, issued May 8, 1979, Sub 10, issued March 4, 1981, and Sub 11, issued February 23, 1983, to R.M. Henderson d/b/a H & M Motor Lines, Greenville, SC, authorizing the transportation of plastic articles, burlap articles, and paper articles (except in bulk), from Newark, NJ, to points in the U.S. (with exceptions), from Garden City KS, to points in the U.S. (except AK and HI), from Newark, NJ, to points in ME, NH, VT, MA, CT, RI, NY, NJ, DE, PA and MD (exceptions from above), and from Atlanta, GA, to points in the U.S. (except AK and HI), all under continuing contract(s) with Packaging Products and Design Corp. of Newark, NJ, meat, meat products, meat by-products and packinghouse products (with exceptions), from named states to specific city-state destinations, under continuing contract(s) with AJC International, Inc., packaging materials, between points in the U.S., under continuing contract(s) with Armin Plastics South Carolina, Inc. of Greenville, SC, and general commodities (with exceptions), between points in the U.S. (except AK and HI), under continuing contract(s) with Fabri-Kal Corp. of Piedmont, SC. An application for temporary authority has been filed. Representative: Gerald K. Gimmel, 444 N Frederick Ave., Suite 200, Gaithersburg, MD 20877, (301) 840–8565.

[FR Doc. 83–14301 Filed 5–26–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods.) The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160,19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application, must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (elg., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisified before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–240

Decided: May 19, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 167932, filed May 9, 1983. Applicant: DONALD D. THOMPSON d.b.a. D. THOMPSON TRUCKING, 7015 Mieras Rd., Yakima, WA 98901. Representative: Donald D. Thompson (same address as applicant), 509–453–9764. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167933, filed May 10, 1983. Applicant: MOUNTAIN STATES, INC. d.b.a. MOUNTAIN STATES EXPRESS, P.O. Box 4, Mountain View, CA 94042. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701, 208–336–5955. Transporting (1) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI), and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 167943, filed May 11, 1983. Applicant: JEAN'S BUS SERVICE, INC., Rte. 5, State Park Rd., Greenville, SC 29609. Representative: Robert M. Ariail, 111 Manly St., Greenville, SC 29601, (803) 271–4943. Transporting *passengers*, in charter and special operations, beginning and ending at points in TN, SC, NC, and GA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant intends to provide privately-funded charter and special transportation.

MC 167953, filed May 9, 1983. Applicant: WARREN E. AVERY d.b.a. FREIGHT TRAFFIC CONSULTANT SERVICES, 45 Arnold Dr., E. Hartford, CT 06108. Representative: Warren E. Avery (same address as applicant), (203) 289–2888. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167963, filed May 11, 1983. Applicant: JOHN D. WOLD, 23W. Jefferson St., Black River Falls, WI 54615. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–222

Decided: May 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 142745, filed May 9, 1983. Applicant: SUNSHINE TOURS & TRANSIT LTD., #104 233 East 12th Avenue, Vancouver, British Columbia, Canada V5T 2H1. Representative: Anthony J. Jasich, 1429–355 Burrard Street, Vancouver, British Columbia, Canada V6C 2H5, (604) 681–3171. Transporting *passengers*, in charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada in Washington, and extending to points in WA, OR, VA and CA.

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 153325 (Sub-1), filed May 3, 1983. Applicant: LOUNGE CAR TOURS CHARTER CO., INC., 8512 National Blvd., Culver City, CA 90230. Representative: Steve I. Mintz (same address as applicant), (213) 558–4477. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167824, filed May 2, 1983. Applicant: AIRPORTER, INC., 606 Western Ave., Lombard, IL 60148. Representative: Robert J. McCreary (same address as applicant), (312) 620–6800. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP3–226

Decided: May 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 154185 (Sub-5), filed May 6, 1983. Applicant: RENN TRANSPORTATION CO., INC., 949 Advance St., Green Bay, WI 54304. Representative: J. J. Gloeckler, P.O. Box 1412, Green Bay, WI 54305, (414) 497–7400. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 165765 (Sub-2), filed May 4, 1983. Applicant: ZIPSAN SYSTEMS, INC., 160 Fifth Ave., Rm. 604, New York, NY

10010. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167775, filed May 3, 1983. Applicant: POWER EXPRESS, INC., P.O. Box 690328, Tulsa, OK 74169. Representative: Carl L. Steiner, 135 S. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

Volume No. OP3–229

Decided: May 23, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 167754, filed May 3, 1983. Applicant: RONALD T. CROSS, RICHARD M. CROSS, ROBERT G. CROSS, d.b.a. TRIPLE "R" TRANSPORTATION, P.O. Box 1188, Sutherlin, OR 97479. Representative: Ronald T. Cross (same address as applicant), (503) 459–2217. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167814, filed May 5, 1983. Applicant: KREGAS BROKERAGE, 3012 S. Jasmine Street, Denver, CO 80222. Representative: George J. Kregas (same address as applicant), (303) 758–4315. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167884, filed May 9, 1983. Applicant: CHARLES W. STOCKER, P.O. Box 3, Swartswood, NJ 07877. Representative: Edward F. Bowes, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068, (201) 992–2200. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–315

Decided: May 20, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 167727, filed April 29, 1983, previously noticed in the **Federal Register** issue of May 16, 1983, and republished this issue. Applicant: CONVERTINNS INC., d.b.a. THE ANDERSON HOUSE, 333 West Main St., Wabasha, MN 55981. Representative: John S. Hall (same address as applicant), (612) 565–4524. Transporting *passengers*, in charter and special operations, beginning and ending at points in Wabasha County, MN, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Note.—The purpose of this republication is to give notice of the fitness-only preface.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–244

Decided: May 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 101408 (Sub-4), filed May 6, 1983. Applicant: TRAVELWAYS MAPLE LEAF LTD., 30 Heritage Road, Markham, Ontario, Canada L3P 1M4. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, (202) 783–3525. Transporting *passengers*, in foreign commerce only, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 116118 (Sub-9), filed May 6, 1983. Applicant: GARDINER'S EXPRESS, INC., Hammonton, NJ 08037. Representative: L. John Osborn, Suite 1100, 1600 L St., N.W., Washington, DC 20036, 202–452–7400. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 134349 (Sub-41), filed May 4, 1983. Applicant: B.L.T. CORPORATION, 515 Bayway Ave., Elizabeth, NJ 07202. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164479, filed May 3, 1983. Applicant: RAINBOW BUS CHARTER, INC., 3108 General Meyer Avenue, New Orleans, LA 70114. Representative: Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005, (504) 835–4724. Transporting *passengers*, In special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167848, filed May 4, 1983. Applicant: CAROL PRESSICK, 1918 East Devon, Elk Grove Village, IL 60007. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602, (312) 782–6937. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except HI).

MC 167799, filed May 3, 1983. Applicant: MARCELLE SAUNDERS LIGHT, d.b.a. TRAVEL FAIR, 327 Wilson St., Eden, NC 27288. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288, (919) 635–4711. Transporting *passengers*, charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166928 (Sub-1), filed May 5, 1983. Applicant: GOLD STAR TRUCKING, INC., P.O. Box 1705, Valdosta, GA 31603–1705. Representative: M. L. Jones (same address as applicant), (912) 242–3729. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–14307 Filed 5–26–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers or property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart, B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(C)(2)(E). Persons wishing to oppose an application must follow the rules under

49 CFR Part 160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commussion's regulations.

We make additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the applications is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from the date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202) 275–5223.

Volume No. OP3–234

Decided: May 19, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 133434 (Sub-3), filed April 27, 1983, previously noticed in the **Federal Register** issue of May 16, 1983. Applicant: CONGRESSIONAL MOVERS, INC., 8933 D'Arcy Road, Upper Marlboro, MD 20772. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036–5391, (202) 887–5868. Transporting *household goods, furniture and fixtures,* between points in DE, MD, VA, WV and DC, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the territorial description.

Volume No. OP3–233

Decided: May 18, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 149604 (Sub-5), filed April 20, 1983, previously noticed in the **Federal Register** issue of May 16, 1983. Applicant: ACTION TRANSIT COMPANY, Rt. 21 South, P.O. Box 894, Mooresville, NC 28115. Representative: M. Diane Neal, 2230 Shepler Church Ave., S.W., P.O. Box 6270, Canton, OH 44706, (216) 456–4571. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. under continuing contract(s) with C–E Industrial Products, Combustion Engineering, Inc., of Valley Forge, PA.

Note.—This republication shows applicant is fit and able to transport commodities in bulk.

For the following, please direct status calls to Team 2 at 202–275–7293.

Volume No. OP2–241

Decided: May 19, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 97992 (Sub-2), filed April 28, 1983. Applicant: ABLE EXPRESS, INC., Route 1, Hardinsburg, KY 40143. Representative: L. B. Lamping, 2500 Brown and Williamson Tower, Louisville, KY 40202, 502–584–1135. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI). Condition: Issuance of this authority is subject to prior or coincidental cancellation of the Certificate of Registration under MC–97992 Sub 1, issued January 22, 1969.

MC 106743 (Sub-17), filed April 27, 1983. Applicant: COLEMAN AMERICAN MOVING SERVICES, INC., 4081 Ross Clark Circle, NW, Dothan, AL 36302. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, 202–785–0024. Transporting *household goods* between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY, and DC.

MC 107012 (Sub-819), filed May 11, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Armco, Inc., of Middletown, OH.

MC 107012 (Sub-820), filed May 11, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *household goods* between points in the U.S., under continuing contract(s) with DeKalb AgResearch, Inc., of DeKalb, IL.

MC 107012 (Sub-821), filed May 11, 1983. Applicant: NORTH AMERICAN VAN LINES, INC. 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN

46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Amfac Hotels and Resorts, Inc., of Burlingame, CA.

MC 107012 (Sub-822), filed May 11, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Delta Air Lines, Inc., of Atlanta, GA.

MC 123712 (sub-2), filed May 10, 1983. Applicant: STANLEY'S TRANSFER COMPANY INC., 950–1000 North Marine Blvd., Jacksonville, NC 28540–0316. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902, 301–649–5074. Transporting *household goods and furniture and fixtures*, between points in the U.S. (except AK, HI, MT, ND, and SD).

MC 150573 (Sub-7), filed May 10, 1983. Applicant: BEN KENNEDY TRUCKING COMPANY, INC., P.O. Box 13, Preston, GA 31824. Representative: C.E. Walker, 2945 Lynda Lane, Columbus GA 31906, 404–561–8197. Transporting *bulk commodities* (1) between points in AR, CT, DE, IA, IL, IN, KY, LA, MA, ME, MS, MD, MI, MN, MO, NH, NJ, NY, OH, PA, RI, TX, TN, VT, VA, WV, WI, and DC, and (2) between points described in (1) above, on the one hand, and, on the other, points in AL, FL, GA, NC, and SC.

MC 153592 (Sub-4), filed May 10, 1983. Applicant: CONTAINER CARRIERS, INC., 7123 Capitol Ave. Houston, TX 77011. Representative: Robert C. Lane (same address as applicant), 713–921–0713. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 163503 (Sub-3), filed May 11, 1983. Applicant: NATIONAL FREIGHT SYSTEM, INC., 2305 Oak Lane-Suite 115, Grand Prairie, TX 75051. Representative: Stephen W. Mitchell (same address as applicant), 214–624–6401. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167372, filed May 3, 1983. Applicant: 805030 TRANSPORT INC., d.b.a. DELL TRANSPORT (WESTERN), INC., #214, 17704–56th Ave., Surrey, British Columbia, Canada V3S 1C7. Representative: Daniel O. Hands, 104 S. Michigan Ave., Suite 410, Chicago, IL 60603, (312) 641–1944. Transporting (1) *clay, concrete, glass or stone products*, (2) *rubber and plastic products*, and (3) *lumber and wood products*, between the port of entry on the international boundary line between the U.S. and Canada and points in WA, on the one hand, and, on the other, points in AZ, CA, OR, and WA, in foreign commerce only.

MC 167842, filed May 6, 1983. Applicant: SUPERIOR HAULING AND FAST TRANSIT, INC., d.b.a. SHAFT, INC., 1815 Turning Basin Dr., Suite 240, Houston, TX 77029. Representative: Joe G. Fender, 9801 Katy Freeway, Sutite 320, Houston, TX 77024, 713–827–1407. Transporting *general commodities* (except classes A and B explosives,) between points in AR, AL, LA, OK, and TX.

MC 167922, filed May 9, 1983. Applicant: UNIVERSAL AM–CAN, LTD., 34200 Mound Rd., Sterling Heights, MI 48077. Representative: Lenorad R. Kofkin, Suite 1515, 140 South Dearborn St., Chicago, IL 60603, 312–580–2210. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI). Condition: Issuance of this authority is subject to approval of the petition in MC–F–15281.

MC 167962, filed May 9, 1983. Applicant: BENNIE F. FOSTER, d.b.a. FAPCO TRANSPORTATION, P.O. Box 12124, Fresno, CA 93776. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211, (213) 655–3573. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between points in CA, and (2) between points in Bell County, TX, Cook, Will, and Sangamon Counties, IL, Fairfield County, CT, Middlesex and Hampden Counties, MA, Newton County, GA, Ontario and Wayne Counties, NY, Pottawatomie County, OK, Warren County, NJ, and CA, on the one hand, and, on the other points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–243

Decided: May 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 31389 (Sub-349), filed May 6, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Walem, NC 27104. Representative: Daniel R. Simmons (same address as applicant), (919) 721–2433. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U. S. (except AK and HI), under contract(s) with Motorola, Inc., of Schaumburg, IL.

MC 30288 (Sub-4), filed May 4, 1983. Applicant: WHEELING-BARNESVILLE-WOODSFIELD EXPRESS, INC., 4345 Eoff St., Benwood, WV 26031. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, 614–899–2531. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, KY, MD, MI, NY, OH, PA, VA and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 79658 (Sub-73), filed May 6, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, Post Office Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), (812) 424–2222. Transporting *household goods*, between points in the U. S. (except AK and HI), under continuing contract(s) with Central Insurance Companies, of Van Wert, OH.

MC 76958 (Sub-74), filed May 6, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), (812) 424–2222. Transporting *household goods*, between points in the U. S. (except AK and HI), under continuing contract(s) with Kerr-McGee Corporation, of Oklahoma City, OK, and its subsidiaries.

MC 154769 (Sub-2), filed May 4, 1983. Applicant: ABRAHAMSON EXPRESS, INC., Route 3, Box 13, Waupaca, WI 54981. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086. Transporting *paper and paper products*, between points in Waupaca County, WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 164098, filed May 4, 1983. Applicant: HAT'S TRUCKING INC., Old Highway 51 South kentwood, LA 70444. Representative: William E. Hatcher (same address as applicant), 504–229–6277. Transporting *food and related products*, between Palestine, TX, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Vernon Calhoun Packing Co.,of Palestine, TX.

MC 166058, filed May 5, 1983. Applicant: JIM CURRIE, INC., Route 2.

Manhattan, KS 66502. Representative: Clyde N. Christey, 1010 Tyler, Suite 110-L, Topeka, KS 66612, 913-233-9629. Transporting *food and related products*, between St. Louis, MO, Minneapolis-St. Paul, MN and La Crosse, WI, on the one hand, and, on the other, points in Pottawatomie, Shawnee and Riley Counties, KS.

MC 167808, filed May 4, 1983. Applicant: ALEXANDER WILLIAMS, INC., Old Chester Rd., P.O. Box 323, Goshen, NY 10924. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048, 212-466-0220. Transporting *general commodities* (except calsses A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

[FR Doc. 83-14308 Filed 5-26-83; 8:45 am]
BILLING CODE 7035-01-M

[No. 39195 et al.*]

Atlas Van Lines, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Five motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on June 13, 1983. The sought relief will become final on June 28, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESSES: Send an original and 15 copies of comments to: No. 39195, Room 21139, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Barbara Gardner, (202) 275-0961
or
Howell I. Sporn, (202) 275-7691

SUPPLEMENTAL INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. Infosystems, Inc., Room 2227, Washington, DC 20423, or call 289-4357 in the DC metropolitan area or toll free (800) 424-5403.

Decided: May 20, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-14304 Filed 5-26-83; 8:45 am]
BILLING CODE 7035-01-M

* This proceeding embraces Nos. 39196 DFC Transportation Company, 39197 Superior Trucking Co., Inc., 39198 Jerry Lippe, Inc., and 39199 Brisk Transportation, Inc.

Motor Carriers; Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Clark Equipment Company, Circle Drive, Buchanan, Michigan 49107.

2. Wholly-owned subsidiaries which will participate in the operations, and state(s) of incorporation:

(i) Clark Equipment of Canada Ltd., Canada.

(ii) Clark Equipment Credit of Canada Ltd., Canada.

(iii) Clark Automotive Products Corporations, Michigan.

(iv) Clark Equipment Engineering and Marketing Corporation, Michigan.

(v) Michigan Power Shovel Company, Michigan.

(vi) Clark Equipment Credit Corporation, Michigan.

(vii) Clark Equipment Realty Corporation, Delaware.

(viii) Clark Financial Marketing Corporation, Michigan.

(ix) Clark Rental Corporation, Michigan.

(x) Clark Rental System, Inc., Michigan.

(xi) Clark Equipment Overseas Finance Corporation, Delaware.

(xii) Clark Transportation Services, Corporation, Michigan.

1. Parent corporation and address of principal office: L. Knife & Son, Inc., Elder Avenue Extension, P.O. Box K, Kingston, MA 02364.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices:

(a) Vacationland Soft Drink Distributing Inc., Elder Avenue Extension, P.O. Box K, Kingston, MA 02364.

(b) L. Knife Realty Trust, Elder Avenue Extension, P.O. Box K, Kingston, MA 02364.

(c) Gambrinus Trucking Co., Inc., Elder Avenue Extension, P.O. Box K, Kingston, MA 02364.

(d) Seaboard Products, Inc., Zero Beechwood Place, Danvers, MA 01923.

(e) St. Killian Importing, Inc., Zero Beechwood Place, Danvers, MA 01923.

(f) Vinters Group Ltd., Inc., Cumberland Mini-Mall, Rte. 44, Plymouth, MA 02360.

(g) T. J. Sheehan Distributing, Inc., 223 Commerce Blvd., Liverpool, NY 13088.

1. Parent corporation: Williams Resources, Inc., 320 South Boston, Suite 831, Tulsa, Oklahoma 74103.

2. Wholly-owned subsidiaries which will participate in the operation and State of incorporation:

(i) Williams Strategic Metals, Inc. (Delaware), 4891 Independence, Suite 130, Wheat Ridge, Colorado 80033.

(ii) Petro-Williams Service Company (Oklahoma), 6700 Amah Parkway, Claremore, OK 74017.

(iii) WR Steel & Fabrication, Inc. (Oklahoma), 6700 Amah Parkway, Claremore, OK 74017.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 14306 Filed 5-26-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume OP5–F–242

Decided: May 20, 1983.

Interstate Motor Freight System—Continuance in Control Exemption—120300 Canada, Inc.

MC–F–15255. Interstate Motor Freight System (IMF) seeks an exemption from the requirement under Section 11343 of prior regulatory approval for its continuance in control of 120300 Canada, Inc. IMF presently controls Central Michigan Trucking, Southwest Continental Freight Lines, Inc., Cross Country Carriers, Inc., Coast to Coast Transportation, Inc. and Southwest Freight Line, Inc. While 120300 Canada now holds no authority from the Commission, approval of the proposed transfer of a portion of the rights held by Direct Transportation System in No. MC–37918 (Sub-No. 19), in MC–FC–81423 will make it a carrier within the jurisdiction of the Commission. The control of this carrier by Interstate will thus be subject to Commission jurisdiction. Therefore, the instant proceeding is prospective, anticipating the approval of the transfer in MC–FC–81433. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's representative, Richard H. Streeter, Wheeler & Wheeler, 1729 H Street NW., Washington, DC 20006. Comments should refer to No. MC–F–15255.

Volume OP2–242

Decided: May 19, 1983.

Petitioners

MC–F–15281. C.T. Transport, Inc. seeks an exemption from the requirement under Section 11343 of prior regulatory approval for its continuance in control of its wholly-owned motor carrier subsidiary, Universal Am-Can, Ltd. (MC–167922). C.T. Transport, Inc., a motor carrier (MC–141609), is a wholly-owned subsidiary of Centra, Inc. Centra, Inc. controls directly or indirectly the following motor carriers: (1) Superior Forwarding Company, Inc. (MC–75406), (2) Port Side Transport, Inc. (MC–161151), (3) Central Transport, Inc. (MC–19311), (4) U.S. Truck Company, Inc. (MC–59336), and (5) McKinlay Transport Limited (MC–123282). Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commssion, Washington, DC 20423, and (2) Petitioner's representative: Leonard R. Kofkin, 140 South Dearborn St., Suite 1515, Chicago, IL 60603. Comments should refer to No. MC–F–15281.

[FR Doc. 83–14303 Filed 5–20–83; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Migrant and Seasonal Farmworker Programs: Fiscal Year 1984 State Planning Estimates, Preapplications for Federal Assistance, and Solicitation for Grant Application

AGENCY: Employment and Training, Labor.

ACTION: Notice.

SUMMARY: The purpose of this document is to announce planning and application instructions for Fiscal Year 1984 Migrant and Seasonal Farmworker Programs funded under Title IV, Section 402 of the Job Training Partnership Act (JTPA). This notice consists of: *PART I—State Planning Estimates* of funds expected to be available; *PART II—Preapplication for Federal Assistance,* an invitation for private nonprofit organizations, authorized by their charter or articles of incorporation to provide employment and training or other services described in this notice, and public agencies to submit preapplications for Federal assistance; and, *PART III—Solicitation for Grant Application (SGA),* an invitation for these agencies and organizations to submit funding applications in accordance with Section 402 of JTPA and the SGA set forth below.

FOR FURTHER INFORMATION CONTACT: Alfred E. Berndt, Chief, Division of Farmworker and Rural Employment Programs, or Virginia Villarreal, 601 D Street, NW., Room 6114, Washington, D.C. 20213, Phone: 202/376–7615.

SUPPLEMENTARY INFORMATION: The Department, under the Comprehensive Employment and Training Act, published in the **Federal Register** the State Planning Estimates for Migrant and Seasonal Farmworker Programs and, for those areas open to competition, and invitation to submit preapplications for Federal assistance and funding applications. The Department will continue this policy for Section 402 programs under JTPA.

The Department will not consider any funding application which does not meet the Precondition for Grant Application requirements provided as part of the SGA in Part III. In addition, prior to the final selection of an applicant as a potential grantee, the Department, as provided in Part III, will conduct a 14-point responsibility review of the available records to determine if the applicant has reasonably administered Federal funds. Any applicant which does not have its application considered or is not selected as a potential grantee because of these provisions shall be advised of its appeal rights.

The State Planning Estimates provided in Part II of this notice are only for the purpose of developing the funding applications being solicited herein. The estimates represent a 12-cent reduction from the Fiscal Year 1983 CETA, Section 303 farmworker allocations, and this reduction is reflective of the President's Fiscal Year 1984 budget request for Section 402 of JTPA, the successor legislation. The Department expects to use 1980 Decennial Census of the Population data for final State allocations. These data will be available later.

Detailed budgets and planning summaries will not be part of the funding application. These will be negotiated with applicants selected for grant awards, and the negotiations will be based on the final Section 402 regulations. The funding application being solicited in this notice will discuss these aspects in general terms as part of a narrative. Cost limitations on certain activities which will be proposed in Section 402 regulations are provided as part of the SGA in Part III.

Part I—State Planning Estimates

The State Planning Estimates provided here are only for the purpose of developing the funding applications being solicited herein. The estimates represent a 12-percent reduction from the Fiscal Year 1983 CETA, Section 303 farmworker allocations, and this reduction is reflective of the President's Fiscal Year 1984 budget request for Section 402 of the JTPA.

The Department used 1977 Social Security data for the Fiscal Year 1983 allocations. The Department expects to use 1980 Decennial Census of the Population data for the final Section 402, Fiscal Year 1984 State allocations. These data will be available by early summer. The formula for the final allocations will be published in the **Federal Register** for comments along with the rationale for such formula and proposed allocations no later than 30 days prior to the publication of the final allocations of available funds in the **Federal Register**. Applicants are advised that the Department will propose in the Section 402 regulations to be published for comments that it will reserve the right not to allocate any funds for use in a

State whose allocation is less than $120,000.

Applicants should use the State Planning Estimates listed below in developing Fiscal Year 1984 preapplications for Federal assistance and funding applications.

Fiscal Year 1984 State Planning Estimates

Alabama	$760,232
Alaska	16,544
Arizona	1,256,112
Arkansas	892,496
California	12,329,328
Colorado	793,320
Connecticut	396,616
Delaware	132,176
Florida	4,363,216
Georgia	958,584
Hawaii	187,088
Idaho	1,024,672
Illinois	1,586,640
Indiana	859,408
Iowa	1,116,896
Kansas	1,057,760
Kentucky	661,056
Louisiana	793,320
Maine	462,792
Maryland	330,528
Massachusetts	363,616
Michigan	1,289,112
Minnesota	1,057,760
Mississippi	775,496
Missouri	694,144
Montana	528,880
Nebraska	429,320
Nevada	99,176
New Hampshire	75,592
New Jersey	495,792
New Mexico	578,456
New York	1,520,464
North Carolina	2,240,568
North Dakota	495,792
Ohio	1,189,936
Oklahoma	594,968
Oregon	1,256,112
Pennsylvania	1,057,760
Rhode Island	83,000
South Carolina	661,056
South Dakota	330,408
Tennessee	594,968
Texas	4,363,216
Utah	264,440
Vermont	167,552
Virginia	749,144
Washington	2,115,520
West Virginia	288,376
Wisconsin	1,250,656
Wyoming	231,352
Puerto Rico	1,520,464
Total	57,629,440

Part II—Preapplication for Federal Assistance

All States and the Commonwealth of Puerto Rico are open for competition for Section 402 funds for fiscal year 1984. Applications for statewide programs are strongly encouraged. Applicants applying for grants shall submit a preapplication consisting of:

(1) A Standard Form 424 described at 41 CFR 29–70.214–4;

(2) An attachment identifying the target area to be served by State and counties;

(3) For a private nonprofit organization, a certification from a certified public accountant that its financial management system is capable of safeguarding Federal funds; and,

(4) For a public agency, a certification by the chief fiscal officer attesting to the adequacy of the agency's accounting system to safeguard Federal funds.

Two copies of preapplications for Federal assistance shall be submitted either by mail or hand delivered. Mailings must be posted by registered or certified mail, return receipt requested, and postmarked no later than 20 calendar days following the date of publication of this notice. All hand-delivered preapplications will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m. A receipt will be provided bearing the time and date of delivery. No hand deliveries will be accepted after 4:45 p.m. on the 20th calendar day following the date of publication of this notice. No exceptions to these mailing and hand-delivery conditions will be granted. Preapplications not meeting these conditions will not be accepted.

Preapplications for Federal assistance must be mailed or hand delivered to: Mr. Edward A. Tomchick, Contracting/Grant Officer, Employment and Training Administration, Room 7122, 601 D Street, N.W., Washington, D.C. 20213.

Part III—Solicitation for Grant Application (SGA)

The Department of Labor is soliciting applications for grants under the provisions of Title IV, Section 402 of JTPA to provide job training, employment opportunities, and other services for migrant and seasonal farmworkers. A seasonal farmworker is defined as a person who during the 52 weeks preceding application was employed at least 25 days in farmwork or earned at least $400 in farmwork, and who has been primarily employed in farmwork on a seasonal basis, without a constant year round salary (one employer). A migrant farmworker is defined as a seasonal farmworker who performs or has performed farmwork during the preceding 12 months which requires travel such that the worker is unable to return ot his/her domicile (permanent place of residence) within the same day. To be eligible for the Section 402 program, these individuals must have during a consecutive 12-month period preceding their application for enrollment: (1) Received at least 50 percent of their total earned income or been employed at least 50 percent of their total work time in farmwork; and (2) been identified as a member of a family which receives public assistance or whose annual family income does not exceed the higher of either the poverty level or 70 percent of the lower living standard income level. Dependents of the above individuals must also meet the requirements of Sections 167(a)(5) and 504 of the JTPA.

In awarding grants through this SGA, the Department will rate individual applications by a panel which will use criteria described in this SGA. The competitive process and the content of the funding application are as follows:

(1) *Precondition for Grant Application.* The Department will not consider an application submitted in response to this SGA if any of the following factors exist:

(i) The application is not submitted by either a private nonprofit organization, authorized by its charter or articles of incorporation to provide employment and training or other services described in this notice, or a public agency;

(ii) The applicant has not complied with the preapplication for Federal assistance provisions described in Part II above; and

(iii) The Department's efforts to recover debts from the applicant (for which three demand letters have been sent) established by final agency action have been unsuccessful, or fraud or criminal activity has been proven to exist within the applicant's organization.

(iv) The applicant has not met the funding application submission requirements provided in this SGA.

(2) *Responsibility Review.* The Department, prior to the final selection of an applicant as a potential grantee, will conduct a review of the available records to determine whether or not the organization has responsibly administered Federal funds. This review is intended to establish overall responsibility, and it is independent of the competitive process. The following information will be taken into consideration in making the final selection of an applicant as a potential grantee:

(i) The Department's efforts to recover debts from the applicant (for which three demand letters have been sent) established by final agency action have been unsuccessful, or failure to comply with an approved repayment plan.

(ii) Serious administrative deficiencies identified in final findings and determinations, such as failure to maintain a financial management system as required by Federal regulations.

(iii) Established fraud or criminal activity within the organization.

(iv) Willful obstruction of the audit process.

(v) Substantial failure to provide services to applicants as agreed to in a current or recent grant.

(vi) Failure to correct deficiencies brought to the grantee's attention as a

result of monitoring activities, reviews, assessments, etc.

(vii) Failure to return a grant closeout package or outstanding advances within 90 days of expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted; final billings reflecting serious cost category or total budget cost overrun.

(viii) Failure to submit required reports.

(ix) Failure to properly report and dispose of government property as instructed by the Department.

(x) Failure to have maintained cost controls resulting in excess cash on hand.

(xi) Failure to procure or arrange for audit coverage for any 2-year period when required by the Department.

(xii) Failure to audit subrecipient within the required period when applicable.

(xiii) Final disallowed costs in excess of 5 percent of the grant or contract award.

(xiv) Failure to establish a mechanism to resolve subrecipient's audit within established time frames.

(3) *General.* Applicants should develop Section 402 programs in which job training and other activities are designed, to the maximum extent feasible, to lead to employment opportunities enabling participants to become economically self-sufficient. General guidelines relative to the types of training activities and services and relative to allowable costs, cost allocations, and cost classification are provided below. Applicants are strongly encouraged to use these guidelines for the development of their funding applications.

(i) *Training activities and services.* A grantee may provide assistance to eligible individuals to obtain or retain employment, to participate in other program activities leading to their eventual placement in unsubsidized agricultural or nonagricultural employment, and to participate in activities leading to stabilization in agricultural employment through training and supportive services which may include, but are not limited to:

(A) Job search assistance, including job clubs;

(B) Job development;

(C) Training, such as classroom, on-the-job, work experience, and tryot employment, in jobs skills for which demand exceeds supply;

(D) Training related and non-training related supportive services, including commuting assistance and financial and personal counseling;

(E) Relocation assistance;

(F) Programs conducted in cooperation with employers or labor organizations to provide early intervention in the event of the disruption of employment opportunities.

(ii) *Restrictions on certain activities.*

(A) Public service employment is not an allowable activity under Section 402 programs.

(B) Tryout employment shall conform to Section 205(d)(3)(B) of the JTPA.

(C) Work experience programs shall be combined with classroom or other training. The work experience portion shall not exceed 1,000 hours in a one year period.

(iii) *Allowable costs.* To be allowable, a cost should be necessary and reasonable for proper and efficient administration of the program, be allocable thereto under these principles, and, except as suggested here, be a general expense required to carry out the overall responsibilities of the recipient.

(A) Unless otherwise indicated below, direct and indirect costs shall be charged in accordance with 41 CFR 29–70.102.

(B) Funds may be used for construction activities only to:

(1) Provide compensation to participants employed by public or private nonprofit agencies;

(2) Reimburse OJT costs to private for profit employers;

(3) Purchase equipment, materials, and supplies for use in the training of such participants; and

(4) Cover costs of a training program in a construction occupation, including costs such as instructors' salaries, training tools, books, and needs-based payments and compensation to participants.

(C) Costs associated with building repairs, maintenance, and capital improvements of exisiting facilities used primarily for programs under the Act are allowable with prior approval of the Department.

(D) Unemployment compensation costs are allowable for administrative staff hired in accordance with the administrative provisions of the regulations, and for participants required to be covered for unemployment compensation purposes.

(E) Costs which are billed as a single unit charge do not have to be allocated or prorated among the several costs categories but may be charged entirely to training when the agreement:

(1) Is for training;

(2) Is fixed unit price; and

(3) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement.

(F) Travel costs. The cost of participant and staff travel necessary for the operation or administration of programs under the Act are allowable as follows:

(1) Travel costs of Section 402 administrative staff or members of governing boards of grantee organizations are allowable without the prior approval of the Department if the travel specifically relates to programs under Section 402. All other travel to be charged to JTPA Section 402 grants will require the prior approval of the Department. These costs should be charged to administration.

(2) Travel costs of other grantee officials of multifunded programs charged with overall grantee responsibilities are allowable only if costs specifically relate to programs under Section 402.

(3) Travel costs to enable participants to obtain or retain employment, access other services or to participate in programs under this Act are allowable as direct costs but will be limited to the grantee's jurisdiction or within daily commuting distance, unless part of an approved component of the grantee's program. These costs will be charged to training related supportive services.

(4) Travel costs for participants in administrative or programmatic positions using their personal or other forms of transportation in the performance of their jobs are allowable and will be charged appropriately.

(5) Travel policies of all grantees, subgrantees and contractors will be generally consistent with those set forth in the Department Travel and Transportation Manual.

(iv) *Section 402 cost allocation.* Allowable costs for Section 402 programs will be charged against the following four cost categories: Administration; training; training-related supportive services; and non training-related supportive services.

(A) Costs are allocable to a particular cost category to the extent that benefits are received by such category.

(B) All grantees should plan, control, and report expenditures against the aforementioned cost categories.

(C) All grantees are responsible for ensuring that subrecipients and contractors plan, control, and report expenditures against the aforementioned cost categories.

(v) *Suggested limitations on cost categories.* Applicants are encouraged to use the following suggested cost

limitations for the development of their funding applications:

(A) Costs for administration should not exceed 15 percent of the total amount of the grant.

(B) Costs for nontraining-related supportive services should not exceed 15 percent of the total amount of the grant.

(G) Costs for training-related supportive services should not exceed 15 percent of the total amount of the grant.

(D) Costs for training should be no less than 50 percent of the total amount of the grant.

(vi) *Classification of costs by category.* All grant costs shall be charged to the four cost categories listed above. Within each category costs shall be assigned and accounted for as follows:

(A) Administration

Administration costs consist of all direct and indirect costs associated with the management of the program. Administrative costs should be limited to those necessary to effectively operate the program. These costs include but are not limited to: the salaries and fringe benefits of personnel engaged in executive, fiscal, data collection, personnel, legal, audit, procurement, data processing, communications, maintenance, and similar functions; and related materials, supplies, equipment, office space costs, and staff training.

Also included are salaries and fringe benefits of direct program administrative positions such as superivsors, program analysts, labor market analysts, and project directors. Additionally, all costs of clerical personnel, materials, supplies, equipment, space, utilities, and travel that are identifiable with these program administration positions are charged to administration.

Allowances and reimbursement costs for governing boards and advisory councils shold be prorated as administrative costs among all the grants, from whatever source administered by the grantee.

(B) Training.

(1) Instruction and related costs, e.g., salaries, fringe benefits, space, utility, travel and equipment, consist of goods and services which affect those program participants who are in either a work environment, or classroom setting (including classroom training in conjunction with Vocational Exploration of Job Readiness or tryout employment) and should be charged to training. Training costs include, but are not limited to, the following: The costs associated with on-the-job training services; employer outreach necessary to obtain job listings or job training opportunities, salaries; fringe benefits; equipment and supplies of personnel engaged in providing training, including remedial education; job related counseling for participants; employability assessment and job development; job related counseling; tuition fees, books and other teaching aids; equipment and materials used in providing training to participants, classroom space and utility costs; job search assistance, labor market orientation, and job referral costs. In addition:

(2) Wages and fringe benefits for participants in work experience, tryout employment, classroom training, should be charged to training. Cost-of-living increases are considered wages.

(3) Allowances should be charged to training.

(4) Any single cost which is properly chargeable to training and to one or more other categories should be prorated among training and other appropriate cost categories.

(C) Training-Related Supportive Services

Costs of services which are necessary to enable an eligible individual to participate in training or subsidized employment under Section 402 and to obtain subsequent unsubsidized employment should be charged to training-related supportive services. Such supportive services may include but are not limited to transportation, health care, special services and materials for the handicapped, child care, meals, temporary shelter, financial counseling, and other reasonable expenses required for participation in the program and may be provided in-kind or through cash assistance. Training-related supportive services costs and related costs should be charged to this cost category.

(D) Nontraining-Related Supportive Services

(1) "Services only" are the costs of the goods and services provided to participants who are not engaged in work experience, tryout employment or training activities, including but not limited to such goods and services as: transportation, health care, temporary shelter, meals and other nutritional assistance, legal or paralegal assistance and emergency assistance.

(2) Direct placement services are services such as job development, job counseling, job preparation, job placement and job referral services provided to participants who are not engaged in work experience, tryout employment or training activities. These nontraining-related supportive services costs and those costs associated with providing these services (i.e., salaries, fringe benefits, space, utility, transportation, equipment, etc.) should be charged to this cost category.

(vii) *Cost categories assignable to program activities.*

(A) Classroom training. Cost categories are: administration, training, and training-related supportive services.

(B) On-the-job training. Cost categories are: administration, training and training-related supportive services.

(C) Work Experience. Cost categories are: administration, training, and training-related supportive services.

(D) Tryout employment. Cost categories are: administration, training, and training-related supportive services.

(4) *Content of Application.* This segment of the SGA provides the format and content of the Funding Application. Exclusive of eligibility documentation and letters of support and commitment, the funding application should not exceed 75 pages of double-spaced, unreduced type. The format for the application should be in five sections. The first section will contain the eligibility documentation. Sections 2 through 5 will provide the narrative description, including any charts and tables if applicable, with the second section describing the administration and staffing of the applicant organization; the third section describing the applicant's program experience; the fourth section describing the applicant's program approach and delivery system; and the fifth section describing the applicant's linkages and coordination with other relevant organizations and activities. Briefly, these sections should contain:

(i) *Section I—Eligibility Documentation.* The following documents are to be submitted by an applicant to support eligibility for Section 402 funds.

(A) A statement indicating the legally constituted authority under which the organization functions;

(B) An employer identification number from the Internal Revenue Service, and for nonprofit applicants, proof of the organization's tax-exempt status.

(ii) *Section II—Administration and Staffing.* This section will describe the applicant's administrative organization and staffing. Elements to be included in the description are:

(A) The number of people presently involved in the administration of the organization and the number of people who will be involved in the

administration of the proposed program, their job titles, and the total administrative costs for the proposed program;

(B) A description of the management and administration plan including:

(1) Organization structure;

(2) Monitoring system;

(3) Evaluation system;

(4) Personnel or merit system;

(5) Accounting system;

(6) Fiscal reporting and participant tracking;

(7) Allowance payment system, if applicable;

(8) Grievance procedures;

(9) Equal Employment Opportunity.

(iii) *Section III—Program Experience.* This section will describe the applicant's experience and capability in providing employment and training programs for migrant and seasonal farmworkers. The applicant should discuss the type of programs operated; the employment, training, and services activities which were provided; the number of participants involved in each activity; the actual vs. planned performance; the amount of funding, etc.

(iv) *Section IV—Program Approach and Delivery System.* This section will describe the applicant's approach to fulfilling the intent of Section 402 of the JTPA and the method of delivering the proposed program. Elements to be included in the description are:

(A) A description of migrant and seasonal farmworker needs in the area;

(B) An assessment of job opportunities in the area;

(C) A detailed description of each program activity to be provided;

(D) The rationale for the program mix of training, employability development, and supportive services activities;

(E) A list of delivery agents, if applicable, and the services to be provided by each.

(v) *Section V—Linkages and Coordination.* This section will describe the applicant's demonstrated and documented ties with appropriate State and local agencies, private nonprofit organizations, and other groups providing resources and services to farmworkers. Letters of commitment for such resources should be attached to the application.

(5) *Specific Rating Criteria.* As directed at Section 402(c)(1) of the JTPA, it will be determined by a competitive review panel if applicants demonstrate an understanding of the problems of migrant and seasonal farmworkers, a familiarity with the area to be served, and a previously demonstrated capability to administer effectively a diversified employability development program for migrant and seasonal farmworkers. In addition, the Department will be looking for a coherent, effective management approach and an ability to administer an effective program. Although applications will not be rated against the cost limitation factors suggested in this SGA, the Department will consider the overall cost relationships of the proposed program. Each application considered by the Department will be reviewed and rated by the panel using the following specific criteria:

(i) *Administrative Capability (Range, 0 to 40 points).* The administrative capability factor is a rating of the applicant's management experience and efficiency. The rating shall include consideration of the managerial expertise of the organization's present and proposed staff in managerial and decisionmaking positions. The highest rating of 40 points will be awarded to organizations which demonstrate proven ability to operate a cost-effective program which provides timely and effective services within the period of performance and which clearly shows the capability to administer efficiently a multi-activity delivery system.

(ii) *Program Experience (Range, 0 to 30 points).* This factor rates the applicant against a previously demonstrated capability to administer effectively a diversified employability development program for migrant and seasonal farmworkers. This factor is divided into two subfactors.

The first subfactor, performance, will compare the planned versus actual performance for the applicant's previous program of employment and training and other services for farmworkers. The highest rating of 15 points will be awarded to applicants who have met or exceeded their planned performance levels.

The second subfactor, program experience, will review the types of programs the applicant has operated in the past. The highest rating of 15 points will be awarded to applicants which have operated a comprehensive, multi-activity program of employment and training and other services for farmworkers.

(iii) *Program Approach and Delivery System (Range, 0 to 20 points).* This factor rates the proposed program's potential impact on the full range of farmworker needs and its fulfillment of the intent of Section 402 in relation to: (1) An understanding of the problems of migrant and seasonal farmworkers, and (2) a familiarity with the area to be served. The highest rating of 20 points will be awarded to an organization which has adequately analyzed the economic situation of the target area and the needs of the target group and has developed a program based on this analysis. This program should provide the appropriate mix of training and supportive services that can be successfully implemented to meet these needs. The service delivery system aspect is a rating of the applicant's ability to deliver the proposed program, the appropriateness of the plan, and its potential ability to be effective.

(iv) *Linkages and Coordination (Range, 0 to 10 points).* This factor rates the applicant on: (1) Plans for involving appropriate agencies and programs in the design and operation of the applicant's proposed program, and (2) the extent to which the applicant assures that any training or other services provided will meet the needs of participants. The highest rating of 10 points will be awarded to organizations which demonstrate documented programmatic ties with the appropriate agencies in providing resources and services to farmworkers.

(6) *Submission of Funding Application.* Three (3) copies of the funding application shall be submitted either by mail or hand delivered. Mailings must be posted by registered or certified mail, return receipt requested, no later than 45 calendar days following the date of publication of this notice. All hand-delivered applications will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m. A receipt will be provided bearing the time and date of delivery. No hand deliveries will be accepted after 4:45 p.m. on the 45th calendar day following the date of publication of this notice. No exceptions to these mailing and hand-delivery conditions will be granted. Applications not meeting these conditions will not be accepted.

Funding applications must be mailed or hand delivered to: Mr. Edward A. Tomchick, Contracting/Grant Officer, Employment and Training Administration, Room 7122, 601 D Street, N.W., Washington, D.C. 20213.

(7) *Notification of Selection.*

(i) Respondents to this SGA which are designated as potential grantees will be notified by the Department. The notification will invite each potential grantee to negotiate the final terms and conditions of the grant, will establish a reasonable time and place for the negotiation, and will indicate the State or area to be covered by the grant. Grants may be awarded for a 2-year period.

(ii) In the event that no grant applications are received for a specific State or area or that those received are deemed to be unacceptable, or where a

grant agreement is not successfully negotiated, the Department may give the Governor first right to submit an acceptable application pursuant to the Precondition for Grant Application and Responsibility Review tests. Should the Governor not accept the offer within fifteen days, the Department may then: (1) Designate another organization or organizations or (2) reopen the area for competitive bidding.

(iii) An applicant whose grant application is not selected by the Department to receive Section 402 funds will be notified in writing.

(iv) Applicants who submit grant applications which have been rejected may not resubmit a new grant application for the State(s) or area(s) in which they are interested in providing services until the area(s) is announced by the Department as reopened for competition.

(v) Any applicant whose grant application is denied in whole or in part by the Department will be advised of its appeal rights.

Signed at Washington, D.C., this 23rd day of May 1983.

Paul A. Mayrand,

Acting Director, Office of Special Targeted Programs.

David T. Duncan,

Grant Officer, Employment and Training Administration.

[FR Doc. 83-14220 Filed 5-25-83; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act Employment and Training Programs for Indian and Native Americans

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This Solicitation for Notices of Intent (SNOI) announces the requirements and procedures to be followed by organizations interested in submitting a Notice of Intent to apply for Program Year 1984 funds pursuant to Section 401 of the Job Training Partnership Act (JTPA). Such funds are provided to eligible, designated entities through grants. This SNOI sets forth the process by which applicants will be selected and designated as potential grantees with whom the Department of Labor (DOL) will negotiate Program Year 1984 grants.

FOR FURTHER INFORMATION CONTACT: SNOI Information, Division of Indian and Native American Programs, Employment and Training Administration, 601 D Street NW., Room 6102, Washington, D.C. 20213, (202) 376-7053.

SUPPLEMENTARY INFORMATION:

1. *Purpose.* To announce the requirements and procedures to be followed by organizations interested in submitting a Notice of Intent to apply for Program Year 1984 funds.

2. *References.* Section 401, JTPA.

3. *Types of Eligible Applicants.* The following entities are eligible to submit a Notice of Intent.

a. *Indian tribes, bands or groups.* Indian tribes, bands or groups which meet the requirements in Par. 4., below.

b. *Alaskan Native entities.* Alaskan Native entities as defined in the Alaskan Native Claims Settlement Act which meet the requirements in Par. 4., below.

c. *Hawaiian Native entities.* Any private nonprofit organization or public agency representative of the Native Hawaiian community which meets the requirements of Par. 4., below, and which the DOL determines will best meet the needs of Native Hawaiians.

d. *Public or private agencies.* Private nonprofit organizations or public agencies which meet the requirements of Par 4., below, to serve areas where there are significant numbers of Indians or Native Americans, but where there are no Indian tribes, bands or groups, Alaskan Native entities or Hawaiian sponsors or consortia of such sponsors eligible for designation. Where it is not feasible to designate a public agency or private nonprofit organization, DOL may designate a private for profit organization.

e. *Consortium grantees.* The DOL may designate as a Native American grantee a consortium of any of the types of applicants described in pars. a, b, c and d, above, which may or may not be independently eligible.

f. In a situation where the DOL does not designate Indian tribes, bands or groups or Alaskan Native villages or groups to serve such groups, the DOL will, to the maximum extent feasible, enter into arrangements for the provision of services to such groups with other types of grantees which meet with the approval of the Indian tribes, bands, groups or Alaskan Native villages or groups to be served. In such cases, the DOL will consult with the governing body of such Indian tribes, bands, groups or Alaskan Native groups prior to the designation of a Native American grantee.

g. In designating Native American grantees to serve groups other than those in Par. f., above, such as nonreservation Indians and Native Hawaiians, the DOL will, whenever feasible, designate grantees which are directly controlled by Indian or Native American people. Where it is not feasible to designate such types of grantees, DOL will consult with Indian or Native American controlled organizations in the area with respect to the designation of a Native American grantee. Where a private nonprofit organization is designated, DOL shall require any such grantee not directly controlled by Indian or Native American people to establish a Native American Employment and Training Planning Council and to implement an Indian preference policy with respect to hiring of staff and contracting for services with regard to all funds provided pursuant to JTPA (Sec. 7(b) of the Indian Self-Determination and Education Assistance Act.)

4. *Basic Eligibility Requirements.* To be eligible for designation, an applicant must have:

a. A governing body;

b. An Indian or Native American population within its designated service area of at least 1,000 persons;

c. The capability to administer an Indian and Native American employment and training program. For purposes of this paragraph, "capability to administer" means that the applicant can demonstrate that it possesses, or can acquire the managerial, technical, or administrative staff with the ability to properly administer grant funds, develop employment and training opportunities, evaluate program performance and comply with the provisions of the Act, DOL regulations at 20 CFR Part 29-70, and forthcoming regulations specific to this program. Evidence of "capability to administer" may consist of such factors as:

(1) Previous experience in operating an effective employment and training program serving Indians or Native Americans;

(2) The number and kind of activities of similar magnitude and complexity that the applicant has successfully completed;

(3) Information from other Federal agencies regarding program performance or financial and mangement capability.

5. *Required Notice of Intent Documentation and Procedures.* a. An applicant for designation as a Program Year 1984 Native American grantee shall submit a Notice of Intent to apply for funds. Such Notices of Intent must be postmarked no later than 20 calendar days following the date of publication of this announcement and be addressed to the Chief, Division of Indian and Native American Programs (DINAP), Employment and Training Administration, U.S. Department of

Labor, 601 D Street NW., Room 6102, Washington, D.C. 20213. Notices of Intent may also be delivered to that office in person to arrive no later than 4:45 P.M. (EDT) on the 20th calendar day following the date of publication of this announcement. A waiver of up to 10 calendar days may be granted. Notices of Intent submitted under this waiver must be postmarked no later than 30 calendar days following the date of publication of this announcement. If a Notice of Intent submitted under this waiver is delivered in person, it must arrive no later than 4:45 P.M. (EDT) of the 30th calendar day following the date of publication of this announcement. If the 20th or 30th calendar day falls on a Saturday or Sunday, personal delivery and receipt on the following Monday is authorized. Such Notices of Intent shall be submitted on Standard Form 424 as a preapplication for federal assistance.

b. In addition to the Standard Form 424, an applicant must submit the following information:

(1) A description of the geographic area or areas which the applicant proposes to serve, together with the Indian and Native American population in such areas, to the extent known, and the source of the population information. The description must include a list of States (if more than one), in alphabetical order, and under each State, a list of counties, in alphabetical order, followed by a list of tribes, bands or groups (if any), in alphabetical order, and the square mileage of the requested service area. If the applicant was a Native American grantee for the period prior to the one which is being applied for, the applicant must also list any counties and tribes, bands or groups which are being added to, or deleted from, the previous fiscal year's service area and a complete and detailed explanation justifying the requested change;

(2) A statement that the applicant has an Indian or Native American population within its requested service area of at least 1,000 persons and the source of this information;

(3) A description of the applicant's organization, including the legal status of the applicant, the process of selection of the governing body, the duties and responsibilities of the governing body, and in the case of private nonprofit organizations, a copy of the articles of incorporation;

(4) A description of the applicant's capability to operate an Indian or Native American employment and training program, including a statement of the applicant's past successes in operating programs for Indians or other Native Americans and a statement of the applicant's experience in managing the types of programs and activities allowable under JTPA;

(5) A description of the planning process including private sector and tribal enterprise employer involvement which the applicant proposes to undertake in developing a plan for the use of funds;

(6) Information related to a grantee's administrative responsibility. The DOL will conduct an independent review to determine whether each applicant is currently delinquent in repaying any DOL claims or has any outstanding administrative problems.

Applicants are, therefore, encouraged to submit any documents related to these factors including documents and correspondence previously submitted to DOL. Submittal of such materials will be in the applicant's best interest and will enable DOL to move rapidly to complete the Notice of Intent and grantee designation review process.

(7) A statement identifying the applicant by type as specified in Par. 3.

c. Additional requirements for consortium applicants are as follows:

(1) All the members shall be in geographic proximity to one another. A consortium may operate in more than one State.

(2) An administrative unit shall be designated for operating the program, which may be a member of the consortium or an agency formed by the members.

(3) The consortium shall be the Native American grantee.

d. A consortium applicant must submit a consortium agreement. A waiver of up to 30 calendar days for submittal of this agreement may be granted. Agreements submitted under this waiver must be postmarked no later than 30 calendar days following the postmarked date on the submitted Notice of Intent. The agreement shall include:

(1) A statement that the consortium shall have a period of duration at least equal to that of the grant.

(2) An identification of the consortium members.

(3) The geographic area or areas which will be served. The areas must include a list of States in alphabetical order, and under each State, first the counties and then the reservations, both in alphabetical order.

(4) A description of the population to be served.

(5) A statement from each member assuring that each signatory has the necessary legal authority to enter into a consortium agreement.

(6) A statement that the consortium agreement will be signed by the chief elected official or chief executive officer of each consortium member, or by the chief elected official or chief executive officer of one or more consortium members, or by the chief executive officer of the consortium's administrative unit.

(7) A statement that each consortium member jointly and separately accepts responsibility for the operation of the program.

(8) A description of the powers, functions and responsibilities reserved by the consortium members, the process by which decisions will be made and the process by which each member will review and approve the comprehensive employment and training plan.

(9) A statement that the right of reallocating funds within the consortium shall be reserved to the consortium's members.

(10) A statement identifying the administrative unit which will operate the program and delineating its organizational structure, powers, functions and the responsibilities of those individuals who will be acting for and on behalf of the tribes, bands or groups and how such individuals were selected. The administrative unit shall be delegated all powers necessary to administer the program effectively, including the power to enter into contracts and subgrants and other necessary agreements, to receive and expend funds, to employ personnel, to organize and train staff, to develop procedures for program planning, to monitor financial and program performance, and to modify the grant agreement through agreement with DOL.

(11) A consortium which submitted a consortium agreement in the preceding year may, in lieu of executing a new consortium agreement, attest in writing, signed by the chief elected official or chief executive officer of each consortium member, that the prior agreement is extended and amended, as necessary, to meet the requirements of this SNOI.

e. The process of reviewing several hundred Notices of Intent is extremely difficult and time-consuming. Since all applicants are interested in early notification of their designation, nondesignation or conditional designation as a Program Year 1984 grantee, the review process can be expedited by:

(1) Submitting Notices of Intent to arrive on or before the due date;

(2) Sending a duplicate copy of the Notice of Intent, simultaneously, to DINAP Federal Representatives who are outstationed; (This applies to current year grantees only.)

(3) Organizing Notice of Intent documentation in accordance with the sequence of documentation and information requirements of Pars. 5.a.; 5.b. (1), (2), (3), (4), (5), (6), (7); and 5.d;

(4) Insuring that all submitted documents have original signatures and dates where such are required.

f. All applicants are advised that DOL will not designate an entity to be a Program Year 1984 grantee in cases where it is established that:

(1) DOL's efforts to recover unappealed debts (for which three demand letters have been sent) established by final DOL action have been unsuccessful, or

(2) Fraud or criminal activity has been proven to exist within the organization.

All applicants are further advised that should an applicant be designated as a Program Year 1984 grantee and information concerning items f. (1) or (2) is subsequently discovered, such information will apply adversely to subsequent funding decisions.

6. *Responsibility Review.* Prior to finally designating, nondesignating or conditionally designating an applicant to be a Program Year 1984 grantee, DOL will conduct a review of the available records to determine whether or not the organization has responsibly administered Federal funds. This review is intended to establish overall responsibility. The following information will be taken into consideration in making the final decision:

a. Serious administrative deficiencies identified in final findings and determinations such as failure to maintain a financial management system as required by Federal regulations; or

b. Willful obstruction of the audit process: or

c. Substantial failure to provide services to applicants as agreed to in a current or recent grant; or

d. Failure to correct deficiencies brought to the grantee's attention as a result of monitoring activities, reviews, assessments, etc.; or

e. Failure to return a grant closeout package or outstanding advances within 90 days of expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted; final billings reflecting serious cost category or total budget cost overrun; or

f. Failure to submit required reports: or

g. Failure to properly report and dispose of government property as instructed by DOL; or

h. Failure to have maintained cost controls resulting in excess cash on hand; or

i. Failure to procure or arrange for audit coverage for any two-year period when required by DOL; or

j. Failure to audit subrecipients within the required period when applicable; or

k. Final disallowed costs in excess of five percent of the grant or contract award; or

l. Failure to establish a mechanism to resolve subrecipients' audits within established timeframes.

7. *Designations, Conditional Designations and Non-Designations.* On or about August 1, 1983, DOL will designate, conditionally designate or not designate Native American grantees for Program Year 1984. Each applicant will be notified by letter of the determination. Those applicants who are not designated will be advised of procedures for appeal. Conditional designations will include the conditions and the acting required to remove the conditions and be finally designated.

Signed at Washington, D.C., this 16th day of May, 1983.

Edward A. Tomchick,

Grant Officer, Office of Contracting.

Paul Mayrand,

Acting Director, Office of Special Targeted Programs.

Herbert Fellman,

Chief, Division of Indian and Native American Programs.

[FR Doc. 83-13991 Filed 5-26-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Periods in the States of Rhode Island and Vermont

This notice announces the ending of the Extended Benefit Periods in the States of Rhode Island and Vermont, effective on May 21, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

Extended Benefit Period commenced in the State of Rhode Island on February 20, 1983 and in the State of Vermont on January 23, 1983, and have now triggered off.

Determination of "off" Indicator

The heads of the employment security agencies of the States named above have determined that the rate of insured unemployment in each State for the period consisting of the week ending on April 30, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in each State.

Therefore, the Extended Benefit Periods in these States terminated with the week ending on May 21, 1983.

Information for Claimants

Each State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the States named above should contact the nearest State employment service officer or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on May 10th, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-14388 Filed 5-26-83; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.
The title of the form.
The Agency form number, if applicable.
How often the form must be filled out.
Who will be required to or asked to report.
Whether small business or organizations are affected.
The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.
An estimate of the number of responses.
An estimate of the total number of hours needed to fill out the form.
The number of forms in the request for approval.
An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

- Employment and Training Administration
- National Longitudinal Survey of Work Experience (Mature Men) 1983
- LGT–1121; LGT1C; MT–290
- Annually
- Men aged 45–59
- 2,800 responses; 1,260 hours

The information provided in this survey will be used by the Department of Labor to help develop programs designed to improve the retirement planning for men in this age group.

Extension (Burden Change)

- Employment Standards Administration
- Notice of Issuance of Insurance Policy
- CM–921
- Annually
- Business or other for-profit
- 5,000 responses; 833 hours; 1 form

The CM–921 provides insurance carriers with the means to supply DCMWC with information which shows that a responsible coal mine operator is insured pursuant to the requirements set forth by the Black Lung Benefits Reform Act of 1972.

- Mine Safety and Health Administration
- Certificate of Training
- On occasion
- Businesses or other for-profit and small businesses or organizations
- SIC: Major groups 10, 11, 12 and 14
- 20,000 respondents; 80,000 hours

Upon completion of each training program the mine operator is required to certify on a form that the miner has received the required training in each subject area of the approved health and safety training plan. MSHA Form 5000–23 provides the mining industry with an expeditious and nationally uniform method for the compilation of this safety training information.

Reinstatement

- Occupational Safety and Health Administration
- Occupational Safety and Health Administration Complaint, OSHA–7
- On occasion
- Individuals or households
- 13,000 responses; 3,692 hours

The OSHA–7 form is used by employees to report unhealthful and/or unsafe conditions in the workplace. Employee reports are authorized by Section 8(f) of the Occupational Safety and Health Act. The information is used by OSHA to evaluate the alleged hazardous working conditions and to schedule an inspection or respond in another manner, as appropriate.

Signed at Washington, D.C. this 24th day of May 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83–14359 Filed 5–26–83; 8:45 am]

BILLING CODES 4510–30–M; 4510–27–M; 4510–43–M; 4510–26–M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Public Hearing

Date: Thursday, June 16, 1983.

Place: Russell Senate Office Building, Room SR253 (old 235), Constitution Avenue and First Street NE., Washington, D.C. 20510.

Time: 10:30 a.m.

Purpose: To receive testimony from various parties on:

1. Collective ratemaking in the bus industry, and the need for antitrust immunity; and

2. The impact of implementation of the Bus Regulatory Reform Act of 1982 on persons over the age of 60.

Anyone who is interested in submitting written testimony for the record of the Study Commission may do so by sending same to: Gary D. Dunbar, Executive Director, Motor Carrier Ratemaking Study Commission, 100 Indiana Avenue NW., Washington, D.C. 20001.

For further information, Contact: Gary D. Dunbar, Executive Director, (202) 724–9600.

Submitted this, the 24th day of May, 1983.

Gary D. Dunbar,

Executive Director.

[FR Doc. 83–14312 Filed 5–26–83; 8:45 am]

BILLING CODE 6820–BD–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83–49]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 93–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory

Subcommittee on Safety and Operating Systems.

DATE AND TIME: June 14, 1983, 8:30 a.m. to 5 p.m.; June 15, 1983, 8:30 a.m. to 4:30 p.m.; June 15, 1983, 8:30 a.m. to 12 noon.

ADDRESS: NASA Langley Research Center, Building 1244, Room 223, Hampton, VA.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Winblade, National Aeronautics and Space Administration, Code RJT–2, Washington, DC 20546 (202/755–3000).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Safety and Operating Systems has been established to assist the NASA in assessing the current adequacy of aircraft safety and transport aircraft operating systems technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program. The Subcommittee, chaired by J. D. Smith, is composed of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 people including the Subcommittee members and participants).

Type of meeting: Open.

Agenda

June 14, 1983

8:30 a.m.—Opening Remarks.
9:30 a.m.—Status of Recommendations from last Meeting.
10 a.m.—Update of NASA FY 1984 Budget and Aeronautics Long Range Plan.
11 a.m.—Summary of the Office of Science and Technology Policy (OSTP) Study on Federal Policy for Aeronautics Research and Technology.
1 p.m.—Review of NASA Research Activities Applicable to Aircraft Safety and Transport Aircraft Operating Systems.
5 p.m.—Adjourn.

June 15, 1983

8:30 a.m.—Advanced Transport Operating Systems Program Review.
11 a.m.—Crew Station Technology Status.
1 p.m.—Intergrated Digital/Electric Aircraft Program.
1:45 p.m.—Review of NASA Research Activities Applicable to Aviation Safety.
3:45 p.m.—Reports from Ex-Officio Members.
4:30 p.m.—Adjourn.

June 16, 1983

8:30 a.m.—Subcommittee Recommendations.
12 noon—Adjourn.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

May 23, 1983.

[FR Doc. 83–14296 Filed 5–26–83; 8:45 am]

BILLING CODE 7510–01–M

[Notice 83–51]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Transport Aircraft.

DATE AND TIME: June 20, 1983, 8:30 a.m. to 4:30 p.m.; June 21, 1983, 8:30 a.m to 12 noon.

ADDRESS: NASA Headquarters, Federal Building 10B, Room 625, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Winblade, National Aeronautics and Space Administration, Code RJT–2, Washington, DC 20546 (202/755–3000).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Transport Aircraft has been established to assist the NASA in assessing the current adequacy of transport aircraft technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program in transport advanced aerodynamics, avionics and controls, structures and materials, and propulsion. The Subcommittee, chaired by Mr. Russell Hopps, is comprised of eight members. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including the Subcommittee members and participants).

Type of meeting: Open.

Agenda

June 20, 1983

8:30 a.m.—Chairperson's Opening Remarks.
8:45 a.m.—Executive Secretary's Report.
9 a.m.—Systems Technology Status Reports.
10:45 a.m.—NASA Budget Status and Overview of the Aeronautics Long Range Plan.
1 p.m.—The Future of Air Transport and NASA's Aeronautics Role.
2 p.m.—Emerging Technologies in Air Transportation.
3 p.m.—Discussions on Transport Aircraft Major Issues.
4:30 p.m.—Adjourn.

June 21, 1983

8:30 a.m.—Subcommittee Discussion of Transport Aircraft Research and Technology Programs.
10 a.m.—Subcommittee Recommendations.
12 Noon—Adjourn.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83–14297 Filed 5–26–83; 8:45 am]

BILLING CODE 7510–01–M

[Notice 83–50]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Executive Subcommittee.

DATE AND TIME: June 15, 1983, 8:30 a.m. to 5 p.m.; June 16, 1983, 8:30 a.m. to 12 noon.

ADDRESS: National Aeronautics and Space Administration, 600 Independence Ave., SW., Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. C. Robert Nysmith, National Aeronautics and Space Administration, Code R, Washington, DC 20546 (202/755–8550).

SUPPLEMENTARY INFORMATION: The Informal Executive Subcommittee was established to provide overall guidance and direction to the space research and technology activities of the Space Systems and Technology Advisory committee. The Subcommittee, chaired by Mr. Robert L. Walquist, is comprised of six members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and participants).

Type of Meeting: Open

Agenda:

June, 15, 1983

8:30 a.m.—Chairperson's Remarks.
9 a.m.—Review of NASA Space Technology Long Range Plan.
11 a.m.—Discussion of NASA Technology High Priority Goals.
12:30 p.m.—Subcommittee Chairperson's Report.
5 p.m.—Adjourn.

June 16, 1983

8:30 a.m.—Discussion and

Consolidation of Subcommittee Reports.

11 a.m.—Summary of Meeting Results to the Office of Aeronautics and Space Technology Management.

12 noon—Adjourn.

Dated: May 23, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-14236 Filed 5-26-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Advisory Panel (Overview); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Overview) to the National Council on the Arts will be held on June 15-16, 1983, from 9:00 a.m.—5:30 p.m. at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

A portion of this meeting will be open to the public on June 15 from 9:00 a.m.–2:00 p.m. and on June 16 from 9:00 a.m.–5:30 p.m. to discuss Future Direction and Fiscal 1985 Guidelines revisions.

The remaining sessions of this meeting on June 15 from 2:00 p.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

May 20, 1983.

[FR Doc. 83-14236 Filed 5-26-83; 8:45 am]

BILLING CODE 7537-01-M

Dance Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Dance Company Grants Section & Challenge Section) to the National Council on the Arts will be held on June 13-18, 1983, from 9:00 a.m.–5:30 p.m. in Room M-04, of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b to Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: May 23, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-14232 Filed 5-26-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on June 9-11, 1983, in Room 1046, 1717 H Street, NW, Washington, D.C. Notice of this meeting was published in the **Federal Register** on April 27 and May 25, 1983.

The agenda for the subject meeting will be as follows:

Thursday, June 9,1983

8:30 a.m.–8:45 a.m.: Opening Remarks (Open)—The ACRS Chairman will report briefly on matters of current interest regarding ACRS activities.

8:45 a.m.– 9:45 a.m.: NRC Severe Accident Policy Statement (SECY-82-1B) (Open)—The Committee members will hear a briefing regarding the proposed NRC policy for dealing with severe accidents in the licensing of nuclear power plants.

9:45 a.m.– 10:45 a.m.: Pipe Cracking in Boiling Water Reactors (Open)—The Committee members will hear a report by members of the NRC staff regarding stress corrosion cracking in the primary coolant systems of several BWR's.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

10:45 a.m.–12:15 p.m. and 1:15 p.m.–2:45 p.m.: Double Ended Pipe Break (Open)—The Committee will hear and discuss a report from the NRC Staff regarding proposed changes in requirements for use of the double-ended pipe break as the Design Basis Accident for nuclear power plants.

2:45–4:45 p.m.: NRC Reactor Safety Reseach Program and Budget (Open) —The members of the Committee will discuss proposed ACRS comments and recommendations regarding the proposed NRC safety research program and budget for FY 1985–86.

4:45–p.m.—6;15–p.m.: Prioritization of Generic Issues (Open)—The members of the Committee will discuss proposed priorities for dealing with outstanding generic issues. Members of the NRC Staff will participate, as appropriate.

Friday, June 10, 1983

8:30 a.m.–9:00–a.m.: Future ACRS Activities (Open) —The members will discuss anticipated subcommittee activities and proposed items for Committee consideration.

9:00 a.m.–10:00 a.m.: NRR Activities (Open)—The Committee members will meet with members of the NRC Staff to discuss activities related to the Systematic Evaluation Program, Phase III, NREP/IREP, and Systems Interaction Programs of the NRC Staff.

10:00 a.m.–11:00 a.m.: Generic Implications of the Salem Nuclear Plant Circuit Breaker Failure (Open) —The Committee will hear and discuss a report from the NRC Staff regarding the generic implications of recent failures of shutdown-system circuit breakers in the Salem Nuclear Generating Station.

11:00 a.m.–1:00 p.m. Anticipated Transients Without Scram (Open)—The members of the Committee will consider a proposed change in NRC regulations regarding requirements to deal with anticipated transients without scram. Representatives of the NRC Staff will participate as appropriate.

Portions of this session may be closed as required to discuss Proprietary Information regarding this matter.

2:00 p.m.–3:00 p.m.: Station Blackout (Open)—Members of the Committee will consider the proposed NRC action plan for resolution of USI–44, Station Blackout. Representatives of the NRC Staff will participate as appropriate.

3:00 p.m.–4:30 p.m. ECCS Evaluation (Open)—The members of the Committee will here reports and discuss proposed changes in ECCS Evaluation Models for boiling water reactors. Representatives of the NRC and the General Electric Company will make presentations and respond to questions regarding this matter.

Portions of this session may be closed as required to discuss Proprietary Information regarding this matter.

4:30 p.m.–6: 30 p.m. NRC Reactor Safety Research Program and Budget (Open) —The Committee will continue its discussion regarding the proposed NRC safety research program and budget for FY 1985–86.

Saturday, June 11, 1983

8:30 a.m.–12:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will prepare its reports to the NRC regarding topics considered during this meeting. In addition, the Committee will complete its report on the FDA for the GESSAR II standardized nuclear plant which was reviewed during the 276th ACRS meeting.

1:30p.m.–3:30 p.m.: ACRS Subcommittee Activities (Open)—The members will hear and discuss the reports of designated subcommittees regarding safety-related matters including use of probabilistic risk assessment in the regulatory process, QA initiatives in the nuclear industry, developments regarding human factors in the licensing process.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 1982 (47 FR 43474). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Dirctor, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. e.d.t.

Dated: May 24,1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–14375 Filed 5–26–83; 8:45 am]

BILLING CODE 7590–01–M

Applications for Licenses To Import/Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following applications for import/export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 23rd day of May 1983 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

EXPORTS/IMPORTS

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Exxon Nuclear Co., May 10, 1983–May 13, 1983, ISNM83012.	3.4 percent enriched uranium.	23,000	782	Fabrication of fuel for reexport to-Biblis A. W. Germany	From France.
Exxon Nuclear Co., May 10, 1983–May 13, 1983, XSNM02001 (01).	3.4 percent enriched uranium.	[1]15,254	[1]518	Amend license to increase quantity authorized for export to Biblis A.	West Germany.
Transnuclear, Inc., May 17, 1983–May 17, 1983, XSNM01913 (02).				Amend to authorize export of Australian origin material	West Germany.

[1] Additional.

[FR Doc. 83–14376 Filed 5–26–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 70–1201]

Negative Declaration on Renewal of License No. SNM–1168, Babcock & Wilcox Co., Nuclear Fuel Fabrication Plant, Lynchburg, Virginia

The U.S. Nuclear Regulatory Commission (the Commission) is considering the renewal of Special Nuclear Material License SNM–1168 for the continued operation of the Nuclear Fuel Fabrication Plant at Lynchburg, Virginia.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental impact appraisal for the proposed renewal of license SNM–1168. On the basis of this appraisal, the Commission has concluded that the environmental impact created by the proposed license renewal action would not be significant and does not warrant the preparation of an environmental impact statement and, accordingly, it has been determined that a Negative Declaration is appropriate. The environmental impact appraisal (NUREG–0987) is available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. A copy may be purchased by writing to the U.S. Nuclear Regulatory Commission, Sales Manager, Division of Technical Information and

Document Control, Washington, D.C. 20555.

Dated at Silver Spring, Maryland this 25th day of May 1983.

R. G. Page,

Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 83-14377 Filed 5-26-83; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.97, Revision 3, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident," describes a method acceptable to the NRC staff for complying with the Commission's regulations to provide instrumentation to monitor plant variables and systems during an accident in a light-water-cooled nuclear power plant. This revision modifies, updates, and clarifies the previous guidance based on additional studies and evaluations.

Comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publication Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 23rd day of May 1983.

For the Nuclear Regulatory Commission.

Denwood F. Ross,

Acting Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-14379 Filed 5-26-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-537-CP]

United States Department of Energy, Project Management Corporation, Tennessee Valley Authority (Clinch River Breeder Reactor Plant); Construction Permit Evidentiary Hearing

May 24, 1983.

Please take notice that an Evidentiary Hearing will be held in this Construction Permit Licensing proceeding before an Atomic Safety and Licensing Board (Board), pursuant to the Atomic Energy Act of 1954 as amended (the Act), and the regulations set forth in Title 10, Code of Federal Regulations (CFR), Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice."

An Evidentiary Hearing will commence on Monday, July 18, 1983 at 8:30 a.m., local time, at the Schools Administration Building, Conference Seminar Room, New York Avenue and Newcomb, Oak Ridge, Tennessee 37830. The hearing will cover evidence on the contentions, questions and issues described *post*, and other matters mandated by the NRC regulations.

The Clinch River Breeder Reactor Plant (CRBRP), a demonstration scale liquid metal fast breeder reactor (LMFBR), was originally authorized by Congress in 1970. In April, 1975, the Project Management corporation (PMC) and the Tennessee Valley Authority (TVA) filed a § 104(b) application with the U.S. Nuclear Regulatory Commission (NRC) for a license to construct and operate the proposed CRBRP. The Application and Environmental Report (ER) were docketed on April 11, 1975. The Preliminary Safety Analysis Report (PSAR) was docketed on June 13, 1975. Legislation enacted by Congress in January 1976, authorized realignment of responsibilities of the participants in the project. The license application was accordingly amended in May 1976, to recognize that the U.S. Energy Research and Development Administration (ERDA) had overall responsibility for managing the design, construction, and operation of the CRBRP. The NRC Staff conducted a review of the CRBRP between 1975 and 1977. The Staff issued a Final Environmental Statement (FES) in Feburary 1977, which recommended the grant of a Construction Permit, and issued a Site Suitability Report (SSR) in March 1977, which stated that the site was suitable from the standpoint of radiological health and safety.

The parties to this proceeding are the Applicants, the NRC Staff, and the Natural Resources defense Council, Inc. and the Sierra club (Intervenors). The State of Tennessee (State) and City of Oak Ridge (City) participated as an "interested state" or "municipality," pursuant to 10 CFR 2.715(c). On April 22, 1977, the Energy Research and Development Administration (ERDA), predecessor to DOE, moved that all hearing procedures be suspended because the Carter Administration had determined that construction of the CRBRP would be indefinitely deferred. As a result, on April 25, 1977 the Board ordered the hearing procedures and schedules to be suspended.

In the ensuing four year period, the project continued design, research and development and procurement activities, while licensing activities remained suspended. In each of those years, Congress acted to preserve the project by providing substantial funding.

In August 1981, President Reagen Signed the Omnibus Budget Reconciliation Act of 1981 (Pub. L. No. 97-35), which expressed the intention that the project be expeditiously completed. In a Nuclear Policy Statement of October 8, 1981, the President directed that "government agencies proceed with a demonstration of breeder reactor technology, including completion of the Clinch River Breeder Reactor."

On January 11, 1982, the Applicants filed a motion to lift the suspension of hearings, and on January 19, 1982, the Board granted this motion and issued a Notice of Prehearing Conference.

Evidentiary hearings were held August 23-27, 1982, November 16-19, 1982, December 13-17, 1982 and January 4-5, 1983. The Board entered a Partial Initial Decision on February 28, 1983 (LBP-83-8). The Board concluded that, upon balancing all conflicting factors contained in the record of the proceeding, and weighing the environmental, economic, technical and other benefits against the environmental and other costs, and considering available alternatives, a limited work authorization (LWA-1) should be issued for the CRBRP pursuant to 10 CFR 50.10(e).

The Construction Permit evidentiary hearings will be conducted by a Board which has been duly designated by the

Chairman of the Atomic Safety and Licensing Board Panel, consisting of Gustave A. Linenberger, Jr., Dr. Cadet H. Hand, Jr., Members and Marshall E. Miller, Esq., Chairman.

The contentions, questions and issues to be considered at the hearing are as follows:

Contentions (1, 3 and 9)

1. The envelope of DBAs should include the CDA.

(a) Neither Applicants nor Staff have demonstrated through reliable data that the probability of anticipated transients without scram or other CDA initiators is sufficiently low to enable CDAs to be excluded from the envelope of DBAs.

(b) Neither Applicants nor Staff have established that Applicants' "reliability program" even if implemented is capable of eliminating CDAs as DBAs.

(1) The methodology described in the PSAR places reliance upon fault tree and event tree analysis. Applicants have not established that it is possible to obtain sufficient failure mode data pertinent to CRBR systems to validly employ these techniques in predicting the probability of CDAs.

(2) Applicants' projected data base to be used in the reliability program is inadequate. Applicants have not established that the projected data base encompasses all credible failure modes and human elements.

(3) Even if all of the data described in Applicants' projected data base is obtained, applicants have not established that CDAs have a sufficiently low probability that they may be excluded from the CRBR design bases.

(4) Applicants have not established that the test program used for their reliability program will be completed prior to Applicants' projected date for completion of construction of the CRBR.

3. Neither Applicants nor Staff have given sufficient attention to CRBR accidents other than the DBAs for the following reasons:

(a) Nether Applicants nor Staff have done an adequate, comprehensive analysis comparable to the Reactor Safety Study ("Rasmussen Report") that could identify other CRBR accident possibilities of greater frequency or consequence than the accident scenarios analyzed by Applicants and Staff.

(b) Neither Applicants' nor Staff's analyses of potential accident initiators, sequences, and events are sufficiently comprehensive to assure that analysis of the DBAs will envelope the entire spectrum of credible accident initiators, sequences, and events.

(c) Accidents associated with core melt through following loss of core geometry and sodium-concrete interactions have not bee adequately analyzed.

(d) Neither Applicants nor Staff have adequately identified and analyzed the ways in which human error can initiate, exacerbate, or interfere with the mitigation of CRBR accident.

9. Neither Applicants nor Staff have demonstrated that Applicants' plans for coping with emergencies are adequate to meet NRC requirements.

(c) The PSAR contains insufficient analysis of the time required to evacuate various sectors and distances within the plume exposure pathway EPZ for transient and permanent populations, nor does it note major impediments to the evacuation or taking of protective actions.

(f) Applicants' proposed emergency plans fail to take into account the special measures necessary to cope with a CDA, including the need for increased protective, evacuation and monitoring measures, reduced response time and special protective action levels.

(g) Applicants and Staff have failed to provide adequate assurance that the proposed emergency plans will meet the requirements and standards of 10 CFR 50.47(b).

Board Questions

1. In its safety Goal Development Program announcement (48 FR 10772, March 14, 1983) the Commission stated that during the 90-day period (ending June 8, 1983) for public comment on the proposed evaluation plan "it is expected that preliminery information on new radiological source terms will become available * * *" (*Id.*, at 10778). The Staff is requested to advise whether that information will be evaluated for any impact on this proceeding, and the reasons for its answer.

2. As regards fuel performance, to date the use of the term "failed fuel" has not consistently permitted delineation of the various failure modes that might have been alluded to (e.g., clad perforation, fission product leakage, clad bulging or rupture, melting of fuel pellets, etc.). The Applicants are requested to summarize the anticipated performance of the CRBR fuel associated with normal operation and accidental transients, describe various failure modes that must be dealt with, identify any operational limits (e.g., maximum linear heat generation rates, maximum cladding hot spot temperatures, etc.) to be imposed, and to review the basis for confidence (e.g., supportive evidence) that the proposed fuel behavior characteristics will be realized.

3. Avoidance of primary coolant pipe rupture seems to depend in part upon the fact that coolant temperature is well below its boiling temperature and that coolant pressure is near atmospheric pressure (10 atmos.). Applicants are requested to present a technical summary of how these coolant characteristics will result in a reduced likelihood of pipe rupture in piping designed for CRBR use.

4. Applicants are requested to explain how the CRBR will be configured to assure that convective circulation of the sodium coolant will be available to prevent fuel damage, if needed. This explanation should reference any supportive experimental or operational evidence. The Staff is requested to advise the Board whether it accepts convective circulation as a viable mechanism for fuel protection, and the reasons for its answer.

5. In the area of quality, the Applicants are requested to explain whether (and/or how) differing functional levels of effort will be applied, depending upon whether a component or system is necessary for safety, important to safety, or not safety related. The divisions of authority and functional responsibilities for quality assurance and quality control amongst the various contractors and the Applicants should be discussed with emphasis on how the management of the various CRBR contractor fabrication and construction efforts will be coordinated to assure the minimizing of QA and QC oversights, especially where interfacing is involved. Applicants are also requested to describe what efforts will be undertaken to insure that accurate as-built plans and specifications will be available when needed, if the CRBR is constructed.

6. The SER discussion of quality seems to emphasize quality assurance and the various separate contractor organizations that will implement it. Does the Staff consider that QC responsibilities and activities are separate from QA or an integral part thereof? The Staff is requested to discuss its answer to this question and to explain briefly how it will monitor QA and QC efforts for adequacy.

7. Applicants are requested to discuss commercial and recreational river traffic (if any) from two points of interest:

(a) Practical methods of controlling same during off-normal plant conditions, and

(b) The potential for hazardous cargo posing a threat to the CRBR.

8. Applicants are requested to discuss the design characteristics of the containment/confinement structures and the steam generator, with respect to challenges to those structures arising from transient (or accident) induced overpressure and overtemperature conditions. This discussion should address any engineered safety systems or components tht will be relied upon for protection (e.g., containment shell cooling), and should reference supportive test or operational experience.

9. The Staff's attention is directed to the discussion of protective action guidelines (PAGs) at pages 29–30 of the Partial Decision of February 28, 1983. The Staff is requested to address the question of whether a PAG revision for the CRBR should be made, and to explain its answer.

10. The Staff's testimony at Tr. 3694 anticipates the need for further research and development on measurement capabilities to achieve DOE's goals for material control and accountability at the DRP. The Staff is requested to explain whether this additional effort is currently underway or definitively planned for the future, and the extent to which it is critical to the effectiveness of CRBR fuel safeguards measures.

11. In discussing the energetics of accidents beyond design basis, the Staff offers the statement that there will be an "isentropic expansion yield to one atmosphere" (NUREG–0968, Vol. 2, p. A. 2–5). The Staff is requested to discuss briefly what is the physical significance of this statement and the extent to which it contributes to any conservatism in the analyses of energy releases. Phenomenologically, how has the Staff satisfied itself that "approximately 2550 MJ would be required to produce a slug impact kinetic energy close to the head design capability of 75 MJ" (Ibid.).

12. NUREG–0968 contains many references to items that are to be resolved at the OL review stage. In view of the apparently advanced stages of hardware design and procurement currently in being, the Board is

concerned that said OL review (assuming a CP issues) may require substantive changes of a costly and time consuming nature, or in the alternative, result in a compromise of performance safety. The Staff is requested to offer comments upon this situation and to provide whatever insights it can now offer for avoiding such problems.

13. With respect to the fuel system, the Staff has identified certain operational fallback positions potentially available to mitigate unresolved problems (NUREG–0968, Vol. 1, p. 4–47, 48). The Staff is requested to discuss briefly the extent if any to which invoking such operational fallbacks might compromise the achievement of CRBR programmatic objectives.

14. Operation with leaking fuel pins could conceivably offer the opportunity for these pins to "inhale" some amount of sodium whenever the reactor is shut down. Should this occur, subsequent return to operation at power might then result in a significant increase in pellet-to-cladding gap conductance with an attendant off-normal performance of the fuel. The Staff is requested to comment upon whether it sees this as a problem requiring resolution and the reasons for its answer.

15. The Applicants have proposed a reliability assurance program that focuses primarily on plant protective systems. The Board requests Applicants to address the question of whether said program will (or ought to) take account of findings derived from the CRBR quality assurance program, and if so, describe the administrative mechanism envisaged to accomplish this.

16. The SER discusses the impact of aerosol behavior on containment shell cooling. The Staff is requested to comment on whether changing concrete aggregate from calcitic to dolomitic limestone could significantly alter the behavior of the aerosols, and explain the basis for the answer.

17. What is the status of the Staff's review of, and what is the Staff's position with respect to, "The Eight Areas of Concern" listed in Section I, Table II of NUREG/CR–3224?

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene, may request in writing permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's Rules of Practice. Limited appearances will be permitted at the discretion of the Board at times, within limits, and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform in writing the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than twenty (20) days from the date of publication of this notice in the **Federal Register**. A person permitted to make a limited appearance does not become a party, but may state his or her position and raise questions which he or she would like to have answered to the extent that the questions are germane and within the scope of the hearing as specified above. A member of the public does not have a right to participate in this evidentiary hearing unless granted the right to intervene as a party or the right of limited appearance.

Written limited appearance statements may be submitted to the Board at any time prior to closing the record in this phase of the proceeding. Oral statements will only be received at times designated by the Board in order not to interfere with the taking of evidence in this adjudicatory proceeding. Both oral and written statements will be made a part of the record of this proceeding.

It is so ordered.

Dated at Bethesda, Maryland, this 24th day of May 1983.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Chairman, Administrative Judge.

[FR Doc. 83–14378 Filed 5–26–83; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Extension of Form For OMB Review

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of proposed extension of form submitted to OMB for clearance.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, this notice announces a proposed extension of a form that collects information from the public. Section 205(b) of the Ethics in Government Act of 1978 (Pub. L. 95–521, as amended) set forth certain requirements to be met by a person requesting to inspect or obtain a copy of a financial disclosure report. OPM Form 1401, Request to Inspect or Receive Copies of SF 278, Financial Disclosure Report, serves as the standardized application form for this purpose. For copies of this proposal, call John P. Weld, Agency Clearance Officer, on (202) 632–7720.

DATE: Comments on this proposal should be received within 10 working days from the date of this publication.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Room 6469, Washington, D.C. 20415; and

Frank Reeder, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: John P. Weld, (202) 632–7720.

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83–14300 Filed 5–26–83; 8:45 am]

BILLING CODE 6325–01–M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Acid Rain Peer Review Panel Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Acid Rain Peer Review Panel.

Dates, times, & location: June 2, 3, 4, 1983, 9:00 a.m.–4:30 p.m.

Office: Room 5104, New Executive Building, 17th and Pennsylvania Avenue, N.W., Washington, D.C.

Type of meeting:

Part Open: June 2, 1983, 10:00 a.m.–4:30 p.m.
June 3, 1983, 9:00 a.m.–4:30 p.m.
June 4, 1983, 9:00 a.m.–3:30 p.m.

Part Closed: June 2, 1983, 9:00 a.m.–10:00 a.m.
June 4, 1983, 3:30 p.m.–4:30 p.m.

Proposed agenda:

(1) Committee administrative business, personnel policies.

(2) Discussion of written comments received from the public.

(3) Discussion of final working group 1 & 2 reports.

(4) Preparation of the final panel report.

Reason for closed meeting: Discussion of personnel policies require discussion of internal personnel procedures of the Executive Office of the President. Accordingly, these portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(2).

Public participation: Parts of the meeting as indicated above are open to the public. Due to limited meeting room capacity, individuals wishing to attend should contact Ms. Jean D. Robinson at (202) 395–7288, prior to 3:00 p.m. on June 1, 1983.

Jerry D. Jennings,

Executive Director, Office of Science & Technology Policy.

[FR Doc. 83–14203 Filed 5–26–83; 8:45 am]

BILLING CODE 3170–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Nos. 301-40, 41, 42]

National Soybean Processor Association; Initiation of Investigation

On April 6, 1983 the Chairman of the Section 301 Committee received a petition filed under Section 301 of the Trade Act of 1974 (19 U.S.C. 2411 *et seq.*) by the National Soybean Processors Association alleging that the Governments of Brazil, Argentina, Spain, Portugal, Malaysia and Canada engage in practices which burden and restrict U.S. commerce.

Specifically, the petition alleges that Brazil grants subsidies on the production and export of soybean oil and meal in a manner which is inconsistent with Brazil's obligations under the Agreement on the Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (the Subsidies Code) and which is otherwise unreasonable and a burden on U.S. commerce. It further alleges that Argentina grants subsidies on the export of soybean oil and meal in a manner which is inconsistent with Article XVI of the General Agreement on Tariffs and Trade (the GATT) and which is otherwise unreasonable and a burden on U.S. commerce. With respect to Spain, the petitioner alleges that the government grants subsidies on the export of soybean oil and meal in a manner which is inconsistent with the Subsidies Code and is otherwise unreasonable and a burden on U.S. commerce, and that the government maintains unjustifiable quantitative restrictions on the consumption of soybean oil. With respect to Portugal, the petitioner alleges that the government provides subsidies on the production and export of soybean oil and meal in a manner which is inconsistent with the GATT and is other wise unreasonable and a burden on U.S. commerce and that it maintains unjustifiable quantitative restrictions on imports of meal. The petitioner alleges that Malaysia subsidizes its exports of refined palm oil in a manner which is inconsistent with the GATT and otherwise unreasonable and a burden on U.S. commerce by imposing a higher export tax on crude palm oil that on refined palm oil. Finally, the petitioner alleges that Canada and the province of Alberta provide subsidies on the production of rapeseed oil in a manner which is inconsistent with Canada's obligations under the Subsidies Code and which is otherwise unreasonable and a burden on U.S. commerce.

A copy of the petition is available for public inspection in the Office of the United States Trade Representative, Room 223, 600 17th Street, NW., Washington, D.C. 20506.

On May 23, the United States Trade Representative, (USTR) decided to initiate an investigation with respect to the allegations against (1) Spain; (2) Brazil except that involving differential export taxes; and (3) Portugal insofar as they relate to U.S. exports of soybean meal. For the reasons set forth below, the USTR decided not to include the remaining allegations within the scope of the investigation.

With respect to Canada, the USTR decided not to initiate an investigation because the Government of Canada has indicated that the crushing subsidy provided by the province of Alberta (the major allegation against Canada) will terminate on July 1, 1983. Of course, should this processing subsidy continue, the issue would be open for further consideraton.

With respect to the allegation that the imposition of differential export taxes by the Governments of Malaysia, Argentina and Brazil constitute an export subsidy, the USTR decided not to initiate an investigation because, in its view, such practices do not constitute export subsidies.

With respect to the allegations that Portugal and Argentina subsidize the production and/or export of soybean oil, USTR decided not to initiate an investigation because the petition does not contain sufficient information in support of the allegation.

Upon request of the petitioner, a public hearing has been scheduled for June 24, 1983, to consider the issues raised in the petition with respect to the allegations under investigation. The hearing will be held at the office of the USTR, Room 403, 600 17th Street, NW., Washington, D.C. at 10:00 a.m.

Requests to present oral testimony must be submitted by June 10 and briefs accompanying oral testimony must be received no later than June 20. Written briefs from persons not wishing to present oral testimony should be received on or before June 24. Requests to present oral testimony as well as written submissions should conform to the requirements set forth in 15 CFR 2006.8 and 2006.9 and should be sent to the chairman, Section 301 Committee, Room 223, 600 17th Street, NW., Washington, D.C. 20506.

In order to assure parties an opportunity to contest information provided by other interested parties in the written briefs and oral testimony, rebuttal briefs may be filed by any interested party in accordance with the requirements of 15 CFR 2006.8 no later than July 8.

Jeanne S. Archibald,

Chairman, Section 301 Committee.

[FR Doc. 83-14321 Filed 5-26-83 8:45 am]

BILLING CODE 3195-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13261; (812-5528)]

Allied Capital Corp. and Allied Investment Corp.; Filing of an Application

May 20, 1983.

Notice is hereby given that Allied Capital Corporation ("ACC"), 1625 Eye Street, NW., Washington, DC 20006, a closed-end, internally-managed investment company registered under the Investment Company Act of 1940 ("Act"), and its wholly-owned subsidiary, Allied Investment Corporation ("AIC"), a closed-end, internally-managed investment company licensed as a small business investment company under the Small Business Investment Act of 1958 (together, the "Applicants"), filed an application on April 14, 1983, and amendments thereto on April 25 and May 6, 1983, for an order of the Commission, pursuant to Sections 17(b) and 17(d) and Rule 17d-1 thereunder, exempting Applicants' proposed transaction from the provisions of Sections 17(a)(1) and 17(d). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemptions apply.

AIC has developed an opportunity to arrange a $2,000,000 debenture financing for Southern Broadcasting Corporation ("Southern Broadcasting") and Southern Broadcasting's corporate parent, BMS Broadcasting, Inc. ("BMS"), upon the terms summarized below. AIC has the capacity and proposes to participate in such financing to the extent of $500,000. Two other venture capital investment entities have agreed to participate in the financing, to the following extent:

Atlantic Ventures Partners	$500,000
Teribe S.A.	1,000,000
	1,500,000

Because one of the participants in the Applicants' proposed transaction

includes Teribe S.A. ("Teribe"), a Panamanian corporation and the parent of Alcap, Limited ("Alcap"), and because Alcap holds 17.7% of ACC's outstanding capital stock, Teribe may be deemed an affiliate or an affiliate of an affiliate of ACC pursuant to Section 2(a)(3) of the Act.

Of ACC's outstanding capital stock, 237,000 shares (17.7%) are held by Alcap, a British Virgin Islands corporation and a wholly-owned subsidiary of Teribe. Teribe, in turn, is a second-tier subsidiary of Enterprises Quilmes, S.A. ("EQ"), a Luxembourg holding company listed on the Paris and Luxembourg Stock Exchange. Mr. Willem F.P. de Vogel, a vice president of Three Cities Research, Inc. ("Three Cities"), a New York affiliate of EQ, serves as a director on ACC's and AIC's boards of directors. Under an agreement dated October 30, 1980, pursuant to which Alcap acquired its investment in ACC, Alcap has the right to nominate two persons for election to ACC's board of directors, but to date has chosen to nominate only one person, Mr. de Vogel. As a matter of practice, ACC elects all members of its own board of directors to constitute the board of directors of AIC.

Applicants' proposed transaction involves Southern Broadcasting, a Florida corporation that owns and operates a television station in Melbourne, Florida. Southern Broadcasting's parent, BMS, owns 66.1% of Southern Broadcasting and it has substantially no other business. Messrs. John Boyce and Jerry Boyce (collectively, together with their controlled companies, the "Boyces") own 45% of BMS's 1,000 outstanding shares of capital stock. On December 31, 1982, Southern Broadcasting had assets of approximately $6,382,900 and a negative net worth of approximately $1,942,500; for the six months then ended it had revenues of approximately $335,000 and it reported a $1,730,600 net loss.

Up to the closing of the sale of the debentures, Southern Broadcasting funded its negative cash flow with advances from Sun Bank, N.A., of Orlando, Florida ("Sun Bank"), and from the Boyces. By May 5, 1983, Sun Bank had advanced $1,500,000 and the Boyces had advanced $1,612,109. At the closing, one-half of Sun Bank's advances and all but $575,000 of the Boyces' advances were repaid from the proceeds of the debentures' sales. The investors' agreement stipulates that the remaining balance of such advances will accrue interest but that no part of such interest and none of the principal of the remaining balance wil be paid unless and until Southern Broadcasting has sustained a specified positive cash flow for a specified period. The Boyces remain committed to provide to Southern Broadcasting, through BMS, up to $750,000 in equity funds to the extent necessary to cover any further cash flow deficiency. Sun Bank has converted its remaining $750,00 of advances into a five year, secured, term loan, and has also made a commitment to furnish up to $500,000 in working capital loans against the security of a letter of credit, from another bank, that Applicants expect the Boyces to arrange.

The debentures purchased by Applicants are joint and several obligations of Southern Broadcasting and BMS, and will bear interest at the rate of fourteen percent per annum, payable monthly. During the first 36 months from closing, Southern Broadcasting and BMS will, on the $2,000,000 disbursed, pay interest only; in each of the succeeding 60 months they will pay an amount calculated to amortize the principal and interest in level payments over the five-year period. The debentures will mature in any event on May 1, 1991, and Southern Broadcasting and BMS may prepay them in whole or in part at any time.

In addition to the debentures, Applicants state that the investors purchased, for a nominal consideration, eight-year warrants to purchase 25 percent of Southern Broadcasting's equity after giving effect to such purchase and to any additional investment in such equity by the Boyces. The warrants' aggregate exercise price will be $200,000 through September 30, 1985, and thereafter an amount, if greater than $200,000, equal to 12.5% (25% of 50%) of the positive difference between three times Southern Broadcasting's gross revenues for its fiscal year ended June 30, 1985, and $10,000,000. After five years from closing, the investors may, by right, resell the warrants, or any shares purchased upon the exercise thereof, to Southern Broadcasting or BMS at a price per share equal to the difference per share, fully diluted, between three times Southern Broadcasting's revenues for its most recently ended fiscal year and the sum of the then outstanding balances of the debentures and the Sun Bank term loan, minus, in a sale of warrants, the exercise price thereof. The investors pledged their warrants to Sun Bank as additional collateral for its term loan to Southern Broadcasting.

Applicants and the other investors will participate in the Southern Broadcasting-BMS debentures and the Southern Broadcasting warrants on identical terms, pro-rata as follows:

	Debentures	Warrants (percent)
Allied Investment Corporation [1]	$500,000	6 25
Atlantic Venture Partners	500,000	6 25
Teribe [1 2]	1,000,000	12 50
Total	2,000,000	25.00

[1] Subject to the order requested herein
[2] A Netherlands Antilles affiliate of Teribe purchased the debentures, but Teribe purchased the warrants.

The investment agreement contains first refusal rights to participate in additional equity financing; "piggy-back" registration rights; provisions for collateral, whereby the rights of the debentureholders are subordinated to those of Sun Bank; and other representations, warranties, and covenants.

Southern Broadcasting must pay all legal fees incident to the proposed transaction and has paid a $40,000 financing fee to AIC that AIC will not share with the other participants regardless of whether AIC participates therein. Applicants state that the payment to AIC of a financing fee for services rendered does not make the basis of its participation less advantageous than that of the other participants in contravention of Rule 17d–1. Southern Broadcasting will pay an $80,000 brokerage commission to Ferris & Company, Inc. ("Ferris"), a member of the New York Stock Exchange, for its services in introducing the financing to AIC. Mr. Robert E. Long, a director of ACC and AIC and an officer of Ferris will share this commission with an unaffiliated finder and personally may receive no more than $20,000 of such commission. Mr. Long's share thus falls within the percentage limitation imposed on brokerage commissions in Section 17(e)(2)(C). Applicants assert that, because Mr. Long owns less than 5% of the capital stock of Ferris, and because he does not control Ferris, Ferris itself is not an "affiliated person" or an "affiliate" of an investment company, and Ferris is therefore not subject to Section 17(e).

Applicants acknowledge that AIC's participation in a transaction in which Teribe participates might be considered a participation by AIC and Teribe in a joint enterprise in contravention of Section 17(d) of the Act and Rule 17d–1 thereunder unless authorized by order of the Commission. Applicants state that the transaction's terms required disbursement of the financing on May 5, 1983. Realizing that the requested order could not be issued prior to that date, Teribe agreed to buy for its own account the participation proposed for AIC, and

to resell such participation to AIC at cost plus accrued interest (as long as the order is issued prior to June 16, 1983). Such resale would, however, contravene Section 17(a)(1) of the Act unless exempted therefrom by order of the Commission pursuant to Section 17(b).

Applicants represent that the proposed transaction meets the standards for exemption of both Section 17(b) and Rule 17d–1 and that an order of the Commission should therefore be issued authorizing the transaction.

Applicants represent that the board of directors of AIC (identical in composition with ACC's board of directors) unanimously approved the proposed transaction, and state that the boards of directors include one representative of Alcap, one representative of another institutional investor not involved in the proposed transaction, and nine others. The ten directors unaffiliated with and not interested in Alcap, EQ, Teribe, Three Cities, Southern Broadcasting, BMS, or any other investor in the proposed transaction personally own, in the aggregate, a number of ACC's shares greater than the number owned by Alcap. Applicants represent that, other than through securities holdings in ACC, none of ACC's directors have any personal financial interest in the proposed transaction. As earlier noted, Applicants acknowledge that Mr. Robert E. Long, a director of ACC and AIC and an officer of Ferris, will share a commission with Ferris for his services in the proposed transaction.

Applicants contend that the terms of the proposed transaction may be presumed to be fair and reasonable because they have been negotiated at arms-length by parties who are independent of one another. Applicants acknowledge that Nutter, McClennen & Fish ("NMF") represented the investors in the proposed transaction, that NMF represents ACC and its subsidiaries before the Commission, and that NMF from time to time has acted and acts as special counsel to Teribe and its affiliates. Southern Broadcasting will pay NMF's fees for its services emanating from this exemptive request. Applicants submit that none of the participants in the proposed transaction has the economic power or other influence to overreach any of the other parties.

Applicants represent that AIC's participation in the Southern Broadcasting financing will occur on a basis identical to all the others' participation, with the exception of the payment to AIC of a financing fee for services rendered in structuring and negotiating the transaction. As noted earlier, Applicants contend that such a financing fee does not make AIC's basis of participation less advantageous than that of the other participants.

Applicants submit that the proposed investment is consistent with the fundamental investment policies of AIC and, hence, of ACC (included in AIC's fundamental policies is the policy to make loans to and purchase debentures with warrants from small business concerns as contemplated by the Small Business Investment Act of 1958). Applicants further submit that the proposed transaction is consistent with the general purposes of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 14, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83–14350 Filed 5–20–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22951 (70–6870)]

Consolidated Natural Gas Co.; Proposed Issuance and Sale of Notes To Banks and Commerical Paper to Dealer by Holding Company; Intrasystem Financing; Issuance and Sale of Subsidiary Common Stock to Holding Company; Exception From Competitive Bidding

May 20, 1983.

Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, New York 10005, a registered holding company, and certain of its subsidiaries, CNG Coal Company, CNG Development Company, CNG Energy Company, CNG Producing Company, CNG Research Company, Consolidated Gas Supply Corporation, Consolidated Natural Gas Service Company, Inc., Consolidated System LNG Company, The East Ohio Gas Company, The Peoples Natural Gas Company, The River Gas Company, and West Ohio Gas Company, have filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a), 10, 12(b), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45, 50(a)(2), and 70 thereunder.

Consolidated proposes to obtain funds for financing the seasonal increase in gas storage inventories of subsidiary companies by issuing up to $175 million of unsecured notes to banks, from time to time through March 31, 1984, which would mature within 12 months from the date of the first borrowing. There would be no commitment fees, required compensating balances, or closing or related charges. The notes would bear variable interest at Consolidated's option at either (i) The prime rate in effect from time to time at the Chase Manhattan at its principal office in New York City, (ii) an increment of three-eights of one percent (.375%) over the London Interbank Offered Rate ("LIBOR"), as quoted by the London office of Chase Manhattan, or (iii) an increment of one half of one percent (0.50%) over the bid rate for Certificates of Deposit ("CD"), quoted to Chase Manhattan Bank N.A. for the purchase at face value of its CD. Borrowing at prime may be prepaid, in whole or in part, without penalty or premium, upon five days written notice. Borrowings at LIBOR or by CD may only be repaid at the end of the LIBOR or CD period. The borrowings will be made from time to time as required to finance the subsidiaries' gas storage inventories and will be repaid as gas is withdrawn from storage and sold during the 1983–1984 heating season.

Consolidated, in order to meet working capital requirements, proposes to issue and sell commercial paper, in the form of short-term bearer notes, to A.G. Becker Incorporated ("Becker"), a dealer in commercial paper, in a principal amount not to exceed $175 million, from time to time through May 31, 1984. The commercial paper will have varing maturities of not more than 270 days after date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $5 million directly to Becker, at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturity. The commercial paper will not be payable prior to maturity.

Consolidated proposes to sell commercial paper only so long as the discount rate or the effective interest cost on the date of sale does not exceed the equivalent cost of borrowings from a commercial bank. No commission or fee will be payable in connection with the issue and sale of such commerical paper notes. Becker, as principal, will reoffer such notes at a discount not to exeed one-tenth of one percent per annum less than the prevailing discount rate to Consolidated.

If the issuance of commercial paper becomes impractical because of market conditions or other factors, Consolidated proposes to issue short-term notes to Chase Manhattan and Citibank, N.A. Consolidated would borrow up to an aggregate principal amount of up to $75 million outstanding at any one time from Chase Manhattan from time to time through May 31, 1984. Such borrowings would be at the bank's prime interest rate on the borrowing date. Consolidated would also borrow an aggregate principal amount of up to $50 million outstanding at any one time from Citibank, N.A., from time to time through May 31, 1984. Such unsecured borrowings from Citibank would be charged a commitment fee of one eight of one percent (0.125%) on the principal amount at Citibank's base rate of interest on each borrowings date. Borrowings from both banks would be evidenced by notes of Consolidated maturing within 90 days or each borrowing date. The notes may be prepaid, in whole or in part, at any time without prior notice or premium. There will be no closing or related charges with respect to such bank loans. Assuming a 10.50% prime rate and assuming that the full line is borrowed, the effective interest cost of borrowings from Chase Manhattan would be 10.50% and the effective interest cost of borrowings from Citibank with a commitment fee of .125% on the principal would be 10.625%. The additional bank line of up to $50 million required to support the issuance of $175 million of commercial paper notes will be supported by existing bank lines. Should these lines be used and commercial paper outstanding exceeds $125 million and additional line of credit would be obtained and an amendment would be filed to this application-declaration.

Consolidated seeks to have the 5% limitation in condition (3) of the first sentence of Section 6(b) exemption from the provisions of Section 6(a) of the Act raised to 19% from the order date in this matter through May 31, 1984. Such an increase would permit Consolidated to have outstanding at any one time up to $175 million aggregate principal amount short-term, unsecured bank notes and commercial paper.

Consolidated proposes to make, from time to time up to May 31, 1984, open account advances aggregating up to 401.5 million to its subsidiary companies for inventory gas financing and working capital. The advances would be made as requested by each subsidiary and will be repaid within a year of the first advance to such subsidiary company. Interest would be at substantially the same effective rate of interest as the related gas storage bank loan, sale of commercial paper, and/or bank borrowing by Consolidated. If there is no outstanding short-term debt, the interest rate would be at the prime commercial rate of interest in effect from time to time at The Chase Manhattan Bank, N.A. Such advances will be made up to the following principal amounts:

Company	Amount
CNG Development Company	$10,000,000
CNG Producing Company	45,000,000
Consolidated Gas Supply Corporation	165,000,000
Consolidated Natural Gas Service Company, Inc	1,500,000
The East Ohio Gas Company	125,000,000
The Peoples Natural Gas Company	45,000,000
The River Gas Company	2,000,000
West Ohio Gas Company	8,000,000
Total	401,500,000

Consolidated proposes to make long-term non-negotiable loans, aggregating $100 million to the subsidiaries set forth below. The loans will be evidenced by long-term, non-negotiable notes of the subsidiary companies maturing in the years coinciding with the scheduled retirements of debentures sold by Consolidated in April 1983 or over a period of time to be determied by Consolidated's officers. Interest will be predicated on and substantially equal to the effective cost of money to Consolidated through the debenture sale. The loans would partially finance ths subsidiaries' capital expenditures and would be made up to the following principal amounts:

Company	Amount
CNG Producing Company	[illegible]
Consolidated Gas Supply Corporation	40,000,000
Consolidated Natural Gas Service Company, Inc	5,000,000
East Ohio Gas Company	10,000,000
The Peoples Natural Gas Company	[illegible]
West Ohio Gas Company	2,000,000
Total	100,000,000

Consolidated proposes to make revolving credit advances, of up to $100 million at any one time to subsidiary companies set forth below to finance revolving credit advances made in 1982 and repaid in 1983. Such advances may be made, repaid and remade through May 31, 1984, as requested by the treasurer of each subsidiary company, upon letter agreement by each subsidiary company in accordance with Consolidated's Credit Agreement, with interest at substantially the same effective rate of interest as paid by Consolidated under the Credit Agreement. Should Consolidated have no outstanding amount under its Credit Agreement, the interest rate would be the prime commercial rate in effect from time to time at Chase Manhattan. Such advances will be made up to the following principal amounts:

Company	Amount
CNG Producing Company	$40,000,000
Consolidated Gas Supply Corporation	30,000,000
The East Ohio Gas Company	25,000,000
The Peoples Natural Gas Company	5,000,000
Total	100,000,000

Consolidated proposed to purchase from the six subsidiaries listed below, and such subsidiaries propose to issue and sell to Consolidated, an aggregate of $113.9 million of capital stock at par value. The sales would be made as needed by the subsidiaries from time to time through May 31, 1984. Consolidated would make such purchases primarily from internal funds. The amounts and number of shares per subsidiary would be as follows:

Subsidiary	Number of shares	Aggregate par value
CNG Coal Co	25,000($100 par)	$2,500,000
CNG Development Co	350,000 ($100 par)	35,000,000
CNG Energy Co	10,000 ($100 par)	1,000,000
CNG Producing Co	300,000 ($100 par)	30,000,000
CNG Research Co	4,000 ($100 par)	400,000
Consolidated Gas Corp	450,000 ($100 par)	45,000,000
Total		113,900,000

The authorized capital stock of CNG Development Company and Consolidated Gas Supply Company is not sufficient to cover the additional shares they propose to issue. In order to accommodate the proposed transactions and to provide for future issues, they propose to amend their certificates of incorporation to increase their authorized shares from 500,000 to 600,000 and from 2,500,000 to 2,700,000 respectively.

At the time of this filing Consolidated System LNG Company has no financing requirements. In the event that financing

does become necessary, an amendment will be filed to this application-declaration.

Consolidated requests an exception from the competitive bidding requirements of Rule 50(b) pursuant to paragraph (a)(5) with respect to the sale of commercial paper because such commercial paper will have maturities of nine months or less, current rates for commercial paper for prime borrowers, such as Consolidated, are published daily in financial publications and it is not practical to invite competitive bids for commercial paper. Consolidated also proposes that the Rule 24 certificates of notification regarding the proposed transactions be filed on a quarterly basis.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 13, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-14374 Filed 5-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22950; (70-6867)]

Middle South Energy, Inc.; Proposal Relating to Nuclear Fuel Lease

May 20, 1983.

Middle South Energy, Inc. ("MSE "), 225 Baronne Street, New Orleans, Louisiana 70112, a subsidiary of Middle South Utilities, Inc. ("Middel South"), a registered holding company, has filed an application and amendments thereto with this Commission pursuant to Sections 9(s) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

On October 17, 1979, MSE entered into a lease ("Lease") with Port Gibson Energy, Inc. ("Port Gibson"), a subsidiary of Lehman Leasing, Inc., an affiliate of Lehman Brothers Kuhn Loeb, Inc., and investment banking firm. Under the lease, MSE leases from Port Gibson the nuclear fuel, including facilities incident to its use, to be used in Unit No. 1 at MSE's Grand Gulf Nuclear Generating Station ("Grand Gulf 1"). Under the Lease, MSE is responsible for operating, maintaining, repairing, replacing, and insuring the nuclear fuel and for paying all taxes and costs arising out of the ownership, possession or use thereof.

Lease payments, which are payable quarterly, include (A) a quarterly lease charge, which represents an administrative charge of ⅛ of 1 percent per annum of the stipulated loss value, as defined in the Lease, payable by Port Gibson to Lehman Leasing and other allocated operational costs of Port Gibson and (B) a Burn-Up Charge equal to the cost of the nuclear fuel consumed while it is in the reactor and producing heat. When the nuclear fuel is not in the reactor and producing heat, MSE may elect to capitalize quarterly lease charges or daily portions thereof so long as the amount of credit still available to Port Gibson under the Credit Agreement, as it may be amended, exceeds the sum of the stipulated loss value of the nuclear fuel, the amount of such charges and $1 million. MSE may consequently, subject to the foregoing limitation, defer rental payments until those times during commercial operation when the nuclear fuels in the the reactor and producing heat in the production of electric energy. Under the terms of the Lease, the amount of the quarterly lease payments by MSE are measured by, among other things, the amount of costs incurred by Port Gibson, in connection with its acquisition, ownership, and processing of the nuclear fuel, under the Credit Agreement described herein. The term of the lease is through October 15, 2029; however, if either party gives written notice of termination by October 15, 1983, or any subsequent October 15, the Lease will terminate on October 15 of the second following year.

Port Gibson has financed the nuclear fuel by issuing its commercial paper and through borrowings under a Credit Agreement, as amended between Port Gibson and a group of banks (the "banks") with Union Bank of Switzerland ("UBS") acting as agent for such banks ("Agent"). Pursuant to an Assignment Agreement, the banks received an assignment of the rents and other obligations under the Lease and of Port Gibson's rights under Middle South's Guaranty of MSE's lease obligations. Under a Security Agreement, the banks also received a security interest in the nuclear fuel.

MSE has determined that the maximum commitment of Port Gibson under the Lease is insufficient to provide for the total cost of nuclear fuel for Grand Gulf 1. Port Gibson has advised MSE that it is willing to enter into an amendment to the Credit Agreement, the Assignment Agreement and the Security Agreement (the "Amendment") with the parties to the previously amended Credit Agreement and with Norwest Bank of Minneapolis ("Norwest") and perhaps with certain other banks ("New Banks"), collectively referred to as the "Banks". The Amendment will provide, among other things, for an increase of the aggregate commitment under the Credit Agreement, from $110 million to $175 million and thereby increase Port Gibson's maximum obligation to make payments for nuclear fuel from $109 million to $174 million at any one time outstanding. As required by the Lease, MSE would consent to the Amendment.

Port Gibson would issue and sell its commercial paper, supported by an irrevocable letter of credit ("Letter of Credit") issued by UBS and Norwest ("LOC Banks") under the Amendment. In turn, each Bank, to the extent of its commitment under the Credit Agreement, would purchase participation in payments made by UBS under said Letter of Credit and would make from time to time revolving credit loans ("Revolving Credit Loans") to Port Gibson. In accordance with its practice under the Credit Agreement, as amended, Port Gibson proposes to continue to use Lehman Commercial Paper Incorporated as dealer in connection with the sale of commercial paper, which sale will be at a rate expected to be equal to the best rate available (which rate will include ⅛ of 1% per annum dealer discount) consistent with prudent marketing considerations. Manufacturers Hanover Trust Company ("Depositary"), under a depositary agreement ("Depositary Agreement"), as amended, and as proposed to be amended, acts as issuing agent for Port Gibson's commercial paper. Port Gibson, the Banks and the Depositary, with MSE's consent, will enter into a transition agreement to facilitate the transition from Port Gibson's issuance of commercial paper supported by the Letter of Credit previously issued solely by UBS to that now proposed to be issued by UBS and Norwest. The term of the Credit Agreement, as amended, is through October 15, 2029. However, if any party gives written notice of termination by October 15, 1983, or any subsequent

October 15, the Credit Agreement shall terminate on October 15 of the second following year.

Under the proposed Amendment, Port Gibson will pay to UBS an annual agency fee of $20,000 for its services. In consideration of the Letter of Credit by the LOC Banks, Port Gibson will pay the Agent for the account of the LOC Banks, on a quarterly basis, a fee of (x) ¾ of 1% per annum on the average aggregate face amount of commercial paper outstanding during each calendar quarter plus (y) ¼ of 1% per annum on the average aggregate principal amount (i) of all payments made under the Letter of Credit for which the LOC Banks have not been reimbursed and (ii) of Revolving Credit Loans outstanding during each calendar quarter. In addition, Port Gibson will pay to the Agent, on a quarterly basis, for the account of the Banks, for each day that the Banks' commitment shall be in effect, a commitment fee of ⅛ of 1% per annum of the daily excess of the Banks' commitment over the sum of (X) the aggregate principal amount of Revolving Credit Loans outstanding plus (Y) the aggregate face amount of commercial paper outstanding plus (Z) the aggregate amount of all payments made under the Letter of Credit for which the LOC Banks have not been reimbursed by Port Gibson.

MSE has been advised that, based upon a commercial paper rate for the highest rated commercial paper of 8.80% per annum, the effective interest cost to Port Gibson of it proposed borrowings would be 10.03% per annum, assuming all borrowings were made through the issuance of commercial paper and total borrowings were $174.0 million (the average outstanding borrowings expected from July 1, 1983 through December 31, 1984).

If there is a drawing under the Letter of Credit, Port Gibson shall reimburse the LOC Banks therefor on or before the third business day following the drawing and shall pay interest on the amount of the drawing at a rate per annum until the third business day equal to 110% of the Base Rate and thereafter at 125% of the Base Rate. (Base Rate is defined to mean the higher of (a) the prime commercial loan rate of the Agent as announced from time to time for short-term loans in New York at large businesses or (b) the sum of (i) .20% plus (ii) the average interest rate payable on newly issued 90-day negotiable certificates of deposit of $100,000 or more issued by major New York banks as published by the Federal Reserve Bank of New York on the Friday of the immediately preceding week).

Each Revolving Credit Loan will, at the option of Port Gibson, either: (i) bear interest on the outstanding principal amount thereof until due and payable (whether by acceleration or otherwise) at a rate per annum equal to ⅝ of 1% in excess of the rate (rounded upward to the nearest ⅛ of 1%), as determined by the Agent, at which deposits of U.S. Dollars are offered to the London Branch of the Agent in the London interbank market as of 11:00 A.M., London time, two business days prior to the borrowing date for such Revolving Credit Loan in an amount approximating the average principal amount of all Revolving Credit Loans bearing an interest rate so determined to be made on such borrowing date and having a term equal to the term of such Revolving Credit Loan; or (ii) bear interest on the outstanding principal amount thereof until due and payable (whether by acceleration or otherwise) at a rate per annum equal to 110% of the Base Rate, such rate to change as and when the Base Rate changes.

MSE has been advised that (1) if all borrowings were made by means of Revolving Credit Loans the interest on which were based on the London interbank market, such interest rate were 9–$^{7}/_{16}$% per annum and total borrowings were $174.0 million, the net effective interest cost to Port Gibson would be 10.28% per annum (2) if all borrowings were made by means of Revolving Credit Loans the interest on which was based on the Base Rate, such rate were 10.50% per annum and total borrowings were $174.0 million, the net effective interest cost to Port Gibson would be 11.70% per annum.

Port Gibson would make all borrowings in a manner that would minimize the effective cost of borrowing over the term of the Credit Agreement, as amended. The aggregate amount of Port Gibson's Revolving Credit Loans, plus commercial paper at any time outstanding plus the amount of payments made under the Letter of Credit for which the LOC Banks have not been reimbursed, may not exceed the commitment.

Under an Assignment Agreement and as security for the LOC's Banks' Letter of Credit and for loans under the amended Credit Agreement, the Agent and the Banks, would also receive an assignment of the rents and certain other obligations under the Lease and of Port Gibson's rights under Middle South's Guaranty of MSE's lease obligations.

The Commercial Paper Security Agreement is proposed to be amended to add the New Banks as parties. Port Gibson is a party to a Commercial Paper Security Agreement with UBS, in its capacities as representative of the holders of commercial paper and as Agent for the Banks. Under the Commercial Paper Security Agreement, Port Gibson has granted to UBS, as the representative of the holders of the commercial paper, a security interest in the nuclear fuel and in any and all funds and bank accounts of Port Gibson with respect to which the Banks may exercise any right of set-off. UBS, as representative of the holders of the commercial paper has received an assignment of the rights assigned to the Agent and to the Banks for their own benefit in the Assignment Agreement, as amended. UBS, as representative would exercise (1) the security interest in the nuclear fuel and its interest in Port Gibson's rights under the Lease, granted to its as representative for the benefit of the holders of the commercial paper and (2) such interest granted to UBS, as Agent, and to the Banks, for their own benefit, for the equal and ratable benefit of UBS, as Agent, and the Banks and of the commercial paper holders.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 13, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-14345 Filed 5-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22949; (70-6866)]

Middle South Utilities, Inc.; Proposal by Parent to Guarantee Amended Nuclear Fuel Lease Agreements Between Subsidiary and Non-Affiliate

May 20, 1983.

Middle South Utilities, Inc., 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed a declaration with this Commission pursuant to Section 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

Middle South Utilities, Inc. ("Middle South"), is a party to guaranty ("Guaranty") with Port Gibson Energy, Inc. ("Port Gibson"), a Delaware corporation, under which it guaranteed the obligations of Middle South Energy, Inc. ("MSE"), a public utility subsidiary of Middle South, with respect to a lease of nuclear fuel, including facilities incident to its use, under the terms of a fuel lease ("Fuel Lease") dated as of October 17, 1979 between MSE and Port Gibson.

Port Gibson finances the nuclear fuel it leases to MSE pursuant to a credit agreement ("Credit Agreement") dated as of October 17, 1979, with certain banks ("Banks"). On July 30, 1981 Port Gibson entered into an amendment to the Credit Agreement, and certain related agreements ("First Amendment"), whereby the amount of Port Gibson's borrowing capacity under the Credit Agreement was increased from $80 million to $110 million. Port Gibson's maximum obligation to make payments to acquire nuclear fuel to be leased by MSE under the Fuel Lease was increased from $79 million to $109 million.

As described in the related application of MSE (File No. 70-6867), MSE and Port Gibson propose to further increase Port Gibson's maximum obligation to make payments to acquire nuclear fuel to be leased by MSE under the Fuel Lease from $109 million to $174 million. Port Gibson's borrowing capacity under the Credit Agreement, as amended, will concurrently be increased form $100 million $175 million by means of a further amendment ("Second Amendment"). The proposed Second Amendment may, among other things, add certain new banks ("New Banks") as parties to the Credit Agreement and to an assignment agreement and to a security agreement, each dated as of October 17, 1979, as amended. Middle South acknowledged notice and consented to the assignment of Port Gibson's rights under Middle South's Guaranty to an agent ("Agent") for the Banks. Middle South acknowledged notice and consented to the terms of the First Amendment as it related to the Guaranty and the assignment of Port Gibson's rights thereunder, and to the assignment, pursuant to a commercial paper security agreement, dated as of July 30, 1981, among Port Gibson, a representative ("Representative") of the holders of Port Gibson's commercial paper, the Agent, and the Banks ("Commercial Paper Security Agreement"). Of Port Gibson's rights under the Guaranty to the Representative. Similarly, in the proposed transaction. Middle South would acknowledge notice and consent to the terms of the Second Amendment as it relates to the Guaranty and the assignment of Port Gibson's rights thereunder, and to the assignment, pursuant to the proposed amendment to the Commercial Paper Security Agreement, of Port Gibson's rights under the Guaranty to the Representative.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 13, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically issues of fact or law that are disputed. A person who so requests will be notified of any issued hearing, if ordered, and will receive a copy of any notice or order in this matter. After said date, the declaration as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-14346 Filed 5-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13258; (812-5534)]

Sears Government Investment Trust (And Subsequent Trusts and Similar Series of Trusts); Filing of Application for an Order Pursuant to Section 45(a) of the Act Granting Confidential Treatment

May 20, 1983.

Notice is hereby given that Sears Government Investment Trust, and all subsequent and similar series of Trusts (referred to collectively herein as "Trusts"), c/o Dean Witter Reynolds Inc., Unit Investment Trust Department, 5 World Trade Center, New York, NY 10048, each a unit investment trust registered under the Investment Company Act of 1940 ("Act"), and their sponsor, Dean Witter Reynolds Inc. ("Sponsor," and referred to herein with the Trusts as "Applicants"), filed an application on April 22, 1983, for an order of the Commission, pursuant to Section 45(a) of the Act, granting confidential treatment for the profit and loss statements of the Sponsor supplied in connection with registration statements for the Trusts filed with the Commission from time to time. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicants include Sears Government Investment Trust, Series 1 and all subsequent Trusts and all similar series of Trusts, sponsored by the Sponsor. Applicants represent that Series 1 is, and each future Trust will be, governed by a trust indenture ("Indenture") and a Standard Terms and Conditions of Trust ("Agreement") for that Trust (hereinafter collectively called the "Trust Agreement") under which the Sponsor will act as depositor, United States Trust Company of New York will act as trustee and Standard & Poor's Corporation will act as evaluator. According to the application, the Trust Agreement for each Trust will incorporate standard terms and conditions of trust common to all Trusts. Pursuant to the Trust Agreement, when the portfolio for the Trust has been acquired, the Sponsor will deposit with the Trustee (on the "Date of Deposit") interest-bearing debt obligations and in some cases, units of previously issued series of Trusts ("Portfolio Securities"). Applicants further represent that simultaneously with that deposit the Trustee will deliver to the Sponsor registered certificates ("Certificates") for the requisite number of Units, which will represent the entire beneficial ownership of the Trust at the Date of Deposit. These Units are in turn to be offered for sale to the public through the final prospectus by the Sponsor.

Applicants note that the Portfolio Securities will not be pledged or be in any other way subjected to any debt at any time after the Portfolio Securities are deposited in the Trust. Applicants represent that at least 90% of the Portfolio Securities will be interest-bearing debt obligations issued or

guaranteed by the United States or by any agency or instrumentality thereof ("Securities"), with fixed maturity dates and not having conversion or equity features. In addition, the Sponsor, may deposit in each Trust certain Portfolio Securities (not to exceed 10% of the aggregate principal amount of the Portfolio Securities in such Trust) which are Units of previously issued Trusts ("Trust Units"). Applicants state that the Sponsor is accumulating the Portfolio Securities for the purpose of deposit for Series 1 and will follow a similar procedure of accumulating the Portfolio Securities for each future Trust. Applicants further represent that, in selecting the Portfolio Securities, the following factors are considered: (i) maturities or mandatory payment dates consistent with the life of the Trust; (ii) prices of the Securities relative to other securities of comparable quality and maturity; and (iii) types of such Securities available.

The application states that the portfolio of each Trust will consist of the Portfolio Securities, together with accrued and undistributed interest and principal and undistributed cash realized from the sale, redemption, prepayment, maturity or other disposition of the Portfolio Securities. Certain of the Securities may from time to time be redeemed, prepaid or will mature in accordance with their terms. Applicants represent that the Sponsor may, under the Trust Agreement, direct the Trustee to sell or liquidate any of the Securities only upon the happening of certain events, as specified in the Agreement. Applicants further state that the proceeds from the maturity, sale, prepayment, redemption or other disposition of Portfolio Securities will not be reinvested but will be distributed to Unitholders unless the Trust has elected to qualify as a "regulated investment company" under the Internal Revenue Code of 1954, as amended ("Regulated Investment Company"), in which case the Sponsor may instruct the Trustee to use excess proceeds of sales of Securities to purchase new Securities ("Substitute Securities"). Applicants further assert that except as noted in the application with respect to certain exchanges and except as provided in the Agreement with respect to failed contract obligations and with respect to purchases of Substitute Securities, the Trust Agreement prohibits the substitution of Portfolio Securities in the portfolio for the Portfolio Securities initially deposited.

Applicants state that each Unit in a particular Trust will represent a fractional undivided interest in the principal amount of Portfolio Securities in the Trust. The numerator of the fractional interest represented by each Unit will be 1 and the denominator equal to the number of Units of each Trust will be redeemable. According to Applicants, in the event that any Units shall be redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by such Unit increased. Units will remain outstanding until redeemed or until the termination of the Trust Agreement as provided therein. The Trust Agreement may be terminated (i) by written consent of 51% of Unitholders of the Trust, (ii) in the event that the last of the Portfolio Securities then currently in the portfolio of the Trust has matured or has been redeemed or sold upon direction of the Sponsor to the Trustee, or (iii) automatically on a date 50 years after the Date of Deposit. In addition, Applicants assert that the Trust may be terminated, upon written instruction of the Sponsor, if the value of the Trust falls below 30% of the par value of the Portfolio Securities initially deposited in the portfolio. According to the application, following the deposit of Portfolio Securities for each trust by the Sponsor with the Trustee, and following the declaration of effectiveness of the registration statement of that Trust under the Securities Act of 1933 and clearance by the securities authorities of various states, the Sponsor will offer the Units of that Trust to the public at the public offering price set forth in the Prospectus, plus accrued interest.

The application states that, while not obligated to do so, it is the Sponsor's present intention to maintain a market for the Units of each series of the Trusts, and continually to offer to purchase such Units at prices, subject to change at any time, based on the aggregate of the then current offering prices of the Portfolio Securities in the Trust as computed by the Evaluator. If the supply of Units exceeds demand, or for other business reasons, Applicants represent that the Sponsor may discontinue purchases of Units at prices based on the offering prices of the Portfolio Securities. In such event the Sponsor may nonetheless purchase Units, as a service to Unit holders, at a price based on the then current redemption value of those Units. Applicants state that in no event will the price offered by the Sponsor for repurchase of Units be less than the current redemption value, based on the current bid prices for the Securities in the Trust. Applicants further represent that if the Sponsor purchases any Units at the current redemption value as set forth above, it may not resell such Units or reoffer such Units, but may tender such Units to the Trust for redemption.

Applicants request confidential treatment for profit and loss statements of the Sponsor pursuant to Section 45(a) of the Act which provides, in pertinent part, that information filed with the Commission "shall be made available to the public, unless and except insofar as the Commission * * * by order upon application finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors.

Applicants submit that public disclosure of the above financial information is neither necessary nor appropriate in the public interest or for the protection of investors. Investors in the Trusts are not offered an opportunity to acquire any interest whatsoever in the Sponsor. Applicants represent that apart from the Sponsor's obligation under the Trust Agreement to recommend the disposition of underlying Portfolio Securities for the reasons set forth in the Trust Agreement (which obligations may be performed by the Trustee or successor Sponsor if not performed by the current Sponsor), the Sponsor functions solely as an underwriter of the Trusts. Applicants also state that there is no legitimate interest on the part of the investors in the public disclosure of the profit and loss statements of the underwriters from whom the Units are purchased.

According to the application, to the extent that the Sponsor's solvency may conceivably be thought relevant to the maintenance of the secondary market in the Units of the Trusts, the Sponsor's statement of financial condition, which is filed with the Commission and various stock exchanges and is readily available to the public, contains fully adequate information in this regard. Applicants further assert that there is adequate disclosure in the Prospectus of the Sponsor's right to terminate secondary market activities in a particular Trust. The application states that Unitholders are nevertheless fully protected by their right under the Trust Agreement to redeem their Units upon presentation of such Units properly endorsed to the Trustee. The unitholders will receive the "Redemption Value" of the Units computed on the underlying assets of the particular Trust. According to Applicants, the existence of the Sponsor and its secondary market activities are irrelevant to the redemption right.

Applicants assert, therefore, that the financial information of the Sponsor is

not material from the standpoint of investors. The soundness of the investors' interest in the Trust is solely a function of the fiscal condition of the issuers whose Securities are contained in the Trust's portfolio. Finally, Applicants represent that the financial operations of the Sponsor will in no way enhance or diminish the prospect for an orderly payment of the underlying Securities.

Notice if further given that any interested person wishing to request a hearing on the application may, not later than June 13, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-14346 Filed 5-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13257; (812-5472)]

Sears Tax-Exempt Investment Trust; Filing of Application

May 20, 1983.

Notice is hereby given that Sears Tax-Exempt Investment Trust, Long Term Municipal Portfolio Series 1 and Subsequent Series ("Long Term Series"), Sears Tax-Exempt Investment Trust, Intermediate Term Municipal Portfolio Series 1 and Subsequent Series ("Intermediate Series"), Sears Tax-Exempt Investment Trust, Short Term Municipal Portfolio Series 1 and Subsequent Series ("Short Term Series"), Sears Tax-Exempt Investment Trust, Discount Municipal Portfolio Series 1 and Subsequent Series ("Discount Series"), Sears Tax-Exempt Investment Trust, Multiple Maturity Portfolio Series 1 and Subsequent Series ("Multiple Maturity Series"), Sears Tax-Exempt Investment Trust, Multi-State Program Series 1 and Subsequent Series ("Multi-State Series"), Sears Tax-Exempt Investment Trust, California Municipal Portfolio Series 1 and Subsequent Series ("California Series"), Sears Government Investment Trust, GNMA Portfolio Series 1 and Subsequent Series ("GNMA Series"), Sears Tax-Exempt Investment Trust and Similar Series of Trusts and Sears Government Investment Trust and Similar Series of Trusts (collectively, the "Trusts"), and Dean Witter Reynolds Inc., Sponsor of the Trusts ("Sponsor") (collectively with the Trusts, "Applicants") Unit Investment Trust Dept.; 5 World Trade Center, New York, NY 10048, filed an application on March 4, 1983, and an amendment thereto on May 5, 1983, for an order of the Commission: (i) Pursuant to Section 11 of the Investment Company Act of 1940 ("Act"), approving the terms of certain offers of exchange of units of any Series of any of the Trusts for units of any other Series thereof at a reduced sales load; and (ii) pursuant to Section 6(c) of the Act exempting such exchange transactions from the provisions of Section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below and to the Act for the test of Sections 11 and 22(d).

The application states that Sears Tax-Exempt Investment Trust, Long Term Municipal Portfolio Series 1 and Subsequent Series, Sears Tax-Exempt Investment Trust, Intermediate Term Municipal Portfolio Series 1 and Subsequent Series, Sears Tax-Exempt Investment Trust, Short Term Municipal Portfolio Series 1 and Subsequent Series, Sears Tax-Exempt Investment Trust, California Municipal Portfolio Series 1 and Subsequent Series, and Sears Government Investment Trust, GNMA Portfolio Series 1 and Subsequent Series, are unit investment trusts registered under the Act. Sears Tax-Exempt Investment Trust, Discount Municipal Portfolio Series 1 and Subsequent Series, Sears Tax-Exempt Investment Trust, Multiple Maturity Portfolio Series 1 and Subsequent Series, and Sears Tax-Exempt Investment Trust, Multi-State Program Series 1 and Subsequent Series and are investment trusts that Applicants anticipate will be created and registered under the Act in the future.

According to the application, each of the Long Term, Intermediate Term and Short Term Series will be a separate unit investment trust created under the laws of the State of New York by a separate Trust Indenture and Agreement ("Trust Agreement") among the Sponsor, United States Trust Company of New York as trustee ("Trustee") and Standard & Poor's Corporation as evaluator ("Evaluator"). The investment objectives of each Trust of the Long Term, Intermediate Term and Short Term Series are federally tax exempt income and conservation of capital through investment in a fixed portfolio of interest-bearing municipal bonds. Each of the Discount Series will be a separate unit investment trust, consisting of interest-bearing municipal bonds which are originally issued at a discount or are currently selling in the market at a discount. The intended investment objectives of each Discount Series are conservation of capital and interest income exempt from federal income taxation. Each of the Multiple Maturity Series will consist of three separate unit investment trusts: The Long Term, Intermediate Term and Short Term Series. The Long Term Trust will contain interest-bearing municipal obligations with long term maturities which are more than fifteen years. The Intermediate Trust will contain municipal obligations with intermediate term maturities which are not less than seven years and not more than fifteen years. The Short Term Trust will contain municipal obligations with short term maturities which are less than seven years. The intended investment objectives of each trust composing a Multiple Maturity Series are conservation of capital and interest income exempt from Federal income taxation. Each of the Multi-State Series will consist of two or more separate unit investment trusts created under the laws of the State of New York by a separate Trust Agreement among the Sponsor, the Trustee and the Evaluator. Each separate trust portfolio of the Multi-State Series will contain interest-bearing municipal bonds issued by governmental entities located within the State for which that trust is named. The investment objectives of each Trust composing a Multi-State Series are conservation of capital and interest income which is exempt from Federal, State and local income taxation for residents in States for which the Trust is named. Applicant states that each of the California Series will be a separate unit investment trust. Each trust portfolio will contain interest-bearing municipal bonds issued by governmental entities located within the State of California. The intended investment objectives of each California Series are conservation of capital and interest income which is exempt from Federal, State and local income taxation for California residents. Each of the GNMA Series will be a

separate unit investment trust, consisting of interest-bearing mortgage backed securities issued by the Government National Mortgage Association. The intended investment objectives of each GNMA Series are current distribution of principal and interest and preservation of capital. The application states that while the Sponsor presently expects to create Discount Series, Multiple Maturity Series and Multi-State Series and to offer to investors Units of such Trusts, none of these Trusts had been created nor had any of their Units been registered with the Commission as of the date of the application.

Applicants state that while the Sponsor is not obligated to do so, it is the Sponsor's present intention to maintain a market for Units of each Trust and continuously to maintain a market for Units of each Trust and continuously to offer to purchase such Units at prices in excess of the redemption prices as described in the applicable prospectus.

Applicant represent that the Sponsor proposes to allow purchasers of Units of any of the Trusts ("Certificateholders") to exchange Units which they may hold in any one of the Trusts for Units of other Series of the same Trust or of any of the other Trusts which the Sponsor had repurchased and which have not been tendered for redemption.[1] The Sponsor would impose a reduced fixed sales charge per Unit exchanged. Applicants state that the structures of the various Series of the Exchange Trusts are very similar in most respects to each other, but the investment objectives of each Exchange Trust are different. Applicants state that the Sponsor intends to hold the exchange option being proposed ("Exchange Option") open under most circumstances, but it does, however reserve the right to modify, suspend or terminate the Exchange Option at any time without further notice to Certificateholders.

The application states that although the composition of particular Exchange Trusts and particular Series differ in various respects depending on the nature of the underlying portfolios, their structures are substantially the same. The Sponsor acquires a portfolio of securities, believed by it to satisfy the standards applicable to the investment objectives of the particular Series, which securities are then deposited in trust with the Trustee in exchange for certificates representing Units of undivided interest in the deposited portfolio. Those Units are then offered to the public at a public offering price that is based upon the offering prices of the underlying securities plus a sales charge (4.00% of the public offering price). Applicants represent that the sales charge applicable to future series may be varied by the Sponsor.

Applicants state that the Exchange Option would apply only to Units of various Series of The Exchange Trusts as to which a secondary market is being maintained. Applicants represent that while it is not presently contemplated that Certificateholders would be permitted to exchange their Units of other Series of the same Trust or into Units of any Series of the Exchange Trusts which are available on original issue, the Sponsor might at some future date determine to permit such exchanges and therefore desires that any exemptive order issued pursuant to this application apply also to Units which are available on original issue.

According to the application, the exchange effected by the Exchange Option would operate in a manner essentially identical to any secondary transaction, except that the Sponsor seeks authority to impose a reduced sales charge on each transaction pursuant to the Exchange Option. Units of any Series repurchased by the Sponsor will be soled by the Sponsor at a public offering price based upon the offering side evaluation of the underlying securities plus a sales charge of 4.00% of the public offering price. Applicants seek authority to permit the Sponsor to sell Units of the Exchange Trusts pursuant to the Exchange Option at a price equal to the offering side evaluation of the underlying securities divided by the number of Units outstanding ("Unit Offering Price"), plus a fixed charge of $15 per Unit. Applicants assert that such $15 fixed charge can be expected to approximate about 1½% of the offering price. According to the application, the Sponsor reserves the right to increase or decrease such fixed charge from time to time in the event of fluctuations in the costs of professional assistance and operational expenses in connection with these exchange transactions.

Applicants represent that a Certificateholder who has purchased Units of a Series and paid a per Unit sales charge which was less than the per Unit sales charge of the Series of the Exchange Trust for which such Certificateholder desires to exchange would be allowed to exercise the Exchange Option at the Unit Offering Price plus a fixed sales charge of $15 per Unit, provided the Certificateholder has held his Units for a period of at least eight months. Any such Certificateholder who has not held the Units to be exchanged for the eight month period would be required to exchange such Units at the Unit Offering Price plus a sales charge based on the greater of $15 per Unit or an amount which, together with the initial sales charge paid in connection with the acquisition of the Units being exchanged, equals the sales charge of the Series of the Exchange Trust for which such Certificateholder desires to exchange, determined as of the date of the exchange. Applicants further state that a Certificateholder would not be permitted to make up any difference between the amount representing the Units being submitted for exchange and the Units being acquired.

Section 6(c) of the Act provides, in pertinent part, that the Commission upon any application may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 11(c) of the Act provides, in pertinent part, that exchange offers involving registered unit investment trusts are subject to the provisions of Section 11(a) of the Act irrespective of the basis of exchange. Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make, or cause to be made, an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Applicants request an order, pursuant to Section 11 of the Act, approving the terms of the Exchange Option.

Applicants assert that the purpose of the Exchange Option is to permit the Sponsor to pass on to the Certificateholder who wishes to exchange Units the cost savings resulting from the exchange. The cost savings result from reductions in time and expense related to advice, financial planning, and operational expense required for the Exchange Option.

[1] The investment companies to which this Exchange Option applies are referred to collectively as the "Exchange Trusts" or, individually, as the "Exchange Trusts."

Applicants believe that the proposed reduction in sales charge would be beneficial to all Certificateholders. Applicants submit that, under the proposed Exchange Option, a person desiring to dispose of Units of one Series and acquire Units of another Series of the Exchange Trusts may wish to do so for a number of reasons, such as changes in his or her particular investment goals or requirements or in order to take advantage of possible tax benefits flowing from the exchange.

Applicants further assert that requiring Certificateholders who hold Units of a Series of the Exchange Trusts which were acquired at a lower sales charge than the sales charge of Units to be acquired under the Exchange Option to pay an adjusted sales charge for such exchange during the first eight months in which they have held the Units to be exchanged is appropriate. In addition, Applicants assert it is essential to maintain equitable treatment of various purchasers of Units. After a Certificateholder of a Series with a lower sales charge has held his Units for an adequate period of time (here proposed to be eight months), the discriminatory nature of his effecting an exchange transaction is not as compelling, and thus possible abuses are not material.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 13, 1983 at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-14340 Filed 5-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19789; File No. SR-NASD-83-5]

Self Regulatory Organizations; Proposed Rule Change; National Association of Securities Dealers, Inc.; Relating To Overallotment Options

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 17, 1983, the National Association of Securities Dealers, Inc. ("Association") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association is proposing a rule change to the Interpretation of the Board of Governors—Review of Corporate Financing ("Interpretation") under Article III, Section I of the Association's Rules of Fair Practice. The following language will appear in the Interpretation:

*Overallotment Options**

When proposed in connection with the distribution of a public offering of securities on a "firm commitment" basis, any option to be granted to an underwriter or related person for an overallotment of more than fifteen percent of the amount of securities being offered (computed excluding any securities offered pursuant to the option) shall be presumed to be unfair and unreasonable.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The proposed rule change amends the longstanding policy of the Association which presumptively established as unfair and unreasonable the granting to underwriters or related persons an overallotment option of more than ten percent of the amount of securities being underwritten in a public offering. Overallotment options are granted by issuers to underwriters to permit them at their discretion to increase the number of shares which will be issued as part of an offering conducted on a "firm commitment" basis. The options are intended to assist underwriters in achieving a more orderly distribution by providing flexibility in the amount of securities being offered. Additionally, the options facilitate stabilizing activities.

Although the Association's policy on overallotment options was never codified into the Interpretation, the policy has been consistently applied from the 1960's and has been periodically reviewed by the Association's Corporate Financing Committee. The ten percent limitation was retained based upon the belief that an underwriter should be able to measure demand for a new issue within a ten percent range. There was an additional concern that large overallotment options can alter the underwriter's obligation such that a firm commitment offering becomes more akin to a "best efforts" undertaking.

Over the past several months, the Association asserts that the increased volatility of prices and trading volume in the securities markets has made it increasingly difficult for underwriters to accurately judge demand ot to achieve an orderly distribution of an issuers securities. During this period, the Association has received a number of requests for exceptions from the ten percent policy. Increased market volatility was most often cited as the primary reason behind these requests. The Association decided to review the ten percent policy to ascertain its viability under current market conditions.

The Association concluded that it is in the issuers' and investors' interest for it to place reasonable restrictions upon overallotment options. It felt that such restrictions assist in assuring that the size of an offering does not become distored from that originally described to investors and is helpful in achieving a more orderly distribution. Recognizing that price and volume volatility has changed dramatically since the adoption of the ten percent policy it was concluded that greater latitude in determining the size of an offering may

* New language is italicized.

be necessary in the present market environment.

The possibility of permitting different sizes of overallotment options for initial public offerings and other distributions was considered bt it was noted that conditions could vary sufficiently for particular offerings in each category as to make any such distinction unfair. It was therefore decided to retain a single percentage limitation for all offerings.

Substantial attention was devoted to the amount of overallotment options which should be viewed as presumptively reasonable. Large overallotment options would eliminate distinctions between "firm commitment" and "best efforts" offerings and confuse potential investors as to the size of the offering and resulting effect on issuer's financial status. The size of the overallotment option in any offering is normally negotiated between the issuer and underwriter within regulatory parameters. It is expected that many, if not most, options to be granted under the proposed rule change will be less than the presumptively reasonable maximum. The Association expects to consistently apply the fifteen percent maximum without exception (other than highly unusual circumstances where an exception is granted by the Committee after a hearing).

The Association is charged under both Sections 15A(b)(2) and 15A(b)(6) of the Securities Exchange Act of 1934 with the responsibility of promulgating rules which prevent fraudulent and manipulative practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market, and generally protect investors. The proposed rule change will specifically further these purposes by maintaining an orderly distribution of securities while permitting issuers and underwriters increased flexibility in determining the size of an offering necessitated by present market conditions.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Association believes the proposed rule change will not impose an unreasonable burden on competition. Raising the amount of overallotment options presumptively considered reasonable to fifteen percent of the amount of securities underwritten by an NASD member, would provide issuers and underwriters with increase flexibility in structuring the size of public offerings. This policy would apply to all public offerings, including an initial pubilc offering, which are underwritten on a "firm commitment" basis and in which any Association member participates. This regulatory relaxation in response to present market conditions will further the purposes expressed in the 1934 Act.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.* No comments were solicited or received in connection with the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the Submission, All subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C 552, will be available for inspection and copying in the Commission's Public Reference Section, Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 19, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14344 Filed 5-26-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before June 30, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

Copies: Copies of the proposed forms, the requests for clearance (S.F. 83), supporting statements, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538; or

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-4814.

SUPPLEMENTARY INFORMATION:

Forms Submitted for Review

Title: Management Training Form.
Form No.: SBA 888.
Frequency: On Occasion.
Description of Respondents: Instructors of SBA cosponsored training programs.
Annual Responses: 11,000.
Annual Burden Hours: 3,667.
Type of Request: New

Title: Notice of Duplication of Benefits
Form No.: N/A

Frequency: On Occasion
Description of Respondents: Disaster loan recipients receiving duplicate assistance from another Federal source
Annual Responses: 90
Annual Burden Hours: 45
Type of Request: New

Title: Reconsideration Requests
Form No.: N/A
Frequency: On Occasion
Description of Respondents: Applicants desiring reconsideration of denial of disaster loans
Annual Responses: 1,000
Annual Burden Hours: 2,000
Type of Request: New

Title: Governor's Request for Disaster Declaration
Form No.: N/A
Frequency: On Occasion
Description of Respondents: State governments requesting SBA declaration of disaster
Annual Responses: 110
Annual Burden Hours: 2,200
Type of Request: New

Dated: May 20, 1983.

Elizabeth M. Zaic,

Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 83-14331 Filed 5-26-83; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/534]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Working Group on Transborder Data Flow of the Advisory Committee on International Investment, Technology, and Development on Monday, June 20, 1983, from 10:00 a.m. to noon, in the Loy Henderson Conference Room, Department of State, 2201 C Street, NW., Washington, D.C. 20520.

An agenda for the meeting will include reports on the OECD Committee for Information, Computer and Communications Policy (ICCP) meeting and the ICCP meeting on the follow-up to the OECD Privacy Guidelines, both held last March, and preparations for the ICCP Working Group on TBDF to meet in late June. Ambassador Diana Lady Dougan, Coordinator for International Communication and Information Policy, will brief the group.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office (202) 632-2728 in order to arrange admittance to the State Department. Please use the "C" street entrance.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: May 13, 1983.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 83-14280 Filed 5-26-83; 8:45 am]
BILLING CODE 4710-07-M

VETERANS ADMINISTRATION

Expand and Renovate Building No. 1; Veterans Administration Medical Center, Cheyenne, Wyoming; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the proposed construction of a three level clinical addition. The preferred plan to be implemented is concept C-1, as described below.

Several alternative plans involving different functional adjacencies have been examined, including the "No Action" alternative.

Concept 1 is a plan that proposed a separate three level addition, directly west of the main clinical building, connected by an elevator core and new main entrance.

Concept 2 is a plan that proposes an addition with infill between the north and west wings of the building.

Concept 3 is a plan with two variants (C and C-1), both showing a three level addition to the west of the main clinical building and connected by two corridors. The two variants differ in how Canteen Service is located. Scheme C provided new construction for the Canteen while scheme C-1 proposes the Canteen in future backfill space. The C-1 plan will provide construction connected directly to the west wing of the main clinical building. Minimal renovation will be accomplished in building No. 1.

The "No Action" alternative would maintain most of the medical center in its existing situation, with continual development planning on a five year basis. Most projects developed for consideration would include maintenance and minor proposals to keep the existing facility on an accredited operational basis. However, many significant and basic facility problems would not be addressed by implementing this alternative.

The preferred concept for implementation accommodates the site constraints of both elevation and onsite land use. Development of the new addition in the central area of the reservation allows the major construction to be centralized and phased.

Short term effects of minor air degradation during construction are anticipated.

Mitigation of environmental effects will occur through implementation of air quality control measures during construction. VA construction specifications will include section EP, Environmental Protection, which specifically address actions to be taken to minimize air quality impacts.

A determination of effect, relative to architectural significance of the VA Medical Center will be made by the VA as required by Section 106 of the National Historic Preservation Act and the Advisory Council's regulations "Protection of Historic and Cultural Properties" (36 CFR Part 800). The selected plan attempts to accommodate the architectural significance of the site and will be submitted to the Advisory Council on Historic Preservation in consultation with the State Historic Preservation Officer.

The significance of the identified impacts have been evaluated relative to considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been prepared in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs, (088C), Room 423, Veterans Administration, 811 Vermont Ave., NW., Washington, D.C. 20420 (202-389-3316). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: May 23, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 83-14314 Filed 5-26-83; 8:45 am]
BILLING CODE 8320-01-M

Master Plan, Medical Center Lenwood Division, Augusta, Georgia; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impact that may occur as a result of the development of a master plan for new construction. The preferred

plans to be implemented is concept number two, as described below. The facility program would provide approximately 740,000 gross square feet of space for all VA services.

Several alternative plans involving different functional adjacencies and various project locations within the VA property have been examined, including the "No Action" alternative.

Concept one (1) is considered the "minimum" scheme because the amount of new construction is less, but more renovation of existing structures is included. The concept would utilize buildings no. 18, 19, 20, 34, 76 and 94. Building no. 34 would be utilized on an interim basis and would eventually be demolished and replaced with a new addition. All other on-site buildings not identified above would be demolished and replaced with new construction, except for the architecturally significant quarters buildings and the existing boiler plant-chiller complex.

Concept two (2) involves the development of a new complex situated centrally within the VA property. The architecturally significant building nos. 18, 19 and 20 and the architecturally significant quarters areas will be maintained and utilized. Also building no. 76 will be adapted for re-use as a research complex, but maintaining its exterior envelope. New construction includes a compact multi-level structure, oriented in and east-west direction, with a maximum height of four levels. The new building will include a central support sub-level, nursing home, ambulatory care, psychiatric support, intermediate medicine and psychiatric beds. Additionally, various other services and clinics are located within the new structure to meet the functional and treatment needs of the psychiatric medical center.

Concept three (3) proposes development of a new complex identical to the above description, but in a less dense configuration. Moreover, the new structure is oriented in a north-south direction with patient care bed towers radiating from a central support area. Concept three also necessitates considerable on-site road realignments and relocation of recreation facilities.

The "No Action" alternative would maintain most facilities in their existing situation, with continual development of medical center planning on a five year basis. Most projects developed for consideration would include maintenance and minor proposals to keep the existing facility on an accredited operational basis. However, many significant and basic facility problems would not be addressed by implementing this alternative.

The development of the proposed master plan concept will have impacts on the human and natural environment affecting minor air degradation and associated increased noise levels during construction phases.

Demolition of building nos. 1–8, 12, 13, 14, and eventually 34 will require adherence to historical compliance procedures. The VA will record the structures as required and will coordinate with the Advisory Council on Historic Preservation in consultation with the Georgia State Historic Preservation Officer. The potential for a determination of adverse effect does exist in relation to the removal of building nos. 12, 21 and 34.

All environmental attributes analyzed would not be affected if the "No Action" alternative was selected. However, historic and architectural considerations would still remain a major element to address as required by the National Historic Preservation Act.

The following mitigative actions will occur during project development. To provide for integral control of storm water drainage, on-site retention basins will be utilized. Noise control during construction can be achieved utilizing barriers. Specific noise attenuation will require achieving at least barrier noise level reductions or equivalents.

A determination of effect, relative to historic-architectural significance of the VAMC, will be made by the VA as required by Section 106 of the National Historic Preservation Act and the Advisory Council's regulations "Protection of Historic and Cultural Properties" (36 CFR, Part 800). Utilization of some historic structures is planned (building nos. 18, 19, 20). Main new development located centrally and southwest, within the VA property, will require removal of buildings considered architecturally significant. The selected plan attempts to accommodate the historic nature of the site and will be submitted to the Advisory Council on Historic Preservation in consultation with the State Historic Preservation Officer.

The significance of the identified impacts have been evaluated relative to considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs, (088C), Room 423, Veterans Administration, 811 Vermont Ave., NW, Washington, D.C. 20420, (202–389–3316). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: May 19, 1983.
By direction of the Administrator.

Everett Alvarez, Jr.,
Deputy Administrator.

[FR Doc. 83–14229 Filed 5–26–83; 8:45 am]
BILLING CODE 8320–01–M

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists revised forms, extended forms and form letters, new forms, and a reinstated form. This entry contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How ofter the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(H) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the proposed forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Ave. NW., Washington, D.C., 20420, (202) 389–2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Rich Shepard, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C., 20503, (202) 395–6880.

DATES: Comments on the forms should be directed to the OMB Desk Officer within 60 days of this notice.

By direction of the Administrator.

Dated: May 20, 1983.

Dominic Onorato,
Associate Deputy Administrator for Information Resources Management.

Extensions

1. Department of Veterans Benefits

2. Statement of Holder or Servicer of Veteran's Loan
3. VA Form Letter 26–559
4. On occasion
5. Businesses or other for-profit
6. 144,000 responses
7. 24,000 hours
8. Not applicable under 3504(H)

1. Department of Veterans Benefits
2. Supplement to VA Forms 21–526, 21–534 and 21–535
3. VA Form 21–4169
4. On occasion
5. Individuals or households
6. 1,000 responses
7. 500 hours
8. Not applicable under 3504(H)

1. Department of Veterans Benefits
2. Application for Reimbursement from Accured Amounts Due a Decreased Beneficiary
3. VA Form 21–601
4. On occasion
5. Individuals or households
6. 3,750 responses
7. 1,875 hours
8. Not applicable under 3504(H)

1. Department of Veterans Benefits
2. Supplemental Physical Examination Report
3. VA Form 29–8100 (Series)
4. On occasion
5. Individuals or households
6. 3,500 responses
7. 700 hours
8. Not applicable under 3504(H)

1. Department of Veterans Benefits
2. Request to Lender for Information RE Status of Loan—Veteran Applied for Subsequent Loan
3. VA Form Letter 26–247
4. On occasion
5. Businesses or other for-profit
6. 113,268 responses
7. 9,439 hours
8. Not applicable under 3504(H)

1. Department of Veterans Benefits
2. Request for Identifying Information RE: Veteran's Loan Records
3. VA Form Letter 26–626
4. On occasion
5. Individuals and/or Businesses or other for-profit
6. 2,400 responses
7. 200 hours
8. Not applicable under 3504(H)

Revisions

1. Department of Veterans Benefits
2. Monthly Record of Training and Wages
3. VA Form 20–1905c
4. Monthly
5. Individuals and businesses or other for-profit
6. 4,800 responses
7. 1,200 hours
8. Not applicable under 3504(H)

1. Department of Veterans Benefits
2. Application for Education Loan
3. VA Form 22–8725
4. On occasion
5. Individuals or households
6. 840 responses
7. 560 hours
8. Not applicable under 3504(H)

1. Department of Veterans Benefits
2. Application For Total Disability Income Provision (Medical)—Government Life Insurance
3. VA Form 29–1606
4. On occasion
5. Individuals or households
6. 91 responses
7. 136.5 hours
8. Not applicable under 3504(H)

New

1. Department of Veterans Benefits
2. Request for Verification of Deposit
3. VA Form 26–8497a
4. On occasion
5. Businesses or other for-profit
6. 117,000 responses
7. 9,750 hours
8. Not applicable under 3504(H)

1. Department of Veterans Benefits
2. Interest Rate Reduction Refinancing Loan Worksheet
3. VA Form 26–8923
4. On occasion
5. Businesses or other for-profit
6. 30,000 responses
7. 5,000 hours
8. Not applicable under 3504(H)

Reinstatement

1. Department of Veterans Benefits
2. Trainee Interview Worksheet
3. VA Form 22–8862
4. On occasion
5. Individuals or households
6. 12,000 responses
7. 3,000 hours
8. Not applicable under 3504(H)

[FR Doc. 83–14230 Filed 5–26–83; 8:45 am]
BILLING CODE 8320–01–M

Advisory Committee on the Readjustment Problems of Vietnam Veterans; Meeting

The Veterans Administration gives notice under Public Law 92–463 that a meeting of the Advisory Committee on the Readjustment Problems of Vietnam Veterans will be held in Room 119, Veterans Administration Central Office, 810 Vermont Avenue, N.W., Washington, D.C., on June 10, 1983, from 8:00 am to 4:30 pm. The Committee will assemble and analyze ongoing research and clinical experience to assist in the formation of appropriate policies, procedures and organizational structures.

The meeting will be open to the public up to the seating capacity of the room. Anyone having questions concerning the first meeting of this Advisory Committee may contact Mr. Edward Lord, Assistant Director for Administration and Development, Readjustment Counseling Service, Veterans Administration Central Office, at phone number 202–389–3317.

Dated: May 19, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83–14231 Filed 5–26–83; 8:45 am]
BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 104
Friday, May 27, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Consumer Product Safety Commission	1, 2
Equal Employment Opportunity Commission	3
Federal Deposit Insurance Corporation	4–9
Federal Energy Regulatory Commission	10
Federal Home Loan Bank Board	11
Federal Reserve System	12, 13
International Trade Commission	14, 15
Legal Services Corporation	16
Merit Systems Protection Board	17
National Science Foundation	18
Nuclear Regulatory Commission	19
Occupational Safety and Health Review Commission	20
Parole Commission	21, 22
Securities and Exchange Commission	23

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, June 1, 1983.

LOCATION: Third Floor Hearing Room, 111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

FY 1984 Operating Plan
The Commission and the staff will discuss the operating plan for the fiscal year 1984.

(For a recorded message containing the latest agenda information call 301–492–5709).

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207; 301–492–6800.

[S–750–83 Filed 5–25–83; 12:25 pm]

BILLING CODE 6355–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Thursday, June 2, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Election of a Vice Chairman*
The Commission will elect a Vice Chairman for a term ending on May 31, 1984.
2. *Physicians' Samples*
The Commission will consider whether to issue a previously proposed rule that would require all oral prescription drugs in consumer packages that are distributed by manufacturers to physicians to be in child-resistant packaging.

Closed to the Public:

3. *Enforcement Matter*
The staff will brief the Commission on enforcement matter OS #5455.

(For a recorded message containing the latest agenda information: call 301–492–5709).

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207; 301–492–6800.

[S–760–83 Filed 5–25–83; 12:25 pm]

BILLING CODE 6355–01–M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, May 31, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room No. 2000, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, DC 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. A Report on Commission Operations: Report on the Field Reorganization Plan.
3. Freedom of Information Act Appeal No. 83–02–FOIA–045–NY, concerning a request for access to records in a Title VII/EPA/ADEA case file where suit has been filed on the charges.
4. Freedom of Information Act Appeal No. 83–4–FOIA–30–HU, concerning a request for the contents of a closed ADEA Complaint file.
5. Freedom of Information Act Appeal No. 83–5–FOIA–52–SE, concerning a request for the investigator's memorandum and investigative plan from a closed Title VII file.

Closed:

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634–6748.

This Notice issued May 25, 1983.

[S–749–83 Filed 5–25–83; 10:17 am]

BILLING CODE 6570–06–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:10 p.m. on Friday, May 20, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding an amendment to the Purchase and Assumption Agreement entered into on February 15, 1983, by and between the Corporation, the Corporation acting as Receiver of United American Bank in Knoxville, Knoxville, Tennessee, and First Tennessee Bank, Knoxville, Tennessee, and to a Memorandum of Understanding entered into on March 16, 1983, between the Corporation and First Tennessee Bank.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Michael A. Mancusi, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(4) and (c)(8) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4) and (c)(8)).

Dated: May 23, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-753-83 Filed 5-25-83; 12:18 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:45 p.m. on Monday, May 23, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation with respect to the initiation and conduct of a cease-and-desist proceeding against an insured bank (name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii))).

In calling the meeting, the board determined, on motion of Chairman William M. Isaac seconded by Director Irvine H., Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8) and (c)(9)(A)(ii)).

Dated: May 24, 1983.

Hoyle L. Robinson,

Executive Secretary.

Federal Deposit Insurance Corporation.

[S-754-83 Filed 5-25-83; 12:18 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, May 23, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of The Community Savings Bank, Rochester, New York, an insured mutual savings bank, for consent to merge, under its charter and with the title "The Rochester Community Savings Bank," with Rochester Savings Bank, Rochester, New York, and to establish the nineteen offices of Rochester Savings Bank as branches of the resultant bank.

Recommendations regarding the Corporation's assistance agreements involving insured banks pursuant to section 13(c) of the Federal Deposit Insurance Act.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,680-L (Amended): American City Bank, Los Angles, California, Newport Harbour National Bank, Newport Beach, California; Western National Bank, Santa Ana, California, Bank of San Marino, San Marino, California.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: May 23, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-755-83 Filed 5-25-83; 12:18 pm]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, May 23, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Issac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C.T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,681-L: Franklin National Bank, New York, New York

Case No. 45,682-L: American City Bank, Los Angeles, California

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: May 23, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-756-83 Filed 5-25-83; 12:18 pm]

BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 9:30 a.m. on Tuesday, May 31, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

First State Bank of Dwight, Dwight, Nebraska, an operating noninsured bank.

Application for Federal deposit insurance for a state-licensed U.S. branch of a foreign bank:

Korea Exchange Bank, Seoul, Republic of Korea, for Federal deposit insurance of deposits received at and recorded for the accounts of its proposed state-licensed branch to be located at 49-51 West 33rd Street, New York, New York.

Applications for consent to merge and establish one branch:

Rio Grande Valley Bank, Albuquerque, New Mexico, an insured State nonmember bank.

for consent to merge, under its charter and title, with First City National Bank, Albuquerque, New Mexico, and to establish the sole office of First City National Bank as a branch of the resultant bank.

Bank of Weirton, Weirton, West Virginia, an insured State nonmember bank, for consent to merge, under its charter and title, with The Peoples Bank, Weirton, West Virginia, and to establish the sole office of The Peoples Bank as a branch of the resultant bank.

Request for waiver of section 337.2(b) of the Corporation's rules and regulations:

Bank of Montreal Trust Company, New York, New York.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: The Monroe Bank and Trust Company, Monroe, Connecticut

Memorandum and Resolution re: The Hamilton Bank and Trust Company, Atlanta, Georgia

Memorandum and Resolution re: The Bollinger County Bank, Lutesville, Missouri

Memorandum and Resolution re: Franklin National Bank New York, New York

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or Associate Director (Administration and Corporate Applications) of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Audit Report re: Southern National Bank Liquidation Site, Birmingham, Alabama, Report on Internal Accounting Controls, Year Ended October 31, 1982 (dated December 23, 1982).

Audit Report re: On-Line Automated Loan Asset Accounting System Banco Credito y Ahorro Ponceno Ponce, Puerto Rico (dated March 4, 1983).

Audit Report re: The Mission State Bank and Trust Company Mission, Kansas (dated March 18, 1983).

Audit Report re: Integrated Monitoring System (dated April 20, 1983).

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: May 24, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–757–83 Filed 5–25–83; 12:18 pm]

BILLING CODE 6714–01–M

9

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10 a.m. on Tuesday, May 31, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5) U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Appeal from an initial denial of a request for records under the Freedom on Information Act.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: May 24, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–758–83 Filed 5–25–83; 12:18 pm]

BILLING CODE 6714–01–M

10

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 23019, May 23, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 25, 1983.

CHANGE IN THE MEETING: The following items have been added to the agenda:

Item No., Docket No., and Company

P–5: EL78–24–0022 (phase I), Municipal Electric Utilities Association of New York State v. Power Authority of the State of New York; EL78–37 (phase I), Village of Ilion, New York v. Power of Authority of the State of New York; EL83–22–000, Municipal Electric Utilities Association of New York State

CAG–47: RP77–96–016, Natural Gas Pipeline Company of America

CP–3: CP83–14–005, Northern Natural Gas Company, Division of InterNorth, Inc.

Kenneth F. Plumb,

Secretary.

[S–747–83 Filed 5–24–83; 4:53 pm]

BILLING CODE 6717–01–M

11

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m. Thursday, June 2, 1983.

PLACE: Board Room, Sixth Floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTRACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6970).

MATTERS TO BE CONSIDERED: June 30, 1983, FHL Banks Dividends.

[No. 39, May 25, 1983]

[S–750–83 Filed 5–25–83; 10:30 am]

BILLING CODE 6720–01–M

12

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND PLACE: Approximately 10:30 a.m., Wednesday, June 1, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: May 24, 1983.

James McAfee,

Associate Secretary of the Board.

[S–751–83 Filed 5–25–83; 11:29 am]

BILLING CODE 6210–01–M

13

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 9:30 a.m., Wednesday, June 1, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed amendments to Regulation K (International Banking Operations) to implement the Bank Export Services Act. (Proposed earlier for public comment; Docket No. R–0445)
2. Proposal for a plaque and ceremonies to dedicate the Board Building as the Marriner S. Eccles Federal Reserve Board Building.
3. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: May 24, 1983.

James McAfee,

Associate Secretary of the Board.

[S–752–83 Filed 5–25–83; 11:29 am]

BILLING CODE 6210–01–M

14

INTERNATIONAL TRADE COMMISSION

[USITC SE–83–27]

TIME AND DATE: 10 a.m., Thursday, June 9, 1983.

PLACE: Room 331, 701 F. Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigations 731–TA–134 and—135 (Preliminary) (Color Television Receiver from the Republic of Korea and Taiwan)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–766–83 Filed 5–25–83; 3:59 pm]

BILLING CODE 7035–02–M

15

INTERNATIONAL TRADE COMMISSION

[USITC SE–83–26]

TIME AND DATE: 2:30 p.m., Monday, June 6, 1983.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 701–TA–201 (Preliminary) (Forged Undercarriage Components from Italy)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–767–83 Filed 5–25–83; 3:59 pm]

BILLING CODE 7020–02–M

16

LEGAL SERVICES CORPORATION

Meeting of the Board of Directors

STATUS OF MEETING: Open (portion of meeting is to be closed to discuss personnel, litigation and investigatory matters under 45 CFR 1622.5(a)(e)(f) and (h)).

PLACE: GSA Central Office, Auditorium, 18th and F Streets, NW., Washington, D.C.

TIME AND DATE: 9 a.m. to 5 p.m., Monday, June 6, 1983.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes.
3. Authorization of Executive Session.
4. Report from President.
5. Report from Vice President of Finance Second Quarter Budget Review.
6. Report from Vice President of Operations.
7. Report from Office of General Counsel: Adoption of Alien Regulations; Proposed Regulations and Instructions.
8. Report from Office of Field Services: Resolution on Fund Balance.
9. Report from Office of Government Relations.
10. Adjournment.

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Secretary of the Corporation (202) 272–4040.

Dated: May 25, 1983.

Donald P. Bogard,

President.

[S–769–83 Filed 5–25–83; 4:36 pm]

BILLING CODE 6820–35–M

17

MERIT SYSTEMS PROTECTION BOARD

TIME AND DATE: 10 a.m., Wednesday, June 23, 1983.

PLACE: Room 801, 1120 Vermont Avenue NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Alternative "sanction procedures" in Hatch Act cases currently before the Board.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Kenneth W. Goshorn, Office of the General Counsel, 1120 Vermont Avenue NW., Washington, D.C. 20419; (202) 653–7171.

Dated: May 24, 1983.

For the Board.

Herbert E. Ellingwood,

Chairman.

[S–784–83 Filed 5–25–83; 2:54 pm]

BILLING CODE 7400–01–M

18

NATIONAL SCIENCE FOUNDATION

National Science Board Commission on Precollege Education in Mathematics, Science and Technology

DATE AND TIME:

June 13, 1983; 9:00 a.m.–4:30 p.m.

June 14, 1983; 9:00 a.m.–4:00 p.m.

PLACE: National Science Foundation, 1800 G. Street NW., Room 540, Washington, D.C.

TYPE OF MEETING: Open.

CONTACT PERSON FOR MORE INFORMATION: Dr. Richard S. Nicholson, Executive Director, Commission on Precollege Education in Mathematics,

Science and Technology, Room 527, National Science Foundation, Washington, DC 20550.

SUMMARY MINUTES: Contact Dr. Richard S. Nicholson at the above address.

PURPOSE OF COMMISSION MEETING AND AGENDA: The Commission will continue deliberations regarding the formation of its final report. Special emphasis will be given to the definition of the educational goals of the precollege school system and the roles of various sectors in achieving these goals.

May 25, 1983.

Mr. Rebecca Winkler,

Committee Management Coordinator.

[S–761–83 Filed 5–25–83; 2:49 pm]

BILLING CODE 7555–01–M

19

NUCLEAR REGULATORY COMMISSION

DATE: Thursday, May 26, 1983 and Friday, May 27, 1983 (revised).

PLACE: Commissioner's Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: *Thursday, May 26:*

9:30 a.m.:
Oral Presentations on Indian Point Emergency Planning and Preparedness (Public Meeting) (Time Change)

Friday, May 27:

10:00 a.m.:
Discussion/Possible Vote on Full Power Operating License for McGuire-2 (Public Meeting) (Time Change)

1:30 p.m.:
Briefing on Nuclear Plant Reliability Data System (NPRDS) (Public Meeting) (Time Change)

ADDITIONAL INFORMATION: On May 23 the Commission voted 4–0 (Commissioner Gilinsky not present) to hold Discussion of Indian Point Order, held that day.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

May 24, 1983.

Walter Magee,

Office of the Secretary.

[S–786–83 Filed 5–25–83; 3:30 pm]

BILLING CODE 7590–01–M

20

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 21702, May 13, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., June 9, 1983.

CHANGE IN THE MEETING: The meeting is rescheduled at 10 a.m. on June 8, 1983.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell, (202) 634–4015.

Dated: May 25, 1983.

[S–765–83 Filed 5–25–83; 2:55 pm]

BILLING CODE 7600–01–M

21

PAROLE COMMISSION

[3PO401]

U.S. Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters).

TIME AND DATE: 10 a.m., Wednesday, June 1, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole of mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5987.

[S–763–83 Filed 5–25–83; 2:51 pm]

BILLING CODE 4410–01–M

22

PAROLE COMMISSION

[3PO401]

TIME AND DATE: 10:30 a.m. to 3:30 p.m., Monday, June 13, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 12 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These cases are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5987.

[S–762–83 Filed 5–25–83; 2:52 pm]

BILLING CODE 4410–01–M

23

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of May 31, 1983, at 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Tuesday, June 1, 1983, at 10 a.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans, Longstreth and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 1, 1983, at 10 a.m., will be:

Access to investigative files by Federal, State, or Self-regulatory authorities.
Litigation matters.
Formal orders of investigation.
Institution of injunctive action.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Regulatory matter regarding financial institution.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contract: Steve Boehm at (202) 272–2467.

May 23, 1983.

[S–740–83 Filed 5–25–83; 9:03 am]

BILLING CODE 8010–01–M

federal register

Friday
May 27, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama:	
AL82–1039	September 3, 1982.
AL82–1087	December 10, 1982.
Connecticut:	
CT81–3032	May 15, 1981.
CT82–3001	February 5, 1982.
Florida:	
FL81–1256	June 26, 1981.
FL83–1016	April 1, 1983.
Georgia:	
GA83–1002	January 21, 1983.
GA83–1003	Do.
Indiana: IN83–2033	April 29, 1983.
Michigan: MI83–2007	February 11, 1983.
New Mexico: NM83–4032	April 15, 1983
Oregon: OR83–5100	February 18, 1983.
Utah: UT83–5108	March 25, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Nebraska: NE80–4059 (NE83–4041)	July 18, 1980.

Signed at Washington, D.C. this 20th day of May 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION NO. AL82-1039 -- MOD. # 2	Basic Hourly Rates	Fringe Benefits
(September 3, 1982 --47 FR 39074)		
JEFFERSON, SHELBY, & ST. CLAIR COUNTIES IN ALABAMA		
BUILDING CONSTRUCTION		
CHANGE:		
Bricklayers	$ 12.63	1.62
Laborers:		
Group A	8.51	1.05
Group B	8.44	1.05
Group C	8.38	1.05
Group D	8.31	1.05
Group E	8.81	1.05
Group F	9.36	1.05
Group G	9.23	1.05
Group H	9.29	1.05
Group I	9.18	1.05
Group J	9.00	1.05
Group K	10.15	1.05
Painters	12.60	.70
Plumbers & Pipefitters	14.45	2.07

DECISION NO. AL82-1087 -- MOD. # 3	Basic Hourly Rates	Fringe Benefits
(December 10, 1982 -- 47 FR 55588)		
HEAVY CONSTRUCTION Blount, Cherokee, Clay, Cleburne, Colbert, Cullman, DeKalb, Fayette, Franklin, Jackson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Randolph, & Winston Counties in ALABAMA		
CHANGE:		
Painters (Hydro-electrical plant, Locks & Dams, & Manufacturing Facilities) COLBERT, LAUDERDALE, AND LAWRENCE COUNTIES	$ 12.10	1.10

DECISION NO. CT81-3032 - MOD. #27 (46 FR 20740 - May 15, 1981)	Basic Hourly Rates	Fringe Benefits
HARTFORD, MIDDLESEX, NEW HAVEN, NEW LONDON AND TOLLAND COUNTIES, CONN.		
CHANGE:		
BRICKLAYERS; CEMENT MASONS; FINISHERS; MARBLE MASONS; PLASTERERS; STONE MASONS; TERRAZZO WORKERS & TILE SETTERS		
Heavy & Highway Construction	12.60	2.10
LABORERS (BUILDING)		
Laborers, carpenter tenders, wrecking laborers	12.20	2.25
Jackhammer hammer operator, mason tenders, mortar mixer, pipe layers, plasterers tenders, plasterers tender, power buggy operators, powdermen	12.45	2.25
Air track operators, wagon drill operators, sand blasters, blasters	12.95	2.25
Open air caisson, cylindrimal work and boring crew:		
Bottom men	12.70	2.25
Top men	12.20	2.25
LABORERS (HEAVY & HIGHWAY)		
Laborers	12.20	2.25
Asphalt rakers, chain saw operators, fence and guard rail erectors, pipelayers, mason tenders, pneumatic tool operators, powdermen and wagon drill operators	12.45	2.25
Air track operators, block pavers, curb setters	12.70	2.25
Blasters	12.95	2.25
POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY):		
Class 1	18.06	3.10+a
Class 2	17.81	3.10+a
Class 3	17.33	3.10+a
Class 4	17.03	3.10+a
Class 5	16.78	3.10+a
Class 6	16.51	3.10+a
Class 7	16.17	3.10+a
Class 8	14.81	3.10+a
Class 9	14.98	3.10+a
Class 10	15.52	3.10+a
Class 11	16.06	3.10+a
Class 12	14.27	3.10+a
Class 13	15.42	3.10+a
Class 14	9.81	3.10+a
Crane with 150' boom $.25 extra		
Crane with 200' boom $.50 extra		
TRUCK DRIVERS		
Class 1	11.78	3.02+r
Class 2	11.88	3.02+r
Class 3	11.98	3.02+r
Class 4	11.93	3.02+r
Class 5	12.03	3.02+r
Class 6	12.08	3.02+r

DECISION NO. CT82-3001 - MOD. #14 (47 FR 5612 - February 5, 1982) FAIRFIELD, LITCHFIELD AND WINDHAM COUNTIES, CONN.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BRICKLAYERS; CEMENT MASONS; FINISHERS; MASONS; PLASTERERS; STONEMASONS; TERRAZZO WORKERS & TILE SETTERS:		
Heavy & Highway Construction Areas 1,2,3,6,7,8&9	12.60	2.10
LABORERS (BUILDING)		
Laborers, carpenter tenders, wrecking laborers	12.80	2.25
Jackhammer hammer operator, mason tenders, mortar mixer, pipe layers, plasterers tenders, plasterers tender, power buggy operators, powdermen	12.45	2.25
Air track operators, wagon drill operators, sand blasters, blasters	12.95	2.25
Open air caisson, cylindrical work and boring crew:		
Bottom men	13.70	2.25
Top men	13.20	2.25
LABORERS (HEAVY & HIGHWAY)		
Laborers	13.20	2.25
Asphalt rakers, chain saw operators, fence and guard rail erectors, pipelayers, mason tenders, pneumatic tool operators, powdermen and wagon drill operators	12.45	2.25
Air track operators, block pavers, curb setters	12.70	2.25
Blasters	12.95	2.25
PLUMBERS & PIPEFITTERS Area 3	16.99	2.47
POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY):		
Class 1	18.06	3.10+a
Class 2	17.81	3.10+a
Class 3	17.33	3.10+a
Class 4	17.03	3.10+a
Class 5	16.78	3.10+a
Class 6	16.51	3.10+a
Class 7	16.17	3.10+a
Class 8	14.81	3.10+a
Class 9	14.98	3.10+a
Class 10	15.52	3.10+a
Class 11	16.06	3.10+a
Class 12	14.27	3.10+a
Class 13	15.42	3.10+a
Class 14	9.81	3.10+a
Crane with 150' boom $.25 extra		
Crane with 200' boom $.50 extra		
TRUCK DRIVERS		
Class 1	11.78	3.02+r
Class 2	11.88	3.02+r
Class 3	11.98	3.02+r
Class 4	11.93	3.02+r
Class 5	12.03	3.02+r
Class 6	12.08	3.02+r

DECISION NO. FL81-1256 -- MOD. # 1 (June 26, 1981 in 46 FR 33180) DADE COUNTY, FLORIDA HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayers & Cement Masons	$ 14.70	1.77
Carpenters	13.30	1.53
Electricians	11.25	1.81
Ironworkers	14.65	2.505
Laborers:		
Unskilled	4.97	
Pipelayers	5.97	
Millwrights	14.02	2.10
Painters	12.55	1.82
Piledrivermen	14.10	2.45
Truck Drivers	4.65	
Welders--Rate for Craft		
Power Equipment Operators:		
Class A	13.64	1.25
Class B	12.25	1.25
Class C	12.16	1.25
Class D	11.36	1.25
Class E	10.69	1.25

DECISION NO. FL83-1016 -- MOD. # 2 (April 1, 1983 - 48 FR 14307) DADE COUNTY, FLORIDA BUILDING CONSTRUCTION		
CHANGE:		
Elevator Constructors:		
Mechanics	$15.065	2.69+a
Helpers	11.105	2.69+a
Ironworkers	14.65	2.505

DECISION #GA83-1002 - Mod. #3 (48 FR 2930 - January 21, 1983) Clayton, DeKalb, & Fulton Counties, Georgia	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters, Drywall hangers, & Resilient floor layers:		
Projects 10 stories or less, & hospital contracts $10,000,000.00 or less	$12.75	2.02
All other projects, including Rail Transit & related work	14.00	2.02
Piledrivermen:		
Projects 10 stories or less, & hospital contracts $10,000,000.00 or less	12.90	2.02
All other projects, including Rail Transit & related work	14.15	2.02
Carpet layers	10.30	2.02

DECISION #GA83-1003 - Mod. #3 (48 FR 2931 - January 21, 1983) DeKalb & Fulton Counties, Georgia	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Rail Transit & related work	$14.00	2.02
All other construction projects	12.75	2.02
Piledrivermen:		
Rail Transit & related work	14.15	2.02
All other construction projects	12.90	2.02

Decision No. IN83-2033	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	$ 15.00	2.50
Bricklayers; Cement Masons; Plasterers; Terrazzo Workers	13.00	2.50
Carpenters; Millwrights	12.00	2.50
Electricians	14.00	2.50
Elevator Constructors	14.00	2.50
Glaziers	12.00	2.50
Ironworkers	13.00	2.50
Laborers	10.00	2.50
Operating Engineers:		
Group 1	13.00	2.50
Group 2	12.00	2.50
Group 3	11.00	2.50
Group 4	10.00	2.50
Painters	12.00	2.50
Pipefitters	14.00	2.50
Roofers	11.00	2.50
Sheetmetal Workers	13.00	2.50
Truck Drivers	10.00	2.50

DECISION #NM83-4032 (Cont'd)	Basic Hourly Rates	Fringe Benefits
Add:		
Power Equipment Operators:		
Group 1	13.00	2.50
Group 2	12.00	2.50
Group 3	11.00	2.50
Group 4	10.00	2.50
Delete:		
Power Equipment Operators:		
Group 1	12.00	2.50
Group 2	11.00	2.50
Group 3	10.00	2.50
Group 4	9.00	2.50

DECISION NO. OR83-5100 - Mod #5 (48 FR 7379 Feb. 18, 1983) Statewide Oregon	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	$ 14.00	2.50
Bricklayers; Cement Masons; Plasterers; Terrazzo Workers	13.00	2.50
Carpenters; Millwrights	12.00	2.50
Electricians	14.00	2.50
Elevator Constructors	14.00	2.50
Glaziers	12.00	2.50
Ironworkers	13.00	2.50
Laborers	10.00	2.50
Operating Engineers:		
Group 1	13.00	2.50
Group 2	12.00	2.50
Group 3	11.00	2.50
Group 4	10.00	2.50
Painters	12.00	2.50
Pipefitters	14.00	2.50
Roofers	11.00	2.50
Sheetmetal Workers	13.00	2.50
Truck Drivers	10.00	2.50

DECISION NO. UT83-5108 -	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	$ 14.00	2.50
Bricklayers; Cement Masons; Plasterers; Terrazzo Workers	13.00	2.50
Carpenters; Millwrights	12.00	2.50
Electricians	14.00	2.50
Elevator Constructors	14.00	2.50
Glaziers	12.00	2.50
Ironworkers	13.00	2.50
Laborers	10.00	2.50
Operating Engineers:		
Group 1	13.00	2.50
Group 2	12.00	2.50
Group 3	11.00	2.50
Group 4	10.00	2.50
Painters	12.00	2.50
Pipefitters	14.00	2.50
Roofers	11.00	2.50
Sheetmetal Workers	13.00	2.50
Truck Drivers	10.00	2.50

UMI 1983 MAY 27 ISSUE 104 VOL 48

Decision No. IN83-2033 Mod # 1 (48 FR 19564 - April 29, 1983) Brown, Clark, Crawford, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Randolph, Ripley, Rush, Scott, Switzerland, Union, Washington & Wayne Cos. Indiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PAINTERS:		
Area 6:		
New Construction		
Brush	$11.07c	1.18
Spray	11.52c	1.18
Repaint		
Brush	10.32c	
Spray	10.77c	
FOOTNOTES:		
c - All work outside a 35 mile radius of Jefferson County, Kentucky Courthouse- Add $ .35 per hour to Basic Hourly Rate for all Classifications		

DECISION #NM83-4032-Mod. #2 (48 FR 16413 - April 15, 1983) Statewide, New Mexico		
Change:		
Glaziers	11.99	1.55
Soft Floor Layers	11.20	1.90
Commercial Line Work (Area 2)		
Equipment Operator (includes Helicopter Operator):		
Zone IV	19.23	F
Omit:		
Painters Wage rates; Zone and classification Definitions for Zones I, and II		

DECISION #NM83-4032 (Cont'd)	Basic Hourly Rates	Fringe Benefits
Add:		
Painters: Zones I and II:		
Class A	$11.50	$1.90
Class B	12.00	1.90
Class C	11.83	1.90
Classifications Definitions:		
Class A - Painters Brush, Roller and Hand Textures		
Class B - Painters, spray, Sandblasting, Painters on Steel bridges, tanks, towers, pipe and structural		
Class C - Paperhangers; Dry-wall Finisher; Ames Tool Operator		

DECISION #MI83-2007 - Mod. #3 (48 FR 6454 -February 11, 1983) Macomb, Monroe, Oakland, Washtenaw, and Wayne Counties, Michigan		
Change:		
Sheet Metal Workers:		
Monroe County	$16.585	$3.64
Remainder of Area:		
Light Commercial Work - Jobs consisting of 10 tons or air conditioning and/or 200,000 B.T.U.'s of heating and architectural sheet metal work on such projects	10.11	1.89
All Other Commercial Work	16.41	7.58
Residential Work	10.11	1.89

DECISION NO. OR83-5100 - Mod #5 (48 FR 7379 Feb. 18, 1983) Statewide Oregon	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PAINTERS:		
Area 2:		
Brush	$15.59	$3.09
Spray	16.24	3.09
Bridges, High Work Over 50 ft (Brush)	17.14	3.09
Bridges, High Work Over 50 ft (Spray)	17.79	3.09
PLUMBERS:		
Area 1	16.30	4.01
ROOFERS:		
Area 3	13.46	2.05
SHEET METAL WORKERS:		
Area 2	17.36	3%+1.95
SOFT FLOOR LAYERS:		
Area 1	14.022	2.38 + b
Area 2	13.66	1.19
TILE SETTERS:		
Area 1	17.11	3.45
TILE AND TERRAZZO HELPERS:		
Area 1	13.37	2.10
ADD:		
FOOTNOTE:		
b. 4% of all gross wages to be credited to employees with less than one year of service, 6% with more than one year of service. Seven paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Friday after, and Christmas Day.		

DECISION NO. UT83-5108 - Mod. #5 (48 FR 12651 - March 25, 1983) Statewide, Utah	Basic Hourly Rates	Fringe Benefits
Omit:		
Cement Masons:		
Heavy and Highway Schedule and Zone Descriptions as originally issued		
Add:		
Cement Masons:		
Heavy and Highway to same Zone Descriptions as Operating Engineers, Laborers and Truck Drivers Heavy and Highway		
Cement Masons:		
Heavy and Highway Construction:		
Zone 1:		
Cement Masons	$13.14	$1.90
Machine Operator; Mastic Floor Materials	13.39	1.90
Zone 2:		
Cement Masons	15.64	1.90
Machine Operator; Mastic Floor Materials	15.89	1.90

SUPERSEDEAS DECISION

STATE: Nebraska

COUNTIES: Cedar,Cuming,Pierce, Stanton and Wayne Counties

DECISION NO. NE83-4041

DATE: Date of Publication

Supersedes Decision No. NE80-4059 dated July 18, 1980 in 45 FR 48425

DESCRIPTION OF WORK: Building Projects, (excluding single family homes and apartments up to and including four (4) stories).

	Basic Hourly Rates	Fringe Benefits
Bricklayers	$10.00	
Carpenters	7.49	
Cement Masons	5.91	
Drywall:		
Installers	5.75	
Finishers	6.44	
Electricians	8.20	
Glaziers	11.24	
Laborers	5.80	
Painters	7.48	
Plumbers	6.51	
Roofers	7.67	
Sheet Metal Workers	7.01	
Power Equipment Operators:		
Bulldozers	7.25	
Bobcat	6.50	
Loader	7.25	

[FR Doc. 83-14042 5-26-83; 8:45 am]

BILLING CODE 4510-27-C

federal register

Friday
May 27, 1983

Part III

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 900]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 24, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS VOLUME 900
ISSUED MAY 24, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-ANADARKO PRODUCTION COMPANY		RECEIVED: 05/02/83 JA: KS							
8335116	K-83-0063	1517520531		102-4		MITCH G #6	SHUCK	14.0	CIMARRON-QUINQUE
8335115	K-83-0064	1517520625		102-4		MITCH G #8	SHUCK	18.0	CIMARRON-QUINQUE
8335119	K-82-0265	1518920211		108-ER		RATZLAFF B-1	PANOMA	0.0	PANHANDLE EASTERN
8335121	K-82-0069	1512962766		108-ER		REPUBLIC B-1	SANTA FE TRAIL	0.0	PANHANDLE EASTERN
-ANADARKO PRODUCTION COMPANY		RECEIVED: 05/03/83 JA: KS							
8335340	K-82-0393	1518920267		108-ER		FARRAR B-1	PANOMA	0.0	PANHANDLE EASTERN
-BEREN CORPORATION		RECEIVED: 05/03/83 JA: KS							
8335351	K-82-0737	1518720358		102-4		CARRIE "C" #2	BEAUCHAMP	61.0	KANSAS NEBRASKA M
8335350	K-81-0824	1518720329		102-4		HILTY 01-22	BEAUCHAMP	72.0	KANSAS NEBRASKA M
-F G HOLL		RECEIVED: 05/03/83 JA: KS							
8335349	K-82-0947	1504720186		108-PB		MEYER #1	BEAUCHAMP	0.0	KANSAS-NEBRASKA M
-FLORIDA ENERGY RESOURCES INC		RECEIVED: 05/02/83 JA: KS							
8335118	K-82-1494	1500721498		102-4		BRASS #2	WILDCAT	73.0	KANSAS GAS SUPPLY
8335117	K-82-1403	1500721491		102-4		BRASS #3	WILDCAT	73.0	KANSAS GAS SUPPLY
-SOUTHLAND ROYALTY CO		RECEIVED: 05/02/83 JA: KS							
8335120	K-82-0844	1511920378		108-PB		ADAMS #6-11	26% CIMARRON AGHC	0.0	COLORADO INTERSTA
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-FUEL ENERGY INC		RECEIVED: 05/03/83 JA: NY							
8335124	4904	3112117920		107-TF		DONALD MCCORMICK #1		20.0	COLUMBIA GAS TRAN
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ATLAS ENERGY GROUP INC		RECEIVED: 05/03/83 JA: OH							
8335278		3415522241		102-2	107-TF	CARUSO #1	VERNON	0.0	COLUMBIA GAS TRAN
8335277		3415521697		102-2	107-TF	J LOGAN #3	GUSTAVUS	18.0	COLUMBIA GAS TRAN
-BELDEN & BLAKE & CO #1		RECEIVED: 05/03/83 JA: OH							
8335279		3401921569		108	107-TF	E & J ROSS ET AL #1 - 341207	BROWN	36.5	
-BEREA OIL AND GAS CORPORATION		RECEIVED: 05/03/83 JA: OH							
8335280		3411924405		108		BARNES #1	CHANDLERSVILLE	21.7	COLUMBIA GAS TRAN
-BLACK RUN DEVELOPMENT CO		RECEIVED: 05/03/83 JA: OH							
8335281		3411926633		103		JAMES GAUSE #1	LICKING	7.3	NATIONAL GAS & OI
-CLINTON OIL CO		RECEIVED: 05/03/83 JA: OH							
8335344		3411926620		103	107-TF	HAROLD HELDON #2-813	LICKING	10.0	
-CUMBERLAND EXPLORATION INC		RECEIVED: 05/03/83 JA: OH							
8335282		3416727373		103		LOWELL VANDEUSEN #1	MUSKINGUM	15.0	RIVER GAS CO
-DAVID SHAFER OIL PRODUCERS INC		RECEIVED: 05/03/83 JA: OH							
8335283		3415321302		107-TF		STONER LAND CO UNIT #1	BATH	7.5	EAST OHIO GAS CO
-DERBY OIL & GAS CORP		RECEIVED: 05/03/83 JA: OH							
8335284		3412725905		103		IDA PRICE #3	JACKSON	12.0	FORAKER GAS CO IN
8335285		3412725919		103		ROBERT DENNY #1	CLAYTON	12.0	FORAKER GAS CO IN
-EDCO DRILLING & PRODUCING INC		RECEIVED: 05/03/83 JA: OH							
8335287		3403122669		108		ED-1A LUCAS	[illegible]	18.0	COLUMBIA GAS TRAN
8335286		3403122632		108		ED-1A MACIAG	[illegible]	18.0	COLUMBIA GAS TRAN

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME		FIELD NAME	PROD	PURCHASER
-ENERGY PRODUCTION INC				RECEIVED: 05/03/83		JA: OH				
8335291		3412122958		103	107-TF	DUDLEY #2		BELLE VALLEY	50.0	TEXAS EASTERN TRA
8335290		3412122237		103	107-TF	NAU #1		BELLE VALLEY	50.0	TEXAS EASTERN TRA
8335290		3412122237		103		NAU #1		BELLE VALLEY	50.0	TEXAS EASTERN TRA
-ENVIROGAS INC				RECEIVED: 05/03/83		JA: OH				
[illegible]		3400922697		103	107-TF	DRYDOCK COAL #31TR		TRIMBLE	27.3	
8335293		3400922698		103	107-TF	DRYDOCK COAL #32D		DOVER	18.2	
8335295		3400922727		103	107-TF	DRYDOCK COAL #34TR		TRIMBLE	18.2	
8335294		3400922718		103	107-TF	DRYDOCK COAL #42TR		TRIMBLE	18.2	
8335296		3400922731		103	107-TF	DRYDOCK COAL #50D		DOVER	18.2	
-EVERFLOW EASTERN INC				RECEIVED: 05/03/83		JA: OH				
8335297		3405902310		108		WENCEK #1		KNOX	0.0	
-FREDERICK PETROLEUM CORP				RECEIVED: 05/03/83		JA: OH				
[illegible]		3412122873		103		RAYLE COAL CO #1	JEFFERSON TOWNSHIP	JEFFERSON	10.0	
-GASEARCH INC				RECEIVED: 05/03/83		JA: OH				
8335299		3415321336		103	107-TF	GOLDEN LINKS #4		BOSTON	28.8	
-HOPCO RESOURCES INC				RECEIVED: 05/03/83		JA: OH				
[illegible]		3403124968		103		WHITAKER #1		KEENE	5.0	
-JONSU OIL CORP				RECEIVED: 05/03/83		JA: OH				
8335301		3403124975		103		PROPER #1		CLARK	5.0	NATIONAL GAS & OI
-K S T OIL & GAS CO INC				RECEIVED: 05/03/83		JA: OH				
8335305		3415321278		103	107-TF	SILVER #1		SAGAMORE HILLS	0.0	YANKEE RESOURCES
8335303		3415321212		103	107-TF	SUNRISE #2		TWINSBURG	0.0	YANKEE RESOURCES
8335304		3415321222		103	107-TF	SUNRISE #4		TWINSBURG	0.0	YANKEE RESOURCES
-KENOIL				RECEIVED: 05/03/83		JA: OH				
8335302		3416923581		107-TF		EDWARD MAUST #1		[illegible]	3.0	COLUMBIA GAS TRAN
-LANGASCO DRILLING CO				RECEIVED: 05/03/83		JA: OH				
8335307		3402920946		107-TF		DONALD STONEMETZ #2		DONALD STONEMETZ #2	15.0	COLUMBIA GAS TRAN
8335306		3402920948		107-TF		VIRGIL CURFMAN #1		VIRGIL CURFMAN #1	50.0	COLUMBIA GAS TRAN
-LEADER EQUITIES INC				RECEIVED: 05/03/83		JA: OH				
8335320		3411924533		108		ARONHALT #1		FRANKLIN	9.0	COLUMBIA GAS TRAN
[illegible]		3403124980		103	107-TF	EGGER #2		WASHINGTON	12.0	
8335316		3411924330		108		JOHNSON #1		FRANKLIN	9.0	COLUMBIA GAS TRAN
8335311		3411924043		108		KREBS #1		FRANKLIN	9.0	COLUMBIA GAS TRAN
8335314		3411924105		108		KREBS #3		FRANKLIN	9.0	COLUMBIA GAS TRAN
8335313		3411924103		108		KREBS #4		FRANKLIN	9.0	COLUMBIA GAS TRAN
8335317		3411924331		108		KREBS #5		FRANKLIN	9.0	COLUMBIA GAS TRAN
8335315		3411924321		108		LITTLE #1		FRANKLIN	9.0	COLUMBIA GAS TRAN
8335318		3411924340		108		LITTLE #2		FRANKLIN	9.0	COLUMBIA GAS TRAN
8335319		3411924499		108		LITTLE #3		FRANKLIN	9.0	COLUMBIA GAS TRAN
8335309		3411924004		108		MARTIN #1		FRANKLIN	9.0	COLUMBIA GAS TRAN
8335312		3411924047		108		MARTIN #2		FRANKLIN	9.0	COLUMBIA GAS TRAN
8335321		3411924556		108		MITCHELL #1		FRANKLIN	9.0	COLUMBIA GAS TRAN
8335310		3411924023		108		MOHLER #1		FRANKLIN	9.0	COLUMBIA GAS TRAN
8335322		3411926514		103	107-TF	V ROBISON #1		CASS	13.0	
-LESLIE OIL AND GAS CO INC				RECEIVED: 05/03/83		JA: OH				
8335325		3410322051	D	108		F RICE #1		FRANKLIN	20.0	COLUMBIA GAS TRAN
8335328		3410322355		108		GIAR #1		FRANKLIN	20.0	COLUMBIA GAS TRAN
8335324		3410321982	D	108		HALE #1		FRANKLIN	20.0	COLUMBIA GAS TRAN
8335330		3410322482		108		HALE #2		FRANKLIN	20.0	COLUMBIA GAS TRAN
8335326		3410322282		108		HANGE #1		FRANKLIN	20.0	COLUMBIA GAS TRAN
8335327		3410322283		108		HANGE #2		FRANKLIN	20.0	COLUMBIA GAS TRAN
8335329		3410322481	D	108		HANGE #3		FRANKLIN	20.0	COLUMBIA GAS TRAN
8335331		3410322486	D	108		HANGE #5		FRANKLIN	20.0	COLUMBIA GAS TRAN
8335332		3410322487		108		HANGE #6		FRANKLIN	20.0	COLUMBIA GAS TRAN
8335333		3410322488		108		HANGE HALE UNIT #1		FRANKLIN	20.0	COLUMBIA GAS TRAN
8335334		3410322489	D	108		HANGE/HALE UNIT #2		FRANKLIN	20.0	COLUMBIA GAS TRAN
8335323		3410321980	D	108		LEONARD #3		FRANKLIN	20.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED: 05/03/83		JA: OH				
8335335		3408323178		103		D & V GIFFIN #1		JEFFERSON	24.0	THE EAST OHIO GAS
-MARIETTA ROYALTY CO INC				RECEIVED: 05/03/83		JA: OH				
8335336		3416727428		103		R O WETZ - UNIT #1		MARION	10.0	GAS TRANSPORT INC
-NORTH COAST OPERATING CO				RECEIVED: 05/03/83		JA: OH				
8335337		3407503729		103	107-TF	R J PATTERSON #2		PRAIRIE	15.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED: 05/03/83		JA: OH				
8335345		3404520825		103		MARION THOMAS #1		FAIRFIELD	10.0	
-POI ENERGY INC				RECEIVED: 05/03/83		JA: OH				
8335338		[illegible]		103	107-TF	SEA WORLD ETAL #6		FAIRBRIDGE	60.0	
-POMINEX INC				RECEIVED: 05/03/83		JA: OH				
8335339		3413322965		103	107-TF	#1 LESTER HEISS		WINDHAM	18.0	
-PURSIE E PIPES				RECEIVED: 05/03/83		JA: OH				
8335341		3413322931		107-TF		S SOLU #1		EDINBURG	20.0	EAST OHIO GAS CO
8335340		3413322930		107-TF		S SOLU #2		EDINBURG	20.0	EAST OHIO GAS CO
-RELIANCE ENERGY				RECEIVED: 05/03/83		JA: OH				
8335289		3407322671		108		I POWELL #2		LICKING	0.0	COLUMBIA GAS TRAN
[illegible]		3407322304		108		IRMA POWELL #1		LICKING	0.0	COLUMBIA GAS TRAN
-SPRING INDUSTRIES				RECEIVED: 05/03/83		JA: OH				
8335342		3415721964	D	108		SPRING INDUSTRIES #5		CLINTON SANDS	0.0	EAST OHIO GAS
-TALBOTT OIL & GAS CO				RECEIVED: 05/03/83		JA: OH				
8335343		3410521956		108		JAMES R & ELNORA INGLES #1			-4.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORP				RECEIVED: 05/03/83		JA: OH				
8335346		3415321293		103	107-TF	GRAF GROWERS #1		PORTAGE	30.0	
-WILLIAM M TIPKA				RECEIVED: 05/03/83		JA: OH				
8335347		3410323156		107-TF		KRAUS-WILHELM-ASH UNIT #1		SHARON	10.0	BARTLO OIL & GAS
OKLAHOMA CORPORATION COMMISSION										
-ARCO OIL AND GAS COMPANY				RECEIVED: 05/02/83		JA: OK				
8335247	21333	3512120709		[illegible]		R L MULLEN UM WELL #2-C		BREWER SOUTH	182.0	ARKANSAS LOUISIAN
-ATKINSON J V				RECEIVED: 05/02/83		JA: OK				
8335255	17910	[illegible]		102-2		AUSTIN BILLUPS #6		MISSISSIPPIAN	18.3	REH INDUSTRIES IN
8335254	17909	[illegible]		102-2		HEARLD ROBINSON #2		MISSISSIPPIAN	18.3	REH INDUSTRIES
8335256	17911	3510500000		102-2		RAY L ROBINSON #1		MISSISSIPPIAN	18.3	REH INDUSTRIES
-BLAND INVESTMENTS				RECEIVED: 05/02/83		JA: OK				
8335250	21402	3514700000		103		JONES #1		NONE	7000.0	PHILLIPS PETROLEU
-BRISCOE OIL CO				RECEIVED: 05/02/83		JA: OK				
8335231	21423	3507323640		103		MURPHY #2		SOONER TREND	30.0	PHILLIPS PETROLEU
-C & T RESOURCES				RECEIVED: 05/02/83		JA: OK				
8335252	15455	3510120827		[illegible]		BELAND #1		BELAND	219.0	TRANSOK PIPE LINE
8335251	15454	3510120970		103		BORUM 1-A		BELAND	37.0	TRANSOK PIPE LINE
8335229	15453	3510121157		103		BORUM 6-A		BELAND	1.0	TRANSOK PIPE LINE
-C J CASSELMAN				RECEIVED: 05/02/83		JA: OK				
8335275	20688	3511123684		[illegible]		MONDAY 1-B		MORRIS	18.3	PHILLIPS PETROLEU
8335276	20689	3511123685		[illegible]		MONDAY 2-B		MORRIS	18.3	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CHEROKEE RESOURCES INC				RECEIVED:	05/02/83	JA: OK			
8335274	20101	3510721321		102-2	103	01 SCOTT 107-75183	SCOTT	300.0	PUBLIC SERVICE CO
-COTTON PETROLEUM CORPORATION				RECEIVED:	05/02/83	JA: OK			
8335222	21486	3513921630		103		WEIS #2	SUTPHAN - MUDDY	0.0	
-COX EXPLORATION INC				RECEIVED:	05/02/83	JA: OK			
8335214	21448	3510321130		103		[illegible] 01	SOUTH LONE ELM	5404.0	ARCO OIL & GAS CO
-CROUCH PETROLEUM COMPANY				RECEIVED:	05/02/83	JA: OK			
8335236	21417	3509120424		103		SCHARDT #1	S E CHEOTAH	70.0	COLUMBIA GAS TRAN
-DAMSON OIL CORPORATION				RECEIVED:	05/02/83	JA: OK			
8335238	21456	3505320253		108		FRANCIS #1	N W MANNUM	0.0	EL PASO NATURAL G
-DAWN ENERGY CO				RECEIVED:	05/02/83	JA: OK			
8335267	21005	3504723079		103		CLARENCE #1-23	EAST BARNES	80.0	
-DEVON ENERGY CORP				RECEIVED:	05/02/83	JA: OK			
8335243	20883	3508720745		103		MCCROSKEY-HAAS #1-34	GOLDEN TREND	50.0	SUN GAS CO
-E F WALDEN				RECEIVED:	05/02/83	JA: OK			
8335220	21482	3512322226		103		SAMURA #1	FRANCIS DISTRICT	0.0	ARKANSAS LOUISIAN
8335221	21483	3512322233		103		SAMURA #2	FRANCIS DISTRICT	0.0	ARKANSAS LOUISIAN
-EARTH ENERGY RESOURCES INC				RECEIVED:	05/02/83	JA: OK			
8335257	18347	3511921589		102-4		BROCK #2	SOUTH STILLWATER	3.5	SUN GAS TRANSMISS
8335253	16906	3511921681		102-4		C E WALL WELL #2	WINCO	188.0	
8335259	18349	3511921857		102-4		SUNNY ACRES #1	SOUTH STILLWATER	5.0	SUN GAS TRANSMISS
-ENERGEN EXPLORATION INC				RECEIVED:	05/02/83	JA: OK			
8335227	21502	3508720838		103		DON M STACY JR #1-31	BLANCHARD	0.0	LONE STAR GAS CO
8335271	19064	3509122596		103		STATE OF OKLAHOMA #1	SOUTH TODD	240.0	DELHI GAS PIPELIN
-EXXON CORPORATION				RECEIVED:	05/02/83	JA: OK			
8335230	21380	3501722456		105		A HARTSELL #1U	NW YUKON	131.0	
-GANCO INC				RECEIVED:	05/02/83	JA: OK			
8335225	21495	3503920341		103		WILSON #2-25		720.0	TRANSWESTERN PIPE
-GILL JOHN K				RECEIVED:	05/02/83	JA: OK			
8335246	21324	3511124018		103		CARSON #3	YOUNGSTOWN FIELD	30.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:	05/02/83	JA: OK			
8335215	21470	3505121326		103		E L WOOD #2-29	LAVERTY	0.0	ONEOK EXPLORATION
-HARPER OIL COMPANY				RECEIVED:	05/02/83	JA: OK			
8335219	21479	3504721634		103		COUNTER #2	BOOMER TREND	220.0	ARKANSAS LOUISIAN
-JET OIL COMPANY				RECEIVED:	05/02/83	JA: OK			
8335261	20522	3504723101		103		FORTNEY "B" #1	BROWN-EAST	13.0	EASON OIL CO
8335218	21477	3504723127		103		MACK #1	HAYWARD	17.0	EASON OIL CO
-LEWIS EXPLORATION INC				RECEIVED:	05/02/83	JA: OK			
8335265	20956	3503320734		103		PRISOTH A-1	RED FORK	0.0	
-LUBELL OIL CO				RECEIVED:	05/02/83	JA: OK			
8335241	21291	3500321647		103		LUBELL #1-24 FREAM	YEAGER	280.0	OKLAHOMA NATURAL
8335240	21290	3500321638		103		LUBELL #1-25 CUMMINS	YEAGER	280.0	OKLAHOMA NATURAL
-MIM-TEX OIL CORP				RECEIVED:	05/02/83	JA: OK			
8335263	20808	3500320681		103		FUKSA #1	N MULL	1.0	EASON OIL CO
-MOBIL OIL CORP				RECEIVED:	05/02/83	JA: OK			
8335239	21474	3501900000		108		GRAHAM DEESE UNIT #1-21E	SHO VEL TUM	0.1	LONE STAR GAS CO
8335217	21476	3501900000		108		GRAHAM DEESE #28-3 C E HOLMAN #3	SHO VEL TUM	0.1	LONE STAR GAS CO
8335216	21475	3501900000		108		GRAHAM DEESE #8-1 A D DAVIS #1	SHO VEL TUM	0.1	LONE STAR GAS CO
-ONEOK EXPLORATION CO				RECEIVED:	05/02/83	JA: OK			
8335264	21000	3504723113		103		BILL BENNETT #4	N W ELK HORN	185.0	ARCO OIL AND GAS
-PETRO-ENERGY EXPLORATION INC				RECEIVED:	05/02/83	JA: OK			
8335264	20900	3505320854		103		SPOON #1-34	EAST LAMONT	0.0	FARMLAND INDUSTRI
-PETRO-LEWIS CORPORATION				RECEIVED:	05/02/83	JA: OK			
8335213	21436	3509300000		103		KATIE 29-2	BOOMER TREND	215.0	CITIES SERVICE GA
-PETROLEUM INC				RECEIVED:	05/02/83	JA: OK			
8335226	21499	3501121734		103		COX UNIT "B" #1	SOUTH EAGLE CITY	240.0	ARKANSAS LOUISIAN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/02/83	JA: OK			
8335232	21435	3501521486		103		EAST BINGER UNIT 013-3	EAST BINGER	0.0	OKLAHOMA NATURAL
8335224	21492	3513900000		108		FRIEDEK #1	OKLAHOMA HUGOTON - DO	0.0	PANHANDLE EASTERN
8335240	21315	3501722407		103		SCHWEITZER "O" #1	W OKARCHE	0.0	
8335223	21491	3513900000		108		STAUF #1	OKLAHOMA HUGOTON - DO	0.0	PANHANDLE EASTERN
-PREMIER RESOURCES LTD				RECEIVED:	05/02/83	JA: OK			
8335237	21445	3505920842		108		HOWARD AMZ702	E DELMAN	12.0	MICHIGAN WISCONSI
-RED EAGLE OIL CO				RECEIVED:	05/02/83	JA: OK			
8335234	21414	3504322583		103		BYRON #1	NORTHWEST OKEENE	101.0	PHILLIPS PETROLEU
8335233	21413	3504321585		103		FED #1	CANTON	73.0	PHILLIPS PETROLEU
8335235	21415	3504321588		103		TROY #1	CANTON	34.0	PHILLIPS PETROLEU
-REYNOLDS EXPLORATION CO				RECEIVED:	05/02/83	JA: OK			
8335248	21357	3504700000		103		WELBER #1	BOOMER TREND	0.0	UNION TEXAS PETRO
8335242	21235	3507325685		103		YARBROUGH #1	BOOMER TREND	0.0	CITIES SERVICE CO
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED:	05/02/83	JA: OK			
8335262	20775	3508321982		103		CUTTER #1 API#083321982	LAYTON (PROPOSED)	0.0	
-SENECA OIL COMPANY				RECEIVED:	05/02/83	JA: OK			
8335245	21317	3501121742		103		REHL #2-12		187.3	PANHANDLE EASTERN
-SOONER CRUDE INC				RECEIVED:	05/02/83	JA: OK			
8335268	21017	3508322171		103		KUSIK #1	SOUTH CRESCENT SECTIO	24.0	EASON OIL
-SUN OIL CO (DEL)				RECEIVED:	05/02/83	JA: OK			
8335228	10068	3511900000		136		BROYLES UNIT #3-2	BROYLES	0.0	CITIES SERVICE GA
-SUNRISE EXPLORATION INC				RECEIVED:	05/02/83	JA: OK			
8335249	21365	3500920453		103		DAMRON #1	INDIAN CREEK	388.0	MICHIGAN WISCONSI
-TENNECO OIL COMPANY				RECEIVED:	05/02/83	JA: OK			
8335272	19124	3513722905		102-4	103	PAYNE G-7	SHO-VEL-TUM	175.0	AMINOIL USA INC
-THE SUN COMPANY				RECEIVED:	05/02/83	JA: OK			
8335269		3514920098		107-DF		HARRELL 1-2	N CANUTE	372.3	SOUTHERN NATURAL
-TRANS-WORLD EXPLORATION CO				RECEIVED:	05/02/83	JA: OK			
8335273	20860	3505320836		102-4		BIGGS ROCKET NO 1	SOUTH MEDFORD	36.5	CREST GAS CO
-TRIAD ENERGY INC				RECEIVED:	05/02/83	JA: OK			
8335270	17888	3510321372		102-4	103	BOLAY #1	SAMS	55.0	ARCO OIL & GAS CO
-WALTER A KELLY JR				RECEIVED:	05/02/83	JA: OK			
8335258	18348	3511921846		102-4		LORETTA ADAMS #1	SOUTH STILLWATER	5.0	SUN GAS TRANSMISS
-WEINHEIMER-HEUSTART CORP				RECEIVED:	05/02/83	JA: OK			
8335260	20226	3501922549		103		FEE C #1	TUSSY	438.0	AMINOIL USA INC
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-GULF OIL CORPORATION				RECEIVED:	05/09/83	JA: PA			
8335125	15799	3706520478		108-PB		SOMMERVILLE #1	KELLO-DECKER	14.0	NATIONAL FUEL GAS
8335126	15802	3708320681		108-PB		WELDER #1	KELLO-DECKER	14.0	NATIONAL FUEL GAS
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	05/09/83	JA: VA			
8335122		4502700477		107-TF		BIG SANDY COAL CORP 821020	VIRGINIA FIELD AREA N	93.1	COLUMBIA GAS TRAN
8335123		4505100538		107-TF		PITTSTON CO 821027	VIRGINIA FIELD AREA	50.9	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY		RECEIVED: 08/12/82		JA: WV					
8258134		4704103135	103			A-1004	SKIN CREEK DISTRICT	0.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 05/02/83		JA: WV					
8335098		4703500721	107-DV			ARCHIBALD W ROWAN 9396	UNION	15.0	
8335102		4703500676	107-DV			B F COX 9390	UNION	20.0	
8335113		4703500792	107-DV			E GATCHEL 9627	UNION	23.0	
8335107		4703500750	107-DV			E SLAUGHTER 9458	UNION	13.0	
8335104		4703500705	107-DV			FRED L SAYRE 9417	UNION	33.0	
8335097		4703500716	107-DV			GEO GATCHELL 9423	UNION	10.0	
8335114		4703500808	107-DV			H H STONE 9645	UNION	8.0	
8335099		4703500728	107-DV			J P MILLER 9450	UNION	0.0	
8335109		4703500777	107-DV			J W CARTER 9496	UNION	0.0	
8335106		4703500715	107-DV			J W PARSONS 9416	UNION	10.0	
8335103		4703500698	107-DV			JOHN B EULER 9408	UNION	30.0	
8335111		4703500783	107-DV			JOHN B EULER 9478	UNION	14.0	
8335100		4703500745	107-DV			L B PATTERSON 9449	UNION	10.0	
8335108		4703500772	107-DV			LEWIS N MILLER 9486	UNION	0.0	
8335110		4703500778	107-DV			MAGGIE BAIER 9480	UNION	127.0	
8335105		4703500709	107-DV			SALLIE J RHODES 9422	UNION	14.0	
8335101		4703500747	107-DV			SALLIE J RHODES 9459	UNION	27.0	
8335112		4703500787	107-DV			W B BARNETT 9481	UNION	27.0	
DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
-AMOCO PRODUCTION CO		RECEIVED: 05/02/83		JA: NM 4					
8335156	NM-1885-82	3004507158	108			GALLEGOS CANYON UNIT 0175	BASIN DAKOTA	20.0	EL PASO NATURAL G
8335204	NM 1924-82-A	3003923012	103			JICARILLA APACHE TRIBAL 125 09	DAKOTA WEST	24.0	SOUTHERN UNION GA
8335188	NM 1924-82-B	3003923012	103			JICARILLA APACHE TRIBAL 125 09	LINDRITH GALLUP	24.0	SOUTHERN UNION GA
8335191	NM 1957-82-A	3003922544	103			JICARILLA CONTRACT 146 035	OTERO CHACRA	22.0	
8335192	NM 1957-82-B	3003922544	103			JICARILLA CONTRACT 146 035	GONZALES MESAVERDE	23.0	
-BEACH EXPLORATION INC		RECEIVED: 05/02/83		JA: NM 4					
8335135	NM-1432-82	3002527070	103			PENNZOIL-FEDERAL COM 01	QUAIL RIDGE MORROW	54.0	GAS CO OF NEW MEX
-BLACKWOOD & NICHOLS CO LTD		RECEIVED: 05/02/83		JA: NM 4					
8335147	NM-1870-82	3004525358	103			NORTHEAST BLANCO UNIT WELL 070A	BLANCO MESAVERDE	170.0	EL PASO NATURAL G
8335151	NM-1871-82	3004525360	103			NORTHEAST BLANCO UNIT WELL 072A	BLANCO MESAVERDE	170.0	EL PASO NATURAL G
8335152	NM-1875-82	3004525356	103			NORTHEAST BLANCO UNIT WELL 075	BLANCO MESAVERDE	110.0	EL PASO NATURAL G
8335153	NM-1876-82	3004525375	103			NORTHEAST BLANCO UNIT WELL 077	BLANCO MESAVERDE	110.0	EL PASO NATURAL G
-BOYD OPERATING COMPANY		RECEIVED: 05/02/83		JA: NM 4					
8335132	NM-1036-81	3000560586	107-TF			BLAKEMORE FEDERAL 01	EAST BITTER LAKE (ABO	35.5	TRANSWESTERN PIPE
-BRADLEY M KEYES		RECEIVED: 05/02/83		JA: NM 4					
8335199	NM-2020-82	3004524690	108			MAXEY 01-J	FULCHER KUTZ-PICTURED	6.0	EL PASO NATURAL G
-BTA OIL PRODUCERS		RECEIVED: 05/02/83		JA: NM 4					
8335175	NM-1980-82	3002527824	102-2			MADDOX FEDERAL 8016 JV-P 01	ANTELOPE RIDGE (ATOKA	1468.0	PHILLIPS PETROLEU
-C & K PETROLEUM INC		RECEIVED: 05/02/83		JA: NM 4					
8335197	NM 1966-82	3001524202	103			PENN FEDERAL 9 COM 2	WHITE CITY (PENN)	664.0	EL PASO NATURAL G
-CONOCO INC		RECEIVED: 05/02/83		JA: NM 4					
8335159	NM-1899-82	3002508408	108			GOEDEKE 03	SALADO DRAW	0.2	PHILLIPS PETROLEU
8335145	NM-1767-82	3003922990	103			JICARILLA 20 011	WEST LINDRITH	24.0	EL PASO NATURAL G
8335161	NM-1901-82	3003900000	108			JICARILLA 28 02	WEST LINDRITH	15.4	EL PASO NATURAL G
8335202	NM-1951-82	3002504470	108			MEYER B-4 010	NMFU-EUNICE-MONUMENT	4.0	WARREN PETROLEUM
8335201	NM-1950-82	3002504464	108			MEYER B-4 03	NMFU-EUNICE-MONUMENT	6.7	WARREN PETROLEUM
8335210	NM-1953-82	3002504296	108			REED B 03	NMFU-EUMONT	11.8	PHILLIPS PETROLEU
8335160	NM-1980-82	3002510664	108			STEVENS B 012	NMFU - LANGLIE MATTIX	3.3	PHILLIPS PETROLEU
-CURTIS J LITTLE		RECEIVED: 05/02/83		JA: NM 4					
8335140	NM-1552-82	3003922942	107-TF			TURNER 01	SO BLANCO PICTURED CL	25.0	EL PASO NATURAL G
-DEPCO INC		RECEIVED: 05/02/83		JA: NM 4					
8335162	NM-1982-82	3000500000	102-4	107-TF		BENEDICT FEDERAL COM 01	PECOS SLOPES ABO	365.0	TRANSWESTERN PIPE
8335211	NM 1922-82-B	3003922963	103			FEDERAL 6 032	OTERO CHACRA	250.0	
8335209	NM 1922-82-A	3003922963	103			FEDERAL 6 032	BASIN DAKOTA	600.0	GAS CO OF NEW MEX
8335195	NM-1971-82-B	3003922932	103			MKL 05A	BASIN DAKOTA/BLANCO M	360.0	GAS CO OF NEW MEX
8335194	NM-1971-82-A	3003922932	103			MKL 05A	BASIN DAKOTA/BLANCO M	250.0	EL PASO NATURAL G
8335167	NM-1913-82	3000500000	102-4	107-TF		ROSE FEDERAL 02	PECOS SLOPES ABO	250.0	TRANSWESTERN PIPE
-DUGAN PRODUCTION CORP		RECEIVED: 05/02/83		JA: NM 4					
8335171	NM 1977-82	3003923076	103			STRAWBERRY 01	COUNSELORS GALLUP	30.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY		RECEIVED: 05/02/83		JA: NM 4					
8335138	NM-0371-82PB	3004520764	108-PB			HUERFANO UT 0213	[illegible]	0.0	EL PASO NATURAL G
8335189	NM 2011-82	3004525480	103			MOORE 49	BLANCO PICTURED CLIFF	75.0	EL PASO NATURAL G
8335137	NM-1369-82	3003921720	108			RINCON UNIT 097 A	BLANCO-MESA VERDE	19.0	EL PASO NATURAL G
8335129	NM-0876-82	3003906962	104			SAN JUAN 27-5 UNIT 043 MV & PC	TAPACITO PICTURED CLI	10.0	EL PASO NATURAL G
8335181	NM 2010-82-A	3003922641	103			SAN JUAN 27-5 UNIT 096E (DK) - A	BASIN DAKOTA	100.0	EL PASO NATURAL G
8335190	NM 2010-82-B	3003922641	103			SAN JUAN 27-5 UNIT 096E (MV) - B	BLANCO MESAVERDE	160.0	EL PASO NATURAL G
8335134	NM-1439-82	3003907263	104			SAN JUAN 28-7 UNIT 011	BLANCO-MESA VERDE	19.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC		RECEIVED: 05/02/83		JA: NM 4					
8335155	NM-1895-82	3004522236	108			GALLEGOS CANYON UNIT P C 0276	WEST KUTZ	39.4	EL PASO NATURAL G
8335157	NM-1896-82	3004500000	108			GALLEGOS CANYON UNIT P C 072	WEST KUTZ	16.9	EL PASO NATURAL G
8335158	NM-1897-82	3004522234	108			GALLEGOS CANYON UNIT PC 0274	WILDCAT	14.7	EL PASO NATURAL G
-EXXON CORPORATION		RECEIVED: 05/02/83		JA: NM 4					
8335170	NM-1979-82	3001524158	103			BURTON FLAT FEDERAL COMM 01	UNDESIG BURTON FLAT	372.0	
-GULF OIL CORPORATION		RECEIVED: 05/02/83		JA: NM 4					
8335179	NM-1990-82	3002522447	108			C E LA MUNYON 029	TEAGUE BLINEBRY	10.4	EL PASO NATURAL G
8335178	NM-1989-82	3002522472	108			C E LA MUNYON 032	TEAGUE BLINEBRY	11.6	EL PASO NATURAL G
8335177	NM 1987-82	3002510831	108			C E LAMUNYON 014	TEAGUE BLINEBRY	8.3	EL PASO NATURAL G
8335176	NM-1988-82	3002522323	108			C E LAMUNYON 021	TEAGUE BLINEBRY	7.6	EL PASO NATURAL G
8335185	NM-1992-82	3002522379	108			C E LAMUNYON 022	TEAGUE BLINEBRY	4.7	EL PASO NATURAL G
[illegible]	NM-1991-82	3002522415	108			C E [illegible] 024	TEAGUE BLINEBRY	0.0	EL PASO NATURAL G
-H L BROWN JR		RECEIVED: 05/02/83		JA: NM 4					
8335146	NM-1770-82	3004120642	103			FEDERAL K WELL 01 NM 17458	BLUITT (WOLFCAMP)	126.0	TRANSWESTERN PIPE
-HARVEY E YATES COMPANY		RECEIVED: 05/02/83		JA: NM 4					
8335142	NM-1528-82	3000524102	102-4			MESQUITE 34 FEDERAL 01	WILDCAT	0.0	
-HNG OIL COMPANY		RECEIVED: 05/02/83		JA: NM 4					
8335193	NM-1956-82	3002527928	102-2	103		DIAMOND "6" FEDERAL 01	WILDCAT MORROW	480.0	
8335139	NM 1730-82	3001500000	103			GRYNBERG "11" FEDERAL COM 02	WHITE CITY (PENN)	92.0	NATURAL GAS PIPE
-IKE LOVELADY INC		RECEIVED: 05/02/83		JA: NM 4					
8335207	NM-2019-82	3002527812	103			SAM H SMODDY FEDERAL 01	WILDCAT	365.0	GAS CO OF NEW MEX
-KOCH INDUSTRIES INC		RECEIVED: 05/02/83		JA: NM 4					
8335165	NM-1863-82	3004522767	107-TF			GARDNER 03-A	BLANCO MESAVERDE	42.0	NORTHWEST PIPELIN
8335164	NM-1864-82	3004522768	107-TF			GARDNER 04-A	BLANCO MESAVERDE	77.0	NORTHWEST PIPELIN
8335163	NM-1865-82	3004524591	107-TF			GARDNER 05	BLANCO MESAVERDE	93.0	NORTHWEST PIPELIN
-LUDWICK JAMES L		RECEIVED: 05/02/83		JA: NM 4					
8335133	NM-1509-82	[illegible]	103			JICARILLA 6-J	BALLARD PICTURED CLIF	36.0	EL PASO NATURAL G
-MCCLELLAN OIL CORPORATION		RECEIVED: 05/02/83		JA: NM 4					

JD NO	JA DKT	API NO	B	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8335148	NM-1849-82	3000361793		102-4	107-TF	MCCLELLAN FED MOC #3 WELL-NM-36489	PECOS SLOPE (ABO)	109.5	TRANSWESTERN PIPE
-MERRION OIL & GAS CORP				RECEIVED:	05/02/83	JA: NM 4			
8335182	NM-1993-82	3001921844		103		ANNIE #2	COUNSELORS GALLUP	73.0	EL PASO NATURAL G
8335196	NM-1967-82	3001921811		103		CANYON LARGO UNIT #315	DEVILS FORK GALLUP	84.0	EL PASO NATURAL G
-MESA PETROLEUM CO				RECEIVED:	05/02/83	JA: NM 4			
8335200	NM-1974-82	3000541617		102-4	107-TF	CAROL FEDERAL #2	UNDESIGNATED ABO	15.0	
8335198	NM-1975-82	3000561885		102-4	107-TF	CROWLEY FEDERAL COM #1	PECOS SLOPE ABO	728.0	
8335184	NM 1993 82	3004525219		103		SOUTH BLANCO FEDERAL 26 #4	LYBROOK GALLUP EXTENS	19.0	GAS CO OF NEW MEX
8335173	NM 1976-82	3004525218		103		SOUTH BLANCO FEDERAL 26 #5	LYBROOK GALLUP EXTENS	19.9	GAS CO OF NEW MEX
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	05/02/83	JA: NM 4			
8335131	NM-037282PB	3003907246		108-PB		INDIAN I #1	BLANCO MESAVERDE	8.0	NORTHWEST PIPELIN
-READ & STEVENS INC				RECEIVED:	05/02/83	JA: NM 4			
8335144	NM-174682102	3000561437		102-4		WEST HAYSTACK FEDERAL #2	UNDESIGNATED (CISCO)	273.0	TRANSWESTERN PIPE
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	05/02/83	JA: NM 4			
8335141	NM-1618-82	3004505873		108		NEWSOM #11	BALLARD PICTURE CLIFF	7.6	GAS CO OF NEW MEX
-SOUTHLAND ROYALTY CO				RECEIVED:	05/02/83	JA: NM 4			
8335172	NM 1986-82	3003923055		103		CAT DRAW #1E	BASIN	118.0	EL PASO NATURAL G
8335174	NM 1985-82	3004525423		103		HAGOOD #5E	BASIN	179.0	EL PASO NATURAL G
8335143	NM 1846-82-A	3003923054		103		LA JARA #1R	BLANCO	132.0	NORTHWEST PIPELIN
-STEVENS BREKATING CORP				RECEIVED:	05/02/83	JA: NM 4			
8335154	NM-1890-82	3000561806		102-4	107-TF	NICHOLS DALE FEDERAL #1	PECOS SLOPE ABO	546.0	TRANSWESTERN PIPE
-TENNECO OIL COMPANY				RECEIVED:	05/02/83	JA: NM 4			
8335136	NM 1404-82	3004525197		103		FIELDS COM 4E	BASIN DAKOTA	500.0	EL PASO NATURAL G
8335166	NM 1909-82	3004525428		103		SCHWERDTFEGER A 4E	BASIN DAKOTA	178.0	NORTHWEST PIPELIN
-TRANSWESTERN GAS SUPPLY CO				RECEIVED:	05/02/83	JA: NM 4			
8335208	NM-2018-82	3000561403		102-4	107-TF	FIVE MILE TANK FEDERAL #2-Z	WILDCAT/ABO	118.0	TRANSWESTERN PIPE
8335203	NM-2017-82	3000561289		102-4	107-TF	MIDDLE FORK FEDERAL #1	WILDCAT-ABO	414.0	TRANSWESTERN PIPE
-UNICOM PRODUCING CO				RECEIVED:	05/02/83	JA: NM 4			
8335168	NM 1919-82	3004525057		103		ALBRIGHT 7-E	BASIN DAKOTA	545.0	EL PASO NATURAL G
8335149	NM 1851-82-B	3004525056		103		ALBRIGHT 8-E	BASIN DAKOTA	285.0	EL PASO NATURAL G
8335205	NM 2015-82-A	3003923018		103		JICARILLA "G" 05-M	BLANCO MESAVERDE	1335.0	GAS CO OF NEW MEX
8335206	NM 2015-82-B	3003923018		103		JICARILLA "G" 5-M	BASIN DAKOTA	350.0	GAS CO OF NEW MEX
8335150	NM-1854-82	3003922885		103		JICARILLA "M" 2-E	BASIN DAKOTA	375.0	EL PASO NATURAL G
-WILLIAM A & EDWARD R MUDSON				RECEIVED:	05/02/83	JA: NM 4			
8335128	NM-0785-82	3001500000		103		PUCKETT "B" 029	MALJAMAR	1.0	PHILLIPS PETROLEU
8335127	NM-0784-82	3001523803		103		PUCKETT B 030	MALJAMAR (G-SA)	0.0	PHILLIPS PETROLEU
-YATES PETROLEUM CORPORATION				RECEIVED:	05/02/83	JA: NM 4			
8335183	NM-1998-82	3001524263		103		ALLISON "CQ" FEDERAL 08	BOYD MORROW	8.0	TRANSWESTERN PIPE
-EDMISTON INC				RECEIVED:	05/02/83	JA: OK 4			
8335169	OKA 1920-82	3501120833		103		CHA-YAH 1-A	MANBURY	12.0	COMANCHE NATURAL
8335212	OKA 1921-82	3501120499		103		OTIPPOBY #1	MANBURY	8.0	COMANCHE NATURAL
-GULF OIL CORPORATION				RECEIVED:	05/02/83	JA: OK 4			
8335186	OKA 1954-82	3500322534		103		GOULD FEDERAL #2-21	CHEYENNE VALLEY	480.0	TRANSOK PIPE LINE
-TENNECO OIL COMPANY				RECEIVED:	05/02/83	JA: OK 4			
8335187	OKA 2013-82	3501520642		103		CANNEDY 1-23	COGAR SOUTH	44.6	OKLAHOMA GAS & EL
-LONDON PETROLEUM CORP				RECEIVED:	05/02/83	JA: TX 4			
8335138	TXA-1320-82	4236732190		102-4		FORT WOLTERS-USA #7	FORT WOLTERS (ATOKA U	110.0	SOUTHWESTERN GAS

[FR Doc. 83-14334 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 901]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 24, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
- 102-2: New well (2.5 Mile rule)
- 102-3: New well (1000 Ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal Seams
- 107-DV: Devonian Shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup.

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 901

ISSUED MAY 24, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION									
-AMERADA HESS CORPORATION				RECEIVED:		05/05/83 JA: CO			
8335602	82-1272	0506705746		108-PB		FORD OLSON UNIT "A" #1	IGNACIO	11.5	EL PASO NATURAL G
-AMERICAN PETROLEUM ENERGY CO INC				RECEIVED:		05/05/83 JA: CO			
8335581	82-1242	0506761640		108-PB		ARGENTA UTE #2	IGNACIO-BLANCO	0.0	NORTHWEST PIPELIN
8335598	82-1244	0506706200		108-PB		ARGENTA UTE #6	IGNACIO-BLANCO	0.0	NORTHWEST PIPELIN
8335580	82-1243	0506706199		108-PB		ARGENTA UTE #7	IGNACIO-BLANCO	0.0	NORTHWEST PIPELIN
-AMOCO PRODUCTION CO				RECEIVED:		05/05/83 JA: CO			
8335621	82-1226	0512307939		108		ANDERSON FAMILY TRUST "C" #1	WATTENBERG	10.3	PANHANDLE EASTERN
8335622	82-1227	0512308329		108		CARL ADLER GU "B" #1	WATTENBERG	17.1	PANHANDLE EASTERN
8335527	83-789	0500107976		103		CHAMPLIN 100 AMOCO "A" #2	ARROYO	50.0	AMOCO PRODUCTION
8335590	82-1207	0500107241		108		CHAMPLIN 125 UNIT "I" #1	WATTENBERG	3.2	PANHANDLE EASTERN
8335528	82-799	0500107987		103		CHAMPLIN 248 AMOCO "C" #5	RADER	492.0	PANHANDLE EASTERN
8335606	82-1220	0512309146		108		CHAMPLIN 366 AMOCO #1	WATTENBERG	16.7	PANHANDLE EASTERN
8335617	82-1232	0500107235		108		CHAMPLIN 459 AMOCO #1	LUH	7.0	KOCH HYDROCARBON
8335526	82-800	0512310577		103		CHAMPLIN 501 AMOCO "B" #1	BANNER LAKES	105.0	PANHANDLE EASTERN
8335583	82-1212	0500107277		108		CHAMPLIN 67 AMOCO "G" #1	CHIEFTAIN	14.4	PANHANDLE EASTERN
8335619	82-1224	0500110733		108		CHAMPLIN 75 AMOCO "J" #1	WATTENBERG	17.3	PANHANDLE EASTERN
8335607	82-1219	0512308324		108		EUGENE D MUSE GU #1A	WATTENBERG	19.6	PANHANDLE EASTERN
8335582	82-1211	0512308102		108		FOREMAN UNIT #1	SPINDLE	14.0	PANHANDLE EASTERN
8335616	82-1221	0512308418		108		FRANK GUERTNER #1	WATTENBERG	19.6	PANHANDLE EASTERN
8335585	82-1214	0512307743		108		GEORGE MATUSHIMA UNIT #1	WATTENBERG	15.2	PANHANDLE EASTERN
8335618	82-1223	0512307263		108		GORDEN P WEICHEL UT "B" #2	WATTENBERG	2.2	PANHANDLE EASTERN
8335579	82-1205	0512307256		108		J J WARDELL "B" #1	WILDCAT	18.6	PANHANDLE EASTERN
8335589	82-1206	0512308233		108		JOHN C WARNER GU #1	WATTENBERG	18.2	PANHANDLE EASTERN
8335608	82-1218	0512308319		108		JOHN DITIROO JR GU #1	WATTENBERG	18.3	PANHANDLE EASTERN
8335620	82-1225	0512308084		108		LEONARD G ABBETT GU #1	WATTENBERG	16.8	PANHANDLE EASTERN
8335609	82-1217	0512308252		108		RICHARD M MEANS #1	WATTENBERG	17.6	PANHANDLE EASTERN
8335534	82-801	0512310485		103		ROBERT L MCPEEK #3	WATTENBERG	48.0	PANHANDLE EASTERN
8335623	82-1216	0512307404		108		STRONG GU #1	WATTENBERG	15.2	PANHANDLE EASTERN
8335592	82-1209	0512309387		108		UPRR 21 PAN AM GU "F" #1	WAMBERT	28.3	PANHANDLE EASTERN
8335593	82-1210	0500107352		108		UPRR 23 PAN AM "D" #2	JAMBOREE	12.8	PANHANDLE EASTERN
8335591	82-1208	0500107401		108		UPRR 24 PAN AM "E" #1	AMBUSH	18.3	PANHANDLE EASTERN
8335509	82-810	0500506422		102-2		UPRR 26 PAN AM C #1	POLLEN	959.0	AMOCO PRODUCTION
8335584	82-1213	0512307845		108		UPRR 38 PAN AM "D" #1	WATTENBERG	15.2	PANHANDLE EASTERN
8335588	82-1204	0512308270		108		UPRR 42 PAN AM "N" #2	SPINDLE	6.8	PANHANDLE EASTERN
8335586	82-1215	0512307861		108		UPRR 53 PAN AM "F" #1	WATTENBERG	17.9	PANHANDLE EASTERN
-CALVIN PETROLEUM CORPORATION				RECEIVED:		05/05/83 JA: CO			
8335538	81-613	0512310282		103		COUNTER 1-A-D	WATTENBURG	0.0	PANHANDLE EASTERN
8335559	82-1235	0501306099		107-TF		MARUYAMA #1	WATTENBERG EXTENSION	8.0	PANHANDLE EASTERN
8335558	82-996	0501306096		107-TF		RIDER #1	WATTENBERG EXTENSION	78.0	PANHANDLE EASTERN
-CARL A HOUY				RECEIVED:		05/05/83 JA: CO			
8335484	82-849	0500108135		102-4		ABBOTT 11-14	KRAUTHEAD	58.0	DAMSON OIL CORP
8335485	82-850	0500107777		102-4		ABBOTT 33-10	KRAUTHEAD	83.0	DAMSON OIL CORP
8335483	82-848	0500107719		102-4		ABBOTT 43-10	KRAUTHEAD	7.0	DAMSON OIL CORP
8335487	82-851	0500177760		102-4		ABBOTT 44-10	KRAUTHEAD	121.0	DAMSON OIL CORP
-CENTENNIAL PETROLEUM INC				RECEIVED:		05/05/83 JA: CO			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8335560	82-1014	0501306863		107-TF		FUTHEY #2	BOULDER VALLEY	236.0	PANHANDLE EASTERN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	05/05/83	JA: CO			
8335553	82-1165	0512310472		107-TF		#1 REEVE 41-15 (4-65)	HAMBERT	120.0	PANHANDLE EASTERN
-COORS ENERGY CO				RECEIVED:	05/05/83	JA: CO			
8335554		0507708475		107-TF		BEVAN 1-30	PLATEAU DEEP	610.0	NORTHERN NATURAL
8335553	82-1085	0507708476		107-TF		HARVEY 5-19	PLATEAU DEEP	123.0	NORTHERN NATURAL
8335376	82-1086	0507708485		107-TF		MOONEY 2-10	PLATEAU	473.0	NORTHERN NATURAL
8335586	82-1081	0507708441		107-TF		NYSTROM 3-18	PLATEAU DEEP	5.8	NORTHERN NATURAL
8335576	82-1087	0507708487		107-TF		WALKER 4-4	PLATEAU	172.0	NORTHERN NATURAL
8335577	82-1084	0507708477		107-TF		WEBB 3-4	PLATEAU	196.0	NORTHERN NATURAL
-CORAL GULF EXPLORATION CORP				RECEIVED:	05/05/83	JA: CO			
8335514	82-878	0506906105		102-2		#1 FAGAN	BERTHOUD FIELD	500.0	BERTHOUD GAS CO
8335513	82-1020	0506906108		102-2		STATE #1	BERTHOUD	162.0	BERTHOUD GAS CO
8335515	82-1021	0506906128		102-2		STATE #2	BERTHOUD	55.0	BERTHOUD GAS CO
-COSEKA RESOURCES (USA) LIMITED				RECEIVED:	05/05/83	JA: CO			
8335511	82-1041	0510308715		102-2		COLUMBINE SPRING #13-24-4-104	WILDCAT	48.1	NORTHWEST PIPELIN
8335510	82-1043	0510308714		102-2		COLUMBINE SPRING #2-20-4-103	WILDCAT	34.8	NORTHWEST PIPELIN
8335549	82-1044	0510308714		107-TF		COLUMBINE SPRING #2-20-4-103	COLUMBINE SPRINGS	34.8	NORTHWEST PIPELIN
8335573	82-881	0504501334		107-TF		ROCK CANYON #3-4-5-101	ROCK CANYON	125.9	NORTHWEST PIPELIN
-DAMSON OIL CORPORATION				RECEIVED:	05/05/83	JA: CO			
8335521	82-757	0508106450		103		BIG GULCH 21-1	WILDCAT	36.0	MOUNTAIN FUEL SUP
8335535	82-756	0503306060		103		FEDERAL 1-19	PAPOOSE CANYON	360.0	
-DOME PETROLEUM CORP				RECEIVED:	05/05/83	JA: CO			
8335531	82-1158	0506700000		103		ANIMAS #1	IGNACIO BLANCO M V	1520.0	NORTHWEST PIPELIN
8335520	82-945	0512310687		103		FRANK #1-13	WATTENBERG	237.2	PANHANDLE EASTERN
8335519	82-856	0512310545		103		MUIRHEAD #1-1	WATTENBERG	657.0	PANHANDLE EASTERN
8335529	82-1157	0506700000		103		TIFFANY #1	IGNACIO BLANCO - MESA	5173.0	NORTHWEST PIPELIN
8335530	82-1156	0506700000		103		TIFFANY #2	IGNACIO BLANCO - MESA	5865.0	NORTHWEST PIPELIN
-DONALD W JACKSON				RECEIVED:	05/05/83	JA: CO			
8335601	82-1266	0500900000		108		EMMA HAMILTON 1-3	GREENWOOD	0.0	PANHANDLE EASTERN
-ENERGY MINERALS CORP				RECEIVED:	05/05/83	JA: CO			
8335611	82-1230	0512309246		108		COOPER #1	ROGGEN	16.0	PHILLIPS PETROLEU
-ENERGY MINERALS CORPORATION				RECEIVED:	05/05/83	JA: CO			
8335618	82-1231	0512309797		108		CLARA	WAITE LAKE	16.0	DAMSON OIL CORP
8335603	82-1299	0512309141		108		ERKER #1	ROGGEN	17.0	PHILLIPS PETROLEU
8335604	82-1216	0512309773		108		PAT #1	WAITE LAKE	13.0	PANTERA ENERGY CO
8335574	82-887	0512310525		107-TF		SHIRLEY #1	WATTENBERG	90.0	PANHANDLE EASTERN
8335605	82-1297	0512310231		108		TED #1	WAITE LAKE	14.0	DAMSON OIL CORP
8335599	82-1196	0512308214		108		VONASEK #2	SPINDLE	8.0	COLORADO INTERSTA
-EMERGY OIL INC				RECEIVED:	05/05/83	JA: CO			
8335563	82-679	0512309294		107-TF		ALEXANDER #1	WATTENBURG	235.0	PANHANDLE EASTERN
8335544	82-348	0512310555		107-TF		ALLES #1	WATTENBERG	225.0	PANHANDLE EASTERN
8335542	82-739	0512310671		107-TF		BOULTER #16-2	HAMBER	250.0	PANHANDLE EASTERN
8335547	82-346	0512310556		107-TF		BRUNTZ-BOULTER #1	WATTENBERG	225.0	PANHANDLE EASTERN
8335550	82-344	0512309766		107-TF		CHESTNUT #1	WATTENBERG	225.0	PANHANDLE EASTERN
8335545	82-650	0512310553		107-TF		EASTON #1	WATTENBURG	250.0	PANHANDLE EASTERN
8335544	82-651	0512310552		107-TF		FRED ARENS #1	WATTENBURG (CODELL)	[illegible]4.0	PANHANDLE EASTERN
8335568	82-1314	0512310669		107-TF		JOHNSON #17-1	WATTENBURG (CODELL)	60.0	PANHANDLE EASTERN
8335548	82-346	0512310554		107-TF		KRAUSE #2	WATTENBERG	225.0	PANHANDLE EASTERN
8335569	82-1088	0512310670		107-TF		MARY ELIZABETH DRIER #1	WATTENBURG	[illegible].0	PANHANDLE EASTERN
8335541	82-1090	0512310665		107-TF		MEIKLE #28-1	WATTENBURG	44.0	PANHANDLE EASTERN
-EXCEL ENERGY CORP				RECEIVED:	05/05/83	JA: CO			
8335551	82-1053	0512310700		107-TF		CRESSWELL #2	WATTENBERG	0.0	PANHANDLE EASTERN
8335518	82-1054	0512310700		103		CRESSWELL #2	WATTENBERG	0.0	PANHANDLE EASTERN
-EXXON CORPORATION				RECEIVED:	05/05/83	JA: CO			
8335572	82-843	0507708379		107-TF		C M FOUR LTD #1	BUZZARD	102.0	NORTHWEST PIPELIN
8335536	82-842	0507708379		103		C M FOUR LTD #1	BUZZARD	102.0	NORTHWEST PIPELIN
8335482	82-922	0507708096		102-4		VEGA UNIT #1	VEGA	186.0	ROCKY MOUNTAIN NA
-FRANK M WALSH				RECEIVED:	05/05/83	JA: CO			
8335613	82-1353	0504700000		108		FREY #1	TENDERFOOT	18.0	KANSAS NEBRASKA N
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED:	05/05/83	JA: CO			
8335540	82-798	0507708463		107-TF		ANDERSON #1	PLATEAU	65.0	NORTHWEST PIPELIN
8335537	82-797	0507708463		103		ANDERSON #1	PLATEAU	65.0	NORTHWEST PIPELIN
8335539	82-796	0507708461		107-TF		COLORADO LAND #2	PLATEAU	82.0	NORTHWEST PIPELIN
8335516	82-795	0507708461		102-2		COLORADO LAND #2	PLATEAU	82.0	NORTHWEST PIPELIN
-M L WILLETT				RECEIVED:	05/05/83	JA: CO			
8335533	82-946	0512310680		103		BEIERLE #1-A	WATTENBERG	300.0	PANHANDLE EASTERN
8335532	82-912	0512310373		103		WARNER #1	WATTENBERG	660.0	PANHANDLE EASTERN
-J-W OPERATING COMPANY				RECEIVED:	05/05/83	JA: CO			
8335489	82-880	0512566740		102-2		C JOSH #1-33	UNNAMED	160.0	KANSAS-NEBRASKA N
8335488	82-924	0512506784		102-2		T BROPHY #30-14	OLD BALDY	495.0	KANSAS-NEBRASKA N
8335486	82-994	0512506785		102-2		T BROPHY #31-19	WAVERLY	288.0	KANSAS-NEBRASKA N
8335490	82-879	0512506636		102-2		V HARDING #2-27	WAGES	149.0	KANSAS-NEBRASKA N
-JOSEPH B GOULD				RECEIVED:	05/05/83	JA: CO			
8335523	82-772	0506706288		103		FLUME CANYON UTE #4	IGNACIO BLANCO	80.0	NORTHWEST PIPELIN
-KOCH INDUSTRIES INC				RECEIVED:	05/05/83	JA: CO			
8335595	82-1312	0500106792		108		CARLSON #1	WATTENBURG	12.5	COLORADO INTERSTA
8335596	82-1313	0500106341		108		MONAGHAM #1	WATTENBERG	9.5	COLORADO INTERSTA
-MACEY & MERSHON OIL INC				RECEIVED:	05/05/83	JA: CO			
8335563	82-988	0500108118		107-TF		GRAND #1	WATTENBERG J	120.0	PANHANDLE EASTERN
8335562	82-990	0500108117		107-TF		RAINBOW #1	WATTENBERG J	72.0	PANHANDLE EASTERN
8335564	82-989	0500108116		107-TF		TIPPERARY #1	WATTENBERG J	100.0	PANHANDLE EASTERN
-MARTIN EXPLORATION MGMT CORP				RECEIVED:	05/05/83	JA: CO			
8335561	82-360	0500108027		107-TF		WARREN #1-2	WATTENBERG	36.0	PANHANDLE EASTERN
-MARTIN OIL SERVICE INC				RECEIVED:	05/05/83	JA: CO			
8335596	82-1341	0501306028		108		LUTZ #1	SPINDLE	15.0	PANHANDLE EASTERN
-MGF OIL CORP				RECEIVED:	05/05/83	JA: CO			
8335612	82-1240	0500106578		108-SA		WAGNER #41-24	WATTENBERG	33.0	PANHANDLE EASTERN
-MORGAN ENERGY CORP				RECEIVED:	05/05/83	JA: CO			
8335567	82-999	0512310725		107-TF		SHABLE #1	WATTENBERG	100.0	PANHANDLE EASTERN
8335566	82-997	0512310688		107-TF		STROH #1	WATTENBERG	110.0	PANHANDLE EASTERN
-NIELSON ENTERPRISES INC				RECEIVED:	05/05/83	JA: CO			
8335597	82-1352	0512307915		108-SA		BRACHTENBACH #1	WATTENBERG	18.0	PANHANDLE EASTERN
8335614	82-1354	0512386430		108		MUSE #1	WATTENBERG	19.0	PANHANDLE EASTERN
-NORTH AMERICAN OIL & GAS INC				RECEIVED:	05/05/83	JA: CO			
8335575	82-1026	0512310630		107-TF		MCCARTHY 1	HAMBERT	88.9	PANHANDLE EASTERN
8335512	82-1025	0512310630		102-3		MCCARTHY 1	HAMBERT	88.9	PANHANDLE EASTERN
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	05/05/83	JA: CO			
8335517	82-1032	0504506413		102-2		BATTLEMENT #1	RULISON MESAVERDE	7.5	NORTHWEST PIPELIN
8335522	82-1034	0504506211		103		CLOUGH #9	RULISON MESAVERDE	6.5	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	05/05/83	JA: CO			
8335600	82-1300	0506705512		108		BONDAD 33-9 #22	IGNACIO BLANCO MESAVE	0.0	NORTHWEST PIPELIN
-PETROMAX ENERGY CORP				RECEIVED:	05/05/83	JA: CO			
8335552	82-914	0512310600		107-TF		OPEL 17-2	WATTENBURG	110.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ROCK OIL CORP				RECEIVED:	05/05/83	JA: CO			
8335557	82-1168	0512310772		107-TF		FARR #1	WILDCAT	60.0	PANHANDLE EASTERN
-ROCKY MOUNTAIN PRODUCTION CO				RECEIVED:	05/05/83	JA: CO			
8335571	82-1190	0512310728		107-TF		SANDY LYNN #1	LAKESIDE	75.0	DAMSON GAS PROCES
-SIERRA PRODUCTION INC				RECEIVED:	05/05/83	JA: CO			
8335524	82-845	0506706485		103		JUMBO #1	RED MESA	45.0	PEOPLES NATURAL G
-STELBAR OIL CORP INC				RECEIVED:	05/05/83	JA: CO			
8335494	82-796	0512109725		102-2		AXSOM #1-23	WHITE EAGLE	30.0	NATURAL GAS PIPEL
8335492	82-898	0512109805		102-2		B MAGGARD #3-11	DENOVA	50.0	NATURAL GAS PIPEL
8335507	82-867	0512506409		102-2		CLARKE-JOSH #1-3	WILDCAT	60.0	CITIES SERVICE GA
8335501	82-864	0512506341		102-2		FOUR-QUARTER LAND #1-10	WAVERLY AREA	0.0	CITIES SERVICE GA
8335499	82-862	0512506343		102-2		FOUR-QUARTER LAND #1-15	WAVERLY AREA	50.0	CITIES SERVICE GA
8335500	82-863	0512506343		102-2		FOUR-QUARTER LAND #2-15	WAVERLY AREA	50.0	CITIES SERVICE GA
8335497	82-900	0512109798		102-2		GREEN #1	DENOVA	15.0	NATURAL GAS PIPEL
8335495	82-792	0512109745		102-2		MAGGARD #1-10	WHITE EAGLE	30.0	NATURAL GAS PIPEL
8335493	82-793	0512109682		102-2		MATHIES #2-19	UNNAMED	40.0	NATURAL GAS PIPEL
8335508	82-888	0512109811		102-2		MCCAULEY #1-22	WILDCAT	20.0	NATURAL GAS PIPEL
8335506	82-866	0512506333		102-2		MONK #1-9	WILDCAT	30.0	CITIES SERVICE GA
8335505	82-865	0512506340		102-2		PAULI #1-7	WAVERLY AREA	35.0	CITIES SERVICE GA
8335502	82-894	0512109802		102-2		PRICE #1-12	DENOVA	30.0	NATURAL GAS PIPEL
8335504	82-890	0512109733		102-2		PRICE #1-13	DENOVA	15.0	NATURAL GAS PIPEL
8335491	82-896	0512109803		102-2		PRICE #2-13	DENOVA	30.0	NATURAL GAS PIPEL
8335503	82-892	0512109804		102-2		PRICE #3-18	DENOVA	50.0	NATURAL GAS PIPEL
8335496	82-791	0512109747		102-2		PRICE #3-7	DENOVA	50.0	NATURAL GAS PIPEL
8335498	82-902	0512109801		102-2		TUNSTEAD-DEVILLIER #1	DENOVA	15.0	NATURAL GAS PIPEL
-UNITED PETROLEUM CORP				RECEIVED:	05/05/83	JA: CO			
8335481	82-920	0503906408		102-4		KEEN #32-6	CYPRESS	25.0	SUN EXPLORATION A
-VESSELS OIL & GAS COMPANY				RECEIVED:	05/05/83	JA: CO			
8335615		0512300000		108		GRENEMEYER #1	WATTENBERG	18.0	PANHANDLE EASTERN
8335525	82-718	0512310625		103		HEINZE-HERBERS "B" UNIT #1	WATTENBERG	438.0	ADOLPH COORS CO
8335587	82-1351	0512380410		108-ER		MOSER #1	WATTENBERG	14.0	PANHANDLE EASTERN
8335570	82-1079	0501306111		107-TF		OXFORD FARMS "G" UNIT #1	W WATTENBERG	438.0	PANHANDLE EASTERN
8335569	82-1077	0500108142		107-TF		WAILES "G" UNIT #1	CHIEFTAN	89.0	PANHANDLE EASTERN
LOUISIANA OFFICE OF CONSERVATION									
-CAYMAN EXPLORATION CORP				RECEIVED:	07/19/79	JA: LA			
7922344	79-1833	1709320178		103		EUSEBE LAMBERT NO 1	COLLEGE PT - ST JAMES	280.0	UNITED GAS PIPELI
-DAVIS OIL COMPANY				RECEIVED:	05/05/83	JA: LA			
8335402	82-2153	1702321685		102-4		CAMERON PARISH SCHOOL BOARD #1	LITTLE PECAN LAKE	0.0	LOUISIANA RESOURC
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-EYE PETROLEUM ASSOCIATES				RECEIVED:	05/03/83	JA: NY			
8335376	4911	3102918112		107-TF		BOASBERG #1	LAKE SHORE	0.0	NATIONAL FUEL GAS
8335377	4908	3102918111		107-TF		EHMKE #1	LAKE SHORE	12.0	NATIONAL FUEL GAS
8335390	4517	3102917881		107-TF		MAMMOSER #2	LAKE SHORE	12.0	NATIONAL FUEL GAS
8335389	4516	3102917882		107-TF		SESSANA #1	LAKE SHORE	12.0	NATIONAL FUEL GAS
-JAMISON GAS CO				RECEIVED:	05/03/83	JA: NY			
8335387	4728	3102917159		107-TF		GAMPP #001	BUFFALO CREEK	0.6	NATIONAL FUEL GAS
-LENAPE RESOURCES CORP				RECEIVED:	05/03/83	JA: NY			
8335388	4592	3105117319		107-TF		LRC # 139 - J CARNEY #2	UHLEY CORNERS	20.0	NEW JERSEY NATURA
8335394	4497	3112117047		107-TF		LRC #107 - R L HALMA #3	LEICESTER	20.0	NEW JERSEY NATURA
8335396	4498	3112117079		107-TF		LRC #111 - D G BUTLER #1	LEICESTER	20.0	NEW JERSEY NATURA
8335397	4499	3112117208		107-TF		LRC #112 - EMERLING FARM UNIT #1	LEICESTER	20.0	NEW JERSEY NATURA
8335398	4500	3112117618		107-TF		LRC #113 - H B GOOD UNIT #1	WILDCAT	20.0	NEW JERSEY NATURA
8335399	4501	3112117295		107-TF		LRC #117 - TAYLOR FARMS UNIT #1	LEICESTER	20.0	NEW JERSEY NATURA
8335400	4502	3112117231		107-TF		LRC #118 - TAYLOR FARMS UNIT #2	LEICESTER	20.0	NEW JERSEY NATURA
8335401	4503	3112117232		107-TF		LRC #119 - TAYLOR FARMS UNIT #3	LEICESTER	20.0	NEW JERSEY NATURA
8335385	4938	3105117352		107-TF		LRC #140 - H W STEIN UNIT #1	CALEDONIA	20.0	NEW JERSEY NATURA
8335386	4939	3105117363		107-TF		LRC #149 - H A CHAPMAN UNIT #1	UHLEY CORNERS	20.0	NEW JERSEY NATURA
8335392	4495	3112113996		107-TF		LRC #29 - O'NEILL #1	LEICESTER	20.0	ELIZABETHTOWN GAS
8335393	4496	3112114289		107-TF		LRC #30 - HALMA #2	LEICESTER	20.0	NEW JERSEY NATURA
8335380	4940	3112114165		107-TF		LRC #39 - ZIELINSKI UNIT #1	WILDCAT	20.0	ELIZABETHTOWN GAS
8335395	4677	3105116195		107-TF		LRC #87 - R HOAG UNIT #1	CALEDONIA	20.0	NEW JERSEY NATURA
-MIDWEST DRILLING PROGRAM 82-1				RECEIVED:	05/03/83	JA: NY			
8335391	4541	3102917807		107-TF		PIERCE #1	BENNINGTON	25.0	NATIONAL FUEL GAS
-RUEL ENERGY INC				RECEIVED:	05/03/83	JA: NY			
8335384	4903	3112117975		107-TF		DONALD MCCORMICK #2	JAVA	20.0	COLUMBIA GAS TRAN
8335383	4902	3112117976		107-TF		DONALD MCCORMICK #3	JAVA	20.0	COLUMBIA GAS TRAN
8335382	4901	3112117897		107-TF		ROBERT MCCORMICK #1	JAVA	20.0	COLUMBIA GAS TRAN
8335381	4900	3112117967		107-TF		ROBERT MCCORMICK #2	JAVA	20.0	COLUMBIA GAS TRAN
-SHAWNEE EXPLORATION INC				RECEIVED:	05/03/83	JA: NY			
8335378	4817	3102917977		107-TF		GIER UNIT #1	BRANT	15.0	SCG GAS QUEST INC
-WEIL RESOURCES				RECEIVED:	05/03/83	JA: NY			
8335379	4897	3102915658		107-TF		JULIANE #2	HAMBURG	5.0	NATIONAL FUEL GAS
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-A F CARINO OIL & GAS INTEREST				RECEIVED:	05/05/83	JA: PA			
8335438	19808	3706326565		103		A F CARINO #10	PINE	0.0	NATIONAL FUEL GAS
8335442	19812	3706323791		103		A F CARINO #11	PINE	0.0	NATIONAL FUEL GAS
8335439	19809	3706326790		103		A F CARINO #12	PINE	0.0	NATIONAL FUEL GAS
8335443	19813	3706326792		103		A F CARINO #13	PINE	0.0	NATIONAL FUEL GAS
8335440	19810	3706326566		103		A F CARINO #14	GREEN	0.0	NATIONAL FUEL GAS
8335437	19807	3706325005		103		A F CARINO #5	PINE	0.0	NATIONAL FUEL GAS
8335441	19811	3706326539		103		A F CARINO #6	PINE	0.0	NATIONAL FUEL GAS
-ADOBE OIL & GAS CORPORATION				RECEIVED:	05/05/83	JA: PA			
8335474	19848	3706325656		108		C W BENNETT #1	BRUSH VALLEY	23.0	COLUMBIA GAS TRAN
8335475	19849	3706326179		108		CEROVICH & BONARRIGO #1-AA	BRUSH VALLEY	22.0	COLUMBIA GAS TRAN
8335470	19844	3706325916		108		EDWIN M LONG #1-A	CLYMER	23.0	COLUMBIA GAS TRAN
8335469	19843	3706325915		108		EDWIN M LONG #1-B	CLYMER	25.0	COLUMBIA GAS TRAN
8335472	19846	3706325914		108		EDWIN M LONG #1-C	CLYMER	25.0	COLUMBIA GAS TRAN
8335434	19784	3706327391		103		ESTON BLAKE WALKER #1	BURNSIDE	24.0	T W PHILLIPS
8335471	19845	3706325444		108		GEORGE W ISENBERG #1-C	CLYMER	25.0	COLUMBIA GAS TRAN
8335467	19841	3706325842		108		J RAYMOND RHINE #1-B	BRUSH VALLEY	24.0	COLUMBIA GAS TRAN
8335468	19842	3706325843		108		J RAYMOND RHINE #1-C	BRUSH VALLEY	25.0	COLUMBIA GAS TRAN
8335473	19847	3706325882		108		JOHN ALWINE #1-C	BRUSH VALLEY	23.0	COLUMBIA GAS TRAN
8335478	19852	3706326033		108		JOHN ALWINE #1-D	BRUSH VALLEY	23.0	COLUMBIA GAS TRAN
8335463	19837	3706326411		108		JOHN BAKER #D-1	BURNSIDE	24.0	CONSOLIDATED GAS
8335464	19838	3706326750		108		JOHN BAKER #2	BURNSIDE	24.0	CONSOLIDATED GAS
8335479	19853	3706326445		108		JOHN C ALWINE "E" #1	BRUSH VALLEY	24.0	COLUMBIA GAS TRAN
8335476	19850	3706325841		108		RAYMOND RHINE #1-A	BRUSH VALLEY	23.0	COLUMBIA GAS TRAN
8335477	19851	3706325796		108		THOMAS M BONARRIGO & CEROVICH #1-B	BRUSH VALLEY	22.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8335466	19840	3706325307		102		WOODROW DUNLAP #1	BURNSIDE	23.0	CONSOLIDATED GAS
8335465	19839	3706325412		102		WOODROW DUNLAP #1-B	BURNSIDE	24.0	CONSOLIDATED GAS
-ANGERMAN ASSOCIATES INC				RECEIVED:	05/05/83	JA: PA			
8335445	19816	3706300000		103		EMIL V WILFORD #2 - WES-22091	W PA UPPER DEVONIAN S	15.0	PEOPLES NATURAL G
8335447	19818	3706300000		103		HARRY J TAYLOR #3 - IND-27168	W PA - UPPER DEVONIAN	50.0	PEOPLES NATURAL G
8335448	19819	3712900000		103		JOHN W LEEPER #2 - WES-22100	W PA - UPPER DEVONIAN	15.0	PEOPLES NATURAL G
8335444	19815	3706300000		103		K D COLEMAN #8 - IND - 27345	W PA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8335449	[illegible]	3706300000		103		MARGARET E BECK #1 - IND-27146	W PA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8335446	19817	3706300000		103		PAUL M BLACK #2 - IND-27076	W PA - UPPER DEVONIAN	15.0	PEOPLES NATURAL G
8335451	19822	3706327196		103		ROBERT P CUNNINGHAM #2 - IND-27196	W PA UPPER DEVONIAN S	15.0	PEOPLES NATURAL G
8335450	19821	3712922116		103		WILLIAM K FOX #1 - WES-22116	W PA UPPER DEVONIAN S	15.0	PEOPLES NATURAL G
-ASHTOLA PRODUCTION CO				RECEIVED:	05/05/83	JA: PA			
8335422	19633	3712922069		103		J D AND FLORENCE SMOUSE #2	HAWKEYE POOL	26.1	TEXAS EASTERN
-BITTINGER DRILLING CO				RECEIVED:	05/05/83	JA: PA			
8335421	19580	3703321521		102-2		BRAGGERS CLUB #1	BURNSIDE TOWNSHIP	50.0	
-C & C TROYER BROTHERS				RECEIVED:	05/05/83	JA: PA			
8335452	19823	3704920791		102		BARNES - SUNSET #1	UNION TWP	2.0	NATIONAL FUEL GAS
8335480	19857	3704922235		103		MARY ZASAC #1	UNION	12.0	NATIONAL FUEL GAS
8335414	19006	3704922235		107-TF		MARY ZASAC #1 (75)	UNION	12.0	NATIONAL FUEL GAS
8335453	19824	3704920894		102		PUCKLEY - ROSS #1	WAYNE TWP	11.0	NATIONAL FUEL GAS
-CABOT OIL & GAS CORP				RECEIVED:	05/05/83	JA: PA			
8335429	19768	3703921882		102-2		A LEROY LAUDERBAUGH #1	FAIRFIELD	[illegible].0	TENNESSEE GAS PIP
8335428	19767	3703921882		107-TF		A LEROY LAUDERBAUGH #1	FAIRFIELD	[illegible].0	TENNESSEE GAS PIP
8335431	19770	3712133377		102-2		JOHN L SALTER #1	CANAL	[illegible].0	TENNESSEE GAS PIP
8335430	19769	3712133377		107-TF		JOHN L SALTER #1	CANAL	[illegible].0	TENNESSEE GAS PIP
-CASTLE GAS CO INC				RECEIVED:	05/05/83	JA: PA			
8335432	19780	3706327397		103		H D HILL #6 (C-766) IND-27397	WHITE TOWNSHIP	[illegible].0	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	05/05/83	JA: PA			
8335435	19786	3712921567		102		J M DRCZECK WN-1878	HEMPFIELD	15.0	GENERAL SYSTEM PU
8335436	19787	3706327122		103		OLIVE C STUCHELL #1 WN-1940	GRANT	12.0	GENERAL SYSTEM PU
-DELTA 80 S T JOINT VENTURE				RECEIVED:	05/05/83	JA: PA			
8335404	15325	3703321004		102		BONSALL #1	BRADY	[illegible].0	NATIONAL FUEL GAS
8335405	15327	3703320967		102		MILLER #1	BRADY	25.0	NATIONAL FUEL GAS
8335406	15328	3703321006		102		MILLER #2	TROUTVILLE BORO	25.0	NATIONAL FUEL GAS
-DOC-MCC SERVICE CO				RECEIVED:	05/05/83	JA: PA			
8335412	18238	3712921786		102		I BOWSER 819-2	EAST HUNTINGDON	20.0	TEXAS EASTERN TRA
8335413	18239	3712921797	D	102		J D POORBAUGH 828-1	EAST HUNTINGDON	12.8	TEXAS EASTERN TRA
8335411	18235	3712921824		102		SOUTHMORELAND SCHOOL DISTRICT 748-3	EAST HUNTINGDON	21.4	TEXAS EASTERN TRA
-EARL M RICHARDS				RECEIVED:	05/05/83	JA: PA			
8335455	19826	3700500000		102		CHARLES E KING #2	GURTY	0.0	PEOPLES NATURAL G
8335454	19825	3700522059		102		MARTHA KING #1	GERTY	0.0	PEOPLES NATURAL G
-ENVIROGAS INC				RECEIVED:	05/05/83	JA: PA			
8335433	19781	3704922209		107-TF		E CORNISH #1	CORRY	[illegible].0	TENNESSEE GAS PIP
-FOX OIL & GAS INC				RECEIVED:	05/05/83	JA: PA			
8335415	19448	3706321237		103		243-EARL BUTERBAUGH #1	BURNSIDE TOWNSHIP	[illegible].5	COLUMBIA GAS TRAN
8335416	19449	3706321203		103		245-R BUTERBAUGH #1	BURNSIDE TOWNSHIP	25.5	COLUMBIA GAS TRAN
8335417	19451	3706320171		103		270-M SOWALLA #1	SUSQUEHANNA TOWNSHIP	25.5	COLUMBIA GAS TRAN
8335418	19452	3706320156		103		272-WM BUTERBAUGH #2	SUSQUEHANNA TOWNSHIP	25.5	COLUMBIA GAS TRAN
8335419	19453	3706321380		103		275-CLYDE BUTERBAUGH ET AL #1	BURNSIDE TOWNSHIP	25.5	COLUMBIA GAS TRAN
8335420	19454	3706321416		103		276 - BERNARD/FRY #1	BURNSIDE TOWNSHIP	[illegible].5	COLUMBIA GAS TRAN
-MERIDIAN EXPLORATION CORP				RECEIVED:	05/05/83	JA: PA			
8335425	19646	3703921840		107-TF		WILLIS #646-2	ROCKDALE	[illegible].0	COLUMBIA GAS TRAN
8335424	19645	3703921840		102-2		WILLIS #646-2	ROCKDALE	[illegible].0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	05/05/83	JA: PA			
8335403	13664	3706500000		102		STATE GAME LANDS #5867	SNYDER TOWNSHIP	[illegible].3	GENERAL SYSTEM PU
-PEOPLES NATURAL GAS CO				RECEIVED:	05/05/83	JA: PA			
8335459	19832	3706327295		103		HARRY J TAYLOR #4 - IND-27295	W PA - UPPER DEVONIAN	27.0	PEOPLES NATURAL G
8335462	19835	3712922120		103		KATHRYN R POTTS #1 - WES-22120	W PA - UPPER DEVONIAN	[illegible].0	PEOPLES NATURAL G
8335461	19834	3706327294		103		M B BOWMAN #5 - IND-27294	W PA UPPER DEVONIAN S	[illegible].0	PEOPLES NATURAL G
8335456	19829	3706327259		103		RALPH E GREENE #3 - IND-27259	W PA - UPPER DEVONIAN	52.0	PEOPLES NATURAL G
8335460	19833	3706327338		103		ROY M EWING #3 - IND 27338	W PA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8335458	19831	3706327281		103		THOMAS E HENRY #1 - IND-27281	W PA - UPPER DEVONIAN	28.0	PEOPLES NATURAL G
8335457	[illegible]	3706327264		103		W B CRAWFORD #5 - IND-27264	W PA - UPPER DEVONIAN	[illegible].0	PEOPLES NATURAL G
-SCOTT AND HUSSING				RECEIVED:	05/05/83	JA: PA			
8335423	19636	3712921742		102		CONCORD-LIBERTY #3 WELL #147	SALTSBURG	[illegible].0	BETHLEHEM STEEL C
-ZAMA PETROLEUM INC				RECEIVED:	05/05/83	JA: PA			
8335426	19763	3705900000		107-PE		BERT WISE	RICHHILL TOWNSHIP	19.1	PEOPLES NATURAL G
8335427	19764	3705900000		107-PE		PARRY	RICHHILL TOWNSHIP	3.6	PEOPLES NATURAL G
-ZETA S T JOINT VENTURE 80				RECEIVED:	05/05/83	JA: PA			
8335409	16808	3703321005		102		KOPPENHAVER #1	BRADY	[illegible].0	NATIONAL FUEL GAS
8335407	16806	3703321009		102		LEE #1	BRADY	[illegible].0	NATIONAL FUEL GAS
8335408	16807	3703321007		102		MUTH #1	BRADY	[illegible].0	NATIONAL FUEL GAS
8335410	16809	3703321175		102		THOMPSON TRUST #1	BRADY	25.0	NATIONAL FUEL GAS
WEST VIRGINIA DEPARTMENT OF MINES									
-GLENN L HAUGHT & SONS				RECEIVED:	05/03/83	JA: WV			
8335363		4708504518		107-DV		J F DEEM H-917	GRANT DISTRICT	19.0	CONSOLIDATED GAS
8335357		4709500744		107-DV		W MEREDITH H-867	CENTERVILLE DISTRICT	15.0	CARNEGIE NATURAL
-HAUGHT INC				RECEIVED:	05/03/83	JA: WV			
8335359		4710701128		107-DV		C E ELLIOTT H-1191	WALKER DISTRICT	15.0	CONSOLIDATED GAS
8335354		4708504824		103		C W DAVIS H-1004	GRANT DISTRICT	19.0	CONSOLIDATED GAS
8335367		4710701147		107-DV		CONSOLIDATED GAS (VOLCANIC) H-1225	WALKER DISTRICT	21.0	CONSOLIDATED GAS
8335372		4707300916		107-DV		D J MARTIN H-1066	JEFFERSON DISTRICT	15.0	COLUMBIA GAS TRAN
8335375		4707300912		107-DV		DALE METZ H-1060	WASHINGTON DISTRICT	20.0	COLUMBIA GAS TRAN
8335374		4707300913		107-DV		DONNA J MARTIN H-1061	JEFFERSON DISTRICT	15.0	COLUMBIA GAS TRAN
8335373		4707300914		107-DV		DONNA JUNE MARTIN H-1062	JEFFERSON DISTRICT	15.0	COLUMBIA GAS TRAN
8335366		4707301068		107-DV		ELIZA J LITTLE H-1155	MCKIM DISTRICT	15.0	CARNEGIE NATURAL
[illegible]5		4707300903		107-DV		GREEN & DYE H-1039	WASHINGTON DISTRICT	15.0	COLUMBIA GAS TRAN
[illegible]6		4707301011		107-DV		HARRIS & HAUGHT H-1111	JEFFERSON DISTRICT	15.0	COLUMBIA GAS TRAN
8335370		4707301013		107-DV		HOWARD & SMITH H-1113	GRANT & JEFFERSON DIS	15.0	COLUMBIA GAS TRAN
8335362		4708504866		107-DV		KARL C KNIGHT H-1032	CLAY DISTRICT	15.0	CONSOLIDATED GAS
[illegible]6		4707300869		107-DV		LESLIE H JOHNSON H-1011	WASHINGTON DISTRICT	15.0	COLUMBIA GAS TRAN
8335371		4707300998		107-DV		PAUL WILSON H-1116	WASHINGTON DISTRICT	15.0	COLUMBIA GAS TRAN
8335361		4708504959		107-DV		RALPH WILSON H-1070	GRANT DISTRICT	15.0	CONSOLIDATED GAS
[illegible]8		4708504880		107-DV		RALPH WILSON H-1072	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8335353		4710701143		103		RICHARD WARNER H-1221	CLAY DISTRICT	15.0	CABOT CORP
[illegible]6		4707301033		107-DV		THOMAS HAMMETT HRS H-1156	GRANT DISTRICT	15.0	COLUMBIA GAS TRAN
8335352		4710700106		107-DV		VOLCANIC #1	WALKER DISTRICT	15.0	CONSOLIDATED GAS
8335364		4708503022		107-DV		VOLCANIC #8	GRANT DISTRICT	18.0	CONSOLIDATED GAS
[illegible]0		4708504989		107-DV		W H SHIELDS H-1136	GRANT	15.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	05/03/83	JA: WV			
8335355		4706900731		102-4		WALTER SHAFFER S-[illegible]4	UNION	0.7	CONSOLIDATED GAS

[FR Doc. 83-14333 Filed 5-26-83; 8:45 am]

BILLING CODE 6717-01-C

Friday
May 27, 1983

Part IV

Nuclear Regulatory Commission

Light-Water Nuclear Power Reactors; Fracture Toughness Requirements

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Fracture Toughness Requirements for Light-Water Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations which specify fracture toughness requirements for light-water nuclear power reactors and its requirements for reactor vessel material surveillance programs. The amendments clarify the applicability of these requirements to all plants, modify certain requirements, and shorten and simplify these regulations by more extensively incorporating by reference appropriate National Standards.

EFFECTIVE DATE: July 26, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. P. N. Randall, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 443–5903.

SUPPLEMENTARY INFORMATION: On November 14, 1980 the Nuclear Regulatory Commission published in the **Federal Register** (45 FR 75536) proposed amendments to its regulation, 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," which would amend Appendix G, "Fracture Toughness Requirements," and Appendix H, "Reactor Vessel Material Surveillance Program Requirements." These amendments comprised a proposed general revision of Appendices G and H designed to update them after seven years of use and to make them more consistent with current technology and pertinent National Standards. Interested persons were invited to submit written comment by January 13, 1981. Thirteen letters of comment were received. All were from utilities or vendors and addressed the application of specific requirements contained in the proposed rule. There were no adverse general comments or objections to the proposed revisions. A brief summary of the more significant comments and the staff responses follows:

The most significant technical question, which affects pressure-temperature limits for all plants, concerned a new requirement for fracture control at structural discontinuities, contained in paragraph IV.A.2 of Appendix G. The critical locations are the closure flange regions of the reactor vessel where bending stress is introduced during boltup. The requirement in the proposed rule was that the temperature at the highly stressed region be at least 150°F above the reference temperature of the material whenever pressure exceeded 20 percent of the preoperational system hydrostatic test pressure. Commenters felt this was overly restrictive, and cited certain hardships caused during hydrotests and normal heatup and cooldown operations. In response to the comments, the requirement has been revised to provide a separate, lower temperature requirement for hydrotest conditions than for normal operation, consistent with the margins of safety specified in the ASME Code. In addition, the temperature requirement for normal operation was reduced slightly based on further analysis of boltup conditions. Thus, in the final rule, the proposed requirement of 150°F (above the reference temperature of the material) was revised to 90°F for hydrotest and 120°F for normal operation. This requirement will affect principally those plants where radiation damage to the beltline region is low, and the pressure-temperature limits are thus more likely to be controlled by the closure flange regions.

Paragraph IV.A.4. of Appendix G was expanded to specify that the quantity "RT_{NDT}+60°F" referred to the adjusted reference temperature of the reactor vessel material in the region that was controlling the pressure-temperature limits (beltline or closure flange regions) following the analysis required by paragraph IV.A.2.

The requirements concerning thermal annealing of reactor vessels, given in paragraphs IV.B. and V.D. of Appendix G, represent no basic change from those published in 1973. However, the recent investigation of pressurized thermal shock effects prompted some studies of annealing to identify and resolve possible engineering difficulties. If the results show that changes should be made in paragraph IV.B. or V.D., a further amendment to Appendix G will be issued.

Minor changes in wording were made in several paragraphs, and footnotes were added to clarify the meaning of two paragraphs.

A number of comments addressed the reporting requirements for surveillance reports, paragraphs III.A. and III.C. of Appendix H. Based on commenters suggestions, the Commission has revised the proposed requirement that surveillance reports be submitted within 90 days after completion of testing to require submittal of these reports within 1 year of capsule withdrawal unless an extension is granted. This change simplifies implementation of the requirement, because capsule withdrawal schedules must be approved by the Director, Office of Nuclear Reactor Regulation, as provided in paragraph II.B.3. of Appendix H. The primary purposes of the requirement—timely reporting of test results and notification of any problems—are accomplished as well by the provisions of the final rule.

Copies of the abstract of comments and the staff's response, which gives a point-by-point discussion of each issue raised by the commenters, and copies of the value-impact analysis supporting the rule are available for public inspection and copying for a fee at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Single copies may be obtained by written request to the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: P. N. Randall.

Regulatory Analysis

The Commission has prepared a regulatory analysis for this regulation. The analysis examines the costs and benefits of the rule as considered by the Commission. A copy of the regulatory analysis is available for inspection and copying for a fee at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. Single copies of the analysis may be obtained from P. N. Randall, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 443–5903.

Paperwork Reduction Act Statement

The reporting and recordkeeping requirements contained in this regulation have been approved by the Office of Management and Budget, OMB approval No. 3150–0011.

Regulatory Flexibility Statement

In accordance with Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects primarily the utilities that own light water nuclear power reactors, and the vendors of those reactors, none of which meet the definition of "small entities" set forth in Section 601(3) of the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration in 13 CFR Part 121.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, the following amendments to 10 CFR Part 50 are published as a document subject to codification.

1. The authority citation for Part 50 is revised to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sections 50.58, 50.91 and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Paragraph (a) of § 50.12 is revised to read as follows:

§ 50.12 Specific exemptions.

(a) The Commission may, upon application by any interested person or upon its own initiative grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the pubic interest. To obtain an exemption to Appendices G and H to this part, the requirements of paragraph 50.60(b) of this part must be met in addition to the requirements of this paragraph.

* * * * *

§ 50.55a [Amended]

3. In § 50.55a, paragraph (i) is removed and paragraph (j) is redesignated paragraph (i).

4. A new § 50.60 is added to 10 CFR Part 50 to read as follows:

§ 50.60 Acceptance criteria for fracture prevention measures for lightwater nuclear power reactors for normal operation.

(a) Except as provided in paragraph (b) of this section, all lightwater nuclear power reactors must meet the fracture toughness and material surveillance program requirements for the reactor coolant pressure boundary set forth in Appendices G and H to this part.

(b) Proposed alternatives to the described requirements in Appendices G and H of this part or portions thereof may be used when an exemption is granted by the Commission under § 50.12. In addition, the applicant must demonstrate that (i) compliance with the specified requirements would result in hardships or unusual difficulties without a compensating increase in the level of quality and safety, and (ii) the proposed alternatives would provide an adequate level of quality and safety.

5. Appendices G and H are revised to read as follows:

Appendix G—Fracture Toughness Requirements

Table of Contents

I. Introduction and Scope
II. Definitions
III. Fracture Toughness Tests
IV. Fracture Toughness Requirements
V. Inservice Requirements—Reactor Vessel Beltline Materials

I. Introduction and Scope

This appendix specifies fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary of light water nuclear power reactors to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests, to which the pressure boundary may be subjected over its service lifetime.

The ASME Code forms the basis for the requirements of this Appendix. "ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code. If no section is specified, the reference is to Section III, Division 1, "Rules for Construction of Nuclear Power Plant Components." "Section XI" means Section XI, Division 1, "Rules for Inservice Inspection of Nuclear Power Plant Components." If no edition or addenda is specified the applicable ASME Code edition and addenda and any limitations and modifications thereof are specified in § 50.55a of this part.

The ASME Boiler and Pressure Vessel Code has been approved for incorporation by reference by the Director of the Federal Register. A notice of any changes made to the material incorporated by reference will be published in the **Federal Register**. Copies of the ASME Boiler and Pressure Vessel Code may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th St., New York, NY 10017. It is also available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The requirements of this appendix apply to the following materials:

Note.—The adequacy of the fracture toughness of other ferritic materials not covered in this section shall be demonstrated to the Director, Office of Nuclear Reactor Regulation, on an individual case basis.

A. Carbon and low-alloy ferritic steel plate, forgings, castings, and pipe with specified minimum yield strengths not over 50,000 psi (345 MPa), and to those with specified minimum yield strengths greater than 50,000 psi (345 MPa) but not over 90,000 psi (621 MPa) if qualified by using methods equivalent to those described in paragraph G–2110 of the ASME Code as defined in paragraph II.A. of this appendix. The latest edition and addenda permitted by paragraph 50.55a(b) of this part at the time the analysis is made is to be used for the purpose of this paragraph.

B. Welds and weld heat-affected zones in the materials specified in paragraph I.A. of this appendix.

C. Materials for bolting and other types of fasteners with specified minimum yield strengths not over 130,000 psi (896 MPa).

II. Definitions

A. "Ferritic material" means carbon and low-alloy steels, higher alloy steels including all stainless alloys of the 4xx series, and maraging and precipitation hardening steels with a predominantly body-centered cubic crystal structure.

B. "System hydrostatic tests" means all preoperational system leakage and hydrostatic pressure tests and all system leakage and hydrostatic pressure tests performed during the service life of the pressure boundary in compliance with the ASME Code, Section XI.

C. "Specified minimum yield strength" means the minimum yield strength (in the unirradiated condition) of a material specified in the construction code under which the component is built under § 50.55a of this part.

D. "Reference temperature" means the reference temperature, RT_{NDT}, as defined in the ASME Code.

E. "Adjusted reference temperature" means the reference temperature as adjusted for irradiation effects (see Section V of this Appendix) by adding to RT_{NDT} the temperature shift, measured at the 30 ft-lb (41J) level, in the average Charpy curve for the irradiated material relative to that for the unirradiated material.

F. "Beltline" or "Beltline region of reactor vessel" means the region of the reactor vessel (shell material including welds, heat affected zones, and plates or forgings) that directly surrounds the effective height of the active core and adjacent regions of the reactor vessel that are predicted to experience

sufficient neutron radiation damage to be considered in the selection of the most limiting material with regard to radiation damage.

III. Fracture Toughness Tests

A. To demonstrate compliance with the fracture toughness requirements of Sections IV and V of this appendix, ferritic materials must be tested in accordance with the ASME Code and, for the beltline materials, the test requirements of Appendix H of this part. For a reactor vessel that was constructed to an ASME Code earlier than the Summer 1972 Addenda of the 1971 Edition (under § 50.55a of this part), the fracture toughness data and data analyses must be supplemented in a manner approved by the Director, Office of Nuclear Reactor Regulation, to demonstrate equivalence with the fracture toughness requirements of this Appendix.

B. Test methods for supplemental fracture toughness tests described in paragraph V.C.2. of this appendix must be submitted to and approved by the Director, Office of Nuclear Reactor Regulation, prior to testing.

C. All fracture toughness test programs conducted in accordance with paragraphs A and B of this section must comply with ASME Code requirements for calibration of test equipment, qualification of test personnel, and retention of records of these functions and of the test data.

IV. Fracture Toughness Requirements

A. The pressure-retaining components of the reactor coolant pressure boundary that are made of ferritic materials must meet the requirements of the ASME Code supplemented as follows for fracture toughness during system hydrostatic tests and any condition of normal operation, including anticipated operational

1. Reactor vessel beltline materials must have Charpy upper-shelf energy [1] of no less than 75 ft-lb (102J) initially and must maintain upper-shelf energy throughout the life of the vessel of no less than 50 ft-lb (68J), unless it is demonstrated in a manner approved by the Director, Office of Nuclear Reactor Regulation, that lower values of upper-shelf energy will provide margins of safety against fracture equivalent to those required by Appendix G of the ASME Code. The latest edition and addenda of the ASME Code permitted by paragraph 50.55a(b) of this part at the time the analysis is made are to be used for the purposes of paragraphs IV.A.1 and IV.A.2 of this appendix.

2. When the core is not critical, pressure-temperature limits for the reactor vessel must be at least as conservative as those obtained by following the methods of analysis and the required margins of safety of Appendix G of the ASME Code supplemented by the requirements of Section V of this appendix. In addition, when pressure exceeds 20 percent of the preservice system hydrostatic test pressure, the temperature of the closure flange regions that are highly stressed by the bolt preload must exceed the reference temperature of the material in those regions by at least 120°F (67°C) for normal operation and by 90°F (50°C) for hydrostatic pressure tests and leak tests, unless a lower temperature can be justified by showing that the margins of safety for those regions when they are controlling are equivalent to those required for the beltline when it is controlling. The justification submitted for the pressure temperature limits must describe the methods of analysis used.

3. When the core is critical (other than for the purpose of low-level physics tests), the temperature of the reactor vessel must not be lower than 40°F (22°C) above the minimum permissible temperature of paragraph 2. of this section nor lower than the minimum permissible temperature for the inservice system hydrostatic pressure test. An exception may be made for boiling water reactor vessels when water level is within the normal range for power operation and the pressure is less than 20 percent of the preservice system hydrostatic test pressure. In this case the minimum permissible temperature is 60°F (33°C) above the reference temperature of the closure flange regions that are highly stressed by the bolt preload.

4. If there is no fuel in the reactor during system hydrostatic pressure tests or leak tests, the minimum permissible test temperature must be 60°F (33°C) above the adjusted reference temperature of the reactor vessel material in the region that is controlling (as specified in paragraph IV.A.2 of this appendix).

5. If there is fuel in the reactor during system hydrostatic pressure tests or leak tests, the requirements of paragraphs 2 or 3 of this section apply, depending on whether the core is critical during the test.

B. Reactor vessels for which the predicted value of upper-shelf energy at end of life is below 50 ft-lb or for which the predicted value of adjusted reference temperature at end of life exceeds 200°F (93°C) must be designed to permit a thermal annealing treatment at a sufficiently high temperature to recover material toughness properties of ferritic materials of the reactor vessel beltline.

V. Inservice Requirements—Reactor Vessel Beltline Material

A. The effects of neutron radiation on the reference temperature and upper shelf energy of reactor vessel beltline materials, including welds, are to be predicted from the results of pertinent radiation effects studies in addition to the results of the surveillance program of Appendix H to this part.

B. Reactor vessels may continue to be operated only for that service period within which the requirements of Section IV of this appendix are satisfied using the predicted value of the adjusted reference temperature and the predicted value of the upper-shelf energy at the end of the service period to account for the effects of radiation on the fracture toughness of the beltline materials. These predictions are to be made for the radiation conditions at the critical location on the crack front of the assumed flaw.[2] The highest adjusted reference temperature and the lowest upper-shelf energy level of all the beltline materials must be used to verify that the fracture toughness requirements are satisfied.

C. In the event that the requirements of Section V.B. of this appendix cannot be satisfied, reactor vessels may continue to be operated provided all of the following requirements are satisfied:

1. A volumetric examination of 100 percent of the beltline materials that do not satisfy the requirements of Section V.B. of this appendix is made and any flaws characterized according to Section XI of the ASME Code and as otherwise specified by the Director, Office of Nucelar Reactor Regulation.

2. Additional evidence of the fracture toughness of the beltline materials after exposure to neutron irradiation is to be obtained from results of supplemental fracture toughness tests.

3. An analysis is performed that conservatively demonstrates, making appropriate allowances for all uncertainties, the existence of equivalent margins of safety for continued operation.

D. If the procedures of Section V.C. of this appendix do not indicate the existence of an equivalent safety margin, the reactor vessel beltline may, subject to the approval of the Director, Office of Nuclear Reactor Regulation, be given a thermal annealing treatment to recover the fracture toughness of the material. The degree of recovery is to be measured by testing additional specimens that have been withdrawn from the surveillance program capsules and that have been annealed under the same time-at-temperature conditions as those given the beltline material. The results, together with the results of other pertinent annealing-effects studies, are to provide the basis for establishing the adjusted reference temperature and upper-shelf energy after annealing. The reactor vessel may continue to be operated only for that service period within which the predicted fracture toughness of the beltline region materials satisfies the requirements of Section IV.A. of this appendix using the values of adjusted reference temperature and upper-shelf energy that include the effects of annealing and subsequent irradiation.

E. The proposed programs for satisfying the requirements of Sections V.C. and V.D. of this appendix are to be reported to the Director, Office of Nuclear Reactor Regulation, as specified in § 50.4(a) of this Part, for review and approval on an individual case basis at least 3 years prior to the date when the predicted fracture toughness levels will no longer satisfy the requirements of section V.B of this appendix.

---

[1] Defined in ASTM E 185–79 and –82 which are incorporated by reference in Appendix H.

[2] For example, in analyses that follow Appendix G of the ASME Code, the radiation conditions to be used are those predicted for the material one fourth of the way through the vessel wall, i.e., at the deepest point on the crack front of the postulated defect.

Appendix H—Reactor Vessel Material Surveillance Program Requirements

Table of Contents

I. Introduction
II. Surveillance Program Criteria
III. Report of Test Results

I. Introduction

The purpose of the material surveillance program required by this Appendix is to monitor changes in the fracture toughness properties of ferritic materials in the reactor vessel beltline region of light water nuclear power reactors resulting from exposure of these materials to neutron irradiation and the thermal environment. Under the program, fracture toughness test data are obtained from material specimens exposed in surveillance capsules, which are withdrawn periodically from the reactor vessel. These data will be used as described in Sections IV and V of Appendix G to this part.

ASTM E 185–73, –79 and –82, "Standard Practice for Conducting Surveillance Tests for Light-Water Cooled Nuclear Power Reactor Vessels," which are referenced in the following paragraphs, have been approved for incorporation by reference by the Director of the Federal Register. A notice of any changes made to the material incorporated by reference will be published in the **Federal Register**. Copies of ASTM E 185–73, –79, and –82, may be obtained from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103. Copies will be available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

II. Surveillance Program Criteria

A. No material surveillance program is required for reactor vessels for which it can be conservatively demonstrated by analytical methods applied to experimental data and tests performed on comparable vessels, making appropriate allowances for all uncertainties in the measurements, that the peak neutron fluence (E>1MEV) at the end of the design life of the vessel will not exceed 10^{17} n/cm^2.

B. Reactor vessels that do not meet the conditions of paragraph II.A. of this Appendix must have their beltline materials monitored by this Appendix.

1. That part of the surveillance program conducted prior to the first capsule withdrawal must meet the requirements of the edition of ASTM E 185 that is current on the issue date of the ASME Code to which the reactor vessel was purchased. Later editions of ASTM E 185 may be used, but including only those editions through 1982. For each capsule withdrawal after July 26, 1983, the test procedures and reporting requirements must meet the requirements of ASTM E 185–82 to the extent practical for the configuration of the specimens in the capsule. For each capsule withdrawal prior to July 26, 1983 either the 1973, the 1979, or the 1982 edition of ASTM E 185 may be used.

2. Surveillance specimen capsules must be located near the inside vessel wall in the beltline region so that the specimen irradiation history duplicates, to the extent practicable within the physical constraints of the system, the neutron spectrum, temperature history, and maximum neutron fluence experienced by the reactor vessel inner surface. If the capsule holders are attached to the vessel wall or to the vessel cladding, construction and inservice inspection of the attachments and attachment welds must be done according to the requirements for permanent structural attachments to reactor vessels given in Sections III and XI of the ASME Code. The design and location of the capsule holders shall permit insertion of replacement capsules. Accelerated irradiation capsule may be used in addition to the required number of surveillance capsules specified in ASTM E 185.

3. A proposed withdrawal schedule must be submitted with a technical justification therefor to the Director, Office of Nuclear Reactor Regulation, for approval. The proposed schedule must be approved prior to implementation.

C. An integrated surveillance program may be considered for a set of reactors that have similar design and operating features. The representative materials chosen for surveillance from each reactor in the set may be irradiated in one or more of the reactors, but there must be an adequate dosimetry program for each reactor. No reduction in the requirements for number of materials to be irradiated, specimen types, or number of specimens per reactor is permitted, but the amount of testing may be reduced if the initial results agree with predictions. Integrated surveillance programs must be approved by the Director, Office of Nuclear Reactor Regulation, on a case-by-case basis. Criteria for approval include the following considerations:

1. The design and operating features of the reactors in the set must be sufficiently similar to permit accurate comparisons of the predicted amount of radiation damage as a function of total power output.

2. There must be adequate arrangement for data sharing between plants.

3. There must be a contingency plan to assure that the surveillance program for each reactor will not be jeopardized by operation at reduced power level or by an extended outage of another reactor from which data are expected.

4. There must be substantial advantages to be gained, such as reduced power outages or reduced personnel exposure to radiation, as a direct result of not requiring surveillance capsules in all reactors in the set.

III. Report of Test Results

A. Each capsule withdrawal and the test results must be the subject of a summary technical report to be submitted to the Director, Office of Nuclear Reactor Regulation, as specified in § 50.4(a) of this Part, within 1 year after capsule withdrawal, unless an extension is granted by the Director.

B. The report must include the data required by ASTM E 185, as specified in paragraph II.B.1 of this Appendix, and the results of all fracture toughness tests conducted on the beltline materials in the irradiated and unirradiated conditions.

C. If a change in the Technical Specifications is required, either in the pressure-temperature limits or in the operating procedures required to meet the limits, the expected date for submittal of the revised Technical Specifications must be provided with the report.

Dated at Washington, D.C. this 23d day of May 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83–14384 Filed 5–26–83; 8:45 am]
BILLING CODE 7590–01–M

VOL
48
ISS
1
0
4
MY
27
1983
UMI

federal register

Friday
May 27, 1983

Part V

Department of Health and Human Services

Food and Drug Administration

Medical Device Reporting; Reproposal

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 803

[Docket No. 79N-0182]

Medical Device Reporting

AGENCY: Food and Drug Administration.

ACTION: Reproposal.

SUMMARY: The Food and Drug Administration (FDA) is issuing a revised proposal to require manufacturers and importers of medical devices to report to FDA whenever the manufacturer or importer has information that reasonably suggests, or a person alleges and the manufacturer or importer is aware of the allegation, that a device has caused or contributed to a death or serious injury or that a device has malfunctioned, if a recurrence of the malfunction is likely to cause or contribute to a death or serious injury. After FDA analyzes the results of its manufacturer complaint file inspection program, the agency will consider whether any reports in addition to those proposed in this rule are necessary and, if so, will propose additional reporting requirements.

DATES: Comments by July 26, 1983. FDA proposes that any final rule based on this reproposal become effective 60 days after its date of publication in the **Federal Register.**

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert A. Forst, National Center for Devices and Radiological Health (HFK-143), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7114.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 18, 1980 (45 FR 76183), FDA issued a proposed rule to require device manufacturers and distributors (including importers) to submit to FDA reports concerning devices that (1) may have caused a death or injury; (2) may have a deficiency that could result in a death or injury or that could give inaccurate diagnostic information and, thereby, result in improper treatment; or (3) are the subject of a remedial action. Interested persons were given until February 17, 1981, to submit written comments on the proposal. FDA received more that 200 written comments. In addition, on February 2, 1981, FDA held a public hearing on the proposal, at which 30 persons testified. (The public hearing was originally scheduled for January 22, 1981, but was rescheduled by notice published in the **Federal Register** of January 9, 1981 (46 FR 2364).)

Most of the comments on the 1980 proposal criticized its reporting requirements as too broad in scope and claimed that the cost that the rule would impose on device manufacturers and distributors would outweigh any resulting benefits to the public health. However, other comments stated that, to monitor devices effectively, FDA must receive reports of at least death, or of death and serious injury.

Subsequently, by notice published in the **Federal Register** of November 24, 1981 (46 FR 57568), FDA placed the 1980 proposed rule in abeyance until further notice. FDA decided to place the proposal in abeyance for three reasons: (1) to permit a thorough review and evaluation of the comments received on the proposal; (2) to permit a review of the proposal in light of Executive Order 12291, which was issued February 17, 1981; and (3) to permit the initiation, completion, and analysis of an inspection program of complaint files maintained by manufacturers under the current good manufacturing practice (GMP) regulations for medical devices (21 CFR Part 820). This inspection program, which is ongoing, was designed to provide FDA with data to determine, among other things, whether FDA inspection of manufacturers' complaint files could substitute for some or all of the proposed reporting requirements.

FDA has carefully considered all the written comments received on the 1980 proposal, as well as the oral comments made at the February 2, 1981, public hearing, and believes that, at this time, the broad reporting requirements of that proposal are not appropriate. However, FDA has tentatively concluded that, at a minimum, the agency should require device manufacturers and device importers to report to FDA whenever the manufacturer or importer has information that reasonably suggests, or a person alleges and the manufacturer is aware of the allegation, that one of its marketed devices has caused or contributed to a death or serious injury or has malfunctioned in such a way that recurrence of the malfunction is likely to cause or contribute to a death or serious injury. Therefore, FDA is now publishing for public comment a revised proposal to require such reports.

FDA recognizes that the reporting obligation in this proposal is narrower than that in the 1980 proposal. The 1980 proposal would have required device manufacturers and distributors (including importers) to submit reports to FDA on devices that "may have caused" a death or injury or that "may have a deficiency that could result" in a death or injury. This reproposal would require a device manufacturer or device importer to report to FDA whenever the manufacturer or importer has information that "reasonably suggests, or a person alleges and the manufacturer or importer is aware of the allegation," that one of its marketed devices "has caused or contributed to" a death or serious injury or "has malfunctioned" and, if the malfunction recurs, "is likely to" cause or contribute to a death or serious injury. FDA has tentatively concluded that the 1980 requirements would be unnecessarily broad, and may have resulted in reports not useful to the agency. For these reasons, this reproposal does not require reporting unless information "reasonably suggests, or a person alleges and the manufacturer is aware of the allegation," that a device has caused or contributed to a death or serious injury or that a device has malfunctioned and a recurrence of the malfunction is likely to cause or contribute to a death or serious injury.

In developing this reproposal, FDA has incorporated many suggestions and recommendations made in comments on the 1980 proposal. Because this is a reproposal subject to further public comment, FDA is not at this time summarizing and responding in detail to all comments submitted on that proposal.

FDA is continuing the GMP complaint file review program as announced in the November 24, 1981, notice of abeyance. Phase I of the program involved review of the complaint files of 72 firms and was designed to test the inspection methodology and to ensure FDA's access to these files. Phase I was completed on December 31, 1981. Phase II of the inspection program began on July 14, 1982, and involves review of complaint files of 418 firms using the inspection methodology revised as a result of Phase I of the program. Collection of the data under Phase II should be completed in the near future. Once analyzed, the results of this program will provide FDA and the Department of Health and Human Services with data to determine whether further reporting requirements should be proposed.

Purpose of the Regulations

The purpose of this reproposal is to require a device manufacturer or a

device importer to report promptly to FDA whenever the manufacturer or importer has information that reasonably suggests, or a person alleges and the manufacturer or importer is aware of the allegation, that one of its marketed devices has caused or contributed to a death or serious injury or has malfunctioned, if recurrence of the malfunction is likely to cause or contribute to a death or serious injury. This reproposal would not require any investigation or evaluation of the information by the manufacturer or importer. However, under the complaint file provision of the current GMP regulations for devices (21 CFR 820.198), device manufacturers are required to investigate and maintain a record of all complaints involving the possible failure of a device to meet any of its performance specifications and all complaints pertaining to a device-related death, injury, or hazard to safety. As discussed more fully below ("Complaint Files"), this reproposal does not alter or amend either the general complaint file provision or its investigation requirement (see proposed § 803.1(b)).

Statutory Authority and Legislative History

Section 519 of the Federal Food, and Drug, and Cosmetic Act (the act) (21 U.S.C. 360i) authorizes the Secretary of Health and Human Services to require device manufacturers and importers to maintain records and to make reports that are reasonably necessary to assure that devices are not adulterated or misbranded and are otherwise safe and effective for human use.The legislative history of the Medical Device Amendments of 1976 (Pub. L. 94–295) reflects clear congressional intent to permit FDA to require under the authority of section 519 that device manufacturers, distributors, or both, report to FDA product defects and adverse reactions to their products. In discussing the notification provisions of section 518 of the act (21 U.S.C. 360h), the House Committee on Interstate and Foreign Commerce stated:

> The notification provision is similar to, and to some extent patterned after, comparable authority contained in the National Traffic and Motor Vehicle Safety Act of 1966, the Radiation Control for Health and Safety Act of 1968, and the Consumer Product Safety Act of 1972. These statutes also include requirements that manufacturers provide notification of defects in their products to appropriate Federal agencies. The Committee determined that a comparable provision in new section 518(a) with respect to devices would be unnecessary since the Secretary could require the reporting of such information under the recordkeeping and reporting authority provided in new section 519 of the Act.
>
> (H.R. Rep. No. 94–853, 94th Cong., 2d Sess. 21 (1976))

Elsewhere, the Committee report listed examples of reasonable reporting requirements, including reports of defects, adverse reactions, and patient injuries (id. at 23). That Congress intended FDA to use its authority under section 519 of the act to protect the public from potentially hazardous devices, as well as devices with confirmed hazards, is also clear from the legislative history (see id. at 24).

Section 519 of the act further requires, inter alia, that any reporting requirements established under the authority of that section (1) may not be unduly burdensome (considering the cost of compliance and the need for the requirement); (2) shall state the purpose of any required report or submission; (3) may not, except in certain circumstances, require the disclosure of a patient's identity; and (4) may not, except in limited circumstances, require the manufacturer, distributor, or importer of a class I device to submit periodic reports or to submit information not in its possession. The Committee report cautions, however, that these limitations "should not be construed * * * as limiting the Secretary's authority to obtain information needed to insure that the public is protected from potentially hazardous devices" (id. at 24).

Many comments on the 1980 proposal stated that it exceeded FDA's authority under section 519 of the act because FDA has not justified the need for the proposed rule, which, the comments claimed, the agency was required to do and because the proposed rule would have been unduly burdensome to device manufacturers and distributors.

FDA is reproposing a substantially revised rule for medical device reporting. Therefore, comments alleging that the 1980 proposal had not been shown to be necessary and would have been unduly burdensome are no longer directly relevant. For the following reasons, however, FDA believes that the proposal is necessary and would not be unduly burdensome.

The purpose of this reproposal is to assure that FDA is informed promptly of all serious problems or potentially serious problems associated with devices. FDA is the principal public health agency responsible for monitoring the safety and effectiveness of devices. To carry out its responsibilities, the agency needs to be informed of all device-related deaths and serious injuries and device malfunctions that are likely to cause or contribute to a death or serious injury. Only if FDA is provided with such information will it be able to evaluate the risk, if any, associated with a device and to take whatever steps are necessary to reduce the public's exposure to this risk. These steps could include simply contacting the manufacturer or importer of the device and monitoring its voluntary actions to respond to the problem, initiating a consumer or user education program, or initiating regulatory action such as recall, seizure, or other enforcement action. Moreover, the agency needs to receive this information promptly so that it can react rapidly to the particular device problem and, thereby, prevent or minimize, as much as possible, recurrence of the death or serious injury, or prevent the recurrence of a malfunction that is likely to cause or contribute to a death or serious injury.

FDA believes that compliance with a final rule based on this revised proposal would not be unduly burdensome for device manufacturers and importers. Most of the comments on the 1980 proposal claimed that it would be too costly, because firms would have been required to report minor injuries, device deficiencies, and remedial actions as well as deaths and serious injuries associated with a device. As discussed more fully below ("When a Report is Required"; "How to Report—Time Requirements"), this reproposal has narrowed significantly both the types of incidents that would be reported to FDA and the content of reports that would be submitted and extended the time within which reports are to be submitted. In addition, FDA has clarified in this reproposal that it would merely require the transmittal of information to FDA by device manufacturers and device importers and would not require any additional investigation or evaluation by them except in cases in which, under proposed § 803.24(e), FDA requested supplemental information. For these reasons, FDA believes that a final rule based on this reproposal would not be unduly burdensome.

Many comments claimed that a regulation requiring reports to FDA was unnecessary because FDA already receives reports of adverse device experiences through existing voluntary mechanisms such as the Device Experience Network (DEN) and the United States Pharmacopeia (USP) reporting system. Other comments claimed that the current GMP requirements are sufficient to assure that FDA is informed of serious device problems.

FDA disagrees with these comments. FDA does not believe that GMP complaint files are an adequate substitute for a reporting rule for device-related deaths and serious injuries. FDA needs to be quickly informed of problems of this severity and to be able to react rapidly to them. Current § 820.198 requires device manufacturers to review, evaluate, and investigate all complaints of death, injury, and hazard to safety and to maintain a record of the investigation in a file at the manufacturer's place of business. Section 826.198 does not, however, require any report or other information about a complaint to be transmitted to FDA. FDA becomes aware of a complaint only when the agency reviews the file as part of an inspection (GMP inspection) for compliance with the current GMP regulations. Generally, FDA conducts a GMP inspection at a firm only every other year and the agency does not expect that such inspections will be conducted any more frequently in the future. Thus, were the agency to rely on its inspection of GMP conplaint files for notification of device-related deaths or serious injuries, there could be as much as a 2-year period intervening between a device-related death and the time the agency becomes aware of it. During that intervening period, the agency would not be able to do anything to minimize the risk presented by the device, simply because it would be unaware of the risk. Thus, although maintenance of GMP complaint files is required by the current GMP regulations, such files cannot substitute for a reporting requirement like that of this reproposal. Moreover, as discussed below ("Complaint Files"), this reproposal would not amend, alter, or eliminate the complaint file provision of Part 820.

In addition, FDA does not believe that reporting under the current voluntary system is an adequate substitute for this reproposed rule. At present, FDA receives reports of adverse device experiences through the voluntary DEN system. DEN consists of reports made to the USP reporting system, complaints made to the Government Wide Quality Assurance Program (GWQAP), and the National Electronic Injury Surveillance System (NEISS). None of these reporting programs is a comprehensive one. Through the GWQAP program, FDA receives complaints only about those products purchased under contract by the Veterans Administration and the Department of Defense. Likewise, NEISS is of limited scope: only those device-related problems that are treated in the emergency rooms of participating hospitals are reported to NEISS, and subsequently, to FDA.

Based on its experience, FDA does not believe that all device-related deaths or serious injuries are reported to FDA under the voluntary USP system. From time to time, through such organizations as the American Association of Critical Care Nurses, the American College of Pathologists, and the American College of Physicians, the Office of Medical Devices (formerly the Bureau of Medical Devices) of FDA's National Center for Devices and Radiological Health has actively encouraged the reporting of adverse device experiences to FDA's DEN system by device users. During these periods, the number of device experience reports has significantly increased. Without such encouragement, FDA believes that many incidents go unreported. Unfortunately, FDA does not have the resources to maintain constant contact with all device users to encourage such reports.

In addition, under the existing voluntary system, those with the greatest knowledge and expertise concerning a device usually do not report. Almost all the comments on the 1980 proposal agreed that device manufacturers are the most knowledgeable about their products and the risks associated with them and, thus, are in the best position to report device problems to FDA. Yet, few device manufacturers report under the DEN system. Of those complaints submitted to DEN by manufacturers, many are trade complaints (that is, a complaint about a competitor's product), not reports from the manufacturer of the device in question. Also, in some cases, manufacturers report a device problem to FDA only after a product recall or other remedial action is completed. For these reasons, FDA believes that the existing voluntary mechanisms are inadequate and that the reproposed rule is necessary.

Provisions of the Regulations

Who Shall Report

This revised proposal would require device manufacturers and device importers to report to FDA whenever the manufacturer or importer has information that reasonably suggests, or a person alleges that the manufacturer or importer is aware of the allegation, that one of its marketed devices has caused or contributed to a death or serious injury or has malfunctioned, if recurrence of the malfunction is likely to cause or contribute to a death or serious injury. (The information that triggers a report is discussed more fully below.) "Manufacturer" is defined in proposed § 803.3(c) as any person who is required to register under Part 807, other than an initial distributor of a device imported into the United States. "Importer" is defined in proposed § 803.3(b) as any person who initially imports a device into the United States and is required to register under Part 807. Although manufacturers and importers would be subject to identical reporting requirements (see proposed § 803.24), each has been separately defined to clarify that both would be required to report.

This revised proposal differs from the 1980 proposal in two significant ways with regard to who is required to report. Under the original proposal, all device manufacturers, including manufacturers of general purpose articles, and all device distributors would have been required to report. (In limited cases, distributors would have been permitted to report to the manufacturer instead of FDA.) Under this revised proposal, only device manufacturers required to register under Part 807 and device importers are required to report.

Many comments on the 1980 proposal recommended that all device distributors be exempt from reporting, primarily because manufacturers are more knowledgeable about their devices and are better equipped to evaluate potential device problems and hazards. Other comments stated that FDA would receive unnecessary multiple reports of the same incident if both manufacturers and distributors were required to report. Some comments also stated that including general purpose article manufacturers was excessive and inconsistent, inasmuch as 21 CFR 807.65(c) exempts these firms from the requirement to register as device manufacturers. General purpose articles include items such as laboratory glassware and chemical reagents. A general purpose article can be a device when used in the diagnosis or treatment of disease or other conditions; however, a general purpose article can also be used for a nondevice purpose, such as in a school or an industrial laboratory.

FDA has carefully considered the comments recommending that all distributors be exempt from reporting and has tentatively concluded, with one exception regarding importers outlined below, that this suggestion has merit. FDA agrees that, generally, manufacturers are the most knowledgeable about their devices and the evaluation of any hazards or problems associated with their devices and that, in all likelihood, manufacturers will be informed by device users and distributors of actual and potential

deaths and serious injuries associated with their devices. Where the manufacturer of a given device is subject to the reporting requirements of the proposed rule, imposing comparable requirements on distributors of such a device would not result in any significant incremental benefit to the public health. Therefore, under this revised proposal, only device manufacturers and device importers would be required to report. FDA is retaining in this reproposal the requirement of the 1980 proposal that device importers (defined in proposed § 803.3(b)) report for two reasons: (1) information concerning deaths or serious injuries and requests for correction involving an imported device will most likely be sent to the importer (as the first link in the chain of domestic distribution of a device), not to the foreign manufacturer; and (2) FDA has no authority to require foreign manufacturers to report device incidents to the agency.

FDA has also considered the recommendation that general purpose article manufacturers be exempt from reporting and has tentatively concluded that it has merit. Thus, under this revised proposal, by virtue of the definition of manufacturer (proposed § 803.3(c)), general purpose article manufacturers would be exempt. FDA agrees that it is inconsistent to require such firms to report but not to register. In addition, general purpose products are used for many purposes that are not regulated by FDA. Therefore, the duty to report an incident involving a general purpose article would depend upon its particular use at the time of the incident. Because of its variable nature, FDA believes that such reporting would be of limited value.

Many comments stated that FDA should exempt manufacturers of devices classified under section 513 of the act (21 U.S.C. 360c) into class I (general controls) or class II (performance standards) because such devices inherently have lower risks.

In developing this reproposal, the agency considered exempting class I, or class I and class II, device manufacturers, but rejected such a limitation. FDA agrees with the comments that, generally, the lower the level of classification, the lower the risk and the less likelihood that death or serious injury would be associated with a device. This means, however, that even without an exemption, manufacturers and importers would receive, and subsequently report to FDA, fewer reports about deaths or serious injuries associated with class I devices than they would for class II or class III (premarket approval) devices. Thus, the lower risk devices will in all likelihood require fewer reports. Yet if a device has caused or contributed to a death or serious injury or has malfunctioned and recurrence of the malfunction is likely to cause or contribute to a death or serious injury, its level of classification is irrelevant. Regardless of the nature of the device or its classification, FDA must be notified of all cases in which a device has caused or contributed to a death or serious injury or has malfunctioned and recurrence of the malfunction is likely to cause or contribute to a death or serious injury, so that the agency can respond to the problem. The recently discovered association between the use of tampons (a class II device) and toxic shock syndrome (TSS), a rare, but serious and sometimes fatal disease, demonstrates that a class II device can be associated with a significant risk of death or serious injury. If other risks are presented by class I devices, or other class II devices, FDA needs to be able to learn of them and respond to the situation. Therefore, manufacturers of all devices, regardless of class, should be, and would be, subject to the reporting requirements of this reproposal.

Several comments argued that, under section 519 of the act, FDA is prohibited from requiring manufacturers and importers of class I devices to make reports to the agency, and, thus, that class I device manufacturers must be exempted from any reporting rule.

FDA disagrees with these comments. Section 519 of the act does not entirely exempt class I device manufacturers and importers from reporting requirements; section 519(a)(5) simply imposes some restrictions on requirements for such manufacturers and importers. FDA is prohibited from requiring from a manufacturer or importer of a class I device reports on a periodic basis and reports of information not in the possession of the manufacturer or importer. This revised proposal is consistent with the restrictions of section 519 of the act in that the reports that it would require are not periodic reports and the information that would be required to be submitted is that which has been received by or is in the possession of the manufacturer or importer.

Although most comments on the 1980 proposal recommended that the scope of the regulations be significantly narrowed with respect to the persons required to report, a few comments suggested that the proposal be expanded to require health care providers, such as physicians and other health professionals, hospitals, and clinics to report adverse device experiences to FDA.

FDA continues to encourage health professionals, hospitals, and clinics to report adverse device experiences to voluntary mechanisms such as the USP reporting system. However, FDA has not proposed to adopt this suggestion in this revised proposal for two reasons. First, under section 519 of the act, FDA has authority to require reports only from device manufacturers, importers, and distributors. Few, if any, health professionals, hospitals, or clinics function as device manufacturers, importers, or distributors and thus, FDA does not have the authority to require all such persons or institutions to report. However, as discussed below ("Exemptions from Reporting"), where the activities of a physician or other health professional extend beyond ordinary professional practice and into commercial activity, such physician or other health professional would be required to report. Second, FDA believes that health professionals and health care providers generally notify the manufacturer whenever they have information that reasonably suggests that a device has caused or contributed to a death or serious injury or has malfunctioned if recurrence of the malfunction is likely to cause or contribute to a death or serious injury. Under both the 1980 proposal and this revised proposal, a manufacturer would be required to submit such information to the agency. As is the case with distributors, were health care providers also subject to the reproposal, FDA would receive unnecessary duplicative reports. Thus, FDA has not proposed to require hospitals, clinics, or health professionals to report device-related deaths and serious injuries and device malfunctions to the agency. However, FDA intends to urge health professionals and other health care providers to report promptly all device-related deaths and serious injuries and device malfunctions to the manufacturer (or, with imported devices, to the importer), so that such information would then be transmitted to FDA.

When a Report Is Required

Under this revised proposal, two events would trigger the reporting obligation of a manufacturer or importer. First, proposed § 803.24(a) would require a device manufacturer or a device importer to report to FDA whenever it has information that reasonably suggests, or a person alleges and the

manufacturer or importer is aware of the allegation, that one of its marketed devices has caused or contributed to a death or serious injury. "Serious injury" is defined in proposed § 803.3(e) as an injury that (1) is life threatening, (2) necessitates immediate medical or surgical intervention, (3) results in permanent impairment of a body function or permanent damage to body structure, or (4) results in unanticipated temporary impairment of a body function or unanticipated temporary damage to body structure. Second, proposed § 803.24(a) would require a report to FDA whenever a device manufacturer or a device importer has information that reasonably suggests, or a person alleges and the manufacturer or importer is aware of the allegation, that one of its devices has malfunctioned, and the malfunction, if it recurs, is likely to cause or contribute to a death or serious injury. Under this second provision, a device malfunction occurs whenever it fails to perform its intended function. A malfunction can occur during the operation of the device (e.g., the filter of a kidney dialysis machine clogs during dialysis) or when the device is not in actual use (e.g., a bracket suspending an x-ray head above the table breaks when the machine is not in use). Thus, under this second provision, a device manufacturer or a device importer would be required to report to FDA whenever the manufacturer or importer has information that reasonably suggests, or a person alleges and the manufacturer or importer is aware of the allegation, that one of its marketed devices has malfunctioned if a recurrence of the malfunction is likely to cause or contribute to a death or serious injury, even though there has been no actual death or serious injury.

FDA has carefully considered whether to require a report if, after an investigation or other evaluation, the manufacturer or importer concludes that its device did not cause or contribute to a death or serious injury, did not malfunction, or, if it did malfunction, that a similar malfunction in the future would not cause or contribute to a death or serious injury. The agency believes that such determinations should not excuse persons from submitting reports otherwise required by the regulations. However, as discussed more fully below ("What to Report"), under proposed § 803.24(c)(6), a manufacturer or importer would be permitted to include the results of any such investigation or evaluation in the report to FDA required under proposed § 803.24(a).

FDA believes that it is necessary that the agency receive this information to permit it to make an independent evaluation of the incident and, as discussed more fully later in this section, to assess whether in other circumstances the device could have caused or contributed to a death or serious injury.

FDA received voluminous comments on the 1980 proposal concerning when a report should be required. These comments may be broken down into two categories: (1) those commenting on the nature of the event that results in the information requiring a report (e.g., "injury"); and (2) the degree of association between the device and the incident (e.g., "may have caused").

With respect to the nature of reportable events, a number of comments from manufacturers recommended that only device-related deaths or device-related deaths and serious (or significant) injuries be reported to FDA. Other comments stated that FDA should not require the reporting of anticipated occurrences, pain of short duration, and other minor injuries or reactions.

Section 803.24(a) of this reproposal is now proposing to require the reporting only of device-related deaths and serious injuries and of device malfunctions that are likely to cause or contribute to a death or serious injury. This action is being taken so that the agency can be quickly informed of those most serious health problems which require prompt action. Accordingly, the proposed definition of serious injury does not include minor injuries, temporary impairment of body function or body structure unless unanticipated, and injuries not requiring immediate medical or surgical intervention. Unanticipated temporary injuries such as electrical shocks, severe lacerations, or broken bones are temporary injuries that are not generally accepted as part of the risk of using a device and are avoidable. For this reason, unanticipated temporary impairment of a body function or unanticipated temporary damage to body structure are included in the definition of "serious injury" (proposed § 803.3(e)) and where a device causes or contributes to such an impairment or such damage, or malfunctions such that a recurrence of the malfunction is likely to cause or contribute to such an impairment or such damage, a report would be required under this proposal. FDA will reassess the need to require reporting of anticipated occurrences, pain of short duration, and other minor injuries or reactions after analyzing the data collected in Phase II of its GMP complaint file inspection program. At that time, the agency will determine whether additional reporting requirements are necessary.

Many comments objected to reporting "device deficiencies," claiming that such reporting would encompass all device problems, however minor, including all field service calls and other requests for minor adjustment. Several comments stated that, with such a requirement, FDA would be buried in reports and would be unable to isolate and evaluate significant problems. The 1980 proposal defined "device deficiency" as "the failure of a device (1) to perform its intended function or to meet its specifications in a way that could adversely affect its safety or effectiveness, which failure may be the result of inadequate or erroneous design, manufacture, labeling, storage, transport, relabeling, repackaging, or other cause; or (2) to meet an applicable performance standard."

At this time, until the agency completes and analyzes the results of its GMP complaint file inspection program, FDA is not proposing a requirement for reporting device deficiencies where the criteria for reporting are not otherwise met. If, based upon review and evaluation of that analysis, FDA concludes that reports of device deficiencies are necessary to protect the public health, the agency will propose such requirements.

Many comments objected to reporting "remedial actions." These comments generally claimed that such a provision would require reports of all routine or scheduled maintenance and minor labeling changes.

Although FDA does not fully agree with these comments' broad interpretation of "remedial action," the agency is not reproposing that portion of the 1980 proposal requiring reports of all remedial actions. Under the 1980 proposal, a remedial action was defined as any recall, repair, modification, adjustment, relabeling, destruction, inspection (including patient monitoring), or any other action initiated by a manufacturer to correct any suspected or confirmed device deficiency. Manufacturers would have been required to report to FDA concerning any device which was the subject of a remedial action. Under the reproposal, a remedial action is defined as any recall, repair, modification, adjustment, relabeling, destruction, inspection (including patient monitoring), notification, or any other action that is initiated by a manufacturer or importer in response to

information concerning a potential or actual death or serious injury. Such a remedial action would not be, in and of itself, a reportable event. Instead, as discussed more fully below ("What To Report"), under proposed § 803.24(e), FDA may require the submission of information concerning a remedial action that results from a device-related death, serious injury, or malfunction, and that is reported to the agency under proposed § 803.24. Once FDA has completed and analyzed the results of the GMP complaint file review program, the agency will reevaluate the need for the reporting of all remedial actions. If FDA concludes that such reporting is necessary, it will propose appropriate reporting requirements for remedial actions.

With regard to the degree of association between a device and a death or serious injury, many comments recommended that FDA require the reporting only of deaths and injuries that the manufacturer or importer confirms to be device-related.

FDA disagrees with this approach for two reasons. First, where a device is alleged to have caused or contributed to a death or serious injury, FDA, as the public health agency responsible for protecting the public from unsafe devices, should make an independent evaluation of the device's role, if any, in the death or serious injury. Because reasonable persons can differ as to whether a device has caused or contributed to a death or serious injury, where there is such a difference of opinion, FDA should review and evaluate the role of the device. Requiring reports of death or serious injury, whether or not confirmed to be device related, is consistent with both the existing requirements and recently proposed revisions for reporting adverse reactions associated with new drugs (47 FR 46622; October 19, 1982).

Second, there are cases in which a device malfunctions and the nature or severity of the malfunction is such that, although it did not actually cause or contribute to a death or serious injury, a recurrence of the malfunction would be likely to cause or contribute to a death or serious injury. For example, an incubator theremostat malfunctions in such a way that it could cause or contribute to a death or serious injury of a premature baby; however, at the time of the malfunction, the incubator is not in use and, thus, the malfunction does not cause or contribute to an actual death or serious injury. Under a system of reporting only confirmed device-related deaths and serious injuries, this type of incident would not be reported simply because there would have been no death or serious injury determined to have been caused by a device.

Where a device has malfunctioned and a recurrence of the malfunction is likely to cause or contribute to a death or serious injury, FDA does not believe that it should wait until a death or serious injury has occurred before the agency is notified of the device problem. If FDA is to be able to prevent recurrence of such malfunctions and possible deaths or serious injuries from them, or is to be able otherwise to minimize the public health risks from such malfunctions, the agency needs to receive this information.

What To Report

The revised proposal retains, with some modification, the two-tiered reporting system of the 1980 proposal. Under this revised proposal, a manufacturer or importer would initially submit to FDA a brief report of certain essential information. The purpose of this initial report is to alert the agency to a device-related death or serious injury or a device malfunction that, if it recurs, is likely to cause or contribute to a death or serious injury. The manufacturer or importer would not need to undertake an extensive review and evaluation of the incident before submitting the initial report. Should FDA need additional information to evaluate the risk presented by the reported device problem, under proposed § 803.24(e), the agency could require that the manufacturer or importer supplement its initial report.

FDA proposes to adopt this two-tiered system for two reasons. First, it would not be unduly burdensome for manufacturers and importers because the initial report (the content of which is discussed more fully below) is brief, is very simple, and does not require the manufacturer or importer to investigate and assemble extensive data or information. Second, because the initial report is brief, it could be made to FDA more quickly than a more detailed report and, thus, the agency's evaluation of and response to the device problem would occur that much more quickly. By providing FDA with the option to require supplementary information, the proposed system would assure that, despite the brevity of the initial report, FDA would have access to all information necessary to evaluate and respond to a given device problem.

Under proposed § 803.24(c), the initial report would be required to (1) identify the device; (2) identify the manufacturer or, in the case of an imported device, identify the importer and the foreign manufacturer; (3) identify, by name, address, and telephone number, the individual making the report to FDA; (4) describe, to the extent known, the event giving rise to the information, including whether a death or serious injury has occurred; (5) identify, by name and address, the individual who submitted the information to the manufacturer or importer; and (6) state whether the manufacturer or importer intends to submit additional information, and, if so, when such information will be submitted.

Section 803.24(d) of this revised proposal retains the requirement of the 1980 proposal that a device manufacturer or a device importer report to FDA each time it becomes aware of information described in § 803.24(a) of this revised proposal even if an event of the same or a similar nature has been reported previously to the agency. The purpose of this provision is to assure that FDA is fully informed of the scope of any given device problem, including the number of individuals exposed to the actual or potential risk. However, in contrast to the 1980 proposal, this revised proposal explicitly provides that FDA may notify a manufacturer or importer that a report of a particular type of event is no longer required (e.g., the injury reported becomes recognized by FDA as an inherent risk of using the device in which event it would become part of the product labeling). Proposed § 803.24(d) also provides that, where a manufacturer or importer is informed of the same device-related problem involving the same patient or user by more than one source (e.g., by both the physician and the device's distributor), only one report concerning that patient and event would be required.

Section 803.24(e) of this reproposal provides that, if necessary to evaluate the risk presented by a reported device-related death or serious injury or device malfunction, FDA could require the manufacturer or importer to supplement its initial report. The supplementary items that could be required include, for example, (1) further identification of the device, such as model or catalog number, lot or serial number; (2) a complete description of the event giving rise to the information; (3) any evaluation of the risk of death or serious injury (including failure analysis); (4) any available evaluation by a medical practitioner of the event described in the initial report; (5) any evaluation by the manufacturer or importer as to whether the reported event is attributable to the device; (6) information concerning any remedial action; (7) information concerning manufacture of the device,

such as the total number manufactured, location and date of manufacture, and the device's expiration date; and (8) information concerning distribution of the device. FDA contemplates that, when the agency requires under proposed § 803.24(e) that a manufacturer or importer supplement its initial report, the agency would specify a period of time in which the additional information would be submitted. The time permitted for submission of supplemental information would be determined on a case-by-case basis and would depend upon such factors as the degree of risk from the reported device problem, the extent of the information requested, and the ease or difficulty with which the manufacturer or importer could obtain the information.

A report required under this revised proposal is simpler and briefer than the report that would have been required under the 1980 proposal. Several items that would have been required in an initial report under the 1980 proposal (e.g., the model, catalog, or lot number and the manufacturing location) are now items that may be required by FDA under § 803.24(e) of this reproposal, but that would not be required as part of the initial report. As stated above, in developing this revised proposal FDA has attempted to simplify as much as possible the initial report required of manufacturers and importers.

Several comments suggested that a manufacturer or importer that wishes to have its own evaluation of a device problem or other information included in FDA's file on an event be allowed to supplement a required report in this manner.

FDA believes that this suggestion has merit and, thus, has provided in § 803.24(c)(6) of this reproposal for such voluntary submissions, provided the manufacturer or importer notifies FDA in its initial report that it intends to submit additional information and when it expects to do so.

How To Report—Time Requirements

Section 803.24(b) of this reproposal provides that a manufacturer or importer would report to FDA information that reasonably suggests, or information concerning an allegation by a person, that one of its devices has caused or contributed to a death or serious injury or has malfunctioned and a recurrence of the malfunction is likely to cause or contribute to a death or serious injury. The manufacturer or importer would be required to report this information as soon as the essential information has been obtained, but in any case within 15 working days of initial receipt of the information. In the case of information that reasonably suggests the existence of a device-related death or serious injury or a device malfunction whose recurrence is likely to cause a death or serious injury, the obligation to report within 15 working days begins on the date the manufacturer or importer initially receives or otherwise becomes aware of such information. The report may be made either in writing or by telephone. Telephone reports would be required to be confirmed in writing within 15 working days, so that both the reporter and FDA would have an identical written record of the manufacturer's or importer's report. FDA intends this requirement to mean that the agency should receive the information within the 15-working-day period following the time that the manufacturer or importer initially becomes aware of the information. Thus, manufacturers and importers should consider this requirement in choosing a method of transmitting information to FDA.

The time periods for reporting under the revised proposal represent a significant modification of the 1980 proposal's requirements. As originally proposed, reports of device-related deaths would have been reported by telephone within 72 hours of receipt of the pertinent information, followed by a written report within 7 working days. Injuries and device deficiencies would have been reported in writing within 7 working days. The 1980 proposal also provided that those required to report could request an extension of time to do so. FDA still encourages manufacturers and importers to report device-related deaths and serious injuries as soon as possible.

This revised proposal has eliminated the 1980 proposal for a telephone report for device-related deaths and has extended the time for reporting to 15 working days. (As noted above, a manufacturer or importer may submit a telephone report of death or serious injury provided the report is confirmed in writing within the 15-day period.) With these changes and the streamlined content of the record (discussed above in "What to Report"), the agency believes that manufacturers or importers would have ample time to assemble, process, and transmit the report required by proposed § 803.24.

Numerous comments criticized the 1980 proposal's time requirements. Most of these comments claimed that both the 72-hour and 7-working-day provisions would not allow those reporting sufficient time to investigate the device problem and to gather the necessary information for a report. A number of comments suggested that the agency provide for reporting within 15 working days because it would be consistent with the current rule requiring reports of adverse reactions to new drugs (21 CFR 310.301); others suggested a 30-day provision consistent with a proposed amendment to § 310.301 (44 FR 19434; April 3, 1979).

FDA is proposing a 15-working-day requirement for three reasons. First, the agency believes that this time period reflects an appropriate balance between the manufacturer's or importer's need to gather necessary information and FDA's need to receive promptly reports of device-related deaths and serious injuries, so that the agency can investigate and evaluate the risk and undertake any necessary action to protect the public health.

Second, FDA believes that this 15-working-day period would provide a manufacturer or importer with sufficient time to gather and review necessary information. A manufacturer or importer would obtain most, if not all, of the items required to be reported to FDA under revised § 803.24(c) at the time it receives information described in § 803.24(a) of this reproposal. As stated earlier, this reproposal would not require a manufacturer or importer to investigate an allegation of a device-related death or serious injury or of a device malfunction before making a report to FDA under proposed § 803.24; this reproposal merely requires the prompt transmittal to FDA of such information received by the manufacturer or importer.

Third, in this reproposal the proposed time periods for reporting are similar to other agency rules for adverse product reports, in particular, approved new drugs for human use. The agency's regulations requiring reporting of adverse reactions to such new drugs (§ 310.301) now require reports under those regulations to be made within 15 working days. Although in 1979 FDA proposed a 30-day reporting requirement for adverse reactions to approve new drugs, the agency thereafter tentatively concluded that fatal or life-threatening reactions to such drugs should be required to be reported to FDA within 15 working days, and all other adverse drug experiences within 30 days (47 FR 46547, 46622; October 19, 1982). The 15-working-day period for reporting device-related deaths and serious injuries and device malfunctions that are likely to cause or contribute to a death or serious injury in this reproposal is thus consistent with the newly proposed reporting requirements for fatal or life-threatening reactions to approved new drugs. For those device manufacturers

and importers that also manufacture or import products regulated as approved new drugs for human use, the 15-working-day requirement has the additional advantage that, whatever the product, an adverse reaction report for death and serious injuries would be required to be made to FDA within the same period of time.

Complaint Files

The complaint file requirement of this reproposal does not differ significantly from that of the 1980 proposal. Under § 803.31 of this reproposal, an importer would be required to establish a complaint file and maintain a record of any information, including any written or oral communication received by the importer, concerning a device-related death or serious injury, or a device malfunction that, if it recurs, is likely to cause or contribute to a death or serious injury. The importer also would be required to maintain in the file a copy of the information submitted to FDA under § 803.24 of this reproposal. FDA also proposes in § 803.31(b) of this reproposal to require that the importer retain complaint file records for 2 years from the date of submission of the report required under proposed § 803.24. Such records would be required to be retained even if the importer has ceased distribution of the particular device. Under § 803.31(c) of this reproposal, the importer would be required to maintain the complaint file at its principal place of business and would be obligated to permit any authorized FDA employee to have access to and to copy and verify the records contained in this file.

Neither the 1980 proposal nor this revised proposal would require a device manufacturer to establish and maintain a complaint file because existing § 820.198 already requires a manufacturer to do so. In addition, § 820.198 requires a manufacturer to review, evaluate, and investigate all complaints of death, injury, or a hazard to safety concerning a device that it manufactures. Thus, FDA intends that a manufacturer's existing GMP complaint file could also serve as its medical device reports file.

Some comments argued that GMP complaint files are an adequate substitute for a reporting rule for device-related deaths and serious injuries. In developing this reproposal, FDA considered whether the agency should concurrently modify or eliminate the complaint file requirement of § 820.198 in view of the fact that, under this reproposal, complaints of death or serious injury or complaints of device malfunctions that are likely to cause or contribute to a death or serious injury would be transmitted to FDA, thereby possibly eliminating the need to have a manufacturer maintain a file of such complaints. However, the agency has concluded that there should be no amendment of existing § 820.198 at this time. Both the retention and investigation provisions of § 820.198 are broader than the current proposal, so that not all complaints that currently are required to be maintained in the GMP complaint file would be required to be sent to FDA under this reproposed rule. Also, the GMP complaint file has an independent purpose that could not be performed by these proposed medical device reporting regulations. Specifically, as an integral part of a GMP inspection of a device firm, the FDA investigator reviews and considers the contents of the firm's complaint file maintained under § 820.198; the information gathered in that review may determine, in part, how the investigator conducts the inspection. In addition, a device firm should review the contents of its complaint file as part of its quality assurance (QA) audit, which FDA recommends be done at least annually. For these reasons, the agency has concluded that, at this time, the existing complaint file requirement of § 820.198 should be maintained without change. The agency is also continuing this requirement to determine whether additional reporting requirements may be necessary in the future.

Exemptions From Reporting

Section 803.36 of this reproposal sets out exemptions from the reporting requirements. Two types of exemptions are provided: exemptions for manufacturers or importers that report to FDA under other FDA reporting regulations and statutory exemptions.

Specifically, FDA is proposing to exempt a device manufacturer or importer from the requirements of § 803.24 of this reproposal if the manufacturer or importer complies with reporting requirements for investigational devices (21 CFR 812.150 or 813.153), biologic products (21 CFR 600.14, 606.170, or 640.73), or radiation-emitting products (21 CFR 1002.20 or Part 1003). FDA is proposing these exemptions to avoid requiring duplicate reports to the agency concerning the same adverse product experience. However, a manufacturer or importer would be exempt from this reproposed rule only if a report actually is made to the agency under one of the specified regulations. For example, where a manufacturer of electronic products has information alleging that one of its devices has caused a serious injury by accidentally emitting radiation, concludes that there is a reasonable basis for the allegation, and accordingly reports the incident to FDA under § 1002.20, the manufacturer would be exempt from reporting under this reproposal. However, if, in the same circumstances, the manufacturer concludes that there are no reasonable grounds for the allegation and, thus, does not report under § 1002.20, the manufacturer would be required to report under this reproposal.

At this time, FDA is not proposing to exempt a manufacturer or importer that reports to FDA, as a condition of approval of a premarket approval application for a class III device (i.e., a device subject to premarket approval), information concerning a device-related death or serious injury or device malfunction. In the **Federal Register** of December 12, 1980 (45 FR 81769), FDA proposed procedural regulations for the premarket approval of medical devices (the PMA regulations). One possible requirement of the PMA regulations is postapproval reporting of adverse device experiences, such as deaths or serious injuries. Until the PMA regulation is published in final form and their specific requirements established, FDA is not including in proposed Part 803 an exemption for manufacturers and importers of approved class III devices. If the final PMA regulations include specific requirements on postapproval reporting of adverse device experiences, it might be appropriate to exempt reports under those requirements in the final rule on medical device reporting.

Two types of individuals are exempt by statute from the reporting requirements of section 519 of the act and thus such individuals would not be required to report under the revised proposal. Section 803.36(b) of this reproposal codifies the exemption in section 519(b)(1) of the act for a licensed practitioner who manufactures or imports a device solely for use in his or her professional practice. The legislative history is clear that a licensed practitioner whose activities extend beyond the ordinary practice of his or her profession and into commercial activity is not entitled to this exemption and FDA intends that such practitioners would be required to report. (See H.R. Rep. No. 94–853, 94th Cong., 2d Sess. 24 (1976).) Similarly, § 803.36(c) of this reproposal codifies the exemption in section 519(b)(2) of the act for a person who manufactures or imports a device solely for his or her own use in research or teaching and not for sale, including any person who uses a device under an exemption granted under section 520(g) of the act (21 U.S.C. 360j(g)).

Public Availability of Reports Made Under Part 803

Many comments on the 1980 proposal objected to its reporting requirements because information reported to FDA would be available to the public under the Freedom of Information Act (the FOLA) (5 U.S.C. 552) and FDA's public information regulations (21 CFR Part 20. Many comments claimed that the release of medical device reports required under the 1980 proposal would result in increased and spurious product liability litigation against device manufacturers, importers, and distributors, ultimately resulting in increased costs to the public for devices. Some comments stated that these alleged increased costs must be considered by FDA in promulgating a final rule. Several comments suggested that, because of the potential impact on product liability litigation, FDA should not publicly disclose reports that would be required under the 1980 proposal.

The agency disagrees with these comments for several reasons. FDA is not authorized to withhold from public disclosure reports filed under this reproposal. The public availability of agency records is governed by statute, principally the FOIA. Thus, FDA does not have the discretion to withhold medical device reports received by the agency under this reproposal.

Furthermore, FDA believes that even if there is a potential for abuse of medical device reports in product liability litigation, as well as speculative costs associated with such abuse, the agency cannot responsibly put its statutory obligations to learn of device-related deaths and serious injuries and device malfunctions, and to take appropriate action to protect the public health.

For these reasons, FDA is retaining the provisions of the 1980 proposal that the public availability of manufacturer and importer reports made to FDA be governed by FDA's public information regulations (212 CFR Part 20).

Medical device reports that would be required by this reproposal are similar to those received under existing agency rules for adverse reactions to new drugs (21 CFR Part 310). The reports received under Part 310 generally are publicly available. The agency would, however, delete from any report received under this proposed rule and made publicly available name and other personal identifying information and identifying information of any health institution before making the report available to the public. The agency also would delete from the reports any trade secret or confidential commercial information.

Failure To Report

Seizure, injunction, and criminal prosecution are available to assure compliance with the reproposed rule. Where, with respect to a given device, a manufacturer or importer fails or refuses to submit any material or information that is required by section 519 of the act, that device is misbranded under section 502(t) of the act (21 U.S.C. 352(t)); misbranded devices are subject to seizure and condemnation under section 304 of the act (21 U.S.C. 334). Section 301(k) of the act (21 U.S.C. 331(k)) prohibits the doing of any act to a device after its interstate shipment which results in the device being misbranded. Violations of section 301(k) of the act may be enjoined under section 302 of the act (21 U.S.C. 332), and individuals responsible for such violations are subject to prosecution under section 303 of the act (21 U.S.C. 333). Under section 301(q)(1) of the act, a failure or refusal to report as required by or under section 519 is a violation of the act, as is, under section 301(q)(2) of the act, submission of a materially false or misleading report regarding a device. Like violations of section 301(k) of the act, violations of section 301(q) (1) and (2) may be enjoined under section 302 and individuals repsonsible for the violations may be prosecuted under section 303.

Economic Assessment

As required by Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 601), FDA has carefully examined the economic effects of this reproposed rule on all affected business, including small businesses. FDA estimates that the total annual cost to the entire device industry of the reproposal would be between $1.7 million and $3.5 million. This estimate was derived from data submitted by device manufacturers in comments on the 1980 proposal. This estimate may be higher than the actual cost of the reproposed rule because the costs used to calculate the estimate may include expenses that the agency believes are not attributable to the proposal. FDA believes that the only cost that this reproposed rule would impose on manufacturers is that of preparing and submitting a report. For manufacturers, the cost of reviewing, evaluating, and investigating pertinent information is not attributable to this reproposal, inasmuch as the complaint file requirement of the current GMP regulations (21 CFR 820.198) requires a device manufacturer to undertake such review, evaluation, and investigation. Importers would incur some additional costs under a final rule based on this reproposal in complying with the requirement to establish and maintain a complaint file. Manufacturers and importers may also experience additional costs, in some situations, due to the requirement under § 803.24(e) of this reproposal to submit supplemental information that might require additional review and evaluation of pertinent information. However, in many cases, the agency would conduct its own investigation or would request that the device's foreign manufacturer, not its importer, conduct any necessary investigation and thus, these additional costs to importers would in most cases be limited.

Although several comments on the 1980 proposal claimed that it would increase product liability insurance expenses, no comments provided any specific data on this alleged increase. Furthermore, FDA does not believe that such costs, even if they would result, would be direct costs of the proposal and, thus, need not be addressed by the agency.

FDA has concluded that, if adopted, this reproposal would not be a major rule under any of the criteria of executive Order 12291. Further, FDA certifies that, if adopted, the proposed rule would not have a significant economic impact on a substantial number of small entities. The threshold assessment supporting these conclusions is on file for public review in the Dockets Management Branch (address above) under Docket No. 79N–0182.

Environmental Impact

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979, 44 FR 71742) that this reproposal is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Paperwork Reduction Act of 1980

This reproposed rule contains information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), FDA has submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of these information collection requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to FDA's Dockets Management

Branch (address above) and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg. (Rm. 3208), Washington, DC 20503, ATTN: Richard Eisenger.

List of Subjects in 21 CFR Part 803

Medical devices; Medical device manufacturers; Medical device importers; Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502(t), 510, 519, 701(a), 704(a) and (e), 52 Stat. 1055, 76 Stat. 792–795 as amended, 90 Stat. 564–565, 578, 581 (21 U.S.C. 352(t), 360, 360i, 371(a), 374(a) and (e))) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended by adding new Part 803, to read as follows:

PART 803—MEDICAL DEVICE REPORTING

Subpart A—General Provisions

Sec.
803.1 Scope.
803.3 Definitions.

Subpart B—Reports and Records

803.24 Reports by manufacturers and importers.
803.31 Complaint files.
803.33 Where to submit a report.
803.36 Exemptions from reporting.

Authority: Secs. 502(t), 510, 519, 701(a), 704 (a) and (e), 52 Stat. 1055, 76 Stat. 792–795 as amended, 90 Stat. 564–565, 578, 581 (21 U.S.C. 352(t), 360, 360i, 371(a), 374 (a) and (e)).

Subpart A—General Provisions

§ 803.1 Scope.

(a) FDA is requiring a device manufacturer or a device importer to report to FDA whenever the manufacturer or importer has information that reasonably suggests, or a person alleges and the manufacturer or importer is aware of the allegation, that one of its marketed devices has caused or contributed to a death or serious injury or has malfunctioned, if a recurrence of the malfunction is likely to cause or contribute to a death or serious injury. These reports will enable FDA to protect the public health by ensuring that devices are not adulterated or misbranded and are otherwise safe and effective for their intended uses. In addition, a device importer is required to establish and maintain a complaint file and to permit any authorized FDA employee at all reasonable times to have access to and to copy and verify the records contained in this file.

(b) This part supplements, and does not supersede, the provisions of Part 820, including the requirement under § 820.198 that a manufacturer establish and maintain a complaint file and the requirement under § 820.180 that a manufacturer allow access to, and copying of, this file by any authorized FDA representative.

(c) References in this part to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21, unless otherwise noted.

§ 803.3 Definitions.

(a) "FDA" means the Food and Drug Administration.

(b) "Importer" means any person who initially imports a device into the United States and is required to register under Part 807.

(c) "Manufacturer" means any person who is required to register under Part 807, other than a person who initially distributes a device imported into the United States.

(d) A "remedial action" is any recall, repair, modification, adjustment, relabeling, destruction, inspection (including patient monitoring), notification, or any other action that is initiated by a manufacturer or importer in response to information concerning a potential or actual death or serious injury.

(e) A "serious injury" is an injury that (1) is life threatening, (2) necessitates immediate medical or surgical intervention, (3) results in permanent impairment of a body function or permanent damage to body structure, or (4) results in unanticipated temporary impairment of a body function or unanticipated temporary damage to body structure.

(f) Any term defined in section 201 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321) shall have that definition.

Subpart B—Reports and Records

§ 803.24 Reports by manufacturers and importers.

(a) A manufacturer or importer shall report to FDA whenever the manufacturer or importer has information that reasonably suggests, or a person alleges and the manufacturer or importer is aware of the allegation, that one of its marketed devices (1) has caused or contributed to a death or serious injury or (2) has malfunctioned, and such malfunction, if it recurs, is likely to cause or contribute to a death or serious injury.

(b) A manufacturer or importer shall submit such report in writing or by telephone to FDA as soon as the essential information has been obtained, but in any case within 15 working days of initial receipt of the information. Any report made by telephone is required to be confirmed in writing within 15 working days of the telephone report. An initial or confirmatory report is required to be transmitted so as to be received by FDA within the 15-working-day period.

(c) A medical device report is required to:

(1) Identify the device, including its brand name and common or usual name.

(2) Identify the manufacturer or, in the case of an imported device, identify the importer and the foreign manufacturer;

(3) Identify, by name, address, and telephone number, the individual making the report to FDA;

(4) Describe, to the extent known, the event giving rise to the information received by a manufacturer or importer, including whether a death or serious injury has occurred;

(5) Identify, by name and address, the person submitting the information to the manufacturer or importer; and

(6) State, if the manufacturer or importer intends to submit additional information, when such information will be submitted.

(d) A manufacturer or importer shall report to FDA as required under this part each time it becomes aware of information described in paragraph (a) of this section, even if an event of the same or a similar nature has been reported previously to FDA; provided, however, that if a manufacturer or importer becomes aware from more than one source of information concerning the same patient and the same event, only one report is required. FDA may notify a manufacturer or importer that reports of a particular type of event are no longer required.

(e) If FDA determines that the protection of the public health requires information in addition to that initially submitted under paragraph (c) of this section, a manufacturer or importer shall, upon FDA's request, submit such additional information. Additional items that may be requested include:

(1) Model, catalog, or other identification number or code of the device;

(2) Manufacturing lot or serial number of the device;

(3) A complete description of the event giving rise to the information received by the manufacturer or importer, including whether a death or serious injury has occurred and the number of persons affected;

(4) Any evaluation of the risk of death or serious injury, including failure analysis, and copies of any laboratory

testing or analyses available to or used by the manufacturer or importer;

(5) Any available evaluation by a medical practitioner of the event described in the initial report;

(6) Any evaluation or other determination as to whether the event described in the medical device report is or is not attributable to the device and the basis for such determination;

(7) If the manufacturer or importer determines that the event described in the medical device report is attributable to the device, an outline of the plan for remedial action or, if the manufacturer or importer determines that a remedial action is unnecessary, the basis for such determination;

(8) A copy of any proposed remedial action communication and the names and addresses of recipients of the communication;

(9) Information concerning the device's manufacture, e.g., the total number manufactured or the number in the same batch, lot, or equivalent unit of production, the location and date of manufacture, and the device's expiration date;

(10) Information concerning the device's distribution, e.g., the location and number of devices in inventory stock and distribution channels, a list of all consignees, and the dates of distribution.

§ 803.31 Complaint files.

(a) An importer shall establish a complaint file and maintain a record of any information, including any written or oral communication, received by the importer concerning a device-related death or serious injury, or a device malfunction that has caused or contributed to or if it recurs is likely to cause or contribute to a death or serious injury. The file is also required to contain a copy of the report submitted to FDA under § 803.24.

(b) An importer shall retain copies of records maintained under paragraph (a) of this section for a period of 2 years from the date that the report is submitted to FDA under § 803.24, even if the importer has ceased importing the device that is the subject of the report.

(c) An importer shall maintain the complaint file established under this section at the importer's principal business establishment. An importer shall permit any authorized FDA employee at all reasonable times to have access to and to copy and verify the records contained in the complaint file.

§ 803.33 Where to submit a report.

Any report required under this part is required to be submitted to the Device Monitoring Branch (HFK–125), National Center for Devices and Radiological Health, Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910 (a telephone number will be added in the final rule).

§ 803.35 Exemptions from reporting.

A manufacturer or importer otherwise subject to this part is exempt from reporting as required under this part, if the manufacturer or importer:

(a) Submits a report regarding the death, serious injury, or device malfunction to:

(1) The Director, Office of Biologics, in accordance with § 600.14, § 606.170, or § 640.73.

(2) The Director, Office of Radiological Health, in accordance with § 1002.20 or Part 1003.

(3) The Director, Office of Medical Devices, in accordance with § 812.150 or § 813.153.

(b) Is a practitioner who is licensed by law to prescribe or administer devices intended for use in humans and manufactures or imports devices solely for use in the course of that individual's professional practice.

(c) Is a person who manufactures or imports devices intended for use in humans solely for such person's use in research or teaching and not for sale or under an investigational device exemption granted under Part 812 or 813

Interested persons may, on or before July 26, 1983, submit to the Dockets Management Branch (address above) written comments regarding this proposed rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 26, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 83–14428 Filed 5–26–83; 8:45 am]

BILLING CODE 4160–01–M

Reader Aids

Federal Register

Vol. 48, No. 104

Friday, May 27, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MAY

19693-19866.....2
19867-20032.....3
20033-20216.....4
20217-20402.....5
20403-20680.....6
20681-20890.....9
20891-21108.....10
21109-21296.....11
21297-21522.....12
21523-21876.....13
21877-22128.....16
21129-22286.....17
22287-22498.....18
22499-22700.....19
22701-22896.....20
22897-23156.....23
23157-23380.....24
23381-23620.....25
23621-23794.....26
23795-24024.....27

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
Ch. III.....20417

3 CFR

Administrative Orders:

Presidential Determinations:
No. 83-6 of April 8, 1983.....23381

Executive Orders:
May 5, 1855 (Revoked in part by PLO 6380).....22151
July 2, 1910 (Revoked in part by PLO 6377).....22149
August 25, 1915 (Revoked in part by PLO 6384).....22152
5003 (Revoked in part by PLO 6390).....23639
5327 (Revoked in part by PLO 6387.....23223
11157 (Amended by EO 12420).....21525
11735 (Amended by EO 12418).....20891
12123 (Amended by EO 12418).....20891
12154 (Amended by EO 12422).....23157
12155 (Amended by EO 12417).....20035
12316 (Amended by EO 12418).....20891
12417.....20035
12418.....20891
12419.....20893
12420.....21525
12421.....21879
12422.....23157

Proclamations:
5057.....20033
5058.....21297
5059.....21299
5060.....21523
5061.....21877
5062.....22499
5063.....22701
5064.....23621
5065.....23795

4 CFR

Proposed Rules:
101.....23249
102.....23249
103.....23249
104.....23249
105.....23249

5 CFR

1320.....21109
2470.....19693
2471.....19693
2472.....19694

Proposed Rules:
230.....22728
250.....22728

7 CFR

2.....20403, 21301
55.....20681
56.....20681
59.....20681
70.....20681
210.....20895, 20896
215.....20895, 20896
220.....20895, 20896
225.....20896
226.....20896, 21527
235.....20896
245.....20896
271.....22129, 23797
272.....23797
273.....20403, 22129
274.....22129
275.....23797
276.....22129
277.....23797
285.....23804
319.....20403
360.....20037
729.....20403
907.....20217, 21301
910.....20403, 21530, 22703, 23805
918.....21531
929.....22287
967.....21532
979.....20898, 21881
1040.....22287
1049.....19698
1099.....23623
1131.....19699
1446.....21533
1464.....21109
1701.....20404, 21547, 23805
1942.....20217
1980.....23806
2003.....23624

Proposed Rules:
Ch. XVIII.....20425
21.....19884
27.....20715
28.....19721
29.....20720, 23437
52.....19884
226.....21587
272.....23825
273.....23257
274.....23825
725.....23269
726.....23269
989.....21147, 21339

1001.....20920
1004.....21961
1007.....21962
1013.....22303
1033.....22313
1036.....22313
1040.....20418
1065.....20424
1099.....20425
1120.....22318
1124.....22580
1125.....20058
1126.....22318
1132.....22318
1133.....20058
1136.....20925
1138.....22318
1139.....20929
1446.....21152, 22318, 23649
1701.....23827
2900.....23438

8 CFR

100.....20684
103.....20221
204.....20221
205.....20221
208.....20684
212.....20221, 20684, 23159
214.....19867, 20221, 20684, 22131, 23159, 23160
231.....21548
234.....20684
238.....20898
245.....20684

Proposed Rules:

214.....21593

9 CFR

78.....23624
82.....22501, 22897
92.....19867–19872, 21549, 22501, 22502
166.....22288
318.....20221
381.....22807

Proposed Rules:

102.....22928
104.....22928
112.....22928
145.....23828
147.....23828
319.....19722

10 CFR

32.....23383
50.....23807, 24008
70.....22131
961.....23160

Proposed Rules:

Ch. I.....23440
Ch. II.....20866
20.....20721, 20723
40.....19722, 23649
50.....20426, 22730
51.....22730
150.....20723
790.....20000
1017.....20091

11 CFR

110.....21553

12 CFR

Ch. VII.....22899
217.....21881, 21882
220.....23161
523.....23032
526.....23032
541.....23032
545.....23032
555.....23032
556.....21554
561.....23032
563.....21302, 23032
571.....21302
590.....21554
591.....21554
700.....22900
701.....22901

Proposed Rules:

Ch. III.....22319
31.....22929
215.....22930
205.....20723
225.....23520
226.....20724
304.....20092
309.....20092
337.....20240, 22155, 22163
556.....20930
561.....19723
563.....19723, 20930
614.....20426
615.....20426
619.....20426

13 CFR

101.....23172
305.....23810

Proposed Rules:

101.....19872
116.....20933
120.....21110
121.....20560, 23657
123.....23836

14 CFR

21.....21882
23.....21882
39.....19700, 20685, 21305, 21307, 21891–21894, 22503, 22504, 23625–23628
71.....20222, 20686–20688, 21895, 22902, 22903, 23630
91.....21308
97.....20222, 21896
249.....21310
296.....22703
297.....22705
302.....23154
305.....23154
1245.....22132

Proposed Rules:

21.....19727, 19733
39.....20727, 21963, 22932, 23658, 23659
71.....19736–19740, 20241, 20728, 20729, 21964, 22933, 22936, 23660
73.....23661
75.....20241
121.....21339
135.....21339
139.....23662
159.....19838
253.....22323
254.....22323

15 CFR

4a.....20040
369.....20043
370.....20043
371.....20899
375.....20043
379.....20899
385.....20899
388.....20043
390.....20043, 20225
399.....20899
903.....20688

Proposed Rules:

50.....20432
400.....23848
939.....20730
981.....21154

16 CFR

5.....20044, 23172
13.....20046, 20047
305.....20047, 23383
1406.....21898
1610.....21310
1615.....21310
1616.....21310

Proposed Rules

13.....20093, 20730, 21156, 22164
304.....22936
423.....22733, 22937
437.....23270
444.....20096
1201.....20762

17 CFR

1.....20900
12.....21923
140.....22133
146.....22133
170.....22136
180.....22136
200.....19873, 21112
211.....23172
229.....19873
230.....19873
239.....19873
240.....19873
241.....23173
249.....19873

Proposed Rules:

1.....20097
140.....23440
145.....23440
146.....23440
147.....23440
180.....22167
240.....20097
270.....19887
275.....22328

18 CFR

271.....23175–23177
282.....23810
375.....23630

Proposed Rules:

4.....20934
11.....20934
35.....21161
271.....20432, 23271–23276
410.....19893

19 CFR

123.....23384
177.....22904
201.....20225
210.....20225, 21112, 21115
211.....20225

Proposed Rules:

4.....22746
12.....20242
24.....21965
101.....21966
111.....21343
177.....22747

20 CFR

404.....21924–21931
416.....21931–21944, 23177
628.....22143

Proposed Rules:

Ch. V.....21594
404.....21967, 21970
416.....21967, 21970

21 CFR

73.....22705
81.....23179
133.....23811, 23812
172.....23179
178.....23179, 23812
193.....23385
444.....21563, 22144
446.....23813
448.....21563
455.....21563
510.....20901, 21564
520.....21565, 21566, 22706
522.....21567, 23180
524.....21566
540.....20901
558.....20902, 21564, 22144, 22707
610.....23180
660.....20405
1220.....23814

Proposed Rules:

Subchapter E.....22748
131.....20433
148.....21595
158.....20935, 22748, 23277
182.....22748
184.....22169, 22748
610.....20433
640.....19897
660.....20433, 23849
803.....24014
1040.....22886

22 CFR

11.....19701

Proposed Rules:

1303.....22749

23 CFR

Ch. I.....20022, 21317, 23182
635.....22911, 23631

Proposed Rules:

650.....22938

24 CFR

0.....21567
8.....20638, 20902, 22470
108.....20903
200.....19877
201.....21569
203.....19877, 21570
205.....21570

207.....21570, 23386, 23815
213.....21570, 23815
220.....21570, 23815
221.....21570, 23815
231.....23815
232.....21570
233.....19877
234.....19877, 21570, 23815
235.....21570
236.....21570, 23815
237.....19877
241.....21570
242.....21570
244.....21570
255.....23386, 23815
426.....19878
450.....22913
570.....22915
880.....20227
881.....20227
883.....20227
884.....20227
886.....20227
888h.....23183

26 CFR

1.....20047, 20938, 22505, 22512, 23815
5f.....21115
9.....22512
301.....22708
304.....22708
401.....19878

Proposed Rules:

1.....20244, 21166, 22584, 22586, 22749, 22940, 23277
20.....21167, 22940
25.....22940
301.....21167

27 CFR

9.....22145

Proposed Rules:

9.....21973

28 CFR

0.....22290
1.....22290
2.....22917-22919, 23183
45.....23184

Proposed Rules:

2.....22949, 22950

29 CFR

1.....20408
5.....20408
1613.....19705
1912.....23184
1912a.....23184
2616.....19710
2619.....21573

Proposed Rules:

XXVI.....20247
1952.....20434
2606.....22330

30 CFR

250.....20227, 22146
700.....20392
701.....20392, 22092, 22110
716.....21446
779.....21446
780.....22092
783.....21446
784.....22092
785.....20392, 21446
816.....20392, 22092, 22110, 23356
817.....20392, 22092, 22110, 23356
823.....21446
826.....23356
827.....20392
904.....19710
913.....23412
917.....21574, 22711
935.....23185
936.....20049, 23414
938.....23416
942.....22541, 23634, 23635
947.....22291

Proposed Rules:

55.....22895
56.....22895
57.....22895
905.....20939
914.....20763, 22169
925.....20764
926.....23662
948.....22586

31 CFR

1.....21945

32 CFR

294.....20228
701.....23194
730.....23205
770.....23205
815.....22715
819.....22542
888h.....23206
983.....20408
984.....20408

33 CFR

100.....19712, 22542, 22543
110.....23636
117.....19713, 20229, 21325
165.....20230, 21325, 22543, 23638
401.....20690, 22545

Proposed Rules:

90.....23663
100.....22588, 23664
117.....19741, 21975
161.....20248
207.....20249
320.....21466
322.....21466
323.....21466
325.....21466
327.....21466
328.....21466
330.....21466

34 CFR

73.....22147
318.....23206
510.....20692
690.....21852

Proposed Rules:

31.....23277
668.....23150
691.....21862

36 CFR

Ch. I.....21121
7.....21945
223.....23818
901.....20908

Proposed Rules:

50.....22284
61.....19742
211.....20765
223.....23443
254.....22589

37 CFR

2.....23122
304.....22715

Proposed Rules:

1.....23144
5.....23144
202.....22951

38 CFR

17.....19714, 19878
36.....22292

Proposed Rules:

3.....21586
21.....20939, 23444

39 CFR

10.....21131
601.....20406
3002.....19878

Proposed Rules:

10.....20949
447.....21343
956.....21343
3001.....23849

40 CFR

30.....23417
52.....19715, 19716, 19878, 20051, 20231, 20233, 21326, 21579, 22294–22296, 22545, 22716
60.....20693, 22919, 23608
61.....20693
81.....21947, 22716
86.....22546
145.....19717
180.....20052–20055, 21131–21133, 23418, 23419
271.....21953
704.....23420
712.....21294, 22694
720.....21722

Proposed Rules:

4.....22335
52.....19748, 19750, 19896, 19900, 20766, 21975, 22335, 23852–
61.....23665
81.....22336
124.....21098
180.....20950, 22337
191.....23666
192.....20768, 23666
228.....20440
261.....22170, 22750
264.....20440, 21101
265.....20440
267.....20440
270.....21098–21103
271.....21977, 23853
302.....23552, 23602
320.....21598
712.....22697
721.....20668, 23263
764.....22954
799.....23080, 23088

41 CFR

Ch. 1.....21580, 22555
Ch. 101.....21327, 22149
3–3.....20904
4–2.....19716
9–7.....22550
9–10.....22550
14–1.....21133
51–4.....21329
101–11.....22555
101.....20056

Proposed Rules:

44–17.....20441
101–41.....21351, 23283
114–50.....20768

42 CFR

Ch. IV.....22920
57.....20214
405.....21254
431.....23212

Proposed Rules:

36.....22171, 23854
59.....22750

43 CFR

Public Land orders:

2634 (Revoked in part by PLO 6379).....22151
3035 (Revoked in part by PLO 6386).....23223
4522 (Revoked in part by PLO 6387).....23223
5029 (Revoked by PLO 6387).....23223
6335 (Corrected by PLO 6383).....22152
6376.....22149
6377.....22149
6378.....22150
6379.....22151
6380.....22151
6381.....22151
6382.....22152
6383.....22152
6384.....22152
6385.....22153
6386.....23223
6387.....23223
6388.....23224
6389.....23225
6390.....23639

Proposed Rules:

426.....19900, 20768
1600.....20364
4100.....21820
8370.....20630, 22462

44 CFR

64.....20234, 20236, 20910, 21580, 21582
65.....20694–20701, 23230–23232
67.....20409, 20912, 23233 23829
70.....20701–20713, 22717–22727

Proposed Rules:

67.....20443, 20444, 20769, 20770, 20950, 21351, 22753, 22755, 22956–22972, 23284
71.....23616
205.....22756

45 CFR

Ch. XIX.....22555
303.....20237
650.....19860
1355.....23104
1356.....23104
1357.....23104
1392.....23104

Proposed Rules:

1626.....19750

46 CFR

Proposed Rules:

10.....20770
30.....19755
67.....20249, 22591, 22973
151.....19755
153.....19755
157.....20770
221.....22973
355.....22973

47 CFR

Ch. I.....23422
0.....23430, 23431
22.....21329
73.....19879, 19882, 20918, 20919, 21478, 22556
74.....21478
81.....21583, 22557, 23432, 23639
83.....22557, 23432, 23639
90.....23433

Proposed Rules:

Ch. I.....20771, 21351, 23667, 23854
2.....21354, 23668
13.....22591
15.....23859
21.....19759, 22591
22.....19759, 20952, 21354
23.....19759, 22591
61.....21356
73.....19917, 20252, 20953–20966, 22173, 22591, 22600, 23445, 23862–23871
74.....19759, 22591
78.....19759, 22591
81.....19759, 22591, 23668, 23673
83.....21599, 22591, 23446, 23668, 23673
87.....19759, 22591, 23668
90.....19759, 22591, 23668
94.....19759, 22591, 23859
95.....22591
97.....23668
150.....19759

48 CFR

Proposed Rules:

27.....22757

49 CFR

Ch. X.....20919
25.....20714
172.....19719
175.....19719
385.....22565
565.....22567
571.....20237, 21955, 22567
574.....22572
630.....22926
1003.....23823
1023.....22926
1083.....20409
1039.....20412, 23433, 23648, 23824
1043.....23823
1170.....23245

Proposed Rules:

Ch. X.....23872
100–179 (Ch. I).....20255, 20780
229.....20257
391.....22602
571.....19760, 20259
574.....19761
1309.....20780
1310.....20780

50 CFR

16.....20614, 22446
32.....21957
216.....20614, 22446
250.....23792
403.....20614, 22446
611.....21336, 22153, 22299
661.....21135
642.....20415
650.....23434
658.....23435
662.....22301
671.....23435
672.....22299
675.....21336, 22299

Proposed Rules:

17.....20450, 21169, 21604, 22173, 22757
32.....20100
227.....20098
260.....20261
285.....23448
611.....21978
628.....20102
646.....21607
649.....22760
671.....22602

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 25, 1983

VOL
48
ISS
104
MAY
27
1983
UMI

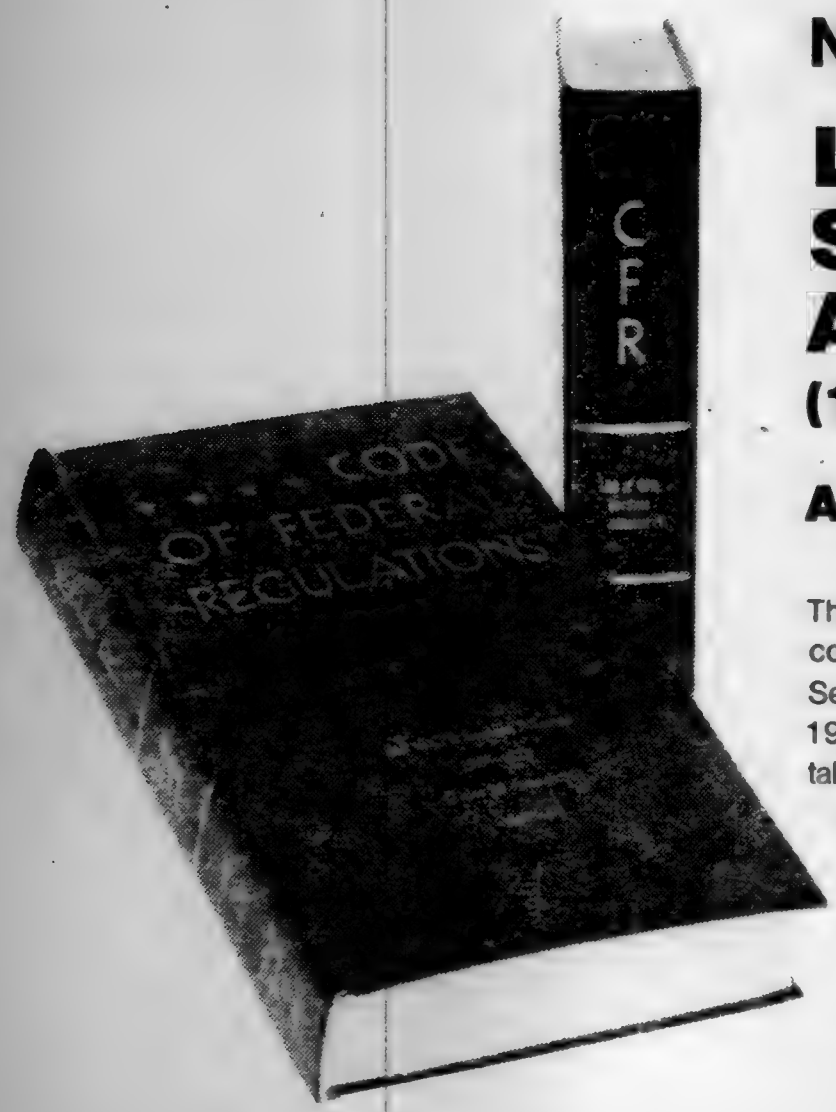

New Publication

List of CFR Sections Affected

(1964 through 1972)

A Research Guide

These two volumes contain a compilation of the "List of CFR Sections Affected (LSA)" for the years 1964 through 1972. Reference to these tables will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Volume I (Titles 1 through 27) $15.00
Volume II (Titles 28 through 50) $14.00

ORDER FORM Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.
☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $ _____ Fill in the boxes below

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me____copies of the CODE OF FEDERAL REGULATIONS
Volume I $15.00 Stock No. 022-003-94233-5
Volume II $14.00 Stock No. 022-003-94234-3

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only

Quantity	Charges
_____ Enclosed	
_____ To be mailed	
Subscriptions	
Postage	
Foreign handling	
MMOB	
OPNR	
_____ UPNS	
_____ Discount	
_____ Refund	

n

0
.00

Charges

VOL
48
ISS
1
0
4
MY
27
1983
UMI

VOL
48
ISS
105
MY
31
1983
UMI

5-31-83
Vol. 48

Unite
Gove
Printi
SUPER
OF DO
Washin
OFFICI
Penalty
Federa
(ISSN

5-31-83
Vol. 48 No. 105

federal register

Tuesday
May 31, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

A FR SERIA300S NOV 83 R DIR
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

U.S.MAIL
Postage and Fees Paid
U S Government Printing Office
375

SECOND CLASS NEWSPAPER

VOL
48
ISS
1
05
MY
31
1983
UMI

5-31-8
Vol. 4
Pages

5-31-83
Vol. 48 No. 105
Pages 24025–24310

Federal Register

Tuesday
May 31, 1983

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Arms and Munitions
Alcohol, Tobacco and Firearms Bureau

Aviation Safety
Federal Aviation Administration

Banks, Banking
Federal Deposit Insurance Corporation
Fiscal Service

Black Lung Benefits
Employment Standards Administration

Bridges
Coast Guard

Charters
Civil Aeronautics Board

Color Additives
Food and Drug Administration

Courts
Health and Human Services Department

Flood Insurance
Federal Emergency Management Agency

Food Grades and Standards
Food and Drug Administration

Freedom of Information
Comptroller of Currency
Federal Deposit Insurance Corporation

CONTINUED INSIDE

Selected Subjects

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Government Contracts
Farmers Home Administration

Grant and Loan Programs—Energy
Solar Energy and Energy Conservation Bank — 24025

Hazardous Materials Transportation
Research and Special Programs Administration

Marine Resources
National Oceanic and Atmospheric Administration

Medicare
Health Care Financing Administration — 24027

Milk Marketing Orders
Agricultural Marketing Service

Mortgage Insurance
Federal Housing Commissioner—Office of Assistant Secretary for Housing

Motor Carrier Safety
Federal Highway Administration — 24065

Natural Gas
Federal Energy Regulatory Commission

Price Support Programs
Commodity Credit Corporation — 24234

Public Housing
Housing and Urban Development Department

Railroad Safety
Federal Railroad Administration — 24230

Seamen
Maritime Administration

Veterans
Veterans Administration — 24038

Waterways
Engineers Corps — 24158, 24158, 24158

— 24074

— 24094

— 24085, 24088

— 24028

Contents

Federal Register
Vol. 48, No. 105
Tuesday, May 31, 1983

The President
EXECUTIVE ORDERS
24025 Foreign assistance and arms control (EO 12423)

Executive Agencies

Agricultural Marketing Service
RULES
Milk marketing orders:
24027 Nebraska-Western Iowa; temporary

Agriculture Department
See also Agricultural Marketing Service; Commodity Credit Corporation; Farmers Home Administration; Food and Nutrition Service; Forest Service; Soil Conservation Service.

Alcohol, tobacco and Firearms Bureau
RULES
24065 Firearms and ammunition commerce; three year firearms licenses
NOTICES
Meetings:
24234 Winegrape Varietal Names Advisory Committee

Arts and Humanities, National Foundation
NOTICES
Meetings:
24230 Humanities Advisory Panel

Civil Aeronautics Board
RULES
Charters:
24038 National political conventions; blanket waiver
NOTICES
Hearings, etc.:
24158 Buffalo Airways, Inc.; fitness investigation
24158 Frontier Flying Service; fitness investigation
24158 Interamerica Airlines; fitness investigation

Coast Guard
RULES
Safety zones:
24074 Mississippi River, Gulf Outlet et al.
PROPOSED RULES
24094 Drawbridge operations; navigable waterways of U.S.

Commerce Department
See International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

Commodity Credit Corporation
PROPOSED RULES
Loan and purchase programs:
24085 Milk price support program
24088 Peanuts; warehouse storage loans and handler operations; intent to review; correction

Comptroller of Currency
RULES
24028 Freedom of Information Act; implementation
PROPOSED RULES
24089 Real estate loans; due-on-sale clauses; withdrawn

Defense Department
See Engineers Corps.

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
24223 Crisanti, Anthony J., D.D.S.; hearing
24223 Gradolph, Philip C., M.D.; hearing
24223 Philadelphia Seed Co.
24224 Roya, Ray, M.D.; hearing
24224 Sigma Chemical Co.

Economic Regulatory Administration
NOTICES
Consent orders:
24191 Langham, Robert Stephen
24191 Langham Petroleum & Development, Inc.
24190 Pittston Petroleum Inc.
Natural gas; fuel oil displacement certification applications:
24186 Arcata Graphics-Buffalo
24186 A. W. Breidenbach Environmental Research Center
24187 Capitol Products Corp.
24187 Emery Realty, Inc.
24190 Georgia-Pacific Corp.
24188 Great Lakes Carbon Corp.
24188 Ramco/Fitzsimons Steel Co.
24189 Schoenling Brewing Co.
24189 Shepherd Chemical Co.
24190 Textile Printing & Finishing Co., Inc.

Employment and Training Administration
NOTICES
Adjustment assistance:
24225 Chicago Bridge & Iron Co. et al.
24226 Lello Fashions
24226 Mountain States Mineral Enterprises, Inc.
24224 Sanyo Manufacturing Corp.

Employment Standards Administration
RULES
Black lung disease:
24272 Claims for benefits; standards for disability or death

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission; Southeastern Power Administration

Engineers Corps
RULES
Danger zones and navigation regulations:
24077 Key West, Fla; and Cape Fear River, N.C.

Environmental Protection Agency
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
24137 Nevada
Water pollution; effluent guidelines for point source categories:
24138 Organic chemicals and plastics and synthetic fibers category; hearing and extension of time
NOTICES
24198 Agency forms submitted to OMB for review

Farmers Home Administration
RULES
24028 Suspension and debarment proceedings; obsolete provision removed

Federal Aviation Administration
RULES
24033, 24034 Control zones (3 documents)
24032 Control zones; correction
24036 Standard instrument approach procedures
24033, 24036 Transition areas (2 documents)
24035 Transition areas and control zones
PROPOSED RULES
Airworthiness directives:
24089 Pilatus Britten-Norman
24091 Transition areas

Federal Deposit Insurance Corporation
RULES
24031 Freedom of Information Act; implementation
Practice and procedure rules:
24030 Insured status, termination; deposit liabilities, etc.

Federal Emergency Management Agency
PROPOSED RULES
Flood elevation determinations:
24139 Arizona et al.

Federal Energy Regulatory Commission
RULES
Natural gas companies (Natural Gas Act), etc.:
24051 First sellers; production costs, recovery; rehearing denied
Natural Gas Policy Act:
24039 First sellers, gas sales contracts; rehearing denied
NOTICES
Hearings, etc.:
24193 Albuquerque, N. Mex.
24192 Boundary Gas, Inc.
24195 Cohen, Romano & Rice
24193 Columbia Gas Transmission Corp.
24193 Connecticut Light & Power Co.
24194 Continental Hydro Corp.
24194 Detroit Edison Co.
24194 Energenics Systems, Inc.
24194 Minnesota Power & Light Co.
24195 Public Service Co. of Colorado et al.
24195, 24197 Tennessee Gas Pipeline Co. (2 documents)

Federal Highway Administration
PROPOSED RULES
Motor carrier safety regulations:
24147 Financial responsibility minimum levels

Federal Home Loan Bank Board
NOTICES
24199 Securities, exchange and over-the-counter trading; temporary suspension of Biscayne Federal Savings & Loan Association, Miami, Fla.

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
24062 Multifamily housing, target preservation areas; special eligibility provisions

Federal Railroad Administration
RULES
Safety appliance standards:
24083 Roof running boards, removal from box and house cars; compliance date extended
24082 Safety glazing standards; locomotives, passenger cars, and cabooses; compliance date extended

Federal Reserve System
NOTICES
Applications, etc.:
24199 Financial Growth Systems, Inc., et al.
24200 First Lacon Corp. et al.
Bank holding companies; proposed de novo nonbank activities:
24200 BankAmerica Corp.

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
24092 Great Dane Trailers, Inc., et al.; correction

Fiscal Service
PROPOSED RULES
Checks drawn on U.S. Treasury:
24092 Reclamation authority, offset requirements

Food and Drug Administration
RULES
Color additives:
24060 D&C Orange No. 17; provisional listing; postponement of closing date
24061 D&C Red No. 6 and 7; provisional listing, effective date stayed and postponement of closing date
24059 D&C Red No. 33; provisional listing, postponement of closing date
Food for human consumption:
24062 Canned fruits with rum; repeal of identity standards; effective date confirmed
Human drugs:
24062 Antibiotic; netilmicin sulfate injection; correction
NOTICES
Committees; establishment, renewals, terminations, etc.:
24202 Blood Products Advisory Committee; request for nominations
Food for human consumption:
24201 Fungi, dried edible; Codex standard; correction
Grants; availability, etc.:
24201 Orphan drug products; clinical studies of effects; correction

Human drugs:
24200 Anticholinergic drugs in combination with a barbiturate; drug efficacy study implementation; exemption revoked, etc.; correction
Medical devices; premarket approval:
24203 C. C. Kelly Enterprises
Meetings:
24201 Advisory committees, panels, etc.

Food and Nutrition Service
NOTICES
Organization, functions, and authority delegations:
24156 Agency organization

Forest Service
NOTICES
Environmental statements; availability, etc.:
24157 Recommended renewable resources program

Health and Human Services Department
See also Food and Drug Administration; Health Care Financing Administration; Human Development Services Office.
RULES
24078 Service of process

Health Care Financing Administration
RULES
Medicare:
24308 Physician services furnished in institutional providers; payment procedures; effective date delayed
NOTICES
Medicaid:
24204 Management information systems performance standards

Housing and Urban Development Department
See also Federal Housing Commissioner—Office of Assistant Secretary for Housing; Solar Energy and Energy Conservation Bank.
RULES
Low income housing:
24064 PHA owned projects; cost of certification of housing managers, etc.
NOTICES
24210 Agency forms submitted to OMB for review
Authority delegations:
24211 Assistant Secretary for Administration; supplementary grants
24211 Assistant Secretary For Housing—Federal Housing Commissioner; surplus land program

Human Development Services Office
NOTICES
24209 Privacy Act; systems of records

Interior Department
See Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

Internal Revenue Service
PROPOSED RULES
Income taxes:
24092 Top-heavy pension, profit-sharing, and stock bonus plans; hearing

International Development Cooperation Agency
NOTICES
24214 Agency forms submitted to OMB for review

International Trade Administration
NOTICES
Countervailing duties:
24160 Softwood products from Canada
24183 Viscose rayon staple fiber from Sweden
Meetings:
24183 Numerically Controlled Machine Tool Technical Advisory Committee
Scientific articles; duty free entry:
24185 Stanford University
24185 Syracuse University
Trade adjustment assistance determination petitions:
24150 Evantov Diamond Co., Inc., et al.

Interstate Commerce Commission
NOTICES
Motor carriers:
24217 Finance applications
24217, 24219 Permanent authority applications (2 documents)
24222 Permanent authority applications; restriction removals
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
24215 Adrian Carriers, Inc., et al.
24215 J. T. I. Transportation Co. et al.
Rail carriers; contract tariff exemptions:
24222 Soo Line Railroad Co. et al.
Water carriers applications:
24222 GCI, Inc.

Justice Department
See also Drug Enforcement Administration.
NOTICES
24223 Agency forms submitted to OMB for review

Labor Department
See Employment and Training Administration; Employment Standards Administration; Occupational Safety and Health Administration.

Land Management Bureau
NOTICES
Classification of public lands:
24212 Colorado; correction
Environmental statements; availability, etc.:
24212 Salt Wells-Pilot Butte Area, Sweetwater and Uinta Counties, Wyo.
Survey plat filings:
24212 Minnesota
Withdrawal and reservation of lands, proposed, etc.:
24213 Colorado; correction

Maritime Administration
RULES
Merchant marine training:
24080 Class size reduction, etc.
NOTICES
Applications, etc.:
24232 Delta Steamship Lines, Inc.

Merit Systems Protection Board
NOTICES
24227 Political activities of Federal employees (Hatch Act); penalties for violations; inquiry

National Aeronautics and Space Administration
NOTICES
Patent licenses, exclusive:
24230 Lowrey, John W., III

National Bureau of Standards
NOTICES
Laboratory Accreditation Program, National Voluntary:
24185 Government procured commercial items (paper, paint and mattresses); preliminary finding of need; inquiry; correction

National Oceanic and Atmospheric Administration
RULES
24039 Freedom of Information Act; implementation; correction
Marine sanctuaries:
24296 Identification, selection, and designation procedures
NOTICES
Marine mammal permit applications, etc.:
24186 LGL Ltd.

National Park Service
RULES
24077 Land protection plans; correction
NOTICES
Historic Places National Register; pending nominations:
24213 California et al.

National Science Board
NOTICES
24236 Meetings; Sunshine Act

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
24231 Metropolitan Edison Co. et al.
Meetings:
24231 Reactor Safeguards Advisory Committee

Occupational Safety and Health Administration
RULES
Health and safety standards:
24068 Inorganic arsenic; occupational exposure; risk assessments; corrections
NOTICES
State plans; standards approval, etc.:
24227 Washington

Postal Rate Commission
NOTICES
24235 Meetings; Sunshine Act

Research and Special Programs Administration
Transportation Department
RULES
Hazardous materials:
24061 Transportation by railroad between Canada and United States
PROPOSED RULES
Hazardous materials:
24146 Small arms ammunition; requirement for shipping papers

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
24157 Cheshire Sewage Treatment Plant Flood Prevention RC&D Measure, Conn.

Solar Energy and Energy Conservation Bank
RULES
24254 Financial assistance program; interim

Southeastern Power Administration
NOTICES
Power rate adjustment:
24197 Georgia-Alabama System of Projects

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission; various States:
24073 Kansas; conference

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; Maritime Administration; Research and Special Programs Administration; Urban Mass Transportation Administration.

Treasury Department
See also Alcohol, Tobacco and Firearms Bureau; Comptroller of Currency; Fiscal Service; Internal Revenue Service.

Urban Mass Transportation Administration
NOTICES
Meetings:
24234 Section 15 Reporting System Advisory Committee

Veterans Administration
RULES
Adjudication; pensions, compensation, dependency, etc.:
24078 Active duty determination; civilian personnel assigned to OSS

Separate Parts in This Issue

Part II
24254 Department of Housing and Urban Development, Solar Energy and Energy Conservation Bank

Part III
24272 Department of Labor, Employment Standards Administration

Part IV
24296 Department of Commerce, National Oceanic and Atmospheric Administration

Part V
24308 Department of Health and Human Services, Health Care Financing Administration

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
11958 (Amended by EO 12423)..... 24025
12163 (Amended by EO 12423)..... 24025
12423..... 24025

7 CFR
1065..... 24027
1924..... 24028
Proposed Rules:
1430..... 24085
1446..... 24088

12 CFR
4..... 24028
307..... 24030
309..... 24031
Proposed Rules:
30..... 24089

14 CFR
71 (7 documents)..... 24032–24035
97..... 24036
207..... 24038
208..... 24038
Proposed Rules:
39..... 24089
71..... 24091

15 CFR
903..... 24039
922..... 24296

16 CFR
Proposed Rules:
13..... 24092

18 CFR
154..... 24039
270..... 24051
271 (2 documents)..... 24039, 24051

20 CFR
718..... 24272
725..... 24272

21 CFR
81 (3 documents)..... 24059–24061
145..... 24062
430..... 24062

24 CFR
207..... 24062
867..... 24064
1800..... 24254

26 CFR
Proposed Rules:
1..... 24092

27 CFR
178..... 24065

29 CFR
1910..... 24068

30 CFR
916..... 24073

31 CFR
Proposed Rules:
240..... 24092

33 CFR
165..... 24074
204..... 24077
207..... 24077
Proposed Rules:
117..... 24094

36 CFR
Ch. I..... 24077

38 CFR
3..... 24078

40 CFR
Proposed Rules:
52..... 24137
414..... 24138
416..... 24138

42 CFR
405..... 24308

44 CFR
Proposed Rules:
67..... 24139

45 CFR
4..... 24078

46 CFR
310..... 24080

49 CFR
173..... 24081
223..... 24082
231..... 24083
Proposed Rules:
172..... 24146
173..... 24146
387..... 24147

VOL
48
ISS
105
MAY
31
1983
UMI

Federal
Vol. 48
Tuesda

Title
The

[FR Doc
Filed 5-
Billing c

Federal Register
Vol. 48, No. 105
Tuesday, May 31, 1983

Presidential Documents

Title 3—

The President

Executive Order 12423 of May 26, 1983

Foreign Assistance and Arms Control

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), and Section 2778 of Title 22 of the United States Code, it is hereby ordered as follows:

Section 1. Section 1-301(b) of Executive Order No. 12163, as amended, is further amended by deleting "and 635(g)" and inserting in lieu thereof "635(g), and 636(i)".

Sec. 2. Section 1(d) of Executive Order No. 11958, as amended, is further amended to provide as follows: "Those under Sections 22(a), 29 and 30 of the Act to the Secretary of Defense.".

Ronald Reagan

THE WHITE HOUSE,
May 26, 1983.

[FR Doc. 83-14689
Filed 5-27-83; 10:37 am]
Billing code 3195-01-M

VOL
48
ISS
105
MAY
31
1983
UMI

Rule

This sect
contains
general a
of which
the Code
published
U.S.C. 15
The Cod
by the S
Prices of
first FED
month.

DEPART

Agricult

7 CFR P

Milk in t
Marketi
of Diver

AGENCY
USDA.

ACTION:

SUMMA
relaxes
limit on
fluid (b
directly
manufa
under t
respons
associa
supplyi
uneco

EFFECTI

FOR FU
Robert
Dairy D
Service
Washin

SUPPLE
docume

Propo
Diversi
May 2,
FR 2042

This
USDA
implem
has bee
action.

It has
for adju
order o
followi
forth in
proced
docume
Office

Rules and Regulations

Federal Register
Vol. 48, No. 105
Tuesday, May 31, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Temporary Revision of Diversion Limitation Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This action temporarily relaxes for May through August 1983 the limit on how much milk not needed for fluid (bottling) use may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The revision is made in response to a request by a cooperative association representing producers supplying the market in order to prevent uneconomic movements of milk.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Proposed Temporary Revision of Diversion Limitation Percentage: Issued May 2, 1983; published May 6, 1983 (48 FR 20424).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that the need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the procedure in time to give interested parties timely notice that the limit on allowable diversions of producer milk to nonpool manufacturing plants would be relaxed for May 1983. The initial request for this action was received April 27, 1983. Public comments on the proposed action were due May 13.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601 *et seq.*) and the provisions of § 1065.13(d)(4) of the Nebraska-Western Iowa milk order.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 20424) concerning a proposed relaxation of the limits on the amount of milk that may be moved directly from producer farms to nonpool manufacturing plants for the months of May through August 1983. Interested parties were afforded the opportunity to comment on the proposal by submitting written data, views, and arguments. No comments in opposition to the proposal were received.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views and arguments filed thereon, and other available information, it is hereby found and determined that for the months of May through August 1983 the diversion limitation percentages set forth in § 1065.13(d) should be increased from the present 50 percent to 60 percent.

Pursuant to the provisions of § 1065.13(d)(4), the diversion limitation percentages set forth in § 1065.13(d) (2) and (3) may be increased or decreased up to 20 percentage points during any month to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

National Farmers Organization, a cooperative association which represents producers supplying the Nebraska-Western Iowa market, requested that the percentage of allowable diversions be relaxed by 10 percentage points for the months of May through August 1983. The cooperative cited Class I utilization percentages of 34–36 percent for May through August 1982 and stated that because of increasing producer receipts and decreased Class I disposition the percentage of producer milk needed to satisfy the fluid milk requirements of the market during the months of May through August 1983 will be somewhat less than the Class I percentages for last year. Without a relaxation of diversion limits, the cooperative states that it will be forced to deliver milk to a pool distributing plant and then pump it back out and deliver it to a manufacturing plant if the milk of its members regularly associated with the market is to remain a part of the marketwide pool.

Under the present supply-demand conditions, it is concluded that a relaxation of the diversion limits by 10 percentage points for the months of May through August 1983 will prevent uneconomic movements of milk merely for the purpose of qualifying it as producer milk under the order.

It is hereby found and determined that thirty days' notice of the effective date is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing in the marketing area for the months of May through August 1983;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the months of May through August 1983.

List of Subjects in 7 CFR Part 1065

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, that the aforesaid provisions in § 1065.13(d) (2) and (3) of the order are hereby revised for the months of May through August 1983.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 31, 1983.

Signed at Washington, D.C., on: May 24, 1983.

Edward T. Coughlin,

Director, Dairy Division

[FR Doc. 83–14427 Filed 5–27–83; 8:45 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 1924

Suspension and Debarment Proceedings

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is removing from the Code of Federal Regulations (CFR) an Exhibit to a regulation which governs the procedure for appealing a determination of debarment by FmHA. This Exhibit is being removed since these regulations are contained elsewhere in the CFR. The intended effect of this action is to remove an funneeded Exhibit to a regulation from the CFR.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Angela Corley Saunders, Staff Assistant, Program Support Staff, Farmers Home Administration, USDA, Room 6309, South Agricultural Building, Washington, D.C., 20250, telephone (202) 382–9653.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be exempt from those requirements because it involves only internal Agency management. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exception in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of this change involves only internal Agency management and publication for comment is not necessary.

The Catalog of Federal Domestic Assistance programs affected are:

10.404 Emergency loans
10.405 Farm Labor Housing Loans and Grants
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.408 Grazing Association Loans
10.409 Irrigation, Drainage, and other Soil and Water Conservation Loans
10.410 Low to Moderate Income Housing Loans
10.411 Rural Housing Site Loans
10.413 Recreation Facility Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans
10.417 Very Low-Income Housing Repair Loans and Grants
10.418 Water and Waste Disposal Systems for Rural Communities
10.419 Watershed Protection and Flood Prevention Loans
10.420 Rural Self-Help Housing Technical Assistance
10.421 Indian Tribes and Tribal Corporation Loans
10.422 Business and Industrial Loans
10.423 Community Facilities Loans
10.424 Industrial Development Grants
10.426 Area Development Assistance Planning Grants
10.427 Rural Rental Assistance Payments
10.428 Economic Emergency Loans
10.429 Above Moderate Income Housing Loans
10.430 Energy Impacted Area Development Assistance Program
10.431 Technical and Supervisory Assistance Grants
10.432 Biomass Energy and Alcohol Fuels Loans and Guarantees

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." FmHA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required. Appeal procedures under this regulation are governed by USDA's Board of Contract Appeals Proceedings. These proceedings were recently amended and published in the **Federal Register.** Since USDA's Board of Contract Appeals Proceedings are currently contained in 7 CFR Part 24, republication of these proceedings as Exhibit A to Subpart E of Part 1924 of Chapter XVIII is not necessary.

List of Subjects in 7 CFR Part 1924

Construction and repair, Government contracts, Suspension and debarment procedures.

PART 1924—CONSTRUCTION AND REPAIR

Therefore, Subpart E of Part 1924, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

§ 1924.216 [Amended]

1. Section 1924.216(e)(3)(vi) is amended by removing the parenthetical statement at the end of the paragraph.

Exhibit A to Subpart E [Removed]

2. Exhibit A to Subpart E is removed.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec 10, Pub. L. 93–357, 88 Stat 392; 7 CFR 2.23; 7 CFR 2.70; 29 FR 14764, 33 FR 9850)

Dated: May 20, 1983.

Charles W. Shuman,

Administrator Farmers Home Administration.

[FR Doc. 83–14328 Filed 5–27–83; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 4

[Docket No. 83–22]

Description of Office, Procedures, Public Information

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is amending 12 CFR Part 4 to update addresses at which the public may obtain certain information from the Office, to correct typographical errors in certain cross-references to statutes and regulations, to make other technical corrections in the language of the regulation, and to eliminate certain outdated lists from the regulation. The document also amends the schedule of fees imposed in connection with Freedom of Information Act ("FOIA") requests. This last action brings the fees listed in Part 4 into uniformity with those adopted by the Department of the Treasury. It will assure that the Office is appropriately compensated for expenses incurred in connection with FOIA requests and will resolve any ambiguity which might arise as a result of the new fee schedule adopted by the Department of the Treasury.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Jerome L. Edelstein, Attorney, Legal Advisory Services Division, 202/447–

1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION: This rulemaking makes certain technical corrections to 12 CFR Part 4, which, among other things, advises the public as to where certain information may be obtained from the Office, and sets forth the schedule of fees charged in connection with the processing of requests for documents sought under the Freedom of Information Act.

Office divisions from which information is available and the officials from whom it is available are being updated to reflect current Office procedures.

Additionally, the lists of forms and publications available from the Office are being deleted. These lists are constantly changing and their presence in the Code of Federal Regulations may be misleading because the information becomes outdated so frequently. In their place the Office has substituted organizational units which are to be contacted to obtain information about forms and lists of publications and copies of current forms and publications.

Title 12 CFR 4.16(b), which delineates exceptions to the disclosure requirements of FOIA, is being amended to more fully reflect one of the statutory exceptions. The proviso to exception 3, as set out in 12 U.S.C. 552(b)(3) was inadvertently omitted from the regulation. It is now included.

Title 12 CFR 4.17(d) is being amended to update the list of reports from banks and to provide accurate information on how to obtain information concerning these reports.

Title 12 CFR 4.17(h) is being revised to update the fees charged in connection with the processing of FOIA requests. On March 24, 1983 the Department of the Treasury published final regulations revising as of April 25, 1983, its schedule of fees charged in connection with the processing of FOIA requests (48 FR 12350). Consequently, the Office is revising its regulation to resolve any ambiguity about fees charged in connection with FOIA requests made to this Office. The revised fee schedule was published by Treasury in order to more clearly reflect the actual cost of answering requests for information. This included increases in the hourly charge and the copying charge, and a statement that charges for a computer search reflects the actual direct cost of the search.

The Office is also making technical changes to § 4.17a (4) and (5). These changes correct certain erroneous cross-references to statutes and regulations. No substantive effect is intended.

Special Studies

A Regulatory Flexibility Analysis for this rulemaking is not required by the Regulatory Flexibility Act.

A Regulatory Impact Analysis is not required because the Office has determined that the proposal is not a "major rule" as defined by Executive Order 12291. The proposal will not have an annual effect on the economy of $100 million or more, will not result in a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

The Office has determined that notice and comment and a 30-day delay of implementation pursuant to the Administrative Procedure Act is not required because these amendments constitute technical changes in the wording of the regulation, provide updated information on the availability of material from the Office, and correct typographical errors in the regulation. The regulation also makes the schedule of fees, put forth in 12 CFR 4.17(h), for processing FOIA requests uniform with that established as of April 25, 1983, by the Department of the Treasury. The fees established by Treasury were published for comment on December 3, 1982 (47 FR 54475) and published in final form on March 24, 1983 (48 FR 12350).

This action eliminates ambiguity after April 25, 1983, concerning fees applicable to those filing FOIA requests with this Office.

List of Subjects in 12 CFR Part 4

National banks, Organization and functions, Freedom of information, Official forms.

PART 4—[AMENDED]

For the reasons set out in the preamble, Part 4 of Title 12 of the Code of Federal Regulations is amended as shown.

1. The authority citation for Part 4 is:

Authority: 12 U.S.C. 1 *et seq.*, 5 U.S.C. 552, unless otherwise noted.

2. The cross-reference citation for Part 4 is amended to read as follows:

Cross Reference: See 31 CFR Part 1, Subtitle A.

3. Section 4.13 is revised to read as follows:

§ 4.13 Forms and instructions.

(a) Information about forms utilized by the Office of the Comptroller of the Currency, other than those applicable to corporate activities, is available from:

(1) *Mailing Address.* Associate Director For Information Resources Management (Administrative Services Division), Comptroller of the Currency, Washington, D.C. 20219.

(2) *Location.* Sixth Floor, 490 L'Enfant Plaza East SW., Washington, D.C.

(b) A list of forms utilized by the Office and forms and instructions are available by writing to: Communications Division, Comptroller of the Currency, Washington, D.C. 20219.

A charge may be assessed for certain forms or instructions or for any form or instruction requested in large quantities.

4. Section 4.14 is amended by revising paragraph (b) to read as follows:

§ 4.14 Publications available to public.

* * * * *

(b) *Other Publications.* In addition to the above, the Comptroller makes other publications available to the public. For information about, or a list of, those publications or to purchase or otherwise obtain a copy of publications or to arrange to inspect such publications, write to: Publications Control Office, Comptroller of the Currency, Washington, D.C. 20219.

5. Section 4.15 is amended by revising paragraph (b) to read as follows:

§ 4.15 Orders, opinions, etc. available to public.

* * * * *

(b) The Comptroller maintains and makes available to the public for inspection and copying a current index identifying the documents referred to in paragraph (a) of this section (other than paragraphs (5), (6), (7), (8), and (9) thereof), issued, adopted, or promulgated after July 4, 1967. Such index is located in the Communications Division, Comptroller of the Currency, 3rd floor, 490 L'Enfant Plaza East SW., Washington, D.C. 20219.

* * * * *

6. Section 4.16 is amended by revising pargaraph (b)(3) to read as follows:

§ 4.16 Other records available to public; exceptions.

* * * * *

(b) * * *

(3) A record, or portion thereof, specifically exempted from disclosure by statute (other than section 552b of Title 12 of the United States Code), provided that such statute requires that the matters be withheld from the public in such a manner as to leave no

discretion on the issue, or establishes particular criteria for withholding or refers to particular types of matters to be withheld.

* * * * *

7. Section 4.17 is amended by revising paragraphs (d)(1) and (h) to read as follows:

§ 4.17 Location of public reading rooms, requests for identifiable records; and service of process.

* * * * *

(d) *Information concerning records.—Information concerning:*

(i) Consolidated Reports of Condition (domestic);

(ii) Consolidated Reports of Condition (foreign and domestic);

(iii) Consolidated Large Bank Supplements;

(iv) Special Reports;

(v) Past Due, Nonaccrual and Renegotiated Loans and Lease Financing Receivables may be obtained from:

(A) *Mailing Address.* Manager, Statistical Branch, Data Processing, Comptroller of the Currency, Washington, D.C. 20219.

(B) *Location.* Sixth Floor, 490 L'Enfant Plaza East SW., Washington, D.C.

(vi) Annual Report of Trust Assets may be obtained from:

(A) *Mailing Address.* Trust Examinations Division, Comptroller of the Currency, Washington, D.C. 20219.

(B) *Location.* Sixth Floor, 490 L'Enfant Plaza East SW., Washington, D.C. 20219.

* * * * *

(h) *Fees.* (1) Unless performed without charge, waived or reduced, fees shall be charged in accordance with this paragraph for services rendered in responding to requests for records.

(2) The Office of the Comptroller of the Currency may request prepayment before releasing documents. If fees for previous requests have not been paid, documents will not be released without prepayment.

(3) A person requesting access to a record of the Comptroller of the Currency shall pay the following:

(i) $.15 per copy of each page, up to 8½" X 14", made by photocopy or similar process;

(ii) Photographs, films, and other materials—actual cost of reproduction;

(iii) Records may be released to a private contractor for copying and the requester will be charged the actual cost of duplication charged by the private contractor;

(iv) Searches other than for computerized records—$10.00 for each hour or fraction thereof for time spent by each clerical, professional, and supervisor in finding the records and information within the scope of the request, and for transportation of personnel and records necessary to the search at actual cost;

(v) Searches for computerized records—Actual direct cost of the search. The fee for computer printouts will be actual costs; and

(vi) When other duplications not specifically identified above are requested and provided, their direct cost to the Office of the Comptroller of the Currency shall be charged. Other services and materials requested which are not covered by this part are chargeable at the actual cost to the Office.

8. Section 4.17a is amended by revising paragraphs (d)(4) and (d)(5) to read as follows:

§ 4.17a Request procedures.

* * * * *

(d) * * *

(4) *Time extension by agreement.* A requester may agree to an extension of the time limits specified in paragraph (d)(1) and (2) of this section. In event of such an agreement, the respective specified time limit shall not be considered as having expired until the period of the extension of time agreed to by the requester has expired.

(5) *Time extension by judicial action.* If a suit is properly instituted against the Comptroller of the Currency by a requester, the court may, pursuant to 5 U.S.C. 552(a)(6)(C), allow the Comptroller of the Currency additional time to complete the review of the records requested.

Dated: April 25, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-14448 Filed 5-27-83; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 307

Termination of Insured Status

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is amending Part 307 of its regulations. The amendment removes the provisions requiring that an assuming or resulting bank or institution that has assumed the liabilities of an insured bank give notice of the assumption to the depositors of the bank whose liabilities have been assumed. The amendment also removes the purpose and scope section of Part 307 and changes the Part and section headings. The amendment is being made to bring the FDIC's regulations into conformity with the Federal Deposit Insurance Act ("FDI Act") as amended by the Garn-St Germain Depository Institutions Act of 1982.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: MaryBeth Triano, Attorney, Legal Division, Federal Deposit Insurance Corporation, 550—17th Street, NW., Washington, D.C. 20429 (202) 389-4151.

SUPPLEMENTARY INFORMATION: On October 15, 1982, the Garn-St Germain Depository Institutions Act of 1982 became effective. In pertinent part, section 433 of the Garn-St Germain Depository Institutions Act deleted from section 8(q) of the FDI Act the requirement that an insured bank which has assumed the liabilities of another insured bank give notice of the assumption to the depositors of the bank whose liabilities have been assumed. This deleted provision had provided the primary authority for Part 307 of the FDIC's Regulations.

Part 307 governs the notice procedures to be followed by a bank whose insured status has been terminated other than by an action of the FDIC Board of Directors. Due to the revocation of the primary authority for Part 307 and the correspondent Congressional mandate that an assuming or resulting bank no longer be required to notify depositors of the assumption, the regulations requiring that notice of an assumption be sent to depositors are being removed.

The removal of these regulations is consistent with the FDIC's policy of periodically reviewing its regulations to determine whether the regulations should be continued, revised or eliminated. Among the factors to be considered are: (1) The continued need for the regulation; (2) alternative methods of accomplishing the purpose of the regulation; and (3) the need to minimize the burden imposed on those affected by the regulation, especially small banks.

First, because Congress has determined that notice is no longer required, there is no longer a need for a regulation requiring notice. Second, although a public benefit is served by the regulation, alternative methods of notice are available to depositors and the public. These alternative methods included newspaper accounts of the assumption, public announcements and advertisements made by the assuming or resulting bank or institution and physical changes to or on the premises

of the assumed bank. Finally, the elimination of the notice requirement would lessen the burden imposed on those affected by the regulation, especially small banks. In view of these factors and the requirement that the FDIC conform its regulation to congressional mandates, the notice procedures imposed on assuming or resulting banks and institutions are being removed.

Due to the changes required by the adoption of the Garn-St Germain Depository Institutions Act, the purpose and scope of Part 307 has been changed. As a result, the purpose and scope section of Part 307 is being removed and the Part and section headings are being changed. These changes are technical in nature and are being made to more accurately reflect the contents of Part 307.

Regulatory Factors

No regulatory flexibility analysis as set out in the Regulatory Flexibility Act (5 U.S.C. 601–612) will be undertaken since the amendment is not a "rule" as that term is defined in the Regulatory Flexibility Act (5 U.S.C. 601(2)).

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is also inapplicable here. The amendment does not entail any new reporting or recordkeeping requirements.

Public notice and procedure are impracticable and unnecessary. The elimination of the regulations requiring that notice of assumptions be given to depositors is necessary to bring the FDIC's regulations into conformity with the FDI Act as amended by the Garn-St Germain Depository Institutions Act. The change in headings and the removal of the purpose and scope section of Part 307 are technical in nature. Therefore, in accordance with the Administrative Procedure Act (5 U.S.C. 553), this amendment is effective upon publication.

List of Subjects in 12 CFR Part 307

Bank deposit insurance, Banks, Banking.

For the reasons set forth in the preamble, 12 CFR Part 307 is revised to read as follows:

PART 307—NOTIFICATION OF CHANGES OF INSURED STATUS

Sec.

307.1 Certification of assumption of deposit liabilities.
307.2 Notice to be given when deposit liabilities are not assumed.

Authority: Sec. 2, Pub. L. 797, 64 Stat. 879, 880 as amended by secs. 202, 204, Pub. L. 89–694, 80 Stat. 1046, 1054, and sec. 6(c)(14), Pub. L. 95–369, 92 Stat. 618 (12 U.S.C. 1818(a), 1818(o)); Sec. 304, Pub. L. 95–630, 92 Stat. 3676 (12 U.S.C. 1818(q); Sec. 9, Pub. L. 797, 64 Stat. 881 (12 U.S.C. 1819).

§ 307.1 Certification of assumption of deposit liabilities.

Whenever the deposit liabilities of an insured bank or insured branch of a foreign bank are assumed by another insured bank (whether by merger, consolidation, or other statutory assumption, or by contract), the assuming or resulting bank shall certify to the FDIC that it has agreed to assume the deposit liabilities of the bank whose deposits were assumed. The certification shall be made within 30 days after the assumption takes effect and shall state the date the assumption took effect. This certification shall be considered satisfactory evidence of the assumption.

§ 307.2 Notice to be given when deposit liabilities are not assumed.

Any insured bank or insured branch of a foreign bank whose insured status is voluntarily terminated, but whose deposit liabilities are not assumed shall give notice to each of its depositors of the date of the termination of its insured status under the Federal Deposit Insurance Act. The notice to depositors shall be given in a form, in a manner and at a time approved by the appropriate FDIC Regional Director. The FDIC may require the bank to take other steps that it considers necessary for the protection of depositors.

By Order of the Board of Directors, May 23, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83–14430 Filed 5–27–83; 8:45 am]
BILLING CODE 6714–01–M

---

12 CFR Part 309

Disclosure of Information

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is amending its regulations on disclosure of information. The amendment removes restrictions placed on the disclosure of financial records and information to Federal financial institutions supervisory agencies. This change is necessitated by Federal legislation dealing with the disclosure of financial records.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: MaryBeth Triano, Attorney, Legal Division, (202) 389–4151, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: Section 309.6 of the rules and regulations of the FDIC provides the procedures for discretionary disclosure of FDIC records and information. The amendment removes some of the restrictions placed on the disclosure of reports of examination and other exempt records to the five member supervisory agencies of the Federal Financial Institutions Examination Council. This revision is being made to bring the FDIC's regulations into conformity with the Right to Financial Privacy Act of 1978 (Pub. L. 95–630; 12 U.S.C. 3401 *et seq.*). On October 15, 1982 Congress passed the Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97–320) which amended the Right to Financial Privacy Act to clarify that the exchange of records and information regarding financial institutions is permitted between the Federal financial institutions supervisory agencies. The restrictions on disclosures to the Federal financial institutions supervisory agencies, previously thought to be required by the Right to Financial Privacy Act of 1978, have therefore been removed.

Regulatory Factors

No regulatory flexibility analysis as set out in the Regulatory Flexibility Act (5 U.S.C. 601–612) will be undertaken since the amendment is not a "rule" as that term is defined in the Regulatory Flexibility Act (5 U.S.C. 601(2)).

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is also inapplicable because the amendment does not entail any new reporting or recordkeeping requirements.

Public notice and procedures are impracticable and unnecessary. The elimination of the restrictions on disclosure between Federal financial institutions supervisory agencies is technical in nature and is being made to bring the FDIC's regulations into conformity with the Right to Financial Privacy Act as amended by the Garn-St Germain Depository Institutions Act. Therefore, in accordance with the Administrative Procedure Act (5 U.S.C.

553), this amendment is effective upon publication.

List of Subjects in 12 CFR Part 309

Authority delegations, Disclosure requirements, Freedom of information, Privacy.

For the reasons set forth in the preamble, 12 CFR Part 309 is amended as follows:

PART 309—DISCLOSURE OF INFORMATION

1. The authority citation for Part 309 reads as follows:

Authority: Sec. 2(9 "Seventh" and "Tenth"), Pub. L. No. 797, 64 Stat. 881, as amended by title III, sec. 309, Pub. L. No. 95–630, 92 Stat. 3677 (12 U.S.C. 1819 "Seventh" and "Tenth"); 5 U.S.C. 552.

2. Section 309.6 is amended by revising paragraph (c)(3) to read as follows:

§ 309.6 Disclosure of exempt records by FDIC personnel.

* * * * *

(c) * * *

(3) *Reports of examination and other exempt records—disclosure to Federal financial institutions supervisory agencies.* The Director of the FDIC's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any officer or employee of the Comptroller of the Currency, the Board of Governors of the Federal Reserved System, any Federal Reserve Bank, the Federal Home Loan Bank Board, any Federal Home Loan Bank, and the National Credit Union Administration any report of examination of a bank or any other exempt records. Before information is released to any employees of the above listed Federal financial institutions supervisory agencies, it is the responsibility of the Corporation employee authorized to disclose the information to make an affirmative determination that the requestor is authorized to request the record on behalf of the agency and that the records are requested for a legitimate bank supervisory or regulatory purpose.

* * * * *

By Order of the Board of Directors, May 23, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83–14431 Filed 5–27–83; 8:45 am]

BILLING CODE 6714–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83–ASO–20]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone, Sarasota, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Sarasota, Florida, control zone by revising the coordinates of Sarasota-Bradenton Airport and reducing the size of a control zone arrival extension. The geographical coordinates of the airport are improperly listed and this action will correct the deficiency. The control zone arrival extension established southeast of the airport is larger than required and will be reduced in width from ten to six miles.

DATES: Effective Date: 0901 G.m.t., August 4, 1983. Comments must be received on or before July 3, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO–530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves technical corrections to the description of the control zone and a reduction in the size of an arrival extension and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Sarasota, Florida, control zone by revising the geographical coordinates of the airport and reducing the size of an arrival extension. This action will raise the floor of controlled airspace in two areas southeast of the airport from the surface to 700 feet. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need to alter the control zone by listing the proper coordinates of the airport and reducing the width of an arrival extension so that it is not in excess of needs. The changes are so minor and nonsubstantive I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., August 4, 1983, as follows:

Sarasota, FL [Revised]

Within a 5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'42"N., long. 82°33'15" W.); within 3 miles each side of Sarasota VORTAC 050°, 142° and 302° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast and northwest of the VORTAC. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) Is not a "major rule" under Executive

Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on May 17, 1983.

George R. LaCaille,

Acting Director, Soutern Region.

[FR Doc. 83-14420 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-ASO-13]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area, Liberty, North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment increases the size of the Liberty, North Carolina, transition area to accommodate Instrument Flight Rule (IFR) operations at May Airport. This action will lower the base of controlled airspace from 1,200 to 700 feet above the surface. An instrument approach procedure, based on the Liberty VORTAC facility, is being developed to serve the airport and this additional controlled airspace is required to protect IFR operations.

EFFECTIVE DATE: 0901 G.m.t., August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, April 14, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by increasing the size of the Liberty, North Carolina, transition area to provide additional controlled airspace for containment of aeronautical operations in the vicinity of May Airport. An instrument approach procedure, predicated on the Liberty VORTAC facility, is being developed to serve the airport and this action will provide the necessary controlled airspace for containment of IFR operations (48 FR 16065). The operating status of May Airport is changed from VFR to IFR. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received in response to circularization. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations increases the size of the Liberty, North Carolina, transition area to accommodate IFR aeronautical activities at May Airport.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., August 4, 1983, as follows:

Liberty, NC [Revised]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Causey Airport (lat. 35°54'50" N., long. 79°37'03" W.); within 2 miles each side of Liberty VORTAC 358° radial, extending from the 5-mile radius area to the VORTAC; within a 6-mile radius of May Airport (lat. 35°59'55" N., long 79°41'20" W.).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point Georgia, on May 17, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-14421 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-ASO-21]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone, Wilmington, North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Wilmington, North Carolina, control zone by revising the geographical coordinates of New Hanover County Airport. The coordinates are improperly listed in the description and this amendment will correct the deficiency so that the description is technically correct. No change in airspace is intended by this action.

DATES: Effective Date: 0901 G.m.t., August 4, 1983. Comments must be received on or before July 3, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves technical correction to the description of the control zone and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that

provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revise the geographical coordinates of New Hanover County Airport as the coordinates contained in the description are not correct. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need to list the proper coordinates of the airport so that the description of the control zone will be technically correct. The changes are so minor and nonsubstantive I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., August 4, 1983, as follows:

Wilmington, NC [Revised]

Within a 5-mile radius of New Hanover County Airport (lat. 34°16'14" N., long. 77°54'10" W.).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on May 17, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-14419 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-ASO-12]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Control Zone, Naples, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a control zone in the vicinity of Naples Municipal Airport, Naples, Florida, which will lower the base of controlled airspace in the vicinity of the airport from 700 feet above the surface to the surface. This will provide controlled airspace protection for aircraft operating to and from the airport during Instrument Flight Rule weather conditions.

EFFECTIVE DATE: 0901 G.m.t., August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, March 10, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating a control zone at Naples, Florida, to provide controlled airspace for aeronautical operations in the vicinity of Naples Municipal Airport (48 FR 10072). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received in response to publication. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Naples, Florida, control zone to accommodate aeronautical activities at Naples Municipal Airport.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., August 4, 1983, as follows:

Naples Municipal Airport, FL [New]

Within a 5-mile radius of Naples Municipal Airport (lat. 26°09'06" N., long. 81°46'32" W.); within 3.5 miles each side of Collier County VOR/DME 052° and 218° radials, extending from the 5-mile radius area to 8.5 miles northeast and southwest of the VOR/DME; excluding that airspace within a one-mile radius of Wing South Airpark (lat. 26°08'59" N., long. 81°42'12" W.). This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and time will thereafter be continuously published in the Airport/Facility Directory.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on May 17, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-14422 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 82-AGL-31]

Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: A portion of the Williston, North Dakota, control zone description was omitted upon publication. This correction indicates the accurate description.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: On page 17060 of the **Federal Register** dated April 21, 1983, a final rule was published to alter the Williston, North Dakota, control zone. A portion of the description was inadvertently omitted. This correction redescribes the control zone to include the portion omitted.

SUPPLEMENTARY INFORMATION: Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

Adoption of the amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. August 4, 1983, as follows:

Williston, ND

Within a 5-mile radius of the Sloulin International Airport (latitude 48°10'37"N., longitude 103°38'18"W.); within 1.5 miles each side of the Williston VORTAC 136° radial, extending from the 5-mile radius area to 1.5 miles southeast of the Williston VORTAC, and within 2 miles north and 3 miles south of the 128° bearing from the Sloulin International Airport, extending from the 5-mile radius area to 10 miles southeast of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued In Des Plaines, Illinois, on May 16, 1983.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83-14606 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-AGL-1]

Alteration of Transition Area and Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the Yankton, South Dakota, control zone and transition area descriptions to accommodate two new instrument approach procedures to Chan Gurney Municipal Airport, i.e., an NDB Runway 31 and an ILS Runway 31 procedure, and to revise/reduce the airspace designated for the transition area.

The intended effect of this action is to ensure segregation of the aircraft using these approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The current transition area charted for Yankton, South Dakota, does not accurately depict the description as published in Advisory Circular 70–3A, Compilation of Regulations. This action revises the description of the transition area as well as the description of the Yankton control zone to accommodate both the existing airspace requirements and the future airspace requirements for two new instrument approach procedures at Chan Gurney Municipal Airport, i.e., a Runway 31 Non-directional Radio Beacon (NDB) procedure and a Runway 31 Instrument Landing System (ILS) procedure. The control zone will be extended an additional 1½ miles northwest to accommodate existing procedures. The control zone will also be extended to the southeast from the 5-mile radius to the 8½-mile radius of the Yankton very high frequency omni-directional range (VOR) with an extension width of approximately 7 miles to accommodate the two new procedures. The transition area will now be described referencing only that airspace extending upward from 700 feet above the surface within a 9-mile radius of the Chan Gurney Municipal Airport, although minimum descent altitudes for these procedures may be established below the floor of the 700-foot controlled airspace. Any reference to airspace extending from 1200 feet above the surface has been determined no longer necessary and has been deleted.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 10693 of the **Federal Register** dated March 14, 1983, the FAA proposed to amend §§ 71.171 and 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the control zone and transition area airspace near Yankton, South Dakota. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were published in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective 0901 GMT, August 4, 1983, as follows:

Yankton, SD

Within a 5-mile radius of the Chan Gurney Municipal Airport (latitude 42°55'01"N., longitude 97°23'11"W.); within 2¾ miles each side of the Yankton VOR 321° radial extending from the 5-mile radius to 8½ miles northwest of the VOR; within 2¾ miles southwest of the Yankton 140° radial and 3¼ miles northeast of the Yankton 140° radial extending from the 5-mile radius to 8½ miles southeast of the VOR.

Yankton, SD

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Chan Gurney Municipal Airport (latitude 42°55'01"N., longitude 97°23'11"W.).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 11, 1983.

Kenneth C. Patterson,

Acting Director, Great Lakes Region.

[FR Doc. 83-14508 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 82-AGL-28]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Circleville, Ohio, transition area description by deleting the Lockborne AFB exclusion currently contained in the published description.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: This action amends the Circleville, Ohio, transition area description by deleting all reference to Lockborne AFB as currently referenced in the published Circleville, Ohio, description. The exclusion is no longer necessary. The Lockborne AFB has been renamed Rickenbacker AFB and airspace associated with Rickenbacker AFB will be contained in a later docket in connection with a revised Columbus, Ohio, transition area description. (The Columbus, Ohio, description also references Lockborne AFB and also requires revision.) This action amends only the Circleville, Ohio, transition area description.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 9022 of the **Federal Register** dated March 3, 1983, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the transition area airspace near Circleville, Ohio. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., August 4, 1983, as follows:

Circleville, Ohio

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Pickaway County Memorial Airport (latitude 39°31'00"N., longitude 82°58'55"W.).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.69)

Note. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 16, 1983.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83-14507 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 97

[Docket No. 23646; Amdt. No. 1243]

Air Traffic and General Operating Rules; Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commission of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from: 1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airman (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instruments Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

Adoption of the Amendment

PART 97—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

Effective August 4, 1983

Harrison, AR—Boone County, VOR–A, Amdt. 9
Los Angeles, CA—Los Angeles Int'l., VOR or TACAN Rwy 7L, Amdt. 16
Los Angeles, CA—Los Angeles Int'l., VOR or TACAN Rwy 25R, Amdt. 12
Kenosha, WI—Kenosha Muni, VOR Rwy 14, Amdt. 5

Effective July 7, 1983

DeQuincy, LA—DeQuincy Industrial Airpark, VOR/DME–A, Amdt. 3, cancelled
DeQuincy, LA—DeQuincy Industrial Airpark, VOR/DME Rwy, 33, Original
College Park, MD—College Park, VOR/DME–A, Original, cancelled
Trenton, NJ—Mercer County, VOR Rwy 24, Amdt. 3
Quarryville, PA—Tanglewood, VOR/DME–A, Amdt. 1
Alice, TX—Alice Intl, VOR Rwy 31, Amdt. 8
Alice, TX—Alice Intl, VOR–A, Amdt. 10
Austine, TX—Robert Mueller Muni, VOR/DME or TACAN Rwy 13R, Amdt. 7
Del Rio, TX—Del Rio Intl, VOR–A, Amdt. 9
Del Rio, TX—Del Rio Intl, VOR/DME–B, Amdt. 2
San Angelo, TX—Mathis Field, VOR Rwy 21, Amdt. 13

Effective May 12, 1983

Washington, PA—Washington County, VOR–A, Amdt. 3
Washington, PA—Washington County, VOR–B, Amdt. 3

Effective May 5, 1983

Knoxville, TN—Mc Ghee Tyson, VOR Rwy 23L, Amdt. 4
Knoxville, TN—Mc Ghee Tyson, VOR Rwy 23R, Amdt. 6
Knoxville, TN—Mc Ghee Tyson, VOR/DME Rwy 5R, Amdt. 4

Note.—The FAA published an amendment in Docket No. 23630, Amdt. No. 1242 to Part 97 of the Federal Aviation Regulations (Vol 48 FR No. 95 page 21897; dated May 16, 1983) under § 97.23 effective June 23, 1983, which is hereby amended as follows:

Columbia, MO—Columbia Regional, VOR Rwy 20, Amdt. 6. Change effective date to June 9, 1983.

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

Effective August 4, 1983

Harrison, AR—Boone County, LOC Rwy 36, Amdt. 2

Effective July 7, 1983

Alice, TX—Alice Intl, LOC Rwy 31, Amdt. 1
Del Rio, TX—Del Rio Intl, LOC Rwy 13, Amdt. 1
San Angelo, TX—Mathis Field, LOC BC Rwy 21, Amdt. 10

Effective June 9, 1983

Denver, CO—Stapleton Intl, LDA/DME Rwy 35R, Original

Effective May 16, 1983

Milwaukee, WI—Lawrence J. Timmerman, LOC Rwy 15L, Amdt. 1

3. By amending Part 97.27 NDB/ADF SIAPs identified as follows:

Effective August 4, 1983

Harrison, AR—Boone County, NDB Rwy 18, Amdt. 2
Harrison, AR—Boone County, NDB Rwy 36, Amdt. 2
Kenosha, WI—Kenosha Muni, NDB Rwy 14, Amdt. 8

Effective July 7, 1983

DeQuincy, LA—DeQuincy Industrial Airpark, NDB Rwy 15, Amdt. 1
Toledo, OH—Toledo Express, NDB Rwy 7, Amdt. 19
San Angelo, TX—Mathis Field, NDB Rwy 3, Amdt. 12
Del Rio, TX—Del Rio Intl, NDB Rwy 13, Amdt. 1
Denton, TX—Denton Muni, NDB Rwy 17, Amdt. 3
Greer, SC—Greenville-Spartanburg, NDB Rwy 3, Amdt. 12
North Myrtle Beach, SC—Grand Strand, NDB Rwy 23, Amdt. 7

Effective May 5, 1983

Knoxville, TN—Mc Ghee Tyson, NDB Rwy 5L, Amdt 3

Knoxville, TN—Mc Ghee Tyson, NDB Rwy 5R, Amdt. 3

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

Effective August 4, 1983

Hot Springs, AR—Memorial Field, ILS Rwy 5, Amdt. 8
Los Angeles, CA—Los Angeles Int'l, ILS Rwy 7L, Amdt. 1
Los Angeles, CA—Los Angeles Int'l, ILS Rwy 7R, Amdt. 2, cancelled
Los Angeles, CA—Los Angeles Int'l, ILS Rwy 24L, Amdt. 17
Los Angeles, CA—Los Angeles Int'l, ILS Rwy 25L, Amdt. 16, cancelled
Los Angeles, CA—Los Angeles Int'l, ILS Rwy 24R, Amdt. 18
Los Angeles, CA—Los Angeles Int'l, ILS Rwy 25R, Amdt. 2

Effective July 7, 1983

Toledo, OH—Toledo Express, ILS Rwy 7, Amdt. 19
Greer, SC—Greenville-Spartanburg, ILS Rwy 3, Amdt. 15
Greer, SC—Greenville-Spartanburg, ILS Rwy 21, Amdt. 1
North Myrtle Beach, SC—Grand Strand, ILS Rwy 23, Amdt. 5
Denton, TX—Denton Muni, ILS Rwy 17, Amdt. 3
San Angelo, TX—Mathis Field, ILS Rwy 3, Amdt. 17

Effective May 19, 1983

Lawrence, MA—Lawrence Muni, ILS Rwy 5, Amdt. 1

Effective May 5, 1983

Knoxville, TN—McGhee Tyson, ILS Rwy 5L, Amdt. 6
Knoxville, TN—McGhee Tyson, ILS Rwy 23R, Amdt. 8

5. By amending § 97.31 RADAR SIAPs identified as follows:

Effective July 7, 1983

Eliot, ME—Littlebrook Air Park, RADAR–1, Original

Effective May 5, 1983

Knoxville, TN—McGhee Tyson, RADAR–1, Amdt. 21

6. By amending § 97.33 RNAV SIAPs identified as follows:

Effective July 7, 1983

Greer, SC—Greenville-Spartanburg, RNAV Rwy 21, Amdt. 4
San Angelo, TX—Mathis Field, RNAV Rwy 18, Amdt. 3
San Angelo, TX—Mathis Field, RNAV Rwy 36, Amdt. 3

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C. on May 27, 1983.

John M. Howard,

Manager, Aircraft Programs Division.

[FR Doc. 83-14505 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 207 and 208

[Order 83-5-114]

Charter Trips and Special Services; Terms, Conditions and Limitations of Certificates To Engage in Charter Air Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Order granting blanket waiver.

SUMMARY: The CAB has granted all U.S. certificated air carriers a blanket waiver to permit the operation of charter flights to and/or from the 1984 Democratic and Republican National Conventions carrying state and national delegates and alternates, party officials, and other person participating in the convention and their immediate families, as well as members of the press.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia T. Szrom, Chief, Special Authorities Division, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5088.

SUPPLEMENTARY INFORMATION:

Order Granting Waivers

On May 10, 1983, United Air Lines, Inc., requested a waiver of the provisions of Parts 207 and 208 of the Board's Economic Regulations to the extent necessary to enable it and other U.S. certificated carriers to carry members, delegates and officials of the Democratic and Republican parties, as well as representatives of the press, on charter flights to and from the 1984 political conventions. In support of its request, United States that a waiver is necessary at this time since plans are already being formulated by the political parties for the 1984 conventions. In addition, since these flights would not conform completely to any of the Board's charter rules, carriers would either have to request individual flight waivers or impose conditions on the charters in an attempt to bring them into conformance with the Board's charter rules [1] which would not be in the public interest. Furthermore, United States that the Board granted a similar waiver to all U.S. certificated carriers in 1980 (Order 80–3–4, March 3, 1980) to permit them to perform charter trips to/and or from the 1980 political conventions.

The 1984 Presidential campaign is now underway and the Democratic and Republican National Conventions will once again be the focal point of political activity next summer.[2] As we did in 1980, and also in 1976, we will waive the requirements of §§ 207.11 and 208.6 of the Board's Economic Regulations to the extent necessary to permit U.S. certificated air carriers to operate charters to and/or from the 1984 Democratic and Republican National Conventions carrying state and national delegates, party officials, and other persons participating in the conventions and their immediate families. Authority will be granted also to permit members of the press to accompany the delegates on these charters.

The grant of this waiver will facilitate attendance by the delegates at these events and will permit the news media to give the public the broadest range of coverage of the conventions. We therefore believe that there are special and unusual circumstances warranting waiver of §§ 207.11 and 208.6 of the Board's Economic Regulations, and that such waiver is in the public interest.

List of Subjects in 14 CFR Parts 207 and 208

Charter flights, Consumer protection, Insurance, Reporting requirements, Surety bonds, Travel agents.

Accordingly, acting under authority delegated by the Board in its Regulations, 14 CFR 385.13:

1. We waive the requirements of §§ 207.11 and 208.6 of the Board's Economic Regulations to the extent necessary to permit U.S. certificated air carriers to operate charters to and/or from the 1984 Democratic and Repubican National Conventions carrying state and national delegates

[1] Such as precluding members of the press from participating on the flights.

[2] The Democratic National Convention will be held in San Francisco July 16–20, 1984 and the Republican National Convention will be held in Dallas, August 20–23, 1984.

and alternates, party officials, and other persons participating in the conventions and their immediate families, and members of the press; and

2. This order shall be served on all U.S. certificated air carriers; and

3. The Board may amend or revoke this order at any time in its discretion without hearing.

Persons entitled to petition the Board for review of this order under the Board's Regulations, 14 CFR 385.50, may file their petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-14496 Filed 5-27-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 903

Public Information

Correction

In FR Doc. 83-12174, beginning on page 20688, in the issue of Monday, May 9, 1983, make the following correction.

On page 20689, Column 1, paragraph (b)(10) of § 903.1, "of Civil Rights;" should read "for Civil Rights;".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154 and 271

[Docket No. RM80-47-002, et al.; Order No. 94-C]

Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act

Issued May 24, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule and order denying rehearing and denying petitions for stay of, or further comment on, final rule.

SUMMARY: On January 24, 1983, the Federal Energy Regulatory Commission (Commission) issued Order No. 94-A, a Final Rule and Order on Rehearing of Order No. 94 (48 FR 5152 (1983)). Order No. 94-A amended the Commission's interim regulations to provide new rules under section 110 of the Natural Gas Policy Act of 1978 (NGPA, 15 U.S.C. 3301-3432) for first sellers who incur production-related costs.

This Order No. 94-C is a companion to Order No. 94-D (Order on Rehearing of Order No. 94-B) which provides special rules for NGPA sections 105 and 106(b) first sellers. Order No. 94-C denies all petitions for rehearing with one exception. This exception permits recovery of direct taxes in the methodology for determining treating and conditioning allowances under § 271.1104(d)(3)(A) of the Commission's regulations.

EFFECTIVE DATE: The amendments to §§ 154.94(k)(2) and 154.94(k)(4) of the Commission's regulations will be effective June 30, 1983. The amendment to § 271.1104(d)(3)(A) will be effective on May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Albert J. Francese, Office of the General Counsel, Rulemaking and Legislative Analysis Division, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

I. Introduction

On January 24, 1983, the Commission, by Order No. 94-A [1] issued final regulations to implement section 110 of the Natural Gas Policy Act of 1978 (NGPA) for production-related costs. Order No. 94-A establishes the requirements that a first seller must satisfy to collect an allowance in excess of an applicable maximum lawful price to recover production-related costs under section 110 of the NGPA.[2]

In issuing its final rule, the Commission has continued the basic cost-recovery objective of section 110 of the NGPA and the Commission's regulations implementing that section. At the same time, the Commission has refined the procedures necessary to collect allowances, reduced the administrative burdens and costs on those subject to the regulations, and developed rules that will recognize changes in industry practices without interfering with those practices.

The Commission first issued rules to recover production-related costs under section 110 in its interim regulations of December 1, 1978.[3] After public comment, these regulations were amended in Order No. 94 [4] and, following additional opportunity for public comment, were further amended and issued as final rules in Order Nos. 94-A and 94-B.[5]

Order No. 94-B generally extended to first sellers of gas under sections 105 and 106(b) the same opportunity to collect adjustments as those selling gas priced under other sections of the NGPA for production-related costs. The regulations for such first sellers of gas differ in three respects from the regulations that apply to those selling gas under all other NGPA pricing sections. First, an area rate clause does not constitute evidence that the purchaser specifically provided that an express amount be paid to the sections 105 and 106(b) seller for the delivery of gas. Second, such first sellers may not collect a generic allowance for old delivery systems. Third, the final rule does not permit such first sellers to collect amounts for delivering and compressing gas prior to the effective date of the rule.

The Commission has received several petitions for rehearing with respect to Order No. 94-A. With one exception, this order denies all petitions for rehearing for the reasons set forth in Part II.[6] In addition, Part III of this order

---

[1] Order No. 94-A, Final Rule and Order on Rehearing of Order No. 94, "Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act" Docket No. RM80-47-002 (issued January 24, 1983), 48 FR at 5152 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,419.

Order No. 94-A amended the following sections of the Commission's regulations: 18 CFR 154.94, 270.102(b), 271.1100, 271.1103, 271.1104, 271.1105, and 271.1106.

[2] Apart from rules for production-related costs, Order No. 94-A amended 18 CFR 2.102, the Policy Statement for interstate pipelines performing production-related services.

[3] "Natural Gas Policy Act of 1978: Interim Regulations," Docket No. RM79-3 (issued December 1, 1978), 43 FR at 56448 (December 1, 1978), FERC Stats. and Regs., Preambles ¶ 30,026 (1977-1981).

[4] Order No. 94, "Order Amending Interim Regulations Under the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act," Docket No. RM80-47 (issued July 25, 1980), 45 FR at 53099 (August 11, 1980), FERC Stats. and Regs., Preambles ¶ 30,178 (1977-1981).

[5] Order No. 94-B dealt with particular rules implementing section 110 with respect to the first sale of sections 105 and 106(b) gas. *See* Order No. 94-B, "Order Amending Regulations in Subpart B of Part 270 and Subparts E, F, and K of Part 271, and Affirming Certain Final Regulations issued in Order No. 68," Docket No. RM80-47-003 (issued January 24, 1983) 48 FR at 5190 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,421.

[6] This order on rehearing does not consider the issues raised by petitioners concerning the Commission's interim rules, issued January 24, 1983, for delivery and compression allowances (Docket Nos. RM80-73 and RM80-74, 48 FR at 5180, February 3, 1983, III FERC Stats. and Regs. ¶30,420) or the interim rules implementing refund procedures (Docket No. RM83-6, 48 FR at 5197, Feb. 3, 1983, III FERC Stats. and Regs. ¶30,422). Petitioners'

addresses petitions for reconsideration and clarification also submitted in response to order No. 94–A. The Commission clarifies Part 154 of the final rule in two respects. This order and companion Order No. 94–D [7] constitute the Commission's actions on rehearing of Order Nos. 94–A and 94–B, respectively.

II. Discussion of Petitions for Rehearing, Stay, and Further Comment

The final rules of Order No. 94–A were issued on the basis of extensive Commission consideration and an exhaustive public record spanning a four year period. Following issuance of the final rule, two producers, one producer group, two resellers, one pipeline, two local distributors, one distributor trade association, and one state utility commission filed petitions to rehear, reconsider, or clarify Order No. 94–A.[8]

Many of the allegations of error relate to issues which were fully discussed in Order No. 94–A, and the Commission denies these allegations for the reasons stated in that order and in Order No. 94–C. New issues require a more detailed response on rehearing. However, the Commission finds no convincing reason to modity its final rule except for technical revisions.

Petitioners allege that the Commission abused its direction in the following respects: Eliminating the quality standards and the consequent provision allowing for the recovery of costs to treat and condition natural gas to any quality standard; failing to include an adjustment for the production-related allowances to account for inflation; establishing rules under section 110 which petitioners believe may result in a double recovery of costs incurred to perform production-related services; substituting a self-implementing regulatory system for an application procedure; and not making the final rules retroactive.

Petitioners also request rehearing on other aspects of the final rules. These include questions concerning the propriety of the following: the rules requiring cost allocation; the methodology for the allocation of costs to handle crude oil, liquids, or liquefiables; the exclusion of processing from the definition of production-related costs; and the special provision allowing an area rate clause as authority in some defined circumstances for collecting delivery costs. In that regard, producers allege that the Commission unduly restricted the exercise of area rate clauses by permitting them to trigger only delivery allowances, while distributors argue that the Commission abdicated its responsibility by permitting area rate clauses to trigger delivery allowances.

As a related issue, some petitioners allege that the requirement in the rule for express contractual authorization to collect allowances is arbitrary, capricious, and not supported by substantial evidence, unduly interferes with private contracting practices, and constitutes contract interpretation. Those petitioners further allege that the requirement of express contractual authorization to collect interest for past delivery and compression allowances is unfair.

Further, some petitioners criticize the methodology which defines allowances for treating or conditioning costs from two perspectives. One group alleges that in establishing the methodology, the Commission was remiss in not providing adequate prior notice and opportunity for public comment. Another group alleges that the methodology does not go far enough and should be expanded to include direct taxes as well as a portion of general and administrative expenses. Finally, some petitioners allege that the Commission did not consider the objectives of the NGPA or the consequences of the final rule on consumers of natural gas and the environment.

A. Elimination of Generic Quality Standards

Order No. 94–A modified the Commission's section 110 program by substituting the standards established in individual gas sales contracts for generic quality standards. Some petitioners allege that as a result of this action the Commission abused its discretion by reversing Order No. 94 and ignoring the legislative history of the NGPA which they read to preclude the Commission from allowing more costs to provide quality gas than allowed under practices as they existed when the NGPA was enacted. Some petitioners also argue that the Commission has not offered an adequate explanation of the problems which the Commission sought to avoid or of the benefits to be gained by eliminating generic quality standards.

The Commission believes that the reasons for making this change are fully explained in Order No. 94–A and warrant only a brief review here in response to petitioner's allegations. Although the generic quality standards were discussed by nearly everyone who commented on, or filed petitions to rehear Order No. 94, only one commenter supported the use of the standards.[9] On reviewing these comments and petitions, the Commission determined that the use of generic quality standards posed problems for the future that could be avoided by relying directly on the standards set forth in individual gas sales contracts. The primary problem posed for the future by the generic standards is that, even though the generic standards reasonably reflected industry practice at the time the standards were established, they did not provide adequately for future changes in industry practice. Thus, in the future, the generic standards would have had a tendency to freeze rather than reflect industry practices. By replacing the generic standards with rules that refer directly to the terms of the individual contracts, the final regulations provide significantly more flexibility and accuracy.

Petitioners who characterize this change as a reversal of Order No. 94 or prior Commission practice misunderstand the bases of Order No. 94 and prior Commission practice. As discussed in detail in Order No. 94–A,[10] the Commission has looked to contracting practices in determining quality adjustments, beginning with

---

arguments with respect to delivery and compression allowances and refund procedures will be addressed in those dockets.

[7] Order No. 94–D, "Order denying Rehearing and Denying Stay of Order No. 94–B, "Docket No. RM80–003, *et al.* (issued May 24, 1983). Order No. 94–D addresses petitioners' contentions which exclusively apply to Order No. 94–B. Order No. 94–C addresses those issues which apply to Order No. 94–A only and those which could apply to both Order Nos. 94–A and 94–B.

[8] The Commission received timely peirions for rehearing of the final rules in Order No. 94–A from the following petitioners: Southern California Gas Company and Pacific Lighting Gas Supply Company (Docket No. RM80–47–003); Indicated Producers (Shell Oil, *et al.*) (Docket No. RM80–47–005); Gulf Oil Corporation (Docket No. RM80–47–006); UGI Corporation (Docket No. RM80–47–007); Public Service Commission of the State of New York (Docket No. RM80–47–008); and Associated Gas Distributors (Docket No. RM80–47–009).

The Commission also has received a late-filed Petition for Clarification and Application for Rehearing filed by Southern Union Gathering Company (Docket No. RM80–47–010), an Application for Reconsideration filed by Samson Resources Company (Docket No. RM80–47–011), and a Petition for Clarification filed by Transcontinental Pipeline Corporation (Docket No. RM80–47–012).

Requests for clarification are mentioned at this time because certain petitioners styled the same contentions alternatively as bases for requests for clarification or rehearing and because late filed applications for rehearing are treated as applications for reconsideration or clarification.

[9] *See* Order No. 94–A, 48 FR 5152, 5157 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,350.

[10] *Id.*, 48 FR at 5153–55 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,345–48.

individual producer rate cases and continuing through the area rate opinions, the national rate opinions, Order No. 94 and Order No. 94–A. Therefore, the regulations established in Order No. 94–A are consistent with, not a reversal of, prior Commission practice.

One petitioner asserts that replacing the generic quality standards in Order No. 94 with direct reference to contracts in Order No. 94–A in order to more accurately reflect changing industry practice is inconsistent with section 110.[11] That petitioner argues that section 110 was not intended to reflect changing industry practices, but rather was intended to permit production-related allowances only in accordance with industry practice at the date of enactment of the NGPA. In support of that argument, the petitioner cites a statement by Congressman Dingell, the House Floor Manager of the NGPA, when introducing the NGPA. In pertinent part, the statement is as follows:

> Thus, if the function performed is not usually performed by the producer without provision being made for compensation mover and above the amount paid for the gas, prevailing industry practice may guide FERC to approve ceiling price adjustments which the Commission determines appropriate and consistent with the purposes of the legislation. * * * [12]

The Commission disagrees with the petitioner's argument for several reasons. First, section 110 on its face contains no such limitation. Second, the legislative history cited in support of the position does not indicate that prevailing industry practice was to be fixed at any particular point in time. Third, such an interpretation does not comport with the importance of private contractual arrangements under the NGPA.[13] Accordingly, the Commission believes that the final regulations issued in Order No. 94–A are consistent with the intent of section 110.

B. Elimination of the Application Procedure

The final rule requires a first seller of gas subject to the Commission's Natural Gas Act jurisdiction to file a blanket affidavit under section 154.94(k) of the final rule in order to collect production-related cost allowances.[14] The final rule also provides that a first seller of natural gas not subject to the Commission's Natural Gas Act jurisdiction may collect production-related allowances without application to the Commission if he meets the other requirements of the rule. In taking these actions, the Commission eliminated unnecessarily burdensome application procedures of the interim regulations and related requirements for supporting data.

Petitioners argue that the Commission has not proven that the application procedure is burdensome, that the application process is needed to ensure compliance with the requirements of the final rule, and that elimination of the application requirement leaves purchasers without regulatory protection.

The Commission disagrees with petitioners' contentions. The final rule is burden reduction initiative which will avoid regulatory delay that would otherwise result from processing a seller's application. If the Commission were to continue to rely on an application mechanism to approve production-related cost adjustments, it would be faced with a burden of reviewing in a timely fashion every gas sales contract submitted through a formal filing in order to avoid delays in the collection of allowances.[15] First sellers also would be burdened with the need to submit detailed applications. Further, the Commission considered the difficulty of determining appropriate and representative costs for compression and delivery on an individual basis. The difficulty would only be compounded if the Commission were required to approve each request for an allowance on a case-by-case application basis. These consequences are inconsistent with the Commission's overall objective to improve the effectiveness of the section 110 program.

Staff's assessment of the anticipated burden reduction indicates that those who are subject to the final rule will be relieved of a significant paperwork burden. The potential number of applicants consists of approximately 200 large producers and 8,000 small producers. These producers will be relieved of the burden of filing with the Commission several thousands of applications to recover production-related costs.

Contrary to petitioners' arguments, the application process is not the exclusive means by which the Commission can prevent abuse of the final rule. The final rule itself contains safeguards to prevent abuse. First, although first sellers no longer need to file applications with the Commission, § 271.1103(b) of the final rule establishes a general record retention requirement on sellers collecting allowances to preserve such records as may be necessary to identify the amount collected and demonstrate the basis for the collection. A first seller is required to retain the same types of information he otherwise would have to submit to the Commission with an application, and he must make this information available at such time as a field audit is conducted. Second, the final rule also requires sellers to provide gas purchasers with a description of charges a reasonable time before charging for the production-related services.[16] Therefore, purchasers have the opportunity to determine whether these charges are consistent with the Commission's rules and are contractually authorized. These safeguards, coupled with the Commission's power to order refunds, conduct field audits, and initiate enforcement actions under the NGPA, will protect purchasers from pricing violations. Moreover, the Production-Related Costs Board ("Board") established by the interim rule on refund procedures (Docket No. RM83–6)[17] affords purchasers a mechanism for obtaining refunds in the event the Board determines that a first seller has collected an amount for production-related costs in excess of the otherwise applicable maximum lawful price.

C. NGPA Objectives and Economic and Environmental Impact

Some petitioners allege that the Commission's regulations are not consistent with what they claim to be the NGPA objectives to secure an orderly and gradual decontrol of wellhead prices and enhance available gas supplies through incentives for increased exploration and development. Petitioners appear to complain that the Congress, in enacting section 110, intended the Commission to implement that section only if the burner tip price of natural gas were less than the comparable price of oil. Petitioners argue that because pricing parity exists in industrial markets in 1983 rather than 1985, when Congress anticipated that parity would occur, Congress did not

---

[11] Application for Rehearing of Order No. 94—A by the Public Service Commission of the State of New York, Docket No. RM80–47–006, February 23, 1983, at 2.

[12] 124 *Cong. Rec.* at H. 13118 (daily ed. October 11, 1978) (Statement of Congressman Dingell), cited in full at III FERC Stats. and Regs. ¶30,419 at 30,349.

[13] *See*, section 101(b)(9) of the NGPA. The Court in *Pennzoil I* noted that NGPA section 101(b)(9) is "Congress' express and specific intent not to preempt the ability of private persons to contractually govern their relationship." Pennzoil Co. v. FERC, 645 F. 2d 360, 375, (5th Cir. 1981), *cert. denied*, 454 U.S. 1142 (1982) ("*Pennzoil I*").

[14] First sellers making certain sales under the NGPA are subject to the Commission's Natural Gas Act jurisdiction for purposes of sections 4, 5, and 7 of that Act. *See*, NGPA section 601(a).

[15] Order No. 94–A, 48 FR at 5159–60 (Feb. 3, 1983), III FERC Stats. and Regs. ¶30,419 at 30,353–54.

[16] 18 CFR 271.1104(f).

[17] *See*, n.6, *supra*.

intend the Commission to implement the final rule at the present time.

Petitioners do not cite any statutory provisions or legislative history to support their assertion that Congress did not intend the Commission to implement section 110 should natural gas prices reach parity with oil prices. To the contrary, the legislative history suggests the Commission's refusal to allow appropriate allowances under section 110 would be an abuse of discretion.[18]

In addition, petitioners' assertion appears to be based on the contention that section 110 is an incentive pricing section, to be implemented only if the price of natural gas is less than the price of alternative fuels. To the contrary, section 110 is a cost recovery, rather than an incentive pricing section. Although Congress sought to provide incentive prices in certain NGPA Title I sections[19] to, among other things, encourage new gas supplies, the plain meaning of section 110 illustrates that Congress intended that section to serve a different purpose, *i.e.*, to permit a first seller to recover appropriate production-related costs. Thus, the Commission's section 110 jurisdiction is not a solution to petitioners' complaint which relates to the operation of NGPA incentive pricing sections in the marketplace.

In a related issue, some petitioners allege that the Commission abused its discretion by issuing the final rules without first providing a detailed assessment of the effect of the rules on gas prices, markets, supplies, and consumers. In support of their view as to the adverse effects of the rules, petitioners submit affidavits of gas industry executives concerned with anticipated loss of load, increases in gas prices above market clearing levels, unemployment, and regional economic decline as a result of the rules.[20]

To the extent that petitioners' expectations of adverse market impacts are based primarily on the fact that the Commission's final rules allow, under certain conditions, first sellers to recover production-related costs in addition to the applicable maximum lawful price, the Commission reiterates that Congress has made the determination that some such allowances are to be permitted. In enacting the NGPA, Congress, therefore, must have considered the effects on consumers of permitting recovery of production-related costs. The legislative history of the NGPA indicates Congress' efforts to balance and accommodate the conflicting needs of the diverse interest groups affected by the pending legislation.[21] Section 110 reflects a Congressional decision to allow a seller to collect allowances in excess of the maximum lawful price.

To the extent that petitioners' expectations of adverse market impact are based upon the Commission's method of implementing the Congressional scheme, we believe that petitioners' misunderstand how the regulations work and are incorrect in their estimates of market inpact. The Commission's section 110 rules do not mandate that first sellers collect allowances for purchasers for production-related services. Instead, they allow a seller and purchaser to negotiate as to what allowances, if any, the producer may charge in return for prividing the services, as long as the negotiated allowance is no greater than the cost-based allowance deteremined in accordance with the rules.[22] If allowances would increase the price of gas beyond its marketability, then it is in the interest of the buyer and seller to reach an agreement which does not jeopardize that marketability.[23]

The final rule, therefore, protects consumers from unnecessarily high prices, and resultant market impact, in two ways. First, by requiring that the allowances be contractually authorized, the rule provides purchasers with the ability to refuse to contract to pay any unnecessary or excessive allowances.[24] Second, in no case may the allowance exceed the amount calculated in accordance with the rule, which the Commission has determined to be cost-based and no more than necessary.[25]

In a related matter, some petitioners assert that the National Enviromental Policy Act of 1969 ("NEPA") and the Commission's regulations implementing NEPA, require that the Commission prepare an assessment of the impact of a Commission action which will or may have a significant effect on the quality of the human environment.[26] Petitioners offer the affidavits discussed above to show that the rules will result in increasingly higher gas prices, which they argue will cause fuel-switching and a concomitant increase in pollution.

The Commission disagrees with petitioners that NEPA requires the performance of an environmental assessment or other NEPA review of this rule. Analysis of federal actions is premised upon the existence of a direct connection between the federal action and an environmental effect. This rule has no such direct connection, both because of the nature of the rule and because of the rule's relationship to the natural gas marketplace.

With respect to the nature of the rule, the rule does no more than satisfy the Commission's statutory responsibility to allow cost-recovery for activities that generally must be performed prior to transportation of natural gas by pipeline. The rule does not impose any obligation on any person to perform these production-related activities, which would be performed without the rule. It does not require or authorize any person to construct facilities for such services. It is not an incentive rule to encourage exploration, development or production-related activities. Thus, the rule by itself does not directly cause any activities having environmental effects.

With respect to the rule's relationship to the natural gas marketplace, the rule is coincident to a variety of economic conditions and activities which themselves may independently have environmental and economic impacts. These intervening conditions and activities include the terms of existing and future natural gas contracts, patterns of industrial, commercial and residential gas consumption, the level of industrial activity, general economic conditions, the price of alternative fuels, the marketability of gas, fuel-switching in relation to conversion costs, and gas conservation efforts. This is not simply a matter of intervening factors obscuring the relationship between the Commission's rules and effects on the environment. It is rather that the rule

[18] *See*, n.12, *supra*.

[19] *See, e.g.*, NGPA sections 102, 103, 107 and 108.

[20] Petitioners also request a stay of the effectiveness of the Commission's Order pending rehearing and further market analysis and opportunity for further comment on the effect of Order No. 94–A on gas markets. In view of the Commission's denial of rehearing and determination that no further market analysis and comment is necessary, the requests for stay are denied.

[21] *See, e.g.*, H.R. Rep. No. 496, pt. IV, 95th Cong., 1st Sess. 101, 110–21 (1977), H.R. Rep. No. 1752, 95th Cong., 2d Sess. 110–11 (1978), and Conference Report, I FERC Stats. and Regs. ¶ 3,101; *See also*, Pennzoil, 645 F.2d at 371, n.37 (5th Cir. 1981), *cert. denied*, 454 U.S. 1142 (1982).

[22] Order No. 94–A, 48 FR 5162 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,357.

[23] See Order No. 94–B, 48 FR at 5195 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,421 at 30,413, where the Commission noted that the "extent to which sellers and purchasers will amend their contracts so as to collect higher delivery allowances after the effective date of this order will be limited by the inability of producers to sell gas at a price which the pipelines consider unmarketable."

[24] Order No. 94–A, 48 FR at 5155 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,348.

[25] 18 CFR 271.1104(d), II FERC Stats. and Regs. ¶ 24,214 at 14,375–78.

[26] *See* "Request of Associated Gas Distributors for Rehearing of Order Nos. 94–A and 94–B," (Docket No. RM80–47–009) filed Feb. 23, 1983, at 20. Petitioners request a stay of the effectiveness of the Commission's rule pending rehearing and an environmental assessment. In view of the Commission's denial of rehearing and determination that an environmental assessment is not necessary, the petitioner's request for stay is denied.

cannot be said to have any direct environmental effect whatsoever in light of these intervening considerations. In this connection, petitioners' argument, that this rule will affect the environment adversely due to fuel-switching that results from higher gas prices, is inaccurate because it fails to account for the marketability of the gas, the price of alternative fuels, and other intervening conditions that will restrain purchasers from agreeing to unnecessarily high production-related allowances.

For the Commission to undertake a NEPA review in light of these diverse considerations would be an exercise in sheer conjecture. The Commission has long maintained that activities of the kind at issue here do not necessitate environmental review under NEPA in those instances when the number of variables involved render any environmental consequences unforeseeable.[27] The Commission believes in the continued validity of this approach. NEPA does not require agencies to engage in environmental review, particularly environmental impact statements, when the causal relationship between a federal action and certain environmental effects is remote and conjectural.[28] We believe that this principle applies in this case. There is no direct connection between the rule and any changed patterns of consumption or other market effects, much less the environmental effects of any such actions, that would warrant examination of the issue beyond the economic considerations that the Commission has already taken into account.[29]

D. Contractual Authority and Area Rate Clauses

The final rule establishes the requirements that a first seller must satisfy in order to collect production-related allowances, one of which is that the seller be "expressly authorized" to be compensated for bearing that production-related cost. Section 271.1104(c)(4) establishes a two-part test for determining "expressly authorized." First, the seller must agree to provide a specified production-related service. Second, the purchaser must agree to compensate the seller for that service. The rule also requires that the purchaser's obligation to pay a production-related cost allowance be evidenced by a contract provision expressing a purchaser's obligation to pay an amount separate from the cost of gas or by an area rate clause as defined in § 154.93(b–1) only for delivery costs.

Some petitioners argue that § 271.1104(c)(4) of the final rule, defining the types of express contractual provisions which constitute adequate authority to collect section 110 allowances, is arbitrary, capricious, an abuse of discretion and not based on substantial evidence in the record. Citing *Pennzoil Co.* v. *FERC ("Pennzoil I")*,[30] these petitioners also argue that the final rule constitutes undue interference with private contracting practices and is an effort by the Commission to interpret contracts over which it has no Natural Gas Act jurisdiction.

The Commission disagrees with petitioners' allegations and believes that under any standard of review the Commission's actions concerning express contractual authorization are supported by an extensive public record and Commission expertise and experience from individual producer cases and area and national rate opinions.[31]

The requirement of the final rule for express contractual authorization is not new. The new rule continues the emphasis which the interim rules placed on the individual gas sales contract as the instrument for determining whether adequate contractual authority exists to permit the collection of allowances. The final rule defines the kind of contractual authority required to collect production-related costs on the basis of consistent prior Commission practice.

In Natural Gas Act proceedings, the Federal Power Commission (FPC) found that area clauses constituted adequate contractual authority to collect base national rates and gathering and delivery allowances. The FPC did not establish or recognize allowances for recovery of compression, treating or conditioning costs in national rate proceedings;[32] however, the FPC did recognize that the base national rate was a ceiling rate which could be exceeded by an adjustment for gathering, delivery, and other recognized adjustments. Pre-NGPA practice considered treating and conditioning as "other quality adjustments" to be made in accordance with the provisions of particular gas sales contracts.[33] The Federal Power Commission, therefore, did not permit interstate sellers to use an area rate clause as authority to collect adjustments for treating, conditioning, or compression.

The final rule is consistent with pre-NGPA practice by precluding an interstate seller from using area rate clauses as authority to collect non-delivery allowances. Because of the use of area rate clauses in Natural Gas Act practice as discussed above, the final rule requires a contractual provision providing for payment of a separate amount for non-delivery allowances as requisite authority to collect such allowances. The line which the Commission drew in the final rule with respect to the use of area rate clauses and separate contractual provisions mirrors longstanding Commission practice in implementing the Natural Gas Act concerning producer rates and its deference to the intent of the parties to gas sales contracts that were made under that practice.

These considerations guided the Commission's implementation of its statutory authority under section 110 which, in turn, lead to the requirement of express contractual authorization in the final rule. The basis and purpose of the Commission's actions are adequately supported by the record.

The Commission also disagrees with petitioners' contention that the final rule

---

[27] *See* Opinion No. 770, "National rates for Jurisdictional Sales of Natural Gas," RM75–14, issued July 27, 1976, 56 F.P.C. 509 at 596, *reh. denied*. Opinion No. 770–A, 56 F.P.C. 2698 (1976), *aff'd*, American Public Gas Ass'n. v. FPC, 567 F. 2d 1016 (D.C. Cir. 1977), *cert. denied*, 435 U.S. 907 (1978). Opinion No. 770 was the last national rate case prior to enactment of the NGPA. In that opinion, the FPC noted that the existence of numerous market variables made any predictions of the environmental impact of the order on the various energy markets extremely difficult.

[28] *See e.g.*, Sierra Club v. Hodel, 544 F.2d 1036, 1039 (9th Cir. 1976); Save the Bay v. United States, 610 F.2d 322, 326 (5th Cir. 1980). In addition, the regulations of the Council on Environmental Quality, the agency responsible for administering NEPA, also recognizes that there are some federal actions which, by their nature, do not raise the kind of environmental concerns against which NEPA is intended to guard. These are described as actions which do not individually or cumulatively have a significant effect on the human environment. Neither an environmental assessment not an environmental impact statement is required for such actions. *See* 40 CFR 1507.4 (1982).

[29] Petitioners' allegation that the Commission has violated its own regulations by not performing NEPA review is incorrect. The Commission's regulations require the preparation of an environmental impact statement when the Commission determines that the contemplated activity is a "major federal action significantly affecting the quality of the human environment." The regulations do not address the situation at issue in this rule where the Commission believes that no NEPA review is required. *See* 18 CFR 2.80–2.82 (1982).

[30] *See*, Pennzoil, 645 F.2d 360, *cert. denied*, 454 U.S. 1142 (1982).

[31] In issuing rules, an agency may look to other proceedings before it, Moss v. FPC, 502 F.2d 461, 465 (D.C. Cir. 1974), *cert. denied*, 422 U.S. 1020 (1975); or look beyond the record and draw upon its own expertise and experience, General Telephone Co. of Southwest v. United States, 449 F.2d 846, 862 (5th Cir. 1971).

[32] Order No. 94–A 48 FR at 5.184 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,360.

[33] Order No. 94–A, III FERC Stats. and Regs. ¶ 30,419 at 30,348; *see*, also, FPC national rate regulations, I FERC Stats. and Regs. ¶¶ 10,456A and 10,456B.

is inconsistent with *Pennzoil I*. The court in *Pennzoil I* noted that NGPA Section 101(b)(9) allows the contract to operate in the marketplace so long as the contract price for the sale of natural gas under certain NGPA pricing sections is less than the maximum lawful price.[34] Section 271.1104(d) of the final rule incorporates the logic of section 101(b)(9).

Section 271.1104(d) of the final rule authorizes the seller to collect the lesser of an amount expressly authorized under the contract or the generic allowance as the amount necessary to recover production-related costs borne by the seller. The Commission intends that § 271.1104(d) comport with the emphasis which NGPA section 101(b)(9) places on the contract. In so doing, § 271.1104(d) references the requirement of § 271.1104(c)(4) that the gas sales contract expressly authorize collection of production-related allowances by a separate contract provision or by an area rate clause only for delivery allowances. Therefore, the final rule incorporates but does not displace private contractual arrangements.

Section 271.1104(c)(4) of the final rule is consistent with the emphasis which *Pennzoil I* places on the operation of the individual gas sales contract in the marketplace. The requirement for express contractual authorization does not interfere with private contractual practices because the Commission is not requiring parties to amend their contracts or to draft new contracts to conform to the regulations. The final rule encourages private contractual arrangements in a manner consistent with the interpretation of section 101(b)(9) in *Pennzoil I*.

Pennzoil I discussed, among other things, the Commission's authorities with respect to the interpretation of gas sales contracts under pricing sections 102 through 109. That particular aspect of the *Pennzoil I* decision does not have any bearing upon the final rule which does not, either by intent or effect, constitute contract interpretation. The final rule identifies qualifying first sellers on the basis of eligibility criteria which tie the availability of section 110 allowances to the presence of specific contractual provisions governing the purchase and sale of gas and production-related costs. By defining eligibility by reference to the terms of the contracts governing the sale of gas, the final rule establishes criteria which the seller must meet in order to collect allowances under the rule.

[34] Pennzoil, 645 F.2d at 372–76, *cert. denied*, 454 U.S. 1142 (1982).

The requirement of the final rule for express contractual authorization is similar to the requirement of eligibility, through a negotiated contract price requirement, of those tight formations of natural gas which qualify for incentive prices under NGPA section 107(c)(5). Section 107(c)(5) provides, in part, for incentive prices "to the extent that such special price is necessary to provide reasonable incentives for the production of such high-cost gas." In upholding the Commission's use of the negotiated contract price requirement, the Former Fifth Circuit noted that "advertence to the terms of private contracts in delineation of eligibility for price categories is not novel."[35]

E. Retroactivity and Interest

Consistent with basic principles of administrative law, the final rule operates prospectively only.[36] In making the rule prospective, the Commission sought to avoid the substantial burden and inequity that may result by reopening past transactions that developed under the interim rules. Moreover, a retroactive application of the final rule would require a change in practice established under the interim rules without notice in the interim rules of that possibility.

Some petitioners argue that the NGPA requires that the allowances of the final rule should be made retroactively effective to December 1, 1978 because that is the date section 110 became effective. Petitioners also argue that some producers have been harmed by the delay in the Commission's implementation of section 110 because they have invested capital in reliance on the Commission's complete implementation of section 110 on December 1, 1978. They further allege that the Commission has no record to support its view that the class of persons possibly directly harmed by prospective application of the final rule is small.

Contrary to petitioner's contentions on rehearing, neither the legislative history nor section 110 on its face requires that the Commission's final implementing regulations be effective December 1, 1978. The legislative history precludes the denial of appropriate allowances. The Commission's interim and final regulations do not deny appropriate allowances. They establish a method of recovering certain production-related costs consistent with the legislative history.

Some petitioners incorrectly argue that the Commission delayed its implementation of section 110. These petitioners overlook the interim rules in effect since December 1, 1978, and the amendments made to those rules after that date. In essence, petitioners would have the Commission invalidate the rules that have been effective since enactment of the NGPA by applying new rules to old transactions. This we decline to do for the reasons stated in Order No. 94–A and herein.

Some petitioners argue that they have invested capital in reliance on a retroactive application of the final rule. This argument is difficult to follow since sellers had no way of knowing the configuration of the final rules on December 1, 1978, or at any time before issuance of the final rule. Any capital investments made before January 24, 1983 must have been based on the then existing rules. There was no other reference point available. If the final rules result in any hardship, inequity, or an unfair distribution of burdens, a first seller may file for relief under section 502(c) of the NGPA.

In a separate but related issue, § 271.1104(e)(2) of the final rule permits a first seller to collect interest on past costs incurred to deliver or compress natural gas if expressly authorized under the terms of the contract. Petitioners argue that the Commission should not require contractual authorization to collect interest because the Commission is responsible for the delay in issuing rules providing for generic allowances.

There are several difficulties with petitioners' contention that the Commission should permit a charge for interest in the absence of contractual

[35] Pennzoil Co. V. FERC, 671 F.2d 119, 126 (Former 5th Cir. 1982) ("*Pennzoil II*"). The Court affirmed the Commission's Order No. 99, Final Rule High-Cost Natural Gas Produced from Tight Formations, Docket No. RM79–76, (issued Aug. 15, 1980), and Order No. 99–A, Order Denying Rehearing and Clarifying Order No. 99, Docket No. RM79–76 (issued Oct. 21, 1980). Section 271.702(a)(1) of the final rule restricted entitlement of an NGPA section 107 price to a "contract which either specifically references the incentive pricing authority of the Commission under section 107 of the NGPA or contains a fixed rate or a fixed escalator clause. * * *"

[36] Order No. 94–A, 48 FR at 5161 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,355–56.

Order No. 94–A contains a special rule in § 271.1104(e)(1) which permits collections of delivery and compression allowances to the earlier date of an application, or July 25, 1980, the date Order No. 94 was issued. Petitioners argue that this treatment permits first sellers to collect delivery and compression allowances retroactively. To the contrary, Order No. 94 itself suspended applications and stated that the Commission would permit the collection of such generic allowances to the earlier of the dates mentioned when the Commission established such allowances. *See* Order No. 94, FERC Stats. and Regs., Preamble ¶ 30,178 at 31,216 (1977–1981); Order No. 94–A, 48 FR at 5168 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,367.

authorization. First, the requirement of express contractual authorization is a safeguard of the rule to prevent sellers from making unjustified charges, and elimination of that safeguard would expose purchasers to a claim not in the contemplation of the parties. Second, it is logically compelling to conclude that because collection of past costs to deliver and compress gas must be expressly contractually authorized, the collection of interest on such amounts also must be so authorized.

Third, Order No. 94 gave clear notice that the Commission was temporarily suspending applications for compression and delivery allowances pending development of generic allowances.[37] First sellers were, therefore, aware that there would be a delay in the development of generic allowances. Having such notice, the parties could have agreed to provide for the payment of interest under the terms of their gas sales contract. It is inappropriate for the Commission to renegotiate contracts on behalf of sellers who failed to provide for the collection of interest.[38]

F. Inflation Recovery

The final rule establishes defined limits concerning the recovery of allowances for necessary production-related costs. These limits are expressed through a methodology for treating and conditioning which accounts for costs over the next two years and through generic limits in the case of delivery and compression. Petitioners contend these limits should escalate by the annual inflation adjustment factor defined in NGPA section 101(a). In support of this view, they seem to argue that inflation adjustments apply to prices and that allowances under section 110 are prices.

Petitioners confuse the pricing objectives of NGPA sections 102 through 109, which expressly require application of section 101(a) inflation adjustments, with the cost recovery objectives of section 110. Section 110 does not establish a maximum lawful price, but rather authorizes the Commission to permit allowances for recovery of necessary costs. Unlike sections 102 through 109, section 110 does not expressly require application of the annual inflation adjustment factor to production-related allowances.

Petitioners also fail to recognize that the limits of the rule are cost-based and take into account the effect of inflation up to 1985. The methodology for treating and conditioning recognizes anticipated operating and maintenance expenses for 1983 and 1984 on the basis of specific costs. Moreover, the generic allowances for delivery and compression facilities are representative of costs through January 1, 1985 when the Commission may revisit the issue of recovery of the costs of inflation. To the extent these allowances result in special hardship, inequity, or an unfair distribution of burdens, a first seller may file an application for relief under NGPA section 502(c).[39]

G. Double Recovery

Some petitioners are concerned that the NGPA Title I price for section 104 gas already includes compensation for production-related costs and that double recovery would result if the Commission were to permit section 110 allowances to apply to first sales of gas under this section. Petitioners also request that the Commission nullify contractual provisions which result in the collection of costs already recovered in NGPA maximum lawful prices.

Section 110 of Title I provides that a first sale price shall not be considered to exceed the maximum lawful price if such first sale price exceeds the maximum lawful price to the entent necessary to recover production-related costs. In explaining section 110, the Conference Report specifically provides that "all ceiling prices under the Act are are exclusive of state severance taxes borne by the seller and any adjustment which may be allowed by the Commission for specified production-related costs."[40] Neither section 110 nor the Conference Report contains any exception in the case of first sales made under section 104 to preclude the addition of production-related allowances to first sale prices made under that section. Accordingly, petitioners' reliance on earlier phases of the legislative history is misplaced in light of section 110 and the above-cited Conference Report language that NGPA maximum lawful prices are exclusive of Commission-approved allowances under section 110.[41]

Sections 102 through 109 of Title I establish maximum lawful prices for first sales of raw gas at the wellhead or of gas at any other point downstream before commingling in a pipeline's system supply. The fact that the maximum lawful price applies at the wellhead indicates a Congressional intent that the maximum lawful price does not include production-related costs. Congress intended that the maximum lawful price apply to a first sale even if no production-related services are performed. If such costs are incurred, then the first sale price may be exceeded by the amount of the production-related allowance.

Petitioners also cite another section of the NGPA Conference Report explaining section 110 that "in certain cases, the just and reasonable rates under the Natural Gas Act include an allowance for production-related costs. The Conference Report is not intended to alter or change that practice."[42] Contrary to petitioners' contention, the Commission interprets this statement to mean that the Commission in implementing section 110 may continue its prior practice under the Natural Gas Act to recognize adjustments to the national base rate.[43] The final rule continues that practice by recognizing adjustments to the maximum lawful price.

NGPA section 104 incorporates as maximum lawful prices the unadjusted base national rate which the Commission determined to be just and reasonable under the Natural Gas Act. Section 104 escalates the unadjusted base national rate for inflation. In Opinion No. 90, the Commission indicates that the NGPA section 104 maximum lawful price is the base national rate without recognized Natural

---

[37] *See* n. 36, *supra*, for a related discussion in the final rule and Order No. 94.

[38] The Application of Indicated Producers filed February 22, 1982, Docket No. RM80-47-005, at 21, comments that "The Commission has set a rate of interest generally applicable to payments or refunds which it prescribes." The Application for Rehearing of Gulf Oil Corp., filed February 23, 1983 (Docket No. RM80-47-006) at 3 disagrees with Producers' comment "to the extent that their statement could be interpreted as on statement that the Commission's generally applicable interest rates apply to all payments or refunds." Because it is unclear what Indicated Producer's point is, the Commission is unable to clarify Gulf's concern with producers' comment.

The Commission only intends that the interest rate formula stipulated in 18 CFR 154.102 for producer refunds of excessive rates be applicable to determine the rate of interest for allowances for past costs incurred to deliver and compress gas, if the collection of interest was expressly authorized in the gas sales contract.

[39] The Commission's interim rules for delivery and compression acknowledge that inflation has been taken into account in developing the five cents delivery allowance for old delivery systems at least to 1985. The Commission indicated that it may reevaluate the effect of inflation, after 1985, on allowances for gas which is still regulated. 48 FR 5184 (February 3, 1983), III FERC Stats. and Regs. ¶30,420 at 30,395.

[40] Conference Report, I FERC Stats. and Regs. ¶ 3.101 at 3.098

[41] The "Application for Rehearing of Order No. 94-A by the Public Service Commission of the State of New York," filed Feb. 23, 1983, Docket No. RM80-47-006, at 4, cites H. Rept. No. 94-543, Vol. II, 95th Cong., 1st Sess. at 399.

[42] *Id.* I FERC Stats. and Regs. ¶ 3.101 at 3.096.

[43] *See* FPC national rate regulations, I FERC Stats. And Regs. ¶ 10,456A and 10,456B (18 CFR 2.56, 2.56(a) (1982)).

Gas Act adjustments. Opinion No. 90 [44] observed that:

> In our regulations implementing Sections 104 and 106(a) of the NGPA (the provisions of the NGPA covering natural gas which is subject to our area and national rate opinions), the Commission indicated that the base area and national rates, not the adjusted area and national rates, were the rates which should be escalated for inflation in accordance with the provisions of Section 104 and Section 106(a).[7] * * *
>
> [7] The one exception was the Permian area rate which included serverance taxes."

In light of the Conference Report and the language of section 110, the Commission is not persuaded that there is any convincing reason to invalidate provisions of contracts made before the NGPA or to preclude contract amendments in order to avoid alleged double recovery. The solution which petitioners offer is unnecessary.

Petitioner's line of argument would have the Commission examine each gas sales contract to determine what amounts, if any, were actually being collected under various quality adjustment and other production-related cost provisions pursuant to contracts as of April 1977. The petitioner seems to suggest that this procedure is necessary to avoid double recovery of costs to bring gas to minimum quality standards and to determine pre-NGPA industry practices.

The Commission is not persuaded that this suggestion has any merit. First, inquiring into the terms of individual gas sales contracts would be an extremely burdensome and administratively time-consuming effort producing no benefits at the conclusion of the process. Second, inquiry into contracts relating to first sales which took place six or more years ago would be a futile venture into stale transactions and would have remote relationship to current industry practice which is the basis of the final rule. Nothing in the NGPA warrants this type of administratively burdensome investigation.

H. Issues Related to Allowances for Treating and Conditioning

1. *Notice and Comment.* Some petitioners allege that they did not have adequate public notice and opportunity to comment on the cost-of-service methodology for computing the limits of necessary costs to treat and condition gas.

The Commission believes these petitioners are in error if their claim is that notice of every item of the final regulations is required. Notice is adequate when it provides a description of the subjects or issues being considered by the Commission.[45] 5 U.S.C. 553. This the Commission has done.

Concerning the specific issue raised by the commenters, *i.e.*, the methodology for determining allowances for production-related services like treating and conditioning, it is true that no methodology was specifically proposed by the Commission prior to the issuance of Order No. 94–A. However, the issue of the appropriate level of cost recovery has been an issue since the beginning of this proceeding. Throughout the proceeding, many commenters maintained that the Commission should allow recovery of all costs set out in section 110, not merely those costs to exceed minimum quality standards, plus a return on equity.[46] Other commenters echoed this claim urging the Commission to allow the recovery of out-of-pocket costs plus a return on investment.[47]

After considering these comments which fairly discussed the issue of the appropriate level of cost recovery, the Commission adopted a methodology which provides for recovery of no more than an amount necessary to recover production-related costs, *i.e.*, the costs urged by certain commenters.

The methodology set out in Order No. 94–A provides a mechanism which is responsive to the comments regarding recovery of costs to perform production-related services like treating and conditioning. Moreover, it is a methodology which follows very closely the Commission's experience in setting an amount that allows cost recovery plus a reasonable return under the Federal Power Act and the Natural Gas Act. Thus, the methodology is in no way unusual or unique. Because the methodology is based on accepted rate setting principles and responds to comments, we believe that all commenters were on notice that a cost recovery methodology like, or very similar to the one set out in Order No. 94–A could be adopted. We do not believe the Commission is required to provide additional notice and comment when it, in essence, adopts a proposal urged by a commenter.

2. *Direct Taxes and General and Administrative Expenses.* The Commission's regulations include operation and maintenance expenses in the cost-of-service methodology for treating and conditioning without defining the nature of those expenses. The preamble to the regulations explains the Commission's intent to include federal income taxes in the cost of service methodology and to exclude general and administrative expenses allocated to treating and conditioning.[48] petitioners seek clarification of or rehearing on the Commission's treatment of direct taxes which are not specifically discussed in the preamble or the regulations and reconsideration of its treatment of general and administrative expenses under its cost of service methodology for treating and conditioning allowances.

The Commission believes that direct taxes are a legitimate cost of doing business and, therefore, the Commission intends direct taxes to be included in the cost of service methodology. To accomplish this objective, the Commission is designating direct taxes as "taxes other than income taxes". This treatment is consistent with the treatment of direct taxes under the Commission's Uniform System of Accounts for natural gas companies.[49] Section 271.1104(d)(3)(A) is amended, therefore, to clarify that intention by adding a new subsection (5) to include taxes other than income taxes developed for each of the years 1983 and 1984 on the basis of actual taxes paid in 1981 and 1982, as available, and estimates of future taxes. Because this is a clarification of the intent in the final rule, the Commission believes that there is good cause to make the amendment effective on publication in the **Federal Register**.

The Commission properly excluded general and administrative expenses allocated to treating and conditioning because this type of cost typically represents a relatively small part of a company's total costs and because of the difficulty involved in making cost allocations of such expenses. Petitioners have offered no evidence that such expenses constitute a large cost item or that their allocation would not be difficult. Accordingly, administrative and general expenses are excluded from the Commission's cost-of-service

---

[44] Phillips Petroleum Co., Docket No. CI77–412. Opinion and Order Granting Rehearing in Part and Denying Rehearing in Part (issued July 25, 1980) 12 FERC ¶ 61,080 at 61,151.

[45] For cases discussing the requirement of the Administrative Procedure Act that an agency give fair notice of proposed actions, *see* Pennzoil Co. v. FERC, 645 F.2d 360, 371–72 (5th Cir. 1981), *cert. denied*, 454 U.S. 1142 (1982); Missouri v. Block, 690 F.2d 139, 143 (8th Cir. 1983); and BASF Wyandotte Corp. v. Costle, 598 F.2d 636, 641 (1st Cir. 1979).

[46] *See* Order No. 94, FERC Stats. and Regs., Preambles ¶ 30,178 at 31,219 (1977–1981); *see also*, NGPA Interim Rules, FERC Stats. and Regs., Preambles ¶ 30,026 at 30,163 (1977–1981).

[47] Order No. 94, FERC Stat. and Regs., Preambles ¶ 30,178 at 31,222 (1977–1981).

[48] Order No. 94–A, 48 FR at 5167 (Feb. 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,365.

[49] See II FERC Stats. and Regs. ¶ 20,406 at 13,216 and Account 408.1 which is "taxes other than income taxes, utility operating income."

methodology for treating and conditioning allowances. The Commission, however, is aware that some smaller compaines may have substantial treating and conditioning operations. Where exclusion of general and administrative expenses imposes a special hardship, inequity, or an unfair distribution of burdens, a person may seek an adjustment under NGPA section 502(c).

3. *Allocation of treating and conditioning costs when crude oil, liquids or liquefiables are part of the gas stream.* Section 271.1104(d)(3) of the Commission's regulations requires an allocation of treating and conditioning costs when crude oil, liquids, or liquefiables are a part of the gas stream. The regulations provide for the so-called "straight Btu method" of cost allocation.[50] The regulations further provide that this method is to be used only when another method has not already been determined by the Commission as the appropriate method for the particular situation involved or when the Commission has not expressly prohibited the Btu method for the particular services involved.

Some petitioners argue that the Commission has permitted allowances for the costs of treating and conditioning the gas stream before removal of crude oil, liquids, or liquefiables without requiring an allocation of costs. Other petitioners argue that the Mcf basis for allocation is more appropriate than the Btu method because that method reflects the way costs are incurred.

With respect to the first contention, petitioners ignore the fact that the regulations require an allocation of treating and conditioning costs incurred prior to removal of crude oil, liquids or liquefiables from the gas stream. The Commission believes that gas customers should not be charged an allowance for production-related costs associated with crude oil, liquids, or liquefiables unless such costs were incurred to benefit gas customers. The Btu method allocates cost responsibilities in recognition of the possible benefit of the service to gas customers.[51]

With respect to the second contention, the Commission in its discretion decided that section 110 should be implemented using a heating value allocation method which relates the relative cost responsibilities to the various constituents and products based on their respective energy content. The Commission believes that the Btu method makes the difficult process of cost allocation simplier and administratively more manageable. The Commission's regulations do not preclude other approved methodologies, including the Mcf method, with respect to a particular service and seller, as appropriate.

Some petitioners cite the Administrative Law Judge's *Initial Decision on Liquids/Liquefiables Issue, Southern Natural Gas Co.*, Docket Nos. RP80–102–006, *et al.*,[52] as support for the proposition that the Mcf method of allocation is appropriate for purposes of allocating the costs of treating and conditioning the gas stream under section 110 of the NGPA prior to the removal of crude oil, liquids, or liquefiables.

Although that decision did conclude that a volumetric allocation methodology was appropriate for the purpose of allocating costs to liquefiable hydrocarbons,[53] that decision is an initial decision of an Administrative Law Judge and is pending on review before the Commission. Consequently, it is unclear at this time what the outcome of the issues raised will be. Moreover, even if the Commission were to affirm that decision, the decision would have no bearing on the final rule because the relevant issue in *Southern Natural Gas Co.* is the appropriate methodology to allocate transmission costs to liquids and liquefiables in the context of a particular pipeline rate case. The decision does not deal with the allocation of treating and conditioning costs when crude oil, liquids, or liquefiables, are a part of the gas stream.

I. Processing.

Section 271.1104(c)(7) of the final regulations removes "processing"[54] from the list of activities included within the definition of production-related costs. Certain petitioners argue that the Commission erred in removing the term "processing" or at least should clarify its intent to permit an allowance for processing in appropriate circumstances. In support of their position, they point to the language of NGPA section 110 which includes processing as one of the activities for which "production-related costs" can be allowed and to certain situations in which consumers are benefited as a result of removal of high valued products regardless of the technical definition of the removal procedure.

These petitioners overlook the broad discretion which Congress gave the Commission to implement section 110. The Commission has exercised its discretion to preclude collection of allowances for processing because of its conclusion that processing costs generally are not incurred for the benefit of gas customers. Indeed, the revenues from the sale of these products accrue to the owners of the products.[55] Because processing generally does not confer a benefit on gas customers, gas customers should not be responsible for paying for this activity. However, the adjustment procedure of § 271.1106 applies to processing costs in the event of special hardship, inequity, or unfair distribution of burdens.[56]

III. Requests for Clarification of Order No. 94–A

Petitioners have requested clarification of §§ 271.1104(c)(4), 271.1104(f)(1), and 271.1104(g) of the final rules in various respects.[57] The discussion below considers each request for clarification by reference to the related section of the final rule. The following discussion also clarifies the Natural Gas Act filing requirements in § 154.94(k)

A. Effect of Contract Amendments (§ 271.1104(c)(4))

Indicated Producers ("Producers") ask the Commission to clarify the regulations to provide that contracts may be amended prospectively without a seller's being held to have waived any claim that the original contract language was sufficient to authorize collection of the allowances.

---

[50] Order No. 94–A, 48 FR. At 5165 (Febuary 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,362; 18 CFR 271.1104(c)(7)(ii), II FERC Stats. and Regs. ¶ 24,214 at 14,375.

[51] *Id.*, 48 FR at 5165 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,363. The amended definition of "production-related costs" recognizes the point made by commenters and petitioners that the "mere fact that a particular cost is incurred to handle liquids or liquefiable hydrocarbons does not mean that gas customers derive no benefit from the activity that engendered that cost." The first seller and purchaser must be prepared to demonstrate that benefit.

[52] Initial Decision on Liquids/Liquefiables Issue, Southern Natural Gas Co., Docket Nos. RP80–102–008, 22 FERC ¶ 63,026 (issued January 27, 1983).

[53] *Id.*, 22 FERC ¶ 63,026 at 65,116.

[54] Processing refers to the extraction of high-valued natural gas liquids or liquefiable hydrocarbons, including ethane, propane, butane, natural gasoline other hydrocarbon constituents, and non-hydrocarbon products of value such as helium. Usually, their removal is not necessary for safe and efficient handling and transportation of natural gas. Rather, these constituents have a commodity value of their own to the owner of the constituents, independent of the natural gas stream from which they are extracted. See Order No. 94–A, 48 FR at 5153, 5165 (February 3, 1983), III FERC Stats. and Regs., ¶ 30,419 at 30,345 and 30,363.

[55] *Id.*, 48 FR 5165–66 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,363.

[56] *Id.*

[57] Petitions for clarification and reconsideration are listed at n.8, *supra*.

The final rule permits a seller and purchaser of gas to amend their contract to expressly authorize the collection of production-related allowances. Typically, a gas sales contract would be amended to reflect the intent of the parties concerning production-related costs and services. For example, because an area rate clause would not suffice, a contract would have to be amended to expressly authorize treating and conditioning allowances, unless there is express authorization in the contract. In this example, a seller could gain no advantage in relying on the authority of the existing contract.

However, in cases where there is a question whether the existing contract meets the requirements of the rule, producers would have the Commission preserve their rights as first sellers under the existing contract while they seek to amend their contract to meet the requirements of the rule. If the parties determine that an amendment is necessary to provide adequate authority to charge for an allowance, neither the purchaser nor the seller should be permitted by rule to select the most favorable contractual provisions for the payment of production-related services. The parties are bound by their own agreement which reflects their intent as to the authority and applicability of contract provisions. The parties will typically include a provision in the contract concerning the effect of an amendment on existing contract language. If the parties do not provide for this contigency, a court may be asked to decide whether the amendment supersedes the language of the existing contract or precludes reliance on it. The Commission is not convinced that it is appropriate to amend its regulations as petitioners request because such an amendment may modify a purchaser's legal defenses in a way that is inconsistent with the intent of the parties.

B. Conflict Between an Area Rate Clause and a Specific Contract Provision (§ 271.1104(c)(4))

The preamble of the final rule provides that a specific contractual provision expressly authorizing a delivery allowance prevails over an area rate clause unless both clauses operate in the alternative in which case the parties must mutually agree which should control.[58]

Petitioners contend that by virtue of this statement the Commission is requiring additional contract authority for collection of allowances. To the contrary, the Commission is merely referencing a rule of contract construction which it believes reflects reasonable commercial practice. It is expected that if a gas sales contract were amended to add an area rate clause, the parties at that time would have included a provision in their contract expressing their intent as to the applicability of the area rate clause and the specific contract provision. If the parties have not covered this contingency in their agreement, a specific contract clause specifying a delivery allowance prevails over an area rate clause unless the provisions are phrased in the alternative.

C. Side Agreements (§ 271.1104(c)(4))

The final rule is premised on the written gas sales contract and requires that the parties include provisions for express contractual authorization to collect production-related allowances in the gas sales contract.[59] One petitioner complains that the Commission cannot disregard the validity of written side agreements providing for production-related services or a gas sales contract which has no specific contractual provisions with respect to production-related allowances but where it was the intent of the parties to perform and pay for such services.

The Commission has identified the gas sales contract as a commercially practicable, simple, and administratively manageable means to determine whether or not a first seller can collect production-related allowances. As a result of this requirement, a first seller is precluded from collecting such allowances if he has used "side agreements" which by definition are separate and apart from the gas sales contract.[60] If the Commission were to recognize side agreements as express contractual authorization for purposes of section 110, the Commission and purchasers would be unable to monitor compliance with the rules which must be determined by reference to area rate clauses and separate provisions dealing with payment for production-related services. The gas sales contract typically includes such provisions, and it is appropriate to require the parties to place these related clauses together in a single gas sales contract.

Further, the requirement in the final rule for express contractual authorization would be nullified if the Commission were to permit subjective understandings to be the equivalent of express contractual authorization. If there are no corroborative provisions indicating express contractual authorization in the gas sales contract, oral agreements or trade usage do not by themselves meet the requirements of the rule.

D. Seller Sample Contract Provisions (§ 271.1104(c)(4))

The general rule of § 271.1104(a) requires a first seller to be expressly authorized to be compensated for bearing a production-related cost. Section 271.1104(c)(4) of the Commission's regulations defines the term "expressly authorized". First, under the express provisions of the gas sales contract, the seller must agree to provide a specified production-related service. Second, the purchaser must agree to compensate the seller for providing that specified service and pay an amount separate from the amount paid for the gas. Indicated Producers ask the Commission whether certain hypothetical situations encompassed in a contract between a first seller and purchaser reference adequate contractual authority to qualify for collection of production-related allowances under Order No. 94–A.[61]

In summary, the specific situations cited by petitioners provide that if a contract requires that gas be delivered subject to quality standards, or to a delivery point at a specified pressure, or to some point other than a wellhead or lease separator, then the seller is

[58] Order No. 94–A, 48 FR 5164, III FERC Stats. and Regs. ¶ 30,419 at 30,360.

[59] *Id.*, 48 FR 5162, III FERC Stats. and Regs. ¶ 30,419 at 30,358.

[60] *Id.*, 48 FR 5163, III FERC Stats. and Regs. ¶ 30,419 at 30,359.

[61] *See* pages 5 and 6 of Indicated Producers' application for rehearing of Order No. 94–A (RM80–47–005). The relevant text is as follows:

A. A contract between a producer and a pipeline which requires gas to be delivered subject to quality standards which specify the maximum amounts of water vapor, hydrogen sulphide, total sulphur, carbon dioxide, or other impurities which may be contained in the stream delivered to the pipeline, is a specific requirement that the producer install whatever facilities may be needed to treat and condition the gas produced at the wellhead so that it meets with the quality specifications contained in the contract.

B. A contract between a producer and a pipeline which requires the producer to deliver gas at a delivery point at a pressure sufficient to permit the gas to enter buyer's facilities at that point, sets a maximum pressure at which buyer's facilities may be operated at that point, or provides that either party may, but neither is required to, install compression to deliver or receive the gas is a specific provision requiring the producer to install compression which will entitle the producer to the production-related cost allowance for compression, if the producer installs the compression.

C. A contract between a producer and a pipeline which provides that the producer will deliver the gas to the pipeline at some point other than the wellhead or lease separator is a specific requirement that the producer construct the necessary gathering system to deliver the gas to the delivery point.

thereby required to construct the relevant type of production-related facility. Although the submitted factual situations illustrate an agreement to perform a production-related service, they do not illustrate a purchaser's agreement to pay an amount for the service performed separate from the amount paid for the gas. Because the discussed situations do not satisfy both requirements of § 271.1104(c)(4), a first seller would not be entitled to collect production-related allowances.

It is difficult, however, to express a judgment in the abstract without further elaboration of the factual context of the hypothetical situations. An interpretation of the General Counsel under Rule 1901 of the Commission's Rules of Practice and Procedure may be requested to provide further guidance.

E. Description of Charges (§ 271.1104(f))

One petitioner expresses concern that a seller may accrue allowances from the effective date of the final rule, March 7, 1983, and give the purchaser notice at some future date of an intent to collect retroactive to that date for services performed.

The final rule contemplates that a typical transaction under the rule will consist of: the parties' determination of express contractual authorization, performance of the service, submission of a description of charges, billing for the charges, and collection of payment. The final rule provides that as of March 7, 1983 a first seller may charge generic allowances for those production-related services which are contractually authorized. The Commission's regulations also require a seller to notify a purchaser before a seller may charge contractually-authorized production-related allowances to the maximum lawful price. The seller must submit a description of charges to the purchaser a reasonable time prior to the charge. It is implicit in the final rule that the description of charges must be received prior to a seller's collection of allowances because collection would be made after a seller charges or bills for services performed and after a purchaser's receipt of the description of charges.

Current regulations do not preclude a seller's performing production-related services on or after March 7, 1983 and before the description is submitted to the purchaser. This situation may well be a typical one. Because the purchaser would have expressly agreed in the gas sales contract that the seller could perform the service under those circumstances, purchaser's receipt of the description of charges should not take him by surprise.[63] If the purchaser disputes the charges, he may ask the seller to validate the proposed charges before making payment.

In a related matter, Southern Union Gathering Co.[64] recommends that the rule be changed to guarantee a first seller a minimum of 120 days after this order to provide the purchaser with a description of charges applicable to delivery services beginning March 7, 1983.

Order No. 94–A requires first sellers to provide a description of charges a "reasonable time" prior to charging the purchaser for the allowance. The Commission expects a reasonable start-up period during the implementation process. Because of the complexity and diversity of corporate operations, it is not realistic to establish a specific time requirement. The regulations, therefore, contemplate that the parties will agree on a "reasonable" time.

F. Procedures to Contest the Allowance (§ 271.1104(f))

Some petitioners request that the regulations be amended to provide a clearer procedure which will allow purchasers to evaluate the correctnes of the claimed allowance and to contest the amount of the allowance or seller's eligibility to collect the allowance. Specifically, petitioners, citing separate Docket No. RM 83–6,[64] recommend that the Production-Related Costs Board provide expedited review of these issues prior to the time the purchaser begins to pay allowances.

The Commission will consider petitioners' suggestion in connection with Docket No. RM 83–6. The Commission's regulations contemplate, however, that private party disputes concerning the seller's authority to collect an allowance following receipt of a description of charges will be resolved by resort to federal or state courts or third party arbitration rather than by the Commission. Any person can file a complaint with the Commission under Rule No. 206 of the Commission's Rules of Practice and Procedure if he believes that the allowances claimed in the description of charges violate the final rule.

Petitioners express the view that the Commission should amend its interstate pipeline PGA regulations to require all pipelines to identify separately their section 110 allowances paid as part of PGA filings with the Commission. While the Commission recognizes that third parties may wish to identify certain section 110 collections in PGA cases, the Commission also recognizes that not all requests will seek access to the same types of information. Nevertheless, interstate pipelines are required to maintain section 110 information as part of their PGA workpapers which should be sufficient to provide the data needed by petitioners.[65]

One petitioner requests that § 271.1104(f) of the regulations be amended to provide the purchaser with the information necessary to verify the accuracy of a seller's anticipated charges prior to the time the purchaser is billed for the allowances and pays the bill.

The Commission is of the view that an interstate pipeline must be able to explain and justify its section 110 payments. The Commission is also of the opinion that inclusion in the description of charges of the amount per MMBtu to be charged, the specified service for which the charge is to be made, and the contractual provisions expressly authorizing the charges should give the purchaser sufficient information to review the anticipated charge. Should the purchaser need additional data or computations from the seller to justify the charges, the purchaser may request such information from the seller before paying any bill or provide for the right to such information in the gas sales contract. The Commission believes that this approach is less burdensome on both purchasers and sellers than requiring a seller to submit the information in instances when the purchaser does not request it.

---

[63] If, however, the parties have agreed that no services should be performed until after the description is provided, then allowances may accrue only from and after the date of such description.

[64] Southern Union Gathering Company's "Petition for Clarification and Application for Rehearing" (Docket No. RM80–47–010) was recorded as received in the Secretary's office on February 24, 1983 at 8:57 a.m., the day following the deadline for filing petitions for rehearing. On April 20, 1983, petitioner filed a letter with the Commission arguing that its Application for Rehearing was timely filed because it was delivered to the Commission on February 23 shortly after the Secretary's office had closed at 5:00 p.m. Petitioner requests a waiver of 18 CFR 375.101(c) (1982) establishing the office hours of the Commission between 8:30 a.m. and 5:00 p.m. so that its application for rehearing may be treated as timely filed. The Commission rejects these connentions on the authority of Rule of Practice 2001(a)(2) (18 CFR 385.2001(a)(2) (1982)) which provides that "Any document is considered filed on the date stamped by the Secretary. . . . . Any document received after regular business hours is considered filed on the next regular business day." Because petitioner's application was received after regular business hours on the 30th day, the petition is late-filed. However, Southern Union's application will be treated as a request for clarification and is considered in this Order and Order No. 94–D.

[64] *See*, n.8, *supra*.

[65] Order No. 94–A, 48 FR. at 5109 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,369.

The Commission, however, wishes to clarify that § 271.1104(f) requires first sellers to provide a separate description of charges for each type of production-related service from a single well or completion location. No amendment to the rule is necessary because the rule already requires "a" description of charges for each well or completion location for the specified production-related service for which the charge is to be made.

G. Scope of 18 CFR 271.1104(g)

The Commission added paragraph (g) to § 271.1104 of the final regulations to provide an alternative procedure for those first sellers offering unique services not represented by paragrphs (b) through (e) of § 271.1104. Paragaraph (g) provides, among other things, relief to first sellers transporting natural gas through delivery systems where the gas physically flows for distances greater than 20 miles and where construction of the facilities commenced on or after November 9, 1978.

Southern Union Gathering Co. seeks clarification and/or rehearing with respect to the scope of § 271.1104(g) and requests that § 271.1104 be explicitly applicable to it and all similarly situated sellers to permit recovery of delivery allowances by application.

The Commission does not intend that paragraph (g) apply, in general, to delivery systems where construction commenced prior to November 9, 1978 because such systems are addressed in paragraphs (b) through (e) of § 271.1104 and will be adequately compensated by the 5 cent per MMBtu delivery allowances applicable to such pre-NGPA systems.

However, the Commission does intend paragraph (g) to be applicable to first sellers even where construction of the seller's system commenced prior to November 9, 1978, if such first sellers demonstrate that their systems provide services which are not represented by paragraphs (b) through (e) of § 271.1104. This would include systems that the Commission previously has afforded special regulatory treatment. Accordingly, the Commission intends paragraph (g) to apply to petitioner, Southern Union Gathering Company, which company has historically been afforded cost-of-service treatment and would otherwise have been limited to the generic gathering allowance provided other producer-gatherers. The Commission will consider the applicability of subparagraph (g) to other companies on a case-by-case basis.

H. Clarification of Natural Gas Act Filing Requirements (§ 154.94(k))

In Order No. 94–A, the Commission amended 18 CFR 154.94 by introducing a new paragraph (k) requiring that sellers file an affidavit to collect production-related cost allowances for gas still subject to the Commission's Natural Gas Act jurisdiction. [66] The Commission believes that certain conforming changes are necessary to portions of 18 CFR 154.94 (k) to better reflect the Commission's intent in promulgating these rules. First, the Commission amends 18 CFR 154.94(k)(2) to reflect the Commission's intent that sellers must amend the affidavit to reflect any changes in eligibilty to recover production-related costs under new or old contracts. [67] This rule change comports with related language in the preamble of Order No. 94–A. Second, the Commission amends 18 CFR 154.94(k)(4) to eliminate two inaccuracies of the final rule. The final rule provides that an affidavit filed on or after March 7, 1983 and through and including May 6, 1983, shall be effective for deliveries beginning on March 7, 1983. The rule also provides that an affidavit filed after May 6, 1983, is effective on the date of filing, but the final rule does not refer to deliveries under the affidavit filed after May 6, 1983 even though the preamble does. The Commission amends 18 CFR 154.94(k)(4) to clarify that an affidavit filed after May 6, 1983 is to be effective on the date of filing with respect to deliveries beginning on and after the date of filing. In addition, the Commission wishes to delete the duplicative words "becomes effective" from § 154.94(k)(4).

These amendments shall become effective thirty days after publication in the **Federal Register.**

IV. Conclusion

The Petitions for Rehearing, Clarification, and Reconsideration are denied except as explained below in the ordering paragraphs. In denying these petitions, with the one exception noted, the Commission is affirming the final rule concerning the Commission's implementation of NGPA section 110. The final rule relies on the individual gas sales contract to determine quality standards and recoverable costs for treating and conditioning gas and requires express contractual authorization for a first seller to charge for production-related costs. The final rule improves the operation of the interim rules by eliminating a burdensome application process and inflexible generic minimum quality standards.

The Commission Orders that:

(1) For the reasons stated in Order No. 94–A and herein, that the Petitions and Applications for Rehearing, Clarification, and Reconsideration of Order No. 94–A are hereby denied except to the extent that suggestions and clarifications are incorporated into this order and to the extent the Commission hereby grants the Applications for Rehearing of Order No. 94–A of Indicated Producers and Gulf Oil Corp. to amend 18 CFR 271.1104(d)(3)(A) as set forth below; and

(2) For the reasons stated herein, the Commission hereby amends 18 CFR 154.94(k)(2), 154.94(k)(4), and § 271.1104(d)(3)(A), as set forth below; and

(3) For good cause shown in this Order, the requests of UGI Corporation and Associated Gas Distributors for a stay of the final rule are also hereby denied; and

(4) For good cause shown in this Order, the requests of Southern California Gas Company and Pacific Lighting Gas Supply Company for further comment are denied.

(Natural Gas Act, as amended, 15 U.S.C. 717, *et. seq.;* Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 42 FR 46267; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

List of Subjects

18 CFR Part 154

Natural gas.

18 CFR Part 271

Natural gas, High-cost gas, Tight formations.

In consideration of the foregoing, Parts 154 and 271 of Title 18, Code of Federal Regulations, are amended as set forth below; amendments to Part 154 are to become effective thirty days after publication in the **Federal Register**, and the amendment to Part 271 is to become effective on publication in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 154—[AMENDED]

1. Section 154.94 is amended by revising paragraphs (k)(2) and (k)(4) to read as follows:

[66] Order No. 94–A, 48 FR at 5170–71, 5178 (February 3, 1983), III FERC Stats. and Regs. ¶ 30,419 at 30,370–71.

[67] *Id.*

§ 154.94 Changes in rate schedules.

* * * * *

(k) * * *

(2) *Amendments.* The affidavit filed under subparagraph (1) of this paragraph shall be amended to reflect any changes in eligibility to recover production-related costs under new or old contracts.

* * * * *

(4) *Effective date of coverage under affidavit.* An affidavit filed under this paragraph by May 6, 1983, shall become effective with respect to deliveries beginning on March 7, 1983; an affidavit filed under this paragaph after May 6, 1983, shall become effective on the date of filing with respect to deliveries beginning on and after the date of filing. Any amendment filed under paragraph (k)(2) of this section will be subject to the notice requirements of § 154.22 of this chapter.

* * * * *

PART 271—[AMENDED]

2. Section 271.1104(d)(3)(A) is amended by removing the word "and" after the semicolon in paragraph (*3*), changing the period to a semicolon and inserting the word "and" after the semicolon at the end of paragraph (*4*), and adding a new paragraph (*5*), to read as follows:

§ 271.1104 Production-related costs.

* * * * *

(d) * * *

(3) * * *

(A) * * *

(*5*) Taxes other than income taxes for each of the years 1983 and 1984 on the basis of actual taxes paid in 1981 and 1982, as available, and estimates of future taxes.

* * * * *

[FR Doc. 83-14417 Filed 5-27-83; 8:45 am]

BILLING CODE 6717-01-M

---

18 CFR Parts 270 and 271

[Docket No. RM80-47-003, et al.; Order No. 94-D]

Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act

Issued: May 24, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order denying rehearing and denying stay of Order No. 94-B.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is denying four petitions for rehearing of Order No. 94-B (48 FR 5190 (1983)). Order No. 94-B is a final rule that amended the regulations, effective March 7, 1983, to allow recovery of production-related costs under section 110 of the Natural Gas Policy Act of 1978 (NGPA, 15 U.S.C. 3301-3432) by sellers of gas sold pursuant to intrastate contracts subject to section 105 or 106(b) of the NGPA.

Order No. 94-D clarifies that a seller may recoup costs incurred in delivering section 105 or 106(b) gas by collecting section 110 allowances in reliance on an FPC clause in an intrastate contract if he and the purchaser amend their contract to state their mutual agreement that the FPC clause expressly authorizes, as defined in § 271.1104(c)(4), the collection of section 110 delivery allowances or the seller obtains a judicial determination that the FPC clause constitutes such authority. In either case, the seller may collect for deliveries on or after March 7, 1983, the effective date of Order No. 94-B.

The Commission is also responding to a request for clarification as to whether sellers of sections 105 and 106(b) gas may still apply to the Commission under § 271.1105 for recovery under § 271.505(c) and § 271.1104(b)(1) of production-related costs with respect to gas delivered prior to March 7, 1983. Those regulations were eliminated, effective March 7, 1983, by Order Nos. 94-A and 94-B. Accordingly, the Commission will consider an application under those regulations only if it was submitted to the Commission prior to March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Jack Kendall, Office of the General Counsel, Rulemaking and Legislative Analysis Division, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 (202) 357-8033.

SUPPLEMENTARY INFORMATION:

I. Introduction

In this order, the Federal Energy Regulatory Commission (Commission) is denying four petitions for rehearing or clarification of Order No. 94-B.[1] Order No. 94-B is a final rule that amended 18 CFR 271.1104, effective March 7, 1983, to allow recovery of production-related costs under section 110 of the Natural Gas Policy Act of 1978 (NGPA)[2] by sellers of gas sold pursuant to intrastate contracts subject to section 105 or 106(b) of the NGPA. Order No. 94-B also removed the general prohibition against shifting production-related costs to purchasers (the "no cost-shift rule") by eliminating 18 CFR 271.505 and 271.604.

II. Discussion of Petitions for Rehearing or Clarification

The Commission has received several applications for rehearing or clarification of Order No. 94-B. Those applications were filed by Exxon Company, U.S.A., on behalf of Producers [3] (Docket No. RM80-47-004), by UGI Corporation (UGI) (Docket No. RM80-47-007), Associated Gas Distributors (AGD) (Docket No. RM80-47-009), and Southern Union Gathering Company (Southern Union) (Docket No. RM80-47-010).[4]

The petitions for rehearing and clarification of Order No. 94-B raise several substantive issues. In general, these issues relate to whether the Commission has, in Order Nos. 94-A [5] and 94-B, erroneously permitted allowances for sellers of sections 105 and 106(b) gas or, to the contrary, discriminated against these sellers by imposing certain limitations upon them that were not imposed on sellers of other gas.

Some of the diverse issues raised in the petitions received by the Commission with respect to Order No. 94-A are also relevant to Order No. 94-B. Most of these issues relate to the scope of the Commission's discretion to implement NGPA section 110 and have been considered previously by the Commission. They concern the elimination of minimum quality standards and the application process, section 110 allowances for treating and conditioning costs and the allocation of these costs, the collection of section 110 allowances for prior periods, an annual inflation adjustment factor for computing allowances, and alleged

---

[1] Order Amending Regulations in Subpart B of Part 270 and Subparts E, F, and K of Part 271 and Affirming Certain Final Regulations Issued in Order No. 68 [hereinafter cited as Order No. 94-B], 48 FR 5190 (1983).

[2] 15 U.S.C. 3301-3432 (Supp. IV 1980).

[3] "Producers" are the undersigned producers in "Aplication of Producers for Rehearing of Order No. 94-B" [hereinafter cited as Producers' Application], as well as Gulf Oil Corporation which both joined in Producers' comments and individually submitted an "Application for Rehearing of Gulf Oil Corporation of Order No. 94-A."

[4] In order to have sufficient time to consider the applications for rehearing, the Commission granted, by order issued March 11, 1983, rehearing of the regulations solely for purposes of further consideration. That Commission order stated that the Commission would consider the issues raised by the petitioners' requests for reconsideration or clarification at the same time.

[5] Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978, and Establishing Policy Under the Natural Gas Act, Final Rule and Order on Rehearing of Order No. 94 [hereinafter cited as Order No. 94-A], 48 FR 5152 (1983)

double recovery in collecting section 110 allowances in addition to NGPA maximum lawful prices.

The petitions addressing Order No. 94–A also raise several issues for the first time on rehearing that relate to Order No. 94–B. These new issues include allegations that the Commission did not adequately consider the consequences of its section 110 regulations on NGPA objectives, consumers of natural gas, and the environment. Petitioners also complained that the Commission did not provide adequate opportunity for public comment on the cost of service methodology for treating and conditioning natural gas. In addition, petitioners argue that the requirement for express contractual authorization to collect allowances unduly interferes with private contracting practices. Petitioners also raise matters relating to production-related allowances for processing costs, the recovery of direct taxes, and the allocation of general and administrative expenses for treating and conditioning gas. To the extent any of the issues raised in the petitions regarding Order No. 94–A are also relevant to Order No. 94–B, the Commission's reasons set forth in Order No. 94–C[6] for denying those petitions are incorporated by reference.

As indicated above, most of these issues were considered by the Commission prior to issuing Order Nos. 94–A and 94–B, as the regulatory changes effected by those final rules were made in light of an exhaustive public record spanning a four year period.[7] On December 1, 1978, the Commission issued interim regulations under the NGPA which established an application procedure for first sellers to request Commission approval to collect allowances in excess of the applicable maximum lawful prices to recover production-related costs.[8] Those interim regulations contained minimum quality standards for the total content of sulphur, hydrogen sulphide, water, carbon dioxide and other impurities. As a general matter, only sellers that were treating, conditioning or processing the natural gas stream to enable it to exceed the minimum quality standards were eligible to apply for price adjustments, and their applications were limited to only those costs incurred to exceed the standards.[9] Costs for production-related services to meet the minimum quality standards were excluded because, as a matter of prevailing industry practice as represented by gas contracts on file with the Commission, sellers regularly agreed to deliver gas which met the standards.[10]

Section 271.1105(b) of the interim regulations provided that no section 110 production-related cost allowance would be allowed for gas subject to an "existing intrastate contract,"[11] an "intrastate rollover contract,"[12] or a "successor to an existing intrastate contract."[13] This exclusion was deemed necessary because existing contract provisions "reflect the allocation of costs of production as they were contemplated by the parties at the time the contract was negotiated,"[14] and that any change in such provisions would change the "price" actually paid for the gas. These considerations also led to adoption of the "no cost-shift rule" set forth in §§ 271.505 and 271.604 of the interim regulations which prohibited contract amendments that allocated production-related costs to the purchaser in a manner that differed from that under the contract as it existed on November 9, 1978.[15]

In Order No. 94,[16] the Commission amended the interim regulations in significant respects. However, Order No. 94 continued the general exclusion of production-related costs incurred to meet minimum quality standards.[17] In addition, in Order No. 68,[18] which implemented final rules for sections 105 and 106(b), the Commission reaffirmed the "no cost-shift rule" by stating that the term "price", as used in sections 105 and 106(b), meant all proceeds of a sale. Further explanation of the basis for the "no cost-shift rule" was provided by the Commission in Order No. 68–A, in which the Commission stated its view that Congress intended "price" in sections 105 and 106 to have meaning only when related to a specific set of obligations allocated between the parties as of November 9, 1978, the date of enactment of the NGPA.[19] Under this view, the price received under the NGPA by a seller of intrastate gas should be no greater than the price it would have been entitled to receive on November 9, 1978, assuming the same contractual obligations and allocation thereof between the parties that existed on that date. Therefore, so long as the Commission did not permit parties to reallocate their contractual obligations under the contract as it existed on November 9, 1978, the sections 105 and 106(b) ceiling prices would provide, as the Commission concluded, reimbursement for the costs of those production-related services for which a seller was responsible under the terms of its contract that were in effect on November 9, 1978.[20]

In Order No. 68–A the Commission revised the regulations to provide for the first time that a seller of section 105 or 106(b) gas could apply for an allowance for a production-related cost that the seller was not obligated to incur under his "existing intrastate contract."[21] The reason for this change was that it was appropriate to permit allowances for costs of new or different services not bargained for in the contract in existence on the date of enactment of the NGPA. However, if a particular cost, such as that of gathering, was allocated to the seller under the terms of the existing contract (*i.e.*, the contract as it was in effect on November 9, 1978), the rule continued to be that the seller could neither amend the contract to shift that cost to the purchaser nor apply for a price increase under section 110 to recoup that cost.

The December 1978 interim regulations and Order No. 94 gave effect to what the Commission believed to be the prevailing industry practice. These regulations, as well as Order Nos. 68 and 68–A, also reflect the Commission's attempt to preserve the *status quo* on November 9, 1978 with respect to the obligations of the parties to all gas sales contracts by preserving the terms of interstate and intrastate contracts in

[6] "Order Denying Rehearing and Denying Petitions for Stay of, and Further Comment on, a Final Rule" [hereinafter cited as Order No. 94–C], Docket Nos. RM80–47–002 *et al.*, is being issued in conjunction with this order. Order No. 94–C addresses petitions that relate only to Order No. 94–A, *supra* note 5, or both Order No. 94–A and Order No. 94–B, *supra* note 1.

[7] Extensive background discussions relevant to this order and Order No. 94–C are provided in Order No. 94–B, *supra* note 1, at 5191–92, and Order No. 94–A, *supra* note 5, at 5152–57.

[8] Inteim Regulations Implementing the Natural Gas Policy Act of 1978 [hereinafter cited as interim regulations], 43 FR 56448 (1978), at 56574–77.

[9] *Id.* at 56576.

[10] *See* Order No. 94–A, *supra* note 5, at 5157.

[11] NGPA section 2(13), 15 U.S.C. 3301(13) (Supp. IV 1980) and 18 CFR 270.102(b)(8).

[12] NGPA section 2(12), 15 U.S.C. 3301(12) (Supp. IV 1980) and 18 CFR 270.102(b)(11).

[13] NGPA section 2(14), 15 U.S.C. 3301(14) (Supp. IV 1980) and 18 CFR 270.102(b)(9).

[14] Interim regulations, *supra* note 8, at 56489.

[15] The no cost-shift rule never prevented a purchaser who performed a production-related activity from agreeing with the seller that the seller should perform that production-related activity. *See* Order No. 94–B, *supra* note 1, at 5191 n. 14.

[16] Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act [hereinafter cited as Order No. 94], 45 FR 53099 (1980).

[17] *Id.* at 53108.

[18] Final Regulations Under Sections 105 and 106(b) of the Natural Gas Policy Act of 1978 [hereinafter cited as Order No. 68], 45 FR 5678 (1980).

[19] Order Clarifying Order No. 68, Granting in Part and Denying in Part Rehearing of Order No. 68, and Amending Regulations in Subparts E, F, and K of Part 271 [hereinafter cited as Order No. 68–A], 45 FR 76676 (1980), at 76677.

[20] *Id.*

[21] Order No. 94–B, *supra* note 1, at 5193.

effect on that date.[22] During the period that these regulations were in effect, the Commission believed such an approach would provide an appropriate means of implementing Congress' intention in the NGPA to minimize further increases in prices for flowing gas.[23] However, the regulations nevertheless had the effect of freezing industry practices at one point in time.[24] As a result, some sellers and purchasers may well have been forced into changing or continuing practices to conform to those prevailing in November 1978, even though market conditions may have changed so that those practices no longer represented an appropriate response to market conditions and could, therefore, actually have contributed to market distortions.[25]

On January 24, 1983, the Commission issued Order No. 94–A [26] which provides that the individual gas sales contract is to determine who is responsible for providing production-related services and whether sellers may collect allowances under section 110 for costs to perform those services. To that end, Order No. 94–A permits parties to amend their contracts to shift any production-related services and the costs thereof from sellers to purchasers.

The Commission's determination in Order No. 94–A that the individual gas sales contract would provide a better mechanism for allowing industry practice to operate was a general finding, applicable to both the interstate and intrastate markets.[27] Further, the Commission also determined that if it were to hold those sellers of sections 105 and 106(b) gas to pre-NGPA agreements respecting obligations to provide production-related services, while permitting those sellers of sections 104 and 106(a) gas to shift these obligations, the result would be to establish a wide variation in treatment between interstate and intrastate gas flowing at the time of enactment of the NGPA.[28]

The Commission, therefore, determined that preservation of the no cost-shift rule would exaggerate differences between interstate and intrastate gas, a problem which led to the passage of the NGPA. [29] In so doing, it would discriminate against the intrastate markets, and frustrate the purpose of the NGPA to eliminate the dual market that had arisen under the Natural Gas Act.[30]

In view of the above considerations, the Commission determined that an interpretation of sections 105 and 106(b) which continued the strict preservation of the specific set of obligations allocated between the parties to gas sales contracts as of November 9, 1978, was no longer viable.[31] Therefore, the Commission issued Order No. 94–B which eliminated the "no cost-shift rule" of §§ 271.505 and 271.604 which theretofore had precluded sellers of sections 105 and 106(b) gas from shifting any production-related costs to their purchasers.[32] For the same reasons, Order No. 94–B amended the regulations of § 271.1104, which had allowed sellers of sections 105 and 106(b) gas to collect an adjustment under section 110 only for costs not allocated to them on November 9, 1978, and then only upon application to the commission.

Thus, by Order No. 94–B, the Commission, with certain specific differences, extended to those selling gas priced under sections 105 and 106(b) the same opportunity to collect adjustments for production-related costs as those selling gas priced under other sections of the NGPA.[33] As a result, these sellers could collect an adjustment under section 110 for production-related costs if the gas sales contract expressly provided that the seller agreed to provide the services and the purchaser agreed to compensate the seller for the cost of providing the services.[34] In addition, these sellers now may prospectively modify their contracts to either collect an allowance for the production-related services or shift to the purchaser the responsibility of providing the services.

A. Petitions Opposing Section 110 Allowances for Sellers of Sections 105 and 106(b) Gas

Gas distributors generally express the view that the Commission erred in Order No. 94–B by permitting section 110 add-ons to the sections 105 and 106(b) ceiling prices without demonstrating a sufficient basis for reversing the previous exclusion of such additions under the December 1, 1978 interim regulations and Order Nos. 94, 68, and 68–A. Distributors generally believe that the Commission was correct in its earlier view that no section 110 add-ons were appropriate for sections 105 and 106(b) gas because, as stated in the preamble to the December 1978 regulations, "existing contract provisions reflect the allocation of production-related costs as they were contemplated by the parties at the time the contracts were negotiated."[35]

Distributors indicate that the Commission gave only one reason in Order No. 94–B for providing section 110 production-related cost allowances for sellers of sections 105 and 106(b) gas, *i.e.*, that it would be unfair not to do so in view of the Commission's decision in Order No. 94–A to eliminate minimum quality standards and replace them with a regulatory mechanism that makes contracts the determinant as to whether it is the seller or purchaser that is obligated to bear all or part of a particular production-related cost. Since distributors believe that the Commission erred in this decision, they assert that there is no justification for providing section 110 production-related cost add-ons for sections 105 and 106(b) gas.

Distributors are correct that an important reason for permitting sellers of sections 105 and 106(b) gas to amend their contracts to permit the seller to collect section 110 allowances was the Commission's action in Order No. 94–A to permit other sellers to amend their contracts to shift production-related obligations. The Commission determined that holding sellers of sections 105 and 106(b) gas to pre-NGPA agreements respecting obligations to provide production-related services while permitting sellers of sections 104 and 106(a) gas to amend their contracts to shift these obligations from sellers to purchasers would establish a wide variation in treatment between interstate and intrastate gas flowing at the time of enactment of the NGPA. However, distributors are incorrect in stating that this was the Commission's only reason for eliminating the no cost-shift rule. The Commission also stated that the individual gas sales contract provides an appropriate mechanism for allowing industry practices to develop.[36] This view was based on the Commission's recognition that changes in contractual provisions may become necessary to respond to changing market conditions. That is, the

---

[22] Order No. 94–B, *supra* note 1, at 5193.
[23] *Id.* at 5191 n.7 and accompanying text.
[24] *Id.* at 5193.
[25] *Cf.* Order No. 94–A, *supra* note 5, at 5158–59.
[26] Order No. 94–A, *supra* note 5.
[27] Order No. 94–B, *supra* note 1, at 5193.
[28] *Id.*
[29] *Id.* at 5,193 n.27 and accompanying text.
[30] *Id.* at 5,193–94.
[31] *Id.* at 5,194.
[32] The elimination of the no-cost shift rule required a conforming amendment to 18 CFR 270.205. In addition, the exception of §§ 271.505(b) and 271.604(b)(2) for new purchaser hook-ups was no longer necessary and, therefore, was deleted. *Id.* at n.28.
[33] These new regulations were set out in Order No. 94–A, *supra* note 5.
[34] *See* § 271.1104(c)(4) of the regulations issued in Order No. 94–A, *supra* note 5.
[35] "Request of Associated Gas Distributors for Rehearing of Order Nos. 94–A and 94–B," Docket No. RM80–47–009, at 13–14, *citing* interim regulations, *supra* note 8, at 56 489.
[36] *See* Order No. 94–A, *supra* note 5, at 5158–5; Order No. 94–B, *supra* note 1, at 5193.

Commission determined that industry should be allowed to determine what is "industry practice." This general finding is applicable to all gas contracts, not just those for interstate gas, and is in and of itself an important reason underlying the Commission's actions in Order No. 94–B.

Furthermore, even if distributors were correct in stating that the Commission's only reason for permitting intrastate gas sellers to amend their contracts was to provide them the same treatment as other sellers, the Commission would still disagree with their position that there is no justification for section 110 add-ons for sections 105 and 106(b) gas. Distributors' position is based on the premise that the Commission was not justified in Order No. 94–A in permitting interstate sellers to amend their contracts and making section 110 allowances more available generally. However, in Order No. 94–C, which the Commission is issuing today in conjunction with this order,[37] the Commission has affirmed its findings and regulations issued in Order No. 94–A. It remains the Commission's belief that the regulatory changes implemented by Order No. 94–A made it more imperative that the Commission eliminate the no cost-shift rule and permit contract amendments to provide section 110 allowances for sellers of sections 105 and 106(b) gas in order to prevent even greater differences between the interstate and intrastate markets than those that existed prior to issuance of Order No. 94–A.

As explained in Order No. 94–B,[38] in determining to issue Order Nos. 94–A and 94–B, the Commission first had to reevaluate the difficult issues that, due to lack of clarity in the NGPA, have confronted the Commission in its efforts to implement section 110 allowances. In Order No. 94–B, the Commission changed its position that a balanced weighing of NGPA objectives called for sellers of sections 105 and 106(b) gas to be precluded from recovering any production-related costs under section 110 of the NGPA. This original view was an inevitable outgrowth of the Commission's initial, closely related view that a prohibition against any shifting of production-related costs from producers to purchasers was appropriate in view of Congress' intention in the NGPA, as expressed by its establishment of ceiling rates, to minimize further increases in prices paid for flowing gas—particularly previously unregulated intrastate gas.[39] In Order No. 94–B, the Commission concluded that its initial view failed over time to give appropriate recognition to another major, competing objective of the NGPA—Congressional intent in the NGPA to eventually eliminate the distinctions between the intrastate and the interstate markets.[40] The Commission further concluded that, in view of its actions in Order No. 94–A to increase the availability of section 110 add-ons with respect to interstate gas, continuing to preclude sellers of sections 105 and 106(b) gas from collecting section 110 allowances would further dichotomize the interstate and intrastate gas markets.

B. Petitions Favoring Increased Section 110 Allowances for Sellers of Sections 105 and 106(b) Gas

Representatives of the producing segment of the natural gas industry basically approve of the direction taken in Order No. 94–B to permit first sellers of intrastate gas priced under sections 105 and 106(b) generally to collect section 110 adjustments in the same manner as other sellers. However, producers argued that in Order No. 94–B the Commission is, in certain respects, in contravention of the NGPA and acting arbitrarily and capriciously by discriminating against sellers of sections 105 and 106(b) gas. They urge the Commission to eliminate this alleged discrimination by (1) providing that an area rate clause in an intrastate contract constitutes contractual authority to collect section 110 delivery allowances; (2) making the generic delivery allowance available to intrastate sellers in sales where construction of the delivery system commenced prior to November 9, 1978 ("old" gathering system);[41] and (3) allowing sellers of sections 105 and 106(b) gas to retroactively collect amounts for delivering and compressing gas.[42] Finally, producers assert that the Commission erred in not allowing intrastate sellers to retroactively amend their contracts to recover all production-related costs.

1. *Area Rate or FPC Clause in Intrastate Contracts.* In Order No. 94–B the Commission determined that, with respect to sections 105 and 106(b) gas, an area rate clause shall not be considered to meet the "expressly authorized" contract requirement in § 271.1104(c)(4) for the collection of a section 110 delivery allowance, even though such a clause is deemed to constitute such express authorization in sales under all other maximum lawful prices. Producers argued that the Commission's decision in this regard is inconsistent with the Commission's administrative view expressed in Order No. 23[43] with respect to "FPC clauses," a type of area rate clause used in intrastate contracts. In Order No. 23, the Commission found that an FPC clause in an intrastate contract is "the functional equivalent" of an area rate clause in an interstate contract and, therefore, provided justification for permitting a seller of sections 105 and 106(b) gas to collect NGPA maximum lawful prices.

Producers stated that the purpose of FPC clauses was to ensure the seller a minimum sales price at least equal to the price it would get if it sold the gas in interstate commerce. That is, as indicated in producers' comments, parties included FPC clauses in their contracts in the expectation of receiving at least the same total contract price to which an interstate seller would be entitled under an area rate clause. Producers further argue that failure by the Commission to treat FPC clauses as area rate clauses for purposes of the section 110 rules amounts to an interpretation of FPC clauses in a manner inconsistent with its responsibilities and in excess of its authority under the NGPA.

As stated in Order No. 94–B, the Commission believes that an area rate clause does not constitute evidence that the purchaser specifically provided that an express amount be paid to the seller of sections 105 and 106(b) gas for the delivery of gas, even though such a clause is considered to have met the "expressly authorized" requirement applicable to other categories of gas sales. This decision was based on recognition that there is a long-standing Commission practice in setting and implementing Natural Gas Act producer rates to consider this type of clause as sufficient authority to permit interstate sellers to adjust their rates by adding on delivery allowances. Therefore, interstate producers and purchasers that included area rate clauses in their contracts reasonably had the expectation of receiving delivery allowances that the Commission

[37] Order No. 94–C, *supra* note 6.

[38] *See* Order No. 94–B, *supra* note 1, at 5 191.

[39] *Id.* at 5191 n.7 and accompanying text.

[40] *Id.* at 5193 n.27.

[41] Southern Union also requests that intrastate sellers be permitted the generic delivery allowance in sales where an old delivery system is used. *See* "Petition for Clarification and Application for Rehearing of Southern Union Gathering Company", Docket No. RM80–47–010, at 29.

[42] Southern Union requests clarification of the Commission's decision that intrastate sellers should not be permitted to collect delivery costs for any past periods. *Id.* at 22–23.

[43] Order Amending and Clarifying Regulations Under the Natural Gas Policy Act and the Natural Gas Act [hereinafter cited as Order No. 23], 44 FR 16,895 (1979).

allowed. On the other hand, it is the Commission's position that sellers of intrastate gas did not necessarily have this same expectation when they came under the Commission's jurisdiction.[44] There was no historical Commission practice with respect to permitting delivery allowances for sellers of intrastate gas, since the prices they collected for gas were not regulated by the Commission prior to enactment of the NGPA. As stated by producers, FPC clauses were used prior to enactment of the NGPA to ensure sellers minimum sales prices at least equal to the prices to which they would be entitled if their gas were sold in interstate commerce and, therefore, subject to Natural Gas Act area rates and, later, national rates. The Commission believes that this was the only significant purpose served by FPC clauses.

It is true that in Order No. 23 the Commission found that an FPC clause is the functional equivalent of an area rate clause for purposes of determining whether to permit an intrastate seller to collect Congressionally established NGPA maximum lawful prices. However, the Commission does not believe that the rationale underlying its finding in Order No. 23 affords any support for the proposition that area rate clauses provide an appropriate basis for finding "express authorization" for a seller of section 105 or 106(b) gas to collect Commission established section 110 add-ons.

In Order No. 23, the Commission found that escalation to NGPA ceiling prices in reliance on an area rate clause was not one of the four instances in which the NGPA specifically limits the operation of escalation clauses.[45] The Commission found further that a Congressionally approved rate must be deemed to be in the public interest.[46] In view of these findings, the Commission concluded that area rate clauses in intrastate contracts should be permitted to trigger NGPA prices.

In contrast to the issue in Order No. 23, Congress left determinations as to when allowances for production-related costs under section 110 should be permitted to the Commission's discretion.[47] Section 110 provides that no production-related costs can be recovered unless "allowed for, by rule or order, by the Commission." Therefore, it was Congress' intent that the Commission determine when a section 110 would be in the public interest, which is the "touchstone" for deciding whether an indefinite price escalator should be permitted effect.[48]

The Commission still believes, for the reasons discussed above, that prior to enactment of the NGPA parties to intrastate contracts could not have reasonably relied on any expectation that in the event they should come under the Commission's jurisdiction they, like sellers of interstate gas, would receive any delivery allowances that the Commission allowed. Furthermore, there has been no indication since enactment of the NGPA that the Commission would necessarily permit interstate gas sellers to add on any delivery allowance that it might establish for sellers of interstate gas. Indeed, the Commission's actions have been to the contrary. For example, the Commission's determinations in Order Nos. 68 and 68–A regarding Congress' intended meaning of the term "price" in sections 105 and 106(b) of the NGPA indicated that the Commission intended to continue to rely on intrastate contract provisions in effect on November 9, 1978, rather than Commission established allowances, to provide for recoupment of delivery costs by a seller of intrastate gas. Furthermore, when the Commission announced in Order No. 94 its intention to establish generic allowances for production-related costs to deliver natural gas,[49] it also stated that, when implemented, the generic adjustments could be recovered by interstate sellers.[50] At the time, sellers were precluded from collecting any section 110 allowances for sections 105 and 106(b) gas. The fact that the Commission did not state any intention to permit retroactive recovery by sellers of sections 105 and 106(b) gas reflected the Commission's continuing reliance on intrastate contract provisions in effect on November 9, 1978, to provide for recoupment of production-related costs by sellers to deliver intrastate gas.

As indicated by the above discussion, the Commission can find no basis in its own historical practices, in the reasonable expectations of parties to intrastate gas contracts, or under any other rationale for a determination that an FPC clause should be viewed as evidence that a purchaser specifically provided that an express amount be paid to sellers of sections 105 and 106(b) gas for delivery. Therefore, it remains the Commission's conclusion that an FPC clause should not be deemed to satisfy the "expressly authorized" requirement with respect to sellers that deliver sections 105 and 106(b) gas. The Commission does not agree with producers' assertion that this conclusion constitutes and inappropriate attempt by the Commission at interpreting the intent of parties to intrastrate contracts. Indeed, in the absence of any clear basis for any different conclusion, the Commission believes that it would be abusing its discretion if it were to find, as producers' would have the Commission, that FPC clauses constitute express authorization for sellers of sections 105 and 106(b) gas to collect section 110 delivery allowances.[51]

While the Commission cannot find a sufficient basis for determining that FPC clauses in intrastate contracts generally constitute express authorization for sellers to collect section 110 allowances, it recognizes there may be specific instances where the intent of the parties in including an FPC or other type of area rate clause in an intrastate gas contract did extend so far. The Commission contemplates that these buyers and sellers generally will take advantage of those provisions of Order No. 94–A that permit them to amend their contract for section 105 or 106(b) gas so that the seller may collect section 110 allowances. Such an amendment must expressly provide for the payment of an amount directly tied to the performance of the activity that results in the incurrence of the production-related cost. The amount itself need not be specified. It can, for example, be based on a reference to the Commission's regulations implementing section 110 or on a general reference, such as one to the effect that the seller may collect the "highest amount" permitted by the Commission for the activity concerned.[52]

The Commission understands that there may be instances where the parties have reason to frame an amendment to indicate that its purpose is to permit the collection of section 110 delivery allowances by the seller in reliance on contractual authority that the parties originally intended the seller to have and exercise under an FPC clause in the event federal regulatory impediments were removed. Furthermore, the Commission recognizes that there may be instances where the original intent of the parties in including an FPC clause in a contract for the sale of section 105 or 106(b) gas did

---

[44] *See* Order No. 94–A, *supra* note 5, at 5 164; Order No. 94–B, *supra* note 1, at 5 194.

[45] Order No. 23, *supra* note 43, at 16 900.

[46] *Id.*

[47] *See* Order No. 94–A, *supra* note 5, at 5 156 n.53 and accompanying text.

[48] *See* Pennzoil Company v. Federal Energy Regulatory Commission, 645 F.2d 360, 382 (1981), *cert. denied* 454 U.S. 1142 (1982).

[49] *See* Orders No. 94, *supra* note 16, at 53 107.

[50] *Id.* 53107 n.76 and accompanying text.

[51] *Cf.* Pennzoil Co. v. Federal Energy Regulatory Commission, 671 F.2d 119, 127 (1982).

[52] *See* Order No. 94–A, *supra* note 5, at 5163.

encompass the collection of section 110 delivery allowances by the seller but the purchaser now refutes any obligation to pay such costs.

It is still the Commission's position that it would be infeasible and inappropriate for it to undertake to determine whether an area rate clause in an intrastate contract constitutes express authorization for the collection of section 110 delivery allowances. However, in view of the above considerations, the Commission has determined that a seller may collect section 110 delivery allowances for delivering section 105 or 106(b) gas if (1) the seller and the purchaser amend their contract to state their mutual agreement that the FPC clause expressly authorizes, as defined in § 271.1104(c)(4), the collection of section 110 delivery allowances or (2) the seller obtains a judicial determination that the FPC clause expressly authorizes, as defined in § 271.1104(c)(4), the collection of section 110 delivery allowances. In either of these cases, it is the Commission's decision that the seller may collect section 110 delivery allowances for deliveries on or after March 7, 1983, the effective date of Order Nos. 94–A and 94–B. The Commission believes this decision is appropriate since those final rules generally removed regulatory prohibitions that theretofore had prevented sellers from fully exercising their contractual authority to collect section 110 allowances. Furthermore, this policy decision will result in more consistent treatment under the regulations of sellers and buyers of intrastate gas as compared with sellers and buyers of interstate gas. The Commission wishes to make clear, however, that this decision does not alter its determination in Order No. 94–A regarding contractual amendments that give sellers contractual authority to collect section 110 delivery allowances for delivering section 105 or 106(b) gas. Accordingly, if a contractual amendment merely provides that the seller may collect a section 110 delivery allowance, he may collect delivery allowances only for deliveries made after the date of execution of the amendment. In order to collect delivery allowances back to March 7, 1983, the amendment or judicial determination must state that the FPC clause expressly authorizes, as defined in § 271.1104(c)(4), the collection of section 110 delivery allowances.

2. *Generic Delivery Allowances for Old Intrastate Gathering Systems.* Under the Interim Rule issued by the Commission on January 24, 1983 [53] to establish generic allowances for delivering gas, there is a 5 cents per MMBtu limit for delivering gas by systems the construction of which commenced prior to November 9, 1978. However, the Commission did not extend this generic delivery allowance to sections 105 and 106(b) gas that is delivered by means of old delivery systems, *i.e.*, delivery systems for which construction commenced prior to November 9, 1978. The Commission determined that it could not establish such a generic allowance because, due to its lack of jurisdiction over these types of sales prior to passage of the NGPA, it did not have sufficient data indicating precisely how gathering allowances were established in the intrastate market.

In lieu of a specific allowance, and in light of the determination in Order No. 94–A that the contract is the best mechanism for determining who, as between the seller and purchaser, is to provide production-related services and incur the resulting costs, the Commission provided in § 271.1104(d)(2) that those selling gas under NGPA sections 105 and 106(b) may amend their contract prospectively for the recovery of delivery costs so long as the amended contract expressly authorizes the seller to make such recovery and the amount does not exceed an amount "reasonably comparable" to amounts collected under section 110 for gas delivery by similarly situated sellers. In the absence of such an amendment to the contract, the amount that an intrastate seller may recover with respect to production-related costs for delivering natural gas through an old delivery system may not exceed the amount that the seller is expressly authorized to collect under the existing terms of the contract.

Producers assert that the Commission erred in failing to set a generic delivery allowance for sections 105 and 106(b) gas delivered by old delivery systems. Producers argued that this omission constitutes an abuse of discretion. In support of this contention, these petitioners argued that there is no indication in the NGPA or its legislative history that section 110 is not applicable to old intrastate gathering systems. They further argued that, to the contrary, the best expression of Congressional intent clearly indicates that existing intrastate contracts are to be eligible for section 110 relief, and that no distinction was intended between old intrastate and old interstate gas gathering systems. The purported support for producers' position is a statement in the Joint Explanatory Statement of the Committee on Conference:

> The Conference Agreement provides authority for the Commission by rule or order, to make adjustments in ceiling prices for production-related costs which include the cost of compressing, gathering, processing, treating, liquefying or transporting natural gas. *The authority is available for making adjustments to all ceiling prices.*" [54]

The Commission believes this Conference Report language indicates only that the Commission has the authority to establish a generic section 110 delivery allowance for old intrastate gas gathering systems. However, the reason the Commission did not extend the generic delivery allowance to pre-NGPA intrastate delivery systems was a lack of sufficient data to support providing sellers of sections 105 and 106(b) gas with the 5 cents per MMBtu delivery allowance.[55]

The Commission stated that its lack of data concerning old intrastate delivery systems and knowledge as to how delivery allowances were established in the intrastate market were due to the Commission's lack of jurisdiction over intrastate sales prior to enactment of the NGPA. Producers argued that the Commission's lack of jurisdiction over intrastate sales in the past is irrelevant to whether it should set a generic allowance after the effective date of the NGPA. However, even if producers' contention were correct, the comments and other information submitted by that group do not provide a sufficient basis or adequate record for extending the generic 5 cents per MMBtu delivery allowance to sales of sections 105 and 106(b) gas which use old intrastate delivery systems. Moreover, even if the Commission had been able to collect the necessary data, there is no certainty that the data would support the establishment of a generic delivery allowance for old intrastate gathering systems.

Although the Commission was not able to set a generic delivery allowance for old intrastate delivery systems, it believes the regulations it adopted in Order No. 94–B to permit sellers to collect a delivery allowance for such systems are appropriate. Section

---

[53] Delivery Allowances Under Section 110 of the Natural Gas Policy Act of 1978 and Compression Allowances Under Section 110 of the Natural Gas Policy Act of 1978 [hereinafter cited as Interim Rule], 48 FR 5160 (1983).

[54] Producers' Application, *supra* note 3, at 12, *citing* Joint Explanatory Statement of the Committee on Conference, H.R. Rep. No. 1752, 95th Cong., 2d Sess. 91 (1978) (emphasis added in Producers' Application).

[55] Order No. 94–B, *supra* note 1, at 5 194–95.

271.1104(d)(2) provides that the amount collected by a seller of sections 105 and 106(b) gas to recover a production-related cost for delivering gas through an old delivery system shall not exceed the amount that the seller is expressly authorized to collect under the terms of his contract, unless the seller and purchaser agree to amend the terms of the contract. If there is an amendment, the amount still may not exceed an amount "reasonably comparable" to amounts collected under section 110 for gas delivery by similarly situated sellers. In determining its "reasonably comparable" delivery allowance, a seller certainly may find the 5 cents per MMBtu generic allowance to be a useful guideline, since it was chosen by the Commission because it believed that such an amount was representative of delivery costs.

3. *The Reasonably Comparable Delivery Allowance for Sales of Intrastate Gas by Old Delivery Systems.* Southern Union seeks rehearing as to the "reasonably comparable" test applicable under § 271.1104(d)(2) to sellers of sections 105 and 106(b) gas. Southern Union argues that the Commission has not given any guidance as to the appropriate accounting procedures for determining such a cost of service and that an intrastate first seller does not have a readily available means of determining whether such cost of service is "reasonably comparable" to the section 110 allowance for such delivery costs collected by similarly situated intrastate sellers. Consequently, Southern Union stated, first sellers entitled to recover production-related costs under § 271.1104(d)(2) are subjected to substantial uncertainty and being second guessed when audited by the Commission. Moreover, Southern Union does not believe that the Commission has articulated a reason for imposing a "reasonably comparable" test on sellers of sections 105 and 106(b) gas or that there are any reasons that justify such a limitation. In view of these considerations, Southern Union requested that the Commission amend § 271.1104(d) to extend to sellers of sections 105 and 106(b) gas the 5 cents per MMBtu generic delivery allowance currently available under that section to sellers of other NGPA categories of gas with respect to sales by means of old delivery systems.

For the above-stated reasons given in response to the same request by producers, the Commission must also deny Southern Union's request. The reasons discussed above also explain what we believe to be an adequate basis for requiring that intrastate sellers determine "reasonably comparable" delivery allowances for themselves with respect to similarly situated sellers.[56] Furthermore, the Commission cannot accept the proposition that an intrastate seller cannot without undue burden determine its "reasonably comparable" rate, when the Commission has explained that it should be an amount necessary to recover costs borne by the seller, which includes a reasonable profit level.[57]

4. *Costs Incurred Prior to the Effective Date of Order No. 94–B.* Producers allege that the Commission's decision not to permit allowances for delivering and compressing sections 105 and 106(b) gas for periods prior to March 7, 1983, the effective date of Order No. 94–B, is discriminatory. Sellers of gas other than sections 105 and 106(b) gas may collect delivery and compression allowances from the earlier of the date on which an application was filed with the Commission on July 25, 1980, the effective date of Order No. 94.[58] Producers advanced the proposition that delivery and compression allowances for all sellers should be effective December 1, 1978, the effective date of the NGPA, but in any event the same for all sellers. Producers asserted that the regulations in effect prior to the effective date of Order Nos. 94–A and 94–B unlawfully denied "retroactive" collection of contractually authorized compression and delivery allowances. They claimed that this failure on the Commission's part has created the need for retroactive collection of these costs.

Generally, an agency has broad discretion to deny retroactive effect to its rules. That general rule is of particular importance in the implementation of any section 110 rule that relies on the Commission's discretion. The Commission has the requisite discretion under section 110(a)(2) to make a determination that retroactive application of the new regulations implementing section 110 would not be appropriate and reasonable. In Order Nos. 94–A and 94–B, the Commission made such a determination and, therefore, generally declined to give retroactive effect to the regulations implemented by those final rules.[59]

The elimination of the no cost-shift rule and our decision to permit sellers of sections 105 and 106(b) gas to collect section 110 allowances are changes from Commission-established rules in place from December 1, 1978, until the effective date of Order Nos. 94–A and 94–B. As discussed above, sellers of intrastate gas had no justifiable expectation that they would be permitted section 110 add-ons for services that they were obligated to perform under the terms of their contracts in existence on November 9, 1978. Therefore, a decision to permit the sellers to collect section 110 allowances for delivery and compression with respect to periods prior to the effective date of Order No. 94–B would be contrary to purchasers' reasonable expectations and cause market disruption. Because the Commission seeks to minimize such impacts, it believes it would be ill-advised to make these amendments retroactively effective. In view of these considerations, we repeat here our finding in Order No. 94–B that good reasons exist not to permit retroactively effective contract amendments or any retroactive collections.[60]

In Order No. 94–A, the Commission generally did not allow section 110 allowances to be collected retroactively either. The only exception is for delivery and compression allowances collected by sellers of gas other than sections 105 and 106(b) gas. In Order No. 94, when the Commission announced its intention to establish generic allowances for production-related costs to deliver and compress natural gas, it suspended applications for these types of allowances for sellers of interstate gas during the development of the generic allowances. In doing so, the Commission stated that, when implemented, the generic adjustments could be incurred from the earlier of the date of an application or July 25, 1980, the effective date of Order No. 94.[61] Moreover, it is our continued belief that the burden of a retroactive order in this instance could be substantial, especially since it might lead to or necessitate a recomputation of maximum lawful prices in some cases.[62]

5. *Request for Clarification Regarding Retroactive Collection of Delivery and Compression Costs.* Southern Union requests clarification with respect to

---

[56] *Id.*

[57] *Id.* at 5 195.

[58] *See* Order No. 94–A, *supra* note 5, at 5168.

[59] *See* Order No. 94–B, *supra* note 1, at 5195.

[60] *Id.* at 5.195. As stated in Order No. 94–B, *Id.* n. 38, in those instances when sellers of sections 105 and 106(b) gas relied on the Commission's rules in Order No. 68–A and submitted an application to the Commission under § 271.1105 to recover production-related costs not allocated to them in the contract as in effect on November 9, 1978, the Commission will permit collection of the appropriate section 110 allowance from the later of the date such application was filed with the Commission or the date on which service from the production-related facility commenced.

[61] *Id.* at 5196. *See also.* Order No. 94, *supra* note 10, at 53107 n. 78; Order No. 94–A, *supra* note 5, at 5168.

[62] Order No. 94–B, *supra* note 1, at 5196.

sellers of intrastate gas retroactively collecting delivery and compression charges for periods prior to the effective date of Order No. 94–B. Southern Union makes first sales pursuant to several intrastate contracts which were in effect on November 9, 1978. These contracts specifically provide for the payment by the purchaser of gathering charges in addition to the wellhead costs of gas delivered. Since passage of the NGPA, these rates, and in some instances the method of calculating such rates, have been modified in order to reflect changes in the service being provided to the purchaser by Southern Union. In Order No. 68–A the Commission revised § 271.505(c) and § 271.1104(b)(1) of the regulations to permit sellers of sections 105 and 106(b) gas to apply under § 271.1105 for recovery of production-related costs which were not allocated to the seller under existing intrastate contracts in effect on November 9, 1978 ("Order No. 68–A regulations").[63]

Southern Union did not make an application under the Order No. 68–A regulations while they were in effect to recover any production-related expenses. Southern Union states that it has been precluded from increasing certain gathering charges except through relief granted by the Commission under section 502(c) of the NGPA. Southern Union believes, however, that under the provisions of Order Nos. 94–A and 94–B it may be entitled to recover certain previously denied production-related expenses for past delivery periods which exceed the amounts allowed in its prior adjustment proceedings. Southern Union requests a determination as to whether it may recover such previously incurred production-related costs under its existing intrastate contracts which provide for the recovery of such costs by the seller. If not, Southern Union seeks clarification as to whether it may still apply to the Commission under the Order No. 68–A regulations to recover such costs.

While the Commission has generally affirmed those regulations established pursuant to Order No. 68–A,[64] those regulations regarding sellers of sections 105 and 106(b) gas were amended by Order No. 94–B to the extent they involved adjustments for production-related costs. Therefore, Southern Union cannot now apply under those regulatory provisions for recovery of its production-related costs. Furthermore, since Southern Union never applied under the Order No. 68–A regulations while they were in effect, it does not come within the narrow exception from the general prohibition of Order Nos. 94–A and 94–B that applies only to sellers of sections 105 and 106(b) gas who relied on the Order No. 68–A regulations and submitted an application to the Commission to recover production-related costs not allocated to them in the contract as in effect on November 9, 1978.[65]

In view of the general prohibition of Order Nos. 94–A and 94–B against collecting amounts for delivering and compressing sections 105 and 106(b) gas prior to the effective date of those rules, Southern Union's express contractual authority to collect those costs is not relevant. Southern Union's only avenue for relief is to submit an application under section 502(c) of the NGPA. However, it does not appear from Southern Union's petition that it would have been eligible to recover its production-related costs under the Order No. 68–A regulations even if it had applied for recovery while those regulations were still in effect. The Commission is unlikely to allow a seller to recover costs with respect to a past period if the seller had no basis for recovery at that time.

6. *Retroactive Amendments to Intrastate Contracts.* Except for the retroactive recovery of generic delivery and compression allowances by interstate sellers with express contractual authorization, in Order Nos. 94–A and 94–B the Commission followed the basic principle of administrative procedure that rules should operate prospectively only. Furthermore, as stated by the Commission in Order No. 94–B, even with respect to that one exception,

> [p]arties may not, however, execute retroactively effective contract amendments and thereby collect a section 110 allowance for a period in which the contract did not, at that time, authorize collection of such an amount. The Commission believes this is consistent with the general view developed under the Natural Gas Act in Opinion No. 135, Transcontinental Gas Pipe Line Corporation, * * * 17 FERC ¶ 61,232 * * *.[66]

Producers argue that during the period between enactment of the NGPA and issuance of Order No. 94, the Commission acted arbitrarily and capricously and, therefore, unlawfully in not giving intrastate sellers at least as much oppurtunity as interstate sellers had to obtain section 110 allowances under the regulations in effect during that period.

The Commission believes that its rationale supports these regulations and is consistent with the Commission's legal obligations. As discussed above, the December 1978 interim NGPA regulations excluded sellers of sections 105 and 106(b) gas from the provisions permitting interstate sellers to apply for section 110 production-related cost allowances.[67] This exclusion with respect to intrastate gas was reinforced by the no cost-shift rule of §§ 271.505 and 271.604 which generally prohibited contract amendments allocating production-related costs from the seller to the purchaser in a manner that differed from the contract as it existed on November 9, 1978. This exclusion, as well as the no cost-shift rule, was justified on the basis that existing provisions in contracts reflect the allocation of costs as they were contemplated by the parties at the time the contract was negotiated,[68] and that any change in such provisions would change the "price" actually paid for the gas. At that time, the Commission believed it would be contrary to the intent of Congress to permit a change in such prices and terms if that change would have the effect of increasing the total costs the purchaser paid for acquiring the very same commodity he was acquiring at a lower price before the date of enactment.[69]

On November 10, 1980, the Commission issued Order No. 68–A, in which it concluded that the sections 105 and 106(b) ceiling prices "provide reimbursement for production-related costs borne by the seller according to the terms of contracts." [70] In addition, the Commission concluded that the term "price" when used in the context of "contract price" should be interpreted to mean all the money paid for the gas, even amounts labeled as severance tax reimbursement, gathering allowances, and so forth. These conclusions led to reaffirmance by the Commission of the no cost-shift rule of §§ 271.505 and 271.604 as well as the rules implementing section 110 for production-related costs borne be sellers of sections 105 and 106(b) gas.

However, in Order No. 68–A, the Commission did revise § 271.1104(b)(1) to provide, for the first time, that a seller of sections 105 and 106(b) gas could apply for a production-related cost allowance if the seller was not obligated to incur the cost under his existing contract.[71] The reason for this change

[63] Order 68–A, *supra* note 19, at 76678.
[64] *See* Order 94–B, *supra* note 1, at 5196.
[65] *Id.* at 5196.
[66] *Id.* at 5 195 n. 35 and accompanying text.
[67] Interim regulations, note 8, *supra*.
[68] See Order No. 94–B, *supra* note 1, at 5191.
[69] *Id.*
[70] *Id.* at 5192.
[71] Order No. 68–A, *supra* note 19, at 76679.

was that allowances for costs of new or different services not bargained for in the contract in existence on the date of enactment of the NGPA were appropriate.

The Commission's views as to how to best implement section 110 in light of the NGPA's competing objectives have changed since those regulations were adopted. This does not make the regulations issued prior to Order No. 94–B unlawful, even if it is recognized in hindsight that different policy decisions were possible.

Since the Commission does not accept producers' initial premise that the regulations in effect prior to Order No. 94–B were arbitrary and capricious, neither do we find any merit to producers' further argument built upon that premise—*i.e.*, that Order No. 94–B is also arbitrary and capricious (and therefore unlawful) because it fails to permit retroactively effective contract amendments for recovery of section 110 allowances that were withheld from intrastate sellers by the Commission in past periods.

Producers discussed Opinion No. 135 [72] in support of their position. In Opinion No. 135, which was issued after enactment of the NGPA, the Commission refused to approve retroactively effective contract modifications designed to permit sellers to collect NGPA prices for gas subject to the Natural Gas Act for periods before the requisite contractual authority existed. One of the Commission's reasons for this decision, as noted by the petitioners, was the filed rate doctrine which is a bar under the Natural Gas Act to retroactive, as opposed to prospective, price changes. Producers stated the filed rate doctrine is inapplicable to gas subject to sections 105 and 106(b) because such gas was never subject to the Commission's Natural Gas Act jurisdiction. Accordingly, the petitioners argued, there is no bar to retroactive price changes for sections 105 and 106(b) gas.

In their analysis of Opinion No. 135, the petitioners failed to note that the Commission also gave as a reason for that decision the view that public policy considerations generally mitigate against giving retroactive effect to contract amendments.[73] Indeed, the public policy considerations against retroactively effective contract amendments, although arising under the NGA, should apply to intrastate sellers even if the filed rate doctrine itself may not. In view of these considerations, producers' attempt to limit the policy enunciated in Opinion No. 135 only to gas subject to the Commission's Natural Gas Act jurisdiction is rejected.

In regard to permitting intrastate sellers to recover section 110 allowances for prior periods, we would like to reemphasize that, while Order Nos. 94–A and 94–B reflect our efforts to give effect to the NGPA objective of eliminating regulatory-created distinctions between the intrastate and interstate markets, the Commission has not abandoned its responsibility with respect to the sometimes conflicting NGPA policy to minimize further price increases in gas sold in the previously unregulated intrastate market. It is our belief that an appropriate balancing of the objectives is found in our decision that intrastate sellers be permitted section 110 allowances, but only on a prospective basis.

III. Petitions for Further Economic and Environmental Analysis and Stay of Order No. 94–B.

Several petitioners allege the Commission failed to adequately assess and consider the potential economic and enviromental impacts of Order Nos. 94–A and 94–B as part of its decisionmaking process in determining to issue those orders. These petitioners requested that the effectiveness of those orders be stayed to permit further consideration of matters relating to the economic and environmental effects of the orders and other matters raised in their petitions. These requests for further consideration and stay pending rehearing, as well as any such requests that have been raised specifically only with respect to Order No. 94–A but which may relate to Order No. 94–B, are denied with respect to Order No. 94–B for the same reasons stated by the Commission in Order No. 94–C.[74]

For the foregoing reasons, the Commission orders that:

(A) The Petitions for Rehearing in Docket Nos. RM80–47–003, RM80–47–004, RM80–47–007, RM80–47–009, and RM80–47–010 are hereby denied; and

(B) The requests for a stay of the final rule are also hereby denied.

List of Subjects

18 CFR Part 270

Natural gas, Wage and price controls.

18 CFR Part 271

Natural gas, High-cost gas, Tight formations.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–14418 Filed 5–27–83; 8:45 am]

BILLING CODE 6717–01–M

[72] Opinon No. 135, Opinion and Order Remanding for Limited Purposes [hereinafter cited as Opinion No. 135], Docket No. GP80–24 (issued Dec. 11, 1981) 17 FERC ¶ 61,231.

[73] *Id.* at 61453.

[74] Order No. 94–C, *supra* note 6.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 81

[Docket No. 76N–0366]

Provisional Listing of D&C Red No. 33; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Red No. 33 for use as a color additive in drugs and cosmetics. The new closing date will be July 29, 1983. This brief postponement will provide time for the agency to complete its review and to consider the scientific and legal aspects of the results of the toxicological studies submitted by several petitioners. Additionally, during this brief postponement, the agency will prepare the appropriate Federal Register document(s) upon completion of its review.

DATES: Effective May 31, 1983, the new closing date for D&C Red No. 33 will be July 29, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of May 31, 1983, by a rule published in the Federal Register of April 1, 1983 (48 FR 13975). The agency extended the closing date to provide time for the agency to complete its review and to consider the scientific and legal aspects of the resuts of the toxicological studies submitted by several petitioners. Previously in the Federal Register of March 27, 1981 (46 FR 18954), FDA had published a rule establishing the March 31, 1983 closing date for the provisional listing of D&C Red No. 33 to provide time for the completion of toxicity studies, submission of the data to FDA, review and evaluation of the data concerning the drug and cosmetic uses of D&C Red No. 33 by FDA, and publication of a regulation in the Federal Register regarding the agency's final decision on

the petition for the permanant listing of this color additive. The regulation set forth below will postpone the May 31, 1983 closing date for the provisional listing of the color additive until July 29, 1983.

As noted in the **Federal Register** of November 20, 1968 (33 FR 17205) and of August 6, 1973 (38 FR 21200), D&C Red No. 33 is the subject of a petition (CAP 8C0086) submitted by the Toilet Goods Association, Inc. (now the Cosmetic, Toiletry and Fragrance Association, Inc.), the Pharmaceutical Manufacturers Association, and the Certified Color Industry Committee (now the Certified Color Manufacturers Association, Inc.) and of a petition (CAP 7C0059) submitted by the Procter & Gamble Co. The petitions requested that D&C Red No. 33 be permanently listed for use in ingested drugs, all types of cosmetics subject to ingestion, including lipsticks, externally applied drugs and cosmetics, and for use in the area of the eye.

The review and evaluation of the data relevant to the use of D&C Red No. 33 have required more time than anticipated. FDA concludes that the brief postponement will provide time for the agency to complete its review and to prepare the appropriate **Federal Register** document(s). Therefore, FDA concludes that the brief extension of the closing date to July 29, 1983, is necessary. The agency has also concluded that no harm to the public health will result from this extension.

Because of the short time until the May 31, 1983 closing date, FDA concludes that notice and public procedure on this regulation are impracticable, and that good cause exists for issuing this postponement as a final rule. This regulation will permit the uninterrupted use of this color additive until July 29, 1983. To prevent any interruption in the provisional listing of D&C Red No. 33, and in accordance with 5 U.S.C. 553(d) (1) and (3), this postponement is issued as a final regulation, effective on May 31, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives* by revising the closing date for "D&C Red No. 33" in paragraph (b) to read "July 29, 1983."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing* by revising the closing date for "D&C Red No. 33" in paragraphs (d) and (e) to read "July 29, 1983."

Effective date. This final rule shall be effective May 31, 1983.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: May 17, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-14259 Filed 5-27-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of D&C Orange No. 17 for Use in Externally Applied Drugs and Cosmetics; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Orange No. 17 for use as a color additive in externally applied drugs and cosmetics. The new closing date will be July 29, 1983. This brief postponement will provide time for the agency to determine the applicability of the statutory standard for the listing of noningested color additives to the results of the scientific investigatons of D&C Orange No. 17.

DATES: Effective May 31, 1983, the new closing date for D&C Orange No. 17 will be July 29, 1983.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of May 31, 1983, for the provisional listing of the use of D&C Orange No. 17 in externally applied drugs and cosmetics in a rule published in the **Federal Register** of April 1, 1983 (48 FR 13975). The agency extended the closing date until May 31, 1983, to provide time for the uninterrupted use of this color additive in externally applied drugs and cosmetics while FDA considered the scientific and legal aspects of the recent skin penetration studies submitted by the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA). Previously, in the **Federal Register** of March 27, 1981 (46 FR 18954), FDA had published a rule establishing March 31, 1983, as the closing date for the provisional listing of D&C Orange No. 17 for cosmetic and general drug uses. The agency had extended the closing date until March 31, 1983, to provide time for the completion of chronic toxicity studies and to allow time for the agency to review and evaluate these studies. In the **Federal Register** of April 1, 1983 (48 FR 13976), FDA announced that the provisional listing of D&C Orange No. 17 for coloring ingested drugs and cosmetic had expired. In that issue of the **Federal Register** (48 FR 14045), FDA also published a final rule denying those portions of the color additive petition for D&C Orange No. 17 that requested permanent listing of the color additive for use in drugs and cosmetics intended for ingestion and in cosmetics intended for use in the area of the eye.

As noted in the **Federal Register** of August 6, 1973 (38 FR 21199), D&C Orange No. 17 is the subject of a petition (CAP 9C0090) submitted by the Toilet Goods Association, Inc. (now CTFA), for use in coloring drugs and cosmetics. The agency has concluded that D&C Orange No. 17 is an animal carcinogen when administered in the diet, based on the increased incidence of hepatocellular neoplasms in two mammalian species (48 FR 13977 and 14046–7). Therefore, FDA has denied that portion of the petition for this color additive that relates to ingested uses. However, under 21 U.S.C. 376(b)(5)(B)(ii), the agency must determine whether the ingestion studies that show D&C Orange No. 17 to be a carcinogen are appropriate for the evaluation of the safety of the external uses of this color additive. To assist the agency in making this determination, the petitioner has submitted the recent skin penetration studies on D&C Orange No. 17.

The agency is now considering the scientific and legal aspects of the CTFA submissions in support of the external uses of D&C Orange No. 17. Although D&C Orange No. 17 has been shown to be an animal carcinogen upon ingestion, the agency believes that somewhat different questions are raised by the

request to list these color additives for noningested use. Thus, FDA finds that a brief extension of the closing date to July 29, 1983, is necessary to provide sufficient time for the agency to determine the applicability of the statutory standard for listing color additives for noningested use to D&C Orange No. 17. It has taken FDA more time to evaluate the data involved in making this decision than the agency anticipated. This postponement will also provide time for the agency to prepare and to publish a **Federal Register** document setting forth its final decision on the petition for the permanent listing of this color additive. The continued use of this color additive in externally applied products for the short time needed for adequate evaluation of the data and for preparation of the **Federal Register** document will not pose a hazard to the public health.

Because of the short time until the May 31, 1983 closing date, FDA concludes that notice and public procedure on this regulation are impracticable. This regulation will permit the uninterrupted use of this color additive until July 29, 1983. To prevent any interruption in the provisional listing of D&C Orange No. 17 and in accordance with 5 U.S.C. 553(d) (1) and (3), this final rule is being made effective May 31, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618; sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives* by revising the closing date for "D&C Orange No. 17" in paragraph (b) to read "July 29, 1983."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing* by revising the closing date for "D&C Orange No. 17" in paragraph (d) to read "July 29, 1983."

Effective date. This final rule shall be effective May 31, 1983.

(Secs. 701, 706(b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376(b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: May 13, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-14163 Filed 5-27-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 81

[Docket Nos. 76N-0366 and 82N-0378]

Provisional Listing of D&C Red No. 6 and D&C Red No. 7; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Red No. 6 and D&C Red No. 7 for general use as color additives in drugs and cosmetics, except for use in the area of the eye. The new closing date will be July 29, 1983. This brief postponement will provide time for the agency to complete its evaluation of an objection received in response to the final regulation approving the petition for the permanent listing of D&C Red No. 6 and D&C Red No. 7 for these uses.

DATES: Effective May 31, 1983, the new closing date for D&C Red No. 6 and D&C Red No. 7 will be July 29, 1983.

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: FDA stayed the effective date of the final rule permanently listing D&C Red No. 6 and D&C Red No. 7 and established the current closing date of May 31, 1983, for the provisional listing of D&C Red No. 6 and D&C Red No. 7 by a rule published in the **Federal Register** of March 29, 1983 (48 FR 13022). The agency extended the closing date until May 31, 1983, to provide time for the completion of its evaluation of an objection received in response to the final rule published in the **Federal Register** of December 28, 1982 (47 FR 57681), approving the petition for the permanent listing of D&C Red No. 6 and D&C Red No. 7 for general use in drugs and cosmetics except for use in the area of the eye. Also in the **Federal Register** of December 28, 1982 (47 FR 57691), FDA had published a final rule establishing a closing date of March 29, 1983, for the provisional listing of D&C Red No. 6 and D&C Red No. 7 to provide time for receipt and evaluation of any objections to the final regulation approving the petition for permanent listing of these color additives. The regulations set forth below will postpone the May 31, 1983 closing date for the provisional listing of these color additives until July 29, 1983.

The review and evaluation of the objection received in response to the final rule permanently listing these color additives have required more time than anticipated. Therefore, FDA concludes that a brief postponement of the closing date for provisional listing until July 29, 1983, is necessary. This brief postponement will provide time for the agency to complete its evaluation of the objection and publish a final decision concerning it in the **Federal Register**. The agency has also concluded that no harm to the public health will result from this extension because the agency has previously concluded that D&C Red No. 6 and D&C Red No. 7 are safe for their intended use under the Color Additive Amendments of 1960.

Because of the short time until the May 31, 1983 closing date, FDA concludes that notice and public procedure on this regulation are impracticable, and that good cause exists for issuing this postponement as a final rule. This regulation will permit the uninterrupted use of these color additives until July 29, 1983. To prevent any interruption in the provisional listing of D&C Red No. 6 and D&C Red No. 7 and in accordance with 5 U.S.C. 553(d) (1) and (3), these regulations are being made effective on May 31, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c) and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives* by revising the closing date for "D&C Red No. 6" and "D&C Red No. 7" in paragraph (b) to read "July 29, 1983."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing* by revising the closing date for "D&C Red No. 6" and "D&C Red No. 7" in paragraph (d) to read "July 29, 1983."

Effective date. This final rule shall be effective May 31, 1983.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: May 17, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-14280 Filed 5-27-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 145

[Docket No. 82N-0160]

Canned Fruits; Repeal of Standards of Identity for Canned Fruits With Rum; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) confirms the effective date for repealing standards of identity for canned apricots with rum, canned cherries with rum, canned peaches with rum, and canned pears with rum.

DATES: Effective April 15, 1983, for all affected products.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 15, 1983 (48 FR 10812), FDA issued a final regulation repealing the standards of identity for canned apricots with rum (21 CFR 145.118), canned cherries with rum (21 CFR 145.128), canned peaches with rum (21 CFR 145.173), and canned pears with rum (21 CFR 145.178) because they are no longer necessary to protect the interest of consumers. Any person adversely affected by the regulation could have, at any time on or before April 14, 1983, filed written objections to the final regulation and requested a public hearing on the specific provisions to which there were objections. No objections or requests for a hearing were received.

List of Subjects in 21 CFR Part 145

Canned fruit, Food standards, Fruits.

PART 145—CANNED FRUITS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1406 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that the effective date for amendment of Part 145, as set forth in the **Federal Register** of March 15, 1983 (48 FR 10812), which repealed § 145.118 *Canned apricots with rum*, § 145.128 *Canned cherries with rum*, § 145.173 *Canned peaches with rum*, and § 145.178 *Canned pears with rum*, is April 15, 1983.

Dated: May 20, 1983

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-14415 Filed 5-27-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 430

[Docket No. 83N-0074]

Antibiotic Drugs; Netilmicin Sulfate Injection; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the final rule that amended the antibiotic drug regulations to provide for the inclusion of accepted standards for netilmicin sulfate injection.

FOR FURTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC–11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 83–11135 at page 18799 in the **Federal Register** of Tuesday, April 26, 1983, the following correction is made on page 18800: In amendment 3.c. to § 430.6, *Definitions of the terms "unit" and "microgram" as applied to antibiotic substances*, the paragraph designation (b)(78) is changed to (b)(79).

Dated: May 24, 1983.

James C. Morrison,

Assistant Director for Regulatory Affairs.

[FR Doc. 83-14416 Filed 5-27-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 207

[Docket No. R-83-710]

Multifamily Housing Mortgage Insurance; Special Eligibility Provisions for Existing Projects in Target Preservation Areas

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: On October 3, 1979, HUD published an interim rule (44 FR 56927) which established the Target Area Preservation Demonstration Program for mortgages insured pursuant to section 223(f) of the National Housing Act covering existing multifamily housing projects in older, declining urban areas. The rule provided more favorable insured financing terms in order to ascertain the feasibility of encouraging FHA mortgage insurance for existing projects in these areas, while meeting the requirement that insured projects be economically sound. This rule makes the interim rule final, with changes designed to provide more flexible limitations on secondary financing by project sponsors and to clarify the Demonstration Program's purpose.

EFFECTIVE DATE: July 15, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Wells, Office of Policy and Budget, Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. (202) 755–6454. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 223(f) of the National Housing Act ("the Act") authorizes the Secretary of HUD to provide mortgage insurance, under any appropriate section of that Act, for the purchase or refinancing of existing multifamily housing projects. This authority was added to the Act in 1974.

Regulations implementing the authority were promulgated in March of 1975 at 24 CFR 207.32a. Under these regulations, insurance pursuant to

section 223(f) is written under section 207 of the Act, the Multifamily Housing Mortgage Insurance Program. Experience under the Section 223(f) Program demonstrated that many or most dwellings in older and declining urban areas were ineligible for insurance, since they could not meet the economic soundness underwriting standard required under section 207. Further, the regulations made 223(f) insurance available on a generally more restrictive basis than insurance under the basic Section 207 Program. For example, the maximum allowable repayment term for section 207 mortgage insurance is the lesser of 40 years or 100 percent of the economic life of the property. The maximum term generally permitted for the Section 223(f) Program was the lesser of 35 years or 75 percent of economic life. The maximum allowable ratio of the mortgage amount to the estimated value of the project is 90 percent in section 207, but generally was 85 percent for the Section 223(f) Program.

In order to ascertain the feasibility and desirability of encourging FHA mortgage insurance for existing multifamily projects in older, declining urban areas, while meeting the test of economic soundness, HUD published an interim rule in the **Federal Register** on October 3, 1979 (44 FR 56927, effective October 29, 1979), amending the regulations for the Section 223(f) Mortgage Insurance Program. The interim rule added a new provision, 24 CFR 207.32a(1), authorizing a demonstration Target Area Preservation Program for older declining urban areas. The terms of the Program are as follows:

(1) A maximum allowable mortgage term that is the lesser of 40 years or 100 percent of economic life;

(2) A 90 percent maximum allowable ratio of the mortgage amount to the Secretary's estimate of the value of the project;

(3) A 90 percent maximum allowable ratio of the mortgage amount to the cost of acquisition as determined by the Secretary.

In order to be eligible for Section 223(f) financing on these more favorable terms, multifamily properties must be in areas designated by the Secretary (a) in which concentrated housing, physical development or public service activities are being or are to be carried out in a coordinated manner to serve a common objective or purpose pursuant to a locally developed plan or strategy for neighborhood improvement, conservation, or preservation and (b) that are either older, declining urban areas or were so before the concentrated activities referred to began. The Secretary has designated certain areas meeting the foregoing criteria which are eligible to receive the favorable financing as Target Preservation Areas.

The 1979 interim rule also set limits on the amount of secondary financing that can be used in connection with section 223(f) mortgage insurance. Thus, when a loan is made to finance the purchase of an existing multifamily project, secondary financing cannot exceed the lesser of 5 percent of HUD's estimate of value or 5 percent of HUD's determination of the cost of acquisition. When a loan is made to refinance an existing multifamily project, secondary financing cannot exceed the lesser of 5 percent of HUD's estimate of value or 50 percent of the difference between the cost of refinancing and the maximum insurable mortgage amount. The maximum amount of secondary financing permitted for projects in the Target Preservation Areas is less than the secondary financing amount generally permitted in the Section 223(f) Program—7.5 percent of value or acquisition cost, as appropriate.

After promulgation of the 1979 interim rule, interested persons were given an opportunity to participate in the rulemaking through the submission of written comments. During the comment period (through December 31, 1979), the Department received two comments on the interim rule. Neither comment objected to the rule but the commenters did make recommendations for certain program changes with which the Department agreed and has been able to effect without a change in the regulations. Among the nonregulatory changes suggested by the comments and accommodated are: (1) Changing the section 223(f) insurance claims payment from debentures to cash so that projects will have access to the tax-exempt bond market; (2) allowing rehabilitation that exceeds the existing repair limits of the Section 223(f) Program; and (3) combining section 223(f) financing with GNMA Targeted Tandem Program subsidies in accordance with amendments to section 223(f) contained in the Housing and Community Development Act of 1980. These changes permitted the Demonstration Program to finance moderate rehabilitation in projects where: (a) A neighborhood program has firmed up the rental housing market sufficiently so that tenants who have incomes which are adequate for continued maintenance of the projects will live there for the indefinite future; (b) the more favorable section 223(f) financing assures that the incomes of the present occupants are adequate for the continued maintenance of the projects; and (c) shallow subsidies, through GNMA Targeted Tandem, support repair and rehabilitation which otherwise cannot be supported by project revenues.

Because of the GNMA Targeted Tandem Program's impact on the Federal budget, the Department is not seeking authority to fund additional GNMA Targeted Tandem projects. Partially in lieu of the assistance provided by Targeted Tandem under the interim rule, this final rule revises the interim rule to provide for more flexible limitations on secondary financing by a project sponsor. Currently, as noted above, secondary financing in Target Preservation Areas cannot exceed 5 percent of HUD's estimate of a property's value. The final rule provides that, where the interest rate on secondary financing does not exceed the applicable HUD-established interest rate, the total secondary financing cannot exceed: (a) In the case of the purchase of a project, the difference between the insured mortgage amount and 95 percent of HUD's estimate of value or cost of acquisition, whichever is lower, and (b) in the case of a refinancing, the difference between the insured mortgage and 95 percent of HUD's estimate of value or the refinancing costs, whichever is lower. With this revision, a more effective level of repair or moderate rehabilitation should be possible, based on subsidized secondary financing provided by State or local governments, with either no rent change, or only modest rent increases. For example, under this final rule, a property may be covered by a 223(f) first mortgage to the amount of 80 percent of value, and by a second mortgage securing a State or local subsidized loan, for further amount of up to 15 percent of value.

This final rule also revises the last paragraph of 207.32a(1)(3) to clarify and make more comprehensive the stated objective of the TAP Demonstration Program. The interim rule states the Program's objective is "* * * to determine whether a sufficient number of multifamily property owners in the Target Preservation Areas avail themselves of section 223(f) insurance that meets the economic soundness test, and whether section 223(f) financing can make sufficient contributions to the preservation, conservation or revitalization of the Target Preservation Areas to justify making the demonstration's approach to providing financing to multifamily properties in older, declining urban areas a permanent part of the section 223(f) program." This rule restates this

objective as "to test the feasibility of mortgage insurance in upgrading and maintaining older, declining urban areas and multifamily rental housing in these areas.".

Findings and Certification

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The changes made by this rule can be considered technical adjustments to the existing Target Area Preservation Demonstration Program. They do not change the goals toward which program activities are directed and any effect on small entities should be minor and positive.

This program is cited in the Catalog of Federal Domestic Assistance as: 14.155, Mortgage Insurance for the Purchase or Refinancing of Existing Multifamily Housing Projects.

This rule was listed as item H–82–78 under the Office of Housing in the Department's Semiannual Agenda of Regulations published on April 25, 1982 (48 FR 18054) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 207

Mortgage insurance, Rental housing, Mobile home parks.

PART 207—[AMENDED]

Accordingly, paragraphs (b), (c), (e) and (k) of § 207.32a, promulgated as interim rules at 44 FR 56927, October 3, 1979, are hereby adopted as final rules and 24 CFR Part 207 is further revised to read as follows:

1. In § 207.32a, paragraph (j)(4) is revised to read as follows:

§ 207.32a Eligibility of mortgages on existing projects.

* * * * *

(j) *Secondary financing.*

* * * * *

(4) For those projects which meet the eligibility requirements contained in paragraph (k) or paragraph (l) of this section, any additional obligations on the project in connection with the insured transaction shall be in an amount approved by the Commissioner and represented by such credit and security instruments as are approved by the Commissioner. In the case of projects which meet the eligibility requirements contained in paragraph (l) of this section, the additional obligations shall in no event exceed:

(i) When a loan is made to finance the purchase of an existing multifamily housing project and the interest rate of the additional obligations does not exceed the current maximum interest rate permitted under § 207.7, the difference between the amount of the insured mortgage and the lesser of 95 percent of the Commissioner's estimate of value or 95 percent of the cost of acquisition as defined in paragraph (c) of this section.

(ii) When a loan is made to finance the purchase of an existing multifamily housing project, and the interest rate of the additional obligations exceeds the current maximum interest rate permitted under § 207.7, the lesser of:

(A) Five percent of the Commissioner's estimate of value, or

(B) Five percent of the cost of acquisition as defined in paragraph (c) of this section.

(iii) When a loan is made to refinance an existing multifamily housing project and the interest rate of the additional obligations does not exceed the current maximum interest rate permitted under § 207.7, the lesser of:

(A) The difference between the amount of the insured mortgage and 95 percent of the Commissioner's estimate of value, or

(B) The difference between the amount of the insured mortgage and the cost to refinance as defined in paragraph (d)(2) of this section.

(iv) When a loan is made to refinance an existing multifamily housing project, and the interest rate of the additional obligations exceeds the current maximum interest rate permitted under § 207.7, the lesser of:

(A) Five percent of the Commissioner's estimate of value, or

(B) Fifty percent of the difference between the cost to refinance as defined in paragraph (d)(2) of this section and the maximum mortgage amount as determined by the Commissioner."

2. In § 207.32a, paragraph (l)(3) is revised to read as follows:

§ 207.32a Eligibility of mortgage on existing projects.

* * * * *

(l) *Additional eligibility requirements for a mortgage financing a project in a Target Preservation Area.*

* * * * *

(3) The area has unique qualities that make it suitable for inclusion as one of the demonstration areas in the Target Area Preservation Demonstration Program. The Target Area Preservation Demonstration Program makes section 223(f) financing available on a limited, carefully controlled demonstration basis to areas that meet the requirements given above, and such additional Target Preservation Area eligibility criteria as the Secretary may announce in the future. The objective of the Target Area Preservation Demonstration Program is to test the feasibility of mortgage insurance in upgrading and maintaining older, declining urban areas and multifamily rental housing in these areas. An area approved as a Neighborhood Strategy Area under the provisions of 24 CFR Part 881, Subpart C, shall be considered to have met the criteria in paragraphs (l) (1) and (2) of this section.

(Sec. 223(f), National Housing Act (12 U.S.C. 1715n); section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: May 23, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83–14409 Filed 5–27–83; 8:45 am]

BILLING CODE 4210–27–M

---

24 CFR Part 867

[Docket No. R–83–1057]

Costs of Certification of Housing Managers and Related Training in Projects Owned by Public Housing Authorities

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule amends the regulations governing certification of housing managers for projects owned by a Public Housing Agency (PHA). The amendment removes several restrictions relating to payment by a PHA of the costs of certification of an employee as a housing manager or assistant housing manager, including costs of training to qualify for such certification.

EFFECTIVE DATE: July 15, 1983.

FOR FURTHER INFORMATION CONTACT: Wayne Hunter, Office of Public Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone number (202) 472–4703. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Subpart C of 24 CFR Part 867 governs the certification of Housing Managers and Assistant Housing Managers for projects owned by a Public Housing Agency (PHA). Section 867.307, which deals with costs of certification and related training, currently provides that costs of specialized training directly related to qualifying for certification and costs of general education necessary for certification shall be includible as eligible expenditures in PHA operating budgets. Under the existing regulation, such training must be approved in writing by an Approved Certifying Organization or by HUD and be designed to enhance the skills of the trainee for the purpose of qualifying for certification. However, such certification and training costs are includible as eligible expenditures in the PHA budgets submitted to HUD only with respect to persons employed on the date of issuance of the regulation (September 29, 1976).

On January 6, 1983, the Department published a proposed amendment to § 867.307 which would afford PHAs more discretion regarding payment of certification and training costs. The following changes were proposed:

(1) To replace the detailed descriptions of types of eligible costs with the basic standard of "reasonable costs";

(2) To remove the restrictions against payment of certification costs for employees hired after September 29, 1976;

(3) To remove the requirement that training must be approved by HUD or an Approved Certifying Organization; and

(4) To give each PHA discretion as to whether to pay costs of certification and of training to enable an employee to qualify for certification out of PHA funds. However, the rule proposed that such costs incurred by a PHA must be paid within its existing operating subsidy availability under 24 CFR Part 890 and that no additional subsidy will be paid to cover such costs.

The Department received three public comments on the proposed rule. All three comments were generally in favor of the amendment as proposed and made no specific recommendations for changes. While we have revised the proposed language of the new § 867.307 to make it clearer, we have not made any changes in substance from the proposed amendment.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50 which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Counsel Room 10278, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. While this rule will affect a substantial number of small governmental entities, it is not expected to have a significant economic impact on any of them.

This rule is listed at 48 FR 18074 as item H–77–82 in the Department's Semiannual Agenda of Regulations published on April 25, 1983 (48 FR 18054), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

(The Catalog of Federal Domestic Assistance program number is 14.156 (Lower Income Housing Assistance Program))

List of Subjects in 24 CFR Part 867

Public housing.

PART 867—[AMENDED]

Accordingly, 24 CFR Part 867 is amended by revising § 867.307 to read as follows:

§ 867.307 Costs of certification and related training.

The reasonable costs incurred by a PHA for Certification of a PHA employee as a Housing Manager or Assistant Housing Manager (whether or not the Certification is required under this part), including training to enable a PHA employee to qualify for such Certification, shall be allowable as eligible expenditures for a PHA. The PHA may, at its discretion, include a provision for payment of such costs in its operating budget. However, such expenditures must be within the PHA's existing operating subsidy availability under 24 CFR Part 890, since no additional operating subsidy will be provided to cover them.

(Sec. 6(c)(4), U.S. Housing Act of 1937; Sec. 7(d) Department of HUD Act; 42 U.S.C. 1437d, 3535(d))

Dated: May 23, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83–14408 Filed 5–27–83; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[T.D. ATF–135; Ref: Notice No. 437]

Three Year Firearms Licenses

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF) Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a three year firearms license for manufacturers, importers, dealers, and collectors instead of an annual firearms license. This regulation change will reduce paperwork and other administrative costs to the firearms industry and to the Government.

EFFECTIVE DATE: August 1, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On November 30, 1982, ATF published a notice of proposed rulemaking, Notice No. 437, in the **Federal Register** (47 FR 53929) proposing a three year firearms license for manufacturers, importers, dealers, and collectors. The license period of an original license and for a license renewal has been one year since implementation of the Gun Control Act of 1968. A review of the law and legislative history indicated that a firearms license could be issued for more than a one year period provided the total fee was based on a "per year" rate. Since there are over 200,000 firearms licensees, a change in the license period from one to three years would result in a significant reduction in paperwork and other administrative costs for the firearms industry and the Government.

Comments

During the 60 day comment period 46 written comments were received. Forty-four of the commenters favored an increase in the licensing period and two were opposed.

Most of the commenters in favor were in agreement with the three year licensing period and stated there would definitely be a reduction in paperwork burden. One particular administrative cost savings noted was the elimination of the need to furnish a license copy to firearms suppliers annually. Four commenters favored an increase in the licensing period to five years and two commenters wanted a substantial increase in the license fees. Two organizations, National Rifle Association and Handgun Control Inc, commented in favor of the three year license.

One of the two comments opposed to the proposal was from an individual opposed to firearms. The other commenter opposed a three year firearms license because he is 75 years old and since he has two licenses, the licenses would cost him $60 for three years. He expressed a concern that he might not remain in business for three years. This commenter correctly stated that there is no refund provision for a license used less than three years and that the paperwork for any refund would make such a provision too costly.

ATF considered a five year license period before proposing a three year license. We believe a five year period might impose a financial hardship on some licensees and would present a problem for ATF by causing the Bureau to maintain an active status for a longer period of time for licensees who have gone out of business and who have failed to notify ATF. Any change in the license fee would require a change in the law by Congress. A refund procedure was considered and rejected because the administrative costs would be higher than the license fee in most cases. A provision to allow for an optional annual license was considered and rejected because this would require and expensive special handling.

Implementing the Three Year License

The three year firearms license will become effective August 1, 1983. Because there are over 200,000 licensees with an annual license, a phase-in period will be required for the first year the licenses are renewed. If all licenses were renewed on a three year period, the work load for ATF would be very low for two years and very high during the third year. Therefore, for the first year the license renewals issued by ATF during a month will be selected at random for one, two or three years and indicated on the license renewal form sent to the licensees. The one year phase-in of the three year license will be discussed in more detail in an Industry Circular to be sent to all licensees. All original firearms licenses issued will be for a three year period.

The amendments made in this final rule are basically those proposed in the notice of proposed rulemaking except for the following technical and conforming amendments:

(1) In accordance with the establishment of three year firearms licenses, a technical and conforming amendment is made to §§ 178.52 and 178.95. These provisions currently provide for the furnishing of a copy of the license to licensees for their certification and use in accordance with § 178.94. Section 178.94 requires that a licensee furnish a certified copy of his firearm's license to a licensee from whom he acquires firearms. The three year firearms license will contain a purchasing certification statement which a transferee may execute in order to furnish a certified copy of his license to a transferor in accordance with § 178.94. Since licensees may simply reproduce their licenses and then certify the reproduction, they will not need a certified copy of their licenses in order to comply with § 178.94. The provision set forth in §§ 178.52 and 178.95 that licensees be furnished a copy of their license for certification and use pursuant to § 178.94 is, therefore, unnecessary. (A reference to the license copy was also removed from § 178.47.) This technical change will further reduce paperwork and other administrative costs for firearms licensees and the Government.

(2) Regulations in Part 178 state that license applications and fees are sent to the District Director. However, most license applications and fees are sent for processing to the Service Center Director for the internal revenue district in which the applicant is to do business. This final rule makes reference to the Service Center Director and the District Director.

(3) The firearms license used to consist of three parts: Original license, ATF Form 8 (5310.11) Part 1; copy, ATF Form 8 (5310.11) Part 2; and a Renewal, AFT Form 8 (5310.11) Part 3. Since a purchasing copy, Part 2, is no longer necessary, the renewal will be changed to ATF Form 8 (5310.11) Part II. The sections referring to the renewal form, ATF Form 8 Part 3, have been changed to ATF Form 8 (5310.11) Part II.

Drafting Information

The principal author of this document is James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 178

Administrative practice and procedure, Arms and munitions, Authority delegations, Customs delegations, Customs duties and inspection, Exports, Imports, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, Transportation.

Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographical regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule is expected to have a significant secondary or incidental effect on a substantial number of small entities in

reducing the paperwork and other administrative costs associated with obtaining a firearms license. The final rule will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

Accordingly, under the authority in 18 U.S.C. 926 (82 Stat. 1226), 27 CFR Part 178 is amended as follows:

Paragraph 1. The table of sections in 27 CFR Part 178, Subpart D, is amended by revising the section heading of § 178.46 to add the Service Center Director.

Subpart D—Licensees

Sec.

* * * * *

178.46 Procedure by Service Center Director or District Director.

* * * * *

Par. 2. The meaning of terms, § 178.11, is amended by adding in alphabetical order the following definition:

§ 178.11 Meaning of terms.

* * * * *

Service Center Director. A director of an Internal Revenue Service Center.

* * * * *

Par. 3. The Service Center Director is added to two subparagraphs in Section 178.41. § 178.41 is amended by revising the first sentence of paragraphs (b) and (c) to read as follows:

§ 178.41 General.

* * * * *

(b) Each person intending to engage in business as a firearms or ammunition importer, manufacturer, or dealer shall file an application with the required fee (See § 178.42), with the Service Center Director or District Director for the internal revenue district in which his premises are to be located, and, pursuant to § 178.47, receive the license required for such business from the Regional regulatory administrator.

(c) Each person seeking the privileges of a collector licensed under this part shall file an application, with the required fee (see § 178.42), with the Service Center Director or District Director for the internal revenue district in which his collection premises are to be located, and pursuant to § 178.47, receive from the Regional regulatory administrator the license covering the collection of curios and relics.

* * * * *

Par. 4. Section 178.42 is amended to provide for a three year firearms license. Section 178.42 is amended by revising the introductory text of the section to read as follows:

§ 178.42 License fees.

Each applicant shall pay a fee at a yearly rate for obtaining a firearms license, a separate fee being required for each business or collecting activity at each place of such business or activity, as follows:

* * * * *

Par. 5. Section 178.44 is amended to reflect a three year firearms license. Section 178.44 is amended by revising paragraphs (a) and (b) to read as follows:

§ 178.44 Original license.

(a) Any person who intends to engage in business as a firearms or ammunition importer, manufacturer, or dealer on or after the effective date of this part, or who has not previously been licensed under the provisions of this part to so engage in business, or who has not timely submitted application for renewal of his previous license issued under this part, shall, except as provided in paragraph (c) of this section, file with the Service Center Director or District Director for the internal revenue district in which the applicant is to do business, an application, ATF Form 7 (5310.12). The application, ATF Form 7 (5310.12), shall include information as to the ownership of the business, the type of firearms or ammunition to be dealt in, the business hours, the business history, and the identity of the responsible persons in the business. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 924. The application shall be accompanied by the appropriate fee in the form of: (1) Cash, or (2) money order or check made payable to the Internal Revenue Service. ATF Forms 7 (5310.12), may be obtained from any Regional regulatory administrator or District Director.

(b) Any person who desires to obtain the privileges granted to a licensed collector under the Act and this part on or after the effective date of this part, or who has not timely submitted application for renewal of his previous license issued under this part, shall file with the Service Center Director or District Director for the internal revenue district in which the applicant is to maintain his collection premises an application, ATF Form 7 (5310.12). The application, ATF Form 7 (5310.12), shall include information as to the ownership of the activity, and the identity of the responsible persons in the activity. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 924. The application shall be accompanied by the appropriate fee in the form of: (1) Cash, or (2) money order or check made payable to the Internal Revenue Service. ATF Forms 7 (5310.12) may be obtained from any Regional regulatory administrator or District Director.

* * * * *

Par. 6. Section 178.45 is amended to provide for renewing a firearms license for one, two, or three years. Section 178.45 is revised to read as follows:

§ 178.45 Renewal of license.

If a licensee intends to continue the business or activity described on a license issued under this part during any portion of the ensuing year, he shall, unless otherwise notified in writing by the Regional regulatory administrator, execute and file prior to the expiration of his license an application for a license renewal, ATF Form 8 (5310.11) Part II, accompanied by the required fee, with the Service Center Director or District Director for the internal revenue district in which the business or activity is operated. The Regional regulatory administrator may, in writing, require an applicant for license renewal to also file completed ATF Form 7 (5310.12) in the manner required by § 178.44. In the event the licensee does not timely file an ATF Form 8 (5310.11) Part II, he must file an ATF Form 7 (5310.12) as required by § 178.44, and obtain the required license before continuing business or collecting activity. If an ATF Form 8 (5310.11) Part II is not timely received through the mails, the licensee should so notify his Regional regulatory administrator.

Par. 7. Section 178.46 is amended to add the Service Center Director and change ATF Form 8 Part 3 to Part II. Section 178.46 is revised to read as follows:

§ 178.46 Procedure by Service Center Director or District Director.

Upon receipt of an application for an original license on ATF Form 7 (5310.12) or an application for renewal of a license on ATF Form 8 (5310.11) Part II or a required ATF Form 7 (5310.12), the Service Center Director or District Director shall deposit the fee accompanying the license application and forward the application to the Regional regulatory administrator. Where an application is filed with an

insufficient fee, the application and any fee submitted shall be returned.

Par. 8. Section 178.47 is amended to provide for a firearms license for one, two, or three years and to remove reference to a copy of the license. Section 178.47 is amended by revising paragraph (a), introductory text of paragraph (b), and paragraph (c) to read as follows:

§ 178.47 Issuance of license.

(a) Upon receipt of a properly executed application for a license on ATF Form 7 (5310.12), or ATF Form 8 (5310.11) Part II, the Regional regulatory administrator may, upon finding through further inquiry or investigation, or otherwise, that the applicant is entitled thereto, issue the appropriate license. Each license shall bear a serial number and such number may be assigned to the licensee to whom issued for so long as he maintains continuity of renewal in the same internal revenue district.

(b) The Regional regulatory administrator shall approve a properly executed application for license on ATF Form 7 (5310.12), or ATF Form 8 (5310.11) Part II, if:

* * * * *

(c) The Regional regulatory administrator shall approve or deny an application for license within the 45-day period beginning on the date the application was received by the Service Center Director or District Director: Provided, That when an applicant for license renewal is a person who is, pursuant to the provisions of §§ 178.82, 178.143, or 178.144, conducting business or collecting activity under a previously issued license, action regarding the application will be held in abeyance pending the completion of the proceedings against the applicant's existing license or license application, final determination of the applicant's criminal case, or final action by the Director on an application for relief submitted pursuant to § 178.144, as the case may be.

* * * * *

Par. 9. Section 178.49 is amended to provide for a firearms license for three years. Section 178.49 is revised to read as follows:

§ 178.49 Duration of license.

The license entitles the person to whom issued to engage in the business or activity specified on the license, within the limitations of the Act and the regulations contained in this part, for the period stated on the license, unless sooner terminated. Original licenses issued August 1, 1983, and thereafter will be for a three year period unless terminated sooner. Licenses renewed August 1, 1983, through July 31, 1984, will be for a one, two or three year period. Licenses renewed August 1, 1984 and thereafter will be for a three year period unless terminated sooner.

Par. 10. Section 178.52 is amended to remove reference to a copy of the license. Section 178.52 is revised to read as follows:

§ 178.52 Change of address.

A licensee may during the term of his current license remove his business or activity to a new location at which he intends regularly to carry on such business or activity, without procuring a new license. However, in every case, whether or not the removal is from one region to another, notification of the new location of the business or activity must be given not less than 10 days prior to such removal to the Regional regulatory administrator for the region from which or within which the removal is to be made, and the Regional regulatory administrator for the region to which the removal is to be made. In each instance, the license must be submitted for endorsement to the Regional regulatory administrator having jurisdication over the region to which or within which removal is to be made. After endorsement of the license to show the new address and the new license number, if any, the Regional regulatory administrator will return same to the licensee.

Par. 11. Section 178.59 is amended to change ATF Form 8 Part 3 to Part II. Section 178.59 is revised to read as follows:

§ 178.59 Abandoned application.

Upon receipt of an incomplete or improperly executed application on ATF form 7 (5310.12), or ATF Form 8 (5310.11) Part II, the applicant shall be notified of the deficiency in the application. If the application is not corrected and returned within 30 days following the date of notification, the application shall be considered as having been abandoned and the license fee returned.

Par. 12. Section 178.95 is amended to remove reference to a copy of the license being furnished with the original license. Section 178.95 is revised to read as follows:

§ 178.95 Certified copy of license.

The license furnished to each person licensed under the provisions of this part contains a purchasing certification statement. This original license may be reproduced and the reproduction then certified by the licensee for use pursuant to § 178.94. If the licensee desires an additional copy of the license for certification (instead of making a reproduction of the original license), the licensee may submit a request, in writing, for a certified copy of the license to the Regional regulatory administrator for the region in which the license was issued. The request must set forth the name, trade name (if any) and address of the licensee, and the number of license copies desired. There is a charge of $1 for each copy. The fee paid for copies of the license must accompany the request for copies. The fee may be paid by (1) cash, or (2) money order or check made payable to the Internal Revenue Service.

Signed: April 18, 1983.

Stephen E. Higgins,

Director.

Approved: May 6, 1983.

John M. Walker, Jr.,

Assistant Secretary, Enforcement and Operations.

[FR Doc-83-14357 Filed 5-27-83; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Exposure to Inorganic Arsenic; Supplemental Statement of Reasons for Rule; Corrections

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Supplemental statement of reasons for final rule; corrections.

SUMMARY: This notice announces corrections to the Supplemental Statement of Reasons for the Final Rule for Occupational Exposure to Inorganic Arsenic which appeared in the **Federal Register** on January 14, 1983 (48 FR 1864).

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, OSHA, Office of Public Affairs, U.S. Department of Labor, Rm. N3637, 200 Constitution Ave., N.W., Washington, D.C. 20210. Telephone: (202) 523-8148.

SUPPLEMENTARY INFORMATION: On January 14, 1983 (48 FR 1864) OSHA published a document titled "Occupational Exposure to Inorganic Arsenic; Supplemental Statement of Reasons for Final Rule." There were a number of typographical errors. This document corrects only those typographical errors where correction is necessary to make the meaning clear, to correct citations or to correct numbers.

Accordingly, 48 FR 1864–1903 are corrected as follows:

1. On page 1864, first column, the address and telephone number of the OSHA Office of Publications, U.S. Department of Labor, is corrected to read, "Room S1212, 200 Constitution Ave., N.W. Washington, D.C. 20210. Telephone: (202) 523–6138."

2. On page 1866, third column, lines 13 and 14 are corrected to read, "Consultants in Epidemiology and Occupational Health (CEOH) presented".

3. On page 1867, first column, lines 13–15 are corrected to read, "significant health risk . . ." (*ASARCO et al.* v. *OSHA*, 647 F.2d 1, 2 (9th Cir., 1981)".

4. On page 1872, Tables 1 and 2 are corrected to read as follows:

BILLING CODE 4510-26-M

Table 1

		Ceiling							
		Low		Medium		High		Very High	
		Obs**	SMR	Obs.	SMR	Obs.	SMR	Obs.	SMR
	Low	7	115	1	113	3	310	0	-
	Medium	1	765	3	120	18*	398	0	-
TWA	High					20*	318	9*	641
	Very High							18*	704

*Statistically significant

**Obs = Observed number of lung cancer deaths.

Table 2

		LIFETIME CEILING					
		Low/Medium		High		Very High	
		Obs.	SMR	Obs.	SMR	Obs.	SMR
CUMULATIVE	Less than 500	3	67	1	77	0	-
EXPOSURE	500 - 2000	1	79	8	180	0	-
(ug/m^3-	2000-12000	0	-	22*	394	5*	637
years)	12000 or more	1	940	10*	409	29*	616

*Statistically significant

BILLING CODE 4510-35-C

5. On page 1875, column one, line one is corrected to read, "500 $\mu g/m^3$ was very small and that".

6. On page 1875, column one, line 3 of the note is corrected to read, "equivalent to an SMR of 150 or a relative risk".

7. On page 1875, column one, fifth line from the bottom is corrected to read, "did find non-significant excesses below a 500 $\mu g/m^3$".

8. On page 1875, column three, the bottom line is corrected to read, "exposure or average exposure stemmed".

9. On page 1876, column two, line 40 is corrected to read, "were receiving pensions (Ex. 29B; Ex.".

10. On page 1876, column two, line 55 is corrected to read "exposure in micrograms of arsenic per liter of urine-years (μg As/1-years) and average".

Note.—In a number of places in the document the abbreviation for liter in the abbreviations μg As/1 and μg As/1-years is incorrectly printed as "1" rather than the correct abbreciation of "l".

11. On page 1877, column one, the bottom line is corrected to read, "expressed in micrograms of arsenic per".

12. On page 1880, column three, the Note is corrected to read, "This large a difference in smoking habits seems a reasonable upper bound".

13. On page 1883, column three, Table 3 is corrected to read as follows:

BILLING CODE 4510-26-M

Table 3

Respiratory Cancer Risk Observed in Low Exposure Categories

Studies	Exposure Categories	Respiratory Cancer SMR's
Lee-Feldstein (Ex. 201-16)	Maximum Exposure (Table 5, 6)	
	[1]Light (12 or more months)	231*
	Light (1-15 years)	223*
	Light (15 - 24 years)	186*
	Light (25 or more years)	313*
Enterline and Marsh (Ex. 201-9)	[2]Cumulative Exposure (Table 8)	
	Less than 150 ug/m^3 - years	155.4
	150-450 ug/m^3 - years	176.6*
	450-900 ug/m^3 - years	226.4*
	[3]Average Exposure by Duration of Exposure (Table 12)	
	Less than 10 years (49 ug/m^3)	169.9
	10-19 years (49 ug/m^3)	268.2*
Higgins et al. (Ex. 202-38, 203-5)	Average Exposure (Table 16)	
	Less than 100 ug/m^3	138
	100 - 499 ug/m^3	303*
	Ceiling Exposure (Table 20)	
	Less than 100 ug/m^3	129
	100 - 499 ug/m^3	116
	Cumulative Exposure (Table 6)	
	Less than 500 ug/m^3 - years	69
	500 - 2000 ug/m^3 - years	157

* Statistically significant (P less than 0.05)

1. Light estimated to average 290 ug/m^3 by H.F. Morris
2. Based on 10 year Lag Data and 0.3 conversion factor for urinary levels to air levels.
3. Based on 0.3 conversion factor for urinary levels to air levels

BILLING CODE 4510-26-C

14. On page 1884, Table 4 is corrected to read as follows:

TABLE 4.—SUMMARY OF RISK ASSESSMENTS, EXCESS RISK OF LUNG CANCER PER 1,000 WORKERS, RISK AT 10/50/500 MG/CUBIC METER

	Model used	Lee and Fraumeni	Pinto et al.	Ott et al.	Lee-Feldstein	Enterline and Marsh	Higgins et al.
CHU	Linear RR[a]	10/51/393	25/125/713	29/146/767			
	Quadratic RR	0.3/7/-	2/49/-	2.1/52/-			
Clement Associates	Linear RR	7.7/39/394	9.1/46/465				
EPA-CAG	Liner RR	8/38/375[b]					
Crump	Linear RR	6.7/43/321	19/92/516	25/117/578	8.3/40.0/310		[illegible]
	Linear AR[d]				3.2/16.0/148	7.8/38.6/315 · LAG 0	[illegible]
						7.6/37.3/303 LAG 10	
Radford	Linear RR			18.8–37.5/-/-[e]			
Enterline	Linear RR					2.7/13.4/- LAG 10	
						2.2/11.2/- Table 12	
Bleijer and Wagner				Recommends 2 µg/m³			
World health Organization	Linear RR		61/305/-[f]				
CEOH							No excess risk if exposure <500 µg/m³.

a. Relative risk (Observed/Expected).
b. Combined estimates from Lee and Fraumeni, Pinto et al. and Ott et al. studies.
c. Cumulative exposure data. Ex. 202.–8, Appendix D.
d. Absolute risk (Observed-Expected)/Person-Years.
e. Range of estimates from Ott et al., Lee–Felstein, and Enterline and Marsh studies.
f. Calculated by OSHA using WHO's methodology for risk analysis.
g. Ex. 202–3A.

15. On page 1885, column two, the tenth line from the bottom is corrected to read "(Ex. 206, p. 12)".

16. On page 1887, column one, line 4 is corrected to read, "(Ex. 202–3D, p. 23) criticized the use of".

17. On page 1888, column one, the fifteenth line from the bottom is corrected to read "202–3A, Table 10) Drs. Crump and".

18. On page 1888, column three, line 2 is corrected to read, "(Ex. 206, pp. 17–18)".

19. On page 1889, column two, line 24 is corrected to read, "speculative at this point. (Ex. 212, p. 5)".

20. On page 1889, column three, line 19 is corrected to read, "202–8 Appendix E, p. 3) commenting on".

21. On page 1896, column two, line 8 is corrected to read, "addition. (Tr. p. 370, 7/15/82)".

22. On page 1898, column one, Table 5, the right hand column heading is corrected to read "Absolute risk X 10,000".

23. On page 1901, column one, lines 42 and 43 are corrected to read, "500 ug/m³ . . . poses a 'significant' health risk . . . *ASARCO* v. *OSHA*, 647 F. 2d 1,2 (Ninth Cir., 1981) (47 FR".

24. On page 1901, column three, line 35 is correted to read, "reduces risk (47 FR 15365)".

25. On page 1902, column one, line 42 is corrected to read, "exposure limit (the ALARA principle)".

(Secs. 6 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 657); Secretary of Labor's Order 8–76 (41 FR 25059); 29 CFR Part 1911).

Signed at Washington, D.C. this 24th day of March 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83–14361 Filed 5–27–83; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

Office of Surface Minihg Reclamation and Enforcement

30 CFR Part 916

Kansas Permanent Regulatory Program; Informal Conference on Status

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of informal conference.

SUMMARY: On January 21, 1981, the Secretary of the Interior approved the Kansas program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On March 11, 1983, the Director, OSM, notified the Governor of Kansas that OSM had reason to believe that serious problems exist which are adversely affecting the effective implementation, administration, maintenance and enforcement of Kansas' approved regulatory program.

Under the provisions of OSM's regulations at 30 CFR 733.12(c), the Director may hold an informal conference to discuss the facts surrounding the Director's notification if such an informal conference is requested by the State. By letter dated May 6, 1983, the Governor of Kansas requested that the Director hold an informal conference. Accordingly, the Director hereby notifies Kansas and the public that OSM will hold an informal conference on June 16, 1983, at the address shown below under "ADDRESSES." All interested persons may attend the informal conference.

DATE: OSM has scheduled an informal conference on June 16, 1983, to be held at the address below.

ADDRESSES: The informal conference will be held on June 16, 1983, beginning at 1:30 p.m. at the Holiday Inn, 4020 Parkview Drive, Pittsburg, Kansas 66762

Copies of Administrative Record documents referenced in this notice are available for public inspection and copying during normal business hours at: Office of Surface Mining, Scarritt Building, 818 Grant Avenue, Kansas City, Missouri 64106; Telephone: (816) 374–5527.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Rieke, Kansas City Field Office Director, Office of Surface Mining Reclamation and Enforcement, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374–5527.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior conditionally approved the Kansas program on January 21, 1981 (46 FR 5892).

On March 11, 1983, the Director, OSM, notified the Governor of Kansas that OSM had reason to believe that serious problems exist which are adversel affecting the effective implementation, administration, maintenance, and enforcement of Kansas' approved permanent regulatory program under SMCRA.

Since the approval of Kansas' program, and in keeping with its policy of working closely with the State, OSM has had numerous discussions with officials from the Kansas Mined Land Conservation and Reclamation Board (the Board) about the State's performance. Recent discussions and investigations have centered on inadequacies of the Board's implementation of the approved program in the areas set forth below.

1. *Permitting:* OSM has conducted a review of five Board approved permanent program permits. Although the State was able to process and approve, within eight months following primacy, 26 of the 28 permit applications received, OSM's review of five of the permits disclose major deficiencies. For example, OSM has reason to believe that:

(a) The Board is not conducting adequate completeness reviews of permit applications prior to issuance. As a result, certain required categories of information have been omitted.

(b) Technical review of permit applications is inadequate. OSM has found what appear to be major technical deficiencies in every permit reviewed. Inadequate analyses of the hydrologic balance, sediment ponds, prime farmland and revegetation success, and fish and wildlife protection are leading problems.

(c) The Board has not been making written findings on the critical categories of information required in the permit application. Therefore, the Board will not have the necessary documentation to support its decisions.

(d) The Board's approved program staffing plan is not being followed and may be a contributing factor to the problems with permit review. The Board does not have all technical positions filled, particularly in the fields of geology, engineering and agronomy.

2. *Inspection and Enforcement:* OSM has identified the following issues with respect to inspection and enforcement actions:

(a) OSM oversight inspections have resulted in the discovery of an inordinate number of significant violations which should have been cited previously by MLCRB inspectors.

(b) MLCRB inspection records indicate that State inspections are not adequately documented, evidence is not gathered, and the inspections rarely include a complete review of all applicable performance standards.

(c) While the State appears to be meeting or even exceeding the required frequency standards for complete and partial inspections, these numbers are misleading. OSM's review of State records shows that as many as six "complete" inspections were conducted by a single inspector in a single day. OSM questions that this frequency is possible while still observing and documenting all applicable performance standards.

(d) The MLCRB staff generally failed to take enforcement action when violations were observed.

(e) The civil penalty assessment procedures required in the approved State program are not being followed. Continuing analysis indicates that the Board consistently fails to properly consider assessment criteria (the operator's previous history of violations, seriousness, negligence, and good faith compliance), generally waive penalty points, and assesses no penalty.

(f) OSM believes that the Board's inspection staff is not receiving adequate guidance and training. Specific areas of concern include lack of training for blasting, seismograph operation, penalty assessment procedures, hydrology, report writing and evidence gathering.

(g) The Board's staff is deficient in its handling of citizen complaints. While it generally responds to a complaint by making an inspection, the Board rarely provides to the citizen the required written response detailing the disposition of the complaint, nor does it take appropriate enforcement action.

3. *Bond Release*: The State is releasing performance bonds for surface coal mining operations that do not meet the State's required performance standards.

4. *General Board Procedures and Administrative Maintenance*: A general area of concern is the apparent failure of the Board to create or maintain administrative record procedures or tracking systems for such matters as permit reviews, citizen complaints, ten-day notices from OSM, enforcement actions and civil penalty assessments and bonding.

Pursuant to 30 CFR 733.12(b)(3), the Director requested that the Board take certain actions by April 15, 1983, to correct the deficiencies in its program. The Director also advised the State of its opportunity to request an informal conference, pursuant to 30 CFR 733.12(c). On May 6, 1983, the Chairman of the Board requested that the Director hold an informal conference.

The Director has agreed to Kansas' request, and hereby gives public notice of the informal conference for all persons wishing to attend. The date, time and location of the informal conference are identified above under the "Date" and "Addresses" sections of this notice.

The informal conference will pertain to the facts or the time period for accomplishing remedial actions as specified in the Director's notification.

Conference Rules

The informal conference is an opportunity for the Director to discuss the status of the implementation of the Kansas program with Kansas officials.

Because the conference will be informal, no testimony from the public will be taken, but a verbatim transcript of the meeting will be kept. Persons wishing to attend the informal conference will be permitted to do so.

Dated: May 25, 1983.

Arthur W. Abbs,

Acting Assistant Director, Program Operations and Inspection.

[FR Doc. 83-14503 Filed 5-27-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD8-81-801]

Safety Zone; Mississippi River Gulf Outlet

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its Safety Zone Regulations, 33 CFR 165, by establishing a safety zone in the Mississippi River Gulf Outlet (MRGO), the Michoud Canal and the Inner Harbor Navigation Canal (IHNC). As the number and size of the vessels utilizing the MRGO increases, so does the need to coordinate their movements to minimize the possibility of environmental or economic harm befalling the Port of New Orleans as a result of a collision. The Safety Zone is being established to prevent larger vessels from having dangerous meeting and overtaking situations between the seaward entrance and LT 62 of the MRGO.

EFFECTIVE DATE: This final rule became effective on July 1 1983.

FOR FURTHER INFORMATION CONTACT: LCDR R. E. FORD, Port Safety Officer, or LTJG S. EVANS, Waterways Safety Officer, c/o U.S. Coast Guard, Captain of the Port, 4640 Urquhart Street, New

Orleans, Louisiana 70117, telephone: (504) 589–7108.

SUPPLEMENTARY INFORMATION: On June 4, 1981, the Coast Guard published interim final rules in the **Federal Register** for the regulations (46 FR 29933). Interested persons were requested to submit comments and seven comments were received. The publishing of timely responses to these seven comments in Final Rule making action was delayed by the subsequent unanticipated closure of the New Orleans Vessel Traffic Service (VTS) in March 1982. Inasmuch as the Interim Final Rules assigned to the VTS the vital function of coordinating vessel movements within the Safety Zone, its closure curtailed the ability of the Coast Guard to carry out this vital function and essentially rendered the regulations establishing the Safety Zone moot. In the aftermath of the closure of VTS, further action to amend the Interim Final Rules to reflect the loss of the VTS, or to withdraw them in their entirety, was purposely postponed until a final resolution of the future status of VTS was made.

In August 1982, funding was restored for the VTS and the system was partially reactivated shortly thereafter. This partial reactivation did not include coverage of the MRGO which, at the time, was preliminarily scheduled for coverage sometime during the period of mid to late 1983. However, the continued existence of the VTS remained somewhat in doubt, resulting in the further postponement of Final Rules on the MRGO Safety Zone pending a final resolution of the matter.

Regardless of the long term status of the VTS, the system's immediate operational plans are to reactivate coverage on the MRGO on July 1, 1983. In response to these plans, a decision was made that a continued delay in publishing Final Rules was not in the public's best interest because of the confusion that could arise as to the status of the regulations upon the reactivation of coverage on the MRGO.

Drafting Information

The principal persons involved in drafting this rule were LCDR G. J. E. THORNTON, Port Safety Officer, or LTJG M. R. BESKEEN, Waterways Safety Officer, U.S. Coast Guard, Captain of the Port, 4640 Urquhart Street, New Orleans, Louisiana 70117, Telephone (504) 589–7108. The project attorney is LCDR R. A. BRUNELL, c/o Commander, Eighth Coast Guard District (dl), Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130, Telephone (504) 589–5185.

Discussion of Comments

Comments were received from persons with and/or representing the following organizations: Transworld Drilling Company, Oklahoma City, Oklahoma: Associated Branch Pilots, New Orleans, Louisiana; Crescent River Port Pilots Association, New Orleans, Louisiana; New Orleans Steamship Association; American Waterways Operators, Inc., New Orleans, Louisiana, Thomas and James Harrison Ltd., Liverpool, England; Vessel Traffic Service, New Orleans, Louisiana.

One commentor suggested that the proposed rule be amended to exclude all vessels, including mobile offshore drilling units (MODUs), from the requirement to notify Vessel Traffic Service (VTS) when crossing the MRGO normal to the canal axis. The Coast Guard designed the MRGO Safety Zone to prevent meeting and/or overtaking situations in the open water section of the MRGO between vessels, including tows over 600 feet long or over 80 feet abeam, or over 30 feet in draft. Crossing situations were not anticipated in a channel 600 feet wide and therefore were not specifically addressed in the rulemaking. Also, the hydrodynamic interaction between ships that make meeting and overtaking situations potentially hazardous are not present in a crossing situation. The crossing of the axis of the safety zone by a MODU, or any vessel meeting one or more of the size criterion, is so rare that it need not be addressed by regulations if prudent seamanship is conscientiously applied and the rules of the road adhered to.

Another commentor's suggestions concerns the definition of regulated vessels. Since the actual depth of the MRGO changes due to shoaling and dredging, he felt the regulation should be rewritten so that the thirty foot draft criterion could be changed accordingly, consistent with the needs of safety and the recommendations of the pilots. He further writes that the regulation should be writen so that if, and when, the current project dimensions of the channel are increased, the length/beam/draft criteria in the regulations will increase accordingly. The Coast Guard believes that changes to the depth in the MRGO are not sudden and any future changes to the controlling depths of the MRGO which would warrant changing the criteria for a regulated vessel would be more appropriately handled with future rulemaking. A system that would link the size criteria for the regulated vessels to the width and depth of the MRGO would be too complex and would not vary enough to warrant inclusion in the rulemaking.

This commentor also suggested that since vessels are already, by another regulation, required to give a 24-hour advance notice of arrival to the Captain of the Port, that this requirement suffice for the two hour notice. Another commentor also thought that the two hour advance of intended movement needs more study because arriving vessels will not be able to contact the VTS two hours before they enter the Safety Zone due to the distance involved. He felt that this problem could be resolved if the system of contact with the VTS by the vessel was broadened. Coast Guard experience has shown that the advance notice of arrival required by 33 CFR 161.7 is not accurate enough to allow for the scheduling of vessels in the Safety Zone. Regulations in 33 CFR 161.7 allow a vessel to arrive up to six hours before or after the time given in the advance notice before the Captain of the Port needs to be notified of any changes. Small and infrequent delays of two hours have been encountered and are considered acceptable compared to the delays that would result if the Coast Guard tried to coordinate vessel movements based on inaccurate 24-hour advance notice of arrival. Some vessels have experienced problems contacting VTS on Channel 12 VHF–FM as was anticipated by one commentor. These vessels with the problem have been able to reach VTS via the marine operator, or by relaying the needed information through another vessel or the Assocated Branch Pilots.

One commentor presented the opinion that the pilots should share in the responsibility for making vessel position reports. The Coast Guard believes that the pilots have a professional, but not legal, obligation within the realm of providing "local knowledge" to advise masters of the local regulations. Finally, he recommended that outbound vessels be required to give their estimated times of arrival at the regulated area. He contended that this information is necessary to adequately schedule transits of the regulated area. Coast Guard Vessel Traffic Service experience has shown that if departing vessels comply with the reporting procedures outlined in the final rule, they can accurately compute the vessel's arrival time at LT 62.

In this regard, one pilot association suggested that two reporting points be added above the regulated area to provide the VTS with a more accurate speed plot of transiting vessels. This suggestion is adopted and reporting

points at MRGO LT 96 and LT 114 are added accordingly.

Two commentors pointed out that tows were included in the discussion but omitted from the regulation. One of these commentors felt that tows should not be included as regulated vessels for two reasons. First, their ability to maneuver outside of the channel allows tows to give way to a larger vessel more easily. Secondly, the time required for most tows to move through the regulated area is substantial and the inclusion of tows as regulated vessels based on their dimension is an unnecessarily broad circumscription. The Coast Guard acknowledges that tows were not specifically mentioned in the regulatipn itself. Tows meeting criteria for regulated vessels were addressed in the original discussion and are intended to be included among the regulated vessels. The regulation has been amended accordingly. In the first four months that this regulation has been in effect, only three tows known to meet the criteria for regulated vessels have transited the length of the MRGO. One of these regulated tows has made several transits of the MRGO since commencement of the Safety Zone but has traveled outside the dredged channel and entered the MRGO just before LT 62. This tow while outside the channel is not subject to the regulation, however, it must still give the proper two hour notification before entering the MRGO south of LT 62. The Coast Guard believes that the relative infrequency of large tows transiting the MRGO will make their delaying impact insignificant. One commentor suggested that attainment of the goals of this program could be achieved by cooperation among the users of the MRGO and intervention by the Captain of the Port only when cooperation was not forthcoming and safety was jeopardized. He stated that the cross-currents below LT 62 are very similar to those encountered at the junctions of bayous with the MRGO and do not warrant special consideration as their presence can be anticipated. He contended that there are several factors, including currents, which cause a ship to be positioned improperly in a channel. It was his recommendation that larger vessels, more likely to run into problems, be restricted to daylight transit and one-way traffic only. He felt the present regulation is unnecessarily restrictive. A combination of the daylight and one-way transits along with pilot discretion and judgment would allow a free flow of traffic during daylight hours with transit by large vessels restricted to one-way scheduling only at night. The intermittent Coast Guard involvement suggested is considered unacceptable. By the time the Coast Guard intervention is requested it would be too late. This regulation was developed to present "in extremis" situations, not to provide for emergency response. Although the commentor contended the present regulations are unnecessarily restrictive, one-way traffic during daylight hours is far more restrictive than the present regulation. However, the Coast Guard does recognize thaty the absolute prohibition against regulated vessels meeting or overtaking each other within the regulated area is unnecessarly restrictive and, accordingly, has relaxed the regulation to permit such passing when in the opinion of the pilots and/or operators on both vessels it can be accomplished safely.

One commentor faulted the Coast Guard for using Vessel Traffic Service as its method of regulating traffic based on what he perceives as unqualified, inexperienced personnel manning the Vessel Traffic Service and making the decisions on regulating traffic. VTS has communications capability and computer enhanced tracking capabilities that simplify the coordination and decision making processes. It will therefore not require persons with years of seagoing experience to schedule these regulated vessels effectively.

One commentor requested a public hearing. He stated, "In light of the fact that there have been no collisions in the area being considered and the present relatively light flow of large vessels, the subject should be left open to public discussion and study before final rulemaking." Of the seven letters received commenting on the Safety Zone, only this one requests a public hearing. The Captain of the Port feels that oral presentations in this case would not aid the rulemaking process, only delay it. The Coast Guard acknowledges that while the number of vessels using the MRGO is not large, the percentage of regulated vessels encompasses a significant portion of the total and is expected to increase with expanded coal exports from the bulk terminal and completion of the Jourdan Road Facility.

One commentor described an incident between his vessel, a regulated vessel, and another vessel which was not regulated. The letter described the effects that take place between vessels as they meet or overtake one another in this narrow channel. In this case, his vessel almost struck the other vessel as his vessel was being passed due to the hydrodynamic interaction between the two ships. He concluded by suggesting that the regulations be amended to prohibit any vessel from overtaking a regulated vessel in the MRGO. The Coast Guard presently believes this comment is too restrictive, but paragraph (e) of the regulation allows for the Coast Guard to include non-regulated vessels when necessary.

Due to an editorial error, the Michoud Slip was used in paragraph (2) to define a safety zone boundary. The Michoud Canal was the intended boundary and the rule has been changed accordingly. To eliminate confusion stemming from the requirements for all vessels being located in paragraph (c) of the regulation, the Coast Guard has divided old paragraph (c) into new paragraphs (c) and (d) and changed paragraph (d) to paragraph (e). Segregation of the requirements for inbound and outbound vessels into separate paragraphs with no indication of requirements for all vessels, as a category, will serve to simplify the information necessary for a proper transit to be made. Further, several descriptive phrases and alternative actions are added for ease of operation.

Summary of Final Evaluation

These regulations are considered to be insignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order Z100.5 of 5–22–80). An evaluation under the Regulatory Flexibility Act of 1980 has been conducted. With proper notification procedures followed, delays in excess of two hours are extremely rare. This delay is relatively minor in the shipping industry and minimal compared to what it would be if there was a collision. For these reasons, it has been determined that this action will not have a significant economic effect on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Waterways.

Final Regulations

PART 165—[AMENDED]

In consideration of the foregoing, the Coast Guard amends Part 165 of Title 33 Code of Federal Regulations by revising § 165.801 to read as follows:

§ 165.801 Mississippi River Gulf Outlet.

(a) The area enclosed by the following boundary is a Safety Zone—The Mississippi River Gulf Outlet from Lighted Buoy 1 (LLNR 2014) northwesterly to its junction with the Gulf Intracoastal Waterway and then

westerly to, and including, the Inner Harbor Navigation Canal and easterly to and including the Michoud Canal.

(b) Vessels including tows over 600 feet in length, or over 80 feet in beam, or with a draft in excess of 30 feet, and intending to transit that portion of the Safety Zone from its seaward entrance at Lighted Buoy 1 to the jetty at Light 62 (LLNR 2068) must receive permission to enter or move within the Safety Zone. Vessels meeting this criteria will not meet or overtake each other in this seaward portion of the Safety Zone unless the pilots and/or operators of both vessels consider such passage to be safe and agree to it. Such an agreement must be reported beforehand to the VTS.

(c) All inbound vessels meeting the criteria of paragraph (b) of this section shall notify New Orleans Vessel Traffic Service (VTS) two hours prior to intended entry into the Safety Zone (in order to be scheduled), and immediately prior to entry (in order to obtain permission to enter), and upon passing MRGO Lighted Buoy 1, and MRGO Light 33 (LLNR 2046.50), MRGO Light 62, MRGO Light 96 (LLNR 2084), and MRGO Light 114 (LLNR 2092). Notification shall be made on Channel 12 VHF–FM. Notification prior to intended entry which cannot be accomplished on Channel 12 VHF–FM due to extreme range, shall be made by telephone to the VTS at (504) 589–2772 or 589–2773 by the vessel's agent or via the marine operator.

(d) All outbound vessels meeting the criteria of paragraph (b) of this section shall notify VTS two hours prior to intended movement within the Safety Zone (in order to be scheduled), and immediately prior to movement (in order to obtain permission to move), and immediately after heading fair in the outbound direction, and as the vessel passes the junction of the MRGO and Gulf Intracoastal Waterway (mile 60.0 MRGO), MRGO Light 114, MRGO Light 96, and MRGO Light 62, and MRGO Light 33 and MRGO Lighted Buoy 1. Notification two hours prior to movement shall be made by telephone to the VTS at (504) 589–2772 or 589–2773. Other notification shall be made on Channel 12 VHF–FM. Channel 11 VHF–FM may be used in lieu of Channel 12 by vessels above the Paris Road Bridge (mile 60.9 MRGO).

(e) Movement within this Safety Zone is normally unrestricted for vessels that do not meet the criteria of paragraph (b) of this section. The Captain of the Port may require other vessels within this defined zone to comply with the general regulations governing safety zones as contained in 33 CFR 165.20 whenever necessary for the protection of vessels, structures and water and shore areas.

(33 U.S.C. 1225, 1231; 49 CFR 1.46(n)(4))

Dated: March 28, 1983.

John L. Bailey,

Captain of the Port, Coast Guard, New Orleans, LA.

[FR Doc. 83–14511 Filed 5–27–83; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

33 CFR Parts 204 and 207

Danger Zone, Key West, Florida and Navigation Regulation; Cape Fear River, North Carolina

AGENCY: Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Army is deleting a regulation which establishes a danger zone in the waters surrounding Woman Key and Ballast Key, Florida. The Army is also deleting a regulation which establishes schedules of operation for the three locks on the Cape Fear River, North Carolina. The danger zone is no longer used for its intended purpose and the locks schedules are an unnecessary restriction which prevents changes at the local level.

EFFECTIVE DATE: June 30, 1983.

ADDRESS: HQDA, DAEN–CWO–N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard at (202) 272–0200.

SUPPLEMENTARY INFORMATION: The U.S. Navy has requested that the regulations in 33 CFR 204.90 Straits of Florida; Navy restricted area surrounding Woman Key and Ballast Key, be revoked as the government is no longer using the area. This revocation will remove a restriction from a waterway and return the area to the public.

33 CFR 207.161 establishes schedules for operation of the three locks on the Cape Fear River, North Carolina. The Corps of Engineers has determined that operating schedules are properly established at the district level through local notices to navigation interests. Continued promulgation of these rules in the CFR unnecessarily restricts the authority of the district engineer to make changes consistent with changes in local conditions and in response to available resources.

The Department of the Army has determined that notice of proposed rulemaking and public procedures thereto are unnecessary since the revocation of these two regulations will remove an unnecessary restriction on a waterway and return operating controls to the local level in the spirit of regulatory reforms. Local public notices announcing the revocation of these regulations are also being distributed by the district engineers.

Note.—The Department of the Army has determined that this document does not contain a major rule requiring a regulatory impact analysis under Executive Order 12291 because it will not result in an annual effect on the economy of $100 million or more and it will not result in a major increase in costs or prices. The Army has also determined that this rule will not have s significant economic impact on a substantial number of entities and thus does not require the preparation of a regulatory flexibility analysis.

List of Subjects in 33 CFR Parts 204 and 207

Transportation and waterways.

Dated: April 28, 1983.

William R. Geavelli,

Assistant Secretary of the Army (Civil Works).

PART 204—DANGER ZONE REGULATIONS

Accordingly, the Department of the Army is amending 33 CFR by removing §§ 204.90 and 207.161 as set forth below

§ 204.90 Straits of Florida; Navy restricted area surrounding Woman Key and Ballast Key. [Removed]

PART 207—NAVIGATION REGULATIONS

§ 207.161 Cape Fear River, Navigation Locks between 29 and 94 river miles north of Wilmington, North Carolina; use, administration and navigation. [Removed]

[FR Doc. 83–14455 Filed 5–27–83; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Ch. I

Land Protection Plans

Correction

In FR Doc. 83–12578, beginning on page 21121, in the issue of Wednesday May 11, 1983, make the following changes:

1. On page 21124, in the first column, in the seventh line, "will" should read "will be".

2. In the third column, the fourth paragraph should begin "(d)"; in the fifth paragraph, in the first line "or" should read "of".

3. On page 21126, in the first column, in the third complete paragraph, in the seventh line "projection" should read "protection".

4. On page 21127, in the first column, in the third line from the bottom, "NPA" should read "NPS"; in the second column in the third line from the top "Faimly" should read "Family".

5. On page 21128, in the first column in the eighth line from the bottom, "acquire or" should read "acquire fee or"; in the second column, in the first paragraph under "Emergencies and Hardships", in the ninth line "revised" should read "reviewed".

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans Benefits; Persons Included as Having Served on Active Duty

AGENCY: Veterans Administration.

ACTION: Final regulation amendment.

SUMMARY: We have amended our regulation concerning persons who are included as having served on active duty. The need for this action results from a recent decision of the Secretary of the Air Force that the service of the members of the group known as Civilian Personnel Assigned to the Secret Intelligence Element of the Office of Strategic Services (OSS) constitutes active military service in the Armed Forces of the United States for purposes of all laws administrated by the Veterans Administration. The effect of this action is to confer veteran status for Veterans Administration benefit purposes on former members of this group who were discharged under honorable conditions.

EFFECTIVE DATE: This section is effective December 27, 1982, the date that the Secretary of the Air Force held that service in the group constitutes active duty.

FOR FURTHER INFORMATION CONTACT: Robert M. White (202) 389–3005.

SUPPLEMENTARY INFORMATION: Pursuant to 38 CFR 1.12(b) the Veterans Administration finds that prior publication of this change for public notice and comment is impracticable and unnecessary. The Veterans Administration has no discretion in this matter. The decision of the Secretary of the Air Force concerning active duty status is binding on the Veterans Administration. Consequently, a proposed notice will not be published. For this reason, these changes are also not subject to the Regulatory Flexibility Act, 5 U.S.C. 601–612, since they do not come within the term "rule"as defined in that act.

In accordance with Executive Order 12291, Federal Regulation, we have determined that this regulation change is nonmajor for the following reasons:

(1) It will not have an effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health Care, Pensions, Veterans.

There is no affected catalog of Federal Domestic Assistance Program number.

Approved: May 13, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—ADJUDICATION

The Veterans Administration is amending 38 CFR Part 3 as follows:

In § 3.7 paragraph (x)(10) is added to read as follows:

§ 3.7 Persons included.

* * * * *

(x) *Active military service certified as such under section 401 of Pub. L. 95–202.*

* * *

(10) Civilian Personnel Assigned to the Secret Intelligence Element of the OSS.

[FR Doc. 83–14471 Filed 5–27–83; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 4

Service of Process

AGENCY: Office of the Secretary, HHS.

ACTION: Final rule with request for comments.

SUMMARY: The regulation concerning service of process on Department officials is being revised to reflect recent statutory changes and reorganization in the Department's Office of the General Counsel. The regulation revises the method for serving legal process on the Department and its officials.

DATES: The regulation is effective June 30, 1983. Comments must be received by August 1, 1983.

ADDRESS: Send comments on the regulation to: Office of the General Counsel, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Beverly Dennis, (202) 245–6733.

SUPPLEMENTARY INFORMATION: On January 12, 1983, the President signed into law Pub. L. 97–462, which amended Rule 4 of the Federal Rules of Civil Procedure. The amendments took effect February 26, 1983, and changed various requirements related to service of process in civil litigation in federal courts, including service on federal agencies and officials.

A principal form of process is the summons and complaint initiating a lawsuit. Prior to the recent amendments, the method of service prescribed in Rule 4 for initiating a lawsuit against a federal agency or officer was delivering a copy of the summons and complaint to the United States Attorney for the district in which the action is brought (or designated subordinates), sending a copy by registered or certified mail to the Attorney General, and delivering a copy to the agency or officer being sued. Under 28 U.S.C. 1391(e) delivery of the summons and complaint to the agency or officer may be made by certified mail beyond the territorial limits of the district in which the action is brought. Thus, under these provisions, service on a federal agency or officer could be made by delivery under Rule 4(d)(5) or by certified mail under 28 U.S.C. 1391(e).

Public Law 97–462 has changed the method for service of the summons and complaint. As revised, Rule 4(d)(5) specifies that service on a federal agency or officer is to be made by sending a copy of the summons and complaint to the officer or agency by registered or certified mail (in addition to service on the United States Attorney and Attorney General). The option for service by personal delivery no longer exists.

HHS regulations (45 CFR 4.1) currently require that summonses, complaints, subpoenas, and other process that are required to be served on or delivered to the Secretary of

Health and Human Services shall be delivered or sent by mail to certain employees in the Department's Office of the General Counsel. In light of the amendments to Rule 4 and reorganization of the Office of the General Counsel, we are revising the Department's regulation on service of process.

Under the regulation being adopted, service of a summons and complaint on the Department or on any Department official sued in his offical capacity may be made by mailing a copy to the Department's General Counsel. Such service will constitute service on the Department or the official, as required by Rule 4. Process mailed directly to the General Counsel will avoid the delays encountered when the documents must be transferred from other offices.

Under the regulation, the Office of the General Counsel will also accept service of subpoenas and other process required to be served on the Department or on the Secretary. The regulation specifies certain employees in the Office who are authorized to accept such process when it is delivered. Subpoenas and other process directed at other officials of the Department would not be subject to this general rule and would have to be served on the individual official unless different arrangements for acceptance of process are made in a particular case.

The current regulation does not address the issue of suits against Department officials in their individual capacities. Under the amended regulation the Office of the General Counsel is authorized but not required to accept service of summonses and complaints initiating lawsuits against a Department employee when the employee is sued in his individual capacity and the suit relates to the employee's official duties. Such service must nevertheless be accomplished in accordance with the provisions of Rule 4 applicable to service on individual defendants or, in the case of suits brought in State courts, in accordance with the applicable requirements. This change simply clarifies existing policy, except that, for the first time, the Office of the General Counsel is authorized by regulation to accept certain process on behalf of Department employees sued as individuals.

The regulation is also being amended to state that the Department will not ordinarily provide a receipt or other acknowledgment of process received. Plaintiffs mailing a summons and complaint to the Department sometimes enclose a form by which they seek acknowledgment of receipt of the process, and in the past such forms have sometimes been completed and returned by the Department. Since completion of such forms is not required or contemplated by Rule 4 and therefore creates unnecessary work for Department employees, the regulation states the Department's current policy of not returning such forms. Where a Department official is sued in his individual capacity, however, and service is accomplished pursuant to the new Rule 4(c)(2)(C), the Department may return the acknowledgment form required under that rule.

This regulation is not being published for public comment prior to its taking effect since it simply changes the existing regulation to reflect statutory changes and reorganization within the Office of the General Counsel, and assigns certain responsibilities within the Department. Accordingly, notice and comment procedures are unnecessary. Nevertheless, we are soliciting comments on the changes, and any revisions in the regulation shown by the comments to be appropriate will be made.

This is not a major rule within the meaning of Executive Order 12291 and thus does not require a regulatory impact analysis. Also, since the regulation does not have any significant impact on a substantial number of small entities, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act (5 U.S.C. Ch. 6).

List of Subjects in 45 CFR Part 4

Courts.

Therefore, 45 CFR Part 4 is amended by revising it to read as follows:

PART 4—SERVICE OF PROCESS

Sec.

4.1 Suits against the Department and its employees in their official capacities.
4.2 Other process directed at the Department or Secretary.
4.3 Process against Department employees in their individual capacities.
4.4 Acknowledgment of mailed process.
4.5 Effect of regulations.

Authority: 5 U.S.C. 301.

§ 4.1 Suits against the Department and its employees in their official capacities.

Summonses and complaints to be served by mail on the Department of Health and Human Services, the Secretary of Health and Human Services, or other employees of the Department in their official capacities should be sent to the General Counsel, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

§ 4.2 Other process directed to the Department or Secretary.

Subpoenas and other process (other than summonses and complaints) that are required to be served on the Department of Health and Human Services or the Secretary of Health and Human Services in his official capacity should be served as follows:

(a) If authorized by law to be served by mail, any mailed process should be sent to the General Counsel, Department of Health and Human Services, 200 Independence, S.W., Washington, D.C. 20201.

(b) If served by an individual, the process should be delivered to the staff of the correspondence control unit in the Office of the General Counsel, Room 711–E, 200 Independence Avenue, S.W., Washington, D.C., or, in the absence of that staff, to any Deputy General Counsel or secretary to any Deputy General Counsel of the Department.

§ 4.3 Process against Department officials in their individual capacities.

Process to be served on Department officials in their individual capacities must be served in compliance with the requirements for service of process on individuals who are not governmental officials. The Office of the General Counsel is authorized but not required to accept process to be served on Departmental officials in their individual capacities if the suit relates to an employee's official duties.

§ 4.4 Acknowledgement of mailed process.

The Department will not provide a receipt or other acknowledgement of process received, except for a return receipt associated with certified mail and, where required, the acknowledgement specified by Rule 4(c)(2)(C) of the Federal Rules of Civil Procedure.

§ 4.5 Effect of regulations.

The regulations in this part are intended solely to identify Department officials who are authorized to accept service of process. Litigants must comply with all requirements pertaining to service of process that are established by statute and court rule even though they are not repeated in these regulations.

Dated: May 19, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83–14500 Filed 5–27–83; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 310

Merchant Marine Training

AGENCY: Maritime Administration, DOT.

ACTION: Final rulemaking.

SUMMARY: The Maritime Administration (MARAD) is amending its merchant marine training regulations to implement a 10 percent reduction in the entering classes at the U.S. Merchant Marine Academy. There are some minor amendments to ease administration, both for MARAD and for the state maritime academies. To eliminate a duplication in numbering, we are renumbering § 310.13, in Subpart A, as § 310.12–1. Subpart D—Regulations for Receipt of Donation for Chapel and Library at U.S. Merchant Marine Academy, Kings Point, New York is being revoked as obsolete, since its purpose has been accomplished.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Friedberg, Director, Office of Maritime Labor and Training, Maritime Administration—DOT, 400 7th Street, SW., Room 7302, Washington, DC 20590, Telephone: (202) 426–5755.

SUPPLEMENTARY INFORMATION: Following is a summary of the content of this final rulemaking.

Subpart C—Admission and Training of Midshipmen at the U.S. Merchant Marine Academy.

Section 310.53 Nominations and vacancies—Indicates lower quotas for geographical areas eligible to send students to the U.S. Merchant Marine Academy.

Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges.

Section 310.6 Entrance requirements—Provides that students enrolled on or after April 1, 1982, and receiving Federal assistance, shall be obligated before enrollment to complete the Naval Science curriculum.

Section 310.7 Federal student subsistence allowances and student incentive payments—Requires (1) the state maritime academies to inform MARAD annually no later than February 1, of those students who have been selected to receive the student incentive payments; and (2) removal of students from the MARAD assistance rolls upon either loss of midshipman status or enrollment in the ROTC program.

Section 310.8 Leave—Provides clarification of the leave policy for students enrolled after April 1, 1982.

EO 12291, Statutory Requirements and DOT Procedure—The Maritime Administrator has made a determination that this rulemaking meets none of the criteria in Executive Order 12291 for a major rule. Since this rulemaking affects only students and applicants to the USMMA and state academies, the Maritime Administrator certifies that the regulation would have no significant economic impact on a substantial number of small entities that would require preparation of a regulatory flexibility analysis, pursuant to the Regulatory Flexibility Act of 1980 (Pub. L. 96–354). The regulation contains no new or amended reporting requirement within the scope of the Paperwork Reduction Act of 1980 (Pub. L 96–511). Pursuant to DOT Order 2100.5, this rulemaking is considered to be significant because there is substantial public interest, as well as Congressional interest in Federal assistance provided to state maritime academies and in the selection process for and allocation of appointments to the United States Merchant Marine Academy. A Regulatory Evaluation has been prepared and placed in the rulemaking docket. A copy of this document will be made available upon request in writing addressed to the Secretary, Maritime Administration, Department of Transportation, 400 7th Street, SW., Room 7300, Washington, D.C. 20590; phone—(202) 426–5746.

Inasmuch as the Congressional nomination process for the class entering July 1983 is complete, it is imperative that the amendment to Subpart C be published as a final rule. Delay would seriously affect the selection process at the Admissions Office of the U.S. Merchant Marine Academy, where the number of appointments are awarded based on precise knowledge of freshman vacancies available.

Pursuant to provisions of 5 U.S.C. 553, good cause exists for finding that notice and public procedure is impracticable and unnecessary. Accordingly, we are publishing these regulations as final rulemaking, effective immediately.

List of Subjects in 46 CFR Part 310

Grants programs, Education, Schools, Seamen.

Accordingly, 46 CFR Part 310 is amended in Subparts A and C, and existing Subpart D is removed and reserved as follows:

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges

§ 310.6 [Amended]

1. Section 310.6 *Entrance requirements*, is amended:

a. By revising the introductory words of the first sentence of (a)(2) preceding subdivision "(i)" to read:

Be obligated to . . .

b. By revising the first sentence of (a)(3) to read:

(a) * * *

(3) Be obligated to sit for the appropriate licensing examination of the United States Coast Guard.* * *

* * * * *

c. By adding paragraph (b)(4) to § 310.6 to read:

* * * * *

(b) * * *

(4) Be obligated to complete the naval science curriculum.

§ 310.7 [Amended]

2. Section 310.7 *Federal student subsistence allowances and student incentive payments*, is amended:

a. By revising paragraph (a)(4) to read:

(a) * * *

(4) *ROTC enrollment.* Subsidized cadets who make a commitment to an Armed Force Reserve Officer Training Corps will be removed from the Administration subsidy rolls effective on the date they receive funds from a U.S. military service. Should they leave the program for any reason they may not reclaim the Administration subsidy as a cadet.

* * * * *

b. By revising the first sentence of paragraph (b)(1) to read:

* * * * *

(b) * * *

(1) *General provisions.* In accordance with the Administration's established subsidy quotas for classes entering after April 1982, each school shall identify to the Administration, no later than February 1 annually, those students who have been selected to receive the student incentive payment authorized by the Act. * * *

* * * * *

c. By revising the last sentence of paragraph (b)(1) to read:

* * * * *

(b) * * *

(1) * * * The School shall submit a quarterly certified Daily Attendance Report listing the names of all

designated midshipmen who are entitled to student incentive payments.

* * * * *

d. By adding the following sentence at the end of paragraph (b)(1):

* * * * *

(b) * * *

(1) * * * Midshipmen who do not take all necessary steps to maintain their midshipman status, who lose their midshipman status due to action by the U.S. Navy, or who make the commitment identified in paragraph (a)(4) of this section will have their student incentive payment terminated.

3. Section 310.8 is revised to read:

§ 310.8 Leave.

(a) *Enrolled before April 1, 1982.* Limitations on cadet leave, without loss of Federal student subsistence, with the specific limits to be set at the discretion of the Superintendent on an academic year basis, are:

(1) If hospitalized, sick at home, or confined in the sick bay, leave shall not exceed four (4) months.

(2) For an emergency due to the serious illness, injury or death of a very near relative, leave shall not exceed seven (7) days.

(3) Annual leave shall not exceed thirty (30) days.

(4) Christmas and Easter leave shall not exceed a total of twelve (12) days, and leave may be granted for all legal holidays—Federal and state. This leave is in addition to that granted in paragraph (a)(3) of this section.

(5) Leave in addition to that provided in paragraphs (a)(3) and (a)(4) of this section may be granted only if approved in advance by the Supervisor, upon direct request by the Superintendent.

(b) *Enrolled on or after April 1, 1982.* Midshipmen will be granted leave without loss of incentive payments as follows:

(1) Medical leave, as authorized by the school, not to exceed four (4) months.

(2) Christmas and Easter leave and all legal holidays—Federal and state—as authorized by the school. This leave is in addition to that granted in paragraph (b)(3) of this section.

(3) Excused absences, as authorized by the school, not to exceed thirty (30) days per academic year. All unauthorized leave and all excused absences in excess of thirty (30) days will result in loss of incentive payments. Midshipmen receiving student incentive payments may be granted leaves of absence without pay, as approved by the Superintendent, for periods not to exceed one (1) academic year at a time. Midshipmen in a pay status will only be granted a leave of absence if they continue to meet all requirements for graduation in this part, including age requirements.

§ 310.9 [Amended]

4. Section 310.9, *Medical attention and injury claims,* is amended by revising paragraph (b) to read:

* * * * *

(b) *Compensation claims of Cadets or Midshipmen.* Compensation claims for personal injuries or death sustained by a federally-assisted cadet or midshipman in the performance of official duty shall be forwarded to the Supervisor for transmission to the Office of Workers' Compensation Programs. The Supervisor shall furnish necessary forms.

* * * * *

§ 310.13 [Redesignated as § 310.12-1]

5. Section 310.13 is renumbered as § 310.12–1, *Form of agreement.*

Subpart C—Admission and Training of Midshipmen at the U.S. Merchant Marine Academy

§ 310.53 [Amended]

6. Section 310.53, *Nominations and vacancies,* is amended by revising paragraph (b)(5) to read:

* * * * *

(b) * * *

(5) The distribution of each entering class by State is:

Alabama	5
Alaska	1
Arizona	4
Arkansas	3
California	24
Colorado	4
Connecticut	4
Delaware	1
Florida	11
Georgia	6
Hawaii	2
Idaho	2
Illinois	12
Indiana	6
Iowa	4
Kansas	4
Kentucky	5
Louisiana	5
Maine	2
Maryland	5
Massachusetts	7
Michigan	10
Minnesota	5
Mississippi	4
Missouri	6
Montana	2
Nebraska	2
Nevada	2
New Hampshire	2
New Jersey	8
New Mexico	2
New York	18
North Carolina	7
North Dakota	1
Ohio	12
Oklahoma	4
Oregon	4
Pennsylvania	13
Rhode Island	2
South Carolina	4
South Dakota	1
Tennessee	6
Texas	15
Utah	2
Vermont	1
Virginia	6
Washington	5
West Virginia	3
Wisconsin	6
Wyoming	1

Subpart D—[Removed and Reserved]

7. Subpart D is removed and reserved.

(Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)); (Pub. L. 97–31 August 6, 1981); 49 CFR § 1.66 (46 FR 47458, September 28, 1981))

Dated: May 20, 1983.

By Order of the Maritime Administrator

Georgia P. Stamas,

Secretary.

[FR Doc. 83–14475 Filed 5–31–83 8:45 am]

BILLING CODE 4910–81–M

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM–188A, Amdt. No. 164]

Transportation of Hazardous Substances Between Canada and the United States

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: Section 173.8 of the Department's Hazardous Materials Regulations (HMR) does not currently allow shipments of hazardous materials designated as hazardous substances to be tranported by railroad into or through the United States in conformance with the regulations of the Canadian Transport Commission (CTC). The purpose of this final rule is to amend § 173.8 to allow hazardous substances (other than hazardous wastes) that are subject to the CTC Regulations to be transported into or through the United States in accordance with CTC Regulations. This action is being taken in recognition of recent amendments to the CTC Regulations which provide for the proper identification of hazardous substances during transport.

EFFECTIVE DATE: This amendment is effective May 26, 1983.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, International Standards Coordinator, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. Telephone (202) 426–0656.

SUPPLEMENTARY INFORMATION: Section 173.8 of the HMR allows, with certain exceptions, shipments of hazardous materials to be transported by railroad into or through the United States in conformance with the CTC Regulations. One of the exceptions to this provision pertains to hazardous substances. Therefore, no (so-called) reciprocity is granted with respect to the transport of these materials and they must be transported fully in accordance with HMR. It was not intended by MTB that this exception should apply to all of the transport requirements for hazardous substances (e.g., packaging and, when required labeling requirements). The original intent in including this exception in § 173.8 was to insure that shipments of hazardous substances entering the United States from Canada conformed to the additional description and marking requirements in the HMR applying to hazardous sustances. However, the manner in which the text of § 173.8 was drafted results in a totol exclusion of hazardous substances from the provisions of § 173.8.

Problems have been encountered in the transport of hazardous substances from Canada to the United States as a result of this exception. Many materials designated as hazardous substances in the HMR, which also meet the definition of another hazard class, have classifications and labeling, placarding and description requirements under the CTC Regulations that are different from those under the HMR. Because these materials are excluded from the reciprocity provisions of § 173.8, they are required to be replacarded and relabeled, and to have shipping papers prepared in accordance with the HMR, before they enter the United States. Many of these materials are of very considerable commercial importance and the requirement to replacard, relabel and redescribe them imposes a serious burden on industry and results in an unnecessary delay in the movement of these materials.

On May 10, 1983, the CTC adopted changes to its regulations that define and designate hazardous substances in the same manner as they are defined and designated in the HMR. These changes also prescribe Reportable Quantities (RQ) for the designated hazardous substances that are consistent with those prescribed in the HMR. Furthermore, these amendments require the identification of hazardous substances on shipping papers and in package marking in the same manner required in the HMR. Consequently, the MTB believes there is no need to maintain the exception for hazardous substances in § 173.8 in order to insure the adequate identification of hazardous substances transported into the United States from Canada, and is deleting the reference to hazardous substances in this section.

It must be noted that not all of the materials designated as hazardous substances in the HMR have also been designated as such in the CTC Regulations. Under the amended CTC Regulations, only those materials designated as hazardous substances in the HMR and which also meet the definition of another hazard class in the CTC Regulations, have been designated as hazardous substances. However, as explained in Docket No. HM–188 (48 FR 20255), the MTB has determined that reciprocity exists with the CTC Regulations under § 173.8 only in regard to the transport of hazardous materials that are subject to both CTC and DOT regulations. That is, unless a CTC Regulation applies to a material considered a hazardous material under the HMR, the provisions of § 173.8 do not apply and the material must be transported in conformance with the HMR. Therefore, although the reference to hazardous substances is being deleted in § 173.8, those hazardous substances that are not subject to the CTC Regulations must still be transported in conformance with the HMR.

I. Classification of Rule; Reporting Requirements; and Impact on Small Entities

A. *Non-Major Rule.* The Materials Transportation Bureau has determined that this regulatory amendment is not a major rule under terms of Executive Order 12291 or significant under DOT's regulatory procedures (44 FR 11034), and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 et.seq.) A regulatory evaluation is not warranted since the anticipated impact is minimal.

B. *Impact on Small Entities.* Based on information available concerning size and nature of entities likely to be affected, I certify that this amendment will not as promulgated, have a significant economic impact on a substantial number of small entities.

II. *Final Rule Without Notice and Without Usual Delay in Effective Date*

The MTB considers this action to constitute an emergency final rule due to the potential for serious economic impact on trans-border shipments if MTB does not take expedited action and since this rule changes does not impose additional requirements, notice and procedure thereon are considered unnecessary. For the same reason, it is considered necessary to make the rule effective immediately.

List of Subjects in 49 CFR Part 173

Hazardous materials transportation, Regulations, Definitions.

PART 173–SHIPPERS–GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

In consideration of the foregoing, 49 CFR 173 is amended as follows:

§ 173.8 [Amended]

In § 173.8, paragraph (a) is amended by removing the words "and hazardous substances".

(49 U.S.C. 1803, 1804, 1808 and 1809; 49 CFR 1.53, Appendix A to Part 1)

Issued in Washington, D.C. on May 24, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83–14330 Filed 5–27–83; 8:45 am]

BILLING CODE 4910–60–M

Federal Railroad Administration

49 CFR Part 223

[Docket No. RSGM–1, Notice No. 6]

Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Final rule; extension of compliance date.

SUMMARY: This document amends the final rule published on December 31, 1979 (44 FR 77348) which established a compliance date of June 30, 1983 for retrofitting existing locomotives, passenger cars and cabooses with improved safety glazing materials. It extends the compliance date six months until December 31, 1983. This action is being taken in response to a petition by the Association of American Railroads (AAR) and multiple individual requests from railroads for additional time to complete the retrofit program.

EFFECTIVE DATE: This final rule becomes effective on June 30, 1983.

FOR FURTHER INFORMATION CONTACT:
Principal Program Person: Philip Olekszyk; Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, Telephone (202) 426–0897.
Principal Attorney: Lawrence I. Wagner; Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, Telephone (202) 426–8836.

SUPPLEMENTARY INFORMATION: In response to a joint petition from the AAR and the Railway Labor Executives Association (RLEA), the FRA adopted regulations in 1979 that require the installation of improved safety glazing materials for all new railroad locomotives, passenger cars and cabooses. That regulation also required the retrofitting of most existing locomotives, passenger cars and cabooses. The regulation required that the retrofit program be accomplished by June 30, 1983.

The AAR has petitioned the FRA to amend the regulation to provide at least a six month extention of the compliance date. This extension request from the AAR was concurred in by the RLEA. In support of their request the AAR points out that the start up of the retrofit program was severely hampered by the lack of sufficient materials and that the depressed economic conditions of recent years have further impeded the progress of the program. By AAR estimates, there are approximately 7,800 locomotives and 4,800 cabooses that still require installation of improved glazing. In addition to the AAR request the FRA has received 20 individual requests from railroads or commuter agencies for extension of the compliance date. After considering the AAR petition for extension, the RLEA concurrence in that request, the individual requests, and FRA's independent data base, FRA has decided to extend the current compliance date six months to December 31, 1983. This timeframe should provide a sufficient period for completion of most retrofit programs.

Notice and Public Procedure

Since this final rule merely extends for six months the compliance date for a regulation that is already in effect and imposes no additional burden on any person, notice and public procedure are not necessary and because of the imminent June 30, 1983 compliance date, are also impractical. This final rule will avoid the disruption of rail service and public inconvenience that would result if all non-complying locomotives, passenger cars and cabooses were removed from service on the current compliance date of June 30, 1983.

List of Subjects in 49 CFR Part 223

Railroad safety.

Regulatory Impact

This final rule has been evaluated in accordance with existing regulatory policies. It will not have an adverse or significant economic impact on any entity, including small entities, because it does not place any new requirements or burdens on the public. Accordingly, it is certified that the proposal will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 95–354, 94 Stat. 1164, September 13, 1980). It does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The amendment does not constitute a major rule under the terms of Executive Order 12291 and does not constitute a significant rule under the Department of Transportation regulatory policies and procedures. Moreover, since there are no costs associated with this amendment, a further regulatory evaluation is not warranted.

PART 223—[AMENDED]

In consideration of the foregoing, Part 223 of Title 49, Code of Federal Regulations is amended effective June 30, 1983 as follows:

1. Paragraph (c) of § 223.11 is revised to read as follows:

§ 223.11 [Amended]

* * * * *

(c) Except for yard locomotives and locomotives equipped as described in paragraphs (a) and (b), of this section, locomotives built or rebuilt prior to July 1, 1980, shall be equipped with certified glazing in all locomotive cab windows after December 31, 1983.

* * * * *

2. Paragraph (c) of § 223.13 is revised to read as follows:

§ 223.13 Requirement for existing cabooses.

* * * * *

(c) Except for yard cabooses and cabooses equipped as described in paragraphs (a) and (b), cabooses built or rebuilt prior to July 1, 1980, shall be equipped with certified glazing in all windows after December 31, 1983.

* * * * *

3. Paragraph (c) of § 223.15 is revised to read as follows:

§ 223.15 Requirement for existing passenger cars.

* * * * *

(c) Except for passenger cars described in paragraphs (a) and (b), passenger cars built or rebuilt prior to July 1, 1980, shall be equipped with certified glazing in all windows and a minimum of four emergency windows after December 31, 1983.

* * * * *

(Sec. 209 of the Federal Railroad Safety Act (94 Stat. 957, 45 U.S.C. 438); Section 1.49(m) of the Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(m))

Issued in Washington, D.C., on May 24, 1983.

Thomas A. Till,
Acting Administrator.

[FR Doc. 83–14669 Filed 5–27–83; 8:45 am]
BILLING CODE 4910–06–M

---

49 CFR Part 231

[FRA Docket No. SA–3, Notice No. 7]

Safety Appliance Standards

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Final rule; extension of compliance date.

SUMMARY: This document amends the final rule published on December 30, 1982 (47 FR 58272), which extended the compliance date for the removal of roof running boards from box and other house cars from December 31, 1982 to June 30, 1983. It extends the compliance date six months until December 31, 1983. This action is being taken in response to a petition of the Association of American Railroads.

EFFECTIVE DATE: This final rule becomes effective on June 30, 1983.

FOR FURTHER INFORMATION CONTACT:

Principal Program Person: Philip Olekszyk; Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, Telephone (202) 426–0897.
Principal Attorney: Lawrence I. Wagner, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590; Telephone (202) 426–8836.

SUPPLEMENTARY INFORMATION: The Association of American Railroads (AAR) has filed a petition requesting that the Federal Railroad Administration (FRA) delete the first sentence of the Note in § 231.1 of the Safety Appliance Standards (49 CFR 231.1). This would eliminate in its entirety the requirement for the removal of roof running boards and the

VOL
48
ISS
105
MAY
31
1983
UMI

completion of the related changes in associated ladders and handholds on all box and other house cars built on or before April 1, 1966, or under construction prior to that date and placed in service on or before October 1, 1966. The present compliance date for this requirement is June 30, 1983. The petition also requests that this compliance date be extended to permit completion of rulemaking to delete this requirement.

In its petition, the AAR states that this requirement now "has less than a tenuous relationship to the safety of railroad employees". Railroad operating rules prohibit engine and train crews from going on the roof of a freight car. Railroad rules also prohibit other employees such as maintenance and repair personnel from going on the roof of a moving freight car.

On the basis of a recent survey, AAR estimates that approximately 30,000 cars are still in service that have not been so modified. The survey also indicates that almost one-half of these cars will be retired within the next three years.

After considering this petition, FRA has decided to extend the current compliance date six months to December 31, 1983. This will provide sufficient time for FRA to complete a rulemaking proceeding concerning the AAR request that this requirement be deleted in its entirety.

Notice and Public Procedure

Since this final rule merely extends for six months the compliance date of a regulation that is already in effect and imposes no additional burden on any person, FRA finds that notice and public procedure are not necessary and, because of the imminent June 30, 1983 compliance date, are also impractical.

List of Subjects in 49 CFR Part 231

Railroad safety.

Regulatory Impact

This final rule has been evaluated in accordance with existing regulatory policies. It will not have an adverse or significant economic impact on any entity, including small entities, because it does not place any new requirements or burdens on the public. Accordingly, it is certified that the proposal will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 95–354, 94 Stat. 1164, September 13, 1980). It does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The amendment does not constitute a major rule under the terms of Executive Order 12291 and does not constitute a significant rule under the Department of Transportation regulatory policies and procedures. Moreover, since there are no costs associated with this amendment, a regulatory evaluation is not warranted.

The Final Rule

PART 231—[AMENDED]

In consideration of the foregoing, § 231.1 of Part 231 of Title 49, Code of Federal Regulations, is amended, effective June 30, 1983, by amending the Note in that section to read as follows:

§ 231.1 Box and other house cars.

* * * * *

Note.—After December 31, 1983, cars of this type built on or before April 1, 1966, or under construction prior to that date and placed in service before October 1, 1966, must be equipped as nearly as possible with the same complement of safety appliances, depending upon type, as specified in § 231.27 for box and other house cars without roof hatches, or in § 231.28 for box and other house cars with roof hatches.

* * * * *

(Secs. 2, 4, and 6, 27 Stat. 531, as amended, secs. 1 and 3, 32 Stat. 943, as amended, sec. 6 (e) and (f), 80 Stat. 939; 45 U.S.C. 2, 4, 6, 8, 10, 11–16, 49 U.S.C. 1655; and § 1.49(c) of the Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(c))

Issued in Washington, D.C., on May 24, 1983.

Thomas A. Till,

Acting Administrator.

[FR Doc. 83-14470 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-06-M

Proposed Rules

Federal Register
Vol. 48, No. 105
Tuesday, May 31, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1430

1982–83 and 1983–84 Milk Price Support Program

AGENCY: Commodity Credit Corporation.

ACTION: Notice of proposed determination.

SUMMARY: As part of the milk price support program, the Commodity Credit Corporation (CCC) proposes that for the period August 1, 1983, through September 30, 1983, 50 cents per hundredweight, in addition to the 50 cents per hundredweight deduction implemented as of April 16, 1983, be deducted from the proceeds of sale of all milk marketed commercially by producers. CCC further proposes that for the period October 1, 1983, through September 30, 1984, the price of milk be supported at $13.10 per hundredweight and that two 50-cent per hundredweight deductions totaling $1.00 be made from the proceeds of sale of all milk marketed commercially by producers. The price support and the deductions are authorized by the Agricultural Act of 1949, as amended by section 101 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97–253, 96 Stat. 763, approved September 8, 1982).

DATE: Comments should be received by June 30, 1983 in order to be assured of consideration.

ADDRESS: Written comments should be sent to the Director, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Charles N. Shaw, Leader, Dairy and Sweeteners Group, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–7601. The Preliminary Regulatory Impact Analysis describing the proposed action and its impact is available from Dr. Shaw.

SUPPLEMENTARY INFORMATION: This proposed determination has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as a "major" action since the determination would result in an annual effect on the economy of $100 million or more.

While the Regulatory Flexibility Act (Pub. L. 96–354) is not applicable to this notice of proposed determination, an Initial Regulatory Flexibility Analysis has been prepared. A summary of the analysis is included in this notice and copies of the analysis have been sent to the Chief Counsel for Advocacy of the Small Business Administration. Additional copies are available to the public from Director, Analysis Dividison, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013.

This action will not have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is required.

The title and number of the Federal assistance program to which this proposed determination applies are: Title—Commodity Loans and Purchases; Number—10.051, as found in the Catalog of Federal Domestic Assistance.

Statutory Authority for Proposed Determination

Section 201(c) of the Agricultural Act of 1949 (the "1949 Act") provides that the price of milk shall be supported at a level not in excess of 90 percent nor less than 75 percent of parity as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. Section 201(d) of the 1949 Act, as added by the Omnibus Budget Reconciliation Act of 1982, provides that notwithstanding any other provision of law, for the period beginning October 1, 1982, and ending September 30, 1984, the price of milk shall be supported at not less than $13.10 per hundredwight for milk containing 3.67 percent milkfat.

Section 201(d) of the 1949 Act also provides that during the period October 1, 1982 through September 30, 1985, the Secretary of Agriculture is authorized to require the deduction of 50 cents per hundredweight from the proceeds of the sale of all milk marketed commercially by producers. These deductions are to be remitted to the Commodity Credit Corporation to offset a portion of the cost of the milk price support program.This authority does not apply for any fiscal year for which the Secretary estimates that the net price support purchases will be less than 5 billion pounds milk equivalent. If, at any time during a fiscal year, the Secretary estimates that the net price support purchases during that year will be less than 5 billion pounds, the authority for making deductions does not apply for the balance of the year.

Section 201(d) of the 1949 Act further provides that during the period April 1, 1983, through September 30, 1985, the Secretary of Agriculture may provide for an additional deduction of 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially by producers if a program is established under which the second 50-cent deduction is refunded to producers who reduce their milk marketings by a specified amount. This authority does not apply to any fiscal year or portion of a fiscal year for which the Secretary estimates that price support purchases of dairy products will be less than 7.5 billion pounds milk equivalent during the fiscal year.

Background

The price support level for milk is $13.10 per hundredweight for the period October 1, 1982 through September 30, 1983, pursuant to a determination of the Secretary published in the **Federal Register** on September 24, 1982 (47 FR 42128). A determination to impose a deduction of 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially, beginning on April 16, 1983, was published in the **Federal Register** on March 17, 1983 (48 FR 11253).

Proposed regulations establishing procedures for collecting an additional deduction of 50 cents per hundredweight from the proceeds of the sale of milk and establishing a program under which the additional deduction would be refunded were published in the **Federal Register** on December 17, 1982 (47 FR 56500).

Price Support Program

The price of milk is supported by the Commodity Credit Corporation through purchases of butter, cheese and nonfat dry milk at prices which are calculated to enable plant operators to pay dairy farmers, on average, a price equal to the support price. The effectiveness of the program depends on competition by manufacturers for available supplies of milk so that the average price received by farmers will equal the announced support price. At times of significant price support purchases, the purchase prices for these products tend to become the floor for the market prices of such products. Since most of the fluid milk prices are based on prices paid for manufacturing milk, the price support program undergirds all milk and dairy product prices.

Summary of Proposed Determination

It is proposed that a 50 cents per hundredweight deduction, in addition to the 50 cents per hundredweight deduction implemented as of April 16, 1983, be made from the proceeds of sale of all milk sold commercially by producers during the period August 1, 1983, through September 30, 1983. In addition, it is proposed that for the period October 1, 1983, through September 30, 1984, the price of milk be supported at $13.10 per hundredweight and two 50-cent deductions, totaling $1.00 per hundredweight, be made from the proceeds of sale of all milk sold commercially by producers. The second 50 cents per hundredweight deduction would operate in conjunction with a program under which the deduction would be refunded to those producers who reduce their commercial milk marketings by 11.6 percent during August and September 1983 and by 8.4 percent during October 1983 through September 1984, in comparison to marketings during an established base period.

Summary of Preliminary Regulatory Impact Analysis

The level of price support for the 1982–83 marketing year has been established at $13.10 per hundredweight for milk of national average fat content (3.67 percent). (47 FR 42128, September 24, 1982). A 50-cent per hundredweight deduction has been imposed for the period April 16 through September 30, 1983. (48 FR 11253, March 17, 1983).

Milk production continues to increase, and is projected to be 138.7 billion pounds for the 1982–83 marketing year, assuming a support price of $13.10 per hundredweight, and a 50-cent per hundredweight deduction for the last 5 and one-half months of the year. This represents a projected increase of 3.7 billion pounds milk equivalent over milk production in the 1981–82 marketing year and is .5 billion pounds greater than the estimate in March. Even though feed prices have increased, the milk-feed price relationships are expected to remain favorable and to result in increased milk production. Commercial consumption is projected to increase only 0.5 billion pounds to 122.5 billion pounds, partly because of the displacement of commercial sales by domestic donations of CCC-owned dairy products. CCC removals of dairy products are projected to be 16.3 billion pounds, an increase of 2.5 billion pounds from the 1981–82 level.

Implementation of the second 50-cent per hundredweight deduction on August 1 would result in a projected milk production level in the marketing year of 138.5 billion pounds, commercial consumption of 122.5 billion pounds, and CCC removals of dairy products of 16.1 billion pounds milk equivalents.

With a price support level of $13.10 per hundredweight and a 50-cent per hundredweight deduction beginning April 16, 1983, the net price support purchases during fiscal year 1983 are projected to be $2,637 million. The new outlay, before taking the deductions into consideration, is projected to be $2,695 million. The deduction will likely total $325 million. Implementation of the second 50-cent per hundredweight deduction on August 1 would result in projected CCC net price support purchases during fiscal year 1983, which corresponds to the 1982–83 milk marketing year, of $2,606 million. The new outlay, before taking the deductions into consideration, is projected to be $2,664 million. Total deductions during the year would likely total $437 million. Therefore, the net outlays for the marketing year, after taking the amount of the deductions into consideration, are projected to be $2,370 million if only the first deduction is implemented or $2,227 million if both deductions are implemented. These figures compare with an estimated CCC purchase cost of $2,282 million and a net outlay of $2,182 million for fiscal year 1982, and an estimated CCC purchase cost of $2,717 million and a net outlay of $2,775 million for fiscal year 1983 with support at $13.10 per hundredweight and no deductions implemented.

Several options were examined for the 1983–84 marketing year. A support price of $13.10 per hundredweight was compared to a support price established at 75 percent of parity. In addition, the deduction programs in conjunction with a $13.10 support level were examined on the basis of: (1) No deduction, (2) a 50-cent per hundredweight deduction and (3) a $1.00 per hundredweight deduction.

With a support price of $13.10 per hundredweight without any deductions, milk production is projected to 139.1 billion poinds, commercial consumption is projected to be 125.4 billion pounds and CCC net price support purchases of dairy products are projected to total 13.2 billion pounds milk equivalent. CCC purchase costs are estimated to total $2,179 million with net outlays of $2,348 million.

A support price of 75 percent of parity (currently estimated at $15.23 per hundredweight) would result in even greater milk production, porjected to be 141.9 billion pounds, with commercial consumption projected to be 123.0 billion pounds—2.4 billion pounds less than with support at $13.10—and CCC purchases are projected to total 18.4 billion pounds milk equivalent. CCC purchase costs are estimated to total $3,427 million with net outlays of $3,596 million.

With a support price of $13.10, a 50-cent deduction would result in a reduction in CCC's annual net outlays of $804 million and milk production at 138.3 billion pounds, 800 million pounds less than without the deduction. CCC purchases are projected to total 12.4 billion pounds milk equivalent. CCC purchase costs are estimated to total $2,056 million, net outlays before deductions $2,225 million, deductions $681 million, and net outlays after deductions $1,544 million.

With a support price of $13.10, a $1.00 deduction would result in a reduction in CCC's annual net outlays of $1,601 million and milk production at 137.5 billion pounds, 1.6 billion pounds less than without any deduction. CCC purchases are projected to total 11.6 billion pounds milk equivalent. CCC purchase costs are estimated to total $1,932 million, net outlays before deductions $2,101 million, deductions $1,354 million, and net outlays after deductions $747 million. However, the refund provisions of the second 50-cent deduction would reduce net deductions and increase CCC net otlays after deduction by $65 million to $70 million for each 10 percent of average producers who participate in the milk reduction and refund program.

With a support price higher than $13.10 and below 75 percent of parity ($15.23), each 50 cent per hundredweight incremental deduction is estimated to reduce milk production and CCC price support purchases by about .7 billion to .8 billion pounds milk equivalent from

the level which would occur at that respective price support level in the absence of the deduction. However, commercial use would decline if the support price were increased and CCC purchases would increase as a result of the lower commercial use. Per unit CCC purchase costs would also increase with a respective increase in the support price level.

Under section 201(d) of the 1949 Act, a refund of 50 cents per hundreweight must be made when a $1.00 per hundredweight deduction is in effect if the producer reduces commercial marketings by a specified level from the producer's marketings during the base period. The proposed regulations of December 17, 1982, provide for a base period of 24 months from October 1, 1980, through September 30, 1982. The maximum reduction which may be required under section 201(d) is estimated surplus as a percent of the estimated total milk production. Assuming that a $1.00 per hundredweight deduction were to be implemented effective August 1, 1983, the estimated total milk production would be 138.5 billion pounds and the estimated surplus (*i.e.*, CCC net price support purchases) would be 16.1 billion pounds. The proposed reduction of 11.6 percent is the maximum which could be required during August and September 1983 on the basis of these estimates. Assuming that a $1.00 per hundredweight deduction were to be implemented effective October 1, 1983, the estimated total milk production for fiscal year 1984 would be 137.5 billion pounds and the estimated surplus would be 11.6 billion pounds. The proposed reduction of 8.4 percent is the maximum which could be required during fiscal year 1984 on the basis of these estimates.

In deciding whether to propose these deductions, consideration has been given to the statutory standards prescribed by section 201(c) of the 1949 Act. Consideration has also been given to the Congressional policy statement with respect to dairy production which is set forth in section 204 of the Agricultural Act of 1954. The general non-binding policy of section 204 is, of course, subject to the specific statutory standards of section 201(c). The proposal will not affect the promotion of increased use of dairy products. The proposal will assure an adequate supply of milk and dairy products and will encourage efficient production units consisting of high-grade, disease-free cattle and modern sanitary equipment. It also will assure diary farmers as a whole of a fair return for their labor and investment while assuring an adequate supply of pure and wholesome milk to meet current needs. The proposal will assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. The proposal also reflects the recent increase in the cost of feed and increased efficiency in production.

Some margimal operators may not be able to profit under the proposal (some in fact may go out of business) but the statute which authorizes the milk price support program does not guarantee each and every dairy farmer a profit. A long-term trend shows that the number of operations with milk cows has declined steadily, while the average number of cows per operation has increased each year. In fiscal year 1984, even with a support price established at 75 percent of parity, there would be some 10,000 fewer operations with milk cows than in fiscal 1983. With a $13.10 per hundredweight support level and no deductions implemented, some 16,000 operations would cease to operate. This decline is about equal to the average annual decline from 1977 through 1982. Each 50-cent per hundredweight incremental deduction is estimated to result in an additional 1,600 fewer operations with milk cows in fiscal 1984. Thus, a full $1.00 deduction at a $13.10 support price would result in some 19,000 fewer operations than in fiscal 1983. This decline is less than the average annual decline of nearly 21,000 which occurred from 1973 through 1982, and well below the annual average decline of 28,000 which has occurred since 1970. This analysis is based on long-term trends and estimated aggregate cow numbers. Thus, no inference should be drawn as to size of operation impacted.

The implementation of the deductions would principally affect farm income in the areas of greatest production. More than 60 percent of the nation's milk production is concentrated in eight States: Wisconsin, California, New York, Minnesota, Pennsylvania, Michigan, Ohio and Iowa. However, every milk producer in the United States who markets milk commercially will be affected by the program. The 50-cent deduction represents less than 4 percent of producer gross income from milk and the one dollar deduction represents less than 8 percent of producer gross income from milk. Those producers who comply with the specified reduction will receive a refund of 50 cents per hundredweight of the $1.00 per hundredweight deduction.

The price support program operates nationally on a gross dollar basis (currently $13.10 per hundredweight) without regard to net income or individual producer costs. Individual producer costs vary widely depending on efficiency of the operation, accounting methods, and what is included in costs. Thus, using such cost data to arrive at net income figures can lead to distorted conclusions about individual dairy farmer's financial conditions.

Summary of Initial Regulatory Flexibility Analysis

Milk production exceeds milk consumption in the United States by about 10 percent. CCC has been, and is expected to continue, purchasing about 10 percent of the annual milk production at a net purchase cost in excess of $2 billion per year.

The objectives of this proposal are to defray part of the cost of the milk price support program, slow the rate of increase in milk production, and bring milk production into balance with commercial consumption.

The Statistical Reporting Service, United States Department of Agriculture, reports that in 1982 there were 311,800 operations with one or more dairy cows. Of the operations with dairy cows in 1981, 5.7 percent had 100 or more cows. The Small Business Administration (SBA) has defined the size standard for small farms as those for which average annual receipts for the preceding three fiscal years do not exceed $1 million. Using the average production per cow of 12,800 pounds per year and the average price of all milk at $13.78 per hundredweight, the break point with respect to cow numbers for defining small farms in accordance with the SBA size standard would be over 550 cows. Thus, well over 95 percent of all farms with dairy cows may be classified as small businesses. The total number of "responsible persons," those who will be required to deduct and remit funds to CCC, is estimated to be 2,500. While the Department does not maintain any size data regarding such entities, the vast majority come within the SBA's definition of "small business."

Small organizations and small governmental jurisdictions will not be substantially affected by this proposed determination.

Those defined as "responsible persons" will have the responsibility of providing documentation upon which deductions will be assessed. Since those entities purchase milk from producers and maintain records of individual producer marketings in the normal course of business, the additional paperwork and recordkeeping costs

involved with remitting deducted amounts are negligible.

Farmers who wish to reduce their production and apply for a refund would be required to verify at their local county ASC office their milk marketings for the base period, October 1, 1980, through September 30, 1982, in addition to marketings for the months that the additional 50-cent deduction and the refund program are in effect. The records required for verification of marketings should already be in the hands of farmers, since handlers presently provide this information to farmers with their milk checks. In some States, this information is available from State agencies.

No additional professional skills are required in order to comply with the requirements of this proposal.

This rule does not duplicate, overlap or conflict with the provisions or requirements of any other rules promulgated by the Federal Government. Any duplication of State or local government rules will be minimal.

CCC has considered two alternative programs for the current 1982–83 marketing year. These alternatives are: (1) Maintaining the 50-cent per hundredweight deduction which began April 16, 1983 and (2) imposing an additional 50-cent per hundredweight deduction in conjuction with a refund program effective August 1, 1983, through September 30, 1983.

CCC has considered alternative programs for the 1983–84 marketing year. These alternatives are: a support price of 75 percent of parity ($15.23 per hundredweight) or a support price of $13.10 per hundredweight in conjuction with: (1) No deduction, (2) a 50-cent per hundredweight deduction effective October 1, 1983 (without any refund program), or (3) a $1.00 per hundredweight deduction (two 50-cent deductions) in conjunction with a 50-cent per hundredweight refund program, effective October 1, 1983.

These alternatives are more fully discussed in the Preliminary Regulatory Impact Analysis.

Failure to implement any deduction would fail to accomplish CCC's stated objectives and would result in a continuation of the present situation where milk production exceeds commercial consumption and CCC purchases large amounts of dairy products under the milk price support program at great expense.

A refund will only be available if the $1.00 deduction is in effect. Only those farmers who wish to receive a refund will be required to establish their production during the base period or their production for the months during which the refund program is available. Information necessary to comply with these requirements normally accompanies a farmer's milkcheck and may also be readily available from other sources.

CCC believes that the compliance and reporting requirements are as simple as the purpose of this proposal permits.

No performance or design standards are involved in any of the proposals under consideration.

Since more than 95 percent of all dairy farms are small businesses under SBA size standards, all classes of dairy farms must be included under any proposal in order to make a program work.

Cash flow will be reduced for dairy farmers but, in most cases, not to an extent which threatens the continued viability of dairy enterprises. The deductions could have a significant impact upon individual farmers, large or small, depending upon a given farmer's financial condition.

Large and small businesses will be affected in direct relations to the volume of output, and their competitive positions relative to each other will not be affected as the per unit effect of this proposal will be the same for both small and large enterprises.

The information collection requirements for implementation of this notice have been approved by the Office of Management and Budget under OMB Number 0581–0132 pursuant to the requirements of the Paper Work Reduction Act.

List of Subjects in 7 CFR Part 1430

Milk, Agriculture, Price support programs, Dairy products.

Proposed Determinations

It is estimated that net price support purchases by the CCC of milk and the products of milk will exceed 7.5 billion pounds milk equivalent during both the 1982–83 and the 1983–84 marketing years. After consideration of the impact of the alternative programs set forth herein, it is proposed that the following action be taken to slow the rate of increase in milk production, bring milk production into balance with commercial consumption, and reduce the cost of the dairy price support program. The price support level shall be established at $13.10 per hundredweight for manufacturing grade milk of national average milk fat content (3.67 percent) for the 1983–84 milk marketing year. Deductions totaling $1.00 per hundredweight shall be made from the proceeds of sale of all milk marketed commercially by producers during the period August 1, 1983, through September 30, 1983, and for the period October 1, 1983, through September 30, 1984. The deduction shall be remitted to the Commodity Credit Corporation to offset a portion of the cost of the milk price support program. Refunds of 50 cents per hundredweight shall be made to producers who reduce their commercial marketings by 11.6 percent during August and September 1983 and by 8.4 percent during October 1, 1983, through September 30, 1984, from marketings during the base period. The collection of the deductions and the making of the refunds shall be conducted in accordance with the final rule to be published pursuant to the rulemaking that began with the publication of a notice of proposed rulemaking on December 17, 1982 (47 FR 56500).

Comments are requested on these proposed determinations.

(Sec. 201 (c) and (d) of the Agricultural Act of 949, as amended 7 U.S.C. 1146); and secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714b and 714c))

Signed at Washington, D.C. on May 26, 1983.

John R. Block,

Secretary of Agriculture

[FR Doc. 83–14582 Filed 5–27–83, 8:45 am]

BILLING CODE 3410–05–M

---

7 CFR Part 1446

General Regulations Governing 1982 Through 1985 Crops Peanut Warehouse Storage Loans and Handler Operations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of intent to review and request for comment; correction.

SUMMARY: This document corrects a citation appearing in a Notice of Intent to Review and Request for Comment, which was published on Wednesday, May 18, 1983 (48 FR 22318).

FOR FURTHER INFORMATION CONTACT: Bruce Starnes (ASCS), 202–382–0151.

SUPPLEMENTARY INFORMATION: The following correction is made in **Federal Register** Document 83–13287 appearing on page 22318 in the issue of May 18, 1983: On page 22318, third column, eight lines from the bottom, the phrase "April

13, 1983 (47 FR 21533)" is corrected to read "May 13, 1983 (48 FR 21533)".

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 83-14443 Filed 5-27-83; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TREASURY

Comptroller of the Currency

12 CFR Part 30

[Docket No. 83-21]

Real Estate Loans Made by National Banks; Validation and Enforcement of Due-on-Sale Clauses

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: The Comptroller has decided to withdraw a proposed rulemaking regarding the validation and enforcement of due-on-sale clauses in real estate loans made by national banks. This proposed regulation was published on September 23, 1981, at 46 FR 46964. See "Supplementary Information" for a discussion of reasons for withdrawing the proposed rule.

FOR FURTHER INFORMATION CONTACT: Francis S. Rath, Attorney, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal drafter of this document was Francis S. Rath, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219.

Background and Analysis

On September 23, 1981, the Office of the Comptroller of the Currency ("Office") published a proposed regulation concerning the validation and enforcement of due-on-sale clauses in real estate loans made by national banks.

The proposed regulation was described in the Notice as follows:

> This proposed regulation would validate the inclusion of due-on-sale clauses in real estate loans made by national banks and make such clauses fully enforceable. The regulation would also revalidate due-on-sale clauses in loans made prior to the rendering of any state court decision or passage of any state statute impairing the enforceability of such clauses, unless the property subject to the mortgage lien containing such a clause was transferred prior to the final promulgation of this regulation. This regulation is intended to make fixed-rate mortgage loans more viable financing vehicles for national banks by effectively permitting the shortening of the average life of such loans. It would also prevent national banks from being deprived, by court decisions impairing the enforceability of due-on-sale clauses, of the opportunity to invest at market rates of interest funds they reasonably expected would be available, given the average turnover rate for real property.

The Office received numerous comments regarding the proposed rulemaking. The Office has decided to withdraw the proposed regulation for the following reasons.

First, due to the time that has passed since the proposal was published and comments were solicited, various changes have occurred which may have an impact on the enforceability of due-on-sale clauses in general and the proposed regulation in particular. Since the publication of the proposal, there has been much discussion and numerous legislative debates and proposals at both the state and federal levels concerning the validation of due-on-sale clauses. At the federal level, this has resulted in the passage of Section 341 of the Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97-320) ("the Act"), which established a broad preemptive rule concerning due-on-sale clauses. The Act also reserves to the Office specific rulemaking authority regarding "window-period" loans—*i.e.*, those made or assumed after a state, by statute, constitutional provision or judicial decision of statewide applicability, restricts the enforceability of due-on-sale clauses and before enactment of the Act. In addition, there have also been significant changes in the housing markets, interest rates, and other market and financial conditions during this time period. These occurrences moot some of the provisions of the proposal and raise questions about the continuing validity of the comments received.

Secondly, the Act authorizes state legislatures to enact laws affecting window-period loans as to lenders other than national banks, Federal savings and loan associations, Federal savings banks and Federal credit unions. The Office has determined that, prior to the issuance of a regulation, it would be desirable to provide reasonable time for state legislatures to enact laws pursuant to this authority regarding the enforceability of due-on-sale clauses in window-period loans. Some legislatures are presently considering such measures. This provides the Office with the opportunity to review and consider state legislative actions regarding due-on-sale clauses prior to a decision to issue a pre-emptive regulation.

Finally, the degree of controversy aroused by the subject of due-on-sale clauses since the passage of the Act has raised questions within the Office as to the completeness and currency of the administrative record. The Office desires to give full consideration to the views of all interested parties in all rulemakings. Any future rulemaking on due-on-sale clauses will provide a new opportunity for written comments focused on those issues not laid to rest by the Act the Office encourages written comments and gives careful consideration to those received in response to notices of proposed rulemaking.

For these reasons, the Office is withdrawing the proposed regulation published on September 23, 1981, and may consider publishing a new proposal concerning the enforceability of due-on-sale clauses by national banks.

Dated: May 4, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR 83-14466 Filed 5-27-83; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-53-AD]

Airworthiness Directives; Pilatus Britten-Norman Ltd. Models BN-2, BN-2A, and BN-2B Islander Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to certain Pilatus Britten-Norman Ltd., Models BN-2, BN-2A, and BN-2B Islander Series Airplanes equipped with wing tip tanks (Mod NB/M/364) which would require changes to the fuel tip tank selector switches, placarding and indicator lamps. Two accidents involving fuel mismanagement have occurred. The modifications of the switches, placarding and indicators will reduce the possibility of mismanagement of the tip tank fuel system.

DATES: Comments must be received on or before August 2, 1983.

COMPLIANCE: Within 100 hours time-in-service, but no later than December 31, 1983.

ADDRESSES: Pilatus Britten-Norman Ltd. Service Bulletin No. BN-2/SB.157, dated March 14, 1983, applicable to this AD may be obtained from Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, England or the Rules Docket at the address below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83-CE-53-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium. Telephone 513.38.30; or L. Werth, Foreign FAR 23 Section, ACE-109, 601 East 12th Street, Kansas City, Missouri. Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-CE-53-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

Based upon findings of two accident investigations involving the affected model Pilatus Britten-Norman Islander Series airplanes which indicated the pilots may not have understood proper operation of the fuel system, the manufacturer has initiated changes in the wing tip fuel tank selector switches, system placarding and selection indicator lamps, on aircraft currently in production. Also, a kit for incorporating these changes on airplanes in service with wing tip tanks (Mod NB/M/364) installed is now available. As a result, Pilatus Britten-Norman Ltd. has issued Service Bulletin No BN-2/SB.157, dated March 14, 1983, containing instructions for incorporating these modifications which simplify and clarify wing tip fuel tank operational procedures. The United Kingdom Civil Aviation Authority (UKCAA), who has the responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom, has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Service Bulletin No. BN-2/SB.157, dated March 14, 1983, and the mandatory classification of this Service Bulletin by the UKCAA.

Based on the foregoing, the FAA believes that the condition addressed by Service Bulletin No. BN-2/SB.157, dated March 14, 1983, is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require modification of the wing tip tank fuel management system on certain Pilatus Britten-Norman Ltd. Models BN-2, BN-2A, and BN-2B Islander Series Airplanes equipped with wing tip tanks (Mod NB/M/364).

There are approximately 130 airplanes which could have Mod NB/M/364 and which may be affected by the proposed AD. The cost of complying with the proposed AD is estimated to be minimal to the private sector.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Pilatus Britten-Norman Ltd: Applies to Model BN-2, BN-2A, and BN-2B Islander Series Airplanes equipped with wing tip tanks (Mod NB/M/364— certificated in any category except BN-2 MKIII Series Trislander airplanes.

Compliance: Required within 100 hour time-in-service, but no later than December 31, 1983.

To preclude fuel mismanagement and possible fuel starvation, accomplish the following:

(a) Modify the wing tip tank fuel management system in accordance with steps 1. through 12. of the ACTION section of Pilatus Britten-Norman Ltd. Service Bulletin No. BN-2/SB.157, dated 14, 1983.

(b) Aircraft may be flown in accordance with Federal Aviation Regulations 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423; Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.85 of the Federal Aviation Regulations (14 CFR 11.85).

Note. For reasons discussed earlier in the preamble: the FAA has determined that this document: (1) Involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) certifies under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location identified under the caption "Addresses."

Issued in Kansas City, Missouri, on May 19, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-14504 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-AGL-4]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate controlled airspace near Motley, Minnesota, to accommodate a new instrument approach procedure into Morey Fish House Airport, Motley, Minnesota, established on the basis of a request from the Morey Fish House Airport officials to provide that facility with instrument approach capability utilizing the Brainerd, Minnesota VORTAC.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATE: Comments must be received on or before June 30, 1983.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 83-AGL-4, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-adressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-AGL-4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a new 700-foot controlled airspace transition area near Motley, Minnesota.

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Motley, MN

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Morey Fish House Airport (latitude 46°19'30" N., longitude 94°38'25" W.) within 4.75 miles each side of the 267° radial from the Brainerd VOR, extending from the 5-mile radius to 16.5 miles west of the Airport, excluding that portion within the Staples Minnesota, transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 10, 1983.

Kenneth C. Patterson,

Acting Director, Great Lakes Region.

[FR Doc. 83-14509 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 771 0055]

Great Dane Trailers, Inc. and Great Dane Distributer Council; Proposed Consent Agreements With Analysis To Aid Public Comment

Correction

In FR Doc. 83–12603 beginning on page 21156 in the issue of Wednesday, May 11, 1983, make the following correction:

On page 21157, first column, words were omitted in the text between the seventh and eleventh lines from the top of the page. Those lines should have read as follows: "* * * Delivery by the U.S. Postal Service of the complaint and decision containing the agreed to order to proposed respondent's address shall constitute service. Proposed respondent waives any right it may have to any other manner of service. * * *"

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE–140–82]

Top-Heavy Plans; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to top-heavy pension, profit-sharing, and stock bonus plans. The proposed regulations also contain proposed amendments to regulations relating to retroactive plan amendments.

DATES: The public hearing will be held on Friday, August 5, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Friday, July 22, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (EE–140–82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Lou Ann Craner of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 416 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Tuesday, March 15, 1983, (48 FR 10868).

The rules of § 601.601 (a) (3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Friday, July 22, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Peter K. Scott,

Director, Employee Plans and Exempt Organizational Division.

[FR Doc. 83–14446 Filed 5–27–83; 8:45 am]

BILLING CODE 4830-01-M

Fiscal Service

31 CFR Part 240

Extension of Treasury's Reclamations Authority

AGENCY: Bureau of Govenment Financial Operations, Fiscal Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: Under 31 CFR 240.4 and 240.5, Treasury has the right to refunds from banks and other indorsers receiving payment on Treasury checks bearing forged or unauthorized indorsements or any other material defects or alterations. The United States has a common law right to offset amounts owed to it against amounts in its possession belonging to its debtors. United States V. Munsey Trust Co., 332 U.S. 234, 239 (1947). On March 17, 1983, Treasury issued a temporary regulation implementing the Federal Claims Collection Act of 1966, *as amended*. The temporary regulation authorized Treasury to recover amounts of delinquent reclamations and accrued interest thereon by offsetting those amounts against amounts in the possession of the United States that are owed to presenting banks. This proposed rule requests comments on whether procedures similar to those contained in that temporary rule should be adopted as final. This proposed rule should result in more effective debt collection

DATE: Comments on this proposed rule must be received on or before August 1, 1983.

ADDRESS: Submit comments to the address shown under "FOR FURTHER INFORMATION CONTACT."

FOR FURTHER INFORMATION CONTACT: Mr. Michael D. Serlin, Assistant Commissioner, Governmentwide Accounting, Room 416, Treasury Annex, Pennsylvania Avenue and Madison Place NW, Washington, D.C. 20226 (202–566–5594).

SUPPLEMENTARY INFORMATION: The purpose of the proposed rule is more effective debt collection. Under the Federal Claims Collection Act of 1966, as amended by Pub. L. 97–365, section 10, the Secretary of the Treasury has the duty to attempt colleciton of all claims of the United States for money or property arising out of the activities of, or referred to Treasury. *See*, section 1, Pub. L. 97–258, 96 Stat. 877 at 971, Sept. 13, 1982 (Revised 31 U.S.C.A. section 3711 (1982)) and 4 CFR 102.3. Treasury's claims against indorsers of, and banks that present for payment, Treasury checks bearing forged or unauthorized indorsements are within the scope of this duty. Historically, many presenting banks have declined to pay these legitimate claims (reclamations), forcing Treasury to either litigate its claims, a procedure which is rarely cost-effective, or absorb the loss.

Treasury first advised the public that it was considering collecting the amounts owed it because of check claims by offset against amounts owed a presenting bank by a Federal Reserve bank in an Advance Notice of Proposed Rulemaking (ANPRM) published in the **Federal Register** on April 25, 1979 (44 F.R. 24306). (Although the term "setoff" was used in the ANPRM and in the

Notice of Proposed Rulemaking (NPRM) discussed below, the term "offset" will be used uniformly here because the debt collection methods described are substantially the same.) Because of substantial questions raised by several commenters, Treasury withheld further action on the proposal pending additional consideration of 44 FR 53090. Sept. 12, 1979.

After further consideration, Treasury again invited comments from the public concerning a proposed change in the regulations that would allow Treasury to recover delinquent reclamations through offset. *See*, NPRM published November 4, 1981 (46 FR 54762). Unlike the ANPRM, the NPRM provided specific regulatory language for comment. Although the NPRM also provided for recovery from banks' reserve account balances, the Supplementary Information portion of the document referred both to offset authorized by contract between Treasury and presenting banks and to offset authorized at common law. This latter type of offset is referred to by regulations implementing the Federal Claims Collection Act. 4 CFR 102.3.

Treasury received 35 comments on the NPRM. Most of the comments concerned Treasury's lack of statutory authority to offset and certain due process considerations in connection with the procedure for offset against reserve account balances. upon review of the comments received. Treasury considered several alternatives and found that the most feasible was offset against other amounts owed debtor banks by government agencies under the common law offset theory. Although this re-evaluation resulted in a shift of targets of offset, Treasury considered its action to be close enough to the action proposed by the ANPRM and the NPRM that it was unnecessary to obtain further comments before taking definitive action. In addition, Treasury found that certain facts warranted the taking of immediate action to implement an offset mechanism. Therefore, Treasury issued a Temporary Rule, 48 FR 11261 (March 17, 1983), implementing its offset procedure. However, in publishing that Temporary Rule, Treasury indicated that it would request comments on whether the procedures in the Temporary Rule should be adopted as a final rule.

It has been determined that this amendment is not a "major rule" as defined in Executive Order 12291, dated February 17, 1981. This determination is based on the fact that the rule's only purpose and effect will be to increase the efficiency and effectiveness of the United States' efforts to collect debts which arise under existing law and for the collection of which the Secretary is responsible under existing law. In addition, the only significant alternative collection device, litigation, has not been sufficiently effective. For the same reasons, this proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, the regulatory flexibility analysis referred to in Pub. L. 96–354, 94 Stat. 1168 (Sept. 19, 1980) is not required and has not been conducted.

List of Subjects in 31 CFR Part 240

Banks, banking, Forgery, Treasury checks.

PART 240—INDORSEMENT AND PAYMENT OR CHECKS DRAWN ON THE UNITED STATES TREASURY

Accordingly, it is proposed that 31 CFR Part 240 be amended as follows:

1. By revising the authority citations to read as follows:

Authority: 5 U.S.C. 301; 12 U.S.C. 391; section 1, Pub. L. 97–258, 96 Stat. 877 at 955, Sept. 13, 1982 (Revised 31 U.S.C.A. 3331 (1982)); section 1, Pub. L. 97–258, 96 Stat. 877 at 957, Sept. 13, 1982 (Revised 31 U.S.C.A. 3343; section 1, Pub. L. 97–258. 96 Stat. 877 at 971, Sept. 13, 1982 (Revised 31 U.S.C.A. 3711 (1982)), *as amended* by Pub. L. 97–365. sections 10 and 11.

2. By revising section 240.1 to read as follows:

§ 240.2 Scope of regulations

The regulations in this part prescribe the requirements for indorsement and the conditions for payment of checks drawn on the United States Treasury. These regulations also establish procedures for collection of amounts due the United States Treasury because of payments on checks bearing forged or other unauthorized indorsements, or other material defects or alterations.

3. By revising § 240.2 to read as follows:

§ 240.2 Definitions

(a) "Check" or "checks" means a check or checks drawn on the United States Treasury.

(b) "Check payments" means the amount paid to a presenting bank in accordance with section 240.8(a)(3) of this Part.

(c) "Days" means calendar days.

(d) "Financial organization" means any bank, savings bank, savings and loan association, Federal or State chartered credit union, or similar institution.

(e) "Item" means a reference in a monthly interest billing statement to a check for the amount of which Treasury has demanded refund from a presenting bank.

(f) "Monthly interest billing statement" means a statement prepared by Treasury and sent to a presenting bank which includes the following information regarding each outstanding demand for refund:

(1) The reclamation date;

(2) The reclamation number;

(3) Check identifying information; and

(4) The balance due, including interest.

(g) "Person" or "persons" means an individual or individuals, or an organization or organizations, including all forms of financial organizations.

(h) "Presenting bank" means: (1) A financial organization which, either directly or through a correspondent banking relationship, presents checks to and receives credit from a Federal Reserve Bank, or (2) a depositary which is authorized to charge checks directly to the General Account of the United States Treasury and present them directly to Treasury for payment.

(i) "Protest" means a presenting bank's written statement and any supporting documentation tending to prove that it is not liable for refund of the reclamation balance.

(j) "Reclamation" means a demand by Treasury for refund of the amount of a check payment.

(k) "Reclamation date" means the date on which a demand for refund was prepared. Normally, demands are sent to presenting banks within two working days of the reclamation date.

(l) "Treasury" means the United States Treasury.

(m) "U.S. securities" means securities of the United States and securities of Federal agencies and wholly or partially Government-owned corporations for which the Treasury acts as transfer agent.

(n) "Unauthorized indorsement" means: (1) An indorsement made by a person other than the payee, except as authorized by an in accordance with sections 240.4 and 240.10 through 240.14 of this part, (2) an indorsement by a financial organization under circumstances in which the financial organization breaches the guaranty required of it by 31 CFR 209.10(a) (*see* 31 CFR 209.9), or (3) a missing indorsement where the depositary bank had no authority to supply the indorsement.

4. By revising section 240.5 to read as follows:

§ 240.5 Collection of amounts of paid checks

(a) If, after a check has been paid by Treasury, it is found to:

(1) Bear an unauthorized indorsement, or

(2) Contain any other material defect or alteration which was not discovered upon first examination,

Othen, upon demand by the Treasury in accordance with the procedures specified in section 240.6 of this Part, the presenting bank or other indorser shall refund the amount of the check payment.

(b) Interest on any unpaid item shall commence to accrue on the sixty-first day after the reclamation date. Interest shall be calculated at the rate set from time to time for purposes of section 1, Pub. L. 97–258, 96 Stat. 877 at 882 (Revised 31 U.S.C.A. 323 (1982)). Interest shall continue to accrue until the amount demanded is paid or the reclamation is abandoned.

(c) In addition to its right to recover interest, Treasury shall have the right to recover such other applicable charges (e.g., administrative collection costs, late payment penalties) as may be authorized or required by law.

5. By redesignating sections 240.6 through 240.12 as sections 240.8 through 240.14, respectively, and by adding new sections 240.6 and 240.7 as follows:

§ 240.6 Demand and protest.

(a) For all reclamations an initial demand for refund of the amount of a check payment will be made by sending a "Request for Refund (Reclamation)." to the presenting bank. This Request shall advise the presenting bank of the amount demanded and the reason for the demand. Treasury will make follow-up demands by including each unpaid item on at least three monthly interest billing statements sent to the presenting bank. Monthly interest billing statements will identify any unpaid reclamation demands and will also show the amount of any accrued interest for each outstanding reclamation. Monthly interest billing statements will contain or be accompanied by notice to the bank:

(1) That Treasury intends to collect the debt through administrative offset if the reclamation is not paid within 120 days of the reclamation date,

(2) That the bank has an opportunity to inspect and copy Treasury's records with respect to the reclamation,

(3) That the bank may, by filing a protest, request Treasury to review its decision that the bank is liable for the reclamation, and

(4) That the bank has an opportunity to enter into a written agreement with Treasury for the repayment of the amount of the reclamation. A request for a repayment agreement must be accompanied by proof that satisfies the Treasury that the requesting bank is unable to repay the entire amount owed at the time that it is due.

(b) Requests for an appointment to inspect and copy Treasury's records with respect to a reclamation and requests to enter into repayment agreements should be sent in writing to: Department of the Treasury, Division of Check Claims, Reclamation Policy and Collection Section, 401 14th Street, Washington, D.C. 20227.

(c)(1) If a presenting bank wishes to contest its liability for the principal amount demanded, it shall send a protest, *i.e.*, a written statement and all documentary evidence (*e.g.*, affidavits, account agreements, signature cards) and other written information raising a question of law or fact which, if resolved in the bank's favor, would disprove its liability for the reclamation, to: Department of The Treasury, Division of Check Claims, Reclamation Policy and Collection Section, 401 14th Street, Washington, D.C. 20227.

The Assistant Director (Support Services), Division of Check Claims, who has supervisory authority over the Reclamation Policy and Collection Section, or his authorized subordinate, shall consider and decide any protest properly submitted under this paragraph. Neither the Assistant Director (Support Services), Division of Check Claims, nor any of his subordinates, shall have any involvement in the process of making findings or demands under section 240.5(a). In order to be considered, and to be timely, a protest must be received not later than 90 days after the reclamation date. Treasury will refrain from collection in accordance with section 240.7 while a timely protest is being considered.

(2) If Treasury accepts the protest, the presenting bank shall be notified in writing that efforts to collect the item and any accrued interest have been abandoned.

(3) If the evidence sent by the presenting bank does not satisfy Treasury that refund of the amount demanded is not required under section 240.5(a), Treasury will notify the presenting bank in writing of its decision that the bank is liable for the amount demanded. If the presenting bank fails to send the amount demanded within 30 days of the date of Treasury's decision, Treasury shall proceed to collect the amount owed in accordance with section 240.7.

§ 240.7 Offset.

(a) If an item, and/or accrued interest relating to that item remains unpaid for 120 days after the reclamation date and the presenting bank has been sent at least one monthly interest billing statement informing it that Treasury intends to collect that item by offset, Treasury may refer the matter to any federal agency and request that agency to offset the indebtedness and other applicable charges against amounts owed by the federal agency to the presenting bank. Monthly interest billing statements will identify those items that are to be referred to an agency for offset. If an agency to which an indebtedness is referred in accordance with this paragraph is unable to effect offset in whole or in part within 30 days of the date that the matter is referred to it, it shall so inform Treasury and terminate its efforts to offset. Treasury may then refer the debt to any other agency and request offset in accordance with this paragraph as its designee for the sole purpose of effecting offset. No such designee shall be liable to any party for any loss resulting from its action under this paragraph.

(b) If Treasury is unable to collect an amount owed by use of the offset described in paragraph (a), Treasury shall take such action against the presenting bank as may be necessary to protect the interests of the United States, including referral to the Department of Justice.

(c) The procedures provided for in section 240.5, 240.6(b), and this section shall apply to demands for refund bearing reclamation dates on or after May 26, 1981.

(d) If Treasury effects offset under this section and it is later determined that the presenting bank paid the amount of the reclamation and accrued interest thereon, or that a presenting bank which had timely filed a protest was not liable for the amount of the reclamation, Treasury shall promptly refund to the presenting bank the amount of its payment.

Date May 23, 1983.

Michael D. Serlin,

Acting Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83–14490 Filed 5–27–83; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 82–025]

Drawbridge Regulations; Navigable Waterways of the United States

AGENCY: Coast Guard, DOT.

ACTION: Supplementary notice of proposed rulemaking.

SUMMARY: The Coast Guard published a notice of proposed rulemaking in the July 12, 1982 **Federal Register** revising its regulations for drawbridges across the navigable waters of the United States. As a result of many changes based upon comments received, the Coast Guard is issuing a second notice of proposed rulemaking for additional public comment. The proposed revision is intended to improve the organization and clarity of the initial proposal and to facilitate the use of these regulations by drawbridge owners, drawtenders, boaters, and other interested parties.

DATE: Comments must be received on or before July 29, 1983.

ADDRESS: Comments should be submitted to and are available for examination at the Marine Safety Council (G-CMC), Room 4402, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593. Between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, comments may be delivered to, and are availabe for inspection and copying at the Marine Safety Council (G-CMC).

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., 202–426–0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, idenify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a self-address stamped postcard or envelope.

The Chief, Office of Navigation, U.S. Coast Guard Headquarters, Washington, D.C., will evaluate all communications received before taking final action on this proposal. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. The proposed regulations may be changed in light of comments received. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

In addition to publication in the **Federal Register**, copies of the printed proposal will be mailed to a list of persons and organizations who have expressed a continued interest in drawbridge operation regulations and have requested that copies of proposed changes in the regulations be furnished them. After the supply of copies of this printed document is exhausted, copies will be available for reading of copying in Room 1420, Coast Guard Headquarters, and at the offices of the Coast Guard District Commanders.

Drafting Information

The principal persons involved in drafting this proposal are: Mr. Frank L. Teuton, Jr., Project Manager, and Stephen H. Barber, Project Attorney.

Discussion of the Proposed Regulations

On July 12, 1982, the Coast Guard published a Notice of Proposed Rulemaking ("original proposal") in the **Federal Register** (47 FR 30176) proposing to revise 33 CFR Part 117 concerning drawbridge requirements. Fifty-nene comments were received from various Coast Guard Districts, bridge owners, marine, highway; and railroad interests, and individuals. Based on the comments received, the Coast Guard has revised its original proposal and is now soliciting comments on the changes made.

The initial reasons for revising Part 117 were twofold. The first was to consolidate into a separate subpart (proposed Subpart A) all of the requirements which are common to most drawbridges. Presently, these requirements are repeated throughout Part 117. For example, the requirement that drawdridge operation regulations be posted on the waterway for the benefit of boaters (proposed § 117.55) appears in 145 section of the existing regulations.

The second initial reason for revising Part 117 was to reorganize all of the regulations relating to particular drawbridges (proposed Subpart B). The present and the original proposals list the bridges by State and waterway, rather than by bridge or waterway as in the existing regulations. Under both proposals, one could locate the specific regulations, if any, for a particular bridge by referring to the alphabetical listing of States and waterways, rather than by having to scan the entire index.

However, as result of the many comments received, the Coast Guard now has decided to revise the original proposal for further clarification and consolidation. The scope ofthis revision is limited to the subjects already addressed in one manner or another in the existing regulations but is not intended to amend the provisions specifying the opening and closing times of particular bridges now listed in proposed Subpart. B. Comments recommending changes to the specific requirements applicable to a particular bridge, for example, a provision which permits a bridge to remain closed from 6 a.m. to 8 a.m., should be submitted to the Commander of the Coast Guard District in which the bridge is located for consideration under a separate rulemaking project.

Changes to the Original Proposal

(a) *Subpart A.* Proposed Subpart A combines into a single subpart all of the general requirements relating to drawbridges. Specific requirements for a particular bridge which are in addition to, or differ from, the general requirements in proposed Subpart A are placed in proposed Subpart B.

Proposed Subpart A has been extensively revised since the date of the original proposal to eliminate minor inconsistencies and to organize the material into a more logical progression.

Certain provisions which appeared in Subpart A of the original proposal actually apply only to the bridges in Subpart B. These provisions, concerning posting of requirements (§ 117.55) and advance notice (§ 117.57), have been transferred to proposed Subpart B.

Three recently promulgated regulations have been included in proposed Subpart A. Section 117.9 (Delaying opening of a draw), § 117.11 (Appurtenances unessential to navigation), and § 117.45 (Process of violations) came into effect on January 3, 1983 (47 FR 54297; December 2, 1982). These provisions have been renumbered and added to Subpart A without further change.

Several final rules amending the specific requirements for certain drawbridges in the existing regulations have been published since the date of the original proposal and are now in effect. All of the amendments as of April 30, 1983 have been included in this proposal for the benefit of the reader. When the final rule is published under the present rulemaking, that rule will contain all amendments of this nature which are in effect on the date of final publication.

Section 117.7 in the original proposal concerning the expedited passage of public vessels, commercial vessels, and vessels in distress has been deleted from Subpart A. Expedited passage is addressed in the existing regulations in the list of requirements applicable to particular bridges. Those provisions were deleted in the original proposal and summarized in its Subpart A. However, because of the controversy surrounding this issue, this proposal deletes the summary and restores the expedited passage provisions to the bridges to which they now apply. This

matter will be considered under a separate rulemaking in the future.

Proposed § 117.23, concerning the installation of radiotelephones on drawbridges, is basically the same provision that appeared in § 117.15 of the original proposal. Both of these proposed sections place the authority to require the installation of a radiotelephone in the Coast Guard District Commanders. The existing regulations specify the Commandant of the Coast Guard (33 CFR 117.1(e)). However, the general authority of the Commandant to regulate the operation of drawbridges has been delegated to the District Commanders under 33 CFR 1.05–1(g)(3). Therefore, the proposed change from Commandant to District Commander is commensurate with this general delegation.

(b) *Subpart B.* This subpart prescribes specific requirements applicable to the drawbridges listed in this subpart. These provisions are in addition to, or differ from, the general requirements in Subpart A. Proposed Subpart B has been changed as follows since the original proposal was published.

As mentioned above, several provisions in Subpart A of the original proposal apply only to the bridges in Subpart B. These provisions have been placed at the beginning of Subpart B in this proposal.

The drawbridges with specific requirements listed in proposed Subpart B have been renumbered without substantive change. The proposed index to Part 117 now lists the waterways alphabetically, as well as the states. To locate the specific requirements for a particular bridge, look up in the index to proposed Part 117 the state and waterway where the bridge is located. Then refer to the section indicated. The bridges in that section are listed in order from the mouth of the waterway moving upstream. Bridges on the Altantic Intracoastal Waterway are listed north to south and on the Gulf Intracoastal Waterway, east to west.

Regulatory Evaluation

This regulatory action is considered to be "non-major" under Executive Order 12291 (46 FR 13193; February 19, 1982) and "nonsignificant" under the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated May 22, 1980. These orders require an evaluation of the estimated costs of the proposed regulations to the private sector, consumers, and governments, as well as the anticipated benefits and impacts of the proposals.

This regulatory action proposes a reorganization of the existing drawbridge operation regulations without, for the most part, adding new requirements. The only additional cost this proposal may impose would be in the area of posting of requirements. Proposed § 117.55 would require the owners of drawbridges listed in Subpart B, other than removable span bridges, to post a sign upstream and downstream of the bridge. The signs would summarize the specific requirements in Subpart B applicable to the bridge in question. These signs need not list the requirements in Subpart A or those in §§ 117.55 through 117.59 of Subpart B. Many bridges are already required to post this information under the existing regulations. The existing regulations contain 145 references to posting. Still other bridges currently post signs as a benefit to vessel operators and as a measure to provide for the safety of the bridge. Nevertheless, this provision would affect bridges in proposed Subpart B not already posting this information. It is estimated that 25 bridges would have to install signs at a cost of $200 per bridge (two signs) for a total of $5,000 nationwide.

Because the impact of this proposal, as discussed above, is considered to be minimal, a full Regulatory Evaluation is not considered necessary and none has been prepared.

Regulatory Flexibility Act

The proposed reorganization of Part 117 is intended primarily to simplify and clarify the existing regulations without substantive change. The only change which would impose new costs would be the posting requirement discussed in the Regulatory Evaluation section above. The cost per bridge for bridges not already required to post or not already doing so voluntarily would be approximately $200. These bridges are owned by railroads or governmental entities and the costs imposed for each would be relatively minimal. Therefore, for the above reasons, it is certified, in accordance with section 605(d) of the Regulatory Flexibility Act (94 Stat. 1164; 5 U.S.C. 601), that these rules will not, if promulgated, have a significant economic impact on a substantial number of small entities.

Reporting and Recordkeeping Requirements

There are no reporting or recordkeeping requirements in the proposed regulations which fall under the Paperwork Reduction Act of 1980 (Pub. L. 96–511; 94 Stat. 2812; December 11, 1980). The signs required to be posted under proposed § 117.55 merely summarize the specific regulations for the bridge listed in proposed Subpart B and, therefore, do not qualify as the type of disclosure addressed by the Act.

Environmental Assessment

The Coast Guard has considered the environmental impact of the proposed regulation and concluded that preparation of an environmental impact statement does not appear necessary. An environmental assessment with a proposed finding of no significant impact has been prepared and is on file in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended to read as follows:

PART 117—DRAWBRIDGE REQUIREMENTS

Subpart A—General Requirements

Sec.
117.1 Purpose.
117.3 Applicability.
117.5 When the draw must open.
117.7 General duties of drawbridge owners and tenders.
117.9 Delaying opening of a draw.
117.11 Appurtenances unessential to navigation.
117.15 Signals.
117.17 Signalling for contiguous drawbridges.
117.19 Signalling when two or more vessels are approaching a drawbridge.
117.21 Signalling for opened drawbridge.
117.23 Installation of radiotelephones.
117.31 Closure of draw for emergency vehicles.
117.33 Closure of draw for natural disasters or civil disorders.
117.35 Operations during repair or maintenance.
117.37 Opening or closure of draw for public interest concerns.
117.41 Discontinuance of drawtender service.
117.43 Changes in draw operation requirements for regulatory purposes.
117.45 Process of violations.

Subpart B—Specific Requirements

117.51 Purpose.
117.53 Applicability.
117.55 Posting of requirements.
117.57 Advance notice.
117.59 Special requirements due to hazards.

Alabama

117.101 Alabama River.
117.103 Bayou Labatre.
117.105 Bayou Sara.
117.107 Chattahoochee River.
117.109 Coosa River.
117.111 Mobile River and Chickasaw Creek.
117.113 Tensaw River.

Sec.
117.115 Three Mile Creek.

Arkansas

117.121 Arkansas River.
117.123 Arkansas and White Rivers—Automated Railroad Bridges.
117.125 Black River.
117.127 Current River.
117.129 Little Red River.
117.131 Little River.
117.133 Ouachita River.
117.135 Red River.
117.137 St. Francis River.
117.139 White River.

California

117.140 General.
117.141 American River.
117.143 Burns Cutoff.
117.145 Cerritos Channel.
117.147 China Basin, Mission Creek.
117.149 Cordelia Slough (a tributary of Suisun Bay).
117.151 Corte Madera Creek.
117.153 Eureka Slough.
117.155 Georgiana Slough.
117.157 Grant Line Canal.
117.159 Honker Cut.
117.161 Islais Creek (Channel).
117.163 King Island Cut.
117.165 Lindsey Slough.
117.167 Little Potato Slough.
117.169 Mare Island Strait, Napa River, and their tributaries.
117.171 Middle River.
117.173 Miner Slough.
117.175 Mokelumne River.
117.177 Mud Slough.
117.179 Newark Slough.
117.181 Oakland Inner Harbor Tidal Canal.
117.183 Old River.
117.185 Pacheco Creek.
117.187 Petaluma River.
117.189 Sacramento River.
117.191 San Joaquin River.
117.193 San Leandro Bay.
117.195 Snodgrass Slough.
117.197 Sonoma Creek.
117.199 Steamboat Slough.
117.201 Sutter Slough.

Connecticut

117.207 Housatonic River.
117.209 Mianus River.
117.211 Mystic River.
117.213 New Haven Harbor, Quinnipiac and Mill Rivers.
117.215 Niantic River.
117.217 Norwalk River.
117.219 Pequonnock River.
117.221 Saugatuck River.
117.223 Shaws Cove.
117.225 Yellow Mill Channel.

Delaware

117.231 Brandywine River.
117.233 Broad Creek (River).
117.235 Chesapeake and Delaware Canal.
117.237 Christina River.
117.239 Lewes and Rehoboth Canal.
117.241 Mispillion River.
117.243 Nanticoke River.
117.245 Smyrna River.
117.247 St. Johns River.

District of Columbia

117.253 Anacostia River.
117.255 Potomac River.

Florida

117.261 Atlantic Intracoastal Waterway from Jacksonville to Miami.
117.263 Banana River.
117.265 Bayou Chico.
117.267 Big Carlos Pass.
117.269 Biscayne Bay.
117.271 Blackwater River.
117.273 Canaveral Harbor Barge Canal.
117.275 Choctawhatchee River.
117.277 Clearwater Pass.
117.279 Coffee Pot Bayou.
117.281 Dead River.
117.283 Dunns Creek.
117.285 Garrison Channel.
117.287 Gulf Intracoastal Waterway, Caloosahatchee River to Perdido River.
117.289 Hillsboro Inlet.
117.291 Hillsborough River.
117.293 Indian Creek.
117.295 Kissimmee River.
117.297 Little Manatee River.
117.299 Longboat Pass.
117.301 Manatee River.
117.303 Matlacha Pass.
117.305 Miami River.
117.307 Miami River, North Fork.
117.309 Nassau Sound.
117.311 New Pass.
117.313 New River.
117.315 New River, South Fork.
117.317 Okeechobee Waterway.
117.319 Oklawaha River.
117.321 Orange River.
117.323 Peace River.
117.325 St. Johns River.
117.327 St. Marks River.
117.329 St. Marys River.
117.331 Steinhatchee River.
117.333 Suwanee River.
117.335 Taylor Creek.
117.337 Trout River.
117.339 West Palm Beach Canal.
117.341 Whitcomb Bayou.

Georgia

117.351 Altamaha River.
117.353 Atlantic Intracoastal Waterway, Savannah River to St. Marys River.
117.355 Back River.
117.357 Black River.
117.359 Chattahoochee River.
117.361 Fling River.
117.363 Ocmulgee River.
117.365 Oconee River.
117.367 Ogeechee River.
117.369 Satilla River.
117.371 Savannah River.
117.373 St. Marys River.

Hawaii

117.377 Honolulu Harbor, Sand Island.

Idaho

117.381 Clearwater River.
117.383 Pend Oreille River.
117.385 Snake River.

Illinois

117.389 Calumet River.
117.391 Chicago River.
117.393 Illinois River.
117.395 Illinois Waterway.
117.397 Wabash River.

Indiana

117.401 Trail Creek.
117.403 Wabash River.

Iowa

117.407 Missouri River.

Kansas

117.411 Missouri River.

Kentucky

117.415 Green River.
117.417 Ohio River.

Louisiana

117.421 Algers Alternate Route.
117.423 Amite River.
117.425 Black Bayou.
117.427 Black River.
117.429 Boeuf Bayou.
117.431 Boeuf River.
117.433 Bonfouca Bayou.
117.435 Caddo Lake.
117.437 Colyell Bayou.
117.439 Des Allemands Bayou.
117.441 D'Inde Bayou.
117.443 DuLarge Bayou.
117.445 Franklin Canal.
117.447 Grand Cabahanosse Bayou.
117.449 Grosse Tete Bayou.
117.451 Gulf Intracoastal Waterway.
117.453 Gulf Intracoastal Waterway, Houma Navigation Canal, Bayou La Carpe, and Bayou Terrebonne, Houma.
117.455 Houma Canal.
117.457 Houston River.
117.459 Inner Habor Navigation Canal, New Orleans.
117.461 Lacassine Bayou.
117.463 Lacombe Bayou.
117.465 Lafourche Bayou.
117.467 Lake Pontchartrain.
117.469 Liberty Bayou.
117.471 Little Black Bayou.
117.473 Little River.
117.475 Little (Petit) Caillou Bayou.
117.477 Lower Atchafalaya River.
117.479 Macon Bayou.
117.481 Nazpique Bayou.
117.483 Ouachita River.
117.485 Patout Bayou.
117.487 Plaquemine Bayou.
117.489 Plaquemine Brule Bayou.
117.491 Red River.
117.493 Sabine River.
117.495 Superior Oil Canal.
117.497 Stumpy Bayou.
117.499 Tante Phine Pass.
117.501 Teche Bayou.
117.503 Tensas River.
117.505 Terrebonne Bayou.
117.507 Tigre Bayou.
117.509 Vermilion River.
117.511 West Pearl River.

Maine

117.521 Back Cove.
117.523 Back River.
117.525 Kennebec River.
117.527 Kennebunk River.
117.529 Narraguagus River.
117.531 Presumpscot River.
117.533 Sheepscot River.
117.535 Taunton River.

Sec.
Maryland
117.541 Baltimore Harbor-Patapsco River.
117.543 Bear Creek.
117.545 Bohemia River.
117.547 Bush River.
117.549 Cambridge Harbor.
117.551 Chester River.
117.553 Choptank River.
117.555 Curtis Creek.
117.557 Dorsey Creek.
117.559 Kent Island Narrows.
117.561 Marshyhope Creek.
117.563 Miles River.
117.565 Patuxent River.
117.567 Pocomoke River.
117.569 Sinepuxent Bay.
117.571 Spa Creek.
117.573 Stoney Creek.
117.575 Susquehanna River.
117.577 Weems Creek.
117.579 Wicomico River (North Prong).

Massachusetts
117.585 Achushnet River.
117.587 Apponaganset River.
117.589 Cape Code Canal.
117.591 Charles River.
117.593 Chelsea River.
117.595 Danvers River.
117.597 Dorchester Bay.
117.599 Fort Point Channel.
117.601 Malden River.
117.603 Manchester Harbor.
117.605 Merrimack River.
117.607 Mitchell River.
117.609 Mystic River.
117.611 Neponset River.
117.613 North River.
117.615 Plum Island River.
117.617 Reserve Channel.
117.619 Taunton River.
117.621 Weymouth Fore River.

Michigan
117.625 Black River.
117.627 Cheboygan River.
117.629 Crooked River.
117.631 Detroit River (Trenton Channel).
117.633 Grand River.
117.635 Keweenaw Waterway.
117.637 Manistee River.
117.639 Ontonagon River.
117.641 Pine River (Charlevoix).
117.643 Pine River (St. Clair).
117.645 Rouge River (Short Cut Channel).
117.647 Saginaw River.
117.649 St. Joseph Harbor.
117.651 St. Joseph River.
117.653 St. Mary's Fall Canal.
117.655 Thunder Bay River.

Minnesota
117.661 Duluth Ship Canal (Duluth-Superior Harbor).
117.663 Minnesota River.
117.665 Red River of the North.
117.667 St. Croix River.
117.669 St. Louis River.
117.671 Upper Mississippi River.

Mississippi
117.675 Back Bay of Biloxi.
117.677 Big Sunflower River.
117.679 Escatawpa River.
117.681 Old Fort Bayou.
117.683 Pascagoula River.
117.685 Yazoo River.

Missouri
117.687 Missouri River.
117.689 Osage River.

Nebraska
117.691 Missouri River.

New Hampshire
117.695 Bellamy River.
117.697 Hampton River.
117.699 Little Harbor.

New Jersey
117.701 Alloway Creek.
117.703 Bass River.
117.705 Beaver Dam Creek.
117.707 Cape Island Creek.
117.709 Cheesequake Creek.
117.711 Cohansey River.
117.713 Cooper River.
117.715 Debbies Creek.
117.717 Delaware River (Back Channel).
117.719 Elizabeth River.
117.721 Great Channel.
117.723 Hackensack River and Overpeck Creek.
117.725 Manantico Creek.
117.727 Manasquan River.
117.729 Mantua Creek.
117.731 New Jersey Intracoastal Waterway.
117.733 Oceanport Creek.
117.735 Oldmans Creek.
117.737 Passaic River.
117.739 Raccoon Creek.
117.741 Rahway River.
117.743 Rancocas River (Creek).
117.745 Raritan River and Arthur Kill and their tributaries.
117.747 Salem River.
117.749 Shark River (South Channel).
117.751 Ship Channel, Great Egg Harbor Bay.
117.753 Shrewsbury River (South Branch).
117.755 Tuckahoe River.
117.757 Wading River.
117.759 Woodbridge Creek.

New York
117.771 Bronx River.
117.773 Buffalo River.
117.775 Coney Island Creek.
117.777 Dutch Kills.
117.779 Eastchester Bay (Arm of).
117.781 East River.
117.783 Flushing Creek.
117.785 Genessee River.
117.787 Gowanus Canal.
117.789 Harlem River.
117.791 Hudson River.
117.793 Hutchinson River.
117.795 Jamaica Bay and connecting waterways.
117.797 Lake Champlain.
117.799 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.
117.801 Newtown Creek (East Branch).
117.803 Niagara River.
117.805 Peekskill (Annsville) Creek.
117.807 Richmond Creek.
117.809 Tonawanda Creek.
117.811 Tonawanda Harbor.
117.813 Wappinger Creek.
117.815 Westchester Creek.

North Carolina
117.821 Atlantic Intracoastal Waterqay. Bogue Sound to Wrightsville Beach.
117.823 Neuse River.
117.825 Newport River.
117.827 New River.
117.829 Northeast River.
117.831 Pamlico and Tar Rivers.
117.833 Pasquotank River.
117.835 Perquimans River.
117.837 Roanoke River.
117.839 Souppernong River.
117.841 Smiths Creek.
117.843 Trent River.
117.845 Wrightsville Beach (AIWW).

Ohio
117.847 Ashtabula River.
117.849 Muskingham River (Zanesville Canal).
117.851 Portage River.
117.853 Sundusky Bay.

Oregon
117.861 Blind Slough.
117.863 Catching Slough.
117.865 Clatskanie River.
117.867 Coalbank Slough.
117.869 Columbia River.
117.871 Coos Bay
117.873 Coos River.
117.875 Coquille River.
117.877 Dean Creek.
117.879 Isthmus Slough.
117.881 John Day River.
117.883 Little Nestucca River.
117.885 Nehalem River.
117.887 Oregon Slough.
117.889 Siuslaw River.
117.891 Umpqua River.
117.893 Walluski River.
117.895 Willamette River.
117.897 Youngs Bay, Lewis and Clark River and Skipanon River.

Pennsylvania
117.901 Chester Creek.
117.903 Darby Creek.
117.905 Schuylkill River.

Rhode Island
117.907 Providence River.

South Carolina
117.911 Atlantic Intracoastal Waterway. Little River to Savannah River.
117.913 Ashepoo River.
117.915 Ashley River.
117.917 Battery Creek.
117.919 Black River.
117.921 Broad River.
117.923 Congaree River.
117.925 Cooper River.
117.927 Coosaw River (Whale Branch).
117.929 Durham Creek.
117.931 Harbor River (a tidal estuary in St. Helena Sound).
117.933 Pee Dee River.
117.935 Rantowles Creek.
117.937 Savannah River.
117.939 Wando River.

Tennessee
117.943 Cumberland River.
117.945 Hatchie River.
117.947 Obion River.

Sec.
117.949 Tennessee River.

Texas

117.951 Arroyo-Colorado River.
117.953 Brazos River (Diversion Channel).
117.955 Buffalo Bayou.
117.957 Cedar Bayou.
117.959 Chocolate Bayou.
117.961 Clear Creek.
117.963 Colorado River.
117.965 Cow Bayou.
117.967 Greens Bayou.
117.969 Lavaca River.
117.971 Neches River.
117.973 Nueces Bay.
117.975 Old Brazos River.
117.977 Pelican Island Causeway.
117.979 Sabine Lake.
117.981 Sabine River.
117.983 Sabine River (Old Channel) behind Orange Harbor Island
117.985 Taylor's Bayou.
117.987 Trinity River.
117.989 Victoria Channel.

Vermont

117.993 Lake Champlain.

Virginia

117.995 Appomattox River.
117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.
117.999 Blackwater River.
117.1001 Cat Point Creek.
117.1003 Chickahominy River.
117.1005 Chuckatuck Creek.
117.1007 Elizabeth River—Eastern Branch.
117.1009 Elizabeth River—Western Branch.
117.1011 Great Wicomico River.
117.1013 Kinsale Creek.
117.1015 Mattaponi River.
117.1017 Nansemond River.
117.1019 Nansemond River—Western Branch.
117.1021 North Landing River.

Washington

117.1031 Chehalis River.
117.1033 Columbia River.
117.1035 Columbia and Snake Rivers in the vicinity of Pasco.
117.1037 Cowlitz and Lewis Rivers.
117.1039 Deep River.
117.1041 Duwamish Waterway at Seattle.
117.1043 Grays Harbor.
117.1045 Hood Canal.
117.1047 Hoquiam River (Grays Harbor tributary).
117.1049 Lake Washington.
117.1051 Lake Washington Ship Canal.
117.1053 Skagit River.
117.1055 Skamokawa Creek.
117.1057 Snohomish River, Steamboat Slough and Ebey Slough.

Tacoma Harbor Waterway

117.1059 City Waterway.
117.1061 Puyallup Waterway and River.
117.1063 Blair Waterway.
117.1065 Hylebos Waterway.
117.1067 Willapa Harbor.
117.1069 Wishkam River.

Wisconsin

117.1081 Black River.
117.1083 Duluth-Superior Harbor (St. Louis River).
117.1085 East River.
117.1087 Fox River.
117.1089 Manitowoc River.
117.1091 Menomonee River.
117.1093 Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee Canal, Milwaukee.
117.1095 Root River.
117.1097 Sheboygan River.
117.1099 St. Croix River.
117.1101 Sturgeon Bay.
117.1103 Upper Mississippi River.
117.1105 Wisconsin River.
117.1107 Wolf River.

Authority: 33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).

Subpart A—General Requirements

§ 117.1 Purpose.

This subpart prescribes general requirements relating to the use and operation of drawbridges across the navigable waters of the United States.

Note.—The primary jurisdiction to regulate drawbridges across the navigable waters of the United States is vested in the Federal Government. Laws, ordinances, regulations, and rules which purport to regulate these bridges and which are not promulgated by the Federal Government have no force and effect.

§ 117.3 Applicability.

The provisions of this subpart not in conflict with the provisions of Subpart B apply to each drawbridge.

Note.—For all of the requirements applicable to a drawbridge listed in Subpart B, one must review the requirements in Subpart A and §§ 117.51 through 117.99 of Subpart B, as well as the requirements in Subpart B applicable to the particular drawbridge in question.

§ 117.5 When the draw must open.

Except as otherwise required by this subpart, drawbridges must open promptly and fully for the passage of vessels when a request to open is given in accordance with this subpart.

§ 117.7 General duties of drawbridge owners and tenders.

(a) Drawbridge owners and tenders shall operate the draw in accordance with the requirements in this part.

(b) Except for drawbridges not required to open for the passage of vessels, owners of drawbridges shall ensure that:

(1) The necessary drawtenders are provided for the safe and prompt opening of the draw;

(2) The operating machinery of the draw is maintained in a serviceable condition; and

(3) The draws are operated at sufficient intervals to assure their satisfactory operation.

§ 117.9 Delaying opening of a draw.

No person shall unreasonably delay the opening of a draw after the signals required by § 117.15 have been given.

Note.—Trains are usually controlled by the block method. That is, the track is divided into blocks or segments of a mile or more in length. When a train is in a block with a drawbridge, the draw may not be able to open until the train has passed out of the block and the yardmaster of other manager has "unlocked" the drawbridge controls.

§ 117.11 Appurtenances unessential to navigation.

No vessel owner or operator shall signal a drawbridge to open for any nonstructural vessel appurtenance which is not essential to navigation, or which is easily lowered.

§ 117.15 Signals

(a) *General.* (1) The operator of each vessel requesting a drawbridge to open must signal the drawtender and the drawtender must acknowledge that signal.

(2) The signals used to request the opening of the draw and to acknowledge that request must be sound signals, visual signals, or radiotelephone communications described in this subpart.

(3) The means of signalling used depends upon whichever means is sufficient to alert the party being signalled.

(b) *Sound signals.* (1) Sound signals must be made by whistle, horn, megaphone, hailer, or other device capable of producing the described signals loud enough to be heard by the drawtender.

(2) As used in this section, "prolonged blast" means a blast of four to six seconds duration and "short blast" means a blast of approximately one second duration.

(3) The sound signal to request the opening of a draw is one prolonged blast followed by one short blast sounded not more than three seconds after the prolonged blast.

(4) When the draw can be opened immediately, the sound signal to acknowledge a request to open the draw is one prolonged blast followed by one short blast sounded not more than 30 seconds after the requesting signal.

(5) When the draw cannot be opened immediately, or is open and must be closed promptly, the sound signal to acknowledge a request to open the draw is five short blasts sounded in rapid succession not more than 30 seconds after the vessel's opening signal. The signal must be repeated until acknowledged in some manner by the requesting vessel.

(c) *Visual signals.* (1) The visual signal to request the opening of a draw is—

(i) A white flag raised and lowered vertically; or

(ii) A white, amber, or green light raised and lowered vertically.

(2) When the draw can be opened immediately, the visual signal to acknowledge a request to open the draw, given not more than 30 seconds after the vessel's opening signal, is—

(i) A white flag raised and lowered vertically;

(ii) A white, amber, or green light raised and lowered vertically; or

(iii) A fixed or flashing white, amber, or green light or lights.

(3) When the draw cannot be opened immediately, or is open and must be closed promptly, the visual signal to acknowledge a request to open the draw is—

(i) A red flag or red light swung back and forth horizontally in full sight of the vessel given not more than 30 seconds after the vessel's opening signal; or

(ii) a fixed or flashing red light or lights given not more than 30 seconds after the vessel's opening signal.

(4) The acknowledging signal when the draw cannot open immediately or is open and must be closed promptly must be repeated until acknowledged in some manner by the requesting vessel.

(d) *Radiotelephone communications.* (1) Radiotelephones may be used to communicate the same information provided by sound and visual signals.

(2) The vessel and the drawtender shall monitor the frequency used until the vessel has cleared the draw.

(3) When radiotelephone contact cannot be initiated or maintained, sound or visual signals under this section must be used.

§ 117.17 Signalling for contiguous drawbridges.

When a vessel must pass two or more drawbridges close together, the opening signal is given for the first bridge. After acknowledgment from the first bridge that it will promptly open, the opening signal is given for the second bridge, and so on until all bridges that the vessel must pass have been given the opening signal and have acknowledged that they will open promptly.

§ 117.19 Signalling when two or more vessels are approaching a drawbridge.

When two or more vessels are approaching the same drawbridge at the same, or nearly the same time, and from the same or opposite directions, each vessel must signal independently for the opening of the draw and the drawtender shall reply in turn to the signal of each vessel.

§ 117.21 Signalling for an opened drawbridge.

When a vessel approaches a drawbridge with the draw in the open position, the vessel must give the opening signal. If no acknowledgment is received within 30 seconds, the vessel may proceed, with caution, through the open draw.

§ 117.23 Installation of radiotelephones.

(a) When the District Commander deems it necessary for reasons of safety or navigation, the District Commander may require the installation and operation of a radiotelephone on or near a drawbridge.

(b) The District Commander gives written notice of the proposed requirement to the bridge owner.

(c) All comments the owner wishes to submit must be submitted to the District Commander within 30 days of receipt of the notice under paragraph (b) of this section.

(d) If, upon consideration of the comments received, the District Commander determines that a radiotelephone is necessary, the District Commander notifies the bridge owner that a radiotelephone must be installed and gives a reasonable time, not to exceed six months, to install the radiotelephone and commence operation.

§ 117.31 Closure of draw for emergency vehicles.

When a drawtender is informed by a reliable source that an emergency vehicle is due to cross the draw, the drawtender shall take all reasonable measures to have the draw closed at the time the emergency vehicle arrives at the bridge.

§ 117.33 Closure of draw for natural disasters or civil disorders.

Drawbridges need not open for the passage of vessels during periods of natural disasters or civil disorders declared by the appropriate authorities unless otherwise provided for in Subpart B or directed to do so by the District Commander.

§ 117.35 Operations during repair or maintenance.

(a) When operation of the draw must deviate from the regulations in this part for scheduled repair or maintenance work, the drawbridge owner must request approval from the District Commander at least 30 days before the date of the intended change. The request must include a brief description of the nature of the work to be performed and the times and dates of requested changes. The District Commander's decision is forwarded to the applicant within five working days of the receipt of the request. If the request is denied, the reasons for the denial are forwarded with the decision.

(b) When the draw is rendered inoperative because of damage to the structure or when vital, unscheduled repair or maintenance work must be performed without delay, the drawbridge owner shall immediately notify the District Commander and give the reasons why the draw is or should be rendered inoperative and the expected date of completion of the repair or maintenance work.

(c) All repair or maintenance work under this section must be performed with all due speed in order to return the draw to operation as soon as possible.

(d) If the operation of the draw will be affected for periods of less than 60 days, the regulations in this part will not be amended. Where practicable, the District Commander publishes notice of the temporary deviations from the regulations in this part in the **Federal Register** and Local Notices to Mariners. If operation of the draw is expected to be affected for more than 60 days, the District Commander publishes temporary regulations covering the repair period.

§ 117.37 Opening or closure of draw for public interest concerns.

(a) For reasons of public health or safety or for public functions, such as street parades and marine regattas, the District Commander may authorize the opening or closure of a drawbridge for a specified period of time.

(b) Requests for opening or closure of a draw must be submitted to the District Commander at least 30 days before the proposed opening or closure and include a brief description of the proposed event or other reason for the request, the reason why the opening or closure is required, and the times and dates of the period the draw is to remain open or closed.

(c) Approval by the District Commander depends on the necessity for the opening or closure, the reasonableness of the times and dates, and the overall effect on navigation and users of the bridge.

§ 117.41 Discontinuance of drawtender service.

(a) Upon written request by the owner or operator of a drawbridge, the District Commander may permit the draw to be closed and untended due to infrequency of use of the draw by vessels. The

District Commander may condition approval on the continued maintenance of the operating machinery.

(b) Authorization under paragraph (a) of this section is not required if the draw is maintained in the fully open position to permit the passage of vessels and the District Commander is notified in advance. The draw must remain in the fully open position until drawtender service is restored or the authorization is given under paragraph (a) of this section for the draw to remain closed and untended.

§ 117.43 Changes in draw operation requirements for regulatory purposes.

In order to evaluate suggested changes to the drawbridge operation requirements, the District Commander may authorize temporary deviations from the regulations in this part for periods not to exceed 60 days. Notice of these deviations will be disseminated in the Local Notices to Mariners and published in the **Federal Register**.

§ 117.45 Process of violations.

(a) Complaints of alleged violations under this part are submitted to the District Commander of the Coast Guard District in which the drawbridge is located.

(b) Penalties for violations under this part are assessed and collected under Subpart 1.07 of Part 1 of this chapter.

Subpart B—Specific Requirements

§ 117.51 Purpose.

This subpart prescribes specific requirements relating to the operation of certain drawbridges.

Note.—The drawbridges under this subpart are listed by the waterway the cross and by the state in which they are located. Waterways are arranged alphabetically by state. The drawbridges listed under a waterway are generally arranged in order from the mouth of the waterway moving upstream. The drawbridges on the Atlantic Intracoastal Waterway are listed from north to south and on the Gulf Intracoastal Waterway from east to west.

§ 117.53 Applicability.

(a) The requirements in this subpart apply to the bridges listed and are in addition to, or vary from, the general requirements in Subpart A.

(b) A requirement in this subpart which varys from a general requirement in Subpart A supersedes the general requirement.

(c) All other requirements in Subpart A not at variance apply to the bridges listed in this subpart.

§ 117.55 Posting of requirements.

(a) The owner of each drawbridge under this subpart, other than removable span bridges, shall ensure that a sign summarizing the requirements in this subpart applicable to the bridge is posted both upstream and downstream of the bridge. The requirements to be posted need not include those in Subpart A or §§ 117.51 through 117.99.

(b) The signs must be of sufficient size and so located as to be easily read at any time from an approaching vessel.

(c) If advance notice is required to open the draw, the signs must also state the name, address, and telephone number of the person to be notified.

§ 117.57 Advance notice.

Owners and tenders of drawbridges requiring advance notice to open shall use all reasonable means to open the draw at the requested time and give due regard to the possibility that a brief delay may be experienced by the vessel giving the advance notice.

§ 117.59 Special requirements due to hazards.

For the duration of occurrences hazardous to safety or navigation, such as floods, freshets, and damage to the bridge or fender system, the district Commander may require the owner of an operations drawbridge listed in this subpart to have the bridge attended full time and open on signal.

Alabama

§ 117.101 Alabama River.

(a) The draw of the St. Louis and San Francisco railroad bridge, mile 105.3 at Coy, shall open on signal if at least 48 hours notice is given.

(b) The draw of the Illinois Central Gulf railroad bridge, mile 277.8 near Montgomery, shall open on signal if at least 24 hours notice is given.

(c) The draw of the US31 and 82 bridge, mile 278.2 near Montgomery, shall open on signal if at least 24 hours notice is given.

(d) The draw of the Seaboard System Railroad bridge, mile 293.3 near Montgomery, shall open on signal if at least 24 hours notice is given.

§ 117.103 Bayou La Batre.

The draw of the S188 bridge, mile 2.3 at Bayou La Batre, shall open on signal, except that the draw need not open from 7:30 a.m. to 8:30 a.m., and 3 p.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

§ 117.105 Bayou Sara.

The draw of the Seaboard System Railroad bridge, mile 0.1 at Saraland, shall open on signal except that from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m., the draw shall open on signal if at least four hours notice is given. During periods of severe storms or hurricanes, from the time the National Weather Service sounds an "alert" for the area until the "all clear" is sounded, the draw shall open on signal.

§ 117.107 Chattahoochee River.

The draws of the Seaboard System Railroad bridge, mile 117.1 near Omaha, GA, shall open on signal if at least six hours notice is given.

§ 117.109 Coosa River.

The draw of the Seaboard System Railroad bridge, mile 175.0 at Gadsden, shall open on signal if at least six hours notice is given.

§ 117.111 Mobile River and Chickasaw Creek.

The draws of the US90 bridge, mile 2.9 Mobile River, and the Seaboard System Railroad bridge, mile 0.0 Chickasaw Creek, both at Mobile, shall open on signal, however, the following special signals shall be used to request openings:

(a) Vessels proceeding either up or down the Mobile River and desiring the US90 bridge to open shall sound three prolonged blasts.

(b) Vessels proceeding down the Mobile River and desiring to proceed up Chickasaw Creek, requiring an opening of the railroad bridge, shall sound one prolonged blast, wait one minute, and then sound three prolonged blasts.

(c) Vessels proceeding up the Mobile River and desiring to proceed up Chickasaw Creek, requiring an opening of both bridges, shall sound three prolonged blasts, wait one minute, and then sound one prolonged blast followed by three prolonged blasts.

§ 117.113 Tensaw River.

The draw of the Seaboard System Railroad bridge, mile 15.0, at Hurricane, shall open on signal from 8 a.m. to midnight. The draw need not open from midnight to 8 a.m. During periods of severe storms or hurricanes, from the time the National Weather Service sounds an "alert" for the area until the "all clear" is sounded, the draw shall open on signal.

§ 117.115 Three Mile Creek.

(a) The draw of the US90 bridge, mile 1.0, at Mobile, need not open from 7 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m. daily. At all other times the draw shall open on signal if at least 12 hours notice is given.

(b) The draw of the Southern Railway bridge, mile 1.1, at Mobile, shall open on signal if at least five days notice is given.

Arkansas

§ 117.121 Arkansas River.

The draw of the Missouri Pacific Railroad bridge, mile 23.1 near Yancopin, shall open on signal if at least 96 hours notice is given.

§ 117.123 Arkansas and White Rivers—Automated Railroad Bridges.

(a) The draws of the St. Louis and San Francisco railroad bridge, mile 300.8, Arkansas River, at Van Buren, and the Missouri Pacific railroad bridge, mile 7.5, White River, at Benzal, are maintained in the open position with a minimum vertical clearance of 52 feet, except as follows:

(1) When a train approaches either bridge, amber lights attached to the bridge begin to flash and an audible signal on the bridge sounds. At the end of six minutes the amber light continues to flash, however, the audible signal stops and the draw lowers and locks, if the photoelectric boat detection system detects no obstruction under the span. If there is an obstruction, the draw will raise to its full height until the obstruction is cleared.

(2) After the train clears the bridge, the draw will raise to its full height, the amber flashing light will stop, and the midchannel lights will change from red to green indicating the navigation channel is open for the passage of vessels.

(b) Across the Arkansas River the draws of the Cotton Belt railroad (Rob Roy) bridge, mile 67.4, the Chicago, Rock Island, and Pacific railroad (Junction) bridge, mile 118.2, at Little Rock, and the Missouri Pacific railroad (Baring Crossing) bridge, mile 118.7, at Little Rock, are maintained in the closed position. The following signals are used:

(1) The opening signal from the vessel for each of these bridges is three short blasts.

(2) The acknowledging signal is flashing white lights visible upstream and downstream. When the operator of the vessel sights the acknowledging signal, one prolonged blast shall be sounded.

(3) This signal is acknowledged by the bridge controller when the draw is to open by changing the flashing white lights to continuous white lights, and sounding one blast on a horn. When the span is fully raised to a maximum clearance of 52 feet, the navigation lights at midchannel shall be changed from red to green, indicating that the draw is ready for passage.

(4) If the draw cannot open, flashing amber warning lights shall start and four blasts will sound, indicating that a train is approaching or that maintenance work is in progress.

(5) The vessel shall acknowledge that there will be a delay by sounding five blasts.

(6) When the draw will open (after the train crosses or when maintenance work permits), the amber lights are turned off, the continuous white lights turned on, and one blast sounded, to indicate the draw is ready for passage.

(7) The vessel acknowledges with one blast and, after the draw is fully open, shall proceed through the draw.

(8) When the vessel clears the draw, the midchannel navigation light will change from green to red, the amber warning lights will flash, and, after one minute the draw will lower and lock.

§ 117.125 Black River.

The following draws need not open for the passage of vessels:

(a) Missouri Pacific railroad bridge, mile 3.4 at Paroquet.

(b) St. Louis and San Francisco railroad bridge, mile 68.4 at Black Rock.

(c) Arkansas State Highway Department bridge, mile 90.1 at Pocahontas.

(d) St. Louis and San Francisco railroad bridge, mile 90.4 at Pocahontas.

(e) Missouri Pacific railroad bridge, mile 144.4 at Corning.

(f) Arkansas State Highway Department bridge, mile 152.2 at Corning.

§ 117.127 Current River.

The draws of the Arkansas highway bridge, mile 10.2, and the St. Louis and San Francisco railroad bridge, mile 12.2, both at Biggers, need not open for the passage of vessels.

§ 117.129 Little Red River.

The draws of the St. Louis and San Francisco railroad bridge, mile 25.0, and Arkansas highway bridge, mile 25.2, both at Judsonia, need not open for the passage of vessels.

§ 117.131 Little River.

The draw of the St. Louis and San Francisco railroad bridge, mile 7.1 near Fulton, need not open for the passage of vessels.

§ 117.133 Ouachita River.

(a) The draw of the Chicago, Rock Island and Pacific railroad bridge, mile 291.7 at Calion, shall open on signal if at least 24 hours notice is given, except as follows:

(1) Any vessel that requires the opening of the draw and that intends to return within 24 hours shall inform the drawtender of the probable time of return. The draw shall open for the returning vessel without further notice.

(2) When the pool stage is above 21 feet on the upper gauge at Lock and Dam No. 8, the Commander, Second Coast Guard District will notify the bridge owner, who will then have one day in which to place a drawtender in constant attendance and open the draw on signal.

(b) The draw of the St. Louis Southwestern railroad bridge, mile 331.4, near Camden, shall open on signal if at least 48 hours notice is given.

§ 117.135 Red River.

The draws of the bridges from mile 66.0 through mile 283.1 shall open on signal if at least 48 hours notice is given. The draws of any of these bridges need not open for a vessel that arrives later than two hours after the time specified in the notice, unless a second notice of at least 48 hours is given. The draws of the bridges above mile 283.1 need not open for the passage of vessels.

§ 117.137 St. Francis River.

(a) The draw of the Arkansas highway bridge, mile 29.6 at Cody, shall open on signal if at least 72 hours notice is given. Any vessel that requires the opening of the draw and that intends to return within 72 hours shall inform the drawtender of the probable time of return. The draw shall open for the returning vessel without further notice.

(b) The draws of the Chicago, Rock Island and Pacific railroad bridge, mile 59.7 at Madison, and all drawbridges above that point, need not open for the passage of vessels.

§ 117.139 White River.

(a) The draws of the St. Louis Southwestern railroad bridge, mile 98.9 at Clarendon, the US70 highway bridge, mile 121.7 at Duvalls Bluff, the Chicago, Rock Island and Pacific Railroad bridge, mile 122.0 at Duvalls Bluff, the Missouri Pacific railroad bridge, mile 196.3, at Augusta, and the Missouri Pacific railroad bridge, mile 254.8 at Newport, shall open on signal if at least eight hours notice is given. When a vessel has failed to arrive within two hours after the time specified in the notice, at any of these bridges, a second eight hour notice is required.

(b) The draws of the Arkansas highway bridge, mile 300.1 at Batesville, and Missouri Pacific Railroad Company bridge, mile 401.9 at Cotter, need not open for the passage of vessels.

California

§ 117.140 General.

In California, when fog prevails by day or night the drawtender, after sounding the opening signal, shall toll a bell continuously during the approach and passage of a vessel.

§ 117.141 American River.

The draws of the Jiboom Street bridge, mile 0.1 at Sacramento, need not open for the passage of vessels.

§ 117.143 Burns Cutoff.

The draw of the Daggett Road bridge, mile 3.0 at Stockton, shall open on signal if at least 48 hours notice is given to the U.S. Naval Communications Station at Stockton.

§ 117.145 Cerritos Channel.

(a) The draw of the Commodore Schuyler F. Heim highway bridge, mile 4.5 at Long Beach, shall open on signal, except that from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draws need not open for the passage of vessels. The opening signal for the Commodore Schuyler Heim bridge is three prolonged blasts. The acknowledging signal is two prolonged blasts followed by one short blast when the draw will open immediately, and five short blasts when the draw cannot open immediately. Channel 13 (156.65 MHZ) or other assigned frequencies may be used.

(b) The draw of the Henry Ford Avenue railroad bridge, mile 4.4 at Long Beach, shall be maintained in the open to navigation position except when a train is crossing or when maintenance work is being performed.

(c) If the draw of the Henry Ford Avenue railroad bridge is in the closed position, the opening signal is two short blasts followed by one prolonged blast. The acknowledging signal is two prolonged blasts followed by one short blast when the draw will open immediately, and five short blasts when the draw cannot open immediately. Channel 13 (156.65 MHZ) or other assigned frequencies may be used.

§ 117.147 China Basin, Mission Creek.

The draws of the 3rd Street bridge, mile 0.0, and the 4th Street bridge, mile 0.2, both at San Francisco, shall open on signal if at least one hour notice is given.

§ 117.149 Cordelia Slough (a tributary of Suisun Bay)

The draws of the Southern Pacific railroad bridge, mile 1.5 at Suisun, shall open on signal if at least 24 hours notice is given.

§ 117.151 Corte Madera Creek.

The draw of the Northwestern Pacific railroad bridge, mile 0.5 near Greenbrae, shall be maintained in the fully open position except for the passage of trains or for rail maintenance equipment.

§ 117.153 Eureka Slough.

The draws of the Northwestern Pacific railroad bridge, mile 0.5 at Eureka, shall open on signal if at least 24 hours notice is given.

§ 117.155 Georgiana Slough.

The draws of the Sacramento County highway bridges, mile 4.5 near Isleton, and mile 12.4 near Walnut Grove, shall open on signal from 6 a.m. to 10 p.m. from May 1 through October 31. The draws shall open on signal from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draws of these bridges shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge.

§ 117.157 Grant Line Canal.

The draw of the San Joaquin County highway bridge, mile 5.5 at Tracy, shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

§ 117.159 Honker Cut.

The draw of the San Joaquin County bridge, mile 0.3 between Empire Tract and King Island at Stockton, shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

§ 117.161 Islais Creek (Channel).

The draw of the 3rd Street bridge, mile 0.4 at San Francisco, shall open on signal if at least one hour notice is given.

§ 117.163 King Island Cut.

The draw of the San Joaquin County highway bridge, mile 1.0 between King Island and Bishop Tract, shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

§ 117.165 Lindsey Slough.

The center span of the Hastings Farms highway bridge, mile 2.0 between Egbert and Lower Hastings Tracts, shall be removed for the passage of maintenance vessels if at least 72 hours notice is given to the Hastings Farms Office at San Francisco.

§ 117.167 Little Potato Slough.

The draw of the California highway bridge, mile 0.1 at Terminous, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m. At all other times the draw shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge.

§ 117.169 Mare Island Strait, Napa River, and their tributaries.

(a) The draw of the U.S. Navy bridge (Mare Island Causeway), mile 2.8, at Vallejo:

(1) Shall open on signal from 7:30 a.m. to 3:45 p.m., and 4:45 p.m. to 10 p.m., Monday through Friday, except Federal holidays, and from 6:30 a.m. to 10 p.m. on Saturdays, Sundays, and holidays.

(2) Need not open for the passage of vessels, other than public vessels of the United States, from 6:30 a.m. to 7:30 a.m and 3:45 p.m. to 4:45 p.m., except Saturdays, Sundays, and Federal holidays.

(3) Shall open on signal from 10 p.m. to 6:30 a.m. daily, if at least two hours notice is given, and as soon as possible for public vessels of the United States.

(b) The draw of the Southern Pacific railroad bridge, mile 7.8 at Brazos, shall be maintained in the fully open position except for the passage of trains or for maintenance. When the draw is closed and visibility at the drawtender's station is less than one mile, up or down the channel, the drawtender shall sound two prolonged blasts every minute. When the draw is to be opened the drawtender shall sound three short blasts.

(c) The draw of the Maxwell highway bridge, mile 14.8 near Imola, shall open on signal if at least 72 hours notice is given to the California Department of Transportation office at Napa.

§ 117.171 Middle River.

(a) The draw of the San Joaquin County highway bridge, mile 8.6, between Bacon Island and Lower Jones Tract, shall open on signal from May 15 through September 15 from 9 a.m. to 5 p.m. From September 16 through May 14 the draw shall open on signal from 9 a.m. to 5 p.m. from Thursday through Monday. At all other times the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department Public Works at Stockton.

(b) The draw of the Atchison, Topeka and Santa Fe railroad bridge, mile 9.8 near Middle River Station, shall open on signal if at least 12 hours notice is given the Atchison, Topeka and Santa Fe Railway Yardmaster at Stockton.

§ 117.173 Miner Slough.

The draw of the California highway bridge, mile 5.5 between the northerly end of Ryer Island and Holland Tract, shall open on signal if at least 12 hours

notice is given to the drawtender at the Rio Vista bridge.

§ 117.175 Mokelumne River.

(a) The draw of the California highway bridge, mile 3.0, at East Isleton, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m., and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draw shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge. Emergency vessels of the United States, state or commercial vessels engaged in rescue or emergency salvage operations, or vessels in distress shall be passed as soon as possible but no longer than one hour after notice is given.

(b) The draw of the Sacramento and San Joaquin Counties highway bridge, mile 12.1 over the North Fork of the Mokelumne River near Walnut Grove, shall open on signal from May 1 through October 31, from 9 a.m. to 5 p.m. At all other times the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

(c) The removable span of the San Joaquin County highway bridge over the South Fork of the Mokelumne River, mile 18.0 at New Hope Landing, shall be operated as provided for in Section 117.61.

(d) The draws of the bridges above New Hope Landing need not open for the passage of vessels.

§ 117.177 Mud Slough.

The draw of the Southern Pacific railroad bridge, mile 0.7 near Alviso, shall open on signal if at least 24 hours notice is given.

§ 117.179 Newark Slough.

The draw of the Southern Pacific railroad bridge, mile 0.5 near Newark, shall open on signal if at least 24 hours notice is given to the Superintendent, Southern Pacific Transportation Company, at Oakland.

§ 117.181 Oakland Inner Harbor Tidal Canal.

The draws of the Alameda County highway bridges at Park Street, mile 7.3; Fruitvale Avenue, mile 7.7; and High Street, mile 8.1; and the U.S. Army Corps of Engineers railroad bridge, mile 7.7, at Fruitvale Avenue, shall open on signal, except that from 7:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, the draws need not open for the passage of vessels. However, the draw shall open during the above closed periods for vessels which must, for reasons of safety, move on a tide or slack water, if at least two hours notice is given. The draw shall open as soon as possible for vessels in distress, and emergency vessels, including commercial vessels engaged in rescue or emergency salvage operations.

§ 117.183 Old River.

The draw of the California highway bridge, mile 14.8 between Victoria Island and Byron Tract, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m., and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draw shall open on signal if at least four hours is given to the drawtender at the Rio Vista bridge.

§ 117.185 Pacheco Creek.

The draw of the Contra Costa County highway bridge, mile 0.5, and Southern Pacific railroad bridge, mile 0.5, both near Martinez, shall open on signal if at least 24 hours notice is given.

§ 117.187 Petaluma River.

(a) The draws of the Northwestern Pacific railroad bridges, mile 0.8 at Blackpoint, and mile 12.4 at Haystack Landing, shall be maintained in the fully open position except for the passage of trains or for maintenance. When the draw is closed and visibility from the drawtender's station is less than one mile, up or down the channel, the drawtender shall sound two long blasts every minute. When the draw is reopened, the drawtender shall sound three short blasts.

(b) The draw of the Petaluma highway bridge at "D" Street, mile 13.7 at Petaluma, shall open on signal if at least four hours notice is given.

§ 117.189 Sacramento River.

(a) The draws of each bridge from Isleton to American River junction shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m., and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draws shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge.

(b) The draw of the S20 bridge, mile 135.5 at Meridian shall open on signal if at least 12 hours notice is given to the State Division of Highways Office at Marysville.

(c) The draws of the bridges above Chico Landing need not open for the passage of vessels.

§ 117.191 San Joaquin River.

(a) The draw of the Port Director railroad bridge, mile 39.7 at Stockton, shall open on signal if at least 12 hours notice is given to the Port Director.

(b) The draws of all other bridges across the San Joaquin River, including those above the Old River Junction, need not open for the passage of vessels.

§ 117.193 San Leandro Bay.

The draw of the California highway bridge, mile 0.0 between Alameda and Bay Farm Island, shall open on signal except that from 5 a.m. to 8 a.m. and 5 p.m. to 9 p.m. the draw shall open on signal if at least 12 hours notice is given. Notice shall be given to the drawtender of the Bayfarm Island bridge from 8 a.m. to 5 p.m., and to the drawtender of the Park Street bridge at Alameda at all other times. The draw need not open for the passage of vessels from 9 p.m. to 5 a.m.

§ 117.195 Snodgrass Slough.

(a) The draw of the Southern Pacific railroad bridge, mile 3.5 at Walnut Grove, shall be maintained in the fully open position except for the passage of trains or for maintenance. When the draw is closed, a drawtender shall be present and the draw shall open on signal.

(b) The draw of the Sacramento County bridge, mile 4.4 at Walnut Grove, shall open on signal if at least 24 hours notice is given to the Sacramento County Highway Office at Sacramento.

§ 117.197 Sonoma Creek.

The draw of the Northwestern Pacific railroad bridge, mile 5.4 at Wingo, shall open on signal if at least 24 hours notice is given.

§ 117.199 Steamboat Slough.

The draw of the California highway bridge, mile 11.2 at the head of Grand Island, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m. At all other times the draw shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge.

§ 117.201 Sutter Slough.

The draw of the Sacramento County highway bridge, mile 6.4 near Courtland, need not open for the passage of vessels.

Connecticut

§ 117.207 Housatonic River.

(a) The draw of the US 1 bridge, mile 3.5 at Stratford, shall open on signal except that from 7 a.m. to 9 a.m. and 4 p.m. to 5:45 p.m., Monday through Friday, the draw need not open for the passage of vessels.

(b) The draw of the CONRAIL bridge, mile 3.9 at Stratford, shall open on signal from 5 a.m. to 9 p.m. except that:

(1) The draw need not open from 7 a.m. to 9 a.m.; and from 4 p.m. to 5:45

p.m., Monday through Friday, except Federal holidays or an emergency.

(2) The draw need not open more than once in any 60-minute period from 5:30 a.m. to 7 a.m.; and from 5:45 p.m. to 8:15 p.m., except on Saturdays, Sundays, and Federal holidays.

(3) The draw shall open on signal from 9 p.m. to 5 a.m. if notice is given before 4 p.m. on the day of the intended passage.

§ 117.209 Mianus River.

The draw of the CONRAIL bridge, mile 1.0 at Greenwich, shall open on signal from 5 a.m. to 9 p.m. The draw need not open from 9 p.m. to 5 a.m., however, public vessels of the United States and foreign vessels shall be passed as soon as possible during this period.

§ 117.211 Mystic River.

(a) The draw of the AMTRAK railroad bridge, mile 2.4 at Mystic, shall open on signal from April 1 through October 31 and November 1 through March 31 from 5 a.m. to 9 p.m. The draw shall open on signal from November 1 through March 31 from 9 p.m. to 5 a.m. if at least eight hours notice is given.

(b) The draw of the US 1 bridge, mile 2.8 at Mystic, shall open on signal on the quarter hour from 8:15 a.m. to 7:15 p.m., and the draw shall open on signal from May 1 through October 31 from 7:15 p.m. to 8:15 a.m. The draw shall open on signal from November 1 through April 30 from 7:15 p.m. to 8:15 a.m. if at least one hours notice is given.

(c) Public vessels of the United States, state and local vessels used for public safety and in an emergency, the draws of each bridge shall open as soon as possible.

§ 117.213 New Haven Harbor, Quinnipiac and Mill Rivers.

(a) The draws of the Tomlinson bridge, mile 0.0, the Ferry Street bridge, mile 0.7, and the Grand Avenue bridge, mile 1.3, across Quinnipiac River and the Chapel Street bridge, mile 0.4, across Mill River shall open on signal except that:

(1) From 7:30 to 8:30 a.m., noon to 12:15 p.m., 12:45 to 1 p.m. and 4:45 to 5:45 p.m., the draws need not open.

(2) From 9 p.m. to 5 a.m. from October 1 through April 30, the draws of the Ferry Street bridge, Quinnipiac River, shall open on signal unless the drawtender is at the Grand Avenue or Chapel Street bridges, in this event a delay of one hour can be expected.

(3) From 11 p.m. to 7 a.m., the draw of the Grand Avenue bridge, Quinnipiac River, shall open on signal if at least one hour notice is given to the drawtender at the Ferry Street bridge. In the event that the drawtender is at the Chapel Street bridge, an additional hour delay can be expected.

(4) From 9 p.m. to 5 a.m., the draw of the Chapel Street bridge, Mill River, shall open on signal if at least one hour notice is given to the drawtender at Ferry Street bridge. In the event that the drawtender is at the Grand Avenue bridge, an additional hour delay can be expected.

(b) The sound signals for requesting the opening of each bridge are:

(1) The Tomlinson bridge, two short blasts of a whistle or horn.

(2) The Ferry Street bridge, one short blast of a whistle or horn.

(3) The Grand Avenue bridge, one prolonged blast of a whistle or horn.

(4) The Chapel Street bridge, three short blasts of a whistle or horn.

(c) The drawtender shall acknowledge sound signals in the following manner:

(1) When the draw will open immediately, with the same signal as the requesting signal.

(2) When the draw cannot open immediately, or is open and must close, with four short blasts of a whistle or horn, to be repeated until acknowledged by the vessel by the same signal.

(3) When the draw can be reopened, the drawtender shall sound the opening signal and open the draw if any vessels are waiting to pass.

(d) The following visual signals may be used in addition to sound signals for requesting the opening of each bridge when sound signals may not be heard. A white flag by day or a white light by night shall be swung in full circles at arm's length in full sight of the bridge and facing the draw.

(e) The drawtender shall acknowledge visual signals in the following manner:

(1) When the draw will open immediately, a white flag by day or a green light by night swung up and down vertically a number of times in full sight of the vessel.

(2) When the draw cannot open immediately, or is open and must close, a red flag by day or a red light by night, swung back and forth horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel by the same signal.

(f) Public vessels of the United States, state or local vessels used for public safety, commercial vessels and vessels in distress, shall notify the operator of the Ferry Street bridge, and shall be passed as soon as possible.

§ 117.215 Niantic River.

(A) The draw of the AMTRAK bridge, mile 0.0 at Niantic, shall open on signal, except that from April 1 through October 31 from 8 p.m. to 4 a.m., and from November 1 through March 31 from 6 p.m. to 6 a.m., the draw shall open on signal if at least one hours notice is given.

(b) The draw of the S156, mile 0.1 at Niantic, shall open on signal, except that from 7 a.m. to 8 a.m., and from 4 p.m. to 5 p.m., Monday through Friday, except holidays, the draw shall open only for the passage of commercial vessels.

§ 117.217 Norwalk River.

(a) The draw of the Washington Street S136 bridge, mile 0.0 at Norwalk, shall open on signal, except that from 7 a.m. to 8:45 a.m., 11:45 a.m. to 1:15 p.m., and 4 p.m. to 6 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessels that draw less than 14 feet of water. The opening signal is three short blasts. Vessels drawing 14 feet of water or more shall add one prolonged blast after the three short blasts.

(b) The draw of the CONRAIL bridge, mile 0.1 at Norwalk, shall open on signal:

(1) From 5 a.m. to 9 p.m., except that from Monday through Friday, excluding holidays or an emergency, the draw need not open from 7 a.m. to 8:45 a.m. and 4 p.m. to 6 p.m.

(2) Only once in any 60-minute period from 5:45 a.m. to 7 a.m. and 6 p.m. to 7:45 p.m.

(3) From 9 p.m. to 5 a.m. if at least four hours notice is given.

§ 117.219 Pequonnock River.

(a) The draws of the Stratford Avenue bridge, mile 0.1, and the Congress Street bridge, mile 0.4, both at Bridgeport, shall open on signal, except that the draws of these bridges need not open for passage of vessels from 6:45 a.m. to 7:15 a.m., 7:45 a.m. to 8:15 a.m., 11:45 a.m. to 1:15 p.m., and 4:30 p.m. to 6:10 p.m. Public vessels of the United States and vessels in distress shall be passed through each draw at any time.

(1) The opening signal for the Stratford Avenue bridge is one prolonged blast followed by one short blast.

(2) The opening signal for the Congress Street bridge is two prolonged blasts followed by two short blasts.

(b) The draw of the CONRAIL bridge, mile 0.3 at Bridgeport, shall open on the signal of three short blasts from 5:45 a.m. to 9 p.m., except that:

(1) From Monday through Friday, excluding holidays, or an emergency, the draws need not open from 6:45 a.m. to 7:15 a.m., 7:45 a.m. to 8:15 a.m., and 4:30 p.m. to 6:10 p.m.

(2) From Monday through Friday, excluding holidays, or an emergency, the

draws need not open more than once during the periods 5:45 a.m. to 6:45 a.m., 7:15 a.m. to 7:45 a.m., 8:15 a.m. to 9 a.m., and 6:10 p.m. to 8:15 p.m.

(3) From 9 p.m. to 5:45 a.m. the draws shall open on signal if at least eight hours notice is given.

(c) The draw of the East Washington Street bridge shall open on the signal of one prolonged blast followed by two short blast if at least 24 hours notice is given.

(d) The draw of the Grand Street bridge, mile 0.9 at Bridgeport, need not open for the passage of vessels.

§ 117.221 Saugatuck River.

The draw of the CONRAIL bridge, mile 1.1 at Saugatuck, shall open on signal from June 1 through September 30 from 5 a.m. to 9 p.m. and from October 1 through May 31 from 8 a.m. to 4 p.m. The draw shall open on signal from October 1 through May 31 from 5 a.m. to 8 a.m., and from 4 p.m. to 9 p.m., if at least eight hours notice is given. The draw need not open at all other times.

§ 117.223 Shaws Cove.

The draw of the AMTRAK bridge, mile 0.0 at New London, shall open on signal from December 1 through March 31 from 8 a.m. to 5 p.m., Monday through Friday. From December 1 through March 31 from 5 p.m. to 8 a.m. and on Saturdays and Sundays, the draw shall open on signal if at least eight hours notice is given. From April 1 through November 30, from 5 a.m. to 10 p.m., the draw shall open on signal, and from 10 p.m. to 5 a.m. the draw shall open on signal if at least one hours notice is given. When a vessel is in an emergency that may endanger life or property, the draw shall open as soon as possible.

§ 117.225 Yellow Mill Channel.

The draw of the Stratford Avenue bridge, mile 0.3 at Bridgeport, shall open on signal if at least 24 hours notice is given. Public vessels of the United States and vessels in distress shall be passed as soon as possible.

Delaware

§ 117.231 Brandywine River.

(a) The draw of the Seventh Street bridge, mile 0.1 at Wilmington, shall be maintained in the open to navigation position at all times.

(b) The draws of the CONRAIL bridge, mile 1.1, the Church Street bridge, mile 1.3, and the Sixteenth Street bridge, mile 1.7, all at Wilmington, need not open for the passage of vessels.

§ 117.233 Broad Creek (River).

The draws of the CONRAIL bridge, mile 8.0, the Poplar Street bridge, mile 8.2, and the US13A bridge, mile 8.2, all at Laurel, shall open on signal if at least four hours notice is given.

§ 117.235 Chesapeake and Delaware Canal.

(a) The draw of the CONRAIL bridge, mile 7.7, shall open on signal.

(b) The signals listed in § 117.15 shall be supplemented by the following light signals in the center of the drawspan on both sides of the bridge.

(1) When the drawspan is to be opened immediately; one fixed amber light.

(2) When the drawspan is not ready to be opened; one flashing red light.

§ 117.237 Christina River.

(a) The draws of the CONRAIL bridge, mile 1.4, the CONRAIL bridge, mile 4.1, the CONRAIL railroad bridge, mile 4.2, and the CONRAIL bridge, mile 5.4, all at Wilmington, shall open on signal from 6 a.m. to 8 p.m., if at least 24 hours notice is given. From 8 p.m. to 6 a.m. the draws need not open for the passage of vessels.

(b) The draws of the Third Street bridge, mile 2.3, the Walnut Street bridge, mile 2.8, and the Market Street bridge, mile 3.0, all at Wilmington, shall open on signal except that from 7 a.m. to 8 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except legal holidays, the draws need not open for the passage of vessels. Any vessel which has passed through one or more of these three bridges immediately prior to a closed period and which requires passage through the other bridge or bridges in order to continue to its destination shall be passed through the draw or draws of such bridge or bridges without delay.

(c) The draw of the SH141 bridge, mile 7.5, at Wilmington, shall open on signal if at least 24 hours notice is given.

§ 117.239 Lewes and Rehoboth Canal.

The draw of the Delaware highway bridge, mile 7.0 at Rehoboth, shall open on signal from May 1 through October 31 from 7 a.m. to 8 p.m. and from 8 p.m. to 7 a.m. if at least two hours notice is given. From November 1 through April 30 the draw shall open on signal if at least 24 hours notice is given.

§ 117.241 Mispillion River.

The draw of the S14 bridge, mile 11.0 at Milford, shall open on signal if at least two hours notice is given.

§ 117.243 Nanticoke River.

The draw of the CONRAIL bridge, mile 39.4 at Seaford, shall open on signal from May 1 through September 30 from 8 a.m. to 8 p.m., and need not open from 8 p.m. to 8 a.m. From October 1 through April 30 the draw shall open on signal if at least four hours notice is given.

§ 117.245 Smyrna River.

The draw of the Delaware highway bridge, mile 4.0 at Fleming Landing, shall open on signal if at least 24 hours notice is given.

§ 117.247 St. Jones River.

The draw of the Delaware highway bridge, mile 4.5 at Barkers Landing, shall open on signal if at least 24 hours notice is given.

District of Columbia

§ 117.253 Anacostia River.

(a) The draw of the Frederick Douglas Memorial (South Capitol Street) bridge, mile 1.2, shall open on signal if at least 24 hours notice is given. The draw will be closed on each Presidential Inauguration Day and may occasionally be closed to the passage of vessels, without advance notice, to permit uninterrupted transit of dignitaries across the bridge.

(b) The draw of the CONRAIL bridge, mile 3.4 shall:

(1) Open on signal on Saturdays, Sundays and Federal holidays, and on weekdays from 10 a.m. to 6 p.m. from April 1 through September 30.

(2) Open on signal on the hour from April 1 through September 30, Monday through Friday, except Federal holidays, from 8 p.m. to 10 a.m. and from October 1 through March 31, on Saturdays, Sundays, and Federal holidays, from 10 a.m. to 6 p.m.

(3) At all other times, the draw shall open on signal if at least two hours notice is given.

(4) Public vessels of the United States and vessels of Maryland or the District of Columbia used for public safety, shall be passed as soon as possible.

§ 117.255 Potomac River.

(a) The draw of the Woodrow Wilson (I–495) bridge, mile 103.8, shall open on signal except that from 6:30 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels.

(b) Public vessels of the United States, vessels in distress, and vessels engaged exclusively in the tourist trade on the Potomac River from Washington, D.C., when the vertical clearance is less than 50 feet, shall be passed at any time.

(c) The draws of all other bridges need not open for the passage of vessels.

Florida

§ 117.261 Atlantic Intracoastal Waterway from Jacksonville to Miami.

(a) The draw of the Bridge of Lions (SR A–1–A) bridge, mile 777.9, at St.

Augustine, shall open on signal, except that:

(1) From 7 a.m. to 6 p.m., Monday through Friday, except legal holidays, the draw need open only on the hour and half hour, however, the draw need not open at 8 a.m., 12 noon, and 5 p.m.

(2) From 7 a.m. to 6 p.m. on Saturdays, Sundays and legal holidays, the draw need open only on the hour and half hour.

(3) Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(b) The draws of the Seabreeze Boulevard bridge, mile 829.1 at Daytona Beach, and the SR A–1–A bridge, mile 835.5 at Port Orange, shall open on signal, except that from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except Federal and Florida State holidays, the draws need not open for the passage of vessels. However, the draws shall open at 8 a.m. and 5 p.m. if any vessels are waiting to pass. During periods when storm signals are displayed in the Daytona Beach area, the draws of these bridges shall open on signal. Storm signals are displayed upon notification by the National Weather Service that winds of up to 33 knots or more and/or sea conditions considered dangerous to small craft are expected. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(c) The draw of the Memorial bridge, mile 830.6 Halifax River at Daytona Beach, shall open on signal, except that from 7:45 a.m. to 8:45 a.m. and 4:45 p.m. to 5:45 p.m., Monday through Saturday, except Federal and Florida State holidays, the draw need not open for the passage of vessels. However, the draw shall open at 8:15 a.m. and 5:15 p.m. if any vessels are waiting to pass. During periods when storm signals are displayed in the Daytona Beach area, the draws of these bridges shall open on signal. Storm signals are displayed upon notification by the National Weather Service that winds of up to 33 knots or more and/or sea conditions considered dangerous to small craft are expected. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(d) The draw of the Harris Saxon bridge, mile 846.5 at New Smyrna Beach, shall open on signal, except that from March 15 through October 15 on Saturdays, Sundays, and Federal holidays from 3 p.m. to 6 p.m., the draw need open only on the hour and half hour. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(e) The draw of the Florida East Coast railroad bridge, mile 876.6 near Jay Jay, shall open as follows:

(1) The bridge will not be manned by a regular attendant.

(2) The bascule span will normally be in the open position, displaying flashing green signals, to allow the movement of water traffic.

(3) When a train approaches the bridge, the navigation signals will go to flashing red, and a horn starts four blasts, pauses and then continues four blasts, etc.

(4) After an eight-minute time delay, the bridge will lower and lock providing the scanning equipment reveals nothing under the bridge. Train crews can hold the bridge down by pushing a hold button, and the bridge will remain down for a period of eight minutes or while the approach track circuit is occupied.

(5) After the train has cleared, the bridge will raise and the signals will return to flashing green for navigation.

(f) The draw of the SR402 bridge, mile 878.9 at Titusville, shall open on signal except that from 6:45 a.m. to 7:45 a.m. and 4:15 p.m. to 5:45 p.m., Monday through Friday, the draw need not open for the passage of vessels. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(g) The draw of the John F. Kennedy Space Center (SR405), bridge, mile 885.0 at Addison Point, shall open on signal except that from 6:45 a.m. to 8 a.m. and 4:15 p.m. to 5:45 p.m., Monday through Friday, the draw need not open for the passage of vessels.

(h) The draw of the SR518 bridge, mile 914.4 at Eau Gallie, shall open on signal, except that from 6:45 a.m. to 8:15 a.m. and 4:15 p.m. to 5:45 p.m., Monday through Friday, except legal holidays, the draw need not open for the passage of vessels. However, the draws shall open at 8:15 a.m. and 4:15 p.m. if any vessels are waiting to pass. From 8:15 a.m. to 4:15 p.m., Monday through Friday, except legal holidays, the draw need open only on the quarter and three-quarter hour. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(i) The draw of the SR60 bridge, mile 951.9 at Vero Beach shall open on signal, except that from 7:45 a.m. to 9 a.m., 12 noon to 1:15 p.m. and 4 p.m. to 5:15 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels; however, the draw shall open at 8:30 a.m., 12:30 p.m., and 4:30 p.m. if any vessels are waiting to pass. During periods when storm signals are displayed in the Vero Beach area, the draw shall open on signal. Storm signals are displayed upon notification by the National Weather Service that winds of up to 33 knots or more and/or sea conditions considered dangerous to small craft are expected. Public vessels of the United States, state or local vessels used for public safety, tugs with tows, and vessels in distress, shall be passed at any time.

(j) The draw of the Parker (US1) bridge, mile 1013.7 at North Palm Beach, shall open on signal except that from November 15 through April 15, from 7 a.m. to 7 p.m., the draw need open only on the hour and half hour. From April 16 through November 14, from 9 a.m. to 5 p.m. the draw need open only on the hour, 20 minutes after the hour and 40 minutes after the hour on Saturdays, Sundays, and legal holidays to pass accumulated vessels. Public vessels of the United States, tugs with tows, regularly scheduled cruise boats, and vessels in distress shall be passed at any time.

(k) The draw of the Flagler Memorial (SRA–1–A) bridge, mile 1021.9 at Palm Beach, shall open on signal, except that from November 1 to May 31, Monday through Friday, except Federal holidays, the draw need not open from 6 a.m. to 9:30 a.m. and from 4 p.m. to 5:45 p.m.; however, the draw shall open at 8:30 a.m. and 4:45 p.m., if any vessels are waiting to pass. From 9:30 a.m. to 4 p.m., the draw need open only on the hour and half hour. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(l) The draw of the Royal Park (SR704) bridge, mile 1022.6 at Palm Beach, shall open on signal, except that from November 1 through May 31, Monday through Friday, except Federal holidays, the draw need not open from 8 a.m. to 9:30 a.m. and from 3:30 p.m. to 5:45 p.m.; however, the draw shall open at 8:45 a.m., at 4:15 p.m. and 5 p.m., if any vessels are waiting to pass. From 9:30 a.m. to 3:30 p.m., the draw need open only on the quarter and three-quarter hour. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(m) The draw of the Southern Boulevard (SR700/80) bridge, mile 1024.7 at Palm Beach, shall open on signal, except that from November 1 through May 31, Monday through Friday, except Federal holidays, the draw need not open from 7:30 a.m. to 9:00 a.m. and from 4:30 p.m. to 6:30 p.m.; however, the draw shall open at 8:15 a.m. and 5:30 p.m. if any vessels are waiting to pass. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(n) The draw of the Lantana Avenue bridge, mile 1031.0 at Lantana, shall open on signal except that from 1 December to 30 April, on Saturdays, Sundays, and legal holidays, from 10 a.m. to 6 p.m., the bridge need open only on the hour, quarter hour, half hour, and three-quarter hour to allow all accumulated vessels to pass. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(o) The draw of the Atlantic Avenue (SR806) bridge, mile 1039.6 at Delray Beach, shall open on signal except that from November 1 to May 31 from 10 a.m. to 6 p.m., Monday through Friday, the draw need open only on the hour and half hour. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(p) The draw of the SR810 bridge, mile 1050.0 at Deerfield Beach, shall open on signal except that from November 1 through May 31 from 11 a.m. to 5 p.m. on Saturdays, Sundays and legal holidays, the draw need not open except on the hour, quarter hour, half hour, and three-quarter hour. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(q) The draw of the N.E. 14th Street bridge, mile 1055.0 at Pompano, shall open on signal, except that from 7 a.m. to 6 p.m. the draw need open only on the quarter and three-quarter hour. Public vessels of the United States, tugs with tows and vessels in distress shall be passed at any time.

(r) The draw of the Atlantic Boulevard (SR814) bridge, mile 1056.0 at Pompano, shall open on signal, except that from 7 a.m. to 6 p.m. the draw need open only on the hour and half hour. Public vessels of the United States, tugs with tows, regularly scheduled cruise vessels and vessels in distress, shall be passed at any time.

(s) The draw of the Commercial Boulevard bridge, mile 1059.0 at Lauderdale-by-the-Sea, shall open on signal, except that from November 1 through May 15 from 12 noon to 6 p.m., Monday through Saturday, and from 9 a.m. to 6 p.m. on Sunday, the draw need open only on the hour, quarter hour, half hour, and three-quarter hour. Public vessels of the United States, tugs with tows and vessels in distress, shall be passed at any time.

(t) The draws of the Sunrise Boulevard (SR838) bridge, mile 1062.6, and the Las Olas Boulevard bridge, mile 1063.2, both at Fort Lauderdale, shall open on signal, except that from November 15 through May 15 from 7:15 a.m. to 6:15 p.m., the draws need open only on the quarter and three-quarter hour.

(u) The draw of the Brooks Memorial (S.E. 17th Street) bridge, mile 1065.9 at Fort Lauderdale, shall open on signal, except that from 7 a.m. to 7 p.m. the draw need not reopen for a period of 15 minutes after each closure. The owner of or agency controlling the bridge will display on both sides thereof a time clock acceptable to the District Commander, which will indicate to approaching vessels the number of minutes remaining before the draw will be available for opening. Public vessels of the United States, tugs with tows, sailing vessels, regularly scheduled cruise boats and vessels in distress shall be passed at any time.

(v) The draw of the Hollywood Beach Boulevard (SR820) bridge, mile 1072.2 at Hollywood, shall open on signal except that:

(1) From November 15 through May 15 from 10 a.m. to 6 p.m. the draw need open only on the hour and half hour and;

(2) From May 16 through November 14 on Saturdays, Sundays, Memorial day, Independence Day, Labor Day and Veterans Day from 9 a.m. to 7 p.m., the draw need open only on the hour and half hour.

(3) Public vessels of the United States, tows, sailing vessels, regularly scheduled cruise boats and vessels in distress, shall be passed at any time.

(w) The draw of the Hallandale Beach Boulevard (SR834) bridge, mile 1074.0 at Hallandale, shall open on signal, except that from 7:15 a.m. to 6:15 p.m. the draw need open only on the quarter and three-quarter hour. Public vessels of the United States, tugs with tows, regularly scheduled cruise vessels and vessels in distress, shall be passed at any time.

(x) The draw of the N.E. 163rd Street (SR826) bridge, mile 1078.0 at Sunny Isles, shall open on signal, except that from 7 a.m. to 6 p.m., Monday through Friday, and 10 a.m. to 6 p.m., Saturdays, Sundays, and holidays the draw need open only on the quarter and three-quarter hour. Public vessels of the United States, tugs with tows, regularly scheduled cruise vessels and vessels in distress shall be passed at any time.

(y) Biscayne Bay. (1) The draw of the Broad Causeway bridge, mile 1081.4 Bay Harbor Islands, shall open on signal, except that from 8 a.m. to 6 p.m. the draw need open only on the hour and half hour.

(2) The draw of the West Span of the Venetian Causeway, mile 1088.6 at Miami, shall open on signal, except that from November 1 through April 30 from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. the draw need open only on the hour and half hour. The draw shall open on signal at any time on Thanksgiving, Christmas, New Year's Day, and Washington's birthday.

(3) The draw of the MacArthur Causeway bridge, mile 1088.8 at Miami, shall open on signal, except that from November 1 through April 30 from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 the draw need open only on the hour and half hour.

(4) The draws of the Dodge Island bridges, mile 1089.4 at Miami, shall open on signal, except that from 7:15 a.m. to 5:45 p.m., Monday through Saturday, except legal holidays, the draws need open only on the quarter and three-quarter hour.

(5) The draw of the Rickenbacker Causeway bridge, mile 1091.6 at Miami, shall open on signal except, that from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except legal holidays, and 11 a.m. to 6 p.m. on Saturdays, Sundays, and legal holidays the draw need open only on the hour and half hour. However, during the display of small craft warnings or warnings for winds of greater force by the National Weather Service affecting the area, the draw shall open for the passage of vessels at any time.

(6) The draws of each Biscayne Bay bridge shall open at any time for the passage of public vessels of the United States, tugs with tows, regularly scheduled cruise boats and vessels in distress.

§ 117.263 Banana River.

The draw of the NASA Causeway bridge, mile 27.6 at Cape Kennedy, shall open on signal if at least four hours notice is given to the NASA Security Office by telephone or in person.

§ 117.265 Bayou Chico.

The draw of the highway bridge, mile 0.3 at Pensacola, shall open on signal, except that from 7:30 a.m. to 8:30 a.m., 3:30 p.m. to 4:30 p.m., and 5 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays the draw need not open for the passage of vessels. However, tugs with tows, or a vessel in an emergency involving danger to life or property, shall be passed at any time.

§ 117.267 Big Carlos Pass.

The draw of the SR865 bridge, mile 0.0 between Estero Island and Black Island, shall open on signal except that the draw need not open from 7 p.m. to 8 a.m.

§ 117.269 Biscayne Bay.

The draw of the East Span of the Venetian Causeway bridge, mile 1088.6 between Miami and Miami Beach, shall open on signal, except that from November 1 through April 30 from 7:15

a.m. to 8:45 a.m. and 4:45 p.m. to 6:15 p.m., Monday through Friday, the draw need not open; however, the draws shall open at 7:45 a.m., 8:15 a.m., 5:15 p.m. and 5:45 p.m., if any vessels are waiting to pass. The draw shall open on signal on Thanksgiving, Christmas, New Year's Day and Washington's Birthday.

§ 117.271 Blackwater River.

(a) The draw of the Seaboard System Railroad bridge, mile 0.8 at Milton, shall open on signal except that from 8 p.m. to 4 a.m. the draw shall open on signal if at least eight hours notice is given.

(b) The draw of the US90–S10 bridge, mile 0.9 at Milton, shall open on signal if at least 12 hours notice is given.

§ 117.273 Canaveral Harbor Barge Canal.

(a) The draw of the SR3 bridge, mile 1.0 near Indianola, shall open on signal, except that from 6:45 a.m. to 7:45 a.m. and 4:15 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels. From 10 p.m. to 6 a.m. the draw shall open on signal if at least three hours notice is given.

(b) The draw of the SR401 bridge, mile 5.5 at port Canaveral, shall open on signal, except that from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 5:15 p.m, Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels. From 10 p.m. to 6 a.m. the draws shall open on signal if at least three hours notice is given.

(c) The draws of either bridge shall open as soon as possible for the passage of public vessels of the United States, tugs with tows and vessels in distress.

§ 117.275 Choctawhatchee River.

The draw of the SR20 bridge, mile 20.0 at Ebro, shall open on signal if at least 12 hours notice is given.

§ 117.277 Clearwater Pass.

The draw of the SR699 bridge, mile 0.0 at Clearwater Beach, shall open on signal except that from 11 p.m. to 7 a.m. a delay of up to 10 minutes may be expected.

Note.—To avoid delay, notice should be given to the toll booth attendant.

§ 117.279 Coffee Pot Bayou.

The draw of the Snell Isle Boulevard bridge, mile 0.4 at St. Petersburg, need not open for the passage of vessels.

§ 117.281 Dead River.

The draw of the Seaboard System Railroad bridge, mile 0.3 at Tavares, shall open on signal except that from 10 p.m. to 6 a.m. the draw need not open for the passage of vessels.

§ 117.283 Dunns Creek.

The draw of the US17 bridge, mile 0.9 neat Satsuma, shall open on signal if at least three hours notice is given.

§ 117.285 Garrison Channel.

The draw of the Seaboard System Railroad bridge, mile 0.2 at Tampa, shall open on signal if at least 48 hours notice is given.

§ 117.287 Gulf Intracoastal Waterway, Caloosahatchee River to Perdido River.

(a) The draw of the US41 bridge, mile 56.9 at Venice, shall open on signal except that from 7:30 a.m. to 6 p.m. the draw need open only on the hour, quarter hour, half hour, and three-quarter hour.

(b) The draw of the Ringling Causeway (SR780) bridge, mile 73.6 at Sarasota, shall open on signal except that from 7:30 a.m. to 6 p.m. the draw need open only on the hour and half hour. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

(c) The draws of the Cortez (SR684) bridge, mile 87.4, and the Santa Maria (SR64) bridge, mile 89.2, both to Santa Maria Key, shall open on signal, except that from 10 a.m. to 5 p.m. on Saturday, Sundays, and legal holidays, the draws need open only on the hour, quarter hour, half hour, and three-quarter hour.

(d) *Boca Ceiga Bay.* (1) The draw of the Corey Causeway (SR693) bridge, mile 117.7 at South Pasadena, shall open on signal except that from 8 a.m. to 7 p.m., Monday through Friday, and 10 a.m. to 7 p.m., Saturdays, Sundays, and Federal holidays, the draw need open only on the hour, 20 minutes after the hour and 40 minutes after the hour.

(2) The draw of the Treasure Island Causeway bridge, mile 119.0 at Central Avenue, shall open on signal, except that from 3 p.m. to 6 p.m., Monday through Friday, and from 11 a.m. to 6 p.m., Saturdays, Sundays, and Federal holidays, the draw need open only on the hour, quarter hour, half hour, and three-quarter hour.

(3) The draw of the Welch Causeway (SR699) bridge, mile 122.8 at Madiera Beach, shall open on signal, except that from 9:30 a.m. to 6 p.m., on Saturdays, Sundays, and Federal holidays, the draw need open only on the hour, 20 minutes after the hour and 40 minutes after the hour.

(e) *Clearwater Harbor.* (1) The draw of the Bellaire Causeway bridge, mile 131.8 at Clearwater, shall open on signal, except that from 12 noon to 6 p.m., on Saturdays, Sundays, and legal holidays, the draw need open only on the hour, quarter hour, half hour, and three-quarter hour.

(2) The draw of the Clearwater Memorial Causeway (SR60) bridge, mile 136.0 at Clearwater, shall open on signal except that from 9 a.m. to 6 p.m., the draw need not open except on the hour, 20 minutes past the hour, and 40 minutes past the hour. From 2 p.m. to 6 p.m. Saturdays, Sundays, and Federal holidays, the draw need open only on the hour and half hour.

(f) Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed through the draw of each bridge listed in this section at any time.

§ 117.289 Hillsboro Inlet.

(1) The draw of the SR A–1–A bridge, mile 0.3 at Hillsboro Beach, shall open on signal except that from 7 a.m. to 6 p.m. the draw need open only on the hour, quarter hour, half hour, and three-quarter hour.

§ 117.291 Hillsborough River.

(a) The draws of the bridges at Platt Street, mile 0.0; Brorein Street, mile 0.16, Kennedy Boulevard, mile 0.4; Cass Street, mile 0.7; and Laurel Street, mile 1.0, shall open on signal from 9 a.m. to 4 p.m., Monday through Friday, and from 8 a.m. to 6 p.m. Saturday, Sunday, and Federal holidays. At all other times the draws shall open on signal if at least two hours advance notice is given.

(b) The draw of the Seaboard System Railroad bridge at Cass Street, mile 0.7, shall open on signal from 4 p.m. to 12 midnight, Monday through Friday. At all other times, the draw shall be maintained in an open position for the passage of vessels.

(c) The draws of the City of Tampa highway bridge at West Columbus Drive, mile 2.3, and the State of Florida highway bridge at West Hillsborough Avenue, mile 4.8, shall open on signal except that from 8 a.m. to 6 p.m. the draws shall open on signal if at least one hour advance notice is given.

(d) Public vessels and vessels in distress. From 4 p.m. to 9 a.m., Monday through Friday, and from 6 p.m. to 8 a.m., Saturdays, Sundays and Federal holidays, the draws of the bridges listed in paragraph (a) of this section shall open on signal as soon as possible but not longer than one hour after a request by a public vessel of the United states, vessels owned and operated by the state, county, or local governments used for public safety purposes, or any vessels in distress. The opening signal from such vessels is five short blasts of a whistle, horn or other similar sound producing device, or by shouting.

§ 117.293 Indian Creek.

The draw of the 63rd Street bridge, mile 4.0 at Miami Beach, shall open on signal except that from December 1 through April 15 from 11 a.m. to 6 p.m. the draw need open only on the hour. Public vessels of the United States, regularly scheduled cruise boats, and vessels in an emergency involving life or property shall be passed at any time.

§ 117.295 Kissimmee River.

(a) The removable span of the SR78 bridge, mile 0.5, and the removable span of the SR70 bridge, mile 19.5, both at or near Okeechobee, shall be removed if at least 72 hours notice is given.

(b) The draw of the Seaboard System Railroad bridge, mile 37.0 at Fort Bassinger, shall open, if at least 72 hours notice is given, for passage of floating equipment employed in flood control work under the jurisdiction of the Central and South Florida Water Management District or the U.S. Army Corps of Engineers. The draw need not open for other vessels.

(c) The removable span of the SR98 bridge, mile 39.0 at Fort Bassinger, shall be removed if at least 96 hours notice is given.

§ 117.297 Little Manatee River.

The draw of the Seaboard System Railroad bridge, mile 2.4 at Ruskin, shall open on signal if at least three hours notice is given.

§ 117.299 Longboat Pass.

The draw of the SR 789 bridge, mile 0.0 between Longboat Key and Anna Maria Key, shall open on signal except that from 6 p.m. to 6 a.m., the draw shall open on signal if at least three hours notice is given.

§ 117.301 Manatee River.

The draw of the US 41 bridge, mile 4.3 at Manatee, shall open on signal from 6 a.m. to 7 a.m. and 9 a.m. to 4 p.m. the draw need not open for the passage of vessels from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. The draw shall open at 6 p.m. if any vessels are waiting to pass. From 6 p.m. to 6 a.m. the draw shall open on signal if at least three hours notice is given. Public vessesl of the United States, tugs with tows, and vessels in distress, shall be passed as soon as possible. During a hurricane alert issued by the National Weather Service, the draw shall open on signal.

§ 117.303 Matlacha Pass.

The draw of the SR 78 bridge, mile 6.0 at Fort Myers, shall open on signal, except that from 7 p.m. to 8 a.m. the draw need not open for the passage of vessels.

§ 117.305 Miami River.

The draw of each bridge from the mouth to and including the bridge at N.W. 27th Avenue, shall open on signal except that from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except New Year's Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving and Christmas, the draws need not open for the passage of vessels. During the period of a hurricane alert issued by the National Weather Bureau all bridges shall open on signal. Public vessels of the United States, tugs with tows, and a vessel in an emergency involving danger to life or property, shall be passed at any time.

§ 117.307 Miami River, North Fork.

The draw of the Seaboard System Railroad bridge, mile 5.3 at Hialeah, shall open on signal from 8:30 a.m. to 5:30 p.m., Monday through Friday. At all other times the draw shall open on signal if at least three hours notice is given.

§ 117.309 Nassau Sound.

The draw of the Fernandina Port Authority bridge, SR A-1-A, mile 0.4 between Amelia Island and Talbot Island, shall open on signal from 6 a.m. to 6 p.m. if at least six hours notice is given. The draw need not open from 6 p.m. to 6 a.m.

§ 117.311 New Pass.

The draw of the SR 789 bridge, Sarasota County, shall open on signal except that from 7:30 a.m. to 6 p.m. the draw need open only on the hour, quarter hour, half hour and three-quarter hour. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

§ 117.313 New River.

(a) The draw of the S.E. Third Avenue bridge, mile 1.4 at Fort Lauderdale, shall open on signal except that from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Friday, the draw need not open for the passage of vessels. Public vessels of the United States, regularly scheduled cruise boats, tugs with tows, and vessels in distress shall be passed at any time.

(b) The draw of the Andrews Avenue bridge, mile 2.3 at Fort Lauderdale, shall open on signal, however, the draw need not open for an upbound vessel when the draws of the Florida East Coast railroad bridge, mile 2.5, are in the closed to navigation position to allow the passage of a train.

§ 117.315 New River, South Fork.

(a) The draw of the Southwest 12th Street bridge, mile 0.9 at Fort Lauderdale, shall open on signal, except that from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Friday, the draws need not open for the passage of vessels.

(b) The draw of the SR 84 bridge, mile 4.4 at Fort Lauderdale, shall open on signal if at least 24 hours notice is given.

(c) Public vessels of the United States, regularly scheduled cruise boats, tugs with tows, and vessels in distress, shall be passed through each draw as soon as possible.

§ 117.317 Okeechobee Waterway.

(a) The draws of the Roosevelt (US1) bridge, mile 7.5 at Stuart, shall open on signal, except that from 7:30 a.m. to 9 a.m., 12 noon to 2 p.m., and 4:30 p.m. to 6 p.m., Monday through Friday, the draw need open only on the hour and half hour. Public vessels of the United States, state or local vessels used for public safety, tugs with tows, and vessels in distress, shall be passed at any time.

(1) When the adjacent Florida East Coast Railway bridge is in a closed position on the hour or half hour, during the restricted periods, the draw need not open for eastbound vessels. When the railway bridge opens, the draw shall open upon signal to pass all accumulated vessels.

(b) The draws of the Florida East Coast railroad bridges across the Loxahatchee River, mile 1.2 at Jupiter; the St. Lucie River, mile 7.5 at Stuart; and the St. Lucie Canal, mile 38.0 at Port Mayaca, shall open as follows:

(1) The bridges will not be manned by a regular attendant.

(2) The spans will normally be in the open to navigation position, displaying flashing green signals, to allow the movement of water traffic.

(3) When a train approaches one of the bridges, the navigation signals will go to flashing red, and a horn starts four blasts, pauses and then continues four blasts.

(4) After an eight-minute time delay, the bridge will lower and lock, providing the scanning equipment reveals nothing under the bridge. Train crews can hold the bridge down by pushing a hold button, and the bridge will remain down for a period of eight minutes or while the approach track circuit is occupied.

(5) After the train has cleared, the bridge will raise and the signals will return to flashing green for navigation.

(c) The draw of the Seaboard System Railroad bridge, mile 28.5 at Indiantown, shall open on signal except that from 10 p.m. to 6 a.m. the draw shall open on signal if at least three hours notice is given.

(d) The draw of the Belle Glade Dike (SR71) bridge, mile 60.7 between Torry Island and Lake Shore, shall open on signal from 7 a.m. to 6 p.m., Monday through Thursday, and from 7 a.m. to 7 p.m., Friday through Sunday. At all other times the draw need not open for the passage of vessels.

(e) The draws of the Seaboard System Railroad bridge, mile 78.3 at Moorehaven, shall open on signal except that from 10 p.m. to 6 a.m. the draw need not open for the passage of vessels.

(f) The draw of the US 27 bridge, mile 78.4 at Moorehaven, the SR29 bridge, mile 103.0 at LaBelle, the SR78A bridge, mile 108.2 at Denaud, the SR78A bridge, mile 116.0 at Alva, and the SR78A bridge, mile 126.3 near Olga, all across the Caloosahatchee Canal and River, shall open on signal except that from 10 p.m. to 6 a.m. the draws shall open on signal if at least three hours notice is given.

(g) The draw of the Edison Memorial (US41) bridge, mile 134.5 at Fort Myers, shall open on signal, except that from 7:30 a.m. to 8:30 a.m. and from 5 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels. However, public vessels of the United States, tugs with tows, and vessels in distress shall be passed at any time.

§ 117.319 Oklawaha River.

The draws of the Sharpes Ferry (SR40) bridge, mile 55.1, Muclan Farms bridge, Southwest Florida Water Management District, mile 63.9, Moss Bluff (SR46) bridge, mile 66.0, and the Starkes Ferry (SR42) bridge, mile 73.0, shall open on signal if at least three hours notice is given.

§ 117.321 Orange River.

The draw of the SR80 bridge, mile 0.9 between Fort Myers Shores and Tice, shall open on signal if at least 24 hours notice is given. During a hurricane alert for the Caloosahatchee and Orange Rivers area issued by the National Weather Service the draw shall open at any time.

§ 117.323 Peace River.

The draw of the Barron Collier (US41) bridge, mile 2.0 at Punta Gorda, shall open on signal except that from 10 p.m. to 6 a.m. the draws shall open on signal if at least two hours notice is given.

§ 117.325 St. Johns River.

(a) The draws of the Main Street (US17) bridge, mile 24.7, the Acosta bridge, mile 24.9, and the Fuller Warren (I95–I10) bridge, mile 25.4, all at Jacksonville, shall open on signal, except that from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Saturday, except legal holidays, the draw need not open for the passage of vessels. The draws shall open at any time for vessels in an emergency involving life or property.

(b) The draw of the Florida East Coast automated railroad bridge, mile 24.9, shall be operated as follows:

(1) The bridge shall be constantly manned by a bridge supervisor who has a mechanical override capability for the automated operation.

(2) The bridge will normally be in the open position displaying flashing green lights to indicate that water traffic may pass.

(3) When a train approaches the bridge, large signs on both the upstream and downstream sides of the bridge will flash "bridge coming down," the navigational lights will go to flashing red, and the siren signals will sound.

(4) After an eight-minute delay, the bridge will lower and lock if there are no vessels under the bridge. Train crews can hold the bridge down by pushing a hold button, and the bridge will remain down for a period of eight minutes or while the approach track circuit is occupied.

(5) After the train has cleared, the bridge will open and the light signals will retrun to flashing green.

(6) A radiotelephone will be maintained at the bridge for the safety of navigation.

§ 117.327 St. Marks River.

The draw of the US98 bridge, mile 9.0 at St. Marks, shall open on signal if at least 48 hours notice is given to the State Road Department Maintenance Office, Tallahassee, Florida.

§ 117.329 St. Marys River.

The draws of the US17 bridge, mile 23.0, and the Seaboard System Railroad bridge, mile 23.1, both at Kingsland, shall open on signal if at least 48 hours notice is given.

§ 117.331 Steinhatchee River.

The draw of the SR358 bridge, mile 2.3 at Stevensville, shall open on signal if at least three hours notice is given.

§ 117.333 Suwanee River.

The draw of the Seaboard System Railroad bridge, mile 35.0 at Old Town, shall open on signal if at least five days notice is given.

§ 117.335 Taylor Creek.

The draw of US441 bridge, mile 0.3 at Okeechobee, shall open on signal if at least two hours notice is given.

§ 117.337 Trout River.

The draw of the Seaboard System Railroad bridge, mile 0.9 at Panama Park, shall open on signal from 6 a.m. to 10 p.m. to 10 p.m. to 6 a.m. the draw shall open on signal if at least 12 hours notice is given.

§ 117.339 West Palm Beach Canal.

The draw of the US 1 bridge, mile 0.1 at West Palm Beach, shall open on signal if at least 24 hours notice is given.

§ 117.341 Whitcomb Bayou.

The draw of the highway bridge, mile 0.5 at Tarpon Springs, shall open on signal from 9 a.m. to 6 p.m. on Saturdays and Sundays. The draw shall open on signal if at least two hours notice is given at all other times.

Georgia

§ 117.351 Altamaha River.

The draws of all bridges, except the Seaboard System Railroad bridge at Doctortown, shall open on signal if at least 24 hours notice is given. The draw of the Seaboard System Railroad bridge, mile 59.4 at Doctortown, shall open on signal if at least seven days notice is given.

§ 117.353 Atlantic Intracoastal Waterway, Savannah River to St. Marys River.

(a) The draw of the Causton Bluff (SR26) bridge across the Wilmington River, mile 579.9 near Causton Bluff, shall open on signal, however, from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except legal holidays, the draw need not open, except at 8:10 a.m. and 5:20 p.m., if any vessels are waiting to pass. Public vessels of the United States, tugs with tows, regularly scheduled cruise boats, and vessels in distress, shall be passed through the draw at any time.

(b) The draw of the SR 80 bridge across the Wilmington River, mile 582.8 at Thunderbolt, shall open on signal, however, from 7:45 a.m. to 9:15 a.m. and 5 p.m. to 6:30 p.m., Monday through Friday, except legal holidays, the draw need not open, except at 8:30 a.m. and 5:45 p.m., if any vessels are waiting to pass. Public vessels of the United States, tugs with tows, regularly scheduled cruise boats, and vessels in distress, shall be passed through the draw at any time.

(c) The draw of the Torres Causeway bridge across the Frederica River, mile 675.5, near St. Simons, shall open on signal, except that from 7:30 a.m. to 9:30 a.m. and 4:30 p.m., to 6:30 p.m. Monday through Friday, except holidays, the draw need open only on the hour and half hour. Public vessels of the United

States, tugs with tows, and vessels in distress, shall be passed at any time.

§ 117.355 Back River.

The draw of the St. Simon's Island causeway bridge, mile 1.5 between Brunswick and St. Simon's Island, shall open on signal except that from 6 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. the draw need open only on the hour. Public vessels of the United States, tugs with tows, and vessels in distress, shall be passed at any time.

§ 117.357 Black River.

The draw of the Torres Causeway ridge, mile 1.5 near Brunswick, shall open on signal, except that from 6 a.m. to 9 a.m. and 4 p.m. to 6 p.m. the draw need not open for the passage of vessels; however, the draw shall open at 7 a.m., 8 a.m., and 5 p.m., if any vessels are waiting to pass.

§ 117.359 Chattahoochee River.

The draw of the Central of Georgia railroad bridge, mile 117.1 at Omaha, shall open on signal if at least six hours notice is given.

§ 117.361 Flint River.

The draws of the Seaboard System Railroad bridges, miles 28.0 and 28.7, both at Bainbridge, shall open on signal if at least 15 days notice is given.

§ 117.363 Ocmulgee River.

The draws of each bridge shall open on signal if at least 24 hours notice is given.

§ 117.365 Oconee River.

(a) The draw of the SR 46 bridge, mile 44.3 near Soperton, shall open on signal if at least 24 hours notice is given.

(b) The draw of the Central of Georgia railroad bridge, mile 106.6 at Oconee, shall open on signal if at least seven days notice is given.

§ 117.367 Ogeechee River.

(a) The draw of the Seaboard System Railroad bridge, mile 30.7 at Richmond Hill, shall open on signal if at least 15 days notice is given.

(b) The draw of the highway bridge, mile 37.8 near Richmond Hill, need not open for the passage of vessels.

§ 117.369 Satilla River.

The draw of the Seaboard System Railroad bridge, mile 25.7 at Woodbine, shall open on signal if at least 24 hours notice is given.

§ 117.371 Savannah River.

(a) The draw of the Seaboard System Railroad bridge, mile 60.9 at Clyo, shall open on signal from 6 a.m. to 11 a.m. and from 12 noon to 3 p.m. At all other times the draw shall open on signal if at least three hours notice is given. Contact may be made by VHF radiotelephone maintained at the bridge tender's house and the dispatcher's office in Savannah.

(b) The draw of the Seaboard System Railroad bridge, mile 135.4, near Augusta shall open on signal if at least three hours notice is given.

§ 117.373 St. Marys River.

The draws of the US 17 bridge, mile 23.0, and the Seaboard System Railroad bridge, mile 23.1, both at Kingsland, shall open on signal if at least 48 hours notice is given.

Hawaii

§ 117.377 Honolulu Harbor, Sand Island.

(a) The draw of the Slattery (Kalihi Channel) bridge, mile 1.8, shall open on signal from 5 a.m. to 6 a.m. and 6 p.m. to 7 p.m., Monday through Friday, except Federal holidays. On Saturdays, Sundays, and legal holidays from 5 a.m. on Saturdays through 5 a.m. on Mondays or on Federal holidays, the draw shall open on signal if at least six hours notice is given to the Honolulu Harbor Control Unit at Aloha Tower. In the event of emergencies during the closed periods specified above, the Control Unit will be called for clearance. In the event that a seismic sea-wave (tidal wave) is imminent, the bridge shall be opened to full horizontal and vertical clearances upon orders of the Harbor Master, Port of Honolulu. Emergency ship movements or imminence of wave arrival may require the bridge to be opened even though all persons have not evacuated the Sand Island area. Every effort shall be made to keep the bridge in the down position as long as reasonably possible; however, the Harbor Master may open the bridge within thirty (30) minutes of estimated time of wave arrival if he deems it necessary to protect life and property.

(b) The following visual signals shall be mounted on the bridge control tower:

(1) A flashing green light to indicate that the draw can be opened immediately. The light shall be exhibited during the time the draw is opening and until the draw is to be closed.

(2) A flashing red light to indicate that the draw cannot be opened immediately, or being opened, is to be closed immediately. The light shall be exhibited during the time the draw is closing.

(3) Two amber lights in a vertical line, one over the other, six feet apart with the uppermost six feet below the flashing red light. The uppermost amber light shall be flashing and when exhibited, shall indicate incoming traffic only. The lowermost amber light shall be fixed and, when exhibited, shall indicate outgoing traffic only. When both lights are exhibited, the harbor is closed to all traffic.

(4) The flashing red and green lights shall be mounted on a mast on the bridge control tower at a height of six feet above the water plan at mean lower low water datum, shall be visible between 50 degrees and 245 degrees true from seaward and visible for a distance of approximately three miles. The fixed and flashing amber lights shall conform to the bearings and visibility as prescribed for the red and green lights.

(5) In addition, two shapes shall be exhibited from a yardarm on the mast at a distance of 60 feet above the water plane at mean lower low water datum. One shape shall be an orange ball two feet in diameter. The other shape shall be an orange cone two feet in diameter across the base.

(c) When a vessel requires an opening of the draw, two prolonged blasts followed immediately by two short blasts shall be sounded.

(1) If the draw can be opened immediately, the bridge tender shall exhibit the flashing green light. The orange ball will be exhibited to indicate an inbound vessel; the cone will be exhibited to indicate an outbound vessel.

(2) During daylight hours when the drawbridge cannot be opened immediately, the bridge tender shall exhibit the flashing red light and hoist the ball and cone simultaneously to the yardarm. If for some reason the drawbridge cannot be opened after the tender has signified immediate opening by the flashing green light and either the ball or cone, he shall immediately exhibit the rescinding signal of the flashing red light and hoist the ball and cone simultaneously to the yardarm.

(3) As soon as the exigency which prevented opening has been removed, the tender shall promptly exhibit the flashing green light and either the ball or cone as the case may require to advise vessels that the drawbridge can be opened at once and he shall thereupon proceed to open the drawbridge if there is a vessel waiting to pass through. No vessel shall attempt to navigate the drawbridge when the visual signals indicate the bridge cannot be opened.

(4) During the period of darkness when the drawbridge cannot be opened immediately, the bridge tender shall exhibit the flashing red light and the fixed and flashing amber lights simultaneously. If for any reason the draw cannot be opened after the tender has signified immediately opening by the flashing green light and either the

flashing amber light or fixed amber light, he shall immediately exhibit the rescinding signal of the flashing amber lights simultaneously.

(5) As soon as the exigency which prevented opening has been removed, the tender shall promptly exhibit the flashing green light and either the flashing or fixed amber lights as the case may require to advise vessels that the drawbridge can be opened at once. He shall thereupon proceed to open the drawbridge if there is a vessel waiting to pass through. No vessel shall attempt to navigate through the drawbridge when the visual signals indicate that the bridge cannot be opened.

Idaho

§ 117.381 Clearwater River.

The draws of the Union Pacific (Camas Prairie) railroad bridge, mile 0.6 at Lewiston, shall open on signal if at least three hours notice is given to the Camas Prairie Railroad in Lewiston.

§ 117.383 Pend Oreille River.

The draw of the Burlington Northern railroad bridge, mile 111.3 near Sandpoint, need not open for the passage of vessels.

§ 117.383 Snake River.

(a) The draw of the US12 bridge, mile 140.0, between Lewiston, Idaho and Clarkston, Washington, shall open at the following times if at least two hours notice is given to the Washington State Department of Transportation.

(1) From March 15 through November 15—6 a.m., 10 a.m., 3 p.m., 7 p.m., and 9 p.m.

(2) From November 16 through March 14—9 a.m., 10 a.m., 2 p.m., and 3 p.m.

(3) The draw need not open at all other times.

Illinois

§ 117.389 Calumet River.

(a) The draws of the CONRAIL bridges, miles 1.4 and 1.5 at Chicago, shall open on signal. However, the draws need not open if either one of the bridges is inoperable because of equipment breakdown.

(b) In addition to the signals prescribed in § 117.13, the following special visual signals shall be used:

(1) When draw cannot open promptly or when draw is open and is to be closed for any reason. Two red lights will be flashed alternately.

(2) When draw will open promptly. Two amber lights will be flashed alternately.

(3) When draw is open for passage. Two green lights will be flashed alternately.

The two red, amber and green light units will be arranged in horizontal planes approximately 48 inches apart; flashed for about two seconds duration; provided with candlepower sufficient to be readily visible at least one-half mile; placed on the upstream and downstream sides of each bridge, except at the five railroad bridges, where one unit will be placed on the upstream (lakeward) side of the Baltimore & Ohio railroad bridge and the other on the downstream side of the southernmost CONRAIL bridge; and located so as to be readily visible to approaching navigation as will be determined by the District Commander.

§ 117.391 Chicago River.

(a) The draws of the bridges across the Chicago River from its mouth to the junction of the North and South Branches; the South Branch from the junction to and including the West Roosevelt Road; and the North Branch to and including North Kinzie Street and the Northwest Expressway Feeder bridge; shall open on signal from April 1 through December 31, except that from Monday through Friday, 7:30 a.m. to 10 a.m. and 4 p.m. to 6:30 p.m. the draws need not open for the passage of vessels.

(b) The draws of the bridges across the North Branch of the Chicago River at Grand Avenue and all bridges north of the Northwest Expressway Feeder bridge to and including North Halsted Street; and the bridges across the South Branch of the Chicago River south of South Halsted Street; shall open on signal, except that from 7 a.m. to 8 a.m., and 5:30 p.m. to 6:30 p.m. the draws need not open for the passage of vessels.

(c) From January 1 through March 31, the draws of the highway bridges across the Chicago River, the North Branch of the Chicago River, North Branch Canal and the South Branch of the Chicago River shall open on signal if at least 12 hours notice is given.

(d) The Randolph Street, Cermak Road, Throop Street and Loomis Street bridges across the South Branch of the Chicago River, the North Halsted Street bridge across the North Branch Canal and the West Kinzie Street bridge across the North Branch of the Chicago River shall open on signal from April 1 through December 31.

(e) The draw of the Milwaukee Line railroad bridge across the North Branch Canal need not open for the passage of vessels.

(f) Constant attendance is not required at the following City of Chicago bridges:

Chicago River, South Branch

Washington Street
Madison Street
Monroe Street
Adams Street
Jackson Street
Van Buren Street
Congress Street (Eisenhower Expressway)
Harrison Street
Roosevelt Road
Eighteenth Street
Canal Street
South Halsted Street

West Fork of the South Branch

South Ashland Avenue
South Damen Avenue

Chicago River, North Branch

Grand Avenue
Chicago Avenue
North Halsted Street
Ogden Avenue
Division Street

North Branch Canal

Ogden Avenue
Division Street

Roving drawtenders shall open these bridges not more than 30 minutes after notification to the Port Director's Office.

(g) The draws of bridges across the North Branch Canal that have a vertical clearance of less than 17 feet above Low Water Datum for Lake Michigan shall open at any time to permit the passage of tugs and tugboats.

(h) The draws of any of the bridges listed in this section shall be open as soon as possible for the passage of emergency vessels of the City of Chicago or public vessels of the United States.

(i) The draw of the Lake Shore Drive bridge across Ogden Slip need not open for the passage of vessels.

(j) The draws of the North Avenue, Cortland Street, Webster Avenue, North Ashland Avenue, Chicago and Northwestern railroad, North Damen Avenue, and Belmont Avenue bridges across the North Branch of the Chicago River need not open for the passage of vessels.

(k) The opening signal for all Chicago River bridges is three short blasts or by shouting, except that four short blasts is the opening signal for the Chicago and Northwestern railroad bridge near West Kinzie Street and the Milwaukee Road bridge near West North Avenue and five short blasts is the opening signal when approaching the Lake Short bridge from the north.

§ 117.393 Illinois River.

(a) The draw of the automated Burlington Northern railroad bridge, mile 88.8 at Beardstown, Illinois will normally be maintained in the open position, providing a minimum vertical clearance of 68.4 feet above normal pool.

(b) When a vessel is approaching, and the liftspan is in the open position, contact shall be established by radiotelephone to assure that the liftspan will remain open until passage has been completed.

(c) When a vessel is approaching and the liftspan is in the closed position, contact shall be established by radiotelephone with the remote operator. If the liftspan CANNOT open promptly, alternate flashing red lights shall be displayed. If the liftspan will open promptly, flashing amber lights shall be displayed.

(d) When a train approaches the bridge and the liftspan is in the open position, alternate flashing red lights on top of the drawspan shall commence flashing and a horn shall sound four short blasts. The remote operator shall scan the river on radar to determine whether any vessels are approaching the bridge. The remote operator shall also broadcast his intentions to lower the liftspan. If a vessel or vessels are approaching the bridge within one mile, as determined by radar scanning, response to radio broadcast, or electronic detector, the flashing red lights shall be changed to flashing amber and the liftspan remain in the fully open position until such vessel or vessels have cleared the bridge. If no vessels are approaching the bridge or are beneath the liftspan, the alternate flashing red lights shall continue to flash and the liftspan shall be lowered and locked in place.

(e) After the train has cleared the bridge, the draw shall be raised to its full height and locked in place; the red flashing lights will stop and drawspan lights changed from red to green indicating the navigation channel is clear for the passage of vessels.

§ 117.395 Illinois Waterway.

The draws of the highway bridges in Joliet listed below shall open on signal except that they need not open from 7:30 a.m. to 8:30 a.m. and from 4:15 p.m. to 5:15 p.m., Monday through Saturday:

McDonough Street, Mile 287.3
Jefferson Street, Mile 287.9
Cass Street, Mile 288.1
Jackson Street, Mile 288.4
Ruby Street, Mile 288.7

§ 117.397 Wabash River.

The draws of each bridge across the Wabash River shall open on signal if at least 72 hours notice is given.

Indiana

§ 117.401 Trail Creek.

The draw of the CONRAIL bridge, mile 0.9 at Michigan City, shall open on signal from 6:30 a.m. to 2:30 p.m. daily, except Sunday, from February 16 through December 14. The draw will not be manned at all other times. If passage is desired, the Chief Dispatcher, CONRAIL at Chicago shall be notified by collect telephone and he shall arrange to have the draw open within 20 minutes.

§ 117.403 Wabash River.

The draws of each bridge shall open on signal if at least 72 hours notice is given.

Iowa

§ 117.407 Missouri River.

The draws of the bridges across the Missouri River from the mouth to Sioux City, shall open on signal except that from December 16 through the last day of February, the draws shall open on signal if at least 24 hours notice is given.

Kansas

§ 117.411 Missouri River.

The draws of the bridges across the Missouri River from the mouth to Sioux City, Iowa, shall open on signal except that from December 16 through the last day of February, the draws shall open on signal if at least 24 hours notice is given.

Kentucky

§ 117.415 Green River.

(a) The draw of the Seaboard System Railroad bridge, mile 8.3 at Spottsville, shall open on signal when there is 40 feet or less of vertical clearance beneath the draw. When the vertical clearance is more than 40 feet at least four hours notice shall be given. During this period if a vessel Captain informs the drawtender during his passage through the draw that the vessel will return within four hours, the drawtender shall remain on duty until the vessel returns but shall not be required to remain for longer than four hours.

(b) The draws of the Seaboard System Railroad bridges, miles 71.2 and 79.6, at Livermore and Smallhouse, are normally maintained in the fully open position and a vessel may pass through the draw without further signals. When the draws are in the closed position they shall open on signal.

(c) The owners of or agencies controlling the Seaboard System Railroad bridges at miles 8.3, 71.2, and 79.6, shall arrange for ready telephone communication with the authorized representative at any time from the bridges or their immediate vicinity. Brief resumes of these regulations shall be conspicuously posted at Green River Navigation Locks Nos. 1, 2, 3, and 4.

(d) The Illinois Central Gulf railroad bridge, mile 95.8 at Rockport, is operated as follows:

(1) When the stage of the river permits a vertical clearance of 34 feet or more under the closed draw, as determined from gauges suitably marked to indicate the minimum clearance and attached to the upstream and downstream sides of the bridge, the draw shall open on signal if at least eight hours notice is given. If for any reason the vessel is delayed and cannot arrive for passage at the time specified, the authorized representative shall be promptly notified of the estimated delay for opening the draw.

(2) When the stage of the river does not permit a vertical clearance of 34 feet or more under the closed draw, the draw will normally be maintained in the open to navigation position. Automatic closing for passing of trains will be in effect. The owner of the bridge shall arrange for ready telephone communication with the authorized representative at any time from the bridge or its immediate vicinity. A brief resume of these regulations and the automatic operating procedure shall be conspicuously posted at Green River Navigation Locks Nos. 1, 2, 3 and 4.

§ 117.417 Ohio River.

The draw of the Southern Railway railroad bridge, mile 607.4 at New Albany, Indiana, need not be open for the passage of vessels.

Louisiana

§ 117.421 Algers Alternate Route.

The draw of the S23 bridge, mile 3.8 at Belle Chasse, shall open on signal, except that from 3:30 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels.

§ 117.423 Amite River.

(a) The draw of the S22 bridge, mile 6.0 at Clio, shall open on signal except that from 5 p.m. to 9 a.m., the draw shall open on signal if at least 12 hours notice is given.

(b) The draws of the S16 bridge, mile 21.4 near French Settlement, and the S42 bridge, mile 32.0 at Port Vincent, shall open on signal if at least 48 hours notice is given.

§ 117.425 Black Bayou.

The draws of the US90–S20 bridge, mile 7.0 near Gibson, and Terrebonne Parish Police Jury bridges, miles 7.5, 15.0, 18.7, and 22.5, between Gibson and Houma, shall open on signal if at least 24 hours notice is given.

§ 117.427 Black River.

The draw of the US84 bridge, mile 41.0 at Jonesville, shall open on signal if at least a one hour notice is given.

§ 117.429 Boeuf Bayou.

The draw of the S307 bridge, mile 1.3 at Kraemer, shall open on signal except that from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.431 Boeuf River.

The draw of the S4 bridge, mile 32.3 near Mason, shall open on signal if at least 48 hours notice is given.

§ 117.433 Bonfouca Bayou.

The draw of the S433 bridge, mile 7.0 at Slidell, shall open on signal except that from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.435 Caddo Lake.

The draw of the Kansas City Southern railroad bridge, mile 26.4 near Mooringsport, shall open on signal if at least 24 hours notice is given.

§ 117.437 Colyell Bayou.

The Louisiana highway removable span bridge, mile 1.0 near Port Vincent, shall be removed for the passage of a vessel if at least 48 hours notice is given.

§ 117.439 Des Allemands Bayou.

The draws of the S631 bridge, mile 13.9 at Des Allemands, shall open on signal except that from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.441 D'Inde Bayou.

The draw of the Southern Pacific railroad bridge, mile 4.3 Defense Plant Corporation, Cities Service Refining Corporation Agent, shall open on signal if at least 72 hours notice is given.

§ 117.443 DuLarge Bayou.

The draw of the Terrebonne Parish bridge, mile 23.2 near Theriot, shall open on signal except that from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.445 Franklin Canal.

The draw of the Chatsworth bridge, mile 4.8 at Franklin, shall open on signal from 5 a.m. to 9 p.m. From October 1 through January 31 from 9 p.m. to 5 a.m., the draw shall open on signal if at least three hours notice is given. From February 1 through September 30 from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.447 Grand Cabahanosse Bayou.

The draw of the S70 bridge, mile 7.6 near Paincourtville, shall open on signal if at least 24 hours notice is given.

§ 117.449 Grosse Tete Bayou.

(a) The draw of the Texas and Pacific railroad bridge, mile 14.7 at Grosse Tete, need not open for the passage of vessels.

(b) The removable span of the S377 bridge, mile 15.3 near Rosedale, shall be removed for the passage of a vessel if at least 48 hours notice is given.

§ 117.451 Gulf Intracoastal Waterway.

(a) The draw of the Harvey Canal Route, mile 2.8 at Harvey, shall open on signal except that from 6:30 a.m. to 8:30 a.m. and from 3:45 p.m. to 5:45 p.m., Monday through Friday excluding holidays, the draw need not open for the passage of vessels.

(b) The draw of the Louisiana highway bridge, mile 243.8 west of Harvey Canal Locks, shall open on signal when more than 50 feet vertical clearance is required, if at least four hours notice is given to the Louisiana Department of Highways, District Maintenance Engineer at Lake Charles.

§ 117.453 Gulf Intracoastal Waterway, Houma Navigation Canal, Bayou La Carpe, and Bayou Terrebonne, Houma.

The draws of the bridges across the Gulf Intracoastal Waterway at East Part Avenue, mile 57.6, East Main Street, mile 57.7, and Bayou Dularge, mile 59.9, the Houma Navigation Canal at State Highway 661, mile 36.0, Bayou La Carpe at State Highway 661, mile 7.5, and Bayou Terrebonne, mile 35.5 at Daigleville, shall open on signal, except that the draw need not open for the passage of vessels, Monday through Friday, except holidays, from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m.

§ 117.455 Houma Canal.

The draw of the S3197 bridge, mile 1.7 at Houma, shall open on signal except that from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.457 Houston River.

The draw of the Kansas City Southern Railroad bridge, mile 5.2 near Lake Charles, shall open on signal if at least 24 hours notice is given.

§ 117.459 Inner Harbor Navigation Canal, New Orleans.

The draws of the New Seabrook bridge, mile 3.4 and the Danziger bridge, mile 5.4, at Chef Menteur Highway (US90) shall open on signal except that from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m., Monday through Friday, the draws need not open.

§ 117.461 Lacassine Bayou.

The draws of S14 bridge, mile 17.0, and the Southern Pacific railroad bridge, mile 20.4, both near Hayes, shall open on signal if at least 24 hours notice is give.

§ 117.463 Lacombe Bayou.

The draw of the US190 bridge, mile 6.8 at Lacombe, shall open on signal if at least 48 hours notice it given.

§ 117.465 Lafourche Bayou.

(a) The draws of the US90–S1 bridge, mile 58.2, Lafourche Parish bridge, mile 58.7, all at Raceland; and the S649 bridge, mile 66.1 at Lafourche, shall open on signal if at least six hours notice is given.

(b) The draws of the Southern Pacific railroad bridge, mile 69.0 at Lafourche, shall open on signal if at least 48 hours notice is given.

(c) The draws of the S20 bridge, mile 73.4 at Thibodaux, and all bridges upstream thereof need not open for the passage of vessels.

§ 117.467 Lake Pontchartrain.

(a) The south draws of the S11 and the Southern Railway bridges near New Orleans, shall open on signal if at least 48 hours notice it given. In case of emergency, the draws shall open within 12 hours and shall be kept in condition for immediate operation until the emergency is over.

(b) The draws of the Greater New Orleans Expressway Commission causeway, north bascule spans, shall open on signal if at least three hours notice it given.

§ 117.469 Liberty Bayou.

The draw of the S433 bridge, mile 2.0 at Slidell, shall open on signal except that from 9 p.m. to 5 a.m. the draw shall open on signal if at least 12 hours notice is given.

§ 117.471 Little Black Bayou.

The draw of the Southern Pacific railroad bridge, mile 1.3 at Southdown, need not open for the passage of vessels.

§ 117.473 Little River.

The draw of the Louisiana and Arkansas railroad bridge, mile 12.1 at Archie, shall open on signal if at least 12 hours notice is given.

§ 117.475 Little (Petit) Caillou Bayou.

The draws of the S58 bridge, mile 25.7 at Sarah, the Terrebonne Parish (Smith River) bridge, mile 26.6 near Montegut, the Terrebonne Parish (Duplantis) bridge, mile 29.9 near Bourg, and the S24 bridge, mile 33.7 at Petit Caillou, shall open on signal except that from 9 p.m. to

5 a.m., the draws shall open on signal if at least 12 hours notice is given.

§ 117.477 Lower Atchafalaya River.

The draw of the St. Mary Parish bridge, mile 26.8 at Patterson, shall open on signal from 5 a.m. to 9 p.m., and from October 1 through January 31 from 9 p.m. to 5 a.m., if at least three hours notice is given, and from February 1 through September 30 from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.479 Macon Bayou.

The draw of the S4 bridge, mile 44.8 near Winnsboro, shall open on signal if at least 24 hours notice is given.

§ 117.481 Nezpique Bayou.

The draw of the S97 bridge, mile 7.0 near Jennings, shall open on signal if at least 48 hours notice is given.

§ 117.483 Ouachita River.

The draws of the S8 bridge, mile 57.5 at Harrisonburg, and the US165 bridge, mile 110.1 at Columbia, shall open on signal if at least a one-hour notice is given.

§ 117.485 Patout Bayou.

The draw of the S83 bridge, mile 0.4 at Weeks, shall open on signal except that from 9 p.m., to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.487 Plaquemine Bayou.

The draws of the Texas and Pacific railroad bridge, mile 10.5 at Plaquemine, and S1 bridge, mile 10.5 at Plaquemine, need not open for the passage of vessels.

§ 117.489 Bruie Bayou.

(a) The draw of the Southern Pacific railroad bridge, mile 5.1 near Midland, shall open on signal if at least 24 hours notice is given.

(b) The draw of the S91 bridge, mile 8.0 at Estherwood, shall open on signal from 5 a.m. to 9 p.m., if at least four hour notice is given. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.491 Red River.

The draws of all bridges from mile 66.0 through mile 283.1 shall open on signal if at least 48 hours notice is given. The draws of the bridges need not open for a vessel that arrives at any of these bridges more than two hours after the time specified in the notice, unless a second notice of at least 48 hours is given. The draws of the bridges above mile 283.1 need not open for the pasage of vessels.

§ 117.493 Sabine River.

The draws of the Southern Pacific railroad bridge, mile 19.3 near Echo, the Kansas City Southern railroad bridge, mile 36.2 near Ruliff, and the S7 bridge, mile 40.8, at Starks shall open on signal if at least 24 hours notice is given.

§ 117.495 Superior Oil Canal.

The draw of the S82 bridge, mile 6.3 in Cameron Parish, shall open on signal except that from 9 p.m. to 5 a.m., the draw shall open if at least 12 hours notice is given.

§ 117.497 Stumpy Bayou.

The removable span of the Louisiana highway bridge, mile 1.0 near Weeks Island, shall be removed for the passage of a vessel if at least six days notice is given.

§ 117.499 Tante Phine Pass.

The draw of the Tidewater Associated Oil Company bridge, mile 7.6 near Venice, shall open on signal if at least 24 hours notice is given.

§ 117.501 Teche Bayou.

(a) The draws of all drawbridges, except those listed in paragraphs (d) and (e) of this section, shall open on signal from 5 a.m. to 9 p.m.

(b) The bridges listed in this paragraph shall open on signal from October 1 through January 31 from 9 p.m., to 5 a.m., if at least three hours notice is given and from February 1 through September 30, if at least 12 hours notice is given.

St. Mary Parish bridge, mile 3.9 at Calumet
St. Mary Parish bridge, mile 11.8 at Centerville
S3069 bridge, mile 17.2 at Franklin
S322 bridge, mile 19.8 at Sterling
S323 bridge, mile 22.3 at Oaklawn
St. Mary Parish bridge, mile 27.0 at Baldwin
S324 bridge, mile 32.5 at Charenton
S670 bridge, mile 37.0 at Adeline
St. Mary Parish bridge, mile 38.9 at Sorell
S671 bridge, mile 41.8 at Jeanerette
S671 bridge, mile 43.5 at Jeanerette
S320 bridge, mile 48.7 at Oliver
S37 bridge, mile 52.5 at New Iberia
S86 bridge, mile 53.0 at Loreauville
S3156 bridge, mile 53.3 at New Iberia
S344 bridge, mile 56.7 at New Iberia

(c) The bridges listed in this paragraph shall open on signal from 9 p.m. to 5 a.m., if at least 12 hours notice is given.

Iberia Parish bridge, mile 58.0 at New Iberia
Iberia Parish bridge, mile 60.0 at New Iberia
Missouri Pacific railroad bridge, mile 61.0 at Loreauville
S344 bridge, mile 62.5 at Loreauville
S86 bridge, mile 69.0 at Daspit
St. Martin Sugar Cooperative railroad bridge, mile 77.7 at Loreauville

(d) The draws of the S96 bridge, mile 75.2 at St. Martinville, and the S350 bridge, mile 82.0 at Parks shall open on signal if at least 24 hours notice is given.

(e) The draws of the S31 bridge, mile 87.5 at Ruth, and the S31 bridge, mile 90.5 at Breaux Bridge, and the Southern Pacific railroad bridge, mile 91.0 at Breaux Bridge, shall open on signal if at least 48 hours notice is given.

§ 117.503 Tensas River.

(a) The draw of the Missouri Pacific railroad bridge, mile 27.2 at Clayton, shall open on signal from May 1 through December 31 during normal river stages if at least 12 hours notice is given to the Dispatcher, Missouri Pacific Railroad Little Rock, Arkansas. During high-water periods the District Commander may require the constant attendance of a drawtender, and the draw shall open on signal during such periods.

(b) The draws of the S15 bridge, mile 27.3 at Clayton, and the S128 bridge, mile 61.0 at New Light, shall open on signal if at least 48 hours notice is given.

§ 117.505 Terrebonne Bayou.

(a) The draw of the S24 bridge, mile 28.8 near Presquille Isle, shall open on signal if at least 24 hours notice is given.

(b) The draw of the S3087 bridge, mile 33.9 at Prospect, shall open on signal except that from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.507 Tigre Bayou.

The draw of the S330 bridge, mile 2.3 at Delcambre shall open on signal except that from 9 p.m. to 5 a.m. the draw shall open on signal if at least 12 hours notice is given.

§ 117.509 Vermilion River.

(a) The draws of the bridges listed below shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

S82 bridge, mile 22.4 at Perry
S14 bridge, mile 25.4 at Abbeville
S14 bridge, mile 26.0 at Abbeville
Vermilion Parish bridge, mile 34.2 three miles south of Milton
S92 bridge, mile 37.6 at Milton
S733 bridge, mile 41.0 at Eloi Broussard
S3073 bridge, mile 44.9 at New Flanders

(b) The draw of the S182 bridge, mile 49.0 at Lafayette, shall open on signal if at least 48 hours notice is given.

§ 117.511 West Pearl River.

(a) The draw of the Southern Railway bridge, mile 22.1 at Pearl River Station, shall open on signal if at least six hours notice is given.

(b) The draw of the US90 bridge, mile 7.9 near Pearlington, shall open on signal except that from 9 p.m. to 5 a.m. the draw shall open on signal if at least 12 hours notice is given.

Maine

§ 117.521 Back Cove.

The draw of the Canadian National railroad bridge, mile 0.2 at Portland, shall open on signal if at least 24 hours notice is given.

§ 117.523 Back River.

The draw of the Maine highway bridge, mile 4.6, between Hodgdon and Barter Island at Boothbay, shall open on signal from June 1 through October 31 except that from 5 p.m. to 8 a.m. the draw shall open on signal if notice was given to the drawtender from 8 a.m. to 5 p.m. From November 1 through May 31 the draw shall open on singal if at least 24 hours notice is given to the drawtender or to the Maine State Highway Commission at Augusta.

§ 117.525 Kennebec River.

(a) The draw of the highway-railroad bridge, mile 14.0, between Bath and Woolwich, shall open on signal:

(1) Except that from 6:30 a.m. to 7:30 am. and from 3:45 p.m. to 4:45 p.m., Monday trhough Friday, except legal holidays observed in the locality, the draw need not open. However, loaded commercial fishing vessels proceeding upstream shall be passed at any time.

(2) From 3 a.m. to 7 p.m., from April 15 through June 15 and from October 1 through November 15; and at all times from June 16 through September 30.

(3) From April 15 through June 15 and October 1 through November 15 if at least four hours notice is given from 7 p.m. to 3 a.m.

(4) From February 15 through April 14 and November 16 through December 15 if at least four hours notice is given.

(5) From December 16 through February 15 if at least 24 hours notice is given.

(b) The draw of the Maine highway bridge, mile 27.1, between Richmond and Dresden shall open on signal except from 9 p.m. to 5 a.m. the draw shall open on signal if notice is given to the drawtender from 5 a.m. to 9 p.m.

§ 117.527 Kennebunk River.

The draw of the Maine Dock Square highway bridge, mile 1.0, between Kennebunk and Kennebunkport, shall open on signal except that from 5 p.m. to 7 a.m. the draw shall open on signal if notice is given to the drawtender from 7 a.m. to 5 p.m.

§ 117.529 Narraguagus River.

The draw of the highway bridge, mile 1.8 at Milbridge, shall open on signal if at least 24 hours notice if given to the Maine State Highway Commission, Division Office at Ellsworth.

§ 117.531 Presumpscot River.

The draw of the US1 bridge, mile 0.0, between Portland and Falmouth, need not open for the passage of vessels.

§ 117.533 Sheepscot River.

The draws of the Maine highway bridge, mile 14, and the Maine Central railroad bridge, mile 15.0, both between Wiscasset and North Edgecombe, need not open for the passage of vessels.

§ 117.535 Taunton River.

The draw of the Maine highway bridge, mile 4.3, between Hancock and Sullivan, need not open for the passage of vessels.

Maryland

§ 117.541 Baltimore Harbor-Patapsco River.

(a) The draw of the Hanover Street S2 bridge, mile 12.0 across the Middle Branch of the Patapsco River at Baltimore, shall open on signal from 5 a.m. to 6:30 a.m., 9:30 a.m. to 4 p.m. and 6 p.m. to 9 p.m. The draw need not open from 6:30 a.m. to 9:30 a.m. and 4 p.m. to 6 p.m. When a vessel desires to pass the draw from 9 p.m. to 5 a.m., notice shall be given to the superintendent of the bridge by telephone or otherwise, either at the bridge before 9 p.m. or at this residence thereafter. If the notice is given between the hours of 5 a.m. and 9 p.m., or if at least one-half hour has elapsed since it was given, the draw shall open promptly at the time specified.

(b) The draw of the Western Maryland railroad bridge, mile 12.5 across the Middle Branch of the Patapsco River at Baltimore, shall open on signal from 7 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays. At all other times the draw shall open if at least six hours notice is given.

(c) Marine firefighting equipment and pollution control vessels shall be passed as soon as possible but in no event more than 15 minutes after notification that such an opening is required.

§ 117.543 Bear Creek.

(a) The draws of the Baltimore Country Revenue Authority highway toll bridges, miles 1.5 and 2.1 between Dundalk and Sparrows Point, shall open on signal except that from April 16 through November 15 from 12 midnight to 8 a.m., except Saturdays, Sundays, and Federal and State holidays, at least a one-half hour notice is required.

(b) The draw of the Baltimore County highway bridge, mile 3.4 at Wise Avenue between Dundalk and Sparrows Point, shall open on signal if at least four hours notice is given.

§ 117.545 Bohemia River.

(a) The draw of the S213 bridge, mile 4.0 at Cayots, shall open on signal:

(1) From May 30 through September 30 from sunrise to sunset on Saturdays, Sundays, and Federal and State holidays.

(2) From May 30 through September 30 from sunrise to sunset and from October 1 through May 29 from 7 a.m. Monday through 7 p.m. Friday if at least three hours notice is given.

(3) From October 1 through May 29 from 7 p.m. Friday through 7 a.m. Monday, the draw need not open unless the request was made before 7 p.m. Friday.

§ 117.547 Bush River.

The draw of the AMTRAK bridge, mile 6.8 at Perryman, shall open on signal from June 1 through September 30 from 10 a.m. to 5 p.m., twice on Saturdays and twice on Sundays if at least 24 hours notice is given to the Bush River Boat Club. The draw need not open at all other times.

§ 117.549 Cambridge Harbor.

The draw of the S342 bridge, mile 0.1 at Cambridge, shall open on signal from 6 a.m. to 8 p.m., except that from 12 noon to 1 p.m., Monday through Friday, the draw need not open. The draw need not open from 8 p.m. to 6 a.m.

§ 117.551 Chester River.

The draw of the S213 bridge, mile 26l.8 at Chestertown, shall open on signal from April 1 through September 30 from 6 a.m. to 6 p.m. At all other times the draw shall open on signal if at least six hours notice is given.

§ 117.553 Choptank River.

The draw of the CONRAIL bridge, mile 50.9 at Denton shall open on signal from May 30 through September 30 from sunrise to sunset and at all other times if at least four hours notice is given.

§ 117.555 Curtis Creek.

The draw of the I–695 bridge, mile 0.9 at Baltimore, shall open on signal if at least a one-hour notice is given to the Maryland Transportation Authority in Baltimore.

§ 117.557 Dorsey Creek.

The draws of the Naval Academy highway bridge, mile 0.3 at Annapolis,

and the Maryland highway bridge, mile 0.4 at Annapolis, need not open for the passage of vessels.

§ 117.559 Kent Island Narrows.

(a) The draw of the US 301 bridge, mile 1.0 at Kent Island Narrows shall open on signal from November 1 through April 30, from 6 a.m. to 6 p.m. The draw need not open from 6 p.m. to 6 a.m.

(b) From May 1 through October 31:

(1) On Monday (except Monday holidays) through Thursday, the drawbridge shall open for the passage of vessel traffic on the hour from 7 a.m. to 7 p.m., but need not open at any other time.

(2) On Friday, the drawbridge shall open for the passage of vessel traffic on the hour from 6 a.m. to 3 p.m. and at 8 p.m., but need not open at any other time.

(3) On Saturday, the drawbridge shall open for the passage of vessel traffic at 6 a.m., 9 a.m., and 12 noon, and on the hour from 3 p.m. to 8 p.m., but need not open at any other time.

(4) On Sunday and legal holidays falling on Monday, the drawbridge shall open for the passage of vessel traffic on the hour from 6 a.m. to 1 p.m., and at 8 p.m., but need not open at any other time.

(5) The draw shall open at scheduled opening times only if vessels are waiting to pass, and at each opening the draw shall remain open for a sufficient period of time to allow passage of all waiting vessels.

(6) If a vessel is approaching the drawbridge and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to ten minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

(c) All public vessels of the United States, and those State or local vessels on public safety missions, shall be passed at any time. The opening signal from these vessels is five or more blasts of a whistle or horn.

§ 117.561 Marshyhope Creek.

The draw of the S14 bridge, mile 5.8 at Brookview, need not open for the passage of vessels. However, the operating machinery shall be maintained in a serviceable condition.

§ 117.563 Miles River.

The draw of the S370 bridge, mile 10.0 at Easton, shall open on signal from sunrise to sunset. A vessel wishing to pass the bridge between sunset and sunrise will notify the drawtender of the time at which it is desired to pass and the draw of the bridge shall open as soon as practicable thereafter.

§ 117.565 Patuxent River.

The draw of S231 bridge, mile 24.4 at Benedict, shall open on signal except that from 6 p.m. to 6 a.m. the draw shall open on signal if notice is given to the Toll Captan at the Administration Building at the east end of the bridge before 6 p.m.

§ 117.567 Pocomoke River.

(a) The draw of the US113 bridge, mile 15.6 at Pocomoke City, shall open on signal except that the draw need not open from 10 p.m. to 6 a.m.

(b) The draw of the S12 bridge, mile 29.9 at Snow Hill, shall open on signal if at least five hours notice is given.

§ 117.569 Sinepuxent Bay.

The draw of the US50 bridge, mile 0.5 at Ocean City, shall open on signal, except that from October 1 through April 30 at least three hours notice is required from 6 p.m. to 6 a.m., and from May 25 through September 15, from 9 a.m. to 10 p.m. the draw shall open at 25 minutes after and 55 minutes after the hour for a maximum of five minutes to permit accumulated vessels to pass.

§ 117.571 Spa Creek.

The draw of the S181 bridge, mile 0.4 at Annapolis, shall open on signal except that from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except Federal and State holidays, the draw need not open for the passage of vessels, and from May 1 through November 1, from 10 a.m. to 5 p.m. on Saturdays and Sundays, the draw need not open except on the hour and half hour if any vessels are waiting to pass. Public vessels of the United States and vessels in an emergency involving danger to life or property shall be passed at any time.

§ 117.573 Stoney Creek.

The draw of the S173 bridge, mile 0.9 at Riviera Beach, shall open on signal except that from 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal and State holidays, the draw need open only at 7:30 a.m. and 5 p.m. if any vessels are waiting to pass. Public vessels of the United States and vessels in an emergency involving danger to life or property shall be passed at any time.

§ 117.575 Susquehanna River.

The draw of the bridge, mile 1.0 at Havre de Grace, shall open on signal if at least 24 hours notice is given.

§ 117.577 Weems Creek.

The draw of the S437 bridge, mile 0.7 at West Annapolis, shall open on signal from sunrise to sunset from May 1 through September 30. At all other times the draw shall open on signal if at least five hours notice is given.

§ 117.579 Wicomico River (North Prong).

The draw of the Main Street (US50) bridge, mile 22.4 at Salisbury, shall open on signal except that from 8 a.m. to 9 a.m., 12 noon to 1 p.m., and 4:30 p.m. to 5:30 p.m. the draw need not open for the passage of vessels.

Massachusetts

§ 117.585 Achushnet River.

The draws of the US6 bridge, mile 0.0, between New Bedford and Fairhaven, shall open on signal except that from 6:30 a.m. to 8:30 a.m., 11:30 a.m. to 1:30 p.m., and 4 p.m. to 6 p.m. on all days other than Sundays and legal holidays, the draws need not open for vessels drawing less than 15 feet of water. From May 1 through September 30 from 9 p.m. to 5 a.m. and from October 1 through April 30 from one hour after sunset to one hour before sunrise the draw shall open on signal if at least two hours notice is given. Public vessels of the United States and state and local vessels used for public safety shall be passed as soon as possible.

§ 117.587 Apponagansett River.

The draw of the Padanarum highway bridge, mile 1.0 at South Dartmouth, shall open on signal from May 1 through October 31 from sunrise to 7:30 a.m., 9:30 a.m., 11:30 a.m., 1 p.m., 4:30 p.m., 6:30 p.m. and one hour after sunset. At all other times the draw shall open on signal if at least six hours notice is given. Public vessels of the United States and state and local vessels used for public safety shall be passed as soon as possible.

§ 117.589 Cape Cod Canal.

(a) The lift span of the Buzzards Bay railroad bridge, mile 0.7 at Bourne, will normally be kept in the raised (open) position except for the passage of trains or for maintenance. No signal is required if the lift span is raised.

(b) If the lift span is in other than the raised position, the opening signal shall be one prolonged and one short blast.

(c) Signals to be sounded from the bridge are:

(1) Immediately preceding the raising of the drawspan: One prolonged blast.

(2) Immediately preceding the lowering of the drawspan: Two prolonged blasts.

(3) When a vessel has sounded the opening signal and the drawspan cannot be raised immediately: Five short blasts in a rapid succession.

(4) When the draw is closed and visibility is reduced in foggy weather:

Five short blasts in rapid succession every two minutes.

§ 117.591 Charles River.

(a) The draw of the Charlestown bridge, mile 0.4 at Boston, need not open for the passage of vessels.

(b) The draws of the Boston & Maine railroad bridge, mile 0.8 at Boston, shall open on signal except that from 6:15 a.m. to 9:10 a.m. and 4:15 p.m. to 7:40 p.m., except Sundays and legal holidays observed in the locality, the draws need not open for the passage of vessels.

(c) The draw of the Massachusetts Bay Transportation Authority (East Cambridge Viaduct) railroad bridge, mile 1.0 at Boston, need not open for the passage of vessels.

(d) The draw of the Metropolitan District Commission bridge, mile 1.0 at Boston, shall open on signal except that from 6:15 a.m. to 9:10 a.m. and 4:15 p.m. to 7:40 p.m., except Sundays and legal holidays observed in the locality, the draw need not open for the passage of vessels.

(e) The draw of the Commercial Avenue bridge across Lechmere Canal, mile 0.0 at Boston, need not open for the passage of vessels.

(f) The draw of the First Street bridge across Broad Canal, mile 0.0 at Boston, shall open on signal from October 1 through May 31, except that from Monday through Friday, except legal holidays, from 7:30 a.m. to 9 a.m., and 4:30 p.m. to 6 p.m. the draws need not open. From June 1 through September 30 the draw shall open on signal if at least 12 hours notice is given.

(g) The draws of the bridges across Broad Canal need not open for the passage of vessels.

(h) Public vessels of the United States and state and local vessels used for public safety shall be passed as soon as possible.

(i) When high tide occurs at the Charlestown Navy Yard within 45 minutes before or after 6:15 a.m to 9:10 a.m.; the draws of each bridge shall open for no longer than a 10-minute period for vessels which draw more than 12 feet of water. This 10-minute period is dictated by train traffic. Once a vessel has begun passage it shall be pased through each bridge, in turn, until it reaches its destination.

(j) Signals.

(1) The open signal is two prolonged blasts followed by two short blasts.

(2) The opening signal from vessels entitled to pass any bridge during a closed period is four prolonged blasts.

(3) The acknowledging signal when the draw shall open is three prolonged blasts.

(4) The acknowledging signal when the draw cannot open or is open and must close is two prolonged blasts.

§ 117.593 Chelsea River.

(a) All drawbridges across the Chelsea River shall open on signal. The opening signal for each drawbridge is two prolonged blasts followed by two short blasts and one prolonged blast.

(b) The acknowledging signal is three prolonged blasts when the draw shall open immediately.

(c) The acknowledging signal is two long blasts when the draw cannot open or is open and must close.

§ 117.595 Danvers River.

The draws of the US1 bridge, mile 0.0, the Boston and Maine railroad bridge, mile 0.0, and the Essex County bridge, mile 1.0, all at Salem, shall open on signal except that from 12 midnight to 8 a.m. the draws shall open as soon as possible after notice is given to the drawtenders, either at the bridges during the time the operators are on duty or at their residences thereafter.

§ 117.597 Dorchester Bay.

The draw of the William T. Morrisey Boulevard bridge, mile 0.0 at Boston, shall open on signal from April 16 through October 14, except that the draw need not open for the passage of vessels from 7:30 a.m. to 9 a.m., and from 4:30 p.m. to 6 p.m. except on Saturdays, Sundays, or legal holidays observed in the locality. From October 15 through April 15, the draw shall open on signal if at least 24 hours notice is given. Public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

§ 117.599 Fort Point Channel.

(a) The draws of the Northern Street bridge, mile 0.1 at Boston, shall open on signal, except that from 7 a.m. to 9 a.m., and 4:30 p.m. to 6:30 p.m., Monday through Friday, except legal holidays, the draw need not open except for vessels whose draft is less that 18 feet. From 8 p.m. to 6 a.m. the draw need not open for the passage of vessels. Public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

(b) The draws of the Congress Street bridge, mile 0.3, and the Sumner Street bridge, mile 0.4, both at Boston, need not open for the passage of vessels.

(c) The draws of the Dorchester Avenue bridge, mile 0.8, the Amtrak railroad bridge, mile 0.8, the Broadway bridge, mile 1.0, and the Dover Street bridge, mile 1.2, all at Boston, need not open for the passage of vessels.

§ 117.601 Malden River.

The draw of the US1 bridge, mile 0.3 between Medford and Everett, need not open for the passage of vessels.

§ 117.603 Manchester Harbor.

The draw of the Boston and Maine railroad bridge, mile 1.0 at Manchester, shall open on signal from April 1 through November 1 from 9 a.m. to 1 p.m., and 2 p.m. to 6 p.m. At all other times at least two hours notice is required from 6:45 a.m. to 3:45 p.m. and at least five hours notice is required from 3:45 p.m. to 6:45 a.m. The notice is to be given to the Chief Dispatcher, Boston and Maine railroad, Boston.

§ 117.605 Merrimack River.

(a) The draws of the US1 bridge, mile 3.4 at Newburyport, shall open on signal May 1 through October 31 from 6 a.m. to 10 p.m., and from November 1 through April 30 from 8 a.m. to 5 p.m. At all other times the draws shall open if at least a one-hour notice is given.

(b) The draw of the Boston and Maine railroad bridge, mile 3.4 at Newburyport, will normally be maintained in the open position. When the draw is in the closed position, a drawtender shall be on duty and the draw shall open on signal.

(c) The draws of the Essex County bridge, mile 5.8 at Newburyport, the Essex County bridge, mile 12.6 at Rocks Village, and Groveland bridge, mile 16.5 at Groveland, shall open on signal if at least two hours notice is given.

(d) Public vessels of the United States and state or local vessels used for public safety shall be passed through the draw of each bridge as soon as possible.

§ 117.607 Mitchell River.

(a) The draws of the US1 bridge, mile 1.4, and the Boston and Maine railroad bridge, mile 1.8, both at Boston, shall open on signal except that from 7:45 a.m. to 9 a.m., 9:10 a.m. to 10 a.m. and 5 p.m. to 6 p.m., except Sundays and on legal holidays, the draws need not open for the passage of vessels whose draft is less than 18 feet. Public vessels of the United States and state or local vessels used for public safety shall be passed at any time.

(b) The draws of the Wellington bridge, mile 2.5, and the General Lawrence bridge, mile 3.6, both at Boston, need not open for the passage of vessels.

§ 117.608 Mystic River.

The draw of the Granite Avenue bridge, mile 0.0 at Boston, shall open on signal from May 1 through October 31 and from November 1 through April 30

from 8 a.m. to 4 p.m. The draw shall open on signal from November 1 through April 30 from 4 p.m. to 8 a.m. if at least 24 hours notice is given. Public vessels of the United States and state or local vessels used for public safety shall be passed at any time.

§ 117.611 Neponset River.

The draws of the S3A bridge, mile 1.6 at Scituate, and the Plymouth County bridge, mile 3.0 at Norwell, shall open on signal from May 1 through October 31 if at least four hours notice is given. From November 1 through April 30 the draws shall open on signal if at least 24 hours notice is given.

§ 117.613 North River.

The draw of the US1 bridge, mile 0.1, between Newburyport and Plum Island, shall open on signal from April 1 through November 30 during daylight hours two hours before to two hours after each high tide. Daylight shall begin one half hour before sunrise and end one half hour after sunset and high tide shall occur one half hour later than the time of high tide for Portland as published by the National Oceanic and Atmoshperic Administration. At all other times the draws shall open on signal if at least three hours notice is given.

§ 117.615 Plum Island River.

The draw of the Summer (L) Street bridge, mile 0.2 at Boston, shall open on signal from 9:30 a.m. to 4 p.m., Monday through Saturday, and from 9:30 a.m. to 4 p.m. on Sunday from April 1 through October 3. At all other times the draw shall open on signal if at least 10 hours notice is given. Public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

§ 117.617 Reserve Channel.

The draw of the Bristol County bridge, mile 10.3 at Berkley, shall open on signal from May 1 through October 31 from 5 a.m. to 10 p.m. and from November 1 through April 30 from 6 a.m. to 6 p.m. At all other times the draw shall open on signal if at least a one-half hour notice is given.

§ 117.619 Taunton River.

The draw of the Bristol County bridge, mile 10.3, at Berkley shall open on signal from May 1 through October 31 from 5 a.m. to 10 p.m. and from November 1 through April 30 from 6 a.m. to 6 p.m. At all other times the draw shall open on signal if at least a one-half hour notice is given.

§ 117.621 Weymouth Fore River.

The draw of the S3 bridge, mile 3.5, between Quincy Point and Weymouth, shall open on signal, except that the draw need not open from 6:30 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, except legal holidays observed in the locality. However, the draw shall open at any time for public vessels of the United States, any vessel of state or municipal government vessels used for public safety and in case of emergency or during severe storm conditions.

Michigan

§ 117.625 Black River.

(a) The draws of the Military Street bridge, mile 0.3, and Seventh Street bridge, mile 0.5, both at Port Huron, shall open on signal:

(1) From May 1 through October 31 on Sundays and Federal holidays from 5:30 p.m. to 9 a.m.

(2) From May 1 through October 31, from 9 a.m. to 5:30 p.m., Monday through Saturday, except Federal holidays, only on the hour and half hour.

(3) From November 1 through November 30 and April 1 through April 30 from 8 a.m. to 4 p.m., and from 4 p.m. to 8 a.m., if at least three hours notice is given.

(4) From December 1 through March 31 if at least 24 hours notice is given.

(b) The draw of the Tenth Street bridge, mile 0.9 at Port Huron, shall open on signal:

(1) From May 1 through October 31 from 8 a.m. to 11 p.m. and from 11 p.m. to 8 a.m. if at least one hour notice is given.

(2) From April 1 through April 30 and November 1 through November 30 if at least three hours notice is given.

(3) From December 1 through March 31 if at least 24 hours notice is given.

(c) Notice requesting the opening of any of the Black River bridges may be given to the dispatcher of the Port Huron Police Department.

(d) Public vessels of the United States, state or local vessels used for public safety, and vessels in distress, shall be passed as soon as possible.

§ 117.627 Cheboygan River.

(a) The draw of the US23 bridge, mile 0.9 at Cheboygan, shall open on signal:

(1) From March 16 through May 15 and September 16 through December 14.

(2) From May 16 through September 15, Monday through Friday, from 6:12 p.m. to 7:18 a.m.; from 5:12 p.m. to 11:18 a.m. on Saturdays; and all day on Sundays.

(3) From May 16 through September 15, Monday through Friday, from 7:18 a.m. to 6:12 p.m., and on Saturdays from 11:18 a.m. to 5:12 p.m., the draw need open only from three minutes before to three minutes after the quarter hour and the three-quarters hour.

(4) From December 15 through March 15 if at least 24 hours notice is given to the Cheboygan Police Department.

(5) Public vessels of the United States, state or local vessels used public safety, and vessels in distress, shall be passed as soon as possible.

§ 117.629 Crooked River.

The draw of the S68 bridge, mile 29.6 at Alanson, shall open on signal except that from November 1 through May 15 the draw shall open on signal if at least eight hours notice is given. The draw may be left unattended in the open position.

§ 117.631 Detroit River (Trenton Channel).

The draw of the Wayne County bridge, mile 5.6 at Detroit, shall open on signal except that from December 15 through March 15 the draw shall open on signal if at least five hours notice is given.

§ 117.633 Grand River.

(a) The draw of the Grand Trunk Western railroad bridge, mile 2.8 at Grand Haven, shall open on signal except that from December 15 through March 15 the draw shall open on signal if at least 24 hours notice is given.

(b) The draw of the US31 bridge, mile 2.9, at Grand Haven shall open on signal:

(1) From March 16 through May 14, and from October 15 through December 14.

(2) From May 15 through October 14 from 9:03 p.m. to 6:03 a.m.

(3) From May 15 through October 14, from 6:03 a.m. to 9:03 p.m., from three minutes before to three minutes after the hour and half hour.

(4) From December 15 through March 15 if at least 24 hours notice is given.

(c) The draw of the Grand Trunk Western railroad bridge, mile 0.2 across the mouth of Spring Lake shall open on signal except that from December 15 through March 15 the draw shall open on signal if at least 24 hours notice is given.

(d) Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through the draw of each bridge as soon as possible.

§ 117.635 Keweenaw Waterway.

The draw of the US41 bridge, mile 16.0 between Houghton and Hancock, shall open on signal except that from January 1 through March 15 the draws shall open

on signal if at least 24 hours notice is given.

§ 117.637 Manistee River.

The draws of the Maple Street bridge, mile 1.1, the Smith Street bridge, mile 1.4 and the Chessie System railroad bridge, mile 1.5, all at Manistee, shall open on signal except that from January 1 through March 31 the draws shall open on signal if at least 24 hours notice is given.

§ 117.639 Ontonagon River.

The draw of the S64 bridge, mile 0.3 at Ontonagon, shall open on signal from March 16 through December 15 from 7 a.m. to 11 p.m., and from 11 p.m. to 7 a.m. if at least one hours notice is given. From December 16 through March 15 the draw shall open on signal if at least 24 hours notice is given.

§ 117.641 Pine River (Charlevoix).

The draw of the US31 bridge, mile 0.3 at Charlevoix, shall open on signal except that from 6 a.m. to 6 p.m. the draw shall open on signal from three minutes before to three minutes after the hour and half hour if any vessels are waiting to pass. Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through the draw of each bridge as soon as possible.

§ 117.643 Pine River (St. Clair).

The draw of the S29 bridge, mile 0.1 at St. Clair, shall open on signal from April 1 through November 30 from 2 a.m. to 8 a.m. and from 8 a.m. to 2 a.m. on the hour and one-half hour. From December 1 through March 31 the draw shall open on signal if at least 24 hours notice is given. Public vessels of the United States, state on local vesels used for public safety, and vessels in distress shall be passed through the draw of each bridge as soon as possible.

§ 117.645 Rouge River (Short Cut Canal).

(a) The draws of the Jefferson Avenue bridge, mile 1.1, and the Fort Street bridge, mile 2.2, both at Detroit, shall open on signal from March 16 through December 14 and from December 15 through March 15 from 8:30 a.m. to 4 p.m., 4:40 p.m. to 5 p.m., and 6 p.m.to 7:30 a.m., Monday through Friday, and on Saturday, Sundays, and Federal holidays.

(1) From December 15 through March 15 the draws need not open from 7:30 a.m. to 8:30 a.m., 4 p.m. to 4:40 p.m., and 5 p.m. to 6 p.m., Monday through Friday, except Federal holidays.

(2) Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through each draw as soon as possible.

§117.647 Saginaw River.

(a) The draws of the Detroit and Mackinac railroad bridge, mile 2.5 at Bay City, the CONRAIL railroad bridge, mile 4.4 at Bay City and the Chessie System railroad bridge, mile 18.0 at Saginaw, shall open on signal exept that from December 16 through March 15 the draws shall open on signal if at least 12 hours notice is given.

(b) The draws of the Independence Street bridge, mile 3.3, Third Street bridge, mile 4.7, Veterans Memorial bridge, mile 5.0, and Lafayette Street bridge, mile 6.2, all in Bay City, shall open on signal from March 16 thrugh December 15, execpt that:

(1) From 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m., except Sundays, the draws need not open for the passage of vesseles of less than 50 gross tons.

(2) From 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., except on Sundays and Federal holidays, the draws need not open for the passage of downbound vessels of over 50 gross tons.

(3) From 8 a.m. to 8 p.m., on Saturdays, Sundays, and Federal holidays, the draws of the Independence Street, Veterans Memorial, and Lafayette Street bridges need not open for the passage of pleasure craft except on the hour and half hour.

(4) From December 16 through March 15 the draws of these bridges shall open on signal if at least 12 hours notice is given.

(c) The draw of the I–75 bridge, mile 14.5 at Zilwaukee, shall open on signal except that from December 16 through March 15 the draw shall open on signal if at least 12 hours notice is given.

(d) the draw of the Six Avenue bridge, mile 16.5, at Zilwaukee shall open on signal from April 1 through November 15 from 7 a.m. to 11 p.m., and at all other times if at least three hours notice is given.

(e) The draws of all bridges between the Sixth Avenue bridge, mile 17.1, and the Grand Trunk Western railroad bridge, mile 19.2, shall open on signal if at least three hours notice is given.

(f) Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through each draw as soon as possible.

(g) The draw of the Grand Trunk Western railroad bridge, mile 19.2, need not open for the passage of vessels.

§ 117.649 St. Joseph Harbor.

The draw of the US31 bridge, mile 0.9 at St. Joseph, shall open on signal except that from December 15 through March 1 the draw shall open on signal if at least 12 hours notice is given.

§ 117.651 St. Joseph River.

The draws of the US33 (Blossomland) bridge, mile 0.9, and the BL–94 (Bicentennial) bridge, mile 1.0, both at St. Joseph, shall open on signal:

(a) From March 1 through May 14, October 1 through December 15, and from 8 p.m. to 7 a.m. from May 15 through September 30.

(b) From 7 a.m. to 8 p.m. from May 15 through September 30.

(1) The draws of the Blossomland bridge need open only from three minutes before to three minutes after the hour and half hour.

(2) The draws of the Bicentennial bridge need open only from three minutes before to three minutes after the quarter and three-quarter hour.

(c) From December 16 through the last day of February both draws shall open on signal if at least 12 hours notice is given.

(d) Public vessels of the United States, state and local government vessels used for public safety, commercial vessels, and vessels in distress, shall be passed through either draw as soon as possible.

§ 117.653 St. Mary's Falls Canal.

The draw of the Sea Line railroad bridge, mile 1.0 at Sault Ste. Marie, shall be maintained in the open position during the navigation season, except when a train is approaching and crossing this bridge or for maintenance. Bridge operators shall not give precedence to railway traffic and shall not close the bridge against an upbound vessel after lock gates are open and the vessel is proceeding toward the bridge, nor against a downbound vessel, 1,200 feet or less west of the bridge, unless said vessel is moored at either canal pier awaiting its turn to take position at lock approaches.

§ 117.655 Thunder Bay River.

The draw of the US23 bridge, mile 0.3 at Alpena, shall open on signal if at least three hours notice is given to the Dispatcher, Police Department, City of Alpena, Michigan.

Minnesota

§ 117.661 Duluth Ship Canal (Duluth-Superior Harbor).

(a) The draw of the Duluth Ship Canal bridge, mile 0.1 at Duluth, shall open on signal except that from January 1 through March 15 the draw shall open on signal if at least 24 hours notice is given. The opening signal is one prolonged blast, one short blast, one prolonged blast, one short blast. All

other signals shall be those set forth in § 117.9.

(1) If the Duluth Ship Canal Bridge is disabled, the bridge authorities must give incoming and outgoing vessels timely and dependable notice, by tug service if necessary, so that they will not attempt to enter the canal.

(2) Vessels must be given precedence over highway or railway traffic at all times.

§ 117.663 Minnesota River.

The draws of the bridges from the mouth through LeSueur shall open on signal if at least 24 hours notice is given. The draws of the bridge above LeSueur need not open for the passage of vessels.

§ 117.665 Red River of the North.

The draws of the bridges need not open for the passage of vessels.

§ 117.667 St. Croix River.

(a) The draws of the Burlington Northern railroad bridge, mile 0.2, and the US–16–61 bridges, both at Prescott, and the Chicago and Northwestern bridge, mile 17.3, at Hudson, shall open on signal except that from December 15 through March 1 the draws shall open on signal if at least 24 hours notice is given.

(b) The draw of the S36 bridge, mile 23.3, at Stillwater, shall open on signal:

(1) From May 15 through October 15 from Monday through Friday, except Federal holidays, as follows:

8 a.m. to 11 a.m. every hour on the hour
11 a.m. to 3 p.m. every hour and half hour
3 p.m. to 6 p.m. every hour on the hour
6 p.m. to 10 p.m.every hour and half hour
10 p.m. to 8 a.m. if at least two hours notice is given.

(2) On Saturdays, Sundays, and Federal holidays, as follows:

8 a.m. to 11 a.m. every hour and half hour
11 a.m. to 8 p.m. every hour on the hour
8 p.m. to midnight every hour and half hour
Midnight to 8 a.m. if at least two hours notice is given.

(3) From October 16 through May 14 if at least 24 hours notice is given.

(c) The draw of the Soo Line railroad bridge, mile 40.7, at Otisville, need not open for the passage of vessels.

§ 117. St. Louis River.

(a) The draws of the Burlington Northern railroad bridges, Minnesota Draw, mile 5.7, and Wisconsin Draw, mile 5.7, the Grassy Point Bridge, mile 8.0, and the Arrowhead Bridge, mile 8.7, shall open on signal except that from January 1 through March 15 the draw shall open on signal if at least 24 hours notice is given.

(b) The draws of the Duluth Missabe and Iron Ridge Railway bridge (Transfer Bridge), mile 16.3, need not open for the passage of vessels.

§ 117.671 Upper Mississippi River.

(a) The draws of all bridges between Lock and Dam No. 2, mile 815.2, and Lock and Dam No. 10, mile 615.1, shall open on signal except that from December 15 through March 1 the draws shall open on signal if at least 24 hours notice is given.

(b) The draws of all bridges between Lock and Dam No. 1, mile 847.6, and Lock and Dam No. 2, mile 815.2, shall open on signal except that from December 15 through March 1 the draws shall open on signal if at least 12 hours notice is given.

Mississippi

§ 117.675 Back Bay of Biloxi.

The draw of the S15 bridge, mile 3.0 at Biloxi shall open on signal if at least six hours notice is given.

§ 117.677 Big Sunflower River.

The draw of the Columbus and Greenville railroad bridge, mile 96.1 at Baird, shall open on signal if at least four hours notice is given.

§ 117.679 Escatawpa River.

The draw of the S63 bridge, mile 1.0 at Moss Point, shall open on signal except that from 6 a.m. to 6:45 a.m., 7 a.m. to 7:30 a.m., 3:25 p.m. to 3:45 p.m., and 4 p.m. to 5 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels.

§ 117.681 Old Fort Bayou.

The draw of the US90 bridge, mile 1.6 at Ocean Springs, shall open on signal except that from 9 p.m. to 5 a.m. the draw shall open on signal if at least eight hours notice is given to the Old Fort Bayou drawtender. During periods of storm or hurricane warnings issued by the National Weather Service, the draw shall open on signal at any time.

§ 117.683 Pascagoula River.

The draw of the US90 bridge, mile 1.8 at Pascagoula, shall open on signal except that from 6:15 a.m. to 7:15 a.m., 7:25 a.m. to 8 a.m., 3:15 p.m. to 4:15 p.m., and 4:30 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels.

§ 117.685 Yazoo River.

(a) The draws of the Illinois Central Gulf railroad bridge, mile 16.7 at Redwood, and the Satartia highway (S433) bridge, mile 53.3 at Satartia, shall open on signal if at least two hours notice is given. When a vessel has given notice and fails to arrive within the two-hour period specified, the drawtender shall remain on duty for two additional hours and open the draw if the requesting vessel appears. After this time, an additional two-hour notice is required.

(b) The draws of the bridges upstream from the Satartia highway (S433) bridge shall open on signal if at least four hours notice is given. When a vessel has given notice and fails to arrive within the four-hour period specified, the drawtender shall remain on duty for two additional hours and open the draw if the requesting vessels appears. After this time, an additional four-hour notice is required.

Missouri

§ 117.687 Missouri River.

The draws of the bridges across the Missouri River from the mouth to St. Joseph, shall open on signal except that from December 16 through the last day of February, the draws shall open on signal if at least 24 hours notice is given.

§ 117.689 Osage River.

The draw of the Missouri Pacific Railroad bridge, mile 5.6 at Osage City, need not open for the passage of vessels.

Nebraska

§ 117.691 Missouri River.

(a) The draw of the Illinois Central Gulf railroad bridge, mile 618.3 at Omaha, shall open on signal except that from December 1 through March 1 the draw shall open on signal if at least 24 hours notice is given.

(b) The draw of the I29 highway bridge, mile 732.3 at Sioux City, need not open for the passage of vessels.

New Hampshire

§ 117.695 Bellamy River.

The draw of the state highway bridge, mile 0.2 at Dover, shall open on signal from April 1 through October 31 from 6 a.m. to 10 p.m. if at least four hours notice is given. At all other times the draw shall open as soon as possible only for emergencies.

§ 117.697 Hampton River.

The draw of the state highway bridge, mile 0.0 at Hampton, shall open on signal from April 1 through October 31 for the passage of vessels during the daylight portions of the periods beginning three hours before and ending three hours after each high water. For the purpose of this section, daylight is construed to begin 30 minutes before sunrise and to end 30 minutes after sunset, and high water shall be deemed to occur 30 minutes later than the time of high water for Portland, Maine, as

given in the tide tables for the United States published by the National Oceanic and Atmospheric Administration. At all other times the draw shall open on signal if at least three hours notice is given.

§ 117.699 Little Harbor.

The draw of the US1 bridge, mile 1.0 between New Castle and Rye, shall open on signal from April 1 through October 31 from 6 a.m. to 10 p.m. if at least four hours notice is given. At all other times the draw shall open as soon as possible only for emergencies.

New Jersey

§ 117.701 Alloway Creek.

(a) The draws of the Salem County bridges, miles 5.1 at Hancocks, and 6.5 at Upper Hancocks, shall open on signal if at least 24 hours notice is given.

(b) The draw of the S49 bridge, mile 9.5 at Quinton, need not open for the passage of vessels.

§ 117.703 Bass River.

The draw of the US9 bridge, mile 2.6 at New Gretna, shall open on signal from March 1 through November 30 from 7 a.m. to 11 p.m. From March 1 through November 30, from 11 p.m. to 7 a.m., and from December 1 through the last day of February, the draw shall open on signal if at least six hours notice is given.

§ 117.705 Beaver Dam Creek.

The draw of the Ocean County bridge, mile 0.5 at Point Pleasant, shall open on signal from June 1 through September 30 and from 8 a.m. to 4 p.m. during April, May, October, and November. At all other times the draw shall open on signal if at least 24 hours notice is given.

§ 117.707 Cape Island Creek.

The draw of the Cape May County bridge, mile 0.3 at Cape May, need not open for the passage of vessels.

§ 117.709 Cheesequake Creek.

(a) The draw of the S35 bridge, mile 0.0 at Morgan, South Amboy, shall open on signal except that from May 15 through October 15 from 7 a.m. to 7 p.m. the draw need only open on the hour, and from December 1 through March 31 from 11 p.m. to 7 a.m., the draw need not open for the passage of vessels.

(b) The draws of the railroad bridge, mile 0.2, shall open on signal, except at least four hours notice is required:

(1) From January 1 through March 1 from 6 p.m. to 6 a.m.

(2) From April 1 through April 30 and November 1 through November 30, from 10 p.m. to 6 a.m., Monday through Thursday, and midnight Sunday through 6 a.m. Monday.

(3) From December 1 through December 31 from 10 p.m. to 6 a.m.

§ 117.711 Cohansey River.

The draw of the Broad Street bridge, mile 18.2 at Bridgeton, need not open for the passage of vessels.

§ 117.713 Cooper River.

(a) The draws of the State Street bridge, mile 0.3, the CONRAIL bridge at North River Avenue, mile 0.9, and the Federal Street bridge, mile 1.0, all at Camden, shall open on signal if at least four hours notice is given.

(b) The draw of the Admiral Wilson Boulevard bridge, mile 1.1 at Camden, need not open for the passage of vessels.

§ 117.715 Debbies Creek.

The draw of the Monmouth County highway bridge, mile 0.4 at Manasquan, shall open on signal except that from Memorial Day through Labor Day from 7 a.m. to 8 p.m., the draw need open only on the hour and half hour if any vessels are waiting to pass.

§ 117.717 Delaware River (Back Channel).

The draw of the Cities Service Company bridge, mile 117.0 between Petty Island and Camden, need not open for the passage of vessels.

§ 117.719 Elizabeth River.

(a) The draws of the railroad bridge, mile 0.7, the Baltic Street bridge, mile 0.9, the Summer Street bridge, mile 1.3, the South Street bridge, mile 1.8, and the Bridge Street bridge, mile 2.1, all at Elizabeth, need not open for the passage of vessels.

(b) The draw of the South Front Street bridge, mile 0.0 at Elizabeth, shall open on signal except that from 12 midnight to 7 a.m. the draw shall open on signal if at least three hours notice is given.

(c) The draws of the South First Street bridge, mile 0.4 at Elizabeth, shall open on signal if at least three hours notice is given.

§ 117.721 Great Channel.

The draw of the Cape May County Bridge Commission bridge, mile 0.7, between Stone Harbor and Nummy Island shall open on signal except that from November 1 through April 30 the draw shall open on signal if at least 24 hours notice is given.

§ 117.723 Hackensack River and Overpeck Creek.

(a) The draws of each bridge shall open on signal except that:

(1) The draw of AMTRAK's Portal bridge, mile 5.0 at Snake Hill, need not open Monday through Friday, except Federal holidays from 7:20 a.m. to 9:20 a.m. and from 4:30 p.m. to 6:50 p.m. Outside of these closed periods, an opening may not be delayed for more than ten minutes unless the drawtender and the vessel, communicating by radiotelephone, agree to a longer delay.

(2) The draw of the S46 bridge, mile 14.0 at Little Ferry, shall open on signal if at least six hours notice is given.

(3) The draw of the Court Street bridge, mile 16.2 at Hackensack, shall open on signal if at least two hours notice is given from 8 a.m. to 12 midnight. From 12 midnight to 8 a.m. the draw shall open on signal if at least six hours notice is given.

(4) The draws of the CONRAIL and New York, Susquehanna and Western railroad bridges, mile 0.0 on Overpeck Creek, shall open on signal if at least 24 hours notice is given.

(5) Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through the draw of each bridge as soon as possible.

(6) The draws of the New York, Susquehanna, and Western railroad bridge, mile 16.3, and the Midtown bridge, mile 16.5, both at Hackensack, need not open for the passage of vessels.

§ 117.725 Manantico Creek.

The draw of the highway bridge, mile 0.5 at Millville, need not open for the passage of vessels.

§ 117.727 Manasquan River.

The draw of the S70 bridge, mile 3.4 at Brielle Township, shall open on signal from 7 a.m. to 11 p.m. The draw need not open from 11 p.m. to 7 a.m.

§ 117.729 Mantua Creek.

The draw of the highway bridge, mile 1.7 at Paulsboro, shall open on signal from 7 a.m. to 11 p.m. The draw shall open on signal from 11 p.m. to 7 a.m. if at least four hours notice is given.

§ 117.731 New Jersey Intracoastal Waterway.

(a) The draw of the S37 bridge, mile 14.1 at Seaside Heights, shall open on signal except that:

(1) From December 1 through March 31 from 11 p.m. to 7 a.m., the draw need not open to navigation.

(2) From Memorial Day through Labor Day from 10 a.m. to 2 p.m. Saturdays, Sundays, and Federal holidays, the draw need only open on the hour and half hour, except that it shall open at any time for the passage of vessels with tows during such periods.

(b) The draws of the New Jersey Rail Transit Corporation railroad bridge, mile 68.9 at Atlantic City, shall open on signal from 11 p.m. to 6 a.m. The draw

shall open on signal from 20 minutes to 30 minutes after each hour from 6 a.m. to 11 p.m. if any vessels are waiting to pass.

(c) The draw of the Albany Avenue (US 40–322) bridge, mile 70.0 at Atlantic City, shall open on signal from October 1 through May 30, and from June 1 through September 30 from 9 p.m. to 9 a.m. From June 1 through September 30 from 9 a.m. to 4 p.m., and from 6 p.m. to 9 p.m., the draw shall open on the hour and half hour. From June 1 through September 30 from 4 p.m. to 6 p.m., the draw need not open.

(d) The draw of the Dorset Avenue bridge, mile 71.2 at Ventnor City, shall open on signal from October 1 through May 30 and from June 1 through September 30 from 9:15 p.m. to 9:15 a.m. From June 1 through September 30 from 9:15 a.m. to 9:15 p.m., the draw need open only on the quarter and three-quarter hours for any vessels waiting to pass. Public vessels of the United States and vessels in distress shall be passed at any time.

(e) The draw of the Route 52 (Ninth Street) bridge, mile 80.4 at Ocean City, shall open on signal except that from Memorial Day through Labor Day from 11 a.m. to 5 p.m. on Saturdays, Sundays, and Federal holidays, the draw need open only on the hour and half hour if any vessels are waiting to pass. Public vessels of the United States, vessels with another vessel in tow, and vessels in distress shall be passed at any time.

(f) The draw of the Stone Harbor Boulevard bridge across Great Channel, mile 102.0 at Stone Harbor, shall open on signal except that on Saturdays, Sundays, and holidays from Memorial Day through Labor Day from 8 a.m. to 6 p.m. The draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. Public vessels of the United States and vessels with another vessel in tow shall be passed at any time.

(g) All bridges need not stay open for more than 10 minutes for the passage of vessels nor need they stay closed for more than 10 minutes for the passage of land traffic.

§ 117.733 Oceanport Creek.

The draw of the Conrail railroad bridge, mile 8.4 near Oceanport, shall open on signal if at least four hours notice is given.

§ 117.735 Oldmans Creek.

The draws of the US 30 bridge, mile 3.1 at Nortonville, the Conrail railroad bridge, mile 4.0 at Jumbo, and the Salem County bridge, mile 5.1 at Pedricktown, need not open for the passage of vessels.

§ 117.737 Passaic River.

The draws of each bridge shall open on signal except that:

(a) The following bridges need not open during the hours specified, Monday through Friday, except Federal holidays:

(1) Amtrak's Dock bridge, mile 5.0, from 7:20 a.m. to 9:20 a.m. and 4:30 p.m. to 6:50 p.m. Outside of these closed periods, an opening of the Dock bridge may be delayed no more than 10 minutes unless the drawtender and the vessel, communicating by radiotelephone, agree to a longer delay.

(2) Conrail's Morristown Line bridge, mile 5.8, from 7:23 a.m. to 9 a.m. and 4:30 p.m. to 6:50 p.m.

(b) The opening of the draw of the following bridges may be delayed as specified:

(1) Route 280 (Stickel Memorial) bridge, mile 5.8. The draw shall open on signal if at least eight hours notice is given. In an emergency the draw shall open as soon as possible but not more than two hours after the opening request.

(2) CONRAIL bridge (West Arlington), mile 8.0, from 7 a.m. to 11 p.m., the draw shall open on signal if at least eight hours notice is given. From 11 p.m. to 7 a.m., the draw need not open.

(3) CONRAIL bridge (Lyndhurst), mile 11.7, from 8 a.m. to midnight, the draw shall open on signal. From midnight to 8 a.m., the draw shall open on signal if at least six hours notice is given.

(4) Route 3 bridge, mile 11.8 at Rutherford, shall open on signal if at least six hours notice is given.

(5) Union Avenue bridge, mile 13.2, shall open on signal except that from midnight to 8 a.m. the draw shall open on signal if at least eight hours notice is given.

(c) Public vessels of the United States, state or local vessels used for public service, and vessels in distress shall be passed through the draw of each bridge as soon as possible.

(d) The draws of the following bridges need not open for the passage of vessels:

(1) Gregory Avenue bridge, mile 14.0.

(2) Second Street bridge, mile 14.7.

(3) West Eighth Street bridge, mile 15.3.

§ 117.739 Raccoon Creek.

The draw of the CONRAIL railroad bridge, mile 2.0 at Bridgeport, shall open on signal except that from 10 p.m. to 6 a.m., Monday through Friday, and on Saturdays, Sundays and holidays, from December 1 through the last day of February at least four hours notice is required.

§ 117.741 Rahway River.

The draw of the railroad bridge, mile 2.0 at Linden, shall open on signal from April 1 through November 30 from 6 a.m. to 10 p.m. At all other times the draw shall open on signal if at least four hours notice is given.

§ 117.743 Rancocas River (Creek).

The draws of the S543 bridge, mile 1.3 at Riverside, the CONRAIL bridge, mile 1.6 at Delanco, the US130 bridge, mile 3.3 at Bridgeboro and the S38 bridge, mile 7.8 at Centerton, shall open on signal from April 1 through November 30 from 7 a.m. to 11 p.m. From December 1 through March 31 from 7 a.m. to 11 p.m. the draws shall open on signal if at least 24 hours notice is given. From 11 p.m. to 7 a.m. the draws need not open for the passage of vessels.

§ 117.745 Raritan River and Arthur Kill and their tributaries.

The draws of all bridges shall open on signal except that from 7:30 a.m. to 10 a.m. and 5 p.m. to 7:30 p.m. the draws may open for the passage of vessels for periods no longer than 10 minutes. Public vessels of the United States and state or local vessels used for public safety, shall be passed at any time.

§ 117.747 Salem River.

The draw of the S49 bridge, mile 3.5 at Salem, shall open on signal if at least 24 hours notice is given.

§ 117.749 Shark River (South Channel).

(a) the draws of S71 bridge, mile 0.8 at Avon, the railroad bridge, mile 0.9 at Avon and the S35 bridge, mile 0.9 at Avon, are considered and operate as one unit. The owners shall provide signal systems so connected that the operator of any of the bridges may simultaneously notify the operators of the other two. The operator of the first bridge to be passed shall be responsible for observing the approach of vessels for receiving and acknowledging signals, and for communicating to the operators of the other bridges, the intention of such vessels.

(b) The draws shall open on signal from October 1 through May 14 and from May 15 through September 30, Monday through Friday, except Federal holidays, from 7 p.m. to 4 p.m., and Saturdays, Sundays and holidays, from 9 p.m. to 9 a.m.

(c) From May 15 through September 30 from 4 p.m. to 7 p.m., Monday through Friday, except Federal holidays and from 9 a.m. to 9 p.m. Saturdays, Sundays, and holidays the draw need open only on the hour and half hour if a vessel is waiting to pass.

§ 117.751 Ship Channel, Great Egg Harbor Bay.

The draw of the S52 bridge, mile 0.5 at Ocean City, shall open on signal except that and from 11 p.m. to 7 a.m. the draw shall open on signal if at least 24 hours notice is given.

§ 117.753 Shrewsbury River (South Branch).

(a) The draw of the S36 bridge, mile 1.8 at Highlands, shall open on signal, except that from Memorial Day through Labor Day on Saturdays, Sundays, and Federal holidays from 10 a.m. to 7 p.m. The draw need open only on the hour and half hour to pass any accumulated vessels.

(b) The draw of the Monmouth County highway bridge, mile 4.0 at Sea Bright, shall open on signal except that from May 15 through September 30 on Saturdays, Sundays, Memorial Day, Independence Day, and Labor Day, from 11 a.m. to 7 a.m. the draw need open only on the hour and half hour. The draw need not open at any time for a sailboat unless it is under auxiliary power or is towed by a powered vessel.

§ 117.755 Tuckahoe River.

The draw of the State highway bridge, mile 8.0 at Tuckahoe, shall open on signal if at least 24 hours notice is given.

§ 117.757 Wading River.

The draw of the Burlington County highway bridge, mile 5.0 at Wading River, shall open on signal if at least 24 hours notice is given.

§ 117.759 Woodbridge Creek.

The draws of the Middlesex County highway bridge, mile 0.5 at Sewaren, and the railroad bridge, mile 0.6 at Sewaren, shall open on signal if at least four hours notice is given.

New York

§ 117.771 Bronx River.

(a) The draws of the Bruckner Boulevard highway bridge,mile 1.1 at New York City, shall open on signal except that from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, the draws need not open for the passage of vessels. Public vessels of the United States, state or local vessels used for public safety and vessels in distress, shall be passed without delay.

(b) The draws of the Westchester Avenue highway bridge, mile 1.5, and the CONRAIL bridge, mile 1.6, both at New York City, need not open for the passage of vessels.

§ 117.773 Buffalo River.

(a) The draws of the Michigan Avenue bridge, mile 1.3, and the Ohio Street bridge,mile 2.1, both at Buffalo, shall open on signal, except that from 7:30 a.m. to 9 p.m. and from 4 p.m. to 5:45 p.m., Monday through Saturday, except New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas, or other days observed in lieu of any of these under state law, the draws need not open for the passage of vessels.

(b) The draws of the South Park Avenue bridge, mile 5.3 at Buffalo, shall open on signal, except that from 7 a.m., to 8:30 a.m., and from 4 p.m. to 5:45 p.m., Monday through Saturday, except New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas, or other days observed in lieu of any of these under state law, the draws need not open for the passage of vessels.

§ 117.775 Coney Island Creek.

The draws of the Cropsey Avenue bridge, mile 0.4, the Stillwell bridge, mile 0.6, and the New York City Transit Authority bridges near Stillwell Avenue, mile 0.7, all at New York City, need not open for the passage of vessels.

§ 117.777 Dutch Kills.

(a) The draws of the Hunters Point Avenue, mile 1.4, and the Borden Avenue bridge, mile 1.2, both at New York City, shall open on signal if at least six hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

(b) The draws of the Long Island Railroad bridge, mile 1.1 at New York City, shall open on signal if at least six hours notice is given to the Long Island Railroad Movement Bureau.

(c) Public vessels or vessels employed by the United States, and state or local vessels used for public safety, shall be passed as soon as possible.

§ 117.779 Eastchester Bay (Arm of).

The draw of the highway bridge, mile 2.2 between Rodman Neck and City Island, need not open for the passage of vessels.

§ 117.781 East River.

The draw of the Roosevelt (Welfare) Island bridge, mile 6.4 at New York City, shall open on signal if at least six hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

§ 117.783 Flushing Creek.

The draws of the Whitestone Parkway bridge, mile 0.2, the Roosevelt Avenue bridge, mile 0.8, and the Long Island Railroad bridge, mile 1.0, all at New York City, need not open for the passage of vessels.

§ 117.785 Genesee River.

(a) The draw of the CONRAIL bridge, mile 0.9 at Rochester, shall open on signal except that from December 15 through March 31, the draw shall open on signal if at least 12 hours notice is given.

(b) The draw of the Stutson Street bridge, mile 1.2, at Rochester shall open on signal from April 1 through December 15, from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels. From 9 a.m. to 4 p.m. and 6 p.m. to 11 p.m., Monday through Friday, except Federal holidays, and from 7 a.m. to 11 p.m. on Saturdays, Sundays, and Federal holidays, the draw need open only on the hour and half hour. From December 16 through March 31 the draw shall open on signal if at least 12 hours notice is given.

(c) Public vessels of the United States, vessels in distress, and vessels seeking shelter from rough weather shall be passed through either bridge as soon as possible.

§ 117.787 Gowanus Canal.

The draws of the Third Street bridge, mile 1.8, the Carroll Street bridge, mile 2.0., and the Union Street bridge, mile 2.1, all at New York City, shall open on signal except that from May 1 through September 30, the draws shall open on signal if at least six hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

§ 117.789 Harlem River.

(a) The draws of all the bridges across the Harlem River, except the Spuyten Duyvil railroad bridge need not open from 5 p.m. to 10 a.m.

(b) The draw of the Spuyten Duyvil railroad bridge, mile 7.9, shall open on signal at any time.

(c) The draws of the 125th Street bridge, mile 1.3, the Willis Avenue bridge, mile 1.5, the 3rd Avenue bridge, mile 1.9, the CONRAIL (Park Avenue) bridge, mile 2.1, the Madison Avenue bridge, mile 2.3, the 145th Street bridge, mile 2.8, and the two Broadway bridges, mile 6.8, shall open on signal from 10 a.m. to 5 p.m. A delay of up to five minutes may be experienced at the railroad bridges.

(d) The draws of the 103rd Street bridge, mile 0.0, the Macombs Dam bridge, mile 3.2, and the 207th Street bridge, mile 6.0, shall open on signal from 10 a.m. to 5 p.m. if at least six hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

(e) Public vessels of the United States, and New York City vessels used for public safety shall be passed through the draw of each bridge as soon as possible.

§ 117.791 Hudson River.

(a) The draws of the CONRAIL bridge, mile 146.2 between Albany and Rensselaer, shall open on signal except that from December 16 through March 31, the draw shall open on signal if at least 24 hours notice is given.

(b) The draws of the state highway bridge, mile 150.2 between Troy and Menands, need not open for the passage of vessels.

(c) The draws of the highway bridge, mile 152.7, between Troy and Green Island:

(1) Need not open from December 16 through March 31.

(2)(A) From April 1 through December 15 shall open on signal from 9 a.m. to 4 p.m.

(B) Need not open from 6 p.m. to 7 a.m., unless notice is given, before 4:30 p.m., of the time the vessel is expected to pass.

(C) Need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

(d) The draws of the 112th Street bridge, mile 155.4 between Troy and Cohoes:

(1) Shall open on signal from 9 a.m. to 4 p.m.

(2) Shall open on signal from 6 p.m. to 7 a.m., if notice is given, before 4:30 p.m., of the time the vessel is expected to pass.

(3) Need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

(4) During the period that the Federal Lock at Troy is inoperative, the draw need not open for the passage of vessels.

(e) The draws of any of these bridges shall open as soon as possible for the passage of:

(1) Public vessels of the United States.

(2) State or local vessels used for public safety.

(3) Vessels of 500 tons or more.

(4) Any tug with a tow on a hawser.

(5) Downbound vessels during a freshet whose height exceeds an elevation determined by the District Commander.

(f) The draws of any of these bridges shall not remain open for more than 15 minutes (except as provided for in paragraphs (e)(5) above) and can remain closed for up to 10 minutes to allow accumulated land traffic to be reduced.

§ 117.793 Hutchinson River.

The draws of the Hutchinson River Parkway bridge, mile 0.9, and the New England Thruway (I–95) bridge, mile 2.2, both at New York City, shall open on signal if at least six hours notice is given.

§ 117.795 Jamaica Bay and Connecting Waterways.

(a) The draws of the New York City Transit Authority bridge, mile 10.6 across the North Channel, at Hamilton Beach, and the New York City highway bridge, mile 10.0 at Jamaica Bay Boulevard, need not open for the passage of vessels.

(b) The draws of the New York City highway bridge, mile 0.8 across Mill Basin, on Belt Parkway need not open for the passage of vessels from noon to 9 p.m. on the following days: Sundays, from May 15 to September 30, Memorial Day, Independence Day, and Labor Day. However, on these days, during the period from two hours before to one hour after the time of predicted high tide for the locality the bridge shall open on signal. Public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

(c) The draw of the Marine Parkway bridge, mile 3.0, at Rockaway Inlet shall open on signal except that from 4 p.m. to 8 p.m. the draw shall open on signal if at least eight hours notice is given; however, the draw shall open, if at least a one hour notice is given for the passage of U.S. Navy or National Oceanic and Atmospheric Administration vessels.

Note.—For the purpose of the regulations in this part, high tide at the bridge shall be deemed to occur 15 minutes later than the time of high tide for Sandy Hook as given in the tide tables for the United States, published by the National Oceanic and Atmospheric Administration. The time stated in the tables is eastern standard time and one hour should be added thereto to convert to eastern daylight saving time.

§ 117.797 Lake Champlain.

(a) The draw of the Vermont highway bridge, mile 105.9, across the entrance to Missisquoi Bay, between Alburg Tongue and Hog Island, at East Alburg, shall open on signal if at least 24 hours notice is given.

(b) The draw of the Central Vermont railroad bridge, mile 105.6 across the Missisquoi Bay of Lake Champlain, shall open on signal from June 15 through September 15 from 7 a.m. to 11 p.m. The draw shall open on signal at all other times if at least 24 hours notice is given.

(c) The draws of the Vermont highway bridge, mile 91.8 between Sandy Island and North Hero Island:

(1) Shall open on signal from May 15 through October 15 from 7 a.m. to 9 p.m.

(2) Shall open on signal from May 15 through October 15 from 9 p.m. to 7 a.m. if at least four hours notice is given.

(3) Shall open on signal from October 16 through May 14 if at least 24 hours notice is given.

(d) The draws of each of these bridges shall open as soon as possible for public vessels of the United States and Vermont Fish and Game Department vessels.

§ 117.799 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.

(a) The draw of the Atlantic Beach Bridge across Reynolds Channel, mile 0.4, shall open on signal:

(1) From October 1 through May 14.

(2) From May 15 through September 30 the draw shall open on signal except that it need open only on the hour and half-hour:

(i) From 4 p.m. to 7 p.m. on weekdays; and

(ii) From 11 a.m. to 9 p.m. on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day.

(3) From May 15 through September 30 the draw shall open on signal from two hours before to one hour after predicted high tide (predicted high tide for this bridge shall be 10 minutes earlier than that predicted for Sandy Hook as given in the tide tables for the United States published by the National Oceanic and Atmospheric Administration).

(b) The draw of the Long Beach Bridge across Reynolds Channel, mile 4.7, shall open on signal:

(1) From October 1 through May 14.

(2) From May 15 through September 30 the draw shall open on signal except that from 3 p.m. to 8 p.m. on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day the draw need open only on the hour and half hour.

(3) From midnight to 7 a.m. the draw shall open on signal if at least four hours notice is given.

(c) The draw of the Loop Parkway Bridge across Long Creek, mile 0.7, shall open on signal:

(1) Every other hour on the even hour except that from April 1 through October 31 on Saturdays, Sundays, and Federal holidays, the draw shall open on signal every three hours beginning at 3 a.m.

(2) If an opening is desired at other than a scheduled time, notice may be given from the telephone located on either side of the bridge or via marine radiotelephone.

(d) The draws of the Meadowbrook State Parkway across Sloop Channel, mile 12.8, Wantagh State Parkway across Goose Creek, mile 16.1, and Captree State Parkway across State Boat Channel at Captree Island, mile 30.7, shall open on signal if at least one

hour notice is given to the New York State Department of Transportation, as follows:

(1) Every other hour on the even hour.

(2) From April 1 through October 31 on Saturdays, Sundays, and Federal holidays the draw of the Meadowbrook State Parkway Bridge across Sloop Channel, mile 12.8, shall open on signal every three hours beginning at 1:30 a.m.

(3) From April 1 through October 31 on Saturdays, Sundays, and Federal holidays the draws of the Wantagh State Parkway Bridge across Goose Creek, mile 16.1, and Captree State Parkway Bridge across State Boat Channel at Captree Island, mile 30.7, every three hours beginning at 3 a.m.

(4) Notice may be given from the telephone located at the moorings on each side of each bridge or by marine radiotelephone.

(e) The draws of the Smith Point bridge, mile 6.1, across Narrow Bay, West Bay bridge, mile 0.1, across Quantuck Canal, Beach Lane bridge, mile 1.1, across Quantuck Canal, Quoque bridge, mile 1.1, across Quoque Canal, and Ponquoque Point bridge, mile 78.0, across Shinnecock Bay:

(1) Shall open an signal from October 1 through April 30 from 8 a.m. to 4 p.m. and from May 1 through September 30 from 6 a.m. to 10 p.m.

(2) At all other times during these periods the draws shall open as soon as possible but no more than one hour after a request to open is received.

(f) Public vessles of the United States, state or local vessels used for public safety and vessels in distress shall be passed through the draws of each bridge as soon as possible.

(g) The draw of each of these bridges need not open for sailing vessels unless the vessel is under machinery power or under tow, if such an opening would unduly delay other vessel or vehicular traffic.

§ 117.801 Newtown Creek (East Branch).

The draw of the Grand Street bridge, mile 3.1 at New York City, shall open on signal except that Monday through Saturday, except holidays, the draw need not open from 6:45 a.m. to 7 a.m., 7:15 a.m. to 7:30 a.m., 4:30 p.m. to 4:45 p.m., and 5 p.m. to 5:15 p.m.

§ 117.803 Niagara River.

The draw of the Canadian National Railway bridge, mile 3.8, need not open for the passage of vessels.

§ 117.805 Peekskill (Annsville) Creek.

The draw of the CONRAIL bridge, mile 0.0 at Peekskill, need not open for the passage of vessels.

§ 117.807 Richmond Creek.

The draw of the Richmond Avenue bridge, mile 2.0 at New York City, need not open for the passage of vessels.

§ 117.809 Tonawanda Creek.

(a) The draw of the Penn Central Corporation railroad bridge, mile 0.1 at Tonawanda, is permanently maintained in the open to navigation position.

§ 117.811 Tonawanda Harbor.

The draw of the CONRAIL bridge, mile 0.2 at Tonawanda, shall open on signal if at least 24 hours notice is given.

§ 117.813 Wappinger Creek.

The draw of the CONRAIL bridge, mile 0.0 at New Hamburg, shall open on signal from May 15 through October 15 if at least eight hours notice is given and from October 16 through May 14 if at least 24 hours notice is given.

§ 117.815 Westchester Creek.

The draw of the Bruckner Boulevard bridge, mile 1.3, shall open on signal, except that from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, the draw need not open for the passage of vessels. Public vessels of the United States, state or local vessels used for public safety, or vessels in distress, shall be passed without delay.

North Carolina

§ 117.821 Atlantic Intracoastal Waterway, Bogue Sound to Wrightsville Beach.

(a) The draw of the S58 bridge, mile 206.7, Atlantic Beach, Bogue Sound, shall open on signal except that from March 15 through October 15 the draw need open only on the hour from 8 a.m. to 8 p.m. for the passage of pleasure craft. If a pleasure craft is approaching the draw and cannot reach the draw exactly on the hour, the drawtender may delay the opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting. Public vessels of the United States, tugs with tows, commercial vessels, and any vessel in an emergency involving danger to life or property, shall be passed at any time.

(b) The draw of the highway bridge, mile 283.1 at Wrightsville Beach, shall open on signal from November 1 through April 30, and from 7 p.m. to 7 a.m. from May 1 through October 31. From May 1 through October 31 from 7 a.m. to 7 p.m. the draw need not open only on the hour.

(1) If a pleasure boat is approaching the drawbridge and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching pleasure boat and any other pleasure boats that are waiting to pass.

(2) Public vessels of the United States, commercial vessels and any vessel in an emergency involving danger to life or property, shall be passed at any time.

§ 117.823 Neuse River.

(a) The draw of the US17 bridge, mile 33.7 at New Bern, shall open on signal except that the draw need not open from 6:30 a.m. to 7:30 a.m. and from 4:30 p.m. to 5:30 p.m., Monday through Friday. From May 24 through September 8, on Sundays and Federal holidays, the draw need not open from 2 p.m. to 7 p.m., however, the draw shall open at 4 p.m. and 6 p.m. if any vessels are waiting to pass. Public vessels of the United States, state or local vessels used for public safety, tugs with tows, and vessels in distress, shall be passed at any time.

(b) The draws of the Atlantic and East Carolina Railway bridge, mile 80.0 at Kinston, shall open on signal if at least 24 hours notice is given.

§ 117.825 Newport River.

The draw of the Atlantic and East Carolina Railway bridge, mile 13.0 at Newport, need not open for the passage of vessels.

§ 117.827 New River.

The draw of the Seaboard System Railroad bridge, mile 21.1 at Jacksonville, shall open on signal if at least 24 hours notice is given.

§ 117.829 Northeast River.

The draw of the Seaboard System Railroad bridge, mile 27.0 at Castle Hayne, shall open on signal only from 7:30 a.m. to 4:30 p.m., Monday through Friday. The draw shall open on signal from 4:30 p.m. to 7:30 a.m. for tugs with tows if at least 24 hours notice is given.

§ 117.831 Pamlico and Tar Rivers.

The draws of the US17–264 bridge, mile 37.2 at Washington, and the Boyds Ferry bridge, mile 44.8 at Grimesland, shall open on signal if at least 24 hours notice is given. The bridge owners shall restore constant attendance when so directed by the District Commander.

§ 117.833 Pasquotank River.

The draw of the Southern railroad bridge, mile 47.7 at Elizabeth City, will be maintained in the open position from 3:30 p.m. to 11:30 p.m. At all other times the draw shall open on signal.

§ 117.835 Perquimans River.

The draw of the US17 bridge, mile 12.0 at Herford, shall open on signal from 8 a.m. to midnight from April 1 through September 30 and from 10 a.m. to 10 p.m.

from October 1 through March 31. The draw need not open at all other times.

§ 117.837 Roanoke River.

(a) The draw of the US17 bridge, mile 37.5 at Williamson, shall open on signal if at least 24 hours notice is given.

(b) The draw of the Seaboard System Railroad bridge, mile 94.0 at Palmyra, need not open for the passage of vessels.

§ 117.839 Scuppernong River.

The draw of the US64 bridge, mile 4.5 at Columbia, shall open on signal if at least 24 hours notice is given. Public vessels of the United States, commercial fishing vessels unable to pass the closed draw, or vessels in an emergency involving danger to life or property, shall be passed as soon as possible.

§ 117.841 Smiths Creek.

The draw of the S133 bridge, mile 1.5 at Wilmington, shall open on signal if at least 24 hours notice is given.

§ 117.843 Trent River.

(a) The draws of the US70 bridge, mile 0.0, at New Bern, shall open on signal except that the draw need not open from 6:30 a.m. to 7:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Friday. From May 24 through September 8 , on Sundays and Federal holidays, the draw need not open from 2 p.m. to 7 p.m., however, the draw shall open at 4 p.m. and 6 p.m., if any vessels are waiting to pass. Public vessels of the United States, state or local vessels used for public safety, tugs with tows, and vessels in distress shall be passed at any time.

(b) The draws of the Seaboard System Railroad bridge, mile 18.0 near Pollocksville, need not open for the passage of vessels.

§ 117.845 Wrightsville Beach (AIWW).

(a) The draw of the highway bridge, mile 283.1, Atlantic Intracoastal Waterway, at Wrightsville Beach shall open on signal from November 1 through April 30, and from 7 p.m. to 7 a.m. from May 1 through October 31. From May 1 through October 31 from 7 a.m. to 7 p.m. the draw need not open only on the hour.

(b) If a pleasure boat is approaching the drawbridge and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching pleasure boat and any other pleasure boats that are waiting to pass.

(c) Public vessels of the United States, commercial vessels and any vessel in an emergency involving danger to life or property, shall be passed at any time.

Ohio

§ 117.847 Ashtabula River.

(a) The draw of the Fifth Street Bridge, mile 1.4 at Ashtabula, shall open on signal on the hour and half hour.

(b) The draw of the CONRAIL bridge, mile 2.2 at Ashtabula, shall open on signal from April 1 through November 30 from 7 a.m. to 11 p.m. At all other times the draw shall open on signal if at least 24 hours notice is given.

§ 117.849 Muskingham River (Zanesville Canal).

The draw of the CONRAIL bridge, miles 27.1 at Zanesville, shall open on signal Tuesday through Friday if the CONRAIL office is notified by 12:01 p.m. on day preceding the day and time the opening is required. For openings Saturday through Monday, the CONRAIL office shall be notified by 12:01 p.m. on day preceding the day and time the opening is required. For openings Saturday through Monday, the CONRAIL office shall be notified by 12:01 on Friday specifying which day and time the opening is required. In case of emergency, the draw shall be opened as soon as possible.

§ 117.851 Portage River

(a) The draws of the Monroe Street bridge, mile 1.1 at Port Clinton, shall open on signal:

(1) From May 1 through May 14 and from November 1 through December 1.

(2) From May 15 through October 31 and from 12 midnight to 6 a.m. From 6 a.m. to 12 midnight the draw shall open on signal from three minutes before to three minutes after the hour and half hour.

(3) From December 2 through April 30 the draw shall open on signal if at least 24 hours notice is given.

(b) The draws of the CONRAIL bridge, mile 1.5 at Port Clinton, shall open on signal except that from December 2 through April 30 the draw shall open on signal if at least 24 hours notice is given.

(c) Public vessels of the United States, state or local vessels used for public safety, commercial vessels, and vessels in distress or seeking shelter from rough weather, shall be passed as soon as possible.

§ 117.853 Sandusky Bay.

(a) The draw of the CONRAIL bridge, mile 3.5 at Sandusky, shall open on signal from April 1 through October 31 and from November 1 through November 30 from 8 a.m. to 4 p.m. At all other times the draw shall open on signal if at least 24 hours notice is given to the Chief Dispatcher, Central Union Terminal, Toledo.

(b) The draw of the Ohio Highway 269 bridge, mile 8.2 at Sandusky, shall open on signal except that from 11 p.m. to 7 a.m. the draw shall open on signal if at least 24 hours notice is given to the Sandusky Post, State Highway Patrol.

Oregon

§ 117.861 Blind Slough.

The draws of the Burlington Northern railroad bridge, mile 1.1 at Knappa, shall open on signal if at least one hour notice is given. However, the draw shall open promptly on signal from four hours before to four hours after each day's authorized commercial fishing period in the Columbia River Fishery below Bonneville Dam to the jetties at the mouth of the Columbia River as established by the Columbia River Compact (Washington State Department of Fisheries and the Fish Commission of Oregon).

§ 117.863 Catching Slough.

The draw of the secondary highway bridge, mile 1.0 near Eastside, shall open on signal if at least 48 hours notice is given.

§ 117.865 Clatskanie River.

The draw of the Burlington Northern railroad bridge, mile 0.7 at Clatskanie, shall open on signal if at least one hour notice is given. However, the draw shall open promptly on signal from four hours before to four hours after each day's authorized commercial fishing period in the Columbia River Fishery below Bonneville Dam to the jetties at the mouth of the Columbia River as established by the Columbia River Compact (Washington State Department of Fisheries and the Fish Commission of Oregon).

§ 117.867 Coalbank Slough.

The draws of the Southern Pacific railroad bridge, mile 0.1, and the Port of Hood River highway bridge, mile 0.2, both at Coos Bay, need not open for the passage of vessels.

§ 117.869 Columbia River.

(a) The draw of the Interstate 5 bridge, mile 106.5 at Vancouver, shall open on signal, except that from 6:30 a.m. to 8 a.m., and 3:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draws need not open for the passage of vessels.

(b) The draw of the Port of Hood River bridge, mile 169.8 at Hood River, shall open on signal if at least 12 hours notice is given.

§ 117.871 Coos Bay.

The draw of the Southern Pacific railroad bridge, mile 9.0 at North Bend, shall be kept open at all times except while actually required for the necessary passage of trains over the drawspan. During foggy weather a fog bell installed in the center of the drawspan shall be rung continuously, striking every 10 seconds. Any time during foggy weather, when the draw is closed and the passage is not clear for vessels, there shall be sounded continuously a siren which may be heard at a distance of one mile from the drawspan. When the bridge is again opened the siren shall be stopped, indicating that the way is clear for the passage of vessels.

§ 117.873 Coos River.

The draw of the Oregon State secondary highway bridge, mile 2.2 near Eastside, shall open on signal if at least 12 hours notice is given.

§ 117.875 Coquille River.

(a) The draws of the US101 highway bridge, mile 3.5 at Bandon, shall open on signal if at least two hours notice is given to the Coos Bay South Slough bridge attendant.

(b) The draws of the Oregon Secondary highway bridge, mile 24.0 at Coquille, shall open on signal if at least 48 hours notice is given.

§ 117.877 Dean Creek.

The draw of the highway bridge, mile 0.0 at Reedsport, need not open for the passage of vessels.

§ 117.879 Isthmus Slough.

The draw of the Oregon Stat e secondary highway bridge, mile 1.0 at Coos Bay, shall open on signal if at least four hours notice is given.

§ 117.881 John Day River.

(a) The draw of the Burlington Northern railroad bridge, mile 0.0 near Astoria, shall open on signal if at least one hours notice is given. However, the draws shall open promptly on signal from four hours before to four hours after each day's authorized commercial fishing period in the Columbia River Fishery below Bonneville Dam to the jetties at the mouth of the Columbia River as established by the Columbia River Compact (Washington State department of Fisheries and the Fish Commission of Oregon).

(b) The draw of the US30 highway bridge, mile 1.0 near Astoria, shall open on signal if at least 48 hours notice is given.

§ 117.883 Little Nestucca River.

The draw of the highway bridge, mile 2.0 at Oretown, need not open for the passage of vessels.

§ 117.885 Nehalem River.

The draw of the US101 highway bridge, mile 6.5 at Nehalem, need not open for the passage of vessels.

§ 117.887 Oregon Slough.

The draw of the Burlington Northern railroad bridge, mile 3.2 at Portland, shall open on signal if at least a one-half hour notice is given.

§ 117.889 Siuslaw River.

(a) The draw of the US101 bridge, mile 5.0 at Florance, shall open on signal if at least two hours notice is given.

(b) The draw of the Southern Pacific railroad bridge, mile 8.0 near cushman, shall open on signal if at least 24 hours notice is given.

§ 117.891 Umpqua River.

(a) The draw of the US101 bridge, mile 11.1 at Reedsport, shall open on signal from 8 a.m. to 4 p.m., Monday through Friday, from May 1 through October. At all other times the draw shall open on signal if at least four hours notice is given.

(b) The draw of the Southern Pacific railroad bridge, mile 11.5 at Reedsport, shall be kept fully open at all times except when actually required for the passage of trains or other railroad equipment or when maintenance to the drawspan is being performed. During foggy weather, when the draw is closed and the channel is not clear for the passage of vessels, there shall be sounded a fog horn with an audible range of one-half mile from the drawspan. The fog horn shall emit two clear signals of approximately six seconds duration each, repeated at intervals of sixty seconds from completion of the second signal to commencement of the next signal. The fog horn shall be sounded repeatedly from commencement of closure to full opening of the drawspan. When the drawspan is again in the open position, the fog horn shall be stopped, indicating that the channel is clear for the passage of vessels.

(c) Umpqua River (side channel). The draw of the US101 bridge, mile 11.1 near Reedsport, need not open for the passage of vessels.

§ 117.893 Walluski River.

The draw of the Oregon State secondary highway bridge, mile 1.0 near Astoria, shall open on signal if at least 48 hours notice is given.

§ 117.895 Willamette River.

(a) The draws of the following bridges shall open on the designated signal listed below except that from 7 a.m. to 8:30 a.m., and 4 p.m. to 5:30 p.m., except Saturdays, Sundays, and New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas or days observed in lieu of these under state law, the draws need not open for the passage of vessels:

Bridge	Mile	Opening and acknowledging signals
(1) Broadway Bridge, Portland	11.7	Two prolonged followed by one short blast.
(2) Steel Bridge, Portland	12.1	One prolonged followed by one short blast.
(3) Burnside Bridge, Portland	12.4	One prolonged followed by two short blasts.
(4) Morrison Bridge, Portland	12.8	One prolonged followed by three short blasts.
(5) Hawthorne Bridge, Portland	13.1	One prolonged followed by four short blasts.

The acknowledging signals from the drawtender shall be those set forth in § 117.9.

Note.—The closed periods do not apply to harbor patrol or fire boats answering calls and for the Broadway Bridge only, oceangoing vessels of 750 gross tons or over.

(b) Signals to open shall be given by vessels at a distance of at least 1,000 feet from the bridge, except in case of a vessel leaving a wharf or anchorage or when waiting less than 1,000 feet from the bridge. In such cases the signal shall be given early enough to allow the operator of the bridge sufficient time in which to clear and open the draw before arrival of the vessel.

(c) In case two vessels approaching from opposite directions would meet at or near the bridge, the vessel bound downstream shall be considered as having the right of way.

(d) The draw of the Southern Pacific railroad bridge, mile 84.3 at Salem, need not open for the passage of vessels.

(e) The draw of the Southern Pacific railroad bridge, mile 119.6 at Albany, shall open on signal if at least six hours notice is given.

(f) The draw of the Oregon highway bridge, mile 132.1 at Corvallis, shall open on signal if at least seven days notice is given, however, the draw need not open on Saturdays, Sundays, and Federal holidays.

(g) The draw of the Southern Pacific railroad bridge, mile 184.3 near Harrisburg, need not open for the passage of vessels.

§ 117.897 Youngs Bay, Lewis and Clark River and Skippanon River.

(a) The draw of the US101 highway bridge, mile 0.7 across Youngs Bay at Smith Point, Astoria (New Youngs Bay

bridge), shall open on signal for the passage of vessels. The opening signal is two prolonged blasts followed by two short blasts.

(b) The draws of the Burlington Northern railroad bridges, mile 0.8 across Youngs Bay, at Smith Point, Astoria, and mile 1.9 across the Skienon River at Warrenton, shall be kept fully open at all times except when actually required for the passage of trains or other railroad equipment or when maintenance to the drawspan is being performed. When the draw is closed and visibility at the drawtender's station is less than one mile up or down the channel, the drawtender shall sound two prolonged blasts every minute. When the draw is reopened, the drawtender shall sound one prolonged blast followed by one short blast.

(c) The draw of the Oregon State highway bridge, mile 2.4 across Youngs Bay, at the foot of Fifth Street, Astoria (Old Youngs Bay bridge), and the draw of the Oregon State highway bridge, mile 1.0 across the Lewis and Clark River, shall open on signal from 5 a.m. to 9 p.m. At all other times, the draw shall open on signal if at least one-half hour notice is given to the drawtender at the New Youngs Bay bridge by marine radio, telephone or other suitable means.

(1) The opening signal for the Oregon State highway bridge across Youngs Bay is two prolonged blasts followed by one short blast.

(2) The opening signal for the Oregon State highway bridge across the Lewis and Clark River is one prolonged blast followed by four short blasts.

(d) All other signals shall be those set forth in § 117.9.

Pennsylvania

§ 117.901 Chester Creek.

The draw of the Front Street bridge, mile 0.1 at Chester, shall open on signal if at least 24 hours notice is given.

§ 117.903 Darby Creek.

(a) The draws of the CONRAIL railroad bridge, mile 0.3 at Essington, and the Reading railroad bridge, mile 0.3 at Essington, shall open on signal from May 15 through October 15 at 7:15 a.m., 10:30 a.m., 1 p.m., 3 p.m., 7:30 p.m., and 10:30 p.m., and at other times from 7 a.m. to 11 p.m. from May 15 through October 15 if an opening will not unduly delay railroad operations. Any vessel which has passed through one of these bridges shall be passed through the draw of the other bridge without delay. When once open for the passage of any vessel these bridges shall remain open sufficiently long to permit the passage through both bridges of all vessels waiting to pass.

(b) From 11 p.m. to 7 a.m. from May 15 through October 15 the draws need not open for the passage of vessels.

(c) From October 16 through May 14 the draws shall open on signal if at least 24 hours notice is given.

(d) The draws shall open as soon as possible for an emergency or vessel in distress.

§ 117.905 Schuylkill River.

(a) The draw of the University Avenue bridge, mile 6.2 at Philadelphia, shall open on signal from 8 a.m. to 4 p.m., and 8 p.m. to 4 a.m., Monday through Friday. At all other times the draw shall open on signal if at least two hours notice is given.

(b) The draws of the CONRAIL bridge, mile 6.4 near Christian Street, at Philadelphia shall open on signal if at least two hours notice is given.

Rhode Island

§ 117.907 Providence River.

The draw of the US1 (Point Street) bridge, mile 7.5 at Providence, need not open for the passage of vessels from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. At all other times, the draw shall open on signal if at least 24 hours notice is given to the Director of Public Works, City Hall, Providence. However, loaded, self-propelled cargo vessels and any assisting tugs shall be passed as soon as possible.

South Carolina

§ 117.911 Atlantic Intracoastal Waterway, Little River to Savannah River.

(a) *Sullivans Island Narrows.* The draw of the Ben Sawyer, S703 bridge, mile 462.2 (AIWW), between Sullivan's Island and Mount Pleasant, shall open on signal, except that the draw need not open from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday; and on Saturdays, Sundays, and Federal holidays from 2 p.m. to 6 p.m., the draw need open only on the hour and one-half hour. However, public vessels of the United States, tugboats, freight boats, commercial fishing boats, and vessels in distress, shall be passed at any time.

(b) *Wappoo Creek.* The draw of the S171/700 bridge across Wappoo Creek, mile 470.8, at Charleston, shall open on signal, except that the draw need not open from 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday; and on Saturdays, Sundays, and Federal holidays from 2 p.m. to 6 p.m., the draw need open only on the hour and one-half hour. However, public vessels of the United States, tugboats, freight boats, commercial fishing boats, and vessels in distress shall be passed at any time.

(c) *Bueaufort River.* The draw of the Ladies Island bridge across the Beaufort River, mile 536.0 at Beaufort, shall open on signal, except that from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Saturday, except legal holidays, the draw need open only at 8 a.m. and 5 p.m. if any vessels are waiting to pass. However, public vessels of the United States, commercial tows, and vessels in distress shall be passed at any time.

§ 117.913 Ashepoo River.

The draw of the Seaboard System Railroad bridge, mile 32.0 at Ashepoo, need not open for the passage of vessels.

§ 117.915 Ashley River.

(a) The draws of the US17 highway bridges, miles 2.4 and 2.5 at Charleston, shall open on signal except that from 7 a.m. to 9 a.m., Monday through Friday, and 4 p.m. to 7 a.m. daily the draws need open only if at least 12 hours notice is given. The draws of either bridge shall open as soon as possible for the passage of vessels in an emergency involving damage to life or property.

(b) The draw of the Seaboard System Railroad bridge, mile 12.0 near Drayton Hall, shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw shall open on signal if at least three hours notice is given.

§ 117.917 Battery River.

The draw of the state highway bridge, mile 2.1 between Beaufort and Parris Island, shall open on signal if at least 24 hours notice is given.

§ 117.919 Black River.

The draw of the US17 highway bridge, mile 8.0 near Georgetown, shall open on signal if at least 12 hours notice is given.

§ 117.921 Broad River.

(a) The draw of the S170 bridge, mile 14.0 near Beaufort, shall open on signal if at least 24 hours notice is given.

(b) The draw of the Seaboard System Railroad bridge, mile 17.0, near Whale Branch shall open on signal if at least 24 hours notice is given.

§ 117.923 Congaree River.

The draw of the Southern Railway bridge, mile 4.3 at Moye's Station, shall open on signal if at least 24 hours notice is given.

§ 117.925 Cooper River.

The draw of the Seaboard System Railroad bridge, mile 42.8 near Cordesville, shall open on signal from 7 a.m. to 12 noon, and 1 p.m. to 4 p.m. At all other times the draw shall open on signal if at least 24 hours notice is given.

§ 117.927 Coosaw River (Whale Branch).

The draw of the Seaboard System Railroad bridge, mile 5.3 at Seabrook, and the draw of the US21 bridge, mile 7.0 at Beaufort, shall open on signal from 6 a.m. to 8 a.m., Monday through Friday, if at least 24 hours notice is given. At all other times the draw need not open for the passage of vessels.

§ 117.929 Durham Creek.

The removable span of the South Carolina Electric & Gas Co., railroad bridge, mile 1.7 at Bushy Park, shall be removed to allow the passage of dredges and construction equipment if at least 20 days notice is given. When notified by the City of Charleston of an emergency in the Bushy Park Reservoir the span shall be removed as soon as possible to permit the passage of dredges and construction equipment.

§ 117.931 Harbor River (a tidal estuary in St. Helena Sound).

The draw of the S285 bridge, mile 0.5 at Hunting Island, shall open on signal if at least 24 hours notice is given.

§ 117.933 Pee Dee River.

The draws of the Seaboard System Railroad bridges, miles 72.6 and 107.2 near Poston, need not open for the passage of vessels.

§ 117.935 Rantowles Creek.

The draw of the Seaboard System Railroad bridge, mile 1.1 near Rantowles, need not open for the passage of vessels.

§ 117.937 Savannah River.

(a) The draw of the Seaboard System Railroad bridge, mile 60.9 at Clyo, shall open on signal from 6 a.m. to 11 a.m. and from 12 noon to 3 p.m. At all other times the draw shall open on signal if at least three hours notice is given. VHF radiotelephone communications will be maintained at the bridge tender's house and the dispatcher's office in Savannah, Georgia.

§ 117.939 Wando River.

The draw of the state highway bridge, mile 10.0 near Cainhoy, shall open on signal if at least 12 hours notice is given.

Tennessee

§ 117.943 Cumberland River.

The draw of the Seaboard System Railroad bridge, mile 126.5 at Clarksville, shall open on signal when the vertical clearance under the navigational span is 47 feet or less. The draw shall open on signal if at least two hours advance notice has been given when the vertical clearance is greater than 47 feet. The draw need not open for a vessel that arrives at the bridge more than 30 minutes after the time specified in the advance notice, unless a second two hours notice have been given. A resumé of these regulations shall also be conspicuously posted at the Kentucky and Pickwick Locks on the Tenessee River and at the Barkley and Cheatham Locks on the Cumberland River.

§ 117.945 Hatchie River.

The draws of the Illinois Central Gulf railroad bridge, mile 35.0 at Covington, and the Seaboard System Railroad bridge, mile 71.0, at Brownsville need not open for the passage of vessels.

§ 117.947 Obion River.

The draws of all bridges need not open for the passage of vessels.

§117.949 Tennessee River.

The draws of the Southern Railway (Chief John Ross) bridge, mile 464.1 at Chattanooga, and the Southern Railway bridge, mile 470.7 at Hixon, shall open on signal when the vertical clearance beneath the draw span is 50 feet or less. When the vertical clearance beneath the draw is more than 50 feet at least eight hours advance notice is required. Whenever any vessel that required the opening of the draw will return through the draw within four hours and informs the drawtender of the probable time of its return, the drawtender shall return one-half hour before the time specified and the draw shall be promptly opened on signal for the passage of the vessel on the return trip without further advance notice. When a vessel has given advance notice and fails to arrive within one hour after the arrival time specified, whether upbound or downbound, a second eight hours notice shall be required. Notices of these regulations shall be posted at the Nickajack and Watts Bar Locks on the Tennessee River.

Texas

§ 117.951 Arroyo-Colorado River.

The draw of the S106 highway bridge, mile 22.5 at Rio Hondo, shall open on signal if at least 12 hours notice is given.

§ 117.953 Brazos River (Diversion Channel).

(a) The draw of the S36 highway bridge, mile 4.4 at Freeport, shall open on signal if at least 12 hours notice is given.

(b) The draw of the Missouri Pacific railroad bridge, mile 22.6 at Brazoria, need not open for the passage of vessels.

§ 117.955 Buffalo Bayou.

(a) The draw of the Southern Pacific railroad bridge and all drawbridges upstream, except the Houston Belt and Terminal railroad bridge, mile 4.3, shall open on signal if at least 24 hours notice is given.

(b) The draw of the Houston Belt and Terminal railroad bridge, mile 4.3, need not open for the passage of vessels.

§ 117.957 Cedar Bayou.

(a) The lift span of the Missouri Pacific automated bridge, mile 7.0 at Baytown, shall be maintained at a vertical clearance of 81.4 feet above mean high water. Fixed green navigation lights shall be displayed in the center of the lift span.

(b) When a train appoaches the bridge, the navigation lights shall be changed from green to red, alternating flashing red lights shall be turned on, a horn shall be sounded for six minutes, and at the end of six minutes the horn shall be stopped and the draw may be lowered and locked if the scanning equipment does not detect any object under the span. If the scanning equipment detects an obstruction, the draw shall be raised until the obstruction is cleared.

(c) After a train has cleared the bridge, the draw shall be raised to 81.4 feet above mean high water, the flashing red lights shall be stopped, and the navigation lights shall be changed from red to green.

§ 117.959 Chocolate Bayou.

The draw of the Missouri Pacific railroad bridge, mile 11.4 at Liverpool, need not open for the passage of vessels.

§ 117.961 Clear Creek.

(a) The draw of S146 bridge, mile 1.0 between Kemah and Seabrook, shall open on signal except that on Saturdays, Sundays and Federal holidays, from 8 a.m. to 8 p.m., the draw need open only every other 10 minutes if any vessels are waiting to pass.

(b) The draw of the Southern Pacific railroad bridge, mile 1.0 at Seabrook, will be maintained in the open position for the passage of vessels except when it is necessary to close the draw for the passage of trains or for maintenance.

§ 117.963 Colorado River.

The draw of the highway bridge, mile 10.7 at Wadsworth, shall open on signal if at least 24 hours notice is given.

§ 117.965 Cow Bayou.

The draws of the Orange County highway bridge, mile 2.9 at West Orange, and the S87 bridge, mile 4.5, at Bay City shall open on signal if at least six hours notice is given.

§ 117.967 Greens Bayou.

The draw of the Port Terminal Railroad Association railroad bridge, mile 2.8 at Houston, shall open on signal if at lest four hours notice is given. The draw shall open on signal for three hours thereafter if the opening is for returning downbound vessels.

§ 117.969 Lavaca River.

The draws of the Missouri Pacific railroad bridge, mile 11.2, and the highway bridge, mile 11.2, both at Vanderbilt, shall open on signal if at least 48 hours notice is given. In emergencies the draws shall open as soon as possible.

§ 117.971 Neches River.

The draw of the Atchison, Topeka and Santa Fe railroad bridge, mile 53.9 at Evadale, need not open for the passage of vessels.

§ 117.973 Nueces Bay.

The draw of the US181 bridge, mile 0.5 Corpus Christi, need not open for the passage of vessels.

§ 117.975 Old Brazos River.

The draw of the Missouri Pacific railroad bridge, mile 4.4 at Freeport, shall be maintained in the fully open to navigation position except for the crossing of trains or for maintenance.

§ 117.977 Pelican Island Causeway.

The draw of the Pelican Island causeway bridge, mile 356.1 across Galveston Channel at Galveston, shall open on signal except that from 7 a.m. to 8:30 a.m., 12 noon to 1 p.m. and 4:15 p.m., to 5:15 p.m., Monday through Saturday, except Federal holidays, the draw need not open for the passage of vessels. Public vessels of the United States and vessels in distress shall be passed at any time.

§ 117.979 Sabine Lake.

The draw of the S82 bridge, mile 10.0 at Port Arthur, shall open on signal except that from 9 p.m. to 5 a.m., the draw shall open on signal if at least six hours notice is given to the Maintenance Construction Supervisor or the Maintenance Foreman at Port Arthur.

§ 117.981 Sabine River.

The draws of the Southern Pacific railroad bridge, mile 19.3 at Echo, the Kansas City Southern railroad bridge, mile 36.2, at Ruliff, and the Texas and Louisiana railroad bridge and the Louisiana S7 bridge, mile 40.8, both at Deweyville, shall open on signal if at least 24 hours notice is given.

§ 117.983 Sabine River (Old Channel) behind Orange Harbor Island.

The draw of the highway bridge, mile 9.5 at Orange, shall open on signal from 7 a.m. to 12 midnight, Monday through Friday, except Federal holidays. The draw shall open on signal at all other times if at least eight hours notice is given.

§ 117.985 Taylor's Bayou.

The draws of the Southern Pacific railroad bridge, mile 2.0, and the S73 bridge, mile 10.2, both at West Port Arthur, need not open for the passage of vessels.

§ 117.987 Trinity River.

The draws of the Southern Pacific railroad bridge, mile 41.4 at Liberty, the Missouri Pacific railroad bridges, mile 54.8 at Kenefick, and mile 181.8 at Riverside, and the Atchison, Topeka and Santa Fe railroad bridge, mile 96.2 at Romayor need not open for the passage of vessels.

§ 117.989 Victoria Channel.

(a) The draw of the Missouri Pacific railroad automated bridge, mile 29.4 near Bloomington, need not be manned by a regular attendant.

(b) The lift span is normally in the down position, providing a vertical clearance of 22 feet above mean high water.

(c) Three prolonged blasts of a horn or whistle from an approaching vessel activates navigational approach detectors, located one-half mile upstream and downstream from the bridge. If the span is inoperable, these sound signals will activate an alarm to alert bridge maintenance crews.

(d) Interruption of the approach detector beams by a vessel will cause (1) the draw to open to the fully raised position of 50 feet above mean high water for 10 minutes, (2) a navigation warning siren to sound, (3) the navigation light in the center of the lift span to change from red to green, (4) the indicator lights, located one-quarter mile of each side of the bridge, to change from red to yellow. However, if a train is approaching the bridge so closely that the train may not be safely stopped, the light will remain red and the bridge will not open until the train has passed.

(e) Interuption of the detector beam, located at the end of the bridge fender system, will cancel the existing time intervals and start a new 10-minute interval during which the bridge will remain open. The span will not close until the vessel clears the detector located at the opposite end of the fender system, or the 10-minutes interval elapses, which ever occurs earlier.

(f) If a vessel is unable to reach the detectors located on the outer ends of the fender system before the span closes, an additional signal of three prolonged blasts of a horn or whistle will cause the span to reopen and initiate a new 10-minute interval.

(g) If the draw is in the open position for the passage of a vessel, and a train enters an approach circuit to the bridge, the bridge will remain open for five minutes if the detector beam has been interrupted. If the detector beam has not been interrupted the span will close at the end of the original 10-minute opening period and will not reopen in response to the additional signal described in paragraph (f) of this section. After the train passes, the span will open on signal for any waiting vessles.

Vermont

§ 117.993 Lake Champlain.

(a) The draw of the Vermont highway bridge, mile 105.9 between Alburg Tongue and East Alburg, shall open on signal if at least 24 hours notice is given.

(b) The draw of the Central Vermont railroad bridge, mile 105.6 between South Hero Island and North Hero Island, shall open on signal from 7 am. to 11 p.m. from June 15 through September 15. At all other times the draw shall open on signal if at least 24 hours notice is given.

(c) The draw of the Vermont highway bridge, mile 91.8 between South Hero Island and North Hero Island, shall open on signal:

(1) From May 15 through October 15 from 7 a.m. to 9 p.m.

(2) From May 15 through October 15 from 9 p.m. to 7 a.m. if at least four hours notice is given.

(3) From October 16 through May 14 if at least 24 hours notice is given.

(d) The draw of each of these bridges shall open as soon as possible for the passage of public vessels of the United States and Vermont Fish and Game Department vessles.

Virginia

§ 117.995 Appomattox River.

The draw of the Seaboard System Railroad bridge, mile 2.5 at Hopewell, shall open on signal if at least 24 hours notice is given to the Seaboard System Agent at Hopewell. A drawtender shall be placed in constant attendance and the draw shall open on signal upon 30 days notice, in writing, to take such action from the District Commander.

§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.

(a) Elizabeth River, South Branch.

(1) The draw of the Jordan (S337) bridge, mile 2.8 at Portsmouth-Chesapeake, shall open on signal except that from 6:30 a.m. to 7:30 a.m. from 3:30 p.m. to 4:30 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of pleasure craft.

(2) The draw of the Norfolk and Western railroad bridge, mile 3.6 at Portsmouth-Chesapeake, shall be maintained in the open to navigation position except the draw may close for the crossing of trains and the maintenance of the bridge. When the draw is closed, there shall be a drawtender present and the draw shall open on signal.

(3) The draw of the I–64 bridge, mile 7.1 at Chesapeake, shall open on signal if at least 24 hours notice is given.

(b) *Albemarle and Chesapeake Canal.* The draw of the S169 bridge, mile 12 at Chesapeake (Great Bridge), shall open on signal except that from 6 a.m. to 7 p.m., the draw need open only on the hour. If any vessel is approaching the drawbridge and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass. Vessels in an emergency condition which presents danger to life or property, shall be passed at any time.

§ 117.999 Blackwater River.

The draw of the S189 bridge, mile 9.2 at South Quay, shall open on signal if at least 24 hours notice is given.

§ 117.1001 Cat Point Creek.

The draw of the S634 bridge, mile 0.3 at Naylors, need not open for the passage of vessels.

§ 117.1003 Chickahominy River.

The draw of the highway bridge, mile 1.5 at Barrets Ferry, shall open on signal except that from 11 p.m. to 7 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.1005 Chuckatuck Creek.

The draw of the US17 bridge, mile 1.0 at Crittenden, shall open on signal if at least two hours notice is given. If an emergency exists, the draw shall open as soon as possible.

§ 117.1007 Elizabeth River—Eastern Branch.

The draw of the Campostella bridge, mile 1.8 at Norfolk, shall open on signal except that from 7:35 a.m. to 7:50 a.m., Monday through Friday, the draw need not open except for the passage of tugs with tows.

§ 117.1009 Elizabeth River—Western Branch.

(a) The draw of the Seaboard System Railroad bridge, mile 3.8 at Portsmouth, shall open on signal except that from 1 a.m. to 6 a.m. from April 1 through October 31 the draw shall open on signal if at least eight hours notice is given. (Any vessel operator intending to return through the draw during this period shall notify the drawtender prior to 6 a.m. of the time of return passage and the draw shall open on signal at the specified time.) From November 1 through March 31 the draw shall open on signal if at least four hours notice is given.

(b) The draw of the S337 bridge, mile 4.7 Hodges Ferry, shall open on signal if at least eight hours notice is given.

§ 117.1011 Great Wicomico River.

The draw of the S200 bridge, mile 8.0 at Tipers, shall open on signal except that if an opening is desired from 6 p.m. to 6 a.m., the drawtender on duty must be notified before 6 p.m.

§ 117.1013 Kinsale Creek.

The draw of the state highway bridge, mile 4.0, at Kinsale need not open for the passage of vessels.

§ 117.1015 Mattaponi River.

The draws of the Lord Delaware (S33) bridge, mile 0.8 at West Point, and the S629 bridge, mile 28.5 at Walkerton, shall open on signal if at least 24 hours notice is given. The drawtender service for either bridge shall be increased to the degree determined to be adequate within 20 days after written notice is received from the District Commander to take such action.

§ 117.1017 Nansemond River.

The draw of the US 460 bridge, mile 18.2 at Suffolk, shall open on signal if at least 12 hours notice is given.

§ 117.1019 Nansemond River—Western Branch

The draw of the S10 bridge, mile 2.0 at Reids Ferry, need not open for the passage of vessels.

§ 117.1021 North Landing River.

The draw of the S165 bridge, mile 20.2 at Chesapeake, shall open on signal except that from 6 a.m. to 7 p.m. the draw need open only on the hour and half hour for the passage of pleasure craft. Public vessels of the United States, commercial vessels, and vessels in an emergency endangering life or property, shall be passed at any time.

Washington

§ 117.1031 Chehalis River.

(a) The draw of the US101 highway bridge, mile 0.1 at Aberdeen, shall open on signal except that from 7:15 a.m. to 8:15 a.m. and 4:15 p.m. to 5:15 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels of less than 5,000 gross tons.

(b) The draw of the Union Pacific railroad bridge, mile 13.1 at South Montesano, shall be maintained in the open to navigation position except the draw may close for the crossing of trains and the maintenance of the bridge. When the draw is closed, there shall be a drawtender present and the draw shall open on signal.

§ 117.1033 Columbia River.

(a) The draw of the Interstate 5 bridge, mile 106.5 at Vancouver, shall open on signal, except that from 6:30 a.m. to 8 a.m., and 3:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draws need not open for the passage of vessels. The opening signal is two prolonged blasts followed by one short blast.

(b) The draw of the Port of Hood River bridge, mile 169.8 at Hood River, shall open on signal if at least 12 hours notice is given.

§ 117.1035 Columbia and Snake Rivers in the vicinity of Pasco.

(a) The draw of the Burlington Northern railroad bridge across the Columbia River, mile 328.0 between Pasco and Kennewick, shall open on signal from 8 a.m. to 4 p.m. At all other times, the draw shall open on signal if at least two hours notice is given through the General Yardmaster, Pasco, Washington.

(b) When two vessels approaching from opposite directions meet near the Union Pacific railroad bridge across the Columbia River, mile 323.5, the Burlington Northern railroad bridge across the Columbia River, mile 328.0, and the Burlington Northern railroad bridge across the Snake River, mile 1.5, the downbound vessel shall have the right-of-way. When one vessel waits for passage of another, the waiting vessel shall repeat the call signal for the bridge and receive an acknowledging signal from the drawtender before proceeding.

(c) Signals.

(1) Opening sound signal—to be repeated until acknowledged by the drawtender.

(i) Burlington Northern railroad bridge—two prolonged blasts and one short blast.

(ii) Burlington Northern railroad bridges—one prolonged blast and two short blasts.

(2) Opening visual signals may be used in conjunction with sound signals for all bridges listed in this section. These visual signals are a white flag by day and a white light at night swung in a full circle at arm's length infull sight of the bridge facing the draw.

(3) The acknowledging sound signal shall be the same as the opening sound signal when the draw will open. When the draw cannot open, the signal shall be four short blasts, given in rapid succession, repeated until acknowledged by the same signal from the vessel.

(4) Sound and visual signals may be omitted when radiotelephone communcations have been satisfactorily established and maintained between the drawtender and the approaching vessel, until the vessel has passed through the bridge.

§ 117.1037 Cowlitz and Lewis Rivers.

(a) The draw of the Burlington Northern railroad bridge, mile 2.0 across the Lewis River at Woodland, need not open for the passage of vessels.

(b) The draw of the Allen Street bridge, mile 5.5 across the Cowlitz River at Kelso, shall open on signal if at least two hours notice is given. In the event a vessel is delayed, the operator will remain a reasonable time, not to exceed two hours, and open the bridge on signal for the passage of the vessel. If a vessel is expected to be delayed more than two hours the operater will be so advised, and notified of the later time the opening will be required. If a vessel passing through the bridge intends to return through within two hours the vessel shall notify the bridge tender who shall remain at and open the draw upon signal for the vessel's return passage.

(c) When fog prevails by day or by night, the drawtender, after giving the opening signal, shall toll a bell continuously during the approach and passage of the vessel.

§ 117.1039 Deep River.

The draw of the Washington State highway bridge, mile 3.5 near Deep River, shall open on signal if at least four hours notice is given.

§ 117.1041 Duwamish Waterway at Seattle.

(a) The draws of each bridge across the Duwamish Waterway shall open on signal except that the draws of the Southwest Spokane Street bridge and the First Avenue South bridge need not open for the passage of vessels from 6:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays. However, the draws of these bridges shall open at any time for a vessel of 5,000 tons or more.

(b) The following bridges shall open on the following signals:

(1) Burlington Northern railroad bridge, mile 0.4, and Southwest Spokane Street bridge, mile 0.3. One prolonged blast followed quickly by three short blasts.

(2) Burlington Northern railroad bridge, mile 0.4. One prolonged blast followed quickly by one short blast.

(3) First Avenue South bridge, mile 2.5. Three prolonged blasts.

(4) Fourteenth Avenue South bridge, mile 3.8. One prolonged blast followed quickly by one short blast and one prolonged blast.

(c) When fog prevails by day or by night, the drawtender, after giving the opening signal, shall toll a bell continuously during the approach and the passage of the vessel.

§ 117.1043 Grays Harbor.

When fog prevails by day or by night, the drawtender, after giving the opening signal, shall toll a bell continuously during the approach and passage of the vessel.

§ 117.1045 Hood Canal.

(a) The draw of the Washington State pontoon highway bridge near Port Gamble shall open on signal if at least one hour's notice is given.

(1) Telephone requests for bridge opening may be directed as collect calls to the Toll Office at the bridge site. The call may also be made by direct telephone communication, through the Seattle Marine Operator, Station KOH, or through other marine wire or radio telephone service.

(2) The sound signal is one prolonged blast of a horn or whistle followed quickly by two short blasts. The bridge attendant will acknowledge when the draw shall open by repeating the signal.

(3) If the drawspan cannot open immediately, or if open and must close immediately, the drawtender will sound five or more short blasts of a horn or whistle, to be repeated at regular intervals until acknowledged.

(4) During unusual or emergency periods, the authorized representative of the owner of or agency controlling the bridge will be required to operate the draw of the bridge on a demand basis for specified periods of time, which will normally not exceed 48 hours, when requested by the Department of the Navy. While on a demand basis the drawtender will be in attendance on the bridge with radio communications equipment in operation.

§ 117.1047 Hoquiam River (Grays Harbor Tributary).

The draw of the Simpson Avenue bridge, mile 0.5 at Hoquiam, shall open on signal if at least a one hour notice is given. The opening signal is two prolonged blasts followed by one short blast. The State Department of Transportation shall accept collect telephone calls from vessels via the local marine telephone operator, or long distance telephone, and shall provide a two-way radiotelephone on the Chehalis River bridge which will be attended at all times. Vessels may place one hour's notice calls for the Hoquiam River Simpson Avenue bridge through the Chehalis River bridge operator.

§ 117.1049 Lake Washington.

(a) The draw of the pontoon highway bridge between Foster Island and Evergreen Point shall open on signal if at least one hour's notice is given.

(1) Telephone requests for bridge opening may be directed as collect calls to the Highway Radio. The call may also be made by direct telephone communication, through the Seattle Marine Operator, Station KOH, or through other marine wire or radiotelephone service.

(2) Sound signals shall be one prolonged blast of a horn or whistle followed quickly by two short blasts in the immediate vicinity of the drawspan. The bridge attendant will acknowledge by repeating the signal.

(3) The draw need not open Monday through Friday from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. for any vessel or other watercraft of less than 2,000 gross tons, unless such vessel has in tow a vessel of 2,000 gross tons or over, or a piledriver that is unable to pass under the fixed spans.

(b) The draw of the Pontoon highway bridge between Seattle and Mercer Point shall open on signal, except that fom 6:30 a.m. to 9:30 a.m. and 3 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays, the draw need not open for any vessels of less than 2,000 gross tons, unless such vessels has in tow a vessle of at least 2,000 gross tons. The draw shall also open for the passage of a pile driver at any time.

(c) All non-self-propelled vessels, crafts, and rafts, navigating this waterway, for which the opening of any draw is necessary, shall be towed by a suitable self-propelled vessel(s) while passing the draw.

§ 117.1051 Lake Washington Ship Canal.

(a) The draw of the Burlington Northern railroad bridge, mile 0.1, shall open on signal.

(b) The draws of the Ballard (15th Avenue) bridge, mile 1.1, Fremont Avenue bridge, mile 2.6, University bridge, mile 4.3, and Montlake bridge, mile 5.2, all at Seattle, shall open on signal except that they:

(1) Need not open from 7 a.m. to 9 a.m., and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, for vessels of less than 1,000 tons unless the vessel has a vessel of over 1,000 tons in tow, except under emergency conditions when the Seattle City Engineer is notified.

(2) Shall open on signal from 12 midnight to 8 a.m., if at least one hour notice is given by telephone, radiotelephone, or otherwise to the drawtender at the Fremont Avenue drawbridge.

(c) The opening sound signal for each bridge is one prolonged blast followed by one short blast, except that the University bridge opens on one prolonged blast followed by three short blasts.

(d) When fog prevails by day or by night, the drawtender after giving the opening signal, shall toll a bell continously during the approach and passage of the vessel.

(e) All non-self-propelled vessels, craft, or rafts, navigating this waterway, for which the opening of any draw is necessary, shall be towed by a suitable self-propelled vessel(s) while passing the draw.

§ 117.1053 Skagit River.

The draws of all bridges across the Skagit River need not open for the passage of vessels.

§ 117.1055 Skamokawa Creek.

The draw of the Washington State highways bridge at Skamokawa need not be opened for the passage of vessels.

§ 117.1057 Snohomish River, Steamboat Slough, and Ebey Slough.

(a) The draws of the Twin bridges, mile 3.6 across the Snohomish River at Everett, shall open on signal if at least one hours notice is given. During freshets a drawtender shall be in constant attendance and the draws shall open on signal when so ordered by the District Commander. Notice shall be given by marine radio, telephone or other means; on weekends to the drawtender at these bridges; and on weekdays to the drawtender at the Ebey Slough bridge.

(b) The draw of the US2–SH15 bridge, mile 6.9 across the Snohomish River at Everett, shall open on signal if at least four hours notice is given. During freshets a drawtender shall be in constant attendance and the draw shall open on signal when so ordered by the District Commander.

(c) The draws of the state highway bridge, mile 15.0, and the Burlington Northern railroad bridge, mile 15.5, both across the Snohomish River at Snohomish, need not open for the passage of vessels.

(d) The draw of the Burlington Northern railroad bridge, mile 1.0, and the Twin Washington State highway bridges, miles 1.1 and 1.2, all across Steamboat Slough near Maryville, shall open on signal if at least four hours notice is given.

(e) Signals. (1) The opening signal for the Burlington Northern railroad bridge, mile 3.5, across the Snohomish River is one prolonged blast, one short blast and one prolonged blast.

(2) The opening signal for the US99 bridge, mile 3.6, across the Snohomish River is three prolonged blasts followed by one short blast (one signal opens both bridges).

(3) The opening signal for the US2–SH15 bridge, mile 6.9, across the Snohomish River is three prolonged blasts.

(4) The opening signal for the Burlington Northern railroad bridge, mile 1.0, is one short blast followed by one prolonged blast.

(5) The opening signal for the US99 bridges, mile 1.1, is two prolonged blasts followed by one short blast (one signal for both bridges).

(6) *Acknowledging Signals.* (A) When draw can be opened immediately. Two prolonged blasts followed by one short blast or three loud and distinct strokes of a bell.

(B) When draw cannot be opened immediately, or when it is open and must be closed immediately. Two prolonged blasts or two loud and distinct strokes of a bell. (This signal may also be used by a vessel to countermand its call signal.)

(f) *Fog Signal.* When fog prevails by day or by night, the drawtender, after giving the opening signal, shall toll a bell continuously during the approach and passage of the vessel.

Tacoma Harbor Waterway

§ 117.1059 City Waterway.

(a) The draw of the South 11th Street bridge, mile 0.6 at Tacoma, shall open on signal if at least two hours notice is given. However, the draw need not open from 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays, for vessels of less than 1,000 gross tons, unless such vessel has in tow a vessel of 1,000 gross tons or over, or opening of the draw is required for the pickup for towing of a vessel of 1,000 gross tons or over. Under emergency conditions, openings will be made as soon as possible upon notification to the city of Tacoma, Department of Public Works.

(b) The draw of the Union Pacific railroad bridge, mile 0.9 at Tacoma, shall open on signal except that from 7:15 a.m. to 8 a.m. and 4:45 p.m. to 5 p.m., the draw need not open.

(1) The opening signal is one prolonged blast followed by one short blast followed by one prolonged blast.

§ 117.1061 Puyallup Waterway and River.

The draw of the Milwaukee Road railroad bridge, mile 0.9 at Tacoma, shall open on signal if at least 24 hours notice is given.

§ 117.1063 Blair Waterway.

The draw of the East 11th Street bridge at Tacoma shall open on signal except that the draw need not open from 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays, for vessels of less than 1,000 gross tons, unless such vessel has in tow a vessel of 1,000 gross tons or over, or opening of the draw is required for the pickup for towing of a vessel of 1,000 gross tons or over. Under emergency conditions, openings will be made as soon as possible upon notification to the City of Tacoma, Department of Public Works.

§ 117.1065 Hylebos Waterway.

The draw of the East 11th Street bridge at Tacoma shall open on signal except that the draw need not open from 6:30 a.m. to 8:30 a.m., and 3:30 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays, for vessels of less than 1,000 gross tons, unless such vessel has in tow a vessel of 1,000 gross tons or over, or opening of the draw is required for the pickup for towing of a vessel of 1,000 gross tons or over. Under emergency conditions, openings will be made as soon as possible upon notification to the City of Tacoma, Department of Public Works.

All Tacoma Harbor Bridges

Note.—Fog signals. When fog prevails by day or night, the drawtender, after giving the opening signal, shall toll a bell continuously during the approach and passage of a vessel.

§ 117.1067 Willapa Harbor.

(a) The draws of the Washington State highway bridge, mile 7.8 North Fork of the Willapa River at Raymond, and the Washington State highway bridge, mile 2.5 at Naselle, shall open on signal from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays,

if at least two hours notice is given, and at all other times if at least eight hours notice is given. The opening signals for the North Fork bridge at Raymond are one prolonged blast, one short blast and one prolonged blast and the bridge at Naselle, one long blast.

(b) The draw of the Burlington Northern railroad bridge across the South Fork of the Willapa River, mile 0.3 at Raymond, shall open on signal if at least 24 hours notice is given. The opening signal is two prolonged blasts followed by one short blast.

§ 117.1069 Wishkah River.

(a) The draws of the Heron Street bridge, mile 0.2, and the Wishkah Street bridge, mile 0.4, both at Aberdeen, shall open on the signal of one prolonged blast followed by two short blasts if at least a one-half hour notice is given. The Washington State Department of Transportation shall accept collect telephone calls from vessels via the local marine telephone operator or long distance telephone. The Washington State Department of Transportation shall provide a two-way radiotelephone on the Chehalis River bridge which will be attended at all times. Vessels may place calls for the Wishkah River bridges through the Chehalis River operator.

(b) When fog prevails by day or by night the drawtender on giving signal that draw will be opened, shall toll a bell continuously during the approach and passage of the vessel.

Wisconsin

§ 117.1081 Black River.

(a) The draw of the Milwaukee Road railroad bridge, mile 1.0 at La Crosse, shall open on signal if at least two hours notice is given.

(b) The draw of the Wisconsin highway bridge, mile 1.9 at North La Crosse, shall open on signal if at least 24 hours notice is given.

§ 117.1083 Duluth-Superior Harbor (St. Louis River).

(a) The draws of the Burlington Northern railroad bridge, mile 5.7, shall open on signal except that from January 1 through March 15 the draws shall open on signal if at least 24 hours notice is given. The following opening signals shall be used:

Minnesota Draw—One prolonged blast followed by two short blasts
Wisconsin Draw—Two prolonged blasts followed by two short blasts.

All other signals shall be those set forth in § 117.11.

(b) The draws of the Grassy Point bridge, mile 8.0, and the Arrow Head bridge, mile 8.7, shall open on signal except that from January 1 through March 15 the draw shall open on signal if at least 24 hours notice is given. The following opening signals shall be used:

Grassy Point bridge—Two prolonged blasts followed by one short blast.
Arrowhead bridge—Three prolonged blasts.

(c) The draw of the Duluth Missabe and Iron Range Railway bridge, mile 16.3, need not open for the passage of vessels.

§ 117.1085 East River.

The draw of the Monroe Street bridge, mile 0.3 at Green Bay, need not open for the passage of vessels.

§ 117.1087 Fox River.

(a) The draws of the Main Street bridge, mile 1.6, Walnut Street bridge, mile 1.8, and Mason Street bridge, mile 2.2, all at Green Bay, need not open for the passage of vessels, Monday through Saturday, except Federal holidays:

7 a.m. to 8 a.m.
12 noon to 1 p.m.
4 p.m. to 5 p.m.

However, public vessels of the United States, vessels of 300 short tons or over cargo capacity engaging in commercial transportation and their attendant towing tugs, and tugs and fireboats shall be passed at any time.

(1) The opening signals for each bridge are:

Main Street—Two short blasts followed by one prolonged blast
Walnut Street—One prolonged blast followed by two short blasts
Mason Street—One prolonged blast followed by one short blast

(b) The draw of the George Street bridge, mile 7.2 at DePere, shall open on signal during the navigation season except that from 6 p.m. to 8 a.m., during the navigation season, the draw shall open on signal if at least two hours notice is given.

§ 117.1089 Manitowoc River.

(a) The draws of the Eighth Street bridge, mile 0.3, and the Tenth Street bridge, mile 0.5, both at manitowoc, shall open on signal, Monday through Friday, except Saturdays, Sundays, and New Year's Day, Independence Day, Labor Day, Thanksgiving, and Christmas or on the Monday following such holidays when they occur on a Sunday. However, the draws need not open from:

6:50 a.m. to 7 a.m.
7:50 a.m. to 8 a.m.
11:55 a.m. to 12:10 p.m.
12:45 p.m. to 1 p.m.

(1) The opening signals for each bridge are:

Eighth Street—One prolonged blast followed by one short blast
Tenth Street—Two short blasts followed by one prolonged blast

(b) The draw of the Soo Line railroad bridge, mile 0.9, shall open on the signal of two short blasts followed by one prolonged blast.

Note.—When signal is given by a car ferry or other large vessel to pass either of the two bridges, the remaining bridge shall also open promptly so that such vessel shall not be held between the two bridges.

§ 117.1091 Menomonee River.

The draw of the Ogden-First Street bridge, mile 0.4 at Marinette, shall open on signal except that from November 1 through April 30 the draw shall open on signal if at least 12 hours notice is given.

§ 117.1093 Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee Canal, Milwaukee.

(A) The draws of the North Broadway Street bridge, mile 0.5, North Water Street bridge, mile 0.6, and Michigan Street bridge, mile 1.1, across the Milwaukee River; the North Plankinton Avenue bridge, mile 0.1, across the Menomonee River, and the Kinnickinnic Avenue bridge, mile 1.5, across the Kinnickinnic River, shall open on signal, except that from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except Federal holidays, the draws need not open.

(b) The draws of the Milwaukee Road railroad bridge and the Chicago and Northwestern Railway bridges across the Kinnickinnic River, mile 1.5 and mile 1.52, respectively; and the draw of the Milwaukee Road railroad bridge across the Burnham Canal, mile 0.8, shall open on signal if at least two hours notice is given.

(c) The draws of all bridges across the Milwaukee River need not open 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. At all other times the draws shall open on signal if at least two hours notice is given.

(d) All other drawbridges across the Kinnickinnic, and Menomonee Rivers, and the Menomonee and Burham Canals shall open on signal. However, from 7:30 a.m. to 8:30 a.m., and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except Federal holidays, the draws need not open, and from 11 p.m. to 7 a.m., the draws shall open on signal if at least two hours notice is given.

(e) Signals.

(1) The opening signals for all drawbridges except those listed below is one prolonged blast followed by one short blast.

(i) The opening signal for the Chicago and Northwestern drawbridges across the Kinnickinnic River, mile 1.0, and the Milwaukee River, mile 0.3, is two prolonged blasts.

The opening signal for the Broadway Street drawbridge, mile 0.5, is three prolonged blasts followed by one short blast.

(iii) The opening signal for the Water Street drawbridge, mile 0.6, is three prolonged blasts followed by two short blasts.

(iv) The opening signal for the Milwaukee road railroad drawbridge across the Menomonee River, mile 0.1, is two prolonged blasts followed by two short blasts.

(2) The acknowledging signal when the draw will open is the same as the opening signal.

(3) The acknowledging signal when the draw will not open or is open and must be closed is four short blasts.

(f) The draws of each bridge listed in this section shall open as soon as possible for the passage of public vessels of the United States, vessels carry United States mail, vessels licensed to carry 50 or more passengers when on their regular routes and fireboats of the City of Wilwaukee.

§ 117.1095 Root River.

(a) The draw of the Main Street bridge, mile 0.3, shall open on signal, except that:

(1) From April 1 through December 1, from 6 a.m. to 6 p.m. the draw need open only on the hour, 20 minutes after the hour and 40 minutes after the hour. During the period the draw shall remain open long enough to pass all accumulated vessels.

(2) From December 2 through March 31 the draw shall open on signal if at least two hours notice is given.

(b) The draw of the State Street bridge, mile 0.5, shall open on signal, except that from October 16 through April 30 the draw shall open on signal if at least two hours notice is given.

(c) The draws of each bridge shall open as soon as possible for passage of public vessels of the United States, state or local vessels used for public safety, commercial vessels and vessels in distress.

§ 117.1097 Sheboygan River.

(a) The draw of the Eighth Street bridge, mile 0.7 at Sheboygan, shall open on signal from May 1 thorugh October 31 from 6 a.m. to 10 a.m. as follows:

(1) From 6 a.m. to 8 a.m., 9 a.m. to 12 noon, 1 p.m. to 4 p.m., and 6 p.m. to 7 p.m., the draw need open only on the hour, quarter hour, half hour, and three-quarter hour.

(2) From 8 a.m. to 9 a.m., 12 noon to 1 p.m., and 4 p.m. to 6 p.m. the draw need open only on the hour and half hour.

(3) At all other times the draw shall open on signal if at least two hours notice is given.

(4) Public vessels of the United States, state or local vessels used for public service, and vessels in distress shall be passed as soon as possible at any time.

§ 117.1099 St. Croix River.

(a) The draws of all bridges from the mouth through Hudson shall open on signal except that from December 15 to March 1, the draws shall open on signal if at least 24 hours notice is given.

(b) The draw of the S36 (Stillwater) bridge, mile 23.4, shall open on signal:

(1) From May 15 through October 15 from Monday through Friday, except Federal holidays, as follows:

8 a.m. to 11 a.m. every hour on the hour
11 a.m. to 3 p.m. every hour and half hour
3 p.m. to 6 p.m. every hour on the hour
6 p.m. to 10 p.m. every hour and half hour
10 p.m. to 8 a.m. if at least two hours notice is given.

(2) On Saturdays, Sundays, and Federal holidays, as follows:

8 a.m. to 11 a.m. every hour and half hour
11 a.m. to 8 p.m. every hour on the hour
8 p.m. to midnight every hour and half hour
Midnight to 8 a.m. if at least two hours notice is given.

(3) From October 16 through May 14 if at least 24 hours notice is given.

(c) The draw of the Soo Line railroad bridge, mile 40.7 at Otisville, need not open for the passage of vessels.

§117.1101 Sturgeon Bay.

(a) The draws of the highway bridge, mile 4.3 at Sturgeon Bay, shall open on signal:

(1) From March 15 through May 14 and from September 15 through December 31.

(2) From May 15 through September 15, the draw shall open on signal from 6 p.m. to 6:30 a.m.

(3) From May 15 through September 15, from 6:30 a.m. to 6 p.m. the draw shall open on the hour and half hour provided vessels are waiting to pass. However, public vessels of the United States and commercial vessels shall be passed through the draw without delay during this period.

(4) From January 1 through March 14 the draw shall open on signal if at least 12 hours notice is given.

§117.1103 Upper Mississippi River.

(a) The draws of all bridges between Lock and Dam No. 2, mile 815.2, and Lock and Dam No. 10, mile 615.1, shall open on signal except that from December 15 through March 1 the draws shall open if at least 24 hours notice is given.

(b) The draws of all bridges between Lock and Dam No. 2, mile 815.2, and Lock and Dam No. 1, mile 847.6, shall open on signal except that from December 15 through March 1 the draws shall open on signal if at least 12 hours notice is given.

§117.1105 Wisconsin River.

The draws of each drawbridge shall open on signal if at least 48 hours notice is given.

§117.1107 Wolf River.

The draw of the Winneconne highway bridge, mile 2.4 at Winneconne, shall open on signal, except that from 11 p.m. to 7 a.m., from May 1 through October 31 at least two hours notice is required and from November 1 through April 30 at least 12 hours notice is required. Public vessels of the United States, state and local vessels used for public safety and vessels in distress shall be passed as soon as possible.

Dated: May 23, 1983.

R. A. Bauman,

Rear Admiral, Coast Guard Chief, Office of Navigation.

[FR Doc. 83-14307 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AID-FRL 2280-6]

Approval and Promulgation of Implementation Plans; Rule Revisions in the State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to Clark County Health District regulations were submitted to EPA by the State of Nevada for incorporation into their State Implementation Plan (SIP). The regulations address cutback asphalt and malfunction. EPA is proposing to approve the cutbacks asphalt regulations since it is consistent with the control requirements recommended in EPA's Control Techniques Guideline (CTG) document. However, the malfunction regulation is inconsistent with EPA policy since it allows a finding of no violation for certain periods of excess emissions. Therefore, this notice proposes to disapprove the malfunction regulation.

DATES: Comments may be submitted up to June 30, 1983.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air Management Division, Air Programs Branch, State Implementation Plan Section (A–2–3), Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions and EPA's associated Evaluation Report are available for public inspection during normal business hours at the EPA Region 9 office at the above address and at the following location: Nevada Department of Conservation and Natural Resources, 201 S. Fall Stree, Carson City, NV 89710.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, (415) 974–7641.

SUPPLEMENTARY INFORMATION: The State of Nevada submitted the following Clark County Health District regulations on November 17, 1981:

Subsection 60.4.2 *Evaporation Leakage* (Cutback Asphalt).

Section 25 *Upset/Breakdown, Scheduled Maintenance, Malfunctions.*

EPA has evaluated these rules for conformance with EPA policy. the submitted revision to subsection 60.4.2 reduces the geographic area where the rule applies. All of Clark County formerly constituted this area. Now, however, it consists of only the portion of Las Vegas Valley which lies withing Clark County. The revision is approvable since it is consistent with the ozone nonattainment area designation and the Nevada SIP.

Section 25 is proposed to be dissapproved. The rule is deficient because it allows, if certain conditions are met, for a finding of no violations for excess emissions which result from the malfunction or scheduled maintenance or air pollution control and process equipment. EPA policy requires "malfunction" rules to consider any period of excess emissions a violation. Enforcement action on a violation is then taken unless the excess emissions are proven to be truly beyond the control of the source.

The Adminstrator has certified that SIP actions do not have a significant economic impact on a substantial number of small entities. (see 46 FR 8709.)

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any response are available for public inspection at the EPA Region IX office (see address above).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Authority: Sections 110, 129, 171, to 178 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)).

Dated December 28, 1982.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 83–14275 Filed 5–27–83; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Parts 414 and 416

[WH–FRL 2372–7]

Organic Chemicals and Plastics and Synthetic Fibers Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period; notice of public hearing.

SUMMARY: On March 21, 1983, EPA proposed a regulation under the Clean Water Act to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities engaged in the production of organic chemicals, plastics, and synthetic fibers (48 FR 11828). The Agency has received numerous complaints from the organic chemicals and plastics and synthetic fibers industry that additional comment time is needed to allow them to comment fully and to supply data to support their comments. EPA is extending the period for comment on this proposed regulation from June 19, 1983 to August 3, 1983.

Additionally, notice is hereby given of a hearing open to the public to discuss and receive comments on the pretreatment standards proposed in the March 21, 1983, **Federal Register** notice.

DATE: Comments on the proposed regulation for the organic chemicals and plastics and synthetic fibers category (48 FR 11828) must be submitted to EPA by August 3, 1983.

ADDRESSES: Send comments on the proposed regulation to Mr. E. H. Forsht, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Attention: Docket Clerk, Organic Chemicals and Plastics and Synthetic Fibers Industry. The supporting information and all comments on this proposal are available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM–213. The comments will be added to the record as they are received. The EPA Information Regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

The public hearing has been scheduled for July 14, 1983 and will be held at the following address: Skyline Inn South Capitol and I Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: E. H. Forsht, (202) 382–7135 for information concerning extension of the comment period. For further information about the public hearing contact Marvin B. Rubin, Project Officer for Public Participation, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (202) 382–7113.

SUPPLEMENTARY INFORMATION: On March 21, 1983, EPA proposed a regulation to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities engaged in the production of organic chemicals and plastics and synthetic fibers (48 FR 11828). The March 21, 1983 notice stated that comments on the proposal were to be submitted on or before June 19, 1983.

The Agency has received numerous complaints from the organic chemicals and plastics and synthetic fibers industry that additional comment time is needed to allow them to comment fully and to supply data to support their comments. Given the size and diversity of the industry, the complexity of issues raised by this rulemaking, and the fact that there were delays of several weeks in the printing of the technical development document and in making the complete rulemaking record available to the public, EPA has determined that it is necessary to extend the comment period 45 days to allow the public adequate time to review and comment on this proposed regulation. This extension will give all members of the public adequate time to comment fully on this regulation.

The public hearing on pretreatment standards is being held for the Organic Chemicals and Plastics and Synthetic Fibers point source category in

accordance with Section 307(b) of the Clean Water Act, 33 U.S.C. 1317(b). Registration for the hearing will be held from 8:30 to 9:00 a.m. The hearing will start at 9:00 a.m. Following the registration period there will be a brief presentation by an EPA official on the development of these pretreatment standards. Opportunity will also be given throughout each session for the audience to submit written questions to the Presiding Officer. These questions will be addressed during a question and answer session at the conclusion of the oral testimony presentations for each category. For those people making an oral presentation, it is requested that a written transcript of their presentation as well as correct spellings of names, affiliations and addresses, be submitted to the court recorder. Official transcripts of the public hearing will be available upon request.

Date May 20, 1983.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

[FR Doc. 83-14272 Filed 5-27-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6527]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposed no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Clifton (town) Greenlee County	San Francisco River	At the intersection of Laine Boulevard and 6th Street	*3,448
		Ward Canyon Creek	At the intersection of Southern Pacific Railroad and Ward Canyon Road.	*3,450
		Chase Creek	At the intersection of U.S. Highway 666 and Chase Creek Street.	*3,475
Maps available for inspection at City Manager's Office, City Hall, Clifton, Arizona. Send comments to Honorable Thomas Aguilar, P.O. Box 1415, Clifton, Arizona 85533				
California	Monterey County (Unincorporated areas)	Arroyo Del Rey	60 feet upstream from center of Blue Lakespur Lane	*259
		Arroyo Seco	40 feet upstream from center of Miller's Ranch Road dip crossing.	*617
		Calera Creek	50 feet upstream from center of Robley Road	*452
		Carmel River	50 feet upstream from center of State Highway 1	*27
		[illegible]	50 feet upstream from center of Boronda Road	*250
		Castroville Boulevard Wash	10 feet upstream from center of Ormart Road	*28
		Corncob Canyon Creek	25 feet upstream from center of Gann Road	*44
		El Toro Creek	50 feet upstream from center of State Highway 68	*225
		Elkhorn Slough	50 feet upstream from center of San Miguel Canyon Road.	*32
		Gabilan Creek	25 feet downstream from center of Natividad Road	*139
		Natividad Creek	50 feet upstream from center of Sherwood Lane	*94

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Pajaro River	50 feet upstream from center of State Highway 1	*27
		Pajaro River—Without Consideration of Levee.	At the intersection of Trafton Road and McGowan Road.	*14
		Pine Canyon Creek	50 feet upstream from center of Jolon road	*[illegible]
		Reclamation Ditch	50 feet upstream from center of Boronda Road	*[illegible]
		Salinas River	At the intersection of Nashua Road and Cooper Road	*25
		Salinas River (Near King City)	50 feet upstream from center of U.S. Highway 101 Southbound.	*291
		Salinas River (Near San Ardo)	250 feet downstream from center of Cattlemen Road	*415
		San Lorenzo Creek	50 feet upstream from center of 1st Street	*323
		San Miguel Canyon Creek	At the intersection of Reese Circle and Cross Road	*[illegible]
		Santa Rita Creek	At the intersection of Paul Avenue and Rogge Road	*123
		Tembladero Slough	At the intersection of Preston Road and Salinas Street	*12
		Thomasello Creek	At point 100 feet northwest of intersection of creek and road on Pajaro River levee.	*45
		Carr Lake	Confluence of Gabilan Creek, Natividad Creek, and Reclamation Ditch.	*44
		Pacific Ocean	At the intersection of Elkhorn Slough and center of State Highway 1.	*[illegible]

Maps available for inspection at Monterey Flood Control and Water Conservation District, 855 E. Laurel Drive, Salinas, California.

Send comments to Honorable William G. Peters, P.O. Box 1819, Salinas, California. 93902.

Colorado	Montrose (City) Montrose County	Uncompahgre River	500 feet downstream from center of West Main Street (State Highway 90).	*5,770
		Montrose Arroyo	At the intersection of South 9th Street and Park Avenue.	*5,833

Maps available for inspection at the Planning Department, City Hall, Montrose, Colorado.

Send comments to Honorable Ted Hermanns, Box 790, Montrose, Colorado 81402

Connecticut	Clinton, (Town) Middlesex County	Long Island Sound	Entire shoreline within community	*16

Maps available for inspection at the Town Hall, Clinton, Connecticut.

Send comments to Honorable James Cave, First Selectman of the Town of Clinton, Town Hall, 52 East Main Street, Clinton, Connecticut 06413.

Connecticut	Stamford, (City) Fairfield County	Long Island Sound	Shoreline at Shippan Point	*17
			Shoreline of Stamford Harbor at Dolphia Cove Way (extended).	*17
			Shoreline of Stamford Harbor at Cook Road (extended).	*15
			Shoreline of Holly Pond at Weed Circle (extended)	*13
			Shoreline of East Branch Rippowam River behind hurricane barrier.	*[illegible]

Maps available for inspection at the Office of the Environmental Protection Board, City Hall, 429 Atlantic Street, Stamford, Connecticut.

Send comments to Honorable Louis Clapes, Mayor of the City of Stamford, 429 Atlantic Street, Stamford, Connecticut 06904.

Illinois	(C) Mt. Vernon, Jefferson County	Bishop Creek	At mouth	*453
			Just upstream of Norfolk Southern Railway (at 5th Street).	*547
			At 11th Street	*464
		Brickyard Creek	At mouth	*453
			Just upstream of Norfolk Southern Railway (at 5th Street).	*456
			Just upstream of 11th Street	*470
		West Tributary	Just upstream of Shiloh Drive	*442
			About 2,300 feet upstream of Richview Road	*491
		Church Tributary	About 150 feet downstream of State Route 37	*467
			About 1,250 feet upstream of State Route 37	*471
		Botches Ditch	Just downstream of State Route 37	*435
			Just downstream of Missouri Pacific Railroad	*456
			Just upstream of State Route 148	*466
			About 250 feet upstream of South Fishers Lane	*[illegible]
		East Fork Botches Ditch	At mouth	*467
			About 70 feet upstream of South Fishers Lane	*477
		Bell Street Ditch	At mouth	*436
			Just downstream of 10th Street	*458
		Casey Fork	About 1,800 feet downstream of State Route 142	*435
			About 3,000 feet upstream of Tolle Road	*456

Maps available for inspection at the City Engineer's Office, City Hall, 1100 Main Street, Mt. Vernon, Illinois.

Send comments to Honorable William Thackery, Mayor, City of Mt. Vernon, City Hall, 1100 Main Street, Mt. Vernon, Illinois 62864.

Illinois	(V) Lyndon, Whiteside County	Rock River	About 0.55 mile downstream of 6th Avenue West	*[illegible]
			About 1.2 miles upstream of 6th Avenue West	*608

Maps available for inspection at the Village Hall, Lyndon, Illinois.

Send comments to Honorable Lyle Gehlsen, Village President, Village of Lyndon, Village Hall, P.O. Box 205, Lyndon, Illinois 61261.

Illinois	(V) Walnut, Bureau County	Walnut Creek	About 1,400 feet downstream of Main street	[illegible]
			About 2,225 feet upstream of Main street	[illegible]

Maps available for inspection at the Village President's Office, Village Hall, Jackson Street, Walnut, Illinois.

Send comments to Honorable Keith York, Village President, Village of Walnut, Village Hall, Jackson Street, Walnut, Illinois 61376.

Kentucky	Unincorporated Areas of carter County	Cory branch	Just upstrem of Chessie System	*695
		Damron Branch	Just upstream of Private Road (Approximately 2,560 feet upstream of month).	*603

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Dry Fork	Approximately 1,000 feet Upstream of confluence of Lost Creek.	*632
		Flat fork	Just upstream of Interstate Highway 64	*[illegible]
		Grahn Fork	Just upstream of Unnamed Bridge (Approximately 740 feet upstream of Mouth).	*[illegible]
			Approximately 100 feet upstream of Kiser Branch Road.	*734
		Hitchins Tributary	Just upstream of Private drive (approximately 2,030 feet upstream of confluence with Little Fork of Little Sandy River).	*[illegible]
		Little Sandy River	Approximately 3,700 feet upstream of Interstate Highway 64.	*[illegible]
		Little Sinking Creek	Approximately 210 feet downstream of Fultz Road	*[illegible]
			Just downstream of Secondary Road 181 Bridge	*[illegible]
		Little Fork of Little Sandy River	Just downstream of Secondary Road 1,496	*[illegible]
			Just upstream of Secondary Road 1122	*[illegible]
		Lower Stinson Creek	Just upstream of Old U.S. Highway 60 (downstream crossing).	*[illegible]
		Soldier Fork	Approximately 210 feet downstream of Secondary Road 174 (downstream crossing).	*780
			Just downstream of confluence with Bradley Branch	*[illegible]
		Star Creek	Just upstream of U.S. Highway 60	*[illegible]
			Just upstream of Star Creek Road	*723
		Tygarts Creek	Approximately 2,380 feet upstream of Interstate Highway 64.	*729
			Just upstream of Secondary Road 174	*[illegible]
		Upper Stinson Creek	Just downstream of U.S. Highway 60	*[illegible]
		Upper Tygart Branch	Just upstream of U.S. Highway 60	*[illegible]
		Williams Creek	Just upstream of Secondary Road 854	*[illegible]

Maps available for inspection at Carter County Courthouse, Grayson, Kentucky 41143.

Send comments to Judge Joe Kitchens, Carter County Courthouse or Mr. D.C. Baldwin, Director of Disaster and Emergency Services, 711 East Main Street, Grayson, Kentucky 41143.

Massachusetts	Sandisfield, Town, Berkshire County	West Branch of the Farmington River.	Downstream corporate limits	*725
			Upstream Old Route 8	*750
			Downstream Private Drive	*774
			Downstream Routes 57 & 8	*[illegible]
			Approximately 5,000' upstream Routes 57 & 8	*910
			Approximately 6,600' downstream of Allan Road	*[illegible]
			Approximately 2,460' downstream Allan Road	*1,045
			Upstream Alan Road	*1,095
			Upstream corporate limits	*1,110
		Clam River	Confluence with West Branch of the Farmington River	*986
			Downstream Route 57	*[illegible]
			Upstream Beech Plain Road	*[illegible]
			Approximately 1,740' upstream confluence of the Buck River.	*913
		Buck River	Confluence with Clam River	*[illegible]
			Approximately 1,350' downstream Route 57	*[illegible]
			Upstream Route 57	*[illegible]
			Second upstream footbridge	*1,034
			Approximately 1,220' downstream third upstream footbridge.	*1,090
			Upstream third upstream footbridge	*1,120
			Upstream Route 57	*1,178
			Approximately 960' upstream Route 57	*1,210
			Approximately 2,090' upstream of Route 57	*1,241

Maps available for inspection at the Town Office, Sandisfield, Massachusetts.

Send comments to Honorable David A. Kelley, Chairman of the Sandisfield Board of Selectmen, Town Hall, Sandisfield, Massachusetts 02155.

Michigan	(V) Bingham Farms, Oakland County	Main Branch—River Rouge	Downstream corporate limit	*[illegible]
			Upstream corporate limit	*665
		Franklin Branch—River Rouge	Downstream corporate limit	*[illegible]
			Just downstream of Telegraph road	*711

Maps available for inspection at the Village President's Office, Suite 448, 30400 Telegraph Road, Bingham Farms, Michigan.

Send comments to Honorable Richard Holloway, Village President, Village of Bingham Farms, Suite 448, 30400 Telegraph Road, Bingham Farms, Michigan 48010.

Michigan	(c) Bloomfield Hills, Oakland County	Quarton Branch—River Rouge	Just upstream of Quarton Road	*754
			Just downstream of Lone Pine Road	*778
			Just upstream of Lone Pine Road	*[illegible]
			Just downstream of Cranbrook Road	*[illegible]
			About 50 feet upstream of Cranbrook Road	*795
			At confluence of Amy Drain	*822
		Stonycroft Branch—River Rouge	At confluence of Amy Drain	*[illegible]
			About 50 feet upstream of East Long Lake Road	*[illegible]
			at confluence of Hamlin Drain	*848
		Murphy Drain	At confluence of Hamlin Drain	*848
			Just downstream of Woodward Avenue	*[illegible]
			Just upstream of Woodward Avenue	*[illegible]
			Just downstream of Hickory Grove Road	*[illegible]
		Amy Drain	At mouth	*[illegible]
			Just upstream of the Grand Trunk and Western Railroad.	*[illegible]
			Upstream corporate limit	*847

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Sodon Lake Branch—River Rough	At mouth	*817
			About 450 feet downstream of Vaughn Road	*821
			Just upstream of of Vaughn Road	*829
			Just downstream of Lahser Road	*829
		Hamlin Drain	At mouth	*848
			Just downstream of the Grand Trunk and Western Railroad.	*854
				*861
			Just upstream of Kensington Road	
			Just downstream of New Bridge	*861
			Just upstream of New Bridge	*867
			About 550 feet upstream of New Bridge	*867
			About 750 feet upstream of New Bridge	*871
		Long Lake-Forest Lake Branch—River Rouge.	At mouth	*807
			Just downstream of Lake Placid Dam	*835
			Just upstream of Lake Placid Dam	*844
			Just downstream of Lahser Road	*856

Maps available for inspection at the City Manager's Office, City Hall, 45 East Long Lake Road, Bloomfield Hills, Michigan.

Send comments to Honorable John Noonan, Mayor, City of Bloomfield Hills, City Hall, P.O. Box 288, 45 East Long Lake Road, Bloomfield Hills, Michigan 48103.

Michigan	(Twp) White Lake, Oakland County	Huron River	Just downstream of Cooley Lake Road	*931
			Just downstream of Oxbow Lake Dam	*938
			Just upstream of Oxbow Lake Dam	*944
			Just downstream of Pontiac Lake Dam	*952
			Just upstream of Pontiac Lake Dam	*965
		Sugden Creek	Mouth at Huron River	*932
			Just upstream of the Bogie Lake Weir	*936
		Bogie Lake	Shoreline	*936
		Lake Neva	Shoreline	*946
		Cedar Island Lake	Shoreline	*935
		Pontiac Lake	Shoreline	*965
		White Lake	Shoreline	*1,021
		Grass Lake	Shoreline	*1,018
		Mandon Lake	Shoreline	*937
		Round Lake	Shoreline	*936
		Tull Lake	Shoreline	*964
		Cooley Lake	Shoreline	*936
		Long Lake	Shoreline	*936

Maps available for inspection at the Clerk's Office, Town Hall, 7525 Highland Road, White Lake, Michigan.

Send comments to Honorable James L. Reid, Township Supervisor, Township of White Lake, Town Hall, 7525 Highland Road, White Lake, Michigan 48042.

Minnesota	(C) Brownsville, Houston County	Mississippi River	Within the corporate limit	*639

Maps available for inspection at the Office of the City Clerk, City Hall, Brownsville, Minnesota.

Send comments to Honorable John Hickey, Mayor, City of Brownsville, City Hall, Brownsville, Minnesota 55919.

[illegible]	(C) Palisade, Aitken County	Mississippi River	About 850 feet downstream of Soo Line Railroad	*1,214
			About 450 feet upstream Soo Line Railroad	*1,215

Maps available for inspection at the Office of City Clerk, City Hall, Palisade, Minnesota 56469.

Send comments to Honorable Gene Howel, Mayor, City of Palisade, City Hall, Palisade, Minnesota 56469.

Mississippi	Town of McLain, Greene County	Leaf River	Just upstream of U.S. Highway 98 Bridge	*76

Maps available for inspection at Town Clerk's Office, Town Hall, McLain, Mississippi 39456.

Send comments to Mayor L. A. Cooley or Ms. Ruth Coleman, Town Clerk, Town Hall, McLain, Mississippi 29456.

[illegible]	City of Ocean Springs, Jackson County	Gulf of Mexico Mississippi Sound	Intersection of Shearwater Drive and Waterside Drive	*14
			Approximately 300 feet north of the intersection of Martin Avenue and West Beach Drive.	*13
			Intersection of Cleveland Avenue and Ruskin Avenue	*11

Maps available for inspection at City Engineer's Office, City Hall, 1018 Porter Avenue, Ocean Springs, Mississippi 39564.

Send comments to Mayor Chester McPherson or Mr. Mark Seymour, City Engineer, City Hall, P.O. Drawer A, Ocean Springs, Mississippi 39564

New York	Clifton Park, Town Saratoga County	Mohawk River	Downstream corporate limits	*198
			Upstream Vischer Ferry Dam	*218
			At upstream corporate limits	*222
		Dwaas Kill	Downstream corporate limits at U.S. Route 9	*187
			Upstream Interstate Route 81	*204
			At confluence of Cooley Kill	*209
		Cooley Kill	At confluence with Dwaas Kill	*209
			Approximately 780 feet upstream of State Route 109	*240
		Alplaus Kill	Downstream corporate limits	*220
			Upstream corporate limits	*265
		Anthony Kill	Entire shoreline within community	*160
		Ballston Lake	Entire shoreline affecting community	*258
		Round Lake	Entire shoreline within community	*160

Maps available for inspection at the Town Hall Building Department, Town Hall, Route 146A, Clifton Park, New York 12065.

Send comments to Honorable Kevin Daley, Supervisor of the Town of Clifton Park, Town Hall, Route 146A, Clifton Park, New York 12065.

Ohio	(Uninc.) Monroe County	Ohio River	Downstream County Boundary	*631
			Upstream County Boundary	*646

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Sunfish Creek	Just upstream State Route 7	*842
			About 1.0 mile downstream State Route 78	*[illegible]
			Just upstream State Route 78	*[illegible]
			Just upstream Township Road 156	*722
			Just upstream State Route 27	*843

Maps available for inspection at the Monroe County Commissioner's Office, Monroe County Courthouse, Woodsfield, Ohio.

Send comments to Honorable Bernard Smith, President, Monroe County Board of Commissioner's, Monroe County Courthouse, Woodsfield, Ohio 43793

	(V) Swanton, Fulton County	Ai Creek	At County Boundary	*668
			About 1,750 feet upstream of Athletic Field Road	*680
		Tributary A	At County Boundary	*[illegible]
			About 4,600 feet upstream of County Boundary	*674

Maps available for inspection at the the Village Hall, 219 Chestnut Street, Swanton, Ohio.

Send comments to Honorable Louis Carson, Mayor, Village of Swanton, Village Hall, 219 Chestnut Street, Swanton, Ohio 43558.

Oklahoma	Unincorporated areas of Oklahoma County	North Canadian River	Approximately 270 feet upstream of U.S. Highway 62	*1,073
			Approximately 2400 feet upstream of Triple XXX Road	*1,099
			Just downstream of northeast 78th Street (Wilshire Boulevard).	*1,103
			Approximately 300 feet upstream of northeast 36th Street.	*1,154
		Deep Fork	Approximately 300 feet downstream of Hiwassee Road.	*945
		Cowbell Creek	Just upstream of the City of Edmond corporate limits	*1,052
		Peavine Creek	Just upstream of the City of Edmond corporate limits	*1,070
		Chisholm Creek	Approximately 400 feet upstream of Waterloo Road (248th Street).	*1,013
			Approximately 1200 feet upstream of Sorghum Mill Road.	*1,027
			Approximately 300 feet downstream of Coffee Creek Road.	*1,030
		Chisholm Creek Tributary 1	Approximately 1400 feet upstream of confluence with Chisholm Creek.	*1,029
		Bluff Creek	Just upstream of Northwest 192nd Street	*1,036
			Approximately 260 feet upstream of northwest 178th Street.	*1,044
			Approximately 400 feet downstream of northwest 164th Street.	*1,057
		Deer Creek	Approximately 660 feet upstream of Waterloo Road (Northwest 248th Street).	*1,007
			Approximately 300 feet upstream of Coffee Creek Road (Northwest 220th Street).	*1,019
			Approximately 670 feet upstream of MacArthur Boulevard.	*1,041
			Approximately 130 feet upstream of Rockwell Avenue	*1,051
			Approximately 370 feet upstream of Council Road	*1,061
		Deer Creek Tributary 1	Approximately 50 feet upstream of Covell Road	*1,031
		Deer Creek Tributary 2	Just downstream of Danforth Road (Northwest 192nd Street).	*1,050
		Walnut Creek	Approximately 150 feet downstream of Northwest 164th Street.	*1,067

Maps available for inspection at the County Engineer's Office, Room 119, Oklahoma County Courthouse, Oklahoma City, Oklahoma 73102.

Send comments to Mr. F. G. Buchanan, Chairman, Board of County Commissioners or Mr. Paul Clowers, County Engineer, Room 119, Oklahoma County Courthouse, Oklahoma City, Oklahoma 73102.

Oregon	Reedsport (City) Douglas County	Umpqua River	At the Southern Pacific Railroad bridge crossing	*11
		Schofield Creek	At the intersection of Winchester Avenue and Schofield Creek.	*11

Maps available for inspection at Planning Department and Engineering Department, 451 Winchester Avenue, Reedsport, Oregon 97467.

Send comments to the Honorable Ronald Hanson, 451 Winchester Avenue, Reedsport, Oregon 97467.

Texas	Unincorporated Areas of Bell County	Big Elm Creek	Approximately 530 feet upstream of Big Elm Creek Road.	*410
			Approximately 600 feet upstream of State Highway 53	*[illegible]
			Approximately 110 feet downstream of FM 2086	*[illegible]
			Approximately 550 feet upstream of Bottoms Road	*[illegible]
			Approximately 320 feet upstream of Shiloh Road	*[illegible]
		Camp Creek	Approximately 440 feet upstream of Big Elm Creek Road.	*415
			Approximately 140 feet downstream of State Highway 53.	*464
			Approximately 100 feet upstream of FM 2904	*[illegible]
		Cyclone Branch	Just upstream of FM 964	*455
		Possum Creek	Approximately 480 feet downstream of State Highway 53.	*[illegible]
			Approximately 100 feet downstream of Possum Creek Road.	*[illegible]
		Possum Creek Tributary No. 1	Approximately 380 feet upstream of Airville Road	*473
		Ratibor Branch	Just upstream of FM 2086 (downstream crossing)	*[illegible]
			Approximately 300 feet upstream of FM 2086 (upstream crossing)	*[illegible]
		Little Elm Creek	Approximately 400 feet upstream of Seaton South Road.	*[illegible]
			Approximately 80 feet upstream of FM 3117	*[illegible]

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 350 feet downstream of Little Flock East Road.	*542
			Approximately 270 feet upstream of Gun Club Road	*610
			Just upstream of Moore's Mill Road	*679
		Little Elm Creek Tributary No. 1	Approximately 100 feet downstream of FM 3117	*492
			Approximately 150 feet upstream of Quail Trail	*546
		Williamson Creek	Just upstream of Little Flock Road	*561
		Little Elm Creek Tributary No. 2	Approximately 170 feet upstream of Old U.S. Highway 81.	*667
		Cottonwood Creek	Approximately 440 feet upstream of Mockingbird Road	*481
			Approximately 300 feet upstream of FM 2066	*536
			Just upstream of Gun Club Road	*636
			Just upstream of Interstate Highway 35	*731
		Pecan Creek	Just upstream of Berger Road (downstream crossing)	*541
			Just downstream of Pecan Road	*613
			Approximately 150 feet upstream of Quail Run	*669
		Kings Branch	Approximately 1,000 feet upstream of confluence with Big Elm Creek.	*616
		Kings Branch Tributary No. 2	Approximately 300 feet upstream of the Western corporate limits of the City of Troy.	*717
		South Elm Creek	Approximately 100 feet downstream of FM 2184	*418
			Approximately 300 feet upstream of Hunt Hill Road	*476
			Approximately 230 feet downstream of Highland School Road.	*519
		South Elm Creek Tributary No. 1	Approximately 1,450 feet upstream of confluence with South Elm Creek.	*465
		Nolan Creek	Just upstream of Backstrum Crossing	*592
			Approximately 100 feet upstream of FM 93	*601
			Approximately 200 feet upstream of confluence of Nolanville Tributary.	*667
		Nolan Creek Tributary No. 1	Approximately 80 feet upstream of the City of Belton corporate limits.	*556
		Nolan Creek Tributary No. 2	Just downstream of Dog River Road	*[illegible]
		North Nolan Creek	Approximately 240 feet upstream of Atchison-Topeka-Santa Fe Railway.	*[illegible]
			Approximately 280 feet upstream of FM 439	*[illegible]
		Nolanville Tributary	Approximately 170 feet downstream of FM 439	*734
		Little Nolan Creek	Just upstream of East Trimmer Road	*831
			Approximately 140 feet downstream of West Trimmer Road.	*903
		Little Nolan Creek Tributary No. 2	Just upstream of Elms Road	*838
			Approximately 80 feet upstream of Onion Road	*847
			Approximately 130 feet downstream of West Trimmer Road.	*894
		Little River	Just upstream of Sunshine Road	*420
			Approximately 1,350 feet upstream of State Highway 95.	*445
		Sypert Branch Tributary No. 1	Just downstream of FM 2184	*487
		Runnells Creek	Just downstream of Volvo Road	*434
			Approximately 250 feet upstream of Missouri-Kansas-Texas Railroad.	*473
		Willow Creek	Just downstream of State Highway 95	*454
		Boggy Creek	Approximately 250 feet downstream of FM 436	*453
			Just downstream of FM 93	*563
		Boggy Creek Tributary No. 1	Approximately 150 feet upstream of Missouri-Kansas-Texas Railroad.	*469
		Leon River	Approximately 150 feet downstream of FM 93	*476
			Approximately 200 feet downstream of the back toe of Belton Dam.	*502
		Fryers Creek	Approximately 160 feet upstream of Forrester Road	*462
			Approximately 150 feet upstream of Hartrick Bluff Road.	*567
		Fryers Creek Tributary No. 1	Just upstream of Belton Railroad	*556
			Approximately 70 feet upstream of FM 1741	*565
		Bird Creek	Approximately 450 feet upstream of Shallow Ford Road (downstream crossing).	*479
			Just upstream of Nugent Avenue	*[illegible]
		Bird Creek Tributary No. 1	Approximately 800 feet upstream of confluence with Bird Creek.	*[illegible]
		Pepper Creek	Approximately 170 feet upstream of Go-Cart Road	*512
			Approximately 100 feet downstream of Mouser Road	*[illegible]
		Pepper Creek Tributary No. 1	Just upstream of Private Drive (approximately 1,970 feet upstream of confluence with Pepper Creek).	*552
		Cedar Creek	Approximately 100. feet upstream of Cedar Creek Road.	*[illegible]
			Just downstream of FM 1237	*657
			Just upstream of Southerland Road	*701
		Lampasas River	Approximately 270 feet downstream of FM 1123	*[illegible]
			Approximately 150 feet downstream of the Back Toe of Stillhouse Hollow Dam.	*524
			Just upstream of Stillhouse Hollow Dam (Stillhouse Hollow Lake).	*642
			Approximately 100 feet upstream of Stillman Valley Road.	*669
			Approximately 350 feet upstream of Maxdale Road	*732
		Mitchell Branch	Approximately 100 feet upstream of FM 1123	*[illegible]
			Just upstream of Elm Grove Road	*560

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Dans Creek	Approximately 150 feet upstream of confluence of Cathey Creek.	*455
			Just downstream of Missouri-Kansas-Texas Railroad	*505
			Just upstream of Missouri-Kansas-Texas Railroad	*511
		Cathey Creek	Approximately 150 feet upstream of Missouri-Kansas-Texas Railroad.	*502
			Approximately 150 feet upstream of FM 1123	*540
		[illegible]	Just downstream Donahoe Road	*459
			Approximately 770 feet upstream of FM 487	*511
		Indian Creek	Approximately 450 feet upstream of Lutheran Church Road.	*505
			Just downstream of Missouri-Kanse-Texas Railrod	*541
		Town Branch	Approximately 140 feet upstream of Lutheran Church Road (downstream crossing).	*525
			Approximately 70 feet downstream of State Highway 95.	*571
		Salado Creek	Just upstream of FM 1123	*476
			Approximately 150 feet downstream of Armstrong Road.	*482
			Approximately 300 feet upstream of Amity East Road	*530
			Just upstream of South Ridge Road	*569
			Just upstream of FM 2843	*596
		Smith Branch	Just upstream of Royal Road	*589
			Approximately 180 feet upstream of FM 2268	*634
		Salado Creek Tributary No. 1	Approximately 380 feet upstream of Rose Lane	*584
			Just upstream of Dam (Approximately 670 feet upstream of Rose Lane).	*595
		Salado Creek Tributary No. 2	Approximately 150 feet upstream of confluence with Salado Creek Tributary No. 1.	*559
		Salado Creek Tributary No. 3	Approximately 120 feet downstream of Demgummond Way.	*589
			Just downstream of FM 2268 (Main Street)	*606
		Campbell Branch	Just downstream of West Village Road	*607
		Salado Creek Tributary No. 4	Approximately 150 feet downstream of Dam (approximately 2500 feet upstream of confluence with Salado Creek).	*603
			Approximately 1,000 feet upstream of Dam (approximately 2,500 feet upstream of confluence with Salado Creek).	*626
			Just upstream of FM 2843	*636
		Knob Creek	Approximately 630 feet upstream of Reed's Lake South Road.	*441
			Just downstream of Knob Creek Lane	*477
			Just upstream of FM 436	*488
			Just downstream of FM 93	*498
			Just upstream of U.S. Highway 190	*559
		Margie Lou Branch	Approximately 160 feet upstream of FM 436	*488
			Just upstream of Atchison-Topeka and Santa Fe Railway.	*512
			Approximately 270 feet downstream of FM 3117	*531
		Site Tributary No. 7	Approximately 110 feet upstream of the City of Harker Heights Northern Corporate limits.	*736
		Belton Lake	Entire Shoreline	*694

Maps available for inspection at County Judge's Office, Bell County Courthouse or County Engineer's Office, Bell County Courthouse Annex, Belton, Texas 76513.

Send comments to Judge John Carth, Bell County Engineer, County Courthouse or Mr. Walter Neazes, Bell County Engineer, County Courthouse Annex, Belton, Texas 76513.

Texas	Unincorporated areas of Kleberg County	Tranquitas Creek	Just upstream of Sage Road	*76
		Escondido Creek	Just upstream of FM 1356	*48
		Santa Gertrudis Creek	Approximately 1,000 feet downstream of FM 1356	*35
		Gulf of Mexico/Laguna Madre/Baffin Bay/Alazan Bay.	Loyola Beach, just downstream of intersection of FM 1,546 and Vattaman Creek.	*9
		Gulf of Mexico/Laguna Madre/Baffin Bay.	Padre Island, just east of State Highway 22	*9
			Padre Island, just west of State Highway 22	*9

Maps available for inspection at County Judges Office, Kleberg County Courthouse, Kingsville, Texas, 78363.

Send comments to Judge W. C. McDaniels or Mr. Hector Lopez, Civil Defense Director, Kleberg County Courthouse, P.O. Box 752, Kingsville, Texas 78363.

Texas	Unincorporated areas of Willacy County	Gulf of Mexico/Laguna Madre	Third Street extended to Laguna Madre shoreline	*13
			Intersection of Canal Street and Fourth Street	*11
			Intersection of Legion Drive and Beach Drive	*10
			Intersection of Well Street and Navigation Drive	*9

Maps available for inspection at County Judge's Office. Willacy County Courthouse Annex, Raymondville, Texas 78580.

Send comments to Judge Bill Rapp, Willacy County Courthouse Annex, Raymondville, Texas 78580.

Wisconsin	(C) La Crosse, La Crosse County	Mississippi River	About 3.5 miles downstream of U.S. Highways 14, 16 and 61.	*641
			About 2.6 miles upstream of Lock an Dmm No. 7	*647
		La Crosse River	At mouth	644*
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*651
			About 100 feet upstream of U.S. Highway 16	*656
		La Crosse River Left Overbank	Just upstream of Chicago and North Western Railroad	*645
			Just downstream of State Highway 35	*646
		La Crosse River Right Overbank	About 1,300 feet downstream of County Highway B	*647
			About 200 feet downstream of State Highway 16	*654

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Pammel Creek	About 2,150 feet downstream of U.S. Highways 14 and 61.	*640
			Just downstream of Broadview Place	*653
			About 1,000 feet upstream of Drive-In Road	*660
		Pammel Creek West Bank	Just upstream of Burlington Northern Railroad	*646
			Just downstream of Broadview Place	*651
			Just downstream of Ward Avenue	*656
		Pammel Creek East Bank	At downstream corporate limits	*645
			Just downstream of Ward Avenue	*660
			Just upstream of Ward Avenue	*666
			Just downstream of Drive-In Road	*673
		Pammel Creek Northwest Bank	Just upstream of 30th Street	*657
			Just downstream of 32nd Street	*665
			Just downstream of Drive-In Road	*670
		Ebner Coulee	Just upstream of Farnam Street	*659
			About 1,400 feet upstream of Farnam Street	*660
			About 500 feet upstream of 29th Stret	*675
		Ebner Coulee West Bank	Just upstream of Farnam Street	*659
			Just downstream of 29th Street	*662
		Ebner Coulee Southeast Bank	Just upstream of Ward Avenue	*656
			Just downstream of Jordan Place	*661
			Just about 500 feet upstream of Jordan Place	*664

Maps available for inspection at the City Planner's Office, City Hall, 505 6th Street, N., La Crosse, Wisconsin.

Send comments to Honorable Patrick Zieke, Mayor, City of La Crosse, City Hall, 505 6th Street, N., La Crosse, Wisconsin 54601.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 17, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-14282 Filed 5-27-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172 and 173

[Docket HM-187; Notice No. 83-2]

Requirement for Small Arms Ammunition

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to authorize certain types of small arms ammunition to be classed and offered for shipment as ORM-D under the Department's Hazardous Materials Regulations. This change, if adopted, will eliminate the requirements for shipping papers to accompany the shipment.

DATE: Comments must be received by August 1, 1983.

ADDRESS: Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Thomas J. Charlton, Chief, Standards Division, Office of Hazardous Materials Regulations, Materials Transportation Bureau, U. S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 462–2075.

SUPPLEMENTARY INFORMATION: On June 30, 1982, the Sporting Arms and Ammunition Manufacturers Institute, Inc. (SAAMI) petitioned the Office of Hazardous Materials Regulation (OHMR) to authorize the transportation of small arms ammunition classed as ORM-D instead of Class C explosive. The Materials Transportation Bureau (MTB) considers the SAAMI request to have merit but to be too broad in scope because small arms ammunition includes such devices as tear gas cartridges, tracer cartridges for machine guns, and seat ejector cartridges for aircraft. However, MTB is proposing that limited types of small arms ammunition which are used in rifles, shotguns, and pistols be classed as ORM-D. The SAAMI proposal suggested an additional "Small arms ammunition" entry in 49 CFR 172.101. The entry "Small arms ammunition" with the hazard class ORM-D is proposed to be added to the hazardous materials table.

Years of experience in shipping small arms ammunition indicate that these devices present only a very small hazard in transportation and this has been confirmed by extensive tests conducted by SAAMI. The MTB has reviewed a documentary film of the SAAMI tests and arrangements can be made for this film to be viewed by any interested person. Most of the weight in a small arms shipment is in the projectiles and the shell or cartridge cases. There is only a relatively small amount of propellant explosive present. For example, in shot shells the weight of the propellant powder is only about 4% and in rifle cartridges only about 8% of the total weight. There is no significant hazard from the shot or bullets in a fire because they are not accelerated unless the ammunition is fired in a weapon.

Information furnished by SAAMI indicates that savings to their members on shipments by one motor carrier alone would be approximately $100,000 per year. Although MTB does not have

specific data on the numbers of shipments by other shipper (such as distributers) and by other carriers it is believed that the annual savings on these shipments would also be substantial. MTB solicits comments from interested parties on the cost savings and burden reduction associated with this proposal, including specific data to quantify these savings.

Under existing regulations, small arms ammunition is not required to be in specification packaging and is not required to be labeled. This proposal would permit a different marking on the packages and would eliminate the need for shipping papers for surface transportation.

List of Subjects

49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging, Containers.

49 CFR Part 173

Hazardous materials transportation, Packaging, Containers.

In consideration of the foregoing, Parts 172 and 173 of Title 49 of the Code of Federal Regulations would be amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.101, the Hazardous Materials Table would be amended by adding the following entry:

§ 172.101 Hazardous Materials Table.

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	•	•	•	•	•		•	•			
	Small arms ammunition	ORM–D		None	None	173.1201	65 pounds gross.	65 pounds gross.	1,3	1,3	
	•	•	•	•	•		•	•			

2. Section 173.101 would be amended by adding paragraph (g) to read as follows:

§ 173.101 Small-arms ammunition.

* * * * *

(g) Special exceptions for shipment of certain types of small arms ammunition in the ORM–D class are provided in Subpart N of this part.

3. Subpart N of Part 173 would be amended by adding a new § 173.1201 as follows:

§ 173.1201 Small arms ammunition.

Small arms ammunition offered for transportation under provision of this section may only be ammunition for rifle, pistol, or shotgun containing either inert projectiles or blank ammunition. Small arms ammunition offered for transportation under provision of this section may not have any tear gas, incendiary or detonating explosive components, and may not be larger than 10 gauge for shot shells and 45 caliber for rifle and pistol ammunition. It must be packed in pasteboard or other inside boxes, in partitions designed to fit snugly in the outside packaging, or in metal clips. Partitions and metal clips must be so designed as to protect the primers from accidental initiation. Inside boxes, partitions, and metal clips must be packed in securely closed strong outside wooden or fiberboard boxes.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(3) of App. A. to Part 106)

Note.—The MTB has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 CFR 11034) and does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*). I certify that this document will not have a significant economic impact on a substantial number of small entities because the overall economic impact of this document will be minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

Issued in Washington, D.C., on May 23, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83–14329 Filed 5–27–83; 8:45 am]

BILLING CODE 4910–60–M

Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC–107; Notice No. 82–14]

Minimum Levels of Financial Responsibility for Motor Carriers of Passengers

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend 49 CFR 387 by adding a new subpart B to establish minimum levels of financial responsibility for for-hire motor carriers of passengers involved in interstate and foreign transportation. This action is in accord with the provisions of Section 18 of the Bus Regulatory Reform Act of 1982. This document further provides for the implementation and enforcement of the proposed standards.

DATE: Comments must be received on or before August 1, 1983.

ADDRESS: All comments should refer to the docket and notice number that appears at the top of this document and should be submitted preferably in triplicate, to Room 3404, Bureau of Motor Carrier Safety (BMCS), 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. e.t., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426–9767; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426–0346; Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA has determined that this document does not contain a major rule under Executive Order 12291. It has further been determined that it contains a significant regulation under the regulatory policies of the Department of Transportation.

A draft regulatory evaluation and a Regulatory Flexibility Analysis are available for review in the public docket. A copy may be obtained by contacting Mr. Neill L. Thomas at the address provided above under the heading **"FOR FURTHER INFORMATION CONTACT"** of this document. The FHWA specifically requests information upon which to determine whether implementation of Section 18 of the Act would have a significant economic impact on a substantial number of small entities.

Background

On September 20, 1982, the President signed the Bus Regulatory Reform Act of 1982, Pub. L. 97–261 (the Act). Section 18 of the Act establishes minimum levels of financial responsibility covering public liability and property damage for the transportation of passengers by for-hire motor vehicles in interstate or foreign commerce.

The Act establishes minimum levels of financial responsibility that must be met by affected persons as of November 19, 1983 unless the Secretary issues regulations that require higher or lower levels. The Secretary may promulgate those regulations to require higher levels and the Secretary's authority to reduce these levels is limited. The statute precludes the Secretary from reducing the minimum levels below specified levels and provides that the authority to impose reduced levels applies only to a period of up to 2 years beginning either on: (1) The effective date of the rule provided that the rule is made effective by November 19, 1983, or (2) the 366th day after the effective date of Section 18 of the Act provided a rule is made effective 1 year after enactment or later.

The purpose of the financial responsibility provision of the Bus Regulatory Reform Act of 1982 is to create additional incentives to motor carriers to operate their buses in a safe manner and to assure that they maintain adequate levels of financial responsibility sufficient to satisfy claims covering public liability and property damage. The legislative history of Section 18 indicates a Congressional belief that the establishment of minimum levels of financial responsibility to enhance safety will also ensure that adequate sources of compensation are available to compensate those who may be injured while traveling by bus. It is also believed, given the interstate nature of many motor carrier operations, a single Federal standard for financial responsibility coverage will be more efficient for carriers and more equitable and certain for consumers.

Also appearing in today's **Federal Register** are the delegations of authority necessary for the issuance of this notice of proposed rulemaking (NPRM). The Bus Regulatory Reform Act of 1982 vests the Secretary with the authority to prescribe minimum financial responsibility levels. This authority is delegated to the FHWA, and, in turn, the FHWA is delegating the authority to the Director, Bureau of Motor Carriers Safety (BMCS).

Minimum Levels of Financial Responsibility Required

The current limits of liability required of motor carriers of passengers subject to regulation by the Interstate Commerce Commission (ICC) are:

(1) $100,000/$500,000/$50,000 for vehicles having a seating capacity of more than 12 passengers; and

(2) $100,000/$300,000/$50,000 for vehicles having a seating capacity of 12 passengers or less. These levels will remain in effect until final rules are promulgated by the FHWA or changed by the ICC.

The minimum levels of financial responsibility set forth in the Act that will take effect 1 year after the effective date of the Act unless the Secretary exercises the statutory authority to establish different levels, are as follows:

(1) $5 million for vehicles having a seating capacity of 16 or more passengers; and

(2) $1.5 million for vehicles having a seating capacity of 15 passengers or less.

The Secretary's authority to change the requirements for the 2-year phase-in period allows reductions as follows:

(1) The $5 million statutory requirement to no less than $2.5 million for vehicles having a seating capacity of 16 or more passengers; and

(2) The $1.5 million statutory requirement to no less than $750,000 for vehicles having a seating capacity of 15 or less passengers.

Generally, the Secretary may make these reductions provided the Secretary finds that such reductions (1) will not adversely affect public safety and (2) will prevent a serious disruption in transportation service.

Financial responsibility may be established under Section 18 of the Act by any one or combination of the following methods acceptable to the Secretary:

(1) Evidence of insurance, including high self-retention;

(2) Guarantee; or

(3) Surety bond.

The Act requires that any bond filed shall be issued by a bonding company authorized to do business in the United States.

Discussion

The following is a discussion of the proposed rules developed by the FHWA.

For the sake of clarity the rules concerning the minimum levels of financial responsibility for motor carriers of passengers will be designated as Subpart B of 49 CFR 387. The FHWA intends to designate existing sections 387.1 thru 387.17 concerning financial responsibility for motor carriers of property, as Subpart A.

Purpose, Scope, and Applicability (§ 387.25—Subpart B)

The minimum levels of financial responsibility, covering public liability and property damage, as proposed in this document, would apply to for-hire motor carriers of passengers involved in interstate and foreign commerce.

Section 18 of the Act does not apply to: 1. A motor vehicle transporting only school children and teachers to or from school;

2. A motor vehicle providing taxicab service and having a seating capacity of less than 7 passengers and not operated on a regular route or between specified points; and

3. A motor vehicle carrying 15 or less individuals in a single, daily round trip to commute to and from work.

It should be noted that the language of the Act clearly indicates that motor vehicles for-hire, carrying 16 or more individuals, even in a single, daily round trip to commute to and from work are subject to the law.

As previously discussed, the purpose of requiring increased levels of financial responsibility is to enhance safety. It is believed that the public will be better served by the proposed limits, especially considering that motor carriers would have greater incentives to create and maintain more effective safety programs to help keep their premiums lower. This belief is based on the observation that carriers having good safety records are usually evaluated in a favorable light by insurance companies since generally the premiums that insurance companies charge are directly related to their insureds' loss experience.

Equally important to safety in considering minimum levels of financial

responsibility is the economic conditions under which the motor carrier industry operates. Such consideration is required not only by Section 18 which directs the Secretary of Transportation to focus on safety without creating undue economic burdens on the motor carrier and insurance industries, but also by Executive Order 12291, dated February 17, 1981. Further, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, September 19, 1980; 5 U.S.C. 60; et seq.) requires more flexible regulatory approaches for small business entities. In accordance with these requirements, a draft regulatory evaluation/regulatory flexibility analysis has been prepared. Initial findings contained in this document will be discussed in the section of this preamble entitled "Financial Responsibility, Minimum Levels (§387.33)."

Definitions (§ 387.29)

The proposed definitions for this subpart, particularly those referencing terminology commonly used in the insurance industry, are based on definitions found in 49 CFR 387.5. These definitions were developed with the assistance of the insurance and motor carrier industries during an earlier rulemaking action concerning liability requirements for motor carriers of property and are discussed in detail in a notice of proposed rulemaking published January 26, 1981, 46 FR 8186. Other definitions, such as those specifically relating to motor carriers of property, have been adjusted to reflect the transportation of passengers.

One term introduced in Section 18 of the Act which has not previously been defined in the FMCSR is "seating capacity." It is believed that this term is generallly self-explanatory since manufacturers designate the seating capacity for most vehicles. However, in the case of a custom made vehicle, or any other vehicle not having a designated seating capacity, the seating capacity will be determined in accordance with the National Highway Traffic Safety Administration's (NHTSA) definition of "designated seating position" (49 CFR 571.3). The NHTSA defines, "designated seating position" as "any plan view location capable of accommodating a person at least as large as a 5th percentile adult female, if the overall seat configuration and design and vehicle design is such that the position is likely to be used as a seating position while the vehicle is in motion, except for auxillary seating accomodations such as temporary or folding jump seats. Any bench or split bench seat in a passenger car, truck or multi-purpose passenger vehicle with a GVWR less than 10,000 pounds, having greater than 50 inches of hip room (measured in accordance with SAE Standards J1100(a)) shall have not less than three designated seating positions, unless the seat design or vehicle design is such that the center position cannot be used for seating."

Financial Responsibility Required (§ 387.31)

This notice proposes that policies of insurance, surety bonds, and endorsements required under this section shall remain in effect continuously until terminated. Cancellation may be effected by the insurer or the insured motor carrier giving 35 days notice in writing to the other.

An analysis of comments received in reponse to BMCS Docket No. MC–94, concerning minimum levels of financial responsibility for motor carriers of property, indicated that: (1) 35 days constitutes a reasonable amount of time for cancellation of policies of insurance, surety bonds, and endorsements, (2) it is sufficient time for a motor carrier to obtain replacement coverage, unless the carrier's performance record is extremely poor, (3) it is also sufficient time for an insurance company to be relieved of further liability since normally there is enough premium deposit to cover that period, and (4) 35 days is ample time to prepare cancellation papers. It is also important to note that the 35 days notice of cancellation would commence on the day that such notice is mailed with proof or mailing sufficient proof of notice.

Further, the proposed rule allows the motor carrier the right to obtain adequate coverage for a finite period (e.g., coverage by binder) of time to cover any lapse in continuous compliance without triggering the 35-day cancellation requirement. This will afford assurance that the public will be protected.

The proposed regulations would require that an endorsement(s) be attached to insurance policies for the purpose of assuring the insured that all the criteria of Section 18 of the Act have been met in the policy. Further, surety bonds, on a prescribed form, using prescribed language, would be permitted in lieu of the policy of insurance and required endorsement.

The required endorsements (See Illustrations I and II) would alleviate the often times confusing translation and interpretation of an insurance policy or surety bond. It is believed that this requirement would not create an undue

paperwork burden on the insurance industry as it consists of a single page form using simple language. Further, the proposal reflects the Department's belief that the benefits of having endorsement attached to policy far outweigh any considerations against it, since it would provide confirmation of full coverage to the motor carrier and the public at a glance. This type of endorsement is already provided to motor carriers of property in accordance with 49 CFR 387.7 and to motor carriers of passengers presently regulated by the Interstate Commerce Commission.

The proof of financial responsibility, whether it be an endorsement attached to a policy of insurance or a surety bond, would be kept at a motor carrier's principal place of business. This proof would be available to the public upon reasonable request for review. Such availability is in keeping with the intent of Congress to provide protection to the public. It would also provide the assurance needed by a lessor of a motor vehicle that the minimum levels of financial responsibility have been met by a motor carrier.

Financial Responsibility, Minimum Levels (§ 387.33)

As previously discussed, a draft regulatory evaluation/regulatory flexibility analysis has been prepared. The preliminary findings of the evaluation, when considered in light of Executive Order 12291, indicate that the public safety will not be adversely affected by reducing the mandated levels of financial responsibility to the lowest levels permitted for the full two-year period provided for in the Act.

The draft regulatory evaluation indicates that the accident rate for the interstate bus industry is less than one half of that for the interstate trucking industry. A comparative analysis between trucks and buses shows societal costs, as measured by number of fatalities and injuries, and property damage, for buses are low. Passenger safety is superior in buses compared to truck driver/co-driver safety; from 1.4 to 2.4 times as safe fatality wise and, while the number of injuries in bus and truck accidents is considerably closer, this can be attributed to the passenger-density factor on buses. This information, coupled with accident cost data which shows that the lowest levels are adequate to cover liability claims in the majority of cases, indicates that the 2-year phase-in period may be advisable.

While the data used to prepare the draft regulatory evaluation has been limited to BMCS accident statistics, it is believed that this information is very reliable and accurate. It is understood however that more detailed information, which will hopefully be obtained from the regulated industry in response to this notice, may indicate that the lowest levels may not be adviseable.

The information which is solicited from the regulated industry is needed to assist the FHWA in its assessment of what limits will best protect the public's safety without seriously disrupting transportation service. The regulatory evaluation also indicates that the cost of the highest levels may not represent significantly higher costs for the insured when compared to the expense of current limits. If the comments reflect such marginal increases in premiums, the FHWA may permit limits higher than the absolute minimum to take effect for protection of the public without placing significant burdens on the bus industry.

Should the comments to this notice warrant it, consideration will also be given to the option of layering the required levels depending on such variables as fleet size or annual mileage. The option of permitting a graduated phase-in over the two-year period is also considered feasible. Such considerations would be in keeping with the intent of the Regulatory Flexibility Act of 1980, Pub. L. 96–354, which addresses regulatory burden on small businesses.

In order to assist the FHWA in its final evaluation, it is requested that small bus companies (Class II and III) and small commuter companies, including vanpool operations where vans carry 16 or more individuals, submit their financial statements for aggregation and use in the final evaluation. The financial data should cover the years 1977-1981 and provide particular attention to insurance premium information, number of vehicles operated in each year, as well as type of services offered. Interstate bus companies are also requested to submit their accounting of total costs (itemized if possible) of serious accidents involving fatalities, personal injuries, and property damage.

State Authority and Designation of Agent (§ 387.35)

Section 18 of the Act states that "financial reponsibility may be established under this section by any one or combination of the following methods acceptable to the Secretary: evidence of insurance, including high self-retention, guarantee, or surety bond. Any bond filed shall be issued by a bonding company authorized to do business in the United States."

Based on comments received in response to Docket MC–94 on this same matter, it is proposed that both policies of insurance and surety bonds will satisfy the financial responsibility requirements of this part if the insurer or surety furnishing the policy or bond is—

(a) Legally authorized to issue such policies or bonds in each State in which the motor carrier operates; or

(b) Legally authorized to issue such policies or bonds in the State in which the motor carrier has its principal place of business or domicile, and designates a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any State in which the motor carrier operates; or

(c) Legally authorized to issue such policies or bonds in any State of the United States and eligible as an excess or surplus lines insurer in any State in which business is written, and designates a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any State in which the motor carrier operates.

It should be noted that even though the Act provides for "guarantees" as an acceptable method of meeting the financial requirements, this method has not been provided for in this proposed rule. This is due to the fact that our research shows no evidence that motor carriers regulated by the ICC consider this method a viable tool for meeting financial responsibility requirements. Further, neither the ICC nor the respondents to Docket MC–94 were able to enlighten the Department as to how a guarantee can be practically applied to the financial responsibility requirements for motor carriers. Comments, data or detailed information concerning this matter are welcome.

Violation and Penalty (§ 387.41)

To additionally strengthen the incentives for motor carriers to concentrate more rigorously on safety, Congress included a civil penalty of up to $10,000 per violation to be assessed against any motor carrier proven to be in violation of the final regulations implementing Section 18.

List of Subjects in 49 CFR Part 387

Highways and roads, Motor carriers, Motor vehicles Financial responsibility, Insurance, Penalties.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: May 20, 1983.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

In consideration of the foregoing and under the authority of § 18 of the Bus Regulatory Reform Act of 1982, Pub. L. 97–261; 23 U.S.C. § 315; and 49 CFR 1.48 and 301.60, the Federal Highway Administration proposes to amend Title 49, Code of Federal Regulations, Subtitle B, Chapter III, by revising Part 387 as set forth below.

PART 387—MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

1. Sections 387.1 through 387.17 are designated as Subpart A with the title "Motor Carriers of Property."

2. Subpart B is added to Part 387 to read as follows:

Subpart B—Motor Carriers of Passengers

Sec.

387.25 Purpose and scope.
387.27 Applicability.
387.29 Definitions.
387.31 Financial responsibility required.
387.33 Financial responsibility, minimum levels.
387.35 State of Authority and designation of agents.
387.37 Fiduciaries.
387.39 Forms.
387.41 Violation and penalty.

Authority: Sec. 18, Pub. L. 97–261, 96 Stat. 1102 (23 U.S.C. 315); 49 CFR 1.48 and 301.60.

Subpart B—Motor Carriers of Passengers

§ 387.25 Purpose and scope.

This subpart prescribes the minimum levels of financial responsibility required to be maintained by for-hire motor carriers of passengers operating motor vehicles in interstate or foreign commerce. The purpose of these regulations is to create additional incentives to carriers to operate their buses in a safe manner and to assure that they maintain adequate levels of financial responsibility.

§ 387.27 Applicability.

(a) This subpart applies to for-hire motor carriers operating motor vehicles transporting passengers in interstate or foreign commerce.

(b) *Exception.* The rules in this subpart do not apply to—

(1) A motor vehicle transporting only school children and teachers to or from school;

(2) A motor vehicle providing taxicab service and having a seating capacity of less than 7 passengers and not operated

on a regular route or between specified points; and

(3) A motor vehicle carrying less than 16 individuals in a single, daily round trip to commute to and from work.

§ 387.29 Definitions.

As used in this subpart—

Accident—includes continuous or repeated exposure of the same conditions which results in public liability which the insured neither expected nor intended.

Bodily injury—means injury to the body, sickness, or disease to any person, including death resulting from any of these.

Endorsement—an amendment to an insurance policy.

Financial responsibility—the financial reserves (e.g., insurance policies or surety bonds) sufficient to satisfy liability amounts set forth in this subpart covering public liability.

For-hire carriage—transportation of passengers by motor vehicle except when—

(a) The passengers are transported by a person engaged in a business other than transportation; and

(b) The transportation is within the scope of, and furthers a primary business (other than transportation) of the person.

Insured and principal—the motor carrier named in the policy of insurance, surety bond, endorsement, or notice of cancellation, and also the fiduciary of such motor carrier.

Insurance premium—the monetary sum an insured pays an insurer for acceptance of liability for public liability claims made against the insured.

Motor Carrier—means a for-hire carrier of passengers by motor vehicle.

Property damage—means damage to or loss of use of tangible property.

Public Liability—means liability for bodily injury or property damage.

§ 387.31 Financial responsibility required.

(a) No motor carrier shall operate a motor vehicle transporting passengers until the motor carrier has obtained and has in effect the minimum levels of financial responsibility as set forth in § 387.33 of this subpart.

(b) Policies of insurance, surety bonds, and endorsements required under this section shall remain in effect continuously until terminated. (1) *Exception.* Policies of insurance and surety bonds may be obtained for a finite period of time to cover any lapse in continuous compliance. (2) Cancellation may be effected by the insurer or the insured motor carrier giving 35 days notice in writing to the other. The 35 days notice shall commence to run from the date the notice is mailed. Proof of mailing shall be sufficient proof of notice.

(c) Policies of insurance and surety bonds required under this section may be replaced by other policies of insurance or surety bonds. The liability of the retiring insurer or surety, as to events after the termination date, shall be considered as having terminated on the effective date of the replacement policy of insurance or surety bond or at the end of the 35 day cancellation period required in paragraph (b) of this section, whichever is sooner.

(d) Proof of the required financial responsibility shall be maintained at the motor carrier's principal place of business. The proof shall consist of—

(1) "Endorsement(s) for Motor Carriers of Passengers Policies of Insurance for Public Liability Under Section 18 of the Bus Regulatory Reform Act of 1982" (form MCS–90B) issued by an insurer(s); or

(2) A "Motor Carrier of Passengers Surety Bond for Public Liability Under Section 18 of the Bus Regulatory Reform Act of 1982" (form MCS–82B) issued by a surety.

(e) The proof of minimum levels of financial responsibility required by this section shall be considered public information and be produced for review upon reasonable request by a member of the public.

§ 387.33 Financial responsibility, minimum levels.

The minimum levels of financial responsibility referred to in § 387.31 of this subpart are hereby prescribed as follows:

SCHEDULE OF LIMITS, PUBLIC LIABILITY—FOR-HIRE MOTOR CARRIERS OF PASSENGERS OPERATING IN INTERSTATE OR FOREIGN COMMERCE

Vehicle seating capacity	Effective dates	
	[Nov. 19, 1983]	[Nov. 19, 1985]
(1) [Any vehicle] with a seating capacity of 16 passengers or more	[$2,500,000] to [$5,000,000]	$5,000,000
(2) [Any vehicle] with a seating capacity of 15 passengers or less	[$750,000] to [$1,500,000]	$1,500,000

§ 387.35 State authority and designation of agent.

A policy of insurance or surety bond does not satisfy the financial responsibility requirements of this subpart unless the insurer or surety furnishing the policy or bond is—

(a) legally authorized to issue such policies or bonds in each State in which the motor carrier operates; or

(b) legally authorized to issue such policies or bonds in the State in which the motor carrier has its principal place of business or domicile, and designates a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any State in which the motor carrier operates; or

(c) legally authorized to issue such policies or bonds in any State of the United States and eligible as an excess or surplus lines insurer in any State in which business is written, and designates a person upon whom process, issued by or under the authority of any court having jurisdicition of the subject matter, may be served in any proceeding at law or equity brought in any State in which the motor carrier operates.

§ 387.37 Fiduciaries.

The coverage of fiduciaries shall attach at the moment of succession of such fiduciaries.

§ 387.39 Forms.

Endorsements for policies of insurance (Illustration I) and surety bonds (Illustration II) must be in the form prescribed by the FHWA and approved by the OMB. Endorsements to policies of insurance and surety bonds shall specify that coverage thereunder will remain in effect continuously until terminated as required in § 387.31 of this subpart. The endorsement and surety bond shall be issued in the exact name of the motor carrier.

§ 387.41 Violation and penalty.

Any person (except an employee who acts without knowledge) who knowingly violates the rules of this subpart shall be liable to the United States for civil penalty of no more than $10,000 for each violation, and if any such violation is a continuing one, each day of violation will constitute a separate offense. The amount of any such penalty shall be assessed by the Director, Bureau of Motor Carrier Safety, by written notice. In determining the amount of such penalty, the Director shall take into account the nature, circumstances, extent, the gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

BILLING CODE 4910-22-M

ILLUSTRATION 1

US Department of Transportation
Federal Highway Administration

Expiration Date:
Form Approved
OMB No.

ENDORSEMENT FOR
MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY
UNDER SECTION 18 OF THE BUS REGULATORY REFORM ACT OF 1982

Issued to _____ of _____

Dated at _____ this _____ day of _____, 19____

Amending Policy No. _____ Effective Date _____

Name of Insurance Company _____

Countersigned by _____
Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "☒", for the limits shown:

☐ This insurance is primary and the company shall not be liable for amounts in excess of $ _____ for each accident.

☐ This insurance is excess and the company shall not be liable for amounts in excess of $ _____ for each accident in excess of the underlying limit of $ _____ for each accident.

Whenever required by the Bureau or the ICC, the company agrees to furnish the Bureau or the ICC a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the Bureau or the ICC, to verify that the policy is in force as of a particular date. The telephone number to call is: _____

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date the notice is received by the ICC at its office in Washington, D.C.).

DEFINITIONS AS USED IN THIS ENDORSEMENT

ACCIDENT includes continuous or repeated exposure to conditions which results in Public Liability which the insured neither expected nor intended.

BODILY INJURY means injury to the body, sickness, or disease to any person, including death resulting from any of these.

MOTOR CARRIER means a for-hire carrier of passengers by motor vehicle.

PROPERTY DAMAGE means damage to or loss of use of tangible property.

PUBLIC LIABILITY means liability for bodily injury or property damage.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a for-hire motor carrier of passengers with Section 18 of the Bus Regulatory Reform Act of 1982 and the rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety (Bureau) and the Interstate Commerce Commission (ICC).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to financial responsibility requirements of Section 18 of the Bus Regulatory Reform Act of 1982 regardless of whether or not each motor vehicle is specifically described in the policy, and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

The Bus Regulatory Reform Act of 1982 requires limits of financial responsibility according to vehicle seating capacity. It is the MOTOR CARRIER'S obligation to obtain the required limits of financial responsibility.

Form MCS-90
(11-83)

SCHEDULE OF LIMITS
Public Liability
For-hire motor carriers of passengers operating in interstate or foreign commerce

Vehicle Seating Capacity	Effective Dates	
	Nov. 19, 1983	Nov. 19, 1985
(1) Any vehicle with a seating capacity of 16 passengers or more.	$2,500,000	$5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less.	$ 750,000	$1,500,000

ILLUSTRATION II

Department of Transportation
Federal Highway Administration

Form Approved
OMB No.

MOTOR CARRIER PUBLIC LIABILITY SURETY BOND UNDER SECTION 18 OF THE BUS REGULATORY REFORM ACT OF 1982

PARTIES

Surety Company and Principal Place of Business Address	Motor Carrier Principal, I.C.C. Docket No., and Principal Place of Business Address
_____	_____
_____	_____
_____	_____
_____	_____

PURPOSE

This is an agreement between the Surety and the Principal under which the Surety, its successors and assignees, agree to be responsible for the payment of any final judgment or judgments against the Principal for public liability and property damage claims in the sums prescribed herein, subject to the governing provisions and following conditions.

GOVERNING PROVISIONS

(1) Section 18 of the Bus Regulatory Reform Act of 1982
(2) Rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety (Bureau)
(3) Rules and regulations of the Interstate Commerce Commission (ICC)

CONDITIONS

The Principal is or intends to become a motor carrier of passengers subject to the applicable governing provisions relating to financial responsibility for the protection of the public.

This bond assures compliance by the Principal with the applicable governing provisions, and shall inure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for public liability or property damage claims (excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal, and the cargo transported by the Principal). If every final judgment shall be paid for such claims resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the applicable governing provisions, then this obligation shall be void, otherwise it will remain in full effect.

Within the limits described herein, the Surety extends to such losses regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety for each motor vehicle subject to the applicable governing provisions for each accident shall not exceed $_____, and shall be a continuing one notwithstanding any recovery thereunder.

The surety agrees, upon telephone request by an authorized representative of the Bureau or ICC, to verify that the surety bond is in force as of a particular date. The telephone number to call is: _____.

This bond is effective from _____ (12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described herein. The Principal or the Surety may at any time terminate this bond by giving (1) thrity five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the Principal is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date notice is received by the ICC at its office in Washington, D.C.). The Surety shall not be liable for the payment of any judgment or judgments against the Principal for public liability or property damage claims resulting from accidents which occur after the termination of this bond as described herein, but such termination shall not affect the liability of the Surety from the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

_____
Date

(AFFIX CORPORATE SEAL)

_____
Surety

_____ . _____
City *State*

By _____

ACKNOWLEDGMENT OF SURETY

STATE OF _____ COUNTY OF _____

On this _____day of _____ , 19____ , before me personally came _____ . who, being by me duly sworn, did depose and say that he resides in _____ ; that he is the _____ of the _____ . the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; that he signed his name thereto by like order, and he duly acknowledged to me that he executed the same for an on behalf of said corporation.

_____

_____
Title of offical administering oath

(OFFICIAL SEAL)

Surety Company File No. _____

Form MCS-82B
(11-83)

[FR Doc. 83-14251 Filed 5-27-83; 8:45 am]
BILLING CODE 4910-22-C

Notices

Federal Register
Vol. 48, No. 105
Tuesday, May 31, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Organization, Functions and Delegations of Authority

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of agency organization.

SUMMARY: This notice sets forth the organization, functions, and delegations of authority for the Food and Nutrition Service (FNS).

SUPPLEMENTARY INFORMATION: FNS was established by the Secretary of Agriculture on August 8, 1969, pursuant to authority under Reorganization Plan No. 2 of 1953. Authority for Food and Consumer Services is delegated by the Secretary of Agriculture to the Assistant Secretary in 7 CFR Part 2.15. Authority for the administration of the Food and Nutrition Service is delegated to the Administrator in 7 CFR Part 2.93. Pursuant to these two regulatory provisions, FNS administers various food and nutrition programs, to include the Food Stamp Program, School Lunch Program, child nutrition programs and commodity distribution programs. This notice supersedes the notice of FNS Organization, Functions and Delegations of Authority published at 35 FR 8835 (1970).

Section 1. *General.* The principal office of FNS is located in Alexandria, Virginia. Program activity in the field is carried on through seven regional offices. In addition, there are a number of special purpose offices geographically located in the field, which perform food stamp compliance, appeals review and certain automated data processing services.

Section 2. *Organization and Functions:*

(a) *The Administrator.* The Administrator reports to the Assistant Secretary for Food and Consumer Services. He/she serves as the chief executive officer of FNS and is responsible for the overall planning, direction and control of FNS programs and activities. He/she must establish and maintain working relationships and lines of communication with the Secretary and Deputy Secretary of Agriculture, Assistant Secretary, Congress, heads of other operating adminstrations, other agencies and the general public.

(b) *Associate Administrator.* The Associate Administrator reports to the Administrator and shares with the Administrator responsibility for the overall development, administration and coordination of FNS activities, providing executive leadership in developing, administering, executing and coordinating operational programs of the Agency; reviewing proposed programs, policies, and procedures inherent in Agency operations to determine that they are coordinated internally with other agencies of the Department, Federal, State and local government, or cooperating agencies; and providing liaison with Government Accounting Office (GAO) and coordinating GAO activities within FNS.

(c) *Director, Office of Analysis and Evaluation.* The Director, Office of Analysis and Evaluation, provides to the Administrator valid and timely analysis and evaluation information to support decisions regarding the legislative, budgetary, regulatory and program management processes.

(d) *Director, Office of Governmental Affairs and Public Information.* The Director, Office of Governmental Affairs and Public Information, establishes clear and continuing lines of communication between Congress and FNs, prepares legislative reports, monitors and reports on legislation status and other congressional activity affecting FNS, and coordinates testimony and other appearances before legislators and their staffs. He/she is responsible for the planning, development, coordination and implementation of information programs in support of FNS' policies and programs.

(e) *Deputy Administrator for Family Nutrition Programs.* The Deputy Administrator for Family Nutrition Programs provides direction and leadership in the formulation of Food Stamp Program policies and requirements, and in the development of program regulations and directives, the oversight of food assistance program grants and the review and evaluation of Food and Nutrition Service Regional Offices' and States' efforts to implement Food Stamp Program regulations, policies and requirements.

(f) *Deputy Administrator for Special Nutrition Programs.* The Deputy Administrator for Special Nutrition Programs participates with the Administrator in the overall planning and formulation of all special nutrition policies, programs and activities of FNS and provides direction and leadership in the administration of Special Nutrition Programs.

(g) *Deputy Administrator for Regional Operations.* The Deputy Administrator for Regional Operations provides operational direction and leadership in implementing the policies of food and nutrition programs. Operational activities are divided into regions, each headed by a Regional Administrator. The Regional Administrators are responsible for the Food Stamp and Special Nutrition Programs including Child Nutrition, Special Supplemental Food and Food Distribution and for providing staff support for Regional activities. The United States and its territories are divided into the following seven regions:

(i) Mid-Atlantic Regional Office includes Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, Puerto Rico, and the Virgin Islands.

(ii) Midwest Regional Office includes Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio.

(iii) Mountain Plains Regional Office includes Montana, Wyoming, North Dakota, South Dakota, Nebraska, Iowa, Utah, Colorado, Kansas, and Missouri.

(iv) Northeast Regional Office includes Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York.

(v) Southeast Regional Office includes Kentucky, Tennessee, Mississippi, Alabama, Georgia, North Carolina, South Carolina, and Florida.

(vi) Southwest Regional Office includes New Mexico, Texas, Oklahoma, Arkansas, and Louisiana.

(vii) Western Regional Office includes Washington, Oregon, Idaho, California, Nevada, Arizona, Alaska, Hawaii,

American Samoa, and Northern Marianas.

(h) *Deputy Administrator for Financial Management.* The Deputy Administrator for Financial Management participates with the Administrator in the overall planning and formulation of all financial policies, programs and activities of FNS and directs and administers the Agency's financial management program through the development, maintenance and operation of comprehensive systems that meet management needs.

(i) *Deputy Administrator for Management.* The Deputy Administrator for Management is responsible for participating with the Administrator in the overall planning, formulation, and direction of all administrative management policies, program activities of FNS, and providing executive direction to FNS administrative management activities and operation.

Section 3. *Delegations of Authority:*

(a) *Associate Administrator.* The Associate Administrator is hereby delegated the authority to perform all the duties and to exercise all the functions and power which are now, or which may hereafter be vested in the Administrator, except such authority as is, or may be, reserved to the Administrator.

(b) *Deputy Administrators.* The Deputy Administrators for Family Nutrition Programs, Special Nutrition Programs, Regional Operations, Financial Management, and Management are hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is, or may be reserved to the Administrator. Each Deputy Administrator shall be primarily responsible for the program and activities of FNS hereafter assigned them.

(c) *Concurrent Authority and Responsibility.* No delegation or authorization prescribed herein shall preclude the Administrator, the Associate Administrator or each Deputy Administrator, from exercising any of the powers or functions or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator and, in their respective fields, each Deputy Administrator. The officers to whom authority is delegated herein shall maintain close working relationships with the officers to whom they report, keep them advised with respect to major problems and developments, and discuss with them proposed actions involving major policy questions or other important considerations or questions including matters involving relationships with other Federal agencies, other agencies of the Department, other divisions or offices of FNS or other governmental or private organizations or groups.

(d) *Authority to Act as Administrator.* In the Administrator's absence the person designated by the administrator or Acting Administrator as Acting Administrator is hereby delegated broad authority to perform all duties and to exercise all the functions and powers which are now or which hereafter may be vested in the Administrator, except such authority as is or may be reserved by the Administrator.

(e) *Prior Authorizations and Delegations.* All prior delegations and redelegations of authority relating to any functions, program or activity covered by this State of Organization, Functions and Delegations of Authority, shall remain in effect except as they are inconsistent herewith or a are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

Dated: May 19, 1983.

Robert E. Leard,

Administrator.

[FR Doc. 83-14351 Filed 5-27-83; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Recommended Renewable Resources Program (RPA) 1985 Update Progress Report; Availability

In response to the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974, as amended, the Department of Agriculture, Forest Service, has prepared a Progress Report on the 1985 Program for the nation's renewable resources. The Progress Report (Forest Service Publication No. 384) is available for inspection at any of the Forest Service Regional Offices and at the Washington Office.

During the past year a scoping process was conducted which resulted in the selection of initial goals and proposed alternatives. Those goals and alternatives are described in the Progress Report on the 1985 Program.

A notice of intent to prepare an environmental impact statement for the development of the 1985 Program Update was published in the **Federal Register** in August of 1981 (FR Vol. 46, No. 151, August 6, 1981, p. 40063). The initial goals and proposed alternatives will be addressed in detail in the environmental impact statement. As established in the August 6, 1981 notice of intent, the schedule to complete the 1985 Program and environmental impact statement is to file the draft statement with the Environmental Protection Agency and distribute it to the public in November 1983. Public review is expected to be completed by February 1984, and the final Program and environmental impact statement is expected to be filed with the Environmental Protection Agency and distributed to the public and the Congress in December 1984.

A limited number of single copies of the Progress Report may be obtained, free of charge, to the extent practicable, by contacting any Forest Service Regional Office or the Washington Office of RPA, USDA, Forest Service, P.O. Box 2417, Washington, D.C. 20013.

For questions or further information on any aspect of the Progress Report for the 1985 Program, or the environmental impact statement, please contact Thomas E. Hamilton, Director, RPA, USDA, Forest Service, P.O. Box 2417, Washington, D.C. 20013. Telephone: (202) 447-5440.

Dated: May 20, 1983.

F. Dale Robertson,

Associate Chief.

[FR Doc. 83-14494 Filed 5-27-83; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Cheshire Flood Prevention RC&D Measure, Connecticut; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Philip H. Christensen, State Conservationist Soil Conservation Service, Rt. 44 Mansfield Professional Park, Storrs, Connecticut 06268, telephone (203) 429-9361.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cheshire Sewage Treatment

Plant Flood Prevention RC&D Measure, New Haven County, Connecticut.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Philip H. Christensen, State Conservationist, has determined the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a flood prevention plan to protect the Cheshire Sewage Treatment Plant. The planned works of improvement include an earthen dike, 1,770 feet long with an average height of 8 feet, a 700 foot long vegetated diversion channel with an average depth of 3 feet, a one cfs pump for handling interior floodwaters, and a pumping station to pump treated effluent over the dike during flood periods. All disturbed areas will be seeded.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Philip H. Christensen. The Environmental Assessment has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the Environmental Assessment are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 23, 1983.

Philip H. Christensen,

State Conservationist.

[FR Doc. 83-14510 Filed 5-26-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 41499]

Buffalo Airways, Inc., Fitness Investigation; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 9, 1983, at 10:00 a.m. (local time), in Room 1012, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

Dated at Washington, D.C., May 25, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-14496 Filed 5-27-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41044]

Frontier Flying Service Fitness Investigation; Notice of Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to commence on June 7, 1983, at 10:00 a.m. (local time), in Court Room 1, Lower Level, 2120 L Street, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., May 25, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-14497 Filed 5-27-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41329]

Interamerica Airlines Fitness Investigation; Notice of Postponement of Hearing

At the request of the applicant, the hearing in the above-titled proceeding set for June 1, 1983, (48 FR 22767, May 20, 1983) is postponed. The hearing will be held on June 8, 1983, at 10:00 a.m. (local time), in Room 1012, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

Dated at Washington, D.C., May 25, 1983.

William A. Kane, Jr.

Administrative Law Judge.

[FR Doc. 83-14499 Filed 5-27-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Petitions By Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Evantov Diamond Company, Inc., 125 West 45th Street, New York, New York 10036, producer of jewelry (accepted May 2, 1983); (2) G. V. Furniture & Decoration, Inc., P.O. Box GB, Caparra Heights, San Juan, Puerto Rico 00922, producer of household furniture (accepted May 2, 1983); (3) West Orange Manufacturing Company, Inc., 177 Main Street, West Orange, New Jersey 07052, producer of women's robes, sleepwear and blouses (accepted May 2, 1983); (4) Steve Ognibene & Sons, Inc., 5520 North Byron Road, Elba, New York 14058, producer of onions (accepted May 2, 1983); (5) Boston Cutting Die Company, 50 Freeport Street, Boston, Massachusetts 02122, producer of cutting dies (accepted May 2, 1983); (6) Oxford Royal Mushroom Products, Inc., Route 796, Kelton, Pennsylvania 193346, producer of mushrooms (accepted May 2, 1983); (7) Gould & Eberhardt Gear Machinery Corporation, Sutton Road, Webster, Massachusetts 01570, producer of machine tools (accepted May 3, 1983); (8) Hawaiian Reflection, 3210 Production Avenue, Oceanside, California 92054, producer of wallets, purses and travel bags (accepted May 3, 1983); (9) Arttrim, Inc., 212 West 35th Street, New York, New York 10001, producer of apparel trimmings (accepted May 4, 1983); (10) Armstrong Cement & Supply Corporation, Route 2, Cabot, Pennsylvania 16023, producer of cement and mortar (accepted May 5, 1983); (11, Wilbrecht Electronics, Inc., 240 East Plato Boulevard, St. Paul, Minnesota 55107, producer of resistors and other electronic components (accepted May 5, 1983); (12) Hayes-Albion Corporation, 1999 Wildwood Avenue, Jackson, Michigan 49202, producer of aluminum and iron castings (accepted May 6, 1983); (13) Richtone Knits, Ltd., 498 7th Avenue, New York, New York 10018 producer of women's suits and dresses (accepted May 6, 1983); (14) Mickey Madann Handbags, Inc., P.O. Box H-3067, New Bedford, Massachusetts 02741, producer of handbags (accepted May 6, 1983); (15) Claymore Sportswear, Inc., 304 Boerum Street, Brooklyn, New York 11206, producer of women's coats and jackets (accepted May 9, 1983); (16) Jenice Fabrics, Inc., 160 John Street, Brooklyn New York 11201, producer of knit fabric (accepted May 9, 1983); (17) Automatic Spring Coiling Company, 4045 W. Thorndale Avenue, Chicago, Illinois 60646, producer of automotive and other springs (accepted May 9, 1983); (18) Veva Art Products, Inc., 4726 Park Harbor Drive, Erie, Pennsylvania 16511, producer of wind chimes (accepted May 9, 1983); (19) Icon Corporation, 156 Sixth Street, Cambridge, Massachusetts 02142, producer of numerical control systems for machines (accepted May 9, 1983); (20) Viking Die Cast Corporation, 7700 West Michigan Avenue, Kalamazoo, Michigan 49009, producer of machined die castings (accepted May 9, 1983); (21) Northern Shoe Bindings Company, Inc., P.O. Box 503, Beverly Massachusetts 01915, producer of shoe components

(accepted May 10, 1983); (22) Chemetals, Inc., 7310 Ritchie Highway, Glen Burnie, Maryland 21061, producer of manganese metals and compounds (accepted May 10, 1983); (23) Jordan Chemical Company, 1830 Columbia Avenue, Folcroft, Pennsylvania 19032, producer of chemicals (accepted May 10, 1983); (24) California Amforge Corporation, 750 North Vernon Avenue, Azusa, California 91702, producer of steel forgings (accepted May 10, 1983); (25), (accepted May T. G. Industries, Inc., 7445 Greenbush Avenue, North Hollywood, California 91605, producer of automotive carburetors (accepted May 10, 1983); (26) R.M.C. Fabricating, Inc., Main Street Genesee, Pennsylvania 16923, producer of metal furniture parts (accepted May 10, 1983); (27) Walker Shoe Company, Drawer 1167, Asheboro, North Carolina 27203, producer of men's and boy's footwear (accepted May 11, 1983); (28) Dumore Corporation, 1300 17th Street, Racine, Wisconsin 53403, producer of drilling and grinding equipment and motors (accepted May 11, 1983); (29) Cea & Cea Marine Supply, Inc., 412 North Marine Avenue, Wilmington, California 90744, producer of marine hardware (accepted May 11, 1983); (30) Class–5, Inc., 1480 66th Street, Emeryville, California 94608, producer of men's and women's jackets, vests, shirts and shorts; sleeping bags, backpacks and comforters (accepted May 13, 1983); (31) Sillas Manufacturing Corporation, 5560 Brooks Street, Montclair, California 91763, producer of wood chairs (accepted May 13, 1983); (32) Datamarine International, Inc., 53 Portside Drive, Pocasset, Massachusetts 02559, producer of marine instruments (accepted May 13, 1983); (33) J. & H. Plastic Bag Corporation, 346 Grand Street, Brooklyn, New York 11211, producer of sports, shopping and travel bags (accepted May 16, 1983); (34) Vi-Mill, Inc., 167 Bridge Street, Cambridge, Massachusetts 02141, producer of men's and women's jackets and women's rainwear (accepted May 16, 1983); (35) Herman Schwabe, Inc., 147 Prince Street, Brooklyn, New York 11201, producer of die-cutting machinery and equipment (accepted May 16, 1983); (36) J. G. Tilp, Inc., 80 Milltown Road, Union, New Jersey 07087, producer of injection molds (accepted May 16, 1983); (37) All American Manufacturing Company, 2201 E. 51st Street, Los Angeles, California 90058, producer of wrenches and metal stampings (accepted May 16, 1983); (38) Harley-Davidson Motor Company, Inc., P.O. Box 653, Milwaukee, Wisconsin 53201, producer of motorcycles (accepted May 16, 1983); (39) Saw Mill River Industries, Inc., 937 Saw Mill River Road, Yonkers, New York 10710, producer of exercise equipment and closet accessories (accepted May 20, 1983); (40) Augello & Vigneri, Oak Orchard Road, Elba, New York 14058, producer of potatoes (accepted May 20, 1983).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance

[FR Doc. 83–14495 Filed 5–27–83; 8:45 am]

BILLING CODE 3510–25–M

Final Negative Countervailing Duty Determinations; Certain Softwood Products From Canada

AGENCY: International Trade Administration, Commerce.

ACTION: Final negative countervailing duty determinations: Certain softwood products from Canada.

SUMMARY: We determine that no benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Canada of certain softwood products, as described in the "Scope of Investigations" section of this notice. The total estimated net subsidy for each product is *de minimis*, and therefore our final countervailing duty determinations are negative.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Roland MacDonald or Mary S. Clapp, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenu, N.W., Washington, D.C. 20230, telephone: (202) 377–4087 or (202) 377–2438.

SUPPLEMENTARY INFORMATION:

Final Determinations

Based upon our investigations, we determine that the following programs confer subsidies on the products under investigation:

A. Federal Programs

1. Certain Aspects of the Investment Tax Credit.
2. Program for Export Market Development.
3. Forest Industry Renewable Energy Program.
4. Regional Development Incentives Program (RDIP)—Grants.
5. Federal Employment Program—CIAP.

B. Federal/Provincial Programs

1. Agricultural and Rural Development Agreements (ARDA).
2. General Development Agreements:
   a. British Columbia—Assistance to Small Enterprise Program (ASEP).
   b. New Brunswick—NED, KED and SIFAP.
   c. Ontario—Eastern Ontario Subsidiary Agreement.

C. Provincial Programs

1. Alberta—Stumpage Payment Deferral.
2. British Columbia:
   a. Low-Interest Loan Assistance (LILA).
   b. Stumpage Payment Deferral.
3. Ontario:
   a. Stumpage Pricing for Non-Integrated Licensees.
   b. Stumpage Payment Deferral.
4. Québec:
   a. Stumpage Pricing on Timber Limits.
   b. Aide à la Promotion des Exportations.
   c. Société de Récupération, d'Exploitation et de Développement Forestiers du Québec.
   d. FRI Tax Abatement Program.
   e. SDI Export Expansion Program.

The total estimated net subsidies are 0.349 percent *ad valorem* for softwood lumber, 0.260 percent *ad valorem* for softwood shakes and shingles, and 0.304 percent *ad valorem* for softwood fence. These *ad valorem* subsidies are *de minimis*. Therefore, we determine that no benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Canada of certain softwood products, as described

in the "Scope of Investigations" section of this notice.

Case History

On October 7, 1982, we received a petition from counsel for the United States Coalition for Fair Canadian Lumber Imports on behalf of a number of producers in the United States of certain softwood products. The petitioner alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to manufacturers, producers, or exporters in Canada of certain softwood products. We found the petition to contain sufficient grounds upon which to initiate countervailing duty investigations, and on October 27, 1982, we initiated investigations (47 FR 49878). Since Canada is a "country under the Agreement" within the meaning of section 701(b) of the Act, injury determinations are required for these investigations. Therefore, we notified the U.S. International Trade Commission (ITC) of our initiations. On November 22, 1982, the ITC determined that there is a reasonable indication that these imports are materially injuring U.S. industries.

In our notice of initiations, we stated that we expected to issue preliminary determinations by December 31, 1982. We subsequently determined that the investigations are "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determinations for 65 days until March 7, 1983 (47 FR 56686).

We presented questionnaires concerning the allegations to the Embassy of Canada in Washington, D.C. on December 6, 1982. On January 4, 1983, we received responses. Additional information was received on January 17, 1983.

A supplemental questionnaire was presented on February 9, 1983, and a response was received on February 23, 1983. Additional information was submitted on numerous dates.

Preliminary negative countervailing duty determinations were published on March 11, 1983 (48 FR 10395) and a correction was published on March 21, 1983 (48 FR 11731). Both petitioner and respondent filed briefs pertaining to these investigations prior to and after our preliminary determinations. We received a request to hold a public hearing in accordance with § 355.35 of the Commerce Department Regulations, but that request was subsequently withdrawn.

Scope of Investigations

The products covered by these investigations are:

- Softwood lumber.
- Softwood shakes and shingles.
- Softwood fence.

The products are fully described in Appendix A of this notice. There are a large number of producers and/or exporters of certain softwood products in Canada. The period for which we are measuring subsidization is the most recent year for which data are available, as stated in the appropriate program descriptions.

Analysis of Programs

In its responses, the government of Canada (GOC) provided data at the federal and provincial levels for the applicable periods. In addition, information was provided by counsel for the Canadian producers and counsel for the petitioner.

General principles applied by the Department of Commerce (the Department) to the immediate investigations concerning certain softwood products from Canada, many of which are repeated throughout this notice, are described in detail below. Other principles are discussed in the appropriate sections of this notice.

Petitioner alleged that respondent companies have received numerous grants for various purposes. Grants determined to be countervailable have been treated according to the Department's established methods. To calculate the benefit received from the countervailable grants being considered in these investigations, we allocate the present value of grants "tied" to the purchase of capital equipment over the relevant period. If the grant was "tied" to the purchase of capital assets, but not to specific capital assets, we use the number of years reflecting the average useful life of capital assets in the sector producing the products under investigation. A grant is considered tied where the intended use is known to the donor, and where such use is acknowledged prior to, or concurrently with, its bestowal. In these investigations no grants were tied to specific items of capital equipment. Based on evidence in the record, we determine that the average useful life of sawmill plants and equipment is 15 years.

"Present value" is a mechanism for allocating money received in one year to other years and is calculated using a discount rate. For this purpose, we determine that the most appropriate discount rate is the "risk-free" rate. For these investigations, we determine the risk-free rate is the secondary market rate for long-term (ten years and over) Canadian government debt. The source used to determine the Canadian "risk-free" rate was *Financial Statistics*, published by the Organization for Economic Cooperation and Development (OECD).

Certain small grants are expensed in the year received for reasons discussed in the appropriate program descriptions in the "Programs Determined to Confer Subsidies" section of this notice.

We normally use data from a uniform period in calculating subsidies. The responses contained data based on both fiscal years and calendar years. Where the grants were reported on a fiscal year basis, we used those amounts as the best information available and allocated the calculated net benefit over annual sales values. Where information provided was based on fiscal year data and it was necessary to apply a discount rate, a fiscal year discount rate was calculated by averaging the appropriate monthly rates.

Unless otherwise stated in the "Programs Determined to Confer Subsidies" section of this notice, the denominator used to calculate an *ad valorem* subsidy depended on whether the response provided information on a product-by-product basis or on a combined basis. Where loans and grants were reported on a product-by-product basis, we allocated the benefits over the total sales, for the most recent year for which data are available, of the producers of that specific product. Where loans and grants were reported on a combined basis for some or all of the products under investigation, we allocated the benefits over the total sales, for the most recent year for which data are available, of the producers of those certain softwood products. To determine the total sales figures for the producers of the products under investigation, we used value of shipments statistics provided by the GOC, which are the most recent and best data available.

Based on our analysis of the petition, responses to our questionnaires, arguments made by interested parties, and our verification, we determine the following.

I. Programs Determined To Confer Subsidies

We determine that subsidies are being provided to manufacturers, producers, or exporters in Canada of certain softwood products included in these investigations under the programs described below. The total estimated net subsidy for each product under

investigation, however, is *de minimis*, and therefore our determinations are negative.

A. Federal Programs

1. *Certain Aspects of the Investment Tax Credit.* The investment tax credit incentive is available to all secondary industries which purchase new buildings, machinery and equipment for use in manufacturing and processing activities. Credits for the purchase price of eligible assets are subject to a yearly maximum of $15,000 [1] and 50 percent of the excess over $15,000 of federal taxes payable. Unused credits are carried forward for five years.

The program provides a credit of seven percent of the capital cost of qualified property acquired by companies located anywhere in Canada. A credit of 20 percent is given for qualified property acquired for use anywhere in the provinces of Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick and the Gaspé Peninsula. Other areas, as designated by the Department of Regional Economic Expansion (DREE) under the Regional Development Incentives Act (RDIA), are eligible for a ten percent credit. A company can receive a credit of 50 percent when an asset is used in census divisions which record family unemployment rates over 30 percent greater than the national average, and per capita incomes less than 89 percent of the national average. This category is further limited to five percent of the Canadian population living in areas that meet the above tests. Companies in a province can only receive benefits in this category for areas including no more than 40 percent of that province's population.

Since investment tax credits up to seven percent are available to all companies on equal terms, the Department has determined that such credits do not confer a subsidy. However, credits over seven percent are limited to companies located within specific regions, and confer a subsidy.

In our preliminary determinations, we evenly allocated the investment tax credits taken to each of the four rate categories since we did not know more precisely the amount of investment tax credits claimed under each category. During verification, we obtained additional information on capital investment by Standard Industrial Code (SIC) 25 industries [sawmilling industries) and the shipments by SIC 251 (sawmills and planing mills) and 259 (miscellaneous wood products) industries. We determine that capital investment and shipments parallel each other, so we believe it is reasonable to assume that the distribution of investment tax credits granted corresponds to the volume of shipments. Therefore, we allocated investment tax credits claimed in 1980 (the most recent year for which data are available) as appropriate to the four rate categories based on shipment data.

The subsidy calculation for this program takes into account the fact that an investment tax credit immediately reduces the depreciable value of an asset and thus reduces the capital cost allowance benefits for purposes of both federal and provincial taxation. In the preliminary determinations, we assumed a 25 percent rate for capital cost allowance, since we did not realize that 50 percent was the rate applicable for property acquired prior to November 12, 1981. We are now using the 50 percent rate. The net benefit from the capital cost allowance is equal to the amount of the deduction multiplied by the taxpayer's combined federal and provincial tax rate. we used the 1979 combined federal and provincial tax rate of 41 percent, the most recent data available.

The subsidy to the producers of softwood lumber and softwood shakes and shingles, allocated over the value of total 1980 sales for sawmills and planing mills, amounts to 0.030 percent *ad valorem*. The subsidy to softwood fence producers, allocated over total 1980 sales of miscellaneous wood products, amounts to 0.018 percent *ad valorem*.

2. *Program for Export Market Development (PEMD).* PEMD is administered by the Department of External Affairs and is available to all businesses in the manufacturing or service sectors which export, including producers of the products under investigation. PEMD facilitates the development of export markets for Canadian products by sharing with the companies the costs of travel, per diem and some special expenses. PEMD assistance is in the form of interest-free loans with forgivable repayment terms. If sales result from the export market development activities, the funds must be repaid at a rate of two percent of sales generated for a period of three years up to the amount of assistance provided.

Between 1980 and 1982 two small projects were funded by PEMD to develop market opportunities in the United States for softwood fence and softwood lumber. The disbursements for both projects were made in 1982. The sole purpose of PEMD is to stimulate exports; therefore, we determine that assistance provided under the program confers benefits which constitute export subsidies. Because there is no absolute obligation to repay the loan and because PEMD assistance covered costs normally expensed in the year incurred, we treated the funds disbursed as grants expensed in the year of receipt. We allocated the 1982 benefit of each project over the total 1981 export sales to the United States of softwood fence and softwood lumber, respectively, and calculated a subsidy of 0.009 percent *ad valorem* for softwood fence and less than 0.001 percent *ad valorum* for softwood lumber.

3. *Forest Industry Renewable Energy Program.* The Forest Industry Renewable Energy (FIRE) program is administered by the federal Department of Energy, Mines and Resources. The purpose of the program, which began in 1979, is to encourage the substitution of biomass energy sources for fossil fuels by companies that would otherwise have no economic incentive to do so. FIRE assistance is given in the form of taxable grants that are tied to the purchase of capital equipment (facilities for burning biomass in place of fossil fuels).

We verified that prior to April 1, 1981, funds were made available under the FIRE program only to "forest industry firms," as defined by the GOC according to the Treasury Board submission of August 16, 1978. Thereafter, FIRE assistance became available to all industries throughout Canada according to the Treasury Board submission of January 8, 1981.

This program involves the provision of a monetary benefit which could be used by all industries if made available to them. Since the restrictions on the availability of FIRE grants from August 16, 1978 to January 8, 1981 were due entirely to governmental action, we determine that the grants received by the producers of the products under investigation during that period confer subsidies within the meaning of the Act. Grants awarded after that period do not confer subsidies because eligibility was not limited by governmental action.

The benefit is based on the amount of grants received by the producers of the products under investigation during the first two years of the program's existence. We calculated the benefit to these producers in accordance with our grant methods described in the "Analysis of Programs" section of this notice. We allocated the benefit received over the total sales value of the producers of the products under

[1] Throughout this notice, all amounts are expressed in Canadian dollars, unless otherwise specified.

investigation, and calculated a subsidy of 0.003 percent *ad valorem.*

4. *Regional Development Incentives Program (RDIP)—Grants.* The RDIP is administered by DREE for the purpose of creating stable employment opportunities in areas of Canada where employment and economic opportunity are chronically low. The program provides development incentives (grants) and loan guarantees to manufacturers whose capital investment projects for establishing new facilities or expanding or modernizing existing facilities will create jobs and economic opportunities in areas designated as economically disadvantaged. Loan guarantees are discussed in the "Programs Determined Not to Confer Subsidies" section of this notice. The Governor-in-Council may designate a region upon the report of the Minister of DREE, if satisfied that existing opportunities for productive employment in the region are exceptionally inadequate and the provision of development incentives will make a significant contribution to economic expansion and social adjustment within that region. Development incentives and loan guarantees are currently not available to manufacturing and processing industries located in southern Ontario, southern Alberta and southern British Columbia (BC).

The prime criterion for DREE approval of a proposed project is the likelihood that the project will provide needed economic opportunities and social adjustment. Projects which would proceed without RDIP assistance are ineligible.

RDIP grants were provided to producers of the products under investigation. We determine that grants provided through the RDIP program of DREE confer subsidies because the benefits are limited to companies located within specific regions.

The subsidy to producers of the products under investigation has been calculated according to the grant methods described in the "Analysis of Programs" section of this notice.

The grants received since fiscal 1970 (when the program started) were provided on a product-by-product basis. Therefore, we have calculated a separate subsidy for each product. The amount of subsidy provided by RDIP grants is 0.180 percent *ad valorem* for softwood lumber, 0.070 percent *ad valorem* for softwood shakes and shingles, and 0.151 percent *ad valorem* for softwood fence.

5. *Federal Employment Program—CIAP.* The Community-Based Industrial Adjustment Program (CIAP), which began early in 1981, is one of the two components of the Industry and Labour Adjustment Program, which is administered by the Department of Industry, Trade and Commerce. Its purpose is to alleviate the distress caused in "designated" Canadian communities by large-scale permanent industry dislocation in a given sector when such dislocation causes high unemployment in these communities. CIAP assistance comes in the form of grants for consulting costs of interest-free loans for the funding or capital costs.

At verification, we ascertained that communities in Canada are designated for CIAP assistance at the discretion of the federal Cabinet from a list of depressed communities. We also verified that one producer of softwood lumber received one small grant in 1982 under the CIAP program. Since the benefits under this program are limited to companies located in specific regions, we determine that CIAP assistance constitutes a subsidy within the meaning of the Act. Because the grant covered costs normally expensed in the year incurred, we allocate the grant exclusively to the year of receipt. Allocating this CIAP grant over the total sales value of the producers of softwood lumber, we calculated a subsidy of less than 0.001 percent *ad valorem.*

B. Federal/Provincial Programs

1. *Agricultural and Rural Development Agreements (ARDA).* The ARDA's resulted from joint determinations by the federal and provincial governments that government action is required to promote economic development and to alleviate conditions of social and economic disadvantages in certain rural areas. These agreements are available to all provinces in Canada.

Of the six programs under the General ARDA, the Alternative Income and Employment Opportunities in the Rural Development Region (Alternative Income and Employment) is the only program that provided benefits to the producers of the products under investigation.

The Alternative Income and Employment program was available to all provinces, but was used only in Ontario and BC. The program was designed to provide grants to establish, expand or modernize production facilties in order to increase income and alternative employment opportunities for low income people in designated rural areas of a province. Both BC and Ontario received federal funds to finance 50 percent of the assistance given under this program for rural areas which are "economically depressed." Since the eligibility for General ARDA is limited to companies located within specific regions, we have determined that both federal and provincial benefits under this program confer a subsidy.

As a supplement to the General ARDA program, the Special ARDA program is aimed at improving employment and income opportunities for people of native ancestry in rural areas (defined by specific criteria). These agreements have been signed with Manitoba, the Northwest Territories, the Yukon, BC and Saskatchewan.

Since the benefits of the Special ARDA program are limited to companies located in rural areas, we determine that Special ARDA confers subsidies.

We used the grant methods described in the "Analysis of Programs" section of this notice to calculate the benefits under the ARDA programs. Allocating the benefits over the total sales value of producers of the products under investigation, we calculated a subsidy of 0.005 percent *ad valorem.*

2. *General Development Agreements.* As part of its activities to spur developent in Canada, DREE entered into ten-year General Development Agreements (GDA's) with all provinces except Prince Edward Island. A similar 15-year comprehensive development plan exists for Prince Edward Island.

GDA's have become the principal instruments of DREE's development policies, both in terms of expenditure and coordination of planning and programming. Within each GDA, specific subsidiary agreements have been negotiated with individual provinces. These mainly fund general planning, infrastructure and community development, although some assistance has been provided to individual companies.

Under the GDA's, subsidiary agreements with provisions for assistance to small enterprises are available to all provinces and have been negotiated with Manitoba, Ontario BC and New Brunswick. Funds were provided to producers of the products under investigation in the latter three provinces.

a. *British Columbia—Assistance to Small Enterprise Program (ASEP).* This program is jointly funded by BC (Ministry of Industry and Small Business Development) and the federal government (DREE) under the authority of the Canada-British Columbia Industrial Development Subsidiary Agreement. ASEP offers interest-free loans to companies in the manufacturing and processing sector with annual revenues of less than $500,000. The

terms of the loans provide that the loans will be forgiven. These loans are available for the construction of new facilities (the lesser of 50 percent of the eligible capital costs or $30,000), and for modernization projects (the lesser of 30 percent of the eligible capital costs or $18,000).

The ASEP program began in 1977 and continued until March 31, 1983. During that period, only companies located outside the "Lower Mainland and Southern Vancouver Island" regions were eligible for funds. During June 1980-July 1981, the area excluded from ASEP was included in the Small Manufacturers Assistance Program (SMAP), a similar program established and funded by BC (Ministry of Industry and Small Business Development).

We determine that all federal assistance provided through ASEP is countervailable because it was limited to companies in specific regions. We determine that provincial assistance provided through ASEP is countervailable during the period in which SMAP was not in operation because provincial benefits were then likewise limited to companies within specific regions. Provincial assistance provided through ASEP is not countervailable during June 1980-July 1981, when it was generally available because the SMAP program was also in operation.

Because the loans by their terms are to be forgiven, we treated them as grants and used the grant methods described in the "Analysis of Programs" section of this notice to calculate the benefits. The total amount of ASEP loans to producers of the products under investigation was adjusted to account for loans made to operations that were destroyed, were in receivership, were permanently closed prior to 1981, or had the assets which were purchased with the proceeds of the loans repossessed.

The subsidy amounts to 0.002 percent *ad valorem* for softwood lumber, 0.044 percent *ad valorem* for softwood shakes and shingles, and 0.010 percent *ad valorem* for softwood fence.

b. *New Brunswick-NED, KED and SIFAP.* Three subsidiary agreements between New Brunswick and the federal government provide assistance to small enterprises in the province. These are the Northeast New Brunswick Development Subsidiary Agreement (NED), the Kent Region Pilot Project Subsidiary Agreement (KED), and the Industrial Development Subsidiary Agreement (SIFAP). No applications for funds under these programs were accepted after the 1980–81 fiscal year, and no funds have been disbursed since March 31, 1982.

The benefits under these programs were interest-free forgivable loans. The total amount of funding provided could not exceed 50 percent of the cost of new manufacturing or processing facilities or 30 percent for modernization or expansion of existing facilities. To be eligible, firms had to have average sales of less than $1,000,000 over the past two years and had to be located in specific regions, which varied for each of the three programs. Companies were required to contribute new equity of at least 20 percent of the cost of a project. Producers of the products under investigation received interest-free forgivable loans under this program between 1978 and 1981.

We determine that benefits under NED, KED, and SIFAP are countervailable because they are limited to companies located within specific regions. Because loans under the programs are forgivable and they have all been forgiven, we treated the benefits as grants.

In calculating the benefits, we used the grant methods described in the "Analysis of Programs" section of this notice. The subsidy under this program amounts to 0.008 percent *ad valorem* for softwood shakes and shingles, 0.007 percent *ad valorem* for softwood fence, and less than 0.001 percent *ad valorem* for softwood lumber.

c. Ontario—Eastern Ontario Subsidiary Agreement. Under the Eastern Ontario Subsidiary Agreement, interest-free forgivable loans are provided to industries located in the eastern region of Ontario. Producers of softwood lumber received such loans in fiscal year 1981. Benefits under this program are countervailable because they are limited to companies located within a specific region. Because loans under the program are, by their terms, to be forgiven, we treated them as grants.

In calculating the benefits, we used the grant methods described in the "Analysis of Programs" section of this notice. The subsidy under this program amounts to less than 0.001 percent *ad valorem* for softwood timber.

C. Provincial Programs

1. *Alberta.—Stumpage Payment Deferral.* The government of Alberta has deferred the payment of stumpage dues and holding and protection charges for one year from May 1, 1982 to May 1, 1983. This applies to holders of stumpage rights under Forest Management Agreements, Quota Certificates, and Commercial Timber Permits. Stumpage dues are paid on a monthly basis and holding and protection charges are paid on an annual basis. The terms of the deferral specify that the cumulated deferred dues must be repaid in 12 equal monthly installments beginning on May 1983. The deferred holding and protection charges were to be repaid in May 1983.

The deferral involves the provision of a benefit which could be used by all industries if made available to them. Since the restrictions on availability are due entirely to governmental action, we find that the program was limited to a specific industry or group of industries. Furthermore, because recipients paid no interest, the deferral is on terms inconsistent with commercial considerations. Therefore, the benefits under this program confer a subsidy on the products under investigation.

Because stumpage dues are paid on a monthly basis, we treated each month's deferred dues, through December 1982, as a separate loan at zero interest rate with deferment of principal. To calculate the benefit, we compared what the companies would pay a commercial lender in principal and interest with what was actually to be paid. For the commercial benchmark, we used the rate for prime corporate paper (90 days) in Canada, as reported in the OECD *Financial Statistics*. We then calulated the percent value of the monthly stream of benefits of these loans using as the discount rate the secondary market bond yield for Canadian government bonds (one to three years), as reported in the OECD *Financial Statistics*.

Because holding and protection charges are paid annually and were to be repaid in May 1983, we treated this deferral as a one-year loan. For the commercial benchmark we used the rate for prime corporate paper (90 days), as reported in the OECD *Financial Statistics*. Allocating the benefits of these loans over total sales of the producers of the products under investigation, we calculated a subsidy of 0.003 percent *ad valorem*.

2. *British Columbia.—a. Low-Interest Loan Assistance (LILA).* When the joint Canada-British Columbia Industrial Development Subsidiary Agreement (IDSA) was signed in 1977, a program was established to provide loans at low interest rates. Funding for LILA loans is provided by BC through the Ministry of Small Business Development and the Special Purpose Appropriation Act. The British Columbia Development Corporation (BCDC) acts as trustee for the province in administering the LILA program. During February 1978–April 1979 the program's eligibility criteria were determined by the IDSA, and participation was limited to areas outside the Lower Mainland and Southern Vancouver Island regions. In

April 1979, the province changed the program criteria and LILA became generally available throughout BC.

LILA loans are used for captial improvements for plant expansions or modernizations, or for the establishment of production facilities which will create new economic activity and benefits. The loan rate, established twice a year, is the BCDC's prime commercial rate divided by two, subject to a maximum of ten percent per year.

From April 1977, when the program began, to August 1982, 24 loans were received by producers of the products under investigation. Of those loans, four were given during February 1978–April 1979 when eligibility was limted to companies located outside the Lower Mainland and Southern Vancouver Island regions. LILA loans given during this period are countervailable because of their availability was limited to companies located in specific regions, and because they were provided on terms inconsistent with commercial considerations.

The terms for the four loans given during February 1978–April 1979 matched the economic life of the fixed assets purchased. After 1981, the loan term was the lesser of three years or the economic life of of the asset.

We compared what a company would pay a normal commercial lender in principal and interest in any given years with what was actually paid on the loan in that year to calculate the subsidy rate for the four LILA loans identified. We also accounted for a six-month interest payment deferral on LILA loans. The benchmark rate used was the chartered banks' prime rate in Canada, as reported in the OECD *Financial Statistics*.

After calculating the payment differential in each year of the loan, we then calculated the present value of this stream of benefits in the year the loan was made using as the discount rate the secondary market bond yield for Canadian government bonds (one to three years), as reported in the OECD *Financial Statistics*. The subsidy provided by LILA loans amounts to less than 0.001 percent *ad valorem* for the products under investigation.

b. *Stumpage Payment Deferral.* The Fort Nelson Selling Price Zone was created in northeastern BC in recognition of the problems of logging in spruce swamplands where logging is only possible after "freeze-up" (mid-November to March 1). However, the lumber mills operate over a 12-month period. The volumes logged during the period November through February are allocated during the period November through October and stumpage is billed accordingly, regardless of the month in which the lumber was actually cut. Only licensees within the Fort Nelson Selling Price Zone are eligible for this deferral.

We determine that this deferral of stumpage payments confers a subsidy since the deferral is limited to companies located within a specific region and is on terms inconsistent with commercial considerations. The subsidy was calculated by taking the difference between the monthly stumpage payments due based on when the timber was actually cut and the monthly stumpage payments due based on the 12-month distribution plan. We treated these monthly differences as one-month loans at a zero interest rate, and multiplied the amount of the difference by a benchmark short-term interest rate. For the benchmark rate we used the rate for prime corporate paper (90 days) in Canada, as reported in the OECD *Financial Statistics*. The best information available for calculating the benefit from the deferral of stumpage payments due was billing information for the period November 1981–October 1982. The subsidy on the products under investigation amounts to less than 0.001 percent *ad valorem*.

3. *Ontario.*—a. *Stumpage Pricing for Non-Integrated Licensees.* Stumpage prices in Ontario are based largely on Crown dues, which are derived by multiplying an administratively set base rate by an index tied to end prices for forest products. The base rate for "non-integrated" licensees is set at 90 percent of the base rate for "integrated" licensees; the province defines "integrated" as "a licensee who owns or operates any pulp mill in Manitoba, Ontario or Quebec or is related to any person who owns or operates any such pulp mill."

During the course of these investigations, we asked about the basis for the difference in the two rates. We were told that integrated mills are larger and more efficient, and thus can afford to pay more for stumpage.

The fact that base rates for non-integrated licensees are lower does not necessarily mean that they are preferential within the meaning of subsection 771(5)(B)(ii). We recognize that there may be valid bases for charging different stumpage prices to integrated and non-integrated licensees. However, we do not have sufficient evidence on the record to explain the rate differential.

Consequently, we determine that the price charged to non-integrated licensees is preferential and constitutes a subsidy within the meaning of subsection 771(5)(B)(ii). To calculate the subsidy, we took the difference between the base rate for integrated licensees and that charged to non-integrated licensees. We then multiplied this difference by the volume of softwood timber sold in fiscal 1981–82 to non-integrated licensees. Because stumpage dues are current obligations, we treated this amount as a grant expensed in the year received and calculated a subsidy of 0.015 percent *ad valorem*.

b. *Stumpage Payment Deferral.* In December 1981, the government of Ontario initiated a six-month program whereby billings for stumpage payments could be deferred for approved applicants. The program was extended for an additional six months in July 1982. We determine that the program conferred a subsidy on the products under investigation because the benefits were provided only to sawmills and on terms inconsistent with commercial considerations.

We treated the amount of stumpage payments deferred for each month during the period for which we are measuring subsidization as a short-term loan at a zero interest rate. We multiplied the amount of each loan by a benchmark short-term interest rate for the months in which billings were deferred. For the benchmark rate we used the rate for prime corporate paper (90 days) in Canada, as reported in the OECD *Financial Statistics*. The subsidy amounts to 0.005 percent *ad valorem* for softwood lumber.

4. *Québec.*—a. *Stumpage Pricing on Timber Limits.* The timber limit is one of two forms of stumpage tenure and allocation in Québec (see Appendix B, section on Québec). Stumpage dues charged by the province for sawlogs harvested on timber limits are lower than those charged by the province for pulpwood. In most instances, the cutting rights for sawlogs or the cut sawlogs themselves are sold by the timber limit holders to sawmills and other users. The timber limit holder pays only $0.77 per m^3 to the province for sawlogs harvested on the limit. However, the limit holder can in turn charge a higher price to the purchaser. In the 1981–82 fiscal year, there were five timber limit holders that produced softwood lumber from sawlogs harvested on their own limits, and they paid the $0.77 per m^3 charged by the province.

During the course of these investigations, we asked about the basis for the difference in the two prices. We were told that timber limits are primarily held by pulp and paper producers and that they were not harvesting sawmill quality timber on their limits. Since the province wanted that timber harvested, it set a price

which it considered would encourage the harvesting of sawlogs. In contrast, the stumpage price for pulpwood is based on a percentage of the price per ton of newsprint delivered in New York.

The fact that sawlog prices are lower does not necessarily mean that they are preferential within the meaning of subsection 771(5)(B)(ii). We recognize that there may be valid bases for charging different stumpage prices for pulpwood and sawlogs. However, we do not have sufficient evidence on the record to explain the lower price for sawlogs.

Consequently, we determine that the price charged for sawlogs is preferential and constitutes a subsidy within the meaning of subsection 771(5)(B)(ii). To calculate the subsidy, we took the difference between the price charged for pulpwood ($3.36 per m^3) and that charged for sawlogs ($0.77 per m^3). We then multiplied this difference by the volume of sawlogs harvested in fiscal 1981–82 by timber limit holders and processed in their own sawmills. Because stumpage dues are current obligations, we treated this amount as a grant expensed in the year received and calculated a subsidy of 0.061 percent *ad valorem*.

b. *Aide à la Promotion des Exportations.* The Aide à la Promotion des Exportations (APEX) program is administered by the recently created Ministère du Commerce Extérieur of Québec. Prior to a December 1982 reorganization in the provincial government, APEX was administered by the Ministère de l'Industrie, du Commerce et du Tourisme (Office Québécois du Commerce Extérieur). The program has been available since 1977 to manufacturing and service companies in Québec. Under APEX, grants are awarded to companies for market research and for trade expositions for the promotion of exports of Québec goods and services outside Canada.

In 1982, two small APEX grants were made to exporters of the products under investigation specifically to develop export markets in the United States. Because APEX is expressly designed to stimulate exports, we determine that the program confers benefits which constitute export subsidies. One of the 1982 grants went to a producer of softwood lumber and softwood shakes and shingles. We allocated it over the 1981 export sales to the United States of those products, and calculated a subsidy of less than 0.001 per cent *ad valorem*.

We allocated the other 1982 grant, which went to a producer of softwood fence, over the total 1981 export sales to the United States of softwood fence and calculated a subsidy of 0.002 percent *ad valorem*.

c. *Société de Récupération, d'Exploitation et de Développement Forestiers du Québec.* The Société de Récupération, d'Exploitation et de Développement Forestiers du Québec (REXFOR) was incorporated in 1973 under Québec's REXFOR Act as a provincial Crown corporation. Under the joint trusteeship of the Ministère des Finances and the Ministère de l'Energie et des Ressources of Québec, its entire stock is allotted to the former, which approves REXFOR's operating and investment budgets.

REXFOR was created to manage specific provincially owned forest lands, to preserve and protect provincial forest lands through silviculture, and to encourage the development of the "forest industry" in Québec. REXFOR owns sawmills and pulp and paper mills, and produces the softwood products under investigation as well as a wide variety of products not under investigation. In carrying out these activities, REXFOR receives funds from both the Canadian and Québec governments, and is also an active investor in and provider of funds to the "forest products industry" in Québec.

(1) *Assistance to REXFOR from the Government of Canada.* REXFOR and three of its subsidiaries producing softwood lumber received six RDIP grants from DREE. These grants, which we determine to confer subsidies, are included in the federal portion of the "Programs Determined to Confer Subsidies" section of this notice.

(2) *Assistance to REXFOR from the Government of Québec.*—(a) *Loans and Loan Guarantees.* Between 1973 and 1977, REXFOR and its subsidiaries received a number of loans and a loan guarantee from the government of Québec (GOQ) at interest rates inconsistent with commercial considerations. We consider these loans and loan guarantee to have been targeted to a specific company. Accordingly, we determine that these loans and loan guarantee confer a subsidy on REXFOR.

To calculate this subsidy, we compared the principal and interest a company would pay a normal commercial lender in any given year with amounts actually repaid in that year. For purposes of these determinations, we included deferral of principal and interest payments in our subsidy calculations.

The benchmark rate used was the chartered banks prime rate in Canada, as published in the OECD *Financial Statistics*. After calculating the payment differential in each year of the loan, we then calculated the present value of this stream of benefits in the year the loan was made, using the secondary market bond yield for Canadian government bonds, as published in the OECD *Financial Statistics*, as the discount rate.

We allocated the benefits from these loans and loan guarantee over the total sales of the producers of softwood lumber and softwood shakes and shingles and calculated a subsidy of less than 0.001 percent *ad valorem*.

(b) *Grants.* Between 1977 and 1981, REXFOR received a grant from the GOQ for the production of softwood lumber. We consider grants made to REXFOR by the GOQ to have been targeted to a specific company. Accordingly, we determine that this grant confers a subsidy on REXFOR.

We calculated the benefit to REXFOR in accordance with the grant methods described in the "Analysis of Programs" section of this notice. We allocated the benefit received over the total sales of the producers of softwood lumber, and calculated a subsidy of less than 0.001 percent *ad valorem*.

(c) *Loss Coverage.* In two instances, the GOQ covered operating losses sustained by REXFOR in connection with two of its subsidiaries which respectively produce softwood lumber (Scieries Chic-Chocs) and all the products under investigation (Samoco). In both instances, the amounts received exceeded the losses sustained by REXFOR. In the case of Scieries Chic-Chocs, the excess of the funds received over the loss incurred was used to purchase fixed assets; in the case of Samoco, the excess was transferred into REXFOR's retaining earnings.

We determine that loss coverage confers a subsidy. We expensed those portions of the grants used to cover actual operating losses in the year in which they were received. We treated the excess amounts as grants and allocated them over 15 years, the average useful life of capital assets of sawmill plants and equipment. We allocated the benefit received over the total sales of the prducers of softwood lumber (in the case of Scieries Chic-Chocs) and of the producers of the products under investigation (in the case of Samoco), and calculated a subsidy of 0.017 percent *ad valorem* for softwood lumber, and 0.014 percent *ad valorem* for softwood shakes and shingles and softwood fence.

(d) *Equity Purchases.* The GOQ has made equity purchases in REXFOR under two difference sections of the REXFOR Act. Under section 6 of the REXFOR Act, the proceeds from

VOL
48
ISS
105
MY
31
1983
UMI

Quebec's equity purchases are made available to REXFOR for "general intvestment" purposes to be used as the company sees fit. Under section 7, the proceeds from Quebec's purchases of REXFOR stock are specifically directed by the GOQ to be used for loans to or equity purchases in third companies which may or may not be subsidiaries or affiliates of REXFOR, some of which produce softwood lumber or shakes and shingles.

(i) After analyzing REXFOR's financial statements since 1973, especially the company's debt position and rate of return on equity, we conclude that the GOQ's section 6 equity infustions into REXFOR were not inconsistent with commercial considerations. Therefore, we determine that government equity purchases in REXFOR that were not specifically directed do not confer a subsidy.

(ii) With regard to government equity purchases made pursuant to section 7 that were specifically directed, but *not* to producers of the products under investigation, we determine that these purchases did not confer subsidies on the products under investigation.

(iii) With regard to equity purchases made by the GOQ pursuant to section 7 that were specifically directed to producers of the products under investigation:

- Where the proceeds were used by REXFOR to make equity infusions in subsidiaries, affiliates or unrelated companies, we must consider whether these infusions were made on terms inconsistent with commercial considerations.

Our analysis of these companies leads us to conclude, based on verified financial data contained in the responses and REXFOR's annual reports, that REXFOR's equity purchases in these companies were in fact not inconsistent with commercial considerations. Accordingly, we determine that these equity purchases do not confer subsidies within the meaning of the Act on producers of the products under investigation.

- There were no loans made by REXFOR pursuant to section 7 that were specifically directed to producers of the products under investigation, for which principal was still outstanding during the period for which we are measuring subsidization.

d. *FRI Tax Abatement Program.* The Tax Abatement Program (TAP) is one of two programs under the aegis of the Fonds de Relance Industrielle (FRI) of Québec, which provided assistance to producers of the products under investigation. The second FRI program, *i.e., the Industrial Incentives Fund, is discussed below in the section titled "Programs Determined Not To Confer Subsidies."*

The FRI is a fund, administered by the Ministère de l'Industrie, du Commerce et du Tourisme of Québec with the assistance of Revenu Québec, which provides financial aid in order to stimulate modernization and development of Québec-based manufacturing enterprises.

TAP applies to capital equipment investments of at least $50,000 and allows a company to retain the lesser of 50 percent of taxes payable to the province or 25 percent of the investment costs. The total abatement can be spread over a maximum of five years. The company chooses in which of those five tax years it will file for the abatement and may use the retained amount as it sees fit, but it may not claim more than $500,000 during the five-year period. The program was discontinued in 1981, and no applications filed after March 31, 1981 have been accepted. However, disbursements are still being made on previously approved applications.

Companies located in the metropolitan area of Montréal are excluded from this program. Since TAP is limited to companies located within specific regions, we conclude that it confers a subsidy within the meaning of the Act.

Producers of the products under investigation took advantage of tax savings under this program. Total tax abatements claimed by these producers for the 1981 tax year amounted to $284,481. We consider this benefit to be received in 1982 because the companies do not know their tax savings under TAP until the completion of the tax year. We allocated these savings over the total sales value of the products under investigation, and calculated a subsidy of 0.005 percent *ad valorem*.

e. *SDI Export Expansion Program.* The Société de Développement Industriel (SDI) was established in 1971 by the Assemblée Nationale (Legislature) of Québec as a Crown corporation. SDI is wholly owned by the province and administered by the Ministère de l'Industrie, du Commerce et du Tourisme, but has certain powers and authority of its own as spelled out in the SDI Act. SDI gives financial assistance to the private sector in order to promote new business investment, plant expansion or modernization, and the export of Québec goods and services. This assistance comes in several forms: Loans, loan guarantees, grants as cash reimbursements for interest costs on investments or partial forgiveness of loans, and acquisition of capital stock (the latter with the proviso that SDI not hold a majority of any given company's shares).

SDI receives annual budget appropriations voted by the Assemblée Nationale which are used to cover its administrative expenses and grants. In fiscal 1981–1982, SDI received $55.8 million from the Assemblée, of which $44.9 million was specifically earmarked for "subsidies" (grants). Another source of SDI funding is an endowment established by the GOQ at the time of SDI's formation in 1971 to provide liquidity against which SDI could guarantee its loans. This fund now totals $47.4 million, of which $32 million is the initial endowment and the balance is accumulated interest. Finally, SDI finances itself, in part, through borrowings on the capital markets, which amounted to $74 million as of July 15, 1982.

SDI assistance programs fall under three categories: the Export Expansion Program, which we determine to confer a subsidy for the reasons outlined below; development grant programs; and loans and loan guarantees to manufacturing firms. The latter two categories are described later in the "Programs Determined Not to Confer Subsidies" section of this notice.

Under the Export Expansion Program, SDI reimbursed interest costs to Québec firms whose direct exports increased by 25 percent over the previous year. The program has been discontinued; May 25, 1981 was the final date for receipt of new applications. Disbursements were made through May 1982.

The maximum grant awarded to a recipient company was the lesser of two percent of the company's export sales value or the amount of interest expense paid in a given year. Once the total grant was computed, SDI allocated the amount to the company for U.S. and overseas exports respectively, in direct proportion to the company's export sales to the United States and overseas.

Producers of softwood lumber received funds under this program. We determine the Export Expansion Program to confer an export subsidy. Because interest charges are normally expensed in the year paid, we calculated the benefit by allocating the amound provided by SDI in 1981 (the most recent year for which data are available) to softwood lumber producers for their exports to the United States over the total sales value of exports of softwood lumber to the United States, and calculated a subsidy of 0.019 percent *ad valorem*. Producers of softwood shakes and shingles and softwood fence did not receive funds

under this program during the period for which we are measuring subsidization.

II. Programs Determined Not To Confer Subsidies

We determine that the Canadian federal provincial governments are not providing subsidies to manufacturers, producers, or exporters of certain softwood products included in these investigations under the following programs:

A. Stumpage Programs of the Canadian Federal and Provincial Governments

Petitioner alleges that the stumpage programs [2] of the Canadian federal and provincial governments confer both a domestic and an export subsidy on the products under investigation.

Concerning the former allegation, petitioner alleges that stumpage programs are provided to a specific group of industries within the meaning of subsection 771(5)(B) of the Act. Also, rather than alleging that stumpage programs constitute the provision of a good at preferential rates under subsection 771(5)(B)(ii) of the Act, petitioner alleges that stumpage programs constitute the assumption of a cost of production within the meaning of subsection 771(5)(B)(iv) of the Act. Essentially, petitioner claims that "assumption," as used in subsection (iv), should have a broad, all-inclusive meaning, encompassing any governmental activity that reduces or absorbs production costs on terms inconsistent with commercial considerations.

First, stumpage programs do not confer an export subsidy, because they do not operate and are not intended to stimulate export rather than domestic sales, and because they are not offered contingent upon export performance. The mere fact that significant quantities of products made from stumpage are exported to the U.S. does not mean that stumpage programs confer an export subsidy.

Further, stumpage programs do not confer a countervailable domestic subsidy for the following reasons. First, we determine tht stumpage programs are not provided only to a "specific enterprise or industry, or group of enterprises or industries." Rather, they are available within Canada on similar terms regardless of the industry or enterprise of the recipient. The only limitations as to the types of industries that use stumpage reflect the inherent characteristics of this natural resource and the current level of technology. As technological advances have increased the potential users of standing timber, stumpage has been made available to the new users. Any current limitations on use are not due to activities of the Canadian governments.

Although nominal general availability of a program does not necessarily suffice to avoid its being considered a possible domestic subsidy, the Department further determines that stumpage is used within Canada by several groups of industries. Stumpage is cut by the lumber and wood products industries (which manufacture products ranging from simple "two-by-fours" to window frames), the veneer, plywood and building boards industries, the pulp and paper industries (which manufacture products ranging from cardboard boxes to newsprint), and the furniture manufacturing industries, each of which requires different types of processing equipment and uses different channels of trading. Stumpage permits are also held by individual consumers and by industries producing turpentine, charcoal, wood alcohol, and even food additives (*i.e.*, vanillin and lignin). In this regard, we note also that, under the classification systems of both Canada and the United States, the lumber and wood products industries, the pulp and paper industries, and the furniture manufacturing industries constitute at least three groups of industries. Therefore, in view of its general availability without governmental limitation and its use by wide-ranging and diverse industries, we determine that stumpage is not provided to a "specific group of * * * industries."

We note, however, the importance of stumpage's general availability without governmental limitation. Where, on the other hand, the governments expressly limit programs to the so-called "forest products industries," we have found some domestic subsidies. Unlike stumpage programs, these types of programs involve the provision of benefits, usually money, that can be used by all enterprises and all industries. In such cases, the restrictions on availability are due entirely to governmental action, and not to any specific characteristics of that which is provided. With respect to these types of programs, we believe that there is sufficient evidence of governmental action to support a determination that a benefit is conferred upon a "specific group of * * * industries."

Even if stumpage programs were being provided to a "specific group of * * * industries," we determine that they would not confer a domestic subsidy. In this regard, we determine that Canadian stumpage programs, except for certain aspects of those of Ontario and Québec, do not confer a domestic subsidy, because they do not provide goods at preferential rates to the producers of the products under investigation within the meaning of subsection 771(5)(B)(ii).

In our opinion, subsections 771(5)(B)(i)–(iv) are mutually exclusive. We recognize that subsections (i)–(iv) are not an all-inclusive list of domestic subsidies. However, we maintain that where a particular subsection clearly covers a given program, the determination whether that program is a subsidy must be based upon the standard provided in the relevant subsection. In addition, we recognize that in some situations it may be arguable as to which subsection most closely describes a particular program. However, this problem does not arise in the instant investigations, because stumpage programs clearly involve the prosision of a good (raw timber), and thus clearly fall within sucsection (ii). Therefore, we determine that subsection (ii) is the controlling provision insofat as these stumpage programs are concerned.

The standard contained in subsection (ii) is "preferential," which normally means only more favorable to some within the relevant jurisdiction than to others within that jurisdiction.[3] In this context, it does not mean "inconsistent with commercial considerations," a distinct term used in subsection 771(5)(B)(i) (which is not applicable with regard to stumpage programs in general, because they do not involve the provision of capital, loans, or loan guarantees).

Assuming *arguendo* that subsection (iv) also applies to stumpage programs, we determine that Canadian stumpage programs do not "assume" a cost of production. We believe that the most reasonable interpretation of "assumption" is that it refers only to government activity which relieves an enterprise or industry of a pre-existing statutory or contractual obligation. Otherwise, subsection (iv) would embrace all of the activities described in preceding subsection (i)–(iii), because

[2] In general, "stumpage" refers to standing timber and "stumpage programs" refer to the systems by which individuals and companies acquire rights to cut and remove standing timber from government forest lands. The stumpage programs of the various Canadian governments are described in further detail in Appendix B of this notice.

[3] There may be other cases in which the number of users of a good or service may be so limited that the preferentiality test may need to be examined further. In addition, as the Department and the Department of the Treasury have recognized in prior cases, "different" does not necessarily mean "preferential."

the activities described in those subsections could all be regarded as activities which reduce or absorb—and thereby arguably "assume"—costs of production. Such a broad construction of the term "assumption" would make subsection (iv) largely redundant of subsections (i)–(iii) and is, as a matter of law, not preferred. Accordingly, "assumption," as used in subsection (iv), means something other than the universe of governmental activities which could have the effect of reducing or absorbing a cost of production. Rather, it refers to a specific type of activity. In the financial and legal terms relevant to subsection 771(5)(B)'s list of domestic subsidies, an "assumption" is the relief from a pre-existing statutory or contractual obligation.

Under this interpretation, stumpage programs do not constitute the assumption of a cost of production, because the Canadian governments do not relieve the producers of any pre-existing statutory or contractual obligations. To the contrary, the governments impose a cost for the stumpage, which they have owned themselves for well over a century. These imposed costs include not only cash payments for stumpage, but also one or more other costs, such as ground rents, forest management plans, silviculture and road building, as detailed for each province in Appendix B.

Even if "assumption" were construed more broadly, we determine, based upon available information in the record of these investigations, that Canadian stumpage programs have not effectively reduced, and thereby "assumed," a cost of production. Petitioner claims that because there is an allegedly unified North American market for softwood lumber, shakes and shingles and fence, the Department should compare Canadian stumpage prices to prices for stumpage in the United States. We disagree. First, it has been the Department's policy not to use cross-border comparisons in establishing commercial benchmarks.

Second, while there may be a unified North American market for each of the products under investigation, there is not a unified market and a unified price for stumpage, because each individual stand of timber is unique due to a variety of factors, such as species combination, density, quality, size, age, accessibility, and terrain and climate. Stumpage prices vary substantially both regionally and locally within Canada and the United States, even within a mill's timber supply area. For example, a publication called *Timber-Mart South* publishes stumpage prices for the southeastern United States. This publication covers thirteen states, each divided into three regions, and lists separate prices for each species within each region of each state.

We believe that a comparison of Canadian stumpage prices with U.S. prices would be arbitrary and capricious in view of: (1) The wide differences between species composition; size, quality, and density ot timber; terrain and accessibility of the standing timber throughout the United States and Canada; (2) the additional payments which are required in many provinces in Canada, but not generally in the United States; (3) the fact that in recent years, prices in national forests in the United States have been bid anywhere between two to five years in advance of cut, without taking into account the fluctuations in demand for lumber; and (4) the fact that in recent years the U.S. Forest Service has restricted the supply of timber in certain national forests due to budgetary and environmental constraints.

Alternatively, even if one believes that there is a rational basis for comparing U.S. and Canadian stumpage prices, the record of these investigations includes studies showing that once appropriate adjustments are made to take into account the differences in quality, accessibility, as well as additional cash payments and in-kind services, Canadian prices for standing timber do not vary significantly from U.S. prices. Indeed, in some cases the Canadian price may be higher. Therefore, even if one were to use U.S. prices as a benchmark, there is evidence in the record which establishes that the Canadian governments do not assume costs of production through their stumpage programs.

In the absence of a market price for stumpage with which Canadian stumpage prices may reasonably be compared, we could, as petitioner suggests, alternatively determine whether Canadian stumpage prices reflect "true market value."

The value of stumpage derives from a number of factors, including the price of the end products made from it, and not from any intrinsic value of the standing timber. One method of establishing stumpage prices, which is used in BC and some parts of the United States, is to calculate its residual value based upon the end-product price. Under the residual value approach, the seller makes allowances for normal profit and risk factors and deducts manufacturing costs from the end-product price to determine the minimum price for stumpage below which it will not sell.

As noted above, residual valuation is used in BC, which between 1977 and 1981 produced 67 percent of the softwood lumber manufactured in Canada. We believe that it constitutes a reasonable method for establishing stumpage prices. Therefore, we determine that prices charged in BC for stumpage may not be said not to reflect "true market value," as alleged by petitioner. Accordingly, one cannot find that stumpage programs in BC assume a cost of production, even if that term is interpreted broadly. In addition, other provinces established stumpage prices (such as competitively bid prices) which cannot be said not to reflect "true market value."

For all the above reasons, we determine that Canadian stumpage programs do not assume a cost of producing the products under investigation.

In conclusion, based on information in the record, we determine that Canadian stumpage programs (with the exceptions noted above for Ontario and Québec) do not confer a subsidy within the meaning of the Act because they are not offered contingent upon export performance, because they are not provided to a "specific enterprise or industry, or group of enterprises or industries," and because they do not confer a domestic subsidy within the meaning of subsection 771(5)(B).

B. Federal Programs

1. *Deductible Inventory Allowance.* The federal Income Tax Act authorizes a deduction equal to three percent of the opening value of inventories held for sale or for the production of goods for sale. This deduction is available on equal terms to all businesses holding inventories for sale throughout Canada.

We determine that the deductible inventory allowance does not confer countervailable benefits because it is not limited to a specific industry, group of industries or to companies in specific regions.

2. *Capital Cost Allowances.* The federal Income Tax Regulations provide for a capital cost allowance for businesses throughout Canada that purchase qualifying assets used in abating water or air pollution, manufacturing or processing, or conserving energy. These companies receive a full write-off over three years with a cumulative maximum deduction of 25 percent in the first year, 75 percent in the second year and 100 percent in the third year. This is the only method of depreciation allowed for these

properties, and they are depreciated according to this schedule regardless of use by industrial sector.

We determine that these capital cost allowances do not confer countervailable benefits because they ae not limited to a specific industry, group of industries or to companies in specific regions.

3. *Export Credit Insurance.* Petitioner alleges that the GOC covered export credit insurance losses incurred by the Export Development Corporation (EDC). EDC is a Canadian Crown corporation providing financial services to Canadian exporters and foreign buyers to develop Canada's export trade. The GOC is the sole stockholder in EDC. One of EDC's financial services is export credit insurance. EDC maintains its own commercial insurance operation, as well as a separate operation on behalf of the government. We verified that exports to the United States of the products under investigation are not insured under the government account.

EDC has never incurred a fiscal year loss on its commercial operations, although there has been a downward trend in earnings. This downward trend in earnings prompted EDC to develop a cost allocation and accounting system in 1982. Although not fully implemented, the system is designed to assign costs and forecast revenue requirements more accurately for all of EDC's commercial operations, including the insurance operation. In this regard, EDC's Financial Planning Division also conducts an annual review of the past five year's claims experience, and then forecasts the percentage of every premium dollar that should be assigned to claims. In 1982, the percentage of every premium dollar allocated to cover future claims was increased from 38 percent to 50 percent. Because the claims provision was increased, EDC has raised its premium rates twice in the past two years. We verified that between 1982 and 1983, premiums on exports of lumber to the United States were raised 25 percent.

Based upon our review of information on the record, it appears that the petitioner's allegation pertains to export credit insurance losses sustained by EDC in its operation on behalf of the GOC and not in its commercial operation. Exports to the United States of the products under investigation are insured solely through EDC's commercial operation. Further, as noted above, EDC has raised premium rates when the claims provision was increased. Thus, it appears that EDC is charging premiums sufficient to cover long-term operating costs and losses. We determine that EDC's export credit insurance does not confer an export subsidy within the meaning of the Act.

4. *Federal Employment Programs.*—a. *Local Employment Assistance Program.* The Local Employment Assistance Program (LEAP), administered by the Canada Employment and Immigration Commission (CEIC), aims to increase the self-sufficiency of chronically un- or under-employed workers, such as handicapped persons, through grants for job creation and worker training. LEAP assistance is not limited to a specific industry, group of industries or to companies in specific regions. Moreover, "for-profit" organizations or entrprises are not eligible for LEAP funding. We determine that these grants did not confer any countervailable benefits upon the producers of the products under investigation.

b. *Work Sharing Program.* The purpose of the Work Sharing Program, which is also administered by the CEIC, is to avert temporary layoffs during short-term economic downturns by reducing workweeks, taking steps so that available work is shared, and providing unemployment benefits when no work is available. It does not relieve participating employers of any contractual oblibations. Employees of producers of the products under investigation received benefits under this program.

The Work Sharing Program is financed through the national Unemployment Insurance (UI) fund, to which employers contribute 47 percent; employees, 33 percent; and the federal government, 20 percent. Eligibility is not limited to a specific industry, group of industries or to companies in specific regions. Any company whose employers and employees pay regular UI premiums may receive Work Sharing assistance. Therefore, we determine that the Work Sharing Program did not confer any countervailable benefits to producers of the products under investigation.

5. *Regional Development Incentives Program (RDIP)—Loan Guarantees.* The RDIP, administered by DREE, as described in the "Programs Determined to Confer Subsidies" section of this notice, provides loan guarantees to manufacturers whose capital investment projects for establishing new facilities or expanding or modernizing existing facilities will create jobs and economic opportunities in areas designated as economicaly disadvantaged.

Under the loan guarantee program, DREE insures ultimate payment of losses related to approved loans at a cost of one percent of the balance of the guaranteed principal per annum. Some producers of the products under investigation have defaulted on these loans. However, the security or assets pledged by the companies enabled the private lender to recover the principal and thus avoid an insurance claim against DREE.

These loans are made on terms not inconsistent with commercial considerations. We determine that no benefit is being provided by RDIP loan guarantees, as all loans to producers of products under investigation were contracted at a rate of interest above the average Canadian commercial rate of interest based on the chartered banks' prime lending rate, as reported in the OECD *Financial Statistics.*

6. *Enterprise Development Program (EDP).* The Enterprise Development Program (EDP) was established in 1977 to provide loans, loan insurance and contributions to manufacturers (individuals, firms or corporations in Canada engaged in a manufacturing or processing activity) and, in the case of loan insurance, to private lenders to assist in projects of product development or enhancement, or for other types of productivity initiatives. The program is administered by one national and ten regional Enterprise Development Boards (one in each province), in conjunction with the federal Department of Industry, Trade and Commerce.

Enterprise Development Regulations provide a listing of the qualifying purposes for which any loan, loan insurance or contribution may be issued, and state that a regional board may exercise and perform the powers, duties and functions of the Board under the regulations with respect to:

- Any loan, insurance or contribution made where the total amount of any such loan, insurance or contribution does not exceed $200,000, the aggregate liability of the manufacturer does not exceed $200,000 and the dollar volume of sales of the manufacturer did not exceed $5,000,000 in its fiscal year immediately preceding the application for the loan, insurance or contribution.
- Any loan or insurance where the total amount of any such loan or insurance does not exceed $50,000 and the aggregate liability of the manufacturer does not exceed $200,000, except as a result of the making of such loan or the provision of such insurance.
- Any contribution where the total amount of the contribution does not exceed $20,000 and the aggregate liability of the manufacturer does not exceed $200,000, except as a result of the making of such contributions.

Loan insurance and contributions are determined not to confer subsidies and are discussed below, while loans

provided under EDP are discussed in the "Programs Determined Not to Be Used" section of this notice.

a. *EDP Loan Insurance.* The GOC provides loan insurance under the EDP to private lenders for loans to companies for approved productivity projects. The private lender pays a fee of one percent per annum, twice yearly, on the outstanding obligation for the insurance. The insurance allows the lender to recover up to 90 percent of the actual loss it experiences on defaulted loans after all security has been realized.

Companies participating in this program first negotiate a loan insurance agreement witht he Enterprise Development Board and then go to the private market to negotiate a loan. Loans vary in duration from three to ten years, with the repayment schedule being set by the lender.

Loan insurance may be provided under EDP on loans made by a private lender to a manufacturer, individual, firm or corporation in Canada if a loan is required to enable the manufacturer to meet changing competitive circumstances and if the provision of loan insurance is necessary to encourage private lending at normal commercial rates.

A few producers of the products under investigation received loan insurance under the EDP. We verified that EDP loan insurance was provided to a wide range of industries and was not limited to companies in specific regions. Therefore, we determine that the provision of the loan insurance does not confer a subsidy.

b. *DEP Contribution.* Under EDP the GOC shares the cost of approved projects with companies. Audits are conducted to verify that expenditures were made for the intended purpose. Contributions are administered in accordance with the terms and conditions approved by the Treasury Board. The funds are available to manfuacturers in any industry or region for a project which represents a significant departure from a company's traditional productivity improvement practices and has an existing potential for productivity gains but demonstrated uncertainty as to benefits. The cost of any feasibility study and implementation of the results thereof should represent a significant burden on the company's resources. In addition, the manufacturer must be capable of implementing the results of the study.

We found that small contributions were provided to producers of the products under investigation to assist in product development, proposal development, identification of new products and productivity enhancement. We verified that EDP grants were provided to a wide range of industries and were not limited to companies in specific regions. Therefore, we determine that they do not confer a subsidy on the products under investigation.

7. Transportation Programs. a. *Rail Freight Rates.* There are 33 common carrier companies providing rail transportation services in Canada, almost half of which are U.S. subsidiary lines. Of the Canadian lines, two companies—Canadian National (CN) and Canadian Pacific (CP)—are engaged in countrywide transport. Their combined trackage comprises 89 percent of the total railway trackage in Canada.

CP is a privately owned company, while CN is a Canadian Crown corporation. Laws and regulations governing railway operations and freight rates are promulgated by the federal government and administered by the Canadian Transport Commission.

Both Canadian and U.S. railroads offer several types of rates: class rates, competitive rates, commodity rates, and contract rates. In Canada, "agreed charges" is the term applied to contract rates for intra-Canada shipments. Rail shipments within Canada that do not fall under agreed charges generally move under competitive or commodity rates. At the present time, class rates apply to very little rail traffic. International rail shipments move under rates established jointly by the U.S. and Canadian rail companies involved.

The petitioner alleged that agreed charges are a domestic subsidy because they are below "tariff rates" and because they apply only to "forest (wood) products." In its response, the GOC provided copies of published agreed charges covering a large number of different commodities, such as foodstuffs, automobiles, appliances and petroleum products. Ten of these agreed charges cover shipments of lumber, shakes and shingles, and fence. Agreed charges are generally used when the companies are moving large volumes on a regular basis.

As require by section 32(2) of the Transport Act of 1938, the railroads that are competitive at the points of origin and/or destination must concur on the agreed charge rates to be charged the shippers. The railroads develop a joint position which is then presented to the shippers. We verified that agreed charges are rates agreed upon after arm's length negotiations between the Canadian railway(s) and the shippers. Agreed charges are renegotiated every year and reflect such variables as market and modal competition, value of the commodity, loadability, and equipment use.

In addition to the agreed upon rates, agreed charges stipulate that a certain percentage of volume must be shipped. For lumber this volume requirement is 80 percent. The lumber agreed charges also specify that the railcars must be completely off-loaded in Canada and that the agreed charge rates cannot be used in constructing combination rates to the United States. Under agreed charge regulations, any shipper who is moving the same goods under similar conditions between the same points can become a signatory to the agreed charge, and cannot be charged more than the agreed charge rate.

Agreed charges, like all rates charged by the railroads, must be compensatory; that is, the rate must cover the railroads' variable costs on each movement. However, the railroads charge what the market will bear. As such, their variable costs represent a floor below which a rate cannot go, but they do not represent a ceiling on rates.

During verification, we compared agreed charge rates for lumber with agreed charge rates for some other commodities and found that lumber agreed charge rates are higher both in cents per ton and cents per ton-mile. Moreover, although the rates charged by the railroads are not calculated on a per car-mile or per ton-mile basis, the Waybill Analysis from 1978–80 (the latests available published statistics) for all rate structures shows that "forest products" generated higher revenue for the railways than all other commodities both on a per car-mile and per ton-mile basis.

Because there are a number of agreed charges covering a wide range of commodities and because agreed charges are negotiated at arm's length, we determine that agreed charges do not confer benefits which constitute subsidies within the meaning of the Act.

b. *Currency Exchange Rate Tariff (No. 6016A).* The currency exchange rate tariff was implemented in 1921 on all rail shipments between the United States and Canada. Because of currency fluctuations, the railroads agreed that the value of that portion of the rail haul taking place in the United States should be reflected in U.S. currency and the value of that portion taking place in Canada should be reflected in Canadian currency. A study was conducted showing that of the total amount of freight charges collected on international shipments, 60 percent accrued to U.S. railways and 40 percent accrued to Canadian railways. Based on this study, Canadian railways were

authorized to collect a surcharge of 60 percent or to provide a discount of 40 percent on international shipments depending on prevailing exchange rates. These percentages were calculated to correspond to the average portion of a movement that took place in each country. Although the Canadian government has not legally mandated the exchange rate tariff since 1967, it is still applied by the Canadian railroads to all rail traffic between Canada and the United States.

The program works as follows. When U.S. funds are at a premium in relation to Canadian funds, the Canadian railways collect a surcharge of 60 percent of the current exchange rate differential on any prepaid movement from Canada to the United States without regard to the industry or region involved. When U.S. funds are at a discount in relation to Canadian funds, the shipper who pays in Canadian funds receives a discount of 60 percent of the exchange rate differential. If, however, charges are paid in the United States, the Canadian shipper must pay a surcharge of 40 percent of the prevailing exchange rate. Because the sole purpose of the tariff is to adjust for the differences in the value of the two currencies, it applies only to shipments exported to the United States.

Since 1977, U.S. currency has been at a premium in relation to Canadian currency. Therefore, Canadian shippers have been paying a surcharge on exports to the United States. Because Canadian shippers have been paying a surcharge, no benefits are being bestowed through the currency exchange rate tariff on exports of the products under investigation. Based upon our review of information on the record, the tariff is not intended, nor does it operate, to stimulate exports. Rather, it is a mechanism for maintaining Canadian rail carrier revenue. Therefore, we determine that the currency exchange rate tariff does not confer a subsidy within the meaning of the Act.

c. *Fuel Tax Refund and Fuel Tax Exemption.* The fuel tax refund is a program which applies to the movement of motor carriers operating in interstate service within the United States, in interprovincial service within Canada, or in international service between Canada and the United States. The purpose of this program is to ensure that all states and provinces collect taxes equal to the actual fuel consumed within each jurisdiction but which has been purchased outside that jurisdiction. The tax refund is applied by each jurisdiction uniformly on all truck movements regardless of the type of merchandise carried, if any.

Each motor carrier must keep a log of travel to ensure proper payment of tax. Each jurisdiction may have different means of assessing the tax and the amount of fuel tax refund. Assessments are made on the basis of a motor carrier's log.

The fuel tax refund is a mechanism to ensure that each state or province receives proper payment of its share of fuel taxes. It does not relieve carriers of any tax, nor does it provide any benefits to shipments of the products under investigation.

Within the provinces as well as the states, certain machinery and vehicles are exempt from paying fuel taxes. Exemptions can include stationary machinery, off-road vehicles, airplanes and public transportation. Off-road vehicles and machinery used in agricultural, forestry, and mining operations are generally exempt from paying fuel taxes. In addition, machinery and vehicles used on private roads are exempt because historically, fuel taxes have been used to maintain public roads. Even though some forestry and mining roads may be designated as public roads, certain machinery and vehicles operating on them may be exempt from paying fuel taxes because the forestry and mining operators are responsible for road maintenance. Becaujse a wide range of industries are exempted from fuel tax within each province, we determine that the fuel tax exemption does not provide benefits to a specific industry or group of industries. Therefore, we determine that the fuel tax refund and the fuel tax exemptions do not confer subsidies on the products under investigation.

C. Federal/Provincial Programs

1. *Forestry Subsidiary Agreements.*—a. *Funding for Long-Term Forest Management Under the Forestry Subsidiary Agreements.* As described in the "Programs Determined to Confer Subsidies" section of this notice, DREE entered into ten-year GDA's with all provincial governments except Prince Edward Island. A similar 15-year comprehensive development plan exists for Prince Edward Island. Forestry subsidiary agreements are available to any province with a GDA and to Prince Edward Island, and have been negotiated with seven provinces.

Most of the funding under these agreements is for long-range resource management on public lands and public infrastructure development. Examples of these activities include funding for silviculture camps, tree nurseries and soil and forest inventory studies. A few other programs are funded under the forestry subsidiary agreements; these are discussed in other sections of this notice, as appropriate.

The long-term forest management activities are conducted by the province on provincial lands, and do not relieve any companies of obligations incurred in their licensing arrangements. The benefits from these long-term forest management activities will not be realized until the rotation age (life span from planting to cutting for a tree) is met. This span is at least 40–60 years in eastern Canada and 60–80 years in the west. Further, activities under the forestry subsidiary agreements are primarily designed to help achieve the government's goal of renewing a "sustained-yield" forest. For example, ths silvicultural camps facilitate cone collection for seed supplies of tree nurseries, and soil surveys are for the study of the proper species to plant in certain areas. These benefits would be attributable to the owner of the resource, the government, not to the short- or medium-term licensee, which may have its annual allowable yield reduced as a result of these long-term management practices.

Because these benefits will not be bestowed on the products under investigation until well into the future, if at all, and would be attributable to the government as owner of the resource, we determine that the funding of long-term forest management activities under the forestry subsidiary agreements does not confer a countervailable benefit on producers of the products under investigation in the period for which we are measuring subsidization.

Under the forestry subsidiary agreements, the federal government makes payments to the provincial governments for the construction of forest access roads. The companies using these roads for forestry operations are responsible for all maintenance costs. Although the extraction of wood is one of the primary purposes of building forest roads, access to mineral resources, recreation, environmental protection, general development and forest management are other purposes. Roads built in each province under the FSA's are open to the public at all times, with occasional exceptions, such as during the spring when weather conditions may require closure to prevent damage to the road. Further, the establishment of minimum standards and specifications for various classes of forest roads, above those standards which would be required by those harvesting stumpage, ensures that the roads will meet the needs of not only

those holding stumpage rights, but also the traveling public and other users. For these reasons, we determine that the construction of forest access roads does not confer a subsidy within the meaning of the Act.

b. *Saskatchewan Forestry Subsidiary Agreement: Opportunity Identification and Technological Advancement.* Sector A (Opportunity Identification and Technological Advancement) of the Saskatchewan Forestry Subsidiary Agreement provides for provincial funding of research and feasibility studies. These studies are usually conducted by private counsultants hired by the company receiving the funding. The objectives of the studies are to determine industrial opportunities in forestry, conduct market and feasibility analyses and transfer known technology to an existing or new industrial application. The results of the studies are held by the government and appear to be publicly available on equal terms. Therefore, we determine that the studies do not provide contervailable benefits to producers of the products under investigation.

c. *Forestry Job Program.* The Employment Bridging Assistance Program (EBAP) is a job creation program sponsored by individual provinces and the Canadian government, pursuant to section 38 of the Federal Unemployment Insurance Act of 1971. EBAP contracts have been signed with all provinces.

Established organizations, businesses, partnerships, corporations, federal/provincial/territorial/municipal government departments and agencies are eligible to propose or promote a project. Programs are created according to vocational skills and the industries involved have included mining, forestry, fishing, tourism and energy. The activities provided by a program must not replace existing jobs.

The British Columbia/Canada Employment Bridging Assistance Program (Forest) was created to allow forestry-dependent communities to retain skilled workers during periods of recession.

The federal contribution to project participants consists of unemployment insurance benefits, subject to a maximum of $240 per week per claimant. The maximum allowable amount payable by the Canada Employment and Immigration Commission (CEIC) for project overhead and administrative costs is $40 per claimant per week. Any assets purchased with CEIC funds, which have not been physically incorporated into the project, are sold and the revenue is applied to project costs.

The CEIC contribution is charged to the Special Response Feature Appropriation and is paid to sponsors in three installments. The cost of premiums for worker's compensation is also paid from this appropriation.

We verified that EBAP assistance is not limited to a specific industry, group of industries, or to companies in specific regions. Moreover, such programs have been created in many vocational areas. For these reasons, we determine that this program does not confer a subsidy.

d. *Canada/Nova Scotia and Canada/New Brunswick Forestry Subsidiary Agreements—Grants For Private Woodlot Owners.* The Canada/Nova Scotia and Canada/New Brunswick Forestry Subsidiary Agreements provide grants and technical assistance to private landowners to promote effective management of their forest resources and to support various silvicultural actitives. Producers of the products under investigation appear to have received grants under both of these programs.

We determine that these grants do not confer countervailable benefits because they are available to all private landowners and are not limited to a specific enterprise or industry, or group of enterprises or industries, or to companies in specific regions.

D. Provinicial Programs

1. Alberta—a. *Timber Salvage Incentive Program.* The Timber Salvage Incentive Program was created because of the need to harvest large amounts of timber damaged or destroyed by fire or insects. Alberta currently has an extremely high proportion of damaged timber due to three consecutive years of extensive forest fires. It is in the province's interest to have the timber harvested. If it is not harvested there is a danger that fire and disease will spread, thus impeding the government of Alberta's effective management of its forests.

The government instituted the Timber Salvage Incentive Program effective November 1, 1981 through October 31, 1983. The program provides an incentive of $34 per thousand board feet of timber produced from fire-killed and beetle-killed timber. These payments are available to all present and future timber harvesters.

Therefore, we determine that the Timber Salvage Incentive Program does not cover countervailable benefits because it is not limited to a specific enterprise or industry, group of enterprises or industries, or to companies in specific regions.

b. *Alberta Opportunity Company.* The Alberta Opportunity Company (AOC) is a provincial Crown corporation funded by the government of Alberta. We reviewed with company officials the annual reports and other records of AOC and found that a variety of industries in the manufacturing and service sectors received assistance from AOC and that the lumber and wood products producers received only a small percentage of the total assistance provided by AOC. Therefore, we determine that because AOC aid is not limited to a specific industry, group of industries, or to companies in specific regions, it is not countervailable.

2. *British Columbia—Section 88 Roads.* Under section 88 of BC's Forest Act, certain licensee expenditures for constructing approved roads on Crown lands are credited against total stumpage dues payable to the province. Such costs are beyond those considered to be normal operating costs of an efficient logger, which are taken into account in BC's stumpage appraisal system (described in the "British Columbia" section of Appendix B).

The Ministry of Forests grants section 88 road credits because section 88 roads serve to open up areas to recreationalists and other resource users, and are of higher standards than required by loggers. Licensee expenditures for these main access roads are not considered in the stumpage appraisal system. The companies who build the roads receive a credit against stumpage payments for the agreed-upon construction costs. Section 88 roads are under the jurisdiction of the Ministry of Forests, but licensees are responsible for maintaining them.

We determine that section 88 road credits do not confer a subsidy because these roads are build to higher standards than necessary for normal logging purposes and are open to and used by the general public.

3. *Ontario.* a. *Employment Development Fund.* The Employment Development Fund (EDF) was created in the spring of 1979 by an administrative action of the Cabinet of Ontario. The fund was designed to increase long-term investment and employment in the province through the provision of grants and loan guarantees to companies making investments that had the potential to create new jobs. Funding was generally limited to between $2,000 and $3,000 per job created where the new fixed asset investment was from 10 to 20 times the size of the grant. The EDF was terminated in January 1981, although committed disbursements were made through August 31, 1982. One grant was provided under this program to

producers of the products under investigation in 1979.

EDF funding was provided to a wide range of industries in Ontario and was not limited to a specific industry, group of industries, or to companies in specific regions. Therefore, we determine that the EDF did not confer a subsidy on the products under investigation.

b. *Non-Forestry Subsidiary Agreement Roads.* Under the Ontario Forest Management Agreements (described in detail in the "Ontario" section of Appendix B), the province reimburses companies building primary and secondary roads on Crown lands. These reimbursement provisions are separate from those included in the Canada-Ontario Forestry Subsidiary Agreement (FSA). (Federal/provincial FSA's and roads covered by them are discussed above in this section of the notice.)

These roads are open to the public and must be built to standards set by the province to accommodate other users, such as recreationalists and the mining industries. Reimbursement is on a per-mile basis, up to a set maximum construction cost established by the Ministry of Natural Resources. The companies are responsible for all maintenance.

We determine that assistance provided for road construction under Ontario's forest management agreements does not confer a subsidy because these roads are build to higher standards than necessary for normal logging purposes and are open to and used by the general public.

4. *Québec.*—a. *Caisse de Dépôt et Placement du Québec.* The Caisse de Dépôt et Placement du Québec (CDPQ) was established by an Act of the Assemblée Nationale of Québec in 1965. Under the trusteeship of the provincial Ministére des Finances and the Régie des Rentes of Québec, CDPQ manages several pension funds and insurance programs, namely:

- The universal auto insurance program against physical injury to persons;
- A specific insurance program for farmers;
- The universal pension plan for all citizens of Québec; and
- Specific pension plans for all Québec civil servants and construction workers.

CDPQ is prevented by law from acquiring more than 30 percent of any company's common stock, and from making funds available to companies on other than commercial terms. Indeed, CDPQ is compelled by law, as a fiduciary institution, to invest pension and insurance funds in order to achieve the best possible return on investment for the benefit of its annuitants.

We verified that CDPQ funds are invested over a broad spectrum of industries not only throughout Québec and Canada, but also on the international financial markets. Accordingly, we determine that none of the producers of the products under investigation received any countervailable benefits from CDPQ.

b. *FRI Industrial Incentives Fund for Small and Medium-Sized Businesses.* This program, which falls under the aegis of FRI (see the "Programs Determined to Confer Subsidies" section of this notice), was established to allow small and medium-sized firms to deposit one half of their income tax payable to the province into an escrow fund, from which they could withdraw funds equivalent to 25 percent of the cost of approved development projects (up to the amount of their deposit only). The program was discontinued in June, 1981.

We verified that producers in a wide range of industries in all regions of Québec participated in this program. Because the FRI Industrial Incentives Fund was not limited to a specific industry, group of industries, or to companies in specific regions, we determine that it did not confer subsidies on the products under investigation.

c. *Programme Expérimental de Création d'Emplois Communautaires.* The Programme Expérimental de Création d'Emplois Communautaries (PECEC), administered by the Office de Planification et de Développement du Québec (OPDQ), makes cash payments to entrepreneurs to assist them in maintaining and creating jobs for the chronically unemployed. A few producers of the products under investigation received grants under this program, as did producers in many other industries. We verified that the program was not limited to a specific industry, group of industries, or to companies in specific regions. Accordingly, we determine that this program does not confer subsidies on the products under investigation.

d. *PME-Innovation.* The PME-Innovation (PME-I) program, which was discontinued late in 1981, was administered by the Ministére de l'Industrie, du Commerce et du Tourisme of Québec. Its purpose was to assist small and medium-sized businesses ("petites et moyennes entreprises") in obtaining capital for investment in a production or marketing project. Under this program, one loan was made to a softwood lumber consortium. We verified that PME–I assistance was not limited to a specific enterprise or industry, group of enterprises or industries, or to companies in specific regions of the province of Québec. Therefore, we determine that the program does not confer a subsidy on the products under investigation.

e. *SDI Programs.* The Export Expansion Program administered by SDI is discussed in the "Programs Determined to Confer Subsidies" section of this notice. In addition, SDI manages a number of domestic programs of which producers of the products under investigation availed themselves. These programs fall under two headings: development grant programs and a loan and loan guarantee program, entitled "Financial Assistance to Manufacturing Firms."

(1) *Development Grant Programs.* Grants for SDI domestic development programs are in the form of cash reimbursements for interest costs accrued on a company's investment.

(a) Financial Assistance for High-Growth Firms. To be eligible for this program, a firm must be located and have its headquarters in Québec, and its growth and profitablity rates must equal or exceed the provincial average.

(b) Financial Assistance Program for Mergers and Acquisitions. Under this program, which was discontinued in the summer of 1982, SDI paid a percentage of the investment costs involving stocks or assets in an approved merger. Benefits paid under this program were sometimes combined with reductions in interest rates on loans bestowed under the program described in (2) below.

Under each of these programs, the overall maximum grant amount is a certain percentage of the investment cost. Grants are generally disbursed for five years in equal annual installments. Regardless of the authorized maximum, the annual disbursement can never exceed actual interest paid by the company in a given year.

We note that in our final affirmative countervailing duty determination on "Railcars from Canada" (48 F.R. 6569, February 14, 1983), we erroneously determined SDI's domestic programs to be countervailable on the basis that their availability only in Québec made them region-specific within the broader context of Canada. In fact, since it is a program of the GOQ and is generally available throughout Québec, it is not region-specific.

Further, we erroneously calculated the benefit by considering funds authorized instead of funds actually disbursed. The petition was withdrawn and the case terminated before we discovered these two errors. We have now calculated

that the correct subsidy in that case, after deduction of the improperly applied SDI "benefit" of the U.S. $173 per railcar, was actually U.S. $110,392 per railcar, instead of the U.S. $110,565 as set forth in the final determination (a reduction of 0.16 percent).

(2) Financial Assistance to Manufacturing Firms. Under this program, SDI makes loans and loan guarantees to profitable firms that prove they cannot obtain financing through normal channels. Since 1981, SDI has used a monthly composite of long-term commercial interest rates of the ten major lenders in Canada. We verified that SDI loans are made on terms not inconsistent with commercial considerations. Moreover, their availability is not limited to a specific industry, group of industries or to companies in specific regions.

Therefore, we conclude that the above SDI grant and loan programs do not confer subsidies within the meaning of the Act.

III. Programs Determined Not To Be Used

We determine that the following programs which were listed in the notice of "Initiation of Countervailing Duty Investigations" are not used by the manufacturers, producers, or exporters of the products subject to these investigations.

A. Federal Programs.

Enterprise Development Program—Loans. The Enterprise Development Program includes a component that provides loans to companies, as described in the "Programs Determined Not To Confer Subsidies" section of this notice. We found that no loans under the EDP were issued to producers of the products under investigation. We determine that this part of the EDP program was not used by producers of the products under investigation during the period for which we are measuring subsidization.

B. Federal/Provincial Programs

Canada/Nova Scotia Forestry Subsidiary Agreement—Grants. Subsidiary agreements for forest management could be negotiated under the GDA's. Forestry subsidiary agreements have been reached with seven provinces.

Under the Nova Scotia forestry subsidiary agreement, grants were provided to producers of the products under investigation under two components, the sawmill improvement component and the forest management component. The forest management component grants are discussed in the "Programs Determined Not to Confer Subsidies" section of this notice. The forestry subsidiary agreements with other provinces are discussed in other sections of this notice, as appropriate.

The sawmill improvement component of the Canada-Nova Scotia Forestry Subsidiary Agreement provided grants of up to $50,000 per mill to encourage the adoption of improved sawmilling technology, better safety and improved conditions. We found that the grants under this component were designed and used to offset the short-term operating expenses and the lower productivity associated with the installation of improved sawmilling technology and better safety and working conditions in the recipient mill.

Producers of the products under investigation received improvement grants between 1978–1981, but not in 1982. Because the grants were used to offset short-term operating expenses, we would allocate them to the year received. Because no grants were provided to producers of the products under investigation in 1982, we determine that this program was not used during the period for which we are measuring subsidization.

C. Provincial Programs

1. *Alberta—Inventory Financing.* The Alberta Inventory Financing program was administered by the Alberta Opportunity Company. Although the program was approved, there were no disbursements made under it, and the program is now longer in effect. Producers of the products under investigation did not use the program during the period for which we are measuring subsidization.

2. *British Columbia.–Market Development Assistance (MDA).* The MDA program is designed to benefit manufacturers of new, innovative products who are attempting to develop new export markets. Only two or three producers/exporters of the products under investigation have received support under this program, and all were assessing markets other than the United States. Therefore, we determine that this program was not used by producers/exporters for exports to the United States of the products under investigation during the period for which we are measuring subsidization.

3. *Québec—SDI—Financial Assistance Program to Advanced Techology Firms.* Financial Assistance to Advanced Technology Firms is one of the three domestic development grant programs administered by SDI (see the "Programs Determined Not To Confer Subsidies" section of this notice). To be eligible for assistance under this program, a firm must demonstrate higher-than-average productivity, and the individual investment for which the grant is awarded must be at least $50,000. Since the program's inception in 1974–75, producers of the products under investigation have not met these basic eligibility requirements, and we verified that none of these producers received funds under the program. We determine that this program was not used by any of the producers of the products under investigation during this period for which we are measuring subsidization.

Comments. The issues raised by the parties during of these investigations are discussed in detail in Appendix C to this notice.

Verification. In accordance with section 776(a) of the Act, we verified the data used in making our final determinations. During this verification, we followed normal procedures, including inspection of documents, discussions with government officials at the federal and provincial levels and on-site inspection of manufacturers' operations and records.

Administrative Procedures. The Department has afforded interested parties an opportunity to present oral views in accordance with its regulations (19 CFR 355.35). The only request for a public hearing was withdrawn. In accordance with the Department's regulations (19 CFR 355.34(a)), timely written views have been received and considered.

This notice is published pursuant to section 705(d) of the Act (19 U.S.C. 1671d(d)).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

Appendix A—Description of Products

The products covered by these investigations are described below:

The term *"softwood lumber"* covers those products included in the *Tariff Schedules of the United States (1982) (TSUS)* in items 202.03–202.30 (rough, dressed, or worked softwood lumber). Specifically excluded are drilled and treated lumber, wood siding, and edge-glued or end-glued wood not over 6 feet in length or over 15 inches in width. "Rough lumber" is lumber just as it comes from the saw, whether in its original sawed size or edged, resawn, crosscut, or trimmed to smaller sizes. "Dressed lumber" is lumber which has been dressed or surfaced by planing on at least one edge or face. "Worked lumber" is lumber which has been matched (tongue-and-grooved), shiplapped (rabbeted or lapped joint), or patterned on a matching machine, sticker, or molder.

2. The term *"softwood shakes and shingles"* refers to wood products most frequently made from red cedar, that are used for roofing or siding. "Softwood shakes" are

approved durable wood of random widths ranging from 4 inches to 14 inches which come in four types: hand-split and resawn, taper-split, straight-split and taper-sawn. "Softwood shingles" are tapered pieces of approved durable wood, sawed both sides, of random widths ranging from 3 inches to 14 inches and in lengths of 16 inches, 18 inches or 24 inches. For purposes of this investigation, the term "softwood shakes and shingles" refers only to those products designated in TSUS as item 200.65.

3. The term *"softwood fence"* refers to three types of fences: picket, stockade, and rail. Picket fences are made of wood pickets nailed to horizontal back rails which are fastened to the supporting posts. The pickets vary in length and thickness, lengths range from 24" to 92", and thickness varies from ½" to 3". The species of wood used in picket fences is usually cedar for the posts and conifers or softwoods for the backrails and pickets. Rail fences consist of line posts and horizontal rails. Cedar is generally used for the line posts and cedar or conifers or northern softwood are used for the rails. Stockade fences vary in height from 3 feet to 10 feet. Widths are usually 7 feet or 8 feet. Line posts are generally cedar, and stockade sections are made from northern softwoods. This investigation covers softwood fences both assembled and unassembled, which fall under TSUS item 200.75.

Appendix B—Provincial stumpage

Provincial Crown lands account for 81 percent of the productive forest lands in Canada. Under the terms of the Canadian Constitution, provincial crown lands fall under the jurisdiction of the provincial governments which are exclusively responsible for the management and administration of the forests on these lands.

Alberta

Background

Approximately two thirds of Alberta is covered by forests, almost all of which are owned by the provincial government. Most of the forested area is inaccessible, and logging can only be carried out during winter when the ground is frozen. According to the provincial government, cold-weather logging increases timber harvesting costs. Managed by the Alberta Forest Service under a long-term sustained yield policy, the forests are divided into forest management units which are allocated under the stumpage allocation arrangements described below. Only 60 percent of the annual allowable cut (AAC) has been allotted under the stumpage allocation arrangements, because supply exceeds demand. Any company, including foreign companies, registered in Alberta or Canada can be awarded stumpage rights under the various allocation arrangements.

Softwood lumber is the only product under investigation manufactured in Alberta. Lumber accounted for 61.7 percent by volume of the coniferous round timber harvested in 1981. Plywood accounted for 8.9 percent pulpwood 25.9 percent.

Stumpage Allocation Arrangements

There are five stumpage allocation arrangements in Alberta:

- Forest Management Agreement (FMA);
- Timber or Coniferous Quota Certificate (Quota);
- Commercial Timber Permit (CTP);
- Local Timber Permits; and
- Forest Products Tags.

FMA's and Quotas are 20-year allocations, while the CTP's can range from one to five years, and Local Timber Permits and Forest Products Tags are limited to terms of one year or less. The rights to cut standing timber under any of these allocation arrangements do not vary by the type of product that will be manufactured from the stumpage, but they do vary by type of allocation arrangement.

These arrangements can cover both coniferous and deciduous timber; however different requirements and dues rates are specified for each type of timber. Under all the allocation arrangements, the Forest Service retains primary responsibility for fire prevention and suppression, as well as for insect and disease control.

Forest Management Agreement

Currently, there are six Forest Management Agreements (FMA's) outstanding which account for 35.8 percent of the total net coniferous AAC. The term of each FMA is 20 years with renewal rights for an additional 20 years. The procedure for acquiring stumpage rights through an FMA is as follows.

The Forest Service advertises a development area and invites proposals for one year. The proposals are analyzed by the Forest Service and public hearings are held, after which the successful proponent is selected by the government. After selection, the actual agreement is negotiated and approved by the Cabinet through an Order-in-Council.

The government's intent in allocating timber under an FMA is good use and development of the resource under a long-term sustained yield policy. In order to achieve this, the company holding an FMA is required to develop a management plan to ensure sustained yield, and to develop inventory studies, conduct reforestation and regeneration, conduct ongoing silviculture, build roads, and make a performance guarantee ranging from $25,000 to $2,000,000 in the development area.

In addition to undertaking these responsibilities, the company must pay stumpage dues on the sawlogs harvested. All FMA holders except one pay the regulation rate of dues set forth in the Timber Management Regulations of the Forest Act of 1971 (one company negotiated a lower rate of dues in view of the inferior quality of the timber and the need for special equipment). The Regulatons state that the General Rate of Crown Dues on green coniferous timber suitable for lumber manufacture is $0.70 per cubic meter. Holders must also pay annual holding and protection charges which cover ground rent and protection costs.

Under the FMA's the provincial government must approve the management plan and the ACC in accordance with Timber Management Regulations.

Timber Quota Certificates

The quota certificate (Quota) is a long-term right to harvest a share of the AAC of a forest management unit. Implemented in 1966, the Quota system replaced the short-term competitive bid system. Currently, the Quota system accounts for 19.9 percent of the total net coniferous AAC. The purpose of the Quota system was threefold:

1. to eliminate abuses inherent in the bid system, such as speculation resulting in timber being held and not cut;
2. to ensure that a fair price would be paid and that timber would be cut; and
3. to provide timber operators with a long-term secure stumpage supply in order to encourage industry to make capital investments in the area.

In 1966, quotas were granted to all established timber operators for up to 20 years based on each operator's average production from 1960 through 1964. Most quotas issued since 1966 have been sold competitively.

The 20-year term of the Quota is divided into five-year periods. At the end of every five-year period, a Quota holder is subject to penalties, including revocation of the Quota, if the amount of timber harvested is not within ten percent of the total of the AAC's for the five-year period.

In order to cut the timber authorized in the Quota, a holder must obtain a Timber License and submit, for Forest Service approval, an annual operating plan for the Timber License. The Quota holder is also responsible for regeneration and reforestation, as well as for road construction and silviculture.

Stumpage dues paid by the Quota holder are determined through an appraisal formula which modifies the regulation rate of dues according to logging conditions. The appraisal factor is based on four elements and is fixed for five years:

1. Average haul distance to nearest usable trackage point;
2. Average gross volume per harvestable [illegible];
3. Average gross volume per tree; and
4. Average cull as a percentage of gross volume.

Timber Management Regulations provide that the minimum rate of dues under the Quota system, after taking into account the appraisal factor, cannot be less than 25 percent of the regulation rate. The appraisal system takes into account the quality and accessibility of timber. Quota holders must also pay annual holding and protection charges.

Under the Quota system, the Forest Service is responsible for the sustained yield management plan. The Forest Service lays out the cutting sequence and selects the areas to be logged.

Commercial Timber Permit

The Commercial Timber Permits (CTP's) are short-term (one to five years with an average of two to three years) arrangements which are sold at public auction to the highest bidder except when issued to Quota holders for the salvage of dead or damaged timber. Only 2.4 percent of the total net coniferous AAC is allotted under CTP's. Generally, to obtain a CTP the permittee must own or operate a mill within the area

and must not hold any other active stumpage arrangement.

The bidding process for a CTP determines the actual amount of dues to be paid. The minimum starting bid equals the regulation rate of dues plus the appraisal factor which can be a positive or negative number. This starting bid becomes the upset price which is added to the highest bid rate in order to establish the rate of dues to be paid. In addition to dues, the CTP holder must deposit a performance guarantee, pay a reforestation levy, and pay holding and protection charges.

As with the Quota system, CTP holders must submit an annual operating plan for Forest Service approval. Under a CTP, the Forest Service is responsible for selection of the stands to be cut, silviculture and reforestation (the company pays a reforestation levy).

The CTP differs from a Quota in that the CTP represents the right to cut standing timber, while the Quota grants the right to a certain share of the AAC. As such, while the "value" of the stumpage forms the basis of the bid price for a CTP, the Quota cannot be based on the "value" of the stumpage, since the share of AAC provided under the Quota varies in accordance with the changes in the AAC.

Local Timber Permit (LTP)

Issued for a term of one year or less, the LTP authorizes logging for the permittee's own use or to supplement his income by selling logs to local mills. LTP's account for 1.5 percent of the total net coniferous AAC. LTP's are issued on a first-come, first-served basis unless demand is high, in which case they are issued by draw.

The dues charged are the regulation rate in effect at the time the LTP is issued. Permittees are exempt from cruising, holding and protection charges, and only pay a reforestation levy if the volume harvested is over 130 cubic meters.

Forest Products Tag (Tree Tag)

Tree Tags are 30-day authorizations to cut timber for personal use or for small volumes of Christmas trees, firewood and fenceposts. Tree tags are non-renewable and non-refundable. The holder pays the regulation rate of dues, but no other charges. The percentage of AAC allocated under Tree Tags is negligible.

British Columbia

Background

The Forest Act lists seven different forest tenure arrangements available in British Columbia: Tree Farm Licenses, Forest Licenses, Timber Sale Licenses (Major), Timber Sale Licenses (Minor), Timber Sales, Pulpwood Agreements and Woodlot Licenses. Annual rents represent a charge for reserving the use of the resources under license.

On request or independently, the Minister of Forests may advertise and invite applications for licenses. A license may not be entered into unless there has been an advertisement and a public hearing has been held on all applications.

In addition, the province must evaluate the proposal in terms of its objectives, including revenues, management and use, environmental issues, and social benefits such as increased employment. Stumpage rights can be awarded to non-Canadian persons and/or companies doing business in British Columbia. However, a non-Canadian company must register in British Columbia before acquiring the license.

The tenure agreements are described in detail below:

1. *Tree Farm License.* A tree farm license shall:

(a) Be for a term of 25 years, and can be revised at each succeeding ten-year anniversary under an "evergreen arrangement" which initiates a new 25-year replacement license with revised conditions;

(b) Describe a tree farm license area composed of Crown land and private tenures;

(c) Require its holder to pay to the Crown stumpage or royalty, in additon to a bonus bid (which is fully paid when the license is issued);

(d) Require its holder to submit for the approval of the Chief Forester, once every five years, a management and working plan prepared by a registered professional forester;

(e) Grant to its holder the exclusive right to harvest timber (chosen by the licensee) from the tree farm license area during the term of the license;

(f) Provide for cutting permits to be issued by the Crown to its holder authorizing the AAC (determined by the Chief Forester) to be harvested from specific areas in the tree farm license area within plus or minus 50 percent on a yearly basis and within plus or minus ten percent on a five-year basis, subject to a penalty assessment;

(g) Require that each year during its term a volume of timber chosen by the licensee shall be harvested by persons under contract with its holder; and

(h) Reserve to the Crown the right to enter into a free use permit on the tree farm license area with a person other than the holder of the tree farm license.

A tree farm license cutting permit authorizes timber harvesting operations on a specific portion of the tree farm license area. It provides for the determination of stumpage rates payable through an appraisal system established under section 84 of the Forest Act and for periodic rate adjustments based on changes in the average market value of the logs or lumber products. Separate permits are issued for operations on different geographic parts of the license, where separate stumpage rate determinations are appropriate or where different cutting permit conditions are needed.

Tree farm licenses account for 28.6 percent of the Province's total AAC.

2. *Forest Licenses (formerly Timber Sale Harvesting Licenses).* The timber sale harvesting license was a license to harvest timber within a public sustained yield unit at a stipulated annual rate. These licenses, granted under the former Forest Act, were not replaced by forest licenses until the latter part of 1982. We verified that the timber sale harvesting licenses in effect during the period for which we are measuring subsidization are very similar to the forest license explained below.

A forest license:

(a) Shall be for a term not exceeding 20 years, and can be revised at each succeeding five-year anniversary under an "evergreen arrangement," which initiates a new five-year replacement license with revised conditions;

(b) Shall describe a public sustained yield unit of a timber supply area within which timber may be harvested;

(c) Shall specify an AAC (determined by the Chief Forester) that may be harvested under the license from specific areas of land, subject to annual and five-year cut control provisions;

(d) Shall require its holder to pay to the Crown stumpage and a bonus, if any, in the amount offered in the application;

(e) Shall require its holder to submit, for the approval of the regional manager, a management and working plan prepared by a professional forester;

(f) Shall require that if the allowable annual cut of the timber supply area declines, the licensees must accept proportional reduction in harvesting rates without compensation; and

(g) May make provisions for timber to be harvested by persons under contract with its holder.

A forest license cutting permit is indentical to the tree farm license cutting permit.

Forest licenses account for 61 percent of the Province's total AAC.

3. *Timber Sale Licenses (Major).* The timber sale licenses (major) generally have the same requirements as the new "forest licenses." The award of a new timber sale license (major) is by the appropriate Regional Manager or District Manager. The Forest Act requires the award be made to the applicant submitting the highest bonus bid.

This license is used in circumstances where an evergreen replacement feature would not be appropriate; for example, a situation where an ongoing supply of timber is not expected (because of a flood, a fire, or an insect infestation), but where the volume comprises part of the approved AAC and a limit is therefore imposed on the rate of harvesting.

A timber sale license (major):

(a) Shall be for a term not exceeding ten years; there is no provision for replacement, but rights are renewable pursuant to section 18(5);

(b) Shall describe an area of land within which Crown timber may be harvested;

(c) May specify an AAC (determined by the Forest Service) that its holder is eligible to harvest, subject to annual and five-year cut control provisions;

(d) May provide for cutting permits to be issued by the Crown to its holder to authorize an AAC to be harvested, within the limits provided in the license;

(e) Shall require its holder to pay to the Crown stumpage and a bonus, if any, in the amount bid; and

(f) Shall require its holder to submit, for the approval of the Chief Forester, a management and working plan prepared by a registered professional forester.

Timber sale licenses (major) account for 1.3 percent of the Province's total AAC.

4. *Timber Sale Licenses (Minor).* The award of a timber sale license (minor) is made by the appropriate Regional or District Manager of the Forest Service to the highest bidder.

This license is used for sales of timber under the small business enterprise program and in other instances where the volume of timber is not sufficient to warrant delegation of major forest management responsibilities for investments.

A timber sale license (minor):

(a) Shall be granted through a competitive bid process which determines the total amount of stumpage dues payable (although the appraisal system determines the base rate of stumpage due, adjusted monthly and subject to annual reappraisal);

(b) Shall be for a term from one to three years, without provision for replacement;

(c) Shall allow the license to cut the timber, within site-specific areas, at any rate within the terms of the license and the periodic cut control requirements; and

(d) Requires small business enterprises without timber processing facilities to sell all harvested logs, and small business enterprises with timber processing facilities to process a pre-specified portion of the logs harvested.

Timber sale licenses (minor) account for 7.2 percent of the province's total AAC.

5. A *pulpwood agreement* shall:

(a) Be for a term not exceeding 25 years, with "evergreen replacement" at ten-year intervals;

(b) Describe an area of land as a pulpwood area; and

(c) Require its holder to construct, expand or continue a timber processing facility in accordance with his application.

In 1981 and 1982 there were no mills which acquired stumpage rights under a pulpwood agreement.

6. A *woodlot license* shall:

(a) Be for a term not exceeding 15 years, with an "evergreen replacement" at five-year intervals with satisfactory performance;

(b) Describe a woodlot license area determined by the regional manager or district manager to be composed of private land and not more than 400 hectares of Crown land;

(c) Give to its holder the exclusive right to harvest timber on the Crown land for its term subject to five-year cut control provisions (determined by the Forest Service);

(d) Require its holder to pay to the Crown stumpage in respect of timber harvested from land and a bonus bid, if any, in the amount tendered; and

(e) Provide for cutting permits to be issued to its holder to authorize timber to be harvested from specific areas in the woodlot license area.

Woodlot licenses account for 0.7 percent of the province's total AAC; however, there have been no woodlot licenses offered to date.

7. A *timber license* shall:

(a) Describe an area of Crown land over which it is to apply;

(b) (When in a tree farm license area) be for a term that expires with the tree farm license, and (when not in a tree farm license area) be for terms based on a required schedule for the continued orderly logging of all the timber licenses held by the licensee;

(c) Grant to its holder the exclusive right during its term to harvest all merchantable timber in the area of Crown land;

(d) Where the timber license is in a tree farm license area, require its holder to harvest timber in accordance with the tree farm license and the management and working plan approved under it;

(e) Where a timber license is not in a tree farm license area, require its holder to submit an operating plan prepared by a professional forester, which is used by the Forest Service to determine the AAC;

(f) Provide for cutting permits to be issued by the Crown to its holder authorizing timber to be harvested from specific areas of land described in the timber license;

(g) Require its holder to pay to the Crown stumpage or royalty; and

(h) Requires its holder to carry out reforestation or other treatment for the re-establishment of the forest on the land described in the timber license.

Timber licenses comprise approximately five percent of harvest, but are not subject to any allowable cut restrictions. There have been no new timber licenses offered, and the Forest Act does not provide for any to be offered in the future.

Stumpage prices for all forest tenure agreements in the six forest regions of British Columbia are based on the residual value method. This method takes into account three components: The selling price of the end product (logs), allowances for production and operating costs, and allowances for profit and risk. The stumpage price is subject to monthly adjustments based on selling price fluctuations and an annual reappraisal. Licensees pay at the adjusted rate in effect for each species during the month the timber was scaled. Charges due are payable upon receipt, with interest due after 30 days, at prime plus one percent. The Ministry of Forests of the British Columbia provincial government is responsible for fee collection.

Due to the type and quality of trees in British Columbia, there are two appraisal systems in operation. The coastal appraisal system emphasizes quality and the interior appraisal system emphasizes quantity.

A. *Coastal British Columbia Appraisal System.—Sales Value of End Products.* Coastal appraisals are based on log prices. Three-month rolling average prices for each species are established monthly by log grades from a monthly survey of domestic log sales representing arm's length transactions. Coastal appraisals are based on log prices, which vary by species and grade within each species.

Production and Operating Costs. Logging costs account for all costs of development, harvesting, transportation, contractual obligations, administration and tenure agreement responsibilities. The "average efficient operator" concept is used by the Ministry for appraisal purposes. Costs are derived from industry experience (as determined from annual surveys) to estimate what costs would be incurred by an efficient operator in harvesting timber and the expected recovery value of that timber in terms of revenue. In the appraisal, logs are assumed to be transported to the point which would result in the highest total stumpage price. No consideration is given to the location of the purchaser's mill.

Profit and Risk. The six risk factors included in the stumpage appraisal are: market, defect, investment, pioneering, incentive and chance. The ranges of values assigned to each of the risk factors are incorporated in the appraisal manuals. The values assigned differ from year-to-year depending on changing market, log quality and logging difficulty.

Minimum Stumpage Prices. This is the lowest price at which the government would sell its timber resource. The minimum rate is used whenever the appraised rate falls below the minimum rate, and there is no compensation provision.

"Timber quality is determined at the time of the timber cruise, by a determination of percentage of log grades for each species." Log quality influences the logging cost estimate in the appraisal.

B. *Interior British Columbia Appraisal System for Lumber.—Sales Value of End Products.* In the interior, the appraisal system is based on the end value of lumber and by-product pulp chips. Three-month rolling averages are established monthly from lumber sales in the five interior selling price zones, based on sales f.o.b. mill, consummated in each of these zones. Approximately 80 mills report monthly lumber sales transactions, which are audited by the Ministry of Forests. These prices are single averages for each of the species by zone.

Lumber selling prices are in dollars per thousand board feet and standing timber is cruised (measured) for appraisal purposes in cubic meters. A "lumber recovery factor" is used to convert cubic measures of timber into the value of the end product. By-product pulp chip prices are set around $10 per bone-dry unit. The government contends that the introduction of an actual chip value would not have a significant effect on stumpage fees.

Stud producers and small operators (those having annual production less than 3775 cubic meters) are separately classed. Although the appraisal system is identical in structure for all categories, product prices, operating practices and costs which are pertinent to these groups are taken into consideration in the appraisal.

Production and Operating Costs. Manufacturing costs are required for interior appraisals, where lumber and by-product chips are the appraisal products, rather than logs, as is the case on the coast. The manufacturing costs are obtained from an annual survey of about 55 sawmills deemed to represent the efficient segment of the industry. Separate zonal milling costs have been established for the Prince George-Quesnel and Ft. Nelson areas (two isolated milling centers north of Ft. Saint James) and the remainder of the interior of the province. A second survey is made for stud-producing mills.

Profit and Risk. The same method is used as in the coastal appraisal system, supra.

Minimum Stumpage Prices. Interior statutory minimum stumpage rates are established for each species at three percent of the selling price of lumber and by-product pulp chips. The statutory minimum rate may be reduced to 0.75 percent for salvage timber. Timber is cruised and classified according to species, size, and visual defect.

Adjustments to Stumpage

A. *Stumpage Price Adjustment Method.* The stumpage price of any species will change at the beginning of each month: provided the selling price of lumber (interior) of that species departs $5.00 per MBF (thousand board feet) or more from the selling price last used to determine the existing stumpage price; or, whenever the selling price of logs (coast) of that species departs by $1.00 per cubic meter or more from the selling price last used to determine the existing stumpage price. The entire difference in the selling price is used in the recalculation of the stumpage price adjustment.

B. *Annual Stumpage Price Reappraisal.* A full reappraisal, allowing for changes to product prices, logging costs, milling costs and profit ratio, is made annually at the anniversary date of the contract or cutting permit. Again, the entire difference in the selling price is used in the recalculation of the stumpage price adjustment.

C. *Credits to Stumpage.* Section 88 of the Forest Act stipulates that licensee expenditures for the construction of a logging access road, or the application of reforestation or other silvicultural treatment on Crown land, not considered in the stumpage appraisal system, shall be credited against total stumpage payable. The stumpage appraisal system makes allowances for estimated costs for the construction of roads essential to the actual cutting and removal of timber from the licensed cutting permit area, and for the performance of basic silviculture treatments required under the license agreement. These cost components (estimated cost allowances in the appraisal) are considered to be normal operating costs of an efficient logger and any costs exceeding the allowance given in the stumpage appraisal must be absorbed by the permittee. The work must be agreed upon, approved in advance, and completed to the satisfaction of the BC regional forest manager.

Manitoba

Background

Manitoba is a farm-oriented province with its timber resources in the north. Most of its timber (89 percent) is not very large (10" or less in diameter). Forest harvesting operations are small and include a fair proportion of part-time operators.

Stumpage Rights and Payments

Prior to 1965, timber rights were allocated through a competitive process, by auction or sealed tender, for one to five years. In 1965, the Timber Quota System was introduced. This system provided long-term (15 years) fixed allocations to established operators at set (regulation) stumpage rates. Surplus timber was advertised and sold competitively.

The Timber Quota System was revised in 1980 to continue for another ten years. Stumpage rates were increased and set to be revised annually thereafter according to the national forest product price indices for lumber and paper and pulp companies, weighted as they are produced in Manitoba.

Uncommitted surplus timber is either offered for sale at established stumpage rates plus a lump sum bid, or available for development and allocation on a negotiable basis for companies with sufficient capital to undertake the commitments involved.

Cutting rights for Manitoba Crown timber are allocated by the Forestry Branch, and are classified as "major" or "minor." "Minor" allocations are based on volume and area where mature timber is ready for harvest. They run for a 10-year period, renewable depending on performance of the licensee. Prices are based on regulation rates (mentioned above), reviewed and indexed annually to reflect product price increases. Prices also reflect location of timber relative to mill and distance of mill from market.

For "major" licenses an initial rate is negotiated at the start of the contract (contracts run for 20 years with a renew option). The initial rate takes into account geography, timber supply and demand, and basic (regulation) stumpage rates. Prices are adjusted according to dates and indices specified in each contract.

The province of Manitoba is responsible for timberland management and silviculture. One Forest Management License company does its own silviculture but is reimbursed for its expenditures. All licensees use public roads, but are responsible for all cost of timber extraction roads. Manitoba is responsible for forest fire protection, but licensees must have a fire protection plan for initial fire suppression within their area. Additionally, licensees are held responsible for the cost of fire suppression in instances where it is demonstrated that a fire resulted from company negligence.

New Brunswick

Background

The three categories of ownership of timberland in New Brunswick are: the province (Crown lands—48.5 percent), the "forest industry" (industrial holdings—21.0 percent), and individual (non-industrial—30.5 percent).

The products under investigation are all manufactured from the primary product, softwood logs. Over half of these logs have come from the private sector during the past five years. The actual breakdown is: Crown lands, 46.6 percent; company-owned lands, 30.4 percent; and private lands, 23.0 percent.

New Brunswick has no surplus timber to allocate to new plants or for expansion. The current annual supply of softwood species is 7.6 million cubic meters. This accounts for 80 percent of the industrial timber requirement for softwood species. Of the 7.6 million cubic meters harvested, only 5.5 million cubic meters are reforested naturally. The deficiency is made up by silviculture inputs.

The province has undergone a major restructuring of its forest management policy. The change was instituted in March 1982. The purpose of the change was to effect the organizational structure of the licensing system. The previous 85 licensees were divided into 6 licensees and 79 sub-licensees which were issued 10 licenses and 105 sub-licenses, respectively.

Stumpage Allocation under Old System

Stumpage rights were allocated by area-based licenses under the old system. The issuance varied from 1 to 50 years and 250 to 450,000 hectares. The licenses were renewable upon satisfactory review. The differences in the licenses were a result of fluctuating supply and applicant's demand.

The licensee was responsible for operational costs, including operational cruising, inventories, and some management planning. The province retained overall responsibility for forest management, including silviculture and reforestation. Areas of dual responsibility were pest control and, through the application of a fee, fire protection. Road construction and maintenance were the responsibility of the licensee.

Stumpage Allocation under New System

Under the new system, there is a license and sub-license classification. The license is area-based and conveys responsibility for many of the duties previously carried out by the province. The sub-license is volume-based, and is issued to parties either not wanting to carry out, or incapable of carrying out, the forest management duties.

The license is a 25-year renewable license, with five-year reviews. The licensee must submit a 25-year forest management plan and is responsible for forest management. This includes: Road construction and maintenance planning; inventory and records; specified silviculture; boundary lines maintenance; management activities, including sub-license obligations; fire protection of harvest operation; submission of management plans for private lands; and payment of stumpage royalties.

The sub-license is issued for five years and is renewable depending upon satisfactory performance. The sub-licensee must submit a ten-year operating plan and must maintain and operate a processing plant as specified in the plan. Other responsibilities include submission of a plan for private lands, cooperation with the licensee and payment for his services, and payment of royalty on stumpage harvested.

Newfoundland

Background

The sawmill industry in Newfoundland is very small and the great majority of sawmills is not mechanized. Newfoundland's only lumber exports are approximately 100 MBF/yr. of dunnage, which is rough-sawn softwood lumber used for blocking (i.e., as packing material) in shipments of rolls of newsprint. This production is only about 0.19 percent of the total harvest or two percent of the total lumber production.

Stumpage Rights and Payments

Stumpage rights are allocated on the basis of an annual permit, which is renewable. A sawmill permit costs $20, and a cutting permit

costs $10. A sawmill applies to the Province for stumpage rights, specifying the volume and location of timber required (in accordance with established regulations). Rights are granted depending on availability of timber and previous performance of the applicant. Anyone is eligible to apply.

Stumpage fees are paid to the Department of Forest Resources and Lands on the basis of harvested volume, currently $7 per MBF. The price is set legislatively and, as of January 1983, is indexed annually to the implicit price index of government goods and services and selling price index of lumber. The price is lower in designated salvage areas, or higher where government-built roads are used for harvesting sawlogs (see below). No stumpage is sold through competitive sale.

The government assumes responsibility for the construction of main roads, as well as for forest management, silviculture, fire and disease protection, etc. The roads become public upon their completion with unrestricted access. Where these roads are used for harvesting sawlogs, the stumpage rate is 40 percent higher than in areas where the operator provides his own access.

Stumpage and tenure rights differ for pulpwood, but the same formula is used for setting stumpage rates for both pulpwood and lumber.

Nova Scotia

Background

Nova Scotia is the second smallest province in Canada. About 25 percent of all forested area is Crown land. Average annual harvest for the province over the last five years has been slightly in excess of 3.3 million cubic meters of softwood timber. The sawmilling industry is of the small, local variety. About 73 percent of the annual harvest is used in the production of pulp and paper; 27 percent is used for sawlogs.

Stumpage Rights and Payments

Prior to 1970, Crown timber was allocated by means of long-term licenses (40 years or more). Under such licenses, mills have the right to harvest standing timber within certain defined areas, up to annual allowable limits set by the provincial government. Pulp and paper companies were the only applicants for these licenses. Although no long-term licenses have been issued since 1970, the province may issue new ones.

Under these licenses, the province is responsible for fire prevention and suppression, as well as insect and disease protection (although licensees share the cost of the latter). Licensees perform silviculture, regeneration, and reforestation, and build roads. They are reimbursed for forest management work at rates set by the province, based on known industry and past departmental costs for such work. Stumpage rates are negotiated between the province and the licensee, and reflect the quality and accessibility of the timber involved. The timber harvested must be used in the mill(s) operated by the licensee, unless otherwise approved by the Ministry.

Durign the 1970's, the province inaugurated shorter-term licenses to harvest Crown timber. These licenses run for ten years (with an option to renew for ten years), and the province retains forest management responsibilities. the licensees pay for road construction and maintenance, and for the preparation of management plans.

Base softwood stumpage rates are determined by the province when the license is issued, taking into account tender sales prices in the area and the rate accorded under similar agreements elsewhere in the province. Provisions for regular review and adjustment are included in the agreements; adjustments are based on an indexing mechanism which relates to the market price for softwood lumber of various sizes. The Nova Scotia government responds to applications for license agreements on a "first-come first-served" basis. One agreement was awarded in 1981, and one in 1982. All stumpage fees are collected by the Nova Scotia Department of Lands and Forests.

In addition to long-and shorter-term licenses, the province disposes of small lots of sawlogs by public tender, either as standing timber or as logs piled at road side. These sales involve a small amount of timber, with the volume and location set by the province. Prices are established under a competitive bidding system, with an upset price based on the knowledge of prevailing rates in the area.

Ontario

Licensing System

The primary type of timber cutting license in Ontario traditionally has been the Order-in-Council License (OCL). OCL's were introduced in the 1920's to accommodate the timber needs of scattered pulp and paper mills in northern Ontario. During the 1940's and 1950's, sawmill operators began using the system, first for salvage operations and then increasingly for undamaged timber. Technological advances during the 1960's and 1970's led to higher volume demand by sawmill operators, until most of the available yield in the province's forest land was alloted.

OCL's are being replaced gradually by Forest Management Agreements (FMA), which cover large areas and convey many forest management responsibilities to the licensee. Other types of licenses in Ontario are Salvage Licenses, which permit expedient harvesting of damaged timber; District Cutting Licenses, which are issued primarily to individuals; and a few competitively bid Sale Licenses, which are awarded to the highest tendered bidder in small areas of high demand.

To acquire stumpage rights on Crown lands in Ontario, an applicant must be incorporated to carry on timber harvesting activities in the province, or own and operate a mill, or have a contract to supply wood to a mill. Stumpage licenses are managed by the Ministry of Natural Resources of Ontario.

Ontario identifies 12 criteria used by the Ministry to evaluate license applications. These fall under three paramount factors, which are timber and land characteristics, viability of the applicant, and impact on the provincial economy. The province usually re-issues licenses to companies already operating mills in a given area.

In Ontario, the Crown approves management and operating plans which specify the volume to be cut annually on each license. These plans also allow provincial direction of all forest management activities. The extent to which the province also performs these activities depends on the license type or the amount of area which has been licensed to one company within a management unit. The Ministry has divided the provincially owned forest into Crown or Company Management Units to administer its forest management policies.

Stumpage rights in Ontario are granted under equal terms to Canadian and non-Canadian companies, although exports of logs are banned by the province. A study in 1972 indicated that approximately 40 percent of the total area under license was granted to non-Canadian controlled companies, and the province estimates that this percentage is still accurate.

Payment for Stumpage

The payment system for stumpage in Ontario is also managed by the Ministry of Natural Resources, which maintains procedures for wood measurement and financial services. Stumpage fees consist of an area charge, Crown dues, a bonus price, and, in the case of sale licenses, a tendered bid. Interest is charged at one percent per month for all overdue stumpage payments.

The area charge in Ontario is rent for ground used and is not related to the volume of timber cut. It is designed to cover fire protection and other management costs. The charge is uniform and increases by 10 percent a year; it is currently $60.60 per square mile.

Crown dues cover most of the total stumpage fees. They are calculated pursuant to the regulations of the Crown Timber Act of 1980, broken down into major species and product categories, which take into account differences in species and products manufacturered from the timber. Ontario states that the dues are designed to provide a fair return to the province and are based on past provincial costs to maintain, improve, and regenerate the resource.

The Crown Timber Act specifies two sets of Crown dues. The first set, with a bonus price added on, is used as a minimum price for the competitively bid sale licenses and also applies to district cutting licenses. The second set applies to OCL's and FMA's.

Regulation 234 of the Crown Timber Act sets out the schedule for the two sets of Crown dues. The second set of dues consists of a base rate which is adjusted in proportion to one of four six-month, rolling-average Commodity Selling Price Indices produced by Statistics Canada, a federal agency. The base rate for non-integrated producers is set at 90 percent of the base rate for integrated producers. The rates were set in July, 1978 based on the old Crown dues, which were also set administratively. The rolling average is updated quarterly, so the second set of Crown dues change with it on a quarterly basis. The first set of Crown dues is not indexed and is reset by the province on an annual basis.

The bonus price is a negotiated payment in addition to Crown dues. It is expected to take

into account material differences in the location and quality of stumpage obtained by a firm. It is updated much less frequently than Crown dues, ranging in review period from one to five years depending on the license type.

Order-in-Council Licenses

Order-in-Council Licenses, originating in the 1920's, are still the most widespread vehicle for stumpage allocation in Ontario. OCL's currently cover 74 percent of timber area under license and represent 83 percent of licenses in issuance. 398 OCL's are outstanding, but most are expected to be phased out in favor of Forest Management Agreements during the 1980's.

The duration and the area of coverage of OCL's vary widely and are at the discretion of the Ministry of Natural Resources. Other terms and conditions of OCL's are negotiated, but they tend to be consistent from one license to the next. Renewals are permitted on OCL's only to complete the harvesting intended for the original term. OCL's may be transferred, but not for the profit of the original licensee.

Forest management activities under OCL's are managed by the Crown through the negotiation of long-term and annual operating and management plans, paid for by the companies. Normally, the province supervises the harvesting and is responsible for the renewal and improvement of the forest. Fire prevention and insect and disease protection are also largely performed by the Crown. Some forest management activities may be performed by the company, with reimbursement by the Crown at administrative rates based on past provincial costs. All roads are constructed and maintained by the companies at their expense.

Stumpage fees for OCL's consist of the basic Crown dues and the negotiated bonus price. The bonus price is reviewed every three years, unless otherwise specified in the license.

Forest Management Agreements

After all softwood in Ontario became fully committed in the 1960's, the province made plans to intensify forest management. Such extensive improvements were needed that major responsibilities had to be assigned to timber licensees. Thus, FMA's were developed to replace existing licenses.

Currently these agreements have been reached primarily with pulp and paper manufacturers, but anyone is eligible to apply for stumpage rights under an FMA. The province expects to extend FMA coverage to all Crown forest areas over the next 10 years.

FMA holders perform various forest management activities at reimbursement rates identical to those described above, under OCL's. Unlike OCL holders, these licensees are also reimbursed for the costs of building primary and secondary roads, up to a set maximum. The province requires public access for these roads and dictates the standards to which they are built. FMA holders pay for other roads and pay maintenance costs for all their roads, as do OCL holders. FMA holders fund the preparation of four types of management plans for their operation: a 20-year management plan, a five-year operating plan, annual cutting plans and annual silvicultural plans.

Stumpage fees under FMA's consist of Crown dues and the negotiated bonus price. The bonus price is reviewed at five-year intervals only.

Other Licenses

Ontario issues Salvage Licenses to hasten harvesting of damaged timber. Fifty Salvage Licenses are outstanding, covering less than one percent of the total area under license. They are issued normally for one-year periods and generally convey no management responsibilities to the license. Stumpage fees are negotiated and may be less than the applicable Crown dues.

District Cutting Licenses are issued in Ontario to cover very small areas for one year. Roughly 20,000 of these licenses are issued annually to individual or small commercial operators. The total area under these licenses is less than one percent of the area under license.

Forest management responsibilities under District Cutting Licenses are retained by the Crown. Stumpage fees are comprised of the first set of Crown dues and a bonus price set by the province.

Ontario also issues about 15 competitively bid Sale Licenses per year which cover less than one percent of the total area under license. These are used for the sale of small areas of timber in locations where demand exceeds available supply, usually in high quality hardwood stands. Sale Licenses are normally issued for one or two years and convey no forest management responsibility to the licensee.

For Sale Licenses, the Crown dues and a bonus price set by the district office form the starting bid price. Sealed tender offers above the starting price become the basis for issuance of the license.

Prince Edward Island

Background

There are approximately 20.9 million cubic meters of standing timber in Prince Edward Island, most of which is generally poor quality. The province owns about 10 percent of the total volume. Many of the 50 small mills comprising the lumber industry are part-time operations supplementing other sources of income.

Most of the lumber is not graded according to official standards and is of non-exportable quality. The response shows that none of the lumber produced was exported during 1981 and 1982. No shakes, shingles or fence were exported from Prince Edward Island.

Stumpage Rights and Payments

There is no allocation process. Stumpage rights and prices for standing timber on Crown land are determined through a competitive bid process. The Crown advertises "stump tenders" (offers of blocks of standing timber) once a year. Advertisements appear in provincial newspapers at least three weeks prior to closing date, and bids are opened at a public meeting. The highest bidder is normally awarded the contract, except where that bidder's record of past performance is demonstrably poor. Stumpage prices are in effect for one year; *i.e.*, the duration of the contract.

A minimum base price ("upset price") may be established by the provincial Forest Service to ensure that bids do not come in below known stumpage rates in the industry. Estimation of expected stumpage values are based on the Forest Service staff estimations of the volume of logs, pulpwood, etc. which could be removed. The price of finished products, transport costs, recovery factor, or mill costs are not used in setting stumpage upset prices.

Rights do not differ between millers and pulpwood contractors. The P.E.I. Forest Service establishes the volume of timber allowed to be cut under the contracts. Once the timber has been paid for and removed, the contractor may dispose of it within any market at will.

Quebec

Background

Québec's supply of standing timber is a mixture of deciduous and coniferous species, generally sparsely scattered and consisting of rather small trees. The vast majority of these timber resources (approximately 90 percent) is located on Crown lands. Until the early 1970's, the relatively poor quality of Québec's timber combined with inadequate technology, made it inefficient and uneconomical for use in the sawmill industry. Consequently, most of Québec's timber was used by the pulp and paper industry, and the only timber allocation system in the province—the timber limit (also known as the forest concession)—had been set up with the needs of that industry for long-term timber supplies in mind.

Early in the 1970's, however, technological advances in the sawmill industry in the form of sophisticated, computerized machinery, made it possible to process this timber into lumber and its by-products. As a result of these changes Québec started to allocate stumpage under a new system—supply agreements from domanial forests—whose purpose was to increase the profits dereived from provincial timberlands and to make the the timber resource more accessible to other possible users, including the sawmill industry.

Accordingly, no additional timber limits have been awarded since 1969; all new concessions since then have been in the form of supply agreements from domanial forests. The province, through the retrocession or outright revocation of timber limits as they come up for renewal, aims to make domanial forests the only form of tenure and supply agreements the sole form of allocation of stumpage.

Under both systems, all fees and dues are administratively set by the province through Orders-in-Council, sometimes through negotiation. There is no system of competitive bidding for stumpage in Québec. The specific features of both allocation systems are described below.

Timber Limits

Under the timber limit system, "limit holders" are assigned all rights to standing

timber in a given area. Limit holders are responsible for forest management and silviculture within their respective areas. Accordingly, they must submit on a regular basis a forest management plan to the provincial authorities. The government grants an annual cutting license to each limit holder, based on its estimate of the concession's sustained yield possibilities.

The various fees paid by the timber limit holders to the province of Québec for stumpage are as follows:

- The *purchase price* of a timber limit, which has varied between $500 and $1500 per square mile depending on the location of the concession and the quality of the timber thereon;
- The cutting license, renewable annually, which is contingent upon payment of a *ground rent* (currently $15.40 per square kilometer); and
- The *stumpage dues*, which vary according to species and end use, currently amounting to:

—pulpwood (softwood): $3.36 per cubic meter;

—sawlogs (softwood): $0.77 per cubic meter.

The stumpage dues for pulpwood are based on a percentage of the price per ton of newsprint delivered in New York; the basis of the stumpage dues for sawlogs is undocumented.

In addition to the payments and fees listed above, the limit holders also bear a number of additional costs, *i.e.*:

- *Road building and maintenance:* the limit holders build all their forest roads. They bear 100 percent of the cost of secondary roads, but only 50 percent of the cost of main access roads on the grounds that they are intended for common use. All these roads remain the province's property and are accessible to the public.
- *fire prevention and suppression:* this is carried out by private, non-profit forest protection agencies created by the industry.
- *Insect and disease protection:* limit holders pay a calculated percentage depending on area and circumstances.

Supply Agreements (Domanial Forests)

Domanial forests are public lands managed by the provincial government of Québec. The province enters into supply agreements for standing timber from these forests with any interested company. For sawmills, the duration of these agreements varies from five to twenty years, depending on each mill's size. In effect, these are fixed-term timber purchase agreements in which the holder's rights to timber are limited to areas specified by the province. This contrasts with the earlier system, whereby the holder could select the areas to be harvested each year within the concession area up to the total amount specified by the cutting license. Another difference between the two systems is that under supply agreements, timber cut from a domanial forest can be used only to supply the holder's mills and cannot be resold.

A supply agreement always specifies an annual maximum authorized consumption of wood for each mill covered by the agreement. This amount, expressed in cubic meters, also appears on the mill's annual operating license. Renewal of supply agreements depends on the yield and performance of the agreement holders. The province is responsible for devising and implementing forest management plans. Agreement holders prepare an annual logging plan for submission to the provincial authorities, who then issue annual cutting permits for a specific volume of wood defined by species.

Although agreement holders pay no fee *per se* to acquire their contracts, they must pay the provincial government the following fees for each cubic meter harvested:

- *Stumpage fees* based on the following factors:

—Location of forest,

—Product cut by species,

—Size of standing timber,

—Density of timber,

—Logging difficulties;

- *Road building costs* (same as under the timber limit system);
- *Management costs*, $0.09 per cubic meter;
- *Fire prevention costs*, $0.13 per cubic meter;
- *Fire suppression costs*, $0.04 per cubic meter; and
- *Insect and disease protection costs*, $0.05 per cubic meter;.

In addition, agreement holders are responsible for scaling costs and for specific silvicultural activities, such as reforestation, in the amount of at least $0.05 per cubic meter harvested in any given year.

Deferral, Suspension or Waiver of Stumpage Payments

The province of Québec does not allow the deferral, suspension, or waiver of any stumpage payments.

Saskatchewan

Background

Saskatchewan's major industries are farming and mining. Its industrial usage of forest products is underdeveloped, and its softwood timber is small and scattered. In order to attract mills, long-term agreements with negotiable conditions were initiated.

Stumpage

In Saskatchewan, stumpage rights are allocated in two ways: (1) under a timber permit, which is granted annually; and (2) under Forest Management License Agreements (FMLA's). About 13 percent of the production in Saskatchewan of the softwood industry under investigation is allocated by permit, and the balance by FMLA's.

A timber permit authorizes the holder to harvest a stated volume of timber, is valid for one year, and is renewable. Because FMLA's are negotiated separately with each company, their terms vary. Stumpage rights can be awarded for up to 20 years, with an option to renew. Under both arrangements, the Forestry Branch of the provincial government specifies the AAC. The area to be harvested is selected by the permittee or company, subject to government approval.

For timberland under the permit system, the province is responsible for management, silviculture, main road construction, reforestation, fire and disease prevention, etc. In contrast, under FMLA's, the company is completely responsible for forestry management, but other services may be carried out by the province with the company paying partial costs, according to the individual agreement; *e.g.*, the company might pay $0.20 per cord on all timber harvested toward the costs of reforestation. The province is always responsible for fire and disease protection. Main roads are constructed by the province up to a negotiated quantity specified in each contract. A company may construct additional roads at its own expense.

Stumpage fees are paid on a monthly (or sometimes quarterly) basis to the Forestry Branch. Timber permit allocations pay on the lumber out-turn of the mill. Rates take into account timber quality. FMLA's are of two types: volume agreements and area agreements. Volume agreement stumpage dues are paid on the mill out-turn and can be renegotiated periodically. Area agreement fees are paid on scaled volume delivered to the mill yard and are indexed.

Federal Stumpage

Federal Crown lands represent 11 percent of productive timberlands in Canada. Of that, 90 percent is too inaccessible to economically supply North American timber markets. In fiscal year 1981–82, 0.8 percent of total Canadian timber (hardwoods plus softwoods) harvested from Crown lands was cut in small quantities from tracts of federal lands in five provinces and two territories. Most of the volume was cut on Indian Reserves. Stumpage from federal lands is usually allocated according to "volume agreements," whereby an allowable cut is specified. The particular volume agreement procedures of the province in which the timber is located generally apply.

Four federal agencies, none of which has land management as a primary function, have jurisdiction over different portions of federal lands.

Some Department of National Defence (DND) land is used for forest research. Environment Canada administers all DND land, and any timber sales tend to be inspired by the need to clear areas rather than to generate revenue. An individual or company may hold only one annual permit at a given time. Each permit is issued to cut timber up to a volume valued at not more than $2,000 based on prevailing local rates.

The Department of Parks Canada (DPC) reserves most of its land for recreational use. Logging is prohibited with one exception: when the Wood Buffalo Park was created in 1956 in northern Alberta, a pre-existing sawmill situated there was granted a license for long-term cutting rights. The license runs through May 2002 and will not be renewed.

About 95 percent of all federal Crown lands fall under the jurisdiction of the Department of Indian and Northern Affairs (DINA), which is the combination of two agencies with quite separate functions. The Department of Northern Development has administrative responsibility for the territories. Timber in the territories is remote and scattered; nevertheless, the supply is much greater than can be used by the sparse

population. Annual cutting permits are granted on a small-volume basis according to the Territorial Lands Act. Approximately 50,000 m^3 of cut timber comes from the territories annually, and none is exported.

The other agency of DINA is the Department of Indian Affairs, which governs the 1,500 existing Indian Reserves in Canada. Timber sales on Indian lands are conducted by local band councils according to the federal Indian Timber Regulations. The Regulations provide for small-volume annual cutting permits as well as licenses for "larger" volume supply (volume cut cannot exceed a value of $2,500 based on prevailing local rates). All revenue is returned by the federal government to the Indians.

Many permittees on federal timber are harvesters only, who in turn sell the logs to small non-commercial operators or individuals requiring fuelwood. Indians often cut very small amounts of timber for their own use.

Appendix C—Issues and Comments

Petitioner's Comments

Comment 1. Petitioner contends that the Department, in determining that stumpage programs are generally available because they are provided to all potential users without government limitation, has created an unfounded distinction between *de jure* availability and *de facto* availability.

DOC Position. The statute requires that a countervailable domestic subsidy be provided to a specific industry, or group of industries. The DOC determined that the industries using stumpage are not a "specific industry or group of industries" within the meaning of the law (see Section 771(b)(B) of the Act). While it is true that not all industries currently use stumpage, this is not the result of any governmental action. The government of Canada is not limiting the users of stumpage, either *de facto* or *de jure*. Under our interpretation of the statute, we would not, for example, find generally available a program which on its surface appeared to have broad eligibility criteria, but which was administered by government in such a manner as to benefit a particular industry group. *See, e.g., Certain Steel Products from France*, 47 FR 39332, 39334 (Sept. 7, 1982).

Comment 2. Petitioner contends the Department incorrectly defined the users of stumpage as many groups of industries without support in the record. Petitioner specifically argues that:

- The Department found the Act's requirement that a domestic subsidy be provided to a specific industry or group of industries to be met where subsidies were provided to the "steel industry," subsidies fall within more than one major industry group in both the European Communities and the United States classification systems (as do the users of stumpage in these investigations).
- The Department mischaracterized as "a list of products produced by industries holding stumpage permits," a list of products made from stumpage submitted by the government of Canada.

DOC Position. Concerning the "steel industry," our investigations of certain carbon steel products from various countries covered forged as well as rolled steel, which are included in two major industry groups. Yet the forged steel involved was insignificant amounts of forged bar and structurals. Certain size ranges of these products can only be made through the forged process as opposed to a rolled process. Since the *Tariff Schedules of the United States, Annotated* (TSUSA) do not differentiate between the forged and rolled process, these could not be separated out.

Concerning petitioners second argument, the Canadian government did submit lists of products of different industries holding stumpage rights, and we verified that producers of products classified in a number of different industry groups hold stumpage rights.

Comment 3. Petitioner contends that the Department refused to acknowledge the existence of a "commonly recognized Canadian forest products industry."

DOC Position. While it is true that one often sees references to a so-called "forest products industry" or "forest products sector," use of such terms for convenience is not controlling for purposes of the countervailing duty statute. Significantly, the ITC, in its preliminary determinations, found that lumber, shakes and shingles, and fencing constitute three distinct industries. Moreover, under the Canadian and United States industrial classification systems, lumber, shakes and shingles, veneer and plywood, furniture, sashes and doors, and pulp and paper are identified as separate industries and are listed under several major industry groups.

Comment 4. Petitioner contends that the Department's treatment of "the forest products industry" as "a group of * * * industries" for purposes of non-stumpage programs is inconsistent with its finding that stumpage programs are generally available.

DOC Position. The non-stumpage programs which the Department has found to be countervailable involve benefits which would be of use to all or to a large number of industries, not merely to those industries manufacturing products from stumpage. Therefore, the governments of Canada have targeted these programs to benefit certain industries. In our opinion, it is appropriate to take into account the distinction between these programs and stumpage practices in terms of targeting. Otherwise, these targeted programs and stumpage practices in terms of targeting. Otherwise, these targeted programs would escape the purview of the countervailing duty law, because they arguably are provided to more than one group of industries.

Comment 5. Petitioner contends that using cut data instead of bid data does not make a significant difference in the calculation of subsidies. They further state that the Department ignored significant information on the record that most United States stumpage sales are of private timber which is not sold significantly in advance of use.

DOC Position. First, as described in the section entitled "Stumpage Programs of the Canadian Federal and Provincial Governments," it is not the Department's policy to make cross-border comparisons in determining whether, or to what extent, subsidies are conferred. Second, it would be inappropriate in these investigations to compare United States and Canadian stumpage prices in view of *inter alia*, the significant differences in quality and accessibility of stumpage and 7 of the requirement frequently imposed in Canada but not in the United States that in-kind services be performed by companies allowed to harvest stumpage. Third, even if we were to compare United States and Canadian stumpage prices, some information on the record indicates that such prices do not significantly vary when appropriately adjusted for the above-described differences. In any event, in recent years, bid prices in the United States have usually been higher than cut prices. (Such data is not available for private sales of United States timber. Indeed, petitioner has presented and relied on United States public sales data.) Therefore, United States prices would not be a reasonable assessment of current prices paid. Our review of data compiled by the United States Forest Service for forest regions 6 and 9, the Pacific Northwest and the Eastern regions of the United States show that significantly lower cut prices (16 to 60 percent) are paid for softwood timber when compared to bid prices, except in the case of White Mountain Forest. As petitioner argues, the record in these investigations reflects that only sales of timber on national forest lands have recently been bid significantly in advance of use. The record does not contain such information concerning private United States sales.

Comment 6. Petitioner contends that the Department's intepretation of subsection 771(5)(B)(iv) is arbitrary and not in accordance with laws. Petitioner argues that the statutory language covers any governmental action which reduces an industry's raw material acquisition costs.

DOC Position. As stated in our preliminary determinations and in these final determinations, we maintain that the best interpretation of subsection (iv) is that it covers the relief by a government of a pre-existing statutory or contractual obligation. While these investigations represent the first time the DOC has construed subsection (iv) definitively, we think that our interpretation is supported by prior precedent, the legislative history of the Act, and basic rules of statutory construction. While counsel has cited cases involving the European Communities Common Agricultural Policy (CAP), those cases involve cash payments which we would not consider to be the assumption of costs under subsection (iv).

From the evidence on the record, the Canadian governments do not, through their stumpage programs, relieve a specific group of industries of any pre-existing statutory or contractual obligations.

Comment 7. Petitioner argues that the Department should use competitively set United States stumpage prices to establish a commercial benchmark for Canadian stumpage.

DOC Position. It is not the DOC's policy to use cross-border comparisons in establishing commercial benchmarks, because such comparisons fail to account for differences in

comparative advantage between countries. Futhermore, such comparisons would be particularly inappropriate in these investigations because of differences in such factors as species combination, density, qualitry, size, age, accessibility, terrain and climate between standing timber in different areas. Moreover, there is evidence in the record that the United States government restricts supply of publicly-owned timber, thereby increasing the price of such timber in the United States.

Respondent's Comments

Comment 1. Respondent contends that RDIP is not targeted to any specific industry or group of industries, but rather is available to all industries throughout the vast majority of Canada, with the boundaries of DREE eligibility serving to implement geographically neutral criteria.

DOC Position. We find RDIP to be targeted to specific regions because the criteria for designation of areas eligible for assistance from DREE are not objective, identifiable criteria. The use of subjective criteria leaves the designation of eligible areas to the discretion of national and provincial DREE ministers.

Comment 2. Respondent contends that the amount of RDIP grant payments to producers of the products under investigation which subsequently went bankrupt, were closed or were sold in arm's length transactions provide no current benefit to the production of softwood lumber, and should not be countervailed because they provide no current benefit.

DOC Position. We agree in principle, but we could not verify the amounts of grants given to firms which went bankrupt, were closed, or were sold in arm's length transactions.

Comment 3. Respondent argues that we improperly allocated as untied grants funds that were explicitly provided by the government of Québec to REXFOR to cover losses sustained in previous years by Samoco, one of REXFOR's subsidiaries.

DOC Position. We allocate the subsidy benefit of funds generally provided to cover losses to the year of receipt to reflect the nature of the liabilities giving rise to the loss. These liabilities are the basic costs of operations (*e.g.*, wages, materials, certain overhead expenses), which are generally expensed in the year incurred. To the contrary, we allocate any countervailable funds provided to cover losses in multiple previous fiscal years over a broader period of time. Any losses incurred previously by Samoco had already been written off by REXFOR. In addition, allocating funds for multi-year loss coverage solely to the year of their receipt, as respondent advocates, would open a loophole in the countervailing duty law. Funds could be provided allegedly for this purpose, but intended to have a long lasting future effect.

Comment 4. The Special ARDA grants made to native bands located in isolated areas were used to produce softwood products for non-commercial use. This production is not included in the official shipment figures for the industry and would not be included in the denominator used in the subsidy calculation.

DOC Position. During verification we determined that some Special ARDA funds made to native bands were used commercially. Grants were used to acquire logging equipment, to perform subcontracting work, and to establish a shake and shingle operation to supply local markets.

Comment 5. There is no justification for aggregating Special ARDA and General ARDA assistance in calculating benefits. The programs have different purposes and different legal bases.

DOC Position. While the General ARDA is a rural development program, and the Special ARDA is an ongoing program which seeks to improve employment and income opportunities for Canada's native population, both were created under the federal Agriculture and Rural Development Act. In any event all benefits are aggregated in calculating the final amount of the subsidies.

[FR Doc. 83-14290 Filed 5-27-83; 8:45 am]
BILLING CODE 3510-25-M

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

A meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held June 21, 1983, at 10:00 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to numerically controlled machine tools or technology.

General Session:

1. Opening remarks by the Chairman.
2. Presentation of papers of comments by the public.
3. Nomination and election of a new chairman.
4. New Business.

Executive Session:

Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria.

The general session will be open to the public with a limited number of seats available. A Notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on September 29, 1981, in accordance with the Federal Advisory Committee Act.

A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377-4217.

For further information or copies of the minutes contact Margaret Cornejo, (202) 377-2583.

Dated: May 25, 1983.

Milton Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 83-14478 Filed 5-27-83; 8:45 am]
BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From Sweden; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on rayon staple fiber from Sweden. The review covers the period October 1, 1980 through September 30, 1981. As a result of the review, the Department has preliminarily determined the net subsidy to be 7.32 percent *ad valorem* for both modal and regular fiber. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 10, 1981, the Department of Commerce ("the Department" published in the **Federal Register** (46 FR 60486) the final results of its last administrative review of the countervailing duty order on viscose rayon staple fiber from Sweden (44 FR 28319) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

The merchandise covered by the review is regular viscose rayon staple fiber and high-wet modulus ("modal") viscoe rayon staple fiber, imported directly or indirectly from Sweden. Such merchandise is currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated.

The review covers the period October 1, 1980 through September 30, 1981 and

the following programs: (1) Capital loans/grants and (2) elderly employment compensation. The sole known Swedish producer of the merchandise is Svenska Rayon AB.

Analysis of Programs

The Swedish government and Svenska did not respond to our questionnaire on the status of benefits during the review period.

Therefore, we have used the information provided during our previous review as the best information available to calculate the benefits received during the current review period.

(1) Interest-free government loans/grants. For the purpose of national defense, the Swedish government subsidizes the establishment of productive capacity for modal rayon staple fiber. Accordingly, the government lent to Svenska, on an interest-free basis, investment capital needed to establish productive capacity for modal fiber. The loans were to be forgiven if Svenska maintained these production facilities for ten years. The loans provided to Svenska under this first agreement, referred to as Project 77, totaled 14 million kroner.

Government bill 1977/78: 125, adopted on March 16, 1978, approved a second larger investment loan program, referred to as Project 81, under which Svenska has received additional interest-free loans for the development of its modal fiber plant. Under this latter program, the government authorized a 67.3 million kroner loan and, by the end of September 1981, Svenska had received the total budgeted amount. In February 1979 the Swedish government provided separately an additional 1.8 million kroner loan to Svenska for environmental improvements to the plant.

We concluded in our last review that the Swedish government forgave 10 percent per year of Svenska's obligation of 14 million kroner under Project 77 in 1978, 1979, and 1980. As best evidence, we preliminarily conclude that Svenska maintained its modal production facilities in 1981 and that the government forgave in 1981 another 10 percent of the project 77 loans. We are therefore treating 10 percent of the Project 77 funds as a grant during the review period. Additionally, we are considering the unforgiven portion of the Project 77 funds together with the 67.3 million kroner that Svenska received under Project 81 as interest-free loans during the period of review. We have calculated the subsidy on the relevant Project 77 and Project 81 funds on the basis of the interest Svenska would have paid if it had borrowed the money commercially at the time that the loans were granted. We have used as the benchmark rates the Swedish prime rates in 1975 (for Project 77 funds) and 1978 (for Project 81 funds) and added to that the difference between prime and the average rate paid by Svenska on other commercial loans. We then calculated the present value of the payment differentials in each year of the loans using as the discount rate the "risk-free" rates for long-term government debt that were available during the relevant periods. This amount was then allocated evenly over the life of each loan using the same discount rates to yield the annual subsidy amounts. For the period of review, we preliminarily determine that the net subsidy under the interest-free government loans/grants program is 3.88 percent *ad valorem.*

Absent a response to our questionnaire, we are assuming that the forgiveness period for Project 81 loans, which were fully disbursed by September of 1981, began in 1982 at the rate of 10 percent per year. We are therefore treating 10 percent of these funds as a grant in calculating future cash deposits of estimated countervailing duties. Accordingly, we preliminarily determine, for purposes of cash deposits of estimated countervailing duties, that the net subsidy attributable to this program is 6.96 percent *ad valorem.*

In our last administrative review, we assumed that the assets purchased through Project 77 and Project 81 funds were not convertible to the production of regular fiber. We therefore determined that the net subsidy should apply only to modal fiber. However, we have received new information indicating that Svenska, by no later than the end of 1982, had achieved the capacity to utilize the modal plant for the production of "non-modal improved-type fibers". When combined with the failure to respond to our questionnaire (which also addresses the issue of convertibility), we preliminarily conclude that the one net subsidy rate will apply to both modal fiber and regular fiber.

(2) Elderly Employment Program. The Swedish government provides a subsidy to certain companies within the textile industry through a special employment contribution by the government for older workers. This program was established by Swedish government bill 1976/77: 105, adopted on March 3, 1977. While the program is designed to encourage the retention of redundant employees, compensation is provided to a company based upon the number of hours worked by employees over 50 years of age. A company participating in the program must agree not to dismiss or release redundant employees of any age for any reason other than normal attrition. The payments can total up to 15 percent of the company's total labor cost. Svenska participated in this program. For this review, we have preliminarily used the same rate determined in our previous review, 3.44 percent *ad valorem, as the best information available.*

Preliminary Results of Review

As a result of our review, we preliminarily determine that the aggregate net subsidy conferred by the Government of Sweden on the production of both modal and regular viscose rayon staple fiber during the period October 1, 1980 through September 30, 1981 is 7.32 percent *ad valorem.*

Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 7.32 percent of the f.o.b. invoice price on all shipments of regular and modal fiber exported on or after October 1, 1980 and entered, or withdrawn from warehouse, for consumption on or before October 29, 1980.

On October 30, 1980, the International Trade Commission ("the ITC") notified the Department that the Swedish government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. On March 15, 1983, the ITC notified the Department of its determination that an industry in the United States would be materially injured or threatened with material injury if the order were revoked. As a result, the Department will instruct the Customs Service to assess countervailing duties, in the amount of the prevailing deposit rate at the time of entry, on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 30, 180 and on or before March 15, 1983.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 10.40 percent of the f.o.b. invoice price on all shipments of regular or modal fiber entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)), section 104(b)(4)(A) of the Trade Agreements Act (19 U.S.C. 1671 note) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: May 24, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-14477 Filed 5-27-83; 8:45 am]

BILLING CODE 3510-25-M

Stanford University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 82-0026R. Applicant: Stanford University, 851 Welch Road, Stanford, CA 94305. Instrument: Excimer Laser, TE-861T with Stanford Electrodes and Model 525 Capacitor and Accessories. Original notice of this resubmitted application was published in the **Federal Register** of September 8, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (June 24, 1982).

Reasons: This application is a resubmission of Docket Number 82-00267 which was denied without prejudice to resubmission on January 11, 1983 for informational deficiencies. The foreign instrument provides a pulse energy of at least ten millijoules with repetition rates greater than 150 pulses per second. The National Bureau of Standards advises in its memorandum dated April 12, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-14480 Filed 5-27-83; 8:45 am]

BILLING CODE 3510-25-M

Syracuse University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 82-00075R. Applicant: Syracuse University, Department of Chemistry, Bowne Hall, Syracuse, NY 13210. Instrument: Superconducting Fourier NMR Spectrometer, Model WM-360 WB and Components. Original notice of this resubmitted application was published in the **Federal Register** of February 2, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (November 13, 1980).

Reasons: This application is a resubmission of Docket Number 82-00075 which was denied without prejudice to resubmission on September 29, 1982 for informational deficiencies. The foreign instrument provides data acquisition in any of the three memory areas of its computer. The Department of Health and Human Services advises in its memorandum dated April 7, 1983 that: (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instruement was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was orderded.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-14479 Filed 5-27-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

National Voluntary Laboratory Accreditation Program; Preliminary Finding of Need To Accredit Laboratories That Test Government Procurred Commercial Items

Correction

In FR Doc. 83-13602, beginning on page 22771 in the issue of Friday, May 20, 1983, make the following corrections:

1. On page 22772, second column, in the third line under the heading "Preliminary Finding of Need," the phrase "there is no need" should read, "there is a need".

2. On page 22772, second column, in the ninth line under the heading "**Preliminary Finding of Need,**" the

letters "MVLAP" should read, "NVLAP".

3. On page 22772, third column, in the third line under the heading *"Basis of Need (§ 7a.4(b)(4)),"* the letters "NVLP" should read, "NVLAP".

4. In the table on page 22774, the ninth, tenth and sixty-fourth designations under the heading, "Paint and Related Coatings and Materials—Paint," should read, "ASTM B117–73 (1979)", "ASTM D34–73 (1979)," and "ASTM D1397–80" respectively.

BILLING CODE 1505-01-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit; LGL Ltd.

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant: LGL Ltd., Suite 414, 44 Eglinton Avenue, West, Toronto, Canada M4R 1A1.

2. Type of Permit: Scientific Research/ Scientific Purposes.

3. Name and Number of Animals: Bowhead whales (Balaena mysticetus) 200.

4. Type of Take: Potential harassment by sound and aircraft during studies of seismic exploration sounds affecting bowhead whales.

5. Location of Activity: Canadian Beaufort Sea.

6. Period of Activity: Two (2) years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: May 24, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, National Marine Fisheries Service.

[FR Doc. 83-14447 Filed 5-27-83; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Arcata Graphics—Buffalo; Application for Certification of the use of Natural Gas to Displace Fuel Oil

[ERA Docket No. 83-Cert-095]

Arcata Graphics-Buffalo (ARCATA), T. C. Industrial Park, Depew, New York 14043, filed an application on May 16, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its facility in Depew, New York, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, ARCATA indicates that the volume of natural gas for which it requests certification is approximately 1,273 Mcf per day. This volume is estimated to displace the use of approximately 8,375 gallons of No. 6 fuel oil (1.7 percent sulfur) per day.

The eligible seller is American Penn Energy, P.O. Box 443, Fredonia, New York 14063. The gas will be transported by National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301; and by National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to ARCATA and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14464 Filed 5-27-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-Cert-068]

A. W. Breidenbach Environmental Research Center, U.S. Environmental Protection Agency; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

A. W. Breidenbach Environmental Research Center (AWBERC), U.S. Environmental Protection Agency, 26 West St. Clair Street, Cincinnati, Ohio 45268, filed an application on May 5, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its environmental research facility in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00

a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, AWBERC indicates that the volume of natural gas for which it requests certification is approximately 220,500 Mcf per year. This volume is estimated to displace the use of approximately 1,631,700 gallons of No. 3 fuel oil (0.25 percent sulfur) per year.

The eligible sellers are Exxon USA, P.O. Box 2810, Houston, Texas 77001; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by the Cincinnati Gas and Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to AWBERC and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14486 Filed 5–27–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83-Cert-098]

Capitol Products Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Capitol Products Corporation (CAPITOL), P.O. Box 3070, Harrisburg, Pennsylvania 17105, filed an application on May 13, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its manufacturing facility in Mechanicsburg, Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, CAPITOL indicates that the volume of natural gas for which it requests certification is approximately 525,600 Mcf per year. This volume is estimated to displace the use of approximately 3,100,000 gallons(74,000 barrels) of No. 2 fuel oil (0.05 percent sulfur) per year.

The eligible seller is Exxon USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue S.E., Charleston, West Virginia 25314; and by UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to CAPITOL and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Diretor, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14485 Filed 5–27–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–Cert–044]

Emery Realty, Inc.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Emery Realty, Incorporated (EMERY), 2400 Carew Tower, P.O. Box 447, Cincinnati, Ohio 45201, filed an application on May 5, 1983 with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Carew Tower Boiler Plant in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). The application was amended on May 7, 1983, to add an eligible supplier and on May 11, 1983, to clarify the volumes of gas requested. More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its amended application, EMERY indicates that the volume of natural gas for which it requests certification is approximately 82,500 Mcf per year. This volume is estimated to displace the use of approximately 580,800 gallons of No. 2 fuel oil (0.23 percent sulfur) per year.

The eligible sellers are Exxon USA, P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by the Cincinnati Gas and Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to EMERY and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14467 Filed 5–27–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–Cert–077]

Great Lakes Carbon Corp.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Great Lakes Carbon Corporation (GLCC), P.O. Box 667, Niagara Falls, New York 14302, filed an application on May 7, 1983, and amended it on May 20, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its carbon products manufacturing facility in Niagara Falls, New York, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, GLCC indicates that the volume of natural gas for which it requests certification is approximately 1,000 Mcf per day., This volume is estimated to displace the use of approximately 7,140 gallons of No. 2 fuel oil (1.0 percent sulfur) per day.

The eligible sellers are U.S. Energy Development Corporation, 610 Statler Building, Buffalo, New York 14202; Envirogas, Inc., One Grimsby Drive, Hamburg, New york 14075; Goetro, Inc., Route #1, Albion, Pennsylvania 16401; and P & S Drilling, Inc., 10305 Main Street, Clarence, New York 14031. The gas will be transported by National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301; and National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by an interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to GLCC and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14461 Filed 5–27–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–Cert–069]

Ramco/Fitzsimons Steel Co.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Ramco/Fitzsimons Steel Company (RAMCO/FSC), P.O. Box 399, Buffalo, New York, 14240, filed an application on May 6, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its steel processing plant in Buffalo, New York 14220, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, RAMCO/FSC indicates that the volume of natural gas for which it requests certification is approximately 600 Mcf per day. This volume is estimated to displace the use of approximately 4,000 gallons of No. 6 fuel oil (1.0 percent sulfur) per day.

The eligible seller is Midwest Exploration, Inc., 1401 Park Harvey Center, 200 North Harvey, Oklahoma City, Oklahoma 73120. The gas will be transported by National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301; and by National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing the ten (1) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the

proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to RAMCO/FSC and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14458 Filed 5-27-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-Cert-072]

Schoenling Brewing Co.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Schoenling Brewing Company (SCHOENLING), 1625 Central Parkway, Cincinnati, Ohio 45214, filed an application on May 9, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its brewery facility in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, SCHOENLING indicates that the volume of natural gas for which it requests certification is approximately 5,000 Mcf per month. This volume is estimated to displace the use of approximately 35,000 gallons of No. 2 fuel oil (0.49 percent sulfur) per month.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by The Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202; and The Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012, local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to SCHOENLING and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14459 Filed 5-27-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-Cert-075]

Shepherd Chemical Co.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

The Shepherd Chemical Company (SHEPHERD), 4900 Beech Street, Cincinnati, Ohio 45212, filed an application on May 9, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its chemical manufacturing facility in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, SHEPHERD indicates that the volume of natural gas for which it requests certification is approximately 100 million cubic feet per year. This volume is estimated to displace the use of approximately 17,000 barrels of No. 2 fuel oil (Max. 0.5 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by The Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to SHEPHERD and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14460 Filed 5-27-83; 8:45 am,

BILLING CODE 6450-01-M

[ERA Docket No. 83-Cert-079]

Textile Printing & Finishing Co., Inc.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Textile Printing & Finishing Company, Inc. (TPFC), 120 North 25th Street, P.O. Box 209, Lebanon, Pennsylvania 17042, filed an application on May 9, 1983 with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its screen printing facility in Lebanon, Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, TPFC indicates that the volume of natural gas for which it requests certification is approximately 84,000 Mcf per year. This volume is estimated to displace the use of approximately 559,440 gallons of No. 6 fuel oil (2.8 percent sulfur) per year.

The eligible seller is Exxon USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314; and by UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to TPFC and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C. on May 24, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14402 Filed 5-27-83; 8:45 am]

BILLING CODE 6450-01-M

Pittston Petroleum Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") announces that it has adopted a Consert Order with Pittston Petroleum Inc. as a final order of the Department.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT:

Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, 1421 Cherry Street, Philadelphia, Pennsylvania 19102 (215-597-4550).

SUPPLEMENTARY INFORMATION: On April 5, 1983, Vol. 48, No. 66, **Federal Register** 14740, the ERA published a notice in the **Federal Register** that on March 22, 1983 it had executed a Proposed Consent Order with Pittston Petroleum Inc. ("Pittston"), which would not become effective sooner than thirty (30) days after publication of that notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the Proposed Consent Order.

As the notice of April 5, 1983 stated, the remedial aspect of the Proposed Consent Order required Pittston to refund an aggregate amount of $1,150,000 to identified No. 2 heating oil reseller customers of Pittston by check or credit memorandum within twenty-five (25) calendar months. The Proposed Consent Order provided other pertinent details, including general procedures to identify those customers eligible to receive refunds and that the amount of the refund was subject to the approval of DOE. Those customers and amounts have been identified and approved by DOE.

Only three comments about the Proposed Consent Order were received, two of which were claims by specific Pittston customers of No. 2 oil for refund. One comment was submitted on behalf of the State of Oregon.

The comment from the State of Oregon did not criticize any aspect of the Proposed Consent Order except the form of relief. The comment suggested that the states should be the recipients of certain funds obtained by the Department of Energy in Consent Orders. While the states may be recipients or relief in appropriate cases, the comment made no indication of why this particular Proposed Consent Order was similar to any other case. Indeed, the Proposed Consent Order terms provided for identification of the particular eligible customers to receive the entire refund of $1,150,000 and the amount of refunds per customer subject to DOE approval. There was no indication by the State of Oregon of involvement by purchase directly or indirectly by that state. The comment did not identify what Oregon end-users purchased directly or indirectly from Pittston, if any (and DOE believes there are none) and the comment did not identify what portion of the refund Oregon or any state should receive.

As stated previously, a specific class of purchaser has already been identified as being eligible to receive the refunds of $1,150,000 and DOE received two notices of claim by putative Pittston customers. Of the two claimants/comments, one is an eligible refund recipient and the other is not.

The Proposed Consent Order is therefore made final and effective on the date of publication of this Notice.

Issued in Philadelphia, Pennsylvania on this 11th day of May, 1983.

Robert J. McKee, Jr.,

Director, Philadelphia Field Office, Economic Regulatory Administration.

[FR Doc. 83-14404 Filed 5-27-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-Cert-080]

Georgia-Pacific Corp., Application for Certification of the Use of Natural Gas To Displace Fuel Oil

The Georgia-Pacific Corporation (G-P), 133 Peachtree St. N.E. (30303), Atlanta, Georgia 30348, filed an application on May 9, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its labelling plant in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed

information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, G-P indicates that the volume of natural gas for which it requests certification is approximately 70 million cubic feet per year. This volume is estimated to displace the use of approximately 12,000 barrels of No. 2 fuel oil (0.20 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by the Cincinnati Gas and Electric Company, P.O. Box 960, Cincinnati, Ohio 45202; and The Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012, local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory 'Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to G-P and any person filing comments and will be published in the **Federal Register**

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Director Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc.83–14463 Filed 5–27–83; 8:45 am]

BILLING CODE 6450–01–M

Langham Petroleum & Development, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Langham Petroleum & Development, Inc. as a final order of the Department.

EFFECTIVE DATE: May 26, 1983.

FOR FURTHER INFORMATION CONTACT: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration, One Allen Center, 500 Dallas Avenue, Suite 660, Houston, Texas 77002; (713) 229–3715.

SUPPLEMENTARY INFORMATION: On April 22, 1983, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Langham Petroleum & Development, Inc. (Langham) which would not become effective sooner than 30 days after publication of the notice. 48 FR 17371. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The Consent Order resolves Langham's potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211 and 212, in connection with the firm's transactions involving the resale of crude oil and refined petroleum products during the period December 1, 1977 through January 27, 1981. The Consent Order requires Langham to remit $32,000,000 to DOE in installments as follows: $5,000,000 within 180 days of the effective date of the Consent Order and the balance in 15 annual installments of $1,800,000 each. Langham further agrees that to the extent that its actual net revenues exceed net revenues reported in its Form ERA–69 filings by more than 3 percent, Langham will pay $1,000,000 for each full percentage point above 3 percent.

Comments from 14 states were received. None of the states contested the validity of the proposed Consent Order, but addressed the question of the ultimate disposition of the funds to be paid by Langham. The commenters proposed that the funds be distributed to the states for energy-related projects.

Because the comments addressed only the disposition of the funds, the ERA has decided to make the proposed Consent Order final without modification. The ultimate disposition of the funds will depend upon several factors, such as the type of alleged violations underlying the Consent Order and the ability of ERA to identify the persons who ultimately bore the burden of the alleged violations. The states' suggestions regarding the distribution of the funds will be considered in determining the appropriate ultimate disposition.

The proposed Consent Order with Langham Petroleum & Development, Inc., therefore, was made final and effective on May 26, 1983.

Issued on the 26th day of May 1983.

Sandra K. Webb,

Director, Houston Office Economic Regulatory Administration.

[FR Doc. 83–14589 Filed 5–27–83; 8:45 am]

BILLING CODE 6450–01–M

Robert Stephen Langham; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action, on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Robert Stephen Langham as a final order of the Department.

EFFECTIVE DATE: May 26, 1983.

FOR FURTHER INFORMATION CONTACT: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration, One Allen Center, 500 Dallas Avenue, Suite 660, Houston, Texas 77002; (713) 229–3715.

SUPPLEMENTARY INFORMATION: On April 22, 1983, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Robert Stephen Langham (R. S. Langham) which would not become effective sooner than 30 days after publication of the notice. 48 FR 17372. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The Consent Order resolves R. S. Langham's potential civil liability arising out of the Mandatory Petroleum

Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, and 212, during the period December 1, 1977 through January 27, 1981. The Consent Order requires R. S. Langham to pay an amount up to $10,000,000 based upon the after-tax income of R. S. Langham and certain related entities. The amount to be paid will be one-third of the amount by which such income exceeds $13,500,000 over the five year period following the effective date of the Consent Order.

Comments from 12 states were received. None of the states contested the validity of the proposed Consent Order, but addressed the question of the ultimate disposition of the funds to be paid by R. S. Langham. The commenters proposed that the funds be distributed to the states for energy-related projects.

Because the comments addressed only the disposition of the funds, the ERA has decided to make the proposed Consent Order final without modification. The ultimate disposition of the funds will depend upon several factors, such as the type of alleged violations underlying the Consent Order and the ability of ERA to identify the persons who ultimately bore the burden of the alleged violations. The states' suggestions regarding the distribution of the funds will be considered in determining the appropriate ultimate disposition.

The proposed Consent Order with Robert Stephen Langham, therefore, was made final and effective on May 26, 1983.

Issued on the 26th day of May 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-14589 Filed 5-27-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP81-107-002 and CP81-108-002]

Boundary Gas, Inc.; Second Amendment to Applications

May 24, 1983.

Take notice that on May 2, 1983, Boundary Gas, Inc. (Boundary), 110 Tremont Street, Boston, Massachusetts 02108, filed in Docket Nos. CP81-107-002 and CP81-108-002 a second amendment to its pending applications in Docket Nos. CP81-107-000 and CP81-108-000 pursuant to Sections 3 and 7 of the Natural Gas Act so as to reflect, *inter alia*, a reduction in the quantity of natural gas to be purchased from TransCanada Pipelines Limited (TransCanada) and to be resold to the fourteen Boundary customers an agreement to phase the proposed deliveries of Canadian gas, a reallocation of volumes among the Boundary customers, and corporate name changes affecting two Boundary customers, all as more fully set forth in the second amendment which is on file with the Commission and open to public inspection.

Boundary states that, as a result of the January 27, 1983 decision of the National Energy Board of Canada (NEB) reducing the quantity of gas authorized for export for sale to Boundary, Boundary has amended its precedent agreement with TransCanada and the *pro forma* gas purchase contract and gas sales agreement to reflect the reduced volumes. Boundary states that the total quantity of gas originally sought to be imported was approximately 675,254,000 Mcf to be delivered at a daily rate of 185,000 Mcf per day and that the NEB decision only authorized the exportation of 330,070,000 Mcf of gas to be delivered at a maximum daily rate of 92,500 Mcf.

Boundary further states that, due to anticipated limitations on pipeline capacity at the time the Boundary imports are scheduled to commence (i.e., November 1, 1984), Boundary and TransCanada have agreed that deliveries of gas would commence at reduced quantities and would remain at reduced levels until sufficient pipeline capacity is available to deliver the full amounts authorized. The quantity of gas agreed to be delivered by TransCanada during the initial phase commencing on or about November 1, 1984, is 40,000 Mcf per day, it is said. Further, it is submitted that due to limitations on pipeline capacity in the United States, the 40,000 Mcf per day initial quantity purchased by Boundary would be resold to four Boundary customers as follows: The Brooklyn Union Gas Company (14,721 Mcf per day), New Jersey Natural Gas Company (10,558 Mcf per day), Bay State Gas Company (9,814 Mcf per day) and The Connecticut Light and Power Company (4,907 Mcf per day). It is asserted that at such time as sufficient pipeline capacity is available, deliveries would increase to the full level of 92,500 Mcf per day. Boundary advises that the precedent agreement with TransCanada, *pro forma* gas purchase contract, *pro forma* gas sales agreement, and the memorandum of agreement among the Boundary stockholders have been amended to reflect the aforementioned phased deliveries.

Boundary further states that the allocation of gas among the fourteen Boundary customers during the full delivery phase has been amended as follows:

	New percentage entitlement	Old percentage entitlement	New volumes [1]
The Brooklyn Union Gas Co	.2240	.2254	20,970
Bay State Gas Co	.1351	.1027	12,500
New Jersey Natural Gas Co	.1163	.5765	10,760
Boston Gas Co	.1131	.0752	10,460
The Connecticut Light & Power Co	.1023	.0511	9,460
Consolidated Edison Co. of New York, Inc	.0540	.2254	5,000
National Fuel Gas Supply Corp	.0486	.0487	4,500
Long Island Lighting Co	.0270	.1297	2,500
Essex County Gas Co	.0174	.0174	1,610
Manchester Gas Co	.0168	.0116	1,550
Gas Service, Inc	.0108	.0057	1,550
Valley Gas Co	.0115	.0115	1,060
Berkshire Gas Co	.0114	.0114	1,050
Fitchburg Gas & Electric Light Co	.0057	.0057	530
Total	1.0000	1.0000	92,500

[1] Million cubic feet per day.

Boundary states that this reallocation is based, among other things, upon a greater relative need for the Boundary gas in the New England region and New Jersey in the time frame of the Boundary project. Boundary advises that the *pro forma* gas sales agreement and the Boundary stockholders' memorandum of agreement have been amended to reflect this reallocation.

Finally, Boundary states that the corporate name of Connecticut Gas Company has been changed to The Connecticut Light and Power Company and that the corporate name of Haverhill Gas Company has been changed to Essex County Gas Company. Bay State Gas Company intends to assign its entire interest in the Boundary project to its affiliated company, Granite State Transmission, Inc., which, pursuant to Commission order issued January 11, 1982, in Docket No. CP80-426, is the sole purchaser of natural gas supplies and long-term transportation services from Tennessee Gas Pipeline Company, a Division of Tenneco Inc., for the Bay State group. Boundary states that no name change has any substantive effect on its applications.

Pursuant to the Further Procedural Schedule established by the Presiding Administrative Law Judge at a prehearing conference held on May 9, 1983, in *Boundary Gas, Inc.*, Docket No. CP81-107, *et al.*, hearings on the initial phase of Boundary deliveries will commence on June 28, 1983, at 10:00 a.m.

Any person desiring to be heard or to make any protest with reference to said second amendment to Boundary's applications should on or before June 8, 1983, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.213 or 385.211) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Persons who have previously intervened in this proceeding need not file a new motion to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14390 Filed 5-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4219-002]

City of Albuquerque, New Mexico; Surrender of Preliminary Permit

May 24, 1983.

Take notice that the City of Albuquerque, New Mexico, Permittee for the proposed Abiquiu Project No. 4219 has requested that its preliminary permit be terminated. The permit was issued on July 15, 1981, and would have expired on June 30, 1983. The project would have been located on the Rio Chama in Rio Arriba County, New Mexico.

The City of Albuquerque through studies, has found, the development of hydropower at Abiquiu to be marginally advantageous. The Permittee has therefore elected not to proceed further.

Permittee filed its request on May 3, 1983. The surrender of the preliminary permit for Project No. 4219 will become effective thirty days from the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14391 Filed 5-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-306-000

Columbia Gas Transmission Corp.; Application

May 24, 1983.

Take notice that on May 3, 1983, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E. Charleston, West Virginia 25314, filed in Docket No. CP83-306-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for The New Jersey Zinc Company, Inc. (NJZ), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 3,700 dt equivalent of natural gas per day for NJZ on an interruptible basis for six months. Applicant proposes to receive the gas at an existing point of interconnection with the facilities of Atlas Resources, Inc. in Green Township, Indiana County, Pennsylvania, and deliver it to Transcontinental Gas Pipe Line Corporation (Transco) for the account of NJZ at an existing point of delivery in Chapmen Township, Clinton County, Pennsylvania. It is stated that Transco would thereafter deliver the gas to Union Gas Company for the account of NJZ with ultimate delivery to NJZ at or near its plant site in Palmerton, Pennsylvania. Applicant also states that the gas to be transported would be purchased by NJZ from Industrial Energy Services Company in order to resume operation of NJZ's Palmerton, Pennsylvania, ammonia plant.

It is further stated that Applicant's transportation charge for the proposed service is its average system-wide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, as reflected in Applicant's rate filings which charge is presently 40.11 cents per dt equavalent with retainage for company-use and unaccounted-for gas of 2.85 percent of the total quantity of gas received for the account of NJZ. Applicant's transportation charge is subject to adjustment to reflect revised average system-wide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, contained in future rate filings by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14392 5-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-516-000]

Connecticut Light and Power Co.; Notice of Filing

May 24, 1983.

The filing Company submits the following:

Take notice that on May 18, 1983, the Connecticut Light and Power Company (CL&P) tendered for filing as an initial rate schedule and agreement (the Agreement) between CL&P, Western Massachusetts Electric Company (WMECO, and together with CL&P, the NU Companies) and Pennsylvania Power and Light Company (PP&L). The Agreement, dated as of March 1, 1983, provides for the NU Companies to sell the PP&L power from the systems of the Northeast Utilities Companies (system power) that may be available on a daily basis (a transaction). CL&P states that the timing of transactions cannot be accurately estimated but that the NU Companies would offer to sell system power to PP&L only when it was economic to do so. PP&L would only accept such offer if it was economical to do so.

PP&L will pay an energy reservation charge to the NU Compaines for each transaction in an amount equal to the megawatthours of system power reserved for PP&L by the NU Companies during each hour of a transaction

multiplied by the energy reservation charge rate which is negotiated prior to each transaction. PP&L will pay any energy charge to the NU Companies for each transaction in an amount equal to the megawatthours delivered by the NU Companies during such transaction times an energy charge rate. The energy charge rate is based on the heat rate and the replacement fuel price of the generating unit(s) which the NU Companies determine to be available to provide energy at the time of a transaction.

CL&P requests an effective date of May 16, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been mailed to WMECO and PP&L.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14393 Filed 5-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3375-001]

Continental Hydro Corp.; Notice of Surrender of Preliminary Permit

May 24, 1983.

Take notice that Continental Hydro Corporation, Permittee for the proposed East Fork Dam Project No. 3375, has requested that its preliminary permit be terminated. The permit was issued on June 9, 1981, and would have expired on May 31, 1983. The project would have been located on the East Fork of the Little Miami River near Batavia, Clermont County, Ohio.

The Permittee filed its request on April 28, 1983, and the surrender of the preliminary permit for Project No. 3375 is deemed accepted 30 days after issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14394 Filed 5-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-517-000]

Detroit Edison Co.; Notice of Filing

May 24, 1983

The filing Company submits the following:

Take notice that Detroit Edison (Detroit Edison), on May 18, 1983, tendered for filing a letter agreement dated April 18, 1983, between Detroit Edison and General Public Utilities which constitutes a redetermination of the fixed charge rate applicable to transactions under Amendment No. 6 among Consumers Power Company, The Detroit Edison Company and the Toledo Edison Company, dated June 1, 1982, for the sale of Specific Capacity Power to General Public Utilities. This Amendment has been denoted as The Detroit Edison Company Rate Schedule FERC No. 11. Detroit Edison states that the redetermination of the fixed charge rate was made pursuant to the terms of Amendment No. 6.

Detroit Edison states that the letter agreement establishes the fixed charge rate at 16.325 percent for service provided on and after April 1, 1983, and is subject to redetermination during the term of Amendment No. 6 in accordance with Section 7.12. Detroit Edison states that the redetermination reflects the currently authorized return on equity contained in the Michigan Public Service Commission Order No. U-6949, dated March 31, 1983. This determination will increase the monthly demand charge from $1,173,673 to $1,194,154 in accordance with Sections 7.11 and 7.12(b) of Service Schedule G.

Detroit Edison requests waiver of the notice requirements to permit an effective date of April 1, 1983.

Copies of the filing were served upon Consumers Power Company, the Cleveland Electric Illuminating Company, General Public Utilities Corporation, the Toledo Edison Company, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14395 Filed 5-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5770-001]

Energenics Systems Inc.; Notice of Surrender of Preliminary Permit

May 24, 1983.

Take notice that Energenics Systems Inc., Permittee for the proposed Keyhole Dam Project No. 5770, has requested that its preliminary permit be terminated. The permit was issued on May 25, 1982, and would have expired on November 1, 1983. The project would have been located on the Belle Fourche River in Crook County, Wyoming.

The Permittee filed its request on April 15, 1983, and the surrender of the preliminary permit for Project No. 5770 is deemed accepted 30 days after issuance of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-14396 Filed 5-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-515-000]

Minnesota Power & Light Co.; Notice of Filing

May 24, 1983.

The filing Company submits the following:

Take notice that Minnesota Power & Light Company (Minnesota Power) on May 17, 1983, tendered for filing an executed Amendment to Interchange Service Agreement (Rate Schedule FERC No. 118 as supplemented) between Minnesota Power and Superior Water, Light & Power Company (SWL&P).

Minnesota Power states that the executed Amendment provides an administrative clarification as to non-assignment of losses to the SWL&P system relating to regional power pool transactions in which Minnesota Power utilizes SWL&P transmission lines.

Minnesota Power requests an effective date of October 25, 1982, and

therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon SWL&P, the Minnesota Public Utilities Commission and the Wisconsin Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14397 Filed 5-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5868-000]

Partnership of Cohen, Romano and Rice; Surrender of Preliminary Permit

May 24, 1983.

Take notice that the Partnership of Cohen, Romano and Rice, Permittee for the Old Forge Project No. 5868 located on the Middle Branch of the Moose River in Herkimer County, New York, has requested that its preliminary permit be terminated. The preliminary permit was issued on June 7, 1982, and would have expired on December 31, 1983. The Permittee states that it does not intend to proceed with the feasibility investigations leading to the development of this project.

The Permittee's request was filed on May 2, 1983. The surrender of the permit for Project No. 5868 is in the public interest and is effective 30 days from the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14398 Filed 5-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-86-000]

Public Service Company of Colorado; Notice of Complaint

May 24, 1983.

In the matter of Public Service Company of Colorado, Western Slope Gas Company and Cheyenne Light, Fuel and Power Company v. Colorado Interstate Gas Company, Respondent.

Take notice that on May 16, 1983, Public Service Company of Colorado, 550 15th Street, Denver, Colorado 80202; Western Slope Gas Company, One Park Central, Denver, Colorado 80202; and Cheyenne Light, Fuel and Power Company, 108 West 18th Avenue, Cheyenne, Wyoming 82003 (Complainants), filed in the above-captioned docket, pursuant to Section 5(a) of the Natural Gas Act and Commission Rule 206, a Complaint against Colorado Interstate Gas Company (CIG).

In their Complaint, Complainants state that CIG's rates to them are unjust and unreasonable, because they include systemwide storage and transmission costs which should be, but are not, allocated to CIG's customers taking service under CIG's FERC Rate Schedules F-1 and F-2, as well as certain direct industrial sales. Complainants aver that CIG's failure to allocate systemwide storage and transmission costs properly results in CIG's current rates to Complainants and CIG's other transmission system customers being excessive by $14,888,081.00 annually.

The procedures applicable to complaints before the Commission are found in Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206).

Any person desiring to be heard or to protest said complaint should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this complaint are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14399 Filed 5-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-296-003]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Amendment to Application

May 24, 1983.

Take notice that on May 2, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-296-003 an amendment to its pending application filed in Docket No. CP81-296-000, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to reflect certain changes in the original proposals in this proceeding, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Tennessee states that in its pending application, as amended, Tennessee requested authority to render a transportation service for fourteen gas companies (Boundary gas customers) which are shareholders of Boundary Gas, Inc. (Boundary), and to construct and operate certain pipeline loop, compression, and measurement facilities to enable Tennessee to transport up to 185,000 Mcf of natural gas per day which Boundary proposed to import from Canada at a point near Niagara Falls, New York, less fuel and shrinkage, to the Boundary gas customers and to receive up to 609,000 Mcf per day of gas Tennessee proposed to import from Canada at Niagara Falls, New York, for its own system supply in Docket Nos. CP81-298-000 and CP81-470-000.

Tennessee states that the instant amendment is filed to reflect the reduced quantities of gas which the National Energy Board of Canada (NEB) has authorized for exportation in its Decision issued January 27, 1983, and the filing with the Commission of an application by Niagara Interstate Pipeline System (NIPS) in Docket No. CP83-170-000, as amended, in Docket No. CP83-170-001, for authorization pursuant to Section 7 of the Natural Gas Act to construct and operate a pipeline system extending from an interconnection with TransCanada Pipelines Limited (TransCanada) near Niagara Falls, New York, to Tamarack, Pennsylvania, which would transport gas received from Canada for Tennessee and others.

Tennessee further states that the NEB authorized, *inter alia*, the exportation of a maximum daily quantity of 92,500 Mcf of gas to be delivered to Boundary, rather than the maximum daily quantity of 185,000 Mcf that had been requested

for export; that Tennessee has entered into a precedent agreement with NIPS for the transportation of up to 500,000 Mcf of gas per day from the Canadian border near Niagara Falls, New York, to the proposed points of interconnection between the NIPS system and Tennessee's system near East Aurora, New York, and Coudersport, Pennsylvania. Tennessee states that such agreement is sufficient to cover the volumes proposed to be imported by Tennessee and Boundary and, if authorized, would eliminate the need for the facilities previously proposed to be constructed in the instant proceeding on Tennessee's Niagara Spur extending from the Canadian border near Niagara Falls, New York, to East Aurora, New York, as well as certain other facilities.

Tennessee states that, in view of the above developments, the facilities downstream of the proposed interconnections with NIPS have been modified to reflect the reduced volumes required to be transported for the Boundary gas customers. Accordingly, by its amendment, Tennessee requests authority to construct and operate the following facilities located in New York, Pennsylvania, New Jersey, Connecticut, Massachusetts, and New Hampshire:

MAIN LINE LOOP

Location	Original loop No.	Size (inches)	Miles
MLV 239+4.2 to MLV 240	2	30	8.0
MLV 243 to MLV 243+5.7	3	30	5.7
MLV 246+4.9 to MLV 247	4	30	8.9
MLV 250+3.9 to MLV 251	5	30	8.8
MLV 254+4.5 to MLV 255	6	30	5.0
MLV 258+9.7 to MLV 259+3.7	7	30	7.0
MLV 263 to MLV 264+3.8	8	30	15.2
MLV 314+7.1 to MLV 315-1A	11	30	12.0
MLV 320+11.9 to MLV 321	11	30	5.0
MLV 325 to MLV 325+5.0	12	30	5.0
Total			76.6

LATERAL LINE LOOP

Location	Original loop No.	Size (inches)	Miles
Val 258A-101+3.8 to Val 258-102 (Adams)	15	10¾	6.1
Val 260A-101 to Val 260A-102 (Northampton)	16	12¾	5.7
Val 270B-301+3.0 to Val 270B-302 (Haverhill)	19	12¾	6.4
Val 270B-104+1.9 to Val 270B-104+7.9 (Concord)	18	12¾	8.0
Val 339-101 to Val 339A-102 (Norwalk Replacement)	20	10¾	1.7
Total			25.9

COMPRESSION

Location and county	State	Horsepower
Station 267 Middlesex	MA	[1]1,000
Station 313 Potter	PA	[2]2,000
Station 315 Tioga	PA	[3]1,800

COMPRESSION—Continued

Location and county	State	Horsepower
Station 319 Bradford	PA	[1]4,500
Station 325 Sussex	NJ	[2]7,000
Total		16,300

[1] Addition.
[2] Upgrade.
[3] New station.

Measurement and Regulation

Location

White Plains Meter Station (Upgrade)
New Jersey Natural Meter Station (New)
Regulation at MLV 325

Tennessee states that the total estimated cost of the above facilities, based on 1983 dollars, is $126,143,000.

Tennessee also requests authority to transport gas for the Boundary gas customers pursuant to the *pro forma* transportation agreements and tariff in the amended application, involving the maximum daily volumes as follows:

Company	Maximum transportation volume[1] (Mcfd at 14.73 psia)
Redelivered on Tennessee's Niagara Spur: National Fuel Gas Supply Corporation	4,446
Redelivered in Tennessee's Canadian Gas Transportation New York Rate Zone:	
The Brooklyn Union Gas Co	29,119
Consolidated Edison Co of New York, Inc	4,558
Long Island Lighting Co	2,429
New Jersey Natural Gas Co	10,454
Subtotal, New York Rate Zone	46,560
Redelivered in Tennessee's Canadian Gas Transportation New England Rate Zone:	
Granite State Gas Transmission, Inc.[2]	11,879
The Berkshire Gas Co	998
Boston Gas Co	9,040
Connecticut Light & Power Co.[3]	8,099
Fitchburg Gas & Electric	504
Gas Service, Inc	1,473
Essex County Gas Co.[4]	1,530
Manchester Gas Co	1,473
Valley Gas Co	1,007
Subtotal, New England Rate Zone	37,794
Total Daily Transportation Volume	89,100

[1] These volumes reflect the maximum daily volume which Tennessee proposes to transport and deliver for each Boundary gas customer after deduction of a volume required by Tennessee for fuel and use requiremetns in connection with the proposed transportation.
[2] Formerly Bay State Gas Company.
[3] Formerly named the Connecticut Gas Company.
[4] Formerly named Haverhill Gas Company.

Tennesse further states that, because of the present status of the applications before the Commission and the Economic Regulatory Administration (ERA) related to the NIPS project and the lead times required to complete all of the facilities related to the NIPS and the instant application, it is very unlikely that those projects can be completed in time for service to commence with the 1984–85 winter season. Tennessee states that it has, therefore, been requested by four of the Boundary gas customers to render a transportation service commencing with the 1984–85 winter season (referred to as firm initial service) by means of Tennessee's existing facilities and the construction of a portion of the proposed facilities in the instant proceedings.

In order to render the firm initial service commencing with the 1984–85 winter season, Tennessee requests that a certificate of public convenience and necessity be issued by the early fall of 1983 authorizing Tennessee to construct, operate, and lease the following facilities:

MAIN LINE LOOP

Location	Original loop No.	Size (inches)	Miles
MLV 239+4.2 to MLV 240	2	30	8.0
MLV 243 to MLV 243+5.7	3	30	5.7
MLV 246+4.9 to MLV 247	4	30	8.9
MLV 250+3.9 to MLV 251	5	30	8.8
MLV 254+4.5 to MLV 255	6	30	5.0
MLV 258+9.7 to MLV 259+3.7	7	30	7.0
Total			41.4

LEASED COMPRESSION

Location	Horsepower
Val 230B-101 (E. Aurora, N.Y.)	1,000
MLV 233 (Genesee, N.Y.)	3,500
Total	4,500

Measurement

Location

White Plains Meter Station (Upgrade)
New Jersey Natural Meter Station (New)

Tennessee avers that, if a certificate is issued by the early fall of 1983, the above facilities can be completed and ready for service by the 1984–85 winter season. Tennessee states that the estimated cost of the above facilities is $42,812,000 stated in 1983 dollars. Tennessee also states that the above facilities would enable Tennessee to render a maximum daily transportation service of 38,400 Mcf of gas per day. Tennessee states that it would use it existing Niagara Spur facilities to receive gas from TransCanada and that TransCanada has advised Tennessee that, if authorizations are issued by the fall of 1983, TransCanada would be able to install the necessary facilities to provide the firm daily volumes of gas proposed for the interim service.

Tennessee proposes and requests authorization to render the firm initial service to the following customers:

Maximum transportation volumes [1]

[Mcfd at 14.73 psia]

The Brooklyn Union Gas Co	14,132
New Jersey Natural Gas Co	10,136
Granite State Gas Transmission Inc	9,421
Connecticut Light & Power Co	4,711
Total	38,400

[1] These volumes reflect the maximum daily volumes which Tennessee proposes to transport and deliver for each Boundary gas customer after deduction of a volume required by Tennessee for fuel and use requirements in connection with the proposed transportation.

Tennessee further states that the two skid-mounted compressors which it proposes to install in connection with the rendition of the firm initial service would no longer be needed upon completion of the facilities for the proposed service to the Boundary gas customers. Accordingly, Tennessee requests authority pursuant to Section 7(b) of the Natural Gas Act to abandon the above-described skid-mounted compressors upon completion of the facilities required for the proposed service to the fourteen Boundary gas customers.

At a pre-hearing conference held on May 9, 1983 before Presiding Adminstrative Law Judge Bruce L. Birchman in *Boundary Gas Inc.*, Docket Nos. CP81–107, *et al.*, it was decided to set the firm initial service for hearing in accord with a procedural schedule which includes a hearing commencing June 28, 1983.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Except for these persons that have previously been permitted to intervene in this proceeding, any person wishing to become a party herein as to participate in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–14400 Filed 5–27–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP81–298–001]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Amendment to Application

May 24, 1983.

Take notice that on May 2, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81–298–001 an amendment to its pending application filed in Docket No. CP81–298–000 pursuant to Section 3 of the Natural Gas Act so as to reflect a change in the maximum daily quantity of natural gas proposed to be imported from Canada to the United States from 300,000 Mcf to 150,000 Mcf, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Tennessee states that due to export licenses issued by the National Energy Board of Canada (NEB), TransCanada Pipe-Lines Limited (TransCanada) is authorized to export for delivery to Tennessee a total daily maximum quantity of natural gas of only 150,000 Mcf pursuant to the two precedent agreements. Therefore, Tennessee is amending its import applications to reflect this lower quantity.

Tennessee seeks to recover the cost of the gas which it would import under the authorizations requested in its instant application by means of its purchased gas adjustment provision in Article XXIII of the General Terms and Conditions of its FERC Gas Tariff and by means of a waiver of Section 154.38(d)(4) of the Commission's Regulations to the extent that the Commission determines that such waiver is necessary.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Except for those persons that have previously been permitted to intervene, any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–14401 Filed 5–27–83; 8:45 am]

BILLING CODE 6717–01–M

Southeastern Power Administration

Revised Proposed Rate Adjustment, Public Forum, and Opportunities for Public Review and Comment

AGENCY: Southeastern Power Administration (Southeastern), DOE.

ACTION: Notice of revised proposed rate adjustment for Georgia-Alabama Systems of Projects, cancellation of public forum on original proposed rates, notice of public forum and opportunity for review and comment.

SUMMARY: Southeastern proposes to revise existing schedule of rates and charges applicable to the sale of power from the Georgia-Alabama System of Projects effective for a one-year period, October 1, 1983, through September 30, 1984.

Opportunities will be available for interested persons to review the present rates, the revised proposed rates and supporting studies, to participate in a forum and to submit written comments. Southeastern will evaluate all comments received in this process.

DATES: Written comments are due on or before July 22, 1983. A public information and comment forum will be held in Atlanta, Georgia, on July 7, 1983. Persons desiring to speak at the forum should notify Southeastern at least 4 days before the forum is scheduled, so that a list of forum participants can be prepared. Others may speak if time permits.

The public information and comment forum scheduled for June 2, 1983, is cancelled.

ADDRESSES: Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635. The public information and comment forum for the Georgia-Alabama System of Projects will begin at 10 a.m. on July 7, 1983, in the Hartsfield Conference Room at the Holiday Inn, North-Airport, 1380 Virginia Avenue, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635; (404) 283–3261.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (FERC) by order issued April 8, 1981, in Docket No. EF79–3011, confirmed and approved Wholesale Power Rate Schedules GAMF–1–B, GAMF–2–B, ALA–1–B, MISS–1–B, SC–1–B, SC–2–B, CAR–1–B, and CAR–2–B applicable to Georgia-Alabama System of Projects' power for a period ending September 30, 1983. The FERC by order issued April 9, 1982, in Docket No. EF82–3011, confirmed and approved Rate Schedules CAR–1–C as a replacement for CAR–1–B for a period ending September 30, 1983 and eliminated CAR–2–B.

Additional time is needed to negotiate contracts to implement the new written power marketing policy for the Georgia-Alabama System of Projects. Therefore, Southeastern is proposing to establish short-term rates to allow time to negotiate contracts and permit development of appropriate rates applicable to the new policy.

Discussion

Existing rate schedules are predicated upon a March 1979 repayment study and other supporting data all of which are contained in FERC Docket No. EF79–3011, and upon a September 1981 repayment study and other supporting data all of which are contained in FERC Docket No. EF82–3011. The current repayment study prepared in March of 1983 shows that existing rates are not adquate to recover all costs required by present repayment criteria.

On April 18, 1983, SEPA published notice of proposed rate adjustment on the Georgia-Alabama rates. Subsequent to that date, it was determined that the wheeling costs estimated in the repayment study to the Georgia, Alabama, Mississippi, and Gulf Power companies were not adequate.

A revised repayment study with a $6,279,000 revenue increase in each future year over the current repayment study and a $563,000 increase over the repayment study used to support the original proposed adjustment demonstrates that all costs are paid within their repayment life. Therefore, Southeastern is proposing to revise existing rates so as to recover that additional $6,279,000. The increase is primarily due to escalated costs at the generating projects and increased wheeling costs. The overall increase amounts to a 19.1 percent increase in rates, and Southeastern is proposing to increase all applicable rates in the system uniformly by 17.5 percent and to provide a $.06/kw/month additional wheeling charge to the customers directly effected by the increased wheeling charge. It is proposed that revised rate schedules applicable to Customers purchasing power from the Georgia-Alabama System of Projects contain the following unit rates:

PROPOSED UNIT RATES

Dependable capacity/mo-except preference customers Duke area	$1.20
Dependable capacity/mo-preference customers Duke area	2.73
Delivered energy/kwh (mills)	4.29
Energy at projects/kwh (mills)	3.53
Dump and excess energy/kwh (mills)	2.64
Standby capacity/kw/mo	0.33
Standby Use charge/kw/day	0.041
Additional Wheeling charge to preference customers served by Georgia, Alabama, Mississippi, Gulf Power Companies/kw/mo	0.06

The referenced March 1983 current repayment study along with revised repayment study dated May 1983 and previous system repayment studies are available for examination at the Samuel Elbert Building, Elberton, Georgia 30635. Proposed Rate Schedules GAMF–1–C, GAMF–2–C, ALA–1–C, MISS–1–C, SC–1–C, SC–2–C, CAR–1–D, and CAR–2–C (a replacement rate schedule for CAR–2–B, which was eliminated in rate filing contained in FERC Docket No. EF82–3011) are also available.

Issued in Elberton, Georgia, May 18, 1983.

Harry C. Geisinger,

Administrator.

[FR Doc. 83–14403 Filed 5–27–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM–FRL 2372–6]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM–223); U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, D.C. 20460; telephone (202) 382–2742 or FTS 382–2742.

SUPPLEMENTARY INFORMATION:

Air Programs

• Title: Environmental Radiation Ambient Monitoring System (ERAMS) (EPA ID 0877).

Abstract: The Environmental Radiation Ambient Monitoring System is the only nationwide radiation monitoring network. This system is designed to monitor radioactive fallout, assess population exposure, and take public health actions when necessary. Air, milk and water are analyzed from samples obtained for EPA by state agencies.

Respondents: State and local governments.

Emergency Response Programs

• Title: Spill Prevention Control and Countermeasure Plan and Review (EPA ID 0328).

Abstract: All facilities storing oil in excess of amounts specified in the Clean Water Act must maintain a Spill Prevention Control ans Countermeasure Plan (SPCCP). Facilities experiencing one oil spill of 1,000 gallons or more, or two spills of any size, into navigable waters within 12 months must send their SPCCP to EPA for review for adequacy.

Respondents: Facilities storing oil.

Agency Forms Cleared By OMB Between April 18 and May 18, 1983

EPA ID 0827, Construction Grants Program Information, was cleared on April 18 (OMB #2040–0027).

EPA ID 1014, Certification for Exemption from Effluent Monitoring

Requirements, was cleared on May 18 (OMB #2040–0033).

EPA ID 1015, Certification of Sulfide Pretreatment Standard Applicability, was cleared on May 18 (OMB #2040–0033).

EPA ID 1016, Survey of Nonferrous Metals Manufacturing Industry, Phase 2, was cleared on April 19 (OMB #2040–0035).

EPA ID 1033, State Reports Evaluating Progress in the Clean Water Program, was cleared May 5 (OMB #2040–0036).

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM–223), 401 M Street, SW., Washington, D.C. 20460, or

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: May 23, 1983.

John Warren,

Acting Chief, Statistical Policy Staff.

[FR Doc. 83–14273 Filed 5–27–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL HOME LOAN BANK BOARD

[No. 83–277–A]

Biscayne Federal Savings and Loan Association; Trading Suspension Order

Dated: May 16, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice of trading suspension order.

SUMMARY: The Federal Home Loan Bank Board, pursuant to section 12(k) of the Securities Exchange Act of 1934, has temporarily suspended exchange and over-the-counter trading in the securities of Biscayne Federal Savings and Loan Association, Miami, Florida, ("Biscayne Federal"), which is a federally-chartered institution under the receivership of the Federal Savings and Loan Insurance Corporation. The order of trading suspension was adopted pursuant to the Board's subsequent announcement that it is considering the terms and possible effects of bids received for New Biscayne Federal Savings and Loan Association, Miami, Florida, including whether any of the bids will have an effect on the shareholders of Biscayne Federal.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: John P. Harootunian, Attorney, Securities and Corporate Analysis Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552, at 202–377–6415.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board ("Board"), pursuant to section 12(k) of the Securities Exchange Act of 1934 ("Exchange Act"), Has temporarily suspended exchange and over-the-counter trading in the securities of Biscayne Federal Savings and Loan Association, Miami, Florida ("Biscayne Federal"), a federally-chartered insured institution in receivership, with its principal executive offices located at 1790 Biscayne Boulevard, Miami, Florida, 33132, for a ten-day period commencing at 2:00 p.m. (e.d.s.t.) on May 16, 1983, and terminating at midnight (e.d.s.t.) on May 25, 1983.

The Federal Savings and Loan Insurance Corporation ("FSLIC") was appointed as the receiver of Biscayne Federal on April 6, 1983. The Board suspended for a ten-day period trading in the securities of Biscayne Federal pending a regulatory announcement. Immediately following the Board's issuance of the order of trading suspension, the Board announced that it is considering the terms and possible effects of bids received for New Biscayne Federal, Miami, Florida, including whether any of the bids will have an effect on the shareholders of Biscayne Federal.

The Board cautions broker-dealers, shareholders and prospective purchasers that they should carefully consider the foregoing information along with all other currently available information and any information subsequently issued by Biscayne Federal.

Furthermore, brokers and dealers should be alert to the fact that, pursuant to Rule 15c2–11 under the Exchange Act, at the termination of the trading suspension, no quotation may be entered unless and until they have strictly complied with all of the provisions of such rule. If any broker or dealer has any questions as to whether or not he has complied with such rule, he should not enter any quotations but immediately contact the staff of the Board's Office of General Counsel, Division of Securities and Corporate Analysis, in Washington, D.C. If any broker or dealer is uncertain as to what is required by Rule 15c2–11, he should refrain from entering quotations relating to the securities in question until such time as he has familiarized himself with such rule and is certain that all of its provisions have been met. If any broker or dealer enters any quotation which is in violation of such rule, the Board will consider the need for prompt enforcement action.

Any broker-dealer or other person who has any information which may relate to this matter is encouraged to call the Board's Office of General Counsel, Divsion of Securities and Corporate analysis, at (202) 377–6415.

In the matter of trading in the securities of Biscayne Federal Savings and Loan Association, Miami, Florida, FHLBB No. 5999, Securities Exchange Act of 1934 Section 12(k). Order of trading suspension; Federal Home Loan Bank Board, Re: Resolution No. 83–277, dated May 16, 1983.

The Federal Home Loan Bank Board ("Board") intends to make a regulatory announcement which will relate to the securities of Biscayne Federal Savings and Loan Association, Miami, Florida ("Biscayne Federal"), an association for which the Federal Savings and Loan Insurance Corporation is the receiver. The Board is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Biscayne Federal.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that exchange trading and over-the-counter trading in the securities of Biscayne Federal are suspended, for a period of ten days, from 2:00 p.m. (e.d.s.t.) on May 16, 1983, and terminating at midnight (e.d.s.t.) on May 25, 1983.

By the Federal Home Loan Bank Board.

Gregory B. Smith,

Acting Secretary.

[FR Doc. 83–14476 Filed 5–27–83; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; Financial Growth Systems, Inc. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to

each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Financial Growth Systems, Inc.*, Inverness, Flordia; to acquire 100 percent of the voting shares or assets of Citizens First National Bank of Hernando County, Hernando County, Florida. Comments on this application must be received not later than June 23, 1983.

2. *SouthTrust Corporation*, Birmingham, Alabama; to acquire 80 percent of the voting shares or assets of The First Bank of Alabaster, Alabaster, Alabama. Comments on this application must be received not later than June 23, 1983.

Board of Governors of the Federal Reserve System, May 24, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14386 Filed 5-27-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company; Proposed de Novo Nonbank Activities; BankAmerica Corp. et al.

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may by inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation*, San Francisco, California (securities brokerage and incidental activities; *de novo* offices; all fifty (50) states and the District of Columbia): To engage, through its indirect subsidiary, Charles Schwab & Co., Inc., in the activities of securities brokerage, consisting principally of buying and selling securities solely upon the order and for the account of customers, and of extending margin credit in conformity with Regulation T. These activities will be conducted from five *de novo* offices located in Bakersfield, Fresno, Modesto and Stockton, California and New York, New York; each of the five proposed offices will be serving all fifty (50) states and the District of Columbia. Comments on this application must be received not later than June 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14387 Filed 5-27-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Lacon Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Lacon Corp.*, Lacon, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of The First National Bank of Lacon, Lacon, Illinois. Comments on this application must be received not later than June 22, 1983.

2. *Halbur Bancshares, Inc.*, Halbur, Iowa; to become a bank holding company by acquiring 90 percent or more of the voting shares of Farmers Savings Bank, Halbur, Iowa. Comments on this application must be received not later than June 20, 1983.

3. *Illini Financial Corp.*, Galesburg, Illinois; to become a bank holding company by acquiring 90 percent of the voting shares of Community Bank of Galesburg, Galesburg, Illinois. Comments on this application must be received not later than June 22, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Webster Bancorp, Inc.*, Clay, Kentucky; to become a bank holding company by acquiring 80 percent of the voting shares of The Farmers Bank, Clay, Kentucky. Comments on this application must be received not later than June 23, 1983.

Board of Governors of the Federal Reserve System, May 24, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14388 Filed 5-27-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 75N-0184; DESI 597]

Certain Drug Products Containing an Anticholinergic in Combination With a Barbiturate; Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption; Opportunity for Hearing

Correction

In FR Doc. 83-12136 beginning on page 20495 in the issue of Friday, May 6, 1983, make the following corrections:

1. On page 20496, middle column, second complete paragraph, second line, "43 FR 27490" should have read "43 FR 28490".

2. Same page, third column, sixth paragraph, fifth line, "Warton Laboratories, Inc." should have read "Wharton Laboratories, Inc.".

3. On page 20500, first column, in the table for Epigastric Pain, footnote 2, the symbol used is "≦".

4. On the same page, middle column, twenty seven lines from the bottom of the page, the equation should have read "P>.01".

BILLING CODE 1505-01-M

[Docket No. 82N-0373]

Clinical Studies of Effects of Orphan Products; Grants

Correction

In FR Doc. 83-12445, beginning on page 20992 in the issue of Tuesday, May 10, 1983 make the following correction.

On page 20993, first column, the first word of the second complete paragraph reading "Ward" should read "Award".

BILLING CODE 1505-01-M

[Docket No. 83N-0081]

Codex Standard for Dried Edible Fungi

Correction

In FR Doc. 83-12245 beginning on page 20994, in the issue of Tuesday, May 10, 1983, make the following correction.

On page 20994, third column, directly above paragraph "3.1", the heading "*Essential Quality Factors*" should read "*3. Essential Quality Factors*".

BILLING CODE 1505-01-M

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Pulmonary-Allergy Drugs Advisory Committee

Date, time, and place. June 20, 8 a.m., Conference Rm. D, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m.; open committee discussion, 9 a.m. to 12 m.; closed committee deliberations, 1 p.m. to 4 p.m.; Conrad J. Ledet, National Center for Drugs and Biologics (HFN-160), Food and Drug Administration; 5600 Fishers Lane, Rockville, MD 20857, 301-443-3500. Any special arrangements or accommodations should be made with the contact person listed above by June 10.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

Agenda—open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss sulfiting agents used as antioxidants in drug products.

Closed committee deliberations. The committee will discuss pharmacokinetics and labeling of 24-hour sustained release theophylline preparations. Trade secret and confidential commerical information relevant to pending new drug applications for 24-hour sustained release theophylline preparations will be reviewed. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meeting of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral representation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Managment Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commerical or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: May 24, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83-14412 Filed 5-27-83; 8:45 am]
BILLING CODE 4160-01-M

Blood Products Advisory Committee; Request for Nominations for Representatives of Consumer and Industry Interests

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for one consumer and one industry representative to serve on the Blood Products Advisory Committee of the National Center for Drugs and Biologics when it serves as a medical device panel under the Medical Device Amendments of 1976 (21 U.S.C. 360c–360k). Nominations are requested for these newly authorized positions under the revised charter of the committee. FDA has a special interest in ensuring that women, minority groups, the physically handicapped, and small businesses are adequately represented on advisory committees and therefore extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates, and for nominations from small businesses that manufacture medical devices subject to the regulations.

DATE: Nominations by July 15, 1983.

ADDRESS: All nominations and curricula vitae for the consumer representative must be submitted in writing to Naomi Kulakow, Office of Consumer Affairs (HFE–40), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

All nominations and curricula vitae, which should include nominee's office address and telephone number, for the industry representative must be submitted in writing to Mary Ann Tourault, National Center for Drugs and Biologics, Office of Biologics (HFN–830), 8800 Rockville Pike, Bethesda, MD 20205.

FOR FURTHER INFORMATION CONTACT: For consumer interests: Naomi Kulakow, at the address above (301–443–5006).

For industry interests: Mary Ann Tourault at the address above (301–496–5241).

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for members representing consumer and industry interests for the Blood Products Advisory Committee when it serves as a medical device panel under the Medical Device Amendments of 1976. The revised charter of the committee was signed by the Secretary of health and Human Services on March 11, 1983. Devices that may come before the committee are those dedicated systems for use in collecting, processing, or administering licensed biologicals such as blood bank products and also unlicensed in vitro diagnostic devices (reagents) intended for use in the processing or administration of licensed biologicals. The function of the committee when serving as a medical device panel is to: (1) Review and evaluate available data concerning the safety and effectiveness of devices currently in use, (2) advise the Commissioner of Food and Drugs on recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for these devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Consumer and Industry Representation

Section 513 of the act (21 U.S.C. 360c) provides that each medical device panel include as members one nonvoting representative of consumer interests and one nonvoting representative of interests of the device manufacturing industry.

Nomination Procedure

Any interested person may nominate one or more qualified persons to represent consumer interests as identified in this notice. To be eligible for selection, applicants' experience and/or education will be evaluated against Federal Civil Service criteria for the position to which they will be appointed.

Any organization in the medical device manufacturing industry ("industry interests") wishing to participate in the selection of an appropriate member of a particular committee, panel, or section may nominate one or more qualified persons to represent industry interests. Persons who nominate themselves as industrial representatives will not participate in the selection process. Therefore, it is recommended that all nominations be made by an organization or firm. Nominations shall include a complete curriculum vitae of each nominee and shall state that the nominee is aware of the nomination, is willing to serve as a member, and in the case of the consumer representative, appears to have no conflict of interest. The term of office is 4 years.

Selection Procedure

Selection of members representing consumer interests is conducted through procedures developed under 21 CFR 14.84(c). The procedures include use of a consortium of consumer organizations that recommends two candidates to the agency for the agency's selection.

Regarding nominations for members representing the interests of the device manufacturing industry, a letter will be

sent to each organization that has made a nomination and to those organizations indicating an interest in participating in the selection process, together with a complete list of all such organizations and the nominees. This letter will state that is it each organization's responsibility to consult with the others in selecting a single member representing industry interests for that particular committee within 60 days after receipt of the letter.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463), 86 Stat. 770–776 (5 U.S.C. App. I) and 21 CFR Part 14, on advisory committes.

Dated: May 23, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-14413 Filed 5-27-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83m–0061]

C. C. Kelly Enterprises; Premarket Approval of Eyerisol Salt Capsule System™

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the EYERISOL Salt Capsule System™ for use in heat disinfection of all soft (hydrophilic) contact lenses, sponsored by C. C. Kelly Enterprises, Huntington Beach, CA. The EYERISOL Salt Capsule System™ is intended for use in the preparation of 200 milliliters (mL) of normal saline (0.9 percent) solution to be used in heat disinfection of all soft (hydrophilic) contact lenses. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by June 30, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On May 18, 1982, C. C. Kelly Enterprises, Huntington Beach, CA, submitted to FDA an application for premarket approval of the EYERISOL Salt Capsule System™ for use in heat disinfection of all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On February 23, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices. FDA determined that sale and distribution of the device to patients through eye care practitioners was necessary to provide reasonable assurance of the safe and effective use of the device. Therefore, as a condition of approval, FDA restricted the device to sale and distribution through eye care practitioners.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), lens care solutions and related products for preparing such solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such products are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses and accessory lens care products comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the EYERISOL Salt Capsule System™ states that the solution prepared from the salt capsules is designed for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing and whose approved labeling provides for the use of heat disinfection are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt capsules that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C 360e(e)(1)(F)). The corrected labeling shall state that the EYERISOL Salt Capsule System™ is sold only through eye care practitioners.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the

Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before June 30, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 23, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-14414 Filed 5-27-83; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicaid Program; Medicaid Management Information Systems; Performance Standards

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: The purpose of this notice is to respond to the comments we received on the Medicaid Management Information Systems Performance Standards that we published in a notice with comment period on June 30, 1981 (46 FR 33653).

FOR FURTHER INFORMATION CONTACT: Newton Dikoff, (301) 594–8190.

SUPPLEMENTARY INFORMATION: Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) authorizes Federal matching funds at 75 percent for the operation by States of approved Medicaid Management Information Systems (MMIS), which are mechanized claims processing and information retrieval systems designed in accordance with basic Federal guidelines. The purpose of these systems is to provide more efficient, economical and effective administration of State Medicaid plans.

On March 5, 1980, we published amendments to regulations (42 CFR Part 433, Subpart C) to implement section 1903(a)(3) of the Act (45 FR 14211). Those regulations require us to publish for public comment in the **Federal Register** changes we make in the conditions used for approval and periodic reapprovals of systems, including new performance standards. We then must issue the final requirement in the State Medicaid Manual (SMM) (referred to as the Medical Assistance Manual in 42 CFR 433.115), and allow an appropriate period for the State agencies to meet the requirement.

Section 1903(r) of the Social Security Act, 42 U.S.C. 1396b(r), as enacted by section 901 of the Mental Health Systems Act, Pub. L. 96–398 (October 7, 1980), requires us to review each system yearly to determine whether it meets performance standards and system requirements. Changes to performance standards and system requirements must be published at least one quarter before the fiscal year in which we conduct each yearly systems review. We must reduce Federal financial participation (FFP) if standards or system requirements are not met. The requirements of that legislation provide for incremental reductions of FFP in State expenditures for operating an MMIS from 75 percent to 50 percent if a State MMIS does not meet the performance standards or system requirements. (The law requires FFP to be reduced by no less than 5 percent and by no more than 25 percent. Further, a State's FFP may not be reduced by more than 10 percent in any one-year period.) We published a notice of proposed rulemaking on this subject (reduction of FFP) on March 3, 1983 (48 FR 9038).

On June 30, 1981, we published performance standards to be used during the reapproval process starting in fiscal year 1982 (46 FR 33653). We solicited comments on those standards. The purpose of this notice is to respond to the comments we received.

Analysis and Response to Comments

We received 31 comments from nine entities: eight States and one hospital. A number of comments concerned the system performance review (SPR) materials as published in the SMM, rather than the material published in the notice. The SPR materials were developed to implement the reapproval process and are the materials from which the MMIS performance standards in the **Federal Register** were derived. Those comments were directed at specific methodological issues on conducting the MMIS system performance review. We have relayed the concerns expressed in those comments to the HCFA Regional Offices and to the State advisory groups and have modified the system performance review for fiscal year 1983 as appropriate. Those modifications were sent to the States on June 24, 1982, meeting the requirement that States must be notified of changes in conditions of reapproval at least three months before the beginning of the fiscal year 1983 review period. Thus, we already have acted on many of the concerns submitted by the commenters through modifications that have been made to the SPR materials currently in use for fiscal year 1983.

The standards, elements and factors are very technical in nature and we believe there is no need to repeat them in this notice in detail as the affected sector has a working knowledge of them. Anyone interested in reviewing all the standards, elements and factors may obtain a copy of Part 11 of the SMM by telephoning the Inquiries Staff of the Bureau of Program Operations at (301) 594–8715. Individuals with questions concerning the performance standards should call Newton Dikoff at (301) 594–8190.

Below is a discussion of the comments. The order of the comments is based on the number of the standard at which the comment was directed.

1. Standard 1—Recipient Eligibility Information

a. Two commenters were concerned that failure to meet the requirements for making accurate eligibility determinations would result in the State being penalized twice for the same failure (once under the Medicaid quality control program and a second time under the MMIS review). One of the commenters stated that the State should be accountable only to the extent that the MMIS recipient eligibility data base reflects accurate eligibility data and the application of that data to the entire MMIS process is accurate.

With respect to the latter comment, we view the accurate determination of individual eligibility as critical to the proper payment of Medicaid claims. As the basic, initial step in claims processing and a highly frequent cause of inappropriate payments, eligibility determinations are a key element in the effective administration of State medical assistance programs. We do not consider an MMIS burdened by a seriously flawed eligibility process to be capable of quality operations deserving 75 percent FFP. Therefore, this impact has convinced us of the need to include eligibility case error rates in the SPR.

Concerning the issue of a double penalty, we believe there is a need for certain key activities to be included in multiple HCFA evaluation processes. When the activities have broad effects on both the administrative and program aspects of medical assistance, it would be inappropriate to ignore their total program impact. In the specific case of

potential penalties under Medicaid quality control (MQC) and SPR for poor eligibility determinations, MQC is restricted to medical assistance payments, while SPR is limited to MMIE operational administrative funding. Therefore, failure to meet the reqirements for making accurate eligibility determinations would not result in a State's being subjected to the same penalty twice for the same failure. The different impacts of the State deficiency are therefore appropriately addressed by the different evaluation programs.

b. One commenter noted that the law in his State prohibits the release of eligibility data except to county hospitals, making it impossible to comply with the factor requiring timely responses to provider requests for eligibility data. The commenter requested we change the factor so that the State could comply; otherwise, it would have to seek a specific exemption from it.

If a State law or policy forbids an activity assessed by the SPR but not required *per se* as a condition for Federal funding, we will consider the State's performance acceptable. There is no need for a State to seek a formal waiver of the requirement. However, a State should inform the servicing HCFA regional office of its law or policy that prohibits the activity that is subject for review by the SPR. This should be done as early as possible in the review period so that the activity can be removed from consideration before the review of the activity in question begins.

c. One commenter stated that there is a potential conflict between Standard 1, Element A and Standard 7, Element O. The former requires responsiveness to provider requests for eligibility data; the latter requires adequate internal system integrity and safeguards for information on recipients. The commenter recommended that Element A incorporate a reference to Element O and provide for a clear and distinct compatibility between the two elements. Also, HCFA should provide technical assistance to the States so that they are not in the untenable position of trying to comply with potentially conflicting standards.

We have eliminated the SPR factors under Standard 1, Element A, which measured timely and accurate response to provider requests for eligibility data.

This change was due, in part, to the comment received. Also, it proved quite difficult to assess performance under those factors and the results indicated that no significant problems existed in that area. The requirements remain concerning safeguards and limitations related to disclosing information on recipient eligibility data.

d. One commenter stated that if HCFA insists on using the Medicaid quality control (MQC) eligibility error rates as a standard, the acceptable performance level should be comparable to that of MQC; i.e., the error rate should be no greater than the 4 percent error rate required under the Michel Amendment to the Department of Health and Human Resources appropriations act, the Fiscal Year 1980 Labor-HEW Appropriation bill (Pub. L. 96–123). (Note: The MQC error rate was changed to 3 percent by section 133 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248, enacted September 3, 1982); that section is effective for periods beginning April 1, 1983. This change does not affect the comment.)

We do not agree. The MMIS performance standards are designed to improve overall performance of mechanized claims processing systems and to encourage States to achieve savings in the Medicaid program. It is appropriate to treat MQC differently from MMIS because although Congress has mandated that there be a fixed eligibility error rate in MQC, Congress also gave the Department the discretion to establish the performance standards it uses for MMIS in section 1903(r) of the Act without mandating that a fixed error level be used. The absolute cutoff used by MQC is approprite for reviewing eligibility as an isolated activity. SPR, however, views eligibility in a systems context. The SPR process recognizes a broad range of performance. In any given functional area performance can fall below the normal level without necessarily resulting in failure. In applying the MQC error rate, the SPR uses a sliding scale, recognizing that higher error rates progressively undermine the MMIS's value. By contrast, MQC does not provide for a flexible range of performance. In line with the Department's commitment to maximize State flexibility, we believe it is appropriate to use a floating (not fixed) error rate as the method most responsive to State conditions and most consistent with State flexibility. In the absence of a statutory requirement or compelling reason, we have taken this approach to provide the desired flexibility in deriving the appropriate level for proper performance.

e. Two commenters suggested that the review requirement for factors 1B1 and 1B2 should be changed to require review of the entire universe only when it is less than eight items.

We agree with this comment. The review requirement for factors 1B1 and 1B2 was changed from a review of the entire universe to a sample of the universe. If the universe is eight or less, all items in the universe must be reviewed.

2. Standard 3—Timely Claims Processing

a. One commenter stated that the word "timely," used in several places in Standard 3, should be further defined to specify the average time periods by which the systems must comply.

The SPR materials already contain the time periods by which the system must comply and the States have this information. The notice published on June 30, 1981 contained illustrative factors that also included specifications on average time periods by which the systems must comply.

b. One commenter stated that he believed that Element F of Standard 3 should use the word "provider" rather than "practitioner".

We do not agree. In this instance we have made the SPR consistent with the regulations at 42 CFR 447.45. The regulations explain the use of the word "practitioner" and specifically exlude, at § 447.45(b)(4), providers, health maintenance organizations, hospital cooperative shared services organizations, and any public entities.

c. One commenter stated that clean claims should be paid or denied, as appropriate, within 15 days of receipt, rather than within 30 days of receipt.

We have retained the 30-day requirement, based upon the fact that Congress established this as the standard for the State plan requirement (42 U.S.C. 1396a(a)(37)). We believe that our experience with those requirements and our review procedures has shown that this continues to be a reasonable time period for use in the standard for the payment or denial of clean claims.

3. Standard 4—Accurate Claims Processing and Review

One commenter was concerned about the extent of the definition of a provider "signature or certification", especially now that there is a movement toward magnetic tape and electronic claims submittal. The commenter assumed that provider certifications are acceptable in the absence of hard copy submittals containing signatures.

We believe the commenter's concerns are settled by the SPR and existing regulations. Current regulations (42 CFR 455.18 and 455.19) are specific about what can be considered "signature or certification". All provider claims forms must be imprinted with a statement of certification and signed by the provider. An acceptable alternative method is to

imprint the wording on the provider's check or warrant above the space where the provider endorses the check or warrant. In the case of magnetic tape and electronic claims submittal, this alternative is appropriate in establishing the required link between claim submission and payment. In addition, the SPR requires written agreements between States and providers or their billing services regarding the specific requirements for acceptable electronic billing.

4. Standard 5—Management and Administrative Reporting Subsystem

a. One commenter suggested that the requirement for the HCFA–80 (Quarterly Report on Sterilization and Hysterectomies) be modified to allow changes or that the requirement for the report be deleted because of possible changes in the sterilization regulations.

The HCFA–80 report was removed as a reporting requirement from the SPR and from the Medicaid program in general for fiscal years 1982 and 1983. If it is used again, we will review it carefully to ensure it does not conflict with current regulations.

b. One commenter believed that because of potential postal delays, the postmark date on a required report should be used instead of the date of receipt to measure timely submission of reports.

Use of the postmark date has sometimes been found to be unreliable, as in the case of metered mail, when used to determine timely submission of reports. The existing method of evaluation of timely submission of reports is reasonable; it includes a five-day tolerance following the established due date for the reports in order to allow for postal delays. We believe that this method will adequately handle situations in which delivery is delayed. Therefore, we are not adopting the suggestion in lieu of our own method of dealing with postal delays because we believe the five-day tolerance to be sufficient. If extraordinary conditions can be documented by the States, they would be taken into consideration in establishing the actual SPR performance levels.

c. One commenter desired the evaluation of the HCFA–156 (Quarterly Child Health Status Report) be postponed until the State finishes automating its case management and data system, which will result in an automated HCFA–156.

The HCFA–156 report has been discontinued as a reporting requirement from the SPR and from the Medicaid program in general for fiscal years 1982 and 1983.

d. One commenter expressed problems with the term "missing signature" in the instructions in the SPR because many reports no longer require signatures.

We agree with this comment and have revised the current SPR and clarified the instructions so that only in the cases where a signature is required will the term "missing signature" apply.

e. Two commenters believed that a review of an ongoing use of a Management and Administrative Reporting Subsystem (MARS) by State management staff for third party collection was inappropriate.

We agree with this comment. This review factor has been revised. The current SPR requires that the State demonstrate that management staff utilize the MARS capabilities to perform 10 of 21 functions as specified in the MMIS General Systems Design (GSD). Thus, the State is not restricted to demonstrating the capability to perform only certain specified functions, but is given a choice. It can demonstrate adequate use of any 10 of the 21 functions for a satisfactory performance result.

f. Another commenter suggested that the review of State use of MARS by State management staff should be limited to the use of MARS reports for policy/action implications.

We accept this comment. Earlier, HCFA required specific applications for the individual MARS reports. Subsequently, HCFA changed the requirement and gave States the opportunity to use the reports as specified within the context of the functions set out in the MMIS GSD. In the GSD are 21 functions that represent the policy/action implications. The use of the MARS report for policy/action implications is tantamount to the State's analysis of the reports to determine the impact the data have upon a State's current policies. The report analysis of selected functions will enable the State to decide if any action should be taken to make its policies more efficient and effective. The current SPR materials require that the State demonstrate that management staff perform the 10 of 21 specified functions. These functions, generally, are analysis-type functions; e.g., analysis of various areas of expenditure to determine the greatest areas of cost in comparison to the return in services and providing data essential to the development and formulation of program policies. The changed requirement permits HCFA to limit its evaluations. The change also allows States to use the MARS to support the specified functions in order to provide greater flexibility in the use of those reports for policy/action implications.

5. Standard 6—Requirements for a Surveillance and Utilization Review Subsystem (S/URS)

a. One commenter believed it was inequitable to apply a quarterly provider report cycle standard for some States and a monthly cycle standard for others. The commenter requested that the same standard be applied to all States regardless of the original MMIS certification basis. Another commenter wanted to know how a State knows whether its original MMIS certification was based on a requirement to produce the reports on a monthly or quarterly basis.

Our response to these comments was to change the requirement in the SPR. It is now only necessary to generate provider reports on at least a quarterly cycle. This requirement is now the same for all States.

b. One commenter wanted clarification of the term "exception process". He requested that this term be defined to relate to the Exception Ranking Report.

We do not agree with the latter part of this comment, but we will clarify the term. The term "exception process" refers to identification of potential misutilizers of the State's Medicaid program through reports. The process and reports may vary from State to State and it would be confusing to be more detailed in relating the term "exception process" to a specifically titled report.

c. One commenter wanted clarification of how to determine the number of minimum reviews of active recipients for S/URS as indicated in factor 6K1 of the SPR. He stated that we needed to clarify to which quarter or to which run the number of reviews relate.

We agree with this comment. We have clarified in the current SPR that a State must review each quarter at least .0001 (.01%) of the total body of active recipients but not less than 25. The value should be computed from the State's most recent eligibility data showing a total of active recipients that does not duplicate any recipients.

d. One commenter requested a definition of what is meant by statistical factors and what is meant by medical factors as they affect case review in factor 6K1(d).

Statistical factors involve the analysis of the data relating to cases previously identified as potentially fraudulent or abusive. The analysis should take into consideration the quantitative factors concerning patterns of care for recipients and provider utilization.

Statistical factors also involve analyzing patterns of care and utilization (such as the number of office visits, or the number of prescribed drugs).

Medical factors are those that take into consideration the qualitative factors regarding acceptable medical practices and their relation to recipient and provider activity. Medical factors involve qualitative reviews to determine if the activities or services were necessary and appropriate.

e. Two commenters suggested that we change the classification and definition of provider services in the SPR to conform to those in the GSD. The commenters requested that we clarify the service type grouping for outpatient hospital services.

We do not agree with these comments. The data elements and design of the GSD are intended as a guide and States are not required to design systems that are identical to the GSD. States have the flexibility to design their systems to fit the needs of their particular State's operational circumstances. The SPR definitions, appearing in Appendix A of the instructions to State Medicaid agencies for completion of Federal reports (HCFA–AT–79–76, dated August 31, 1979), are designed to take into consideration all of the system differences nationwide. That material is more recent than the GSD and is considered the most important source for definitions on all Medicaid activities. Those definitions include outpatient hospital services and outpatient clinics under the Physician Services and Clinic Services classification (service type groupings).

f. One commenter pointed out that the wording in 6K2(d) needed clarification. The language leads one to believe that States need only identify Inpatient Hospital Services and Long Term Care Service providers for case review, when the intention was to review a given number of cases in those areas.

We agree with this comment. The wording in the most recent SPR specifies the number of Inpatient Hospital reviews that must be conducted in individual States and the language for the Long Term Care providers states specifically that "the State must review annually at least .005 (.5%) but not less than 10 of the active institutional providers of Long Term Care Services".

g. One commenter stated they had very tight pre-payment utilization and quarterly controls on Long Term Care Services and believed that S/URS reviews are unnecessary for this type of provider.

We do not agree with this comment. Long Term Care costs account for the largest single component in Medicaid program expenditures. Because of this, we believe that States should use all available management tools to assure that payments are appropriate and to detect potentially abusive or fraudulent utilization patterns. S/URS provides valuable information capabilities not otherwise available to the States.

h. One commenter requested a clarification of Item (6) in factor 6K3(b), which refers to ongoing monitoring as a follow-up action on any problems discovered through S/URS reviews. The commenter requested examples of what should be done, when, and by whom.

We agree with this request for clarification. "Ongoing monitoring" refers to a continuous type of review of certain cases that may not merit more punitive action without further evidence of fraud or abuse. This activity should be conducted by S/URS or claims processing staff. Typically, State staff monitors the provider's billing activity utilizing the capabilities and information provided by S/URS, as the information becomes available, to detect additional indications of inappropriate service delivery.

i. One commenter requested a clarification of Item (8) in factor 6K3, which refers to Suspensions and Terminations as followup actions on problems discovered through S/URS reviews. The commenter requested clarification as to whether this mechanism pertains to recipients or providers, because the mechanism has implications affecting the laws and regulations of the State as they relate to Medicaid recipients.
The Suspension and Termination followup actions pertain exclusively to Medicaid providers.

j. One commenter stated that the timeliness requirement for S/URS Summary Profile Report production was more stringent for larger States because of the amount of data to be analyzed (15 months' history). The commenter suggested that timeliness requirements should take into consideration the review and action phases, because producing reports is of little concern if the reports are not utilized timely.

We do not agree with this comment. First, the amount of data to be analyzed has been reduced to a maximum of 9 months. Second, larger States should have greater resources to handle the larger workload. However, we agree that production of the reports is of little concern if the reports are not utilized, but we believe that both production and utilization activities are equally important.

k. One commenter requested that the term "reports from current histories" be more specifically defined as reports related to the current processing cycle. The term "reports from purge history" could also be more clearly defined. Another commenter requested a clarification of "intent" and a definition of "purge history".

These comments are no longer relevant to the current SPR. We have eliminated from the review reports the term "reports from purge history". Thus, there is no longer a need to define the difference between those two former sources for the reports, and a further clarification of "intent" and definition of "purge history" is also unnecessary.

l. One commenter stated that a qualitative review of Summary Profile Reports and Management Summary Reports requires each report cycle to contain all GSD-defined minimum report items. The commenter also said that this conflicts with another requirement that states "Report production without clear indication of use of any major component is deemed to be a major problem."

We do not agree with these comments. The GSD requires defined minimum report items that are necessary to support the S/URS function. All required report items are usable S/URS for analysis. If there is no indication of use of reports that only reflect minimum data requirements, there could be a question of the quality of the S/URS reviews. Therefore, there is no conflict.

m. One commenter requested a clarification of 6M1(c). This item concerned the meaning of "patterns of care and rates of institutional care". The commenter also requested examples of which S/URS reports should be used in this area and exactly how they are to be used.

We agree that the language to which the commenter referred was unclear and we have eliminated this language from the method of evaluation for factor 6M1. However, we are not providing the requested examples because when States are approved for MMIS operation, they are not required to have a specified format for all reports produced by the MMIS. Consequently, reports for each State MMIS are designed specifically for the State's particular circumstances. There is no uniformity of approach on a national level. Therefore, it is not possible to have a single explanation of reports utilization for this factor. The HCFA reviewer determines from each State's current S/URS report set which reports are applicable for the current year's review. States that want information or

assistance can contact their appropriated regional office.

6. Standard 7—Effectiveness in Administrative Responsibilities, Element N

One commenter suggested that it is not necessary to require a written agreement for an emergency backup computer as compliance is impractical in his State's case.

We have accepted this suggestion after reevaluating the benefits of requiring a written agreement for an emergency backup computer. Because we determined the requirement to be both unenforceable and impractical, we have deleted the requirement. Currently, a State's capability to deal with emergency situations is measured in terms of its control (arranged according to State needs) over staff, facilities, equipment and funds.

7. Application of Performance Standards to Overall Factors

Three commenters remarked that the SPR goes beyond internal system components and includes for evaluations overall factors not affecting the MMIS *per se*. One commenter said the performance standards, to be effective, must be applicable only to internal system components. Another commenter objected to having the 75 percent FFP jeopardized by failure to meet standards for systems not covered under the GSD for MMIS. The third commenter suggested that those standards the States must meet that go beyond those used to approve the MMIS initially should be funded at 90 percent FFP for corrective action. These comments are similar to but broader than those at 1a. above.

We do not agree with these comments. Among the comments we received, this was a major issue. Because section 1903(a) of the Social Security Act authorizes enhanced FFP only for MMIS systems that the Secretary determines are likely to provide more efficient, economical and effective administration of the State medical assistance plan, we regard the MMIS as being integrated into the total plan operation. This concept is reflected in the SPR design.

It was Congress' intention that the effective operation of an MMIS fully realize its cost savings potential (125 Cong. Rec. 29511–29514 (1979) and 126 Cong. Rec. S9725–S9726 (daily ed. July 24, 1980)). Certain activities outside the MMIS affect the system's ability to achieve this statutory goal. Thus, if high eligibility error rates inevitably lead to inappropriate payments, we would find it impossible to conclude that the system could significantly contribute to more cost-effective State operations.

Further, Congress specifically intended that the performance standards assure that MMIS systems meet certain broad program objectives (125 Cong. Rec. 29511–29514 (1979) and 126 Cong. Rec. S9725–S9726 (daily ed. July 24, 1980)) and in no way limited the Secretary's authority to establish performance standards, system requirements, or other conditions of reapproval to narrow technical issues of system capability.

Therefore, the performance standards, to be effective, must apply beyond the internal system components; i.e., those within the MMIS GSD, the files, and MMIS processes. Given the impact of overall influences (i.e., the resource data going into the system and the use made of the data that is generated by it) on the effectiveness of the operations and performance of State MMIS systems, it would not be prudent for us to ignore their existence either in assessing or funding the MMIS, or both. If the State Medicaid program operations outside the MMIS subsystems were not operating properly, then the State's MMIS would likely be unable to overcome those defects and, thus not be able to produce the results that Congress intended when it provided for enhanced FFP at 75 or 90 percent. Therefore, we must look at the overall situation when evaluating an MMIS in order to accurately determine its worthiness.

The authority to refund changes (i.e., at 75 or 90 percent FFP) in those are areas outside the MMIS subsystems is not covered by the statute on MMIS. We have recognized the concern that the SPR evaluates State performance in areas not explicitly within the MMIS GSD. We have worked extensively with State representatives to assure that the SPR requirements are equitable and administrable.

B. State Medicaid Manual Requirements

One commenter recommended that HCFA eliminate 42 CFR 433.112(b)(2), which requires State systems to meet performance standards and system requirements in the State Medicaid Manual, and let States have the flexibility to follow the performance standards in any manner that they determine to be effective and efficient. He further stated that if HCFA cannot accept the States' ability to meet MMIS performance standards, then the requirements should be properly promulgated in regulatory form consistent with the Administrative Procedure Act.

We do not agree with the comment to let States follow performance standards in any manner they determine to be effective and efficient. The performance standards address themselves to operation and program safeguards, effective management and use of system's capabilities, and the meeting of broad program goals in accordance with the intent of Congress as expressed in the statute (section 1903(r)(6) of the Act). The current performance standards do indeed recognize the joint concern of Congress (section 1903(r)(6) of the Act) and HCFA that State systems have the flexibility to address the unique needs of each of the particular States. In addition, we conducted a dry run to assure that the performance standards met the criterion of flexibility while assuring effective State system operations. Our ongoing standards development process with extensive consultations with State program and systems experts further acts to assure that any performance standards allow for State flexibility and are otherwise reasonable.

Throughout the history of the MMIS, we have recognized the concept of "demonstrable conceptual equivalence", which permits a State's system to perform certain functions in ways quite different from those set forth in the GSD. However, these are ways that achieve the same purpose and therefore are considered to meet the conditions of approval or reapproval. This concept enables the States to have a functionally equivalent system permitting sufficient flexibility to allow for the differing administrative needs of the various State programs. The performance standards do not require absolute adherence to the GSD.

We believe that these performance standards and the process for their development and implementation more than adequately meet Congress' and the States' concerns for the preservation of State flexibility. However, inasmuch as they are standards, their uniform application to all States appears to be the only effective and reasonable process by which the Congressional mandate to assure effective State operation of the system can be conducted. Thus, while States do have the flexibility to conduct their system operations in various ways to maximize their effectiveness and efficiency, the performance standards assess whether those chosen ways do indeed meet reasonable expectations for effectiveness and efficiency.

We do not agree with the commenter's belief that we should publish the performance standards in regulatory form. The performance standards have

been published as a notice for comment in the **Federal Register** as required by regulation. The States participate in the standards development process through various technical advisory groups and have actual notice of the standards before the period in which they are used. These procedures that we have followed are in accordance with the Administrative Procedure Act and established regulations. Also, under section 1903(r) of the Act, we are required to inform the States of conditions of reapproval at least three months before the beginning of the review period in which the procedures, standards and other conditions will be used. Although we might publish changes in performance standards several times during the year, they would not be effective until the next fiscal year's review and then only if they are published at least three months before the fiscal year begins.

The performance standards for reapproval (including their factors and elements) have been added as Chapter 4 to Part 11 of the SMM (the successor to Part 7 of the Medical Assistance Manual). We will publish changes in performance standards and other conditions for reapproval in the SMM after first publishing a Notice in the **Federal Register** advising the public of the changes and inviting comments.

Due to the technical nature of the MMIS performance standards, however, and our belief that MMIS is of interest only to a very limited audience, we do not intend to publish in the **Federal Register** the text of the proposed changes or the changes which are finally adopted. As we did when proposing the standards in the June 1981 notice, we intend to summarize changes to be made in the **Federal Register** notice and make the text available to the States and to any other interested parties who request it. HCFA's response to any comments received would be the subject of a subsequent **Federal Register** notice if there are any modifications in the changes originally proposed. Of course, the text of the changes would be available to the public.

Impact Analyses

Executive Order 12291

As a result of the public comments we received on the notice we published on June 30, 1981, we have made several changes to the material in the standards, elements and factors. All of these changes are technical and have very little impact on the program. All of them together do not have an economic impact that meets the threshold criteria of section 1(b) of the Executive Order 12291.

Regulatory Flexibility Act

The Secretary certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this notice will not result in a significant impact on a substantial number of small entities.

This notice contains several technical changes concerning State MMIS activity. As States are not considered "small entities" and these changes are not significant, an analysis is not required.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated April 25, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83-14442 Filed 5-27-83; 8:45 am]

BILLING CODE 4120-03-M

Office of Human Development Services

Privacy Act of 1974—Deletion of a System of Records Notice

AGENCY: Office of Human Development Services (HDS), HHS.

ACTION: Notification of deletion of system of records notice 09-80-0009, "ACYF Mailing List. HHS/HDS/ACYF."

SUMMARY: In accordance with the requirements of the Privacy Act, the Office of Human Development Services is publishing a notice of deletion of a system of records notice that had been maintained by the Administration for Children, Youth and Families (ACYF): 09-80-0009, "ACYF Mailing List. HHS/HDS/ACYF."

FOR FURTHER INFORMATION CONTACT: Willie Etheridge, HDS Privacy Act Coordinator, Hubert H. Humphrey Building, Room 338-F 200 Independence Avenue, S.W., Washington, D.C. 20201; (202) 245-2892.

SUPPLEMENTARY INFORMATION: Effective with this publication, we are deleting the notice for system of records 09-80-0009, "ACYF Mailing List, HHS/HDS ACYF" which was last published in the **Federal Register** on October 13, 1982 (47 FR 45403). This system contained records of the names and addresses of Head Start grantees. The system notice has been deleted because, on review, we determined that it should be subsumed into the HDS mailing list system of records notice for efficiency of administration and cost containment.

Thus, records and all pertinent information that were in the ACYF mailing list system have been transferred to and are now covered by: 09-80-0020, "HDS Publication Distribution Mailing List. HHS/HDS/OPA" for which a notice was last published in the **Federal Register** on October 13, 1982 (47 FR 45403-45404). (See notice below).

Dated: May 25, 1983.

Jaime L. Manzano,

Acting Assistant Secretary for Human Development Service.

09-80-0020

SYSTEM NAME:

HDS Publications Distribution Mailing List. HHS/HDS/OPA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 356G, Hubert Humphrey Bldg., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State and local governmental units, organizations, individuals and grantees who ask to receive HDS publications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, title, address interest in HDS programs, addressee's field of activity, type of organization, scope of organization, whether provide information or services or both, and media affiliation, if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Titles IV-B, IV-E, and XX of the Social Security Act; Developmental Disabilities Assistance and Bill of Rights Act, Pub. L. 94-103, as amended by Pub. L. 95-602; Title VIII of Pub. L. 93-644, as amended, Native American Programs; Pub. L. 95-266, The Child Abuse Prevention and Treatment Act; Children's Bureau Act of 1912; Pub. L. 93-644, as amended, Headstart—Follow Through Act; Pub. L. 97-35, Omnibus Budget Reconciliation Act; 42 U.S.C. 5701, Runaway and Homeless Youth Act; and Older Americans Act of 1965, as amended.

PURPOSE(S):

To assist HDS programs in carrying out their responsibilities to disseminate program information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of

an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likley to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee. The Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape.

RETRIEVABILITY:

Addresses will be retrieved by name, interest in HDS programs, field of activity, type of organization or level of government, scope of organization, whether the addressee provides information or services or both, or type of media.

SAFEGUARDS:

Access by authorized personnel only.

RETENTION AND DISPOSAL:

List is annually circularized as required by the Joint Committee on Printing and those not responding are dropped from the list.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Publication and Graphic Services, Office of Public Affairs, HDS, 329D, Hubert Humphrey Bldg., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquires regarding this system of records should be in writing and should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and your reason(s) for requesting the correction, with supporting evidence to justify it.

RECORD SOURCE CATEGORIES:

Response to canvass form letters, grant applications, individuals, and governmental units.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-14441 Filed 5-27-83; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-83-1245]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Statement/Application and Reports for CDBG Jobs Act.

Office: Community Planning and Development.

Form Nos.: SF-424, HUD-4121, HUD-4124, HUD-4125, and HUD-4950.

Frequency of Submission: Single-Time and Annually.

Affected Public: State or Local Governments.

Estimated Burden Hours: 94,720.

Status: New.

Contact: James Broughman, HUD, (202) 755-9287 (Entitlement); James Forsberg, HUD, (202) 755-6322 (States and Small Cities); Roy Gonnella, HUD, (202) 755-6092 (Indians); or Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated May 18, 1983.

Proposal: Property Disposition Handbook—Reconditining Acquired Properties.

Office: Housing.

Form No.: None.

Frequency of Submission: On Occasion.

Affected Public: Individuals or Households, Businesses or Other For-Profit, and Small Businesses or Organizations.

Estimated Burden Hours: 157,800.

Status: New.

Contact: Freeman Grote, HUD, (202) 755-5740, or Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Deparment of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 18, 1983.

Lea Hamilton,

Director,

Office of Information Policies and Systems.

[FR Doc. 83-14407 Filed 5-27-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-83-69]

Supplementary Grants; Delegation of Authority

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Delegation of authority.

SUMMARY: This delegation of authority delegates the power and authority of the Secretary of Housing and Urban Development with respect to supplementary grants under section 412 of the New Communities Act of 1968 (Title IV of the Housing and Urban Development Act of 1968) and section 718 of the National Urban Policy and New Community Development Act of 1970 (Title VII of the Housing and Urban Development Act 1970) to the Assistant Secretary for Administration. This supersedes the pevious delegation of authority with respect to supplementary grants.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Grant E. Mitchell, Assistant General Counsel, New Communities Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410; 202-755-6550. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Accordingly, the Secretary delegates as follows:

Section A. *Authority Delegated.* The Assistant Secretary for administration is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to supplementary grants under section 412 of the New Communities Act of 1968 (Title IV of the Housing and Urban Development Act of 1968) and section 718 of the National Urban Policy and New Community Development Act of 1970 (Title VII of the Housing and Urban Development Act of 1970).

Section B. *Authority to Redelegate.* The Assistant Secretary for Administration is authorized to redelegate to any of the employees of the Department the authority delegated in Section A.

Section C. *Supersedure.* This delegation supersedes the delegation of authority published March 19, 1971 at 36 FR 5304, to the extent such delegation concerns delegation of supplementary grant authority, otherwise the delegation remains unchanged.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: May 23, 1983.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 83-14406 Filed 5-27-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-83-697]

Section 414 Surplus Land Program; Delegation of Authority

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Delegation of authority.

SUMMARY: This delegation of authority transfers responsibility for management and disposition of surplus Federal real property under HUD's jurisdiction pursuant to section 414 of the Housing and Urban Development Act of 1969 from the General Manager of the New Community Development Corporation to the Assistant Secretary for Housing—Federal Housing Commissioner.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Grant E. Mitchell, Assistant General Counsel, New Communities Division, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6550. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Since its inception in 1969, the Surplus Land Program pursuant to section 414 of the Housing and Urban Development Act of 1969 has been administered by the New Communities staff. Responsibility for the Program was delegated on February 7, 1970 from the Secretary to the Assistant Secretary and Deputy Assistant Secretary for Metropolitan Planning and Development (35 FR 2745); it was the redelegated on October 14, 1970 to the Director, Office of New Communities Development (35 FR 16102). The Department was reorganized in 1971 and the Secretary delegated the responsibility for the Surplus Land Program to the Assistant Secretary and Deputy Assistant Secretary for Community Planning and Management (36 FR 5004). In 1973, the Department formed the new position of Assistant Secretary for Community Planning and Development to asume former responsibilities (including Surplus Land Program) of the Assistant Secretary and Deputy Assistant Secretary for Community Planning and Management and Assistant Secretary for Community Development (38 FR 8011). When New Communities was made a separate administration in 1973, the delegation of authority for the Surplus Land Program was inadvertently left with its former parent organization, the Office of Community Planning and Development. In the 1978 reorganization of the New Community Development Corporation, a new Office of Surplus Land was authorized. In a delegation of authority published September 24, 1980 at 45 FR 63360, the Secretary delegated the responsibility for the Surplus Land Program to the General Manager of the New Community Development Corporation.

The New Community Development Corporation's Office of Surplus Land is being reorganized under the authority of the Assistant Secretary for Housing—Federal Housing Commissioner. This delegation of authority establishes where the responsibility for administration of the program now lies. Accordingly, the Secretary delegates as follows:

Section A. *Authority Delegated.* The Assistant Secretary for Housing—Federal Housing Commissioner is authorized to:

1. Exercise the power and authority of the Secretary of Housing and Urban Development with respect to surplus Federal real property under Section 414 of the Housing and Urban Development Act of 1969 (83 Stat. 379; 40 U.S.C. 484(b)), as amended.

2. Issue rules and regulations as necessary or desirable in order to carry out such power and authority.

Section B. *Authority Excepted.* The power to sue and be sued is excepted from the authority delegated under Section A.

Section C. *Authority to Redelegate.* The Assistant Secretary for Housing—Federal Housing Commissioner is authorized to redelegate to any of the employees of the Department the authority delegated in Section A, except the authority to issue rules and regulations.

Section D. *Supersedure.* This delegation supersedes the September 24, 1980 delegation of the authority specified in Section A to the General Manager for the New Community Development Corporation (45 FR 63360). All redelegations previously made by the General Manager are valid and remain in effect, including the redelegation of authority by the General Manager (47 FR 41868) with respect to Montauk Air Force Station, Family Housing Area, Montauk, New York to the Regional Administrator and Deputy Regional Administrator, Region II (New York) and the Area Manager and Deputy Area Manager, New York Area Office, which has not yet been implemented.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: May 23, 1983.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development

[FR Doc. 83-14405 Filed 5-27-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 0102703]

Colorado; Partial Termination of Withdrawal Application and Opening of Lands; Corrections

May 23, 1983.

In FR Doc. 83-11603, on page 19788, in the issue of Monday, May 2, 1983, please make the following corrections:

1. T. 11 S., R. 80 W., Sec. 7, Lot 1, E½NE¼, SW¼NE¼, and N½SE¼ is corrected to read Lot 1, SW¼NE¼, and NW¼SE¼.

2. T. 9 S., R. 81 W., Sec. 10, N½N½, SW¼NE¼, S½NW¼, and SW¼ is corrected to read N½N½, SW¼NE¼, and S½NW¼.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-14388 Filed 5-27-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32452, Survey Group 503]

Minnesota; Filing of Plat of Survey

1. On April 6, 1983, the plat representing the survey of two islands in Hanrahan Lake, T. 115 N., R. 21 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on July 15, 1983.

The lands listed below describe the islands omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 115 N., R. 21 W.,
Tracts 37 and 38.

2. The island Tracts 37 and 38 are composed of sandy loam. The islands range 12 feet above the mean high water line of Hanrahan Lake. The timber consists of upland hardwoods, including basswood, oak, and cottonwood with a maximum age of over 100 years old. The ground cover is of various species of shrubs, including willow, prickly pear, and ash along with native grasses and forbs.

3. The present water level of the lake compares very favorably with the original meander line; therefore, the elevation and the upland character of the islands and the depth and width of the channel between the upland and islands are considered evidence that the islands did exist in 1858, the year Minnesota was admitted into the Union. The original survey in 1854 did not note the presence of these islands.

4. Tracts 37 and 38 were found to be over 50 percent upland within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). Therefore, they are held to be public land.

5. All inquires relating to these lands should be sent to the Deputy State Director for Lands and Minerals Operations, 350 South Pickett Street, Alexandria, Virginia 22304 on or before (45 days from date of publication).

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-14454 Filed 5-27-83; 8:45 am]

BILLING CODE 4310-84-M

Salt Wells-Pilot Butte Grazing Draft Environmental Impact Statement (DEIS), Sweetwater and Uinta Counties, Rock Springs District, Wyoming; Hearing

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of draft environmental impact statement and public hearing schedule.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, Notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared a draft environmental impact statement for a livestock grazing management program in the Salt Wells-Pilot Butte area, Sweetwater and Uinta Counties, Wyoming, and has made copies available for public review and comment.

The Bureau of Land Management proposes to implement a grazing management program based on the land use planning for the area and in accordance with the Bureau's Rangeland Management Policy and Rangeland Improvement Policy. The proposed livestock grazing management program includes "improvement" management for eighteen allotments totalling 1,006,929 acres; "maintenance" management for five allotments totalling 2,166,010 acres; and "custodial" management for seven allotments totalling 9,343 acres. Proposed range improvements include water developments, vegetation treatment, and some new fences. Other major components of the program include wild horse management, provisions for wildlife habitat, and range monitoring.

The draft environmental impact statement analyzes the projected environmental consequences of implementing the proposed action or any of four alternatives, specifically titled: Continuation of the Existing Situation (No Action); Emphasize Livestock Production; Emphasize Watershed, Wildlife Habitat, and Soil Stability; and License No Livestock Use on Pubic Lands. These alternatives portray the range of options available for managing the livestock use in the area.

DATES: Written comments on the grazing management proposal and alternatives contained within the draft environmental impact statements will be accepted through the close of business (4:30 p.m., m.s.t.) July 31, 1983. Oral testimony will be received at a public hearing to be held at 7:00 p.m., Wednesday, July 13, 1983, in Room C-204, Western Wyoming College, 2500 College Drive, Rock Springs, Wyoming.

ADDRESSES: Written comments are to be addressed to: Jim Cagney, Grazing EIS Team Leader, Bureau of Land Management, Salt Wells Resource Area, U.S. Highway 191 North, P.O. Box 1869, Rock Springs, Wyoming 82901 (307) 382-5350.

Persons wishing to testify at the public hearing should contact Mr. Cagney at the above address prior to the hearing. One representative should be designated by each organization wishing to present testimony.

A limited number of the draft environmental impact statements are available and may be obtained at the above address. The draft environmental impact statement is available for inspection at the following locations:

Bureau of Land Management, Salt Wells and Big Sandy Resource Areas, U.S. Highway 191 North, Rock Springs, Wyoming; or

Bureau of Land Management, Wyoming State Office, Public Information Desk, 2515 Warren Avenue, Cheyenne, Wyoming.

SUPPLEMENTARY INFORMATION: Oral testimony of ten (10) minutes will be accepted from each witness at the hearing. The ten-minute limitation will be strictly enforced by the presiding officer. Written texts of prepared speeches may be filed at the hearing whether or not the speaker has been able to complete oral delivery in the allotted ten minutes.

Speakers will be heard in the order established on the witness register. After the last registered witness has

been heard, the presiding officer will consider the request of any other person present who wishes to testify. Any person present at the hearing may testify; however, only one witness will be allowed to present the viewpoints of an organization.

Persons wishing to testify may preregister by submitting a written request to the Salt Wells or Big Sandy Resource Area Office of the Bureau of Land Management at the above address prior to the close of business on July 13, 1983. Requests should identify the organization represented by the individual (if any); and should be signed by the prospective witness. Individuals who do not preregister may register at the hearing location prior to the hearing.

Comments on the grazing management proposal and on the environmental impact statement, whether written or oral, will receive equal consideration in preparation of a final environmental impact statement.

Donald H. Sweep,

Rock Springs District Manager.

[FR Doc. 83-14374 Filed 5-27-83; 8:45 am]

BILLING CODE 4310-84-M

[C-3357, C-3358]

Colorado; Classification Decision Termination

Correction

In FR Doc. 83-11159 beginning on page 19082 in the issue of Wednesday, April 27, 1983 make the following correction:

1. On page 19082, column three, under the heading **Tomichi Site,** line three "S½NE¼NW½" should appear between "NW¼NW¼" and "S½NW¼ NE¼NW¼."

2. On page 19082, column three under the heading **Tomichi Site,** line four, delete "S½NW¼NW¼NW½."

3. On page 19082, column three under the heading **Cathedral Site,** line six, "6 SW¼NW¼" should read "6 (SW¼NW¼)."

4. On page 19082, column three under the heading **Granodiorite Site,** line eight, "390 acres" should read "290 acres."

5. On page 19083, column one, paragraph designated as "3.", line nine, "authorized" should read "unauthorized."

BILLING CODE 1505-01-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 20, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 15, 1983.

Carol D. Shull.

Chief of Registration, National Register.

CALIFORNIA

Orange County

Anaheim, *Kraemer, Samuel, Building (American Savings Bank/First National Bank),* 76 S. Claudina St.

Santa Clara County

San Jose, *Hensley Historic District,* Roughly bounded by Julian, 1st, 7th, and Empire Sts.

COLORADO

Pueblo County

Pueblo, *Mechanics Building/Masonic Building,* 207–211 N. Main St.

CONNECTICUT

Hartford County

Hartford, *Clay Hill Historic District,* Roughly bounded by Main, Mather, Garden, and Walnut Sts.

DELAWARE

Kent County

Kenton vicinity, *Arnold, George, House (Kenton Hundred MRA),* DE 42
Kenton vicinity, *Attix, Thomas, House (Kenton Hundred MRA),* DE 140
Kenton vicinity, *Betz, J.F., House (Kenton Hundred MRA),* DE 6
Kenton vicinity, *Blackiston, Benjamin, House (Deer Park) (Kenton Hundred MRA),* Off DE 6
Kenton vicinity, *Burrows, W.D., (Hopewell) (Kenton Hundred MRA),* DE 42
Kenton vicinity, *Davis, Thomas, House (Kenton Hundred MRA),* DE 6
Kenton vicinity, *Denny, T.H., House (Mount Pinder) (Kenton Hundred MRA),* DE 42
Kenton vicinity, *Downs, N.C., House (Kenton Hundred MRA),* SR 1412
Kenton vicinity, *Hill, Robert, House (Kenton Hundred MRA),* DE 6
Kenton vicinity, *Hoffecker-Lockwood House (Kenton Hundred MRA),* DE 6
Kenton vicinity, *Hudson, Alfred L., House (Kenton Hundred MRA),* DE 90
Kenton vicinity, *Lamb, Thomas, Farm (Brick House Farm) (Kenton Hundred MRA),* DE 130
Kenton vicinity, *Lamb, Thomas, House (My Home) (Kenton Hundred MRA),* DE 129 and DE 130
Kenton vicinity, *Lewis, Jefferson, House (Kenton Hundred MRA),* DE 42
Kenton vicinity, *McDaniel, Delaplane, House (Kenton Hundred MRA),* DE 92
Kenton vicinity, *Poinsett House (Kenton Hundred MRA),* DE 6
Kenton vicinity, *Stevens, William, House (Kenton Hundred MRA),* DE 6
Kenton vicinity, *Williams, James, House (Kenton Hundred MRA),* DE 42
Kenton, *Clark-Pratt House (Kenton Hundred MRA),* Main St.
Kenton, *Green Mansion House (Kenton Hundred MRA),* Main St.
Kenton, *Kenton Historic District (Kenton Hundred MRA),* Commerce St.
Kenton, *Kenton Post Office (Kenton Hundred MRA),* Main St.
Kenton, *Wright-Carney House (Kenton Hundred MRA),* Commerce St.

New Castle County

Wilmington vicinity, *Fell Historic District,* Faulkland Rd. and New Fell's Lane
Wilmington, *Delware Industrial School for Girls,* 2420–2428 N. Market St.
Wilmington, *Lore, Charles B., Elementary School,* Fourth St. and Woodlawn Ave.
Wilmington, *New Castle Leather Raw Stock Warehouse,* 14th and Poplar Sts.
Wilmington, *New Century Club,* 1014 Delaware Ave.

DISTRICT OF COLUMBIA

Takoma Park Historic District, Roughly bounded by DC/MD boundary, 7th, Piney Branch, Aspen, and Fern Sts.

GEORGIA

Sumter County

Americus, *Guerry-Mitchell House,* 723 McGarrah St.

INDIANA

Allen County

Fort Wayne, *Fairfield Manor,* 2301 Fairfield Ave.

Clark County

Charlestown, *Ferguson, Benjamin, House,* 673 High St.

Grant County

Marion, *Swayzee, Aaron, House,* 224 N. Washington St.

Jasper County

Rensselaer, *Jasper County Courthouse,* W. Washington St.

Marion County

Indianapolis, *Esplanade Apartments,* 3015 N. Pennsylvania St.
Indianapolis, *Forest Hills Historic District,* Bounded by the Monon RR tracks, Kessler Blvd., College and Northview Aves.
Indianapolis, *Herron-Morton Place Historic District,* Roughly bounded by Central Ave., 16th, Pennsylvania, and 22nd Sts.
Indianapolis, *Laurel and Prospect District (Fountain Square Commercial Areas TR),* 1335 to 1419 E. Prospect St.
Indianapolis, *State and Prospect District (Fountain Square Commercial Areas TR),* State Ave. and Prospect St.
Indianapolis, *Test Building,* 54 Monument Circle
Indianapolis, *Virginia Avenue District (Fountain Square Commercial Areas TR),* Roughly Virginia Ave. from Grove Ave. to Prospect and Morris Sts.

Monroe County

Bloomington, *Princess Theatre*, 206 N. Walnut St.

Morgan County

Martinsville vicinity, *Cross School*, Voiles and Townsend Rds.

Noble County

Ligonier, *Ahavas Shalom Reform Temple*, 503 S. Main St.

Spencer County

Rockport, *Sharp, Mathias, House*, 319 S. 2nd. St.

St. Joseph County

Mishawaka, *Merrifield-Cass House*, 816 E. Lincolnway

Steuben County

Fremont vicinity, *Lords, William L., House*, Clear Lake Rd.

Tippecanoe County

Lafayette, *Contennial Neighborhood District*, Roughly bounded by Union, 3rd, 4th, Ferry, and 9th Sts.

Vigo County

Terre Haute, *Building at 23—27 S. Sixth Street (Downtown Terre Haute MRA)*, 23—27 S. 6th St.
Terre Haute, *Building at 510—516 Ohio Street (Downtown Terre Haute MRA)*, 510—516 Ohio St.
Terre Haute, *Building at 810 Wabash Avenue (Downtown Terre Haute MRA)*, 810 Wabash Ave.
Terre Haute, *Carr's Hall (Downtown Terre Haute MRA)*, 329—333 Walnut St.
Terre Haute, *Chamber of Commerce Building (Downtown Terre Haute MRA)*, 627 Cherry St.
Terre Haute, *Citizens' Trust Company Building (Downtown Terre Haute MRA)*, 19—21 S. 6th St.
Terre Haute, *First Congregational Church (Downtown Terre Haute MRA)*, 630 Ohio St.
Terre Haute, *First National Bank (Downtown Terre Haute MRA)*, 509 Wabash Ave.
Terre Haute, *Hippodrome Theater (Downtown Terre Haute MRA)*, 727 Ohio St.
Terre Haute, *House at 209—211 S. Ninth Street (Downtown Terre Haute MRA)*, 209—211 S. 9th St.
Terre Haute, *House at 823 Ohio Street (Downtown Terre Haute MRA)*, 823 Ohio St.
Terre Haute, *Phoenix Club (Downtown Terre Haute MRA)*, 201 S. 5th St.
Terre Haute, *Star Building (Downtown Terre Haute MRA)*, 601—603 Ohio St.
Terre Haute, *Terminal Arcade (Downtown Terre Haute MRA)*, 822 Wabash Ave.
Terre Haute, *Terre Haute Post Office and Federal Building (Downtown Terre Haute MRA)*, 7th and Cherry Sts.
Terre Haute, *Vigo County Courthouse (Downtown Terre Haute MRA)*, Courthouse Square.
Terre Haute, *Wabash Avenue—East Historic District (Downtown Terre Haute MRA)*, Wabash Ave., 7th and 8th Sts.
Terre Haute, *Wabash Avenue—West Historic District (Downtown Terre Haute MRA)*, Wabash Ave. and 6th St.

Warrick County

Newburgh, *Original Newburgh Historic District*, Roughly bounded by IN 662, Water, Monroe, Main and Middle Sts.

KENTUCKY

Fayette County

Centerville vicinity, *Buenna Hill (Innes Houses of Fayette County TR)*, Off Ferguson Rd.
Centerville vicinity, *Corinthia (Innes Houses of Fayette County TR)*, Off Lemons Mill Rd.
Centerville vicinity, *Innes House (Innes Houses of Fayette County TR)*, Off Lemons Mill Rd.

Kenton County

Covington, *Eleventh District School*, Parkway and Altamont St.

LOUISIANA

West Feliciana Parish

St. Francisville vicinity, *Rosale Plantation (Boundary increase)*, N of St. Francisville on US 61.

MARYLAND

Anne Arundel County

Gambrills, *Anne Arundel County Free School*, 1298 Lavall Dr.

MISSISSIPPI

Lincoln County

Brookhaven, *Brookhaven City Hall*, Whitworth Ave.

Wilkinson County

Woodville, *Salisbury Plantation*, Off Woodville Rd.

MONTANA

Glacier County (also in Flathead County)

West Glacier vicinity, *Going-to-the-Sun-Road*, Glacier Rt. 1

NEW YORK

New York County

New York, *Van Rensselar, Stephen House*, 149 Mulberry St.

Suffolk County

Southampton, *Chase, William Merritt, Homestead.*, Canoe Pl. Rd.

OHIO

Fairfield County

Balitmore vicinity, *Pugh-Kittle House*, 2140 Bickel Church Rd.
West Rushville, *Ijams, Joseph, House*, Broad and Main Sts.

Hamilton County

Cincinnati, *Madison and Woodburn Historic District*, Woodburn Ave. and Madison Rd.

Portage County

Ravenna vicinity, *Beebe, Horace Y., House*, 6536 Cleveland Rd.

Trumbull County

Warren, *Warren Commercial Historic District*, Roughly bounded by Mahoning, Monroe, Franklin and Pine Sts.

Warren County

Lebanon Vicinity, *Stokes, Benjamin A., House*, 5587 OH 48

OREGON

Marion County

Sublimity, *Silver Falls State Park Concession Building Area*, 20024 Silver Falls Hwy.

TENNESSEE

Davidson County

Nashville, *Gladstone Apartments*, 3803 West End Ave.
Nashville, *Hatch Show Print Company Building*, 116–118 4th Ave.

Dyer County

Dyersburg, *Bank of Dyersburg*, 100 N. Main St.

Hamilton County

Chattanooga, *Southern Railway Freight Depot*, 1140 Newby St.

Madison County

Denmark, *Denmark Presbyterian Church*, Jackson-Denmark Rd.

Shelby County

Memphis, *Lowenstein, B., & Brothers Building*, 27 S. Main St.

TEXAS

Tarrant County

Fort Worth, *M.G. Ellis School (1914)*, 213 N.E. 14th St.

[FR Doc. 83–14466 Filed 5–27–83; 8:45 am]
BILLING CODE 4310–70–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Public Information Collection Requirements Submitted to OMB for Review

The International Development Cooperation Agency submitted the following public information collection requirement to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the Submission may be obtained from the Agency for International Development Clearance Officer by calling (202) 632–3378. Comments regarding this information collection should be addressed to the Reports Management Officer, Ms. Melita E. Yearwood, IRM/MMP, Room 708, SA–12, Washington, D.C. 20523; and to the OMB reviewer listed at the end of the entry no later than June 10, 1983.

Date Submitted: May 23, 1983.

Submitting Bureau: Agency for International Development.
OMB No.: 0412–0003.
Form No.: AID 1550–3.
Type of Submission: Extension.
Title: Title II, Pub. L. 480 Commodities-Annual Estimate of Requirements—FY 19—.
Purpose: The AER is used by the Office of Food for Peace to obtain information critical for the planning and budgeting cycle of the Pub. L. 480 Title II Program. The AERs include planned recipient and ration levels, number of distributions, operating reserves that are needed and inventories on hand.
OMB Reviewer: Francine Picoult (202) 395–7231, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.
Dated: May 23, 1983.

Richard F. Calhoun,

Chief, Mandated Management Programs.

[FR Doc. 83–14389 Filed 5–27–83; 8:45 am]
BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Notice of Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under* 49 U.S.C. 11343, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: These exemptions shall be effective on June 30, 1983. Petitions for reconsideration must be filed by June 20, 1983. Petitions for stay must be filed by June 10, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served concurrently in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Agatha L. Mergenovich,

Secretary.

[No. MC–F–15114]

Adrian Carriers, Inc.—Purchase Exemption—Spector Red Ball, Inc. (Debtor-in-Possession)

ADDRESSES: Send pleadings to:
(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative: James M. Hodge, Issacon, Clarke, Vernon & Hodge, 3730 Ingersoll, Des Moines, IA 50312.

Pleadings should refer to No. MC–F–15114.

Decided: May 20, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Adrian Carriers, Inc. (No. MC–146553) of that portion of the operating rights of Spector Red Ball, Inc. (No. MC–2229) set forth in the appendix below, which authorizes generally the transportation of general and specific commodities over regular, irregular and alternate routes in IL, WI, IA, CO, NE, IN, KS and MO.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Appendix

Certificate No. MC–2229 as follows: Sub-No. 246F; Sub-No. 253 sheet 2 (in part); sheets 3–27 (entirety), and sheet 28 (in part); Sub-No. 254 sheets 3 and 4 (both in part); Sub-No. 258 sheet 4; Sub-No. 259 sheets 2 and 6 (both in part); Sub-No. 260 sheet 2 (in part); Sub-No. 261 sheets 2, 3, and 4 (entirety), sheets 9 and 14 (both in part); Sub-No. 264 sheet 3 (in part); Sub-No. 267 sheets 2 and 3 (both in part), sheet 4 (entirety), and sheet 5 (in part); and Sub-No. 269 sheets 3 and 4 (both in part).

[No. MC–F–15120]

All Freight Transportation, Inc.—Control Exemption—Overland Transportation, Inc.

ADDRESSES: Send pleadings to:
(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701

Pleadings should refer to No. MC–F–15120.

Decided: May 19, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval in 49 U.S.C. 11343(a)(3) the acquisition by All Freight Transportation, Inc. (No. MC–152671), of control, through the purchase of outstanding common stock, of Overland Transportation, Inc., (No. MC–143570).

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC–F–15140]

Cates Trucking Inc.—Purchase Exemption—Sawyer Transport, Inc. (Nathan Yorke, Trustee-In-Bankruptcy)

ADDRESSES: Send pleadings to:
(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240

Pleadings should refer to No. MC–F–15140.

Decided: May 20, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Cates Trucking, Inc. (MC–138562), of a portion of Sawyer Transport Inc. (MC–123407 (Sub-No. 611)), authorizing the transportation of (1) containers, container ends, and container closures, and (2) materials equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in Bulk), between points in the United States (except Alaska and Hawaii).

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC–F–15153]

Walter R. Key, William P. Fallon, Charles Fallon, Robert Sweeney, Richard White, and Douglas Peterson—Continuance in Control Exemption—Thermo Transport, Inc., Peterson Express, Inc., and F & F Transport, Inc.

ADDRESSES: Send pleadings to:
(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative: Donald W. Smith, P.O. Box 40240, Indianapolis, IN 46240

Pleadings should refer to No. MC–F–15153.

Decided: May 23, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343, the continuance in control of F & F Transport, Inc. (MC–164522) by Walter R. Key, William P. Fallon, Charles Fallon, Robert Sweeney, Richard White, and Douglas Peterson, who jointly or separately control Thermo Transport Inc. (MC–145359) and Peterson Express Inc. (MC–162104).

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC–F–15163]

Russ Transport, Inc.—Purchase Exemption—Producers Transport Co.

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036

Pleadings should refer to No. MC–F–15163.

Decided: May 23, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Russ Transport, Inc. (MC–116459), of the operating authorities of Producers Transport Co. set forth in Certificate No. MC–124835 and subnumbers thereunder, authorizing the transportation of cement, asphalt, and clay, concrete, glass, or stone products, from, to, and between various points in eight southeastern States, and commodities in bulk and chemicals and related products, radially between various points in Georgia and Tennessee and points named southern and eastern States. Both vendor and vendee are controlled by Liquid Transporters, Inc., which holds authority in No. MC–112617.

By the Commission, Division 2, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[FR Doc 83–14436 Filed 5–27–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Proposed Exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).*

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: 0Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: May 24, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume OP3–239

J. T. I. Transportation Co.—Purchase Exemption—Andrews Van Lines, Inc.

[No. MC–F–15234]

J. T. I. Transportation Co. (J.T.I.) (No. MC–159331 and sub-numbers thereunder) seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the motor carrier operating rights of Andrews Van Lines, Inc., specifically those rights in No. MC–26825 (Sub-No. 68), authorizing the transportation of general commodities (with exceptions), radially between points in Nebraska, and points in the United States.

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423
and
(2) Petitioner's Representative: Jack L. Shultz; P.O. Box 82028; Lincoln, NE 68501–2028

Comments should refer to No. MC–F–15234.

FCS Industries, Inc.—Control Exemption—Russ's Motor Service Inc.

[No. MC–F–15267]

FCS Industries Inc. seeks an exemption from the requirement under section 11343 of prior regulatory approval for its acquisition of control of Russ's Motor Service, Inc. FCS is a non-carrier which owns B & W Cartage Co. Inc. (No. MC–12094), a motor common carrier with authority to transport general commodities, with exceptions, between points in 34 States. Russ's Motor Service is authorized to conduct operations as a motor carrier of general commodities, and certain specified commodities, on a radial basis between Chicago, IL and points in 5 named States under its Certificate No. MC–145574 (Sub-Nos. 1F and 3).

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative: Carol L. Steiner, 135 South LaSalle St., Chicago, IL 60603

Comments should refer to No. MC–F–15267.

Wetterau, Incorporated—Continuance in Control Exemption—Trans Continental Leasing, Ltd., and Foxtran, Inc.

[No. MC–F–15271]

Wetterau, Incorporated, a non-carrier, seeks an exemption from the requirement under 49 U.S.C. 11343 of prior approval and authorization for its continuance in control of Foxtran, Inc. (MC–151854). Wetterau also controls Trans Continental Leasing, Ltd. (MC–145925).

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative: George Williams, Wetterau, Incorporated, 8920 Pershall Road, Hazelwood, MO 63042

Comments should refer to No. MC–F–15271.

Volume OP2–243

Westhoff, Inc.—Purchase Exemption—Grand Island Express, Inc.

[No. MC–F–15260]

Westhoff, Inc., holding authority in No. MC–157610, seeks an exemption from the requirement under section 11343 of prior regulatory approval for the purchase of a portion of the operating rights of Grand Island Express, Inc. (formerly, Grand Island Moving and Storage, Inc.) namely, MC–135283 (Sub-No. 27). The pertinent authority provides for the transportation of meats, meat products, meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk), from the facilities of Swift & Company, at (a) Omaha, NE,

and (b) Des Moines, Glenwood, Marshalltown, and Sioux City, IA, and the facilities of Montfort of Colorado, Inc., at Grand Island, NE, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative: D. Douglas Titus, 340 Insurance Exchange Building, Sioux City, IA 51101

Comments should refer to No. MC–F–15260.

Volume OP2–244

Petitioners

[No. MC–F–15257]

Mid Terminal Leasing, Inc. (Mid Terminal), a regulated motor carrier (No. MC–159541), and, in turn, Marlys K. Mishak, who controls Mid Terminal, seek an exemption from the requirement under section 11343 of prior regulatory approval for the acquisition of control of a portion of the operating rights of J. H. Ware Trucking, Inc. (Ware), a regulated motor carrier (No. MC–139973), through purchase of paragraph 3 of Ware's Sub-No. 102X certificate and its underlying certificate Sub-No. 79.

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative: Mr. Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309–3596

Comments should refer to No. MC–F–15257.

[FR Doc. 83–14437 Filed 5–27–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1161.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, (202) 275–5223.

Volume No. OP3–FC–225

MC–FC–81324. By decision of May 19, 1983, issued under 49 U.S.C 10926 and the transfer rules at 49, CFR 1161, Review Board Number 2 approved the transfer to CONTINENTAL FREIGHTLINES, INC., Columbus, IN, of Certificate No. MC–20824, issued 9/7/79, and (Sub 12), issued 6/28/57, (Sub 13), issued 5/3/63, (Sub 14), issued 2/29/60, (Sub 16), issued 10/27/60, (Sub 17), issued 1/11/61, (Sub 19), issued 3/5/62, (Sub 20), issued 7/30/62, (Sub 22), issued 2/21/68, (Sub 23), issued 11/10/66, (Sub 24), issued 10/18/67, (Sub 26), issued 9/9/68, (Sub 27), issued 4/25/69, (Sub 28), issued 7/8/70, (Sub 30), issued 6/11/73, (Sub 31), issued 12/22/78, (Sub 32), issued 11/17/76, (Sub 33), issued 6/9/77, (Sub 34), issued 2/8/77, (Sub 35), issued 6/1/79, (Sub 36), issued 7/12/79, (Sub 37), issued 6/1/79, (Sub 38), issued 6/1/79, (Sub 39), issued 7/10/79, (Sub 40), issued 1/26/81, (Sub 42), issued 10/27/80, (Sub 44), issued 12/18/80, (Sub 45), issued 3/26/81, (Sub 47), issued 12/5/80, (Sub 48), issued 3/18/81, (Sub 49), issued 4/3/81, (Sub 50), issued 3/5/82, and (Sub 51), issued 3/10/83 to COMMERCIAL MOTOR FREIGHT, INC., (GILBERT L. BATES, DEBTOR-IN-POSSESSION), Indianapolis, IN, authorizing the transportation of general commodities, with exceptions, over various routes, between points in IN, OH, KY, IL, MO, TN, and MI. Representative: Michael E. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204.

Volume No. OP3–MCFC–237

MC–FC–81309. By decision of May 19, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1161, Review Board Number 2 approved the transfer to M.A.S. SERVICES, INC., of Certificate No. MC–1335 Sub 6, issued May 19, 1982, MC–1335 Sub 7X, issued May 19, 1982, and its underlying MC–1335, issued September 24, 1980, and MC–1335 Sub 1, issued May 13, 1981, authorizing the regular, alternate, and irregular route transportation of general commodities between points generally in New Jersey, New York and Pennsylvania, and (2) such commodities as are dealt in or used by food business houses, between points in Erie and Niagara Counties, NY, on the one hand, and, on the other, points in MD and PA. Applicant's representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara Street, Buffalo, NY 14202.

Note.—Pursuant to transferor's request, Certificate No. MC–1335 Sub 2, MC–1335 Sub 3, MC–1335 Sub 4, and MC–1335 Sub 5 will be cancelled concurrently with the issuance to the transferee of a new certificate as a result of this transaction.

[FR Doc. 83–14433 Filed 5–27–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision–Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1160.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of request and upon payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team Three at (202) 275–5223.

Volume No. OP2–231

Decided: May 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 119654 (Sub-99), filed April 28, 1983. Applicant: HI-WAY DISPATCH, INC. 1401 W. 26th St., Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 638–1301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except HI).

MC 166725, filed May 9, 1983. Applicant: F. D. LUCAS ENTERPRISES, INC., P. O. Box 367, Marengo, IN 47140. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706, (409) 898–8086. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167755, filed May 10, 1983. Applicant: DIRECT OVERLAND EXPRESS, INC., Route 4, Box 326, A Airport Rd., Charlottesville, VA 22091. Representative: Barry Weintraub, Suite 403, 7700 Leesburg Pike, Falls Church, VA 22043, (703) 442–8330. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Boston, MA, Providence, RI, Hartford, CT, New York, NY, Newark, NJ, Philadelphia, PA, Baltimore, MD, Richmond, Charlottesville, Norfolk, Hampton, Roanoke, and Lynchburg, VA, Raleigh, Durham, Chapel Hill, Greensboro, and Charlotte, NC, Greenville and Spartanburg, SC, Atlanta, GA, and Washington, DC, on the one hand, and , on the other, points in MA, CT, RI, NY, NJ, PA, DE, MD, VA, NC, SC, GA, and DC.

MC 167904, filed May 9, 1983. Applicant: HI-CO, LTD., P. O. Box 164, Menomonee Falls, WI 53051. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *food and related products*, between points in WI, on the one hand, and , on the other, Minneapolis, MN, and points in CA, IL, IN, KY, MA, MI, MO, OH, and TN.

MC 167925, filed May 10, 1983. Applicant: DIAMOND T HOTSHOT SERVICE, INC., 4510 N.W. 39th St., Oklahoma City, OK 73122. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 North Classen Blvd., Oklahoma City, OK 73118, (405) 848–7946. Transporting *Mercer commodities*, between points in AR, CO, KS, LA, MO, MT, NM, OK, TX, and WY.

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–190

Dated: May 20, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 151061 (Sub-3), filed May 4, 1983. Applicant: ROBERTS HOLIDAY LINES, INC., 930 Pointsettia St., Santa Ana, CA 92701. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714)–667–8107. (A) Over regular routes, transporting *passengers*, (1) between Los Angeles, CA and Bakersfield, CA: from Los Angeles, CA over U.S. Hwy 101 to junction CA Hwy 170, then over CA Hwy 170 to junction interstate Hwy 5, then over Interstate Hwy 5 to junction CA Hwy 99 then over CA Hwy 99 to Bakersfield, CA, (2) between Bakersfield, CA and Fresno, CA, over CA Hwy 99, (3) between Fresno, CA and Modesto, CA, over CA Hwy 99, (4) between Modesto, CA and Stockton, CA, over CA Hwy 99, (5) between Stockton, CA and Sacramento, CA, over CA Hwy 99, (6) between Long Beach, CA and Montebello, CA, over CA Hwy 7, (7) between Montebello, CA and Los Angeles, CA: from Montebello, CA over Interstate Hwy 5 to junction U.S. Hwy 101, then over U.S. Hwy 101 to Los Angeles, CA, (8) between Low Angeles, CA and Los Angeles International Airport, CA: from Los Angeles, CA over Interstate Hwy 10 to junction Interstate Hwy 405, then over Interstate Hwy 405 to junction Century Blvd., then over Century Blvd. to Los Angeles International Airport, CA, (9) between Irvine, CA and Santa Ana, CA: from Irvine, CA over CA Hwy 73 to junction CA Hwy 55, then over CA Hwy 55 to junction Interstate Hwy 5, then over

Interstate Hwy 5 to Santa Ana, CA, (10) between Laguna Hills, CA and Santa Ana, CA, over Interstate Hwy 5, (11) between Santa Ana, CA and Riverside, CA: from Santa Ana, CA over Interstate Hwy 5 to junction CA Hwy 22, then over CA Hwy 22 to junction CA Hwy 55, then over CA Hwy 55 to junction CA Hwy 91, then over CA Hwy 91 to Riverdside, CA, (12) between Riverside, CA and San Bernardino, CA: from Riverside, CA over CA Hwy 91 to junction Interstate Hwy 15E, then over Interstate Hwy 15E to San Bernardino, CA, (13) between San Bernardino, CA and Barstow, CA: from San Bernardino, CA over Interstate Hwy 15E to junction Interstate Hwy 15, then over Interstate Hwy 15 to Barstow, CA, (14) between Barstow, CA and Las Vegas, NV, over Interstate Hwy 15, (15) between Sacremento, CA and Reno, NV, over Interstate Hwy 80, (16) between Santa Ana, CA and Montebello, CA, over Interstate Hwy 5, (17) between Riverside, CA and Palm Springs, CA: from Riverside, CA over CA Hwy 91 to junction CA Hwy 60, then over CA Hwy 60 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction CA Hwy 111, then over CA Hwy 111 to Palm Springs, CA, (18) between Palm Springs, CA and Indio, CA, over CA Hwy 111, (19) between Indio, CA and Laughlin, NV: from Indio, CA over Interstate Hwy 10 to junction U.S. Hwy 95, then over U.S. Hwy 95 to junction NV Hwy 77, then over NV Hwy 77 to Laughlin, NV, (20) between Santa Ana, CA and Long Beach, CA: from Santa Ana, CA over Interstate Hwy 5 to junction CA Hwy 22, then over CA Hwy 22 to junction Interstate Hwy 405, then over Interstate Hwy 405 to junction CA Hwy 7, then over CA Hwy 7 to Long Beach, CA, (21) between Los Angeles, CA and San Bernardino, CA: from Los Angeles, CA over Interstate Hwy 10 to junction Interstate Hwy 15E, then over Interstate Hwy 15E to San Bernardino, CA, (22) between Sacramento, CA and San Francisco, CA, over Interstate Hwy 80, (23) between Stockton, CA and San Francisco, CA: from Stockton, CA over Interstate Hwy 5 to junction Interstate Hwy 205, then over Interstate Hwy 205 to junction Interstate Hwy 580, then over Interstate Hwy 580 to junction Interstate Hwy 80, then over Interstate Hwy 80 to San Francisco, CA, (24) between Phoenix, AZ and Laughlin, NV: from Phoenix, AZ over U.S. Hwy 93 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 93, then over U.S. Hwy 93 to junction AZ Hwy 68, then over AZ Hwy 68 to junction NV Hwy 77, then over NV Hwy 77 to Laughlin, NV, (25) between Laughlin, NV and Las Vegas, NV: from Laughlin, NV over NV Hwy 77 to junction U.S. Hwy 95, then over U.S. Hwy 95 to Las Vegas, NV; returning over the same routes and serving all intermediate points in (1) through (25) above; and (B) over irregular routes, transporting (1) *passengers*, in charter and special operations, between points in the U.S. (except HI), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except HI).

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(b) in (A)(1) through (A)(25) above over the same route. Applicant seeks to provide privately funded charter and special transportation in (B)(1) above.

MC 167931, filed May 9, 1983. Applicant: TERRY LEW SHAW, 30 Forest Acres, New Port Ritchey, FL 33553. Representative: Charles H. Wickman, 901 Burlington Ave., P.O. Box 128, Western Springs, IL 60558, (312) 246–9090. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicles, between points in the U.S. (except AK and HI).

MC 167970, filed May 12, 1983. Applicant: IVEY J. WILLIAMS, d.b.a. IVEY JO'S TRUCKING, 470 Henry St., Elizabeth, NJ 07201. Representative: Ivey J. Williams (same address as applicant), (201) 289–4356. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners*, between points in the U.S. (except AK and HI).

MC 168001, filed May 12, 1983. Applicant: ENTERPRISE SHIPPING CORPORATION, 49 Geary St., San Francisco, CA 94102. Representative: Todd H. van Bortel (same address as applicant), (415) 981–8542. As a *broker*, of *general commodities* (except household goods), between points in the U.S.

MC 168041, filed May 13, 1983. Applicant: FRANK S. SFARA, JR., d.b.a. SFARA SALES & SERVICE, P.O. Box 77, Hillsville, PA 16132. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–14439 Filed 5–27–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.—The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit,

willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202) 275–5223

Volume No. OP3–236

Decided: May 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 163345, filed May 9, 1983. Applicant: COURTNEY ENTERPRISES, INC., 2907 Bailey Ave., Cincinnati, OH 45211. Representative: Douglas Courtney, 44A Ridge Dr., Fairfield, OH 45014 (513) 874–4671. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167774, filed May 3, 1983. Applicant: ROBERT R. BROOKS, d.b.a. VERMONT EAGLE EXPRESS, RFD #1, West Burke, VT 05871. Representative: Robert R. Brooks (same address as applicant) (802) 467–3131. Transporting *shipments weighing 100 pounds or less* if transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 167794, filed May 4, 1983. Applicant: DARK COUNTY AMBASSADORS, 7075 Springer Rd., McCalla, AL 35111. Representative: Edna E. Perry, 1426 N. 32nd St., Birmingham, AL 35234 (205) 322–3976. Transporting *passengers,* in charter and special operations, beginning and ending at points in AL, and extending to points in FL, GA, AR, TX, TN, MI, MS, NC, SC, LA, KY, and IL.

Note. Applicant seeks to provide privately-funded special and charter transportation.

MC 167864, filed May 9, 1983. Applicant: TRANSPORTATION LOGISTICS EXPERTS, INC., 1621 Elmore St., P.O. Box 14443, Cincinnati, OH 45214. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017 (614) 889–2531. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167874, filed May 9, 1983. Applicant: R. E. LISS, 831 Timberwood Lane, McKinney, TX 75069. Representative: Robert A. Forman, 6606 LBJ Freeway, Suite 5135, Dallas, TX 75240 (214) 934–0963. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167875, filed May 9, 1983. Applicant: JOHN D. GAMBLE III, 1131 Forest Green Dr., Corapolis, PA 15108. Representative: John D. Gamble III (same address as applicant) (412) 262–2380. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167885, filed May 9, 1983. Applicant: CONTINENTAL LOGISTICS, INC., 2 Colony Rd., Jersey City, NJ 07305. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076 (201) 322–5030. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167894, filed May 9, 1983. Applicant: JAMISON & SON BUS CO., RD 3, Box 227, Englishtown, NJ 07726. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410 (201) 791–2270. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167904, filed May 9, 1983. Applicant: HI-CO, LTD., P.O. Box 164, Menomonee Falls, WI 53051. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203 (414) 273–7410. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167915, filed May 9, 1983. Applicant: JAHR CORP., 110 Hopkins St., Buffalo, NY 14220. Representative: Richard F. Campbell, 1800 One M & T Plaza, Buffalo, NY 14203 (716) 856–4000. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167924, filed May 9, 1983. Applicant: JEROME VINCENT BROOKS, 208 Carnival Pl., El Paso, TX 79912. Representative: Jerome Vincent Brooks (same address as applicant) (915) 584–1931. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167934, filed May 9, 1983. Applicant: CLASSIC SHORTWAY LINES, INC., 7350 N.W. 77th St., Medley, FL 33166. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166 (305) 592–0036. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168004, filed May 4, 1983. Applicant: WTR BROKERAGE, INC., Maryland Farms, Bldg. 3, Suite 300, Brentwood, TN 37027. Representative: Scotty Jones (Same address as applicant) (615) 373–1699. As a *broker* of *general commodities* (except household

goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–191

Decided: May 20, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

FF–690, filed May 4, 1983. Applicant: A–WEND–O FORWARDING, INC., P.O. Box 73713, Fairbanks, AK 99707. Representative: Robert C. Holmes, 750 West Second Ave., Suite 200, Anchorage, AK 99501 (907) 276–6354. As a *freight forwarder* in connection with the transportation of *household goods, unaccompanied baggage* and *used automobiles,* between points in the U.S.

FF 371 (Sub-3), filed May 18, 1983. Applicant: C–JOY INTERNATIONAL, INC., 5142 Bolsa Ave., Huntington Beach, CA 92649. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006, (202) 833–8884. As a *freight forwarder,* in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles,* between points in AK, on the one hand, and, on the other, points in the U.S. (including AK and HI).

W 1370, filed April 25, 1983. Applicant: ACTION MARINE SERVICES, INC., P.O. Box 269, Marrero, LA 70072. Representative: R. A. Osborn, Jr., 310 Huey P. Long Ave., #7, Gretna, LA 70053 (504) 362–0691. As a *water carrier,* to provide transportation of *general commodities* (except classes A and B explosives and household goods), in non-self propelled vessels with the use of separate towing vessels in the performance of general towage, between points and ports along the Cumberland, Green, Kanawha, Licking and Tennessee Rivers, on the one hand, and, on the other, the Allegheny, Arkansas-Verdigris, Ouachita Mississippi, Missouri, Monongahela, Ohio, Alabama, Black Warrier, Mobile and Tombigbee Rivers, the Illinois Waterway, the Gulf Intracoastal Waterway from Brownsville, TX to Apalachicola, FL, the Atlantic Intercoastal Waterway from Apalachicola, FL, north to its furthest reaches, Lake Michigan, and their tributaries.

MC 109141 (Sub-26), filed May 9, 1983. Applicant: CARL J. AUSTAD & SON, INC., Box 389, Hettinger, ND 58639. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502–2056, (701) 223–5300. Transporting (1) *cement, bentonite, leonardite and lignite char,* and (2) *petroleum and coal products,* between points in ND, SD, MN, IA, OR, WA, MT, ID, CO, NE and WY.

MC 119560 (Sub-26), filed May 16, 1983. Applicant: SOUTHERN BULK HAULERS, INC., P.O. Box 278, Harleyville, SC 29448. Representative: Jon F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004, (202) 628–4600. Transporting *chemicals and related products,* between points in AL, DE, FL, GA, KY, MD, NC, NJ, OH, PA, SD, TN, VA, and WV.

MC 128570 (Sub-25), filed May 6, 1983. Applicant: BROOKS ARMORED CAR SERVICE, INC., P.O. Box 1223, Wilmington, DE 19899. Representative: James F. Flint, 406 World Center Bldg., 918 16th St., NW., Washington, DC 20006, (202) 833–1170. Transporting *general commodities* (except household goods and commodities in bulk), between points in the U.S. (except AK and HI). Condition: to the extent that this certificate authorizes the transportation of classes A and B explosives, it shall expires 5 years from its date of issuance.

MC 139330 (Sub-6), filed May 11, 1983. Applicant: F.V.T. TRUCKING, INC., 106 Howard Dr., Williamstown, NJ 08094. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., m Suite 1203, Alexandria, VA 22304, (703) 751–2441. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 150530, filed May 16, 1983. Applicant: RICHARD HEATHERLY, d.b.a. TANK TRANSPORT, 2909 Hooper St., Newport, AR 72112. Representative: Warren A. Goff, 109 Madison Ave., Memphis, TN 38103, (901) 526–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Owens Corning Fiberglass Company, of Memphis, TN.

MC 152891 (Sub-3), filed May 9, 1983. Applicant: WALES INDUSTRIES, INC., P.O. Box 1156, Lake Wales, FL 33859. Representative: John W. McWhirter, Jr., P.O. Box 3350, Tampa, FL 33601, (813) 224–0866. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 153590 (Sub-4), filed May 11, 1983. Applicant: BELCOURT OIL COMPANY, INC., P.O. Box 750, Belcourt, ND 58316. Representative: C. Jack Pearce, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785–0048. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Turtle Mountain Truck Brokers, Inc., of Belcourt, ND.

MC 158881, filed May 13, 1983. Applicant: MAHTOMEDI TRUCKING, INC., 1450 Hallam Ave. No., Mahtomedi, MN 55115. Representative: Arthur Bystrom, (same address as applicant), (612) 426–2110. Transporting *building and construction materials and equipment,* between points in the U.S. (except AK and HI) under continuing contract(s) with Corning-Donohue, Inc., of St. Paul, MN.

MC 166100, filed May 12, 1983. Applicant: O. HARVEY GRIGGS, INC., P.O. Box 824, 1015 West Pine St., Mount Airy, NC 27030. Representative: William E. West, Jr., 11 West Fourth St., Winston Salem, NC 27101, (919) 725–1304. Transporting *commodities in bulk,* between points in the U.S. (except AK and HI), under continuing contract(s) with Anderson and Webb Trucking Company and Proctor Silex, Inc., both of Mount Airy, NC.

MC 167780, filed May 4, 1983. Applicant: HUGHES HIGHWAY EXPRESS, 3322 N.E. 35th Ave., Portland, OR 97210. Representative: Bill Hughes, (same address as applicant), (206) 695–5323. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 167811, filed May 4, 1983. Applicant: STEVE WOZNIAK d.b.a. S & D TRUCKING, 20 Blanchard Ave., Binghamton, NY 13904. Representative: Donald C. Carmien, 1818 Michigan Ave., Apt. #5, Miami Beach, FL 33139, (305) 534–7168. Transporting *printed matter,* between points in the U.S., under continuing contract(s) with Simpson-Milligan Printing Co., Inc., of Binghamton, NY.

MC 168020, filed May 13, 1983. Applicant: KURT BROWN d.b.a. TAGER ENTERPRISES, 422 N. Creyts Rd., Lansing, MI 48917. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, (616) 941–5313. Transporting *such commodities* as are dealt in by manufacturers and distributors of coin operated vending machines, record players and mechanical and electrical entertainment devices, between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 168071, filed May 16, 1983. Applicant: AYER & GOSS INC., Hall Ave., P.O. Box 496, Henniker, NH 03242. Representative: Welton McKean, Juniper Ridge, P.O. Box 151, Henniker, NH 03242, (603) 428–3333. Transporting *petroleum products*, between points in ME, NH, VT, MA, and RI.

MC 168091, filed May 16, 1983. Applicant: ROBERT H. MILLER d.b.a. ROBERT H. MILLER TRANSPORTATION, Lake Wildwood, Varna, IL 61375. Representative: Robert H. Miller, (same address as applicant), (309) 463–2390. Transporting *food and related products*, between points in the U.S. (except AK and HI).

[FR Doc. 83–14440 Filed 5–27–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP3–238]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 23, 1983

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed with 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, at (202) 275–5223.

MC 21244 (Sub-4X), filed May 2, 1983. Applicant: WESTERN EXPRESS, INC., 5635 Furnace Ave., Baltimore, MD 21227. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739–4860. MC 21244 Certificate: Expand such articles as are purchased at auction sales, bankrupts' sales, or sales of merchants' surplus stock in trade to "general commodities (except classes A and B explosives, household goods, and commodities in bulk)".

[FR Doc. 83–14435 Filed 5–27–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice.[1] These exemptions may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register**.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specifics	Review board [1]	Decided date
938	Soo Line Railroad Company Exemption for Contract Tariff ICC–SOO–C–0214 (Various Commodities)	2	05–24–83
[redacted]	Norfolk and Western Railway Company Exemption for Contract Tariff ICC–NW–C–7024 (Bituminous Coal)	1	05–24–83
940	Richard Ogilvie, Trustee for Property of Chicago, Milwaukee, St. Paul and Pacific RR Company Exemption for Contract Tariff ICC–MILW–C–0330, Supplement 4 (Iron and/or Steel Articles)	1	05–24–83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–14434 Filed 5–27–83; 8:45 am]

BILLING CODE 7035–01–M

Water Carriers

F.D. 30154. By decision of May 23, 1983, issued under 49 U.S.C. 10928 the Interstate Commerce Commission approved the transfer to GCI, Inc., of Certificates No. W–654 and W–654 (Sub-Nos. 1, 2, and 4) issued April 24, 1958, and No. W–654 (Sub-No. 8) issued June 27, 1978, to Warrier & Gulf Navagation Company authorizing the transportation of general commodities by self propelled vessels and by nonself-propelled vessels with the use of separate towing vessels between 55 named Pacific Coast ports, on the one hand, and, on the other, 8 named Gulf of Mexico ports and 33 named Atlantic Coast ports, through the Panama Canal, subject to the payment of the application filing fee set forth in 49 CFR 1002.2(d)(30).

Applicant's representatives are: Richard J. Munsch, Room 1569, 600 Grant Street, Pittsburgh, PA 15230; and Fritz R. Kahn, Suite 1100, 1660 L Street, NW., Washington, DC 20036

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–14438 Filed 5–27–83; 8:45 am]

BILLING CODE 7035–01–M

[1] Note: Tariff Supplements advancing contracts' effective date shall refer to this decision for authority.

DEPARTMENT OF JUSTICE

Agency Forms Under Review

May 26, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96–511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer Larry E. Miesse—202–633–4312.

EXTENSION (No Change in Substance or Method of Collection)

- Office of Juvenile Justice and Delinquency Prevention

Department of Justice
Compliance Monitoring Report
State or local governments
Section 223(a)(15) of the Juvenile Justice Delinquency Act requires states which receive formula grant awards to develop a system of monitoring juvenile and correctional facilities to ensure that three legislative requirements are met and requires states to annually report the results of this monitoring. The results are used to determine State eligibility to continue participation in the JJDA Act:
52 respondents; 7,800 hours; not applicable under 3504(h).
David Reed—395–7231

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 83–14432 Filed 5–27–83; 8:45 am]
BILLING CODE 4410–01–M

Drug Enforcement Administration

[Docket No. 83–5]

Anthony J. Crisanti, D.D.S., Chicago, Illinois; Hearing

Notice is hereby given that on January 5, 1983, the Drug Enforcement Administration, Department of Justice, issue to Anthony J. Crisanti, D.D.S., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AC7813860, and deny his application, executed on August 4, 1982, for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, June 7, 1983, commencing at 9:30 a.m. in the Occupational Safety and Health Review Commission Hearing Room, Room 1530, 55 East Monroe Street, Chicago, Illinois.

Dated: May 23, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83–14452 Filed 5–27–83; 8:45 am]
BILLING CODE 4410–09–M

[Docket No. 83–13]

Philip C. Gradolph, M.D., Evanston, Illinois; Hearing

Notice is hereby given that on April 6, 1983, the Drug Enforcement Administration, Department of Justice, issued to Philip C. Gradolph, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AG1047011, and deny his application, executed on September 30, 1982, for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Thursday, June 9, 1983, in the Occupational Safety and Health Review Commission Hearing Room, Room 1530, 55 East Monroe Street, Chicago, Illinois.

Dated: May 23, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83–14451 Filed 5–27–83; 8:45 am]
BILLING CODE 4410–09–M

Importation of Controlled Substances; Philadelphia Seed Co.; Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on February 15, 1983, Philadelphia Seed Company, Division of Stanford Seed Company, Muddy Creek Road, Lancaster County, Denver, Pennsylvania 17517, made application to the Drug Enforcement Administration to be registered as an importer of Marihuana (7360), a basic class controlled substance in Schedule I.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than June 30, 1983.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46

(September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: May 20, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: May 20, 1983.

[FR Doc. 83-14449 Filed 5-27-83; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Sigma Chemical Co.; Application

Pursuant to Section 1008 of the Controlled substances Import and Export act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 or Title 21, code of Federal Regulations (CFR), notice is hereby given that on February 1, 1983, sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Marihuana (7360)	I.
Tetrahydrocannabinols (7370)	I.
Mescaline (7381)	I.
Morphine-3-Gluronide (9329)	III.

As to the basic classes of controlled substances listed above for which application for registration has been made, any other applicant therefore, and any existing bulk manufacturer registered therefore, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later that June 30, 1983.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: May 20, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-14450 Filed 5-27-83; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 82-34]

Ray Roya, M.D., Chicago, Illinois; Hearing

Notice is hereby given that on September 28, 1982, the Drug Enforcement Administration, Department of Justice, issued to Ray Roya, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, dated August 31, 1982, for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m., on Wednesday, June 8, 1983, in the Occupational Safety and Health Review Commission Hearing Room, Room 1530, 55 East Monroe Street, Chicago, Illinois.

Dated: May 23, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-14463 Filed 5-27-83; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period May 16, 1983—May 20, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, toand the the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,854; Sanyo Manufacturing Corp., Forrest City, AR

TA-W-13,663; Mardan Corp., DBA C.G. Conn Limited, Abilene, TX

TA-W-13,826; International Hat Co., Oran, MO

TA-W-13,936; General Electric Co., LST Foundry, Erie, PA

TA-W-13,835; Aarving Displays, Inc., Linden, NJ

TA-W-13,898; Conaway-Winter, Inc., Mountain View, MO

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-14,163; Kay-Fries, Inc., Stony Point, NY

TA-W-14,370; Midway Manufacturing & Supply, Inc., Odessa, TX

TA–W–14,217; RCA Corp., Consumer Electronics Div., Monticello, IN
TA–W–14,404; Anaconda Minerals Co., Butte, MT
TA–W–13,743; Occidental Minerals Corp., Candelaria Partners Mine, Hawthorne, NV
TA–W–13,872; GTE Products Corp., Circuit Products Div., Muncy, PA
TA–W–14,226; The Kentland Elkhorn Coal Corp., Pike County, KY

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–14,161; Great Western Sugar Co., Bayard, NE
Aggregate U.S. imports of beet sugar did not increase as required for certification.
TA–W–14,485; Harsco Corp., Heckett Div., Plant #42, Fontana, CA
Aggregate U.S. imports of scrap are negligible.
TA–W–13,939; RMI Co., Ashtabula, OH
Aggregate U.S. imports of titanium mill products did not increase as required for certification.
TA–W–14,174: RMI Co., Niles, OH
Aggregate U.S. imports of titanium mill products did not increase as required for certification.
TA–W–13,987; ALU Textile Combining Corp., Hoboken, NJ
The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

Affirmative Determinations

TA–W–14,171; Clark Equipment Co., Benton Harbor, MI
A certification was issued covering all worker engaged in the production of front-end loaders separated on or after October 1, 1982 and before February 1, 1983.
TA–W–13,972; Boart Hardmetals, Inc., Myerstown, PA
A certification was issued covering all workers of the firm separated on or after November 9, 1981.
TA–W–13,845; Washington Garment Co., Washington, PA
A certification was issued covering all workers separated on or after September 22, 1981 and before December 31, 1982.
TA–W–13,941; Wheaton Glass Co., Millville, NJ
A certification was issued covering all workers of the firm separated on or after December 1, 1981.
TA–W–13,782; Bata Shoe Co., Inc., Elkins Div., Elkins, WV
A certification was issued covering all workers of the firm separated on or after March 12, 1982.
TA–W–13,866; Bethlehem Steel Corp., Los Angeles Plant, Vernon, CA
A certification was issued covering all workers producing carbon and alloy steel bars and basic and semifinished steel separated on or after October 15, 1981.
TA–W–13,981; Stackpole Components Co., Lumberton, NJ
A certification was issued covering all workers of the firm separated on or after January 1, 1982.
TA–W–14,191; Jondel Industries, Inc., New York NY
A certification was issued covering all workers of the firm separated on or after November 1, 1982.
TA–W–14,164; Levi Strauss & Co., Beaufort, SC
A certification was issued covering all workers of the firm separated on or after December 1, 1981 and before March 15, 1983
TA–W–13,605; Joseph Love, Inc., College Point, NY
A certification was issued covering all workers separated on or after June 1, 1981 and before June 1, 1982.
TA–W–13,632; Marsh Instrument Co., A Div. of General Signal Corp., Skopie, IL
A certification was issued covering all workers of the firm producing vaccum and pressure gauges and thermometers who became separated on or after June 24, 1981.
TA–W–14,208; Monessen Works, Wheeling-Pittsburgh Steel Corp., Monessen, PA
A certification was issued covering all workers engaged in employment related to the production of basic and semifinished steel separated on or after January 4, 1982.
TA–W–13,851; International Harvester Co., Springfield, OH
A certification was issued covering all workers separated on or after September 26, 1981.
TA–W–14,179; E-Systems, Inc., Memcor Div., Huntington, IN
A certification was issued covering all workers of the firm separated on or after December 3, 1982.
TA–W–13,699; Ely and Walker, Inc., Kennett, MO
A certification was issued covering all workers separated on or after September 15, 1981 and before January 15, 1983.
TA–W–13,796; Ely and Walker, Inc., Heber Springs, AR
A certification was issued covering all workers separated on or after September 15, 1981 and before January 15, 1983.
TA–W–13,678; Hartford Special, Inc., Simsbury, CT
A certification was issued covering all workers separated on or after January 1, 1982.
TA–W–13,709; Gulf & Western Manufacturing Co., Monroe Steel Casting Div., Monroe, MI
A certification was issued covering all workers separated on or after July 28, 1981 and before July 1, 1982.
TA–W–14,196; Weather Wise, Inc., New York, NY
A certification was issued covering all workers of the firm separated on or after September 30, 1982.
TA–W–14,197; Mickey Blumfield, Inc., New York NY
A certification was issued covering all workers of the firmseparated on or after September 30, 1982.
TA–W–13,715; Cooper-Wiss, Newark, NJ
A certification was issued covering all workers engaged in employment related to scissors and shears separated on or after January 1, 1982.
TA–W–13,715A; Cooper Wiss, Statesboro, GA
A certification was issued covering all workers engaged in employment related to scissors and shears separated on or after January 1, 1982.

I hereby certify that the aforementioned determinations were issued during the period May 16, 1983—May 20, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: may 24, 1983.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 83–14486 Filed 5–27–83; 8:45 am]
BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations

will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 10, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 10, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 23rd day of May 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Chicago Bridge & Iron Co. (C.B.I. Nuclear Co.) (workers)	Memphis, TN	5/16/83	5/10/83	TA-W-14,644	Nuclear reactors, nuclear reactor parts, heavy metal fabricated products, coal fractionators.
Diamond Tool & Horseshoe Co (workers)	Duluth MN	5/16/83	5/10/83	TA-W-14,645	Hand tools.
Donn Products, Inc. (workers)	Lackawanna, NY	5/17/83	5/13/83	TA-W-14,646	Suspended ceilings grid, and pre-fabricated wall systems.
Dravo Corp., Dravo Marine Equipment Co. (IUMSWA	Pittsburgh, PA	5/17/83	5/13/83	TA-W-14,647	Towboats, barges, steel making equipment.
Endicott Forging & Mfg. Co., Inc (Int'l Brotherhood of [redacted].	Endicott, NY	5/17/83	5/13/83	TA-W-14,648	Closed die custom steel forgings.
Foote Mineral Co. (company)	New Johnsonville, TN	5/16/83	5/3/83	TA-W-14,649	Electrolytic managanese.
Harbor Manufacturing Co., Inc (USWA)	Genoa, OH	5/17/83	5/9/83	TA-W-14,650	Tank thread, end plate, end connector, center guide, drop forgings.
McNeil Akron, Inc. (USWA)	Akron, OH	5/16/83	4/20/83	TA-W-14,651	Fabricating shop—build machinery.
Microdot Fastening Systems, Central Screw-Frankfort Division (workers).	Frankfort, KY	5/17/83	5/12/83	TA-W-14,652	Threaded male fasteners.
Oerlikon Motch Corp. (IAM&AW)	Euclid, OH	5/16/83	4/29/83	TA-W-14,653	Vertical N.C. turning machines.
Oneida Materials Co. (workers)	Pueblo, CO	5/16/83	4/23/83	TA-W-14,654	Process coke dust and iron oxide wastes.
(The) S.P. Manufacuring Corp. (IAM&AW)	Solon, OH	5/16/83	4/28/83	TA-W-14,655	Machine tool accessories.

[FR Doc. 83-14486 Filed 5-27-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,487]

Lello Fashions, North Bergen, New Jersey; Revised Determination on Reconsideration

On April 28, 1983, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers at Lello Fashions, North Bergen, New Jersey. This determination was published in the **Federal Register** on May 5, 1983 (48 FR 20525).

A company official of Lello Fashions claims that their major manufacturer in 1980 closed in 1981 and the Department certified those workers for trade adjustment assistance.

The Department's review of the initial investigation showed that the Department's Notice of Negative Determination was based on the fact that the "contributed importantly" test of Section 222 of the Trade Act of 1974 was not met.

On reconsideration, the Department found that Lello Fashions' major manufacturer in 1980 closed in 1981 with the Department certifying those workers for trade adjustment assistance, TA-W-12,491.

Production of ladies' coats at Lello Fashions is equal to sales. Sales decreased in 1981 compared to 1980 and in every quarter of 1981 compared to the same quarter in 1980. Average employment decreased in 1981 compared to 1980 and in the second, third and fourth quarters of 1981 compared to the same quarters in 1980.

U.S. imports of women's, misses', and children coats and jackets increased absolutely and relative to domestic production in 1981 compared to 1980 and absolutely in the first nine months of 1982 compared to the same period in 1981. The ratio of U.S. imports to domestic production in 1981 was 98.4 percent.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with ladies' coats produced at Lello Fashions, North Bergen, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers and former workers of Lello Fashions, North Bergen, New Jersey. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination: "All workers of Lello Fashions, North Bergen, New Jersey who became totally or partially separated from employment on or after May 13, 1981 are eligible to apply for adjustment under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C., this 20th day of May 1983.

Robert O. Deslongchamps,

Acting Deputy Administrator, Unemployment Insurance Service.

[FR Doc. 83-14485 Filed 5-27-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W13,978]

Mountain States Mineral Enterprises, Inc., Tucson, Arizona; Affirmative Determination Regarding Application for Reconsideration

By an application dated May 5, 1983, company officials requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of workers and former workers of Mountain States Mineral Enterprises, Inc., Tucson, Arizona. The determination was published in the **Federal Register** on April 19, 1983 (48 FR 16779).

The application for reconsideration claims that the workers do, in fact, produce an article. About half of their sales resulted from the manufacture of fabricating machinery for beneficiating ore, i.e. heavy duty separators and sink/float vessels.

Conclusion

After careful review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is therefore, granted.

Signed at Washington, D.C., this 20th day of May 1983.

Harold A Bratt,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 83-14484 Filed 5-27-83; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Washington State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Asistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the **Federal Register** (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington Plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Sections 1952.120–124 of Subpart F set forth the State's schedule for the adoption of Federal standards.

By letters dated November 19, 1980 and June 19, 1981 from James P. Sullivan, Assistant Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State-initiated amendments to WAC 296–24–045—Safety and Health Committee Plan, WAC 296–24–060—First Aid Training and Certification, and WAC 296–24–070—First Aid Room. These amendments, which are contained in WAC 296–24—General Safety and Health standards, expand the scope with the addition of standards which are more stringent than the comparable Federal standards, 29 CFR 1910.151 Medical Services and First Aid. These standards were promulgated by the State pursuant to 34.04 RCW and of the Open Public Meetings Act of 1971, Chapter 42.30 following public hearings and were held on September 18, 1980 and April 23, 1981. The standards became effective December 12, 1980 and July 17, 1981.

2. *Decision.* Having reviewed the State submission in comparison with Federal standards, it has been determined that the State standards continue to be at least as effective as the comparable Federal standards and accordingly should be approved. The differences in the State standards are: (a) The provisions for detailed requirements for safety and health committees, (b) requirements for specific persons who are required to have first aid instructions and certificates, and (c) requirements for first aid rooms.

3. *Location of supplement for inspection and copying:* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501; and the Office of State Programs, Room N3613, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are as effective as the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State law and further participation would be unnecessary.

This decision is effective May 31, 1983.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 2d day of March 1982.

James W. Lake,

Regional Administrator.

[FR Doc. 83-14382 Filed 5-27-83; 8:45 am]

BILLING CODE 4510-26-M

MERIT SYSTEMS PROTECTION BOARD

Penalties for Violations of the Hatch Act by Federal Employees

AGENCY: Merit Systems Protection Board.

ACTION: Notice of hearing and the opportunity to participate in oral argument in the case of *Special Counsel* v. *Jim J. Dukes,* Docket No. HQ120600020.

SUMMARY: On June 23, 1983 at 10:00 a.m. in Room 801, 1120 Vermont Avenue, N.W., Washington, D.C., the Board will hear oral argument in the case of *Special Counsel* v. *Jim J. Dukes,* Docket No. HQ120600020. At issue in that case and in others pending before the Board is the question of whether 5 U.S.C. 7325 permits the Board to impose a penalty of less than 30 days suspension on a federal employee found to have violated that section's provisions concerned with taking an active part in a partisan political campaign in violation of 5 U.S.C. 7324.

In addition to the parties to the *Dukes* case, the Board invites participation by interested persons, agencies and labor organizations. Requests to participate in the argument must be made in writing and received by the General Counsel of the Board on or before June 15, 1983. They should be accompanied by a brief or other legal argument indicating the position the requestor is expected to take at the hearing and the legal reasons therefor. Interested parties who do not wish to participate in the oral argument may file amicus briefs by the same date. In order to eliminate duplicative argument, the Board may limit participation in the oral argument. All written matters received will, however, be considered by the Board.

The Board believes the following questions may be relevant to ultimate resolution of the underlying issue:

1. Does the Board have inherent or specific authority to determine the appropriate penalty for a violation by a Federal employee of the Hatch Act?

2. To what extent are the provisions of 5 U.S.C. 1505 relating to state and local government employees relevant to determining this question?

3. If the Board imposes the statutory minimum penalty, may it suspend or

remit all or a portion of it during good behavior by the employee?

4. Can the Board impose alternative sanctions which result in a monetary loss to the employee equal to the statutory minimum penalty: For example, a suspension totaling 30 days but running one day a pay period, or a forfeiture of accrued annual leave, or some combination of the above?

5. Whether the Special Counsel's prosecutorial discretion in these matters creates an appropriate mechanism for treating technical violations of the Hatch Act such that modification of the statutory minimum penalty is unnecessary? In this regard, is the Special Counsel authorized to charge an employee occupying a position in the competitive service with violation of 5 CFR 4.1 in lieu of a charge of violation of the Hatch Act?

6. May the employee and the agency, with agreement of the Special Counsel, settle a Hatch Act case with the result that 5 U.S.C. 7503 may be used to effect a suspension of less than 30 days?

DATE: Request to participate should be made on or before June 15, 1983.

ADDRESSES: The original and one copy of each amicus brief submitted in response to this notice shall be filed with the Office of the General Counsel of the Board and addressed as follows: Kenneth W. Goshorn, Office of General Counsel, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Goshorn, Merit Systems Protection Board, (202) 653–7171, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

SUPPLEMENTARY INFORMATION: The recommended decision of the Administrative Law Judge in the *Dukes* case provides as follows:

This proceeding arose as a result of a Complaint for disciplinary action against Respondent, Jim J. Dukes, filed on July 9, 1980 by the Office of Special Counsel. The Complaint charged Respondent with taking an active part in a political campaign in violation of 5 U.S.C. 7324(a), the Hatch Political Activities Act ("the Hatch Act"). Pursuant to a request of the parties, the Administrative Law Judge to whom this matter had been initially referred issued a decision recommending that the Board accept and approve a Joint Motion for Acceptance of Settlement Agreement. The Board declined to adopt the Recommended Decision and remanded the case for further proceedings. On September 28, 1982, a hearing was held before me in Brownsville, Texas.

Written briefs were timely filed by the parties and have been considered. However, Respondent's Motion to Strike that portion of Petitioner's Memorandum of Points and Authorities in Support of Proposed Findings of Fact and Conclusions of Law, found at page 2, paragraphs 2 and 3, is hereby granted inasmuch as the offending portion refers to the substance of a stipulation which was voided when the settlement agreement was rejected by the Board. Upon the record of the hearing considered as a whole, I make the following recommended findings and conclusions:

Findings of Fact

The Respondent, Jim J. Dukes, has been employed since 1975 as a Customs Patrol Officer with the United States Customs Service in Brownsville, Texas. In September, 1978, Respondent enrolled in an undergraduate course entitled "American Political Parties" at Pan American University where he was a candidate for a Master's Degree in Government. The course required students to become involved in a political campaign to the extent necessary to prepare a paper describing the mechanics of conducting a political campaign. Prior to that time, Respondent had never participated in a partisan political election. Aware that the Hatch Act restricted the types of political activity in which federal employees can engage, Respondent informed his instructor that his involvement with a campaign would be limited.

Before becoming involved in Senator John Tower's reelection campaign,[1] Respondent made several efforts to determine exactly what activities the Hatch Act proscribes. He researched the applicable federal regulations at a local college library. Using the phone number provided by his instructor, Respondent next contacted a Harvey Littrell, Brownsville campaign manager for the reelection of Senator Tower. Littrell, in turn, sought the advice of an attorney at Tower Campaign Headquarters in Austin, Texas. The attorney, whose name neither Littrell nor Respondent can recall, purportedly told both men that involvement in "behind-the-scenes" activities, including telephone polling, was permissible under the Act. Respondent also discussed the situation in general with his supervisor, Alton Gammon. However, Respondent did not seek official guidance from the Merit Systems Protection Board regarding prohibited and permissible activity under the Act.

Over a period of three or four weeks, Respondent contributed a total of 10–20 hours as a volunteer at Tower's Brownsville campaign office, limiting his involvement in accordance with his research and the advice he received from Tower Headquarters. In addition to observing, Respondent occasionally answered telephones when no one else was at the office, a situation which occurred because the demands of full time employment and graduate school made it impossible for him to volunteer time during regular campaign office hours. On one such occasion, Littrell had to leave the office when no other campaign workers were present; Respondent was given a key to the office and asked to lock it when he left. On another occasion, Respondent participated in a voter identification survey designed to determine voter preference in the election. This activity involved telephoning registered voters listed on a computer printout and delivering a "canned speech" which required Respondent to identify himself as a Tower volunteer and ask if the person was going to vote for the Senator. The purpose of the poll was limited to determining Tower's support among local voters and to aiding in the development of campaign strategy. No attempts were made in this poll to solicit support for Senator Tower nor were any campaign issues discussed.

Respondent made telephone calls on election eve to remind previously identified Tower supporters to vote. Respondent refused when asked to drive voters to the polls, believing such activity to be violative of the Hatch Act. After the election, Respondent aided Littrell in tabulating the telephone poll results to compare it to the actual voting.

In fulfillment of this course requirement, Respondent subsequently wrote a facetious account of his observations and campaign activities, knowing that his instructor, a personal friend, would appreciate a humorous rendition of how little impact Respondent's involvement and the small Brownsville office actually had on the campaign. Although Respondent considers himself a Republican, and admittedly desired the election of Senator Tower over his opponent, Respondent's sole reason for becoming involved in Tower's campaign was to fulfill a college course requirement and his involvement with that campaign was limited to activities which he in good

[1] Respondent's choices of which campaign to work for were limited to two: the reelection of Senator John Tower (R–TX), and the campaign of Tower's Democratic opponent, Bob Kruger. The course instructor provided students with telephone numbers of the local campaign managers for both candidates.

faith believed to be permissible under the Hatch Act.

Conclusions of Law

It is undisputed that inasmuch as Respondent is an employee of the U.S. Customs Service, he is subject to the Hatch Act prohibitions against federal employees taking an active part in partisan political management or campaigns. 5 U.S.C. 7324(a)(2). Special Counsel contends that Respondent's activities in connection with the Tower campaign constitute a violation of the statute as interpreted by 5 CFR 733.122(b) (5) and (7).[2] As a threshold matter, Respondent urges that the charge in the instant case be found to be unconstitutionally vague and thus violative of Respondent's right to procedural due process. (Respondent's Brief at 1–3.) Relying on dicta contained in *In re McDuffie*, 1 MSPB 7, 8 n.4 (1979),[3] Respondent avers that "Special Counsel has applied the [Hatch Act] in an unconstitutional manner by its failure in either the Complaint or hearing to tie the allegations against Respondent to one of the specific regulatory prohibitions" found in 5 CFR 733. (Respondent's Proposed Conclusions of Law at 6, paragraph 3.)

Respondent has raised an appealing argument, but I cannot conclude as a matter of law that his constitutional right to procedural due process has been violated. The concept of procedural due process implies that official action must meet minimum standards of fairness to the individual, which encompass the right to adequate notice and a meaningful opportunity to be heard before a decision is made. In the context of Hatch Act complaints, this notion is generally interpreted as adopting the philosophy of "Notice Pleading": A Complaint is sufficiently detailed if it provides the Respondent with enough information to enable him to understand the charges and raise a proper defense. *In re Wiles*, 1 P.A.R. 865, 866 (1963). Although the Complaint in this action does not specifically refer to the regulatory authority upon which Special Counsel relies, the charges make clear that disciplinary action is being sought because of "a variety of tasks" Respondent performed "in Senator Tower's Brownsville, Texas, campaign headquarters," (Complaint at paragraph 5), and that Special Counsel is relying on Respondent's account of his activities in connection with the partisan political campaign, as detailed in his term paper, to support the theory that such participation constitutes a violation of 5 U.S.C. 7324(a)(2). (Complaint at paragraphs 7–9). A cursory glance at the pertinent regulatory authority clearly suggests that the charge is tied to 5 CFR 733.122(b) (5) and (7) which interpret the substance of the prohibitions declared in section 7324(a)(2). Furthermore, the record as a whole amply shows that Respondent was sufficiently apprised of the charges against him to allow his able counsel to present a defense. Thus, the due process safeguards which caused concern in *McDuffie* have been met.

The sole question, then, is whether Respondent's participation in the voter preference poll, the telephoning to remind previously identified Tower supporters to vote, and the so-called "caretaker activities" in which Respondent engaged constitute "an active part in political management or in [a] political campaign" in violation of the Hatch Act as interpreted by 5 CFR 733.122(b) (5) and (7). Or, alternatively, whether, as Respondent claims, his activities "in connection with the re-election campaign of Senator Tower were so minimal as to fail to rise to the level of an 'active part' in a political campaign." (Respondent's Proposed Conclusions of Law at paragraph 4). Although I can hardly conclude that Respondent's activities rose to the managerial level, I am constrained to conclude that Respondent's activities nevertheless constitute a violation of the Hatch Act as interpreted by 5 CFR 733.122(b)(7).

The meaning of taking an "active part" in a political campaign may properly be the subject of a semantic debate, but the legal standard is clear: any activity directed toward the success of any partisan political party or its candidate is in contravention of the Hatch Act. *United Pub. Workers of Am.* v. *Mitchell*, 330 U.S. 75, 100 (1947); *In re Osheim*, 2 P.A.R. 734, 738 (1966), *aff'd sub nom. U.S. Civil Service Commission* v. *Osheim*, 299 F.Supp. 317 (E. D. Wis. 1969). In this regard, Respondent's participation in both the voter preference survey and his telephone calls to previously identified Tower supporters are clearly prohibited activities. Furthermore, based on legislative history and statutory construction, this latter activity must be viewed as giving rise to a direct violation of subsection (b)(7). In 1940 when the Hatch Act was extended to cover employees of state and local agencies, Senator Hatch inserted into the Congressional Record a card listing 18 rules which were described as embodying the Civil Service Commission's construction of Civil Service Rule 1, the original proscription of active participation by federal employees in political management or political campaigns. 86 Cong. Rec. 2943. In pertinent part, Rule 8 provided: "Employees may vote as they please, but they must not solicit votes; mark ballots for others; help to get out votes; * * *" It is within this context that subsection (b)(7) must be construed since the administrative restatement of Civil Service Rule 1 law was intended by Congress to serve as its definition of proscribed partisan activity. *See generally, CSC* v. *Letter Carriers*, 413 U.S. 548 (1973). To be sure, regulations promulgated under the Hatch Act should be narrowly construed because they restrict the right of individuals to participate in the political process. *See United States* v. *Rumely*, 345 U.S. 41, 47 (1973). Under a properly narrow construction of subsection (b)(7), telephone calls made for the purpose of reminding identified Tower supporters to vote is tantamount to solicitation of support. A voter may be identified as a supporter of one particular nominee, but that support is not assured until he actually casts his ballot. Thus, reminding him to do so is indistinguishable from solicitation. And the initial determination of a voter as a campaign supporter is merely the first step in the process. Nowhere in the legislative history of the Hatch Act does there appear to have been an attempt to differentiate between degrees of political involvement. *See generally, CSC* v. *Letter Carriers, supra*. If a line is to be drawn at all, it must be along the lines of the type of conduct undertaken. Had Respondent's involvement been limited to the role of passive observer—much like that of a reporter, for instance—, there would be little

---

[2] The pertinent regulations appearing in 5 CFR 733.122 provide as follows:

§ 733.122 Political management and political campaigning; prohibitions.

(b) Activities prohibited by paragraph (a) of this section include but are not limited to—

(5) Taking an active part in managing the political campaign of a partisan candidate for public office or political party office;

(7) Soliciting votes in support of or in opposition to a partisan candidate for public office or political party office.

[3] In a footnote, the Board stated as following:

Reliance upon the general language of 5 U.S.C. 7324(a)(2) without reference to a particular regulation would be questionable and was not urged by the Government in this case. In fact, the Government relied particularly on 5 CFR 733.122(b)(6). Section 7324(a)(2) was challenged as being unconstitutionally vague and overbroad in *C.S.C.* v. *Letter Carriers*, 413 U.S. 548 (1973). It survived the challenge largely because of the specific regulations promulated in 5 CFR Part 733. *See id.* at 571.81. Thus, it is possible that failure to tie a charge to a specific regulatory provision would be an unconstitutional application of the statute, even though the statue is valid on its face. *Id.* at 8–9 n.4.

VOL 48 ISS 105 MAY 31 1983 UMI

question as to whether or not the Act had been violated.

Respondent draws attention to case support for the proposition that campaign activities of a *de minimus* nature are not unlawful. (Respondent's Brief at 5, *citing Gray* v. *Macy*, 358 F.2d 742 (9th Cir. 1966)). Whatever might be the precedential value of that decision, I am convinced that it can not be applied as determinative of the instant action. Respondent's case requires independent consideration inasmuch as the *Gray* opinion contains only bald conclusions of law with no exposition of the factual detail relied upon in reaching those *Pfitzenmeyer*, 1 P.A.R. 628 (1952)[4] and *In re Olsen*, 1 P.A.R. 816 (1960) support the theory that imposition of a penalty is not required where violations are of a *de minimus* nature and for unwitting violations. (Respondent's Brief at 8–10). While such an approach in situations such as this one may be desirable, those cases are clearly distinguishable. In *Pfitzenmeyer*, the employee had requested permission from his supervisors to run as the Democratic candidate for the Office of Justice of the Peace. The case was closed inasmuch as the employee had received erroneous permission from his superiors. Although Respondent discussed with his supervisor to some extent his involvement with the Tower campaign, there is no evidence in the record that Respondent actually sought Gammon's official permission. In contrast with Respondent's activities, the employee in *Olsen* did not intend the results of his actions. He did not intend to allow use of his name, nor did he know it would be used, in a partisan advertisement.

The violation in this case took place under extremely mitigating circumstances and is certainly a technical one. However, despite the fact that Respondent's campaign activities were minimal, that he intended no wrongdoing, and that he affirmatively acted to avoid a violation of the Hatch Act, the fact that he undertook the activity in pursuit of an academic endeavor is of no consequence. While his professor may have presented him with somewhat of a Hobson's choice, the Hatch Act cannot be so loosely construed so as to permit indirectly that which he cannot do directly. It would appear that in cases like this one the only avenue to avoid the imposition of a penalty which is arguably excessive in relation to the violation is that of prosecutorial discretion. Accordingly, I am constrained to recommend that the minimum penalty of a 30-day suspension from work be imposed * * *.

Dated: May 24, 1983.

For the Board.

———,

Chairman.

[FR Doc. 83–14473 Filed 5–27–83; 8:45 am]

BILLING CODE 7400–01–M

[4] However, a reading of the District Court Decision in *Gray*, 239 F.S. pp. 658 (1965), and the cases cited therein, gives the impression that the Court of Appeals was distinguishing "active participation" from freedom of expression and was not attempting to fashion a *de minimus* rule.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 82–52]

Intent To Grant an Exclusive Patent License; John W. Lowrey III

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant and exclusive patent license.

SUMMARY: NASA hereby gives notice of intent to grant to John W. Lowrey, III of Mansfield, Louisiana, a limited, exclusive royalty-bearing, revocable license to practice the invention described in U.S. Patent No. 3,412,729 for a "Method and Apparatus for Continuously Monitoring Blood Oxygenation, Blood Pressure, Pulse Rate, and the Pressure Pulse Curve Utilizing and Ear Oximeter as Transducer" which issued on November 26, 1968, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with NASA Patent Licensing Regulations, 14 CFR Part 1245, Subpart 2. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentations. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this notice must be received by August 1, 1983.

ADDRESS: National Aeronautics and Space Administration, Code GP–4, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John G. Mannix, Director of Patent Licensing, (202) 755–3954.

Dated: May 20, 1983.

S. Neil Hosenball,

General Counsel.

[FR Doc. 83–14410 Filed 5–27–83; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 1100 Pennsylvania Avenue, NW., Old Post Office, Washington, D.C. 20506.

Date: June 22, 1983.
Time: 8:00 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review applications submitted to the Research Resources: Publications Panel, Division of Research Programs, for projects beginning after October 1, 1983.

Date: June 24, 1983.
Time: 8:00 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review applications submitted to the Research Resources: Publications Panel, Division of Research Programs, for projects beginning after October 1, 1983.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83–14469 Filed 5–27–83; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Metal Components; Meeting

The ACRS Subcommittee on Metal Components will hold a meeting on June 14 and 15, 1983, at the American Museum of Science and Energy, 300 South Tulane Avenue, Oak Ridge, TN.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, their consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessay time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, June 14, 1983—8:30 a.m. until the conclusion of business

The Heavy Section Steel Technology (HSST) research site will be visited and the mid-year review of the HSST program will be discussed.

Wednesday, June 15, 1983—8:30 a.m. until the conclusion of business

The Subcommittee will review the status of the pressurized thermal shock (PTS) program.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., e.d.t.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: May 25, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–14482 Filed 5–27–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–289]

Metropolitan Edison Co., et al., Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

In the matter of Metropolitan Edison Company, Jersey Central Power & Light Co., Pennsylvania Electric Co., and GPU Nuclear Corp.

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation (the licensees), for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania.

The amendment requested would revise the Technical Specifications to recognize steam generator tube repair techniques, other than plugging, provided such techniques are approved by the Commission.

The licensees' application, dated May 9, 1983, further requested that the Commission approve, within the provisions of the proposed Technical Specification revision, the kinetic expansion steam generator tube repair technique used at the facility, thus permitting subsequent operation of the facility with the as-repaired steam generators.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant incease in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples, published in the **Federal Register** on April 6, 1983 (48 FR 14870). None of the examples, relating to whether significant hazards considerations are likely or unlikely, appear to be directly applicable to this amendment. The Commission, however, proposes to determine that the application does not involve a significant hazards consideration because compensatory measures will be employed to provide a level of safety in operation with the repaired steam generators commensurate with that anticipated of the facility had it not experienced the need to repair steam generators.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By June 27, 1983, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition

for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commision by a toll-free Telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Shaw, Pittmen, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Dated at Bethesda, Maryland, this 24th day of May 1983

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83–14461 Filed 5–27–83; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket S–736]

Delta Steamship Lines, Inc.; Section 605(c) of the Merchant Act, 1936, as Amended

Notice is hereby given that, by application dated April 13, 1983, as amended, Delta Steamship Lines, Inc. (Delta) has requested all the necessary approvals and consents to acquire from American President Lines, Ltd. (APL) two C6 container vessels with a capacity of 1012 TEUs and possibly a third container vessel of approximately 1100 TEUs from APL or elsewhere. Delta proposes to remove from subsidized service three C3 vessesl, the *Del Valle, Del Viento* and *Del Monte,* and to substitute the two or three container vessels on a one-for-one basis for two or three of six C4 Lucia-class vessels presently operating on Delta's Line A service on Trade Route 2 (TR 2) under Delta's Operating-Differential Subsidy

Agreement (ODSA), Contract No. MA/MSB–425.

Pursuant to its ODSA, Delta is required to provide on its Line A service a minimum of 48 and a maximum of 62 sailings annually, with required service on TR 2 between U.S. Altantic ports and a port or ports in the former Panama Canal Zone and West Coast of South America. On this service, Delta has the privilege of calling at certain ports on TR 4 (North Coast of Colombia; the Atlantic Coast Republic of Panama; the Dominican Republic; Maracaibo, Puerto Cabello, and La Guaira, Venezuela; Jamaica; the Netherlands West Indies; and Cuba (excluding Guantanamo Bay), provided that no more than 25 annual sailings may call at the ports of Maracaibo, Puerto Cabello, and La Guaira, Venezuela, and the North Coast of Colombia).

Delta presently operates six C4 Lucia-class vessels on its Line A service. Three of these vessels provide approximately bi-weekly service as far south as Ecuador and the remaining three provide approximately bi-weekly service as far south as Chile. Delta's vessels operating on this service also call at Caribbean ports on TR 4.

Delta proposes to operate the three container vessels it acquires on a basic fortnightly schedule on TR 2 as far south as Chile, substituting them for three Lucia-class vessels which presently provide this service. If Delta should only acquire two container vessels, fortnightly service will be provided with these vessel and one Lucia-class vessel. While the actual scheduling for all vessels deployed may vary according to market conditions, total sailings will not exceed contract authority.

Total liner traffic on TR 2 in 1982 amounted to 1,092,000 long tons, with exports totaling 370,000 tons and imports totaling 722,000 tons. In 1982, U.S.-flag liner ships carried 135,000 tons or 36 percent of the export trade and 160,000 tons or 22 percent of the import trade. The following table shows the number of long tons of export and import cargo carried on TR 2 during the period 1975–1982, and the U.S.-flag share:

TRADE ROUTE 2

	Liner Exports (long tons)			Liner Imports (long tons)		
	Total	U.S. Flag	Percent U.S.	Total	U.S. Flag	Percent U.S.
1982	370,000	135,000	36	722,000	160,000	22
1981	480,000	175,000	36	739,000	156,000	21
1980	506,000	180,000	35	674,000	115,000	17
1979	427,000	140,000	33	660,000	137,000	21
1978	311,000	94,000	30	645,000	119,000	18
1977	392,000	106,000	26	592,000	139,000	23
1976	336,000	104,000	31	657,000	144,000	22
1975	358,000	122,000	34	519,000	145,000	28

The table shows that during the eight-year period 1975–1982 U.S.-flag participation in the outbound liner trade on TR 2 ranged from a low of 30 percent in 1978 to a high of 36 percent in each of three years including 1982. The table also shows that U.S.-flag participation in the inbound liner trade did not exceed 28 percent during the period and ranged from a low of 17 percent in 1980 to a high of 28 percent in 1975.

Total liner traffic on TR 4 in 1982 amounted to 2,034,000 long tons, with exports totaling 1,644,000 tons and imports totaling 390,000 tons. In 1982, U.S.-flag liner ships carried 308,000 tons or 19 percent of the export trade and 88,000 tons or 23 percent of the import trade. The following table shows the number of long tons of export and import cargo carried on TR 4 during the period 1975–1982, and the U.S.-flag share:

TRADE ROUTE 4

	Liner Exports (long tons)			Liner Imports (long tons)		
	Total	U.S.-Flag	Percent U.S.	Total	U.S.-Flag	Percent U.S.
1982	1,644,000	308,000	19	390,000	88,000	23
1981	1,783,000	306,000	17	418,000	99,000	24
1980	1,814,000	273,000	15	456,000	86,000	19
1979	1,775,000	323,000	18	500,000	124,000	25
1978	1,522,000	322,000	21	490,000	110,000	22
1977	1,320,000	363,000	28	330,000	74,000	22
1976	1,557,000	449,000	29	532,000	118,000	22
1975	1,356,000	388,000	28	512,000	94,000	18

The table shows that U.S.-flag participation in the outbound liner trade on TR 4 declined from 28 percent in 1975 to 19 percent in 1982. On the other hand, U.S.-flag participation in the inbound liner trade increased from 18 percent in 1975 to 23 percent in 1982.

For information purposes it is noted that Trade Routes 2 and 4 have become increasingly containerized in recent years, and that Delta's C4 Lucia-class ships operating on its Line A service on TR 2, including TR 4 ports, have been operating at full capacity with respect to containerized cargo.

In addition to its Line A service, Delta is also authorized to provide separate subsidized services on TR 4 (U.S. Atlantic/Caribbean) and Trade Routes 23–24–25 (U.S. Pacific/Caribbean, East and West Coast South America). Delta requests that the container vessels it proposes to acquire be included in its existing transfer and interchange (substitution) privileges among TRs 2, 4 and 23–24–25. Delta's Lucia-class vessels presently have full transfer and interchange (substitution) privileges among these services. The container vessels are larger than the C4 Lucia-class vessels in terms of deadweight tonnage. However, Lucia-class vessels offer approximately 1,001,000 cubic feet

of cargo space, 753,000 cu. ft. of under deck space and 249,000 cu. ft. in the 226 on-deck containers. The container vessels offer an equivalent of approximately 1,113,000 cu. ft. of cargo space in the 1012 TEU container capacity. The applicant considers that the container vessels and the Lucia-class vessels are comparable in capacity so that no notice under section 605(c) as a legal matter is required.

Any person, firm, or corporation having an interest in the application who desires to submit comments thereon is invited to file a written statement in triplicate, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20509 by the close of business on June 10, 1983.

The Board specifically invites comments on the following issues: (1) Whether the service with two or three C6 vessels in an existing or additional service, and whether the relevant trade is liner, containerizable or some other trade, (2) whether granting Delta's request to operate two or three C6 container vessels on TRs 2 and 4 with subsidy will give undue advantage or be unduly prejudicial as between U.S. citizens operating vessels on TRs 2 and 4, (3) whether U.S.-flag service on TRs 2 and 4 is and will be inadequate, and (4) whether it would be in the accomplishment of the purposes and policy of the Act for Delta to operate on TRs 2 and 4 as proposed.

Any party requesting a hearing under Section 605(c) of the Merchant Marine Act, 1936, as amended, is to indicate the basis for any such hearing by addressing the issues on which comments are specifically invited. Unless the parties provide such specifics the Board may determine there is an insufficient basis to order a hearing on Delta's application. Any specifics will be considered in determining whether a hearing is required. In any event, the Board will consider the submissions of all interested parties and will determine the disposition to be made of the matters hereby noticed.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS))

Dated May 24, 1983.

By Order of the Maritime Subsidy Board.

Georgia P. Strmas,

Secretary.

[FR Doc. 83-14474 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-81-M

Urban Mass Transportation Administration

Section 15 Reporting System Advisory Committee; Meeting

AGENCY: Urban Mass Transportation, DOT.

ACTION: Notice of Section 15 Reporting System Advisory Committee meeting.

SUMMARY: In this Notice, the Urban Mass Transportation Administration (UMTA) announces the first meeting of the Section 15 Reporting System Advisory Committee. The Committee will provide advice concerning the quality and usefulness of the Section 15 Reporting System.

DATE: June 16–17, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Fisher, Office of Information Services, Room 6419, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–9157.

SUPPLEMENTARY INFORMATION:

Background

On August 27, 1981, UMTA issued a Notice in the **Federal Register** (46 FR 43352) announcing the establishment of the Section 15 Reporting System Advisory Committee. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611) requires the development of a national reporting system for public mass transportation financial and operating data. The Committee will act in an advisory capacity to UMTA. The Committee shall investigate the quality and usefulness of the Section 15 Reporting System with respect to its performance in providing meaningful information for the analysis of the transit industry.

All Committee meetings are open to the public. With the Chairman's approval, members of the public may speak at meetings in accordance with procedures established by the Committee. A written statement may be filed with the Committee at any time.

Location

Dates: Thursday, June 16, and Friday, June 17, 1983.

Time: 8:30 a.m.–4:00 p.m.

Place: Room 10214, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590.

Issued on May 24, 1983.

Arthur E. Teele, Jr.,

Administrator, Urban Mass Transportation Administration.

[FR Doc. 83-14472 Filed 5-27-83; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 467]

Winegrape Varietal Names Advisory Committee; Open Meeting

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of advisory committee meeting.

SUMMARY: An open meeting of the Winegrape Varietal Names Advisory Committee will be held at 9:00 am on June 16, 1983, in Room 3517, 525 Market Street, San Francisco, California.

SUPPLEMENTARY INFORMATION: At this meeting the Committee will continue its efforts toward compiling a complete listing of the names used for grapes now being commercially grown in the United States, and identifying those winegrape varietal names which may be incorrect, confusing, or deceptive. Reports will be received from subgroups on the questions of what the Committee should recommend concerning names now being used on wine labels which are not proper varietal names, and guidelines or procedures for the future addition of names to the varietal list which is now being developed.

The meeting will be open to the public. Any person who wishes to furnish written information or to address the Committee should submit the information or the request to appear to the Committee Manager at the address shown below. Requests to appear before the Committee should specify the purpose of the presentation, the subject matter to be covered, and the amount of time desired.

FOR FURTHER INFORMATION CONTACT: Melvin T. Bruce, Manager, Winegrape Varietal Names Advisory Committee, Room 6230, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226; (202–566–7568).

Signed: May 24, 1983.

W.T. Drake,

Acting Director.

[FR Doc. 83-14501 Filed 5-27-83; 8:45 am]

BILLING CODE 4810-31-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 105
Tuesday, May 31, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
National Science Board	1
Postal Rate Commission	2

1

NATIONAL SCIENCE BOARD

DATE AND TIME:
June 16, 1983, 9 a.m.
June 17, 1983, 9 a.m.

PLACE: University of Chicago, Chicago, Illinois.

STATUS: Most of this meeting will be open to the public.

MATTERS TO BE CONSIDERED AT THE MEETING: *Thursday, June 16, 9 a.m.:*

1. Minutes—May 1983 Meeting;
2. Precollege Mathematics and Science Education;
3. Discussion on Creativity and Innovation in Science; and
4. The Engineering Mission of NSF Over the Next Decade.

Friday, June 17, 9 a.m.:

2 and 4. Completion of Discussions on Science Education and Engineering.

[S-770-83 Filed 5-26-83; 11:33 am]
BILLING CODE 7555-01-M

2

POSTAL RATE COMMISSION

AGENCY: Postal Rate Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 22676, Thursday, May 19, 1983.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Thursday, May 26, 1983, at 2 p.m.

PLACE: Conference Room, Room 500, 2000 L Street NW., Washington, D.C. 20268.

STATUS: Closed (Pursuant to 5 U.S.C. 552b (c) (10).

CONTACT PERSON FOR MORE INFORMATION: Cyril J. Pittack, Acting Secretary (202) 254-3880.

CHANGES IN MEETING: Meeting rescheduled for Wednesday, June 1, 1983, at 12:30 p.m.

[S-771-83 Filed 5-26-83; 12:05 pm]
BILLING CODE 7715-01-M

VOL
48
ISS
1
0
5
MY
31
1983
UMI

federal register

Tuesday
May 31, 1983

Part II

Department of Housing and Urban Development

Solar Energy and Energy Conservation Bank

Financial Assistance Program; Interim Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Solar Energy and Energy Conservation Bank

24 CFR Part 1600

[Docket No. R-83-1053]

Financial Assistance Program

AGENCY: Solar Energy and Energy Conservation Bank, HUD.

ACTION: Interim rule.

SUMMARY: The Solar Energy and Energy Conservation Bank (the Bank), was established by the Energy Security Act of 1980. This interim rule sets forth the requirements for implementation of the Bank's program. Following the effective date of this rule, participating States will activate programs to provide financial assistance to individuals for eligible energy conservation measures on residential buildings of any size and passive solar energy measures on one- to four-family residential buildings.

Dates: Effective Date: May 31, 1982.

Comment Due Date: August 1, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Francis, Manager, Solar Energy and Energy Conservation Bank, Room 2244, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone: 202–755–7166 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Summary of Act: Subtitle A of Title V of the Energy Security Act, 12 U.S.C. 3601 *et seq.*, established the Bank within the Department of Housing and Urban Development (HUD). The purpose of the Bank is to encourage energy conservation and the use of solar energy, and thereby reduce the nation's dependence on foreign sources of energy supplies. The Bank is governed by a Board of Directors, consisting of the Secretaries of HUD (Chairperson), Energy, Treasury, Agriculture, and Commerce.

The statute (12 U.S.C. 3607) provides that, subject to other statutory provisions, the Bank may make payments to financial institutions for the purpose of providing financial assistance: (a) To owners of and tenants in existing one- to four-family and multifamily (more than four units) residential buildings for the purchase and installation of residential energy conserving improvements; (b) to owners who occupy and tenants in existing commercial and agricultural buildings for the purchase and installation of commercial energy conserving improvements; (c) to owners of one- to four-family and multifamily residential, commercial and agricultural existing buildings for the purchase and installation of solar energy systems; (d) to builders of newly constructed or substantially rehabilitated residential buildings for the purchase and installation of solar energy systems; and (e) to purchasers of new or substantially rehabilitated one- to four-family and multifamily, commercial and agricultural buildings containing solar energy systems. The financial assistance for residential or commercial energy conserving improvements (collectively referred to as "energy conservation measures" in this interim rule) or solar energy systems may be in the form of a reduction in the principal obligation of a loan or the qualifying portion of a loan, or a prepayment of the interest otherwise due on such loan or portion of such loan provided by one or more types of financial institutions. In the case of an owner of an existing one- to four-family residential building or a tenant in an existing one- to four-family or multifamily residential building, the assistance for energy conservation measures may also be in the form of grants.

The Bank's enabling statute provides for a wide range of possible forms and objectives of financial assistance to be delivered through one or more types of "financial institutions." This interim rule has been approved by the Board of Directors of the Bank in order to specify both the permissible uses of financial assistance and the system of delivering financial assistance.

Solicitation of Proposals

The Board determined that since State programs are within the parameters permitted by the statute and are based on the experience derived from on-going energy related activities influenced by regional and local needs and priorities, they provide the best method for an efficient and responsive delivery of the Bank's funds to financial institutions which assist persons to undertake energy conservation and solar energy measures. States were invited to submit proposals to the Bank for their participation in the program based on a Notice of Funding Availability which was published in the **Federal Register** on August 27, 1982. As used in the Notice, States included the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands. An amendment to the Notice was published on October 15, 1982, which extended the period for State responses until November 15, 1982.

Through its selection of State proposals, the Bank planned to implement its program by interrelating its funding with on-going State energy programs, focusing on low-to-moderate income persons, for: 1) urgently needed energy conservation measures in residential buildings of any size completed prior to January 1, 1980; and 2) passive solar energy systems in newly constructed or substantially rehabilitated one- to four-family residential buildings.

In considering which energy conservation and solar energy measures would be eligible for financial assistance under the Bank's program, the Board has given preference to the more conventional, cost-effective, and reliable of those permitted by statute. Those selected as eligible include various energy conservation measures and passive solar energy systems. The rationale for these selections is derived from work accomplished by the U.S. Department of Energy in the Residential Conservation Service Program (the program described in 10 CFR Part 456 as amended by amendments published at 47 FR 27752 and 47 FR 53224). Information contained in a Table of Program Measures included in the RCS Program rules identifies the eligible measures based on cost-effectiveness in which a measure has a calculated simple payback of seven years or less. The Table indicates that active solar measures are much less cost-effective than general conservation and passive solar measures. In addition, the Bank found that active solar energy systems also are not as reliable and present some rather complicated maintenance requirements which are not experienced with passive systems. The results of the many projects of HUD's residential solar heating and cooling demonstration program support this conclusion. The Bank further observes that the monetary value of energy tax credits available for active solar system applications are comparable to the maximum subsidy that would be provided by the Bank. Hence, the Bank subsidy would offer no

significant advantage over this tax credit in most cases. The converse is true for energy conservation where the Bank subsidy can be much higher than the available tax credit for eligible recipients. Therefore, the Bank concludes that a basic objective of serving low and moderate income persons would be best met by concentrating on the more cost-effective and reliable energy conservation and solar energy measures in which there is a distinct advantage for the Bank's subsidy to the consumer over other forms of available Federal assistance.

Federal tax credits are unavailable for expenditures made with financial assistance under the program of the Bank. The Bank has supplemented this statutory provision with additional provisions in the interim rule designed to maximize the leveraging of non-Federal funds by funds provided by the Bank; for example, loans from tax-exempt funds may not be subsidized by the Bank (§ 1800.31) and Bank funds are not available in combination with various Federal housing or energy programs (§§ 1800.43 and 1800.63). While there is no absolute bar to combination of Bank funds with funds under Federal programs not named in the interim rule, the Bank has given preference to State proposals which do not depend on other Federal funds. For example, a State proposal under which Bank funds would subsidize loans made from Community Development Block Grant (CDBG) funds was considered less attractive than a State proposal under which the loan funds were derived from State, local, or private sources, other factors being equal.

In preparing this interim rule, the Bank took into consideration the information contained in the proposals received from the States submitted in response to the August 27, 1982 Notice of Funding Availability. In this way, the Bank intends that this rule be compatible with State programs selected for participation under the Bank's program so that participating States may implement activities as soon as possible after the effective date of this rule.

Proposals were received from 53 of 57 eligible States (as defined). Awards to 51 States aggregating $30,430,000 were publicly announced on January 18, 1983. The awards are contingent upon the effectiveness of the interim rule and the execution of cooperative agreements between the Bank and the grantee States.

The aggregate amount of awards made represents the Bank's full appropriation of $21.85 million for FY 1982, plus so much of the Bank's appropriation of $20 million for FY 1983 as was available for obligation by the Bank at the time of the award pursuant to the apportionment of appropriated funds made by the Office of Management and Budget. The Bank anticipates that the balance of its FY 1983 appropriation, to the extent that it remains available for obligation by the Bank, will be awarded to States based upon proposals already received and progress in utilizing such awards. (The Administration has proposed to Congress that the balance of the Bank's appropriation for Fiscal Year 1983 be transfered to the Low-Income Home Energy Assistance program administered by the Department of Health and Human Services. At the time of publication of this interim rule, Congress has not acted on this proposal.)

Development of Interim Rule

This interim rule has been based on the Appendix to the August 27, 1982 Notice of Funding Availability, which was entitled "Terms and Conditions for Financial Assistance for Planning and Pre-Implementation Purposes." Certain changes to the program as described in the Appendix were made in response to comments from interested States and from Members of Congress.

Changes proposed by States in response to the Notice of Funding Availability fell into three categories: (1) Additional types of buildings which should be eligible: (2) additional types of energy conservation and solar energy measures which should be made eligible; and (3) changes to program administration provisions. In the first category, multifamily residential, commercial, and agricultural buildings were identified, of which multifamily residential was most frequently proposed. The Bank agrees with those proposals to include multifamily residential buildings as eligible buildings since this building category can potentially reach many lower income individuals not receiving energy related assistance by other programs. The multifamily residential building category would include public housing authorities as identified in at least one proposal. Commercial and agricultural buildings are not as likely to benefit lower income individuals, a principal objective of the Bank, and have not been included as eligible for funding unless, as discussed below, the Bank issues a specific future notice of eligibility.

In the second category of changes proposed by responding States, a number of energy conservation and solar energy measures in addition to those specified in the Notice were suggested which have a reasonable potential for meeting the cost-effective criterion with high confidence for trouble-free operation. The proposed measures incorporated in this interim rule consist of replacement air conditioners, meter conversion and retrofit passive water heaters. Other measures proposed but not incorporated include active solar systems, biomass and photovoltaic systems, heat pumps, cultivators, planning and technical services, and retrofit passive space heating systems. Wood stoves were also proposed but not incorporated as the Bank continues to feel wood stoves are sufficiently cost-effective to require no financial assistance incentive.

In the third category of proposed changes, responding States requested some program administration changes which the Bank considers unnecessary or undesirable. These consist of provisions for builder assistance, direct transfer of Bank funds to local entities within a State, secondary market financing, and alternative income eligibility limits. A few requests for more than the 2 percent limit on administrative expenses were made. Inasmuch as most proposers did not request more than 2 percent of funds for administrative expenses, and many requested less than 2 percent, the Bank concludes that the 2 percent limit should be sufficient for the financial assistance programs proposed. Also, a few States indicated that loan origination fees of lenders would be paid or subsidized with Bank funds. Loan origination fees cannot be paid or subsidized with Bank funds. A few requests were made to permit the use of tax-exempt borrowings in providing loans to be subsidized by Bank funds. This change was not adopted in keeping with general Department of Treasury policy. Some proposers requested that Bank funds be provided to the States in advance of the grants or loans to the grantees or borrowers. The Bank has determined that such advance funding is unnecessary since it will use the Department of Treasury electronic funds transfer system, which is designed to provide funds to a State within 24 hours of request. Therefore, §1800.109 prohibits requests for advance funding.

Also in the third category, one State proposed that no energy audit be required in determining eligible energy measures, as a cost saving item. The Bank agrees that requiring energy audits adds costs but continues to believe that such costs are generally minimal and provide the needed assurance that the cost-effectiveness criterion of the rule can be met. Energy audits are generally available under provisions of the

Residential Conservation Service (under the rule cited above) at $15 maximum. Audits other than RCS audits are also acceptable if they meet the minimum requirements set forth in the definition of "energy audit" (§ 1800.3).

On November 30, 1982, a proposed interim rule was transmitted to the Chairman and Ranking Minority Members of the Senate Committee on Banking, Housing and Urban Affairs, and the House Committee on Banking, Finance and Urban Affairs. Section 7(o)(2) of the Department of HUD Act (42 U.S.C. 3535(o)(2)), which is applicable to the Bank pursuant to Section 506(e) of the Energy Security Act (12 U.S.C. 3604(e)), required such transmittal before publication of the interim rule in the **Federal Register.**

The Chairman and Ranking Minority Member of the House Committee on Banking, Finance and Urban Affairs recommended certain changes to the interim rule. Following consideration of the recommended changes by the Board of Directors of the Bank, this revised interim rule was transmitted to the Committees pursuant to Section 7(o)(2) on April 12, 1983, together with an explanation of the Board's response to the recommendations made.

Two of the recommended changes pertained to the requirement that an applicant obtain an energy audit prior to receipt of any financial assistance under the Bank program. The Congressmen recommended that energy audits not be required for individual apartment units or single-family homes unless they are low-cost audits, and that the cost of an audit be eligible for financial assistance. A particular concern was that many potential low- and moderate-income applicants live in areas where audits are not available under the Residential Conservation Service program of the Department of Energy (which limits audit costs to $15 per unit). As originally transmitted, the interim rule permitted use of non-RCS audits satisfying minimum requirements (definition of "energy audit" appears in § 1800.3). The revised interim rule now also includes any audit cost in excess of $15 per unit as an energy conservation measure eligible for assistance if the audit is followed by use of the Bank's programs for one or more other eligible energy conservation measures (§ 1800.65 (a)(10) and (b)(10)).

It was also recommended that metropolitan cities and urban counties eligible for entitlement grants under HUD's Community Development Block Grant program be eligible to submit proposals in response to any subsequent solicitations covering funds not already awarded. Following the Notice of Funding Availability, the interim rule limits eligibility to States (§ 1800.91).

A similar request that eligibility for application for Bank awards be extended to cities and other units of local government had been made by several Members of Congress following publication of the Bank's Notice of Funding Availability. However, the Board sought to take advantage of existing energy auditing and assistance programs at the State level and to be able to disburse available funds with minimal administrative expense by dealing with a limited number of States rather than the much larger universe of cities. The proposals received, and upon the basis of which awards were made, indicated an intention on the part of many States to tie in directly with city programs. A further consideration was the Board's desire to obtain as wide a geographic distribution of Bank funds as possible. On the basis of this objective, all acceptable proposals received were funded to some extent. At the same time, the Board determined that no single grant of less than $100,000 could be made and still be feasible, either from the viewpoint of Bank administration or from the viewpoint of a grantee. In fact, six applicant States were funded at the minimum amount, and 31 awards were made in amounts of $500,000 or less. The Board believes that this demonstrates that it would not have been efficient or feasible to have invited application from a vastly larger universe of applicants.

The Board also does not believe that it would be practicable to invite application from cities and counties for participation in the balance of approximately $11 million of the Bank's current appropriation if, as discussed above, such amount remains available to obligation by the Bank.

Notwithstanding that the Administration has requested no further appropriations for the Bank, comment is solicited on the question of whether applications for future Bank funding, if any, should be invited from applicants other than States and, if so, under what circumstances? Should other categories of applicants compete in the same funding rounds with States or in separate rounds? What eligibility or priority criteria should be applied in the case of such different categories of applicants?

The Congressmen also recommended revision of proposed interim rule provisions which would have reduced allowable subsidy amounts for energy conservation measures with a simple payback period of more than three years and prohibited any subsidy in cases where the simple payback period exceeds seven years. The Board concluded that the limitation of assistance to measures with simple payback periods of seven years or less is supported by Department of Energy determinations for its RCS program and should be retained in order to exclude measures having only marginal cost-effectiveness (§ 1800.65(c)). As to the graduation of maximum subsidy amounts within the range of up to seven years, the Bank also received a number of negative comments on this provision from States which were aware of the Bank's transmittal to the Committees made in November, indicating that such a subsidy structure could discourage investments which they had anticipated as being particularly appropriate to low- and moderate-income owners and renters in their areas. Accordingly, the revised interim rule permits the maximum allowable subsidies for investments having simple pay-back periods of up to seven years.

Two other recommendations were considered but not adopted by the Board. The Board determined not to alter the provision prohibiting use of Bank assistance in conjunction with tax-exempt financing (§ 1800.31). This limitation is considered an appropriate means of directing limited Bank assistance to activities not already receiving the benefit of other Federal assistance, and should not unduly hinder States' use of the funds awarded to them. The Board also determined that provisions should not be included specifically requiring that not less than 15 percent of energy conservation funds be used to assist families with incomes not greater than 80 percent of area median income. Such a requirement was included in the Bank's original legislation which contained separate authorization for energy conservation and solar energy assistance. However, such separate authorizations were replaced by a single reduced, unsegregated authorization by the Omnibus Budget Reconciliation Act of 1981. Nevertheless, the Bank believes that the program as designed will result in well over 15 percent of energy conservation funds being used to assist families with incomes at or below 80 percent of the area median income. The States have shown strong interest in serving this income group in their submissions to the Bank.

Additional Features of Interim Rule

Some areas of assistance included within the coverage of the Act will be funded only if the Bank gives specific future notice to that effect; these areas are listed in § 1800.37 of the interim rule

and include all commercial and agricultural buildings, all solar energy systems in multifamily residential buildings and passive solar energy space heating systems in existing buildings. The Bank has no current plans to fund these areas.

The Bank has determined the importance of scaling the amount of assistance to be made available based on expected energy savings. Maximum assistance, to the limits prescribed by statute, should be available only for the more cost-effective measures. This is intended to encourage efficient use of funds and to discourage marginal applications. In general, a limit on the availability of assistance is based on cost-effectiveness using a simple payback calculation using data obtained from the energy audit. For certain passive solar energy systems, the level of assistance is based on estimated energy savings rather than using a cost/payback system due to the difficulty in estimating costs of passive measures which are integrated into new construction.

Under the statute and the interim rule, an applicant's income level (in relation to the median area income) is relevant for determining the amount of assistance available and for determining eligibility for grants. Annual income and median area income will be calculated in a manner consistent with the Section 8 Housing Assistance Payment Programs of HUD. The current rule for income calculation under Section 8 is 24 CFR 889.104. Relevant forms and instructions are available from HUD field offices.

The Bank believes that States selected for funding will enhance their capacity and experience to administer streamlined, cost-effective energy conservation and/or solar energy financial assistance programs as part of their overall community revitalization strategies, and will be likely to assume responsibility for the continuation of those programs without regard to the availability of future Bank funding.

As indicated above, the amounts granted to States include $21.85 million appropriated in FY 1982, which is available through FY 1983. Pursuant to a recent court order (*Dabney et al.* v. *Reagan et al.*, 82 Civ. 2231 CSH, S.D.N.Y., Order dated June 29, 1982), these appropriated funds must be made available for disbursement to qualified applicants as quickly as discharge of the Bank's responsibilities under its authorizing legislation will permit. The Secretary of HUD has therefore determined that delaying the effectiveness of this rule until receipt and consideration of public comment is contrary to the public interest and that good cause exists for making the rule effective as soon as possible.

The Secretary also has determined that for the reasons stated above, good cause exists for exempting this interim rule from the 30-day delay in effectiveness provided by the Administrative Procedure Act (5 U.S.C. 553(d)). In addition, the Chairman and Ranking Minority Members of the Senate Committee on Banking, Housing and Urban Affairs, and the House Committee on Banking, Finance, and Urban Affairs have, upon the Secretary's request, granted waivers of the requirements of section 7(o)(3) of the Department of HUD Act (42 U.S.C. 3535(o)(3)) which provides for a delay in effectiveness of rules for a period of 30 calendar days of continuous session of Congress after publication, unless so waived. Accordingly, the interim rule is being published for immediate effect. However, public comments are invited and will be considered in the adoption of a final rule.

The granting of waivers, as described above, does not indicate approval of the regulations by Congress or the Committees or individual members granting them. Under Section 7(o)(5) of the Department of HUD Act, "Congressional inaction on any rule or regulation shall not be deemed an expression of approval of the rule or regulation involved." The foregoing provision refers to inaction on a joint resolution of disapproval or other legislation which is intended to modify or invalidate the rule or regulation or any portion thereof, and the principal that such inaction does not imply Congressional approval applies, a *fortiori*, to a waiver of the nature requested and granted in this instance.

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The Bank's financial assistance program can be expected to concern a variety of small entities, including local lenders, energy auditors, and manufacturers, retailers, and installers of energy conservation and passive solar systems and components. The Bank, however, finds that there are no anticompetitive discriminatory aspects of the program with regard to small entities nor are there any unusual procedures that would need to be complied with in this rule by small entities.

Environmental Impacts

A Finding of No Significant Impact with respect to the environment has been made in accordance with regulations of the Council on Environmental Quality in 40 CFR 1500, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, SW., Washington, D.C. 20410.

OMB Control Number

The reporting or recordkeeping provisions that are included in this regulation (§§ 1800.107, 1800.123 and 1800.127(a)) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–111) and have been assigned OMB control number 2535–0050.

Regulatory Impact Analysis

This interim rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the interim rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs for prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Semiannual Agenda of Regulations

This rule was listed at 47 FR 48431 as Item S–5–82 under Current and Projected Rulemakings/Priority in the Department's Semiannual Agenda of Regulations published on October 28, 1982, pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

(Catalog of Federal Domestic Assistance: The Catalog of Federal Domestic Assistance program number is 14.506)

List of Subjects in 24 CFR Part 1800

Grant program—energy conservation. Loan program, Solar energy, Energy conservation.

Accordingly, 24 CFR Chapter X is amended by adding new Part 1800 reading as follows:

PART 1800—FINANCIAL ASSISTANCE PROGRAM OF THE SOLAR ENERGY AND ENERGY CONSERVATION BANK

Subpart A—Introduction

Sec.
1800.1 Scope of authority and purpose.
1800.3 Definitions.
1800.5 Bank organization.

Subpart B—Financial Assistance—General

1800.11 General.
1800.13 Types of assistance.
1800.15 Reduction of principal.
1800.17 Prepayment of interest.
1800.19 Grants.
1800.21 Repayment of loans.
1800.23 Combined loan applications.
1800.25 Limitations or retroactive assistance.
1800.27 Terms and conditions of loans similar to unassisted loans.
1800.29 Debarred contractors, suppliers and financial institutions.
1800.31 Limitation on proceeds of tax-exempt borrowings.
1800.33 Installation certificate.
1800.35 Energy audit or energy design analysis required.
1800.37 Financial assistance not available until notice.

Subpart C—Solar Energy Assistance

1800.41 General.
1800.43 Eligible recipients.
1800.45 Eligible solar energy systems.
1800.47 Levels of assistance.
1800.49 Warranties.
1800.51 Limitation on financial assistance by utilities.
1800.53 Limitation on assistance to residents of housing cooperatives.
1800.55 Standards.

Subpart D—Energy Conservation Assistance

1800.61 General.
1800.63 Eligible recipients.
1800.65 Eligible energy conservation measures.
1800.67 Levels of assistance.
1800.69 Warranties.
1800.71 Limitation on assistance to tenants.
1800.73 Limitation on assistance to residents of housing cooperatives.
1800.75 Minimum expenditures for energy conservation measures.
1800.77 Contractors and suppliers.
1800.79 Residential energy audit information.

Subpart E—Disbursement Procedures

1800.91 General.
1800.93 Cooperative agreements.
1800.95 Allocation of funds.
1800.97 Recapture and reallocation of funds.
1800.99 Authorized expenditures.
1800.101 Distribution of funds.
1800.103 Selection of financial institutions.
1800.105 Maximum levels of assistance.
1800.107 Reporting and recordkeeping requirements.
1800.109 Manner of payment.

Subpart F—Miscellaneous

1800.121 Penalties and remedies.
1800.123 Retention of records by financial institutions and recipients.
1800.125 Audit.
1800.127 Prohibition against tax credits and financial assistance for same expenditure.
1800.129 No gross income.
1800.131 No increase in basis.
1800.133 Waiver of regulations.
1800.135 Applicability of general HUD regulations.
1800.137 Other Federal requirements.
Appendix I—Climatic Factor for Passive Solar Energy Space Heating Systems.
Appendix II—Procedure for Calculating Subsidy and Reduced Interest Rate on Prepayment of Interest Loan Assistance.
Appendix III—Prepayment of Interest Loan Subsidy Examples.

Authority: Secs. 506(e) and 520, Solar Energy and Energy Conservation Bank Act (12 U.S.C. 3604(e) and 3618).

Subpart A—Introduction

§ 1800.1 Scope of authority and purpose.

The Solar Energy and Energy Conservation Bank was established in the Department of Housing and Urban Development by the Solar Energy and Energy Conservation Bank Act, Subtitle A, Title V of Public Law 96–294, 94 Stat. 611, 12 U.S.C. 3601 *et seq.*, enacted on June 30, 1980. The purpose of the Act is to encourage the use of solar energy and energy conservation, and thereby reduce the dependence of the United States on foreign sources of energy supplies.

§ 1800.3 Definitions.

"Act" means the Solar Energy and Energy Conservation Bank Act, 12 U.S.C. 3601 *et seq.*

"Agricultural building" means any building used exclusively in connection with the production, harvesting, storage, or drying of agricultural commodities.

"Annual income" has the meaning used for the Section 8 Housing Assistance Payment Programs of HUD, and means the total annual income of a family from all sources for the 12-month period following the date of determination of income, computed in accordance with the section of this title which prescribes the method of computation.

"Applicant" means any person applying for financial assistance.

"Bank" means the Solar Energy and Energy Conservation Bank established under the Act.

"Board" means the Board of Directors of the Bank.

"Contractor" means the installer of a solar energy system or energy conservation measure (other than the recipient) and includes the builder of a newly constructed one- to four-family or multifamily residential building.

"Cost-effective" means that an energy conservation measure or solar energy system is expected to result in a dollar savings that exceeds its costs over the life of the measure or system, without consideration of the financial assistance under the programs of the Bank, except that as otherwise specified in § 1800.45 and § 1800.65 of this part "cost-effective" has the meaning stated in that section.

"Commercial building" means any building other than a one- to four-family residential or multifamily residential building which is used primarily to carry on a business (including any nonprofit business) and is not used primarily for the manufacture or production of raw material, products, or agricultural commodities.

"Covered product" means:

(a) If the manufacturer provides a complete solar energy system to the supplier for installation by the contractor, then the system.

(b) In all other cases, all components of a solar energy system which are designed for use in solar energy systems and which are not ordinary building materials generally used for construction purposes.

"Date of completion of installation" means:

(a) The date of completion of performance by the contractor under its contract with the recipient,

(b) If the recipient performs the installation, the date the recipient completes the installation work, or

(c) If a one- to four-family or multifamily residential, commercial or agricultural building with an installed solar energy system is newly constructed or substantially rehabilitated and is purchased by the recipient, the date the recipient accepts title to the building.

"Dwelling unit" means any building (including a manufactured home) or part of a building designed for year-round non-transient residential use by one family.

"Energy audit" means: (a) An energy audit of a building or dwelling unit performed for purposes of Title VI or Title VII of the National Energy Conservation Policy Act, 42 U.S.C. 8216 *et seq.* and 8283 *et seq.*, respectively, or

(b) In the case of a one- to four-family or multifamily residential building or a dwelling unit in any such building, an on-site inspection of the building or dwelling unit using procedures approved by a State or Federal government entity (or performed by an energy auditor who is determined to be qualified by a State or local governmental entity) which

includes a determination of and provides information on:

(1) The type, quantity, and rate of energy consumption of such building or dwelling unit;

(2) Energy conserving maintenance and operating procedures which can be employed to significantly reduce the energy consumption of such building or dwelling unit;

(3) In the case of a one- to four-family residential building, a multifamily residential building which does not contain a central heating or cooling system, or a dwelling unit in such building, the cost of purchasing and installing appropriate energy conservation measures, a solar energy system, or both, and the savings in energy costs which are likely to result from the installation of such measures or system; and

(4) In the case of a multifamily residential building which contains a central heating or cooling system, or a dwelling unit in such building, the need, if any, for the purchase and installation of appropriate energy conservation measures, a solar energy system, or both; or

(c) In the case of a commercial or agricultural building, an on-site inspection of the building using procedures approved by a State or Federal governmental entity (or performed by an energy auditor who is determined to be qualified by a State or local governmental entity) which includes a determination of and provides information on:

(1) The type, quantity, and rate of energy consumption of such building;

(2) Appropriate energy conserving maintenance and operating procedures which can be employed to significantly reduce the energy consumption of such building; and

(3) The need if any, for the purchase and installation of energy conservation measures, a solar energy system, or both, in such building.

"Energy conservation measure" means a measure listed in § 1800.65.

"Energy design analysis" means a technical analysis performed on the design of a building to assess the cost-effectiveness of the energy conserving features and use of solar energy on an annual basis performed by a licensed engineer or architect qualfied to conduct such an analysis.

"Family" has the meaning used for lower-income housing programs of HUD as set forth in § 812.2(d) of this title, as it may be amended from time to time, or any replacement definition. It includes but is not limited to an elderly family as defined in § 812.2(c) of this title, a single person as defined in § 812.2(f) of this title, the remaining member of a tenant family, and a displaced person as defined in § 812.2(a) of this title, but excludes certain aliens.

"Financial assistance" means the three forms of financial assistance described in § 1800.13 of this part.

"Financial institution" means: (a) Any lender with a current contract of insurance under Section 2 of Title I of the National Housing Act, 12 U.S.C. 1703,

(b) Any utility providing financing for the purchase and installation of energy conservation measures or solar energy systems in accordance with the requirements of Title II of the National Energy Conservation Policy Act, 42 U.S.C. 8211 *et seq.*,

(c) Any unit of local government which receives a grant under Title I of the Housing and Community Development Act of 1974, 42 U.S.C. 4301 *et seq.*, in accordance with a statement of objectives and projected use of funds which includes lending activities to be undertaken by the unit of local government,

(d) Any public body for which a local loan approval agreement is in effect under the Section 312 Rehabilitation Loan program, 42 U.S.C. 1452(b),

(e) Any lender currently approved to participate in HUD mortgage insurance programs under Title II of the National Housing Act, 12 U.S.C. 1709(b)(1),

(f)(1) Any institution with the following characteristics:

(i) Any member of the Federal Reserve System or financial institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation, the Federal Deposit Insurance Corporation or the National Credit Union Administration, or any depository institution which is subject to the inspection and supervision of a governmental agency which is required by law to make periodic examinations of its books and accounts; or

(ii) Any institution which has as its principal activity the lending or investment of funds in mortgages, consumer installment notes or similar advances of credit, or the purchase of consumer installment contracts, and is not subject to the inspection and supervision of a governmental agency as provided above in paragraph (f)(1)(i) of this section; and meets the following requirements:

(A) It shall have and maintain net worth of not less than $100,000 in assets acceptable to the State in which it will provide financial assistance,

(B) It shall have and maintain a reliable warehouse line of credit or other loan funding program acceptable to the State in which it will provide financial assistance, in an amount of not less than $250,000 available for use in loan financing, and

(C) It shall within 75 days of the close of its fiscal year and at such other times as may be requested, file with the State an audit report based on an audit performed by a Certified Public Accountant, or by an Independent Public Accountant licensed by a regulatory authority of the State or other political subdivision of the United States on or prior to December 31, 1970, which shall include a financial statement in a form acceptable to the State, including a balance sheet, and statement of operations and retained earnings; or

(iii) Any Federal, State or municipal governmental agency, a Federal Reserve Bank, a Federal Home Loan Bank, and a National Mortgage Association which is empowered to participate in a consumer installment lending operation.

(2) Any institution described in paragraphs (f)(1) (i), (ii) or (iii) of this section must also meet the following requirements:

(i) It is a chartered institution, a permanent organization having succession, or a trust, which agrees to notify the State of all corporated changes, including, but not limited to mergers, terminations, name, location, control of ownership, and character of business.

(ii) It employs trained personnel competent in all aspects of consumer lending activities and the State determines that it has adequate staff and facilities, and

(iii) It shall file a yearly report of its status and operations with the State and shall submit a copy of its latest financial statement or any other information upon request of the State, and

(g) Any other organization specifically approved by the Bank as a financial institution.

"HUD" means the Department of Housing and Urban Development.

"Improvement costs" means the actual costs of an energy conservation measure or passive solar energy system and, if installed by a builder or contractor, the actual costs to the recipient of the labor involved in the installation, as certified in the installation certificate required by § 1800.33 of this part.

"Manufacturer" means: (a) For the purposes of warranties for solar energy systems, the producer of any covered product, and

(b) For the purpose of warranties for energy conservation measures, the producer of any energy conservation measure.

"Median area income" means median annual income for an area as determined by the Bank based on the data used by HUD for establishing the median area income for use in the programs authorized under Section 8 of the United States Housing Act of 1937, 42 U.S.C. 1437(f).

"Multifamily residential building" means any building used as a residence which contains five or more dwelling units and has at least one system for heating or cooling or both.

"One-to four-family residential building" means any building used as a residence which contains at least one and not more than four dwelling units and has at least one system for heating or cooling or both.

"Passive solar energy system" means, with respect to a building, any component, addition, alteration or improvement which is designed to utilize solar energy for space or water heating or to provide space cooling based primarily on convective, conductive, or radiant energy transfer (or some combination of these types) to reduce the energy requirements of the building. In addition, such a system for space heating shall either contain the "five recognition factors" or shall be approved in writing by the Bank. The "five recognition factors" are: (a) A solar collection area, (b) an absorber, (c) a storage mass, (d) a heat distribution method, and (e) a heat regulation device. A "solar collection area" is a large area of transparent or translucent material, such as glass, positioned so that the rays of the sun directly strike an absorber. The collector area must be facing within 30° of south. An "absorber" is a surface, such as a floor, that is exposed to the rays of the sun. The absorber changes solar radiation into heat, and then transfers the heat to a storage mass. A "storage mass" is material, such as masonry, that receives and holds heat from the absorber and later releases the heat to the inside of the home. The storage mass must be large enough to store and deliver enough solar heat for the size of the home. Also, the storage mass must be located so that the stored heat is distributed directly to the living areas of the home through a heat distribution method. A "heat distribution method" is a system that releases radiant or convective heating from the storage mass to the living areas of the home. A "heat regulation device" is a shading or venting mechanism, such as awnings, of insulated drapes, to control the amount of solar heat admitted through the solar collection areas, and nighttime insulation or its equivalent to control the amount of heat permitted to escape from the inside of the home.

"Person" means an individual or any corporation, partnership, joint venture or other non-governmental entity.

"RCS" means the Residential Conservation Service program of the Department of Energy set forth in 42 U.S.C. 8201 *et seq.* and 10 CFR Part 456.

"Recipient" means a person receiving financial assistance under the Act.

"Solar energy system" means a system listed in § 1800.45 of this part.

"Standard loan" means a loan having over its amortization period a fixed rate of interest and level monthly payments.

"State" means any State (which includes the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, American Samoa and the Trust Territory of the Pacific Islands) which has been selected to participate in the Bank program in the manner described in subpart E of this part.

"Substantially rehabilitated" or "substantially rehabilitating" means that, with respect to an existing one- to four-family or multifamily residential building, a solar energy system is being installed and other improvements (costing at least $1,000 per dwelling unit) are being made by a builder who is offering the building for sale.

"Supplier" means: (a) For the purposes of warranties for solar energy systems, the supplier (other than the manufacturer) of any covered product, and

(b) For the purposes of warranties for energy conservation measures, the supplier (other than the manufacturer) of any energy conservation measure.

The term includes but is not limited to the person who supplies a covered product or energy conservation measure to the contractor or, if the recipient performs the installation, the recipient.

§ 1800.5 Bank organization.

The organization of the Bank is described in the bylaws of the Bank, which are published as Part 1895 of this Chapter. Amendments to the bylaws are effective when adopted by the Board and will be published in the **Federal Register** for information purposes.

Subpart B—Financial Assistance—General

§ 1800.11 General.

This subpart sets forth the conditions and requirments that are applicable to financial assistance for both solar energy systems and energy conservation measures.

§ 1800.1 Types of assistance.

(a) *General.* The Bank is authorized to make payments to financial institutions for use as financial assistance in the form of reductions of the principal obligations of loans or qualifying portions of loans, prepayments of the interest which would otherwise be due with respect to loans or qualifying portions of loans, and grants.

(b) *Forms of financial assistance for loans.* —(1) Except as specified in paragraph (b)(2) of this section, financial assistance used in connection with loans may be in the form of either reduction of principal or prepayment of interest, at the discretion of the financial institution.

(2) Reduction of principal shall be the only form of financial assistance used in connection with loans other than standard loans.

§ 1800.15 Reduction of principal.

When financial assistance is in the form of reduction of principal, the amount of financial assistance shall be subtracted from the principal amount of the loan and the recipient shall repay the difference between these amounts on the basis of a loan repayment schedule using the same interest rate as for comparable unassisted loans.

§ 1800.17 Prepayment of interest.

(a) *Form.* Prepayment of interest on a loan shall take the form of reduction of the interest rate which would otherwise have been charged.

(b) *Calculation.*—(1) The amount of the interest rate reduction will be calculated by taking into account the compounded growth of the value of the assistance over the term of the loan where the projected annual percentage growth rate is less than the interest rate of the unassisted loan. The projected annual percentage growth rate will be determined by applying a discount rate (determined in accordance with paragraph (b)(2) of this section) to the interest rate prevailing for comparable loans on the day the assisted loan is made. The projected annual percentage growth rate will equal one minus the decimal discount rate, multiplied by the prevailing interest rate and then rounded up to the nearest 0.25 percentage increment available.

(2) The Bank will prescribe the discount rate to be used in calculating prepayment of interest. The Bank may make adjustments to the discount rate, from time to time, as it deems appropriate or necessary by increasing or decreasing the maximum allowable discount rate. All such adjustments will be announced by notice in the **Federal**

Register. The initial discount rate for program implementation, and until revised, is 60 percent. A State may vary the discount rate below the 60 percent prescribed (or any subsequent maximum allowable discount rate) as market demand/response to programs implemented in the State may warrant.

(3) Appendix II to this part explains the calculation procedure for assistance in the form of prepayment of interest. Appendix III to this part presents examples of calculations for assistance in the form of prepayment of interest. States may adopt alternative procedures provided the subsidy amount determined from any alternative procedure does not exceed the subsidy determined by Appendix II.

(4) In the case of a loan for which only a portion qualifies for financial assistance, e.g., a home improvement loan of $2,000 which includes $1,000 for eligible conservation measures, the subsidy may be applied to reduce the interest rate of the entire loan when calculated in accordance with procedures contained in Appendix II.

§ 1800.19 Grants.

When financial assistance is in the form of a grant, the applicant shall certify to the financial institution that financial resources are available to the applicant which, when added to the grant, will be sufficient to pay the full improvement cost of the energy conservation measures to be purchased and installed. After receipt of the installation certificate required by § 1800.33 of this part, the financial institution may pay the grant directly to the applicant, the contractor, or the supplier (if the applicant performs the installation), at the discretion of the financial institution, unless a State prescribes a particular grant delivery system.

§ 1800.21 Repayment of loans.

(a) *No prepayment penalty.* There shall be no penalty imposed on the borrower if the loan is repaid before the end of the term of repayment.

(b) *Term of repayment.* Unless financial institutions establish shorter terms (but no less than one year) at the request of the borrower, financial assistance may be provided in connection with loans for:

(1) The purchase and installation of energy conservation measures only if the term of repayment of the loan is not less than five and not more than fifteen years,

(2) The purchase and installation of solar energy systems in one-to four-family or multifamily residential buildings, or the purchase of one to four-family or multifamily residential buildings with such systems, only if the terms of repayment of the loan is not less than five and not more than 30 years, or

(3) The purchase and installation of solar energy systems in commercial or agricultural buildings, or the purchase of commercial or agricultural buildings with such systems, only if the term of repayment of the loan is not less than five and not more than 40 years.

(c) *Repayment to Bank.* Subject to the qualifications set forth herein, financial institutions must repay to the Bank the portion of any prepaid interest which is in excess of the actual interest due on the loan at the time a recipient fails to meet his or her obligations on the loan. In calculating whether such excess interest exists, a financial institution shall determine the amount of interest it would normally have received on the loan at the prevailing interest rate to the time of default and subtract it from the sum of the actual interest received on the loan plus the amount of financial assistance provided in connection with the loan. If this amount is more than $100.00 and default occurs sooner than three years after the loan is made, the amount calculated is to be repaid by the financial institution to the State, which shall either repay the amount to the Bank or use the amount for other purposes permitted by its cooperative agreement with the Bank (described in § 1800.93 of this part).

§ 1800.23 Combined loan applications.

Recipients may receive financial assistance with respect to a single loan for a combination of eligible solar energy systems and/or energy conservation measures. The amount of financial assistance provided will be the sum of the amounts of financial assistance which would be available if all solar energy systems were financed by one loan and all energy conservation measures were financed by a separate loan.

§ 1800.25 Limitations on retroactive assistance.

(a) *Purchase and installation in existing buildings.* Financial assistance shall not be provided in connection with expenditures for purchase and installation of solar energy systems or energy conservation measures in existing buildings if the expenditures were made prior to the date of the application for financial assistance.

(b) *Purchase from builders.* Financial assistance shall not be provided in connection with a loan for the purchase of a building if permanent financing has been closed prior to the date of the application for financial assistance or if the expenditures were made by the applicant prior to the date this part becomes effective.

(c) *New construction by recipient.* Financial assistance shall not be provided in connection with expenditures for the purchase and installation of solar energy systems in a building which is newly constructed by the recipient, if the recipient has closed permanent financing of the expenditures prior to the date of the application for financial assistance or if the expenditures were made prior to the date this part becomes effective.

§ 1800.27 Terms and conditions of loans similar to unassisted loans.

Except as otherwise required by this part, the terms and conditions of loans proposed to be assisted under this part must be comparable to similar unassisted loans at the prevailing market rates provided by the financial institution. Terms and conditions include the interest rate, maturity and any required fees, points or security provisions.

§1800.29 Debarred contractors, suppliers and financial institutions.

(a) *Contractor's certification.* Contractors being paid in whole or in part with financial assistance provided under this part shall certify that neither they nor their suppliers (if any) are on (1) The Consolidated List of debarred, suspended and ineligible contractors prepared by the General Services Administration pursuant to the temporary rule published at 47 FR 43692 and any successor rule, or (2) HUD's list of debarred, suspended and ineligible participants, available from HUD field offices (see Part 24 of this title).

(b) *Financial institutions.* No financial institution may participate in the Bank's programs if it is on HUD's List of debarred, suspended and ineligible participants available from HUD field offices (see Part 24 of this title).

(c) *Alternative State procedures.* Paragraphs (a) and (b) of this section shall not apply for any State which has procedures for barring participation by contractors and financial institutions which the Bank has accepted as an alternative to the provisions of paragraphs (a) and (b).

§ 1800.31 Limitation on proceeds of tax-exempt borrowings.

Financial assistance shall not be provided for a loan made from the proceeds of borrowings, if the interest on such borrowings is exempt from Federal taxation.

§ 1800.33 Installation certificate.

(a) *Loans.* An applicant for financial assistance in the form of interest or principal reduction on a loan must agree to certify that the proceeds of the loan have been used to purchase and install a solar energy system or energy conservation measures, or to purchase a newly constructed or substantially rehabilitated building with a solar energy system. Such certification shall be made immediately after such purchase and installation or purchase of a building.

(b) *Grants.* An applicant for financial assistance in the form of a grant must agree to certify that the grant has been used to purchase and install energy conservation measures. Such a certification shall be made immediately after such purchase and installation.

(c) *Certification provided to Bank.* A certification shall be made available to the Bank by the financial institution upon request of the Bank.

§ 1800.35 Energy audit or energy design analysis required.

An applicant for financial assistance must submit to the financial institution a copy of an energy audit performed for the building or dwelling unit for which financial assistance is requested (or an energy design analysis, in the case of a newly constructed or substantially rehabilitated building) before the financial assistance is provided.

§ 1800.37 Financial assistance not available until notice.

Notwithstanding anything to the contrary in subparts C and D of this part, no financial assistance shall be provided in connection with the following unless the Bank has published a notice in the **Federal Register** specifically stating that such financial assistance may be provided for such purposes:

(a) *Agricultural or commercial buildings.* Energy conservation measures or solar energy systems of any kind in agricultural or commercial buildings.

(b) *Multifamily residential buildings.* Solar energy systems of any kind in multifamily buildings.

(c) *Existing one- to four-family residential buildings.* Solar energy systems (except passive solar domestic hot water systems) in existing one- to four-family residential buildings.

Subpart C—Solar Energy Assistance

§ 1800.41 General.

This subpart sets forth the conditions and requirements that are applicable only to financial assistance for solar energy systems.

§ 1800.43 Eligible recipients.

(a) *Existing buildings.* An owner of an existing one- to four-family or multifamily residential, commercial or agricultural building who purchases and installs a solar energy system in such building with the proceeds of a loan shall be eligible to receive financial assistance in connection with such loan.

(b) *Newly constructed or substantially rehabilitated buildings.* A purchaser of a newly constructed or substantially rehabilitated one- to four-family or multifamily residential, commercial or agricultural building with a solar energy system shall be eligible to receive financial assistance in connection with a loan for the purchase of the building.

(c) *Joint applications.* A joint owner of a dwelling unit or of a building may apply for assistance individually, together with other joint owners in a single application, or with other joint owners by separate application. If separate applications are made by two or more joint owners with respect to the same building or dwelling unit, such applicants collectively may not receive assistance exceeding the maximum level of assistance established under § 1800.47 of this part.

(d) *Relationship to other Federal programs.* An owner or purchaser is not an eligible recipient if the owner or purchaser has an outstanding commitment, or has received preliminary or final approval of his or her application, for assistance under any of the following Federal assistance programs with respect to which a solar energy system is to be installed:

(1) HUD.

(i) Section 235 Homeownership Assistance, 12 U.S.C. 1715z.

(ii) Section 8 Lower Income Rental Assistance for New Construction and Moderate and Substantial Rehabilitation, 42 U.S.C. 1437f.

(iii) Indian Housing, 42 U.S.C. 1437 *et seq.* and Part 805 of this title.

(iv) Section 312 Rehabilitation Loans, 42 U.S.C. 1452b.

(2) Farmers Home Administration. Section 515 Direct Loans, 42 U.S.C. 1485.

(3) Department of Energy. Institutional Conservation (Schools and Hospitals) Program, 42 U.S.C. 6371 *et seq.*

§ 1800.45 Eligible solar energy systems.

(a) *Eligible systems.* Only passive solar energy systems shall be eligible solar energy systems.

(b) *Cost-effectiveness.* A passive solar energy system shall not be eligible for assistance unless it has been found to be cost-effective as a result of an energy design analysis (in the case of a newly-constructed or substantially rehabilitated building) or an on-site energy audit (in all other cases). "Cost-effective" has the meaning specified in § 1800.3 except that in the case of passive solar domestic hot water systems in existing buildings, "cost-effective" means that the measures have a simple pay-back period of seven years or less as determined by an energy audit without consideration of the financial assistance of the programs of the Bank.

§ 1800.47 Levels of assistance.

Financial assistance shall not exceed the least of any applicable amounts determined under paragraphs (a), (b), and (c) of this section.

(a) *Fixed amount.*—(1) The maximum amount of assistance for passive solar space heating systems or any combination of space heating with passive space cooling and passive water heating shall be as follows:

(i) $5,000 for a one-unit residential building;

(ii) $7,500 for a two-unit residential building;

(iii) $10,000 for a three- or four-unit residential building;

(iv) For multifamily residential buildings, $2,500 multiplied by the number of units; and

(v) $100,000 for commercial or agricultural buildings.

(2) The maximum amount of assistance for passive solar domestic hot water systems shall be $1,000 or 40 percent of the improvement cost, whichever is less.

(3) The maximum amount of assistance for passive solar space cooling systems shall be $1,000 or 40 percent of the improvement cost, whichever is less.

(4) In the case of solar energy systems (except for passive solar domestic hot water systems and passive solar space cooling systems) which do not benefit all dwelling units within a building, the maximum dollar amounts listed above shall be reduced by the percentage of dwelling units in the building which do not benefit from the solar energy system. In order to determine the number of dwelling units in a building, the following principles shall be applied: (i) All units sharing a common living space conditioning system shall be considered part of the same building; and (ii) except in the case of a manufactured home park, all dwelling units located on or above land included in the most recent recorded deed shall be considered part of the same building, whether or not any space conditioning systems are shared.

(b) *Energy saved.* For passive solar space heating systems in one- to four-

family residential buildings, the maximum amount of assistance set forth in paragraph (a) of this section may be reduced on a relative energy savings basis by a climatic, or locational, factor and a design performance factor. The climatic factor takes into consideration the positive effect of the passive system on heating degree days in the winter period as well as the negative effect on cooling (air conditioning) requirements in the summer period. The combination of those effects over a complete year of heating and cooling determines the total net energy savings of the system based on its geographic location. The climatic factor is obtained by using the chart which appears as Appendix I to this Part. The design performance factor is based on the relationship between the solar collection area of the passive system and the total gross heated living floor area. This performance factor is determined by establishing the ratio between the solar collection area in square feet (less a threshold effective collection size of 40 square feet per dwelling unit) and the gross heated living area floor space in square feet. A ratio of less than zero provides a zero performance factor; for a ratio between 0.0 and 0.1, the factor is 10 times the ratio; for a ratio between 0.1 and 0.3, the factor is 1.0; for a ratio between 0.3 and 0.4, the factor is 4 minus 10 times the ratio; for a ratio more than 0.4 the factor is again zero. The subsidy is determined by multiplying the maximum subsidy set forth in paragraph (a) of this section by both the climatic and performance factors.

(c) *Interest prepaid.* Where the assistance to be provided is in the form of prepayment of interest, the amount of assistance shall not exceed the amount of funds necessary to prepay all interest on any portion of the loan finanacing eligible solar energy costs.

§ 1800.49 Warranties.

(a) *General.* The recipient shall provide the financial institution with either a written certification from the contractor (or the supplier, if the recipient performs the installation) that the warranty requirements of this section have been satisfied or with other evidence acceptable to the financial institution that the warranty requirements of this section have been satisfied.

(b) *Manufacturer's warranty.* The manufacturer shall warrant in writing that the recipient, the contractor who installs the covered products and the supplier of the covered products shall be entitled to obtain from the manufacturer within a reasonable period of time and at no charge appropriate replacement parts or materials for those covered products found within three years from the date of completion of installation to be defective due to materials, manufacturer or design. A recipient who finds an alleged defect shall give written notice of the alleged defect to the contractor, supplier or manufacturer within thirty days of his or her discovery thereof. If a defect exists, the manufacturer shall provide replacement parts or materials without charge for the parts or materials and for their transportation to the site of installation of the solar energy system.

(c) *Supplier's warranty.* The supplier shall provide to the recipient a written warranty equivalent to that required under paragraph (b) of this section. The supplier may satisfy this requirement by an assignment of the manufacturer's warranty required by paragraph (b) to the person to whom the covered product is supplied.

(d) *Contractor's warranty.* The contractor for the installation of a solar energy system shall warrant in writing to the recipient that any defect in materials, manufacture, design or installation found within one year from the date of completion of installation shall be remedied without charge and within a reasonable period of time. A recipient who finds an alleged defect shall give written notice of the alleged defect to the contractor within 30 days of his or her discovery thereof.

(e) *Other law.* This section shall not be deemed to relieve a warrantor under this section from full compliance with Federal and State law applicable to warranties, except to the extent that such law is inconsistent with the requirements of this section.

(f) *No conflict with RCS requirements.* In any State with a list of approved contractors and suppliers under State plans required by the RCS, warranties in compliance with the requirements of Section 542 of the Energy Security Act (42 U.S.C. 8213) and applicable regulations shall be considered in compliance with this section as applied to the purchase and installation of solar energy systems.

§1800.51 Limitation on financial assistance by utilities.

No financial assistance shall be provided under this part by a utility for the purchase and installation of a solar energy system in a new building.

§ 1800.53 Limitation on assistance to residents of housing cooperatives.

Financial assistance may be provided to residents of housing cooperatives only if the cooperative corporation has given prior written consent to the resident for installation of a solar energy system.

§ 1800.55 Standards.

In the case of a newly constructed or substantially rehabilitated one- to four-family or multifamily residential building, or in the case of added heated space in an existing one- to four-family or multifamily residential building, the purchaser must provide certification that the building meets or exceeds the standards contained in Paragraph 607–3, Building Insulation, of the HUD Minimum Property Standards for One and Two Family Dwellings, 4900.1, or Multifamily Housing, 4910.1, as appropriate.

Subpart D—Energy Conservation Assistance

§ 1800.61 General.

This part sets forth the conditions and requirements that are applicable only to financial assistance for energy conservation measures.

§ 1800.63 Eligible recipients.

(a) *General.* Subject to the provisions of this section, an owner of, or a tenant in, a one- to four-family or multifamily residential, commercial or agricultural building who purchases and installs energy conservation measures in such building with the proceeds of a loan shall be eligible to receive financial assistance in connection with such loan. An owner of, or tenant in, a one- to four-family residential building and a tenant in a multifamily residential building who purchases and installs energy conservation measures in such building shall be eligible to receive financial assistance in the form of a grant. All buildings in which energy conservation measures are installed must have been completed before January 1, 1980.

(b) *Income limitations—grants.* In order to receive financial assistance in the form of a grant, a recipient must be an individual whose family has an annual income not in excess of 80 percent of the median area income.

(c) *Income limitations—loan subsidies.* In order to receive financial assistance in the form of reduction of principal or prepayment of interest:

(1) An owner of a one- to four-family residential building or a condominium dwelling unit, a tenant in a one- to four-family or multifamily residential building, or a shareholder of a housing cooperative corporation must be an individual whose family has an annual income not in excess of 150 percent of the median area income.

(2) A housing cooperative corporation or a residential condominium

association must be the owner of a cooperative or condominium which is occupied by families with an average annual income per family not in excess of 150 percent of the median area income.

(3) An owner of a multifamily residential, commercial or agricultural building, or a tenant in a commercial or agricultural building, shall not be subject to any income requirement.

(d) *Sales limitations.* An owner of, or tenant in, a commercial or agricultural building cannot have had gross annual sales of more than $1,000,000 during the fiscal year of such owner or tenant preceding the fiscal year in which an assisted loan is made.

(e) *Owner-occupant.* An owner of a commercial or agricultural building must occupy the building in order to receive financial assistance in connection with the building.

(f) *Joint applications.*—(1) A joint owner of a dwelling unit or a building may apply for assistance individually, together with other joint owners in a single application, or with joint owners by separate application. If separate applications are made by two or more joint owners with respect to the same building or dwelling unit, such applicants collectively may not receive assistance which would exceed the maximum amount of assistance for which an applicant with an annual income equal to the average annual incomes of all joint owners of the dwelling unit or building would be eligible.

(2) A tenant jointly renting a dwelling unit or a building with other tenants may apply for assistance individually, together with other tenants in a joint application, or with other tenants by separate application. If separate applications are made by two or more tenants jointly renting a dwelling unit or building, such applicants collectively may not receive assistance which would exceed the maximum amount of assistance for which an applicant with an annual income equal to the average annual incomes of all tenants jointly renting the dwelling or building would be eligible.

(g) *Application on behalf of others.* Assistance may be provided to an applicant, which is not an owner or tenant but which is acting on behalf of owners of one- to four-family residential buildings, for use by the applicant in purchasing and installing energy conservation measures in such buildings pursuant to a program approved by the Bank. Where such assistance is provided, the income limitations in § 1800.63 shall apply to the owners of the buildings to be improved, and the assistance limitations in § 1800.67 shall be applicable to the improvement cost for each building. Under any such program, the requirements of § 1800.33 (Energy audits), § 1800.69 (Warranties) and other such provisions of this part pertaining to the qualification of individual buildings for financial assistance may be complied with by the applicant at the time that dwellings are selected for improvements.

(h) *Individually-metered tenants.* A tenant in a multifamily residential building is eligible for financial assistance only if the tenant will pay costs for space heating and cooling which are measured by an individual utility meter after all the energy conservation measures are installed.

(i) *Relationship to other Federal programs.* An owner or tenant is not an eligible recipient if the owner or purchaser has an outstanding commitment, or has received preliminary or final approval of his application, for assistance under any of the following Federal assistance programs with respect to which an energy conservation measure is to be installed:

(1) HUD.

(i) Section 8 Lower Income Rental Assistance for Moderate and Substantial Rehabilitation, 42 U.S.C. 1437f.

(ii) Flexible Subsidy (Troubled Projects), 42 U.S.C. 1715z–1a and Part 219 of this title.

(iii) Section 312 Rehabilitation Loans, 42 U.S.C. 1452b.

(2) Farmers Home Administration. Section 515 Direct Loans, 42 U.S.C. 1485.

(3) Department of Energy.

(i) Weatherization Program, 42 U.S.C. 6863.

(ii) Institutional Conservation (Schools and Hospitals) Program, 42 U.S.C. 6371 *et seq.*

§ 1800.65 Eligible energy conservation measures.

(a) *One- to four-family residential buildings.* The following shall be eligible energy conservation measures for one- to four-family residential buildings, subject to paragraph (c) of this section:

(1) Caulking and weatherstripping,

(2) Furnace efficiency modifications including: (i) Replacement burners, furnaces, boilers, or any combination thereof, which increases the energy efficiency of the heating system,

(ii) Devices for modifying flue openings which will increase the energy efficiency of the heating system, and

(iii) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights,

(3) Clock thermostats,

(4) Ceiling, attic, wall, floor, and duct insulation,

(5) Water heater insulation,

(6) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflecting window and door materials,

(7) Devices associated with load management techniques,

(8) Replacement air conditioners, and

(9) Conversion from master utility meters to individual utility meters, when directly related to and undertaken with the installation of any of the items specified in paragraphs (a)(2)–(8) of this section, and

(10) Energy audits (in excess of the first $15 in cost for each unit covered by the audit), when followed by installation of any of the items specified in paragraphs (a)(1)–(8) of this section.

(b) *Other buildings.* The following shall be eligible energy conservation measures for multifamily residential buildings, commercial buildings and agricultural buildings, subject to paragraph (c) of this section:

(1) Caulking and weatherstripping,

(2) The insulation of the building structure and any systems within the building,

(3) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflecting window and door systems, glazing, reductions in glass area, and other window and door system modifications,

(4) Automatic energy control systems,

(5) Equipment, associated with automatic energy control systems, which is required to operate variable steam, hydraulic, and ventilating systems,

(6) Furnace, or utility plant and distribution system, modifications including:

(i) Replacement burners, furnaces, boilers, or any combination thereof, which increases the energy efficiency of the heating system,

(ii) Devices for modifying flue openings which will increase the energy efficiency of the heating system, and

(iii) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights,

(7) Replacement or modification of a lighting system which increases the energy efficiency of the lighting system without significantly increasing the overall illumination of the building (unless such increase in illumination is necessary to conform to any applicable State or local law),

(8) Energy recovery systems, and

(9) Conversion from master utility meters to individual utility meters, when directly related to and undertaken with the installation of any of the items

specified in paragraph (b)(2)–(8) of this section, and

(10) Energy audits (in excess of the first $15 in cost for each unit covered by the audit), when followed by installation of any of the items specified in paragraph (b)(1)–(8) of this section.

(c) An energy conservation measure shall not be eligible for assistance unless it has been found to be cost-effective as a result of an energy audit. For purposes of this section only, "cost-effective" means that the measures have a simple pay-back period of seven years or less as determined by an energy audit, without consideration of the financial assistance of the programs of the Bank.

§ 1800.67 Levels of assistance.

Financial assistance shall not exceed the least of any applicable amounts determined under paragraphs (a) and (b) of this section.

(a) *Fixed amount and percentage of costs.*—(1) The maximum amount of assistance shall be determined according to the following chart (income limits are applied to the annual income of the family of the owner or tenant):

Building type	Assistance as percentage of improvement cost	Maximum assistance			
		1 unit	2 unit	3 unit	4 unit
(1) 1 to 4 unit residential buildings:					
Income of owner or tenant:					
Less than 80 pct of area median*	50 pct up to	$1,250	$2,000	$2,750	$3,500
80 to 100 pct of area median	35 pct up to	875	1,400	1,925	2,450
100 to 120 pct of area median	30 pct up to	750	1,200	1,650	2,100
120 to 150 pct of area median	20 pct up to	500	800	1,100	1,440
(2) Multifamily residential building	20 pct up to	(1)	(1)	(1)	(1)
(3) Agricultural or commercial building	20 pct up to	(2)	(2)	(2)	(2)

[1] $400 per dwelling unit.
[2] $5,000 per building.

(2) In the case of energy conservation measures which do not benefit all dwelling units within a building, any dwelling units in the building which do not benefit from the energy conservation measures shall be counted in determining the building type but shall not be counted in determining maximum assistance. In order to determine the number of dwelling units in a building, the following principles shall be applied: (i) All dwelling units sharing a common space conditioning system shall be considered part of the same residential building; and (ii) except in the case of a manufactured home park, all dwelling units located on or above land included in the most recent recorded deed shall be considered part of the same building, whether or not any space conditioning systems are shared.

(b) *Interest prepaid.* Where the assistance to be provided is in the form of prepayment of interest, the amount of assistance shall not exceed the amount of the funds necessary to prepay all interest on any portion of the loan financing eligible energy conservation measures.

§ 1800.69 Warranties.

(a) *General.* The recipient shall provide the financial institution with either a written certification from the contractor (or the supplier, if the recipient performs the installation) that the warranty requirements of this section have been satisfied or with other evidence acceptable to the financial institution that the warranty requirements of this section have been satisfied.

(b) *Manufacturer's warranty.* The manufacturer shall warrant in writing that the recipient, the contractor who installs an energy conservation measure and the supplier of the energy conservation measure shall be entitled to obtain from the manufacturer within a reasonable period of time and at no charge appropriate replacement parts or materials for those energy conservation measures found within one year from the date of completion of installation to be defective due to materials, manufacture or design. A recipient who finds an alleged defect shall give written notice of the alleged defect to the contractor, supplier or manufacturer within thirty days of his or her discovery thereof. If a defect exists, the manufacturer shall provide replacement parts or materials without charge for the parts or materials and for their transportation to the site of installation of the energy conservation measure.

(c) *Supplier's warranty.* The supplier shall provide to the recipient a written warranty equivalent to that required under paragraph (b) of this section. The supplier may satisfy this requirement by an assignment of the manufacturer's warranty required by paragraph (b) to the person to whom the energy conservation measure is supplied.

(d) *Contractor's warranty.* The contractor for the installation of an energy conservation measure shall warrant in writing to the recipient that any defect in materials, manufacture, design or installation found within one year from the date of completion of installation shall be remedied without charge and within a reasonable period of time. A recipient who finds an alleged defect shall give written notice of the alleged defect to the contractor within thirty days of his or her discovery thereof.

(e) *Other law.* This section shall not be deemed to relieve a warrantor under this section from full compliance with Federal and State law applicable to warranties, except to the extent that such law is inconsistent with the requirements of this section.

(f) *No conflict with RCS requirements.* In any State with a list of approved contractors and suppliers under State plans required by the RCS, warranties in compliance with the requirements of Section 542 of the Energy Security Act (42 U.S.C. 8213) and applicable regulations shall be considered compliance with this section as applied to the purchase and installation of energy conservation measures.

§ 1800.71 Limitation on assistance to tenants.

Financial assistance may be provided to tenants only if the owner of the tenant's building or dwelling unit has given written consent to the tenant for installation of the energy conservation measures.

§ 1800.73 Limitation on assistance to residents of housing cooperatives.

Financial assistance may be provided to a resident of housing cooperatives only if the cooperative corporation has given prior written consent to the resident for installation of energy conservation measures.

§ 1800.75 Minimum expenditures for energy conservation measures.

The total improvement cost for energy conservation measures purchased and installed with the assistance of a grant must exceed $250.

§ 1800.77 Contractors and suppliers.

All contractors and suppliers who install energy conservation measures or supply materials for them must appear on a list of approved contractors and suppliers provided under Section 213(a) of the National Energy Conservation Policy Act, 42 U.S.C. 8211, except that this requirement shall not apply in the case of loans in States without approved lists. This requirement shall not apply to a loan made to an owner of a multifamily residential building, or a housing cooperative corporation or a condominium association in the case of

a one- to four-family residential building.

§ 1800.79 Residential energy audit information.

Financial institutions must inform applicants for financial assistance for energy conservation measures in one- to four-family or multifamily residential buildings, no later than the time that the application is submitted, of the availability of energy audits.

Subpart E—Disbursement Procedures

§ 1800.91 General.

The financial assistance program of the Bank will be implemented through States that have been selected to participate in the program on the basis of proposals submitted in response to a solicitation of State proposals published in the **Federal Register**. Proposals will be selected on the basis of considerations stated in the solicitation.

§ 1800.93 Cooperative agreements.

Participating States will enter into cooperative agreements with the Bank which will form the legal framework for Bank/State relationships during program implementation. In addition to the matters covered in other sections of this subpart E, the cooperative agreements will cover such matters as the allocation and obligation of funds for the State, the responsibilities of the State for the administration of its approved programs, Federal requirements applicable to the administration of its approved programs, and procedures covering resolution of any disputes between the Bank and a State, suspension or termination of State's participation in programs of the Bank, and program closeout.

§ 1800.95 Allocation of funds.

Following selection of participating States, the Bank will allocate funds among the States based on the level and availability of appropriated funds and the specific programs proposed in the individual State proposals approved for funding by the Bank. Each State will be informed of its allocation and any conditions attached to the allocation. Such conditions will be designed to insure the expeditious obligation and expenditure of available funds. Each cooperative agreement shall require that the State obligate all funds allocated to it within one year (for Fiscal Year 1982 funds) or by the last date the funds are available under the terms of the applicable appropriation (for other Fiscal Years) to avoid recapture of funds by the Bank pursuant to §1800.97 of this part.

§ 1800.97 Recapture and reallocation of funds.

Upon program implementation, the Bank will monitor program progress in each State through periodic reporting as required by § 1800.107 of this part. Each cooperative agreement shall provide that funds allocated to a State may be recaptured by the Bank based on the results of program implementation activities in the State, market response to programs implemented in the State and other considerations to be set forth in the cooperative agreement. Recaptured funds will not be reallocated.

§ 1800.99 Authorized expenditures.

(a) *Permissible uses of funds.* Funds allocated by the Bank to States for implementing financial assistance programs shall be expended only for payments to financial institutions which have provided financial assistance in accordance with this part, or for administrative expenses or promotional expenses.

(b) *Administrative expenses.* A State may use funds received from the Bank to pay administrative expenses if such expenses have been authorized by the Bank and the payments do not exceed fifty percent of the total administrative expenses of the State or two percent of the total amounts of funds allocated to the State by the Bank, whichever is less. Administrative expenses shall not include the purchase of nonexpendable personal property (defined in Attachment N to OMB Circular A–102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments").

(c) *Promotional expenses.* A State may use funds received from the Bank to pay promotional expenses if such expenses have been authorized by the Bank and the payments do not exceed one percent of the total amounts of funds allocated to the State.

(d) *Principles for determining allowable expenses.* Administrative and promotional expenses must be allowable under the principles and standards established in OMB Circular No. A–87, "Cost Principles for State and Local Governments".

§ 1800.101 Distribution of funds.

There is no predetermined distribution of funds for energy conservation measures or solar energy systems nor for the type of financial assistance to be made. The approval of funding levels and specific programs for States by the Bank shall constitute an initial distribution of funds for the energy conservation measures or solar energy systems and the type of financial assistance described in the approved State programs. A State may make a redistribution of approved funds for different eligible measures or types of financial assistance only with specific written approval of the Bank.

§ 1800.103 Selection of financial institutions.

A State will select the financial institutions which will provide financial assistance within the State. A State may serve as a financial institution itself as long as it qualifies under the definition set forth in § 1800.3 of this part.

§ 1800.105 Maximum levels of assistance.

A State may establish maximum levels of financial assistance which are lower then the maximum levels set forth in this part.

§ 1800.107 Reporting and recordkeeping requirements.

(a) *Semi-annual State reports.* Each State shall submit reports to the Bank within 30 days of the six month periods ending June 30 and December 31 beginning with the first such period in which notice of selection is made and continuing until program closeout. The reports shall cover, as a minimum, the following:

(1) A summary of the overall program for the reporting period and overall results to date, including financial reports required by Attachment H of OMB Circular A–102, ("Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments");

(2) Problems encountered and actions taken to resolve them;

(3) Acceptance/objections by industry, local governments, financial institutions, and the public;

(4) The numbers of applicants for and recipients of loans and grants by income category and type of building;

(5) Total costs of energy conservation and solar measures implemented and amounts of subsidies by type of measure;

(6) The estimated energy savings by income category of recipients, building type and type of measure;

(7) The cost-effectiveness of the program in terms of administrative costs, promotional costs, leveraging of funds, energy savings in terms of dollars per barrel of oil equivalent and other measures as may be appropriate; and

(8) Evaluation of the program in terms of achieving scheduled milestones and events and in meeting program goals and objectives.

(b) *Retention of records by States.* Each State shall retain all records pertaining to use of funds received from

the Bank, including all reports received from financial institutions, for a period of three years from the date of submission of the semi-annual State report for the period covered by such records, except that if any litigation, claim or audit is started before the expiration of the three-year period, all related records shall be retained for three years after final disposition of the litigation, claim or audit.

(Approved by the Office of Management and Budget under OMB control number 2535–0050)

§ 1800.109 Manner of payment.

Payments to States will be made by electronic funds transfer whenever possible, letter of credit, or other means, pursuant to the cooperative agreements and in compliance with the Intergovernmental Cooperation Act (42 U.S.C. 4201 *et seq.*) and Treasury Circular No. 1075 (31 CFR Part 205). States may request payments only for administrative and promotional expenses which have been incurred, or for payment to financial institutions in connection with financial assistance which has been provided. States will utilize appropriate procedures to minimize the time elapsing between the transfer of funds by the Treasury to the State and the disbursement of funds by the State to financial institutions.

Subpart F—Miscellaneous

§ 1800.121 Penalties and remedies.

(a) *General.* Any person (including an applicant or financial institution) who knowingly makes any false statement or misrepresents any material fact with respect to any financial assistance applied for or provided under this chapter, or fails to make any disclosure or statement required by this chapter, is subject to a fine of not more than $10,000, or imprisonment for not more than one year, or both, for each offense. Each false statement, material misrepresentation or failure to make a required disclosure or statement shall be a separate offense.

(b) *Penalties in this section not exclusive.* The penalties provided for in paragraph (a) of this section shall be in addition to any civil or criminal fines or penalties applicable under law, including Title 18 of the United States Code and any other applicable provisions of Federal, State or local law.

(c) *Other relief.* Nothing in this section shall limit any rights of the Bank to recover funds from financial institutions, recipients or any other persons or pursue any other remedies available under law.

§ 1800.123 Retention of records by financial institutions and recipients.

(a) *Financial institution.* Financial institutions (including States acting as financial institutions) shall retain all records related to applications for financial assistance for a period of three years from the date the financial assistance is provided (or the date of application, if never provided).

(b) *Recipients.* Recipients shall retain all records pertaining to the application, the assisted loan or grant, the solar energy system or energy conservation measures for which the loan or grant was sought, and warranties for a period of three years after the financial assistance is provided.

(Approved by the Office of Management and Budget under OMB control number 2535–0050)

§ 1800.125 Audit.

The Bank, the HUD Inspector General, the Comptroller General of the United States, or any duly authorized representative, shall have access to all records required to be retained by this part or by any agreement with the Bank for the purpose of audit or other examinations or copying.

§ 1800.127 Prohibition against tax credits and financial assistance for same expenditure.

(a) *Information provided to the Secretary of the Treasury.* As required by Section 506(f) of the Act, the Bank shall provide to the Secretary of Treasury such information as the Secretary of Treasury determines is necessary to insure that no person is allowed for the same expenditure both financial assistance under the Act and a credit against Federal income taxes under 26 U.S.C. 38 (investment credit) or 26 U.S.C. 44C (residential energy credit). Except as otherwise directed by the Secretary of the Treasury, the Bank intends to discharge this responsibility as well as the information return requirements of 26 U.S.C. 6050D by requiring either a State or financial institutions within a State to submit Internal Revenue Service Form 6497 ("Information Return of Nontaxable Energy Grants or Subsidized Energy Financing") or any replacement form duly approved by the Office of Management and Budget to the appropriate office of the Internal Revenue Service.

(b) *Information required from applicant.* As a condition of financial assistance, an applicant shall be required to provide to the financial institution:

(1) All information which the Secretary of Treasury determines is necessary under paragraph (a) of this section and which is possessed by the recipient, including the applicant's Social Security number or taxpayer identification number and other information required for Internal Revenue Service Form 6497 or any replacement form duly approved by the Office of Management and Budget,

(2) A certification that the applicant will not claim a Federal tax credit under 26 U.S.C. 38 or 44C for amounts expended for the assisted energy conservation measures or assisted solar energy system up to the amount used as the basis for determining the financial assistance, except as permitted by regulations or other legal interpretations of the Internal Revenue Service.

(Approved by the Office of Management and Budget under OMB control number 2535–0050)

§ 1800.129 No gross income.

The amount of any financial assistance provided under this chapter shall not be included in the gross income of any recipient for purposes of the Internal Revenue Code of 1954, 26 U.S.C. 1 *et seq.*

§ 1800.131 No increase in basis.

No recipient shall receive any increase in basis under the Internal Revenue Code of 1954, 26 U.S.C. 1 *et seq.*, which is attributable to the amount of any financial assistance provided under this chapter.

§ 1800.133 Waiver of regulations.

Upon determination of good cause, the President of the Bank may waive any provision of this part unless the provision is required by the Act. Each such waiver will be in writing and shall be supported by documentation of the pertinent facts and grounds for waiver. No person shall have a right to a hearing in connection with any waiver or refusal to waive by the President of the Bank.

§ 1800.135 Applicability of general HUD regulations.

(a) *Not subject to HUD regulations.* The Bank is not subject to the regulations of general applicability to HUD contained in this title and issued by the Secretary of HUD or a delegatee of the Secretary, except as expressly adopted by the Bank in this chapter or otherwise. Nothing in this section shall excuse the Bank from compliance with statutes or Executive Orders.

(b) *Regulations adopted.* The following provisions of this title, as they may be amended from time to time, are adopted by the bank and shall be binding as regulations of the Bank.

except as provisions of such regulations may be waived in accordance with § 1800.133 of this part: Part O (Standards of Conduct), Part 1 (Nondiscrimination), Part 2 (Hearing Practice and Procedures under Part 1), Part 7 (Equal Employment Opportunity), Part 10 (Rulemaking: Policy and Procedures), Part 15 (Production or Disclosure of Material or Information), Part 16 (Privacy Act), Part 17 (Administrative Claims), Part 20 (Board of Contract Appeals), Part 35, Subpart F (Lead-Based Paint) and Part 50 (Procedures for Protection and Enhancement of Environmental Quality). References to "the Secretary" in such provisions shall ordinarily be construed as including the Board. In conjunction with its adoption of Part 50 of this title, the Bank adopts a categorical exclusion from requirements for environmental clearances for approval by the Board of State programs and allocation of funds to the States, as well as for any actions taken by States or financial institutions in accordance with approved State programs.

(c) *Future HUD regulations.* The President of the Bank is authorized to subject the Bank to any regulations of general applicability to HUD which are added to this title in the future, by issuing a notice in the **Federal Register** to that effect.

§ 1800.137 Other Federal requirements.

(a) *General.* Financial assistance shall be provided by financial institutions in compliance with all applicable Federal statutes and regulations, as they may be amended from time to time including, but not limited to, those cited in this part and those generally applicable to "Federal financial assistance."

(b) *Non-discrimination.* Certain aspects of the Bank's programs are subject to Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*) and Executive Order 11063, and any regulations under these provisions.

(c) *Historic preservation.* No financial assistance shall be provided in connection with any energy conservation measure or solar energy system which would have an adverse effect on the historic aspect of any district, site, building, structure or object included in or eligible for inclusion in the National Register maintained by the Secretary of the Interior under 16 U.S.C. 470a, unless such financial assistance is in connection with an assistance program of a Federal agency other than the Bank and the assistance of the other agency is being provided in compliance with the procedures set forth in the regulations of the Advisory Council on Historic Preservation (36 CFR Part 800).

(d) *Floodplains and wetlands.* In order to carry out the Federal policies stated in Executive Orders 11988 ("Floodplain Management") and 11990 ("Protection of Wetlands"), no financial assistance shall be provided in connection with buildings located in 100-year floodplains or wetlands, unless such financial assistance is in connection with an assistance program of a Federal agency other than the Bank and the assistance of the other agency is being provided in compliance with the procedures set forth in Executive Order 11988 or 11990.

(e) *Flood insurance program.* No financial assistance shall be provided in connection with any building located in an area that has been identified by the Federal Emergency Management Agency as having special flood hazards unless the community in which the area is situated is participating in the National Flood Insurance Program and the regulations thereunder (44 CFR Parts 59–79) or less than a year has passed since FEMA notification regarding such hazards, and insurance on the structure is obtained in compliance with Section 102(a) of the Flood Disaster Protection Act of 1973 (Public L. 93–234, 42 U.S.C. 4001 *et seq.*).

(f) *Coastal barriers.* No financial assistance shall be provided in connection with any building located in an undeveloped coastal barrier (as defined in the Coastal Barriers Resources Act, Public L. 97–348).

(g) *Other laws.* Financial institutions shall ensure that all financial assistance is provided in accordance with the following statutes and regulations to the extent applicable:

(1) Truth-in-Lending Act (15 U.S.C. 1601 *et seq.* and 12 CFR Part 226 (Regulation Z)).

(2) Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2610 *et seq.* and Part 3500 of this title).

(3) Equal Credit Opportunity Act of 1976 (15 U.S.C. 1691 *et seq.* and 12 CFR Part 202).

Appendix I—Climatic Factor for Passive Solar Energy Space Heating Systems

HDD[1]	CH[2]			
	0–500	501–1,000	1,001–1,500	Over 1,500
Under 1,000	[illegible]	[illegible]	[illegible]	0
1,000–1,500	.2	[illegible]	[illegible]	0
1,501–2,000	.3	.2	.1	0
2,001–2,500	.4	.3	[illegible]	.1
2,501–3,000	.5	.4	.3	.2
3,001–3,500	.6	.5	[illegible]	.3
3,501–4,000	.7	.6	.5	.4
4,001–4,500	.8	.7	[illegible]	.5
4,501–5,000	[illegible]	.8	.7	.6
5,001–5,500	1.0	[illegible]	[illegible]	.7
5,501–6,000	1.0	1.0	[illegible]	.8
Over 6,000	1.0	1.0	1.0	.9

[1] HDD = Average annual heating degree days.
[2] CH = Cooling hours above 80°F.

Appendix II—Procedure for Calculating Subsidy and Reduced Interest Rate on Prepayment of Interest Loan Assistance

I. Energy conservation measures and retrofit passive solar water heating systems.

A. Determine amount of maximum subsidy based on recipient (borrower) income eligibility and limitation based on cost-effectiveness of measures as per § 1800.47 and/or 1800.67 as appropriate.

B. Category 1 loan: A predetermined interest rate reduction below prevailing market rate is to be made (e.g., 10% versus 15% conventional rate).

1. Subtract finance charge of loan at the reduced interest rate from the finance charge at the conventional rate.

2. Find the growth factor per dollar using monthly compounding financial tables at the Bank authorized discount rate of 60% of conventional interest rate, as per § 1800.17(b), rounding up to the nearest 0.25 percentage increment, for the loan repayment term.

3. Divide the amount from step B.1 by the growth factor in step B.2 above.

4. If the maximum subsidy amount available is equal to or greater than the amount in step B.3 above, then the step B.3 amount is the amount of the subsidy to be permitted. If the maximum subsidy amount available is less than the step B.3 amount, this Class loan cannot be made as there is insufficient subsidy available to "buy-down" the loan to 10%. Use Category 2 loan procedures.

C. Category 2 loan: Determine interest rate reduction based on amount of sudsidy available as per I.A. above.

1. Find the growth factor per dollar using monthly compounding financial tables at the Bank authorized discount rate of 60% of conventional interest rate, as per § 1800.17(b), rounding up to the nearest 0.25 percentage increment, for the loan repayment term.

2. Multiply the growth factor from step C.1 by the amount of subsidy available.

3. Subtract the amount from step C.2 above from the finance charge of the loan at the conventional interest rate.

4. If the result from step C.3 above is zero or greater, this result is the net finance charge of the loan. If zero, the result is a zero interest loan. If greater than zero, use a standard financial table or formula to find the interest rate needed to yield the net finance charge of the loan rounding up to the nearest percentage increment of interest rate available. This establishes the reduced interest rate of the loan and the entire amount of subsidy available is used.

5. If the result from step C.3 above is less than zero, meaning the subsidy available exeeds the amount required to "buy-down" the interest rate to zero percent, use the Category 1 loan procedure to determine the subsidy amount for any specific interest rate reduction down to zero percent.

II. Solar energy measures.

Category 3 loan: Passive solar energy systems in new or substantially rehabilitated residential buildings being financed.

1. Determine subsidy amount as follows:

A. For space heating systems:

1. Find climatic factor from Appendix I for specific site location of building. If zero, subsidy is zero.

2. Find performance factor for specific building and passive system as per § 1800.47(b). If zero, subsidy is zero.

3. Multiply climatic and performance factors together and multiply this product by the maximum subsidy available (e.g., $5,000 for a single dwelling unit building).

B. For water heating sytsems the subsidy is per § 1800.47(a)(2). For both a space and a water heating system the subsidy amounts would be combined, subject to the appropriate maximum amount in § 1800.47(a)(1).

2. Find the growth factor per dollar using monthly compounding financial tables at the Bank authorized discount rate of 60% of conventional interest rate as per § 1800.17(b), rounding up to the nearest 0.25 percentage increment, for the loan repayment term.

3. Multiply subsidy available from step 1, above by the growth factor from step 2 above.

4. Subtract the amount from step 3 above from the finance charge of the loan at the conventional interest rate. This is the net finance charge for the loan.

5. Find the interest rate required to yield the net finance charge, using a standard financial table or formula, rounding up to the nearest percentage increment of interest rate available. This establishes the reduced interest rate of the loan.

III. Portion of loan qualifies for a subsidy.

Category 4 loan: A portion of a loan is eligible for subsidized financial assistance.

1. Consider the entire loan as having two parts where one part (part A) represents the amount of the loan for which subsidized financial assistance is available. Part B is the balance of the loan amount.

2. Determine the amount of subsidy and the finance charge reduction for part A of the loan using procedures for Category 1, 2, or 3 loans, as applicable.

3. Subtract the finance charge reduction in step 2 above from the finance charge of the entire loan at the conventional interest rate. This is the net finance charge of the entire loan.

4. Use a standard financial table or formula to find the interest rate needed to yield the net finance charge of the loan rounding up to the nearest percentage increment of interest rate available. This is the reduced interest rate for the entire loan.

Appendix III—Prepayment of Interest Loan Subsidy Examples

Example 1, Category 1

It is desired to offer loans for energy conservation measures at 10% where the conventional rate is 15%. The applicant is the owner-occupant of a single-family dwelling and is at the 80-100% of median income level. Energy audit results show the cost of measures to be installed is $2,000 and estimated energy cost savings per year is $500. The loan will be for 5 years.

1. From the interim rule income limitation, the maximum level of assistance is $875 or 35% of $2,000, whichever is less. In this case the limit is $700 (35% of $2,000).

2. As per step B.1 of the procedure for Category 1 loans, the difference in finance charges from 15% to 10% for $2,000 is $304.80 ($854.80—$550.00).

3. From step B.2, the discounted rate growth factor at 6.0% for 5 years is 1.3489.

4. Per step B.3, the amount of subsidy required to reduce the interest rate to 10% is $225.96 ($304.80 divided by 1.3439). Since this amount is within the allowable subsidy of $700, the $225.96 is the subsidy amount.

Example 1 Summary

	Conventional	Bank subsidized
Principal	$2,000.00	$2,000.00
Interest rate (percent)	15	10
Term (years)	5	5
Monthly payment	$47.60	$42.40
Total payments	$2,856.00	$2,544.00

Example 2, Category 2:

It is desired to offer a reduced interest rate loan for energy conservation measures using the full amount of the subsidy available. The applicant is the owner-occupant of a single family dwelling and is at 140% of median income level. Energy audit results show the estimated cost of measures to be installed is $1,500 and the estimated energy cost savings is $300 per year. The loan will be for 5 years where the conventional interest rate is 16%.

1. From the interim rule income limitation, the maximum level of assistance is $500 or 20% of $1,500, whichever is less. In this case, the limit is $300 (20% of $1,500).

2. As per step C.1 of the procedure for Category 2 loans, the discounted rate growth factor is 1.3828 (6.5 for 5 years). Applying this to the allowable subsidy yield $414.84 ($300 × 1.3828) as per step C.2.

3. Per step C.3, the net finance charge of the loan is $273.81 (normal finance charge of $688.65—$414.84).

4. Using financial tables per step C.4, the interest needed to yield the net finance charge of the loan is found to be 7.0%, after rounding up the nearest .25% increment. The loan is thus reduced to a 7.0% rate with a subsidy of $400.

Example 2 Summary

	Conventional	Bank subsidized
Principal	$1,500.00	$1,500.00
Interest rate (percent)	16	7.0
Terms (years)	5	5
Monthly payment	$36.48	$29.70
Total payments	$2,188.80	$1,782.00

Note.— For a comparison of a reduction of principal type loan to example 2, the principal would be $1,200 at 16% interest for 5 years, the monthly payment would be $29.18 and the total payment would be $1,750.80.

Example 3, Category 3

A new single-family dwelling has a $70,000 sale price located in Greensboro, North Carolina. The solar collection area of the passive solar space heating system is 354 square feet and the gross heated living floor area is 1700 square feet. The passive system meets the five recognition factors defined in the interim rule. The mortgage will be $56,000 for 30 years where the conventional interest rate is 14%.

1. The climatic factor for Greensboro, NC is 0.6 from Appendix I based on a value of 3805 heating degree days and 916 cooling hours (from *Handbook of Air Conditioning Heating and Ventilating*, Third Edition, 1979). The performance factor is 1.0 as per § 1800.47(b). As per step 1.A of the procedures for Category 3 loans, the subsidy amount is $3,000 (0.6 × $5,000 maximum subsidy available).

2. From step 2, the growth factor is 5.5894 (5.75% for 30 years).

3. The amount of interest prepaid, per step 3, is $16,768.20 ($3,000 × 5.5894).

4. The net finance charge of the loan, per step 4, is $166,099.80 ($16,768.20 subtracted from $182,868, the finance charge at 14%).

5. Per step 5, the interest rate needed to yield the net finance charge, after rounding up to the nearest 0.25 percent increment, is 13%.

Example 3 Summary

	Conventional	Bank subsidized
Principal	$56,000.00	$56,000.00
Interest rate (percent)	14	13
Term (years)	30	30
Monthly payment	$663.53	$619.48
Total payments	$238,870.80	$223,012.80

Note.—If the subsidy had been the maximum allowable of $5,000 (for a more northerly climate) the interest rate would be 12.25%, the monthly payment $586.83 and the total payments $211,258.80.

Also, for a comparison to a reduction of principal loan at $3,000 sudsidy ($53,000 at 14% for 30 years) the monthly payment would be the same as the prepayment of interest example above.

Example 4, Category 4

A home improvement loan for $3,500 is being made which includes $1,500 of eligible energy conservation measures. The conditions for the loan are otherwise as for example 2 of this appendix.

1. The amount of subsidy and the finance charge reduction for the eligible portion of the loan is $300 and $414.84 respectively as determined in example 2.

2. The finance charge of the entire loan at the conventional interest rate is $1606.85 and the net finance charge of the entire loan is $1192.01 ($1606.85–$414.84).

3. Using financial tables, the interest needed to yield the net finance charge of the entire loan is 12.25% after rounding up to the nearest 0.25% increment. The loan is thus reduced to a 12.25% rate with a subsidy of $300.

VOL
48
ISS
105
MAY
31
1983
UMI

Example 4 Summary

	Conventional	Bank subsidized
Principal	$3,500	$3,500
Interest rate (percent)	16	12.25
Term (years)	5	5
Monthly payments	$85.11	$78.30
Total payments	$5,106.60	$4,698.00

Note.—The calculations made for finance charges on loans and the interest rates needed to yield specific finance charges are based on tables in Thornton's Financial Encyclopedia. Monthly payments are rounded up to the next $0.01. This rounding up accounts for some differences in the finance charges expressed in the calculations compared to the total payments (principal plus finance charge) shown in the summary following each example.

Dated: April 11, 1983.

Richard H. Francis,

Manager of the Bank.

[FR Doc. 83-14153 Filed 5-27-83; 8:45 am]

BILLING CODE 4210-01-M

federal register

Tuesday
May 31, 1983

Part III

Department of Labor

Employment Standards Administration

Standards for Determining Coal Miner's Total Disability or Death Due to Pneumoconiosis; Final Rule

DEPARTMENT OF LABOR

Employment Standards Administration

20 CFR Parts 718 and 725

Standards for Determining Coal Miner's Total Disability or Death Due to Pneumoconiosis; Claims for Benefits Under Part C of Title IV of the Federal Mine Safety and Health Act, As Amended

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: On January 1, 1982, the Black Lung Benefits Revenue Act of 1981 and the Black Lung Benefits Amendments of 1981 became effective. This legislation made numerous substantive changes in the Black Lung Benefits Act, Title IV of the Federal Mine Safety and Health Act. These final rules implement those changes in the law which are administered by the Department of Labor and make certain technical corrections in the implementing regulations as previously promulgated in 1978 and 1980.

DATES: Effective date: May 31, 1983, except § 725.533(a)(3) and 725.536 which contain information collection requirements which are under review at OMB.

FOR FURTHER INFORMATION CONTACT: James L. DeMarce, Executive Assistant to the Director, Office of Workers' Compensation programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–3524, Washington, D.C., 20210; Telephone (202) 523–7503.

SUPPLEMENTARY INFORMATION: The Black Lung Benefits Revenue Act of 1981 and the Black Lung Benefits Amendments of 1981, Pub. L. 97–119, 95 Stat. 1635, became effective on January 1, 1982. This legislation amended various sections of the Black Lung Benefits Act, Title IV of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 901 et seq., and the Internal Revenue Code, 26 U.S.C. 1 et seq. Those amendments establish new criteria for determining entitlement for benefits on claims filed on and after January 1, 1982, under the Black Lung Benefits Act and alter the procedures applicable to the payment of such benefits. Major changes include the removal of restrictions previously applicable to the Secretary of Labor's use of certain X-ray evidence and the placing of new limitations on the use of certain affidavits. Three presumptions previously available in support of claims have also been eliminated. (30 U.S.C. 921 (c)(2), (c)(4), and (c)(5)). Following the death of a miner whose claim was filed on or after January 1, 1982, and who was found to be entitled to benefits under the Act, the miner's dependent survivors will be required to file a claim and to establish that the miner's death was due to pneumoconiosis in order to be found entitled to survivors' benefits under the Act. An excess earnings offset was also made applicable to miner's claims. Changes were also made in the rates of interest to be paid to and by the Black Lung Disability Trust Fund and to claimants. The rate of the excise tax on coal was temporarily doubled and the liability for the payment of certain claims was transferred from individual coal mine operators and/or their insurance companies to the Fund. Certain other technical changes were also made by the amendments.

A notice of proposed rulemaking was published in the **Federal Register** of May 25, 1982 (47 FR 22674). The primary purpose of those proposed rules was to amend the Department of Labor's regulations which were previously published on August 18, 1978 (43 FR 36772), and February 29, 1980 (45 FR 13678), to conform to and implement the 1981 Amendments to the Act. A second purpose of the proposed rules was to make certain technical corrections in the regulations as previously promulgated by correcting typographical and clerical errors, correcting erroneous cross-references, and making more uniform the language of certain provisions dealing with the same or similar subject matter. The notice of proposed rulemaking indicated that other substantive changes to the existing regulations which may be appropriate would be considered by the Department separately at a later date.

Comments were received from 16 sources including coal mine operator associations, an individual coal mine operator, an electric utility association, an insurance council, individual insurance companies, an insurance service agent, a coal miners' union, black lung claimants' associations, individual attorneys who represent claimants seeking black lung benefits, and a medical group.

The following summarizes the substantive comments which were received, states the Department's response to those comments, and indicates the changes which have been made in the proposed rules as a result of those comments. This summary deals with the comments received and the Department's responses to them on a section-by-section basis, except where clarity is better served by discussing separate subsections individually. Where the same or closely related subject matter is contained in several sections or subsections of these rules, the discussion is either consolidated under the first applicable section or subsection, or related material is indicated by appropriate cross-references. Wherever the term nonconforming is used in this preamble, it refers to medical evidence which is not in substantial compliance with the quality standards established in Part 718.

Discussion of Comments Received

Section 718.1 Statutory provisions

(a) Two commenters expressed concern that paragraph (a) of § 718.1 could be read to require the surviving dependents of a miner to file a claim and establish that the miner's death was due to pneumoconiosis in order to receive survivors' benefits even though the deceased miner had been receiving benefits under the Act based on a claim filed prior to the passage of the 1981 amendments. In any case in which the miner has been found entitled to benefits as a result of a claim filed prior to January 1, 1982, such an interpretation would be contrary to section 422(1) of the Act and its implementing regulations, especially §§ 725.1, 725.201, 725.212, 725.218, and 725.222. Those sections make clear that where the miner has been found entitled to benefits as a result of a claim filed prior to January 1, 1982, surviving dependents are not required to establish that the miner's death was due to pneumoconiosis in order to qualify for benefits under the Act. For such dependent survivors, the Act requires the payment of survivors' benefits upon receipt of information which confirms the miner's death and provides such additional data as is required to compute the appropriate benefits to be paid to the eligible survivors. This requirement is usually satisfied by the filing of a standard form (CM 1089).

(b) Only where the miner has not been determined to be eligible for benefits as a result of a claim filed prior to January 1, 1982, will his or her surviving dependents be required to establish that the miner's death was due to pneumoconiosis in order to qualify for benefits, if such survivors' claims are filed on or after January 1, 1982. The requirement that the miner's death was due to pneumoconiosis is also not applicable to those survivors whose entitlement is established under section 411(c)(5) of the Act and its implementing

regulation at § 718.306 on survivors' claims filed prior to June 30, 1982.

(c) In these final rules, the second sentence of paragraph (a) of § 718.1 has been clarified to eliminate the possible misinterpretation referred to in the comments received. No other comments were received concerning this section and no further changes have been made in it.

Section 718.2 Applicability of this part

One comment contended that this section should be amended to conform to a recent ruling by the Benefits Review Board in *Muncy v. Wolf Creek Collieries Coal Co., Inc.*, 3 BLR 1–627 (1981). Since the Department neither agrees with the result reached in the Board's decision nor concedes that the Board has authority to so amend the Secretary's regulations, no such change has been made in this section. No other comments were received concerning this section and no changes have been made in it.

Section 718.102 Chest roentgenograms (X-rays)

(a) Although the notice of proposed rulemaking included no changes to this section, one comment was received which proposed a change to paragraph (e) of this section. The comment proposed to exclude all nonconforming X-rays from consideration in cases involving deceased miners where the claim was filed on or after January 1, 1982. Such a change would not be consistent with the intent of Section 202(a) of the 1981 amendments. The intent of that amendment was to permit the full and complete evaluation of X-ray evidence rather than to restrict artificially the consideration of such relevant and probative evidence. The requested change would be particularly harsh and detrimental to informed claims adjudication because it could result in the exclusion of the only available evidence on the issue.

(b) This final rule does, however, contain a revision and clarification of the latter part of the first sentence of paragraph (e). This change was made to conform this paragraph to a similar change made in § 718.106(b). That change was made in response to a comment received concerning the proposed revision of that section. The basis for the parallel changes in both sections is discussed under § 718.106 and is also referred to under § 718.202.

Section 718.106 Autopsy; biopsy

(a) One comment noted that the phrase "special consideration" used in the second sentence of proposed paragraph (b) can be read to imply that preferential treatment is to be given to nonconforming biopsy or autopsy reports where the miner died prior to March 31, 1980. The comment correctly notes that the intended purpose of the regulation was only to render such nonconforming reports which were prepared prior to the adoption of the Part 718 regulations admissible as evidence. See 45 FR 13684 (February 29, 1980), § 718.106 Autopsy; biopsy. Discussion and changes, (b). The final rule has been revised to state its intended purpose more clearly. A similar revision was also made in §718.102(e) concerning the admissibility of nonconforming X-rays of deceased miners.

(b) One comment requested that the Department either publish standards for conducting autopsies at this time or establish a specific timetable for the publication of such standards. Section 202(e) of the 1981 amendments directed the Department, in consultation with the Secretary of Health and Human Services, to undertake a study of current medical methods for the diagnosis of pneumoconiosis. The results of the study, together with appropriate recommendations, are to be transmitted to the Congress. It would be premature to promulgate any standards for the conduct of autopsies until the results of that study and the related recommendations become available.

(c) No other comments were received concerning this section and no other changes were made in it.

Section 718.202 Determining the existence of pneumoconiosis

(a) Three comments were received concerning proposed paragraph (a)(1)(i). The first supported a revision of the proposed rule which would require the Department to: (1) Review all X-rays submitted in claims filed on or after January 1, 1982, to determine whether they provide adequate evidence of the existence of pneumoconiosis as provided in § 718.102 and Appendix A, (2) require additional X-rays in the case of living miners whose claims are filed on or after January 1, 1982, when the original X-ray submitted was not in compliance with those criteria, and (3) reject all inadequate or nonconforming X-rays submitted in survivors' claims filed on or after January 1, 1982. The Department does not believe that the incorporation of additional cross-references to § 718.102 and Appendix A are necessary in this paragraph since § 718.102(e) already provides that, "[n]o chest X-ray shall constitute evidence of the presence or absence of pneumoconiosis unless it is in substantial compliance with the requirements of this section and Appendix A, * * *." Similarly, §§ 725.406, 725.407, and 725.408 already provide the deputy commissioner with sufficient authority to require a living miner to submit to an additional X-ray when such evidence is necessary to the proper development and evaluation of the miner's claim. The Department does not agree that nonconforming X-rays must be excluded from consideration in survivors' claims when they may constitute the only such evidence available with regard to the deceased miner. Therefore, § 718.102(e) has been revised to clarify that such nonconforming X-rays shall be admissible as evidence with regard to survivors' claims and shall be accorded such weight and probative value as is appropriate under the circumstances of the individual case.

(b) The second comment received concerning proposed paragraph (a)(1)(i) opposes any change from the previous version and states that such a change is unnecessary. It further objects to any use of "B" readers which may be made by the Department under the proposed rule. Section 202(a) of the 1981 amendments expressly amended section 413(b) of the Act and eliminated certain previously applicable limitations upon the review of X-rays evidence for all claims filed on or after January 1, 1982. The proposed rule reflects this change in the Act. Nor can the Department agree that it should not, under appropriate circumstances, make use of "B" readers for the evaluation and interpretation of X-ray evidence.

(c) The third comment received concerning paragraph (a)(1)(i) recommends that all X-rays, regardless of the date of filing of the claim, should be reviewed by "B" readers. For claims filed prior to January 1, 1982, section 413(b) of the Act requires that, "the Secretary shall accept a board certified or board eligible radiologist's interpretation of a chest roentgenogram" where certain specified criteria are met. No such limitations are imposed with regard to claims filed on or after January 1, 1982. The Department agrees that "B" readers are highly qualified in the interpretation and evaluation of X-rays and will, within the limits imposed by the Act, continue to make use of that expertise. However, no change in the proposed rule is required to achieve that objective.

(d) Several comments were received concerning the second sentence of proposed paragraph (c) on the use of affidavit evidence in the establishment of the existence of pneumoconiosis in cases involving deceased miners. Those

comments focus upon two issues: (1) The purposes for which such affidavits shall be sufficient, and (2) the persons whose affidavits shall be sufficient.

(e) Concerning the first issue, one comment contends that lay affidavits may be used to establish the fact of total disability or death in a case involving a deceased miner but not to establish the cause of such disability or death. A second comment takes the position that, although lay affidavits could establish the existence of a condition which was presumed to be pneumoconiosis under the interim criteria (§ 727.203(a)(5)) and under the now repealed section 411(c)(2) and 411(c)(4) presumptions in a case involving a deceased miner, lay affidavits are no longer sufficient to establish the existence of pneumoconiosis under the Act, as now amended. Both comments contend that the existence of pneumoconiosis can only be established by expert medical evidence.

(f) The comments summarized in paragraph (e) above rely upon cases involving living miners in support of their contentions. The Department agrees that in cases involving living miners expert medical evidence is required. However, the Department can not concur with these interpretations as applied to certain cases involving deceased miners. Section 413(b) of the Act, as now amended, states in pertinent part: "Where there is no medical or other relevant evidence in the case of a deceased miner, such affidavits [of persons with knowledge of the miner's physical condition], from persons not eligible for benfits in such case with respect to claims filed on or after the effective date of the Black Lung Benefits Amendments of 1981, shall be considered to be sufficient to establish that the miner was totally disabled due to pneumoconiosis or that his or her death was due to pneumoconiosis." By its express terms, this provision dealing with the sufficiency of lay affidavit evidence is limited to those increasingly rare instances "where no medical or other relevant evidence" is available concerning the deceased miner. The proposed interpretations would require the presentation of medical evidence of the existence of pneumoconiosis before according any weight to lay affidavits concerning the deceased miner. Thus, they would defeat the purpose of the statutory provision which is intended to address precisely those few situations where no such medical evidence is available. Therefore, no change was made in the proposed rule as a result of the consideration of these comments.

(g) One comment notes that the instances in which widows were awarded survivors' benefits based solely on their own affidavits have been very rare in the past. It also states that the widow of a deceased miner may also be the one person most knowledgeable about the miner's physical condition. The comment requests, based on those two factors, that no new restrictions be placed on the use of such widows' affidavits in the future. The Department notes that the effect of the new amendment to section 413(b) of the Act is not to exclude the affidavits of widows and other family members from consideration but merely to render them insufficient to establish entitlement to benefits without the assistance of affidavits from third persons who are not themselves eligible to receive such benefits. The weighing of the knowledgeability of the affiant against the dangers associated with self serving affidavits and the definition of the weight to be accorded such affidavits is a function which the Congress exercised in the enactment of this amendment. The Department is no more free to ignor the determinations made by the Congress in the 1981 amendments which altered this rule than it was free to ignore the previous rule concerning the sufficiency of such widows' affidavits which was established by the 1977 amendments to the Act. Therefore, no change was made in the proposed rule in response to this comment.

(h) Two comments noted that the limitation language used in the second sentence of proposed paragraph (c) which defines the class of persons whose affidavits "shall be considered to be sufficient to establish that the miner was totally disabled due to pneumoconiosis or that his or her death was due to pneumoconiosis" was overbroad. The proposed language would have excluded affidavits from "any person or persons having any financial interest in the result of the adjudication of the claim." These comments point out that the proposed language was sufficiently board that it could arguably be interpreted to exclude the affidavits of any persons to whom the deceased miner or members of his or her family owed or owe money. In smaller coal mining communities, such a broad reading might be sufficient to exclude the affidavits of virtually all "persons with knowledge of the miner's physical condition." The Department agrees that such an interpretation would be inconsistant with the intended purpose of the amended language. The intended purpose of this amendment was stated in the Administration's description of the change. It was summarized as to "accept affidavits in such cases from third parties *who could not receive benefits.*" 127 *Cong. Rec.*, H9793 (daily ed. December 16, 1981) (emphasis added). One comment indicates that the exclusion should be limited to "immediate beneficiaries," including the claimant and any dependents. The Department agrees that such a limitation is appropriate and paragraph (c) has been revised to limit the exclusion to the claimant and his or her dependents who would be eligible for augmentation of the claimant's benefits.

(i) No other comments were received concerning this section and no other changes were made in it.

Section 718.204 Total disability defined. Criteria for determining total disability

(a) Review of the explanatory materials which accompanied the original promulgation of this regulation (45 FR 13688–13690 (February 29, 1980)) makes clear that the purpose of paragraph (c)(5) was to implement provisions of section 413(b) of the Act as amended in 1978. Although changes were made from the proposed version of that paragraph, see 43 FR 17725 (April 25, 1978), prior to its final promulgation, the language adopted in the final version and again contained in the proposed revision which was published on May 25, 1982, failed to reflect the full scope of the portion of section 413(b) of the Act which it sought to implement. That portion of section 413(b) speaks to all cases involving a "deceased miner" "where there is no medical or other relevant evidence." Thus, it applies not only to survivors' claims, but also to claims filed by miners which are not finally adjudicated until after the miner's death. To make this paragraph consistent with the quoted portion of section 413(b) and consistent with § 718.202(c), paragraph (c)(5) has been modified by inserting the words "a case involving a deceased miner" in place of the words "the case of a claim filed by a survivor of a miner" which were contained in the previous version of the regulation and also in the proposed revision which was published on May 25, 1982.

(b) Two comments were received which recommended that the word "shall" contained in the first sentence of the proposed paragraph (c)(5) should be changed to "may" to reflect legislative intent. The third sentence of Section 413(b) of the Act, as enacted in 1978 and as amended in 1981, contains the

express words "shall be considered to be sufficient"; therefore, it would be inappropriate to make the change recommended. However, the Department agrees that the Congressional intent was not that all such affidavits automatically be deemed sufficient for the indicated purpose. Clearly, the intent of the provision is that the affidavits (or equivalent sworn testimony) must be found to be both sufficiently credible and sufficiently detailed to permit the drawing of the conclusion that the miner was totally disabled or died due to pneumoconiosis as those terms are defined in the Act and its implementing regulations before they can be deemed to be sufficient. Those qualification are equally applicable to all forms of evidence and need not be made express in this context.

(c) One comment received suggested that paragraph (c) should be further revised or a new subsection be promulgated to make clear that the miner's total disability must be due to pneumoconiosis. Paragraphs (a) and (b) of this section already state that pneumoconiosis "as defined in § 718.201" must be the cause of the miner's total disability. No useful purpose would be served by reiterating the requirement again in paragraph (c) of this section. The same comment also suggests that paragraph (c) should further state that the pneumoconiosis must have arisen from employment in the nation's coal mines. That requirement is made express in § 718.203 and no useful purpose would be served in repeating it in other sections of the regulations which discuss other criteria for establishing eligibility for benefits. Finally, the same comment also suggests that language should be added to make clear that, except as provided in § 718.305 proof of a totally disabling respiratory or pulmonary impairment shall not by itself be sufficient to establish that the miner's impairment is due to pneumoconiosis. The Department agrees that such an addition would be helpful and paragraph (c) has been revised to incorporate that suggestion.

(d) One comment suggests that the use of lay affidavits should be totally banned for all claims filed which are subject to the 1981 amendments. The 1981 amendments to section 413(b) of the Act restricted, but did not abolish, the use of such affidavits. As noted in paragraph (g) of the discussion of comments received concerning § 718.202 above, the Department is not free to alter the rule which the Congress established concerning the use of such affidavits. Therefore, no change was made in the proposed rule in response to this comment.

(e) One comment suggests that the proposed rule should emphasize that the miner's total disability due to pneumoconiosis is not relevant to survivors' claims filed after January 1, 1982, except for those claims subject to § 718.306 which were filed prior to June 30, 1982. The Department agrees that this distinction is important and paragraph (c)(5) has been revised accordingly.

(f) One comment suggests that the second sentence of proposed paragraph (c)(5) should be broadened to include all survivors' claims filed on or after January 1, 1982. Such a change would serve no useful purpose. As noted in the preceding paragraph, the only survivors' claims filed on or after January 1, 1982, in which the fact of the miner's disability due to pneumoconiosis prior to death is relevant are those survivors' claims filed prior to June 30, 1982, which are subject to § 718.306. Therefore, no change has been made in the proposed regulation in response to this comment.

(g) Two comments argue that restrictions placed on the use of lay affidavits contained in the second sentence of proposed paragraph (c)(5) are overbroad and inconsistent with Congressional intent. The Department agrees. For the reasons stated above in paragraph (h) of the discussion of the comments received concerning § 718.202, that sentence has been revised to render it consistent with revised § 718.202(c).

(h) One comment raises objections to the second sentence of proposed paragraph (c)(5) similar to those summarized in paragraph (g) of the discussion of the comments received concerning § 718.202. For the reasons stated in response to that comment, no change can be made in response to this comment.

(i) No other comments were received concerning this section and no other changes were made in it.

Section 718.205 Death due to pneumoconiosis

(a) The notice of proposed rulemaking, 47 FR 22674 (May 25, 1982), particularly solicited comments concerning this section and the related legislative history. Thirteen of the comments received responded to that request. Most of them provided extended discussions of the proposed language in light of the legislative history. The Department appreciates the assistance which it has received from these comments.

(b) Generally, the comments received stress certain recurring themes: (1) Problems with the previous version of § 718.205, (2) whether any detailed regulations are necessary to implement the new requirements for survivors' claims, (3) the weight to be accorded various portions of the legislative history, (4) the specific language included in proposed paragraphs (c), (d) and (e), (5) proposals for restructuring the sequence of paragraphs within § 718.205, (6) the use of examples contained in the proposed paragraphs, (7) concerns that proposed paragraph (d) has created a new presumption of survivor entitlement and (8) concerns about the concept of aggravation as applied to survivors' claims. The comments received from employer and insurer groups tend to argue that the proposed criteria are too liberal to effectuate the intent of the 1981 amendments, whereas comments from the claimant community argue that the proposal is unnecessarily restrictive. However, there are significant variations within the comments received from each group.

(c) A finding that a deceased miner's was due to pneumoconiosis, whether based on direct proof or obtained by the aid of presumptions, has served as an alternative basis for the establishment of eligible dependent survivors' entitlement to benefits ever since the original passage of the Black Lung Benefits Act in 1969. The original version of the Act contained two presumptions, sections 411(c)(2) and 411(c)(3), which assisted survivors in obtaining such findings. The 1972 amendments added a third presumption, section 411(c)(4), which also assisted in making such a finding. The 1977 amendments liberalized other evidentiary rules which also facilitated reaching that result. Based upon the belief that relevant medical evidence is not more readily available in cases involving deceased miners, the 1981 amendments tightened those evidentiary rules and repealed the section 411(c)(2) and 411(c)(4) presumptions. However, none of the four versions of the Act has ever contained an express definition of the term "death due to pneumoconiosis." As a practical matter, prior to the passage of the 1981 amendments, the overwhelming majority of survivor entitlements were not based upon a finding of death due to pneumoconiosis but rather were based upon findings that the miner was totally disabled by pneumoconiosis prior to or at the time of death. The 1981 amendments which eliminated the unrelated death benefit for survivors' claims filed on or after

January 1, 1982 (except for a temporary extension of the section 411(c)(5) presumption which is implemented by § 718.306) thus gave an importance to the concept of death due to pneumoconiosis which it has never had in the prior history of the Act.

(d) The legislative history is clear that there was no intent to affect the rights of any persons where the miners' or the survivors' claims had been filed prior to January 1, 1982. Therefore, it must be concluded that the Congress intended to the previous version of these regulations to remain applicable to such claims.

(e) Among the many clear indications in the legislative history that section 203(a)'s elimination of unrelated death benefits was to be prospective only are the following. Robert B. Collyer, Deputy Under Secretary of Labor for Employment Standards, U.S. Department of Labor, testified in support of the proposed change before the Senate Labor Subcommittee on December 14, 1981. He stated, "Like other changes in the proposal, this change is prospective only." Committee Print, p. 17. Similarly, the administration's explanation of the bill was inserted into the *Congressional Record* at the request of Chairman Perkins immediately prior to the passage of the bill. It stated, "This section [203(a)] would, with respect to claims filed on or after the effective date of these amendments, limit survivors' entitlement to those cases where death resulted from black lung disease and not some unrelated event." 127 CONG. REC. H9793 (daily ed. December 16, 1981). A similar statement by Chairman Hatch appears at Id. at S15494. Congressman Erlenborn criticized the bill precisely because its operation was to be prospective only. He stressed "that none of those amendments will apply to pending claims, and there are tens of thousands of pending claims." He also pointed out that "this bill is prospective only. Every amendment to the black lung program as it affects eligibility applies only to those claims which are filed in the future." He concluded, "If this bill becomes law, there will be two 'classes' of claimants—those who filed before and those who filed afterwards." Id. at H9794, H9795 and H9796. See also the identical statements of Chairmen Hatch and Perkins, "We have been very concerned about the authority in current law to pay survivor's benefits in those situations [where the miner's death is unrelated to pneumoconiosis]. [The pending bill] reflects that concern by eliminating prospectively the authority to initiate benefit payments when that happens." Id. at S15494 and H9792.

(f) Two comments indicated that the proposed revisions to this section did not distinguish clearly enough between the criteria applicable to the two classes of claims, those filed before and those filed on or after January 1, 1982. The Department agrees. The final version of the regulation has been revised accordingly. Previously paragraphs (b) and (c) have been combined into a new paragraph (b). Former paragraph (c) has been redesignated as paragraph (b)(5). The new combined paragraph (b) has been revised to state that it is applicable only to claims filed before January 1, 1982. New paragraphs (c) and (d) define the eligibility criteria and procedures applicable to claims based on death due to pneumoconiosis filed on or after January 1, 1982. This restructuring and clarification of the regulation also eliminates the possibility which was pointed out by three comments that the proposed version of the regulation could have been read to produce the unintended result of establishing additional grounds for entitlement for claims filed prior to January 1, 1982.

(g) Several of the comments received suggest that the Department should take this opportunity to revise the previous regulatory definition of death due to pneumoconiosis. These comments tend to focus on the concept of aggravation as contained in former paragraph (c), now redesignated as paragraph (b)(5). They rely, in major part, upon decisions of the Benefits Review Board, especially *Ovies v. Director,* 3 BLR 1–610 (1981), rev'd on other grounds mem., 681 F. 2d 815 (4th Cir. 1982). The Department does not agree with the result reached by the Board in *Ovies.* Pending the result of further litigation on this issue, any change would be inappropriate. Moreover, in view of the clearly expressed legislative intent discussed in paragraphs (d) and (e) above that all changes were to be prospective only, the Department concludes that it would be improper to retroactively alter or amend the regulatory criteria applicable to claims filed prior to January 1, 1982. Therefore, no change has been made to those criteria in response to these suggestions.

(h) However, it is likewise clear that the prior regulatory definitions can no longer be applied to survivors' claims filed on or after January 1, 1982. This conclusion is mandated by two specific considerations. First, the regulations in existence at the time of the passage of the 1981 amendments incorporated elements of the now repealed presumptions. Second, statements were made in both houses of Congress during the floor debates immediately prior to the passage of the amendments which included interpretations to be given to the meaning of death due to pneumoconiosis under those amendments which were significantly divergent from the regulatory definitions then in effect.

(i) Several of the comments received suggest that no new regulatory definition is needed for the concept of "death due to pneumoconiosis" as applied to survivors' claims filed on and after January 1, 1982. The Department does not agree. The words do not speak clearly and unambiguously for themselves. The causal nexus of "due to" has been given a broad variety of meanings in the law ranging from sole and proximate cause at one end of the spectrum to contributing cause at the other. Therefore, some guidance is required as to the intended meaning of the words in this specific context. Without such a new interpretive statement, the prior definition, which was based in part on presumptions which are no longer applicable, may tend to continue to influence future claims adjudications. Clearly, that would not be consistent with the legislative intent. Nor would it be consistent with that intent to await the gradual emergence of a new definition as the result of a case-by-case adjudication process. The Department believes that crucial portions of the legislative history speak clearly as to the intended meaning to be given to the words "death due to pneumoconiosis" as applied to claims which are filed after December 31, 1981. Therefore, it is obligated to promulgate new regulations which are consistent with that intent.

(j) One comment suggests that the Hatch-Perkins statement was accorded undue weight in the preparation of the proposed version of this section. Although the Department agrees that the legislative history must be viewed as a whole in seeking to ascertain the intent of the legislation, it is nonetheless true that some portions of that history are entitled to greater weight than are others. As a general rule, statements by proponents of a legislative change are to be accorded greater weight than are statements by its opponents when seeking to define the intended purpose of the change. Similarly, detailed and comprehensive statements explaining the intended purpose of specific changes are to be given greater weight than are generalized statements referring to the intended purpose of the legislation as a whole. The familiarity of the speaker with the subject matter is also a relevant factor in determining the weight to be accorded individual expressions of

legislative intent. Finally, it is appropriate to accord special deference to the statements of individual members, especially to the ranking members and chairman, of committees which have institutional responsibility for the development of the legislation and oversight over its implementation. Preliminary consideration of these factors led to the decision to base the proposed version of this section primarily upon the Hatch-Perkins statement. After careful review of the numerous comments received concerning this statement and its relationship to the remainder of the legislative history relating to this provision of the 1981 amendments, the Department remains convinced of the correctness of that decision. This conclusion is reinforced by the express purpose of the statement which was to address "a question [which] has been raised regarding the proper interpretation of the provisions in the bill [which prospectively eliminated survivors' benefits in those cases where the miners' deaths were not due to pneumoconiosis]." Finally, it must be noted that the statement concludes with the chairman's "expectation that the Department of Labor would administer the new law in accordance with this explanation of the survivorship provisions." 127 CONG. REC. at S15494 and H9792 (daily ed.).

(k) Several of the comments received suggest that the definition of death due to pneumoconiosis applicable to claims filed on and after January 1, 1982, should include as an alternative basis for entitlement the words, "where competent medical evidence established that the miner's death was due to pneumoconiosis" or their equivalent. The regulation applicable to survivors' claims filed prior to January 1, 1982, already contains that provision at paragraph (b)(1). The Department agrees that it is equally applicable to survivors' claims filed subject to the new amendments and has, therefore, incorporated it into the criteria applicable to claims filed on and after January 1, 1982, at new paragraph (c)(1).

(l) Several comments received stress the importance of accurately incorporating the substance of the Hatch-Perkins explanation of the intended meaning of the new "death due to pneumoconiosis" requirement into the regulations. The Department agrees that the proposed version of the regulation did not achieve that result in a fully satisfactory manner. Paragraphs (c)(2) and (c)(4) as now promulgated are derived from the Hatch-Perkins statement. One significant change from the proposed version is the elimination of the words "significantly related to or aggravated by" as forms of causation which were included in the proposed version. This deletion is based upon a consideration of the comments discussed above in paragraph (g) and also upon the fact that those terms are not used in the Hatch-Perkins statement concerning the types of causal nexus which they intended to be compensable on survivors' claims filed after December 31, 1981.

(m) The Hatch-Perkins statement contains several key sentences explaining the intended future meaning of "death due to pneumoconiosis." They include, "I want to emphasize, however, that it is not the purpose of [the changes] to deny survivor's benefits when complications of pneumoconiosis have caused a miner's death or where pneumoconiosis was a substantially contributing factor to that death. For example pneumoconiosis may have been a substantially contributing cause of death where the principal cause of death was pneumonia." Two paragraphs later the statement continues, "Once the Labor Department has received medical evidence establishing that pneumoconiosis was the cause of death or a substantially contributing factor to the death, the survivor will receive benefits, unless the weight of the evidence developed by the Labor Department's Deputy Commissioner or by a responsible operator establishes that the death was unrelated to pneumoconiosis." Id. the quoted sentences refer to three possible relationships between the miner's death and pneumoconiosis, each of which is intended to be compensable. First is the situation in which "medical evidence establish[es] that pneumoconiosis was the cause of death." This basis for entitlement is discussed in paragraph (k) above and is now incorporated in paragraph (c)(1). The second situation is one in which "pneumoconiosis was a substantially contributing factor to [or cause of] that death." The third situation is where "complications of pneumoconiosis have caused a miner's death." These two additional bases for entitlement are now incorporated into paragraph (c)(2).

(n) Several comments objected to the inclusion in the proposed version of this regulation of the example quoted in paragraph (m) above. It is contended that the example is "general", "hypothetical", "of no value", "confusing", and capable of being seriously misinterpreted. The Department agrees that the example—viewed in isolation—can be misconstrued. However, the example which was used as an illustration of a potentially compensable claim, i.e., that "pneumoconiosis may have been a substantially contributing cause of death in a case where the principal cause of death was pneumonia," must be understood in the context of the Hatch-Perkins statement as a whole. In addition to the portions of the statement quoted in paragraph (m) above, the statement also includes the following statement of limitation, "Of course, survivors would not be eligible for benefits in those situations where death was caused by a traumatic injury or an unrelated medical condition." Taken as whole, the statement makes clear that no benefits are payable where the cause of the miner's death was unrelated to pneumoconiosis. However, the statement makes equally clear that pneumoconiosis need not the "principal", sole, primary or proximate cause of the miner's death in order for the survivor's claim to be compensable. Considered in this light, the example was intended to illustrate those basic concepts in the following manner: the survivor's claim is compensable if the evidence demonstrates that pneumoconiosis was a substantially contributing cause of death even though the principal cause of death was pneumonia. In order to avoid possible misinterpretations, such as death due to pneumonia is compensable if pneumoconiosis was found to be present at the time of death or even that pneumonia may be indicative of the presence of pneumoconiosis, the use of the pneumonia example has been deleted from the regulation as now promulgated. However, the basic concept which it illustrates has been incorporated into paragraph (c)(4).

(o) Several comments discussed the statement of limitation contained in the Hatch-Perkins statement which is quoted in paragraph (n) above. One comment suggested that it should be placed in a separate subsection. Paragraph (c)(4) as now promulgated responds to that suggestion. Another comment requested that the Department explain in this preamble that a party opposing benefits is not required to "absolutely rule out every conceivable relationship between death and pneumoconiosis in order to establish non-entitlement." The Department agrees, as explained more fully in the discussion of new paragraph (d) below, that the burden is upon the survivor to establish both initially and ultimately that the miner's death was due to pneumoconiosis, as defined in paragraph (c), before benefits are

payable. Unless the survivor has access to the irrebuttable presumption implemented by § 718.304, there is no presumption of compensability applicable to these cases. Two comments question the appropriateness of including "death * * * caused by a traumatic injury" as an example of when benefits are not payable. One of them criticizes it as "vague" and "unnecessary". The Department does not agree with this characterization of the example. Rather, it is believed that this example will be helpful in claims adjudication and its use is retained in paragraph (c)(4) as now promulgated. The other comment points out that there may be rare instances in which pneumoconiosis is a substantially contributing cause of death even though the immediate cause of death was a traumatic injury, such as a disabled miner collapsing from a lack of oxygen and falling and breaking his neck. The comment requests that such cases be recognized in the regulations. The Department agrees that, upon a proper evidentiary showing by the survivor, such a claim would be compensable. Paragraph (c)(4) has been revised to provide for such situations. Finally, one comment opposes the whole concept of making survivors' benefits dependent upon proof that the miner's death was due to pneumoconiosis. The Congress having clearly decided to adopt such a requirement, the Department is not free to eliminate it in the implementing regulations. Therefore, no change in the regulation has been made in response to this comment.

(p) Three comments were received which were supportive of paragraph (c) as originally proposed. One comment was received which opposed it in part. Although the reorganization of the final version of this regulation referred to in paragraph (f) above has rendered proposed paragraph (c) unnecessary, the issues addressed in these comments remain relevant. The proposed paragraph (c) was intended to serve two purposes: (1) To stress that the presumptions referred to in paragraph (b)(4) are inapplicable to survivors' claims filed on and after January 1, 1982, and (2) to make clear that the criteria contained in paragraph (b)(2) are also inapplicable to such claims. All four comments concur on the inapplicability of the repealed presumptions. However, one comment argues for the continued applicability of paragraph (b)(2). The language of paragraph (b)(2) is a modified version of the third sentence of 20 CFR 410.462(b). That regulation was originally promulgated by the Social Security Administration to implement the presumption contained at section 411(c)(2) of the Act. It was labelled, "Presumption relating to respirable disease." It was subsequently utilized by the Department of Labor for the same purpose. See § 718.303(a)(1). The Department cannot agree that this language has a basis in the Act independent of the presumption which it was used to implement. That presumption was made inapplicable to all claims filed on and after January 1, 1982, by the 1981 amendments. Therefore, no comparable language is included in the criteria applicable to such claims as now promulgated.

(q) One comment suggests that the definition of death due to pneumoconiosis in these regulations should be patterned after the criteria applicable under the Pennsylvania Workmen's Compensation Act. Although the legislative history is clear that one of the purposes of the amendments eliminating survivors' benefits where the miner's death was not due to pneumoconiosis was to make the federal statute consistent with traditional workers' compensation principles, there is no indication in that history that Congress had any specific state workers' compensation act in mind which was to provide a model for the new criteria. Throughout the legislative history, the various terms such as "due to", "caused by", "resulted from", "a causal connection" and "related to" are used interchangeably. Only the Hatch-Perkins statement provides a more detailed explanation of the intended meaning of the new requirement. That statement provides definitions significantly different from the judicial interpretations which have been applied to the relevant provisions of the Pennsylvania Act. Therefore, no change has been made as a result of this comment.

(r) One comment points out that proposed paragraph (e), now promulgated in revised form as paragraph (d), did not reflect the portion of the Hatch-Perkins statement which indicates that survivors' claims filed on and after January 1, 1982, were to be accorded "the highest priority in developing the evidence necessary to a prompt and fair decision." Id. The Department agrees that this is a serious omission. A new introductory sentence has been added to the subsection stating that such claims "shall be adjudicated on an expedited basis."

(s) Several comments criticized proposed paragraph (e) because it "suggested" that a rebuttable presumption is applicable to survivors' claims upon a *prima facie* showing of entitlement. These comments recommended either that the paragraph be eliminated entirely or that it be substantially revised and explained to avoid such a possible construction. As noted in the discussion in paragraph (o) above, there is no general presumption of compensability applicable to survivors' claims filed on or after January 1, 1982. To avoid any possible implication or inference that such a presumption was intended, this subsection has been substantially revised to make clear that the normal rules of proof are applicable to such claims. Specifically, the initial burden of proof is upon the claimant. If the claimant succeeds in establishing a *prima facie* case of entitlement, the burden then shifts to the party potentially responsible for payment of the claim to develop rebuttal evidence. The ultimate disposition of the claim is to be determined by the weight of the evidence. To further clarify that the normal rules concerning evidentiary development and burden of proof are applicable to these claims, the regulatory provisions defining them have also been cross-referenced in the revised version of this paragraph which is now promulgated as paragraph (d).

(t) One comment objects to the termination of benefits following the death of a miner who was found entitled to such benefits under the Act and their reinstitution only after the survivor has been found to be eligible for such benefits because the miner's death was due to pneumoconiosis. The comment suggests the establishment of "provisional interim benefits" to be paid during the period of the adjudication of survivors' claims filed after December 31, 1981. However, there is no provision in the Act for the institution of such an additional form of interim benefits. Indeed, the 1981 amendments significantly restricted the past practice of paying interim benefits prior to the final adjudication of a claim. In no event have interim benefits ever been paid under the Act on a claim involving a potentially responsible operator prior to the deputy commissioner's initial determination of eligibility (or its equivalent in the case of certain previously denied claims reviewed by the Social Security Administration under the 1977 amendments). See §§ 725.1(i) and 725.420. Therefore, no change can be made in the regulation in response to this comment. However, as noted in paragraph (r) above, a new sentence has been added to paragraph (d) as now promulgated which will require such survivors' claims to be adjudicated on an expedited basis in

order "to minimize the hardships to potentially entitled survivors due to the disruption of benefits upon the miner's death * * *".

(u) No other comments were received concerning this section and no other changes were made in it.

Section 718.303 Death from a respirable disease

One comment was received concerning proposed new paragraph (c). It suggests the addition of the phrase "regardless of any prior filings." Such a change, however, would be inconsistent with the merger provisions of § 725.309 which implement the incorporated provisions of section 22 of the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 922, as construed by the courts. See *Intercounty Construction Corp. v. Walter*, 422 U.S. 1 (1974), and *Banks v. Chicago Grain Trimmers Ass'n*, 390 U.S. 459 (1965). Under those cases, a newly filed claim is to be treated as a request for an adjudication of a prior claim if such prior claim is still pending and unadjudicated or as a request for modification of the ruling on a prior claim, unless the one year period for seeking such modification of the previous ruling has expired. Therefore no change has been made in the proposed new paragraph (c).

Section 718.305 Presumption of pneumoconiosis

(a) One comment proposed that the words "regardless of any prior fillings" be added to proposed new paragraph (e). For the reasons stated in the discussion of the same proposal concerning § 718.303 above, the suggested change was not adopted.

(b) One comment states that although the proposed new paragraph (e) "arguably" accomplishes the intended result of implementing the inapplicability of the fifteen year presumption to all claims filed on or after January 1, 1982, corresponding changes should also be made in all other sections of Part 718 which previously implemented this presumption. The Department concurs in part with this recommendation and corresponding changes have been made in §§ 718.204(c) and 718.205. However, the Department does not concur that changes are appropriate for this purpose in §§ 718.104, 718.107(a)(4), 718.204(b) and 718.307(b), as suggested. Given the broad definition of pneumoconiosis mandated by section 402(b) of the Act, the types of medical and other evidence referred to in those sections may be relevant to the adjudication of claims filed after December 31, 1981, as well as those which were filed on or prior to that date.

(c) One comment advocates the retention of this presumption for claims filed on or after January 1, 1982. The 1981 amendments, however, leave no room for interpretation. Section 202(b)(1) is explicit that this presumption "shall not apply" to such claims. Therefore, this recommendation must be rejected.

(d) No other comments were received concerning this section and no changes were made in it.

Section 718.306 Presumption of entitlement applicable to certain death claims

(a) One comment suggests that paragraph (a) should be revised to require that a claimant present evidence of all the deceased miner's employment, in order to permit a full and complete evaluation of the claim. Although the Department agrees that such evidence may be relevant to the determination of claims under this presumption, it is equally or even more relevant to all other classes of claims as well. Where such evidence is necessary "to make a determination of the claim," the claim may be dismissed pursuant to § 725.409(a) for abandonment where the claimant fails to submit it. Therefore, no change is needed in this section to achieve that purpose.

(b) One comment recommends that this presumption should remain applicable to claims filed after June 1982. The 1981 amendments, however, leave no room for interpretation on this issue. Section 202(b)(2) is explicit that the presumption "shall not apply" to claims filed 180 days or more after the effective date of the amendments. Therefore, this recommendation must be rejected.

(c) No other comments were received concerning this section and no changes were made in it.

Section 725.1 Statutory provisions

(a) One comment pointed out that a typographical error was contained in the proposed version of paragraph (a). Specifically, the word "mines" contained in the ninth line should be "miner". The error has been corrected in the final version as now promulgated. A second typographical error has also been corrected in this paragraph by substituting the words "if the miner" for the word "who" in the last sentence of the paragraph.

(b) One comment objects to the characterization of the Secretary's authority with regard to the re-reading of x-rays in proposed paragragh (h)(1). It proposes that such authority should be limited to "ensuring the quality of the x-ray and detecting fraud." Such a limitation would virtually nullify the amendment which removed the previous restrictions upon the use of re-readings of x-rays in claims adjudication. See the discusion of the comments received in response to proposed § 718.102, especially the purpose of the amendment as defined in paragraph (a), and proposed § 718.202, paragraphs (b) and (c) above. Therefore, no change has been made in response to this comment.

(c) One comment suggested that paragraph (h)(4) be revised to conform to similar changes proposed for paragraphs § 718.202(c) and 718.204(c)(5). For the reasons stated in paragraph (h) discussing the comments received and changes made in § 718.202, a similar change has been made in paragraph (h)(4).

(d) Three comments were received concerning proposed paragraph (h)(5). One comment supports the paragraph as proposed. However, another comment points out that proposed paragraph (h)(5) "incorrectly implies that the filing of a miner's claim after December 31, 1981 is a necessary prerequisite for subsequent survivor entitlement under the 1981 Act." No such implication was intended nor would such an interpretation be correct. A third comment also indicates the need for clarification and consistency in the statement of the relationship between miners' and survivors' claims under the 1981 amendments. For the reasons stated in the discussion of the comments received concerning § 718.1, paragraph (h)(5) has been revised to conform to the changes made in paragraph (a) of that section.

(e) No other comments were received concerning this section and no other changes were made in it.

Section 725.4 Applicability of other parts in this title

One comment recommended that this section be amended to incorporate the changes proposed by the same commenter to be made in § 718.2. For the reasons stated in response to that comment above, no change has been made in this section. No other comments were received concerning this section and no changes have been made in it.

Section 725.101 Definitions and use of terms

No comments were received concerning the proposed changes in this section and no further changes have been made in it.

Section 725.102 Disclosure of program information

No comments were received concerning the proposed changes in this section and no further changes have been made in it.

Section 725.201 Who is entitled to benefits; contents of this subject

One comment was received concerning the proposed changes in this section. It repeats the recommendation contained in paragraph (b) of the comments discussed under § 718.306. For the reason stated there, it must be rejected. No other comments were received concerning this section and no changes have been made in it.

Section 725.205 Determination of dependency; spouse

One comment was received concerning this section. However, the substance of the comment is directed to § 725.207 and it is discussed under that section. No other comments were received concerning this section and no changes have been made in it.

Section 725.207 Determination of dependency; divorced spouse

(a) One comment objects to the criterion that a court order requiring the miner to support the spouse is included as one of three alternate ways by which a divorced spouse may be found to be dependent upon the miner. It proposes as an alternative that a divorced spouse should be entitled to a share in the miner's benefits if the couple lived together for at least ten years, whether or not the miner is in fact contributing to the divorced spouse's support or is under any legal obligation to do so. However, section 402(a)(2) of the Act expressly provides for the three alternative definitions of dependency incorporated in this regulation and for no other means for meeting this requirement. Adoption of this additional grounds for establishing dependency for a divorced spouse would require an amendment to the Act. Therefore, this suggestion must be rejected.

(b) Another comment suggests that "in the case of a divorced spouse, a [miner's] contribution [to the divorced spouse's support] which is less than 50% of the alleged dependent's income or the full amount of the benefit or augmentation involved should not be considered 'substantial'." The first part of this comment appears to seek to fuse the alternative dependency criteria provided in section 402(a)(2) of the Act. They provide in essence that the divorced spouse either be actually receiving at least one-half of his or her support from the miner or that the miner be under a legal obligation to make a substantial contribution to such support. If the 50% rule were extended to all situations, the statutory distinctions would be rendered meaningless. Therefore, the first part of this suggestion must be rejected. What constitutes a "substantial contribution" to the support of a divorced spouse can only be determined on a case-by-case basis. No general rule which would operate in an equitable manner under all circumstances can be promulgated to define this concept. Nor does the Department believe that it would be appropriate to promulgate a definition of this term which would be at variance with the regulations of the Social Security Administration defining the same term. See 20 CFR 410.351 and 410.395. Therefore, no change has been made in response to this comment.

(c) No other comments were received concerning this section and no changes have been made in it.

Section 725.208 Determination of relationship; child

(a) One comment suggests that the establishment of a parent-child relationship by the means provided in paragraph (f)(1), i.e., by voluntary acknowledgement or judicial determination should be equally effective regardless of whether the relationship is or was established before or after the parent has been determined to be eligible for benefits under the Act. Changes in this section were included in the Notice of Proposed Rulemaking for the sole purpose of correcting certain technical errors which were contained in the version of the section which was previously promulgated. There is nothing in the 1981 amendments to the Act which would support the suggested change. Moreover, adoption of the suggested change would require the Department of Labor to promulgate regulations at variance with those of the Social Security Administration defining the same concept under the same Act. See 20 CFR 410.330(f). Therefore, no change has been made in response to this comment.

(b) One comment suggests that paragraph(f)(2) should be revised to require that the parent must have been "substantially" contributing to the support of the natural child in order for the relationship to be recognized for the purpose of augmentation of benefits. The reasons for rejecting the suggested change discussed in paragraph (a) above are equally applicable to this proposed change.

(c) No other comments were received concerning this section and no changes have been made in it.

Section 725.212 Condition of entitlement; surviving divorced spouse

One comment was received which objects to the requirement stated in revised paragraph (a)(3)(ii) that a surviving spouse of a deceased miner who was found entitled to benefits on a claim filed on or after January 1, 1982, must file a separate claim and prove that the miner's death was due to pneumoconiosis in order to be entitled to survivor's benefits. As noted in response to a related comment in paragraph (o) of the discussion of comments received concerning § 718.205, the Congress having clearly decided to adopt such a requirement, the Department is not free to eliminate it in the implementing regulations. Therefore, no change has been made in response to this comment. No other comments were received concerning this section and no changes have been made in it.

Section 725.213 Duration of entitlement; surviving spouse or surviving divorced spouse

One comment was received which objects to any change being made from the version of this section which was promulgated in 1978. This section was included in the Notice of Proposed Rulemaking for the sole purpose of correcting an erroneous cross-reference which was inadvertently included in the section as previously promulgated. No substantive change is made by this technical correction. Therefore, the proposed version is consistent with this comment. No other comments were received concerning this section and no changes have been made in it.

Section 725.214 Determination of relationship; surviving spouse

One comment was received which recommends that this section should be revised to provide for the situation where two or more spouses "had a legal marriage or what they thought was a legal marriage to the same miner." It is suggested that this section should establish priorities among such claimants or provide for the sharing of benefits among them. This section was included in the Notice of Proposed Rulemaking for the sole purpose of correcting an erroneous cross-reference in the section as previously promulgated. No substantive change is made by this technical correction. This section already provides that benefits are payable to a spouse from a valid marriage in preference to a spouse from

a purported marriage. In the case of purported marriages, no benefits are payable unless the purported spouse and the miner were living in the same household at the time of the miner's death. Thus, the Department believes that the regulation provides sufficient guidance to adjudicate the claims of multiple purported spouses. It is also generally consistent with the Social Security Administration's regulation addressing the same issue. See 20 CFR 410.310. Therefore, no change has been made in response to this comment. No other comments were received concerning this section and no changes were made in it.

Section 725.217 Determination of dependency; surviving divorced spouse

One comment was received which objects to the requirement that the surviving divorced spouse must have been actually receiving support from the deceased miner or entitled to receive such support pursuant to a court order or written agreement in order to be found to have been a dependent of the deceased miner. For the reasons stated in response to a similar comment in paragraph (a) of the discussion of comments received concerning § 725.208, no change to the regulation can be made in response to this comment. No other comments were received concerning this section and no changes have been made in it.

Section 725.218 Condition of entitlement; child

One comment was received which objects to the requirement stated in revised paragraph (a)(2) that a surviving dependent child of a deceased miner who was found entitled to benefits on a claim filed on or after January 1, 1982, must file a separate claim and prove that the miner's death was due to pneumoconiosis in order to be entitled to survivors' benefits. As noted in response to a related comment in paragraph (o) of the discussion of comments received concerning § 718.205, the Congress having clearly decided to adopt such a requirement, the Department is not free to eliminate it in the implementing regulations. Therefore, no change has been made in response to this comment. No other comments were received concerning this section and no changes have been made in it.

Section 725.219 Duration of entitlement; child

(a) Three comments were received which noted that a typographical error was included in the proposed revision of paragraph (b)(3)(ii). The erroneous cross-reference to § 725.209(d) has been replaced with the correct cross-reference to § 725.209(b).

(b) Two of the comments received further stated that the cross-reference to the definition of student in § 725.209(b) should also be revised to conform to recent changes in the Social Security Act. However, section 402(g) of the Black Lung Benefits Act, 30 U.S.C. 902(g), states that "The term 'student' means a 'full-time student' as defined in section 202(d)(7) of the Social Security Act *or* a 'student' as defined in Section 8101(17) of Title 5, United States Code." (Emphasis added.) Although the definition of student in the Social Security Act, 42 U.S.C. 402(d)(7), was amended by the Omnibus Budget Reconciliation Act of 1981, no comparable amendments wre made to the alternative definition contained in the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101(17). The definition of student contained in § 725.209(b) is directly derived from the cited provisions of the FECA. Therefore, no change in that section is appropriate in response to these comments.

Section 725.220 Determination of relationship; child

One comment was received which suggests the same change to this section which was treated in paragraph (b) of the discussion of comments received concerning § 725.208. For the reasons stated there, no change has been made in response to this comment. No other comments were received concerning this section and no changes have been made in it.

Section 725.222 Conditions of entitlement; parent, brother, or sister

One comment was received which repeats the same objection to the proposed change in paragraph (a)(5)(ii) which was discussed above in response to the comments received concerning §§ 725.212 and 725.218. For the reasons stated above in response to those comments, no change has been made in response to this comment. No other comments were received concerning this section and no changes have been made in it.

Section 725.225 Determination of dependency; parent, brother, or sister

No comments were received concerning this section and no changes have been made in it.

Section 725.367 Payment of a claimant's attorney's fee by responsible operator

(a) Three comments were received which are supportive of the proposed changes in this section.

(b) Two comments were received which support an additional change in proposed paragraph (b). Specifically, it is recommended that the fourth sentence be revised to read "liability of an operator, carrier or claimant." This change would have the effect of relieving a claimant from any liability for any part of an attorney's fee in a case which is subject to the transfer of liability provisions of the 1981 amendments. However, those amendments only served to transfer the liabilities of employers and insurance carriers with respect to certain claims to the Trust Fund. There is nothing in those amendments or their legislative history to suggest that they were intended to alter the rights or obligation of claimants with respect to those claims. Therefore, any liability for the payment of attorney's fees which previously was the responsibility of the claimant remains unaffected by the operation of the transfer of liability provisions and no change in the proposed version of paragraph (b) can be made in response to these comments.

(c) No other comments were received concerning this section and no changes have been made in it.

Section 725.420 Initial determinations

No comments were received concerning this section and no changes have been made in it.

Section 725.421 Referral of a claim to the Office of Administrative Law Judges

No comments were received concerning this section and no changes have been made in it.

Section 725.456 Introduction of documentary evidence

No comments were received concerning this section and no changes have been made in it.

Section 725.490 Statutory provisions and scope

No comments were received concerning this section and no changes have been made in it.

Section 725.496 Special claims transferred to the Trust Fund

(a) The notice of proposed rulemaking, 47 FR 22674 (May 25, 1982), especially requested comments concerning the definition of cases subject to the transfer of liability provisions of the 1981 amendments. Twelve of the comments received responded to that request. The Department appreciates the assistance which it has received from these comments.

(b) Most of the comments received concerning this section are extensive and detailed. Only one of them reflected the belief that the proposed definitions of the classes of claims subject to the transfer of liability provisions are overly broad. All of the other comments received reflect the view that the proposed definitions contained in this section are unduly narrow and artificially restrict the intended scope of the transfer of liability provisions of the 1981 amendments. As is explained below in the detailed discussion of the individual comments received, the Department cannot agree with most of the specific proposals received for expansion or revision of the proposed definitions. It must be stressed that the transfer of liability provisions were never intended to relieve mine operators and their insurers from all of the unanticipated liabilities which arose as a result of the 1977 amendments. They were to be a partial release from such liabilities applicable only to certain specific and carefully defined classes of claims. For instance, there is no transfer of liability for those claims which were pending with the Department of Labor under Part C of the 1972 version of the Act at the time of the passage of the 1977 amendments and which were or will be ultimately found to be compensable under its liberalized eligibility provisions. Moreover, it should be noted that those same 1977 amendments also contained a partial release of liability provisions in that they transferred from mine operators and their insurers to the newly established Trust Fund liability for the payment of claims in which the miner's coal mine employment ceased prior to 1970. The legislative history is clear that it was estimated that the definitions which were adopted in the 1981 amendments for this second transfer of liability would produce the additional transfer of liability from private parties to the Trust Fund of approximately 10,200 claims. The Subcommittee on Oversight of the House Committee on Ways and Means received and reviewed extensive testimony concerning the proposed transfer of liability for "approximately 10,200 of those claims" before issuing its December 7, 1981, recommendation that "serious consideration be given" to the implementation of the proposal. Committee Print, pp. 19–20 and 30. See also the December 14, 1981, testimony of Bruce Watzman, Legislative Representative of the National Coal Association, before the Senate Labor Subcommittee which contrasted the 10,200 claims intended to be transferred by the proposed legislation with the "anywhere from 17,000 to 22,000 claims that could qualify" for transfer under another bill which had been introduced in the preceding Congress. Mr. Watzman stated, "we have worked very closely with the insurance industry, as well as the administration, to try to define the universe of transfer claims as *tightly as possible*". Committee Print, pp. 78 and 80 (Emphasis added.) At the same hearing, Andrew Kalmykow, Consultant and former Assistant General Counsel of the American Insurance Association, and Tom O'Day, Government Relations Officer for the Alliance of American Insurers, also referred to their "best estimates" that the transfer provisions under consideration would apply to "roughly" 10,000 claims with a present value of $1.4 or $1.5 billion. Id., pp. 150–152. The repeated references to the 10,200 number in the debates in both the House and the Senate likewise reflect Congressional reliance on the approximate correctness of that estimated figure. According to the best information currently available to the Department, application of the definitions contained in the proposed version of this section requires the Trust Fund to assume permanent liability for payment of 12,000 claims. Rather than supporting the view that the Department's proposed definitions are unduly restrictive, this figure tends to support the conclusion that the transfer language adopted in the 1981 amendments has produced a somewhat more extensive transfer of liability than the participants in the legislative process originally anticipated or appear to have intended.

(c) One comment was received which suggests either that no detailed definition of the classes of claims subject to the transfer of liability provisions is needed or, in the alternative, that proposed paragraphs (a) and (b) which paraphrase the relevant language of sections 422 and 402 of the Act, as now amended, are sufficient for this purpose. It is contended that the remainder of the proposed section is unnecessary. This position is similar to the idea that no detailed regulatory definition of the phrase "death due to pneumoconiosis" was necessary. Some of the reasons for the rejection of that concept discussed above in response to the comments received concerning proposed § 718.205 are equally applicable here. The sheer diversity of proposed interpretations contained in the comments received in response to the proposed version of this regulation and the potential for prolonged and extensive litigation which they reflect is persuasive evidence of the need for an authorizative statement of the scope and applicability of the transfer of liability provisions. Immediately upon the passage of the 1981 amendments, the Department developed guidance for its personnel in the implementation of these provisions (see especially BLBA Bulletin 82–7, March 31, 1982). The proposed version of this section reflected that guidance. It also served both to put all interested parties on notice as to those interpretations and definitions and to solicit their assistance in the further refinement of them. The Department believes that this process has been a fruitful one and that it would be counter-productive to now abandon the purposes which proposed paragraphs (c) through (f) were designed to serve. Therefore, no change in this section has been made in response to this comment. However, a new subparagraph (2)(D) has been added to paragraph (b) defining the fourth means by which claimant action would have prevented an informal denial from becoming final. This addition reflects the provisions of section 22 of the Longshoremen's and Harbor Workers' Compensation Act, 33 USC 922, as incorporated by section 422 of the Act. See also paragraph (o) below.

(d) Several comments were received which request that proposed paragraphs (a) and (b) be supplemented by adding a definition for the word "approved." It is suggested that if the previously denied claim was ever the subject of a deputy commissioner's initial finding or initial determination of entitlement, then the claim should be deemed to have been "approved" and be accepted for payment by the Trust Fund, regardless of its subsequent procedural history. These comments are apparently based on the belief that liability for the payment of a previously denied claim can only transfer from a coal mine operator or its insurer to the Trust Fund if at some point in the past the claim has been "approved." The Department cannot accept this interpretation. The language of section 205(a) of the 1981 amendments is clear. The transfer of liability provision is applicable to a previously denied claim which "is or has been approved in accordance with the provisions of section 435." It is not limited to the past tense, i.e., claims which have already been "approved." It is equally applicable to those previously and currently denied claims which may at some future time be found to be entitled to benefits under the eligibility criteria mandated by section 435. The issues of claimant eligibility and operator transferability are separate and

distinct. But the intent of the Congress is clear: in no event shall an operator or insurer bear liability for the costs of the payment of such a claim. Not only did the amendments release operators and carriers from future liability for such costs; they also include a specific provision, to be codified at section 9501(d)(7) of the Internal Revenue Code, providing for the reimbursement from the Trust Fund for all such costs already incurred. If "approval" were the operative part of the amendment, then a potentially liable operator or insurer could bring itself within the scope of the amendments by the mere act of agreeing to pay the previously denied claim (regardless of its merits), thus rendering it "approved", secure in the knowledge that the liability for payment would immediately transfer to the Trust Fund. The Department is convinced that Congress did not intend such an absurd result. Rather, the transfer of liability provision is to be understood as intending the immediate release of operators and carriers from both actual and potential liabilities for such previously denied claims. See also paragraph (c) of the discussion concerning § 725.497. If the claimant has already succeeded in finally establishing entitlement to benefits, payment of those benefits is assumed by the Trust Fund. However, if the claim has not yet been finally adjudicated, the Department must be free to exercise its judgement as to whether or not it will voluntarily accept liability for payment of the claim on behalf of the Trust Fund. The Department cannot agree that it is automatically bound to accept such liability based on a previous initial finding or initial determination favorable to the claimant which may have been made at a time when the evidentiary record concerning the claimant's entitlement to benefits was much less fully developed. Therefore, no changes have been made in response to these comments.

(e) Several comments were received concerning the proposed version of paragraph (c) which point out that the words "unless such claims were merged in accordance with the agency's regulations" could produce differing results depending upon whether or not the agency had complied with its own regulations. No such result was intended. The relevant language has been revised in the final version of this paragraph to now read "unless such claims were required to be merged by the agency's regulations" in response to these comments.

(f) Several comments were received which are critical of the emphasis contained in proposed paragraph (c) upon the specific procedural history of individual claims in those situations where the miner and/or the dependent survivors have filed more than one claim under the Act. The gist of these comments is that proposed paragraph (c) mistakenly focuses upon individual pieces of paper labelled "claims" and other procedural niceties rather than getting to the heart of the matter which is claimant entitlements. It is suggested that a claim should be understood as being in the nature of a legal cause of action, i.e., that it is a group of facts giving rise to a legal right. This same basic concept also underlies many of the comments received concerning proposed paragraphs (d), (e) and (f).

(g) The Department believes that the claims as cause of action analogy is misplaced. The more correct analogy would be to a complaint or other preliminary pleading which is filed to initiate an adjudication of the nature of the right or the validity of the cause of action which is being asserted. Throughout its various versions, the Act has been consistent in requiring that a claim must be filed before any determination of eligibility for benefits could be undertaken. With the limited exception of dependent survivors of miners previously found eligible for benefits provided by section 422(l) of the Act, no miner or dependent survivor could be found entitled to benefits as a primary beneficiary without first having filed a claim. The two administering agencies have developed, promulgated and applied detailed regulations defining what constitutes a claim, who may file a claim, when it will be considered to have been filed, *etc.* See 20 CFR 410.420–410.433 (Social Security Administration (SSA)) and 20 CFR 725.301–725.311 (Department of Labor). Moreover, claims are not interchangeable, nor is the date or sequence of their filing irrelevant. Depending upon when and with which agency the claim was filed significant differences have existed with regard to virtually every aspect of a claim: eligibility requirements, availability of presumptions, methods of initial adjudication, hearing and appellate review procedures, evidentiary rules applicable (especially with regard to the use of x-ray and affidavit evidence), offsets applicable, the availability of medical benefits and the source of payment. The same claim may have been reviewed under several versions of the Act and by both administering agencies. A specific claim initially filed in 1970 with SSA under Part B of the Act and repeatedly denied by it under the 1969 and 1972 versions of the Act could ultimately be approved by the Department of Labor a decade later under section 435 of the 1977 amendments. Such unforeseeable developments in the history of individual claims are what gave rise to the enactment of the 1981 transfer of liability provisions. A claim which would have been paid from the general revenues of the United States, if it had been approved by SSA under the 1969 or 1972 versions of the Act, could suddenly become the payment liability of a coal mine operator under the 1977 amendments. The question of whether operators' insurance arrangement covered this unexpected result was being vigorously litigated when Congress was considering the 1981 amendments. The legislative history is replete with references to the uncertainties surrounding the outcome of the litigation. It was cited as a factor which supported passage of the provisions which would transfer these unanticipated liabilities from both operators and their insurers to the Trust Fund. The Congress recognized that both the eligibility requirements to be met and the financial consequences which flowed from meeting them have varied significantly under the Act. It, therefore, selected only certain classes of cases with specific procedural histories and clearly estimated numerical and financial impacts for inclusion in the transfer of liability provisions. The Department is not free to ignore or blur those distinctions and the underlying rationales which led to their adoption. Therefore, it believes that the focus upon the procedural history of individual classes of claims reflected in proposed paragraphs (c)–(f) is appropriate. No changes have been made in response to these comments.

(h) Several comments received in response to proposed paragraph (d) are critical of its requirement that an "election card" must have been filed if the previously denied Part B claim is to come within the scope of the transfer provisions. It is contended that Congress intended that all previously denied claims be reviewed under the 1977 amendments and that insistence upon the filing of an election card is inconsistent with that intent. The Department cannot agree that this is an appropriate reading of section 435 of the 1977 amendments, its implementing regulations or the applicable legislative history.

(i) Section 435 explicitly states that pending or denied claims under Part B may, "upon the request of the claimant," 30 U.S.C. 945(a)(1), be reviewed by SSA.

30 U.S.C. 945(a)(1)(A), or referred directly to DOL, 30 U.S.C. 945(a)(1)(B). It requires the Secretary of HHS to "approve forthwith each claim for which review *is requested* under paragraph (1)(A). . . ." 30 U.S.C. 945(a)(2)(A). Any question as to whether a "request for review" under this provision means some affirmative and concrete act on claimant's part is laid to rest by SSA's regulations. 20 CFR 410.704(d) explicitly requires a *request* for review within six months of the date of notification of right of review. Failure to act within the time limit constituted a waiver of the right to review of the Part B claim. 20 CFR 410.704(d).

(j) The legislative history of section 435 amply demonstrates that while review of Part C and section 415 claims was intended to be *automatic*, a Part B claimant had to *elect* either review under Part B by SSA or referral to DOL for refiling under Part C. See H.R. Rep. No. 95–864, 95th Cong., 2d Sess. (1978), reprinted in *Black Lung Benefits Reform Act and Black Lung Benefits Revenue Act of 1977, Committee on Education and Labor," House of Representatives* (1979) 891–92. Senator Randolph, in introducing the conference committee report accompanying the bill enacted as the 1977 amendments, noted that "pending and denied Part C claims *will be reviewed* by the Secretary of Labor, while "(a)ll denied Part B claimants *will be given the option* of having their claims reviewed. . . ." by SSA or DOL. *Id.* at 902 (emphasis added). Similarly instructive is the statement of Senator Clark immediately following passage of the 1977 amendments, which includes DOL's explanation of major provisions of the bill. After noting that previously denied or pending Department of Labor claims would be "*automatically* reviewed," *id.* at 939 (emphasis in original), the statement noted that claimants who filed with the Social Security Administration "will be notified by the SSA that *upon request of the claimant*," the claim would be processed in accordance with 30 U.S.C. 945(a)(1). *Id.* Although several comments cite other portions of the legislative history in support of their argument that a universal and automatic review was intended, such references cannot be given greater weight than the unambiguous language of section 435 and the conference committee report. Therefore, no changes have been made in response to these comments.

(k) Because of the importance of the Social Security Administration's implementing regulations to a proper understanding of the operation of section 435 of the 1977 amendments, the last sentence of proposed paragraph (d) has been revised to include an express reference to them.

(l) Several comments suggest that its inequitable or arbitrary to treat two similarly situated claimants differently based on the "happenstance" that one returned an election card to the Social Security Administration and that the other did not. Although it is true that two claimants, both of whom had denied Part B claims and pending Part C claims at the time of the enactment of the 1977 amendments, would appear to be differently affected by the transfer of liability provisions of the 1981 amendments if one had returned an election card four years earlier and the other had not, this analysis misses the point of the legislative changes. Taken as a whole, the 1981 amendments were intended to achieve several interrelated objectives: (1) The tightening of eligibility criteria for future filed claims while preserving the substantive rights of those persons whose claims had already been filed, (2) to secure the future solvency of the Trust Fund, and (3) to transfer a portion of the unanticipated liabilities which had been imposed upon operators and insurers by the 1977 amendments to the Trust Fund. Each provision of the amendments must be understood not only in terms of its express language but also in relationship to those objectives. In the example of the two claimants given above, it is implied that it is unfair to confer the benefit of transfer status upon one while denying it to the other. However, the intent of the amendments was not to confer additional benefits upon such claimants. Rather, it was intended to preserve their pre-existing substantive rights unchanged. See the summary of the legislative history on this point contained in paragraph (e) of the discussion of comments received concerning § 718.205. In fact, the transfer of liability provisions do not affect the rights of claimants with regard to such substantive matters as eligibility criteria and benefit rates. They merely substitute one source of payment for another.

(m) The primary purpose of the transfer of liability provision was to relieve mine operators and their insurers of a portion of the unanticipated liabilities imposed upon them by the 1977 amendments. To that end, the Congress chose to focus primarily upon claims originally filed with SSA, since employers and insurers could not, prior to the enactment of the 1977 amendments, have anticipated liabilities arising from that source. The estimates referred to during the legislative process make clear that approximately 80% of all transfer cases would come from that category. The remaining 20% were to be drawn from Part C claims finally denied by the Department of Labor under the 1972 version of the Act. Here again, prior to the enactment of the 1977 amendments, employers and insurers had a right to assume that they had been released from any possible liability as to those claims.

(n) In order to transfer liability for the payment of the claims of both of the claimants referred to paragraph (e) above, the Department would have to ignore the express language of the transfer provisions and frustrate congressional expectations as to the scope of the transfer provisions and their implications for the future solvency of the Trust Fund. This uniformity of claimant treatment could be achieved in either of two ways. The Department could revise its previous interpretation and conclude that whenever a previously denied Part B claim was merged with a pending Part C claim, the merged claim assumed the nontransfer status of the Part C claim rather than the transfer status of the Part B claim. This procedure would achieve uniform treatment of the claimants but it would also yield substantially fewer transfers of liability than Congress anticipated and would thus deny employers and insurers the amount of release from liability which Congress intended them to receive. Alternatively, such uniformity could also be achieved by ignoring the language of sections 435 and 422, as now amended, and concluding that whenever the claimant had both a non-transferable pending Part C claim and a denied Part B claim, the claim would transfer even though the Part B claim was never reviewed and approved under the provisions of section 435 and the pending Part C claim was not otherwise eligible for transfer. Under this approach, uniformity of claimant treatment would be achieved at the cost of significantly increasing the number of cases subject to the transfer provisions and thus jeopardizing the objective of future Trust Fund solvency. The Department believes that neither approach would be consistent with Congressional intent or the express language of section 205 of the 1981 amendments. Therefore, no changes have been made in paragraph (d) in response to these comments.

(o) Several comments questioned the provisions of proposed paragraph (e) which refer to the situation where a claim filed with the Department of Labor under the 1972 version of the Act was the subject of repeated denials. Specific

objection is made to reliance on the date of the last such denial as dispositive of the issue as to whether the claim comes within the transfer of liability provisions. The intent of Congress was to transfer liability from operators and insurers to the Trust Fund only for those claims which were finally denied by the Department of Labor under the 1972 version of the Act and which were reviewed and made compensable by the 1977 amendments, thus creating new and unanticipatable liabilities for those operators and insurers. It is equally clear that the Congress did not intend to transfer liability for those claims which were still pending with the Department of Labor at the time of the enactment of the 1977 amendments. It is also important to distinguish between an administrative or informal denial on the one hand and a warning that the claim *may* be denied unless additional evidence is submitted in support of it. This latter function was traditionally performed by CM–990 series letters under DOL's administration of the 1972 version of the Act. Under the incorporated provisions of section 22 of the Longshoremen's and Harbor Workers' Compensation Act, 33 USC 922, the denial of a claim does not become truly final until the expiration of one year from the date of that denial. Many claims filed with the Department of Labor under the 1972 version of the Act were the subject of multiple denials which resulted from repeated claimant requests for reconsideration or modification of prior denials of those claims. Unless the last such denial occurred more than one year prior to the effective date of the 1977 amendments, i.e., March 1, 1978, the possibility of a further reconsideration and ultimate approval of the claim continued to exist under the 1972 version of the Act. That possibility removed such claims from the class of unanticipatable liabilities which are the subject of the transfer of liability provisions. Therefore, no change has been made in response to these comments.

(p) Several comments objected to the distinction which was drawn in the second sentence of proposed paragraph (f) between miners' and survivors' claims for purposes of the applicability of the transfer of liability provisions. Those comments are apparently based upon the most common situation applicable to claims filed prior to January 1, 1982 in which survivors' entitlements to benefits were derivative from the miner's entitlement. Thus, it is contended that in all cases in which the miner's claim is subject to the transfer of liability provisions, all related survivors' benefits should also become the liability of the Trust Fund. However, this contention ignores the fact that separate survivors' claims were often filed after the denial of the miner's claim or even during the pendency of the miner's claim, when the miner's death occurred prior to the final adjudication of his or her claim. In addition to the ground for approval of total disability due to pneumoconiosis available to the miner's claim, survivors' claims could also be approved on the basis of death due to pneumoconiosis. Thus, it was possible that a survivor's claim could be approved even though a previous claim by the miner had been denied. The inclusion of the section 411(c)(5) presumption in the 1977 amendments which awarded survivors' benefits based on a presumed partial disability due to pneumoconiosis prior to the miner's death significantly increased the likelihood of such a result where both miner's and survivor's claims had been filed. Proposed paragraph (f) was designed to address the situation where two separate claims had been filed. For instance, a miner's claim which was denied by SSA under Part B of the Act and a survivor's claim which was approved by the Department of Labor under Part C of the Act. If the survivor's claim had been approved or was pending with the Department of Labor at the time of the enactment of the 1977 amendments, it would not fall within the transfer of liability provisions for such Part C claims, since it did not come within the class of unanticipatable liabilities. However, the denied miner's Part B claim which was reviewed and ultimately approved pursuant to section 435 of the 1977 amendments does clearly fall within the class of unanticipatable liabilities intended to be subject to the transfer of liability. Paragraph (f) addresses these two situations by transferring liability for both the miner's and the survivor's claim, *unless* the survivor's entitlement was established on a separate claim, not otherwise subject to the transfer of liability provisions, *prior* to approval of the miner's claim. This resolution preserves the general rule applicable to claims filed prior to January 1, 1982, that where the miner's claim is found to be compensable, survivors' rights are derivative from it. However, it also preserves the distinction mandated by the Congress that only unanticipatable liabilities were to be transferred from operators and insurers to the Trust Fund. Therefore, no change has been made in response to these comments.

(q) No other comments were received concerning this section and no further changes were made in it.

Section 725.497 Procedures in special claims transferred to the trust fund

(a) Although the notice of proposed rulemaking did not include specific proposals for defining the procedures for determining which individual cases are subject to the transfer of liability provisions of section 205 of the amendments, several comments were received recommending the adoption of such procedures and proposing language to be used for that purpose. The Department agrees that the formal promulgation of such procedures may be helpful in the disposition of those cases in which the applicability of section 205 is disputed.

(b) This section, as now promulgated, is based on a composite of the recommendations and proposals received. It also serves to codify the procedures which have been applied by the Department to the dispositions of those claims since the passage of the amendments. The recommendations and proposals received were generally consistent with each other and with the Department's current practices. However, the two instances in which there was a significant difference of opinion in the comments received or where the Department is unable to adopt the suggestions proposed are discussed in the following two paragraphs.

(c) One comment proposed that the dismissal of the coal mine operator or insurance carrier which has been released from liability for the payment of the claim by section 205 should not take place until there has been a determination on the claimant's eligibility for benefits "where the record is otherwise complete." The other comments received all recommend that such operators and carriers should be dismissed as expeditiously as possible and support the view that "in no event shall an operator or carrier participate as a necessary party in any claim for which only the Trust Fund may be liable." The Department concurs with the latter position. It is consistant both with 30 U.S.C. 934(b)(1)(B) and the intent of the 1981 amendments in enacting the transfer of liability provisions. Section 205 releases employers and carriers from some of the unanticipated liabilities which arose from the 1977 amendment. The amendments also provide for the reimbursement to operators and carriers for benefits which they have paid to such claimants. However, there is no provision for the

reimbursement to such employers and carriers for legal and other defense costs associated with those cases. Therefore, it is clearly inconsistent with the Congressional intent to require employers and carriers to incure additional non-reimbursable costs in association with claims for which they now have no liability for payment. Paragraph (c) as now promulgated incorporates the latter position.

(d) Several of the comments received also proposed promulgation of a new section or subsection defining the finality of decisions on the transferability of liability for claims under section 205. The proposals suggest that uniform time periods of 30 or 60 days be defined for the purpose of seeking reconsideration or appeal of such decisions. While the adoption of a uniform time period for further action on this single issue may be desirable, it is not feasible. Decisions on the transferability of claims liability and the dismissal of operators and carriers from further involvement in proceedings are made by deputy commissioners, administrative law judges and the Benefits Review Board as well as by the United States Circuit Courts of Appeals. Each of these levels of adjudication has already established timeframes for seeking reconsideration, appeal or othewise modifying their decisions. Some of these time periods are established by statute, others by regulations or court rules. To impose a uniform time period for this single issue upon all of these levels of the adjudicative process is in part beyond the Secretary's regulatory authority. Even for those levels of the adjudicatory process where the establishment of procedural rules is within the Secretary's authority, the establishment of a special timeframe for a single issue would tend to further complicate an already complex adjudicatory system. Therefore, these suggestions have not been incorporated into the regulation as now promulgated.

Section 725.520 Computation of benefits

No comments were received concerning this section and no changes have been made in it.

Section 725.532 Suspension, reduction, or termination of benefits

No comments were received concerning this section and no changes have been made in it.

Section 725.533 Modification of benefit amounts; general

(a) One comment was received which objected to the offset of reduction on benefits for any reason other than receipt of a workers' compensation award for the same occupational disease. No change can be made in response to this comment. The 1981 amendments are clear that the excess earnings offset which was previously applicable to black lung benefits awarded to surviving dependent parents, brothers, and sisters are also now applicable to the benefits awarded to miners whose claims are filed on or after January 1, 1982.

(b) No other comments were received concerning this section and no changes have been made in it.

Section 725.536 Reductions; excess earnings

(a) One comment was received concerning this section. It raises the same objection which was discussed concerning § 725.533 above. For the reason stated there, no change can be made in response to this comment.

(b) No other comments were received concerning this section and no changes have been made in it.

Section 725.608 Interest

(a) Several comments were received which contend that proposed paragraph (a), when read in isolation from proposed paragraph (b), appears to impose an obligation upon mine operators and other employers for the payment of interest even though the claimant is not ultimately found to be entitled to benefits. To avoid such a possible misinterpretation, a new sentence has been added at the conclusion of paragraph (a) which makes clear that the obligation for the payment of such interest is dependent upon the claimant ultimately being found to be entitled to benefits.

(b) One comment was received which was supportive of the proposed section, but which also suggested that, in addition to interest, criminal penalties should be imposed for non-payment or delayed payment of benefits. The Congress has clearly specified those portions of the Act in which it found criminal penalties to be appropriate. Since no criminal penalty was enacted by the Congress for this purpose, it is beyond the regulatory authority of the Department of Labor to create such a penalty. Therefore, no change can be made in response to this comment.

(c) Paragraph (d), as now promulgated, has been revised to include the statutory exception (payment of interest on advances from the United States Treasury) to the general rule that the Black Lung Disability Trust Fund shall not be liable for the payment of interest.

(d) No other comments were received concerning this section and no other changes have been made in it.

Miscellaneous Comments.—A number of comments were received which went beyond the scope of the proposed rulemaking. As indicated in the preamble to the notice of proposed rulemaking (47 FR 22674), "other changes to the existing regulations which may be appropriate will be considered by the Department separately at a later date."

Effective Date

The Secretary has determined that in order to expedite the adjudication of claims which are subject to the 1981 amendments to the Act and these implementing regulations and thus reduce hardships suffered by deserving claimants, these regulations shall be effective immediately upon their promulgation in the **Federal Register**, except §§ 725.533(a)(3) and 725.536 which contain information collection requirements which are under review at OMB. This finding is made pursuant to 5 USC 553(d).

Drafting Information

This document was prepared under the direction and control of Robert B. Collyer, Deputy Under Secretary, Employment Standards Administration, U.S. Department of Labor, Room S–2321, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone (202) 523–6191.

Classification—Executive Order 12291

These final rules only implement the 1981 amendments to the Black Lung Benefits Act and make certain technical corrections to the regulations as previously promulgated. They do not, in themselves, impose any additional requirements. Therefore, this is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the reporting or recordkeeping provisions that are included in this regulation have been submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained and the public notified to that effect through a technical amendment to this regulation.

Regulatory Flexibility Act

The Department believes that the rule will have no "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act. Pub. L. 96–354, 91 Stat. 1164 (5 U.S.C. 605(b)). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the amendments are only implementing the 1981 amendments to the Black Lung Benefits Act and they do not, in themselves, impose any additional requirements upon small entities. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act Certification

I, Raymond J. Donovan, Secretary of Labor, hereby certify, pursuant to 5 U.S.C. 605(b), that the final rules contained in 20 CFR 718 and 725, described in this document, will not have a significant economic impact on a substantial number of small entities. This conclusion is reached because the final rules only implement the 1981 amendments to the Black Lung Benefits Act and they do not, in themselves, impose any additional requirements upon small entities. Thus no economic impact is expected with respect to small entities.

Signed at Washington, D.C., this 25th day of May 1983.

Raymond J. Donovan,

Secretary of Labor.

The program affected by this rule and its program number in the Catalog of Federal Domestic Assistance is: Coal Mine Workers' Compensation (Black Lung), 17.307.

List of Subjects

20 CFR Part 718

Black lung benefits, Lung diseases, Miners, Mines, Workers' compensation, X-rays.

20 CFR Part 725

Administrative practice and procedure, Black lung benefits, Lung disease, Miners, Mines, Workers' compensation.

For the reasons set out in the preamble, Parts 718 and 725 of Chapter IV of Title 20 of the Code of Federal Regulations are amended as follows:

PART 718—STANDARDS FOR DETERMINING COAL MINER'S TOTAL DISABILITY OR DEATH DUE TO PNEUMOCONIOSIS

1. The authority for Part 718 reads as follows:

Authority: 5 U.S.C. 301, Reorganization Plan No. 6 of 1950, 15 FR 3174, 30 U.S.C. 901 et seq. 902(f), 925, 932, 934, 936, 945; 33 U.S.C. 901 et seq.

2. Section 718.1 is revised to read as follows:

§ 718.1 Statutory Provisions.

(a) Under Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972, the Federal Mine Safety and Health Amendments Act of 1977, the Black Lung Benefits Reform Act of 1977, the Black Lung Benefits Revenue Act of 1977, the Black Lung Benefits Amendments of 1981, and the Black Lung Benefits Revenue Act of 1981, benefits are provided to miners who are totally disabled due to pneumoconiosis and to certain survivors of a miner who died due to or while totally or partially disabled by pneumoconiosis. However, unless the miner was found entitled to benefits as a result of a claim filed prior to January 1, 1982, benefits are payable on survivors' claims filed on or after January 1, 1982, only when the miner's death was due to pneumoconiosis, except where the survivor's entitlement is established pursuant to § 718.306 of this part on a claim filed prior to June 30, 1982. Before the enactment of the Black Lung Benefits Reform Act of 1977, the authority for establishing standards of eligibility for miners and their survivors was placed with the Secretary of Health, Education, and Welfare. These standards were set forth by the Secretary of Health, Education, and Welfare in Subpart D of Part 410 of this title, and adopted by the Secretary of Labor for application to all claims filed with the Secretary of Labor (see 20 CFR 718.2, 1978). Amendments made to section 402(f) of the Act by the Black Lung Benefits Reform Act of 1977 authorize the Secretary of Labor to establish criteria for determining total or partial disability or death due to pneumoconiosis to be applied in the processing and adjudication of claims filed under Part C of Title IV of the Act. Section 402(f) of the Act further authorizes the Secretary of Labor, in consultation with the National Institute for Occupational Safety and Health, to establish criteria for all appropriate medical tests administered in connection with a claim for benefits. Section 413(b) of the Act authorizes the Secretary of Labor to establish criteria for the techniques to be used to take chest roentgenograms (X-rays) in connection with a claim for benefits under the Act.

(b) The Black Lung Benefits Reform Act of 1977 provided that with respect to a claim filed on or before the effective date of this part, that is filed prior to April 1, 1980, or reviewed under section 435 of the Act, the standards to be applied in the adjudication of such claim shall not be more restrictive than the criteria applicable to a claim filed on June 30, 1973, with the Social Security Administration, whether or not the final disposition of the claim occurs after March 31, 1980. All such claims shall be reviewed under the criteria set forth in Part 727 of this title.

3. Section 718.2 is revised to read as follows:

§ 718.2 Applicability of this part.

This part is applicable to the adjudication of all claims filed after March 31, 1980, and considered by the Secretary of Labor under section 422 of the Act and Part 725 of this subchapter. If a claim subject to the provisions of section 435 of the Act and Subpart C of Part 727 of this subchapter cannot be approved under that subpart, such claim may be approved, if appropriate, under the provisions contained in this part. The provisions of this part shall, to the extent appropriate, be construed together in the adjudication of all claims.

4. In § 718.102, paragraph (e) is revised to read as follows:

§ 718.102 Chest roentgenograms (X-rays).

* * * * *

(e) No chest X-ray shall constitute evidence of the presence or absence of pneumoconiosis unless it is in substantial compliance with the requirements of this section and Appendix A, except that in the case of a deceased miner where the only available X-ray is of sufficient quality for determining the presence or absence of pneumoconiosis and such X-ray was interpreted by a Board-certified or Board-eligible radiologist or a certified "B" reader (see § 718.206) such X-ray shall be considered and shall be accorded such weight and probative

value as is appropriate in light of all of the evidence applicable to the individual case. It shall be presumed, in the absence of evidence to the contrary, that the requirements of Appendix A have been met.

5. In § 718.106, paragraph (b) is revised to read as follows:

§ 718.106 Autopsy; biopsy.

* * * * *

(b) No report of an autopsy or biopsy submitted in connection with a claim shall be considered unless the report complies with the requirements of this section, except that in the case of a miner who died prior to March 31, 1980, such reports shall be considered even when the reports are not in substantial compliance with the requirements of this section. Such nonconforming reports concerning miners who died prior to March 31, 1980, shall be accorded such weight and probative value as is appropriate in light of all of the evidence applicable to the individual case.

* * * * *

6. In § 718.202, paragraphs (a)(1)(i) and (c) are revised as follows:

§ 718.202 Determining the existence of pneumoconiosis.

(a) * * *

(1) * * *

(i) In all claims filed before January 1, 1982, where there is other evidence of pulmonary or respiratory impairment, a Board-certified or Board-eligible radiologist's interpretation of a chest X-ray shall be accepted by the Office if the X-ray is in compliance with the requirements of § 718.102 and if such X-ray has been taken by a radiologist or qualified radiologic technologist or technician and there is no evidence that the claim has been fraudulently represented. However, these limitations shall not apply to any claim filed on or after January 1, 1982.

* * * * *

(c) A determination of the existence of pneumoconiosis shall not be made solely on the basis of a living miner's statements or testimony. Nor shall such a determination be made upon a claim involving a deceased miner filed on or after January 1, 1982, solely based upon the affidavit(s) (or equivalent sworn testimony) of the claimant and/or his or her dependents who would be eligible for augmentation of the claimant's benefits if the claim were approved.

7. In § 718.204, paragraph (c)(5) is revised to read as follows:

§ 718.204 Total disability defined. Criteria for determining total disability.

* * * * *

(c) * * *

(5) In a case involving a deceased miner in which the claim was filed prior to January 1, 1982, where there is no medical or other relevant evidence, affidavits (or equivalent sworn testimony) from persons knowledgeable of the miner's physical condition shall be sufficient to establish total (or under § 718.306 partial) disability. On a survivor's claim filed on or after January 1, 1982, but prior to June 30, 1982, where entitlement is sought to be established in accordance with § 718.306, where there is no medical or other relevant evidence, affidavits (or equivalent sworn testimony) from persons knowledgeable of the miner's physical condition shall be sufficient to establish total or partial disability; however, such a determination shall not be based solely upon the affidavits or testimony of the claimant and/or his or her dependents who would be eligible for augmentation of the claimant's benefits if the claim were approved. Except as provided in § 718.305, proof that the miner suffers or suffered from a totally disabling respiratory or pulmonary impairment as defined in paragraphs (c)(1), (c)(2), (c)(4) and this paragraph shall not, by itself, be sufficient to establish that the miner's impairment is or was due to pneumoconiosis.

* * * * *

8. Section 718.205 is amended by revising paragraph (b), revising former paragraph (c) and redesignating it as paragraph (b)(5), and adding paragraphs (c) and (d) to read as follows:

§ 718.205 Death due to pneumoconiosis.

* * * * *

(b) For the purpose of adjudicating survivors' claims filed prior to January 1, 1982, death will be considered due to pneumoconiosis if any of the following criteria is met:

(1) Where competent medical evidence established that the miner's death was due to pneumoconiosis, or

(2) Where death was due to multiple causes including pneumoconiosis and it is not medically feasible to distinguish which disease caused death or the extent to which pneumoconiosis contributed to the cause of death, or

(3) Where the presumption set forth at § 718.304 is applicable, or

(4) Where either of the presumptions set forth at § 718.303 or § 718.305 is applicable and has not been rebutted.

(5) Death shall be considered to be due to pneumoconiosis where the cause of death is significantly related to or aggravated by pneumoconiosis.

(c) For the purpose of adjudicating survivors' claims filed on or after January 1, 1982, death will be considered to be due to pneumoconiosis if any of the following criteria is met:

(1) Where competent medical evidence established that the miner's death was due to pneumoconiosis, or

(2) Where pneumoconiosis was a substantially contributing cause or factor leading to the miner's death or where the death was caused by complications of pneumoconiosis, or

(3) Where the presumption set forth at § 718.304 is applicable.

(4) However, survivors are not eligible for benefits where the miner's death was caused by a traumatic injury or the principal cause of death was a medical condition not related to pneumoconiosis, unless the evidence establishes that pneumoconiosis was a substantially contributing cause of death.

(d) To minimize the hardships to potentially entitled survivors due to the disruption of benefits upon the miner's death, survivors' claims filed on or after January 1, 1982, shall be adjudicated on an expedited basis in accordance with the following procedures. The initial burden is upon the claimant, with the assistance of the deputy commissioner, to develop evidence which meets the requirements of paragraph (c) of this section. Where the initial medical evidence appears to establish that death was due to pneumoconiosis, the survivor will receive benefits unless the weight of the evidence as subsequently developed by the Department or the responsible operator establishes that the miner's death was not due to pneumoconiosis as defined above. However, no such benefits shall be found payable before the party responsible for the payment of such benefits shall have had a reasonable opportunity for the development of rebuttal evidence. See §§ 725.412–725.415 concerning the operator's opportunity to develop evidence prior to an initial determination and §§ 718.307 and 718.403 on the burden of proof.

9. Section 718.303 is amended by adding paragraph (c) to read as follows:

§ 718.303 Death from a respirable disease.

* * * * *

(c) This section is not applicable to any claim filed on or after January 1, 1982.

10. Section 718.305 is amended by adding paragraph (e) to read as follows:

§ 718.305 Presumption of pneumoconiosis.

* * * * *

(e) This section is not applicable to any claim filed on or after January 1, 1982.

11. In § 718.306, paragraph (a) is revised to read as follows:

§ 718.306 Presumption of entitlement applicable to certain death claims.

(a) In the case of a miner who died on or before March 1, 1978, who was employed for 25 or more years in one or more coal mines prior to June 30, 1971, the eligible survivors of such miner who claims have been filed prior to June 30, 1982, shall be entitled to the payment of benefits, unless it is established that at the time of death such miner was not partially or totally disabled due to pneumoconiosis. Eligible survivors shall, upon request, furnish such evidence as is available with respect to the health of the miner at the time of death, and the nature and duration of the miner's coal mine employment.

* * * * *

PART 725—CLAIMS FOR BENEFITS UNDER PART C OF TITLE IV OF THE FEDERAL MINE SAFETY AND HEALTH ACT, AS AMENDED

12. The authority for Part 725 reads as follows:

Authority: 5 U.S.C. 301, Reorganization Plan No. 6 of 1950, 15 FR 3174, 30 U.S.C. 901 et seq., 902(f), 925, 932, 934, 936, 945; 33 U.S.C. 901 et seq.

13. Section 725.1 is amended by revising paragraphs (a) and (g), redesignating paragraph (h) as paragraph (j) and adding new paragraphs (h) and (i) to read as follows:

§ 725.1 Statutory provisions.

(a) *General.* Title IV of the Federal Mine Safety and Health Act of 1977, as amended by the Black Lung Benefits Reform Act of 1977, the Black Lung Benefits Revenue Act of 1977, the Black Lung Benefits Revenue Act of 1981 and the Black Lung Benefits Amendments of 1981, provides for the payment of benefits to a coal miner who is totally disabled due to pneumoconiosis (black lung disease) and to certain survivors of a miner who dies due to pneumoconiosis. For claims filed prior to January 1, 1982, certain survivors could receive benefits if the miner was totally (or for claims filed prior to June 30, 1982, in accordance with section 411(c)(5) of the Act, partially) disabled due to pneumoconiosis, or if the miner died due to pneumoconiosis.

* * * * *

(g) *Changes made by the the Black Lung Benefits Revenue Act of 1977.* The Black Lung Benefits Revenue Act of 1977 established the Black Lung Disability Trust Fund which is financed by a specified tax imposed upon each ton of coal (except lignite) produced and sold or used in the United States after March 31, 1978. The Secretary of the Treasury is the managing trustee of the fund and benefits are paid from the fund upon the direction of the Secretary of Labor. The fund was made liable for the payment of all claims approved under section 415, part C and section 435 of the Act for all periods of eligibility occurring on or after January 1, 1974, with respect to claims where the miner's last coal mine employment terminated before January 1, 1970, or where individual liability can not be assessed against a coal mine operator due to bankruptcy, insolvency, or the like. The fund was also authorized to pay certain claims which a responsible operator has refused to pay within a reasonable time, and to seek reimbursement from such operator. The purpose of the Fund and the Black Lung Benefits Revenue Act of 1977 was to insure that coal mine operators, or the coal industry, will fully bear the cost of black lung disease for the present time and in the future. The Black Lung Benefits Revenue Act of 1977 also contained other provisions relating to the fund and authorized a coal mine operator to establish its own trust fund for the payment of certain claims.

(h) *Changes made by the Black Lung Benefits Amendments of 1981.* In addition to the change reflected in paragraph (a) of this section, the Black Lung Benefits Amendments of 1981 made a number of significant changes in the Act's standards for determining eligibility for benefits and concerning the payment of such benefits. The following changes are all applicable to claims filed on or after January 1, 1982: (1) The Secretary of Labor may re-read any X-ray submitted in support of a claim and may rely upon a second opinion concerning such an X-ray as a means of auditing the validity of the claim; (2) the rebuttable presumption that the death of a miner with ten or more years employment in the coal mines, who died of a respirable disease, was due to pneumoconiosis is no longer applicable; (3) the rebuttable presumption that the total disability of a miner with fifteen or more years employment in the coal mines, who has demonstrated a totally disabling respiratory or pulmonary impairment, is due to pneumoconiosis is no longer applicable; (4) in the case of deceased miners, where no medical or other relevant evidence is available, only affidavits from persons not eligible to receive benefits as a result of the adjudication of the claim will be considered sufficient to establish entitlement to benefits; (5) unless the miner was found entitled to benefits as a result of a claim filed prior to January 1, 1982, benefits are payable on survivors' claims filed on and after January 1, 1982, only when the miner's death was due to pneumoconiosis; (6) benefits payable under this part are subject to an offset on account of excess earnings by the miner; and (7) other technical amendments.

(i) *Changes made by the Black Lung Benefits Revenue Act of 1981.* The Black Lung Benefits Revenue Act of 1981 temporarily doubles the amount of the tax upon coal until the Trust Fund shall have repaid all advances received from the United States Treasury and the interest on all such advances. The Fund is also made liable for the payment of certain claims previously denied under the 1972 version of the Act and subsequently approved under section 435 and for the reimbursement of operators and insurers for benefits previously paid by them on such claims. With respect to claims filed on or after January 1, 1982, the Fund's authorization for the payment of interim benefits is limited to the payment of prospective benefits only. These changes also define the rates of interest to be paid to and by the Fund.

(j) *Longshoremen's Act provisions.* The adjudication of claims filed under sections 415, 422 and 435 of the Act is governed by various procedural and other provisions contained in the Longshoremen's and Harbor Workers' Compensation Act (LHWCA), as amended from time to time, which are incorporated within the Act by sections 415 and 422. The incorporated LHWCA provisions are applicable under the Act except as is otherwise provided by the Act or as provided by regulations of the Secretary. Although occupational disease benefits are also payable under the LHWCA, the primary focus of the procedures set forth in that Act is upon a time definite of traumatic injury or death. Because of this and other significant differences between a black lung and longshore claim, it is determined, in accordance with the authority set forth in section 422 of the Act, that certain of the incorporated procedures prescribed by the LHWCA must be altered to fit the circumstances ordinarily confronted in the adjudication of a black lung claim. The changes made are based upon the Department's experience in processing black lung claims since July 1, 1973, and all such changes are specified in this part or part 727 of this subchapter. No other departure from the incorporated provisions of the LHWCA is intended.

14. Section 725.4 is amended by revising paragraphs (a) and (d) to read as follows:

§ 725.4 Applicability of other parts in this title.

(a) *Part 718.* Part 718 of this subchapter, which contains the criteria and standards to be applied in determining whether a miner is or was totally disabled due to pneumoconiosis, or whether a miner died due to pneumoconiosis, shall be applicable to the determination of claims under this part. Claims filed after March 31, 1980, are subject to the revised part 718 as promulgated by the Secretary in accordance with section 402(f)(1) of the Act on February 29, 1980. The criteria contained in subpart C of part 727 of this subchapter are applicable in determining claims filed prior to April 1, 1980, under this part, and such criteria shall be applicable at all times with respect to claims filed under this part and under section 11 of the Black Lung Benefits Reform Act of 1977.

* * * * *

(d) *Part 727.* Part 727 of this subchapter, which governs the review, adjudication and payment of pending and denied claims under section 435 of the Act, is applicable to this part as provided in such part 727. The criteria contained in subpart C of part 727 for determining a claimant's eligibility for benefits shall be applicable under this part with respect to all claims filed before April 1, 1980, and to all claims filed under this part and under section 11 of the Black Lung Benefits Reform Act of 1977.

* * * * *

15. Section 725.101 is amended by revising paragraphs (a)(1), (a)(10), and (a)(31) to read as follows:

§ 725.101 Definitions and use of terms.

(a) * * *

(1) The "Act" means the Federal Coal Mine Health and Safety Act, Pub. L. 91–173, 83 Stat. 742, 30 U.S.C. 801–960, as amended by the Black Lung Benefits Act of 1972, the Mine Safety and Health Act of 1977, the Black Lung Benefits Reform Act of 1977, the Black Lung Benefits Revenue Act of 1977, the Black Lung Benefits Revenue Act of 1981, and the Black Lung Benefits Amendments of 1981.

* * * * *

(10) "Division" or "DCMWC" means the Division of Coal Mine Workers' Compensation in the OWCP, United States Department of Labor.

* * * * *

(31) "Black Lung Disability Trust Fund" or the "Fund" means the Black Lung Disability Trust Fund established by the Black Lung Benefits Revenue Act of 1977, as amended by the Black Lung Benefits Revenue Act of 1981, for the payment of certain claims adjudicated under this part (see subpart G of this part).

* * * * *

16. In § 725.102, paragraph (a) is revised to read as follows:

§ 725.102 Disclosure of program information.

(a) All reports, records, or other documents filed with the OWCP with respect to claims are the records of the OWCP. The Director or his or her designee shall be the official custodian of those records maintained by the OWCP at its national office. The Deputy Commissioner shall be the official custodian of those records maintained at a district office.

* * * * *

17. Section 725.201 is amended by revising paragraphs (a)(2), (a)(4), and (b) to read as follows:

§ 725.201 Who is entitled to benefits; contents of this subpart.

(a) * * *

(2) The surviving spouse or surviving divorced spouse or, where neither exists, the child of a deceased miner, where the deceased miner;

(i) Was receiving benefits under section 415 or Part C of title IV of the Act as a result of a claim filed prior to January 1, 1982; or

(ii) Is determined as a result of a claim filed prior to January 1, 1982, to have been totally disabled due to pneumoconiosis at the time of death, or to have died due to pneumoconiosis. Survivors of miners whose claims are filed on or after January 1, 1982, must establish that the deceased miner's death was due to pneumoconiosis in order to establish their entitlement to benefits, except where entitlement is established under § 718.306 of part 718 on a survivor's claim filed prior to June 30, 1982, or;

* * * * *

(4) The surviving dependent parents, where there is no surviving spouse or child, or the surviving dependent brothers or sisters, where there is no surviving spouse, child, or parent, of a miner, where the deceased miner;

(i) Was receiving benefits under section 415 or Part C of title IV of the Act as a result of a claim filed prior to January 1, 1982; or

(ii) Is determined as a result of a claim filed prior to January 1, 1982, to have been totally disabled due to pneumoconiosis at the time of death, or to have died due to pneumoconiosis. Survivors of miners whose claims are filed on or after January 1, 1982, must establish that the deceased miner's death was due to pneumoconiosis in order to establish their entitlement to benefits, except where entitlement is established under § 718.306 of part 718 on a survivor's claim filed prior to June 30, 1982.

(b) Section 411(c)(5) of the Act provides for the payment of benefits to the eligible survivors of a miner employed for 25 or more years in the mines prior to June 30, 1971, if the miner's death occurred on or before March 1, 1978, and if the claim was filed prior to June 30, 1982, unless it is established that at the time of death, the miner was not totally or partially disabled due to pneumoconiosis. For the purposes of this part the term "total disability" shall mean partial disability with respect to a claim for which eligibility is established under section 411(c)(5) of the Act. See § 718.306 of part 718 which implements this provision of the Act.

* * * * *

18. Section 725.205 is amended by revising paragraph (c) to read as follows:

§ 725.205 Determination of dependency; spouse.

* * * * *

(c) The miner has been ordered by a court to contribute to such individual's support (see § 725.233(e)); or

* * * * *

19. Section 275.207 is amended by revising paragraph (c) to read as follows:

§ 725.207 Determination of dependency; divorced spouse.

* * * * *

(c) A court order requires the miner to furnish substantial contributions to the individual's support (see § 725.233 (c), (e)).

20. Section 725.208 is amended by revising paragraphs (f)(1) and (f)(2) to read as follows:

§ 725.208 Determination of relationship; child.

* * * * *

(f) * * *

(1) The beneficiary, prior to his or her entitlement to benefits, has acknowledged in writing that the individual is his or her son or daughter, or has been decreed by a court to be the parent of the individual, or has been ordered by a court to contribute to the support of the individual (see § 725.233(e)) because the individual is his or her son or daughter; or

(2) Such beneficiary is shown by satisfactory evidence to be the father or mother of the individual and was living with or contributing to the support of the

individual at the time the beneficiary became entitled to benefits.

21. Section 725.212 is revised to read as follows:

§ 725.212 Condition of entitlement; surviving spouse or surviving divorced spouse.

(a) An individual who is the surviving spouse or surviving divorced spouse of a miner is eligible for benefits if such individual:

(1) Is not married;

(2) Was dependent on the miner at the pertinent time; and

(3) The deceased miner either:

(i) Was receiving benefits under section 415 or part C of title IV of the Act at the time of death as a result of a claim filed prior to January 1, 1982; or

(ii) Is determined as a result of a claim filed prior to January 1, 1982, to have been totally disabled due to pneumoconiosis at the time of death or to have died due to pneumoconiosis. A surviving spouse or surviving divorced spouse of a miner whose claim is filed on or after January 1, 1982, must establish that the deceased miner's death was due to pneumoconiosis in order to establish entitlement to benefits, except where entitlement is established under § 718.306 of part 718 on a claim filed prior to June 30, 1982.

22. Section 725.213 is amended by revising paragraph (b)(3) to read as follows:

§ 725.213 Duration of entitlement; surviving spouse or surviving divorced spouse.

* * * * *

(b) * * *

(3) Where the individual qualifies as the surviving spouse of a miner under § 725.204(d), such individual ceases to qualify as provided in that paragraph.

23. Section 725.214 is amended by revising paragraph (d) to read as follows:

§ 725.214 Determination of relationship; surviving spouse.

* * * * *

(d) Such individual went through a marriage ceremony with the miner resulting in a purported marriage between them and which but for a legal impediment (see § 725.230) would have been a valid marriage, unless such individual entered into the purported marriage with knowledge that it was not a valid marriage, or if such individual and the miner were not living in the same household at the time of the miner's death. The provisions of this paragraph shall not apply if another person is or has been entitled to benefits as the surviving spouse of the miner and such other person is, or is considered to be, the surviving spouse of such miner under paragraph (a), (b), or (c) of this section at the time such individual files a claim for benefits.

24. Section 725.217 is amended by revising paragraphs (a)(1), (a)(2) and (a)(3) to read as follows:

§ 725.217 Determination of dependency; surviving divorced spouse.

(a) * * *

(1) The individual was receiving at least one-half of his or her support from the miner (see § 725.233(g)); or

(2) The individual was receiving substantial contributions from the miner pursuant to a written agreement (see § 725.233 (e) and (f)); or

(3) A court order required the miner to furnish substantial contributions to the individual's support (see §275.233 (c) and (e)).

25. Section 725.218 is amended by revising paragraph (a)(1) and (a)(2) to read as follows:

§ 725.218 Conditions of entitlement; child.

(a) * * *

(1) Was receiving benefits under section 415 or Part C of title IV of the Act as a result of a claim filed prior to January 1, 1982, or

(2) Is determined as a result of a claim filed prior to January 1, 1982, to have been totally disabled due to pneumoconiosis at the time of death, or to have died due to pneumoconiosis. A surviving dependent child of a miner whose claim is filed on or after January 1, 1982, must establish that the miner's death was due to pneumoconiosis in order to establish entitlement to benefits, except where entitlement is established under § 718.306 of part 718 on a claim filed prior to June 30, 1982.

* * * * *

26. Section 725.219 is amended by revising paragraph (b)(3)(ii) to read as follows:

§ 725.219 Duration of entitlement; child.

* * * * *

(b) * * *

(3) * * *

(ii) Is not a student (as defined in § 725.209(b)) during any part of the month in which the child attains age 18;

* * * * *

27. Section 725.220 is amended by revising paragraph (f)(2) to read as follows:

§ 725.220 Determination of relationship; child.

* * * * *

(f) * * *

(2) Such beneficiary is shown by satisfactory evidence to be the father or mother of the individual and was living with or contributing to the support of the individual at the time such beneficiary became entitled to benefits.

28. Section 725.222 is amended by revising paragraphs (a)(5)(i) and (a)(5)(ii) to read as follows:

§ 725.222 Conditions of entitlement; parent, brother, or sister.

(a) * * *

(5) * * *

(i) Was entitled to benefits under section 415 or Part C of title IV of the Act as a result of a claim filed prior to January 1, 1982; or

(ii) Is determined as a result of a claim filed prior to January 1, 1982, to have been totally disabled due to pneumoconiosis at the time of death or to have died due to pneumoconiosis. A surviving dependent parent, brother or sister of a miner whose claim is filed on or after January 1, 1982, must establish that the miner's death was due to pneumoconiosis in order to establish entitlement to benefits, except where entitlement is established under § 718.306 of part 718 on a claim filed prior to June 30, 1982.

* * * * *

29. Section 725.225 is amended by revising paragraph (b) to read as follows:

§ 725.225 Determination of dependency; parent, brother, or sister.

* * * * *

(b) The individual was totally dependent on the miner for support (see § 725.233(h)).

30. Section 725.367 is amended by redesignating the existing text as paragraph (a) and adding paragraph (b). As amended § 725.367 reads as follows:

§ 725.367 Payment of a claimant's attorney's fee by responsible operator.

(a) If an operator declines to pay any benefits on or before the 30th day after receiving written notice of its liability for a claim on the ground that there is no liability for benefits within the provisions of the Act, and the person seeking benefits shall thereafter have utilized the services of an attorney in the successful prosecution of the claim, there shall be awarded, in addition to the award of benefits, in an order, a reasonable attorney's fee against the operator or carrier in an amount approved by the deputy commissioner, administrative law judge, Board, or court as the case may be, which shall be paid promptly and directly by the operator or carrier to the claimant's attorney in a lump sum after the order becomes final.

(b) Section 205(a) of the Black Lung Benefits Amendments of 1981, Pub. L. 97-119, amended section 422 of the Act and relieved operators and carriers from liability for the payment of benefits on certain claims. Payment of benefits on those claims was made the responsibility of the Trust Fund. The claims subject to this transfer of liability are described in § 725.496 of this part. On claims subject to the transfer of liability described above the Trust Fund will pay all fees and costs which have been or will be awarded to claimant's attorneys which were or would have become the liability of an operator or carrier but for the enactment of the 1981 Amendments and which have not already been paid by such operator or carrier. Section 9501(d)(7) of the Internal Revenue Code, which was also enacted as a part of the 1981 Amendments to the Act, expressly prohibits the Trust Fund from reimbursing an operator or carrier for any attorney fees or costs which it has paid on cases subject to the transfer of liability provisions.

31. Section 725.420 is amended by revising paragraphs (a) and (b) to read as follows:

§ 725.420 Initial determinations.

(a) Section 9501(d)(1)(A)(1) of the Internal Revenue Code provides that the Black Lung Disability Trust Fund shall begin the payment of benefits on behalf of an operator in any case in which the operator liable for such payments "has not commenced payment of such benefits within 30 days after the date of an initial determination of eligibility by the Secretary * * *." For claims filed on or after January 1, 1982, the payment of such interim benefits from the Fund is limited to "benefits accruing after the date of such initial determination * * *."

(b) Except as provided in § 725.415 of this subpart, after the deputy commissioner has determined that a claimant is eligible for benefits, on the basis of all evidence submitted by a claimant and operator, and has determined that a hearing will be necessary to resolve the claim, the deputy commissioner shall in writing so inform the parties and direct the operator to begin the payment of benefits to the claimant in accordance with § 725.522. The date on which this writing is sent to the parties shall be considered the date of initial determination of the claim.

* * * * *

32. In § 725.421, paragraph (b)(1) is revised to read as follows:

§ 725.421 Referral of a claim to the Office of Administrative Law Judges.

* * * * *

(b) * * *

(1) Copies of the claim form or forms;

* * * * *

33. In § 725.456, paragraph (b)(1) is revised to read as follows:

§ 725.456 Introduction of documentary evidence.

* * * * *

(b) * * *

(1) Any other documentary material, including medical reports, which was not submitted to the deputy commissioner, may be received in evidence subject to the objection of any party, if such evidence is sent to all other parties at least 20 days before a hearing is held in connection with the claim.

* * * * *

34. In § 725.490, paragraph (a) is revised to read as follows:

§ 725.490 Statutory provisions and scope.

(a) One of the major purposes of the black lung benefits amendments of 1977 was to provide a more effective means of transferring the responsibility for the payment of benefits from the Federal government to the coal industry with respect to claims filed under this part. In furtherance of this goal, a Black Lung Disability Trust Fund financed by the coal industry was established by the Black Lung Benefits Revenue Act of 1977. The primary purpose of the Fund is to pay benefits with respect to all claims in which the last coal mine employment of the miner on whose account the claim was filed occurred before January 1, 1970. With respect to most claims in which the miner's last coal mine employment occurred after January 1, 1970, individual coal mine operators will be liable for the payment of benefits. The 1981 amendments to the Act relieved individual coal mine operators from the liability for payment of certain special claims involving coal mine employment on or after January 1, 1970, where the claim was previously denied and subsequently approved under section 435 of the Act. See § 725.496 for a detailed description of these special claims. Where no such operator exists or the operator determined to be liable is in default in any case, the Fund shall pay the benefits due and seek reimbursement as is appropriate. See also § 725.420 for the Fund's role in the payment of interim benefits in certain contested cases. In addition, the Black Lung Benefits Reform Act of 1977 amended certain provisions affecting the scope of coverage under the Act and describing the effects of particular corporate transactions on the liability of operators.

* * * * *

35. Section § 725.496 is added to part 725 to read as follows:

§ 725.496 Special claims transferred to the Trust Fund.

(a) The 1981 amendments to the Act amended section 422 of the Act and transferred liability for payment of certain special claims from operators and carriers to the Trust Fund. These provisions apply to claims which were denied before March 1, 1978, and which have been or will be approved in accordance with section 435 of the Act.

(b) Section 402(i) of the Act defines three classes of denied claims subject to the transfer provisions:

(1) Claims filed with and denied by the Social Security Administration before March 1, 1978:

(2) claims filed with the Department of Labor in which the claimant was notified by the Department of an administrative or informal denial before March 1, 1977, and in which the claimant did not within one year of such notification either:

(i) Request a hearing; or

(ii) Present additional evidence; or

(iii) Indicate an intention to present additional evidence; or

(iv) Request a modification or reconsideration of the denial on the ground of a change in conditions or because of a mistake in a determination of fact;

(3) Claims filed with the Department of Labor and denied under the law in effect prior to the enactment of the Black Lung Benefits Reform Act of 1977, that is, before March 1, 1978, following a formal hearing before an administrative law judge or administrative review before the Benefits Review Board or review before a United States Court of Appeals.

(c) Where more than one claim was filed with the Social Security Administration and/or the Department of Labor prior to March 1, 1978, by or on behalf of a miner or a surviving dependent of a miner, unless such claims were required to be merged by the agency's regulations, the procedural history of each such claim must be considered separately to determine whether the claim is subject to the transfer of liability provisions.

(d) For a claim filed with and denied by the Social Security Administration prior to March 1, 1978, to come within the transfer provisions, such claim must have been or must be approved under the provisions of section 435 of the Act. No claim filed with and denied by the

Social Security Administration is subject to the transfer of liability provisions unless a request was made by or on behalf of the claimant for review of such denied claim under section 435. Such review must have been requested by the filing of a valid election card or other equivalent document with the Social Security Administration in accordance with section 435(a) and its implementing regulations at 20 CFR 410.700–707.

(e) Where a claim filed with the Department of Labor prior to March 1, 1977, was subjected to repeated administrative or informal denials, the last such denial issued during the pendency of the claim determines whether the claim is subject to the transfer of liability provisions.

(f) Where a miner's claim comes within the transfer of liability provisions of the 1981 amendments the Trust Fund is also liable for the payment of any benefits to which the miner's dependent survivors are entitled after the miner's death. However, if the survivor's entitlement was established on a separate claim not subject to the transfer of liability provisions prior to approval of the miner's claim under section 435, the party responsible for the payment of such survivors' benefits shall not be relieved of that responsibility because the miner's claim was ultimately approved and found subject to the transfer of liability provisions.

36. Section 725.497 is added to part 725 to read as follows:

§ 725.497 Procedures in special claims transferred to the Trust Fund.

(a) *General.* It is the purpose of this section to define procedures to expedite the handling and disposition of claims affected by the benefit liability transfer provisions of Section 205 of the Black Lung Benefits Amendments of 1981.

(b) *Action by the Department.* The OWCP shall, in accordance with the criteria contained in § 725.496, review each claim which is or may be affected by the provisions of Section 205 of the Black Lung Benefits Amendments of 1981. Any party to a claim, adjudication officer, or adjudicative body may request that such a review be conducted and that the record be supplemented with any additional documentation necessary for an informed consideration of the transferability of the claim. Where the issue of the transferability of the claim can not be resolved by agreement of the parties and the evidence of record is not sufficient for a resolution of the issue, the hearing record may be reopened or the case remanded for the development of the additional evidence concerning the procedural history of the claim necessary to such resolution. Such determinations shall be made on an expedited basis.

(c) *Dismissal of operators.* If it is determined that a coal mine operator or insurance carrier which previously participated in the consideration or adjudication of any claim, may no longer be found liable for the payment of benefits to the claimant by reason of section 205 of the Black Lung Benefits Amendments of 1981, such operator or carrier shall be promptly dismissed as a party to the claim. The dismissal of an operator or carrier shall be concluded at the earliest possible time and in no event shall an operator or carrier participate as a necessary party in any claim for which only the Trust Fund may be liable.

(d) *Procedure following dismissal of an operator.* After it has been determined that an operator or carrier must be dismissed as a party in any claim in accordance with this section, the Director shall take such action as is authorized by the Act to bring about the proper and expeditious resolution of the claim in light of all relevant medical and other evidence. Action to be taken in this regard by the Director may include, but is not limited to, the assignment of the claim to the Black Lung Disability Trust Fund for the payment of benefits, the reimbursement of benefits previously paid by an operator or carrier if appropriate, the defense of the claim on behalf of the Trust Fund, or proceedings authorized by § 725.310.

(e) Any claimant whose claim has been subsequently denied in a modification proceeding will be entitled to expedited review of the modification decision. Where a formal hearing was previously held, the claimant may waive his right to a further hearing and ask that a decision be made on the record of the prior hearing, as supplemented by any additional documentary evidence which the parties wish to introduce and briefs of the parties, if desired. In any case in which the claimant waives his right to a second hearing, a decision and order must be issued within 30 days of the date upon which the parties agree the record has been completed.

37. In § 725.520, the introductory text of paragraph (a), paragraphs (a)(1), (a)(2), and (a)(3) are revised and paragraph (a)(4) is removed to read as follows:

§ 725.520 Computation of benefits.

(a) *Basic rate.* The amount of benefits payable to a beneficiary for a month is determined, in the first instance, by computing the "basic rate." The basic rate is equal to 37½ percent of the monthly pay rate for Federal employees in GS–2, step 1. That rate for a month is determined by:

(1) Ascertaining the lowest annual rate of pay (step 1) for Grade GS–2 of the General Schedule applicable to such month (see 5 U.S.C. 5332);

(2) Ascertaining the monthly rate thereof by dividing the amount determined in paragraph (a)(1) of this section by 12; and

(3) Ascertaining the basic rate under the Act by multiplying the amount determined in paragraph (a)(2) of this section by 0.375 (that is, by 37½ percent).

* * * * *

38. In § 725.532, paragraph (a) is revised to read as follows:

§ 725.532 Suspension, reduction, or termination of payments.

(a) No suspension, reduction, or termination in the payment of benefits is permitted unless authorized by the deputy commissioner, administrative law judge, Board, or court. No suspension, reduction, or termination shall be authorized except upon the occurrence of an event which terminates a claimant's eligibility for benefits (see subpart B of this part) or as is otherwise provided in subpart C of this part, §§ 725.306 and 725.310, or this subpart (see also §§ 725.533–725.546).

* * * * *

39. In § 725.533, paragraph (a)(3) is revised to read as follows:

§ 725.533 Modification of benefit amounts; general.

(a) * * *

* * * * *

(3) In the case of benefits to a parent, brother, or sister as a result of a claim filed at any time or benefits payable on a miner's claim which was filed on or after January 1, 1982, the excess earnings from wages and from net earnings from self-employment (see § 410.530 of this title) of such parent, brother, sister, or miner, respectively; or

* * * * *

40. Section 725.536 is revised to read as follows:

§ 725.536 Reductions; excess earnings.

In the case of a surviving parent, brother, or sister, whose claim was filed at any time, or of a miner whose claim was filed on or after January 1, 1982, benefit payments are reduced as appropriate by an amount equal to the deduction which would be made with respect to excess earnings under the provisions of sections 203 (b), (f), (g), (h), (j), and (l) of the Social Security Act (42

U.S.C. 403 (b), (f), (g), (h), (j), and (l)), as if such benefit payments were benefits payable under section 202 of the Social Security Act (42 U.S.C. 402) (see §§ 404.428–404.456 of this title).

41. Section 725.608 is amended by revising paragraphs (a) and (b), redesignating previous paragraph (c) as paragraph (d), and adding a new paragraph (c) to read as follows:

§ 725.608 Interest.

(a) If an operator or other employer fails or refuses to pay any or all benefits due under the terms of an initial determination by a deputy commissioner (§ 725.420), a decision and order filed and served by an administrative law judge (§ 725.478) or a decision filed by the Board or a United States court of appeals, including any penalty awarded in addition to benefits in accordance with § 725.607, such operator shall be liable for simple annual interest on all past due benefits computed from the date on which such benefits were due and payable, in addition to such operator's or other employer's liability as is otherwise provided in this part. On claims filed on or after January 1, 1982, in which the payment of retroactive benefits has been withheld pending final adjudication of liability in accordance with section 422(d) of the Act as amended, interest on such withheld retroactive benefit payments shall begin to accumulate 30 days after the date of the first determination that such an award should be made. The first determination that such an award should be made may be a deputy commissioner's initial determination of entitlement, an award made by an administrative law judge or a decision by the Board or a court, whichever is the first such determination of entitlement made upon the claim. Except as provided in paragraph (b) of this section, interest payments owed under this paragraph shall be made directly to the beneficiary. However, an operator or other employer shall have no obligation to pay interest except with respect to benefits which it has either agreed to pay or it has been directed to pay by an order which has become final.

(b) If an operator or other employer fails or refuses to pay any or all benefits due pursuant to an award of benefits or an initial determination of eligibility made by the deputy commissioner and the Fund undertakes such payments, such operator or other employer shall be liable to the Fund for simple annual interest on all payments made by the Fund for which such operator is determined liable, computed from the first date on which such benefits are paid by the Fund, in addition to such operator's liability to the Fund, as is otherwise provided in this part. Interest payments owed pursuant to this paragraph shall be paid directly to the Fund.

(c) The rates of interest applicable to paragraphs (a) and (b) above shall be computed as follows:

(1) for all amounts outstanding prior to January 1, 1982, the rate shall be 6% simple annual interest;

(2) for all amounts outstanding for any period during calendar year 1982 the rate shall be 15% simple annual interest; and

(3) for all amounts outstanding during any period after calendar year 1982 the rate shall be simple annual interest at the rate established by section 6621 of the Internal Revenue Code of 1954 which is in effect for such period.

(d) The Fund shall not be liable for the payment of interest under any circumstances, other than the payment of interest on advances from the United States Treasury as provided by section 9501(c) of the Internal Revene Code of 1954.

Signed at Washington, D.C. this 25th day of May, 1983.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 14383 Filed 5–27–83; 8:45 am]

BILLING CODE 4510–27–M

federal register

Tuesday
May 31, 1983

Part IV

Department of Commerce

National Oceanic and Atmospheric Administration

National Marine Sanctuary Program Regulations

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 30321-44]

National Marine Sanctuary Program Regulations

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: These final regulations revise existing procedures for identifying and selecting marine sanctuary candidates, as well as for designating these sites as national marine sanctuaries. The regulations reflect a management-oriented approach to protecting special marine areas. They reflect the refinements and programmatic policies outlined in the Program Development Plan (PDP) for the National Marine Sanctuary Program (January 1982).

EFFECTIVE DATE: These regulations are effective June 30, 1983.

FOR FURTHER INFORMATION CONTACT: John Epting, Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, NOAA, 3300 Whitehaven St., N.W., Washington, D.C. 20235; (202) 634-4236.

SUPPLEMENTARY INFORMATION:

I. Authority

This notice of final rulemaking is issued under the authority of Title III of the Marine Protection, Research and Sanctuaries Act, as amended in 1980, 16 U.S.C. 1431-1434.

II. General Background

On September 7, 1982, NOAA published proposed revised regulations for continued implementation of the National Marine Sanctuary Program, pursuant to Title III of the Marine Protection, Research and Sanctuaries Act, 16 U.S.C. 1431-1434 (The Act). Written comments on the proposed regulations were accepted until November 8, 1982. These comments have been considered in preparing these final regulations. In response to comments concerning the mission and goals, criteria for the site evaluation list (SEL) and Active Candidate selection, and sanctuary size, the regulations have been modified.

The final regulations further clarify the Program's mission and goals, revise the SEL and active candidate criteria, and further clarify the concept of multiple use of sanctuary areas. These regulations supersede the previous regulations for the program (44 FR 44831 (1979)).

III. Refinements to the Regulations for the National Marine Sanctuary Program

The proposed regulations solicited comments on a number of programmatic refinements. These refinements are discussed at length in the Program Development Plan (PDP) for the National Marine Sancturary Program (published in January 1982). The PDP describes the Program's mission and goals; changes in the site identification and selection criteria; modifications to the nomination and designation process; and the components and purposes of site-specific management plans.

A. Adoption of the Mission and Goals for the Program

The Mission and Goals are based on the statute which provides that sanctuaries may be designated for their "conservation, recreational, ecological, or esthetic values" (section 302(a)). Although broad in scope, they establish a framework within which specific program activities are conducted. The Mission Statement and Goals are adopted with several revisions by the final regulations (§ 922.1).

B. Revision of the Procedures for Initially Identifying Potential Sanctuary Candidates

(1) Elimination of the List of Recommended Areas

In regulations published on July 31, 1979 (44 FR 44831), NOAA established the List of Recommended Areas (LRA) as a means of eliminating clearly inappropriate proposals, advising the public at large of recommended sites, cataloging potentially significant marine sites, and soliciting information on those sites. The LRA, however, did not totally fulfill these purposes. Since LRA site evaluation criteria were broad and allowed marginally acceptable nominations to qualify for further consideration, the procedure resulted in unnecessary controversy over the Program as a whole. A great number of nominations were received, many of which were minimally acceptable, in some instances incorporating large areas of Outer Continental Shelf waters and encompassing thousands of square miles. This caused substantial confusion and concern over the status of sites on the LRA and the likelihood of further action. Even though the majority of the listed sites would never become active candidates, the LRA has often been perceived as the blueprint for the national marine sanctuary program. These revised regulations eliminate the LRA process from the Program, and replace it with the Site Evaluation List procedure.

(2) Establishment of a Site Evaluation List

The Site Evaluation List (SEL) process, described in subpart B of the regulations, will eliminate the problems created by the LRA.

The PDP established the policies and procedures for the SEL process (see Chapter III of the PDP). Regional resource evaluation teams, selected by NOAA and using NOAA-developed identification criteria (see Appendix 1), were to identify high natural resource and human use value sites. NOAA began implementing the site identification process in February 1982. NOAA used regional resource evaluation teams, comprised of knowledgeable scientists with regional research experience, to identify, evaluate, and recommend sites suitable for sanctuary consideration in accordance with site identification criteria in Appendix 1. By actively seeking sites based on sound criteria, resource data and input from marine scientists, and by assuring early public review at the regional level, highly-qualified marine sanctuary sites can be identified. The teams' initial lists of sites were circulated for public comment in the summer and fall of 1982. Based on these comments and applying the identification criteria in Appendix 1, each regional team developed a final list recommending 3-to-5 sites per region. These sites were submitted to NOAA in early February 1983. After a preliminary analysis of the sites based on the criteria in Appendix 1, NOAA will publish a notice of the availability of potential sites for the SEL in the **Federal Register**. These sites will be subject to a ninety-day comment period. At the conclusion of the comment period, and after the effective date of the national marine sanctuary regulations, NOAA will publish a final SEL, based on the selection criteria as set forth in these regulations (see § 922.20(b)) and the public comments.

It should be noted that the identification of potential sites for listing on the draft SEL meets the requirements of NOAA's existing regulations (see 44 FR 44831, Subpart B (1979)).

After the SEL is adopted, NOAA will review an additional site for listing on the SEL only if it is an important new discovery or if there is substantial new information indicating that a known site merits such consideration. NOAA will

determine, in consultation with appropriate scientists and resource managers, whether such sites meet the selection criteria specified in Appendix 1. If such a determination is made, the sites will be placed on the Site Evaluation List for further evaluation as national marine sanctuaries, consistent with the procedures in §§ 922.20 through 922.22.

C. Selection of Active Candidates and the Actual Designation of Marine Sanctuaries

Selection from the SEL as an active candidate is the second step in evaluating a site for potential designation. Subpart C contains the criteria by which NOAA selects active candidates. A site-specific management plan is prepared as part of the designation process. The environmental impact statement evaluates the impacts of sanctuary designation and management plan implementation. Only a limited number of sites at a time will be selected as active candidates and evaluated by NOAA for sanctuary designation.

D. Enforcement Activities

The enforcement section (subpart D) has been revised to incorporate by reference NOAA-wide civil procedures and seizure and forfeiture procedures which will apply to all proceedings under this Act. These procedures are set forth, respectively, at 46 FR 61643(1981) (to be codified at 15 CFR 904.100 through 904.273) and 46 FR 31648 (1981) (to be codified at 50 CFR Part 219).

IV. Summary of Significant Comments on the Proposed Regulations and NOAA's Responses

NOAA received comments from 23 sources. Commenters included members of Congress, Federal and state agencies, representatives of the oil and gas industry, and environmental and public interest groups. All comments received are on file at the Sanctuary Programs Division, Office of Ocean and Coastal Resource Management. The comments are available at that office for review upon request. Each of the major issues raised by commenters has been summarized and NOAA's responses provided under the relevant subheading in this section.

General

Executive Order 12291 and the Regulatory Flexibility Act. Several commenters suggested that the regulations be reevaluated in light of Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354).

Response: These regulations provide general standards for the future designation and subsequent implementation of national marine sanctuaries by NOAA. As regulations for a particular sanctuary are proposed, they will be reviewed pursuant to Executive Order 12291 and the Regulatory Flexibility Act, and necessary analyses prepared. This has been done in the past by NOAA. For example, regulatory impact analyses were prepared for portions of the regulations implementing both the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries.

Section-by-Section Analysis

Subpart A—General

Section 922.1(a)—*Mission and Goals.* (1) Several reviewers suggested that the Mission be revised to allow sanctuary designation only where the marine area is threatened by existing or potential activities. They suggest that the research goals (§ 922.1(b)(2)) and public awareness goals (§ 922.1(b)(3)) are not in themselves necessary reasons for creating a sanctuary.

Response: While NOAA agrees that an existing or probable threat to a site is an important factor in whether to designate a marine sanctuary, the prime factor to be considered is the area's natural resource and human use values compared to other sites of national significance. The Act provides two criteria for sanctuary designation—preservation and restoration of marine areas for their "conservation, recreational, ecological, or esthetic values." While the Act allows NOAA to restore areas which have been subject to man's impacts, the Act also directs NOAA to preserve special marine areas before they are threatened or harmed by man's activities. Thus, the threat to the area's conservation, recreational, ecological, or esthetic values is only one test NOAA uses in designating sanctuaries.

NOAA also agrees that the research goals and public awareness goals are not by themselves sufficient reasons for establishing a sanctuary. The prime reason for sanctuary designation is always to protect the site's conservation, recreation, ecological, and esthetic values. Sites having such values, however, often provide substantial opportunities for research and public awareness.

(2) Other reviewers suggested that the mission and goals in the proposed regulations represented a major shift in the Program toward giving human use "improper priority " over the protection of an area for its conservation, recreational, ecological or esthetic values. One reviewer stated that the replacement of "preserving or restoring such areas for their conservation, recreational, ecological or esthetic values" (Act, section 302(a)) with "comprehensive management of special marine areas for the long-term benefit and enjoyment of the public" and placing "optimum compatible public and private use" on an equal footing with enhanced resource protection represents a drastic departure from existing regulations and from the spirit of the Act.

Response: As noted in our above response, protection of the area's important natural resource values remains the Program's primary purpose. The mission and goals represent an attempt to balance resource protection with legitimate human uses of the marine environment.

(3) One commenter recommended that the mission and goals section contain a provision stating that the existing regulations of other Federal agencies be incorporated into the National Marine Sanctuary Program. For example, the Department of the Interior regulations governing oil and gas development activities on the Outer Continental Shelf should be the basis for the regulation of such activities located within a marine sanctuary.

Response: Existing regulations of federal and state authorities are considered in determining whether to designate marine sanctuaries and in developing the management framework for such sanctuaries. NOAA has, in many instances, and on a site specific basis, relied upon existing federal and state regulations to preserve or restore a sanctuary's natural resource and human use values when such regulations have been judged to meet the purposes and policies established by Congress in the Act. For example, NOAA has relied upon existing federal and state regulations to control fishing activities within a sanctuary when it has been determined that the interests of other federal and state agencies in managing these activities "are parallel to the interests of NOAA in managing the sanctuary, preserving the stocks and their habitats" (45 FR 65200). Similarly, NOAA has decided not to regulate a variety of activities, ranging from anchoring (46 FR 7942) and safeguarding waterfowl (46 FR 7939) to recreational boating (45 FR 65201) and instead relied upon existing authority. With respect to the few remaining preexisting oil and gas leases within the boundaries of the Channel Islands National Marine

Sanctuary, NOAA relies upon the regulatory authority of several federal and state agencies to fulfill the purposes of sanctuary designation under the Act (15 CFR 935.6). New regulations are promulgated only when necessary to control activities within the sanctuary (section 302(f)).

(4) *Multiple Use.* Several reviewers suggested that NOAA encourage multiple compatible use of sanctuary areas based on the capacity of the marine resource to assimilate various human and natural impacts. One reviewer specifically recommended that the regulations recognize, to the greatest extent possible, that multiple use is one of the objectives of the Sanctuary Program.

Response: NOAA intended to convey that multiple use is encouraged in sanctuaries to the greatest extent possible, as long as such use is compatible with the purposes of the sanctuary. Goals 1 and 4 of the Program has been refined to reflect this intent (§ 922.1(b) (1) and (4)).

Section 922.2—*Definitions.* (1) Several commenters suggested that "regional resource evaluation team" be defined. NOAA was also asked to describe the procedure by which the teams were chosen. One reviewer noted that since the regional teams are discussed in Chapter III.B.1 of the PDP, this discussion should either be restated or referenced in the regulations.

Response: Regional resource evaluation teams represent the teams of scientists chosen by NOAA to make the initial selection of sites based on NOAA's criteria in Appendix 1.

In developing the list of individuals for each regional team, NOAA consulted with federal agencies, universities, and private organizations including oil and gas industry representatives for recommendations on appropriate scientists. The final team members and their affiliations are:

North Atlantic

Dr. Maurice Lynch—Leader, College of William and Mary, P.O. Box 125, Gloucester Point, VA 23062
Dr. H. Perry Jeffries, Graduate School of Oceanography, University of Rhode Island, Narragansett, RI 02881
Dr. Walter Adey, Dir., Marine Systems Laboratory, W3–6 Natural History Museum Bldg., Smithsonian Institution, Washington, D.C. 20560
Dr. Jeffrey Levinton, Dept. of Ecology & Evolution, State University of New York, Stony Brook, NY 11794

Great Lakes

Dr. A. M. Beeton—Leader, Dir., Great Lakes & Marine Waters Center, Univ. of Michigan, 4103 I.S.T. Bldg., 2200 Bonnisteel Blvd., Ann Arbor, MI 48109
Dr. Charles Herdendorf, Dir., OSU Sea Grant Program, Ohio State Univ., 484 W. 12th Ave., Columbus, OH 43210
Dr. Bud Harris, College of Environmental Sciences, Univ. of Wisc., Room E5105, Green Bay, WI 54302
Ms. Carol E. Cummings, Standard Oil of Indiana, Mail Code 3804, 200 E. Randall Dr., Chicago, IL 60607

South Atlantic

Dr. Vernon Henry, Jr.—Leader, Skidaway Institute of Oceanography, University of Georgia, P.O. Box 13687, Savannah, GA 31406
Dr. Dirk Frankenberg, Dir., Marine Science Program, University of North Carolina, 12–5 Venable Hall, Mail Stop 045A, Chapel Hill, NC 27514
Dr. F. John Vernberg, Dir., Belle Baruch Inst. for Marine Biology, University of South Carolina, Columbia, SC 29208
Dr. Harold Wanless, University of Miami RSMAS, 4600 Rickenbacker Causeway, Miami, FL 33149

Gulf

Dr. Thomas Bright—Leader, Dept. of Oceanography, Texas A&M, College Station, TX 77843
Dr. William McIntire, Center for Wetland Resources, Louisiana State University, 1234 Highland Park Dr., Baton Rouge, LA 70808
Dr. David Gettleson, Continental Shelf Association, P.O. Box 3609, Tequesta, FL 33458
Dr. James Ray, Shell Oil, P.O. Box 4320, Houston, TX 77210

Caribbean

Dr. Manuel Hernandez-Avila—Leader, Dir., Dept. of Marine Sciences, University of Puerto Rico, College Station, Mayaguez, PR 00708
Dr. John Ogden, West Indies Laboratory, Fairleigh Dickinson University, P.O. Box 4010, Christiansted, St. Croix, U.S.V.I. 00820

East Pacific

Dr. Paul Rudy—Leader, Dir., Inst. of Marine Biology, University of Oregon, Stillwater Cove, Jenner, CA 95450
Dr. Joel W. Hedgpeth, 5660 Montecito Avenue, Santa Rosa, CA 95404
Dr. Elizabeth Venrick, Assoc. Research Oceanography, Code A–001, Scrips Inst. of Oceanography, La Jolla, CA 92093
Dr. June Lindstedt-Siva, Atlantic Richfield, 515 S. Flower St., Los Angeles, CA 90071
Dr. P. Dee Boersma, Actg. Dir., Inst. of Environmental Studies (FM–12), University of Washington, Seattle, WA 98195

Alaska

Dr. Vera Alexander—Leader, Inst. of Marine Sciences, Univ. of Alaska, Fairbanks, AK 99701
Dr. Lewis J. Haldorson, Asst. Prof., School of Fisheries, University of Alaska, Juneau, AK 99803
Dr. Donald F. Keen, ARCO Alaska, Inc., P.O. Box 360, Anchorage, AK 99510
Dr. Robert Weeden, Prof., Resource Management, University of Alaska, Fairbanks, AK 99701

West Pacific

Dr. Roy Tsuda—Leader, Dean of Graduate Research, University of Guam, UOG Station, Mangilao, Guam 96913
Dr. E. Alison Kay, Prof., Dept. of Zoology, University of Hawaii at Manoa, Honolulu, HI 96822
Dr. Richard C. Wass, Office of Marine Resources, P.O. Box 3730, Pago Pago, American Samoa 96795.

Specific reference is also made to the description of the teams in the PDP at § 922.20(b) (see "comment").

(2) One commenter recommended adding a definition of "marine areas" which incorporates the language of section 320(a) of the Act.

Response: The recommended definition has been added at § 922.2(g).

Subpart B—Site Evaluation List

(1) Several reviewers noted with approval that this section formally abolishes the List of Recommended Areas (LRA). Such reviewers believe that the SEL has the potential to be a much more reponsible mechanism for selecting potential sites. The final regulations should make clear, however, that none of the former LRA sites will receive any further consideration for sanctuary status unless renominated as part of the SEL process. It was also requested that the regulations expressly state that listing on the SEL and later selection as an Active Candidate do not impose any sanctuary regulatory controls.

Response: Sites formally on the LRA receive no sanctuary consideration unless they have been reselected by NOAA and placed on the SEL through the site evaluation process as specified in § 922.20(a). The effect of listing on the SEL or Active Candidate List is described at § 922.21.

(2) Several commenters recommended specific criteria for use in selecting sites for the SEL; the criteria were recommended to ensure that high resource and human use value sites are

selected for the SEL. These commenters noted that if comprehensive and precise SEL criteria are included in the regulations, Appendix 1 can be deleted.

Response: NOAA has incorporated Appendix 1, as revised, into the regulations (see § 922.20(b)). Appendix 1 contains the criteria used initially by the teams and then by NOAA to comprise the SEL. These criteria are quite specific and reflect the range of values intended to be protected by the Act.

It must be noted that more comprehensive and precise criteria than those presented in Appendix 1 are not applicable to the SEL. There is simply not enough information available at the time of SEL selection to analyze in detail other factors besides natural resource and human use values. SEL selection should provide a list of high resource and human use value sites that provide the basis for further consideration. Other concerns are factored in progressively at later stages in the designation process. For example, active candidate criteria are much more specific, focusing not only on natural resource and human use values (see § 922.30(b)).

(3) Another reviewer suggested that the regulations include a specific timetable for selecting sites from the SEL to ensure that sites do not remain on the SEL indefinitely.

Response: While a precise timetable for selection of sites from the SEL cannot be established, § 922.22(a) provides that sites considered but not designated are not replaced on the SEL. Thus, the number of sites on the SEL is reduced over time. All sites remaining on the SEL after 5 years will be reevaluated.

(4) In terms of adding new sites after the SEL is established, several reviewers noted that the regulations should not assume that the selection and designation of marine sanctuaries is a one-time effort. They point out that the program is mandated by Congress "for the purpose of preserving or restoring such [marine] areas for their conservation, recreational, ecological or esthetic values." The reviewers state that the regulations should identify the process that will be followed in designating a marine sanctuary, without implying that this will only happen once or that the program is limited to a set number of sites.

For instance, one reviewer suggested that NOAA periodically review site evaluation lists and recommendations made by federal, state, and local agencies or the interested public. Similarly, another reviewer suggested that once the original SEL is established, regional resource evaluation teams of knowledgeable scientists should periodically determine whether there have been any newly discovered sites that would qualify for inclusion on the list.

Finally, another reviewer suggested a change in the procedures for selecting sites for SEL consideration. In addition to considering for the SEL sites which are important new discoveries, it was suggested that known sites be reconsidered if substantial new information arises which establishes the need to reassess a particular site.

Response: NOAA's intent is to allow new sites to be added to the SEL only if they represent significant new discoveries, or if there is substantial new information establishing the national significance of a known site, which was previously unavailable to the regional resource evaluation teams (see § 922.22(c)).

As noted in the previous above response, any sites remaining on the SEL after 5 years will be reevaluated. If additional sites are required for further sanctuary consideration, § 922.22(b) provides a procedure for initiating a new identification process.

Subpart C—Selection of Active Candidates and the Designation of National Marine Sanctuaries

Active Candidates. (1) One reviewer questioned the relationship between the criteria used for SEL selection and Active Candidate selection. It was suggested that non-ecological factors be taken into account at the SEL selection stage, rather than subsequently at the Active Candidate stage. This would eliminate one step in the process.

Response: SEL selection and Active Candidate selection serve distinct purposes. SEL selection is geared toward choosing sites of high natural resources and human use value. Since sites on the SEL already have a certain requisite level of value, the Active Candidate criteria also take other factors into consideration, including the results of public and agency review and comment during preliminary consultation (§ 922.30(c) and (d)).

(2) Another reviewer suggested that the criteria for Active Candidate selection in the existing regulations (15 CFR Part 922.21, 44 FR 44831 *et seq.* (1979)) be used. Another reviewer suggested revised criteria based partially on those in the original regulations.

Response: More specific criteria for Active Candidate selection have been developed in the regulations. The criteria embodied in the original regulations are not entirely applicable because they do not take the new SEL process and the criteria in Appendix 1 into consideration.

(3) One reviewer suggested publishing notice of preliminary consultation not only in the **Federal Register**, but also in newpapers of general circulation.

Response: Notice of preliminary consultation will be published in newspapers in the local area(s) of concern.

(4) One reviewer suggested that prior to preliminary consultation, and before actual selection of a site as an Active Candidate, that the Assistant Administrator (AA) should request comments for "the appropriate Regional Technical Advisory Groups formed under the Department of the Interior's Outer Continental shelf Advisory Committee."

Response; Since a notice of preliminary consultation is published in the **Federal Register** and in the local area(s) of concern, it is not necessary to specify the Regional Technical Advisory Groups in the regulations. The Department of the Interior is formally provided with opportunities to comment throughout the process.

(5) One reviewer recommended that the regulations be revised to provide that if a potential site is considered for formal designation and designation, "and be approved through the same administrative procedures lending to the original designation. . . ."

Response: This section reflects the terms of the Act (section 302(f)(1)). Sites meeting the identification and selection criteria in Appendix 1 have national significance under the Act. The Act provides that sanctuaries are to be designated based on their conservation, recreation, ecological, and esthetic values. The criteria in Appendix 1 focus on these values; sites selected for the SEL based on these values are therefore deemed to be of national significance. As in the past, activities will be subject to sanctuary regulation only if the regulations are necessary to protect the area's values. Regulatory changes, for activities listed as subject to regulation in the Designation Document, may be made so long as they remain consistent with the Designation and the Administrative Procedures Act. Such changes do not require reapproval by the Secretary of Commerce and the President. Likewise, revisions to the Management Plan can be made as long as they are consistent with the Designation Document.

(4) One reviewer noted that the geographical area encompassed by a proposed site should only include the area necessary to provide adequate protection.

Response: This is fully NOAA's intent.

(5) Several reviewers suggested that the regulations discuss size considerations in more detail in the body of the regulations. Another reviewer suggested that Section III.E.1 of the PDP, discussion NOAA's expectations with respect to maximum size, should be imcorporated into the site identification criteria.

Response: Although no maximum or minimum size limits are established, NOAA expects that the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries, covering 1,252 and 948 square nautical miles respectively, are likely to represent the upper end of the sanctuary size spectrum and that future sanctuaries will be no larger. Size considerations are addressed under the Mission and Goals (§ 922.1(d) and the Active Candidate Criteria (§ 922.30(b)(4)). A reference has also been added to the appropriate discussion in the PDP ("Comment" to § 922.1(d)).

(6) One commenter recommended that in developing sanctuary-specific regulations relating to activities under the jurisdiction of one or more Federal agencies, these regulations should be developed in consultation with the appropriate Federal agency.

Response: Such coordination has always been done as a part of the preliminary consultation process and environmental impact statement development under the National Environmental Policy Act. To emphasize such cooperation further, § 922.31(b) has been modified explicity to include this cooperation

(7) One reviewer suggested that while there is a time limit (90 days) from initiation of preliminary consultation to the date when the AA must select a site as an Active Candidate, there is no limit on the time in which the AA must initiate preliminary consultation. The reviewer claims that without a specific timetable for each step in the designation process, areas would be tied up for an indefinite period of time. It is claimed that this problem is made especially serious if the legal effect of such listing is not clarified. The reviewer requests that a specific time limit within which NOAA must initiate preliminary consideration of areas included on the SEL be established. A related concern is that the regulations do not specify the amount of time within which the AA must either select an Active Candidate for designation or remove it from the SEL.

Response: As noted above, the regulations clarify that such listing imposes no regulatory controls on the use or development of these areas. Thus, the claim that the use of the areas of the SEL will be tied up for indefinite periods is without merit. It is also not possible for NOAA to set precise time limits on when sites from the SEL will be selected as active candidates. NOAA can only consider a few sites at a time, but cannot realistically determine in advance which sites will be selected first and in what order for consideration.

The regulations, at § 922.22(a), do clarify that the entire SEL will be reevaluated in 5 years. As sites on the SEL are selected for preliminary consultation and active candidacy, the SEL will be reduced. Sites selected for active candidate consideration, but later rejected, will not be returned to the SEL, but dropped with a written rationale.

It is also important to point out the advantages of the SEL. It provides a clear picture of the only sites that NOAA can consider for national marine sanctuaries during the lifetime of the SEL (except for the narrow exception specified in § 922.22(c) (concerning new discoveries or new information). Because the sites on the SEL do not have regulatory status and can be selected for active candidacy and further consideration as a marine sanctuary only after NOAA's careful scrutiny in applying the active candidate criteria, preparing an EIS, and seeking public input, NOAA finds that the overall implementation of the designation process will be much more predictable than past procedures. It provides a clear presentation of the sites that can be considered and numerous opportunities for public review.

(8) One reviewer recommended that there be a notice and opportunity for a public hearing before any interim emergency regulations can become effective.

Response: This provision can only be invoked when, consistent with the Administrative Procedure Act, notice and comment are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)). Specific procedures for implementing such emergency regulations will be detailed in the site-specific regulations.

(9) One commenter recommended that a Federal mediation process was necessary to handle a situation where several Federal agencies disagree on sanctuary designation or the regulatory requirements which should be imposed.

Response: NOAA has determined that a formal mediation process unique to marine sanctuaries is not needed. If interagency disputes do arise over designation or implementing regulations, the Executive Office of the President can mediate.

(10) With respect to § 922.31(d) and 922.31(a)(2), one reviewer suggested that the term "public" be inserted into these sections to ensure that the meetings are in fact "public meetings."

Response: This has been done.

(11) With respect to § 922.32(e), one reviewer suggested it would be helpful if this section briefly indicated the purpose of the public hearing, as indicated in section 302(e) of the Act.

Response: An explanation has been added.

(12) One reviewer requested that the regulations reflect that the designation of a sanctuary be consistent with an affected state's approved coastal management program.

Response: This has been done, see § 922.32(a)(1).

(13) One reviewer suggested that specific provisions be added for withdrawal of designation.

Response: NOAA does not have sufficient guidance, either in the statute or from the legislative history, on which to base a process for withdrawing sanctuary designation since the statute and legislative history only speak to designating national marine sancturies.

APPENDIX 1—Several commenters suggested detailed changes to this Appendix.

Response: Appendix 1 has been revised and is incorporated into the regulations § 922.20(b). Appendix 2 has been deleted.

V. Other Actions Associated with the Notice of Final Rulemaking

(A) Classification Under Executive Order 12291

NOAA has concluded that these regulations are not major "rules" within Section 1(b) of Executive Order 12291 because they will *not* result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to complete with foreign-based enterprises in domestic or export markets.

The final rules amend existing procedures by providing greater selectivity and specificity in initially identifying and processing potential national marine sanctuaries in accordance with the Program Development Plan for the National Marine Sanctuary Program. These rules establish a revised process for

identifying, designating, and managing national marine sancturies. They will not result in any direct economic or environmental effects nor will they lead to any major indirect economic or environmental impacts. They are intended to reduce delay and uncertainty in the site selection and approval process.

(B) Regulatory Flexibility Act Analysis

A Regulatory Flexibility Analysis is not required for this notice of proposed rulemaking. The regulations set forth procedures for identifying, selecting, and, if designated, managing national marine sanctuaries. These rules do not directly affect "small government jurisdictions" as defined by Pub. L. 96–354, the Regulatory Flexibility Act, and the rules will have no direct effect on small businesses.

(C) Paper Work Reduction Act of 1980 (Pub. L. 96–511)

These regulations will impose no information collection requirements of the type covered by Pub. L. 96–511.

(D) National Environmental Policy Act

NOAA has concluded that publication of these rules does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Environmental protection, Marine resources, Natural resources.

(Federal Domestic Assistance Catalog Number 11.419 Coastal Zone Management Program Administration)

Dated: May 24, 1983

K. E. Taggart,

(Acting) Assistant Administrator for Ocean Services and Coastal Zone Management.

Accordingly, it is proposed that 15 CFR Part 922 by revised as follows:

PART 922—NATIONAL MARINE SANCTUARY PROGRAM

Subpart A—General

Sec.

922.1 Mission and Goals.
922.2 Definitions.
922.10 Effect of National Marine Sanctuary Designation.

Subpart B—Site Evaluation List (SEL)

922.20 Purpose of the Site Evaluation List.
922.21 Effect of Placement on the SEL or Selection as an Active Candidate.
922.22 SEL Time Frame and Consideration of New Sites.

Subpart C—Selection of Active Candidates and the Designation of National Marine Sanctuaries

Sec.

922.30 Selection of Active Candidates.
922.31 Designation Process.
922.32 Coordination with States.

Subpart D—Enforcement

922.40 Applicable Procedures.

Appendix 1—National Marine Sanctuary Site Identification and Selection Criteria.

Authority: Title III, Public Law 95–532, as amended (16 U.S.C. 1431–1434).

Subpart A—General

§ 922.1 Mission and goals.

(a) The mission of the National Marine Sanctuary Program (Program) is the establishment of national marine sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. Designated sanctuaries should be illustrative of the nation's marine areas. Decisions to designate areas as national marine sanctuaries are based on an evaluation of the area's intrinsic natural resource and human use values and the impacts of various activities on these values.

Note.—Section 302(a) of the Act permits the Secretary of Commerce, with the approval of the President, to designate ocean areas as marine sanctuaries for "the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values." Decisions to designate an area are therefore based on the area's intrinsic values. For purposes of analysis, these regulations use the term "natural resource and human use values" to equate to the statutory language of "conservation, recreation, ecological, or esthetic values." The term "natural resource" value is synonymous with the "ecological" values referred to in the statute. The statute's terms "conservation," "recreational," and "esthetic" values are covered in the regulations as "human use values." The criteria for sanctuary identification and selection which are categorized into natural resource and human use values, are therefore based on the statute's terms "conservation, recreational, ecological, or esthetic values."

(b) The goals of the Program are to carry out this mission by designating national marine sanctuaries to:

(1) Enhance resource protection through the implementation of a comprehensive, long-term multiple use management plan tailored to the specific resources;

(2) Promote and coordinate research to expand scientific knowledge of significant marine resources to improve management decisionmaking in marine sanctuaries;

(3) Enhance public awareness, understanding, and wise use of the marine environment through public interpretive and recreational programs; and

(4) Provide for multiple compatible public and private use of special marine areas.

(c) The National Marine Sanctuary Program will seek maximum public participation throughout all the stages that may lead to the designation of a sanctuary.

(d) Sanctuary size, while highly dependent on the nature of the site's resources, will be no larger than necessary to ensure the sanctuary's effective management. Sanctuaries will be limited to relatively small, geographically discrete marine areas. NOAA intends that the maximum size will not exceed that of the largest existing marine sanctuary at the time of the effective date of these regulations.

Note.—The criteria for active candidate selection explicitly includes size considerations in § 922.30(b)(4). The SEL selection criteria also includes size considerations under "Management Concerns" (Appendix 1.A. IV.).

§ 922.2 Definitions.

(a) "Act" means Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431–1434.

(b) "Active Candidate" means a site selected by NOAA from the Site Evaluation List for further consideration leading to sanctuary designation.

(c) "Affected State" means any State in which a proposed marine sanctuary includes waters lying within the territorial limits of that State or superjacent to the subsoil and seabed within the seaward boundary of that coastal State.

(d) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration, United States Department of Commerce.

(e) "Assistant Administrator" (AA) means the Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, United States Department of Commerce, or his/her successor or designee.

(f) "Human use values", as used in these regulations, equates to the statutory language of "conservation," "recreational," and "esthetic" values (section 302(a)).

(g) "Marine areas" means those areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention of the Continental Shelf (15 U.S.T. 74; TIAS 5578), of other coastal waters where the

tide ebbs and flows, or of the Great Lakes and their connecting waters.

(h) "National marine sanctuary" means a marine area, as defined above in paragraph (g), which is designated for the purpose of preserving or restoring such area for its conservation, recreational, ecological or esthetic values, as provided by section 302(a) of the Marine Protection, Research, and Sanctuaries Act of 1972.

(i) "Natural resource values" refers to the "ecological" values specified in the Act (section 302(a)).

(j) "Person" means any private individual, partnership, corporation, or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal government, or any State, local or regional unit of government.

(k) "Secretary" means the Secretary of the United States Department of Commerce.

(l) "Site Evaluation List" (SEL) means that list of high natural resource and human use value sites established by the AA as qualifying for further evaluation as national marine sanctuaries.

§ 922.10 Effect of national marine sanctuary designation.

The designation of a national marine sanctuary, and the management plan implementing it (including regulations, if applicable), are binding on any person subject to the jurisdiction of the United States. Designation does not constitute any claim to territorial jurisdiction on the part of the United States, and the management plan implementing it applies to foreign citizens only to the extent consistent with recognized principles of international law or otherwise authorized by international agreement.

Subpart B—Site Evaluation List (SEL)

§ 922.20 Purpose of the Site Evaluation List.

(a) The List of Recommended Areas (LRA) is abolished. Sites on the prior LRA have no further status under these regulations, unless the site has been reselected and placed on the Site Evaluation List (SEL), as provided in § 922.22.

(b) In place of the LRA, the Assistant Administrator (AA) will establish a Site Evaluation List comprising the most highly qualified marine sites identified and recommended by the regional resource evaluation teams in accordance with the Program's mission and goals set forth in § 922.1 and the site identification and selection criteria described in Appendix 1, which is incorporated into these regulations.

Note.—Procedures for SEL site identification and description of the regional resource evaluation teams (teams) are discussed in Chapter III.B of the Program Development Plan (PDP). The site identification criteria used by the teams and the criteria for SEL selection by NOAA are the same and are provided in Appendix 1. The teams' identification of sites for the SEL was based primarily on the area's natural resource values and human use values (See Appendix 1.A I and II). Sites recommended to NOAA for inclusion on the SEL were accompanied by a written analysis of the sites' natural resources and human use values. Sites from the Alaskan region are not included in the current SEL. NOAA's selection of sites for the SEL will be based on the area's natural resource and human use values, the potential activity impacts, and management concerns, including to the extent feasible, a preliminary consideration of the economic effects of sanctuary designation. (See Appendix 1.A. III and IV).

(c) After a preliminary analysis of the sites based on the criteria in Appendix 1, NOAA will publish a notice of availability of sites proposed for listing on the SEL in the **Federal Register**. These sites will be subject to a ninety-day comment period. At the conclusion of the comment period, NOAA will publish the final SEL in the **Federal Register**, based on the selection criteria and the public comments. For each site on the SEL, NOAA will prepare a written analysis of the site describing its values relative to the selection criteria in Appendix 1. Such analysis becomes part of the administrative record for that site.

(d) The SEL serves as NOAA's working list for future marine sanctuary sites; only sites on the SEL may be considered for subsequent review as active candidates for designation. Thus, the SEL provides a pool from which potential sanctuaries are considered.

§ 922.21 Effect of placement on the SEL or selection as an active candidate.

Placement of sites on the SEL or selection for further consideration as active candidates does not subject such sites to any regulatory controls under Federal law. Such regulations may only be established after designation, as provided under § 922.31.

§ 922.22 SEL time frame and consideration of new sites.

(a) As sites are designated as marine sanctuaries or rejected from further consideration, they will be removed from the SEL. Rejected sites will not be replaced on the SEL. Sites remaining on the SEL after a 5 year period will be reevaluated.

(b) If after the 5-year reevaluation, it is determined that a new SEL is necessary, notice of the initiation of a new SEL identification process will be published in the **Federal Register** at least twelve (12) months in advance. NOAA will reevaluate the prior SEL process, including the team approach, and determine, after public comment, how to design and implement a new site selection process.

(c) Unless a new identification process is established as provided in paragraph (b) of this section, the AA will consider future recommendations of potential sanctuary sites only if such sites are important new discoveries or if substantial new information previoulsy unavailable establishes the national significance of a known site. NOAA will determine, in consultation with appropriate scientists, resource managers, and other interested parties, and after public review, whether such sites meet the selection criteria specified in Appendix 1. Qualified sites will be placed on the Site Evaluation List for further evaluation as national marine sanctuaries, consistent with the procedures set forth in these regulations.

Subpart C—Selection of Active Candidates and the Designation of National Marine Sanctuaries

§ 922.30 Selection of active candidates.

(a) Only a limited number of sites at one time will be selected from the SEL as active candidates and further evaluated for sanctuary designation.

(b) The AA will select sites from the SEL for Active Candidate consideration based on the evaluation contained in the written analysis developed in accordance with § 922.20(c), as well as the following additional factors:

(1) A primary reason for considering a site for marine sanctuary designation is the area's high natural resource and human use values. When selecting an active candidate, NOAA considers the site's relative contribution to the Program's mission and goals;

(2) A consideration of the immediacy of need for sanctuary designation based on the present or potential threats to resources, and the vulnerability of the resources. Consideration will also will be given to the cumulative effect of various human activities that individually may be insignificant.

(3) An evaluation of the benefits to be derived from sanctuary designation, including an assessment of the site's natural resource and human use values, the adequacy of existing management or regulatory regimes for protecting these resources, and the effectiveness of

NOAA's proposed management program.

(4) A consideration of the present feasibility of sanctuary designation in light of the sanctuary's size, requirements for managing the site, program staffing, and fiscal constraints; and

(5) An initial consideration of the economic impacts and benefits of sanctuary designation, including a consideration of the range of public and private uses which may be consistent with sanctuary designation.

(c) Before selecting a site as an active candidate, the AA shall undertake preliminary consultation on the considerations described in paragraph (b) of this section with relevant local, state, and Federal government agencies and appropriate regional fishery management councils. The AA also shall request comments from the public and any relevant international agencies. NOAA's written analysis described in § 922.20(c) will be provided for review. Notice of such preliminary consultation shall be published in the **Federal Register** and in newspapers in the area(s) of local concerns.

(d) Within 180 days of initiating preliminary consultation, the AA shall determine whether to select the site as an active candidate and publish a notice of this determination in the **Federal Register.** If the site is not selected, a short statement of the reasons for the negative determination shall be specified in the notice.

§ 922.31 Designation process.

(a) After selecting a site as an active candidate, the AA shall prepare a draft designation document, including the terms of the designation, and draft management plan to implement the designation in consultation with relevant Federal, state, and local agencies, Regional Fishery Management Council members, and other interested persons. Management plans generally shall include sections on: Goals and objectives, management responsibilities, resource studies, interpretive and educational programs, public and private uses consistent with sanctuary designation, and regulations (where applicable). A draft environmental impact statement (DEIS) will be prepared on the designation document and management plan, including draft regulations if applicable. The Plan and the EIS will be prepared in as timely a manner as possible allowing for maximum public input. The time period between active candidate selection and recommendation of the site to the Secretary for designation is not to exceed three (3) years, unless the AA determines that additional time is needed for public discussion.

(b) The terms of designation shall include the geographic area included within the Sanctuary; the characteristics of the area that give it conservation, recreational, ecological, or esthetic values; and the types of activities that will be subject to regulation in order to protect those characteristics. The terms of the designation may be modified only by the same procedures through which the original designation was made. If regulations are promulgated, they shall be consistent with and implement the terms of the designation. Regulations relating to activities under the jurisdiction of one or more other Federal agencies will be developed in consultation with these agencies. All amendments to these regulations must remain consistent with the designation.

(c) Early in the development of the sanctuary documents and the DEIS, public meetings shall be held in the area or areas most affected to solicit public and government agency input on the significant issues related to the proposed action.

(d) The AA will publish the draft designation document and a summary of the management plan including the draft regulations, where applicable, in the **Federal Register.** The **Federal Register** notice shall be published concurrently with the Environmental Protection Agency (EPA) Notice of Availability of the DEIS. Not less than 30 days after publication of the applicable documents, the AA shall hold at least one public hearing in the area or areas most affected by the proposed designation in accordance with section 302(e) of the Act.

Note.—Section 302(e) of the Act provides that before a sanctuary is designated, public hearings must be held in the coastal areas which would be most directly affected by such designation. The purpose of the hearings is to receive and give proper consideration to the views of any interested party.

(e) After publication of a final environmental impact statement, and final consultation with all appropriate Federal agencies, including the Departments of State, Defense, the Interior, Transportation, Energy, and the Environmental Protection Agency, the Secretary shall transmit the proposed designation to the President for approval. Where sites include state waters, the applicable documents will be sent to the Governor of the State for final consultation, as provided under paragraph (h) (1) of this section.

(f) The AA shall announce the designation of a Sanctuary and publish the designation document and implementing regulations in the **Federal Register.**

(g) A designation shall become effective unless either: (1) The governor of any affected State, as defined in § 922.2(c) certifies to the Secretary, before the end of the sixty-day period beginning on the date of the publication of the designation, that the designation or any of its terms described in paragraph (b), of this section are unacceptable to the state, in which case those terms certified as unacceptable will not be effective in the waters described in § 922.2(c) until the Governor withdraws his/her certification of unacceptability; or

(2) Both Houses of Congress adopt a concurrent resolution consistent with section 302(h) of the Act, within sixty calendar days of continuous session of Congress after the date on which the designation was transmitted, which disapproves the designation or any of its terms described in paragraph (b) of this section.

(h) After the designation becomes effective, and where essential to prevent immediate, serious and irreversible damage to the resources of a sanctuary, activities other than those listed in the designation may be regulated within the limits of the Act on an emergency basis for an interim period not to exceed 120 days, during which time an appropriate amendment of the terms of the Designation will be sought by the Secretary.

Note.— Specific emergency procedures will be provided in the regulations implementing individual sanctuaries.

§ 922.32 Coordination with States.

(a) The AA shall make every effort to consult and cooperate with affected states throughout the entire national marine sanctuary review and designation process. In particular the AA shall:

(1) Consult with the relevant state officials prior to selecting any site on the SEL as an Active Candidate, pursuant to § 922.30, especially concerning the relationship of any site to state waters and the consistency of the proposed designation with an approved State Coastal Zone Management Program. For purposes of consistency review by States with federally-approved coastal management programs, designation of a national marine sanctuary is deemed to be a Federal activity which directly affects the State's coastal zone and must be undertaken in a manner consistent to the maximum extent practicable as provided by section 307(c)(1) of the Coastal Zone Management Act of 1972.

as amended, and implementing regulations at 15 CFR Part 930 *et seq.*

(2) Ensure that any relevant state agency is consulted prior to holding any public meeting pursuant to § 922.31(d) or public hearing pursuant to § 922.31(e).

(3) Provide the Governor an opportunity to certify the designation as unacceptable as specified in § 922.31(h)(1).

(b) In accordance with section 302(f)(4) of the Act, where the need arises and a state agency possesses appropriate law enforcement capabilities that could assist the AA in carrying out the Act's responsibilities, state law enforcement officers may be deputized as Federal law enforcement agents and authorized to enforce those provisions of the Act and applicable regulations for the specific sanctuary.

Subpart D—Enforcement

§ 922.40 Applicable procedures.

NOAA will apply to all enforcement matters under the Act the consolidated civil procedure regulations, set forth at 46 FR 61643 (1981) (to be codified at 15 CFR 904.100 through 904.273), and the seizure, forfeiture, and disposal procedure regulations set forth at 46 FR 31648 (1981) (to be codified at 50 CFR Part 219).

Appendix 1—National Marine Sanctuary Site Identification and Selection Criteria

During the summer of 1981, the National Marine Sanctuary Program draft Site Identification and Selection Criteria were reviewed and refined by three marine scientists: Drs. Walter H. Adey, Rezneat M. Darnell, and G. Carlton Ray. Taking their recommendations into consideration, the criteria presented below were developed.

The criteria are directly related to the Program's mission and goals, see § 922.1. The criteria are grouped into four categories: (1) Natural resource values; (2) human use values; (3) potential activity impacts; and (4) management concerns. The criteria under each category reflect concerns significant to the Program.

The site identification and selection process is discussed in detail in the PDP, chapter III. The regional resource evaluation teams (teams), convened to recommend to NOAA areas for SEL consideration, focused on the (1) natural resource value and (2) human use value criteria (represented in sections I and II, below). These criteria are designed to insure that sites recommended to NOAA for SEL consideration have high natural resource and human use values.

In selecting sites for the SEL, NOAA also considers to the extent such information on the site is available, potential activity impacts and management concerns (as presented in sections III and IV, below). NOAA's selection of sites for the SEL is only the first of several determinations before sanctuary designation or subsequent rejection of a site as not qualified for sanctuary status. [At the SEL stage NOAA's prime focus is on the site's natural resource and human use values.] The presence of such high values is a requisite or "minimum" requirement for NOAA's further consideration since the Act requires that sanctuaries be designated based on the site's "conservation, recreational, ecological, or esthetic values" (section 302(a)). Other, more specific issues are factored into NOAA's decision whether to select a site as an active candidate (see Subpart C of the regulations).

I. Natural Resource Values

A. *Subregional Representation*

The area under consideration is representative of the biogeographic subregion in which it is located (Reference: Sanctuary Program Classification System in the PDP).

Examples: This criterion would apply to an area containing species assemblages which are especially characteristic of the Oregonian subregion of the British Columbian region. Another example would be an area containing species assemblages which are especially characteristic of the Floridian or American Atlantic Antillean subregion of the West Indian region.

B. *Community Representation*

The area under consideration is significant in relation to the ecological communities which are found within the specified habitat type or within the biogeographic region or subregion (i.e., on a macroscale, communities as assemblages of species populations within a prescribed area or habitat).

Examples: (1) The wide spectrum of marine habitats in the Channel Islands National Marine Sanctuary in California created by accentuated bottom relief, varied bottom substrates, and gradation in water depth from island shorelines to deep coastal basins support a variety of ecological communities.

(2) Coral reef, grass bed, soft bottom, and open-bay habitat areas in the Key Largo National Marine Sanctuary support a variety of ecological communities associated with the east Florida reef tract.

C. *Biological Productivity*

The area under consideration is significant in relation to its level of primary and/or secondary production.

Examples: (1) East Breaks at the edge of the outer continental shelf off Corpus Christi, Texas, is characterized by intense local upwelling, high primary productivity, and exceptional fish production.

(2) In the Gray's Reef National Marine Sanctuary, much production may be imported; outcroppings of limestone rocks may serve to entrap, conserve, and circulate detritus and plankton which provide energy sources for reef invertebrates, which in turn support marine fisheries and sea turtles.

(3) In the Channel Islands National Marine Sanctuary, the cold waters of the California Current flowing south meet the warm waters of the California Counter Current flowing north to create upwellings of cold nutrient-rich waters that enhance the biological productivity of the area.

Note.—This example also meets Criterion I.F.)

(4) In many cases, coral reefs are not only energetically self-sustaining (i.e., they produce locally enough food to support the community), but they are also specifically organized to entrap, hoard, and recycle materials received from the surrounding waters (i.e., products that are imported and conserved).

D. *Biotic Character/Species Representation*

The area under consideration is of special interest because it supports:

(1) Ecologically limited species;

(2) Ecologically important species; or

(3) Unique species associations or biological assemblages.

Examples: (1) This criterion would apply to marine habitat areas upon which ecologically limited species (e.g., threatened, endangered, rare, depleted, endemic, or peripheral species) are dependent during all or part of their lives.

(2) This criterion would apply to marine areas containing species which contribute in a significant way to the maintenance of a specified ecosystem found in the region or subregion, such as the Channel Islands National Marine Sanctuary which supports one of the largest and most varied assemblages of marine mammals and seabirds in the world.

(3) The waters of Point Lobos, California, support a unique assemblage of kelp, sea urchin, abalone, and sea otters.

(4) Submarine canyons support unusual biological communities of soft corals, crustaceans, and fish, and are known as "pueblo villages."

(5) This criterion would also apply to wide sandy bottom areas which are characterized by low productivity, but unique species composition, such as certain areas off central texas.

E. *Species Maintenance*

The area under consideration is important to life history activities, including special feeding, courtship, breeding, birthing/nursery, resting/wintering, and migration areas.

Examples: (1) The waters off the Point Reyes-Farallon Islands provide deep and shallow water feeding areas for a wide variety of marine organisms, including seabirds, marine mammals, and marine fisheries. The Farallon Islands support the largest seabird rookeries in the contiguous United States and are used, along with the mainland, by California sea lions, harbor seals, and elephant seals for hauling out and pupping purposes. Whales, including several endangered species, and porpoise pass through the sanctuary on annual migrations.

(2) The waters around certain Hawaiian Islands are important wintering, birthing/nursery, and perhaps courtship/breeding areas for endangered whales.

(3) Spiny lobster migration routes off Florida are important for the "off shelf" movement of this species.

(4) The mouth of the Mississippi River is an important brown shrimp over-wintering ground.

F. *Ecosystem Structure/Habitat Features*

The area under consideration is characterized by special chemical, physical, and/or geological habitat features.

Examples: (1) The Florida Middle Grounds on the Gulf of Mexico continental shelf represent an unusual geological formation—a drowned Pleistocene reef—which supports rich and diverse reef communities.

(2) Transition zones occur where two different marine systems converge—such as at coastal/marine system interfaces, shelf/slope interfaces, soft bottom/hard bottom ecotones, or cold water/warm water current convergence zone. These areas of mixing ofter have unique physical and ecological characteristics, high production, and species diversity/population densities which are ofter greater than in areas flanking them. For example, a transition zone is formed near Cape Hatteras where cold northern waters of the Labrador Current mix with warm water eddies of Gulf Steam/Florida Current and as a result, northern and southern species mix and co-exist with species endemic to the area.

Note.—This example also meets Criterion I.C.)

(3) Easternmost coastal areas of Maine—with unique bay-heads and rocky coasts, varied substrates derived from glacial materials, extensive sub-fjord character, and numerous offshore islands—are matched by few areas in the world in habitat types and species diversity.

II. Human-Use Values

A. *Fishery Resources of Recreational Importance*

The area under consideration contains fish and shellfish species, species groups (e.g., snapper-grouper complex), or fishery habitats which are important to the recreational fishing industry/community and for which conservation and management are in the public interest.

B. *Fishery Resources of Commercial Importance*

The area under consideration contains fish and shellfish species, species groups (e.g., snapper-grouper complex), or fishery habitats which are important to the commercial fishing industry and for which conservation and management are in the public interest.

C. *Ecological/Esthetic Resources of Importance for Recreational Activities Other Than Fishing*

The area under consideration contains exceptional natural resources and features which, because of their importance to nature watching and other nonconsumptive recreational activities, enhance human appreciation, understanding, and enjoyment of nature.

Examples: (1) Rocky shorelines, shallow nearshore waters, and intertidal pools in the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries have rich and varied plant and animal life which attract many persons interested in photography and nature study.

(2) The prominent topography around the Channel Islands and Point Reyes-Farallon Islands National Marine Sancturaies provides outstanding ocean vistas.

(3) The spectacular spur-and-groove coral reef formation in the Looe Key National Marine Sanctuary attracts SCUBA and snorkeling enthusiasts from all over the world.

(4) The waters off Maui, Hawaii, are popular for humpback whale watching.

D. *Research Opportunity*

The area under consideration provides exceptional opportunities for research in marine science and resource management.

Examples: (1) The Gray's Reef National Marine Sanctuary serves as a natural laboratory or control area for research in live bottom ecology.

(2) The Key Largo National Marine Sanctuary is amenable to onsite research activities for many reasons, including the diversity of resources available, the past history of scientific research and education in the area, the compatibility with similar research efforts in adjacent John Pennekamp State Park and Biscayne National Park, and the proximity of the site to user groups. In addition, the Carysfort Reef Lighthouse provides a unique research base from which to launch studies concerning the sanctuary environment.

(3) The Channel Islands National Marine Sanctuary offers a special opportunity to coordinate research with the Channel Islands National Park. Such coordination will contribute to a better scientific understanding of the marine environment and to more effective management by answering questions such as those related to fisheries, marine mammals, seabirds and those related to development and use of marine resources.

E. *Interpretive Opportunity*

The area under consideration provides an excellent opportunity to interpret the meanings and relationships of special marine resources in order to enhance general understanding, appreciation, and wise use of the marine environment.

Examples: (1) Through a variety of interpretive media, including aquaria displays, narrated slide shows and glassbottom boat tours, a visitor to the Key Largo National Marine Sanctuary is exposed to a variety of marine and coastal ecosystems, including open ocean, fringing coral reefs, patch reefs, mangroves, open bay, and barrier islands.

(2) The Channel Islands National Marine Sanctuary provides an exceptional opportunity to interpret marine and insular ecosystem features through the use of various interpretive "hands on" techniques that go beyond tradition educational tools, such as brochures and pamphlets.

F. *Historical, Archaeological or Paleontological*

The area under consideration contains (or is likely to contain) submerged remnants of past life that are of special historical, cultural or paleontological value.

Examples: (1) This criterion would apply to marine areas where known or possible shipwrecks, armaments, or other maritime relics occur and where protection is desirable to conserve or restore esthetic values and to advance the goal of the United States antiquities laws to protect historical resources.

(2) This criterion would apply to marine areas containing, or suspected of containing, remnants of historic human occupation by Indians, Eskimos, early Americans, or other peoples.

(3) This criterion would apply to marine areas containing fossils and geological formations whose study would reveal clues to the Earth's geologic history, the characteristics of ancient environments and the relationship of ancient plants and animals to the Earth's evolutionary history.

Additional Factors in Site Identification and Selection

III. Potential Activity Impacts

Many marine areas are subject to human use, some of which bring adverse pressures to bear on the natural resources. Where applicable, initial identification of potential marine sanctuary areas includes a summary of existing and potential human activities in these areas as well as a preliminary assessment of environmental impacts. To the extent such information is available, NOAA's selection of sites for the SEL will consider impacts of human activities on the area's natural resource and human use values, as well as the impacts of site selection on human activities already taking place within the site.

IV. Management Concerns

A. *Relationship to Other Programs*

While some sanctuaries may be designated to protect resources not currently managed by other existing programs (e.g., the *U.S.S. MONITOR* on the continental shelf off North Carolina), most recommendations involved cooperation with some other Federal, State, local agency or organization. The ability of existing regulatory mechanisms to protect the values of the area and the contribution of the Sanctuary Program to that existing management effort may be an important factor in selecting sanctuary candidates. Depending on the location, the resource, and the existing system, the Program could either complement the status quo by filling specific gaps or form a management umbrella over a fragmented system to help coordinate and strengthen diverse, but related efforts. At different sites, NOAA may work to complement other pograms' efforts such as estuarine sanctuaries, national parks, wildlife refuges, or state preserves, among others. There may be instances where NOAA's primary contribution to protection of special marine areas will be in the form of enhanced public awareness through interpretive and research programs.

B. *Management of a Conservation Unit*

Optimum size of a marine sanctuary is an issue to be considered in potential sanctuary sites. The size or extent of a marine sanctuary should be a cohesive conservation unit amenable to effective management given fiscal and staff constraints of the managing entities.

C. *Accessibility*

Since national marine sanctuaries are to be readily available for public use, when use is compatible with the sanctuary's goals and objectives, consideration should be given to

factors which limit or enhance public access to a particular site.

D. *Surveillance and Enforcement*

Another issue to be considered when evaluating a potential sanctuary site is the degree to which the area lends itself to adequate enforcement and surviellance and the capabilities of responsible agents (e.g., U.S. Coast Guard, state law enforcement divisions, or the like). This depends on the location, its size, and the types or resources involved. Consideration is also given to: (1) Degree of surveillance/enforcement presence needed in the area—light, medium, or heavy; (2) schedule—routine, prescribed, or case-by-case basis; and (3) logistics—vessels, aircraft, manpower, equipment, and budgetary requirements.

E. *Economic Considerations*

The designation of a national marine sanctuary may have economic effects at both local and national levels. Prior to the development of a management plan for a particular site which describes the uses and activities which may take place within a sanctuary, it is difficult to calculate fully the economic impact of sanctuary designation. It is also difficult to determine, at the SEL stage, the economic benefits of the sanctuary to society as a whole based on such considerations as public use, and research and interpretive values which will also be fully described in a management plan. Sanctuary designation may, in some cases, enhance economic value by insuring long-term protection for commercially significant resources, such as commercial or recreational fish stocks, vital habitats, and resources which generate tourism. Conversely, a designated marine sanctuary may have negative economic impacts if management regulations unduly restrict commercial activities.

To the extent, feasible, a decision to include a proposed site on the SEL will take into consideration the ecomonic effects of sanctuary designation. As consideration of a particular site progresses through the designation process, more information will be developed and analyzed concerning the economic efforts to sanctuary designation.

[FR Doc. 83-14328 Filed 5-27-83; 8:45 am]

BILLING CODE 3510-08-M

VOL 48 ISS 105 MAY 31 1983 UMI

federal register

Tuesday
May 31, 1983

Part V

Department of Health and Human Services

Health Care Financing Administration

Medicare Program; Payment for Physician Services Furnished in Hospitals, Skilled Nursing Facilities, and Comprehensive Outpatient Rehabilitation Facilities; Final Rule; Delay in Effective Date

VOL
48
ISS
105
MAY
31
1983
UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Payment for Physician Services Furnished in Hospitals, Skilled Nursing Facilities, and Comprehensive Outpatient Rehabilitation Facilities

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; delay in effective date.

SUMMARY: This rule implements a delay in the effective date of a final rule with comment period that appeared in the **Federal Register** on March 2, 1983. That rule revised the regulations that govern Medicare coverage and reimbursement for services of physicians who practice in providers and, as published, was to be generally effective on May 31, 1983.

Due to the provisions of Pub. L. 98–21 (Social Security Amendments of 1983: enacted April 20, 1983) and comments we have received, we are delaying the effective date of the regulations concerning provider-based physicians until October 1, 1983.

EFFECTIVE DATE: The rules published March 2, 1983 are effective for physician services furnished on or after October 1, 1983.

FOR FURTHER INFORMATION CONTACT: Leonard Peshkin, (301) 594–1115.

SUPPLEMENTARY INFORMATION:

I. Background

On March 2, 1983, we published in the **Federal Register** (48 FR 8902) a final rule with comment period that set forth regulations governing Medicare reimbursement of services furnished by provider-based physicians. Generally, those regulations were to be effective for services furnished on or after May 31, 1983.

However, 42 CFR 405.550(e), which requires the overhead incurred by leased departments to be reimbursed on a reasonable cost basis through the provider, contains provisions indicating that it would be applied for services furnished under lease agreements established on or after July 1, 1966, effective June 30, 1983, and for services furnished under lease agreements established before July 1, 1966, effective March 2, 1985. Those time frames provided 120 day and 2 year delays from the date of publication respectively, during which parties may renegotiate lease arrangements if they believe it is necessary or appropriate. The 2 year delay was granted to providers that had longstanding lease arrangements predating Medicare to allow adequate time for the parties to the lease to adjust their arrangements in a manner that ensures that delivery of services is not disrupted and that the providers can be adequately reimbursed for services they furnished to Medicare patients.

II. Delay of Effective Date

Since publication of the final rules on reimbursement for physician services in providers, Congress enacted Pub. L. 98–21 (Social Security Amendments of 1983). Title VI of this law, enacted April 20, 1983, establishes a system of prospective payment for Medicare inpatient hospital services effective with hospital cost reporting periods beginning on or after October 1, 1983. Basically, this system will reimburse hospitals on the basis of prospectively determined rates. Currently, Medicare payment amounts to hospitals are retrospectively determined based upon the hospitals reasonable costs, subject to certain limits.

The regulations implementing the prospective payment system will affect some of the same operating procedures that the provider-based physician regulations affect. Since the prospective payment system regulations will be in place by October 1, 1983, we believe that it would be advantageous to all parties to delay until October 1, 1983, the implementation of the regulations published March 2, 1983.

Delaying the effective date will also reduce the burden placed on Medicare contractors. Instead of implementing separate operating instructions, and system changes for both the provider-based physician rules and the prospective payment system rules, some of which would overlap, the contractors will be responsible for implementing only one set of instructions and system changes for both rules.

In addition, we have received many comments concerning the comparatively short amount of time (120 days, in most cases) allowed for renegotiation of lease and other arrangements. Commenters have indicated that it is unlikely that these renegotiations will be completed by the current effective date and, in any case, would be an added burden to physicians and providers.

For these reasons, we believe that a delay in the effective date of the regulations governing payment for physicians services furnished in hospitals, skilled nursing facilities (SNFs), and comprehensive outpatient rehabilitation facilities (CORFs), until October 1, 1983, would be both practical and in the best interest of the public and the Medicare program.

In the March 2, 1983 **Federal Register** document, we invited comments on all the new issues (such as combined billing) that were raised in that document that were not addressed in the notice of proposed rulemaking for these regulations published September 30, 1982 (47 FR 43578). We will be publishing a final rule in the near future that will respond to all the comments we have received on the combined billing issue and other new issues raised in the preamble of the final rule with comment period.

III. Impact Analysis

A. Executive Order 12291

Executive Order 12291 requires us to prepare and make available to the public a regulatory impact analysis for any regulations likely to result in an annual effect on the economy of $100 million or more, cause a major increase in costs or prices, or meet other threshold criteria specified in section 1(b) of the Order. We have determined that this rule does not meet the criteria of a "major rule" in section 1(b). Therefore, a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

The Secretary certifies, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this rule will not have a significant impact on a substantial number of small entities. That Act requires us to prepare and make available to the public a regulatory flexibility analysis under 5 U.S.C. 603(b), unless the Secretary so certifies. The purpose of the analysis would be to explain the expected impact of the rule and to analyze alternatives that might reduce its negative impact on small entities. (A small entity is a small business, a nonprofit enterprise, or a government jurisdiction with a population of less than 50,000.)

All of the affected individuals and providers, except for contractors, are considered small entities for purposes of the Regulatory Flexibility Act. Therefore, these provisions clearly impact a substantial number of small entities. However, the delay in implementation of these regulations will, for the reasons already noted, result in an advantage to these individuals and providers, rather than a negative impact. Also, we believe that any loss to the Federal government will not result in a significant increase in allowable payments to these parties. Therefore, a

regulatory flexibility analysis is not required.

IV. Waiver of Proposed Rulemaking

We are publishing this delay in the rule's effective date without notice of proposed rulemaking procedures. The revised regulations concerning payment for physician services furnished in providers published in the **Federal Register** on March 2, 1983, were to be effective, for the most part, for services furnished on or after May 31, 1983. We do not believe that a delay in this rule's effective date is rulemaking that requires use of notice and comment procedures. In any event, however, the failure to publish by May 31, 1983, a final rule that delays the effective date of those regulations to October 1, 1983, would be contrary to the public interest. Therefore, we find good cause to waive proposed rulemaking procedures.

V. List of Subjects in 42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Contracts (Agreements), End-Stage Renal Disease (ESRD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing homes, Onsite surveys, Outpatient providers, Reporting requirements, Rural areas, X-rays.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance Program, No. 13.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 26, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: May 27, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-14656 Filed 5-27-83; 9:57 am]

BILLING CODE 4120-03-M

VOL
48
ISS
105
MAY
31
1983
UMI

Rea

INFOR

PUBLI

Code
CFR U

Genera
Incorpo
Printing

Federa
Correct
Daily L
Genera
Privacy
Public

Schedu

Laws

Indexes
Law nu

Slip law

Preside

Executi
Public
Weekly

United

SERVIC

Agency
Automa
Library
Magnet
volu
Public
Special
Subscri
Subscri
TTY fo

FEDER

19693–
19867–
20033–
20217–
20403–
20681–
20891–
21109–
21297–
21523–
21877–
21129–
22287–
22499–
22701–
22897–
23157–
23381–
23621–
23795–
24025–

Reader Aids

Federal Register

Vol. 48, No. 105

Tuesday, May 31, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MAY

19693-19866.....2
19867-20032.....3
20033-20216.....4
20217-20402.....5
20403-20680.....6
20681-20890.....9
20891-21108.....10
21109-21296.....11
21297-21522.....12
21523-21876.....13
21877-22128.....16
21129-22286.....17
22287-22498.....18
22499-22700.....19
22701-22896.....20
22897-23156.....23
23157-23380.....24
23381-23620.....25
23621-23794.....26
23795-24024.....27
24025-24310.....31

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
Ch. III.....20417

3 CFR

Administrative Orders:

Presidential Determinations:
No. 83-6 of April 8, 1983.....23381

Executive Orders:
May 5, 1855 (Revoked in part by PLO 6380).....22151
July 2, 1910 (Revoked in part by PLO 6377).....22149
August 25, 1915 (Revoked in part by PLO 6384).....22152
5003 (Revoked in part by PLO 6390).....23639
5327 (Revoked in part by PLO 6387.....23223
11157 (Amended by EO 12420).....21525
11735 (Amended by EO 12418).....20891
11958 (Amended by EO 12423).....24025
12123 (Amended by EO 12418).....20891
12154 (Amended by EO 12422).....23157
12155 (Amended by EO 12417).....20035
12163 (Amended by EO 12423).....24025
12316 (Amended by EO 12418).....20891
12417.....20035
12418.....20891
12419.....20893
12420.....21525
12421.....21879
12422.....23157
12423.....24025

Proclamations:
5057.....20033
5058.....21297
5059.....21299
5060.....21523
5061.....21877
5062.....22499
5063.....22701
5064.....23621
5065.....23795

4 CFR

Proposed Rules:
101.....23249
102.....23249
103.....23249
104.....23249
105.....23249

5 CFR

1320.....21109
2470.....19693
2471.....19693
2472.....19694

Proposed Rules:
230.....22728
250.....22728

7 CFR

2.....20403, 21301
55.....20681
56.....20681
59.....20681
70.....20681
210.....20895, 20896
215.....20895, 20896
220.....20895, 20896
225.....20896
226.....20896, 21527
235.....20896
245.....20896
271.....22129, 23797
272.....23797
273.....20403, 22129
274.....22129
275.....23797
276.....22129
277.....23797
285.....23804
319.....20403
360.....20037
729.....20403
907.....20217, 21301
910.....20403, 21530, 22703, 23805
918.....21531
929.....22287
967.....21532
979.....20898, 21881
1040.....22287
1049.....19698
1065.....24027
1099.....23623
1131.....19699
1446.....21533
1464.....21109
1701.....20404, 21547, 23805
1924.....24028
1942.....20217
1980.....23806
2003.....23624

Proposed Rules:
Ch. XVIII.....20425
21.....19884
27.....20715
28.....19721
29.....20720, 23437
52.....19884

226.....21587
272.....23825
273.....23257
274.....23825
725.....23269
726.....23269
989.....21147, 21339
1001.....20920
1004.....21961
1007.....21962
1013.....22303
1033.....22313
1036.....22313
1040.....20418
1065.....20424
1099.....20425
1120.....22318
1124.....22580
1125.....20058
1126.....22318
1132.....22318
1133.....20058
1136.....20925
1138.....22318
1139.....20929
1430.....24085
1446.....21152, 22318, 23649, 24088
1701.....23827
2900.....23438

9 CFR

100.....20684
103.....20221
204.....20221
205.....20221
208.....20684
212.....20221, 20684, 23159
214.....19867, 20221, 20684, 22131, 23159, 23160
231.....21548
234.....20684
238.....20898
245.....20684

Proposed Rules:

214.....21593

5 CFR

78.....23624
82.....22501, 22897
92.....19967–19872, 21549, 22501, 22502
166.....22288
318.....20221
381.....22807

Proposed Rules:

102.....22928
104.....22928
112.....22928
145.....23828
147.....23828
319.....19722

10 CFR

32.....23383
50.....23807, 24008
70.....22131
961.....23160

Proposed Rules:

Ch. I.....23440
Ch. II.....20866
20.....20721, 20723
40.....19722, 23649
50.....20426, 22730
51.....22730
150.....20723
790.....20000
1017.....20091

11 CFR

110.....21553

12 CFR

Ch. VII.....22899
4.....24028
217.....21881, 21882
220.....23161
307.....24030
309.....24031
523.....23032
526.....23032
541.....23032
545.....23032
555.....23032
556.....21554
561.....23032
563.....21302, 23032
571.....21302
590.....21554
591.....21554
700.....22900
701.....22901

Proposed Rules:

Ch. III.....22319
30.....24089
31.....22929
215.....22930
205.....20723
225.....23520
226.....20724
304.....20092
309.....20092
337.....20240, 22155, 22163
556.....20930
561.....19723
563.....19723, 20930
614.....20426
615.....20426
619.....20426

13 CFR

101.....23172
305.....23810

Proposed Rules:

101.....19872
116.....20933
120.....21110
121.....20560, 23657
123.....23836

14 CFR

21.....21882
23.....21882
39.....19700, 20685, 21305, 21307, 21891–21894, 22503, 22504, 23625–23628
71.....20222, 20686–20688, 21895, 22902, 22903, 23630, 24032–24036
91.....21308
97.....20222, 21896, 24036
207.....24038
208.....24038
249.....21310
296.....22703
297.....22705
302.....23154
305.....23154
1245.....22132

Proposed Rules:

21.....19727, 19733
39.....20727, 21963, 22932, 23658, 23659, 24089
71.....19736–19740, 20241, 20728, 20729, 21964, 22933, 22936, 23660, 24091
73.....23661
75.....20241
121.....21339
135.....21339
139.....23662
159.....19838
253.....22323
254.....22323

15 CFR

4a.....20040
369.....20043
370.....20043
371.....20899
375.....20043
379.....20899
385.....20899
388.....20043
390.....20043, 20225
399.....20899
903.....20688, 24039
922.....24296

Proposed Rules:

50.....20432
400.....23848
939.....20730
981.....21154

16 CFR

5.....20044, 23172
13.....20046, 20047
305.....20047, 23383
1406.....21898
1610.....21310
1615.....21310
1616.....21310

Proposed Rules:

13.....20093, 20730, 21156, 22164, 24092
304.....22936
423.....22733, 22937
437.....23270
444.....20096
1201.....20762

17 CFR

1.....20900
12.....21923
140.....22133
146.....22133
170.....22136
180.....22136
200.....19873, 21112
211.....23172
229.....19873
230.....19873
239.....19873
240.....19873
241.....23173
249.....19873

Proposed Rules:

1.....20097
140.....23440
145.....23440
146.....23440
147.....23440
180.....22167
240.....20097
270.....19887
275.....22328

18 CFR

154.....24039
270.....24051
271...23175–23177, 24039, 24051
282.....23810
375.....23630

Proposed Rules:

4.....20934
11.....20934
35.....21161
271.....20432, 23271–23276
410.....19893

19 CFR

123.....23384
177.....22904
201.....20225
210.....20225, 21112, 21115
211.....20225

Proposed Rules:

4.....22746
12.....20242
24.....21965
101.....21966
111.....21343
177.....22747

20 CFR

404.....21924–21931
416.....21931–21944, 23177
628.....22143
718.....24272
725.....24272

Proposed Rules:

Ch. V.....21594
404.....21967, 21970
416.....21967, 21970

21 CFR

73.....22705
81.....23179, 24059–24061
133.....23811, 23812
145.....24062
172.....23179
178.....23179, 23812
193.....23385
430.....24062
444.....21563, 22144
446.....23813
448.....21563
455.....21563
510.....20901, 21564
520.....21565, 21566, 22706
522.....21567, 23180
524.....21566
540.....20901
558.....20902, 21564, 22144, 22707
610.....23180
660.....20405
1220.....23814

Proposed Rules:

Subchapter E.....22748
131.....20433
148.....21595
158.....20935, 22748, 23277
182.....22748
184.....22169, 22748
610.....20433
640.....19897
660.....20433, 23849

803.....24014
1040.....22886

22 CFR

11.....19701
Proposed Rules:
1303.....22749

23 CFR

Ch. I.....20022, 21317, 23182
635.....22911, 23631
Proposed Rules:
650.....22938

24 CFR

0.....21567
8.....20638, 20902, 22470
108.....20903
200.....19877
201.....21569
203.....19877, 21570
205.....21570
207.....21570, 23386, 23815
24062
213.....21570, 23815
220.....21570, 23815
221.....21570, 23815
231.....23815
232.....21570
233.....19877
234.....19877, 21570, 23815
235.....21570
236.....21570, 23815
237.....19877
241.....21570
242.....21570
244.....21570
255.....23386, 23815
426.....19878
450.....22913
570.....22915
867.....24064
880.....20227
881.....20227
883.....20227
884.....20227
886.....20227
888.....23183
1800.....24254

26 CFR

1.....20047, 20938, 22505, 22512, 23815
5f.....21115
9.....22512
301.....22708
304.....22708
401.....19878
Proposed Rules:
1.....20244, 21166, 22584, 22586, 22749, 22940, 23277, 24092
20.....21167, 22940
25.....22940
301.....21167

27 CFR

9.....22145
178.....24065
Proposed Rules:
9.....21973

28 CFR

0.....22290
1.....22290
2.....22917-22919, 23183
45.....23184
Proposed Rules:
2.....22949, 22950

29 CFR

1.....20408
5.....20408
1613.....19705
1910.....24068
1912.....23184
1912a.....23184
2616.....19710
2619.....21573
Proposed Rules:
XXVI.....20247
1952.....20434
2606.....22330

30 CFR

250.....20227, 22146
700.....20392
701.....20392, 22092, 22110
716.....21446
779.....21446
780.....22092
783.....21446
784.....22092
785.....20392, 21446
816.....20392, 22092, 22110, 23356
817.....20392, 22092, 22110, 23356
823.....21446
826.....23356
827.....20392
904.....19710
913.....23412
916.....24073
917.....21574, 22711
935.....23185
936.....20049, 23414
938.....23416
942.....22541, 23634, 23635
947.....22291
Proposed Rules:
55.....22895
56.....22895
57.....22895
905.....20939
914.....20763, 22169
925.....20764
926.....23662
948.....22586

31 CFR

1.....21945
Proposed Rules:
240.....24092

32 CFR

294.....20228
701.....23194
730.....23205
770.....23205
815.....22715
819.....22542
888h.....23206
983.....20408
984.....20408

33 CFR

100.....19712, 22542, 22543
110.....23636
117.....19713, 20229, 21325
165.....20230, 21325, 22543, 23638, 24074
204.....24077
207.....24077
401.....20690, 22545
Proposed Rules:
90.....23663
100.....22588, 23664
117.....19741, 21975, 24094
161.....20248
207.....20249
320.....21466
322.....21466
323.....21466
325.....21466
327.....21466
328.....21466
330.....21466

34 CFR

73.....22147
318.....23206
510.....20692
690.....21852
Proposed Rules:
31.....23277
668.....23150
691.....21862

35 CFR

Ch. I.....21121, 24077
7.....21945
223.....23818
901.....20903
Proposed Rules:
50.....22284
61.....19742
211.....20765
223.....23443
254.....22589

37 CFR

2.....23122
304.....22715
Proposed Rules:
1.....23144
5.....23144
202.....22951

38 CFR

3.....24078
17.....19714, 19878
36.....22292
Proposed Rules:
3.....21595
21.....20939, 23444

39 CFR

10.....21131
601.....20408
3002.....19878
Proposed Rules:
10.....20949
447.....21343
956.....21343
3001.....23849

40 CFR

30.....23417
52.....19715, 19716, 19878, 20051, 20231, 20233, 21326, 21579, 22294-22298, 22545, 22716
60.....20693, 22919, 23608
61.....20693
81.....21947, 22716
86.....22546
145.....19717
180.....20052-20055, 21131-21133, 23418, 23419
271.....21953
704.....23420
712.....21294, 22694
720.....21722
Proposed Rules:
4.....22335
52.....19748, 19750, 19898, 19900, 20766, 21975, 22335, 23852, 24137
61.....23665
81.....22336
124.....21098
180.....20950, 22337
191.....23666
192.....20768, 23666
228.....20440
261.....22170, 22750
264.....20440, 21101
265.....20440
267.....20440
270.....21098-21103
271.....21977, 23853
302.....23552, 23602
320.....21598
414.....24138
416.....24138
712.....22697
721.....20668, 23283
764.....22954
799.....23080, 23088

41 CFR

Ch. 1.....21580, 22555
Ch. 101.....21327, 22149
3-3.....20904
4-2.....19718
9-7.....22550
9-10.....22550
14-1.....21133
51-4.....21328
101-11.....22555
101.....20056
Proposed Rules:
44-17.....20441
101-41.....21351, 23283
114-50.....20768

42 CFR

Ch. IV.....22920
57.....20214
405.....21254, 24308
431.....23212
Proposed Rules:
36.....22171, 23854
59.....22750

43 CFR

Public Land Orders:
2634 (Revoked in part by PLO 6379).....22151
3035 (Revoked in part by PLO 6386).....23223
4522 (Revoked in part by PLO 6387).....23223
5029 (Revoked by PLO 6387).....23223
6335 (Corrected by PLO 6383).....22152

6376.....22149
6377.....22149
6378.....22150
6379.....22151
6380.....22151
6381.....22151
6382.....22152
6383.....22152
6384.....22152
6385.....22153
6386.....23223
6387.....23223
6388.....23224
6389.....23225
6390.....23639

Proposed Rules:
426.....19900, 20768
1600.....20364
4100.....21820
8370.....20630, 22462

44 CFR

64.....20234, 20236, 20910, 21580, 21582
65.....20694-20701, 23230-23232
67.....20409, 20912, 23233 23823
70.....20701-20713, 22717-22727

Proposed Rules:
67.....20443, 20444, 20769, 20770, 20950, 21351, 22753, 22755, 22956-22972, 23284, 24139
71.....23618
205.....22756

45 CFR

Ch. XIX.....22555
4.....24078
303.....20237
650.....19860
1355.....23104
1356.....23104
1357.....23104
1392.....23104

Proposed Rules:
1626.....19750

46 CFR

310.....24080

Proposed Rules:
10.....20770
30.....19755
67.....20249, 22591, 22973
151.....19755
153.....19755
157.....20770
221.....22973
355.....22973

47 CFR

Ch. I.....23422
0.....23430, 23431
22.....21329
73.....19879, 19882, 20918, 20919, 21478, 22556
74.....21478
81.....21583, 22557, 23432, 23639
83.....22557, 23432, 23639
90.....23433

Proposed Rules:
Ch. I.....20771, 21351, 23667, 23854
2.....21354, 23668
13.....22591
15.....23859
21.....19759, 22591
22.....19759, 20952, 21354
23.....19759, 22591
61.....21356
73.....19917, 20252, 20953-20966, 22173, 22591, 22600, 23445, 23862-23871
74.....19759, 22591
78.....19759, 22591
81.....19759, 22591, 23668, 23673
83.....21599, 22591, 23446, 23668, 23673
87.....19759, 22591, 23668
90.....19759, 22591, 23668
94.....19759, 22591, 23859
95.....22591
97.....23668
150.....19759

48 CFR

Proposed Rules:
27.....22757

49 CFR

Ch. X.....20919
25.....20714
172.....19719
173.....24081
175.....19719
223.....24082
231.....24083
385.....22565
565.....22567
571.....20237, 21955, 22567
574.....22572
630.....22926
1003.....23823
1023.....22926
1033.....20409
1039.....20412, 23433, 23648, 23824
1043.....23823
1170.....23245

Proposed Rules:
Ch. X.....23872
100-179 (Ch. I).....20255, 20780
172.....24146
173.....24146
229.....20257
387.....24147
391.....22602
571.....19760, 20259
574.....19761
1309.....20780
1310.....20780

50 CFR

18.....20614, 22446
32.....21957
216.....20614, 22446
250.....23792
403.....20614, 22446
611.....21336, 22153, 22299
661.....21135
642.....20415
650.....23434
650.....23435
662.....22301
671.....23435
672.....22299
675.....21336, 22299

Proposed Rules:
17.....20450, 21169, 21604, 22173, 22757
32.....20100
227.....20098
260.....20261
285.....23448
611.....21978
628.....20102
646.....21607
649.....22760
671.....22602

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Last Listing May 25, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202–275–3030).

S. 957 / Pub. L. 98–33 To provide for an increase in the number of members of the Congressional Award Board, and for other purposes. (May 25, 1983; 97 Stat. 194) Price: $1.75

VOL
48
ISS
1
05
MY
31
1983
UMI

The Federal Register

Regulations appear as agency documents which are published daily in the **Federal Register** and codified annually in the **Code of Federal Regulations**

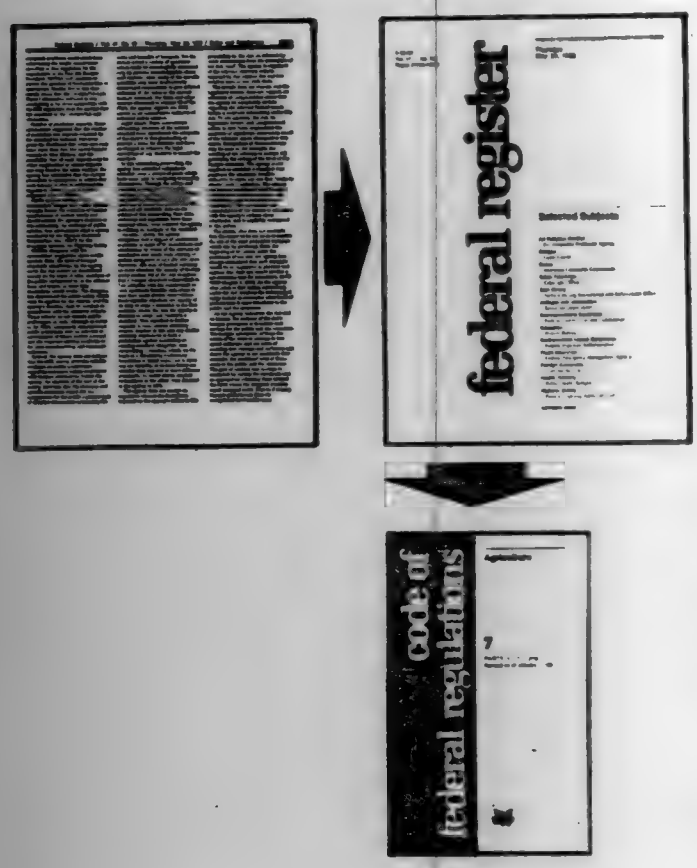

The **Federal Register**, published daily, is the official publication for notifying the public of proposed and final regulations. It is the tool to use to participate in the rulemaking process by commenting on the proposed regulations. And it keeps people up to date on the Federal regulations currently in effect.

Mailed monthly as part of a **Federal Register** subscription are: the LSA (List of CFR Sections Affected) which leads users of the **Code of Federal Regulations** to amendatory actions published in the daily **Federal Register**; and the cumulative **Federal Register Index**.

The **Code of Federal Regulations** (CFR) contains the annual codification of the final regulations printed in the **Federal Register**. Each of the 50 titles is updated annually.

Subscription Prices:

Federal Register
One year: $300 domestic; $375 foreign
Six months: $150 domestic; $187.50 foreign

Code of Federal Regulations
One year: $615 domestic; $768.75 foreign
Single volumes: Individually priced.

ORDER FORM Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No. _____

VISA* MasterCard

Credit Card Orders Only

Total charges $ _____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month / Year ☐☐☐☐

Please send me

. . . . . **Federal Register:** $300 per year domestic; $375 foreign
$150 per six-month domestic; $187.50 foreign

. . . . . **Code of Federal Regulations:** $615 per year domestic; $768.75 foreign

Name—First, Last

Company name or additional address line

Street address or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY	
Quantity	Charges
Enclosed	
To be mailed	
Subscriptions	
Postage	
Foreign handling	
MMOB	
OPNR	
UPNS	
Discount	
Refund	

. 20402

VOL
48
ISS
1
05
MAY
31
1983
UMI

VOL
48
ISS
1
0
6
JE
1
1983
UMI

6-1-83
Vol. 48

Unite
Gove
Printi
SUPERI
OF DOC
Washing

OFFICIA
Penalty

Federal
(ISSN 0

6-1-83
Vol. 48 No. 106

federal register

Wednesday
June 1, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS
Penalty for private use $300

Federal Register
(ISSN 0097-6326)

A FR SERIA300S NOV 83 R DIR
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

Postage and Fees Paid
U S Government Printing Office
375

SECOND CLASS NEWSPAPER

VOL
48
ISS
1
0
6
JE
1
1983
UMI

6-1-
Vol.
Page

6-1-83
Vol. 48 No. 106
Pages 24311-24652

federal register

Wednesday
June 1, 1983

Selected Subjects

Administrative Practice and Procedure
Federal Energy Regulatory Commission
Air Pollution Control
Environmental Protection Agency
Classified Information
Nuclear Regulatory Commission
Coal Mining
Surface Mining Reclamation and Enforcement Office
Electric Utilities
Federal Energy Regulatory Commission
Fair Housing
Fair Housing and Equal Opportunity, Office of Assistant Secretary
Flood Insurance
Federal Emergency Management Agency
Geothermal Energy
Land Management Bureau
Loan Programs—Education
Education Department
Manpower Training Programs
Employment and Training Administration
Marketing Agreements and Orders
Agricultural Marketing Service
Meat Inspection
Food Safety and Inspection Service
Milk Marketing Orders
Agricultural Marketing Service
CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

Motor Carriers
Interstate Commerce Commission

Pesticides and Pests
Environmental Protection Agency

Prisoners
Prisons Bureau

Radio Broadcasting
Federal Communications Commission

Railroads
Interstate Commerce Commission

Reporting and Recordkeeping Requirements
Environmental Protection Agency

Trade Practices
International Trade Administration

Contents

Federal Register
Vol. 48, No. 106
Wednesday, June 1, 1983

Agency for International Development
NOTICES
Meetings:
24471 Security and Economic Assistance Commission

Agricultural Marketing Service
RULES
24311 Olives grown in Calif.
PROPOSED RULES
Milk marketing orders:
24391 Georgia; rescheduled hearing
NOTICES
Meetings:
24400 Flue-cured Tobacco Advisory Committee

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Federal Grain Inspection Service; Food and Nutrition Service; Food Safety and Inspection Service.

Animal and Plant Health Inspection Service
RULES
Plant quarantine, foreign:
24311 Citrus canker—Mexico; correction

Bonneville Power Administration
NOTICES
24421 Transmission facilities planning policy; inquiry

Civil Aeronautics Board
RULES
Fees and charges for special services:
24323 Foreign air carriers; waiver of filing fee-requirements
NOTICES
24404 All-cargo air service certificate applications

Commerce Department
See also International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration.
NOTICES
Meetings:
24415 Economic Advisory Board

Consumer Product Safety Commission
NOTICES
24415 Privacy Act; systems of records

Economic Regulatory Administration
NOTICES
Natural gas; fuel oil displacement certification applications:
24426 Carstab Corp.
24426 Cone Mills Corp. et al.
24427 Kroger Co.
24426 Orange & Rockland Utilities, Inc.

Education Department
RULES
Postsecondary education:
24584 Guaranteed student loan program; family contribution schedule
NOTICES
Grant applications and proposals; closing dates:
24420 Innovative programs for severely handicapped children
24416 Innovative programs for severely handicapped children; funding priorities
Grantback arrangements; award of funds:
24418 West Virginia

Employment and Training Administration
PROPOSED RULES
24392 Job Training Partnership Act programs; advance notice and availability of draft copies

Energy Department
See Bonneville Power Administration; Economic Regulatory Administration; Energy Information Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.

Energy Information Administration
NOTICES
24428 Reporting and recordkeeping requirements

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
24362 California
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.
24364 Dicamba
24365 Permethrin
24365 Pirimiphos-Methyl
Toxic substances:
24366 Health and safety data reporting; submission of lists and copies of studies; addition to list of chemicals
PROPOSED RULES
Air quality planning purposes; designation of areas:
24393 Kentucky
Motor vehicle fuel economy:
24397 Fuel additives; test procedures and evaluation criteria as retrofit devices; reopening of comment period
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.
24394 Endosulfan
24396 Tebuthiuron
NOTICES
Motor vehicle fuel economy, evaluation of retrofit devices:
24453 Kamei spoilers
Pesticide, food, and feed additive petitions:
24453 BASF Wyandotte Corp. et al.; correction
24452 BFC Chemicals, Inc., et al.
Pesticide registration, cancellation, etc.:
24453 Pet Chemicals, Inc.

Pesticides; emergency exemption applications:
24454 Engineers Corps et al.
Pesticides; experimental use permit applications:
24455 BFC Chemicals, Inc., et al.
Pesticides; temporary tolerances:
24454 Fluridone
Toxic and hazardous substances control:
24443 Interagency Testing Committee; twelfth report; inquiry

Fair Housing and Equal Opportunity, Office of Assistant Secretary
RULES
24361 Fair housing assistance program; eligibility criteria and funding standards
NOTICES
Grants; availability, etc.:
24468 Fair housing assistance program

Federal Communications Commission
RULES
Radio services, special:
24383 Oversight of radio and TV broadcast regulations
NOTICES
24518 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency
RULES
Flood elevation determinations:
24370 Alaska et al.
Flood insurance; communities eligible for sale:
24369 California et al.

Federal Energy Regulatory Commission
RULES
Electric utilities (Federal Power Act):
24323 Construction work in progress (CWIP); inclusion of cost in rate base
Policy and interpretations:
24358 Initial rate schedules; suspension
NOTICES
Hearings, etc.:
24432 Associated Natural Gas Co.
24433 Beck, William H., et al.
24433 Commonwealth Gas Pipeline Corp. et. al.
24434 Equitable Gas Co.
24434, 24235 Faustina Pipe Line Co. (3 documents)
24435 Florida Power & Light Co.
24435 Indiana & Michigan Electric Co.
24436 Iowa Power & Light Co.
24436, 24437 Louisiana Resources Co. (2 documents)
24437 Middle South Energy, Inc.
24439 National Fuel Gas Supply Corp.
24440 New Braunfels Utilities
24440 Northwest Alaskan Pipeline Co.
24440 Panhandle Pipe Line Co. et al.
24441 Rochester Public Utilities
24441 Texas Eastern Transmission Corp.
24442 Trailblazer Pipeline Co.
Natural gas companies:
24430 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend (Arco Oil & Gas Co., et al.)
Natural Gas Policy Act:
24630, 24634 Jurisdictional agency determinations (2 documents)
24432 Oil pipelines, interstate; tentative basic valuations
Small power production and cogeneration facilities; qualifying status; certification applications, etc.:
24442 Windpower Partners 1983–1; correction

Federal Grain Inspection Service
NOTICES
Agency designation actions:
24400 Ohio
24401 Ohio et al.
24401 Texas et al.

Federal Home Loan Bank Board
NOTICES
Applications, etc.:
24456 Land of Lincoln Savings & Loan Association

Federal Maritime Commission
NOTICES
24456 Agreements filed, etc.
Freight forwarder licenses:
24458 Aqua-Air International, Inc., et al.
24458 Gray International Forwarding, Inc.

Federal Mine Safety and Health Review Commission
NOTICES
24518 Meetings; Sunshine Act

Federal Procurement Policy Office
NOTICES
24492 Publicizing development of procurement policies and letters (Policy Letter 83–2)

Federal Reserve System
NOTICES
Applications, etc.:
24459 Fidelcor, Inc.
24459 Miami Citizens Bancorp.
Bank holding companies; proposed de novo nonbank activities:
24458 James Madison Ltd. et al.
24518 Meetings; Sunshine Act

Federal Trade Commission
NOTICES
24459 Premerger notification waiting periods; early terminations

Food and Nutrition Service
NOTICES
Child nutrition programs:
24402 Meals and milk, free and reduced price; income poverty guidelines
24403 Women, infants, and children; special supplemental food programs; income poverty guidelines

Food Safety and Inspection Service
RULES
Meat and poultry inspection:
24314 Beef cooked, roast, and cooked corned; production requirements

Health and Human Services Department
See National Institutes of Health; Social Security Administration

Hearings and Appeals Office, Energy Department
NOTICES
Remedial orders:
24443 Objections filed

Historic Preservation, Advisory Council
NOTICES
24400 Meetings

Housing and Urban Development Department
See Fair Housing and Equal Opportunity, Office of Assistant Secretary.

Interior Department
See Land Management Bureau; Minerals Management Service; Surface Mining Reclamation and Enforcement Office.

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
RULES
24323 Restrictive trade practices or boycotts; clarification of application of antiboycott regulations; interpretation
NOTICES
Countervailing duties:
24411 Sodium Gluconate from European Communities
24407 Steel pipe and tube products from South Africa; suspension of investigation
Meetings:
24413 Management-Labor Textile Advisory Committee
24413 Telecommunications Equipment Technical Advisory Committee; cancellation (2 documents)
Steel trigger price levels:
24405 Stainless steel round wire; third quarter

Interstate Commerce Commission
RULES
Practice and procedure:
24386 Passenger train or ferry service; discontinuance or change
Railroad car service orders; various companies:
24386 Chicago & North Western Transportation Co.
Tariffs and schedules:
24388 Motor contract carriers; exemption
PROPOSED RULES
Motor carriers:
24397 Industry-wide service authorization; issuance of permits
NOTICES
Motor carriers:
24471 Finance applications
24479 Permanent authority applications
24472 Permanent authority applications; restriction removals
24472 Temporary authority applications
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
24472 Rose, Steven C., et al.

Justice Department
See also Prisons Bureau.
NOTICES
Pollution control; consent judgments:
24483 Crown Simpson Pulp Co.

Labor Department
See Employment and Training Administration; Occupational Safety and Health Administration.

Land Management Bureau
RULES
24367 Geothermal resources leasing; qualification certification
NOTICES
Leasing of public lands:
24469 Colorado
Meetings:
24470 Bakersfield District Grazing Advisory Board

Legal Services Corporation
NOTICES
24484 Instructions to recipients of funds; publication system

Management and Budget Office
See Federal Procurement Policy Offices.

Minerals Management Service
NOTICES
24470 Agency forms submitted to OMB for review
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
24470 Superior Oil Co.

Minority Business Development Agency
NOTICES
Financial assistance application announcements:
24413 New Jersey

National Institutes of Health
NOTICES
Recombinant DNA molecules research:
24548 Actions under guidelines
24556 Guidelines

National Labor Relations Board
NOTICES
24519 Meetings; Sunshine Act

National Oceanic and Atmospheric Administration
NOTICES
Environmental statements; availability, etc.:
24415 North Pacific Fur Seals, Interim Convention on Conservation
Meetings:
24414 Gulf of Mexico Fishery Management Council

National Science Foundation
NOTICES
24484 Science education programs; guidelines

Nuclear Regulatory Commission
RULES
24318 National security information program; implementation; access authorizations and security facility approvals; reports and recordkeeping requirements, etc.

PROPOSED RULES
Rulemaking petitions:
24391 Doherty, John F.
NOTICES
24492 Agency forms submitted to OMB for Review (2 documents)
Applications, etc.:
24487 Boston Edison Co.
24487 Carolina Power & Light Co.
24488 Commonwealth Edison Co.
24488 Duquesne Light Co. et al.
24490 Nebraska Public Power District
24490 Portland General Electric Co. et al.
24491 Vermont Yankee Nuclear Power Corp.

Occupational Safety and Health Administration
NOTICES
Meetings:
24484 Occupational Safety and Health National Advisory Committee

Pacific Northwest Electric Power and Conservation Planning Council
NOTICES
24493 Regional conservation and electric power plan; availability

Prisons Bureau
RULES
Inmate control, custody, and care, etc.:
24622 Business conducted by inmates, prohibition; and emergency signaling devices in inmate housing units
24623 Drug services; urine surveillance and counseling for sentenced inmates
PROPOSED RULES
Inmate control, custody, and care, etc.:
24626 Religious diet requirements, furloughs, and pre-release programs

Securities and Exchange Commission
NOTICES
Hearings, etc.
24494 American Southwest Financial Corp.
24495 Bankers Security Variable Annuity Fund M et al.
24507 Banque Nationale de Paris (Canada)
24496 Cowles Communications, Inc.
24497 First Trust Money Market Fund
24509 National Westminster Bank of Canada
24511 Sears Government Investment Trust et al.
24498 Security Pacific Bank Canada
24500 Sunbelt Growth Fund, Inc., et al.
24519 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
24502, 24516 Chicago Board Options Exchange, Inc. (2 documents)
24504 Municipal Securities Rulemaking board
24503, 24513 National Association of Securities Dealers, Inc. (2 documents)
24505 Options Clearing Corp. (2 documents)
24504 Pacific Securities Depository Trust Co.
Self-regulatory organizations; unlisted trading privileges:
24506 Midwest Stock Exchange, Inc.
24507 Philadelphia Stock Exchange, Inc.

Small Business Administration
NOTICES
24517 Agency forms submitted to OMB for review

Social Security Administration
NOTICES
Organizations, functions, and authority delegations:
24460 Financial Management Office et al.
24462 Social Security, Program and Policy, Deputy Commissioner

Surface Mining Reclamation and Enforcement Office
RULES
Permanent and interim regulatory programs:
24638 Subsidence control, concurrent surface and underground mining operations, and contemporaneous reclamation
PROPOSED RULES
Permanent program submission; various States
24393 West Virginia; correction

Separate Parts in This Issue

Part II
24548 Department of Health and Human Services, National Institutes of Health

Part III
24556 Department of Health and Human Services, National Institutes of Health

Part IV
24584 Department of Education

Part V
24622 Department of Justice, Bureau of Prisons

Part VI
24630 Department of Energy, Federal Energy Regulatory Commission

Part VII
24638 Office of Surface Mining Reclamation and Enforcement, Department of the Interior

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
319.....24311
932.....24311
Proposed Rules:
1007.....24391

9 CFR
318.....24314

10 CFR
25.....24318
95.....24318
Proposed Rules:
50.....24391

14 CFR
389.....24323

15 CFR
369.....24323

18 CFR
2 (2 documents).....24323, 24358
35.....24323

20 CFR
Proposed Rules:
632.....24392
633.....24392
634.....24392
684.....24392

24 CFR
111.....24361

28 CFR
540.....24622
550.....24623
551.....24623
Proposed Rules:
547.....24626
570.....24626
571.....24626

30 CFR
784.....24638
785.....24638
816.....24638
817.....24638
818.....24638
Proposed Rules:
948.....24393

34 CFR
682.....24584

40 CFR
52.....24362
180 (3 documents).....24364, 24365
716.....24366
Proposed Rules:
81.....24393
180 (2 documents).....24394, 24396
610.....24397

43 CFR
3200.....24367
3210.....24367
3220.....24367
3240.....24367
3250.....24367

44 CFR
64.....24369
67.....24370

47 CFR
0.....24383
73.....24383
74.....24383

49 CFR
1033.....24386
1153.....24386
1162.....24388
1307.....24388
Proposed Rules:
Ch. X.....24397

VOL.
48
ISS
1
0
6
J E
1
1983
(M)

Ru

This
contai
genera
of wh
the C
publis
U.S.C.
The C
by the
Prices
first F
month.

DEPA

Animu
Servic

7 CFR

[Docke

Citrus

AGENC
Inspec

ACTIO
correc

SUMMA
amend
Mexic
publish
April 2
interim
allow
article
certain
Texas
conditi
article
certain
Texas.
necess
provisi
assure
distribu
Louisia
restrict
Accord
page 17
wholes
restrict
other w
distribu
Louisia

EFFECT

FOR FU
Thomas
Coordi
Room 7

Rules and Regulations

Federal Register
Vol. 48, No. 106
Wednesday, June 1, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 83-318]

Citrus Canker—Mexico; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Amendment to interim rule; correction.

SUMMARY: This document corrects the amendment to the "Citrus Canker—Mexico" interim regulations which was published in the **Federal Register** on April 21, 1983 (48 FR 17322–17327). The interim regulations were amended to allow any importer to import restricted articles for movement to and use in certain northern parts of Louisiana and Texas in accordance with certain conditions, and to allow restricted articles to be culled and repacked under certain conditions in restricted areas in Texas. Because of editorial errors it is necessary to make a correction to clarify provisions which were intended to help assure that wholesale and chain store distributors in nonrestricted areas in Louisiana or Texas do not reship restricted articles into restricted areas. Accordingly, in 7 CFR 319.27–12(b) on page 17327, the phrase "to any other wholesale or chain store distributor in a restricted area" is changed to "to any other wholesale or chain store distributor in a nonrestricted area in Louisiana or Texas".

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–5533.

Harvey L. Ford,
Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83-14671 Filed 5-31-83; 8:45 am]
BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 932

Olives Grown in California; Administrative Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the administrative rules and regulations with respect to nomination procedures, public member and late assessment procedures of the California Olive Committee. The rule also specifies the procedures for assessment crediting of handler paid advertising expenditures and removes an obsolete definition of "limited use" styles. The changes implement two recent amendments to the marketing order.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of California olives for the benefit of producers, and will not substantially affect costs for those persons directly regulated.

The amendment of Subpart—Rules and Regulations (47 FR 13118, 51348) is issued under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932, 47 FR 32905, 51092), regulating the handling of olives grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section is based upon the recommendations and information submitted by the California Olive Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

The changes contained herein would become effective June 1, 1983, and they are identical to those published as an interim final rule in the March 8, 1983, issue of the **Federal Register** (48 FR 9633). The interim final rule was made effective for the period March 8 through June 1, 1983, and provided the opportunity for the public to submit written comments on the interim rule until April 7, 1983. No comments were received.

Section 932.52 was amended effective August 1, 1982 (47 FR 32905), to provide that the current U.S. Standards for Grades of Canned Ripe Olives (7 CFR Part 52), instead of the U.S. Standards effective in 1971, apply for purposes of outgoing quality and limited use regulations. Thus, § 932.110 which adds "quartered" and "segmented" styles as those which may be produced from limited use sized olives, is no longer applicable and should be terminated.

Effective August 1, 1982, § 932.29 was amended to provide that producer members of the Committee may be nominated through a combination of producer meetings and subsequent mail ballots, or such other procedure recommended by the Committee and approved by the Secretary. Thus, § 932.129 should be revised to provide that Committee members who represent producers shall be nominated through a prescribed combination of public meetings with or without mail ballots, as the Committee may determine. Section 932.129 should also be revised to specify who may vote in such nominations and who may serve on the Committee.

Effective August 1, 1982, § 932.25 was revised to provide that the size of the Committee may be increased from 16 members and alternates to 17 members and alternates through the selection of a public member and alternate who are not producers or handlers. Also, § 932.29(c) was added to provide that nominations for public member and alternate shall be submitted to the Secretary prior to April 16 of the year in which nominations are made. Section 932.29(c) also provides that the Committee shall prescribe procedures

for the selection and voting for each candidate. Thus, § 932.130 should be added to prescribe the qualifications for the public member and alternate and to permit the Committee to recommend its nominee to the Secretary.

Section 932.39(c) was added in 1982 (47 FR 32905) to permit the Committee with the approval of the Secretary to levy interest and/or late charges for assessments not paid to the Committee by handlers within a prescribed period of time. Thus, § 932.139 should be added, which establishes for all assessments not received by the Committee within 30 days, a two percent late payment charge and an additional interest charge computed according to the number of days an assessment is delinquent beyond the 30 day payment period.

Finally, § 932.45 was amended in 1982 (47 FR 51092) to provide for crediting a portion of a handler's direct expenditures for paid advertising for olives. Section 932.145 should be added to implement this provision. That section specifies the direct expenditures which may be so credited, the amount of assessments available for crediting, and the procedures handlers should follow to obtain credit.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) The changes implement recent amendments to the order and were recommended by the California Olive Committee; (2) olive handlers are aware of the changes and require no advanced preparation time; (3) some of changes represent a relief of restrictions or an application for benefits and no useful purpose is served by delaying the effective date of this action; and (4) the public has had an opportunity to comment on the amendments and no comments were received.

List of Subjects in 7 CFR Part 932

Marketing agreements and orders, Olives, California.

PART 932—[AMENDED]

Therefore, Subpart—Rules and Regulations (7 CFR 932.108–932.161) is amended as follows:

§ 932.110 [Removed]

1. Section 932.110 is removed.

2. Section 932.129 is revised to read as follows:

§ 932.129 Nomination procedures for producer members.

Members and alternate members on the Committee who represent producers shall be nominated in accordance with the procedures specified in either paragraph (a) or paragraph (b) of this section as the Committee may determine.

(a) *Mail ballot voting.* (1) The Committee shall schedule a meeting, prior to March 1 of each odd-numbered year, in each producing district for the purpose of selecting candidates for member and alternate member nominations. A notice of such meetings will be mailed to each producer of record in each district. The nomination process is as follows:

(i) Any person who produces olives in a particular district may offer the name of any producer from that district as a candidate for either a member or alternate member position in said district.

(ii) A producer, who produces olives in more than one district, can be selected as a candidate for a member or alternate member position in only one district.

(iii) The Committee will notify by mail producers who are selected as candidates but are not in attendance at such meetings. Such producers have the right to decline such listing on the ballot within 7 days of mailing such notice.

(iv) In the event that no candidates or an insufficient number of candidates are selected at such meetings for the producer members and alternates in the respective districts, the Committee will give written notice to producers in said district that additional names may be submitted for the specified position(s).

(2) Following such meetings, and no later than March 15 of each odd-numbered year, the Committee shall prepare and mail a ballot to each producer that delivered olives during that crop year in each district.

(i) A producer who produces olives in more than one district must choose the district in which the producer will vote and notify the Committee of that choice. If the Committee is not notified and more than one ballot is received from such a producer, the first ballot received will be counted. Candidates may only vote in the district in which they are seeking nomination.

(ii) Each ballot will list separately the names of candidates for the member positions and the names of candidates for the alternate member positions for said district.

(iii) A ballot will be mailed to producers of record to give them an opportunity to vote. Committee records will be used to determine the list of producers eligible to cast ballots. However, any producer who is not identified in such records may receive a ballot if the Committee determines that such producer is eligible to participate in nominations in that district.

(iv) A producer may cast a vote for as many candidates as there are member or alternate positions in said district.

(v) The candidate on each list, as prescribed in paragraph (a)(2)(ii) of this section, who receives the most votes will be the nominee for the first position, and until all positions for that district are filled, the candidates receiving the second, third and fourth highest number of votes will be the nominees for the second, third and fourth position respectively.

(vi) In the event of a tie which would result in elimination of a tied candidate, a second ballot with the names of those tied candidates will be mailed to producers in said district for another vote.

(b) Nomination Meetings. In lieu of the mail ballot nomination procedure specified in paragraph (a) of this section, the Committee may schedule nomination meetings. In such an event, the following procedure will apply:

(1) Prior to March 15 of each odd-numbered year, the Committee shall schedule a nomination meeting to be held in each district for the purpose of obtaining nominees for producer members and alternate members for such district.

(2) Nominations for members and balloting thereon shall precede nominations and balloting for alternate members.

(3) The candidate for each position who receives the highest number of votes shall be the nominee for the position: *Provided,* That such candidate receives a majority of the ballots cast. If no candidate receives such a majority, the two candidates who received the highest number of votes shall participate in a run-off balloting to determine which is the nominee.

(c) For the purposes of this section, a producer is a person engaged in a proprietary capacity as a single business unit in the production of olives for market as packaged olives and includes an individual (owner-operated), partnership, corporation, association, institution, or other legal business unit.

(d) *Determination of producer eligibility.* (1) Only producers (including duly authorized officers or employees of producers) who produced olives within the district shall participate in the nomination and election of producer members and alternates.

(2) Each producer (as defined in paragraph (c) of this section) shall be entitled to cast only one vote for each position.

(3) A producer having olive acreage in more than one district may participate in nominations and elections in only one district. The district in which the producer wishes to participate shall be the producer's choice.

(4) Any member of a producer's family (husband, wife, son or daughter) may vote on behalf of an owner-operated, landlord-tenant, family enterprise, or other farming unit.

(5) Any authorized officer or employee of a corporation which is a producer may vote.

(6) Any authorized member of a partnership which is a producer may vote.

(7) Power of attorney (proxies) for voting purposes are not accepted.

3. Section 932.130 is added to read as follows:

§ 932.130 Public member and alternate public member eligibility requirements and nomination procedures.

(a) *Eligibility requirements.* (1) The public member and alternate public member shall not be a producer, handler, or family member (husband, wife, son or daughter) of a producer or handler of olives and shall have no direct financial interest in, nor be engaged in, the commercial production, marketing, buying, grading or processing of olives; nor shall they be either an officer, director, or employee, or family member of an officer, director, or employee of any firm engaged in such activities.

(2) The public member and alternate public member should be able to devote sufficient time and must express a willingness to attend subcommittee and committee activities regularly and to familiarize themselves with the background and economics of the olive industry.

(3) The public member and alternate public member must be residents of California.

(b) *Nomination procedures.* (1) Prior to April 16 of the year in which nominations are made, the Committee will recommend to the Secretary a public member and alternate public member for the Committee for a two-year term of office beginning June 1 and ending May 31 of odd numbered years.

(2) The Committee will solicit, interview and recommend to the Secretary its nominees for public member and alternate public member.

(3) A majority vote is required in Committee actions concerning the nomination of the public member and alternate public member.

4. Section 932.139 is added to read as follows:

§ 932.139 Late payment and interest charges.

(a) The Committee shall impose a late payment charge on any handler whose assessment has not been received in the Committee's office within 30 days of the invoice date shown on the handler's assessment statement. The late payment charge shall be two percent of the unpaid balance.

(b) In addition, the Committee shall impose an interest charge on any handler whose assessment payment has not been received in the Committee's office within 30 days of the invoice date. The interest charge shall be the current commercial prime rate at the Committee's bank and shall be applied thereafter to the unpaid balance and late payment charge for the number of days an assessment is delinquent beyond the 30 day payment period.

5. Section 932.145 is added to read as follows:

§ 932.145 Marketing promotion, including paid advertising and crediting for handler paid brand advertising.

(a) In order for a handler to receive credit for paid brand advertising expenditures against the handler's pro rata expense assessment obligations pursuant to § 932.45, the Committee shall determine that such expenditures meet the applicable requirements of this section.

(1) Creditable direct expenditures shall mean the actual money spent for advertising space in magazines, newspapers, outdoor media, transit, or other similar print media not otherwise prohibited in this section, or time charges for radio, television and other similar electronic media: *Provided,* That the amount of the creditable expenditures shall be the gross media cost as listed on the invoice, less any frequency or cash discounts earned.

(2) For an advertisement resulting from joint participation by a handler and one or more manufacturers or sellers of complementary commodities or products, and including the brands of all participants, the handler's credit shall be the amount computed according to the handler's proportional share of the total allowable payment to the advertising medium, or the handler's payment thereof, whichever is less.

(3) Production costs, preparation expense, travel allowances, costs relating to pre-testing of advertising, test marketing, directory advertising, point of sale material, premiums, trade promotional allowances, coupon redemption fees, or other expenses not directly connected with paid space or time costs, shall not be eligible for such assessment crediting.

(4) "Brand" is defined as those brands which are controlled, owned and registered by regulated olive handlers, or their parent or subsidiary companies.

(b) Pursuant to § 932.39, assessments shall be paid by each handler in each fiscal year to cover the Committee's expenses as approved by the Secretary pursuant to § 932.38.

(1) Such assessment funds shall first be made available to cover the Committee's administrative expenses, and if applicable, expenses for research and crop estimates.

(2) Any remaining assessment funds over the amount budgeted pursuant to paragraph (b)(1) up to an additional $8 per ton, shall be used for the Committee's generic advertising and marketing promotion projects.

(3) Any remaining assessment funds over the amounts budgeted pursuant to paragraphs (b) (1) and (2), up to an additional $8 per ton, shall be made available for crediting a handler's direct expenditures for paid brand advertising; and

(4) Any remaining assessment funds over the amounts budgeted pursuant to paragraphs (b) (1), (2) and (3) shall be allocated equally for:

(i) The Committee's generic advertising and marketing promotion projects; and

(ii) Crediting a handler's direct expenditures for paid brand advertising.

(c) Each advertisement must be published, broadcast, or displayed during the fiscal year in which credit is requested, except:

(1) The initial period shall begin on September 1, 1982, and end on December 31, 1983; and

(2) That a maximum of 34 percent of a handler's total assessment obligation available for crediting advertising expenditures as of December 31 of each fiscal year, may be included as an assessment obligation in the succeeding fiscal year, but must be so credited no later than June 30 of such succeeding fiscal year with documentation to be filed with the Committee no later than the following August 31. Any such remaining assessment funds not credited are due to the Committee no later than the following September 15.

(d) Except as provided in paragraph (c), assessments available to a handler for crediting but not so credited by December 1 shall become due and payable by December 1, except that the creditable brand advertising scheduled

after December 1 may be deducted from the assessment due provided a purchase order, insertion order or other document showing that intention to advertise is submitted by December 1. The submission of intentions to advertise will not relieve a handler from the obligation of submitting proof of performance for the expenditure.

(e) Handlers who meet the applicable requirements specified in this section shall be credited with 100 percent of such allowable expenditures, but the total amount credited shall not exceed their individual prorate share of the total amount assessable for brand credit for that fiscal year.

(f) Except as provided in paragraph (c) of this section, any funds available for the assessment credit for handler paid brand advertising but not so credited, shall be paid to the Committee as provided in § 932.39, and such funds shall be placed in the Committee's reserves pursuant to § 932.40(a)(2).

(g) A handler must file a claim with the Committee to obtain credit for advertising expenditure. Each claim must be submitted in writing and accompanied by appropriate proof of performance as follows:

(1) For published advertisements, a copy of the publication invoice, agency invoice, if any, and tear sheet of the advertisement;

(2) For radio advertisements, a copy of the station invoice, a copy of the script, or reference to a copy on file with the Committee, and the agency invoice, if any;

(3) For television advertisements, a copy of the station invoice, script, and tape or story board of the advertisement, or a reference to these in the Committee files, and the agency invoice, if any;

(4) For outdoor advertisements, a copy of the company invoice, a photograph of the display or a reference to a photograph in the Committee files, and the agency invoice, if any;

(5) Or such other proof of performance and invoice as may be approved by the Committee.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: May 24, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83–14570 Filed 5–31–83; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 82-004F]

Production Requirements for Cooked Beef, Roast Beef, and Cooked Corned Beef

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: On July 23, 1982, the Food Safety and Inspection Service (FSIS) published an immediately effective interim rule establishing production requirements for cooked beef, roast beef, and cooked corned beef. The interim rule reorganized and clarified the existing rules, strengthened cooking requirements, required marking of the production data, and established handling and storage requirements. FSIS solicited comments on the interim rule and has considered all comments received. FSIS has determined that the interim rule, with some modifications, shall be made a final rule.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Bill F. Dennis, Director, Processed Products Inspection Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3840.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this final rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.[1]

Effect on Small Entities

The Administrator, FSIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it contains sufficient flexibility to allow a number of different production procedures to be used which will result in safe, wholesome product.[1]

Background

On July 23, 1982, FSIS published in the **Federal Register** (47 FR 31854) an interim final rule, effective immediately, establishing production requirements for cooked beef, roast beef, and cooked corned beef. The interim final rule was designed to assure destruction of salmonellae in roasts during cooking and to prevent recontamination after cooking so that cooked beef, roast beef, and cooked corned beef would be salmonellae-free upon leaving the official establishment. Recent outbreaks of salmonellosis had shown the need for strengthened requirements.

Comments on the Interim Rule

FSIS received 14 comments in response to the interim final rule—9 from meat processing establishments, 2 from industry associations, 1 from a university, 1 from a consumer, and 1 from a State health department. One commenter was in full support of the interim rule, and another commenter opposed it in general. The following is a discussion of the issues raised by the commenters and FSIS's response to each:

1. The largest single area of interest in the comments was the chilling process. The interim rule required that chilling begin within 90 minutes after the completion of the cooking cycle of the product, and that product be chilled to an internal temperature of 40° F or lower within 7½ hours after completion of the cooking cycle. Although few argued that roasts could not be chilled in 7½ hours, the major contentions concerning chilling requirements were that FSIS did not take the following factors into consideration when adopting the chilling requirements: (1) larger roasts are more difficult to chill than smaller ones; (2) some roasts are heated well above 145° F (the maximum internal temperature addressed in the interim rule) and thus may require longer than 7½ hours to chill; (3) air cooling, which does not spoil a dry cooked roast's appearance, is more difficult than water cooling; and (4) commercial chilling conditions in setting the requirement.

In the final rule, the maximum chilling time after the cooking cycle has been restricted to no more than 6 hours for the time that product is in the optimal growth zone for pathogens—the zone between 120°F (48.8°C) and 55°F (12.7°C)—with the stipulations that chilling then continues until 40°F (4.4°C) is reached and that the product is not packed for shipment until this occurs. To

[1] More detailed information relating to the impact is set forth in the interim rule (pages 31854 and 31855 of the July 23, 1982, **Federal Register**).

arrive at this chilling requirement, FSIS scientists requested cooling times and temperatures from many processors. After a thorough review and evaluation of the cooling times and temperatures, FSIS has determined that the above chilling requirement is safe and represents good manufacturing practices. Further, the revised chilling requirement is consistent with the cooling requirements for roast beef as set forth in the Food and Drug Administration's Model Ordinance and Code for Retail Stores.

The interim rule also required that product prepared for cooking either be chilled to 40°F within 2 hours of completion of the precooking preparation or that the product be entered into the cooking cycle. This provision was somewhat misunderstood, and several commenters objected to it.

FSIS intended the provision to require the processor to decide by the time precooking preparation was completed whether the product could shortly thereafter enter the cooking cycle. If the product could enter the cooking cycle within 2 hours, the product could remain at processing room temperature for that time. If not, the product would be placed immediately in a cooler at 40°F or lower. In the final rule, the wording of this provision has been changed to make this intention clearer.

2. The interim rule required all pieces of meat in each lot which was being cooked to be within a range of 2 pounds and 2 inches in thickness. A number of commenters considered this requirement unnecessary. One suggested that control be either 2 pounds or 2 inches in thickness, not both.

FSIS agrees with that suggestion. The original purpose of the interim rule was to prevent such diversity in size and thickness of the meat that some pieces were overcooked before other pieces were cooked enough. The fear was that the establishments would tend to err on the side of taste and consumer appeal and, in trying to prevent overcooking of some pieces of meat, would undercook others. However, once the point was raised, the Administrator has determined that either criterion gives sufficient control on uniformity, and that allowing either criterion provides more flexibility for the establishments. Therefore, the final rule has been changed to require that all pieces of meat in a lot which is being cooked to be within a range of either 2 pounds or 2 inches in thickness.

3. A few comments addressed the variety of control provisions contained in the interim rule dealing with recognized problems. Some said the controls were effective as written, whereas others challenged some particular aspect. (If one kills all salmonellae during cooking, why worry about chilling? If a plant has a good record, why require expensive changes, especially expensive monitoring equipment? If the problem is recontamination, why not just deal with that and leave processing alone?)

Because the problems with respect to the production of cooked beef, roast beef, and cooked corned beef are serious and all the outbreaks of salmonellosis cannot be assigned to any one cause, a broadly-based, many-faceted control program is appropriate. FSIS is cognizant of the fact that cooked beef, roast beef, and cooked corned beef are produced under a variety of conditions and procedures. The Administrator is willing to consider future presentations of data concerning additions or modifications to these requirements. It should be stressed, however, that adequate documentation of satisfactory performance is essential.

4. Several commenters stated that separate areas should not be required for raw and cooked product if the meat is cooked in a bag.

Many establishments cut the end or corner of the bag to release some cook-out juices while other establishments rebag the product. In either case, this allows opportunity for recontamination by Salmonellae organisms. Even where the meat remains in the bag throughout the cooking and chilling cycles, if the outside of the bag is placed on a surface contaminated with salmonellae by raw meat, the finished product can be contaminated by a transfer of organisms from the bag to the meat when it is taken from the bag. Therefore, separation during processing is necessary.

Some commenters also stated that cooked product need not be in a water-tight covering to be stored in the same cooler as raw product.

FSIS acknowledges that other forms of suitable protective coverings exist. Therefore, the final rule has been amended to permit the use of other protective coverings, provided that the alternative coverings used are approved, upon request in writing, by the Circuit Supervisor.

5. Several commenters indicated that the interim rule was not clear concerning exactly which products are being regulated. Specifically, one commenter stated that the term "cooked beef" was ambiguous.

FSIS disagrees with that comment. Roast beef and cooked beef are the common or usual names for the products being regulated. Although some comminuted beef products such as patties, loaves, and hamburger may be cooked beef, they are not labeled as simply "cooked beef." The products being regulated are beef roasts (cuts of beef suitable for roasting), cured or uncured, which are cooked by dry heat (roasting) or moist heat.

Since the publication of the interim rule, FSIS has become aware of some confusion as to whether roasts which are chunked and formed or sectioned and formed are included in the interim rule. The interim rule was intended to cover these roasts, and the final rule has been clarified to make this evident.

6. A number of the commenters objected to the requirement that establishments which have a cooling deviation contact the Processed Products Inspection Division in Washington. The commenters believed that this requirement is time consuming and burdensome, and that the establishments would not quickly obtain the information they needed. The commenters suggested that these deviations be controlled at a regulatory level that is more accessible.

FSIS's concern was that the deviations be handled by personnel with sufficient expertise to assure that the problem is handled safely. In response, FSIS has revised the final rule to provide that the decisions concerning cooling deviations be made at the Regional Offices since they have processing specialists trained to handle cooling deviations.

7. One commenter questioned the inclusion of corned beef along with roast beef, but not the inclusion of other deli items such as ham, pastrami, cooked turkey, etc.

FSIS included corned beef in the interim rule because this product is frequently produced by the same processors that produce cooked and roast beef, often using the same packaging tables and equipment. Further, routine sampling of cooked corned beef has revealed the presence of salmonellae. Corned beef, because it is frequently consumed in sandwiches without reheating, represents a potential health hazard when contaminated with salmonellae.

8. Several commenters stated that the handling of spices is not properly specified. Several believed that FSIS was being too rigorous and compliance would be too costly. On the other hand, one commenter stated that FSIS was not rigorous enough. One stated that filtering spice mixtures was futile because one cannot filter out bacteria.

Filtering the curing solutions removes the particles of meat and other debris

upon which bacteria grow. It is more difficult to remove debris and bacteria from a dry mixture. In either case discarding daily any ingredient that has contacted the product controls the build-up of salmonellae. An incidental advantage to this for the establishment is that this provision establishes an incentive for management to better control its spices to avoid waste. The one exception is for product that is immersed in the same brine for more than 1 day.

9. Two commenters stated that they had been given an unreasonably short time to plan a major capital expense to comply with the interim rule.

There are several hundred establishments under inspection, many of which had to make some change to accommodate the provisions of the interim rule. FSIS appreciates that some establishments suffered inconveniences due to the immediately effective interim rule. However, FSIS's public health obligation to prevent further outbreaks of salmonellosis mandated issuance of the interim rule.

10. Several commenters stated the regulation was too burdensome. Two requested that USDA supply a format for the written procedure. Another believed that holding records for 6 months was too long.

The rule itself provides a guide as to the type of submittal needed. Six months record storage is necessary due to the possibility of a recall.

11. Two comments concerned labeling. One suggested that the production date be required on the shipping case rather than on the immediate container. Another suggested that FSIS allow a choice of the production, packaging, or pull date to be used.

Labeling serves two functions. First, it identifies the manufacturer of the package. Only immediate container labeling can provide rapid traceback in case of food-borne illnesses. Second, labeling provides the date of production so that, should contamination occur, similarly affected product can be efficiently and economically located. The date of production is obviously far more useful for this purpose than the packaging or pull date which can vary among establishments.

Miscellaneous Amendments

The final rule has been modified by allowing more flexibility in cooking methods, including the cooking of corned beef in sealed ovens and the roasting of corned beef, by removing a requirement for netting or racks for roasts of more than 10 pounds, and by allowing more flexibility in the use of relative humidity to kill surface bacteria. The Administrator has determined that requiring netting or racks for roasts greater than 10 pounds does not detract or add to the safety of the product and that the cooking methods required for roast beef are equally effective for corned beef. Also, the humidity requirements can be eased for products cooked to an internal temperature of 145° F or above because there is scientific evidence showing that humidity is not as necessary for these products as it is for products cooked to lower temperatures.

The final rule has been modified to clarify that the requirement that roasts do not touch or overlap while cooking does not apply to product that is stirred or agitated to assure heat transfer during cooking or cooling. Such product is likely to move around in the cooking or cooling vessel, and there is far less trouble with heat distribution because both convection and conduction heat transfer are present. Since the only reason for this provision was to assure that each roast receives the minimum internal temperature required for safety, and since stirred or agitated product will not have a heat distribution problem, the safety of these products does not depend on the applicability of this provision.

To assure sanitary handling, processing, and storing of cooked beef, roast beef, and cooked corned beef, the interim rule required that establishments submit a set of written procedures to the Regional Director for approval. Section 318.17(f) (1) through (6) sets forth the information to be included in the written procedures. FSIS has become aware that some confusion exists as to what is required in the set of written procedures. In some cases, the written procedures may include only the information required in § 318.17(f); however, written alternate procedures may be required to be submitted as well by other paragraphs within § 318.17, e.g., (h)(2), (h)(6), and (i)(3). Therefore, a new paragraph (f)(7) has been added to § 318.17 in the final rule to include any permitted alternate procedure into the written procedures to be submitted for approval.

Minor revisions have also been made for clarity in the final rule.

Recordkeeping Requirements

Information collection requirements contained in this regulation (§ 318.17) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0583–0015.

Final Rule

After careful consideration of the comments received on the interim rule and other relevant information available to FSIS, the Administrator has determined that the interim rule, as revised herein, should be published as permanent regulations as set forth below.

List of Subjects in 9 CFR Part 318

Meat inspection, Preparation of products.

PART 318—[AMENDED]

1. The authority citation for Part 318 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.* (33 U.S.C. 1254).

2. The heading and text of § 318.17 are revised to read as follows:

§ 318.17 Requirements for the production of cooked beef, roast beef, and cooked corned beef.

(a) Cooked beef and roast beef, including sectioned and formed roasts and chunked and formed roasts, and cooked corned beef shall be prepared by one of the time and temperature combinations in the following table. The stated temperature is the minimum which shall be produced and maintained in all parts of each piece of meat for at least the stated time:

TABLE FOR TIME/TEMPERATURE COMBINATION FOR COOKED BEEF, ROAST BEEF, AND COOKED CORNED BEEF

Minimum internal temperature		Minimum processing time in minutes after minimum temperature is reached
Degrees Fahrenheit	Degrees Centigrade	
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5
145	62.8	Instantly

(b) Cooked beef, including sectioned and formed roasts and chunked and formed roasts, and cooked corned beef shall be moist cooked throughout the process or, in the case of roast beef or corned beef to be roasted, cooked as provided in paragraph (c) of this section. The moist cooking may be accomplished by (1) placing the meat in a sealed, moisture impermeable bag, removing the

excess air, and cooking, (2) completely immersing the meat, unbagged, in water throughout the entire cooking process, or (3) using a sealed oven or steam injection to raise the relative humidity above 90 percent throughout the cooking process.

(c) Roast beef or corned beef to be roasted shall be cooked by one of the following methods:

(1) Heating roasts of 10 pounds or more in an oven maintained at 250°F (121°C) or higher throughout the process;

(2) Heating roasts of any size to a minimum internal temperature of 145°F (62.8°C) in an oven maintained at any temperature if the relative humidity of the oven is maintained either by continuously introducing steam for 50 percent of the cooking time or by use of a sealed oven for over 50 percent of the cooking time, or if the relative humidity of the oven is maintained at 90 percent or above for at least 25 percent of the total cooking time, but in no case less than 1 hour; or

(3) Heating roasts of any size in an oven maintained at any temperature that will satisfy the internal temperature and time requirements of paragraph (a) of this section if the relative humidity of the oven is maintained at 90 percent or above for at least 25 percent of the total cooking time, but in no case less than 1 hour.

The relative humidity may be achieved by use of steam injection or by sealed ovens capable of producing and maintaining the required relative humidity.

(d)(1) Except as provided in paragraph (d)(2) of this section, establishments producing cooked beef, roast beef, or cooked corned beef shall have sufficient monitoring equipment, including recording devices, to assure that the time (within 1 minute), the temperature (within 1°F), and relative humidity (within 5 percent) limits of these processes are being met. Data from the recording devices shall be made available to a program employee upon request.

(2) In lieu of recording devices, establishments may propose in the written procedures prescribed in paragraph (f) of this section, an alternative means of providing inspection personnel with evidence that finished product has been prepared in compliance with the humidity requirements of paragraphs (b) and (c) of this section, and the 145°F (62.8°C) temperature requirements of paragraph (a) of this section.

(e) Each package of finished product shall be plainly and permanently marked on the immediate container with the date of production either in code or with the calendar date.

(f) In order to assure that cooked beef, roast beef, and cooked corned beef are handled, processed, and stored under sanitary conditions, the establishment shall submit a set of written procedures through the inspector-in-charge for approval by the Regional Director. The written procedures shall include the following information:

(1) The temperature to which raw frozen product is thawed and the time required.

(2) The lot identification procedure for lots of product during processing.

(3) The storage time and temperature combinations which the establishment intends to use before cooking, the cooking time and temperature the establishment intends to use, and the time, if any, the establishment intends to wait after cooking and before cooling.

(4) If a code, instead of the calendar date, is used on the immediate container of the finished product, its meaning shall also be included.

(5) Any other critical control points in the procedures which could affect the safety of the product.

(6) In lieu of recording devices, the alternate means permitted by § 318.17(d)(2) of providing evidence to inspection personnel that the finished product will be prepared in compliance with temperature or humidity requirements.

(7) Any other alternate procedure used that is permitted in this section.

(g) The establishment shall maintain records and reports which document the time, temperature, and humidity at which any cooked beef, roast beef, or cooked corned beef is cooked and cooled at the establishment. Such records shall be kept by the establishment for 6 months or for such further period as the Administrator may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records. Such records shall be made available to the inspector or any duly authorized representative of the Secretary upon request.

(h) The handling and processing of cooked beef, roast beef, and cooked corned beef before, during, and after cooking shall be such as to prevent the finished product from being adulterated. As a minimum, they shall be controlled as follows:

(1) The establishment shall notify the inspector-in-charge which processing procedure will be used on each lot, including time and temperature.

(2) In order to assure uniform heat penetration and consequent adequate cooking of each piece of beef, individual pieces of raw product in any one lot shall either not vary in weight by more than 2 pounds or not vary in thickness by more than 2 inches at the thickest part. Alternate methods of assuring uniform heat penetration may be submitted in writing for approval to the Regional Director.

(3) A water-based solution that is used for injecting or immersing the meat shall be refrigerated to 50°F (10°C) or lower from the time it contacts the meat, and shall be filtered each time it is recirculated or reused.

(4) A nonmeat ingredient, including the water-based solution in (h)(3) above, which has contacted meat shall be discarded at the end of that day's production unless it is in continuous contact with one batch of product.

(5) Product prepared for cooking shall be entered into the cooking cycle within 2 hours of completion of precooking preparation, or be placed immediately in a cooler at a temperature of 40°F (4.4°C) or lower.

(6) The time and temperature requirements shall be met before any product in the lot is removed from the cooking units. Unless otherwise specified in the written procedures approved in accordance with paragraph (f) of this section, the heat source shall not be shut off until these requirements are met.

(7) Other than incidental contact caused by water currents during immersion cooking or cooling, product shall be placed so that it does not touch or overlap other products. This provision does not apply to product that is stirred or agitated to assure uniform heat transfer.

(8) Temperature sensing devices shall be so placed that they monitor product in the coldest part of the cooking unit; and when an oven temperature is required by paragraph (c) of this section, the oven temperature shall also be monitored in the coldest part of the cooking unit.

(9) If a humidity sensing device is required in an oven, it shall be placed so that it measures humidity in either the oven chamber or at the exit vent.

(10) Chilling shall begin within 90 minutes after the cooking cycle is completed.

(i) All product shall be chilled from 120°F (48 .8°C) to 55°F (12.7°C) in no more than 6 hours.

(iii) Chilling shall continue and the product shall not be packed for shipment until it has reached 40°F (4.4°C).

(11) Any establishment that has experienced a cooking process deviation during preparation of product may either

reprocess the product completely, continue the heating to 145°F (62.8°C), or contact the Regional Director for a review of the process schedule for adequacy and, if needed, for a cooking schedule to finish that one batch of product.

(12) An establishment that has experienced a cooling deviation after the product has been cooked shall contact the Regional Director to determine the disposition of that retained product.

(i) Cooked beef, roast beef, and cooked corned beef shall be so handled as to assure that the product is not recontaminated by direct contact with raw product. To prevent direct contamination of the cooked product, establishments shall:

(1) Physically separate areas where raw product is handled from areas where exposed cooked product is handled, using a solid impervious floor to ceiling wall; or

(2) Handle raw and exposed cooked product at different times, with a cleaning of the entire area after the raw material handling is completed and prior to the handling of cooked product in that area; or

(3) Submit a written procedure for approval through the inspector-in-charge to the Circuit Supervisor detailing the steps to be taken which would avoid recontamination of cooked product by raw product during processing.

(j) To prevent indirect contamination of cooked product:

(1) Any work surface, machine, or tool which contacts raw product shall be thoroughly cleaned and sanitized with a solution germicidally equivalent to 50 ppm chlorine before it contacts cooked product;

(2) Employees shall wash their hands and sanitize them with a solution germicidally equivalent to 50 ppm chlorine whenever they enter the heat processed product area or before preparing to handle cooked product, and as frequently as necessary during operations to avoid product contamination; and

(3) Outer garments, including aprons, smocks, and gloves, shall be especially identified as restricted for use in cooked product areas only, changed at least daily, and hung in a designated location when the employee leaves the area.

(k) Cooked product shall not be stored in the same room as raw product unless it is first packaged in a sealed, water-tight container or is otherwise protected by a covering that has been approved, upon written request, by the Circuit Supervisor.

(Approved by the Office of Management and Budget under OMB #0583-0015)

Done at Washington, DC, on: May 20, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-14850 Filed 5-31-83; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 25 and 95

Access to and Protection of National Security Information and Restricted Data

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to modify the requirements for submitting reports on classification/declassification actions, adding a specific marking to classified documents released to International Atomic Energy Agency (IAEA) representatives, maintaining records concerning visits involving classified information, and updating the regulations in accordance with the requirements of Executive Order 12356 and its Implementing Directive. These amendments provide additional guidance for handling classified drafts of documents and working papers and for obtaining approvals for the security of telecommunication and automatic data processing systems where classified information is involved. These amendments are necessary to incorporate experience gained under the current regulations and to prevent the unauthorized disclosure of National Security Information and Restricted Data.

EFFECTIVE DATE: June 27, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Dopp, Security Policy Branch, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 427-4415.

SUPPLEMENTARY INFORMATION: On December 30, 1982 the Commission published proposed amendments in the **Federal Register** (47 FR 58275) to improve the clarity of direction of 10 CFR Parts 25 and 95 and to bring these parts into conformance with E.O. 12356 which was published in the **Federal Register** on April 6, 1982 (47 FR 14874).

A thirty day public comment period for the proposed rule expired January 31, 1983. No public comments were received. The proposed amendments have been modified in response to editorial and minor content changes recommended by the NRC staff, and are being published in final form, to be effective thirty days after publication.

Effective August 1, 1982, E.O. 12356, together with an accompanying Information Security Oversight Office (ISOO) Implementing Directive, changed certain requirements governing the classification, declassification, downgrading and safeguarding of National Security Information. As explained more fully in connection with the specific changes indicated herein, Parts 25 and 95 required amendment to bring them into conformance with the provisions of E.O. 12356. Additional guidance and clarifying changes have been provided.

In particular, this rule revises the authority citations in 10 CFR Parts 25 and 95 and revises some definitions contained in these parts. The rule also clarifies the requirements for submittal of a complete security forms packet and makes other minor amendments.

Section 6.1 of E.O. 12356 reflects a change in the definition of the term "National Security Information." Sections 25.5 and 95.5 have been amended to reflect this revised definition. Additionally, § 95.5 has been revised to reflect changes in the definitions of "National Security," and "Classified Matter."

Section 25.17(c) in its original final form (45 FR 14476) required a full personnel security packet of forms identified in (1) through (6) of paragraph (c) to be submitted with each access authorization request. On October 30, 1980 (45 FR 71763), NRC amended § 25.17(c) and waived the full set of forms requirement for those individuals who already possessed an active security clearance from another Federal agency or who were being processed for a security clearance by another Federal agency on the effective date of the rule. The October 30, 1980 amendment substantially reduced the initial administrative burden on affected licensees who used the new procedure to obtain authorizations for affected employees. However, this provision continues to permit a reduced requirement for forms, even if the previously granted security clearance has since been terminated. This was not the staff's intent. The changes contained in this revision will continue to permit the certification of existing active Federal government access authorizations (with the reduced forms requirement) when based on adequate investigations which are not more than five years old.

Paragraph (c) of § 25.33, "Termination of access authorizations," currently requires the licensee or other organization official conducting a termination briefing to notify NRC in writing that a briefing was conducted and to forward the Security Termination Statement. Section 25.33(c) has been revised to reflect that the NRC Division of Security accepts the submission of the completed termination statement as evidence that the termination briefing has been conducted.

When Part 25 was originally published, NRC prescribed a number of recordkeeping requirements based on disposition schedules then in use. A recordkeeping requirement for documents relating to classified visits was not identified at that time. A records maintenance requirement for NRC Form 277 will provide the opportunity for NRC review of the classified visit program at the affected facility and provides assurance that only properly authorized individuals obtain access to classified matter during visits to other facilities and agencies. A revision of § 25.35 imposes this necessary recordkeeping requirement.

Sections 25.37 and 95.61, "Violations," have been revised to provide clear and concise notice of potential criminal liabilities and the availability of criminal penalties for the willful violation of the parts and to reflect the replacement of E.O. 12065 with E.O. 12356.

In order to permit licensees and others to make changes to their facility security plans, a new § 95.15(d) has been added. Changes which do not decrease the effectiveness of the plan may be made without prior NRC approval, but they must be submitted within two months after the changes have been made.

Classified documents which have been released to IAEA representatives will be identified by a special marking applied to them in accordance with instructions contained in the specific disclosure authorization letter provided by the NRC to the licensees. This additional means of identification and control for classified documents has been incorporated in § 95.36.

The requirements of E.O. 12356 modified the markings to be applied to classified documents. These modifications are reflected in the revisions made to § 95.37(c), "Markings required on face of classified document." Under E.O. 12356, the declassification of documents can occur on a specific date, event, or upon the originating agency's determination that the document may be declassified. Since the new E.O. eliminated the scheduled or routine review for declassification, § 95.37(c) has been revised to reflect this change. Additionally, § 95.37(c)(6), which addresses the extension of classification beyond six years, has been deleted since National Security Information documents under the new E.O. are no longer automatically declassified after that period.

The requirements of E.O. 12356 also modified the markings applied to transmittal documents. These new markings are set forth in the proposed revisions to § 95.37(h).

Section 95.37, "Classification and preparation of documents," provides detailed requirements for the marking and handling of classified documents. Experience in working with this section has demonstrated a need to provide more direction for the marking and handling of newly created documents. For this reason, a new § 95.37(k) has been added that provides specific direction for the marking and handling of drafts and working papers.

The existing § 95.39(d), "Telecommunication of classified information," and § 95.49, "Security of automatic data processing (ADP) systems," also demonstrated the need for revision to provide the necessary direction and requirements to establish a secure telecommunication or ADP system. Revised §§ 95.39(d) and 95.49 impose no additional requirements, but do offer more detailed direction.

Section 95.57 presently requires the submission of an NRC Form 790 whenever a document containing National Security Information or Restricted Data is generated or its classification is changed. The amendment to this section clarifies who should submit this report, what actions should be reported, and on what schedule.

Section 95.59, "Inspections," is being revised to reflect the replacement of E.O. 12065 with E.O. 12356.

Part 95, Appendix A, "Classification Guide for Safeguards Information," is being updatd to comply with E.O. 12356. A significant change occurs in the area of declassification guidance. Whereas previously, reviews at the end of seven or 20 years required, a determination by the originating agency is now required before information may be declassified.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget approval numbers 3150–0046, 0047, 0048.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not have a significant economic impact on any small entities. Each NRC licensee or other organization which may require access to National Security Information and/or Restricted Data used, processed, stored, reproduced, transmitted and destroyed in connection with a license or application for a license could potentially be impacted by this rule and required to provide adequate protection for National Security Information and/or Restricted Data. Only 12 entities (including five fuel cycle facilities, three transportation companies, one reactor and three other organizations) are currently required to meet the requirements of 10 CFR Parts 25 and 95. Since none of these have been determined to be small as defined by the Regulatory Flexibility Act of 1980 the Commission finds that this rule will not have a significant economic impact upon a substantial number of small entities.

List of Subjects

10 CFR Part 25

Classified information, Penalty, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 95

Classified information, Penalty, Security measures.

Under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendments to 10 CFR Parts 25 and 95 are published as a document subject to codification.

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

1. The authority citation for Part 25 is revised to read as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10865, as amended, 3 CFR 1959–1963 COMP., p. 398 (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

Appendix A also issued under Title V, Pub. L. 82–137, 65 Stat. 290 (31 U.S.C. 483a).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 25.13, 25.17(a), 25.33 (b) and (c) are issued under sec. 161i, 68 Stat. 948, as amended (42 U.S.C. 2201(i)); and §§ 25.13 and 25.33(b) are also issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 25.5, the definition of "National Security Information" is revised to read as follows:

§ 25.5 Definitions.

* * * * *

"National Security Information" means information that has been determined pursuant to Executive Order 12356 or any predecessor order to require protection against unauthorized disclosure and that is so designated.

* * * * *

3. In § 25.17, paragraphs (a) and (c) are revised to read as follows:

§ 25.17 Approval for processing applicants for access authorization.

(a) Access authorizations shall be requested for licensee employees or other persons (e.g., 10 CFR Part 2, Subpart I) who need access to National Security Information and/or Restricted Data in connection with activities under Parts 50, 70, or 72.

* * * * *

(c)(1) Each personnel security packet submitted, must include the following completed forms:

(i) Personnel Security Questionnaire (NRC–1, Parts I and II);

(ii) National Agency Check-Data for Nonsensitive or Noncritical-Sensitive Position (SF–85–A)—for "L" cases only;

(iii) Two Standard Fingerprint cards (FD–258);

(iv) Security Acknowledgment (NRC–176);

(v) Authority to Release Information (NRC–259); and

(vi) Related forms where specified in accompanying instructions (NRC–254).

(2) Forms identified in paragraphs (c)(1) (i) and (ii) of this section must be typed. Only a Security Acknowledgment (NRC Form 176) need be completed by any person possessing an active access authorization, or who is being processed for an access authorization, by another Federal agency. The active or pending access authorization must be at an equivalent level to that required by the NRC and be based on an adequate investigation not more than five years old.

* * * * *

4. In § 25.31, paragraph (b) is revised to read as follows:

§ 25.31 Extensions and transfers of access authorizations.

* * * * *

(b) The NRC Division of Security may, on request, transfer an access authorization when an individual's access authorization under one employer or activity is terminated, simultaneously with the individual being granted access authorization for another employer or activity.

* * * * *

5. In § 25.33, paragraph (c) is revised to read as follows:

§ 25.33 Termination of access authorizations.

* * * * *

(c) When an access authorization is to be terminated, a representative of the licensee or other organization shall conduct a security termination briefing of the individual involved, explain the Security Termination Statement (NRC Form 136) and have the individual complete the form. The representative shall promptly forward the original copy of the completed Security Termination Statement to the NRC Division of Security, Office of Administration, Washington, DC 20555.

6. Section 25.35 and the center heading that precedes it are revised to read as follows:

Classified Visits

§ 25.35 Classified visits.

Visits to NRC, NRC contractor, licensee or licensee related facilities, or other government agencies or their contractors involving access to classified information by individuals covered by this part require advance certification of "need-to-know" and verification of NRC access authorization. Individuals planning these visits shall complete NRC Form 277, "Request for Visit or Access Approval," with the "need-to-know" certified by the appropriate NRC office exercising licensing or regulatory authority. This NRC office shall then forward the request to the NRC Division of Security at least 15 days in advance of the date of the visit for appropriate verification of NRC access authorization. The Division of Security shall forward the form to the facility to be visited. Records related to these visits must be maintained by the facility for two years following the expiration date of the visit authorization.

7. Section 25.37 and the center heading that precedes it are revised to read as follows:

Violations

§ 25.37 Violations.

(a) An injunction or other court order may be obtained to prohibit a violation of any provision of:

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) Any regulation or order issued under these Acts.

(b) National Security Information is protected under the requirements and sanctions of Executive Order 12356.

(c) Whoever willfully violates, attempts to violate, or conspires to violate, any provision of the Atomic Energy Act of 1954, as amended, for which no criminal penalty is specifically provided or any regulation or order prescribed or issued under subsections 161 i or o of the Act may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law. Regulations issued under the Act include regulations issued under subsections 161 i and o and cited within the authority citation at the beginning of this part for the purposes of section 223.

PART 95—SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

8. The authority citation for Part 95 is revised as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10865, as amended, 3 CFR 1959–1963 COMP., p. 398 (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 95.13, 95.15(a), 95.25, 95.27, 95.29(b), 95.31, 95.33, 95.35, 95.37, 95.39, 95.41, 95.43, 95.45, 95.47, 95.51, 95.53, and 95.57 are also issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)).

9. In § 95.5, the definitions of "Classified Matter," "National Security," and "National Security Information" are revised to read as follows:

§ 95.5 Definitions.

* * * * *

"Classified Matter" means documents or material containing classified information.

* * * * *

"National Security" means the national defense or foreign relations of the United States.

"National Security Information" means information that has been determined pursuant to Executive Order 12356 or any predecessor order to require protection against unauthorized disclosure and that is so designated.

* * * * *

10. In § 95.15, paragraph (d) is added to read as follows:

§ 95.15 Approval for processing licensees and others for security facility approval.

* * * * *

(d) A licensee or other person may make a change in an NRC approved facility security plan for the safeguarding of National Security Information and/or Restricted Data without prior NRC approval, if the change does not decrease the effectiveness of the plan. A report containing a description of each change must be furnished to the NRC, Director of Security, Office of Administration, Washington, DC 20555, with a copy to the Regional Administrator of the appropriate NRC Regional Office listed in Appendix A, 10 CFR Part 73, within two months after the change.

11. In § 95.36, paragraph (c) is revised to read as follows:

§ 95.36 Access by representatives of the International Atomic Energy Agency.

* * * * *

(c) In accordance with the specific disclosure authorization provided by the Division of Security, licensees are authorized to release (i.e., transfer possession of) copies of documents which contain National Security Information directly to IAEA inspectors and other representatives officially designated by IAEA to request and receive classified National Security Information documents. These documents shall be marked specifically for release to IAEA in accordance with instructions contained in NRC's disclosure authorization letter. Licensees may also forward these documents through NRC to IAEA representatives at IAEA headquarters in accordance with the NRC disclosure authorization. Licensees are not authorized to reproduce documents containing National Security Information except as provided in § 95.43 of this part.

* * * * *

12. In § 95.37, paragraphs (c) and (h) are revised and new paragraph (k) is added to read as follows:

§ 95.37 Classification and preparation of documents.

* * * * *

(c) *Markings required on face of classified documents.* Each classified document must contain on its face:

(1) For National Security Information documents:

(i) Identity of classifier. The identity of the classifier must be shown by completion of the "CLASSIFIED BY" line. The completion of the "CLASSIFIED BY" line must show the guide or guidance responsible for the classification and the signature of the classifier applying the guidance to the document.

(ii) Date of classification and office of origin. The date on a document at the time of its origination may be considered the date of classification if the document is marked as classified on the same day it is originated. If the document is marked on a day subsequent to its origination, the actual date of marking must be shown on the "Classified By" line.

(iii) Classification designation (e.g., Secret, Confidential) and National Security Information.

(iv) Date or event for declassification. Completion of the "Declassify On" line will satisfy this requirement. If the information is not to be declassified automatically on a specific date or upon occurrence of an event, the "Declassify On" line must read as "Declassify On: Originating Agency's Determination Required."

(2) For Restricted Data documents:

(i) Identity of the classifier. The identity of the classifier must be shown by completion of the "Derivative Classifier" line. The "Derivative Classifier" line must show the name of the person classifying the document and the basis for the classification. Dates for downgrading or declassification do not apply.

(ii) Classification designation (e.g., Secret, Confidential) and Restricted Data.

* * * * *

(h) *Transmittal document.* If a document transmitting National Security Information and/or Restricted Data contains no classified information or the classification level of the transmittal document is not as high as the highest classification level of its enclosures, then it must be marked at the top and bottom with a classification at least as high as its highest classified enclosure. The classification may be higher if the enclosures, when combined, warrant a higher classification than any individual enclosure. When the contents of the transmittal document warrant a lower classification than the highest classified enclosure(s) or combination of enclosures or requires no classification, a stamp or marking such as the following must also be used on the letter:

UPON REMOVAL OF ATTACHMENTS THIS DOCUMENT IS:

(Classification level of transmittal document standing alone or the word "UNCLASSIFIED" if the transmittal document contains no classified information.)

* * * * *

(k) *Drafts and working papers.* Drafts of documents and working papers which contain or which the originator believes contain classified information must be marked on the top and bottom of each page with the highest level of classification contained, or believed to be contained, with the National Security Information or Restricted Data marking. It is not required that other markings specified in § 95.37(c) can be applied or that an NRC Form 790 be prepared as indicated in § 95.57(c) for drafts and working papers, provided they are not disseminated outside the facility. Prior to any dissemination outside of the facility, drafts and working papers must be reviewed by an authorized derivative classifier, final and complete classification markings applied, and an NRC Form 790 prepared and submitted to the NRC Division of Security, Washington, D.C. 20555. If classified Secret, the document must be recorded in the accountability record in accordance with § 95.41.

13. In § 95.39, paragraph (d) is revised to read as follows:

§ 95.39 External transmission of documents and material.

* * * * *

(d) *Telecommunication of Classified Information.* There must be no telecommunication of National Security Information or Restricted Data unless the telecommunication system has been approved by the NRC Division of Security. Licensees or other persons who may require a secure telecommunication system shall submit a telecommunication plan as part of their request for NRC security facility approval, as outlined in § 95.15, or as an amendment to their existing security plan for the protection of National Security Information or Restricted Data.

§ 95.41 [Amended]

14. Section 95.41 is amended by capitalizing the word "secret," which precedes National Security Information.

15. Section 95.43 is revised to read as follows:

§ 95.43 Authority to reproduce.

Secret National Security Information and/or Restricted Data must not be reproduced without the written permission of the originator, the originator's successor, or higher authority. Confidential National Security Information and/or Confidential Restricted Data may be reproduced, unless restricted by the originating agency, to the extent required by operational needs.

16. In § 95.45, paragraph (a) is revised to read as follows:

§ 95.45 Changes in classification.

(a) Documents containing National Security Information and/or Restricted Data must be downgraded or declassified as authorized by NRC classification guides or as determined by NRC. Requests for downgrading or declassifying any National Security Information and/or Restricted Data should be forwarded to the NRC Division of Security, Office of Administration, Washington, DC 20555. Requests for downgrading or declassifying of Restricted Data will be coordinated as appropriate by the NRC Division of Security with the Department of Energy.

* * * * *

17. Section 95.49 is revised to read as follows:

§ 95.49 Security of automatic data processing (ADP) systems.

Classified data or information must not be processed or produced on an ADP system unless the system and procedures to protect the classified data or information have been approved by the NRC Division of Security. Approval of the ADP system and procedures is based on a satisfactory ADP security proposal submitted as part of the licensee's or other person's request for NRC security facility approval outlined in § 95.15 or submitted as an amendment to its existing security plan for the protection of National Security Information or Restricted Data.

18. In § 95.57, the introductory paragraph is revised to read as follows and the undesignated paragraph following § 95.57(b) is designated as (c) and is revised to read as follows:

§ 95.57 Reports

Each licensee or other person having a security facility approval shall immediately report to the Regional Administrator of the appropriate NRC Regional Office listed in Appendix A, 10 CFR Part 73:

* * * * *

(c) In addition, a licensee's or license related organization's authorized classifier shall complete a NRC Form 790 (Classification Record) whenever a document containing National Security Information and/or Restricted Data is generated, its classification is changed or it is declassified. Notification of declassification is not required for any document or material which has an automatic declassification date. Completed NRC Forms 790 should be submitted to the NRC Division of Security, Washington, DC 20555, on a monthly basis.

19. Section 95.59 is revised to read as follows:

§ 95.59 Inspections.

The Commission shall make inspections and surveys of the premises, activities, records and procedures of any person subject to the regulations in this part as the Commission deems necessary to effect the purposes of the Act, E.O. 12356, and NRC rules.

20. Section 95.61 is revised to read as follows:

§ 95.61 Violations.

(a) An injunction or other court order may be obtained to prohibit a violation of any provision of:

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) Any regulation or order issued under these Acts.

(b) National Security Information is protected pursuant to the requirements and sanctions of E.O. 12356.

(c) Whoever willfully violates, attempts to violate, or conspires to violate, any provision of the Atomic Energy Act of 1954, as amended, for which no criminal penalty is specifically provided or any regulation or order prescribed or issued under subsection 161i of the Act may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law. Regulations issued under the Act include regulations issued under subsection 161i and cited within the authority citation at the beginning of this part for the purposes of section 223.

21. In the introduction to Appendix A, the introductory text of paragraph (C), and paragraphs (E.5), (F), and (G) are revised to read as follows:

Appendix A—Classification Guide for Safeguards Information.

* * * * *

Introduction

* * * * *

C. *Basic Policy.* The principle which underlies the policy for classification of safeguards information is to provide the maximum possible information to the public, while at the same time protecting against unauthorized disclosure of information which could cause damage to the national security. Such information includes:

* * * * *

E. *Definitions used in the Guide:*

* * * * *

5. *National Security Information (NSI)*—information or material collectively termed information, that is owned by, produced for or by, under the control of, or regulated by the United States Government, and that has been determined pursuant to Executive Order 12356 or prior Executive Orders to require protection against unauthorized disclosure, and that is so designated.

* * * * *

F. *Declassification—E.O. 12356.* Restricted Data is exempt from automatic declassification and does not require declassification markings. National Security Information identified in this Guide will be marked for declassification as specified by the applicable topic of this Guide. This Guide has been approved by an original Top Secret classification authority.

G. *Abbreviations.* The following abbreviations are used in this Guide

S—Secret.
C—Confidential.
U—Unclassified.
RD—Restricted Data.
NSI—National Security Information.
OADR—Originating Agency's Determination Required.
SSNM—Strategic Special Nuclear Material.

* * * * *

22. In Appendix A, the "Classification Guidance" heading following paragraph G. is designated paragraph H.; immediately beneath the paragraph H. heading "Classification Guidance," a new subheading "(a) Subject" is inserted above the left-hand column of the guidance item list; and immediately beneath the paragraph H. heading "Classification Guidance," a new subheading "(b) Requirement" is inserted above the right-hand column of the guidance item list to read as follows:

Appendix A—Classification Guide for Safeguards Information

* * * * *

H. CLASSIFICATION GUIDANCE

(a) Subject	(b) Requirement
. . .	. . .

23. In Appendix A, under the "Requirements" column (b) of paragraph H., the requirements in items 112, 123, 201, 212, 214, 221, 222, 224, 225, 226, 231, 241, 254, 261.2, 261.3, 261.4, 262.1, 262.3, 263.1, 263.2, 264.1, 264.2, 270, 283, 291, 333.1, 333.3, 334.1, 334.2, 334.3, 335, 336, 372, 373, 385, 386, 410, 411, 412, 413, 420, 422, 423.1, 423.2, 423.3, 541, and 542, are revised to read "Declassify on: Originating Agency's Determination Required (OADR)."

24. For Appendix A, the note following item 423.2 is removed.

Dated at Bethesda, Md., this 12th day of May 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-14591 Filed 5-31-83; 8:45 am]

BILLING CODE 7590-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 389

Waiver of Filing-Fee Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Waiver of Filing-Fee Requirements Under 14 CFR Part 389.

SUMMARY: Following requests on behalf of certain foreign carriers, the Director, Bureau of International Aviation, acting under delegated authority, has waived the requirements of Part 389 of the Board's Organization Regulations to the extent necessary to relieve the carriers of Switzerland (by letter dated 4/11/83), the People's Republic of China (by letter dated 4/14/83), Israel (by letter dated 4/15/83), El Salvador (by letter dated 5/11/83), Australia (by letter dated 5/18/83), and the Netherlands (by letter dated 5/20/83), from paying the filing fees set forth in § 389.15. Each action was effective immediately on the date of the letter and the filing of a petition for review will not alter its effectiveness.

FOR FURTHER INFORMATION CONTACT: Allen Brown, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5134.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–14651 Filed 5–31–83; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 369

Restrictive Trade Practices or Boycotts; Interpretation

AGENCY: International Trade Administration, Commerce.

ACTION: Interpretation.

SUMMARY: The Department wishes to clarify the application of its antiboycott regulations (15 CFR Part 369) to situations in which companies located within the United States purchase or sell goods located outside the United States, when those goods never enter the U.S.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Howard N. Fenton, Director, Compliance Policy Division, Office of Antiboycott Compliance, U.S. Department of Commerce (202/377–2381).

SUPPLEMENTARY INFORMATION: The antiboycott regulations apply to "activities in the interstate or foreign commerce of the United States" as defined in § 369.1(d). This definition states, in relevant part,

> . . . the activities of a United States person located in the United States are in the interstate or foreign commerce of the United States if they involve the sale, purchase, or transfer of goods or services (including information) between . . .
>
> (i) Two or more of the several States (including the District of Columbia);
>
> (ii) Any State (including the District of Columbia) and any territory or possession of the United States;
>
> (iii) Two or more of the territories or possessions of the United States; or
>
> (iv) A State (including the District of Columbia), territory or possession of the United States and any foreign country.

During the past five years the Office of Antiboycott Compliance has been asked its views on the application of this section to transactions involving the sale or purchase of goods by a person located within the United States and a foreign country, where the goods never physically enter a state or territory of the United States. The Office is taking this opportunity to make its informal position on this question available to the general public through this interpretation

The principal author of this interpretation is Howard N. Fenton, Director, Compliance Policy Division, Office of Antiboycott Compliance.

List of Subjects in 15 CFR Part 369

Boycotts, Foreign trade, Reporting requirements, Restrictive trade practices, Trade practices.

Interpretation

PART 369—[AMENDED]

The following appendix is added to Part 369 as Supplement 8.

Supplement 8

Appendix—Interpretation; Definition of Interstate of Foreign Commerce of the United States

When United States persons (as defined by the antiboycott regulations) located within the United States purchase or sell goods or services located outside the United States, they have engaged in an activity within the foreign commerce of the United States. Although the goods or services may never physically come within the geographic boundaries of the several states or territories of the United States, legal ownership or title is transferred from a foreign nation to the United States person who is located in the United States. In the case of a purchase, subsequent resale would also be within United States commerce.

It is the Department's view that the terms "sale" and "purchase" as used in the regulations are not limited to those circumstances where the goods or services are physically transferred to the person who acquires title. The regulations define the activities that serve as the transactional basis for U.S. commerce as those involving the "sale, purchase, or transfer" of goods or services. In the Department's view, as used in the antiboycott regulations, "transfer" contemplates physical movement of the goods or services between the several states or territories and a foreign country, while "sale" and "purchase" relate to the movement of ownership or title.

This interpretation applies only to those circumstances in which the person located within the United States buys or sells goods or services for its own account. Where the United States person is engaged in the brokerage of foreign goods, i.e., bringing foreign buyers and sellers together and assisting in the transfer of the goods, the sale or purchase itself would not ordinarily be considered to be within U.S. commerce. The brokerage service, however, would be a service provided from the United states to the parties and thus an activity within the U.S. commerce and subject to the antiboycott laws. See Section 369.1(d)(13).

The Department cautions that United States persons who alter their normal pattern of dealing to eliminate the passage of ownership of the goods or services to or from the several states or territories of the United States in order to avoid the application of the antiboycott regulations would be in violation of § 369.4, the evasion section of the regulations.

William V. Skidmore,

Director, Office of Antiboycott Compliance.

[FR Doc. 83–14634 Filed 5–30–83; 2:53 pm]

BILLING CODE 3510–25–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2 and 35

[Docket No. RM81–38; Order No. 298]

Construction Work in Progress for Public Utilities; Inclusion of Costs in Rate Base

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Commission is establishing new regulations (18 CFR 35.26) to govern the inclusion of the costs of construction work in progress (CWIP) in the rate base of public utilities. The rule provides that any public utility engaged in the sale of electric power for resale may, subject to certain initial limitations, file to include in rate base up to 50 percent of CWIP associated with the investment in ongoing construction projects and nuclear fuel in process of refinement, conversion, enrichment, and fabrication.

The Commission retains its existing approach of allowing inclusion of all CWIP associated with pollution control and fuel conversion facilities. The Commission also amends the requirements of certain cost of service statements in § 35.13 in order to obtain information about construction programs pertinent to the utility's rate change filings. Under these filing requirements, requests for inclusion of CWIP in rate base shall include an assessment of the relative costs of adopting alternative strategies.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Rattey, Office of Regulatory Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8154

Michael R. Postar, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8033.

SUPPLEMENTARY INFORMATION:

Issued: May 16, 1983.

Introduction*

The Federal Energy Regulatory Commission (Commission) is amending its regulations that govern the inclusion of construction work in progress (CWIP) in the rate base of public utilities. The new rule replaces present CWIP policy, codified in 18 CFR 2.16, with a new § 35.26 which provides that any public utility engaged in the sale of electric power for resale may file to include in rate base up to 50 percent of CWIP, subject to a rate impact limitation in the first two years, and all CWIP associated with pollution control and fuel conversion facilities. The CWIP costs affected by the rule are those costs that are allocable to electric power sales for resale.

Under the new rule, utilities are eligible to file to include as CWIP in rate base the investment in construction projects and certain costs of nuclear fuel in process of refinement, conversion, enrichment, and fabrication. The rule allows filing for CWIP in rate base irrespective of the financial condition of the utility. The Commission also amends the requirements of certain cost of service statements in § 35.13 in order to obtain information about construction programs pertinent to the utility's rate change filings. Under these filing requirements, requests for inclusion of CWIP in rate base will assist the Commission in evaluating the prudence of the claimed costs, including the element of the extent to which the investment is part of a least-cost power supply strategy.

*The Appendix to the Preamble consisting of Table Nos. 1 through 5 is not being published in the Federal Register but is in copies of the order available in the Commission's Division of Public Information.

I. Background

A regulated utility is entitled to an opportunity to recover its costs plus a reasonable return on investment. Among its costs is the cost of financing the construction of new facilities for the generation and transmission of electric power. This cost includes debt interest and a reasonable equity return on the capital investment used to finance construction. There are two mutually exclusive ratemaking methodologies by which these so-called "carrying charges" on construction capital are recovered in rates.

One method capitalizes the carrying charges incurred during the construction period as allowance for funds used during construction (AFUDC).[1] AFUDC is recorded in part as current income to the utility and in part as an offset to interest expenses, but no cash payments are made by ratepayers during construction. Payments from ratepayers to recover the carrying charges begin when the completed plant goes into operation. The cost of the completed plant at that time includes all carrying charges recorded during the construction period, as well as the direct costs of land, labor and construction materials.[2] The entire cost of the plant (including AFUDC) is added to rate base, and it earns a rate of return on investment and is depreciated over the life of that plant.

The second method for recovering carrying charges incurred during the construction period is to include CWIP in rate base. (CWIP includes accrued AFUDC on investment not in rate base.) The utility thereby recovers its carrying charges currently from ratepayers through the return component of its rates, rather than adding them to the cost of construction for recovery when the plant is in service. The return on CWIP is recorded as income on a current basis (like AFUDC), and actual cash payments are made by the ratepayers currently (unlike AFUDC).

[1] Commission Order Nos. 561 and 561–A govern the manner in which carrying charges are computed and added to the costs of plant under the AFUDC method (issued February 2, 1977 and August 1, 1977, respectively), 42 FR 9.161 (1977) and 42 FR 9,661 (1977), respectively.

[2] *See* Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class A and Class B), Electric Plant Instructions, 18 CFR Part 101 (1980).

Each method is intended to assure the utility of an opportunity to recover from its ratepayers the carrying charges associated with construction investment. The two methods of recovery differ primarily according to when the investment is permitted in rate base, *i.e.*, when the carrying charges are reflected in the cost of service and thus in rates charged to ratepayers. The courts generally defer to the administrative agency's choice of methods.[3]

This final rule responds to widespread concern over the need for adequate financing of the Nation's planned electricity generation capacity. With respect to both the nature of the problem and the appropriate regulatory response, the debate has been conducted over the last few years in the Congress,[4] the state regulatory commissions,[5] proceedings before the Commission,[6] and among the commentators.[7] Although the Commission regulates only a portion of electric power sales nationally, it has been actively engaged in a reexamination of ways in which it might ensure the future reliability of the electric power systems, avert the future imposition of unnecessarily high rates and encourage fuel-efficient generating capacity.

On March 6, 1981, the Commission convened an Informal Public Conference on the Financial Condition of the

[3] Goodman v. Public Service Commission, 497 F. 2d 661, 666 (D.C. Cir. 1974).

[4] *See, e.g., Hearings on Financial Condition of Utilities and Their Future in the 1980's* before the Subcommittee on Energy Conservation and Power of the House Committee on Energy and Commerce. 97th Cong., 1st Session (April 6, 1981).

[5] For example, a special committee of the National Association of Regulatory Utility Commissioners held a public hearing on the financial health of the electric utility industry in October of 1981.

[6] EPC Order No. 555, *Order Adopting in Part Construction Work in Progress Rulemaking and Terminating Proceedings*, 41 Fed. Reg. 51,392 (1976), *reh. denied*, Order No. 555–A, 42 Fed. Reg. 3022 (1977), *off'd sub nom. without opinion*, Oglethorpe Electric Membership Corp. v. FERC, 574 F.2d 63 (D.C. Cir. 1978) (rulemaking adopting existing § 2.16 allowing CWIP for pollution control and fuel conversion facilities and establishing criteria allowing consideration of CWIP in certain instances where utility is experiencing "severe financial difficulty").

[7] *See, e.g.*, Electricity Consumers Resource Council, "Profiles in Electricity Issues: Should CWIP be Included in an Electric Utility's Rate Base?" (July 1981); U.S. General Accounting Office, "Construction Work in Progress Issue Needs Improved Regulatory Response for Utilities and Consumers," Report by the Comptroller General of the United States (EMD–80–75) (June 23, 1980). Copies of these documents, as well as 24 other articles, reports or expert testimony in state utility proceedings, were placed in the public record of this rulemaking in November of 1981, 46 FR 55,535 (November 10, 1981).

Electric Power Industry.[8] The conference was held in response to widespread concern among both federal and state regulatory bodies as to the deteriorating financial condition of the Nation's electric utilities. Sitting with members of a number of state regulatory commissions, this Commission heard voluminous testimony regarding the financial condition of the electric utility industry. Some of the comments at the conference evaluated the Commission's experience under the existing policy that permitted the inclusion of CWIP in rate base in only very limited cases. On the basis of that public conference, as well as on information available in reviewing the regular rate filings of jurisdictional utilities, the Commission commenced the present proceeding to revise the existing rules.

The Notice of Proposed Rulemaking (NOPR) in this proceeding was issued on July 27, 1981.[9] The NOPR summarized relevant data on the financial condition of the electric utility industry and the need for utilities to acquire capital at reasonable costs. In addition, the NOPR discussed possible effects that the inclusion of CWIP in rate base might have on the actual costs to utilities of obtaining capital. While much of the NOPR was focused on a proposal to provide specific criteria a formula concerning the amount of CWIP that would be includable in rate base, the Commission stressed that it was actively considering several ways of treating construction-related costs in rates, as well as non-rate-related solutions to financing new plant construction. The Commission requested comment on all alternatives.

One of these alternatives specifically set forth in the NOPR was to allow a fixed percentage of CWIP in rate base regardless of a utility's financial condition. As stated in the NOPR:[10]

> This alternative has the advantage of eliminating controversy over the appropriate standard for determining financial difficulty. However, it would require the Commission to depart significantly from its present policy by permitting CWIP in the rate base of utilities regardless of their financial health.

This is the proposal which the Commission adopts.

II. The Debate in a Nutshell

Two sharply divergent views of the electric utility industry emerged from the comments. According to privately-owned utility companies, the industry has been (and remains) in difficult financial straits which raise serious questions as to the industry's ability to finance today the construction of electrical generation capacity which will be needed later this decade and beyond. Under this view, utilities' inability to earn their allowed rate of return [11] reduces current cash flow, tending to increase the need for additional external financing. This tends in turn to increase risk and thereby to increase the actual cost of capital. These factors then tend to jeopardize the industry's ability to finance the major new facilities which the industry projects are needed to replace inefficient existing facilities and to satisfy increased consumer demands later this decade. These financial constraints are said to have caused the cancellation and deferral of substantial new capacity over the past few years. Financial concerns also have tended to bias the industry's investment in favor of smaller facilities which may require less construction capital (and thus are easier to finance) but which are more costly to consumers in the long run because of higher fuel and maintenance costs.

Thus the utility industry's comments, by and large, tend to view an increase in the inclusion of CWIP in rate base primarily as a partial answer to these financing difficulties. These comments deal extensively with the effect of CWIP in rate base on utility cash flow and the cost of capital. And they strongly recommend that we allow all utilities to include 100 percent of CWIP in rate base.

The utilities' wholesale power customers present a different view. While generally recognizing that the utility industry has faced financial difficulties over the last few years, these commenters contend that the situation has brightened considerable during the pendency of this proceeding as state regulatory commissions have increasingly recognized the need for higher rates.[12] Moreover, they claim that the extensive cancellations and deferrals of new capacity reflect a belated recognition of sharply reduced growth in electricity demand, not the utilities' inability to obtain adequate financing. The customers thus oppose the inclusion of CWIP in rate base as an unnecessary and unduly costly answer to yesterday's problem. They recommend strongly against inclusion of any CWIP in rate base.

We take an intermediate position. While the industry's financial picture has improved over the last year, difficulties remain. Moreover, as we have reviewed the comments, we have come to better appreciate the effects of the current regulatory approach to dealing with construction work in progress.

As detailed below, the present approach does add to financing difficulties and, therefore, tends to artificially reduce the supply of capital devoted to new capacity construction. But we agree with the customers that plant cancellations also (and perhaps even primarily) reflect recognition of reduced demand projections.

The present regulatory approach tends to separate the supply side of the question (including the incentives for increased capital investment) from the demand side (including the utilities' planning for new capacity to meet that demand). Put another way, due to the long lead times for planning and constructing new capacity, consumption trends reflect present costs rather than the higher costs of the new capacity which will be required to satisfy that demand as projected into the future. But at the higher prices resulting from additional capacity, demand will tend to be less. Accordingly, demand projections have consistently tended to overstate actual demand over the last decade.[13]

In an unregulated and freely competitive world, price movements would occur to ensure rough equilibrium in supply and demand in the aggregate. Utilities are regulated, of course, due to their historic position as natural monopolists. The regulator thus has the obligation to try to achieve through regulatory tools the rough supply/demand balance which translates into adequate and reliable electric service at the lowest reasonable cost.

The comments in this proceeding demonstrate that the present approach fails this test. According to utilities, the

---

[8] *See* Transcript of Informal Public Conference on the Financial Condition of the Electric Power Industry, Docket No. EL81-7-000 (March 6, 1981) (hereinafter cited as Public Conference).

[9] Notice of Proposed Rulemaking, Construction Work in Progress for Public Utilities, Docket No. RM81-38, 46 FR 39,445 (August 3, 1981). In response to the NOPR, the Commission received hundreds of initial and reply comments over a six-month period. As an additional means of exploring the issues and receiving comment from interested persons, the Commission, on December 7-8, 1981, heard oral presentations from some 25 representatives of various interest groups.

[10] 46 FR 39,452.

[11] Many commenters refer to this inability as "earnings attrition." Academically more precise definitions or attrition might not include all reasons for earning shortfalls but only those stemming from increases in costs outpacing increased revenues.

[12] According to one recent estimate in a trade journal, some $8 billion in rate increases were granted during 1981 and some $6 billion in increases were anticipated in 1982. Foley, "Electric Utility Financing—Let's Ease Off The Panic Button," Pub. Util. Fortnightly (January 6, 1983) at 27.

[13] *See generally* U. S. Department of Energy, Initial Comments.

present approach is inadequate because it tends to jeopardize adequate financing for needed facilities. This is to say that it fails the capital attraction test [14] in that it fails to provide for supply of adequate capital. This is the thrust of much of the comment concerning adequacy of cash flow, low bond ratings, and the increased cost of capital. Customers, on the other hand, attribute current difficulties to reductions in demand forecasts. Yet these overstated demand projections are, to some degree, a natural consequence of a regulatory scheme which effectively conceals from consumers the high costs of new service until after those costs have already been incurred. Then, when customers have adjusted electricity consumption decisions to the higher prices, it begins to appear—too late—that too much supply has been made available.

In one sense, it is not possible for the utility and the customer commenters both to be right in their assessements: if supply is inadequate to meet demand, it is not possible at the same time for demand to greatly exceed supply.

But, in a more important sense, both sets of commenters are correct in that the status quo tends to send disparate price signals to suppliers of capital for electricity generation and consumers of that electricity. In this sense, the detailed debate in the comments as to CWIP's effect on cash flow, cost of capital, demand forecasting and related matters can be interpreted as part of this broader analysis.

Today's rule attempts to strike a balance between the competing views and takes a modest step at tying supply and demand together in a somewhat clearer fashion.

The purpose of the rule is thus threefold:

- To mitigate any bias which may discourage additonal capital investment in needed facilities;
- To enable the need for those facilities to be more accurately evaluated by price signals which reflect today some of the costs associated with future facilities; and
- To mitigate the sudden price increases which tend to result under an AFUDC policy thereby furthering the goal of rate stability.

The remainder of this preamble expands upon these purposes and discusses the comments received in light of the analysis.

[14] Bluefield Waterworks and Improvement Comapny v. Public Service commission, 262 U.S. 679 (1923).

III. Basis for the Rule

Many of the issues coming before this Commisssion concern the balance between the interests of investors in the utilities that we regulate and the interests of those utilities' customers. The stakes in the issue of CWIP are different. The CWIP issue is for the most part not concerned with potential shifts in wealth between investors and consumers. If utility regulation functioned as it should—in particular, if electric utilities were able to earn returns equal to their cost of capital—the CWIP issue would not be concerned with such shifts at all. Even within the present context of imperfect utility regulation, the CWIP issue is principally concerned with time: for the company, a choice between cash receipts today and larger cash receipts in the future; for the company's customers, a choice between paying higher prices now and paying even higher ones tomorrow.

A. The Utility's Perspective: Tax Credits and Attrition

Debt interest and a reasonable equity return on the capital investment during construction are part of the cost of a utility plant. In one way or another, the utility must be given the opportunity to recover them. If investment in construction work is included in rate base, the utility recovers them through a current cash return just as it recovers the capital costs of facilities that are already providing service; if CWIP is not included in rate base, the carrying charges are capitalized as allowance for funds used during construction (AFUDC). AFUDC is recorded in part as current income to the utility and in part as an offset to interest expenses, but no cash payments are made by ratepayers during construction. Payments from ratepayers to cover the carrying charges begin when the completed plant goes into operation. Both the direct cost of the plant and the capitalized AFUDC are then added to rate base, earn a return, and are depreciated over the life of the plant. Because the investment is considered to include the capitalized AFUDC as well as the direct cost of the plant, the utilities' revenues and the customers' electric bills are higher than they would be if CWIP had been included in rate base.

If allowed returns were always set equal to the cost of capital and if the allowed returns were always expected to be earned, a utility would be indifferent as to whether CWIP was included in rate base. Its exclusion would mean delay in receiving a cash return on the utility's investment, but that delay would be compensated by a return equal to the utility's cost of capital. Such a return would, by definition, fully compensate the utility for the delay and any associated incremental risk. To the extent that additional cash was needed, investors would willingly lend it on the strength of AFUDC's implicit promise of future cash revenues.

As explained below, utilities clearly are not in fact indifferent on the CWIP issue. If there had been any doubt on that score, the record in this rulemaking would remove it. Fifty-nine investor-owned utilities or utility groups submitted comments. Without exception, their comments favor the inclusion of CWIP in rate base. The same position was taken by the Edison Electric Institute and by the investment and accounting firms that assist the industry in raising the required capital.

These comments accurately portray the interests of the investor-owned utilities. Whatever might be the case in a different world, in this one, utilities would gain from the inclusion of CWIP in rate base. That gain has at least two sources. One is the interaction of CWIP policy with the federal income tax law. Under current Commission policy, the benefits of investment tax credits are shared between utility investors and ratepayers. The amount of the tax credit, and therefore the benefit to utility investors, is based only on the direct cost of plant; it does not include capitalized AFUDC.[15] Exclusion of CWIP from rate base under the AFUDC alternative thus dilutes the investment tax credit benefit: that alternative increases the required investment, which must finance the carrying charges as well as the direct cost of the plant, but it does not increase the associated tax credit. Inclusion of CWIP in rate base eliminates this dilution, increasing the effective rate of return on new investment.[16]

The second source of gain to utilities from including CWIP in rate base derives from their current inability to earn a return equal to their cost of capital. Since about 1974, utilities have not realized returns at levels approximating their cost of capital.

[15] To be more precise, it never includes the capitalized equity return portion of AFUDC. It may, however, include the interest portion of AFUDC if utilities choose to capitalize rather than expense this cost for tax purposes.

[16] *See Environmental Assessment Related to Proposed FERC Rule Amendment Regarding Inclusion of CWIP in Rate Base* Section 4.2.2.1 (1983) (hereinafter cited as Environmental Assessment). (Empirical results presented indicate that over time, the earned return on common equity with CWIP in rate base would rise slightly above the earned return without CWIP in rate base.)

Assuming allowed rates of return on common equity approximate costs of common equity, by one estimate the authorized return on common equity to electric utilities averaged 13.2 percent for the period 1972 to 1980, while earned rates of return averaged 11.5 percent for the same period.[17] Another indication of this disparity is utilities' market-to-book ratio which averaged 0.84 during the 1972–1980 period.[18]

A company's cost of capital constitutes by definition its indifference point; it is the level of return at which utility shareholders will neither gain nor lose from a new investment. By the same token, if a company earns less than its cost of capital, any additional investment constitutes a loss for its shareholders; they are poorer if the investment is made than if it is not.

Inclusion of CWIP in rate base reduces a utility's investment. Without CWIP, the company must invest not only in the direct cost of the facility but also in the carrying charges on that investment during the construction period. Inclusion of CWIP eliminates the latter investment and thus reduces the loss to the company's shareholders. So long as the company earns less than its cost of capital, the loss cannot be wholly avoided; under those conditions any investment at all, even one limited to the direct cost of the facility, leaves investors worse off than they would be if no investments were made. But the loss is smaller than it would be if CWIP were excluded from rate base.

There are other reasons why utilities may favor the inclusion of CWI in rate base,[19] but the two just discussed are sufficient to explain the position taken by investor-owned utilities in this proceeding. Inclusion of CWIP will leave the investors better off. It is, however, important to emphasize again the sources of their gain: a tax benefit, and the reduction (but not elimination) of the loss resulting from investment in new facilities.

B. The Ratepayer's Perspective: Present and Future Electric Rates

For consumers as a group, inclusion of CWIP in rate base for any particular construction project or program raises current electric bills and lowers future ones. From this standpoint, the inclusion of CWIP has been analyzed as an investment: the return on the increase in current bills is the reduction in those paid in the future. If inclusion of CWIP resulted in no efficiency gains, the return would equal the utility's allowed rate of return; if, as we think likely, its inclusion resulted in the more efficient planning for the generation of electricity, the return would be higher.[20]

To assess the wealth impact on consumers as a group of including CWIP in rate base (again relative to a specific construction project or program), it is necessary to compare the return to consumers with an appropriate discount rate. The range of plausible discount rates for consumers is wide. At the lower end, it might be set equal to the return on investments broadly available to consumers of electricity, for example, the return on passbook savings accounts. At the upper end it might be set equal to the interest rate on consumer loans.

The allowed return for utilities averaged about 10 percent over the past decade.[21] This return probably is higher than the return on investment broadly available to investors during the period, and probably also somewhat higher than the effective interest rate on mortgage loans, the most important category of consumer loans.[22] The rate probably is, on the other hand, lower than the effective interest cost on other important categories of consumer loans during that period.[23]

Thus, without assuming any efficiency savings, inclusion of CWIP in rate base appears to be economically equivalent to a reasonable investment. On more plausible assumptions concerning the anticipated efficiency benefits, inclusion of CWIP should be substantially more attractive. Yet the customer groups in this proceeding by and large have opposed the inclusion of CWIP in rate base. Those customers may, like anyone else, mistake their own best interests. It is, however, generally both presumptuous and foolish for a regulatory agency to assume that it knows parties' interests better than the parties themselves.

To understand the position taken by utility customers in this rulemaking, it is necessary to begin with the nature of this Commission's jurisdiction over the electric utility industry. Our jurisdiction is essentially a wholesale one. The Commission regulates sales of electricity for resale; regulation of sales to end users is left to the states.

---

[17] Appalachian Power Co., *et al.*, Initial Comments at Figure 4 (the gap between authorized and earned rates of return averaged 1.7 percent for this period). During 1982 this trend appears to have continued. The gap between the earned rate of return on common equity and the allowed return on equity may have widened to 2.0 percentage points (15.8 percent allowed vs. 13.8 percent earned). *See* Argus Research Corp., *Returned and Amounts Authorized* (January–December 1982) (January 11, 1983).

[18] Appalachian Power Co., *et al.*, Initial Comments, Figure 4. In 1982, the market-to-book ratio of electric utilities averaged 0.8, continuing the trend of a ratio of less than 1.0 over the last decade. *See* Argus Research Corp., *supra*. In recent months, with the surge in the stock market, the market-to-book ratios for electric utilities have improved.

[19] As discussed below, inclusion of CWIP also improves cash flow and reduces the price increase when a new plant comes on line. Both the improved cash flow and the smoother price path are likely to assist utilities in assessing the demand for electricity, and this is likely to benefit utility investors as well as ratepayers.

[20] In addition to promoting efficiency, it appears that including CWIP in rate base would also reduce utilities' financing costs. This can happen in several ways. First, it may reduce the risk borne by shareholders with respect to noncompletion or abandonment of plant. Under the Commission's policy on failed or abandoned projects, however, inclusion of CWIP should have relatively little effect on this risk. (*See New England Power Co.*, Opinion No. 49, 8 FERC ¶ 61,054 (July 10, 1979), *aff'd sub nom.* NEPCO Municipal Rate Comm. v. FERC, 668 F.2d 1327 (D.C. Cir. 1981), *cert. denied*, 102 S. Ct. 2928 (1982)). Without CWIP, investors would bear a fraction of the direct cost of the failed project plus a fraction of any associated capitalized AFUDC; inclusion of CWIP would affect only the latter. Further, a reduction in this risk of failure may be achieved principally by shifting that risk from investors to ratepayers, and any resulting saving in capital costs is therefore a mixed blessing from the latter's standpoint.

Second, it may reduce the risk that a utility will default on interest payments or be unable to maintain dividends. This reduction in the risk of default does not appear to involve a shift in risk from investors to ratepayers, or at least it does not do so in any obvious way.

Third, by increasing cash flow, including CWIP in rate base may give utilities increased flexibility in their financing so as to make them better able to weather periods of high interest rates and minimize the stockholder losses arising from issuing common stock at prices below book value. Since inclusion of CWIP is likely to generate significant increases in cash flow (*see* Environmental Assessment, Section 4.2.2.1), this increased flexibility in financing may be an important source of savings in financial costs to utilities, even if there is no reduction in risk or in the marginal cost of capital.

A final source of cost reduction, though probably only of marginal value is the effect the CWIP policy may have on credit markets. Because the credit demands of the electric utility industry are large—one commenter (Appalachian Power Co., *et al.*) stated that the industry accounts for 25–40 percent of total public financing—and because CWIP in rate base will reduce the external financing needs of the industry, interest rates may fall generally.

The available empirical studies on the cost of capital reduction are not entirely conclusive on this point, because in practice it is not easy empirically to distinguish between (1) the effect of AFUDC and (2) the effect of the construction program itself. *See also* discussion *infra*.

[21] Based on the average capital structure, embedded cost of debt and preferred stock, and allowed rates of return on common equity. That return may be lower in the future if reduced inflation brings lower capital costs, but lower inflation should also tend to reduce the nominal discount rate for consumers.

[22] Mortgage interest costs are tax deductible while, for nonbusiness consumers, the lower future bills resulting from inclusion of CWIP constitute a tax-free return. For those consumers, the proper comparison is thus between the full allowed return to the utility and the after-tax cost of mortgages and other loans.

[23] Bureau of the Census, U.S. Department of Commerce, *Statistical Abstract of the United States* at 541 (1980) (for example, the average interest rate on consumer credit cards for 1972–1980 was approximately 17.1 percent).

The electric utility industry is for the most part vertically integrated. Electricity usually is generated, transmitted, and distributed by a single company. The first sale thus is to the end user, and since that is not a sale for resale, it does not fall within this Commission's jurisdiction.

The transactions involving electricity that this Commission does regulate are generally of two kinds, typically with two quite different kinds of purchasers. One kind of transaction consists of so-called coordination sales. These sales take advantage of temporary differences in cost or supply among electric utilities. Measured by the amount of energy involved, such sales constitute approximately two-thirds of electricity sold or exchanged that is under our jurisdiction. Any change in our CWIP policy would have little or no impact on the selling prices of coordination transactions.[24]

The second kind of transaction consists of purchases by electric utilities that regularly depend on other utilities for part or all of the electricity that they distribute to their customers. Such sales are usually referred to as requirements sales. Buyers in these partial or full requirements sales are generally cooperatives or municipal utilities that either lack generating facilities or whose generating facilities are inadequate to meet all of their customers' needs. Requirements sales constitute less than eight percent of all revenues received from sales of electricity by privately-owned electric utilities in this country.[25] A change in our CWIP policy would affect the time pattern of revenues collected from requirements customers.

Opposition to the inclusion of CWIP in rate base is as uniform among the cooperatives and municipal utilities participating in this rulemaking as is support for its inclusion among the investor-owned utilities. The cooperatives and municipals advance a number of arguments, but in our view the most telling one is that they will in some cases not enjoy the lower future rates that would result from the inclusion of CWIP today.[26] Although these cooperatives and municipals are not now self-sufficient, in many cases they plan to construct generating facilities that will reduce or eliminate purchases from other utilities. A policy of including CWIP in rate base thus confronts them with the prospect of paying for generating capacity twice: once from the inclusion of CWIP in their rates, and again through the cost of their own generating facilities.

This concern over not being able to receive the benefits of current payments is entirely understandable. It is, moreover, supported by the Commission's general policy favoring rates based on cost reponsibility. As we said in the tax normalization rulemaking, "all costs should be allocated among customers *and over time* in a manner that matches the burdens of costs with the benefits received." [27] With respect to plant under construction, that policy militates in favor of placing the burden of carrying charges on the customers that the plant later serves.

The particular concerns of the cooperatives and municipals are peculiar to parties that generate or may generate electricity themselves. However, an analogous concern has been expressed with respect to the consumers that ultimately use the electricity, and that ultimately are the principal recipients of the benefits and burdens of any policy that we adopt here. This concern is that the lower future rates resulting from inclusion of CWIP in rate base will be so long delayed that many present consumers will never receive them.

In order to illustrate the basic principles, the above analysis has focused primarily on the rate effect of CWIP associated with a particular construction project or program. To assess the likely rate impact of a general policy of including 50 percent of CWIP in rate base, one must estimate the size of likely future construction programs. If new construction continues to increase at a sufficient rate over the period studied, then CWIP-based rates may remain higher than AFUDC-based rates for a relatively long time as the lower rates resulting from a particular plant being completed are offset by the cost impact of continuing new construction on other facilities. If new construction slows sufficiently, however, CWIP-based rates will fall below AFUDC-based rates at some point in the future.

The comments do not contain studies which project CWIP-based rates over time. At our request, the Energy Information Administration (EIA) has conducted such a study (which forms part of the Environmental Assessment). As discussed in more detail in Section IV below, under plausible assumptions as to future nationwide construction programs, in some regions the CWIP-based rate would fall below the AFUDC- based rate as early as 1990. However, the national average rates would remain minimally higher than AFUDC-based rates (between one-half and one percent) over the next 12 years. We think that it is unlikely that CWIP-based rates would remain indefinitely above AFUDC-based ones.[28]

---

[24] Coordination sales may include a demand or reservation charge. Typically, that charge is keyed to the capital costs of one or more generating units operating on the seller's system. If CWIP is allowed in the rate base, the demand charge when the units are operating may be lower because it will not include a capitalized AFUDC component. Inclusion of CWIP will have no impact on the many other coordination sales that do not include a demand charge in the selling price.

[25] Energy Information Administration, *Statistics of Privately Owned Electric Utilities in the United States 1977*, at 37, 1301–02 (1979). Eight percent represents requirements sales revenues divided by the sum of revenues from sales for resale and revenues from sales to ultimate consumers for the year 1977 which is the latest year for which requirements sales data was completed. The denominator, however, excludes a substantial portion of resale revenues from coordination sales. If these excluded revenues were added to the denominator, the resulting requirements sales percentage would be less than eight percent.

[26] *See, e.g.*, American Public Power Association, *et al.*, Initial Comments at 39.

[27] Final Rule, Regulations Implementing Tax Normalization for Certain Items Reflecting Timing Differences in the Recognition of Expenses or Revenues for Ratemaking and Income Tax Purposes, Order No. 144, issued May 6, 1981, 46 FR 28,617–18 (May 14, 1981) (Emphasis added).

[28] This judgment rests on three grounds. First, for methodological reasons the EIA study assumed that inclusion of CWIP would not reduce utilities' cost of capital or result in efficiency savings. As discussed elsewhere, we believe that inclusion of CWIP probably will do both, and if it does, the point at which CWIP-based rates are lower than AFUDC-based rates is brought closer to the present.

Second, even without any such cost savings over the long-term, CWIP-based rates apparently would remain above AFUDC-based rates only if the annual rate of growth in utility construction expenditures exceeded a utility's allowed rate of return. *See* Livingstone and Sherali, *Construction Work in Progess in the Public Utility Rate Base: The Effect of Multiple Projects and Growth*, 8 Fin. Mgmt. 1, 42 (1979), attached as App. A of Initial Comments of Oglethorpe Power Corp., *et al.* The authors of the cited article thought it likely that in fact the growth and expenditures would exceed utility's cost of capital. However, that view appears to have been based on their assumption that demand for electricity would grow at the rate of six percent annually. More realistic current estimate are in the neighborhood of three percent. If this lower estimates of growth is used and utility expenditures are assumed to increase at the same rate as demand for electricity, AFUDC-based rates will eventually be higher than CWIP-based ones provided that the utilities are allowed a real rate of return in excess of three percent.

Finally, CWIP-based rates that were permanently higher than AFUDC ones would imply that CWIP had in fact *increased* utilities' cost of capital. Since inclusion of CWIP does not increase utility costs, higher rates necessarily mean higher cash returns to shareholders. If CWIP-based rates later fall below AFUDC-based ones, those higher current cash returns are offset by lower future returns, but if CWIP-based rates were to remain permanently higher than AFUDC-based rates , there would be no later offset. But such permanently higher returns could be sustained only if: (1) inclusion of CWIP was perceived as *increasing* risk to utility investors, or (2) investment markets are incapable of anticipating the obvious interaction of inclusion of CWIP and utility growth. Neither of these hypotheses appears to us to be very plausible.

The point at which CWIP-based rates are lower could be long delayed, however, and on the present record it is not possible to exclude the theoretical possibility that the delay could continue indefinitely.

C. Striking a Balance

The cost responsibility principle is not controlling on all issues, however. Perhaps the most significant departure from that principle in the Commission's existing regulation is the use of an original cost rate base methodology, which places a disproportionate share of the burden of a facility on consumption in the early years of its useful life.[29] Commentators have argued for the abandonment of original cost in favor of replacement cost or trended original cost,[30] but original cost offers substantial advantages that have so far been deemed by this Commission and by most other regulatory agencies to offset its shortcomings.[31]

Similarly, we have concluded in this rulemaking that the public interest is on balance best served by a departure from the cost responsibility principle with respect to CWIP.[32] We reach this conclusion because we believe including CWIP will advance three public interest objectives:

(1) Mitigation of any bias against the construction of new generating facilities;

(2) Providing for electric rates to more accurately reflect the costs of providing future service, allowing the need for new capacity to be tested, so far as possible, by the marketplace; and

(3) Furthering the goal of rate stability by providing for smoother increases in electric rates to consumers.

We believe that under present conditions, these objectives are furthered by inclusion of substantial amounts of CWIP in rate base. Arguably, they justify the inclusion of all CWIP, but we are not prepared to go that far at this time. In the rule adopted here, we generally permit utilities to include 50 percent of CWIP.[33]

Experience or changed conditions may dictate that this rule should be modified in the future, either to reduce or to increase the amount of CWIP allowed. For the present and for the foreseeable future, however, we believe that the 50 percent level constitutes a reasonable balance between the principle of intertemporal cost responsibility and the need to create a regulatory setting within which the utility industry can supply the nation's need for electricity at the lowest reasonable cost. For the jurisdictional portion of individual companies, the rule adopted here should generally produce sufficient current cash income to cover the fixed interest and preferred dividend costs and a small part to the cost of common equity for the investment in the work under construction but will defer any cash return on the greater part of the equity investment until the plant begins to provide service.[34] At the industry level, the rule will restore the ratio of construction work outside the rate base to the total rate base to the level prevailing in the early 1970's; the ratio will still be, however, significantly higher than it was in the 1950's and 1960's.[35] The likely rate impacts resulting from the rule are detailed below.

D. CWIP and the Problem of Financial Constraints

The history of the electric utility industry since the middle of the 1970's has been punctuated by frequent cancellations of planned generating capacity. Between 1974 and 1978, 184 generating units that would have provided 155,000 MW of capacity were cancelled. More than half of all powerplants coming into operation since 1974 have been delayed. The delay has increased from an average of 14 months in 1974 to an average of 23 months in 1978 to an average of more than 40 months in 1979.[36]

Some have viewed these cancellations and deferrals as merely an adjustment to more realistic projections of future demand.[37] But this view is by no means universally shared. Several commenters argue that the resumption of growth in the demand for electricity even at a rate substantially lower than the one prevailing up to around 1973 would begin to strain available capacity by the end of the decade;[38] and even if new plants are not needed for added capacity, on some calculations they are still economically justified as replacements for costly oil-fired and gas-fired generating capacity.[39] On this

---

[29] The dollar value of return and associated taxes received on new plant in rate base is much higher in earlier years than in later years because of the use of straight line depreciation for ratemaking purposes. Other common departures from the principle include rate treatment for inventories, plant held for future use, prepayment of rent, etc., where such expenses are placed in rate base at the time they are incurred.

[30] *See, e.g.*, Anderson & Mead, *A Comparison of Original Cost and Trended Original Cost Ratemaking Methods*, Energy Journal (forthcoming); Navarro, Peterson, Stauffer, *A Critical Comparison of Utility-type Ratemaking Methodologies in Oil Pipeline Regulation*, 12 Bell Journal of Economics 392–412 (1981); Streiter, *Trending the Rate Base*, Pub. Util. Fort., May 13, 1982, at 32–37; Swanson, *The Critical Problem of Inflation in Utility Rate Making*, Pub. Util. Fort., Jan 7, 1982, at 29–31; Address by Alfred E. Kahn, Edison Electric Institute, in Phoenix, Ariz. (Jan. 14, 1982).

[31] The two principal advantages of the original cost method are its simplicity in implementation and its positive effect on utilities' present-day cash flow.

[32] *See also infra*, at § IV.C.1.b.

[33] This description must be qualified. The rule allows inclusion of up to 50 percent of CWIP allocable to electric power sales for resale. The 50 percent CWIP allowance would be computed after inclusion of 100 percent of the CWIP related to pollution control and fuel conversion facilities. In recent years, pollution control CWIP has averaged about 11 percent of total CWIP. No data are available on fuel conversion CWIP.

[34] *See* Environmental Assessment, *supra*, at Section 4.3.4. (A policy allowing recovery of only the CWIP-related interest expenses and preferred dividends would, on a national basis, increase rates by slightly less than a 50 percent CWIP policy.)

[35] In 1979 and 1980, CWIP constituted about 40 percent of net plant in service for Class A and B electric utilities. Allowing 50 percent CWIP in rate base would bring the ratio of CWIP to net plant down to about 20 percent which was the average level prevailing between 1970 and 1974. During 1950–1969 CWIP averaged only about eight percent of net plant in service; by the end of the second decade in this period, the CWIP percentage began to rise dramatically. A similar aggregate industry impact would be produced by including all CWIP in rate base above some threshold level. That alternative would also focus the impact of the rule more sharply on utilities with large amounts of construction work in progress in relation to their rate base. We have nevertheless rejected that alternative for two reasons. One is that it would be somewhat more complex to administer. The second is that it would mean that utilities with relatively large construction programs would be able to include 100 percent of any *incremental* investment in rate base. While we are not entirely convinced that it is necessary to leave a part of the cash return on equity dependent on completion of the project, we prefer at this time not to rely wholly on other means of ensuring the expeditious completion of construction work.

[36] Appalachian Power Co., *et al.*, Initial Comments at 27. *See also* North American Electric Reliability Council, *11th Annual Review of Overall Reliability and Adequacy of the North American Bulk Power Systems* 14 (1981) (Between 1978 and 1981, at least 52 generating units—55,000 MW of capacity—were cancelled or indefinitely deferred); Electrical World, *Utility Capital Spending Rises in 1981*, August 1981, at 14 (In the first quarter of 1982, seven generating units or 8,700 MW of capacity were cancelled or deferred).

[37] Lovins, *Energy Strategy: The Road Not Taken*, 55 Foreign Affairs (1976) at 65–96.

[38] *See e.g.*, U.S. Department of Energy, Initial Comments at 16. This warning has also been sounded in much of the literature. *See, e.g.*, 3 Energy Information Administration, U.S. Department of Energy, *1981 Annual Report to Congress* 48–50 (1982); Energy Information Administration, U.S. Department of Energy, *Impacts of Financial Constraints on the Electric Utility Industry* (1981) (hereinafter cited as *Impacts*). Putnam Hayes and Bartlett, Inc., *An Economic Evaluation of the Replacement of Oil-Fired Generation Capacity With Coal-Fired Capacity*; Electrical World, *33rd Annual Electrical Industry Forecast*, September 1982, at 75–86; Navarro, *Our Stake in the Electric Utility Industry*, Harv. Bus. Rev., May–June 1982, at 85. *But see* A. Kaufman, K. Nelson, *Do We Really Need All Those Electeric Plants*, Cong. Research Service (August 1981).

[39] *See* Appalachian Power Co., *et al.*, Initial Comments at 30; Department of Energy, Initial Comments at 12. The argument for new capacity is not in fact entirely distinct from the preceding one. If additional capacity is needed, it may be possible

latter view, the cancellations do not reflect the limited need for the new plants but the utilities' limited ability to finance them.

Projections of demand growth for electricity have been characterized by uncertainty, inaccuracy and controversy for over a decade. In this rulemaking we express no views on the future growth of the demand for electricity, or on the question whether new generating facilities may be economically justified even in the absence of demand growth. Now do we assume that such growth as may occur is best served by capital intensive coal or nuclear plants. It is not our object to influence electric utilities either to add new capacity or to select one technology over another. Rather, our purpose is to create a regulatory framework within which utilities can make an unbiased assessment of the need for new capacity and of the best means of meeting that need.

At present, economic regulation biases utility decisions in two respects: It creates a bias against the creation of new capacity; and to the extent that new capacity is built, it creates a bias in favor of minimizing capital costs, rather than minimizing total economic costs. Possibly the bias will not affect utilities' decisions; utilities may assess the need for capacity and the most economic means of providing that capacity without regard to the effect of their decisions on investors. If the bias does affect decisions, the result may nevertheless be one that serves the public interest; even a broken clock tells the correct time twice a day. However, we do not consider it sound regulatory policy to rely either on the eleemosynary inclinations of regulated companies or on the chance coincidence of regulatory bias and the public interest. It may be impossible to rely wholly on economic incentives to encourage efficient decisions by the companies that we regulate, but we can at least try to avoid creating incentives for them to make inefficient ones.

The regulatory bias has two sources. One is utilities' inability to earn a return equal to their cost of capital. When a utility's earned return is less than its cost of capital, its investors' interest are best served by avoiding investment in new capacity; to the extent that new capacity is built, they are best served by minimizing the investment made to provide that capacity. As discussed earlier, inclusion of CWIP in rate base would reduce this source of bias but not eliminate it. In the end, the remedy for inadequate returns is adequate ones. This Commission has issued a notice of proposed rulemaking on generic rate of return, partly for the purpose of more accurately determining the cost of capital of the utilities that we regulate,[40] and we are continuing to study the relationship between the return that we allow and the one actually earned under the rates that we establish. The problem of inadequate earned returns also is being addressed by the state agencies that regulate the greater part of the electric utility industry.[41] The result of these initiatives remains to be seen; the most recent studies available to this Commission continue to show earned returns well below utilities' cost of capital.[42] Until this Commission and the state utility commissions succeed in closing this gap, the inclusion of CWIP can make a modest contribution towards offsetting this source of bias against new investment.

Inclusion of CWIP is more directly responsive to the second source of bias. This source is the cash flow problem created by the high cost of new base load plants in relation to the present rate base of some utilities. Since such companies generally earn a cash return only on rate base investments, it has often been difficult to finance these construction programs, particularly when the magnitude of CWIP is large in relation to rate base. As mentioned in the NOPR,[43] CWIP as a percentage of net electric plant in service grew from 17 percent in 1970 to 40 percent in 1979. For many companies, of course, the percentage is much larger. The financing difficulties arise because the internal cash flow generated by rate base investments is often insufficient to support the required sales of debt and equity securities.[44]

There are two ways of addressing the problem of cash flow inadequacy. One way is simply to increase the allowed rate of return to produce higher earnings and cash flow. The other way is to allow a cash return on construction investments by including CWIP in rate base. While both approaches have the immediate effect of raising rates, the allowance of CWIP in rate base causes the future rate base, and thus future rates to customers, to be lower than they otherwise would be. On the other hand, raising allowed returns would not be matched by future reductions in rate base and rates. For this reason the Commission has recognized that where increased cash flow is desirable, the allowance of CWIP in rate base "would be the least costly alternative to ensure a utility's financial integrity and to enable it to attract the capital necessary to meet its capital needs."[45]

E. Inclusion of CWIP and the Assessment of the Need for New Facilities

Even an unbiased assessment of the need for new capacity must be based on some estimate of the future demand for electricity. Once such estimates were comparatively easy. Demand increased steadily with (but faster than) the growth of the economy, generally absorbing without difficulty the new capacity built by electric utilities.

The estimation of future demand has now become a much more difficult task. There are several causes for the increased difficulty. After the last decade it can no longer be safely assumed that demand will grow faster than the economy, but neither is it yet clear that we can assume that it will not do so. At the same time, the increased length of time between the beginning and the completion of new generating facilities requires that demand be projected further into the future.

Neither of the two causes just cited lies within this Commission's regulatory reach. There is, however, also a third cause for the increased difficulty in estimating future demand. This is the difference between the price of electricity at the time that demand estimates are made and the price at which electricity must be sold when the planned facility comes on line. Estimates of the future must begin with the present. To the extent that the future

---

to provide it within a relatively short time with gas-fired turbines. The result of the shortage of base-load capacity then would not be a shortage of electricity but rather unnecessarily costly electricity. *See also* Navarro, *Long Term Consumer Impacts of Electricity Rate Regulatory Policies* (January 1983) DOE/PE/701066–1.

[40] Notice of Proposed Rulemaking, Generic Determination of Rate of Return on Common Equity for Electric Utilities, (Docket No. RM80–36), issued August 26, 1982, 47 FR 38,332 (August 31, 1982).

[41] Forecasted test years are generally being used more widely at the state level. Since 1980 approximately nine state commissions joined the 14 which were already using some variant of forecasted test years.

[42] *See* Argus Research Corp., *supra* at n.17. *But see* Salomon Brothers Inc., *Electric Utility Regulation-Semiannual Review*, Industry Analysis 1, 3 (February 11, 1983) (Over the last year the gap appears to have narrowed due to increases in allowed rates of return on common equity and rapidly declining interest rates. However, this may be due to a regulatory lag in responding to declining capital costs.)

[43] Notice of Proposed Rulemaking, Construction Work in Progress for Public Utilities, (Docket No. RM81–38), issued July 27, 1981, 46 F.R. 39,445 (August 3, 1981).

[44] *See* Appalachian Power Co., *et al.*, Initial Comments, at Appendix H (October 30, 1981); Appalachian Power, *et al.*, Reply Comments, at Appendix C (January 15, 1982).

[45] 46 F.R. 39,445.

can be expected to bring not only general economic changes but also substantial increases in the price of electricity, the leap from current data to future projections becomes so much the more difficult.

There was a time when the price of electricity could be expected to decline as new generating facilities were brought on line. Economies of scale and technological progress easily outdistanced the modest rate of inflation. Today the addition of a new facility is more likely to mean higher prices than lower ones. For companies with large construction programs, this price impact is seriously aggravated by the exclusion of CWIP from rate base.

Without any CWIP in rate base, a new plant has no direct effect on consumer prices until it begins to provide service.[46] Then, when it does come on line, consumer's rates must be increased to give the company a cash return on both the direct cost of the plant and the capitalized AFUDC as well as a return of capital through depreciation. If the plant is large relative to the existing rate base, the result can be a rate increase that is both large and sudden, producing a so-called "rate shock."[47]

In contrast, with all CWIP in rate base, the impact of a new plant is spread over the entire construction period, and the rates when the plant begins to provide service are lower because they do not include a return on and of capitalized AFUDC. The price increase is less smooth with the 50 percent policy adopted here, but the price path is still substantially smoother than it would be without any CWIP in rate base. We believe that this smoother and more gradual increase is likely to assist utilities in assessing the need for new capacity. To the extent that unnecessary capacity is thereby avoided, the inclusion of CWIP in rate base will not merely shift the burden on consumers from the future to the present. It will also effect a clear reduction in that burden. Thus inclusion of CWIP will generally allow utilities to pursue least *total* cost strategies to meeting their customers' electric power demands.

F. The Inclusion of CWIP and Economic Regulation

The inclusion of substantial amounts of CWIP in rate base will not by itself solve the problems of the electric utility industry. We believe that it will, however, contribute to the goal of meeting the future need for electricity at the lowest possible cost. It perhaps would not be the means that we would choose for this purpose if we had an unlimited choice. However, the alternatives available to us are limited by the nature of public utility regulation.

Public utility regulation in the form that we know it is virtually unique to this country. The industries that are regulated public utilities in this country are elsewhere generally owned by the government. Public utility regulation is a compromise between nationalization on one hand and unregulated free enterprise on the other.

It is a compromise that on the whole has served this nation well. In price and quality of service, the performance of the public utilities of this nation compares well with that of comparable industries elsewhere in the world. However, the kind of cost-based regulation generally used for utility regulation closes off some solutions to financing large capital additions. In an unregulated market, the approach of capital constraints would allow companies to earn temporary excess profits. On the supply side, these profits would help to finance new additions; on the demand side, the associated high prices would help to test the need for additional capacity and to ration supply until new capacity was brought on line. On the other hand, if electricity was generated by government corporations, future new capacity could be financed by current tax revenues to the extent that it was not financed by current sales.[48]

Indeed, one representative of a number of municipally-owned systems which participated in the proceeding stated during the public hearing that it is "clear that in some instances municipals may in fact have a de facto CWIP" in rate base policy.[49]

These other alternatives are not available to us. Although we are not strictly limited to cost in the rates that we set,[50] there are limitations on the extent to which we can cut ourselves free from cost-based standards, and we altogether lack the power to tax. These limitations were of no consequence so long as utilities could readily finance new capacity strictly on the promise of future cash revenues, but their ability to do so is now in doubt.

In this rulemaking we therefore have turned to the regulatory tools at our disposal, and in doing so we have concluded that the long-run public interest is best served by a departure from the general principle of cost responsibility. The departure is not total. We are allowing only 50 percent of CWIP to be included in rate base. The remaining amounts of CWIP will continue to receive AFUDC treatment and will not be directly reflected in rates until the plant begins to provide service. More importantly, present customers do derive significant benefits for capital expenditures for plants that are not yet providing service.

Utilities invest in additional facilities when customer needs indicate. By planning and constructing new facilities to meet customer requirements, utilities confer a present benefit on customers, namely, the reasonable assurance of a continuing quality of service. It is reasonable for current ratepayers to pay for this benefit.

---

[46] It will have an indirect effect if exclusion of CWIP from rate base increases a company's cost of capital.

[47] *See, e.g.*, Middle South Utilities, Inc., Initial Comments, at 5 (illustrates comparative time patterns of rates under a CWIP and an AFUDC policy). For example, for Long Island Lighting Company, the result of including the Shoreman plant in rate base when it is placed in service in the fall of 1983 would be to increase retail rates by approximately 36 percent. *See* Electrical Utility Week, January 31, 1983. A similar "rate shock" is predicted for Iowa-Illinois Gas & Electric Company (anticipated 29.7 percent increase due to bringing new coal-fired plant on line). Both these companies have filed proposals with applicable state agencies to phase-in the rate base additions over a period of several years after the plants go into service rather than include all the costs in rate base on the in-service date. Other utilities, including Public Service of Indiana and New Orleans Public Service Company are reported to be considering similar steps. *Id.*

[48] Alternatively, a nationalized corporation may issue bonds to finance the need. Since the corporation is part of the state, it is able to borrow funds at lower rates than would be available to a private borrower. This subsidy tends to be financed through higher interest rates paid by non-government borrowers. In addition, the interest cost of the bonds would in general be paid out of current tax revenues; as with the CWIP alternative, therefore, the carrying charges on the construction work would be borne by *present* taxpayers or ratepayers.

[49] *See* Statement of Mr. McHugh, representing ElectriCities of North Carolina, *et al.*, transcript of December 7–8, 1981 public hearing at 420. *See also* Statement of Mr. Ritts on behalf of APPA, transcript at 336 ("I must be frank with you that there are some of our systems that may currently charge customers for part of the cost of the plant"). *See also* Appalachian Power Co., *et al.*, Reply Comments at 65–71.

[50] *See, e.g.*, Panhandle Eastern Pipe Line Co. v. FPC, 324 U.S. 635 (1945) (in setting pipeline's jurisdictional rates, the Commission may properly take into consideration unregulated rates for direct industrial sales); City of Detroit v. FPC, 230 F. 2d 810, 814 (D.C. Cir. 1955), *cert. denied*, 352 U.S. 829 (1956) (use of unregulated filed price is not necessarily excluded for purposes of setting rates for pipelines' own production, nor is rate base method mandatory in all circumstance); Permian Basin Area Rate Cases, 390 U.S. 747, 795 (1968) (FPC obligated to give continuing attention to values that may be reflected only imperfectly by costs); and Texaco v. FPC, 417 U.S. 380, 399 (1974) (Commission may take into account the market price of unregulated gas in determining the just and reasonable rate for regulated gas supplies).

The direct beneficiaries of construction expenditures are, however, the customers that will be served by the plant. The departure from the general principle of cost responsibility will not place the full burden of construction costs on these customers and might be analogized to the one that occurs even in a competitive unregulated market when price temporarily exceeds marginal cost during a period of limited capacity, but the closer analogue may be the use of current tax revenues to finance public works that will serve the future. We have cited the case of government-owned electric utilities but the analogy extends to virtually all public investment.

The needs of the future must be met.[51] Those needs can to some extent be financed by the persons who will directly benefit, but such a nice alignment of benefit and burden is not always possible. We have concluded that it is not possible on the CWIP issue. Or, to state the point more precisely, we have concluded that a rigid adherence to the cost responsibility principle on this issue would not be consistent with our responsibility to further the maintenance of an adequate and efficient electric utility industry.

IV. Comment Analysis

A. Introduction

Due to the financial importance of the Commission's proposals in this docket, the Commission determined to provide for a thorough airing of opinions and an adequate opportunity for interested persons to submit comments. For nearly six months, ending January 15, 1982, the Commission received written initial and reply comments. Two days of oral presentations were also held. As a result of this process, the record in this proceeding contains, among other things, the comments of 33 Federal and state government representatives, 11 firms serving the accounting and financial needs of the electric utility industry, 57 investor-owned utilities or groups, 2 natural gas utilities or industry representatives,[52] 51 wholesale customers or groups of customers of jurisdictional utilities, 57 consumer representatives and consultants, and several hundred individuals (mainly in the form of postcard comments). At the hearings, 25 representatives of a variety of interests presented their views on the treatment of CWIP, responded to questions from Commissioners and staff, and debated many of the central issues in this proceeding. This rulemaking also attracted several letters and suggestions from Members of Congress.

Generally speaking, investor-owned utilities and the financial community support a policy of including a significant portion or all CWIP in rate base. The wholesale customers of investor-owned utilities, primarily municipal and cooperative-owned utilities, retail consumer organizations, large industrial customers, and individual retail consumers and small businesses oppose the inclusion of any CWIP in rate base and favor the use of AFUDC for financing costs. The comments of Federal departments and agencies, state and local regulatory authorities, and consultants were divided on the question of CWIP in rate base.[53]

B. The Financial Condition of the Electric Utility Industry

1. *Source of the Problem.* In issuing the Notice of the Proposed Rulemaking, the Commission viewed the financial condition of the industry as an important reason for considering an expanded use of CWIP in rate base. Commenters, therefore, regarded analysis of that condition as central to this proceeding and the comments are sharply divided.

Investor-owned utilities, several financial institutions, and the U.S. Department of Energy (DOE) generally view the electric industry as facing serious financial problems that may be mitigated by the inclusion of a percentage of CWIP in rate base for all utilities. Most other commenters find that, while individual utilities may be in financial distress, the entire industry is not in distress. Rather, they point to recent indicators that show a general improvement in the ability of utilities to attract capital. These commenters favor a case-by-case consideration of any CWIP requests and no departure from the rule expressed in § 2.16 of the Commission's regulations. Even among commenters who recognize that the industry is facing general financial difficulty, some would allow for CWIP in rate base only on a case-by-case basis.

The source of current financial difficulties is debated by commenters. A sizeable contingent of commenters, mainly investor-owned utilities, financial organizations, the General Accounting Office (GAO) and DOE argue that the widespread financial distress in the industry is directly related to the need to finance ongoing construction. The crux of the argument is that cash flow shortfalls arise from the need to provide new generation plant in the face of inflation in construction costs, delays in construction due to regulation, and the rising cost of capital. Financing costs, in turn, have risen, in part because of reduced bond ratings, the reduced value of common stock, the lower percentage of internally generated funds available to pay for construction, and the increased size of AFUDC as a percentage of income.

Support for this view comes from a major financial rating agency which contends that the plight of the industry is such that it has suffered severe financial deterioration during the last decade because of spiraling fuel costs, double-digit inflation, reverse economies of scale in new construction costs, and increasing and more costly external financing requirements. These factors, this commenter argues, contributed to downgrading more than 150 bond issues since 1970. In 1970, for example, 60 percent of rated electric utility first-mortgage bond issues were rated "AA" or higher by Standard & Poor's (S&P). By 1981, less than 30 percent were in that

---

[51] While utilities under our jurisdiction may not have an explicit obligation to serve requirements of customers, they would not be allowed to terminate such service unless they could show that it was in the public interest. Even if we made such a finding and the distribution utility went out of business, the supplying utility would, in most states, be obligated to provide direct service to the customers of the distribution utility because they would be considered retail customers in the supplying utility's service territory.

[52] These commenters urge the Commission to extend the effect of this rule to natural gas utilities. The Commission has distinguished between natural gas and electric utilities with respect to the treatment of investment in construction projects on the basis of the length of construction periods and the financial condition of each industry. *See* Uniform Systems of Accounts for Public Utilities and Licensees and for Natural Gas Companies (Classes A, B, C and D); Inclusion of Construction Work in Progress in Rate Base (Docket No. RM75-13), issued November 8, 1976, 41 FR 51,392-51,394 (November 22, 1976). No change in Commission policy regarding this distinction has ever been contemplated in this proceeding. This proposal is therefore not adopted.

[53] In the Notice of Proposed Rulemaking, the Commission defined CWIP as "amounts properly included in Accounts 107 (construction work in progress) and 120.1 (nuclear fuel in process of refinement, conversion, enrichment and fabrication) 46 FR 39,454. Both CWIP and nuclear fuel in process of refinement, conversion, enrichment and fabrication are investments in material which will later be used to serve consumers but which, during the development process, still require financial resources from the utility. Presently, nuclear fuel in Account 120.1 receives AFUDC treatment in the same manner as balances in Account 107. Moreover, nuclear fuel is typically removed from Account 120.1 when it becomes a usable fuel stock. This parallels the treatment of investment in new plant which is included in Account 107. The accrued financing costs which are capitalized in each account would be part of the balance eligible for rate base treatment. No commenter addressed the rate base treatment of nuclear fuel being processed. The statements submitted by several wholesale customers and consumer groups stating the general concern that nuclear facilities will comprise a significant portion of CWIP are addressed below.

category. Further, although allowed rates of return have increased from about 12.5 percent in the 1970's to 14 percent in 1980, the actual earned rates of return on investment have not moved proportionately. Indeed, by 1980, they were 11 percent compared with 11.8 percent in 1970.

The quality of earnings has also deteriorated substantially, according to investment analysts. In this regard, one commenter from the financial industry states that virtually all investors responding to a survey stated that the value of the AFUDC component of a utility's earnings is lower in quality than cash earnings. The non-cash nature of AFUDC earnings, essentially an IOU for future payment to present earnings, is said to be of inferior quality. Whereas in 1970 only 11.8 percent of utility earnings were AFUDC "paper earnings," fully 46.3 percent of earnings were AFUDC related in 1980, explains one commenter.

Additional perspective on the problem is supplied by a rating agency, which states that the industry's financial flexibility is limited by: (1) The existence of bond indentures that restrict many companies from issuing new debt; (2) common stock prices below book value whereby new stock issues at those low prices dilute the value of existing common equity; and (3) growing capital requirements of the electric industry in a contracting capital market. This picture is generally acknowledged to be accurate by several commenters from the private financial community. Government sources also concur in this regard.

The GAO states that the industry's poor financial performance is closely tied to inflation, high interest rates, and, in general, the swings in business cycles. It is compounded by long-term construction projects, unanticipated energy conservation, and the fact that current utility earnings are based on older generating plants which cost much less to build than today's plants. As a result of these factors, the GAO states that as of April 1981, the common stock of 98 out of 100 of the largest investor-owned electric utilities was selling below book value. Although only four of the largest 100 electric utilities had a BBB bond rating in 1970, about 30 percent are now rated BBB. The GAO also states that the financial community does not believe that utilities are receiving a rate of return that compensates adequately for the present cost of money. Additionally, GAO comments that a particular problem is that the utility industry is capital intensive. Generally speaking, inflation has had a more disruptive impact on this industry than on others, it is argued, and utilities are now faced with the need to refinance, at current rates, maturing long-term debt originally issued at 2 to 3 percent.

The principal concern of DOE is the financial ability of utilities to undertake needed construction. DOE indicates that because of the present financial situation, utility management has adopted a "capital averse" behavior which avoids investment, wherever possible, by cancelling or deferring the construction of needed generating capacity in favor of less capital-intensive, and less than optimal, generating plant. This behavior arises, argues DOE, because of the rising cost of construction and the inability of utilities to cope effectively with the ensuing financial constraints. According to DOE, construction costs quadrupled between 1967 and 1979 while cash earnings declined to 30 percent of current expenditures, well below the 50 percent target cited by some Wall Street analysts as a recommended minimum. DOE also sees further deterioration in interest coverage ratios when non-cash AFUDC is excluded (4.0 in 1967, 2.0 in 1980), in realized rates of return, and in net earnings excluding AFUDC. The decline in cash earnings has been interpreted by some analysts and investors to signal a decline in the quality of earnings. Cash earnings of utilities now cover only two-thirds of dividend payments and there has been a marked decline in the ratio of the market price of common stock to its book value.

Several state utility commissions specifically state that utilities are experiencing financial difficulties due primarily to the increased cost of construction resulting from delays, the long lead time required for construction of base-load generation facilities, and inflation.

Numerous wholesale customers of investor-owned utilities present a different portrait of the industry's condition and its underlying causes. While acknowledging the difficult financial condition of some utilities, these commenters attribute the industry's difficulties to a decline in the quality of utility management and decision-making and to nuclear construction programs that are often adversely affected by federal regulation and technical problems. Moreover, these commenters argue that inclusion of CWIP in rate base will not improve the condition of utilities beset with such problems. However, some of these commenters argue that, if rate relief is used to combat the adversities facing investor-owned utilities, it should take the form of higher rates of return.

Among the customer groups, many commenters simply doubt that all electric utilities are in financial difficulty and some argue that the financial picture of investor-owned utilities has improved markedly in recent months. These commenters point out that two-thirds of the investor-owned utilities have a bond rating of A or better and that the BBB rated bonds of utilities deemed to be in financial distress are still considered investment grade. Some individual public and cooperative systems believe that Commission actions, including tax normalization, future test periods, recovery of investment in abandoned projects, and fuel adjustment clauses, in addition to the Economic Recovery Tax Act of 1981 (ERTA), have in recent years greatly improved the financial picture for most utilities. In addition to increased regulatory sensitivity at the state and federal levels to potential utility problems, the wholesale customers claim that there has been a leveling in utility capital needs, arguably because there is an excess of future capacity. Morever, these commenters foresee that decreased inflation will reduce capital financing requirements and costs to utilities causing market-to-book ratios to improve. Representatives of wholesale customers observe that the allowance of CWIP would be inflationary and that, as interest rates continue to decline and electric rates increase, fewer utilities will experience serious financial difficulties.

In summary, wholesale customers find the picture of industry-wide distress to be seriously overstated. Retail consumers, consumer groups, environmentalist organizations, and large industrial customers generally concur in this view.

We believe that the record in this proceeding clearly shows that the electric utility industry has been in a weak financial position. While general economic conditions may have exacerbated the financial difficulties of some companies, there is ample support that the electric utility industry has experienced particular difficulty in financing construction programs. Equally clear, this difficulty has led to general deterioration of the industry's financial posture.

The major indicators of the financial condition of electric utilities seriously deteriorated over the past decade. A decline in bond ratings was pervasive. Thirty percent of the industry is now BBB rated. Earned returns lagged behind capital costs, which increased sharply.

Internal cash generation as a percent of construction expenditures fell dramatically.

Perhaps this decline has leveled off and, as some commenters state, has reversed to some degree in the months since the Notice was issued in this proceeding. Even if we assume that it has, the Commission must do what it can to ensure that the financial picture will continue to improve. The financial condition of utilities should not be left totally subject to swings in business cycles. Our regulatory responsibilities do not permit us the luxury of simply relying on the hope that conditions will continue to improve. The Commission must take whatever steps will assist the process and to remove the existing bias against increased capital spending for new capacity.

Because the financial condition of the industry at a particular point in time is not necessarily indicative of the health of the industry, the Commission's concern is more with the long-term outlook in light of the service demands that are anticipated. If the investment necessary to meet that obligation can be expected to undermine the health of the industry, deterioration in service can be foreseen. To encourage the type of investment necessary to maintain infrastructure sufficient to meet service requirements, a regulatory remedy to offset the financial drain posed by construction is necessary.

2. *Adequate and Economical Construction of Plant.* Any consideration of the inclusion of CWIP in rate base naturally raises the question whether utilities need to build additional capacity either to replace worn out or inefficient plant or to meet the growth in the needs of the customers. Many commenters claim that new electric plant must be continually constructed to: (1) Improve or replace existing plant; (2) service increased demands from existing customers; (3) respond to changes in government policy, such as pollution control; and (4) meet service demands of new customers moving into the service area. However, utilities emphasize that an appreciation of the financial stress on them necessitates an understanding of the unique feature of their operations—the obligation to serve.

Electric utilities continually construct new facilities because they have an obligation to serve, even if expanding service may not be profitable. The pressure to anticipate and build for future demand leads to construction programs that have a direct impact on finances and, consequently, on the consideration of any CWIP policy. Several utility systems emphasize the need to undertake construction at "optimal levels." [54] Such construction, it is argued, enables a utility to switch from oil-fired generation to coal or nuclear generation and to stop building short-term, "band-aid" generation facilities which, though less expensive to build, invariably would represent a greater long-term cost to ratepayers. A number of utilities cite the delay or cancellation of such optimal construction programs because of financial constraints. They assert that this creates higher costs to consumers because of increased reliance on purchased power or the inflating costs of deferred construction. Arguably, the prospect is for a decline in service reliability if construction is not undertaken at optimal levels.

Investor-owned utilities claim that they face construction lead-times that have increased from roughly five years in 1960 to 10 or more years in 1981. They also cite significantly higher construction and financing costs for new projects. Some of these commenters view this deteriorating situation as exacerbated by burdensome regulatory requirements and the phenomenon that new plant no longer increases operating efficiency sufficiently to offset the higher cost of construction. As a result, the cost of constructing and replacing utility plant is escalating. There is therefore a significant trend in the industry toward cancelling or deferring capacity scheduled for the mid-1980's and early 1990's. Reflective of this, DOE states that over the last two years very large amounts of general capacity have been deferred or cancelled.

DOE states that it is unable to determine to what extent these delays and cancellations were caused by reduced demand and to what extent to risk of capital aversion. However, it predicts that, if delays and cancellations are caused by financial constraints, they will continue unless remedial action (such as CWIP) is taken. DOE cites examples of financial constraints that prohibit utilities from undertaking economically efficient construction programs. For example, in 1980, well over half of all planned capacity had announcements of delay or cancellation. This is cited as further evidence of the "capital averse" behavior by the utility industry which could result in dangerous shortages of capacity after the period of low demand growth in the early 1980's comes to an end. DOE anticipates that the current respite from demand growth will dissipate and utilities must be prepared to meet an upswing in demand that could come as a result of economic recovery.

Commenters that oppose the rule have a different view of the prospects for, as well as history of, demand growth and the response to it by utilities. They claim that the cause of the current troubled state of the industry is the decline in growth of demand and that new large construction programs are unnecessary or not optimal. Several retail customer groups find that utility management acted imprudently in resorting to large construction programs in the past, particularly construction of nuclear generation. Because about two-thirds of current CWIP financing represents nuclear construction, much of which is allegedly beset with technical difficulties, these commenters generally resist the notion that construction programs should be afforded CWIP treatment. Objections to the rule are therefore raised in the context of disagreements over the composition and size of construction programs, as well as the overall need for future additions to capacity. Some commenters even fear that the proposed rule would encourage or vindicate management decisions that are allegedly unwise and contrary to the interests of ratepayers.

The rule we promulgate today, however, in no way immunizes utilities from allegations that particular management decisions are unwise or imprudent. Its effect in this regard is only to put a portion of construction work which is underway on a more equal footing with plant which is already in service. This does not prejudice any questions which may be raised in individual rate cases concerning the prudence of particular utility investment decisions.

With respect to the question of continued need for greatly expanded generating capacity, we again stress that the present rule is not predicated on an assessment that enormous new capacity is necessarily required. To the contrary, we believe, as stated earlier, that the need for new capacity should be tested by the market to the extent practicable. The present rule furthers this goal by smoothing out the price increases which are associated with additions to capacity, thereby giving both customers and utility management a clearer idea of current and future price levels and demand.

3. *Impact of AFUDC.* Under existing Commission policy, all costs of construction, including interest charged on amounts borrowed (the "cost of money"), are capitalized in a separate utility account and denied any rate treatment until the plant under

[54] *See, e.g.*, Appalachian Power Co., *et al.*, Initial Comments at 22.

construction is placed in service. The allowance for funds used during construction (AFUDC) and the cost of construction are put into rate base when the plant is placed in service. A limited exception to this approach is provided in § 2.16 for investment in pollution control and fuel conversion facilities and in cases of financial distress.

Investor-owned utilities and financial firms state that the problem with AFUDC is that it inevitably represents low quality earnings for utilities. In effect, AFUDC is not income but a promise-to-pay upon completion of construction. These commenters argue that, as AFUDC increases as a percentage of total utility income, debt and equity financing costs increase because investors and analysts tend to view AFUDC as more risky than cash earnings. In addition, they state that because accrual of AFUDC does not create current cash flow, it deprives the utility of funds when they are most needed, that is, during the period of construction of plant. Moreover, because AFUDC accruals are added to the total cost of the new facility included in rate base, the revenue requirements associated with the plant increase for the life of the plant. Finally, the AFUDC methodology creates a surge in rate base at the time a plant is placed in service. These commenters also state that an AFUDC policy hides the true cost of providing power from consumers, thus defeating conservation and making construction appear more necessary.

By way of analysis, one investor-owned utility states that AFUDC affects the cost of capital by decreasing bond ratings one grade and increasing the cost of equity 318 basis points [55] on average. A lending institution believes AFUDC amounts are discounted in evaluating income and equity accounts, thereby affecting a utility's credit-worthiness. Moreover, the financial community ascribes to AFUDC policy the doubts of investors regarding the promise of future earnings, in contrast to cash earnings, if a utility must finance capital costs on construction projects until the in service date. This purportedly depresses the value of common equity. In any event, they argue CWIP has the advantage of providing cash flow during the construction cycle, when cash is most needed to complete major projects.

In contrast, a variety of retail consumers, including industrial consumers, and wholesale utility customers discount the importance of AFUDC in the continuing financial situation of utilities. They point out that the FERC Uniform System of Accounts defines income (including AFUDC) as recorded revenues less expenses, not less cash, and that no studies demonstrate that investors back away from companies having AFUDC balances. There is, they argue, little impact on the cost of equity because AFUDC and retained earnings are, conceptually, sources of future income and both represent a deferral of current cash income to the investor. Finally, several customer commenters assert that an AFUDC policy has positive benefits. AFUDC accounting, for example, provides a financial incentive for a utility to minimize construction delays.[56]

As indicated above, the Commission believes that the existing reliance on AFUDC should be modified. The AFUDC approach does not necessarily guarantee that utility plant will be constructed more economically or expeditiously. What it apparently does do, is mask from the ultimate consumer the real cost of power during the period when a new plant is being constructed, thereby encouraging demand which serves to distort estimates of future demand and the attendant need for new capacity.

AFUDC was a useful tool when construction periods were short, inflation moderate, and the competition for capital less intense. However, the aggravation of these three factors brings into question the viability of the AFUDC method. Also of importance is the timing of AFUDC and CWIP income relative to a utility's cash needs. CWIP in rate base has the distinct advantage of providing cash at the time the utility is in most need of cash flow, that is, during construction.

C. Several Legal and Policy Considerations

1. Presumption Against Inclusion of CWIP in Rate Base. In the Commission's rate regulation of electric utilities, capital costs are generally included in rate base only if the investment is in plant that is "used and useful," or, to put it another way, only if the ratepayers who are paying the costs are getting the benefits.

Commenters are divided with respect to whether this presumption against CWIP in rate base is correct and, perhaps more importantly, whether it remains relevant. Wholesale and retail ratepayers support this as an operative and controlling ratemaking principle predicated on the concept of "used and useful" in the law, the notion that there must be equity between generations of ratepayers, and the claim that retention of the presumption best duplicates a competitive market. In contrast, investor-owned utilities and financial organizations state that the presumption against the inclusion of CWIP in rate base is based upon an archaic and erroneous interpretation of the "used and useful" concept. They controvert the conclusion that plant must be in service to be "used and useful" to current ratepayers or that inequities result if ratepayers pay for plant under construction. Nor, argue several but not all companies, should the electric utility industry be treated in a manner analogous to unregulated business operating in a free market.

a. *"Used and Useful".* Public utility plant under construction historically has been excluded from rate base prior to its providing actual service to utility ratepayers. The "used and useful" concept supposedly originated with the decision in *Smyth v. Ames*, 169 U.S. 466 (1898) in which the Supreme Court, finding that a Nebraska law fixed unreasonably low freight rates, held that rates must be computed according to the fair value of property used to service the public.[57] The principle that a utility is entitled to earn a return on property that is "used and useful" in serving the utility's ratepayers is generally used by this Commission, despite widely recognized exceptions and departures from this rule, particularly when there are countervailing public interest considerations.[58] In this regard, the Commission agrees with the courts:

> The legal system does not compel rigidity, or bureaucratic inflexibility, least of all in an area like energy policy where flexibility may be essential to the public interest.[59]

---

[55] A "basis point" is equivalent to 1/100th of one percent. It is a measure of increases or decreases in the cost of borrowed money or the yield on loans.

[56] In response, utilities state that it is the AFUDC method that inhibits project financing and causes expensive construction delays. This is because of such factors as the financial constraints utilities experience when interest coverages fall below indenture requirements for issuing new debt.

[57] For relationship of the used and useful theory to the prudent investment theory, consider Washington Gas Light Co. v. Baker, 188 F. 2d 11, 16–19 (D.C. 1950).

[58] *See* Tennessee Gas Pipeline Co. v. FERC, 606 F. 2d 1094, 1109 (D.C. Cir. 1979). NEPCO Municipal Rate Committee v. FERC, 668 F. 2d 1327 (D.C. Cir. 1981). Departures from the "used and useful" principle are, in some cases, routine practice. For example, land held for future use has been regularly included in the rate base upon which the utility earns its return. Moreover, the use of a future test period allows inclusion in rate base of plant which will be in service during the test period but which may not be operable on the effective date of the new rates. Somewhat akin, are purchase gas adjustment clauses and fuel adjustment clauses which charge a projected cost to customers for service rendered.

[59] Consolidated Gas Supply Corp., *et al.* v. FPC, 520 F. 2d 1170, 1185 (D.C. Cir. 1975) *quoting* Public

In light of lengthening construction cycles, relatively high inflation, and the proportional significance of capital financing costs in relation to overall project costs, this Commission—as well as many state regulatory authorities—have reexamined the basis for the exclusion of CWIP from rate base and have often disregarded the "used and useful" concept when the reliability of future service is in doubt. This was, in fact, one basis of the FPC's Order No. 555 which ventured to provide some CWIP relief to financially distressed utilities,[60] in addition to rectifying anticipated intergeneration inequities by encouraging expenditures for pollution control and fuel conversion facilities through rate base treatment.

Few commenters in this proceeding analyze the legal significance of the "used and useful" test. Comments focus on equitable and economic considerations. Investor-owned utilities and others suggest that the Commission abandon the concept and financial organizations state that the concept has little applicability to the needs of a financially weakened industry or to those of the Nation. Supporters of CWIP in rate base emphasize that current ratepayers benefit from ensuring the future supply of electric power. Predictably, other commenters believe that any deviations from "used and useful" will cause interperiod ratepayer subsidization, that is, current ratepayers would subsidize future ratepayers by contributing to future plant additions. These commenters agree that it is essential to match costs with benefits, regardless of the financial condition of the industry.

The Commission need not, in this proceeding, pronounce further on the validity of the "used and useful" concept. However, it must be reemphasized that the "used and useful" concept, if administered inflexibly and without regard to other equitable and policy considerations, may fail the interests of both the electric utility industry and its ratepayers. Therefore, a more fruitful discussion of this issue may be conducted in terms of the economic equities upon which most commenters focus.

The fundamental debate over whether allowing CWIP in rate base is consistent with the "used and useful" doctrine is, in this proceeding, really a debate over the question of intergenerational equity, the point to which we now turn.

b. *Intergenerational Equity—Matching Costs and Benefits.* Several commenters state that the inclusion of CWIP in rate base violates the concept that current ratepayers should not bear the cost of future electric service. The inclusion of CWIP in rate base, several commenters contend, would create an interperiod mismatch of costs and benefits whereby current ratepayers would subsidize future electric power customers. This is labeled an "intergenerational inequity." These commenters believe that capitalizing AFUDC is fair for both present and future ratepayers because the cost of plant under construction is recovered from those ratepayers that are served by the facility.

Investor-owned utilities dispute the contention that current ratepayers do not benefit from the construction of new generation facilities. First, these commenters state that it is more the increasing demands of existing customers rather than the obligation to provide service to new customers that necessitates large construction programs. This obscures the significance of any distinction between present and future customers. The argument concludes that in theory, the cost of new plant is assigned to all customers served by the utility rather than to the specific customers that create increased demand for power.

Second, investor-owned utilities argue that the persons or groups that currently would pay for CWIP will generally tend to be the same people who receive service from the facilities under construction. According to the utilities, not only are ratepayers recognizable as utility's customers for decades at a time, they also tend to commit actions (such as making capital investments in electricity-using appliances and equipment) that presume a reliable, continuous, and sufficient supply of electric power into the future. As a result, current ratepayers are arguably very likely to be direct beneficiaries of CWIP in rate base.

The comments on the relative equities of CWIP in rate base muster additional arguments that (1) such a policy leads to a more accurate pricing policy that signals the real cost of meeting future ratepayer requirements and the real incremental cost of current usage; and (2) a CWIP policy would reduce the current cost of capital, thereby reducing current revenue requirements, and benefiting current ratepayers.

In contrast, a variety of wholesale power customers contend that the inclusion of CWIP in rate base in inequitable in many ways. They strenuously disagree that present and future customers tend to be identical, pointing to the mobility of the American public and the phenomenon of municipalities or cooperative systems moving off system to establish their own generating capacity. In those cases, larger numbers of people would allegedly be deprived of the fruits of their investment in CWIP. In addition, numerous groups and individuals perceive that CWIP in rate base would put an undue burden on the elderly, whose prospect of being served by plant under construction are less than those of the general population. Wholesale and retail consumer interests also assert that CWIP does not provide appropriate price signals, in part because any higher rates reflecting CWIP in rate base do not generally include the offset for variable cost (fuel) savings necessary to provide an appropriate price signal to current ratepayers.

The question of intergenerational equity presents the Commission with difficult theoretical problems and compelling human issues. No public policy is perfectly equitable. The Commission is required nevertheless to strike a balance between investors and ratepayers. Likewise, it must balance the interests of present ratepayers and future ratepayers. Even under a strict application of the "used and useful" doctrine, current ratepayers pay for facilities necessitated by past demand and for the capital costs of unused capacity. Moreover, even if CWIP-based rates reduce total costs to the ratepaying public over a period of time, the intergenerational question remains because the question of who pays is distinct from the question of how much. In balancing the various interests involved here, certain observations can be made.

From the standpoint of federal regulation of wholesale rates as opposed to state retail regulation, there is less likelihood that individual ratepayers will bear costs for which no benefit is derived simply because a wholesale CWIP-based rate affects a broad segment of the public. It is reasonable to presume that the chances are relatively great that, in this national community of ratepayers, the person funding CWIP in rate base would also benefit from the contributions of others—no matter where or how often that person might change service areas. Far more important, the Commisssion believes that the Nation as a whole has a critical interest in continuing service reliability at the most reasonable costs. The capital averse behavior of utility management, induced largely by

---

Service Commission v. FPC, 511 F. 2d 338, 353 (D.C. Cir. 1975).

[60] "Inclusion of Construction Work in Progress in Rate Base" (docket No. RM75-13), issued November 8, 1978, 41 FR 51,392 51,394 (November 22, 1976).

escalating costs and long construction times, threatens to undermine that reliability.

If CWIP will help management to more accurately gauge the need for future capacity while alleviating the current bias against additional investment,[61] it is equitable for some portion of the increased costs of future service to be borne by present ratepayers. As noted in Section III, in nations where utilities are nationalized, current tax revenues are available to finance public works designed to serve the future. The Commission foresees long-term benefits arising from inclusion of at least some CWIP in rate base that are sufficient to offset the short-term costs that wholesale and retail customers may experience. Moreover, CWIP may reduce the exposure of utilities to the vicissitudes of business swings which may threaten the ability of utilities to meet their public service obligation.

C. *Analogy to Non-Regulated Industries.* The third discrete issue relating to presumptions against CWIP in rate base involves the argument made by retail ratepayers and consumer groups that AFUDC is a preferable treatment for construction costs because it most closely replicates the way unregulated businesses, which do not have an obligation to serve as do regulated utilities, recover costs. These commenters therefore find CWIP in rate base objectionable because it contravenes the conventions of competitive markets in which construction financing costs are not charged to current customers.[62] Moreover, these commenters view CWIP policy as removing risk which investors normally assume by shifting risk to ratepayers. It is argued that this makes ratepayers into involuntary investors in the utility.

In response to this defense of AFUDC, investor-owned utilities state that regardless of the rate policy, the electric utility industry is not comparable to a competitive market. They contend, for example, the (1) regulated entities base rates on costs, whereas supply and demand controls prices in a competitive market; (2) unregulated entities are not affected with the public interest and have no obligation similar to a utility's obligation to serve all customers within its service territory; (3) a utility must compete with unregulated companies for capital to construct new facilities in spite of the prospect of lower rates of return; and (4) while competitive markets price products at their current capital costs, generally approaching the full cost of marginal production, electric utilities price their power at average cost.

In the Commisssion's opinion, there are significant differences between free market operations and the conditions under which regulated utilities operate. Accordingly, it may not be fruitful to attempt to defend either AFUDC or CWIP policies on the basis of a similarity to competitive markets, and we decline to do so. What is important, however, is to enable the demand of customers for new capacity to be more accurately reflected in the planning forecasts of the utilities. A ratemaking approach such as AFUDC which shields ratepayers from the impact of higher cost capacity until it is completed cannot serve this goal.

2. *Risk-Sharing Between Ratepayers and Investors.* Commenters agree that inclusion of any amount of CWIP in rate base requires ratepayers to shoulder a financial risk generally only borne by investors, that is, the risk of supplying capital in anticipation of some return or benefit. However, the commenters disagree about the extent and significance of the shift. Currently, investors and ratepayers share some of the risks of public utility operations, for example, with respect to pollution control and fuel conversion facilities under the Commission's existing CWIP policy.

Wholesale and retail ratepayers state that investors should bear both the risk of the profitability of an enterprise and the risk that a plant might never be completed, thereby losing its potential to serve or produce revenues.[63] These commenters urge the Commission to retain the status quo rather than force ratepayers to be involuntary investors. These ratepayers state that if investors are shielded from the risks of the enterprise, the market will be dramatically altered and will disrupt its efficient operation.

In contrast, investor-owned utilities and financial organizations state that, even under a CWIP policy, most of the risks associated with a utility operation belong to the utility's investors; they are the principal source of capital for the utility. If CWIP were in rate base, these commenters state that ratepayers would only be required to pay financing costs on a current basis, and would not be obligated to invest capital in the utility. Utilities nevertheless claim that it may be appropriate and socially useful for ratepayers to assume some risks; this would reduce capital costs and the revenue requirement of the utility. Utilities generally believe that the obligation that a utility has to provide power within its service area, even when the economics of such service do not justify added investment, warrants having ratepayers assume a greater share of the associated risk.

It is important to differentiate the role of investor and ratepayer. Neither the proposed or final rules in this docket make ratepayers a primary source of capital. That is not to say, however, that regulated rates contain or should reflect only the value of providing an immediate benefit to ratepayers. Ratepayers, to a greater or lesser extent, have an interest in the financial health of companies charged with serving their needs.

The degree to which it is appropriate for ratepayer funds to be used to help finance the construction of plant for future use is a matter of judgment. The Commission believes that ratepayers should share with investors today the carrying costs of plant under construction. This is, as some commenters point out, analogous to the universal support given public schools through taxes, regardless of whether one is the parent of a student or the likelihood of remaining in the district. Risks and benefits are shared throughout the community at large.

CWIP in rate base does not portend any fundamental realignment of the roles of investors and ratepayers. Regulations must nevertheless recognize certain economic and technical facts of life that make it more difficult for utilities to plan and finance capital investment over long periods of time, including high capital costs, the prospect of demand growth, and protracted construction times. In light of the tendency of utilities to seek short-term and probably ineffectual solutions, the Commission views CWIP in rate base as

[61] The question of whether CWIP in fact encourages unwise managerial choices is a separate issue, discussed in Section IV.D., *infra*.

[62] In the NOPR, the Commission also stated: "The exclusion of CWIP from rate base also most closely duplicates the operation of an unregulated competitive market. In such a market, the price at which the company can sell the production of its existing facilities is unaffected by the fact that new facilities are under construction." 46 F.R. 39,448.

[63] Utilities and financial firms also address the question of the risk of noncompletion of a facility under construction. Under an AFUDC policy, utility investors recover, from ratepayers, capital and accrued AFUDC which is prudently invested in plants abandoned prior to completion. The final rule does not vary this result. The question of how delayed or deferred plant is treated under the rule is determined by whether delayed or deferred plant qualifies as plant under construction which is properly includable in Accounts 107 or 120.1. If CWIP is included in rate base, utility investors are nonetheless allowed to recover prudently invested capital. Because the carrying cost on the capital invested in the projects is recovered currently under a CWIP in rate base policy, a utility would be allowed to amortize only the principal.

a balanced and modest means of sharing the risks inherent in the need for adequate future capacity.

3. *The Financial Distress Standard for Inclusion of CWIP in Rate Base.* In FPC Order No. 555, which established existing §2.16, the Commission adopted a policy that permits inclusion of CWIP in rate base for any electric utility that makes a "clear and convincing" showing of severe financial difficulty. Although the financial conditions of the electric utility industry weakened in recent years, few utilities have filed requests for CWIP rate relief under the severe financial distress standard and no final order granting CWIP under this standard has ever been issued. Although a major alternative proposed in this docket involved a threshold criteria for CWIP eligibility predicated on a utility's financial condition (*e.g.*, bond ratings), the rulemaking also called into question the viability of the severe financial distress standard.

In response to that proposal, commenters dispute whether such a standard is serviceable. Investor-owned utilities and financial firms state that such a test fails to provide timely relief to an ailing utility and permits substantial financial deterioration before relief is available. Moreover, the severe financial distress standard limits relief to particular utilities.

Wholesale and retail ratepayers generally support the retention of a financial distress test, primarily because some test ought to be imposed before any extraordinary rate relief is afforded utilities. They argue that CWIP relief is a last resort and that any relaxation of the severe financial distress standard would undermine that purpose. These commenters therefore advocate case-by-case determinations for any rate relief, as necessary to preserve the financial integrity of a utility. Generally speaking, ratepayers view any rule that includes CWIP in rate base generically as an unwarranted departure from the present policy, the merit of which is purportedly demonstrated by the paucity of CWIP rate requests made under § 2.16 and the precision of judgment which a case-by-case method permits.

In short, these commenters questioned the need for a broader rule allowing CWIP in rate base. Indeed, upon reviewing the final rule we adopt today, these commenters will likely ask: when only a handful of utilities have even requested CWIP under the current rules, on what basis does the Commission allow all utilities to file to include CWIP?

The answer is straightforward. At the time the existing rule was proposed, the primary concern was with providing a vehicle for rate relief to utilities that faced such financial distress. In the ensuing year and a half, however, we have gained a much better understanding of the effects of AFUDC treatment on utility financing, the investment bias created by inadequate returns and the unnecessary future costs which may be imposed by decisions reflecting that bias. At the same time, each cancellation of a power plant on which substantial investment has already been made has underscored the extent to which past price signals for electric power have distorted estimates of future demand and contributed to faulty planning.

These are the primary concerns for the future. Our purpose in this rule is thus considerably broader than merely providing rate relief for utilities in a financial bind. Accordingly, the paucity of requests for CWIP under the existing rule does not itself argue against the course we adopt today.

4. *Inclusion of CWIP in Rate Base Subject to Refund.* Under the Commission's existing regulation, CWIP for pollution control and fuel conversion facilities may be collected subject to refund, just as other rate base items. An allowance of additional CWIP under the financial difficulty test, however, may be included in rate base only following the Commission's final order on the proposed rates and the ensuing litigation over the meaning of financial distress and the nature of appropriate relief. Investor-owned utilities, several state regulatory bodies, and an accounting firm state that CWIP should be included in rate base at the time rates become effective, even if made subject to refund. These commenters argue that the refund obligation relating to CWIP should be the same as that established for the rate filing generally. To delay collection of CWIP-related expenses would allegedly be counter-productive with respect to the financial problems CWIP is intended to alleviate.

Wholesale customers generally disapprove of CWIP collected subject to refund. Several commenters state that allowing CWIP in rate base subject to refund would result in a price squeeze and litigation that could leave the "squeezed" customers financially devastated before a refund based on price squeeze would be made. In other words, these commenters fear that rates may be collected subject to refund for years until a final decision is issued by the Commission. Several partial remedies are proposed by the commenters, such as segregating the CWIP portion of rates collected subject to refund for accounting purposes, repaying a customer for any CWIP contributions if that customer leaves the service territory during the period that rates are collected subject to refund, allowing CWIP in rate base subject to refund only after the initial decision of the administrative law judge, or expediting that portion of any rate proceeding that involves CWIP in rate base in order to minimize the retail impact.

As a matter of policy, the Commission will allow utilities to collect CWIP-related revenues even if rates are subject to refund in order that relief be immediately available to companies with larger construction programs [64] and concomitant capital needs and that cash flow rates achieve more stability over time. After all, two of the main objectives of allowing CWIP in rate base are, first, to prevent unpredictable steep jumps in wholesale rates and, second, to provide consumers with more timely signals about the real cost of every additional increment of power used. These objectives argue for continuity in including CWIP in rate base as close to when costs are incurred as possible. Moreover, by allowing CWIP subject to refund, utilities will find frequent filings less necessary. Finally, the Commission recognizes the surface appeal of the equity notion of refunding CWIP contributions to those parties leaving the systems before a plant becomes operable. Its impracticalities notwithstanding, the Commission does not view the rates that might be paid for future utility plant as fundamentally different than rates for other costs that the utility incurs in the course of maintaining healthy, ongoing operations.

D. Impact of Including CWIP in Wholesale Rate Base

The final rule will affect the financial condition and investment decisions of utilities. In addition, a 50 percent CWIP policy will likely be reflected in actual rates fairly quickly as a result of our decision to allow CWIP-based rates to be collected subject to refund. Accordingly, we evaluate the actual impact this rule may be expected to have on wholesale rates. While the following analysis will help put the Commission's decision in perspective, it

[64] Several commenters question the effect of the final rule on potential price squeeze situations. Although more will be said about price squeeze later, there is no indication that this final rule will dramatically exacerbate the possibility of such discriminatory rate structures. *See* the Environmental Assessment at § 4.2.5. It appears the CWIP does not generally create price discrimination where it does not otherwise exist although, as the percentage of CWIP in rate base increases, the greater the likelihood of some price discrimination.

is essential to remember that the impacts to which the Commission looks are not merely dollars and cents effects, by behavioral changes in utility operations, capital markets, and power consumption. We have sought answers to these difficult questions in the comments submitted in this proceeding as well as in out own detailed analyses. While the following discussion summarizes much of this information, we emphasize that we have reviewed all of the analysis in the comments on these difficult questions.

1. *Impacts on Utilities.* a. *Cash Flow.* The final rule will allow utilities to include up to 50 percent of CWIP in rate base and effectively to convert a proportionate amount of current paper earnings, included as AFUDC, into cash earnings.

Investor-owned utilities state that CWIP increases cash flow, thereby improving the ability of utilities to undertake and complete needed construction programs. They contend that the increased cash flow will be exhibited in higher interest coverage ratios [65] and other financial statistics relied upon by investors and rating agencies in evaluating the credit-worthiness of a utility. According to this view, the increased cash flow will improve flexibility in financing as the industry's dependence on external capital markets is reduced and will therefore reduce financing costs. Moreover, as cash flow improves, debt investors are said to face a lower risk of default and common stock investors are more assured that dividend payments will be maintained.

In contrast, several wholesale customers and a trade association state that, because the Commission regulates a small proportion of total utility rates, inclusion of CWIP in rate base will not result in an appreciable increase in cash flow. For example, the association states that, because one-half of the utilities with bond ratings of BBB+ or below derive less than four percent of their revenues from wholesale transactions, the financial impact on this substantial portion of the industry as a result of CWIP in rate base will be minimal.

The statistical record in this proceeding on how CWIP in rate base affects utility cash flow can be summarized as follows. The utility impacts of including CWIP in rate base are presented in five statistical studies, two of which deal with initial financial impacts on actual utilities and three of which simulate the impacts on hypothetical companies over a much longer period. The initial effects on 50 electric utilities of including all CWIP in rate base are also estimated by one utility commenter [66] in terms of three financial parameters—interest coverage, internal cash flow as a percent of constructon expenditures, and percent change in external financing requirements.

The latter study shows that the average pre-tax interest coverage ratio (excluding AFUDC) would have increased in 1980 from 1.99 to 2.93 if 100 percent of CWIP balances had been included in rate base. A similar improvement is shown with 1979 data. Moreover, the study shown that 30 utilities with interest coverage ratios of less than 2.0 under an AFUDC policy would have improved coverages to greater than 2.0 with 100 percent CWIP in rate base. The study also shows that the ratio of internal cash flow (excluding dividends) to construction expenditures would have increased, on average, from 29 to 44 percent in 1980. Also, 16 of the 17 companies in the sample with a ratio of internal cash flow (excluding dividends) to construction expenditures below 20 percent would increase to above 20 percent with the inclusion of 100 percent CWIP in rate base. Finally, this study finds that if all CWIP had been included in rate base, external financing requirements would have been reduced by about 23 percent in 1980. The stated reasons for this significant reduction are that CWIP in rate base improves the utilities' ability to meet current expenses through cash flow and that this reduces their dependence on external sources of capital.

A wholesale customer [67] presented a statistical analysis of initial financial impacts of including 100 percent CWIP in rate base on 42 utilities with bond ratings of BBB/Baa as of 1979. The study concludes that these utilities would realize only a 1.5 percent increase in cash flow when both jurisdictional and non-jurisdictional portions of the utility's operation were combined. This conclusion is based on a comparison of the increased cash flow derived from allowing CWIP in jurisdictional rates to the cash needs of the entire company, including those associated with non-jurisdictional services. The small increase in cash flow shown is considered by this commenter too insignificant to support the contention that any utility will be substantially better off with CWIP in rate base.

The simulation analyses evaluate the long-term financial impacts of including zero and 100 percent CWIP in rate base.[68] One study, presented by an investor-owned utility, considers three scenarios applied to a "strong" (AA-bond rated) utility and a "weak" (A-bond rated) utility: (1) No CWIP in rate base and attrition of earnings; (2) 100 percent CWIP in rate base and attrition; [69] and (3) no CWIP in rate base no attrition, and a higher allowed/earned rate of return. Both utilities are assumed to be engaged in construction programs to complete five 750 MW coal-fired plants and to begin two more plants over a 20-year study period. Under the first scenario, where CWIP is exluded from rate base and there is continued attrition, the study concludes that over the study period, the "strong" utility would experience a decline to a BBB bond rating. In this case, interest coverage (excluding AFUDC) drops from an average of 2.45 in the first five years to an average of 1.83 in the last five years. The ratio of internal cash flow to construction expenditures also falls dramatically and there is significant dilution of common equity. A similar experience is forecasted for the "weak" (A-rated) utility. In contrast, under the second scenario, if 100 percent CWIP is included in rate base and attrition continues, both utilities are projected to maintain their initial bond ratings. The "strong" utility would generally maintain an average interest coverage of 3.34 over the 20-year study period and internal cash flow as a percent of construction expenditures would average 62 percent compared to 41 percent without CWIP. Comparable results are forecasted in terms of maintaining a higher interest coverage for the "weak" utility. The third scenario involves higher rates of return. Although this alternative tends to increase cash flow and interest coverage, the improvement is less than that which occurs under the second scenario.

[65] An "interest coverage ratio" is earnings before taxes and interest expenses divided by interest expenses. Its significance is that the ratio is a widely-used measure of how utilities are able to meet one particular cash flow requirement, namely, interest expense. The ratio is critical to financing because trust indenture provisions applicable to the utilities commonly prohibit the issuance of new long-term debt unless the interest coverage ratio is maintained at or above a specified minimum level, typically 2.0.

[66] Appalachian Power Co., *et al.*, Reply Comments at Appendix D.

[67] Oglethorpe Power Corp., Initial Comments at 24 and Exhibit SEC–5.

[68] *See* Appalachian Power Co., *et al.*, Initial Comments, at Appendix H, Reply Comments, at Appendix C; Edison Electric Institute, Reply Comments, at Appendix V; Eugene F. Brigham, Public Utility Research Center, University of Florida, Initial Comments, at page 17. (The results of the University of Florida study are very similar to that derived by the Appalachian and Edison Electric studies and are not discussed in the text.)

[69] Under the 100 percent CWIP case, the study assumes a reduction in the cost of capital for both utilities.

An investor-owned utility trade association study estimates the effects of 100 percent CWIP on two hypothetical utilities that are undertaking what is assumed to be representative multi-project construction programs. The hypothetical utilities vary in size and in the technology mix of existing plants. The study does not assume a reduction in the cost of capital when CWIP is included in rate base. Consistent with the utility simulation study, this study finds that, without allowing any CWIP in rate base, interest coverage ratios for these companies were not maintained at the 2.0 minimum level (for issuance of new debt) for the entire study period. However, inclusion of 100 percent of CWIP in rate base maintained the ratio above the minimum level. The study also finds that, if all CWIP is included in rate base, the percent of external financing decreases and the quality of earnings (measured by the ratio of AFUDC to net income) improves.

Tables 1, 2, and 3, attached Appendices to this rule, are graphic illustrations of the results of two additional studies, one conducted by the Energy Information Administration (EIA), the other by FERC staff,[70] which confirm the findings of the studies described above, *i.e.*, that inclusion of 50 percent of CWIP in rate base would measurably improve the jurisdictional portion of utilities' internal cash flow and interest coverage ratios.[71]

The Commission finds that the CWIP policy presented in the final rule will have a salutary effect on cash flow. No commenter disputes that the inclusion of CWIP in rate base will increase cash flow. Only the extent to which cash flow will increase is at issue. The Commission believes that the resolution of this issue must be determined with respect to the effect of including CWIP in rate base on the jurisdictional portion of a utility's operations, as if the federally-regulated portion of the utility's operations "stand alone." The Commission's decision to alter its existing CWIP policy should not be dependent on the limited extent of its jurisdiction over most utilities. The assertion by investor-owned utilities that cash flow will be significantly improved appears to be correct, at least with respect to the jurisdictional portion of the utilities. The objection to CWIP put forth by wholesale customers that the size of the federal jurisdiction over BBB rated utilities augers for only limited impacts, is, therefore, somewhat wide of the mark.

In general, the simulation studies confirm the Commission's expectations regarding the effect that CWIP in rate base has on cash flow and other financial indicators. The studies are useful in evaluating the relative magnitude of the financial impacts of including CWIP in rate base. However, since they are based on 100 percent CWIP in rate base, they overstate the likely impact of including 50 percent of CWIP in rate base by a factor of two. By taking only half of the increase in cash flow and converting this into interest coverage ratios, and other financial measures, one can ascertain the effect of 50 percent of CWIP in rate base. Under a 50 percent CWIP case, the effect on cash flow, interest coverage ratios, etc., is still signficant.

In sum, there is convincing evidence in the record including a study prepared by the FERC and a study prepared for the Commission by EIA which shows an increase in cash flow from including 50 percent of CWIP which is sufficient to affect most utility financial indicators in a very positive fashion.

b. *Cost of Capital.* The projected increase in cash flow and reduction in external financing requirements relates to the second major direct financial consequence of CWIP in rate base, namely, the impact on the cost of capital to utilities. Commenters present and analyze numerous studies on the effect of CWIP on the cost of capital. Investor-owned utilities present studies which support the hypothesis that CWIP in rate base reduces capital costs. Wholesale electric power customers present analyses showing the contrary position. As one might suspect, there are strengths and weaknesses in all of the empirical analyses of this issue, thus indicating the elusiveness of any definitive answers. The studies supported by investor-owned utilities conclude that: (1) AFUDC accounting tends to depress market-to-book ratios of electric utility stocks; and (2) putting CWIP into rate base clearly improves the financial integrity of utilities and lowers capital costs.

Wholesale customers and their trade associations present three of their own analyses which conclude that: (1) empirical evidence does not support the conclusion that AFUDC earnings make utilities more risky as investment; (2) a quality-of-earnings index based upon AFUDC showed no significant effect on the cost of capital in eight out of 10 years studied; and (3) if dividend payments are available in the proper magnitude, investors are relatively unconcerned about AFUDC amounts.

All of the cost of capital analyses have some common weaknesses, such as the failure to adequately separate the effects on riskiness of a construction program from the effects of the CWIP policy. These studies offer conflicting and widely diverging estimates of the cost of capital effects of CWIP in rate base. The investor-owned utilities' studies estimate that debt costs will be reduced by up to 100 basis points and equity costs by up to 300+ basis points.

The studies rely predominantly upon the ratio of AFUDC to net income as a measure of the effect that the inclusion of CWIP in the rate base would have on utilities. These studies rely upon the ratio of AFUDC to net income because, all things being equal, as the investment in plant under construction increases, this ratio rises. Since utilities are affected with the public interest, their obligation to serve drives the need to construct facilities even when such investment may not be economic from the investors' standpoint. This measure, however, has some major shortcomings. For example, it may more accurately relate to the relative size of a company's construction program rather than to whether CWIP is included in rate base. As a result, the studies may merely be reflecting that as the size of a company's construction program increases the company becomes more risky from an investor's perspective. The AFUDC to net income ratio may also be questionable because two companies with identical construction programs and CWIP policies could have significantly different ratios due to (1) the use of a gross-of-tax AFUDC rate rather than a net-of-tax rate, or (2) significantly different earned returns on plant-in-service due to attrition.

Several commenters note, in reply, that the various econometric and statistical studies have shortcomings of a technical nature, such as a lack of independence among variables (*i.e.*, multicollinearity). In addition, the studies extrapolate from historical data, and this may bias the results.

The Commission understandably finds it difficult to draw from the analytic studies submitted in this proceeding any definitive conclusions

---

[70] The FERC model was issued for public comment in "Proposed Computer Model for Evaluating Impact of Alternative CWIP Policies and Staff Study on Cost of Capital," (Docket No. RM81-38) 46 FR 58.148 (November 30, 1981). The Commission also identified the input data which would be used for this model. This model has been adapted to estimate impacts under a 50 percent CWIP in rate base approach. *See also* Environmental Assessment, *supra*, at §§ 4.2.2, 4.4.

[71] With regard to the wholesale customers' estimated 1.5 percent increase in cash flow, the Commission believes that, if the increase were related to an estimate of the jurisdictional portion of cash flow, the percent increase would be much higher. *See* discussion below.

regarding the effect of a CWIP in rate base policy on the cost of capital. The cost of capital studies arrive at often contradictory results from what appear to be similar data bases and modeling techniques. Consequently, our conclusion, which is admittedly no more than a matter of judgment, is that we believe whatever the size of any effect that the inclusion of CWIP in rate base will have on the cost of capital, the rule will generally provide a downward pressure on those costs.[72]

c. *Prudent Decisionmaking and Management Efficiency.* Utility management decisions are constrained by both the financial condition of the utility and the regulatory atmosphere in which the utility operates. If a regulatory policy precludes a regulated utility from earning its cost of capital or maintaining an adequate cash flow, management may be inhibited from undertaking optimal construction projects, meaning simply that management may opt for short-term economies at the expense of effective long-range planning.[73] It is also conceivable that if a regulatory policy produces excess earnings a utility may be encouraged to engage in unneeded or uneconomic construction. Commenters discuss several of these countervailing aspects of the dynamics between management behavior and rate regulation.

Wholesale and retail customers generally express the fear that a CWIP policy will reduce management efficiency and will encourage the construction of larger and economically inefficient facilities. These commenters state that CWIP will not provide a sufficient incentive for utilities to complete projects quickly, efficiently, or to avoid unworthy projects because cost overruns and inefficiencies will be subsidized by the ratepayers. Rather wholesale and retail customers argue that the inclusion of CWIP in rate base serves to reward management inefficiencies.

Many consumers believe that utilities presently construct unnecessary or inefficient generation facilities and that CWIP will promote large scale, and in particular nuclear, construction programs instead of least-cost alternatives. They argue that inclusion of CWIP in rate base exacerbates this condition. Under this view, the burden of establishing management imprudence with respect to a construction program would be shifted to the customer to a greater degree under a policy that routinely includes CWIP in rate base. Most customers, it is argued, do not have the resources or information to shoulder that burden. As a result, utility management would be insulated from challenges to the exercise of its discretion, its accountability will decline, and a major incentive for efficiency will disappear.

Several wholesale customers and consumer representatives argue that the efficiency of management and the need for the construction program should be examined in conjunction with all requests for inclusion of CWIP in rate base. One consumer group states that the consideration of management efficiency should focus on whether management is inflexible or short-sighted. Several wholesale customers stress the need for a thorough review of the economics of construction programs, including the likelihood that a plant will never be placed in service, before CWIP is allowed in rate base. These commenters generally agree that the rate case is the proper context for this inquiry. They conclude that CWIP should not be allowed in rate base if management is found to have acted imprudently with respect to the construction of new facilities.

In contrast, investor-owned utilities, DOE, and several financial firms state that a CWIP policy will actually improve management efficiency by freeing its hand to undertake optimal construction projects. DOE contends that, without CWIP, management will be constrained in raising debt and equity capital and in response will adopt a "capital averse" strategy. This strategy, DOE states, will not yield a least-cost result over the long-term. DOE states that its national load forecasts indicate that, with a modest upsurge, demand could outstrip capacity, especially in light of the increase in cancelled and deferred units.

Investor-owned utilities state that a CWIP policy will give management and investors sufficient confidence in a utility's financial ability to undertake needed investments. This will allow management to pursue an optimal expansion plan and undertake construction of efficient generation units. However, most investor-owned utilities state that a review of the utility's construction program is unnecessary in each rate case because each project is generally reviewed by state or federal agencies prior to commencement of construction. They argue that a review suggested by wholesale customers will impair the availability of CWIP and, based upon the experience under the existing regulations under § 2.16, would unnecessarily complicate and lengthen rate proceedings. Several investor-owned utilities acknowledge that a review of the construction program would not be inappropriate.

In response to this discussion, the Commission emphasizes that encouraging construction is not a goal of this rulemaking. Rather, a CWIP policy should enable management to exercise its discretion in a prudent and rational manner. The present AFUDC policy, however, has not served the industry or its consumers well in this regard. A CWIP rule would allow management to make optimal decisions in light of market conditions, including projections of future demand.

The Commission finds no basis for the contention that CWIP will breed management inefficiency and encourage deliberate delays in construction times. There remain strong incentives for management to seek speedy completion of construction projects. For example, the cash flow to a utility for a completed plant far exceeds that for a plant under construction, even with a 50 percent CWIP policy. This occurs because a utility is able to depreciate only completed plants. In addition, once completed, 100 percent of the plant is included in rate base as opposed to the maximum of 50 percent under this final rule. Therefore, the Commission believes that a CWIP policy does not necessarily undermine existing incentives for management efficiency regarding construction projects.

That is not to say that the Commission need not consider management efficiency and the need for construction programs. A regulated utility is entitled to an opportunity to recover its prudently incurred costs. Allowing utilities to file to include CWIP in rate base neither adds to nor detracts from this fundamental rule of utility ratemaking. With the proliferation of construction projects and the elongation of construction cycles, management prudence loses none of its significance. However, since the prudence of investment decisions and associated costs is a matter of fact in each case, the Commission agrees with those commenters who contend that imprudently incurred costs reflected in CWIP may be disallowed on the same grounds as other imprudently incurred costs proposed for inclusion in rate base.

The final rule adopted will fundamentally reorient the Commission's assessment of the reasonableness of construction programs. It affords in effect an opportunity to review and judge the

---

[72] *See* n.20, *supra.*

[73] *See* The Commission's discussion of this issue in Section III, *supra.*

prudence of costs as those costs are incurred and claimed in rate base, rather than at a later point in time when a project is completed or abandoned and a potentially unwise investment has already been made.

To facilitate the review of the prudence of CWIP costs in rate cases, the final rule expands the filing requirements under § 35.13 of the Commission's regulations to require a general statement of the utility's program for providing reliable and economic power. While the filing required by § 35.13 is brief and will not obviate further data gathering, including discovery, Commission staff and intervenors will be better able to review the prudence of the construction and related costs that may be included in rate base.

In evaluating prudence, additional information, if reasonably available, may be called for. For example, staff or intervenors may request and be entitled to receive the utility's current plans for expansion by year; current and previous construction schedules and cost estimates for major projects; and annual summer and winter reserve forecasts (with available dependable capacity identified by plant and fuel type for internal generation and by source for external capacity). Additional relevant data could include the utility's current economic and financial studies (*e.g.*, production cost simulations or load flow studies), along with technical and economic assumptions (including fuel costs and energy projections), which show the impacts of the utility's capacity and energy plan or which evaluate relative costs of alternative plans. If the filing utility does not have available any of the information specified, it shall submit instead any pertinent information upon which it relied in deciding to replace or expand its power supply facilities.

A finding of a market for power by another agency will, of course, be relevant to any such consideration although such findings seldom deal with prudence related concerns. If the Commission finds construction costs were not prudently incurred, disallowance of rate base treatment may be appropriate.[74]

[74] Absent a showing of inefficiency or improvidence, the Commission is bound to presume that the utility operations were conducted in good faith consistent with principles of "efficient and economical management." Bluefield Waterworks and Improvement Company v. Public Service Commission, 262 U.S. 679, 693, (1923); West Ohio Gas Company v. Public Utility Commission, 294 U.S. 63, 73 (1934).

There has been considerable interest expressed in recent years concerning "least-cost" energy strategies.[75] The Commission understands a least-cost approach to mean one which seeks to provide reliable service over time at the lowest reasonable cost.[76] This, of course, is one element of the prudence standard, and is entirely consonant with fundamental principles of public utility regulation.[77] As such, we fully endorse the least-cost principle as one important component of a prudence determination and intend to apply it to reviewing claimed construction costs as we do to other claimed utility costs.

The contention that the final rule will encourage management to overcapitalize (*i.e.*, build too much capacity or generation plant of excessive size), the so-called Averch-Johnson effect,[78] is similarly flawed. The A–J effect is said to occur if earned rates of return exceed the opportunity cost of capital. Except for the minor effects due to investment tax credits, as noted earlier in the preamble, allowing CWIP in rate base will have no effects on earned returns.

Many commenters that utilize this proceeding as a forum for criticizing nuclear power misconstrue the Commission's objectives. As previously stated, this rule seeks to mitigate the aversion to capital investment. The final rule should help create a more evenly-balanced environment for investment decisions. It follows that the rule will not encourage construction of any particular kind of generation facilities, including nuclear plants.

[75] *See e.g.*, Sant, *The Least-Cost Energy Strategy: Minimizing Consumer Costs Through Competition* (published by the Energy Productivity Center) (1979); Sant and Carhart, *et al.*, *Eight Great Energy Myths: The Least-Cost Energy Strategy—1978–2000* (Energy Productivity Report No. 4 of the Energy Productivity Center) (1981). (Apparently, the terms "Least-Cost" and "Least-Cost Energy Strategy" are trademarks of Applied Energy Services, Inc.) *See also* Hearings before the Subcommittee on Energy and Conservation of the House Committee on Energy and Commerce, 97th Cong., 1st Sess. (April 23, 1982).

[76] *See* our discussion of "least cost energy strategy" in Treatment of Purchased Power in the Fuel Cost Adjustment Clause for Electric Utilities, Docket No. RM83–62–000, Notice of Proposed Rulemaking, 23 FERC ¶ 61,171, at n. 11 (May 3, 1983).

[77] *See e.g.*, Midwestern Gas Transmission v. FPC, 388 F. 2d 444, (7th Cir. 1968), *cert. denied*, 392 U.S. 928 (1968); Atlantic Refining Co. v. Public Service Commission, 360 U.S. 378, 388 (1959) (intent of Congress under Natural Gas Act that service should be provided at the "lowest possible reasonable rate consistent with the maintenance of adequate service in the public interest.").

[78] Averch, H., and Johnson, L. L., "Behavior of the Firm Under Regulatory Constraints," American Economic Review, Vol. 52, (December 1962); *See also* Bailey, E. E., Economic Theory of Regulatory Constraint, Health—Lexington, 1973.

It is ironic that wholesale and retail customers find that an AFUDC policy provides greater incentives for completing plant under construction. In fact, the massive delays experienced in the construction of electric utility plant over the last decade have occurred in spite of an AFUDC policy being predominantly employed by both federal and state regulatory agencies. The Commission does not believe that a CWIP in rate base policy will cause further deterioration in this regard, but to the contrary finds that it will provide the necessary capital which may permit faster completion of major projects.

In any case, utility management will be held accountable for the prudence and costs of its construction programs. Both federal and state regulatory procedures provide safeguards for consumers from management imprudence. In fact, the Commission has the authority to disallow the recoupment in rates of higher costs incurred as a result of negligence, mismanagement or inefficiency.[79] The new rule will enable the Commission to consider the prudence issue earlier in a construction program than under an approach that only permits capitalization of AFUDC prior to a plant's in-service date.[80]

2. *Impact on Consumers.* a. *Rates.* The rate impact of including CWIP in rate base will vary among utilities, regions of the country, and over time. However, commenters attempted to portray the overall effects of a change in CWIP policy. Predictably, commenters do not always agree. Wholesale and retail consumers generally state that rates based in part on CWIP will be higher in the foreseeable future and may be higher than rates under an AFUDC policy indefinitely. Investor-owned utilities state that, although short-term rates would be higher, rates will decline sufficiently over time to offset (in terms of economic value) the short-term rise in rates.

The trade association of municipal utilities analyzes the short-term impact of including 100 percent CWIP in rate base on jurisdictional rates.[81] The study uses industry aggregate data for 1980 and assigned the FERC jurisdiction over 10 percent of the industry. The study estimates that aggregate impact on

[79] *See* Opinion No. 118, Virginia Electric Power Company, 15 FERC ¶ 61,052, 61,112 (1981), *citing* Public Service Company of New Hampshire, 6 FERC ¶ 61,299 (1979).

[80] Moreover, the requirements of new Statement BM will permit consideration of the reasonableness of the filing utility's construction program earlier in most rate proceedings.

[81] *See* American Public Power Association, Initial Comments, at 45.

jurisdictional revenues would have amounted to $1.17 billion for 1980, if 100 percent CWIP had been included in rate base. A group of wholesale customers prepared a similar analysis, using 1979 aggregated data for the 42 utilities whose bonds were rated BBB/Baa.[82] Under this analysis wholesale customers found that a 100 percent CWIP policy would increase rates initially by an average of 17.4 percent.

Another study prepared by the trade association of investor-owned utilities simulates the effect on rates of two hypothetical utilities of including 100 percent CWIP in rate base.[83] The two utilities differ according to financial resources, technology, and the mix of existing generation plants. The study concludes that inclusion of 100 percent CWIP in rate base would typically result in initial rate increases of less than 10 percent and, over time, lead to rates that fall below AFUDC-based rates.

The Commission finds that these analyses are not unreasonable, given their intended purpose of evaluating the rate impact of a 100 percent CWIP policy. However, this approach necessarily overstates the impacts that could be expected from the final rule. If 50 percent of CWIP were included in rate base, the impacts found in these studies would be essentially half those predicted. However, since the amount of CWIP which may be included in rate base is further limited in the initial years following the effective date of the final rule, these effects will be further restrained at the outset. The final rule phases-in the amount of CWIP allowable in rate base over a two-year period by limiting the rate impact associated with CWIP to six percent in the first year and an additional six percent in the second year. Thereafter, a utility may include up to 50 percent of all CWIP in rate base. This initial limitation on CWIP in rate base ensures that, in those instances in which utilities have disproportionately large construction programs, the initial impacts of the final rule on consumers will not be severe.[84] The Commission's analysis indicates that, without the initial rate increase ceilings, there would be some cases in which relatively large amounts of CWIP costs could initially be included into rate base. Most utilities have modest amounts invested in ongoing construction and will be able to include the maximum allowable amount of CWIP in rate base without approaching the rate increase limitation in the rule.[85]

If all utilities subject to the Commission's jurisdiction received the maximum rate base treatment of CWIP permitted by the final rule (absent any six percent initial limitation), the study submitted by the municipal trade association suggested that the resulting rate impacts would have been $580 million. As a percentage of 1980 wholesale revenues ($9.71 billion), this would have amounted to a rate increase of less than 6 percent to affected customers, less than the limitation which the Commission imposes under § 35.26(d) on utilities individually. Under the 50 percent CWIP in rate base approach adopted in the final rule, the impact on the sample of 42 BBB/Baa rated utilities analyzed by the other wholesale customer group would have been 8.7 percent. Under the study supported by investor-owned utilities through their trade association, the initial rate increase, assuming 50 percent of CWIP in rate base, would have been less than 5 percent on average.[86]

These projected rate increases do not, of course, reflect the 6 percent limit on CWIP-related rate increases for individual utilities. This limitation is established in order to restrain any severe effects that could be experienced in the early years of the new rule due to the potential inclusion in rate base of large amounts of CWIP previously excluded from rate base. In the first two years under the rule, CWIP-related rate impacts are limited to six percent annually. The results of all the studies submitted by commenters also presuppose that the utilities will file immediately to include a maximum allowable amount of CWIP in rate base. The prospect for this is by no means certain. In sum, the wholesale customers and investor-owned utilities trade association's studies, if similarly adjusted for a policy of 50 percent of CWIP in rate base generally reflect rate increases of between five and six percent. The more limited sample used by wholesale customers which yielded an adjusted impact of 8.7 percent is an abberation because BBB/Baa rated utilities are not representative of the industry. Nonetheless, the three studies yield roughly similar estimates of initial rate impacts. Methodologically, there may be other ways of ascertaining the relative value to consumers of CWIP and AFUDC policies, as the commenters suggest.

Utilities and their customers hotly debate the impact of CWIP in rate base in terms of whether CWIP in rate base is less costly to ratepayers than the accrual of AFUDC under a present value analysis. Present value analysis is a means of evaluating the relative value of alternative investments where differences exist in the time pattern of cash flows. It takes into consideration the time value of money—*i.e.*, that a dollar now is worth more than a dollar some time in the future—by discounting the cash flows with a discount rate reflecting alternative uses of money. This analysis is typically performed to ascertain the value of the revenues paid to utilities by consumers both with and without CWIP in rate base. Depending on whether the present value of revenue requirements with CWIP in rate base is less than, greater than or equal to that without CWIP in rate base, consumers should (solely on the basis of cost) prefer, not prefer or be indifferent to CWIP being included in rate base.

For the most part this debate has centered upon the appropriate consumer discount rate to use in evaluating the required revenue streams. In this respect, commenters argue whether the rate should reflect returns available to consumers on high risk (speculative investments) or low risk (passbook savings), and on large or small-sized and on long or short-term investment alternatives. They debate whether these alternative returns should be placed on a before or after-tax basis. In general, wholesale customers tend to argue for

---

[82] *See* Oglethorpe Power Corp., *et al.*, Initial Comments, at 24 and Exhibit SEC–5.

[83] *See* Edison Electric Institute, Reply Comments, at Appendix V.

[84] In the Notice of Proposed Rulemaking, the Commission delineated four factors relevant to determining whether the amount of CWIP allowed in rate base under the proposed mechanical rule should be reduced or phased-in. *See* 46 FR at 39,455. These considerations, which could involve protracted case-by-case review, are short-term rate impacts, price squeeze, management prudence, and the need for power. In response to this proposal, several investor-owned utilities and an accounting firm state that such an open-ended provision would subject requests for CWIP in rate base to a volume of challenges that would deter utilities from even requesting CWIP. However, some utilities recognize that a phase-in of any CWIP relief would reduce the immediate rate impact and would provide a smoother price path with more predictable rates. Wholesale customers state that the four bases for limiting CWIP in rate base should be retained if the final rule does not provide a case-by-case determination of the CWIP request. The final rule provides expressly for an initial limit on rate impacts. The other factors are provided for in the course of Commission proceedings (*e.g.*, price squeeze and prudence considerations).

[85] *See* Table No. 4 of the Appendix to this rule.

[86] On average, the long-term impact estimated in the investor-owned utilities trade association study is unclear. That study finds that CWIP-based rates will fall below AFUDC-based rates but does not present any time series on these prices. The conclusion that CWIP-based rates will be lower in the long-term is supported only by present value analyses which, in turn, are based upon evaluating rates beyond the period during which plants were being constructed. The Commission is thus able to ascertain whether their conclusion is based upon the assumed reduction in construction activity or whether CWIP-based rates fall below AFUDC-based rates even if there is a continuation in construction.

factors that support the use of a high consumer discount rate while utilities argue toward a low discount rate. Some commenters further question the feasibility of establishing a single rate that could reasonably represent the interests of the spectrum of ratepayers affected by CWIP policy.

Comments from both utilities and customers contain present value analyses for single projects using varying discount rates which yield conflicting conclusions. A number of commenters point out that, assuming no cost differences between the two policies (such as a lower cost of capital), consumers would be indifferent to the policies assuming their discount rate was equal to the utility's after-tax cost of capital. With a discount rate below the utility's after-tax cost of capital, consumers would prefer CWIP in rate base over the capitalization of AFUDC, and would not prefer CWIP in rate base if the consumers' discount rate is higher. Further, if the inclusion of CWIP in rate base reduces some costs, such as capital costs, the discount rate would make consumers indifferent to CWIP or AFUDC may be lower than the utility's after-tax cost of capital.[87] Some wholesale customers also argue that present value analyses assume that customers remain on the system throughout the operating life of the plant. Otherwise they would not receive the full benefits of lower prices during the operating life.

Some wholesale customers comment that it is more appropriate to evaluate present value in the context of a utility involved in multiple construction projects over time. One commenter submited a study that it claims shows that, under certain conditions, the present value of CWIP-based revenue requirements will exceed the present value of AFUDC-based revenue requirements.[88] This study finds that, as long as either the nominal percent growth in CWIP (reflecting growth as a function of physical growth and inflation), or the consumers' discount rate is greater than the utility's after-tax cost of capital, the present value of CWIP-based revenue requirements will exceed the present value of AFUDC-based revenue requirements. Under these circumstances, this study concludes that consumers would be penalized if CWIP were included in rate base. The commenter alleges that the conditions for this occurrence are fairly likely but presented no support for this other than citing the hypothetical values used in the 1978 study.

The utility trade association [89] responds to this study by arguing, on various grounds discussed above, that the utility's cost of capital exceeds the consumers' discount rate. Further, this commenter states that it is not logical to expect that the growth rate in CWIP will exceed a utility's cost of capital forever, as the study assumes. Data is presented for the 11 largest bulk power suppliers to REA borrowers which shows, among other things, that seven of the 11 exhibited negative growth in CWIP for at least one year of the last five.

The Commission finds merit in the arguments on both sides of the issue of the present value of CWIP-based versus AFUDC-based rates. For example, the range of reasonable consumer discount rates is arguably wide since the customers affected by the rule are diverse. Some positions are persuasive. For example, the Commission agrees with the wholesale customers that single project analyses may be misleading since most utilities are continuing to add facilities over time and customers pay rates based on the appropriate share of all of a company's power supply facilities. A present value analysis should reflect whole company or industry conditions, including growth in capital investment.

Rates that include CWIP in rate base may eventually fall below AFUDC-based rates for some companies and thus be less costly for their consumers (as a group) than AFUDC-based rates, on the basis of present value analysis. However, this eventuality will depand on the pattern of investment of each utility, as well as such factors as efficiency gains and rates of return.[90]

For the industry as a whole, the Commission believes that, under plausible assumptions of future demand growth and inflation,[91] CWIP-based rates may remain somewhat higher than AFUDC-based rates for the foreseeable future. This conclusion is based on a comparison of rates made in terms of absolute dollars. Assuming CWIP-based rates are slightly higher for the foreseeable future, as the Commission concedes is plausible, no present value analysis will show that CWIP-based rates are less costly to customers than AFUDC-based rates, regardless of the consumer discount rate utilized.[92] Accordingly, it is not necessary for us to attempt to resolve the difficult question of the appropriate consumer discount rate. With respect to the separate question of how large the difference between CWIP-based rates and AFUDC-based rates may be, however, the Commission turns to analyses that are based on the absolute dollar levels of these rates that provide a clearer picture of probable future rate impacts.

The Commission had independently analyzed the rate impact of a 50 percent CWIP policy in two studies. In one study (the FERC staff study), a model [93] is used to calculate the initial-year rate impacts of a 50 percent CWIP policy on 141 electric utilities. The FERC study produced initial-year rate impacts for individual utilities by computing the incremental effects on rates, cash flow, and certain financial rates that would occur if 50 percent of CWIP were included in rate base. The first year rate impacts calculated are an average increase of 4.70 percent with a standard deviation of 4.04 percent. This analysis did not incorporate the initial rate impact limitation provision of the final rule based upon a maximum rate increase of six percent in each of the first two years of the rule's effectiveness. When the six percent ceiling is considered, the average initial price increase to affected customers predicted by the FERC study is reduced to 3.57 percent. The distribution of rate impacts for the 141 utilities studied indicates that the great bulk of utilities would experience a very modest initial increase in rates although four individual utilities could experience initial year increase in jurisdictional rates on the order of 16 or 17 percent absent the 6 percent limitation. The distribution of these impacts is presented in Table 4. The FERC study indicates that, even with a 6 percent limitation on rate increases for the first two years, all jurisdictional utilities would be eligible for the maximum 50 percent CWIP in rate base by the end of the third year.

---

[87] This is consistent with a FERC staff study. *See* "Proposed Computer Medel," *supra.*

[88] Oglethorpe Power Corp., *et al.*, Initial Comments, at 34 citing Livingston and Sherali, *Construction Work in Progress in the Public Utility Rate Base: The Effects of Multiple Projects and Growth*, 8 Fin. Mgmt. 1 (1979).

[89] Edison Electric Institute (EEI), Reply Comments, at Appendix III.

[90] In this connection, the Commission believes that EEI is in error when it states that growth rates in CWIP must always exceed the utility's after-tax cost of capital in order that the present value of CWIP-based revenue requirements exceed that of AFUDC-based revenue requirements. While a drop in growth for one year may cause CWIP-based rates to fall temporarily below AFUDC-based rates, average CWIP-based rates may remain above AFUDC-based rates as long as the average growth rate exceeds the utility's after-tax cost of capital.

[91] *See* Section III, *supra*, and Chart No. 1, *infra.*

[92] Present value analysis has other limitations. It measures value only in terms of the cost of money discounted to present value. Present value analysis does not account for occurrences, such as efficiency gains or enhanced reliability, that may cause CWIP-based rates to benefit consumers in other ways.

[93] *See* Proposed Computer Model, *supra; see also* the Environmental Assessment § 4.1.2.

The second study of the rate impact of including 50 percent CWIP in rate base is the EIA study. The study estimated national and regional average price impacts of a 50 percent CWIP policy (without the phase-in provision) for the period 1982 to 1995. It found that the increase in prices attributable to including CWIP in rate base would be greatest in the early years and diminish over time (see Chart No. 1 below).* While this trend is predicted for each of the regions and nationwide, the level of rates would vary among regions.

The Commission believes that the methods and assumptions used in the EIA Study bias the initial impacts downward but that the nationwide impact estimates for 1985 and beyond are probably reasonable. The FERC model probably provides more accurate estimates of initial impacts and these impacts are consistent with the results of the studies submitted by commenters.

While in some regions, according to the EIA Study, CWIP-based rates fall below AFUDC-based rates prior to the end of the study period, as shown in Chart No. 1 no crossover was predicted for the nation as a whole. The lack of a crossover point results from the assumptions built into the model regarding growth in capacity additions, inflation, and cost of capital. Given the small difference between CWIP-based rates and AFUDC-based rates beyond 1990, it would appear reasonable to presume that some combination of relatively small reductions in growth rates, inflation or capital costs below those assumed in the model would result in a crossover.

It may well be that, with more accurate price signals, more accurate forecasting, and more efficient construction planning made possible by this rule, the nationwide average rates under this rule by 1990 will in fact fall below those that would result if no change were made. But we are prepared to proceed even if they do not, particularly in view of the generally modest rate impact which this rule may be expected to generate. The reason, as stated in Section III above, is that our regulatory responsibility is both to protect the rate-payer from high rates, while at the same time ensuring that utilities will continue to provide economic and reliable utility services, now and in the future. Accordingly, even if rates are somewhat higher over time under the final rule, the Commission believes that the rule is in the public interest because it will enhance the quality and reliability of service and the more efficient use of our nation's scarce capital and natural resources.

b. *Consumption; Price Signals.* The inclusion of CWIP in rate base has the potential to affect the management practices of utility companies. It also has another significance for economic behavior—that is, it may affect how ratepayers use and pay for power. Commenters dispute whether the inclusion of CWIP in rate base provides ratepayers with more accurate signals about the real cost of power than does an AFUDC policy. Investor-owned utilities and their trade association state that electric rates which are based on substantial amounts of the old plant, and which often cost a fraction of the new plant do not account for the utility's plant under construction, and do not reflect the true cost of providing service. This view suggests that an AFUDC policy leads ratepayers to think that electric power is and will remain less costly than is the case at any one time. An industry observer states that partly as a result of an AFUDC policy, electricity is currently priced at 70 percent of its actual marginal cost. This commenter concludes that rates that do not reflect marginal costs, incorrectly signal consumers as to both present and future cost of electricity. These inaccurate price signals perpetuate excessive use of electric power, artificially inflates demand, and defeats conservation objectives.

In response to the contention that CWIP provides more accurate price signals, wholesale customers state that an AFUDC policy provides the more accurate price signals. Wholesale customers raise two points in this regard. First, they argue that the facility under construction will generally operate at a lower fuel cost than the utility's average current fuel cost. Therefore, when the new plant becomes operable, the increased fixed costs are somewhat offset by reduced fuel costs. However, these commenters argue that because CWIP in rate base will not be offset by these anticipated fuel cost savings, the price of power which includes CWIP will overstate the actual future costs. Second, wholesale customers state that, if the cost of power generated by new facilities is less than from existing facilities,[94] the future cost of power will decline. If CWIP is included in rate base, these commenters argue, the price signal supplied to ratepayers is that costs are rising, when in fact they are not.

Because consumers should be expected to use power rationally, the Commission believes accurate price signals are important. The Commission believes that CWIP-based rates provide a more accurate picture of trends in power costs. As we stated above, demand for power will increase in the future requiring some new capacity construction. Capacity costs in real terms have been increasing over the last decade. By pricing electricity at average system costs, trends in costs and therefore in rates tend to be understated. Because rates do not reflect the cost of providing the incremental unit of electricity required to serve new demand, a customer receives a price signal which may vary from the true cost to the utility of providing service.

Undeniably, CWIP in rate base, to varying degrees, will increase present rates. Those rate increases inform purchasers of power of the increased costs of providing service to them. As stressed above, we anticipate that including CWIP in rate base will tend to provide more accurate price signals to consumers leading to more efficient consumption (and investment) decisions.

3. *Other Rate-Related Issues.* a. *Price Squeeze and Undue Price Discrimination.* Among its responsibilities, the Commission is obligated to foster competition in the electric utility industry, particularly at the wholesale level. Price squeeze is the term used to describe price discrimination that has an anticompetitive effect and that is directed against an electric utility's wholesale customers. A price squeeze exists if a utility's price for wholesale service is higher in relation to wholesale costs than is the utility's price for retail service in relation to retail costs, resulting in actual or potential impairment of the wholesale customer's ability to compete with the utility for that retail service.

In the Notice of Proposed Rulemaking, the Commission stated that it would explore, in each case in which the "price squeeze" issue is raised, the factors which can contribute to a finding of "price squeeze" and undue discrimination, including the inclusion of CWIP in rate base.[95] The Commission

* Chart No. 1 is not being published in the Federal Register, but is in copies of the order available through the Commission's Division of Public Information.

[94] DOE states that a nuclear plant which is intended to replace base load oil-fired capacity is an example of a new plant which will reduce the overall price of electricity to consumers.

[95] 46 FR 39,450.

also stated that it intends "to retain the flexibility to deny CWIP in rate base or modify other cost of service methods as possible remedies after a finding of undue discrimination" and that it will not limit the denial of CWIP in rate base to those circumstances in which the CWIP policy of the relevant state differs from the Commission's policy. Nevertheless, the potential for a price squeeze or other undue price discrimination in particular cases is not an obstacle, in the Commission's view, to a change in its CWIP policy.

With respect to retail power sales, several wholesale customers believe that the inclusion of CWIP in rate base will create a price squeeze and that a final rule should be drafted so as to avoid any possibility of such a price squeeze. Others among this group of commenters pointed out that the potential for price squeeze precludes the inclusion of CWIP in rate base altogether, except in specific cases where price squeeze would not occur. Other wholesale customers state that the rule should operate to limit the inclusion of CWIP in rate base if a price squeeze is found to exist.

Wholesale customers also view CWIP in rate base as an impairment to competition in the wholesale power market in other respects. These commenters anticipate that CWIP in rate base will require wholesale power customers to invest in the plant of their power suppliers, thereby deterring them from changing power suppliers for fear of losing "their" investment. Wholesale customers also argue that CWIP in rate base will make joint ownership of generation facilities impossible for municipal and cooperative utilities whose resources will be strained by having CWIP in their rates.

Investor-owned utilities claim that CWIP in rate base will not cause a price squeeze because of its small impact in relation to the total cost-of-service and the fact that the majority of states already allow varying amounts of CWIP in rate base, thereby lowering the chance of price squeeze occurring when the Commission allows CWIP in rate base. Commenting utilities state that, in any case, consideration of the issue should await a *prima facie* showing of price squeeze in individual cases, rather than be dealt with in a generic rulemaking. In sum, these commenters maintain that CWIP should be addressed in the same manner as any other cost-of-service or rate base item which may cause a price squeeze.

The Commission has considered the potential for price squeeze from this rule. No substantive evidence establishing the occurrence or likely occurrence of a price squeeze was submitted in this record. The Commission's own analysis confirms that the final rule does not generally create price discrimination where it does not otherwise exist, although, as the percentage of CWIP in rate base increases, the likelihood of some price discrimination also appears to increase.[96] Accordingly, with respect to the arguments of wholesale customers, the Commission finds no indication that undue price discrimination or other anticompetitive effects will occur necessarily as a result of implementing the final rule.

Price squeeze or undue discrimination issues may be examined as they might arise in particular cases. The Commission, of course, retains flexibility to deny inclusion of CWIP in rate base or to modify rate treatment of other cost-of-service items as a means of remedying a problem after a finding of undue discrimination. But we do not believe that the rule must operate to automatically deny CWIP simply because a price squeeze is found to exist. If such action is appropriate, it will be based on determinations made on a case-specific basis.[97]

b. *Rate Stability.* Investor-owned utilities, an accounting firm, and a university-sponsored analysis show that the sudden increase in rates which under an AFUDC policy accompanies the completion of a new facility, is lessened if CWIP is included in rate base. These commenters state that the inclusion of CWIP in rate base helps smooth the price path of electricity for two reasons. First, as a utility proceeds to construct a new plant, CWIP is gradually included in rate base with a consequent gradual increase in rates and a relatively stable rate pattern. Under an AFUDC policy, the total costs of the completed plant, including the accumulated financing costs, is included in rate base at the time the plant is made operational. As a result, the next rate filing by the utility will reflect a sudden jump in rates. Second, CWIP in rate base results in quantitatively smaller total additions to rate base than under AFUDC, because the financing costs capitalized over time are included in rate base as part of the total cost of the plant. Under a CWIP policy financing costs are recovered currently.

Wholesale and retail customers state their preference for lower current rates and do not express a concern with regard to the price path that results from an AFUDC policy. Rather, these commenters focus on the relative value of the rates and not the stability of rates over time.

The CWIP approach reduces the total addition to rate base at the time of completion and helps stabilize rates. The lumpiness in rates which occurs under an AFUDC policy is ameliorated by the gradual inclusion of CWIP over a longer period of time. To further smooth the price path of rates under a CWIP in rate base policy, the final rule incorporates a phasing provision which limits the rate increase attributable to CWIP to six percent in the first year and another six percent in the second year after the effective date of the rule. This provision responds to the Commission's concern which was expressed in the short-term price impact "safety-value" of the proposed rule and will ensure that the initial rate impact of the final rule will not be severe. As a result, consumers will be protected from financial shock or economic dislocation as a consequence of any precipitous increase in rates that may occur when the final rule takes effect.

E. Alternative Methods of Providing CWIP Relief

The Commission approached with an open mind the question of how its policy on CWIP in rate base might be improved. The Notice of Proposed rulemaking presented a number of alternative CWIP policies and requested that commenters propose additional alternatives. One approach discussed in the Notice was a mechanical rule which utilizes a threshold test of whether a particular utility is experiencing financial distress attributable to a construction program. Virtually all commenters are critical of this approach and, for a variety of reasons, favored other alternatives.

Investor-owned utilities generally support inclusion of a fixed percent of CWIP industry-wide, with 100 percent as the perferred percentage. In contrast, wholesale and retail customers generally oppose all of the proposed CWIP alternatives, urging retention of the present rule in § 2.16 of the Commission's regulations. Some customers also suggest that, if the Commission is determined to allow CWIP, consideration should be given to including only the interest costs associated with CWIP or some alternative that would make clear the ratepayers are investing in the utilities (contributions in aid of construction or capital certificates methods).

[96] *See* Environmental Assessment, *supra*, at § 4.2.5.

[97] This is consistent with our stated policy not to remedy a price squeeze if it is due solely to state regulatory action or inaction. *See* Opinion No. 157, Pennsylvania Power Co., Docket No. ER77-277-002, *et al.*, 21 FERC ¶ 61,313 (December 21, 1982).

The Commission stated in the Notice that "the specific formulation * * * in § 2.16 has not proven to be satisfactory." The present "financial distress" rule has produced "protracted and complex litigation" that, in several cases, lasted three or more years. In addition, few requests for CWIP relief have been made under the rule and in only one recent case has CWIP actually been allowed in rate base to relieve financial distress, subject to refund pending final determination of the rates.[88] Although utilities have not made extensive use of the financial distress provision for CWIP, the Commission noted that since the inception of this rule, the financial condition of the electric utility industry had deteriorated.

The comments focus on six alternative methods for treating construction financing costs: three that would include various amounts of CWIP in rate base, one that would track individual state CWIP policies, and two that are alternatives to including CWIP in rate base. Although other methods are discussed in the record of this proceeding, the range of approaches that commenters critically evaluate are: (1) Inclusion of a portion of CWIP in rate base according to a formula, including a threshold eligibility criterion; (2) CWIP included at a specific time in the construction of particular facilities; (3) a fixed percentage of all CWIP in rate base; (4) deference to the treatment of CWIP in rate base afforded by the relevant states; and (5) contributions in aid of construction.

1. *Mechanical Inclusion of CWIP in Rate Base: Low Bond Ratings Test and the Ratio of CWIP to Rate Base.* The alternative most prominently highlighted in the Notice is a formulary approach predicted upon a showing of financial distress. Under this approach, the financial distress standard is restated as a two-pronged test. This test requires, first, that utility's first mortgage bonds be rated BBB/Baa or lower, and second, that CWIP exceed 40 percent of jurisdictional rate base. Having met these tests, a utility would be presumptively eligible for rate base treatment of sufficient CWIP to reduce CWIP outside rate base to not more than 40 percent of the whole. However, the Commission could limit or deny rate base treatment on certain specified grounds.

All interests represented in this proceeding were critical of this approach, including investor-owned utilities that oppose any financial distress standard. Wholesale customers contend that a formulary approach is imprecise and would lead to inequities, such as providing relief to utilities whose financial difficulties are not caused by construction programs.

Commenters on all sides of the issue criticize bond ratings as unreliable indicators of a utility's financial condition. They point out that the Commission is obligated to exercise its independent judgment rather than rely upon the decisions of private rating agencies. Investor-owned utilities, on one hand, criticize the level of bond rating (BBB/Baa) that triggers the rule as too low to provide adequte relief. Wholesale customers, on the other hand, argue that such a rule would aid utilities that are not in distress. With respect to the second prong of the proposed rule, that is, the ratio of jurisdictional CWIP to jurisdictional rate base, both investor-owned utilities and wholesale customers find this standard to be arbitrary, lacking any basis in economic fact, and inappropriate for measuring the needs of individual utilities.

Overall, investor-owned utilities believe that the proposed mechanical rule is subject to many of the same criticisms of the existing rule, namely, that it would not grant adequate or timely relief. In other words, such a rule would create uncertainty regarding the ultimate availabiity of relief and would provide too little revenue to protect the financial integrity of the utility. An investor-owned utility states that the proposed rule would initially provide CWIP relief to as few as 11 utilities and would only minimally increase cash flow. Other investor-owned utilities state that requiring a utility to experience severe financial distress before relief is available is a poor regulatory practice because it needlessly exposes utilities to the vagaries of the capital markets. In addition, these commenters criticize the proposal because CWIP rate relief would be reevaluated in each subsequent rate case to determine continued eligibility adding uncertainty regarding the continuity of relief.

Several investor-owned utilities, state regulators, and accounting firms suggest that other financial criteria, such as market-to-book ratios, the ability to pay dividends from current earnings, or average industry financial ratios, would better represent the financial condition of a utility than the two tests proposed in the Notice. One state regulatory authority states that any viable formula should (1) limit AFUDC to 20–40 percent of income available to common stock; (2) require that interest coverage ratios be 3.5 to 4.0, excluding AFUDC; and (3) specify that a minimum of 40 percent of the utility's capital requirements be internally-generated cash.

The Commission continues to believe that the existing mechanism for including CWIP in rate base is inadequate. The main approach articulated in the Notice is a refinement of that policy developed in light of the industry's financial difficulties perceived at the time that the Notice was issued. The strong criticism by all groups of commenters suggests that incremental adjustments to the existing CWIP policy will not substantially increase the effectiveness of the rule. A financial distress test limits relief to utilities that are already experiencing a deteriorating financial condition that invariably impairs credit-worthiness and raises capital costs. As a result, the timely completion of construction projects may be jeopardized. Moreover, a financial distress test creates uncertainty in terms of the availability of relief. By attempting to discriminate among utilities, a financial distress test may not clearly signal when and where rate relief is likely. Since financial health is not easily restored to a company, it may not serve the public interest to withhold rate relief until after the financial condition of a utility has deteriorated.

Another problem with the proposed rule is its failure to provide adequate rate relief to utilities in severe financial difficulty. The Commission's own analysis [89] confirms the contention of commenters on both sides of the CWIP issue that under the proposed rule, qualifying utilities would receive only a minimal increase in cash flow. This would be a wholly inadequate remedy to utilities in severe financial difficulty. The limited nature of the Commission jurisdiction exacerbates this problem. A policy that is reactive to financial difficulty is, therefore, flawed insofar as the available relief will likely be inadequate.

2. *CWIP at a Specified Time Before a Facility is Placed in Service.* An alternative to the mechanical CWIP rule set forth in the Notice is the inclusion in rate base of some or all CWIP at a specified time before the particular facility is placed in service. Several states currently permit the inclusion of CWIP in rate base for projects that are one or two years from being completed. Few commenters directly analyze this approach. Several wholesale customers suggest that this timed inclusion of CWIP in rate base should pertain only to

[88] *See* Montaup Electric Co., Docket No. ER82–325–000, 19 FERC ¶ 61,082 (April 20, 1982).

[89] *See* Environmental Assessment, *supra* at § 4.3.2.

certain types of plants—namely, conservation programs, load management equipment, and transmission plant. An investor-owned utility suggests limited CWIP in rate base to base load generation facilities. The wholesale commenters state that allowing CWIP at a specified time before completion of the facility would increase cash flow late in the construction cycle, when carrying costs and the need for rate relief are greatest. Moreover, this approach is said to ameliorate the sharp increase in rates that typically results under an AFUDC policy when new generation facilities become operable. These commenters state that limiting CWIP in rate base until late in the construction cycle will provide management with an incentive to complete construction projects.

The primary criticism of this approach from investor-owned utilities is that it fails to substantially improve utility cash flow or interest coverage ratios. Although one investor owned utility states that if all CWIP were allowed after the plant was 50 percent completed there would be effective relief, the prevailing view is that the relief afforded would be inadequate.

In the Commission's view, this alternative, while having some of the advantages of the 50 percent rule, is not the best approach. This alternative may lessen but will not prevent potentially steep rate increases similar to those under an AFUDC policy that occur when new plants go on line. With the long lead times on certain types of generating plants, CWIP balances may grow to very high levels before being placed in rate base under this alternative.

3. *Fixed Percentage of CWIP in Rate Base.* The Notice proposed a third distinct method of including CWIP in rate base. This approach would allow all utilities to file to include an amount of CWIP not to exceed a uniform percentage of jurisdictionally-allocated CWIP. There would be no case-by-case determination of financial need, as under both the present rule and other proposed alternatives. This type of CWIP relief would be available to any utility, regardless of financial condition, thereby obviating debate over the appropriate standard for determinating financial difficulty.

Commenters on both sides of the CWIP issue analyze the fixed percentage approach extensively. Investor-owned utilities strongly support placing 100 percent of CWIP in rate base and they appear to contend that any fixed percentage approach will provide greater relief to utilities than other proposals. They also believe that a fixed percentage approach will give the clearest signal of, and regulatory impetus toward, the financial recuperation of utilities.

In response, wholesale customers and retail consumers oppose the inclusion of a uniform amount of CWIP in rate base. Because wholesale customers believe the overall financial condition of the industry to be improving, they view this alternative as unnecessarily costly, particularly with respect to utilities that have adequate cash flow, interest coverage ratios and, in general, a strong financial condition. These commenters state that, because the problems of individual utilities can be traced at least in part to management failures, this approach will only reward ineffective management. These commenters view CWIP in rate base as an extraordinary remedy, the availability of which should be limited. This suggests that only a rule that interposes threshold criteria for CWIP relief would be acceptable. Given this viewpoint, opponents of CWIP do not examine whether a fixed percentage of CWIP under 100 percent would be equitable.

The final rule in this docket adopts a fixed percentage approach that allows any utility to file to include up to 50 percent of all CWIP in rate base in addition to any CWIP related to fuel conversion or pollution control facilities. This formulation has definite advantages for both utilities and ratepayers. A utility will receive a predictable quantum of rate relief over the entire construction period that will likely improve the cash flow, interest coverage, and other financial variables of utilities.

One main consideration supports including a uniform amount of capital investments in rate base. That factor is predictability. A fixed amount of CWIP in rate base provides adequate cash flow in a way that is most valuable to utilities during a construction cycle and in a way that minimizes the potential for repeated litigation of a utility's conformance to threshold standards. It affords utility management a predictable return on current investment and thereby an opportunity to choose construction projects that best serve long-term needs rather than projects that are merely affordable in the near-term because their carrying costs are least oppressive. A fixed percentage of CWIP in rate base, included irrespective of a utility's financial condition, constitutes preventive medicine rather than a curative measure. The overall impact will be an improved outlook for electric supply and reliability. If rate stability and optimal planning for capacity are desired objectives, a fixed percentage of CWIP in rate base has the advantage of carrying forth those objectives with certitude and consistency.

Finally, the Commission chooses the 50 percent approach because it more evenly balances the equities due present and future ratepayers. The final rule requires present ratepayers to be responsible for a portion of a financial burden which traditionally was borne by future ratepayers. Both present and future ratepayers share an interest in continued service reliability. By implementing a 50 percent CWIP policy, the Commission is opting to split this cost responsibility.

4. *Inclusion of CWIP in Rate Base to the Extent Permitted by States.* Under this approach, as presented in the Notice, the inclusion of CWIP in a utility's wholesale rate base would depend upon the CWIP policy of the state regulatory authority that regulates the retail rates of the utility. The objective of such an approach, from the Commission's perspective, would be a uniform treatment of CWIP in the utility's wholesale and retail rates. In those cases where the utility is wholly or predominantly regulated at the federal level, the Commission would independently determine the appropriateness of a request for CWIP rate relief.

Several commenters, including two state regulatory authorities, support this approach because, in their view, it defers to state policies. These commenters state that, at least in those states that allow substantial amounts of CWIP in rate base, this approach would have the advantage of combining federal and state CWIP to achieve a maximum impact. Moreover, this approach eliminates the possibility of price squeeze resulting from differing federal and state CWIP policies,and is claimed to reduce the unfair burden on retail customers that heretofore have been subsidizing wholesale customers.

The Commission has chosen not to adopt this approach for several reasons. The Commission must exercise independent judgment in all matters assigned to it by statute. By deferring to the disparate CWIP policies of the states, the Commission might be viewed as having abdicated its responsibility. The significance and impact of deference to state policy would vary dramatically from state to state. In formulating the new rule, the Commission has neverless considered CWIP approaches employed by the states.

5. *Contributions In Aid of Construction and Capital Certificates.* As alternatives to CWIP in rate base,

several commenters propose the use of either contributions in aid of construction (CIAC) or capital certificates. These alternatives involve ratepayers directly supplying capital to finance utility construction programs rather than compensating utilities for the carrying costs on capital obtained from capital markets as under the CWIP in rate base alternative. Both the CIAC and the capital certificates alternatives involve mandatory loan assessments from ratepayers. The primary difference between CIAC and capital certificates is whether the loans are refunded to ratepayers. The CIAC approach requires that contributions be nonrefundable which is a requirement for obtaining nontaxable status. In contrast, the capital certificates approach requires the issuance of ownership certificates that earn a return and are redeemable at the time the associated plant is placed in service.

Several commenters state that, given favorable tax treatment, the CIAC method could provide utilities with the same amount of dollars during construction as the CWIP in rate base method but CIAC would further lower the long-run cost to ratepayers because of a reduction in utility tax expenses. One state regulatory commission supplies a plan for implementing the CIAC method. This commenter states that the amount assessed against ratepayers could vary to enable utilities to achieve the same cash flow as under a policy of including varying amounts of CWIP in rate base. Capital derived from CIAC would be placed in a restricted account to be used solely for construction and would also have to meet all Internal Revenue Service requirements for nontaxable status. This commenter also presents a numerical example which, it states, shows that the CIAC method would produce lower revenue requirements over the life of a plant than the AFUDC and CWIP methods based on both absolute or present value dollars.

A group of wholesale customers proposes the capital certificates method. One benefit of the capital certificate method is that customers are treated as investors and do not have to remain customers to receive a return on their investment. This is said to resolve the problem of interperiod equity. The certificates would be redeemable when construction on the new facility is completed. The interest rate on the certificates could be based upon the rate the utility is paying other lenders, the prime rate, or some formula. However, this commenter states that purchase of capital certificates by ratepayers should be required only when a utility shows that normal capital market alternatives are unavailable.

Investor-owned utilities state that the CIAC and capital certificates approaches are inappropriate and ineffective as alternatives to CWIP in rate base. They argue that while CIAC is appropriate to finance unique service requirements to specific customers or customer groups, it is not an appropriate mechanism for capital investments that are intended to benefit the system generally. These commenters state that CIAC would not ensure investors and utility management of long-term stability in cash flow since such funds are generally viewed by investors as one-time cash advances from ratepayers.

A group of investor-owned utility commenters state that CIAC is less effective than CWIP in rate base because CIAC only reduces the amount of capital a utility would otherwise obtain from the capital markets. This commenter states that the reduction would affect only a fraction of a utility's construction requirements. Under the CIAC approach, this commenter states that earnings quality would remain poor and external financing needs would continue to erode interest coverage. However, the commenter states that CWIP in rate base is an efficient way of improving interest coverage and quality of earnings.

Several investor-owned utilities argue that the Internal Revenue Service will not grant the contributions nontaxable status. They further argue that the CIAC approach suffers from the same interperiod equity problems as CWIP in rate base.

Several observations can be made with respect to CIAC and capital certificates. In this proceeding, the proposal to use CIAC goes far beyond its historical purpose. For instance, all customers would be required to supply capital as CIAC. Moreover, the assessment of CIAC would be based upon the cost of plant intended to serve the needs of all customers, rather than an individual customer or a defined customer group. These deviations from the conventional use of CIAC bring into question the federal tax treatment that will be accorded capital provided by ratepayers in the form of CIAC. Because tax-exempt status is necessary for CIAC to be less costly than CWIP in rate base, the uncertainty of this issue raises doubts as to the probable outcome were CIAC to be adopted. Moreover, if capital collected through CIAC and capital certificates are not revenues to utilities, there will be no direct changes in either the quality of earnings or interest coverage ratios. This is a significant drawback to the CIAC and capital certificates alternatives. While they may reduce the extent to which a utility must rely on conventional capital markets to obtain capital, these approaches may not improve a utility's ability to access capital markets.

The Commission believes that CIAC and capital certificates are not reasonable alternatives to placing CWIP in rate base. The tax treatment of CIAC, which is crucial to this approach, is unresolved. Moreover, the benefits to the utility industry appear to be far less than under a CWIP approach.

6. *Other Alternatives.* Commenters suggest several additional alternatives to the proposed rule. In particular, several environmental and consumer organizations propose a "soft-paths" approach as an alternative to CWIP in rate base, including enhanced efficiencies through power pooling or brokering, conservation, innovative load management programs, and cogeneration and small power production. These commenters state that the long lead time that creates the financial difficulties experienced by utilities that construct large generation facilities could be avoided through a "soft-paths" program.

Several investor-owned utilities state that utilities are vigorously pursuing conservation and alternative energy programs. However, these commenters argue that these alternatives do not supplant the need for CWIP. The potential for these programs may be vast, but the present realities require continued large scale construction programs. Moreover, one investor-owned utility argues that the financial need of utilities is for immediate aid, which this alternative does not offer.

The Commission is strongly committed to providing a regulatory framework which enables and encourages utilities to pursue "least-cost" energy strategies. In this vein, we applaud the increased efficiencies of power pooling and the development of economical energy resources, including cogeneration and small power production. Moreover, the Commission recognizes the importance of conservation. These are all areas where the Commission intends to continue its efforts wholly apart from the present rule.

Another alternative that wholesale commenters suggest is joint ventures between investor-owned utilities and public and cooperative utilities for constructing and operating large generation facilities. Several wholesale customers state that many successful

joint ventures have already been undertaken, particularly in cases where such development cannot occur without the participation of cooperatives and municipalities. These commenters state that joint ownership would ameliorate the anti-competitive aspects of the buyer-seller relationship in the wholesale power market.

Several investor-owned utilities state that they presently participate in joint ventures in constructing large generation facilities. However, one investor-owned utility criticizes joint ventures as distress sales by utilities which can be ascribed to mounting financial pressures. This commenter argues that such sales to public systems to achieve current solvency adversely impact the future cost of power. Several of these commenters state that, even to the extent joint ventures are feasible, they do not directly address the problems facing the industry today. The Commission need not address this question in the present rule, however. Our regulations neither prohibit nor require the formation of joint ventures in new plant construction.

F. Administrative Law Issues

1. *Environmental Considerations.* Subsection 102(c) of the National Environmental Policy Act of 1969 (NEPA) requires federal agencies to assess the environmental impact of "major Federal actions significantly affecting the quality of the human environment." NEPA requires that an Environmental Impact Statement (EIS) be part of any record of decision for such major Federal actions. An EIS is a detailed analysis of the environmental effects (including socio-economic impacts) of the proposed action and the evaluation of alternatives to the proposed action.

In order to determine the need for an EIS, Federal agencies prepare an Environmental Assessment (EA). An EA is a brief overview of the nature and probable effects of a Federal action. An EA has three principal functions. It aids the agency in determining whether to prepare an EIS. When an EIS is not necessary, it provides the basis for preparation of a Finding of No Significant Impact (FONSI). It also facilitates preparation of an EIS when one is necessary. Incidently, the EA may bring to light technical facts of substantive importance for the underlying decisions.

Several commenters state that the CWIP rulemaking is a major Federal action which requires preparation of an EIS. In order to determine the need for an EIS, an EA was prepared for this final rule.[100] The EA concludes that the final rule is not a major Federal action significantly effecting the quality of the human environment. An EIS is therefore not needed in this rulemaking. The Commission makes a Finding of No Significant Impact below.

2. Regulatory Flexibility Act. The Regulatory Flexibility Act (RFA) requires Federal agencies to consider whether the rule, if promulgated, will have a "significant economic impact on a substantial number of small entities." The Notice of Proposed Rulemaking contained a certification that the proposed rule would not have a significant impact on a substantial number of small entities. Several commenters, including the U.S. Small Business Administration (SBA), contend that the certification is in error and that an Initial Regulatory Flexibility Analysis (IRFA) should be prepared for this rule.

SBA argues that the Commission should have considered the impact of the proposed rule on wholesale and retail customers of the jurisdictional entities subject to rate regulation by the Commission. SBA also argues that because state regulatory authorities may follow the Commission's CWIP policy, this rule will economically affect ultimate retail electric consumers, many of which can be small businesses. SBA suggests that the Commission must prepare an IRFA that analyzes these possible impacts.

Contrary to SBA's assertion, the RFA does not require the Commission to consider the effect of this rule, a federal rate standard, on non-jurisdictional entities whose rates are not subject to the rule. The Commission, therefore, is not under a statutory obligation to study the impact of the CWIP rule upon wholesale or retail customers of any jurisdictional utility or upon other ultimate retail electric consumers. The certification in the NOPR did consider the effect of the proposed rule on jurisdictional utilities. No commenter stated that the analysis was incorrect with respect to these entities.

Second, in disagreement with SBA, several commenters, including two state regulatory authorities, maintain that states will not follow the federal policy. This will significantly limit the national impact of this CWIP rule. The Commission has no other information by which to anticipate the course of action which states may adopt for CWIP.

The final rule will affect the same jurisdictional entities as the proposed rule, although the impact may differ with respect to individual utilities. In the NOPR, the RFA certification stated, in the text and footnotes,[101] as follows:

Since nearly all of the jurisdictional utilities which must comply with the rule proposed here are too large to be considered "small entities,"[a] the Act is not applicable. Further, since the utilities regulated by the Commission hold exclusive selling rights within their service areas and are presumed to be natural monopolies, they dominate their respective fields of operation and, thus, cannot be considered to be "small entities" as that term is defined in the Act.[a]

[a] Currently, 211 entities have rate schedules on file with the Commission. Of these, 184 are Class A or B utilities (having annual electric operating revenues of more than $2,500,000 or $1,000,000 respectively), 20 are other investor-owned utilities, 3 are industrially-owned, two are cooperatives, one is a state agency, and one is a non-profit organization. Thus, only 27 regulated entities complying with this rule have annual electric operating revenues of less than $1,000,000.

[a] Section 601(6) of the Act defines a "small entity" as a small business, a small not-for-profit enterprise, or a small governmental jurisidiction. A "small business" is defined, by reference of Section 3 of the Small Business Act, as an enterprise which is "independently owned and operates [sic] and which is not dominant in its field operation." 15 U.S.C. 632(a) (Supp. 1981).

This analysis holds true for the final rule. The Commission considered the impact of the final rule on all jurisdictional utilities and on wholesale and retail customers and concludes that the impact would not be significant.[102] Based upon the above reasons as well as the reasons stated in the NOPR, the Commission is again certifying that the final rule has no significant economic impact on a substantial number of small entities.

V. Finding of No Significant Impact

The Commission has prepared an Environmental Assessment (EA)[103] to determine the need to prepare an Environmental Impact Statement for the CWIP final rule. Based on the Environmental Assessment, the Commission has determined that the proposed action does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*

---

[100] See Section V, *infra.*

[101] 46 FR 39,453.

[102] *See* Section IV, *supra.*

[103] The Environmental Assessment has been placed in the record of this proceeding and is available in: Office of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426.

No significant adverse impacts associated with implementation of the CWIP rule change are identified in the EA. Anticipated effects of the rule change are summarized below.

1. The rate impact of a 50 percent CWIP policy on wholesale customers would be highest in the early years of the policy change and diminish over time. One study—the EIA study—found that, nationally, the average rate increase to wholesale customers would be 1.10 percent, 2.27 percent, 0.56 percent, and 0.69 percent in 1983, 1985, 1990 and 1995, respectively. This trend would also occur in each of the regions studied although the level of rate impacts would vary. The initial impacts predicted by this study are biased downward. Another study—the FERC study—which evaluated only initial impacts found that the average initial impact would be about a 4.70 percent increase in wholesale rates with a wide variation among utilities. The estimated initial impacts of the FERC study overstate the true impacts. With the six percent ceiling on annual price increases attributable to CWIP during the first two years of the policy change, the average initial price increases predicted by the two studies would be reduced. With the six percent ceiling, the average price increase predicted by the FERC study would fall to 3.57 percent.

2. It is estimated that nationwide only one in 13 retail utility customers—households, commercial, and industrial establishments—would be affected by the Commission's rule change. Only one in 77 would experience an initial rate increase at about the six percent ceiling level. The proportion of retail customers affected would vary regionally. The impact on the retail customers of total and partial-requirement wholesale customers would be different. The retail customers of total-requirement wholesale customers would experience impacts roughly comparable to those of the wholesale customers. In comparison, the retail customers of partial-requirement wholesale customers would experience a lesser impact. The actual impacts on the different classes of retail customers also depend upon the procedures used by state and local authorities for passing on wholesale rate changes to retail customers.

3. In general, the financial condition of the FERC-jurisdictional portion of utilities would be measurably improved by a 50 percent CWIP policy. At the national level, the EIA study shows that internal cash flow would improve by an average of 5.38 percent, 9.69 percent, 4.18 percent and 4.32 percent in 1983, 1985, 1990 and 1995, respectively. The FERC study shows an even more positive initial impact, *i.e.*, an averge increase of 13.08 percent. As indicated above, the initial impacts predicted by the EIA study understate the true impacts while the FERC study overstates the initial impacts. There would be corresponding improvements in interest coverage ratios and internal cash flow as a percent of construction expenditures. As with the price impacts, these impacts would vary widely among individual utilities and regions, depending upon the level of construction activity and its relation to rate base. The total company impacts would vary depending on the ratio of FERC-jurisdictional sales to total sales and to the extent that state and local commissions follow the FERC's CWIP policy.

4. Allowing CWIP in rate base would produce savings in financial costs to utilities although the magnitude of such savings is uncertain. Such savings would occur either through reductions in the costs of debt and equity capital or through increased flexibility in timing and choice of security issuances.

5. The Commission's final rule would affect utility investment decisions and fuel choices, although this impact would be small on an industrywide basis. This impact would vary among utilities in relation to the percentage of their sales regulated by the Commission. If the Commission allowed 100 percent of jurisdictional CWIP in rate base and state commissions did not change their policies accordingly, only coal and turbine plant additions would be affected and to a relatively minor degree. If, on the other hand, the Commission allowed 50 percent of jurisdictional CWIP in rate base and state commissions followed the Commission's precedent such that utilities averaged inclusion of 50 percent of all of their CWIP in rate base (jurisdictional and nonjurisdictional), there would also be minor changes in oil-steam, gas-steam, and hydro plant addition categories. With regard to fuel choices, reductions in demand brought about by higher prices would generally reduce oil, gas, and coal consumption initially. Changes in fuel choice in later years would depend critically upon the relative prices of these fuels.

6. Probable environmental impacts resulting from plant, fuel, and demand changes in response to the CWIP rule implementation would be negligible but predominantly beneficial, and would primarily result from a general decrease in demand and cut back in coal utilization in most regions. Environmental changes would not be detectable at a national level of analysis but could be at the regional or local level.

7. The major socioeconomic impact of the FERC's final rule on CWIP would be the initial rise in the cost of electricity and thus the greater proportion of budgets allocated to electricity by those retail customers of utilities which purchase some or all of their electric power at wholesale—about one in 13 retail consumers of electricity. The socioeconomic impacts on these consumers at the average national and regional levels would be minor in terms of percent increases in rates, *i.e.*, average national, regional, and individual utility rate increases would generally be less than five percent. Only about one-sixth of the affected retail customers—one in 77 retail customers nationally—would experience the six percent ceiling on initial rate increases (assuming all jurisdictional utilities applied for and received the maximum CWIP allowance under the final rule). Socioeconomic impacts would be unequally distributed among and within customer classes and regions. A small number of households and businesses could be adversely affected, but overall regional and national effects would be insignificant.

8. The impacts of a wide range of alternatives to the 50 percent CWIP rule were considered in this study. The impacts of alternatives considered varied both qualitatively and quantitatively from those of the 50 percent CWIP case.

VI. Regulatory Flexibility Act Certification

For the reasons set forth above in Section IV.F.2. of this preamble, the Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act of 1980, that this final rule will not have a significant economic impact on a substantial number of small entities.

VII. Summary of the Rule and Information Regarding Implementation

Under the new rule, § 2.16 is deleted from the regulations and a new § 35.26, entitled "Construction Work in Progress" is inserted. Under § 35.26, utilities may continue to file to include in rate base any CWIP costs incurred for pollution control facilities and fuel conversion facilities. The new rule makes no change in Commission practice in this regard. In addition, the new rule provides that a utility may file to include in rate base up to 50 percent of all CWIP in excess of that actually included in rat base as pollution co..trol

or fuel conversion facilities, regardless of the utility's financial condition. Any CWIP that is or may be properly included in Accounts 107 or 120.1, including construction expenditures and any AFUDC already recorded by the utility, is eligible for rate base in accordance with the new rule.

Paragraph 35.26(a) specifies that the rule will apply to any rate schedules filed by any public utility, as defined in subsection 201(e) of the Federal Power Act. No utility may include CWIP in rate base unless a request is made under this section.

Paragraph 35.26(b) sets forth the definition for the term "CWIP." CWIP includes both the expenditures in the construction project and accrued AFUDC (Account 107). Moreover, CWIP includes investment in nuclear fuel in process of refinement, conversion, enrichment, and fabrication and all accrued AFUDC (Account 120.1). This paragraph also defines "pollution control facility" and "fuel conversion facility."

Paragraph 35.26(c) sets out the general rule. The general rule provides that CWIP may be included in rate base in any initial rate schedule or any rate schedule change filed under § 35.12 or § 35.13. Under subparagraph (c)(1), the Commission retains the existing treatment of CWIP for pollution control facilities by allowing the inclusion of such CWIP in rate base. The description of pollution control facilities has been revised to reflect changes in the language in the Internal Revenue Service laws, 26 U.S.C. 169, and the Commission's Form No. 1. Under subparagraph (c)(2), the existing rule allowing inclusion of CWIP for fuel conversion facilities is retained.

Subparagraph (c)(3) sets forth the new rule allowing utilities to include in rate base not more than 50 percent of any CWIP allocable to electric power sales for resale which is not otherwise included in rate base under subparagraphs (c) (1) and (2) of the new § 35.26.[104] This is intended to permit the inclusion of 50 percent of the 13-month average balance [105] of CWIP in addition to CWIP already included in rate base for pollution control or fuel conversion facilities.

Paragraph 35.26(d) limits the amount of CWIP allowed in rate base under subparagraph (c)(3) in the first two years after the effective date of the rule. The limitation applies to requests for rate schedule changes filed under § 35.13, but not to initial rate schedules filed under § 35.12. Although the Commission recognizes that a utility may file a rate schedule change at any time, if a utility proposes to include CWIP (other than for pollution control and fuel conversion facilities in rate base), there are two conditions which must occur for such a filing to be acceptable insofar as CWIP is concerned.

First, any individual rate filing must not propose more than a six percent CWIP-related rate increase pursuant to § 35.26(c)(3). This increase will be measured in terms of the total wholesale revenues of the utility rather than by reference to individual customers or customer classes.[106] Second, any prior rate schedule that included CWIP under subparagraph (c)(3) of this section must be in effect for not less than 10 months.[107] This provision is intended to restaict rate increases directly related to CWIP in rate base to six percent in the first year of the rule and 12 percent over the first two years. In the third year, a utility may include any amount of CWIP consistent with the other provisions of rule.[108]

Paragraph 35.26(e) implements the Commission's determination to permit the allowable CWIP expenses to be collected beginning when the general rate becomes effective, whether or not the rates are subject to refund.

Paragraph 35.26(f) continues, in substance, the present Commission rules regarding the books of account by requiring a utility including CWIP in rate base to discontinue the capitalization of any allowance for funds used during construction (AFUDC).

Paragraph (g) requires utilities to propose accounting procedures as part of rate filings in Statement AO, which include CWIP in rate base, to ensure that wholesale customers will not be charged for both capitalized AFUDC and a corresponding return on CWIP in rate base and that wholesale customers will not be charged for any corresponding AFUDC capitalized as a result of differing accounting or ratemaking treatments accorded to CWIP by state or local regulatory authorities. The accounting procedures proposed by the utility should include a consideration of any adjustments that are necessary to reflect a lack of coincidence between proposed and actual effective dates for CWIP-based rates and monthly differences between test period and actual CWIP balances.[109]

---

[104] The inclusion of CWIP in rate base may eliminate some timing differences associated with interest expense and, therefore, income tax allowable for ratemaking may be affected.

[105] The Commission expects that for purposes of determining the amount of CWIP includable in test period rate base, utilities will use the traditional rule of the 13 monthly average balances, meaning the beginning and end of each month in the test period. *See* Louisiana Power & Light Co., Opinion No. 110 (Docket No. ER77–533) 14 FERC ¶ 61,075 (1981).

[106] The rule requires utilities to derive revenue requirements both with and without CWIP in rate base. The aggregate CWIP-based revenue requirements and attendant revenue levels will be compared to the aggregate annualized revenue level of the superseded rates.

[107] A utility that has requested CWIP in rate base under § 2.16 is not precluded by the initial 10-month limitation under subparagraph (d) of this rule from first filing for CWIP in rate base as it wishes following the effective date of the rule. However, under the new rule, once such a utility has requested CWIP in rate base for any rate filing, the limitation in subparagraph (d) will apply according to its terms.

[108] In order to enable the Commission to measure CWIP in rate base in those cases in which the rate is settled and made effective in terms only of agreed-upon dollar amounts, without reference to the amount of CWIP rate base, the Commission will presume the rate to be based upon CWIP if, and to the extent that, the utility's rate schedule filing requests CWIP under subparagraph (c)(3) of this section.

[109] In order to ensure the appropriate discontinuance of AFUDC capitalization, the Commission instructs any utility that requests CWIP in rate base under this rule as follows:

1. The average amount of CWIP requested in rate base in the utility's rate filing should be excluded from construction balances for purposes of calculating book AFUDC accruals, beginning on the effective date of the new rates, except to the extent that the stipulation of the parties or the Commission's order provide for a different amount of CWIP in rate base. This will ensure that in settled cases, a utility's rates will be presumed to include CWIP in rate base to the extent requested in its rate filing, except as noted above.

2. In calculating the AFUDC rates used for book purposes under the Uniform System of Accounts (Electric Plant Instructions, Instruction 3(17)), the average jurisdictional amount of CWIP and nuclear fuel in process of refinement, conversion, enrichment, and fabrication requested in the utility's rate filing for rate base treatment must be excluded from the "W" component of the AFUDC formula beginning on the effective date of the new rates, except to the extent that the stipulation of the parties or the Commission's order provide for a different amount of CWIP in rate base.

3. For purposes of calculating rate base, the accrual of AFUDC on CWIP balances added to test period rate base must cease on the proposed effective date of the new rates.

4. The Commission makes the following observations with respect to the question of how timing differences between the test period and the effective date of CWIP-based rates ought to be handled by utilities. As previously described, CWIP-based rates may become effective before, after, or at any time during the test period. The rule therefore requires utilities to provide accounting procedures to ensure that wholesale customers will not be charged for both capitalized AFUDC and corresponding amounts of CWIP proposed to be included in rate base. While the actual level of CWIP will change over time, the average level of CWIP included in rate base remains unchanged until a new rate change becomes effective. Because of this, the amount of CWIP placed in rate base may exceed the actual balance of CWIP at the time of filing or when the test year begins. This phenomenon may occur, for example, if a construction program is just beginning, if costs are anticipated to rise in the immediate future, or if the

Finally, conforming changes are made to § 35.13 which govern cost of service statements filed in conjunction with changes in rate schedules. The rule amends certain statements in existing § 35.13(h) to reflect the fact that utilities will now be able to include in rate base CWIP amounts, in addition to those for pollution control and fuel conversion facilities. Subparagraph (h)(7) is revised to additionally require functionalization of facilities including by indicating whether particular facilities are dedicated to a particular customer or group of customers, such as unit sales transactions.

A new subparagraph (h)(38)—Statement BM Construction Program Statement—is added which requires utilities that file to include CWIP in rate base under subparagraph (c)(3) to file information useful in evaluating the need for power and the alternative methods of meeting that need. Any rate filing which includes CWIP under § 35.26(c)(3) must include statement BM. The new Statement BM requires a utility to describe its long-range program for providing reliable and economic power, to include an assessment of the relative costs of adopting alternative strategies and an explanation of why the program adopted is prudent and consistent with a least-cost energy supply program. This information will assist the Commission in evaluating prudence, including the extent to which utilities seeking rate base treatment of CWIP are utilizing least-cost strategies.

VIII. Effective Date

This final rule is effective July 1, 1983. Pursuant to the Paperwork Reduction Act of 1980, 44 U.S.C. 35 the information collection requirements of this rule have been transmitted to and cleared by the Office of Management and Budget under the existing OMB Control No. 1902–0096.

(Federal Power Act, 16 U.S.C. 791–828c; Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. No. 12009, 3 CFR 142 (1978))

List of Subjects

18 CFR Part 35

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

18 CFR Part 2

Administrative practice and procedure, Electric power.

In consideration of the foregoing, the Commission amends Chapter I, Title 18 of the Code of Federal Regulations, as set forth below, effective 30 days after publication in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 35—FILING OF RATE SCHEDULES

1. Part 35 is amended in the Table of Contents by adding at the end of Subpart C a new § 35.26, to read as follows:

* * * * *

Subpart C—Other Filing Requirements

* * * * *

Sec.

35.26 Construction work in progress.

* * * * *

2. Part 35 is amended by adding a new § 35.26, to read as follows:

§ 35.26 Construction work in progress.

(a) *Applicability.* This section applies to any rate schedule filed under this part by any public utility, as defined in subsection 201(e) of the Federal Power Act.

(b) *Definitions.* For purposes of this section—

(1) "Construction work in progress" or "CWIP" means any expenditure for public utility plant in process of construction that is properly included in Accounts 107 (construction work in progress) and 120.1 (nuclear fuel in process of refinement, conversion, enrichment, and fabrication) of Part 101 of this chapter, the Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class A and Class B).

(2) "Pollution control facility" means an identifiable structure or portions of a structure that is designed to reduce the amount of pollution produced by the power plant, but does not include any facility that reduces pollution by substituting a different method of generation or that generates the additional power necessitated by the operation of a pollution control facility.

(3) "Fuel conversion facility" means any addition to public utility plant that enables a natural gas-burning plant to convert to the use of other fuels, or that enables an oil-burning plant to convert to fuels other than natural gas. Such facilities include those that alter internal plant workings, such as oil or coal burners, soot blowers, bottom ash removal systems and concomitant air pollution control facilities, and any facility needed for receiving and storing the fuel to which the plant is being converted, which facility would not be necessary if the plant continued to burn gas or oil.

(c) *General rule.* For purposes of any initial rate schedule or any rate schedule change filed under § 35.12 or § 35.13 of this part, a public utility may include in its rate base any costs of construction work in progress (CWIP), including allowance for funds used during construction (AFUDC), as provided in this section.

(1) *Pollution control facilities.* (i) Any CWIP for pollution control facilities allocable to electric power sales for resale may be included in the rate base of the public utility.

(ii) In determining whether a facility is a pollution control facility for purposes of this section, the Commission will consider:

(A) Whether such facility is the type facility described in the Internal Revenue Service laws, 26 U.S.C. 169(d)(1), as follows: "a new identifiable treatment facility which is used * * * to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, storing, or preventing the creation or emission of pollutants, contaminants, wastes or heat";

(B) Whether such facility has been certified by a local, state, or federal agency as being in conformity with, or required by, a program of pollution control;

(C) Whether such facility is the type facility described in the schedule of "Environmental Protection Facilities," sections 4(A) through 4(D), page 428, FERC Form No. 1, Annual Report of Electric Utilities, Licensees and Others (Class A and Class B) (Revised 12–81); and

(D) Other evidence showing that such facilities are for pollution control.

(2) *Fuel conversion facilities.* Any CWIP for fuel conversion facilities allocable to electric power sales for resale may be included in the rate base of the public utility.

(3) *Other CWIP.* Not more than 50 percent of any CWIP allocable to electric power sales for resale not otherwise included in rate base under paragraphs (c)(1) and (2) of this section, may be included in the rate base of the public utility.

(d) *Initial limitation.* (1) *Limit.* Beginning on July 1, 1983 and ending on July 1, 1985, a public utility may file to include CWIP in rate base under paragraph (c)(3) of this section only if:

(i) Any increase in the utility's test period aggregate wholesale revenues that is directly attributable to CWIP included in the filed rates in accordance with subparagraph (c)(3) of this section is not more than six percent of the test

---

proposed effective date is prior to the test period upon which the rate filing is based. In these cases, a utility will record a negative AFUDC to ensure a proper charging of costs to ratepayers.

period aggregate wholesale revenues under the rate schedules to be superseded; and

(ii) The susperseded rate schedules, if based in part on CWIP included in rate base under paragraph (c)(3) of this section, has been effective for not less than 10 months.

(2) *Filing.* For purposes of determining the size of any rate increase attributable to CWIP proposed to be included in rate base under paragraph (c)(3), a public utility must derive and adequately support, in Statement BK under paragraph (h)(36) of this section, aggregate jurisdictional revenue requirements both with and without such CWIP in wholesale rate base.

(3) *Initial rates.* The limitation in this paragraph does not apply to initial rate schedules filed under § 35.12.

(e) *Effective date.* If a public utility proposes in its filed rates to include CWIP in rate base under this section, that portion of the rate related to CWIP is collectable at the time the general rate becomes effective pursuant to Commission order, whether or not subject to refund.

(f) *Discontinuance of AFUDC.* On the date that any proposed rate that includes CWIP in rate base becomes effective, the public utility must discontinue the capitalization of any AFUDC related to those amounts of CWIP in rate base.

(g) *Accounting Procedures.* At the time that a public utility files to include CWIP in rate base pursuant to this section, it must propose accounting procedures in that rate schedule filing that:

(1) Ensure that wholesale customers will not be charged for both capitalized AFUDC and corresponding amounts of CWIP proposed to be included in rate base; and

(2) Ensure that wholesale customers will not be charged for any corresponding AFUDC capitalized as a result of different accounting or ratemaking treatments accorded CWIP by state or local regulatory authorities.

3. In § 35.13, the Table of Contents is amended by adding at the end a new Statement BM, to read as follows:

§ 35.13 Filing changes in rate schedules.

Contents

* * * * *

(38) Statement BM—Construction program statement.

* * * * *

4. Section 35.13 is amended by revising paragraphs (h)(7)(ii) and (h)(13), to read as follows:

§ 35.13 Filing of changes in rate schedules.

* * * * *

(h) *Cost of service statements.* * * *

(7) *Statement AG—Specified plant accounts (other than plant in service) and deferred debits.* * * *

(ii) The utility shall state the electric utility component balances in Accounts 107 and 120.1, individually and in total, for each item of construction work in progress for pollution control facilities, fuel conversion facilities, or any other facilities that qualify for inclusion in rate base under § 35.26. The utility shall state such balances for each major functional and subfunctional classification under Statement AD as of the beginning of the first month and the end of each month of Period I and Period II with an average of the 13 balances for each period.

* * * * *

(13) *Statement AM—Construction work in progress.* Statement AM is a statement of the amount of construction work in progress described according to functional classification for Period I and Period II. For production plant and transmission plant, the utility shall state the balances as of the beginning of the first month and the end of each month of both Period I and Period II, with an average of the 13 balances for each period. For each function of plant identified in Statement AD other than production or transmission, the utility shall state the balances as of the beginning and the end of both Period I and Period II, with an average of the beginning and end balances for each period. If any Period I or Period II balance is not available, the utility shall include monthly estimates and an explanation of the relevant circumstances. Pollution control facilities, fuel conversion facilities, or other construction amounts reported in Statement AG shall be excluded from amounts reported in this Statement.

* * * * *

5. In § 35.13, the references to Statement BL that appear in paragraphs (d) (1), (2), and (4) and (e)(1) (i), (ii), and (iii) and in the introductory clause in paragraph (h) are replaced by reference to Statement BM.

6. In § 35.13, paragraph (a)(2)(i) introductory text is revised to read as follows:

§ 35.13 Filing of changes in rate schedules.

* * * * *

(a) *General rule.* * * *

(2) *Abbreviated filing requirements.*

(i) *For certain rate increases.* Any utility that files a rate schedule change that provides for a rate increase may submit with its filing only the information required in paragraphs (b), (c), and (h)(37) of this section and in § 35.12(b)(2) and (5) of this part and, for any rate increase decribed in clause (B) of this subparagraph, the information required in paragraph (h)(38) of this section, in accordance with paragraph (g) of this section, if the rate increase is:

* * * * *

7. Section 35.13 is amended by adding a new paragraph (h)(38), to read as follows:

§ 35.13 Filing of changes in rate schedules.

* * * * *

(h) *Cost of service statement.* * * *

(38) *Statement BM—Construction program statement.* Statement BM is a summary of data and supporting assumptions relating to the economics of any construction program to replace or expand the utility's power supply that shall be filed if the utility is filing for construction work in progress in rate base under § 35.26(c)(3) of this chapter. The filing utility shall describe generally its program for providing reliable and economic power for the period beginning with the date of the filing and ending with the tenth year after the test period. The statement shall include an assessment of the relative costs of adopting alternative strategies including an analysis of alternative production plant, *e.g.*, cogeneration, small power production, heightened load management and conservation efforts, additions to transmission plant or increased purchases of power, and an explanation of why the program adopted is prudent and consistent with a least-cost energy supply program.

§ 2.16 [Removed]

8. Section 2.16 is removed.

Statement of C. M. Butler III, Chairman in Response to "Motion Requesting Recusal" in Docket No. RM81-36, Construction Work in Progress for Public Utilities

After careful review of the arguments presented, I have concluded that grounds do not exist for me to recuse myself or be disqualified from the CWIP rulemaking. This conclusion is supported by a memorandum of the FERC General Counsel advising that my statements, about which movants complain, do not require my recusal or disqualification. That memorandum is attached as Appendix A.

Before addressing the merits of the recusal motion, however, I would like to dwell briefly on the matter of procedures for handling such motions. I feel some responsibility to do so because when the motion was filed, I was asked for a reactive statement. In that statement I indicated that the matter would be put to my colleagues for a decision with my abstention. While that seemed an

appropriate way in which to dispose of the matter,[1] I have since been advised that at least one Commissioner feels strongly against putting the matter to a vote. It is feared that the precedent could lead to unnecessary division among the Commissioners should more difficult questions of recusal arise in the future. Upon reflection I agree. The prospect of such division among the Commissioners would probably outweigh the value of the procedure. The procedure which I have adopted might be criticized as unfair if there were no appeal from my decision. Obviously, however, if the participants in this proceeding are disappointed in my resolution of the matter, they will have the opportunity to raise their arguments in the Court of Appeals should they be aggrieved by the Commission's final order in this case.[2] This procedure basically follows the judicial model, and I expect it will be followed in the future.

The General Counsel's opinion deals at length with the merits of the arguments advanced in support of my recusal. I do not intend to repeat them here. However, I wish to add a few words of my own in connection with the matter. The ground for recusal proffered in the motion is prejudgment of issues in a pending rulemaking. Despite the existence of a relatively rich trove of legal scholarship on the general subject, there appears among practitioners before the Commission, members of the Commission staff, and, indeed, members of the House and Senate and their staffs, considerable confusion over the questions of what is at stake in such matters and how to systematically analyze the factual context when a motion for recusal or disqualification is filed against a decisionmaker in an administrative rulemaking.

Rulemaking typically requires the decisionmaker to choose between competing priorities in proposing rules. That responsibility suggests a general duty to acquire knowledge and perspective as to matters about which he or she is to act. Such matters are frequently, if not universally, controversial.[3] Simply stated, ordinary rulemaking is impossible without *some* prejudgments by the rulemaker: Among other things, a rulemaker must form a preliminary view if he is to make rational allocations of resources (*i.e.*, establish priorities) among competing candidates for rulemaking.[4] In Judge Leventhal's words, "One cannot even conceive of an agency conducting a rulemaking proceeding unless it had delved into the subject sufficiently to become concerned that there was an evil or abuse that required regulatory response."[5]

Thus, the law is clear that not all prejudgments subject quasi-legislative decisionmakers to disqualification. Such distinctions are familiar in the law, and the real question is *what kinds of prejudgments necessitate recusal.* The strictest legal standard is as follows: A decisionmaker must recuse himself if he has an irrevocably closed mind about an issue of adjudicative fact material to the decision in a matter pending before him. *FTC v. Cement Institute,* 333 U.S. 683 (1948).[6] The *Cement Institute* case was decided in the context of an adjudication. It is generally accepted that a stricter standard should apply to a decisionmaker acting in a quasi-judicial matter (adjudication), than to one acting in a quasi-legislative matter.[7] The rationale is simple. Fundamental notions of fairness require openmindedness about issues specifically provable and subject to meaningful cross-examination. In contrast, issues of predictive or judgmental fact (quasi-legislative issues) are decided in the context of experience, general philosophy, and the like; and it is virtually impossible for such facts to be decided with a complete *tabula rasa.* In that sense, the quasi-legislative decision is similar to judgments about constitutional policy or law.[8] Thus, the analogous model is not the judge, but the lawmaker. The question that is accordingly presented is when, *if ever,* is a legislator required to disqualify himself from a matter; and to what extent do those rules of conduct apply to the quasi-legislator?

Perhaps unfortunately, this question need not be reached,[9] because even when the strictest standard—that applicable to quasi-judicial decisionmaking—is applied to the remarks of which movants complain, the standard is not satisfied. When those remarks are read *in the context in which they were presented,* they clearly are *not* reflective of an unalterably closed mind.[10]

I wish also to make a general observation. I subscribe strongly to the view that agency decisionmakers should openly discuss *policy* issues pending before them in order to inform interested persons, to the greatest extent possible, of their *policy* views. To do so tends to maximize, if not optimize, the opportunity for debate of the issues and for feedback to the decisionmaker. The consequence is movement in the direction of better shaping of issues and higher quality of input, hopefully leading to better reasoned and articulated agency decisions. In addition, that approach is consistent with the spirit of much recent legislation designed to bring government into the sunshine. In contrast, a liberal policy of disqualification would have a chilling effect on the public's opportunity to learn the nature and extent of an agency's concerns about important issues of public policy, and would tend to discourage debate of the issues. The public's ability to understand and participate meaningfully in the agency's decisional process, and predictably the quality of the agency's decisions, would be to a significant extend diminished.

Next, I would like to address some of my specific concerns with the Motion Requesting Recusal. First, the motion's discussion of the law is characterized by such an absence of legal scholarship as to be of concern.[11] Second, the mischaracterizations of parts of the speech through omission of material parts of it are plausibly knowingly false.[12] That raises substantial questions under the Code of Professional Responsibility.[13] Finally, at

---

[1] *See, e.g.,* Area Rate Proceeding (Permian Basin Area), 33 FPC 43 (1965).

[2] *See* Association of Nat'l Advertisers, Inc. v. FTC, 627 F.2d 1151 (D.C. Cir. 1979), *cert. denied,* 447 U.S. 921, (1980) (concurring opinion of Leventhal, J.) (The Court of Appeals has jurisdiction of the issue and should hear it with the merits of the case). *Cf.* Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368 (1981).

[3] *See generally* Strauss, *Disqualification of Decisional Officials in Rulemaking,* 80 COL. L. REV. 990 (1980) (*Strauss*).

[4] *Cf.* Laird v. Tatum, 409 U.S. 824, 835 (1972), where Justice Rehnquist made an analogous observation about federal judges:

> Since most Justices come to this bench no earlier than their middle years, it would be unusual if they had not by that time formulated at least some tentative notions that would influence them in their interpretation of the sweeping clauses of the Constitution and their interaction with one another. It would be not merely unusual, but extraordinary, if they had not at least given opinions as to constitutional issues in their previous legal careers. Proof that a Justice's mind at the time he joined the Court was a complete *tabula rasa* in the area of constitutional adjudication would be evidence of lack of qualification, not lack of bias.

[5] Association of Nat'l Advertisers, Inc. v. FTC, *supra* n.2, at 1174.

[6] *Accord, id.;* United Steel Workers of America v. Marshall, 647 F.2d 1189, *cert. denied,* 101 S. Ct. 3148 (1981).

[7] *See generally Strauss, supra,* n.3.

[8] Laird v. Tatum, *supra,* n.4. *See also* D. DAVIS, ADMINISTRATIVE LAW TREATISE § 19:3 (2d ed. 1980); *Strauss* at 1016–17. I do not suggest that regulatory officials should not have an open mind about *all* issues in a pending matter, even the state of the law. I merely make the inescapable observation that it would be impossible, and in fact undesirable if possible, to ignore one's experience in deciding cases.

[9] *But see* ACUS Recommendation No. 80–4, 1 CFR § 305.80–4 (Decisional Officials' Participation in Rulemaking Proceedings).

[10] *Cf.* United Steel Workers of America v. Marshall, *supra,* n.8. In this connection, I choose to deal with the facts as they are presented as objectively as I can. Although *I know* my mind is open about *all* issues in this proceeding, to rest this decision there seems inadvisable because my claim will predictably be dismissed as self-serving.

[11] For example, no distinction is drawn between prejudgments of issues of specific fact and policy, legal, and legislative fact issues. *See, e.g.,* FTC v. Cement Institute; *Strauss.* Furthermore, there is *no* reference to the reasonably abundant judicial literature and commentary on the issues raised in general. *E.g., Strauss.* Nor is there any reference to the recommendations of the Administrative Conference of the United States on the matter. 1 CFR 305.80–4 (Decisional Officials's Participation in Rulemaking Proceedings) (disqualification as inappropriate "* * * for factual judgments that are the consequence of earlier stages of the proceeding, or for prejudgments of policy." *Id.* § 305–80–4(C.1.). How does that square with the following ethical consideration?

> Where a lawyer knows of legal authority in the controlling jurisdiction directly adverse to the position of his client, he should inform the tribunal of its existence unless his adversary has done so; but, having made such disclosure, he may challenge its soundness in whole or in part.

D.C. CODE OF PROF. RESP., EC 7–23 (ABA 1978) (*Code*) (Footnote omitted). It strains credulity that of the lawyers signing the motion, none knew of the rich body of law and commentary on the matter, or, even worse, that in the exercise of ordinary care as lawyers could not find it. In this connection, the contrast between the opinion letter of the General Counsel and the motion is stark, indeed.

[12] *Cf.* RESTATEMENT (SECOND) OF TORTS §§ 526–30 (1977) (Title A. Fraudulent Character of Misrepresentation).

[13] *See Code,* DR7–102(A)(5): "In his representation of a client, a lawyer shall not knowingly make a false statement of law or fact." This disciplinary

least one of the allegations of the movants is disingenuous on its face. It is claimed that rejection of the presumption against allowing CWIP in rate base is a forbidden prejudgment. How is the rejection of a prejudgment itself a forbidden prejudgment? It seemed to me at the time more an expression of agnosticism about the issue, to plagiarize from a former colleague. In sum, I believe that the credibility of the motion itself is a matter for careful scrutiny should this aspect of our rulemaking in Docket No. RM81-38 be reviewed by the Courts of Appeal.

C. M. Butler III.

Appendix A

March 10, 1982.

Memorandum To: Chairman Butler
From: Charles A. Moore, General Counsel
Subject: Request for Recusal in Docket No. RM81-38, Construction Work in Progress for Public Utilities

You requested my views on whether you must withdraw from consideration of Docket No. RM81-38, Construction Work In Progress for Public Utilities (CWIP), because of expressions in a speech delivered at "A Seminar on Utility Finances" sponsored by the U.S. National Committee, World Energy Conference and Edison Electric Institute. In my opinion, recusal is not necessary.

RM81-38 is a proposal to include, under certain circumstances, the costs of CWIP in the rate base of electric utilities. The proposed rule, published in an NOPR in July 1981, would establish more precise criteria for determining whether a utility qualifies for inclusion of CWIP in the rate base and for assessing the amount of CWIP that a qualifying utility may include. It would establish specific grounds upon which the Commission may limit the amount of CWIP that would otherwise be included and would permit a utility on a claim of severe financial difficulty to collect CWIP subject to refund (NOPR, p. 2). The NOPR also invited the public to submit alternative proposals, supported by empirical data or other substantial evidence. (NOPR, p. 35).

The speech was delivered on October 27, 1981, before comments were due in RM81-38 or oral hearings were held.[1] The speech discussed the overall financial health of the electric utility industry and various policy options to address the industry's financial problems. The options fell into two broad categories: deregulation and improved regulation. The CWIP rulemaking was discussed as a target for improved regulation.

The American Public Power Association (APPA) requested that you withdraw from consideration of RM81-38 because "it appears that Chairman Butler already has prejudged two of the fundamental issues in this case—intergenerational inequities and the presumption against inclusion of CWIP [in the rate base]" (motion, p. 6). APPA cited the following remarks as evidence that you summarily dismissed other views, failed to recognize alternatives and have " 'an unalterably closed mind' on this issue" (*Id.*, footnote omitted):

'I shall *accept* . . . that the electric utility industry is, indeed, in poor financial shape. I shall also *disregard* the claims . . . that the financial condition of the utilities is improving' (emphasis in APPA, motion, p. 5).

'. . . there seems to me to be little merit to arguments about intergenerational inequities' (motion, p. 6).

'I disagree with the staff position—contained in our notice of proposed rulemaking—that there should be a presumption against the inclusion of CWIP in rate base' (motion, p. 6).

'There appears to be three reasons why . . . CWIP might be . . . desirable . . . 'Those reasons were: adequately compensating the company for lack of receipt of cash earnings, receiving revenues if a generating project fails or does not go on line, and meeting the capital market's preference for cash income (motion, p. 6).

Parties to an administrative proceeding have the right to a fair hearing before an impartial decisionmaker. *Joint School District No. 1* v. *Hortonville Education Association*, 426 U.S. 482, 493 (1976). But "impartial, . . . does not mean uninformed, unthinking or inarticulate," *Association of National Advertisers, Inc.* v. *FTC*, 627 F.2d 1151, 1174 (D.C. Cir. 1979), *cert. den.*, 447 U.S. 921 (1980). The requirements of due process recognize the necessity for rulemakers to formulate policy in a manner similar to legislative action and to delve into a subject sufficiently before initiating a rulemaking proceeding to conclude tentatively that some agency action is needed (*Id.*).

Because the object of rulemaking is the implementation of law or policy for the future, an agency member functions very much like a legislator when participating in rulemaking proceedings. *Action For Children's Television* v. *FCC*, 564 F.2d 458, 471 (D.C. Cir. 1977). The factual components of such decisions often cannot be separated from their policy foundations. *American Airlines, Inc.* v. *CAB*, 359 F.2d 624, 633 (D.C. Cir. 1966), *cert. den.*, 385 U.S. 843 (1966). Disqualification of a Commissioner in a rulemaking proceeding, therefore, has a serious policy effect which does not come into play when disqualification is in an adjudicatory setting.

For judges put aside personal views on the desirability of a law or program when adjudicating specific rights of specific parties.[2]

In agency rulemaking, on the other hand, the administrator is expected to bring his views, policies and insights to bear on the issues confronting the agency. *Sierra Club* v. *Costle*, 657 F.2d 298, 400-01 (D.C. Cir. 1981). The administrator's view, in turn, will continue to be reshaped through contact with the public (id.).[3] Disqualification of a Commissioner in a rulemaking proceeding is required "only when there has been a clear and convincing showing that an agency member has an unalterably closed mind on matters critical to the disposition of the rulemaking." *Association of National Advertisers, Inc. v. FTC, supra*, 627 F.2d at 1154.[4] In applying this standard, the

---

rule raises similar questions in connection with movants' representations as to the state of the law. *Cf. id.* EC 7-28: "A lawyer should . . . present any admissible evidence . . . unless he knows, or from facts within his knowledge should know, that such testimony or evidence is false . . ." *id.* Legal Ethics Committee Opinion No. 70: "[A] lawyer may not ethically participate in the preparation of testimony that he or she knows, or ought to know, is false *or misleading*." (Emphasis added.)

[1] Initial comments were due on October 30 and oral hearings were held on December 7 and 8.

[2] But even judges need not disqualify themselves from cases involving points of law with respect to which they previously had expressed an opinion. *Laird* v. *Tatum*, 409 U.S. 824, 831 (1972), memorandum of Rehnquist, J.

Generally, under 28 U.S.C. 455(a), a federal judge is required to disqualify himself where his "impartiality might reasonably be questioned." But lack of impartiality is measured by an objective standard of reasonableness. A Federal judge has a clear obligation not to recuse himself without a valid reason. *Simonson* v. *General Motors Corp.*, 425 F. Supp. 574 (E.D. Pa. 1976). Prior expressions of opinion on the legal issues involved in a proceeding do not serve as a basis for disqualification. "And even a judge's public comment giving a general impression of a state of facts does not present a rigidity against refinement and reflection that disqualifies him from sitting in judgment on a particular fact issue." *Association of National Advertisers, supra*, 627 F.2d at 1177 (concurring opinion of Judge Leventhal).

[3] "[T]he very legitimacy of general policymaking performed by unelected administrators depends in no small part upon the openness, accessibility, and the amenability of these officials to the needs and ideas of the public from whom their ultimate authority derives and upon whom their commands must fall" (*Id.*). Since public contacts, like the speech at issue here, nourish an administrator's body of ideas—indeed are the "bread and butter of the process of administration."—such contacts do not routinely lead to disqualification in the rulemaking setting.

[4] That case involved the disqualification of Chairman Pertschuk of the F.T.C. on the basis of public statements he had made expressing his strong belief in the harm advertising caused small children and in the need for stringent rules to curb that harm. For example, he stated in an interview that he "was committed to taking action on the problem of commercialization of children" and that "advertisers seize on the child's trust and exploit it as a weakness for their gain" (*Id.* at 1173, n. 56). In a television interview Chairman Pertschuk stated that "There's a very basic question in our society, and that is . . . the extent to which children are to be treated as commercial objects . . ." He expressed "some serious doubt as to whether any television advertising should be directed at a three or four or five-year-old, or a preschooler:"

They're not competent to understand the nature of the message. We've never treated children as commercial objects in our society . . . (*Id.* at 1174, n. 56).

In addition, in a letter to the head of the Food and Drug Administration, Chairman Pertschuk stated that "[s]etting legal theory aside, the truth is that we've been drawn into this issue because of the *conviction*, which I find you share, that one of the *evils* flowing from the *unfairness* of children's advertising is the resulting distortion of children's perceptions of nutritional values . . ." (*Id.* at 1191, emphasis in dissenting opinion of Judge Mackinnon). The FTC subsequently issued an NOPR concerning children's advertising.

The district court found that Chairman Pertschuk had prejudged issues involved in the rulemaking and ordered him disqualified. The court of appeals reversed, finding that Chairman Pertschuk's remarks represented discussion and perhaps advocacy of a legal theory that might support the exercise of the Commission's jurisdiction over children's advertising but that the Association had failed to demonstrate by these statements that he

statements offered as grounds for disqualification must be viewed as a whole (Id. at 1170). Your speech as a whole does not reveal an unalterably closed mind on the issues involved in the CWIP rulemaking.

The speech opened with a review of FERC rate jurisdiction over the wholesale sale of electric power. It indicated that the agency's impact on the privately-owned sector of the industry was limited. You stated that "the Commission has a regulatory obligation to treat all of its jurisdictional companies fairly, just as it has an obligation to see that consumers are treated fairly" (speech, p. 2). The speech also revealed an unfixed view about CWIP, or the rulemaking and its effects (speech, pp. 7–8):

The Commission currently has under way a rulemaking dealing with Construction Work In Progress (CWIP) to determine whether such construction should be placed in the rate base even though the plant has not yet begun to provide service * * *

* * * * *

What is at stake in this rulemaking? In one sense, a very great deal. On one hand, if all CWIP were immediately put into the rate base, the impact on rates would probably be substantial, and in some cases very substantial. On the other hand, if CWIP is not put in the rate base, AFUDC is accrued and added to the direct construction cost when the plant, in fact, comes on line. With the current high interest rates, it is quite probable that the accrued AFUDUC will double the value of the plant in the rate base and if the plant is large in relation to the size of the utility, the effect on electric rates could be dramatic * * *

* * * * *

In another sense, however, it is not at all clear that something important is at stake * * * From the standpoint of the company, the question therefore is, would it prefer to have an increase in cash earnings now or a larger increase in cash earnings in the future? For consumers, the question is, would they rather have an increase in electric rates now or a still larger increase in the future? The answer to those questions is not at all obvious * * *

The specific remarks that APPA cited do not demonstrate a closed mind on any of the issues involved in the rulemaking. APPA deleted important qualifying words from the remark it challenged first. The complete statement is as follows (speech, p. 3):

Rather than engage in a long discussion about such financial arcana as market-to-book ratios and interest ratios, I shall accept *for the purposes of these remarks*, that the electric utility industry is, indeed, in poor financial shape. I shall also disregard the claims—which seem usually to be followed by the post hoc conclusion that the Commission should therefore do nothing—that the financial condition of the utilities is improving. *On that basis*, the fundamental question raised by the current financial problems of the electric utility industry is, can effective price regulation be reconciled with the financial needs of an electric industry supported by private capacity? (emphasis supplied).

The presumption that the electric utility industry is in poor financial condition and the dismissal of claims that it is improving were assumptions that you clearly limited to the context of the speech.

The discussion of policy or advocacy of a legal theory is not sufficient to disqualify an administrator. *Association of National Advertisers, supra*, 627 F.2d at 1171. An agency could not exercise its broad policymaking powers if administrators were unable to discuss the wisdom of various regulatory positions. (*Id.* at 1170). Such discussion necessarily involves broad general characterizations of reality that are labelled "legislative fact." [8]

Statements of legislative fact are often employed when legal and policy arguments are presented. (*Id.* at 1172). For example, the speech expressed the legislative fact that incurrence of certain costs is associated with the utilities' obligation of continued adequate service (speech, p. 8). Next, the speech expressed the legislative fact that the benefits of that obligation inure as much to the present consumers of electrical service as to future consumers. The statements to which APPA primarily object ["there seems to me to be little merit to arguments about intergenerational inequities" and "[i]n that connection, I disagree with the staff position—contained in our notice of proposed rulemaking—that there should be a presumption against the inclusion of CWIP in rate base"] were made *on the basis* of those two legislative facts (speech, p. 9). *Association of National Advertisers* teaches that expression of viewpoints based on legal and factual assumptions do not bind an administrator to them.

As long as the administrator is free to change his mind upon consideration of the presentations made by those who would be affected, there is no basis for disqualification (*Id.* at 1172; concurring opinion of Judge Leventhal at 1176–77).[9]

The timing of the speech is also a factor bearing on continued participation. In *Association of National Advertisers*, the court noted that Chairman Pertschuk made the challenged comments prior to issuance of an NOPR and that the Chairman "remained free, both in theory and in reality, to change his mind upon consideration of the presentations made by those who would be affected" (*Id.* at 1172). Although your speech was given after the publication of the NOPR, it preceded both the due date for the comments and oral hearings in RM81–38. There was ample opportunity for individuals to present their views after the speech was delivered and there was no showing of unwillingness to change your views upon consideration of the public presentations. Indeed, the NOPR requested that the public submit alternative CWIP policies for agency consideration. The speech does not express any views about the theories or policies suggested by the parties.[7] Accordingly, it does not demonstrate a closed mind on the CWIP rulemaking.

A comparsion of your speech with those found not to warrant disqualification in other cases further supports the conclusion that disqualification is not warranted here. For example, although Chairman Pertschuk stated that he was "committed" to taking action on the problem of commercialization of children, the court ruled that such statements did not demonstrate that he was unwilling or unable to consider rationally argument that a final rule was unnecessary.

The court reached a similar result in *United Steel Workers of America* v. *Marshall*, 647 F.2d 1189, 1208 (D.C. Cir. 1980), *cert. den.*, 101 S.Ct. 3146 (1981). There, Assistant Secretary of Labor Bingham discussed the OSHA lead standard then pending before the Department of Labor in a speech delivered to a union group which was "passionately involved" in the rulemaking proceeding (*Id.* at 1208). Her remarks referred to the dangers of lead,[8] the economic feasibility of the lead standard,[9] and the need for a "medical removal protection provision,"[10] which were contested issues in the proceeding. Although the court believed that she served her agency poorly by making statements so susceptible to an inference of bias, it ruled that the statements represented discussion and she had not demonstrated an unalterably closed mind. The court reasoned that mere proof that she had taken a public position, or expressed strong views, or held an underlying philosophy with respect to an issue in dispute did not overcome the presumption that an administrative official is objective and "capable of judging a particular controversy fairly on the merits" (*Id.*, quoting

---

had an unalterably closed mind on the advertising issue.

[8] The nature of legislative fact is ordinarily general, without reference to specific parties.

Legislative facts are the facts which help the tribunal determine the content of law and of policy and help the tribunal to exercise its judgment or discretion in determining what course of action to take. (*Id.* at 1161–62, quoting Davis, *Judicial Notice*, 55 Columbia L. Rev. 945, 952–59 (1955)).

[9] Judge Leventhal explained:

It is appropriate and indeed mandatory for agency heads and staff to maintain contacts with industry and consumer groups, trade associations and press, congressmen of various persuasions and to present views in interviews, speeches, meetings, conventions, and testimony. The agency gathers information and perceptions in a myriad of ways and must use it for a myriad of purposes. With capacity and willingness to reconsider, there is no basis for disqualification (footnote omitted).

[7] In a subsequent speech delivered January 22, 1982, to "Wall Street Utility Group," you specifically noted the following in regard to the CWIP rulemaking:

We have received numerous written comments in response to our Notice of Proposed Rulemaking, and have also heard oral presentations. Reply comments were due January 15, 1982. We will carefully consider these written and oral pleadings in arriving at a decision.

[8] "I bet I could go down to the hospitals of this city and find a worker that is undergoing kidney dialysis, and I'll bet you a dinner that some of those workers have been in lead plants" (*Id.*).

[9] "I tell you I can smell a phony issue when I see one . . . and to say that safety and health regulations are inflationary is phony" (*Id.*).

[10] "Well, I learned to spell those words a long time ago on the Coke Oven Advisory Committee, and if you want to know how I feel about it, you need only look up my comments during those Committee hearings. As far as I am concerned it is impossible to have a lead standard without it" (*Id.*).

United States v. *Morgan*, 313 U.S. 409, 421 (1941)). APPA tries to distinguish the *United Steel Workers* case on the basis that the Assistant Secretary gave the speech after she had voted on the standard [but before the Secretary of Labor had signed it]. However, the court noted that "[h]ad she made these remarks before the rulemaking began or while OSHA was still receiving public comments, we might still have had to strain precedent to find grounds for her disqualification" (*Id.*, at 1210).

In a somewhat different context, the Supreme Court found that a schoolboard's participation in teacher contract negotiations that preceded and led to a strike did not prevent the board from conducting impartial disciplinary hearings against the striking teachers. *Joint School District No. 1* v. *Hortonville Education Association*, *supra*, 426 U.S. at 493. The court held that mere familiarity with the facts of a case gained by an agency in the performance of its statutory role did not disqualify a decisionmaker, nor was he disqualified simply because he took a public position on a policy issue related to the dispute.

The Supreme Court also rejected claims that statements to Congress by FTC Commissioners in which they equated a particular trade practice with illegal price fixing showed fatal prejudgment of the issue when it arose in a subsequent investigation proceeding before the agency. *FTC* v. *Cement Institute*, 333 U.S. 683, 701 (1948). The Court held that the earlier statements did not necessarily mean that the minds of the members were irrevocably closed. The Court found significant the fact that the industry had an opportunity after the statements to Congress were made to present evidence and argument to persuade the FTC that its business practices were legal.

In sum, because your speech indicated neither unwillingness to consider comments in the RM81-38 proceeding, nor unwillingness to abandon any of the views expressed in the speech in light of those comments, there is no reason to infer an unalterably closed mind on the issues in the CWIP proceeding.

[FR Doc. 83-13713 Filed 5-31-83; 8:45 am]
BILLING CODE 6717-01-M

---

18 CFR Part 2

[Docket No. RM83-21-000; Order No. 303]

Interpretation of Authority To Suspend Initial Rate Schedules

Issued: May 24, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is amending its "Statements of General Policies and Interpretations" in 18 CFR Part 2, to provide for suspension of initial rate schedules under section 205 of the Federal Power Act and section 4 of the Natural Gas Act. These amendments conform the Commission's interpretative rulings to conclusions it drew in *Middle South* v. *Energy, Inc.* The Commission concluded that the Federal Power Act does not prohibit it from suspending initial rate schedules, establishing interim rates during the suspension period, and establishing contingent refund obligations.

DATES: This final rule is effective May 24, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Malloy, Rulemaking and Legislative Analysis, Office of General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8033

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending its regulations to set forth a revised interpretation of the Commission's authority to suspend initial rate schedules under section 205 of the Federal Power Act (FPA) and section 4 of the Natural Gas Act (NGA), and to establish interim rates during the suspension period if necessary. In *Middle South* v. *Energy, Inc.*, Docket No. ER82-66-001, 22 FERC ¶——(May 24, 1983), the Commission concluded that the Federal Power Act does not prohibit the Commission from suspending initial rate schedules, establishing interim rates during the suspension period and establishing contingent refund obligations. This amendment conforms the Commission's interpretative rules to reflect these conclusions.

The Commission's interpretation reverses the conclusion of the Federal Power Commission (FPC) in 1945 that an initial rate schedule cannot be suspended. The new interpretation is based upon a reexamination of the legislative history of the FPA, the well-recognized historical relationship between the FPA and the Interstate Commerce Act (ICA), and upon the Supreme Court's interpretation of comparable language in sections 6 and 15 of the ICA in the *Trans Alaska Pipeline Rate Cases*, 436 U.S. 631 (1978) (*TAPS*). The Commission also found in *Middle South* that the ability to suspend initial rate schedules under the FPA will enable the Commission to better meet its general charge to protect the public interest insofar as it is affected by jurisdictional transactions involving electric power. Since the pertinent statutory provisions of the FPA are substantially identical to the comparable provisions of the Natural Gas Act (NGA)[1] and since the interpretative rules regarding suspension under the NGA track those under the FPA, the NGA rules are also being amended to conform to the Commission's interpretation in *Middle South*.[2]

II. Background

Under section 205(e) of the FPA, the Commission has the authority to suspend electric rate increases for up to five months, after which the rate will go into effect.[3] After a hearing, the Commission may order a refund of such portions of an increased rate found not to be justified.

In interpreting the suspension and refund authority under section 205(e), the Commission has historically distinguished between an "initial" rate schedule and a "change" in a rate schedule for purposes of suspension.[4] Section 2.4(d) of the Commission's regulations makes this interpretation of section 205(e) explicit by stating the "[a]n initial rate schedule cannot be suspended." Section 2.4 of the Commission's regulations reflects the conclusion of the FPC on May 29, 1945, concerning its suspension powers under section 205(e) of the FPA. This conclusion was similarly applied to the Natural Gas Act in § 2.52.

Since May 29, 1945, the Commission has allowed initial rates to become effective without suspension. The Commission viewed the prospective corrective measures under section 206 of the FPA and section 5 of the NGA as comprising the exclusive remedy for

---

[1] The Supreme Court recently stated:

[T]he relevant provisions of the [FPA and the NGA] "are in all material respects substantially identical." FPA v. Sierra Pacific Power Co., 350 U.S. 348, 353 (1956). . . . [W]e therefore follow our established practice of citing interchangeably decisions interpreting the pertinent sections of the two statutes. . . .

Arkansas Louisiana Gas Co. v. Hall, 453 U.S. 571, 577 n.7 (1981).

[2] The Commission expects that suspension of initial rates under the NGA will not frequently occur because of the Commission's certificate authority under section 7(e) of the NGA. Under section 7(e), the Commission may condition a certificate with an adjustment to the proposed initial rate to ensure that service is initiated under rates consistent with the public interest. Refunds of amounts collected under temporary certificates may also be conditions of permanent certification.

[3] Section 205(e), 16 U.S.C. 824d(e) (1976), states in pertinent part:

[T]he Commission . . . may suspend the operation of such schedule . . . but not for a longer period than five months . . . [T]he Commission may . . . require such public utility . . . to refund with interest . . . such portion of such increased rates or charges as by its decision shall be found not justified. . . .

[4] The Commission's regulations concomitantly distinguish between a change in rate schedule and an initial rate schedule in 18 CFR 2.4, 35.1 (b) and (c). Sections 35.12 and 35.13, respectively, contain the filing requirements for initial rate schedules and changes in rate schedules.

potentially unjust or unreasonable initial rates.

III. Discussion

The Commission determined in *Middle South* that the interpretation and conclusions reached in 1945 regarding its suspension power were and are overly narrow. Upon reexamination of the statute and legislative history in light of the *TAPS* case, the Commission concluded in *Middle South* that the historic distinction between initial and changed rates was overly restrictive and unnecessarily hampers the Commission in carrying out its statutory mandate.

The Commission found that the previous interpretation of section 205 of the FPA, expressed in 18 CFR 2.4(d), rests on a narrow reading of subsections (c), (d), and (e) of section 205. Subsection (e) provides for suspension of "any such new schedule." The traditional interpretation holds that this phrase refers back to the immediately preceding subsection (d), which provides that:

> Unless the Commission otherwise orders, *no change shall be made* by any public utility *in any such rates*, charges, classification, or service, or in any rule, regulation, or contract relating thereto, except after sixty days notice to the Commission and to the public. Such notice shall be given by filing with the Commission and keeping open for public inspection *new schedules* stating plainly the change or changes to be made in the schedule or schedules then in force. . . .

16 U.S.C. 824d(d) (1978) (emphasis added).

Thus, the phrase "such new schedule[s]" in section 205(e) has been interpreted to mean only the changed rate schedules referred to in subsection (d). The alternative reading, which the Commission here adopts, is that "such new schedule" most logically applies to both sections 205(d) and 205(c). Section 205(c) requires the utility to file "schedules showing *all* rates and charges for any transmission or sale subject to the jurisdiction of the Commission. . . ." (emphasis added). Thus, under the more expansive reading, the suspension authority extends to new initial rates as well as to newly changed rates.

The Commission found that the reference to a change of rates in section 205(e) most logically relates to changes in those preexisting rate schedules filed with the Commission for the first time as a result of the enactment of section 205. Under this reading, any rate schedule for a new service filed after the first-ever filing would be regarded as a change of service or rate. In effect, section 205 permits "grandfathering" of rate schedules existing at the time of enactment.[5]

The Commission stated that this reading is consistent with the fundamental purpose of the Federal Power Act, that is, to maintain rates that are just and reasonable to both the utility and the consumer. The Commission took as its guide the reasoning of the Supreme Court in *TAPS*. In *TAPS*, the Court found that the Interstate Commerce Commission (ICC) possessed necessarily implied authority pursuant to section 15(7) of the ICA [6] to suspend initial rates of oil pipeline companies under the rate setting scheme of Title I of that Act, which is similar in language, structure, and purpose to the FPA.[7]

The keystone of the Court's analysis was its conclusion that the absence of authority to suspend initial rates is not consistent with the primary purpose of the ICA to maintain reasonable charges for the regulated services. The Court reasoned that absent such suspension authority, the Act would provide no mechanism tending to make initial rates reasonable. This would be particularly the case where (as in *TAPS*) the shippers and the pipeline owners were affiliates. The Court was not deterred in this regard by its admission that the suspension authority was added [8] to deal with the "mischief of unchecked changes in rates." 436 U.S. at 644. It found that unless the legislative history of the statute compelled the opposite conclusion, the suspension power would necessarily apply to initial as well as changed rates because the mischiefs flowing from each are the same.

The Court did not find any significance in the phrase "change of rate" in section 15(7). It noted that Congress, in enacting Titles II, III, and IV of the Act to extend the ICC's original ratemaking jurisdiction to additional modes of transportation, unequivocally indicated that initial rates were new rates capable of being suspended, and yet references to "changed" rates appear in the same places they appear in Title I.[9]

The Commission found that the applicability of the reasoning in the *TAPS* case to this Commission's authority under the FPA is clear.[10] Absent authority to suspend initial rates, the Commission's ability to ensure their reasonableness would be limited to orders with prospective effect made pursuant to section 206. Thus the filing utility's customers would be forced to pay any initial rate ultimately found to be unreasonable until the Commission issued an order pursuant to section 206. In the formal hearing context, this could be a lengthy period. In this respect, absence of initial rate suspension authority is inconsistent with the fundamental requirement of section 205(a) that "all" rates shall be just and reasonable. The Commission stated that it was aware of no rationale in the legislative history to explain why an unlawful initial rate should be viewed as less onerous than an unlawful change in rate.

The Commission next considered the issue of whether suspension of initial rates would be prejudicial to the utility. It noted that the Court in *TAPS* considered this matter and concluded that the ICC has power ancillary to its authority to suspend initial rates under the ICA to set maximum interim rates

---

[5] The legislative history is not clear on this point. *See* H.R. 5423, 74th Cong., 1st Sess. (1935); S. 2796, 74th Cong., 1st Sess. (1935); S. Rep. No. 621, 74th Cong., 1st Sess. 15 (1935); H.R. Rep. No. 1318, 74th Cong., 1st Sess. 29 (1935).

[6] 49 U.S.C. 15(7) (1976). Authority to suspend oil pipeline rates was transferred from the ICC to this Commission pursuant to the Department of Energy Organization Act, 42 U.S.C. 7101–7352 (Supp. IV 1980), and Executive Order No. 12,009, 3 CFR Part 142 (1978). The relevant language of section 15(7) pertaining to suspension is as follows:

> Whenever there shall be filed with the Commission any schedule stating a new individual or joint rate, fare, or charge, . . . the Commission shall have . . . authority . . . to enter upon a hearing concerning the lawfulness of such rate, fare, [or] charge . . .; and pending such hearing and the decision thereon the Commission, upon filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such rate, fare, [or] charge . . ., but not for a longer period than seven months beyond the time when it would otherwise go into effect . . . .

[7] These parallels are obvious upon reading the two statutes and have been frequently noted by the courts. *See* Aberdeen & Rockfish Ry. Co. v. SCRAP, 409 U.S. 1207, 1215 (Opinion in chambers (1972)); Arrow Trans. Co. v. Southern Ry. Co., 372 U.S. 658, 666 (1963); Papago Tribal Util. Auth. v. FERC, 628 F.2d 235, 248 N.19 (D.C. Cir. 1980).

[8] Subsection 15(7) was added to the Act by the Mann-Elkins Act of 1910, 36 Stat. 552 (1910).

[9] A second line of reasoning was that if the ICC were not given authority to suspend initial rates, Congress must not have intended to foreclose any equity powers of the courts to enjoin common carrier rates. This could lead to diverse conclusions by the courts, thwarting the regulatory purpose of uniformity of rates. Although the FPA does not require uniformity of rates, it does prohibit undue discrimination in rates, which was also a concern noted by the Court in *TAPS*, 436 U.S. at 641. Thus, the exercise of injunctive authority by the courts is likewise inconsistent with the scheme of the FPA. Further, as noted by the court in Papago Tribal Util v. FERC., 628 F.2d 235, 242 (D.C. Cir. 1980), any judicial authority to suspend rates "would create the hazard of forbidden intrusion into the administrative domain, . . . because it necessarily would involve inquiry into the reasonableness of rates." (Citing Arrow Transp. Co. v. Southern Ry. Co., 372 U.S. 658 (1963) (footnote omitted).

[10] These Titles of the ICA were enacted in the 1930's contemporaneously with FPA.

during the suspension period. The Court further held that part of that ancillary power is the power to order refunds of amounts collected under the interim rates during the suspension period and under the initial rates collected after the suspension period expires where such rates are found to be unreasonable. 436 U.S. at 654–657. This was held to be the case notwithstanding the lack of any express authority to do so in the Act and that the express refund authority of section 15(7) is limited to increased rates or changes at the end of the suspension period.

The Commission found one contrary argument that merited discussion. In *United Gas Pipeline Co. v. Mobile Gas Serv. Corp.*, 350 U.S. 332 (1956) (*Mobile*), the Supreme Court noted a marked contrast between the ICA and the NGA, in that the former in effect "precludes private rate agreements by its requirement that the rates to all shippers be uniform," whereas "the [NGA] permits the relations between the parties to be established initially by contract." *Id.* at 338–39. The reason for the ICA scheme was the administrative impossibility of policing thousands of individual railroad retail transactions. The Court noted by contrast the relatively few wholesale natural gas transactions and the substantial investment that may be required for the service of a particular customer, creating a need for "individualized arrangements." *Id.* The same reasoning, of course, would apply to wholesale transactions under the FPA. Thus, the argument would go, Congress could not have intended to give the parties authority to negotiate individualized contracts for new services and, at the same time, undercut that authority by permitting the Commission to suspend the initial rates resulting therefrom. The mechanism for ensuring the reasonableness of the initial rates would be the parties' arms length negotiations.

The Commission found that the problem with this argument is that the logic would apply equally to *changes* in contracts negotiated at arms length. Such contract changes are clearly subject to suspension and refund. The more salient consideration was found to be that, notwithstanding that private rate agreements are authorized by the FPA, the Commission is given final authority to modify those agreements in order to carry out its mandate to ensure that all rates be just and reasonable. *See Mobile, id.* at 340–41 (construing the Commission's authority under the parallel provisions of the NGA). Furthermore, while an initial rate may represent the product of negotiations between the parties, this is not necessarily the case. The reality is that a new rate for new service may be proffered unilaterally by a utility just as in the case of a changed rate.

Finally, the Commission noted that the Supreme Court found in *TAPS* that the ICC's authority to order "reparations" under the ICA for charges ultimately found to be unreasonable was not an adequate remedy because (1) the damage suffered through loss of competitive advantage would likely exceed the difference between the charged rate and the just and reasonable rate, and (2) the shippers have more incentive to pass along unreasonable rates in the prices of their goods than to seek reparations, thus shifting the burden to the consumer. 436 U.S. at 640–41. The Commission found that the case for its authority to suspend initial rates under the FPA on this basis is even stronger because the Commission, unlike the ICC, has no authority to order "reparations." It is thus that much more difficult for the Commission to enforce the just and reasonable standard absent suspension and refund authority with respect to initial rates.

The Commission noted that there are judicial statements supportive of the restrictive interpretations it had followed in the past. *See Mobile, supra; Indiana & Michigan Mun. Distrib. Assoc. v. FERC, (IMMDA)* 659 F.2d 1193 (D.C. Cir. 1981); *Florida Power & Light Co. v. FERC*, 617 F.2d 809 (D.C. Cir. 1980); *Otter Tail Power Co. v. FERC*, 583 F.2d 399 (8th Cir. 1978). It concluded, however, that these statements are *dicta*. In *Florida Power* and *Otter Tail* the courts stated that they were addressing only the question of whether the Commission had correctly classified the rate schedules as changed rather than initial rates. The Court in *Mobile* made a passing reference to the Commission's suspension authority under the NGA during the course of a discussion of the general statutory scheme, included to highlight a different question which was at issue in that case.[11] In *IMMDA*, the court, while strongly agreeing with the Commission's view that it could not suspend initial rates, made it clear that the basic statutory scheme was not in dispute in that case, 659 F.2d at 1196.

The Commission also concluded in *Middle South* that it has concomitant authority to establish interim rates during the suspension period of an initial rate. This view is premised on the holding of the Supreme Court in the *TAPS* case that exercise of a similar authority to set interim rates by the I.C.C. when it suspended an intitial rate was "an intelligent and practical exercise of its suspension power," particularly in light of the alternative, *viz.*, requiring a filing company to submit and resubmit rates until it hits upon one which is allowed to take effect. 436 U.S. at 651–654.

Likewise, the Commission asserted and exercised its ancillary power to make MSE's initial rates subject to refund, again citing the Supreme Court's discussion of section 15(7) of the Interstate Commerce Act which is virtually identical in its pertinent provisions to section 205(e) of the FPA. In the *TAPS* case, the Court found the refund conditions imposed on both the interim and filed initial rates to be a "legitimate, reasonable, and direct adjunct to the Commission's explicit statutory power to suspend rates pending investigation. . . ." 436 U.S. at 654–657.

IV. Conclusion

In light of the Commission's decision in *Middle South*, the FPC's post-1945 policy, as now stated in 18 CFR 2.4(d), can no longer be considered a proper interpretation of the scope of the Commission's statutory suspension authority under section 205(e) of the FPA. Because section 4 of the NGA is identical in its pertinent provisions to section 205 of the FPA,[12] the Commission now interprets both the FPA and NGA to permit suspension of initial rates. The Commission also believes that it has the correlative authority to establish interim rates, if necessary, in those instances in which it suspends an initial rate, and to make both the interim and initial rates subject to refund. Sections 2.4(d) and 2.52 of the Commission's regulations are, therefore, being amended to reflect this interpretation.

V. Effective Date

The Administrative Procedure Act exempts interpretative rules from both the notice and comment requirements, 5

[11] The Commission noted that in *Mobile*, the Court focused on the distinction between "existing" rates and "new" rates (350 U.S. at 340) and between "long established" versus "newly change" rates (*id.* at 341) rather than on a distinction between "initial" and "changed" rates. The fact that a rate was "new" seemed more important in the Court's discussion than the fact that it was "changed."

[12] The rate setting provisions of the NGA have been found by the courts to be substantially identical to those of the FPA. FPC v. Sierra Pacific Power Co., 350 U.S. 348, 350–51, 353 (1956); Indiana & Michigan Power Co. v. FPC, 502 F.2d 336, 341 (D.C. Cir. 1974); Borough of Lansdale, Pa. v. FPC, 494 F.2d 1104, 1110–11 (D.C. Cir. 1974).

U.S.C. 553(b)(A) (1976), and the requirement that publication be made thirty days before the effective date of the rule, *id.* at section 553(d). Since this rule conforms the statements of interpretation of the Commission's statutory authority under both the FPA and the NGA to the decision reached in *Middle South,* this rule shall be effective May 24, 1983, without prior notice and comment.

List of Subjects in 18 CFR Part 2

Administrative practice and procedure, Electric power, Environmental impact statements, Natural gas, Pipelines.

(Natural Gas Act, 15 U.S.C. 717–717w (1976 & Supp. IV 1980); Federal Power Act, 16 U.S.C. 791a–828c (1976 & Supp. IV 1980); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (Supp. IV 1980); Executive Order 12,009, 3 CFR Part 142 (1978); 5 U.S.C. 553 (1976))

In consideration of the foregoing, the Commission amends Part 2, Subchapter A, Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 2—[AMENDED]

1. In § 2.4, paragraph (d) is revised to read as follows:

§ 2.4 Suspension of rate schedules.

* * * * *

(d) An initial rate schedule can be suspended and an interim rate established; both can be made subject to refund.

* * * * *

2. Section 2.52 is revised to read as follows:

§ 2.52 Suspension of rate schedules.

The interpretation stated in § 2.4 applies as well to the suspension of rate schedules under section 4 of the Natural Gas Act.

[FR Doc. 83–14423 Filed 5–31–83; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 111

[Docket No. R–83–1062]

Fair Housing Assistance Program; Program Description and Eligibility Criteria

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Interim rule; request for comments.

SUMMARY: This interim rule amends the regulations in 24 CFR Part 111, which describe the program components for State and local Fair Housing agencies and set forth the threshold eligibility criteria for their participation in the Fair Housing Assistance Program (FHAP). The purpose of the amendment is to permit State and local Fair Housing agencies to qualify for training support funding, without regard to the number of years the agency has participated in the Fair Housing Assistance Program.

DATES: The rule is effective July 15, 1983. Comments are due August 1, 1983.

ADDRESS: Interested persons are invited to submit comments regarding the rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Comments should refer to above docket number and title. A copy of each comment submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State and Local Programs Division, Room 5214, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 426–3500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department is modifying the noncompetitive component of its Fair Housing Assistance Program to make training support funds available to all participating agencies, regardless of the number of years an agency has participated in the program. The current rule provides training support funds to agencies only during their first and second years of participation.

Financial assistance for training is provided to assure that the State and local agencies have the skills and technical knowledge required to carry out their enforcement responsibilities. An essential element in administering an effective State or local fair housing program is the training of personnel. Fair Housing Law is a rapidly changing area, and the Department recognizes that intermittent, informal training is unlikely to provide the assistance and support necessary for State and local agencies to process housing discrimination complaints effectively, and in conformity with Federal standards. In order to assure consistency in the administration of, and approaches to, fair housing enforcement, the training component of the Fair Housing Assistance Program is used for the expenses asociated with providing training to State and local agency personnel. Currently, agencies participating in the program after their second year are required to attend training in order to meet the performance requirements of their cooperative agreements, but are not eligible to receive training support funds. This amendment will allow agencies to apply for these funds.

The Department regards this rulemaking as a rational response to a perceived problem in its funding policy, and believes that it is in the public interest to make this rule effective as quickly as possible, so that all participating agencies will be eligible to receive training support money during fiscal year 1983. Accordingly, this rulemaking is being promulgated as an interim rule. However, the Department invites public comment on this policy change and will take that comment into account in promulgating the final rule.

Information collection requirements contained in this regulation (§ 111.105(b)) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2529–0005.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 7th Street, S.W., Washington, D.C. 20410.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that

this rule would not have a significant economic impact on a substantial number of small entities, because the training support funds afforded to State and local agencies to enable their participation in HUD-sponsored training should benefit all governmental jurisdictions, irrespective of their size.

The Catalog of Federal Domestic Assistance Program number and title is 14.401, Fair Housing Assistance Program.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 111

Fair housing, Cooperative agreements, Grant programs—housing and community development.

PART 111—[AMENDED]

Accordingly, 24 CFR Part 111 is amended as follows:

1. In § 111.102 paragraph (c) is revised to read as follows:

§ 111.102 Program description for type I—non-competitive funding.

* * * * *

(c) Training. Funding will be available to support training designed to provide skills and technical knowledge in the administration of fair housing laws and programs. HUD-sponsored training support funds will be available on a non-competitive basis to participating agencies as a fixed percentage of their levels of funding under paragraph (a) or (b) of this section, not to exceed a set maximum. Any agency otherwise eligible to receive funding under paragraph (a) or (b) of this section, but electing not to apply for such funding, may apply for training support funds up to the level to which the agency would have been entitled, had it applied for funding under paragraph (a) or (b) of this section.

* * * * *

2. Section 111.105 is amended by revising paragraphs (a)(2), (a)(3) and (b), and by adding a new paragraph (a)(4), as set forth below:

§ 111.105 Criteria for type I-non-competitive funding.

(a) * * *

(2) Be prepared to develop procedures acceptable to HUD for cooperating with other substantially equivalent agencies having concurrent jurisdiction;

(3) Not unilaterally reduce the level of financial resources currently committed to fair housing complaint processing. Budget and staff reductions occasioned by legislative action outside the control of the agency will not result in a per se determination of ineligibility. HUD will, however, take such actions into consideration in assessing the ongoing viability of an agency's fair housing program; and

(4) Participate in training sponsored by HUD and designed in consultation between HUD and agency representatives to provide uniform skills and technical knowledge.

(b) In addition, all first and second year program participants seeking capacity building support must demonstrate that there is, within the geographic jurisdiction of the agency, a sufficient volume of current or potential complaint activity to justify the requested allocation of funds.

(OMB control number 2529-0005).

(Title VIII, Civil Rights Act of 1968, 42 U.S.C. 3601-30 Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: May 9, 1983.

Antonio Monroig,

Assistant Secretary for Fair Housing and Equal Opportunity.

[Fr Doc. 83-14503 Filed 5-31-83; 8:45 am]

BILLING CODE 4210-28-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2343-4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve revisions to rules of seven Air Pollution Districts submitted by the California Air Resources Board (CARB) as revisions to the California State Implementation Plan (SIP). These revisions are generally administrative and retain the previous emission control requirements. EPA reviewed these rules with respect to the Clean Air Act and determined that they should be approved. In addition, this notice corrects an administrative error by updating 40 CFR 52.222, *Extensions*, to be consistent with recent updates to 40 CFR 52.238, *Attainment dates for national standards*.

DATE: This action is effective August 1, 1983.

ADDRESSES: A copy of the SIP revisions are available for public inspection during normal business hours at the EPA Region 9 office and at the following locations.

Public Information Reference Unit, Environmental Protection Agency, Library, 401 "M" Street SW., Room 2404, Washington, D.C. 20460

Library, Office of the Federal Register, 1100 "L" Street NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7641.

SUPPLEMENTARY INFORMATION: The CARB submitted the following rules as SIP revisions on the indicated dates:

August 6, 1982

Butte County

Rule 4-6 State Ambient Air Quality Standards
Rule 4-6A Implementation Plans

November 8, 1982

Sacramento County

Rule 59 Appeals
Rule 70 Stationary Source Permit Fees

Santa Barbara County

Rule 210D Permit Fees

Stanislaus County

Rule 110 Equipment Breakdown
Rule 202 Exemptions
Rule 302 Permit Fee Schedules

South Coast AQMD

Rule 708.3 Transportation Management Plans
Rule 1105 Fluid Catalytic Cracking Units—Oxides of Sulfur

Tulare County

Rule 519 Emergency Variance

Yolo-Solano County

Rule 6.1 Agricultural Burning

As described below, these rule revisions are administrative and do not significantly impact current emission control requirements.

Butte County—Rule 4–6 (State Ambient Air Quality Standards) states that all references in Section 4–5 to national ambient air quality standards shall be interpreted to include state ambient air quality standards. Rule 4–6A (Implementation Plans) allows the District to issue a permit to construct for new stationary sources (which are subject to Section 5 of Section 4–5) only if all district regulations are being carried out in accordance with the presently approved State Implementation Plan.

Sacramento County—Rule 59 (Appeals) expands the existing appeal procedures. Rule 70 (Stationary Source Permit Fees) reduces fees for gas stations not subject to Phase II vapor recovery.

Santa Barbara County—Rule 210D (Permit Fees) exempts the district itself from permit fees.

Stanislaus County—Rule 110 (Equipment Breakdown) adds Phase II vapor recovery to the breakdown requirements. Rule 202 (Exemptions) deletes permit rule exemptions for brazing, soldering and welding equipment. Rule 302 (Permit Fee Schedules) allows an increase in permit fees.

South Coast AQMD—Rule 708.3 (Transportation Management Plans) changes the title from Traffic Abatement Plan to Transportation Management Plans. Rule 1105 (Fluid Catalytic Cracking Units—Oxides of Sulfur) postpones the implementation dates for Phase II by two years in order to provide enough time for catalyst manufacturers and refineries to resolve remaining problems with the application of sulfur dioxide (SO_2). The rule also requires the calculation of mass emissions of SO_2 from the regenerator based on the SO_2 concentration obtained from SO_2 monitors.

Tulare County—Rule 519 (Emergency Variance) now provides that no emergency variance shall be granted unless the attainment or maintenance of the national ambient air quality standards will not be endangered.

Yolo-Solano County—Rule 6.1 (Agricultural Burning) removes limitations on the County and allows the District to fully participate in the Sacramento Valley Air Basin experimental agricultural burning program. The experimental program is designed to allow burning while decreasing the particulate emissions.

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, EPA is required to approve or disapprove these regulations as SIP revisions. EPA has evaluated all rules submitted by the CARB and they have been found to be in accordance with EPA policy and 40 CFR Part 51. EPA's evaluation of the submitted rules is available at the EPA Library in Washington, D.C. and the Region 9 office.

The purpose of this notice is to approve all the rule revisions listed above and to incorporate them into the California SIP. EPA is approving these rule revisions without prior proposal because the revisions are noncontroversial, have limited impact, and no comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. If EPA receives notice within 30 days that someone wishes to submit adverse or critical comments, the approval will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

This notice also corrects an administrative error made in final notices on the Santa Barbara and Stanislaus County 1979 nonattainment area plans (NAPs). Although the attainment date extension requests for carbon monoxide or ozone in these California NAPs were approved, they were only codified in 40 CFR 52.238, *Attainment dates for national standards.* This notice corrects 40 CFR 52.222, *Extensions,* to be consistent with § 52.238 and the Santa Barbara NAP. For Stanislaus County, § 52.238 is also corrected with respect to carbon monoxide. This notice also corrects an administrative error made in the July 1, 1982 (47 FR 28822) Notice of Final Rulemaking, 40 CFR 52.255, *Gasoline transfer vapor control,* to reinstate subparagraphs which were inadvertently omitted.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.) The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements.

Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur dioxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Sec. 110, 172, and 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7001(a)))

Dated: May 10, 1983.

Lee L. Verstandig,

Acting Administrator.

PART 52—[AMENDED]

Subpart F of Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(124)(xii)(A) and (c)(126) (i)(A)–(vi)(A) to read as follows:

§ 52.220 Identification of plan.

* * * * * *

(c) * * *

(124) * * *

(xii) Butte County APCD.

(A) New or amended Rules 4–6 and 4–6A.

* * * * * *

(126) Revised regulations for the following APCDs submitted on November 8, 1982 by the Governor's designee.

(i) Sacramento County APCD.

(A) New or amended Rules 59 and 70.

(ii) Santa Barbara County APCD.

(A) New or amended Rule 210D.

(iii) Stanislaus County APCD.

(A) New or amended Rules 110, 202, and 302.

(iv) South Coast AQMD.

(A) New or amended Rules 708.3 and 1105.

(v) Tulare County APCD.

(A) New or amended Rule 519.

(vi) Yolo-Solano County APCD.

(A) New or amended Rule 6.1.

* * * * * *

2. Section 52.222 is amended by revising paragraph (b)(6)(i) and by adding paragraph (d)(3)(i) as follows:

§ 52.222 Extensions.

* * * * * *

(b) * * *

(6) * * *

(i) Santa Barbara County Nonattainment Area for TSP and CO.

* * * * * *

(d) * * *

(3) South Central Coast Air Basin.

(i) Santa Barbara County Nonattainment Area for O_3.

* * * * *

3. In § 52.238 the entries for the San Joaquin Valley Intrastate are revised as follows:

§ 52.238 Attainment dates for national standards.

* * * * *

Air quality control region and [illegible]	Pollutants						
	TSP		SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
* *	*	*	*	*	*	*	*
San Joaquin Valley Intrastate							
g. Stanislaus County	h	h	e	e	e	h	i
* *	*	*	*	*	*	*	*

4. Section 52.255 is amended by redesignating paragraph (b)(1)(x) as paragraph (b)(1)(i) and removing paragraph (b)(1) (ii)–(ix) reserved and adding a new paragraph (b)(2), to read as follows:

§ 52.255 Gasoline transfer vapor control.

* * * * *

(b) * * *

(1) * * *

(i) Ventura County APCD.

(2) The control requirements of this section are rescinded in the following air pollution control districts.

(i) South Coast AQMD.

(ii) Santa Barbara County APCD.

(iii) Placer County APCD (Mountain Counties Air Basin portion).

(iv) Sacramento County APCD.

(v) Yolo-Solano County APCD.

(vi) Butte County APCD.

(vii) Glenn County APCD.

* * * * *

[FR Doc. 83-13335 Filed 5-31-83; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 180

[PP 9E2166/R562; PH FRL 2374-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Dicamba

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide dicamba and its metabolite in or on the raw agricultural commodities proso millet grain and straw. The regulation to establish maximum permissible levels for residues of the herbicide in or on the commodities was submitted, pursuant to a petition, by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on June 1, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response and Minor Use Section, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, R. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202; (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule published in the **Federal Register** of April 20, 1983 (48 FR 16912) which announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 9E2166 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Colorado, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite, 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the raw agricultural commodities proso millet grain and straw at 0.05 parts per million (ppm). The petition was later amended to propose tolerance levels of 0.5 ppm in or on the commodities.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 25, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.227(a) is amended by adding and alphabetically inserting the raw agricultural commodities proso millet grain and straw to read as follows:

§ 180.227 Dicamba; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Millet, proso, grain	0.5
Millet, proso, straw	0.5
* * * * *	

[FR Doc. 83-14739 Filed 5-31-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 1E2514/R558; PH-FRL 2373-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide permethrin and its metabolites in or on the raw agricultural commodity kiwifruit. This regulation to establish a maximum permissible level for the combined residues of permethrin in or on kiwifruit was requested, pursuant to a petition, by ICI Americas, Inc.

EFFECTIVE DATE: Effective on June 1, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Timothy Gardner, Product manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule published in the **Federal Register** of April 6, 1983 (48 FR 14982) which announced that ICI Americas, Inc., Corcord Pike and New Murphy Road Wilmington, DE 19897, had submitted pesticide petition 1E2514 proposing to amend 40 CFR 180.378 by establishing a tolerance for the combined residues of the insecticide permethrin ((3-phenoxyphenyl) methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcylopropanecarboxylate) and its metobolites in or on the raw agricultural commodity kiwifruit imported from New Zealand. Based upon the residue data, a tolerance of 2.0 parts per million (ppm) is adequate to cover residues of the parent compound and its metabolites, 3-(2,2-dichloroethenyl-2,2-dimethylcyclopropanecarboxylic acid (DCVA) and (3-phenoxyphenyl) methanol (3-PBA).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The toxicological data considered in support of the proposed tolerance were discussed in a related final document [PP 8F2099, 9F2196, 9F2243, 9F2192, 0F2425, 0F2307, 9F2207, 1F2462, 1F2864/R422] published in the **Federal Register** of October 13, 1982 [47 FR 45008].

The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: May 20, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.378(b) is amended by adding and alphabetically inserting the commodity kiwifruit to read as follows:

§ 180.378 Permethrin; tolerances for residues.

* * * * *

(b) * * *

Commodities	Parts per million
Kiwifruit	5.0

[FR Doc. 83-14829 Filed 5-31-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 1E2515/R557; PH-FRL 2370-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Pirimiphos-Methyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide pirimiphos-methyl in or on the commodity kiwifruit. The regulation to establish a maximum permissible level for residues of the insecticide was requested, pursuant to a petition, by ICI Americas, Inc.

EFFECTIVE DATE: Effective on June 1, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110) Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of April 6, 1983 (48 FR 14983), which announced that the ICI Americas, Inc., Concord Pike and New Murphy Road, Wilmington, DE 19897, had submitted pesticide petition 1E2515 to the EPA proposing to amend 40 CFR Part 180 by establishing a tolerance for the combined residues of the insecticide pirimiphos-methyl [*O*-(2-[diethylamino]-6-methyl-4-pyrimidinyl) *O,O*-dimethylphosphorothioate] and its metabolites *O*-(2-[ethylamino]-6-methyl-4-pyrimidinyl) *O,O*-dimethylphosphorothioate, 2-(diethylamino)-6-methyl-4 (3*H*) pyrimidinone, 2-(ethylamino)-6-methyl-4 (3*H*) pyrimidinone, and 2-amino-6-methyl-4 3*H*) pyrimidinone in or on kiwifruit imported from New Zealand at 5.0 parts per million (ppm). The petition was subsequently amended by deleting the metabolites from the tolerance regulation.

There were no comments or requests for referral to an advisory committee received in response to the notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance were discussed in the proposed rule.

The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: May 17, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended by adding a new § 180.409 to read as follows:

§ 180.409 Pirimiphos-methyl; tolerances for residues.

A tolerance is established for residues of the insecticide pirimiphos-methyl [*0-(2-[diethylamino]-6-methyl-4-pyrimidinyl)0,0-*dimethylphosphorothioate] in or on the following raw agricultural commodity:

Commodity	Parts per million
Kiwifruit	5.0

[FR Doc. 83-14159 Filed 5-31-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 716

[OPTS-84007; TSH-FRL 2370-3]

Health and Safety Data Reporting; Submission of Lists and Copies of Health and Safety Studies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This amendment will add chemicals to the list of chemical substances and mixtures for which lists and copies of unpublished health and safety studies must be submitted under 40 CFR Part 716 Subpart A, the regulation implementing section 8(d) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(d). The chemical substances to be added were recommended for testing by the Interagency Testing Committee (ITC) in their Twelfth Report to EPA and designated for priority consideration by EPA wihin 12 months. The ITC was established under section 4(e) of TSCA. 40 CFR 716.18(b) provides that chemical substances and designated mixtures that have been designated for testing by the ITC may be made subject to the rule by the publication of a notice to that effect in the **Federal Register**. Thirty days after publication of the notice, the chemicals will become subject to 40 CFR Part 716 Subpart A. Therefore, these substances designated by the ITC will become subject to 40 CFR Part 716 Subpart A on July 1, 1983.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the U.S.A.: (Operator-202-554-1404.

SUPPLEMENTAL INFORMATION: In the **Federal Register** of September 2, 1982 (47 FR 38780), EPA issued regulations under section 8(d) of TSCA (40 CFR Part 716 Subpart A) to require submission by chemical manufacturers and processors of unpublished health and safety studies on specifically listed chemicals. That rule established standardized reporting requirements and provided for amending the list of chemicals subject to the rule.

40 CFR 716.18(b) provides that ITC-designated chemicals may be made subject to the rule by the publication of a regulation to that effect in the **Federal Register**. Therefore, this regulation to 40 CFR 716.17 constitutes the notice required by 40 CFR 716.18(b). On July 1, 1983 the chemical substances list below will become subject to 40 CFR 716 Subpart A.

Elsewhere in today's **Federal Register**. EPA is issuing a notice announcing the receipt of the Twelfth Report of the Interagency Testing Committee, which was transmitted to the Administrator of EPA on May 11, 1983. The Twelfth Report, which revises and updates the Committee's priority list of chemicals, adds five chemicals to the list for priority consideration within 12 months by EPA in the promulgation of test rules under section 4(a) of TSCA. The five new chemicals are listed below.

Chemicals To be Added

Chemical substance	CAS Numbers
Calcium naphthenate	61789-36-4
Cobalt naphthenate	61789-51-3
Lead naphthenate	61790-14-5
Methylolurea	1000-82-4
2-Phenoxyethanol	122-99-6

Economic Impact

EPA estimates that submitting the required data on these additional chemicals will cost industry $32,000. This consists of the following.

Corporate rule review	$13,900
Corporate review (site identification)	2,800
File search	5,300
Title listing	200
Photocopying (materials)	300
Photocopying (labor)	1,000
Managenal review	7,700
Ongoing reporting	1,100
Total	32,300

If we assume ±30 percent margin of error in these estimates, the range of probable cost varies from $22,600 to $42,000. These costs are minimal compared to the importance of obtaining information in time to evaluate ITC-designated chemicals within statutory deadlines.

Public Record

EPA has established a public record (docket number OPTS-84007) for this rulemaking document which, along with a complete index, is available for inspection in Rm. E-108 from 8:00 a.m. to 4:00 p.m. on working days (401 M St., SW., Washington, D.C. 20460). This record includes information considered by the Agency in adding the ITC chemicals to this rule. The record includes the following:

(1) Health and Safety Study Reporting Regulations (40 CFR Part 716), Public Record, Docket No. 084003.

(2) Information Impact Analysis for 40 CFR Part 716 and this rulemaking.

(3) 12th Report of the Interagency Testing Committee (ITC).

Regulatory Assessment Requirements Paperwork Reduction Act

The reporting provisions of the final section 8(d) rule (40 CFR Part 716) have been approved by the Office of Management and Budget (OMB) under section 3504(b) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The OMB control number is 2070–0004.

Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not result in an effect on the economy of $100 million or more, an increase in costs or prices, or any of the adverse effects described in the Executive Order.

This amendment was not submitted to the Office of Management and Budget (OMB) for review, because the automatic listing of designated substances is provided for in 40 CFR 716.18(b)—a final rule which had been previously reviewed by OMB under the terms of the Executive order.

List of Subjects in 40 CFR Part 716

Chemicals, Health and safety, Environmental protection, Hazardous materials, Recordkeeing and reporting.

Dated: May 18, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

PART 716—[AMENDED]

Therefore, Title 40, Chapter I, is amended by adding § 716.17(a)(4) to read as follows:

§ 716.17 Substances and designated mixtures to which this subpart applies.

(a) * * *

(4) As of July 1, 1983, the following chemical substances are subject to this subpart.

Chemical substance	CAS Numbers
Calcium naphthenate	61789-36-4
Cobalt naphthenate	61789-51-3
Lead naphthenate	61790-14-5
Methylolurea	1000-82-4
2-Phenoxyethanol	122-99-6

* * * * *

OMB Control Number: 2070–0004.

(Sec. 8, Pub. L. 94–469, 90 Stat. 2027 (15 U.S.C. 2607))

[FR Doc. 83-14444 Filed 5-31-83; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3200, 3210, 3220, 3240 and 3250

[Circular No. 2526]

Geothermal Resources Leasing Program; General Amendments

AGENCY: Bureau of Land Management, Interior

ACTION: Final rulemaking.

SUMMARY: This final rulemaking eliminates a number of redundant regulatory requirements that currently affect parties seeking to acquire interests in Federal geothermal leases. Deleted are the requirements for separate statements concerning acreage holdings, citizenship, corporate qualifications, proof of authority to act, municipality papers, and identification of other parties in interest. These requirements are unnecessary because prospective lessees or holders of interests in geothermal leases are required to supply and certify this information on the forms used to obtain leases or interests.

EFFECTIVE DATE: July 1, 1983.

ADDRESS: Any suggestions or comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: A proposed rulemaking to amend the Geothermal Resources Leasing Regulations, 43 CFR Part 3200, Subparts 3210, 3220, and 3240, was published in the **Federal Register** on December 15, 1982 (47 FR 56151). It proposed to delete requirements for parties seeking an interest in Federal geothermal leases to provide certain data regarding their qualifications for holding leases. Only one comment, addressing a number of the provisions in the proposed rule, was received in response to the proposed rulemaking.

The commenter suggested that § 3202.2 be changed by inserting the words "after receipt" after the words "30 days" to clarify that a full 30 days would be allowed to gather and submit requested information. This suggestion was accepted and the change made in the final rulemaking.

The commenter also recommended that the existing requirement that a separate statement disclosing other parties in interest at the time of the lease application remain a part of the regulations. This suggestion was not adopted. In order for a party to have an interest in a lease, that party's name must appear in the application. No other parties in interest are recognized by the Bureau of Land Management until lease assignments or transfers of interests are submitted after lease issuance. Therefore, no separate statement as to other parties in interest is necessary at the time of application.

It was also suggested that § 3202.2–7 concerning fractional present interest be retained. However, this provision was not involved in the proposed rulemaking since it had previously been renumbered and incorporated into § 3207.2–2 (see 43 FR 5004, dated February 3, 1982).

The same commenter suggested that subsection (a) of § 3210.2–1, which requires the name and address of lease applicants be placed on applications, be retained in the regulations. This suggestion was not adopted. The regulations already specify that applications shall be filed on a form approved by the Director. The form used requires applicants to enter names and addresses.

It was suggested that the portions of § 3220.6(d) which require that a plan of exploration or development be submitted prior to lease issuance be deleted. Section 3220.6(d) was proposed for deletion (see 47 FR 18826 dated April 30, 1982), and was deleted in final rulemaking published in the **Federal Register** on April 20, 1983. (See 48 FR 1702.)

Editorial changes are also made in this final rulemaking for the purpose of clarifying the language and the requirements in the proposed rulemaking.

Finally, as a result of the changes made by this final rulemaking, the forms currently used for obtaining an interest in a geothermal lease will be inconsistent with 43 CFR 3200. Until such time as the forms are changed, parties wishing to obtain a geothermal lease may disregard those sections of the forms requiring separate statements and certify their compliance with 43 CFR Part 3200 and the Geothermal Steam Act of 1970. The principal author of this final rulemaking is Karl F. Duscher, Division of Oil, Gas and Geothermal Resources, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic

effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The Department of the Interior has further determined that the major effect of this final rulemaking would be to reduce the existing regulatory burden on parties involved in applying for interests in Federal geothermal leases. The impact would not be significant under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The information collection requirements contained in this rulemaking have been previously approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1004–0038, 1004–0063, and 1004–0074. No new information collection requirements are contained in this rulemaking.

List of Subjects in 43 CFR Part 3200

Environmental protection, Geothermal energy, Mineral royalties, Public lands: classification, Public lands: mineral resources, Surety bonds.

Under the authority of the Geothermal Steam Act of 1970 (30 U.S.C. 1001–1025, Group 3200), subchapter C, Chapter ii of Title 43 of the Code of Federal Regulations is amended as set forth below.

Dated: April 20, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

1. The following notes are inserted immediately following the part headings:

PART 3200—[AMENDED]

Note.—The information collection requirements contained in Part 3200 of Group 3200 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004–0074. The information is being collected to allow the authorized officer to determine if lease applicants or lessees are qualified to hold geothermal leases, to enable the authorized officer to complete necessary environmental reviews of prelease exploration operations, and to ensure that all operations on public lands are conducted in compliance with terms and conditions of permits and leases. This information will be used in making those determinations, in completing the subject environmental reviews, and in obtaining the necessary insurances. The obligation to respond is required to obtain a benefit.

PART 3210—[AMENDED]

Note.—The information collection requirements contained in part 3210 of Group 3200 have been approved by the Office of Management and Budget under 44 U.S.C. 3607 and assigned clearance number 1004–0038. The information is being collected to allow the authorized officer to determine if lease applicants are qualified to hold geothermal leases. This information will be used in making those determinations. The obligation to respond is required to obtain a benefit.

PART 3220—[AMENDED]

Note.—The information collection requirements contained in Part 3220 of Group 3200 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004–0074. The information is being collected to allow the authorized officer to determine the qualified bidder of the highest bonus bid for a competitive lease parcel. This information will be used in making those determinations. The obligation to respond is required to obtain a benefit.

PART 3240—[AMENDED]

Note.—The information collection requirements contained in Part 3240 of Group 3200 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004–0074. The information being collected to allow the authorized officer to determine if parties obtaining an interest in a lease are qualified to hold such interest. This information will be used in making those determinations. The obligation to respond is required to obtain a benefit.

PART 3250—[AMENDED]

Note.—The information collection requirements contained in Part 3250 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004–0063. The information is being collected to allow the authorized officer to determine that the applicant is qualified to hold a utilization license, to enable the authorized officer to complete necessary environmental reviews, and to ensure that a utilization facility is constructed and maintained in compliance with terms and conditions of a license. This information will be used in making that determination, in completing environmental reviews, and in ensuring compliance. The obligation to respond is required to obtain a benefit.

PART 3201—[AMENDED]

§ 3201.2 [Amended]

2. Section 3201.2(e) is removed in its entirety.

3. Section 3202.2 is retitled and revised as follows:

PART 3202—[AMENDED]

§ 3202.2 Proof of qualifications.

Submission of a lease application or offer, or request for approval of an assignment, shall constitute certification of compliance with the regulations of this group and the Geothermal Steam Act of 1970. (30 U.S.C. 1001–1025.) Any party seeking to acquire or already holding a Federal geothermal lease or interest therein may be required by the authorized officer to submit proof that the party is qualified to hold a geothermal lease. Such proof shall be submitted within 30 days after receipt of request.

3a. Section 3202.2–1 is revised to read as follows:

§ 3202.2–1 Proof which may be required.

The authorized officer may require:

(a) Evidence that the lessee does not hold acreage in excess of that prescribed in § 3201.2 of this title. A lessee may be additionally required to submit the serial numbers and percent interest held in all leases as of a specified date.

(b) Evidence that the lessee or applicant is a citizen of the United States or, if a corporation or association, that the entity is in compliance with § 3202.1 of this title.

(c) Evidence that the individual executing an application, lease, or transfer of interest on behalf of another party is authorized to act in that capacity. In the case of a guardian or trustee, a copy of the authorizing court order or other legal instrument shall constitute such evidence.

(d) Evidence indicating whether the applicant or lessee is the sole party in interest and, if not, providing the names, addresses, and nature of interests of any other parties.

(e) Evidence showing that the municipality or governmental unit involved is authorized to hold geothermal leases. The evidence shall include a copy of the governing body's resolution authorizing the particular action being taken.

(f) Evidence setting forth the names and addresses of all members or stockholders controlling more than 10 percent of the corporation or association.

PART 3210—[AMENDED]

§ 3210.2–1 [Amended]

4. Section 3210.2–1 is amended by removing the words "the following:" from the fourth sentence in the first paragraph, by removing paragraphs (a), (b) and (d) in their entirety and by removing the designation "(c)" from paragraph (c) and changing the first word "A" to "a".

PART 3220—[AMENDED]

§ 3220.2 [Removed]

5. Section 3220.2 is removed in its entirety.

§§ 3220.2, 3220.3, 3220.4 and 3220.5 [Redesignated from §§ 3220.3, 3200.4, 3200.5 and 3220.6]

6. Sections 3220.3, 3200.4, 3200.5 and 3220.6 are redesignated as 3220.2, 3220.3, 3220.4 and 3220.5 respectively.

PART 3241—[AMENDED]

§ 3241.1–2 [Removed]

7. Section 3241.1–2 is removed in its entirety.

§ 3241.2–3 [Amended]

8. Section 3241.2–3(b) is amended by adding in the last sentence after the phrase "qualifications of the assignee" the phrase ", if requested by the authorized officer.".

§ 3241.7–1 [Amended]

9. Section 3241.7–1(c) is removed in its entirety.

[FR Doc. 83–14716 Filed 5–27–83; 8:45 am]
BILLING CODE 4310–84–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6526]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet the statutory requirement for compliance with program regulations (44 CFR Part 59 *et. seq.*). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register**.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participatiung in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended.) This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6 month, 90 days, and 30 days notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood loses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
California:					
Mendocino	Unincorporated areas	060183B	Dec. 17, 1974, emergency; June 1, 1983, Regular; June 1, 1983, suspended.	Jan. 3, 1974 and Apr. 25, 1978.	June 1, 1983.
Tulare	Woodlake, city of	065071B	Mar. 12, 1971, emergency; June 1, 1983, regular; June 1, 1983, suspended.	June 28, 1974 and May 7, 1976.	Do.
Illinois: Peoria	Unincorporated areas	170533	July 7, 1972, emergency; Feb. 15, 1980, regular; June 1, 1983, suspended.	Feb. 15 1980	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area [illegible]	Date[1]
[illegible]	do	[illegible]	Apr. 12, 1976, emergency; June 1, 1983, regular; June 1, 1983, suspended.	Dec. 13 1974, May 27, 1977, and June 22, 1979.	Do.
Iowa:					
Kossuth	Algona, city of	[illegible]	July 18, 1974, emergency; June 1, 1983, regular; June 1, 1983, suspended.	May 3, 1974 and Jan 2, 1976.	Do.
Story	Unincorporated areas	[illegible]	June 1, 1978, emergency June 1, 1983, regular; June 1, 1983, suspended.	Nov. 15, 1977	Do.
[illegible]					
Bristol	Dartmouth, town of	[illegible]	Sept 10, 1971, emergency; Aug. 15, 1977, regular; June 1, 1983, suspended.	Feb. 28, 1975 and Aug. 15, 1977.	Do.
Worcester	Uxbridge, town of	[illegible]	May 5, 1975, emergency; June 1, 1983, regular; June 1, 1983; suspended.	Aug. 2, 1974, Oct. 29 1976, and Oct. 3, 1980.	Do.
[illegible] Yellow Medicine	Canby, city of	270645B	May 30, 1974, emergency; June 1, 1983, regular; June 1, 1983, suspended.	Apr. 5, 1974	Do
New Jersey: Middlesex	South Amboy, city of	340277C	Sept. 27, 1974, emergency; Dec. 4, 1974, regular; June 1, 1983, suspended	Feb. 1, 1974, Dec. 4, 1979, and Dec. 12, 1975.	Do
New York:					
[illegible]	[illegible], village of	360479B	Dec. 26, 1974, emergency; June 1, 1983, regular; June 1, 1983, suspended.	June 14, 1974 and Aug. 13, 1976.	Do.
Oneida	Yorkville, village of	[illegible]	Sept. 19, 1974, emergency; June 1, 1983, regular; June 1, 1983, suspended.	Feb. 22, 1974 and Aug. 6, 1976.	Do.
Nassau	Woodsburgh, village of	360496B	Jan. 14, 1975, emergency; June 1, 1983, regular; June 1, 1983, suspended.	June 28, 1974 and June 25, 1976.	Do
Pennsylvania:					
Chester	East Fallowfield, township of	421479B	Nov. 3, 1975, emergency; June 1, 1983, regular; June 1, 1983, suspended.	Jan. 14, 1977	Do
[illegible]	Parkesburg, borough of	422277A	June 11, 1975, emergency; Jan. 3, 1975, regular; June 1, 1983, suspended.	Jan. 3, 1975	Do
[illegible]	West Pikeland, township of	421151B	Apr. 10, 1974, emergency; June 1, 1983, regular; June 1, 1983, suspended.	Sept. 3, 1976	Do.
York	Windsor, township of	420942	May 27, 1975, emergency; Nov. 3, 1982, regular; June 1, 1983, suspended.	Jan. 23, 1974	Do.
Texas: Jefferson	Unincorporated areas	480385B	June 30, 1970, emergency; Aug. 30, 1977, regular; June 1, 1983, suspended.	Aug. 30, 1977	Do.
[illegible]					
Franklin	Berkshire, town of	[illegible]	Sept. 30, 1975, emergency; June 1, 1983, regular; June 1, 1983, suspended.	May 31, 1974 and Sept. 10, 1976.	Do.
Lamoille	Cambridge, village of	[illegible]	July 2, 1975, emergency; June 1, 1983, regular; June 1, 1983, suspended.	Aug. 9, 1974 and Nov. 26, 1976.	Do.
Wisconsin: Portage	Unincorporated areas	550672C	Feb. 10, 1975, emergency; June 1, 1983, regular; June 1, 1983 suspended.	Dec. 23, 1977 and Jan 26, 1979.	Do.
Washington: Watcom	Ferndale, city of	[illegible]	May 27, 1975, emergency; June 1, 1983, regular; June 1, 1983, suspended.	Apr. 9, 1976	Do
Pennsylvania: York	Lower Windson, township of	421187B	Aug. 29, 1975, emergency; Mar. 2, 1983, regular; June 1, 1983, suspended.	Aug. 30, 1974 and Aug. 20, 1976.	Do.
Minnesota: Faribault	Unincorporated areas	[illegible]	Nov. 1, 1974, emergency; May 17, 1982, regular; June 3, 1983, suspended.	July 22, 1977	June 3, 1983.
Maryland: Harford	do	[illegible]	May 5, 1972, emergency; Mar. 2, 1983, regular; June 2, 1983, suspended.	Apr. 4, 1975	June 2, 1983.
Wisconsin: Portage	Stevens Point, city of	[illegible]	Aug. 2, 1974, emergency; June 1, 1983, regular; June 1, 1983, suspended.	Dec. 28, 1973	June 1, 1983.
Illinois: Scott	Naples, village of	1706098	Mar. 6, 1974, emergency; May 17, 1982, regular; June 2, 1983, suspended.	Apr. 2, 1976 and Jan. 9, 1974.	June 2, 1983.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: May 24, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–14572 Filed 5–31–83; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster

Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 1229, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood Insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alaska	Nome (city), Nome Division, FEMA–6470	Snake River	At the intersection of Center Creek Road and Airport Road.	*15
		Norton Sound	200 feet South of the center of West K St. and Gold Avenue.	*21
			230 feet Southwest of the center of intersection of Rhine Street and Front Street.	*27
			50 feet South of the center of the intersection of Carstens Way and East Front Street.	*28
			At intersection of East Front Street and Campbell Way	*12
Maps available for inspection at City Clerk's Office, Front and Division, Nome, Alaska.				
Illinois	(T) Normal, McLean County (Docket No. FEMA 6442)	Sugar Creek	Just upstream of Cottage Avenue	*751
			Just downstream of Illinois Central Gulf Railroad	*760
			Just upstream of Illinois Central Gulf Railroad	*764
			Just upstream of Veteran Parkway	*791
		West Branch Sugar Creek	Southern corporate limit	*755
			Just downstream of Raab Road	*817
		North Branch Sugar Creek	Mouth at Sugar Creek	*785
			Just downstream of Fort Jesse Road	*786
		East Tributary Skunk Creek	Just upstream of Route 150 (White Oak Road)	*762
			Just downstream of Parkside Drive	*766
		West Tributary Skunk Creek	About 700 feet downstream of Interstates 55 and 74	*776
			Just downstream of Gregory Street	*785
Maps available for inspection at the Housing Inspections Department, City Hall, 100 East Phoenix, Normal, Illinois.				
Send comments to Honorable Richard Godfrey, Mayor, Town of Normal, City Hall, 100 East Phoenix, Normal, Illinois 61761.				
Illinois	(V) Oquawka, Henderson County (Docket No. FEMA–6485).	Mississippi River	About 4.2 miles upstream of Dam No. 18	*538
			About 6.5 miles upstream of Dam No. 18	*540
Maps available for inspection at the Village Hall, Oquawka, Illinois.				
Iowa	(Uninc.) Dubuque County (Docket No. FEMA–6431)	North Fork Maquoketa River	About 1.8 miles downstream of U.S. Highway 151	*813
			Just downstream of State Highway 136	*833
			About 2.2 miles downstream of U.S. Highway 20	*938
			Just upstream of City of Dyersville corporate limits (upstream crossing).	*948
			About 0.2 mile downstream of State Highway 136 (in New Vienna).	*992
			About 2.5 miles upstream of State Highway 136 (in New Vienna).	*1,012
		North Fork Maquoketa River Tributary.	About 0.2 mile downstream of Oak Ridge Subdivision Road.	*957
			About 1.7 miles upstream of Oak Ridge Subdivision Road.	*997
		Hewitt Creek Tributary	Just upstream of City of Dyersville corporate limits	*954
			About 0.7 mile upstream of City of Dyersville corporate limits.	*960
		Hewitt Creek	Just upstream of City of Dyersville corporate limits	*954
			About 1.8 miles upstream of City of Dyersville corporate limits.	*973
		Mississippi River	South county boundary	*605
			North county boundary	*616
		Catfish Creek	At mouth	*610
			About 100 feet downstream of County Road (upstream of City of Dubuque).	*694
		Granger Creek	At mouth	*612
			About 3.2 miles upstream of U.S. Highway 52	*701
		South Fork Catfish Creek	About 0.6 mile upstream of mouth	*635
			Just downstream of English Mill Road	*707
			About 300 feet upstream of English Mill Road	*714
			About 0.3 mile upstream of U.S. Highway 20	*767
		Middle Fork Catfish Creek	About 0.5 mile downstream of County Road	*779
			About 0.3 mile upstream of County Road	*792
		Union Park Hollow	About 400 feet downstream of State Highway 386	*622

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 100 feet upstream of State Highway 386	*636
			About 8,000 feet upstream of State Highway 386	*759
		Couler Valley	At mouth	*622
			About 0.6 mile upstream of State Highway 386 (downstream of City of Dubuque).	*626
		Couler Valley Tributary	At mouth	*622
			About 0.3 mile upstream of mouth	*630
		Durlon Creek	West county boundary	*890
			About 100 feet downstream of County Road	*927
		North Fork Little Maquoketa River	At mouth	*649
			Just downstream of U.S. Highway 52	*661
		North Fork Little Maquoketa River Tributary	At mouth	*665
			Just downstream of County Road (about 1.8 miles upstream of mouth).	*721
			About 0.3 mile upstream of County Road (about 2.1 miles upstream of mouth).	*730
		Bloody Run Creek	At mouth	*622
			About 100 feet downstream of Mudd Lake Road	*633
		Little Maquoketa River	Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*614
			About 4.5 miles upstream of confluence of North Fork Little Maquoketa River.	*698
		Sherrill Creek	At mouth	*646
			About 0.3 mile upstream of Glen Dalfa Road	*652
		Cloie Branch	At mouth	*636
			About 2.7 miles upstream of mouth	*696
Maps available for inspection at the County Zoning Office, Dubuque County Courthouse, Seventh and Central Streets, Dubuque, Iowa.				
Maryland	Rock Hall, town, Kent County (Docket No. FEMA-6470).	Grays Inn Creek	Downstream corporate limits	*8
			Upstream Rock Hall Road	*12
		Chesapeake Bay	Shoreline at northern corporate limits	*9
			Shoreline at southwestern corporate limits	*11
Maps available for inspection at the Municipal Building, South Main Street, Rock Hall, Maryland.				
[illegible]	(Uninc.) Jackson County (Docket No. FEMA-6449)	Sni-A-Bar Creek	At County Boundary	*740
			About 800 feet upstream of Illinois Central Gulf Railroad.	*776
			Just upstream of Colbern Road	*811
			About 150 feet downstream of Falkenberry Road	*819
		Tributary No. S-1	Just upstream of County Highway 24E	*753
			About 0.60 mile upstream of Jim Owens Road	*810
		Tributary No. S-2	Mouth at Sni-A-Bar Creek	*753
			Just upstream of Jim Owens Road	*763
			About 0.76 mile upstream of Jim Owens Road	*788
		Tributary No. S-3	Mouth at Sni-A-Bar Creek	*755
			About 2,100 feet upstream of Interstate 70	*794
		Tributary No. S-3A	About 600 feet downstream of Jim Owens Road	*755
			About 0.88 mile upstream of Jim Owens Road	*788
		Tributary No. S-4	About 750 feet downstream of Howell Road	*767
			Just downstream of Pink Hill Road	*798
			About 1,200 feet upstream of Pink Hill Road	*804
		Tributary No. S-5	Mouth at Sni-A-Bar Creek	*819
			Just upstream of Brown Road	*878
			Just downstream of Buckner-Tarsney Road	*956
		West Fork Sni-A-Bar Creek	Mouth at Sni-A-Bar Creek	*793
			About 1.29 miles upstream of Buckner-Tarsney Road	*819
			At Village of Lake Lotawana corporate limits	*836
		Blue Branch	Mouth at Sni-A-Bar Creek	*777
			Just downstream of U.S. Highway 40	*792
			Just upstream of U.S. Highway 40	*797
			Just upstream of County Highway AA	*804
			About 200 feet downstream of Ryan Road	*826
		Tributary No. B-1	Just downstream of Illinois Central Gulf Railroad	*800
			At the City of Blue Springs corporate limit	*829
		Tributary No. B-2	Just upstream of U.S. Highway 40	*809
			At the City of Blue Springs corporate limit (About 0.7 mile upstream of Interstate 70).	*840
		Swiney Branch	Just upstream of Seymour Road	*773
			Just downstream of Rust Road	*789
			Just upstream of Rust Road	*794
			Just upstream of Dillingham Road	*822
			About 0.57 mile upstream of Tyler road	*880
		Swiney Branch Tributary	Mouth at Swiney Branch	*784
			About 0.78 mile upstream of Rust Road	*816
			About 150 feet downstream of Dillingham Road	*840
		Horseshoe Creek	Mouth at Sni-A-Bar Creek	*743
			At County Boundary	*763
		Tucker Branch	Mouth at Sni-A-Bar Creek	*747
			Just upstream of Pink Hill Road	*757
			Just downstream of County Highway FF	*824
		Tucker Branch Tributary	Mouth Tucker Branch	*770
			Just upstream of Borgman Road	*778
			Just upstream of Truman Road	*779
			Just upstream of Truman Road	*785
			About 1.23 miles upstream of Truman Road	*819
		Seminary Creek	Mouth at Sni-A-Bar Creek	*742
			About 1.42 miles upstream of Truman Road	*781
		West Fire Prairie Creek	Just upstream of County Highway FF	*773

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Argo Road	*709
		West Branch Crawford Creek	About 2,150 feet downstream of Stringtown Road	*898
			Just upstream of Outer Belt Road	*918
			About 2,000 feet upstream of R. F. Gammon Road	*957
		Tributary No. C-2	Mouth at West Branch Crawford Creek	*906
			Just downstream of Outer Belt Road	*916
			About 200 feet upstream of Outer Belt Road	*923
			About 2,000 feet upstream of Outer Belt Road	*938
		Tributary No. C-1	Mouth at Tributary No. C-2	*907
			Just downstream of Outer Belt Road	*911
			Just upstream of Outer Belt Road	*916
			About 1.6 miles upstream of Outer Belt Road	*947
		Missouri River	About 4.0 miles downstream of Atchison, Topeka and Santa Fe Railroad	*712
			About 0.4 mile upstream of State Highway 291	*735
		Mill Creek	About 0.8 mile downstream of Quarry Road	*744
			About 740 feet upstream of Quarry Road	*801
		Fire Prairie	Just downstream of U.S. Highway 24 (near City of Levasy)	*721
			About 630 feet upstream of U.S. Highway 24 (near City of Buckner)	*732
		Horseshoe Creek Tributary	About 0.4 mile upstream of County Boundary	*793
			About 0.7 mile upstream of County Boundary	*805
Maps available for inspection at the County Planning and Zoning Office, First Floor, County Courthouse (Annex), 306 West Kansas, Independence, Missouri.				
New Jersey	Allamuchy, township, Warren County (Docket No. FEMA-6470).	Musconetcong River	Downstream corporate limits	*609
			Dam (downstream)	*624
			Kenny Road (upstream)	*641
Maps available for inspection at the Office of the Township Clerk, Allamuchy Municipal Building, Allamuchy, New Jersey.				
New Jersey	Atlantic City, city, Atlantic County (Docket No. FEMA-6470).	Atlantic Ocean	Entire shoreline within community	*15
			Shoreline of Absecon Inlet at Atlantic Avenue (extended)	*14
			Shoreline of Absecon Inlet at Melrose Avenue (extended)	*13
			Shoreline of Absecon Inlet at Parkside Avenue (extended)	*12
			Shoreline of Clam Creek at Massachusetts Avenue (extended)	*10
			Shoreline of Absecon Channel at Doles Point	*12
			Shoreline of Absecon Bay at Weakfish Island	*12
			Shoreline of Great Thorofare at Pleasantville Boulevard	*11
			Shoreline of Beach Thorofare at Arizona Avenue (extended)	*10
			Shoreline of inside thorofare at Albany Avenue	*10
			Shoreline of Beach Thorofare at Pleasantville Boulevard	*11
Maps available for inspection at the Office of the City Engineer, City Hall, Tennessee & Bacharach Boulevard, Atlantic City, New Jersey.				
New Jersey	Bayonne, city, Hudson County (Docket No. FEMA-6449).	Upper New York Bay	Entire shoreline within community	*10
		Kill Van Kull	At the confluence of Upper New York Bay	*10
			2.0 miles upstream of the Bayonne Bridge	*9
			Upstream of the Bayonne Bridge	*9
		Newark Bay	At the Newark Bay Bridge	*10
			0.6 mile downstream of the Newark Bay Bridge	*9
			0.5 mile upstream of Shooters Island	*9
			At Shooters Island	*9
Maps available for inspection at the Municipal Building, 630 Avenue C, Bayonne, New Jersey.				
New Jersey	Blairstown, township, Warren County (Docket No. FEMA-6470).	Paulins Kill	Upstream Vail Road	*318
			Approximately 3,000' upstream of Rubble Dam	*324
			Upstream Lambert Road	*330
			Confluence of Jacksonburg Creek	*332
			Confluence of Blair Creek	*340
			Upstream corporate limits	*357
		Jacksonburg Creek	Confluence with Paulins Kill	*332
			Upstream New Jersey State Highway Route 94	*363
			Upstream dam	*383
		Blair Creek	Confluence with Paulins Kill	*340
			Upstream Gordon Lane	*365
			Upstream corporate limits	*369
Maps available for inspection at the Municipal Building, Stillwater Road, Blairstown, New Jersey.				
New Jersey	Bound Brook, Borough, Somerset County (Docket No. FEMA-6449).	Raritan River	At confluence of Green Brook	*33
			At confluence of Middle Brook	*36
		Green Brook	At confluence with Raritan River	*33
			At upstream corporate limits	*54
		Middle Brook	At confluence with Raritan River	*36
			Downstream Talmadge Avenue	*40
			Downstream West Union Avenue	*60
			At upstream corporate limits	*66
Maps available for inspection at the Borough Hall, 110 Hamilton Street, Bound Brook, New Jersey.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Evesham (township), Burlington County (FEMA-6470)	Southwest Branch Rancocas Creek.	50 feet upstream from the center of North Elmwood Road.	*50
		Barton Run	50 feet upstream from the center of Taunton Lake Road.	*57
		Tributary No. 1 to Barton Run	At the Center of Tuckerton Road	*42
		Tributary No. 2 to Barton Run	At the Confluence with Barton Run	*46
		Black Run	At the center of Taunton Lake Road	*52
		Tributary to Black Run	200 feet upstream from the center of Kettle Run Road	*86
		Kettle Run	100 feet upstream from the center of Hopewell Road	*126
		South Branch Pennsauken Creek	At the center of Marlton Pike	*73
		Cropwell Brook	100 feet upstream from the center of Conestoga Drive	*68
Maps available for inspection at Municipal Building, 125 E. Main Street, Marlton, New Jersey.				
New Jersey	Hackettstown, Town, Warren County (Docket No. FEMA-6470).	Musconetcong River	Confluence of Trout Brook	*492
			State Route 24 (upstream)	*503
			East Avenue (upstream)	*514
			U.S. Route 46 (upstream)	*522
			Confluence of Hackettstown Brook	*528
			Stephen's Park Road (upstream)	*590
			Upstream corporate limits	*600
		Trout Brook	Confluence with Musconetcong River	*492
			State Route 57 (upstream)	*495
			Hatchery Drive (upstream)	*509
			Hatchery Road (upstream)	*516
			Grand Avenue (upstream)	*529
			Conrail (upstream)	*534
			Prospect Street (upstream)	*564
			U.S. Route 46 (upstream)	*568
			Baldwin Street (upstream)	*581
		Hackettstown Brook	Approximately 1,130 feet upstream of Baldwin Street	*610
			Confluence with Musconetcong River	*528
			Willow Grove Street (upstream)	*531
			Plane Street (upstream)	*536
			Maple Avenue (upstream)	*540
			Franklin Street (upstream)	*542
			Private Drive (downstream), approximately 1,000 feet upstream of Franklin Street.	*547
Maps available for inspection at the Office of the Town Engineer located in the Municipal Building, 215 Stiger Street, Hackettstown, New Jersey.				
New Jersey	Little Egg Harbor, Township, Ocean County (Docket No. FEMA-6470).	Mill Branch	At confluence of Gifflords Mill Branch	*11
			Nugentown Road (upstream)	*12
		Gifflords Mill Branch	At confluence with Mill Branch	*11
			Gifford Lane (upstream)	*14
			Otis Bog Road (upstream)	*18
		Willis Creek	At Atlantic Boulevard	*8
			Center Street (upstream)	*21
		Atlantic Ocean	Little Egg Harbor	*8
			Great Bay	*8
			Mullica River	*9
Maps available for inspection at the Municipal Building, Gifford Road and Route 9, Tuckerton, New Jersey.				
New Jersey	Longport, Borough, Atlantic County (Docket No. FEMA-6470).	Atlantic Ocean	Entire shoreline from northeastern corporate limits to Point Drive (extended).	*15
			Entire shoreline of Risley Channel and Beach Thorofare from Point Drive (extended) to northeastern corporate limits.	*10
Maps available for inspection at the Municipal Building, 2301 Atlantic Avenue, Longport, New Jersey.				
New Jersey	Woodbridge, Township, Middlesex County (Docket No. FEMA-6254).	Rahway River	Entire length of river within community	*10
		South Branch Rahway River	Approximately 2,790' downstream of corporate limits	*13
			At downstream corporate limits	*15
			Upstream of New Dover Road	*20
			Upstream of Green Street	*30
			Upstream of Wood Avenue	*40
		Parkway Branch	At confluence with South Branch Rahway River	*36
			Downstream of Garden State Parkway	*44
		Pumpkin Patch Brook	At downstream corporate limits	*61
			Upstream of Inman Avenue	*69
			Upstream of Inwood Avenue	*86
		Woodbridge River	At confluence with Arthur Kill	*10
			At Homestead Avenue	*10
			Upstream of Omar Avenue	*11
			Downstream of Randolph Avenue	*11
		Raritan River	Shoreline within community west of Edison bridge	*10
			Shoreline within community east of Edison bridge	*13
		Spa Spring	At confluence with Woodbridge River	*10
			Downstream of Convery Boulevard	*15
		Heards Brook	At confluence with Woodbridge River	*10
			Upstream of Amboy Avenue	*25
			Downstream of U.S. Route 9	*42
Maps available for inspection at the Municipal Building, One Main Street, Woodbridge, New Jersey.				
New York	Altamont, Village, Albany County (Docket No. FEMA-6449).	Altamont Tributary 1	Severson Avenue (upstream side)	*477
			Approximately 1,020' upstream of Severson Avenue	*535
			Upstream corporate limits	*621

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Altamont Tributary 2	Approximately 350' downstream of Delaware and Hudson Railroad.	*463
			Delaware and Hudson Railroad (downstream side)	*478
			Upstream corporate limits	*564
Maps available for inspection at the Village Hall, Main Street, Altamont, New York.				
New York	Avoca, Town Steuben County (Docket No. FEMA-6449).	Cohocton River	Downstream corporate limits	*1,152
			Upstream of State Route 415	*1,172
			Upstream of westbound Interstate Route 390 (2nd crossing).	*1,210
			Upstream of Conrail (downstream crossing)	*1,231
			Upstream corporate limits	*1,238
		Goff Creek	Confluence with Cohocton River	*1,173
			Upstream of eastbound State Route 17	*1,194
			Approximately 4,750' upstream of eastbound State Route 17.	*1,230
			Approximately 4,000' downstream of County Route 69	*1,260
			Downstream of County Route 69	*1,291
			Upstream corporate limits	*1,308
		Castle Creek	Confluence with Cohocton River	*1,224
			Upstream of County Route 6	*1,244
			Approximately 3,720' upstream of County Route 6	*1,271
Maps available for inspection at the Town Hall, Three Chase Street, Avoca, New York.				
New York	Black Brook, Town Clinton County (Docket No. FEMA-6449).	Ausable River	Downstream corporate limits	*504
			Confluence of West Branch Ausable River	*551
		West Branch Ausable River	Confluence with Ausable River	*551
			Downstream Old Bridge	*577
Maps available for inspection at the Town Hall, Main Street, Au Sable Forks, New York.				
New York	Cedarhurst, Village Nassau County (Docket No. FEMA-6299).	Motts Creek	Entire shoreline within community	*6
Maps available for inspection at the Village Hall, 200 Cedarhurst Avenue, Cedarhurst, New York.				
New York	Cortland, City Cortland County (Docket No. FEMA-6470).	Tioughnioga River	Downstream corporate limits	*1,092
			Downstream U.S. Route 11	*1,097
			At confluence of East and West Branches Tioughnioga River.	*1,100
		East Branch Tioughnioga River	At confluence with Tioughnioga River	*1,100
			Upstream corporate limits	*1,103
		West Branch Tioughnioga River	Approximately 1,400' downstream of Conrail	*1,100
			Upstream of Rickard Street	*1,109
			Confluence of Dry Creek	*1,115
			Upstream corporate limits	*1,117
		Otter Creek	Confluence with West Branch Tioughnioga River	*1,115
			Downstream Arthur Avenue	*1,120
			Upstream State Route 222	*1,129
			Upstream corporate limits	*1,138
		Dry Creek	Confluence with West Branch Tioughnioga River	*1,115
			Upstream Main Street	*1,120
			Upstream Madison Street	*1,130
			Upstream corporate limits	*1,145
Maps available for inspection at the City Hall, 25 Court Street, Cortland, New York.				
New York	Cortlandville, Town Cortland County (Docket No. FEMA-6470).	Tioughnioga River	Downstream corporate limits	*1,072
			Confluence of Trout Brook	*1,089
			Confluence of East and West Branches of Tioughnioga River.	*1,100
		East Branch Tioughnioga River	Confluence with Tioughnioga River	*1,100
			Upstream corporate limits	*1,106
		West Branch Tioughnioga River	Downstream corporate limits	*1,117
			Upstream corporate limits	*1,122
		Tributary A to Tioughnioga River	Confluence with Tioughnioga River	*1,085
			Downstream of East Blodgett Mills Road	*1,111
			Approximately 1,800' upstream of East Blodgett Mills Road.	*1,206
		Tributary B to Tioughnioga River	At confluence with Tioughnioga River	*1,091
			Upstream of U.S.Route 11	*1,121
			Downstream of Interstate 81	*1,160
		Blue Creek	Confluence with Dry Creek	*1,183
			Upstream of Kinney Gulf Road	*1,202
		Dry Creek	Corporate limits	*1,145
			Confluence of Blue Creek	*1,183
			Downstream of Kinney Gulf Road	*1,209
		Mosquito Creek	Downstream corporate limits of Village of McGraw	*1,207
			Approximately 3,000' upstream of corporate limits	*1,278
			Upstream of McGraw North Road (1st crossing)	*1,371
			Upstream of Heath Road	*1,407
			Approximately 1,000' downstream of corporate limits	*1,487
			Upstream corporate limits	*1,518
		Otter Creek	Downstream corporate limits	*1,136
			Approximately 500' upstream of McLean Road	*1,168
		Smith Brook	Downstream corporate limits	*1,172
			Approximately 2,000' upstream of corporate limits	*1,200
			Upstream corporate limits	*1,271
		Trout Brook	Confluence with Tioughnioga River	*1,086
			Upstream of Interstate 81 Northbound	*1,095
			Downstream corporate limits of Village of McGraw	*1,125

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream corporate limits	*1,204
Maps available for inspection at the Town Hall, 15 Terrace Road, Cortlandville, New York.				
New York	East Bloomfield, Town, Ontario County (Docket No. FEMA-6470).	Mud Creek	Extreme downstream corporate limits	*682
			Brace Road (upstream side)	*731
			North Bloomfield road (upstream side)	786
			Abandoned railroad (upstream side)	*812
			U.S. Route 20/State Route 5 (upstream side)	*838
Maps available for inspection at the Town Hall, Main Street, East Bloomfield, New York.				
New York	Hamman, Village, Orange County (Docket No. FEMA-6470).	Ramapo River	At downstream corporate limits	*522
			Approximately 200' upstream of State Route 17	*527
			Approximately 200' upstream of River Road	*537
			Approximately 150' upstream of Conrail	*552
			Upstream corporate limits	*564
		Tributary 1	Downstream corporate limits	*522
			Upstream corporate limits	*522
Maps available for inspection at the Village Hall, in the Clerk's Office, Hamman, New York.				
New York	Homer, Town, Cortland County (Docket No. FEMA-6470).	East Branch Tioughnioga River	Downstream corporate limits	*1,106
			Upstream East Homer crossing	*1,125
			Upstream of Young's crossing	*1,136
		West Branch Tioughnioga River	Downstream corporate limits	*1,131
			Upstream of Conrail	*1,133
			At confluence of Cold Brook	*1,143
			Upstream of Little York Dam	*1,155
			Upstream corporate limits	*1,156
		Factory Brook	Downstream corporate limits	*1,143
			Upstream Brake Hill Road	*1,181
			Upstream of downstream crossing of State Route 41	*1,198
			Upstream of upstream crossing of State Route 41	*1,229
			Upstream corporate limits	*1,299
		Cold Brook	Confluence with West Branch Tioughnioga River	*1,143
			Upstream State Route 281	*1,159
			Upstream Ayers Road	*1,194
			Downstream Cold Brook Road	*1,234
		Albright Creek	Confluence with East Branch Tioughnioga River	*1,125
			Upstream State Route 13	*1,141
			Approximately .6 mile upstream State Route 13	*1,194
		Tributary A to Factory Brook	Confluence with Factory Brook	*1,149
			Upstream State Route 41	*1,192
			Approximately .26 mile upstream of State Route 41	*1,214
		Tributary B to Factory Brook	Confluence with Factory Brook	*1,216
			Upstream State Route 41	*1,245
			Approximately 800 feet upstream of State Route 41	*1,260
Maps available for inspection at the Town Hall, 31 North Main Street, Homer, New York.				
New York	Homer, Village, Cortland County (Docket No. FEMA-6470).	Factory Brook	Confluence with West Branch Tioughnioga River	*1,130
			Upstream of Conrail	*1,136
			Upstream corporate limits	*1,143
		West Branch Tioughnioga River	Downstream of State Route 281	*1,120
			Upstream of Albany Street	*1,126
			Upstream of Water Street	*1,129
			Upstream of Conrail	*1,133
Maps available for inspection at the Town Hall, 31 North Main Street, Homer, New York.				
New York	Jay, Town, Essex County (Docket No. FEMA-6449)	Ausable River	Approximately 3 miles downstream of confluence of West Branch Ausable River.	*500
			Approximately 1.4 miles downstream of confluence of West Branch Ausable River.	*564
		East Branch Ausable River	Confluence of West Branch Ausable River	*551
			Confluence with Ausable River	*551
			Approximately 300' upstream Jersey Bridge (County Route 9R).	*556
		West Branch Ausable River	Approximately 1 mile upstream Jersey Bridge	*572
			Confluence with Ausable River	*551
			Approximately 70' downstream of Old Bridge	*558
			Approximately 850' upstream of Old Bridge	*584
Maps available for inspection at the Town Hall located at the Community Center, Main Street, Au Sable Forks, New York.				
New York	Porter, Town, Niagara County (Docket No. FEMA-6384).	Lake Ontario	Entire shore line	*249
		Beaver Creek	Confluence with Twelvemile Creek	*306
			Upstream Ransomville Road	*314
			Upstream New Road	*318
			Upstream State Route 93	*324
		Tributary B-1	Confluence with Beaver Creek	*318
			Upstream Conrail culvert	*320
		Twelvemile Creek	Downstream corporate limits	*296
			Upstream Race Track Road	*307
			Upstream State Route 93	*314
		Tributary T-3	Confluence with Twelvemile Creek	*314
			Upstream Dickersonville Road (downstream crossing)	*316
			Upstream Dickersonville Road (upstream crossing)	*320
			Upstream corporate limits	*324
		Tributary T-3A	Confluence with Tributary T-3	*319
			Upstream Conrail culvert	*323
			Upstream corporate limits	*328
Maps available for inspection at the Town Hall, 120 Lockport Street, Youngstown New York.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
New York	Rochester, Town, Ulster County (Docket No. FEMA-6442).	Rondout Creek	Confluence of Rochester Creek	*[illegible]
			Main Street (upstream)	*242
			Upstream corporate limits	*253
Maps available for inspection at the Town Hall, Accord, New York.				
Ohio	(V) Athalia, Lawrence County (Docket No. FEMA-6470).	Ohio River	Within the corporate limits	*558
Maps available for inspection at the Village Hall, Athalia, Ohio.				
Ohio	(V) Groveport, Franklin County (Docket No. FEMA-6470).	Big Walnut Creek	Just upstream of old Groveport Road	*726
			About 0.2 mile upstream of Chessie System	*726
		Little Walnut Creek	About 1.38 miles downstream of Golf Course Drive	*726
			Just downstream of Richardson Road	*732
		Tributary J	About 0.27 mile upstream of mouth	*739
			About 0.4 mile upstream of mouth	*740
Maps available for inspection at Village Hall, 605 Cherry Street, Groveport, Ohio.				
Ohio	(V) Hanging Rock, Lawrence County (Docket No. FEMA-6470).	Ohio River	At downstream corporate limits	*544
			At upstream corporate limits	*545
Maps available for inspection at the Village Hall, Railroad Street, Hanging Rock, Ohio.				
Ohio	(Uninc.) Stark County (Docket No. FEMA-6442)	Tuscarawas River	About 700 feet downstream of Blough Avenue	*919
			About 1,500 feet upstream of Wooster Street	*[illegible]
			Just downstream of Highmill Avenue	*[illegible]
			About 1,300 feet upstream of confluence of Nimishillen Creek.	*947
			Just upstream of Pontius Street	*1,115
			About 0.8 mile upstream of Mogadore Avenue	*1,126
		Nimishillen Creek	About 300 feet downstream of Chessie System	*962
			About 200 feet downstream of Mill Street	*1,003
		East Branch Nimishillen Creek	Just upstream of Conrail (about 1.1 miles downstream of Trump Avenue).	*1,050
			Just upstream of Conrail (about 0.9 mile downstream of Trump Avenue).	*1,054
			Just upstream of Beck Avenue	*1,063
			About 1,600 feet upstream of State Route 44	*1,107
			Just downstream of Meese Road	*1,120
		East Branch Nimishillen Creek Diversion.	At confluence with East Branch Nimishillen Creek	*1,050
			At divergence with East Branch Nimishillen Creek	*1,063
		Plum Creek	About 0.7 mile upstream of Leaver Avenue	*947
			About 0.8 mile upstream of Strausser Street	*975
			Just downstream of State Route 236	*1,015
		Beech Creek	Just upstream of Vine Street	*1,052
			Just downstream of Beeson Street	*1,085
		West Branch Nimishillen Creek	About 800 feet downstream of Interstate 77	*1,043
			About 400 feet downstream of Interstate 77	*1,044
			About 150 feet upstream of 38th Street Northeast	*1,052
			Just upstream of Schneider Street	*1,086
			Just upstream of Mt. Pleasant Street	*1,099
			Just downstream of Midway Street	*1,127
		Chatham Ditch	About 1,050 feet downstream of Marquardt Avenue	*1,090
			About 400 feet upstream of 7th Street Northeast	*1,100
		Tributary No. 1	Within community	*1,054
		Hayden Ditch	At mouth at Sherrick Run	*1,050
			About 150 feet downstream of Waynesburg Drive Southeast.	*1,051
			Just upstream of Waynesburg Drive Southeast	*1,056
			About 2,000 feet upstream of Waynesburg Drive Southeast.	*1,057
		Black Run	About 1,100 feet downstream of Lincoln Street	*1,063
			About 400 feet upstream of Robertsville Avenue	*1,083
		Reemsnyder Ditch	At mouth at McDowell Ditch	*1,048
			Just upstream of Hiram Road	*1,051
			About 1,500 feet downstream of Whipple Avenue	*1,051
			Just downsteam of Whipple Avenue	*1,059
		Sandy Creek	Just downstream of Dam	*960
			About 3,500 feet upstream of Waynesburg Drive	*[illegible]
			About 2,400 feet downsteam of State Highway 183	*1,056
		Indian Run	At mouth at Sandy Creek	*[illegible]
			Just upstream of Goodland Road	*969
		Little Sandy Creek	At mouth at Sandy Creek	*965
			Just downstream of Minerva Road	*966
		Sherrick Run	Just upstream of Allen Ford Avenue	*1,005
			Just downstream of Cherry Avenue Southeast	*1,023
			About 150 feet upstream of Cherry Avenue Southeast	*1,030
			About 1,600 feet upstream of confluence of Hayden Ditch.	*1,054
		McDowell Ditch	At mouth at West Branch Nimishillen Creek	*1,043
			Just upstream of Everhard Road	*1,059
			At confluence of Zimber Ditch	*1,062
		McDowell Ditch Diversion Channel	At confluence with McDowell Ditch	*1,048
			Just downstream of Interstate 77	*1,050
			Just upstream of Interstate 77	*1,055
			At divergence with McDowell Ditch	*1,055

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Middle Branch Nimishillen Creek	About 1,800 feet downstream of Spangler Street Northeast.	*1,048
			Just upstream of Middlebranch Avenue Northeast	*1,060
		Zimber Ditch	Just downstream of Diamond Street	*1,103
			Just upstream of Chessie System	*1,064
		Firestone Ditch	Just downstream of Mount Pleasant Street	*1,086
			At mouth at Middle Branch Nimishillen Creek	*1,078
			About 150 feet downstream of Amsel Avenue	*1,081
			Just upstream of Middlebranch Avenue	*1,087
		Sippo Creek	Just downstream of Applegrove Street	*1,099
			Just upstream of Hankins Street	*1,016
		Johnny Ditch	At confluence of Johnny Ditch	*1,031
			Just upstream of Briardale Drive	*1,035
		Fairhope Ditch	Just upstream of Roanoke Street	*1,039
			Just downstream of Perry Drive	*1,043
			At mouth at East Branch Nimishillen Creek	*1,072
			Just upstream of Conrail (upstream crossing)	* 1,078
			About 300 feet downstream of Atlantic Boulevard	* 1,095
			Just upstream of Atlantic Boulevard	* 1,101
			About 2,100 feet upstream of Broadview Avenue	* 1,109
Maps available for inspection at the Subdivision Engineers' Office, Stark County Office Building, Canton, Ohio.				
Pennsylvania	Delta, Borough, York County (Docket No. FEMA-6470).	Scott Creek	Downstream corporate limits	*393
			Upstream of Township Route 987/Bunker Hill Avenue	*390
			Upstream of Legislative Route A-342	*414
Maps available for inspection at the Borough Building, Delta, Pennsylvania.				
Pennsylvania	Franklin, Township, Adams County (Docket No. FEMA-6470).	Marsh Creek	Confluence of Mummasburg Run	*537
			Seven Stars Road (upstream)	*546
			Fairview Fruit Road (upstream)	*600
			Hilltown Road (upstream)	*633
			Flohrs Church Road (upstream)	*655
			Cashtown Road (downstream)	*730
		Mummasburg Run	Confluence with Marsh Creek	*537
			Legislative Route 01002 (upstream)	*545
			1st Farm Lane (upstream)	*557
			2nd Farm Lane (upstream)	*572
			Hilltown Road (downstream)	*585
		Marsh Creek Tributary	Confluence with Marsh Creek	*539
			Lincoln Highway (upstream)	*550
			2nd crossing Chessie System (upstream)	*568
			Farm Lane (upstream)	*583
			Legislative Route 01018 (upstream)	*609
			Old U.S. Route 30 (downstream)	*638
		Little Marsh Creek	Cashtown Road (downstream)	*613
			Confluence of Little Marsh Creek Tributary	*616
		Little Marsh Creek Tributary	Confluence with Little Marsh Creek	*616
			Poplar Springs Road (downstream)	*663
Maps available for inspection at the Franklin Township Building.				
Pennsylvania	Gettysburg, Borough, Adams County (Docket No. FEMA-6470).	Rock Creek	Downstream corporate limits	*478
			Upstream corporate limits	*481
		Stevens Run	Confluence with Rock Creek	*481
			Upstream North Stratton Street	*500
			Downstream Buford Avenue	*514
			Upstream footbridge	*523
Maps available for inspection at the Municipal Building, Gettysburg, Pennsylvania.				
Pennsylvania	McDonald, Borough, Allegheny and Washington Counties (Docket No FEMA-6449).	Robinson Run	Downstream corporate limits	*959
			Upstream of Main Street	*964
			Upstream of McDonald Street	*979
			Upstream corporate limits	*980
Maps available for inspection at the Borough Hall, McDonald, Pennsylvania.				
Pennsylvania	New Brighton, Borough, Beaver County (Docket No. FEMA-6161).	Beaver River	Downstream corporate limits	*705
			Upstream Fallston Bridge	*706
			Upstream New Brighton Dam	*719
			Downstream Conrail	*720
			Upstream corporate limits	*734
		Blockhouse Run	Confluence with Beaver River	*705
			Upstream Fifth Avenue Extension Culvert	*708
			Jackson Street (Extended)	*737
			Approximately 310' downstream of Conrail (second upstream crossing).	*744
			Approximately 240' upstream of 13th Street	*756
		Tributary to Blockhouse Run	Confluence with Blockhouse Run	*719
			Upstream corporate limits	*741
Maps available for inspection at the Municipal Building, New Brighton, Pennsylvania.				
Pennsylvania	Oakdale, Borough, Allegheny County (Docket No. FEMA-6449).	Robinson Run	Downstream corporate limits	*897
			Upstream corporate limits	*907
		North Branch Robinson Run	Confluence with Robinson Run	*903
			Upstream corporate limits	*913
Maps available for inspection at the Municipal Building, Marion Avenue, Oakdale, Pennsylvania.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	South Heights, borough, Beaver County (Docket No. FEMA-6470).	Ohio River	Entire shoreline within community	*711
Maps available for inspection at the Borough Hall, South Heights, Pennsylvania.				
Pennsylvania	Spring Grove, borough, York County (Docket No. FEMA-6470).	Codorus Creek	Downstream corporate limits	*445
			Downstream State Route 116	*450
			Upstream Dam	*458
Maps available for inspection at the Office of the Borough Secretary, 31 South East Street, Spring Grove, Pennsylvania.				
Commonwealth of Puerto Rico.	Rio Camuy Basin FEMA-6470	Rio Camuy	At the intersection of Puerto Rico Highway 119 and river.	*4.7
		Atlantic Ocean	At the mouth of Rio Camuy	*1.6
Maps available for inspection at Planning Board, Minillas Government Center, D-Diego Avenue, P.O. Box 41119, San Juan, Puerto Rico.				
Commonwealth of Puerto Rico.	Rio Coamo Basin FEMA-6470	Rio Coamo	At the intersection of an access road connecting Puerto Rico Highways 545 and 153 and river.	*38.9
		Rio Descalabrado	At the intersection of Puerto Rico Highway 536 and an access road, approximately 0.45 kilometer north along Puerto Rico Highway 536 from Ponce Guayama Railroad.	*15.9
		Caribbean Sea	South and Puerto Rico Highway 537 approximately 1.2 kilometers southwest along Puerto Rico Highway 1.	*2.0
Maps available for inspection at Planning Board, Minillas Government Center, D-Diego Avenue, P.O. Box 41119, San Juan, Puerto Rico.				
Texas	City of Port Isabel, Cameron County (FEMA-6470)	Gulf of Mexico/Laguna Madre	At the intersection of Madison Street and Garcia Street.	[illegible]
			At the intersection of Secton Street and Oklahoma Avenue.	*7
			At the intersection of Island Avenue and Bass Avenue	*7
Maps available for inspection at City Hall, 305 East Mason Street, Port Isabel, Texas 78578.				
Virginia	Pocahontas, town, Tazewell County (Docket No. FEMA-6470).	Laurel Fork	480 feet downstream of corporate limits	*2,316
			Downstream corporate limits	*2,317
			Upstream Maple Grove	*2,322
			Upstream State Route 659	*2,336
			Upstream corporate limits	*2,350
		Tributary to Laurel Fork	Confluence with Laurel Fork	*2,333
			Approximately 1,150' upstream of confluence with Laurel Fork.	*2,353
Maps available for inspection at the Town Hall, St. Clair Street, Pocahontas, Virginia.				
Virginia	Tazewell County (Docket No. FEMA-6470)	Clinch River	Downstream corporate limits	*1,905
			Confluence of Tributary to Clinch River	*1,922
			Downstream corporate limits of Town of Cedar Bluff and Tazewell County.	*1,944
			Upstream of 3rd crossing of Norfolk and Western Railway.	*2,338
			Upstream of dam	*2,365
			Most upstream corporate limits	*2,392
		Middle Creek	Downstream corporate limits	*1,992
			Approximately .6 mile upstream of 2nd crossing of State Route 621.	*2,039
			Approximately .9 mile upstream of 2nd crossing of State Route 621.	*2,070
			At 3rd crossing of State Route 621	*2,108
		Johnson Branch	Upstream of State Route 16	*2,433
			Upstream of State Route 636	*2,447
			Approximately 2,000' upstream of State Route 16	*2,473
		Cavitts Creek	Downstream corporate limits	*2,367
			Approximately .5 mile upstream of corporate limits	*2,390
		Laurel Fork	Downstream corporate limits	[illegible]
			Upstream corporate limits of Town of Pocahontas and Tazewell County.	*2,350
			Upstream of Cassidy Drive	*2,387
			Upstream of most upstream crossing of State Route 747.	*2,429
		Wrights Valley Creek	Downstream of U.S. Routes 19 and 460	*2,422
			Upstream of State Route 650	*2,442
			Approximately .5 mile upstream of State Route 650	*2,453
		Coal Creek	Confluence with Clinch River	*1,908
			Downstream of 3rd crossing of Norfolk and Western Railway.	*1,948
			Upstream of 4th crossing of Norfolk and Western Railway.	*1,987
			Downstream of State Route 801	*2,041
			Approximately .3 mile upstream of 8th crossing of Norfolk and Western Railway.	*2,175
		Indian Creek	Downstream corporate limits of Town of Cedar Bluff and Tazewell County.	*1,999
			Downstream of State Route 626	*2,004
			Downstream of 2nd crossing of Norfolk and Western Railway.	*2,024
			Upstream of 1st crossing of State Route 627	*2,053
			Upstream of State Routes 626 and 627	[illegible]

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of State Route 624	*2,129
			Downstream of State Route 612	*2,161
		West Fork Plum Creek	Approximately 125' upstream of confluence with Plum Creek.	*2,365
			Approximately 1.46 miles upstream of confluence with Plum Creek.	*2,440
			Approximately 1.9 miles upstream of confluence with Plum Creek.	*2,507
			Approximately 2.3 miles upstream of confluence with Plum Creek.	*2,568
			Approximately 2.6 miles upstream of confluence with Plum Creek.	*2,583
		North Fork Clinch River	Upstream of 1st crossing of U.S. Highways 19 and [illegible]	*2,416
			Approximately .7 mile downstream of 2nd crossing of U.S. Highways 19 and 460.	*2,438
			Downstream of 1st crossing of Norfolk and Western Railway.	*2,461
		South Fork Clinch River	Downstream corporate limits	*2,406
			Approximately .75 mile upstream of corporate limits	*2,436
			Approximately 1.25 miles upstream of corporate limits	*2,452
		Bluestone River	Downstream of Taylor Road	*2,431
			Approximately 2 miles upstream of Taylor Road	*2,465
			Downstream of Fannin Road	*2,499
			Downstream of Russell Road	*2,535
			Approximately .9 mile upstream of Russell Road	*2,558
		Big Creek	Approximately 1 mile upstream of confluence with Clinch River.	*1,968
			Approximately 370' upstream of State Route 67	*1,975
		Tributary to Clinch River	Confluence with Clinch River	*1,922
			Upstream corporate limits	*1,923
		Tributary to North Fork Clinch River.	Downstream corporate limits	*2,413
			Approximately 1,100' upstream of corporate limits	*2,424
Maps available for inspection at the County Courthouse, Inspector's Office, Main Street, Tazewell, Virginia.				
Virginia	Tazewell, Town Tazewell County (Docket No. FEMA-[illegible]).	Clinch River	Downstream corporate limits	*2,348
			Fairground Road	*2,353
			Upstream of Private Drive approximately 4,646 feet upstream of Fairground Road.	*2,361
			Wolfe Street	*2,379
			1st upstream corporate limits	*2,384
			Confluence of North Fork and South Fork Clinch River	*2,397
		Tributary 1 to Clinch River	Confluence with Clinch River	*2,351
			Corporate limits	*2,351
		North Fork Clinch River	Confluence with Clinch River	*2,397
			Confluence of Tributary to North Fork Clinch River	*2,406
			Corporate limits	*2,412
		Tributary to North Fork Clinch River	Confluence with North Fork Clinch River	*2,406
			Corporate limits	*2,416
		Cavitts Creek	Confluence with Clinch River	*2,353
			Private Drive approximately 1,267 feet upstream of State Route 16 (upstream side).	*2,365
			Corporate limits	*2,372
		Tributary 2 to Clinch River	Confluence with Clinch River	*2,368
			1st crossing State Route 16	*2,376
			2nd crossing State Route 16	*2,368
		South Fork Clinch River	Confluence with Clinch River	*2,397
			Corporate limits	*2,407
Maps available for inspection at the Town Hall, 100 Central Avenue, Tazewell, Virginia.				
Wisconsin	(C) Delavan Walworth County (Docket No. FEMA-[illegible]	Turtle Creek	About 2,300 feet downstream of Richmond Road	*879
			Just downstream of Dam at Comus Lake	*885
		Swan Creek	*881	
		At mouth	*884	
		About 700 feet upstream of Richmond Road.	*892	
		About 500 feet downstream of Walworth Street.	Just upstream of Washington Street	*900
			At southern corporate limit about 3,300 feet downstream of Chicago Milwaukee, St. Paul and Pacific Railroad	*912
		Comus Lake	Shoreline	*891
Maps available for inspection at Director of Public Works' Office, Municipal Building, Delavan, Wisconsin.				
Wisconsin	(C) Oconomowoc Waukesha County (Docket No FEMA-6442).	Oconomowoc River	About 100 feet downstream of County Trunk Highway [illegible]	*850
			Just upstream of dam near Wisconsin Avenue	*854
			Just downstream of dam near Lake Road	*853
			Just upstream of dam near Lake Road	*861
			Just downstream of Grove Street	*861
			Just downstream of Lapham Street	*862
Maps available for inspection at the City Engineer's Office, City Hall, Oconomowoc, Wisconsin.				
Wisconsin	(Uninc.) Washington County (Docket No FEMA-6243)	Cedar Creek	At downstream county boundary	*839

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Sherman Road (upstream of Chicago and North Western Railroad).	*[illegible]
			Just downstream of State Highway 60 (about 700 feet upstream of Mill Road).	*[illegible]
			Just upstream of State Highway 60 (about 700 feet upstream of Mill Road).	*[illegible]
			Just downstream of Cedar Creek Road (downstream of Schweitzer Dam).	*952
			Just upstream of Cedar Creek Road (downstream of Schweitzer Dam).	*[illegible]
			Just downstream of County Highway C	*[illegible]
			Just upstream of County Highway C	*1,001
			Just downstream of Cedar Creek Road (upstream of Schweitzer Dam).	*1,011
			Just upstream of Cedar Creek Road (upstream of Schweitzer Dam).	*1,018
			Just downstream of Hillside Road	*1,019
			Just upstream of of Hillside Road	*1,025
			Just downstream of outlet to Cedar Lake	*1,033
		Milwaukee River	About 0.8 mile downstream of County Highway A (at county boundary).	*[illegible]
			About 1.4 miles upstream of County Highway A (at county boundary).	*[illegible]
			About 2.7 miles downstream of State Highway 33	*[illegible]
			Just downstream of Woolen Mill Dam	*876
			Just upstream of Woolen Mill Dam	*884
			About 0.6 mile upstream of Woolen Mill Dam	*884
			About 0.5 mile downstream of Woodford Drive	*913
			About 2.75 miles upstream of County Highway H	*936
			About 1,000 feet upstream of confluence of West Branch Milwaukee River.	*[illegible]
		West Branch Milwaukee River	At confluence with Milwaukee River	*942
			Just upstream of U.S. Highway 45	*945
			About 0.25 mile upstream of U.S. Highway 45 (at county boundary).	*947
		Little Cedar Creek	At confluence with Cedar Creek	*847
			About 200 feet downstream of Old U.S. Highway 45	*859
			Just downstream of Mayfield Road	*908
		Bonniwell Creek	Just upstream of Old U.S. Highway 45	*859
			Just downstream of U.S. Highway 41	*[illegible]
		Springside Creek	About 0.2 mile upstream of confluence with Little Cedar Creek.	*[illegible]
			Just upstream of U.S. Highway 45 Northbound	*[illegible]
			Just downstream of U.S. Highway 45 Southbound	*913
		Hasmer Creek	At confluence with Cedar Creek	*[illegible]
			About 0.6 mile upstream of confluence with Cedar Creek.	*864
			Just downstream of U.S. Highway 45	*872
			Just upstream of U.S. Highway 45	*[illegible]
			About 0.3 mile upstream of U.S. Highway 45	*898
		Jackson Creek	At confluence with Cedar Creek	*844
			About 0.6 mile upstream of confluence with Cedar Creek.	*[illegible]
		Bark River	Just upstream of County Highway Q	*[illegible]
			About 0.67 mile upstream of Bark Lake Road	*[illegible]
			About 75 feet downstream of St. Hubertus Drive	*1,007
			Just upstream of Soo Line Railroad	*1,013
			About 0.25 mile upstream of Scenic Road	*1,017
		Marsh Creek	At confluence with Bark River	*[illegible]
			About 0.5 mile upstream of confluence with Bark River	*972
		Scenic Brook	At confluence with Bark River	*975
			About 1.15 miles upstream of confluence with Bark River.	*[illegible]
		Amy Bell Creek	At confluence with Bark River	*975
			About 0.6 mile upstream of confluence with Bark River	*[illegible]
		Hubertus Ditch No. 1	At confluence with Bark River	*[illegible]
			Just upstream of Hubertus Road	*[illegible]
		Hubertus Ditch No. 2	At confluence with Bark River	*976
			About 0.7 mile upstream of confluence with Bark River	*977
		Ashippun River	About 1.55 miles downstream of County Highway O (at county boundary).	*955
			About 0.9 mile upstream of County Highway E	*[illegible]
		Rubicon River	About 0.65 mile downstream of Treatment Plant Road	*[illegible]
			Just downstream of Wacker Drive	*[illegible]
			About 1.4 miles downstream of Hillside Drive (downstream of Pike Lake).	*988
			Just downstream of Hillside Drive (upstream of Pike Lake).	*1,024
		Oconomowoc River	Just upstream of County Line Road	*[illegible]
			About 1,300 feet downstream of St. Augustine Road	*[illegible]
			Just upstream of St. Augustine Road	*[illegible]
			About 500 feet downstream of County Highway J	*[illegible]
			Just upstream of County Highway J	*968
		Stony Creek	Just upstream of State Highway 84	*[illegible]
			Just downstream of Bolton Drive	*[illegible]
			Just upstream of Boltonville Dam	*874
			Just downstream of North Paradise Road	*902
		Bolton Brook	At confluence with Stony Creek	*[illegible]
			Just downstream of Boltonville Road	*[illegible]
		Silver Creek	Just downstream of Pick Dam	*[illegible]

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Pick Dam	*984
			Just downstream of Lucas Lake Outlet Dam	*957
			Just upstream of Lucas Lake Outlet Dam	*958
		Washington Creek	About 1.0 mile upstream of Paradise Road	*1,009
			At confluence with Silver Creek	*978
			About 0.44 mile upstream of confluence with Silver Creek.	*988
		East Branch Rock River	Just upstream of Soo Line Railroad	*947
			Just downstream of Hillcrest Drive	*952
		Quas Creek	At confluence with Milwaukee River	*871
			Just upstream of County Highway G	*894
			About 1.35 miles upstream of U.S. Highway 45	*981
		Myra Creek	Just downstream of County Highway I	*882
			Just upstream of County Highway I	*888
			Just downstream of Tuscola Lane	*873
			Just upstream of Tuscola Avenue	*878
			About 2,000 feet upstream of Knollwood Drive	*901
		Wingate Creek	About 375 feet downstream of State Highway 33	*879
			Just downstream of Creek Drive	*900
		North Branch Milwaukee River	Just upstream of Riverside Drive (at county boundary)	*901
			About 1.57 miles upstream of Jay Drive (at county boundary).	*909
		Kohlsville River	Just upstream of Beechnut Drive	*954
			Just downstream of Main Street	*972
			About 100 feet upstream of Main Street	*981
			Just downstream of County Highway D	*998
		Kohlsville River (Park Route)	At confluence with Kohlsville River	*959
			Just downstream of Park Dam	*965
			Just upstream of Park Dam	*961
			Just downstream of County Highway W	*952
		Kewaskum Creek	Just downstream of County Highway H	*937
			About 0.2 mile upstream of confluence of Kettleview Creek.	*941
		Kettleview Creek	At confluence with Kewaskum Creek	*939
			About 0.77 mile upstream of confluence with Kewaskum Creek.	*944
		Lake Five	At shoreline	*976
		Wallace Lake	At shoreline	*900
		Green Lake	At shoreline	*889
		Cedar Lake	At shoreline	*1,034
		Gilbert Lake	At shoreline	*1,034
		Coney River	At confluence with Oconomowoc River	*908
			Just downstream of Pleasant Hill Road	*1,006
			Just upstream of Pleasant Hill Road	*997
			Just downstream of County Highway J	*1,012
			Just upstream of County Highway J	*1,019
			Just downstream of County Highway E	*1,037
		Putter Creek	At confluence with Coney River	*1,006
			About 0.5 mile upstream of confluence with Coney River.	*1,007
		Cedarburg Creek	At confluence with Cedar Creek	*842
			About 0.7 mile upstream of State Highway 60	*861
		Deer Creek	At confluence with North Branch Cedar Creek	*842
			Just downstream of South Church Street	*867
		North Branch Cedar Creek	At confluence with Cedar Creek	*842
			Just downstream of Washington Drive	*847
		North Branch Menomonee River	About 1,000 feet downstream of State Highway 145	*884
			About 0.6 mile upstream of State Highway 145	*901

Maps available for inspection at the County Zoning Administrator's Office, 515 East Washington, West Bend, Wisconsin.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Appeals of the proposed base flood elevations were received and have been resolved by the Agency.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Milford, city, New Haven County (Docket No. FEMA-[illegible]).	Long Island Sound	Entire shoreline from Oyster River to Housatonic River	*15
		Milford Harbor		*11
Maps available for inspection at the Office of Planning and Zoning, City Hall, Milford, Connecticut.				
Virginia	Poquoson, city, (Docket No. FEMA-8333)	Chesapeake Bay	Lambs Creek from confluence with Poquoson River to a point approximately 2,520' upstream.	*11
			Poquoson River from confluence with Lambs Creek to Hunts Point at confluence with Chesapeake Bay.	*11
			Shoreline from a point approximately 1,160' east of Wagner Road (extended) to confluence of Bennett Creek.	*13
			Bennett Creek from confluence with Lyons Creek to confluence of White House Cove.	*13

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
			Floyds Bay from confluence with Bennett Creek to a point approximately 332' upstream Forest Road.	*11
			Shoreline from confluence with Bennett Creek to entrance of Sandy Bay.	*13
			Northwest Branch Back River from Tim Shell Point to confluence with Cedar Creek.	*11
			Cedar Creek from confluence of Northwest Branch Back River to confluence with Oxford Run.	*11
			Northwest Branch Back River from confluence with Cedar Creek to confluence with Brick Kiln Creek.	*11
Maps available for inspection at the City Hall, 830 Poquoson Avenue, Poquoson, Virginia.				
West Virginia	Welch, city, McDowell County (Docket No. FEMA-[illegible])	Tug Fork River	Downstream corporate limits	*1,286
			Confluence of Browns Creek	*1,295
			Downstream of Private Drive to McDowell Street	*1,302
			Downstream of U.S. Routes 52 and 16	*1,313
			Upstream corporate limits	*1,319
		Browns Creek	At confluence with Tug Fork River	*1,295
			Confluence of Tributary A	*1,310
			Upstream of Central Avenue Extended	*1,332
			Downstream of Grandview Street	*1,354
			Approximately 1,400 feet downstream of Oakhurst Drive.	*1,380
			Upstream of Oakhurst Drive	*1,407
			At confluence of Puncheoncamp Branch	*1,433
			Downstream of Private Road to Stewart Street	*1,458
			Approximately 800 feet upstream of Private Road to Stewart Street.	*1,480
			Upstream corporate limits	*1,510
		Elkhorn Creek	Upstream of McDowell Street	*1,302
			Upstream of Brooks Street	*1,305
			At Maple Avenue	*1,309
			Upstream corporate limits	*1,321
		Puncheoncamp Branch	Downstream corporate limits	*1,433
			Upstream of Stewart Street	*1,436
			Approximately 100 feet downstream of Private Drive to Edmore Hollow Road	*1,442
			Upstream corporate limits	*1,480
Maps available for inspection at the City Hall, located in the Old Bank Building, Welch, West Virginia.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 13, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-14281 Filed 5-31-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 73, and 74

Oversight of the Radio and TV Broadcast Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends broadcast station regulations in Part 0 and Parts 73 and 74 of the rules of the FCC. Amendments are made to delete regulations that are no longer necessary, correct inaccurate rule texts, contemporize certain requirements and to execute editorial revisions as needed for purposes of clarity and ease of understanding.

EFFECTIVE DATE: May 11, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane (202) 632–5414, Policy and Rules Division, Mass Media Bureau.

List of Subjects

47 CFR Part 0

Classified information, Freedom of information, Organization and functions (Government agencies), Privacy, Sunshine Act.

47 CFR Parts 73 and 74

Radio broadcast.

Order

In the matter of an oversight of the radio and TV broadcast rules.

Adopted: May 4, 1983.

Released: May 11, 1983.

By the Chief, Mass Media Bureau.

1. In this *Order*, the Commission focuses its attention on the oversight of its radio and TV broadcast rules. Modifications are made herein to update, delete, clarify or correct broadcast regulations as described in the following amendment summaries:

(a) In § 73.150, (b)(1)(i), a cross reference is made to nominal station power which is incorrect. It directs the rule reader to "see § 73.41(c)." It is corrected to read "see § 73.14." (See appendix item 1).

(b) In paragraph (a) of § 73.202, cross reference is given to specific noncommercial educational FM assignments for communities in Arizona, California, New Mexico and Texas. It states "These [assignments] are set forth in § 73.507." It should read "* * * in § 73.504" and is corrected herein. (See appendix item 2.)

(c) The parenthetical cross reference in the opening sentence in § 73.1226 (c) incorrectly reads "* * * (per § 1.613, Filing of contracts) * * *". It is corrected to read "* * * (per § 73.3613, Filing of contracts) * * *". (See appendix item 3.)

(d) In the Second Report and Order in Gen. Docket No. 79–137, 46 FR 36850, July 16, 1981, the Commission amended the rules in Part 73 pertaining to acceptance of applications and cut-off list procedures as follows:

"* * * we will amend our Rules to make the 30-day cut-off period run from the Commission release of the cut-off list, and *will eliminate Federal Register publication,* * * *" (emphasis added). "It is our experience that an interested party is alerted by * * * an applicant's local publication of notice of filing * * * and the Commission's public notice of the cut-off list and *not the publication in the Federal Register*" (emphasis added).

This revision in the rules brought about amendments in §§ 73.3571, 73.3572, and 73.3573. Modification should also have been made in § 73.3564, Acceptance of applications, to conform to this Commission action. That inadvertance is corrected herein by removing the reference to publication of filing acceptance and cut-off lists in the Federal Register as stated in paragraph (c) of § 73.3564. (See appendix item 4.)

(e) Another error needs correcting in § 73.3564(c). There we find a requirement that an applicant must submit proof of publishing a notice of application filing in a local newspaper, *after* tendering his application. On April 1, 1982, the Commission amended and relaxed § 73.3580(h) eliminating this provision. 47 FR 17065, April 21, 1982. We now require, *in the application*, a certification of compliance with the local notice rule found in § 73.3580(c). The text of § 73.3564(c) is revised to conform to this rule revision. (See appendix item 4.)

(f) With the adoption of the Second Report and Order in Gen. Docket 79–137, a change was made in § 73.3580(c) of the rules (this proceeding is also discussed in paragraphs (d) and (e) above).

Subsequent to that rule change in Docket 79–137, this same rule section and paragraph (§ 73.3580(c)) was amended in another Report and Order in a different proceeding. The rule changes adopted in the latter proceeding were correctly made in § 73.3580(c) but, inadvertently, that part of the text which had been modified in G.D. Docket 79–137 was *reinserted* into the newly amended § 73.3580(c). Correction is made herein. (See appendix item 5.)

(g) From time to time a licensee, or someone associated with the operation of a station in one of our services, brings to our attention an aberration existing in one of the rules of that service when stating requirements therein. One such correspondence wished to know why the posting of station and operator licenses can be accommodated in the Part 73 Broadcast rules by enclosing licenses in a binder or folder in lieu of affixing to the wall at the posting locations and not be allowed in the rules for auxiliary services in Part 74. There is no valid reason (except oversight). And so we will make appropriate changes in the separate rule sections via this Order to conform Part 74's licensee posting requirements, as closely as possible, to the Part 73 posting regulations in § 73.1230. (See appendix items 6, 7, 8, 9, 12 and 13.)

(h) In the Report and Order adopted in BC Docket 81–793, 47 FR 55931, the Commission eliminated the notification to the FCC by licensees of TV auxiliary broadcast stations when installing multiplexing equipment on their existing licensed equipment. (Authority of the FCC was not required prior to installation—just notification to FCC at installation.) The notification requirement is stated in two rule sections in Subpart F of Part 74: § 74.603, Sound channels; and in § 74.651, Equipment changes. When the rules were amended, only § 74.651 was revised and § 74.603 was inadvertently overlooked. Appropriate notification excision is made herein conforming § 74.603 to the Commission's decision in BC Docket 81–793. (See appendix item 11.)

(i) The rule drafting in the Report and Order in BC Docket 81–793 discussed in paragraph (h) above, resulted in a minor rule discrepancy in § 74.602, Frequency assignment which is corrected in this Order. In contemporizing the introductory text of paragraph (a) of this section, a sentence was omitted in the amendment pertaining to authorization of the 38.6 to 40 GHz band for TV pickup use on a secondary basis to fixed stations. The unintentional deletion is restored to the rule herein. (See appendix item 10.)

(j) In the Report and Order in BC Docket 82–320, adopted February 17, 1983, 48 FR 12094, the Commission eliminated three Commission policies: the suburban community policy, the Berwick Doctrine and the de facto reallocation policy. Via this Report and Order the Commission also eliminated paragraph (b) in § 73.203 and 73.607. Through inadvertence, the elimination of two rule subparagraphs in § 0.283, Authority delegated [to Chief, Mass Media Bureau] was overlooked. They are paragraphs 0.283 (a)(11)(i) and (ii) *Station location* and (a)(12) *Main studio location.* They are deleted in their entirety herein (See paragraph item 14).

2. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude, for the reasons set forth above, that these revisions will serve the public interest.

3. These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. Inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B).

4. Since a general notice of proposed rulemaking is not required, the Regulatory Flexibility Act does not apply.

5. Therefore, IT IS ORDERED, That pursuant to Sections 4(i), 303(r), and 5(d)(1) of the Communications Act of 1934, as amended, and §§ 0.71 and 0.283 of the Commission's Rules, Part 0 of Volume I and Parts 73 and 74 of Volume III of the FCC Rules and Regulations ARE AMENDED as set forth in the attached Appendix, effective May 11, 1983.

6. For further information on this *Order*, contact Steve Crane, Mass Media Bureau, (202) 632–5414.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Laurence E. Harris,

Chief, Mass Media Bureau.

Appendix

PART 73—[AMENDED]

§ 73.150 [Amended]

1. In 47 CFR 73.150, Directional antenna systems, the parenthetical cross reference in paragraph (b)(1)(i) incorrectly states (see § 73.41(c). It is corrected to read (see § 73.14).

§ 73.202 [Amended]

2. In 47 CFR 73.202, Table of Assignments, the last sentence of paragraph (a) incorrectly states, "These are set forth in § 73.507." It is corrected to read, "These are set forth in § 73.504."

§ 73.1226 [Amended]

3. In 47 CFR 73.1226, Availability to FCC of station logs and records, the first sentence in paragraph (c) incorrectly states, in part, "* * * (per § 1.613, Filing of contracts) * * *". It is corrected to read "* * * (per § 73.3613, Filing of contracts) * * *".

4. 47 CFR 73.3564 is amended by revising paragraph (c) to read as follows:

§ 73.3564 Acceptance of applications.

* * * * *

(c) At regular intervals the FCC will issue a Public Notice listing all applications and major amendments thereto which have been accepted for filing. Pursuant to §§ 73.3571(c),

73.3572(c) and 73.3573(d) such notice shall establish a cut-off date (no less than 30 days from the date of issuance) for the filing of mutually exclusive applications and petitions to deny. However, no application will be accepted for filing unless certification of compliance with the local notice requirements of § 73.3580(h) (Local public notice of filing of broadcast applications) has been made in the tendered application.

5. 47 CFR 73.3580 is amended by revising paragraph (c) to read as follows:

§ 73.3580 Local public notice of filing of broadcast applications.

* * * * *

(c) An applicant who files an application or amendment thereto which is subject to the provisions of this section, must give a notice of this filing in a newspaper. Exceptions to this requirement are applications for renewal of AM, FM, TV, and International broadcasting stations; low power TV stations; TV and FM translator stations; FM booster stations; and applications subject to paragraph (e) of this section. The local public notice must be completed within 30 days of the tendering of the application. In the event the FCC notifies the applicant that a major change is involved, requiring the applicant to file public notice pursuant to §§ 73.3571, 73.3572, 73.3573 or 73.3578, this filing notice shall be given in a newspaper following this notification.

* * * * *

PART 74—[AMENDED]

6. 47 CFR 74.165 is amended by revising paragraph (a) and by adding new paragraph (c) as follows:

§ 74.165 Station and operator licenses; posting of.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted in the room in which the transmitter is located. If the station is licensed for portable-mobile operation, the station license or photocopy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photocopy is used, the original license shall be available for inspection by an authorized representative of the FCC.

* * * * *

(c) Posting of the operator licenses and the station license and any other instruments of authorization shall be done by affixing the licenses to the wall at the posting location, or by enclosing them in a binder or folder which is retained at the posting location so that the documents will be readily available and easily accessible.

7. A new paragraph (c) is added to 47 CFR 74.265 as follows:

§ 74.265 Station and operator licenses; posting of.

* * * * *

(c) Posting of the operator licenses and the station license and any other instruments of authorization shall be done by affixing the licenses to the wall at the posting location, or by enclosing them in a binder or folder which is retained at the posting location so that the documents will be readily available and easily accessible.

8. 47 CFR 74.365 is amended by revising paragraph (a) and by adding new paragraph (c) as follows:

§ 74.365 Station and operator licenses; posting of.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted in the room in which the transmitter is located. If the station is licensed for portable-mobile operation, the station license or a photocopy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photocopy is used, the original license shall be available for inspection by an authorized Government representative.

* * * * *

(c) Posting of the operator licenses and the station license and any other instruments of authorization shall be done by affixing the licenses to the wall at the posting location, or by enclosing them in a binder or folder which is retained at the posting location so that the documents will be readily available and easily accessible.

9. 47 CFR 74.564 is amended by revising the present text and designating it paragraph (a) and by adding new paragraph (b) as follows:

§ 74.564 Posting of station licenses.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted in the room in which the transmitter is located, provided that if the transmitter operator is located at a distance from the transmitter pursuant to § 74.533, the station license shall be posted at the operating position.

(b) Posting of the station license and any other instruments of authorization shall be done by affixing the licenses to the wall at the posting location, or by enclosing them in a binder or folder which is retained at the posting location so that the documents will be readily available and easily accessible.

10. In 47 CFR 74.602, paragraph (a) is revised to read as follows:

§ 74.602 Frequency assignment.

(a) The following frequencies are available for assignments to TV pickup, TV STL, TV relay and TV translator relay stations. Additionally, the band 38.6–40 GHz is available for assignment without channel bandwidth limitation to TV pickup stations on a secondary basis to fixed stations:

* * * * *

11. In 47 CFR 74.603, paragraph (a) is revised to read as follows:

§ 74.603 Sound channels.

(a) The frequencies listed in § 74.602(a) may be used for the simultaneous transmission of the picture and sound portions of TV broadcast programs and for cue and order circuits, either by means of multiplexing or by the use of a separate transmitter within the same channel. When multiplexing of a TV STL station is contemplated, consideration should be given to the requirements of § 73.687 of this Chapter regarding the overall system performance requirements. Applications for new TV pickup, TV STL, TV relay and TV translator relay stations shall clearly indicate the nature of any mutliplexing proposed. Multiplexing equipment may be installed on licensed equipment without authority of the FCC, provided the installation of such apparatus on a TV STL station shall not result in degradation of the overall system performance of the TV broadcast station below that permitted by § 73.687 of this chapter.

* * * * *

12. 47 CFR 74.664 is amended by revising paragraph (a) and by adding new paragraph (c) following the note as follows:

§ 74.664 Station and operator licenses; posting of.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted in the room in which the transmitter is located.

* * * * *

Note.—* * *

(c) Posting of the operator licenses and the station license and any other

instruments of authorization shall be done by affixing the licenses to the wall at the posting location, or by enclosing them in a binder or folder which is retained at the posting location so that the documents will be readily available and easily accessible.

13. 47 CFR 74.965 is amended by revising paragraphs (a) and (b) and by adding new paragraph (e) as follows:

§ 74.965 Posting of station and operator licenses.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted in the room in which the transmitter is located.

(b) In cases where the transmitter is operated by remote control, the documents referred to in paragraph (a) of this section shall be posted at the control point of the transmitter.

* * * * *

(e) Posting of the operator licenses and the station license and any other instruments of authorization shall be done by affixing the licenses to the wall at the posting location, or by enclosing them in a binder or folder which is retained at the posting location so that the documents will be readily available and easily accessible.

PART 0—[AMENDED]

§ 0.283 [Amended]

14. In 47 CFR 0.283, *Authority delegated,* paragraphs (a)(11) *Station location* and (a)(12) *Main studio location* are removed, and paragraphs (a) (13) through (16) are redesignated as (a)(11) through (a)(14).

[FR Doc. 83-14209 Filed 5-31-83; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amdt. 3 to Service Order No. 1499]

Chicago & North Western Transportation Co. Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 3 to Service Order No. 1499.

SUMMARY: Amendment No. 3 to Service Order No. 1499, authorizes Chicago and North Western Transportation Company (CNW) to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee) (MILW). This order permits CNW, under agreement with the Trustee, to operate MILW lines between Jefferson and Herndon, Iowa, as part of a program to provide access to lines under purchase agreement which are in need of refurbishing.

EFFECTIVE: 11:59 p.m., May 31, 1983, and continuing in effect until 11:59 p.m., May 31, 1984, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840 or 275–1559.

PART 1033—CAR SERVICE

Decided May 25, 1983.

Upon further consideration of Service Order No. 1499 (47 FR 23723), and good cause appearing therefor:

It is ordered, that § 1033.1499 *Service Order No. 1499, Chicago and North Western Transportation Company Authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee)* is amended by substituting the following paragraph (n) for paragraph (n) thereof:

(n) *Expiration date.* The provisions of this order are extended for one year, and shall expire at 11:59 p.m., May 31, 1984, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1983.

This action is taken under authority of 49 U.S.C. 10304–10305 and Section 122, Pub. L. 96–254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroad subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-14587 Filed 5-31-83; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1153

[Ex Parte No. 428]

Discontinuance or Change of Train or Ferry Service

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rules.

SUMMARY: The Commission has modified its regulations regarding discontinuance or change of train or ferry service by revising 49 CFR Part 1153 (formerly 49 CFR Part 1122) and partially eliminating 49 CFR Part 1153.9 (formerly 49 CFR Part 1100.246). These changes eliminate unnecessary and redundant informational requirements and streamline present regulations. Procedures under 45 U.S.C. 561 are eliminated, because they are no longer necessary. The regulations are set out in the Appendix.

DATES: These procedures will be effective on June 1, 1983.

FOR FURTHER INFORMATION CONTACT:
Louis E. Gitomer, (202) 275–7245
or
Gloria E. Blazsik, (202) 275–0948.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

The index terms covering 49 CFR Part 1153 are as follows: Administrative practice and procedure; Railroads

The Commission has certified that this action will not have a significant economic impact upon a substantial number of small entities for reasons set forth in its decision.

Decided: May 19, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,
Secretary.

Appendix

49 CFR Part 1153 is revised to read as follows.

PART 1153—TRAIN OR FERRY DISCONTINUANCE OR CHANGE OF OPERATION

Subpart A—Procedures Under 49 U.S.C. 10908

Sec.
1153.1 Scope of rules.
1153.2 Notice of change or discontinuance.

Sec.

1153.3 Information required with notice.
1153.4 Procedures governing the proceeding.

Subpart B—Procedures Under 49 U.S.C. 10909

1153.5 Scope of rules.
1153.6 Procedures on a petition.
1153.7 Rules pertaining to the hearing.

Authority: 5 U.S.C. 553, 45 U.S.C. 501, and 49 U.S.C. 10321, 10908, 10909.

Subpart A—Procedures Under 49 U.S.C. 10908

§ 1153.1 Scope of rules.

These rules govern the proposal of a carrier to discontinue or change train or ferry service which operates between two or more States.

§ 1153.2 Notice of change or discontinuance.

A separate notice for each unrelated proposal to discontinue or change train or ferry service shall be:

(a) Filed with the Commission 45 days before the discontinuance or change is to be effective

(b) Concurrently mailed to the chief executive officer and railroad regulatory body of each State in which the train or ferry is operated, and

(c) Posted in a conspicuous place in each station, depot, passenger car, or facility served by the train or ferry. This notice shall contain the following information:

(1) Exact corporate name and address of the carrier.

(2) The train or ferry number and name or other description of the train or ferry which is the subject of a discontinuance or change; the name of each station, depot, or facility affected by the proposal; and the termini between which the train or ferry operates.

(3) The date when the proposal will be effective.

(4) That persons wishing to object to the proposal should notify the Commission at Washington, D.C. of their objections and their reasons for opposition at least 30 days before the effective date of the change.

(5) The notice shall be not less than 8½x11 inches and the wording in not smaller than 12-point type. The words "Notice of proposed change (or discontinuance, if appropriate) of service" shall appear in large bold-face type near the top.

§ 1153.3 Information required with notice.

A "Statement Regarding Proposed Discontinuance or Changes of Train or Ferry Service" shall be filed at the Commission along with each separate notice. The statement shall contain the following either in the statement itself or in attached exhibits:

(a) Name and address of counsel or officer to whom correspondence should be addressed.

(b) Complete description of the present service and the proposed change, including the effect on each train station, depot, or other facility affected.

(c) The reasons for the proposal.

(d) Description of alternative common carrier service available in the area described in the notice. If none, so state.

(e) A brief summary of the use of the trains or ferries involved for the last calendar year, and for the current year to the extent available. If information is not submitted, an explanation for the omission is required.

(f) The financial results of the operations described in paragraph (e), above.

(g) A copy of the carrier's balance sheet as of the latest available date and of its income statement for the last calendar year, and for the part of the current year for which such information is available. If on file with the Commission, this information may be incorporated by reference.

(h) A map showing the geographic area and route involved in the proposal.

(i) A certification that pursuant to section 1153.2 a copy of the notice has been posted and that the notice and "Statement Regarding Proposed Discontinuance or Change of Train or Ferry Service" have been mailed.

(j) Either attestation and verification as required by 49 CFR 1104.4 or an affirmation or declaration as required by 49 CFR 1104.5.

§ 1153.4 Procedures governing proceedings on the proposed discontinuance or change.

(a) Protests. Interested persons opposed to a proposed discontinuance or change of operations shall file with the Commission an original of their protest by telegram, letter, or other writing. The protest shall identify the protestant and the carrier involved, state the interest of the protestant, and the grounds for opposition. The protest shall be filed with the Commission no later than 30 days before the proposed change is scheduled to go into effect.

(b) Intervention. Intervention in any proceeding will be allowed in accordance with 49 CFR 1113.7.

(c) Notice of proceeding. After the period for protests ends, the Commission will give notice to the carrier(s) involved, the chief executive officer of each State in which the train or ferry is operated, and any other interested parties of record as to whether a proceeding investigating the discontinuance or change will be instituted. If a proceeding is instituted, the Commission may order continuance of the train or ferry service pending completion of the proceeding.

(d) Reconsideration of decision as to whether to investigate. Petitions for reconsideration of the Commission's decision as to whether to investigate the proposed change or discontinuance shall be filed with the Commission within 10 days after the date of service of the Commission's decision. Interested persons may reply within 15 days after the date of service of the Commission's decision. If an order is desired requiring continuance of the service pending the proceeding the petition shall be filed with the Commission 15 days prior to the date the discontinuance is to take effect and shall contain a request for expedited handling.

Subpart B—Procedures Under 49 U.S.C. 10909

§ 1153.5 Scope of rules.

These rules govern petitions filed by a carrier under 49 U.S.C. 10909 to discontinue or change train or ferry service which is operated entirely within one State.

§ 1153.6 Procedures on a petition.

(a) *Contents.* Petitions filed under 49 U.S.C. 10909 shall contain the information in § 1153.2(a) and § 1153.3(a)–(j). Additionally, the following information shall be provided:

(1) The date on which a request to change or discontinue the transportation was filed with the appropriate State authority.

(2) Identification of the State authority with which the petition was filed.

(3) Description of the action, if any, taken by the State authority on the petition, including a copy of the record of the State proceeding, if available, or a copy of the State law prohibiting the action.

(b) *Notice of the petition.* No later than the date on which a carrier files its petition, it shall serve copies of its entire petition on the State Governor, the State authority which denied or failed to act on the carrier's request, and on all parties of record in the proceeding at the State level. *See,* in addition, 49 CFR 1104.12. Copies of the State record need not be furnished to the Governor, State agency, or other parties of record.

§ 1153.7 Rules pertaining to the hearing.

Notice of the hearing. If a hearing is requested by any interested party in opposition in the State proceeding, the Commission shall give all interested parties at least 30 days' notice of the

hearing to be conducted in the State in which the train or ferry is operated.

[FR Doc. 83-14546 Filed 5-31-83; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Parts 1162 and 1307

[Ex Parte No. MC-165]

Exemption of Motor Contract Carriers From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission has adopted final rules to exempt all motor contract carriers of property from tariff filing requirements under 49 U.S.C. 10702(b), 107(b) and 10762(f). The rules result from a proposed rulemaking proceeding (47 FR 57303, December 23, 1982) suggested by an application filed by the Contract Carriers Conference of the American Trucking Associations. The exemption will promote competitive and efficient service designed to meet the needs of shippers, receivers, and consumers; will permit a variety of quality and price options to meet changing market demands and the diverse requirements of the shipping public; will allow the most productive use of equipment; and will maintain a sound, safe, and competitive privately-owned motor carrier system. The Commission also concluded that it would not exempt contract carriers of passengers at this time. The rules adopted are set forth in the appendix.

EFFECTIVE DATE: These rules will be effective on July 1, 1983.

FOR FURTHER INFORMATION CONTACT:
Wendy Tillis, (202) 275-6445
or
Jane Morris, (202) 275-6434.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Environmental and Energy Considerations

We adopt the preliminary finding in our proposed rules that this action will not significantly affect the quality of the human environment or the conservation of the energy resources. No comments have been submitted on any matter indicating that a contrary position is warranted.

Regulatory Flexibility Analysis

We also adopt the preliminary finding that this proceeding will have a significant economic impact on a substantial number of small entities and that those impacts will be beneficial.

The vast majority of comments did not specifically address the issue of impact on small entities. A few comments suggested that small shippers would be harmed by the proposed exemption for the same reasons that larger shippers would be harmed. These fears should be adequately dispelled by our discussion above.

The Chief Counsel for Advocacy of the United States Small Business Administration (SBA) supports the exemption because it contends that the regulatory burden of filing tariffs falls disproportionately on small carriers. The SBA notes that while all carriers incur some costs in the preparation of tariffs, small carriers, which comprise the vast majority (88 percent) of contract, carriers, have fewer revenue miles over which to spread the cost and thus are competitively disadvantaged relative to larger entities. We agree with the SBA's assessment of the impact of this exemption.

List of Subjects

49 CFR Part 1162

Freight, Motor carriers.

49 CFR Part 1307

Freight, Motor carriers, Moving of household goods.

(49 U.S.C. 10321, 10702(b), 10761(b), 10762(f) and 5 U.S.C. 553)

Decided: May 17, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre joined by Vice Chairman Sterrett, concurred with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Andre, joined by Vice Chairman Sterrett, concurring:

The Contract Carrier Conference is to be commended for its part in initiating this proceeding. The Federal Trade Commission had filed a petition for tariff relief in June, 1982, but there was some question at the time whether this Commission could consider the FTC petition since it had not been filed by a carrier. The concern was laid to rest in July when the Conference filed on behalf of its contract carrier members. These two petitions focused attention on a costly and non-productive aspect of regulation. Consequently, the Commission issued a notice of proposed rulemaking in December, 1982, committing itself to a final decision within sixty days of the close of public comment. While the announced deadline was not met, the case has not languished either. So perhaps the result in this case is twice beneficial. The contract carrier sector, its carriers and users, will benefit from an increase in competitive efficiency and a decrease in unproductive costs. And the Commission may have discovered a way to speed its discretionary docket: commit itself to public target dates and run the risk of embarrassment.

There should be no doubt that tariff filing imposes costs on the public. There is the expense involved in the paperwork. More than 66,000 contract tariffs were filed last year. Various estimates of the time and money spent on these filings have been made and challenged in this docket. A precise estimate is not possible, but its components would include private sector costs, and those of the Commission as well, since the public pays both as increments either to prices or taxes. If the total cost per tariff is no more than $500, then tens of millions are expended annually on paperwork alone.

A second type of cost that needs consideration is the loss of business opportunity. Agreements between carriers and shippers can be impeded because of the added delay and expense of tariff filing. Where the benefits to both parties are large, tariff concerns will not defeat a deal. But in cases where the gains at first appear small or where time is of the essence, agreements may not be reached. Just how much is lost to the public is unknown, but prudent policy requires the assumption that significant losses are possible. A third category of cost stems from the fact that the filing requirement impinges on the free operation of the price system, perhaps defeating it altogether in some instances. Filing makes contract carriage less competitive and efficient than otherwise. While the process by which diminished competition lessens consumer welfare is well understood, these losses are not easy to identify specifically or to quantify reliably. Nevertheless, competitive efficiency is so central to consumer welfare that it is safe to assume that the anti-competitive impact of the tariff system may be its worst feature.

It is fortunate that there is no need to quantify any of these costs precisely. There are convincing statements in the record that expenditures of cash and management time are considerable, and that business opportunities are frequently missed, and competition diminished. Whatever the arguable range of the costs thus incurred, the sums are clearly not trivial. The question that then arises is this: what are the public benefits that warrant the continued imposition of non-trivial costs on the transportation system? The answer is that there are none. Of the 66,000 contract tariffs filed last year, none were suspended or investigated. So it is irrelevant what one thinks about the efficacy of rate regulation; these tariffs are not being used to support an active program of rate prescription. In fact, the Interstate Commerce Commission has only limited power over contract rates. It cannot set maximum rates for contract carriers, and the statute does not make

discrimination between shippers unlawful. The Commission's power is restricted to the prescription of minimum rates. That is, the Commission's authority is limited to deciding when the rates in a contract might be too low.[1] But even in the field of minimum rates there has been no recent activity that would indicate that the tariff system is used to support active rate regulation. The Contract Carrier Conference characterizes minimum rate complaints as "vanishingly rare" and states that it is unable to determine the last time that the Commission upheld such a complaint. No one seriously challenges this characterization.

There is an argument that, without regard to the power to prescribe rates, the very fact of tariff filing itself opens up the competitive process in a way that enhances performance and deters predatory conduct. Legislation in 1957 required contract carriers to file the actual rates that they charged their customers;[2] prior to that, minimum rates, whether or not used by the carrier, were all that had to be included in tariffs. The 1957 enactment contained several provisions that were designed to curtail the expanding impact of contract carriage,[3] and the provision requiring the filing of actual rates was clearly influenced by the belief that "open" contract pricing would enhance the competitive position of common carriage.[4] The opposition to tariff exemption in this proceeding relies heavily on this 1957 legislation, and understandably so.

The difference between 1983 and 1957 is, however, more than just a quarter century. The most obvious difference is the Motor Carrier Act of 1980.[5] The 1935 statute that initiated motor carriage regulation sought to create a controlled entry system in which competitors could be protected from themselves. Not surprisingly, outsiders became more aggressive as the profit opportunities inside the cartel grew more considerable. Problems with "predatory" rail rates, the growth of private carriage, "unauthorized" operations, and the spread of contract carriage all reflect the inevitable weakness of cartels. In 1957 the Congress sought to attack one aspect of this problem by tightening the regulatory regime. In 1980 that course was emphatically reversed. It has been said often, but still bears repeating: the Commission now operates under a revised National Transportation Policy that designates competition and efficiency as the principal regulatory tools. Substantial freedom has been returned to all categories of carriers, so that they may choose their prices and services as the dictates of the market demand. Contract carriers have been relieved of the stigma of second class citizenship. They are now permitted to serve any number of customers, they may hold common carrier authority, they may contract with freight forwarders, and they may commingle loads of contract freight and common carrier freight on the same truck.[6]

Nevertheless the opposition parties would still have the Commission adhere rigidly to the tariff filing aspect of the 1957 law because they argue that "open" pricing is required by the competitive goals of the Motor Carrier Act of 1980. But experience demonstrates that "open" pricing, whether by tariff or otherwise, is not necessary to achieve acceptable competitive performance. Agricultural trucking has always been exempt from rate regulation and tariff filing, and this has not led to destructive or predatory practices. Recently the Commission exempted much of intermodal transportation from tariff and rate regulation,[7] and the experience so far has been a welcome increase in the vitality of this market without any serious indication of anti-competitive behavior or public harm. The Commission long ago granted a tariff filing exemption to armored car service, again without any harmful public impact.[8]

For the past year tariff exemptions have been given to contract carries on an individual basis, perhaps more than two hundred and fifty to date. There is no evidence that these exemptions have lessened competition in the marketplace. While "open" pricing has a superficial attractiveness, even without tariff listings a competitor is not likely to be unable to find out the price he must offer in order to be competitive. Indeed an argument can be made the other way, that price lists facilitate price fixing, and that the Commission is well advised to grant this exemption, which is, of course, reversible, on the theory that concealed rate reductions can be counted on to break down any remaining stickiness in the outmoded pricing patterns of an industry emerging from regulation. Given that experience with the variety of exemptions above shows no need for open pricing, it is clearly within the Commission's discretion, and not arbitrary or unfounded, for the Commission to continue to issue individual contract exemptions. However, that process would necessarily involve a high cost in terms of legal and administrative fees. A blanket exemption will reduce these costs substantially, with the advantage that the remaining contract carriers will receive relief simultaneously.

The Regular Common Carrier Conference of the American Trucking Associations and other representatives of the common carrier sector make two additional arguments that warrant comment: first, they claim that contract carriers will use secret, unregulated rates to predatory advantage; and, second, they argue that common carriers cannot be expected to remain competitive with others that do not suffer the common carrier's regulatory burden. On examination, the predation argument can be seen to be meritless, except as it relates in an unintended way to the claim that common carriage will be handicapped by regulatory requirements. Predation is not inferred from aggressive competiton, even that which results in wide swings in marketshare between competitors.[9] Predation is characterized by an intent to achieve monopoly gain through tactics that are not related to the productive efficiency of the firm. The example most often cited, although far less often realized, is the use of below-cost pricing to drive out rivals and capture markets that are thereafter subjected to higher, monopoly prices. The problem should be a false concern in the trucking industry. "Captive" markets are not defensible over any significant period because entry into trucking is relatively inexpensive and rapid, particularly since the industry's principal capital stock can be readily leased and is itself mobile. Consequently, unless non-market barriers are postulated, the risks of undertaking a predatory campaign loom so large that they should discourage all but the irrational. There is the immediate cash drain of pricing below the out-of-pocket cost of providing service, there is the danger that the demand for lower prices will spread beyond the markets targeted for capture, and there is the need to be concerned with treble damage actions should the strategy be detected and proven in the courts. So it should not be surprising that a predatory binge is not credible. Preoccupation with this unlikely problem does not justify the retention of a costly industrywide tariff scheme as prophylaxis.

There is, however, some possible merit to the argument that uneven regulatory requirements will distort the competitive relationship between contract and common carriers. While there may be no purely market originated barriers that could reward a predatory strategy, cost differences imposed by government regulation might suffice. In the academic criticism of transportation regulation that preceded reform legislation there is unanimous agreement that government-conferred privilege has been capable of sustaining monopoly advantage where the marketplace would have otherwise eroded it.[10] Whether

---

[1] See 49 U.S.C. 10702(b) and 10708(a)(1)(B).

[2] Pub. L. 85-124, 71 Stat. 343 (1957).

[3] The most significant of the 1957 amendments restricted the number of customers that a contract carrier could serve. See *Umthun Trucking Co. Extension—Phosphatic Feed Supplies*, 91 M.C.C. 691 (1962).

[4] See Senate Report No. 335, 85th Cong. 1st Sess. (1957); House Report No. 895, 85th Cong. 1st Sess. (1957); quoted extensively in the comments of Bulk Carrier Conference, Inc. (1-20-83, this docket.)

[5] Pub. L. 96-296, 94 Stat. 793 (1957).

[6] See section 10 of the Motor Carrier Act of 1980, *supra*, and House Report 96-1069, 96th Cong. 2d Sess. (1980) at 22.

[7] Ex Parte No. 230 (Sub-No. 5), *Improvement of TOFC/COFC Regulation*, (not printed) served February 19, 1981, aff'd sub nom. *American Trucking Associations* v. *I.C.C.*, 658 F. 2d 1115 (5th Cir. 1981).

[8] *Armored Carrier Corp., Pet. for Relief*, Sec. 218(a), 303 I.C.C. 781 (1958).

[9] The Motor Carrier Act of 1980 includes a statement in its new entry standards to the effect that diversion of revenues from an existing firm is not a probable indicator of competitive harm. (Section 5 of the Motor Carrier Act of 1980, amending 49 U.S.C. 10922(b).) An underlying purpose of the reform law is to insure that shippers have an opportunity to do business with efficient transportation firms. That necessarily implies an expectation of "diversion" and a tolerance for it.

[10] See e.g. T. G. Moore, *Freight Transportation Regulation*, (1972); A. F. Friedlander, "The Social Costs of Regulating the Railroads," printed in the *American Economic Review* (May 1971); and, generally A. E. Kahn, *The Economics of Regulations*, Volumes 1 & 2 (1970). It is important to note that the advantage thus gained does not necessarily pass to the equity holders of the regulated firms, indeed it is somewhat unusual

the elimination of tariff filing for a part of the industry confers a sufficient advantage in cost and efficiency to result in significant distortion depends on the magnitude of the savings thus permitted. Since savings above the trivial range have been assumed here, the Commission cannot completely disregard this problem. However the proper response is not maintenance of the status quo. It is to proceed rapidly to equalize the advantages that may have been conferred.

The Commission should, for example, immediately institute a proceeding to consider granting blanket authority for short notice rate changes by common carriers[11] and we should allow the filing of rates for individually named shippers.[12] These actions would permit common carriers to respond rapidly and specifically to competitive pressures. By acting now on these and other measures[13] we can avoid the alternative of gradual, haphazard reform that is likely to cause interim misallocation of energy, talent and resources. I am confident that the Commission will reach these additional matters promptly, and that the result will be to give all carriers as much opportunity as exists in the Interstate Commerce Act to take advantage of the reforms of 1980. The Commission can thus insure that it does not, in the course of regulatory reform, create new and unnecessary distortions along the way.

---

when it does. Labor and suppliers, even competing modes are just as likely to be the beneficiaries of the market power created by government restriction.

[11] A majority of the Commission voted in Ex Parte 297 (Sub-No. 5) to institute such a proceeding.

[12] The Commission issued a notice of proposed rule to consider rates for named shippers in June 1982, and the record has been closed for some time.

[13] The record is ripe for decision in Ex Parte 230 (Sub-No. 6), *Improvement of TOFC/COFC Regulation (Railroad Affiliate Motor Carriers and Other Motor Carriers)*. A favorable decision in this case would permit independent motor carriers to participate more fully in the TOFC/COFC exemption. The Commission would also be well advised to consider a class exemption for finance transactions under 49 U.S.C. 11343(e). The Commission has ample authority to further streamline motor carrier consolidations. A class exemption would facilitate any restructuring in the industry that the recent recession and the reforms of surface transportation regulation may indicate.

Appendix

Title 49 of the Code of Federal Regulations is amended as follows:

PART 1162—TEMPORARY AUTHORITY PROCEDURES UNDER 49 U.S.C. 10928

1. In § 1162.3, paragraph (b) is revised to read as follows:

§ 1162.3 Processing of applications.

* * * * *

(b) *Publication of rates and charges.* A contract carrier of passengers or a common carrier may not lawfully perform transportation under a grant of temporary authority unless and until compliance has been made with rate and other requirements of 49 U.S.C. 10761 and 10762.

* * * * *

2. In § 1162.5, the first sentences of (a)(3) and (b)(1) are amended and as revised, the paragraphs read as follows:

§ 1162.5 Rates, fares, charges, and special permission applications.

* * * * *

(a) * * *

(3) *Motor contract carriers.* A motor contract carrier of passengers may not lawfully provide transportation until effective rates, fares, and/or charges together with supporting schedule provisions are on file with the Commission as required by 49 U.S.C. 10761 and 10762 and the Commission's rules and regulations.

* * * * *

(b) *Emergency-temporary authority.* (1) Motor carriers. Each application for emergency temporary authority for 30 days or less (except those involving the Railway Express Agency, substitution of motor for rail service, or contract carriers of property) shall be accompanied by a statement of the rates, fares, charges, and other tariff or schedule provisions to by filed under Special Permission M–60160 or M–60161, §§ 1306.100, 1306.101, 1307.100, and 1307.101 of this chapter, for use in the event the authority is granted.

* * * * *

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

3. The heading and text of § 1307.0 are revised to read as follows:

§ 1307.0 General.

Motor contract carriers of property shall not be required to publish or file schedules stating the rates or charges covering the services provided or the rules, practices, or regulations affecting those rates and charges.

§§ 1307.1 through 1307.18 [Removed and reserved]

4. Sections 1307.1 through 1307.18, inclusive, are removed and reserved for future use.

§§ 1307.21 through 1307.50 [Removed and reserved]

5. Sections 1307.21 through 1307.50, inclusive, are removed and reserved for future use.

§ 1307.101 [Removed and reserved]

6. Section 1307.101 is removed and reserved for future use.

[FR Doc. 14634 Filed 5–31–83; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 48, No. 106
Wednesday, June 1, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1007

[Docket No. AO-366-A21]

Milk in the Georgia Marketing Area; Supplemental Notice of Hearing and a Rescheduling of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Supplemental notice and a rescheduling of public hearing on proposed rulemaking.

SUMMARY: The notice provides for an additional proposal to be considered, and reschedules a previously announced public hearing on the Georgia milk order. The additional proposal was submitted by the Milk Industry Foundation (MIF) and would provide that all exported fluid milk products shall be classified and pooled identically. The MIF said that this treatment would continue a Department policy whereby all fluid milk products are treated alike under Federal milk orders regardless of processing or packaging. All the remaining proposals specified in the prior notice (48 FR 21962) will be considered at the rescheduled hearing.

DATE: The hearing will convene July 12, 1983.

ADDRESS: The hearing will be at the Atlanta Airport Hilton, 1031 Virginia Avenue, Hapeville, Georgia 30354, beginning at 9:30 a.m., local time.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Hearing: Issued May 10, 1983; published May 16, 1983 (48 FR 21962).

The notice is hereby given, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) that consideration will be given at the rescheduled hearing to an additional proposal submitted by the Milk Industry Foundation that would classify and pool exported fluid milk products identically. The prior hearing notice is hereby changed in the following respects:

Proposed by the Milk Industry Foundation:

Proposal No. 5.

"Whatever classification and pooling is provided for aseptically processed fluid milk products (UHT milk) will also be available for all other exported fluid milk products."

The proposed amendment, as set forth above, has not received the approval of the Secretary of Agriculture.

List of Subjects in 7 CFR Part 1007

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on May 26, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-14638 Filed 5-31-83; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM 50-24]

John F. Doherty; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of Petition for Rulemaking.

SUMMARY: The Nuclear Regulatory Commission is denying a petition requesting that the Commission amend its regulations governing the domestic licensing of production and utilization facilities to specifically require prescribed action by the Commission in the event of objects falling from earth's orbit on the grounds that the requested amendments are unnecessary. The provisions of the Atomic Energy Act of 1954, as amended, permit the Commission to take actions of the kind outlined by the petitioner; the requested amendments are therefore unnecessary. Based on experience, the Commission has found its present practice of notification and monitoring the progression of natural or man-induced events that may impact the operation of licensed facilities is adequate. Further, the Commission is authorized to order licensees to act to protect health and minimize danger to life or property.

ADDRESSES: Copies of correspondence and documents cited below are available for public inspection and copying for a fee at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Perkins, Chief, Incident Response Branch, Division of Emergency Preparedness and Engineering Response, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301 (492-4614).

SUPPLEMENTARY INFORMATION: In a submittal dated July 6, 1979, Mr. John F. Doherty filed with the Commission petition for rulemaking PRM-50-24.

The Petition

The petitioner requested that the Commission adopt a regulation which would state that it is the duty of the Commission to inform all holders of Class 103 licenses (production and utilization facility licensees) of any announcement by any Federal agency or department of predicted or expected falling objects from earth's orbit, whether the falling object is the responsibility of the announcing agency or the responsibility of a foreign nation. The petitioner also requested that the Commission adopt a regulation which specifies that the Commission inform and advise the affected licensees until a prediction of the most likely impact area(s) can be issued by the responsible department or agency. The petitioner requested that the Commission order plants near the probable impact area to be shut down.

Basis for Request

As the basis for the request, the petitioner stated that the Commission should specifically prepare for a possible occurrence of a situation similar to the Skylab incident in which orbiting objects of considerable size could be expected to fall to earth with considerable force.

Request for Comments on Petition

A Notice of Filing of Petition for Rulemaking was published in the **Federal Register** on August 16, 1979 (44 FR 47997). The comment period expired October 1, 1979. The Commission received one letter of comment in response to the notice.

The one commenter opposed the petition on the basis that adequate provisions currently exist within the regulations to permit the Commission to take the required actions should the health and safety of the public be jeopardized. These provisions include the authority to order that a licensed facility be shut down. The commenter also suggested that the proposal could result in the taking of unnecessary adverse action in the absence of a credible threat.

Disposition of Petition

The Commission already has the authority to take the actions the petitioner requests. For instance, the Atomic Energy Act of 1954, as amended, authorizes the Commission to "* * * prescribe such regulations or orders as it may deem necessary * * * to govern any activity authorized * * * including * * * restrictions governing the * * * operation of facilities * * * in order to protect health and to minimize danger to life or property." Consequently, a specific regulation that deals with objects falling from earth orbit and that prescribes actions on the part of the Commission is unnecessary.

External events may occasionally affect the routine operation of NRC-licensed production and utilization facilities. Within the framework of the current NRC licensing process, these events are considered in the siting and design of power reactors. Plants in operation may be subject to natural or man-induced events that warrant particular attention. The NRC is kept apprised of developing situations that have the potential to impact routine operation at power reactors. In the past, these situations have included events such as the Skylab reentry, the COSMOS 1402 reentry, the Mt. St. Helens eruption, hurricanes, and other severe environmental conditions.

As an example of an NRC response to a specific situation, in addition to the information notice that was issued to licensees during the Skylab reentry, the NRC response center was activated to monitor the situation and was prepared to act if necessary. NRC maintained contact with the Federal Emergency Management Agency (FEMA) and the National Aeronautics and Space Administration during the reentry process. Skylab debris fell on and near Australia. However, had Skylab "skipped" on reentry and continued for another partial orbit, its trajectory would have caused it to become a potential threat to a number of U.S. nuclear facilities. A large uncertainty existed at the time as to which Skylab orbit would be the last. Nuclear plant shutdowns were not ordered because: (1) The shutdown of a large number of facilities could have caused a potentially serious power disruption; (2) vital parts of nuclear power plants have substantial protection from external hazards, and (3) a direct strike on a nuclear power plant is extremely unlikely. Those NRC-licensed reactor facilities that were projected to be in the potential reentry path were alerted and advised to (1) have technical management available to augment staff in the event of a problem, and (2) be prepared to cope with a loss of offsite power. The actions taken by the NRC during the Skylab incident demonstrate that the Commission was prepared to act in the appropriate manner to protect the health and safety of the public under its existing statutory authority and regulations and that sufficient reason does not exist to grant the petition in whole or in part.

Denial

Based on the above considerations, the Commission hereby denies the petition for rulemaking PRM 50–24, dated July 6, 1979, filed by John F. Doherty.

A copy of the petition for rulemaking, a copy of the letter of comment, and the Commission's letter of denial are available for public inspection and copying for a fee at the Commission's Public Document Room at 1717 H Street N.W., Washington, D.C.

Dated at Bethesda, Maryland this 6th day of April 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-14609 Filed 5-31-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 632, 633, 634, and 684

Proposed Rules Under Title IV of the Job Training Partnership

AGENCY: Employment and Training Administration, Labor.

ACTION: Advance notice of proposed rulemaking; notice of availability of document.

SUMMARY: This advance notice alerts interested persons to forthcoming rulemaking and offers an opportunity to request informational, draft copies of proposed rules covering certain Parts of Title IV of the Job Training Partnership Act (Pub. L. 97–300). The proposed rules cover: Part A, Section 401, Native American Program: Part A, Section 402, Migrant and Seasonal Farmworker Programs; Part B, Sections 421–439, Job Corps; and Part E, Sections 461–465, Labor Market Information. Any regulations to be published on other Parts of Title IV will be issued at a later date. Release of the draft regulations is intended to alert interested persons to issues which will be submitted for public comment in the forthcoming proposed rules.

ADDRESS: Requests for draft copies, including self-addressed envelope and/or mailing label, should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 601 D. Street, NW., Room 9000, Washington,D.C. 20213. Attention: Patrick J. O'Keefe, Acting Administrator, Office of Strategic Planning and Policy Development.

FOR FURTHER INFORMATION CONTACT: Patrick J. O'Keefe, Telephone (202) 376–6600.

SUPPLEMENTARY INFORMATION: On October 13, 1982, the President signed the Job Training Partnership Act, Pub. L. 97–300. To provide basic program planning information as early as possible, the Department is making available to interested persons, upon written request, a prelimanary draft of the proposes regulations implementing Title IV of the Job Training Partnership Act. Release of the draft regulations is intended to alert interest persons to issues which will be submitted for public comment in the forthcoming proposed rules.

Signed this 26 day of May 1983.

List of Subjects in 20 CFR Parts 632, 633, 634 and 684

Grant programs-Labor, Job Corps, Manpower training programs, Reporting and recordkeeping requirements, Youth.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-14717 Filed 5-31-83; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

Public Comment Period and Opportunity for Public Hearing on Modified Portions of the West Virginia Permanent Regulatory Program; Correction

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; correction.

SUMMARY: On May 19, 1983, at 48 FR 22586, OSM published a notice announcing procedures for a public comment period and hearing on the substantive adequacy of certain program amendments submitted by the State of West Virginia as modifications to its permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977. Due to an inadvertent error, the **"DATES"** section of that notice stated that written comments not received on or before 4:00 p.m. on May 19, 1983, will not necessarily be considered. The correct date should have been June 20, 1983.

DATES: Written comments not received on or before 4:00 p.m. June 20, 1983, will not necessarily be considered. A public hearing on the proposal will be held from 7:00 p.m. to 9:00 p.m. on June 13, 1983, at the OSM Charleston Field Office listed below under **"ADDRESSES"**. Any person interested in making an oral or written presentation at the hearing should contact Mr. David H. Halsey at the OSM Charleston Field Office by the close of business on June 8, 1983. If no one has contacted Mr. Halsey to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Halsey, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, Attention: West Virginia Administrative Record, 603 Morris Street, Charleston, West Virginia 25301, Telephone (304) 347-7158.

See **"SUPPLEMENTARY INFORMATION"** for addresses where copies of the West Virginia program, the amendments and the administrative record on the West Virginia program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendments by contacting the OSM Charleston Field Office listed above.

FOR FURTHER INFORMATION CONTACT: David H. Halsey, Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 55301, Telephone: (304) 347-7158.

Dated: May 25, 1983.

Arthur W. Abbs,

Acting Assistant Director, Program Operations and Inspection.

[FR Doc. 83-14636 Filed 5-31-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-4-FRL 2356-2; KY-013]

Designation of Areas for Air Quality Planning Purposes; Kentucky—Redesignation of Sixty-Seven Counties to Attainment for Ozone

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On the basis of ozone air quality data submitted by Kentucky, EPA proposes to change the Section 107 attainment status designation for sixty-six rural counties (populations less than 50,000) in that State from unclassifiable to attainable. On the same basis, it is proposed to change the designation of Fayette County from nonattainment to attainment. The public is invited to submit written comments on the proposed actions.

DATE: To be considered, comments must be received on or before July 1, 1983.

ADDRESSES: Written comments should be addressed to Melvin Russell of EPA Region IV's Air Management Branch (see EPA Region IV address below). Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Air Management Branch, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Kentucky Department for Environmental Protection, 18 Reilly Road, Bldg. No. 2, Ft. Boone Plaza, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Melvin Russell, Air Management Branch, EPA Region IV, at the above address, telephone 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962 at 8996), EPA made initial ozone attainment status designations for the Commonwealth of Kentucky. All the counties identified in today's notice except Fayette County were included in the "Rest of State" entry under the heading "Cannot be Classified or Better than National Standards" in the "Kentucky—Ox" table of 40 CFR 81.318. Fayette County was identified as not attaining the primary standards.

During the spring of 1981, the Kentucky Department for Environmental Protection (KDEP) completed the establishment of a statewide ozone network in order to determine the attainment status of rural counties. Monitoring sites were placed so as to be representative of the maximum number of counties under EPA's policy that an ozone monitor is generally representative of the air quality within a 50 km radius of the monitoring site. In this manner, Kentucky hoped to be able to designate numerous counties attainment for the ozone standard, and so free them from the requirement to control emissions from major volatile organic compound (VOCV) emitting sources under the State's statewide ozone control strategy.

Kentucky established ozone monitors in the following counties: Clay, Floyd, Mercer, Clark, Pendleton, Ohio, Carter, Hardin, Oldham, Henry, Calloway, Hopkins, Fulton, Pulaski, Metcalfe and Logan and collected data from the sites during 1979 through 1981. These monitoring sites met all of EPAs, monitoring siting criteria and operated in conformance with 40 CFR Part 58.

KDEP on April 20, 1982, requested on the basis of data collected in all of the foregoing counties except Mercer, Calloway, Hopkins and Ohio, that 67 rural counties be redesignated from unclassified to attainment for the ozone standards:

Adair, Barren, Bath, Bell, Bourbon, Bracken, Breathitt, Breckinridge, Bullitt, Carroll, Carter, Clark, Clay, Clinton, Cumberland, Elliott, Estill, Fleming, Floyd, Franklin, Fulton, Gallatin, Grant, Green, Greenup, Hardin, Harlan, Harrison, Henry, Hickman, Jackson, Johnson, Knott, Knox, Larue, Lawrence,

Lee, Leslie, Letcher, Lewis, Magoffin, Martin, Mason, Meade, Menifee, Metcalfe, Monroe, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Owsley, Pendleton, Perry, Pike, Powell, Robertson, Rowan, Scott, Shelby, Spencer, Taylor, Todd, Trimble, and Wolfe.

The Department also requested the redesignation of Fayette County from nonattainment to attainment of the ozone standard. This county's original nonattainment designation was based on data collected prior to 1978. The State's submittal of April 20, 1982, indicated that the ozone standard was not violated during the 1979, 1980, or 1981 ozone season. EPA's review indicated that the State's request was consistent with the redesignation criteria for nonattainment ozone areas, and therefore approvable. Because of the rural nature of this county, a control strategy demonstration is inappropriate. In addition, the Federal Motor Vehicle Control program nationwide and the implementation of RACT controls in major urban areas provides assurance that VOC emissions in urban areas which might lead to ozone problems in rural areas are sufficiently reduced to prevent future violations.

The National Ambient Air Quality Standard for ozone is 0.12 parts per million (ppm); the number of days per year above the standard must be less than or equal to one. If more than one year of data is used, the numnber of days above the standard is averaged over the number of years, to determine if the average number of days above the standard is less than or equal to one per year. If the number of days above 0.12 is greater than one (>1) the standard is violated.

Regarding the unclassified counties, the following tables indicates the two highest readings for the 1981 ozone season at the monitors used for the redesignation request:

County	Maximum (ppm)	2d maximum (ppm)	Number of days >0.12 ppm	Expected days >0.12 ppm
Clay	.085	.082	0	0
Floyd	.090	.090	0	0
Clark [1]	.150	.110	1	1
Pendleton	.095	.088	0	0
Carter	.109	.098	0	0
Hardin	.088	.088	0	0
Oldham	.090	.090	0	0
Henry	.109	.099	0	0
Fulton	.096	.087	0	0
Pulaski	.102	.096	0	0
Metcalfe	.089	.084	0	0
Logan	.099	.095	0	0
Greenup	.111	.105	0	0
Hancock	.099	.098	0	0
Fayette	.115	.094	0	0

County	Maximum (ppm)	2d maximum (ppm)	Number of days >0.12 ppm	Expected days >0.12 ppm
Fayette	.106	.101	0	0

[1] This maximum value occurred at 5:00 a.m. October 24, 1981. Since daylight is considered necessary for the creation of ozone and because this reading occurred near the end of the ozone season, this is considered to be anomalous.

EPA's review of the redesignation request for the unclassified Counties identified several problems in the request. Region IV EPA discussed the issues with Kentucky personnel and on June 21, 1982, officially requested the additional justification. Kentucky submitted the additional supporting information on October 11, 1982.

The State's October 11, 1982, submittal indicated that monitoring data for Bullitt County did not warrant redesignation. Data from an ambient monitor in Bullitt County recorded a concentration of 0.130 ppm in 1980, and using the procedure to account for missing days, three days of expected exceedance were calculated.

The State's redesignation request is consistent with Section 107 of the Clean Air Act and EPA guidance. The Act permits the redesignation of areas; the EPA guidance that defines the general criteria for redesignation consists of various guidance memoranda and the EPA publication titled "Guidelines for the Interpretation of the Ozone Air Quality Standard."

The basic criteria followed in the present case are as follows:

1. Any rural county designated as unclassified for ozone can be redesignated attainment if it is within 50 kilometers of an ambient monitor that records no violations of the ozone standard (0.12 parts per million, not to be exceeded more than once per year) for one ozone season. The ozone season in Kentucky is May through October.

2. Any county designated as nonattainment for ozone can be redesignated attainment if (a) there are eight consecutive quarters of ambient air quality data showing no violations and (b) significant reductions in actual emissions have occurred and these reductions are commensurate with an air quality improvement (to attainment) monitored in the last calendar year; in the latter case, the last year of data is sufficient for redesignation purposes. All emission reductions must be enforceable and quantifiable.

With regard to unclassified areas, EPA's decision to redesignate to attainment is made on a case-by-case basis. Each monitor and the area within a 50 km radius is studied to determine if the monitored data is representative of the counties included in the circle in whole or in part. Meteorological data must support the redesignation request.

EPA has determined that in light of the EPA redesignation criteria and Kentucky's April 20, and October 11, 1982 submittals, redesignation of affected counties as requested by Kentucky is in order.

Proposed Action

EPA today proposed to designate the following Kentucky counties attainment for ozone: Adair, Barren, Bath, Bell, Bourbon, Bracken, Breathitt, Breckinridge, Carroll, Carter, Clark, Clay, Clinton, Cumberland, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Fulton, Gallatin, Grant, Green, Greenup, Hardin, Harlan, Harrison, Henry, Hickman, Jackson, Johnson, Knott, Knox, Larue, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, Mason, Meade, Menifee, Metcalfe, Monroe, Montgomery, Morgan, Nelson, Nicolas, Oldham, Owen, Owsley, Pendleton, Perry, Pike, Powell, Robertson, Rowan, Scott, Shelby, Spencer, Taylor, Todd, Trimble, and Wolfe.

A 30-day comment period is being provided because the submitted redesignations and the issues involved are not so complex as to warrant a longer comment period. At the close of the comment period, EPA will respond to comments and publish a notice of final rulemaking.

Under 5 U.S.C. 605(b), the Administrator has certified that area redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107, Clean Air Act (42 U.S.C. 7407))

Dated April 20, 1983.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 83-14630 Filed 5-31-83; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 180

[PP 7E1940/P291; PH-FRL 2373-5]

Endosulfan; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the insecticide endosulfan and its metabolites in or on the raw agricultural commodity raspberries. The proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before July 1, 1983.

ADDRESS: Written comments to: Emergency Response and Minor Use Section, Registration Support and Emergency Response Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the above address.

SUPPLEMENTARY INFORMATION: The interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 7E1940 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Utah.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a,6,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide) and its matabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3,3-dioxide) in or on the raw agricultural commodity raspberries at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included acute oral rat toxicity studies with median lethal doses (LD_{50}) of 40, 43, and 142 milligrams (mg)/kilogram (kg) of body weight (bw) for males and 9, 18, and 53 mg/kg bw for females; a 1-year chronic dog feeding study with a no-observed-effect level (NOEL) of 30 ppm (0.75 mg/kg/day); a rat and a rabbit teratology study with no observed teratogenic effects and NOEL's of 2.0 and 0.7 mg/kg/day, respectively for maternal toxicity; oncogenicity studies on rats and mice were negative for oncogenic effects for females and inconclusive for males; a dominant lethal mutagenicity study in mice with no observed mutagenic potential at 10 mg/kg and an Ames test which was negative at 1,000 micrograms per plate. Studies considered desirable but lacking are a more adequate delineation of the oncogenic potential for male rats and mice, a long-term reproduction study, a rat chronic feeding study, and a more adequate definition of mutagenic potential.

The acceptable daily intake (ADI), based on the 1-year dog feeding study (NOEL) of 0.750 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.0075 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.4500 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.6080 mg/day; the current action will increase the TMRC by 0.00005 mg/day (0.008 percent) and will utilize an additional 0.01 percent of the ADI. The tolerance that will be established by this proposed rule is considered to pose a negligible incremental dietary risk since dietary exposure will not be significantly increased.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes. Since there are no animal feed items involved, there will be no secondary residues in meat, milk, poultry, or eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.182 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 7E1940/P291]. All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address give above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: May 23, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.182 be revised to read as follows:

§ 180.182 Endosulfan; tolerances for residues.

Tolerances are established for the total residues of the insecticide endosulfan (6,7,8,9,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide) and its metabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9*a*-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3,3-dioxide) in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa, fresh	0.3
Alfalfa, hay	1.0
Almonds	0.2[illegible]
Almonds, hulls	1.0
Apples	2.0
Apricots	2.0
Artichokes	2.0
Barley, grain	0.1(N)
Barley, straw	0.2(N)
Beans	2.0
Beets, sugar, without tops	0.1(N)
Blueberries	0.1(N)
Broccoli	2.0
Brussels sprouts	2.0
Cabbage	2.0
Carrots	0.2
Cattle, fat	0.2
Cattle, mbyp	0.2
Cattle, meat	0.2
Cauliflower	2.0
Celery	2.0

Commodities	Parts per million
Clover	2.0
Collards	2.0
Corn, sweet (K+CWHR)	0.2
Cottonseed	1.0
Cucumbers	2.0
Eggplant	2.0
Goats, fat	0.2
Goats, mbyp	0.2
Goats, meat	0.2
Grapes	2.0
Hog, fat	0.2
Hogs, mbyp	0.2
Hogs, meat	0.2
Horses, fat	0.2
Horses, mbyp	0.2
Horses, meat	0.2
Kale	2.0
Lettuce	2.0
Medicago sativa	0.2(N)
Melons	2.0
Milk, fat (= N in whole milk)	0.5
Mustard greens	2.0
Mustard seed	0.2(N)
Nectarines	2.0
Filberts	0.2(N)
Oats grain	0.1(N)
Oats, straw	0.2(N)
Peaches	2.0
Pears	2.0
Peas, succulent	2.0
Pecans	0.2(N)
Peppers	2.0
Pineapples	2.0
Plums	2.0
Potatoes	0.2(N)
Prunes	2.0
Pumpkins	2.0
Rape seed	0.2(N)
Raspberries	0.1(N)
Rye, grain	0.1(N)
Rye, straw	0.2(N)
Safflower seed	0.2
Sheep, fat	0.2
Sheep, mbyp	0.2
Sheep, meat	0.2
Spinach	2.0
Squash, summer	2.0
Squash, winter	2.0
Strawberries	2.0
Sugarcane	0.5
Sunflower seed	2.0
Sweet potatoes	0.2
Tomatoes	2.0
Turnips, greens	2.0
Walnuts	0.2(N)
Watercress	2.0
Wheat, grain	0.1(N)
Wheat, straw	0.2(N)

[FR Doc. 83-14610 Filed 5-31-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2727/P296 PH-FRL 2373-3]

Tebuthiuron; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances be established for the combined residues of the herbicide tebuthiuron and its metabolites in or on the raw agricultural commodities milk and grass hay. The proposed regulation to establish maximum permissible levels for residues of tebuthiuron in or on the commodities was requested in a petition submitted by the Elanco Products Company.

DATE: Comments must be received on or before July 1, 1983.

ADDRESS: Written comments to: Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, PM-25, (703-557-1800) at the above address.

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of September 22, 1982 (47 FR 41853) which announced that the Elanco Products Company, 740 South Alabama St., Indianapolis, IN 46285, had filed pesticide petition 2F2727 with the Agency. The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the herbicide tebuthiuron (*N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2yl]-*N*,*N*'-dimethylurea) and its metabolite containing the dimethylethyl thiadiazole moiety in or on the raw agricultural commodity milk at 0.2 part per million (ppm).

There were no comments received in response to the notice of filing.

The petition was subsequently amended by increasing the tolerance level for milk to 0.3 ppm and proposing a tolerance for the raw agricultural commodity grass hay at 20.0 ppm. Because of the potential of increased risk to humans, these tolerances are being reproposed at this time to allow for public comments.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances include several acute studies; a 90-day rat feeding study with a no-observed-effect level (NOEL) of 1,000 ppm (50 mg/kg); a 90-day rat feeding study with a NOEL of 1.25 mg/kg; a 2-year rat feeding study with a systemic NOEL of 400 ppm (20 mg/kg/day) and no oncogenic effects observed up to and including 1,600 ppm (80 mg/kg), the highest dose tested; a 2-year mouse oncogenic study negative for oncogenicity at 1,600 ppm (240 mg/kg), the highest dose tested; a rat teratology study negative at 1,800 ppm (90 mg-kg), highest dose tested; a rabbit teratology study negative at 25 mg/kg, highest dose tested; a rat dominant lethal study negative at 75 mg/kg; an Ames test negative up to 1 mg/ml; rat, dog, and rabbit metabolism studies; a 162-day cattle feeding study with a NOEL of 30 ppm (.45 mg/kg); a 30-day chicken feeding study with a NOEL of 1,000 ppm (125 mg/kg); and a 2-generation rat reproduction study with a systemic NOEL > 100 ppm (5 mg/kg) and reproductive NOEL >400 ppm (20 mg/kg).

The acceptable daily intake (ADI), based on the 2-year rat feeding study (NOEL of 20 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.20 mg/kg/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 12 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.2232 mg/day. The current action will utilize 1.07 percent of the ADI. Published tolerances utilize 1.86 percent of the ADI.

Data desirable but lacking include a 1-year dog feeding study and additional mutagenicity data. The company has agreed to provide the additional data.

The nature of the residues is adequatley understood and adequate analytical methods, gas chromatography with a flame photometric detector and high performance liquid chromatography, are available for enforcement purposes. There are presently no actions pending against the continued registration of tebuthiuron. Secondary residues are likely to occur in meat, fat, and meat byproducts of cattle, goats, horses, and sheep and milk, but the proposed tolerance on milk and previously established tolerances on meat, fat, and meat byproducts will cover these residues. Residues are not likely to occur in eggs, meat, fat, and meat byproducts of poultry since no poultry feed items are involved.

Based on the above informtion considered by the agency, the tolerance established by amending 40 CFR 180.390 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with seciton 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document

control number, [PP 2F2727/P296]. All written comments filed in response to this petition will be available in the Product Manager's office, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requiremetns do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: May 23, 1983.

Douglas D. Campt,

Director, Registration Division.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.390 be amended by adding, and alphabetically inserting, the raw agricultural commodities grass, hay, and milk to read as follows:

§ 180.390 Tebuthiuron; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Grasses, hay	20.0
* * * * *	
Milk	0.3
* * * * *	

[FR Doc. 83-14611 Filed 5-31-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 610

[AMS-FRL-2373-1]

Amendment for Fuel Additives To Be Included and Evaluated as Fuel Economy Retrofit Devices and to Redefine Manufacturers

AGENCY: Environmental Protection Agency.

ACTION: Reopening of the comment period.

SUMMARY: On December 28, 1982 EPA published a Notice of Proposed Rulemaking (NPRM) entitled Amendment and Clarification of the Test Procedures and Criteria for Fuel Economy Retrofit Devices (47 FR 57742). The NPRM provided for a 60 day comment period which was to end on February 28.

The Lubrizol Corporation and Pennzoil Company both requested an extension of the comment period so that they could prepare and submit comments with respect to the NPRM. Lubrizol's reason for an extension was that until recently, it did not fully realize the impact the rulemaking may have on their company. Pennzoil's reason was that because the title of the NPRM (and the Federal Register table of contents) were not descriptive enough, the company was not aware the NPRM involved fuel additives until recently.

In recognition of the importance of complete and well prepared comments, and also because other interested parties may not be aware the NPRM involves fuel additives, EPA has decided to reopen the comment period for 30 days.

DATES: Comments on the subject NPRM must be submitted on or before July 1, 1983.

ADDRESS: Written comments should be submitted to: U.S. Environmental Protection Agency, Central Docket Section (LE–131), Gallery 1, West Tower Lobby, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, ATTN: Docket No. A–82–01.

Availability of documents: Copies of material relevant to this rulemaking are located in Public Docket No. A–82–01, at the U.S. Environmental Protection Agency, Central Docket Section (LE–131), Gallery 1, West Tower Lobby, Waterside Mall, 401 M Street S.W., Washington, D.C. 20460. The docket may be inspected between 8 a.m. and 4 p.m., Monday through Friday. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Test and Evaluation Branch, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone (313) 668–4299.

SUPPLEMENTARY INFORMATION: This rulemaking revises the definition of "retrofit devices" to specifically include fuel additives. Additionally, it clarifies EPA's intention to test fuel additives as retrofit devices. Finally, it revises the definition of "manufacturer" as it applies to retrofit devices and also guarantees certain rights to manufacturers which heretofore have been courteously granted by the Agency.

Dated: May 20, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83-14623 Filed 5-31-83; 8:45 am]

BILLING CODE 6560-50-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. MC–165 (Sub–1)]

Motor Contract Carriers of Property; Proposal To Allow Issuance of Permits Authorizing Industry-Wide Service

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed policy statement and proposed change in the form OP–1.

SUMMARY: This proceeding explores the extent to which changes in the statutory approach to licensing contract carriers (49 U.S.C. 10923) contemplate issuance of permits on a industry-wide basis. It also sets forth proposed changes in the OP–1 application form that would recognize the feasibility of contract carriers requesting authority by class of proposed customer. This proceeding comes about because of a petition submitted to the Commission by the Bureaus of Competition, Consumer Protection, and Economics of the Federal Trade Commission.

DATE: Comments are due on July 18, 1983.

ADDRESS: The original and 15 copies of comments should be sent to: Ex Parte No. MC–165 (Sub–1), room 2203, Office of the Secretary, Interstate Commerce Commission.

A copy of the comments should also be sent to: Peter P. Metrinko, Lead Counsel, Room 250, Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Mark S. Shaffer, (202) 275–1723

or

Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: The Federal Trade Commission, through several of its Bureaus,[1] has petitioned

[1] Bureaus of Competition, Consumer Protection, and Economics filed the petition pursuant to provisions set forth at 49 CFR 1110.2 and 1110.8.

the Commission to institute a declaratory order proceeding to consider granting motor contract carriers operating authority to serve entire industries.[2] The immediate impetus for this filing is the fact that the Motor Carrier Act of 1980 [3] eliminated a provision of earlier law that had required a direct restriction on the number of customers that might be served by a contract carrier. The FTC Bureaus hail this enactment, but impliedly do not believe that full use is being made of its potential. They believe that some contract carrier applications are still needlessly confined to requests for authority to serve individually named shippers. They argue that, if their proposal is adopted, carrier and shipper costs will be reduced, to the ultimate benefit of the public. They believe that with industry-wide licenses shippers and carriers would no longer choose to forego otherwise mutually beneficial opportunies because of anticipated delays, uncertainties and cost associated with applying for government permission. The Bureaus contend that industry-wide licenses would permit contract carriers to adjust more rapidly to changing opportunities, avoiding repetitive requests for ICC authority.

To implement their petition the Bureaus suggest that we eliminate the requirement that contract carriers specify the name of the individual firm or firms with which they seek to do business. The Bureaus believe that the Commission can thereby continue to insure that the remaining statutory prerequisites of contract carriage are met, but at the same time, by following their plan, enhance the efficiency of contract carriage and eliminate unnecessary regulatory burdens.

Background

The Commission has exercised jurisdiction over the contract carriers for as long as it has been directly regulating their common carrier counterreparts. It has done so primarily to prevent the contract carrier sector from competing too vigorously with common carriage. Contract carriers were perceived to have a competitive advantage arising out of their lighter regulatory burden. (Contract carriers are not required to serve all comers with the same rates and service, nor were they initially required to have any of their rates approved by the Commission.) Restraints were consequently placed on contract carriage, including (1) requirements that conditioned the terms of contracts and required their filing with the Commission, (2) limitations on the number of customers with which a contract carrier might do business, and (3) decisional standards which required that the applicants must show that there are indicia of specialized contract service. In effect, contract carriers were not permitted to hold themselves out too openly to the public.[4]

The attitudes of the Congress, the Commission and the courts have fluctuated over time on the proper role of contract carriage. Early ICC restrictions on the number of customers permitted contract carriers were disapproved by the Supreme Court in 1957 in *United States* v. *Contract Steel Carriers, Inc.*[5] The Court believed that the carriers were free to search aggressively for new customers. The Commission and the common carrier industry were successful in convincing Congress that the Court's approach was unsound. Congress enacted legislation that required contract carriers to serve limited numbers of customers with dedicated vehicles or special services designed to meet distinct needs.[6] The Commission refined this statutory directive to the point where the "rule of eight" was widely recognized as the upper limit on the number of customrs normally permitted.[7] However, in a reversal of administrative direction, the Commission announced in 1979 its determination that the rule of eight was unnecessary, and proposed a more liberal policy of contract carrier entry.[8] As the Bureaus have argued, the Motor Carrier Act of 1980 codifies a similar change in policy direction by Congress and the Executive.

Discussion

We believe that there is merit to the Bureau's petition, and we tentatively propose to amend the OP–1 application form so as to give explicit recognition to the feasibility of requesting authority by class of proposed customer. There is nothing in the Interstate Commerce Act or the rules governing the application process that directly precludes the grant of authority for classes of shippers such that industry-wide authority might be obtained. Nevertheless the weight of custom and precedent, together with the specifics of our application form, may work to create the occasional impression that named, pre-determined customers are a prerequisite of all but certain very specialized applications. Whatever may have been the correct policy prior to the pasage of the Motor Carrier Act of 1980, it is now evident that the preferred statutory approach to the licensing of contract carriers is one that will permit them to serve more shippers, and thereby realize their full potential.[9] A contrary policy would be inconsistent with the regulation of motor carriage through competitive entry.

Section 10923 of the Interstate Commerce Act explicitly contemplates the issuance of permits directed to classes of shippers as well as to individually named customers.[10] This has been an option for the Commission since before the Motor Carrier Act of 1980. In the past, its use has been limited to circumstances were specialized shipping requirements in here in the nature of the carriage; valuables carried by armored car is the usual example cited.[11] Class permits were made available in these circumstances partly on the theory that a showing of "distinct needs" could be presumed in these situations, obviating the necessity for the individual customer assessment suggested by the 1957 amendments noted above. But it is equally true that the limitation on the use of class authorizations arose out of the established policy of containing the scope of business activity in the contract carrier sector.[12]

There is no longer any statutory justification for restrictions on the scope of competitive activity among contract carriers. The Motor Carrier Act of 1980 eliminated for motor freight carriers the "limited number" restriction that had been legislated in 1957.[13] The purpose behind this change was to permit each contract carrier to serve more shippers and the House Public Works Committee so stated. Congress spoke of ratifying the Commission's move to eliminate the rule of eight, while retaining the

---

[2] The Bureaus, in the same pleading, petitioned the Commission to institute a rulemaking to consider eliminating the requirements that motor contract carriers of property file rate schedules. That issue is being addressed in Ex Parte No. MC–165, *Exemption of Motor Contract Carriers From Tariff filing Requirements*, 47 FR 57303 (December 23, 1982). Comments on the issues here have been filed by Carnaco Transport, Inc., on its own behalf and by the Motor Common Carriers of Property. These comments will be considered in reaching final conclusions in this proceeding.

[3] Pub. L. 96–296, 94 Stat. 793 (1980).

[4] A useful summary of early policy can be found in *Armored Carrier Corporation Extension, Vermont*, 92 M.C.C 336 (1963). See, also, *Ex Parte No. MC–119, Policy Statement Regarding the "Rule of Eight" in Contract Carrier Applications*, 44 FR 2470 (1979).

[5] 350 U.S. 409.

[6] 71 Stat. 411.

[7] The leading case is *Umthun Trucking Co. Ext.—Phosphate Feed Supplements*, 91 M.C.C. 691 (1962).

[8] Ex Parte No. MC–119, *supra*, note 4.

[9] H.R. Rep. No. 96–1069, 96th Cong., 2d Sess. 22 (1980).

[10] See 49 U.S.C. 10923(d)(2).

[11] *Armored Carrier Corporation Extension, Vermont, supra.*

[12] See, *Ex Parte No. MC–119, supra.*

[13] Pub. L. 96–296, section 10

dedicated equipment and specialized service conditions on the issuance of new permits.[14]

Three factors then, the pre-existing statutory power to grant permits for service to classes of persons, the newly enacted elimination of the limited number requirement for contract property carriers, and the general pro-entry regulatory reform principles behind the entirety of the Motor Carrier Act, suggest that a petition such as that filed by the Bureaus should be unnecessary. That is, applications for specified classes of customers should be recognized as unobjectionable if they otherwise meet the criteria for contract carriage. However, it appears from a cursory review of our docket that this may not always be the case.

For example, one of our review boards, faced with that part of a recent application which requested contract authority for automobile manufacturers as a class, could find grounds only for the grant of authority to a single named manufacturer, a manufacturer that the board knew to have ceased business. Authority to serve the bankrupt shipper was granted because, while still in business, the shipper had submitted a statement supporting the application. But as to the general issue of class authorizations, the board opined that such class permits could only be issued where it had been established in advance that each and every member of the class has a need for dedicated equipment or specialized services.[15] A second review board faced with a quite similar request reached exactly the opposite conclusion, permitting any industry-wide authorization for the transport of motor vehicles on the theory that the new Motor Carrier Act contemplated broader grants and more intensive competition in the contract carrier sector.[16]

This split of opinion among our review boards is reason enough for an expression of policy on the part of the Commission. While we offer no conclusion on the merits of the evidentiary presentations made in these applications, it should be clear that the first review board's conclusion as to the prerequisites for class authorization are at odds with our views of what the Motor Carrier Act and the Interstate Commerce Act now permit.

As stated by the House Public Works Committee, increased entry into motor carriage is extremely important because it provides the major balancing factor for the increased pricing freedom allowed by the Motor Carrier Act of 1980.[17] The new entry emphasized by the Public Works Committee was not confined to the actual appearance of a replacement carrier, but included, perhaps more importantly, the *potential* of new entry. Potential entry, when it appears as a credible threat, has a pervasive restraining effect on pricing behavior. Furthermore, when potential entry acts effectively, it does not involve the turbulent changes in existing customer/supplier relationships which normally accompany price competion from an actual new entrant. This is a factor that this Commission is bound to consider since we are under Congressional directive to oversee the transition to a more competitive motor carrier industry with as little disruption as possible.[18]

Consequently, it is an important aspect of our entry policy to encourage both potential and actual new entry amidst the spontaneity of the competitive marketplace and the discipline of the price system. In the context of common carriage we have undertaken this task by the authorization of broad commodity categories over wide territorial areas. By this proposed policy statement and change in our application form, we seek to emphasize that our goals are the same for the contract carrier sector. Thus, for the reasons advanced by the Bureaus (enhanced efficiency, lower shipping costs, reduced regulatory burdens) and in discharge of our responsibility to ensure a satisfactory level of competitive authority in all sectors of motor carriage, we have determined to initiate this proceeding. Admittedly, the actual change proposed—a minor modification in the wording of the application form as set forth in the appendix—is more symbolic than real.[19] (The form, just as it is, has supported class applications and should continue to do so during the pendency of this proceeding.) Nevertheless, whether or not our tentative conclusions on the import of the amendments to section 10923 remain undisturbed, this proceeding will have given everyone notice of the Commission's views.

The Commission will complete and publish its final decision on these matters within 45 days of the filing of public comment.

Environmental and Energy Considerations

The proposed policy statement should not have any significant impact upon the quality of the human environment or conservation of energy resources. However, comments on these issues are welcome.

This notice of proposed policy statement is issued pursuant to 49 U.S.C. 10923(c)(1), (d)(1) and (2) and 5 U.S.C. 553.

Decided: May 12, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett Commissioners Andre and Gradison. Chairman Taylor concurred with a separate expression.

Agatha L. Mergenovich,

Secretary.

Chairman Taylor, concurring:

We are unanimously agreed that nothing in the 1980 Motor Carrier Act, our regulations, or current Commission policy precludes a grant of authority for classes of shippers. Further, nothing in our application procedures prevents such results, and an applicant may choose to serve an individual shipper, shippers, a particular industry, or industries under an individual permit.

A contract carrier applicant need only decide how broad an authority it desires in an individual permit. It can then file an application with evidence that reasonably supports the breadth of the application and enables the Commission to determine the distinct needs or other requirements of the contracting person or class to be served. Such evidence need not consist of shipper support,[20] especially, for example, where a carrier, common or contract, has provided broad service to a particular industry over a period of time and now seeks to provide specialized service on a contract basis to meet distinct shipper needs within that industry.

If there is any confusion on the above points, either amongst contract carriers or with the Commission's own boards, a simple policy statement could have put the matter to rest. Accordingly, while I agree with the decision affirming the ability of carriers to seek industrywide permits, I see no reason for a "symbolic" rulemaking with its inherent costs, delays, and continued uncertainties.

Appendix

The proposed changes in the Form OP–1 (revised 11/82) are as follows:

1. On page 5 of 6, question VIII (a) would be revised to read:

(a) If the applicant seeks contract carrier authority, list the person or class of persons (industry or industries), it would serve in the proposed operation:

2. On page 5 of 6, question VIII (b) would be revised to read.

(b) If the applicant seeks motor contract carrier authority, state the ways in which statutory requirements will be met (i.e., either (1) by furnishing transportation service through the assignment of motor vehicles for a continuing period of time for the exclusive use of each person or class of persons served, or (2) by furnishing transportation services designed to meet the distinct need of each person or class of persons, and if the latter, describe briefly the distinct need).

[FR Doc. 83-14558 Filed 5-31-83; 8:45 am]

BILLING CODE 7035-01-M

---

[14] H.R. Rep. No. 96–1078, *supra*, at 22.

[15] MC-147470 (Sub-No. 1), *Ray Cobb Transportation Co., Ext.*, decision served March 31, 1983.

[16] MC-43939 (Sub-No. 391), *Commercial Carriers, Inc.*, decision served April 20, 1983.

[17] H.R. Rep. 96–1069, *supra*, at 12.

[18] H.R. Rep. 96–1069, *supra*, at 11.

[19] The Bureau's request suggested that the permits be granted on an industry-wide basis, or, alternatively, in terms of commodity groupings. We believe that it is sufficient to deal with both suggestions simply in terms of classes of shippers, particularly since these classes will often be described in terms of commodities such as, shippers or manufacturers of building materials, etc.

[20] See, for example MC–30837 (Sub-No. 583) *Kenosha Auto Transport Corp., Contract Carrier Application* (not printed) decided Feb. 15, 1983, appeal pending and MC–71802 (Sub-No. 1), *Transports, Inc., Contract Carrier Application*, (not printed) decided Oct. 15, 1982, appeal pending. Both applicants were granted authority without shipper support, to serve a particular industry rather than an individual.

Notices

Federal Register
Vol. 48, No. 106
Wednesday, June 1, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: Notice is hereby given pursuant to Section 800.6(b)(3) of the Council's regulations, "Protection of Historic Cultural Properties" (36 CFR Part 800), that on June 14, 1983 at 7:00 p.m., a public information meeting will be held at the Pittman Memorial Auditorium, St. Mary's College Campus, 900 Hillsborough Street, Raleigh, North Carolina.

This meeting is being called by the Executive Director of the Council in accordance with Section 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed disposition of the Tucker Carriage House, an undertaking of the Housing Authority of the City of Raleigh. The Tucker Carriage House is eligible for inclusion in the National Register of Historic Places. Consideration will be given to the undertaking and alternate courses of action that could avoid or mitigate adverse effects on the property.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the proposed disposition of the Tucker Carriage House.

III. A statement by the North Carolina State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statement to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005, telephone number 202–254–3495, Attention: Don L. Klima.

Dated: May 26, 1983.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 83–14652 Filed 5–31–83; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Flue-Cured Tobacco Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

Name: Flue-Cured Tobacco Advisory Committee

Date: June 24, 1983

Place: Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Laboratory, Room 223 Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605.

Time: 1 p.m.

Purpose: To discuss marketing area opening dates and selling schedules for flue-cured tobacco to be sold in each marketing area for the 1983 season. Also, other matters as specified in 7 CFR Part 29 will be discussed.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact Lioniel S. Edwards, Director, Tobacco Division, Agricultural marketing Service, U.S. Department of Agriculture, 300–12th Street, SW., Washington, D.C. 20250 (202) 447–2567. Written statements should be submitted prior to or at the meeting.

Dated: May 26, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83–14697 Filed 5–31–83; 8:45 am]

BILLING CODE 3410–02–M

Federal Grain Inspection Service

Renewal of Designation of D. L. Boltenhouse Grain Inspection (OH)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the renewal of designation of D. L. Boltenhouse Grain Inspection as an official agency responsible for providing inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act).

EFFECTIVE DATE: July 1, 1983.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and the Secretary's Momorandum do not apply to this action.

The January 3, 1983, issue of the **Federal Register** (48 FR 45) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Boltenhouse's designation would terminate on June 30, 1983, and requesting applications for designation as the agency to provide official services within the specified geographic area. Applications were to be postmarked by February 2, 1983.

Boltenhouse was the only applicant for the designation.

FGIS announced the name of this applicant and requested comments on same in the March 1, 1983, issue of the **Federal Register** (48 FR 8519). Comments were to be postmarked by April 15, 1983.

Seven favorable comments were received regarding Boltenhouse's designation renewal.

After evaluating all available information in regard to the designation criteria in Section 7(f)(1)(A) of the Act, and in accordance with Section 7(f)(1)(B), FGIS has determined that Boltenhouse is able to provide official

services in the geographic areas for which its designation is being renewed. The assigned area is the entire geographic area, as previously described in the January 3 issue of the **Federal Register.**

Effective July 1, 1983, and terminating June 30, 1986, the responsibility for providing official inspection services in the specified geographic area is asigned to Boltenhouse.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency to conduct official inspection and where the agency and one or more of its licensed inspectors are located. In addition to the specified service points within the assigned geographic area, the agency will provide official services not requiring a licensed inspector to all locations within its geographic area.

D. L. Boltenhouse Grain Inspection has recently informed FGIS that it has changed its name to D.L. Boltenhouse Grain Inspection Service.

Interested person may contact the Regulatory Branch, specified in the address secion of this notice, to obtain a list of the specified service points. Interested perons also may obtain a list of the specified service points by contacting the agency at the following address: D. L. Boltenhouse Grain Inspection Service, P.O. Box 96, Bellevue, OH 44811.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 US.C. 79))

Date: May 13, 1983.

Neil E. Porter,

Acting Director, Compliance Division

[FR Doc. 83–14492 Filed 5–31–83; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Applicants for Designation in the Areas Currently Assigned to Fostoria Grain Inspection (OH), Louisiana Department of Agriculture (LA), and North Carolina Department of Agriculture (NC)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agencies in the areas currently assigned to Fostoria Grain Inspection, Louisiana Department of Agriculture, and North Carolina Department of Agriculture.

DATE: Comments to be postmarked on or before July 18, 1983.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667, South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

The April 1, 1983, issue of the **Federal Register** (48 FR 14016) contained a notice from the Federal Grain Inspection Service requesting applications for designation to perform official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to the official agencies. Applications were to be postmarked by May 2, 1983.

Fostoria Grain Inspection (Fostoria), the only applicant, requested designation for all of the geographic area currently assigned to that agency. Louisiana Department of Agriculture (Louisiana), the only applicant, requested designation for all of the geographic area currently assigned to that agency. North Carolina Department of Agriculture (North Carolina), the only applicant, requested designation for all of the geographic area currently assigned to that agency. Each agency applied for a renewal of designation for a 3-year period.

In accordance with § 800.208(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants for designation. All comments must be submitted to the Regulations and Directives Management Staff, specified in the address section of this notice, and postmarked not later than July 18, 1983.

Consideration will be given to comments and to other available information before a final decision is made in this matter. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Sec. 8, Sec. 9, Pub. L. 94–582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Dated: May 13, 1983.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 83–14491 Filed 5–31–83; 8:45 am]

BILLING CODE 3410-EN-M

Request for Applicants for Designation To Perform Official Services in the Geographic Area Currently Assigned to Amarillo Grain Exchange, Inc. (TX), and Wisconsin Department of Agriculture, Trade and Consumer Protection (WS)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as amended (Act), designations of official agencies shall terminate not later than triennially and may be renewed in accordance with the criteria nad procedures prescribed in the Act. This notice announces that the designation of two agencies will terminate, in accordance with the Act and requests applications from parties, including the agencies currently designated, who are interested in being designated as the official agency to conduct official services in the geographic area currently assigned to each of the specified agencies. The official agencies are Amarillo Grain Exchange, Inc., and Wisconsin Department of Agriculture, Trade and Consumer Protection.

DATE: Applications to be postmarked on or before July 1, 1983.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications submitted pursuant to this notice will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) of the Act (7 U.S.C. 71 *et seq.*, at 79(f)(1)) specifies that the Administrator of the Federal Grain Inspection Service (FGIS) is authorized, upon application by any qualified

agency or person, to designate such agency or person to perform official services after a determination is made that the applicant is better able than any other applicant to provide such official services in an assigned geographic area.

Amarillo Grain Exchange, Inc. (Amarillo), 1300 South Johnson Street, Amarillo, Texas 79101, was designated as an official agency under the Act for the performance of inspection functions on August 11, 1978. Wisconsin Department of Agriculture, Trade and Consumer Protection (Wisconsin), 801 West Badger Road, Madison, Wisconsin 53713, was designated as an official agency under the Act for the performance of inspection functions on July 1, 1978; weighing on November 20, 1978.

The agencies' designations will terminate on November 30, 1983. This date reflects administrative extensions of official agency designations, as discussed in the July 16, 1979, issue of the **Federal Register** (44 FR 41275). Section 7(g)(1) of the Act states generally that official agencies' designations shall terminate no later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Amarillo, in Texas, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the following:

Bounded: on the North by the Texas-Oklahoma State line;

Bounded: on the East by the Texas-Oklahoma State line south-southwest to the eastern Clay County line; the eastern Clay County line;

Bounded: on the South by the southern and western Clay County lines; the southern Wichita County line; the southern and western Wilbarger County lines; the southern and western Hardeman County lines; the southern and western Childress County lines north to U.S. Route 287; U.S. Route 287 northwest to Donley County; the southern Donley and Armstrong County lines west to Prairie Dog Town Fork of the Red River; Prairie Dog Town Fork of the Red River northwest to State Route 217; State Route 217 west to FM 1062; FM 1062 west to U.S. Route 385; U.S. Route 385 north to Oldham County; the southern Oldham County line west to the Texas-New Mexico State line; and

Bounded: on the West by the Texas-New Mexico State line north to the Texas-Oklahoma State line.

Amarillo has also provided service on an interim basis to a specified geographic area in Texas. This geographic area, which is also available for assignment to an applicant selected for designation, is as follows: Bell, Bosque, Brown, Coleman, Collin, Comanche, Cooke, Dallas, Denton, Ellis, Falls, Fannin, Grayson, Hamilton, Hill, Hunt, Johnson, Lamar, Limestone, McLennan, Milam, Red River, Tarrant, and Williamson Counties.

In addition, Amarillo has provided service on an interim basis to a specified geographic area in Oklahoma. This geographic area, which is also available for assignment to an applicant selected for designation, is as follows: Beaver, Cimarron, and Texas Counties.

The geographic area presently assigned to Wisconsin, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the entire State of Wisconsin, except those export port locations within the State.

Interested parties, including Amarillo and Wisconsin, are hereby given opportunity to apply for designation as the official agency to perform the official services in each geographic area, as specified above, under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. Designations in the specified geographic areas are for the period beginning December 1, 1983, and ending November 30, 1986. Parties wishing to apply for these designations should contact the Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than July 1, 1983 to be eligible for consideration.

In making a determination as to which applicant will be designated to provide official services in a geographic area, consideration will be given to applications submitted and other available information.

(Sec. 8, Sec. 9, Pub. L. 94–582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Date: May 13, 1983.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 83–14493 Filed 5–31–83; 8:45 am]

BILLING CODE 3410-EN-M

Food and Nutrition Service

Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools; Income Eligibility Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the Department's annual adjustments to the Income Eligibility Guidelines to be used in determining eligibility for free and reduced price meals or free milk for the period from July 1, 1983-June 30, 1984. These guidelines are used by schools, institutions, and centers participating in the National School Lunch and School Breakfast Programs, Special Milk Program for Children, Child Care Food Program and by commodity schools. The annual adjustments are made pursuant to section 9 of the National School Lunch Act. The guidelines are intended to direct benefits to those children most in need and are revised annually to account for increases in the Consumer Price Index.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, FNS, USDA, Alexandria, Virginia 22302 (703) 756–3620.

SUPPLEMENTARY INFORMATION:

Classification

This Notice has been reviewed under Executive Order 12291 and has not been classified major because it does not meet any of the three criteria identified under the executive order. The action announced in the notice will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices and will not have a significant impact on competition, employment, investment, productivity, innovation or the ability of U.S. enterprises to compete with foreign based enterprises in domestic or foreign markets.

This notice has also been reviewed with regard to the requirements of Pub. L. 96–354, the Regulatory Flexibility Act. The Administrator of the Food and Nutrition Service has certified that this action will not have a significant adverse economic impact on a substantial number of small entities.

This notice imposes no new reporting or recordkeeping provisions that are subject to OMB review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3587).

Background

Pursuant to sections 9 and 17 of the National School Lunch Act (42 U.S.C. 1758 and 42 U.S.C. 1766), and sections 3 and 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1772 and 1773(e)), the Department annually issues the Income Eligibility Guidelines for *free and reduced price meals* in the National School Lunch Program (7 CFR Part 210), School Breakfast Program (7 CFR Part 220), Child Care Food Program (7 CFR

Part 226), commodity schools (7 CFR Part 210.2) and the guidelines for *free milk* in the Special Milk Program (7 CFR Part 215).

The Bureau of Census has announced several technical changes in the official statistical definition of poverty, one of which directly affected the revision of the annual poverty income guidelines by eliminating the farm/nonfarm distinction. Therefore, the terms farm/nonfarm poverty guidelines will no longer be referenced in this notice.

The Department requires schools and institutions which charge for meals separately from other fees, to serve *free meals* or, at local option, *free milk* to all children from any family whose income is at or below *130* percent of the poverty guidelines for that family's size. The Department also requires such schools and institutions to serve *reduced price meals* to all children from any family whose income is move than *130* percent of the poverty guidelines for that family's size but at or below *185* percent of the poverty guidelines for that family's size.

Definition of Income

"Income," as the term is used in this notice means income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. It includes the following: (1) Monetary compensation for sevices, including wages, salary, commissions or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds or income from estates or trusts; (6) net rental income; (7) public assistance or welfare payments; (8) unemployment compensation; (9) government civilian employee, or military retirement, or pensions or veterans payments; (10) private pensions or annuities; (11) alimony or child support payments; (12) regular contributions from persons not living in the household; (13) net royalties; and (14) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which would be available to pay the price of a child's meal.

"Income" as the term is used in this notice, does not include any income or benefits received under any Federal programs which are excluded from consideration as income by any legislative prohibition. Furthermore, the value of assistance to children or their families shall not be considered as income if prohibited by the authorizing legislation, such as the National School Lunch Act and the Child Nutrition Act of 1966.

The Income Eligibility Guidelines

The following are the Income Eligibility Guidelines to be effective from July 1, 1983 through 30, 1984. The Department's guidelines for free meals and milk and reduced price meals were obtained by multiplying the Federal income poverty guidelines by *1.30* and *1.85* respectively, and by rounding the result upward to the next whole dollar. Weekly and monthly guidelines were computed by dividing annual income by 52 and 12 respectively, and by rounding upward to the next whole dollar. The rounding procedure is consistent with the procedure used in the Food Stamp Program.

Section 9(b)(1)(B) of the National School Lunch Act requires that effective July 1, 1983 the income guidelines for determining eligibility for free lunches must be the same as the gross income eligibility standards for the Food Stamp Program. Section 5(c) of the Food Stamp Act of 1977, as amended by Pub. L. 97–253, reads in part "In no event shall the standards of eligibility for the Virgin Islands of the United States or Guam exceed those in the forty-eight contiguous States." Therefore, as of School Year 1983–84 Guam will be grouped with the forty-eight contiguous States rather than with Hawaii as it has been in previous years.

INCOME ELIGIBILITY GUIDELINES

[Effective from July 1, 1983 to June 30, 1984]

Household size	Federal poverty guidelines			Free meals—130 percent			Reduced price meals—185 percent		
	Year	Month	Week	Year	Month	Week	Year	Month	Week
48 contiguous United States, District of Columbia, Guam, and Territories:									
1	4,560	405	94	5,318	527	123	8,091	750	173
2	6,140	545	126	8,502	709	164	12,099	1,009	233
3	8,220	685	159	10,686	891	206	15,207	1,268	293
4	9,900	825	191	12,870	1,073	248	18,315	1,527	353
5	11,580	965	223	15,054	1,255	290	21,423	1,786	412
6	13,260	1,105	255	17,238	1,437	332	24,531	2,045	472
7	14,940	1,245	288	19,422	1,619	374	27,639	2,304	532
8	16,620	1,385	320	21,606	1,801	416	30,747	2,563	592
For each additional family member add	+1,680	+140	+33	+2,184	+182	+42	+3,108	+259	+60
Alaska:									
1	5,690	507	117	7,994	659	152	11,248	936	217
2	8,180	682	158	10,634	887	205	15,133	1,262	292
3	10,290	857	199	13,364	1,114	257	19,016	1,585	366
4	12,380	1,032	239	16,094	1,342	310	22,900	1,909	441
5	14,480	1,207	279	18,824	1,569	362	26,786	2,233	516
6	16,580	1,382	319	21,554	1,797	415	30,673	2,557	590
7	18,680	1,557	360	24,284	2,024	467	34,558	2,880	665
8	20,780	1,732	400	27,014	2,252	520	38,443	3,204	740
For each additional family member add	+2,100	+175	+41	+2,730	+228	+53	+3,885	+324	+75
Hawaii:									
1	5,000	467	108	7,280	607	140	10,360	864	200
2	7,030	585	145	9,760	813	188	13,911	1,161	268
3	9,460	788	182	12,298	1,025	237	17,501	1,459	337
4	11,390	950	220	14,807	1,234	285	21,072	1,756	406
5	13,320	1,110	257	17,316	1,443	333	24,642	2,054	474
6	15,250	1,271	294	19,825	1,653	382	28,213	2,352	543
7	17,180	1,432	331	22,334	1,862	430	31,783	2,649	612
8	19,110	1,593	368	24,843	2,071	478	35,354	2,947	680
For each additional family member add	+1,930	+161	+38	+2,509	+210	+49	+3,571	+298	+69

(42 U.S.C. 1758, Sec. 803, Pub. L. 97–35, 95 Stat. 521–535)

Dated: May 26, 1983.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 83–14663 Filed 5–31–83; 8:45 am]

BILLING CODE 3410–30–M

Special Supplemental Food Program for Women, Infants, and Children; Income Poverty Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: The Department announces adjusted income poverty guidelines to be used by State agencies in determining the income eligibility of persons applying to participate in the Special Supplemental Food Program for Women, Infants and Children (WIC Program). These income poverty

guidelines are to be used in conjunction with the WIC Regulations, 7 CFR Part 246, as amended in the final rule published on September 25, 1981, at 46 FR 47422.

DATES:

Effective Date: The income poverty guidelines contained herein shall become effective on July 1, 1983.

Implementation Date: State and local agencies shall begin applying the new income eligibility standards to all new applicants, as well as to all ongoing participants at the time of each participant's next regular certification, on July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Branch Chief, Policy and Program Development Branch, Supplemental Food Programs Division, FNS, USDA, Park Office Center, Alexandria, Virginia 22302, (703) 756-3730.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Executive Order 12291, and has been determined to be nonmajor. The final action will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets. The final action has been reviewed in accordance with the requirements of the Regulatory Flexibility Act and will not have a significant impact on a substantial number of small entities.

The Child Nutrition Act of 1966, as amended by Pub. L. 95-627, requires the Secretary to establish income criteria to be used with nutritional risk criteria in determining a person's eligibility for participation in the WIC Program. The law provides that persons will be eligible for the WIC Program only if they are members of families that satisfy the income standard prescribed for reduced-price school meals under section 9 of the National School Lunch Act. Under the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, enacted August 13, 1981, the income limit for reduced-priced school meals is 185 percent of Office of Management and Budget income poverty guidelines. No standard deduction or hardship deductions are allowed when calculating a family's income using 185 percent of the income poverty guidelines. These guidelines are to be adjusted annually for changes in the Consumer Price Index effective each July 1.

The Department published a final rule on September 25, 1981, at 46 FR 47422 implementing the provisions of Pub. L. 95-627 and 97-35, which require State agencies to set an income limit on eligibility to participate in the WIC Program. The rule specifies that State agencies establish income guidelines that are not less than the guidelines established for State or local free or reduced-price health care, except that the State agency's income standard may not be greater than the income criteria established under Section 9 of the National School Lunch Act for reduced-price school meals or less than 100 percent of the income poverty guidelines for each family size.

The National School Lunch Act, as amended by Section 803 of Pub. L. 97-35, states that beginning July 1, 1983, the income guidelines for determining eligibility for free lunches for any school year shall be the same as the gross income eligibility standards for the Food Stamp Program. In turn, Section 5 of the Food Stamp Act of 1977 specifies that in no event shall the standards of eligibility for Puerto Rico, the Virgin Islands of the United States, or Guam exceed those in the 48 contiguous States. As a result of these provisions, income limits for households in Guam will now be the same as those for the 48 States, the District of Columbia and Territories. In addition, consistent with the method used to compute eligibility guidelines for reduced-price meals under the National School Lunch Program, the Federal income poverty guidelines were muptiplied by 1.85 and the results rounded upward to the next whole dollar.

The Bureau of the Census announced in the **Federal Register** for December 28, 1981, at 46 FR 62674, several technical changes in the official statistical definition of poverty. These changes were incorporated into the poverty statistics from the Current Population Survey beginning with estimates for calendar year 1981 issued in 1982. One of these changes which impacts on the WIC Program eliminates the farm/nonfarm distinction; this distinction will no longer appear in WIC Income Poverty Guidelines Notices.

At this time the Department is publishing the maximum and minimum income limits by household size for the period of July 1, 1983, to June 30, 1984. The first table of this notice contains the income limits by household size for the 48 contiguous States, the District of Columbia and all Territories, including Guam. Because the income poverty guidelines for Alaska and Hawaii are higher than for the 48 contiguous States, separate tables have been included for the convenience of those State agencies.

Effective July 1, 1983–June 30, 1984

Family size	CMR income poverty guidelines (100%) annual	FNS income guidelines for reduced-price lunches (185%) annual
48 States, District of Columbia, Puerto Rico, Virgin Islands, and Territories, including Guam:		
1	[illegible]	[illegible]
2	[illegible]	12,099
3	[illegible]	15,207
4	[illegible]	18,315
5	11,580	21,423
6	13,260	24,531
7	14,940	[illegible]
8	16,620	30,747
For each additional family member add	1,680	3,108
[illegible]:		
1	[illegible]	11,248
2	8,180	15,133
3	10,280	19,018
4	12,380	[illegible]
5	14,480	[illegible]
6	[illegible]	30,673
7	[illegible]	34,558
8	[illegible]	38,443
For each additional family member add	2,100	3,885
[illegible]:		
1	5,600	10,360
2	7,530	13,931
3	[illegible]	17,501
4	11,390	21,072
5	13,320	24,642
6	15,250	28,213
7	17,180	31,783
8	19,110	[illegible]
For each additional family member add	1,930	3,571

This notice does not contain reporting and recordkeeping requirements subject to approved by OMB under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

(Child Nutrition Amendments of 1978, Pub. L. 95-627, Section 3, 92 Stat. 3614; Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, Section 803, 95 Stat. 524; and Food Stamp Act of 1977, Pub. L. 95-113, Section 5, 91 Stat. 958)

Dated: May 26, 1983.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 83-14662 Filed 5-31-83; 8:45 am]

BILLING CODE 3410-30-M

CIVIL AERONAUTICS BOARD

Jet East, Inc.; Application for an All-Cargo Air Service Certificate

May 26, 1983.

In accordance with Part 291 (14 CFR Part 291) of the Board's Economic Regulations effective November 8, 1978, notice is hereby given that the Civil Aeronautics Board has received an application, Docket 41429, from Jet East, Inc., 7363 Cedar Springs, Dallas, Texas 75235 for an all-cargo air service

certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application within twenty-one (21) days after publication of this notice in the **Federal Register**. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-14660 Filed 5-31-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Stainless Steel Round Wire; Announcement of Third Quarter 1983 Monitoring Prices

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Announcement of the Third Quarter 1983 Monitoring Price Levels for Imports of Stainless Steel Round Wire Products.

SUMMARY: The Department of Commerce announces that base prices for third quarter 1983 trigger prices of stainless steel round wire products will remain unchanged from the second quarter base price levels. Size extra prices for stainless steel round wire will increase an average of 0.1 percent from their second quarter 1983 levels. Changes in labor and gas costs accounted for a large part of the increase. The Department uses trigger prices to monitor the prices of stainless steel wire and cold drawn round bar under 0.703 inches in diameter for possible initiation of antidumping or countervailing duty investigations if unfair sales of these products appear to be injuring domestic producers. Each quarter the Department reviews Japanese steel production and delivery costs and revises trigger prices accordingly. The third quarter trigger price applies to stainless steel round wire products and round stainless steel drawn bars in sizes under 0.703 inches in diameter exported to the United States on or after July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Juanita S. Kavalauskas, Agreements Compliance Division, Import Administration, Room 3099, Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3793.

SUPPLEMENTARY INFORMATION: Trigger price monitoring procedures for stainless steel round wire are the same as those published in the TPM Procedures Manual (46 FR 49928). Japanese stainless steel wire manufacturers agreed to supply cost of production and transportation information necessary to monitor the import prices. Commerce uses Special Summary Steel Invoices to monitor imports of stainless steel round wire and small cold drawn bar under 0.703 inches diameter. In computing the invoice price for comparison to the trigger price, Commerce will use a 11.5 percent annual rate (0.96 percent per month) when interest must be adjusted and the actual rate is not known. For its calculation of trigger price levels, the yen/dollar exchange rate the Department uses to convert Japanese steel producers' yen denominated production cost to dollars is the average of the 36 months preceeding the calculation and publication of the quarter's trigger price level.

The exchange rate used in the Department's third quarter 1983 production cost estimate is 232 yen to the dollar (the yen/dollar exchange rate average for May 1980 through April 1983).

Other Charges

Trigger prices are an estimate of the Japanese stainless steel wire manufacturers' cost of production plus the cost of transporting to the United States and handling in the United States. Each trigger price includes ocean freight, insurance, interest and handling as well as the base price and extras. The ocean freight, handling and interest are shown for each of the major importing regions: Pacific Coast, Atlantic Coast, Gulf Coast and the Great Lakes. All prices are shown in U.S. dollars per metric ton.

The interest component of the delivery charge has been adjusted to reflect the current level of prime interest rate. Handling and ocean freight charges remain unchanged. The extras shown define the coverage in terms of sizes, grades, and qualities.

The following rules apply to product coverage and extras:

(1) If a product fails to fit the general description because the cost of producing that product varies substantially from the cost of producing the product described in the heading, the product is not covered.

(2) If a product is covered by a grade which is not in the base coverage and for which no grade extra is listed, the product is not covered.

(3) If a product has a size specification that falls above the largest size specification shown or below the smallest size specification shown, it is not covered.

(4) If a product has a size specification that falls between two size specifications listed, it is covered and the size specification with the higher dollar value is to be used unless otherwise noted on the page.

(5) If a product embodies extras other than size or grade which are not listed, the product is covered. In those cases, the base trigger price plus any applicable extras listed will be applied.

A list of stainless steel round wire and cold drawn bar products subject to trigger price monitoring and the applicable base prices and extras are contained in the Appendix to this notice.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

Appendix

3rd Quarter 1983 Trigger Prices per Metric Ton—Stainless Steel Wire, Round Stainless Steel Drawn Bars in Sizes Under 0.703 Inches

AISI CATEGORIES 20 AND 12

Charges to CIF	Ocean freight	Handling	Interest (percent)
Pacific Coast	$107	$9	2.2
Gulf Coast	131	8	2.9
Atlantic Coast	131	4	2.9
Great Lakes	171	4	3.5

Interest charge equals F.O.B. trigger base price including size extra times interest factor.

Insurance = 1% of base price + extras + ocean freight.

Extras ($/M.T.):

1. Annealed Wire—Group I
A. Base prices, including grade extras.
B. Size by grade group.
C. Small bar size extras.
2. Hard/Spring Wire—Group II.
A. Base prices, including grade extras
B. Size by grade group.
3. Soft/Intermediate Wire—Group III
A. Base prices, including grade extras.
B. Size by grade group.
4. Coating.
5. Finish.
A. Centerless ground.
B. Centerless ground and polished.
6. Diameter Tolerance.
7. Straightening and cut to length
A. Size range.
B. Length.
8. Packaging.

Note.—This coverage applies to stainless steel round wire and stainless steel bar under 0.703 inches produced by drawing. Bar, in these sizes, if produced by hot rolling is not covered by published prices.

1. Group I—Annealed Wire: Soft wire in which there is no further cold drawing after the last annealing treatment. This wire is made by annealing in open fired furnaces or molten salt followed by pickling, which produces a clean gray matte finish. It is also made with a bright finish by annealing wet, oil or grease drawn wire in a protective atmosphere, and is sometimes described as bright annealed wire.

A. Grades	Base price
301	1,800
302	1,754
303	1,847
304	1,800
305	1,963
310	3,237
314	3,700
316	2,542
316–L	2,704
317	3,005
317–L	3,167
304–L	1,963
17–4PH [1]	2,120
308	1,939
308–L	2,102
309	2,449
309–L	2,611
321	2,102
302 HQ (18–19LW) [2]	1,916
347	2,403
384	2,356
409	1,430
410	1,129
416	1,129
420	1,175
430	1,175
430–F	1,383
434	1,476
434–A	1,291
446	1,754

[1] May also be designated as type 630 or as UNS 17400.
[2] May also be designated as type 302 CU and as 306.

Group I—Annealed Wire

B. Size [1]	Grade group: 300 series and 17–7PH	Grade group: 400 series	Grade group: 17–4PH 15–5PH
.574"–.703"	344	435	344
.501"–.573"	344	435	344
500"	352	435	352
.375"–.499"	361	449	361
3125"–.374"	388	449	388
.250"–.312"	425	449	425
234"–.249"	474	471	474
.216"–.233"	496	496	496
.200"–.215"	507	507	507
.185"–.199"	615	554	615
.170"–.184"	623	567	623
.155"–.169"	672	606	672
.142"–.154"	681	672	681
.128"–.141"	698	760	698
.113"–.127"	755	818	755
.099"–.112"	696	916	696
.086"–.098"	873	1,004	703
.076"–.085"	974	1,052	738
.067"–.075"	1,009	1,109	877
.058"–.066"	1,070	1,231	901
.051"–.057"	1,118	1,287	1,043
.044"–.050"	1,170	1,360	1,092
.038"–.043"	1,248	1,407	1,172
.033"–.037"	1,348	1,568	1,272
.030"–.032"	1,397	1,673	1,397
.027"–.029"	1,492		1,492
.024"–.026"	1,597		1,597
.021"–.023"	1,741		1,741
.019"–.020"	1,819		1,819
.018"	1,900		1,900
.017"	1,946		1,946

Group I—Annealed Wire—Continued

B. Size [1]	Grade group: 300 series and 17–7PH	Grade group: 400 series	Grade group: 17–4PH 15–5PH
.016"	1,976		1,976
.015"	2,024		2,024
.014"	2,181		2,181
.013"	2,302		2,302
.012"	2,354		2,354
.011"	2,459		2,459
.010"	2,620		2,620
.009"	2,774		2,774
.008"	3,070		3,070
.0075"	3,228		3,228
.007"	3,463		3,463
.0065"	3,897		3,897
.006"	4,349		4,349
.00575"	4,754		4,754
.0055"	5,673		5,673
.00525"	5,765		5,765
.005"	5,956		5,956
.00475"	6,046		6,046
.0045"	6,334		6,334
.00425"	6,767		6,767
.004"	7,380		7,380
.00375"	15,308		15,308
.0035"	17,760		17,760
.00325"	20,456		20,456
.003"	23,135		23,135
.0027"	25,120		25,120
.0025"	26,282		26,282
.002"	32,067		32,067

[1] All immediate sizes to take next higher price.

C. Small Bar [1]: Small cold drawn bar in wire gauges is to be trigger priced using these size extras:

Size range [2]	Grade group: 300 series and 17–7PH	Grade group: 400 series	Grade group: 17–4PH 15–5PH
.574"–.703"	310	261	310
.510"–.573"	310	261	310
.500"	337	288	337
.375"–.499"	337	288	337
.3125"–.374"	377	323	377
.250"–.312"	377	323	377
.234"–.249"	377	323	377
.216"–.233"	451	402	451
.185"–.215"	451	402	451

[1] Annealing and pickling is included in base material cost. Size extras include cost of straightening and cut to length.
[2] Intermediate sizes to take next higher price.

2. Group II—Hard/Spring Wire: wire drawn in several drafts as required to produce the high tensile strengths required for such products as spring wire.

A. Grades	Base price
301	1,800
302	1,754
303	1,847
304	1,800
305	1,963
310	3,237
314	3,700
316	2,542
316–L	2,704
317	3,005
317–L	3,167
321	2,102
17–4PH [1]	2,120
17–7PH [3]	2,727
308	1,939
308–L	2,102
309	2,449
309–L	2,611
302 HQ (18–19LW) [2]	1,916
347	2,403
384	2,356
409	1,430
410	1,129
416	1,129
420	1,175
430	1,175
430–F	1,383
434	1,476
434–A	1,291
446	1,754

[1] May also be designated as type 630 or UNS 17400.
[2] May also be designated as type 302 CU or 306.
[3] May also be designated as type 631 or UNS 17700.

Group II—Hard/Spring Wire

B. Size [1]	Grade group—300 series and 17–7PH
Over .375"	713
.3125"–.374"	713
.2500"–.312"	713
.234"–.249"	713
.216"–.233"	713
.200"–.215"	713
.185"–.199"	713
.170"–.184"	713
.155"–.169"	713
.142"–.154"	718
.128"–.141"	718
.113"–.127"	718
.099"–.112"	723
.086"–.098"	801
.076"–.085"	860
.067"–.075"	933
.058"–.066"	1,035
.051"–.057"	1,245
.044"–.050"	1,431
.038"–.043"	1,509
.033"–.037"	1,656
.030"–.032"	1,744
.027"–.029"	2,100
.024"–.026"	2,291
.021"–.023"	2,515
.019"–.020"	2,813
.018"	3,404
.017"	3,697
.016"	3,790
.015"	3,878
.014"	4,058
.013"	4,205
.012"	4,503
.011"	4,758
.010"	5,009
.009"	5,120
.008"	5,349

[1] All intermediate sizes to take next higher price.

3. Group III—Soft/Intermediate Wire: wire drawn one or more drafts after annealing as required to produce minimum strength or hardness. The properties can be varied between soft temper and those approaching spring temper wire. Wire in this temper is usually produced in a variety of dry drawn tempers. Cold heading wire belongs in this group.

A. Grades	Base price
301	1,800
302	1,754
302 (302HQ, 18–9LW)	1,916
303	1,847
304	1,800
305	1,963
310	3,237
314	3,700
316	2,542
316–L	2,704
317	3,005
317–L	3,167
321	2,102
17–4PH [1]	2,120
308	1,939
308–L	2,102

A. Grades	Base price
309	2,449
309–L	2,611
347	2,403
384	2,356
409	1,430
410	1,129
416	1,129
420	1,175
430	1,175
430–F	1,383
434	1,476
434–A	1,291
446	1,754

[1] May also be designated as type 630 or UNS 17400.

GROUP III—SOFT/INTERMEDIATE WIRE

B. Size[1]	Grade group		
	MXO series and 17–7PH	A00 series	17–4PH 15–5PH
Over .375"	606	474	606
.3125"–.374"	606	474	606
.2500"–.312"	606	474	606
.2340"–.249"	650	516	650
.2160"–.233"	650	516	650
.200"–.215"	650	516	650
.185"–.199"	713	562	713
.170"–.184"	713	562	713
.155"–.169"	713	568	713
.142"–.154"	791	659	791
.128"–.141"	791	772	791
.113"–.127"	845	829	845
.099"–.112"	952	836	952
.086"–.098"	1,050	1,010	1,050
.076"–.085"	1,099	1,065	1,099
.067"–.075"	1,216	1,157	1,216
.058"–.066"	1,319	1,314	1,319
.051"–.057"	1,363	1,485	1,363
.044"–.050"	1,416	1,504	1,416
.038"–.043"	1,536	1,812	1,536
.033"–.037"	1,636	1,719	1,636
.030"–.032"	1,748	1,865	1,748
.027"–.029"	1,910		1,910
.024"–.026"	2,056		2,056
.021"–.023"	2,217		2,217
.019"–.020"	2,367		2,367

[1] All intermediate sizes to take next higher price.

4. Coating: Material provided uncoated or coated with lime (or equivalent to lime) and/or soap will carry no extra. Other coatings require an appropriate extra where additional costs are involved. Metallic coatings include copper, nickel, and lead. Non-metallic coatings include plastics, molybdenum disulfide, etc.

Size range	Metallic		
	Copper	Nickel	Nonmetallic
Over .154"	117	56	85
.099"–.154"	175	96	85
.063"–.098"	233	85	32
.041"–.062"		74	48
.030"–.040"		101	58
.025"–.029"		101	65
.020"–.024"		138	93
.015"–.019"		181	120
.010"–.014"		214	148

5. Finish:

Size ranges[1]	Centerless ground	Centerless ground and polished
.595"–.703"	492	619
.501"–.594"	492	619
.500"	544	686
.375"–.499"	556	710
.3125"–.374"	556	710
.250"–.3124"	556	710
.234"–.249"	854	1,037
.216"–.233"	854	1,037
.200"–.215"	845	1,152
.185"–.199"	1,105	1,335
.170"–.184"	1,301	1,546
.155"–.169"	1,558	1,922
.142"–.154"	1,878	2,079
.128"–.141"	2,126	2,400
.113"–.127"	2,575	2,961
.093"–.112"	3,448	3,898

[1] Intermediate sizes to take next higher price.

These extras are applicable to all grades listed.

Straightening and cut to length extras are included in the above finish extras.

6. Diameter Tolerance:

STANDARD: AISI OR JIS SPECIFICATION

Standard	Extra—Base
Not less than ½ standard	101
Closer than ½ to ¼ standard	25% of size extra.
Closer than ¼ standard	50% of size extra.

7. Straightening and Cut to Length: Use the sum of the appropriate extras from A and B below to form the total extra.

	Extras
A. Size Range:	
.595"–.703"	103
.501"–.594"	103
.500"	103
.375"–.499"	129
.3125"–.374"	129
.170"–.3124"	233
.099"–.169"	362
.061"–.098"	1,035
.032"–.050"	1,812
B. Length:	
Under 12"	91
12" to under 16"	58
16" to under 24"	58
24" to under 30"	58
30" to under 36"	58
36" to under 48"	58
48" to under 60"	58
60" to under 72"	58
72" to under 120"	58
120" to under 168"	58
168" to under 192"	58
192" to under 216"	58
216" to under 240"	58
240" to under 264"	58
264" to under 288"	58
288" to 316"	58
C. Packaging:	
Bundle	58
Wooden Boxes	58
Fibre Drums	58
Coil Carriers	58
Spools: Sizes under .020"	162
Both Spools and Wooden Boxes:	
Sizes .020" and greater	90
Sizes under .020"	252

[FR Doc. 83–14467 Filed 5–31–83; 8:45 am]

BILLING CODE 3510–25–M

Steel Pipe and Tube Products From South Africa; Suspension of Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Suspension of Investigation.

SUMMARY: The Department of Commerce has decided to suspend the countervailing duty investigation involving carbon steel pipe tube products from South Africa. The basis for the suspension is an agreement by Tubemakers of South Africia, Ltd. and Brollo (Africa), Ltd. (the respondents), the only known South African manufacturers for export of the carbon steel pipe and tube products under investigation, to renounce all benefits which we find to be bounties or grants on exports of steel pipe and tube products to the United States.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–3965.

SUPPLEMENTARY INFORMATION: On October 6, 1982, we received a petition from counsel for the Committee on Pipe and Tube Imports. The Committee consists of domestic companies which produce carbon steel pipe and tube products. The petition alleged that manufacturers, producers, or exporters in South Africa of carbon steel pipe and the tube products receive benefits which constitute bounties or grants within the meaning of the countervailing duty law.

We found the petition sufficient, and on October 26, 1982, we initiated a countervailing duty investigation (47 FR 49057).

Since South Africa is not a "country under the Agreement" within the meaning of section 701(b) of the Act and the merchandise under investigation is dutiable, the domestic industry is not required to allege that and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to the U.S. industry in question.

We presented a questionnaire in Washington, D.C, to the South African government on October 26, 1982. On November 19, 1982, we amended the scope or investigation and published notice of this amendment in the **Federal Register** (47 FR 53440). On December 10, 1982, we found that the case was extraordinarily complicated (47 FR 56377). The questionnaire response was received on January 31, 1983.

Notice of the affirmative preliminary countervailing duty determination was published on March 9, 1983 (48 FR 9899). We directed the U.S. Customs Service to suspend liquidation of all entries, or withdrawals from warehouse, for consumption of the subject merchandise on or after March 9, 1983, and to require a cash deposit or the posting of a bond in the amount of 19.5 percent for Tubemakers of South Africa, Ltd. and 23.3 percent of the f.o.b. value of the merchandise for Brollo (Africa), Ltd. and all others.

A government representative, acting on behalf of the respondents, proposed entering into a suspension agreement pursuant to section 704 of the Tariff Act of 1930 (the Act), as amended (19 U.S.C. 1671c), and section 355.31 of the Commerce Regulations (19 CFR 355.31). Initially this proposal was based on an export tax on benefits. On April 20, 1983, the respondents and the Department of Commerce initialed a proposed suspension agreement, which was based upon the respondents' agreement to eliminate completely all benefits which we preliminarily found to be bounties or grants on exports of the subject merchandise to the United States.

On April 20, 1983, we provided copies of the proposed suspension agreement to the petitioners and to other parties to the proceeding. After consulting with the petitioner and considering respondents' and petitioners' comments, we have modified portions of the proposed suspension agreement. On March 14 through 25, 1983, we conducted a verification of the respondents' submission in this investigation. During verification, programs not mentioned in the preliminary determination were found. We requested additional information on the their operation and funding because these programs may have been conferring a benefit under the U.S. contervailing duty law. Accordingly we added a requirement that these programs be renounced in the suspension agreement as proposed and initialed. Additional information recently received establishes that the General Levy and Import Subsidy Scheme has conferred a subsidy under U.S. countervailing duty that law, and the SEIFSA training program has not conferred a subsidy.

Programs Not Discussed in the Preliminary Determination

The General Levy and Import Subsidy Scheme

Between 1970 and 1976, steel was in short supply in South Africa and had to be imported at prices higher than for steel produced in South Africa. In order to stabilize prices at that time, the government absorbed the difference between the government controlled price for South African produced steel and the higher purchase price of foreign steel. The secondary steel producers are now repaying these government funds advanced during the earlier period.

We have recently received ISCOR records from the government of South Africa concerning this scheme. These records reveal that in the 1970–76 period, annual South African imports of steel pipe and tube exceeded exports of the same products from South Africa. In the 1970–76 period there were extensive imports of primary steel products, including hot rolled steel sheet, for which the government advanced funds to stabilize prices. Steel pipe and tube is made from hot rolled steel sheet.

The government of South Africa has characterized its advancement of these funds to stabilize prices as a loan for which it has required repayment. In order to collect the repayment, the government has required all secondary producers of steel products to pay a surcharge for each ton of steel purchased. This surcharge is rebated to secondary producers on their export sales at a rate of R9.99 per metric ton, while products sold in the domestic market are not entitled to this rebate.

The government said that it intends to have the levy cease when the money is repaid in 1984. We have determined that exemption from repayment of the loan, which is exclusively available for export sales confers a bounty on exports which is a countervailable subsidy.

SEIFSA Training

Under the Labour Relations Act of 1956, the Minister of Manpower, authorized the iron, steel, engineering and metallurgical industries to establish funds for education and training. The government has not contributed to these funds. The Metal and Engineering Industries Education and Training Fund is designed to encourage vocational education, training and employment of trained workers and the Supplementary Scheme Fund is intended to develop trained instructors, methods and training programs. The Steel and Engineering Industries Federation of South Africa (SEIFSA) performs a management function for the Metal and Engineering Industries Training Board which supervises the funds. SEIFSA is paid a fee from the funds for this management function.

The government does not participate either in the administration of the training fund or in the educational programs supported by the funds. We were provided a copy of a telex from SEIFSA which stated that the funds were supported by levies on employers and not government subsidized. This was corroborated by audited financial statements and annual reports of the funds. Therefore, we determined that SEIFSA training does not confer a subsidy under these circumstances.

Petitioner's Comments

Comment 1

Counsel for the petitioner contends that the Department should monitor prices. If respondents do not raise their prices by an amount equivalent to the subsidy they renounced, the Department should determine that the agreement has been violated or self-initiate a dumping investigation

DOC Postiion

Renunciation of benefits fully complies with the requirements of section 704 of the law concerning suspension agreements. Even if prices of South African steel pipe and tube were changed by less than the benefits renounced, this would not prove that there was either a violation of the agreement or that there was dumping in the U.S. market.

Comment 2

Counsel for the petitioner contends that the respondent should submit value as well as volume information in its quarterly reports. Petitioners believe that if the respondents have to submit value information quarterly, it will discourage then from dumping.

DOC Position

We have required respondents to give us access to value information during the annual review. This requirement is incorporated in section C of the suspension agreement. The incorporation of quarterly reporting requirements, solely for the purpose of discouraging apprehended but undemonstrated commercial conduct, is not a function of a suspension agreement renouncing subsidies. The petitioners have not demonstrated why access to the requested information on an annual basis would be inadequate.

Comment 3

The Department has not been fully informed about company specific catagory A and B benefits, the General Levy, the SEIFSA training programs, and the pricing policies of ISCOR. Petitioners rely on the verification report in support of their position.

DOC Position

The Department received additional information after the verification on all programs except the pricing policies of ISCOR. We have also verified that there is no differential in the price of primary steel for manufacturing secondary steel products for domestic and for export sales. We have enough information to proceed with a suspension agreement. The agreement contains assurances that we will be notified of potentially countervailable benefits and that the information we request during our annual reviews will be provided.

Comment 4

Counsel for the petitioner is unclear about whether the respondents can participate in SEIFSA training. He requests that we change the words "countervailable benefits" in the initialed suspension agreement to the word "benefits" in reference to SEIFSA training and also to reporting requirements. As perceived by petitioner, the present wording leaves too much discretion to the respondents to determine what is countervailable.

DOC Position

The SEIFSA training program has recently been found not to be countervailable and requirements in the initialed agreement which pertain to this program have been eliminated. To require the respondents to report all benefits would burden them with excessive reporting about obviously non-countervailable benefits such as police, fire-protection, etc. We have amended the language in the reporting section to indicate that the respondents do not have discretion to determine what is or is not countervailable.

Comment 5

Counsel for the petitioner states that the wrong four months (August through November 1982) were chosen as the representative time period. These months represent a period in which there was a high level of pipe and tube imports from South Africa.

DOC Position

We have checked the Department's monthly import statistics by country and determined that the four month period of March through June is more representative of average imports for the year. The suspension agreement has been revised to reflect this period.

Comment 6

Counsel for petitioner suggests that income tax returns be added to the monitoring information required from the respondents.

DOC Position

While it was understood that the language in the monitoring section included documents such as income tax returns, we have amended the wording specifically to include these returns in the set of information to be made available to us.

Respondents' Comments

Comment 1

SEIFSA training (the Metal and Engineering Industries Education and Training Scheme and the Supplementary Education and Training Scheme) does not confer a subsidy because it is funded and operated by private enterprise as a domestic scheme.

DOC Position

We agree that a SEIFSA training is not countervailable. We have explained our reasons for reaching this conclusion in discussing the program at the beginning of this notice. Renunciation of SEIFSA benefits in this suspension agreement is no longer required.

Comment 2

The representative for respondents argues that the General Levy and Import Subsidy Scheme does not confer a subsidy. He points out that steel imports increased to satisfy an increasing domestic demand between 1970 and 1976. Exports of pipe and tube decreased in the same period and imports increased to satisfy an expanding domestic economy. In addition, primary steel imports were not intended to support South African exports of secondary steel products. It would be illogical to assume that South African producers would import primary steel products at high premium prices in order to produce secondary steel products at a loss. Imports benefitted domestic consumers; therefore they and not the exporters should repay the government for this price stabilization scheme.

DOC Position

The information as supplied reveals that primary steel exports from South Africa exceeded primary steel imports in three of the six years from 1970 through 1975 and did not exceed primary steel imports in the other three years. The importation of primary steel products from which pipe and tube is made were substantial in the period. We cannot conclude that exported pipe and tube products or other exports did not benefit from the price stabilization scheme from the data presented.

The rebate, given only upon exportation, which operates to stimulate exports, is the subsidy which is the subject of this suspension agreement.

Comment 3

The representative of the government of South Africa objects to the lack of an injury test for non-signatories to the GATT Subsidies Code while other non-signatory nations than South Africa get the injury test.

DOC Position

Because South Africa has not signed the Subsidies Code or substitutable equivalent agreement, it is not entitled to an injury test under the countervailing duty law. This case was investigated under 19 U.S.C. 1303, as amended, which does not permit an injury test for dutiable products. Even if other nations may be eligible for exceptions written into the countervailing duty law concerning injury tests, the present investigation was conducted in accordance with the countervailing duty law as it generally is applied to non-signatories. In our opinion, the U.S. countervailing duty law is consistent with the international obligations of the United States.

Comment 4

The respondents representative protests our acceptance of an export tax as a basis for suspension agreements with Brazil and our rejection of the South African proposal for an export tax as a basis for a suspension agreement in this investigation. He further protests the requirement that respondents have to include, under the suspension agreement, all their pipe and tube

exported to the United States, not just the pipe and tube which is the subject of the investigation.

DOC Position

It is not possible to predict accurately the percentage export tax that would be required for pipe and tube. In the case of South African tax law, a company can defer the application and/or receipt of benefits under certain programs. Also the benefits attibutable to exports to the United States as a percent of world sales is indeterminate until after the tax year is completed for some schemes. The possibility of undertaxing exports of steel pipe and tube to the United States unintentionally and creating a breach of the agreement would be great. We have found that the problems created by even unintentional breaches of intergovernmental suspension agreements generally outweigh the benefits that could be gained through a suspension agreement.

The agreement covers all products exported by the respondents. A thorough verification of the specific products under investigation would require us to screen hundreds of invoices, shipping records and benefit applications and would consequently prolong the required annual verification efforts. The time and cost required to verify the suspension agreement as originally proposed would, in our judgment, not make effective monitoring possible and would not be in the public interest.

Comment 5

The Iron and Steel Export Promotion Scheme should be reduced by evidence submitted by the government of South Africa concerning the contribution of secondary manufacturers to the scheme. Further the government protests that certain records (extracts of SEIFSA annual reports) were refused on verification.

DOC Position

The extracts referred to have been independently submitted by the government of South Africa and are part of the record. They are both directed to the same fact which has been well documented by other records, namely, there is a levy on the sale of primary steel, currently four rands per metric ton. The South African government has argued that it would be illogical for the primary steel producers to levy themselves. However, the objective evidence, the accounting records of the South African Steel Producers Coordinating Council reveal that the primary producers are paying the four rands per metric ton to fund the scheme. The South African government, ISCOR and the respondents in this investigation were all asked to produce invoices or any other records showing this charge was passed through to secondary producers of steel products. They could not. Further, the respondents obtain their steel at a discount from the ceiling price. Even if the invoices showed that the four rands per metric ton were nominally passed through, it is not clear why the discount should not be allocated first to the primary producers absorbing the levy to fund the scheme. The logic for this is compelling because the purpose of the scheme is to stimulate exports, to expand the production base, and to provide economies of scale to the primary steel producers through enlarging their (indirect export) market. It is the primary steel producers who benefit most from the existence of this scheme.

Suspension of Investigation

We have determined that the agreement eliminates the bounties or grants completely with respect to exports of the merchandies under investigation directly or indirectly to the United States, can be monitored effectively, and is in the public interest. Therefore, we find that the criteria for suspension of an investigation pursuant to section 704 of the Act have been met. The terms and conditions of the agreement are set forth in Annex 1 to this notice.

Pursuant to section 704(f)(2)(A) of the Act, the suspension of liquidation of entries or withdrawals from warehouse for consumption of steel pipe and tube products from South Africa effective March 9, 1983, as directed in the preliminary affirmative countervailing duty determination, is hereby terminated. Any cash deposits on entries of carbon steel pipe and tube products from South Africa pursuant to that suspension of liquidation shall be refunded and any bonds posted shall be released.

The Department intends to conduct an administrative review within 12 months of the publication of this suspension as provided in section 751 of the Act.

Notwithstanding the suspension agreement, the Department will continue the investigation if we receive such a request in accordance with section 704(g) of the Act within 20 days after the date of publication of this notice.

This notice is published pursuant to section 704(f)(1)(A) of the Act.

Dated: May 20, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

Annex I—Suspension Agreement on Steel Pipe and Tube Products From the Republic of South Africa

Pursuant to the provisions of section 704(b) of the Tariff Act of 1930 (the Act) and section 355.31 of the Commerce Regulations, the United States Department of Commerce (the Department) enters into the following suspension agreement with Brollo Africa (Pty.) Ltd., Barbara Road, P.O. Box 8008, Elandsfontein, 1406 Transvaal, South Africa, and Tubemakers of South Africa, Ltd., General Hertzog Road, Peacehaven, P.O. 1905, Vereeniging, 1930 Transvaal, South Africa. On the basis of this agreement, the Department shall suspend its countervailing duty investigation initiated on October 26, 1982 with respect to steel pipe and tube products from South Africa in accordance with the terms and provisions set forth below:

A. Product Coverage

The suspension agreement is applicable to all steel pipes and tubes manufactured by Brollo Africa (Pty.) Ltd. and/or Tubemakers of South Africa Ltd. in South Africa and directly or indirectly exported to the United States (hereinafter referred to as the subject product) and which are currently provided for in items 610.30, 610.31, 610.32, 610.35, 610.36, 610.39, 610.40, 610.42, 610.43, 610.45, 610.46, 610.48, 610.49, 610.51, 610.52 of the *Tariff Schedules of the United States Annotated.*

B. Basis of the Agreement

1. Brollo Africa (Pty.) Ltd. (Brollo), and Tubemakers of South Africa (TOSA) are the only known manufacturers of the South African products under investigation which are exported to the United States. Brollo and TOSA voluntarily agree not to apply for or receive any countervailable benefits from the Export Incentive Programs administered by the South African Department of Industries, Commerce & Tourism, the Department of Inland Revenue, and the South African Steel Producers Coordinating Council on exports of the subject product. Specifically:

(a) Effective April 1, 1982, the Central Government Rail Rebate has been terminated by the Republic of South Africa. Brollo and TOSA will not apply for or receive any countervailable

benefits under this program if it is reinstated.

(b) Brollo and TOSA will not apply for or receive the tax credit (Category B) allowed on the value-added component of the subject product for all shipments entering the United States, or withdrawn from warehouse, for consumption on or after September 30, 1983.

(c) Effective April 1, 1982, the Finance Charges Aid Scheme has been terminated by the Republic of South Africa. Brollo and TOSA will not apply for or receive countervailable benefits under this program if it is reinstated.

(d) Brollo and TOSA will not apply for or receive a tax deduction on market development expenses under the Export Marketing Assistance Program (Category D0 with respect to shipments of the subject product entering the United States, or withdrawn from warehouse, for consumption on or after September 30, 1983.

(e) Brollo and TOSA will not apply for or receive an income tax deduction for the customs duty paid on imported raw materials used in the production of exported materials (Category A) with respect to shipments of the subject product entering the United States or withdrawn from warehouse, for consumption on or after September 30, 1983.

(f) Brollo and TOSA will not apply for or receive any export rebates of the import levy or other countervailable benefits under the General Levy and Import Subsidy Scheme administered by the South African Steel Producers Coordinating Council (SASPCC), with respect to shipments of the subject product entering the United States or withdrawn from warehouse for consumption on or after September 30, 1983.

(g) Brollo and TOSA will not participate in or receive any rebates from the Iron/Steel Export Promotion Scheme with respect to shipments of the subject product entering the United States, or withdrawn from warehouse, for consumption on or after September 30, 1983.

(h) Brollo and TOSA shall notify the Department, within sixty days before taking any action, regarding any benefit that the Department may consider countervailable before it intends to apply for or accept any changes in present or future benefits it is receiving from the government of the Republic of South Africa with respect to shipments of the subject product entering the United States, or withdrawn from warehouse, for consumption on or after the effective date of this agreement, except those specific benefits being phased out by September 30, 1983.

(i) Brollo and TOSA will not apply for or receive benefits under any other program subsequently determined by the Department, in this or a subsequent proceeding, to confer bounties or grants under the Act to the subject product.

(j) If any additional program is found countervailable, in this or a subsequent proceeding, the Department shall officially notify Brollo and TOSA.

(k) If any program that has been renounced in this agreement is subsequently determined not to be countervailable, Brollo and TOSA may officially notify the Department, who will determine whether to release the companies from the obligation to continue the renunciation of that program in this agreement.

Renunciation of the receipt of these benefits does not constitute an admission by Brollo and TOSA that such benefits are bounties, grants or subsidies within the meaning of the U.S. countervailing duty law.

Brollo and TOSA certify that no new countervailable benefits will be applied for or received for the subject product as a substitute for or supplement to any benefits eliminated by this agreement.

2. In accordance with the provisions of the Act and applicable regulations, this agreement applies to the product described in Paragraph A which is produced in South Africa and exported directly or indirectly to the United States.

3. Brollo and TOSA agree that during the four-month period following the effective date of the suspension of the investigation the quantity of the subject product exported directly or indirectly to the United States from the Republic of South Africa, will not exceed the quantity of such exports during the four-month period of March through June, 1982.

C. Monitoring

Brollo and TOSA agree to supply to the Department such information as the Department deems necessary to demonstrate that they are in full compliance with this agreement including, but not limited to, access to their financial records including receipts, income tax returns, payment records and vouchers, journals and ledgers, and also copies of any resolutions, decrees, or legislation governing changes in the programs that they have renounced in this agreement. They shall also provide volume and value information for exports to the United States and world-wide figures, if necessary, and they shall provide copies of any application and assessment forms for any programs that they have renounced in this agreement. Brollo and TOSA will notify the Department if they: (1) transship the subject product through a third country, (2) alter their position with respect to any terms of the agreement, (3) apply for or receive directly or indirectly the benefits of the programs described in Part B of this agreement for the manufacture or exportation of the subject products.

Furthermore, Brollo and TOSA agree to undertake the obligation to report to the Department within 15 days of the beginning of each calendar quarter (April, July, October, January) the volume of carbon steel pipes and tubes they have exported to the United States. Brollo and TOSA also agree to permit such verification and data collection as deemed necessary by the Department in order to monitor this agreement. The Department shall request such information and perform such verifications periodically for administrative reviews conducted under section 751 of the Act.

D. Violation of the Agreement

If the Department determines that the agreement is being or has been violated or no longer meets the requirements of section 704 (b) or (d) of the Act, then the provisions of section 704(i) shall apply.

Signed on this day of May 20, 1983, for Brollo (Africa), Ltd., and Tubemakers of South Africa, Ltd.

J. J. Pienaar,

Special Representative, Brollo Africa (Pty.), Ltd., and Tubemakers of South Africa, Ltd.

I have determined that the provisions of Paragraph B completely eliminate the bounties or grants being provided in South Africa with respect to carbon steel pipes and tubes exported directly or indirectly to the United States and that the provisions of Paragraph C ensure that this agreement can be monitored effectively pursuant to section 704(d) of the Act. Furthermore, I have determined that this agreement meets the requirements of section 704(b) of the Act and is in the public interest as required in section 704(d) of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-14696 Filed 5-31-83; 8:45 am]

BILLING CODE 3510-25-M

Sodium Gluconate From the European Communities; Final Results of Administrative Review and Supplement to Suspension Agreement

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review and Supplement of Suspension Agreement.

SUMMARY: On February 22, 1983, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review and proposed supplement to the agreement suspending the countervailing duty investigation on sodium gluconate from the European Communities. The review covered the period November 30, 1981 through May 31, 1982. The notice stated that Joh A. Benckiser GmbH did not account for 85 percent of all EC imports of this merchandise into the United States during the period, but that an additional firm located in the EC, Akzo Chemie Nederland B.V., had consented to enter into the suspension Agreement.

Interested parties were invited to comment on our preliminary results. We received no timely comments. Based on our analysis, we have determined that Benckiser has compiled with the terms of the suspension agreement, and that Benckiser along with Akzo now account for 85 percent of all EC sodium gluconate imports into the U.S.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Tom Hodge or Lorenza Olivas, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On February 22, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 7489) the preliminary results of its administrative review and proposed supplement to the agreement suspending the countervailing duty investigation on sodium gluconate from the European Communities (46 FR 60288, December 9, 1981). The Department has now completed that administrative review.

Scope of the Review

The merchandise covered by the review is the chemical sodium gluconate, imported directly or indirectly from the European Communities ("the EC"). Such imports are currently classifiable under item 437.5250 of the Tariff Schedules of the United States Annotated. The review covers the period November 30, 1981 through May 31, 1982 and two programs of the Common Agricultural Policy ("the CAP") of the EC: (1) a production refund for dextrose and glucose derived from corn or potatoes; and (2) export restitution payments to exporters of sodium gluconate.

Final Results of Review

Interested parties were invited to comment on our preliminary results. We received no timely comments. Based on our analysis, we determine that Joh A. Benckiser GmbH, has complied with the terms of the suspension agreement for the period November 30, 1981 through May 31, 1982, and with Akzo Chemie Nederland B.V., now a signatory to the agreement, account for 85 percent of all EC sodium gluconate imports into the United States. Benckiser during the period of review did not apply for or receive any benefits under the two programs cited above for exports to the United States, did not accept substitute or equivalent benefits, and met all of the reporting requirements of the agreement. Akzo, has also renounced all benefits from the two CAP programs and agreed not to apply for or receive benefits under substitute or equivalent programs for exports to the United States (see Appendix A).

Therefore, the suspension agreement for sodium gluconate from the EC shall remain in effect. The Department intends to begin immediately the next administrative review of the agreement.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: May 25, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

Appendix A—SUPPLEMENT TO SUSPENSION AGREEMENT SODIUM GLUCONATE FROM THE EUROPEAN COMMUNITIES

Pursuant to the provisions of section 704 of the Tariff Act of 1930 ("the Tariff Act") and § 355.31 of the Commerce Regulations, the United States Department of Commerce ("the Department") enters into the following agreement with Akzo Chemie Nederland B.V., Amersfoort, Netherlands ("Akzo"). On the basis of this agreement and (a) similar agreement(s) with other manufacturers or exporters of sodium gluconate from the European Communities ("the EC") ("related agreements"), the Commerce Department shall not reopen its countervailing duty investigation with respect to sodium gluconate from the EC in accordance with the terms and provisions set forth below.

A. Product Coverage

This suspension agreement is applicable to all sodium gluconate manufactured by Akzo and exported to the United States for consumption therein either directly or through intermediaries and which is exported either directly from the Netherlands or is transshipped through third countries. Sodium gluconate is the sodium salt of gluconic acid and it is currently provided for in item 437.5250 of the Tariff Schedules of the United States Annotated.

B. Basis of Agreement

Akzo hereby voluntarily renounces the right to all export and production refunds on maize used in the sodium gluconate production chain for exportation to the United States provided by the EC under its Common Agricultural Policy ("the CAP"). Since 1979, Akzo's exports of sodium gluconate to the United States have averaged 8 percent of total EC export of sodium gluconate to the United States.

In addition, Akzo agrees that no substitute or equivalent benefits have been or will be received. This renunciation is applicable to all sodium gluconate produced from any basic agricultural product and exported to the United States.

Akzo will under no circumstances alter or terminate this renunciation without notifying the Department of Commerce in writing thirty days prior to such action. Any such alteration or termination of the renunciation will result in the reopening of the investigation in accordance with the provisions of paragraph D of this agreement.

C. Monitoring

Akzo agrees to supply to the Department such information as the Department deems necessary to demonstrate that it is in full compliance with this agreement. Akzo shall notify the Department whenever it (1) transships through third countries, (2) alters its mode of manufacture, production or exportation of sodium gluconate, (3) receives directly or indirectly any export or production refunds on any agricultural product used in the sodium gluconate production chain for exportation to the United States provided by the EC under its CAP.

Furthermore, Akzo will permit such verification and data collection as is requested by the Department in order to monitor this agreement. The Department will request such information and perform such verifications periodically pursuant to reviews conducted under section 751 of the Tariff Act.

D. Violation of the Agreement

It the Department determines that the agreement or the related agreement(s) is being or has been violated or no longer meets the requirements of sections 704(b) or (d) of the Tariff Act, then the provisions of section 704(i) shall apply.

E. Other Provisions

In entering this agreement, Akzo agrees to be bound by the same terms and conditions as the agreement between Joh A. Benckiser GmbH, Benckiserplatz 1, D–6700 Ludwigshafen/Rhein, Federal Republic of Germany (Benckiser) and the United States Department of Commerce dated November 22, 1981.

It is understood that Akzo is entering this agreement to supplement Benckiser's annual imports, a review of which has revealed account for less than 85 percent of the sodium gluconate exported to the United States from the EC. The effective date of this suspension agreement is the date of publication in the Federal Register.

Signed this 15th day of April, 1983. Agreed to: Akzo Chemie Nederland B. V., by Max N. Berry.

I have determined that the provisions of paragraph B eliminate any subsidy the EC is providing on the manufacture, production, and exportation to the United States of sodium gluconate within the meaning of the countervailing duty law. Further, I have determined that the provisions of paragraph C ensure that this agreement can be monitored effectively pursuant to section 704(d). Therefore, I have determined that this agreement to suspend this investigation meets the requirements of section 704(b) of the Tariff Act and is in the public interest as required by section 704(d) of the Tariff Act.

United States Department of Commerce.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 15, 1983.

[FR Doc. 83-14587 Filed 5-31-83; 8:45 am]

BILLING CODE 3510-25-M

Management-Labor Textile Advisory Committee; Open Meeting

A meeting of the Management-Labor Textile Advisory Committee will be held June 15, 1983, 1:00 p.m., Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. The Committee was established by the Secretary of Commerce on October 18, 1961 to advise Department officials on problems and conditions in the textile and apparel industry.

Agenda: Review of import trends, implementation of textile agreements, report on conditions in the domestic market, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Helen L. LeGrande (202) 377-3737.

Dated: May 26, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83-14585 Filed 5-31-83; 8:45 am]

BILLING CODE 3510-25-M

Fiber Optic Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

Federal Register citation of previous announcement: 48 FR 21610, May 13, 1983.

Previously announced time and date of the meeting: 10:00 a.m., June 1, 1983.

Changes in the meeting: Cancelled.

Dated: May 26, 1983.

Milton Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 83-14641 Filed 5-31-83; 8:45 am]

BILLING CODE 3510-25-M

Telecommunications Equipment Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

Federal Register citation of previous announcement: 48 FR 21610, May 13, 1983.

Previously announced time and date of the meeting: 10:00 a.m., June 2, 1983.

Changes in the meeting: Cancelled.

Dated: May 26, 1983.

Milton Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 83-14642 Filed 5-31-83; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Applications

AGENCY: Minority Business Development Agency Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning September 15, 1983 in the SMSA of New Brunswick-Perth Amboy-Sayreville and the adjoining counties of Mercer and Monmouth. The cost of the project is estimated to be $187,000. The maximum Federal participation amount is $168,300. The minimum amount required for non-Federal participation is $18,700. The award number will be 02-10-83014-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-Federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: June 24, 1983.

ADDRESS: New York Regional Office, Minority Business Development Agency, 26 Federal Plaza, Room 36-116, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Joseph F. Korpsak, Telephone: (212) 264-3262.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm Staff*—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide

information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opprtunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

Backgrouind credentials and references for the owners of the organization and a capability statement of what the organization can do.

Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

List personnel to be used. Indicate their salaries, educational level and previous experience. Provide résumés for all professional staff personnel.

Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order or priority: (1) cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution* means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services* is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-kind contribution* represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV. *Costs*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

Clear explanations of all expenditures proposed, and

The extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC). Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms.

This program is subject to OMB Circular A–95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: May 24, 1983.

Joseph J. Korpeak

Acting Regional Director.

[FR Doc. 83–14535 Filed 5–31–83; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council's Special Mackerel Members of the Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has

established special members of the Scientific and Statistical Committee which will convene a public meeting to review the reanalysis of stock assessment.

DATE: The public meeting will convene on Friday, June 24, 1983, at approximately 8:30 a.m., and will adjourn at approximately 3 p.m., and will take place at the Council's Headquarters Office, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815.

Dated: May 26, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries service.

[FR Doc. 83–14640 Filed 5–31–83; 8:45 am]

BILLING CODE 3510-22-M

Interim Convention on Conservation of North Pacific Fur Seals; Environmental Impact Statement

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The National Marine Fisheries Service (NMSF) is issuing this notice to advise the public that an environmental impact statement will be prepared on the Interim Convention on Conservation of North Pacific Fur Seals, and to invite participation in the scoping process on this issue.

DATE: Comments are requested by July 1, 1983.

ADDRESS: Please address the individual identified below.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Roe, Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, Washington, D.C. 20235 (202–634–7461).

SUPPLEMENTARY INFORMATION: The Interim Convention on Conservation of North Pacific Fur Seals ("Interim Convention") is due to expire in October 1984. A decision must be made before this date on extension, renegotiation or termination of this treaty. Agreements leading to the present Interim Convention have been in force since 1912. These treaties have been very successful in establishing an international conservation regime to protect the northern fur seal from overharvesting. The Interim Convention is an agreement by Canada, Japan, the Soviet Union and the United States to prohibit the harvesting of northern fur seals at sea and to limit land harvests to levels consistent with wildlife mamagement principles. The Interim Convention further provides for land harvests on the breeding islands of the northern fur seals by the United States and the Soviet Union. Canada and Japan each receive 15 percent of the sealskins taken in both harvests. The United States and the Soviet Union each retain 70 percent of their respective harvest. The National Marine Fisheries Service harvests approximately 25,000 male fur seals primarily between the ages of three and four years each summer on the Pribilof Islands, Alaska.

In accordance with the purposes and policies of the National Environmental Policy Act of 1969 (NEPA), the NMFS will prepare a draft environmental impact statement (EIS) which contains a discussion of the environmental impacts of the following three alternative actions: (1) Extend the treaty for four additional years (proposed action); (2) Allow the treaty to terminate in October 1984 and manage the northern fur seal under the Marine Mammal Protection Act of 1972; (3) Renegotiate the Interim Convention before October 1984 to incorporate modifications.

This notice of intent to prepare an EIS is being sent to appropriate Federal, State and local agencies and private organizations and individuals who may have an interest in this proposal. No formal scoping meeting is planned at this time. To ensure that the full range of actions, alternatives and impacts and all significant issues relating to a decision on this matter have been identified, we invite the participation of all interested parties in this scoping process, through comments and suggestions directed to the individual identified above.

Dated: May 26, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83–14655 Filed 5–31–83; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Economic Advisory Board; Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that the meeting of the Department of Commerce Economic Advisory Board will be held on Wednesday, June 22, 1983, from 9:30 a.m. to 4:00 p.m. in Room 5859 Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230

The Board was established by the Secretary of Commerce on January 10, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

- A review of the economic outlook by major sector.
- A discussion of the outlook for prices and employment and of strategies for sustaining noninflationary economic growth.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to requests for clarification of items under discussion. Additional statements or inquiries may be submitted to the Chair before or after the meeting. Copies of the minutes will be available on request 30 days after the meeting.

Additional information concerning this meeting may be obtained by contacting Ms. Virginia R. Marketti, Office of the Under Secretary for Economic Affairs, Room 4848, Department of Commerce, Washington, D.C. 20230 (202) 377–3523.

Dated: May 26, 1983.

Robert G. Dederick,

Under Secretary for Economic Affairs.

[FR Doc. 83–14654 Filed 5–31–83; 8:45 am]

BILLING CODE 3510-18-M

CONSUMER PRODUCT SAFETY COMMISSION

Privacy Act of 1974; Deletion of System of Records; Amendment of System Notice

AGENCY: Consumer Product Safety Commission.

ACTION: Deletion of system notice; amendment of system notice.

SUMMARY: The Consumer Product Safety Commission is deleting a system of records that is no longer in use, and correcting a citation to an Office of Personnel Management system.

DATES: Effective June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207. Telephone: (301) 492–6980.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission published notice of a new system of records, Office of the General Counsel

Timesheets—CPSC–6, on September 7, 1982, 47 FR 39227. This system of records was used to document and record the daily activities of CPSC attorneys. The system is no longer in use, and all records have been destroyed. Accordingly, Office of the General Counsel Timesheets—CPSC–6, is deleted from the Commission's systems of records, but the designator CPSC–6 is reserved for future use.

The Commission's complete Privacy Act systems of records, as published at 47 FR 44365, October 7, 1982, includes an Appendix II which lists pertinent record systems of other agencies. Paragraph 2 of that Appendix inadvertently lists the incorrect title for an Office of Personnel Management System. Accordingly, paragraph 2 of Appendix II of the Commission's systems of records is revised to read:

* * * * * *

2. Office of Personnel Management, OPM/GOVT–2, Employee Performance File System Records.

* * * * * *

Dated: May 25, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83–14853 Filed 5–31–83; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF EDUCATION

Innovative Programs for Severely Handicapped Children

AGENCY: Department of Education.

ACTION: Notice of final annual funding priorities.

SUMMARY: The Secretary announces Fiscal Year 1983 annual funding priorities for the Innovative Programs for Severely Handicapped Children program. The Innovative Programs for Severely Handicapped Children program supports projects which establish, promote, and demonstrate activities which meet the educational needs of severely handicapped children and youth (including those who are both deaf and blind). Publication of annual funding priorities is necessary because no priorities are established in the statute or regulations governing the program. These eight priorities are intended to establish model demonstration projects designed to meet the most critical needs in educating severely handicapped and deaf-blind children. A separate competition will be held for each priority.

EFFECTIVE DATE: Unless the Congress takes certain adjournments these priorities will take effect 45 days after publication in the **Federal Register**. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: R. Paul Thompson, Special Education Programs, Department of Education, 400 Maryland Avenue, S.W., Donohoe Building, Room 4918, Washington, D.C. 20202–4714.

SUPPLEMENTARY INFORMATION: Grants for Innovative Programs for Severely Handicapped Children are authorized under Section 624 of Part C of the Education of the Handicapped Act (EHA). Section 624 provides funds for research development, demonstration, training and dissemination activities concerning education and services for handicapped children.

Parties eligible to receive funds under this program are public or nonprofit agencies, organizations, or institutions which operate a center or provide a service which meets one or more of the purposes of Part C of EHA. Part C of EHA authorizes various activities relating to education and services for handicapped children, including the operation of Regional Resource Centers, Centers and Services for Deaf-Blind Children, and programs for the Early Education of Handicapped Children.

Summary of Comments and Responses

A "Notice and Proposed Annual Funding Priorities" was published in the **Federal Register** on February 10, 1983 (48 FR 6150) listing the eight proposed priorities for the 1983 grant competitions for "Innovative Programs for Severely Handicapped Children." Because public comments indicated support for the priorities chosen, no major changes have been made. A total of 28 comments were received concerning the eight priorities. Overall, the responses supported the need for demonstration activities in relation to severely handicapped and deaf-blind children. The major comments and the Department's responses are summarized below:

Comment. One commenter objected to the prohibition against advocacy activities in connection with these projects.

Response. A change has been made. This prohibition was included to reinforce general Federal restrictions on the use of Federal grant funds for lobbying. In view of the existence of requirements governing all recipients of Federal assistance, it is unnecessary to consider the issue in this Notice. The language has been deleted.

Comment. Three commenters recommended including more detailed descriptions of the various priorities such as itemizing handicapping conditions or subject matter areas to be addressed.

Response. No change has been made. The details suggested were all in keeping with the intent of the stated priorities. However, the suggested level of detail is not necessary, and might even be misleading if interpreted as limiting the scope and variety of activities that could be proposed. The priorities as stated are meant to encourage innovative responses from the field in these areas. The current wording provides applicants an opportunity to develop creative projects which reflect the perceived current needs in educational programming for severely handicapped or deaf-blind children.

Comment. One commenter suggested the addition of a priority on promoting dental health for severely handicapped children and youth.

Response. No change has been made. The Department agrees that this is an important issue and might well be the major focus of a project funded under the stated priorities. Therefore, it is unnecessary to establish a separate priority that only addresses that issue.

Comment. One commenter suggested specific changes in wording to clarify the importance of linguistic and health issues in the education of severely handicapped and deaf-blind children.

Response. Changes have been made. The suggested language has been incorporated in the final priorities, E an G.

Comment. One commenter suggested a separate priority for programs for autistic children or severely handicapped children with communication and behavior disorders.

Response. No change has been made. The population of autistic children is included in the general category of severely handicapped children. Therefore, demonstration projects serving autistic children fall within the purview of the new priorities for severely handicapped children (specifically, priorities numbered 6, 7, and 8). Several RFP's issued by this program in the past few years have supported projects to develop model programs for autistic children. With respect to programs for severely handicapped children with communication and behavior disorders, a current procurement, RFP 83–035 "Communication Skills Development Centers for Deaf-Blind Children" focuses on communication disorders of deaf-blind children. In view of the work which has been and will not be

supported in these specific areas, the Department chooses not to establish additional priorities this year.

Comment. Two commenters suggested limiting the specific types of applicant agencies.

Response. No change has been made. Limitation of eligible applicants would be inconsistent with the requirements in program regulations at 34 CFR 315.3.

Comment. Seven commenters recommended a different breakdown of the priorities and funding, on the grounds that deaf-blind children would receive greater attention than other severely handicapped populations.

Response. Funds for projects to serve deaf-blind children and for projects serving other severely handicapped are appropriated under different budget activities. The appropriated amounts are not subject to modification through the publication of priorities.

Comment. One commenter was concerned about a perceived anti-institutional bias and questioned whether sheltered programs for institutionalized children would be considered.

Response. No change has been made. Given the mandate in EHA requiring placement in the least restrictive environment for severely handicapped children and youth, these priorities in keeping with past efforts under this program, have been targeted toward helping severely handicapped individuals make the transition from institutional to community environments. Applications from sheltered programs for projects which promote the movement of severely handicapped children from separate facilities to community-based settings, therefore, are appropriate under the stated priorities.

Comment. One commenter questioned whether severely mentally retarded children were an eligible target population, or if the program is limited to intellectually normal severely handicapped children.

Response. No change has been made. Nothing in the priorities suggests the latter limitation.

Comment. Two commenters objected to the inclusion of children ages 16 through 21 within the target populations.

Response. No change has been made. The inclusion of this age group is consistent with statutory and regulatory provisions.

Comment. One commenter suggested eliminating the at-risk priority area since it was redundant with the already successful child find activities required under Part B of the EHA and, therefore, is unnecessary.

Response. No change has been made. The priority area addresses a need for following up on identification of children who appear to be deaf-blind with the provision of services that would assist such children to make maximum use of remaining visual and auditory skills. The use of effective strategies for auditory and visual screening and training may therefore eliminate the need for placement of certain children in programs for deaf-blind children thereby reducing the costs of comprehensive and costly services programs for deaf-blind children that kind of placement entails.

Priorities

(A) *Independent Living Skills Training for Severely Handicapped Youth.* This priority supports projects which design, implement, evaluate, and disseminate innovative cost effective methods for the provision of independent living skills training for severely handicapped youth, ages 16 through 21 years of age, making the transition from "educational" to home/community environments. These approaches should be longitudinal in nature and build over time the highest possible level of independent, active, and cooperative functioning of these youth in a variety of integrated school and community settings. The projects should be designed to increase both the quality and frequency of meaningful interactions of severely handicapped youth with handicapped and nonhandicapped peers and adults.

(B) *Parent Involvement in Provision of Educational Services and Life-Long Planning for Severely Handicapped Children and Youth.* This priority supports innovative projects designed to increase the involvement of parents or surrogates in the development, establishment, and evaluation of individualized educational programs for severely handicapped children and youth, and in the life-long planning for these persons. Projects should promote the organization and effective operation of parent groups in the identification and utilization of fiscal and personnel resources for insuring quality educational services to severely handicapped children and youth.

(C) *Non-directed Demonstration Projects for Severely Handicapped Children and Youth.* This priority supports projects designed to demonstrate specific, viable procedures for meeting significant educational needs of severely handicapped (other than deaf-blind) children and youth. The content of the demonstration projects is limited only by the overall mission of the program—to demonstrate innovative and effective approaches to the education of severely handicapped children in least restrictive environments. Applicants proposing to conduct the projects must fully describe and justify the selection of the focus and particular approach to be demonstrated.

(E) *Approaches to Total Life Planning for Deaf-Blind Children and Youth.* This priority supports projects which implement innovative procedures for the development of total life planning for deaf-blind children and youth. The planning must include (a) the assessment of cognitive, linguistic, affective, and psychomotor skills and capacities of project participants; (b) an identification of services which are essential to meet the needs of the participants and which will provide for the maximization of their potential as they approach adulthood; (c) the development of strategies for life planning individualized for each project participant, with provision for modifying the planning on at least an annual basis; and (d) strategies for the application of the individualized planning designed for project participants, to nonproject deaf-blind children and youth.

(F) *Pre-vocational and Vocational Training for Deaf-Blind Children and Youth.* This priority supports projects which design, implement, and disseminate innovative practices in the pre-vocational and vocational education of deaf-blind children and youth. The practices must extend beyond, expand upon, complement, or supplement existing best practices. Also considered innovative for the purpose of this priority are feasible applications of practices still in the developmental stage in research and other experimental programs.

(G) *Identification of At-Risk Deaf-Blind Children and Youth.* This priority supports projects which design and implement strategies for the early identification of children and youth with apparent visual and auditory impairments who are at risk of being categorized as deaf-blind. The projects should devise strategies for providing relevant information to and gaining the cooperation of educational, medical, health, and social service providers. Projects must include procedures and planning for identification of handicapped children and youth such as those procedures mandated under Part B of the Education of the Handicapped Act as amended.

(H) *Adaptation/Utilization of Curricula for Deaf-Blind Children and Youth.* This priority supports projects which implement innovative strategies to develop and demonstrate the

effectiveness of individualized educational programming for deaf-blind children and youth. The curricula may include (a) new approaches unique to work with deaf-blind children and youth; (b) best practices currently in use with children and youth which have potential for being modified to meet individual differences or (c) best practices in educational programming for other types of handicapped or non-handicapped age peers adapted to meet the educational needs of the deaf-blind children and youth.

(J) *Non-directed Demonstration Projects for Deaf-Blind Children and Youth.* This priority supports projects designed to demonstrate specific, viable procedures for meeting significant educational needs of deaf-blind children and youth. The content of the demonstration projects is limited only by the overall mission of the program—to demonstrate innovative and effective age-appropriate approaches to the education of deaf-blind children and youth in least restrictive environments. Applicants proposing to conduct the projects must fully describe and justify the selection of the focus and particular approach to be demonstrated.

(Catalog of Federal Domestic Assistance No. 84.086, Innovative Programs for Severely Handicapped Children)

Dated: May 25, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-14579 Filed 5-31-83; 8:45 am]

BILLING CODE 4000-01-M

Chapter 1, Education Consolidation and Improvement Act of 1981; Intent To Repay to the State of West Virginia Department of Education Funds Recovered as a Result of Final Audit Determinations

AGENCY: Education Department.

ACTION: Notice of Intent to Award Grantback Funds.

SUMMARY: Notice is given that, under Section 456 of the General Education Provisions Act (GEPA), the U.S. Secretary of Education intends to repay under a grantback arrangement to the West Virginia State Department of Education (SEA) an amount equal to 75 percent of the funds the U.S. Department of Education (Department) has recovered as a result of final audit determinations issued by the Deputy Commissioner for Elementary and Secondary Education (now Assistant Secretary for Elementary and Secondary Education). This notice describes the SEA's plans, submitted on behalf of two local educational agencies (LEAs), for the use of the repaid funds and the terms and conditions under which the Secretary intends to make these funds available.

DATE: All written comments must be received on or before July 1, 1983.

ADDRESS: All written comments should be submitted to Dr. Thomas W. Fagan, Director, Division of Grants, Policy, and Administration, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3616, ROB-3), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas W. Fagan. Telephone: (202) 245-9877.

SUPPLEMENTARY INFORMATION:

A. Background

The Deputy Commissioner's final audit determinations were based upon Department of Health, Education, and Welfare Audit Agency (HEWAA) audits of the operation and administration of the Title I, Elementary and Secondary Education Act, program in West Virginia. In his final audit determinations, the Deputy Commissioner sought refunds of Title I funds misspent in Wayne County and Fayette County LEAs.

Wayne County LEA

The HEWAA audit of the Title I program in the Wayne County LEA covered the period of July 1, 1970 to June 30, 1974. In his final audit determination, as stated in a final determination letter dated June 17, 1976, the Deputy Commissioner sought refund of $53,710; and in a supplemental final audit determination, as stated in a final determination letter dated May 6, 1977, the Deputy Commissioner sought refund of an additional $9,316 for a total amount of $63,026. The Deputy Commissioner's final audit determination was based on violations of Section 405(b) of GEPA (20 U.S.C. 1225(b)).

Section 405(b) of GEPA was applicable to Title I grants and required that grantees obligate and expend grant funds by the end of the fiscal year succeeding the fiscal year for which the grant funds were appropriated. Funds that were not obligated by the end of that time period should have reverted to the United States Treasury. The auditors and the Deputy Commissioner determined that the Wayne County LEA could not document that $63,026 of fiscal year (FY) 1971 Title I funds had been expended during the allowable time period. The FY 1971 funds were available for obligation and expenditure through the end of FY 1972 which ended June 30, 1972.

The Title I grant for FY 1971 was received by the Wayne County LEA upon the condition that these funds would be expended in compliance with the applicable statutes and regulations. The LEA was unable to show that the total amount of $63,026 was obligated and expended by reference to adequate records. Under Section 424 of GEPA (20 U.S.C. 1232c (1976)), the LEA was required to maintain program and fiscal records necessary to verify proper obligation and expenditure of funds.

On August 17, 1976, the SEA filed an application for review of the Deputy Commissioner's final determination regarding the $53,710 with the Title I Audit Hearing Board (now Education Appeal Board). On May 12, 1977, the SEA filed an additional application for review of the supplemental determination of $9,316 and requested that this application for review be joined with the one submitted previously. In an initial decision dated February 21, 1978 [Docket No. 13-(28)-76], a panel of the Title I Audit Hearing Board upheld the Deputy Commissioner's final determination ordering the SEA to refund $63,026 to the Department. The Commissioner of Education declined to review the Board's initial decision, and therefore it became the final decision of the Commissioner.

On June 8, 1979, the SEA filed a petition for review of the Commissioner's final decision with the U.S. Court of Appeals for the Fourth Circuit. The SEA's petition was denied by the court on November 4, 1980. The SEA submitted a check for $63,026 to the Department on October 8, 1981.

Fayette County LEA

The HEWAA audit of the Title I program in the Fayette County LEA covered the period of July 1, 1973 to June 30, 1976. In a final determination letter dated June 14, 1977, the Deputy Commissioner ordered the SEA to refund $125,000 of Title I funds that had been expended improperly in the Fayette County LEA for the construction of an administrative office building.

Section 141(a)(1) of Title I (20 U.S.C. 241e(a)(1)(1976)) provided in pertinent part that Title I funds could only be used for "the excess costs of programs and projects (including the acquisition of equipment, payments to teachers of amounts in excess of regular salary schedules as a bonus for service in schools eligible for assistance under this title, the training of teachers, and, where necessary, the construction of school facilities and plans made or to be made for such programs, projects, and facilities) (A) which are designed to

meet the special educational needs of educationally deprived children in school attendance areas having high concentration of children from low-income families * * *."

In 1975, the Fayette County LEA requested that the SEA approve an amended plan permitting the LEA to spend $125,000 of Title I funds to meet part of the building costs for a county school board administrative office complex. The $125,000 was allocated to that portion of the building complex to be occupied by Title I personnel. The SEA approved the expenditure of funds and the building was constructed.

The auditors and the Deputy Commissioner concluded that the building was not a "school facility" as defined by the statute and regulations and that the construction was not essential to the success of the Title I program.

Section 403(13) of the Elementary and Secondary Education Act (20 U.S.C. 244(13) (1976)), which applied to Title I, provided that "[t]he term 'school facilities' means classrooms and related facilities (including initial equipment) for free public education * * *." An almost verbatim definition of school facilities was contained in the Title I regulations (45 CFR 116.1(w)(1974)) then in effect. The Deputy Commissioner determined that the administrative office building did not qualify as a school facility under these definitions and also that the construction was not demonstrated as being essentail in order to ensure the success of a Title I program or project in accordance with 45 CFR 116.17(i)(1974).

On July 13, 1977, the SEA filed an application for review of the Deputy Commissioner's final determination with the Title I Audit Hearing Board. In a decision dated June 20, 1980 [Docket No. 3–(33)–77], a panel of the successor Education Appeal Board issued an initial decision which upheld the Deputy Commissioner's final determination ordering the SEA to refund $125,000 to the Department. The Secetary did not set aside or modify the Board's initial decision, and therefore it became the final decision of the Secretary.

The SEA filed a petition for review of the Secretary's final decision with the U.S. Court of Appeals for the Fourth Circuit on October 15, 1980. The Court affirmed the Secretary's decision on October 15, 1981. On August 31, 1982, the SEA submitted a check to the Department for $129,000, which included $125,000 for the improperly expended Title I funds and $4,000 for an interest penalty payment.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA (20 U.S.C. 1234e(a)) provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for that program and may arrange to repay to the LEA affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this grantback arrangement if the Secretary determines that—

(1) The practices and procedures of the LEA that resulted in the audit determination have been corrected, and that the LEA is in all other respects in compliance with the requirements of the applicable program;

(2) The SEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the applicable program, and, to the extent possible, benefits the population that was affected by the misexpenditures that resulted in the audit exception; and

(3) The funds to be awarded under the grantback arrangement, if used in accordance with the SEA's plans, would serve to achieve the purposes of the program under which the funds were originally granted.

C. Request for Repayment of Funds Awarded Under a Grantback Arrangement

In a document dated August 27, 1982 (revised March 1983), the SEA formally requested that repayment of $47,270 (75 percent of the $63,026 returned to the Department) under a grantback arrangement be made to the Wayne County LEA. The formal request to the Department for a repayment of $93,750 (75 percent of the $125,000 recovered program funds) to the Fayette County LEA was submitted by the SEA on October 26, 1982 (revised March 1983).

The SEA includes in its requests detailed budgets prepared by the LEAs for the expenditure of the funds to be awarded under the grantback arrangement. The SEA provides assurances that the practices and procedures of the LEAs that resulted in the audit determinations have been corrected and that the LEAs are in all other respects in compliance with the current program requirements. Separate accounting records documenting the expenditures of funds awarded under the grantback arrangement will be maintained.

D. Plans for Use of Funds Awarded Under a Grantback Arrangement

In accordance with Section 456(a)(2) of GEPA, the SEA submitted plans on behalf of the LEAs explaining the LEAs' intentions to use the grantback funds to meet the special educational needs of educationally deprived children in programs administered under Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Chapter 1). Chapter 1 supersedes Title I. The SEA's proposals, therefore, reflect the requirements in Chapter 1—a program that is designed to serve educationally deprived children in low-income areas.

The plans demonstrate that the Wayne County and Fayette County LEAs consulted with parents and teachers in designing the programs for which funds are sought under the grantback arrangement. According to their plans, the LEAs intend to use the grantback funds in FY 1984.

Wayne County LEA

The Wayne County LEA proposes to use the $47,270 from these grantback funds for a structured computer-based remedial reading and mathematics program. This program will provide supplemental instruction and will include the prepackaged software materials available in the subject areas plus some special programmed materials recommended by the reading and mathematics teachers. Approximately 20 to 40 students in the Middle and Junior High School classes who are experiencing learning difficulties in the regular Chapter 1 program will participate in this program.

Fayette County LEA

The Fayette County LEA proposes to use the $93,750 in grantback funds to expand remedial mathematics to educationally disadvantaged children in 17 participating Chapter 1 schools needing these services who would otherwise not receive mathematics instruction because of a lack of Chapter 1 funds. Additionally, supplementary remedial mathematics materials are to be provided on a limited basis to 14 Chapter 1 schools currently participating in the regular Chapter 1 remedial mathematics program.

E. The Secretary's Determinations

Based upon a thorough review of the SEA's requests for the repayment of funds under Section 456 of GEPA, including the SEA's discharge of its payment obligations to the Department of October 8, 1981 and August 31, 1982, the SEA's assurances described in part C of this notice, and the SEA's plans and

budgets, the Secretary makes the following determinations:

(1) The LEAs have corrected the practices and procedures that resulted in the final audit determinations, and the LEAs are in all other respects in compliance with the requirements of the Chapter 1 program;

(2) The SEA has submitted plans for the use of the funds to be awarded under the grantback arrangement that meet the requirements of the Chapter 1 program and, to the extent possible, benefit the Chapter 1 children who were affected by the misexpenditures that resulted in the audit exceptions; and

(3) The funds to be awarded under the grantback arrangement, if used in accordance with the SEA's plans, would serve to achieve the purposes of the Chapter 1 program.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action.

F. Notice of the Secretary's Intent to Enter Into a Grantback Arrangement

Section 456(d) of GEPA requires, at least thirty days prior to entering into an arrangement to award funds under a grantback, that the Secretary publish in the **Federal Register** a notice of his intent to do so, and the terms and conditions under which the payment will be made.

In accordance with this requirement, notice is given that the Secretary intends to make available under a grantback arrangement to the SEA an amount equal to 75 percent of the funds the Department recovered as a result of the Deputy Commissioner's final audit determinations. The Secretary bases his intention to enter into a grantback arrangement under Section 456 of GEPA on his determinations outlined in part E of this notice, and payment by the SEA of all funds owed to the Department as a result of these final audit determinations.

G. Terms and Conditions Under Which Payment Under the Grantback Arrangement Will Be Made

Section 456(b) of GEPA provides that any payments made under a grantback arrangement shall be subject to the terms and conditions that the Secretary deems necessary to accomplish the purposes of the affected program. The SEA agrees to comply with the following terms and conditions under which payment under the grantback arrangement will be made:

(1) The SEA will spend the funds awarded under the grantback in accordance with—

(a) All applicable statutory and regulatory requirements, including the requirements concerning the participation of eligible children attending private schools;

(b) The plans that the SEA submitted and any amendments to those plans that are approved by the Secretary; and

(c) The budgets that were submitted with the plans and any amendments to the budgets that are approved by the Secretary.

(2) In accordance with Section 456(c) of GEPA and the SEA's plans, all the funds received under the grantback awards will be expended by September 30, 1984.

(3) The SEA, on behalf of the LEAs, must, not later than January 1, 1985, submit a report to the Secretary which indicates that the funds awarded under the grantback have been spent in accordance with the approved budgets.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

Invitation to Comment

The Secretary invites public comments on this notice of intent to award funds under a grantback arrangement to the West Virginia SEA on behalf of the Wayne County and the Fayette County LEAs. Interested persons may send written comments to Dr. Thomas W. Fagan at the address at the beginning of this notice. All comments must be received on or before July 1, 1983.

Dated: May 24, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-14581 Filed 5-31-83; 8:45 am]
BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services

Innovative Programs for Severely Handicapped Children

AGENCY: Department of Education.

ACTION: Closing date notice for transmittal of applications for fiscal year 1983.

Applications are invited for new demonstration projects under Innovative Programs for Severely Handicapped Childern.

Authorization for this program is contained in Section 624 of Part C of the Education of the Handicapped Act. (20 U.S.C. 1424)

Applications may be submitted by public or nonprofit private agencies, organizations, or institutions which operate a center or provide a service which meets one or more of the purposes of Part C of the Education of the Handicapped Act.

The main intent of the program is to support model projects which develop and demonstrate improvements in existing methods, approaches, or techniques for meeting the educational needs of severely handicapped and deaf-blind children.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by the date indicated on Table 1, as specified.

PRIORITY AREAS—PROGRAMS FOR SEVERELY HANDICAPPED CHILDREN, FISCAL YEAR 1983

Priority No.	Priority area		Anticipated	
			Funding level	Number of awards
84.086A	Independent living skills training for severely handicapped youth.	July 15, 1983	$280,000	3
84.086B	Parent involvement in provision of educational services and life-long planning for severely handicapped children and youth.	July 15, 1983	360,000	3
84.086C	Non-directed demonstration projects for severely handicapped children and youth.	July 15, 1983	$450,000	4
84.086E	Approaches to total life planning for deaf-blind children and youth.	July 15, 1983	350,000	1
84.086F	Pre-vocational and vocational training for deaf-blind children and youth.	July 15, 1983	350,000	1
84.086G	Identification of at-risk deaf-blind children and youth.	July 15, 1983	240,000	2
84.086H	Adaptation/utilization of curricula for deaf/blind children and youth.	July 15, 1983	350,000	1
84.086J	Non-directed demonstration projects for deaf-blind children and youth.	July 15, 1983	350,000	1

Applications delivered by mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention 84.086, 400 Maryland Avenue, S.W., Washington, D.C. 20202–4714.

An applicant must show proof of mailing consisting of one of the following.

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3). A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, ROB 3, Room 5673, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between the hours of 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays. An application that is hand-delivered will not be accepted after 4:30 p.m., on the closing date.

Available funds: It is expected that funding will be available to award new grants in FY 1983, as indicated in Table 1, above.

These estimates of funding levels do not bind the U.S. Department of Education to a specified number of grants or to the amount of any grant, unless that amount is otherwise specified by statute of regulation. Grant approval is for a three-year period subject to an annual review of progress and availability of funds.

Priorities for funding: The selection of priorities was based upon a comprehensive review of the program's history, including the number of responses to various RFP's, and responses to the 1982 grant competition. An analysis of comments from professionals serving severely handicapped and deaf-blind children as to perceived needs in the field was also made and considered. The priority areas are listed below. For further elaboration of the intent of each selected area, please consult the "Notice of Final Annual Funding Priorities," included in the application package.

84.086 A Independent living skills training in the application package.
84.086 B Parent involvement in provision on educational services and life-long planning for severely handicapped children and youth;
84.086 C Non-directed demonstration projects for severely handicapped children and youth;
84.086 E Approaches to total life planning for deaf-blind children and youth;
84.086 F Pre-vocational and vocational training for deaf-blind children and youth;
84.086 G Identification of at-risk deaf-blind children and youth;
84.086 H Adaptation/utilization of curricula for deaf-blind children and youth; and
84.086 J Non-directed demonstration projects for Deaf-Blind Children and Youth.

Application form: Application form and program information packages are expected to be ready for mailing as indicated on Table 1, above. These materials may be obtained by writing to: Special Needs Section, Program Development Branch, Special Education Programs, Donohoe Building, Room 4916, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202–4714.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the application package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content reporting or grantee performance requirement beyond those imposed under the statute and regulations. The Secretary strongly urges that the narrative portion of the application not exceed 50 pages in length. The Secretary further urges that the applicant submit only the information that is requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing Auxiliary Activities under the EHA (34 CFR Part 315);

(b) The Notice of Final Annual Funding Priorities which is published in the **Federal Register** and included in the application package; and

(c) The Education Department General Administrative Regulations (34 CFR Part 74, 75, 77, and 78).

FOR FURTHER INFORMATION CONTACT: R. Paul Thompson, Special Needs Section, Program Development Branch, Special Education Programs, Donohoe Building, Room 4916, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202–4714; Telephone: (202) 472–7993.

(Catalog of Federal Domestic Assistance No. 84.025, Innovative Program for Severely Handicapped Children)

(20 U.S.C. 1424)

Dated: May 25, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-14580 Filed 5-31-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Transmission Policy

AGENCY: Bonneville Power Administration (BPA), Energy.

ACTION: Notice of proposed policy, BPA File Number: TrP–1.

SUMMARY: In this notice, BPA describes its proposed policy applicable to the planning of transmission facilities for use by Federal and non-Federal power and the transmission servies provided on the BPA transmission system for non-Federal power. This policy is necessary to achieve the most efficient and equitable use of BPA's transmission system. Future wheeling arrangements will be subject to this policy. Opportunity for public review and comment will be provided.

In Section I, General Information, facts and concepts are described which are necessary for an understanding of the context and significance of transmission in the Pacific Northwest and wheeling in particular. Section II, Proposed Transmission Policy, is organized into four sections. The first, General Principles and Objectives, sets forth those key principles and objectives which are the basis for the policy. The second part contains certain defined terms. The third part, Types of Services, describes the categories of uses of the Federal Columbia River Transmission System (FCRTS) which BPA proposes to offer for use by customers for non-Federal power. The fourth part, Losses, states BPA methodology for transmission losses. Appendices A and B are proposed contract principles for generic agreements for the integration and use of capacity services, respectively.

DATES: BPA will provide an information forum for explanation and clarification and a comment forum to receive public comment on the proposed policy. The

information meeting will be on June 7, 1983, 9:00 a.m.–5:00 p.m. and the comment meeting will be on June 28, 1983, 9:00 a.m.–5:00 p.m. Both meetings will be in Room 464 of the BPA headquarters building.

Written comments on the proposed policy are encouraged. They must be received by July 8, 1983.

ADDRESSES: Written comments should be submitted to the Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. All comments should be identified by the file number TrP–1.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Manager, at the above address, or by calling 503–230–3478. Oregon callers outside of Portland may use the toll-free number 800–4452–8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800–547–6048. Information may also be obtained from:

Mr. James L. Jones, Deputy Power Manager—P, P.O. Box 3621, Portland, Oregon 97208, 503–230–5112.

Mr. Maureen R. Flynn, Assistant to the Power Manager—P, P.O. Box 3621, Portland, Oregon 97208, 503–230–4268.

Mr. Georgy E. Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, 503–230–4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 212 East Seventh Avenue, Eugene, Oregon 97401, 503–687–6952.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206–442–4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Scope and Relationship to Other Actions

When this policy revision effort was begun by a **Federal Register** notice of intent dated February 17, 1981 (46 FR 12658), it was intended to support the then pending transmission rate adjustment. That rate adjustment covered the rates charged for wheeling on BPA facilities within the region and also on the Pacific Northwest/Pacific Southwest Intertie. The 1981 transmission rate adjustment was filed though the policy revision effort was not completed at that time. Prior to the next transmission rate filing, this policy revision will be completed as a separate action.

On May 20, 1982, BPA published notice in the **Federal Register** (47 FR 21912) of its intent to reopen the policy revision effort. Written comments were received in response to that notice. These comments as well as those submitted in response to the original notice are part of the Official Record on this policy.

On October 7, 1982, and on January 13 and 14, 1983, BPA met with representatives of customers and interested entities to discuss their recommendations for a transmission policy. These comments and all comments received previously have been considered in the development of this proposed policy. Portions of the preliminary draft policy which were distributed to interested parties and used in the January meetings have been substantially changed. Specific italicized references throughout the policy text will point out these changes. This commentary, however, is not part of the policy.

This policy *does not* address certain issues which will be covered in the following actions:

1. *Transmission Rate Filing.* The proposed 1983 transmission rates is compatible with this proposed policy. The rate development process itself will cover issues such as the method for determining an equitable allocation of costs between Federal and non-Federal power, functionalization of costs between generation and transmission, and other issues necessary to the rate development process.

2. *Customer Service Policy.* BPA's Customer Service Policy will address issues involving the facilities which BPA will or will not provide for deliveries to power sales customers and for wheeling obligations. This policy is being developed through a separate process.

3. *Policy on Use of the Pacific Northwest-Pacific Southwest Intertie.* Use of the Intertie is governed by separate contracts and rates. Policy development will be conducted in the context of interregional resource strategy through a separate process.

4. *Transfer Service.* Service to transfer loads are covered by separate contractual agreements between BPA and other utilities.

B. Background and History

BPA operates and maintains the FCRTS according to its legislative authority in order to (1) integrate and transmit electric power from existing or additional Federal or non-Federal generating units; (2) provide service to BPA customers; (3) provide interregional transmission facilities, and (4) maintain the electrical stability and electrical reliability of the Federal system. BPA is required by law to recover the costs associated with the production, purchase, conservation, and transmission of electric power, and to repay with interest the Federal investment in the transmission and generation facilities of the Federal system.

BPA has negotiated numerous wheeling agreements. Many of the agreements were negotiated prior to the 1974 Federal Columbia River Transmission System Act and reflect the conditions and policies prevalent at the time of negotiation. Provisions that vary among agreements include the type of facilities made available, the type pf service, the determination of losses, the treatment of non-Federal transmission facilities, and the degree of flexibility allowed wheeling customers in the use of the FCRTS. Some of the contracts also contain language concerning the determination of costs and the design of the rates. Differences in transmission uses by Federal and non-Federal power complicate the task of showing that costs of the transmission system have been equitably allocated. BPA hopes to reduce the extent of these complications through the development of a revised transmission policy.

BPA's view of the role of its transmission in the Region was described in the Final Role EIS, Section 1980, which included a specific reference to wheeling policy as it was then envisioned. In that document, BPA proposed to maintain an active role in planning and constructing the Region's transmission facilities.

C. The One-Utility Standard

The one-utility standard applied to transmission means that all the Region's transmission facilities should be planned and constructed in the most

efficient, reliable, and economic manner, compatible with environmental and other responsibilities, as though the transmission system were owned by a single entity. BPA believes that this standard is essential to any policy because it results in the greatest benefits to the electric power consumer. For example, it would be inconsistent with the one-utility standard to plan the construction of two transmission lines by different entities if one line, used by both, would perform the necessary electrical transmission.

This proposed policy has been developed because BPA believes it is most consistent with the one-utility standard. The BPA transmission role statement set forth in Section II.A. below is a natural extension of this standard.

D. Relationship Between Interconnected Utilities

The Region's transmission system is formed by the interconnected facilities of many entities. One of the most complex problems of transmission planning, operation, and commercial use is to account fairly for the cost or benefits experienced on one system as a result of its connection to another.

Utilities account for the power that they intend to interchange with each other by means of scheduling or reporting power to and from systems, but actual electrical flow does not necessarily match these schedules or reports. The difference is referred to as "inadvertent flow." The utility whose system carries the inadvertent flow suffers the costs associated with it, such an increased losses.

BPA plans and encourages other utilities to plan transmission facilities on a "single utility" basis as a matter of policy. Major benefits of single utility planning include reduced construction of regional transmission facilities, reduced environmental impacts, increased system efficiency (lower losses) and increased system reliability.

In order for these benefits to be realized, it is necessary to make interconnections. The primary test of the need for an interconnection should be that the connection is beneficial from the single utility standpoint. Since a properly planned interconnection provides a net benefit to the overall system, at least one of the interconnecting utilities must realize a benefit. Often both parties benefit.

There will also be costs associated with making the interconnection. These costs will be incurred by one or both of the utilities involved. At the least, there will be some cost to provide the physical connection. At the other extreme, power flowing through the interconnection may require a utility to add major transmission facilities or may cause substantially increased losses on the utility's system. It is this problem which BPA addresses in General Principles and Objectives, Section II.B., below.

E. Compliance With National Environmental Policy Act (NEPA)

NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. BPA has undertaken a review of the proposal to revise its wheeling policy to determine the level of NEPA documentation that is necessary in this case. Preliminary analysis has not revealed any significant environmental issues nor have any environmental impacts been identified. An appropriate environmental review under DOE's NEPA guidelines will be prepared and integrated into the development of the revised wheeling policy, and will be available at the time that a final policy is recommended.

II. Proposed Transmission Policy

A. BPA Transmission Role Statement

BPA will plan to provide transmission facilities within the Pacific Northwest region to integrate and transmit power from existing or additional Federal and non-Federal plants, to provide service to its customers, to provide interregional transimission opportunities and to maintain Federal system electrical stability and reliability. It will perform this function in a manner compatible with its responsibilities with respect to the environment and to fish and wildlife so as to achieve as nearly as practicable maximum efficiency, reliability, economy, and other benefits as if the region's transmission system were owned by a single utility. BPA will provide access to available capacity in the Federal system for all utilities on a fair and non-discriminatory basis. BPA will provide wheelling services on its facilities under terms which will encourage use of the Federal system so that the benefits of interconnection and of system diversity will be realized by the region's electric power consumers to the greatest extent possible.

B. General Principles and Objectives

This section had been rewritten for clarity. The intent expressed in the preliminary draft has not been changed. Point No. 3 has been substantially rewritten to answer questions and comments already received.

1. BPA's goal is that the Region's transmission system be planned and constructed to achieve as nearly as practicable the maximum efficiency, reliability, economy, and other benefits as if the region's system were owned by a single utility.

2. BPA will plan the Federal Transmission System using BPA's projected requirements for Federal power, plus known commitments to non-Federal power.

3. Interconnected systems should share equitably the burdens and benefits of interconnection. Interconnected utilities are expected to provide facilites adequate to transmit the peak capability of their resources to their distributed loads. To the extent such facilities have not been provided, utilities should compensate inpacted systems.

4. BPA will provide transimission services and manage the use of the Federal transmission system in order to fulfill its statutory duties to ensure that the system is available to all utilities on a non-discriminatory basis. BPA wheeling contracts are intended to be an agreement to provide service to a customer, but not to grant the right to resell to third parties the use of the capacity of BPA facilities.

5. Transmission rates, charges, and contract terms will be designed so as to recover the costs of transmission allocated to non-Federal power. Contracts will be negotiated so as to assure appropriate revenue recovery from the planned uses covered by the contract through the use of termination charges or other protective provisions.

6. BPA will encourage conservation of losses and economic operation of resources by facilitating, to the extent practicable, the efficient use of the Region's generating resources, transmission and distribution facilities.

7. BPA encourages the reciprocal adoption of these general principles and objectives by BPA and other Northwest utilities.

C. Defined Terms

The definitions of terms provided below are to be used in the context of this proposed policy only. They are not intended to affect the meanings of the same or similar terms in other documents, contracts, or BPA publications.

"Firm wheeling" means transmission service which BPA provides for any non-BPA power scheduled or otherwise made available, limited only by the amount and time period specified in an agreement.

"Integration" means a transmission service by which BPA provides interconnection with the Federal system and firm wheeling for all firm or nonfirm power belonging to the customer up to the total of the customer's Transmission Demands to points of delivery as specified in the customer's contract.

"Network" means those facilities which primarily perform the bulk transmission function of the system.

"Nonfirm" wheeling means transmission service which BPA will provide pursuant to an agreement subject to BPA's determination that there is capacity available on the Federal transmission system.

"Point of Delivery" (POD) means connection points between the Federal system and non-Federal facilities where non-Federal power wheeled is delivered to a customer bvy BPA.

"Point of Integration" (POI) means connection points between the Federal system and non-BPA facilities where power to be wheeled is made available to BPA.

"Transmission Demand" means the level of power specified in a wheeling contract in megawatts (MW's) which is the maximum amount of power at each point of interconnection for which BPA is obliged to provide wheeling services.

"Wheeling" means the use of the transmission facilities of one system to transmit power of and for another system. As applied to services performed by BPA, it means the transmission of non-Federal power on the Federal system on behalf of utilities owning or purchasing such power.

D. Types of Wheeling Services

This section has been substantially rewritten in response to comment and evaluation of the preliminary draft. The major changes are as follows:

First, the "General Availability" section clarifies the terms for availability of the integration service in the context of existing contracts.

Second, detail on terms for firm services which had appeared in this section in the preliminary draft are now contained as contract principles in the attachments. No contract principles are attached for nonfirm service because the terms are brief and adequately described in this section and because no change in the basic service is proposed for this policy.

Third, the preliminary draft referred to "Other Firm Services" which do not appear separately in this section. The services referred to as "Partial Year" or "Seasonal" firm were treated separately for formula power contracts and the FPT rate schedule. They are now provided for sufficiently in the general principles for the integration service in Appendix A and therefore are not distinguished as individual services in this text. "Station Service" is also provided for sufficiently under the principles for both integration and the use of capacity service.

Fourth, the preliminary draft was issued before the BPA transmission rate filing and tentatively referred to billing determinants for the services period. Billing determinants are now being established in the rate process and therefore are not mentioned here. One partial exception is the short distance discount referred to in Appendix A. A formula for the discount has been proposed in the transmission rates. The guidelines for applying it must be developed in this policy process. This concept was discussed during the January 1983 meetings though it was not sufficiently developed to have been included in the preliminary draft.

Fifth, the preliminary draft stated that BPA was considering a method of providing a direct rebate of nonfirm revenues to firm rate payers. There was concern expressed at the January meetings about the potential for giving a double advantage to low load factor customers by offering this rebate in addition to the envisioned energy billing determinant. The proposed transmission rate filing for the integration service includes capacity and energy billing. Due to the concern expressed and to the potential administrative difficulty of direct repayment of nonfirm revenues, the reference to that rebate has been dropped.

Sixth, the preliminary draft stated: "Wheeling contracts will not be offered to non-utility entities without another utility party to the transaction which is willing and able to perform operational and technical obligations normally undertaken by a wheeling party in accordance with usual wheeling practices." This is a statement of historical BPA wheeling practice and is reflected in the attached contract principles. This issue has been sufficiently highlighted by the preliminary draft and the discussions it engendered. It is now treated as a contract principle in this proposed policy and is not shown as a separate issue.

1. *General Availability.* After the effective date of this policy and of the final transmission rates, BPA intends to serve all subsequently arising wheeling needs pursuant to the terms outlined in this section. The formula power "point to point" wheeling service and the Formula Power Transmission (FPT) rate will not be offered for new contracts, through the FPT rate schedule has been filed to preserve its use for existing contracts.

The integration service provides the greatest general efficiency for both BPA and a wheeling customer when it is comprehensive, that is, absorbs all the utility's network wheeling. In addition, because the billing methods under former contracts are different from the IR rate proposed, it would be most efficient to have the transition affect all of a utility's billing. For conversion to the integration service, BPA will require conversion of all firm network wheeling contracts, excepting those which include major services not provided by the terms of the integration contract principles in Appendix A, or payments which are unable to be adjusted pursuant to filed rate schedules. All newly arising firm network transmission needs must be covered by an integration contract, but this will not require mandatory conversion of all pre-existing contracts.

If less than all of the utility's existing firm network contracts are converted, the integration contract will include terms necessary to prevent loss to BPA due to simultaneous operation under different agreements, if necessary. A utility may elect to convert existing use of facility transmission agreements to a general contract for the integration service, but the obligation to pay facility-specific charges for identifiable BPA facilities provided for or used by the customer will not be discontinued.

2. *Integration Service.* a. Long-term firm wheeling will be provided on BPA facilities between points of integration (POI's) and points of delivery (POD's) as specified in the agreement between the parties for a contracted amount of transmission demand.

b. Transmission demands and scheduling limits at certain POI's and at POD's will be determined such that use does not exceed the transmission capability of facilities.

c. BPA will continue to use prudent utility accounting, reporting, and scheduling practices to determine amounts of power wheeled under contracts.

d. Terms in the integration agreement governing changes of Transmission Demands, POI's or POD's, etc. will assure that BPA has long-term revenue stability in relation to its long-term obligation to provide service.

e. The contract will provide for rate adjustment notice periods and may establish billing determinants, and other charges.

3. *Use of Capacity Service.* This service is available for firm long-term service when the transmission use

involves facilities for which the user and extent of use are readily identified, particularly where the users are few in number and access to the facilities is limited as in the case of radial lines. Other terms for service are addressed in Appendix B.

4. *Nonfirm Service.* Nonfirm service is provided using capacity of the Federal system which, in BPA's sole determination, is availabie. BPA will offer nonfirm transmission service for nonfirm energy apart from the integration service, if appropriate. The following terms will apply for such separate arrangements.

a. Energy may be made available to BPA at any point where the Federal System interconnects with a resource or with another utility, by advance agreement with BPA.

b. Energy will be delivered to the customer's system at any point of delivery having appropriate facilities, load, or contractual arrangements to receive such energy, by advance agreement with BPA.

E. Losses

For firm transmission on integrated facilities, hourly amounts of power to be returned to BPA as losses will be determined using an average Federal system loss factor. Hourly BPA system losses will be assessed to wheeling customers in proportion to their respective amounts of power using the Federal system.

Loss factors for all services using radial facilities shall be calculated separately for such facilities. Hourly losses shall be shared (if more than one user) in proportion to amounts of power wheeled, unless otherwise mutually agreed upon losses are reciprocally applied.

Losses for all nonfirm service within the Region which is being provided apart from an integration agreement shall be calculated from a percentage loss factor determined for the Federal system.

Losses shall be returned 168 hours later from the P.O.D.'s at which power was delivered.

Issued in Portland, Oregon, May 23, 1983.

Peter T. Johnson,

Administrator.

Appendix A—Integration Contract Principles

BPA's intent is to offer a firm wheeling contract providing for a utility's wheeling needs among points within the Pacific Northwest Region. Consistent with past practice, BPA's contractual relationship will be with the receiver of power. Firm and nonfirm power will receive firm transmission service up to the level of the total of the contract transmission demands. The basic charge will be the postage stamp capacity and energy rates, although use of facility charges may be applied to certain facilities, if appropriate.

1. Term

The term for firm integration service will normally be 20 years. The customers will have a right to renew firm service at the end of the 20 year term, subject to renegotiation based on existing system capability and transmission policy.

2. Points of Interconnection (POI)

In order to be a POI, the facilities must be so designated in the appropriate exhibit of a wheeling contract between the parties. A POI in one contract is not necessarily a POI in any other contract unless specifically included.

A POI may be any of the following points where power from a resource of the customer is deemed to enter the FCRTS:

a. A point or points near a generating facility where the Federal system is interconnected;

b. An interchange point between the systems of BPA and another utility where power is made available to BPA for the account of the customer;

c. An interconnection point between the systems of BPA and the customer where power not readily identified with a specific generating facility is made available to BPA; or

d. The terminal of an Intertie facility on the FCRTS at which the customer has arranged to receive power into the region.

3. Points of Delivery (POD)

In order to be a POD, the facilities must be so designated in the appropriate exhibit of the wheeling contract between the parties. BPA's obligation to deliver power at such point shall be subject to demand limits which may be specified for such points in the event that combined schedules exceed the capabilities of the facilities. A POI or POD in one contract is not necessarily a POD in any other contract unless specifically included.

A POD may be any of the following points where power wheeled is deemed to be delivered to the customer:

a. A point on the customer system;

b. A POI at which station service power may be delivered; or

c. The terminal of an Intertie facility at which the customer has arranged to export power from the region.

4. Facilities provided at or for a POI or POD, responsibility for the cost thereof, and responsibilities for maintaining and operating such facility shall be subject to BPA's Customer Service Policy, and may be specified in the wheeling contract between the parties.

5. Transmission Demand

a. A Transmission Demand shall be set for each POI based on the peak capability of a resource or share of a resource belonging to the customer, or the peak demand in a contract of the customer, and consistent with the customer's submittals for firm planning.

b. In the event that the power from a POI can be demonstrated to leave the Federal system at a point 75 miles or less from such POI, a discounted demand charge may apply, subject to approval of the short distance discount formula in the IR-83 rate proposal through the rate process.

c. For purposes of determining the customer's firm Transmission Demand, BPA will apply the principle in subsection (i) below for new integration contracts, and the principle in (ii) below in the event that facilities are added to the customer's existing system.

(i) To the extent that the customers' existing transmission facilities which it, owns or has a contract right to use, are sufficient to transmit the peak capabilities of its resources to its distributed peak loads, no further Transmission Demand will be claimed to be using any existing parallel Federal facilities. If the customer's existing transmission facilities are not sufficient as described, a firm Transmission Demand for the excess peak capability may be established as a wheeling load on parallel Federal facilities.

(ii) If the peak capability of the customer's resources is increased, or if new transmission facilities are constructed by the customer, BPA will evaluate the transmission capacity of the customer's facilities by a line capacity allocation method. After such evaluation, if it is determined that the customer does not have sufficient capacity to transmit the peak capability of its resources to its distributed loads, a firm Transmission Demand will be established as a wheeling load on parallel Federal facilities for the additional capacity that is required.

6. Changes in Transmission Demands

a. Transmission Demands may be increased, if consistent with Section 5 above, subject to BPA determination of available capacity upon 3 months notice and not more frequently than once a year.

b. Transmission Demands may be reduced, if consistent with Section 5 above, subject to the following:

(i) To the extent that there is an equivalent increase in the Transmission Demand of another BPA firm wheeling customer, the reduction will take effect after 3 months prior written notice;

(ii) If no equivalent increase in another customer's Transmission Demand, the reduction will take effect after 2-years prior written notice; (rate process notice)

(iii) Facility-specific charges associated with such Transmission Demand, for instance, UFT charges on facilities provided at a POI, will not be reduced unless appropriate arrangements have been made for termination charges or mitigation of non-use.

7. Power Wheeled

The power wheeled for any hour shall be the sum of amounts made available to BPA at each POI, not to exceed the sum of Transmission Demands. Such amounts shall not be reduced amounts of energy required to be delivered to BPA as replacement energy or as energy returned in compensation for services provided by BPA pursuant to agreements (obligation energy). Such obligation energy must be made available to BPA by or on behalf of the other part at the points designated in the agreement from

which the obligation is derived. Obligation energy supplied to BPA pursuant to the Canadian Entitlement Allocation Agreements may be made available as provided in such agreements.

Power wheeled may be distributed among POIs such that the amount scheduled from a POI exceeds the Transmission Demand for such point, subject to a demand limit which BPA may specify in the event that combined schedules exceed the capability of the transmission facilities. Hourly amounts of power which exceed the peak capability established for parallel facilities of the customer, if any, shall be added to power wheeled for such hour.

8. Losses

Losses shall be returned 168 hours later from the respective PODs at which such amount of power were delivered, unless otherwise mutually agreed by the parties.

Appendix B—Use of Capacity Contract Principles

BPA's intent is to offer a firm contract providing the utility with the right to use capacity in specifically identified facilities in exchange for payment of a pro rata share of the full annual costs of such facilities. This would include the right to use such facilities for transmission in either direction up to the amount of the Transmission Demand to the extent that the utility has load and resources at both ends of the facilities.

1. Term

Term will be a maximum of 20 years. BPA may offer to renew firm service at the end of the 20 year term, subject to renegotiation based on existing conditions for those facilities and transmission policy.

2. Points of Interconnection and Delivery (POI/POD)

To be agreed upon by the parties, subject to BPA's determination of available capacity of its facilities.

3. Transmission Demand

The Transmission Demand will be the customer's noncoincidental peak demand on such facilities, if determinable. If not determinable, the Transmission Demand may be the peak operating demand of a resource using facilities, or other reasonable measurement of the utility's peak use of such facilities.

4. Changes in Transmission Demand

a. Transmission Demands may be increased if consistent with Section 3 above, subject to BPA determination of available transmission capacity, upon 3 months prior written notice, and not more frequently than once a year.

b. Transmission Demands may be reduced, if consistent with Section 3 above, subject to termination charges as necessary to recover costs of facilities installed by BPA to provide such service.

[FR Doc. 83-14664 Filed 5-31-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 83-CERT-071]

Carstab Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Carstab Corporation (CARSTAB), 1560 West Street, Reading, Ohio 45215, filed an application on May 9, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its chemical manufacturing facility in Reading, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, CARSTAB indicates that the volume of natural gas for which it requests certification is approximately 160,000 Mcf per year. This volume is estimated to displace the use of approximately 1,159,000 gallons of No. 2 fuel oil (less than 0.2 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by The Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202; and The Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012, local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of the group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If EPA determines that an oral presentation is necessary, further notice will be given to CARSTAB and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 25, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14597 Filed 5-31-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-013; etc.]

Cone Mills, Corp., et al.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

In the matter of Cone Mills Corporation, [ERA Docket No. 83-CERT-013;] W. R. Grace & Company, [ERA Docket No. 83-CERT-014;] Mohican Mills Division, [ERA Docket No. 83-CERT-015;] Spartan Mills, [ERA Docket No. 83-CERT-017;] Wake Forest University, [ERA Docket No. 83-CERT-018;] Clyde Fabrics, Incorporated, [ERA Docket No. 83-CERT-019;] The General Tire and Rubber Company, [ERA Docket No. 83-CERT-020;] Westinghouse Electric Corporation, [ERA Docket No. 83-CERT-021;] Michelin Tire Corporation, [ERA Docket No. 83-CERT-022.]

On April 12, 1983, and as amended on May 3, 1983, Cone Mills Corporation (CONE), P.O. Box 488, Greenville, South Carolina 29602; Cryovac Division of W. R. Grace & Company (CRYOVAC), P.O. Box 464, Duncan, South Carolina 29334; Mohican Mills Division (MOHICAN), P.O. Box 190, Lincolnton, North Carolina 28092; Spartan Mills (SPARTAN), P.O. Box 5784, Spartanburg, South Carolina 29304; Wake Forest University (WAKE FOREST), P.O. Box 7201, Reynolda Station, Winston-Salem, North Carolina 27109; Clyde Fabrics, Inc., Division of TI-CARO, Incorporated (CLYDE), P.O. Box 760, Newton, North Carolina 28658; The General Tire & Rubber Company (GENERAL), One General Street, Akron, Ohio 44329; Westinghouse Electric Corporation (WESTINGHOUSE), P.O. Box 7002, Charlotte, North Carolina; and

Michelin Tire Corporation (MICHELIN), P.O. Box 2846, Greenville, South Carolina 29602, filed with the Administrator of the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at one university and fourteen manufacturing facilities in North Carolina and South Carolina, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the applications on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In their applications, the Applicants indicate the total volume of natural gas for the fifteen North Carolina and South Carolina facilities for which they request certification is approximately 3,517,870 Mcf per year. This volume is estimated to displace the use of approximately 22,651,317 gallons of No. 6 fuel oil (2.0–2.9 percent sulfur) per year.

The quantities at each location are subject to variation with changes in demand, but estimated gas usage and resulting oil displacement volumes are listed below:

ERA Docket No. and location	Estimated volume (Mcf) per year	Estimated oil (No 6) displacement (gallons) per year	Percent sulfur content
83-CERT-013 (Cone):			
1. Union Bleachery Plant, Greenville, S.C.	730,000	5,012,555	2.8
2. Salisbury Plant, Salisbury, N.C.	438,000	3,007,533	2.1
3. Central Power Plant, Greensboro, N.C.	329,500	2,255,700	2.1
83-CERT-014 (Cryovac): 1. Cryovac-Duncan Plant, Duncan, S.C.	16,060	110,278	2.0
83-CERT-015 (Mohican): 1. Mohican Mills, Lincolnton, N.C.	209,875	1,441,142	2.1
83-CERT-017 (Spartan):			
1. Spartan Plant, Spartanburg, S.C.	78,110	536,287	2.9
2. Startex Mills, Startex, S.C.	178,485	1,225,597	2.9
3. J. H. Montgomery Mill, Chesnee, S.C.	94,170	646,634	2.9
4. Powell Mill, Spartanburg, S.C.	46,720	320,810	2.9
5. Whitney Mill, Spartanburg, S.C.	1,095	7,519	2.9
83-CERT-018 (Wake-Forest): 1. Wake Forest University, Winston-Salem, N.C.	146,000	1,002,533	2.1
83-CERT-019 (Clyde): 1. Clyde Fabrics Mill, Newton, N.C.	155,125	1,065,192	2.1
83-CERT-020 (General): 1. Charlotte Tire Plant, Charlotte, N.C.	425,225	2,919,878	2.1
83-CERT-021 (Westinghouse): 1. Westinghouse Turbine Plant, Charlotte, N.C.	159,505	1,095,267	2.1
83-CERT-022 (Michelin): 1. Greenville Manufacturing Plant, Greenville, S.C.	511,000	3,508,987	2.1
Total	3,517,870	22,651,317	

For each application noted above, the eligible seller is Oklahoma National Gas Company, P.O. Box 871, Tulsa, Oklahoma 74102. The gas will be transported by Transcontinental Gas Pipeline Corporation, P.O. Box 1396, Houston, Texas 77251; Northern Natural Gas Company, 2223 Dodge Street, Omaha, Nebraska 68102; and Piedmont Natural Gas Company, Inc., P.O. Box 33068, Charlotte, North Carolina 28233, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning any of these applications to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of any of these applications may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to the Applicant and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14596 Filed 5–31–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–065]

The Kroger Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

The Kroger Co. (KROGER), 1014 Vine Street, Cincinnati, Ohio 45201, filed an application on May 9, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its food processing facility in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In this application, KROGER indicates that the volume of natural gas for which it requests certification is approximately 200 million cubic feet (200 MMcf) per year. This volume is estimated to displace the use of approximately 1,408,450 gallons of No. 2 fuel oil (0.49 percent sulfur) per year.

The eligible sellers are Exxon USA, P.O. Box 2810, Houston, Texas 77001; and Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 2173, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by The Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202; and The Union Light, Heat and Power Company, P.O. Box 32, Covington, Kentucky 41012, local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any

person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to KROGER and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on May 25, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14595 filed 5–31–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–034]

Orange and Rockland Utilities, Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Orange and Rockland Utilities, Inc. (ORU), One Blue Hill Plaza, Pearl River, New York 10965, filed an application on April 25, 1983, with the Economic Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Lovett Plant generating station located at Tomkins Cove, New York; and its Bowline Point generating station, located in West Haverstraw, New York, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, ORU indicates that the volume of natural gas for which it requests certification is approximately 25,000 Mcf per day. This volume is estimated to displace the use of approximately 1.5 million barrels of No. 6 fuel oil (0.37–0.6 percent sulfur) per year. ORU anticipates that approximately 75% of this amount be displaced at the Lovett Plant, with the balance being displaced at the Bowline Point facility.

The eligible seller is Exxon Corporation, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gulf Transportation Company, P.O. Box 1273, Charleston, West Virginia 25323; and by Columbia Gas Transportation Corporation, P.O. Box 1273, Charleston, West Virginia 25323.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43; Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Diagneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's, interest and, if appropriate, why the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. If ERA determines that an oral presentation is necessary, further notice will be given to ORU and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C. on May 25, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14594 Filed 5–31–83; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Changes to DOE Reporting and Recordkeeping Requirements

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of changes to the inventory of Department of Energy reporting and recordkeeping requirements.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) hereby gives notice to respondents and other interested parties of changes to the inventory of current energy information collections as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

The listing that follows this notice indicates changes made during the quarter from January 1, 1983, to March 31, 1983, to the inventory of current DOE information collections published in the **Federal Register**, 47 FR 55,410 (December 9, 1982).

The listing includes new information collections approved by the Office of Management and Budget (OMB), collections reinstated, collections extended, collections discontinued or allowed to expire, and changes to continuing information collections. For each new requirement, requirement extended, and requirement discontinued, the current DOE control or form number, the title, and the OMB control number and approval expiration date are listed by DOE sponsoring office. If applicable, the appropriate Code of Federal Regulations citation is also listed. Also, information collections not utilizing structured forms are designed by an asterisk (*) placed to the right of the control or form number.

FOR FURTHER INFORMATION CONTACT: Carolyn Sinclair, EI–73, Energy Information Administration, Mail Stop 1H–023, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2313.

Single, blank information copies of those collections utilizing structured forms may be obtained by contacting Delores McCadney, National Energy Information Center, EI–22, Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585, (202) 252–8800.

Issued in Washington, D.C., May 23, 1983.

J. Erich Evered,

Administrator, Energy Information Administration.

NEW DOE INFORMATION COLLECTIONS APPROVED BY OMB

DOE number	Title	OMB control number	Expiration date	CFR citation
	BONNEVILLE POWER ADMINISTRATION			
BPA-787A	Pacific Northwest Residential Energy Consumption Survey—Household Questionnaire	19040043	Jan. 31, 1983	NA.
BPA-787B	Pacific Northwest Residential Energy Consumption Survey—Electricity Usage Data	19040043	....do	NA.
BPA-787C	Pacific Northwest Residential Energy Consumption Survey—Utility Gas Usage Data	19040043	....do	NA.
	CONSERVATION AND RENEWABLE ENERGY			
CE-462R	State Energy Conservation Programs	19040026	Sept. 30, 1984	NA.
CE-478R-C*	Residential Conservation Service Federal Standby Plan—Procedures	19040042	Mar. 31, 1986	10 CFR 456.1000-1021.
CE-478R-D*	Residential Conservation Service Federal Standby Plan—Status	19040042	....do	10 CFR 456.1000-1021.
CE-797-R*	Energy Extension Service	19040041	Sept. 30, 1984	10 CFR 465.
	ENVIRONMENTAL PROTECTION, SAFETY			
EP-417R	Power System Emergency Report	19030045	Feb. 28, 1986	10 CFR 205.350-.355.
	ENERGY RESEARCH			
ER-828	A Survey of Occupational Employment in Nuclear-Related Activities	19010257	Mar. 31, 1986	NA.
	FEDERAL ENERGY REGULATORY COMMISSION			
FERC-570*	Recordkeeping Requirements for certain sales of Natural Gas	19020124	Aug. 31, 1985	18 CFR 276
FERC-578*	Natural Gas Processing Plant Operator Interrogatories	19020126	Sept. 30, 1983	NA.

REINSTATED INFORMATION COLLECTIONS

DOE number	Title	OMB control number	Expiration date	CFR citation
	CONSERVATION AND RENEWABLE ENERGY			
CE-189C	Industrial Energy Conservation Program for Energy Efficiency Improvement and Recovered Materials Utilization Corporate Recovered Materials.	19040044	Sept. 23, 1983	10 CFR 445.21, .22, .26.
CE-189P	Industrial Energy Conservation Program for Energy Efficiency Improvement and Recovered Materials Utilization—Plant Reporting Form.	19040044	Sept. 30, 1983	10 CFR 445.21, .22, .26.
CE-1895	Industrial Energy Conservation Program for Energy Efficiency Improvement and Recovered Materials Utilization—Sponsor Reporting Form.	19040044	....do	10 CFR 445.21, .22, .26.
	ENERGY INFORMATION ADMINISTRATION			
EIA-176	Annual Report of Natural and Supplemental Gas Supply and Disposition	19050147	Mar. 31, 1984	NA.
EIA-627	Annual Quantity and Value of Natural Gas Report	19050122	Mar. 31, 1986	NA.
	FEDERAL ENERGY REGULATORY COMMISSION			
FERC-521*	Electric License—Headwater Benefits	19020087	Apr. 30, 1983	18 CFR 11.26, .31, 13.1

DOE INFORMATION COLLECTIONS EXTENDED

DOE Number	Title	OMB control number	Expiration date	CFR citation
	BONNEVILLE POWER ADMINISTRATION			
BPA-705A	Solar Water Heating Pilot Program—Customer Monitoring Card	19010222	Apr. 30, 1983	NA.
BPA-705B	Solar Water Heating Pilot Program—System Inspection and Acceptance Report	19010223	....do	NA.
BPA-705C	Solar Water Heating Pilot Program—Workshop Evaluation	19010223	....do	NA.
BPA-705D	Solar Water Heating Pilot Program—Monthly Financial Summary Statement	19010224	....do	NA.
	ENERGY INFORMATION ADMINISTRATION			
EIA-3	Quarterly Coal Consumption Report—Manufacturing Plants	19050115	Dec. 31, 1985	NA.
EIA-5	Coke Plant Report—Quarterly	19050003	Dec. 31, 1983	NA.
EIA-5A	Coke Plant Report—Annual Supplement	19050013	Jan. 31, 1986	NA.
EIA-6	Coal Distribution Report	19050005	Mar. 31, 1986	NA.
EIA-14	Refiners' Monthly Cost Report	19050125	Apr. 30, 1983	NA.
EIA-67	Foreign Crude Oil Cost Report	19050058	Feb. 28, 1986	NA.
EIA-457B	Residential Energy Consumption Survey—Household Questionnaire	19050093	May 31, 1983	NA.
EIA-457E	Residential Energy Consumption Survey—Electric Utilities	19050092	Aug. 31, 1983	NA.
EIA-457F	Residential Energy Consumption Survey—Natural Gas Suppliers	19050092	....do	NA.
EIA-457G	Residential Energy Consumption Survey—Fuel Oil Supplier Form	19050093	....do	NA.
EIA-457H	Residential Energy Consumption Survey—Liquid Petroleum Gas Suppliers	19050092	....do	NA.
EIA-759	Monthly Powerplant Report	19050130	Feb. 28, 1986	NA.

DOE INFORMATION COLLECTIONS EXTENDED—Continued

DOE Number		Title	OMB control number	Expiration date	CFR citation
		ENERGY RESEARCH			
EV-391		Isotope And Technical Service Order Form	19010006	June 30, 1983	NA.
		ECONOMIC REGULATORY ADMINISTRATION			
ERA-766R*		Recordkeeping Requirements of DOE's General Allocation and Price Rules	19030073	Jan. 31, 1986	10 CFR 210.1, 211.69, 213.6, 221.
ERA-761R		Annual Report of International Electrical Export/Import Data	19030060	do	NA.
		FEDERAL ENERGY REGULATORY COMMISSION			
FERC-16		Report of Gas Supply and Requirements	19020025	July 31, 1984	18 CFR 260.12.
FERC-80		Licensed Hydropower Development Recreation Report	19020106	Sept. 30, 1983	18 CFR 141.14.
FERC-423		Monthly Report of Cost and Quality of Fuels for Electric Plants	19020024	do	18 CFR 141.61.
FERC-516*		Electric Rate—Rate Filings	19020096	Nov. 30, 1985	18 CFR 35 Subpart A, 35.12, 35.
FERC-519*		Electric Rates—Corporate Applications	19020082	Apr. 30, 1983	18 CFR 33.
FERC-520*		Electric Rates—Corporate Application (Interlocking Positions)	19020083	Oct. 31, 1985	18 CFR 45.
FERC-525*		Financial Audit	19020092	Apr. 30, 1983	NA.
FERC-534*		Applications for Production Related Costs	19020057	do	18 CFR 271 Subpart K.
FERC-550*		Oil Pipeline: tariff	19020059	Jan. 31, 1986	49 CFR 1300.
FERC-557*		Cost of Service Information Under Secuon 133 of Public Utility Regulatory Policies Act	19020042	June 30, 1983	18 CFR 290.
FERC-561		Report of Interlocking Directorates	19020099	do	18 CFR 46.5.
FPC-8		Underground Gas Storage Report	19020026	Jan. 31, 1986	18 CFR 260.11.
FPC-14		Annual Report for Importers and Exporters of Natural Gas	19020027	Dec. 31, 1985	18 CFR 260.4
		MANAGEMENT AND ADMINISTRATION			
AD-R0177		National Survey of Compensation Paid Scientists and Engineers Engaged in Research and Development	19010016	June 30, 1983	NA.

DOE INFORMATION COLLECTIONS DISCONTINUED OR ALLOWED TO EXPIRE

DOE number		Title	OMB control number	Discontinued date	CFR citation
		CONSERVATION AND RENEWABLE ENERGY			
CS-462		Energy Savings Report	19040026	Feb. 1, 1983	NA.
		ENERGY INFORMATION ADMINISTRATION			
EIA-9A		No. 2 Distillate Price Monitoring Report	19050007	Jan. 31, 1983	NA.
EIA-25		Prime Supplier's Monthly Report	19050128	do	NA.
EIA-111M		Monthly Report of Electric Energy, Capability, and Peak Load	19050002	Feb. 28, 1983	NA.
EIA-460		Petroleum Industry Monthly Report for Product Prices	19050022	Jan. 31, 1983	NA.
		ENVIRONMENTAL PROTECTION, SAFETY			
EP-417		Power System Emergency Report	19030045	Feb. 22, 1983	10 CFR 205.351

CHANGES IN CONTINUING DOE INFORMATION COLLECTIONS

DOE number as previously listed	Change
CS-462	Replaced by CE-462R with changes to the program.
EP-417	Replaced by EP-417R with changes to the program.
ERA-766R*	Recordkeeping requirement reduced.
ERA-761R	Program change.

*Indicates collections not utilizing structured forms.

[FR Doc. 83-14402 Filed 5-31-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. G-3894-011, et al.]

Natural Gas Companies; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

May 23, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 7, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
G-3894-011, D, Apr. 25, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, Jake Hamon (Rhodes) Field, McMullen County, Texas.	(1)	
G-3894-012, May 2, 1983	....do	Texas Gas Transmission Corp., Lewisburg Field, Acadia and Landry Parishes, Louisiana.	(2)	
G-5037-001, D, May 2, 1983	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	United Gas Pipe Line Company, Gibson Field, Terrebonne Parish, Louisiana.	(3)	
G-7643-003, D, May 2, 1983	Mobile Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Northern Natural Gas Co., Hugoton Field, Stevens County, Kansas.	(4)	
G-7645-002, D, May 2, 1983	....do	Northwest Central Pipeline Corp., Guymon-Hugoton Field, Texas County, Oklahoma.	(5)	
G-12261-000, D, May 2, 1983	Diamond Shamrock Corporation (Successor to The Shamrock Oil and Gas Corporation), P.O. Box 631, Amarillo, Texas 79173.	Northern Natural Gas Company, McKee Plants, Moore County, Texas.	(6)	
G-12308-000, D, Apr. 25, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Transcontinental Gas Line Corp., Gueydan Field, Vermilion Parish, Louisiana.	(1)	
G-15300-000, D, Apr. 25, 1983	....do	El Paso Natural Gas Company, Vinegarone Field, Val Verde County, Texas.	(7)	
G-16099-000, D, Apr. 25, 1983	....do	El Paso Natural Gas Company, Brown-Bassett Field, Terrel County, Texas.	(7)	
CI62-96-000, D, Apr. 25, 1983	....do	El Paso Natural Gas Company, Brown-Bassett Field, Terrell County, Texas.	(1)	
CI62-625-001, D, May 2, 1983	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Chalkley Field, Cameron Parish, Louisiana.	(8)	
CI63-463-000, D, Apr. 25, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Southern Natural Gas Company, Felice Bayou Field, Plaquemines Parish, Louisiana.	(9)	
CI64-1387-000, D, May 4, 1983	Sun Exploration and Production Company, P.O. Box 20, Dallas, Texas 75221.	El Paso Natural Gas Company, Coyanosa Field, Pecos County, Texas.	(10)	
CI68-1321-000, C, May 4, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2919, Dallas, Texas 75221.	Michigan Wisconsin Pipeline Company, Eugene Island Block 266 Field, Offshore Louisiana.	(11)	15.025
CI68-1322-000, C, May 2, 1983	Cities Service Oil and Gas Corporation (Successor in interest to Cities Service Company), P.O. Box 300, Tulsa, Oklahoma 74102.	Michigan Wisconsin Pipe Line Company, Eugene Island Block 266 Field, Offshore Louisiana.	(12)	14.73
CI70-1067-000, C, May 2, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Michigan Wisconsin Pipeline Company, Eugene Island Block 266 Field, Offshore Louisiana.	(11)	15.025
CI70-1080-000, C, May 2, 1983	Cities Service Oil and Gas Corporation (Successor in interest to Cities Service Company), P.O. Box 300, Tulsa, Oklahoma 74102.	Michigan Wisconsin Pipeline Company, Eugene Island Block 266 Field, Offshore Louisiana.	(12)	14.73
CI73-12-000, C, May 4, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Michigan Wisconsin Pipeline Company, Eugene Island Block 266 Field, Offshore Louisiana.	(11)	15.025
CI73-38-000, C, May 2, 1983	Cities Service Oil and Gas Corporation (Successor in interest to Cities Service Company), P.O. Box 300, Tulsa, Oklahoma 74102.	Michigan Wisconsin Pipeline Company, Eugene Island Block 266 Field, Offshore Louisiana.	(12)	14.73
CI77-837-000, May 2, 1983	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Sea Robin Pipe Line Company, East Cameron Block 334, Offshore Louisiana.	(2)	15.025
CI83-221-000, A, Apr. 29, 1983	Petro-Lewis Corporation (Operator), P.O. Box 2250, Denver, Colorado 80201.	Transcontinental Gas Pipe Line Corporation, High Island Area, South Addition, Block A-563 Field (Blocks A-563, A-564, and A-582), Offshore Texas.	(13)	14.65
CI83-222-000 (CI77-418), B, Apr. 25, 1983.	The Superior Oil Company, P.O. Box 1521, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, Constance Bayou Field, Cameron Parish, Louisiana.	(14)	
CI83-223-000, A, May 2, 1983	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, Vermilion Block 330, Offshore Louisiana.	(15)	15.025
CI83-224-000 (CI63-1512), B, May 2, 1983.	Energy Reserves Group Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	Northwest Central Pipeline Corporation, Winchester NE Field, Hugoton-Anadarko Area, Woods County, Oklahoma.	(16)	
CI83-225-000 (CI68-363), B, May 2, 1983.	....do	United Gas Pipe Line Company, Chauvin Field, Southern Louisiana Area, Terrebonne Parish, Louisiana.	(17)	
CI83-226-000 (G-5041), B, May 2, 1983.	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	United Gas Pipe Line Company, South Houma Field, Terrebonne Parish, Louisiana.	(18)	
CI83-277-000 (G-19940), B, May 2, 1983.	....do	United Gas Pipe Line Company, Chauvin Field, Terrebonne Parish, Louisiana.	(18)	
CI83-228-000 (CI62-806), B, May 4, 1983.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Michigan Wisconsin Pipeline Co., Lawtell Field, St. Landry Parish, Louisiana.	(19)	
CI83-229-000, F, May 5, 1983	Energy Reserves Group, Inc. (Partial Successor in interest to Edwin L. Cox), P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	Texas Gas Transmission Corporation, Ramos Field, St. Mary Parish, Louisiana.	(20)	14.73
CI83-230-000, F, May 5, 1983	....do	Texas Gas Transmission Corporation, Ramos Field, St. Mary Parish, Louisiana.	(20)	14.73
CI83-231-000, F, May 5, 1983	....do	Texas Gas Transmission Corporation, Ramos Field, St. Mary and Assumption Parishes, Louisiana.	(20)	14.73

[1] Applicant no longer owns any interest in this acreage.
[2] Applicant is filing for additional delivery point.

[2] Due to lessor demand for release of non-productive acreage, Shell complied.
[4] By assignment of Oil and Gas Lease, effective August 26, 1982, Mobil assigned to The Energy Group Incorporated all of its right, title and interest in and to that certain producing acreage below the base of the Council Grove Formation.
[5] To release gas for irrigation fuel.
[6] The subject leases have expired or terminated by their own terms and were not included in the rollover contract dated July 1, 1982.
[7] Acreage was released to lessor. ARCO no longer owns any interest in this property.
[8] Shell Lease No. L-9870, dated November 2, 1951, beyond its primary term. Due to demand by lessor, Shell released certain deep rights under said lease.
[9] Partial release of oil, gas and mineral lease executed on February 25, 1983 covering 4,371.52 acres more or less. Applicant no longer owns any interest in this acreage.
[10] No production or sales, partial release as a result of lawsuit.
[11] Applicant is filing under Gas Sales Contract dated April 18, 1968, amended by Amendment dated March 25, 1983.
[12] Applicant is filing under Gas Sales Contract dated April 19, 1968, amended by Amendment dated March 25, 1983.
[13] Applicant is filing under Gas Purchase Contract dated March 21, 1983.
[14] Rockefeller State Lease #2039 expired April 14, 1982 and the #10 Well was P & A on October 6, 1982. Such well was the only well covered under the Contract and Rate Schedule.
[15] Applicant is filing under Gas Purchase Contract dated April 15, 1983.
[16] Energy Reserves Group, Inc. has assigned all of its right, title and interest in all acreage covered under the subject Rate Schedule effective March 1, 1982 pursuant to Assignment of Oil and Gas Lease.
[17] Effective October 15, 1982, Energy Reserves Group assigned its interest in the LaTerre No. 2 Well and all pipelines, equipment, personal property, etc., associated with or pertaining to such well and the Lower BB, RA SUA Unit, Chauvin Field, Terrebonne Parish, Louisiana, as more fully set forth in Applicant's Assignment dated October 15, 1982.
[18] Effective October 1, 1982, Shell assigned its interest in all wells, equipment, production facilities and other property located on leased premises to IMC Exploration Company.
[19] The contract expired by its primary term on January 1, 1982. The reserves in the subject field have been depleted and ARCO has no plans to develop additional reserves.
[20] Applicant is filing for Partial Successor in Interest under Interstate Rollover Contract dated October 1, 1982.
[21] Applicant is filing under Gas Sales Contract dated June 3, 1970, amended by Amendment dated March 25, 1983.
[22] Applicant is filing under Gas Sales Contract dated May 1, 1972, amended by Amendment dated March 25, 1983.
[23] Applicant is filing for Partial Successor in Interest under Interstate Rollover Contract dated March 23, 1979.

Filing code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 83-14361 Filed 5-31-83: 8:45 am]
BILLING CODE 6717-01-M

Oil Pipeline; Tentative Valuation

May 27, 1983.

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative basic valuation is under consideration for the common carriers by pipeline listed below:

1980 Basic Reports

Valuation Docket No. PV-2473-000—Algonquin Pipe Line Company, 1000 Ashland Drive, Russell, Kentucky 41169.
Valuation Docket No. PV-2467-000—Dorchester Liquids Transportation Corporation, P.O. Box 31049, Dallas, Texas 75231.

On or before July 5, 1983, persons other than those specifically designated in Section 19a(h) of the Interstate Commerce Act having an interest in these valuations may file, pursuant to rule 214 of the Federal Energy Regulatory Commission's "Rules of Practice" (18 CFR 385.214), an original and three copies of a petition for leave to intervene in these proceedings.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under Section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the company at its address shown above and an appropriate certificate of service must be attached to the petition. Persons specifically designated in Section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,
Administrative Officer, Oil Pipeline Board.

[FR Doc. 83-14627 Filed 5-31-83: 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-301-000]

Associated Natural GAS Co.; Application

May 26, 1983.

Take notice that on April 29, 1983, Associated Natural Gas Company (Applicant), 405 West Park Street, Blytheville, Arkansas 72315, filed in Docket No. CP83-301-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities in southeastern Missouri by sale to the City of Kennett, Missouri (Kennett), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the abandonment by sale of the natural gas distribution system owned by Applicant located within the corporate limits of Kennett and such of Applicant's distribution facilities located outside the corporate limits of Kennett which are attached to and are an integral part of Kennett's distribution system and approximately 18.8 miles of transmission line from the Texas Eastern Transmission Corporation (TETCO) delivery point at the Jim Hill Plant to Kennett, Missouri, and appurtenant facilities.

Applicant indicates it currently operates a natural gas distribution system within and adjacent to the corporate limits of Kennett under the terms of a franchise ordinance. However, Applicant states that the franchise expired on March 1, 1980, and Kennett has exercised its option to purchase the gas distribution system within the City as well as related facilities including 18.8 miles of jurisdictional line used to deliver gas purchased from TETCO to the customers of Kennett. Applicant also indicates that it has agreed to release the portion of the contract demand from its service agreements with TETCO and a corresponding amount of volumetric entitlements.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 5 and 15 of the Natural Energy Regulatory Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the

Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14612 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-2-000]

William H. Beck v. Inland Power Co.; Termination of Docket

May 26, 1983.

On October 18, 1982, Mr. Nicholas Manring, on behalf of his client Mr. William Beck, filed a letter with the Commission citing section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA). The letter was assigned Docket No. EL83-2-000. In his letter, Mr. Manring raised certain issues regarding a contract offered to Mr. Beck by Inland Power & Light Company. Inland is a non-regulated electric utility located in Spokane, Washington.

On December 30, 1982, a letter was sent to Mr. Manring by the Secretary of the Commission indicating that Mr. Beck's remedy would appear to lie in an appropriate State judicial forum, as prescribed by section 210(g) of PURPA, rather than before the Commission. Given this response to the inquiry, notice is hereby given that Docket No. EL83-2-000 is terminated.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14626 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-2500-000]

Commonwealth Gas Pipeline Corp. and Columbia Gas Transmission Corp.; Petition for Declaratory Order

May 25, 1983.

Take notice that on December 28, 1982, as supplemented on February 22, 1983, the City of Richmond, Virginia (Richmond), filed Docket No. G-2500-000, a petition pursuant to Section 385.207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for an order declaring that Commonwealth Gas Pipeline Corporation (Commonwealth), Richmond's sole supplier, no longer qualifies for an exemption from the provisions of the Natural Gas Act and the Regulations of the Commission pertaining thereto pursuant to Section 1(c) of the Natural Gas Act, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Richmond requests that the Commission finds that the recent consolidation of Commonwealth with the Columbia Gas System, Inc. (Columbia) precludes a finding that Commonwealth is purchasing natural gas from "another person" within the meaning of Section 1(c) of the Natural Gas Act, because Commonwealth's purchases of natural gas in interstate commerce are from Columbia Gas Transmission Corporation (Columbia Gas Transmission), Commonwealth's new affiliate. Petitioner submits that the consolidation mandates a finding that Commonwealth is now no more than a local branch of an integrated, interstate gas transmission system and as such no longer qualifies for an exemption under Section 1(c) of the Natural Gas Act. Richmond further submits that a second factor mandates revocation of Commonwealth's exemption. Section 1(c) of the Natural Gas Act requires that all of the exempted entity's rates be regulated by a state utility commission. While many of Commonwealth's rates are subject to the jurisdiction of the Virginia State Corporation Commission (VSCC), Richmond alleges that Commonwealth's sales to Richmond are exempt from regulation by the VSCC and such exemption precludes the continued exemption of Commonwealth under Section 1(c) because rate regulation by the VSCC is not as complete as regulation by the Commission.

It is submitted that the order in Docket No. G-2500 was issued on September 7, 1954, granting Commonwealth exemption from the provisions of the Natural Gas Act. At that time, Commonwealth purchased all of its natural gas supply from the Atlantic Seaboard Corporation (Seaboard), a non-affiliated entity within Columbia. Subsequently, Commonwealth's gas requirements came to be supplied in significant part by Columbia Gas Transmission, a successor company to Seaboard. When these purchases commenced, Commonwealth and Columbia Gas Transmission were not affiliated, it is explained. Richmond asserts that in 1981, Columbia merged with Commonwealth Natural Resources, Inc., the parent of Commonwealth, and Commonwealth Natural Resources, Inc., was liquidated thereby making Columbia Gas Transmission and Commonwealth affiliates.

Richmond asserts that as a result of the merger, Columbia Gas Transmission and Commonwealth are really one pipeline serving several non-affiliated customers, including Richmond. Furthermore, Richmond claims that the legislative history of Section 1(c) reveals that Congress did not contemplate that large interstate pipelines could minimize or circumvent Commission regulation by the creation of local systems. Richmond adds that an applicant seeking an exemption from the Natural Gas Act must demonstrate that it is purchasing natural gas from "another person." Richmond submits that because of the merger, the sales by Columbia Gas Transmission to Commonwealth are no longer sales to "another person."

It is submitted that the absence of comprehensive regulation constitutes a separate ground for revocation of Commonwealth's exemption. Richmond asserts that Congress intended that a state commission regulate all rates and all services as a condition to the receipt of an exemption. Richmond alleges that, as a municipal utility, its rates are exempt from state regulation, therefore Commonwealth is no longer entitled to a Section 1(c) exemption because of the absence of comprehensive state regulation. In its supplement of February 22, 1983, Richmond cites a letter from Chairman Bradshaw of the VSCC to the Commission wherein Richmond claims that Chairman Bradshaw acknowledges the absence of VSCC jurisdiction over the rate charged Richmond by Commonwealth.

Therefore, Richmond requests that the Commission enter an order terminating Commonwealth's exemption under Section 1(c), of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14647 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-311-000]

Equitable Gas Co.; Application

May 26, 1983.

Take notice that on May 3, 1983, Equitable Gas Company (Equitable), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP83-311-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation of up to 10,000 Mcf of natural gas per day for Mark Producing, Inc. (Mark), from points along Equitable's pipeline system in Pennsylvania and West Virginia for redelivery into the pipeline system of Texas Eastern Transmission Corporation (TETCO), the purchaser of the gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Equitable proposes to implement the terms of an agreement between Equitable and Mark dated November 3, 1982, whereby Equitable has agreed to transport up to 10,000 Mcf of natural gas per day for Mark for a period of 15 years. Equitable proposes a rate as may be set forth in its FERC Gas Tariff which is currently 15.5 cents per Mcf.

Equitable states that up to 10,000 Mcf of natural gas per day would be received from Mark at interconnections with Equitable's pipeline and will be redelivered for Mark's account at existing interconnections with the pipeline system of TETCO. Equitable proposes to construct several taps and to install associated measuring and regulating facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Equitable to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14613 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-9-002]

Faustina Pipe Line Co.; Amendment to Application

May 26, 1983.

Take notice that on May 24, 1983, Faustina Pipe Line Company (Applicant), Post Office Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. CP83-9-002, an amendment to its pending application filed in Docket No. CP83-9-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect a change in the transportation service to be provided Southern Natural Gas Company (Southern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application filed in Docket No. CP83-9-000 it requested authorization to transport up to 150 billion BTu's of gas per day on a firm basis on behalf of Southern on its mainline facilities located in Southern Louisiana. Applicant further states that under the terms of an agreement dated May 20, 1983, several changes have been made in the transportation service for which authorization is requested. According to Applicant, the amendments would change the application by (1) deleting the minimum annual charge as an element of the rate and charge to be assessed Southern for the transportation service; (2) deleting the right of Southern to extend the transportation agreement for an additional 5 years in order to make up any minimum annual charges for transportation paid for but not received; (3) extending to Southern the right to deliver to and receive gas from Applicant at certain points along the facilities of Louisiana Resources Company; (4) deleting the request that the Commission declare that its jurisdiction over Applicant would be limited to the proposed transaction; and (5) deleting the request for a grant of abandonment authorization in the event that any tribunal ever extends the jurisdiction of the Commission to Applicant, beyond the proposed transportation service.

Finally, Applicant states that it now seeks authorization for its proposed transportation service under the Commission's Order No. 63 program and Section 284.222 of the Commission's Regulations, rather than as originally filed under Section 157.6 of the Commission's Regulations under the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14614 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-12-002]

Faustina Pipe Line Co.; Amendment to Application

May 26, 1982.

Take notice that on May 24, 1983, Faustina Pipe Line Company (Applicant), P.O. Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. CP83-12-002, an amendment to its pending application filed in Docket No. CP83-12-000 pursuant to section 7(c) of the Natural Gas Act so as to reflect a change in the requested authority under which Applicant proposes to render a transportation service for United Gas Pipe Line Company (United), all as more fully set forth in the amendment which

is on file with the Commission and open to public inspection.

In the application, as first amended, Applicant sought the issuance by the Commission of a limited certificate pursuant to Section 7(c) of the Natural Gas Act authorizing the interruptible transportation in interstate commerce of up to 50 billion Btu's of gas per day by Applicant on behalf United. Applicant states that this second amendment further changes the application by

(I) Requesting approval of the Commission of such services under the Commission's Order No. 63 program, Sections 284.227 and 284.127 of the Commission's Regulations,

(II) Deleting the request contained in the application, as amended, that the Commission explicitly declare in any order issued herein that the Commission's jurisdiction over Applicant and certain others under the Natural Gas Act by reason of any service performed by Applicant hereunder be limited solely to such service; and

(III) Deleting the further request contained in the application, as amended, that the Commission explicitly grant in any order issued herein authorization for the abandonment by Applicant of the services to be performed effective in the event the Commission or any other tribunal ever seeks to extend more broadly than as herein requested the Commission's jurisdiction over Applicant (or certain others) under the Natural Gas Act by reason or any service performed by Applicant hereunder.

Applicant states that it continues to seek authorization to render to United a transportation service for a term of up to 20 years.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14615 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-337-000]

Faustina Pipe Line Co.; Application

May 26, 1983.

Take notice that on May 24, 1983, Faustina Pipe Line Company (Applicant), Post Office Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. CP83-337-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.2 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport, sell, or assign natural gas in interstate commerce as if Applicant were an intrastate pipeline as defined in Subparts C, D, and E of Part 284 of the Commission's Regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it receives some of its gas supply from interstate sources, but that such gas is exempt from the jurisdiction of the Commission under Section 1(c) of the Natural Gas Act. It is stated that Applicant is subject to the jurisdiction of the Commissioner of Conservation of the State of Louisiana and that all of Applicants's existing facilities and operations are exempt from Commission jurisdiction under Section 1(c) of the Natural Gas Act.

Applicant submits that it is willing and able to comply with the conditions set forth in Section 284.22(e) of the Commission's Regulations. Applicant further states that it has elected to submit a separate application for approval of rates pursuant to Section 284.123(b)(2) for each transaction in which it would engage under its blanket certificate.

Applicant requests that the Commission declare that the proposed sales or assignments would not impair the continued validity of Applicant's exclusion from the applicability of the Natural Gas Act under Section 1(c) and would not subject it to the jurisdiction of the Commission except to the extent necessary to enforce the terms and conditions of the certificate.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14616 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE81-92-001]

Florida Power and Light Co.; Application for Exemption

May 26, 1983.

Take notice that Florida Power and Light Company (FPLC) filed an application on May 6, 1983 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984, information on the costs of providing electric service as specified in Sections 290.404(d)(1) and 290.404(d)(2).

In its application for exemption FPLC states, in part, that it should not be required to file the specified data for the following reasons:

The end use class specified under Section 290.404(d)(1), "Residential customers not using electricity for either water heating or whole-residence space heating," is currently substantially less than the minimum reporting level of 5 percent of the total kilowatt hour sales. Over the past two years the trend for this group has been down and the Company estimates that it will continue to decline during the reporting year. Rather than commit the funds and manpower to meet the reporting requirement, the Company is requesting this exemption.

The end use class specified under Section 290.404(d)(2), "Residential customers using electricity for water heating but not for whole-residence space heating," was intended to be used in determining patterns for electric heating. The energy use of this end use class was to be compared with that specified under Section 290.404(d)(3), "Residential customers using electricity for whole-residence space heating and other uses" with the assumption that the difference would be electric heating. In comparing appliance saturation studies conducted by RP&L in 1980, and other items which affect energy consumption, it is clear that the difference between these customer classifications cannot be reliably attributed to whole-residence space heating. Hence, reporting the information required for the Section 290.404(d)(2) end use class for the 1981 reporting period would not promote the purpose of Section 133 of PURPA and would unnecessarily divert equipment and manpower from projects which would yield greater benefits to FP&L's customers.

Copies of the application for exemption are on file with the Commission and are availabe for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the Federal Register. Within that 45 day period such person must also serve a copy of such comments on: Mr. J. C. Collier, Jr., Vice President, Energy Management, Florida Power and Light Company, 9250 West Flagler Street, Miami, Florida 33174.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14617 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER78-379-000]

Indiana & Michigan Electric Co.; Refund Report

May 26, 1983.

The filing Company submits the following:

Take notice that on March 3, 1983, Indiana & Michigan Electric Company submitted for filing a refund report pursuant to the Commission's order issued on February 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 13, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14618 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE81-76-001]

Iowa Power and Light Co.; Application for Exemption

May 26, 1983.

Take notice that Iowa Power and Light Company (IPLC), filed an application on December 21, 1982 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984 (and biennially thereafter), information on the costs of providing electric service as specified in Subparts B, C, D, and E.

Due to an administrative oversight, this Notice of Application was not published in the **Federal Register** within the prescribed 15 day period (Part 290 Section 290.60(d)) following the date of receipt of the Application for Exemption.

In its application for exemption IPLC states, in part, that it should not be required to file the specified data for the following reasons:

The stated purposes of Section 133 of PURPA have been achieved in ILPC's 1980 and 1982 filings.

Further reporting is not likely to carry out the purposes of Section 133 of PURPA.

Further reporting is duplicative and unnecessary since the Iowa State Commerce Commission requires similar data in retail rate proceedings.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45 day period such person must also serve a copy of such comments on: Mr. J. P. Glahn, Vice President and Treasurer, Iowa Power and Light Company, 666 Grand Avenue, P.O. Box 657, Des Moines, Iowa 50303.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14619 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-7-001]

Louisiana Resources Co.; Amendment to Application

May 26, 1983.

Take notice that on May 24, 1983, Louisiana Resources Company (Applicant), Post Office Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. CP83-7-001, an amendment to its pending application filed in Docket No. CP83-7-000 pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 so as to reflect a change in the transportation service to be provided Southern Natural Gas Company (Southern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas transportation agreement dated June 10, 1982, it proposes to transport on behalf of Southern up to 150 billion Btu's of gas per day on firm basis for a 15-year term. Applicant further states that said agreement has been amended by agreement dated May 20, 1983, that changes the proposed transportation service by (1) deleting the minimum annual charge as an element of the rate and charge to be assessed Southern for the service, and (2) deleting the right of Southern to extend the agreement an

additional 5 years in order to make up for any transportation service paid for under the minimum annual charges but not actually provided by Applicant.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14820 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-334-000]

Louisiana Resources Co.; Application

May 26, 1983.

Take notice that on May 23, 1983, Louisiana Resources Company (Applicant), Post Office Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. CP83-334-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA) and Section 284.127 of the Commission's Regulations for authorization to transport up to 150 billion Btu's of gas per day on behalf of Faustina Pipe Line Company (Faustina) for a 15-year term, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is an intrastate pipeline within the meaning of Section 2(16) of the NGPA and is subject to the jurisdiction of the Commissioner, Office of Conservation of the State of Louisiana. Applicant proposed to transport up to 150 billion Btu's of gas per day on a firm basis for Faustina for a 15-year period. Applicant states that Faustina would have the right to tender gas for transportation along Applicant's mainline from the "Henry" delivery point to the interconnection between Applicant and Faustina's systems and could receive an equivalent quantity back along any other point on that portion of Applicant's mainline. Applicant proposes to charge a one-part, commodity rate for the transportation service, which initially would be 16.44 cents be million Btu and maintains that such rate is fair and equitable.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14821 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-616-001]

Middle South Energy, Inc.; Order Granting Rehearing, Clarifying Prior Order, and Reinterpreting Statutory Suspension Authority

May 24, 1983.

On September 24, 1982, Middle South Energy, Inc. (MSE) filed a request for rehearing of a prior Commission order issued in this proceeding on August 25, 1982.[1] On October 20, 1982, we issued an order granting rehearing for purposes of further consideration.

MSE's request raised three issues. First, it is asserted that the Commission erred in construing the Unit Power Sales Agreement (Unit Power Agreement) submitted for filing in this proceeding as a change in rates and suspending its effect. MSE contends that its submittal is properly characterized as an initial rate within the meaning of section 35.1(b) of the Commission's regulations. Second, MSE requested clarification as to whether its request for prospective application of an 18 percent return on common equity under the Unit Power Agreement requires it to file a rate change in a new docket in order to have that request heard by the Commission. Finally, MSE renewed its request for an order requiring the use of normalized accounting consistent with section 168 of the Internal Revenue Code in determining its cost of service in this docket.[2]

The background to the initial versus changed rate question is as follows. MSE is a wholly owned subsidiary of Middle South Utilities, Inc. (MSU). Its sole asset is a 90% ownership interest in the Grand Gulf Nuclear Station Project, a new two-unit generating station (Grand Gulf). Under the Unit Power Agreement, MSE has sold the entire capacity and energy output of its interest in Grand Gulf in varying shares to three other operating subsidiaries of MSU—Mississippi Power and Light Company (MP&L), Louisiana Power and Light Company (LP&L), and New Orleans Public Service Company (NOPSI). In the order of August 25, 1982, we accept the Unit Power Agreement for filing as a change in rates and suspended its operation, to become effective subject to refund.

Upon reconsideration, we have concluded that it is not appropriate to treat an initial rate of a new corporate entity as a change in rate simply because of its affiliated status. Thus, we will grant the request for rehearing on this point and MSE's Unit Power Agreement with the other MSU operating subsidiaries will be treated as an initial rate.

In the past, such a determination would have led to MSE's rate schedule being accepted for filing without suspension, pursuant to the prior interpretation of our statutory authority which is set forth in § 2.4(d) of the Commission's "Statements of General Policy and Interpretations Under the Federal Power Act" (18 CFR § 2.4(d)). This statement reflects the previously held view that "[a]n initial rate schedule cannot be suspended." During consideration of MSE's request, however, we have had occasion to reconsider the interpretation of § 205 of the Federal Power Act that underlies § 2.4(d). We have concluded for the reasons set forth below, that the Commission does have authority to suspend initial rates under § 205. Accordingly, we shall separately amend the interpretation set forth in § 2.4 to conform to our interpretation below. The result of our conclusion is that the order of August 25, 1982, will remain unchanged with respect to suspension of MSE's rates.

Discussion

The current interpretation of Federal Power Act § 205 expressed in § 2.4(d)

---

[1] *Middle South Energy, Inc.*, Docket No. ER82-616-000, 20 FERC ¶ 61,206.

[2] This issue is now moot since an order addressing the matter was issued on December 30, 1982.

rests on a narrow reading of subsections (c), (d), and (e) of § 205. Subsection (e) provides for suspension of "any such new schedule." The traditional interpretation holds that this phrase refers back to the immediately preceding subsection (d), which provides that

> Unless the Commission otherwise orders, *no change shall be made* by any public utility *in any such rates*, charges, classification, or service, or in any rule, regulation or contract relating thereto, except after sixty days notice to the Commission and the public. Such notice shall be given by filing with the Commission and keeping open for public inspection *new schedules* stating plainly the change or changes to be made in the schedule or schedules then in force * * *. [Emphasis supplied.]

Thus, "such new schedule" in § 205(e) has been interpreted to mean only the changed rate schedules referred to in subsection (d). Tha alternative reading, which we here adopt, is that "such new schedule" most logically applies to both § 205(d) and § 205(c). Section 205(c) requires the utility to file "schedules showing *all* rates and charges for any transmission or sale subject to the jurisdiction of the Commission. . . ."(emphasis supplied). Thus, under the more expensive reading, the suspension authority extends to new initial rates as well as to newly changed rates.

We believe that the reference to a change of rates in § 205(e) most logically relates to changes in those pre-existing rate schedules filed with the Commission for the first time as a result of the enactment of § 205. Under this reading, any rate schedule for a new service filed after the first-ever filing would be regarded as a change of service or rate. In effect, § 205 permits "grandfathering" of rate schedules existing at the time of enactment.[3]

We believe that our reading is consistent with the fundamental purpose of the Federal Power Act; that is, to maintain rates that are just and reasonable to both the utility and the consumer. In this connection, we take as our guide the reasoning of the Supreme Court in the *Trans-Alaska Pipeline Rate Cases*, 436 U.S. 631 (1977) (*TAPS*). In *TAPS*, the Court found that the Interstate Commerce Commission (ICC) possessed necessarily implied authority pursuant to § 15(7) of the Interstate Commerce Act [4] to suspend initial rates of oil pipeline companies under the rate setting scheme of Title I of that Act, which is similar in language, structure, and purpose to the Federal Power Act.[5]

The keystone of the Court's analysis was its conclusion that the absence of authority to suspend initial rates is not consistent with the primary purpose of the Interstate Commerce Act to maintain reasonable charges for the regulated services. The Court reasoned that absent such suspension authority, the Act would provide no mechanism tending to make initial rates reasonable. This would be particularly the case where (as in *TAPS*) the shippers and the pipeline owners were affiliates. The Court was not deterred in this regard by its admission that the suspension authority was added [6] to deal with the "mischief of unchecked changes in rates." 436 U.S. 644. It found that unless the legislative history of the statute compelled the opposite conclusion, the suspension power would necessarily apply to initial as well as changed rates because the mischiefs flowing from each are the same.

The Court did not find any significance in the phrase "change of rate" in § 15(7). If noted that Congress, in enacting Titles II, III, and IV of the Act to extend the ICC's original ratemaking jurisdiction to additional modes of transportation, unequivocably indicated that initial rates were new rates capable of being suspended, and yet reference to "changed" rates appear in the same places they appear in Title I.[7]

The applicability of the reasoning in the *TAPS* case to this Commission's authority under the Federal Power Act is clear.[8] Absent authority to suspend initial rates, the Commission's ability to ensure their reasonableness would be limited to orders with prospective effect made pursuant to § 206. Thus, the filing utility's customers would be forced to pay any initial rate ultimately found to be unreasonable until the Commission issued an order pursuant to § 206. In the formal hearing context, this could be a lengthy period. In this respect, absence of initial rate suspension authority is inconsistent with the fundamental requirement of § 205(a) that "all" rates shall be just and reasonable. We are aware of no rationale in the legislative history to explain why an unlawful initial rate should be viewed as less onerous that an unlawful change in rate.

This raises the issue of whether suspension of initial rates would be prejudicial to the utility. The Court in *TAPS* considered this matter and concluded that the ICC has power ancillary to its authority to suspend initial rates under the Interstate Commerce Act to set maximum interim rates during the suspension period. It further held that part of that ancillary power is the power to order refunds of amounts collected under the interim rates during the suspension period and under the initial rates collected after the suspension period expires where such rates are found to be unreasonable. 436 U.S. 654–657. This was held to be the case notwithstanding the lack of any express authority to do so in the Act and the fact that the express refund authority of § 15(7) is limited to increased rates or changes at the end of the suspension period.

There is a contrary argument that merits discussion. In *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956) (Mobile), the Supreme Court noted as marked

---

[3] The legislative history is not clear on this point. *See* H.R. 5423, 74th Congress, 1st Sess.; S. 2796, 74th Congress, 1st Sess.; Senate Report No. 621, 74th Congress, 1st Sess., p. 51 (May 13, 1935); House Report No. 1318, 74th Congress , 1st Sess., p. 29 (June 24, 1935). *See also* note 9, *infra*.

[4] 49 U.S.C. § 5(7). Authority to suspend oil pipeline rates now rests with this Commission pursuant to the Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, and Executive Order No. 12009, 42 Fed. Reg. 46267 (1977). The relevant language of § 15(7) pertaining to suspension is as follows:

> "Whenever there shall be filed with the Commission any schedule stating a new individual or joint rate, fare, or charge, * * * the Commission shall have * * * authority * * * to enter upon a hearing concerning the lawfulness of such rate, fare, [or] charge * * *; and pending such hearing and the decision thereon the Commission upon filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such rate, fare, [or] charge * * *, but not for a longer period than seven months beyond the time when it would otherwise go into effect. * * *"

[5] These parallels are obvious upon reading the two statutes and have been frequently noted by the courts. *See Arrow Transportation Co.* v. *Southern Railway Co.*, 372 U.S. 658, 668 (1963); *Papago Tribal Utilities Authority* v. *FERC*, 628 F.2d 235, 243, n. 19 (D.C. Cir. 1980); *Aberdeen & Rockfish Railway Co.* v. *SCRAP*, 409 U.S. 1207, 1215 (Opinion in chambers (1972)).

[6] Subsection 15(7) was added to the Act by the Mann-Elkins Act of 1910, 36 stat. 552.

[7] A second line of reasoning was that if the ICC was not given authority to suspend initial rates, Congress must not have intended to foreclose any equity powers of the courts to enjoin common carrier rates. this could lead to diverse conclusions by the courts, thwarting the regulatory purpose of uniformity of rates. Although the FPA does not require uniformity of rates, it does prohibit undue discrimination in rates, which was also a concern noted by the Court in *TAPS*. 436 U.S. 631, 641. Thus, the exercise of injunctive authority by the courts is likewise inconsistent with the scheme of the Federal Power Act. Further, as noted by the court in *Papago Tribal Utilities Authority* v. *FERC*, 628 F.2d 235, 242 (D.C. Cir. 1980), any judicial authority to suspend rates

> "Would create the hazard of forbidden intrusion into the administrative domain, * * * because it necessarily would involve inquiry into the reasonableness of rates. (*Citing Arrow Transportation Co.* v. *Southern Railway Co.*, 372. U.S. 658 (1963); [footnote omitted].

[8] These titles of the Interstate Commerce Act were enacted in the 1930's contemporaneously with the Federal Power Act.

contrast between the Interstate Commerce Act and the Natural Gas Act,[9] in that the former in effect "precludes private rate agreements by its requirement that the rates to all shippers be uniform," whereas "the Natural Gas Act permits the relations between the parties to be established initially by contract." 350 U.S. 338–339. The reason for the Interstate Commerce Act scheme was the administrative impossibility of policing thousands of individual railroad retail transactions. The Court noted by contrast the relatively few wholesale natural gas transactions and the substantial investment that may be required for the service of a particular customer, creating a need for "individualized arrangements." *Id.* The same reasoning, of course, would apply to wholesale transactions under the Federal Power Act. Thus, the argument would go, Congress could not have intended to give the parties authority to negotiate individualized contracts for new services and at the same time undercut that authority by permitting the Commission to suspend the initial rates resulting therefrom. The mechanism for ensuring the reasonableness of the initial rates would be the parties' arms length negotiations. The problem with this argument is that the logic would apply equally to *changes* in contracts negotiated at arms' length. Such contract changes are clearly subject to suspension and refund. The more salient consideration is that notwithstanding the fact that private rate agreements are authorized by the Federal Power Act, the Commission is given final authority to modify these agreements in order to carry out its mandate to ensure that all rates be just and reasonable. See *Mobile, supra,* construing the Commission's authority under the parallel provisions of the Natural Gas Act. 350 U.S. 340–341. Furthermore, while an initial rate may represent the bargained-for product of negotiations between the parties, this is not necessarily the case. The reality is that a new rate for new service may be proffered unilaterally by a utility just as in the case of a changed rate.

Finally, the Supreme Court found in *TAPS* that the ICC's authority to order "reparations" under the Interstate Commerce Act for charges ultimately found to be unreasonable was not an adequate remedy because (1) the damage suffered through loss of competitive advantage would likely exceed the difference between the charged rate and the just and reasonable rate, and (2) the shippers have more incentive to pass along unreasonable rates in the prices of their goods than to seek reparations, thus shifting the burden to the consumer. 436 U.S. 640–641. The case for the Commission's authority to suspend initial rates under the Federal Power Act on this basis is even stronger because the Commission, unlike the ICC, has no authority to order "reparations." It is thus that much more difficult for the Commission to enforce the just and reasonable standard absent suspension and refund authority with respect to initial rates.

There are judicial statements supportive of the restrictive interpretation we have followed in the past. *See Florida Power & Light Co.* v. *FERC,* 617 F.2d 809 (D.C. Cir. 1980); *Mobile, supra; Indiana & Michigan Municipal Distributors Association* v. *FERC, (IMMDA)* 659 F.2d 1193 (D.C. Cir. 1981); and *Otter Tail Power Company* v. *FERC,* 583 F.2d 389 (8th Cir. 1978). These statements are, however, *dicta.* In *Florida Power* and *Otter Tail* the courts stated that they were addressing only the question of whether the Commission had correctly classified the rate schedules as changed rather than initial rates. The Court in *Mobile* made a passing reference to the Commission's suspension authority under the Natural Gas Act during the course of a discussion of the general statutory scheme, included to highlight a different question which was at issue in that case.[10] In *IMMDA,* the court, while strongly agreeing with the Commission's view that it could not suspend initial rates, made it clear that the basic statutory scheme was not in dispute in that case. 659 F.2d at 1196.

The foregoing discussion of the Commission's suspension authority in light of *TAPS* leads us to the conclusion that we have the authority to suspend new initial rates.

Having determined that we have the authority to suspend new initial rates, we reaffirm our original suspension of MSE's rates for the reasons stated in the order of August 25, 1982, as well as the requirement that the rates be collected subject to refund.[11]

As to the other outstanding issue, MSE's request for an 18 percent return on equity will be heard in this proceeding, inasmuch as the company has filed supporting testimony. However, we emphasize that that proposed rate is under investigation pursuant to section 206 of the Federal Power Act and, accordingly, is prospective only in application.

The Commission orders:

(A) MSE's request that the order of August 24, 1982 in this proceeding be modified to find its submittal to be an initial rate is hereby granted to the extent indicated above. In all other respects rehearing is denied.

(B) MSE's application for clarification of the order of August 24, 1982, is granted as indicated above.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14548 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-27-000]

National Fuel Gas Supply Corp.; Two-Party Protest

May 25, 1983.

On May 4, 1983, National Fuel Gas Supply Corporation (National Fuel), filed with the Federal Energy Regulatory Commission (Commission), pursuant to §§ 154.94(j)(3) and 157.40(c)(1)(v)(B) of the Commission's regulations, a protest to N.E.A. Cross Company's (Cross) assertion of contractual authority to charge and collect the maximum lawful price under section 107 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. §§ 3301–3432 (Supp. V 1982), for gas subject to Contract No. 36129, executed August 13, 1980, which National Fuel alleges contains specific price limitations.

National Fuel further states that it inadvertently paid Cross the maximum lawful price for gas subject to the contract for deliveries between August

---

[9] The rate setting provisions of the Natural Gas Act have been found by the courts to be substantially identical to those of the Federal Power Act. *FPC* v. *Sierra Pacific Power Co.,* 350 U.S. 348, 350–351, 353 (1956); *Indiana & Michigan Power Co.* v. *FPC,* 502 F.2d 336, 341 (D.C. Cir. 1974); *Borough of Lansdale, Pa.* v. *FPC,* 494 F.2d 1104, 1110–1111 (D.C. Cir. 1974).

[10] We note that in *Mobile* the Court focused on the distinction between "existing" rates and "new" rates (350 U.S. at 340) and between "long established" versus "newly changed" rates (350 U.S. at 341), rather than on a distinction between "initial" and "changed" rates. The fact that a rate was "new" seemed more important in the Court's discussion than the fact that it was "changed." It may be that the Court would have considered a "new" initial rate (as opposed to a "long established" or "existing" initial rate) as falling under Section 4(e). However, that question was not before it.

[11] While we believe that under *TAPS* we have concomitant authority to establish interim rates during the suspension period (*See* 436 U.S. at 651–654), such action is not necessary where, as here, no services upon which charges could be based were rendered during the suspension period. However, we have asserted our ancillary authority to make the rates subject to refund. *See,* 436 U.S. at 654–657.

13, 1980 and December 22, 1982. National Fuel notified Cross of the overpayments on April 7, 1983, and requested that Cross refund the overpayent, approximately $1,798,335, plus interest. Cross refused to make refunds and, according to National Fuel, has indicated it will seek relief in the Pennsylvania state court.

Any person desiring to participate in this protest proceeding shall file a petition to intervene, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14549 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE83-4-000]

New Braunfels Utilities; Application for Exemption

May 26, 1983.

Take notice that New Braunfels Utilities (New Braunfels) filed an application on December 23, 1982 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

Due to an administrative oversight, this Notice of Application was not published in the **Federal Register** within the prescribed 15 day period (Part 290, Section 290.601(d)) following the date of receipt of the application for exemption.

In its application for exemption New Braunfels states, in part, that it should not be required to file the specified data for the following reasons:

An exemption would not be deleterious to special interest groups and third parties nor would it serve to circumvent the purposes of PURPA.

Copies of the appication for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register.** Within that 45 day period such person must also serve a copy of such comments on: Robert H. Sohn, P.E., General Manager, New Braunfels Utilities, P.O. Box 289, 263 Main Plaza, New Braunfels, Texas 78130.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14622 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-388-014 and CP78-123-019]

Northwest Alaskan Pipeline Co.; Petition To Amend

May 25, 1983

Take notice that on May 16, 1983, Northwest Alaskan Pipeline Company (Northwest Alaskan), 136 East South Temple, Salt Lake City, Utah 84111, filed in Docket Nos. CP81-388-014 and CP78-123-019 a petition to amend the Commission's orders issued October 1, 1981 and August 18, 1982, in Docket Nos. CP81-388-001 and CP81-388-008, respectively, pursuant to Section 3 of the Natural Gas Act so as to authorize the continued importation of natural gas from Canada to the United States purchased at a reduced price, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Northwest Alaskan states that the subject orders authorized it to import natural gas at an import price of $4.94 per million Btu. Northwest Alaskan states that the October 1, 1981 order pertains to the gas it imports at the Kingsgate, British Columbia, import point which gas it resells to Pacific Interstate Transmission Company. Northwest Alaskan similarly states that the August 18, 1982 order pertains to the gas it imports at the Monchy, Saskatchewan, import point which it resells to Northern Natural Gas Company, a Division of Inter-North Inc., Panhandle Eastern Pipe Line Company and United Gas Pipe Line Company. Northwest Alaskan further states that on April 11, 1983, the Government of Canada lowered its border price from $4.94 per million Btu to $4.40 per million Btu.

Northwest Alaskan requests that the Commission issue an order authorizing it to import natural gas from Canada at a price of $4.40 per million Btu effective April 11, 1983. Northwest Alaskan avers that such an amendment would permit it to reflect in its rates the lowered border price thereby reducing the cost of gas to its customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14550 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-152-002]

Panhandle Pipe Line Co., and Trunkline Gas Co., Amendment

May 25, 1983.

Take notice that on April 28, 1983, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-152-002 an amendment to their application filed January 21, 1981, in Docket No. CP81-152-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect changes in the transportation and exchange agreement dated October 31, 1980, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is asserted that on April 25, 1983, Panhandle, Trunkline and United Gas Pipe Line Company (United) executed amendment No. 5 to the transportation and exchange agreement among the parties which amendment deletes the 50 percent purchase option in Article 1, reduces the volumes to be transported from 30,000 Mcf per day on a firm basis and 20,000 Mcf per day on an interruptible basis to 4,000 Mcf per day on an interruptible basis, changes the

term of the agreement from ten years to three years and year to year thereafter, and changes the transportation rate from a demand charge of $168,300 per month and an interruptible unit rate of 18.44 cents per Mcf to an interruptible rate of 31.08 cents per Mcf. All other provisions of the original agreement remain in full force and effect, it is stated.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14551 Filed 5-31-83: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE83-6-000]

Rochester Public Utilities; Application for Exemption

May 26, 1983.

Take notice that Rochester Public Utilities (RPU) filed an application on January 4, 1983 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA) Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984 and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

Due to an administrative oversight, this Notice of Application was not published in the **Federal Register** within the prescribed 15 day period (Part 290, Section 290.601(d)) following the date of receipt of the application for exemption.

In its application for exemption RPU states, in part, that it should not be required to file the specified data for the following reasons:

The applicant is a relatively small utility system, locally regulated, and very responsive to the needs of its customers. All meetings are held in accordance with the State Open Meetings Law and, as a consequence, all records, including those that are rate related, are open to public scrutiny as a matter of policy.

The applicant adopted the FERC System of Accounts in 1977 and, as a consequence, most of its records are not in the form and detail required by Section 133 of PURPA.

The cost of compliance with Section 133 of PURPA, particularly compliance with the requirements addressing load research, would impose a severe financial burden on the applicant's customers and would not further the purposes of Section 133 of PURPA.

The applicant's total retail sales in 1981 amounted to 438,892,379 KWH, an amount below the 500,000,000 KWH threshold in which compliance with Section 133 of PURPA is required, excluding the sale of 83,141,600 KWH to its only large customer, the IBM Corporation.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utitity also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45 day period such person must also serve a copy of such comments on:

Mr. John Cobb, General Manager, Rochester Public Utilities, P.O. Box 6057, Rochester, Minnesota 55903
and
Mr. David R. Frantsen, Director of Finance & Accounting, Rochester Public Utilities, P.O. Box 6057, Rochester, Minnesota 55903

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14623 Filed 5-31-83: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-300-000]

Texas Eastern Transmission Corp.; Application

May 26, 1983.

Take notice that on April 29, 1983, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP83-300-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of metering facilities and the sale of natural gas in interstate commerce to the City of Kennett, Missouri (Kennett), as successor to certain interests of Associated Natural Gas Company (Associated), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to sell and deliver to Kennett under Applicant's Rate Schedules GS-B, I-B and WS a daily quantity of 6,419 dt equivalent of natural gas, an annual contract quantity of 1,308,690 dt equivalent, and such volumes as may be offered by Applicant on an interruptible basis. Applicant states that such authorization would implement Applicant's intent to transfer existing contractual obligations and entitlements of Kennett from Associated, certain of whose properties are being acquired by and contractural rights succeeded to, by Kennett.

Applicant states that Kennett and Associated entered into an agreement on May 6, 1981, whereby Kennett would purchase a portion of the transmission and distribution system owned by Associated and acquire the contractural rights to a portion of the natural gas supply available to Associated under its service agreements with Applicant. Consequently, Applicant has executed new service agreements with Kennett and Associated to effectuate the transfer of contract obligations between Applicant and Associated to Kennett.

It is stated that this change would require the installation of a gas metering facility which is estimated to cost $144,390. It is asserted that Kennett would reimburse Applicant for such cost. Applicant states that its proposal would require only minor changes in its operations and would not affect its ability to render presently authorized service to its other customers or result in any increase in either total daily or annual entitlements.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16,

1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commmission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14624 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-302-000]

Trailblazer Pipeline Co.; Application.

(May 26, 1983.)

Take notice that on April 29, 1983, Trailblazer Pipeline Company (Applicant), 122 South Michigan Avenue, Chicago, Illinois, 60603, filed in Docket No. CP83-302-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 75,000 Mcf of natural gas per day on behalf of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and the revision of contract demands and revised demand rates, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It is stated that Tennessee has gas reserves located in the Rocky Mountain area which it desires Applicant to transport on its behalf. Applicant states that it has agreed to transport up to 75,000 Mcf of natural gas per day for Tennessee pursuant to a service agreement dated April 25, 1983, for a term of 15 years. Line pack would be treated consistently with provisions in Applicant's tariff, it is said. Further, Applicant states that no additional facilities would be required to effectuate this transportation service.

Applicant states that Tennessee would cause Wyoming Interstate Company, Ltd. (WIC) to deliver for Tennessee's account volumes of gas to Applicant at the interconnection of the facilities of WIC and Applicant in Weld County, Colorado. Applicant would transport those volumes for redelivery at the eastern terminus of its system near Beatrice, Nebraska.

Applicant further states that in order to accommodate the Tennessee gas within existing capacity, Applicant has obtained new nominations from all shippers on the Trailblazer segment and has entered into revised service agreements reflecting revised contract demands for each shipper. The new contract demands, reflecting both the addition of Tennessee and the revised volumes for other shippers, would be

Shipper	Existing contract demand [1]	Proposed contract demand [1]
Natural Gas Pipeline Co. of America	183,000	140,000
Northern Natural Gas Co.	49,000	88,000
Columbia Gas Transmission Corp.	69,500	56,500
Tennessee Gas Pipeline		75,000
Total	301,500	309,500

[1] Million cubic feet per day.

As a result of the revision in the contract demands for all shippers, Applicant proposes to reduce its Rate Schedule T demand rate. Based on currently effective demand costs, this reduction would be 27.0¢ from $10.42 to $10.15. Applicant further requests that the Commission permit the revise demand rate to become effective on the date its order authorizing the proposed revision is issued.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14625 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-244-000]

Windpower Partners 1983-1; Application for Commission Certification of Qualifying Status of a Small Power Production Facility; Correction

May 25, 1983.

In Docket No. QF83-244-000 appearing in the **Federal Register** issue of Monday, May 9, 1983, on page 20796, make the following correction: On page 20796, in the first column, in the second full paragraph, lines eleven and twelve.

"no other wind-powered small power production facility will be located" is corrected to read "no other wind-powered small power production facility owned by the Applicant will be located"

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14552 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals;

Objection to Proposed Remedial Order Filed, Period of April 18 Through April 29, 1983

During the period April 18 through April 29, 1983, the notice of objection to the proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 105.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: May 25, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Damson Oil Doram Energy Corp., Houston, Texas, HRO-0149, Crude Oil.

On April 25, 1983, Damson Oil Corp./ Doram Energy, Inc. 396 West Greens Rd., Houston, Texas 77067 filed a Notice of Objection to a Proposed Remedial Order the DOE Houston District Office of Enforcement issued to the firm on March 9, 1983. In the PRO the Houston District found that during March 1980 to December 1980, the prices which Damson charged in resales of crude oil during specified periods were in excess of actual purchase prices; Damson did not provide services traditionally associated with the resale of crude oil, violating 10 CFR 212.186, 210.62, 205.202. According to the PRO the Damson Oil Corp./Doram Energy Inc. violation resulted in $285,583.48 of overchargs.

[FR Doc. 83-14598 Filed 5-31-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-41011; TSH FRL 2370-4]

Twelfth Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee (ITC) established under section 4(e) of the Toxic Substances Control Act (TSCA), transmitted its Twelfth Report to the Administrator of EPA on May 11, 1983. This report, which revises and updates the Committee's priority list of chemicals, adds five designated chemicals to the list for priority consideration by EPA in the promulgation of test rules under section 4(a) of the Act. The new chemicals are calcium naphthenate, cobalt naphthenate, lead naphthenate, methylolurea and 2-phenoxyethanol. The Twelfth Report is included in this notice. The Agency invites interested persons to submit written comments on the Report, and to attend Focus Meetings to help narrow and focus the issues raised by the ITC's recommendations. Members of the public are also invited to inform EPA if they wish to be notified of subsequent public meetings on these chemicals. EPA also notes the removal of 15 chemicals from the priority list because EPA has responded to the ITC's prior recommendations for testing of the chemicals.

DATES: Written comments should be submitted by July 1, 1983. Focus Meetings will be held on July 20 and 21, 1983.

ADDRESSES: Send written submissions to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St., SW Washington, D.C. 20460.

Submissions should bear the Document Control Number OPTS-41011.

The public record supporting this action, including comments, is available for public inspection in Rm. E-107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays. Focus Meetings will be held at Waterside Mall, in Rm. 3906, 401 M St., SW., Washington, D.C. Persons planning to attend one of the Focus Meetings and/or hoping to be informed of subsequent public meetings on these chemicals, should notify the TSCA Assistance Office at the address listed below. To insure seating accommodations at the Focus Meeting, persons interested in attending are asked to notify EPA at least 2 weeks ahead of the scheduled dates.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C.: (544-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(a) of TSCA (Pub. L. 94-469, 90 Stat. 2003; 15 U.S.C. 2601 *et seq.*) authorizes the Administrator of EPA to promulgate regulations requiring testing of chemical substances in order to develop data relevant to determining the risks that such chemical substances may present to health and the environment.

Section 4(e) of TSCA established an Interagency Testing Committee to make recommendations to the Administrator of EPA of chemical substances to be given priority consideration in proposing test rules under section 4(a). Section 4(e) directs the Committee to revise its list of recommendations at least every 6 months as it determines to be necessary. The ITC may "designate" up to 50 substances at any one time for priority consideration by the Agency. For such designations, the Agency must within 12 months either initiate rulemaking or issue in the **Federal Register** its reasons for not requiring testing. The ITC's Twelfth Report was received by the Administrator on May 11, 1983, and follows this Notice. The report designates 5 substances for priority consideration and response by EPA within 12 months.

II. Written and Oral Comments and Public Meetings

EPA invites interested persons to submit detailed comments on the ITC's new recommendations. The Agency is interested in receiving information concerning additional or ongoing health and safety studies on the subject chemicals as well as information relating to the human and environmental exposure to these chemicals. A notice is published elsewhere in today's **Federal Register** adding the 5 substances designated in the ITC's Twelfth Report to the TSCA section 8(d) rule. The section 8(d) rule requires the reporting of unpublished health and safety studies on the listed chemicals. These 5 chemicals will also be added to the TSCA section 8(a) Preliminary

Assessment Information rule through a **Federal Register** notice to be published in the near future.

Focus Meetings will be held to discuss relevant issues pertaining to the chemicals and to narrow the range of issues/effects which will be the focus of the Agency's subsequent activities in responding to the ITC recommendations. The Focus Meetings will be held July 20 and 21, 1983, at Waterside Mall, 401 M St., SW., Washington, D.C., Room 3906. These meetings are intended to supplement and expand upon written comments submitted in response to this notice. The schedule for the Focus Meetings is as follows: July 20, 9:00 a.m.—calcium, cobalt and lead naphthenates, July 21, 9:00 a.m.—2-phenoxyethanol, 1:00 p.m.—methylolurea. Persons wishing to attend one or more of these meetings should call the TSCA Assistance Office at the toll free number listed above at least 2 weeks in advance.

After consideration of the data pertaining to each chemical, and any additional information provided in the written comments and the Focus Meetings, EPA will hold public meetings on each chemical after preliminary decisions have been made on the types of testing that are needed. These meetings will be several months in the future, but separate notice of these meetings will not be published at that time. Therefore, anyone wishing to attend these later meetings should contact EPA now at the address given for the TSCA Assistance Office in order to be notified in advance of the public meetings.

All written submission should bear the identifying Docket No. OPTS–41011.

III. Status of List

In addition to adding the 5 designations to the priority list, the ITC's Twelfth Report notes the removal of 15 chemicals from the list since the last ITC report because EPA has responded to the Committee's prior recommendation for testing of the chemical. The 15 chemicals removed and the dates of publication of EPA's responses in the **Federal Register** are: acetonitrile, December 29, 1982 (47 FR 58020); acrylamide-environmental, January 6, 1983 (48 FR 725); antimony metal, antimony sulfide and antimony trioxide, January 6, 1983 (48 FR 717); 4-chlorobenzotrifluoride, November 8, 1982 (47 FR 50555); hexachloro-1,3-butadiene, December 29, 1982 (47 FR 58029); hexachlorocyclopentadiene, December 29, 1982 (47 FR 58023); isophorone, January 6, 1983 (47 FR 727); methyl ethyl ketone and methyl isobutyl ketone, December 29, 1982 (47 FR 58025); pyridine, December 29, 1982 (47 FR 58031); toluene, December 16, 1982 (47 FR 56391); tris(2-Chloroethyl) phosphite, November 1, 1982 (47 FR 49466); and xylenes, December 16, 1982 (47 FR 56392). The current list contains 36 designated substances or categories of substances and two recommended categories of substances.

Dated: May 18, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Twelfth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency

Summary

Section 4 of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94–469) provides for the testing of chemicals in commerce that may present an unreasonable risk of injury to health or the environment. It also provides for the establishment of a Committee, composed of representatives from eight designated Federal agencies, to recommend chemical substances and mixtures (chemicals) to which the Administrator of the U.S. Environmental Protection Agency (EPA) should give priority consideration for the promulgation of testing rules.

Section 4(e)(1)(A) of TSCA directs the Committee to recommend to the EPA Administrator chemicals to which the Administrator should give priority consideration for the promulgation of testing rules pursuant to section 4(a). The Committee is required to designate those chemicals, from among its recommendations, to which the Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason for not initiating such a proceeding. Every 6 months, the Committee makes those revisions in the TSCA section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

As a result of its deliberations, the Committee is revising the TSCA section 4(e) Priority List by the addition of 5 chemicals and is noting the removal of 15, as a result of responses by EPA.

The Priority List is divided into two parts: part A contains those recommended chemicals and groups designated for priority consideration and response by the EPA Administrator within 12 months, and part B contains chemicals and groups that have been recommended for priority consideration by EPA without being designated for response within 12 months. Although TSCA does not establish a deadline for EPA response to nondesignated chemicals and groups (part B of the Priority List), the Committee anticipates that the EPA Administrator will respond in a timely manner.

The entries being added to the Priority List are presented, together with the types of testing recommended, in the following Table 1.

TABLE 1.—ADDITIONS TO THE SECTION 4(e) PRIORITY LIST

Chemical/group	Recommended studies
A. Designated for response within 12 months	
Methylolurea (CAS No. 1000–82–4).	Health Effects: Short-term genotoxicity; toxicokinetics; long-term bioassay, if indicated by results of genotoxicity and toxicokinetic testing.
Calcium naphthenate (CAS No. 61789–36–4).	Chemical Fate: Abiotic and biotic persistence, including dissociation; transport, including soil mobility.
Cobalt naphthenate (CAS No. 61789–51–3).	Health Effects: Carcinogenicity; mutagenicity; teratogenicity; toxicokinetics; reproductive effects.
Lead naphthenate (CAS No. 61790–14–5).	Ecological Effects (depending on the results of chemical fate tests): Acute toxicity to fish and aquatic invertebrates; toxicity to plants; bioconcentration.
2-Phenoxyethanol (CAS No. 122–99–6).	Health Effects: Reproductive effects; teratogenicity; short-term genotoxicity; subchronic toxicity.
B. Recommended but not designated for response within 12 months	
None	—

TSCA Interagency Testing Committee

Statutory Member Agencies and Their Representatives

Council on Environmental Quality: Gordon F. Snow, Member.[1]

Department of Commerce: Bernard Greifer, Member.

Environmental Protection Agency: Carl R. Morris, Member and Arthur M. Stern, Alternate.

National Cancer Institute: Elizabeth K. Weisburger, Member and Chairperson: Richard Adamson, Alternate; and Jerrold Ward, Alternate.

National Institute of Environmental Health Sciences: Dorothy Canter, Member.

National Institute for Occupational Safety and Health: Vera W. Hudson, Member [2]; Herbert E. Christensen, Alternate [3]; Rodger L. Tatken, Member [4]; and Richard J. Lewis, Alternate.[5]

National Science Foundation: Winston C. Nottingham, Member and Vice Chairperson.

Occupational Safety and Health Administration: Patricia Marlow, Member.

Liaison Agencies and Their Representatives

Consumer Product Safety Commission: Arthur Gregory and Lakshmi Mishra.

Department of Agriculture: Fred W. Clayton [6] and Homer E. Fairchild.

Department of Defense: Arthur H. McCreesh.

Department of the Interior: None.

Food and Drug Administration: Winston deMonsabert and Allen H. Heim.

National Toxicology Program: Dorothy Canter.

Committee Staff

Martin Greif, Executive Secretary.

Norma Williams, ITC Coordinator.

Support Staff

Alan Carpien—Office of the General Counsel, EPA.

Jon Cooper [7]—Offico of Toxic Substances, EPA.

Joan Lefler—Office of Toxic Substances, EPA.

Stephen Ells [8]—Office of Toxic Substances, EPA.

Notes

(1) Dr. Snow terminated his association with the Committee on February 18, 1983.

(2) Ms. Hudson resigned as the NIOSH member of the Committee on January 30, 1983. She continues to serve in a technical support capacity as a representative of the National Library of Medicine.

(3) Dr. Christensen terminated his association with the Committee on January 30, 1983.

(4) Mr. Tatken was appointed on March 22, 1983.

(5) Mr. Lewis was appointed on March 22, 1983.

(6) Dr. Clayton terminated his association with the Committee on January 20, 1983.

(7) Dr. Cooper terminated his association with the Committee on February 4, 1983.

(8) Mr. Ells was appointed to the Committee support staff on February 17, 1983.

The Committee acknowledges and is grateful for the assistance and support given to it by the staffs of CRCS, Inc., and Dynamac Corporation (technical support prime and subcontractors) and personnel of the EPA Office of Toxic Substances.

Chapter 1—Introduction

1.1 *Background.* The TSCA Intergency Testing Committee (Committee) was established under section 4(e) of the Toxic Substances Control Act of 1976 (TSCA, Public Law 94–469). The specific mandate of the Committee is to recommend to the Administrator of the U.S. Environmental Protection Agency (EPA) chemical substances and mixtures in commerce that should be given priority consideration for the promulgation of testing rules to determine their potential hazard to human health and/or the environment. TSCA specifies that the Committee's recommendations shall be in the form of a Priority List, which is to be published in the **Federal Register**. The Committee is directed by section 4(e)(1)(A) of TSCA to designate those chemicals on the Priority List to which the EPA Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason for not initiating such a proceeding.

Every 6 months, the Committee makes those revisions in the section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

The Committee is normally comprised of representatives from eight statutory member agencies, five liaison agencies, and one national program. Currently, representation from one statutory member agency and one liaison agency is lacking. The specific representatives and their affiliations are named in the front of this report. The Committee's chemical review procedures and prior recommendations are described in previous reports (Refs. 1 through 12).

1.2 *Committee's previous reports.* Eleven previous reports to the EPA Administrator have been issued by the Committee and published in the **Federal Register** (Refs. 2 through 12). Sixty-four entries (chemicals and groups of chemicals) were recommended for priority consideration by the EPA Administrator and designated for response within 12 months. In addition, two groups were recommended, without being so designated. Removal of twenty entries was noted in the previous reports.

1.3 *Committee's activities during this reporting period.* Between October 1, 1982, and March 31, 1983 the Committee continued to review chemicals from its third and fourth scoring exercises (see Ref. 2 for methodology). During this period, the Committee began the fifth round of scoring chemicals, to select candidates for in-depth review beginning in early 1984.

The Committee contacted approximately 30 manufacturers of the chemicals being reviewed to request information that would be of value in its deliberations. Many of the firms have provided unpublished information on current production, exposure, uses, and biological effects of chemicals under study by the Committee.

During this reporting period, the Committee evaluated 64 chemicals for priority consideration. Five chemicals were added to the section 4(e) Priority List, and 29 were deferred at this time. The remaining 30 chemicals are still under study.

1.4 *The TSCA section 4(e) Priority List.* Section 4(e)(1)(B) of TSCA directs the Committee to: "* * * make such revisions in the [priority] list as it determines to be necessary and * * * transmit them to the Administrator together with the Committee's reasons for the revisions." Under this authority, the Committee is revising the Priority List by adding five chemicals: methylolurea, calcium naphthenate, cobalt naphthenate, lead naphthenate, and 2-phenoxyethanol. All five chemicals are designated for response within twelve months. The testing recommended for these chemicals and the rationales for the recommendations are presented in Chapter 2 of this report.

Fifteen chemicals and groups are being removed from the Priority List because the EPA Administrator has responded to the Committee's prior recommendations for testing these chemicals. They are: acetonitrile, acrylamide, antimony metal, antimony sulfide, antimony trioxide, 4-chlorobenzotrifluoride, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, isophorone, methyl ethyl ketone, methyl isobutyl ketone, pyridine, toluene, tris(2-chloroethyl)phosphite, and xylenes.

With the 5 recommendations and 15 removals noted in this report, 36 entries now appear on the section 4(e) Priority List. The Priority List is divided in the following Table 2 into two parts; namely, Table 2A, Chemicals and Groups Designated for Response Within 12 Months, and Table 2B, Other Recommended Chemicals and Groups.

TABLE 2.—THE TSCA SECTION 4(e) PRIORITY LIST—MAY 1983

[2A. Chemicals and Groups Designated for Response Within 12 Months]

Entry	Date of designation
1. Alkyl epoxides	October 1977
2. Aniline and bromo-, chloro-, and/or nitroanilines	April 1979
3. Aryl phosphates	April 1978
4. Biphenyl	May 1982 [1]
5. Bis(2-ethylhexyl) terephthalate	November 1982 [1]
6. Calcium naphthenate	May 1983
7. Chlorinated benzenes, mono- and di-	October 1977
8. Chlorinated benzenes, tri-, tetra-, and penta-	October 1978
9. Cobalt naphthenate	May 1983
10. Cresols	October 1977
11. Cyclohexanone	April 1979
12. Dibutyltin bis(isooctyl maleate)	November 1982 [1]
13. Dibutyltin bis(isooctyl mercaptoacetate)	November 1982 [1]
14. Dibutyltin bis(lauryl mercaptide)	November 1982 [1]
15. Dibutyltin dilaurate	November 1982 [1]
16. 1,2-Dichloropropane	October 1978

TABLE 2.—THE TSCA SECTION 4(e) PRIORITY LIST—MAY 1983—Continued

[2A. Chemicals and Groups Designated for Response Within 12 Months]

Entry	Date of designation
17. Dimethyltin bis(isooctyl mercaptoacetate)	November 1982 [1]
18. 1,3-Dioxolane	November 1982 [1]
19. Ethyltoluene	May 1982 [1]
20. Formamide	May 1982 [1]
21. Glycidol and its derivatives	October 1978
22. Halogenated alkyl epoxides	April 1978
23. Hydroquinone	November 1979
24. Lead naphthenate	May 1983
25. Mesityl oxide	April 1979
26. 4,4'-Methylenedianiline	April 1979
27. Methylolurea	May 1983
28. Monobutyltin tris(isooctyl mercaptoacetate)	November 1982 [1]
29. Monomethyltin tris(isooctyl mercaptoacetate)	November 1982 [1]
30. 2-Phenoxyethanol	May 1983
31. Quinone	November 1979
32. 4-(1,1,3,3-Tetramethylbutyl)phenol	November 1982 [1]
33. 1,2,4-Trimethylbenzene	May 1982 [1]
34. Tris(2-ethylhexyl) trimellitate	November 1982 [1]

[2B. Other Recommended Chemicals and Groups]

Entry	Date of recommendation
1. Carbofuran intermediates	November 1982 [1]
2. Trimethylbenzenes	May 1982 [2]

[1] The dates of designation and recommendation have been revised to reflect when the revised lists were actually delivered to the EPA Administrator, rather than the dates when the reports were prepared.

[2] Recommended to the EPA Administrator in May 1982 and added to the section 4(e) Priority List in November 1982.

To date, 35 chemicals and groups have been removed from the Priority List. The cumulative list is presented in the following Table 3.

TABLE 3.—CUMULATIVE REMOVALS FROM THE TSCA SECTION 4(e) PRIORITY LIST—MAY 1983

Chemical/group	EPA responses to committee recommendations	
	"Federal Register"	
	Citation	Publication date
1. Acetonitrile	47 FR 58019–58023	Dec. 29, 1982.
2. Acrylamide	48 FR 724–727	Jan. 6, 1983.
3. Alkyl phthalates	46 FR 53775–53777	Oct. 30, 1981.
4. Alkyltin compounds	46 FR 5456–5463	Feb. 5, 1982. [1]
5. Antimony metal	48 FR 716–725	Jan. 6, 1983.
6. Antimony sulfide	48 FR 716–725	Jan. 6, 1983.
7. Antimony trioxide	48 FR 716–725	Jan. 6, 1983.
8. Benzidine-based dyes	46 FR 55005–55006	Nov. 5, 1981.
9. Benzyl butyl phthalate	46 FR 53775–53777	Oct. 30, 1981.
10. Butyl glycolyl butyl phthalate	46 FR 54487	Nov. 2, 1981.
11. Chlorendic acid	47 FR 44878–44879	Oct. 12, 1982.
12. Chlorinated naphthalenes	46 FR 54491	Nov. 2, 1981.
13. Chlorinated paraffins	47 FR 1017–1019	Jan. 8, 1982.
14. Chlorobenzotrifluoride	47 FR 50555–50558	Nov. 8, 1982.
15. Chloromethane	45 FR 48524–48564	July 18, 1980.
16. 2-Chlorotoluene	47 FR 18172–18175	Apr. 28, 1982.
17. o-Dianisidine-based dyes	46 FR 55005–55006	Nov. 5, 1981
18. Dichloromethane	46 FR 30300–30320	June 5, 1981.
19. Diethylenetriamine	47 FR 18388–18391	Apr. 29, 1982.
20. Fluoralkenes	46 FR 53704–53708	Oct. 30, 1981
21. Hexachloro-1,3-butadiene	47 FR 58209–58031	Dec. 29, 1982
22. Hexachlorocyclopentadiene	47 FR 58023–58025	Dec. 29, 1982
23. Hexachloroethane	47 FR 18175–18176	Apr. 28, 1982.
24. Isophorone	48 FR 727–730	Jan. 6, 1983.
25. Methyl ethyl ketone	47 FR 58025–58029	Dec. 29, 1982
26. Methyl isobutyl ketone	47 FR 58025–58029	DEc. 29, 1982.
27. Nitrobenzene	46 FR 30300–30320	June 5, 1981.
28. Phenylenediamines	47 FR 973–983	Jan. 8, 1982.
29. Polychlorinated terphenyls	46 FR 54482–54483	Nov. 2, 1981.
30. Pyridine	47 FR 58031–58035	Dec. 29, 1982.
31. o-Tolidine-based dyes	46 FR 55005–55006	Nov. 5, 1981.
32. Toluene	47 FR 56391–56393	Dec. 16, 1982
33. 1,1,1-Trichloroethane	46 FR 30300–30320	June 5, 1981
34. Tris(2-chloroethyl)phosphite	47 FR 49466–49467	Nov. 1, 1982
35. Xylenes	47 FR 56392–56394	Dec. 16, 1982

[1] Removed by the Committee for reconsideration. Seven individual group members were subsequently designated in the 11th ITC Report (Ref. 12) for priority consideration.

References

(1) Preliminary List of Chemical Substances for Further Evaluation. Toxic Substances Control Act Interagency Testing Committee. July 1977.

(2) Initial Report to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee. October 1, 1977. Published in the **Federal Register** of Wednesday, October 12, 1977, 42 FR 55026–55080. Corrections published in the **Federal Register** of November 11, 1977, 42 FR 58777–58778. The report and supporting dossiers were also published by the Environmental Protection Agency, EPA 560–10–78/001, January 1978.

(3) Second Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1978. Published in the **Federal Register** of Wednesday, April 19, 1978, 43 FR 16684–16688. The report and supporting dossiers were also published by the Environmental Protection Agency, EPA 560–10–78/002, July 1978.

(4) Third Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1978. Published in the **Federal Register** of Monday, October 10, 1978, 43 FR 50630–50635. The report and supporting dossiers were also published by the Environmental Protection Agency, EPA 560–10–79/001, January 1979.

(5) Fourth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1979. Published in the **Federal Register** of Friday, June 1, 1979, 44 FR 31866–31889.

(6) Fifth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, November 1979. Published in the **Federal Register** of Friday, December 7, 1979, 44 FR 70664–70674.

(7) Sixth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1980. Published in the **Federal Register** of Wednesday, May 28, 1980, 45 FR 35897–35910.

(8) Seventh Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1980. Published in the **Federal Register** of Tuesday, November 25, 1980, 45 FR 78432–78446.

(9) Eighth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1981. Published in the **Federal Register** of Friday, May 22, 1981, 46 FR 28138–28144.

(10) Ninth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1981. Published in the **Federal Register** of Friday, February 5, 1982, 47 FR 5456–5463.

(11) Tenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1982. Published in the **Federal Register** of Tuesday, May 25, 1982, 47 FR 22585–22596.

(12) Eleventh Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1982. Published in the **Federal Register** of Friday, December 3, 1982, 47 FR 54625–54644.

Chapter 2—Recommendations of the Committee

2.1 *Chemicals recommended for priority consideration by the EPA Administrator.* As provided by section 4(e)(1)(B) of TSCA, the Committee is adding the following five chemical substances to the section 4(e) Priority List: methylolurea, calcium naphthenate, cobalt naphthenate, lead naphthenate,

and 2-phenoxyethanol. The recommendation of these chemicals is being made after considering the factors identified in section 4(e)(1)(A) and other available relevant information, as well as the professional judgment of Committee members.

The five recommendations designated for response by the EPA Administrator within 12 months and supporting rationales are presented in section 2.2 of this report.

2.2 *Chemicals designated for responsé within 12 months with supporting rationales.*

2.2.a *Methylolurea*

Summary of recommended studies. It is recommended that methylolurea be tested for the following:

Health Effects:

Short-term genotoxicity

Toxicokinetics

Long-term bioassay, if indicated by results of genotoxicity and toxicokinetic testing

Physical and Chemical Information

CAS Number: 1000–82–4.

Synonyms: Urea (hydroxymethyl) (CA Index name); urea-formaldehyde monomer; urea-formaldehyde precondensate.

Structural Formula:

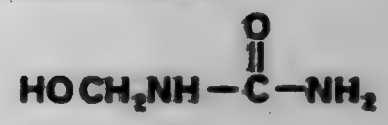

$$HOCH_2NH-\overset{\overset{O}{\|}}{C}-NH_2$$

Empirical Formula: $C_2H_6N_2O_2$.

Molecular Weight: 90.

Melting Point: 111° C.

Boiling Point: Decomposes.

Solubility in Water: Soluble (Walker, 1964).

Log Octanol/Water Partition Coefficient: −3.3 (estimated; Leo, et al., 1971).

Description of Chemical: Colorless solid.

Rationale for Recommendations

I. *Exposure information—Production/use/disposal.* Methylolurea is a monomer used in the preparation of urea-formaldehyde (U–F) resins and in the manufacture of controlled release fertilizers (Georgia Pacific Corp., 1982a, 1982b). In 1977, between 31 and 161 million pounds were produced for commerce in the United States (EPA, 1982).

Methylolurea is also produced as a nonisolated intermediate in the production of U–F resins. In 1981, 1.7 billion pounds of U–F resins were produced (C&EN, 1982). The estimated domestic consumption of U–F resins by category of use for 1978 is given in the following Table 4.

TABLEL 4—ESTIMATED DOMESTIC CONSUMPTION OF UREA RESINS IN 1978[1]

Use category	Millions of pounds
Particleboard [2]	910
Medium-density fiberboard [3]	135
Plywood	95
Molding compounds [3]	81
Paper treating and coating	55
Textile treatment [4]	40
Surface coatings	30
Foam	30
Miscellaneous	5–10

[1] Adapted from CEH (1979).
[2] Includes melamine-urea-formaldehyde resins.
[3] Includes fillers, which account for 35–50 percent.
[4] Includes modified urea resins such as ethyleneurea, triazine, and uron.

The principal use of these resins is as particleboard adhesives.

Prior to polymerization through heat and pH adjustment, U–F prepolymers or precondensates are composed of methylolurea and its oligomers in various concentrations depending on the application and the precondensate stage; from 29 to 40 percent methylolurea has been reported to be present (Kumlin and Simonson, 1981; Tomita and Hirose, 1976; Meyer, 1979). Consequently, exposure to the precondensate would result in exposure to methylolurea.

The amount of residual methylolourea in cured U–F resins has not been adequately determined (Hsiao and Villaume, 1978). Its presence may be inferred from the release of formaldehyde from U–F resin products. Methylolurea hydrolyzes readily to release formaldehyde (Hsiao and Villaume, 1978). Furthermore, the level of formaldehyde released from wood products containing U–F resins has been shown to correlate directly with the absorption of water by the product (Meyer, 1979). Formaldehyde has been detected in a number of occupational settings where U–F resins are present (Hsiao and Villaume, 1978).

In occupational settings, exposure to U–F resins, and consequently exposure to methylolurea, may occur at any stage in the production of a material containing U–F resins. For example, during the manufacture of particleboard, inhalation exposure may occur when the prepolymer is atomized and sprayed onto wood chips as liquid droplets ranging in size from 20 to 80 microns (Meyer, 1979). Exposure may also occur when the prepolymer is applied to textiles by soaking, drying, and heating to impart wrinkle resistance and water repellency to fabrics (CEH, 1979). Operations such as sawing or sanding particleboard may generate dust containing residual methylolurea.

In a 1972–74 survey, NIOSH estimated that 391,074 workers are potentially exposed to U–F resins (NIOSH, 1976). The fraction of these workers exposed to methylolurea is not known.

II. *Chemical fate information*—Methylolurea is not expected to persist in the environment (Landquist, 1955).

III. *Biological effects of concern to human health*—

A. *Toxicokinetics (absorption, distribution, and excretion).* No information was found.

B. *Metabolism.* No information was found.

C. *Genotoxicity.* When methylolurea (urea-formaldehyde precondensate) was administered to 48 outbred male rats via intragastric intubation, chromosomal aberrations of the bone marrow cells were seen at 24 hours and 48 hours after treatment. The dosage was reported to be one-tenth the LD_{50}; however, neither the dosage nor the LD_{50} was given. Three hundred to four hundred anaphases and telophases were analyzed per animal. Statistical analysis of the data revealed a reliable difference between the number of chromosomal aberrations in the bone marrow cells of treated versus control groups at 24 or 48 hours (Erkis and Ratpan, 1973). The authors concluded that methylolurea was "genetically dangerous."

In addition, Morin and Kubinski (1978) tested a precondensate of urea-formaldehyde containing methylolurea in a system that determines the ability of methylolurea to react with macromolecules. The precondensate changed the apparent molecular weight of the isolated DNA and increased the rate of attachment of DNA to bacterial and animal cells. A positive correlation was reported between this property and the ability of tested compounds to produce cancer in vivo.

D. *Short-term (acute) effects.* No information was found.

E. *Long-term (subchronic/chronic effects).* No information was found.

F. *Reproductive effects and teratogenicity.* No information was found.

G. *Rationale for health effects recommendations.* A potential exists for occupational exposure to methylolurea in U–F resin precondensates and for user exposure to methylolurea in particleboard and other products containing the compound as a residue.

Two preliminary genotoxicity tests of methylolurea were positive. A battery of short-term genotoxicity tests should be performed to evaluate further the compound's genotoxic potential.

Since methylolurea readily releases formaldehyde, there is concern about its

fate in the body. Because no toxicokinetic study reports have been found, such testing should be undertaken. If the results of the genotoxicity tests and toxicokinetic studies increase suspicion as to the potential toxicity of methylolurea, further testing such as a long-term bioassay should be undertaken.

IV. *Ecological effects*—No ecological-effects testing is recommended because of the low persistence of methylolurea.

References

(1) C&EN. 1982. Production by the U.S. chemical industry. Chem. and Eng. News. June 14, 1982, p. 37.

(2) CEH. 1979. Chemical Economics Handbook. Section 580.0275–0276. Stanford Research Institute, Menlo Park, CA: SRI International.

(3) EPA. 1982. Environmental Protection Agency. TSCA Chemical Substances Inventory (public portion). Washington, DC: Environmental Protection Agency.

(4) Erkis FB, Ratpan MM. 1973. Cytological study of the mutagenic activity of formaldehyde-containing resin. Tsitologiya i Genetika 7:543–544.

(5) Georgia Pacific Corp. 1982a. Product bulletins INSOL–U–25 and INSOL–U–60. Georgia Pacific Corporation.

(6) Georgia Pacific Corp. 1982b. Unpublished information on the production, use, and release of methylolurea provided by G. Cleek. Georgia Pacific Corporation. August 16, 1982.

(7) Hsiao S–H, Villaume, JE. 1978. A literature review—problem definition studies on selected toxic chemicals. Vol. 6. Occupational Health and Safety and Environmental Aspects of Urea-Formaldehyde Resins. U.S. NTIS Report AD-A054991, 64 pp.

(8) Kumlin K, Simonson R. 1981. Urea-formaldehyde resins 4. Formation of condensation products during resin preparation. Angew. Makromol. Chem. 93(1411):27–42.

(9) Leo AE, Hansch C, Elkins D. 1971. Partition coefficients and their uses. Chem. Revs. 71(6):525–615.

(10) Landquist N. 1955. On the reaction between urea and formaldehyde in neutral and alkaline solutions. III. Experimental studies of the rates of hydrolysis of monomethyl urea. Acta Chim. Scand. 9:1466–1470.

(11) Meyer B. 1979. Urea-formaldehyde resins. Reading, MA. Addision-Wesley Publishing Co., Inc.

(12) Morin NC, Kubinski H. 1978. Potential toxicity of materials used for home insulation. Ecotoxicol. & Environ. Safety 2:133–141.

(13) NIOSH. 1976. National Institute for Occupational Safety and Health. Criteria for a Recommended Standard Occupational Exposure to Formaldehyde. DHEW (NIOSH) Publ. No. 77–126.

(14) Tomita B, Hirose Y. 1976. Urea-formaldehyde resins: NMR study of base catalyzed reaction of formaldehyde with urea in deuterium oxide. J. Polymer Sci. 14:387–401.

(15) Walker JF. 1964. Formaldehyde, 3rd ed. New York, NY: Reinhold Publishing Co., pp. 377–385.

2.2.b *Naphthenate Metal Salts*

Summary of recommended studies. It is recommended that cobalt, lead, and calcium naphthenates be tested for the following:

A. Chemical Fate: Abiotic and biotic persistence, including dissociation; transport, including soil mobility.

B. Health Effects: Carcinogenicity, mutagenicity, teratogenicity, toxicokinetics, reproductive effects.

C. Ecological Effects (The following ecological tests are recommended, depending on the results of chemical fate tests.): Acute toxicity to fish and aquatic invertebrates, toxicity to plants, bioconcentration.

Physicial and Chemical Information

CAS Numbers: Cobalt naphthenate, 61789–51–3; lead naphthenate, 61790–14–5; calcium naphthenate, 61789–36–4.

Synonyms: Naphthenic acids, cobalt salts (CA index name); naphthenic acids, lead salts (CA index name); naphthenic acids, calcium salts (CA index name).

Structural Formula:

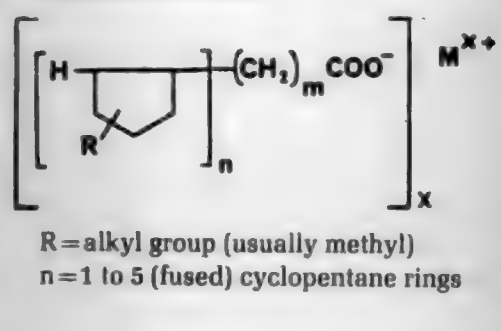

R = alkyl group (usually methyl)
n = 1 to 5 (fused) cyclopentane rings
m = greater than 1
x = valence state of anion
M = metal cation with valence X

Empirical Formula: A naphthenate metal salt is a mixture of the respective metal derivative (cobalt, lead, or calcium) of naphthenic acid containing a specified percentage of metal by weight. The physical state of the metal salt (whether liquid or solid) depends on the type and amount of metal present, the mode of preparation, and the nature of the organic acid used (Kirk-Othmer, 1965). The metal moiety is considered the active part of the metal salt, and the naphthenic acid part serves as the carrier for the metal. This relationship allows required concentrations of heavy metals to be dissolved in organic, solvent-based paints as driers, in lubricants as anticorrosive and extreme pressure agents, in various organic systems as catalysts, and in solvents as preservatives (Kirk-Othmer, 1981).

Naphthenic acid, itself, is predominantly a mixture of alicyclic monocarboxylic acids with single or fused (usually two) cyclopentane rings. Typical naphthenic acids undergo the same chemical reactions as other saturated monocarboxylic acids, including esterification, amidation, and saponification. Their solubility in a variety of organic solvents accounts for their preferred use in the formation of metal salts (Kirk-Othmer, 1981).

Additional physical and chemical information is given in the following Table 5.

TABLE 5.—PHYSICAL AND CHEMICAL PROPERTIES OF THREE METAL NAPHTHENATES

Chemical	Metal content (percent)	Molecular weight range [1]	Melting point [2] (°C)	Boiling range [3] (°F)	Specific gravity [3] (77°dF)	Solubility [4]	Physical State
Cobalt naphthenate	6	239–409	(5)	315–380	0.91–0.95	Soluble in oils, alcohol, ether.	Liquid.
Cobalt naphthenate	10.5	239–409	77	(5)	1.16	do	Solid.
Lead naphthenate	16	387–557	(5)	(5)	(5)	Soluble alcohol	Liquid.
Lead naphthenate	24	387–557	(5)	(5)	1.07–1.13	do	Do.
Lead naphthenate	37	387–557	[illegible]	(5)	1.53	do	Solid.
Calcium naphthenate	[illegible]	220–390	(5)	315–380	[illegible]	Soluble in ethyl [illegible] carbon tetrachloride, gasoline, benzene.	Liquid.
Calcium naphthenate	5	220–390	(5)	315–380	0.92–0.96	do	Do.

[1] Estimated (Kirk-Othmer, 1981).
[2] Kirk-Othmer, 1965.
[3] Troy Chemical Co. 1982.
[4] All the metal salts are water insoluble due to the large size and composition of the napthenic acid moiety (Kirk-Othmer, 1979b)
[5] Not found.

Rationale for Recommendations

I. *Exposure information*—A. *Production/use/disposal.*

All three metal naphthenates are produced by the reaction between sodium napthenate and the respective metal donors, i.e., cobaltous hydroxide, lead oxide, or an aqueous solution of calcium salts (Hawley, 1981).

The TSCA Inventory listed the followng 1977 annual production ranges:

cobalt naphthenate, 1,300,000 to 13,000,000 pounds (with 9 manufacturers); lead naphthenate, 1,440,000 to 14,400,000 pounds (with 11 manufacturers); and calcium naphthenate, 1,000,000 to 11,000,000 pounds (with 11 manufacturers) (EPA, 1982). The 1980 U.S. International Trade Commission Report included the following production figures for the solid naphthenates only: cobalt naphthenate, 2,361,000 pounds; lead naphthenate, 5,131,000 pounds; and calcium naphthenate, 741,000 pounds (USITC, 1980).

All three metal naphthenates are used primarily as driers for coatings (e.g., oil-based paints, varnishes, and printing inks) to acclerate the drying process. Additional uses may include: for cobalt, with various phenols to improve the adhesion of sulfur-vulcanized rubber to metals, and as a catalyst for oxidation of isopropyl benzene; for lead, as a lubricant for anticorrosion and extreme-pressure properties; and for calcium, in adhesives, wood fillers, grafting waxes, and cements (Kirk-Othmer, 1979b; Hawley, 1981).

B. *Evidence for exposure.* In view of the high production volumes, a considerable number of workers may be exposed to the three metal naphthenates.

The National Occupational Exposure Survey (formerly the National Occupational Hazard Survey) indicates that approximately 80,000 workers are potentially exposed to cobalt naphthenate (NIOSH, 1980). OSHA has established a limit of 0.1 mg/m³ as the 8-hour TWA concentration for exposure to cobalt metal, fumes, and dust (OSHA, 1981a).

An estimated 2 million workers are potentially exposed to lead naphthenate (NIOSH, 1980). OSHA's current TWA standard for lead, which includes organic lead salts, is 50 ug/m³ (OSHA, 1881b).

The number of workers potentially exposed to calcium naphthenate has been estimated to be 9,960 (NIOSH, 1980). OSHA has established an 8-hour TWA of 5 mg/m³ for calcium oxide (OSHA, 1981a).

Since all three metal naphthenates are used primarily as driers in paints, varnishes, and printing inks, there exists potential exposure for the general population. In addition, because of their large volumes of production and wide variety of uses, the cobalt, lead, and calcium naphthenates are likely to enter the aquatic environment.

II. *Chemical fate information.*

No test data on the environmental transport or persistence of naphthenate metal salts have been identified. The extent of dissociation of the metal salts—cobalt, lead, and calcium naphthenates—is unknown. The molecular weight and complexity of the naphthenates (e.g., the number of chemical rings, branched side-chains, or number of chemical additions to the rings) will depend on the feedstock of these materials. Several of the metal naphthenates with higher molecular weights are expected to resist biodegradation.

III. *Biological effects of concern to human health—A. Toxicokinetics (absorption, distribution, and excretion).*

Skin-painting studies have shown that lead naphthenate may be absorbed through the skin of rats and mice. The absorbed lead may be distributed to the kidneys, blood, liver, spleen, muscle, and brain (Rastogi and Clausen, 1976; Rasstogi et al., 1976; Baldwin et al., 1964).

The absorption of lead naphthenate after oral administration to rats was studied (Rockhold, 1955). Twenty doses of a 0.25 ml solution of lead naphthenate were given to rats over a 1-month period, after which the animals were sacrificed. Analyses of the hair and liver indicated distribution and accumulation of lead in the hair, but not in the liver. In a separate study, the author also found that about 40 percent of the total lead naphthenate administered by gavage (3.78 g/kg) was excreted in about 3 days.

Toxicokinetic studies have not been found for cobalt or calcium naphthenate.

B. *Mutagenicity.* No data on the mutagenic activity of the three metal naphthenates have been found.

C. *Short-term (acute) effects.* The LD_{50}s in rats after oral administration were determined to be 3.9 g/kg for cobalt naphthenate and 5.1 g/kg for lead naphthenate (Rockhold, 1955).

D. *Long-term (subchronic/chronic) effects.*

1. *Neurotoxicity.* In a skin painting and subcutaneous injection study (Rastogi and Clausen, 1976), total lead accumulation in the rat brain was found to be higher after lead naphthenate treatment than after lead acetate treatment to separate groups of rats. In addition, a paralytic syndrome was found in the lead naphthenate-treated animals. The groups of rats were either skin painted or injected with 0.5 ml of lead naphthenate of lead acetate solution on alternate days over a 9-day period, with a total of 5 doses administered. Two days after dosing was completed, the animals were sacrificed and various organs removed and analyzed for lead content.

The distribution of lead in organs (other than the brain) such as the kidneys, liver, spleen, and muscles was found to be higher after lead acetate than after lead naphthenate treatment.

Information on the neurotoxicity of cobalt and calcium naphthenates has not been found.

2. *Behavioral effects.* Cutaneous application of a 0.2 ml lead naphthenate solution on alternate days for one week resulted in hyperactivity and aggressiveness in rats (Rastogi et al., 1976). Such behavioral changes are recognized as the earliest symptoms of lead poisoning (NAS, 1972).

Information on behavioral effects of cobalt and calcium naphthenates was not found.

3. *Carcinogenicity.* The carcinogenicity of cobalt naphthenate has been studied in both rabbits and mice (Nowak, 1961, 1966).

The development of tumors at the site of injection was reported in 9 of 12 rabbits (Nowak, 1961). The animals were injected with cobalt naphthenate in one of the following sites: thigh muscle, blood vessel of the ear, liver, or pleura. The tumor-inducing dose appeared to be 0.1 ml/kg administered two to four times weekly until termination of the experiment at 6 months. Controls were not discussed by the author.

Nowak also reported a carcinogenic effect of cobalt naphthenate in mice (Nowak, 1966). Thirty mice received single intramuscular injections of 0.02 ml of cobalt naphthenate. Injection-site tumors developed in 8 of the 30 animals over a one-to three-month period. Controls were not discussed.

Lead naphthenate was considered to be carcinogenic in a skin painting study with mice (Baldwin et al., 1964). A 20 percent solution of lead naphthenate in benzene was applied to the dorsal skin of 59 mice once or twice weekly for 12 months (the total dose of lead naphthenate was 6 ml). The animals were observed for an additional 6 months before being sacrificed. Skin tumors were found in 2 of 59 mice. However, the authors described marked kidney damage and tubular adenomata (including one renal carcinoma) in 4 of the 59 animals skin painted with lead naphthenate. Controls were not discussed.

No information was found on the carcinogenicity of calcium naphthenate.

E. *Reproductive effects.* No information was found on the reproductive effects of the three metal naphthenates.

F. *Teratogenicity.* No information was found on cobalt, lead, or calcium naphthenates; however, adequate information does exist on the teratogenicity of other lead compounds.

G. *Rationale for health effects recommendations.* Although trace amounts of cobalt and calcium are needed for normal body function, sufficient evidence in humans exists that indicates the toxic effects of the three metals—cobalt, lead, and calcium. Cobalt metal, cobalt oxides, and certain cobalt salts may cause respiratory and cardiovascular disease (NIOSH, 1982). Lead compounds have been shown to attack the central nervous system as well as the urinary and hematopoietic systems (NAS, 1972). Certain calcium salts, calcium oxide and calcium cyanamide are known to cause diseases of the skin and respiratory system (DHEW, 1977). Sufficient evidence does not exist, however, to characterize properly the overall toxicological properties of the naphthenate salts of these three metals.

The available caricinogenicity studies on cobalt naphthenate (Nowak, 1961, 1966) and lead naphthenate (Baldwin, 1964) are inadequate, mainly because of the omission of data on experimental controls. No data were found concerning the carcinogenic potential of calcium naphthenate. For all three metal naphthenates there exists considerable occupational exposure and a concern for human health. Therefore, carcinogenicity studies are recommended for cobalt, lead, and calcium naphthenates. It is also recommended that the route of administration be via inhalation, which may be more relevant to the occupational exposure.

Reproductive and teratogenic effects studies are recommended for all three metal naphthenates to determine any adverse effects on male and female organs of reproduction, as well as adverse effects on offspring.

Mutagenicity studies are recommended for all three metal naphthenates to investigate the potential for any genotoxic effects.

Toxicokinetic studies are also recommended for all three metal naphthenates to determine the absorption, distribution, excretion, and major metabolic products of cobalt, lead, and calcium naphthenates.

IV. *Ecological effects of concern.*—A. *Short-term (acute) effects.*

No studies on the short-term effects of cobalt, lead, and calcium naphthenates have been found for either aquatic animals or plants.

B. *Long-term (subchronic/chronic) effects.* No studies on the long-term effects of cobalt, lead, or calcium naphthenates have been found for either aquatic animals or plants.

C. *Other effects (physiological/behavioral/ecosystem processes).* No studies on physiological, behavioral, or ecosystem effects of lead, cobalt, or calcium naphthenate have been found.

D. *Bioconcentration and food-chain transport.* The octanol-water partition coefficients for cobalt, lead or calcium naphthenates cannot be calculated by the method of Leo et al. (1971); consequently, the bioconcentration factors cannot be estimated.

E. *Rationale for ecological effects recommendations.* Cobalt, lead, and calcium naphthenates are produced in large quantities with a variety of uses; consequently, it is likely that they will enter the aquatic environment. The rate of degradation of naphthenate and a metal complex (cvobalt, lead, or calcium) is not known, but naphthenate salts are expected to be persistent. Chemical fate studies are recommended to provide information on the abiotic and biotic transformation rates of these chemicals.

The results of the recommended chemicals fate studies are important in determining the approach to the ecological effects testing of cobalt, lead, or calcium naphthenates. If dissociation does not occur, or occurs only partly, it will be necessary to test cobalt, lead, and calcium naphthenates to determine their toxicities. By contrast, if complete dissociation does occur, it will be necessary to determine only the toxicity of the naphthenate fraction, since the toxicities of the metal ions are already known. Acute toxicity studies on fish and aquatics invertebrates and toxicity tests on plants are recommended because of anticipated exposure and insufficient toxicity data.

Bioconcentration testing is recommended to characterize the bioconcentration potential for cobalt, lead, and calcium naphthenates.

References

(1) Baldwin RW, Cunningham GJ, Pratt D. 1964. Carcinogenic action of motor engine oil additives. Brit. J. Cancer 18(3):503–507.

(2) DHEW. 1977 U.S. Department of Health, Education and Welfare. Occupational Diseases. A Guide to Their Recognition. DHEW (NIOSH) Publ. No. 77–181.

(3) EPA. 1982. Environmental Protection Agency. TSCA Chemical Substances Inventory (public portion). Washington, DC: Environmental Protection Agency.

(4) Hawley GG. 1981. The Condensed Chemical Dictionary, 10th ed. New York: Van Nostrand Reinhold Co.

(5) Kirk-Othmer. 1965. Encyclopedia of Chemical Technology, 2nd ed. Vol. 7. New York: John Wiley & Sons.

(6) Kirk-Othmer. 1979a. Encyclopedia of Chemical Technology, 3rd ed. Vol. 7. New York: John Wiley & Sons, pp. 272–287.

(7) Kirk-Othmer. 1979. Encyclopedia of Chemical Technology, 3rd ed. Vol. 8. New York: John Wiley & Sons, pp. 34–49.

(8) Kirk-Othmer. 1981. Encyclopedia of Chemical Technology, 3rd ed. Vol. 15. New York: John Wiley & Sons, pp. 749–753.

(9) Leo AE, Hansch C, Elkins D. 1971. Partition coefficients and their uses. Chem. Rev. 71:525–616.

(10) NAS. 1972. Lead, Airborne Lead in Perspective. National Academy of Sciences.

(11) NIOSH. 1980. National Institute for Occupational Safety and Health. National Occupational Exposure Survey. Conducted 1972–74. Cincinnati: National Institute for Occupational Safety and Health.

(12) NIOSH. 1982. Occupational Hazard Assessment: Criteria for Controlling Occupational Exposure to Cobalt. DHHS (NIOSH) Publ. No. 82–107.

(13) Nowak HF. 1961. The pathogenesis of neoplasia in a rabbit under the influence of polyester resin additives. Rocziniki Akademii Medyczynej im. Juliana Marchlewskiego w. Biahymstoku 7:323–348.

(14) Nowak HF. 1966. Neoplasia in mouse skeletal muscles under the influence of polyester resin activator. Arch. Immunol. Ther. Exp. 14(6):774–778.

(15) OSHA. 1981a. Occupational Safety and Health Administration. Safety and Health Standards, 29 CFR 1910.1000, Table Z–1.

(16) OSHA. 1981b. Occupational Safety and Health Administration, Safety and Health Standards, 29 CFR 1910.1025, p. 725.

(17) Rastogi SC, Clausen JH. 1976. Absorption of lead through the skin. Toxicology 6:371–376.

(18) Rastogi SC, Clausen J, Srivastava KC. 1976. Selenium and lead: mutual detoxifying effects. Toxicology 6:377–388.

(19) Rockhold WT. 1955. Toxicity of naphthenic acids and their metal salts. Arch. Ind. Health 12:477–482.

(20) Troy Chemical Co. 1982. Technical Bulletin. Newark, NJ. Troy Chemical Company.

(21) USITC. 1980. U.S. International Trade Commission. Synthetic Organic Chemicals, U.S. Production and Sales. U.S. Govt. Printing Office, USITC Publ. No. 1183.

2.2.c *2-Phenoxyethanol*

Summary of recommended studies. It is recommended that 2-phenoxyethanol be tested for the following:

Health Effects: Reproductive effects, teratogenicity, short-term genotoxicity, subchronic toxicity.

Physical and Chemical Information

CAS number: 122–99–6.

Synonyms: Ethanol, 2-phenoxy- (CA index name); glycol monophenyl ether; β-hydroxyethyl phenyl ether; 1-hydroxy-2-phenoxyethane; phenyl Cellosolve®; Dowanol EP®

Structural Formula:

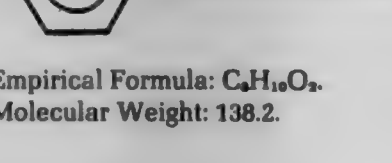

Empirical Formula: $C_8H_{10}O_2$.

Molecular Weight: 138.2.

Description: Colorless liquid with a slight rose odor (Dow Chemical Co., 1982).

Melting Point: 12° C (Rohm and Haas Co., 1982).

Boiling Point: 244.9° C (Dow Chemical Co., 1982).

Vapor Pressure: 0.03 mm Hg at 20° C (Dow Chemical Co., 1982).

Specific Gravity: 1.104 (25/25° C) (Dow Chemical Co., 1982).

Solubility in Water: 2.6 g/100 ml (Dow Chemical Co., 1982).

Solubility in Organic Solvents: Miscible with propylene glycol, ethanol, ether, benzene (Dow Chemical Co., 1982).

Log Octanol/Water Partition Coefficient: 1.20 (measured; Gilbert et al., 1978).

RATIONALE FOR RECOMMENDATIONS

I. *Exposure information—A. Production/use/disposal.*

The current industry estimate of 2-phenoxyethanol production is in excess of 5 million pounds annually. U.S. production of 2-phenoxyethanol in 1977 was reported in the TSCA Inventory to be from 1 million to 10 million pounds (EPA, 1982).

2-Phenoxyethanol is used primarily as a coalescing agent in latex paints (Dow Chemical Co., 1982) and as a solvent in paint removers, industrial cleaners and photographic processing (Borghi, 1982). A minor portion of total production is used as a carrier for the dyeing of polyester fibers, as an ink solvent for ballpoint and felt tip pens (Dow Chemical Co., 1982), as a preservative in cosmetics, and as a fragrance in household cleaners (Borghi, 1982). It is also used as an intermediate in the manufacture of an industrial surfactant (Rohm and Haas Co., 1982). The compound is also used in the synthesis of plasticizers, germicides, and pharmaceuticals (Hawley, 1977).

B. *Evidence for exposure.* In a 1972–74 survey, NIOSH estimated that 10,000 workers were potentially exposed to 2-phenoxyethanol in the workplace (NIOSH, 1982). Its use in paints and paint removers, household cleaners and various other consumer products indicates the potential for exposure of the general population to the compound.

II. *Chemical fate information.*

2-Phenoxyethanol is a relatively nonvolatile chemical that is expected to biodegrade in the environment and in waste treatment plants at environmentally relevant concentrations (Roesch and Dietrichs, 1971; Gilbert et al., 1977, 1978; Stickler, 1974). No chemical fate testing is recommended.

III. *Biological effects of concern to human health.—A. Toxicokinetics and metabolism.*

No information was found. 2-Phenoxyethanol is expected to be biotransformed to 2-phenoxyacetic acid by analogy with mono alkyl glycol ethers.

B. *Genotoxicity.* No explicit information on the genotoxicity of 2-phenoxyethanol was found. The compound was evaluated as a solvent for bacterial mutagenicity testing and was found to be too toxic for this use (Maron et al., 1981).

Two alkyl analogs of 2-phenoxyethanol have been tested for genotoxicity. 2-Ethoxyethanol was negative in the *Salmonella* assay, both with and without metabolic activation. It was positive for chromosomal aberrations and sister chromatid exchanges in Chinese hamster ovary cells. 2-Methoxyethanol induced an increased incidence of sex-linked recessive mutations in *Drosophila*, but was negative in the unscheduled DNA synthesis and rat bone marrow cytology assays. 2-Methoxyethanol caused sterility in rats in a dominant lethal assay and an increased incidence of abnormally shaped sperm in mice (NTP, 1982).

C. *Short term (acute) effects.* The acute oral LD_{50} in rodents is 1–4 g/kg of body weight (Smyth et al., 1941; Dow Chemical Co., 1982; American Cyanamid Co., 1982; Union Carbide Corp., 1982). The acute dermal LD_{50} in rats is 2.3–3.8 g/kg of-body weight (Union Carbide Corp., 1982; American Cyanamid Co., 1982), and in rabbits it is 5.0 g/kg of body weight (RTECS, 1980). A 7- or 8-hour inhalation exposure to air saturated with vapors of 2-phenoxyethanol produced no untoward effects or signs of intoxication in rats (Union Carbide Corp., 1982; American Cyanamid Co., 1982).

Various studies have been conducted that demonstrate the antimicrobial properties of the compound (Hall, 1981; Maron et al., 1981).

D. *Long term (chronic) effects.* No information was found.

E. *Reproductive effects and teratogenicity:* A 5 week oral feeding study conducted in mice on a series of ethylene glycol monoethers (glycol ethers) indicated that certain of these compounds produce significant testicular atrophy. 2-Phenoxyethanol produced slight tubular degeneration in the testes of one mouse; however, only 5 animals were tested at each of 3 dose levels (i.e., 500, 1,000 and 2,000 mg/kg) (Nagano, et al., 1979).

A review of the literature on reproductive toxicity of glycol ethers disclosed that a number are teratogenic and/or produce testicular atrophy or infertility in laboratory animals following treatment (Hardin, 1982).

In inhalation teratology assays, 2-methoxyethanol and 2-ethoxyethanol were found to be teratogenic and embryotoxic in laboratory animals. 2-Ethoxyethanol exhibited the same effects in rats when exposed by the dermal route (NTP, 1982).

Manufacturers of glycol ethers are also studying the inhalation toxicity of 2-methoxyethanol and 2-ethoxyethanol. 2-Methoxyethanol was found to be teratogenic and fetotoxic in rabbits, slightly fetotoxic in mice, and fetotoxic in rats (CMA, 1982, 1983). Results of the study of 2-ethoxyethanol have not yet been received.

F. *Rationale for health effects recommendations:* Consumer and worker exposure is expected from the use of 2-phenoxyethanol in consumer products and in industrial solvents.

In view of the teratogenic effects of a number of alkyl glycol ethers and the lack of such data on 2-phenoxyethanol, testing for teratogenicity is recommended. Testing of 2-phenoxyethanol for other reproductive effects is also recommended since the one reported study addressed only one indicator of reproductive effects, and the results were equivocal. The route of administration in the recommended studies should be given careful consideration.

Structurally related glycol ethers were positive in several genotoxicity test systems. Since no relevant data on 2-phenoxyethanol were found, a battery of short-term genotoxicity tests should also be conducted. Finally, subchronic-effects testing is recommended to permit a more thorough evaluation of the toxocity potential of the compound.

IV. *Ecological effects.*

2-Phenoxyethanol is expected to have low toxicity to aquatic organisms and is not expected to bioconcentrate. The compound is also expected to biodegrade readily. For these reasons, ecological effects testing is not recommended.

References

(1) American Cyanamid Co. 1982. Unpublished information of toxicity of 2-phenoxyethanol submitted to ITC by F.D. Timmons, Jr., American Cyanamid Co. July 20, 1982.

(2) Borghi L. 1982. Unpublished information on production, uses, and occupational exposure of 2-phenoxyethanol. June 24, 1982.

(3) CMA. 1982. Chemical Manufacturers Assn. Letter and test protocols submitted to ITC by G.V. Cox, Chemical Manufacturers Assn. July 2, 1982.

(4) CMA. 1983. Chemical Manufacturers Assn. Letter and inhalation teratology study reports submitted to ITC by E.J. Moran, Chemical Manufacturers Assn. January 24, 1983.

(5) Dow Chemical Co. 1982. Information on 2-phenoxyethanol, submitted to ITC by C.M. Bowman, Dow Chemical Co. September 13, 1982.

(6) EPA. 1982. Environmental Protection Agency. TSCA Chemical Substances Inventory (public portion). Washington, DC: Environmental Protection Agency.

(7) Gilbert P, Beveridge EG, Crone PB. 1977. Effect of phenoxyethanol on the permeability of *Escherichia coil* NCTC 5933 to inorganic ions. Microbios. 19:17–26.

(8) Gilbert P, Bryon PR, Beveridge EC, Boyd I, Crone PB. 1978. Correlation between physico-chemical properties and antimicrobial activity for some glycolmonophenyl ethers. Microbios 22:203–210.

(9) Hall AL. 1981. Phenoxyethanol—A cosmetically acceptable preservative. Cosmet. & Toilet. 96:83–85.

(10) Hardin BD. 1982. Reproductive toxicity of the glycol ethers. Toronto. American Occupational Health Conference. April 30, 1982 (In press: Toxicology)

(11) Hawley GG. 1977. The Condensed Chemical Dictionary. 9th ed. New York: Van Nostrand Reinhold Co., p. 361.

(12) Maron D, Katzenellenbogen J, Ames BN. 1981. Compatibility of organic solvents with the salmonella/microsome test. Mutat. Res. 38:343–350.

(13) Nagano K, Nakayama E, Koyano M, Oobayashi H, Adachi H, Yamada T. 1979. Testicular atrophy of mice induced by ethylene glycol mono alkyl ethers. Sangyo Igaku. 21(1), 29–35.

(14) NIOSH. 1982. National Institute for Occupational Safety and Health. National Occupational Exposure Survey. Conducted 1972–74. Cincinnati: National Institute for Occupational Safety and Health.

(15) NTP. 1982. National Toxicology Program. NTP testing status of ITC chemicals. Memo by D. Canter to M. Greif. December 13, 1982.

(16) Roesch R, Dietrichs HH. 1971. Investigatioins on the enzymic degradation of phenolic ethers by wood-destroying fungi. I. Detection of phenol in culture filtrates of *Coniophora cerebello, Pleurotus ostreatus,* and *Polystrictus versicolor.* Arch. Mikrobiol. 75:197–202.

(17) Rhom and Haas Co. 1982. Information on 2-phenoxyethanol, submitted to ITC by R. Keener, Rohm and Haas Co, July 29, 1982.

(18) Rowe VK. 1963. Derivatives of glycols. IN: Patty FA, ed. Industrial Hygiene and Toxicology. 2nd revised ed. Vol. II. New York: John Wiley & Sons, Inc., pp. 1537–1592.

(19) RTECS. 1980. Registry of Toxic Effects of Chemical Substances. U.S. Dept. of Health and Human Services. DHHS (NIOSH) Pub. No. 81–116.

(20) Smyth, HF Jr., Seaton J, Fischer L. 1941. The single dose toxicity of some glycols and derivatives. Ind. Hyg. Toxicol. 23:259–268.

(21) Stickler DJ. 1974. Chlorhexidine resistance in *Proteus mirabilis.* J. Clin. Path. 27:204–207.

(22) Union Carbide Corp. 1982. Unpublished information on toxicity of 2-phenoxyethanol submitted to ITC by D.L. Heywood, Union Carbide Corp. July 22, 1982.

[FR Doc. 83-14445 Filed 5-31-83; 8:45 am]
BILLING CODE 6560-50-M

[PF-328; PH-FRL 2370-1]

Certain Companies; BFC Chemicals, Inc. et al.; Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions relating to the establishment and/or amendment of tolerances for certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below:

Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF–328] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide petitions relating to the establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

A. Initial Filing

1. *PP 3F2879.* BFC Chemicals, Inc., 4311 Lancaster Pike, P.O. Box 2867, Wilmington, DE 19805. Proposes amending 40 CFR 180.402 by establishing tolerances for the combined residues of the herbicide diethatyl-ethyl and its metabolites (free and bound) determinable as the *N*-acetyl *N*-(2,6-diethylphenyl) glycine derivative in or on the commodities red beet, roots and tops at 0.2 part per million (ppm) and spinach at 1.0 ppm. The proposed analytical methods for determining residues is Raney nickel hydrogenolysis, derivatization, and gas chromatography. (PM–23, Richard Mountfort, 703–557–1830).

2. *PP 3F2883.* Merck & Co. Inc., P.O. Box 2000, Rahway, NJ 07065. Proposes amending 40 CFR 180.242 by establishing a tolerance for residues of the fungicide thiabendazole (2-(4-thiazolyl) benzimidazole in or on the commodity mushrooms at 40 ppm. The proposed analytical method for determining residues is spectrophotofluorometry. (PM–21, Henry Jacoby, 703–557–1900).

3. *PP 3F2882.* Merck & Co., Inc. Proposes amending 40 CFR 180.242 by increasing the established tolerance for residues of thiabendazole in or on potatoes (pre and post-H) from 3.0 to 8.0 ppm. The proposed analytical method for determining residues is spectrophotofluorometry. (PM–21, Henry Jacoby, 703–557–1900).

B. Amended Petition

PP 1F1105. Pennwalt Corp., Agricultural Division, Three Parkway, Philadelphia, PA 19102. EPA issued a notice published in the **Federal Register** of April 9, 1971 (37 FR 6848) which announced that Pennwalt Corp. had submitted pesticide petition 1F1105 to the Agency proposing the establishment of tolerances for negligible residues of the herbicide endothall (7-oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid) in or on the raw agricultural commodity sugar beets and in water at 0.2 ppm, resulting from the application of its dimethylalkylamine, potassium, or sodium salts as herbicides.

Pennwalt Corp. has amended the petition as follows:

1. Tolerances are proposed for residues of the herbicide endothall (7-oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid) resulting from application of its potassium, sodium, di-(*N,N*-dimethylakylamine) and mono-(*N,N*-dimethylalkylamine) salts wherein the alkyl group is the same as in the fatty acid of coconut oil in or on the following raw agricultural commodities:

Commmodities	Parts per million
Eggs	0.02
Fat, meat, and meat byproducts of cattle, goats, horses, sheep, and swine	0.02
Fish	0.1
Milk	0.02
Poultry	0.02
Sugar beet, roots	0.1
Sugar beet, tops	0.1

2. Tolerances are proposed for residues of the herbicide endothall (7-

oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid) resulting from application of its potassium, sodium, di-(*N,N*-dimethylalkylamine) and mono-(*N,N*-dimethylalkylamine) salts wherein the alkyl group is the same as in the fatty acid of coconut oil to fresh water canals, ditches, lakes, ponds and rivers for aquatic plant control in or on the following:

Commmodities	Parts per million
Avocados	0.1
Citrus	0.1
Cottonseed	0.1
Cucurbits	0.1
Forage grasses	1.0
Forage legumes	1.0
Fruiting vegetables	0.1
Grain crops	0.1
Hops	0.1
Leafy vegetables	0.1
Nuts	0.1
Pome fruits	0.1
Root crop vegetables	0.1
Seed and pod vegetables	0.1
Small fruits	0.1
Stone fruits	0.1

Where tolerances are established at higher levels from other uses of endothall on the subject crops, the higher tolerance applies also to residues resulting from these aquatic uses. The proposed analytical method for determining residues is microcoulometric gas chromatography using a nitrogen specific detector. (PM-23, Richard Mountfort, 703-557-1830).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136)).

Dated: May 17, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-14160 Filed 5-31-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-325; PH-FRL 2361-4]

Food, and Feed Additive Petitions; BASF Wyandotte Corp. et al.

In FR Doc. 83-12576 appearing on page 21196 in the issue of Wednesday, May 11, 1983, the PF number in the heading should read as set forth above.

BILLING CODE 1505-01-M

[AMS-FRL 2373-2]

Announcement of Fuel Economy Retrofit Device Evaluation for Kamei Spoilers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the completion of the EPA evaluation of the "Kamei Spoilers" under the provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act. The notice also announces our findings, conclusions, and the availability of the report.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 668-4299.

SUPPLEMENTARY INFORMATION:

I. Background

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) require that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate.

(c) The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) the effect of any retrofit device on fuel economy;

(2) the effect of any such device on emissions of air pollutants; and

(3) any other information which the Administrator determines to be relevant in evaluating such device.

EPA published final regulations establishing procedures for conducting evaluations of fuel economy retrofit devices on March 23, 1979 [44 FR 17946].

II. Origin of Request for Evaluation, Device Descriptions and Report Identification

Kamei Spoilers

On March 5, 1982, the EPA received a request from Kamei USA, Inc. for evaluation of the Kamei Spoilers as a fuel saving device. This device is designed to reduce the aerodynamic drag forces retarding the vehicle and thereby improve fuel economy. The device is a plastic air dam that is installed beneath the front bumper to reduce the flow of air under the front of the vehicle.

Report: "EPA Evaluation of the Kamei Spoilers Under Section 511 of the Motor Vehicle Information and Cost Savings Act". Report number EPA-AA-TEB-511-83-6 contains the analysis and conclusions and consists of 33 pages.

III. Availability of Evaluation Reports.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Telephone: (703) 487-4650 or FTS 737-4650.

IV. Summary of Evaluation

The evaluation of the Kamei Spoilers was based on the information submitted by the applicant and our engineering judgment. The overall conclusion is that the Kamei Spoilers have the potential to improve the fuel economy of some vehicles.

The amount of this fuel economy benefit depends on several factors. The most important is the percentage reduction in the drag force due to the spoiler. Vehicles for which the device is well matched will likely experience an increase in fuel economy. The second important factor is the type of driving cycle. The device will be more effective in highway driving than urban driving. Since a typical improvement in fuel economy would be one or two percent, it is unlikely the cost of the unit would be offset by fuel saving during the life of the vehicle.

Installation is quick and simple and could be accomplished by most owners.

Dated: May 23, 1983.

Charles L. Elkins,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 83-14828 Filed 5-31-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-31062; PH-FRL 2374-1]

Pet Chemicals, Inc.; Application to Conditionally Register a Pesticide Product Involving a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: This notice announces receipt of an application to conditionally register, or amend registration of, a pesticide product involving a changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comment by July 1, 1983.

ADDRESS: Written comments, identified by the document control number [OPP-

31062] and the file symbol, should be submitted to: William Miller, Product Manager (PM) 16, Registration Division (TS–767C), Office of Pesticide Programs, CM No. 2, Rm. 211, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: William Miller (703–557–2600).

SUPPLEMENTARY INFORMATION: Pet Chemicals, Inc., PO Box 660656, Miami Springs, FL 33166, has submitted an application to EPA to conditionally register, or amend registration of, the pesticide product Hill's Holiday Carpet Spray, EPA File Symbol 4758–RUT, containing the active ingredient *d*-limonene at 4.85 percent, involving a changed use pattern pursuant to the provisions of section 3(c)(4) of FIFRA. The application proposes that the product be classified for general use to include in its presently registered use the new outdoor use on fleas and ticks. Notice of receipt of this application does not imply a decision by the Agency on the application.

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice will be available in the product manageer's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing such comments telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended).

Dated: May 23, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83–14578 Filed 5–31–83; 8:45 am]

BILLING CODE 6560–50–M

[PP 9G2160/T415; PH–FRL 2373–6]

Fluridone; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended the temporary tolerance for residues of the herbicide fluridone in or on the raw agricultural commodity fish.

DATE: This temporary tolerance expires June 1, 1984.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, that was published in the **Federal Register** of March 17, 1981 (46 FR 17015), announcing the extension of a temporary tolerance for residues of the herbicide fluridone 1-methyl-3-phenyl-5-[3-(trifluoromethyl) phenyl]-4(1*H*)-pyridinone in or on the raw agricultural commodity fish at 0.1 part per million (ppm). The tolerance had been established in response to pesticide petition PP 9G2160, submitted by Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285. since then, the company has requested a further extension of the tolerance which EPA has granted. A related food additive petition, 9H5202 extending a food additive regulation for residues of the herbicide fluridone in or on potable water at 0.01 part per million was also submitted. This temporary tolerance has been extended to permit the continued marketing of the raw agricultural commodity named above when treated in accordance with the provisions of experimental use permit (1471–EUP–67), which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of this temporary tolerance will protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires June 1, 1984. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981, (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, 21 U.S.C 346a(j))).

Dated: May 23, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83–14576 Filed 5–31–83; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180622; PH–FRL 2373–8]

Emergency Exemptions; California et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions to the Army Corps of Engineers and the States listed below for the control of various pests. Also listed are eight crisis exemptions initiated by six States.

DATES: See each specific and crisis exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific and crisis exemption for the name of the contact person. The following information applies to all contact people: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. California Department of Food and Agriculture for the use of methiocarb on tomato and cucurbit seeds to repel birds; April 8, 1983 to January 25, 1984. (Libby Welch)

2. California Department of Food and Agriculture for the use of methamidophos on celery to control leafminers; April 23, 1983 to April 1, 1984. (Gene Asbury)

3. Delaware Department of Agriculture for the use of azinphos-methyl on carrots to control carrot weevils; April 15, 1983 to August 31, 1983. (Gene Asbury)

4. Delaware Department of Agriculture for the use of triadimefon on cucurbits to control powdery mildew; April 27, 1983 to October 31, 1983. (Libby Welch)

5. Idaho Department of Agriculture for the use of oxyfluorfen on dry bulb onions to control broadleaf weeds; April 8, 1983 to June 15, 1983. (Jim Tompkins)

6. Illinois Department of Agriculture for the use of oxyfluorfen on dry bulb onions to control broadleaf weeds; April 8, 1983 to December 31, 1983. (Jim Tompkins)

7. New Jersey Department of Environmental Protection for the use of aldicarb on eggplants to control Colorado potato beetles; April 8, 1983 to June 15, 1983. (Gene Asbury)

8. New Jersey Department of Environmental Protection for the use of triadimefon on cucurbits to control powdery mildew; April 27, 1983 to October 31, 1983. (Libby Welch)

9. Oregon Department of Agriculture for the use of methomyl on caneberries to control leafrollers, tortrix, and loopers; April 8, 1983 to September 30, 1983. (Jim Tompkins)

10. Oregon Department of Agriculture for the use of disulfoton on asparagus to control asparagus aphids; April 18, 1983 to October 31, 1983 (Gene Asbury)

11. Oregon Department of Agriculture for the use of traidimefon on sugar beets to control powdery mildew; April 21, 1983 to September 30, 1983. (Gene Asbury)

12. Texas Department of Agriculture for the use of triadimefon on cucurbits to control powdery mildew; April 27, 1983 to February 14, 1984. (Libby Welch)

13. Utah Department of Agriculture for the use of oxyfluorfen on dry bulb onions to control broadleaf weeds; April 8, 1983 to November 30, 1983. (Jim Tompkins)

14. Washington Department of Agriculture for the use of disulfoton on asparagus to control asparagus aphids; April 21, 1983 to October 31, 1983. (Gene Asbury)

15. Department of the Army, Corps of Engineers, for the use of dipotassium salt of endothall on Pat Mayse Lake, Texas, to control Eurasian watermilfoil; April 27, 1983 to April 27, 1984.(Libby Welch)

Crisis exemptions were initiated by the:

1. California Department of Food and Agriculture on April 6, 1983, for the use of 2-[1-(ethoxyimino) butyl]-5-2[-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on onions grown for seed to control rye grass and wild oats. Since it was anticipated that this program would be needed for more than 15 days, California requested a specific exemption to continue it. The need for this program has ended. (Libby Welch)

2. California Department of Food and Agriculture on April 7, 1983, for the use of paraquat dichloride on strawberry nursery plants to control broadleaf and grassy weeds. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for this program is expected to last until May 31, 1983. (Gene Asbury)

3. California Department of Food and Agriculture on April 1, 1983, for the use of metalaxyl on almonds (non-bearing) to control *Phytophthora* crown and root rot. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The program will end on March 30, 1984. (Libby Welch)

4. Florida Department of Agriculture and Consumer Services on March 16, 1983, for the use of cyromazine on tomatoes to control leafminers. Since it was anticipated that this program would be needed for more than 15 days, Florida has requested a specific exemption to continue it. The need for this program is expected to last until June 30, 1984. (Jack E. Housenger)

5. Idaho Department of Agriculture on April 11, 1983, for the use of metalaxyl on hops to control downy mildew. Since it was anticipated that this program would be needed for more than 15 days, Idaho has requested a specific exemption to continue it. the need for this program is expected to last until July 15, 1983. (Jack E. Housenger)

6. Maryland Department of Agriculture on April 22, 1983, for the use of ethephon on wheat and barley to control lodging. Since it was anticipated that this program would be needed for more than 15 days, Maryland has requested a specific exemption to continue it. The need for this program is expected to last until June 30, 1983. (Libby Welch)

7. Oklahoma Department of Agriculture on April 7, 1983, for the use of metalaxyl on spinach to control mildew. The program ended on April 22, 1983. (Libby Welch)

8. Oregon Department of Agriculture on April 6, 1983, for the use of metalaxyl on raspberry plants to control raspberry root rot. Since it was anticipated that this program would be needed for more than 15 days, Oregon has requested a specific exemption to continue it. The need for this program is expected to last until November 30, 1983. (Gene Asbury)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136)).

Dated: May 20, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83–14577 Filed 5–31–83; 8:45 am]

BILLING CODE 6560–50–M

[OPP–50596; PH–FRL 2373–4]

Issuance of Experimental Use Permits; BFC Chemicals et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

45639–EUP–12. Issuance. BFC Chemicals, Inc., 4311 Lancaster Pike, P.O. Box 2867, Wilmington, DE 19805. This experimental use permit allows the use of 100 pounds of the herbicide ethyl

4-chloro-2-oxo-3 (2H)-benzothiazoleacetate) on soybeans to evaluate the control of weeds. A total of 200 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Michigan, Mississippi, Missouri, Nebraska, South Carolina, and Tennessee. The experimental use permit is effective from May 4, 1983 to May 1, 1984. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (Richard Mountfort, PM 23, Rm. 237, CM No. 2 (703–557–1830)).

1471–EUP–67. Extension. Elanco Products Company, 740 S. Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 8,700 pounds of the herbicide fluridone to be applied to aquatic plant management systems to evaluate the control of aquatic weeds. A total of 4,350 acres are involved; the program is authorized in the States of Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, and West Virginia. The experimental use permit is effective from May 6, 1983 to June 1, 1984. A temporary tolerance for residues of the active ingredient in or on fish has been established. A food additive regulation for residues of the active ingredient in potable water has been established (21 CFR 193.219). (Richard Mountfort, PM 23, Rm. 237, CM No. 2 (703–557–1830)).

1471–EUP–82. Issuance. Elanco Products Company, 740 S. Alabama St., Indianapolis, IN 46285. This experimental use permit allows 1,600 pounds of the growth regulator alpha-(1-methylethyl)-alpha-[4-(trifluoromethoxy)phenyl]-5-pyrimidinemethanol on turf grasses to evaluate turf grass quality and the reduction in mowing frequency. A total of 1,280 acres are involved; the program is authorized in all 50 States except Alaska, Hawaii, Kansas, Maine, Montana, North Dakota, South Dakota, Vermont, and Wyoming. The experimental use permit is effective from May 4, 1983 to May 4, 1985. (Robert Taylor, PM 25, Rm. 245, CM No. 2 (703–557–1800)).

3125–EUP–185. Issuance. Mobay Chemical Corporation, P.O. Box 4913, Kansas City, MO 64120. This experimental use permit allows the use of four pounds of the insect growth regulator 2-chloro-N-[[[4-(trifluoromethoxy)phenyl] amino]carbonyl] benzamide on cotton to evaluate the control of the boll weevil. A total of 10 acres are involved; the program is authorized only in the State of South Carolina. The experimental use permit is effective from May 6, 1983 to May 6, 1984. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (Timothy Gardner, PM 17, Rm. 209, CM No. 2 (703–557–2690)).

4581–EUP–35. Issuance. Pennwalt Corporation, Three Parkway, Philadelphia, PA 19102. This experimental use permit allows the use of 1,626 pounds of the fungicide thiophanate-methyl on onions and wheat to evaluate the control of various diseases. A total of 2,317 acres are involved; the program is authorized only in the States of California, Colorado, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Washington, and Wisconsin. The experimental use permit is effective from May 2, 1983 to January 1, 1985. A temporary tolerance for residues of the active ingredient in or on onions (dry and green bulbs) and wheat (grain, straw, and forage) has been established. (Henry Jacoby, PM 21, Rm. 229, CM No. 2, (703–557–1900))

359–EUP–63. Issuance. Rhone-Poulenc, Inc., P.O. Box 125, Black Horse Lane, Monmouth Junction, NJ 08825. This experimental use permit allows the use of 3,500 pounds of the fungicide 3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide on lettuce to evaluate the control of various diseases. A total of 2,000 acres are involved; the program is authorized only in the States of Arizona, California, Florida, and New York. The experimental use permit is effective from May 2, 1983 to December 31, 1984. A temporary tolerance for residues of the active ingredient in or on lettuce has been established. (Henry Jacoby, PM 21, Rm. 229, CM No. 2, (703–557–1900))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended. (7 U.S.C. 136))

Dated: May 23, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83–14575 Filed 5–31–83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. AC–237]

Land of Lincoln Savings and Loan Association, Berwyn, Illinois; Approval of Post-Approval Amendment to Mutual-To-Stock Conversion Application; Final Action

Dated: May 25, 1983.

Notice is hereby given that on May 12, 1983, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved post-approval amendment to Sections 24 and 25 of the Plan of Conversion of Land of Lincoln Savings and Loan Association, Berwyn, Illinois. The Application for Conversion had been approved by the Board by Resolution No. 79–361, dated June 21, 1979. Copies of the Application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Chicago, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83–14569 Filed 5–31–83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days

after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No. T–3570–2.

Title: Matson Terminals, Inc./ McCabe, Hamilton & Renny Co., Ltd. Terminal Equipment Lease.

Parties: Matson Terminals, Inc. and McCabe, Hamilton & Renny Co., Ltd.

Synopsis: Agreement No. T–3570–2 amends the basic agreement by revising the insurance and redelivery requirements concerning the leased equipment provided for in the agreement.

Filing party: Mr. Peter P. Wilson, Matson Navigation Company, 333 Market Street, P.O. Box 7452, San Francisco, California 94120.

Agreement No. T–3844–7.

Title: Port of Seattle/Harbor Island Marine Associates Amended Lease Agreement.

Parties: Port of Seattle (Port) and Harbor Island Marine Associates (HIMA).

Synopsis: Agreement No. T–3844–7 amends the basic agreement by extending the Port's termination rights from May 1, 1983 to August 1, 1983, to allow HIMA, the developer of the facilities, additional time to obtain the Corps of Engineers permit necessary for construction of the facilities mentioned in the agreement.

Filing party: H. H. Wittren, Associate Director of Real Estate, Leasing, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No.: T–3957–3.

Title: Port of Oakland/Neptune Orient Lines, Ltd. Preferential Assignment Amendment.

Parties: Port of Oakland (Port) and Neptune Orient Lines, Ltd. (NOL).

Synopsis: Agreement No. T–3957–3 modifies the basic agreement between the parties whereby the Port preferentially assigned certain marine terminal facilities in the Port's Outer Harbor Terminal Area to NOL. Agreement No. T–3957–3 reduces the assigned premises from 22.5909 acres to 4.6281 acres, and describes an additional area which area NOL will have a nonexclusive preferential right to use an 18 acres portion for the uses as set forth in Agreement No. T–3957. Agreement No. T–3957–3 amends the secondary use provisions to limit NOL's sharing in secondary use revenues to dockage. It provides a per container payment to the Port of $22 in event NOL's throughput revenue in any year exceeds 36,000 container. If NOL's use exceeds a volume of 43,200 containers such use may only be accomplished under a further agreement to be filed with the Federal Maritime Commission.

Filing party: John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland, California 94604.

Agreement No.: T–4067–1.

Title: Port of Oakland/Crescent Wharf & Warehouse Company Management Agreement Modification.

Parties: Port of Oakland (Port) and Crescent Wharf and Warehouse Company (Crescent).

Synopsis: Agreement No. T–4067–1 modifies the basic agreement by changing the description of the premises at Berth No. 6 in the Port's Outer Harbor Area, to add thereto a portion of the Berth 5 area, and proportionally increases Crescent's minimum annual tariff quota from 410,000 revenue tons to 650,000 revenue tons. The amended agreement also provides that if Neptune Orient Lines, Ltd., during the term of its Preferential Assignment Agreement No. T–3957 terminated its contracts for stevedoring and terminal services with Crescent, Agreement No. T–4067–1 shall become null and void.

Filing party: John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland, California 94604.

Agreement No. T–4117.

Title: VPA/MIT Lease Assignment.

Parties: Virginia Port Authority (VPA)/Maritime Terminals, Inc. (MTI).

Synopsis: Agreement No. T–4117 is an assignment of a lease between VPA and MTI to Virginia International Terminals, Inc., non-profit operating subsidiary of VPA. The lease term will end on December 31, 1992. Among its provisions the agreement required VPA's approval of MIT's tariff charges and rates.

Filing party: J. Stanley Payne, Jr., General Counsel, Commonwealth of Virginia, Virginia Port Authority, 1600 Maritime Tower, Norfolk, Virginia 23510.

Agreement No. T–4118.

Title: VPA/PTI Lease Assignment.

Parties: Virginia Port Authority (VPA)/Portsmouth Terminals, Inc. (PTI).

Synopsis: Agreement No. T–4118 is an assignment of a lease between VPA and PTI to Virginia International Terminals, Inc., a non-profit operating subsidiary of VPA. The lease term will end on April 30, 1985. Among its provisions the agreement requires VPA's approval of PTI's tariff charges and rates.

Filing party: J. Stanley Payne, Jr., General Counsel, Commonwealth of Virginia, Virginia Port Authority, 1600 Maritime Tower, Norfolk, Virginia 23510.

Agreement No. T–4119.

Title: VPA/PAT Lease Assignment.

Parties: Virginia Port Authority (VPA)/Port Authority Terminals, Inc., (PAT).

Synopsis: Agreement No. T–4119 is an assignment of a lease between VPA and PAT to Virginia International Terminals, Inc., a non-profit operating subsidiary of VPA. The lease term will end on April 30, 1985. Among its provisions the agreement requires VPA's approval of PAT's tariff charges and rates.

Filing party: J. Stanley Payne, Jr., General Counsel, Commonwealth of Virginia, Virginia Port Authority, 1600 Maritime Tower, Norfolk, Virginia 23510.

Agreement No. T–4123.

Title: City of Los Angeles/Crescent Wharf and Warehouse Company Non-Exclusive Berth Assignment.

Parties: City of Los Angeles (City) and Crescent Wharf and Warehouse Company (Crescent).

Synopsis: Agreement No. T–4123 provides that Crescent shall have the non-exclusive right for use of Berth No. 54 in the Port of Los Angeles. Crescent shall use the premises for berthing and mooring of vessels, handling of passengers and the assembling, distributing, loading and unloading of cargo on and form such vessels. Crescent shall guarantee annual tariff revenue of $350,000. The agreement will become effective the day following approval by the Commission, and the term is for 30 day periods revocable on 30 days' notice to Crescent.

Filing party: David McKenna, Deputy City Attorney, Office of the City Attorney, Harbor Division, P.O. Box 151, San Pedro, California 90731.

Agreement No. T–4124.

Title: Port of Tacoma/International Transportation Service, Inc. Lease and Operating Agreement.

Parties: Port of Tacoma (Port) and International Transportation Service, Inc. (ITSI).

Synopsis: Agreement No. T–4124 provides for the lease by Port to ITSI of 13 acres and the preferential use of a wharf located at Terminal 7–D in the Port of Tacoma. ITSI will use the premises for loading and discharging containers from its customers' vessels and barges. The agreement also covers the use of various cranes and equipment. The term is for two years and seven months with two 5-year option periods. If ITSI's operations

require a second berth, Port will make available adjoining Berth 7C. ITSI will assess charges at the premises subject to the Port's terminal tariff.

Filing party: Richard Dale Smith, Executive Director, Port of Tacoma, P.O. Box 1837, Tacoma, Washington 98401.

Dated: May 26, 1983.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-14589 Filed 5-31-83: 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916(75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Aqua-Air International, Inc., 8 Limoli Court, Edison, NJ 08820; Officers: Janet Piazza, President, Martin Zager, Vice President

Consolidated International Forwarders Co., 345 W. 74th Place, Hialeah, FL 33014; Offices: Roy Walsh, President

Gerald Leroy Bakke, d.b.a. International Trans Shippers, 4344 Schaefer Avenue, Unit #11, Chino, CA 91710

Vincent J. Schickler, d.b.a. Traffic Marketing Development Services, U.S.A., 82-37 211th Street, Hollis Hills, NY 00427

Blanca R. Lopez, d.b.a. ABY Forwarding, 138 East 234th Place, Carson, CA [illegible]745

Max International Forwarders Corp., c/o 6300 N.W. 74th Avenue, Miami, FL 33166; Officers: Max E. Salvador, President/Treasurer/Director, Carmen E. Salvador

Dated: May 26, 1983.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-14561 Filed 5-31-83: 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2303]

Gray International Forwarding, Inc.; Reinstatement of License

By Notice served and published in the **Federal Register**, Independent Ocean Freight Forwarder License No. 2303 was revoked, effective March 25, 1983, for failure to maintain a valid surety bond on file with the Commission. The Notice of Revocation was served on April 1, 1983.

An appropriate surety bond has been received in favor of Gray International Forwarding, Inc., and compliance pursuant to section 44, Shipping Act, 1916, and § 510.15 of the Commission's General Order 4 has been received.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in § 10.01(a) of Commission Order No. 1 (Revised), dated November 12, 1981, Independent Ocean Freight Forwarder License No. 2303 shall be reissued to Gray International Forwarding, Inc. effective May 17, 1983. A copy of this notice shall be published in the **Federal Register** and served upon Gray International Forwarding, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-14562 Filed 5-31-83: 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding companies; Proposed de Novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *James Madison Limited,* Washington, D.C. (real and personal property leasing activities; Maryland, Virginia, Washington, D.C.); To engage through its subsidiary, James Madison leasing corporation, in the following activities: engaging generally in the business of leasing real and personal property and acting as agent, broker or adviser in leasing such property where the lease is to serve as the functional equivalent of an extension of credit and is on a nonoperating basis. These activities would be conducted from an office in Washington, D.C. The geographic area to be served would be Maryland, Virginia and Washington, D.C. Comments on this application must be received not later than June 22, 1983.

2. *James Madison Limited,* Washington, D.C. (data processing; United States): To engage, through a *de novo* subsidiary, JML Communications, Inc., in providing data processing and data transmission services, data bases or facilities (including data processing and data transmission hardware, software, documentation and operating personnel) for the internal operation of the holding company or its subsidiaries; providing to others data processing and transmission services, facilities, data bases or access to such services, facilities or data bases by any technologically feasible means; and providing software byproducts of permissible data processing and transmission activities. These activities would be conducted throughout the United States and performed from offices in Washington, D.C. Comments on this application must be received not later than June 22, 1983.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Commerce Bancshares, Inc.*, Houston, Texas (leasing activities with respect to real and personal property; Texas): To engage *de novo* through its subsidiary, Texas Commerce Bancshares Leasing Company in acquiring and leasing real and personal property as provided for in 12 CFR 225.4(a)(b) (i) and (ii) throughout the Gulf coast area, principally, and, secondarily worldwide through establishment of a wholly-owned subsidiary corporation to be located in Harris County, Texas. Comments on this application must be received not later than June 24, 1983.

Board of Governors of the Federal Reserve System, May 25, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14515 Filed 5-31-83; 8:45 am]

BILLING CODE 6210-01-M

Fidelcor, Inc.; Proposed Retention of the Philadelphia Business Operations of Dorman and Wilson, Inc.

Fidelcor, Inc., Rosemont, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain the assets of the Philadelphia office of Dorman and Wilson, Inc., White Plains, New York, previously acquired through its subsidiary, Latimer and Buck, Inc.

Applicant states that through this acquisition it will continue to engage, through its subsidiary, in the business of mortgage banking. These activities would be performed from offices of Applicant's subsidiary in Philadelphia, Pennsylvania, and the geographic area to be served is primarily Delaware, New Jersey, and Pennsylvania. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than June 24, 1983.

Board of Governors of the Federal Reserve System, May 25, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14513 Filed 5-31-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of a Bank Holding Company; Miami Citizens Bancorp

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Miami Citizens Bancorp*, Piqua, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of The Miami Citizens National Bank & Trust Company, Piqua, Ohio. Comments on this application must be received not later than June 24, 1983.

Board of Governors of the Federal Reserve System, May 25, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14514 Filed 5-31-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules; Allen & Co. et al.

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) Transaction No. 83-0273, Allen & Company's proposed acquisition of voting securities of Empire, Inc.	May 3, 1983.
(2) Transaction No. 83-0310, Oconomowoc Canning Co.'s proposed acquisition of certain assets of Stokely-Van Camp, Inc.	May 18, 1983
(3) Transaction No. 83-0279, Powell Duffryn PLC's proposed acquisition of all voting securities of Hiller Investments Inc. (D. Kenneth Broadwell, UPE).	May 6, 1983.
(4) Transaction No. 83-0297, Esmark, Inc.'s proposed acquisition of all voting securities of Almay, Inc.	May 5, 1983.
(5) Transaction No. 83-0313, David H. Monnich's proposed acquisition of all voting securities of Southwest Fabricating & Welding Co., Inc., and certain assets of I. U. International Corp.	May 10, 1983.
(6) Transaction No. 83-0280, The Continental Group, Inc.'s proposed acquisition of all voting securities of American Agency Life Insurance (Hanover Holdings, Inc., Vereinigte Haftpflicht Versecherung, UPE).	May 6, 1983
(7) Transaction No. 83-0294, CTS Corp.'s proposed acquisition of all voting securities of Micro Peripherals, Inc.	May 12, 1983.
(8) Transaction No. 83-0304, The LTV Corp.'s proposed acquisition of voting securities of Sierra Corp.	May 12, 1983.

Transaction	Waiting period terminated effective
(9) Transaction No. 83-0312, National Convenience Stores, Inc.'s proposed acquisition of all assets and certain voting securities of Colonial Food Stores, Inc.	May 12, 1983.
(10) Transaction No. 83-0320, Simplicity Pattern Co.'s proposed acquisition of certain voting securities of Twin Fair, Inc.	May 16, 1983.
(11) Transaction No 83-0325, Rowntree Mackintosh plc's proposed acquisition of certain assets of General Mills, Inc.	May 16, 1983
(12) Transaction No. 83-0298, CSP Operations, Inc.'s, (Clifford S. Perlman, UPE) proposed acquisition of certain assets of Dunes Hotels & Casinos, Inc.	May 16, 1983.
(13) Transaction No. 83-0326, CSP Operations, Inc.'s (Stuart Z. Perlman, UPE) proposed acquisition of certain assets of Dunes Hotels & Casinos, Inc.	May 16, 1983
(14) Transaction No. 83-0318, Litton Industries, Inc.'s proposed acquisition of all voting securities of International Laser Systems, Inc. (Martin Marietta Corp., UPE).	May 17, 1983.
(15) Transaction No. 83-0314, DWG Corp.'s proposed acquisition of all voting securities of Granteville Co.	May 17, 1983

FOR FURTHER INFORMATION CONTACT:
Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 83-14574 Filed 5-31-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Social Security Administration; Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) covers the Social Security Administration (SSA). Notice is given that Part S is being amended to reflect functional and organizational realignments required to facilitate the fulfillment of the mission of the Office of Family Assistance (OFA). A summary of the realignments is as follows:

The Office of Management and Finance (OMF) has been divided into two offices—the Office of Financial Management (OFM) with three supporting divisions, and the Office of Management and Administrative Services (OMAS) with two supporting divisions. The Office of Intergovernmental Communications (OIC) retains a two-division structure; however, one of the divisions is retitled. The program directives function is transferred to the Office of Policy and Evaluation (OPE).

The Office of Policy and Evaluation, Division of Research, Evaluation and Statistics (DRES) function is amended to reflect responsibility for the Work Incentives (WIN) Demonstration Project and for providing technical assistance to OFA central office components, as well as regional offices and States. The Office of Energy Assistance (OEA) function is rewritten to more clearly reflect the functional responsibility. The Office of the Assistant Regional Commissioner for Family Assistance is removed from the Office of the Regional Commissioner and established as the Office of Regional Family Assistance, reporting directly to the Associate Commissioner for Family Assistance.

Sec. SDB.00 *Office of Regional Commissioner—(Mission):*

Delete that portion of the narrative material which reads: "the Aid to Families with Dependent Children (AFDC) program, the program for aid to the aged, blind and disabled in Guam (Region IX), Puerto Rico and the Virgin Islands (Region II); and the U.S. Repatriation program."

Sec. SDB.10 *Office of Regional Commissioner—(Organization):*

Delete Subsection E.; reletter Subsections F. and G. as E. and F.

Sec. SDB.20 *Office of Regional Commissioner—(Functions):*

Delete Subsection E.; reletter Subsections F. and G. as E. and F.

Sec. SF.10 *Office of Family Assistance—(Organization):*

Retitle Subsection E.2 to read: E.2. The Division of Inquiries and Public Affairs (SFA4)

Retitle Subsection H. to read: H. The Office of Financial Management (SFM).

Retitle Subsection H.1. to read: H.1. The Division of Budget (SFM1).

Retitle Subsection H.2. to read: H.2. The Division of Grants Administrative Review and Policy (SFM2).

Add Subsection H.3.: H.3. The Division of Grants Management (SFM3).

Add Subsection J.: J. The Office of Management and Administrative Services (SFN).

Add Subsection J.1.: J.1. The Division of Management Analysis and Planning (SFN1).

Add Subsection J.2.: J.2. The Division of Administrative Services (SFN2).

Add Subsection K.: K. The Office of Regional Family Assistance (SF-F 1-X).

SF.20 *Office of Family Assistance—(Functions):*

Change Subsection E. to read: E. The Office of Intergovernmental Communications (SFA) serves as the focal point for developing uniform OFA policy regarding external relations with States, regions, Federal agencies, Congress, special interest groups and the public, and provides policy development for the U.S. Repatriation Program and the State emergency welfare preparedness.

1. *The Division of Welfare Management Institute (SFA3):*

a. Directs and coordinates national welfare and energy assistance publication programs, informing States and other organizations of program, technological and management developments. Provides a national welfare management information reference service.

b. Plans, conducts and coordinates national conferences, workshops and forums to address welfare and energy policy, operational and management issues.

c. Maintains a library consisting of national welfare, energy assistance and related program materials for research and analysis purposes. Solicits new information, catalogs and controls publications/references and distributes material to appropriate components.

d. Provides oversight of central office relationships with regional offices to insure effective operation, including the dissemination of information to and from the regions.

e. Serves as focal point for the development of uniform OFA policy regarding external relations with Federal agencies, States and special interest groups.

2. *The Division of Inquiries and Public Affairs (SFA4):*

a. Establishes and assesses policy for answering public, Congressional and other inquiries. Receives, controls and prepares replies to all routine public, Congressional and other inquiries on national welfare and energy issues. Performs necessary technical and general research on inquiries dealing with all aspects of OFA. Coordinates inquiries requiring specialized technical knowledge with appropriate components.

b. Develops national press strategy based on new and ongoing welfare and energy program events. Coordinates related press activities. Prepares and edits press items for national release.

c. Serves as focal point for OFA relations with Congress in regard to welfare, energy and related program issues.

d. In coordination with other components, provides advisory and

consultative services to Federal agencies, States, Congress and special interest groups on welfare and energy program initiatives.

Add paragraphs g. and h. to Subsection F.1.:

g. Reviews and coordinates preparations and publications of welfare and energy assistance operational instructions with national distribution to assure consistency, lack of duplication, receipt and access to such materials. Directs and coordinates the issuance process for public assistance program regulations and program instructions for clarifying national welfare and energy policies.

h. Establishes requirements for submission and review of State plans and amendments. Evaluates State plan materials and related policy interpretations to assess external impact and program consistency. Maintains reference center where State plans are located.

Change paragraph e. in Subsection F.2. to read:

e. Manages application review process for, and monitors and evaluates WIN Demonstrations.

Add paragraph f. to Subsection F.2.:

f. Provides technical assistance and consultation to OFA components, regional offices and States on evaluation, statistical analysis and related matters.

Change Subsection H. to read:

H. *The Office of Financial Management (SFM)* develops and directs the financial policies, budgets and controls necessary for the implementation and execution of OFA programs.

1. *The Division of Budget (SFM1):*

a. Develops OFA budgetary policies and procedures, and establishes systems for budget development and control, fund control, allotments and allowances.

b. Prepares, presents and executes the total OFA budget.

c. Reviews State budget forecasts, expenditure reports and related financial management activities; analyzes the consequences of State funding needs on the Federal budget.

d. Analyzes and presents cost data for budget formulation.

2. *The Division of Grants Administration Review and Policy (SFM2):*

a. Establishes and issues public assistance program fiscal and accounting policies and procedures.

b. Manages the procedures for making disallowances under the public assistance programs, and develops OFA position regarding amounts recommended for disallowances.

c. Provides liaison and coordination for OFA actions on audit reports; negotiates audit findings concerning fiscal matters with GAO and HHS Audit Agency.

3. *The Division of Grants Management (SFM3):*

a. Exercises financial control over grants to States for aid provided under public assistance programs.

b. Performs reviews to assure that State fiscal operations meet the requirements of their State plans and Federal regulations, and that decisions on expenditures are properly documented and technically sound.

c. Provides training, technical assistance and guidance to OFA regional components on Federal/State financial matters.

Change Subsection I. to read:

I. *The Office of Energy Assistance (SFJ)* administers programs to provide Low Income Home Energy Assistance.

1. *The Division of Energy Policy and Evaluation (SFJ1):*

a. Develops guidelines and policies to provide direction to States, Territories and Indian Tribes in administering the Low Income Home Energy Assistance Program.

b. Prepares, analyzes and recommends specific proposals for new legislation.

c. Identifies and develops research and evaluation priorities; coordinates inhouse research effort with other Federal and State agencies; develops, negotiates and monitors research and evaluation contracts.

d. Develops statistical information regarding State plan characteristics, energy consumption, fuel costs and housing demographic characteristics.

e. Assesses impact of research and evaluation findings and statistical data in terms of program direction.

f. Oversees and coordinates investigations of allegations of use of funds contrary to the statute or State plan.

2. *The Division of Energy Grants and Program Assistance (SFJ2):*

a. Administers grants to States, Territories and Indian Tribes under the Low Income Home Energy Assistance Program.

b. Facilitates the exchange of information among States, Tribes and Territories to assist them in developing energy program policies and operational procedures.

c. Conducts reviews of grantee compliance with the statute, regulations and plan, as required by statute.

d. Compiles information on grantee activities and related energy assistance issues, and serves as an informational resource for grantees.

Add Subsections J. and K.:

J. *The Office of Management and Administrative Services (SFN)* provides management support and analysis and administrative support for OFA, including personnel, training, management analysis and planning, facilities, space and equipment needs, and management services for forms, contracts, publications, mail, printing, procurement, travel, safety, records and property management.

1. *The Division of Management Analysis and Planning (SFN1):*

a. Develops a coordinated and comprehensive program for identifying major OFA operational short- and long-range planning objectives, and monitors the implementation of these goals.

b. Conducts onsite comprehensive appraisals for management and operations of OFA components.

c. Coordinates management/program audits external to OFA.

d. Develops strategies and implementation plans for special projects.

2. *The Division of Administrative Services (SFN2):*

a. Provides personal and personnel management support for OFA in accordance with SSA policies and procedures, and functions as the liaison with the Office of Human Resources, SSA.

b. Analyzes the organizational effectiveness of OFA components and insures uniform and effective work force utilization and position management.

c. Analyzes OFA training needs and provides a comprehensive and cost-effective training program for the OFA organization.

K. *The Office of Regional Family Assistance (SF–F 1–X):*

1. Provides program leadership and technical direction for family assistance program activities in the region. Issues regional operational policies and procedures necessary to insure implementation of national family assistance program policies.

2. Conducts visits to, and ongoing liaison with, State agencies to determine the effectiveness of family assistance policies and procedures, and to provide technical assistance in the resolution of operational problems. Evaluates family assistance program effectiveness regionwide. Plans, directs and coordinates regional activities with State and local entities. Negotiates with State and local authorities on State plans, plans amendments and recommendations, and recommends approval or disapproval to the appropriate SSA official.

3. Directs and coordinates a program of financial management, including the review and evaluation of grant award requests from States. Recommends approval or disapproval of these requests. Reviews State expenditure estimates and reports, and recommends approval or disapproval. Provides overview and assistance to State agencies in implementing major initiatives required by family assistance policies on financial management.

Dated: May 20, 1983.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 83-14563 Filed 5-31-83; 8:45 am]

BILLING CODE 4110-07-M

Social Security Administration; Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) covers the Social Security Administration (SSA). (44 FR 17218 of March 21, 1979 and last amended at 46 FR 41215 on August 14, 1981.) Notice is given that Part S as published in the Federal Register is being amended to reflect the realignment and consolidation of program and policy functions under the Deputy Commissioner of Social Security, Programs and Policy. Accordingly, Chapter SJ is changed to reflect the abolishment of the Office of Operational Policy and Procedures. Chapter SR reflects the realignment of policy functions.

Three major program-focused offices are established, each headed by an Associate Commissioner. The three new program offices are: (1) The Office of Disability Insurance (ODI) with responsibility for the planning and development of studies and the evaluation of operational policies, standards and instructions for the disability insurance program, (2) the Office of Supplemental Security Income (OCCI) with responsibility for the development, coordination and promulgation of SSI operational policy and procedures, and (3) the Office of Retirement and Survivors Insurance (ORSI) with responsibility for the development, coordination and promulgation of Retirement and Survivors Insurance operational policy and procedures. In addition, the present Office of Policy (SR) is realigned to include three major policy-focused offices. The three new policy-focused offices are: (1) the Office of Research, Statistics and International Policy with responsibility for planning and directing international program policy and conducting SSA's research and statistical program (these offices are currently in the Office of Policy and are being combined for efficiency and better coordination), (2) the Office of Legislative and Regulatory Policy with responsibility for developing and conducting the legislative planning program of SSA remains intact and in the Office of Policy and (3) a new Office of Policy Coordination, Regulations and Program Directives with responsibility for coordinating interrelated policies, developing and promulgating regulations, and developing compatible and consistent instructional materials. Broadly stated, the three new program offices are a merger and realignment of distinct program functions, which were located in the abolished Office of Operational Policy and Procedures and the existing Office of Policy. The new Office of Policy includes a consolidation of existing policy functions and a transfer of regulatory and instructional directives functions from the former Office of Operational Policy and Procedures. This realignment/consolidation of functions into distinct program and policy functions provides for a more effective and efficient organization.

The new material and changes are as follows:

Sec. S.10 *The Social Security Administration—(Organization):*

Retitle Subsection H. to read: H. The Office of Disability Insurance ( ).

Add:

Subsection: S. The Office of Supplemental Security Income ( ).

Add:

Subsection: T. The Office of Retirement and Survivors Insurance ( ).

Chapter SJ The Office of Operational Policy and Procedures is deleted. The new material for the Office of Disability Insurance reads as follows: Chapter SJ The Office of Disability Insurance:

Sec. SJ.00 *The Office of Disability Insurance—(Mission):*

The Office of Disability Insurance plans, develops, studies and evaluates the operational policies, standards and instructions for the Disability Insurance (DI) program. Develops and promulgates policies and guidelines for use by State, DDS's and VR and VR agencies in implementing the disability provisions of the Social Security Act; provides operational policy advice and technical support to regional offices and central office components in the administration of disability insurance. Evaluates the effects of proposed legislation and policies being initiated by SSA's Office of Policy, and of legislation pending before Congress, to determine disability operational policy or program administration impact. This Office plans and directs a continuing national economic and social survey program of the current impact and future needs of the DI program. The Office ensures that interrelated policy areas are coordinated. The Office also serves as the focal point of operational policy for the DI program.

Sec. SJ.10 *The Office of Disability Insurance—(Organization):*

The Office of Disability Insurance, under the leadership of the Associated Commissioner for Disability Insurance includes:

A. The Associated Commissioner for Disability Insurance ( ).

B. The Deputy Associate Commissioner for Disability Insurance ( )

C. The Immediate Office of the Associate Commissioner for Disability Insurance ( )

D. The Professional Relations Staff ( )

E. The Medical Consultant Staff ( )

F. The Division of Federal/State Programs ( )

G. The Division of Pre-Adjudicative Policy ( )

H. The Division of Post-Adjudicative and Technical Policy ( )

I. The Division of Rehabilitation Programs ( )

J. The Division of Disability Studies ( )

Sec. SJ. 20 *The Office of Disability Insurance—(Functions):*

A. *The Associate Commissioner for Disability Insurance ( )* is directly responsible to the Deputy Commissioner for carrying out ODI's mission and provides general supervision to the major components of ODI.

B. *The Deputy Associate Commissioner for Disability Insurance ( )* assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Disability Insurance ( )* provides the Associate Commissioner and the Deputy Associate Commissioner with staff assistance on a full range of their responsibilities and helps coordinate the activities of ODI components.

D. *The Professional Relations Staff ( ):*

1. Carries out professional relations with national medical and allied professional organizations and special

interest organizations concerned with disability programs.

2. Plans, directs and coordinates the development of national instructions and material for engaging the participation of professional medical and health services resources in the disability evaluation process.

3. Coordinates the development of regional professional relations programs for ODI and cooperates with the regional offices in directing, training, providing materials for, and assisting State Disability Determination Services in their professional relations programs at State and local levels.

4. Assists in the preparation and clearance of all information material relating to SSA disability programs for the general public. Prepares, clears, and distributes a wide variety of informational materials concerning SSA-administered programs for medical, paramedical and related audiences at the national, State, and local levels. Reviews and analyzes pending legislation, regulations, and proposed policy and procedural issuances to identify potential impact on these same groups.

E. *The Medical Consultant Staff ( ):*

1. Provides advice and consultation to the Associate Commissioner of the Office of Disability Insurance, the Commissioner and other officials of SSA and the Department on all medical aspects in the planning, direction and coordination of the title II disability insurance program and the title XVI SSA program for the blind and disabled.

2. Develops broad medical concepts and policies for the administration of the title II and title XVI (SSI) programs, and provides consultation for research studies to develop improved medical techniques for evaluating impairment severity and disability.

3. Provides leadership and professional direction to the Regional Medical Officers and consultants, and to State Disability Determination Services medical personnel engaged in title II and title XVI (SSI) related activities.

4. Provides medical consultation required in the formulation of medical evaluation and development policies and guides, and develops orientation and training programs for medical personnel in the Office of Disability Insurance, regional offices and State Disability Determination Services.

F. *The Division of Federal/State Programs ( ):*

1. Provides national direction for those portions of the disability program administered through the State Disability Determination Services (DDS) under the Federal/State agreements and the SSA regional offices; establishes guidelines and standards governing the negotiation of agreements with States under provisions of the Social Security Act dealing with the disability programs.

2. Develops and maintains a comprehensive national system of policies, standards and procedures for the administrative and fiscal management of the DDS; utilizing the processing information made available through OMBP's management information system, sets processing goals and otherwise oversees DDS operations activities; assesses overall operation activities and changes as they relate to day-to-day operations of the DDS.

G. The Division of Pre-Adjudicative Policy ( ):

1. Plans, develops and evaluates the operational policies and standards and formulates, issues and maintains instructions, guides and technical materials required to carry out the nationwide disability programs under titles II and XVI (SSI) of the Social Security Act and the Black Lung Benefits program concerning medical, vocational and work documentation and evaluation; develops, in cooperation with the Medical Consultant Staff, medical standards for determining disability and the development of evidence.

2. Coordinates the Division's areas of responsibility with the Medical Consultant Staff and with other components within SSA, and agencies outside SSA to ensure compatibility with SSA objectives.

3. Contributes to the development of, reviews and provides policy concurrence for, guides, procedures and instructions developed for personnel in the Office of Central Operations, district and branch offices, SSA regional offices, other SSA components and State agencies involved in adjudicating disability and blindness claims.

H. *The Division of Post-Adjudicative and Technical Policy ( ):*

1. Plans, develops and evaluates operational policies, standards, instructions, guides and technical materials required to carry out the nationwide disability programs under titles II and XVI (SSI) of the Social Security Act, and the black lung benefits program concerning disability claims adjudication and the continuing eligibility or entitlement to benefits for disabled beneficiaries. The policies and standards include medical and work-related aspects of continuing disability, drug addiction and alcoholism as they relate to the SSI disability program, chronic renal disease, totalization, railroad disability claims and black lung claims adjudication and determinations.

2. Plans, develops and evaluates the disability aspects of operational policies and standards in the following areas: appeals, due process, administrative finality, attorney representation and fees, medical privacy, Freedon of Information, fraud and program integrity issues unique to the disability programs.

I. *The Division of Rehabilitation Programs ( ):*

1. Develops and carries out programs to increase vocational rehabilitation of the disabled, and reviews disability program policies and operations for consistency with rehabilitation goals.

2. Formulated regulations, policies, procedures and guides governing payment for vocational rehabilitation services provided to the disabled from trust funds.

J. *The Division of Disability Studies ( ):*

1. Plans and directs a continuing basic economic and social research effort to measure the size, nature and effects of the private and social costs of disability and ill health on the population in general, and to evaluate the effectiveness of the Social Security Disability Insurance program and related service programs, including: trust-funded rehabilitation services and Medicare coverage for the disabled.

2. Designs and conducts national surveys of disabled and nondisabled adults, newly disabled, Social Security disability insurance beneficiaries, persons denied disability insurance benefits and the institutionalized.

3. Plans and directs studies of significant disability policy and program issues.

Chapter SV. The Office of Retirement and Survivors Insurance. A new Chapter SV is titled and reads as follows:

Sec. SV.00 *The Office of Retirement and Survivors Insurance—(Mission):*

The Office of Retirement and Survivors Insurance (ORSI) provides SSA-wide leadership and direction to the development, coordination and promulgation of Retirement and Survivors Insurance operational policy and procedures. This includes coverage and employment, entitlement, payment and adjudicative processes, and benefit continuity. The Office develops and promulgates program regulations and participates in legislative planning by identifying legislative needs and developing legislative proposals for consideration by SSA's Office of Policy This Office plans and directs a continuing national economic and social survey program of the current impact and future needs of the RSI program.

The Office ensures that interrelated policy areas are coordinated and serves as the focal point of operational policy for the RSI program.

Sec. SV.10. *The Office of Retirement and Survivors Insurance—(Organization):*

The Office of Retirement and Survivors Insurance, under the leadership of the Associate Commissioner for Retirement and Survivors Insurance includes:

A. The Associate Commissioner for Retirement and Survivors Insurance ( )

B. The Deputy Associate Commissioner for Retirement and Survivors Insurance ( )

C. The Immediate Office of the Associate Commissioner for Retirement and Survivors Insurance ( )

D. The Division of Payment and Adjudicative Policy ( )

E. The Division of Coverage ( )

F. The Division of Benefit Continuity ( )

G. The Division of Entitlement ( )

H. The Division of Retirement and Survivors Studies ( )

Sec. SV.20. *The Office of Retirement and Survivors Insurance—(Functions):*

A. *The Associate Commissioner for Retirement and Survivors Insurance ( )*— is directly responsible to the Deputy Commissioner, Programs and Policy for carrying out ORSI's mission and provides general supervision to the major components of ORSI.

B. *The Deputy Associate Commissioner for Retirement and Survivors Insurance ( )* assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Retirement and Survivors Insurance ( )* provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities and helps coordinates the activities of ORSI components.

D. *The Division of Payment and Adjudicative Policy ( ):*

1. Plans, develops and evaluates the operational policies, standards and instructions of the Retirement and Survivors Insurance (RSI) program and those common to RSI and one or more of the other SSA benefit programs in the broad areas of payment and adjudicative processes.

2. Develops and issues guidelines, directives, instructions and operating procedures on such subject areas as administrative appeals process, representation and attorney fees, and administrative finality, adjudicative standards, district office final adjudication, evidence, representative payment including selection of payee, accounting and onsite review, check delivery including direct deposit, cycling, garnishment, assignment and waiver of benefits. Plans and conducts RSI reviews and recommends and implements corrective actions based on findings.

E. *The Division of Coverage ( ):*

1. Plans, develops and evaluates the operational policies, standards and instructions of the Retirement and Survivors Insurance (RSI) and those common to RSI and one or more of the other SSA benefit programs in the areas of coverage and employment.

2. Develops and issues guidelines, directives, instructions and operating procedures on such coverage and employment subject areas as wages, coverage and exceptions, anti-poverty programs, earnings discrepancies, coverage aspects of international agreements, self-employment status and income, religious exemptions, State and local coverage and statutes of limitations.

F. *The Division of Benefit Countinuity ( ):*

1. Plans, develops and evaluates the operational policies, standards and instructions of the Retirement and Survivors Insurance (RSI) program and those common to RSI and one or more of the other SSA benefit programs in the broad area of benefit continuity.

2. Develops and issues guidelines, directives, instructions and operating procedures on such continuing benefit subject areas as work notices, annual and monthly earnings tests, suspensions and terminations, government pension offset and enforcement and beneficiary compliance, overpayments, underpayments, recovery and waiver.

G. *The Division of Entitlement ( ):*

1. Plans, develops and evaluates the operational policies, standards and instructions of the Retirement and Survivors Insurance (RSI) program and those common to RSI and one or more of the other SSA benefit programs in the broad area of entitlement.

2. Develops and issues guidelines, directives, instructions and operating procedures on such entitlement subject areas as applications, insured status, veterans' benefits, railroad employment, family relationships, dependency and support, proofs, school attendance, decoupling and indexing of earnings, reduction of benefits for age, family maximums, saving clauses, recomputations and recalculations of benefits, period of disability computations, awards, disallowances and abatements of claims, earnings records and claims application forms.

H. *The Division of Retirement and Survivors Studies ( ):*

1. Plans and directs a continuing national economic and social survey program to collect and study data on the aged population and survivors of deceased workers.

2. Conducts interrelated surveys of the aged, new retirees, young survivors and related family groups.

3. Plans and directs studies of significant program issues requiring research, including retirement patterns, problems of "early" retirement, the needs of widows without children before they become eligible for retirement benefits, the treatment of women under social security, the relationship of benefit levels to standards of adequacy, effects of the retirement test and the situation of individuals receiving minimum benefits.

4. Plans and carries out the analysis of social security and related programs, including private pensions, State and local retirement systems, social welfare expenditures, employee benefit plans, workers compensation, sick leave benefits and health insurance.

Chapter SW. The Office of Supplemental Security Income. A new Chapter SW. is titled and reads as follows:

Sec. SW.00 *The Office of Supplemental Security Income—(Mission):*

The Office of Supplemental Security Income (OSSI) provides SSA-wide leadership and direction to the development, coordination and promulgation of SSI operational policy and procedures. The Office develops and promulgates program regulations, participates in legislative planning, issues standards, guidelines and operating procedures to be used by operating components in implementing the SSI program, and establishes evidence and verification requirements. Develops agreements with the states that govern SSA's administration of the SSI Optional and Mandatory State Supplementation Programs, Medicaid eligibility, data exchange and fiscal reporting processes. Evaluates the implementation of policies and procedures to determine whether training is needed, and participates in the development of training materials. Conducts a continuing program of national economic and social surveys to assess the current and future needs of the SSI program. The Office ensures that interrelated policy areas are coordinated, and serves as the focal point of operational policy for the SSI program.

Sec. SW.10 *The Office of Supplemental Security Income—(Organization):*

The Office of Supplemental Security Income under the leadership of the Associate Commissioner for Supplemental Security Income includes:

A. The Associate Commissioner for Supplemental Security Income ( )

B. The Deputy Associate Commissioner for Supplemental Security Income ( )

C. The Immediate Office of the Associate Commissioner for Supplemental Security Income ( )

D. The Division of Income and Resource Standards ( )

E. The Division of Eligibility ( )

F. The Division of State Programs ( )

G. The Division of Supplemental Security Studies ( )

Sec. SW.20 *The Office of Supplemental Security Income—(Functions):*

A. *The Associate Commissioner for Supplemental Security Income ( )* is responsible to the Deputy Commissioner, Programs and Policy for carrying out OSSI's mission and provides general supervision to the major components of OSSI.

B. *The Deputy Associate Commissioner for Supplemental Security Income ( )* assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Asssociate Commissioner for Supplemental Security Income ( )* provides the Associated Commissioner and the Deputy Associate Commissioner with staff assistance on the full range of their responsibilities and helps coordinate the activities of OSSI components.

D. *The Division of Income and Resource Standards ( ):*

1. Plans, develops and writes the operating policies, standards and instructions for implementing eligibility requirements involving income, resources and in-kind support and maintenance relating to the supplemental security income program.

2. Integrates the SSI program with other assistance and services programs, determining whether the benefits from these programs are includable or excludable as income and resources.

E. *The Division of Eligibility ( ):*

1. Plans, develops and writes the operating policies, standards and instructions for implementing the eligibility requirements of the supplemental security income program other than income, resources and in-kind support requirements.

2. Develops policies and procedures with respect to such posteligibility actions as suspensions, terminations, settlement of overpayments and underpayments and levying penalties. Ensures that operating policies provide claimants with due process by providing an adequate system of notices to alert them of their rights and develops policies and procedures on pursuing these rights.

3. Gives policy direction to SSA's efforts to exchange benefit information between the SSI program and other Federal/State programs of assistance through the establishment of electronic systems interfaces.

F. *The Division of State Program ( ):*

1. Plans and develops the operating policies, standards and instructions for all phases, with the exception of the actual computation of SSI State supplementary payments, the optional and mandatory State supplementation programs, as well as the policies governing social security activities with regard to Medicaid determinations, interim assistance reimbursement, food stamps and institutionalization.

2. Provides the focus for SSA leadership in administering the federally administered optional and mandatory State supplementation programs, as well as such related programs as State Data Exchange (SDX). This includes providing advice and assistance to regions in their administration of individual State programs, maintaining the appropriate model agreements governing SSI fiscal relationships between SSA and State governments, and acting as an expert authority in the resolution of Federal/State fiscal disputes.

G. *The Division of Supplemental Security Studies ( ):*

1. Plans and directs a continuing national economic and social survey program to study the impact of the SSI program.

2. Plans and directs studies regarding significant program matters, including variations in systems for measuring income adequacy, SSI workloads and cost projections, program trends and effects of the SSI program and State supplementation payments on the lives of recipients.

3. Obtains and presents program data for use by SSA, HHS, other Federal agencies and interested groups in assessing the SSI program.

Chapter SR. The Office of Policy. The current Chapter SR is deleted and replaced with the following:

Sec. SR.00 *The Office of Policy—(Mission):*

The Office of Policy (OP) directs the planning and analysis of programs directly administered by SSA; the retirement, survivors and disability insurance programs, and the supplemental security income program. It coordinates the development of policies across program lines to ensure consistency in implementation. The Office broadly formulates, promulgates and interprets programs objectives and policy. It directs studies and makes recommendations about the problems of income maintenance, poverty and the contributions that social insurance and related programs may provide for solving these problems. It directs legislative planning, analysis and formulation in SSA, and conducts the broad research and statistical program of the agency. The Office develops, promulgates and reviews all program regulations for consistency. It also reviews regulations for directly administered programs for consistency with statutory and Congressional intent and with SSA policy decisions and requirements. It directs and coordinates the formulation of future program policies. The Office ensures that policies are coordinated internally and that all instructional materials developed are compatible with overall operating policies and practices. The Office evaluates the effectiveness of national policies in meeting program goals and recommends program modifications. It serves as the focal point for international policy matters, other than those relating to refugee programs. Its activities with the Congress are carried out in close consultation and coordination with the Office of the Assistant Secretary for Legislation.

Sec. SR.10 *The Office of Policy—(Organization):*

The Office of Policy, under the leadership of the Associate Commissioner for Policy, includes:

A. The Associate Commissioner for Policy (SR)

B. The Deputy Associate Commissioner for Policy (SR)

C. The Immediate Office of the Associate Commissioner for Policy (SR)

D. The Office of Legislative and Regulatory Policy (SRP), which includes:

1. The Legislative Reference Staff (SRP1)

2. The Division of Disability, Coverage and Interprogram Relationships (SRP3)

3. The Division of Retirement and Survivors Benefits (SRP5)

4. The Division of Supplemental Security Studies (SRP7)

E. Office of Research, Statistics and International Policy (SRV) which includes:

1. The Publications Staff (SRV2)

2. The Research Grants and Contracts Staff (SRV3)
3. The Division of Economic Research (SRV5)
4. The Division of OASDI Statistics (SRV7)
5. The International Policy Staff (SRVE)

F. Office of Policy Coordination, Regulations and Program Directives (SRW) which includes:
1. The Policy Coordination Staff (SRW1)
2. The Regulations Staff (SRW2)
3. The Program Directives Staff (SRW3)

Sec. SR.20 *The Office of Policy—(Functions):*

A. *The Associate Commissioner for Policy (SR)* is directly responsible to the Commissioner for carrying out OP's mission and provides general supervision to the major components of OP.

B. *The Deputy Associate Commissioner for Policy (SR)* assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Policy (SR)* provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities and helps coordinate the activities of OP components.

D. *The Office of Legislative and Regulatory Policy (SRP):*

Develops and conducts the legislative planning program of SSA and serves as the focal point for all legislative activity in SSA; analyzes legislative and regulatory initiatives and develops specific legislative proposals. It reviews all proposed regulations for consistency among programs and regulations for directly-administerered program for consistency with policy requirements and decisions. The Office evaluates the effectiveness of programs administered by SSA in terms of legislative needs and analyzes and develops recommendations on related income maintenance, social service and rehabilitation program proposals, particularly those which may involve coordination with SSA-administered programs, and on other methods of providing economic security. It provides advisory service to SSA and HHS officials on legislation of interest to SSA pending in Congress. It also provides legislative specification drafting service to officials within the Executive Branch, Congressional committees, individual members of Congress and private organizations interested in social security legislation. The Office of Legislative and Regulatory Policy (OLRP) includes the following components and functions:

1. *The Legislative Reference Staff (SRP1):*

a. Tracks legislative bills, highlights items of interest from the Congressional Record, and other publications for OLRP and SSA's Executive Staff and provides support for other OLRP and SSA components at Congressional hearings.

b. Assists individual members of Congress and their staffs and Congressional committee staffs by responding for information on pending and proposed social security legislation, related legislative proposals and the legislative history of the social security program.

c. Reviews legislative proposals for consistency with existing program goals, philosophy and program requirements.

2. *The Division of Disability Coverage and Interprogram Relationships (SRP3):*

a. Studies and makes recommendations on proposals for providing economic security for the disabled and their dependents through the social security system.

b. Develops and evaluates legislative proposals for extending social security protection to groups not yet covered.

c. Evaluates proposals for program changes in light of their effect on special coverage groups.

d. Recommends methods for coordinating the protection afforded under social security with that afforded under other public retirement or disability programs.

e. Reviews proposed regulations dealing with the disability insurance (DI) program, social security coverage, interprogram relationships and various other issues, including the social security retirement test, insured status and the definitions of employment and wages, to assure cross-program consistency and consistency with policy requirements and decisions.

f. Provides technical and advisory services to other agencies within the Executive Branch, Congressional committees and individual members of Congress, State officials and private organizations having an interest in the disability program, social security coverage or interprogram relationships.

3. *The Division of Retirement and Survivors Benefits (SRP5):*

a. Develops and explains program principles and philosophy.

b. Prepares and evaluates proposals for social security program legislative changes in the area of retirement and survivors benefits.

c. Conducts studies of broad programmatic issues, including the development of basic program philosophy, tax rates, alternative methods of financing trust fund operations, and management and eligibility requirements for dependents and survivors' benefits, the level of social security benefits, value of benefits in relation to contributions, benefit computation methods, which dependents should receive benefits and the establishment of priority among these dependents.

d. Review proposed regulations for the retirement and survivors insurance (RSI) program to assure cross-program consistency and consistency with policy requirements and decisions.

e. Provides technical and advisory services to other agencies within the Executive Branch, Congressional committees, individual members of Congress, State officials and private organizations having an interest in retirement and survivors benefits.

4. *The Division of Supplemental Security Income (SRP7):*

a. Develops and evaluates legislative proposals for changes in the program of supplemental security income for the aged, blind and disabled (SSI program).

b. Reviews proposed SSI program regulations for consistency with policy requirements and decisions.

c. Studies SSI program interrelationships with social security income maintenance, child support enforcement, food stamps, employment and other Federal, State and local programs and recommends methods for coordinating these programs.

d. Provides technical and advisory services to other agencies within the Executive Branch, Congressional committees, individual members of Congress, State officials and private organizations having an interest in the SSI program.

E. *The Office of Research, Statistics and International Policy (SRV):*

Directs the planning and analysis of program matters relating to international program policy, and develops and conducts SSA's research and statistical program. It conducts research on income security, redistributive effects on the economy of social security benefits and financing and adequacy of cash benefits. It establishes linkages of SSA data with data from other statistical and record systems and develops and simulates economic models to analyze the impact of present and projected program alternatives under various conditions. The Office publishes research findings, compiles and publishes statistical data and provides SSA-wide statistical leadership and methodology about statistics. It represents SSA on matters

of research and statistics within HHS, within the academic community, and in coordination with SSA's Office of Public Affairs, with other public and private agencies and organizations. Serves as SSA liaison to international agencies and associations which deal with social security matters excluding those affairs relating to refugee programs. Negotiates with foreign governments on international social security agreements. Provides technical assistance on social security and related fields to foreign governments, international organizations and foreign visitors. The Office of Research, Statistics and International Policy (ORSIP) includes the following components and functions:

1. *The Publications Staff (SRV2):*

a. Advises ORSIP components on the development, organization and presentation of research and statistical studies to be published.

b. Directs a continuous review of the research publications program, analyzes material submitted for publication and surveys the effectiveness of ongoing publication series.

c. Assesses informational needs of the SSA staff, other government agencies, social scientists and the public for data and findings available from the ORSIP research program.

2. *The Research Grants and Contracts Staff (SRV3):*

a. Develops, coordinates and implements SSA extramural research grant and contract activities in the Cooperative Research or Demonstration Projects Program under Sections 110 and 702 of the Social Security Act, as they relate to issues under titles II and XVI (grants to the States for, aid to the aged, blind, or disabled, or for such aid and medical assistance for the aged) of the Act.

b. Stimulates interest in the Cooperative Research or Demonstration Projects Program and identifies new or existing areas of knowledge or problems which may be usefully studied under extramural programs.

c. Provides guidance to research applicants.

d. Reviews applications and preliminary proposals for research grants.

e. Monitors progress and reports findings of projects funded.

3. *The Division of Economic Research (SRV5):*

a. Plans and directs long-range program-oriented research, projecting and interpreting changing demographic, economic and social trends as they relate to the broad field of economic security and to overall economic and social policy.

b. Studies the following major areas: social security financing, economic impacts of social security income maintenance alternatives, effects of social security on lifetime income redistribution, the relationship of social security to other public and private income maintenance programs, economic projections and labor market studies.

4. *The Division of OASDI Statistics (SRV7):*

a. Plans and directs the development and maintenance of a broad statistical program concerning basic retirement, survivors and disability insurance program statistics.

b. Provides statistical services throughout SSA and technical consultation to users of these statistics both within and outside SSA.

5. *The International Policy Staff (SRVE):*

a. Serves as liaison to international agencies and associations which deal with social security matters and serves as SSA's point of contact with the State Department and other agencies involved in international affairs, excluding those affairs relating to refugee programs.

b. Provides legislative and regulatory planning and analysis on all program matters relating to nonoperational international policy.

c. Provides leadership and coordination of all activities within SSA involving negotiations with foreign governments on international social security agreements (totalization) and develops and analyzes policies for implementing provisions of totalization agreements.

4. Serves as the SSA focal point for the formulation of U.S. policy on international social security matters and provides training, orientation and technical assistance on social security and related fields to foreign governments, international organizations and foreign visitors.

F. *The Office of Policy Coordination, Regulations and Program Directives (SRW):*

The Office analyzes interrelated policy areas to ensure consistency. It develops and promulgates program regulations and participates in legislative planning by identifying legislative needs and proposals. It ensures that all instructional materials developed are compatible with program and policy objectives:

1. *The Policy Coordination Staff (SRW1):*

Participates in the study and formulation of broad policies, goals, objectives and strategies to ensure policy consistency. Coordinates with interested and affected components outside of SSA such as HHS components, the Department of Labor, the Department of Agriculture, etc. It conducts research on income security, redistributive effects on the economy of social security benefits and financing and adequacy of cash benefits.

2. *The Regulations Staff (SRW2):*

Plans, develops and writes SSA regulations and provides for the publication of regulations. Performs an ongoing assessment of the regulations process in SSA. Serves as the SSA focal point on matters concerning litigation; formulates SSA appeal recommendations to HHS's Office of General Counsel on adverse decisions and provides trend analyses of SSA's litigation activities. Plans and develops rulings to provide interpretations and application of the Social Security Act and regulations governing social security programs; develops and publishes general and special compilations of social security laws, various technical issuances and program handbooks. Coordinates within SSA the review and clearance of regulations for the claims and payment processes developed for the Retirement, Survivors, and Disability Insurance Programs, the Supplemental Security Income Program, and the Black Lung Benefits Program; assures that SSA's Office of Policy has input into the regulations development process. Provides technical, consultative and advisory services within SSA in the development of regulations. Formulates policy concerning Privacy Act provisions and serves as liaison between SSA and the Office of the Secretary on related activities. Coordinates activities with HHS's Office of General Counsel on the issuance of regulations and rulings. Negotiates with HHS and the Office of the **Federal Register** on regulations matters and other areas of concern to this Office and, in coordination with SSA's Office of Governmental Affairs, negotiates with other Federal and non-Federal agencies, organizations and institutions on matters within the Office's mission. Evaluates policies to determine whether training is needed to assure their effective implementation and participates in the development of training materials.

3. *The Program Directives Staff (SRW3):*

Directs the review, coordination, publication, and distribution of program instructions and other materials to insure uniformity, lack of duplication, and compatibility of all SSA operational, instructional and informational material; participates in determining the instructional needs of

SSA operating personnel. Directs technical review of program operating instruction to ensure proper integration, organization, clearance and audience for materials prepared by various SSA components for the program operations manual systems (POMS). Coordinates publication, distribution and warehousing of all program instructional and related materials and directs a quality review of new issuances to ensure proper reproduction of printed materials. Indexes all program instructional materials and determines user needs in this area. Participates with SSA's Systems organizations in the design, development and ongoing administration of a computerized system for storing, updating, publishing and distributing operational instructions and materials; coordinates with SSA's Office of Management, Budget and Personnel, as appropriate. Establishes policies and guidelines for the distribution, required by the Freedom of Information Act, of SSA program publications for the public.

Dated: May 20, 1983.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 83-14564 Filed 5-31-83; 8:45 am]

BILLING CODE 4119-07-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-83-1246]

Availability of Funding Under the Fair Housing Assistance Program; Noncompetitive Solicitation

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Announcement of non-competitive solicitation for funding available to State and local agencies under the Fair Housing Assistance Program.

SUMMARY: HUD is soliciting applications from eligible State and local fair housing agencies for funding available under the Fair Housing Assistance Program. Agencies must meet specific eligibility criteria, set out in this announcement, as well as in 24 CFR Part 111, to qualify for consideration under this Program.

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State and Local Programs Division, Office of Fair Housing Enforcement and Section 3 Compliance, Office of Fair Housing and Equal Opportunity, Room 5214, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 426-3500. (This is not a toll-free number.) Application kits are available upon written or telephone request. To assure a prompt response, it is suggested that requests for application kits be made by telephone.

DATE: Applications may be submitted between June 1, 1983 and July 18, 1983. No application received after the specified date will be considered, unless it is received before awards are made and qualifies for a late application exception as specified in the application kit.

SUPPLEMENTARY INFORMATION: This announcement of solicitation for non-competitive funding under the Fair Housing Assistance Program (FHAP) is based upon 24 CFR Part 111. However, it should be noted that on July 1, 1983, the Department published an interim rule amending Part 111. [1] The Department anticipates that this interim rule will become effective well before funding decisions under this Announcement are made. Funding decisions will be made in accordance with Part 111, as it is to be amended by the interim rule. The principal effect of this policy will be to enable any otherwise eligible applicant to apply for training funds, regardless of the year of their participation in the Program. The rule presently in effect provides training support funds to agencies only during their first and second years of participation.

Interested agencies are urged to review Part 111, the above referenced amendment, and the information in this Announcement to determine whether they should apply.

The FHAP has two types of available funding: type I-non-competitive funding, and type II-competitive funding. Type I-non-competitive funding includes capacity building, training, complaint monitoring and reporting systems, and contributions. Type II-competitive funding includes specialized project proposals developed by State and local agencies to enhance their fair housing programs. Under this Announcement, eligible agencies can apply for type I funding only. Notice of Availability of tyep II-competitive funding will be published at a later date.

Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-30 (the Federal Fair Housing Law), prohibits discrimination in the sale, rental or financing of housing and in the provision of brokerage services. Section 810(c) of that title provides that wherever a State or local fair housing law provides rights and remedies substantially equivalent to those in the Federal Fair Housing law, the Secretary is required to notify the appropriate State or local agency of any complaint filed with HUD that appears to constitute a violation of the State or local law. Section 816 provides that the Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of the agencies, may use their services and their employees, and may reimburse the agencies for services rendered in carrying out the Federal Fair Housing Law. The FHAP was authorized by Congress to provide HUD with the resources to enhance the fair housing capabilities of State and local civil rights agencies.

This Program is described in the Catalog of Federal Domestic Assistance at 14.401, Fair Housing Assistance Program.

Collection of information requirements contained in this notice have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2529-0005.

FHAP Funding Requirements in This Announcement

I. Eligibility: To be eligible to apply for funds under the Program, an agency must meet the criteria prescribed in 24 CFR 111.104. Specifically, an agency: (1) Must be certified as a substantially equivalent agency under the standards enunciated at 24 CFR Part 115, and (2) must have executed with HUD a written Memorandum of Understanding, which shall describe the working relationship to be in effect between the agency and the appropriate HUD Regional Office of Fair Housing and Equal Opportunity.

However, if an agency has applied to the Department for recognition as a substantially equivalent agency and has been found by the Department to have both statutory authority equivalent to title VIII and an operational capability equivalent to that of the Department, the fact that the agency has not yet been certified will not prevent the agency from submitting funding proposals under the FHAP. At a minimum, evidence of such a Department finding will consist of Secretarial approval to publish the agency as a proposed addition to the list of recognized equivalent jurisdiction. In these circumstances, an agency may enter into negotiations with the Regional Office of Fair Housing and Equal Opportunity to develop a Memorandum of Understanding and may, at the same time, submit funding proposals. However, no funds will be committed to

[1] Published in the "Rules" section of this issue.

any agency until it has been formally recognized as substantially equivalent. All proposals considered must pertain to housing discrimination based on an individual's race, color, religion, sex or national origin.

II. Method of Distribution:

A. Scope: Applications are solicited for non-competitive funding as described at 24 CFR 111.102 (as amended by the interim rule). A total of $3,000,000 is available under this Announcement.

B. Categories of Funding:

1. Capacity Building—Under 24 CFR 111.102(a), HUD will provide all agencies seeking capacity building support for the first and second years of their participation in the FHAP with a level of funding based upon HUD records showing the number of complaints of housing discrimination received by HUD from that agency's jurisdiction during the period of January—December 1982. Payments will be determined by HUD and maximum payments will be determined in accordance with the following formula:

Number of complaints	Maximum payment
30 or less	$20,000
31 to 50	30,000
51 to 75	40,000
76 to 100	50,000
For each additional complaint over 100 (not to exceed $200,000)	500

Under 24 CFR 111.105(b) (as amended by the interim rule), all agencies seeking capacity building support must submit a written narrative justification documenting that within their jurisdiction there is a sufficient volume of current or potential complaint activity to justify the requested allocation of funds.

Any agency which is participating for non-competitive support for the second time and which can demonstrate that it would be entitled to a greater level of funding based upon direct reimbursement may apply in accordance with paragraph 4 of this Announcement, Contributions, in lieu of under this paragraph. A second-year agency electing to apply under paragraph 4 retains eligibility for complaint monitoring and reporting systems support up to the level which the agency would have been entitled to receive had it applied for capacity building support under this paragraph.

2. Training: Agencies receiving type I funds will be required to participate in HUD-sponsored training. (See 24 CFR 111.105(a)(4) (as amended by the interim rule)). Funds to support participation in this training are available to the agencies at 10% of their capacity building or contributions allocation, but such allocation shall not exceed $5,000, nor be less than $1,000. Any agency which is otherwise eligible to receive funding for capacity building or contributions, but elects not to apply for it, may apply for training support funds up to the level which the agency would have been entitled to receive had it applied for capacity building or contribution funding.

3. Complaint Monitoring and Reporting Systems: Any agency applying for capacity building funds will be entitled to receive funds for the creation, modification or improvement of the agency's compliant information and monitoring capability, to result in a system compatible with HUD's, provided that the agency has not previously been funded for that purpose. Complaint monitoring and reporting systems funds are available, in a fixed funding amount and on a one-time only basis, in accordance with the following formula, which uses the same complaints referred to in paragraph II. B. 1., above:

Number of complaints	Maximum payment
50 or fewer complaints	$3,000
51 to 100 complaints	5,000
More than 100	8,000

4. Contributions: Under 24 CFR 111.102(b), agencies eligible for their third—or later-year of noncompetitive support or agencies eligible for their second-year of support which elect to apply under this paragraph will be provided with support for complaint processing based solely on the number of dual-filed housing discrimination complaints actually processed by the agency. (A dual-filed complaint is a complaint which has been docketed at both HUD and a substantially equivalent agency.) The unit reimbursement level will be $500 per complaint, not to exceed Cooperative Agreement maxima based upon projected complaint levels that consider prior year activity and anticipated changes.

C. Applications: To receive first or second year funding, applicants must submit all information required in the type I-non-competitive application kit. Applicants eligible for third- or later-year funding will be sent a Cooperative Agreement based solely on the number of dual-filed housing discrimination complaints actually expected to be processed by the agency. HUD will incorporate the training allotment into that Agreement. (This collection of information requirement has been assigned OMB control number 2529-0005.)

D. Award Procedures: Applications for type I funding will be reviewed upon receipt for completeness and conformity with 24 CFR 111.105. (See also, paragraph III, below.)

III. Application Notification and Award Procedures:

A. Notification: All applicants will be notified of the results of their type I applications as soon as the evaluation of their applications is completed. Awards for type I applications are expected to be announced within four weeks of receipt of the application, except that no awards shall be made before the effective date of the interim rule published on June 1, 1983 appearing in the "Rules" section of this issue.

B. Negotiations: After submission of the application, but before the award, HUD may require that applicants participate in negotiations and submit application revisions resulting from those negotiations.

C. Type of Funding Instrument: Applicants most likely will be funded under fixed-price Cooperative Agreements. However, HUD reserves the right to employ the form of agreement determined after negotiation to be most appropriate.

(Title VIII, Civil Rights Act of 1968 (42 U.S.C. 3601–30). Section 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: May 23, 1983.

Antonio Monroig,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 83-14582 Filed 5-31-83; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Non-Competitive Lease of Public Land in Garfield County, Colorado

The following described land is being considered for lease under Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762, 43 U.S.C. 1732) at no less than the appraised fair market rental estimated to be approximately $390.00 annually, or $32.50 per month.

Sixth Principal Meridian

T. 7 S., R. 88 W.,
Sec. 11: NW¼NW¼.

The area described aggregates approximately 5.0 acres in Garfield County, Colorado. The land is located approximately 7 (seven) miles southeast of Glenwood Springs, Colorado and 1

(one) mile north of the Cattle Creek drainage.

Lease of the above described land has been proposed By Mr. John M. Sterling to authorize the use of public land for a ski rope tow and other improvements constructed without proper authorization. The improvements are located adjacent to property owned by the proponent and no legal access to the improvements exist for the general public and the improvements are not intended for use by the general public.

The Bureau of Land Management is considering the long-term non-competitive lease to Mr. Sterling to authorize and collect rental at the appraised fair market value of the use. The lease would be dependent upon the individual filing an application for lease and including information required by Title 43 Code of Federal Regulations, part 2920.52. The terms and conditions applicable to any lease issued under this notice are those in 43 CFR 2920.7. Information about the proposal can be reviewed in the Bureau of Land Management, Glenwood Springs Resource Area Office, 50629 Hwy 6 and 24, P.O. Box 1009, Glenwood Springs, Colorado 81602, telephone (303) 945–2341.

The lessee would be required to reimburse the United States for reasonable administrative and other costs incurred by the United States in processing the lease and for monitoring construction, operation, maintenance, and rehabilitation of the facilities authorized. The reimbursement of costs would be in accordance with the provisions of 43 CFR 2920.6.

For a period of 45 days from the date of publication of this notice in the Federal Register interested parties may submit comments to the District Manager, Bureau of Land Management, Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81501. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

David A. Jones,

District Manager.

[FR Doc. 83–14540 Filed 5–31–83; 8:45 am]

BILLING CODE 4310–84–M

Bakersfield District Grazing Advisory Board; Meeting

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) and the Federal Land Policy and Management Act (Pub. L. 94–579) that the Bakersfield District Grazing Advisory Board will meet formally on Tuesday, June 28 and Wednesday, June 29, 1983, at the Bakersfield Hilton Inn, 3535 Rosedale Highway, Bakersfield, California. The meetings will be held from 8 a.m. to 5 p.m. on Tuesday, and from 8 a.m. to noon on Wednesday.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

(1) A status report on the range management program in the Bakersfield District.

(2) A discussion on proposed range improvement projects for fiscal year 984.

(3) A presentation on the ongoing, joint U.S. Forest Service-Bureau of Land Management study of livestock grazing fees.

(4) A presentation on Cooperative Management Agreements.

(5) A presentation on the Susanville Stewardship Program.

(6) A field trip, scheduled for Wednesday morning, to tour grazing allotments that have Mediterranean Annual Range. Transportation for this trip is provided for staff and Board members only. Public participants are invited to join the tour, but must provide their own transportation.

The meeting is open to the public. Interested persons may make oral statements to the Board, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify, in writing, the District Manager (Bureau of Land Management, 800 Truxtun Avenue, Room 311, Bakersfield, California, 93301) by June 21, 1983.

Summary minutes of the meeting will be maintained in the Bakersfield District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Marta Witt, Public Affairs Officer, Bureau of Land Management, Bakersfield District, 800 Truxtun Avenue, Room 302, Bakersfield, California, 93301, (805) 861–4191.

Dated: May 23, 1983.

Robert D. Rheiner, Jr.,

District Manager.

[FR Doc. 83–14530 Filed 5–31–83; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirements may be obtained by contacting David A. Schuenke at 703–860–7916. Comments and suggestions on the requirement should be made directly to the MMS's clearance officer and the Office of Management and Budget Interior Desk Officer at 202–395–7340.

Title: Inspection and reporting of progress and results of activities conducted under permits, 30 CFR 251.7.

Bureau Form Number: N/A.

Frequency: Monthly and annually.

Description of Respondents: Federal Outer Continental Shelf Permittees.

Annual Responses: 1,600.

Annual Burden Hours: 96,000.

Bureau Clearance Officer: Dorothy Christopher at 703–435–6213.

Dated: April 29, 1983.

Robert L. Rioux,

Associate Director for Offshore Minerals Management.

[FR Doc. 83–14537 Filed 5–31–83; 8:45 am]

BILLING CODE 4310–MR–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Superior Oil Co.

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that the Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0797, Block 105, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments in 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway

Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 23, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-14542 Filed 5-31-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Commission on Security and Economic Assistance; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the third, fourth, fifth and sixth meetings of the Commission on Security and Economic Assistance, as well as public hearings of the Commission on June 13 and July 11, 1983.

The purpose of the meetings is to continue the review of U.S. security and economic assistance in light of its goals and objectives, assess the modalities used and their effectiveness, and to advise the Secretary of State and the Congress of its findings and recommendations. The Commission will receive briefings on aspects of security and economic assistance and instruct the staff to prepare additional studies for its review. The purpose of the public hearings is to receive both oral and written testimony from the public and include such testimony in its deliberations. Written testimony should be sent to the Commission on Security and Economic Assistance, 1800 K Street, Northwest, Suite 921, Washington, D.C. 20006, Attention: John K. Wilhelm. Those wishing to present oral testimony should submit their requests to the same address. Oral presentations will be limited to five minutes per participant. This time may be extended at the discretion of the Presiding Officer of the Commission. A roster of speakers and times will be posted at the hearing. While every effort will be made to accommodate all requests to present oral testimony, time limitations may require that some testimony be submitted in writing rather than presented orally.

The remaining schedule of meetings and public hearings for the Commission on Security and Economic Assistance is as follows:

First Public Hearing—June 13, 9:30 a.m. May be extended into the afternoon at the discretion of the Chairman. Georgetown University, Hall of Nations, 1221 36th Street, N.W. (Walsh Building).

Third Commission Meeting—June 27, 1:30 p.m. To be determined.

Second Public Hearing—July 11, 9:30 a.m., May be exended into the afternoon at the discretion of the Chairman. Georgetown University, Hall of Nations, 1211 36th Street, N.W., (Walsh Building).

Fourth Commission Meeting—July 18, 1:30 p.m. To be determined.

Fifth Commission Meeting—September 12, 1:30 p.m. To be determined.

Sixth Commission Meeting—October 3, 1:30 p.m. To be determined.

Locations of Commission meetings will be published in the near future.

Mr. John K. Wilhelm is the designated A.I.D. representative. In addition to the above, statements may be filed with him, or further information received by writing to him in care of the Agency for International Development, PPC/C, Room 1004 NS, Washington, D.C. 20523, or Telephone him at 202/632–7800.

Dated: May 27, 1983.

John K. Wilhelm,

A.I.D. Representative, Commission on Security and Economic Assistance.

[FR Doc. 83-14761 Filed 6-1-83; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision Notice

Decided: May 24, 1983.

As indicated by the findings below, the Commission has approved the following applications file under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, (202) 275–5223.

Volume No. OP3–FC–239

MC–FC–81310. By decision of May 24, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to G.C. Express, Inc., Columbus, OH, a portion of Certificate No. MC–13134 (Sub-No. 102)X, issued May 20, 1981, and its underlying authority in the lead Certificate in No. MC–13134, issued August 6, 1968, to GRANT TRUCKING, INC., Oak Hill, OH, authorizing, over regular routes, the transportation of *general commodities*, with exceptions. (1) Between Wheeling, WV, and Pittsburgh, PA: From Wheeling over WV Hwy 2 to Weirton, WV, then over U.S. Hwy 22 to junction PA Hwy 60 via Moon Run and Crafton, PA to Pittsburgh, and return over the same route, serving all intermediate points and off-route points of Bellaire, Bridgeport, and Martins Ferry, OH, and New Kensington and points in Allegheny County, PA. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215.

MC–FC–81475. By decision of May 24, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR part 1181, Review Board Number 2 approved the transfer to HAKE-HALPER TRANSPORTATION COMPANY, A CORPORATION, of Berwyn, PA, of Certificate No. MC–152195, issued October 20, 1981, to LEO PETRILLO, of Philadelphia, PA, authorizing the transportation of *building materials*, between points in PA, DE, MD, NJ, and NY. An application for temporary authority has been filed. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966.

Volume No. OP3–FC–242

MC–FC–81418. By decision of May 24, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR part 1181, Review Board Number 2 approved the transfer to ASSEMBLY AND DISTRIBUTION SERVICES, INC., Westwood, NJ, of Permit No. MC–159955, issued July 28, 1982, to D. C. SWIFTLINE, INC., Perth Amboy, NJ, authorizing the transportation of *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with Service Merchandise Company, Incorporated, of Nashville, TN, Austracan (USA) Inc., of New York, NY, Penetone Corp., of Tenafly NJ, and Distribution Channell, of Edison, NJ. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666 (201) 836–1144.

[FR Doc. 83–14558 Filed 5–31–83; 8:45 am]
BILLING CODE 7035–01–M

[Volume OPI–192]

Motor Carriers; Proposed exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 1134(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received on or before July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Joyce D. Lannon, (202) 275–7992.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: May 20, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Steven C. Rose and John R. King—Continuance-In-Control-Exemption-Reliance Transport Services, Inc.

MC–F–15256, Steven C. Rose (ROSE) and John R. King (KING) seek an exemption from the requirement under section 11343 of prior regulatory approval for continuance in control of Reliance Transport Services, Inc. (RTS). KING, an officer and director of Mason Dixon Tank Lines, Inc. (MDT) (MC–61403), and stockholder in Mason Dixon Lines, Incorporated (MDL) (MC–59583), is an officer in RTS. Rose is an officer in both RTS and MDT. Reliance Transport Services, Inc. has filed a directly related application docketed MC–167711, published in this same **Federal Register** issue. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's Representative: Steven C. Rose, P.O. Box 3117, Kingsport, TN 37664. Comments should refer to: MC–F–15256.

[FR Doc. 83–14559 Filed 5–31–83; 8:45 am]
BILLING CODE 7035–01–M

[Vol. No. OP4–322]

Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 23, 1983.

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 4, at (202) 275–7669.

MC 105146 (Sub-7X), filed May 17, 1983. Applicant: COORDINATED TRANSPORTATION COMPANY, 701 Commerce St., Dallas, TX 75202. Representative: Joe C. Crawford (same address as applicant), (214) 651–6741. Sub-No. 6 certificate: remove the restriction on page 6 limiting service to be performed under the certificate to service which is auxiliary to or supplemental of rail service of Missouri-Kansas-Texas Railroad Company (MKT), and its subsidiary, and to points which are stations on a rail line of MKT.

[FR Doc. 83–14555 Filed 5–31–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such serivce has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make

available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

NOTE: All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–264

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 142765 (Sub-1–4TA), filed May 17, 1983. Applicant: AMERICAN TRANSPORTATION, INC., 797 Amity Road, Bethany, CT 06525. Representative: Alan Kahn, Esq. 1430 Land Title Bldg., Philadelphia, PA 19110. *General commodities (except commodities in bulk, Classes A and B explosives and household goods)* between points in CT, MA, NJ, NY, PA, and RI. Supporting shipper(s): There are seven statements of support which may be examined at the I.C.C. Regional Office, Boston, MA.

MC 134806 (Sub-1–60TA), filed May 11, 1983. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *General commodities (except commodities in bulk, household goods and Class A and B explosives),* between points in MA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY, under continuing contract with Sullivan Consolidation, Inc. of Springfield, MA. Supporting shipper: Sullivan Consolidation, Inc., P.O. Box 126—Highland Station, Springfield, MA 01109.

MC 134806 (Sub-1–61TA), filed May 11, 1983. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Woodburning stoves and accessories,* between Braintree, MA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY, under continuing contract(s) with Crane Stove Works Inc., Braintree, MA. Supporting shipper: Crane Stove Works Inc., Box 440, Braintree, MA 02184.

MC 134806 (Sub-1–62TA), filed May 11, 1983. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Leather and suede coats and leather accessories,* between Compton, CA, on the one hand, and, on the other, points in CT, MA, ME, NH, NY, RI and VT, under continuing contract(s) with Wilson Suede & Leather, Compton, CA. Supporting shipper: Wilson Suede & Leather, 850 Artesia Blvd., Compton, CA 90220.

MC 167978 (Sub-1–1TA), filed May 12, 1983. Applicant: MARK BENJAMIN, Russell Road, Sunderland, MA 01375. Representative: James M. Burns, 1365 Main Street, Suite 403, Springfield, MA 01103. *Fertilizer and related materials,* between points in Hampshire County, MA, on the one hand, and, on the other, points in CT, NH, NJ, NY, ME, RI and VT. Supporting shipper(s): Agriturf, Inc., 124 Elm Street, P.O. Box 142, South Deerfield, MA 01373.

MC 156537 (Sub-1–1TA), filed May 17, 1983. Applicant: CARBEC, INC., 108 Montcalm N., Candiac, Quebec, CD J5R 3L8. Representative: Ronald I. Shapss, 450 7th Avenue, New York, NY 10123. *Contract carrier:* irregular routes: *Paper and paper products,* between entry points on the U.S./CD Border at points in NY, on the one hand, and, on the other, points in MA under continuing contract(s) with Domtar Pulp & Paper Products, Montreal, Quebec, CD. Supporting shipper: Domtar Pulp & Paper Products, 395 de Maisonneuve W., Montreal, Quebec, CD H3C 3M2.

MC 125440 (Sub-1–2TA), filed May 16, 1983. Applicant: CONCRETE TRUCKING SERVICE, INC., 50 James Street, Somerville, NJ 08876. Representative: Raymond P. Keigher, Esq., 401 E. Jefferson Street, Suite 102, Rockville, MD 20850. *Contract carrier:* irregular routes: *Precast and prestressed concrete, materials, equipment and supplies used in the erection thereof, and steel doorframes,* from Chambersburg, PA, to points in Essex, Hudson, and Somerset Counties, NJ, under continuing contract(s) with Nitterhouse Concrete Products, Inc., Chambersburg, PA. Supporting shipper: Nitterhouse Concrete Products, Inc., Box N, Chambersburg, PA 17201.

MC 156354 (Sub-1–1TA), filed May 17, 1983. Applicant: FICEL SALES INC., 4819 Southwestern Boulevard, Hamburg, NY 14075. Representative: Michael A. Wargula, Esq., Suite 808, 69 Delaware Avenue, Buffalo, NY 14202. *General commodities (except Class A & B explosives, household goods and commodities in bulk)* between points in the U.S. (except AK and HI). Supporting shipper(s): There are seven statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 158361 (Sub-1–4TA), filed May 12, 1983. Applicant: G. F. C. TRUCKING CORP., W. 100 CENTURY ROAD, Paramus, NJ 07652. Representative: D. Weintraub (same as applicant). *Contract carrier:* irregular route: *Electrical equipment* between Boone County and Fayette County, KY and points in NJ, under continuing contract(s) with Square D. Corporation, Florence, KY. Supporting shipper: Square D Corporation, 8300 Burlington Pike, Florence, KY 41042.

MC 168110 (Sub-1–1TA), filed May 17, 1983. Applicant: PAUL L. HINMAN, d.b.a. FOREST PRODUCTS SERVICE, 11 Forest Drive, Burlington, CT 06013. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Lumber or wood products,* between Harford County, CT, on the one hand, and, on the other, points in Rockingham County, NH, Cumberland County, ME, and points in NJ, NY, and VT. Supporting shipper: E. R. Hinman & Sons, Inc., 77 Milford Street, Burlington, CT 06013.

MC 145963 (Sub-1–2TA), filed May 11, 1983. Applicant: NICK MIELE TRUCKING CO., INC., 475 Sonia Avenue, Matawan, NJ 07747. Representative: William J. Augello, Esq., Augello, Pezold & Hirschmann, P.C., 120 Main Street, Huntington, NY 11743. *Contract carrier:* irregular routes: *Metal cans, can ends, bottle caps, tin plate, and materials, equipment and supplies used in the manufacture and sale of such commodites* between points in the U.S. under continuing contract(s) with Crown Cork & Seal Company, Philadelphia, PA. Supporting shipper: Crown Cork & Seal Company, Philadelphia, PA 19120.

MC 168112 (Sub-1–1TA), filed May 17, 1983. Applicant: RONNIE'S STANDARDBRED LTD., 286 Lakeshore Road, Pointe Claire, Quebec, CD H9B 1A9. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. *General commodities*

(except Classes A and B explosives, household goods and commodities in bulk) between ports of entry on the U.S./CD Border at points in NY and VT, on the one hand, and, on the other, Fort Worth, TX, and its Commercial Zone, and points in OH. Supporting shipper: Canada Dispatch, P.O. Box 39712, Solon, OH 44139.

MC 1679111 (Sub-1–2TA), filed May 18, 1983. Applicant: STANLEY AUTO OIL SERVICE CORP., 60 Forester Ave., Warwick, NY 10990. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375. *Ski lifts* from the facilities of Borvig Corporation, located at Pine Island, NY, to points in the U.S. (except AK and HI). Supporting shipper: Borvig Corporation Newport Bridge Rd., Pine Island, NY 10969.

MC 167994 (Sub-1–1 TA), filed May 17, 1983. Applicant: 10 LAKES, INC., Route 109, P.O. Box 83, Acton, ME 04001. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street, NW., Washington, D.C. 20005. *Contract carrier:* irregular routes: *Liquid petroleum products in tank vehicles not exceeding 5,000 gallon capacity* from Somersworth, NH to points in ME, under continuing contract(s) with Agway Petroleum Corp., Syracuse, NY. Supporting shipper: Agway Petroleum Corp., Box 4933, Syracuse, NY 13221.

MC 146166 (Sub-1–2 TA), filed May 17, 1983. Applicant: TRIANGLE TRANSPORT CO. INC., 74 Sylyma Street, Cumberland, RI 02864. Representative: William F. Poole, 22 Knollwood Circle, North Kingstown, RI 02852. *General commodities as dealt with by department stores (except classes A & B explosives, commodities in bulk and household goods)* between points in the U.S. Supporting shipper: Zayre Corp., 235 Old Connecticut Path, Framingham, MA 01701.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th Street, Room 620, Philadelphia, PA 19106

MC 165042 (Sub-II–2 TA), filed May 7, 1983. Applicant: ATHA TRUCKING, INC., Route 2, Box 531, Bridgeport, WV 26330. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526. *Coal,* in bulk, in dump vehicles, between points in WV, on the one hand, and, on the other, points in MD, PA, VA and DC. An underlying ETA seeks 120 days' authority. Supporting shipper(s): CBC COMPANY, P.O. Box 1042, Bridgeport, WV 26330. M. L. FUELS, INC., P.O. Box 537, Granville, WV 26534.

MC 167661 (Sub-II–1 TA), filed May 9, 1983. Applicant: JAMES N. CIAVARELLA d.b.a. J. C. TRUCKING, 121 Welles St., Forty Fort, PA 18704. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Such merchandise as is dealt in by retail department stores* between Exeter, PA, on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, IL, IN, MD, MA, NC, NJ, NY, OH, SC, VA and WV. Supporting shipper(s): Jewelcor Inc., Erie & Susquehanna Aves., Exeter, PA 18643.

MC 167564 (Sub-II–1TA), filed May 8, 1983.Applicant: MAJOR TOURS, INC., 2001 Christian St., Philadelphia, PA 19146. Applicant's representative: Lenora M. Smith, 3010 N 3rd St., Harrisburg, PA 17110. *Passengers and their baggage, in charter operations,* from Philadelphia, PA to points in CT, DE, DC, FL, GA, ME, MD, MA, NH, NJ, NY, NC, OH, RI, VT, VA, SC, and return. An underlying ETA seeks 120 days authority. Supporting shipper: St. Charles Borromeo, 2001 Christian St. Philadelphia, PA 19146.

MC 135364 (Sub-II–20TA), filed May 7, 1983.Applicant: MORWALL TRUCKING, INC., R.D. #3, Box 76–C, Moscow, PA 18444. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517. Contract, irregular: *brooms, brushes and mops and related commodities,* between Douglas County, IL, on the one hand, and, on the other, points in the U.S. on and east of WI, IA, KS, OK and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Libman Broom Company, P.O. Box 66, Arcola, IL 61910–0066.

MC 21436 (Sub-II–1TA), filed May 9, 1983. Applicant: RELIANCE VAN COMPANY, INC., 215 W. Second Ave., Conshohocken, PA 19428. Representative: Robert J. Gallagher, 1000 Connecticut Ave. N.W., Suite 1200, Washington, D.C. 20036. *Household goods, as defined by the Commission,* between points in the U.S. (including AK & HI, excluding VT). An underlying ETA seeks 120 days authority. Supporting shipper(s): Acme Fast Frieght, Inc., 12360 Lake City Way, N.E., Seattle WA 98125 Jet Forwarding, Inc., 3555 Torrance Blvd., Torrance, CA 90503 Lyon Worldwide Shipping, Inc., 2122 112th Ave., N.E., Bellevue, WA 98009.

MC 167820 (Sub-II–1TA), filed May 5, 1983. Applicant: RICHARD W. THOMPSON, d.b.a. R. W. Thompson Trucking, 110 Arrowhead Rd., Pittsburgh, PA 15237. Representative: Richard W. Thompson (same address as applicant). *General commodities (except classes A and B explosives, household goods as defined by the Commission)* between points in the U.S. in and east of MN, IA, MO, OK and TX, for 270 days. Supporting shipper(s): There are six supporting statements attached to this application which may be examined at the Philadelphia Regional office.

MC 167647 (Sub-II–1TA), filed May 4, 1983. Applicant: TRANSIT ENTERPRISE SYSTEMS, INC., P.O. Box 5391, Fredericksburg, VA 22401. Representative: Robert R. Harris, 1730 M St., N.W., Washington, D.C. 20036. *Passengers and their baggage, in round-trip, charter and special operations, in vehicles equipped with a seating capacity of 15 passengers or less,* beginning and ending in Stafford, Culpeper, Orange and Spotsylvania Counties and the City of Fredericksburg, VA, and extended to DC. An underlying ETA seeks 120 days authority. Supporting shipper(s): U.S. Tours, Inc., Holiday Inn, North, Fredericksburg, VA 22401.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 109028 (Sub-4–1TA), filed May 13, 1983. Applicant: S & W TRANSFER, INC., 312 E. Wisconsin Ave., Milwaukee, WI 53202. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Contract,* irregular, *Shredded Rubber Waste Tires* from Minneapolis, MN, and its Commercial Zone, to Tomahawk, WI, under continuing contract(s) with Owens-Illinois, Inc., Tomahawk, WI.

MC 113855 (Sub-4–12TA), filed May 6, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, MN 55903. Representative: Leonard L. Bennett, 2450 Marion Road S.E., Rochester, MN 55903. Contract; Irregular: *General commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI), under a continuing contract(s) with Cincinnati, Incorporated. Suporting shipper: Cincinnati, Inc., P.O. Box 11111, Cincinnati, OH 45211.

MC 120184 (Sub-4–7TA), filed May 13, 1983. Applicant: PEP LINES TRUCKING CO., 32600 Dequindre Road, Warren, MI 48092. Representative: Carla T. Novak, 1101 31st Street, Downers Grove, IL. 60515, (312) 971–8400. *Pulp, paper and allied products,* (1) between Warren, MI, on the one hand, and on the other, pts. in OH; and (2) between Warren, MI and pts. in IL and IN, under continuing contract(s) with Mid-West Paper Products Company of Warren, MI. Supporting Shipper: Mid-West Paper

Products Company, 12350 E. 9 Mile Rd., Warren, MI 48089.

MC 158651 (Sub-4–4TA), filed May 16, 1983. Applicant: GRAEBEL VAN LINES, INC., 719 North Third Ave., Wausau, WI 54401. Representative: John E. Koci (Address same as Applicant). Contract; Irregular: *Transporting Household Goods,* as defined by the Commission, Between all points in the U.S. (except AK and HI) under continuing contract(s) with Pacific Intermountain Express Company, Walnut Creek, CA. Supporting shipper: Pacific Intermountain Express Company, 25 N. Via Monte, Walnut Creek, CA 94596.

MC 168034 (Sub-4–1TA), filed May 13, 1983. Applicant: CAL PETERS TRANSIT, INC., Box 10, Long Lake, WI 54542. Representative: Nancy J. Johnson, 103 East Washington St.; Box 216, Crandon, WI 54520. (1) *Pallets* from Elcho, WI to Chicago, IL; Evansville and E. Chicago, IN; Eagan and Minneapolis-St. Paul Commercial Zone, MN; (2) *Lumber and related products* from Tipler and points in Forest County, WI to Rockford and Peoria, and points in Chicago Commercial Zone, IL; Duluth, Bemidji and Minneapolis-St. Paul Commercial Zone, MN; Dollar Bay, Escanaba, Marquette and Ironwood, MI; Dubuque, IA; and Gary and Paoli, IN. Supporting Shippers: I. J. Millan Lumber Corp., 8516 Millan Road, Armstrong Creek, WI 54103. Elcho Pallet Co., Elcho, WI 54428. Caspian Wood Products, Box 105, Long Lake, WI 54542.

MC 168107 (Sub-4–1TA), filed May 16, 1983. Applicant: RONALD M. KERR, P.O. Box R, Velva, ND 58790. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375. Contract, irregular: *abrasive products* (except abrasive products in bulk) from Detroit, MI, Niagara Falls, NY and Mansfield, OH to Seattle, WA under continuing contract(s) with Abrasive Northwest, Inc. of Seattle, WA. An underlying ETA seeks 30 days authority. Supporting shipper: Abrasives Northwest, Inc., 1114 Andover Park West, Seattle, WA 98188.

MC 168111 (Sub-4–1TA), filed May 16, 1983. Applicant: LA VERNE R. KREGER d.b.a., KREGER TRANSPORT, Rte. 4, P.O. Box 380, Minot, ND 58701. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375. Contract, irregular: *lumber and building materials* between points in ID, MT, OR, WA, and WY, on the one hand, and, on the other, points in IA, MN, ND, SD, and WI, under continuing contract(s) with Gibbs Lumber Co. of Lake Elmo, MN and Clarkson Lumber Co., Inc. of Minneapolis, MN. An underlying ETA seeks 30 days authority. Supporting shippers: Gibbs Lumber Co., P.O. Box 878, Lake Elmo, MN and Clarkson Lumber Co., Inc., 104 Wesley Temple Bldg., Minneapolis, MN.

MC 168113 (Sub-4–1TA), filed May 16, 1983. Applicant: C.M.W. TRANSPORT CO., INC,. 951 West North St., Kendallville, IN 46793. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract* irregular: (1) *Metal products,* between Albion, IN, on the one hand, and, on the other, Detroit, MI; Chicago, IL; Paterson, NJ; Du Bois, PA; Nashville, TN; and Racine and West Bend, WI and their commercial zones. RESTRICTED to continuing contract(s) with PI Components, Philips Industry, of Albion, IN. (2) *Automotive assemblage parts, books and materials, equipment and supplies utilized in the manufacture thereof,* between Kendallville, New Haven and South Whitley, IN, on the one hand, and, on the other, Van Nuys, CA; Kansas City, KS; Salt Luke City, UT and points in and east of MN, IA, MO, OK and TX. RESTRICTED to continuing contract(s) with Seamco, Inc., of Kendallville, IN. An underlying ETA seeks 120 days authority. Supporting shipper: PI Components, Philips Industry, 75 E. Sea Rd., Albion, IN 46701; Seamco, Inc., 2525 Progress Dr., Kendallville, IN 46755.

MC 42866 (Sub-4–1TA), filed May 19, 1983. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Rd., Broadview. Ill. 60153. Representative: John P. Torpats (same address as applicant). Contract; irregular: *plastic products* between points in the U.S., under continuing contract with Illinois Tool Works, Inc., Des Plaines, IL. Supporting shipper: Illinois Tool Works, Inc., 1901 Mt. Prospect Rd., Des Plaines, IL 60018.

MC 42866 (Sub-4–2TA), filed May 19, 1983. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Rd., Broadview, Ill. 60153. Representative: John P. Torpats (same address as applicant), 312–450–2900. Contract; irregular: *general commodities* (except classes A & B explosives, household goods and commoditeis in bulk) between points in the U.S. (except AK & HI) under continuing contract with Robert Lipin dba RPL Associates, Inc. Supporting shipper: RPL Assoicates, Inc., 21650 W. Eleven Mile Rd., Suite 102, Southfield, MI 48076.

MC 140168 (Sub-4–2TA), filed May 18, 1983. Applicant: FANETTI TRANSPORT, INC. Route 2, Bloomer, WI 54724. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. (a) *food and related products* between points in IL, KS, MN, MO, and WI, on the one hand, and, on the other points in the U.S., in and east of NE, SD, CO, OK and TX; (b) *petroleum products (except commodities in bulk)* between Chippewa, Dunn, and Eau Claire Counties, WI on the one hand, and, on the other, points in IL, MN, and OK; (c) *transportation equipment* from points in the U.S. to Eau Claire County, WI; and (d) *building materials (except commodities in bulk)* between Chippewa County, WI, on the one hand, and, on the other, points in IL, IA, KS, MI, MN, ND, OH, PA, SD, and WV. There are sever (7) supporting shippers.

MC 156727 (Sub-4–2TA), filed May 18, 1983. Applicant: SERCOMBE TRUCKING COMPANY, 2371 Windsmere Dr., Jackson, MI 49202. Representative: E. D. Anderson, #838, 1001 Connecticut Ave, N.W., Washington, D.C. 20036. *General commodities except commodities in bulk, mercer commodities, household goods, commodities which because of size or weight require special equipment,* between MI, WI, OH and points in and east of TX, AR, MO, IA and MN. Shippers: There are eight (8) supporting shippers.

MC 166757 (Sub-4–1TA), filed May 18, 1983. Applicant: MINORITY TRUCKING, INC., 1418 N. 29th St., Terre Haute, IN 47807. Representative: Patricia A. Thomas, 1418 N. 29th St., Terre Haute, IN 47807. *Contract* irregular *Printed matter or such commodities as are printed, manufactured or sold by a printer or convertor in the conduct of such business,* between Terre Haute, IN and Los Angeles, CA on the one hand, and, on the other, points in the U.S. (except AK ane HI), under continuing contract with Ivy Hill Corporation of Terre Haute, IN. Supporting shipper: Ivy Hill Corporation, Ft. Harrison Industrial Park, Terre Haute, IN 47807.

MC 168037 (Sub-1TA), filed April 18, 1983. Applicant: BONNIE LINDBERG AND DAVE JOHNSON d.b.a. BLUE STAR TRUCKING, P.O. Box 32025, Fridley, Minnesota 55432. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Contract; Irregular: Building materials* between points in MN, ND, SD, IA, WI and WY on the one hand, and, points in the U.S. on the other under continuing contract(s) with Reserve Supply Company, of Fridley, MN 55421. Supporting shipper: Reserve Supply Company 5110 Northeast Main St., Fridley, MN 55421.

MC 168075 (Sub-4–1TA), filed May 18, 1983. Applicant: WACHTER'S INC., Box 838, Bismarck, ND 58502.

Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502–2056. *Telephone equipment and materials and supplies used in the construction and maintenance of telephone systems,* between points in ND. Applicant seeks underlying 120 ETA. Supporting shipper: Western Electric Co., 111 Havana St., Aurora, CO 80010.

MC 168167 (Sub-4–1TA), filed May 19, 1983. Applicant: JINKINS, INC., Route 1, Box 348A, Tomah, WI 54660. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Lumber and lumber products* from Tomah and Warrens, WI to IL, IN, IA, MI, MN and OH. Underlying ETA seeks 120 days authority. Supporting shippers: Culpeper Wood Preservers, Inc., Box 406A, Tomah, WI 54660; and Wisconsin Forest Products, Division of Universal Forest Products, Inc., P.O. Box 37, Warrens, WI 54666.

MC 168170 (Sub-4–1TA), filed May 19, 1983. Applicant: CLARENCE R. MEYER d.b.a. C. R. MEYER TRUCKING, 5134 Reynolds Ave., Waunakee, WI 53597. Representative: Clarence R. Meyer (same address as applicant), (608) 241–2312. (1) *hay bale racks, portable hay feeders, and used and rebuilt meat, dairy and food processing equipment* between points in WI and points in MN, IL, IA, IN, MI, OH, OK, MO, TN, KS, TX, KY, AL, GA, FL, NE, MS, and LA; and (2) *equipment, materials and supplies used in the manufacture thereof* in the reverse direction. Supporting shippers: There are 5.

MC 168171 (Sub-4–1TA), filed May 19, 1983. Applicant: TOM JOY AND SON, INC., R.R. #3, Pound, WI 54161. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703. *General commodities* (except classes A and B explosives and household goods) between Menominee, MI, Sheboygan Falls, WI, and points in Marinette County, WI, on the one hand, and, on the other, points in the US (except AK and HI), Supporting shippers: There are eight supporting shippers.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 79658 (Sub-5–20TA), filed May 16, 1983. Applicant: Atlas Van Lines, Inc., Post Office Box 509, Evansville, IN 47711. Representative: Michael L. Harvey, 1212 St. George Road, Evansville, IN 47711. Contract, Irregular: *Household goods* between points in the U.S. (except AK and HI). Supporting shipper: Greater New Orleans Society for Health Care Personnel Administration, New Orleans, LA.

MC 134328 (Sub-5–3TA), filed May 16, 1983. Applicant: D&G TRUCKING COMPANY, INC., Post Office Box 1004, Wynne, AR 72396. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Carpets, Rugs, Piece Goods, Sheets, Pillow Cases, Towels, Wash Cloths, Furniture, Draperies and Bedspreads*-Between points in AR, CA, GA, IL, MS, NC, NJ, NY, PA, SC, TN, TX and VA, on the one hand, and, on the other, points in the U.S. (except AK and HI) Supporting shipper: Burlington Industries, Inc., Burlington, NC.

MC 153034 (Sub-5TA), filed May 16, 1983. Applicant: L. C. W. TRANSPORTATION SERVICE, INC., 119 E. Chevez, Edinburg, TX 78539. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Oil well treating compounds* from Carlsbad, NM to points in TX. Supporting shipper: MO–VAC Service Company, Inc., McAllen, TX.

MC 161235 (Sub-5–3TA), filed May 16, 1983. Applicant: ARTHUR BELL d.b.a. BELL TRUCK RENTAL, Rt #1 Box 139A, Martinsburg, MO 65264. Representative: Arthur Bell (same as above). Contract, Irregular; *Metal and wood products,* between Noel, MO on the one hand, and, on the other, points in MI, OH, PA, TX, WI, MN, NY, ND, SD, NE, CO, WY, MT under continuing contract with L & B Building (or) Noel Sheet Iron Mfg., Noel, MO.

MC 164334 (Sub-5–1TA), filed May 16, 1983. Applicant: Martin Flooring, 10624 New Benton Highway, Benton, AR 72015. Representative: Fredrick S. Wetzel, III, Suite 727, Pyramid Place, Little Rock, AR 72201. *Vinyl and linoleum floor coverings* over irregular routes between Delaware County, PA and Middlesex County, NJ, on the one hand, and, on the other, Pulaski County, AR. Supporting shipper: Fones Bros. Distributors Little Rock, AR.

MC 166691 (Sub-5–2TA), filed May 16, 1983. Applicant: EMERSON ELECTRIC CO., 514 Earth City Expressway, Suite 100, Earth City, MO 63045. Representative: Fred Lenkman (same address as applicant). Contract: Irregular: *General Commodities (except Classes A and B explosives, household goods, and commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with Uniroyal, Inc., Middlebury, CT; W. W. Grainger, Inc., Chicago, IL; Wickman Traffic Service, Inc., Western Springs, IL; and Perth Enterprises, Inc., Greensboro, NC.

MC 167725 (Sub-5–1TA), filed May 16, 1983. Applicant: ANDY C. PACEE II d.b.a. A & P ENTERPRISE, 4727 Lock Lomond, San Antonio, TX 78220. Representative: James A. Bagsby, 2804 Hunting Dr., Ft. Worth, TX 76034. Contract, Irregular; (1) *Building Material and Household Appliances, water heaters, bath tubs, and related material;* (2) *Mattresses and related material;* (1) between Dallas, TX on the one hand and (2) between Brenham, TX, on the one hand, and on the other, Las Vegas, NV, Los Angeles, CA, New Orleans, LA, Atlanta, GA Albuquerque, NM, Phoenix, AZ, Oklahoma City, OK, St. Louis, MO, Jackson, MS, Little Rock, AR, Denver, CO, Nashville, TN, and their commercial zones. Supporting Shipper(s): Verson All Steel Press Co., Dallas, TX; Ohio-Sealy Mattress Mfg. Co., Brenham, TX.

MC 168055 (Sub-5–1TA), filed May 16, 1983. Applicant: LARRY KNUDSEN, Route 2, Atlantic, IA 50022. Representative: Richard D. Howe, 600 Hubbell Building, Des, Moines, IA 50309. *Structural clay products,* between points in Dallas and Wapello Counties, IA, and Livingston County, MO, on the one hand, and, on the other, points in Douglas, Washington, Dodge, Saunders, Lancaster, Cass, and Sarpy Counties, NE. Supporting shipper; Watkins Concrete Block Company, Inc., Omaha, NE.

MC 168057 (Sub-5–1TA), filed May 16, 1983. Applicant: ROY BRYANT CATTLE COMPANY, P.O. Box 16216, Houston, TX 77024. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024. *Meat and slaughterhouse by-products* between Fort Dodge, KS on the one hand, and on the other, Houston, Abilene, Dallas and Fort Worth, TX. Support shipper; Hyplains Dressed Beef, Inc., Dodge City, KS. 62801.

MC 168114 (Sub-5–1TA), filed May 17, 1983. Applicant: GROSCH IRRIGATION CO., INC., Highway 30 West, Silver Creek, NE 68663. Representative: Lavern R. Holdeman, 1610 South 70th, #200, Lincoln, NE 68506. *Irrigation equipment and related parts, materials and supplies (except in bulk),* between the facilities of Aurora Pump, at or near Hastings, NE, on the one hand and on the other, points in Kansas City, MO, commercial zone and points in TX. Supporting shipper: Aurora Pump, Hastings, NE.

MC 133471 (Sub-5–3TA), filed May 19, 1983. Applicant: HOWARD TRUCKING CO., INC., P.O. Drawer 1479, New Iberia, LA 70560. Representative: Otto A. Girouard, Jr. (same as above). *Seismic cable, used and repaired; magnetic computer tapes; technical reports* between points in TX and LA on the one hand, and on the other, points in MA,

NC, and GA. Supporting shipper: Shell Oil Co., New Orleans, LA.

MC 151279 (Sub-5–2TA), filed May 19, 1983. Applicant: SAM H. CURNUTT, d.b.a. SOUTHWEST HOT SHOT, Rt, 11, Box 444, Longview, TX 75603. Representative: Sam H. Curnutt (same as above) *Machinery parts, earth-moving equipment parts, electric motors and power transmission equipment; and chemicals and lubricants, in containers* between points in TX, LA, AR, OK, CO, KS, MO, TN, IN, OH, IL, PA, GA, MS, AL, and KY. Supporting shipper(s): 5

MC 154872 (Sub-5–2TA), filed May 19, 1983. Applicant: SOLAR TRANSPORT, INC., P.O. Box 537, Hampton, IA 50441. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Non-alcoholic beverages,* between Mason City, IA, on the one hand, and, on the other, Rockford, IL and St. Paul, MN. Supporting shipper: Royal Crown of North Iowa, Inc., Mason City, IA.

MC 167957 (Sub-5–1TA), filed May 20, 1983. Applicant: BARRY SCHEXNAYDRE, INC., 12527 Coursey Blvd., Apt. 1031, Baton Rouge, LA 70816. Representative: Janet Boles Chambers, 8211 Goodwood Blvd., Suite C–1, Baton Rouge, LA 70806–7782. *Coal and/or lignite,* between the ports of Port Allen, LA and Burnside, LA and the facilities of Dow Chemical, U.S.A. at or near Plaquemine, LA. Supporting shipper: Dow Chemical, U.S.A., Plaquemine, LA 70764.

MC 166133 (Sub-5–T.A.), filed May 18, 1983. Applicant: R & D CARTAGE, INC., 4417 W. Bethany Rd., North Little Rock, AR 72117. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Such Commodities as are dealt in by grocery stores (except in bulk,* from the facilities of Southern States Warehouse, Southern Warehouse and General Foods Warehouse, in Memphis, TN, to Little Rock, AR. Supporting shipper: The Kroger Company, No. Little Rock, AR, Little Rock Air Force Base, Jacksonville, AR, Affiliated Food Stores, Inc., Little Rock, AR, Rands, Inc., No. Little Rock, AR.

MC 166137 (Sub-5–1TA), filed May 20, 1983. Applicant: TIGER EXPRESS, INC., P.O. Box 481, Shreveport, LA 71162. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *General commodities, except classes A & B explosive, Household goods and commodities in bulk, having prior or subsequent movement by rail,* between Monroe and Shreveport, LA; Ashdown, Spencer and Texarkana, AR; and Dallas, Longview, Tyler and Texarkana, TX. Supporting shipper: Sunbelt Consolidators, Inc., Dallas, TX and Libby Glass Div. Owen-Illinois, Shreveport, LA.

MC 166146 (Sub-5–1TA), filed May 19, 1983. Applicant: EXHIBIT SERVICES, INC., 610 East Main Street, Lancaster, TX 75146. Representative: Robert A. Forman, 6606 LBJ Freeway, Suite 5135, Dallas, TX 75240. *Trade show Exhibits* between points in the U.S. (except AK and HI). Supporting shipper(s): Oilfield Equipment and Magcobar Groups Dresser Industries, Inc., Houston, TX and Dailey Oil Tools, Inc., Houston, TX.

MC 166147 (Sub-5–1TA), filed May 19, 1983. Applicant: H & H TRUCKING CORP., P.O. Box 38, Brunsville, IA 51008. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501–2028. *Wrecked, disabled* and *replacement vehicles,* between Sioux, Woodbury and Plymouth Counties, IA and Minnehaha County, SD, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): Siouxland Express, Inc., Shuster Grain Company, Inc., LeMars Transport, Inc., LeMars, IA; A. J. Wiese, Inc., Sioux Falls, SD; DeJong Oil and Repair, Inc., Orange City, IA; Livestock Express, Inc., Sioux City, IA.

MC 166156 (Sub-5–1TA), filed May 19, 1983. Applicant: FRANK E. BANNISTER, d.b.a. BANNISTER TRUCKING, Rt. 2, Box 421 G2, Denham Springs, LA 70427. Representative: Frank E. Bannister (same as above). Contract, Irregular; *Pulp, Paper and Related Products, and materials, equipment and supplies used in the manufacture, assembly, sale, and distribution thereof,* between points in Washington and West Feliciana Parishes, LA; Dallas, Harris, Hildago and Bexar Counties, TX; on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, KY, LA, MI, MN, MO, MS, NJ, NY, NC, NM, OH, PA, TN, TX, and WI, under continuing contract with Crown Zellerbach Corp., Bogalusa, LA.

MC 166173 (Sub-5–1TA), filed May 20, 1983. Applicant: GUMBY EXPRESS, INC., 422 Tahoe Lane, Midlothian, TX 76065. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *Chemicals and Related Articles,* between TX on the one hand, and, on the other, AR, LA, OK, MS and MO. Restricted to traffic originating at or destined to the facilities of Atlantes Industries, Inc. Supporting shipper: Atlantes Industries, Inc., Midlothian, TX.

MC 166174 (Sub-5–1TA), filed May 20, 1983. Applicant: EQUALIZER, INC., P.O. Box 8326, Waco, TX 76710. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. *Fertilizer* between Waco, TX, on the one hand, and, on the other, points in TX, restricted to traffic having a prior or subsequent movement via rail to or from points beyond the State of TX. Supporting shipper: Mississippi Chemical Corporation, Yazoo City, MS.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board (RMBC), 211 Main St., Suite 500, San Francisco, CA 94105.

MC 167862 (Sub-6–1TA), filed May 19, 1983. Applicant: ORANZA WILEY, d.b.a., WILEY'S CHARTER LINES, 923 Capitol Ave., San Francisco, CA 94112. Representative: (same as applicant). *Passengers* in special and charter operations between points in CA and NV for 270 days. ETA for 120 days have been filed. Supporting shipper: EEOC, Food Program, 730 Polk St., San Francisco, CA; and Ephesian Church, 1709 Alcatraz Ave., Berkeley, CA 94703.

MC 41098 (Sub-6–29TA), filed May 19, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. *Contract,* irregular, *Household goods* between points in the U.S. under continuing contract(s) with J. R. Simplot Co. of Boise, ID and its subsidiaries, for 270 days. Supporting shipper: J. R. Simplot Co., P.O. Box 27, One Capital Center, Boise, ID 83707.

MC 167861 (Sub-6–1TA), filed May 19, 1983. Applicant: JOHN V. HENRY and MICHAEL HENRY, a partnership d.b.a., NORTHSTATE PROPANE, Route 1, Box 925, Newport, WA 99156. Representative: Michael Henry (same as above). *Contract carrier,* Irregular routes: *Propane,* From Ports of Entry in ID, MT, and WA, also from points in WY, to points in ID, MT, and WA, for the account of Cal-Gas Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cal-Gas Corporation, P.O. Box 28397, Sacramento, CA 95828–0397

MC 167396 (Sub-6–1TA), filed May 19, 1983. Applicant: NATHAN LEE TENNESON d.b.a. OLD WEST ENTERPRISES, 400 Old Ophir Rd., Carson City, NV 89701. Representative: (same as applicant). *Passengers* in special and charter operations between points in Washoe, Lyone, Storey, Carson City and Douglas Counties, NV on one hand and Eldorado, Placer, Nevada, Sierra and Alpine Counties, CA on the other for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Daugherty Travel, 225 N. Sierra, Reno, NV.

MC 167578 (Sub-6–1TA), filed May 18, 1983. Applicant: ANSON SERVICE

LTD., 1726 West 5th Ave., Vancouver, B.C. V74 1AL. Representative: Wallace B. Farbo, P.O. Box 1181, Milton, WA 98354. *Contract,* irregular, *building materials, millwork items, office furnishings, appliances and construction equipment* between points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: J. R. Bezanson, Ltd., 1726 W. 5th Ave., Vancouver B.C. V6J 1P2; and Doranson Systems, Inc., 1726 W. 5th Ave., Vancouver, B.C. V6J 1P2.

MC 155050 (Sub-6–2TA), filed May 12, 1983. Applicant: ROBERT D. KING, d.b.a. APACHE FREIGHT LINES, 2247 Railroad Ave., Pittsburg, CA 94565. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579. *Contract Carrier,* irregular routes, *printing paper, printed materials and such equipment, materials and supplies as are used by printing plants,* between points within AZ, GA, CO, ID, NM, NV, MT, OR, TX, UT, WA and WY, for 270 days. Supporting shippers: First Western Graphics, Inc., 2002 Edison Ave., San Leandro, CA and Gazette Press, Inc., 1221 California Ave., Pittsburg, CA 94565.

MC 168030 (Sub-6–1TA), filed May 12, 1983. Applicant: APOLLO TRANSPORT, INC., P.O. Box 2297, Berkeley, CA 94702. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579. *General commodities* (except A and B Explosives, household goods and commodities in bulk), between points in CA, for 270 days. Supporting shippers: There are 5 shippers. Their statements may be examined in the office listed.

MC 167797 (Sub-6–1TA), filed May 17, 1983. Applicant: GARY BATINI, d.b.a. B & B TRUCKING, 2720 Alliance Rd., Arcata, CA 95521. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Lumber and forest products,* from Arcata, CA to Ukiah, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bracut International Corporation, Drawer 4779, Arcata, CA 95521.

MC 168032 (Sub-6–1TA), filed May 12, 1983. Applicant: CLIFFORD G. EWBANK AND DARYL L. SANCHEZ, C.G. ENTERPRISES, 512 Catalina Way, Modesto, CA 95350. Representative: Clifford G. Ewbank, 20757 Big Foot Circle, Groveland, CA 95321. *Scales and associated equipment of,* from Oakdale, CA to points in OR, WA, ID, CO, MT and UT for 270 days. Supporting shipper: Fairbanks Scales/Colt Industries, P.O. Box 728, Oakdale, CA 95361.

MC-167856 (Sub-6–1 TA), filed May 5, 1983. Applicant: NORMAN W. COURTNEY, JAMES D. WEBB, and BARBARA E. WEBB, d.b.a. COURTNEY-WEBB FREIGHTLINES, 9718 Trumbull Ave., S.E., Albuquerque, NM 87123. Representative: James D. Webb (same as applicant). *Steel—rebar, steel rods, galvanized and hot roll sheet metal, fabricated steel products for commercial buildings, highways, bridges, concrete reinforcement products,* from Albuquerque, NM to Houston, TX; El Paso, TX; Salt Lake City, UT; Denver, CO; Phoenix, AZ; Las Vegas, NV and Los Angeles, CA, for 270 days. Supporting shipper: B–J Manufacturing Co., 9718 Trumbull Ave., Albuquerque, NM 87123.

MC-141163 (Sub-6–2 TA), filed May 13, 1983. Applicant: BERNIE WHITE, d.b.a. FIDELITY TRANSPORTATION CORP., 2936 Farrar Ave., Modesto, CA. Representative: (same as applicant). *Contract carrier;* Irregular routes; *Liquid asphalt and fuel oil* between Benicia, CA on the one hand, and, on the other, Coaldale and Fernly, NV for 270 days. Supporting shipper(s): Huntway Refinery, P.O. Box 787, Benicia, CA 94510.

MC-41098 (Sub-6–28 TA), filed May 13, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006. *Contract carrier,* irregular routes *household goods* between points in the U.S. for 270 days. Supporting shipper: National Steel Corp., National Steel Center, 20 Stanwix St., Pittsburgh, PA 15222.

MC-79726 (Sub-6–1 TA), filed May 13, 1983. Applicant: JOHN (IACK) W. HOCKERSMITH & JACK HOCKERSMITH, JR., d.b.a. JACK HOCKERSMITH AND SON TRUCKING, P.O. Box 333, Pine Bluffs, WY 82082. Representative: Jack Hockersmith, Jr., P.O. Box 975, Pine Bluffs, WY 82082. *Refined fuels in tank vehicles,* from points in CO, NE, WY, KS, to points in Morrill, Scottsbluff, Banner and Kimball County, NE; Laramie County, WY; and Weld and Logan County, CO for 270 days. Supporting shipper(s): High Plains Cooperative, Box 520, Kimball, NE 69145.

MC-167767 (Sub-6–1 TA), filed May 17, 1983. Applicant: CLINTON L. WILCOX and STEPHEN B. HANSEN, d.b.a. HORSEMENS TRANSPORT SERVICE, 615 S. 87th Place, Mesa, AZ 85205. Representative: Clinton L. Wilcox (same as applicant). *Race Horses, Livestock Other Than Ordinary and Equipment:* Between Points in the U.S. except AK and HI; for 270 days. Supporting shipper(s): There are five supporting shippers. Their statements may be examined at the Regional Office listed.

MC 166130 (Sub-6–1TA), filed May 17, 1983. Applicant: KBH INC. 2433 Government Way, Suite A, Coeur d'Alene, ID 83814. Representative: R. Brady Harper (same address as applicant). *Building materials; lumber and wood products; metals and metal articles and products; and railroad, mining and construction materials, supplies and equipment* between points in AL, AZ, AR, CA, CO, GA, ID, IL, IN, KS, KY, LA, MI, MO, MT, NV, NM, OH, OK, OR, PA, TN, TX, UT, WA, WI and WY. Supporting shippers: There are six supporting shippers. Their statements may be examined at the regional office listed.

MC 167941 (Sub-6–1TA), filed May 12, 1983. Applicant: McKENZIE FUEL, INC., 2432 East 11th St., Tacoma, WA 98421. Representative: Robert C. Hicks (same as applicant) *Lumber, chips, hogged fuel, sawdust and bark,* between points in WA and OR, for 270 days. Supporting shippers: Brazier Forest Industries, Inc., P.O. Box 99945, Tacoma, WA 98499.

MC 168028 (Sub-6–1TA), filed May 12, 1983. Applicant: FRANK McLANE TRUCKING, P.O. Box 322, Happy Camp, CA 96039. Representative: Frank McLane (same address as applicant). *Forest products,* between points in CA, OR and AZ, for 270 days. Supporting shipper: Southwest Forest Industries, P.O. Box 7548, Phoenix, AZ 85011.

MC 144750 (Sub-6–2TA), filed May 17, 1983. Applicant: MOAB TRUCK CENTER, INC., 90 North 200 East, Box 116, Moab, UT 84532. Representative: Ralph Dunn (same address as applicant). (1) *ores and minerals* between points in Elko county, NV, UT, EL Paso, TX and CO. (2) *supplies, materials, and machinery used or to be used in mining, road building or milling operations* between Alburquerque, NM, CO, UT (and Elko county, NV. for 270 days. Supporting shipper(s): S&S Mining, South Hwy. 191, Moab, UT 84532; Wide West Inc., P.O. Box 1446, Blanding, UT 84511.

MC 168024 (Sub-6–1TA), filed May 13, 1983. Applicant: LOIS C. MYERS, d.b.c. L. C. MYERS USED AUTOS & SALVAGE, 11255 S. Township Rd., Camby, OR 97013. Representative: Mike Pavlakis, Box 646, Carson City, NV 89702. *Used and wrecked vehicles,* between points in OR, WA, NV and CA, for 270 days. Supporting shippers: (1) There are five supporting shippers. Their statements may be examined at the Regional Office listed.

MC 167856 (Sub-6–1TA), filed May 12, 1983. Applicant: NATIONWIDE

TRANSPORT, INC., P.O. Box 4209, Portland, OR 97208. Representative: Mark S. Dodson, Suite 700, 111 S.W. Columbia, Portland, OR 97201. *Construction materials, wood products, and mercer commodities,* between points in AL, AZ, AR, CA, CO, GA, ID, IL, IN, LA, MI, MN, MS, MT, NE, NV, ND, NM, OK, OR, SD, TX, UT, WA, and WY, for 270 days. Supporting shippers: There are 12 shippers. Their statements may be examined in the office listed.

MC 146401 (Sub-6–5TA), filed May 16, 1983. Applicant: NEU-WAY TRANSPORT, INC., 23720 72nd Ave., Langley, B.C. CD V3M 4P9. Representative: Jim Pitzer, PO Box 895, Renton, WA 98057. *Contract;* irregular, *general commodities* (except Classes A and B explosives, household goods and commodities in bulk) between points in CA and points on International Boundary Line in WA, ID and TM for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chi-Can Freight Forwarding, Ltd., 3600 S. Western Ave., Chicago, IL 60609.

MC 154801 (Sub-6–1TA), filed May 13, 1983. Applicant: A. L. OWENS TRUCKING, INC., Old Highway 99 N., Box 28A, Glendale, OR 97442. Representative: William D. Taylor, 100 Pine St., #2550, San Francisco, CA 94111. *Contract carrier,* irregular routes: *general commodities* (except classes A and B explosives, used household goods and commodities in bulk), restricted against traffic having a prior or subsequent movement by water, between points in OR, WA, CA and NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pirate Express, Inc., Old Highway 99 N., Box 28A, Glendale, OR.

MC 730 (Sub-6–22TA), filed May 16, 1983. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. E. Allish (same address as above). *Contract carrier:* irregular: *General Commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk) between points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: J. C. Penney Company, Inc., 1301 Ave. of the Americas, New York, NY 10019.

MC 730 (Sub-6–23TA), filed May 16, 1983. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. E. Allish (same address as above). *Contract carrier:* irregular: *General Commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk) between points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: International Telephone & Telegraph Corporation; 320 Park Ave., New York, NY 10022.

MC 161171 (Sub-6–2TA), filed May 17, 1983. Applicant: V. K. PUTMAN d.b.a. PUTMAN TRUCKING 509 N, Grand Bozeman, MT 59715. Representative: James M. Hodge, 3730 Ingersoll Ave. Des Moines, IA 50312. *Lumber, wood products, and precut log homes,* from Bozeman, MT to points in the U.S. (except AK and HI), for 270 days Supporting shipper(s): Lumber Enterprises, Inc., 7577 Gallatin Rd.; Bozeman, MT 59715

MC 168115 (Sub-6–1TA), filed May 16, 1983. Applicant: RAJNEESH NEO-SAMNYAS INTERNATIONAL COMMUNE, Socrates Building, Hassid Rd., Rajneeshpuram, OR 97741. Representative: Swami Anand Deben (same as applicant) *Passengers* in special and charter operations between points in OR and CA for 270 days. Supporting shippers: Air Hajneesh Travel Agency, P.O.B. 1, Jajneeshpuram, OR 97741.

MC 168033 (Sub-6–1 TA), filed May 13, 1983. Applicant: LARRY SPEAR ENTERPRISES, 1645 E. McKellips, Mesa, AZ 85203. Representative: A. Michael Bernstien, 1441 E. Thomas Rd. Phoenix, AZ 85014. *Mobile homes, modular buildings and manufactured buildings* between points in Maricopa and Pinal Counties, AZ on the one hand, and, on the other, points in CA, NV, CO, UT, NM and TX and, on return, *commodities used in the manufacture of the above commodities,* for 270 days. Supporting shippers: Golden West Homes, 25805 S Arizona Ave., Chandler, AZ 85244; Moduline Industries, Inc., 401 E. Ray Rd., Chandler, AZ 85326; Quail Valley Homes, Highway 260, Star Valley, AZ 85541; and Red Carpet Mfg. Homes, 2816 S. Country Club Rd., Mesa, AZ 85202

MC 165327 (Sub-6–1 TA), filed May 17, 1983. Applicant: THOMAS W. STOKES, JR. d.b.a. STOKES EXCAVATION, INC., Route 3—Box 372, Conrad, MT 59425. Representative: Thomas W. Stokes, Jr., (same as applicant). Contract; irregular *Fertilizer and non-exempt processed feeds* between points in ID, MT, ND, WA, and WY, for 270 days. Supporting shippers: ConAgra-AgriBasics, P.O. Box 2548, Great Falls, MT 59403. Custom Crop Care, P.O. Box 1535, Conrad, MT 59425. Farmers Terminal Assn. P.O. Box 606, Conrad, MT 59425.

MC 167472 (Sub-6–1 TA), filed May 12, 1983. Applicant: TRANSPORTES RAPIDO INC., 419 E. 6th St., Los Angeles, CA 90014 Representative: Victor M. Hatem (same address as applicant) *Passenger & their baggage, in charter and special operations,* between points in the U.S. (EXCEPT HI AND AK) and Mexican International Boundary Line at San Ysidro, CA and beyond to points in MX for 270 days. Supporting shippers: El Gremio de Chofferes Mexicanos de Tijuana, C.R.O.C., F.R.O.C. Gobernador Rico y calle Malinche #425, Fracc. Calette, Tijuana Baja, CA Mexico.

MC 168026 (Sub-6–1 TA), filed May 13, 1983. Applicant: JIM KRAUT ENTERPRISES d.b.a. WAYNE TRANSPORTATION, 3900 Harrison Ave., Butte, MT 59701 Representative: E. James Kraut (same as applicant). *Passengers* in special and charter operations between points in U.S. (except HI & AK) for 270 days. Supporting shippers: Butte Copper Kings Baseball Club, Inc., P.O.B. 186. Butte, Mt. 59701; Sager Tours, Inc., 801 W. 7th, Anaconda, MT. 59711

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-14554 Filed 5-31-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an

application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the Applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202) 275–5223.

Volume No. OP3–223

Decided: May 24, 1983.

MC-85205 Sub. 13, filed April 29, 1983. Applicant SMITH TRANSPORTATION CO., a Corporation, 731, S. Lincoln St., Santa Maria, CA 93454. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 145375 (Sub-9), filed April 29, 1983. Applicant: H. D. EDGAR TRUCKING COMPANY, INC., Rt. 1, Box 48, Opp, AL 36467. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005, (202) 296–3555. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Standard Brands Paint Co., Inc., its divisions and subsidiaries, of Torrance, CA.

MC 157944 (Sub-1), filed April 29, 1983. Applicant: JOHN H. PETERS, d.b.a. EAST TRUCKING DIVISION, 2848 Pineview Rd., Augusta, GA 30909. Representative: James M. Parrish, P.O. Box 1365, Marietta, GA 30061, (404) 424–8132. Transporting (1) *coal and coal products,* between points in Jefferson County, AL, on the one hand, and, on the other, points in FL, GA, SC, and TN, and (2) *sand,* between points in NC, on the one hand, and, on the other, points in AL.

MC 157944 Sub-1, filed April 29, 1983. Applicant: JOHN H. PETERS, d.b.a. EAST TRUCKING DIVISION, 2848 Pineview Rd., Augusta, GA 30909. Representative: James M. Parrish, P.O. Box 1365, Marietta, GA 30061, (404) 424–8132. Transporting (1) *coal and coal products,* between points in Jefferson County, AL, on the one hand, and, on the other, points in FL, GA, NC, SC and TN, and (2) *sand,* between points in NC, on the one hand, and, on the other, points in AL.

MC 162024, filed May 2, 1983. Applicant: ROD TRANSPORT, INC. 2848 American Ave., Sacramento, CA 95833. Representative: Steven Rodriquez (same address as applicant), (916) 372–5434. Transporting *pulp, paper and related products,* between points in CA.

Volume No. OP3–230

Decided: May 20, 1983.

MC 15735 (Sub-81), Filed May 2, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill (same address as applicant), (312) 681–8378. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with International Mineral & Chemicals Corp, of Mundelein, IL.

MC 15735 (Sub-82), Filed May 5, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL. 60153. Representative: Richard V. Merrill (same address as applicant), (312) 681–8378. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ford Motor Co. and its subsidiaries and its affiliate, Ford Motor Co. of Canada, Ltd, and its subsidiaries, of Dearborn, MI.

MC 110264 (Sub-42), filed May 3, 1983. Applicant: ALBUQUERQUE-PHOENIX EXPRESS, INC., P.O. Box 3495, Albuquerque, NM 87110. Representative: Paul F. Sullivan, 3408 Wisconsin Ave., N.W., Suite 202 Washington, DC 20016, (202) 363–1848. Transporting *general commodities* (except household, goods and commodities in bulk), between point in AZ, CO, NN, OK ad TX.

Note:—To the extent the certificate granted in this proceeding authorizes the transportation of Classes A and B explosives it will expire (5) years from the date of issuance.

MC 111375 (Sub-129), Filed May 3, 1983. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC. P.O. Box 3358, Madison, WI 53704. Representative: James A. Matras, (same address as applicant) (608) 241–1281. Transporting *general commodities* (except class A and B explosives, household goods, and commodities in bulk), between point in the U.S. (except AK and HI).

MC 111594 (Sub-109), Filed May 2, 1983. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, WI 54494. Representative: Carl L. Steiner, 135 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with CW Services, Inc. of Wisconsin Rapids, WI.

MC 154995 (Sub-2), filed May 4, 1983. Applicant: HUSKER TRANSPORT, INC., 4726 South 72nd Street, Omaha, NE 68127. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501–2028, (402) 475–6761. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Pottawattamie and Mills Counties, IA, Sarpy, Douglas, Lancaster, and Nemaha Counties, NE, and Cumberland County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161374 (Sub-1), filed May 3, 1983. Applicant: RIVAS TRUCKING, 16714 Cherry Ave., Terrance, CA 90504. Representative: Florencio Rivas (same address as applicant), (213) 329–2106. Transporting *lumber and wood products, furniture and fixtures,* and *office equipment, supplies and appliances,* between points in AZ, CA, CO, NM, NV, TX, and UT.

MC 167014, filed May 3, 1983. Applicant: TWIN TOWN RENDERING CO., INC., 741 Broad St., Auburn, ME 04210. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (212) 263–2078. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Independent Tallow Co. of Woborn, MA.

MC 167065, filed May 4, 1983. Applicant: EDMISON TRUCKING, INC., 4801 E. S.R. 55, Casstown, OH 45312. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods and commodites in bulk), between those points in the U.S. in and east of WI, IL, KY, TN, and MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167764, filed May 3, 1983. Applicant: JORDAN TRUCKS, INC., 1110 Ranch Street, Mason, TX 76856. Representative: Thomas F. Sedberry, P.O. Box 2023 (78768), 2600 InterFirst Tower, Austin, TX 78701, (512) 472–8355. Transporting *fertilizer and fertilizer ingredients,* between points in Mason, Llano, San Saba and McCulloch Counties, TX, on the one hand, and, on the other, points in NM, AR and OK.

MC 167765, filed May 3, 1983. Applicant: JERRY A. GOOD, INC., 895 Oriole Dr., Winter Haven, FL 33880. Representative: J. Greg Hardeman, 618 United Southern Bank Bldg., Nashville, TN 37219. Transporting *such commodities* as are dealt in or used by grocery stores, between points in Grant, Jefferson, Kenton, and Campbell Counties, KY, Hamilton, Franklin, and Allen Counties, OH, St. Joseph, Allen, Floyd, and Vanderburgh Counties, IN, Cook, Du Page, and Saline Counties, IL, and Harrison and Wayne Counties, WV, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, and TN.

MC 167784, filed May 4, 1983. Applicant: WOODS-Y-WOODS TRANSPORTATION CO., a Corporation, 14100 S.W. Windjamer Way, Beaverton, OR 97005. Representative: Philip G. Skofstad, 529 S. E. Grand Ave., Portland, OR 97214 (503) 239–4157. Transporting *food and related products, pulp, paper and related products, printed matter, chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products,* and *machinery,* between points in OR, CA, and WA.

MC 167815, filed May 4, 1983. Applicant: SAMUEL TRUCKING, INC., P.O. Box 1060, Hickory Ridge Rd., Columbia, MD 21044. Representative: Harold L. Reckson, 33–28 Halsey Road, Fair Lawn, NJ 07410 (201) 791–2270. Transporting *metal products,* between Baltimore, MD; Wheeling, WV, Steubenville, OH, points in PA, and those in DE and NJ within the Philadelphia, PA Commercial zone, on the one hand, and, on the other, points in NH, CT, RI, NY, NJ, PA, OH, MD, VA, NC, WV and DC.

MC 167835, filed May 4, 1983. Applicant: PAUL HAMBY AUTO TRANSPORT, INC., 26717 John R., Madison Heights, MI 48071. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting *transportation equipment,* between points in the U.S. (except AK and HI).

MC 167854, filed May 6, 1983. Applicant: KEVIN M. POLLOCK, d.b.a. K. M. POLLOCK TRUCKING, 1902 Highland Ave., So. Greensburg, PA 15601. Representative: Kevin M. Pollock (same address as applicant) (412) 837–5249. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with the Latrobe Foam Co., Inc., of Derry, PA.

Volume No. OP3–232

Decided: May 20, 1983.

FF–485 (Sub-3), filed May 6, 1983. Applicant: AIR VAN LINES INTERNATIONAL, INC., 1280—116th Avenue, NE, Bellevue, WA 98009. Representative: Thomas N. Chewning (same address as applicant), (206) 453–5560. As a freight forwarder, in connection with the transportation of *used household goods, unaccompanied baggage,* and *used vehicles,* between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), or submit an affidavit stating why Commission approval is unnecessary, or submit a petition of exemption to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 29805 (Sub-13), filed May 4, 1983. Applicant: WHITE HEAVY HAULERS, INC. P.O. Box 6175, Jackson, MS 39208. Representative: Harold D. Miller, Jr., 17th Fl., Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *Mercer commodities and those commodities which because of their size or weight require the use of special handling or equipment,* between points in the U.S. (except AK and HI).

MC 29904 (Sub-8), filed May 10, 1983. Applicant: SUDDATH VAN LINES, INC., 5266 Highway Ave., P.O. Box 60069, Jacksonville, FL 32236. Representative: Bud McNaughton (same address as applicant) (904) 781–7100. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in

the U.S., under continuing contract(s) with Tampa Electric Company, of Tampa, FL.

MC 51004 (Sub-12), filed May 10, 1983. Applicant: PAUL H. LISKEY, Route 1, Box 67–H, Kearneysville, WV 25430. Representative: Daniel B. Johnson, 4304 East-West Hwy., Bethesda, MD 20814, (301) 654–2240. Transporting *such commodities* as are dealt in or used by distributors of petroleum and petroleum products, between Baltimore, MD, and points in Fairfax County, VA, on the one hand, and, on the other, points in Jefferson and Berkeley Counties, WV.

MC 58344 (Sub-7), filed May 6, 1983. Applicant: BILL HODGES TRUCK COMPANY, INC., 4050 W. Interstate 40, P.O. Box 19247, Oklahoma City, OK 73144. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902, (501) 782–1001. Transporting *Mercer commodities*, between points in the U.S. (except AK and HI).

MC 94265 (Sub-377), filed May 4, 1983. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: K. Edward Wolcott, Atlanta Gas Light Towers, Suite 1200, 235 Peachtree St., NE, Atlanta, GA 30303, (404) 522–2322. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Kraft, Inc. of Glenview, IL.

MC 111274 (Sub-96), filed May 10, 1983. Applicant: SCHMIDGALL TRANSFER INC. P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (Same address as applicant), (309) 266–9773. Transporting *machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with Automatic Equipment Mfg. Co. of Columbus, NE.

MC 113325 (Sub-169), filed May 4, 1983. Applicant: SLAY TRANSPORTATION CO., INC., 2001 So. Seventh St., St. Louis, MO 63104. Representative: Gary E. Slay (same address as applicant), (314) 772–6666. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 113855 (Sub-547), filed May 3, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. S.E., Rochester, MN 55903. Representative: Leonard L. Bennett (same address as applicant), (507) 288–3331. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Cincinnati Incorporated on Cincinnati, OH.

MC 153885 (Sub-7), filed May 9, 1983. Applicant: THE GREAT AMERICAN TRUCKING COMPANY, INC., 21 Northlake Dr., P.O. Drawer 2657, Peachtree City, GA 30269. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133, (404) 949–7756. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 160574 (Sub-2), filed May 4, 1983. Applicant: A. BRANDWEIN & CO., 3190 Doolittle Dr., Northbrook, IL 60062. Representative: Michael J. Wyngaard, 150 E. Gilman, St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Watertown Metal Products, Division of Western Industries, Inc. of Watertown, WI.

MC 160605 (Sub-1), filed May 5, 1983. Applicant: MORRIS LIVESTOCK EXPRESS, INC., P.O. Box 105, Morris, MN 56267. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340–0808. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX, on the one hand, and, on the other points in the U.S. (except AK and HI).

MC 161235 (Sub-1), filed May 6, 1983. Applicant: ARTHUR BELL d.b.a. BELL TRUCK RENTAL, Rt. 1, Martinsburg, MO 65264. Representative: Charles J. Fain, 333 Madison St., Jefferson City, MO 65101, (314) 635–4115. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IA, IL, MO, KS, OK, IN, OH, MI and TX.

MC 167694, filed April 26, 1983. Applicant: REIMER FARM SUPPLIES LTD., Box 848, 21 Town Line Rd., Steinbach, Manitoba, Canada ROA 2A0. Representative: William Dyck (same address as applicant), (204) 326–1305. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Southeast Forest Products Ltd., of Blumenort, Manitoba, Canada.

MC 167804, filed May 6, 1983. Applicant: BROOKSON MOTOR LINES, INC., P.O. Box 6245, Akron, OH 44312. Representative: Donald E. Watson (same address as applicant), (216) 630–9359. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Matco Tools Corporation of Tallmadge, OH.

MC 167865, filed May 9, 1983. Applicant: GURTZ TRUCKING COMPANY, Rt. 3, Box 117, Depauw, IN 47115. Representative: James F. Gurtz (same address as applicant), (812) 347–3354. Transporting *salt and salt products*, between points in IL, IN, KY, OH and TN.

MC 167914, filed May 10, 1983. Applicant: PAUL BANKS AND ROBERT SMOLIK, d.b.a. K & S TRUCKING, 3008 East Grauwyler Rd., Irving, TX 75061. Representative: Robert Smolik (same address as applicant), (214) 438–8781. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AR, LA, OK, and TX.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–319

Decided: May 23, 1983.

MC 97243 (Sub-2), filed April 4, 1983. Applicant: FAY TRANSPORTATION CO., INC., Summit Industrial Center, Peabody, MA 01960. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *general commodities* (except classes A and B explosives), (1) over irregular routes, between points in MA, and (2) over regular routes, between Boston and Fitchburg, MA, serving all intermediate points, (a) from Boston over MA Hwy 2 and (b) from Boston over MA Hwy 2A.

Note.—Issuance of a certificate in this proceeding is subject to conincidental cancellation of the Certificate of Registration in MC–97243 Sub-No. 1, issued March 11, 1982.

MC 143576 (Sub-6), filed May 2, 1983. Applicant: FREEDOM TRANSPORT CORPORATION, Route 37 S, Box 369, W Frankfort, IL 62896. Representative: Robert Orr (same address as applicant), (618) 932–2561. Transporting *coal and coal products*, between points in IL, MO, IN and KY.

MC 146377 (Sub-7), filed May 11, 1983. Applicant: EDWARD McGILL, INC., No. 3 General Ave., Rome, GA 30161. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in

bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Castellaw Transportation Consultants, Inc., of Jonesboro, GA.

MC 153796 (Sub-2), filed May 13, 1983. Applicant: URBAN TRANSPORT, INC., 1714 Broadway NE, P.O. Box 12865, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, (612) 452–8770. Transporting *petroleum products,* between points in IA, NE, WY, MT, MO, MN, ND, SD, WI, and IL.

MC 155337 (Sub-3), filed May 10, 1983. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Dr., Woodstock, GA 30188. Representative: Robert M. Hamilton (same address as applicant), (404) 928–2841. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 157196 (Sub-1), filed May 11, 1983. Applicant: DONALD M. BISCOE, d.b.a. BISCOE TRUCKING, 10473 - 80th St. South, Cottage Grove, MN 55016. Representative: James E. Ballenthin, 1016 Conwed Tower, 444 Cedar St., St. Paul, MN 55101, (612) 227–7731. Transporting (1) *ores and minerals and metal products,* between points in IA, IL, IN, MN, and WI, and (2) *coal and coal products,* between Minneapolis, MN, on the one hand, and, on the other, points in WI.

MC 157657 (Sub-3), filed May 12, 1983. Applicant: RIVERSIDE TRANSPORTATION, INC., Tredegar St., P.O. Box 2218, Richmond, VA 23217. Representative: J. Aiden Conn. Transporting (1) *pulp, paper and related products,* and *rubber and plastic products,* between points in the U.S., under continuing contract(s) with James River-Pepperell, Inc., of East Pepperell, MA; and (2) *such commodities* as are dealt in or used by the manufacturers and distributors of grocery and food business houses.

MC 164017 (Sub-1), filed May 17, 1983. Applicant: HOUSBY FREIGHT SYSTEMS, CORP., 4733 NE 14th St., Des Moines, IA 50313. Representative: Charles A. Coppola, 4900 University Ave., Suite 101, Des Moines, IA 50311, (515) 277–6191. Transporting *food and related products, paper and paper products, vending machines,* and *such commodities* as are dealt in by farm and home supply stores, between points in Polk County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168047; filed May 16, 1983. Applicant: LEWIS MATLOCK AND DARLENE MATLOCK d.b.a. MATLOCK & SONS, 502 Shoshone St. West, Twin Falls, ID 83301. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *general commodities* (except household goods and classes A and B explosives), between points in WA, OR, CA, AZ, NV, UT, ID, MT, WY, CO, NM, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, and LA.

MC 168067, filed May 16, 1983. Applicant: CHATHAM MANUFACTURING COMPANY, P.O. Box 620, Elkin, NC 28621. Representative: William M. Butler (same address as applicant), (919) 835–2211. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 168076, filed May 16, 1983. Applicant: ORGAIN ENTERPRISES, INC. Box 400, Hammon, OK 73650. Representative: William P. Parker, 4400 N. Lincoln Blvd., Suite 10, Oklahoma City, OK 73105, (405) 424–3301. Transporting *metal products, farm products, machinery, Mercer commodities, and chemicals,* between points in AR, CO, FL, GA, KS, LA, MS, NE, NM, OK, SD, TX and WY.

MC 168077, filed May 16, 1983. Applicant: WESTAR TRUCKING, INC., P.O. Box 802107, Dallas, TX 75240. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *general commodities* (classes A and B explosives, household goods, and commodities in bulk), between points in AR, LA, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168117, filed May 17, 1983. Applicant: GRAIRON EXPRESS, 780 Greenbrier SE, Grand Rapids, MI 49506. Representative: Edward Malizak, 900 Old Kent Bldg., Grand Rapids, MI 49503 (616) 459–6121. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Sealed Power Corporation of Ravenna, MI.

MC 168126, filed May 17,1983. Applicant: NORDAHL D. BROWN, d.b.a. BILLIE BABE TRUCKING, 25200 S.W. Parkway, Suite 200, Wilsonville, OR 97070. Representative: Nordahl D. Brown (same address as applicant) (503) 682–2437. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Superior Transportation Systems, Inc., of Wilsonville, OR.

MC 168136, filed May 16, 1983. Applicant: NOVO TRUCK & EQUIPMENT RENTALS, INC., 3028 Genessee St., Cheektowage, NY 14225. Representative: Michael A. Wargula, Suite 808, 69 Delaware Ave., Buffalo, NY 14202 (716) 856–2942. Transporting (1) *metal products,* between points in Erie, Monroe, and Chautauqua Counties, NY, and Trumbull County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *food and related products,* between points in Erie and Chautauqua Counties, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

[FR Doc. 83–14560 Filed 5–31–83; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Proposed Consent Decree in an Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that on May 10, 1983, a proposed Consent Decree in *United States* v. *Crown Simpson Pulp Co.,* Civil Action No. C–78–0552 RHS, was lodged with the United States District Court for the Northern District of California. The proposed decree requires the Crown Simpson Pulp Company to pay a civil penalty for violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.,* and modifies a compliance order entered on September 27, 1982.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments related to the proposed decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Crown Simpson Pulp Co.,* DJ Ref. 90–5–1–1–950.

The proposed consent decree may be examined at the Region IX Office of the Environmental Protection, Enforcement Division, 215 Fremont Street, San Francisco, California 94104, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1515), Tenth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be

obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-14538 Filed 5-31-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet in on June 13 and 14, 1983. The meeting will begin at noon on Monday, June 13, 1983 at the Hyatt Regency Woodfield, 1800 East Golf Road, Shaumburg, Illinois. The public is invited to attend.

The National Advisory Committee was established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the Administration of the Act.

The meeting agenda will include a tour of the OSHA Training Institute at Des Plaines, Illinois and discussions of issues relating to training. There will be brief reports on other matters pertaining to OSHA.

Written data or views concerning these agenda items maybe submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and included in the official of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the chairperson of the Committee to the extent which time permits. Those planning to make oral presentations should take notice that the electronic and print media maybe present to record and report these proceedings.

For additional information contact: Clarence Page, Division of Consumer Affairs; Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Rm. N-3635, Washington, D.C. 20210, Telephone: (202) 523-8024.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C., this 26th day of May 1983.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 83-14635 Filed 5-31-83; 8:45 am]

BILLING CODE 4510-26-M

LEGAL SERVICES CORPORATION

Publication System for Instructions to Recipients of Corporation Funds

AGENCY: Legal Services Corporation.

ACTION: Notice of publication system for instructions to recipients of corporation funds.

SUMMARY: Section 1008(e) of the Legal Services Corporation Act, as amended, 42 U.S.C. 299g(e) requires the Corporation to publish "Instructions" in the **Federal Register** at least 30 days prior to their effective date. During 1983, the Corporation will review the few current Instructions it has from time to time published, and it will either republish or supersede such Instructions.

Beginning with 1983, the Corporation is adopting a uniform designation for the publication of its Instructions. They will be designated by year of issuance and numbered sequentially within each year (e.g., 83-1, 83-2, 84-1, 84-2, etc.). The Instruction published on January 5, 1983 at 48 FR 561 concerning recipient fund balances is retroactively designated LSC Instruction 83-1.

Whenever an Instruction supersedes a previous Instruction, this will be explicitly stated at the beginning of the Instruction. The Corporation believes that this systematization of its Instructions will assist recipients of Corporation funds and the public to locate and refer Corporation Instructions in the future.

FOR FURTHER INFORMATION CONTACT: John C. Meyer, Deputy General Counsel, (202) 272-4010.

Dated: May 26, 1983.

Alan R. Swendiman,

General Counsel.

[FR Doc. 83-14673 Filed 5-31-83; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL SCIENCE FOUNDATION

Guidelines for Two New NSF Programs in Science Education; Materials Development for Precollege Science and Mathematics (NSF 83-6); and Honors Workshops for Precollege Teachers of Science and Mathematics (NSF 83-44)

This is to announce two new National Science Foundation programs in science education, the guidelines for which accompany this notice. Further copies are also being printed and will be distributed on or about June 15, 1983. They will be sent to a wide selection of individuals including college and university deans, science department heads and reserach coordinators, heads of junior colleges, professional societies and state departments of education.

Additional copies may be obtained from the National Science Foundation by sending two, self-addressed, gummed mailing labels to Announcements, Office of Scientific and Engineering Personnel and Education, National Science Foundation, Washington, D.C. 20550.

If after having studied the guidelines you still need more information, you may telephone, Alexander J. Barton, at (202) 357-7425 for Materials Development for Precollege Science and Mathematics, and Theodore L. Reid, at (202) 357-7310 for Honors Workshops for Precollege Teachers of Science and Mathematics. These numbers are temporary until June 15, 1983, after which time both Mr. Barton and Dr. Reid may be reached on (202) 357-7539.

Dorothy K. Deringer,

Acting Head, Awards Administration and Liaison Section.

May 26, 1983.

Materials Development for Precollege Science and Mathematics (NSF 83-6)

The economy and technological leadership of the United States depend increasingly on qualified men and women trained in science and mathematics.

For a steady supply of such personnel, the nation looks to its elementary and secondary school systems, where the quality of the precollege teachers, teaching materials and educational techniques help determine whether students are motivated and how well students learn.

The Materials Development for Precollege Science and Mathematics program addresses the need to develop teacher capabilities in the critical areas of mathematics and science and imporve their instruction of student. Projects will be considered for teachers

and instruction at all precollege levels, from kindergarten through the twelfth grade.

The program has a Fiscal Year 1983 budget of $12 million. The Fiscal Year 1984 budget will be announced as soon as it is determined.

Project Activities

Projects proposed under this program should support its objective of enlisting the best scientists and science educators to develop new or improved science and mathematics instruction materials and to perform related applied research, analysis and dissemination of materials and information. Projects will be supported which are developed with the cooperation of appropriate individuals and groups. Projects should reflect awareness of the needs and potential of the diverse teacher and student populations of the U.S., for example, the gifted and talented, women, monorities, physically handicapped, and the disadvantaged. Projects will be supported through nationwide competition in these areas:

Models and Demonstrations of programs for the continuing education of teachers. These could focus on scientific and technical content or on new technologies—such as computers and telecommunications—to improve science and mathematics teaching. Models should reflect the latest scientific knowledge, practical experience and the most creative ideas that can be brought to bear on science and mathematics teaching. Projects should result in products that can be distributed to local school districts and other institutions interested in the professional develpment of science and mathematics teachers, such as universities.

Development of Materials, teaching aids, computer programs, software and systems and television based-materials, etc., to improve science and mathematics teaching. Proposals may include the design and development of teaching materials and teaching methods, the testing of prototypes, and proof that the materials to be developed would indeed be useful. Materials develpment should lead to more effective teacher training and better tools for both teachers and students to use in classrooms and laboratories.

Analysis of the precollege science and mathematics educational system. This may include monitoring and interpreting: (1) The rapid changes now occurring in science, mathematics and technology; (2) the relationship of new scientific knowledge to what is actually taught in schools; (3) teacher populations and their needs; and (4) the educational patterns of high achievers who are either studying or working as professionals, technicians, or aides in science and technology. It could compare the school's condition to the effects of programs and analyze what enhances or inhibits the ability of students to learn science and mathematics.

Dissemination of ideas and materials for sustaining high quality precollege science teaching. Efforts might aim to: (1) Make available nationally science education materials, models and information, including those produced with NSF support, so that they can be considered for use in local teacher training and instructional improvement projects, and (2) seek ways to assist school systems to be more reponsive to developments in science and technology.

Applied Research aimed at understanding how the processes of teaching and learning of precollege science and mathematics can be more effective. Applied research should be based on recognized theory and relevant state-of-the-art reviews of the field. It should focus on critical questions related to teaching, learning and cognitive processes. Research results should provide the basis for development of materials suitable for widespread use and general distribution.

To be considered for NSF support, projects must deal with issues of national rather than local importance. They should contribute to a continuing supply of U.S. scientific and technical personnel. Projects must result in products general enough in nature to be of use beyond the immediate locale where they were developed.

Eligibility

Although colleges and universities are expected to submit most proposals, project proposals from other institutions with an education mission will also be considered. (See *Grants for Scientific and Engineering Research* NSF 81–79, "Who May Submit" section.)

Eligible disciplines are limited to mathematics, engineering, the natural sciences, (including biology, chemistry, atmospheric, earth and ocean sciences, physics and astronomy) and computer science.

Proposal Evaluation

Criteria for the selection of projects are listed in NSF 81–79, p.8. The term "research" in NSF 81–79 should be taken in a generic sense. It covers applied research, analysis, development, and other science education activities. Proposals will be reviewed by scientists, science educators and other knowledgeable in the fields represented by the proposal.

Additional criteria to be used in evaluating proposals to this program are:

- Personnel—Active teachers, scientists, science educators, officials of state and local education agencies, and the private sector (such as the industrial scientists) are involved as appropriate in the project.
- Contributions—Contributions from the private sector, states and local school districts, colleges or universities, scientific and teaching societies, and other sources are of an appropriate level and nature.
- Effectiveness—Procedures are included for assuring the effectiveness of materials and training such as: (1) Evaluation and testing of materials and programs, (2) examinations at the end of programs, and (3) the awarding of college credit or another suitable recognition of achievement.
- Products—Quality end products of potential widespread utility are likely such as descriptive program guides, materials, software, research publications, and appropriate plans for distribution.
- Impact—the potential for improvement of the quality, distribution, or effectiveness of the Nation's scientific and engineering research, education and personnel base is clear. This criterion permits the evaluation of proposals in terms of their potential for improving the scientific and engineering enterprise and its educational activities in ways other than those encompassed by other criteria. Included under this criterion are questions relating to scientific and engineering personnel, including participation of women and minorities, and impact and distribution of resources with respect to institutions and geographical areas.

Preparation and Submission of Proposals

- Proposals may be submitted at any time.
- Proposals should be prepared in accordance with the guidelines contained in *Grants for Scientific and Engineering Research* (NSF 81–79).
- Fifteen (15) complete copies of the proposal and three (3) additional copies of the cover sheet and Project Summary (Form 4), prepared and addressed as prescribed in NSF 81–79, are required.
- Special Budget Consideration: Allowable participant support costs are described in NSF 81–79, p. 10.
- The discipline(s) included in the project should be indicated separately

at the bottom of NSF Form 4, *Project Summary.*

• Proposals submitted *after* September 30, 1983 may be subject to the consultation requirements of Executive Order 12372, Intergovernmental Review of Federal Programs. The proposer is responsible for determining whether or not his state has elected to review proposals to this program. The implementation plan for this Executive order will not be completed until late summer. By then, the proposer's office for sponsored research should know the state's procedural requirements, if any.

• The Foundation welcomes proposals on behalf of all qualified scientists and engineers and strongly encourages women and minorities to compete fully in any of the research and research-related programs described in this document.

• The Foundation provides awards for research and education in the sciences. The awardee is wholly responsible for the conduct of such research and preparation of the results for publication. The Foundation, therefore, does not assume responsibility for such findings or their interpretation.

Award Administration

Grants are to be administered in accord with the terms and conditions of NSF F.L. 200, *Grant General Conditions*, copies of which may be requested from the NSF Forms and Publications Unit.

Awards involving precollege students, including the development of materials for their use, will be subject to the provisions of 42 U.S.C. 1869a & b ("Myers Amendment" and "Dornan Amendment"). These laws required appropriate grantee coordination with parents, guardians and school district officials.

Questions not addressed in these publications may be directed to the NSF staff by writing to: Materials Development for Precollege Science and Mathematics, National Science Foundation, Washington, DC 20550.

Honors Workshops For Precollege Teachers of Science and Mathematics (NSF 83–44)

The economy and technological leadership of the United States depend increasingly on qualified men and women trained in science and mathematics.

For a steady supply of such personnel, the nation looks to its elementary and secondary school systems, where the quality of the precollege teachers, teaching materials and educational techniques help determine whether students are motivated and how well students learn.

Excellent teachers are at the core of good education at any level. But in precollege mathematics and science, they are in short supply. There is an urgent need to attract highly talented men and women to mathematics and science teacher careers, develop teacher's capabilities in these critical areas, and keep good teachers employed in the school systems. This requires devising for mathematics and science teachers incentives such as greater public recognition of their profession, and new emphasis on the important contribution teachers are making to the nation.

The basic goal of this program is to motivate and increase the capabilities of precollege mathematics and science teachers and thereby improve their instruction of students. Projects will be considered for teachers of all precollege levels, from kindergarten through grade twelve.

The Honors Workshops for Precollege Teachers of Science and Mathematics program has a Fiscal Year 1983 budget of $2 million. The Fiscal Year 1984 budget will be announced as soon as it is determined.

Program Objectives

This broad goal will be addressed through specific measures that aim to:

• Recognize and honor excellent precollege mathematics and science teachers;

• Provide renewal and updating for top quality teachers in science and mathematics;

• Analyze precollege science and mathematics education from the perspective of the best classroom teachers, as a planning aid; and

• Broaden the benefits to school systems of teaching workshops.

Project Activities

Projects will be supported which are developed with the cooperation of appropriate individuals and groups. Projects should reflect awareness of the needs and potential of the diverse teacher and student populations in the United States, for example, the gifted and talented, women, minorities, physically handicapped and disadvantaged, with emphasis on the following activities:

• Identifying and selecting science and mathematics teachers of proven high quality performance and assuring their recognition and prestige with certificates of honor and appropriate publicity.

• Establishing workshops with specialized training, practical experience, and leadership training in important areas of science, mathematics and technology. These might include special seminars, symposia, participation in research and coursework (including laboratory experience in industrial settings and other field-based study).

• Developing workshop materials.

• Extending the impact of workshop benefits when participants take new materials and information back to their colleagues.

• Having workshop participants jointly identify and document current trends and problems in science education. Their reports would be used by NSF for evaluation and program planning.

Workshops may vary in length according to the type of activity and the nature of participants. Workshops could take place during the academic year, in summer, or both.

Eligibility

Although colleges and universities are expected to submit most proposals, project proposals from other institutions with an education mission will also be considered. (See *Grants for Scientific and Engineering Research*, NSF 81–79, "Who May Submit" section.)

Eligible disciplines are limited to mathematics, engineering, the natural sciences (including biology, chemistry, atmospheric, Earth and ocean science, physics and astronomy) and computer science.

Proposal Evaluation

Criteria for the selection of projects are listed in NSF 81–79, p. 8. The term "research" in NSF 81–79 should be taken in a generic sense. It covers applied research, analysis, development, and other science education activities. Proposals will be reviewed by scientists science educators and other knowledgeable in the fields represented by the proposal.

Additional criteria to be used in evaluating proposals to this program are:

• Honors—Does the proposal include appropriate procedures for selecting, recognizing, and honoring participating teachers?

• Personnel—Are needed personnel such as active teachers, scientists, science educators, officials of state and local education agencies, and persons from the private sector (such as industrial scientists) included in the project?

• Contributions—Does the proposal include appropriate contributions from the private sector, states and local

school districts, colleges or universities, scientific and teaching societies, and other sources?

• Effectiveness—Does the proposal include appropriate procedures for assuring the effectiveness of training, including evaluations at the end of programs and the awarding of college credit or other suitable recognition of achievement?

• Products—Will the project produce quality end products such as instructional materials and plans for wider impact of workshop benefits?

• Impact—Does the project have potential for improvement of the quality, distribution, or effectiveness of the Nation's scientific and engineering research, education, and personnel base? This criterion permits the evaluation of proposals in terms of their potential for improving the scientific and engineering enterprise and its educational activities in ways other than those encompassed by the other criteria. Included under this criterion are questions relating to scientific and engineering personnel, including participation of women and minorities, and impact distribution of resources with respect to institutions and geographical areas.

Preparation and Submission of Proposals

• Proposals may be submitted at any time.

• Proposals should be prepared in accordance with this booklet and the guidelines contained in *pages 1–6 of, Grants for Scientific and Engineering Research* (NSF 81–79).

• Fifteen (15) complete copies of the proposal and three (3) additional copies of the cover sheet and Project Summary (Form 4), prepared and addressed as prescribed in NSF 81–79, are required.

• Special Budget consideration: Allowable participant support costs are described in NSF 81–79, p. 10.

• The discipline(s) included in the project should be listed separately at the bottom of NSF Form 4, *Project Summary.*

• Proposals submitted *after* September 30, 1983 may be subject to the consultation requirements of Executive Order 12372, Intergovernmental Review of Federal Programs. The proposer is responsible for determining whether or not his state has elected to review proposals to this program. The implementation plan for this Executive Order will not be completed until late summer. By then, the proposer's office for sponsored research should know the state's procedural requirments, if any.

• The Foundation welcomes proposals on behalf of all qualified scientists and engineers and strongly encourages women and minorities to complete fully in any of the research and research-related programs described in this document.

• The Foundation provides awards for research and education in the sciences. The awardee is wholly responsible for the conduct of such research and preparation of the results for publication. The Foundation, therefore, does not assume responsibility for such findngs or their interpretation.

Award Administration

Grants are to be administered in accord with the terms and condition of the NSF F.L.200, *Grant General Conditions,* copies of which may be requested from the NSF Forms and Publications Unit.

Awards involving precollege students, including the development of materials for their use, will be subject to the provisions of 42 U.S.C. 1869 a & b ("Myers Amendment" and "Dornan Amendment"). These laws require appropriate grantee coordination with parents, guardians and school district officials.

Inside Front Fold

This brochure provides information exclusively for the NSF Honors Workshops for Precollege Teachers of Science and Mathematics. In the preparation of a proposal, it must be used in conjunction with *Grants for Scientific and Engineering Research* (NSF 81–79). NSF 81–79 contains additional guidelines, forms, and other important information.

Questions not addressed in these publications may be directed to the NSF staff by writing to: Honors Workshops for Precollege Teachers of Science and Mathematics, National Science Foundation, Washington, DC 20550.

[FR Doc. 83-14848 Filed 5-31-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293]

Boston Edison Co.; Granting of Relief From ASME Code Section XI Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission), has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Boston Edison Company (the licensee). The relief relates to the inservice inspection program for the Pilgrim Nuclear Power Station (the facility) located in Plymouth County, Massachusetts. The ASME Code requirements are incorporated by reference into the Commission's regulations in 10 CFR Part 50. The relief is effective as of the date of issuance.

The action provides relief from performing certain inspections as required by the ASME Code, Section XI that are impractical because of the facility design. Alternative inspections and testing will be performed where practicable.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the letter granting relief and accompanying Safety Evaluation.

The Commission has determined that the granting of this relief will not result in any significant environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this relief.

For further details with respect to this action, see (1) the application for relief dated July 24, 1979, as revised January 31, 1980, (2) the Commission's letter dated May 19, 1983, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library, North Street, Plymouth, Massachusetts 02360. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of May 1983.

For the Nuclear Regulatory Commission.

Robert A. Hermann,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-14850 Filed 5-31-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-325 and 50-324]

Carolina Power and Light Co.; Granting Relief From ASME Code Section XI Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has

granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to the Carolina Power and Light Company, which revised the inservice inspection program for the Brunswick Steam Electric Plant, Units 1 and 2, located in Brunswick County, North Carolina. The ASME Code requirements are incorporated by reference into the Commission's Regulations in 10 CFR Part 50. The relief is effective as of the date of issuance.

This action provides relief from performing certain inspections as required by the ASME Code, Section XI, that are impractical because of the facility design. Alternative inspections and testing will be performed where practicable.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the letter granting relief and accompanying Safety Evaluation.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the letters from the Carolina Power & Light Company dated June 30, 1978, January 30, 1980, March 2 and May 20, 1981, and June 18, 1982, (2) the letter to Carolina Power & Light Company dated May 19, 1983, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of May 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-14601 Filed 5-31-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co., Granting Relief From ASME Code Section XI Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rule for Inservice Inspection of Nuclear Power Plant Components," to Commonwealth Edison Company, which revised the inservice inspection program for the Quad Cities Nuclear Power Station, Units 1 and 2, located in Rock Island County, Illinois. The ASME Code requirements are incorporated by reference into the Commission's Rules and Regulations in 10 CFR Part 50. The relief is effective as of the date of issuance.

This action provides relief from performing certain inspections as required by the ASME Code, Section XI that are impractical because of the facility design. Alternative inspections and testing will be performed where practicable.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the letter granting relief and accompanying Safety Evaluation.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the letters from Commonwealth Edison Company dated July 25, 1979 and June 15, 1982, (2) the letter to Commonwealth Edison Company dated May 19, 1983, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Moline Public Library, 504 17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of May 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-14602 Filed 5-31-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-412]

Duquesne Light Co., et al. (Beaver Valley Power Station, Unit No. 2); Receipt of Application for Facility Operating License; Availability of Applicant's Environmental Report; Consideration of Issuance of Facility Operating License; and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application from Duquesne Light Company, et al. for a facility operating license to possess, use, and operate the Beaver Valley Power Station, Unit No. 2, a pressurized water nuclear reactor (the facility) located in Beaver County, Pennsylvania, approximately 5 miles east of East Liverpool, Ohio and 22 miles northwest of Pittsburgh, Pennsylvania. The application was filed by Duquesne Light Company on behalf of itself and Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company. The reactor is designed to operate at a core power level of 2,660 megawatts thermal, with an equivalent net electrical output of approximately 836 megawatts.

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, the applicants filed and environmental report as part of the application. The report, which discusses enviromental considerations related to the proposed operation of the facility, is being made available at Pennsylvania State Clearinghouse, Governor's Budget Office, P.O. Box 1323, Harrisburg, Pennsylvania and at the Southwestern Pennsylvania Regional Planning Commission, Manor Building, 8th Floor, 564 Forbes Avenue, Pittsburgh, Pennsylvania 15219.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register**, a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any

comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permit. Upon consideration of comments submitted with respect to the draft environmental statement, the Commissions staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register**.

The Commission will consider the issuance of a facility operating license to the applicants which would authorize the applicants to possess, use and operate the Beaver Valley Power Station, Unit 2 in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) the completion of the favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR 51; (3) the receipt of a report on the applicants' application for a facility operating license by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Construction of the facility was authorized by Construction Permit No. CPPR–105, issued by the Commission on May 3, 1974. The applicants have advised that construction will be completed by December 31, 1985.

With regard to Executive Order 11988, Floodplain Management, the Beaver Valley 2 facility will have stuctures and construction activities located on the floodplain. The subject of floodplain management will be discussed in the Commission's environmental statement referenced below.

Prior to issuance of an operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the construction permit. In addition, the license will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicants will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR 140 of the Commission's regulations.

By July 1, 1983, the applicants may file a request for a hearing with respect to issuance of the facility operating license. By July 1, 1983, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board, will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by July 1, 1983. A copy of the petition must also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Suite 900 South, Washington, D.C. 20035, attorney for the applicants. Any requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR §§ 2.714(a)(1) (i)–(v) and 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating license, including the Final Safety Analysis Report and the Environmental Report, forwarded on May 18, 1983, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation report prepared by the Commission's staff; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards (ACRS) on the application for the facility operating license; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of the proposed operating license and the ACRS report, when available, may be obtained by request to the Director, Division of Licensing, Office of Nuclear Reactor Regulation,

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff Safety Evaluation Report and Final Environmental Statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 19th day of May 1983.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-14603 Filed 5-31-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Granting Relief From ASME Code Section XI Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to the Nebraska Public Power District. The relief relates to the inservice inspection program for the Cooper Nuclear Station, located in Nemaha County, Nebraska. The ASME Code requirements are incorporated by reference into the Commission's Regulations in 10 CFR Part 50. The relief is effective as of the date of issuance.

This action provides relief from performing certain inspections as required by the ASME Code, Section XI, that are impractical because of the facility design. Alternative inspections and testing will be performed where practicable.

The request for relief complies with the standards and requirements of the Atomic Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the letter granting relief, and accompanying Safety Evaluation.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.55(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this relief.

For further details with respect to this action, see (1) the letters from the licensee dated July 29, 1977, March 23, 1978, July 18, 1978, December 18, 1980, and March 29, 1982, (2) the letter to the licensee dated May 19, 1983, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of May 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83-14604 Filed 5-31-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Company, et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-1, issued to Portland General Electric Company, Pacific Power and Light Company, and The City of Eugene, Oregon (the licensee), for operation of the Trojan Nuclear Plant located in Columbia County, Oregon.

The amendment would permit the continued use of a limited number of fuel assemblies which would have either three stainless steel rods or five stainless steel rods and additional supporting grid straps in lieu of fuel rods. Normally, fuel assemblies contain 264 fuel rods. The stainless steel rods are used in fuel assemblies in certain peripheral core locations (20 total) to prevent damage to the fuel rods caused by water impingement from the core baffle at certain locations. Following their use in these locations, the fuel assemblies with three stainless steel rods would be moved into the core interior for additional use.

The licensee has requested the amendment because the technical specifications describe the fuel as containing all fuel rods and approval to operate with such modified fuel was restricted to fuel cycle 5 only. No other changes to the technical specifications are proposed. The application for amendment is dated May 2, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility or a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations relates to fuel reload amendments involving no fuel assemblies significantly different than those previously found acceptable. Fuel containing stainless steel rods and additional grid straps as described above has been previously approved by NRC for the Trojan facility in Amendment No. 75 dated July 29, 1982. The modified fuel has been demonstrated to be effective in preventing damage from the baffle water-jetting phenomenon. In addition, previous use of fuel with stainless steel rods has shown that it has only a small effect on core power distribution. On this basis, the NRC staff proposes to determine that the application does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 1, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and

any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to J. W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205.

Dated at Bethesda, Maryland, this 24th day of May, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83–14605 Filed 5–31–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corp. and Vermont Yankee Nuclear Power Station; Granting Relief From ASME Code Section XI Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to Vermont Yankee Nuclear Power Corporation, which revised the inservice inspection program for the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont. The ASME Code requirements are incorporated by reference into the Commission's

Regulations in 10 CFR Part 50. The relief is effective as of the date of issuance.

This action provides relief from performing certain inspections as required by the ASME Code, Section XI that are impractical because of the facility design. Alternative inspections and testing will be performed when practicable.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the letter granting relief and accompanying Safety Evaluation.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 515(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the letter from Vermont Yankee Nuclear Power Corporation dated June 25, 1979, as revised May 13, June 27, October 1 and 16, 1980, December 21, 1981, and April 14, 1982, (2) the letter to the licensee dated May 29, 1983, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of May 1983.

For the Nuclear Regulatary Commissions.

Robert A. Hermann,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-14606 Filed 5-31-83; 8:45 am]

BILLING CODE 7590-01-M

Documents containing reporting or recordkeeping requirements: Office of Management and Budget review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) the following information collection requirements for clearance under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: New
2. The title of the information collection: 10 CFR Parts 30 and 70, Irretrievable Well-Logging Source Reporting Requirements
3. The form number if applicable: NA
4. How often the collection is required: On occasion
5. Who will be required or asked to report: NRC Licensees
6. An estimate of the number of responses: 155
7. An estimate of the total number of hours needed annually to complete the requirement or request: 4395
8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: NA
9. Abstract: The final rule would require licensees to report the abandonment of irretrievable well-logging sources.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room 1717 H Street NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland this 25th day of May 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-14607 Filed 5-31-83; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal of the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Revision
2. The title of the information collection: Domestic Licensing of Production and Utilization Facilities, 10 CFR 50.71a
3. The form number if applicable: Not applicable
4. How often the collection is required: One time for each Bulletin
5. Who will be required or asked to report: NRC Licenses and Permit Holders
6. An estimate of the number of responses: 480
7. An estimate of the total number of hours needed to complete the requirements or request: 144,000
8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not applicable
9. Abstract: The IE Bulletin is an adjunct to the NRC Inspection and Enforcement program and an extension of the reporting requirements under 10 CFR 50.71(a). An NRC Bulletin may be issued requesting licensees and/or permit holders to take specific actions and requiring them to submit a written report describing actions taken and other information NRC may need to assess the need for further actions.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott (301) 492-8585.

Dated at Bethesda, Maryland, this 25th day of May 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-14608 Filed 5-31-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Issuance of Policy Letter No. 83-2, "Publicizing the Development of Procurement Policies and Regulations"

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Final issuance of OFPP Policy Letter No. 83-2, "Publicizing the Development of Procurement Policies and Regulations."

SUMMARY: This OFPP Policy Letter establishes uniform criteria and procedures for use by the executive agencies in soliciting the views of interested parties in the development of procurement policies, regulations, procedures, and forms. It also describes the procedures followed by OFPP in

conducting hearings or meetings in connection with the development of procurement policies. Issuance of uniform policy guidance in this area is specially required by Sections 6(d)(3) and 14(b) of the OFPP act, Pub. L. 93–400, as amended by Pub. L. 96–83 (41 U.S.C. 405(d)(3), 412(b)).

EFFECTIVE DATE: This Policy Letter is effective August 30, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. LeRoy J. Haugh, Office of Federal Procurement Policy, Office of Management and Budget, Washington, D.C. 20503, (202) 396–6166.

SUPPLEMENTARY INFORMATION: On December 30, 1981, the Office of Federal Procurement Policy published a draft of the subject Policy Letter, then entitled "Public Participation in the Developemnt of Federal Procurement Policies and Regulations," for a 60-day period of public and agency comment. Fifty-six letters of comment were received, from Federal agencies, industry and professional associations, business firms, and private citizens.

Several commenters questioned OFPP's authority to issue the policy; however, OFPP's authority and responsibility under the OFPP Act, Pub. L. 93–400, as amended by Pub. L. 96–83, is considered to be clear, and is borne out by the legislative history (Senate Report No. 93–692, on S. 2510). One commenter urges that the policy be revised to conform to the Regulatory Flexibility Act, Pub. L. 96–354; however, the Administrative Procedure Act exemptions for matters pertaining to contracts applies, and no other law requires notice of proposed rulemaking for procurement regulations, so the policy is not subject to the Regulatory Flexibility Act. Many comments involved matters of clarity, simplicity, and readability, and these have been adopted where possible.

Dated: May 25, 1983.

Donald E. Sowle,

Administrator.

May 25, 1983.

OFPP Policy Letter No. 83–2.

To the Heads of Executive Departments and Establishments.

Subject: Publicizing the Development of Procurement Policies and Regulations.

1. *Purpose.* The purpose of this Policy Letter is to establish uniform criteria and procedures for soliciting the views of all interested parties in the development of procurement policies, regulations, procedures and forms by the executive agencies.

2. *Authority.* This Policy Letter is issued pursuant to Section 6(d)(3) and Section 14(b) of the Office of Federal Procurement Policy Act, Pub. L. 93–400, as amended by Pub. L. 96–83 (41 U.S.C. 405(d)(3), 412(b)).

3. *Policy.* The views of all interested parties, including Government agencies, private organizations and associations, business firms, educational institutions and individuals are to be solicited and considered by any executive agency proposing to develop or amend a procurement policy, regulation, procedure, or form.

4. *Criteria.* The policy applies to all significant proposed procurement policies, regulations, procedures and forms. A proposal is generally considered to be significant if it has an effect beyond the internal procedures of the issuing agency, or a cost or administrative impact on contracts.

5. *Waiver.* The solicitation of views may be waived, by the heads of executive agencies or their designers, when circumstances make such solicitation impracticable, such as an emergency or a requirement to implement a new statute in a relatively short time. In such circumstances, the policy, regulation, procedure, or form shall be identified as temporary, and shall not be issued in final form until the views of all interested parties have been solicited and considered; views shall be solicited not later than 30 days after the date of temporary issuance.

6. *Procedures.* Notice of all significant proposed procurement policies, regulations, procedures, and forms shall be published in the **Federal Register** for public comment. Views of agencies directly affected shall be solicited by letter. The normal comment period shall be 60 days, but in no case less than 30 days. Matters which have been through a public comment period by one agency, including the Office of Federal Procurement Policy, and are being adopted or implemented essentially without change by another agency, need not be published again for comment.

7. *Content of Notice.* The **Federal Register** notice shall include the following:

a. A description of the proposal, the background and reasons for the proposal, and its intended effect, in the format required by Title 1, Code of Federal Regulations, Part 18.12.

b. The test of the proposal. However, if it is impracticable to publish the full text in the **Federal Register**, a summary notice shall be published, and the notice shall advise where the full text may be obtained or examined.

8. *Mailing Lists.* Agencies are encouraged to maintain lists of all interested parties that have expressed a continuing desire to be informed of proposed procurement policies, regulations, procedures, and forms, and to solicit their comments directly in addition to any notice published in the **Federal Register.**

9. *Public Hearings or Meetings of the Office of Federal Procurement Policy.* Hearings of formal meetings may be held by OFPP to provide an opportunity for discussion of OFPP policies under consideration. Such hearings and meetings shall be open to public, and notice shall normally be published in the **Federal Register** and the *Commerce Business Daily* at least 30 days in advance. Anyone may make a brief oral presentation, provided a written statement is submitted to OFPP by the day preceding the hearing or meeting. Normally, only one representative of any organization may make an oral presentation, and organizations having joint interests and views may be requested to appear as a panel with only one speaker. The Administrator may require that presentations be limited to summarizing the main points or written submissions. If time permits, others in attendence may be allowed to comment briefly on matters under discussion.

10. *Effective Date.* This Policy Letter is effective August 30, 1983.

11. *Sunset Review Date.* September 30, 1986.

12. *Concurrence.* This Policy Letter has the concurrence of the Director of the Office of Management and Budget.

Donald E. Sowle,

Administrator.

[FR Doc. 83–14567 Filed 5–31–83; 8:45 am]

BILLING CODE 3110–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Northwest Power Planning Council; Regional Conservation and Electric Power Plan; Adoption and Distribution

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council.

ACTION: On April 27, 1983, the Pacific Northwest Electric Power and Conservation Planning Council ("Council") adopted a final regional conservation and electric power plan. That final plan is now being released to the public. This notice describes the plan and provides information on how to obtain copies.

ADDRESS: Copies of the final plan may be obtained by writing the Council's Central Office, Suite 200, 700 S.W. Taylor, Portland, Oregon 97205.

Attention: Beata Teberg, or by calling Ms. Teberg at 1–800–222–3355 (toll free in Montana, Idaho, Washington and California), 1–800–452–2324 (toll free in Oregon) or 503–222–5161. Persons who ordered a copy of the draft plan will automatically receive a copy of the final plan. A copy of the administrative record of plan development, including written comments on the draft plan, may be inspected and copied at the Council's Public Reading Room at the address above.

Technical exhibits, including contractor reports, staff issue papers and model documentation may be examined at the Council's central and state offices and Bonneville Power Administration area offices during regular business hours. For information, Contact Ruth Curtis at the Council's Central Office. Council state offices:

- Old Board of Health Building, 1301 Lockey, Helena, Montana.
- Towers Building, 3rd Floor, 450 W. State, Boise, Idaho.
- 505–C State Office Building, 1400 S.W. Fifth, Portland, Oregon.
- Washington State Energy Office, 400 East Union, Olympia, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Torian Donohue, Director of Public Involvement, 700 S.W. Taylor, Suite 200, Portland, Oregon 97205 at 1–800–222–3355 (toll free in Montana, Idaho, Washington and California), 1–800–425–2324 (toll free in Oregon) or 503–222–5161.

SUPPLEMENTARY INFORMATION: By passage of the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96–501, 94 Stat. 2697, 16 U.S.C. 839 *et seq.* ("the Act"), Congress provided for the establishment of the Pacific Northwest Electric Power and Conservation Planning Council ("the Council"), a regional agency composed of two gubernatorial appointees each from the states of Idaho, Montana, Oregon and Washington. Congress charged the Council with two major responsibilities: (1) preparation of a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development, operation and management of hydroelectric facilities on the Columbia River and its tributaries; and (2) development of a conservation and electric power plan for the Bonneville Power Administration. The Council adopted its Fish and Wildlife Program on November 15, 1982. The Fish and Wildlife Program has been incorporated as Volume III of the final energy plan.

The Council adopted its draft energy plan on January 28, 1983, and released it for public review and comment (48 FR 5406, February 4, 1983). Before the public comment period ended at 5 p.m. on March 21, 1983, the Council had conducted seven days of public hearings in five locations throughout the region and had received 18,000 pages of comments from over 1,200 individuals, agencies and organizations. The final plan is the result of the evaluation and review of the draft plan based on all comments received in the Council's Portland office during the comment period.

The final plan contains the following elements:

Volume I

- Chapter 1: Introduction.
- Chapter 2: Policies.
- Chapter 3: Flexible Planning Strategy.
- Chapter 4: Forecast of Demand for Electricity.
- Chapter 5: Development of the Twenty-Year Plan.
- Chapter 6: Existing Resources and Resources Under Construction.
- Chapter 7: Conservation.
- Chapter 8: Generating Resources.
- Chapter 9: Consideration of Environmental Quality and Fish and Wildlife.
- Chapter 10: Two-Year Action Plan.
- Chapter 11: Plan Revisions and Consistency Determinations.
- Glossary.
- Appendix A: Role of the Council.
- Appendix B: Reliability and the Hydropower System.
- Appendix C: Method for Determining Quantifiable Environmental Costs and Benefits.
- Appendix D: Method for Surcharge.
- Appendix E: Conditions for Bonneville Financial Assistance to Hydropower in the Region.
- Appendix F: Economic Analysis of Resource Costs.

Volume II: Technical Appendices.

- Appendix G: Anaylsis of WPPSS *4* and *5* vs. Coal.
- Appendix H: Economic and Demographic Assumptions.
- Appendix I: Analysis of the Inclusion of Combustion Turbines in the Plan.
- Appendix J: Model Standards for Energy Conservation in New Buildings.
- Appendix K: Conservation Assessment Method and Assumptions.
- Appendix L: Efficiency Standards for Conversion to Electric Space Conditioning.

Volume III: Columbia River Basin Fish and Wildlife Program

Copies of Volume II and III are available only upon specific request.

The Council has also prepared a Volume IV, Council Response to Comments, which provides the Council's response to all significant substantive comments on the draft plan that were received during the public comment period. This document must also be requested specifically.

The Council's plan will guide Bonneville Power Administration in its acquisition of resources to meet the future electrical energy needs of its customers in the Pacific Northwest.

Section 9(e)(5) of the Act (16 U.S.C. 839f(e)(5)), provides that suits to challenge the plan must be filed within sixty days after publication in the **Federal Register** of this notice of plan adoption.

(Sec. 4, Pub. L. 96–501, 16 U.S.C. 839b)

Edward Sheets,

Executive Director,

[FR Doc. 83–14656 Filed 5–31–83; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22–12484]

American Southwest Financial Corp.; Application and Opportunity for Hearing

March 25, 1983.

Notice is hereby given that American Southwest Financial Corporation (the "Company") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended, (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that trusteeship of The Valley National Bank of Arizona ("Valley") under indentures dated as of December 1, 1982 and April 1, 1983 (the "Qualified Indentures"), between the Company and Valley which were heretofore qualified under the Act, and trusteeship by Valley under an indenture tentatively to be dated as of June 1, 1983, and which will be qualified under the Act (the "New Indenture"), are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Valley from acting as trustee under the Qualified Indentures and the New Indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall

acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this Section of the Act provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor.

However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that the trusteeships under the indentures are not so likely to involve a material conflict of interest to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any such indentures.

The Company alleges that:

(1) Pursuant to the Qualified Indentures, the Company has issued $50,475,000 aggregate principal amount of its 12⅞% GNMA-Collateralized Bonds, Series A (the "Series A Bonds") and $35,280,000 aggregate principal amount of its 12¼% GNMA-Collateralized Bonus, Series B (The "Series B Bond"), for which Valley serves as trustee. The Series A Bonds and Series B Bonds were registered under the Securities Act of 1933 and the Qualified Indentures were qualified under the Act.

(2) Pursuant to the New Indenture, the Company proposes to issue and sell an as yet undetermined amount of its GNMA-Collateralized Bonds Series C (the "Series C Bonds"), for which it contemplates Valley will serve as trustee. The Company contemplates that the Series C Bonds will be registered under the Securities Act of 1933 and that the New Indenture will be qualified under the Act.

(3) The collateral granted to Valley as trustee for the Series A Bonds will serve as collateral security only for the Series A Bonds and the holders of other Bonds issued by the Company (incuding the Series B Bonds and the Series C Bonds) will not have recourse to the collateral granted to Valley as trustee for the Series A Bonds.

(4) The collateral granted to Valley as trustee for the Series B Bonds will serve as collateral security only for the Series B Bonds and the holders of other Bonds issued by the Company (including the Series A Bonds and the Series C Bonds) will not have recourse to the collateral granted to Valley as trustee for the Series B Bonds.

(5) The collateral to be granted to Valley as trustee for the Series C Bonds will serve as collateral security only for the Series C Bonds and the holders of other Bonds issued by the Company (including the Series A Bonds and Series B Bonds) will not have recourse to the collateral granted to Valley as trustee for the Series C Bonds.

(6) The Company is not in default under either Qualified Indenture.

(7) Such differences as exist between the Qualified Indentures and the New Indenture are not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Valley from acting as trustee under any of the Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than June 20, 1983 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14632 Filed 5-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13262; 812-5525]

Bankers Security Variable Annuity Fund M, et al.; Application

May 23, 1983.

Notice is hereby given that Bankers Security Life Insurance Society ("Bankers Security"), a stock life insurance company, and Bankers Security Variable Annuity Funds M, P and Q ("Separate Accounts"), 1701 Pennsylvania Ave. NW., Washington, D.C. 20006, a single registered unit investment trust under the Investment Company Act of 1940 ("Act"), and Oppenheimer Money Market Fund, Inc., 2 Broadway, New York, N.Y. 10004, Daily Cash Accumulation Fund, Inc., Centennial Cash Accumulation Fund, Inc., Centennial Capital Appreciation Fund, Inc., and Centennial High Yield Bond Fund, Inc., 3600 South Yosemite St., Denver, Colo. 80237, diversified open-end investment companies registered under the Act, and Oppenheimer Investor Services, Inc., 2 Broadway, New York, N.Y. 10004, principal underwriter for the contracts issued through the Separate Accounts (hereinafter collectively referred to as "Applicants"), filed an application on April 13, 1983 and an amendment thereto on May 13, 1983 for an order of the Commission pursuant to Section 11 of the Act approving the terms of certain offers of exchange to the extent necessary to permit Applicants to offer the variable annuity contracts as described in this application. All interested persons are referred to the application and amendment on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

Applicants state that the purposes of Separate Accounts P and Q are to fund variable annuity contracts offered by Bankers Security for non-tax qualified and tax-qualified retirement programs for individuals. Separate Accounts P and Q invest their assets, at net asset value, in shares of Centennial Cash Accumulation Fund, Inc., Centennial Capital Appreciation Fund, Inc. and Centennial High Yield Bond Fund, Inc., no-load diversified open-end investment companies registered under the Act. Contracts issued through Separate Account M are no longer being offered for sale. Oppenheimer Money Market Fund, Inc. and Daily Cash Accumulation Fund, Inc. are separate "money-market" mutual funds (collectively referred to as "Funds").

Applicants propose to offer variable annuity contracts funded by Separate Accounts P and Q to shareholders of (i) Oppenheimer Money Market Fund, Inc. and (ii) Daily Cash Accumulation Fund, Inc. A shareholder of a Fund would be notified of the offer of exchange. Interested shareholders would receive variable annuity materials, including prospectuses. The exchange would be initiated by written request of a shareholder and delivery of any issued share certificates to the Funds' transfer agent. The exchange would be accomplished by the redemption of the Fund shares at net asset value next determined after receipt of the request for exchange and the reinvestment of those proceeds, without a sales charge, in accumulation units of the chosen sub-account of Separate Account P or Q at a value next determined after receipt of the assets for purchase of the variable annuity contract. Any applicable premium taxes would be deducted from the proceeds; otherwise all proceeds will be reinvested in the variable annuity contract. Applicants further represent that it is expected that for a short period of time after redemption from a Fund, generally about 24 hours, the investor will not be invested in the variable annuity contract. Such an "investment lag", during which the investor's funds will not be earning any income, will be disclosed in a supplement to the variable annuity prospectus during the period the exchange offer is outstanding. Once the investor's funds are invested in a contract, he will be liable for any contingent deferred sales charge, contract maintenance charge, mortality and expense risk charge or premium tax under the Contract. Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to the extent necessary to permit the transfers described above.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 15, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specified issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request.

Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14523 Filed 5-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13269; 811-2232]

Cowles Communications, Inc.; Application

May 24, 1983.

Notice is hereby given that Cowles Communications, Inc. (the "Applicant"), 444 Seabreeze Blvd., Daytona Beach, Florida 32018, registered under the Investment Company Act of 1940 (the "Act") as a nondiversified, closed-end management investment company, filed an application on February 9, 1983, and an amendment thereto on May 6, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act and Rule 8f-1 thereunder, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, a summary of which is set forth below.

Applicant, an Iowa corporation, states that it registered under the Act on October 13, 1971, and filed a registration statement on April 3, 1972. On August 20, 1982, Applicant's Board of Directors unanimously approved a voluntary Plan of Liquidation and Dissolution (the "Plan"), which was approved by shareholders at a special meeting on November 5, 1982.

According to the application, before commencing its voluntary liquidation, Applicant held 2,600,000 shares of Class A Common Stock of The New York Times Company ("Times Stock") and through its wholly-owned subsidary, Cowles Broadcasting, Inc. ("CBI"), operated two television stations, WESH-TV, Daytona Beach/Orlando, Florida and KCCI-TV, Des Moines, Iowa. It is asserted that Applicant's Board of Directors determined, however, that direct ownership by Applicant's shareholders of the Times Stock and CBI stock, together with the cash and other net assets to be distributed, would better serve their interests than indirect ownership through an investment company structure, which, it is claimed, served no independent economic purpose.

Applicant represents that, pursuant to the Plan, it distributed substantially all of its net assets to its shareholders on January 14, 1983. According to the application, the distribution amounted to $191,517,000 of Applicant's total assets of $194,573,000 at December 31, 1982. Pursuant to the Plan, at such time as the Applicant's Board of Directors shall determine that all debts, obligations, and liabilities of the Applicant have been paid, satisfied and discharged, or adequately provided for, it is represented that the Board shall distribute *pro rata* to the shareholders the remainder of the Applicant's assets to the extent they may be lawfully distributed. The Plan provides that, in the event it should not be feasible for Applicant to pay, satisfy and discharge all debts, obligations and liabilities at the time of the final liquidated distribution described in the previous sentence, or in the event Applicant's Board of Directors shall determine it not to be advisable to so distribute any amount of cash or other property, then Applicant shall make such final liquidating distribution by transferring and consigning to a liquidating trustee the cash and other property not being distributed to shareholders, which shall be held by such liquidating trustee, subject to unsatisfied debts, obligations and liabilities assumed by it, solely for the benefit of Applicant's shareholders.

The application states that the estimated liabilities on April 25, 1983, are $988,600. It is represented that this amount of cash and other liquid assets in excess of liabilities ($2,741,600 at April 25, 1983) will be distributed to Applicant's shareholders. It is further represented that Applicant presently expects to distribute $2,182,723 in cash to its shareholders on or about June 22, 1983, and, shortly thereafter, to distribute the remainder of its assets, subject to unsatisfied liabilities, to a liquidating trust established pursuant to the Plan solely for the benefit of shareholders. Based on Applicant's assets and liabilities at April 25, 1983, assets to be distributed to such liquidating trust would be $556,876. In any event, Applicant expects its final liquidating distribution of all remaining assets to its shareholders or to a liquidating trust established solely for their benefit will occur on or prior to October 1, 1983.

On December 9, 1982, the Applicant filed a statement of intent to dissolve with the Secretary of State of Iowa. The application states that, pursuant to the Plan, as soon as possible after making the final liquidating distribution, Applicant shall file Articles of

Dissolution with the Secretary of State of Iowa.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 20, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14820 Filed 5-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13266; 812-5477]

First Trust Money Market Fund; Filing of Application

May 23, 1983.

Notice is hereby given that First Trust Money Market Fund ("Applicant"), 110 North Franklin Street, Chicago, IL 60606, an open-end, diversified, management investment company, registered under the Investment Company Act of 1940 Act ("Act") and organized as a Massachusetts business trust, filed an application on March 1, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its assets at amortized cost. All interested persons are referred to the application on file with the Commission for statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the complete text of the provisions referred to herein.

Applicant states that it will issue shares in separate portfolios of securities (the "Portfolios") each of which will have its own investment policies and restrictions, including the Applicant's General Purpose Portfolio and Government Portfolio and such other portfolios as may be offered by the Applicant. Applicant states that it is a "money market fund" that will invest in a variety of high quality money market instruments maturing in one year or less in furtherance of the investment goal of Applicant and its Portfolios to seek as high a level of current income as is consistent with the preservation of capital and the maintenance of liquidity.

Applicant's Government Portfolio will invest exclusively in the following types securities: (1) Debt securities issued or guaranteed by the United States Government or its agencies or instrumentalities; and (2) repurchase agreements involving securities listed in (1) above through such securities may have a maturity of more than one year. Applicant's General Purpose Portfolio will invest exclusively in the following types of securities: (1) Debt securities issued or guaranteed by the United States or Canadian Governments or their agencies or instrumentalities; (2) repurchase agreements involving debt securities issued or guaranteed by the United States Government or its agencies or instrumentalities though such securities may have a maturity of more than one year; (3) certificates of deposit, time deposits and bankers' acceptances of United States and Canadian banks having total assets in excess of $1 billion and of foreign branches of United States banks having total assets in excess of $10 billion; and certificates of deposit, time deposits and bankers' acceptances of other United States banks if the principal amount of such obligation is fully insured by the Federal Deposit Insurance Corporation, currently $100,000; (4) certificates of deposit and time deposits of United States savings and loan associations (federally or state chartered and members of the Federal Savings and Loan Insurance Corporation) having total assets in excess of $1 billion; (5) commercial paper at time of purchase rated Prime-1 by Moody's Investors Services, Inc. ("Moody's"), A-1 by Standard & Poor's Corporation ("S&P") or, if unrated, issued or guaranteed by a corporation with outstanding debt rated Aa or better or Moody's or AA or better by S&P; and (6) corperate notes, bonds and debentures rated Aa or better by Moody's or AA or better by S&P at time or purchase. All obligations of the Canadian Government or its agencies or instrumentalities or Canadian banks and all obligations of foreign branches of United States banks will be payable in United States dollars.

In support of the requested, Applicant states that the expefience of its investment manager indicates that two qualities are helpful in order to attract investors in a "money market" fund: (1) Stability of principal and (2) steady flow of investment income. Applicant asserts that by utilizing high quality money market instruments of short maturities combined with a stable not asset value, preferably $1.00 per share, it would be possible to provide those features to a variety of investors. Applicant states that its Trustees believe that given the nature of Applicant's policies and operations, there normally will be a relatively negligible discrepancy between market value and amortized cost value of Applicant's portfolio securities for each Portfolio of Applicant. Applicant's Trustees have determined in good faith that in light of the characteristics of Applicant, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities for each Portfolio is appropriate and preferable for the Applicant and reflects the fair value of those securities.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes or persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its application meets the standards of Section 6(c) of the Act in light of the management policies, and has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervision the Applicant's operations and delegating special responsibilities involving portfolio management to the Applicant's investment manager, the Trustees of the Applicant undertake—as a particular responsibility within the overall duty of care owed to the Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the investment goal for each Portfolio of

Applicant, to stabilize the Applicant's net asset value per share for each Portfolio, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. To be included within the procedures to be adopted by the Trustees of the Applicant are the following:

(a) Review by the Trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share for each Portfolio as determined by using available market quotations if available or, if not available, fair value as determined by the Trustees from the Applicant's $1.00 amortized cost price per share for each Portfolio, and maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share for any portfolio exceeds ½ of 1 percent, the Trustees of the Applicant will promptly consider what action, if any, should be initiated.

(c) Where the Trustees believe the extent of any deviation from the Applicant's $1.00 amortized cost price per share for any Portfolio may result in material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent resonably practicable such dilution or unfair results. Such action may include: the sale of portfolio securities prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity of such Portfolio; withholding dividends; or utilizing a net asset value per share as determined by using actual quotations or estimates of market value reflecting current market conditions selected by the Trustees as appropriate indicators of value.

3. The Applicant will maintain a dollar-weighted average portfolio maturity for each portfolio appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Applicant will not (1) purchase any instrument with a remaining maturity at the date of acquisition of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity for any portfolio in excess of 120 days. In fulfilling this condition, if the disposition of a protfolio instrument results in a dollar-weighted average portfolio maturity for any portfolio in excess of 120 days, the Applicant will invest its cash in such a manner as to reduce its dollar-weighted average portfolio maturity for such Portfolio to 120 days or less as soom as reasonably practicable.

4. The Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition (a) above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the Trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection in accordance with Section 31(b) of the Act as though such documents were records required to be maintined pursuant to rules adopted under Section 319a) of the Act.

5. The Applicant will limit the portfolio investments of each portfolio, including repurchase agreements, if any, to those United States dollar-denominated instruments which the Trustees of the Applicant determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Trustees.

6. The Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition (2)(c) was taken during the prededing fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 17, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–14522 Filed 5–31–83; 8:45 am]

BILLING CODE 8010–01–M

[1] To fulfill this condition, the Applicant will use actual quotations or estimates of market value reflecting current market conditions selected by its Trustees in the exercise of their discretion to be appropriate indicators of value. The quotations or estimates utilized may include, *inter alia*, (1) quotations of market value for individual protfolio instruments, or (2) estimates of market value for individual protfolio securities obtained from yield data relating to classes of money market instruments furnished by reputable sources.

[Release No. 13267; 812–5486]

Security Pacific Bank Canada; Filing of Application

May 23, 1983.

Notice is hereby given that Security Pacific Bank Canada ("Applicant"), c/o David L. Johnson, Esq., Security Pacific National Bank, 333 South Hope Street, Los Angeles, CA 90071, filed an application on March 9, 1983, and an amendment thereto on May 2, 1983, requesting an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicant from all the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of the provisions from which Applicant seeks to be exempted.

Applicant states that it is a third-tier wholly-owned subsidiary of Security Pacific National Bank ("SPNB"), a national banking association incorporated under the National Bank Act, which in turn is a wholly-owned subsidiary of Security Pacific Corporation ("SPC"), a Delaware corporation and a bank holding company registered under the Bank Holding Company Act of 1956. Applicant states that it provides to domestic and foreign governments and corporations a wide range of commercial banking services, including term and working capital facilities and project financing in the resource and real estate sectors. As of October 31, 1982, the end of its last fiscal year, Applicant had total assets of $128,113,000 of which approximately $105,276,000, or 82%, were loans and deposits. According to Applicant, approximately 78% of its gross income for 1982 was interest income from loans and deposits.

The application states that SPNB is the tenth largest commercial bank in the United States and provides a full line of commercial and retail banking and fiduciary services. The application further states that SPNB also engages in international activities through overseas branches, offices, subsidiaries and affiliates; Edge Act subsidiaries an international banking facilities located in the United States; and international banking operations in California. The application states that SPC is principally engaged in the business of banking through SPNB and is also engaged in several banking-related activities, principally leasing, consumer and commercial finance, factoring, mortgage banking and venture capital. Such activities are conducted both through subsidiaries of SPNB and through other subsidiaries of SPC.

Applicants represents that as a Canadian Bank chartered under the Bank Act of Canada ("Bank Act"), it is required to compile and publish annual statements of assets and liabilities, income, appropriations for contingencies and changes in shareholders' equity as well as quarterly income statements that are also sent to the Canadian Inspector General of Banks ("Inspector"). The Applicant represents that the Inspector is permitted to examine Applicant as often as is deemed necessary or expedient, and in no event less than once a year.

Applicant represents that the corporate powers that a Canaidan chartered bank such as Applicant may exercise are expressly set out in the Bank Act. Prohibited activities such as dealing in goods, wares and merchandise or engaging in any trade or business other than the business of banking are also set out in the Bank Act, as are limitations on certain activities such as the sale or underwriting of securities. The Bank Act also governs matters such as reserve and liquidity requirements.

Applicant states that is proposes to obtain additional funding for its operation through the issuance of debt securities in the United States. Applicant further states that such debt securities are expected to include promissory notes issued pursuant to Section 3(a)(2) of the Securities Act of 1933 ("1933 Act"), which specifically exempts from registration the sale of notes "guaranteed by a bank" (e.g., SPNB). Applicant states that other alternatives are the issuance of commercial paper pursuant to the exemption from registration provided by Section 3(a)(3) of the 1933 Act; the issuance of promissory notes in the United States to qualified investors pursuant to the exemption from registration provided by Section 4(2) of the 1933 Act; and registered public offerings of debt securities. Applicant states that any debt securities issued pursuant to an offering within the United States will rank *pari passu* among themselves, equally with all its other unsecured, unsubordinated indebtedness, including Applicant's deposit liabilities, and ahead of its equity securities.

Regardless of the alternative(s) utilized, Applicant represents that it will appoint an agent for service of process in either New York City or Los Angeles, California for any actions arising out of the sale of its securities and instituted in any state or federal court in the State of New York or California, respectively, by the holder of any such security. Applicant represents that it will expressly accept the jurisdiction of any state or federal court in the state in which it appoints an agent for service of process in respect of any such action. Applicant represents that it will also be subject to suit in any other court in the United States which would have jurisdiction because of manner of the offering of such securities or otherwise. Applicant represents that such appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the securities have been paid.

Applicant represents that any commercial paper issued pursuant to Section 3(a)(3) of the 1933 Act will be sold in minimum denominations of $100,000 and will have original maturities of 270 days or less. Such commercial paper may be offered publicly through one or more major commercial paper dealers but only to the types of sophisticated and largely institutional investors that ordinarily participate in the commercial paper market. While an announcement of the establishment of the commercial paper facility may be made as a matter of record, the offering will not be advertisd. Applicant further represents that prior to issuance such commercial paper will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization, and that its United States counsel shall have certified that such rating has been received.

Applicant undertakes to provide each purchaser of its commercial paper prior to the purchase thereof a memorandum which briefly describes the business of Applicant and includes its most recent publicly available annual financial statements, audited in accordance with Canadian accounting principles applied in the preparation of such financial statements and "generally accepted accounting principles" employed by United States banks, will be at least comprehensive as those memoranda customarily used in offering commercial paper in the United States, and will be updated promptly to reflect material changes in the Applicant's financial condition.

Applicant further represents that other offerings of debt securities in the United States will be made only pursuant to a registration statement under the 1933 Act or pursuant to any applicable exemption from registration under such Act. Any such offerings will be made on the basis of disclosure documents appropriate and customary for such registration or exemption and in any event at least as comprehensive as those used in offerings of similar debt securities in the United States by United States banks. Applicant undertakes to ensure that such disclosure documents will be provided to each purchaser of such securities prior to their purchase, except that in the case of an offering made pursuant to a registration statement under the 1933 Act, such disclosure documents will be provided to such persons and in such manner as may be required by the 1933 Act and the pertinent rules and regulations thereunder. Applicant consents to having any order granting the relief requested hereby expressly conditioned upon its compliance with the foregoing undertakings regarding disclosure documents.

Applicant represents that it will not issue and sell any security pursuant to Section 3(a)(3), 3(a)(2) and/or 4(2) of the 1933 Act until it has received an opinion of its United States legal counsel to the effect that, under the circumstances of the proposed offering, the security will be entitled to the exemption provided by the appropriate section of the 1933 Act. Applicant does not request Commission review or approval of counsel's opinion(s) regarding the availability of an exemption from the registration requirements of the 1933 Act.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary

or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that approval of this application is appropriate in the public interest since and exemption would benefit not only it, but also institutional and other sophisticated investors in the United States. Without this type of exemption, these investors would be unable to purchase securities issued by foreign banks, which are representing an increasingly important segment of the prime quality securities market. Applicant further states that an exemption would be consistent with the protection of investors because there already exists regulatory structures which afford protection to investors.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 17, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14521 Filed 5-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13268; 812-5511]

Sunbelt Growth Fund, Inc.; Filing of Application

May 23, 1983.

Notice is hereby given that Sunbelt Growth Fund, Inc. ("Sunbelt"), Commerce Income Shares, Inc. ("Commerce") and Pilot Fund, Inc. ("Pilot") (collectively, the "Funds"), each registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, and Funds, Inc. Services Corp. ("Services"), principal underwriter for the Funds (collectively with the Funds, "Applicants"), 333 Clay Street, Suite 4300, Houston, TX 77002, filed an application for an order: (1) Pursuant to Section 11(a) of the Act, permitting Applicants to offer shares of the Funds (a) in exchange for shares of the Municipal Bond Portfolio (the "Bond Portfolio") of Criterion Tax Free Fund, Inc. ("Tax Free"); and (b) in exchange for shares of Investment Quality Interest, Inc. ("IQI"), or shares of any presently organized or subsequently created portfolios of Tax Free or Current Interest, Inc. ("Current Interest") the shares of which are sold to the public without imposition of any sales charge, that were acquired through one or more exchanges of shares which are attributable to shares of the Bond Portfolio, in each case on a basis other than their relative net asset values per share at the time of the exchange; and (2) pursuant to Section 6(c) of the Act, exempting sales of shares of the Funds pursuant to such exchanges from the provisions of Section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act of the text of the provisions from which Applicants seek exemption.

Applicants state that the Funds, IQI, Tax Free and Current Interest have different investment objectives and policies. Each company is registered under the Act as a diversified, open-end, management investment company. Shares of each of the Funds, IQI and Current Interest are registered under the Securities Act of 1933 and presently are offered for sale to the public in continuous offerings. Tax Free has filed a registration statement with the Commission under the Securities Act of 1933, pursuant to which it seeks to register its shares for sale to the public. That registration statement had not become effective at the time of the filing of the appliclation.

Applicants state that Services acts as the distributor of shares of Current Interest in certain states, without remuneration, and serves as principal underwriter for the Funds, IQI and Tax Free. Services (formerly called Systematic Plans, Inc.) is a wholly owned subsidiary of Funds, Inc. It is registered with the Commission as a broker-dealer and is a member of the National Association of Securities Dealers. Funds, Inc., a registered investment adviser and a wholly owned subsidiary of The Criterion Management Company, serves as the investment adviser of each of the Funds, IQI, Tax Free and Current Interest.

According to Applicants, Tax Free is organized as a series company in that shares of its Class A Common Stock may be divided into series, each of which represent interests in a separate portfolio of investments. As of the date of the filing of this application, the Board of Directors of Tax Free had authorized the creation of two portfolios: (1) The Bond Portfolio; and (2) the Money Market Portfolio. Current Interest is also organized as a series company and presently offers investors the opportunity to purchase shares of five different portfolios, each of which invests in money market instruments pursuant to varying investment policies: (1) the Money Market Portfolio; (2) the United States Government Portfolio; (3) the Institutional Money Market Portfolio; (4) the Total Management Money Market Portfolio; and (5) the Total Management United States Government Portfolio.

Applicants represent that shares of each portfolio of Current Interest are sold to the public with no sales load. Upon the effective date of the Tax Free's registration statement under the Securities Act of 1933, Applicants state that shares of the Money Market Portfolio will similarly be offered to the public at no load. Shares of the Funds are sold to the public at their respective current net asset values per share, plus a sales charge based upon the amount invested, ranging from 8% for purchases of less than $15,000 to 0.5% for purchases of $2 million or more.

According to Applicants, shares of IQI are sold to the public, and shares of the Bond Portfolio will be sold to the public, at their respective current net asset values per share, plus a sales charge ranging from 4.5% for purchases of less than $25,000 to 1% for purchases of $500,000 or more.

Applicants represent that the Funds, IQI and the Bond Portfolio each permit reinvestment of dividends and capital gains distributions at net asset value per share, without the imposition of a sales charge. The reduced sales charges for large purchases, which apply to single purchases of specified amounts, are also applicable to purchases of shares made pursuant to a letter of intent and, by virtue of "rights of accumulation" available to shareholders, the amount of a shareholder's holdings of shares of one of the Funds, IQI or the Bond Portfolio is aggregated with the amount of a subsequent purchase of shares for purposes of determining the sales charge applicable to such subsequent purchase.

Applicants represent the following offers of exchange are presently made available or, when the offering of Tax

Free shares to the public begins, will be made available, to shareholders in each case on the basis of relative net asset value per share at the time of the exchange, without imposition of a sales charge:

(1) Shares of one of the Funds may be exchanged for shares of another one of the Funds, IQI, the Bond Portfolio, or the Money Market or United States Government Portfolios of Current Interest, and any share so acquired may thereafter be exchanged in one or a series of exchanges for shares of any of the foregoing companies or portfolios.

(2) Shares of IQI and the Bond Portfolio may by be exchanged for each other or exchanged for shares of the Money Market Portfolio or the Money Market or United States Government Portfolios of Current Interest, and any shares so acquired may thereafter be exchanged in one or a series of exchanges for shares of IQI or the Bond Portfolio.

(3) Shares of the Money Market Portfolio and the Money Market and United States Government Portfolios of Current Interest may be exchanged for each other.

(4) Shares of the Funds, IQI, the Bond Portfolio, the Money Market Portfolio, or the Money Market or United States Government Portfolios of Current Interest acquired through the reinvestment of dividends or capital gains distributions may be exchanged for shares of any of the foregoing companies or portfolios.

Applicants state that, in the case of each of the offers of exchange described above, the shares being exchanged must have a net asset value of at least the minimum initial amount required for investment in shares of the investment company whose shares are to be acquired pursuant to the exchange.

With respect to each exchange, a service charge of $5.00 is, or will be, deducted and retained by Services to defray clerical and other administrative expenses.

Applicants propose to permit investors to exchange shares of the Bond Portfolio and shares of Current Interest, the Money Market Portfolio of Tax Free acquired in exchange for shares of the Bond Portfolio for shares of the Funds, at their relative net asset values per share at the time of the exchange, plus a sales load differential determined by (1) calculating the sales charge, described in the then current prospectus of the relevant Fund, that would normally be payable on the purchase of shares in the same dollar amount as the shares being exchanged, giving recognition to shareholders' "rights of accumulation," and (2) subtracting from the charge so determined an amount equal to the sales charge described in the then current prospectus of the Bond Portfolio that would be payable on the purchase of the dollar amount of shares of the Bond Portfolio being exchanged (or that would have been payable upon the purchase of a dollar amount of Bond Portfolio shares equal in amount to the dollar amount of the shares of the Money Market Portfolio, Current Interest or any subsequently created no load portfolio of Tax Free being exchanged for shares of a Fund). The sales charges payable on the proposed exchanges would be received by Services as principal underwriter for the Funds, and a portion of those sales charges could be reallowed to dealers.

Applicants state that, as is the case with respect to the offers of exchange presently being made, the shares being exchanged would be required to have a net asset value of at least the minimum initial amount required for investment in one of the Funds, and a $5.00 service charge would be deducted and retained by Services. Applicants represent that in the event that a shareholder desires to exchange only a portion of his holding of shares, those shares which could be exchanged on the basis of relative net asset values, without imposition of a sales charge, would be exchanged first.

Section 11(a) of the Act provides, in pertinent part, that it shall be unlawful for any registered, open-end investment company or any principal underwriter for such company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange such security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission.

Applicants state that the proposed offers of exchange would be on a basis other than relative net asset values per share because a shareholder would be required to pay a sales charge differential. For that reason, Applicants state that the making of such offers is not permissible under Section 11(a) of the Act, absent an order of the Commission. According to the application, an exemption from the provisions of Section 22(d) of the Act (pursuant to an order under Section 6(c) of the Act) is required to permit the reduced sales charges that would be imposed with respect to the proposed exchanges because the reduced sales charges would result in the sale of shares of the Funds to investors at a current public offering price other than that described in the prospectuses of the Funds.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants state that the proposed exchange offers are designed to permit shareholders of the Bond Portfolio, and shareholders of IQI, and no load portfolios of Tax Free and Current Interest whose shares were acquired as a result of an exchange of shares of the Bond Portfolio, who change their investment objectives, to transfer their investments into one of the Funds without paying the full sales charge normally applicable. While Applicants note that such offers could be made on the basis of relative net asset values per share, Applicants submit that exchanges effected on that basis would in some cases inequitably benefit the exchanging shareholders by permitting them to pay substantially less sales charges for their acquisitions of shares of the Funds than investors who purchased shares of the Funds directly. Applicants assert that exchanges made on the basis they proposes would avoid such inequities and, at the same time, be fair to the shareholders involved. Accordingly, Applicants submit that the granting of an order pursuant to Section 11(a) of the Act permitting the proposed offers of exchange would be appropriate.

Applicants further submit that the granting of an exemption from the provisions of Section 22(d) of the Act would also be appropriate. In this regard, Applicants note that the sales charges payable in connection with the proposed offers of exchange would be equal to the difference between the sales charge that would have been paid if shares of a Fund had been purchased directly and the sales charge, if any, that would be paid on the purchase of shares of the Bond Portfolio being exchanged (or on the purchase of Bond Portfolio shares in a dollar amount equal to the amount of shares of IQI, Tax Free or Current Interest being exchanged) based upon the then, current offering price of shares of the Bond Portfolio. Applicants submit, therefore, that a shareholder making the exchange would, in effect, be

required to pay a total sales charge approximating that which would have been paid had shares of a Fund been purchased directly. Accordingly, Applicants submit that the terms of the proposed offers of exchange assure that all investors who purchase shares of the Funds will be treated on an equal basis, regardless of whether shares were purchased directly or through an exchange.

In view of the foregoing, Applicants state that the proposed offers of exchange would be fair and equitable to shareholders of the Funds, and would be beneficial to shareholders of Tax Free, IQI and Current Interest. Under the circumstances, Applicants submit that the granting of the order requested would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 17, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14524 Filed 5-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19793; File No. SR-CBOE-83-10]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Inc., Relating to Index Options

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 10, 1983, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

The text of the proposed rule change is ass follows with additions italicized and deletions bracketed.

Option Contracts Open for Trading

Rule 5.5. The Securities Committee shall, from time to time, open for trading series of options in respect of underlying securities which have been approved by the Board in accordance with Rule 5.3. Only option contracts of series of options currently open for trading may be purchased or written on the Exchange. The opening of a new series of options shall not affect other series of options of the same class previously opened. On the business day prior to the expiration date of particular option series, the closing rotation for such series shall commence at 2:00 p.m., *except that the closing rotation for index option series shall commence at 3:00 p.m.*

Exercise of Option Contraction

Rule 11.1 (a) no change.

(b) no change.

Interpretation and policies.

.01 through .03 no change.

.04 With respect to index option contracts, Clearing Members must follow the procedures of the Clearing Corporation for tendering exercise notices and Member Organizations also must follow the procedures set forth below:

(a) a memorandum to exercise any contract issued or to be issued in a customer or Market-Maker account at the Clearing Corporation must be received or prepared by the Member Organization no later than 3:10 P.M. Chicago time and must be stamped at the time it is received or prepared. Member Organizations must accept exercise instructions until 3:10 P.M. Chicago time;

(b) a memorandum to exercise any contract issued or to be issued in a firm account at the Clearing Corporation must be prepared by the Member Organization no later than 3:10 P.M. Chicago time and must be time stamped at the time it is prepared;

(c) failure of any member to follow the procedures and meet the deadlines in this section .04 may result in the assessment of fines in an amount determined by the Exchange and may be referred to the Business Conduct Committee.

(d) all memoranda of exercise instructions are subject to SEC Rules 17a-3(a)(6) and 17a-4(b); and

(e) the above provisions [are not applicable] *do not apply* to expiring series on the business day prior to expiration. *The exercise cut-off time pursuant to Rule 11.1(b) for index option contracts shall be 5:30 P.M. Chicago time on the business day immediately prior to expiration. In the event a member organization does not carry accounts for customers, it shall nevertheless be subject to such exercise cut-off time for the purposes of the third and fourth sentences of Rule 11.1(b).*

II. Self-regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of this proposed rule change is to extend, from 2:00 p.m. to 3:00 p.m., the time that index option contracts are open for trading on the business day prior to expiration. When the exchange commenced options trading in 1973 the clearing function was performed on Friday night, and the purpose of the 2:00 p.m. cut-off was to give the clearing corporation and clearing firms one extra hour to perform their functions. Because of enhanced operational capabilities the Options Clearing Corporation and clearing firms do not need the extra hour. Yet, the early cut-off could impair the market for cash-settled index options because the underlying stock that determines the closing index value would continue trading. Under this circumstance the early close of trading on the day before expiration is an unnecessary restriction.

The basis under the Securities Exchange Act of 1934 for the proposed rules change is Section 6(b)(5) in that it will remove an impediment to and perfect the mechanism of a free and open market.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed amendment will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Many traders of index optons requested this change. Clearing firms and the Options Clearing Corporation agree that it will not impose any operational difficulties. The American Stock Exchange, where index options are also traded, agrees with the proposal and intends to file a similar rules change proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commiesion will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 20, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14530 Filed 5-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19800; File No. SR-NASD-83-7]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Transaction Fee on Agency Cleared Trades

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 12, 1983, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule is to provide for the assessment of a fee upon NASD members in an amount not to exceed 12¢ per side for transactions cleared through a registered clearing agency.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the rule change is to prevent the loss of the revenue flow presently provided to the Association, as well as to the American and New York Stock Exchanges, by the regulatory fee paid by the National Securities Clearing Corporation. The proposed rule will not be implemented until the expiration of that fee on June 30, 1983. The proposed fee is being levied on agency-cleared trades only because of the difficulty of reporting and monitoring the accuracy of reporting of any fees on non-agency cleared transactions. Section 15A(b)(5) of the Act provides for the equitable allocation of reasonable fees among members of the Association. The Association believes that the proposed rule is the most efficient fee that can be assessed and that the fee will form a part of a total flow of revenues for the Associaton which are equitably allocated among the members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Association does not believe that the proposed rule change will result in a significant burden on competition nor will it hinder efforts to facilitate national clearance and settlement of securities transactions in that the fee is similar to the existing NSCC regulatory fee which has not proved to be a substantial disincentive to agency clearing and which has ultimately been borne by those NASD members now clearing through NSCC.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Association's Rules of Fair Practice provide that Schedule A may be amended by the Board without recourse to the membership. Thus, no comments on the proposed change were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the

Secretary, Securities and Exchange Commisson, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within (21) days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 23, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14531 Filed 5-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19801; SR-MSRB-83-1]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

May 23, 1983.

The Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, NW., Washington, D.C. 20036, submitted on January 17, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to review the application of MSRB rules to private placement of municipal securities and interpret the application of MSRB Rules G-1, G-3 and G-23 to financial advisory services rendered to a corporate obligor on an issue of industrial development bonds ("IDB"). With respect to private placement activity for IDBs by a bank, the interpretation notes that it must be conducted through the registered dealer department of the bank. The MSRB warns bank dealers to review their organizations to ensure that all departments or units of the bank which engage in private placement of IDBs are designated on the bank's Form MSD and other applicable bank records as part of its separately identifiable department or division pursuant to Rule G-1. The MSRB also states that private placements of IDBs must be effected and supervised by persons qualified pursuant to the requirements of Rule G-3.

The proposed rule change also interprets the application of MSRB Rules G-1, G-3 and G-23 to financial advisory services rendered to a corporate obligor for an issue of IDBs. The proposed MSRB interpretation states that these three rules do not apply to financial advisory services given to a corporate obligor for an IDB issue, if such financial advisory services are limited to advice on the structure, timing, terms, and other similar matters concerning a proposed issue. The MSRB states, however, that other financial advisory services, such as participating in negotiations with prospective purchasers or engaging in placement of the issue, would be subject to Rules G-1 and G-3. The MSRB states that its rules would continue to apply to any advisory relationship with a governmental unit or direct communication with public customers. At this time, however, the MSRB is not aware of problems associated with the furnishing of financial advisory services to corporate obligors on IDBs which indicate a need for MSRB regulation. The MSRB states that it does not believe it is appropriate or necessary at this time to extend its regulatory reach to persons who are in the business of advising corporations about various financing alternatives merely because one alternative involves the issuance of tax-exempt securities.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19672, April 13, 1983) and by publication in the **Federal Register** (48 FR 17010, April 20, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14533 Filed 5-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19802; File No. SR-PSDTC-83-3]

Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Securities Depository Trust Company

May 23, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 19, 1983, the Pacific Securities Depository Trust Company ("PSDTC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would permit PSDTC to make bonds with a face value of less that $1,000 ("Small Bonds") ineligible for deposit at PSDTC. PSDTC submitted the proposal because PSDTC believes that some transfer agents' treatment of Small Bonds makes it difficult for PSDTC to satisfy participants' needs promptly. The proposal would permit PSDTC to withdraw Small Bonds from its inventory and return them to the appropriate participants to the extent that PSDTC can obtain suitably denominated Small Bonds. Any remaining positions would be carried in Pacific Clearing Corporation's ("PCC") settlement records. Trading in Small Bonds, however, would continue at the Pacific Stock Exchange and trades would be settled through PCC's continuous net settlement system. PSDTC explains that participants would settle their Small Bond obligations by netting away any residual Small Bond positions appearing on PCC's settlement records or by delivering physical securities. Accordingly, PSDTC anticipates that all uncertificated positions ultimately would be eliminated since (i) settlement activity would reduce some positions to zero; (ii) settlement activity would increase some positions to amounts for which certificates are available; or (iii) the physical delivery of Small Bond certificates to PCC would permit PCC to redeliver those certificates to PCC

[1] 17 CFR 200.30-3(a)(1).

participants with uncertificated long positions, thereby eliminating them from PCC's system. PSDTC states that the proposal is consistent with Section 17A(b)(3)(F) because it facilitates the prompt and accurate clearance and settlement of securities transactions.

The foregoing proposed rule change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR–PSDTC–83–3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available or inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Divison of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–14529 Filed 5–31–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19798; File No. SR–OCC–83–8]

Filing and Immediate Effectiveness of Proposed Rule Change by the Options Clearing Corporation

May 23, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 19, 1983, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change increases OCC's participant fees for providing participants or their agents with daily options trade data on computer tapes or through data terminals. OCC requires the fees change, it states, because its costs of providing these services have increased. The proposal would not alter OCC's pricing policy of allocating among two participants the costs of one computer terminal serving both participants. For example, assume that Participant A has a Local Control Unit ("LCU") data terminal installed at his office for his own use and to facilitate access to trade data by OCC Participant B. The proposal would provide that if Participant A receives equity options data for his account, he would pay $800 per month to OCC; if Participant B also has his daily equity option's data sent to Participant A's terminal, Participant B would pay $250 per month to OCC. The proposal provides, however, that the maximum charge for an LCU terminal serving more than one participant is $1,000 per month. Accordingly, Participant A's fee is reduced to $800 to $750, reducing OCC's revenue from that terminal from $1,050 to $1,000. Participant B's fee is not reduced. OCC believes that the proposal is consistent with Section 17A(b)(3)(D) of the Act because it provides for the equitable allocation of dues, fees, and other charges among its participants.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–OCC–83–8.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–14527 Filed 5–31–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19803; File No. SR–OCC–83–11]

Filing and Immediate effectiveness of Proposed Rule Change by the Options Clearing Corporation

May 23, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 27, 1983, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change adds two "Interpretations and Policies" ("Interpretations") under Article VI, § 1 of OCC's By-laws. The first Interpretation incorporates into OCC's By-laws OCC's existing policy described in OCC's Clearing Manual that allows Clearing Members to effect certain adjustments to their positions and accounts with OCC. The second Interpretation enables Clearing Members to rectify coding errors made in reporting trades in near-the-threshold expiring options up to the time Clearing Members return to OCC the Final Exercise Report on expiration day.

Under the first Interpretation, Clearing Members may adjust their positions and accounts in the following situations: (1) adjustments at the time of a transfer of an account, in which the entire account of a customer or market-maker is

transferred from one Clearing Member to another; (2) adjustments in transactions effected pursuant to OCC's "Clearance of Exchange Member Transactions and Adjustments Agreement" ("CMTA"), which permits an "Initiating Clearing Member" to correct errors in the reporting of CMTA transactions (*i.e.*, options transactions effected on an Options Exchange by another Clearing Member (an "Authorized Exchange Member") on behalf of the account of a Clearing Member that is not a member of the Exchange (the "Initiating Clearing Member")); and (3) correction of *bona fide coding errors made in reporting Exchange transactions e.g.*, incorrect account number or opening versus closing coding errors).

The second Interpretation allows a Clearing Member to adjust certain positions after the Member returns OCC's Preliminary Exercise Report and up to the time the Member returns to OCC the Final Exercise Report. Under this portion of the rule change, Clearing Members may submit adjustments that relate only to Exchange transactions in expiring options series with exercise prices in the range of ⅝ of a point below or above the closing price of the security issue underlying the options series. Moreover, the only positions that may be adjusted are those that are the result of *bona fide* errors or omissions, *i.e.*, coding errors that occur during the trade recording process. Previously, OCC did not authorize Clearing Members to correct such *bona fide* errors and omissions after OCC's issuance of the Final Exercise Report to Clearing Members (by 2:00 p.m. Central Time on expiration day). Under the proposal, however, such adjustments can be made up to 4:00 p.m. Central Time, the time by which OCC Rule 805 requires Clearing Members to return the Final Exercise Report to OCC.

OCC states in its filing that the first purpose of the proposed rule change is to incorporate into OCC's By-laws OCC's existing procedures relating to the adjustment of Clearing Members' positions to reflect transfers of accounts, the correction of errors in reporting CMTA transactions and the correction of *bona fide* coding errors occurring in the Exchange transaction reporting process.

OCC's second purpose is to expand the time period during which, in limited circumstances, Clearing Members can adjust *bona fide* errors relating to expiring options positions. This expansion, OCC argues, should reduce financial exposure to Clearing Members and improve the accuracy of Clearing Members' record. In its filing, OCC illustrated by way of the following example the need for the second Interpretation: A Clearing Member's Final Exercise Report shows that the Member is both short and long identical expiring options, *i.e.*, it has written an IBM May 50 call option and has bought an IBM May 50 call option. The IBM option is ⅝ of a point in-the-money. The Clearing Member's internal records, however, show no IBM option positions whatsoever because the two IBM 50's are offsetting opening and closing transactions. Presumably, both positions reflected on the Final Exercise Report were erroneously coded as opening transactions. In this situation, under current procedures, the Member must decide whether to exercise the long call position to obtain stock for delivery against any potential exercise of the short call position. If the member fails to exercise the long position, the Member risks that the short position will be assigned an exercise notice, requiring the Member to cover the assignment by purchasing sufficient IBM stock in the open market at a price in excess of the call's strike price. Thus, the Clearing Member could incur additional clearing and transaction costs. On the other hand, if the Clearing Member exercises the long position, the short position may not be assigned an exercise notice during OCC's exercise assignment allocation procedure. In this circumstance, the Clearing Member would be forced to carry a stock position, the liquidation of which could expose the Member to market risks and transaction and other costs. OCC believes that the second Interpretation in the proposal should remedy the Clearing Member's dilemma by providing him with a mechanism for correcting the *bona fide* error.

In its filing, OCC states that the proposed Interpretations reflect an incorporation and limited extension of OCC's current policy respecting adjustments to correct certain *bona fide* errors. To assure that the adjustment position system will not be abused, however, OCC has represented that it will continue to monitor its Clearing Members' use of adjustments. Indeed, the proposal is designed to reduce the possibilities of abuse since only those expiring options positions that logically should be adjusted are eligible for adjustment under the second Interpretation.

Finally, OCC believes that the proposal is consistent with Section 17A of the Act because it promotes the prompt and accurate clearance of securities transactions and protects investors by permitting the correction of inadvertent errors.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–OCC–83–11.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–14528 Filed 5–31–83; 8:45 am]

BILLING CODE 8010–01–M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 23, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted

trading privileges in the following stocks:

BMC Industries, Inc., Common Stock, No Par Value (File No. 7–6663)
First Boston, Inc., Common Stock, No. Par Value (File No. 7–6664)
Intermedics, Inc., Common Stock, $.10 Par Value (File No. 7–6665)
Key Banks, Inc., Common Stock, $5 Par Value (File No. 7–6666)
Telerate, Inc., Common Stock, $.01 Par Value (File No. 7–6667)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 14, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–14526 Filed 5–31–83; 8:45 am]

BILLING CODE 8010–01–M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

May 23, 1983.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of:

Unocal Corporation, Common Stock, $1 Par Value (File No. 7.6662)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 14, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–14525 Filed 5–31–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No 13265; 812–5465]

Banque Nationale de Paris (Canada); Filing of Applicating Exemption Applicant From All Provisions

May 23, 1983.

Notice is hereby given that Banque Nationale de Paris (Canada), c/o George M. Cohen, Esq., Clearly, Gottlieb, Steen & Hamilton, One State Street Plaza, New York, NY 10004, ("Applicant") filed an application on March 2, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for statement of the representations contained therein, which are summarized below.

Applicant represents that it is a bank chartered under the laws of Canada, wholly-owned by Banque Nationale de Paris ("BNP"), a bank organized under the laws of France. Applicant states that Societe Financiere Pour le Commerce et l'Industrie Lt'ee ("S.F.C.I."), incorporated in November, 1961, served as BNP's principal financial operation in Canada. Applicant was created in November, 1982, as the result of the merger of BNP Canada, S.F.C.I.'s successor corporation, into a Canadian banking corporation under Applicant's name.

On August 7, 1979, the Commission issued an order pursuant to Section 6(c) of the Act exempting BNP from all provisions of the Act (Investment Company Act Release No. 10813). Information regarding BNP, including a description of its business and banking regulations to which it is subject, is included in BNP's application requesting that order (File No. 812–4997).

Applicant represents that it has succeeded to all of BNP Canada Inc.'s business and activities, which have now been significantly broadened to a full service wholesale banking business; and that its present and planned activities are commercial banking activities, including: short and medium term commercial lending; deposit-taking; investing in commercial paper, bank instruments and government obligations; discounting of trade bills; letters of credit; and foreign exchange trading. As of October 31, 1982, Applicant's audited balance sheet showed total assets equivalent to approximately $1,035,500,000; approximately 58% of its assets consisted of loans, and the balance sheet showed total liabilities equivalent to approximately $995,520,000. Applicant's share capital as of October 31, 1982 was approximately Can. $50,000,000. (All figures relating to the Applicant are in United States dollars except where otherwise indicated, converted from Canadian dollars at the rate of United States $1 = Can. $0.8160, the prevailing rate on January 31, 1983).

Applicant states that BNP exercises substantial supervision and control over the Applicant's activities: all credit approvals for facilities in excess of a predetermined dollar limit in any one name are referred to BNP's head office in Paris for its review and opinion; monthly reports on the Applicant's financial position are sent to BNP for review; the Applicant's books, records, securities and the like are subject to audit by BNP internal inspectors; and the president of the Applicant operates within a clearly defined set of duties and authorities established by BNP.

Applicant represents that, as a bank, it is subject to the extensive regulatory structure imposed by Canadian Law. The Bank Act of Canada, under which all Canadian chartered banks are regulated, contains provisions pertaining to all aspects of banking in Canada, including business and powers types of loans, shareholders and directors, capital stock and debentures, maintenance of reserves, auditing requirements, financial disclosure, and regular inspection by the Inspector General of Banks, the regulatory authority charged with the administration of the Bank Act. Applicant asserts that the regulation to which it is subject affords substantial protection to investors.

Applicant proposes to issue and sell in the United States unsecured short term promissory notes of the type generally referred to as commercial paper (the "Notes"). Under the proposal

the Notes will be denominated in United States dollars, be of prime quality and be issued in bearer form in minimum denominations of $100,000. Payments of the Notes will be unconditionally guaranteed by BNP. The Notes will be direct liabilities of the Applicant and will rank *pari passu* among themselves and equally with all other unsecured indebtedness of the Applicant, including deposits, and superior to the rights of shareholders of the Applicant. The guarantees by BNP of the Notes will rank *pari passu* with all other unsecured indebtedness of BNP (including its deposit liabilities). Applicant states that while it cannot predict with certainty the aggregate amount of Notes which will be outstanding at any one time, it is estimated that in the first year in which the Notes are issued this amount will not exceed $150 million.

Applicant undertakes to ensure that the Notes will be issued and sold through one or more American commercial paper dealers to the types of investors who normally participate in the United States commercial paper market and that the Notes will not be advertised or otherwise offered for sale to the general public. Applicant undertakes to ensure that the dealer or dealers will provide each offeree of the Notes, prior to any sale of Notes to such offeree, with a memorandum which describes the business of the Applicant and BNP and contains their most recent publicly available fiscal year-end balance sheet and full fiscal year income statements, which shall have been audited in such manner as is customarily done for the Applicant and BNP by their Canadian and French auditors, respectively, accompanied by a description of any material differences between the accounting principles applicable to the Applicant and BNP in the preparation of such financial statements and generally accepted accounting principles applicable to banks in the United States. This memorandum will be updated as promptly as practicable to reflect any material changes in the business and financial condition of the Applicant or BNP and will be at least as comprehensive as those customarily used in offering commercial paper in the United States. The Applicant consents to any order granting the relief requested being expressly conditioned upon its compliance with the foregoing undertaking.

Applicant states that it is intended that the characteristics of the Notes and the manner of offering to investors will be such as to qualify the Notes for the exemption from registration under Section 3(a)(3) of the Securities Act of 1933, as amended (the "1933 Act"). The Applicant further states that, in addition to the factors summarized above, the Notes will arise out of and/or generate funds for "current transactions", have a maturity of nine months or less, exclusive of days of grace, and neither be payable on demand nor provide for any extension, renewal or automatic "roll-over" at the option of either the holder or the issuer. Accordingly, the Applicant states that the Notes will not be registered under the 1933 Act.

Applicant represents that it will not issue or sell the Notes until an opinion of special legal counsel in the United States has been received to the effect that the proposed issuance of commercial paper described in this application is entitled to the exemption afforded by Section 3(a)(3) of the 1933 Act. Applicant represents that it is not subject to the reporting requirements of the Securities Exchange Act of 1934, as amended, and will not become subject to such requirements in connection with the issuance and sale of the Notes.

Applicant undertakes to appoint a bank or a branch of a foreign bank in the United States as authorized agent to issue the Notes from time to time. The Applicant further undertakes that the Applicant and BNP will each appoint that bank or branch, or some other United States person which normally acts in such capacity to accept any process which may be served in any action based on the Notes or the guarantees relating thereto and instituted in any State or Federal court by the holder of any Note. Applicant undertakes that the Applicant and BNP will expressly consent to the jurisdiction of any State or Federal court in the City and State of New York in respect of any such action. Such appointment of an authorized agent to accept service of process and consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes have been paid. Applicant and BNP will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes or otherwise. The authorized agent will not be a trustee for the Noteholders and will not have any responsibilities or duties to act for such holders as would a trustee.

Applicant states that it may, from time to time, offer other debt securities unconditionally guaranteed by BNP for sale in the United States, but the Applicant will not offer equity securities for sale in the United States without a further order of the Commission pursuant to Section 6(c) of the Act. In connection with any such offering, the Applicant undertakes to ensure that offerees will be provided, prior to any sale of such debt securities, with disclosure documents at least as comprehensive in their description of the Applicant and BNP, their business and financial condition as the dealer's memorandum referred to above and that in no event will such disclosure documents be less comprehensive than is customary for offering in the United States of similar debt securities. In addition, any future offering of securities of the Applicant which is subject to the registration requirements of the 1933 Act will be made pursuant to offering documents which comply with the requirements of the 1933 Act. Applicant consents to any order granting the relief requested below pursuant to Section 6(c) of the Act being expressly conditioned upon its compliance with this undertaking regarding such disclosure documents.

The Applicant also undertakes, in connection with any future offering in the United States of its securities, to appoint, and to cause BNP to appoint, an agent to accept any process which may be served on it in any action based on such securities or guarantee by BNP thereof and instituted in any State or Federal court by any holder of any such securities and to obtain an opinion of special legal counsel in the United States as to compliance with, or the availabilility of an exemption from, the 1933 Act.

The Applicant further undertakes that it will expressly, and will cause BNP to expressly, consent to the jurisdiction of any State or Federal Court in the City and State of New York in respect of any such action. Such appointment of an agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of such securities have been paid. Applicant and BNP will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of such securities or otherwise. Applicant represents that the presently proposed issue of commercial paper and all future issues of securities publicly offered for sale in the United States by the Applicant shall have received, prior to issuance, one of the three highest investment grades from at least one nationally recognized statistical rating organization and that its United States counsel shall certify that such rating has been received.

Applicant states that it believes that as a commercial bank it is not an "investment company" within the

meaning of the Act; it recognizes, however, that uncertainty exists as to whether at least some foreign commercial banks are "investment companies" under the Act. Accordingly, the Applicant represents that its application is being made under Section 6(c) of the Act, which provides that by order upon application the Commission may conditionally or unconditionally exempt any person from the provisions of the Act.

Applicant asserts that approval of this application would be appropriate in the public interest. The Applicant represents that if it were deemed to be an "investment company" for the purposes of the Act, and if the requested exemption were not granted, it would be effectively precluded from selling securities in the United States. Applicant asserts that in such event, it would be denied access to the United States commercial paper market, a major financing source. Applicant asserts that this effect would put it at a disadvantage vis-a-vis other banks which are competitors of the Applicant and which have access to the United States commercial paper market (either directly or through commercial paper offerings by their affiliates where the proceeds of such offerings are subsequently relent to such banks). Applicant further asserts that putting it and other foreign commercial banks at a competitive disadvantage with these United States banks would seem, in its view, contrary to the United States public interest as expressed by the enactment of the International Banking Act of 1978. Applicant believes, moreover, that granting it a Section 6(c) exemption will not give it a competitive advantage over United States banks in obtaining funds in the United States commercial paper market. Finally, according to the Applicant, an exemption would also benefit institutional and other sophisticated investors in the United States by making readily available to such investors additional investment opportunities in short-term, high-grade securities.

Applicant asserts that an exemption would be consistent with the protection of investors and the purposes and policies fairly intended by the Act. The Applicant cites, as support for this assertion, the extension regulations and other measures to which the Applicant is subject under Canadian banking law, and asserts that such regulation affords substantial protection to investors. The Applicant notes in this regard that the obligations of the Applicant will be unconditionally guaranteed by BNP, and the Commission, by exempting BNP from the Act, has previously recognized that holders of BNP obligations are adequately protected by French banking regulations. Moreover, the Applicant notes that, in compliance with the requirements of Section 3(a)(3) of the 1933 Act and with 1933 Act Release No. 4412 pursuant thereto, the commercial paper would be short-term and of prime quality and would not be sold to the public and that, in addition, certain anti-fraud provisions of the United States Federal securities laws would apply to any offering of securities by the Applicant in the United States. Any resulting risks to investors in securities of the Applicant would thus be no greater than those inherent in the securities of other substantial, regulated issuers.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 17, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14646 Filed 5-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13231; 812-5457]

National Westminster Bank of Canada; Application for Order Exempting Applicant From All Provisions

May 11, 1983.

Notice is hereby given that National Westminster Bank of Canada (the "Applicant"), c/o Bruce W. Nichols, Esquire, Davis Polk & Wardwell, One Chase Manhattan Plaza, New York, New York 10005, filed an application on February 16, 1983, and an amendment thereto on May 3, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Applicant from all provisions of the Act so that it will be in a position to issue U.S. dollar-denominated short term notes ("Notes") in the United States. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, a summary of which is set forth below.

The application states that Applicant, a Canadian chartered bank wholly-owned by National Westminster Bank PLC ("NWB"), was incorporated on August 17, 1955, under the laws of Canada. It is further stated that, by order dated June 10, 1980 (Release No. 11210) and reissued on September 10, 1980 (Release No. 11346), the Commission exempted NWB from all of the provisions of the Act. The order (the "NWB Order") was granted in response to NWB's applicaiton (filed on February 13, 1980 and subsequently amended) describing NWB's intention to sell commercial paper in the United States, as well as the possibility of issuance and sale of long-term debt securities in the United States.

By letters patent dated January 21, 1982, Applicant was converted into a Canadian chartered bank pursuant to the Bank Act of Canada. Applicant represents that all of its outstanding capital stock, currently consisting of 35,000,000 common shares, are owned by NWB. According to the application, Applicant offers wholesale banking services through its head office in Toronto and its branches in Vancouver, Calgary, and Montreal, including the provision of Canadian Dollar and foreign currency corporate loans, the issuance of letters of credit and guarantees, the issuance of certificates of deposit and bearer deposit notes in Canadian Dollars and other currencies, unconditionally guaranteed by NWB, and spot and forward foreign exchange trading services with banks and corporate clients. Applicant asserts that, as of October 31, 1982, its total assets were Can. $756,387,000 with authorized capital of Can. $50,000,000 and paid up capital of Can. $35,000,000.

According to the application, Canadian chartered banks are subject to the exclusive jurisdiction of the federal Parliament and are incorporated and governed by the provisions of the Canadian Bank Act. In addition, the application states, the Governor in Council (*i.e.*, the Canadian Cabinet) makes regulations and orders covering in detail certain matters dealt with under the Bank Act. The application represents that the Bank Act requires banks to maintain primary reserves in

varying percentages depending upon different types of demand and notice deposit liabilities and may require banks to maintain secondary reserves. The application further represents that the Inspector General of Banks is responsible generally for the administration of the Bank Act and more particularly for the day-to-day regulation of Canadian banks to ensure compliance with Canadian banking law. It is stated that banks are required to file with the Inspector General, the government-owned Bank of Canada, or both weekly, monthly, quarterly, and annual reports which include information pertaining to a bank's deposits, directors, assets and liabilities, revenues, expenses, and changes in capital and reserves and interest rates on loans. In addition, it is stated, banks are required to publish in at least one daily newspaper in each province where the bank has a branch its financial position and results of operation for the financial year as approved by the board of directors and summary financial statements with respect to its first, second, and third quarter operations. According to the application, the Bank Act allows foreign banks to carry on the business of banking in Canada. The application notes, however, that all foreign bank subsidiaries are subject to special rules and regulations, in addition to the rules applicable to all banks.

Applicant states that NWB and its subsidiaries (the "NWB Group") are one of the largest international banking groups in the world in terms of deposits, assets, and profits with branches in the United Kingdom and branches, agencies, and representative offices in 31 foreign countries. In addition, the application represents that NWB has an indirect but wholly-owned U.S. national banking subsidiary, National Bank of North America, and is registered as a bank holding company under the Bank Holding Company Act of 1956 (the "1956 Act"). The application states that, under the 1956 Act, NWB is subject to regulation by the Board of Governors of the Federal Reserve System (the "Federal Reserve Board") which governs, among other things, the types of activities in the United States in which NWB may engage. The application further states that as a foreign bank having branches in the United States, NWB is also subject to the International Banking Act of 1978 (the "IBA"). Under the 1956 Act and the IBA, the application represents, NWB is required to file with the Federal Reserve Board an annual report containing detailed information with respect to NWB and its U.S. subsidiaries and to furnish the Board with any additional information the Board may request.

Applicant states that it obtains its funds from a variety of sources, including deposits and short-term borrowings, and it would like to broaden its sources of finance by selling the Notes in bearer or registered form in the United States through U.S. commercial paper dealers. Applicant further states that payment of principal of and interest, if any, on the Notes would be unconditionally guranteed by NWB.

Applicant represents that the Notes will arise out of, or the proceeds of the Notes will be used for, current transactions of Applicant, and the Notes will have other characteristics, including their negotiability, maturity, and minimum denomination, such as to qualify them for the exemption from registration under Section 3(a)(3) of the Securities Act of 1933 (the "1933 Act"). Furthermore, Applicant represents that the Notes will be prime quality, negotiable commercial paper of a type eligible for discount by Federal Reserve Banks, and the proceeds of the sale of the Notes (to the extent not applied to the repayment of maturing Notes or to the payment of current expenses) would be used by Applicant for current transactions as comtemplated by 1933 Act Release No. 4412. As a result, Applicant asserts, it will not be required to register the Notes under the 1933 Act. Applicant also asserts that it will not issue or sell any Notes until it has received an opinion of its special counsel in the United State that the Notes would be entitled to such exemption. Applicant states that it does not request Commission review or approval of such opinion letter.

Applicant also states that the proposed issue of the Notes and any future issue in the United States of its debt securities shall have received, prior to issuance, on the basis of the guarantee thereof by NWB, one of the three highest investment grade ratings from at least one of the nationally recognized investment rating organizations and that Applicant's special counsel in the United States shall have certified that such rating has been received. Applicant states that no such rating will be required to be obtained if, in the opinion of United States counsel for the Applicant, such counsel having taken into account the doctrine of integration for the purpose thereof, an exemption from registration is available with respect to such issue under Section 4(2) of the 1933 Act.

According to Applicant, the Notes will be issued and sold in large ($100,000 minimum) denominations through commercial paper dealers. Applicant states that it will secure an undertaking from each such dealer that Notes will be sold to institutional investors and other entities and individuals who normally purchase commercial paper and will not be offered for sale to the general public. Applicant states that it will provide each such dealer with sufficient information to prepare, and will undertake to insure that each dealer will provide each offeree of the Notes with, a memorandum (the "offering memorandum") which describes the business of NWB, the NWB Group, and Applicant and contains the most recently published financial statements of the NWB Group and Applicant audited in accordance with United Kingdom and Canadian auditing practices, respectively. In addition, it is represented that the offering memorandum will include brief paragraphs highlighting the material differences between generally accepted accounting principles employed by United States banks and (i) United Kingdom accounting principles applicable to United Kingdom Clearing Banks and used by NWB and (ii) Canadian accounting principles applicable to Canadian banks and used by the Applicant, as well as any other information that would be required by the NWB Order. Applicant asserts that the offering memorandum will be at least as comprehensive as those customarily used by United States issuers in offering commercial paper in the United States and will be updated periodically to reflect material changes in the business or financial status of the NWB Group or Applicant. The Applicant consents to any order granting the relief requested being expressly conditioned upon the compliance by NWB and the Applicant with the foregoing.

The application states that the Notes will be direct liabilities of Applicant, and will rank *pari passu* among themselves and with all other unsecured unsubordinated indebtedness (including deposit liabilities) of Applicant and superior to rights of shareholders. The guarantee by NWB as to payment of principal of and interest on the Notes will rank *pari passu* with all other unsecured unsubordinated indebtedness (including deposit liabilities) of NWB and superior to rights of shareholders.

Applicant states that NWB and Applicant will each expressly submit to the jurisdiction of New York State and United States Federal courts sitting in The City of New York for the purpose of any suit, action, or proceeding brought on the Notes or the guarantees or with

respect to the offer and sale of Notes by means of the offering memorandum, and in that connection, will each appoint the issuing agent (a bank or trust company having an office in New York City) or a corporation with an office in New York City engaged in providing corporate services for lawyers as agent to accept service of process in any action based on the Notes or the guarantees or with respect to the offer and sale of the Notes by means of the offering memorandum and instituted in any State or Federal court by the holder of any Note. Applicant further states that such appointments of an agent to accept service of process and such consents to jurisdiction shall be irrevocable until all amounts due and to become due in respect of the Notes and the guarantees have been paid.

Applicant states that it may, from time to time, offer and sell in the United States debt securities other than the Notes but will not offer or sell equity securities. According to Applicant, in the case of any such offering in the United States, the payment of principal and premium, if any, and interest on any such debt securities will be unconditionally guaranteed by NWB. Applicant undertakes to provide to any person to which it offers its debt securities in the United States (and undertakes to assure that any underwriter or dealer through whom it makes such offers will provide to each person to whom such offers are made) disclosure documents which are at least as comprehensive in their description of Applicant and NWB as those which may be used by United States issuers in U.S. offerings of such securities and which contain the financial statements of Applicant and the NWB Group and will be updated periodically to reflect material changes in the business or financial status of Applicant or the NWB Group. Applicant consents to any Commission order being expressly conditioned on its compliance with the foregoing undertaking. The application states that, in connection with any future offering by Applicant of debt securities in the United States, Applicant and NWB will each appoint an agent to accept service of process in any suit, action, or proceeding brought on the debt securities or the guarantees of NWB and instituted in any State or Federal court by the holder of any debt securities. The application further states that Applicant and NWB will each expressly submit to the jurisdiction of the New York State and United States Federal courts sitting in The City of New York with respect to any such suit, action, or proceeding. According to the application, such appointments of an agent to accept service of process and such consents to jurisdiction shall be irrevocable until all amounts due and to become due in respect of such debt securities and such guarantees have been paid.

Section 6(c) of the Act empowers the Commission to grant an exemption from the provisions of the Act when such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that, in addition to exempting NWB from the provisions of the Act, thereby entitling it directy to sell debt securtities in the United States, the Commission has also exempted NatWest Capital Corporation ("NatWest Capital"), a wholly-owned Delaware subsidiary of NWB, from the provisions of the Act, thereby entitling it to sell debt securities in the United States bearing the unconditional guarantee of NWB. According to Applicant, in so doing, the Commission has acknowledged that both such exemptions meet the statutory criteria. Applicant asserts that, although it is a Canadian chartered bank offering wholesale banking services and is therefore not a mere vehicle for the sale of securities of NWB, the analysis of its application should be the same as that for NatWest Capital because all of its proposed Notes or other debt securities (together, the "Securities") will be unconditionally guaranteed by NWB. Applicant asserts that, as in the case of the NatWest Capital application, the unconditional guarantee of NWB has the effect that the holders of Securities would look to NWB as the ultimate obligor, and the terms of the NWB guarantees—for example, whether such guarantees have senior or subordinated status—would determine the nature of the investment, although any Securities would also be senior to the stock of Applicant. For these reasons, Applicant asserts, the purchase of Securities issued and sold by Applicant would be the equivalent of purchasing obligations of NWB. Accordingly, Applicant asserts that the same policy considerations pursuant to which the Commission approved the NWB and NatWest Capital exemptions should apply in its case, and the requested exemption should be granted.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 6, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14945 Filed 5-31-83; 8:45]

BILLING CODE 8010-01-M

[Release No. 13264; 812-5533]

Sears Government Investment Trust, et al., Filing of Application for an Order of Exemption

May 23, 1983.

Notice is hereby given that Sears Government Investment Trust, GNMA Portfolio Series 1 and all subsequent and similar series of Trusts ("Trusts"), and their sponsor, Dean Witter Reynolds Inc. ("Sponsor") (Trusts and Sponsor hereinafter collectively referred to as "Applicants"), Unit Investment Trust Department, 5 World Trade Center, New York, NY 10048, filed an application on April 22, 1983, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting them from the provisions of Section 22(d) of the Act to the extent necessary to permit them to establish a reinvestment program ("Reinvestment Program" or "Program"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of Section 22(d).

The application states that the Trusts are unit investment trusts. Applicants assert that the sponsor intends to act as sponsor of Sears Government Investment Trust, GNMA Portfolio Series 1, and for all subsequent and similar series of Trusts. Subsequent Trusts to be included in the requested order will meet the description of such Trusts in the application; similar Trusts will be structured in the same manner, but may contain different types or

maturities of debt obligations ("Securities") and in some cases, units of previously issued series of Trusts.

The application states that Sears Government Investment Trust, GNMA Portfolio Series 1 is, and each future Trust will be, governed by a trust indenture ("Indenture") under New York law and a Standard Terms and Conditions of Trust ("Agreement") for that Trust (hereinafter collectively referred to as the "Indenture and Agreement"), under which the Sponsor will act as Depositor, United States Trust Company of New York will act as Trustee and Interactive Data Services, Inc., will act as Evaluator. The Sponsor will initially deposit $1,000,000 or more face amount of mortgage-backed securities of the modified pass-through type fully guaranteed as to principal and interest by the Government National Mortgage Association ("Ginnie Maes") with the Trustee in exchange for certificates representing ownership of all the units of fractional undivided interest ("Units") of the Trust. With the initial deposit, a percentage relationship is established between the principal amounts of Ginnie Maes in the protfolio having specified interest rates and ranges of maturities. According to the application, the Indenture and Agreement permit the Sponsor to make subsequent deposits of Ginnie Maes in exchange for additional Units provided the original percentage relationship is maintained so far as is practicable. Such Units may then be sold by the Sponsor at the then current public offering price (which includes a sales charge of 3.50%).

The application states that the Sponsor proposes to offer a Reinvestment Program as follows: monthly distributions to Certificateholders of interest and principal would be used by the Trustee to acquire additional Units of the same series issued in respect to subsequent deposits of Securities at the price (about $1 per Unit) based on the offering side evaluation of the portfolio of such series computed at the close of business of the distribution date plus a reduced sales charge of 2.90% of the public offering price and accrued interest. According to Applicants, holders of Units purchased at any time would normally receive cash, but would be given an opportunity to participate in the Program by notifing the Trustee in writing at least 10 days before the first record date to which such election is to apply. A notice recieved less than ten days before a record date will become effective commencing with the second succeeding distribution. Appliants further state that a Certificateholder who chooses to participate in the Program would elect to reinvest distributions of interest and principal on his Units, and such elections must apply to all of his Units of that series. Each prospectus will contain a reply card to facilitate making such election. Elections unless specified otherwise will continue as to all subsequent distributions until changed upon similar notice to the Trustee. As each Program participant will receive a prospectus describing the series and the Program, new prospectuses would be sent only when updated to Certificateholders participating in the Program. A confirmation of each purchase made under the Reinvestment Program will be sent to the Certificateholder monthly. Both the Sponsor and the Trustee reserve the right to suspend, modify or terminate the Program at any time. All participants in the Reinvestment Program at such time would be promptly notified of any such action.

The application represents that Applicants believe that the proposed 2.90% sales charge is proper and fully justified. In support of their request to permit a reduced charge on purchases of units under the Program, Applicants maintain that such a charge benefits participants in the Reinvestment Program while also passing along certain savings in selling costs under the Program.

According to the application, Applicants' experience demonstrates that the interests of investors are generally better served when their account executives are offered appropriate financial incentives. Participants in the Reinvestment Program may seek professional advice both as to the basic operation of the Reinvestment Program as well as changes which may become advisable from time to time because of altered financial situations or investment objectives. The account executive may also be more willing to take the time to help an investor expedite any changes in instructions as to participation in the Reinvestment Program and to assure better service with respect to reinvestment if he is compensated for such services than if he is asked to perform his professional services without compensation.

Furthermore, Applicants maintain that the expenses of unit trusts are significantly lower than those of mutual funds. An open-end investment company, such as one that might be formed to act as a reinvestment vehicle for the Trust (the portfolio of which is constantly changing), would have significant additional administrative expenses not incurred by a unit trust (the portfolio of which is fixed). In a unit investment trust, many of these expenses are not incurred and others are assumed by the underwriters out of the sales charge. Applicants maintain that this substantial difference in expenses should, over time, by itself compensate for the proposed 2.90% sales charge on reinvestments.

In addition, Applicants state that some portion of a mutual fund's assets is frequently held in cash or lower yielding short-term securities to meet redemptions. If a unit investment trust is used as a reinvestment vehicle, there will be virtually no need to hold assets aside for redemption, since the Sponsor proposes to maintain a secondary market in the Units at a price above the redemption price. Therefore, the unit investment trust will be able to be fully invested in Ginnie Maes which are higher yielding securities than the cash or short-term securities held by mutual funds.

Applicants further represent that a participant in the Reinvestment Program will be able to maintain his investment in the same portfolio of securities, so that his risk and investment performance will not be altered. Applicants assert that this is truly "reinvestment," not a mere general equivalency of investment in the same general types of securities which may have a great variety of different coupon rates and maturities. The anticipated rate of return from a unit investment trust is also more predictable than that of a mutual fund because the portfolio of a unit investment trust is fixed.

In order to provide the professional services in connection with operation of the Program described earlier, Applicants believe that compensation to the soliciting broker is a reasonable and justifiable expense. However, in recognition that the broker will already have made the initial customer solicitation, ascertained the customer's financial requirements, and counseled him on the general attributes of the Series, Applicants propose that this compensation be at a reduced level. Accordingly, on the sale of Units under the Reinvestment Program, members of the National Association of Securities Dealers, Inc., would be accorded a price concession of 1.30% of the public offering price (approximately $13.00 per 1,000 Units as contrasted to a concession of $19.00 per 1,000 Units in primary and secondary market purchases.)

In addition to the foregoing, Applicants represent that implementation of the Reinvestment

Program will give rise to certain special costs which reasonably should be borne by the participants therein. It is the Sponsor's belief that special out-of-pocket expenses related to the Program will amount to approximately 0.8% of the public offering price per Unit. Finally, under the Indenture and Agreement, the Sponsor is required to bear the expenses incurred in the initial offering of any Units, including offerings made upon subsequent deposits. Applicants anticipate that the normal out-of-pocket costs relating to subsequent deposits approximate 0.8% of the public offering price.

Therefore, the Sponsor submits that a sales charge of 2.90% of the public offering price (2.987%) of the net amount invested), instead of the 3.50% charge on primary and secondary distributions of Units, is warranted in that such charge should cover expenses related to professional financial assistance, the issuance and sale of Units and other expenses of the Reinvestment Program and yet give participants an opportunity to share in the cost savings realized by this method of reinvestment.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application, may, conditionally or unconditionally, exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

NOTICE IS FURTHER GIVEN that any interested person wishing to request a hearing on the application may, not later than June 17, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14647 Filed 5-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19799; File No. SR-NASD-82-15]

Self-Regulatory Organization; Proposed Rule Change By National Association of Securities Dealers, Inc.; Relating to NASD Interpretation on Free-Riding and Withholding

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) notice is hereby given that on August 26, 1982, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed amended rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

This Rule filing involves amendments to the Board of Governors Interpretation on Free-Riding and Withholding. New material is in italics and deleted materials in brackets.

Introduction

[No change]

Interpretation

[No change]

Scope and Intent of Interpretation

[No change]

Issuer Directed Securities

This Interpretation shall apply to securities which are part of a public offering notwithstanding that some or all of those securities are specifically directed by the issuer to accounts which are included within the scope of paragraphs (3) through (8) above. Therefore, if a person within the scope of those paragraphs to whom securities were directed did not have an investment history with the member or registered representative from whom they were to be purchased, the member would not be permitted to sell him such securities. Also, the "disproportionate" and "insubstantial" tests would apply as in all other situations. Thus, the directing of a substantial number of securities to any one person would be prohibited as would the directing of securities to such accounts which would be disproportionate as compared to sales to members of the public. This Interpretation shall also apply to securities which are part of a public offering notwithstanding that some of those securities are specifically directed by the issuer on a non-underwritten basis. In such cases, the managing underwriter of the offering shall be responsible for insuring compliance with this Interpretation in respect to those securities.

Notwithstanding the above, sales of issuer directed securities may be made to restricted persons without the required investment history after receiving permission from the Board of Governors. Permission will be given only if there is a demonstration of valid business reasons for such sales (such as sales to distributors and suppliers or key employees, who are in each case incidentially restricted persons), and the member seeking permisson is prepared to demonstrate that the aggregate amount of securities so sold is insubstantial and not disproportionate as compared to sales to members of the public, and that the amount sold to any one of such persons is insubstantial in amount.

Investment Partnerships and Corporations

A member may not sell securities of a public offering which immediatedly after the distribution process is commenced, trade at a premium in the secondary market ("hot issue"), to the account of any investment partnership or corporation, domestic or foreign, (except companies registered under the Investment Company Act of 1940) including but not limited to, hedge funds, investment clubs, and other like accounts unless the member receives from such account, prior to the execution of the transaction, the names and business connections of all persons having any beneficial interest in the account, and if such information discloses that any person enumerated in paragraphs (1) through (4) hereof has a beneficial interest in such account, any sale of securities to such account must be consistent with the provisions of this Interpretation; provided, however, that of the disclosure if such information by the account is prohibited by law, then in such case, the member must receive written assurance from the account that no person enumerated in paragraphs (1) through (4) hereof has a beneficial interest in such account. *The term beneficial interest means not only ownership interests, but every type of*

direct financial interest of any persons enumerated in paragraphs (1) through (4) hereof in such account, including, without limitation, management fees based on the performance of the account.

Violations by Recipient

In those cases where a member or person associated with a member has been the recipient of securities of a public offering to the extent that such violated the Interpretation, the member or person associated with a member shall be deemed to be in violation of Article III, Section 1 of the Rules of Fair Practice and this Interpretation as well as the member who sold the securities since their responsibility in relation to the public distribution is equally as great as that of the member selling them. In those cases where a member or a person associated with a member has caused, directly or indirectly, the distribution of securities to a person falling within the restrictive provisions of this Interpretation *the member or person associated with a member* [he] shall also be deemed to be in violation of Article III, Section 1 of the Rules of Fair Practice and this Interpretation. Receipt by a member or a person associated with a member or a person associated with a member of securities of a hot issue which is being distributed by an issuer itself without the assistance of an underwriter and/or selling group is also intended to be subject to the provisions of this Interpretation.

Violations by Registered Representative Executing Transaction

The obligation which members have to make a bona fide public distribution at the public offering price of securities of a *hot issue* [which immediately after the distribution process is commenced trade at a premium in the secondary market ("hot issue"), as stated above], is also an obligation of every person associated with a member who causes a transaction to be executed. Therefore, where sales are made by such persons in a manner inconsistent with the provisions of this Intepretation, such persons associated with a member will be considered equally culpable with the member for the violations found taking into consideration the facts and circumstances of the particular case under consideration.

Disclosure

The fact that a disclosure is made in the prospectus or offering circular that a sale of securities would be made in a manner inconsistent with this Interpretation does not take the matter out of its scope. In sum, therefore, disclosure does not affect the proscriptions of this Interpretation.

Explanation of Terms

The following explanation of terms is provided for the assistance of members. Other words which are defined in the By-Laws and Rules of Fair Practice shall, unless the context otherwise requires, have the meaning as defined therein.

Public Offering

The term public offering shall mean all distributions of securities whether underwritten or not; whether registered, unregistered or exempt from registration under the Securities Act of 1933, and whether they are primary or secondary distributions, including intrastate distributions and Regulation A issues, which sell at an immediate premium, in the secondary market. It shall not mean exempted securities as defined in Section 3(a)(12) of the Securities Exchange Act of 1934.

Immediate Family

The term immediate family shall include parents, mother-in-law or father-in-law, husband or wife, brother or sister, brother-in-law or sister-in-law, *son-in-law or daughter-in-law,* and children. *In addition, the term shall [also] include* any *other person* [relative to whose support the member, person associated with the member], *who is supported, directly or indirectly, to a material extent by the member, person associated with the member* or other person *specified in paragraphs (2), (3), or (4) above. [in categories (2), (3) or (4) above, contribute directly or indirectly.]*

Normal Investment Practice

Normal investment practice shall mean the history of investment of a restricted person in an account or accounts maintained with the member making the allocation. In cases where an account was previously maintained with another member, but serviced by the same registered representative as the one currently servicing the account for the member making the allocation, such earlier investment activity may be included in the restricted person's investment history. Usually the previous one-year period of securities activity is the basis for determining the adequacy of a restricted persons's investment history. Where warranted, however, a longer or shorter period may be reviewed. It is the responsibility of the registered representative effecting the allocation, as well as the member, to demonstrate that the restricted persons's investment history justifies the allocation of hot issues. Copies of customer account statements or other records maintained by the registered representative or the member may be utilized to demonstrate prior investment activity. In analyzing a restricted person's investment history the Association believes the following factors should be considered:

(1) The frequency of transactions in the account or accounts during that period of time. Relevant in this respect are the nature and size of investments.

(2) A comparison of the dollar amount of previous transactions with the dollar amount of the hot issue purchase. If a restricted person purchases $1,000 of a hot issue and his account revealed a series of purchases and sales in $100 amounts, the $1,000 purchase would not appear to be consistent with the restricted person's normal investment practice.

(3) The practice of purchasing mainly hot issues would not constitute a normal investment practice. The Association does, however, consider as contributing to the establishment of a normal investment practice, the purchase of new issues which are not hot issues as well as secondary market transactions.

Disproportionate

In respect to the determination of what constitutes a disproportionate allocation, the Association uses as a guideline 10% of the member's participation in the issue, however acquired. It should be noted, however, that the 10% factor is merely a guideline and is one of a number of factors which are considered in reaching determinations of violations of the Interpretation on the basis of disproportionate allocations. These other factors include, among other things: The size of the participation; the offering price of the issue; the amount of securities sold to restricted accounts; and, the price of the securities in the aftermarket.

It should be noted that disciplinary action has been taken against members for violations of the Interpretation where the allocations made to restricted accounts were less than 10% of the member's participation. The 10% guideline is applied as to the aggregate of the allocations.

Notwithstanding the above, a normal unit of trading (100 shares or 10 bonds) will in most cases not be considered a disproportionate allocation regardless of the amount of the member's participation. This means that if the aggregate number of shares of a member's participation which is allocated to restricted accounts does not exceed a normal unit of trading, such

allocation will in most cases not be considered disproportionate. For example, if a member receives 500 shares of a hot issue, he may allocate 100 shares to a restricted account even though such allocation represents 20% of that member's participation. Of course, all of the remaining shares would have to be allocated to unrestricted accounts and all other provisions of the Interpretation would have to be satisfied. Specifically, the allocation would have to be consistent with the normal investment practice of the account to which it was allocated and the member would not be permitted to sell to restricted persons who were totally prohibited from receiving hot issues.

Insubstantiality

This requirement is separate and distinct from the requirements relating to disproportionate allocations and normal investment practice. In addition, this term applies both to the aggregate of the securities sold to restricted accounts and to each individual allocation. In other words, there could be a substantial allocation to an individual account in violation of the Interpretation and yet be no violation on that ground as to the total number of shares allocated to all accounts. The determination of whether an allocation to a restricted account or accounts is substantial is based upon, among other things, the number of shares allocated and/or the dollar amount of the purchase.

[Definitions]

[Where possible, the terms of any interpretation should be defined specifically, but it would be unwise and impractical to attempt to define every word in an interpretation which is based upon business ethics. However, the terms "public offering," and "immediate family" and "normal investment practice" shall hve the meaning for purposes of this Interpretation as stated hereafter. Other words which are defined in the By-Laws and Rules of Fair Practice shall, unless the context otherwise requires, have the meaning as defined therein.]

[Public Offering]

[The term public offering shall mean all distributions of securities whether underwritten or not; whether registered, unregistered or exempt from registration under the Securities Act of 1933, and whether they are primary or secondary distributions, including intrastate distributions and Regulation A issues, which sell at an immediate premium, in the secondary market. It shall not mean exempted securities as defined in Section 3(a)(12) of the Securities Exchange Act of 1934.]

[Immediate Family]

[The term immediate family shall include parents, mother-in-law or father-in-law, husband or wife, brother or sister, brother-in-law or sister-in-law, children and or any other relative to whose support the member, person associated with the member, or other person in categories (2), (3) or (4) above contributes directly or indirectly.]

[Normal Investment Practice]

["Normal investment practice" shall mean the history of investment in an account with the member. Such history must include purchases with some regularity. If such history discloses a practice of purchasing mainly "hot issues" such record would not constitute a "normal investment practice" as used in this Interpretation.]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The NASD is amending its interpretation on Free-Riding and Withholding to incorporate certain clarifications of its interpretation previously made known to the membership in Notices to Members in addition to other amendments which are responsive to inquiries received during the last few years. Of particular interest are clarifications to the definitions of: beneficial interest in investment partnerships, substantial and disproportionate, immediate family and normal investment practice. Also, included is a provision whereby the Board of Governors will respond to inquiries involving issuer directed securities that result in hot issues being directed to restricted individuals. The Board of Governors authority for amending these provisions is found in Sections 15A(b) (6) and (8) of the Securities Exchange Act of 1934.

B. *Self-Regulatory Organization's Statement on Burden on Competition.* The NASD does not believe the clarifying provisions impose any burden on competition not necessary or appropriate. Those provisions which expand the scope of restricted persons are considered necessary and appropriate to enforce just and equitable principles of trade, even though such would limit trading with certain individuals or entities.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* In response to this matter six comment letters were received. They are hereafter referred to as letters 1 through 6.

Letter 1 suggested that paragraph 3 of the Interpretation which restricts finders and others acting in a fiduciary capacity to the managing underwriter was too broad in that it could be interpreted to mean each person in a law or accounting firm involved in the underwriting. The Board recognized that broad interpretation but believed there is adequate flexibility for each District Business Conduct Committee to deal with such situations on a case-by-case basis.

Disagreement was also voiced with the Board's "not disproportionate" designation of normal unit of trading allocations to restricted accounts. It was suggested that a fluid measurement for purposes of meeting the disproportionate test might better accommodate situations where standard customer investments exceed 100 shares. The comment iterated concern for flexible applications of insubstantiality guidelines, as well, based upon typical customer investment units that vary among firms. The Board recognized that the tests will differ as to individual firms, but believes that a firm may feel safe in providing 100 shares to any customer unless that 100 shares is considered substantial. This letter also questioned the Board's approach to hedge funds managed on a performance basis by restricted personnel. The Board found no reason to modify its restriction on investment partnership managers and its reasoning is further explained in response to Letter 2.

Letter 2 was also critical of the restriction on investment partnership managers whose restricted managers earn a management fee based on account performance. The author states in part that it is "a distortion of free enterprise" to reject an investment if the issue is a hot new issue "and accept his investment if the issue does not appreciate to a certain level." The Board

does not accept this characterization of its policy. The amendment by the Board is designed to reflect the Board's belief that a restricted person cannot benefit indirectly by purchasing hot issues for a managed account while he is being compensated according to the performance of that account. The free enterprise system allows such managed accounts to be: (1) managed by non-restricted personnel, or (2) managed by restricted personnel who are paid on other than a performance basis.

Letter 3 raised the question of what happens when an offering unexpectedly becomes hot and the distribution included restricted persons. The Board has considered this possibility on numerous occasions and has determined that it can only be handled on a case-by-case basis. In some instances it may be necessary to break the trades with the restricted persons.

Letter 4 raised the same question about managed accounts raised in letters 1 and 2. It suggested "the proposed rule change be expanded to expressly permit the purchase of a "hot issue" by advisory client[s] under management with an investment advisor so long as no other restricted personnel have beneficial interests in the account." For the reasons previously stated, the Board chose to maintain the language initially proposed.

Letter 5 suggested a number of technical changes which were for the most part accepted.

Letter 6 suggested language relating to the application of Rule 10b–6 under the Act be included in the Interpretation. The Board took the matter under study and will consider amending the Interpretation at a later date.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such propose rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Georger A. Fitzsimmons,

Secretary.

[FR Doc. 83–14644 Filed 5–31–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19794; SR–Amex–83–11; SR–CBOE–83–9]

American Stock Exchange, Inc. and Chicago Board Options Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 27, 1983 and on May 4, 1983, respectively, the American Stock Exchange, Inc. ("Amex") 86 Trinity Place, New York, NY 10006 and the Chicago Board Options Exchange Incorporated ("CBOE") LaSalle at Jackson, Chicago, Ill., 60604, filed with the Securities and Exchange Commission the proposed rule changes described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule changes would extend the operation of temporary rules, and postpone for six months the effective date of certain permanent rules relating to branch office supervision and the testing of Registered Options Principals ("ROPs") and Branch Office Managers ("BOMs") engaging in activities relating to debt options. Under the proposed rule change, the new effective date of the permanent rules would be October 24, 1983. At that time all Registered Representatives ("RRs") and ROPS handling debt options transactions for customers would be required to have passed a "Series 5" examination (under the temporary rules, examinations are required only of RRs); all discretionary orders in discretionary accounts would require approval of a BOM or ROP who has passed both the debt and equity options exams, and the principal supervisor of each branch office where more than three RRs engage in debt option transactions would be required to have qualified as a ROP as to both debt and equity options.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule changes within 21 days from the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, 450 Fifth Street, Washington, D.C. 20549. Reference should be made to File No. SR–Amex–83–11 and SR–CBOE–83–9.

Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule changes which are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room Copies of the filings and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof, in that the period allowed by current Amex and CBOE rules for members to operate under temporary rules has elapsed, and, because trading volume in the debt options has been relatively modest to date, exchange members have been unable to devote the efforts expected to debt options operations. Approval of the proposed rule change at this time will

afford member firms six additional months to comply with the new rules.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes referenced above be, and hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14643 Filed 5-31-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements under OMB Review

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before June 30, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

COPIES: Copies of the proposed form, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

AGENCY CLEARANCE OFFICER: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538.

OMB REVIEWER: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395-4814.

FORMS SUBMITTED FOR REVIEW:

Title: Record of Hotline Call.
Form No.: CO 266
Frequency: On Occasion.
Description of Respondents: Individuals wishing to advise SBA's Office of Inspector General of possible areas for investigation, including suspected fraud, waste, and abuse.
Annual Responses: 1,000.
Annual Burden Hours: 250.
Type of Request: New.

Title: Liability Certificate.
Form No.: SBA 856.
Frequency: Annually.
Description of Respondents: Small Business Investment Companies during audits by SBA Office of Inspector General.
Annual Responses: 500.
Annual Burden Hours: 500.
Type of Request: New.

Title: Financial Institution Confirmation Request.
Form No.: SBA 860.
Frequency: Annually.
Description of Respondents: Banks, Savings and Loans, and similar financial institutions during audits by SBA Office of Inspector General.
Annual Responses: 1,500.
Annual Burden Hours: 750.
Type of Request: New.

Title: Questionnaire for Company Doing Business with a Section 503 Development Company.
Form No.: SBA 1302.
Frequency: On Occasion.
Description of Respondents: Section 503 development company clients during audits by SBA Office of Inspector General.
Annual Responses: 720.
Annual Burden Hours: 1,440.
Type of Request: New.

Title: Questionnaire for Section 503 Development Company.
Form No.: SBA 1301.
Frequency: On Occasion.
Description of Respondents: Section 503 development companies used during audits by SBA Office of Inspector General.
Annual Responses: 90.
Annual Burden Hours: 180.
Type of Request: Annually.

Title: Request for Information Concerning Portfolio Financing.
Form No.: SBA 857, 858.
Frequency: Annually.
Description of Respondents: Individuals who complete forms for small business concerns during audits of small business investment companies.
Annual Responses: 2,403.
Annual Burden Hours: 2,221.
Type of Request: New.

Title: Management Assistance Control Board.
Form No.: SBA 1062.
Frequency: On Occasion.
Description of Respondents: Counselors completing the reporting form and providing data on the client and/or the counseling assistance provided.
Annual Responses: 450,000.
Annual Burden Hours: 90,000.
Type of Request: New.

Title: Retention of Books and Records on and Evidence of Use of Disaster Loan Proceeds.
Form No.: N/A.
Frequency: On Occasion.
Description of Respondents: Individuals and businesses receiving disaster loans of $5,000 or more.
Annual Responses: 3,750.
Annual Burden Hours: 3,750.
Type of Request: New.

Dated: ——— —, 1983.

Elizabeth M. Zaic,

Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 83-14512 Filed 5-31-83; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 106
Wednesday, June 1, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Communications Commission	1, 2
Federal Mine Safety and Health Review Commission	3
Federal Reserve System	4
National Labor Relations Board	5
Securities and Exchange Commission	6

1

FEDERAL COMMUNICATIONS COMMISSION

May 26, 1983.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, June 2, 1983, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Memorandum Opinion and Order addressing the Petition for Reconsideration filed by M/A-COM Corporation. *Summary:* The Commission will consider the merits of the Petition for Reconsideration of the Report and Order in Docket 81–415. The Petition requested a relaxation of the frequency tolerance specification for the TV Auxiliary Broadcast Stations operating in the 38.6–40 GHz band.

General—2—*Title:* Implementation of the Final Acts of the World Administrative Radio Conference Geneva 1979. *Summary:* The FCC will consider amendment of Part 2 of its Rules to implement domestically radio frequency spectrum allocations in the 11.7–12.2 GHz band adopted by the 1979 World Administrative Radio Conference.

Common Carrier—1—*Title:* Third Notice of Proposed Rulemaking and Order in Docket No. CC 81–216. *Summary:* The Commission is considering revisions to Part 68 of the Rules to accommodate registration of equipment for direct connection to AT&T's Dataphone Digital Service, and inclusion of RM–4054 in this docket.

Common Carrier—2—*Title:* In the matter of the Application of GTE Corporation and Southern Pacific Company for Consent to Transfer Control of Southern Pacific Communications Company and Southern Pacific Satellite Company. *Summary:* The Commission will deteremine whether or not to grant the application for transfer of control to GTE of SP's or its subsidiaries' domestic and satellite radio licenses and 214 service authorizations.

Common Carrier—3—*Title:* In the Matter of Inquiry into the Policies to be Followed in the Authorization of Common Carrier Facilities to Meet Pacific Telecommunications Needs During the Period 1981–1995. *Summary:* The Commission will consider whether to grant a petition filed by Hawaiian Telephone Co. for partial reconsideration of its December 3, 1982, Report and Order setting forth the policies which will govern the authorization of facilities in the Pacific through 1986.

Common Carrier—4—*Title:* Petition for Reconsideration of GTE Satellite Corporation, 90 FCC 2d 1009 (1982). *Summary:* The Commission will consider whether to grant the petition for reconsideration filed by United States Satellite Broadcasting Company requesting rescission of the grant or imposition of a condition on the grant of GSAT's application to lease transponders on a Canadian satellite.

Common Carrier—5—*Title:* In the Matter of the Consolidated Capitalization Plan for 1983–1985 of the Communications Satellite Corporation (Comsat). *Summary:* The Commission will consider whether to authorize Comsat to implement its consolidated Capitalization Plan for financing the activities of Comsat and its various subsidiaries during the years 1983–1985. Comsat's request for authority was filed pursuant to Section 201(c)(8) of the Communications Satellite Act of 1962.

Video—1—*Title:* Request of Broadcast Corporation of Georgia (WVEU(TV)), Channel 69, Atlanta, Georgia, for authority to resume full power operation. *Summary:* The Commission will consider what measures may be utilized by WVEU(TV), to eliminate interference to land mobile licensees in Atlanta, Georgia, thereby, allowing WVEU(TV) to resume full power operations.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: May 26, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–775–83 Filed 5–27–83; 12:46 pm]

BILLING CODE 6712–01–M

2

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From May 26th Closed Meeting

May 25, 1983.

The following item has been deleted from the list of agenda items scheduled for consideration at the May 26, 1983, Closed Meeting and previously listed in the Commission's Notice of May 19, 1983.

Agenda, Item No., and Subject

Hearing—3—Court remand of the RKO General, Inc., Fidelity Television, Inc., comparative television renewal proceeding (Docket Nos. 16679–16680).

Issue: May 25, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–776–83 Filed 5–27–83; 12:46 pm]

BILLING CODE 6712–01–M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

May 25, 1983.

TIME AND DATE: 10 a.m., Wednesday, June 1, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Inverness Mining Company, Docket No. LAKE 81–45. (Issues include whether the judge appropriately approved a settlement motion.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–773–83 Filed 5–27–83; 12:02 pm]

BILLING CODE 6735–01–M

4

FEDERAL RESERVE SYSTEM

BOARD OF GOVERNORS

TIME AND DATE: 10 a.m. Monday, June 6, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments. (This item was originally announced for a meeting on June 1, 1983.)

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: May 27, 1983.

James McAfee,

Assistant Secretary of the Board.

[S–777–83 Filed 5–27–83; 3:13 pm]

BILLING CODE 6210–01–M

5

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 10 a.m., Friday, May 27, 1983.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue NW.

STATUS: Closed to public observation pursuant to 5 U.S.C. 552b(c)(2) (internal personnel rules and practices), and (c)(10) (specifically concern * * * the agency's participation in a civil action or proceeding, * * *).

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570, Telephone: (202) 254–9430.

Dated: Washington, D.C., May 26, 1983

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S–772–83 Filed 5–27–83; 11:19 am]

BILLING CODE 7545–01–M

6

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 22677, May 19, 1983.

STATUS: Closed/open meetings.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, May 16, 1983.

CHANGE IN THE MEETING: Additional item/deletion. The following additional item will be considered at a closed meeting scheduled for Wednesday, May 25, 1983, at 10 a.m.:

Settlement of an injunctive action.

The following item will not be considered at an open meeting scheduled for Thursday, May 26, 1983, at 10:00 a.m.:

Consider of whether to allow, or under what conditions to allow, the use of letters of credit: (1) As "cover," in lieu of margin, when establishing short options positions in foreign currency or stock index options; (2) as collateral for secured demand notes made by subordinated lenders contributing capital to broker-dealers; and (3) as margin deposits required by the Options Clearing Corporation for certain aggregate short or exercised options positions of participants. For further information, please contact Thomas V. Sjoblom at (202) 272–7379.

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined that Commission business required the above change and that no earlier notice thereof was possible.

At the changes in Commission priorities require alterations in the scheduling of meeting items. For futher information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Bob Zutz at (202) 272–2091.

May 26, 1983.

[S–774–83 Filed 5–27–83; 12:27 pm]

BILLING CODE 8010–01–M

OL
48
ISS
1
0
6
JE
1
1983
UMI

federal register

Wednesday
June 1, 1983

Part II

Department of Health and Human Services

National Institutes of Health

Actions Under Guidelines for Research Involving Recombinant DNA Molecules

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, HHS.

ACTION: Notice of Actions Under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth actions taken by the Director, National Institute of Allergy and Infectious Diseases (NIAID), by authority of the Director, NIH, under the August 1982 NIH Guidelines for Research Involving Recombinant DNA Molecules (47 FR 38048).

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. William J. Gartland, Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6051.

SUPPLEMENTARY INFORMATION: Several major actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules are being promulgated today. These proposed actions were published for comment in the **Federal Register** of March 4, 1983 (48 FR 9436), and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on April 11, 1983. In accordance wth Section IV–C–1–b of the NIH Guidelines, these actions have been found to comply with the Guidelines and to present no significant risk to health or the environment.

Part I of this announcement provides background information on the actions. Part II provides a summary of the actions and additional announcements of the Director, NIAID.

Following this announcement, there appears in a separate section of the **Federal Register** the revised NIH Guidelines for Research Involving Recombinant DNA Molecules. These revised Guidelines differ from the previous version of the Guidelines promulgated on August 27, 1982 (47 FR 38048) by incorporating within them both the changes in the Guidelines which were recommended at the RAC meeting of October 25, 1982, and promulgated on January 10, 1983 (48 FR 1156), and April 15, 1983 (48 FR 16459), and the changes in the Guidelines which were recommended at the RAC meeting of April 11, 1983, and which are discussed in this announcement.

I. Decisions on Actions Under Guidelines

A. Field Testing of Genetically Engineered Plants—Addition of Appendix L

The RAC Working Group on Revision of the Guidelines at its January 21, 1983, meeting recommended that guidelines for field experimentation involving plants modified by recombinant DNA techniques be developed for consideration at the April 11, 1983, RAC meeting. The following changes in the Guidelines were proposed.

Section III–A–2 would be modified to read as follows:

III–A–2. Deliberate release into the environment of any organism containing recombinant DNA except certain plants as described in Section III–B–4–c.

A new section, III–B–4–c, would be added as follows:

III–B–4–c. Approval may be granted by the IBC with notification to ORDA for growing plants containing recombinant DNA in the field under the following guidelines:

III–B–4–c–1. The plant species is an annual cultivated crop of a genus that has no species known to be a noxious weed,

III–B–4–c–2. The introduced DNA consists of well characterized genes containing no sequences harmful to humans, animals, or plants. Antibiotic resistance genes may be introduced as selectable marker traits if stable integration into the host DNA is known to occur,

III–B–4–c–3. The vector consists of DNA from (i) exempt host-vector systems (Appendix C); (ii) plants of the same or closely related species; (iii) non-pathogenic prokaryotes or non-pathogenic lower eukaryotic plants; (iv) plant pathogens if known sequences causing disease symptoms have been deleted; or (v) DNA constructed from specific sequences of any of the above sources.

The DNA may be introduced by any suitable method but if co-infection or co-cultivation is utilized absence of the assisting organism must be demonstrated.

III–B–4–c–4. Plants are grown in control access fields under specified conditions appropriate for the plant under study in the geographical location. Such conditions should include provisions for using good cultural and pest control practices, for physical isolation from plants of the same species outside of the experimental plot in accordance with pollination characteristics of the species, and for preventing plants containing recombinant DNA from becoming established in the environment. Review of the IBC should include an appraisal by scientists knowledgeable in the crop, its production practices, and the local geographic conditions.

The proposal was published in the March 4, 1983, **Federal Register** (48 FR 9436). During the comment period, one comment was received which was distributed to the RAC.

The current Guidelines require not only IBC approval, but also RAC review and NIH approval of "deliberate release into the environment of any organism containing recombinant DNA." The proposal would have changed this so that, provided they met certain criteria, growing plants containing recombinant DNA in the field could proceed without RAC review and NIH approval, with only IBC approval and notification to ORDA.

The RAC considered the proposal at its April 11, 1983, meeting and discussed it extensively. The RAC made several modifications in the specific criteria as the result of scientific considerations. The RAC also modified the procedural aspects of the proposal, recommending that the paragraphs proposed to be added as Section III–B–4–c instead be incorporated into a new appendix, which would require review and approval of experiments both by the Institutional Biosafety Committee (IBC) and also a RAC Plant Working Group. The RAC then voted twelve in favor, six opposed, and two abstentions, to incorporate the proposal as modified into the Guidelines.

An alternative motion to allow such experiments to be approved by the local IBC only without the necessity for review by the RAC Plant Working Group failed to pass by a vote of eight in favor, eleven opposed, and one abstention.

The exact wording of parts of Appendix L below was developed by NIH staff subsequent to the RAC meeting based on the recommendations made at the RAC meeting. The United States Department of Agriculture (USDA) Recombinant DNA Committee has reviewed the RAC recommendation, including the proposed wording for Appendix L given below, and has endorsed their adoption.

I accept the recommendations of the RAC and the USDA Recombinant DNA Committee, and the following changes are incorporated into the Guidelines:

Section III-A-2 would be amended to read as follows:

Deliberate release into the environment of any organism containing recombinant DNA, except certain plants as described in Appendix L.

A new appendix, Appendix L, would be added as follows:

Appendix L. *Release Into the Environment of Certain Plants.*

Appendix L-I. *General Information.*

Appendix L specifies conditions under which certain plants, as specified below, may be approved for release into the environment. Experiments in this category cannot be initiated without submission of relevant information on the proposed experiment to NIH, review by the RAC Plant Working Group, and specific approval by NIH. Such experiments also require the approval of the IBC before initiation. Information on specific experiments which have been approved will be available in ORDA and will be listed in Appendix L-III when the Guidelines are republished.

Experiments which do not meet the specifications of Appendix L-II fall under Section III-A and require full RAC review and NIH and IBC approval before initiation.

Appendix L-II. *Criteria Allowing Review by the RAC Plant Working Group Without The Requirement for Full RAC Review.*

Approval may be granted by ORDA In consultation with the RAC Plant Working Group without the requirement for full RAC review (IBC review is also necessary) for growing plants containing recombinant DNA in the field under the following conditions:

Appendix L-II-A. The plant species is a cultivated crop of a genus that has no species known to be a noxious weed.

Appendix L-II-B. The introduced DNA consists of well-characterized genes containing no sequences harmful to humans, animals, or plants.

Appendix L-II-C. The vector consists of DNA (i) from exempt host-vector systems (Appendix C); (ii) from plants of the same or closely related species; (iii) from nonpathogenic prokaryotes or nonpathogenic lower eukaryotic plants; (iv) from plant pathogens only if sequences causing disease have been deleted, or (v) chimeric vectors constructed from sequences defined in (i) to (iv) above. The DNA may be introduced by any suitable method.

Appendix L-II-D. Plants are grown in controlled access fields under specified conditions appropriate for the plant under study and the geographical location. Such conditions should include provisions for using good cultural and pest control practices, for physical isolation from plants of the same species outside of the experimental plot in accordance with pollination characteristics of the species, and for preventing plants containing recombinant DNA from becoming established in the environment. Review by the IBC should include an appraisal by scientists knowledgeable of the crop, its production practices, and the local geographical conditions. Procedures for assessing alternations in and the spread of organisms containing recombinant DNA must be developed. The results of the outlined test must be submitted to and reviewed by the IBC. Copies must also be submitted to the RAC Plant Working Group.

Appendix L-III. *Specific Approvals.*

B. Release of Strains of Pseudomonas Syringae and Erwinia Herbicola.

Drs. Nickolas Panopoulos and Steven Lindow of the University of California, Berkeley, submitted a revised request to construct and release *Pseudomonas syringae* pv. *syringae* and *Erwinia herbicola* carrying *in vitro* generated deletions of all or part of the genes involved in ice nucleation for purposes of biological control of frost damage in plants. The aim of the experiments is to investigate possibilities for biological control of frost damage in plants.

Certain bacteria, such as *Pseudomonas syringae* and *Erwinia herbicola* cause nucleation of ice crystals. These bacteria are common plant epiphytes. A causal relationship has been established between frost damage on forst-senstive crop plants in the temperature range of 0° to −5°C, and the populations of ice nucleation active bacteria present on the plants. There are chemically induced mutants of *P. syringae* and *E. herbicola* that do not cause ice nucleation, and their effectiveness under field conditions has been demonstrated. The investigators now propose to construct deletion mutants for ice nucleation activity in prototype strains of *P. syringae* and *E. herbicola* and to evaluate their efficacy as bilogical competitors of naturally occuring populations of these bacteria. The investigators state that the advantages of such mutants compared to chemically induced equivalents are genetic stability and the absence of silent mutations which may adversely effect competitive fitness. Prior to the field applications, the investigators plan to test the mutant strains in a contained environment, such as growth chambers and greenhouse, to verify that they do not induce frost or other injury to plants, and that they are capable of colonizing leaves.

The RAC reviewed a similar proposal from these investigators at its October 25, 1982, meeting. The RAC had passed a motion recommending approval of the requested field tests. However, approval by NIH was deferred because of concerns raised at that meeting (48 FR 1158).

The Revised proposal was summarized in the March 4, 1983, **Federal Register** (48FR 9441). After the comment period, USDA received one letter urging the RAC to consider the request favorably.

The RAC reviewed the revised proposal at the April 11, 1983, meeting. It was pointed out that the revised proposal responds to the concerns previously raised. The investigators propose to use chromosomal antibiotic resistance markers to monitor the strains. The revised proposal discusses several antibiotics not used in clinical medicine that could be tried, in addition to refamycin, for marking of the strains with chromosomal antibiotic resistance. The revised submission to conduct field testing at a single location, the University of California Field Station at Tulelake in Northern California, rather than six locations requested previously. The investigators noted that this site is geographically isolated from all major fruit tree and citrus growing regions of the state. It was pointed out at the RAC meeting that fields have already been sprayed with chemically induced (nonrecombinant DNA) mutant organisms. Also, it was noted that the populations of bacteria proposed to be released are approximately eight to ten orders of magnitude lower than you would find normally at any given time of year. With regard to an emergency plan described in the proposal, the RAC did not recommend spraying with antibotics to eliminate organisms; they recommended instead either burning or preferably burying the material. The RAC concluded that the investigators had satisfactorily answered the issues raised at the previous meeting and voted to recommend approval of the proposal excluding the use of antibiotics in emergency procedures. The vote was nineteen in favor, none opposed, and no abstentions.

The USDA Recombinant DNA Committee reviewed the proposal and recommended that it be approved.

I accept the recommendations of the RAC and the USDA Recombinant DNA Committee, and the following wording has been added to Appendix D:

Appendix D–X. Permission is granted to Drs. Steven Lindow and Nickolas Panopoulos of the University of California, Berkeley, to release under specified conditions

Pseudomonas syringae pv. *syringae* and *Erwinia herbicola* carrying *in vitro* generated deletions of all or part of the genes involved in ice nucleation.

C. Proposed Modification of Section III–B–5

The RAC Large-Scale Review Working Group, which met on October 26, 1982, forwarded to RAC without comment a proposal by Dr. Allan Waitz of DNAX Corporation (a wholly owned subsidiary of Schering-Plough Corporation) to amend Section III–B–5 of the NIH Guidelines. Section III–B–5 falls under that part of the Guidelines which defines experiments which require IBC approval before initiation. Section III–B–5 currently reads:

–B–5. *Experiments Involving More Than 10 Liters of Culture.* The appropriate containment will be decided by the IBC. Where appropriate, the large-scale containment recommendations of the NIH should be used (45 FR 24968).

Dr. Waitz said greater flexibility in scale-up procedures would be gained if the IBC could be notified simultaneously with initiation of large-scale procedures involving *E. coli* K–12, *Saccharomyces cerevisiae* and *Bacillus subtilis* host-vector systems. He suggested that Section III–B–5 be modified to read as follows:

III–B–5. *Experiments Involving More Than 10 Liters of Culture.* The appropriate containment will be decided by the IBC except where exempted under Section III–D–5. Where appropriate, the large-scale containment recommendations of the NIH should be used (45 FR 24968).

Language in Appendix C, *Exemptions Under III–D–5*, would also be modified to reflect this change. The relevant paragraphs of Appendix C–II, C–III, and C–IV, which deal with exceptions to the exemption would be modified to read as follows:

Large-scale experiments (i.e., more than 10 liters of culture) require IBC notice simultaneously with the initiation of experiments where IBC-approved practices and an IBC-approved P1–LS containment facility will be used. Where these conditions are not satisfied, refer to Section III–B–5.

The proposal was published in the March 4, 1983, **Federal Register** (48 FR 9436). During the comment period, no comments were received. The RAC discussed the proposal at its April 11, 1983, meeting. By a vote of ten in favor, eight opposed, and one abstention, the RAC recommended this proposal.

Because of the close vote and because I regard the present requirements for IBC prior approval as prudent and not overly restrictive, I do not accept this recommendation.

D. Proposed Modifications of Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules (45 FR 24968, Federal Register of April 11, 1980)

1. *Proposed Modification of Section VII–D–6.* Mr. Richard F. Geoghegan of E. I. DuPont de Nemours and Company in a letter dated July 15, 1982, requested that Section VII–D–6 of the Large-Scale Recommendations be revised. Section VII–D–6 reads as follows:

VII–D–6. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be operated so that the space above the culture level will be maintained at or slightly below atmospheric pressure.

Mr. Geoghegan proposed that Section VII–D–6 be modified to read as follows:

VII–D–6. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be operated so that the space above the culture level be maintained at no more than 10 psig.

He argued that the revision will permit fermentations more in line with industrial practices (high biomass production through efficient oxygen transfer) to be conducted without compromising safety by operating at unnecessarily high vessel pressures. However, the RAC Large-Scale Review Working Group, at its meeting on October 26, 1982, felt the language might appropriately be modified, but felt no specific pressure limit should be indicated as any pressure limit should be dependent on the maximum design pressure of the system.

The working group, thus, suggested the following language:

VII–D–6. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be operated so that the space above the culture level will be maintained at a pressure as low as possible, consistent with equipment design, in order to maintain the integrity of containment features.

The Large-Scale Review Working Group at its meeting on October 26, 1982, recommended this language by a vote of five in favor, none opposed, and no abstentions.

Both proposed modifications of Section VII–D–6 were published for comment in the March 4, 1983, **Federal Register** (48 FR 9437). No comments were received during the comment period.

The proposals were discussed by the RAC at its April 11, 1983, meeting. It was pointed out that operation of vessels at pressures below or at atmospheric pressure may result in poor yield, and that the integrity of seals and other components must be assured under the Large-Scale Recommendations. By a vote of nineteen in favor, none opposed, and no abstentions, the RAC recommended the language proposed by the Large-Scale Review Working Group.

I accept this recommendation.

2. *Proposed Modification of Section VII–B–3.* Dr. Allan Waitz of DNAZ Corporation also proposed amending Section VII–B–3 which reads as follows:

VII–B–3. Sample collection from a closed system; the addition of materials to a closed system and the transfer of culture fluids from one closed system to another shall be done in a manner which prevents the release of aerosols or contamination of exposed surfaces.

Dr. Waitz suggested that the word "prevents" implies an absolute condition which at the P1–LS level is neither realistic nor necessary. He suggested that the word "minimizes" be substituted for the word "prevents." The Large-Scale Review Working Group did not discuss this proposal at its meeting on October 26, 1982.

The March 4, 1983, **Federal Register** (48 FR 9437) described the proposal. No comments were received during the thirty day comment period.

At the April 11, 1983, meeting, RAC evaluated the proposal. The RAC recommended that in Section VII–B–3 the word "minimizes" be substituted for "prevents" by a vote of ten in favor, four opposed, and four abstentions. I accept this recommendation.

E. Proposed Incorporation Into Guidelines of Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules

Dr. Allan Waitz of DNAX Corporation at the October 26, 1982, meeting of the RAC Large-Scale Review Working Group proposed that the Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules (45 FR 24968) be formalized by incorporating them into the Guidelines as a new appendix. Dr. Waitz said industry believes such an action would provide a more efficient mechanism for further comment or change to the Recommendations. He expressed industry's concern that failure to take such action may leave a perceived gap in the overall regulatory scheme, thereby, encouraging the development of conflicting regulatory requirements.

The Large-Scale Review Working Group which met on October 26, 1982, forwarded this proposal to the RAC and

to the RAC Working Group on Revision of the Guidelines without comment.

The Working Group on Revision of the Guidelines at its January 21, 1983, meeting recommended incorporation into the Guidelines of the physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules. They pointed out that if the RAC recommends this action, editorial modifications to revise and update sections of the Physical Containment Recommendations will be necessary. The proposed incorporation of the Physical Containment Recommendations into the Guidelines as a new Appendix K would require all sections to be renumbered.

Minor editorial changes would be introduced throughout the document to reflect the modifications introduced into the Guidelines since the Recommendations were published in April 1980. Proposed changes within the text are enumerated below. The sections in the Recommendations which contain proposed revisions are identified by their current sections numbering. The proposed modified language is identified by new section numbering.

1. *Section VII. Physical Containment for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules.*

a. Section VII would become Appendix K.

b. The language of the first paragraph would be modified. It currently reads:

> This part of the NIH Guidelines specifies physical containment guidelines for large-scale (greater than 10 liters of culture) research or production involving viable organisms containing recombinant DNA molecules. It shall apply to all large-scale research or production activities approved by the Director, NIH, in accordance with Sections IV–E–2–b–(1)–(e) and IV–E–1–b–(3)–(d) of the NIH Guidelines.

That paragraph would be modified to read as follows:

> This part of the NIH Guidelines specifies physical containment guidelines for large-scale (greater than 10 liters of culture) research or production involving viable organisms containng recombinant DNA molecules. It shall apply to large-scale research or production activities as specified in Section III–B–5 of the Guidelines.

c. The third paragraph (first bullet) will be modified to read:

> Appendix K shall replace Appendix G when quantities in excess of 10 liters of culture are involved in research or production.

d. An editorial modification, substituting "Section IB–B–4" for "Section IV–D–4," will be introduced into the third paragraph of the introduction. That paragraph will be modified to read:

> The institution shall appoint a biological safety officer if it engages in large-scale research or production activities involving viable organisms containing recombinant DNA molecules. The duties of the biological safety officer shall include those specified in Section IV–B–4 of the Guidelines.

2. *Section VII–A. Selection of Physical Containment Levels.* This section will be renumbered as Appendix K–I.

3. *Section VII–B. P1–LS Level.*

a. Section VII–B will be renumbered as Appendix K–II.

b. Section VII–B–1 will be renumbered to Appendix K–II–A and an editorial modification will substitute "Appendix G–II–A" for "Section II–B–1." The last sentence of Section VII–B–1 will read:

> Volumes less than 10 liters may be handled outside of a closed system or other primary containment equipment provided all physical containment requirements specified in Appendix G–II–A of the Guidelines are met.

c. Section VII–B–2 will be renumbered Appendix K–II–B and an editorial modification will substitute "Appendix K–II–C" for the current "Section VII–B–3." The first sentence of Section VII–B–2 would read:

> Appendix K–II–B. Culture fluids (except as allowed in Appendix K–II–C) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure.

d. In Section VII–B–6, an editorial modification will change the language to read:

> Appendix K–II–F. Emergency plans required by Section IV–B–3–f shall include methods and procedures for handling large losses of culture on an emergency basis.

4. *Section VII–C. P2–LS Level.*

a. Section VII–C will be renumbered to Appendix K–III.

b. Section VII–C–1 will be renumbered Appendix K–III–A and in the last sentence of Section VII–C–1, an editorial modification will substitute "Appendix G–II–B" for the current "Section II–B–2."

c. Section VII–B–2 will be renumbered to Appendix K–III–B and an editorial modification will substitute "Appendix K–III–C" for the current "Section VII'C–3."

d. In Section VII–C–11, to be renumbered Appendix K–III–K, an editorial modification will substitute "Section IV–B–3–f" for the current "Section IV–D–3–d."

5. *Section VII–D. P3–LS Level.*

a. Section VII–D will be renumbered to Appendix K–IV.

b. Section VII–D–1 will be renumbered to Appendix K–IV–A and an editorial modification will substitute "Appendix G–II–C" for the current "Section II–B–3."

c. Section VII–D–2 will be renumbered to Appendix K–IV–B and an editorial modification will substitute "Appendix K–IV–C" for the current "Section IV–D–3."

d. In Section VII–D–12, to be renumbered Appendix K–IV–L, an editorial modification will substitute "Section IV–B–3–f" for the current "Section IV–D–3–d."

e. In Section VII–D–14–a, to be renumbered Appendix K–IV–N–1, an editorial modification will substitute "Appendix K–IV–M–1" for "Section VII–D–13–a."

Note.—In addition, the language of Section III–B–5 of the Guidelines would also be modified to read as follows:

> III–B–5. *Experiments Involving More Than 10 Liters of Culture.* The appropriate containment will be decided by the IBC. Where appropriate, Appendix K, *Physical Containment for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules,* should be used.

The proposal appeared in the March 4, 1983, **Federal Register** (48 FR 9437). One comment was received during the comment period. Dr. Irving S. Johnson of Lilly Research Laboratories, a division of Eli Lilly and Company, said Eli Lilly and Company saw no need to incorporate the Large-Scale Recommendations into the Guidelines. He said other agencies (NIOSH and EPA) have the authority to deal with manufacturing processes and these agencies have undertaken evaluations of recombinant DNA activities.

The RAC evaluated this proposal at its April 11, 1983, meeting. Dr. Waitz and Dr. Wensink said that incorporating the Large-Scale Recommendations into the Guidelines would aid investigators and IBCs by having all the recommendations together in one document. By a vote of sixteen in favor, none opposed, and one abstention, the RAC recommended this action.

I accept this recommendation.

II. Summary of Actions.

A. *Appendix L—Field Testing of Genetically Engineered Plants*

Section III–A–2 is amended to read as follows:

> Deliberate release into the environment of any organism containing recombinant DNA, except certain plants as described in Appendix L.

A new appendix, Appendix L, is added as follows:

Appendix L. *Release Into the Environment of Certain Plants*

Appendix L–1. *General Information.*

Appendix L specifies conditions under which certain plants, as specified below, may be approved for release into the environment. Experiments in this category cannot be initiated without submission or relevant information on the proposed experiment to NIH, review by the RAC Plant Working Group, and specific approval by NIH. Such experiments also require the approval of the IBC before initiation. Information on specific experiments which have beer approved will be available in ORDA and will be listed in Appendix L–III when the Guidelines are republished.

Experiments which do not meet the specifications of Appendix L–II fall under Section III–A and require RAC review and NIH and IBC approval before initiation."

Appendix L–II. *Criteria Allowing Review by the RAC Plant Working Group Without the Requirement for Full RAC Review.*

Approval may be granted by ORDA in consultation with the RAC Plant Working Group without the requirement for full RAC review (IBC review is also necessary) for growing plants containing recombinant DNA in the field under the following conditions:

Appendix L.II—A. The plant species is a cultivated crop of a genus that has no species known to be a noxious weed.

Appendix L–II–B. The introduced DNA consists of well-characterized genes containing no sequences harmful to humans, animals, or plants.

Appendix L–II–C. The vector consists of DNA (i) from exempt host-vector systems (Appendix C); (ii) from plants of the same or closely related species; (iii) from nonpathogenic prokaryotes or nonpathogenic lower eukaryotic plants; (iv) from plant pathogens only if sequences causing disease have been deleted; or (v) chimeric vectors constructed from sequences defined in (i) to (iv) above. The DNA may be introduced by any suitable method.

Appendix L–II–D. Plants are grown in controlled access fields under specified conditions appropriate for the plant under study and the geographical location. Such conditions should include provisions for using good cultural and pest control practices, for physical isolation from plants of the same species outside of the experimental plot in accordance with pollination characteristics of the species, and for preventing plants containing recombinant DNA from becoming established in the environment. Review by the IBC should include an appraisal by scientists knowledgeable of the crop, its production practices, and the local geographical conditions. Procedures for assessing alterations in and the spread of organisms containing recombinant DNA must be developed. The results of the outlined tests must be submitted for review by the IBC. Copies must also be submitted to the Plant Working Group of the RAC.

Appendix L–III. *Specific Approvals.*

B. Addition to Appendix D—Release of Strains of Pseudomonas Syringae and Erwinia Herbicola

The following paragraph is added to Appendix D:

Appendix D–X. Permission is granted to Drs. Steven Lindow and Nickolas Panopoulos of the University of California, Berkeley, to release under specified conditions *Pseudomonas syringae* pv. *syringae* and *Erwinia herbicola* carrying *in vitro* generated deletions of all or part of the genes involved in ice nucleation.

C. Modifications of Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules

1. *Modification of Section VII–D–6.* Section VII–D–6 is modified to read:

VII–D. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be operated so that the space above the culture level will be maintained at a pressure as low as possible, consistent with equipment design, in order to maintain the integrity of containment features.

2. *Modification of Section VII–B–3.* Section VII–B–3 is modified to read:

VII–B–3. Sample collection from a closed system, the addition of materials to a closed system and the transfer of culture fluids from one closed system to another shall be done in a manner which minimizes the release of aerosols or contamination of exposed surfaces.

See D below for incorporation of these sections in new Appendix K.

D. Incorporation Into Guidelines of Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules

The Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Moleculés are incorporated into the Guidelines as Appendix K. All sections are renumbered. Minor editorial changes are introduced through the document to reflect the modifications introduced into the Guidelines since the Recommendations were published in April 1980. Revisions are introduced to reflect the decisions in C above.

Additional Announcements of the Director, NIAID

A. Modification of Section III–C

An Institutional Biosafety Committee (IBC) commented that the text in the first paragraph of Section III–C does not make clear that the IBC must be notified simultaneously with initiation of experiments covered by this section. The RAC, at its April 11, 1983, meeting also recommended that the wording of this section be clarified. Accordingly, the first paragraph of Section III–C is amended to read as follows:

III–C. *Experiments that Require IBC Notice Simultaneously with Initiation of Experiments.* Experiments not included in Sections III–A, III–B, III–D, and subsections of these sections are to be considered in Section III–C. All such experiments can be carried out at P1 containment. For experiments in this category, a registration document as described in Section III–B must be dated and signed by the investigator and filed with the local IBC at the time of initiation of the experiment. The IBC shall review all such proposals, but IBC review prior to initiation of the experiment is not required. (The reader should refer to the policy statement in the first two paragraphs of Section IV–A.)

B. Modification of Appendix K–A

A representative of the Public and Scientific Affairs Board of the American Society for Microbiology commented that a mechanism for establishing requirements for P4 large-scale containment is not specified in the new Appendix K. Accordingly, the last sentence of Appendix K–A is amended to read as follows:

If necessary, these requirements will be established by NIH on an individual basis.

C. Modifications to Appendix F–IV

Additional specific approvals for experiments involving toxins are added to Appendix F–IV.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private

organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: May 19, 1983

Richard M. Krause, M.D.,

Director, National Institute of Allergy and Infectious Deseases, National Institutes of Health.

[FR Doc. 83-14286 Filed 5-31-83; 8:45 am]

BILLING CODE 4140-01-M

61
48
ISS
1
0
6
JE
1
1983
MI

federal register

Wednesday
June 1, 1983

Part III

Department of Health and Human Services

National Institutes of Health

Guidelines for Research Involving Recombinant DNA Molecules; June 1983

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Guidelines for Research Involving Recombinant DNA Molecules; June 1983

These NIH guidelines supersede earlier versions and will be in effect until further notice.

Table of Contents

I. Scope of the Guidelines
I–A Purpose
I–B Defintion of Recombinant DNA Molecules
I–C General Applicability
I–D General Definitions
II. Containment
III. Containment Guidelines for Covered Experiments
III–A Experiments that Require RAC Review and NIH and IBC Approval Before Initiation
III–B Experiments that Require IBC Approval Before Initiation
III–B–1 Experiments Using Human or Animal Pathogens (Class 2, Class 3, Class 4, or Class 5 Agents) as Host-Vector Systems
III–B–2 Experiments in Which DNA from Human or Animal Pathogens (Class 2, Class 3, Class 4, or Class 5 Agents) is Cloned in Nonpathogenic Prokaryotic or Lower Eukaryotic Host-Vector Systems
III–B–3 Experiments Involving the Use of Infectious Animal or Plant Viruses or Defective Animal or Plant Viruses in the Presence of Helper Virus in Tissue Culture Systems
III–B–4 Recombinant DNA Experiments Involving Whole Animals or Plants
III–B–5 Experiments Involving More than 10 Liters of Culture
III–C Experiments that Require IBC Notice Simultaneously with Initiation of Experiments
III–D Exempt Experiments
IV. Roles and Responsibilities
IV–A Policy
IV–B Responsibilities of the Institution
IV–B–1 General Information
IV–B–2 Membership and Procedures of the IBC
IV–B–3 Functions of the IBC
IV–B–4 Biological Safety Officer
IV–B–5 Principal Investigator
IV–B–5–a PI—General
IV–B–5–b Submissions by the PI to NIH
IV–B–5–c Submissions by the PI to the IBC
IV–B–5–d PI Responsibilities Prior to Initiating Research
IV–b–5–e PI Responsibilities During the Conduct of the Research
IV–C Responsibilities of NIH
IV–C–1 Director
IV–C–1–a General Responsibilities of the Director, NIH
IV–C–1–b Specific Responsibilities of the Director, NIH
IV–C–2 Recombinant DNA Advisory Committee
IV–C–3 The Office of Recombinant DNA Activities
IV–C–4 Other NIH Components
IV–D Compliance
V. Footnotes and References of Sections I–IV
VI. Voluntary Compliance
VI–A Basic Policy
VI–B IBC Approval
VI–C Certification of Host-Vector Systems
VI–D Requests for Exemptions and Approvals
VI–E Protection of Proprietary Data
Appendix A. Exemptions Under III–D–4
Appendix B. Classification of Microorganisms on the Basis of Hazard
Appendix B–I Classification of Etiologic Agents
Appendix B–I–A Class 1 Agents
Appendix B–I–B Class 2 Agents
Appendix B–I–B–1 Bacterial Agents
Appendix B–I–B–2 Fungal Agents
Appendix B–I–B–3 Parasitic Agents
Appendix B–I–B–4 Viral, Rickettsial, and Chlamydial Agents
Appendix B–I–C Class 3 Agents
Appendix B–I–C–1 Bacterial Agents
Appendix B–I–C–2 Fungal Agents
Appendix B–I–C–3 Parasitic Agents
Appendix B–I–C–4 Viral, Rickettsial, and Chlamydial Agents
Appendix B–I–D Class 4 Agents
Appendix B–I–D–1 Bacterial Agents
Appendix B–I–D–2 Fungal Agents
Appendix B–I–D–3 Parasitic Agents
Appendix B–I–D–4 Viral, Rickettsial, and Chlamydial Agents
Appendix B–II Classification of Oncogenic Viruses on the Basis of Potential Hazard
Appendix B–II–A Low-Risk Oncogenic Viruses
Appendix B–II–B Moderate-Risk Oncogenic Viruses
Appendix B–III Class 5 Agents
Appendix B–III–A Animal Disease Organisms Which are Forbidden Entry into the United States by Law
Appendix B–III–B Animal Disease Organisms and Vectors Which are Forbidden Entry into the United States by USDA Policy
Appendix B–III–C Organisms Which May Not Be Studied in the United States Except At Specified Facilities
Appendix B–IV Footnotes and References of Appendix B
Appendix C. Exemptions Under III–D–5
Appendix C–I Recombinant DNAs in Tissue Culture
Appendix C–II Experiments Involving *E. coli* K–12 Host-Vector Systems
Appendix C–III Experiments Involving *Saccharomyces cerevisiae* Host-Vector Systems
Appendix C–IV Experiments Involving *Bacillus subtilis* Host-Vector Systems
Appendix C–V Footnotes and References of Appendix C
Appendix D. Actions Taken Under the Guidelines
Appendix E. Certified Host-Vector Systems
Appendix F. Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Molecules Toxic for Vertebrates
Appendix F–I General Information
Appendix F–II Containment Conditions for Cloning of Toxic Molecule Genes in *E. coli* K–12
Appendix F–III Containment Conditions for Cloning of Toxic Molecule Genes in Organisms Other than *E. Coli* K–12
Appendix F–IV Specific Approvals
Appendix G. Physical Containment
Appendix G–I Standard Practices and Training
Appendix G–II Physical Containment Levels
Appendix G–II–A P1 Level
Appendix G–II–A–1 Laboratory Practices
Appendix G–II–A–2 Containment Equipment
Appendix G–II–A–3 Special Laboratory Design
Appendix G–II–B P2 Level
Appendix G–II–B–1 Laboratory Practices
Appendix G–II–B–2 Containment Equipment
Appendix G–II–B–3 Special Laboratory Design
Appendix G–II–C P3 Level
Appendix G–II–C–1 Laboratory Practices
Appendix G–II–C–2 Containment Equipment
Appendix G–II–C–3 Special Laboratory Design
Appendix G–II–D P4 Level
Appendix G–II–D–1 Laboratory Practices
Appendix G–II–D–2 Containment Equipment
Appendix G–II–D–3 Special Laboratory Design
Appendix G–III Footnotes and References of Appendix G
Appendix H. Shipment
Appendix I. Biological Containment
Appendix I–I Levels of Biological Containment
Appendix I–I–A HV1
Appendix I–I–A–1 HV1
Appendix I–I–A–2 Other EK1
Appendix I–I–B HV2
Appendix I–II Certification of Host-Vector Systems
Appendix I–II–A Responsibility
Appendix I–II–B Data To Be Submitted for Certification
Appendix I–II–B–1 HV1 Systems Other than *E. coli* K–12
Appendix I–II–B–2 HV2 Systems
Appendix I–III Footnotes and References of Appendix I
Appendix J. Federal Interagency Advisory Committee on Recombinant DNA Research
Appendix J–I Federal Interagency Advisory Committee
Appendix J–II Footnote of Appendix J
Appendix K. Physical Containment for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules
Appendix K–I Selection of Physical Containment Levels.
Appendix K–II P1–LS Level
Appendix K–III P2–LS Level
Appendix K–IV P3–LS Level
Appendix L. Release into the Environment of Certain Plants
Appendix L–I General Information
Appendix L–II Criteria Allowing Review by the RAC Plant Working Group Without the Requirement for Full RAC Review
Appendix L–III Specific Approvals

I. Scope of the Guidelines

I–A. *Purpose.* The purpose of these Guidelines is to specify practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules.

I–B. *Definition of Recombinant DNA Molecules.* In the context of these Guidelines, recombinant DNA molecules are defined as either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules that result from the replication of those described in (i) above.

Synthetic DNA segments likely to yield a potentially harmful polynucleotide or polypeptide (e.g., a toxin or a pharmacologically active agent) shall be considered as equivalent to their natural DNA counterpart. If the synthetic DNA segment is not expressed *in vivo* as a biologically active polynucleotide or polypeptide product, it is exempt from the Guidelines.

I–C. *General Applicability.* The Guidelines are applicable to all recombinant DNA research within the United States or its territories which is conducted at or sponsored by an Institution that receives any support for recombinant DNA research from NIH. This includes research performed by NIH directly.

An individual receiving support for research involving recombinant DNA must be associated with or sponsored by an Institution that can and does assume the responsibilities assigned in these Guidelines.

The Guidelines are also applicable to projects done abroad if they are supported by NIH funds. If the host country, however, has established rules for the conduct of recombinant DNA projects, then a certificate of compliance with those rules may be submitted to NIH in lieu of compliance with the NIH Guidelines. NIH reserves the right to withhold funding if the safety practices to be employed abroad are not reasonably consistent with the NIH Guidelines.

I–D. *General Definitions.* The following terms, which are used throughout the Guidelines, are defined as follows:

I–D–1. "Institution" means any public or private entity (including Federal, State, and local government agencies).

I–D–2. "Institutional Biosafety Committee" or "IBC" means a committee that (i) meets the requirements for membership specified in Section IV–B–2, and (ii) reviews, approves, and oversees projects in accordance with the responsibilities defined in Sections IV–B–2 and IV–B–3.

I–D–3. "NIH Office of Recombinant DNA Activities" or "ORDA" means the office within NIH with responsibility for (i) reviewing and coordinating all activities of NIH related to the Guidelines, and (ii) performing other duties as defined in Section IV–C–3.

I–D–4. "Recombinant DNA Advisory Committee" or "RAC" means the public advisory committee that advises the Secretary, the Assistant Secretary for Health, and the Director of the National Institutes of Health concerning recombinant DNA research. The RAC shall be constituted as specified in Section IV–C–2.

I–D–5. "Director, NIH" or "Director" means the Director of the National Institutes of Health or any other officer or employee of NIH to whom authority has been delegated.

II. Containment

Effective biological safety programs have been operative in a variety of laboratories for many years. Considerable information, therefore, already exists for the design of physical containment facilities and the selection of laboratory procedures applicable to organisms carrying recombinant DNAs [3–16]. The existing programs rely upon mechanisms that, for convenience, can be divided into two categories: (1) A set of standard practices that are generally used in microbiology laboratories, and (ii) special procedures, equipment, and laboratory installations that provide physical barriers which are applied in varying degrees according to the estimated biohazard. Four levels of physical containment, which are designated as P1, P2, P3, and P4 are described in Appendix G. P4 provides the most stringent containment conditions, P1 the least stringent.

Experiments on recombinant DNAs, by their very nature, lend themselves to a third containment mechanism—namely, the application of highly specific biological barriers. In fact, natural barriers do exist which limit either (i) the infectivity of a *vector*, or *vehicle*, (plasmid or virus) for specific hosts or (ii) its dissemination and survival in the environment. The vectors that provide the means for replication of the recombinant DNAs and/or the host cells in which they replicate can be genetically designed to decrease by many orders of magnitude the probability of dissemination of recombinant DNAs outside the laboratory. Further details on biological containment may be found in Appendix I.

As these means of containment are complementary, different levels of containment appropriate for experiments with different recombinants can be established by applying various combinations of the physical and biological barriers along with a constant use of the standard practices. We consider these categories of containment separately in order that such combinations can be conveniently expressed in the Guidelines.

In constructing the Guidelines, it was necessary to defined boundary conditions for the different levels of physical and biological containment and for the classes of experiments to which they apply. We recognize that these difinitions do not take into account all existing and anticipated information on special procedures that will allow particular experiments to be carried out under different conditions than indicated here without affecting risk. Indeed, we urge that individual investigators devise simple and more effective containment procedures and that investigators and institutional biosafety comittees recommend changes in the Guidelines to permit their use.

III. Containment Guidelines for Covered Experiments

Part III discusses experiments involving recombinant DNA. These experiments have been divided into four classes:

III–A. Experiments which require specific RAC review and NIH and IBC approval before initiation of the experiment;

III–B. Experiments which require IBC approval before initiation of the experiment;

IIIII–C. Experiments which require IBC notification at the time of initiation of the experiment;

III–D. Experiments which are exempt from the procedures of the Guidelines.

If an experiment falls into both class III–A and one of the other classes, the rules pertaining to Class III–A must be followed. If an experiment falls into class III–D and into either class III–B or III–C as well, it can be considered exempt from the requirements of the Guidelines.

Changes in containment levels from those specified here may not be instituted without the express approval of the Director, NIH. (See Sections IV–C–1–b–(1), IV–C–1–b–(2), and subsections.)

III–A. *Experiments that Require RAC Review and NIH and IBC Approval Before Initiation.* Experiments in this category cannot be initiated without submission of relevant information on

the proposed experiment to NIH, the publication of the proposal in the **Federal Register** for thirty days of comment, review by the RAC, and specific approval by NIH. The containment conditions for such experiments will be recommended by RAC and set by NIH at the time of approval. Such experiments also require the approval of the IBC before initiation. Specific experiments already approved in this section and the appropriate containment conditions are listed in Appendices D and F. If an experiment is similar to those listed in Appendices D and F, ORDA may determine appropriate containment conditions according to case precedents under Section IV–C–1–b–(3)–(g).

III–A–1. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxic molecules lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., microbial toxins such as the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin). Specific approval has been given for the cloning in *E. Coli* K–12 of DNAs containing genes coding for the biosynthesis of toxic molecules which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight. Containment levels for these experiments are specified in Appendix F.

III–A–2. Deliberate release into the environment of any organism containing recombinant DNA, except certain plants as described in Appendix L.

III–A–3. Deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally [2], if such acquisition could compromise the use of the drug to control disease agents in human or veterinary medicine or agriculture.

III–B. *Experiments that Require IBC Approval Before Initiation.* Investigators performing experiments in this category must submit to their Institutional Biosafety Committee (IBC), prior to initiation of the experiments, a registration document that contains a description of: (a) The source(s) of DNA, (b) the nature of the inserted DNA sequences, (c) the hosts and vectors to be used, (d) whether a deliberate attempt will be made to obtain expression of a foreign gene, and, if so, what protein will be produced, and (e) the containment conditions specified in these Guidelines. This registration document must be dated and signed by the investigator and filed only with the local IBC. The IBC shall review all such proposals prior to initiation of the experiments. Requests for lowering of containment for experiments in this category will be considered by NIH. (See Section IV–C–1–b–(3).)

III–B–1. *Experiments Using Human or Animal Pathogens (Class 2, Class 3, Class 4, or Class 5 Agents [1]) as Host-Vector Systems.*

III–B–1–a. Experiments involving the introduction of recombinant DNA into Class 2 agents can be carried out at P2 containment.

III–B–1–b. Experiments involving the introduction of recombinant DNA into Class 3 agents can be carried out at P3 containment.

III–B–1–c. Experiments involving the introduction of recombinant DNA into Class 4 agents can be carried out at P4 containment.

III–B–1–d. Containment conditions for experiments involving the introduction of recombinant DNA into Class 5 agents will be set on a case-by-case basis following ORDA review. A USDA permit is required for work with Class 5 agents [18, 20].

III–B–2. *Experiments in Which DNA from Human or Animal Pathogens (Class 2, Class 3, Class 4, or Class 5 Agents [1]) is Closed in Nonpathogenic Prokaryotic or Lower Eukaryotic Host-Vector Systems.*

III–B–2–a. Recombinant DNA experiments in which DNA from Class 2 or Class 3 agents [1] is transferred into nonpathogenic prokaryotes or lower eukaryotes may be performed under P2 containment. Recombinant DNA experiments in which DNA from Class 4 agents is transferred into nonpathogenic prokaryotes or lower eukaryotes can be performed at P2 containment after demonstration that only a totally and irreversibly defective fraction of the agent's genome is present in a given recombinant. In the absence of such a demonstration, P4 containment should be used. Specific lowering of containment to P1 for particular experiments can be approved by the IBC. Many experiments in this category will be exempt from the Guidelines. (See Sections III–D–4 and III–D–5.) Experiments involving the formation of recombinant DNAs for certain genes coding for molecules toxic for vertebrates require RAC review and NIH approval (see Section III–A–1), or must be carried out under NIH specified conditions as described in Appendix F.

III–B–2–b. Containment conditions for experiments in which DNA from Class 5 agents is transferred into nonpathogenic prokaryotes or lower eukaryotes will be determined by ORDA following a case-by-case review. A USDA permit is required for work with Class 5 agents [18, 20].

III–B–3. *Experiments Involving the Use of Infectious Animal or Plant Viruses or Defective Animal or Plant Viruses in the Presence of Helper Virus in Tissue Culture Systems.*

Caution: Special care should be used in the evaluation of containment levels for experiments which are likely to either enhance the pathogenicity (e.g., insertion of a host oncogene) or to extend the host range (e.g., introduction of novel control elements) of viral vectors under conditions which permit a productive infection. In such cases, serious consideration should be given to raising the physical containment by at least one level.

Note.—Recombinant DNA molecules which contain less than two-thirds of the genome of any eukaryotic virus (all virus from a single Family [17] being considered identical [19]) may be considered defective and can be used, in the absence of helper, under the conditions specified in Section III–C.

III–B–3–a. Experiments involving the use of infectious Class 2 animal viruses [1], or defective Class 2 animal viruses in the presence of helper virus, can be performed at P2 containment.

III–B–3–b. Experiments involving the use of infectious Class 3 animal viruses [1], or defective Class 3 animal viruses in the presence of helper virus, can be carried out at P3 containment.

III–B–3–c. Experiments involving the use of infectious Class 4 viruses [1], or defective Class 4 viruses in the presence of helper virus, may be carried out under P4 containment.

III–B–3–d. Experiments involving the use of infectious Class 5 [1] viruses, or defective Class 5 viruses in the presence of helper virus will be determined on a case-by-case basis following ORDA review. A USDA permit is required for work with Class 5 pathogens [18, 20].

III–B–3–e. Experiments involving the use of infectious animal or plant viruses, or defective animal or plant viruses in the presence of helper virus, not covered by Sections III–B–3–a, III–B–3–b, III–B–3–c, or III–B–3–d may be carried out under P1 containment.

III–B–4. *Recombinant DNA Experiments Involving Whole Animals or Plants.*

III–B–4–a. DNA from any source except for greater than two-thirds of a eukaryotic viral genome may be transferred to any non-human vertebrate organism and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study [2]. It is important that the investigator demonstrate that the fraction of the viral genome being utilized does not lead to productive infection. A USDA permit is required for work with Class 5 agents [18,20].

III–B–4–b. For all experiments involving whole animals and plants and not covered by III–B–4–a, the appropriate containment will be determined by the IBC.

III–B–5. *Experiments Involving More Than 10 Liters of Culture.* The appropriate containment will be decided by the IBC. Where appropriate, the large-scale containment recommendations of the HIH should be used (45 FR 24968).

III–C. *Experiments that Require IBC Notice Simultaneously with Initiation of Experiments.* Experiments not included in Sections III–A, III–B, III–D, and subsections of these Sections are to be considered in Section III–C. All such experiments can be carried out at P1 containment. For experiments in this category, a registration document as described in Section III–B must be dated and signed by the investigator and filed with the local IBC at the time of initiation of the experiment. The IBC shall review all such proposals, but IBC review prior to initiation of the experiment is not required. (The reader should refer to the policy statement in the first two paragraphs of Section IV–A.)

For example, experiments in which all components derive from non-pathogenic prokaryotes and non-pathogenic lower eukaryotes fall under Section III–C and can be carried out at P1 containment.

Caution: *Experiments Involving Formation of Recombinant DNA Molecules Containing no more Than Two-Thirds of the Genome of any Eukaryotic Virus.* Recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus (all viruses from a single Family [17] being considered identical [19]) may be propagated and maintained in cells in tissue culture using P1 containment. For such experiments, it must be shown that the cells lack helper virus for the specific Families of defective viruses being used. If helper virus is present, procedures specified under Section III–B–3 should be used. The DNA may contain fragments of the genome of viruses from more than one Family but each fragment must be less than two-thirds of a genome.

III–D. *Exempt Experiments.* The following recombinant DNA molecules are exempt from these Guidelines and no registration with the IBC is necessary.

III–D–1. Those that are not in organisms or viruses.

III–D–2. Those that consist entirely of DNA segments from a single non-chromosomal or viral DNA source, though one or more of the segments may be a synthetic equivalent.

III–D–3. Those that consist entirely of DNA from a prokaryotic host, including its indigenous plasmids or viruses, when propagated only in that host (or a closely related strain of the same species) or when transferred to another host by well established physiological means; also, those that consist entirely of DNA from an eukaryotic host, including its chloroplasts, mitrochondria, or plasmids (but excluding viruses), when propagated only in that host (or a close related strain of same species).

III–D–4. Certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment. (See Section IV–C–1–b–(1)–(c).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

III–D–5. Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–C–1–b–(1)–(c).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix C. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

IV. Roles and Responsibilities

IV–A. *Policy.* Safety in activities involving recombinant DNA depends on the individual conducting them. The Guidelines cannot anticipate every possible situation. Motivation and good judgment are the key essentials to protection of health and the environment.

The Guidelines are intended to help the Institution, the Institutional Biosafety Committee (IBC), the Biological Safety Officer, and the Principal Investigator determine the safeguards that should be implemented. These Guidelines will never be complete or final, since all conceivable experiments involving recombinant DNA cannot be foreseen. Therefore, *it is the responsibility of the Institution and those associated with it to adhere to the intent of the Guidelines as well as to their specifics.*

Each Institution (and the IBC acting on its behalf) is responsible for ensuring that recombinant DNA activities comply with the Guidelines. General recognition of institutional authority and responsibility properly establishes accountability for safe conduct of the research at the local level.

The following roles and responsibilities constitute an administrative framework in which safety is an essential and integral part of research involving recombinant DNA molecules. Further clarifications and interpretations of roles and responsibilities will be issued by NIH as necessary.

IV–B. *Responsibilities of the Institution.*

IV–B–1. *General Information.* Each Institution conducting or sponsoring recombinant DNA research covered by these Guidelines is responsible for ensuring that the research is carried out in full conformity with the provisions of the Guidelines. In order to fulfill this responsibility, the Institution shall:

IV–B–1–a. Establish and implement policies that provide for the safe conduct of recombinant DNA research and that ensure compliance with the Guidelines. The Institution, as part of its general responsibilities for implementing the Guidelines, may establish additional procedures, as deemed necessary, to govern the Institution and its components in the discharge of its responsibilities under the Guidelines. This may include (i) statements formulated by the Institution for general implementation of the Guidelines and (ii) whatever additional precautionary steps the Institution may deem appropriate.

IV–B–1–b. Establish an Institutional Biosafety Committee (IBC) that meets the requirements set forth in Section IV–B–2 and carries out the functions detailed in Section IV–B–3.

IV–B–1–c. If the Institution is engaged in recombinant DNA research at the P3 or P4 containment level, appoint a Biological Safety Officer, (BSO), who shall be a member of the IBC and carry out the duties specified in Section IV–B–4.

IV–B–1–d. Require that investigators responsible for research covered by these Guidelines comply with the provisions of Section IV–B–5, and assist investigators to do so.

IV–B–1–e. Ensure appropriate training for the IBC chairperson and members, the BSO, Principal Investigators (PIs), and laboratory staff regarding the Guidelines, their implementation, and

laboratory safety. Responsibility for training IBC members may be carried out through the IBC chairperson. Responsibility for training laboratory staff may be carried out through the PI. The Institution is responsible for seeing that the PI has sufficient training, but may delegate this responsibility to the IBC.

IV–B–1–f. Determine the necessity, in connection with each project, for health surveillance of recombinant DNA research personnel, and conduct, if found appropriate, a health surveillance program for the project. [The Laboratory Safety Monograph (LSM) discusses various possible components of such a program—for example, records of agents handled, active investigation of relevant illnesses, and the maintenance of serial serum samples for monitoring serologic changes that may result from the employees' work experience. Certain medical conditions may place a laboratory worker at increased risk in any endeavor where infectious agents are handled. Examples given the LSM include gastrointestinal disorders and treatment with steroids, immunosuppressive drugs, or antibiotics. Workers with such disorders or treatment should be evaluated to determine whether they should be engaged in research with potentially hazardous organisms during their treatment or illness. Copies of the LSM are available from ORDA.]

IV–B–1–g. Report within 30 days to ORDA any significant problems with any violations of the Guidelines and significant research-related accidents and illnesses, unless the institution determines that the PI or IBC has done so.

IV–B–2. *Membership and Procedures of the IBC.* The Institution shall establish an Institutional Biosafety Committee (IBC) whose responsibilities need not be restricted to recombinant DNA. The committee shall meet the following requirements:

IV–B–2–a. The IBC shall comprise no fewer than five members so selected that they collectively have experience and expertise in recombinant DNA technology and the capability to assess the safety of recombinant DNA research experiments and any potential risk to public health or the environment. At least two members shall not be affiliated with the Institution (apart from their membership on the IBC) and shall represent the interest of the surrounding community with respect to health and protection of the environment. Members meet this requirement if, for example, they are officials of State or local public health or environmental protection agencies, members of other local governmental bodies, or persons active in medical, occupational health, or environmental concerns in the community. The Biological Safety Officer (BSO), mandatory when research is being conducted at the P3 and P4 levels, shall be a member. (See Section IV–B–4.)

IV–B–2–b. In order to ensure the competence necessary to review recombinant DNA activities, it is recommended that (i) the IBC include persons with expertise in recombinant DNA technology, biological safety, and physical containment; (ii) the IBC include, or have available as consultants, persons knowledgeable in institutional commitments and policies, applicable law, standards of professional conduct and practice, community attitudes, and the environment; and (iii) at least one member be from the laboratory technical staff.

IV–B–2–c. The Institution shall identify the committee members by name in a report to the NIH Office of Recombinant DNA Activities (ORDA) and shall include relevant background information on each member in such form and at such times as ORDA may require.

IV–B–2–d. No member of an IBC may be involved (except to provide information requested by the IBC) in the review or approval of a project in which he or she has been, or expects to be, engaged or has a direct financial interest.

IV–B–2–e. The Institution, who is ultimately responsible for the effectiveness of the IBC, may establish procedures that the IBC will follow in its initial and continuing review of applications, proposals, and activities. (IBC review procedures are specified in Section IV–B–3–a.)

IV–B–2–f. Institutions are encouraged to open IBC meetings to the public whenever possible, consistent with protection of privacy and proprietary interests.

IV–B–2–g. Upon request, the Institution shall make available to the public all minutes of IBC meetings and documents submitted to or received from funding agencies which the latter are required to make available to the public. If comments are made by members of the public on IBC actions, the Institution shall forward to NIH both the comments and the IBC's response.

IV–B–3. *Functions of the IBC.* On behalf of the Institution, the IBC is responsible for:

IV–B–3–a. Reviewing for compliance with the NIH Guidelines recombinant DNA research as specified in Part III conducted at or sponsored by the Institution, and approving those research projects that it finds are in conformity with the Guidelines. This review shall include:

IV–B–3–a–(1). An independent assessment of the containment levels required by these Guidelines for the proposed research, and

IV–B–3–a–(2). An assessment of the facilities, procedures, and practices, and of the training and expertise of recombinant DNA personnel.

IV–B–3–b. Notifying the Principal Investigator (PI) of the results of their review.

IV–B–3–c. Lowering containment levels for certain experiments as specified in Sections III–B–2.

IV–B–3–d. Setting containment levels as specified in Section III–B–4–b and III–B–5.

IV–B–3–e. Reviewing periodically recombinant DNA research being conducted at the Institution, to ensure that the requirements of the Guidelines are being fulfilled.

IV–B–3–f. Adopting emergency plans covering accidential spills and personnel contamination resulting from such research.

Note.—Basic elements in developing specific procedures for dealing with major spills of potentially hazardous materials in the laboratory are detailed in the Laboratory Safety Monograph (LSM). Included are information and references on decontamination and emergency plans. NIH and the Centers for Disease Control are available to provide consultation, and direct assistance if necessary, as posted in the LSM. The Institution shall cooperate with the State and local public health departments, reporting any significant research-related illness or accident that appears to be a hazard to the public health.

IV–B–3–g. Reporting within 30 days to the appropriate institutional official and to the NIH Office of Recombinant DNA Activities (ORDA) and significant problems with or violations of the Guidelines, and any significant research-related accidents or illnesses, unless the IBC determines that the PI has done so.

IV–B–3–h. The IBC may not authorize initiation of experiments not explicitly covered by the Guidelines until NIH (with the advice of the RAC when required) establishes the containment requirement.

IV–B–3–i. Performing such other functions as may be delegated to the IBC under Section IV–B–1.

IV–B–4. *Biological Safety Officer.* The Institution shall appoint a BSO if it engages in recombinate DNA research at the P3 of P4 containment level. The officer shall be a member of the

Institutional Biosafety Committee (IBC), and his or her duties shall include (but need not be limited to):

IV–B–4–a. Ensuring through periodic inspections that laboratory standards are rigorously followed;

IV–B–4–b. Reporting to the IBC and the Institution all significant problems with and violations of the Guidelines and all significant research-related accidents and illnesses of which BSO becomes aware, unless the BSO determines that the Principal Investigator (PI) has done so;

IV–B–4–c. Developing emergency plans for dealing with accidental spills and personnel contamination, and investigating recombinant DNA research laboratory accidents;

IV–B–4–d. Providing advice on laboratory security;

IV–B–4–e. Providing technical advice to the PI and the IBC on research safety procedures.

Note.—See Laboratory Safety Monograph for additional information on the duties of the BSO.

IV–B–5. *Principal Investigator.* On behalf of the Institution, the PI is responsible for complying fully with the Guidelines in conducting any recombinant DNA research.

IV–B–5–a. *PI—General.* As part of this special responsibility, the PI shall:

IV–B–5–a–(1). Initiate or modify no recombinant DNA research requiring approval by the IBC prior to initiation (see Sections III–A and III–B) until that research, or the proposed modification thereof, has been approved by the IBC and has met all other requirements of the Guidelines;

IV–B–5–a–(2). Determine whether experiments are covered by Section III–C and follow the appropriate procedures;

IV–B–5–a–(3). Report within 30 days to the IBC and NIH (ORDA) all significant problems with and violations of the Guidelines and all significant research-related accidents and illnesses;

IV–B–5–a–(4). Report to the IBC and to NIH (ORDA) new information bearing on the Guidelines;

IV–B–5–a–(5). Be adequately trained in good microbiological techniques;

IV–B–5–a–(6). Adhere to IBC-approved emergency plans for dealing with accidental spills and personnel contamination; and

IV–B–5–a–(7). Comply with shipping requirements for recombinant DNA molecules. (See Appendix H for shipping requirements and the Laboratory Safety Monograph for technical recommendations.)

IV–B–5–b. *Submissions by the PI to NIH.* The PI shall:

IV–B–5–b–(1). Submit information to NIH (ORDA) in order to have new host-vector systems certified;

IV–B–5–b–(2). Petition NIH, with notice to the IBC, for exemptions to these Guidelines;

IV–B–5–b–(3). Petition NIH, with concurrence of the IBC, for approval to conduct experiments specified in Section III–A of the Guidelines;

IV–B–5–b–(4). Petition NIH for determination of containment for experiments requiring case-by-case review;

IV–B–5–b–(5). Petition NIH for determination of containment for experiments not covered by the Guidelines.

IV–B–5–c. *Submissions by the PI to the IBC.* The PI shall:

IV–B–5–c–(1). Make the initial determination of the required levels of physical and biological containment in accordance with the Guidelines;

IV–B–5–c–(2). Select appropriate microbiological practices and laboratory techniques to be used in the research;

IV–B–5–c–(3). Submit the initial research protocol if covered under Guidelines Sections III–A, III–B, or III–C (and also subsequent changes—e.g., changes in the source of DNA or host-vector system) to the IBC for review and approval or disapproval; and

IV–B–5–c–(4). Remain in communication with the IBC throughout the conduct of the project.

IV–B–5–d. *PI Responsibilities Prior to Initiating Research.* The PI is responsible for:

IV–B–5–d–(1). Making available to the laboratory staff copies of the protocols that describe the potential biohazards and the precautions to be taken;

IV–B–5–d–(2). Instructing and training staff in the practices and techniques required to ensure safety and in the procedures for dealing with accidents; and

IV–B–5–d–(3). Informing the staff of the reasons and provisions for any precautionary medical practices advised or requested, such as vaccinations or serum collection.

IV–B–5–e. *PI Responsibilities During the Conduct of the Research.* The PI is responsible for:

IV–B–5–e–(1). Supervising the safety performance of the staff to ensure that the required safety practices and techniques are employed;

IV–B–5–e–(2). Investigating and reporting in writing to ORDA, the Biological Safety Officer (where applicable), and the IBC any significant problems pertaining to the operation and implementation of containment practices and procedures;

IV–B–5–e–(3). Correcting work errors and conditions that may result in the release of recombinant DNA materials;

IV–B–5–e–(4). Ensuring the integrity of the physical containment (e.g., biological safety cabinets) and the biological containment (e.g., purity, and genotypic and phenotypic characteristics).

IV–C. *Responsibilities of NIH.*

IV–C–1. *Director.* The Director, NIH, is responsible for (i) establishing the NIH Guidelines for Research Involving Recombinant DNA Molecules, (ii) overseeing their implementation, and (iii) their final interpretation.

The Director has responsibilities under the Guidelines that involve the NIH Office of Recombinant DNA Activities (ORDA) and the Recombinant DNA Advisory Committee (RAC). ORDA's responsibilities under the Guidelines are administrative. Advice from the RAC is primarily scientific and technical. In certain circumstances, there is specific opportunity for public comment, with published response, before final action.

IV–C–1–a. *General Responsibilities of the Director, NIH.* The responsibilities of the Director shall include the following:

IV–C–1–a(1). Promulgating requirements as necessary to implement the Guidelines;

IV–C–1–a–(2). Establishing and maintaining the RAC to carry out the responsibilities set forth in Section IV–C–2. The RAC's membership is specified in its charter and in Section IV–C–2;

IV–C–1–a–(3). Establishing and maintaining ORDA to carry out the responsibilities defined in Section IV–C–3; and

IV–C–1–a–(4). Maintaining the Federal Interagency Advisory Committee on Recombinant DNA Research established by the Secretary, HEW (now HHS), for advice on the coordination of all Federal programs and activities relating to recombinant DNA, including activities of the RAC. (See Appendix J.)

IV–C–1–b. *Specific Responsibilities of the Director, NIH.* In carrying out the responsibilities set forth in this Section, the Director or a designee shall weigh each proposed action, through appropriate analysis and consultation, to determine that it complies with the Guidelines and presents no significant risk to health or the environment.

IV–C–1–b–(1). *Major Actions.* To execute major actions the Director must seek the advice of the RAC and provide an opportunity for public and Federal agency comment. Specifically, the agenda of the RAC meeting citing the major actions will be published in the Federal Register at least 30 days before

the meeting, and the Director will also publish the proposed actions in the **Federal Register** for comment at least 30 days before the meeting. In addition, the Director's proposed decision, at his discretion, may be published in the **Federal Register** for 30 days of comment before final action is taken.

The Director's final decision, along with response to the comments, will be published in the **Federal Register** and the *Recombinant DNA Technical Bulletin.* The RAC and IBC chairpersons will be notified of this decision:

IV–C–1–a–(1)–(a). Changing containment levels for types of experiments that are specified in the guidelines when a major action is involved;

IV–C–1–(b). Assigning containment levels for types of experiments that are not explicitly considered in the Guidelines when a major action is involved;

IV–C–1–b–(1)–(c). Promulgating and amending a list of classes of recombinant DNA molecules to be exempt from these guidelines because they consist entirely of DNA segments from species that exchange DNA by known physiological processes, or otherwise do not present a significant risk to health or the environment;

IV–C–11–b–(1)–(d). Permitting experiments specified by Section III–A of the Guidelines;

IV–C–1–b–(1)–(e). Certifying new host-vector systems, with the exception of minor modifications of already certified systems (the standards and procedures for certification are described in Appendix I–II–A. Minor modifications constitute, for example, those of minimal or no consequence to the properties relevant to containment); and

IV–C–1–b–(b)–(f). Adopting other changes in the Guidelines.

IV–C–1–b–(2). *Lesser Actions.* To execute lesser actions, the Director must seek the advice of the RAC. The Director's decision will be transmitted to the RAC and IBC chairpersons and published in the *Recombinant DNA Technical Bulletin:*

IV–C–1–b–(2)–(a). Interpreting and determining containment levels, upon request by ORDA;

IV–C–1–b–(2)–(b). Changing containment levels for experiments that are specified in the Guidelines (see Section III);

IV–C–1–b–(2)–(c). Assigning containment levels for experiments not explicitly considered in the Guidelines;

IV–C–1–b–(2)–(d). Revising the "Classification of Etiologic Agents" for the purpose of these Guidelines [1].

IV–C–1–b–(3). *Other Actions.* The Director's decision will be transmitted to the RAC and IBC chairpersons and published in the *Recombinant DNA Technical Bulletin:*

IV–C–1–b–(3)–(a). Interperting the Guidelines for experiments to which the Guidelines specifically assign containment levels;

IV–C–1–b–(3)–(b). Setting containment under Section III–B–1–d and Section III–B–3–d;

IV–C–1–b–(3)–(c). Approving minor modifications of already certified host-vector systems (the standards and procedures for such modifications are described in Apprendix I–II);

IV–C–1–b–(3)–(d). Decertifying already certified host-vector systems;

IV–C–1–b–(3)–(e). Adding new entries to the list of molecules toxic for vertebrates (see Appendix F);

IV–C–1–b–(3)–(f). Approving the cloning of toxin genes in host-vector systems other than *e. coli* K–12 (See Appendix F); and

IV–C–1–b–(3)–(g). Determining appropriate containment conditions for experiments according to case precedents developed under Section IV–C–1–b–(2)–(c).

IV–C–1–b–(4). The Director shall conduct, support, and assist training programs in laboratory safety for Institutional Biosafety Committee members, Biological Safety Officers, Principal Investigators, and laboratory staff.

IV–C–2. *Recombinant DNA Advisory Committee.* The NIH Recombinant DNA Advisory Committee (RAC) is responsible for carrying out specified functions cited below as well as others assigned under its charter or by the Secretary, HHS, the Assistant Secretary for Health, and the Director, NIH.

The members of the committee shall be chosen to provide, collectively, expertise in scientific fields relevant to recombinant DNA technology and biological safety—e.g., microbiology, molecular biology, virology, genetics, epidemiology, infectious diseases, the biology of enteric organisms, botany, plant pathology, ecology, and tissue culture. At least 20 percent of the members shall be persons knowledgeable in applicable law, standards of professional conduct and practice, public attitudes, the environment, public health, occupational health, or related fields. Representatives from Federal agencies shall serve as nonvoting members. Nominations for the RAC may be submitted to the NIH Office of Recombinant DNA Activities, Bethesda, Md. 20205.

All meetings of the RAC will be announced in the **Federal Register**, including tentative agenda items, 30 days in advance of the meeting, with final agendas (if modified) available at least 72 hours before the meeting. No item defined as a major action under Section IV–C–1–b–(1) may be added to an agenda after it appears in the **Federal Register.**

The RAC shall be responsible for advising the Director, NIH, on the actions listed in Section IV–C–1–b–(1) and IV–C–1–b–(2).

IV–C–3. *The Office of Recombinant DNA Activities.* ORDA shall serve as a focal point for information on recombinant DNA activities and provide advice to all within and outside NIH, including Institutions, Biological Safety Committees, Principal Investigators, Federal agencies, State and local governments, and institutions in the private sector. ORDA shall carry out such other functions as may be delegated to it by the Director, NIH, including those authorities described in Section IV–C–1–b–(3). In addition, ORDA shall be responsible for the following:

IV–C–3–a. Reviewing and approving Institutional Biosafety Committee (IBC) membership;

IV–C–3–b. Publishing in the **Federal Register:**

IV–C–3–b–(1). Announcements of Recombinant DNA Advisory Committee (RAC) meetings and agendas at least 30 days in advance;

Note.—If the agenda for an RAC meeting is modified, ORDA shall make the revised agenda available to anyone, upon request, at least 72 hours in advance of the meeting.

IV–C–3–b–(2). Proposed major actions of the type falling under Section IV–C–1–b–(1) at least 30 days prior to the RAC meeting at which they will be considered; and

IV–C–3–b–(3). The NIH Director's final decision on recommendations made by the RAC.

IV–C–3–c. Publishing the *Recombinant DNA Technical Bulletin;* and

IV–C–3–d. Serving as executive secretary of the RAC.

IV–C–4. *Other NIH Components.* Other NIH components shall be responsible for certifying P4 facilities, inspecting them periodically, and inspecting other recombinant DNA facilities as deemed necessary.

IV–D. *Compliance.* As a condition for NIH funding of recombinant DNA research, Institutions must ensure that such research conducted at or sponsored by the Institution, irrespective of the source of funding, shall comply with these Guidelines. The policies on noncompliance are as follows:

IV–D–1. All NIH-funded projects involving recombinant DNA techniques must comply with the NIH Guidelines. Noncompliance may result in (i) suspension, limitation, or termination of financial assistance for such projects and of NIH funds for other recombinant DNA research at the Institution, or (ii) a requirement for prior NIH approval of any or all recombinant DNA projects at the Institution.

IV–D–2. All non-NIH funded projects involving recombinant DNA techniques conducted at or sponsored by an Institution that receives NIH funds for projects involving such techniques must comply with the NIH Guidelines. Noncompliance may result in (i) suspension, limitation, or termination of NIH funds for recombinant DNA research at the Institution, or (ii) a requirement for prior NIH approval of any or all recombinant DNA projects at the Institution.

IV–D–3. Information concerning noncompliance with the Guidelines may be brought forward by any person. It should be delivered to both NIH (ORDA) and the relevant Institution. The Institution, generally through the IBC, shall take appropriate action. The Institution shall forward a complete report of the incident to ORDA, recommending any further action indicated.

IV–D–4. In cases where NIH proposes to suspend, limit, or terminate financial assistance because of noncompliance with the Guideline, applicable DHHS and Public Health Service procedures shall govern.

See Appendix J for information on the Federal Interagency Advisory Committee on Recombinant DNA Research.

IV–D–5. *Voluntary Compliance.* Any individual, corporation, or institution that is not otherwise covered by the Guidelines is encouraged to conduct recombinant DNA research activities in accordance with the Guidelines, through the procedures set forth in Part VI.

V. Footnotes and References of Sections I–IV

1. The original reference to organisms as Class 1, 2, 3, 4, or 5 refers to the classification in the publication *Classification of Etiologic Agents on the Basis of Hazard,* 4th Edition, July 1974; U.S. Department of Health, Education, and Welfare, Public Health Service, Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

The Director, NIH, with advice of the Recombinant DNA Advisory Committee, may revise the classification for the purposes of these Guidelines (see Section IV–C–1–b–(2)–(d)). The revised list of organisms in each class is reprinted in Appendix B to these Guidelines.

2. In Part III of the Guidelines, there are a number of places where judgments are to be made. In all these cases the principal investigator is to make the judgment on these matters as part of his responsibility to "make the initial determination on the required levels of physical and biological containment in accordance with the Guidelines" (Section IV–B–5–c–(1)). In the cases falling under Sections III–A, –B, or –C, this judgment is to be reviewed and approved by the Institutional Biosafety Committee as part of its reponsibility to make "an independent assessment of the containment levels required by these Guidelines for the proposed research" (Section IV–B–3–a–(1)). If the IBC wishes, any specific cases may be referred to the NIH Office of Recombinant DNA Activities as part of ORDA's functions to "provide advice to all within and outside NIH" (Section IV–C–3), and ORDA may request advice from the Recombinant DNA Advisory Committee as part of the RAC's responsibility for "interpreting and determining containment levels upon request by ORDA" (Section IV–C–1–b–(2)–(a)).

3. *Laboratory Safety at the Center for Disease Control* (Sept. 1974). U.S. Department of Health Education and Welfare Publication No. CDC 75–8118.

4. *Classification of Etiologic Agents on the Basis of Hazard.* (4th Edition, July 1974). U.S. Department of Health, Education and Welfare. Public Health Service. Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

5. *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (Oct. 1974). U.S. Department of Health, Education and Welfare Publication No. (NIH) 75–790.

6. *National Institutes of Health Biohazards Safety Guide* (1974). U.S. Department of Health, Education, and Welfare, Public Health Service, National Institutes of Health. U.S. Government Printing Office, Stock No. 1740–00383.

7. *Biohazards in Biological Research* (1973). A. Hellman, M. N. Oxman, and R. Pollack (ed.) Cold Spring Harbor Laboratory.

8. *Handbook of Laboratory Safety* (1971). Second edition. N. V. Steere (ed.). The Chemical Rubber Co., Cleveland.

9. Bodily, J. L. (1970). *General Administration of the Laboratory,* H. L. Bodily, R. L. Updyke, and J. O. Mason (eds.), Diagnostic Procedures for Bacterial, Mycotic and Parasitic Infections. American Public Health Association, New York, pp. 11–28.

10. Darlow, H. M. (1969). *Safety in the Microbiological Laboratory.* In J. R. Norris and D. W. Robbins (ed.), Methods in Microbiology. Academic Press, Inc. New York pp. 169–204.

11. *The Prevention of Laboratory Acquired Infection* (1974). C. H. Collins, E. G. Hartley, and R. Pilsworth. Public Health Laboratory Service, Monograph Series No. 6.

12. *Chatigny, M. A. (1961). Protection Against Infection in the Microbiological Laboratory: Devices and Procedures.* In W. W. Umbreit (ed.). Advances in Applied Microbiology. Academic Press, New York, N.Y. 3:131–192.

13. *Design Criteria for Viral Oncology Research Facilities* (1975). U.S. Department of Health, Education, and Welfare, Public Health Service, National Institutes of Health, DHEW Publication No. (NIH) 75–891.

14. Kuehne, R. W. (1973). *Biological Containment Facility for Studying Infectious Disease.* Appl. Microbiol. 26–239–243.

15. Runkle, R. S., and G. B. Phillips (1969). *Microbial Containment Control Facilities.* Van Nostrand Reinhold, New York.

16. Chatigny, M. A., and D. I. Clinger (1969). *Contamination Control in Aerobiology.* In R. L. Dimmick and A. B. Akers (eds.). An Introduction to Experimental Aerobiology. John Wiley & Sons, New York, pp. 194–263.

17. As classified in the Third Report of the International Committee on Taxonomy of Viruses: Classification and Nomenclature of Viruses, R. E. F. Matthews, Ed. Intervirology 12 (129–296). 1979.

18. A USDA permit, required for import and interstate transport of pathogens, may be obtained from the Animal and Plant Health Inspection service, USDA, Federal Building, Hyattsville, MD 20782.

19. i.e., the total of all genomes within a Family shall not exceed two-thirds of the genome.

20. All activities, including storage of variola and whitepox are restricted to the single national facility (World Health Organization (WHO) Colaborating Center for Smallpox Research, Centers for Disease Control, in Atlanta).

VI. Voluntary Compliance

VI–A. *Basic Policy.* Individuals, corporations, and institutions not otherwise covered by the Guidelines are encouraged to do so by following the standards and procedures set forth in Parts I–IV of the Guidelines. In order to simplify discussion, references hereafter to "institutions" are intended to encompass corporations, and individuals who have no organizational affiliation. For purposes of complying with the Guidelines, an individual intending to carry out research involving recombinant DNA is encouraged to affiliate with an institution that has an Institutional Biosafety Committee approved under the Guidelines.

Since commercial organizations have special concerns, such as protection of proprietary data, some modifications and explanations of the procedures in Parts I–IV are provided below, in order to address these concerns.

VI–B. *IBC Approval.* The NIH Office of Recombinant DNA Activities (ORDA) will review the membership of an institution's Institutional Biosafety Committee (IBC) and, where it finds the IBC meets the requirements set forth in Section IV–B–2, will give its approval to the IBC membership.

It should be emphasized that employment of an IBC member solely for purposes of membership on the IBC does not itself make the member an institutionally affiliated member for purposes of Section IV–B–2–a.

Except for the unaffiliated members, a member of an IBC for an institution not otherwise covered by the Guidelines may participate in the review and approval of a project in which the member has a direct financial interest, so long as the member has not been and does not expect to be engaged in the project. Section IV–B–2–d is modified to that extent for purposes of these institutions.

VI–C. *Certification of Host-Vector Systems.* A host-vector system may be proposed for certification by the Director, NIH, in accordance with the procedures set forth in Appendix I–II–A.

In order to ensure protection for proprietary data, any public notice regarding a host-vector system which is designated by the institution as proprietary under Section VI–E–1 will be issued only after consultation with the institution as to the content of the notice.

VI–D. *Requests for Exemptions and Approvals.* Requests for exemptions or other approvals required by the Guidelines should be requested by following the procedures set forth in the appropriate sections in Parts I–IV of the Guidelines.

In order to ensure protection for proprietary data, any public notice regarding a request for an exemption or other approval which is designated by the institution as proprietary under Section VI–E–1 will be issued only after consultation with the institution as to the content of the notice.

VI–E. *Protection of Proprietary Data.* In general, the Freedom of Information Act requires Federal agencies to make their records available to the public upon request. However, this requirement does not apply to, among other things, "Trade secrets and commercial and financial information obtained from a person and privileged or confidential." 18 U.S.C. 1905, in turn makes it a crime for an officer or employee of the United States or any Federal department or agency to publish, divulge, disclose, or make known "in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, [or processes . . . of any person, firm, partnership, corporation, or association." This provision applies to all employees of the Federal Government, including special Government employees. Members of the Recombinant DNA Advisory Committee are "special Government employees."

VI–E–1. In submitting information to NIH for purposes of complying voluntarily with the Guidelines, an institution may designate those items of information which the institution believes constitute trade secrets or privileged or confidential commercial or financial information.

VI–E–2. If NIH receives a request under the Freedom of Information Act for information so designated, NIH will promptly contact the institution to secure its views as to whether the information (or some portion) should be released.

VI–E–3. If the NIH decides to release this information (or some portion) in response to a Freedom of Information request or otherwise, the institution will be advised; and the actual release will not be made until the expiration of 15 days after the institution is so advised, except to the extent that earlier release, in the judgement of the Director, NIH, is necessary to protect against an imminent hazard to the public or the environment.

VI–E–4. *Presubmission Review.*

VI–E–4–a. Any institution not otherwise covered by the Guidelines, which is considering submission of data or information voluntarily to NIH, may request presubmission review of the records involved to determine whether, if the records are submitted, NIH will or will not make part or all of the records available upon request under the Freedom of Information Act.

VI–E–4–b. A request for presubmission review should be submitted to ORDA, along with the records involved. These records must be clearly marked as being the property of the institution, on loan to NIH solely for the purpose of making a determination under the Freedom of Information Act. ORDA will then seek a determination from the HHS Freedom of Information Officer, the responsible official under HHS regulations (45 CFR Part 5), as to whether the records involved (or some portion) are or are not available to members of the public under the Freedom of Information Act. Pending such a determination, the records will be kept separate from ORDA files, will be considered records of the institution and not ORDA, and will not be received as part of ORDA files. No copies will be made of the records.

VI–E–4–c. ORDA will inform the institution of the HHS Freedom of Information Officer's determination and follow the institution's instructions as to whether some or all of the records involved are to be returned to the institution or to become a part of ORDA files. If the institution instructs ORDA to return the records, no copies or summaries of the records will be made or retained by HHS, NIH, or ORDA.

VI–E–4–d. The HHS Freedom of Information Officer's determination will represent that official's judgement, as of the time of the determination, as to whether the records involved (or some portion) would be exempt from disclosure under the Freedom of Information Act, if at the time of the determination the records were in ORDA files and a request was received from them under the Act.

Appendix A—Exemptions Under III–D–4

Section III–D–4 states that exempt from these Guidelines are "certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment. (See Section IV–C–1–b–(1)–(c).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A."

Under Section III–D–4 of these Guidelines are recombinant DNA molecules that are: (1) Composed entirely of DNA segments from one or more of the organisms within a sublist and (2) to be propagated in any of the organisms within a sublist. (Classification of *Bergey's Manual of Determinative Bacteriology*, eighth edition. R. E. Buchanan and N. E. Gibbons, editors. Williams and Wilkins Company: Baltimore, 1974.)

Sublist A

1. Genus *Escherichia.*
2. Genus *Shigella.*
3. Genus *Salmonella* (including *Arizona*).
4. Genus *Enterobacter.*
5. Genus *Citrobacter* (including *Levinea*).
6. Genus *Klebsiella.*
7. Genus *Erwinia.*
8. *Pseudomonas aeruginosa, Pseudomonas putida* and *Pseudomonas fluorescens.*
9. *Serratia marcescens.*
10. *Yersinia enterocolitica.*

Sublist B

1. *Bacillus subtilis.*
2. *Bacillus licheniformis.*
3. *Bacillus pumilus.*
4. *Bacillus globigii.*
5. *Bacillus niger.*
6. *Bacillus nato.*
7. *Bacillus amyloliquefaciens.*
8. *Bacillus aterrimus.*

Sublist C

1. *Streptomyces aureofaciens.*
2. *Streptomyces rimosus.*
3. *Streptomyces coelicolor.*

Sublist D

1. *Streptomyces griseus.*
2. *Streptomyces cyaneus.*
3. *Streptomyces venezuelae.*

Sublist E

One way transfer of *Streptococcus mutans* or *Streptococcus lactis* DNA into *Streptococcus sanguis.*

Sublist F

1. *Streptococcus sanguis.*
2. *Streptococcus pneumoniae.*
3. *Streptococcus faecalis.*
4. *Streptococcus pyogenes.*

Appendix B—Classification of Microorganisms of the Basis of Hazard

Appendix B—I. *Classification of Etiologic Agents.* (The original reference for this classification was the publication "Classification of Etiological Agents on the Basis of Hazard," 4th edition, July 1974, U.S. Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control, Office of Biosafety, Atlanta, Georgia 30333. For the purposes of these Guidelines, this list has been revised by the NIH.)

Appendix B–I–A. *Class 1 Agents.* All bacterial, parasitic, fungal, viral, rickettsial, and chlamydial agents not included in higher classes.

Appendix B–I–B. *Class 2 Agents.*

Appendix B–I–B–1. *Bacterial Agents.*

Acinetobacter calcoaceticus
Actinobacillus—all species
Aeromonas hydrophila
Arizona hinshawii—all serotypes
Bacillus anthracis
Bordetella—all species
Borrelia recurrentis, B. vincenti
Campylobacter fetus
Campylobacter jejuni
Chlamydia psittaci
Chlamydia trachomatis
Clostridium botulinum:
Cl. chauvoei, Cl. haemolyticum, Cl. histolyticum, Cl. novyi, Cl. septicum, Cl. tetani
Corynebacterium diphtheriae:
C. equi, C. haemolyticum, C. pseudotuberculosis, C. pyogenes, C. renale
Edwardsiella tarda
Erysipelothrix insidiosa
Escherichia coli—all enteropathogenic, enterotoxigenic, enteroinvasive and strains bearing Kl antigen
Haemophilus ducreyi, H. influenzae
Klebsiella—all species and all serotypes
Legionella pneumophila
Leptospira interrogans—all serotypes
Listeria—all species
Moraxella—all species
Mycobacteria—all species except those listed in Class 3
Mycoplasma—all species except Mycoplasma mycoides and *Mycoplasma agalactiae,* which are in Class 5
Neisseria gonorrhoeae, N. meningitidis
Pasteurella—all species except those listed in Class 3
Salmonella—all species and all serotypes
Shigella—all species and all serotypes
Sphaerophorus necrophorus
Staphylococcus aureus
Streptobacillus moniliformis
Streptococcus pneumoniae
Streptococcus pyogenes
Treponema carateum, T. pallidum, and *T. pertenue*
Vibrio cholerae
Vibrio parahemolyticus
Yersinia enterocolitica

Appendix B–I–B–2. *Fungal Agents.*

Actinomycetes (including *Nocardia* species and *Actinomyces* species and *Arachnia propionica*) [2]
Blastomyces dermatitidis
Cryptococcus neoformans
Paracoccidioides braziliensis

Appendix B–I–B–3. *Parasitic Agents.*

Endamoeba histolytica
Leishmania sp.
Naegleria gruberi
Schistosoma mansoni
Toxoplasma gondii
Toxocara canis
Trichinella spiralis
Trypanosoma cruzi

Appendix B–I–B–4. *Viral, Rickettsial, and Chlamydial Agents.*

Adenoviruses—human—all types
Cache Valley virus
Coxsackie A and *B viruses*
Cytomegaloviruses
Echoviruses—all types
Encephalomyocarditis virus (EMC)
Flanders virus
Hart Park virus
Hepatitis—associated antigen material
Herpes viruses—except *Herpesvirus simiae* (*Monkey B virus*) which is in Class 4
Corona viruses
Influenza viruses—all types except A/PR8/34, which is in Class 1
Langat virus
Lymphogranuloma venereum agent
Measles virus
Mumps virus
Parainfluenza virus—all types except Parainfluenza virus 3, SF4 strain, which is in Class 1
Polioviruses—all types, wild and attenuated
Poxviruses—all types except *Alastrim, Smallpox,* and *Whitepox,* which are Class 5 and *Monkey pox,* which depending on experiments, is in Class 3 or Class 4
Rabies virus—all strains except *Rabies street virus,* which should be classified in Class 3
Reoviruses—all types
Respiratory syncytial virus
Rhinoviruses—all types
Rubella virus
Simian viruses—all types except *Herpesvirus simiae (Monkey B virus)* and *Marburg virus,* which are in Class 4
Sindbis virus
Tensaw virus
Turlock virus
Vaccinia virus
Varicella virus
Vesicular stomatitis virus [3]
Vole rickettsia
Yellow fever virus, 17D vaccine strain

Appendix B–I–C. *Class 3 Agents.*

Appendix B–I–C–1. *Bacterial Agents.*

Bartonella—all species
Brucella—all species
Francisella tularensis
Mycobacterium avium, M. bovis, M. tuberculosis
Pasteurella multocide type *B* ("buffalo" and other foreign virulent strains) [3]
Pseudomonas mallei [3]
Pseudomonas pseudomallei [3]
Yersinia pestis

Appendix B–I–C–2. *Fungal Agents.*

Coccidioides immitis
Histoplasma capsulatum
Histoplasma capsulatum var. *duboisii*

Appendix B–I–C–3. *Parasitic Agents.*

None

Appendix B–I–C–4. *Viral, Rickettsial, and Chlamydial Agents.*

Monkey pox, when used *in vitro* [4]
Arboviruses—all strains except those in Class 2 and 4 (*Arboviruses* indigenous to the United States are in Class 3, except those listed in Class 2. *West Nile* and *Semliki Forest* viruses may be classified up or down, depending on the conditions of use and geographical location of the laboratory.)
Dengue virus, when used for transmission or animal inoculation experiments
Lymphocytic choriomeningitis viris (LCM)
Rabies street virus
Rickettsia—all species except *Vole rickettsia* when used for transmission or animal inoculation experiments
Yellow fever virus—wild, when used *in vitro*

Appendix B–I–D. *Class 4 Agents.*

Appendix B–I–D–1. *Bacterial Agents.*

None.

Appendix B–I–D–2. *Fungal Agents.*

None.

Appendix B–I–D–3. *Parasitic Agents.*

None.

Appendix B–I–D–4. *Viral, Rickettsial, and Chlamydial Agents.*

Ebola fever virus
Monkey pox, when used for transmission or animal inoculation experiments [4]
Hemorrhagic fever agents, including *Crimean hemorrhagic fever, (Congo), Junin,* and *Machupo* viruses, and others as yet undefined
Herpesvirus simiae (Monkey B virus)
Lassa virus
Marburg virus
Tick-borne encephalitis virus complex, including *Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever,* and *Central European encephalitis viruses*

Venezuelan equine encephalitis virus, epidemic strains, when used for transmission or animal inoculation experiments
Yellow fever virus—wild, when used for transmission or animal inoculation experiments

Appendix B–II. *Classification of Oncogenic Viruses on the Basis of Potential Hazard* [5].

Appendix B–II–A *Low-Risk Oncogenic Viruses.*

Rous Sarcoma
SV–40
CELO
Ad7–SV40
Polyoma
Bovine papilloma
Rat mammary tumor
Avian Leukosis
Murine Leukemia
Murine Sarcoma
Mouse mammary tumor
Rat Leukemia
Hamster Leukemia
Bovine Leukemia
Dog Sarcoma
Mason-Pfizer Monkey Virus
Marek's
Guinea Pig Herpes
Lucke (Frog)
Adenovirus
Shope Fibroma
Shope Papilloma

Appendix B–II–B. *Moderate-Risk Oncogenic Viruses.*

Ad2–SV40
FeLV
HV Saimiri
HHV
SSV–1
GaLV
HV ateles
Yaba
FeSV

Appendix B–III. *Class 5 Agents.*

Appendix B–III–A. *Animal Disease Organisms Which are Forbidden Entry into the United States by Law.*

Foot and mouth disease virus.

Appendix B–III–B. *Animal Disease Organisms and Vectors Which are Forbidden Entry into the United States by USDA Policy.*

African horse sickness virus
African swine fever virus
Besnoitia besnoiti
Borna disease virus
Bovine infectious petechial fever
Camel pox virus
Ephemeral fever virus
Fowl plague virus
Goat pox virus
Hog cholera virus
Louping ill virus
Lumpy skin disease virus
Nairobi sheep disease virus
Newcastle disease virus (Asiatic strains)
Mycoplasma mycoides (contagious bovine pleuropneumonia)
Mycoplasma agalactiae (contagious agalactia of sheep)
Rickettsia ruminatium (heart water)
Rift valley fever virus
Rhinderpest virus
Sheep pox virus
Swine vesicular disease virus
Teschen disease virus
Trypanosoma vivax (Nagana)
Trypanosoma evansi
Theileria parva (East Coast fever)
Theileria annulata
Theileria lawrencei
Theileria bovis
Theileria hirci
Vesicular exanthema virus
Wesselsbron disease virus
Zyonema

Appendix B–III–C. *Organisms Which May Not Be Studied in the United States Except At Specified Facilities.*

Small pox [4]
Alastrim [4]
White pox [4]

Appendix B–IV. *Footnotes and References of Appendix B.*

1. The original reference for this classification was the publication *Classification of Etiologic Agents on the Basis of Hazard*, 4th edition, July 1974, U.S. Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control, Office of Biosafety, Atlanta, Georgia 30333. For the purposes of these Guidelines, this list has been revised by the NIH.

2. Since the publication of the classification in 1974 [1], the *Actinomycetes* have been reclassified as bacterial rather than fungal agents.

3. A USDA permit, required for import and interstate transport of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782.

4. All activities, including storage of variola and whitepox are restricted to the single national facility [World Health Organization (WHO) Collaborating Center for Smallpox Research, Center for Disease Control, in Atlanta].

5. *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (October 1974). U.S. Department of Health, Education, and Welfare Publication No. (NIH) 75–790.

6. U.S. Department of Agriculture, Animal and Plant Health Inspection Service.

Appendix C—Exemptions Under III–D–5

Section III–D–5 states that exempt from these Guidelines are "Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–C–1–b–(1)–(c).) Certain classes are exempt as of publication of these Revised Guidelines."

The following classes of experiments are exempt under Section III–D–5 of the Guidelines:

Appendix C–I. *Recombinant DNAs in Tissue Culture.* Recombinant DNA molecules derived entirely from non-viral components (that is, no component is derived from a eukaryotic virus), that are propagated and maintained in cells in tissue culture are exempt from these Guidelines with the exceptions listed below.

Exceptions

Experiments described in Section III–A which require specific RAC review and NIH approval before initiation of the equipment.

Experiments involving DNA from Class 3, 4, or 5 organisms [1] or cells known to be infected with these agents.

Experiments involving the deliberate introduction of genes coding for the biosynthesis of molecules toxic for vertebrates. (See Appendix F.)

Appendix C–II. *Experiments Involving E. coli K–12 Host-Vector Systems.* Experiments which use *E. coli* K–12 host-vector systems, with the exception of those experiments listed below, are exempt from these Guidelines provided that (a) the *E. coli* hos shall not contain conjugation proficient plasmids or generalized transducing phages, and (b) lamboda or lambdoid or Ff bacteriophages or nonconjugative plasmids [2] shall be used as vectors. However, experiments involving the insertion into *E. coli* K–12 of DNA from prokaryotes that exchange genetic information [3] with *E. coli* may be performed with any *E. coli* K–12 vector (e.g., conjugative plasmid). When a nonconjugative vector is used, the *E. coli* K–12 host may contain conjugation-proficient plasmids either autonomous or integrated, or generalized transducing phages.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions

Experiments described in Section III–A which require specific RAC review and NIH approval before initiation of the experiment.

Experiments involving DNA from Class 3, 4, or 5 organisms [1] or from cells known to be infected with these agents may be conducted under containment conditions specified in Section III–B–2 with prior IBC review and approval.

Large-scale experiments (e.g., more than 10 liters of culture) require prior IBC review and approval. (See Section III–B–5.)

Experiments involving the deliberate cloning of genes coding for the

biosynthesis of molecules toxic for vertebrates. (See Appendix F.)

Appendix C–III. *Experiments Involving Saccharomyces cerevisiae Host-Vector Systems.* Experiments which use *Saccharomyces cerevisiae* host-vector systems, with the exception of experiments listed below, are exempt from these Guidelines provided that laboratory strains are used.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions

Experiments described in Section III–A which require specific RAC review and NIH approval before initiation of the experiment.

Experiments involving Class 3, 4 or 5 organisms [1] or cells known to be infected with these agents may be conducted under containment conditions specified in Section III–B–2 with prior IBC review and approval.

Large-scale experiments (e.g., more than 10 liters of culture) require prior IBC review and approval. (See Section III–B–5.)

Experiments involving the deliberate cloning of genes coding for the biosynthesis of molecules toxic for vertebrates. (See Appendix F.)

Appendix C–IV. *Experiments Involving Bacillus subtilis Host-Vector Systems.* Any asporogenic *Bacillus subtilis* strain which does not revert to a sporeformer with a frequency greater than 10^{-7} can be used for cloning DNA, with the exception of those experiments listed below. Indigenous *Bascillus* plasmids and phages, whose host-range does not include *Bacillus cereus* or *Bacillus anthracis,* may be used as vectors.

For these exempt experiments P1 physical containment conditions are recommended.

Exceptions

Experiments described in Section III–A which require specific RAC review and approval before initiation of the experiment.

Experiments involving Class 3, 4, or 5 organisms [1] or cells known to be infected with these agents may be conducted under containment conditions specified by Section III–B–2 with prior IBC review and approval.

Large-scale experiments (e.g., more than 10 liters of culture) require prior IBC review and approval. (See Section III–B–5.)

Experiments involving the deliberate cloning of genes coding for the biosynthesis of molecules toxic for vertebrates. (See Appendix F.)

Appendix C–V. *Footnotes and References of Appendix C.*

1. The original reference to organisms as Class 1, 2, 3, 4, or 5 refers to the classification in the publication *Classification of Etiologic Agents on the Basis of Hazard,* 4th Edition, July 1974; U.S. Department of Health, Education, and Welfare, Public Health Service, Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

The Director, NIH, with advice of the Recombinant DNA Advisory Committee, may revise the classification for the purposes of these Guidelines (see Section IV-C-1-b-(2)-(d)). The revised list of organisms in each class is reprinted in Appendix B to these Guidelines.

2. A subset of non-conjugative plasmid vectors are also poorly mobilizable (e.g., pBR322, pBR313). Where practical, these vectors should be employed.

3. Defined as observable under optimal laboratory conditions by transformation, transduction, phage infection, and/or conjugation with transfer of phage, plasmid, and/or chromosomal genetic information. Note that this definition of exchange may be less stringent than that applied to exempt organisms under Section III–D–4.

Appendix D—Actions Taken Under the Guidelines

As noted in the subsections of Section IV–C–1–o–(1), the Director, NIH, may take certain actions with regard to the Guidelines after the issues have been considered by the RAC

Some of the actions taken to date include the following:

Appendix D–I. Permission is granted to clone Foot-and-Mouth Disease Virus in the EK1 host-vector system consisting of *E. coli* K–12 and the vector pBR322, all work to be done at the Plum Island Animal Disease Center.

Appendix D–II. Certain specified clones derived from segments of the Foot-and-Mouth Disease Virus may be transferred from Plum Island Animal Disease Center to the facilities of Genentech, Inc., of South San Francisco, California. Further development of the clones at Genentech has been approved under P1 + EK1 conditions.

Appendix D–III. The Rd strain of *Hemophilus influenzae* can be used as a host for the propagation of the cloned Tn 10 tet R gene derived from *E. coli* K–12 employing the non-conjugative *Haemophilus* plasmid, pRSF0885, under P1 conditions.

Appendix D–IV. Permission is granted to clone certain subgenomic segments of Foot-and-Mouth Diesease Virus in HV1 *Bacillus subtilis* and *Saccharomyces cerevisiae* host-vector systems under P1 conditions at Genentech, Inc., South San Francisco, California.

Appendix D–V. Permission is granted to Dr. Ronald Davis of Stanford University to field test corn plants modified by recombinant DNA techniques under specified containment conditions.

Appendix D–VI. Permission is granted to clone in *E. coli* K–12, under P1 physical containment conditions, subgenomic segments of Rift Valley Fever Virus subject to conditions which have been set forth by the RAC.

Appendix D–VII. Attenuated laboratory strains of *Salmonella typhimurium* may be used under P1 physical containment conditions to screen for the *Saccharomyces cerevisiae* pseudouridine synthetase gene. The plasmid YEp13 will be employed as the vector.

Appendix D–VIII. Permission is granted to transfer certain clones of subgenomic segments of Foot-and-Mouth Disease Virus from Plum Island Animal Disease Center to the laboratories of Molecular Genetics, Inc., Minnetonka, Minnesota, and to work with these clones under P1 containment conditions. Approval is contingent upon review of data on infectivity testing of the clones by a working group of the RAC.

Appendix D–IX. Permission is granted to Dr. John Sanford of Cornell University to field test tomato and tobacco plants transformed with bacterial (*E. coli* K–12) and yeast DNA using pollen as a vector.

Appendix D–X. Permission is granted to Drs. Steven Lindow and Nickolas Panopulos of the University of California, Berkeley, to release under specified conditions *Pseudomonas syringae* pv. *syringae* and *Erwinia herbicola* carrying *in vitro* generated deletions of all or part of the genes involved in ice nucleation.

Appendix E—Certified Host-Vector Systems

While many experiments using *E. coli* K–12, *Saccharomyces cerevisiae* and *Bacillus subtilis* are currently exempt from the Guidelines under Exemption III–D–5, some derivatives of these host-vector systems were previously classified as HV1 or HV2. A listing of those systems follows.

HV1. The following plasmids are accepted as the vector components of certified *B. subtilis* HV1 systems: pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124. *B. subtilis* strains RUB 331 and BGSC 1S53 have been certified as the host component of HV1 systems based on these plasmids.

HV2. The asporogenic mutant derivative of *Bacillus subtilis,* ASB 298, with the following plasmids as the vector component: pUB110, pC194,

pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124.

HV2—The following sterile strains of *Saccharomyces cerevisiae*, all of which have the ste–VC9 mutation, SHY1, SHY2, SHY3, and SHY4. The following plasmids are certified for use: YIp1, YEp2, YEp4, YIp5, YEp6, YRp7, YEp20, YEp21, YEp24, YIp25, YIp26, YIp27, YIp28, YIp29, YIp30, YIp31, YIp32, and YIp33.

EK2 Plasmid Systems. The *E. coli* K–12 strain chi–1776. The following plasmids are certified for use: pSC101, pMB9, pBR313, pBR322, pDH24, pBR325, pBR327, pGL101, pHB1. The following *E. coli/S. cerevisiae* hybrid plasmids are certified as EK2 vectors when used in *E. coli* chi–1776 or in the sterile yeast strains, SHY1, SHY2, SHY3 and SHY4: YIp1, YEp2, YEp4, YIp5, YEp6, YRp7, YEp20, YEp21, YEp24, YIp25, YIp26, YIp27, YIp28, YIp29, YIp30, YIp31, YIp32, YIp33.

EK2 Bacteriophage Systems. The following are certified EK2 systems based on bacteriophage lambda:

Vector	
λgt*WES*.λB'	Charon 4A
λgt*WES*.λB'	Charon 16A
λgtZ]*vir*.λB'	Charon 21A
λgtALO.λB	Charon 23A
Charon 3A	Charon 24A
Host	
DP50*supF*	DP50 or DP50*supF*
DP50*supF*	DP50 or DP50*supF*
E. coli K–12	DP50*supF*
DP50*supF*	DP50 or DP50*supF*
DP50 or DP50*supF*	DP50 or DP50*supF*

E. coli K–12 strains chi–2447 and chi–2281 are certified for use with lambda vectors that are certified for use with strain DP50 or DP50supF provided that the su– strain not be used as a propagation host.

Additional certified host-vector systems.

HV1—The following specified strains of *Neurospora crassa* which have been modified to prevent aerial dispersion:

In1 (inositolless) strains 37102, 37401, 46316, 64001, and 89601.

Csp–1 strain UCLA37 and csp–2 strains FS 590, UCLA101 (these are conidial separation mutants).

Eas strain UCLA191 (an "easily wettable" mutant).

HV1—The following *Streptomyces* species: *Streptomyces coelicolor, S. lividans, S. parvulus,* and *S. griseus.* The following are accepted as vector components of certified *Streptomyces* HV1 systems: *Streptomyces* plasmids SCP2, SLP1.2, pIJ101, actinophage phi C31, and their derivatives.

HV1—*Pseudomonas putida* strain KT2440 with plasmid vectors pKT262, pKT263, and pKT264.

Appendix F—Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Molecules Toxic for Vertebrates

Appendix F–I. *General Information.* Appendix F specifies the containment to be used for the deliberate cloning of genes coding for the biosynthesis of molecules toxic for vertebrates. The cloning of genes coding for molecules toxic for vertebrates that have an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., microbial toxins such as the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin) is covered under Section III–A–1 of the Guidelines and requires RAC review and NIH and IBC approval before initiation. No specific restrictions shall apply to the cloning of genes if the protein specified by the gene has an LD_{50} of 100 micrograms or more per kilogram of body weight. experiments involving genes coding for toxic molecules with an LD_{50} of 100 micrograms or less per kilogram body weight shall be registered with ORDA prior to initiating the experiments. A list of toxic molecules classified as to LD_{50} is available from ORDA. Testing procedures for determining toxicity of toxic molecules not on the list are available from ORDA. The results of such tests shall be forwarded to ORDA, which will consult with an *ad hoc* working group on toxic molecules prior to inclusion of the molecule on the list. (See Section IV–C–1–b–(2)–(e).)

Appendix F–II. *Containment Conditions for Cloning of Toxic Molecule Genes in E. coli K–12.*

Appendix F–II–A. Cloning of genes coding for molecules toxic for vertebrates that have an LD_{50} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., abrin, *Clostridium perfringens* epsilon toxin) may proceed under P2+EK2 or P3+EK1 containment conditions.

Appendix F–II–B. cloning of genes for the biosynthesis of molecules toxic for vertebrates with an LD_{50} in the range of 1 microgram to 100 micrograms per kilogram body weight may proceed under P1+EK1 containment conditions (e.g., *Staphylococcus aureus* alpha toxin, *Staphylococcus aureus* beta toxin, ricin, *Pseudomonas aeruginosa* exotoxin A, *Bordatella pertussis* toxin, the lethal factor of *Bacillus Anthracis*, the *Pasteurella pestis* murine toxins, the oxygen-lable hemolysins such as streptolysin O, and certain neurotoxins present in snake venoms and other venoms).

Appendix F–II–C. Some enterotoxins are substantially more toxic when administered enterally than parenterally. The following enterotoxins shall be subject to P1+EK1 containment conditions: cholera toxin, the heat labile toxins of *E. coli, Klebsiella,* and other related proteins that may be identified by neutralization with an antiserum monospecific for cholera toxin, and the heat stable toxins of *E. coli* and of *Yersinia enterocolitica.*

Appendix F–III. *Containment Conditions for Cloning of Toxin Molecule Genes in Organisms Other than E. coli K–12.* Requests involving the cloning of genes coding for molecules toxic for vertebrates in host-vector systems other than *E. coli* K–12 will be evaluated by ORDA, which will consult with the *ad hoc* working group on toxic molecules. (See Section IV–C–1–b–(3)–(f).).

Appendix F–IV. *Specific Approvals.*

Appendix F–IV–A. Permission is granted to clone the Exotoxin A gene of *Pseudomonas aeruginosa* under P1 conditions in *Pseudomonas aeruginosa* and in *Pseudomonas putida.*

Appendix F–IV–B. The pyrogenic exotoxin type A (Tox A) gene of *Staphylococcus aureus* may be cloned in an HV2 *Bacillus subtilis* host-vector system under P3 containment conditions.

Appendix F–IV–C. Restriction fragments of *Corynephage Beta* carrying the structural gene for diphtheria toxin may be safely cloned in *E. coli* K–12, in high containment Building 550 at the Frederick Cancer Research Facility. Laboratory practices and containment equipment are to be specified by the IBC. If the investigators wish to proceed with the experiments, a prior review will be conducted to advise NIH whether the proposal has sufficient scientific merit to justify the use of the NIH P4 facility.

Appendix F–IV–D. The genes coding for the *Staphylococcus aureus* determinants, A, B, and F, which may be implicated in toxic shock syndrome, may be cloned in *E. coli* K–12 under P2 + EK1 conditions. The *Staphylococcus aureus* strain used as the donor is to be alpha toxin minus. It is suggested that, if possible, the donor *Staphylococcus aureus* strain should lack other toxins with LD_{50}s in the range of one microgram per kilogram body weight, such as the exfoliative toxin.

Appendix F–IV–E. Fragments F–1, F–2, and F–3 of the diphtheria toxin gene (tox) may be cloned in *E. coli* K–12 under P1 + EK1 containment conditions and may be cloned in *Bacillus subtilis* host-vector systems under P1 containment conditions. Fragment F–1 and fragment F–2 both contain: (i) Some or all of the transcriptional control elements of *tox,* (ii) the signal peptide,

and (iii) fragment A (the center responsible for ADP-ribosylation of elongation factor 2). Fragment F–3 codes for most of the non-toxic fragment B of the toxin, and contains no sequences coding for any portion of the enzymatically-active fragment A moiety.

Appendix F–IV–F. The gene(s) coding for a toxin (designated LT-like) isolated from *E. coli* which is similar to the *E. coli* heat labile enterotoxin (LT) with respect to its activities and mode of action, but is not neutralized by antibodies against cholera enterotoxin or against LT from human or porcine *E. coli* strains and sequences homologous to the *E. coli* LT-like toxin gene may be cloned under P1 + EK1 conditions.

Appendix F–IV–G. Genes from *Vibrio fluvialis, Vibrio Mimicus* and non 0–1 *Vibrio cholerae*, specifying virulence factors for animals, may be cloned under P1 + EK1 conditions. The virulence factors to be cloned will be selected by testing fluid induction in suckling mice and Y–1 mouse adrenal cells.

Appendix F–IV–H. The structural gene of the Shiga-like toxin from clinically isolated strains of *E. coli* may be safely cloned in *E. coli* K–12 under P4 + EK1 containment conditions. If the investigators wish to proceed with the experiments in the NIH P4 facility, a prior review will be conducted to advise NIH whether the proposal has sufficient scientific merit to justify the use of the NIH P4 facility.

Appendix F–IV–I. A hybrid gene in which the gene coding for the melanocyte stimulating hormone (MSH) is joined to a segment of the gene encoding diphtheria toxin may be safely propagated in *E. coli* K–12, under P4 containment, in high containment building 550 at the Frederick Cancer Research Facility. If the investigators wish to proceed with the experiment, a prior review will be conducted to advise NIH whether the proposal has sufficient scientific merit to justify the use of the NIH P4 facility. Before any of the strains may be removed from the P4 facility, data on their safety shall be evaluated by the RAC Working Group on Toxins, and the Working Group recommendation shall be acted upon by NIH.

Appendix F–IV–J. The gene segment encoding the A subunit of cholera toxin of *Vibrio cholerae* may be joined to the transposons Tn5 and the Tn–131 and the A–subunit::Tn5–131 hybrid gene cloned in *E. coli* K–12 and *V. cholerae* under P1 containment conditions.

Appendix G—Physical Containment

Appendix G–I. *Standard Practices and Training.* The first principle of containment is a strict adherence to good microbiological practices [1–10]. Consequently, all personnel directly or indirectly involved in experiments on recombinant DNA's must receive adequate instruction. (See Sections IV–B–1–e and IV–B–5–d.) This shall, as a minimum, include instructions in aseptic techniques and in the biology of the organism used in the experiments, so that the potential biohazards can be understood and appreciated.

Any research group working with agents with a known or potential biohazard shall have an emergency plan which describes the procedures to be followed if an accident contaminates personnel or the environment. The principal investigator must ensure that everyone in the laboratory is familiar with both the potential hazards of the work and the emergency plan. (See Section IV–B–3–d and IV–B–5–e.) If a research group is working with a known pathogen where there is an effective vaccine it should be made available to all workers. Where serological monitoring is clearly appropriate it shall be provided. (See Section IV–B–1–f.)

The "Laboratory Safety Monograph," available from ORDA, describes practices, equipment, and facilities in detail.

Appendix G–II. *Physical Containment Levels.* The objective of physical containment is to confine organisms containing recombinant DNA molecules, and thus to reduce the potential for exposure of the laboratory worker, persons outside of the laboratory, and the environment to organisms containing recombinant DNA molecules. Physical containment is achieved through the use of laboratory practices, containment equipment, and special laboratory design. Emphasis is placed on primary means of physical containment which are provided by laboratory practices and containment. Special laboratory design provides a secondary means of protection against the accidental release of organisms outside the laboratory or to the environment. Special laboratory design is used primarily in facilities in which experiments of moderate to high potential hazards are performed.

Combinations of laboratory practices, containment equipment, and special laboratory design can be made to achieve different levels of physical containment. Four levels of physical containment, which are designated as P1, P2, P3, and P4, are described. It should be emphasized that the descriptions and assignments of physical containment detailed below are based on existing approaches to containment of pathogenic organisms. For example, the "Classification of Etiologic Agents on the Basis of Hazard," [2] prepared by the Centers for Disease Control, describes four general levels which roughly correspond to our descriptions for P1, P2, P3, and P4; and the National Cancer Institute describes three levels for research on oncogenic viruses which roughly correspond to our P2, P3, and P4 levels. [3]

It is recognized that several different combinations of laboratory practices, containment equipment, and special laboratory design may be appropriate for containment of specific research activities. The Guidelines, therefore, allow alternative selections of primary containment equipment within facilities that have been designed to provide P3 and P4 levels of physical containment. The selection of alternative methods of primary containment is dependent, however, on the level of biological containment provided by the host-vector system used in the experiment. Consideration will also be given by the Director, NIH, with the advice of the Recombinant DNA Advisory Committee to other combinations which achieve an equivalent level of containment. (See Section IV–C–1–b–(2)–(b).)

Appendix G–III–A. *P1 Level.*

Appendix G–II–A–1. *Laboratory Practices.*

Appendix G–II–A–1–a. *Laboratory doors shall be kept closed while experiments are in progress.*

Appendix G–II–A–1–b. Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

Appendix G–II–A–1–c. All biological wastes shall be decontaminated before disposal. Other contaminated materials, such as glassware, animal cages, and laboratory equipment, shall be decontaminated before washing, reuse, or disposal.

Appendix G–II–A–1–d. Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

Appendix G–II–A–1–e. Eating, drinking, smoking, and storage of foods are not permitted in the laboratory area in which recombinant DNA materials are handled.

Appendix G–II–A–1–f. Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

Appendix G–II–A–1–g. Care shall be taken in the conduct of all procedures to minimize the creation of aerosols.

Appendix G–II–A–1–h. Contaminated materials that are to be decontaminated at a site away from the laboratory shall be placed in a durable leak-proof

container, which is closed before removal from the laboratory.

Appendix G–II–A–1–i. An insect and rodent control program shall be instituted.

Appendix G–II–A–1–j. The use of laboratory gowns, coats, or uniforms is discretionary with the laboratory supervisor.

Appendix G–II–A–1–k. Use of the hypodermic needle and syringe shall be avoided when alternative methods are available.

Appendix G–II–A–1–l. The laboratory shall be kept neat and clean.

Appendix G–II–A–2. *Containment Equipment.* Special containment equipment is not required at the P1 level.

Appendix G–II–A–3. *Special Laboratory Design.* Special laboratory design is not required at the P1 level.

Appendix G–II–B. *P2 Level.*

Appendix G–II–B–1. *Laboratory Practices.*

Appendix G–II–B–1–a. Laboratory doors shall be kept closed while experiments are in progress.

Appendix G–II–B–1–b. Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

Appendix G–II–B–1–c. All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminanted materials such as glassware, animal cages, laboratory equipment, and radioactive wastes shall be decontaminated by a means demonstrated to be effective before washing, reuse, or disposal.

Appendix G–II–B–1–d. Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

Appendix G–II–B–1–e. Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

Appendix G–II–B–1–f. Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

Appendix G–II–B–1–g. Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splaters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

Appendix G–II–B–1–h. Contaminated materials that are to be steam sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

Appendix G–II–B–1–i. Only persons who have been advised of the nature of the research being conducted shall enter the laboratory.

Appendix G–II–B–1–j. The universal biohazard sign shall be posted on all laboratory access doors when experiments requiring P2 containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

Appendix G–II–B–1–k. An insect and rodent control program shall be instituted.

Appendix G–II–B–1–l. The use of laboratory gowns, coats, or uniforms is required. Laboratory clothing shall not be worn to the lunch room or outside of the building in which the laboratory is located.

Appendix G–II–B–1–m. Animals not related to the experiment shall not be permitted in the laboratory.

Appendix G–II–B–1–n. Use of the hypodermic needle and syringe shall be avoided when alternative methods are available.

Appendix G–II–B–1–o. The laboratory shall be kept neat and clean.

Appendix G–II–B–1–p. Experiments of lesser biohazard potential can be carried out concurrently in carefully demarcated areas of the same laboratory.

Appendix G–II–B–1–2. *Containment Equipment.* Biological safety cabinets [12] shall be used to contain aerosol-producing equipment, such as blenders, lyophilizers, sonicators, and centrifuges, when used to process organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol. For example, a centrifuge may be operated in the open if a sealed head or safety centrifuge cups are used.

Appendix G–II–B–1–3. *Special Laboratory Design.* An autoclave for sterilization of wastes and contaminated materials shall be available in the same building in which organisms containing recombinant DNA molecules are used.

Appendix G–II–C. *P3 Level.*

Appendix G–II–C–1. *Laboratory Practices.*

Appendix G–II–C–1–a. Laboratory doors shall be kept closed while experiments are in progress.

Appendix G–II–C–1–b. Work surfaces shall be decontaminated following the completion of the experimental activity, and immediately following spills of organisms containing recombinant DNA molecules.

Appendix G–II–C–1–c. All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials, such as glassware, animal cages, laboratory equipment, and radioactive wastes, shall be decontaminated by a method demonstrated to be effective before washing, reuse, or disposal.

Appendix G–II–C–1–d. Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

Appendix G–II–C–1–e. Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

Appendix G–II–C–1–f. Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

Appendix G–II–C–1–g. Care shall be exercised to minimize the creation of aerosols. For example, manipulation such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

Appendix G–II–C–1–h. Contaminated materials that are to be steam-sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

Appendix G–II–C–1–i. Entry into the laboratory shall be through a controlled access area. Only persons who have been advised of the nature of the research being conducted shall enter the controlled access area. Only persons required on the basis of program or support needs shall be authorized to enter the laboratory. Such persons shall be advised of the nature of the research being conducted before entry, and shall comply with all required entry and exit procedures.

Appendix G–II–C–1–j. Persons under 16 years of age shall not enter the laboratory.

Appendix G–II–C–1–k. The universal biohazard sign shall be posted on the controlled access area door and on all laboratory doors when experiments requiring P3-level containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

Appendix G–II–C–1–l. An insect and rodent control program shall be instituted.

Appendix G–II–C–1–m. Laboratory clothing that protects street clothing (e.g., long-sleeve solid-front or wrap-around gowns, no-button or slipover jackets) shall be worn in the laboratory. Front-button laboratory coats are unsuitable. Laboratory clothing shall not be worn outside the laboratory and shall be decontaminated before it is sent to the laundry.

Appendix G–II–C–1–n. Raincoats, overcoats, topcoats, coats, hats, caps, and such street outer-wear shall not be kept in the laboratory.

Appendix G–II–C–1–o. Gloves shall be worn when handling materials requiring P3 containment. They shall be removed aseptically immediately after the handling procedure and decontaminated.

Appendix G–II–C–1–p. Animals and plants not related to the experiment shall not be permitted in the laboratory.

Appendix G–II–C–1–q. Vacuum outlets shall be protected by filter and liquid disinfectant traps.

Appendix G–II–C–1–r. Use of hypodermic needle and syringe shall be avoided when alternative methods are available.

Appendix G–II–C–1–s. The laboratory shall be kept neat and clean.

Appendix G–II–C–1–t. If experiments involving other organisms which require lower levels of containment are to be conducted in the same laboratory concurrently with expermiments requiring P3-level physical containment, they shall be conducted in accordance with all P3-level laboratory practices.

Appendix G–II–C–2. *Containment Equipment.*

Appendix G–II–C–2–a. Biological safety cabinets [12] shall be used for all equipment and manipulations that produce aerosols—e.g., pipetting, dilutions, transfer operations, plating, flaming, grinding, blending, drying, sonicating, shaking, centrifuging—where these procedures involve organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol.

Appendix G–II–C–2–b. Laboratory animals held in a P3 area shall be housed in partial-containment caging systems, such as Horsfall units [11], open cages placed in ventilated enclosures, solid-wall and -bottom cages covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet radiation lamps and relectors.

Note.—Conventional caging systems may be used, provided that all personnel wear appropriate personal protective devices. These shall include, at a minimum, wrap-around gowns, head covers, gloves, shoe covers, and respirators. All personnel shall shower on exit from areas where these devices are required.

Appendix G–II–C–2–c. *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment than that specified can be conducted in the P3 laboratory using containment equipment specified for the P2 level of physical containment. Experimental procedures involving a host-vector system that provides a one-step lower level of biological containment than that specified can be conducted in the P3 laboratory using containment equipment specified for the P4 level of physical containment. Alternative combinations of containment safeguards are shown in Table I.

TABLE I.—POSSIBLE COMBINATIONS OF CONTAINMENT SAFEGUARDS

Classification of experiment		Alternate combinations of physical and biological containment			
		Physical Containment			
Physical containment	Biological containment [1]	Laboratory design specified for	Laboratory practices specified for	Containment equipment specified for	Biological containment
P3	HV2	P3	P3	P3	HV2
P3	HV2	P3	P3	P4	HV1
P3	HV1	P3	P3	P3	HV1
P3	HV1	P3	P3	P2	HV2

[1] See Appendix I for description of biological containment.

Appendix G–II–C–3. *Special Laboratory Design.*

Appendix G–II–C–3–a. The laboratory shall be separated by a controlled access area from areas that are open to unrestricted traffic flow. A controlled access area is an anteroom, a change room, an air lock or any other double-door arrangement that separates the laboratory from areas open to unrestricted traffic flow.

Appendix G–II–C–3–b. The surfaces of walls, floors, and ceilings shall be readily cleanable. Penetrations through these surfaces shall be sealed or capable of being sealed to facilitate space decontamination.

Appendix G–II–C–3–c. A foot-, elbow-, or automatically-operated handwashing facility shall be provided near each primary laboratory exit area.

Appendix G–II–C–3–d. Windows in the laboratory shall be sealed.

Appendix G–II–C–3–e. An autoclave for sterilization of wastes and contaminated materials shall be available in the same building (and preferably within the controlled laboratory area) in which organisms containing recombinant DNA molecules are used.

Appendix G–II–C–3–f. The laboratory shall have a ventilation system that is capable of controlling air movement. The movement of air shall be from areas of lower contamination potential to areas of higher contamination potential (i.e., from the controlled access area to the laboratory area). If the ventilation system provides positive pressure supply air, the system shall operate in a manner that prevents the reversal of the direction of air movement or shall be equipped with an alarm that would be actuated in the event that reversal in the direction of air movement were to occur. The exhaust air from the laboratory area shall not be recirculated to other areas of the building unless the exhaust air is filtered by HEPA filters or equivalent. The exhaust air from the laboratory area can be discharged to the outdoors without filtration or other means for effectively reducing an accidental aerosol burden provided that it can be dispersed clear of occupied buildings and air intakes.

Appendix G–II–C–3–g. The treated exhaust-air from Class I and Class II biological safety cabinets [12] may be discharged either to the laboratory or to the outdoors. The treated exhaust-air from a Class III cabinet shall be discharged directly to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through a building exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinet and the building ventilation system.

Appendix G–II–D. *P4 Level.*

Appendix G–II–D–1. *Laboratory Practices.*

Appendix G–II–D–1–a. Laboratory doors shall be kept closed while experiments are in progress.

Appendix G–II–D–1–b. Work surfaces shall be decontaminated following the completion of the experimental activity and immediately following spills of organisms containing recombinant DNA molecules.

Appendix G–II–D–1–c. All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other

contaminated materials such as glassware, animal cages, laboratory equipment, and radioactive wastes shall be decontaminated by a method demonstrated to be effective before washing, reuse, or disposal.

Appendix G–II–D–1–d. Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

Appendix G–II–D–1–e. Eating, drinking, smoking, and storage of food are not permitted in the P4 facility.

Appendix G–II–D–1–f. Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

Appendix G–II–D–1–g. Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

Appendix G–II–D–1–h. Biological materials to be removed from the P4 facility in a viable or intact state shall be transferred to a nonbreakable sealed container, which is then removed from the P4 facility through a passthrough disinfectant dunk tank or fumigation chamber.

Appendix G–II–D–1–i. No materials, except for biological materials that are to remain in a viable or intact state, shall be removed from the P4 facility unless they have been steam-sterilized (autoclaved) or decontaminated by a means demonstrated to be effective as they pass out of the P4 facility. All wastes and other materials as well as equipment not damaged by high temperature or steam shall be steam sterilized in the double-door autoclave of the P4 facility. Other materials which may be damaged by temperature or steam shall be removed from the P4 facility through a passthrough fumigation chamber.

Appendix G–II–D–1–j. Materials within the Class III cabinets shall be removed from the cabinet system only after being steam-sterilized in an attached double-door autoclave or after being contained in a nonbreakable sealed container, which is then passed through a disinfectant dunk tank or a fumigation chamber.

Appendix G–II–D–1–k. Only persons whose entry into the P4 facility is required to meet program or support needs shall be authorized to enter. Before entering, such persons shall be advised of the nature of the research being conducted and shall be instructed as to the appropriate safeguards to ensure their safety. They shall comply with instructions and all other required procedures.

Appendix G–II–D–1–l. Persons under 18 years of age shall not enter the P4 facility.

Appendix G–II–D–1–m. Personnel shall enter into and exit from the P4 facility only through the clothing change and shower rooms. Personnel shall shower at each egress from the P4 facility. Air locks shall not be used for personnel entry or exit except for emergencies.

Appendix G–II–D–1–n. Street clothing shall be removed in the outer side of the clothing-change area and kept there. Complete laboratory clothing, including undergarments, head cover, shoes, and either pants and shirts or jumpsuits, shall be used by all persons who enter the P4 facility. Upon exit, personnel shall store this clothing in lockers provided for this purpose or discard it into collection hampers before entering the shower area.

Appendix G–II–D–1–o. The universal biohazard sign is required on the P4 facility access doors and on all interior doors to individual laboratory rooms where experiments are conducted. The sign shall also be posted on freezers, refrigerators, or other units used to store organisms containing recombinant DNA molecules.

Appendix G–II–D–1–p. An insect and rodent control program shall be instituted.

Appendix G–II–D–1–q. Animals and plants not related to the experiment shall not be permitted in the laboratory in which the experiment is being conducted.

Appendix G–II–D–1–r. Vacuum outlets shall be protected by filter and liquid disinfectant traps.

Appendix G–II–D–1–s. Use of the hypodermic needle and syringe shall be avoided when alternate methods are available.

Appendix G–II–D–1–t. The laboratory shall be kept neat and clean.

Appendix G–II–D–1–u. If experiments involving other organisms which require lower levels of containment are to be conducted in the P4 facility concurrently with experiments requiring P4-level containment, they shall be conducted in accordance with all P4-level laboratory practices specified in this section.

Appendix G–II–D–2. *Containment Equipment.*

Appendix G–II–D–2–a. Experimental procedures involving organisms that require P4-level physical containment shall be conducted either in: (i) A Class III cabinet system or in (ii) Class I or Class II cabinets that are located in a specially designed area in which all personnel are required to wear one-piece positive-pressure isolation suits.

Appendix G–II–D–2–b. Laboratory animals involved in experiments requiring P4-level physical containment shall be housed either in cages contained in Class III cabinets or in partial containment caging systems (such as Horsfall units [11], open cages placed in ventilated enclosures, or solid-wall and -bottom cages covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet irradiation lamps and reflectors) that are located in a specially designed area in which all personnel are required to wear one-piece positive-pressure suits.

Appendix G–II–D–2–c. *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment than that specified can be conducted in the P4 facility using containment equipment requirements specified for the P3 level of physical containment. Alternative combinations of containment safeguards are shown in Table II.

TABLE II.—POSSIBLE COMBINATIONS OF CONTAINMENT SAFEGUARDS

Classification of experiment		Alternate combinations of physical and biological containment			
		Physical containment			
Physical containment	Biological [1] containment	Laboratory design specified for	Laboratory practices specified for	Containment equipment specified for	Biological containment
P4	HV1	P4	P4	P4	HV1
P4	HV1	P4	P4 [2]	P3	HV2

[1] see Appendix I for description of biological containment.
[2] In this case gloves shall be worn, in addition to the clothing requirements specified in Appendix G–11–D–1–n.

Appendix G–II–D–3. *Special Laboratory Design.*

Appendix G–II–D–3–a. The laboratory shall be located in a restricted-access facility which is either a separate building or a clearly demarcated and isolated zone within a building. Clothing-change areas and shower rooms shall be provided for personnel entry and egress. These rooms shall be

arranged so that personnel leave through the shower area to the change room. A double-door ventilated vestibule or ultraviolet air lock shall be provided for passage of materials, supplies, and equipment which are not brought into the P4 facility through the change room area.

Appendix G–II–D–3–b. Walls, floors, and ceilings of the P4 facility are constructed to form an internal shell which readily allows vapor-phase decontamination and is animal- and insect-proof. All penetrations through these structures and surfaces are sealed. (The integrity of the walls, floors, ceilings, and penetration seals should ensure adequate contaiment of a vapor-phase decontiminant under static pressure conditions. This requirement does not imply that these surfaces must be airtight.)

Appendix G–II–D–3–c. A foot-, elbow-, or automatically-operated handwashing facility shall be provided near the door within each laboratory in which experiments involving recombinant DNA are conducted in openface biological safety cabinets.

Appendix G–II–D–3–d. Central vacuum systems are permitted. The system, if provided, shall not serve areas outside the P4 facility. The vacuum system shall include in-line HEPA filters near each use point or service cock. The filters shall be installed so as to permit in-place decontamination and replaceement. Water supply, liquid and gaseous services provided to the P4 facility shall be protected by devices that prevent backflow.

Appendix G–II–D–3–e. Drinking water fountains shall not be installed in laboratory or animal rooms of the P4 facility. Foot-operated water fountains are permitted in the corridors of the P4 facility. The water service provided to such fountains shall be protected from the water services to the laboratory areas of the P4 facility.

Appendix G–II–D–3–f. Laboratory doors shall be self-closing.

Appendix G–II–D–3–g. A double-door autoclave shall be provided for sterilization of material passing out of the P4 facility. The autoclave doors shall be interlocked so that both doors will not be open at the same time.

Appendix G–II–D–3–h. A pass-through dunk tank or fumigation chamber shall be provided for removal from the P4 facility of material and equipment that cannot be heat-sterilized.

Appendix G–II–D–3–i. All liquiid effluents from the P4 facility shall be collected and decontaminated before disposal. Liquid effluents from biological safety cabinets and laboratory sinks shall be sterilized by heat. Liquid effluents from the shower and hand washing facilities may be activated by chemical treatment. HEPA filters shall be installed in all vents from effluent drains.

Appendix G–II–D–3–j. An individual supply and exhaust-air ventilation system shall be provided. The system shall maintain pressure differentials and directional air flow as required to endure inflow from areas outside the facility toward areas of highest potential risk within the facility. The system shall be designed to prevent the reversal of air flow. The system shall sound an alarm in the event of system malfunction.

Appendix G–II–D–3–k. Air within individual laboratories of the P4 facility may be recirculated if HEPA filtered.

Appendix G–II–D–3–l. The exhaust air from the P4 facility shall be HEPA filtered and discharged to the outdoors so that it is dispersed clear of occupied buildings and air intakes. The filter chambers shall be designed to allow *in situ* decontamination before removal and to facilitate certification testing after replacement.

Appendix G–II–D–3–m. The treated exhaust-air from Class I and Class II biological safety cabinets [12] may be discharged directly to the laboratory room environment or to the outdoors. The treated exhaust-air from Class III cabinets shall be discharged to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors thourgh the P4 facility exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinets or the facility exhaust air system.

Appendix G–II–D–3–n. As noted in Appendix G–II–D–2–a, the P4 facility may contain specially designed areas in which all personnel are required to wear one-piece positive-pressure isolation suits. Such areas shall be airtight. The exhaust-air from the suit area shall be filtered by two sets of HEPA filters installed in series, and a duplicate filtration unit and exhaust fan shall be provided. The air pressure within the suit area shall be less than that on any adjacent area. An emergency lighting system, communication systems and power source shall be provided. A double-door autoclave shall be provided for sterilization of all waste materials to be removed from the suit area.

Personnel who enter this area shall wear a one-piece positive-pressure suit that is ventilated by a life-support system. The life-support system shall be provided with alarms and emergency backup air. Entry to this area is through an airlock fitted with airtight doors. A chemical shower area shall be provide to decontaminate the surfaces of the suit before removal.

Appendix G–III. *Footnotes and References of Appendix G.*

1. *Laboratory Safety at the Center for Disease Control* (Sept. 1974). U.S. Department of Health, Education and Welfare Publication No. CDC 75–8118.

2. *Classification of Etiologic Agents on the Basis of Hazard.* (4th Edition, July 1974). U.S. Department of Health, Education and Welfare. Public Health Service. Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

3. *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (Oct. 1974). U.S. Department of Health, Education and Welfare Publication No. (NIH) 75–790.

4. *National Institutes of Health Biohazards Safety Guide* (1974). U.S. Department of Health, Education, and Welfare, Public Health Service, Natonal Institutes of Health. U.S. Government Printing Office, Stock No. 1740–00383.

5. *Biohazards in Biological Research* (1973). A. Hellman, M. N. Oxman, and R. Pollack (ed.) Cold Spring Harbor Laboratory.

6. *Handbook of Laboratory Safety* (1971). Second Edition. N. V. Steere (ed.). The Chemical Rubber Co., Cleveland.

7. Bodily, J. L. (1970). *General Administration of the Laboratory,* H. L. Bodily, E. L. Updyke, and J. O. Mason (eds.), Diagnostic Procedures for Bacterial, Mycotic and Parasitic Infections. American Public Health Association, New York, pp. 11–28.

8. Darlow, H. M. (1969). *Safety in the Microbiological Laboratory.* In J. R. Norris and D. W. Robbins (ed.), Methods in Microbiology. Academic Press, Inc. New York. pp. 169–204.

9. *The Prevention of Laboratory Acquired Infection* (1974). C. H. Collins, E. G. Hartley, and R. Pilsworth. Public Health Laboratory Service, Monograph Series No. 6.

10. Chatigny, M. A. (1961). *Protection Against Infection in the Microbiological Laboratory: Devices and Procedures.* In W. W. Umbreit (ed.). Advances in Applied Microbiology. Academic Press, New York, N.Y. 3:131–192.

11. Horsfall, F. L., Jr., and J. H. Baner (1940). *Individual Isolation of Infected Animals in a Single Room.* J. Bact. *40,* 569–580.

12. Biological safety cabinets referred to in this section are classified as *Class I, Class II* or *Class III* cabinets. A *Class I* is a ventilated cabinet for personnel protection having an inward flow of air away from the operator. The exhaust air from this cabinet is filtered through a high-efficiency particulate air (HEPA) filter. This cabinet is used in three operational modes: (1) With a full-width open front, (2) with an installed front closure panel (having four 8-inch diameter openings) without gloves, and (3) with an installed front closure panel equipped with arm-length rubber gloves. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater.

A *Class II* cabinet is a ventilated cabinet for personnel and product protection having

an open front with inward air flow for personnel protection, and HEPA filtered mass recirculation air flow for product protection. The cabinet exhaust air is filtered through a HEPA filter. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. Design and peformance specifications for *Class II* cabinets have been adopted by the National Sanitation Foundation, Ann Arbor, Michigan. A *Class III* cabinet is a closed-front ventilated cabinet of gas-tight construction which provides the highest level of personnel protection of all biohazard safety cabinets. The interior of the cabinet is protected from contaminants exterior to the cabinet. The cabinet is fitted with arm-length rubber gloves and is operated under a negative pressure of at least 0.5 inches water gauge. All supply air is filtered through HEPA filters. Exhaust air is filtered through two HEPA filters or one HEPA filter and incinerator before being discharged to the outside environment.

Appendix H—Shipment

Recombinant DNA molecules contained in an organism or virus shall be shipped only as an etiologic agent under requirements of the U.S. Public Health Service, and the U.S. Department of Transportation (Section 72.3, Part 72, Title 42, and Sections 173.386–.388, Part 173, Title 49, United States Code of Federal Regulations (CFR)) as specified below:

Appendix H–I. Recombinant DNA molecules contained in an organism or virus requiring P1, P2, or P3 physical containment, when offered for transportation or transported, are subject to all requirements of Section 72.3(a)–(3), Part 72, Title 42 CFR, and Sections 173.386–.388, Part 173, Title 49 CFR.

Appendix H–II. Recombinant DNA molecules contained in an organism or virus requiring P4 physical containment, when offered for transportation or transported, are subject to the requirements listed above under Appendix H–I and are also subject to Section 72.3(f), Part 72, Title 42 CFR.

Appendix H–III. Information on packaging and labeling of etiologic agents is shown in Figures 1, 2, and 3. Additional information on packaging and shipment is given in the "Laboratory Safety Monograph—A Supplement to the NIH Guidelines for Recombinant DNA Research," available from ORDA.

BILLING CODE 4140-01-M

The Interstate Shipment of Etiologic Agents (42 CFR, Part

PACKAGING AND

FIGURE 1

FIGURE 1

PACKAGING AND LABELING OF ETIOLOGIC AGENTS

FIGURE 2

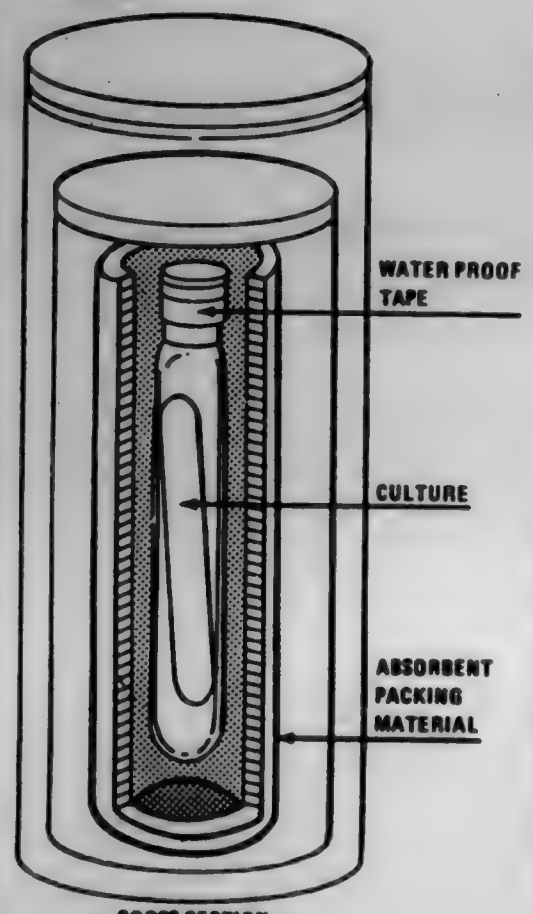

CROSS SECTION OF PROPER PACKING

The Interstate Shipment of Etiologic Agents (42 CFR, Part 72) was revised July 21, 1980 to provide for packaging and labeling requirements for etiologic agents and certain other materials shipped in interstate traffic.

Figures 1 and 2 diagram the packaging and labeling of etiologic agents in volumes of less than 50 ml. in accordance with the provisions of subparagraph 72.3 (a) of the cited regulation. Figure illustrates the color and size of the label, described in subparagraph 72.3 (d) (1 - 5) of the regulations, which shall be affixed to all shipments of etiologic agents.

For further information on any provision of this regulation contact:

Centers for Disease Control
Attn: Biohazards Control Office
1600 Clifton Road
Atlanta, Georgia 30333

Telephone: 404–329-3883
FTS–236-3883

FIGURE 3

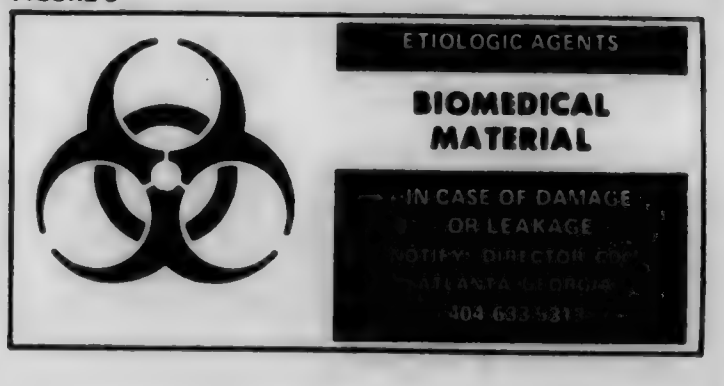

BILLING CODE 4160-01-C

Appendix I—Biological Containment

Appendix I–I. *Levels of Biological Containment.* In consideration of biological containment, the vector (plasmid, organelle, or virus) for the recombinant DNA and the host (bacterial, plant, or animal cell) in which the vector is propagated in the laboratory will be considered together. Any combination of vector and host which is to provide biological containment must be chosen or constructed so that the following types of "escape" are minimized: (i) Survival of the vector in its host outside the laboratory and (ii) transmission of the vector from the propagation host to other nonlaboratory hosts.

The following levels of biological containment (HV, or Host-Vector, systems) for prokaryotes will be established; specific criteria will depend on the organisms to be used.

Appendix I–I–A. *HV1.* A host-vector system which provides a moderate level of containment. *Specific systems:*

Appendix I–I–A–1. *EK1.* The host is always *E. coli* K–12 or a derivative thereof, and the vectors include nonconjugative plasmids (e.g., pSC101, ColE1, or derivatives thereof [1–7]) and variants of bacteriophage, such as lambda [8–15]. The *E. coli* K–12 hosts shall not contain conjugation-proficient plasmids, whether autonomous or integrated, or generalized transducing phages.

Appendix I–I–A–2. *Other HV1.* Hosts and vectors shall be, at a minimum, comparable in containment to *E. coli* K–12 with a non conjugative plasmid or bacteriophage vector. The data to be considered and a mechanism for approval of such HV1 systems are described below (Appendix I–II).

Appendix I–I–B. *HV2.* These are host-vector systems shown to provide a high level of biological containment as demonstrated by data from suitable tests performed in the laboratory. Escape of the recombinant DNA either via survival of the organisms or via transmission of recombinant DNA to other organisms should be less than $1/10^8$ under specified conditions. *Specific systems:*

Appendix I–I–B–1. For EK2 host-vector systems in which the vector is a plasmid, no more than one in 10^8 host cells should be able to perpetuate a cloned DNA fragment under the specified nonpermissive laboratory conditions designed to represent the natural environment, either by survival of the original host or as a consequences of transmission of the cloned DNA fragment.

Apendix I–I–B–2. For EK2 host-vector systems in which the vector is a phage, no more than one in 10^8 phage particles should be able to perpetuate a cloned DNA fragment under the specified nonpermissive laboratory conditions designed to represent the natural environment either: (i) As a prophage (in the inserted or plasmid form) in the laboratory host used for phage propagation or (ii) by surviving in natural environments and transferring a cloned DNA fragment to other hosts (or their resident prophages).

Appendix I–II. *Certification of Host-Vector Systems.*

Appendix I–II–A. *Responsibility.* HV1 systems other than *E. coli* K–12, and HV2 host-vector systems, may not be designated as such until they have been certified by the Director, NIH. Application for certification of a host-vector system is made by written application to the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

Host-vector systems that are proposed for certification will be reviewed by the National Institutes of Health (NIH) Recombinant DNA Advisory Committee (RAC). (See Section IV–C–l–b–(1)–(e).) This will first involve review of the data on construction, properties, and testing of the proposed host-vector system by a Working Group composed of one or more members of the RAC and other persons chosen because of their expertise in evaluating such data. The Committee will then evaluate the report of the Working Group and any other available information at a regular meeting. The Director, NIH, is responsible for certification after receiving the advice of the RAC. Minor modifications of existing certified host-vector systems, where the modifications are of minimal or no consequence to the properties relevant to containment may be certified by the Director, NIH, without review by the RAC. (See Section IV–C–l–b–(3)–(c).)

When new host-vector systems are certified, notice of the certification will be sent by the Office of Recombinant DNA Activities (ORDA) to the applicant and to all Institutional Biosafety Committees (IBCs) and will be published in the *Recombinant DNA Technical Bulletin.* Copies of a list of all currently certified host-vector systems may be obtained from ORDA at any time.

The Director, NIH, may at any time rescind the certification of any host-vector systems. (See Section IV–C–l–b–(3)–(d).) If certification of a host-vector system is rescinded, NIH will instruct investigators to transfer cloned DNA into a different system, or use the clones at a higher physical containment level unless NIH determines that the already constructed clones incorporate adequate biological containment.

Certification of a given system does not extend to modifications of either the host or vector component of that system. Such modified systems must be independently certified by the Director, NIH. If modifications are minor, it may only be necessary for the investigator to submit data showing that the modifications have either improved or not impaired the major phenotypic traits on which the containment of the system depends. Substantial modifications of a certified system require the submission of complete testing data.

Appendix I–II–B. *Data To Be Submitted for Certification.*

Appendix I–II–B–1. *HV1 Systems Other than E. coli K–12.* The following types of data shall be submitted, modified as appropriate for the particular system under consideration: (i) A description of the organism and vector; the strain's natural habitat and growth requirements; its physiological properties, particularly those related to its reproduction and survival and the mechanisms by which it exchanges genetic information; the range of organisms with which this organism normally exchanges genetic information and what sort of information is exchanged; and any relevant information on its pathogenicity or toxicity; (ii) A description of the history of the particular strains and vectors to be used, including data on any mutations which render this organism less able to survive or transmit genetic information; (iii) A general description of the range of experiments contemplated, with emphasis on the need for developing such an HV1 system.

Appendix I–II–B–2. *HV2 Systms.* Investigators planning to request HV2 certification for host-vector systems can obtain instructions from ORDA concerning data to be submitted [14–15]. In general, the following types of data are required: (i) Description of construction steps, with indication of source, properties, and manner of introduction of genetic traits; (ii) Quantitative data on the stability of genetic traits that contribute to the containment of the system; (iii) Data on the survival of the host-vector system under nonpermissive laboratory conditions designed to represent the relevant natural environment; (iv) Data on transmissibility of the vector and/or a cloned DNA fragment under both permissive and nonpermissive conditions; (v) Data on all other

properties of the system which affect containment and utility, including information on yields of phage or plasmid molecules, ease of DNA isolation, and ease of transfection or transformation. (vi) In some cases, the investigator may be asked to submit data on survival and vector transmissibility from experiments in which the host-vector is fed to laboratory animals and human subjects. Such *in vivo* data may be required to confirm the validity of predicting *in vivo* survival on the basis of *in vitro* experiments.

Data must be submitted in writing to ORDA. Ten to twelve weeks are normally required for review and circulation of the data prior to the meeting at which such data can be considered by the RAC. Investigators are encouraged to publish their data on the construction, properties, and testing of proposed HV2 systems prior to consideration of the system by the RAC and its subcommittee. More specific instructions concerning the type of data to be submitted to NIH for proposed EK2 systems involving either plasmids or bacteriophage in *E. coli* K–12 are available from ORDA.

Appendix I–III. *Footnotes and References of Appendix I.*

1. Hershfield, V., H. W. Boyer, C. Yanofsky, M. A. Lovett, and D. R. Helinski (1974). *Plasmid Col El as a Molecular Vehicle for Cloning and Amplification of DNA.* Proc. Nat. Acad. Sci. USA *71*, 3455–3459.

2. Wensink, P. C., D. J. Finnegan, J. E. Donelson, and D. S. Hogness (1974). *A System for Mapping DNA Sequences in the Chromosomes of Drosophila Melanogaster.* Cell *3*, 315–335.

3. Tanaka, T., and B. Weisblum (1975). *Construction of a Colicin El-R Factor Composite Plasmid In Vitro: Means for Amplification of Deoxyribonucleic Acid.* J. Bacteriol. *121*, 354–362.

4. Armstrong, K. A., V. Hershfield, and D. R. Helinski (1977). *Gene Cloning and Containment Properties of Plasmid Col El and Its Derivatives,* Science *196*, 172–174.

5. Bolivar, F., R. L. Rodriguez, M. C. Betlach, and H. W. Boyer (1977). *Construction and Characterization of New Cloning Vehicles: I. Ampicillin-Resistant Derivative of pMB9.* Gene *2*, 75–93.

6. Cohen, S. N., A. C. W. Chang, H. Boyer, and R. Helling (1973). *Construction of Biologically Functional Bacterial Plasmids in Vitro.* Proc. Natl. Acad. Sci. USA *70*, 3240–3244.

7. Bolivar, F., R. L. Rodriguez, R. J. Greene, M. C. Batlach, H. L. Reyneker, H. W. Boyer, J. H. Crosa, and S. Falkow (1977). *Construction and Characterization of New Cloning Vehicles: II. A Multi-Purpose Cloning System.* Gene *2*, 95–113.

8. Thomas, M., J. R. Cameron, and R. W. Davis (1974). *Viable Molecular Hybrids of Bacteriophage Lambda and Eukaryotic DNA.* Proc. Nat. Acad. Sci. USA *71*, 4579–4583.

9. Murray, N. E., and K. Murray (1974). *Manipulation of Restriction Targets in Phage Lambda to Form Receptor Chromosomes for DNA Fragments.* Nature *251*, 476–481.

10. Rambach, A., and P. Tiollais (1974). *Bacteriophage Having EcoRI Endonuclease Sites Only in the Non-Essential Region of the Genome.* Proc. Nat. Acad. Sci., USA *71*, 3927–3930.

11. Blattner, F. R., G. G. Williams, A. E. Bleche, K. Denniston-Thompson, H. E. Faber, L. A. Furlong, D. J. Gunwald, D. O. Kiefer, D. D. Moore, J. W. Shumm, E. L. Sheldon, and O. Smithies (1977). *Charon Phages: Safer Derivatives of Bacteriophage Lambda for DNA Cloning.* Science *196*, 163–169.

12. Donoghue, D. J., and P. A. Sharp (1077). *An Improved Lambda Vector: Construction of Model Recombinants Coding for Kanamycin Resistance,* Gene *1*, 209–227.

13. Leder, P., D. Tiemeier and L. Enquist (1977). *EK2 Derivatives of Bacteriopghage Lambda Useful in the Cloning of DNA from Higher Organisms: The gt WES System.* Science *196*, 175–177.

14. Skalka, A. (1978). *Current Status of Coliphage EK2 Vectors.* Gene *3*, 29–35.

15. Szybalski, W., A. Skalka, S. Gottesman, A. Campbell, and D. Botstein (1978). *Standardized Laboratory Tests for EK2 Certification.* Gene *3*, 36–38.

Appendix J—Federal Interagency Advisory Committee on Recombinant DNA Research

Appendix J–I. *Federal Interagency Advisory Committee.* The Federal Interagency Advisory Committee on Recombinant DNA Research advises the Secretary of the Department of Health and Human Services, the Assistant Secretary for Health, and the Director, National Institutes of Health, on the coordination of those aspects of all Federal programs and activities relating to recombinant DNA research. The Committee provides for communication and exchange of information necessary to maintain adequate coordination of such programs and activities. The Committee is responsible for facilitating compliance with a uniform form set of guidelines in the conduct of this research in the public and private sectors and, where warranted, to suggest administrative or legislative proposals.

The Director of the NIH, or his designee, serves as Chairman, and the Committee includes representation from all Departments and Agencies whose programs involve health functions or responsibilities as determined by the Secretary.

Departments and Agencies which have representation on this Committee, as of December 1980, are

Department of Agriculture
Department of Commerce
Department of Defense
Department of Energy
Environmental Protection Agency
Executive Office of the President
Department of Health and Human Services.
  Office of the Assistant Secretary for Health, Centers for Disease Control, Food and Drug Administration, National Institutes of Health
Department of the Interior
Department of Justice
Department of Labor
National Aeronautics and Space Administration
National Science Foundation
Nuclear Regulatory Commission
Department of State
Department of Transportation
Arms Control and Disarmament Agency
Veterans Administration

At the second meeting of the Committee on November 23, 1976, all of the Federal agencies endorsed the NIH Guidelines, and Departments which support or conduct recombinant DNA research agreed to abide by the NIH Guidelines [1].

Appendix J–II. *Footnote of Appendix J.*

1. Minutes of the first eight meetings of the Federal Interagency Advisory Committee on Recombinant DNA Research are reproduced in *Recombinant DNA Research, Volume 2. Documents Relating to "NIH Guidelines for Research Involving Recombinant DNA Molecules," June 1976–November 1977.*

Appendix K—Physical Containment for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules

This part of the NIH Guidelines specifies physical containment guidelines for large-scale (greater than 10 liters of culture) research or production involving viable organisms containing recombinant DNA molecules. It shall apply to large-scale research or production activities as specified in Section III–B–5 of the NIH Guidelines.

All provisions of the NIH Guidelines shall apply to large-scale research or production activities with the following modifications:

- Appendix K shall replace Appendix G when quantities in excess of 10 liters of culture are involved in research or production.
- The institution shall appoint a biological safety officer if it engages in large-scale research or production activities involving viable organisms containing recombinant DNA molecules. The duties of the biological safety officer shall include those specified in Section IV–B–4 of the Guidelines.
- The institution shall establish and maintain a health surveillance program for personnel engaged in large-scale research or production activities involving viable organisms containing recombinant DNA molecules which require P3 containment at the laboratory

scale. The program shall include: preassignment and periodic physical and medical examinations; collection, maintenance and analysis of serum specimens for monitoring serologic changes that may result from the employee's work experience; and provisions for the investigation of any serious, unusual or extended illnesses of employees to determine possible occupational origin.

Appendix K–I. *Selection of Physical Containment Levels.* The selection of the physical containment level required for recombinant DNA research or production involving more than 10 liters of culture is based on the containment guidelines established in Part III of the Guidelines. For purposes of large-scale research or production, three physical containment levels are established. These are referred to as P1–LS, P2–LS, and P3–LS. The P1–LS level of physical containment is required for large-scale research or production of viable organisms containing recombinant DNA molecules which require P1 containment at the laboratory scale. The P2–LS level of physical containment is required for large-scale research or production of viable organisms containing recombinant DNA molecules which require P2 containment at the laboratory scale. The P3–LS level of physical containment is required for large-scale research of production of viable organisms containing recombinant DNA molecules which require P3 containment at the laboratory scale. No provisions are made for large-scale research or production of viable organisms containing recombinant DNA molecules which require P4 containment at the laboratory scale. If necessary, these requirements will be established by NIH on an individual basis.

Appendix K–II. *PL–LS Level.*

Appendix K–II–A. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessel used for the propagation and growth of cultures) or other primary containment equipment (e.g., biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to reduce the potential for escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system or other primary containment equipment provided all physical containment requirements specified in Appendix G–II–A of the Guidelines are met.

Appendix K–II–B. Culture fluids (except as allowed in Appendix K–B–3) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure. A validated inactivation procedure is one which has been demonstrated to be effective using the organism that will serve as the host for progagating the recombinant DNA molecules.

Appendix K–II–C. Sample collection from a closed system, the addition of materials to a closed system and the transfer of culture fluids from one closed system to another shall be done in a manner which minimizes the release of aerosols or contamination of exposed surfaces.

Appendix K–II–D. Exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g., incineration) to prevent the release of viable organisms containing recombinant DNA molecules to the environment.

Appendix K–II–E. A closed system or other primary containment equipment that has contained viable organisms containing recombinant DNA molecules shall not be opened for maintenance or other purposes unless it has been sterilized by a validated sterilization procedure. A validated sterilization procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

Appendix K–II–F. Emergency plans required by Section IV–B–3–f shall include methods and procedures for handling large losses of culture on an emergency basis.

Appendix K–III. *P2–LS Level.*

Appendix K–III–A. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessel used for the propagation and growth of cultures) or other primary containment equipment (e.g., Class III biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to prevent the escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system or other primary containment equipment provided all physical containment requirements specified in Appendix G–II–B of the Guidelines are met.

Appendix K–III–B. Culture fluids (except as allowed in Appendix K–C–3) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure. A validated inactivation procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

Appendix K–III–C. Sample collection from a closed system, the addition of materials to a closed system, and the transfer of cultures fluids from one closed system to another shall be done in a manner which prevents the release of aerosols or contamination of exposed surfaces.

Appendix K–III–D. Exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g., incineration) to prevent the release of viable organisms containing recombinant DNA molecules to the environment.

Appendix K–III–E. A closed system or other primary containment equipment that has contained viable organisms containing recombinant DNA molecules shall not be opened for maintenance or other purposes unless it has been sterilized by a validated sterilization procedure. A validated sterilization procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

Appendix K–III–F. Rotating seals and other mechanical devices directly associated with a closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be designed to prevent leakage or shall be fully enclosed in ventilated housings that are exhausted through filters which have efficiencies equivalent to HEPA filters or through other equivalent treatment devices.

Appendix K–III–G. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules and other primary containment equipment used to contain operations involving viable organisms containing recombinant DNA molecules shall include monitoring or sensing devices that monitor the integrity of containment during operations.

Appendix K–III–H. A closed system used for the propagation and growth of viable organisms containing the recombinant DNA molecules shall be tested for integrity of the containment features using the organism that will serve as the host for propagating recombinant DNA molecules. Testing shall be accomplished prior to the introduction of viable organisms containing recombinant DNA molecules, and following modification or replacement of essential containment

features. Procedures and methods used in the testing shall be appropriate for the equipment design and for recovery and demonstration of the test organism. Records of tests and results shall be maintained on file.

Appendix K–III–I. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be permanently identified. This identification shall be used in all records reflecting testing, operation, and maintenance and in all documentation relating to use of this equipment for research or production activities involving viable organisms containing recombinant DNA molecules.

Appendix K–III–J. The universal biohazard sign shall be posted on each closed system and primary containment equipment when used to contain viable organisms containing recombinant DNA molecules.

Appendix K–III–K. Emergency plans required by Section IV–B–3–f shall include methods and procedures for handling large losses of culture on an emergency basis.

Appendix K–IV. *P3–LS Level.*

Appendix K–IV–A. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessels used for the propagation and growth of cultures) or other primary containment equipment (e.g., Class III biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to prevent the escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system provided all physical containment requirements specified in Appendix G–II–C of the Guidelines are met.

Appendix K–IV–B. Culture fluids (except as allowed in Appendix K–D–3) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure. A validated inactivation procedure is one which has been demonstrated to be effective using the organisms that will serve as the host for propagating the recombinant DNA molecules.

Appendix K–IV–C. Sample collection from a closed system, the addition of materials to a closed system, and the transfer of culture fluids from one closed system to another shall be done in a manner which prevents the release of aerosols or contamination of exposed surfaces.

Appendix K–IV–D. Exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g., incineration) to prevent the release of viable organisms containing recombinant DNA molecules to the environment.

Appendix K–IV–E. A closed system or other primary containment equipment that has contained viable organisms containing recombinant DNA molecules shall not be opened for maintenance or other purposes unless it has been sterilized by a validated sterilization procedure. A validated sterilization procedure is one which has been demonstrated to be effective using the organisms that will serve as the host for propagating the recombinant DNA molecules.

Appendix K–IV–F. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be operated so that the space above the culture level will be maintained at a pressure as low as possible, consistent with equipment design, in order to maintain the intergrity of containment features.

Appendix K–IV–G. Rotating seals and other mechanical devices directly associated with a closed system used to contain viable organisms containing recombinant DNA molecules shall be designed to prevent leakage or shall be fully enclosed in ventilated housings that are exhausted through filters which have efficiencies equivalent to HEPA filters or through other equivalent treatment devices.

Appendix K–IV–H. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules and other primary containment equipment used to contain operations involving viable organisms containing recombinant DNA molecules shall include monitoring or sensing devices that monitor the integrity of containment during operations.

Appendix K–IV–I. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be tested for integrity of the containment features using the organisms that will serve as the host for propagating the recombinant DNA molecules. Testing shall be accomplished prior to the introduction of viable organisms containing recombinant DNA molecules, and following modification or replacement of essential containment features. Procedures and methods used in the testing shall be appropriate for the equipment design and for recovery and demonstration of the test organism. Records of tests and results shall be maintained on file.

Appendix K–IV–J. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be permanently identified: This identification shall be used in all records reflecting testing, operation and maintenance and in all documentation relating to the use of this equipment for research production activities involving viable organisms containing recombinant DNA molecules.

Appendix K–IV–K. The universal biohazard sign shall be posted on each closed system and primary containment equipment when used to contain viable organisms containing recombinant DNA molecules.

Appendix K–IV–L. Emergency plans required by Section IV–B–3–f shall include methods and procedures for handling large losses of culture on an emergency basis.

Appendix K–IV–M. Closed systems and other primary containment equipment used in handling cultures of viable organisms containing recombinant DNA molecules shall be located within a controlled area which meets the following requirements:

Appendix K–IV–M–1. The controlled area shall have a separate entry area. The entry area shall be a double-doored space such as an air lock, anteroom or change room that separates the controlled area from the balance of the facility.

Appendix K–IV–M–2. The surfaces of walls, ceilings, and floors in the controlled area shall be such as to premit ready cleaning and decontamination.

Appendix K–IV–M–3. Penetrations into the controlled area shall be sealed to permit liquid or vapor phase space decontamination.

Appendix K–IV–M–4. All utilities and service or process piping and wiring entering the controlled area shall be protected against contamination.

Appendix K–IV–M–5. Handwashing facilities equipped with foot, elbow, or automatically operated values shall be located at each major work area and near each primary exit.

Appendix K–IV–M–6. A shower facility shall be provided. This facility shall be located in close proximity to the controlled area.

Appendix K–IV–M–7. The controlled area shall be designed to preclude release or culture fluids outside the controlled area in the event of an accidental spill or release from the closed systems or other primary containment equipment.

Appendix K–IV–M–8. The controlled area shall have a ventilation system that is capable of controlling air movement. The movement of air shall be from areas of lower contamination potential to areas of higher contamination potential. If the ventilation system provides positive pressure supply air, the system shall operate in a manner that prevents the reversal of the direction of air movement or shall be equipped with an alarm that would be actuated in the event that reversal in the direction of air movement were to occur. The exhaust air from the controlled area shall not be recirculated to other areas of the facility. The exhaust air from the controlled area may be discharged to the outdoors without filtration or other means for effectively reducing an accidental aerosol burden provided that it can be dispersed clear of occupied buildings and air intakes.

Appendix K–IV–N. The following personnel and operational practices shall be required.

Appendix K–IV–N–1. Personnel entry into the controlled area shall be through the entry area specified in Appendix K–D–13–a.

Appendix K–IV–N–2. Persons entering the controlled area shall exchange or cover their personal clothing with work garments such as jumpsuits, laboratory coats, pants and shirts, head cover, and shoes or shoe covers. On exit from the controlled area the work clothing may be stored in a locker separate from that used for personal clothing or discarded for laundering. Clothing shall be decontaminated before laundering.

Appendix K–IV–N–3. Entry into the controlled area during periods when work is in progress shall be restricted to those persons required to meet program or support needs. Prior to entry all persons shall be informed of the operating practices, emergency procedures, and the nature of the work conducted.

Appendix K–IV–N–4. Persons under 18 years of age shall not be permitted to enter the controlled area.

Appendix K–IV–N–5. The universal biohazard sign shall be posted on entry doors to the controlled area and all internal doors when any work involving the organism is in progress. This includes periods when decontamination procedures are in progress. The sign posted on the entry doors to the controlled area shall include a statement of agents in use and personnel authorized to enter the controlled area.

Appendix K–IV–N–6. The controlled area shall be kept neat and clean.

Appendix K–IV–N–7. Eating, drinking, smoking, and storage of food are prohibited in the controlled area.

Appendix K–IV–N–8. Animals and plants shall be excluded from the controlled area.

Appendix K–IV–N–9. An effective insect and rodent control program shall be maintained.

Appendix K–IV–N–10. Access door to the controlled area shall be kept closed, except as necessary for access, while work is in progress. Serve doors leading directly outdoors shall be sealed and locked while work is in progress.

Appendix K–IV–N–11. Persons shall wash their hands when leaving the controlled area.

Appendix K–IV–N–12. Persons working in the controlled area shall be trained in emergency procedures.

Appendix K–IV–N–13. Equipment and materials required for the management of accidents involving viable organisms containing recombinant DNA molecules shall be available in the controlled area.

Appendix K–IV–N–14. The controlled area shall be decontaminated in accordance with established procedures following spills or other accidental release of viable organisms containing recombinant DNA molecules.

Appendix L—Release Into the Environment of Certain Plants

Appendix L–1. *General Information.* Appendix L specifies conditions under which certain plants, as specified below, may be approved for release into the environment. Experiments in this category cannot be initiated without submission of relevant information on the proposed experiment to NIH, review by the RAC Plant Working Group, and specific approval by NIH. Such experiments also require the approval of the IBC before initiation. Information on specific experiments which have been approved will be available in ORDA and will be listed in Appendix L–III when the Guidelines are republished.

Experiments which do not meet the specifications of Appendix L–II fall under Section III–A and require RAC review and NIH and IBC approval before initiation.

Appendix L–II. *Criteria Allowing Review by the RAC Plant Working Group Without the Requirement for Full RAC Review.* Approval may be granted by ORDA in consultation with the RAC Plant Working Group without the requirement for full RAC review (IBC review is also necessary) for growing plants containing recombinant DNA in the field under the following conditions:

Appendix L–II–A. The plant species is a cultivated crop of a genus that has no species known to be a noxious weed.

Appendix L–II–B. The introduced DNA consists of well-characterized genes containing no sequences harmful to humans, animals, or plants.

Appendix L–II–C. The vector consists of DNA: (i) From exempt host-vector systems (Appendix C); (ii) from plants of the same or closely related species; (iii) from nonpathogenic prokaryotes or nonpathogenic lower eukaryotic plants; (iv) from plant pathogens only if sequences causing disease have been deleted; or (v) chimeric vectors constructed from sequences defined in (i) to (iv) above. The DNA may be introduced by any suitable method.

Appendix L–II–D. Plants are grown in controlled access fields under specified conditions appropriate for the plant under study and the geographical location. Such conditions should include provisions for using good cultural and pest control practices, for physical isolation from plants of the same species outside of the experimental plot in accordance with pollination characteristics of the species, and for further preventing plants containing recombinant DNA from becoming established in the environment. Review by the IBC should include an appraisal by scientists knowledgeable of the crop, its production practices, and the local geographical conditions. Procedures for assessing alterations in and the spread of organisms containing recombinant DNA must be developed. The results of the outlined tests must be submitted for review by the IBC. Copies must also be submitted to the Plant Working Group of the RAC.

Appendix L–III. *Specific Approvals.*

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information

address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: May 19, 1983.

Richard M. Krause, M.D.,

Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health.

[FR Doc. 83-14206 Filed 5-31-83; 8:45 am]

BILLING CODE 4140-01-M

4 8

ISS

1
0
6

J E

1

1983

UMI

federal register

Wednesday
June 1, 1983

Part IV

Department of Education

Family Contribution Schedule for the Guaranteed Student Loan Program for 1984–85

DEPARTMENT OF EDUCATION

34 CFR Part 682

Family Contribution Schedule for the Guaranteed Student Loan Program for 1984–85

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations for use in determining student eligibility for interest benefits under the Guaranteed Student Loan (GSL) Program. This family contribution schedule will apply to loans for any period of instruction which begins on or after July 1, 1984, but not later than June 30, 1985. Further, the Secretary revises the definitions of "Estimated cost of attendance" and "Estimated financial assistance" to reflect statutory changes in those definitions which were made by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35).

EFFECTIVE DATES: The revised definitions of "Estimated cost of attendance" and "Estimated financial assistance" (§ 682.200) and the addition of a new paragraph (d) to § 682.605 are expected to take effect 45 days after publication in the **Federal Register**. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

Pursuant to section 482 of the Higher Education Act of 1965, the remaining provisions of these regulations which establish the GSL Family Contribution Schedule for 1984–85 are expected to take effect on July 1, 1984 and will apply to any loan for a period of instruction which begins on or after July 1, 1984, but not later than June 30, 1985, regardless of the time when the determination of the student's need for a subsidized loan is made.

FOR FURTHER INFORMATION CONTACT: Ralph Madden, Program Specialist, or Larry Oxendine, Policy Section Chief, Guaranteed Student Loan Branch, Division of Policy and Program Development, Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202, telephone number (202) 245–2475.

SUPPLEMENTARY INFORMATION:

Background

On April 1, 1983, the Secretary published in the **Federal Register** a Notice of Proposed Rulemaking (48 FR 14344) which proposed adopting the 1983–84 Family Contribution Schedule (48 FR 14316) as the basis for the 1984–85 Family Contribution Schedule (FCS), with certain modifications. Accordingly, this schedule continues the use of systems of financial need analysis approved by the Secretary for use in the National Direct Student Loan (NDSL), College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) Programs (the campus-based programs) and a revised set of tables in Appendix B of 34 CFR Part 682.

Summary of Changes

(1) Section 532(a) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) amended the definitions of "Estimated cost of attendance" and "Estimated financial assistance" found in section 428(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078(a)(2)). The Secretary is amending these definitions in 34 CFR 682.200 to reflect the changes made by Pub. L. 97–35. Since these changes conform the definition to the statute, the Secretary has determined that public comment on the amended definitions is unnecessary under 5 U.S.C. 553(b)(3)(B).

(2) Section 682.605 of the GSL regulations requires that the school accurately and completely fill out its portion of the student's loan application. The information requested from the school pertains to the student's eligibility for a loan in accordance with § 682.201, the student's estimated cost of attendance, and the student's estimated financial assistance. The Secretary is amending § 682.605 by adding a new paragraph (d). This paragraph does not make a substantive change in the regulations but clarifies the obligations of schools under § 682.301. Paragraph (d) requires the school to complete information on the school portion of the student's loan application with regard to the determination of the student's eligibility for interest benefits found in § 682.301.

(3) This schedule requires, in § 682.301(c), the school, in determining the adjusted gross family income, to consider the income reported by each family member on the 1983 Federal income tax return. Section 682.301(c)(1) is revised to clarify that "adjusted gross income" means that term as defined in section 62 of the Internal Revenue Code. Further, references to the years 1982 and 1983 in §§ 682.301(c)(2)(iii) and 682.301(c)(4) are revised to refer to the years 1983 and 1984, respectively.

(4) In § 682.301(d), the definition of "independent student" has been deleted and a reference to section 1a of 34 CFR Part 668, Student Assistance General Provisions regulations, has been inserted. On May 23, 1983, proposed regulations were published in the **Federal Register** (48 FR 23150) which would revise the current definition of "independent student" for all title IV student assistance programs. For the 1983–84 academic year, the definition of "independent student" applies to all title IV student assistance programs and is currently found in the applicable regulations of each title IV program. Regardless of the content of the final regulations which result from the proposed change in the definition, the Secretary intends to revise 34 CFR Part 668 to include the definition of "independent student" for the 1984-85 and subsequent academic years.

(5) Section 682.301(e)(1) is amended to reference the definition of "Estimated cost of attendance" and "Estimated financial assistance" found in § 682.200 and to specify that "Expected family contribution" means the amount determined in accordance with § 682.301(f) of the GSL regulations.

(6) Although the Secretary expects to issue separate regulations regarding the verification of information provided by the student and the student's family, § 682.301(e) has been amended to add a new paragraph (e)(3). This paragraph specifies that the Secretary may require that family members whose incomes are used to determine the "adjusted gross family income" in § 682.301(c) and the "effective annual income" in Appendix B provide copies of the applicable Federal income tax return and other pertinent documents to the school.

(7) Section 682.301(f) is revised to specify that this schedule applies to loans for periods of instruction beginning on or after July 1, 1984, but not later than June 30, 1985.

(8) Sections 682.301(f)(1) and (2) are revised to require the educational institution, in determining which of the approved need analysis systems may be used to calculate the student's expected family contribution, to consider whether the student has received financial assistance under the campus-based programs for the 1984–85 award year.

(9) The tables found in Appendix B have been revised so that the maximum "Effective annual income" on the four tables is reduced from $75,000 to $65,000. Section 682.301(f)(2)(ii) has been revised to reflect this change, so that the educational institution is required to calculate under any need analysis system approved by the Secretary for use in the SEOG, CWS or NDSL programs the expected family contribution of a student whose effective annual income exceeds $65,000.

(10) The expected family contribution amounts in Tables A, B, C, and D of Appendix B have been revised to reflect

the 1983 Federal income tax and F.I.C.A. (Social Security) deductions and the Standard Maintenance Allowance (SMA), derived from the most recent Bureau of Labor Statistics low budget standard, has been updated for inflation.

(11) In previous family contribution schedules, the tables in Appendix B have been based solely on the adjusted gross income(s) of the student and his or her family. The tables for 1984–85 have been revised to include nontaxable income, such as investment income on nontaxable bonds, as well as child-support payments and welfare payments, in addition to the adjusted gross income. This "effective annual income" will form the base for calculating the expected family contributions found in Appendix B.

Public Comment

On April 1, 1983 a Notice of Proposed Rulemaking (NPRM) was published in the **Federal Register** (48 FR 14344) inviting comments on the proposed 1984–85 Family Contribution Schedule.

Fifty-one commenters, representing schools, lenders, guarantee agencies and professional groups responded to the April 1, 1983 NPRM. A summary of the comments and the Secretary's responses to them are included in the preamble. In establishing these regulations the Secretary has carefully considered all options and recommendations offered by the public.

Summary of Comments and Responses

Comment. Some commenters supported the Administration's recent proposal, introduced in the House of Representatives as H.R. 2231, to require all students, regardless of income, to prove need for a loan in order to qualify for the Federal interest benefits. However, many questioned how the need analysis would be applied and what effect would it have on the expected family contribution.

Response. If the Adminstration's proposal to require need analysis of all GSL applicants is enacted, the following changes may be required:

- Section 682.301(a)(1) would be revised to indicate that any student qualifies for interest benefits if the institution determines that the student demonstrates financial need for the loan.
- Reference to the $30,000 adjusted gross family income in section 682.301(e)(4) would be deleted.
- Reference to the $30,000 adjusted gross family income in section 682.301(d)(1) would be deleted.
- The following tables show expected family contribution for effective annual incomes from $0–$30,000. If the Administration's proposal to require need analysis of all GSL applicants is enacted, these tables could be used to calculate an expected family contribution for students whose adjusted gross incomes are $30,000 or less. These tables are provided *For Information Only.*

BILLING CODE 4000-01-M

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS									
	3	4	5	6	7	8	9	10	11	12
000001-000124	0	0	0	0	0	0	0	0	0	0
000125-000374	0	0	0	0	0	0	0	0	0	0
000375-000624	0	0	0	0	0	0	0	0	0	0
000625-000874	0	0	0	0	0	0	0	0	0	0
000875-001124	0	0	0	0	0	0	0	0	0	0
001125-001374	0	0	0	0	0	0	0	0	0	0
001375-001624	0	0	0	0	0	0	0	0	0	0
001625-001874	0	0	0	0	0	0	0	0	0	0
001875-002124	0	0	0	0	0	0	0	0	0	0
002125-002374	0	0	0	0	0	0	0	0	0	0
002375-002624	0	0	0	0	0	0	0	0	0	0
002625-002874	0	0	0	0	0	0	0	0	0	0
002875-003124	0	0	0	0	0	0	0	0	0	0
003125-003374	0	0	0	0	0	0	0	0	0	0
003375-003624	0	0	0	0	0	0	0	0	0	0
003625-003874	0	0	0	0	0	0	0	0	0	0
003875-004124	0	0	0	0	0	0	0	0	0	0
004125-004374	0	0	0	0	0	0	0	0	0	0
004375-004624	0	0	0	0	0	0	0	0	0	0
004625-004874	0	0	0	0	0	0	0	0	0	0
004875-005124	0	0	0	0	0	0	0	0	0	0
005125-005374	0	0	0	0	0	0	0	0	0	0
005375-005624	0	0	0	0	0	0	0	0	0	0
005625-005874	0	0	0	0	0	0	0	0	0	0
005875-006124	0	0	0	0	0	0	0	0	0	0
006125-006374	0	0	0	0	0	0	0	0	0	0
006375-006624	0	0	0	0	0	0	0	0	0	0
006625-006874	0	0	0	0	0	0	0	0	0	0
006875-007124	0	0	0	0	0	0	0	0	0	0
007125-007374	0	0	0	0	0	0	0	0	0	0
007375-007624	0	0	0	0	0	0	0	0	0	0
007625-007874	0	0	0	0	0	0	0	0	0	0
007875-008124	0	0	0	0	0	0	0	0	0	0
008125-008374	0	0	0	0	0	0	0	0	0	0
008375-008624	0	0	0	0	0	0	0	0	0	0
008625-008874	0	0	0	0	0	0	0	0	0	0
008875-009124	0	0	0	0	0	0	0	0	0	0
009125-009374	0	0	0	0	0	0	0	0	0	0
009375-009624	0	0	0	0	0	0	0	0	0	0
009625-009874	0	0	0	0	0	0	0	0	0	0

FOR INFORMATION ONLY
DO NOT USE

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family -- 1984-85

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS									
	3	4	5	6	7	8	9	10	11	12
009875-010124	0	0	0	0	0	0	0	0	0	0
010125-010374	0	0	0	0	0	0	0	0	0	0
010375-010624	0	0	0	0	0	0	0	0	0	0
010625-010874	0	0	0	0	0	0	0	0	0	0
010875-011124	0	0	0	0	0	0	0	0	0	0
011125-011374	0	0	0	0	0	0	0	0	0	0
011375-011624	0	0	0	0	0	0	0	0	0	0
011625-011874	0	0	0	0	0	0	0	0	0	0
011875-012124	0	0	0	0	0	0	0	0	0	0
012125-012374	0	0	0	0	0	0	0	0	0	0
012375-012624	40	0	0	0	0	0	0	0	0	0
012625-012874	80	0	0	0	0	0	0	0	0	0
012875-013124	110	0	0	0	0	0	0	0	0	0
013125-013374	150	0	0	0	0	0	0	0	0	0
013375-013624	190	0	0	0	0	0	0	0	0	0
013625-013874	230	0	0	0	0	0	0	0	0	0
013875-014124	270	0	0	0	0	0	0	0	0	0
014125-014374	310	0	0	0	0	0	0	0	0	0
014375-014624	340	0	0	0	0	0	0	0	0	0
014625-014874	380	0	0	0	0	0	0	0	0	0
014875-015124	450	0	0	0	0	0	0	0	0	0
015125-015374	490	30	0	0	0	0	0	0	0	0
015375-015624	530	70	0	0	0	0	0	0	0	0
015625-015874	570	110	0	0	0	0	0	0	0	0
015875-016124	600	150	0	0	0	0	0	0	0	0
016125-016374	640	190	0	0	0	0	0	0	0	0
016375-016624	680	220	0	0	0	0	0	0	0	0
016625-016874	720	260	0	0	0	0	0	0	0	0
016875-017124	750	300	0	0	0	0	0	0	0	0
017125-017374	790	340	0	0	0	0	0	0	0	0
017375-017624	830	370	0	0	0	0	0	0	0	0
017625-017874	870	410	0	0	0	0	0	0	0	0
017875-018124	900	450	20	0	0	0	0	0	0	0
018125-018374	940	490	60	0	0	0	0	0	0	0
018375-018624	980	520	90	0	0	0	0	0	0	0
018625-018874	1020	560	130	0	0	0	0	0	0	0
018875-019124	1050	600	170	0	0	0	0	0	0	0
019125-019374	1090	640	210	0	0	0	0	0	0	0
019375-019624	1130	670	240	0	0	0	0	0	0	0
019625-019874	1160	710	280	0	0	0	0	0	0	0

FOR INFORMATION ONLY
DO NOT USE

Table A - Expected Family Contribution for a Dependant Student From a Two-Parent Family -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS 3	4	5	6	7	8	9	10	11	12
019875-020124	1200	750	320	0	0	0	0	0	0	0
020125-020374	1240	790	360	0	0	0	0	0	0	0
020375-020624	1270	820	390	0	0	0	0	0	0	0
020625-020874	1310	860	430	0	0	0	0	0	0	0
020875-021124	1350	890	470	0	0	0	0	0	0	0
021125-021374	1390	930	510	30	0	0	0	0	0	0
021375-021624	1420	970	540	60	0	0	0	0	0	0
021625-021874	1460	1000	580	100	0	0	0	0	0	0
021875-022124	1490	1040	620	140	0	0	0	0	0	0
022125-022374	1530	1080	660	170	0	0	0	0	0	0
022375-022624	1570	1110	690	210	0	0	0	0	0	0
022625-022874	1620	1150	720	250	0	0	0	0	0	0
022875-023124	1660	1190	760	290	0	0	0	0	0	0
023125-023374	1700	1220	800	320	0	0	0	0	0	0
023375-023624	1740	1260	840	360	0	0	0	0	0	0
023625-023874	1780	1300	870	390	30	0	0	0	0	0
023875-024124	1810	1330	910	430	70	0	0	0	0	0
024125-024374	1850	1370	940	470	100	0	0	0	0	0
024375-024624	1890	1400	980	500	140	0	0	0	0	0
024625-024874	1930	1440	1020	540	180	0	0	0	0	0
024875-025124	1980	1470	1050	580	210	0	0	0	0	0
025125-025374	2020	1510	1090	610	250	0	0	0	0	0
025375-025624	2070	1550	1120	650	290	0	0	0	0	0
025625-025874	2110	1580	1160	690	320	0	0	0	0	0
025875-026124	2160	1620	1190	720	360	0	0	0	0	0
026125-026374	2210	1660	1230	760	400	30	0	0	0	0
026375-026624	2250	1700	1260	790	430	70	0	0	0	0
026625-026874	2300	1740	1290	830	470	110	0	0	0	0
026875-027124	2340	1780	1330	860	500	140	0	0	0	0
027125-027374	2390	1820	1360	890	540	180	0	0	0	0
027375-027624	2430	1860	1400	930	570	210	0	0	0	0
027625-027874	2490	1900	1430	960	610	250	0	0	0	0
027875-028124	2540	1940	1470	1000	640	290	0	0	0	0
028125-028374	2590	1980	1500	1030	680	320	0	0	0	0
028375-028624	2640	2030	1540	1070	710	360	0	0	0	0
028625-028874	2690	2070	1580	1100	750	390	30	0	0	0
028875-029124	2740	2120	1620	1130	780	430	70	0	0	0
029125-029374	2790	2160	1660	1170	810	460	110	0	0	0
029375-029624	2840	2200	1700	1200	850	490	140	0	0	0
029625- 030000	2890	2240	1730	1240	880	530	170	0	0	0

FOR INFORMATION ONLY DO NOT USE

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1984-85

NUMBER OF FAMILY MEMBERS

029375-029624	2840	2200	1700	1200	850	490	140	0	0	0
029625- 030000	2890	2240	1730	1240	880	530	170	0	0	0

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS										
	2	3	4	5	6	7	8	9	10	11	12
000001-000124	0	0	0	0	0	0	0	0	0	0	0
000125-000374	0	0	0	0	0	0	0	0	0	0	0
000375-000624	0	0	0	0	0	0	0	0	0	0	0
000625-000874	0	0	0	0	0	0	0	0	0	0	0
000875-001124	0	0	0	0	0	0	0	0	0	0	0
001125-001374	0	0	0	0	0	0	0	0	0	0	0
001375-001624	0	0	0	0	0	0	0	0	0	0	0
001625-001874	0	0	0	0	0	0	0	0	0	0	0
001875-002124	0	0	0	0	0	0	0	0	0	0	0
002125-002374	0	0	0	0	0	0	0	0	0	0	0
002375-002624	0	0	0	0	0	0	0	0	0	0	0
002625-002874	0	0	0	0	0	0	0	0	0	0	0
002875-003124	0	0	0	0	0	0	0	0	0	0	0
003125-003374	0	0	0	0	0	0	0	0	0	0	0
003375-003624	0	0	0	0	0	0	0	0	0	0	0
003625-003874	0	0	0	0	0	0	0	0	0	0	0
003875-004124	0	0	0	0	0	0	0	0	0	0	0
004125-004374	0	0	0	0	0	0	0	0	0	0	0
004375-004624	0	0	0	0	0	0	0	0	0	0	0
004625-004874	0	0	0	0	0	0	0	0	0	0	0
004875-005124	0	0	0	0	0	0	0	0	0	0	0
005125-005374	0	0	0	0	0	0	0	0	0	0	0
005375-005624	0	0	0	0	0	0	0	0	0	0	0
005625-005874	0	0	0	0	0	0	0	0	0	0	0
005875-006124	0	0	0	0	0	0	0	0	0	0	0
006125-006374	0	0	0	0	0	0	0	0	0	0	0
006375-006624	0	0	0	0	0	0	0	0	0	0	0
006625-006874	0	0	0	0	0	0	0	0	0	0	0
006875-007124	0	0	0	0	0	0	0	0	0	0	0
007125-007374	0	0	0	0	0	0	0	0	0	0	0
007375-007624	0	0	0	0	0	0	0	0	0	0	0
007625-007874	0	0	0	0	0	0	0	0	0	0	0
007875-008124	0	0	0	0	0	0	0	0	0	0	0
008125-008374	0	0	0	0	0	0	0	0	0	0	0
008375-008624	0	0	0	0	0	0	0	0	0	0	0
008625-008874	0	0	0	0	0	0	0	0	0	0	0
008875-009124	0	0	0	0	0	0	0	0	0	0	0
009125-009374	0	0	0	0	0	0	0	0	0	0	0
009375-009624	0	0	0	0	0	0	0	0	0	0	0
009625-009874	0	0	0	0	0	0	0	0	0	0	0

FOR INFORMATION ONLY
DO NOT USE

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS 2	3	4	5	6	7	8	9	10	11	12
009875-010124	0	0	0	0	0	0	0	0	0	0	0
010125-010374	0	0	0	0	0	0	0	0	0	0	0
010375-010624	0	0	0	0	0	0	0	0	0	0	0
010625-010874	0	0	0	0	0	0	0	0	0	0	0
010875-011124	0	0	0	0	0	0	0	0	0	0	0
011125-011374	0	0	0	0	0	0	0	0	0	0	0
011375-011624	0	0	0	0	0	0	0	0	0	0	0
011625-011874	0	0	0	0	0	0	0	0	0	0	0
011875-012124	0	0	0	0	0	0	0	0	0	0	0
012125-012374	0	0	0	0	0	0	0	0	0	0	0
012375-012624	0	0	0	0	0	0	0	0	0	0	0
012625-012874	0	0	0	0	0	0	0	0	0	0	0
012875-013124	30	0	0	0	0	0	0	0	0	0	0
013125-013374	60	0	0	0	0	0	0	0	0	0	0
013375-013624	100	0	0	0	0	0	0	0	0	0	0
013625-013874	140	0	0	0	0	0	0	0	0	0	0
013875-014124	170	0	0	0	0	0	0	0	0	0	0
014125-014374	210	0	0	0	0	0	0	0	0	0	0
014375-014624	250	0	0	0	0	0	0	0	0	0	0
014625-014874	280	0	0	0	0	0	0	0	0	0	0
014875-015124	350	0	0	0	0	0	0	0	0	0	0
015125-015374	390	10	0	0	0	0	0	0	0	0	0
015375-015624	420	50	0	0	0	0	0	0	0	0	0
015625-015874	460	90	0	0	0	0	0	0	0	0	0
015875-016124	500	120	0	0	0	0	0	0	0	0	0
016125-016374	530	160	0	0	0	0	0	0	0	0	0
016375-016624	570	200	0	0	0	0	0	0	0	0	0
016625-016874	610	230	0	0	0	0	0	0	0	0	0
016875-017124	640	270	0	0	0	0	0	0	0	0	0
017125-017374	680	300	0	0	0	0	0	0	0	0	0
017375-017624	710	340	0	0	0	0	0	0	0	0	0
017625-017874	750	380	0	0	0	0	0	0	0	0	0
017875-018124	780	410	0	0	0	0	0	0	0	0	0
018125-018374	820	450	0	0	0	0	0	0	0	0	0
018375-018624	850	480	40	0	0	0	0	0	0	0	0
018625-018874	890	520	70	0	0	0	0	0	0	0	0
018875-019124	920	560	110	0	0	0	0	0	0	0	0
019125-019374	960	590	140	0	0	0	0	0	0	0	0
019375-019624	1000	620	180	0	0	0	0	0	0	0	0
019625-019874	1030	660	220	0	0	0	0	0	0	0	0

FOR INFORMATION ONLY
DO NOT USE

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1984-85

019375-019624	1000	630	180	0	0	0	0	0	0	0	0
019625-019874	1030	660	220	0	0	0	0	0	0	0	0

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS 2	3	4	5	6	7	8	9	10	11	12
019875-020124	1070	700	250	0	0	0	0	0	0	0	0
020125-020374	1100	730	290	0	0	0	0	0	0	0	0
020375-020624	1130	770	320	0	0	0	0	0	0	0	0
020625-020874	1170	800	360	0	0	0	0	0	0	0	0
020875-021124	1200	840	390	0	0	0	0	0	0	0	0
021125-021374	1230	870	430	10	0	0	0	0	0	0	0
021375-021624	1270	910	460	40	0	0	0	0	0	0	0
021625-021874	1300	940	500	80	0	0	0	0	0	0	0
021875-022124	1330	970	530	110	0	0	0	0	0	0	0
022125-022374	1370	1010	570	150	0	0	0	0	0	0	0
022375-022624	1400	1040	600	180	0	0	0	0	0	0	0
022625-022874	1440	1070	640	220	0	0	0	0	0	0	0
022875-023124	1470	1110	670	250	0	0	0	0	0	0	0
023125-023374	1500	1140	700	290	0	0	0	0	0	0	0
023375-023624	1540	1170	730	320	0	0	0	0	0	0	0
023625-023874	1580	1210	770	360	0	0	0	0	0	0	0
023875-024124	1610	1240	800	390	0	0	0	0	0	0	0
024125-024374	1650	1270	830	420	0	0	0	0	0	0	0
024375-024624	1690	1300	870	460	0	0	0	0	0	0	0
024625-024874	1730	1340	900	490	20	0	0	0	0	0	0
024875-025124	1760	1370	930	520	60	0	0	0	0	0	0
025125-025374	1800	1400	970	550	90	0	0	0	0	0	0
025375-025624	1840	1440	1000	590	120	0	0	0	0	0	0
025625-025874	1880	1470	1030	620	160	0	0	0	0	0	0
025875-026124	1910	1510	1070	650	190	0	0	0	0	0	0
026125-026374	1950	1540	1100	690	220	0	0	0	0	0	0
026375-026624	1990	1580	1130	720	260	0	0	0	0	0	0
026625-026874	2030	1620	1170	750	290	0	0	0	0	0	0
026875-027124	2070	1650	1200	790	320	0	0	0	0	0	0
027125-027374	2110	1690	1230	820	360	10	0	0	0	0	0
027375-027624	2150	1720	1260	850	390	40	0	0	0	0	0
027625-027874	2190	1760	1300	890	420	70	0	0	0	0	0
027875-028124	2240	1790	1330	920	460	110	0	0	0	0	0
028125-028374	2280	1830	1360	950	490	140	0	0	0	0	0
028375-028624	2320	1860	1390	990	520	170	0	0	0	0	0
028625-028874	2360	1900	1420	1020	550	210	0	0	0	0	0
028875-029124	2400	1930	1450	1050	590	240	0	0	0	0	0
029125-029374	2450	1980	1480	1080	620	270	0	0	0	0	0
029375-029624	2490	2020	1520	1110	650	300	0	0	0	0	0
029625- 030000	2540	2060	1550	1140	690	340	0	0	0	0	0

FOR INFORMATION ONLY DO NOT USE

Table C - Expected Family Contribution for a Married Independent Student -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS 2	3	4	5	6	7	8	9	10	11	12
000001-000124	50	50	50	50	50	50	50	50	50	50	50
000125-000374	220	220	220	220	220	220	220	220	220	220	220
000375-000624	440	440	440	440	440	440	440	440	440	440	440
000625-000874	670	670	670	670	670	670	670	670	670	670	670
000875-001124	890	890	890	890	890	890	890	890	890	890	890
001125-001374	1110	1110	1110	1110	1110	1110	1110	1110	1110	1110	1110
001375-001624	1340	1340	1340	1340	1340	1340	1340	1340	1340	1340	1340
001625-001874	1560	1560	1560	1560	1560	1560	1560	1560	1560	1560	1560
001875-002124	1780	1780	1780	1780	1780	1780	1780	1780	1780	1780	1780
002125-002374	2010	2010	2010	2010	2010	2010	2010	2010	2010	2010	2010
002375-002624	2230	2230	2230	2230	2230	2230	2230	2230	2230	2230	2230
002625-002874	2450	2450	2450	2450	2450	2450	2450	2450	2450	2450	2450
002875-003124	2670	2670	2670	2670	2670	2670	2670	2670	2670	2670	2670
003125-003374	2900	2900	2900	2900	2900	2900	2900	2900	2900	2900	2900
003375-003624	3120	3120	3120	3120	3120	3120	3120	3120	3120	3120	3120
003625-003874	3340	3340	3340	3340	3340	3340	3340	3340	3340	3340	3340
003875-004124	3570	3570	3570	3570	3570	3570	3570	3570	3570	3570	3570
004125-004374	3790	3790	3790	3790	3790	3790	3790	3790	3790	3790	3790
004375-004624	4010	4010	4010	4010	4010	4010	4010	4010	4010	4010	4010
004625-004874	4240	4240	4240	4240	4240	4240	4240	4240	4240	4240	4240
004875-005124	4460	4460	4460	4460	4460	4460	4460	4460	4460	4460	4460
005125-005374	4680	4680	4680	4680	4680	4690	4680	4680	4680	4680	4680
005375-005624	4900	4910	4910	4910	4910	4910	4910	4910	4910	4910	4910
005625-005874	5090	5130	5130	5130	5130	5130	5130	5130	5130	5130	5130
005875-006124	5290	5350	5350	5350	5350	5350	5350	5350	5350	5350	5350
006125-006374	5480	5580	5580	5580	5580	5580	5580	5580	5580	5580	5580
006375-006624	5680	5790	5800	5800	5800	5800	5800	5800	5800	5800	5800
006625-006874	5880	5990	6020	6020	6020	6020	6020	6020	6020	6020	6020
006875-007124	6070	6180	6250	6250	6250	6250	6250	6250	6250	6250	6250
007125-007374	6270	6380	6470	6470	6470	6470	6470	6470	6470	6470	6470
007375-007624	6460	6570	6680	6690	6690	6690	6690	6690	6690	6690	6690
007625-007874	6650	6770	6880	6920	6920	6920	6920	6920	6920	6920	6920
007875-008124	6840	6960	7070	7140	7140	7140	7140	7140	7140	7140	7140
008125-008374	7040	7160	7270	7360	7360	7360	7360	7360	7360	7360	7360
008375-008624	7230	7360	7470	7580	7590	7590	7590	7590	7590	7590	7590
008625-008874	7420	7550	7660	7770	7810	7810	7810	7810	7810	7810	7810
008875-009124	7610	7740	7860	7970	8030	8030	8030	8030	8030	8030	8030
009125-009374	7800	7930	8050	8160	8260	8260	8260	8260	8260	8260	8260
009375-009624	7990	8120	8250	8360	8470	8480	8480	8480	8480	8480	8480
009625-009874	8180	8310	8440	8550	8660	8700	8700	8700	8700	8700	8700

FOR INFORMATION ONLY
DO NOT USE

Table C - Expected Family Contribution for a Married Independent Student — 1984-85

009375-009624	7990	8120	8250	8360	8470	8480	8480	8480	8480	8480	8480
009625-009874	8180	8310	8440	8550	8660	8700	8700	8700	8700	8700	8700

Table C - Expected Family Contribution for a Married Independent Student — 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS										
	2	3	4	5	6	7	8	9	10	11	12
009875-010124	8360	8500	8630	8750	8860	8930	8930	8930	8930	8930	8930
010125-010374	8550	8690	8820	8950	9060	9150	9150	9150	9150	9150	9150
010375-010624	8730	8880	9010	9140	9250	9360	9370	9370	9370	9370	9370
010625-010874	8920	9070	9200	9330	9450	9560	9600	9600	9600	9600	9600
010875-011124	9110	9250	9390	9520	9640	9750	9820	9820	9820	9820	9820
011125-011374	9290	9440	9580	9710	9840	9950	10040	10040	10040	10040	10040
011375-011624	9480	9630	9770	9900	10030	10140	10250	10270	10270	10270	10270
011625-011874	9660	9810	9960	10100	10230	10340	10450	10490	10490	10490	10490
011875-012124	9850	10000	10150	10290	10420	10540	10650	10710	10710	10710	10710
012125-012374	10030	10180	10330	10480	10610	10730	10840	10940	10940	10940	10940
012375-012624	10220	10370	10520	10670	10800	10930	11040	11150	11160	11160	11160
012625-012874	10410	10560	10710	10860	10990	11120	11230	11340	11380	11380	11380
012875-013124	10590	10740	10890	11040	11180	11310	11430	11540	11600	11600	11600
013125-013374	10780	10930	11080	11230	11360	11500	11630	11740	11830	11830	11830
013375-013624	10960	11140	11280	11410	11560	11690	11820	11930	12040	12050	12050
013625-013874	11150	11300	11450	11600	11750	11880	12010	12130	12240	12270	12270
013875-014124	11330	11480	11630	11780	11930	12070	12200	12320	12430	12500	12500
014125-014374	11510	11670	11820	11970	12120	12260	12390	12520	12630	12720	12720
014375-014624	11690	11860	12010	12160	12310	12450	12580	12710	12820	12930	12940
014625-014874	11870	12040	12190	12340	12490	12640	12770	12900	13020	13130	13170
014875-015124	12050	12220	12380	12530	12680	12830	12960	13090	13210	13320	13390
015125-015374	12240	12410	12560	12710	12860	13010	13150	13290	13410	13520	13610
015375-015624	12420	12590	12750	12900	13050	13200	13350	13480	13610	13720	13830
015625-015874	12600	12770	12930	13080	13230	13380	13530	13670	13800	13910	14020
015875-016124	12780	12950	13120	13270	13420	13570	13720	13860	13990	14110	14220
016125-016374	12960	13130	13300	13460	13610	13760	13910	14050	14180	14300	14410
016375-016624	13140	13310	13480	13640	13790	13940	14090	14240	14370	14500	14610
016625-016874	13320	13490	13660	13830	13980	14130	14280	14430	14560	14690	14810
016875-017124	13500	13670	13840	14010	14160	14310	14460	14610	14750	14880	15000
017125-017374	13680	13850	14020	14190	14350	14500	14650	14800	14940	15070	15200
017375-017624	13860	14030	14200	14370	14530	14680	14830	14980	15130	15260	15390
017625-017874	14040	14210	14380	14550	14720	14870	15020	15170	15320	15450	15580
017875-018124	14220	14390	14560	14730	14900	15060	15210	15360	15510	15640	15770
018125-018374	14400	14580	14750	14920	15090	15240	15390	15540	15690	15840	15970
018375-018624	14580	14760	14930	15100	15270	15430	15580	15730	15880	16030	16160
018625-018874	14750	14940	15110	15280	15450	15610	15760	15910	16060	16210	16350
018875-019124	14930	15120	15290	15460	15630	15800	15950	16100	16250	16400	16540
019125-019374	15100	15290	15470	15640	15810	15980	16140	16290	16440	16590	16730
019375-019624	15280	15470	15650	15820	15990	16160	16320	16470	16620	16770	16920
019625-019874	15450	15640	15830	16000	16170	16340	16510	16660	16810	16960	17110

FOR INFORMATION ONLY
DO NOT FILE

Table C - Expected Family Contribution for a Married Independent Student -- 1984-85

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS 2	3	4	5	6	7	8	9	10	11	12
019875-020124	15630	15820	16010	16180	16350	16520	16690	16840	16990	17140	17290
020125-020374	15810	16000	16190	16360	16530	16700	16870	17030	17180	17330	17480
020375-020624	15980	16170	16360	16540	16710	16880	17050	17210	17360	17510	17660
020625-020874	16160	16350	16540	16720	16890	17060	17230	17400	17550	17700	17850
020875-021124	16330	16520	16710	16900	17070	17240	17410	17580	17730	17880	18030
021125-021374	16510	16700	16890	17080	17250	17420	17590	17760	17920	18070	18220
021375-021624	16680	16870	17060	17250	17430	17600	17770	17940	18110	18260	18410
021625-021874	16860	17050	17240	17430	17620	17790	17960	18130	18290	18440	18590
021875-022124	17040	17230	17420	17610	17800	17970	18140	18310	18480	18630	18780
022125-022374	17210	17400	17590	17780	17970	18150	18320	18490	18660	18810	18960
022375-022624	17380	17580	17770	17960	18150	18330	18500	18670	18840	19000	19150
022625-022874	17560	17750	17940	18130	18320	18510	18680	18850	19020	19190	19340
022875-023124	17730	17930	18120	18310	18500	18690	18860	19030	19200	19370	19520
023125-023374	17870	18100	18300	18490	18680	18870	19040	19210	19380	19550	19710
023375-023624	18040	18270	18470	18660	18860	19040	19220	19390	19560	19730	19890
023625-023874	18200	18430	18650	18840	19030	19220	19400	19570	19740	19910	20080
023875-024124	18370	18600	18820	19010	19200	19390	19580	19750	19920	20090	20260
024125-024374	18540	18770	19000	19190	19380	19570	19760	19930	20100	20270	20440
024375-024624	18700	18930	19160	19380	19560	19740	19930	20110	20280	20450	20620
024625-024874	18870	19100	19330	19540	19730	19920	20110	20290	20460	20630	20800
024875-025124	19030	19260	19490	19710	19900	20090	20280	20470	20640	20810	20980
025125-025374	19200	19430	19660	19890	20080	20270	20460	20650	20830	21000	21170
025375-025624	19360	19590	19820	20050	20260	20460	20640	20830	21020	21180	21350
025625-025874	19530	19760	19990	20220	20430	20620	20810	21000	21190	21360	21530
025875-026124	19700	19930	20160	20390	20610	20800	20990	21180	21370	21540	21710
026125-026374	19860	20090	20320	20550	20780	20970	21160	21350	21540	21720	21890
026375-026624	20030	20260	20490	20720	20950	21150	21340	21530	21720	21900	22070
026625-026874	20190	20420	20650	20880	21110	21330	21520	21710	21900	22080	22250
026875-027124	20350	20590	20820	21050	21280	21500	21690	21880	22070	22260	22430
027125-027374	20510	20760	20990	21220	21450	21680	21870	22060	22250	22440	22610
027375-027624	20660	20920	21150	21380	21610	21840	22040	22230	22420	22610	22790
027625-027874	20820	21080	21320	21550	21780	22010	22220	22410	22600	22790	22970
027875-028124	20980	21240	21480	21710	21940	22170	22390	22580	22770	22960	23150
028125-028374	21140	21400	21650	21880	22110	22340	22570	22760	22950	23140	23330
028375-028624	21300	21560	21810	22040	22270	22500	22730	22940	23130	23320	23510
028625-028874	21450	21710	21970	22210	22440	22670	22900	23110	23300	23490	23680
028875-029124	21610	21870	22130	22370	22600	22830	23060	23290	23480	23670	23860
029125-029374	21770	22030	22290	22540	22770	23000	23230	23460	23650	23840	24030
029375-029624	21930	22190	22450	22710	22940	23170	23400	23630	23830	24020	24210
029625- 030000	22090	22350	22610	22870	23100	23330	23560	23790	24000	24190	24380

FOR INFORMATIONAL USE ONLY DO NOT FILE

Table D - Expected Family Contribution for a Single Independent Student -- 1984-85

029375-029624	21930	22190	22450	22710	22940	23170	23400	23630	23830	24020	24210	
029625- 030000	22090	22350	22610	22870	23100	23330	23560	23790	24000	24190	24380	

Table D - Expected Family Contribution for a Single Independent Student -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS											
	1	2	3	4	5	6	7	8	9	10	11	12
000001-000124	50	50	50	50	50	50	50	50	50	50	50	50
000125-000374	220	220	220	220	220	220	220	220	220	220	220	220
000375-000624	440	440	440	440	440	440	440	440	440	440	440	440
000625-000874	670	670	670	670	670	670	670	670	670	670	670	670
000875-001124	890	890	890	890	890	890	890	890	890	890	890	890
001125-001374	1110	1110	1110	1110	1110	1110	1110	1110	1110	1110	1110	1110
001375-001624	1340	1340	1340	1340	1340	1340	1340	1340	1340	1340	1340	1340
001625-001874	1560	1560	1560	1560	1560	1560	1560	1560	1560	1560	1560	1560
001875-002124	1780	1780	1780	1780	1780	1780	1780	1780	1780	1780	1780	1780
002125-002374	2010	2010	2010	2010	2010	2010	2010	2010	2010	2010	2010	2010
002375-002624	2230	2230	2230	2230	2230	2230	2230	2230	2230	2230	2230	2230
002625-002874	2450	2450	2450	2450	2450	2450	2450	2450	2450	2450	2450	2450
002875-003124	2670	2670	2670	2670	2670	2670	2670	2670	2670	2670	2670	2670
003125-003374	2900	2900	2900	2900	2900	2900	2900	2900	2900	2900	2900	2900
003375-003624	3100	3120	3120	3120	3120	3120	3120	3120	3120	3120	3120	3120
003625-003874	3300	3340	3340	3340	3340	3340	3340	3340	3340	3340	3340	3340
003875-004124	3490	3570	3570	3570	3570	3570	3570	3570	3570	3570	3570	3570
004125-004374	3690	3790	3790	3790	3790	3790	3790	3790	3790	3790	3790	3790
004375-004624	3880	3990	4010	4010	4010	4010	4010	4010	4010	4010	4010	4010
004625-004874	4080	4190	4240	4240	4240	4240	4240	4240	4240	4240	4240	4240
004875-005124	4270	4380	4460	4460	4460	4460	4460	4460	4460	4460	4460	4460
005125-005374	4470	4580	4680	4680	4680	4680	4680	4680	4680	4680	4680	4680
005375-005624	4660	4790	4890	4910	4910	4910	4910	4910	4910	4910	4910	4910
005625-005874	4850	4970	5080	5130	5130	5130	5130	5130	5130	5130	5130	5130
005875-006124	5040	5170	5280	5350	5350	5350	5350	5350	5350	5350	5350	5350
006125-006374	5240	5360	5470	5580	5580	5580	5580	5580	5580	5580	5580	5580
006375-006624	5430	5560	5670	5780	5800	5800	5800	5800	5800	5800	5800	5800
006625-006874	5620	5750	5860	5970	6020	6020	6020	6020	6020	6020	6020	6020
006875-007124	5810	5940	6060	6170	6250	6250	6250	6250	6250	6250	6250	6250
007125-007374	6000	6130	6260	6370	6470	6470	6470	6470	6470	6470	6470	6470
007375-007624	6190	6320	6450	6560	6670	6690	6690	6690	6690	6690	6690	6690
007625-007874	6380	6510	6640	6760	6870	6920	6920	6920	6920	6920	6920	6920
007875-008124	6560	6700	6830	6950	7060	7140	7140	7140	7140	7140	7140	7140
008125-008374	6750	6890	7020	7150	7260	7360	7360	7360	7360	7360	7360	7360
008375-008624	6930	7080	7210	7340	7450	7560	7590	7590	7590	7590	7590	7590
008625-008874	7120	7270	7400	7530	7650	7760	7810	7810	7810	7810	7810	7810
008875-009124	7300	7450	7590	7720	7850	7980	8030	8030	8030	8030	8030	8030
009125-009374	7490	7640	7790	7920	8040	8150	8260	8260	8260	8260	8260	8260
009375-009624	7680	7830	7980	8110	8240	8350	8460	8480	8480	8480	8480	8480
009625-009874	7860	8010	8160	8300	8430	8540	8650	8700	8700	8700	8700	8700

FOR INFORMATION ONLY DO NOT USE

Table D - Expected Family Contribution for a Single Independent Student — 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS											
	1	2	3	4	5	6	7	8	9	10	11	12
009875-010124	8040	8200	8350	8490	8620	8740	8850	8930	8930	8930	8930	8930
010125-010374	8220	8380	8530	8680	8810	8940	9050	9150	9150	9150	9150	9150
010375-010624	8390	8570	8720	8870	9000	9130	9240	9350	9370	9370	9370	9370
010625-010874	8570	8750	8900	9050	9190	9320	9440	9550	9600	9600	9600	9600
010875-011124	8750	8930	9090	9240	9380	9510	9630	9740	9820	9820	9820	9820
011125-011374	8930	9110	9280	9430	9570	9700	9830	9940	10040	10040	10040	10040
011375-011624	9110	9290	9460	9610	9760	9890	10020	10130	10240	10270	10270	10270
011625-011874	9290	9470	9650	9800	9950	10080	10210	10330	10440	10490	10490	10490
011875-012124	9460	9640	9820	9990	10130	10270	10400	10520	10630	10710	10710	10710
012125-012374	9640	9820	10000	10170	10320	10460	10590	10720	10830	10940	10940	10940
012375-012624	9820	10000	10180	10350	10500	10650	10780	10910	11030	11140	11160	11160
012625-012874	10000	10180	10360	10540	10690	10840	10980	11110	11220	11330	11380	11380
012875-013124	10170	10360	10540	10720	10880	11030	11170	11300	11420	11530	11600	11600
013125-013374	10350	10540	10720	10900	11060	11210	11360	11490	11610	11720	11830	11830
013375-013624	10530	10710	10890	11070	11250	11400	11550	11680	11810	11920	12030	12050
013625-013874	10700	10890	11070	11260	11430	11580	11730	11870	12000	12120	12230	12270
013875-014124	10880	11070	11250	11430	11610	11770	11920	12060	12190	12310	12420	12500
014125-014374	11050	11240	11430	11610	11790	11960	12110	12250	12380	12510	12620	12720
014375-014624	11230	11420	11610	11790	11970	12140	12290	12440	12570	12700	12810	12920
014625-014874	11410	11600	11780	11960	12140	12320	12480	12630	12760	12890	13010	13120
014875-015124	11580	11770	11960	12140	12320	12500	12660	12810	12950	13080	13200	13310
015125-015374	11760	11950	12140	12320	12500	12680	12850	13000	13140	13270	13400	13510
015375-015624	11930	12120	12310	12500	12680	12860	13030	13180	13330	13460	13590	13710
015625-015874	12110	12300	12490	12680	12860	13040	13220	13370	13520	13650	13780	13900
015875-016124	12280	12470	12660	12850	13040	13220	13400	13550	13700	13840	13970	14100
016125-016374	12460	12650	12840	13030	13210	13390	13570	13740	13890	14040	14170	14290
016375-016624	12630	12830	13020	13210	13390	13570	13750	13930	14080	14230	14360	14490
016625-016874	12800	13000	13190	13380	13570	13750	13930	14110	14260	14410	14550	14680
016875-017124	12970	13180	13370	13560	13750	13930	14110	14290	14450	14600	14740	14870
017125-017374	13140	13350	13540	13730	13920	14110	14290	14470	14630	14780	14930	15060
017375-017624	13310	13520	13720	13910	14100	14290	14470	14650	14820	14970	15120	15250
017625-017874	13480	13690	13890	14080	14270	14460	14640	14820	15000	15160	15310	15440
017875-018124	13650	13860	14070	14260	14450	14640	14820	15000	15180	15340	15490	15630
018125-018374	13820	14030	14240	14440	14630	14820	15000	15180	15360	15530	15680	15820
018375-018624	13990	14200	14410	14610	14800	14990	15180	15360	15540	15710	15860	16010
018625-018874	14160	14370	14580	14790	14980	15170	15360	15540	15720	15900	16050	16200
018875-019124	14330	14540	14750	14960	15150	15340	15530	15710	15890	16070	16230	16380
019125-019374	14500	14710	14920	15130	15330	15520	15710	15890	16070	16250	16420	16570
019375-019624	14660	14880	15090	15300	15500	15690	15880	16070	16250	16430	16610	16760
019625-019874	14820	15060	15270	15480	15680	15870	16060	16250	16430	16610	16790	16940

FOR INFORMATION ONLY DO NOT USE

Table D - Expected Family Contribution for a Single Independent Student — 1984-85

019375-019624	14660	14880	15090	15300	15500	15690	15880	16070	16250	16430	16610	16760
019625-019874	14820	15060	15270	15480	15680	15870	16060	16250	16430	16610	16790	16940

Table D - Expected Family Contribution for a Single Independent Student -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS 1	2	3	4	5	6	7	8	9	10	11	12
019875-020124	14980	15230	15440	15650	15860	16050	16240	16430	16610	16790	16970	17130
020125-020374	15150	15400	15610	15820	16030	16220	16410	16600	16790	16970	17150	17310
020375-020624	15310	15560	15780	15990	16200	16400	16590	16780	16960	17140	17320	17500
020625-020874	15470	15720	15950	16160	16370	16570	16760	16950	17140	17320	17500	17680
020875-021124	15630	15880	16120	16330	16540	16750	16940	17130	17320	17500	17680	17860
021125-021374	15790	16040	16290	16500	16710	16920	17120	17310	17500	17680	17860	18040
021375-021624	15950	16200	16450	16670	16880	17090	17290	17480	17670	17860	18040	18220
021625-021874	16110	16360	16610	16840	17050	17260	17470	17660	17850	18040	18220	18400
021875-022124	16270	16520	16770	17010	17220	17430	17640	17830	18020	18210	18390	18570
022125-022374	16430	16680	16930	17180	17390	17600	17810	18010	18200	18390	18570	18750
022375-022624	16590	16840	17090	17340	17560	17770	17980	18180	18370	18560	18750	18930
022625-022874	16750	17000	17250	17500	17730	17940	18150	18360	18550	18740	18930	19110
022875-023124	16910	17160	17410	17660	17900	18110	18320	18530	18720	18910	19100	19290
023125-023374	17070	17320	17570	17820	18070	18290	18500	18710	18900	19090	19280	19470
023375-023624	17230	17480	17730	17980	18230	18460	18670	18880	19080	19270	19460	19640
023625-023874	17400	17650	17900	18150	18400	18630	18840	19050	19250	19440	19630	19820
023875-024124	17560	17810	18060	18310	18560	18800	19040	19220	19430	19620	19810	20000
024125-024374	17720	17970	18220	18470	18720	18970	19180	19390	19600	19790	19980	20170
024375-024624	17880	18130	18380	18630	18880	19130	19350	19560	19770	19970	20160	20350
024625-024874	18030	18290	18540	18790	19050	19290	19520	19730	19940	20150	20340	20530
024875-025124	18180	18450	18700	18950	19200	19450	19690	19900	20110	20320	20510	20700
025125-025374	18330	18610	18860	19110	19360	19610	19860	20070	20280	20490	20690	20880
025375-025624	18480	18770	19020	19270	19520	19770	20020	20240	20450	20660	20860	21050
025625-025874	18630	18920	19180	19430	19680	19930	20180	20410	20620	20830	21040	21230
025875-026124	18780	19070	19340	19590	19840	20090	20340	20580	20790	21000	21210	21400
026125-026374	18930	19220	19500	19750	20000	20250	20500	20750	20970	21180	21390	21580
026375-026624	19080	19370	19660	19910	20160	20410	20660	20910	21140	21350	21560	21760
026625-026874	19230	19520	19810	20070	20320	20570	20820	21070	21310	21520	21730	21930
026875-027124	19380	19670	19960	20230	20480	20730	20980	21230	21480	21690	21900	22110
027125-027374	19540	19830	20120	20400	20650	20900	21150	21400	21650	21860	22070	22280
027375-027624	19690	19980	20270	20560	20810	21060	21310	21560	21810	22030	22240	22450
027625-027874	19840	20130	20420	20710	20970	21220	21470	21720	21970	22200	22410	22620
027875-028124	19990	20280	20570	20860	21130	21380	21630	21880	22130	22370	22580	22790
028125-028374	20140	20430	20720	21010	21290	21540	21790	22040	22290	22540	22750	22960
028375-028624	20290	20580	20870	21160	21450	21700	21950	22200	22450	22700	22920	23130
028625-028874	20440	20730	21020	21310	21600	21860	22110	22360	22610	22860	23090	23300
028875-029124	20590	20880	21170	21460	21750	22020	22270	22520	22770	23020	23260	23470
029125-029374	20740	21030	21320	21610	21900	22180	22430	22680	22930	23180	23430	23640
029375-029624	20890	21180	21470	21760	22050	22340	22590	22840	23090	23340	23590	23810
029625- 030000	21040	21330	21620	21910	22200	22490	22750	23000	23250	23500	23750	23990

FOR INFORMATION ONLY DO NOT USE

BILLING CODE 4000-01-C

Comment. Several commenters recommended the continued use of the GSL tables as an approved need analysis system for the GSL Program. The most frequently cited reasons for the recommendation were simplicity and timeliness.

Response. No change has been made. Based upon the public comment the Secretary has decided to continue use of the GSL tables (Appendix B) as an approved need analysis system for the GSL Program.

Comment. Several commenters objected to the proposal to include a contribution from assets in the determination of the EFC under the GSL tables, citing increased burden on schools as their primary objection.

Response. The proposed change has not been made. Assets will *not* be considered when using the GSL tables to determine the EFC. However, to limit the use of the tables to families less likely to have a substantial amount of assets, the maximum income level of the tables has been reduced from $75,000 to $65,000. The EFC of students from families with an effective annual income greater than $65,000 must be calculated under a system of need analysis approved by the Secretary for use in the campus-based programs. All approved systems for the campus-based programs consider assets in calculating the EFC.

Comment. Several commenters recommended that nontaxable income not be included in the income used to arrive at the EFC from the GSL tables. The reasons given for the recommendation were that inclusion of nontaxable income would add to the information the school is already required to collect; make little difference in student eligibility; and complicate the school's validation efforts.

Response. Although the inclusion of non-taxable income in the amount from which the family contribution is derived may increase the burden on institutions, the Secretary concludes that fairness demands consideration of these resources. There is no reason to consider nontaxable income, a liquid asset, to be less available for educational costs to the student and family than taxable income. This schedule continues to measure adjusted gross income, as reported on the Federal income tax return, to determine if the student must undergo a need analysis. Under this schedule, those students whose adjusted gross family income is $30,000 or less will continue to qualify for Federal interest benefits without regard to family contributions for educational costs. For those students whose adjusted gross family income is greater than $30,000, the schedule requires the calculation of the "effective annual income" in order to use the tables in Appendix B. The effective annual income is determined by adding to the adjusted gross income, non-taxable income and benefits, other than those Social Security or Veterans benefits included in the definition of estimated financial assistance. This change produces a parity of treatment for students whose EFC is calculated under the tables and those whose EFC is calculated under other approved systems because the need analysis systems approved for use in the campus-based programs similarly include nontaxable income and benefits.

Comment. The commenters were equally divided regarding the proposal to require the student to submit copies of the Federal income tax returns with the GSL application. Some commenters recommended that only one page of the tax form be required and one commenter recommended that any validation effort include all title IV programs.

Response. A change has been made. The regulations have been revised simply to indicate the Secretary's authority to require copies of the income tax returns and other pertinent documents. A Notice of Proposed Rulemaking will be published later this year inviting public comment on the Secretary's proposal to implement validation for all title IV programs.

Comment. Two commenters suggested that if the student's parent(s) refuse to certify information necessary to the determination of eligibility for the GSL Program, the application should be considered incomplete and that no loan should be made on the basis of that application.

Response. No change is necessary to reach the result proposed by these commenters. As in previous schedules, if the student's parents refuse to certify information needed to determine the adjusted gross income the student does not qualify for a subsidized loan.

Comment. The majority of commenters agree that the use of the award letter is an appropriate point at which to mandate the use of the EFC calculated under a campus-based approved need analysis system rather than the tables in Appendix B. One commenter suggested that actual receipt of funds under a campus-based program may be a more appropriate point.

Response. No change has been made. This schedule, like previous schedules, continues to require that the EFC be calculated under an approved need analysis system once a campus-based program award letter is issued. The recommendation to use actual receipt of funds to trigger this requirement was rejected because the Secretary considers consistency of need measurement an important goal in student assistance administration and one which can be achieved only if the same measurement is used in as many instances as possible. Delaying the point at which the campus-based measurement must be used for the GSL Program would increase the opportunity for inconsistency of need measurement. It should be noted that the institution, at its option, may always use the EFC calculated under a campus-based need measurement system and is encouraged to do so if the EFC has been calculated but the award letter has not yet been issued.

Comment. The majority of commenters recommended that the independent student definition be revised. It was the consensus of opinion that the definition should be made more stringent, more verifiable and less susceptible to abuse.

Response. As stated in the Notice of Proposed Rulemaking, these comments will be considered along with comments received when the Secretary publishes a separate proposed rule changing the definition of independent student for the 1984–85 and subsequent academic years. For the 1983–84 academic year, the definition of independent student is found in the applicable regulations of each title IV student assistance program.

Executive Order 12291: These regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations. Comments may be submitted to the address listed in this preamble.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations continue the use of the formula used in previous years for determining student eligibility for interest benefits under the Guaranteed Student Loan Program. The regulations,

therefore, do not have an impact on small entities.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Education, Loan programs—education, Student aid, Vocational education.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance Number 84.032, Guaranteed Student Loan Program)

Dated: May 24, 1983.

T. H. Bell,

Secretary of Education.

PART 682—GUARANTEED STUDENT LOAN PROGRAM

The Secretary amends Part 682 of Title 34 of the Code of Federal Regulations as follows:

1. In § 682.200, the definition of the term "Allowable Costs of Attendance" is removed and a new term "Estimated cost of attendance" is inserted in correct alphabetical order as follows:

§ 682.200 General definitions.

* * * * *

Estimated cost of attendance: (a) Except as provided in paragraph (b) of this definition, the tuition and fees applicable to a student plus the school's estimate of other expenses reasonably related to attendance at that school, for the period for which the loan is sought. These costs include, but are not limited to, reasonable transportation and commuting costs, and costs for room, board, books and supplies.

(b) For a student enrolled in a correspondence study program, only the contract price of the program. However, costs described in paragraph (a) of this definition that are incurred by the student for fulfilling a required period of residential training in connection with the correspondence study program may also be included in the estimated cost of attendance.

(20 U.S.C. 1078(a)(2)(C)(i))

* * * * *

2. In § 682.200, the definition of the term "Estimated financial assistance" is revised as follows:

* * * * *

Estimated financial assistance: For the period for which the loan is sought, the estimated amount of assistance that a school is aware a student will be or has been awarded in Federal, State, or privately supported scholarship, grant, work or loan programs, including:

(a) Any Social Security benefits paid to, or on account of, the student which would not be paid if he or she were not a student, and

(b) Veterans educational benefits paid under chapters 32, 34, and 35 of title 38 of the United States Code.

Resources or financial support from the student or the student's family may not be considered financial assistance.

(20 U.S.C. 1078(a)(2)(C)(ii))

3. Section 682.605 is amended by adding a new paragraph (d) to read as follows:

§ 682.605 Certifications by a participating school in connection with a student loan application.

* * * * *

(d) The student's eligibility for interest benefits as determined in accordance with section 682.301.

(20 U.S.C. 1077, 1078, 1065, 1088f)

* * * * *

4. Section 682.301 is revised to read as follows:

§ 682.301 Eligibility for interest benefits.

(a)(1) *General* (i) If a student's adjusted gross family income is $30,000 or less, the student qualifies for interest benefits for the amount of his or her loan.

(ii) If the student's adjusted gross family income is more than $30,000, the student qualifies for interest benefits if the institution he or she attends or is planning to attend determines that the student demonstrated financial need for the loan.

(2)(i) If the student demonstrates financial need for a loan of $1,000 or more, the student qualifies for interest benefits for the amount for which the student has demonstrated financial need.

(ii) If the student demonstrates financial need for a loan between $500 and $1,000, the student qualifies for interest benefits on a loan of up to $1,000.

(b) *Application for interest benefits.* To apply for interest benefits, the student shall submit to the lender with his or her loan application a statement from the student's institution that certifies—

(1) The estimated cost of attendance for the student for the academic period for which the loan is intended;

(2) The estimated financial assistance for the student for the academic period for which the loan is intended;

(3) The adjusted gross family income of the student's family; and

(4) The student's expected family contribution if his or her adjusted gross family income exceeds $30,000.

(5) The amount of the student's need for a loan as determined by the institution pursuant to paragraph (e) of this section.

(c) *Adjusted gross family income.* The institution determines the adjusted gross family income of the student's family based upon data provided, and certified to, by each person whose income is required to be considered.

(1) The adjusted gross family income of the student's family means the adjusted gross income, as defined in section 62 of the Internal Revenue Code, as reported on the 1983 Federal income tax return(s), of—

(i) The student;

(ii) The student's spouse, if any; and

(iii) The student's mother and father if the student, at the time he or she applies, is determined to be a "dependent student" rather than an "independent student;"

(2) A student whose parents are divorced or separated follows these procedures for reporting a parents adjusted gross income to determine the adjusted gross family income—

(i) Include only the income of the parent with whom the student resided for the greater portion of the 12-month period preceding the date of application.

(ii) If the preceding criterion does not apply, include only the income of the parent who provided the greater portion of the student's support for the 12-month period preceding the date of application.

(iii) If neither of the preceding criteria apply, include only the income of the parent who provided the greater support for the period commencing January 1, 1983 and ending 12 months prior to the date of application.

(3) If either of the parents has died, the student shall include only the income of the surviving parent. If both parents have died, the student shall not report any parental income.

(4) The following rule applies if either a parent whose income is taken into account under paragraph (c)(2) of this section, or a parent who is a widow or widower and whose income is taken into account under paragraph (c)(3) of this section, has remarried. The income of that parent's spouse shall be included in determining the adjusted gross family income if, in 1983 or 1984, the student—

(i) Has received or will receive financial assistance of more than $750 from that spouse, or

(ii) Has lived or will live for more than six weeks in the home of the parent and that spouse.

(5) For a student who is divorced or separated, or whose spouse has died, the spouse's income shall not be included in determining the adjusted gross family income.

(d) "Independent student" is a student who qualifies as an independent student in 34 CFR 668.1a.

(e) *Determination of need.* (1) If the student's adjusted gross family income exceeds $30,000 the institution shall determine the student's need for a loan by subtracting from the student's estimated cost of attendance, as defined in § 682.200, his or her—

(i) Estimated financial assistance, as defined in § 682.200; and

(ii) Expected family contribution, as determined in paragraph (f) of this section.

(2) The student shall certify to the accuracy of any information he or she provides to the institution which is necessary to determine need.

(3) The Secretary may require that family members whose incomes are included in the student's adjusted gross family income under paragraph (c) of this section and the effective annual income in Appendix B provide copies of the relevant Federal income tax return(s) and other pertinent documents to support the student's application for interest benefits.

(f) *Determination of expected family contribution.* For a student who seeks a loan for a period of instruction beginning on or after July 1, 1984, but not later than June 30, 1985, the institution shall calculate his or her expected family contribution as follows:

(1) If the student has been awarded financial assistance for award year 1984–85 (July 1, 1984–June 30, 1985) under the Supplemental Educational Opportunity Grant (SEOG), College Work-Study (CWS), or National Direct Student Loan (NDSL) program, at the time he or she applies for a Guaranteed Student Loan, the student's expected family contribution is his or her expected family contribution as calculated for the SEOG, CWS or NDSL program.

(2) If the student has not been awarded financial assistance under the SEOG, CWS, or NDSL program for the 1984–85 award year at the time he or she applies for a Guaranteed Student Loan, the student's expected family contribution is determined under either—

(i) Any need analysis system which has been approved by the Secretary for the SEOG, CWS, or NDSL program; or

(ii) The tables found in Appendix B if the effective annual income of the student and his or her family does not exceed $65,000.

(20 U.S.C. 1078, 1082)

5. Appendix B to Part 682 is revised to read as follows:

Appendix B to Part 682—Guaranteed Student Loan Program Tables for Determination of Expected Family Contribution for 1984–85

If authorized under the provisions of section 682.301(f)(2)(ii), an institution may use the following tables to determine the student's expected family contribution.

For purposes of the four tables,

"Dependent student" means a student who does not qualify as an independent student;

"Independent student" is defined in 34 CFR 668.1a; and

"Effective annual income" means the sum received in 1983 from—

(a) Adjusted gross income, as defined in section 62 of the Internal Revenue Code; and

(b) Investment income upon which no Federal income tax need be paid. An example of such income is the interest on municipal bonds; and

(c) Other income upon which no income tax is paid, such as child support payments and welfare benefits, except for any Social Security benefits or Veteran's educational benefits included in the definition of "Estimated financial assistance" in § 682.200.

Table A.—Expected Family Contribution for a Dependent Student From a Two-Parent Family—1984–85

For a dependent student from a two-parent family, the educational institution determines the student's expected family contribution according to Table A. The amount obtained from the table is divided by the number of family members enrolled on at least a half-time basis in a postsecondary educational institution.

As used in Table A, "Family members" include the student, the student's spouse and their dependents, and the student's mother and father and their dependents. If the family includes a step-parent whose income is included in the adjusted gross family income, family members also include the step-parent and the dependents of the step-parent.

Table A is based on the following assumptions:

- One of the two parents is employed,
- No assets are considered, and
- All of the family income was earned by the employed parent.

The conversion of the effective annual income to the expected family contribution is performed by subtracting from the effective annual income the following:

—Federal income tax, based on standard deductions, computed at the rate applied to married taxpayers filing joint returns,
—F.I.C.A. (Social Security) for one wage earner,
—Average State and other taxes (6%), and
—A Standard Maintenance Allowance, based on the average non-discretionary living expenses for families derived from the Bureau of Labor Statistics low budget standard, as adjusted for inflation and family size. The Standard Maintenance Allowance does not include an allowance for living expenses of the dependent student for the 9 months of school because those living expenses are included in the student's cost of education.

To this balance, called "available income," which represents discretionary income, a conversion percentage is applied. The percentage increases as available income increases. The resulting value is the expected family contribution.

BILLING CODE 4000-01-M

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family -- 1984-85

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS									
	3	4	5	6	7	8	9	10	11	12
LESS THAN 30001	AUTOMATICALLY ELIGIBLE									
030001 -030124	2940	2290	1770	1270	920	560	210	0	0	0
030125-030374	2990	2330	1810	1310	950	600	240	0	0	0
030375-030624	3050	2370	1850	1340	990	630	280	0	0	0
030625-030874	3110	2420	1880	1370	1020	670	310	0	0	0
030875-031124	3170	2470	1920	1410	1050	700	350	0	0	0
031125-031374	3230	2520	1960	1440	1090	730	380	30	0	0
031375-031624	3290	2570	2010	1470	1120	770	410	60	0	0
031625-031874	3350	2620	2050	1510	1160	800	450	90	0	0
031875-032124	3410	2670	2090	1540	1190	840	480	130	0	0
032125-032374	3470	2720	2130	1580	1220	870	520	160	0	0
032375-032624	3520	2770	2180	1620	1250	910	550	200	0	0
032625-032874	3580	2820	2220	1650	1290	940	590	230	0	0
032875-033124	3640	2870	2260	1690	1320	970	620	270	0	0
033125-033374	3700	2920	2310	1730	1350	1000	650	300	0	0
033375-033624	3770	2970	2350	1770	1380	1040	690	330	0	0
033625-033874	3830	3030	2390	1800	1420	1070	720	370	10	0
033875-034124	3900	3090	2440	1840	1450	1100	750	400	50	0
034125-034374	3960	3140	2490	1880	1480	1130	790	440	80	0
034375-034624	4030	3200	2540	1910	1520	1170	820	470	120	0
034625-034874	4090	3250	2590	1960	1560	1200	850	500	150	0
034875-035124	4160	3310	2640	2000	1590	1230	880	540	190	0
035125-035374	4220	3360	2690	2040	1630	1270	920	570	220	0
035375-035624	4290	3420	2730	2080	1670	1300	950	600	250	0
035625-035874	4350	3480	2780	2130	1700	1330	980	640	290	0
035875-036124	4430	3540	2840	2180	1750	1370	1020	670	320	0
036125-036374	4500	3600	2890	2220	1790	1400	1060	710	360	10
036375-036624	4570	3660	2940	2270	1830	1440	1090	740	400	50
036625-036874	4640	3730	3000	2310	1870	1480	1130	780	430	90
036875-037124	4720	3810	3060	2360	1910	1520	1170	820	470	120
037125-037374	4790	3880	3120	2400	1950	1560	1200	850	510	160
037375-037624	4860	3950	3180	2450	2000	1600	1240	890	540	190
037625-037874	4940	4020	3240	2500	2040	1640	1270	930	580	230
037875-038124	5010	4100	3310	2560	2090	1680	1310	960	620	270
038125-038374	5080	4170	3370	2610	2130	1720	1350	1000	650	300
038375-038624	5150	4240	3430	2660	2180	1760	1380	1040	690	340
038625-038874	5210	4320	3490	2720	2220	1800	1420	1070	720	380
038875-039124	5280	4390	3550	2770	2270	1830	1450	1110	760	410
039125-039374	5350	4460	3620	2820	2310	1870	1490	1140	800	450
039375-039624	5420	4530	3680	2870	2360	1910	1530	1180	830	490
039625-039874	5480	4590	3750	2930	2400	1960	1570	1220	870	520

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family — 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS									
	3	4	5	6	7	8	9	10	11	12
039875-040124	5550	4660	3820	2980	2450	2000	1600	1250	910	560
040125-040374	5620	4730	3900	3040	2510	2050	1640	1290	940	590
040375-040624	5680	4800	3960	3100	2560	2090	1680	1320	980	630
040625-040874	5750	4860	4030	3160	2610	2140	1720	1350	1010	670
040875-041124	5820	4930	4100	3230	2670	2180	1760	1390	1050	700
041125-041374	5880	5000	4160	3290	2720	2230	1800	1420	1080	740
041375-041624	5950	5060	4230	3340	2770	2270	1840	1460	1120	780
041625-041874	6020	5130	4300	3400	2820	2320	1880	1490	1150	810
041875-042124	6090	5200	4360	3460	2880	2360	1910	1530	1190	850
042125-042374	6150	5260	4430	3510	2930	2410	1960	1570	1220	880
042375-042624	6220	5330	4500	3570	2980	2460	2000	1610	1250	920
042625-042874	6290	5400	4570	3630	3030	2510	2050	1650	1290	950
042875-043124	6350	5460	4630	3690	3090	2560	2090	1680	1320	980
043125-043374	6420	5530	4700	3760	3150	2620	2140	1720	1360	1020
043375-043624	6490	5600	4770	3820	3200	2660	2180	1760	1390	1050
043625-043874	6550	5670	4830	3890	3260	2710	2230	1800	1430	1090
043875-044124	6620	5730	4900	3960	3320	2760	2270	1840	1460	1120
044125-044374	6690	5800	4970	4020	3370	2810	2320	1880	1490	1150
044375-044624	6750	5870	5030	4090	3430	2860	2360	1920	1530	1190
044625-044874	6820	5930	5100	4160	3490	2910	2400	1960	1570	1220
044875-045124	6890	6000	5170	4220	3550	2950	2450	2010	1610	1260
045125-045374	6960	6070	5240	4290	3600	3010	2500	2050	1650	1290
045375-045624	7020	6130	5300	4360	3660	3060	2550	2090	1690	1320
045625-045874	7090	6200	5370	4430	3720	3120	2590	2130	1730	1360
045875-046124	7160	6270	5440	4490	3790	3180	2640	2180	1760	1390
046125-046374	7220	6340	5500	4560	3860	3230	2690	2220	1800	1430
046375-046624	7290	6400	5570	4630	3930	3290	2740	2260	1840	1460
046625-046874	7360	6470	5640	4690	3990	3350	2790	2300	1870	1500
046875-047124	7420	6540	5700	4760	4060	3410	2840	2340	1910	1530
047125-047374	7490	6600	5770	4830	4130	3460	2880	2380	1950	1570
047375-047624	7560	6670	5840	4890	4190	3520	2930	2430	1990	1610
047625-047874	7630	6740	5910	4960	4260	3580	2980	2470	2030	1640
047875-048124	7690	6800	5970	5030	4330	3630	3040	2520	2070	1680
048125-048374	7760	6870	6040	5090	4390	3690	3090	2570	2120	1720
048375-048624	7830	6940	6110	5160	4460	3760	3150	2620	2160	1750
048625-048874	7890	7010	6170	5230	4530	3830	3210	2670	2200	1790
048875-049124	7960	7070	6240	5300	4600	3890	3270	2720	2240	1820
049125-049374	8020	7140	6310	5360	4660	3960	3320	2770	2280	1860
049375-049624	8080	7210	6370	5430	4730	4030	3380	2810	2320	1890
049625-049874	8140	7270	6440	5500	4800	4100	3440	2860	2360	1930

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family -- 1984-85

049625-049874	8140	7270	6440	5500	4800	4100	3440	2860	2360	1930

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS									
	3	4	5	6	7	8	9	10	11	12
049875-050124	8200	7340	6510	5560	4860	4160	3490	2910	2400	1970
050125-050374	8260	7400	6580	5630	4930	4230	3550	2960	2450	2010
050375-050624	8320	7460	6640	5700	5000	4300	3610	3010	2500	2060
050625-050874	8380	7520	6710	5760	5060	4360	3660	3070	2550	2100
050875-051124	8440	7580	6770	5830	5130	4430	3730	3130	2600	2140
051125-051374	8510	7640	6830	5900	5200	4500	3800	3180	2650	2180
051375-051624	8570	7700	6890	5970	5270	4560	3860	3240	2690	2220
051625-051874	8630	7760	6950	6030	5330	4630	3930	3300	2740	2260
051875-052124	8690	7820	7020	6090	5400	4700	4000	3350	2790	2300
052125-052374	8750	7890	7080	6160	5470	4770	4070	3410	2840	2340
052375-052624	8810	7950	7140	6220	5530	4830	4130	3470	2890	2390
052625-052874	8870	8010	7200	6280	5600	4900	4200	3520	2940	2430
052875-053124	8930	8070	7260	6340	5660	4970	4270	3580	2990	2480
053125-053374	8990	8130	7320	6400	5720	5030	4330	3640	3040	2530
053375-053624	9060	8190	7380	6460	5780	5100	4400	3700	3100	2580
053625-053874	9120	8250	7440	6520	5850	5170	4470	3770	3160	2620
053875-054124	9180	8310	7500	6580	5910	5230	4530	3830	3210	2670
054125-054374	9240	8370	7570	6640	5970	5290	4600	3900	3270	2720
054375-054624	9300	8440	7630	6710	6030	5350	4670	3970	3330	2770
054625-054874	9360	8500	7690	6770	6090	5410	4740	4040	3380	2820
054875-055124	9420	8560	7750	6830	6150	5470	4800	4100	3440	2870
055125-055374	9480	8620	7810	6890	6210	5540	4860	4170	3500	2910
055375-055624	9540	8680	7870	6950	6270	5600	4920	4240	3560	2960
055625-055874	9610	8740	7930	7010	6330	5660	4980	4300	3610	3020
055875-056124	9670	8800	7990	7070	6400	5720	5040	4360	3670	3070
056125-056374	9730	8860	8050	7130	6460	5780	5100	4430	3740	3130
056375-056624	9790	8920	8120	7190	6520	5840	5160	4490	3800	3190
056625-056874	9850	8990	8180	7260	6580	5900	5230	4550	3870	3240
056875-057124	9910	9050	8240	7320	6640	5960	5290	4610	3930	3300
057125-057374	9970	9110	8300	7380	6700	6020	5350	4670	3990	3360
057375-057624	10030	9170	8360	7440	6760	6090	5410	4730	4050	3420
057625-057874	10090	9230	8420	7500	6820	6150	5470	4790	4120	3470
057875-058124	10160	9290	8480	7560	6880	6210	5530	4850	4180	3530
058125-058374	10220	9350	8540	7620	6950	6270	5590	4910	4240	3580
058375-058624	10280	9410	8600	7680	7010	6330	5650	4980	4300	3630
058625-058874	10340	9470	8670	7740	7070	6390	5710	5040	4360	3680
058875-059124	10400	9530	8730	7810	7130	6450	5770	5100	4420	3740
059125-059374	10460	9600	8790	7870	7190	6510	5840	5160	4480	3810
059375-059624	10520	9660	8850	7930	7250	6570	5900	5220	4540	3870
059625-059874	10580	9720	8910	7990	7310	6640	5960	5280	4600	3930

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family — 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS									
	3	4	5	6	7	8	9	10	11	12
059875-060124	10640	9780	8970	8050	7370	6700	6020	5340	4670	3990
060125-060374	10710	9840	9030	8110	7430	6760	6080	5400	4730	4050
060375-060624	10770	9900	9090	8170	7500	6820	6140	5460	4790	4110
060625-060874	10830	9960	9150	8230	7560	6880	6200	5530	4850	4170
060875-061124	10890	10020	9220	8290	7620	6940	6260	5590	4910	4230
061125-061374	10950	10080	9280	8360	7680	7000	6320	5650	4970	4290
061375-061624	11010	10150	9340	8420	7740	7060	6390	5710	5030	4360
061625-061874	11070	10210	9400	8480	7800	7120	6450	5770	5090	4420
061875-062124	11130	10270	9460	8540	7860	7180	6510	5830	5150	4480
062125-062374	11190	10330	9520	8600	7920	7250	6570	5890	5220	4540
062375-062624	11260	10390	9580	8660	7980	7310	6630	5950	5280	4600
062625-062874	11320	10450	9640	8720	8050	7370	6690	6010	5340	4660
062875-063124	11380	10510	9700	8780	8110	7430	6750	6080	5400	4720
063125-063374	11430	10570	9770	8840	8170	7490	6810	6140	5460	4780
063375-063624	11490	10630	9830	8910	8230	7550	6870	6200	5520	4840
063625-063874	11550	10700	9890	8970	8290	7610	6940	6260	5580	4910
063875-064124	11600	10760	9950	9030	8350	7670	7000	6320	5640	4970
064125-064374	11660	10810	10010	9090	8410	7730	7060	6380	5700	5030
064375-064624	11720	10870	10070	9150	8470	7800	7120	6440	5770	5090
064625-064874	11770	10930	10130	9210	8530	7860	7180	6500	5830	5150
064875- 065000	11830	10980	10190	9270	8590	7920	7240	6560	5890	5210

OVER $65,000 — MUST USE CAMPUS-BASED APPROVED NEED ANALYSIS SYSTEM

BILLING CODE 4000-01-C

Table B.—Expected Family Contribution for a Dependent Student From a One-Parent Family—1984–85

For a dependent student from a one-parent family, the educational institution determines the student's expected family contribution according to Table B. The amount obtained from the table is divided by the number of family members enrolled on at least a half-time basis in a postsecondary educational institution.

As used in Table B, "Family members" include the student, the student's spouse and their dependents, and the student's parent and the parent's dependents.

Table B is based on the following asumptions:

- The parent is employed,
- No assets are considered, and
- All of the family income was earned by the parent.

The conversion of the effective annual income to the expected family contribution is performed by substracting from the effective annual income, the following:

—Federal income tax, based on standard deductions, computed at the rate applied to taxpayers who qualify as heads of households,
—F.I.C.A. (Social Security) for one wage earner,
—Average State and other taxes (8%),
—An employment allowance of 30% of income, to a maximum of $1,900, and
—A Standard Maintenance Allowance, based on the average non-discretionary living expenses for families and derived from the Bureau of Labor Statistics low budget standard, as adjusted for inflation and family size. The Standard Maintenance Allowance does not include an allowance for living expenses of the dependent student for the 9 months of school because those living expenses are included in the student's cost of education.

To this balance, called "available income," which represents discretionary income, a conversion percentage is applied. The percentage increases as available income increases. The resulting value is the expected family contribution.

BILLING CODE 4000-01-M

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS										
LESS THAN 30001	2	3	4	5	6	7	8	9	10	11	12
	A U T O M A T I C A L L Y E L I G I B L E										
030001-030124	2590	2100	1590	1170	720	370	20	0	0	0	0
030125-030374	2640	2140	1620	1200	750	400	50	0	0	0	0
030375-030624	2680	2180	1660	1230	780	440	90	0	0	0	0
030625-030874	2730	2220	1690	1260	810	470	120	0	0	0	0
030875-031124	2780	2260	1730	1300	840	500	150	0	0	0	0
031125-031374	2820	2300	1760	1330	870	530	190	0	0	0	0
031375-031624	2860	2340	1800	1360	900	560	220	0	0	0	0
031625-031874	2910	2380	1830	1390	930	590	250	0	0	0	0
031875-032124	2950	2420	1870	1420	960	620	280	0	0	0	0
032125-032374	3000	2470	1900	1450	1000	650	310	0	0	0	0
032375-032624	3050	2510	1940	1480	1030	680	340	0	0	0	0
032625-032874	3100	2550	1980	1520	1060	720	370	30	0	0	0
032875-033124	3150	2600	2020	1550	1090	750	410	60	0	0	0
033125-033374	3200	2640	2060	1590	1120	780	440	100	0	0	0
033375-033624	3250	2690	2090	1620	1150	810	470	130	0	0	0
033625-033874	3300	2730	2130	1660	1180	840	500	160	0	0	0
033875-034124	3360	2770	2170	1690	1210	870	530	190	0	0	0
034125-034374	3410	2820	2210	1720	1240	900	560	220	0	0	0
034375-034624	3460	2860	2240	1750	1270	930	590	250	0	0	0
034625-034874	3510	2900	2280	1780	1300	960	620	280	0	0	0
034875-035124	3560	2950	2320	1820	1330	990	650	310	0	0	0
035125-035374	3610	2990	2350	1850	1360	1030	680	340	0	0	0
035375-035624	3660	3040	2390	1880	1390	1060	720	370	30	0	0
035625-035874	3720	3100	2430	1910	1420	1090	750	410	70	0	0
035875-036124	3790	3150	2480	1960	1450	1120	780	440	100	0	0
036125-036374	3860	3210	2530	2000	1480	1150	820	480	130	0	0
036375-036624	3920	3270	2580	2040	1520	1180	850	510	170	0	0
036625-036874	3990	3330	2630	2080	1550	1220	890	550	200	0	0
036875-037124	4050	3390	2680	2120	1590	1250	920	580	240	0	0
037125-037374	4120	3440	2730	2170	1630	1280	950	610	270	0	0
037375-037624	4180	3500	2780	2210	1660	1310	980	650	310	0	0
037625-037874	4250	3550	2830	2250	1700	1340	1010	680	340	0	0
037875-038124	4310	3610	2880	2290	1740	1380	1050	720	380	40	0
038125-038374	4380	3660	2930	2330	1770	1410	1080	750	410	70	0
038375-038624	4440	3730	2970	2380	1810	1440	1110	780	450	110	0
038625-038874	4510	3790	3020	2420	1840	1470	1140	810	480	140	0
038875-039124	4570	3860	3080	2470	1880	1510	1170	840	510	170	0
039125-039374	4630	3920	3130	2520	1920	1540	1210	880	550	210	0
039375-039624	4700	3980	3190	2560	1960	1580	1240	910	580	240	0
039625-039874	4760	4050	3240	2610	2000	1610	1270	940	610	280	0

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1984-85

039625-039874	4760	4050	3240	2610	2000	1610	1270	940	610	280	0

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS 2	3	4	5	6	7	8	9	10	11	12
039875-040124	4830	4110	3300	2660	2040	1650	1300	970	640	310	0
040125-040374	4890	4180	3350	2700	2080	1690	1330	1000	670	340	10
040375-040624	4960	4240	3410	2750	2120	1720	1360	1030	700	370	40
040625-040874	5020	4310	3460	2800	2160	1760	1400	1070	740	410	80
040875-041124	5090	4370	3520	2840	2200	1800	1430	1100	770	440	110
041125-041374	5150	4440	3570	2890	2240	1830	1460	1130	800	470	140
041375-041624	5220	4500	3630	2940	2280	1860	1490	1160	830	500	170
041625-041874	5280	4570	3690	2980	2320	1900	1530	1190	860	530	200
041875-042124	5340	4630	3750	3040	2360	1940	1570	1230	900	570	240
042125-042374	5410	4700	3820	3090	2400	1980	1600	1260	930	600	270
042375-042624	5470	4760	3880	3150	2450	2020	1630	1290	960	630	300
042625-042874	5540	4820	3950	3200	2500	2060	1670	1320	990	660	330
042875-043124	5600	4890	4010	3260	2540	2100	1700	1350	1020	690	360
043125-043374	5670	4950	4070	3310	2590	2140	1740	1380	1060	730	400
043375-043624	5730	5020	4140	3370	2640	2180	1770	1420	1090	760	430
043625-043874	5800	5080	4200	3420	2680	2220	1810	1450	1120	790	460
043875-044124	5860	5150	4270	3480	2730	2260	1840	1480	1150	820	490
044125-044374	5930	5210	4330	3530	2780	2300	1880	1510	1180	850	520
044375-044624	5990	5280	4400	3590	2820	2340	1910	1540	1210	890	560
044625-044874	6060	5340	4460	3640	2870	2380	1950	1580	1240	920	590
044875-045124	6120	5410	4530	3700	2920	2420	1990	1610	1270	950	620
045125-045374	6190	5470	4590	3770	2960	2460	2030	1650	1300	980	650
045375-045624	6250	5540	4660	3830	3010	2510	2070	1680	1330	1010	680
045625-045874	6310	5600	4720	3900	3070	2560	2110	1710	1360	1040	710
045875-046124	6380	5660	4790	3960	3120	2600	2150	1750	1390	1070	750
046125-046374	6440	5730	4850	4030	3180	2650	2190	1780	1420	1100	780
046375-046624	6510	5790	4910	4090	3230	2700	2230	1820	1450	1130	810
046625-046874	6570	5860	4980	4160	3290	2740	2270	1850	1490	1160	840
046875-047124	6630	5920	5040	4220	3340	2790	2310	1890	1520	1190	870
047125-047374	6680	5990	5110	4290	3400	2840	2350	1920	1550	1220	900
047375-047624	6740	6050	5170	4350	3450	2880	2390	1960	1590	1250	930
047625-047874	6800	6120	5240	4420	3510	2930	2430	2000	1620	1280	960
047875-048124	6850	6170	5300	4480	3560	2980	2480	2040	1660	1310	990
048125-048374	6910	6230	5370	4540	3620	3030	2520	2080	1690	1340	1020
048375-048624	6970	6280	5430	4610	3670	3090	2570	2120	1720	1370	1050
048625-048874	7020	6340	5490	4670	3740	3140	2620	2160	1760	1400	1080
048875-049124	7080	6400	5550	4740	3800	3200	2660	2200	1790	1430	1110
049125-049374	7140	6450	5610	4800	3870	3250	2710	2240	1830	1460	1140
049375-049624	7190	6510	5660	4870	3930	3310	2760	2280	1860	1490	1170
049625-049874	7250	6570	5720	4930	4000	3360	2800	2320	1900	1530	1200

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS										
	2	3	4	5	6	7	8	9	10	11	12
049875-050124	7300	6620	5780	4990	4060	3420	2850	2360	1930	1560	1230
050125-050374	7360	6680	5830	5040	4130	3470	2900	2400	1970	1600	1260
050375-050624	7420	6740	5890	5100	4190	3530	2940	2440	2010	1630	1290
050625-050874	7470	6790	5950	5160	4250	3580	2990	2490	2050	1670	1320
050875-051124	7530	6850	6000	5210	4310	3640	3050	2540	2090	1700	1350
051125-051374	7590	6900	6060	5270	4370	3690	3100	2590	2130	1740	1380
051375-051624	7640	6960	6120	5330	4420	3760	3160	2630	2170	1770	1410
051625-051874	7700	7020	6170	5380	4480	3820	3210	2680	2210	1800	1440
051875-052124	7760	7070	6230	5440	4540	3880	3270	2730	2250	1840	1470
052125-052374	7810	7130	6280	5490	4590	3930	3320	2770	2290	1870	1510
052375-052624	7870	7190	6340	5550	4650	3990	3380	2820	2330	1910	1540
052625-052874	7920	7240	6400	5610	4710	4050	3430	2870	2370	1950	1570
052875-053124	7980	7300	6450	5660	4760	4100	3480	2910	2410	1990	1610
053125-053374	8040	7360	6510	5720	4820	4160	3530	2960	2460	2030	1640
053375-053624	8090	7410	6570	5780	4870	4220	3570	3010	2510	2070	1680
053625-053874	8150	7470	6620	5830	4930	4270	3620	3060	2550	2110	1710
053875-054124	8210	7530	6680	5890	4990	4330	3670	3110	2600	2150	1750
054125-054374	8260	7580	6740	5950	5040	4390	3730	3160	2650	2190	1780
054375-054624	8320	7640	6790	6000	5100	4440	3780	3210	2690	2220	1810
054625-054874	8380	7690	6850	6060	5160	4500	3840	3250	2740	2260	1850
054875-055124	8430	7750	6900	6120	5210	4550	3900	3300	2780	2300	1880
055125-055374	8490	7810	6960	6170	5270	4610	3950	3350	2820	2340	1920
055375-055624	8550	7860	7020	6230	5330	4670	4010	3400	2860	2380	1960
055625-055874	8600	7920	7070	6280	5380	4720	4070	3450	2900	2430	2000
055875-056124	8660	7980	7130	6340	5440	4780	4120	3490	2940	2470	2040
056125-056374	8710	8030	7190	6400	5490	4840	4180	3540	2980	2510	2080
056375-056624	8770	8090	7240	6450	5550	4890	4240	3590	3030	2550	2120
056625-056874	8830	8150	7300	6510	5610	4950	4290	3640	3080	2590	2160
056875-057124	8880	8200	7360	6570	5660	5010	4350	3690	3130	2630	2190
057125-057374	8940	8260	7410	6620	5720	5060	4400	3750	3170	2670	2230
057375-057624	9000	8310	7470	6680	5780	5120	4460	3800	3220	2710	2260
057625-057874	9050	8370	7530	6740	5830	5180	4520	3860	3270	2750	2300
057875-058124	9110	8430	7580	6790	5890	5230	4570	3920	3320	2790	2330
058125-058374	9170	8480	7640	6850	5950	5290	4630	3970	3370	2830	2370
058375-058624	9220	8540	7690	6900	6000	5340	4690	4030	3410	2870	2400
058625-058874	9280	8600	7750	6960	6060	5400	4740	4080	3460	2920	2440
058875-059124	9330	8650	7810	7020	6120	5460	4800	4140	3510	2960	2480
059125-059374	9390	8710	7860	7070	6170	5510	4860	4200	3560	3000	2520
059375-059624	9450	8770	7920	7130	6230	5570	4910	4250	3610	3050	2560
059625-059874	9500	8820	7980	7190	6280	5630	4970	4310	3650	3090	2600

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1984-85

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS										
	2	3	4	5	6	7	8	9	10	11	12
059875-060124	9560	8880	8030	7240	6340	5680	5020	4370	3710	3140	2640
060125-060374	9620	8940	8090	7300	6400	5740	5080	4420	3770	3190	2680
060375-060624	9670	8990	8150	7360	6450	5800	5140	4480	3820	3240	2720
060625-060874	9730	9050	8200	7410	6510	5850	5190	4540	3880	3290	2770
060875-061124	9790	9100	8260	7470	6570	5910	5250	4590	3930	3330	2810
061125-061374	9840	9160	8310	7530	6620	5960	5310	4650	3990	3380	2850
061375-061624	9900	9220	8370	7580	6680	6020	5360	4710	4050	3430	2890
061625-061874	9960	9270	8430	7640	6740	6080	5420	4760	4100	3480	2930
061875-062124	10010	9330	8480	7690	6790	6130	5480	4820	4160	3530	2970
062125-062374	10070	9390	8540	7750	6850	6190	5530	4870	4220	3570	3010
062375-062624	10120	9440	8600	7810	6900	6250	5590	4930	4270	3620	3060
062625-062874	10180	9500	8650	7860	6960	6300	5650	4990	4330	3670	3110
062875-063124	10230	9560	8710	7920	7020	6360	5700	5040	4390	3730	3160
063125-063374	10280	9610	8770	7980	7070	6420	5760	5100	4440	3780	3210
063375-063624	10330	9670	8820	8030	7130	6470	5810	5160	4500	3840	3250
063625-063874	10380	9720	8880	8090	7190	6530	5870	5210	4550	3900	3300
063875-064124	10440	9770	8940	8150	7240	6590	5930	5270	4610	3950	3350
064125-064374	10490	9830	8990	8200	7300	6640	5980	5330	4670	4010	3400
064375-064624	10540	9880	9050	8260	7360	6700	6040	5380	4720	4070	3450
064625-064874	10590	9930	9100	8310	7410	6750	6100	5440	4780	4120	3490
064875 - 065000	10640	9980	9150	8370	7470	6810	6150	5490	4840	4180	3540

OVER $65,000 -- MUST USE CAMPUS-BASED APPROVED NEED ANALYSIS SYSTEM

BILLING CODE 4000-01-C

Table C.—Expected Family Contribution for a Married Independent Student—1984–85

For a married independent student, the educational institution determines the student's expected family contribution according to Table C. The amount obtained from the table is divided by the number of family members enrolled on at least a half-time basis in a postsecondary educational institution. The contributions set forth in Table C are based on a 12-month budget. If an educational institution calculates an independent student budget on a 9-month basis, it must multiply the contribution in the table by .75. No family assets are considered.

As used in Table C, "Family members" include the students, the student's spouse and their dependents.

The conversion of the effective annual income to the expected family contribution is performed by subtracting from the effective annual income, the following:

—Federal income tax, based on standard deductions, computed at the rate applied to married taxpayers filing joint returns,

—F.I.C.A. (Social Security) for one wage earner, and

—Average State and other taxes (4%).

The resulting value is the expected family contribution. No deduction is made for living expenses of the student and his or her family because those expenses are included in the student's cost of education.

BILLING CODE 4000-01-M

Table C - Expected Family Contribution for a Married Independent Student -- 1984-85

Table C - Expected Family Contribution for a Married Independent Student — 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS										
LESS THAN 30001	2	3	4	5	6	7	8	9	10	11	12
	AUTOMATICALLY ELIGIBLE										
030001-030124	22250	22510	22770	23030	23270	23500	23730	23960	24180	24370	24560
030125-030374	22400	22660	22920	23180	23430	23660	23890	24120	24350	24550	24740
030375-030624	22560	22820	23080	23340	23600	23830	24060	24290	24520	24720	24910
030625-030874	22720	22980	23240	23500	23760	24000	24230	24460	24690	24900	25090
030875-031124	22880	23140	23400	23660	23920	24160	24390	24620	24850	25070	25280
031125-031374	23040	23300	23560	23820	24080	24330	24560	24790	25020	25250	25440
031375-031624	23200	23460	23720	23980	24240	24490	24720	24950	25180	25410	25610
031625-031874	23350	23610	23870	24130	24390	24650	24890	25120	25350	25580	25790
031875-032124	23510	23770	24030	24290	24550	24810	25050	25280	25510	25740	25970
032125-032374	23660	23930	24190	24450	24710	24970	25220	25450	25680	25910	26140
032375-032624	23800	24090	24350	24610	24870	25130	25390	25620	25850	26080	26310
032625-032874	23950	24250	24510	24770	25080	25290	25550	25780	26010	26240	26470
032875-033124	24100	24400	24660	24920	25180	25440	25700	25950	26180	26410	26640
033125-033374	24250	24550	24820	25080	25340	25600	25860	26110	26340	26570	26800
033375-033624	24400	24700	24980	25240	25500	25760	26020	26280	26510	26740	26970
033625-033874	24550	24850	25140	25400	25660	25920	26180	26440	26670	26900	27130
033875-034124	24690	24990	25290	25560	25820	26080	26340	26600	26840	27070	27300
034125-034374	24840	25140	25440	25720	25980	26240	26500	26760	27010	27240	27470
034375-034624	24990	25290	25590	25870	26130	26390	26650	26910	27170	27400	27630
034625-034874	25140	25440	25740	26030	26290	26550	26810	27070	27330	27570	27800
034875-035124	25290	25590	25890	26190	26450	26710	26970	27230	27490	27730	27960
035125-035374	25440	25740	26040	26340	26610	26870	27130	27390	27650	27900	28130
035375-035624	25580	25880	26180	26480	26770	27030	27290	27550	27810	28060	28290
035625-035874	25740	26040	26340	26640	26930	27190	27450	27710	27970	28230	28460
035875-036124	25900	26200	26500	26800	27100	27360	27620	27880	28140	28400	28650
036125-036374	26070	26370	26670	26970	27270	27540	27800	28060	28320	28580	28830
036375-036624	26230	26530	26830	27130	27430	27710	27970	28230	28490	28750	29010
036625-036874	26400	26700	27000	27300	27600	27890	28150	28410	28670	28930	29190
036875-037124	26560	26860	27160	27460	27760	28060	28320	28580	28840	29100	29360
037125-037374	26720	27030	27330	27630	27930	28230	28500	28760	29020	29280	29540
037375-037624	26880	27190	27490	27790	28090	28390	28670	28930	29190	29450	29710
037625-037874	27030	27360	27660	27960	28260	28560	28850	29110	29370	29630	29890
037875-038124	27180	27520	27820	28120	28420	28720	29020	29280	29540	29800	30060
038125-038374	27330	27680	27990	28290	28590	28890	29190	29480	29720	29980	30240
038375-038624	27490	27840	28150	28450	28750	29050	29350	29630	29890	30150	30410
038625-038874	27640	27990	28320	28620	28920	29220	29520	29810	30070	30330	30590
038875-039124	27790	28140	28480	28780	29080	29380	29680	29980	30240	30500	30760
039125-039374	27940	28290	28640	28950	29250	29550	29850	30150	30420	30680	30940
039375-039624	28100	28450	28800	29110	29410	29710	30010	30310	30590	30850	31110
039625-039874	28250	28600	28950	29280	29580	29880	30180	30480	30770	31030	31290

Table C - Expected Family Contribution for a Married Independent Student — 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS 2	3	4	5	6	7	8	9	10	11	12
039875-040124	28400	28750	29100	29440	29740	30040	30340	30640	30940	31200	31460
040125-040374	28550	28900	29250	29600	29910	30210	30510	30810	31110	31380	31640
040375-040624	28710	29060	29410	29760	30070	30370	30670	30970	31270	31550	31810
040625-040874	28860	29210	29560	29910	30240	30540	30840	31140	31440	31730	31990
040875-041124	29010	29360	29710	30060	30400	30700	31000	31300	31600	31900	32160
041125-041374	29160	29510	29860	30210	30560	30870	31170	31470	31770	32070	32340
041375-041624	29320	29670	30020	30370	30720	31030	31330	31630	31930	32230	32510
041625-041874	29470	29820	30170	30520	30870	31200	31500	31800	32100	32400	32690
041875-042124	29620	29970	30320	30670	31020	31360	31660	31960	32260	32560	32860
042125-042374	29770	30120	30470	30820	31170	31520	31830	32130	32430	32730	33030
042375-042624	29930	30280	30630	30980	31330	31680	31990	32290	32590	32890	33190
042625-042874	30080	30430	30780	31130	31480	31830	32160	32460	32760	33060	33360
042875-043124	30230	30580	30930	31280	31630	31980	32320	32620	32920	33220	33520
043125-043374	30380	30730	31080	31430	31780	32130	32480	32790	33090	33390	33690
043375-043624	30540	30890	31240	31590	31940	32290	32640	32950	33250	33550	33850
043625-043874	30690	31040	31390	31740	32090	32440	32790	33120	33420	33720	34020
043875-044124	30840	31190	31540	31890	32240	32590	32940	33280	33580	33880	34180
044125-044374	30990	31340	31690	32040	32390	32740	33090	33440	33750	34050	34350
044375-044624	31150	31500	31850	32200	32550	32900	33250	33600	33910	34210	34510
044625-044874	31300	31650	32000	32350	32700	33050	33400	33750	34080	34380	34680
044875-045124	31450	31800	32150	32500	32850	33200	33550	33900	34240	34540	34840
045125-045374	31600	31950	32300	32650	33000	33350	33700	34050	34400	34710	35010
045375-045624	31760	32110	32460	32810	33160	33510	33860	34210	34560	34870	35170
045625-045874	31910	32260	32610	32960	33310	33660	34010	34360	34710	35040	35340
045875-046124	32060	32410	32760	33110	33460	33810	34160	34510	34860	35200	35500
046125-046374	32210	32560	32910	33260	33610	33960	34310	34660	35010	35360	35670
046375-046624	32370	32720	33070	33420	33770	34120	34470	34820	35170	35520	35830
046625-046874	32520	32870	33220	33570	33920	34270	34620	34970	35320	35670	36000
046875-047124	32670	33020	33370	33720	34070	34420	34770	35120	35470	35820	36160
047125-047374	32820	33170	33520	33870	34220	34570	34920	35270	35620	35970	36320
047375-047624	32980	33330	33680	34030	34380	34730	35080	35430	35780	36130	36480
047625-047874	33130	33480	33830	34180	34530	34880	35230	35580	35930	36280	36630
047875-048124	33270	33630	33980	34330	34680	35030	35380	35730	36080	36430	36780
048125-048374	33410	33780	34130	34480	34830	35180	35530	35880	36230	36580	36930
048375-048624	33550	33940	34290	34640	34990	35340	35690	36040	36390	36740	37090
048625-048874	33690	34090	34440	34790	35140	35490	35840	36190	36540	36890	37240
048875-049124	33830	34230	34590	34940	35290	35640	35990	36340	36690	37040	37390
049125-049374	33970	34370	34740	35090	35440	35790	36140	36490	36840	37190	37540
049375-049624	34110	34510	34900	35250	35600	35950	36300	36650	37000	37350	37700
049625-049874	34250	34650	35050	35400	35750	36100	36450	36800	37150	37500	37850

Table C - Expected Family Contribution for a Married Independent Student — 1984-85

Table C - Expected Family Contribution for a Married Independent Student — 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS										
	2	3	4	5	6	7	8	9	10	11	12
049875-050124	34390	34790	35190	35550	35900	36250	36600	36950	37300	37650	38000
050125-050374	34530	34930	35330	35700	36050	36400	36750	37100	37450	37800	38150
050375-050624	34670	35070	35470	35860	36210	36560	36910	37260	37610	37960	38310
050625-050874	34810	35210	35610	36010	36360	36710	37060	37410	37760	38110	38460
050875-051124	34950	35350	35750	36150	36510	36860	37210	37560	37910	38260	38610
051125-051374	35090	35490	35890	36290	36660	37010	37360	37710	38060	38410	38760
051375-051624	35230	35630	36030	36430	36820	37170	37520	37870	38220	38570	38920
051625-051874	35370	35770	36170	36570	36970	37320	37670	38020	38370	38720	39070
051875-052124	35510	35910	36310	36710	37110	37470	37820	38170	38520	38870	39220
052125-052374	35650	36050	36450	36850	37250	37620	37970	38320	38670	39020	39370
052375-052624	35790	36190	36590	36990	37390	37780	38130	38480	38830	39180	39530
052625-052874	35930	36330	36730	37130	37530	37930	38280	38630	38980	39330	39680
052875-053124	36070	36470	36870	37270	37670	38070	38430	38780	39130	39480	39830
053125-053374	36210	36610	37010	37410	37810	38210	38580	38930	39280	39630	39980
053375-053624	36350	36750	37150	37550	37950	38350	38740	39090	39440	39790	40140
053625-053874	36490	36890	37290	37690	38090	38490	38890	39240	39590	39940	40290
053875-054124	36630	37030	37430	37830	38230	38630	39030	39390	39740	40090	40440
054125-054374	36770	37170	37570	37970	38370	38770	39170	39540	39890	40240	40590
054375-054624	36910	37310	37710	38110	38510	38910	39310	39700	40050	40400	40750
054625-054874	37050	37450	37850	38250	38650	39050	39450	39850	40200	40550	40900
054875-055124	37190	37590	37990	38390	38790	39190	39590	39990	40350	40700	41050
055125-055374	37330	37730	38130	38530	38930	39330	39730	40130	40500	40850	41200
055375-055624	37470	37870	38270	38670	39070	39470	39870	40270	40660	41010	41360
055625-055874	37610	38010	38410	38810	39210	39610	40010	40410	40810	41160	41510
055875-056124	37750	38150	38550	38950	39350	39750	40150	40550	40950	41310	41660
056125-056374	37890	38290	38690	39090	39490	39890	40290	40690	41090	41460	41810
056375-056624	38030	38430	38830	39230	39630	40030	40430	40830	41230	41620	41970
056625-056874	38170	38570	38970	39370	39770	40170	40570	40970	41370	41770	42120
056875-057124	38310	38710	39110	39510	39910	40310	40710	41110	41510	41910	42270
057125-057374	38450	38850	39250	39650	40050	40450	40850	41250	41650	42050	42420
057375-057624	38590	38990	39390	39790	40190	40590	40990	41390	41790	42190	42580
057625-057874	38730	39130	39530	39930	40330	40730	41130	41530	41930	42330	42730
057875-058124	38870	39270	39670	40070	40470	40870	41270	41670	42070	42470	42870
058125-058374	39010	39410	39810	40210	40610	41010	41410	41810	42210	42610	43010
058375-058624	39150	39550	39950	40350	40750	41150	41550	41950	42350	42750	43150
058625-058874	39290	39690	40090	40490	40890	41290	41690	42090	42490	42890	43290
058875-059124	39430	39830	40230	40630	41030	41430	41830	42230	42630	43030	43430
059125-059374	39570	39970	40370	40770	41170	41570	41970	42370	42770	43170	43570
059375-059624	39710	40110	40510	40910	41310	41710	42110	42510	42910	43310	43710
059625-059874	39850	40250	40650	41050	41450	41850	42250	42650	43050	43450	43850

Table C - Expected Family Contribution for a Married Independent Student -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS 2	3	4	5	6	7	8	9	10	11	12
059875-060124	39990	40390	40790	41190	41590	41990	42390	42790	43190	43590	43990
060125-060374	40130	40530	40930	41330	41730	42130	42530	42930	43330	43730	44130
060375-060624	40270	40670	41070	41470	41870	42270	42670	43070	43470	43870	44270
060625-060874	40410	40810	41210	41610	42010	42410	42810	43210	43610	44010	44410
060875-061124	40550	40950	41350	41750	42150	42550	42950	43350	43750	44150	44550
061125-061374	40690	41090	41490	41890	42290	42690	43090	43490	43890	44290	44690
061375-061624	40830	41230	41630	42030	42430	42830	43230	43630	44030	44430	44830
061625-061874	40970	41370	41770	42170	42570	42970	43370	43770	44170	44570	44970
061875-062124	41110	41510	41910	42310	42710	43110	43510	43910	44310	44710	45110
062125-062374	41240	41650	42050	42450	42850	43250	43650	44050	44450	44850	45250
062375-062624	41370	41790	42190	42590	42990	43390	43790	44190	44590	44990	45390
062625-062874	41500	41930	42330	42730	43130	43530	43930	44330	44730	45130	45530
062875-063124	41630	42070	42470	42870	43270	43670	44070	44470	44870	45270	45670
063125-063374	41760	42200	42610	43010	43410	43810	44210	44610	45010	45410	45810
063375-063624	41890	42330	42750	43150	43550	43950	44350	44750	45150	45550	45950
063625-063874	42020	42460	42890	43290	43690	44090	44490	44890	45290	45690	46090
063875-064124	42150	42590	43030	43430	43830	44230	44630	45030	45430	45830	46230
064125-064374	42280	42720	43160	43570	43970	44370	44770	45170	45570	45970	46370
064375-064624	42410	42850	43290	43710	44110	44510	44910	45310	45710	46110	46510
064625-064874	42540	42980	43420	43850	44250	44650	45050	45450	45850	46250	46650
064875-065000	42670	43110	43550	43990	44390	44790	45190	45590	45990	46390	46790

OVER $65,000 -- MUST USE CAMPUS-BASED APPROVED NEED ANALYSIS SYSTEM

BILLING CODE 4000-01-C

Table D.—Expected Family Contribution for a Single Independent Student—1984–85

For a single independent student, the educational institution determines the student's expected family contribution according to Table D. The amount obtained from the table is divided by the number of family members enrolled on at least a half-time basis in a postsecondary educational institution. The contributions set forth in Table D are based on a 12-month budget. If an educational institution calculates an independent student budget on a 9-month basis, it must multiply the contribution in the table by .75. No family assets are considered.

As used in Table D, "Family members" include the student and the student's dependents.

The conversion of the effective annual income to the expected family contribution is performed by subtracting from the effective annual income, the following:

—Federal income tax, based on standard deductions, computed at the rate applied to taxpayers who qualify as heads of households,

—F.I.C.A. (Social Security) for one wage earner, and

—Average State and other taxes (4%).

The resulting value is the expected family contribution. No deduction is made for living expenses for the student and his or her family because those expenses are included in the student's cost of education.

BILLING CODE 4000-01-M

Table D - Expected Family Contribution for a Single Independent Student — 1984-85

EFFECTIVE ANNUAL INCOME LESS THAN 30001	NUMBER OF FAMILY MEMBERS 1	2	3	4	5	6	7	8	9	10	11	12
	AUTOMATICALLY ELIGIBLE											
030001 -030124	21180	21480	21770	22060	22350	22640	22910	23160	23410	23660	23910	24160
030125-030374	21320	21640	21930	22220	22510	22800	23080	23330	23580	23830	24080	24330
030375-030624	21460	21790	22080	22370	22660	22950	23240	23490	23740	23990	24240	24490
030625-030874	21600	21940	22230	22520	22810	23100	23390	23650	23900	24150	24400	24650
030875-031124	21740	22080	22380	22670	22960	23250	23540	23810	24060	24310	24560	24810
031125-031374	21880	22220	22530	22820	23110	23400	23690	23970	24220	24470	24720	24970
031375-031624	22010	22350	22680	22970	23260	23550	23840	24130	24380	24630	24880	25130
031625-031874	22150	22490	22830	23120	23410	23700	23990	24280	24540	24790	25040	25290
031875-032124	22290	22630	22970	23270	23560	23850	24140	24430	24700	24950	25200	25450
032125-032374	22430	22770	23110	23420	23710	24000	24290	24580	24860	25110	25360	25610
032375-032624	22570	22910	23250	23570	23860	24150	24440	24730	25020	25270	25520	25770
032625-032874	22700	23040	23380	23720	24010	24300	24590	24880	25170	25430	25680	25930
032875-033124	22840	23180	23520	23860	24160	24450	24740	25030	25320	25590	25840	26090
033125-033374	22980	23320	23660	24000	24310	24600	24890	25180	25470	25750	26000	26250
033375-033624	23120	23460	23800	24140	24460	24750	25040	25330	25620	25910	26160	26410
033625-033874	23260	23600	23940	24280	24620	24910	25200	25490	25780	26070	26330	26580
033875-034124	23400	23740	24080	24420	24760	25060	25350	25640	25930	26220	26490	26740
034125-034374	23530	23870	24210	24550	24890	25210	25500	25790	26080	26370	26650	26900
034375-034624	23670	24010	24350	24690	25030	25360	25650	25940	26230	26520	26810	27060
034625-034874	23810	24150	24490	24830	25170	25510	25800	26090	26380	26670	26960	27220
034875-035124	23950	24290	24630	24970	25310	25650	25950	26240	26530	26820	27110	27380
035125-035374	24080	24430	24770	25110	25450	25790	26100	26390	26680	26970	27260	27540
035375-035624	24210	24570	24910	25250	25590	25930	26250	26540	26830	27120	27410	27700
035625-035874	24350	24710	25050	25390	25730	26070	26410	26700	26990	27280	27570	27860
035875-036124	24500	24860	25200	25540	25880	26220	26560	26860	27150	27440	27730	28020
036125-036374	24640	25010	25360	25700	26040	26380	26720	27030	27320	27610	27900	28190
036375-036624	24790	25160	25510	25850	26190	26530	26870	27200	27490	27780	28070	28360
036625-036874	24940	25310	25670	26010	26350	26690	27030	27370	27660	27950	28240	28530
036875-037124	25090	25460	25820	26160	26500	26840	27180	27520	27820	28110	28400	28690
037125-037374	25230	25600	25970	26320	26660	27000	27340	27680	27990	28280	28570	28860
037375-037624	25380	25750	26120	26470	26810	27150	27490	27830	28160	28450	28740	29030
037625-037874	25530	25900	26270	26630	26970	27310	27650	27990	28330	28620	28910	29200
037875-038124	25680	26050	26420	26780	27120	27460	27800	28140	28480	28780	29070	29360
038125-038374	25820	26190	26560	26930	27280	27620	27960	28300	28640	28950	29240	29530
038375-038624	25970	26340	26710	27080	27430	27770	28110	28450	28790	29120	29410	29700
038625-038874	26120	26490	26860	27230	27590	27930	28270	28610	28950	29290	29580	29870
038875-039124	26270	26640	27010	27380	27740	28080	28420	28760	29100	29440	29740	30030
039125-039374	26410	26780	27150	27520	27890	28240	28580	28920	29260	29600	29910	30200
039375-039624	26560	26930	27300	27670	28040	28390	28730	29070	29410	29750	30080	30370
039625-039874	26710	27080	27450	27820	28190	28550	28890	29230	29570	29910	30250	30540

Table D - Expected Family Contribution for a Single Independent Student — 1984-85

039625-039874	26710	27080	27450	27820	28190	28550	28890	29230	29570	29910	30250	30540

Table D - Expected Family Contribution for a Single Independent Student — 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS											
	1	2	3	4	5	6	7	8	9	10	11	12
039875-040124	26860	27230	27600	27970	28340	28700	29040	29380	29720	30060	30400	30700
040125-040374	27000	27370	27740	28110	28480	28850	29200	29540	29880	30220	30560	30870
040375-040624	27150	27520	27890	28260	28630	29000	29350	29690	30030	30370	30710	31040
040625-040874	27300	27670	28040	28410	28780	29150	29510	29850	30190	30530	30870	31210
040875-041124	27450	27820	28190	28560	28930	29300	29660	30000	30340	30680	31020	31360
041125-041374	27590	27960	28330	28700	29070	29440	29810	30160	30500	30840	31180	31520
041375-041624	27740	28110	28480	28850	29220	29590	29960	30310	30650	30990	31330	31670
041625-041874	27890	28260	28630	29000	29370	29740	30110	30470	30810	31150	31490	31830
041875-042124	28040	28410	28780	29150	29520	29890	30260	30620	30960	31300	31640	31980
042125-042374	28180	28550	28920	29290	29660	30030	30400	30770	31120	31460	31800	32140
042375-042624	28330	28700	29070	29440	29810	30180	30550	30920	31270	31610	31950	32290
042625-042874	28480	28850	29220	29590	29960	30330	30700	31070	31430	31770	32110	32450
042875-043124	28630	29000	29370	29740	30110	30480	30850	31220	31580	31920	32260	32600
043125-043374	28770	29140	29510	29880	30250	30620	30990	31360	31730	32080	32420	32760
043375-043624	28920	29290	29660	30030	30400	30770	31140	31510	31880	32230	32570	32910
043625-043874	29070	29440	29810	30180	30550	30920	31290	31660	32030	32390	32730	33070
043875-044124	29220	29590	29960	30330	30700	31070	31440	31810	32180	32540	32880	33220
044125-044374	29360	29730	30100	30470	30840	31210	31580	31950	32320	32690	33040	33380
044375-044624	29510	29880	30250	30620	30990	31360	31730	32100	32470	32840	33190	33530
044625-044874	29660	30030	30400	30770	31140	31510	31880	32250	32620	32990	33350	33690
044875-045124	29810	30180	30550	30920	31290	31660	32030	32400	32770	33140	33500	33840
045125-045374	29950	30320	30690	31060	31430	31800	32170	32540	32910	33280	33650	34000
045375-045624	30100	30470	30840	31210	31580	31950	32320	32690	33060	33430	33800	34150
045625-045874	30240	30620	30990	31360	31730	32100	32470	32840	33210	33580	33950	34310
045875-046124	30370	30770	31140	31510	31880	32250	32620	32990	33360	33730	34100	34460
046125-046374	30500	30910	31280	31650	32020	32390	32760	33130	33500	33870	34240	34610
046375-046624	30630	31060	31430	31800	32170	32540	32910	33280	33650	34020	34390	34760
046625-046874	30760	31200	31580	31950	32320	32690	33060	33430	33800	34170	34540	34910
046875-047124	30890	31330	31730	32100	32470	32840	33210	33580	33950	34320	34690	35060
047125-047374	31020	31460	31870	32240	32610	32980	33350	33720	34090	34460	34830	35200
047375-047624	31150	31590	32020	32390	32760	33130	33500	33870	34240	34610	34980	35350
047625-047874	31280	31720	32160	32540	32910	33280	33650	34020	34390	34760	35130	35500
047875-048124	31410	31850	32290	32690	33060	33430	33800	34170	34540	34910	35280	35650
048125-048374	31540	31980	32420	32830	33200	33570	33940	34310	34680	35050	35420	35790
048375-048624	31670	32110	32550	32980	33350	33720	34090	34460	34830	35200	35570	35940
048625-048874	31800	32240	32680	33120	33500	33870	34240	34610	34980	35350	35720	36090
048875-049124	31930	32370	32810	33250	33650	34020	34390	34760	35130	35500	35870	36240
049125-049374	32060	32500	32940	33380	33790	34160	34530	34900	35270	35640	36010	36380
049375-049624	32190	32630	33070	33510	33940	34310	34680	35050	35420	35790	36160	36530
049625-049874	32320	32760	33200	33640	34090	34460	34830	35200	35570	35940	36310	36680

Table D - Expected Family Contribution for a Single Independent Student -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS											
	1	2	3	4	5	6	7	8	9	10	11	12
049875-050124	32450	32890	33330	33770	34210	34610	34980	35350	35720	36090	36460	36830
050125-050374	32580	33020	33460	33900	34340	34750	35120	35490	35860	36230	36600	36970
050375-050624	32710	33150	33590	34030	34470	34900	35270	35640	36010	36380	36750	37120
050625-050874	32840	33280	33720	34160	34600	35040	35420	35790	36160	36530	36900	37270
050875-051124	32970	33410	33850	34290	34730	35170	35570	35940	36310	36680	37050	37420
051125-051374	33100	33540	33980	34420	34860	35300	35710	36080	36450	36820	37190	37560
051375-051624	33230	33670	34110	34550	34990	35430	35860	36230	36600	36970	37340	37710
051625-051874	33360	33800	34240	34680	35120	35560	36000	36380	36750	37120	37490	37860
051875-052124	33490	33930	34370	34810	35250	35690	36130	36530	36900	37270	37640	38010
052125-052374	33620	34060	34500	34940	35380	35820	36260	36670	37040	37410	37780	38150
052375-052624	33750	34190	34630	35070	35510	35950	36390	36820	37190	37560	37930	38300
052625-052874	33880	34320	34760	35200	35640	36080	36520	36960	37340	37710	38080	38450
052875-053124	34010	34450	34890	35330	35770	36210	36650	37090	37490	37860	38230	38600
053125-053374	34140	34580	35020	35460	35900	36340	36780	37220	37630	38000	38370	38740
053375-053624	34270	34710	35150	35590	36030	36470	36910	37350	37780	38150	38520	38890
053625-053874	34400	34840	35280	35720	36160	36600	37040	37480	37920	38300	38670	39040
053875-054124	34530	34970	35410	35850	36290	36730	37170	37610	38050	38450	38820	39190
054125-054374	34660	35100	35540	35980	36420	36860	37300	37740	38180	38590	38960	39330
054375-054624	34790	35230	35670	36110	36550	36990	37430	37870	38310	38740	39110	39480
054625-054874	34920	35360	35800	36240	36680	37120	37560	38000	38440	38880	39260	39630
054875-055124	35050	35490	35930	36370	36810	37250	37690	38130	38570	39010	39410	39780
055125-055374	35180	35620	36060	36500	36940	37380	37820	38260	38700	39140	39550	39920
055375-055624	35310	35750	36190	36630	37070	37510	37950	38390	38830	39270	39700	40070
055625-055874	35440	35880	36320	36760	37200	37640	38080	38520	38960	39400	39840	40220
055875-056124	35570	36010	36450	36890	37330	37770	38210	38650	39090	39530	39970	40370
056125-056374	35700	36140	36580	37020	37460	37900	38340	38780	39220	39660	40100	40510
056375-056624	35830	36270	36710	37150	37590	38030	38470	38910	39350	39790	40230	40660
056625-056874	35960	36400	36840	37280	37720	38160	38600	39040	39480	39920	40360	40800
056875-057124	36090	36530	36970	37410	37850	38290	38730	39170	39610	40050	40490	40930
057125-057374	36220	36660	37100	37540	37980	38420	38860	39300	39740	40180	40620	41060
057375-057624	36350	36790	37230	37670	38110	38550	38990	39430	39870	40310	40750	41190
057625-057874	36480	36920	37360	37800	38240	38680	39120	39560	40000	40440	40880	41320
057875-058124	36610	37050	37490	37930	38370	38810	39250	39690	40130	40570	41010	41450
058125-058374	36740	37180	37620	38060	38500	38940	39380	39820	40260	40700	41140	41580
058375-058624	36870	37310	37750	38190	38630	39070	39510	39950	40390	40830	41270	41710
058625-058874	37000	37440	37880	38320	38760	39200	39640	40080	40520	40960	41400	41840
058875-059124	37130	37570	38010	38450	38890	39330	39770	40210	40650	41090	41530	41970
059125-059374	37260	37700	38140	38580	39020	39460	39900	40340	40780	41220	41660	42100
059375-059624	37390	37830	38270	38710	39150	39590	40030	40470	40910	41350	41790	42230
059625-059874	37520	37960	38400	38840	39280	39720	40160	40600	41040	41480	41920	42360

Table D - Expected Family Contribution for a Single Independent Student -- 1984-85

059625-059874	37520	37960	38400	38840	39280	39720	40160	40600	41040	41480	41920	42360

Table D - Expected Family Contribution for a Single Independent Student -- 1984-85

EFFECTIVE ANNUAL INCOME	NUMBER OF FAMILY MEMBERS 1	2	3	4	5	6	7	8	9	10	11	12
059875-060124	37650	38090	38530	38970	39410	39850	40290	40730	41170	41610	42050	42490
060125-060374	37780	38220	38660	39100	39540	39980	40420	40860	41300	41740	42180	42620
060375-060624	37910	38350	38790	39230	39670	40110	40550	40990	41430	41870	42310	42750
060625-060874	38040	38480	38920	39360	39800	40240	40680	41120	41560	42000	42440	42880
060875-061124	38170	38610	39050	39490	39930	40370	40810	41250	41690	42130	42570	43010
061125-061374	38300	38740	39180	39620	40060	40500	40940	41380	41820	42260	42700	43140
061375-061624	38430	38870	39310	39750	40190	40630	41070	41510	41950	42390	42830	43270
061625-061874	38560	39000	39440	39880	40320	40760	41200	41640	42080	42520	42960	43400
061875-062124	38680	39130	39570	40010	40450	40890	41330	41770	42210	42650	43090	43530
062125-062374	38800	39260	39700	40140	40580	41020	41460	41900	42340	42780	43220	43660
062375-062624	38920	39390	39830	40270	40710	41150	41590	42030	42470	42910	43350	43790
062625-062874	39040	39520	39960	40400	40840	41280	41720	42160	42600	43040	43480	43920
062875-063124	39160	39640	40090	40530	40970	41410	41850	42290	42730	43170	43610	44050
063125-063374	39280	39760	40220	40660	41100	41540	41980	42420	42860	43300	43740	44180
063375-063624	39400	39880	40350	40790	41230	41670	42110	42550	42990	43430	43870	44310
063625-063874	39520	40000	40480	40920	41360	41800	42240	42680	43120	43560	44000	44440
063875-064124	39640	40120	40600	41050	41490	41930	42370	42810	43250	43690	44130	44570
064125-064374	39760	40240	40720	41180	41620	42060	42500	42940	43380	43820	44260	44700
064375-064624	39880	40360	40840	41310	41750	42190	42630	43070	43510	43950	44390	44830
064625-064874	40000	40480	40960	41440	41880	42320	42760	43200	43640	44080	44520	44960
064875- 065000	40120	40600	41080	41560	42010	42450	42890	43330	43770	44210	44650	45090

OVER $65,000 -- MUST USE CAMPUS-BASED APPROVED NEED ANALYSIS SYSTEM

[FR Doc. 83-14483 Filed 5-31-83; 8:45 am]
BILLING CODE 4000-01-C

48
ISS
1
0
6
JE
1
1983
UMI

federal register

Wednesday
June 1, 1983

Part V

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment, and Instruction of Inmates; Final Rules and Proposed Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 540

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Prisons is publishing final amendments to its rule on telephone regulations for inmates. The amendments revise existing rule sections on the monitoring of inmate telephone calls and on the expenses of inmate telephone use. Another amendment allows pre-trial inmates to make telephone calls as provided in the rule on pre-trial inmates.

EFFECTIVE DATE: July 5, 1983.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is finalizing amendments to its rule on Telephone Regulations for Inmates. The proposed amendments were published in the **Federal Register** December 7, 1982 (at 47 FR 55131 et seq.). Interested persons were invited to submit comments on the amendments. Members of the public may submit further comments concerning the final amendments by writing the previously cited address. These comments will be considered but will receive no response in the **Federal Register.**

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Summary of Changes.

1. Section 540.101—A commenter felt that the provision for placing calls to attorneys is "much too vague", that it does not provide sufficient detail as to who, when, and where such calls can be placed, nor does it allow for unmonitored calls. Existing § 540.102 specifically addresses inmate telephone calls to attorneys. This section, plus the requirement in § 540.101 that the Warden notify an inmate of the procedures to have an unmonitored telephone conversation with an attorney, addresses the commenter's concerns. Contrary to the impression of the commenter, § 540.101 does not require all calls to be monitored, but does require the Warden to establish procedures to enable telephone monitoring.

Another comment suggests that monitoring all but inmate telephone calls to attorneys violates "doctor/patient" and "clergyman/flock" privileges. These situations, however, are distinguished from the attorney situation. Medical and religious services are afforded an inmate within the institution, whereas legal services are not. With respect to the "doctor/patient" issue, Bureau policy requires an inmate's medical treatment ordinarily to be provided by the Bureau of Prisons, not by an outside physician. With respect to the "clergyman/flock" issue, because of a wide discretion on who can be considered a member of the clergy, it is necessary to maintain the monitoring potential to insure the security, discipline, and good order of the institution. The Bureau of Prisons provides clergy and pastoral counseling, by staff and other sources.

2. Section 540.104—Two commenters objected to the practice of prohibiting the electronic transfer of a call to a third party. One commenter refers to the rule as arbitrary and as not allowing the inmate and his family to conserve fiscal resources. Another commenter doubts the feasibility for enforcement of this approach, whether the Bureau has the authority to "regulate the activity of a person in the community", and whether there is any legitimate security or penal interest in establishing this rule.

The rule is necessary to ensure the security, discipline, and good order of the institution. Allowing electronic transfer of calls creates a situation whereby the caller can perpetrate a fraud or some other illegal act on an unsuspecting party. An example of this was recently reported in the December 13, 1982 *Wall Street Journal.* The article reported that a state inmate's collect call was accepted by his friends, who would put the inmate through to the intended victim. By prohibiting electronic transfer of calls, the Bureau is ensuring that the party for whom the call is intended wishes to receive the telephone call. The Bureau's monitoring procedures will be used to enforce this provision. Contrary to the thrust of a comment, the prohibition against the electronic transfer of a call is not intended to regulate the activity of any person in the community, but is intended to place the inmate on notice that he is not allowed to take part in such an activity.

3. Section 540.105—Section 540.105 is retitled and reworded to recognize that pre-trial inmates are to be given telephone privileges in accordance with the existing rule on pre-trial inmates.

List of Subjects in 28 CFR Part 540

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR Chapter V is amended as set forth below.

Dated: May 25, 1983.

Norman A. Carlson,

Director, Bureau of Prisons.

Amend Subchapter C of 28 CFR Chapter V as follows: in Part 540, revise Subpart I.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

1. The authority citation for Part 540, Subpart I reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006-5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

Subpart I—Telephone Regulations for Inmates

2. In Part 540 Subpart I, revise § 540.101 to read as follows:

§ 540.101 Monitoring of inmate telephone calls.

The Warden shall establish procedures that enable monitoring of telephone conversations on any telephone located within the institution, said monitoring to be done to preserve the security and orderly management of the institution and to protect the public. The Warden must provide notice to the inmate of the potential for monitoring. Staff may not monitor an inmate's properly placed call to an attorney. The Warden shall notify an inmate of the proper procedures to have an unmonitored telephone conversation with an attorney.

3. In Part 540 Subpart I, revise § 540.104 to read as follows:

§ 540.104 Expenses of inmate telephone use.

An inmate is responsible for the expenses of inmate telephone use. Inmate calls shall ordinarily be made

collect to the party called. Third party billing and electronic transfer of a call to a third party are not permitted. The Warden may direct the government to bear the expense of inmate telephone use under compelling circumstances such as when an inmate has lost contact with his family or has a family emergency. Another example is where the inmate experiences a lack of visits over an extended period of time. This is particularly true where there are no financial resources available either from the inmate or his family.

4. In Part 540 Subpart I, revise the title of § 540.105 in the Table of Contents and revise § 540.105 to read as follows:

§ 540.105 Telephone calls for inmates in admission, holdover, segregation, or pre-trial status.

The Warden shall establish procedures for allowing inmates in admission, holdover or segregation status to make phone calls as provided in § 540.100. Pre-trial inmates may make phone calls as provided in Part 551, Subpart J. Staff may not withhold phone privileges as a disciplinary measure except where the infraction for which disciplinary action is taken involves abuse, or a clear potential for abuse, of phone privileges.

[FR Doc. 83-14518 Filed 5-31-83; 8:45 am]
BILLING CODE 4410-05-M

---

28 CFR Parts 550, 551

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: The Bureau of Prisons is publishing its final rules on (1) Emergency Signaling Devices—Inmate Housing Units, (2) Drug Services (Urine Surveillance and Counseling for Sentenced Inmates in Contract CTCs), and (3) Inmate Organizations (amendments to the final rule). The rule on emergency signaling devices is intended to ensure that inmates in locked housing units which do not have 24-hour staff coverage have access to signaling devices for use in alerting staff in the event of an emergency. The rule on drug services requires that inmates serving a sentence in a contract community treatment center (CTC) participate in a program of urine testing for drug use. Inmates in a contract CTC who have drug aftercare as a condition of release are to receive drug counseling during their stay at the contract CTC. The rule is intended to help an inmate avoid drug usage upon return to the community. Amendments to the rule on inmate organizations establish a fiscal year for these organizations, expand the section on fund-raising activities, and identify additional ways for use of organizational funds.

EFFECTIVE DATE: July 5, 1983.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is publishing its final rules on Emergency Signaling Devices—Inmate Housing Units, on Drug Services (Urine Surveillance and Counseling for Sentenced Inmates in Contract CTCs), and amendments to the Bureau's final rule on Inmate Organizations. The proposed rule on emergency signaling devices and the proposed amendments to the rule on inmate organizations were published in the **Federal Register** December 7, 1982 (at 47 FR 55131 et seq.). The proposed rule on drug services was published in the **Federal Register** October 22, 1982 (at 47 FR 47170-71).

Interested persons were invited to submit comments on these rules. No public comment was received with respect to the rules on emergency signaling devices and on inmate organizations. Public comment was received for the rule on drug services. Members of the public may submit comments concerning the final rules by writing the previously cited address. These comments will be considered but will receive no further response in the **Federal Register.**

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to these rules since the rules involves agency management. After review of the law and regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), do not have a significant impact on a substantial number of small entities.

Summary of Changes

1. Drug Services (Urine Surveillance and Counseling for Sentenced Inmates in Contract CTCs)

A commentor points out that the rule on urine surveillance does not require prisoners to be given notice that urine tests will be conducted upon the inmate's return to the facility. The commenter cites *U.S. v. Lilly*, 576 F.2d 1240 (5th Cir. 1978), stating that the Court of Appeals overturned a conviction because prison officials had not provided a defendant with notice that she would be subject to random search upon returning to a facility. The commenter also cited Standard 6.14 of the Department of Justice Federal Standards for Prisons and jails. Our situation, however, is different in several ways. Both *Lilly* and Standard 6.14 concern the discovery of contraband, not urine surveillance to determine whether the inmate has used drugs. Further, the court's position as to the notice requirement in *Lilly* was specifically limited to the facts of that case, a body cavity search, which the court considered highly intrusive. While we do not believe that a requirement for use surveillance is comparable to a body cavity search, publication of the Bureau's present rule does provide a general notice to all inmates that urine surveillance will occur.

The Bureau agrees with, and believes its policy meets the thrust of, a comment that urine surveillance should be conducted no more frequently than necessary, and that when done, staff avoid unnecessary force and strive to preserve the dignity and integrity of inmates. As specified in the rule, center staff collect a minimum of six samples per month from an inmate who has drug aftercare as a condition of release, a known history of drug abuse, or who is suspected of using drugs. Internal implementing language limits Center staff to random testing, once each month, for all other sentenced inmates. Any additional testing of these inmates must be approved by the Community Programs Manager. The rule further requires that staff of the same sex as the inmate witness the collection of the sample and that staff provide an inmate a reasonable time to provide a urine sample.

Comments to § 550.43 support the requirement that contract CTCs provide drug counseling, but believe the minimum of a 30-minute second session each week is inadequate. Two inmates at a Bureau institution suggested a stratified program, with the person initially involved in two (2) hours of individual, and two to three (2-3) hours of group counseling per week. The total number of hours would be reduced as the individual made satisfactory progress and approached release from the facility. To meet budgetary concerns, the commenters suggested that the Bureau use inmates trained as substance abuse counselors and designate centrally located CTCs to provide the

counseling services with inmates at other CTCs participating in the centrally located program.

As noted by the commenters, the 30-minute session is a minimum guideline, intended to provide all contract facilities with the basic requirement. Each contract CTC may extend the time provided for counseling based on the Center's own situation—for example, its clientele and resources available. As specified in the rule, this counseling must be provided by qualified staff; i.e., a professional counselor with appropriate qualifications (advanced degree in one of the behavioral sciences or a bachelor's degree plus two years drug treatment experience or training). Implementing instructions authorize the use of para-professionals with appropriate training and experience, provided they are under the direct supervision of the professional counselor. The use of inmates in this type position poses a number of concerns. The qualifications of the individuals would be one aspect, as well as that person's eligibility for transfer to a CTC (for example, the inmate's sentence and custody status). Another concern is the pressures which might be encountered, and the effect of these on the Center's operation, by an individual who is serving a staff function while residing in the CTC. While an individual offender who is eligible for a CTC may also qualify for a para-professional position, this determination is best made on a case-by-case situation.

We do not believe it is practical to adopt the suggestion that centrally located CTCs be designated to provide counseling services. The distance between CTCs in the majority of instances, and the time and transportation costs that could result in other instances are not conducive to such an approach.

2. Inmate Organizations

A. Section 551.34—Section 551.34 is expanded to recognize that inmate organizations may sell tickets (includes coupons, tokens, etc.) for a fund-raising activity. Prior to the Warden's authorizing the selling of such tickets, the inmate organization must be able to show sufficient resources to redeem all outstanding tickets.

B. Section 551.36—Section 551.36 is clarified by inserting the word "inmate" before "treasurer" in subsection (a) and, in subsection (g), the phrase "in addition to those ordinarily furnished by the government" for "not ordinarily furnished by the government".

3. Emergency Signaling Devices—Inmate Housing Units

The final rule is inserted in Part 551, Subpart L rather than in Part 540, Subpart J.

List of Subjects in 28 CFR Parts 550 and 551

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), Subchapter C of 28 CFR Chapter V is revised as follows:

1. In Part 550, add a new Subpart E.
2. In Part 551, amend Subpart D, and add a new Subpart L.

Dated: May 25, 1983.

Norman A. Carlson,

Director.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

1. In Part 550, add a new Subpart E to read as follows:

PART 550—DRUG PROGRAMS

* * * * *

Subpart E—Drug Services (Urine Surveillance and Counseling for Sentenced Inmates in Contract CTCs)

Sec.
550.40 Purpose and scope.
550.41 Urine surveillance.
550.42 Procedures for urine surveillance.
550.43 Drug counseling.
550.44 Procedures for arranging drug counseling.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4251–4255, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart E—Drug Services (Urine Surveillance and Counseling for Sentenced Inmates in Contract CTCs)

§ 550.40 Purpose and scope.

The Bureau of Prisons requires that an inmate who is serving a sentence in a contract community treatment center (CTC) participate in a program of urine testing for drug use. An inmate who is serving a sentence in a contract CTC, and who has drug aftercare as a condition of release also shall receive drug counseling during the inmate's stay at the contract CTC.

§ 550.41 Urine surveillance.

A program of urine testing for drug use shall be established in contract CTCs.

(a) Urine surveillance shall be conducted on all inmates serving their sentence in a contract CTC:

(1) Who have drug aftercare as a condition of release;

(2) Who have a known history of drug abuse; or

(3) Who are suspected of using drugs.

Center shall shall collect a minimum of six samples per month from an inmate who meets one or more of the criteria listed in paragraph (a)(1)–(3) of this section.

(b) The Center Director shall establish a schedule for random collection for all other sentenced inmates not identified in paragraph (a) of this section.

§ 550.42 Procedures for urine surveillance.

(a) Contractor authorized personnel of the same sex as the inmate must witness collection of the inmate's urine sample. Inmates may not be involved in the collection, recording, mailing, or processing of the test results.

(b) If an inmate fails to provide a urine sample within two hours of a request for it, center staff may file a disciplinary report. To eliminate the possibility of diluted or adulterated samples, center staff shall keep the inmate under direct supervision during this two-hour period.

(c) Center staff shall have each positive urine test validated to substantiate the positive result. Center staff shall file a disciplinary report if the inmate's urine test shows a positive result for the presence of drugs which the inmate cannot satisfactorily justify to center staff.

(d) The results of disciplinary hearings and a copy of positive urine testing results which the inmate cannot satisfactorily justify to center staff shall be sent to the appropriate Regional U.S. Parole Commission Office, the Community Programs Manager (CPM), and the U.S. Probation Office.

§ 550.43 Drug counseling.

(a) Drug counseling shall be provided to sentenced inmates in contract community treatment centers who have drug aftercare as a condition of release.

(b) Counseling shall include a minimum of a 30-minute session each week, provided by qualified staff.

(c) Center staff shall document in the inmate's file the date and time of each counseling session. The counselor must prepare a monthly summary of each inmate's progress. This report shall be placed in the inmate's file.

§ 550.44 Procedures for arranging drug counseling.

The contract center staff shall hold a program planning conference with a sentenced inmate who has drug aftercare as a condition of release. At

this meeting, held within one week of the inmate's arrival at the center, plans are made for the inmate to receive drug counseling. The meeting is attended by center staff, the inmate, and the Chief U.S. Probation Officer or designee.

2. In Part 551, amend Subpart D to read as follows:

PART 551—MISCELLANEOUS

a. The authority citation for Part 551, Subpart D reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

b. In Part 551, Subpart D, revise § 551.34 to read as follows:

Subpart D—Inmate Organizations

* * * * *

§ 551.34 Fund-raising projects.

All activities and projects sponsored by the organization require the Warden's approval. Inmates shall do most of the work in fund-raising projects. The Warden may not approve a project that is competitive with the commissary nor one that creates work beyond the resources available to the institution.

On occasion, an inmate organization may request to sell tickets (includes coupons, tokens, etc.) as part of a fund-raising effort. Prior to authorizing an inmate organization to sell such tickets, the Warden shall require the organization to establish an accountability procedure to ensure that the organization has sufficient reserves to redeem all outstanding tickets. The Warden may require the inmate organization both to periodically change the ticket in some manner (e.g., color) and to publicize the change to ensure that old tickets are redeemed.

c. In Part 551, Subpart D, revise paragraphs (a), (b) and (c) and add new paragraphs (f) and (g) to § 551.36 to read as follows:

§ 551.36 Accountability for funds.

(a) The organization's inmate treasure shall keep financial records to reflect:

(1) Income identified by source; and

(2) Expenditures with applicable receipts.

(b) The fiscal year for each organization shall begin January 1 and end December 31. The treasurer of the inmate organization shall prepare financial statements (cumulative-to-date) by January 20, April 20, July 20, and October 20 each year. The treasurer shall present copies of the financial reports to the membership, the staff sponsor, and the Warden.

(c) The Warden shall require an internal audit of each inmate organization to be conducted immediately following the end of the fiscal year.

* * * * *

(f) Upon approval of the Warden, an inmate organization may use its funds to provide financial assistance to an inmate who has insufficient resources to meet the expenses necessary for an emergency humanitarian purpose, such as a bedside visit or funeral trip.

(g) Upon approval of the Warden, an inmate organization may be allowed to purchase items for use in the institution, provided that the items intended for purchase are in addition to those ordinarily furnished by the government.

3. In Part 551, add a new Subpart L to read as follows:

Subpart L—Emergency Signaling Devices—Inmate Housing Units

Sec.
551.140 Purpose and scope.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081; 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart L—Emergency Signaling Devices—Inmate Housing Units

§ 551.140 Purpose and scope.

The Warden shall ensure that inmates in locked housing units have access to signaling devices for use in alerting correctional staff in the event of an emergency. Signaling devices shall be available:

(a) In dormitories (both open and cubicle style) that are locked and which do not have 24-hour staff coverage; and

(b) In housing units with rooms or cells (both single and multiple occupancy) lacking 24-hour staff coverage. The signaling device shall be located in the common area of the unit and must be accessible to inmates when not locked in their rooms or cells.

[FR Doc. 83–14517 Filed 5–31–83; 8:45 am]
BILLING CODE 4410–05–M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 547, 570, and 571

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rules.

SUMMARY: The Bureau of Prisons is publishing proposed amendments to its rules on (1) Religious Diet Requirements, (2) Furloughs, and (3) Pre-Release Program. The revised rule on Religious Diet Requirements is intended to provide inmates who wish to observe religious dietary laws with a diet which meets or exceeds recommended daily allowances, and which complies with religious dietary laws to the extent practicable. In addition to several clarifying changes, the amended rule on furloughs adds a new reason for an inmate to receive a furlough. The rule also contains a standardized list of conditions which the inmate must agree to meet while on furlough. The amended rule on the pre-release program expands the section on program responsibility. The rule also contains a provision whereby an inmate who is not being released through a community treatment center may receive the assistance of the United States Probation Officer in establishing a release plan.

DATE: Comments must be received on or before July 18, 1983.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534. Comments received will be available for examination by interested persons at the above address.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724–3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(q), notice is hereby given that the Bureau of Prisons intends to publish in the **Federal Register** proposed amendments to its rules on (1) Religious Diet Requirements, (2) Furloughs, and (3) Pre-Release Program. The final rule on Religious Diet Requirements was published in the **Federal Register** June 29, 1979 (at 44 FR 38250 et seq.), on Furloughs, July 1, 1981 (at 46 FR 34550 et seq.), and on the Pre-Release Program, June 30, 1980 (at 45 FR 44234 et seq.).

The existing rule on religious diet requirements is being revised. The proposed amendment states that an inmate who wishes to observe religious dietary laws will be provided a diet which meets or exceeds recommended daily allowances published by the Food and Nutrition Board of the National Research Council, National Academy of Sciences, and which complies with religious dietary laws to the extent practicable. This change recognizes the Bureau's intent to accommodate, within the constraints of budgetary limitations and the security and orderly running of the institution, the wide range of religious beliefs which may exist within an institution.

Several changes are proposed for the rule on furloughs. In § 570.31(a), the qualifying phrase "or state of federal agents" is added. Section 570.31(b)(5) used U.S. Parole Commission guidelines to determine an inmate's anticipated release date. Because there is no certainty that the Bureau would interpret these guidelines the same as the U.S. Parole Commission, paragraph (b)(5) is to be deleted. Based on the deletion of paragraph (b)(5), paragraph (b)(3) and (b)(4) are amended, but the intent is unchanged. Section 570.32(a)(9) is new. This section allows an inmate the opportunity to participate in special training courses or in institution work assignments, of 30 calendar days or less, when daily commuting from the institution is not feasible. Based on new paragraph (a)(9), paragraphs (a)(7) and (a)(8) are amended, but the intent is unchanged. Section 570.32(b) is expanded to include psychiatric treatment and § 570.33(b) is expanded to encompass psychiatric treatment and participation in special training courses or in institution work assignments as described in § 570.32(a)(9). In § 570.34, existing paragraph (e)(1) through (e)(5) become new paragraph (e)(2) through (e)(6). The definition of emergency furlough contained in new § 570.34(e)(2) is now included as part of a new proposed § 570.34(e)(1). This section states that the Warden may approve only emergency furloughs for an inmate who has been confined at the initially designated institution for less than 90 days. While only a small number of inmates will be considered for furlough within 90 days of their arrival at the initially designated institution, the 90-day period ensures an assessment period prior to consideration.

Sections 570.35 (d) and (e) are new. These sections concern Bureau policy towards U.S. Marshal prisoners in contract jails (refer request to U.S. Marshals) and towards pre-trial inmates (see Part 551, Subpart J).

A new § 570.36(d) is added. The existing rule refers to an inmate returning from furlough being subject to search. This is one of several conditions that an inmate going on furlough must agee to meet. Accordingly, new § 570.36(d) states that an inmate must agree to abide by the specified conditions of the furlough. Included in this section are conditions wich all inmates going on furlough will be expected to meet.

Several changes are made to the rule on the pre-release program. In § 571.11, the subject matter of paragraph (a)(1) and (a)(3) is retained but placed in a different order. Added is a new statement that the person responsible for the pre-release program is to determine the pre-release needs of the inmate population. Sections 571.12 (b) and (c) are reworded, but the intent is unchanged. Section 571.12(e) is new and states that an inmate who is not being released through a community treatment center (CTC) may ask staff to request the assistance of a United States Probation Office in establishing a release plan.

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to these rules since the rules involve agency management. After review of the law and regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), do not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. Comments received during the comment period will be considered before final action is taken. The proposed rules may be changed in light of the comments received. No oral hearings are contemplated.

List of Subjects in 28 CFR Parts 547, 570, and 571

Prisoners.

In consideration of the foregoing, it is proposed to amend Subchapters C and D of 28 CFR Chapter V as follows: In Subchapter C Part 547, amend Subpart B; in Subchapter D Part 570, amend Subpart C, and in Part 571, amend Subpart B as described below:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 547—FOOD SERVICE

1. In Part 547, revise Subpart B to read as follows:

Subpart B—Religious Diet Requirements

Sec.
547.10 Purpose and scope.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart B—Religious Diet Requirements

§ 547.10 Purpose and scope.

Inmates who wish to observe religious dietary laws will be provided a diet which meets or exceeds recommended daily allowances established by the Food and Nutrition Board of the National Research Council, National Academy of Sciences, and which complies with religious dietary laws to the extent practicable within the constraints of budget limitations and the security and orderly running of the institution. In many instances, this will be achieved by selecting items from the regular food line.

SUBCHAPTER D—COMMUNITY PROGRAMS AND RELEASE

A. In Subchapter D, Part 570, Subpart C is amended as follows:

PART 570—COMMUNITY PROGRAMS

Subpart C—Furloughs

1. The authority citation for Part 570, Subpart C is as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 751, 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. In § 570.31, paragraph (a) introductory text is revised to read as follows:

§ 570.31 Definitions.

(a) A furlough is an authorized absence from an institution by an inmate who is not on a work/study release program nor under escort of a staff member, U.S. Marshal, or state or federal agents. The two types of furloughs are:

* * * * *

3. In § 570.31, existing paragraph (b)(5) is removed with paragraphs (b)(3) and (b)(4) revised to read as follows:

§ 570.31 Definitions.

* * * * *

(b) * * *

(3) The inmate's presumptive parole date; or

(4) The inmate's effective parole date.

4. In § 570.32, revise paragraphs (a)(7) and (a)(8), add paragraph (a)(9), and revise paragraph (b) introductory text to read as follows:

§ 570.32 Justification for furlough.

(a) * * *

(7) To comply with an official request to appear before a grand jury, or to comply with a request from a legislative body or regulatory or licensing agency;

(8) To appear in a criminal court proceeding, but only when the use of a furlough is requested or recommended by the applicable court or prosecuting attorney; or

(9) To participate in special training courses or in institution work assignments, of 30 calendar days or less, when daily commuting from the institution is not feasible.

(b) The Warden may recommend a furlough for an inmate to obtain necessary medical, surgical, psychiatric, or dental treatment not otherwise available. In addition to the recommendation of the Warden, a furlough of this nature requires the recommendation of the Chief Medical Officer (Chief of Health Programs). Approval for a furlough of this type occurs in one of the following ways:

* * * * *

5. In § 570.33, revise paragraph (b) to read as follows:

§ 570.33 Expenses of furlough.

* * * * *

(b) The government may bear the expense of a furlough only when the purpose of the furlough is to obtain necessary medical, surgical, psychiatric, or dental treatment not otherwise available, or to transfer an inmate to another correctional institution (includes community treatment centers), or to participate in special training courses or institutional work assignments as outlined in § 570.32(a)(9).

6. In § 570.34, paragraphs (e) (1)–(5) are redesignated as (e) (2)–(6) respectively and revised, and a new (e)(1) is added to read as follows:

§ 570.34 Eligibility requirements.

* * * * *

(e) * * *

(1) The Warden may approve only an emergency furlough (family crisis or other urgent situation) for an inmate who has been confined at the initially designated institution for less than 90 days.

(2) The Warden may approve only an emergency furlough for an inmate with more than two years remaining until the inmate's anticipated release date.

(3) The Warden may approve a day furlough for an inmate with two years or less remaining until the inmate's anticipated release date.

(4) The Warden may approve an overnight furlough within the institution's commuting area for an inmate with 18 months or less remaining until the inmate's anticipated release date.

(5) The Warden may approve an overnight furlough outside the institution's commuting area for an inmate with one year or less remaining until the inmate's anticipated release date. The Warden may ordinarily approve an overnight furlough not to exceed once each 90 days.

(6) If the Warden approves a furlough outside the above guidelines, the Warden shall document the reasons by memorandum for placement in the inmate's central file.

7. In § 570.35, paragraphs (d) and (e) are added to read as follows:

§ 570.35 Limitations on eligibility.

* * * * *

(d) The Bureau of Prisons does not have the authority to furlough U.S. Marshal's prisoners in contract jails. Staff are to refer requests for such furloughs to the U.S. Marshals.

(e) furloughs for pretrial inmates will be arranged in accordance with the rule on pretrial inmates (see Part 551, Subpart J).

8. In § 570.36 remove the existing paragraph (d) and add a new paragraph (d) to read as follows

§ 570.36 Procedures

* * * * *

(d) Each inmate who is approved for a furlough must agree to abide by the specified conditions (Table 1) of the furlough.

Table 1—Conditions of Furlough

1. I will not violate the laws of any jurisidiction (federal, state, or local). I understand that I am subject to prosecution for escape if I fail to return to the institution at the designated time.

2. I will not leave the area of my furlough without permission, with the exception of traveling to the furlough, and returning to the institution.

3. While on furlough status, I understand that I remain in the custody of the U.S. Attorney General. I agree to conduct myself in a manner not to bring discredit to myself or to the Bureau of Prisons. I understand that I am subject to arrest and/or institution disciplinary action for violating any condition(s) of my furlough.

4. I will not purchase, possess, use, consume, or administer any narcotic drugs, marijuana, intoxicants in any form, nor will I frequent any place where such articles are unlawfully sold, dispensed, used, or given away.

5. I will not use any medication that is not prescribed and given to me by the institution medical department for use. I will not have any medical/dental/surgical/psychiatric treatment without the written permission of staff, except where an emergency arises and necessitates such treatment.

6. I will not have in my possession any firearm or other dangerous weapon.

7. I will not get married, sign any legal papers, contracts, loan applications, or conduct any business without the written permission of staff.

8. I will not associate with persons having a criminal record or with those persons who I know are engaged in illegal occupations.

9. I agree to contact the institution (or United States Probation Officer) in the event of arrest, or any other serious difficulty or illness.

10. I will not drive a motor vehicle without the written permission of staff. I understand that I must have a valid driver's license and sufficient insurance to meet any applicable financial responsibility laws.

11. I will not return from furlough with any article I did not take out with me (for example, clothing, jewelry, or books). I understand that I may be thoroughly searched and given a urine and/or breathalyzer test upon my return to the institution. I understand that I will be held accountable for the results of the search and tests.

12. Special Instructions:

I have read, or had read to me, and I understand the above conditions concerning my furlough and agree to abide by them.

Inmate's Signature:——— Reg. No.: ———

Date: ———

Signature/Printed Name of Staff Witness: —

B. In Subchapter D, Part 571, Subpart B is amended as follows:

PART 571—RELEASE FROM CUSTODY

Subpart B—Pre-Release Program

1. The authority citation for Part 571, Subpart B is as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. In Part 571.11, paragraph (a) is revised to read as follows:

§ 571.11 Program responsibility.

(a) The Warden shall delegate to a staff member the responsibility to:

(1) Establish outlines of inmate need areas;

(2) Determine the pre-release needs of the inmate population;

(3) Coordinate the pre-release program for the entire institution; and

(4) Contact and schedule volunteers from the local community to participate in the pre-release program.

* * * * *

3. In § 571.12, paragaraphs (b) and (c) are revised and paragraph (e) is added to read as follows:

§ 571.12 General characteristics.

* * * * *

(b) Staff shall strongly encourage and support an inmate's participation in both unit and institution pre-release programs. Staff may require an inmate to participate in a specific number of pre-release sessions with other sessions on a voluntary basis. Staff shall document the inmate's participation in the pre-release program in the inmate's central file.

(c) To assist in the release process, the Warden may, in accordance with the Bureau of Prisons' rule on furloughs, grant an inmate a furlough for release preparation.

* * * * *

(e) An inmate who is not being released through a community treatment center (CTC) may ask staff to request the assistance of a United States Probation Officer in establishing a release plan. Bureau staff are to encourage the inmate to give at least one employment lead or contact. Where the inmate or the inmate's family has already identified employment, the case manager shall notify the U.S. Probation Officer so that the usual verification of release plans may be made. Where employment has not been identified, the case manager shall notify the U.S. Probation Officer of the employment need. This notification should ordinarily occur at least six weeks prior to the inmate's release.

Norman A. Carlson,

Director.

Dated: May 25, 1983.

[FR Doc. 83-14518 Filed 5-31-83; 8:45 am]

BILLING CODE 4410-05-M

federal register

Wednesday
June 1, 1983

Part VI

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 902]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 25, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
Section 102–2: New well (2.5 Mile rule)
Section 102–3: New well (1000 Ft rule)
Section 102–4: New onshore reservoir
Section 102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
Section 107–GB: Geopressured brine
Section 107–CS: Coal Seams
Section 107–DV: Devonian Shale
Section 107–PE: Production enhancement
Section 107–TF: New tight formation
Section 107–RT: Recompletion tight formation
Section 108: Stripper well
Section 108–SA: Seasonally affected
Section 108–ER: Enhanced recovery
Section 108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 902
ISSUED MAY 25, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-AMAREX INC									
8335680	830070	1707720281		RECEIVED: 05/06/83		JA: LA			
				107-DP		MAJOR #1	MOORE SAMS	1000.0	
-AMOCO PRODUCTION CO				RECEIVED: 05/06/83		JA: LA			
8335630	830061	1707720287		107-DP		F & L PLANTERS #1 17900 TUSC RA SUI	[illegible]ANZA	3650.0	COLUMBIA GAS TRAN
8335626	830087	1707720290		107-DP		R BIZETTE #2 18100 TUSC RA SUG	MOORE-SAMS	2920.0	TEXAS GAS TRANSMI
-ARKANSAS LOUISIANA GAS CO				RECEIVED: 05/06/83		JA: LA			
8335640	830119	1711123760		103		UNION POWER CO #18	MONROE	35.0	ARKANSAS LOUISIAN
8335641	830120	1711123761		103		UNION POWER CO #19	MONROE	35.0	ARKANSAS LOUISIAN
8335642	830121	1711123762		103		UNION POWER CO #20	MONROE	35.0	ARKANSAS LOUISIAN
-BLG CO				RECEIVED: 05/06/83		JA: LA			
8335654	83-0094	1711123758		103	108	WELLS #1 (SN 181602)	MONROE	0.0	MID LOUISIANA GAS
8335653	83-0095	1711123769		103	108	WELLS #2 (SN 181735)	MONROE	0.0	MID LOUISIANA GAS
-BLUE CREEK RESOURCES, INC				RECEIVED: 05/06/83		JA: LA			
8335644	83-0082	1703121452		103		MCMULLEN & WEMPLE A #1	RED RIVER BULL BAYOU	100.0	LOUISIANA INTRAST
-BTA OIL PRODUCERS				RECEIVED: 05/06/83		JA: LA			
8335643	830122	1712120145		107-DP		L KAUFMAN #1 19100 TUSC RA SUW	PROFIT ISLAND	1825.0	TEXAS EASTERN TRA
-CHEVRON U S A INC				RECEIVED: 05/06/83		JA: LA			
8335629	830060	1703320151		107-DP		KAISER ALUMIN 31 17600 TUSC RA SUG	IKEVE	3708.0	
-COTTON PETROLEUM CORPORATION				RECEIVED: 05/06/83		JA: LA			
8335651	83-0052	1711321230		107-DP		ROBERT D TRAHAN SR #1	WRIGHT	0.0	UNITED GAS PIPELI
-CRESCENT DRILLING CO INC				RECEIVED: 05/06/83		JA: LA			
8335661	83-0109	1707321950		103	108	CRESCENT DRILLING CO #14	MONROE GAS	3.6	UNITED GAS PIPE L
8335669	830113	1707321951		[illegible]		CRESCENT DRILLING CO #15	MONROE GAS	12.8	UNITED GAS PIPE L
-DANIELS WILLIAM E				RECEIVED: 05/06/83		JA: LA			
8335686	830083	1711123726		103		MC LEOD #1 181545	MONROE GAS ROCK	80.3	MID LOUISIANA GAS
-DEVON ENERGY CORP				RECEIVED: 05/06/83		JA: LA			
8335634	830128	1711123917		103		BROWN ESTATE #5	MONROE	0.0	TEXAS GAS TRANSMI
[illegible]	[illegible]	1711123923		103		F M KALIL #2	MONROE	[illegible]2.0	TEXAS GAS TRANSMI
8335635	[illegible]	1711123919		103		FROST LUMBER INDUSTRIES #29	MONROE	0.0	TEXAS GAS TRANSMI
8335712	83-0144	1711123920		103		FROST LUMBER INDUSTRIES #30	MONROE	[illegible]2.0	TEXAS GAS TRANSMI
8335697	[illegible]	1711123910		103		J H EDWARDS #2	MONROE	12.0	TEXAS GAS TRANSMI
8335698	[illegible]	1711123915		[illegible]		J W JORDAN #3	MONROE	12.0	TEXAS GAS TRANSMI
8335710	83-0142	1711123911		103		W G BEASLEY #4	MONROE	12.0	TEXAS GAS TRANSMI
8335711	83-0143	1711123912		103		W G BEASLEY #5	MONROE	12.0	TEXAS GAS TRANSMI
-ENERGY RESERVES GROUP INC				RECEIVED: 05/06/83		JA: LA			
8335633	831026	1704520743		107-DP		E T WEEKS SR EST #1 (PLANULINA-2)	SE AVERY ISLAND	1.0	LOUISIANA INTRAST
8335648	83-0049	1704520743		107-DP		E T WEEKS SR EST #1-D SIPHONIA D #2	SOUTHEAST AVERY ISLAN	0.3	LOUISIANA INTRAST
-GATOR HAWK GAS CO				RECEIVED: 05/06/83		JA: LA			
8335703	830135	1707321936		103	[illegible]	HANCOCK #1	MONROE	1.0	MIDWAY PRODUCTION
8335704	83-1036	1711123711		103	108	MO PAC R R CO #18	MONROE	0.0	CUSTER K PRIMOS
8335705	83-0137	1711123712		103	108	MO PAC R R CO #19	MONROE	0.0	CUSTER K PRIMOS
[illegible]	830077	1711123719		103	108	MO PAC R R CO #28	MONROE	10.0	PRIMOS PRODUCTION
8335691	830078	1711123720		103	[illegible]	MO PAC R R CO #32	MONROE	10.0	PRIMOS PRODUCTION
8335692	830079	1711123721		103	108	MO PAC R R CO #33	MONROE	10.0	PRIMOS PRODUCTION
8335693	830080	1711123722		103	108	MO PAC R R CO #34	MONROE	10.0	PRIMOS PRODUCTION
8335694	830081	1711123723		103	108	MO PAC R R CO #35	MONROE	10.0	PRIMOS PRODUCTION

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8335709	83-0141	1707321902		103	108	PARILLO #1 WELL	MONROE	15.0	IMC PIPELINE CO
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED:		05/06/83 JA: LA			
8335668	830054	1711321229		107-DP		VERMILION PARISH SCHOOL BOARD #7	SOUTHEAST GUEYDAN (MI	1188.0	TRANSCONTINENTAL
-GODFREY & RILEY				RECEIVED:		05/06/83 JA: LA			
8335645	83-0003	1711122878		108		STELL #3	MONROE	7.5	MID LOUISIANA GAS
-GULF OIL CORPORATION				RECEIVED:		05/06/83 JA: LA			
8335673	830063	1709720698		107-DP		TURNER #6 16600 TUSC RA SUD	MONCRIEF	3650.0	
8335625	830056	1709720714		107-DP		TURNER #7 16600 TUSC RA SUB	MONCRIEF	2190.0	TENNESSEE GAS PIP
-HICKS PRODUCTION CO				RECEIVED:		05/06/83 JA: LA			
8335677	830067	1709500004		107-DP		LUTCHER & MOORE CYPRESS LBR CO #2	FRENIER	110.0	UNITED GAS PIPELI
-IMC EXPLORATION COMPANY				RECEIVED:		05/06/83 JA: LA			
8335687	830084	1711123811		103	108	HILL #6	MONROE	4.1	IMC PIPELINE CO I
8335684	83-0075	1711123709		108		LOVE #17	MONROE	7.0	IMC PIPELINE CO I
8335688	830085	1711123457		103	108	OLIN GAS TRANSMISSION CO #84	MONROE	1.8	IMC PIPELINE CO I
8335689	830086	1711123450		103	108	OLIN GAS TRANSMISSION CO #VB	MONROE	1.8	IMC PIPELINE CO I
8335696	830087	1711123715		108		PHILLIPS #F-337	MONROE	4.0	IMC PIPELINE CO I
8335666	830104	1711123733		108		ROBERSON #F-349	MONROE	5.0	IMC PIPELINE CO I
8335683	830074	1711123714		108		ROBERSON #F-352	MONROE	8.0	IMC PIPELINE CO I
8335685	830076	1711123684		108		STANCIL-SAUAGE #F-338	MONROE	4.0	IMC PIPELINE CO I
8335708	830091	1711123837		103	108	U S GOVERNMENT #3	MONROE	1.6	IMC PIPELINE CO I
8335701	830092	1711123827		103	108	U S GOVERNMENT #4	MONROE	1.6	IMC PIPELINE CO I
-INVESTORS EXPLORATION				RECEIVED:		05/06/83 JA: LA			
8335681	830072	1707321895		103		COLLINS #1	MONROE	0.0	IMC PIPELINE CO I
8335695	830082	1707321896		103		PRESTLY #1	MONROE	0.0	IMC PIPELINE CO I
-JIM V HADDOX				RECEIVED:		05/06/83 JA: LA			
8335702	830134	1711123609		103	108	EDWARDS 23-1	MONROE	10.5	INTERNATIONAL MIN
-LANKFORD & NANCE				RECEIVED:		05/06/83 JA: LA			
8335664	830105	1711123263		108		K D LANKFORD #8	MONROE	16.8	TEXAS GAS TRANSMI
-MELREN OIL & GAS EXPLORATION INC				RECEIVED:		05/06/83 JA: LA			
8335671	830115	1706721707		108		CITIES SERVICE #1 HARRELL SU 788	MONROE GAS	0.0	IMC PIPELINE CO I
8335670	830114	1706721706		108		CITIES SERVICE #2 HARRELL SU 824	MONROE GAS	0.0	IMC PIPELINE CO I
-MID LOUISIANA GAS COMPANY				RECEIVED:		05/06/83 JA: LA			
8335682	830073	1711123880		108		MLGC FEE GAS #1204	MONROE	23.4	
-NOE & WOODS				RECEIVED:		05/06/83 JA: LA			
8335667	830102	1711123492		108		UNION A #11	MONROE GAS	21.5	DEVON CORP
8335637	830131	1711123493		108		UNION A #12	MONROE GAS	18.2	DEVON CORP
8335665	830103	1711123522		108		UNION A #13	MONROE GAS	21.4	DEVON CORP
8335639	830117	1711123488		108		UNION A #7	MONROE GAS	12.7	DEVON CORP
8335708	83-0140	1711123500		103	108	UNION FEE #8	MONROE GAS	15.3	DEVON CORP
8335636	830130	1711123497		108		UNION FEE #9	MONROE GAS	18.2	DEVON CORP
8335672	830116	1711123496		103	108	W A EDWARDS #2	MONROE GAS	14.4	DEVON CORP
-PEL-TEX OIL COMPANY INC				RECEIVED:		05/06/83 JA: LA			
8335676	830066	1711321212		107-DP		S L 8013 #1	BAYOU NEBERT	1119.0	
8335674	830064	1711321212		107-DP		S L 8013 #1-D	BAYOU NEBERT	210.0	
-PRIMOS PRODUCTION CO				RECEIVED:		05/06/83 JA: LA			
8335659	83-0101	1711123786		108		MO PAC RR CO #2	MONROE	19.4	IMC PIPELINE CO I
8335647	83-0013	1711123785		108		MO PAC RR CO #26	MONROE	6.2	IMC PIPELINE CO I
8335657	83-0098	1711123750		108		MO PAC RR CO #6	MONROE	19.9	IMC PIPELINE CO I
8335656	83-0099	1711123751		108		MO PAC RR CO #7	MONROE	19.9	IMC PIPELINE CO I
8335655	83-0100	1711123752		108		MO PAC RR CO #8	MONROE	19.9	IMC PIPELINE CO I
8335658	83-0097	17073219l4		108		PARSONS #3	MONROE	1.9	MID LOUISIANA GAS
8335662	83-0106	1711122967		108		PETRO-LEWIS FROST LUMBER #40	MONROE GAS FIELD	14.6	PETRO-LEWIS FUNDS
8335663	83-0107	1711122956		108		PETRO-LEWIS FROST LUMBER #41	MONROE	14.6	PETRO-LEWIS FUNDS
8335660	83-0108	1711123504		108		PETRO-LEWIS GUY HOLLOWAY #1	MONROE	9.0	PETRO-LEWIS FUNDS
8335652	83-0096	1711123673		108		PETRO-LEWIS PEEK ETAL #2	MONROE	5.4	PETRO-LEWIS FUNDS
-QUINTANA PETROLEUM CORP				RECEIVED:		05/06/83 JA: LA			
8335675	830065	1700720354		107-DP		BROMNELL-KIDD #1 DISC 15 RA SUA	BAY NATCHEZ	1093.0	SOUTHERN NATURAL
-STONE PETROLEUM CORP				RECEIVED:		05/06/83 JA: LA			
8335713	83-0053	1711321242		107-DP		STELLA & KARLAN GREEN #2	NORTH PARCPERDUE	2957.0	TEXAS GAS TRANSMI
-STRATA ENERGY INC				RECEIVED:		05/06/83 JA: LA			
8335627	830058	1711321120		107-DP		S L 7582 #2 VUA	REDFISH POINT	1488.0	SUGAR BOWL GAS CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		05/06/83 JA: LA			
8335649	83-0050	1701500707		107-DP		P L JACOBS #1	BENTON	21.9	REYNOLDS METALS C
8335650	83-0051	1701500736		107-DP		WELORI LUMBER CO #1 MOSS A SUB	BENTON	146.0	REYNOLDS METALS C
-SUN OIL CO				RECEIVED:		05/06/83 JA: LA			
8335646	82-0004	1703121436		108		INTERNATIONAL PAPER CO "M" #1	RED RIVER BULL BAYOU	30.0	J M OPERATING CO
-SUPERIOR OIL CO				RECEIVED:		05/06/83 JA: LA			
8335624	830055	1711321220		107-DP		C LEGE #3	S E GUEYDAN	3000.0	TRUNKLINE GAS CO
8335679	830069	1711321185		107-DP		HUMBLE FEE #7	LAC BLANC	3000.0	TENNESSEE GAS PIP
8335678	830068	1710922460		107-DP		L L & E UNIT 12 #17 VUA	FOUR ISLE DOME	600.0	UNITED GAS PIPELI
8335628	830059	1710121299		107-DP		S L 9410 #1	BAYOU CARLIN	2000.0	
-TEXACO INC				RECEIVED:		05/06/83 JA: LA			
8335631	830062	1710121305		107-DP		MIAMI CORP E TR 2 #5	COTE BLANCHE ISLAND	848.0	
-W J WEGMAN JR				RECEIVED:		05/06/83 JA: LA			
8335638	830132	1707321907		103	108	CAMP HARGISS #1	MONROE	11.0	IMC PIPELINE CO I
8335706	83-0138	1707321909		103	108	CAMP HARGISS #3	MONROE	8.6	IMC PIPELINE CO I
8335632	830133	1707321908		103	108	CAMP HARGISS NO 2	MONROE	9.0	IMC PIPELINE CO I
8335707	83-0139	1711123724		108		EXXON #4	MONROE	0.0	IMC PIPELINE CO I
##########									
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
##########									
-AZTEC PRODUCING CO INC				RECEIVED:		05/06/83 JA: MI			
8335761		2110132708		102-4		MANISTEE UNIT #1-36 STATE OF MICH		0.0	MICHIGAN CONSOLID
8335762		2110132623		102-4		MANISTEE UNIT #2-2 STATE OF MICH		0.0	MICHIGAN CONSOLID
8335763		2110132708		102-4		MANISTEE UNIT #2-36 STATE OF MICH		0.0	MICHIGAN CONSOLID
##########									
MONTANA BOARD OF OIL & GAS CONSERVATION									
##########									
-BASS ENTERPRISES PRODUCTION CO				RECEIVED:		05/06/83 JA: MT			
8335766	5-82-149A	2508321540		103		ANDREW PETERSEN #28-41	EAGLE	5.5	MONTANA DAKOTA UT
8335767	5-82-149	2508321540		102-2		ANDREW PETERSON #28-41	EAGLE	5.5	MONTANA DAKOTA UT
8335768	5-82-148A	2508321506		103		BASS MARKER #20-33	EAGLE	5.5	MONTANA DAKOTA UT
8335765	5-82-148	2508321506		102-2		BASS MARKER #20-33	EAGLE	5.5	MONTANA-DAKOTA UT
-CROFT PETROLEUM CO				RECEIVED:		05/06/83 JA: MT			
8335771	1-83-6	2510122259		108		SAWTOOTH-JIM TOMAYER #1	WILLOW RIDGE	29.2	MONTANA POWER CO
8335770	1-83-7	2510122216		108		STATE 17,079 #2	WILLOW RIDGE	25.5	MONTANA POWER CO
-MIDLANDS GAS CORPORATION				RECEIVED:		05/06/83 JA: MT			
8335772	11-82-275	2507121632		108		F ANDERSON #1 [illegible]		19.0	KN ENERGY INC
-SOUTHLAND ROYALTY CO				RECEIVED:		05/06/83 JA: MT			
8335764	5-82-147	2507121670		108		1-18-25NE	BOWDOIN DOME	7.0	MONTANA DAKOTA UT
-WEXPRO COMPANY				RECEIVED:		05/06/83 JA: MT			
8335769	11-82-268	2510122128		108		COLLIER #1-1	NORTH DUNKIRK	7.3	MICHAEL L LETSON
##########									
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
##########									
-BAY ENERGY CO #3				RECEIVED:		05/05/83 JA: NY			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8335818	5148	3102918017	D	107-TF		CHAPMAN #1 03268	LAKE SHORE	8.0	NATIONAL FUEL GAS
OKLAHOMA CORPORATION COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	05/05/83	JA: OK			
8335719	20683	3503920602		102-2		ED BERONG UNIT #1	WILDCAT - (ATOKA)	138.0	SOUTHERN NATURAL
-AMOCO PRODUCTION CO				RECEIVED:	05/06/83	JA: OK			
8335793	20682	3503920574		102-2		RALPH CRALL UNIT #1	WEATHERFORD - (ATOKA)	105.0	SOUTHERN NATURAL
-APACHE CORPORATION				RECEIVED:	05/06/83	JA: OK			
8335792	20634	3500920527		102-3		DAMERON #1-10		547.0	EL PASO NATURAL G
-ASPEN OIL COMPANY				RECEIVED:	05/05/83	JA: OK			
8335731	21199	3504921673		103		MARTIN #1	SOUTH KLONDIKE	54.0	AMINOIL USA INC
-BLUE QUAIL ENERGY INC				RECEIVED:	05/05/83	JA: OK			
8335730	21200	3510920635		103		OSBORNE 1	W MUSTANG	0.0	CONOCO INC
8335734	21076	3510920645		103		TINSLEY #1	W MUSTANG	814.7	CONOCO INC
-DAMSON OIL CORPORATION				RECEIVED:	05/05/83	JA: OK			
8335714	21576	3505500000		103		WILLIAMS #2-28	N W MANGUM	2.5	ARKANSAS LOUISIAN
-DAMSON OIL CORPORATION				RECEIVED:	05/06/83	JA: OK			
8335798	21544	3505500000		103		BYROM #1-10	N W MANGUM	2.0	ARKANSAS LOUISIAN
-DYCO PETROLEUM CORPORATION				RECEIVED:	05/06/83	JA: OK			
8335783	24190	3501521507		107-DP		HART 1-6		4500.0	EL PASO NATURAL G
8335782	24189	3501521488		107-DP		STALEY-HOWERTON 1-8	NORTH EAKLY	2250.0	EL PASO NATURAL G
-EDWIN L COX				RECEIVED:	05/06/83	JA: OK			
8335802	21571	3500700000		103		BLACKWELDER #1	BALKO	14.5	PHILLIPS PETROLEU
-EL PASO NATURAL GAS COMPANY				RECEIVED:	05/06/83	JA: OK			
8335796	21542	3515320377		103		MCFEETERS #4	QUINLAN N W (CHESTER)	24.8	EL PASO NATURAL G
-FULLER PETROLEUM INC				RECEIVED:	05/06/83	JA: OK			
8335787	20083	3501722326		102-4		BUTTON #1	WILDCAT	548.0	PHILLIPS PETROLEU
-FUNK EXPLORATION INC				RECEIVED:	05/06/83	JA: OK			
8335776	20464	3500722326		102-4	103	ERNEST ISSACS #1	NW GREENOUGH	700.0	WESTERN GAS INTER
8335775	20463	3513921650		102-4	103	HOOD #1	LORENA NORTHWEST	600.0	PANHANDLE EASTERN
8335786	20443	3500722336		102-4		MILDRED #1	SOUTH BOYD	100.0	PANHANDLE EASTERN
8335773	20444	3500722335		102-4		STATE OF OKLAHOMA #1	CAMERICK GAS AREA	300.0	PANHANDLE EASTERN
-GABILL OIL INC				RECEIVED:	05/05/83	JA: OK			
8335727	21496	3505920628		103		VAN DORN #1-7	NORTH BOILING SPRINGS	20.0	DELHI GAS PIPELIN
-HELMERICH & PAYNE INC				RECEIVED:	05/06/83	JA: OK			
8335788	20523	3512920794		102-2		FARNI #1-21	SW MOOREWOOD	730.0	
-HOLD OIL CORP				RECEIVED:	05/05/83	JA: OK			
8335728	21485	3506321476		103		BILL BOYCE #2	SHADY GROVE	54.0	HILL TOP INVESTME
-HOLD OIL CORP				RECEIVED:	05/06/83	JA: OK			
8335790	20561	3506120521		102-2		ARMY CORP OF ENGINEERS #1-34	BROOKEN	100.0	ARKANSAS LOUISIAN
-INEXCO OIL COMPANY				RECEIVED:	05/05/83	JA: OK			
8335718	20705	3512920786		102-2		SAVAGE #1-1	N E STRONG CITY	730.0	DELHI GAS PIPELIN
8335717	20706	3503920799		102-2		VIGNAL #1-35	RED SAND	100.0	PANHANDLE EASTERN
-INEXCO OIL COMPANY				RECEIVED:	05/06/83	JA: OK			
8335789	20350	3503920687		102-2		TIPPENS #1-16	N E HAMMON	474.5	TRANSWESTERN PIPE
-JET OIL COMPANY				RECEIVED:	05/05/83	JA: OK			
8335732	21139	3504723136		103		BENNETT #1	WILSON	206.0	AMINOIL USA INC
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	05/05/83	JA: OK			
8335738	73277	3514920294		107-DP		CHENAULT #1-6	EAST ELK CITY	1050.1	EL PASO NATURAL G
-MACK OIL CO				RECEIVED:	05/06/83	JA: OK			
8335795	21533	3500321016		101		NELSON #2	S GOLTRY	70.0	UNION TEXAS PETRO
-MAGIC CIRCLE ENERGY CORP				RECEIVED:	05/05/83	JA: OK			
8335729	21465	3515121267		103		ASHTON #1	S E WAYNOKA	65.0	MAGIC CIRCLE GAS
-MAY PETROLEUM INC				RECEIVED:	05/06/83	JA: OK			
8335797	24543	3507722338		103		HOWARD #1		91.3	PHILLIPS PETROLEU
-MID-CONTINENT PETROLEUM MGMT INC				RECEIVED:	05/05/83	JA: OK			
8335720	21548	3508121649		103		SONTAG 1-2	EAST SKELLYVILLE - NW	15.0	KERR-MCGEE CORP
-MOBIL OIL CORP				RECEIVED:	05/05/83	JA: OK			
8335745	21552	3501900000		108		SHOLEM ALECHEM FLATTOP #38-20 WH#20	SHO VEL TUM	0.0	OKLAHOMA NATURAL
-MONSANTO COMPANY				RECEIVED:	05/05/83	JA: OK			
8335733	21128	3505320976		103		WALD #2	EAST LAMONT	100.0	FARMLAND INDUSTRI
-NATIONAL OIL COMPANY				RECEIVED:	05/05/83	JA: OK			
8335735	21067	3502720295		103		REINAUER #1-A	CORN DISTRICT	18.0	SUN GAS CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/06/83	JA: OK			
8335780	20628	3513900000		103		HOGLE #2	GUYMON S MORROW	0.0	PANHANDLE EASTERN
-RAMSEY PROPERTY MANAGEMENT INC				RECEIVED:	05/05/83	JA: OK			
8335724	21529	3504321079		103		REAY #1	W CANTON	0.0	DELHI GAS PIPELIN
-RICKS EXPLORATION CO				RECEIVED:	05/05/83	JA: OK			
8335741	21559	3504321484		103		FOX 26-B	SOUTHEAST TALOGA	56.0	OKLAHOMA GAS & EL
8335744	21554	3504321540		103		LAURA 35-A	SOUTH TALOGA	41.0	OKLAHOMA GAS & EL
8335743	21555	3504321454		103		PHYLLIS #35-A	SOUTH TALOGA	38.0	OKLAHOMA GAS & EL
8335742	21558	3504321201		103		PUMPKIN RIDGE #35-A	SOUTHEAST TALOGA	41.0	OKLAHOMA GAS & EL
-RICKS EXPLORATION CO				RECEIVED:	05/06/83	JA: OK			
8335785	24199	3501500000		107-DP		BOONE #1-4		300.0	UNITED GAS PIPELI
8335791	20605	3501521393		102-2		CRAIN 2-A	CRAIN	376.0	ARKLA EXPLORATION
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	05/06/83	JA: OK			
8335784	24198	3501521447		107-DP		FULLBRIGHT #1	WEST GRACEMONT	2150.0	TENNESSEE GAS PIP
-SHAWVER & SON INC				RECEIVED:	05/06/83	JA: OK			
8335799	21514	3510920492		103		S C & M #3 #1		1090.6	BRITTON GAS PROCE
-ST JOE PETROLEUM (US) CORP				RECEIVED:	05/05/83	JA: OK			
8335715	21575	3510300000		103		DEBORD #1		75.0	ARCO OIL & GAS CO
-STAR RESOURCES INC				RECEIVED:	05/05/83	JA: OK			
8335723	21530	3506321519		103		HAMMOND 1-4			
8335740	21568	3506321613		103		HAMMOND 2-4	WELEETKA	35.0	PUBLIC SERVICE CO
8335739	21569	3506321613		103		HAMMOND 2-4	WELEETKA	10.0	PUBLIC SERVICE CO
-STAR RESOURCES INC				RECEIVED:	05/06/83	JA: OK	WELEETKA	4.0	PUBLIC SERVICE CO
8335794	21531	3506321474		103		SANDLIN 1-4			
-STRIKER DRILLING CO				RECEIVED:	05/05/83	JA: OK	WELEETKA	35.0	PUBLIC SERVICE CO
8335721	21547	3508121849		103		FENDER #4-A			
8335722	21546	3508121791		103		FINDER #1A	SOUTH STROUD	0.0	SWAB CORP
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	05/06/83	JA: OK	SOUTH STROUD	0.0	SWAB CORP
8335801	21516	3500721789		103		N W DOWER UT TR 14 #6			
8335800	21515	3500722164		103		STATE PIERCE #2	CAMERICK	10.0	
-TENNECO OIL COMPANY				RECEIVED:	05/06/83	JA: OK	BALKO SOUTH	6.0	PHILLIPS PETROLEU
8335778	20506	3502920303		102-4		HOCKETT #1-3			
8335777	20505	3512120828		102-4		MOSS A 1-13	WILDCAT	65.0	
8335779	20508	3512920885		103		SALISBURY 1-1	WILBURTON	300.0	TENNESSEE GAS PIP
-TEX-OK PETROLEUM INC				RECEIVED:	05/05/83	JA: OK	UNDESIGNATED	85.0	
8335737	19401	3505921084		102-4		WHEELER "A" #1	LAVERNE	407.0	DELHI GAS PIPELIN
-TOWNER PETROLEUM CO				RECEIVED:	05/05/83	JA: OK			
8335736	19644	3501521272		102-4	103	GUY #1-2		0.0	PIONEER GAS PRODU
-TRIGG DRILLING COMPANY INC				RECEIVED:	05/06/83	JA: OK			
8335781	21507	3508720840		103		MIKE BASHARA #1	SOUTH BLANDARD	500.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TXO PRODUCTION CORP				RECEIVED:	05/06/83	JA: OK			
8335774	20452	35043213420		102-4		POWERS WHEATLEY #1	PUTNAM	30.0	DELHI GAS PIPELIN
-WARD PETROLEUM CORP				RECEIVED:	05/05/83	JA: OK			
8335716	21447	3510320665		103		SMITH 3-30	EAST MOORE	187.0	[illegible] GAS CO
-WILLIAM J ZUHONE JR				RECEIVED:	05/05/83	JA: DE			
8335726	21517	3307129618		108		[illegible] #1	CENTER OF SE/4 SE/4 -	9.2	KAY PIPELINE CORP
8335725	21518	3307129200		108		RAY ROLLINS		8.0	KAY PIPELINE CORP
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-GULF OIL CORPORATION				RECEIVED:	05/05/83	JA: PA			
8335804	15805	3703320081		108-PB		B W IRVIN #1	REED-DEEMER	8.0	NATIONAL FUEL GAS
8335806	15807	3703320596		108-PB		DICKEY #1	REED-DEEMER	8.0	NATIONAL FUEL GAS
8335808	15821	3703320644		108A-PB		DICKEY #2	REED-DEEMER	8.0	NATIONAL FUEL GAS
8335809	15806	3703320578		108-PB		FEE A #65	REED-DEEMER	8.0	NATIONAL FUEL GAS
8335805	15809	3703320372		108-PB		FEE A #66	REED-DEEMER	8.0	NATIONAL FUEL GAS
8335803	15820	3703320038		108-PB		FEE A #70	REED-DEEMER	8.0	NATIONAL FUEL GAS
8335807	15818	3703320559		108-PB		WM DAISHER #2	REED-DEEMER	8.0	NATIONAL FUEL GAS
-GULF OIL CORPORATION				RECEIVED:	05/05/83	JA: PA			
8335750	15821	3703320088		108-PB		FEE "A" #79	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335751	15815	3703320598		108-PB		FEE "A" #87	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335756	15817	3703320698		108-PB		FEE "A" #88	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335752	15819	3703320617		108		FEE "A" #89	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335755	15806	3703320089		108-PB		IRVIN B W #1	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335754	15822	3703320518		108-PB		IRVIN B W #6	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335753	15804	3703320009		108-PB		IRVIN B W #7	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335757	15793	3703320608		108-PB		IRVIN B W #8	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335749	15813	3706521195		108-PB		MCCLURE HARRIET #10	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335759	15803	3706500008		108-PB		MCCLURE HARRIET #5	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335760	15811	3706521119		108-PB		MCCLURE HARRIET #8	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335758	15812	3706521194		108-PB		MCCLURE HARRIET #9	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335748	15797	3706520391		108-PB		SEIFERT #1	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335747	15798	3706521527		108-PB		SEIFERT #2	REED-DEEMER	14.0	NATIONAL FUEL GAS
8335746	15800	3706521045		108-PB		SOMMERVILLE #2	REED-DEEMER	14.0	NATIONAL FUEL GAS
WEST VIRGINIA DEPARTMENT OF MINES									
-DEREA OIL AND GAS CORPORATION				RECEIVED:	05/06/83	JA: WV			
8335811		4710720912		108		WESTBROOK #1	UNION	20.0	CONSOLIDATED GAS

[FR Doc. 83-14583 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 903]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 25, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED MAY 25, 1983
VOLUME 903

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-TEXAS ENERGIES INC				RECEIVED:		05/09/83 JA: KS			
8335968	K-83-0142	1500721461		102-3		ASH 1-26	WILDCAT	100.0	KANSAS POWER & LI
LOUISIANA OFFICE OF CONSERVATION									
-ARKANSAS LOUISIANA GAS CO				RECEIVED:		05/09/83 JA: LA			
8335891	83-0163	1711123759		103		UNION POWER CO #17	MONROE	35.0	ARKANSAS LOUISIAN
-BETHLAM PRODUCTION CORP				RECEIVED:		05/09/83 JA: LA			
8335879	83-0214	1707321935		103	108	COLE HEIRS #1	MONROE	8.5	IMC EXPLORATION C
8335878	83-0213	1707321797		103	108	COLE HEIRS #1	MONROE GAS FIELD	8.0	IMC EXPLORATION C
8335880	83-0215	1707321943		103	108	COLE HEIRS A #2	MONROE	8.5	IMC EXPLORATION C
8335881	83-0216	1707321944		103	108	COLE HEIRS A #3	MONROE	8.5	IMC EXPLORATION C
8335882	83-0217	1707321945		103	108	COLE HEIRS A #4	MONROE	8.5	IMC EXPLORATION C
8335883	83-0218	1707321946		103	108	COLE HEIRS A #5	MONROE	8.5	IMC EXPLORATION C
8335884	83-0219	1707321947		103	108	COLE HEIRS A #6	MONROE	8.5	IMC EXPLORATION C
8335861	83-0180	1711123946		103		OLINKRAFT #1	MONROE	0.0	IMC PIPELINE CO I
8335862	83-0181	1711123939		103		OLINKRAFT #2	MONROE	0.0	IMC PIPELINE CO I
-BLG CO				RECEIVED:		05/09/83 JA: LA			
8335847	83-0161	1711123839		103	108	LOVE #1 (SN 182344)	MONROE	0.0	MID LOUISIANA GAS
-BROWN FRAC TANK CO INC				RECEIVED:		05/09/83 JA: LA			
8335877	83-0188	1711123867		103		AARON #1	MONROE	0.0	IMC PIPELINE CO I
-DEVON ENERGY CORP				RECEIVED:		05/09/83 JA: LA			
8335839	83-0157	1711123913		103		J M EDWARDS #7	MONROE	12.0	TEXAS GAS TRANSMI
-HADDOX PETROLEUM CORP				RECEIVED:		05/09/83 JA: LA			
8335816	83-0248	1711122574		108		CARLILE SANDERS #1	MONROE	2.0	IMC PIPELINE CO I
8335820	83-0265	1711123887		108		MOBIL-IP #9	MONROE	14.3	MID LOUISIANA GAS
8335871	83-0247	1711122125		108		SMITH #1	MONROE	1.4	IMC PIPELINE CO I
-IMC EXPLORATION COMPANY				RECEIVED:		05/09/83 JA: LA			
8335886	83-0221	1707321949		103	108	ABE ARENT #9	MONROE	10.0	IMC PIPELINE CO I
8335890	83-0281	1711123689		103		BENNETT #F-342	MONROE	13.0	IMC PIPELINE CO I
8335844	83-0242	1707321937		108	108	COLE T #41	MONROE	11.2	IMC PIPELINE CO I
8335859	83-0176	1711123794		108		FORD #17	MONROE	12.0	IMC PIPELINE CO I
8335827	83-0274	1711123794		103		FORD 17	MONROE	16.0	IMC PIPELINE CO I
8335899	83-0172	1711123735		108		FROST #N-279	MONROE	11.0	IMC PIPELINE CO I
8335858	83-0278	1711123455		103		FROST #83	MONROE	16.0	IMC PIPELINE CO I
8335866	83-0279	1711123456		103		FROST #84	MONROE	18.0	IMC PIPELINE CO I
8335885	83-0220	1711123878		103	108	HILL #7	MONROE	6.6	IMC PIPELINE CO I
8335887	83-0256	1711123875		103	108	LA GAS LANDS #25	MONROE	19.2	IMC PIPELINE CO I
8335825	83-0272	1711123757		103		MONTGOMERY #F-351	MONROE	10.0	IMC PIPELINE CO I
8335876	83-0175	1711123757		108		MONTGOMERY #F-351	MONROE	4.0	IMC PIPELINE CO I
8335824	83-0271	1711123734		103		MONTGOMERY #F-354	MONROE	10.0	IMC PIPELINE CO I
8335822	83-0269	1711123486		103		OLIN GAS TRANSMISSION CO #83	MONROE	21.0	IMC PIPELINE CO I
8335828	83-0275	1711123431		103		OLIN GAS TRANSMISSION CO #87	MONROE	18.0	IMC PIPELINE CO I
8335829	83-0276	1711123437		103		OLIN GAS TRANSMISSION CO #88	MONROE	18.0	IMC PIPELINE CO I
8335857	83-0277	1711123438		103		OLIN GAS TRANSMISSION CO #89	MONROE	18.0	IMC PIPELINE CO I
8335826	83-0273	1711123865		103		OLIN GAS TRANSMISSION CO #92	MONROE	31.0	IMC PIPELINE CO I

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8335843	83-0243	1711123857		108	108	OLIN GAS TRANSMISSION CO #93	MONROE	11.5	IMC PIPELINE CO I
8335900	83-0173	1711123736		108		OLIN MATHIESON 085	MONROE	4.0	IMC PIPELINE CO I
8335848	83-0282	1711123690		103		ONB SF-348	MONROE	10.0	IMC PIPELINE CO I
8335823	83-0270	1711123715		103		PHILLIPS SF-337	MONROE	0.0	IMC PIPELINE CO I
8335867	83-0161	1711123684		103		STANCIL-SAVAGE SF-338	MONROE	9.0	IMC PIPELINE CO I
8335875	83-0174	1711123737		108		UNION PRODUCING CO SN-281	MONROE	8.0	IMC PIPELINE CO I
8335845	83-0241	1711123756		103	108	WILLIAMSON #8	MONROE	15.0	IMC PIPELINE CO I
-JIM V HADDOX				RECEIVED:		05/09/83 JA: LA			
8335830	83-0244	1711122124		108		SMITH #1	MONROE	8.0	IMC PIPELINE CO I
-L A WEST				RECEIVED:		05/09/83 JA: LA			
8335869	83-0245	1707321876		103	108	L A WEST #3	MONROE	6.3	MIDWAY PRODUCTION
8335870	83-0246	1707321877		103	108	L A WEST #6	MONROE	10.0	MIDWAY PRODUCTION
-LUFFEY GAS CORP				RECEIVED:		05/09/83 JA: LA			
8335840	83-0159	1711123873		103	107-TF	B K TAUNTON #1	MONROE	0.5	WEST MONROE GAS C
-MID LOUISIANA GAS COMPANY				RECEIVED:		05/09/83 JA: LA			
8335847	83-0236	1711123083		108		MLGC FEE GAS #1029	MONROE GAS FIELD	19.1	MID LOUISIANA GAS
8335846	83-0237	1711123086		108		MLGC FEE GAS #1032	MONROE GAS	17.8	MID LOUISIANA GAS
8335853	83-0230	1707321794		108		MLGC FEE GAS #1087	MONROE GAS FIELD	16.7	MID LOUISIANA GAS
8335852	83-0231	1711123582		108		MLGC FEE GAS #1108	MONROE GAS FIELD	16.9	MID LOUISIANA GAS
8335851	83-0232	1711123591		108		MLGC FEE GAS #1115	MONROE GAS FIELD	44.2	MID LOUISIANA GAS
8335892	83-0165	1711123859		103		MLGC FEE GAS #1194	MONROE GAS FIELD	25.2	MID LOUISIANA GAS
8335893	83-0166	1711123860		103		MLGC FEE GAS #1195	MONROE GAS FIELD	21.4	MID LOUISIANA GAS
8335894	83-0167	1711123861		103		MLGC FEE GAS #1196	MONROE GAS FIELD	21.0	MID LOUISIANA GAS
8335895	83-0168	1711123862		103		MLGC FEE GAS #1197	MONROE GAS FIELD	21.8	MID LOUISIANA GAS
8335896	83-0169	1711123870		103		MLGC FEE GAS #1200	MONROE GAS FIELD	24.0	MID LOUISIANA GAS
8335897	83-0170	1711123869		103		MLGC FEE GAS #1201	MONROE GAS FIELD	22.0	MID LOUISIANA GAS
8335898	83-0171	1711123871		103		MLGC FEE GAS #1202	MONROE GAS FIELD	22.7	MID LOUISIANA GAS
8335821	83-0268	1711101694		108		MLGC FEE GAS #133	MONROE GAS FIELD	18.6	MID LOUISIANA GAS
8335856	83-0227	1711121490		108		MLGC FEE GAS #696	MONROE GAS FIELD	19.7	MID LOUISIANA GAS
8335855	83-0228	1711121480		108		MLGC FEE GAS #706	MONROE GAS FIELD	16.4	MID LOUISIANA GAS
8335854	83-0229	1711121681		108		MLGC FEE GAS #761	MONROE GAS FIELD	16.2	MID LOUISIANA GAS
8335850	83-0233	1711121843		108		MLGC FEE GAS #777	MONROE GAS FIELD	17.8	MID LOUISIANA GAS
8335812	83-0223	1711121968		103		MLGC FEE GAS #838	MONROE GAS FIELD	16.9	MID LOUISIANA GAS
8335813	83-0224	1711122046		108		MLGC FEE GAS #855	MONROE GAS FIELD	19.3	MID LOUISIANA GAS
8335814	83-0225	1711122061		108		MLGC FEE GAS #863	MONROE GAS FIELD	20.1	MID LOUISIANA GAS
8335815	83-0226	1711122688		108		MLGC FEE GAS #905	MONROE GAS FIELD	20.9	MID LOUISIANA GAS
8335849	83-0234	1711122733		108		MLGC FEE GAS #939	MONROE GAS FIELD	20.4	MID LOUISIANA GAS
8335848	83-0235	1711122741		108		MLGC FEE GAS #992	MONROE GAS FIELD	13.8	MID LOUISIANA GAS
-NOE & WOODS				RECEIVED:		05/09/83 JA: LA			
8335832	83-0187	1711123491		108		UNION A #12	MONROE GAS	16.0	DEVON CORP
-PENNZOIL PRODUCING COMPANY				RECEIVED:		05/09/83 JA: LA			
8335834	83-0152	1707321693		108		FEE 709 #1	MONROE	25.0	UNITED GAS PIPE L
8335833	83-0151	1707321700		108		FEE 709 #12	MONROE	25.0	UNITED GAS PIPE L
8335835	83-0153	1707321694		108		FEE 709 #2	MONROE	25.0	UNITED GAS PIPE L
8335836	83-0154	1707321695		108		FEE 709 #3	MONROE	25.0	UNITED GAS PIPE L
8335837	83-0155	1707321696		108		FEE 709 #4	MONROE	25.0	UNITED GAS PIPE L
8335838	83-0156	1707321697		108		FEE 709 #5	MONROE	25.0	UNITED GAS PIPE L
8335872	83-0145	1707321698		108		FEE 709 #6	MONROE	25.0	UNITED GAS PIPE L
8335873	83-0149	1707321701		108		FEE 709 #7	MONROE	25.0	UNITED GAS PIPE L
8335860	83-0177	1707321702		108		FEE 709 #8	MONROE	25.0	UNITED GAS PIPE L
8335874	83-0150	1707321703		108		FEE 709 #9	MONROE	25.0	UNITED GAS PIPE L
-ROBERSON WELL SERVICE				RECEIVED:		05/09/83 JA: LA			
8335862	83-0179	1711123408		108		FROST LUMBER IND IMC #2	MONROE	18.0	PETRO LEWIS CORP
8335861	83-0178	1711123423		108		J A HOLLIS #2	MONROE	13.0	PETRO LEWIS CORP
-SPENCER & SPENCER				RECEIVED:		05/09/83 JA: LA			
8335841	83-0160	1711123842		103	108	SPENCER #2	MONROE	9.8	MID LOUISIANA GAS
-VIKING RESOURCES (LA)				RECEIVED:		05/09/83 JA: LA			
8335817	83-0261	1711123949		103		DEAN #2	MONROE	0.0	PETRO-LEWIS FUNDS
-W E PACE				RECEIVED:		05/09/83 JA: LA			
8335831	83-0182	1711100447		108		J T BIRD #1	MONROE	1.0	IMC PIPELINE CO I
-WELLS-BATTELSTEIN OIL & GAS INC				RECEIVED:		05/09/83 JA: LA			
8335889	83-0262	1707321879		108		(OUACHITA FERTILIZER ABEL CORP #1)	MONROE GAS FIELD	9.1	I M C PIPELINE CO
8335818	83-0263	1707321880		108		(OUACHITA FERTILIZER ABEL CORP #2)	MONROE GAS FIELD	7.3	I M C PIPELINE CO
8335888	83-0266	1708320655		108		D W SARTOR #2	RICHLAND	50.0	MID LOUISIANA GAS
8335865	83-0267	1708320637		103		D W SARTOR #3 SR #179405	RICHLAND	380.0	MID LOUISIANA GAS
8335819	83-0264	1707321881		108		O F A C #3 OUCHITA FERTIL ABEL #3	MONROE GAS FIELD	9.1	I M C PIPELINE CO

NEW MEXICO DEPARTMENT OF ENERGY & MINERALS

-ALPHA TWENTY-ONE PRODUCTION CO				RECEIVED:		05/09/83 JA: NM			
8335931		3002520087		103		DORITY #1	EUMONT GAS	96.0	EL PASO NATURAL G
-C & E OPERATORS INC				RECEIVED:		05/09/83 JA: NM			
8335930		3004523355		108-PB		MARY SHEPHERD #1	AZTEC-PICTURED CLIFFS	0.0	EL PASO NATURAL G
-CALVIN PETROLEUM CORPORATION				RECEIVED:		05/09/83 JA: NM			
8335929		3004521674		108-PB		APPERSON #1	BASIN DAKOTA	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:		05/09/83 JA: NM			
8335902		3004520885		108-PB		ATLANTIC D COM H #9	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8335934		3004521098		108-PB		ATLANTIC D COM L #13 PC	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8335901		3004510770		108-PB		BROOKHAUGN COM B #9	BASIN-DAKOTA	0.0	EL PASO NATURAL G
8335916		3004506150		108-PB		BROOKHAVEN COM D #5	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8335923		3004511814		108-PB		BURROUGHS COM C#5	BASIN-DAKOTA	0.0	EL PASO NATURAL G
8335912		3003920100		108-PB		CARTER MESA COM #1	OTERO-CHACRA	0.0	EL PASO NATURAL G
8335903		3004511457		108-PB		HEIZER #1	BLANCO-MESA VERDE	0.0	EL PASO NATURAL G
8335933		3004506070		108-PB		HUERFANITO UNIT #15	BALLARD PICTURED CLIF	0.0	EL PASO NATURAL G
8335914		3004520407		108-PB		HUERFANO UNIT #194	BASIN-DAKOTA	0.0	EL PASO NATURAL G
8335917		3004521506		108-PB		LAWSON #2	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8335919		3003905573		108-PB		LINDRITH UNIT #89	BLANCO SOUTH PICTURED	0.0	EL PASO NATURAL G
8335905		3003921793		108-PB		LINDRITH UNIT #94	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8335909		3003907054		108-PB		RINCON UNIT #103	BLANCO SOUTH PICTURED	0.0	EL PASO NATURAL G
8335906		3003907063		108-PB		RINCON UNIT #104	BLANCO SOUTH-PICTURED	0.0	EL PASO NATURAL G
8335924		3003920691		108-PB		RINCON UNIT #194	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8335908		3003906838		108-PB		RINCON UNIT #25	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8335932		3003906766		108-PB		RINCON UNIT #31	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8335907		3003906778		108-PB		RINCON UNIT #45	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8335918		3003906978		108-PB		RINCON UNIT #53	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8335913		3003921637		108-PB		SAN JUAN 28-7 UNIT #250	BASIN-DAKOTA	0.0	EL PASO NATURAL G
8335922		3003907069		108-PB		SAN JUAN 28-7 UNIT #80	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8335904		3004511137		108-PB		SAN JUAN 32-9 UNIT #36	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
8335915		3003906257		108-PB		SOUTHERN PET STATE SPC & CM	BLANCO-PICTURED CLIFF	0.0	EL PASO NATURAL G
8335920		3004505853		108-PB		THREE STATES A COM #1	BALLARD PICTURED CLIF	0.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION				RECEIVED:		05/09/83 JA: NM			
8335925		3004523682		108		SAN JUAN 32-7 UNIT 58	BASIN DAKOTA	58.0	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		05/09/83 JA: NM			
8335911		3002526925		108		E VAC GRAYBURG-SAN ANDRES B2913-010	VACUUM GRAYBURG-SAN A	1.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8335910		3002504641		108		SANTA FE 899	VACUUM-GLORIETA	3.0	EL PASO NATURAL G
-TEXAS AMERICAN OIL CORP				RECEIVED:	05/09/83	JA: NM			
8335927		3002527260		103		FOSTER #1	FOSTER SAN ANDRES	10.2	PHILLIPS PETROLEU
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	05/09/83	JA: NM			
8335936		3002524084		108		M T MATTERN (NCT-B) #15	BLINEBRY	10.0	EL PASO NATURAL G
8335935		3002525325		108		HARRY LEONARD (NCT-C) #18	DRINKARD	6.2	EL PASO NATURAL G
-WESTERN OIL PRODUCERS INC				RECEIVED:	05/09/83	JA: NM			
8335928		3002500000		103		STATE MTS #2	SCHARB	7.3	WARREN PETROLEUM
-YATES PETROLEUM CORPORATION				RECEIVED:	05/09/83	JA: NM			
8335926		3000520818		103		PAUL "LR" #6	TOM TOM SA	0.0	
8335921		3002528132		103		ROBIN "UT" ST #1	SAUNDERS PERMO-UPPER	0.0	WARREN PETROLEUM
WEST VIRGINIA DEPARTMENT OF MINES									
-ANCHORAGE OIL CO				RECEIVED:	05/09/83	JA: WV			
8335964		4703520902		108		DELONG MICHAEL	GRANT	11.0	GAS TRANSPORT INC
8335961		4703520955		108		GEORGE W SINNETT	GRANT	5.3	GAS TRANSPORT INC
8335963		4703520904		108		HODD MILHOAN #1	GRANT	7.3	GAS TRANSPORT INC
8335967		4703520893		108		HODD MILHOAN #2	JACKSON	4.4	GAS TRANSPORT INC
8335965		4703520899		108		J L SNODGRASS	GRANT	2.4	GAS TRANSPORT INC
8335962		4703520949		108		JOHN M HARROW #1	GRANT	3.3	GAS TRANSPORT INC
8335960		4703520958		108		OLIVE KESTER	GRANT	1.3	GAS TRANSPORT INC
8335966		4703520898		108		ROY KIRKHART	JACKSON	5.9	GAS TRANSPORT INC
8335959		4710720402		108		W C SMITH	HARRIS	3.0	GAS TRANSPORT INC
-BEE OIL & GAS COMPANY				RECEIVED:	05/09/83	JA: WV			
8335938		4708505203		108		BEE #2	[illegible]	7.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED:	05/09/83	JA: WV			
8335937		4704700207		108		POCAHONTAS 87-1520	BIG CREEK	17.6	TENNESSEE GAS PIP
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	05/09/83	JA: WV			
8335942		4708505235		108		BENJAMIN & UNION NATL BANK 12725	GRANT DISTRICT	1.0	GENERAL SYSTEM PU
8335943		4704501082		106		DINGASS RUM COAL CO 12330	LOGAN DISTRICT	7.5	GENERAL SYSTEM PU
8335953		4703302504		108		ERNEST E SAPP 12675	CLAY DISTRICT	7.0	GENERAL SYSTEM PU
8335951		4704700587		108		GLADYS B COOKE 11574	SANDY RIVER DISTRICT	22.0	GENERAL SYSTEM PU
8335941		4702103797		108		LOUIS BENNETT HRS #12698	CENTER DISTRICT	2.0	GENERAL SYSTEM PU
8335954		4703300952		108		MAE GASTON 12196	GRANT DISTRICT	24.0	GENERAL SYSTEM PU
8335956		4703300880		108		MARCELLA R BOND 11883	GRANT DISTRICT	15.0	GENERAL SYSTEM PU
8335957		4700101468		108		PAUL PICKENS 12674	ELK DISTRICT	1.0	GENERAL SYSTEM PU
8335955		4703300940		108		SUSAN V CURRY 12057	GRANT DISTRICT	19.0	GENERAL SYSTEM PU
8335952		4704103086		108		WALTER R SIMMONS 12701	FREEMANS CREEK DISTRI	18.0	GENERAL SYSTEM PU
-DOMESTIC OIL & GAS CO/G E L #8				RECEIVED:	05/09/83	JA: WV			
8335949		4708505369		103		VALENTINE #1	GRANT	30.0	CONSOLIDATED GAS
-DOMESTIC OIL & GAS CO/G E L #9				RECEIVED:	05/09/83	JA: WV			
8335944		4708505412		103		VALENTINE #2	GRANT	0.0	CONSOLIDATED GAS
-FRAZER CO				RECEIVED:	05/09/83	JA: WV			
8335958		4708504513		106		PERRY #2	UNION DISTRICT	0.0	COLUMBIA GAS TRAN
-GLENN L HAUGHT & SONS				RECEIVED:	05/09/83	JA: WV			
8335950		4708504508		106		ELSIE PRUNTY H-898	GRANT DISTRICT	20.0	CONSOLIDATED GAS
8335949		4708504501		108		ELSIE PRUNTY H-899	GRANT DISTRICT	20.0	CONSOLIDATED GAS
-MOUNTAINEER 1979-B				RECEIVED:	05/09/83	JA: WV			
8335948		4700701484		108		C D JONES H-935	BIRCH DISTRICT	12.0	COLUMBIA GAS TRAN
8335947		4700701485		108		C D JONES H-936	BIRCH DISTRICT	12.0	COLUMBIA GAS TRAN
8335946		4700701486		108		W TALKINTON H-937	BIRCH DISTRICT	12.0	COLUMBIA GAS TRAN
-PALEO INC				RECEIVED:	05/09/83	JA: WV			
8335939		4708505031		106		MOYERS I-658	MURPHY	1.0	CONSOLIDATED GAS
8335940		4708505032		108		MOYERS I-659	MURPHY	1.0	CONSOLIDATED GAS

[FR Doc. 83-14584 Filed 5-31-83; 8:45 am]

BILLING CODE 6717-01-C

federal register

Wednesday
June 1, 1983

Part VII

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program: Subsidence Control, Concurrent Surface and Underground Mining Operations and Contemporaneous Reclamation; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 784, 785, 816, 817, and 818

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program: Subsidence Control, Concurrent Surface and Underground Mining Operations and Contemporaneous Reclamation

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is issuing final rules on information required for subsidence control plans for underground mining operations and on performance standards for subsidence from underground mining operations, concurrent surface and underground mining, and contemporaneous reclamation.

A subsidence control plan is required, to furnish the regulatory authority with information on the underground mining operation. The subsidence control plan must be submitted and approved as part of the permit application for the underground mine.

The final performance standards establish a distinction between damage to land and damage to structures or facilities. All subsidence-caused material damage to land or diminution of the value and reasonably foreseeable use of land is required to be corrected by restoration of the land. Operator responsibility for material damage to structures or facilities resulting from subsidence is tied to liability under State law. The final rule for contemporaneous reclamation allows the regulatory authority to establish schedules that define contemporaneous reclamation. The final rule also provides requirements for obtaining a variance from the requirement of reclamation as contemporaneously as possible for concurrent surface and underground mining. The part containing special permanent program performance standards for concurrent operations is removed as proposed.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT: C.Y. Chen, Division of Engineering Analysis, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; 202–343–3190.

SUPPLEMENTARY INFORMATION:

I. Background
II. Response to Comments and Rules Adopted
III. Procedural Matters

I. Background

On April 16, 1982, OSM proposed permanent program rules (47 FR 16604) to amend 30 CFR 784.20, 817.121, 817.122, 817.124, and 817.126 pertaining to subsidence control, in order to eliminate unnecessary or confusing requirements in the previous rules. For a discussion of the extent of the problem and the legal basis for those rules under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act), see the **Federal Register** preamble to the proposed rules. The rules adopted today require a subsidence control plan as part of the permit application for an underground mining operation. The subsidence control plan must be submitted and approved before the permit is issued. The final performance standards recognize a distinction between operations that intend to use planned subsidence and those that intend to use available technology to prevent or minimize subsidence. The final rule also distinguishes between damage to land and damage to structures or facilities. All material damage to land that results in a diminution of its value and reasonably foreseeable use must be corrected by restoration of the land. Operator responsibility for damage to structures or facilities is tied to liability under State law.

OSM also, on April 16, 1982 (47 FR 16604), proposed to revise 30 CFR 785.18, 816.79, 816.100, and 817.100 and to eliminate 30 CFR Part 818. These rules pertain to the variance from the contemporaneous reclamation requirement and the minimum distance between surface and underground mines where concurrent surface and underground mining operations will be conducted. These rules implement Sections 515 (b)(12) and (b)(16) of the Act and are adopted as final with some modifications.

A public hearing was initially scheduled for May 13, 1982, but no one requested to testify. The public comment period was initially open until May 17, 1982 (47 FR 16604); was reopened on May 13, 1982 (47 FR 20631); was extended until August 25, 1982 (47 FR 30266, July 13, 1982); and was later extended until September 10, 1982 (47 FR 39201, September 7, 1982). During this comment period, OSM received comments from sources representing industry and associations, environmental groups, and Federal and State agencies. Comments received concerning each of the proposed rules in this rulemaking are addressed below.

II. Response to Comments and Rules Adopted

A. Subsidence Control Plan Requirement—Section 784.20

Authority for this section is found in Sections 102, 201(c), 501(b), 503(a), 505, 507(b) 508(a), 510(b), 515(b), and 516 of the Act.

Section 784.20 sets out minimum requirements for subsidence control plans in permit applications for underground mining activities. The subsidence control plan must be submitted as part of the permit application for the operation.

The introductory paragraph of previous § 784.20 provided for a survey by the operator to be used in determining whether a subsidence control plan would have to be submitted and for conditions under which the regulatory authority could waive the requirement and for a subsidence control plan. The proposed rule would have deleted this paragraph and included the requirements for a survey and a waiver of certain of the subsidence control plan requirements in proposed §§ 784.20(a)(1) and (c). Several commenters supported the attempt to eliminate the uncertainty of whether a subsidence control plan would be required and to require a plan for every underground mining operation. One State commenter recommended that the flexibility and requirements of the previous rule be retained. This commenter also suggested that the applicability of the survey to structures and renewable resource lands be retained as in the previous rule and not be revised to include surface features, such as topographic features.

Numerous commenters expressed confusion concerning the proposed change with respect to the survey requirements of proposed Paragraph (a)(1) and the waiver provisions of proposed Paragraph (c). One commenter was concerned that the survey requirement would be an expansion of the performance standards and that mining would be prohibited under any of the features mentioned in Paragraph (a)(1). This commenter also was concerned that the requirement could be used to prohibit room-and-pillar mining. The commenter suggested revising the language to clarify that the regulatory authority may not disapprove a subsidence control plan unless it fails to meet the performance standards. Another commenter suggested that the survey be eliminated because such a

requirement would be inappropriate for a general subsidence control plan. A commenter suggested that the language of the proposed rule be modified to clarify whether or not consideration of the public health and safety would apply to all the items listed. One commenter asserted that the information required in the general plan would not be sufficient to enable the regulatory authority to make the waiver of the detailed plan in proposed § 784.20(c).

After review of the comments on proposed Paragraphs (a)(1) and (c), OSM has concluded that the proposal did not accomplish the goal of eliminating the uncertainty and ambiguity of the previous rule. In fact, the comments indicate that the proposed rule may have been more confusing than the previous rule. For this reason, OSM has decided to accept the comments suggesting that the previous provision be retained and not to eliminate the introductory paragraph of previous § 784.20.

Thus, proposed Paragraphs (a)(1) and (c) have not been adopted in the final rule. The language of the introductory paragraph of previous § 784.20 has been retained and is repeated in the final rule solely for convenience in understanding the other requirements adopted in the final rule.

Several commenters raised legal objections to OSM's authority to regulate planned subsidence, stating that planned subsidence is exempted by the Act. Other commenters stated that planned subsidence must be allowed, but regulated, and that a subsidence control plan should be required for both planned and unplanned subsidence.

OSM recognizes that Section 516(b)(1) of the Act allows the use of planned subsidence, but does not believe that Congress intended operations that cause subsidence, which could result in material damage or diminution in the value or reasonably foreseeable use of the land surface, to be exempt from the Act's environmental protection performance requirements.

The National Coal Association (NCA) raised the issue of whether a subsidence control plan could be required for planned subsidence. In *In re: Permanent Surface Mining Regulation Litigation*, No. 79–1144, D.D.C. (memorandum opinion filed February 26, 1980), the U.S. District Court upheld the requirement. 14 Envir. Rep. Cas. at 1083. The court reasoned that an operator intending to use a method which completely removes the coal has to establish that the consequent subsidence will occur in a predictable and controlled manner. 14 Envir. Rep. Cas. at 1098. Thus, underground mine operators proposing to use a longwall mining method may not be exempted from the permitting requirements.

In the preamble discussion to the proposed rulemaking (47 FR 16606), OSM stated its interpretation of the exception in Section 516(b)(1) of the Act. Whereas Section 516(b)(1) requires an operator to adopt certain measures to prevent subsidence from occurring, subsidence from longwall mining or any other full-extraction method cannot be prevented. The exception recognizes this and does not require subsidence-prevention measures in such instances. It allows for full-extraction methods to be used which inevitably cause subsidence to occur. OSM's view of the statutory provisions is that the exception does not extend to an exemption from the separate responsibilities to submit a subsidence control plan, or to comply with the environmental protection performance standards. This is consistent with the legislative history of the Act which simply states that the exception "specifically allows for the uses of longwall and other mining techniques which completely remove the coal." H.R. Rep. 95–218, 95th Congress, 1st Session at 126 (1977). Because there is no indication in the legislative history of the exception being as broad as a complete exemption from the other performance standards and permitting requirements of the Act, and in light of the underground mining regulatory provisions upheld by the district court in the permanent program litigation, which is discussed later in this preamble, OSM sees no reason to expand the scope of its regulatory exception.

Consequently, the final rule regulates planned subsidence, as well as operations that plan to prevent or minimize subsidence. The subsidence control plan includes informational requirements as necessary to ensure compliance with the performance standards of § 817.121. This issue is further discussed below in relation to the application of performance standards to operations using planned subsidence.

Final § 784.20 requires a subsidence control plan consisting of seven major elements: (a) a description of the method of coal removal; (b) a map of underground workings describing the location and extent of areas in which planned subsidence is to be used and including those areas in which measures will be taken to prevent or minimize subsidence or subsidence-related damage; (c) a description of the physical conditions that affect the likelihood or extent of subsidence and subsidence-related damage; (d) a description of the subsidence control measures proposed to be taken to prevent or minimize subsidence or subsidence-related damage, except for those areas where planned subsidence will be used; (e) an estimation of the anticipated effects of planned subsidence, if any; (f) a description of measures to be taken to mitigate or remedy any subsidence-related material damage or diminution in value or reasonably foreseeable use of (1) the land or (2) structures or facilities to the extent required under State law; and (g) other information required by the regulatory authority as necessary to demonstrate that the operation will be conducted in accordance with the performance standards of § 817.121 for subsidence control.

The proposed rule would have separated the subsidence control plan into two parts: a general plan and a detailed plan. Several commenters questioned whether there would be sufficient information in the permit application to allow approval of the permit if the detailed subsidence control plan were not included, and whether the subsidence control plan could be approved until the regulatory authority had received public comment on, and approved, the detailed plan. One commenter contended that the requirement that both a general and detailed subsidence control plan be submitted and approved is unworkable. Another commenter was concerned that submittal of a separate detailed plan could result in mining delays if it was not approved in a timely manner by the regulatory authority. This commenter suggested that the review and approval period be clearly stated in the rule.

Upon review of the comments, OSM agrees that the proposed two-tiered concept could have been unnecessarily complex. For this reason, the final rule retains the format of the previous rule and requires a single subsidence control plan that must be approved as part of the permit application before underground workings may proceed into an area.

With the inclusion of the specific elements described above, sufficient information will be contained in the permit application to allow necessary review and permit approval. Any significant revision of the operation that would extend the underground workings into new areas not previously covered by the permit must be approved as part of a permit revision and thereby will be subject to all the public participation and procedural requirements for processing permit revisions.

One commenter complained that OSM's proposed rules were limited to onsite and surface impacts and did not address offsite or underground impacts.

OSM's final rules are not limited to onsite impacts. OSM recognizes that certain offsite areas could be affected by subsidence. The final permitting rules and performance standards apply to all lands that may be affected by subsidence. There is no limitation that these rules would only apply to lands within the permit area.

OSM continues to believe, however, that the subsidence control plan is properly directed only to the evaluation of the surface impacts of underground mines. Section 701(28) of the Act specifically defines underground mining activities regulated under the Act to include only the surface impacts incident to an underground coal mine.

Two commenters stated that insufficient information was required in the detailed plan to evaluate the hydrologic impacts. These comments are rejected. The commenters appear to have misunderstood the purpose of the subsidence control plan. Information required to evaluate hydrologic impacts is required under the rules covering hydrologic impacts. OSM is aware that underground mining and related fracturing of the geologic structure overlying a mine can result in disruption to ground-water resources and that these changes may have a surface impact. However, it is unnecessary to extend the subsidence control plan to include general hydrologic impacts. The performance standards of Section 516 of the Act and the permitting requirements of Sections 507 and 508 of the Act contain extensive requirements relating to protection of the hydrologic balance. These requirements are included in the hydrology rules. Among the permitting requirements is a requirement that the applicant provide an analysis of the probable hydrologic consequences of mining. This analysis must include potential hydrologic consequences from underground mine workings. The subsidence control plan requirements need not be unnecessarily complicated by including provisions that are duplicative of other requirements of the rules. As OSM has previously stated, these impacts are more appropriately considered in the context of the permitting requirements and performance standards for protection of the hydrologic balance (see 47 FR 16605, April 16, 1982).

One commenter also expressed concern about the potential impacts of underground mining on property rights in the West. OSM has not changed the rule in response to the comment. OSM does not have authority to require protection of water rights that may be impacted by underground mining. If an individual's water rights acquired under State law are affected by underground mining, the appropriate avenue for relief is through State water laws. Although OSM is concerned with protecting the hydrologic balance, OSM does not intend to regulate water rights through the subsidence control plan. Adoption of the revised rules in a State regulatory program will not alter the State's water-law regime.

One commenter suggested that Subchapter D of 30 CFR Part 211 be referenced in the preamble to ensure public awareness of the responsibilities of the Minerals Management Service. OSM accepts the comment. If underground mining is to be conducted on Federal lands containing federally leased coal, the operator must also comply with the rules in Part 211.

OSM received numerous comments with respect to the information that must be contained in the subsidence control plan. One commenter suggested that the informational requirements of the previous rule be retained. Several other commenters asserted that some of the general information and all of the detailed subsidence control plan information is totally unnecessary, particularly when the operator has the right to cause subsidence or is using a mining technique which will result in planned subsidence or no subsidence. Two commenters remarked that the rules should recognize that different types and levels of information are appropriate for the two kinds of areas: One where subsidence is planned and another where it is unplanned. One of the commenters recommended that only the general plan should be required where maximum mine stability is to be provided, whereas a detailed plan should be required for areas where planned subsidence is used. Other commenters suggested that different levels of information be required for both planned and unplanned subsidence and that the survey requirement be included in the detailed plan. Another commenter suggested that detailed information should be provided in the subsidence control plan both for areas of planned subsidence and for areas where subsidence is not planned, since both could have significant impacts.

All of the comments received on the proposed rule have been considered in the development of the subsidence control plan requirements of the final rule. As previously indicated, OSM is rejecting those comments that suggested that no subsidence control plan be required for areas where planned subsidence will be used. The subsidence control plan requirements will apply to all types of underground mining. Section 784.20(d) does, however, recognize that operations where planned subsidence is used do not necessarily use subsidence control measures designed to prevent or minimize subsidence. Rather, such mining operations are designed to allow subsidence as mining progresses. For this reason, the requirement to provide information on subsidence control measures does not apply to areas where planned subsidence is to be used.

One commenter contended that OSM's preamble discussion in the proposal provided no qualification for not requiring information at an equal level of detail for longwall and for room-and-pillar retreat-mining operations. The final rule does not distinguish between longwall and room-and-pillar mining. Rather, it makes a distinction between operations which will use planned subsidence, and those which will use measures to prevent or minimize subsidence. Both longwall and room-and-pillar mining have been given equal consideration during the rulemaking. If a room-and-pillar retreat-mining operation will result in planned subsidence, as in the longwall mining method, the information required will be that applicable to all operations using planned subsidence.

Section 784.20(a)

Paragraph (a) of the final rule requires a description of the method of coal removal, such as longwall mining, room-and-pillar removal, hydraulic mining, or other extraction methods, including the size, sequence, and timing for the development of underground workings. This section includes the requirements of proposed Paragraph (a)(2), with the addition of the size, sequence, and timing requirements. This latter information is needed to provide an overall areal and temporal perspective on the operation. No comments related to proposed § 784.20(a)(2) were received.

Section 784.20(b)

Paragraph (b) of the final rule requires the subsidence control plan to contain a map of the underground workings which describes the location and extent of areas in which planned-subsidence mining methods will be used, and which include all areas in which measures will be taken to prevent or minimize subsidence or subsidence-related damage. This paragraph combines the requirements of proposed Paragraphs (a)(3) and (b)(1) into one provision. It does not distinguish between a general and a detailed subsidence control plan.

Section 784.20(c)

Paragraph (c) of the final rule requires a description of the physical conditions, such as depth of cover, seam thickness, and lithology, which affect the likelihood or extent of subsidence and subsidence-related damage. This section includes the requirements of proposed Paragraph (b)(2), with minor editorial changes.

One commenter remarked that more information, such as calculation of the strength of the floor, roof, and coal seam, should be added to the description required by proposed Paragraph (b)(2). This comment is rejected. The state of the art in subsidence analysis is imprecise and will vary depending upon site-specific conditions and past mining experience under similar circumstances. For this reason, the final rule does not attempt to provide an extensive listing of detailed informational requirements to be included in the subsidence control plan. Rather, final § 784.20(c) requires information relating to the basic physical characteristics of the mine which affect the likelihood or extent of subsidence and subsidence-related damage. The final rule, however, recognizes that under certain conditions additional information may be necessary to enable the regulatory authority to assess the likelihood that the operation will be able to comply with the performance standards relating to subsidence. For this reason, a new Paragraph (g) has been added to the final rule to enable the regulatory authority to require the submission of additional information as necessary to ensure compliance with the performance standards of § 817.121 for subsidence control.

Section 784.20(d)

Paragraph (d) of the final rule requires, except for those areas where planned subsidence is projected to be used, a detailed description of the subsidence control measures that will be taken to prevent or minimize subsidence or subsidence-related damage, including but not limited to: (i) backstowing or backfilling of voids; (ii) leaving support pillars of coal; (iii) leaving areas in which no coal removal is planned; (iv) taking measures on the surface to prevent material damage or lessening of the value or reasonably foreseeable use of the surface; and (v) monitoring to determine the commencement and degree of subsidence so that other appropriate measures can be taken to prevent or reduce material damage. For areas where no coal removal is planned, the description must include a description of the overlying area to be protected by leaving the coal in place. Areas where the different subsidence control measures will be used must be shown on the map required under Paragraph (b) of the final rule. This section includes the requirements of proposed paragraph (b)(3) and contains many of the requirements of previous § 784.20(b).

One commenter suggested that the words "subsidence and" be deleted from proposed § 784.20(b)(3) for the reason that the concern should be only to prevent or minimize subsidence damage, not subsidence. This suggestion is rejected. The final rule recognizes two types of mining: Mining operations that propose to use planned subsidence, and those operations that propose to use mining techniques to prevent or minimize subsidence and subsidence-related damage. For those operations that plan to comply with the performance standards by preventing or minimizing subsidence, it is important for the regulatory authority to understand what measures will be used to accomplish that goal.

One commenter requested that proposed § 784.20(b)(3) be reworded, relocated, or eliminated. He contended that the detailed plan should be limited to planned subsidence and that to require information on mining techniques used to prevent or minimize subsidence in a detailed plan is not practical. OSM disagrees with the commenter. An important aspect of meeting the performance standards for subsidence control is to use measures consistent with known technology in order to prevent subsidence causing material damage to the extent technologically and economically feasible. In order for the regulatory authority to ensure compliance with this requirement, it must have knowledge of the measures the operator proposes to use to prevent or minimize subsidence and subsidence-related damage.

Another commenter remarked that the list of possible measures that might be taken to prevent or minimize subsidence-related damage which appeared in the previous rule as examples should not be eliminated. Examples of technologies that may be used generally are more appropriately addressed in documents such as handbooks rather than in rules. However, in this case some additional guidance to the operator and the States may be appropriate and OSM has decided to accept the commenter's suggestion. Final § 784.20(d) includes examples from previous § 784.20(b)(2) and (3) of measures that may be taken to control subsidence or subsidence-related damage.

Section 784.20(e)

Paragraph (e) of the final rule requires a description of the anticipated effects of planned subsidence, if any. This paragraph continues the requirement of previous § 784.20(b)(1). Proposed paragraph (b)(4), which would have required a projection of the vertical and areal extent of subsidence for both planned and unplanned subsidence, has not been adopted.

Several commenters objected to the provision requiring a prediction of the extent of subsidence where the operator is not using planned subsidence. One commenter disagreed with OSM's focus on "expected subsidence" in proposed § 784.20(b)(4) and (5). Some other commenters indicated that no distinction should be made between "expected" and "unexpected" subsidence. One commenter suggested that the portion of proposed § 784.20(b)(4) requiring a description of areas in which no subsidence is expected be deleted.

In response to these comments, OSM has decided not to adopt proposed § 784.20(b)(4). Rather, the final rule continues to apply the standard of the previous rule which requires a description of the anticipated effects of planned subsidence, if any. It does not require a prediction of expected subsidence or subsidence that may result from mining methods that do not use planned subsidence. OSM recognizes the speculative nature, based on existing techniques, of predicting subsidence in areas where planned subsidence is not used. For such situations the final rule does not require such a prediction, but rather returns to the concept of the previous rule, which emphasizes consideration of the measures proposed to be taken to prevent or minimize subsidence.

One commenter pointed out the difficulty in predicting subsidence and suggested that guidelines for subsidence prediction and control be developed and disseminated. Another commenter suggested that the requirement in proposed § 784.20(b)(4) for supporting analyses be amplified with references. Another commenter asserted that the proposed rule should be deleted because there are no sound predictive models for subsidence.

Literature on subsidence was discussed in the preamble to the previous rule and has not been repeated here. OSM has not yet developed a guidance manual for subsidence prediction, but it may conduct or

sponsor research on this subject in the future. OSM recognizes the limited availability in this country of predictive models for subsidence. However, the state of the art in subsidence prediction for areas of planned subsidence has reached the stage where it is reasonable to require the operator to provide an estimation of the anticipated effects of planned subsidence.

Another commenter suggested that the requirements be clarified to indicate that subsidence should be "determined by the application of prudent mine engineering principles." OSM believes that no rule change is necessary in response to this comment. It is implicit that all areas, whether they are areas of planned subsidence or areas where subsidence is not planned, should be evaluated by the application of prudent mine-engineering principles.

One commenter asserted that the information required in proposed § 784.20(b)(6) for room-and-pillar mining was excessive and burdensome and, therefore, suggested that this section be eliminated. Another commenter contended that the requirement in proposed § 784.20(b)(6) was improperly located within the detailed plan because if a mine operator is planning a room-and-pillar mine without some sort of near total-extraction retreat or secondary-recovery plan, planned subsidence will not occur.

The final rule does not require the information specified in proposed § 784.20(b)(6) to be submitted in a subsidence control plan. Basic information, such as whether an operator proposes to use support pillars as a subsidence control technique, must be specified in the plan, together with a description of the areas where such measures will be used. Additional information may be required by the regulatory authority. However, the detailed description of the size, configuration, and approximate location of pillars and entries, extraction ratios, and other information applicable to room-and-pillar mining may not be known at the time the permit application is submitted. Such information will not be completely developed until mining begins. Thus, the final rule requires an operator to submit sufficient information as part of the subsidence control plan to allow the regulatory authority and the public to assess whether a permit should be issued. As an additional measure of environmental protection, after a permit is issued and before an area is mined, an operator will have to submit more detailed information to confirm for the regulatory authority that the operator is following the subsidence control plan and is performing the detailed planning necessary to conform with the performance standards. Thus, the informational requirements of proposed § 784.20(b)(6) are set forth in new final § 817.121(g) rather than in these permitting rules.

Section 784.20(f)

Paragraph (f) of the final rules requires a description of the measures to be taken, in accordance with § 817.121(c), to mitigate or remedy any material damage or diminution in value or reasonably foreseeable use of the land surface due to subsidence. This paragraph includes the requirements of proposed paragraph (b)(5). One commenter recommended the deletion of the phrase "that may occur due to expected subsidence" in the proposed rule. This comment has been accepted, and the final rule deletes the language referring to "expected subsidence." Final § 784.20(f) tracks final § 817.121(c) and clarifies that the mitigative or remedial measures apply only to material damage to (1) the land or (2) structures or facilities to the extent required under State law.

One commenter suggested that the examples of mitigative measures that may be used and which are contained in previous § 784.20(c) should be retained. This comment has not been accepted. The mitigative measures that are required are in final § 817.121(c). Therefore, there is no need to repeat that information in § 784.20.

Another commenter recommended that the language of proposed § 784.20(b)(5) be replaced with "a statement by the operator that he will mitigate or remedy any material damage or diminution in value or foreseeable use that may occur due to unexpected subsidence" and contended that this will allow the operator to treat surface disturbance on a case-by-case basis.

OSM has rejected this comment and is requiring the operator to provide a description of the proposed measures in the subsidence control plan. However, the performance standards as adopted in final § 817.121 allow the operator ample opportunity to determine the method of treating the surface disturbance on a case-by-case basis. Revision of the language, as suggested, is therefore not necessary.

Section 784.20(g)

Paragraph (g) of the final rule requires other information, specified by the regulatory authority, as necessary to demonstrate that the operation will be conducted in accordance with the performance standards of § 817.121 for subsidence control. This section has been included to ensure that the regulatory authority has the flexibility to require the subsidence control plan to consider site-specific circumstances as necessary to ensure compliance with the applicable performance standards.

One commenter requested that the requirements of previous § 784.20(d), which required a description of measures to be taken to determine the degree of damage caused by subsidence, be retained. This commenter suggested that the requirement should be explicit in the rule so it can be readily understood by operators, regulatory authorities, local officials, and concerned public. This comment has not been accepted. It is not necessary to impose this additional requirement in the subsidence control plan. It may be to the operator's advantage to conduct presubsidence surveys or monitoring to avoid unnecessary liability or complications with the surface owners. However, the Act does not require the operator to conduct such surveys or monitoring. Further, to the extent that such measures are applicable to other aspects of the subsidence control plan, they can be included as an element of the plan (for example, under paragraph (d)(v) of the final rule).

One commenter suggested that a provision be added in proposed § 784.20(b) to ensure that confidential information so marked will not be made public. OSM recognizes that certain information submitted by the permit applicant may be held confidential. Confidential information is protected under Sections 507(b)(17) and 508(a)(12) of the Act which are implemented in other parts of the regulations. It is not necessary to add additional requirements to protect the confidentiality of information submitted with the subsidence control plan.

One commenter was concerned that the subsidence caused by auger mining was not addressed in the proposed subsidence control rule. This issue has been addressed in Part 819, the final rules for auger mining (48 FR 19314, April 28, 1983).

One commenter asserted that OSM still has not addressed the liability associated with an underground mine located above another which is mining under a structure where material damage occurs.

Material damage caused from multiple-seam underground mining by the same or by different operators at the same or different times is a case-specific and complicated matter. The information required under the subsidence control plan in the final rule gives the operator an opportunity to

describe the mining techniques that will be used and measures that will be taken to prevent or minimize subsidence and subsidence-related damage. This information, together with other required information, will enable the regulatory authority on a case-by-case basis to be made aware of other active or abandoned mines and evaluate the situation before the permit is issued. If subsidence causes material damage to a structure or facility, the operator, under final § 817.121(c), may be liable if liability is imposed under State law. Responsibility to restore the land itself depends upon the actual cause of the damage. OSM will not address the matter in more specific terms.

B. Subsidence Control Requirements—Sections 817.121 and 817.122

Section 817.121 provides performance standards for subsidence control. It implements Sections 516(b)(1) and 516(c) of the Act and also reflects the provision of Section 516(b)(10) for surface impacts not otherwise specified in Section 516(b) to apply the requirements of Section 515 with modifications to recognize the distinct differences between surface and underground mining. It is also based in part of Section 507(f) of the Act.

The provision for surface-owner protection in the proposed rule is changed in final § 817.121(c). The proposed paragraph contained little change from previous § 817.124. The underground mine operator would have been given several options to remedy all material damage caused by subsidence. The final rule establishes a distinction between damage to land and damage to structures or facilities. As discussed below, all subsidence-caused material damage to the land is required to be repaired. Operator responsibility for material damage caused to structures or facilities is tied to liability under State law. If the operator has no liability under State law, the material damage need not be repaired and compensation need not be paid.

Section 817.121(a)

Paragraph (a) implements Section 516(b)(1) of the Act. It requires the underground mine operator to adopt measures consistent with known technology to prevent subsidence causing material damage to the extent technologically and economically feasible, to maximize mine stability, and to maintain the value and reasonably foreseeable use of surface lands. As an alternative, the operator may adopt a mining technology which causes planned subsidence to occur in a predictable and controlled manner. The paragraph also provides that nothing in Part 817 is to prohibit the standard method of room-and-pillar mining. The rule is being made final as proposed.

One commenter believed that the phrase "consistent with known technology" should be removed because the phrase "to the extent technologically and economically feasible" adequately covers the technological aspects of what is possible in the area of subsidence control. This commenter also contended that OSM has added extra and superfluous requirements to the paragraph and therefore the rule has become less flexible. This commenter also questioned the term "value" as being extremely nebulous so that it could be construed to pertain to almost anything.

The paragraph was proposed to be revised to make clear that mining methods resulting in planned subsidence were not prohibited. 47 FR 16606, April 16, 1982. The previous rule, although tracking Section 516(b)(1) of the Act, did not contain the exception for mining methods using planned subsidence. With the addition of the provision recognizing the right to use mining methods resulting in planned subsidence, more flexibility is afforded the operator.

The phrase which the commenter suggests deleting is taken from Section 516(b)(1) of the Act. The commenter assumes that measures that are consistent with known technology are ones which are necessarily technologically feasible; in other words, the phrase adds nothing to the rule. The important point is that the regulatory authority cannot require the operator to adopt measures which are beyond the state-of-the-art in subsidence control. The regulatory authority cannot, in effect, require the operator to adopt experimental methods to prevent subsidence. The phrase does add a limitation, but it may be one which is overshadowed by the "technologically and economically feasible" limitation. Since the phrase is taken from the Act, it will not be deleted from the rule.

With respect to the comment that the term "value" is nebulous, the commenter does not suggest any alternative. Again, the term is found in Section 516(b)(1) of the Act. To define the term in the rules could unreasonably restrict the latitude of the regulatory authorities in carrying out their programs. Moreover, Section 101(c) of the Act describes the adverse effects which coal mining can cause, and Section 102(d) provides that the Act is to assure that the environment is protected. Thus, the surface effects of underground mining are regulated in order to assure the maintenance of the value of the land and its reasonably foreseeable uses. For these reasons, no change is made in the paragraph.

Section 817.121(b)

Paragraph (b) requires the underground mine operator to comply with the subsidence control plan approved by the regulatory authority under § 784.20. This provision continues the requirement of previous § 817.121(b). The paragraph recognizes that the subsidence control plan submitted as part of the permit application will contain the standard to which the operator must adhere.

One comment was received which asserted that the plan referred to in the proposed paragraph was ambiguous. The commenter indicated that, since both general and detailed subsidence control plans were proposed to be added to the rules, in § 784.20 (a) and (b) (47 FR 16606–16609), it was unclear to which subsidence plan reference was made. The final rule does not adopt the proposed two-tiered subsidence control plan. For this reason, the possible ambiguity to which the commenter referred has been eliminated and no change is deemed necessary. Although approval of the more detailed information submitted under § 817.121(g) is not required prior to an area being mined, that information will describe how the plan is being implemented.

Section 817.121(c)

Paragraph (c) establishes the operator's responsibility for material damage caused by subsidence. The statutory authority for its provisions are Sections 516 (b)(1) and (b)(10), 515 (b)(2) and (b)(3), and 507(f) of the Act.

A revision to § 817.121(c) has been made as a result of the comments received and in light of the February 1, 1983, order of the U.S. Court of Appeals for the District of Columbia Circuit in *In re: Permanent Surface Mining Regulation Litigation*, No. 80–1810. In remanding the case to the U.S. District Court, the Court of Appeals directed the Secretary of the Interior to consider the issues and arguments in that appeal as part of the administrative record on the proposed rules. The validity of the surface-owner protection provision, § 817.124 of the previous rules, was an issue in that case and must be considered as part of this rulemaking.

A basic liability distinction is recognized by the two paragraphs of final § 817.121(c): (1) Liability for subsidence-caused damage to land is provided for under the Act, and therefore the underground mine operator has a duty to restore all land which is

materially damaged; and (2) liability for damage to surface and subsurface structures and facilities under Section 507(f) of the Act is tied to liability under State law. Within these differences, the options open to the operator under the previous and proposed rules have been restructured for clarity, but generally are encompassed under the final rule. Material damage to land must be remedied and the affected land restored. However, material damage to structures and facilities need be remedied or money damages paid only if the operator is liable under State law. The applicable remedies will continue to include rehabilitation, restoration, or replacement of damaged structures or facilities. Compensation may continue to be accomplished by the purchase, prior to mining, of a noncancellable premium-prepaid insurance policy.

The previous subsidence control rules did not provide for a situation where the operator has purchased a structure overlying the underground workings, where the operator has purchased the right to cause subsidence under a structure, or, as in the State of Pennsylvania, where State legislation has established subsidence responsibilities for different classes of structures. The previous rules did not allow the operator the alternative of not repairing damaged structures where he or she had no legal liability under State law. To more closely follow the provisions of Sections 507(f), 515, and 516 of the Act, the rule is changed to accommodate situations in which under State law the operator is not liable for subsidence damage to structures. However, the duty to restore land materially damaged by subsidence will apply irrespective of the operator's liability under State law for damage to structures and facilities.

A number of comments addressed general features of proposed § 817.124(c). One commenter concurred with the statement in the preamble of the proposed rule (47 FR 16606–16607) that the operator is required to remedy subsidence-caused material damage regardless of whether a subsidence control plan has been submitted and approved. Although § 817.121(b) requires the underground mine operator to comply with the subsidence control plan, paragraph (c) establishes responsibilities independent of the submission and approval of a plan. No change in the rule is necessary as a result of the comment.

Another commenter expressed the concern that the proposed paragraph did not require the correction of material damage caused to subsurface features, such as a subsurface drainage or irrigation system. The commenter also advocated a change in the requirement that remedial work be undertaken promptly. The commenter's contention was that subsidence may occur over an extended period of time. Taking remedial action as soon as subsidence starts may prove futile if it continues over a prolonged period.

OSM does not agree with the first part of the comment. As previously indicated, Section 701(28) of the Act only applies to surface impacts incident to underground mines. Manmade features such as irrigation or drainage systems, either surface or subsurface, however, will be subject to the provisions of § 817.121(c)(2) since they necessarily relate directly to a surface activity.

OSM has accepted the second part of the comment and removed the provision that required prompt action by the operator. If prompt or immediate remedial action is called for, such as jacking up a building or providing additional temporary support for the walls or foundation of a structure, the regulatory authority can require the operator to take the necessary temporary measures until it is determined that the full extent of damage has occurred. When that determination is made, the operator can then either undertake permanent restoration work on the structures or facilities or pay money damages to the owner for the diminution in value. No additional language is considered necessary to provide for the regulatory authority's discretion to require that permanent remedial measures be deferred until the full extent of the subsidence has occurred.

Several commenters contended that OSM does not have the authority to require operators to compensate surface owners for surface damage and that compensation for surface owners should be governed by State law or, according to one commenter, be left to common law.

Some commenters stated that under proposed § 817.121(c) the operator's liability was unknown and open-ended. One commenter indicated that this rule would constitute an unlawful taking of property. According to several other commenters, it would also impair contracts between operators and surface owners.

One commenter suggested that the language of this rule be revised to require the operator to restore the land surface to the extent technologically and economically feasible and leave the correction of surface-structure damage to applicable State laws. One commenter from Pennsylvania suggested that it may even be appropriate to grant Pennsylvania a "State window" on subsidence rules, under 30 CFR 731.13.

The duty to restore the land arises from sections 515(b)(2), 516(b)(1), and 516(b)(10) of the Act. Under Section 516(b)(10), the performance standards of Section 515 are made applicable with respect to surface impacts not specified in Section 516(b). Section 516(b)(1) deals with the prevention of subsidence causing material damage, not remedial measures. The provision does not address the issue of the operator's liability once subsidence has caused material damage. Therefore, provisions of Section 515 are made applicable to the extent they pertain to remedial measures. Section 515(b)(2) of the Act requires an operator to restore affected *land* to a condition capable of supporting its premining uses, or higher or better uses. Although the proviso to Section 516(b)(10) of the Act directs the Secretary to make such modifications as are necessary to accommodate the distinct differences between surface and underground mining, there are no such differences which would necessitate not applying the restoration standards to lands materially damaged by subsidence. The district court in *In re: Permanent Surface Mining Regulation Litigation*, memorandum opinion filed February 26, 1980, 14 Envir. Rep. Cas. 1083, upheld the surface-owner protection provision and its restoration provision in previous § 817.124, on the grounds that it was supported by Section 515(b)(2) of the Act. Section 515(b)(2) only establishes a duty to restore the land which OSM views as extending only to the land in its unimproved or natural state. Thus, where both land and structures are materially damaged and where it would be easier for the operator to pay money damages to the surface owner, if there is liability under State law, rather than undertake any repair to the structure, the operator is nevertheless responsible for restoring the land. To the extent that restoration of the land causes further damage to structures and facilities, operator liability for that further damage will be determined under Section 507(f) of the Act in accordance with State law.

The authority of OSM to require an operator to compensate an owner for material damage to structures or facilities resulting from subsidence or to repair of such material damage derives from Section 507(f) of the Act. This authority was upheld by the district court in *In re: Permanent Surface Mining Regulation Litigation, supra*, and

was one of the issues on appeal that must now be considered. Section 507(f) of the Act requires liability insurance for personal injury and property damage in an amount adequate to compensate any persons damaged as a result of surface coal mining and reclamation operations who are entitled to compensation under the applicable provisions of State law. Although the previous rule did not limit the compensation requirement to situations where liability exists under State law, a more precise reading of the Act requires the imposition of such a constraint in this final rule. This rule continues the previous provision requiring operator responsibility for material damage to structures or facilities to the extent an owner is entitled to compensation under State law.

This change in § 817.121(c) lessens the concern that the contract in which the operator may have obtained the right to subside the surface under a structure will be impaired. One commenter pointed out the possible constitutional infirmity of State laws, which are a necessary consequence of a State obtaining primary regulatory responsibility, impairing the contract entered into between the purchaser or owner of the coal and the surface owner in which the surface owner may have waived the right to subjacent support. This issue will be avoided to the extent a waiver of surface support is recognized under State law because it will be given effect with respect to structures and facilities under § 817.121(c)(2). To the extent that such a waiver includes damage to the land, it will not be recognized. Section 817.121(c)(1) requires restoration of the land surface in all instances of material damage. No unconstitutional impairment of a contract is worked by the requirement for restoration of the land. The constitutionality of the Act has been unheld, although the issue raised in this comment was not involved. *Hodel v. Va. Surface Mining and Reclam. Ass'n,* 452 U.S. 264 (1981) and *Hodel v. Indiana,* 452 U.S. 314 (1981). Because the Act is a valid exercise of the power to regulate interstate commerce, the contention is incorrect that a contractual right not to restore materially damaged land would be impermissibly impaired.

One commenter, representing the bituminous coal mining industry in Pennsylvania, argued that the legislative scheme established in that State, the Bituminous Mine Subsidence and Land Conservation Act of 1966 (Purdens), 52 Pa. Stat. Ann., Section 1406 *et seq.,* which establishes classes of protected structures, Section 4, should be given deference. The change in this paragraph allows the Pennsylvania legislature's choice to protect certain classes of structures to stand. Thus, in Pennsylvania an occupied dwelling which is materially damaged either will have to be repaired by the operator or the owner will have to be compensated for the diminution in value, as the Bituminous Mine Subsidence Act now provides, if the dwelling was in existence when that act was passed into law in 1966. However, in other States which have not enacted special subsidence legislation, the uncodified State law will determine whether the operator is liable to a surface owner. Generally, the surface owner is entitled to a right of subjacent support. Thus, any damage to the surface owner's property would give rise to a claim against the mine operator. Liability of the operator where the owner of the surface facility may have conveyed the right to support or may have waived it will also be left to determination under State law.

One State requested that the rule be republished as a proposed rule if it is to be modified. While the final rule does represent a modification of the proposal, all changes are within the scope of the proposal. They have been made as the result of comments, in light of the remand order of the Court of Appeals and on the basis of OSM's reading of the Act. Therefore, the requested further comment period is rejected.

Section 817.121(d)

Section 817.121(d) establishes a class of structures and features to which greater protection is owed because of their public character or important nature. For these features, it is particularly important that damage be prevented before it occurs and not that damage can be corrected afterwards. Specifically, § 817.121(d) provides for the protection of public buildings and facilities; churches, schools, and hospitals; and impoundments with a storage capacity of 20 acre-feet or more or bodies of water with a volume of 20 acre-feet or more. It requires the underground mine operator to demonstrate to the regulatory authority that mining activities underneath or adjacent to such areas will not cause material damage or reduce the reasonably foreseeable use of those features or facilities. If the operator cannot so demonstrate, underground mining is prohibited in those areas. It also provides discretion to the regulatory authority to protect such features or facilities and any aquifer or body of water that serves as a significant water source for any public water supply system from material damage by limiting the percentage of coal extracted under or adjacent thereto.

Paragraph (d) is founded on the authority in Sections 516(b)(1), (b)(7), (b)(8), (b)(9), and (c) of the Act among others. Section 516(b)(1) requires the adoption of measures to prevent subsidence and Section 516(c) recognizes a separate class of structures and areas for which greater protection is necessary. The district court in *In re: Permanent Surface Mining Regulation Litigation, supra,* upheld previous § 817.126, which is similar to final § 817.121(d). 14 Envir. Rep. Cas. at 1109. In that case, industry's opposition to the provision was that there was no statutory authority for the prohibition feature of the section. However, the court upheld the rule, citing Section 516(b)(1) as general authority and Section 516(b)(9) as authority for the inclusion of streams, bodies of water, and aquifers. The validity of previous § 817.126 was appealed and must be considered in this rulemaking in accordance with the previously referenced remand order of the U.S. Court of Appeals.

It is OSM's view that final § 817.121(d) has a statutory basis for the reasons cited in OSM's brief to the U.S. Court of Appeals in the earlier case. However, on the basis of the comments on the proposed rule, several changes are made in the final rule. Section 817.121(d)(1), which provides protection for public buildings and facilities, tracks previous § 817.126(c). Paragraph (d)(2) as proposed would have provided special protection for private facilities generally used by the public, such as churches, schools, and hospitals. To reduce uncertainty in application of this requirement which could have been interpreted more broadly than was intended, the final rule simply provides special protection for *all* churches, schools, and hospitals. This portion of the rule is broader than its predecessor, § 817.126(c), which applied only to public buildings.

Section 817.121(d) (3) and (4), as proposed, would have required a showing of no material damage for bodies of water, including streams, impoundments, and aquifers. This is changed in the final rule to require a showing of no material damage only for mining under or adjacent to impoundments with a storage capacity of 20 acre-feet or more or bodies of water with a volume of 20 acre-feet or more. The second sentence of the proposed paragraph, which would have authorized the regulatory authority to prohibit or limit the amount of coal

extracted from under the facilities listed in the first sentence, is changed in the final rule to extend the authorization to limit coal extraction to aquifers or bodies of water that serve as a significant source for any public water supply system. Thus, the protection afforded aquifers and bodies of water, except for the specified impoundments or bodies of water, is now found in the second sentence of the paragraph. The explicit authority to prohibit mining has been removed because authority to limit the extent of coal extraction provides the necessary protection. The showing required for mining under perennial streams in proposed paragraph (d)(3) is removed in the final rule. The special protection afforded perennial streams is now limited to the power of the regulatory authority to suspend operations under paragraph (f) where an imminent danger is presented. This additional protection for streams is also unnecessary in light of the other rules implementing hydrologic-balance protection under Sections 510(b)(3) and 516(b)(9) of the Act.

Some commenters contended that proposed paragraph (d) cannot be founded on Sections 516(b)(1) and 516(c) of the Act and is in conflict with the Act. Several commenters asserted that OSM lacks authority to create areas where mining is prohibited for the purpose of subsidence control. Also, a number of commenters objected to OSM's attempt to create areas where mining may be prohibited for the purpose of subsidence control and contended that the proposed paragraph was unreasonable, impossible, and unworkable. One commenter stated that the prohibition of mining in certain areas infringes upon the right of private ownership of property and suggested that this paragraph be deleted.

OSM disagrees. Section 817.121(d) does have a statutory basis, as noted above. The rule does not prohibit mining, it merely requires an advance showing or other measures to ensure that the potential for subsidence will be minimized and that material damage will not occur.

Section 817.121(e)

Proposed paragraph (e) would have required the operator to remedy any subsidence-caused material damage and authorized the regulatory authority to suspend operations in order to modify the subsidence control plan when damage occurs. It is based on the statutory authority of Sections 516 (b) and (c).

The paragraph is modified in the final rule on the basis of the comments received and the intent not to repeat the requirements of § 817.121(c). Rather than directing that remedial measures be undertaken once damage has occurred and specifically stating that steps be taken to prevent further damage, the final rule authorizes the regulatory authority to suspend mining under or adjacent to the features and facilities protected under paragraph (d) until the subsidence control plan is modified to prevent further material damage. Because the operator has to comply with his or her subsidence control plan, by implication the necessary steps will be taken.

One commenter suggested that "in the area of mining" be added immediately after "If such damage occurs, the regulatory authority may suspend further mining." The suggestion was made to clarify that the suspension of mining is only for the specific area where subsidence is causing material damage.

On the basis of this comment, the phrase "under or adjacent to such features or facilities" is added to the sentence after the provision for the suspension of operations. Thus, the regulatory authority may not suspend mining operations unless they are under or adjacent to the featues and facilities listed in paragraph (d).

Another commenter contended that proposed § 817.121(e) was beyond the statutory authority and is impractical. The paragraph is modified to remove the directive to undertake remedial measures once material damage affects the features and facilities listed in paragraph (d). The operator's responsibility for remedial measures is found in paragraph (c) and need not be repeated. The final rule is now tied to modification of the plan. It imposes the realistic obligation of plan modification. There is a need to modify the plan because it was based on a determination that mining under or adjacent to the specially protected features and facilities would not cause material damage.

Several commenters stated that the provisions of this paragraph present several legal and practical problems because the operator could be subject to summary suspension of mining until his or her subsidence control plan is modified.

A suspension of mining is justified by the need to prevent further material damage to important surface features. The approval of a permit, including the subsidence control plan, is premised upon a finding that no material damage will occur to the specified features or facilities. If such damage has occurred, then that finding is no longer correct. Modification of the subsidence control plan is thus necessary for the permit to remain valid. In these situations, the practical problems of the operator are outweighed by the need to protect the particular facilities.

Section 817.121(f)

Paragraph (f) requires the regulatory authority to suspend operations when an imminent danger is presented to inhabitants of urbanized areas, cities, towns, and communities and areas adjacent to industrial or commercial buildings, major impoundments, or perennial streams. It directly implements Section 516(c) of the Act.

No comments on the paragraph were received. It is promulgated as proposed.

Section 817.121(g)

Proposed § 817.121(g) would have required the operator to submit a detailed subsidence control plan to provide the regulatory authority with information to evaluate the operator's estimate of the extent of expected subsidence and to determine whether the operator's plan is in compliance with the performance standards. As indicated above, OSM received numerous comments objecting to the detailed subsidence control plan.

The final rule deletes the requirement for a detailed subsidence control plan. Rather, it incorporates many of the aspects of the detailed plan in the requirement for a single subsidence control plan to be submitted with the permit application. As discussed earlier in this preamble, other aspects of the detailed subsidence control plan applicable to the evaluation of compliance with the performance standards have been included in the performance standard requirements of final § 817.121(g). Under this section, an operator is required to demonstrate compliance with the performance standards by submission of a detailed plan of the underground workings under a schedule approved by the regulatory authority. The detailed plan must include maps and descriptions, as appropriate, of significant features of the underground mine, including the size, configuration, and approximate location of pillars and entries, extraction ratios, measures taken to prevent or minimize subsidence and related damage, areas of full extraction, and other information required by the regulatory authority.

The final rule reflects a recognition of the difficulty in inspecting underground workings from the surface. It is important that the regulatory authority be provided information on the underground activities by the operator so that compliance with the

performance standards can be evaluated and documentation provided of compliance with the technology-based requirements of the subsidence control plan. This revised requirement also recognizes that the plan for underground mining necessarily progresses on the basis of the best information existing at any point as the mining proceeds. Information gathered underground on roof- and floor-rock conditions, safety hazards, and other features of the underground mine necessarily require a high degree of flexibility in development of the detailed plan for mining underground. Typically, this plan is revised on a near-daily basis as mining proceeds. The final rule recognizes this situation.

On the other hand, the subsidence control plan, submitted with the permit application, provides information on the underground areas where specific types of control technologies will be used, but does not require extensive information on the details of the underground workings. Submittal of such information can properly be delayed until the details of the mining operation are known more precisely. Thus, the final rule requires the submission of such information as a performance standard requirement while still providing the regulatory authority with the information necessary to evaluate a permit application, to monitor the impacts of mining on the surface, and to ensure compliance with the other performance standards.

The final rule also clearly provides that, upon request of the operator, information provided with the detailed plan may be held as confidential in accordance with the requirements of 30 CFR 773.13(d). The reference to § 773.13(d) is based on the expected revision to that section published in Volume III of OSM's "Final Environmental Impact Statement OSM–EIS–1: Supplement." If that provision is not revised, a conforming technical amendment to this rule will be issued.

Section 817.122

Final § 817.122 provides for notice to persons who may be affected by subsidence. The statutory authority for the provision is found in Sections 513 and 516 of the Act. The proposed rule would have required notification to surface owners and occupants above the "area of expected subsidence" at least 6 months prior to mining. Due to comments received, the final rule is changed. A provision is added allowing for regulatory authority approval of less than 6 months advance notice. The term "area of expected subsidence" is not adopted. The final rule continues to apply the requirement of the previous rule that owners and occupants above "underground workings" be provided notice.

Some commenters argued that there is no need to inform surface owners of the possibility that subsidence will occur in situations where the operator will be adopting measures to prevent subsidence. OSM has not accepted this recommended change. The notice informs owners and occupants that subsidence "could" occur, not that it will occur.

Many commenters opposed the use of the term "area of expected subsidence" because the technology used to predict subsidence is not suficiently developed for reasonable reliance. One commenter questioned if the phrase "area of expected subsidence" is used, then what would be the requirement for public notice for the area of unexpected subsidence. One commenter expressed concern about the term "expected subsidence" for fear that it would be subject to different interpretation and suggested that the term "planned subsidence" be used instead. This commenter also contended that this section should not apply to mine operators who plan to use methods approved by the regulatory authority to support the surface.

The phrase "area of expected subsidence" is not being adopted in this final rule and also is not being adopted in the final definition of "affected area" as was proposed. The notice requirement adopted will enable the operator to determine with certainty those persons who must receive notice, yet will be broad enough to inform potentially affected persons. The notice is to enable surface owners to take steps to protect their property.

Some commenters questioned OSM's authority on this section, and many commenters contended that public notice is unnecessary, burdensome and, in some circumstances, impossible. Some of these commenters advocated that the permit approval process would provide the public with sufficient information and notice. Also, they asserted that the operator's common-law duty to obtain subsidence rights or not to cause subsidence will assume that all surface owners are either notified or protected.

The notice requirement has been retained as a performance standard in the rules. Notice is considered appropriate because of the material damage that subsidence can cause. As mentioned above, the permit approval process is recognized as affording a degree of notice, but because of the seriousness of the damage that subsidence can cause, a direct notice is considered necessary to actually inform surface owners.

One commenter believed that all occupants above the underground workings should be notified. Another commenter indicated that this section would not apply to his State (Montana) because the mining activity would not be permitted until all owners of property over the area to be mined have signed over control of the property to the operator.

Previous § 817.122 required notice to all persons residing on or owning property above the underground workings and adjacent areas. The final rule limits the notice requirement to the area above the underground workings. The term "adjacent areas" is not included because surface owners in potentially affected areas will be aware of mining when surface protection measures are taken in the vicinity.

One commenter suggested that the public notice should be a two-tiered approach, with notice to all the owners above the underground workings and related offsite areas. The first notice would include general information; and the second notice, which would be sent 6 months prior to mining, would include the information in the first notice and other more detailed information. This commenter also suggested that the reference to the subsidence control plan should include both the general and detailed plans. This commenter further expressed the concern that the public notice system does not take into account that an operator may change the mining and/or subsidence control plan well after the notice has been sent.

The rules already provide sufficient notice to surface owners and occupants. The operator must notify the public of the filing of a permit application by placing advertisements in local newspapers. Persons who may be affected by the operation have the opportunity to review the subsidence control plan and to object at that time. The public notice provided for in § 817.122 is a direct one to individuals and is required to be given in advance of mining. The provision for general and detailed subsidence control plans in the proposed rule has not been adopted. Any significant revision of the subsidence control plan would constitute a permit revision and thus would be subject to public notice and opportunity to comment.

C. Concurrent surface and underground mining

Section 515(b)(12) of the Act sets the minimum interval between surface and underground mines at 500 feet unless a lesser interval is approved jointly by the agencies responsible for surface mining regulation and the health and safety of underground miners. Section 515(b)(16) of the Act provides for variance procedures to delay contemporaneous reclamation when surface and underground operations are to be conducted concurrently or sequentially. In 30 CFR Chapter VII, rules implementing these statutory provisions occur in companion sections in the permitting requirements under Part 785 and in the performance standards under Parts 816 and 817. Previously, special performance standards were included under Part 818, which is removed by this final rule.

Section 785.18

The final rule maintains most of the provisions and language that were contained in the proposed rule, except that the words "or persons" are added after the words "any person" in final § 785.18(a). This avoids the implication that combined surface and underground mining activities are necessarily conducted by the same company. Final § 785.18 contains permitting provisions for variances for delay in contemporaneous reclamation in combined surface and underground mining activities. Proposed § 785.18 was amended from the previous rule by revising paragraph (a), removing paragraph (b), redesignating paragraphs (c), (d), and (e) as paragraphs (b), (c), and (d), respectively, and revising the redesignated paragraphs (b)(4), (b)(7), (c)(6), (c)(7), and (c)(9) (ii) and (iii). All of those changes have been adopted in final § 785.18.

One commenter remarked that proposed § 785.18 implied that a variance for delay in contemporaneous reclamation for combined surface and underground activities can only be granted at the time of initial application for the surface permit. This commenter suggested that the rule should allow for a variance to be granted at any point in the mining where the operator may reach a decision to combine surface and underground mining to optimize the recovery of the coal resource to the extent that the request is timely and does not unnecessarily delay reclamation prior to approval of the underground operation.

If the operator reaches a decision after the initial application for the permit is filed to utilize a combination of surface and underground mining activities, the operator can file an application for a variance in conjunction with the application for permit revision or a separate permit for underground mining activities. A permit revision or new application can be filed at any time. Consequently, no change in the proposed rule need be made as the result of this comment.

Another commenter suggested that in proposed § 785.18(a), "(persons)" be added after the word "person" to avoid the assumption that combined surface and underground mining are to be used by the same company. OSM agrees, and the suggestion has been accepted and is incorporated in final § 785.18(a).

Section 816.79

As authorized by Section 515(b)(12) of the Act, final § 816.79 requires a 500-foot separation in all directions between surface mining activities and underground mine workings. Variances from this distance require special approval. One change from the proposed rule has been made to final § 816.79(b), as described below.

One commenter remarked that proposed § 816.79 caused considerable confusion as to its meaning, because it has been the commenter's experience that the Mine Safety and Health Administration (MSHA) does not care to approve surface coal mining operations when only an abandoned underground mine is involved.

A second commenter requested clarification of the requirement in proposed § 816.106(e) for approval of auger holes in accordance with § 816.79. Having experienced difficulty in attempting to get MSHA approval for augering near an abandoned underground mine, the commenter asserted that MSHA wanted to be involved in the approval process only where augering near an active underground mine could affect the miners' safety. To eliminate the confusion existing in many States, this commenter recommended that § 816.79 be revised to provide for two distinct approval methods, one for active mines including MSHA approval and another for abandoned mines eliminating the need for MSHA approval.

Another commenter also asserted that it is extremely difficult to obtain the assistance of mine safety agency personnel in arriving at joint approval of plans for surface mining near underground workings. The reasons indicated by this commenter are that mine safety agencies (1) have limited resources for such "off-budget" activities as those joint approvals, (2) are under no legal mandate to perform the joint investigations and approvals, and (3) are reluctant to take the extra responsibility that could accrue in the event an incident could lead to court action against the agency. This commenter therefore concluded that proposed § 816.79 imposes an unnecessary hardship upon the operator, who has no control over the actions of the mine safety agency or agencies.

OSM recognizes that operators may have problems when dealing with joint approval by more than one agency on certain operations. Joint approval for combined surface and underground operations, however, is specifically required by Section 515(b)(12) of the Act. OSM has, however, reconsidered the requirements of Section 515(b)(12) and has decided to revise the final rule in response to the comments. Section 515(b)(12)(A) requires joint approval only for "specific underground activities" by the regulatory authority and the agency concerned with the "health and safety of underground miners." For abandoned underground mines, there are no "specific underground activities." Therefore, OSM is accepting the recommendation to require joint approval only when surface mining within 500 feet of "active" underground mines. Approval of the regulatory authority will still be required under this section for both active and abandoned underground mines to show that the proposed activities will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public. In addition, if an abandoned underground mine becomes active, joint approval will then be required.

One commenter remarked that proposed § 816.79(a) appears to be consistent with the law and difficult to criticize. This commenter, however, indicated that the proposed rule may be redundant with MSHA's regulation at 30 CFR 77.1000 which requires the operator to establish and follow a ground-control plan which must be approved by MSHA prior to any mining activities. This commenter consequently concluded that proposed § 816.79(a) could be eliminated with no effect upon existing rules or the health and safety of coal miners and that the requirement of the Act would still be met.

This suggestion was not accepted. Section 515(b)(12) of the Act specifically requires a joint decision on the close proximity of surface and active underground mining operations.

One commenter asserted that proposed § 816.79 does not recognize the fact the District Mining Supervisors of the Minerals Management Service also

exercises approval authority for any sequence of mining operations conducted on Federal lands.

Compliance with other Federal, State, and local regulations for mining activities is assumed to be understood by mine operators. Proposed and final § 785.18(c)(3) also address this point.

Two commenters opposed the total elimination of previous Part 818. They contended that its elimination would remove a number of important standards not found elsewhere in the rules, including (1) several important criteria for determining when and where a variance can be granted, (2) the requirement for a 500-foot coal barrier between surface and underground mining in a single seam, and (3) the requirement for sufficient vertical distance between surface and underground mines. One of the commenters further asserted that the protection provided the public health and safety has not been as adequately addressed in proposed § 816.79 as it was in previous Part 818.

In response to the above comments, OSM notes that (1) an application for variances for delay in contemporaneous reclamation must identify specific surface areas for which a variance is sought, as required in proposed and final § 785.18(b)(3); and (2) a permit incorporating a variance may not be issued unless the regulatory authority finds that the permit contains a detailed schedule for compliance with applicable provisions, as indicated in proposed and final § 785.18(c)(9)(iii). Consequently, OSM has, in fact, addressed the criteria for determining where and when a variance can be granted. As to the comments on the elimination of the requirement on the 500-foot coal barrier between surface and underground mines in a single seam and the requirement of sufficient vertical distance, OSM believes that the language of "no closer than 500 feet to any point" as specified in proposed and final § 816.79 adequately addresses these criteria. In the preamble to previous § 816.79, OSM specified that the measurement must be a 500-foot spherical radius; that is, 500 feet in separation in all directions between surface and underground operations. 44 FR 15208–15209, March 13, 1979. OSM still maintains this interpretation of Section 515(b)(12) of the Act. Finally, it is OSM's belief that the health and safety of the public has been adequately covered in proposed and final § 816.79 and that the health and safety of mine workers has been adequately addressed in MSHA's rules, such as 30 CFR 77.1000. On the basis of the above discussion, it is concluded that the elimination of previous Part 818 is justified.

Sections 816.100 and 817.100

Final §§ 816.100 and 817.100 implement the requirements of the Act, Section 515(b)(16), that all reclamation efforts must proceed in an environmentally sound manner and as contemporaneously as practicable with the mining operations. The proposed and final rules also make it clear that variances from the contemporaneous reclamation requirements are permissible under Section 515(b(16) of the Act and § 785.18 of the rules. In final §§ 816.100 and 817.100, OSM has added a sentence to allow the regulatory authority to establish timing and distance schedules that define contemporaneous reclamation. This is done in response to comments on proposed § 816.101 which address backfilling and grading requirements.

The proposed backfilling and grading rules removed the timing and distance requirements in previous § 816.101(a) for rough backfilling and grading of contour, open pit, and area surface mining operations. The change was proposed since a detailed timetable for each step in the reclamation plan is required by 30 CFR 780.18(b)(1), and the specific design criteria would more properly be included in a technical handbook (47 FR 26762, June 21, 1982).

Most State regulatory authorities supported the deletion of the timing and distance requirements for backfilling and grading since it grants additional flexibility to them. However, they requested authorization to specify these requirements for their State programs. They believed some criteria are necessary to eliminate constant disputes between the regulatory authority and the operator on what constitutes contemporaneous reclamation. Another State wanted flexibility to set requirements which are needed to maintain contemporaneous and quality reclamation. One State believed that national guidance is appropriate with respect to time periods and suggested setting the times based on mining method and technology. The suggested time periods for backfilling and grading various types of mining operations would fall within the scope of contemporaneous reclamation. They also indicated that any standard should have an "escape" clause. The escape clause would allow the regulatory authority to approve different time periods if the mine conditions or other site-specific conditions made it impossible to meet the established standards.

One commenter believed that the rationale given in the preamble to the proposed rules for deleting the time and distance requirements was insufficient. He felt that the timetable in the previous rule was well explained and should not be changed, because one of the chief purposes of the Act is to establish minimum national standards that all operators have to meet. The commenter also stated that specific requirements are necessary as enforcement measures, because under the proposed rules the inspector would be unable to detect violations without review of the permit and that parameters must be established within which compliance can be measures.

Under these final rules, the standards established by the regulatory authority should be as effective as those in the previous rules, which allowed the regulatory authority to grant additional time for backfilling and grading when a need was demonstrated by the operator. Now the regulatory authority can establish a time table, one which is more in keeping with conditions within the State, and can probably reduce the number of waiver requests received from operators.

OSM believes that different State time frames for backfilling will not affect interstate competition, as stated by one commenter. The cost to backfill an area would likely be the same whether it is accomplished early or late in the mining process.

III. Procedural Matters

Executive Order 12291 and the Regulatory Flexibility Act

Executive Order 12291

The Department of the Interior (DOI) has examined these rules according to the criteria of Executive Order 12291 (February 17, 1981). OSM has determined that these are not major rules and do not require a regulatory impact analysis because they will impose only minor costs on the coal industry and coal consumers.

Regulatory Flexibility Act

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C 601 *et seq.*, that these rules will not have a significant economic impact on a substantial number of small entities. These final rules will allow small coal operators increased flexibility in meeting performance standards and should especially ease the regulatory burden on small coal operators in Appalachia.

National Environmental Policy Act

OSM has analyzed the impact of these final rules in its "Final Environmental Impact Statement OSM–EIS–1: Supplement" (FEIS) according to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(2)(C)). The FEIS is available at OSM's Administrative Record in Room 5315, 1100 L Street, NW., Washington, D.C. or by mail request to Mark Boster, Chief, Branch of Environmental Analysis, Room 134, Interior South Building, U.S. Department of the Interior, Washington, D.C. 20240. This preamble serves as the record of decision under NEPA. These final rules differ from the draft final rules published in Volume III of the FEIS in the following respects:

(1) Section 784.20 has a number of clarifications and editorial changes, including the removal of a sentence in § 784.20(d)(5) of the draft final rules requiring inclusion in the map of underground workings of the areas where subsidence control measures will be taken. This requirement has been included in final § 784.24(b). Another such change is a slight rewording of §784.20(c). These changes do not affect the FEIS analysis.

(2) Final § 784.20(f) differs from the corresponding provision described in Volume III of the FEIS in recognizing the distinction in operator responsibility established in § 817.121(c) between subsidence-related material damage to land and such damage caused to structures or facilities. The effect of this change would fall within the discussion of § 817.121(c) in the FEIS.

(3) Final § 817.121(c)(2) differs from the corresponding provision in Volume III of the FEIS by stating specifically that repair of damage includes rehabilitation, restoration, and replacement and that compensation may be accomplished by the purchase of a prepaid noncancellable insurance policy. These features were contained in previous § 817.124. Their retention in final § 817.121(c) thus lessens the adverse impacts of draft final § 817.121(c) as discussed in the FEIS.

(4) Final § 817.121(d)(3) applies to impoundments with a storage capacity of 20 acre-feet or more or bodies of water with a volume of 20 acre-feet or more, rather than just to dams impounding such bodies of water as described in the FEIS. This requirement is similar to the proposed § 817.121(d) contained in Alternative C of the FEIS and was contained in previous § 817.126(a) encompassed by Alternative B. The removal of the specific proposed reference to perennial streams is of minor environmental effect because material damage to the hydrologic balance should be considered under § 817.41. Final § 817.121(d) broadens the authority of the regulatory authority to prevent subsidence causing material damage from that in draft final § 817.121(d) of the FEIS by extending it to all of the features or facilities covered by § 817.121 (d)(1), (d)(2), and (d)(3), rather than just applying to certain aquifers or bodies of water. This final rule will have lesser impacts than the corresponding provision in the FEIS.

(5) The word "further" has been added to final § 817.121(e). This clarifies the intent of the provision, but does not change its effect.

(6) Final § 817.122 allows notice to surface owners within 6 months of mining only if approval is obtained from the regulatory authority. Draft final § 817.122 in the FEIS allowed such notice as soon as practicable before mining, without regulatory authority approval. This change will have no environmental effect.

Thus, to the extent that these final rules differ from the preferred alternative published in Volume III of the FEIS, they fall within the impacts and analysis discussed therein.

Federal Paperwork Reduction Act

The information collection requirements in final §§ 784.20 and 785.18 have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned clearance numbers 1029–0039 and 1029–0040. OSM has codified the OMB approvals under final §§ 784.10 and 785.10 (47 FR 33683, August 4, 1982).

The information required will be used by the regulatory authority in monitoring and inspecting surface and underground mining activities to insure that they are conducted in a manner which preserves and enhances environmental and other values of the Act. This information required by these rules is mandatory.

Agency Approval

Section 516(a) of the Act requires that, with regard to rules directed toward the surface effects of underground mining, OSM must obtain written concurrence from the head of the department which administers the Federal Mine Safety and Health Act of 1977, the successor to the Federal Coal Mine Health and Safety Act of 1969. OSM has obtained the written concurrence of the Assistant Secretary for Mine Safety and Health, U.S. Department of Labor.

List of Subjects

30 CFR Part 784

Coal mining, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 785

Coal mining, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 816

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Parts 817 and 818

Coal mining, Environmental protection, Reporting requirements, Underground mining.

Accordingly, Parts 784, 785, 816, 817, and 818 of Title 30, Chapter VII, Subchapters G and K of the Code of Federal Regulations are amended as set forth herein.

Dated: April 15, 1983.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

PART 784—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

1. Section 784.20 is revised to read as follows:

§ 784.20 Subsidence control plan.

The permit application shall include a survey which shall show whether structures or renewable resource lands exist within the proposed permit area and adjacent area and whether subsidence, if it occurred, could cause material damage or diminution of reasonably foreseeable use of such structures or renewable resource lands. If the survey shows that no such structures or renewable resource lands exist, or no such material damage or diminution could be caused in the event of mine subsidence, and if the regulatory authority agrees with such conclusion, no further information need be provided in the application under this section. In the event the survey shows that such structures or renewable resource lands exist, or that subsidence could cause material damage or diminution of value or foreseeable use of the land, or if the regulatory authority determines that such damage or diminution could occur, the application shall include a subsidence control plan which shall contain the following information:

(a) A description of the method of coal removal, such as longwall mining, room-

and-pillar removal, hydraulic mining, or other extraction methods, including the size, sequence, and timing for the development of underground workings.

(b) A map of underground workings which describes the location and extent of areas in which planned-subsidence mining methods will be used and which includes all areas where the measures described in paragraph (d) of this section will be taken to prevent or minimize subsidence and subsidence-related damage.

(c) A description of the physical conditions, such as depth of cover, seam thickness, and lithology, which affect the likelihood or extent of subsidence and subsidence-related damage.

(d) Except for those areas where planned subsidence is projected to be used, a detailed description of the subsidence control measures that will be taken to prevent or minimize subsidence and subsidence-related damage, including, but not limited to—

(1) Backstowing or backfilling of voids;

(2) Leaving support pillars of coal;

(3) Leaving areas in which no coal is removed, including a description of the overlying area to be protected by leaving the coal in place;

(4) Taking measures on the surface to prevent material damage or lessening of the value or reasonably foreseeable use of the surface; and

(5) Monitoring to determine the commencement and degree of subsidence so that other appropriate measures can be taken to prevent or reduce material damage.

(e) A description of the anticipated effects of planned subsidence, if any.

(f) A description of the measures to be taken in accordance with § 817.121(c) of this chapter to mitigate or remedy any subsidence-related material damage to, or diminution in value or reasonably foreseeable use of—

(1) The land, or

(2) Structures or facilities to the extent required under State law.

(g) Other information specified by the regulatory authority as necessary to demonstrate that the operation will be conducted in accordance with the performance standards of § 817.121 of this chapter for subsidence control.

PART 785—REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

2. Section 785.18 is revised to read as follows:

§ 785.18 Variances for delay in contemporaneous reclamation requirement in combined surface and underground mining activities.

(a) *Scope.* This section shall apply to any person or persons conducting or intending to conduct combined surface and underground mining activities where a variance is requested from the contemporaneous reclamation requirements of § 816.100 of this chapter.

(b) *Application contents for variances.* Any person desiring a variance under this section shall file with the regulatory authority complete applications for both the surface mining activities and underground mining activities which are to be combined. The reclamation and operation plans for these permits shall contain appropriate narratives, maps, and plans, which—

(1) Show why the proposed underground mining activities are necessary or desirable to assure maximum practical recovery of the coal;

(2) Show how multiple future disturbances of surface lands or waters will be avoided;

(3) Identify the specific surface areas for which a variance is sought and the sections of the Act, this chapter, and the regulatory program from which a variance is being sought;

(4) Show how the activities will comply with § 816.79 of this chapter and other applicable requirements of the regulatory program;

(5) Show why the variance sought is necessary for the implementation of the proposed underground mining activities;

(6) Provide an assessment of the adverse environmental consequences and damages, if any, that will result if the reclamation of surface mining activities is delayed; and

(7) Show how offsite storage of spoil will be conducted to comply with the requirements of the Act, §§ 816.71–816.74 of this chapter, and the regulatory program.

(c) *Issuance of permit.* A permit incorporating a variance under this section may be issued by the regulatory authority if it first finds, in writing, upon the basis of a complete application filed in accordance with this section, that—

(1) The applicant has presented, as part of the permit application, specific, feasible plans for the proposed underground mining activities;

(2) The proposed underground mining activities are necessary or desirable to assure maximum practical recovery of the mineral resource and will avoid multiple future disturbances of surface land or waters;

(3) The applicant has satisfactorily demonstrated that the applications for the surface mining activities and underground mining activities conform to the requirements of the regulatory program and that all other permits necessary for the underground mining activities have been issued by the appropriate authority;

(4) The surface area of surface mining activities proposed for the variance has been shown by the applicant to be necessary for implementing the proposed underground mining activities;

(5) No substantial adverse environmental damage, either onsite or offsite, will result from the delay in completion of reclamation otherwise required by Section 515(b)(16) of the Act, Part 816 of this chapter, and the regulatory program;

(6) The operations will, insofar as a variance is authorized, be conducted in compliance with the requirements of § 816.79 of this chapter and the regulatory program;

(7) Provisions for offsite storage of spoil will comply with the requirements of Section 515(b)(22) of the Act, §§ 816.71–816.74 of this chapter, and the regulatory program;

(8) Liability under the performance bond required to be filed by the applicant with the regulatory authority pursuant to Subchapter J of this chapter and the regulatory program will be for the duration of the underground mining activities and until all requirements of Subchapter J and the regulatory program have been complied with; and

(9) The permit for the surface mining activities contains specific conditions—

(i) Delineating the particular surface areas for which a variance is authorized;

(ii) Identifying the applicable provisions of Section 515(b) of the Act, Part 816 of this chapter, and the regulatory program; and

(iii) Providing a detailed schedule for compliance with the provisions of this section.

(d) *Review of permits containing variances.* Variances granted by permits issued under this section shall be reviewed by the regulatory authority no later than 3 years from the dates of issuance of the permit and any permit renewals.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

3. Section 816.79 is revised as follows:

§ 816.79 Protection of underground mining.

No surface mining activities shall be conducted closer than 500 feet to any point of either an active or abandoned underground mine, except to the extent that—

(a) The activities result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public; and

(b) The nature, timing, and sequence of the activities that propose to mine closer than 500 feet to an active underground mine are jointly approved by the regulatory authority, the Mine Safety and Health Administration, and the State agency, if any, responsible for the safety of underground mine workers.

4. Section 816.100 is revised to read as follows:

§ 816.100 Contemporaneous reclamation.

Reclamation efforts, including but not limited to backfilling, grading, topsoil replacement, and revegetation, on all land that is disturbed by surface mining activities shall occur as contemporaneously as practicable with mining operations, except when such mining operations are conducted in accordance with a variance for concurrent surface and underground mining activities issued under § 785.18 of this chapter. The regulatory authority may establish schedules that define contemporaneous reclamation.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

5. Section 817.100 is revised to read as follows:

§ 817.100 Contemporaneous reclamation.

Reclamation efforts, including but not limited to backfilling, grading, topsoil replacement, and revegetation, on all areas affected by surface impacts incident to an underground coal mine shall occur as contemporaneously as practicable with mining operations, except when such mining operations are conducted in accordance with a variance for concurrent surface and underground mining activities issued under § 785.18 of this chapter. The regulatory authority may establish schedules that define contemporaneous reclamation.

6. Section 817.121 is revised to read as follows:

§ 817.121 Subsidence control.

(a) The operator shall either adopt measures consistent with known technology which prevent subsidence from causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of surface lands; or adopt mining technology which provides for planned subsidence in a predictable and controlled manner. Nothing in this part shall be construed to prohibit the standard method of room-and-pillar mining.

(b) The operator shall comply with all provisions of the approved subsidence control plan prepared pursuant to § 784.20 of this chapter.

(c) The operator shall—

(1) Correct any material damage resulting from subsidence caused to surface lands, to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses which it was capable of supporting before subsidence; and

(2) To the extent required under State law, either correct material damage resulting from subsidence caused to any structures or facilities by repairing the damage or compensate the owner of such structures or facilities in the full amount of the diminution in value resulting from the subsidence. Repair of damage includes rehabilitation, restoration, or replacement or damaged structures or facilities. Compensation may be accomplished by the purchase prior to mining of a noncancellable premium-prepaid insurance policy.

(d) Underground mining activities shall not be conducted beneath or adjacent to (1) public buildings and facilities; (2) churches, schools, and hospitals; or (3) impoundments with a storage capacity of 20 acre-feet or more or bodies of water with a volume of 20 acre-feet or more, unless the subsidence control plan demonstrates that subsidence will not cause material damage to, or reduce the reasonably foreseeable use of, such features or facilities. If the regulatory authority determines that it is necessary in order to minimize the potential for material damage to the features or facilities described above or to any aquifer or body of water that serves as a significant water source for any public water supply system, it may limit the percentage of coal extracted under or adjacent thereto.

(e) If subsidence causes material damage to any of the features or facilities covered by paragraph (d) of this section, the regulatory authority may suspend mining under or adjacent to such features or facilities until the subsidence control plan is modified to ensure prevention of further material damage to such features or facilities.

(f) The regulatory authority shall suspend underground mining activities under urbanized areas, cities, towns, and communities, and adjacent to industrial or commercial buildings, major impoundments, or perennial streams, if imminent danger is found to inhabitants of the urbanized areas, cities, towns, or communities.

(g) Within a schedule approved by the regulatory authority, the operator shall submit a detailed plan of the underground workings. The detailed plan shall include maps and descriptions, as appropriate, of significant features of the underground mine, including the size, configuration, and approximate location of pillars and entries, extraction ratios, measure taken to prevent or minimize subsidence and related damage, areas of full extraction, and other information required by the regulatory authority. Upon request of the operator, information submitted with the detailed plan may be held as confidential, in accordance with the requirements of § 773.13(d) of this chapter.

7. Section 817.122 is revised to read as follow:

§ 817.122 Subsidence control: Public notice.

At least 6 months prior to mining, or within that period if approved by the regulatory authority, the underground mine operator shall mail a notification to all owners and occupants of surface property and structures above the underground workings. The notification shall include, at a minimum, identification of specific areas in which mining will take place, dates that specific areas will be undermined, and the location or locations where the operator's subsidence control plan may be examined.

§§ 817.124 and 817.126 [Removed]

8. Sections 817.124 and 817.126 are removed.

PART 818—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—CONCURRENT SURFACE AND UNDERGROUND MINING [REMOVED]

9. Part 818 is removed.

Authority: 30 U.S.C. 1201 *et seq.*

[FR Doc. 83-14631 Filed 5-31-83; 8:45 am]

BILLING CODE 4310-05-M

Reader Aids

Federal Register

Vol. 48, No. 106

Wednesday, June 1, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations	
CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
Federal Register	
Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187
Laws	
Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030
Presidential Documents	
Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

24311-24652.....1

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JUNE 1983

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (see 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
June 1	June 16	July 1	July 18	August 1	August 30
June 2	June 17	July 5	July 18	August 1	August 31
June 3	June 20	July 5	July 18	August 2	September 1
June 6	June 21	July 6	July 21	August 5	September 6
June 7	June 22	July 7	July 22	August 8	September 6
June 8	June 23	July 8	July 25	August 8	September 6
June 9	June 24	July 11	July 25	August 8	September 7
June 10	June 27	July 11	July 25	August 9	September 8
June 13	June 28	July 13	July 28	August 12	September 12
June 14	June 29	July 14	July 29	August 15	September 12
June 15	June 30	July 15	August 1	August 15	September 13
June 16	July 1	July 18	August 1	August 15	September 14
June 17	July 5	July 18	August 1	August 16	September 15
June 20	July 5	July 20	August 4	August 19	September 19
June 21	July 6	July 21	August 5	August 22	September 19
June 22	July 7	July 22	August 8	August 22	September 20
June 23	July 8	July 25	August 8	August 22	September 21
June 24	July 11	July 25	August 8	August 23	September 22
June 27	July 12	July 27	August 11	August 26	September 26
June 28	July 13	July 28	August 12	August 29	September 26
June 29	July 14	July 29	August 15	August 29	September 27
June 30	July 15	August 1	August 15	August 29	September 28

CFR CHECKLIST; 1982/83 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1982/83. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $615 domestic, $153.75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1983):

Title	Price
1–2	$6.00
4	7.50
5 Parts:	
1–1199	8.50
1200-end	6.00
7 Parts:	
0–45	9.00
46–51	7.50
52	9.00
400–699	6.50
1000–1059	7.50
1120–1199	7.00
1200–1499	7.00
1500–1899	6.50
1945-end	7.00
8	6.50
9 Parts:	
1–199	7.50
200-end	7.50
10 Parts:	
0–199	9.00
200–399	7.50
12 Parts:	
1–199	7.00
300–499	7.00
13	8.00
14 Parts:	
1200-end	6.50
15 Parts:	
0–299	6.50
400-end	7.50
16 Parts:	
0–149	7.00
150–999	7.00
CFR Index	9.50

CFR Unit (Rev. as of Apr. 1, 1982):

Title	Price
17 Parts:	
0-239	8.50
240-end	8.00
18 Parts:	
1-149	5.00
150–399	8.50
400–end	7.50
19	9.50
20 Parts:	
1–399	6.50
400–499	8.00
500–end	8.50

Title	Price
21 Parts:	
1–99	7.00
100–169	7.50
170–199	7.50
200–299	5.50
300–499	8.50
500–589	8.00
600–799	6.00
800–1299	7.00
1300–end	5.50
22	9.00
23	7.50
24 Parts:	
0–199	7.00
200–499	8.50
500–799	7.00
800–1699	7.50
1700–end	7.00
25	8.50
26 Parts:	
1 (§§ 1.0–1.169)	9.00
1 (§§ 1.170–1.300)	7.50
1 (§§ 1.301–1.400)	7.00
1 (§§ 1.401–1.500)	7.50
1 (§§ 1.501–1.640)	7.50
1 (§§ 1.641–1.850)	7.50
1 (§§ 1.851–1.1200)	8.50
1 (§§ 1.1201–end)	9.00
2-29	7.50
30–39	7.00
40–299	8.50
300–499	7.00
600–end	5.50
27 Parts:	
1-199	7.50
200–end	7.50

CFR Unit (Rev. as of July 1, 1982):

Title	Price
28	8.00
29 Parts:	
0–99	9.00
100–499	6.00
500–899	8.50
900–1899	6.50
1900–1910	9.00
1911–1919	5.50
1920–end	8.50
30 Parts	
0–199	8.00
200–end	10.00
31 Parts:	
0–199	7.00
200–end	9.00
32 Parts:	
1–39, Vol. I (rev. 9/1/82)	9.00
1–39, Vol. II (rev. 9/1/82)	11.00
1–39, Vol. III (rev. 9/1/82)	10.00
40–399	13.00
400–699	10.00
700–799	8.50
800–999	8.00
1000-end	7.00
33 Parts:	
1–199	9.00
200–end	8.00
34 Parts:	
1–399	13.00
400–end	8.50
35	6.50
36 Parts:	
1–199	7.00
200–end	7.50
37	7.00
38 Parts:	
0–17	8.00
18–end	7.00
39	7.00
40 Parts:	
0–51	8.50
52	9.00
53–80	8.50
81–99	8.50
100–149	7.50
150–189	7.50
190–399	7.50
400–424	8.00
425-end	7.50
41 Chapters:	
1 (1-1 to 1-10)	8.50
(1-11 to App.)-2	7.50
3–6	8.50
7	5.50
8	5.50
9	8.00
10–17	7.50
18, Vol. I (rev. 12/31/82)	7.50
18, Vol. II (rev. 12/31/82)	8.00
18, Vol. III (rev. 12/31/82)	7.50
19–100	8.00
101	9.00
102–end	7.00

CFR Unit (Rev. as of Oct. 1, 1982):

Title	Price
42 Parts:	
1–60	7.50
61–399	7.00
400–end	9.50
43 Parts:	
1–999	7.00
1000–3999	8.50
4000–end	7.00
44	7.50
45 Parts:	
1–199	7.00
200–499	6.00
500–1199	7.50
1200–end	7.50
46 Parts:	
1–29	6.00
30–40	5.50
41–69	7.50
70–89	6.00
90–109	6.50
110–139	5.00
140–155	7.00
156–165	7.50
166–199	7.00
200–399	8.50
400–end	7.00
47 Parts:	
0–19	8.50
20–69	9.00
70–79	8.00
80–end	9.00
48 Parts:	
1–99	6.50
100–177	9.00
178–199	8.00
200–399	7.50
400–999	8.00
1000–1199 (rev. 11–1–82)	7.50
1200–1299	7.50
1300–end	7.50
50 Parts:	
1–199	7.00
200–end	8.00

MICROFICHE EDITION OF THE CFR:

The CFR is now available on microfiche from the Superintendent of documents, Government Printing Office, Washington, D.C. 20402, at the following prices:

1981

Complete set (one-time mailing):
$155.00 (domestic).
Individual copies—$2.00 each (domestic).

1982

Subscription (mailed as issued):
$250.00 (domestic).
Individual copies—$2.25 each (domestic).

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Last Listing May 31, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202–275–3030).

H.R. 2990/Pub. L. 98–34 To increase the permanent public debt limit, and for other purposes. (May 26, 1983; 97 Stat. 196) Price: $1.50

H.J. Res. 265/Pub. L. 98–35 To provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes. (May 26, 1983; 97 Stat. 197) Price: $1.50

S. 653/Pub. L. 98–36 Foundation for the Advancement of Military Medicine Act of 1983. (May 27, 1983; 97 Stat. 200) Price: $1.75

y

- 8
ISS
1
0
6
J E
1
1983
UMI

4 E
155
1
0
7
J E
2
1983
UMI

6-2-83
Vol. 48

United S
Governm
Printing
SUPERINTEN
OF DOCUME
Washington, D

OFFICIAL BU
Penalty for p

Federal Regis
(ISSN 0097-6

6-2-83
Vol. 48 No. 107

federal register

Thursday
June 2, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

A FR SER1A300S NOV 83 R DIR **
SERIALS PROCESSING **
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBUR MI 48106

Postage and Fees Paid
U.S. Government Printing Office
375

SECOND CLASS NEWSPAPER

48
ISS
1
0
7
J E
2
1983
UMI

6-2-83
Vol. 48
Pages

6-2-83
Vol. 48 No. 107
Pages 24653-24854

federal register

Thursday
June 2, 1983

Selected Subjects

Agricultural Research
Agricultural Marketing Service

Airspace
Federal Aviation Administration

Alcohol and Alcoholic Beverages
Alcohol, Tobacco and Firearms Bureau

Authority Delegations (Government Agencies)
Securities and Exchange Commission

Coal Mining
Surface Mining Reclamation and Enforcement Office

Endangered and Threatened Wildlife
National Oceanic and Atmospheric Administration

Fisheries
National Oceanic and Atmospheric Administration

Flood Insurance
Federal Emergency Management Agency

Grapes
Agricultural Marketing Service

Marketing Agreements
Agricultural Marketing Service

Motor Vehicle Safety
National Highway Traffic Safety Administration

Natural Gas
Federal Energy Regulatory Commission

Pesticides and Pests
Environmental Protection Agency

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

Relocation Assistance
Navajo and Hopi Indian Relocation Commission 24753

Securities
Securities and Exchange Commission 24653

Wine
Alcohol, Tobacco and Firearms Bureau 24723
24724

24753

24756

24672

24737

24814
24814

24786

24754
24754
24754
24754
24754
24754
24755
24755

24758

Contents

Federal Register
Vol. 48, No. 107
Thursday, June 2, 1983

Administrative Conference of United States
NOTICES
Meetings:
24753 Administration Committee

Agricultural Marketing Service
RULES
24653 Nectarines grown in Calif.
PROPOSED RULES
24723 Grapes, table; grade standards
24724 Potato research and promotion plan: expenses and rate of assessment

Agriculture Department
See also Agricultural Marketing Service; Forest Service.
NOTICES
24753 Agency forms submitted to OMB for review

Air Force Department
NOTICES
Meetings:
24756 Scientific Advisory Board

Alcohol, Tobacco and Firearms Bureau
RULES
Alcoholic beverages:
24672 Formulas for denatured alcohol and rum
PROPOSED RULES
Alcohol; viticultural area designations:
24737 Pacheco Pass, California

Arts and Humanities, National Foundation
NOTICES
Meetings:
24814 Museum Advisory Panel
24814 Visual Arts Advisory Panel

Centers for Disease Control
NOTICES
Meetings:
24786 NIOSH/Union Carbide Kanawha Valley chemical workers study

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
24754 Alabama
24754 Connecticut
24754 Montana
24754 New Hampshire
24754 New Jersey
24754 Ohio
24755 Vermont
24755 Wyoming

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration.
NOTICES
Meetings:
24758 President's Private Sector Survey on Cost Control

Defense Department
See Air Force Department; Defense Mapping Agency.

Defense Mapping Agency
NOTICES
Meetings:
24758 Mapping, Charting and Geodesy Advisory Committee

Economic Regulatory Administration
NOTICES
Natural gas; fuel oil displacement certification applications:
24761 Barrett Paving Materials, Inc.
24762 Container Corp. of America
24762 Dauphin Manor et al.
24763 Merrell Dow Pharmaceuticals, Inc.
24763 Mt. Savage Refractories Co., Inc.
24764 Sherwin-Williams Co.
Remedial orders:
24764 Brent Exploration, Inc.
24764 Granite Petroleum Corp.
24764 Kunz Oil Co.

Education Department
NOTICES
Grant applications and proposals; closing dates:
24759 Law-related education program

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
Meetings:
24782 National Petroleum Council

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
24689 Massachusetts; correction
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
24689 0,0-Diethyl S-(2(ethylthio) ethyl) phosphorodithioate
PROPOSED RULES
Water pollution; effluent guidelines for point source categories:
24742 Best conventional pollutant control technology (BCT) guidelines; revised methodology
NOTICES
Air quality criteria:
24783 Nickel, manganese, and chromium; draft health assessment, availability and inquiry
Meetings:
24783 National Drinking Water Advisory Council
Toxic and hazardous substances control:
24783 Premanufacture notices receipts; correction

Federal Aviation Administration
RULES
24654 IFR altitudes

Federal Communications Commission
NOTICES
Meetings:
24784 National Industry Advisory Committee
24784 Telecommunications Industry Advisory Group
24784 Telecommunications Industry Advisory Group Steering Committee
24829 Meetings; Sunshine Act

Federal Deposit Insurance Corporation
NOTICES
24784 Agency forms submitted to OMB for review
24829 Meetings; Sunshine Act (2 documents)

Federal Election Commission
NOTICES
24830 Meetings; Sunshine Act

Federal Emergency Management Agency
PROPOSED RULES
Flood elevation determinations:
24743 Connecticut

Federal Energy Regulatory Commission
PROPOSED RULES
Natural Gas Policy Act; ceiling prices for high cost natural gas produced from tight formations; various States:
24730 Louisiana
24731 Texas
24732 Wyoming
NOTICES
Hearings, etc.:
24769 Arkansas Louisiana Gas Co.
24765 Arola, Burton C.
24768 Carlson, Rodney H.
24765 Colorado Interstate Gas Co. et al.
24770 Columbia Gas Transmission Corp. et al.
24770 Commonwealth Edison Co.
24766 Elf Aquitaine, Inc.
24766 Equitable Gas Co.
24767 Lefebvre, Philip L.
24772 Louisiana Resources Co.
24771 McMurtrey, Lawrence J.
24767 Midwestern Gas Transmission Co.
24772 Northern States Power Co. (Wisconsin)
24767 Northwest Pipeline Corp.
24774 Pacific Power & Light Co.
24769 Pensacola, Fla., et al.
24767 Petrofina Delaware, Inc., et al.
24774 Rochester Gas & Electric Co.
24768 Tennessee Gas Pipeline Co.
24768 Transcontinental Gas Pipe Line Corp.
24775 Utah Power & Light Co.
24778 Virginia Electric & Power Co.
24781 Wisconsin Power & Light Co.

Federal Highway Administration
RULES
24852 Truck size and weight; policy statement; designation modifications
NOTICES
Environmental statements; availability, etc.:
24826 Jefferson County, Ala.; intent to prepare

Federal Home Loan Bank Board
NOTICES
24830 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Applications, etc.:
24785 Equality Bankshares
24786 First Interstate Bancorp
24785 First National Bankshares, Inc., et al.
24786 Hong Kong & Shanghai Banking Corp. et al.
Bank holding companies; proposed de novo nonbank activities:
24785 First Bank System, Inc., et al.

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
24724 General Motors Corp.; correction
NOTICES
24830 Meetings; Sunshine Act

Fish and Wildlife Service
NOTICES
24789 Endangered and threatened species permit applications (2 documents)
24789 Cache River Basin, waterfowl habitat preservation, Ark.; extension of time

Forest Service
NOTICES
24753 Flathead National Forest, Mont.

Geological Survey
NOTICES
24790 Contributions and collaborative projects; criteria and acceptance procedures

Health and Human Services Department
See Centers for Disease Control.

Interior Department
See also Fish and Wildlife Service; Geological Survey; Land Management Bureau; Surface Mining Reclamation and Enforcement Office.
NOTICES
Coastal Barrier Resources Act; boundary modification:
24790 Availability
24795 Land and water conservation fund, Federal portion; final guidelines and inquiry; comment period extended
24791 Privacy Act; systems of records

Internal Revenue Service
RULES
Procedural rules statements:
24668 Windfall profit tax issues; consolidated appeals conference
PROPOSED RULES
Income taxes:
24736 Addition to tax for substantial understatement of liability
24736 Personal service corporations; hearing

International Trade Administration
NOTICES
Antidumping:
24755 Carton closing staples and staple machines from Sweden

International Trade Commission
NOTICES
Import investigations:
24795 Bicycle tires and tubes from Korea and Taiwan
24795 Caulking guns
24798 Chloropicrin from China
24798 Cupric hydroxide formulated fungicides and preparations used in formulation
24796 Heavy duty staple gun tackers
24796 Nonrubber footwear from Brazil, India, and Spain
24799 Portland hydraulic cement from Australia and Japan
24796 Radar detectors and accompanying owner's manuals
24796 Skinless sausage casings and resulting product, manufacturing processes
24797 Vacuum bottles and components
24798 Variable character display devices

Interstate Commerce Commission
NOTICES
Motor carriers:
24800 Agricultural cooperative transportation; filing notices
24800 Finance applications
24800, 24803, 24811 Permanent authority applications (3 documents)
24812 Permanent authority applications; operating rights republication (2 documents)
24810 Permanent authority applications; restriction removals
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
24813 Transport Investment Corp.

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
24787 Eastside Salem timber management plan, Oreg.
24787 Eugene timber management plan, Oreg.
24787 Roseburg timber management plan, Oreg.
Leasing of public lands:
24789 Florida
Opening of public lands:
24788 Arizona
24788 Utah

Merit Systems Protection Board
NOTICES
Senior Executive Service
24813 Bonus awards schedule

National Communications System
NOTICES
Meetings:
24813 National Security Telecommunications Advisory Committee

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
24690 Lamps, reflective devices, and associated equipment; semi-sealed headlamp with standardized replacement bulb, etc.
24717 Occupant crash protection; seat belt assemblies; deferral of effective date
PROPOSED RULES
Motor vehicle safety standards:
24751 Wheelchair restraint systems used in mass transit vehicles; petition denied
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
24827 Handcraft Motorcar Co.

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
24719 Bering Sea and Aleutian Islands groundfish; foreign and domestic fishing
24718 Hawaiian monk seal; recovery plan availability
PROPOSED RULES
Fishery conservation and management:
24751 High seas salmon off Alaska
NOTICES
Marine mammal permit applications, etc.:
24757 Point Defiance Zoo and Aquarium
24757 VEB Fischfang Rostock of East Germany
Meetings:
24757 Caribbean Fishery Management Council; date changes

Navajo and Hopi Indian Relocation Commission
PROPOSED RULES
Commission operations and relocation procedures:
24734 Hopi reservation evictees, families eligible to receive benefits

Pension Benefit Guaranty Corporation
NOTICES
Multiemployer plans; bond/escrow exemption requests:
24814 Reilly-Whiteman, Inc.

Postal Service
NOTICES
24830 Meetings; Sunshine Act (3 documents)

Securities and Exchange Commission
RULES
Organization, functions, and authority delegations:
24663 Market Regulation Division, Director; filing requirement exemption for registered national securities exchanges
Securities:
24663 Registration as national securities exchange; application form, etc.
PROPOSED RULES
Securities:
24728 Disclosure regarding recourse to Federal Courts notwithstanding arbitration clauses in broker-dealer customer agreements
24725 Futures trading; exemption for foreign government securities
NOTICES
Hearings, etc.:
24815 Alliance Tax-Exempt Reserves, Inc.
24816 Boston Co. Tax-Free Municipal Funds
24818 Eaton & Howard Balanced Fund et al.
24820 Investors Mutual, Inc., et al.
24823 Middle South Energy, Inc., et al.

National Market system securities:
24823 National Association of Securities Dealers, Inc.; summary effectiveness, etc.
Self-regulatory organizations; unlisted trading privileges:
24818 Cincinnati Stock Exchange
24823 Philadelphia Stock Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
24825 Allied Financial Corp.
24825 Peterson Finance & Investment Co.
24826 Salween Financial Services, Inc.

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent and interim regulatory programs:
24739 Excess spoil fills; disposal, extension of time
Permanent program submissions; various States:
24741 Illinois

Transportation Department
See Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

Treasury Department
See Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.

United States Information Agency
NOTICES
Meetings:
24826 Radio Engineering Advisory Committee

Separate Parts in This Issue

Part II
24852 Department of Transportation, Federal Highway Administration

Federal Register Thesaurus

A revised edition of the Federal Register Thesaurus of Indexing Terms will be printed in the **Federal Register** of Thursday, June 16, 1983 as Part II. Federal agencies wishing to order multiple copies from the Government Printing Office may do so by submitting a completed Standard Form 1 (SF–1) by noon Wednesday, June 15, 1983, to: Planning Services Division, Government Printing Office.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
916.....24653
Proposed Rules:
51.....24723
1207.....24724
14 CFR
95.....24654
16 CFR
Proposed Rules:
13.....24724
17 CFR
200.....24663
240.....24663
249.....24663
Proposed Rules:
240 (2 documents).....24725, 24725
18 CFR
Proposed Rules:
271 (3 documents).....24730–24732
23 CFR
Ch. I.....24852
25 CFR
Proposed Rules:
700.....24734
26 CFR
601.....24668
Proposed Rules:
1 (2 documents).....24736
27 CFR
21.....24672
212.....24672
Proposed Rules:
9.....24737
30 CFR
Proposed Rules:
901.....24739
913.....24741
40 CFR
52.....24689
180.....24689
Proposed Rules:
405.....24742
406.....24742
407.....24742
408.....24742
409.....24742
411.....24742
412.....24742
422.....24742
424.....24742
426.....24742
429.....24742
430.....24742
431.....24742
432.....24742
433.....24742
440.....24742
44 CFR
Proposed Rules:
67.....24743
49 CFR
571 (2 documents).....24690, 24717
Proposed Rules:
571.....24751
50 CFR
424.....24718
611.....24719
Proposed Rules:
674.....24751

48
ISS
107
JE
2
1983

Rul

This se
contains
general
of whic
the Co
publishe
U.S.C.
The Co
by the
Prices
first FE
month.

DEPAR

Agricul

7 CFR

[Nectari

Nectari
Amend

AGENCY
USDA.

ACTION

SUMMA
grade a
effect fo
by estab
requiren
(Ambro
deleting
currentl
Arm Qu
action is
marketi
and con

EFFECTI

FOR FUR
William
F&V, AM
20250, te

SUPPLEM
final rule
Secretar
Executiv
designat
T. Manle
Agricultu
certified
significa
substant
This acti
orderly m
nectarine
producer
affect co
handlers

This fi
marketin

Rules and Regulations

Federal Register
Vol. 48, No. 107
Thursday, June 2, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 916

[Nectarine Reg. 14, Amdt. 3]

Nectarines Grown in California; Amendment of Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the grade and size regulation currently in effect for nectarines grown in California by establishing minimum size requirements for 2 new varieties (Ambrosia and Sherri Red), and by deleting such requirements for 3 currently regulated varieties (Mayred, Arm Queen, and Kent Grand). Such action is designed to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: June 2, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California nectarine crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based on information submitted by the Nectarine Administrative Committee established under this marketing order, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

Shipments of California nectarines are currently regulated by grade and size under § 916.356 Nectarine Regulation 14, as amended. This final rule would further amend this regulation by establishing minimum size requirements (84 count in a No. 22D standard lug box, or 75 nectarines in a 16-pound sample) for the Ambrosia and Sherri Red varieties because they are now produced in commercially significant quantities, and by removing minimum size requirements for the Mayred, Arm Queen, and Kent Grand varieties as they are no longer produced in significant quantities. The committee unanimously recommended this action at its meeting of May 5, 1983, when it met to consider supply and market conditions and other factors affecting the need for and type of regulation suitable for the 1983 season California crop. This action is in accordance with the committee's practice of regulating a particular variety of nectarines by size when 10,000 or more packages are shipped during the prior season, and removing such requirements for any variety when such shipments fall below 5,000 packages. The committee recommends minimum size requirements for the various varieties of nectarines, because fruit below a certain minimum size, depending on the variety, lacks consumer and trade acceptance, and if it is left on the trees longer it may increase in size and improve in quality and maturity. The committee also unanimously adopted and has submitted to the Secretary a marketing policy for the 1983 season California nectarine crop including an analysis of supply and demand factors having a bearing on the marketing of the crop. The committee estimates 1983 season California nectarine shipments at 16,523,000 packages compared with shipments of 14,273,000 packages in 1982.

The Nectarine Regulation 14 was issued July 16, 1981, on a continuing basis subject to modification, suspension, or termination upon recommendation by the committee and approval by the Secretary. This amended regulation is to remain in effect indefinitely. The committee will continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulatory requirements for California nectarines. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will review committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the regulatory requirements would tend to effectuate the declared policy of the Act.

The amended regulatory requirements are necessary to prevent the shipment of nectarines not meeting the specified requirements, and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the Act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this final rule is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on amendment of the size requirements at an open meeting, at which the committee, without opposition, recommended revision of the requirements as specified in this final rule. This final rule in some instances relieves restrictions on the handling of nectarines, and handlers have been apprised of such provisions and the effective date.

List of Subjects in 7 CFR Part 916

Marketing agreements and orders, Nectarines, California.

PART 916—[AMENDED]

Therefore, § 916.356 (7 CFR Part 916; 47 FR 23913; 35751) is amended by revising the introductory text of paragraph (a); by removing paragraphs (a)(2), (a)(2)(i), and (a)(2)(ii), by redesignating current paragraph (a)(3) as (a)(2), current (a)(4) as (a)(3), and current (a)(5) as (a)(4); and by revising redesignated (a)(3) (introductory text), and (a)(4) to read as follows:

§ 916.356 Nectarines regulation 14.

(a) On and after (June 2, 1983), no handler shall handle:

* * * * *

(2) Any package or container of Aurelio Grand, Mayfair, Maybelle, or Royal Delight variety nectarines unless:

* * *

(3) Any package or container of Apache, Armking, Crimson Gold, Early Star, Gee Red, June Belle, June Grand, May Grand, Red June, Spring Grand, Sunfre, or Zee Gold variety nectarines unless: * * *

(4) Any package or container of Ambrosia, Autumn Delight, Autumn Grand, Bob Grand, Clinton-Strawberry, Early Sun Grand, Ed's Red, Fairlane, Fantasia, Firebrite, Flamekist, Flavortop, Flavortop I, Gold King, Granderli, Hi-Red, Independence, Late Le Grand, Le Grand, Moon Grand, Niagara Grand, Red Diamond, Red Free, Red Grand, Regal Grand, Richards Grand, Royal Giant, Ruby Grand, September Grand, Tasty Free, Tom Grand, Honey Gold, Larry's Grand, Son Red, Spring Red, Late Tina Red, Red Jim, Summer Beaut, Sparkling Red, Star Grand, Summer Grand, Sun Grand or Sherri Red variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 84 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than specified in paragraph (a)(4) of this section are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 75 nectarines.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 27, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-14773 Filed 6-1-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 23652; Amdt. No. 95-311]

Air Traffic and General Operating Rules; IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjuction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Adoption of the Amendment

PART 95—[AMENDED]

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t. June 9, 1983.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on May 25, 1983.

John M. Howard,

Manager, Aircraft Programs Division.

BILLING CODE 4910-13-M

FROM	TO	MEA
§95.1001 DIRECT ROUTES-U.S.		
IS AMENDED TO READ IN PART		
CRABI, FL FIX	EGMONT KEY, FL MARINE NDB	
VIA GULF ROUTE 26		5000
GRAND ISLE, LA NDB	*MAGEE, FL FIX	
VIA GULF ROUTE 26		5000
*5000 - MRA		
MAGEE, FL FIX	CRABI, FL FIX	
VIA GULF ROUTE 26		10000
IS AMENDED TO DELETE		
ABILENE, TX VORTAC	GUTHRIE, TX VORTAC	
VIA ABI VORTAC 311 & GTH VORTAC 175		*4300
*3600 - MOCA		
ARDMORE, OK VORTAC	OKLAHOMA CITY, OK VORTAC	3000
ATOKA, OK FIX	DWINE, OK FIX	*9000
*2400 - MOCA		
AUSTIN, TX VORTAC	COLLEGE STATION, TX VORTAC	*2400
*2100 - MOCA		
AUSTIN, TX VORTAC	EAGLE LAKE, TX VOR/DME	*2400
*2100 - MOCA		
BATON ROUGE, LA VORTAC	WELCO, LA FIX	2700
BEAUMONT, TX VORTAC	SCHOLES, TX VORTAC	1500
BORGER, TX VORTAC	WOODRING, OK VOR	8000
		MAA-10000
CARLSBAD, NM VORTAC	*CAPRO, NM FIX	**8000
*9000 - MRA		
**7300 - MOCA		
CARLSBAD, NM VORTAC	MIDLAND, TX VORTAC	
VIA CNM VORTAC 086 & MAF VORTAC 268		*7000
*5000 - MOCA		
COLLEGE STATION, TX VORTAC	BASTO, TX FIX	*2500
*1700 - MOCA		
COLLEGE STATION, TX VORTAC	DALLAS-FORT WORTH, TX VORTAC	*5000
*3300 - MOCA		
COLLEGE STATION, TX VORTAC	INT CLL VORTAC 293 & ACT VORTAC 187	*3900
*2100 - MOCA		
COLLEGE STATION, TX VORTAC	LEONA, TX VORTAC	1900
DALLAS-FORT WORTH, TX VORTAC	GREGG COUNTY, TX VORTAC	
VIA DFW VORTAC 081 & GGG VORTAC 287		*4000
*2200 - MOCA		
DALLAS-FORT WORTH, TX VORTAC	SHREVEPORT, LA VORTAC	*6000
*2500 - MOCA		
DALLAS-FORT WORTH, TX VORTAC	SULPHUR SPRINGS, TX VORTAC	*2500
*2000 - MOCA		
DALLAS-FORT WORTH, TX VORTAC	SULPHUR SPRINGS, TX VORTAC	
	COP 37 DFW	*3000
*2200 - MOCA		

FROM	TO	MEA
§95.1001 DIRECT ROUTES-U.S.—Continued		
DALLAS-FORT WORTH, TX VORTAC	TEXARKANA, AR VORTAC	
	COP 81 DFW	*11000
*2200 - MOCA		
DWINE, OK FIX	TULSA, OK VORTAC	*6000
*2400 - MOCA		
ELSAY, TX FIX	HARLINGEN, TX VOR	*1600
*1400 - MOCA		
FORT SMITH, AR VORTAC	MEMPHIS, TN VORTAC	*18000
*3100 - MOCA		
GALVESTON, TX NDB	TAMPICO, MX VOR/DME	#*1500
*1400 - MOCA		
#FOR THAT AIRSPACE OVER U.S. TERRITORY.		
GEREL, TX FIX	WACO, TX VORTAC	2200
GRAND ISLE, LA NDB	DOLPH, LA FIX	*3000
*1300 - MOCA		
GRAND ISLE, LA NDB	FLASH, LA FIX	*3000
*1300 - MOCA		
GRAND ISLE, LA NDB	*NEPTA, FL FIX	
VIA GULF ROUTE 26		2500
*26000 - MRA		
HERBY, LA FIX	BEAUMONT, TX VORTAC	1500
HOBBS, NM VORTAC	TEXICO, NM VORTAC	*7000
*5600 - MOCA		
HOT SPRINGS, AR VOR	MALVE, AR FIX	2500
HUMBLE, TX VORTAC	VICTORIA, TX VOR	*3000
*1800 - MOCA		
INT ADM VORTAC 042 & TUL VORTAC 172	TULSA, OK VORTAC	*7000
*2800 - MOCA		
INT IAH VORTAC 327 & CLL VORTAC 100	*DERST, TX FIX	**2000
*2000 - MCA DERST FIX, E BND		
**1600 - MOCA		
KEENE, TX FIX	DALLAS-FORT WORTH, TX VORTAC	*2800
*2400 - MOCA		
LAFAYETTE, LA VORTAC	WHITE LAKE, LA VORTAC	1500
LAKE CHARLES, LA VORTAC	ESLER, LA VOR	2000
LAKE CHARLES, LA VORTAC	LONGE, LA FIX	*3000
*1500 - MOCA		
LAKE CHARLES, LA VORTAC	POLK, LA VOR	
VIA LCH VORTAC 337 & POE VOR 200		2000
		MAA- 8000
LAKE CHARLES, LA VORTAC	SUGGA, LA FIX	2000
LAMPASAS, TX VORTAC	WACO, TX VORTAC	*3500
*2500 - MOCA		
LAMPASAS, TX VORTAC	ACTON, TX VORTAC	*3500
*2700 - MOCA		
LEMIG, TX FIX	EMBOW, TX FIX	*3000
*2900 - MOCA		
LITTLE ROCK, AR VORTAC	MEMPHIS, TN VORTAC	*4000
*1700 - MOCA		
LUFKIN, TX VORTAC	BLUE RIDGE, TX VORTAC	
	COP 62 LFK	*7000
*2200 - MOCA		
LUFKIN, TX VORTAC	ESLER, LA VOR	
	COP 68 LFK	*6000
*1900 - MOCA		
MADES, AR FIX	SILER, AR FIX	*8000
*3600 - MOCA		
MALVE, AR FIX	PINE BLUFF AR VORTAC	*2000
*1600 - MOCA		
MC ALLEN, TX VOR	ELSAY, TX FIX	*1600
*1400 - MOCA		

FROM	TO	MEA
§95.1001 DIRECT ROUTES-U.S.—Continued		
NAVASOTA, TX VORTAC	SCURRY, TX VORTAC	18000
NAVASOTA, TX VORTAC	DALLAS-FORT WORTH, TX VORTAC	*6000
*3400 - MOCA		
NEW ORLEANS, LA VORTAC	CAESA, MS FIX	*4000
*1400 - MOCA		
NEW ORLEANS, LA VORTAC	NATCHEZ, MS VOR/DME	18000
		MAA-30000
NEW ORLEANS, LA VORTAC	TODDS, LA FIX	*3000
*2000 - MOCA		
OKLAHOMA CITY, OK VORTAC	FORT SMITH, AR VORTAC	*18000
*3800 - MOCA		
OKLAHOMA CITY, OK VORTAC	INT OKC VORTAC 109 & MLC VORTAC 275	*3000
*2900 - MOCA		
OKMULGEE, OK VOR VIA OKM VOR 027 & TUL VORTAC 152	TULSA, OK VORTAC	3500
PARIS, TX VOR	MC ALESTER, OK VORTAC	3000
PINE BLUFF, AR VORTAC	MEMPHIS, TN VORTAC	*4000
*1700 - MOCA		
QUITMAN, TX VORTAC	MC ALESTER, OK VORTAC	*5000
*2400 - MOCA		MAA-41000
SAN SIMON, AZ VORTAC	ALBUQUERQUE, NM VORTAC	
	COP 90 SSO	18000
		MAA-35000
SCHOLES, TX VORTAC	SCHOLES, TX VORTAC 138/96	8000
SCURRY, TX VORTAC	MC ALESTER, OK VORTAC	18000
SCURRY, TX VORTAC	DONIE, TX FIX	18000
SMITH, TX FIX	BEAUMONT, TX VORTAC	*1600
*1200 - MOCA		
TEAKY, TX FIX	GATLN, TX FIX	2000
TEMPLE, TX VOR	GEREL, TX FIX	
VIA TPL VOR 338 & AQN VORTAC 202		2200
TEMPLE, TX VOR	BOSEL, TX FIX	3500
TULSA, OK VORTAC	CHANUTE, KS VOR	18000
		MAA-33000
TULSA, OK VORTAC	INT TUL VORTAC 097 & FSM VORTAC 312	*3000
*2200 - MOCA		
TULSA, OK VORTAC	KANSAS CITY, MO VORTAC	
VIA TUL VORTAC 358 & MKC VORTAC 223		18000
		MAA-45000
TULSA, OK VORTAC	RAZORBACK, AR VORTAC	*4000
*2800 - MOCA		MAA-23000
VICTORIA, TX VOR	PALACIOS, TX VORTAC	1500
WACO, TX VORTAC	KEENE, TX FIX	*2800
*2100 - MOCA		
WACO, TX VORTAC	LEONA, TX VORTAC	*2500
*2000 - MOCA		

§95.6003 VOR FEDERAL AIRWAY 3

IS AMENDED TO READ IN PART

LINDEN, VA VORTAC	SHAWNEE, VA VORTAC	*5000
*3900 - MOCA		

§95.6003 VOR FEDERAL AIRWAY 3—Continued

SHAWNEE, VA VORTAC	MARTINSBURG, WV VORTAC	5000

§95.6006 VOR FEDERAL AIRWAY 6

IS AMENDED TO READ IN PART

PIONS, OH FIX	WATERVILLE, OH VORTAC	*3300
*2200 - MOCA		

§95.6007 VOR FEDERAL AIRWAY 7

IS AMENDED TO READ IN PART

CHICAGO HEIGHTS, IL VORTAC	*NILES, IL FIX	2000
*3100 - MCA NILES FIX, N BND		

§95.6008 VOR FEDERAL AIRWAY 8

IS AMENDED TO READ IN PART

GAREN, IN FIX	*GRABI, IN FIX	**4000
*4000 - MRA		
**2200 - MOCA		
GRABI, IN FIX	FWERP, OH FIX	*4000
*2200 - MOCA		

§95.6010 VOR FEDERAL AIRWAY 10

IS AMENDED TO READ IN PART

MILAN, MI FIX	CARLETON, MI VORTAC	2500

§95.6012 VOR FEDERAL AIRWAY 12

IS AMENDED TO READ IN PART

DAYTON, OH VORTAC	*PIZZA, OH FIX	3000
*5000 - MRA		
PIZZA, OH FIX	*CLYDE, OH FIX	3000
*5000-MRA		

§95.6020 VOR FEDERAL AIRWAY 20

IS AMENDED TO DELETE

U.S. MEXICAN BORDER	MC ALLEN, TX VOR	2000

§95.6023 VOR FEDERAL AIRWAY 23

IS AMENDED TO READ IN PART

FORT JONES, CA VORTAC	TALEM, OR FIX	*10000
*9400 - MOCA		
TALEM, OR FIX	*MEDFORD, OR VORTAC	
	NW BND	8000
	SE BND	10000
*7000 - MCA MEDFORD VORTAC, SE BND		

FROM	TO	MEA
§95.6028 VOR FEDERAL AIRWAY 28 IS AMENDED TO READ IN PART		
SPOOK, CA FIX	STALK, NV FIX	13000
§95.6031 VOR FEDERAL AIRWAY 31 IS AMENDED TO READ IN PART		
HARRISBURG, PA VORTAC	SELINSGROVE, PA VORTAC	*3500
*2800 - MOCA		
GIBBY, NY FIX	BEEPS, NY FIX	*3500
*2800 - MOCA		
BEEPS, NY FIX	FAULT, NY FIX	*3000
*2100 - MOCA		
FAULT, NY FIX	ROCHESTER, NY VORTAC	*2700
*2100 - MOCA		
§95.6033 VOR FEDERAL AIRWAY 33 IS AMENDED TO READ IN PART		
HARRISBURG, PA VORTAC	GRETA, PA FIX	*4000
*2900 - MOCA		
AUDRY, PA FIX	RASHE, PA FIX	4000
RASHE, PA FIX	PHILIPSBURG, PA VORTAC	4000
§95.6034 VOR FEDERAL AIRWAY 34 IS AMENDED TO READ IN PART		
FAULT, NY FIX	ITHACA, NY VORTAC	*3000
*2100 - MOCA		
HANCOCK, NY VORTAC	ROOTE, NY FIX	*4000
*3000 - MOCA		
§95.6035 VOR FEDERAL AIRWAY 35 IS AMENDED TO READ IN PART		
HOMOE, FL FIX	GAINESVILLE, FL VORTAC	
VIA E ALTER.	VIA E ALTER.	3000
GAINESVILLE, FL VORTAC	CROSS CITY, FL VORTAC	
VIA E ALTER.	VIA E ALTER.	2000
CHARLESTON, WV VORTAC	BENZO, WV FIX	*4000
*3000 - MOCA		
BENZO, WV FIX	CLARKSBURG, WV VOR	3200
MORGANTOWN, WV VORTAC	INDIAN HEAD, PA VORTAC	*5000
*4400 - MOCA		
STONYFORK, PA VORTAC	ELMIRA, NY VORTAC	*4500
*3900 - MOCA		
ELMIRA, NY VORTAC	SCIPO, NY FIX	*3700
*3100 - MOCA		
SCIPO, NY FIX	SYRACUSE, NY VORTAC	3500
§95.6036 VOR FEDERAL AIRWAY 36 IS AMENDED TO READ IN PART		
DALEE, NY FIX	BURST, NY FIX	*4000
*3600 - MOCA		

FROM	TO	MEA
§95.6036 VOR FEDERAL AIRWAY 36—Continued		
BURST, NY FIX	THINK, NY FIX	4000
LAKE HENRY, PA VORTAC	SPOND, PA FIX	4000
SPARTA, NJ VORTAC	ELLIS, NJ FIX	3000
§95.6037 VOR FEDERAL AIRWAY 37 IS AMENDED TO READ IN PART		
JACKSONVILLE, FL VORTAC	*CHEST, GA FIX	**4000
*4000 - MRA		
*4000 - MCA CHEST FIX, S BND		
**1500 - MOCA		
BURCH, NC FIX	DOILY, VA FIX	*7000
*5100 - MOCA		
DOILY, VA FIX	PULASKI, VA VORTAC	*6000
*5000 - MOCA		
ZOOMS, WV FIX	*HAWKI, WV FIX	**8000
*8000 - MRA		
**6100 - MOCA		
ELKINS, WV VORTAC	CLARKSBURG, WV VOR	*5000
*3900 - MOCA		
CLARKSBURG, WV VOR	ELLWOOD CITY, PA VORTAC	*4000
*3200 - MOCA		
§95.6038 VOR FEDERAL AIRWAY 38 IS AMENDED TO READ IN PART		
ELKINS, WV VORTAC	*BUGEL, WV FIX	**6400
*8000 - MRA		
**5100 - MOCA		
BUGEL, WV FIX	CEROL, VA FIX	*8000
*6400 - MOCA		
MITER, VA FIX	GORDONSVILLE, VA VORTAC	
	NW BND	*5000
	SE BND	*4000
*3800 - MOCA		
RICHMOND, VA VORTAC	HARCUM, VA VORTAC	*2000
*1400 - MOCA		
HARCUM, VA VORTAC	CAPE CHARLES, VA VORTAC	*2000
*1300 - MOCA		
§95.6039 VOR FEDERAL AIRWAY 39 IS AMENDED TO READ IN PART		
DELRO, PA FIX	LANCASTER, PA VORTAC	3000
LANCASTER, PA VORTAC	BOYER, PA FIX	*2900
*2300 - MOCA		
BOYER, PA FIX	EAST TEXAS, PA VORTAC	*3000
*2300 - MOCA		
§95.6043 VOR FEDERAL AIRWAY 43 IS AMENDED TO DELETE		
BRIGGS, OH VORTAC	YOUNGSTOWN OH VORTAC	
VIA E ALTER.	VIA E ALTER	3500

FROM	TO	MEA

§95.6044 VOR FEDERAL AIRWAY 44
IS AMENDED TO READ IN PART

BENDS, WV FIX *5000 - MRA	*RANDE, WV FIX	4000

§95.6047 VOR FEDERAL AIRWAY 47
IS AMENDED TO READ IN PART

ROSEWOOD, OH VORTAC *4000 - MRA	*MAMLO, OH FIX	3000

§95.6058 VOR FEDERAL AIRWAY 58
IS AMENDED TO READ IN PART

LAKE HENRY, PA VORTAC	KINGSTON, NY VORTAC	4000

§95.6068 VOR FEDERAL AIRWAY 68
IS AMENDED TO READ IN PART

DERIC, TX FIX VIA S ALTER *4200 - MOCA	SAN ANGELO, TX VORTAC VIA S ALTER	*5000

§95.6076 VOR FEDERAL AIRWAY 76
IS AMENDED TO READ IN PART

EAGLE LAKE, TX VOR/DME VIA S ALTER.	BLUMS, TX FIX VIA S ALTER.	2100
BLUMS, TX FIX VIA S ALTER.	HOBBY, TX VOR/DME VIA S ALTER.	2400

§95.6077 VOR FEDERAL AIRWAY 77
IS AMENDED TO READ IN PART

SAN ANGELO, TX VORTAC	ABILENE, TX VORTAC	3900
DES MOINES, IA VORTAC *4000 - MRA	*MIXIN, IA FIX	3000
MIXIN, IA FIX	NEWTON, IA VORTAC	3000

§95.6081 VOR FEDERAL AIRWAY 81
IS AMENDED TO DELETE

AMARILLO, TX VORTAC VIA W ALTER	DALHART, TX VORTAC VIA W ALTER.	6000

§95.6092 VOR FEDERAL AIRWAY 92
IS AMENDED TO READ IN PART

BELLAIRE, OH VORTAC *3100 - MOCA	GALLS, PA FIX	*3600

§95.6097 VOR FEDERAL AIRWAY 97
IS AMENDED TO READ IN PART

CHICAGO O'HARE, IL VOR/DME	DRABB, IL FIX	2700
DRABB, IL FIX	FARMM, IL FIX	4000

§95.6103 VOR FEDERAL AIRWAY 103
IS AMENDED TO READ IN PART

ELKINS, WV VORTAC *3900 - MOCA	CLARKSBURG, WV VOR	*5000

§95.6113 VOR FEDERAL AIRWAY 113
IS AMENDED TO READ IN PART

NICER, NV FIX *10400 - MOCA	ROBUD, NV FIX	*12000

§95.6114 VOR FEDERAL AIRWAY 114
IS AMENDED TO READ IN PART

WRACK, LA FIX VIA N ALTER *1700 - MOCA	CLUNK, LA FIX VIA N ALTER	*5000

§95.6119 VOR FEDERAL AIRWAY 119
IS AMENDED TO READ IN PART

HENDERSON, WV VORTAC *3500 - MRA	*JACEE, WV FIX	2700
JACEE, WV FIX	PARKERSBURG, WV VORTAC	2700
GALLS, PA FIX *2800 - MOCA	OTOWN, PA FIX	*3700

§95.6121 VOR FEDERAL AIRWAY 121
IS AMENDED TO READ IN PART

FORT JONES, CA VORTAC *9100 - MOCA	BAYTS, Or FIX	*10000

§95.6128 VOR FEDERAL AIRWAY 128
IS AMENDED TO READ IN PART

KENLA, IN FIX	VAGES, IN FIX	2600
VAGES, IN FIX *4000 - MRA **2300 - MOCA	*POTES, IN FIX	**4000

§95.6139 VOR FEDERAL AIRWAY 139
IS AMENDED TO READ IN PART

SEA ISLE, NJ VORTAC *2000 - MOCA	BRIGS, NJ FIX	*2500

FROM	TO	MEA

§95.6140 VOR FEDERAL AIRWAY 140

IS AMENDED TO DELETE

AMARILLO, TX VORTAC VIA N ALTER.	BRISC, TX FIX VIA N ALTER.	5300
BRISC, TX FIX VIA N ALTER.	SAYRE, OK VORTAC VIA N ALTER.	4800

§95.6151 VOR FEDERAL AIRWAY 151

IS AMENDED TO READ IN PART

HYANNIS, MA VORTAC *1500 - MOCA	PROVIDENCE, RI VORTAC	*2000

§95.6153 VOR FEDERAL AIRWAY 153

IS AMENDED TO READ IN PART

LAKE HENRY, PA VORTAC	HANCOCK, NY VORTAC	4400

§95.6157 VOR FEDERAL AIRWAY 157

IS AMENDED TO READ IN PART

OCALA, FL VORTAC	GAINESVILLE, FL VORTAC	2000

§95.6159 VOR FEDERAL AIRWAY 159

IS AMENDED TO READ IN PART

OCALA, FL VORTAC VIA E ALTER.	GAINESVILLE, FL VORTAC VIA E ALTER.	2000

§95.6166 VOR FEDERAL AIRWAY 166

IS AMENDED TO READ IN PART

CAPON, WV FIX *3500 - MOCA	MARTINSBURG, WV VORTAC	*5000 MAA-17500

§95.6184 VOR FEDERAL AIRWAY 184

IS AMENDED TO READ IN PART

RASHE, PA FIX	AUDRY, PA FIX	4000
AUDRY, PA FIX	GRETA, PA FIX	4000

§95.6188 VOR FEDERAL AIRWAY 188

IS AMENDED TO READ IN PART

GILLS, OH FIX *2400 - MOCA	JEFFERSON, OH VORTAC	*3000

§95.6198 VOR FEDERAL AIRWAY 198

IS AMENDED TO READ IN PART

EAGLE LAKE, TX VOR/DME	BLUMS, TX FIX	2100
BLUMS, TX FIX	HOBBY, TX VOR/DME	2400

§95.6203 VOR FEDERAL AIRWAY 203

IS AMENDED TO READ IN PART

NORWICH, CT VORTAC *3500 - MCA RUSEL FIX, NW BND **1800 - MOCA	*RUSEL, MA FIX	**3000
ALBANY, NY VORTAC *3200 - MOCA	WAREN, NY FIX	*3700

§95.6214 VOR FEDERAL AIRWAY 214

IS AMENDED TO READ IN PART

BELLAIRE, OH VORTAC *3100 - MOCA	GALLS, PA FIX	*3600

§95.6218 VOR FEDERAL AIRWAY 218

IS AMENDED TO READ IN PART

PONTIAC, MI VORTAC	NOVIE, MI FIX	2800

§95.6265 VOR FEDERAL AIRWAY 265

IS AMENDED TO READ IN PART

HARRISBURG, PA VORTAC *2900 - MOCA	GRETA, PA FIX	*4000
AUDRY, PA FIX	RASHE, PA FIX	4000
RASHE, PA FIX	PHILIPSBURG, PA VORTAC	4000

§95.6267 VOR FEDERAL AIRWAY 267

IS AMENDED TO READ IN PART

JACKSONVILLE, FL VORTAC *1500 - MOCA	KICKS, GA FIX	*2000

§95.6272 VOR FEDERAL AIRWAY 272

IS AMENDED TO READ IN PART

BORGER, TX VORTAC	BRISC, TX FIX	4800
BRISC, TX FIX *4400 - MOCA	SAYRE, OK VORTAC	*5300

§95.6276 VOR FEDERAL AIRWAY 276

IS AMENDED BY ADDING

U.S. CANADIAN BORDER *3100 - MOCA	ERIE, PA VORTAC	*8500

FROM	TO	MEA

§95.6280 VOR FEDERAL AIRWAY 280

IS AMENDED TO READ IN PART

TEXICO, NM VORTAC *9500 - MRA **5500 - MOCA	*SIDER, TX FIX	**7000

IS AMENDED TO DELETE

TEXICO, NM VORTAC VIA S ALTER *9500 - MRA **5500 - MOCA	*SIDER, TX FIX VIA S ALTER	**7000
SIDER, TX FIX VIA S ALTER	AMARILLO, TX VORTAC VIA S ALTER	6000

§95.6300 VOR FEDERAL AIRWAY 300

IS AMENDED TO READ IN PART

U.S CANADIAN BORDER *2400 - MOCA #MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.	AVALE, MI FIX	#*9000
AVALE, MI FIX *2400 - MOCA	SAULT STE MARIE, MI VORTAC	*3000

§95.6303 VOR FEDERAL AIRWAY 303

IS AMENDED TO READ IN PART

HOT SPRINGS, AR VOR	BLURB, AR FIX	3500
BLURB, AR FIX *4000 - MCA BLIMP FIX, SE BND **3600 - MOCA	*BLIMP, AR FIX	**4500

§95.6318 VOR FEDERAL AIRWAY 318

IS AMENDED TO READ IN PART

HOULTON, ME VOR	U.S CANADIAN BORDER	1900

§95.6324 VOR FEDERAL AIRWAY 324

IS AMENDED TO READ IN PART

WORLAND, WY VOR	CHAPY, WY FIX E BND W BND	12000 9000
CHAPY, WY FIX	*CRAZY WOMAN, WY VORTAC	12000
*9500 - MCA CRAZY WOMAN VORTAC, W BND		

§95.6374 VOR FEDERAL AIRWAY 374

IS AMENDED TO READ IN PART

WACKY, RI FIX *1400 - MOCA	FALMA, MA FIX	*2100

FROM	TO	MEA

§95.6374 VOR FEDERAL AIRWAY 374—Continued

FALMA, MA FIX *1300 - MOCA	MARTHAS VINEYARD, MA VOR	*2000

§95.6387 VOR FEDERAL AIRWAY 387

IS ADDED TO READ

U.S. MEXICAN BORDER	MC ALLEN, TX VOR	2000

§95.6407 HAWAII VOR FEDERAL AIRWAY 7

IS AMENDED TO READ IN PART

JOELE, HI FIX	ATINE, HI FIX	4000

§95.6422 HAWAII VOR FEDERAL AIRWAY 22

IS AMENDED TO READ IN PART

MAUI, HI VORTAC *10500 - MCA BARBY FIX, SE BND	*BARBY, HI FIX	7000
BARBY, HI FIX *1700 - MOCA	SARDS, HI FIX	*12000

§95.6440 VOR FEDERAL AIRWAY 440

IS AMENDED BY ADDING

AMARILLO, TX VORTAC	BRISC, TX FIX	5300
BRISC, TX FIX *4400 - MOCA	SAYRE, OK VORTAC	*5300

§95.6451 VOR FEDERAL AIRWAY 451

IS AMENDED TO READ IN PART

WHITMAN, MA VOR/DME *2500 - MCA TONNI FIX, N BND **1400 - MOCA	*TONNI, MA FIX	**2000

§95.6495 VOR FEDERAL AIRWAY 495

IS AMENDED TO READ IN PART

FORT JONES, CA VORTAC *9100 - MOCA	BAYTS, OR FIX	*10000
BAYTS, OR FIX *10000 - MRA **7100 - MOCA	*PAPLE, OR FIX	**10000

§95.6526 VOR FEDERAL AIRWAY 526

FROM	TO	MEA	FROM	TO	MEA

§95.6526 VOR FEDERAL AIRWAY 526—Continued

IS AMENDED TO READ IN PART

MUSKY, MI FIX	SOUTH BEND, IN VORTAC	2600

§95.6522 VOR FEDERAL AIRWAY 522

IS AMENDED TO READ IN PART

ERIE, PA VORTAC	HAMIT, PA FIX	3000
HAMIT, PA FIX	DUNKIRK, NY VORTAC	3300

§95.6007 VOR FEDERAL AIRWAY 7

IS AMENDED TO DELETE

BRAIK, IL FIX VIA E ALTER. *3000–MRA **1700–MOCA	*STORY, IL. FIX VIA E ALT.	**3000

FROM	TO	MEA	MAA

§95.7006 JET ROUTE NO. 6

IS AMENDED TO READ IN PART

PRESCOTT, AZ VORTAC	12220, AZ	22000	45000
12220, AZ	ZUNI, NM VORTAC	18000	45000

§95.7048 JET ROUTE NO. 48

IS AMENDED TO READ IN PART

WESTMINSTER, MD VORTAC	RIFLE, PA FIX	18000	45000
RIFLE, PA FIX	FLYPI, PA FIX	23000	45000

§95.7058 JET ROUTE NO. 58

IS AMENDED TO READ IN PART

NEPTA, FL FIX	COVIA, FL FIX	#26000	45000

#MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
	V-6		
	IS AMENDED BY ADDING		
MARTINSBURG, WV VORTAC	WASHINGTON, DC VOR/DME	29	MARTINSBURG
	V-23		
	IS AMENDED TO DELETE		
FORT JONES, CA VORTAC	MEDFORD, OR VORTAC	25	FORT JONES
	V-113		
	IS AMENDED BY ADDING		
RENO, NV VORTAC	SOD HOUSE, NV VORTAC	48	RENO

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
	J-58		
	IS AMENDED BY ADDING		
NEW ORLEANS, LA VORTAC	SARASOTA, FL VORTAC	158	NEW ORLEANS

[FR Doc. 83-14580 Filed 6-1-83; 8:45 am]
BILLING CODE 4910-13-C

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-19815]

Delegation of Authority to Director of Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules governing the delegation of authority to permit the Director of the Division of Market Regulation to exempt registered national securities exchanges from the periodic filing requirements imposed by Rule 6a–2 under the Securities Exchange Act of 1934 (the "Act") with respect to certain exchange affiliates and subsidiaries.

EFFECTIVE DATE: June 2, 1983.

FOR FURTHER INFORMATION CONTACT: Alden Adkins, Esq., Division of Market Regulation (202) 272–2418.

SUPPLEMENTARY INFORMATION: The Commission has today announced the amendment, effective immediately, to Rule 6a–2 and related Forms 1 and 1–A under the Act (17 CFR 249.1 and 17 CFR 249.1a), the forms for application for registration as a national securities exchange and for periodic amendments thereto. Among the amendments adopted is a change to Rule 6a–2 that gives the Commission the authority to exempt national securities exchanges from filing certain exchange affiliate and subsidiary information.

The Commission also today announced the amendment of its rules governing the delegation of authority to the Director of the Division of Market Regulation (17 CFR 200.30–3) with respect to the Securities Exchange Act of 1934 (15 U.S.C. 78a, *et seq.*, as amended). The new amendment authorizes the Director of the Division of Market Regulation to grant the exemptions now provided for in Rule 6a–2. The Commission finds, in accordance with the Administrative Procedure Act ("APA") [5 U.S.C. 553(b)(3)(B)] that this amendment relates solely to agency organization, procedure and practice and that notice and procedure under the APA are not necessary. This action, taken pursuant to 15 U.S.C. 78d–1, as amended, becomes effective immediately upon publication in the **Federal Register.**

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of Information, Privacy, Securities.

Text of Amendment

The Securities and Exchange Commission pursuant to the Act, and particularly Sections 2, 12 and 23 (15 U.S.C. 78b, 78*l*, and 78n), thereof, and the Delegation of Functions Act, 15 U.S.C. 78d–1, hereby adopts an amendment to § 200.30–3(a).

PART 200—ORGANIZATION, CONDUCT AND ETHICS, AND INFORMATION AND REQUESTS

The Commission hereby amends § 200.30–3, 17 CFR Chapter II by adding paragraph (a)(41) to read as follows:

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(41) Pursuant to Rule 6a–2(c) (§ 240.6a–2 of this chapter) to exempt registered national securities exchanges from the filing requirements imposed by Rule 6a–2 with respect to certain affiliates and subsidiaries of the exchange.

* * * * *

Dated: May 26, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14824 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Parts 240 and 249

[Release No. 34-19814; File No. S7-937]

Registration as a National Securities Exchange; Revision of Rule 6a–2, Forms 1 and 1–A Under the Securities Exchange Act of 1934

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted amendments to the form for applications for, or exemption from, registration as a national securities exchange, and the form for amendments to and/or supplementation of such registration or exemption statements. The amendments are designed principally to eliminate obsolete and duplicative filing requirements and generally to bring these forms into conformity with the Securities Exchange Act of 1934, as amended in 1975. The Commission also has adopted amendments to its rule requiring national securities exchanges to file annual amendments or exemption statements to their registration. The rule amendments are necessitated by the changes to the form on which data pursuant to Rule 6a–2 is filed with the Commission.

EFFECTIVE DATE: June 2, 1983.

FOR FURTHER INFORMATION CONTACT: Alden Adkins (202) 272–2418, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission today adopted amendments to Rule 6a–2 [17 CFR Part 240]; and Forms 1 [17 CFR 249.1] and 1–A [17 CFR 249.1a] under the Securities Exchange Act of 1934 (the "Act"). These amendments relate to proposals that were published for comment in June 1982.[1] The comments received on the proposals were generally favorable. Several changes have been made in the proposals in response to comments. This release focuses primarily on the changes made from the proposals and the basis for such revisions. Readers are directed to the text of the amendments and to the proposing release for further information concerning the amendments.

I. Background

Section 5 (15 U.S.C. 78e) of the Act generally prohibits securities transactions on an exchange unless the exchange is registered with the Commission pursuant to Section 6 of the Act (15 U.S.C. 78f) or is specifically exempted from registration by the Commission. Section 6 sets forth the conditions for exchange registration, in a form prescribed by the Commission, that contains the rules of the exchange and any other information and documents deemed necessary or appropriate by the Commission.[2]

Pursuant to Section 6, the Commission adopted Rule 6a–1 (17 CFR 240.6a–1) and Rule 6a–2 (17 CFR 240.6a–2).[3] Rule 6a–1 generally requires an applicant for registration as a national securities exchange, or for exemption from registration, to file an application with the Commission on Form 1 together with accompanying exhibits.[4] Rule 6a–2

[1] Securities Exchange Act Release No. 34–18843, June 25, 1982 (the "Proposing Release") 47 FR 28239 (July 6, 1982).

[2] Pursuant to Section 6(b) of the Act, the Commission may not grant registration unless it makes the findings contained therein.

[3] Securities Exchange Act Release No. 4383 (January 1, 1950), 14 FR 7759 (December 28, 1949).

[4] Rule 6a–1 also requires an exchange, promptly after discovering that any information in its statement or any exhibit or amendment thereto was inaccurate when filed, to file with the Commission an amendment (on Form 1–A) correcting such inaccuracy.

generally requires each registered or exempted exchange to update its statement by filing an annual amendment on Form 1–A, setting forth any changes in the information contained in the statement or in specified exhibits which have not been reported previously in an amendment.

Forms 1 and 1–A were last amended on January 1, 1950, simultaneously with the adoption of Rules 6a–1 and 6a–2. Since that time, the enactment of the Securities Act Amendments of 1975 ("1975 Amendments")[5] has altered significantly the regulatory scheme applicable to national securities exchanges, and technological advances have greatly changed the manner in which securities exchanges operate. In addition, as a result of its experience in administering Rules 6a–1 and 6a–2 and reviewing Forms 1 and 1–A, the Commission found that certain of the information currently required by the forms either duplicates information that is otherwise available to the Commission or imposes collection and reporting burdens on exchanges that outweigh the value of the information provided. The Commission, therefore, proposed amendments that would update the rules and forms and eliminate any unnecessary and unjustified requirements. The Commission believes that the regulations adopted today will reduce the burdens associated with both the preparation by exchange officials and the review by Commission staff of Forms 1 and 1–A.

II. Overview of Comments

The Commission reveived five comment letters concerning these proposed amendments; all five were sent by national securities exchanges.[6] Several of the comment letters commended the Commission efforts to reduce the exchanges' registration and reporting burdens. In addition, the commentators all suggested ways in which they believed the proposals should be changed. The specific comments and suggestions focused primarily on two areas: (1) the annual financial statements required to be submitted under Exhibits E and F to Form 1: and (2) the proposal to require the exchanges to submit complete copies of their own and their affiliates' rules each year. Rule 6a–2 and Forms 1 and 1–A have been changed in response to these comments. These comments are discussed in detail below.

III. Discussion

(1) Annual Financial Statements: Exhibits E and F

As proposed, the exchanges would have been required to submit separate audited annual financial statements for the exchange (proposed Exhibit E) and each of its affiliates and subsidiaries (proposed Exhibit F). Currently the exchanges are required to submit separate annual financial statements for the exchange (current Exhibit E), and each of its affiliates and subsidiaries (current Exhibit F), but they need not be audited. The commentators uniformly opposed the proposed requirement that the separate financial statements of exchange affiliates and subsidiaries be audited,[7] suggesting that the additional cost of compliance with such a requirement would outweigh any benefit to the Commission in increased oversight capability.[8] In addition, one commentator noted that separate financial statements for affiliates such as SIAC are submitted to the Commission pursuant to other sections of the Act and so should not have to be submitted by the exchange under Form 1–A.[9]

The Commission continues to believe that an auditing requirement is justified and indeed necessary in order for the Commission to carry out its oversight of the exchanges. The Commission also continues to believe that separate financial statements for the exchange and each of its affiliates and subsidaries are necessary to the Commission's oversight of the exchanges. However, it agrees with the commenters that the cost of providing separate audited statements for the exchange and each of its affiliates and subsidiaries may be substantial.

The Commission, therefore, is modifying Exhibits E and F to allow the exchanges to submit audited consolidated financial statements (Exhibit E)[10] and unconsolidated financial statements for the exchange and its affiliates and subsidiaries (Exhibit F).[11] The Commission believes that these modifications allow the Commission to receive the materials necessary to its oversight function without imposing upon the exchanges any unreasonable additional costs.[12]

In response to the suggestion that some affiliates are already required to submit financial statements under another Commission rule, the Commission is excepting from Exhibit F any affiliate that files with the Commission under another Commission rule an annual financial statement meeting the requirement of Exhibit F.[13]

---

[5] Pub. L. No. 94–29 (June 4, 1975).

[6] Letters were received from the American Stock Exchange, Inc. (Amex); the Boston Stock Exchange, Inc. (BSE); the Midwest Stock Exchange, Inc. (MSE); the New York Stock Exchange, Inc. (NYSE); and the Pacific Stock Exchange, Inc. (PSE). Copies of the letters of comment are available for public inspection and copying at the Commission's Public Reference Room (*See* File No. S7–937).

[7] One exchange also stated that disclosure of the separate financial statements of the exchange would cause it competitive injury and that it will seek confidential treatment for such financial statements if the Commission continues to require their submission. *See* letter dated October 25, 1982, from J. Craig Long, MSE, to George Fitzsimmons, SEC (the "MSE letter"). The Commission will, of course, consider any request for confidential treatment of documents required under Rule 6a–2 when and if such requests are actually made; it feels, however, that, while there conceivably could be rare occasions when confidential treatment is appropriate for particular exchange documents filed under Rule 6a–2 in any particular year, a grant of confidential treatment to an entire class of exchange documents required by Rule 6a–2 is neither appropriate nor necessary.

[8] The PSE estimated that it would incur an additional cost of $20,000/year in complying with this requirement, and NYSE estimated that its incremental costs associated with this requirement would be in excess of $50,000. See letter dated September 9, 1982, from Karen A. Wendell, PSE, to George A. Fitzsimmons, SEC ("PSE letter"); and letter dated September 13, 1982, from James E. Buck, NYSE, to George Fitzsimmons, SEC ("NYSE letter").

[9] *See* the NYSE letter.

[10] The financial statements required under Exhibit E are the same as those described in the proposal, *i.e.*, they must be for the latest fiscal year, prepared in accordance with generally accepted accounting principles, and covered by a report prepared by an independent public accountant.

If an exchange has no affiliates it must file an audited financial statement under Exhibit E but need not file anything in response to Exhibit F.

[11] The financial statements required under Exhibit F need not be prepared in accordance with generally accepted accounting principles or be covered by a report prepared by an independent public accountant. Such financial statements must, at a minimum, consist of a balance sheet and an income statement, and must include such footnotes and other disclosures as are necessary to avoid rendering the statements misleading.

The exchanges should note that the Exhibit describes the minimum requirements for financial statements submitted thereunder; the exchanges may submit financial statements that exceed these requirements (*e.g.*, because they already prepare such financial statements).

[12] All the exchanges that have affiliates or subsidiaries already prepare audited consolidated financial statements and all but one of the other exchanges already prepare audited financial statements. The one exchange that did not prepare an audited consolidated financial statement was the Spokane Stock Exchange (SSE), which, having no affiliates or subsidiaries, submitted an unaudited financial statement for the exchange alone.

Thus, the only new costs required by Exhibit E, as adopted, is the cost to SSE of having its financial statements audited. SSE did not comment on the proposal. The Commission believes that such additional costs are small and far outweighed by the benefits offered by audited consolidated financial reporting.

Exhibit F, as adopted, represents a consolidation of existing Exhibits E and F, with certain affiliates excepted for exempted (see below). Thus, no new burden is imposed by Exhibit F, as adopted. Indeed, with these new exceptions, the exchanges' reporting burden with respect to their affiliates' financial condition has been substantially reduced.

[13] *See* text of Exhibit F as adopted. Rule 17a–22 under the Act, 17 CFR 240.17a–22, requires any

Rule 6a–2 also has been modified for this exception; specifically, a new last sentence has been added to renumbered paragraph (a)(2) of Rule 6a–2 to prescribe the reporting in annual amendments of any change (or no change) in the status of an excepted affiliate.

(2) Submission of the Constitution, By-Laws and Rules of the Exchange and Its Affiliates

In the proposing release the Commission proposed amending Rule 6a–2 to require the exchange to submit complete Exhibits A(1), A(2) and A(3) annually to the Commission.[14] Since several of the exchanges periodically have published updated versions of their rules, it was felt that this would impose a minimal burden on the exchanges. Four of the five commentators, however, objected to this requirement.[15]

The Commission agrees that the annual submission of the information required by Exhibits A(1), A(2) and A(3) is unnecessary, especially in view of the fact that 19(b) of the Act requires the exchanges to submit all proposed rule changes to the Commission. The Commission, therefore, is amending Rule 6a–2 to require the submission of complete Exhibits A(1), A(2) and A(3) once every three years.[16]

(3) Exemptive Authority With Respect to Certain Affiliates

One commentator suggested that exchanges with common affiliates be permitted to designate one exchange from among them to file with the Commission any information concerning such affiliates required by Rule 6a–2.[17] In addition, one commentor suggested that exchanges should not be required to submit financial statements for "essentially inactive" subsidiaries.[18] In response to these comments, the Commission has added new paragraph (c) to Rule 6a–2 to give the Commission exemptive authority so that only one exchange would have to comply with the periodic filing requirements of Rule 6a–2 with respect to any common affiliate of two or more exchanges (6a–2(c)(1)),[19] and to exempt an exchange from making periodic filings with respect to any "inactive subsidiary" (6a–2(c)(2).[20] In addition, the Commission is adopting in a separate release amendments to its rules to delegate to the Director of the Division of Market Regulation the authority to grant such exemptions.[21]

(4) Item 9 of the Registration Statement (Form 1)

The only other specific suggestion made in response to the Proposing Release was that the categories of floor members listed in Item 9 should be defined. This commentator also suggested that the instructions should clarify how to count individuals who may be engaged in more than one of the categories of floor activity.[22]

The purpose of Item 9 is to obtain annually an idea of the general composition of the exchange's floor member community. While it might be desirable to define each category, the Commission believes that it is not necessary or appropriate to do so for purposes of this form, particularly given the substantial likelihood that the nature of the activities of the various categories of members will change over time. We believe that any interpretive questions the exchanges may have can best be resolved informally and flexibly through discussions with the Commission staff as the need arises.

In response to MSE's second suggestion, the Commission has added to the footnote to Item 9 an explanation of when a member is considered to be "engaged primarily" in an activity or function; this explanation makes clear that ordinarily no member will be counted under two different categories under Item 9.

(5) Summary of Other Revisions

Except as discussed above, the Commission is adopting the amendments to Forms 1 and 1–A as proposed in the Proposing Release. These amendments are: (i) deletion from Form 1 of current Items 5, 10–15, 17–18, and 20, all of which are designed to elicit information about the exchange that generally is included in the rules of the exchange; (ii) an amendment to renumbered Item 7 that requires that the exchange provide the information requested with respect to any affiliate or subsidiary that ceased to be associated with the exchange during the previous year; (iii) amendments to renumbered Item 8 to reflect changes in the types of functions performed by exchange members as well as the development of new categories of membership; (iv) deletion of current Item 19, which seeks information that is reported elsewhere; (v) deletion of Items 21 and 22, which solicit agreements by the exchange/registrant that have been rendered obsolete by the 1975 Amendments; (vi) amendments to Exhibit B to Form 1 to delete paragraph (2), which has been

---

registered clearing agency to file with the Commission materials it sends to participants. Any clearing agency whose rules require it to send annual financial statements to its participants is, thus, required to file such statements with the Commission, and is, therefore, excepted from Exhibit F under this provision. There are currently seven such registered clearing agencies (Pacific Securities Depository Trust Company (PSDTC), Pacific Clearing Corporation (PCC), Midwest Securities Trust Corporation (MSTC), Midwest Clearing Corporation (MCC), Depository Trust Company (DTC), National Securities Clearing Corporation (NSCC) and Philadelphia Depository Trust Company (PDTC)). In addition, three other exchange affiliated clearing agencies (Boston Stock Exchange Clearing Corporation (BSECC), Stock Clearing Corporation of Philadelphia (SCCP) and Options Clearing Corporation (OCC)) will soon adopt rules requiring them to send financial statements to their participants pursuant to the standards for full clearing agency registration. *See* Securities Exchange Act Release No. 16900 (June 17, 1980) 45 FR 41920 (June 23, 1980). OCC is already required to submit annual financial statements to the Commission; as issuer of exchange-traded options, it is required to annually amend its registration statement for these options.

The Commission, notes, however, that registered securities information processors ("SIPs") are not currently required to submit annual financial statements to the Commission, and so would not qualify for this exception. Three of the four registered SIPs, however (Securities Information Automation Corporation (SIAC), Consolidated Tape Association (CTA) and Options Price Reporting Association (OPRA)) are common affiliates, so that some of their parent exchanges may by exempted under the exemptive authority discussed below.

[14] Exhibit A(1) covers submission of the constitution, charter, by-laws and rules ("rules") of the exchange; Exhibit A(2) covers written rulings, settled practices and interpretations of the Governing Board or other committee of the exchange with respect to the rules; and Exhibit A(3) covers the rules of affiliates and subsidiaries of the exchange.

[15] *See* letters of Amex, BSE, MSE and NYSE.

[16] *See* Rule 6a–2(b) as adopted. In conjunction with this change, the word "Annual" in the title to Rule 6a–2 is being replaced by the word "Periodic." In addition, the subparagraphs in Rule 6a–2 have been renumbered and relettered.

[17] *See* letter, dated September 3, 1982, from Richard O. Scribner, Executive Vice President, Amex, to George Fitzsimmons, Secretary, SEC.

[18] *See* NYSE letter.

[19] The periodic reporting requirements respecting exchange affiliates are found in Exhibits A(3) (Chapter, By-Laws and Rules), F(financial statements), and H (officers and directors).

According to the most recently filed Forms 1–A, there are seven exchange affiliates that might qualify for this exemption: OCC, DTC, NSCC, SIAC, CTA, CQA and OPRA. The first three are required to file financial statements under another Commission rule and so are otherwise excepted from Exhibit F, *See* note 13, above.

[20] While "inactive subsidiary" is not defined for purposes of this provision, the Commission expects to consider a subsidiary to be inactive only if it has little or no income and liabilities and, thus, does not have the potential to have an impact on the financial condition of the exchange. Unlike the exception for affiliates and subsidiaries that are required by another Commission rule to submit annual financial statements, the exemptions for inactive subsidiaries will not be available to exchanges submitting the complete registration statements on this year's Form 1–A. This is because an exchange would have to submit information equivalent to that which would be eliminated by the exemption in order to show that a subsidiary is inactive.

[21] Securities Exchange Act Release No. 19815 (May 26, 1983).

[22] *See* the MSE letter.

made redundant by the 1975 Amendments; to consolidate paragraphs (3) and (4) into a new paragraph (2); and to delete paragraph (5), which was rendered obsolete by the 1975 Amendments; (vii) amendments to Exhibit G to require information about any officers, governors or committee members of the exchange who resigned or were terminated during the covered year; (viii) amendment to Exhibit J to delete paragraph (4), which requires that the exchange provide a list of the partners, officers or directors of each member firm of the exchange; (ix) adoption of a new Exhibit M, to require information about securities admitted to trading on the exchange subject to an exemption from registration under Section 12(a) of the Act; (x) amendments to instruction numbers 3 and 4 of Form 1, and numbers 2 and 4 of Form 1–A, to require the use of 8½ by 11 inch paper; and (xi) adoption of a footnote to Exhibits B, C and D to require tables of contents for these exhibits.

IV. 1983 Submissions

In the Proposing Release, the Commission stated that it intended to request, pursuant to Rule 6a–1(d), that each exchange file as its 1983 Form 1–A annual amendment a complete new registration statement and all exhibits that are prescribed to be filed in connection therewith. For the reasons stated in the proposing release, the Commission is now making this request.[23]

V. Regulatory Flexibility Act Status

The Chairman of the Commission has certified that the proposed amendments to Forms 1 and 1–A and Rule 6a–2 would not have a significant economic impact on a substantial number of small entities. No comments were received on this aspect of the proposal.

VI. Statutory Authority and Findings

The Commission hereby adopts proposed amendments with the modifications described above to Forms 1 and 1–A and to Rule 6a–2 pursuant to its authority under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)], and particularly Sections 3, 5, 6, 17, 19 and 23 thereof [15 U.S.C. 78, 78e, 78f, 78g, 78s and 78w]. The Commission finds that these amendments are intended to bring the Forms and rule into conformity with the Act, as revised by the 1975 Amendments, to update their contents to better represent the current trading environment, and to eliminate obsolete and duplicative requirements. As required by Section 23(a) of the Act, the Commission has considered the impact that these rulemaking actions would have on competition and has concluded that they would impose no significant burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Pursuant to Rule 6a–1(d) the Commission finds that, because of the adoption of these amendments, the number of amendments to be filed in the registered national securities exchanges' annual amendments to their registration statements will be so great that the purpose of clarity will be promoted by the filing of a complete new registration statement, and all exhibits prescribed to be filed therewith, by each exchange as its 1983 Form 1–A.

List of Subjects in 17 CFR Parts 240 and 249

Reporting and recordkeeping requirements, Securities.

VII. Text of Amendments

Accordingly, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By revising § 240.6a–2 to read:

§ 240.6a–2 Periodic amendments to registration statements or exemption statements of exchanges.

(a) Unless exempted pursuant to paragraph (c) of this section, on or before June 30 of each year, each exchange registered as a national securities exchange or exempted from such registration shall file an annual amendment setting forth:

(1) All changes, and the effective dates thereof, which have been effected in any of the information contained or incorporated in the statement, or in Exhibits B, C and D, and which have not previously been reported in an annual amendment. Such amendment shall bring the statement and Exhibits B, C and D up to date as of the latest practicable date within one month of the date on which the amendment is filed. In the event that no changes have occurred in any of this material during the period covered by the amendment, a statement to that effect shall be set forth in the amendment.

(2) Complete Exhibits E and F as of the end of the latest fiscal year of the exchange, or, in the case of the unconsolidated financial statements of an affiliate or subsidiary required under Exhibit F, as of the end of the latest fiscal year of such affiliate. In the event that no change has occurred in the status of an affiliate or subsidiary listed in a previous Exhibit F as one that is required by another Commission rule to file annual financial statements equivalent to those described in Exhibit F, a statement to that effect shall be included.

(3) Complete exhibits G, H, I, J, K, L and M. The information contained in these exhibits shall be up to date as of the latest practicable date within 3 months of the date on which the annual amendment is filed.

(b) Unless exempted pursuant to paragraph (c) of this rule, on or before June 30, 1983, and every three years thereafter each exchange registered as a national securities exchange shall file complete Exhibits A(1), A(2), and A(3) to its registration statement. The information contained in these exhibits shall be up to date as of the latest practicable date within three months of the date on which these exhibits are filed.

(c) The Commission may exempt a national securities exchange from making the periodic amendments required by this rule for any affiliate or subsidiary listed in response to Item 7 of the exchange's registration statement, as amended, that either (1) is listed in response to Item 7 of the registration statement, as amended, of one or more other national securities exchanges; or (2) was an inactive subsidiary throughout the subsidiary's latest fiscal year. The Commission may grant such exemptions upon such terms and conditions as it deems are necessary and appropriate for the protection of investors and the public interest, provided, however, that at least one national securities exchange shall be

[23] One commentor suggested that this requirement will be "somewhat burdensome." *See* NYSE letter. The Commission does not believe that this will impose a significant burden on the exchanges. Each exchange would, in preparing its 1983 annual amendments, be required to submit certain exhibits in full anyway (Exhibits A(1), A(2), A(3), and E–M). In addition, the exchanges would be required to review the other exhibits and the body of the registration statement to see if there have been any changes to the information contained in those items and exhibits that have to be reported under Rule 6a–2(a)(1). Thus, preparing an entirely new form will not require the exchanges to seek out or generate any information or material they already would not have to seek out in the process of completing their annual amendments. Finally, the exchanges will be required to amend, and submit as amended on this year's Form 1–A, almost every item and exhibit to Form 1–A because of the changes being adopted today. Thus, the requirement of preparing and submitting only for 1983 an entirely new registration statement, with exhibits, imposes at most a minor clerical burden on the exchanges. This burden is outweighed by the Commission's interest in having available a complete registration statement against which future exchange submissions of revised Form 1–A may be compared.

required to make the periodic amendments required by this rule for an affiliate or subsidiary described in (c)(1) of this section.

PART 249—FORM, SECURITIES EXCHANGE ACT OF 1934

§ 249.1 [Amended]

2. By revising Form 1 in § 249.1 to read as follows:

(Form 1 does not appear in the Code of Federal Regulations)

Securities and Exchange Commission

Washington, D.C.

Form 1

Application for Registration or Exemption From Registration as a National Securities Exchange

On the basis of the attached statement and exhibits, the undersigned hereby applies for registration* exemption from registration* as a national securities exchange, pursuant to Section 6 of the Securities Exchange Act of 1934 and the rules and regulations thereunder.

Exchange _____
By Name Title _____
Date _____
(SEAL)
Attest: Name Title _____

Instructions for Form 1 and Accompanying Statements and Exhibits

1. Form 1 and the accompanying statement and exhibits shall be filed in duplicate, each of which shall be signed and attested by duly authorized officials of the exchange.

2. An exchange may use the printed Form 1 and statement. If the space provided in the statement for an answer to any item is insufficient, the answer may be typed on a separate insert page or pages which shall be incorporated into the statement by reference thereto in the space provided for the item.

3. If the exchange does not use the printed Form 1 and statement it shall type or print a complete Form 1 and statement containing both the items in each and the answers thereto. Form 1 and the accompanying statement and exhibits shall be typed or printed on good quality 8½ × 11 inch white paper and shall have a margin of at least 1½ inches on the left.

4. If the information called for by any exhibit is available in printed form, the printed material may be used provided it does not exceed 8½ × 11 inches in size.

5. If any item of the statement is inapplicable, a statement to that effect shall be made following the item. If any exhibit called for is inapplicable, a statement to that effect shall be furnished in lieu of such exhibit.

6. All answers to items of the statement shall be stated as briefly as completeness will permit, and may be expanded upon or qualified by reference to applicable pages, articles, sections or paragraphs of any exhibit.

*Strike out inapplicable words.

STATEMENT

Securities and Exchange Commission

Washington, D.C.

Statement to be Filed in Connection With an Application for Registration or Exemption from Registration as a National Securities Exchange under the Securities Exchange Act of 1934.

Organization

1. State the exact name of the exchange:
2. State the address and telephone number of the exchange:
3. (a) State the form of organization of the exchange: (e.g., association, corporation, etc.)
(b) State the date of organization in present form. If originally organized in another form also give date and form of original organization:
(c) Name the state and provide reference to any statute thereof under which the exchange is organized:
(d) State the name of each exchange which has been merged into, absorbed by, or consolidated with the subject exchange since September 1, 1934, giving the date when each merger, absorption, or consolidation occurred:
4. State the date upon which the fiscal year of the exchange ends:
5. State the name and address of counsel for the exchange:
6. State the name and address of the person hereby authorized to receive service of process and notices on behalf of the exchange:
7. For each organization which during the previous year has been affiliated with or subsidiary to the exchange, either directly or indirectly, through security ownership, joint membership or otherwise, provide the following information:
(a) Name and address of the organization:
(b) Form of organization: (e.g., association, corporation, etc.)
(c) Name of state and reference to any statute thereof under which organized:
(d) Date of organization in present form:
(e) Brief description of the nature and extent of affiliation:
(f) Brief description of its business or functions:
(g) Name of any of the organizations identified above which ceased to be associated with the exchange during the previous year, and a brief statement of the reasons for the termination of the association:
8. State the classes of membership (*e.g.*, full membership, associate membership, physical access membership, electronic access membership, etc.) and indicate the number of members in each category.
9. State as nearly as practicable the number of persons who are (a) engaged primarily in the followng activities or functions on or through the facilities of the exchange: [1]
(1) Floor brokers:
(2) Specialists:
(3) odd lot dealers:
(4) other market makers:
(5) proprietary traders (on the exchange floor):
(6) inactive or other function:
(b) State the estimated average total number of members in attendance at security trading sessions:

Exhibits

Exhibits to be filed in connection with (i) an Application for Registration or Exemption from Registration as a National Securities Exchange pursuant to Section 6 of the Securities Exchange Act of 1934 and Rule 6a–1 thereunder, or (ii) a Periodic Amendment pursuant to Rule 6a–2. [2]

Exhibit A(1)—A copy of the constitution, articles of incorporation or association with all amendments thereto, and of existing by-laws or rules or instruments corresponding thereto, whatever the name, of the exchange.

Exhibit A(2)—A copy of all written rulings, settled practices having the effect of rules, and interpretations of the Governing Board or other committee of the exchange in respect of any of the provisions of the constitution, by-laws, rules or trading practices of the exchange, which are not included in the material submitted under Exhibit A(1).

Exhibit A(3)—A copy of the constitution, articles of incorporation or association with all amendments thereto, and of existing by-laws or rules or instruments corresponding thereto, whatever the name, of each affiliate and subsidiary listed in answer to Item 7 of the Statement.

Exhibit B—A complete set of all forms [3] pertaining to:

(1) Application for membership [4] in the exchange.

(2) Application for approval as a person associated with a member [5] of the exchange.

(3) Matters similar to any of the foregoing.

Exhibit C—A complete set of all forms of financial statements, reports or questionnaires required of members, relating to such matters as members' financial responsibility or minimum capital requirements.

Exhibit D—A complete set of documents, comprising the exchange's listing applications, including the agreements required to be executed in connection therewith, and a schedule of listing fees.

Exhibit E—For the latest fiscal year of the exchange, audited consolidated financial statements which (1) are prepared in

[1] A person shall be considered to be "engaged primarily" in an activity or function for purposes of this item when that activity or function is the one in which that person is principally engaged. Where more than one type of person engages in any of the six types of activities or functions enumerated in this item, identify each such type (*e.g.*, proprietary trader, Registered Competitive Trader and Registered Competitive Market Maker) and state the number of members in each.

[2] If any exhibit called for is inapplicable, a statement to that effect shall be furnished in lieu of such exhibit.

[3] Provide separate tables of contents listing (by title and/or number) the forms included in Exhibits B, C, and D.

[4] The terms "member" and "membership" are used interchangeably; unless the context otherwise requires "member" has the same meaning as that provided in Section 3(a)(3)(A) of the Act.

[5] The term "person associated with a member" has the same meaning as that provided in Section 3(a)(18) of the Act.

accordance with generally accepted accounting principles, and (2) are covered by a report prepared by an independent public accountant.[6]

Exhibit F—For the latest fiscal year, unconsolidated financial statements of the exchange and each of its affiliates and subsidiaries listed in Item 7 of the statement, and any amendments thereto, which financial statements, at a minimum, shall consist of a balance sheet and an income statement with such footnotes and other disclosures as are necessary to avoid rendering the financial statements misleading; provided, however, that if any such affiliate or subsidiary is required by another Commission rule to submit annual financial statements equivalent to those described herein, a statement to that effect, with a citation to such other Commission rule, may be included in lieu of the financial statements required hereunder.

Exhibit G—A list of the present officers, governors, members of all standing committees,[7] or persons performing functions similar to any of the foregoing, whatever their title or technical status may be, of the exchange, who presently hold or have held their offices or positions during the previous year, indicating for each:

(1) Name.
(2) Title.
(3) Dates of commencement and termination of term of office or position.
(4) Length of time each has held the same office or position.
(5) Type of business in which each is primarily engaged (*e.g.*, floor broker, specialist, odd-lot dealer, etc.)

Exhibit H—A list of the present officers, directors, members of all standing committees or persons performing functions similar to any of the foregoing, whatever their title or technical status may be, of each affiliate and subsidiary listed in answer to Item 7 of the Statement, indicating for each:

(1) Name.
(2) Title.

Exhibit I—A list as of latest practicable date[8] alphabetically arranged of all individual members of the exchange indicating for each:[9]

(1) Name.
(2) Date of election to membership.
(3) Name of firm with which he is associated and his relationship thereto (*e.g.*, partner, officer, director, employee).
(4) Business address.

Exhibit J—A list as of latest practicable date alphabetically arranged of all member organizations of the exchange indicating for each:

(1) Name.
(2) Form of organization (*e.g.*, sole proprietorship, partnership, corporation, etc.).
(3) Principal place of business and telephone number.
(4) The individual(s) whose membership it uses.

Exhibit K—A schedule of securities listed on the exchange indicating for each:

(1) Name of issuer.
(2) Description of security.

Exhibit L—A schedule of securities admitted to unlisted trading privileges on the exchange showing for each:

(1) Name of issuer.
(2) Description of security.

Exhibit M—A schedule of unregistered securities admitted to trading on the exchange which are exempt from registration under Section 12(a) of the Act, indicating for each:

(1) Name of issuer.
(2) Description of security.
(3) Specific statutory exemption claimed (*e.g.*, Rule 12a–6).

§ 249.1a [Amended]

3. By revising Form 1–A in § 249.1a to read as follows:

(Form 1–A does not appear in the Code of Federal Regulations)

Securities and Exchange Commission

Washington, D.C.

Form 1–A

Amendment to an Application for Registration or Exemption From Registration as a National Securities Exchange

Amendment No. ———

Designate the type of amendment as follows: Periodic Amendment (Rule 6a–2) period covered ———— to ———— [ ]

Other Amendment (Rule 6a–1 (c) to (d) [ ]

The undersigned exchange hereby submits the attached material as amendment to its application for registration* exemption from registration* as a national securities exchange in respect of the items and/or exhibits listed below:

Exchange ————————
By Name Title ————————
Date ————————
(Seal)
Attest Name Title ————————

Instructions for Form 1–A

1. Amendments on Form 1–A and the material attached thereto shall be filed in duplicate, each of which shall be signed and attested by duly authorized officials of the exchange. Each Form 1–A shall be dated and numbered in the order of filing. The type of amendment, whether annual or other, shall be specified in the space provided on the Form.

2. An exchange may use the printed Form 1–A. If it does not use the printed Form 1–A it shall type or print a complete Form 1–A on good quality 8½ x 11 inch white paper and shall have a margin of at least 1½ inches on the left. All material filed with such form shall comply with the same requirements.

3. If the information called for by any exhibit is available in printed form, the printed material may be used provided it does not exceed 8½ x 11 inches in size.

4. Any number of items or exhibits being amended may be listed on one Form 1–A.

By the Commission.

Dated: May 26, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–14808 Filed 6–1–83; 8:45 am]

BILLING CODE 8010–01–M

---

[6] If an exchange has no consolidated subsidiaries, it shall file audited financial statements under Exhibit E for the exchange alone, and need not file a separate unaudited financial statement for the exchange under Exhibit F.

[7] For Exhibits G and H, group members of each standing committee together.

[8] For Exhibits I, J, K, L and M, indicate the date as of which each list or schedule is prepared.

[9] For Exhibits I and J, if more than one class of membership is provided for by the constitution and rules of the exchange, either (1) list separately accordingly to class; or (2) indicate the class of membership applicable.

* Strike out inapplicable words.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 601

Amendment of the Statement of Procedural Rules To Provide for a Consolidated Appeals Conference With Respect to Certain Windfall Profit Tax Issues

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of the Statement of Procedural Rules.

SUMMARY: This document contains amendments to the Statement of Procedural Rules (26 CFR Part 601) which allow the Internal Revenue Service to provide consolidated Appeals conferences with respect to certain windfall profit tax issues. This amendment is necessary because the Internal Revenue Service does not have the resources to provide the number of separate conferences that might be requested, especially in cases where hundreds of producers own interests in the same property or lease.

DATES: These amendments to the Statement of Procedural Rules are effective June 2, 1983, and apply to all crude oil removed (or deemed removed) from premises after February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Donald W. Stevenson of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (202–566–3297, not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On December 3, 1982, proposed amendments to the Statement of Procedural Rules (26 CFR Part 601) were published in the **Federal Register** (47 FR 54459). These amendments were proposed to allow the Internal Revenue Service to provide a single consolidated Appeals conference to resolve administratively certain windfall profit tax issues arising in connection with the examination of an oil and gas property or lease. Several comments were received suggesting changes to these proposed amendments. A public hearing on the proposed amendments was held on January 18, 1983. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this document.

Explanation of Provisions

The Crude Oil Windfall Profit Tax Act of 1980 imposes an excise tax on domestically produced taxable crude oil. The producer of the oil is liable for the windfall profit tax. The prior procedural rules did not provide a mechanism by which the Service could require all producers owning an interest in a property or lease to join in a single administrative proceeding. Thus, under the prior procedures, each producer could request and would be entitled to a separate Appeals conference. The Internal Revenue Service does not have the resources to provide the number of separate conferences that might be requested, especially in cases where hundreds of producers own interests in the same property or lease.

The Statement of Procedural Rules is amended, therefore, to allow the Service to provide a single consolidated Appeals conference to determine all "oil items" arising in connection with a property or lease. Generally, "oil items" are items taken into account in computing the windfall profit tax which can be more readily determined at the property, rather than producer, level. These new procedural rules apply only when the Service determines that a consolidated procedure is necessary for the effective administration of that tax. With respect to a particular property, the Service may conduct separate Appeals conferences with certain producers and a consolidated Appeals conference with the others. The determination by the Appeals office after a consolidated Appeals conference will be the final administrative determination with respect to all "oil items" arising in connection with the property or lease under examination for all producers except those for whom the Service determines that separate proceedings are appropriate.

Under the new rules a producer generally will be notified of any adjustment proposed by the examiner that may affect the producer's tax liability by way of a special letter designated as a "60-day letter." This letter will explain the reason(s) for the adjustment(s), invite the producer to submit written comments or additional information which may not have been considered by the examiner, and identify the location where the Appeals conference will be held if one is requested. No producer will be permitted to attend the conference unless the producer files a written statement of the producer's intent to attend the Appeals conference.

The amendments to the Statement of Procedural Rules will not affect the producer's administrative appeal rights with respect to "producer items," that is, items more readily determined at the producer level such as exemptions and independent producer status. Producers who participate in a consolidated Appeals conference with respect to "oil items" are still entitled to a separate Appeals conference to resolve issues related to "producer items."

Summary of Changes and Public Comments

Permissibility of New Procedures

One comment questioned the authority for the proposed amendment, especially in light of new Code section 6232, which provides for consolidated windfall profit tax proceedings in the case of partnerships. The Statement of Procedural Rules is issued under the authority contained in 5 U.S.C. 301 and 552. New Code section 6232 provides for consolidated administrative and *judicial* proceedings in the case of *partnerships*. The amendment to the Statement of Procedural Rules relates only to *administrative* proceedings and applies to *all producers*, whether members of the same partnership or not.

Several comments suggested that the proposed amendment might be prohibited by Code section 6103, relating to confidentiality and disclosure of returns and return information. Section 6103(h)(4) provides for disclosure of a return or return information in an administrative proceeding pertaining to tax administration when the taxpayer is a party to the proceeding.

Definition of Oil Items

Several commenters on the proposed amendment criticized the definition of "oil items" as overly broad because the determination of some "oil items" might depend upon different factual findings for different producers. For example, the removal price and the severance tax adjustment for oil taken in-kind by one producer may differ from the removal price and severance tax adjustment for oil that the other producers authorized the operator to sell on their behalf. Except for the modification discussed below, the definition of "oil items" is adopted as proposed. In most cases these items are more readily determined at the property, rather than the producer, level. Because the rules adopted permit the Service to provide separate Appeals conferences to certain producers even though a consolidated conference is being conducted for other producers with interests in the same property, the Service will have the flexibility to deal separately with producers in special circumstances where that seems appropriate.

One commenter states that the applicability of the exemption for front-end oil to oil produced from a particular property should not be an oil item because one producer may have released crude oil from that property from price controls to recoup expenditures on a qualified tertiary project while another producer may not have released any crude oil from price controls. The rule adopted excludes this item from the list of "oil items" in response to this comment. The rule adopted, however, provides that "oil items" include the factors taken into account in determining whether production from a particular property qualifies a producer for the exemption.

Schedule of Producers

The proposed amendments required the operator to furnish the Service with a schedule of all producers holding interests in the property. Commenters pointed out that in most cases the operator will not have this information. To determine the ultimate producer of the oil, the operator may have to trace through the records of other entities. Those other entities may refuse to disclose this information. The amendments, as modified, require the operator to furnish the Service with a schedule of producers as reasonably complete as possible.

60-Day Letter

The proposed amendments provided that the Service would notify all identified producers of any proposed adjustments by way of a special 30-day letter. The producer generally had 30 days to notify the Service that the producer intended to participate in the conference and to submit a protest. The

proposed amendments also required a person who received a 30-day letter but was not liable for payment of the windfall profit tax (for example, a partnership) to furnish the letter to the ultimate taxpayer within 5 days of receipt of the letter.

One commenter stated that 30 days may not be sufficient time to allow a person who received the 30-day letter indirectly from the Service to respond to the letter even if the original recipient acts in an expeditious manner. Another commenter pointed out that where multiple notifications must be passed from one person to another down through the chain of ownership interest, the time required to notify all producers may exceed the 30-day limit.

Commenters stated that 5 days may be insufficient to permit the person who receives a 30-day letter with respect to oil for which that person is not the producer to determine all the other persons to whom a copy of the 30-day letter must be furnished.

Under the amendments, as modified, the producer has 60 days to notify the Service that the producer intends to participate in the consolidated conference and to submit a protest. Any person who receives a 60-day letter with respect to oil of which another person is the producer and who is not authorized or empowered to act on behalf of or represent that other person shall, within 10 days of the receipt of the 60-day letter, furnish to that other person a copy of the 60-day letter, including the proposed adjustments and such other information (for example, ownership percentage) as that other person may need in order to understand the application of the 60-day letter.

Miscellaneous Changes

The amendment being adopted makes several minor modifications to the proposed amendment. The minor modifications that are in response to comments are discussed below. The other modifications merely clarify certain provisions of the proposed amendment and do not require explanation in this preamble.

The proposed amendment provided that the internal revenue district office with jurisdiction over the place where the property or lease was located would conduct the examination of the operator's books. The amendment being adopted provides that that responsibility lies with the district office with jurisdiction over the place where the operator maintains its books.

The proposed amendment provided that the letter sent to producers with the examination report would note whether the operator agreed with the proposed adjustments. The amendment being adopted omits this provision. Omission of this provision, however, does not bar the Service from including this information in the letter if it would be appropriate. The list of items to be included in the letter is not intended to be exclusive.

The amendment being adopted also makes clear that a producer is required to file a protest only if the proposed adjustment for the producer exceeds $2,500 for a single taxable period.

Drafting Information

The principal author of these amendments to the Statement of Procedural Rules is Donald W. Stevenson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service participated in developing the regulation, both on matters of substance and style.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Because this rule is a general statement of rules of Internal Revenue procedure and practice, no regulatory analysis is required.

List of Subjects In 26 CFR Part 601

Administrative practice and procedure, Aged, Alcohol and alcoholic beverages, Arms and munitions, Cigars and cigarettes, Claims, Freedom of Information, Oil items, Producer items, Taxes.

Adoption of Amendments to the Statement of Procedural Rules

Accordingly, the Statement of Procedural Rules (26 CFR Part 601) is amended as follows:

PART 601—[AMENDED]

Paragraph 1. Section 601.105 is amended by adding the following new paragraph (l):

§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

* * * * *

(l) *Special procedures for crude oil windfall profit tax cases.* For special procedures relating to crude oil windfall profit tax cases, see § 601.405.

Par. 2. Section 601.106 is amended by adding the following new paragraph (i):

§ 601.106 Appeals functions.

* * * * *

(i) *Special procedures for crude oil windfall profit tax cases.* For special procedures relating to crude oil windfall profit tax cases, see § 601.405.

Par. 3. There is added immediately after § 601.404 the following new § 601.405:

§ 601.405 Windfall profit tax.

(a) *General*—(1) *Applicability.* The administrative procedures set forth in this section shall apply only with respect to oil items arising under the crude oil windfall profit tax imposed by section 4986 and only when the Internal Revenue Service determines that these procedures are necessary to administer the windfall profit tax effectively. With respect to a particular property, the Service may offer separate Appeals conferences to some of the producers and offer a consolidated Appeals conference to the remaining producers. Among the reasons for which a separate conference may be considered would be the need to protect proprietary information. A separate conference may be granted to a producer with respect to all issues or selected issues only, with the remaining issues to be resolved in the consolidated proceeding. In the case of a producer to whom the Service offers a separate Appeals conference, the provisions of this section shall be applicable only to the extent appropriate.

(2) *Definitions.* For purposes of this section—

(i) *Oil item.* The term "oil item" means any item necessarily taken into account in making the following determinations with respect to the crude oil removed from a property or lease during a taxable period:

(A) The tier or tiers of the crude oil;

(B) The quantity of crude oil in each tier;

(C) The adjusted base price and removal price;

(D) The severance tax adjustment;

(E) The Trans-Alaska Pipeline System tariff;

(F) For purposes of section 4994(c)—

(*1*) Whether a property is a qualified property,

(*2*) Whether a project is a front-end tertiary project, and

(*3*) Whether expenses with respect to the project are allowed expenses;

(G) The determination of whether the oil qualifies as exempt Alaskan oil;

(H) The determination of when removal from the premises occurs and what constitutes the property; and

(I) The percentage interest of each producer in the oil prior to its removal from

(ii) *Producer item.* The term "producer item" means an item taken into account in determining the producer's liability for the crude oil windfall profit tax other than an oil item.

(3) *Description of tax.* The crude oil windfall profit tax is a temporary excise tax imposed on domestically produced taxable crude oil removed from the premises during a taxable period.

(4) *Applicable regulations.* Information concerning the scope of the tax, the forms used, the requirements for withholding and depositing the tax, and the functioning of the Service with respect thereto is contained in the applicable regulations. Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from any forms distribution center of the Internal Revenue Service.

(b) *Examination-procedures*—(1) *General.* Examination of a producer's windfall profit tax liability (or claim for credit or refund of overpayments of windfall profit tax based on an oil item) will generally begin with the examination of the books and records of the operator of the property or the lease in which the producer has an interest. Thus, the examination of a producer's liability or claim for credit or refund based on an oil item will generally be kept open until the examination and all other administrative proceedings relating to the oil items arising in connection with the property or lease are completed.

(2) *Examination of the property or lease*—(i) *Office conducting examination.* The Examination Division of the district office in the internal revenue district in which the operator of the property or lease maintains its books and records will generally conduct the examination.

(ii) *Schedule of producers.* The operator shall furnish the examining agent with a schedule, as reasonably complete as possible, of producers owning interests in the property or lease showing their names, taxpayer identification numbers, mailing addresses, and ownership percentages. The operator satisfies the requirement of providing a schedule of producers as reasonably complete as possible by identifying all producers that can be identified from the operator's books and records or from other sources through reasonable effort on the operator's part. If the operator later discovers at any time that the information furnished to the examiner is incomplete or incorrect, the operator shall furnish such revised or additional information as may be necessary.

(iii) *Examination report.* At the conclusion of the examination of the books and records of the operator, the examiner will prepare a complete examination report fully explaining all proposed adjustments, if any.

(3) *Sixty-day letter*—(i) *Distribution of 60-day letter.* A copy of the relevant portions of the examination report under cover of a special transmittal letter (60-day letter) will be sent to each person identified as having an interest in the property or lease and with respect to whom adjustments are to be proposed. Any person (as defined in section 7701(a)(1)) who receives a 60-day letter with respect to oil of which another person is the producer and who is not authorized or empowered to act on behalf of or represent that other person shall, within 10 days of the receipt of the 60-day letter, furnish to that other person a copy of the 60-day letter, including the proposed adjustments and such other information (for example, ownership percentage) as that other person may need in order to understand the application of the 60-day letter. Any person forwarding a 60-day letter shall notify the Internal Revenue Service of the name, taxpayer identification number, mailing address, type of interest owned, and ownership percentage of the person to whom the letter is forwarded. This information shall be furnished to the Internal Revenue Service at the return address shown on the 60-day letter

(ii) *Content of 60-day letter.* The 60-day letter shall—

(A) Set out the proposed adjustments for the producer and the reasons for the adjustments.

(B) Invite the producer to submit written comments or additional information which may not have been considered by the examiner.

(C) State that administrative review of the proposed adjustments will be granted only to the extent provided in the letter.

(D) Identify the general location where the consolidated Appeals conference will be held, if any producer requests one, and explain that the producer will be given later notice of the specific location and time of the conference if the producer notifies the Service of the producer's intention to attend the conference.

(E) Explain that the producer will not be permitted to participate in the consolidated Appeals conference unless the producer, within 60-days after the mailing of the 60-day letter, submits a written statement that the producer intends to attend the consolidated Appeals conference. In addition, a producer intending to attend the consolidated Appeals conference must, within 60 days after the mailing of the 60-day letter, file a written protest setting forth the facts, law, and arguments upon which the producer relies in protesting the proposed adjustment for a taxable period if the proposed adjustment for the producer for that period exceeds $2,500.00. No written protest is required if the proposed adjustment for a taxable period is $2,500.00 or less.

(F) State that the producer will receive a later notice of the final administrative determination with respect to oil items.

(c) *Appeals procedures.* If a timely protest, a request for conference or written comments are received, they will be forwarded along with the examiner's findings and the schedule of property or lease owners to the appropriate Appeals office. No action will be taken with respect to producers who do not respond to the 60-day letter until the Appeals office completes its consideration of the case. Only one consolidated Appeals conference will be held to determine all oil item adjustments arising in connection with the property or lease unless the Internal Revenue Service determines that more than one consolidated Appeals conference is necessary. This conference will be scheduled by the appropriate Appeals office as soon as possible after the end of the 60-day period. Except in extraordinary circumstances, such as fraud discovered after the Appeals office has made its determination, the determination of the Appeals office will be the final administrative determination with respect to all oil items arising from the property or lease during the taxable year regardless of whether all oil items were contested at the conference.

(d) *Austin Service Center procedures.* Upon receipt of the findings of the examiner (in cases where no Appeals conference was requested or written comments submitted) or the determination of the Appeals office, the Austin Service Center will compute the potential additional tax liability with respect to that property or lease for each producer and inform the producer of the potential additional tax and of any offer of settlement that Appeals has found satisfactory. The Austin Service Center also will explain that no further administrative review will be granted with respect to any oil item arising in connection with the property or lease under examination. The producer will be asked to—

(1) Sign a waiver of restrictions on the assessment and collection of any deficiency with respect to the property or lease in question and pay any additional tax due at that time, or

(2) Inform the Austin Service Center of any producer items that the producer wishes to place in issue.

Examination of producer items will be conducted in accordance with procedures provided in § 601.105. The producer may seek administrative review of the examiner's findings with respect to a producer item in accordance with procedures provided in § 601.106.

(e) *Cross reference.* For procedures regarding technical advice during examination and Appeals, see §§ 601.105(b)(5) and 601.106(f)(9).

This amendment to the Statement of Procedural Rules is issued under the authority contained in 5 U.S.C. 301 and 552 (80 Stat. 379 and 383) and in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-14821 Filed 6-1-83; 8:45 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 21 and 212

[T.D. ATF-133; Ref: Notices 364 and 365]

Formulas for Denatured Alcohol and Rum

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This final rule amends and recodifies the regulations regarding formulas for denatured alcohol and rum. The recodification is part of a general plan to reorganize all regulations administered by the Bureau of Alcohol, Tobacco and Firearms (ATF). In addition, numerous changes are made to these regulations. Public comment on the changes has been solicited through notices of proposed rulemaking. All significant changes from the regulations as proposed in those notices are summarized under "Supplementary Information."

EFFECTIVE DATE: July 5, 1983. The Director of the Federal Register approves the incorporation by reference of certain publications in 27 CFR 21.109 and 21.131 effective July 5, 1983.

FOR FURTHER INFORMATION CONTACT: Steve C. Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385; (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons who wished to participate in the making of these rules were invited by Notice 364 (46 FR 9644, January 29, 1981) to submit written comments or suggestions.

In response, a number of comments were received. Some of these pertained to other ATF regulations and were not suitable for inclusion in the new Part 21, which deals primarily with denatured alcohol *formulas* (rather than production or use of denatured alcohol). Two comments advocated more extensive use of the metric system, and another proposed substitution of "percent alcohol" for "proof"; however, such changes are not considered necessary or advisable at this time.

Several comments pointed out technical corrections which were felt to be necessary; for the most part, these technical suggestions have been adopted. One comment suggested deletion of specially denatured alcohol (S.D.A.) Formula No. 17 as well as data on weights and specific gravities of formulas made with 192 proof alcohol, for reasons of lack of use. As a general principle, we feel it is best not to make such changes without prior specific notice (and opportunity for public comment); therefore, these items are not deleted at this time, though it is possible they may be proposed for deletion in a future notice. The same commenter also requested reduction of the amount of sucrose octaacetate required in S.D.A. Formula No. 40-A. However, the present denaturant level is in agreement with the use of Bitrex and brucine and is at the minimum. On the other hand, a very good point was raised by this commenter regarding the proposed new requirement for denaturers to submit applications for substitute denaturants in S.D.A. Formula No. 38-B: "The denaturer typically has no, or at best only limited indirect knowledge of how a specific SDA 38B is further formulated by the user or how it is to be used. The denaturer does not review the user's forms 1479-A, nor would he necessarily be qualified to do this to affirm a previously authorized denaturant is not suitable or available." As a result of this comment, the proposed new requirement has been reexamined. We have decided to revert to the procedure outlined in Rev. Proc. 65-3, whereby the user submits the application, under both § 21.56 (S.D.A. 29) and § 21.65 (S.D.A. 38-B). (Denaturers may submit an application under § 21.91 for substitute denaturants in any formula.)

A final comment requested that certain new use codes be authorized. As a result, Use Code 210 has been added under S.D.A. Formula No. 27, and Use Codes 210 and 249 have been added under S.D.A. Formula No. 33. Other changes proposed by Notice 364, not the subject of any public comments, are being adopted as proposed. Such changes deal with: ingredients, conditions governing use, use codes, denaturant specifications, authority delegations, formula revisions, a form number change, and denatured spirits for export.

Other Changes

This document also incorporates the amendments proposed in Notice 365 (46 FR 9969, January 30, 1981), relating to a new S.D.A. Formula No. 3-C. Some small modifications reflect the comments received. These modifications are: (1) Specifications for isopropyl alcohol are included in Subpart E, for consistency with ATF's policy on other common solvents (e.g. methyl alcohol, chloroform). (2) Use Code 043 is added and Use Code 810 is subdivided, thus giving Formula No. 3-C identical use codes with Formula No. 3-A. The distinction in authorized usage between these two formulas is clarified in a new paragraph § 21.37(c) ("Conditions governing use").

This document also reflects the changes made to 27 CFR Part 212 by Treasury Decision ATF-92, relating to incorporation by reference (46 FR 46910, September 23, 1981). With respect to the new denaturants authorized by the present document, the applicable ASTM distillation method for toluene is specified in § 21.131, and the phrase "applicable ASTM method" is deleted from § 21.117(f) (methyl *n*-butyl ketone) and § 21.111(a) (heptane).

Discussion with officials in the U.S. Department of Agriculture and the Food and Drug Administration revealed that the only S.D.A. formulas now acceptable as diluents in meat branding inks are S.D.A. Formula Nos. 3-A, 3-C, and 23-A; Formula No. 32 is no longer acceptable. This document reflects these restrictions.

Other minor changes are made for the sake of clarity: in particular, paragraph designations are added in Subpart E.

Executive Order 12291

It has been determined that these regulations are not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because they will not have an annual effect on the economy of

$100 million or more; they will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and they will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this rule, because the changes made by it will not have a significant economic impact on a substantial number of small entities. The changes being made are not major and are not expected to have any significant impact on the businesses of most permittees operating under the new Part 21. These regulations are not expected to have significant secondary or incidental effects on a substantial number of small entities, nor will they cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Drafting Information

The principal drafter of this document was Steve C. Simon of the Research and Regulations Branch.

List of Subjects in 27 CFR Part 21

Alcohol and alcoholic beverages, Authority delegations, Chemicals, Gasohol.

Issuance

These regulations are issued under the authority contained in 26 U.S.C. 5242 and 7805 (72 Stat. 1369 and 68A Stat. 917, as amended).

In consideration of the above, the following changes are made to Title 27 of the Code of Federal Regulations:

PART 212—[REMOVED]

Paragraph 1. Part 212 is removed.

Paragraph 2. Part 21 is added to read as follows:

PART 21—FORMULAS FOR DENATURED ALCOHOL AND RUM

Subpart A—General Provisions

Sec.
21.1 Scope of Regulations.
21.2 Forms prescribed.
21.3 Stocks of discontinued formulas.
21.4 Related regulations.
21.5 Denatured spirits for export.
21.6 Incorporations by reference.

Subpart B—Definitions

Sec.
21.11 Meaning of terms.

Subpart C—Completely Denatured Alcohol Formulas

21.21 General.
21.22 Formula No. 18.
21.23 Formula No. 19.
21.24 Formula No. 20.

Subpart D—Specially Denatured Spirits Formulas and Authorized Uses

21.31 General.
21.32 Formula No. 1.
21.33 Formula No. 2–B.
21.34 Formula No. 2–C.
21.35 Formula No. 3–A.
21.36 Formula No. 3–B.
21.37 Formula No. 3–C.
21.38 Formula No. 4.
21.39 Formula No. 6–B.
21.40 Formula No. 12–A.
21.41 Formula No. 13–A.
21.42 Formula No. 17.
21.43 Formula No. 18.
21.44 Formula No. 19.
21.45 Formula No. 20.
21.46 Formula No. 22.
21.47 Formula No. 23–A.
21.48 Formula No. 23–F.
21.49 Formula No. 23–H.
21.50 Formula No. 25.
21.51 Formula No. 25–A.
21.52 Formula No. 27.
21.53 Formula No. 27–A.
21.54 Formula No. 27–B.
21.55 Formula No. 28–A.
21.56 Formula No. 29.
21.57 Formula No. 30.
21.58 Formula No. 31–A.
21.59 Formula No. 32.
21.60 Formula No. 33.
21.61 Formula No. 35.
21.62 Formula No. 35–A.
21.63 Formula No. 36.
21.64 Formula No. 37.
21.65 Formula No. 38–B.
21.66 Formula No. 38–C.
21.67 Formula No. 38–D.
21.68 Formula No. 38–F.
21.69 Formula No. 39.
21.70 Formula No. 39–A.
21.71 Formula No. 39–B.
21.72 Formula No. 39–C.
21.73 Formula No. 39–D.
21.74 Formula No. 40.
21.75 Formula No. 40–A.
21.76 Formula No. 40–B.
21.77 Formula No. 40–C.
21.78 Formula No. 42.
21.79 Formula No. 44.
21.80 Formula No. 45.
21.81 Formula No. 46.

Subpart E—Specifications for Denaturants

21.91 General.
21.92 Denaturants listed as U.S.P. or N.F.
21.93 Acetaldehyde.
21.94 Acetaldol.
21.95 Ammonia, aqueous.
21.96 Benzene.
21.97 Bone oil (Dippie's oil).
21.98 Brucine alkaloid.
21.99 *n*-Butyl alcohol.
21.100 *tert*-Butyl alcohol.
21.101 Caustic soda, liquid.
21.102 Chloroform.
21.103 Cinchonidine.
21.104 Citronella oil, natural.
21.105 Diethyl phthalate.
21.106 Ethyl acetate.
21.107 Ethyl ether.
21.108 Gasoline.
21.109 Gasoline, unleaded.
21.110 Gentian violet.
21.111 Heptane.
21.112 Isopropyl alcohol.
21.113 Kerosene.
21.114 Kerosene (deodorized).
21.115 Methyl alcohol.
21.116 Methyl isobutyl ketone.
21.117 Methyl *n*-butyl ketone.
21.118 Nicotine solution.
21.119 Nitropropane, mixed isomers of.
21.120 Phenyl mercuric benzoate.
21.121 Pyridine bases.
21.122 Pyronate.
21.123 Quassin.
21.124 Rubber hydrocarbon solvent.
21.125 Safrole.
21.126 Shellac (refined).
21.127 Sodium (metallic).
21.128 Spearmint oil, terpeneless.
21.129 Spike lavender oil, natural.
21.130 Sucrose octaacetate.
21.131 Toluene.
21.132 Vinegar.

Subpart F—Uses of Specially Denatured Alcohol and Specially Denatured Rum

Sec.
21.141 List of products and processes using specially denatured alcohol and rum, and formulas authorized therefor.

Subpart G—Denaturants Authorized for Denatured Spirits

21.151 List of denaturants authorized for denatured spirits.

Subpart H—Weights and Specific Gravities of Specially Denatured Alcohol

21.161 Weights and specific gravities of specially denatured alcohol.

Authority: Title II, sec. 201, Pub. L. 85–859, 72 Stat. 1369; sec. 7805, 68A Stat. 917 (26 U.S.C. 5242, 7805) unless otherwise noted.

Subpart A—General Provisions

§ 21.1 Scope of regulations.

The regulations in this part relate to the formulation of completely denatured alcohol, specially denatured alcohol, and specially denatured rum; to the specifications for denaturants; and to the uses of denatured spirits.

§ 21.2 Forms prescribed.

(a) *General.* The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) *List of forms.* "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) *Requests for forms.* Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

§ 21.3 Stocks of discontinued formulas.

Denaturers, or specially denatured spirits dealers or users, having on hand stocks of denaturants or formulas of specially denatured spirits no longer authorized by this part may—

(a) Continue to supply or use those stocks in accordance with existing permits until the stocks are exhausted;

(b) Use up those stocks in any manufacturing process approved by the Chief, Chemical Branch, pursuant to an application filed with him on ATF Form 5150.19, Formula for Articles made with Specially Denatured Alcohol and Rum;

(c) On approval of an application, filed with the regional regulatory administrator and approved by him, destroy those stocks under whatever supervision the regional regulatory administrator requires; or

(d) Otherwise dispose of those stocks in a manner satisfactory to the Director, pursuant to approval of an application (to be filed with the regional regulatory administrator for transmittal to the Director).

§ 21.4 Related regulations.

The procedural and substantive requirements relative to the production of denatured alcohol and specially denatured rum are prescribed in Part 19 of this chapter, and those relative to the distribution and use of denatured alcohol and specially denatured rum are prescribed in Part 211 of this chapter.

§ 21.5 Denatured spirits for export.

Spirits may be denatured in accordance with formulas prescribed by the government of a foreign country to which the denatured spirits will be exported. However, the denaturer must first apply for and obtain written permission from the Director. The application shall be submitted to the Director and shall contain the following information:

(a) A complete list of ingredients for the spirits to be denatured.

(b) The exact amount of each ingredient to be used in denaturing the spirits.

(c) A copy (accompanied by an English translation as necessary) of the law or regulations of the foreign country to which the denatured spirits will be exported, specifying the denatured spirits formulation prescribed by that country.

§ 21.6 Incorporations by reference.

(a) "The United States Pharmacopoeia (Twentieth Revision, Official from July, 1980) and the National Formulary (Fifteenth Edition, Official from July 1, 1980)" published together as "The USP and NF Compendia," are incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. The publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the United States Pharmacopoeia Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852.

(b) Material from Parts 23, 25, and 29 of the 1980 Annual Book of ASTM Standards is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. These publications may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(c) Material from the "Official Methods of Analysis of the Association of Official Analytical Chemists (13th Edition 1980)" (AOAC) is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the Association of Official Analytical Chemists, 11 North 19th Street, Suite 210, Arlington, Virginia 22209.

(Pub. L. 89-554, 80 Stat. 383 as amended (5 U.S.C. 552(a)))

Subpart B—Definitions

§ 21.11 Meaning of terms.

When used in this part and in forms prescribed under this part, unless the context otherwise requires, terms have the meanings given in this section. Words in the plural form include the singular, and vice versa, and words indicating the masculine gender include the feminine. The terms "includes" and "including" do not exclude things not mentioned which are in the same general class.

Alcohol. The spirits known as ethyl alcohol, ethanol, or spirits of wine, from whatever source or by whatever process produced. The term does not include such spirits as whisky, brandy, rum, gin, or vodka.

Chief, Chemical Branch. The Chief, Chemical Branch, Scientific Services Division, Bureau of Alcohol, Tobacco and Firearms, 1401 Research Boulevard, Rockville, MD 20850.

CFR. The Code of Federal Regulations.

C.D.A. Completly denatured alcohol.

Completely denatured alcohol. The spirits known as alcohol, as defined in this section, denatured pursuant to completely denatured alcohol formulas prescribed in Subpart C of this part.

Denaturant. A material authorized by this part to be added to spirits in order to make those spirits unfit for beverage or internal human medicinal use.

Denatured spirits. Alcohol or rum to which denaturants have been added as provided in this part.

Director. The Director, Bureau of Alcohol, Tobacco and Fireams, the Department of the Treasury, Washington, D.C. 20226.

Essential oil. Any of the volatile odoriferous natural oils found in plants, which impart to such plants odor, and often other characteristic properties; also, imitations of such natural oils, as well as aromatic substances, and synthetic oils, which possess the denaturing characteristics of such natural oils.

Gallon. The liquid measure equivalent to the volume of 231 cubic inches.

Manufacturer or user. A person who holds an industrial use permit to use specially denatured alcohol or specially denatured rum, or to recover completely or specially denatured alcohol, specially denatured rum, or articles manufactured with denatured spirits, or a distilled spirits plant proprietor holding an operating permit to denature spirits.

N.F. The National Formulary. The lastest edition is intended unless otherwise specified. The designations "U.S.P." and "N.F." are considered interchangeable when preparations are transferred from one publication to the other. (For incorporation by reference, see § 21.6(a).)

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

Rum. Any spirits produced from sugar cane products and distilled at less than

190 proof in such manner that the spirits possess the taste, aroma, and characteristics generally attributed to rum.

S.D.A. Specially denatured alcohol.

Specially denatured alcohol. Those spirits known as alcohol, as defined in this section, denatured pursuant to the specially denatured alcohol formulas authorized under Subpart D of this part.

Specially denatured rum. Those spirits known as rum, as defined in this section, denatured pursuant to the specially denatured rum formula authorized under Subpart D of this part.

Spirits or distilled spirits. Alcohol or rum as defined in this part.

U.S.C. The United States Code.

U.S.P. The United States Pharmacopoeia. The latest edition is intended unless otherwise specified. The designations "U.S.P." and "N.F." are considered interchangeable when preparations are transferred from one publication to the other. (For incorporation by reference, see § 21.6(a).)

Subpart C—Completely Denatured Alcohol Formulas

§ 21.21 General.

(a) Alcohol shall be completely denatured only in accordance with formulas prescribed in this subpart (or in accordance with § 21.5).

(b) Denaturers may be authorized to add a small quantity of an odorant, rust inhibitor, or dye to completely denatured alcohol. Any such addition shall be made only on approval by the Chief, Chemical Branch. Request for such approval shall be submitted to the Chief, Chemical Branch.

(c) Odorants or perfume materials may be added to denaturants authorized for completely denatured alcohol in amounts not greater than 1 part to 250, by weight. However, such addition shall not decrease the denaturing value nor change the chemical or physical constants beyond the limits of the specifications for these denaturants as prescribed in Subpart E, except as to odor. Proprietors of distilled spirits plants using denaturants to which such odorants or perfume materials have been added shall inform the Chief, Chemical Branch, in writing, of the names and properties of the odorants or perfume materials so used.

§ 21.22 Formula No. 18.

To every 100 gallons of ethyl alcohol of not less than 160 proof add:

2.50 gallons of either methyl isobutyl ketone, mixed isomers of nitropropane, or methyl *n*-butyl ketone;

0.125 gallon of pyronate or a similar compound;

0.50 gallon acetaldol (beta-hydroxybutyraldehyde); and

1.00 gallon of either kerosene, deodorized kerosene, gasoline, unleaded gasoline, rubber hydrocarbon solvent, or heptane.

§ 21.23 Formula No. 19.

To every 100 gallons of ethyl alcohol of not less than 160 proof add:

4.0 gallons of either methyl isobutyl ketone, mixed isomers of nitropropane, or methyl *n*-butyl ketone; and

1.0 gallon of either kerosene, deodorized kerosene, gasoline, unleaded gasoline, rubber hydrocarbon solvent, or heptane.

§ 21.24 Formula No. 20

(a) *Formula.* To every 100 gallons of ethyl alcohol of not less than 195 proof add:

A total of 2.0 gallons of either unleaded gasoline, rubber hydrocarbon solvent, kerosene, or deodorized kerosene; or any combination of these.

(b) *Authorized use.* Restricted to fuel use, comparable to specially denatured alcohol "Use Code No." 611, 612, 613, 620, and 630.

Subpart D—Specially Denatured Spirits Formulas and Authorized Uses

§ 21.31 General.

(a) *Formulas for specially denatured spirits.* Alcohol and rum shall be specially denatured only in accordance with formulas prescribed in this subpart (or in accordance with § 21.5).

(b) *Proof of spirits for denaturation.* Alcohol of not less than 185 proof shall be used in the manufacture of all formulas of specially denatured alcohol, unless otherwise specifically stated or unless otherwise authorized by the Director. Rum for denaturation shall be of not less than 150 proof and may be denatured only in accordance with Formula No. 4.

(c) *Use of Denatured Spirits.* Users and manufacturers holding approved Forms 5150.19 (formerly 1479–A) covering use in processes or manufacture of products no longer authorized for a particular formula may continue that use. Pursuant to written application and subject to the provisions of 26 U.S.C. Chapter 51, Part 211 of this chapter, and this part, the Chief, Chemical Branch, may authorize the use of any formula of specially denatured alcohol or specially denatured rum for uses not specifically authorized in this part. The code number before each item under "authorized uses" shall be used in reporting the use of specially denatured alcohol or specially denatured rum.

§ 21.32 Formula No. 1.

(a) *Formula.* To every 100 gallons of alcohol add:

Four gallons of methyl alcohol and either ⅛ avoirdupois ounce of denatonium benzoate, N.F., (BITREX); 1 gallon of methyl isobutyl ketone; 1 gallon of mixed isomers of nitropropane; or 1 gallon of methyl *n*-butyl ketone.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
013. Shellac coatings.
014. Other natural resin coatings.
016. Other coatings.
021. Cellulose plastics.
022. Non-cellulose plastics, including resins.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
041. Proprietary solvents (standard formulations).
042. Solvents and thinners (other than proprietary solvents or special industrial solvents).
043. Special industrial solvents (restricted sale).
051. Polishes.
052. Inks (not including meat branding inks).
053. Stains (wood, etc.).
141. Shampoos.
142. Soap and bath preparations.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
354. Processing rosin.
355. Processing rubber (latex).
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides, and other biocides.
420. Embalming fluids and related products
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
481. Photoengraving and rotogravure dyes and solutions.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

521. Ethyl acetate.

522. Ethyl chloride.
523. Other ethyl esters.
530. Ethylamines.
540. Dyes and intermediates.
551. Acetaldehyde.
552. Other aldehydes.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
573. Xanthates.
574. Fulminate of mercury and other detonators.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.

(4) As a fluid:

710. Scientific instruments.
720. Brake fluids.
730. Cutting oil.
740. Refrigerating uses.
750. Other fluid uses.
760. Proprietary anti-freeze.

(5) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).
900. Specialized uses (unclassified).

§ 21.33 Formula No. 2-B.

(a) *Formula.* To every 100 gallons of alcohol add:

One-half gallon of benzene, ½ gallon of rubber hydrocarbon solvent, or ½ gallon of toluene.

(b) *Authorized uses*—(1) As a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics, including resins.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
349. Miscellaneous drug processing (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

521. Ethyl acetate.
522. Ethyl chloride.
523. Other ethyl esters.
524. Sodium ethylate, anhydrous.
530. Ethylamines.
540. Dyes and intermediates.
551. Acetaldehyde.
552. Other aldehydes.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
573. Xanthates.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula shall be used in a closed and continuous system unless otherwise authorized by the Chief, Chemical Branch.

§ 21.34 Formula No. 2-C.

(a) *Formula.* To every 100 gallons of alcohol add:

Thirty-three pounds or more of metallic sodium and either ½ gallon of benzene, ½ gallon of toluene, or ½ gallon of rubber hydrocarbon solvent.

(b) *Authorized uses.* (1) As a solvent:

344. Processing medicinal chemicals (including alkaloids).
358. Processing other chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

523. Miscellaneous ethyl esters.
530. Ethylamines.
540. Dyes and intermediates.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula shall be used in a closed and continuous system unless otherwise authorized by the Chief, Chemical Branch.

§ 21.35 Formula No. 3-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of methyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
016. Other coatings.
021. Cellulose plastics.
022. Non-cellulose plastics, including resins.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
043. Special industrial solvents (restricted sale).
051. Polishes.
052. Inks (including meat branding inks).
053. Stains (wood, etc.).
141. Shampoos.
142. Soap and bath preparations.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
354. Processing rosin.
355. Processing rubber (latex).
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides, and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.
481. Photoengraving and rotogravure dyes and solutions.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

530. Ethylamines.
540. Dyes and intermediates.
575. Drugs and medicinal chemicals.
576. Organo-silicone products.
579. Other chemicals.
590. Synthetic resins.

(3) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.

(4) As a fluid:

710. Scientific instruments.
720. Brake fluids.
730. Cutting oils.
740. Refrigerating uses.
750. Other fluid uses.

(5) Miscellaneous uses:

810. General laboratory and experimental use (own use only).
811. Laboratory reagents for sale.
812. Product development and pilot plant uses (own use only).
900. Specialized uses (unclassified).

§ 21.36 Formula No. 3-B.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of pine tar, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
141. Shampoos.
142. Soap and bath preparations.
410. Disinfectants, insecticides, fungicides, and other biocides.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.37 Formula No. 3-C.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of isopropyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
016. Other coatings.
021. Cellulose plastics.
022. Non-cellulose plastics, including resins.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
043. Special industrial solvents (restricted sale).
051. Polishes.
052. Inks (including meat branding inks).
053. Stains (wood, etc.).
141. Shampoos.
142. Soaps and bath preparations.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
354. Processing rosin.
355. Processing rubber (latex).
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides, and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.
481. Photoengraving and rotogravure dyes and solutions.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

530. Ethylamines.
540. Dyes and intermediates.
575. Drugs and medicinal chemicals.
576. Organo-silicone products.
579. Other chemicals.
590. Synthetic resins.

(3) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.

(4) As a fluid:

710. Scientific instruments.
720. Brake fluids.
730. Cutting oils.
740. Refrigerating uses.
750. Other fluid uses.

(5) Miscellaneous uses:

810. General laboratory and experimental use (own use only).
811. Laboratory reagents for sale.
812. Product development and pilot plant uses (own use only).
900. Specialized uses (unclassified).

(c) *Conditions governing use.* This formula shall not be used in manufacturing special industrial solvents under § 211.180 of this chapter, or reagent alcohol under § 211.199 of this chapter.

§ 21.38 Formula No. 4.

(a) *Formula.* To every 100 gallons of alcohol, or to every 100 gallons of rum of not less than 150 proof, add:

One gallon of the following solution: Five gallons of an aqueous solution containing 40 percent nicotine; 3.6 avoirdupois ounces of methylene blue, U.S.P.; and water sufficient to make 100 gallons.

(b) *Authorized uses.* (1) As a solvent:

460. Tobacco sprays and flavors.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.39 Formula No. 6-B.

(a) *Formula.* To every 100 gallons of alcohol add:

One-half gallon of pyridine bases.

(b) *Authorized uses.* (1) As a raw material:

523. Miscellaneous ethyl esters.
574. Fulminate of mercury and other detonators.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.40 Formula No. 12-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of benzene, or 5 gallons of toluene.

(b) *Authorized uses.* (1) as a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics, including resins
036. Adhesives and binders.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
354. Processing rosin.
358. Processing other chemicals.
359. Processing miscellaneous products.
430. Sterilizing and preserving solutions.

(2) As a raw material:

523. Miscellaneous ethyl esters.
530. Ethylamines.
540. Dyes and intermediates.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.41 Formula No. 13-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.
021. Cellulose plastics.
022. Non-cellulose plastics, including resins.
031. Photographic film and emulsions.
032. Transparent sheeting.
034. Cellulose intermediates and industrial collodions.
052. Inks (not including meat branding inks).
241. Collodion, U.S.P.
331. Processing pectin.
332. Processing other food products.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.
430. Sterilizing and preserving solutions.
481. Photoengraving and rotogravure solutions and dyes.

(2) As a raw material:

523. Miscellaneous ethyl esters.
561. Ethyl ether.
562. Other ethers.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.42 Formula No. 17.

(a) *Formula.* To every 100 gallons of alcohol add:

Five-hundredths (0.05) gallon (6.4 fluid ounces) of bone oil (Dipple's oil).

(b) *Authorized uses.* (1) As a solvent:

344. Processing medicinal chemicals (including alkaloids).
358. Processing other chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.43 Formula No. 18.

(a) *Formula.* To every 100 gallons of alcohol of not less than 160 proof add:

One hundred gallons of vinegar of not less than 90-grain strength or 150 gallons of vinegar of not less than 60-grain strength.

(b) *Authorized uses.* (1) As a raw material:

511. Vinegar.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.44 Formula No. 19.

(a) *Formula.* To every 100 gallons of alcohol add:

One hundred gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

031. Photographic film and emulsions.
034. Cellulose intermediates and industrial collodions.
241. Collodion, U.S.P.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.45 Formula No. 20.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of chloroform.

(b) *Authorized uses.* (1) As a raw material:

579. Miscellaneous chemicals (chloroform).

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.46 Formula No. 22.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of formaldehyde solution, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.47 Formula No. 23-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Eight gallons of acetone, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
013. Shellac coatings.
014. Other natural resin coatings.
015. Candy glazes.
016. Other coatings.
032. Transparent sheeting.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
042. Solvents and thinners (other than proprietary solvents or special industrial solvents).
052. Inks (including meat branding inks).
053. Stains (wood, etc.).
111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Body deodorants and deodorant creams.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
244. Antiseptic solutions, U.S.P. or N.F.
249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides, and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
482. Miscellaneous dye solutions.
485. Miscellaneous solutions.

(2) As a fluid:

740. Refrigerating uses.
750. Miscellaneous fluid uses.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.48 Formula No. 23-F.

(a) *Formula.* To every 100 gallons of alcohol add:

Three pounds of salicylic acid, U.S.P., 1 pound of resorcinol (resorcin), U.S.P., and 1 gallon of bergamot oil, N.F. XI. or bay oil (myrcia oil), N.F. XI.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
210. External pharmaceuticals, not U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.49 Formula No. 23-H.

(a) *Formula.* To every 100 gallons of alcohol add:

Eight gallons of acetone, U.S.P., and 1.5 gallons of methyl isobutyl ketone.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
113. Lotions and creams (hand, face, and body).
210. External pharmaceuticals, not U.S.P. or N.F.
220. Rubbing alcohols.
410. Disinfectants, insectides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.50 Formula No. 25.

(a) *Formula.* To every 100 gallons of alcohol add:

Twenty pounds of iodine, U.S.P., and 15 pounds of either potassium iodide, U.S.P., or sodium iodide, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

230. Tinctures of iodine.
249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.51 Formula No. 25-A.

(a) *Formula.* To every 100 gallons of alcohol add:

A solution composed of 20 pounds of iodine, U.S.P.; 15 pounds of either potassium iodide, U.S.P., or sodium iodide, U.S.P.; and 15 pounds of water.

(b) *Authorized uses.* (1) As a solvent:

230. Tinctures of iodine.
249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.52 Formula No. 27.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of rosemary oil, N.F. XII, and 30 pounds of camphor, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

210. External pharmaceuticals, not U.S.P. or N.F.
243. Liniments, U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.53 Formula No. 27-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Thirty-five pounds of camphor, U.S.P., and 1 gallon of clove oil, N.F.

(b) *Authorized uses.* (1) As a solvent:

210. External pharmaceuticals, not U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.54 Formula No. 27-B.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of lavender oil, N.F., and 100 pounds of green soap, U.S.P.

Note.—The requirements of this formula may be met by adding 1 gallon of lavender oil, N.F., and 66.5 pounds of U.S.P. quality soap concentrate containing 25 percent water to 100 gallons of alcohol and, after mixing, by adding thereto 33.5 pounds of water and again mixing.

(b) *Authorized uses.* (1) As a solvent:

141. Shampoos.
210. External pharmaceuticals, not U.S.P. or N.F.
243. Liniments, U.S.P. or N.F.
410. Disinfectants insecticides, fungicides, and other biocides.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.55 Formula No. 28-A.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon or any combination totaling 1 gallon of either gasoline, unleaded gasoline, heptane, or rubber hydrocarbon solvent.

(b) *Authorized uses.* (1) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.56 Formula No. 29.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of 100 percent acetaldehyde or 5 gallons of an alcohol solution of acetaldehyde containing not less than 20 percent acetaldehyde, or 1 gallon of ethyl acetate having an ester content of 100 percent, or, where approved by the Chief, Chemical Branch, as to material and quantity, not less than 6.8 pounds if solid, or 1 gallon if liquid, of any chemical. When material other than acetaldehyde or ethyl acetate is proposed to be used, the user shall submit an application for such use to the Chief, Chemical Branch. The application shall include specifications, assay methods, and an 8-ounce sample of the substitute material for analysis.

(b) *Authorized uses.* (1) As a raw material:

511. Vinegar.
512. Acetic acid.
521. Ethyl acetate.
522. Ethyl chloride.
523. Other ethyl esters.
530. Ethylamines.
540. Dyes and intermediates.
551. Acetaldehyde.
552. Other aldehydes.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
573. Xanthates.
575. Drugs and medicinal chemicals.
579. Other chemicals.
580. Synthetic rubber.
590. Synthetic resins.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula is restricted to processes in which the alcohol loses its identity by being converted into other chemicals.

§ 21.57 Formula No. 30.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of methyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
021. Cellulose plastics.
022. Non-cellulose plastics, including resins.
031. Photographic film and emulsions.
035. Soldering flux.
036. Adhesives and binders.
042. Solvents and thinners (other than proprietary solvents or special industrial solvents).
051. Polishes.
052. Inks (not including meat branding inks).
053. Stains.
142. Soap and bath preparations.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides, and other biocides.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
481. Photoengraving and rotogravure solutions and dyes.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

575. Drugs and medicinal chemicals.
576. Organo-silicone products.
579. Other chemicals.
590. Synthetic resins.

(3) As a fluid in:

740. Refrigerating uses.
750. Other fluid uses:

(4) Miscellaneous uses:

810. General laboratory and experimental use (own use only).
811. Laboratory reagents for sale.
812. Product development and pilot plant uses (own use only).

§ 21.58 Formula No. 31-A.

(a) *Formula.* To every 100 gallons of alcohol add:

One hundred pounds of glycerin (glycerol), U.S.P., and 20 pounds of hard soap, N.F. XI.

(b) *Authorized uses.* (1) As a solvent:

113. Lotions and creams (hands, face, and body).
131. Tooth paste and tooth powder.
141. Shampoos.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.59 Formula No. 32.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

031. Photographic film and emulsions.
034. Cellulose intermediates and industrial collodions.
052. Inks (not including meat branding inks).
241. Collodion, U.S.P.
311. Ethyl cellulose compounds (dehydration).
332. Processing miscellaneous food products.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.

344. Processing medicinal chemicals (including alkaloids).
430. Sterilizing and preserving solutions.
481. Photoengraving and rotogravure solutions and dyes.

(2) As a raw material:

522. Ethyl chloride.
523. Other ethyl esters.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
575. Drugs and medicinal chemicals.
579. Other chemicals.
580. Synthetic rubber.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.60 Formula No. 33.

(a) *Formula.* To every 100 gallons of alcohol add:

Thirty pounds of gentian violet or gentian violet, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

052. Inks (not including meat branding inks).
210. External pharmaceuticals, not U.S.P. or N.F.
249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* Meat branding inks made with Formula No. 33 do not meet U.S. Department of Agriculture meat inspection specifications for use in Federally inspected establishments. Specially denatured alcohol Formulas No. 3–A, 3–C, and 23–A are authorized for this purpose.

§ 21.61 Formula No. 35.

(a) *Formula.* To every 100 gallons of alcohol add:

29.75 gallons of ethyl acetate having an ester content of 100 percent by weight or the equivalent thereof not to exceed 35 gallons of ethyl acetate with an ester content of not less than 85 percent by weight.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.62 Formula No. 35–A.

(a) *Formula.* To every 100 gallons of alcohol add:

4.25 gallons of ethyl acetate having an ester content of 100 percent by weight or the equivalent thereof not to exceed 5 gallons of ethyl acetate with an ester content of not less than 85 percent by weight.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.
331. Processing pectin.
332. Processing other food products.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
349. Miscellaneous drug processing (including manufacture of pills).
358. Processing miscellaneous chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

511. Vinegar.
512. Acetic acid.
521. Ethyl acetate.
523. Other ethyl esters.
580. Synthetic resins.
910. Animal feed supplements.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.63 Formula No. 36.

(a) *Formula.* To every 100 gallons of alcohol add:

Three gallons of ammonia, aqueous, 27 to 30 percent by weight; 3 gallons of strong ammonia solution, N.F.; 17.5 pounds of caustic soda, liquid grade, containing 50 percent sodium hydroxide by weight; or 12.0 pounds of caustic soda, liquid grade, containing 73 percent sodium hydroxide by weight.

(b) *Authorized uses.* (1) As a solvent:

141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
450. Cleaning solutions (including household detergents).

(2) As a raw material:

530. Ethylamines.
540. Dyes and intermediates.
579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.64 Formula No. 37.

(a) *Formula.* To every 100 gallons of alcohol add:

Forty-five fluid onces of eucalyptol, N.F. XII, 30 avoirdupois ounces of thymol, N.F., and 20 avoirdupois ounces of menthol, U.S.P

(a) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
131. Dentifrices.
132. Mouth washes.
210. External pharmaceuticals, not U.S.P. or N.F.
244. Antispetic solutions, U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.
430. Sterilizing and preserving solutions.
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.65 Formula No. 38–B.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten pounds of any one, or a total of 10 pounds of two or more, of the oils and substances listed below:

Anethole, N.F.
Anise oil, N.F.
Bay oil (myrcia oil), N.F. XI.
Benzaldehyde, N.F.
Bergamot oil, N.F. XI.
Bitter almond oil, N.F. X.
Camphor, U.S.P.
Cedar leaf oil, U.S.P. XIII.
Chlorothymol, N.F. XII.
Cinnamic aldehyde, N.F. IX.
Cinnamon oil, N.F.
Citronella oil, natural.
Clove oil, N.F.
Coal tar, U.S.P.
Eucalyptol, N.F. XII.
Eucalyptus oil, N.F.
Eugenol, U.S.P.
Guaiacol, N.F. X.
Lavender oil, N.F.
Menthol, U.S.P.
Methyl salicylate, N.F.
Mustard oil, volatile (allyl isothiocyanate), U.S.P. XII.
Peppermint oil, N.F
Phenol, U.S.P.
Phenyl salicylate (salol), N.F. XI.
Pine oil, N.F. XII.
Pine needle oil, dwarf, N.F
Rosemary oil, N.F. XII.
Safrole.
Sassafras oil, N.F. XI.
Spearmint oil, N.F.
Spearmint oil, terpeneless.
Spike lavender oil, natural.
Storax, U.S.P.
Thyme oil, N.F. XII.
Thymol, N.F.
Tolu balsam, U.S.P.
Turpentine oil, N.F. XI.

If it is shown that none of the above single denaturants or combinations can be used in the manufacture of a particular product, the user may submit an application to the Chief, Chemical Branch, requesting permission to use another essential oil or substance having denaturing properties satisfactory to the Chief, Chemical Branch. In such a case the user shall furnish the Chief, Chemical Branch, with specifications, assay methods, the name and address of the manufacturer, and an 8-ounce sample of the denaturant for analysis.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes
131. Dentifrices.

132. Mouth washes.
141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
243. Liniments, U.S.P. or N.F.
244. Antiseptic solutions, U.S.P. or N.F.
249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.
349. Miscellaneous drug processing (including manufacture of pills).
410. Disinfectants, insecticides, fungicides, and other biocides.
430. Sterlizing and preserving solutions.
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.66 Formula No. 38–C.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten pounds of menthol, U.S.P., and 1.25 gallons of formaldehyde solution, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

131. Dentifrices.
132. Mouth washes.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.67 Formula No. 38–D.

(a) *Formula.* To every 100 gallons of alcohol add:

Two and one-half pounds of menthol, U.S.P., and 2.5 gallons of formaldehyde solution, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

131. Dentifrices.
132. Mouth washes.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.68 Formula No. 38–F.

(a) *Formula.* To every 100 gallons of alcohol add:

(1) Six pounds of either boric acid, N.F., or Polysorbate 80, N.F.; 1⅓ pounds of thymol, N.F.; 1⅓ pounds of chlorothymol, N.F. XII; and 1⅓ pounds of menthol, U.S.P.; or

(2) A total of at least 3 pounds of any two or more denaturing materials listed under Formula No. 38–B, plus sufficient boric acid, N.F., or Polysorbate 80, N.F., to total 10 pounds of denaturant; or

(3) Seven pounds of zinc chloride, U.S.P., 2.6 fluid ounces of hydrochloric acid, N.F., and a total of 3 pounds of any two or more of the denaturing materials listed under Formula No. 38–B.

(b) *Authorized uses.* (1) As a solvent:

132. Mouth washes.
210. External pharmaceuticals, not U.S.P. or N.F.
244. Antiseptic solutions, U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.69 Formula No. 39.

(a) *Formula.* To every 100 gallons of alcohol add:

Nine pounds of sodium salicylate, U.S.P., or salicylic acid, U.S.P.; 1.25 gallons of fluid extract of quassia, N.F. VII; and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
121. Perfume and perfume tinctures.
122. Toilet waters and colognes.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.70 Formula No. 39–A.

(a) *Formula.* To every 100 gallons of alcohol add:

Sixty avoirdupois ounces of any one of the following alkaloids or salts together with ⅛ gallon of *tert*-butyl alcohol:
Quinine, N.F. X.
Quinine bisulfate, N.F. XI.
Quinine dihydrochloride, N.F. XI.
Cinchonidine.
Cinchonidine sulfate, N.F. IX.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
122. Toilet waters and colognes.
141. Shampoos.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.71 Formula No. 39–B.

(a) *Formula.* To every 100 gallons of alcohol add:

Two and one-half gallons of diethyl phthalate and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.72 Formula No. 39–C.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of diethyl phthalate.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
142. Soaps and bath preparations.
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.73 Formula No. 39–D.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of bay oil (myrcia oil), N.F. XI, and either 50 avoirdupois ounces of quinine sulfate, U.S.P., 50 avoirdupois ounces of sodium salicylate, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.74 Formula No. 40.

(a) *Formula.* To every 100 gallons of alcohol add ⅛ gallon of *tert*-butyl alcohol, and:

One and one-half avoirdupois ounces of either (1) brucine alkaloid, (2) brucine sulfate, N.F. IX, (3) quassin, or (4) any combination of two or of three of those denaturants.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.75 Formula No. 40–A.

(a) *Formula.* To every 100 gallons of alcohol add:

One pound of sucrose octaacetate and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.76 Formula No. 40-B.

(a) *Formula.* To every 100 gallons of alcohol add:

One-sixteenth avoirdupois ounce of denatonium benzoate, N.F. (BITREX), and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

21.77 Formula No. 40-C.

(a) *Formula.* To every 100 gallons of alcohol add:

Three gallons of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body)..
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.
485. Miscellaneous solutions.

(2) Miscellaneous uses.

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula shall be used only in the manufacture of products which will be packaged in pressurized containers in which the liquid contents are in intimate contact with the propellant and from which the contents are not easily removable in liquid form.

§ 21.78 Formula No. 42.

(a) *Formula.* To every 100 gallons of alcohol add:

(1) Eighty grams of potassium iodide, U.S.P., and 109 grams of red mercuric iodide, N.F. XI; or

(2) Ninety-five grams of thimerosal, U.S.P.; or

(3) Seventy-six grams of any of the following: phenyl mercuric nitrate, N.F.; phenyl mercuric chloride, N.F. IX; or phenyl mercuric benzoate.

(b) *Authorized uses.* (1) As a solvent:

430. Sterilizing and preserving solutions.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.79 Formula No. 44.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of *n*-butyl alcohol

(b) *Authorized uses.* (1) As a solvent:

430. Sterilizing and preserving solutions.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.80 Formula No. 45.

(a) *Formula.* To every 100 gallons of alcohol add:

Three hundred pounds of refined white or orange shellac.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.

(2) Miscellaneous uses:

812 Product development and pilot plant uses (own use only).

§ 21.81 Formula No. 46.

(a) *Formula.* To every 100 gallons of alcohol add:

Twenty-five fluid ounces of phenol, U.S.P., and 4 fluid ounces of methyl salicylate, N.F.

(b) *Authorized uses.* (1) As a solvent:

220. An antiseptic, sterilizing, and bathing solution having restricted use.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula may be used only by institutions and organizations which are of a semipublic character and engaged in charitable work.

Subpart E—Specifications for Denaturants

§ 21.91 General.

Denaturants prescribed in this part shall comply with the specifications set forth in this subpart. However, in order to meet requirements of national defense of for other valid reasons, the Director may, pursuant to written application filed by the denaturer, authorize variations from such specifications or authorize the use of substitute denaturants if such variation or substitution will not jeopardize the revenue. Each such application shall identify the applicant by name, address, and permit number; state the number of each formula of specially denatured alcohol involved; explain why the use of the substitute denaturant, or the variation from specifications, as the case may be, is necessary; and include, as applicable, either the identity of the approved denaturant for which substitution is desired and the identity of the substitute denaturant (including the name of the manufacturer) or the identity of the prescribed specifications and the proposed variation from those specifications. The application shall be accompanied by an 8-ounce sample of the proposed denaturing material for analysis.

§ 21.92 Denaturants listed as U.S.P. or N.F.

Denaturing materials and products listed in this part as "U.S.P." or "N.F." shall meet the specifications set forth in the current United States Pharmacopoeia or National Formulary, or the latest volume of these publications in which the denaturants appeared as official preparations.

§ 21.93 Acetaldehyde.

(a) *Aldehyde content (as acetaldehyde).* Not less than 95.0 percent by weight.

(b) *Color.* Colorless.

(c) *Odor.* Characteristic pungent, fruity odor.

(d) *Specific gravity at 15.56°/15.56° C.* Not less than 0.7800.

§ 21.94 Acetaldol.

(a) *Purity.* Not less than 90 percent by weight acetaldol as determined by the following method:

Dissolve 15 grams of the acetaldol in distilled water and dilute to 1 liter in a volumetric flask. Transfer 5 ml of this solution to a 250 ml glass-stoppered flask containing 25 ml distilled water. Add 25 ml of a freshly prepared 1 percent sodium bisulfite solution. Prepare a blank omitting the acetaldol solution. Place the flasks in a dark place away from excessive heat or cold and allow to stand six hours. Remove flasks and titrate free bisulfite with 0.1 N iodine solution using starch indicator.

Percent acetaldol by weight=(ml blank−ml test)×200×0.44/weight of sample

Titrations in excess of 100 percent may be obtained if the sample contains appreciable amounts of acetaldehyde.

(b) *Specific gravity at 20° C.* 1.098 to 1.105.

§ 21.95 Ammonia, aqueous.

(a) *Alkalinity.* Strongly alkaline to litmus.

(b) *Ammonia content.* 27 to 30 percent by weight. Accurately weigh a glass-stoppered flask containing 25 ml of water, add about 2 ml of the sample, stopper, and weigh again. Add methyl red indicator, and titrate with 1 N sulfuric acid. Each ml of 1 N sulfuric acid is equivalent to 17.03 mg of NH_3

(c) *Color.* Colorless liquid.

(d) *Non-volatile residue.* 2 mg maximum. Dilute a portion of the sample with 1½ times its volume of distilled water. Evaporate 10 ml of this product to dryness in a tared platinum or porcelain dish. Dry residue at 105° C. for 1 hour, cool and weigh.

(e) *Odor.* Characteristic (exceedingly pungent).

(f) *Specific gravity at 20°/4° C.* 0.8920 to 0.9010.

§21.96 Benzene.

(a) *Distillation range.* (For applicable ASTM method, see 1980 Annual Book of ASTM Standards, Part 29, page 573, Standard No. D 836–77; for incorporation by reference, see § 21.6(b).) When 100 ml of benzene are distilled by this method, not more than 1 ml should distill below 77° C., and not less than 95 ml below 85° C.

(b) *Odor.* Characteristic odor.

(c) *Specific gravity at 15.6°/15.6° C.* 0.875 to 0.886.

(d) *Water solubility.* When 10 ml of benzene are shaken with an equal volume of water in a glass-stoppered bottle, graduated to 0.1 ml, and allowed to stand 5 minutes to separate, the upper layer of liquid shall measure not less than 9.5 ml.

§ 21.97 Bone oil (Dippie's oil).

(a) *Color.* The color shall be a deep brown.

(b) *Distillation range.* When 100 ml are distilled in the manner described for pyridine bases, not more than 5.0 ml should distill below 90° C.

(c) *Pyrrol reaction.* Prepare a 1.0 percent solution of bone oil in 95 percent alcohol. Prepare a second solution containing 0.025 percent bone oil by diluting 2.50 ml of the first solution to 100 ml with 95 percent alcohol. Dip a splinter of pine, previously moistened with concentrated hydrochloric acid, into 10 ml of the 0.025 percent bone oil solution. After a few minutes the splinter should show a distinct red coloration.

(d) *Reaction with mercuric chloride.* Add 5 ml of the 1.0 percent bone oil solution above to 5 ml of a 2 percent alcoholic solution of mercuric chloride. A turbidity is formed at once which separates into a flocculent precipitate on standing several minutes. Add 5.0 ml of the 0.025 percent bone oil solution to 5.0 ml of a 2.0 percent alcoholic solution of mercuric chloride. A faint turbidity appears after several minutes.

§ 21.98 Brucine alkaloid.

(a) *Identification test.* Add a few drops of concentrated nitric acid to about 10 mg of brucine alkaloid. A vivid red color is produced. Dilute the red solution with a few drops of water and add a few drops of freshly made dilute stannous chloride solution. A reddish purple (violet) color is produced.

(b) *Melting point.* 178°±1° C. Dry the alkaloid in an oven for one hour at 100° C., increase the temperature to 110° and dry to a constant weight before taking melting point.

Note.—Brucine alkaloid tetrahydrate melts at 105° C. while the anhydrous form melts at 178° C.

(c) *Strychnine test.* Brucine alkaloid shall be free of strychnine when tested by the method listed under Brucine Sulfate, N.F. IX.

Note.—If the brucine contains as much as 0.05 percent strychnine, a clear distinctive violet color, characteristic of strychnine, will be obtained.

(d) *Sulfate test.* No white precipitate is formed that is not dissolved by hydrochloric acid when several drops of a 1 N barium chloride solution are added to 10 ml of a solution of the alkaloid.

§ 21.99 n-Butyl alcohol.

(a) *Acidity (as acetic acid).* 0.03 percent by weight maximum.

(b) *Color.* Colorless.

(c) *Dryness at 20° C.* Miscible without turbidity with 10 volumes of 60° Bé. gasoline.

(d) *Odor.* Characteristic odor.

(e) *Specific gravity at 20°/20° C.* 0.810 to 0.815.

§ 21.100 tert-Butyl alcohol.

(a) *Acidity (as acetic acid).* 0.003 percent by weight maximum.

(b) *Color.* Colorless.

(c) *Distillation range.* When 100 ml of tertiary butyl alcohol are distilled, none should distill below 78° C. and none above 85° C. More than 95 percent should distill between 81°–83° C.

(d) *Dryness at 20° C.* Miscible without turbidity with 19 volumes of 60° Bé. gasoline.

(e) *Freezing point (first needle).* Above 20° C.

(f) *Identification test.* Place five drops of a solution containing approximately 0.1 percent tertiary butyl alcohol in ethyl alcohol in a test tube. Add 2 ml of Denige's reagent (dissolve 5 grams of red mercuric oxide in 20 ml of concentrated sulfuric acid; add this solution to 80 ml of distilled water, and filter when cool). Heat the mixture just to the boiling point and remove from the flame. A yellow precipitate forms within a few seconds.

(g) *Nonvolatile matter.* Less than 0.005 percent by weight.

(h) *Odor.* Characteristic odor.

(i) *Residual odor after evaporation.* None.

(j) *Specific gravity at 25°/25° C.* 0.780 to 0.786.

§ 21.101 Caustic soda, liquid.

(a) The liquid caustic soda may consist of either 50 percent or 73 percent by weight sodium hydroxide in aqueous solution. The amount of caustic soda used shall be such that each 100 gallons of alcohol will contain not less than 8.76 pounds of sodium hyroxide, anhydrous basis.

(b) *Color.* A 2 percent solution of the sodium hydroxide in water shall be water-white.

(c) *Assay.* The sodium hydroxide content of the caustic soda solution shall be determined by the following procedure:

Accurately weigh 2 grams of liquid caustic soda into a 100 ml volumetric flask, dissolve, and dilute to the mark with distilled water at room temperature. Transfer a 25 ml aliquot of the solution to a titration flask, add 10 ml of 1 percent barium chloride solution, 0.2 ml of 1 percent phenolphthalein indicator, and 50 ml of distilled water. Titrate with 0.25 N hydrochloric acid to the disappearance of the pink color. Not less than 25 ml of the hydrochloric acid shall be required to neutralize the sample of diluted 50 percent caustic soda, and not less than 36.5 ml of the hydrochloric acid shall be required to neutralize the sample of diluted 73 percent caustic soda.

One ml of 0.25 N hydrochloric acid equals 0.01 gram of sodium hydroxide (anhydrous).

§ 21.102 Chloroform.

(a) *Odor.* Characteristic odor.

(b) *Specific gravity at 25°/25° C.* Not less than 1.400.

§ 21.103 Cinchonidine.

(a) *Melting point.* 208° to 210° C.

(b) *Color.* White powder.

(c) *Taste.* Bitter.

(d) *Test.* A solution of cinchonidine in dilute sulfuric acid shall not have more than a faint blue fluorescence (to distinguish from quinine and quinoidine).

§ 21.104 Citronella oil, natural.

(a) *Java type:*

(1) *Alcohol content (as Geraniol).* Not less than 85 percent by weight.

(2) *Aldehyde content (as Citronellal).* Not less than 30 percent by weight.

(3) *Refractive index at 20° C.* 1.4660 to 1.4745.

(4) *Specific gravity at 25°/25° C.* 0.875 to 0.893.

(5) *Odor.* Characteristic odor.

(b) *Ceylon type:*

(1) *Alcohol content (as Geraniol).* Not less than 55 percent by weight.

(2) *Aldehyde content (as Citronellal).* Not less than 7 percent by weight.

(3) *Refractive index at 20° C.* 1.4790 to 1.4850.

(4) *Specific gravity at 25°/25° C.* 0.891 to 0.904.

(5) *Odor.* Characteristic odor.

§ 21.105 Diethyl phthalate.

(a) *Refractive index at 25° C.* 1.497 to 1.502.

(b) *Color.* Colorless.

(c) *Odor.* Practically odorless.

(d) *Solubility.* Soluble in 20 parts of 60 percent alcohol.

(e) *Specific gravity at 25°/25° C.* 1.115 to 1.118.

(f) *Ester content (as diethyl phthalate).* Not less than 99 percent by weight.

Note.—The sample taken for ester determination should be approximately 0.8 gram. The number of ml of 0.5 N potassium hydroxide used in saponification multiplied by 0.05555 indicates the number of grams of ester in the sample taken for assay.

§ 21.106 Ethyl acetate.

(a) *85 percent ester:*

(1) *Acidity (as acetic acid).* Not more than 0.015 percent by weight.

(2) *Color.* Colorless.

(3) *Odor.* Characteristic odor.

(4) *Ester content.* Not less than 85 percent by weight.

(5) *Specific gravity at 20°/20° C.* Not less than 0.882.

(6) *Distillation range.* (For applicable ASTM method, see 1980 Annual Book of ASTM Standards, Part 29, page 70, Standard No. D 302–58 (1975); for incorporation by reference, see § 21.6(b).) When 100 ml of ethyl acetate are distilled by this method, none shall distill below 70° C., not more than 10 ml shall distill below 72° C., and none above 80° C.

(b) *100 percent ester:*

(1) *Acidity (as acetic acid).* Not more than 0.010 percent by weight.

(2) *Color.* Colorless.

(3) *Odor.* Characteristic odor.

(4) *Ester content.* Not less than 99 percent by weight.

(5) *Specific gravity at 20°/20° C.* Not less than 0.899.

(6) *Distillation range.* (For applicable ASTM method, see 1980 Annual Book of ASTM Standards, Part 29, page 433, Standard No. D 3127–77; for incorporation by reference, see § 21.6(b).) When 100 ml of ethyl acetate are distilled by this method, not more than 2 ml shall distill below 75° C., and none above 80° C. (760 mm).

§ 21.107 Ethyl ether.

(a) *Odor.* Characteristic odor.

(b) *Specific gravity at 15.56°/15.56° C.* Not more than 0.728.

§ 21.108 Gasoline.

(a) *Distillation range.* When 100 ml of gasoline are distilled, none shall distill below 90° F. Not more than 5 ml shall be collected below 140° F., and not less than 50 ml shall distill below 230° F.

(b) *Odor.* Characteristic odor.

§ 21.109 Gasoline, unleaded.

Conforms to specifications as established by the American Society for Testing and Materials (ASTM) in the 1980 Annual Book of ASTM Standards, Part 23, page 229, Standard No. D 439–79. Any of the "seasonal and geographical" volatility classes for unleaded gasoline are considered suitable as a denaturant. (For incorporation by reference, see § 21.6(b).)

§ 21.110 Gentian violet.

(a) Gentian violet (methyl violet, methylrosaniline chloride) occurs as a dark green powder or crystals having metallic luster.

(b) *Arsenic content.* Not more than 15 ppm. (as As_2O_3) as determined by the applicable U.S.P. method.

(c) *Identification test.* Sprinkle about 1 mg of sample on 1 ml of sulfuric acid; it dissolves in the acid with an orange or brown-red color. When this solution is diluted cautiously with water, the color changes to brown, then to green, and finally to blue.

(d) *Insoluble matter.* Not to exceed 0.25 percent when tested by the following method:

Transfer 1.0 gram of sample to a 150 ml beaker containing 50 ml of alcohol. Stir to complete solution and filter through a weighed Whatman No. 4 filter paper. Wash residue with small amounts of alcohol totaling about 50 ml. Dry paper in oven for 30 minutes at 80° C. and weigh. Calculate insoluble material.

§ 21.111 Heptane.

(a) *Distillation range.* No distillate should come over below 200° F. and none above 211° F.

(b) *Odor.* Characteristic odor.

§ 21.112 Isopropyl alcohol.

Specific gravity at 15.56°/15.56° C. 0.810 maximum.

§ 21.113 Kerosene.

(a) *Distillation range.* (For applicable ASTM method, see 1980 Annual Book of ASTM Standards, Part 25, page 395, Standard No. D 3699–78 for burner fuel; see Part 23, page 849, Standard Nos. D 1655–80a for aviation turbine fuels and D 86–78 for distillation of petroleum products; for incorporation by reference, see § 21.6(b).) No distillate should come over below 340° F. and none above 570° F.

(b) *Flash point.* 115° F. minimum.

(c) *Odor.* Characteristic odor.

§ 21.114 Kerosene (deodorized).

(a) *Distillation range.* No distillate should come over below 340° F. and none above 570° F.

(b) *Flash point.* 155° F. minimum.

§ 21.115 Methyl alcohol.

Specific gravity at 15.56°/15.56° C. 0.810 maximum.

§ 21.116 Methyl isobutyl ketone.

(a) *Acidity (as acetic acid).* 0.02 percent by weight, maximum.

(b) *Color.* Colorless.

(c) *Distillation range.* (For applicable ASTM method, see 1980 Annual Book of ASTM Standards, Part 29, page 147, Standard No. D 1153–77; for incorporation by reference, see § 21.6(b).) No distillate should come over below 111° C. and none above 117° C.

(d) *Odor.* Characteristic odor.

(e) *Specific gravity at 20°/20° C.* 0.799 to 0.804.

§ 21.117 Methyl n-butyl ketone.

(a) *Acidity (as acetic acid).* 0.02 percent by weight, maximum.

(b) *Color.* Colorless.

(c) *Odor.* Characteristic odor.

(d) *Refractive index at 20° C.* 1.396 to 1.404.

(e) *Specific gravity at 20°/20° C.* 0.800 to 0.835.

(f) *Distillation range.* No distillate should come over below 123° C. and none above 129° C.

§ 21.118 Nicotine solution.

(a) *Composition.* Five gallons of an aqueous solution containing 40 percent nicotine; 3.6 avoirdupois ounces of methylene blue, U.S.P.; water sufficient to make 100 gallons.

(b) *Color.* One ml of the nicotine solution (previously agitated in the presence of air) is measured into 100 ml of water and thoroughly mixed. Fifty ml of this colored solution is compared, using Nessler tubes, with 50 ml of a standard color solution containing 5 grams of $CuSO_4 \cdot 5H_2O$, C.P. in 100 ml of water. The color intensity of the solution tested should be equal to or greater than that of the standard solution.

(c) *Nicotine content.* The above solution must contain not less than 1.88 percent of nicotine determined by the following process: 20 ml of the solution are measured into a 500 ml Kjeldahl flask provided with a suitable bulb tube, 50 ml of 0.1 N NaOH added and the mixture distilled in a current of steam until the distillate is no longer alkaline (about 500 ml). The distillate is then titrated with 0.1 N H_2SO_4 using rosolic acid or methyl red as indicator. Not less than 23.2 ml should be required for neutralization.

§ 21.119 Nitropropane, mixed isomers of.

(a) *Nitropropane content.* A minimum of 94 percent by weight.

(b) *Total nitroparaffin content.* A minimum of 99 percent by weight.

(c) *Distillation range.* 119° to 113° C.

(d) *Specific gravity at 20°/20° C.* 0.992 to 1.003.

§ 21.120 Phenyl mercuric benzoate.

(a) *Assay (as phenyl mercuric benzoate).* Not less than 99.0 percent by weight.

(b) *Melting point.* Not less than 94° C.

§ 21.121 Pyridine bases.

(a) *Alkalinity.* One ml of pyridine bases dissolved in 10 ml of water is titrated with 1 N H_2SO_4 until a drop of the mixture placed upon Congo paper shows a distinct blue border, which soon disappears. A minimum of 9.5 ml of the acid must be required for the end point. (Congo paper: filter paper treated with 0.1 percent aqueous solution of Congo red and dried.)

(b) *Distillation range.* One hundred ml of the denaturant are distilled in the following manner: The sample is placed in a short-necked glass flask of about 200 ml capacity which is rested on an asbestos plate having a circular opening of 30 mm in diameter. The neck of this flask is fitted with a fractionating tube 12 mm in diameter and 170 mm long and having a bulb just 1 cm below the side tube which is connected with a Liebig condenser having a water jacket not less than 400 mm in length. A standardized thermometer is placed in the fractionating tube so that the mercury bulb is suspended in the center of the fractionating bulb. Heat is applied slowly and in such manner that 5 ml of distillate is collected per minute in a graduated cylinder. At least 50 ml must distill at or below 140° C. and at least 90 ml below 160° C.

(c) *Reactions.* Dissolve 1 ml of pyridine bases in 100 ml of water.

(1) Ten ml of this solution are treated with 5 ml of 5 percent aqueous solution of anhydrous fused $CaCl_2$ and the mixture vigorously shaken. An abundant crystalline separation should occur within 10 minutes.

(2) Ten ml of the pyridine solution mixed with 50 ml of Nessler's reagent must give a white precipitate.

(d) *Water content.* Twenty ml of pyridine bases are shaken with 20 ml of a caustic soda solution having a specific gravity of 1.40 (15.56°/15.56° C.) and the mixture allowed to stand until completely separated into two layers. The amount of pyridine base layer should be 18.5 ml, minimum.

§ 21.122 Pyronate.

Pyronate is a product of the destructive distillation of hardwood meeting the following requirements:

(a) *Acidity (as acetic acid).* Not more than 0.1 percent by weight, determined as follows:

Add 5.0 ml sample to 100 ml distilled water in an Erlenmeyer flask and titrate with 0.1 N NaOH to a bromthymol blue endpoint.

(b) *Color.* The color shall be no darker than the color produced by 2.0 grams of potassium dichromate in 1 liter of water. The comparision shall be made in 4-ounce oil sample bottles viewed crosswise.

(c) *Distillation range.* When 100 ml are distilled not more than 5 ml shall distill below 70° C., not less than 50 ml below 160° C., and not less than 90 ml below 205° C.

Note.—Any material submitted as pyronate must agree in color, odor, taste and denaturing value with a standard sample furnished by the Bureau of Alcohol, Tobacco and Firearms to chemists authorized to examine samples of denaturants.

§ 21.123 Quassin.

(a) Quassin is the bitter principle of quassia wood (occurring as a mixture of two isomeric forms). It shall be a good commercial grade of purified amorphous quassin, standardized as to bitterness.

(b) *Bitterness.* An aqueous solution of quassin shall be distinctly bitter at a 1 to 250,000 dilution. To test: Dissolve 0.1 gram of quassin in 100 ml of 95 percent alcohol, then dilute 4 ml of the solution to 1,000 ml with distilled water, mix well and taste.

(c) *Identification test.* Dissolve about 0.5 gram of quassin in 10 ml of 95 percent alcohol and filter. To 5 ml of the filtrate, add 5 ml of concentrated hydrochloric acid and 1 mg of phloroglucinol and mix well. A red color develops.

(d) *Optical assay.* When 1 gram of quassin (in solution in a small amount of 95 percent alcohol) is dissolved in 10,000 ml of water, the absorbance of the solution in a 1 cm cell at a wavelength of 258 millimicrons shall not be less than 0.400.

(e) *Solubility.* When 0.5 gram of quassin is added to 25 ml of 190 proof alcohol, it shall dissolve completely.

§ 21.124 Rubber hydrocarbon solvent.

(a) Rubber hydrocarbon solvent is a petroleum derivative.

(b) *Distillation range.* When 10 percent of the sample has been distilled into a graduated receiver, the themometer shall not read more than 170° F. nor less than 90° F. When 90 percent has been recovered in the receiver the thermometer shall not read more than 250° F.

§ 21.125 Safrole.

(a) *Congealing point.* 10.0° to 11.2° C.

(b) *Refractive index at 20° C.* 1.5368 to 1.5385.

(c) *Specific gravity at 15°/15° C.* 1.100 to 1.107.

(d) *Odor.* Characteristic odor.

§ 21.126 Shellac (refined).

(a) *Arsenic content.* Not more than 1.4 parts per million as determined by the Gutzeit Method (AOAC method 25.020; for incorporation by reference, see § 21.6(c)).

(b) *Color.* White or orange.

(c) *Rosin content.* None when tested by the following method: Add 20 ml of absolute alcohol or glacial acetic acid (m. p. 13° to 15° C.) to 2 grams of the shellac and thoroughly dissolve. Add 100 ml of petroleum ether and mix thoroughly. Add approximately 2 liters of water and separate a portion of the ether layer (at least 50 ml) and filter if cloudy. Evaporate the petroleum ether and test as follows: Solution A—5 ml of phenol dissolved in 10 ml of carbon tetrachloride. Solution B—1 ml of

bromine dissolved in 4 ml of carbon tetrachloride. To the residue obtained above add 2 ml of Solution A and transfer the mixture to a porcelain spot plate, filling one cavity. Immediately fill an adjacent cavity with solution B. Cover the plate with a watch glass and observe any color formation in Solution A. A decided purple or deep indigo blue color is an indication of the presence of rosin.

§ 21.127 Sodium (metallic).

(a) *Color.* Silvery-white (metallic luster) when freshly cut.

(b) *Identification test.* Clean a platinum wire by dipping it in concentrated hydrochloric acid and holding it over a Bunsen burner until the flame is no longer colored. Moisten the wire loop with hydrochloric acid and dip it into the sample. Hold the wire in the Bunsen flame and note the color. Sodium produces a golden yellow flame; not observed when viewed through a cobalt glass.

(c) *Purity.* Technical grade or better.

§ 21.128 Spearmint oil, terpeneless.

(a) *Carvone content.* Not less than 85 percent by weight.

(b) *Refractive index at 20° C.* 1.4930 to 1.4980.

(c) *Specific gravity at 25°/25° C.* 0.949 to 0.956.

(d) *Odor.* Characteristic odor.

§ 21.129 Spike lavender oil, natural.

(a) *Alcohol content (as borneol).* Not less than 30 percent by weight.

(b) *Esters (as bornyl acetate).* Not less than 1.5 percent by weight.

(c) *Refractive index at 20° C.* 1.4630 to 1.4680.

(d) *Specific gravity at 25°/25° C.* 0.893 to 0.909.

(e) *Odor* Characteristic odor.

§ 21.130 Sucrose octaacetate.

(a) Sucrose octaacetate is an organic acetylation product occurring as a white or cream-colored powder having an intensely bitter taste.

(b) *Free acid (as acetic acid).* Maximum percentage 0.15 by weight when determined by the following procedure: Dissolve 1.0 gram of sample in 50 ml of neutralized ethyl alcohol (or S.D.A. No. 3–A, No. 3–C, or No. 30) and titrate with 0.1 N sodium hydroxide using phenolphthalein indicator.

Percent acid as acetic acid = ml NaOH used × 0.6/ weight of sample

(c) *Insoluble matter.* 0.30 percent by weight maximum.

(d) *Melting point.* Not less than 78.0° C.

(e) *Purity.* Sucrose octaacetate 98 percent minimum by weight when determined by the following procedure: Transfer a weighed 1.50 grams sample to a 500 ml Erlenmeyer flask containing 100 ml of neutral ethyl alcohol (or S.D.A. No. 3–A, No. 3–C, or No. 30) and exactly 50.0 ml of 0.5 N sodium hydroxide. Reflux for 1 hour on a steam bath, cool and titrate the excess sodium hydroxide with 0.5 N sulfuric acid using phenolphthalein indicator.

Percent sucrose octaacetate = (ml NaOH − ml H_2SO_4) × 4.2412/weight of sample

§ 21.131 Toluene.

(a) *Distillation range.* (For applicable ASTM method, see 1980 Annual Book of ASTM Standards, Part 29, page 569, Standard No. D 362–75 for industrial grade toluene; for incorporation by reference, see § 21.6(b).) When 100 ml of toluene are distilled by this method, not more than 1 ml should distill below 109° C., and not less than 99 ml below 112° C.

(b) *Boiling point.* 110.6° ± 1° C.

(c) *Odor.* Characteristic odor.

(d) *Specific gravity at 15.56°/15.56° C.* 0.869 to 0.873.

§ 21.132 Vinegar.

(a) *Vinegar, 90-grain:*

Acidity (as acetic acid). 9.0 percent by weight, minimum.

(b) *Vinegar, 60-grain:*

Acidity (as acetic acid). 6.0 percent by weight, minimum.

Subpart F—Uses of Specially Denatured Alcohol and Specially Denatured Rum

§ 21.141 List of products and processes using specially denatured alcohol and rum, and formulas authorized therefor.

This section lists, alphabetically by product or process, formulas of specially denatured alcohol authorized for use in those products or processes, and lists the code numbers assigned thereto. Specially denatured rum, as well as specially denatured alcohol, may be used in tobacco sprays and flavors, Code No. 460, under Formula No. 4.

USES OF SPECIALLY DENATURED ALCOHOL [1]

Product or process	Code No.	Formulas authorized
Acetaldehyde	551	1, 2–B, 29.
Acetic acid	512	29, 35–A.
Adhesives and binders	836	1, 3–A, 3–C, 12–A, 23–A, 30.
Aldehydes, miscellaneous	552	1, 2–B, 29.
Alkaloids (processing)	344	1, 2–B, 2–C, 3–A, 3–C, 12–A, 13–A, 17, 23–A, 30, 32, 35–A.
Animal feed supplements	910	35–A.
Antibiotics (processing)	343	1, 2–B, 3–A, 3–C, 12–A, 13–A, 23–A, 30, 32, 35–A.
Antifreeze, proprietary	760	1.
Antiseptic, bathing solution (restricted)	220	16.
Antiseptic solutions, U.S.P. or N.F.	244	23–A, 37, 38–B, 38–F.
Bath preparations	142	1, 3–A, 3–B, 3–C, 23–A, 30, 36, 38–B, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
Bay rum	112	23–A, 37, 38–B, 39, 39–B, 39–D, 40, 40–A, 40–B, 40–C.
Biocides, miscellaneous	410	1, 3–A, 3–B, 3–C, 23–A, 23–H, 27–A, 27–B, 30, 37, 38–B, 39–B, 40, 40–A, 40–B, 40–C.
Blood and blood products (processing)	345	1, 3–A, 3–C, 12–A, 13–A, 23–A, 30.
Brake fluids	720	1, 3–A, 3–C.
Candy glazes	015	13–A, 23–A, 35, 35–A, 45.
Cellulose coatings	011	1, 3–A, 3–C, 23–A, 30.
Cellulose compounds (dehydration)	311	1, 2–B, 3–A, 3–C, 32.
Cellulose intermediates	034	1, 3–A, 3–C, 13–A, 19, 23–A, 32.
Chemicals (miscellaneous)	570	1, 2–B, 2–C, 3–A, 3–C, 6–B, 12–A, 13–A, 17, 20, 29, 30, 32, 36.
Cleaning solutions	450	1, 3–A, 3–C, 23–A, 23–H, 30, 36, 39–B, 40, 40–A, 40–B, 40–C.
Coatings, miscellaneous	018	1, 3–A, 3–C, 23–A.
Collodions, industrial	004	1, 3–A, 3–C, 13–A, 19, 23–A, 32.
Collodion, U.S.P.	241	13–A, 19, 32.
Colognes	122	38–B, 39, 39–A, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
Crude drugs (processing)	341	1, 2–B, 3–A, 3–C, 23–A, 30.
Cutting oils	730	1, 3–A, 3–C.
Dehydration products, miscellaneous	315	1, 2–B, 3–A, 3–C.
Dentifrices	131	31–A, 37, 38–B, 38–C, 38–D.
Deodorants (body)	114	23–A, 38–B, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
Detergents, household	450	1, 3–A, 3–C, 23–A, 23–H, 30, 36, 39–B, 40, 40–A 40–B, 40–C.
Detergents, industrial	440	1, 3–A, 3–C, 23–A, 30.
Detonators	574	1, 6–B.
Disinfectants	410	1, 3–A, 3–B, 3–C, 23–A, 23–H, 27–A, 27–B, 30, 37, 38–B, 39–B, 40, 40 A, 40–B, 40–C.
Drugs and medicinal chemicals	575	1, 2–B, 2–C, 3–A, 3–C, 6–B, 12–A, 13–A, 17, 29, 30, 32.
Drugs, miscellaneous (processing)	349	1, 2–B, 3–A, 3–C, 13–A, 23–A, 30, 35–A, 38–B.
Duplicating fluids	485	1, 3–A, 3–C, 30.
Dyes and intermediates	540	1, 2–B, 2–C, 3–A, 3–C, 12–A, 29, 36.
Dyes and intermediates (processing)	351	1, 2–B, 3–A, 3–C, 12–A.
Dye solutions, miscellaneous	482	1, 3–A, 3–C, 23–A, 30.
Embalming fluids, etc	420	1, 3–A, 3–C, 22, 23–A.
Esters, ethyl (miscellaneous)	523	1, 2–B, 2–C, 6–B, 12–A, 13–A, 29, 32, 35–A.
Ether, ethyl	561	1, 2–B, 13–A, 29, 32.
Ethers, miscellaneous	562	1, 2–B, 13–A, 29, 32.
Ethyl acetate	521	1, 2–B, 29, 35–A.
Ethylamines	530	1, 2–B, 2–C, 3–A, 3–C, 12–A, 29, 36.
Ethyl chloride	522	1, 2–B, 29, 32.
Ethylene dibromide	571	1, 2–B, 29, 32.
Ethylene gas	572	1, 2–B, 29, 32.
Explosives	023	1, 2–B, 3–A, 3–C.
External pharmaceuticals, not U.S.P. or N.F.	210	23–A, 23–F, 23–H, 27, 27–A, 27–B, 33, 36, 37, 38–B, 38–F, 39–B, 40, 40–A, 40–B, 40–C.
External pharmaceuticals, miscellaneous, U.S.P. or N.F.	348	23–A, 25, 25–A, 33, 38–B.
Fluid uses, miscellaneous	760	1, 3–A, 3–C, 23–A, 30.
Food products, miscellaneous (processing)	332	1, 2–B, 3–A, 3–C, 13–A, 23–A, 30, 32, 35–A.

[1] Continued

USES OF SPECIALLY DENATURED ALCOHOL [1]—Continued

Product or process	Code No.	Formulas authorized
Fuel uses, miscellaneous.	630	1, 3-A, 3-C, 28-A.
Fuels, airplane and supplementary.	612	1, 3-A, 3-C, 28-A.
Fuels, automobile and supplementary.	611	1, 3-A, 3-C, 28-A.
Fuels, proprietary heating.	620	1, 3-A, 3-C, 28-A.
Fuels, rocket and jet	613	1, 3-A, 3-C, 28-A.
Fungicides	410	1, 3-A, 3-B, 3-C, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A, 40-B, 40-C.
Granular products (processing).	342	1, 2-B, 3-A, 3-C, 12-A, 13-A, 23-A, 30, 32, 35-A.
Hair and scalp preparations.	111	3-B, 23-A, 23-F, 23-H, 37, 38-B, 39, 39-A, 39-B, 39-C, 39-D, 40, 40-A, 40-B, 40-C.
Hormones (processing)	342	1, 2-B, 3-A, 3-C, 12-A, 13-A, 23-A, 30, 32, 35-A.
Incense	470	3-A, 3-C, 22, 37, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Inks	052	1, 3-A, 3-C, 13-A, 23-A, 30, 32, 33.
Insecticides	410	1, 3-A, 3-B, 3-C, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A, 40-B, 40-C.
Iodine solutions (including U.S.P. and N.F. tinctures).	230	25, 25-A.
Laboratory reagents (for sale).	611	3-A, 3-C, 30.
Laboratory uses, general (own use only).	610	3-A, 3-C, 30.
Lacquer thinners	042	1, 23-A.
Liniments, U.S.P. or N.F.	243	27, 27-B, 38-B.
Lotions and creams (body, face, and hand).	113	23-A, 23-H, 31-A, 37, 38-B, 39, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Medicinal chemicals (processing).	344	1, 2-B, 2-C, 3-A, 3-C, 12-A, 13-A, 17, 23-A, 30, 32, 35-A.
Miscellaneous chemicals (processing).	358	1, 2-B, 2-C, 3-A, 3-C, 12-A, 13-A, 17, 23-A, 30, 35-A.
Miscellaneous products (processing).	359	1, 2-B, 2-C, 3-A, 3-C, 12-A, 13-A, 17, 23-A, 30, 35-A.
Mouth washes	132	37, 38-B, 39-C, 39-D, 38-F.
Organo-silicone products.	576	2-B, 3-A, 3-C, 30.
Pectin (processing)	331	1, 2-B, 3-A, 3-C, 13-A, 23-A, 30, 35-A.
Perfume materials (processing).	352	1, 2-B, 3-A, 3-C, 12-A, 13-A, 30.
Perfumes and perfume tinctures.	121	38-B, 39, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Petroleum products	320	1, 2-B, 3-A, 3-C.
Photoengraving dyes and solutions.	481	1, 3-A, 3-C, 13-A, 30, 32.
Photographic chemicals (processing).	353	1, 2-B, 3-A, 3-C, 13-A, 30.
Photographic film and emulsions.	031	1, 2-B, 3-A, 3-C, 13-A, 19, 30, 32.
Pill and tablet manufacture.	349	1, 2-B, 3-A, 3-C, 13-A, 23-A, 30, 35-A, 38-B.
Plastics, cellulose	021	1, 2-B, 3-A, 3-C, 12-A, 13-A, 30.
Plastics, non-cellulose (including resins).	022	1, 2-B, 3-A, 3-C, 12-A, 13-A, 30.
Polishes	051	1, 3-A, 3-C, 30.
Preserving solutions	430	1, 3-A, 3-C, 12-A, 13-A, 22, 23-A, 30, 32, 37, 38-B, 42, 44.

USES OF SPECIALLY DENATURED ALCOHOL [1]—Continued

Product or process	Code No.	Formulas authorized
Product development and pilot plant (own use only).	812	All formulas.
Proprietary solvents (standard formulas).	041	1.
Refrigerating uses	740	1, 3-A, 3-C, 23-A, 30.
Resin coatings, natural	014	1, 23-A.
Resin coatings, synthetic.	012	1, 3-A, 3-C, 23-A, 30.
Resins, synthetic	580	3-A, 3-C, 29, 30, 35-A.
Room deodorants	470	3-A, 3-C, 22, 37, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Rosin (processing)	354	1, 3-A, 3-C, 12-A.
Rotogravure dyes and solutions.	481	1, 3-A, 3-C, 13-A, 30, 32.
Rubber (latex) (processing).	355	1, 3-A, 3-C.
Rubber, synthetic	580	29, 32.
Rubbing alcohol	220	23-H.
Scientific instruments	710	1, 3-A, 3-C.
Shampoos	141	1, 3-A, 3-B, 3-C, 23-A, 27-B, 31-A, 36, 38-B, 39-A, 39-B, 40, 40-A, 40-B, 40-C.
Shellac coatings	013	1, 23-A.
Soaps, industrial	440	1, 3-A, 3-C, 23-A, 30.
Soaps, toilet	142	1, 3-A, 3-C, 23-A, 30, 38, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Sodium ethylate, anhydrous (restricted).	524	3-B.
Sodium hydrosulfite (dehydration).	312	1, 3-B, 3-A, 3-C.
Soldering flux	035	1, 3-A, 3-C, 23-A, 30.
Solutions, miscellaneous.	485	1, 3-A, 3-C, 23-A, 30, 40-C.
Solvents and thinners (other than proprietary solvents or special industrial solvents).	042	1, 23-A, 30.
Solvents, special industrial (restricted sales).	045	1, 3-A, 3-C.
Stains (wood)	053	1, 3-A, 3-C, 23-A, 30.
Sterilizing solutions	450	1, 3-A, 3-C, 12-A, 13-A, 22, 23-A, 30, 32, 37, 38-B, 42, 44.
Theater sprays	470	3-A, 3-C, 22, 37, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Tobacco sprays and flavors.	460	4.
Toilet waters	122	38-B, 39, 39-A, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Transparent sheetings	032	1, 2-B, 3-A, 3-C, 13-A, 23-A.
Unclassified uses [2]	999	1, 3-A, 3-C.
Vaccine (processing)	349	1, 2-B, 3-A, 3-C, 12-A, 13-A, 23-A, 30, 32, 35-A.
Vinegar	511	18, 29, 35-A.
Vitamins (processing)	342	1, 2-B, 3-A, 3-C, 12-A, 13-A, 23-A, 30, 32, 35-A.
Xanthates	573	1, 2-B, 29.
Yeast (processing)	342	1, 2-B, 3-A, 3-C, 12-A, 13-A, 23-A, 30, 32, 35-A.

[1] Other products or processes may be authorized by the Chief, Chemical Branch, under § 21.31(c).

[2] Persons desiring other formulas for this use should indicate the fact in the space provided for this purpose on ATF Form 5150.19.

Subpart G—Denaturants Authorized for Denatured Spirits

§ 21.151 List of denaturants authorized for denatured spirits.

Following is an alphabetical listing of denaturants authorized for use in denatured spirits:

DENATURANTS AUTHORIZED FOR COMPLETELY DENATURED ALCOHOL (D.C.A.), SPECIALLY DENATURED ALCOHOL (S.D.A., AND SPECIALLY DENATURED RUM (S.D.R.)

Acetaldehyde	S.D.A. 29.
Acetone, U.S.P	S.D.A. 23-A, 23-H.
Acetaldol	C.D.A. 18.
Almond oil, bitter, N.F.X	S.D.A. 36-B.
Ammonia, aqueous	S.D.A. 36.
Ammonia solution, strong, N.F	S.D.A. 36.
Anethole, N.F	S.D.A. 38-B.
Anise oil, N.F	S.D.A. 38-B.
Bay oil (myrcia oil), N.F.XI	S.D.A. 23-F, 36-B, 39-D.
Benzaldehyde, N.F	S.D.A. 36-B.
Benzene	S.D.A. 2-B, 2-C, 12-A.
Bergamot oil, N.F.XI	S.D.A. 23-F, 36-B.
Bone oil (Dipple's oil)	S.D.A. 17.
Boric acid, N.F	S.D.A. 38-F.
Brucine alkaloid	S.D.A. 40.
Brucine sulfate, N.F.IX	S.D.A. 40.
n-Butyl alcohol	S.D.A. 44.
tert-Butyl alcohol	S.D.A. 38, 39-A, 39-B, 40, 40-A, 40-B, 40-C.
Camphor, U.S.P	S.D.A. 27, 27-A, 38-B.
Caustic soda, liquid	S.D.A. 36.
Cedar leaf oil, U.S.P.XIII	S.D.A. 38-B.
Chloroform	S.D.A. 30.
Chlorothymol, N.F.XII	S.D.A. 38-B, 38-F.
Cinchonidine	S.D.A. 39-A.
Cinchonidine sulfate, N.F.IX	S.D.A. 39-A.
Cinnamic aldehyde (cinnamaldehyde), N.F.IX.	S.D.A. 38-B.
Cinnamon oil, N.F	S.D.A. 38-B.
Citronella oil, natural	S.D.A. 36-B.
Clove oil, N.F	S.D.A. 27-A, 38-B.
Coal tar, U.S.P	S.D.A. 38-B.
Denatonium benzoate, N.F. (BITREX).	S.D.A. 1, 40-B.
Diethyl phthalate	S.D.A. 38-B, 38-C.
Ethyl acetate	S.D.A. 29, 35, 35-A.
Ethyl ether	S.D.A. 13-A, 19, 32.
Eucalyptol, N.F.XII	S.D.A. 37, 38-B.
Eucalyptus oil, N.F	S.D.A. 38-B.
Eugenol, U.S.P	S.D.A. 38-B.
Formaldehyde solution, U.S.P	S.D.A. 22, 38-C, 38-D.
Gasoline	C.D.A. 18, 19; S.D.A. 28-A.
Gasoline, unleaded	C.D.A. 18, 19, 20; S.D.A 28-A.
Gentian violet	S.D.A. 33.
Gentian violet, U.S.P	S.D.A. 33.
Glycerin (Glycerol), U.S.P	S.D.A. 31-A.
Green soap, U.S.P	S.D.A. 27-B.
Guaiacol, N.F.X	S.D.A. 38-B.
Heptane	C.D.A. 18, 19; S.D.A. 28-A.
Hydrochloric acid, N.F	S.D.A. 38-F.
Iodine, U.S.P	S.D.A. 25, 25-A.
Isopropyl alcohol	S.D.A. 3-C.
Kerosene	C.D.A. 18, 19, 20.
Kerosene (deodorized)	C.D.A. 18, 19, 20.
Lavender oil, N.F	S.D.A. 27-B, 38-B.
Menthol, U.S.P	S.D.A. 37, 38-B, 38-C, 38-D, 38-F.
Mercuric iodide, red, N.F.XI	S.D.A. 43.
Methyl alcohol	S.D.A. 1, 3-A, 30.
Methylene blue, U.S.P	S.D.A. 4; S.D.R. 4.
Methyl isobutyl ketone	C.D.A. 18, 19; S.D.A. 1, 23-H.
Methyl *n*-butyl ketone	C.D.A. 18, 19; S.D.A. 1.
Methyl salicylate, N.F	S.D.A. 38-B, 46.
Mustard oil, volatile (allyl isothiocyanate), U.S.P.XII.	S.D.A. 38-B.
Nicotine solution	S.D.A. 4; S.D.R. 4.
Nitropropane, mixed isomers of	C.D.A. 18, 19; S.D.A. 1.
Peppermint oil, N.F	S.D.A. 38-B.

DENATURANTS AUTHORIZED FOR COMPLETELY DENATURED ALCOHOL (D.C.A.), SPECIALLY DENATURED ALCOHOL (S.D.A., AND SPECIALLY DENATURED RUM (S.D.R.)—Continued

Phenol, U.S.P	S.D.A. 35-B, 45.
Phenyl mercuric benzoate	S.D.A. 42.
Phenyl mercuric chloride, N.F.IX	S.D.A. 42.
Phenyl mercuric nitrate, N.F	S.D.A. 42.
Phenyl salicylate (salol), N.F.XI	S.D.A. 39-B.
Pine needle oil, dwarf, N.F	S.D.A. 39-B.
Pine oil, N.F.	S.D.A. 36-B.
Pine tar, U.S.P	S.D.A. 3-B.
Polysorbate 80, N.F	S.D.A. 39-F.
Potassium iodide, U.S.P	S.D.A. 25, 25-A, 42.
Pyridine bases	S.D.A. 6-B.
Pyronate	C.D.A. 18.
Quassia, fluid extract, N.F.VII	S.D.A. 39.
Quassin	S.D.A. 40.
Quinine, N.F.X	S.D.A. 39-A.
Quinine bisulfate, N.F.XI	S.D.A. 39-A, 39-D.
Quinine dihydrochloride, N.F.XI	S.D.A. 39-A.
Quinine sulfate, U.S.P	S.D.A. 39-D.
Resorcinol (Resorcin), U.S.P	S.D.A. 23-F.
Rosemary oil, N.F. XII	S.D.A. 27, 36-B.
Rubber hydrocarbon solvent	C.D.A. 18, 19, 20; S.D.A. 2-B, 2-C, 28-A.
Safrole	S.D.A. 35-B.
Salicylic acid, U.S.P	S.D.A. 23-F, 39.
Sassafras oil, N.F.XI	S.D.A. 36-B.
Shellac (refined)	S.D.A. 45.
Soap, hard, N.F.XI	S.D.A. 31-A.
Sodium iodide, U.S.P	S.D.A. 25, 25-A.
Sodium, metallic	S.D.A. 2-C.
Sodium salicylate, U.S.P	S.D.A. 39, 39-D.
Spearmint oil, N.F	S.D.A. 38-B.
Spearmint oil, terpeneless	S.D.A. 38-E.
Spike lavender oil, natural	S.D.A. 36-B.
Storax, U.S.P	S.D.A. 36-B.
Sucrose octaacetate	S.D.A. 40-A.
Thimerosal, U.S.P	S.D.A. 42.
Thyme oil, N.F.XII	S.D.A. 36-B.
Thymol, N.F	S.D.A. 37, 38-B, 38-F.
Tolu balsam, U.S.P	S.D.A. 35-B.
Toluene	S.D.A. 2-B, 2-C, 12-A.
Turpentine oil, N.F.XI	S.D.A. 35-B.
Vinegar	S.D.A. 18.
Zinc chloride, U.S.P	S.D.A. 38-F.

Subpart H—Weights and Specific Gravities of Specially Denatured Alcohol

§ 21.161 Weights and specific gravities of specially denatured alcohol.

The weight of one gallon of each formula of specially denatured alcohol at 15.56° C. (60° F.) is as listed in this section. The specific gravity of each formula of specially denatured alcohol at 15.56° C./15.56° C. (60° F./60° F.) in air is as listed in this section. (Weight of 1 gallon of water at 15.56° C. (60° F.) is 8.32823 pounds in air.)

WEIGHTS AND SPECIFIC GRAVITIES OF SPECIALLY DENATURED ALCOHOL [1]

[Slight deviations from this table may occur due to variations in specific gravities of authorized denaturants. Values for 190 proof determined experimentally in air. Other values calculated from these gravities.]

S.D.A. Formula No.	Finished formula (gals)	190 proof		192 proof		200 proof	
		Wt./gal. in air (lbs)	Sp. gr. in air	Wt./gal. in air (lbs)	Sp. gr. in air	Wt./gal. in air (lbs)	Sp. gr. in air
1	104.0	6.788	0.8151	6.758	0.8112	6.611	0.7936
2-B	100.5	6.795	.8159	6.762	.8119	6.612	.7938
2-C	99.5					6.950	.8356
3-A	105.0	6.787	.8149	6.755	.8111	6.611	.7938
3-B	101.0	6.810	.8177	6.777	.8137	6.627	.7957
3-C	105.0	6.784	.8146	6.752	.8107	6.608	.7935
4	100.8	6.823	.8193	6.791	.8154	6.640	.7973
6-B	100.5	6.801	.8166	6.768	.8127	6.618	.7947
12-A	105.0	6.820	.8189	6.789	.8153	6.645	.7979
13-A	109.7	6.740	.8093	6.710	.8057	6.572	.7891
17	100.05	6.795	.8159	6.762	.8119	6.611	.7938
18	195.4	7.802	.9368	7.765	.9348	7.705	.9255
19	197.9	6.468	.7766	6.452	.7747	6.375	.7655
20	104.8	7.062	.8480	7.030	.8441	6.886	.8268
22	109.5	7.037	.8450	7.007	.8414	6.868	.8247
23-A	107.9	6.788	.8151	6.758	.8115	6.619	.7948
23-F	101.5	6.808	.8175	6.776	.8136	6.627	.7957
23-H	109.45	6.785	.8147	6.755	.8111	6.617	.7945
25	100.9	7.060	.8501	7.047	.8462	6.897	.8282
25 [2]	100.9	7.003	.8505	7.050	.8465	6.900	.8285
25-A	102.5	7.119	.8548	7.087	.8510	6.939	.8332
25-A [2]	102.5	7.117	.8546	7.085	.8507	6.938	.8331
27	104.7	6.846	.8220	6.814	.8182	6.670	.8009
27-A	105.2	6.897	.8245	6.835	.8207	6.692	.8035
27-B	112.0	7.027	.8436	6.996	.8403	6.862	.8239
28-A	101.0	6.786	.8148	6.753	.8109	6.603	.7929
29	100.76	6.808	.8175	6.776	.8135	6.624	.7954
30	110.0	6.785	.8147	6.755	.8111	6.617	.7945
31-A	111.5	7.167	.8606	7.136	.8571	7.002	.8406
32	104.8	6.769	.8126	6.737	.8089	6.593	.7916
33	102.9	6.893	.8277	6.861	.8238	6.714	.8062
35 [3]	135.0	6.956	.8352	6.933	.8325	6.820	.8189
35 [4]	129.75	6.963	.8361	6.937	.8330	6.820	.8189
35-A [3]	105.0	6.817	.8185	6.785	.8147	6.641	.7974
35-A [4]	104.25	6.826	.8196	6.794	.8158	6.649	.7984
36	102.7	6.837	.8209	6.804	.8170	6.657	.7993
37	100.9	6.794	.8158	6.762	.8119	6.612	.7939
38-B	101.3	6.804	.8170	6.772	.8131	6.622	.7951
38-C	102.6	6.832	.8203	6.800	.8165	6.652	.7987
38-D	102.7	6.863	.8241	6.830	.8201	6.680	.8023
38-F	100.9	6.828	.8199	6.796	.8160	6.646	.7980
39	102.0	6.867	.8245	6.834	.8206	6.686	.8028
39-A	100.5	6.810	.8177	6.777	.8137	6.627	.7957
39-B	102.7	6.857	.8233	6.825	.8195	6.677	.8017
39-C	101.0	6.819	.8188	6.792	.8155	6.642	.7975
39-D	101.3	6.819	.8188	6.787	.8149	6.637	.7969
40	100.1	6.795	.8159	6.762	.8119	6.611	.7938
40-A	100.2	6.798	.8163	6.765	.8123	6.613	.7941
40-B	100.1	6.794	.8158	6.761	.8118	6.610	.7937
40-C	103.0	6.788	.8151	6.758	.8112	6.609	.7936
42	100.0	6.797	.8161	6.764	.8122	6.613	.7941
44	110.0	6.790	.8153	6.760	.8117	6.622	.7951
45	129.8	7.543	.9060	7.520	.9030	7.403	.8889
46	100.1	6.905	.8171	6.772	.8131	6.621	.7950

[1] Where alternate denaturants are permitted, the above weights are based on the first denaturant or combination listed in the formula.
[2] With sodium iodide.
[3] Calculated on the basis of 85 percent ethyl acetate.
[4] Calculated on the basis of 100 percent ethyl acetate.

Signed: March 22, 1983.

Stephen E. Higgins,

Acting Director.

Approved: April 13, 1983.

Robert Powis,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 83-14668 Filed 6-1-83; 8:45 am]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 2368-6]

Approval and Promulgation of Implementation Plans; Massachusetts; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction

SUMMARY: This document corrects an incorrect date citation in the rulemaking contained in a final approval of Polaroid's sulfur-in-fuel revision published on December 1, 1982 (47 FR 54073).

FOR FURTHER INFORMATION CONTACT: Cynthia Greene, (617) 223-5130.

SUPPLEMENTARY INFORMATION: The following correction is made in FR Document 82-32745 (A-1-FRL 2145-1) appearing on page 54073 in the issue of December 1, 1982.

Subparagraph (c)(52) appearing in column three on page 54073 should have read as follows:

Section 52.1120, paragraph (c)(52) is correctly added as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(52) A revision submitted on September 28, 1982 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering allowing the burning of higher sulfur content fuel oil at the Polaroid Corporation for a period of up to 30 months commencing on December 1, 1982.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Dated: May 13, 1983.

Lester A. Sutton,

Regional Administrator, Region I.

[FR Doc. 83-14735 Filed 6-1-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2730/R560; PH-FRL 2374-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 0,0-Diethyl S-[2-(Ethylthio Ethyl] Phosphorodithioate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide *0,0*-diethyl *S*-[2(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on the raw agricultural commodity asparagus. The regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on June 2, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of April 13, 1983 (48 FR 15932), which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E2730 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California, Idaho, Oregon and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide *0,0*-diethyl *S*-[2(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity asparagus at 0.1 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and disussed in the proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 25, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.183 is revised to read as follows:

§ 180.183 0,0-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate; tolerances for residues.

Tolerances are established for the combined residues of the insecticide *0,0*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa, fresh	5.0
Alfalfa, hay	12.0
Asparagus	0.1
Barley, fodder, green	5.0
Barley, grain	0.75
Barley, straw	5.0
Beans, dry	0.75
Beans, lima	0.75
Beans, snap	0.75
Beans, vines	5.0
Beets, sugar, roots	0.5
Beets, sugar, tops	2.0
Broccoli	0.75
Brussels sprouts	0.75
Cabbage	0.75
Cauliflower	0.75
Clover, fresh	5.0
Clover, hay	12.0
Coffee beans	0.3
Corn, field, fodder	5.0
Corn, field, forage	1.0
Corn, grain	0.3
Corn, pop	0.3
Corn, sap, fodder	1.0
Corn, pop, forage	5.0
Corn, sweet, fodder	5.0
Corn, sweet, forage	5.0
Corn, sweet, grain (K+CWHR)	0.3
Cottonseed	0.75
Hops	0.5
Lettuce	0.75
Oats, fodder, green	5.0
Oats, grain	0.75
Oats, straw	5.0
Peanuts	0.75
Peanuts, hay	5.0
Peanuts, hulls	0.3
Peas	0.75
Peas, vines	5.0
Pecans	0.75
Peppers	0.1
Pineapples	0.75
Pineapples, foliage	5.0
Potatoes	0.75
Rice	0.75
Rice, straw	5.0
Sorghum, fodder	5.0
Sorghum, forage	5.0
Sorghum, grain	0.75
Soybeans	0.1
Soybeans, forage	0.25
Soybeans, hay	0.25
Spinach	0.75
Sugarcane	0.3
Tomatoes	0.75
Wheat, fodder, green	5.0
Wheat, grain	0.1
Wheat, straw	5.0

[FR Doc. 83-14739 Filed 6-1-83; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-11; Notice 3]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to amend Federal Motor Vehicle Safety Standard No. 108 to allow an optional headlighting system that could improve the fuel economy performance of automobiles. The amendment follows a notice of proposed rulemaking published on January 17, 1983 (48 FR 1992).

The amendment is based upon a petition from, and is primarily directed towards a type of headlamp system developed by, Ford Motor Company. Ford wishes to offer on certain 1984 model cars a semi-sealed headlamp with a standardized replaceable bulb, which it states would conform to a proposed set of environmental performance requirements similar to those adopted by this notice.

DATE: The amendments made by this notice are effective on July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Vehicle Safety Standards, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2720)

SUPPLEMENTARY INFORMATION: This notice completes rulemaking initiated by the agency's publication of a notice of proposed rulemaking (NPRM) on new headlighting systems on January 17, 1983 (48 FR 1992). That proposal was issued following the grant of a petition for rulemaking submitted on August 28, 1981, by Ford Motor Company.

Ford Petition

The Ford petition sought an amendment to Standard No. 108 to permit the use of a non-fully sealed headlamp. To ensure the proper performance of the new headlamp, Ford requested the application to it of certain sealed beam headlamp performance requirements and of certain environmental tests.

Ford's new headlamp consisted of two discrete components: a plastic lens bonded to a plastic reflector, and a replaceable light source capsule of standardized design that is inserted through an opening in the rear of the reflector, and sealed by an "O-ring" seal on the capsule. Although contoured, the headlamp is mechanically aimable with an adapter to the current aiming equipment. Ford argued that the possibility of reflector contamination is minimized because of the lens/reflector bond and the seal at the base of the light source.

Ford stated that its replaceable bulb lamp was developed to assure a high reliability of positioning of the filament after repeated replacements of the bulb in different lamp bodies, and to ensure tight sealing of the capsule into the reflector. Ford asserted that it had rejected the European H-4 design with its multi-piece stamped construction as unacceptably complex.

A single piece plastic molding is the foundation of Ford's new bulb design. Ford Claimed that electrical socket molding technology has established that extremely fine dimensional control (± .004 inch) is consistently achievable even at elevated temperatures.

The Ford-type lamp has a bayonet mounting, selected because it provided positive "one way only" insertion of the bulb into the reflector assembly separate from the locking action of the retaining device. Twist lock designs currently used for signal lamp functions do not provide the precise and consistent filament positioning necessary for a headlamp assembly.

Control surfaces are established between the socket and mounting hole to provide (1) axial location, (2) surface to surface contact for in-out positioning of filament and (3) a controlled pin location for accurate filament position.

The method chosen for positioning and securing the bulb in the plastic molded base utilizes current technology such that either optical or dimensional filament control techniques are applicable. The bulb capsule can be inserted into a "master parabola" and illuminated, and the bulb can then be adjusted in the capsule using photo cells for optimum filament positioning. An alternative procedure would orient the filament relying strictly on dimensional location using an optical comparator.

Ford said in its petition that it believes a sealed, unvented assembly is desirable to avoid the problem of corrosion. The agency's concern about the headlamp system in use in Europe has been corrosion developing on the inside and outside surfaces of lamp reflectors after a relatively short time in service. Painted steel reflectors were most commonly used in Europe, and the lamp assemblies were typically vented to the atmosphere through a controlled path. With the sealed capsule design, replacement of the bulb may be achieved in a manner which Ford thinks protects the optic surfaces within the lamp as would be the case in sealed beam units. Ford intends to fabricate the reflector from corrosion-resistant material.

A single silicone O-ring provides the seal for the bulb. Ford tests have allegedly shown that the pressure build-up inside the sealed headlamp cavity due to the operating temperatures of the lamp is approximately 20 psi. Due to the close tolerances of the mating parts and the use of a low durometer "O" ring seal which permits sealing across surface irregularities, an internal pressure of 100 psi can be contained within the lamp

body. The efficacy of "O" ring seals to contain static pressure is well known.

Notice of Proposed Rulemaking

In the NPRM, NHTSA proposed three regulatory options that would allow for the use of new headlighting systems. Each of these systems would have involved the use of two separate components, the lens and reflector unit and a replaceable bulb unit. Options which were presented were—

(1) A Ford-type semi-sealed contoured lamp that has a standardized replaceable light source and that is designed to meet detailed photometric, dimensional and environmental performance requirements.

(2) A fully sealed lens reflector unit that could be contoured, that has a standardized replaceable light source, and that is required to meet standards similar to those in Option 1.

(3) A mechanically aimable unit that has a standardized replaceable light source and that is designed to meet minimum photometric requirements. The unit was not to be subject to detailed dimensional or environmental requirements as in the other options. The success of this option was to depend primarily on the product liability system and on use of the agency's defects authority to control unsatisfactory lamps.

Summary of Comments and Decision

NHTSA received extensive comments on the proposal from vehicle and lighting manufacturers and the general public. Most commenters favored the concept of new headlighting systems, although some commenters expressed no preference among the options. Those who commented on the options tended to favor Option 1, the subject of the Ford petition. Some commenters thought that option was too design restrictive, permitting a headlamp suitable only for one particular size of a two headlamp system and perhaps for only one manufacturer initially. The second choice was Option 3. However, both these options were also opposed by many commenters. Option 2, the sealed system with the replaceable bulb, occasioned few comments, but most of those were negative.

The agency has decided that Option 1 is the most feasible of the three proposed headlighting concepts and is adopting it with several modifications based on the comments. Since the Ford headlamp represents a new lighting technology, the agency believes that it is particularly appropriate to apply the detailed requirements of Option 1 to promote the lamp's safe performance.

With respect to Option 2, no specific proposals were presented to the agency for production of a contoured, sealed lens-reflector unit with a replaceable bulb. Also, while many of the motor vehicle equipment and vehicle manufacturers commenting on the NPRM favored Option 1, only one favored Option 2. Accordingly, the agency rejected Option 2.

The agency did not adopt Option 3 for several reasons. That option would require photometric conformance at the time the headlamp was manufactured and nothing more. No tests like those in Option 1 would be prescribed to ensure durability of the photometric performance over the life of the lamp. Assurance of continued performance would be provided almost solely by competitive forces of the marketplace, and NHTSA's defects authority. However, that authority is generally exercised only after safety problems have manifested themselves on the road. The agency believes that a higher quality of lamp is more likely to result if equipment is required to be built to certain specified levels of safety rather than left to the manufacturer's estimates of potential product liability and of the likelihood of the agency's discovery of defects and exercising its defects authority.

With the decision to adopt option 1, the principal issue became the efficacy of the performance tests in ensuring that the headlamps will perform adequately in real world conditions. NHTSA believes that the tests as adopted would accomplish that goal.

Discussion of Comments

Designed to conform. Some commenters understood the proposal as requiring that the new headlamps conform with the applicable requirements instead of simply being designed to conform with those requirements. The commenters who addressed this issue uniformly urged that the latter approach be adopted as it already has been for all other items of lighting equipment under the standard. As the agency indicated in its recent amendment to Standard No. 108 to permit a new size of headlamps requested by Chrysler Corporation, the agency will address this issue in a separate rulemaking proceeding.

Sequential testing of single lamp. Under NHTSA's proposal, a single lamp would have been tested sequentially under all of the standard's performance requirements. Most commenters did not favor sequential testing. Opponents objected to it on several grounds. From a practical standpoint, the time required for sequential testing of a single headlamp would be from 6 to 10 weeks. Further, laboratories would find it difficult to make efficient use of equipment since one facility must be held idle awaiting a lamp to finish another stop in the test. The agency notes that non-sequential testing would facilitate the agency's accurately judging a headlamp's level of performance under a particular environmental test. Failures could be more easily isolated and related to a particular test with non-sequential testing. For these reasons, NHTSA has decided to eliminate a requirement for sequential testing and to specify that a separate lamp be used for each test, except that the same lamp must be used for the temperature cycle and internal heat tests, for the reasons discussed below.

In addition to retaining certain sealed beam headlamp performance requirements, the amendment includes a series of environmental tests to assure adequate performance. The tests adopted are:

(1) Photometry.
(2) Abrasion.
(3) Vibration.
(4) Chemical Resistance.
(5) Corrosion.
(6) Dust.
(7) Temperature Cycle and Internal Heat.
(8) Humidity.
(9) Impact.

Photometry. A headlamp that has not been subjected to any of the environmental tests is required to meet certain SAE photometry requirements: S4.6 Photometry of SAE J575 "Test for Motor Vehicle Lighting Devices and Components," June 80; S3.1 Test Voltage and S3.5 Photometric Design Requirements, including Figure 3 and Table 1 of SAE J579c, December 78, SAE J580 "Sealed Beam Headlamp Assembly," August 77.

After a headlamp has been exposed to any of the following environmental hazards, abrasion, chemical resistance, humidity, dust, and temperature cycle/internal heat, it must continue to meet the photometric test prescribed by SAE Standard J579c. That test is currently a requirement of Standard No. 108 for existing headlamp systems.

Abrasion. Based on fleet field test results, the abrasion tests on plastic headlamps appear to be particularly critical. Accordingly, a proposed NHTSA procedure and an alternative Ford procedure were included to generate comment on this critical test phase. NHTSA proposed a test by which abrasion resistance would be judged by the effect of sand falling on a headlamp lens.

The abrasion test was to be required only if a proposed headlamp had a plastic lens. This was consistent with the agency's abrasion concerns, and with the current absence of any abrasion requirements applicable to existing glass surfaced lamp systems. At the end of the abrasion test, photometric output was to be measured to assure continuing compliance with SAE J579c, December 78.

Some commenters stated that the falling sand method of testing represents the manner in which abrasion actually occurs on headlamp lenses in use, and that the test has some "heritage" in an established ASTM procedure. However, opposing comments suggested that the reproducibility of a sand drop test is so poor that the results from different test laboratories could not be compared. NHTSA is concerned that a performance requirement based on that method of testing would not be readily enforceable.

Ford proposed a test in which steel wool would be rubbed against the lens for 11 cycles. It argued that the results of its test correlated more closely to the manner in which abrasion actually occurs than do the results of the falling sand test. Ford's data showed similar linear correlations between vehicle age and on-the-road development of headlamp haze due to abrasion and between the number of steel wool test cycles and the haze on headlamps tested under that test. There was no similarity in the correlation involving real world experience and that between the results of the falling sand test and the haze on headlamps resulting from that test. Most haze resulting from the falling sand test occurred during the first minute of testing.

Accordingly, the agency has adopted Ford's proposed test rubbing steel wool against the lens for 11 cycles, but not Ford's proposed abbreviated photometric checks following this test. Glass lensed units are exempt from the tests for abrasion and impact.

Vibration. At the conclusion of the proposed vibration test, there was not to be any evidence of loose or broken parts in the lamp, and the lamp was to continue to meet the photometric requirements. Since the proposed vibration test differed from the one currently specified in Standard No. 108 for other items of lighting equipment, the agency heeded requests not to have two different vibration tests requiring different test equipment. Therefore, the agency has amended the rule to specify the use of the vibration test specified by SAE J575e, the test currently applied to other items of lighting equipment. Similarly, as that vibration test allows filament fracture, the agency has determined that it is not appropriate to require photometric conformance following the vibration test.

Chemical resistance test. The proposed chemical resistance test involved total immersion of the entire test lamp in fluids for a period of five minutes, storage for 48 hours and then an examination for deterioration both in the lamp assembly and the photometric performance of the lamp. The proposed test fluids were gasoline, tar remover, motor oil, brake fluid, power steering fluid, windshield washer fluid, and antifreeze.

Most of those who commented on the chemical resistance test were opposed to the proposal that headlamps be totally immersed for a period of time in separate fluids. Opposition was based on the argument that this does not reflect actual conditions in service where a headlamp may come in contact with one of the listed fluids while being cleaned with a cloth having a variety of chemicals on it. Commenters also opposed use of gasoline and brake fluid as test fluids, the former primarily on the grounds of the effect likely upon a headlamp whose lens has already been subjected to the abrasion test, and the latter on the grounds that brake fluid, because of its corrosive nature, is not likely to be present on a cloth used in cleaning headlamps.

After due consideration of these comments, the agency has decided that total immersion of the lamp unit is not necessary since the purpose of the chemical resistance test is to ensure that the lens is not susceptible to damage by the listed fluids. Accordingly, the agency has modified the test to require that a headlamp be exposed to the fluids not by immersion, but by the more realistic procedures of being wiped with a cloth that has been immersed in one of the test fluids.

NHTSA has retained gasoline as a test fluid as it is a fluid very likely to be present on a wiping rag. The objection to using gasoline because of the headlamp's previous testing under the abrasion test is moot since the agency has deleted the provision for sequential testing of a single headlamp for compliance with all environmental tests. In view of the known corrosive effect of brake fluid on vehicle finishes, that agency believes that it is less likely that headlamps will be exposed to brake fluids than any of the other listed fluids. That effect and the warnings about brake fluid on containers of that fluid make it likely that mechanics will be particularly careful about not using brake fluid contaminated rags near any external vehicle surface. Therefore, the agency is not including it in the list of test fluids.

In concert with its elimination of sequential testing under the environmental tests, the agency is also eliminating the requirement that a single headlamp be exposed to each of the listed fluids. The agency believes that exposing a particular headlamp to only a single fluid will facilitate determining the performance capabilities of a headlamp when exposed to that fluid.

Corrosion test. The corrosion test that was proposed involved subjecting the test lamp to a salt spray test in accordance with ASTM B117–73 "Method of Salt Spray (Fog) Testing" for a period of 240 hours, consisting of ten successive 24-hour intervals. During each interval, the headlamp was to be exposed for 23 hours to the salt spray and then allowed to dry for an hour. At the end of the test period, compliance with the photometric requirements was to be determined. Further, the proposal provided that there could not be any evidence of internal or external corrosion more than an eighth of an inch from sharp edges, or any corrosion, on the terminals or elsewhere, which would involve loss of function.

Many commenters were concerned with the stringency of the test and the criteria. One commenter noted that the proposed test would not achieve the objective of ensuring reflectors with good corrosion resistance because the test does not take into account a situation in which a bulb may be removed for an extended period of time.

NHTSA is satisfied that the requirements are reasonable but believes that the test should be adjusted to reflect the possibility of bulb removal for an extended period of time or under highly humid conditions. Accordingly, the corrosion test adopted requires removal of the bulb for each one-hour period in which the salt spray is deactivated. This should introduce a salt atmosphere on the inside of the lamp. However, as this may create excessive salt deposits on the lens, not easily removed, there is no requirement to measure photometric requirements after the test period. The strictures against corrosion, of course, remain.

Dust test. There was general agreement on maintaining the dust test as proposed, in which fine powdered dust is diffused through a test box for a period of 5 hours. Accordingly, that test is adopted without change.

Temperature cycle, thermal shock, and internal heat tests. The principal changes made in the test procedures as adopted concern the temperature cycle, thermal shock, and internal heat tests.

As proposed, a temperature cycle test was required from −40°F to 176°F for 10 complete cycles. The headlamp was not to show any evidence of specific adverse effects.

In the proposed thermal shock test, the headlamp was to be energized on its highest wattage filament for 45 minutes, then plunged into ice water (32°F) for five minutes. The headlamp was to be required to show no evidence of fractures, delamination or entry of water in liquid form after this test.

As proposed, the internal heat test provided that the lens was to be coated with simulated road dirt consisting of Zaccharini dust and water, to reduce light transmission to 25% of the original. No lens distortion was to be permitted at the end of such test.

The main issue associated with the related tests regarding temperature cycle, thermal shock and internal heat is the relationship between the tests and the expected performance under actual operating conditions. Two basic aspects of performance are addressed by these tests. One is the integrity of the construction of the lamp. This is typically tested by cycling a lamp between a hot and a cold temperature. The second aspect is the permanence of the shape and the size of the lens, reflector, and filament under high temperature conditions. Any changes in this geometry should be noticeable from the lens distortion measurements and photometric tests conducted after exposure to such conditions.

As for the first aspect, most commenters who addressed the temperature range in the temperature cycle test indicated that the integrity of lamp construction can be tested adequately with a smaller temperature cycle range than the −40°F to +176°F range that was proposed. Accordingly, the agency adopted a narrower range of −30°F to +120°F. As for the second aspect, a minimal amount of lens warpage, .118 inch, is allowed in the final rule since it is not practicable to insist that plastic lenses remain absolutely warpage free. That small amount of distortion should not pose any safety problem since the lamp must still meet photometric conformance requirements. Finally, in a change from the proposal, the rule allows any means including Zaccharini dust to reduce light transmittance to 25 ± 2% of the output originally measured.

Headlamps will still be subjected to sufficiently high temperatures to ensure adequate performance. NHTSA understands that plastic materials currently used in headlamps can begin to lose strength in high ambient temperatures when the lens is very dirty. The internal heat test will, it is believed, generate temperatures seen in this condition.

The agency has decided to delete the proposed thermal shock test. That test is redundant, particularly because the agency has decided also that the temperature cycle and internal heat tests should be linked so as to require a single headlamp to demonstrate compliance with both of them. The temperature cycle test will not only test headlamps at extreme temperatures likely to be encountered in the real world, but also to subject them to a substantial change in temperature in a several hour period. Even with the narrower range adopted in this notice, headlamps will be required to maintain their performance when subjected to a much greater temperature change than headlamps will experience in the real world.

Humidity test. For the humidity test, the agency proposed that the headlamp was to be operated in a controlled environment of 100°F and humidity from 80 to 100% and was not to show any evidence of moisture, fogging, or delamination, after a period of 240 hours during which the headlamp is turned on and off. Although some commenters believed that some moisture should be allowed as a result of the test, NHTSA has decided that headlamps should be constructed so that no moisture can collect. However, the agency believes that a lesser period of time is sufficient to demonstrate compliance and the humidity test has been adopted with a period of 120 hours.

Impact test. The agency proposed an impact test which would require a plastic lens to withstand a single impact by a steel ball bearing 1.76 oz. (50 grams) in weight and dropped from a distance of 15.75 inches (40 cm.) above the lens. This test has been adopted as proposed.

Out-of-focus and bulb deflection tests. Two tests, an out-of-focus test and a bulb deflection test, were proposed to ensure the proper placement of the bulb filament. The out-of-focus test, not part of the Ford petition, was similar to that currently required of motorcycle headlamps which incorporate a replaceable bulb. The bulb deflection test was proposed by both NHTSA and Ford to simulate the effect of rough handling which could affect the bulb filament alignment, such as might occur during insertion of a replacement bulb. The agency believes that it is redundant to have two tests to ensure proper filament placement. That placement is a function of a bulb fit and filament position. The latter is assured by the narrow tolerances in the required bulb specifications and the former by the bulb deflection test. Accordingly, the agency has decided not to adopt an out-of-focus test.

Provision of bulb with new vehicle. NHTSA also proposed that manufacturers be required to provide a replacement bulb with every vehicle equipped with the new headlighting system. Several commenters opposed this requirement as unnecessary. This proposal is adopted but restricted to those motor vehicles manufactured during the first year in which the new amendments are effective. The establishment of that fixed period is premised on introduction of the new Ford-type headlamps near the beginning of that period. Based on that premise, the agency anticipates that replacement bulds should be readily available through normal distribution channels at the end of the one year period. If the agency's premise proves false or distribution problems otherwise arise, the agency will consider extending this period.

Testing of replacement headlamps. Each lens-reflector unit manufactured as replacement equipment would also have to meet the performance requirements of replaceable bulb headlamps when a standardized replacement light source is inserted. This requirement is adopted as proposed.

Adapter for aiming device. Because most existing mechanical aimers are not designed for headlamps with contoured lenses, the agency proposed to require that an adapter to facilitate aiming be furnished with each vehicle manufactured during the first model year in which replaceable bulb headlamps are included as standard equipment The adapter specified has been designed by Ford for this purpose. After that time, an adjustable adapter, also designed by Ford, should be available for mechanical aimers such that all contoured lenses could be aimed by reference to the pad aiming dimensions. Some commenters argued that the agency should not require mechanical aiming and thus should not adopt the requirement concerning adapters. The agency believes that requiring mechanical aiming is appropriate since most aimers used in this country are mechanical. The adapter requirement has been adopted for motor vehicles manufactured between July 1, 1983, and June 30, 1984, and equipped with the new headlamps. As in the case of the period established for provision of a replacement bulb with new vehicles, the agency will monitor the production of headlamps under the option adopted by this notice and

consider making any necessary adjustments in the end date of the period.

Distortion of plastic lenses. Because Ford intends to construct its lamps of plastic, lens distortion appeared to be another important issue. Elevated headlamp operating temperatures caused by dirt on the lens could exceed the thermal limit of some plastics and result in distortion. NHTSA's proposal and amendment distinguish between lamps of plastic and glass, not prohibiting use of the one or requiring the other. However, a headlamp using plastics would have to be certified as meeting the currently required tests for plastics of SAE J576c, including a heat test and the 3-year outdoor exposure test (now most generally conducted as a simulated equivalent).

Other issues. Two additional issues of major concern to a number of commenters were the suggestion that Option 1 was excessively design restrictive and the belief that greater consideration needed to be given to the use of the H4 bulb in the interest of international harmonization.

Standard No. 108 already contains many provisions substantially affecting design because of the necessity to standardize lighting equipment for the purpose of ensuring the ready availability of replacement lights. In recognition of the complexity of the proposed design dimensions of the standardized replacement light source, NHTSA has eliminated some of the proposed specifications. In order to allow manufacturers complete freedom in the exterior design of the lamp, however, the light source must be standardized to avoid proliferation. The H4 bulb was not included in the NPRM because NHTSA concluded that the bulb presented in the Ford petition was superior in design. The close fit of the bulb capsule and reflector socket (to prevent misaim from an out-of-position filament) and the O-ring seal were specially important in the agency's view. While the final rule does not harmonize light source, it will produce cost savings by allowing manufacturers to employ the same front end sheet metal for all markets.

One manufacturer expressed concern that NHTSA's allowance of the Option 1 system would mean that the agency would not consider petitions for the adoption of additional headlighting systems. The agency does not agree that new lighting concepts will be foreclosed from consideration. Each new concept will be judged on its merits.

Impact Analyses

NHTSA has considered this rule and has determined that it is not major within the meaning of Executive Order 12291, "Federal Regulation" or significant under Department of Transportation regulatory policies and procedures, as its adoption does not require any person to change current practices under the standard. A regulatory evaluation has been prepared and placed in the docket. (A free copy of this document can be obtained from the Docket Section.) The rule will not impose any additional requirements but will permit manufacturer greater flexibility in the design of headlighting systems and adjacent exterior vehicle surfaces. Use of this flexibility will allow improvements in safety, aerodynamic efficiency and fuel economy. The extent of such improvement is dependent on the extent to which manufacturers take advantage of the new headlamp designs permitted by the option.

Safety benefits. The agency has determined that use of the replacement bulb headlamp has the potential to provide several safety benefits as well as increase fuel economy through reducing aerodynamic drag and vehicle weight. One such potential benefit is that the aerodynamic shape of the lens may aid in keeping the lens cleaner and thus the light output higher. Further, the easy replacement of the bulb may result in faster replacement of burned out headlamps.

Energy saving benefits. Based on testing by Ford, it appears that use of the replaceable bulb headlamp would make possible a 2 percent reduction in aerodynamic drag. The slight weight reduction that could be achieved through use of plastics and the reduced aerodynamic drag would produce an average savings of 26 gallons over the life of a vehicle. Together, these quantifiable benefits could provide savings of $4.00 per vehicle per year.

Costs. The safety benefits could, of course, be offset if in those instances in which fractures do occur, the economic costs of replacement were prohibitive. Concerns regarding this possibility were raised by some commenters. However, that agency's analysis does not indicate that the replacement costs would be prohibitive. The average installed cost for replacing today's halogen sealed beam unit is approximately $20. The same figure for a replaceable bulb lamp complete with bulb would be about $55 according to information provided by Ford. Corning, however, estimates that the cost could be as high as $80.

The agency estimates that the initial consumer cost is $19 per car or $2 per year. The average annual incremental replacement cost to the vehicle owner is believed to range between $1 and $3 per lamp depending on the amount of stone damage experienced by the lamp. Therefore, the incremental annual consumer cost is believed to range from a cost of $3 to $5 per car per year. Considering the benefit of $4, the net Consumer cost is estimated to range from a saving of $1 to a cost of $1 per car per year.

NHTSA has concluded that this rule will not have a significant impact on the human environment. The lamps that will be manufactured pursuant to the rule are expected to be lighter, thus slightly reducing the overall material content of the automobile. This would have a small positive effect on the environment. No adverse impact on safety is anticipated, although as noted above the greater resistance of plastic facing to fracture in on-road use could produce incremental safety benefits by reducing the number of occasions in which fractures result in loss of illumination.

The agency has also considered the impacts of this rule under the Regulatory Flexibility Act. I certify that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles and headlamps, those affected by the rule, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, these manufacturers would be affected only to the extent that they elected to take advantage of the new headlighting option that is established by the rule. The number of different components in the inventories of headlamp distributors will increase, but not to the extent that any significant problem will be created. Finally, small organizations and governmental jurisdictions would be affected only to the extent that they choose to buy vehicles equipped with the new headlamps. The organizations and jurisdictions making that choice would not be significantly affected by the price of the new headlamps.

Because motor vehicle manufacturers must make timely decisions with respect to product plans for the 1984-model year, it is hereby found that an effective date earlier than 180 days after issuance of the rule is in the public interest. The rule is effective July 1, 1983.

The engineer and lawyer primarily responsible for this rule are Jere Medlin and Taylor Vinson, respectively.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

§ 571.108 [Amended]

In consideration of the foregoing, 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, is amended as follows:

1. Section S3 Definitions is amended by adding the following definitions so that all definitions in that section are in alphabetical order:

"Headlamp test fixture" means a device designed to support a replaceable bulb headlamp in the test position specified in the laboratory tests in S4.1.1.36(d), and whose mounting hardware and components are those necessary to operate the headlamp as installed in a motor vehicle.

"Replaceable bulb headlamp" means a headlamp comprising a bonded lens and reflector assembly, and a standardized replaceable light source.

"Seasoning" means a process of energizing the filament of a headlamp, at design voltage, for a period of time equal to 1 percent of average rated laboratory life.

"Standardized replaceable light source" means an assembly of a headlamp bulb, base, and terminals, as described in Figure 1.

2. New Sections S4.1.1.36, S4.1.1.37, S4.1.1.38, S4.1.1.39 and S4.1.1.40 are added to read as follows:

S4.1.1.36 Instead of being equipped with a headlighting system specified in Table I or Table III, a passenger car, multipurpose passenger vehicle, truck, or bus manufactured on or after July 1, 1983, may be equipped with two replaceable bulb headlamps which are designed to conform to the following requirements.

(a)(1) Each replaceable bulb headlamp shall include components which are designed to conform to the applicable specifications of paragraph S4.1.1.38 and Figure 3—*Specifications For The Standardized Replaceable Light Source*, including filament location, base and socket dimensions, electrical connector dimensions, and maximum design wattage.

(2) The exterior face of each replaceable bulb headlamp lens shall have three pads which meet the requirements of Figure 4, *Dimensional Specifications for Location of Aiming Pads on Replaceable Bulb Headlamp Units*, and which form an aiming plane for mechanically adjusting and inspecting headlamp aim. The exterior lens face shall have molded into it the specific settings applicable to the headlamp as designed to be installed in the vehicle, for each of the two adjustable legs of the aiming device locating plate; e.g., "11H 17V" requires the horizontal aiming pad leg to be set in position 11, and the vertical aiming pad leg to be set in position 17.

(b) Each replaceable bulb headlight shall meet the following sections of the specified SAE Standards and Recommended Practices:

(1) Section 4.6—Photometry of SAE J575 "Tests for Motor Vehicle Lighting Devices and Components" June 80.

(2) Section 3.1—Test Voltage, and Section 3.5—Photometric Design Requirements including Figure 3 and Table 1 of SAE J579c "Sealed Beam Headlamp Units for Motor Vehicles" December 1978, except that the aiming plane on the lens shall be at horizontal and vertical distances to the photometer axis as inscribed on the lens of a replaceable bulb headlamp.

(3) Section 5—General Requirements, Section 6—Design Requirements and Tests (to the extent listed below), Section 6.1—Aiming Adjustment Test, Section 6.2—Inward Force Test, and Section 6.4—Connector Tests of SAE J580 "Sealed Beam Headlamp Assembly" August 1979.

(c) A headlamp with a glass lens need not meet the abrasion resistance test specified in S6.2, nor the impact test specified in S6.11.

(d) When tested according to any of the procedures indicated in subparagraphs (1) through (8), a replaceable bulb headlamp shall meet the appropriate requirement:

(1) After an abrasion test conducted in accordance with S6.2, the headlamp shall meet the photometric requirements of SAE J579c, "Sealed Beam Headlamp Units for Motor Vehicles" December 1978.

(2) After a vibration test conducted in accordance with S6.3, there shall be no evidence of loose or broken parts visible without magnification, except that the filament need not be unbroken.

(3) After a chemical resistance test involving exposure to any of the fluids listed in S6.4, there shall be no surface deterioration, coating delamination, fractures, deterioration of bonding materials, color bleeding or color pick-up visible without magnification, and the headlamp shall meet the photometric requirements of SAE J579c, "Sealed Beam Headlamp Units for Motor Vehicles" December 1978.

(4) After a corrosion test conducted in accordance with S6.5, there shall be no evidence of external or internal corrosion or rust visible without magnification. Loss of adhesion of any applied coating shall not occur more than .125 inch (3.2 mm) from any sharp edge on the inside or outside. Corrosion may occur on terminals provided there is no voltage drop greater than 3 percent from that measured before the test when measured per paragraph 6.4 of SAE J580 August 1979.

(5) After a dust test conducted in accordance with S6.6, the headlamp shall meet the photometric requirements of SAE J579c, "Sealed Beam Headlamp Units for Motor Vehicles" December 1978.

(6) The headlamp shall first meet the requirements of paragraph (d)(6)(A) and then those of paragraph (d)(6)(B).

(A) After a temperature cycle test conducted in accordance with S6.7.1, the headlamp shall show no evidence of delamination, fractures, entry of moisture or deterioration of bonding material, color bleeding, warpage or deformation visible without magnification, or lens warpage greater than .118 inch (3 mm) when measured perpendicular to the aiming plane at the point of intersection of the mechanical axis with the exterior surface of the lens, and it shall meet the photometric requirements of SAE J579c, "Sealed Beam Headlamp Units for Motor Vehicles" December 1978.

(B) After an internal heat test conducted in accordance with S6.7.2, there shall be no lens warpage greater than .118 inch (3 mm) when measured perpendicular to the aiming plane at the point of intersection of the mechanical axis with the exterior surface of the lens, and it shall meet the photometric requirements of SAE J579c, "Sealed Beam Headlamp Units for Motor Vehicles" December 1978.

(7) After a humidity test conducted in accordance with S6.8, the inside of the headlamp shall show no evidence of delamination or moisture, fogging or condensation visible without magnification, and the headlamp shall meet the photometric requirements of SAE J579c, "Sealed Beam Headlamp Units for Motor Vehicles" December 1978.

(8) After an impact test on a headlamp with a plastic lens conducted in accordance with S6.11, there shall not be any fracture of the adhesion of lens coating or delamination of materials visible without magnification, and the lens shall not be broken, cracked, or chipped.

S4.1.1.37 Each lens-reflector unit manufactured as replacement equipment for a replaceable bulb headlamp system shall conform to the requirements of

S4.1.1.36 when a standardized replaceable light source is inserted in it.

S4.1.1.38 Each standardized replaceable light source shall conform to the following requirements:

(a) A silicone O-ring shall be provided.

(b) The bulb portion of the standardized replaceable light source shall meet the requirements in paragraphs (b)(1) through (b)(6) of this section.

(1) The general specifications of the bulb shall be:

	Low beam	High beam
Watts @12.8 V	45	65
Lumens (without black cap) @12.8 V	[1] 1067±7½	[1] 1736±7½
Average Life @14.0 V	[2] 320	[2] 150

[1] Percent.
[2] Hours.

(2) The bulb filaments shall be subject to seasoning prior to wattage and lumens measurement.

(3) Wattage and lumens measurements shall be made with the direct current test voltage regulated within one quarter of one percent.

(4) Except for reference dimensions, and unless otherwise specified, a general tolerance of ±0.004 in. (0.10 mm) shall apply to all linear dimensions and ±1°.00′ shall apply to all angular dimensions.

(5) Bulb, lead wires and/or terminals shall be installed in the base so as to provide an airtight seal.

(6) After a bulb deflection test conducted in accordance with S7, the permanent deflection of the glass envelope of each standardized replaceable light source shall not exceed .005 inch (.13 mm) in the direction of the applied force in the base.

S4.1.1.39 Each motor vehicle manufactured on or after July 1, 1983, and before July 1, 1984, which is equipped with a replaceable bulb headlamp system shall also be provided with a spare standardized replaceable light source as original equipment for such vehicle.

S4.1.1.40 The lens of each replaceable bulb headlamp that conforms with this standard, and the side of the base of each standardized replaceable light source shall be marked with the symbol "DOT" or "D O T" which shall constitute a certification that the headlamp or light source conforms to all applicable Federal motor vehicle safety standards.

3. New Sections S6, S7, and S8 are added to read:

S6 *Tests and procedures for replaceable bulb headlamps.* When tested according to the procedures below, each replaceable bulb headlamp shall meet the requirements of S4.1.1.36 (b) and (d).

S6.1 *Photometry.* A headlamp shall be tested according to Section S3.5, Photometric Design Requirements of SAE Standard J579c "Sealed Beam Headlamp Units for Motor Vehicles" December 1978, after the tests specified in S6.2, S6.4, S6.6, S6.7(a), S6.7(b) and S6.8.

S6.2 *Abrasion.* (a) A headlamp shall be mounted in the abrasion test fixture in the manner indicated in Figure 5 with the lens facing upward.

(b) An abrading pad meeting the requirements in paragraphs (c)(1) through (c)(4) of this section shall be cycled back and forth (1 cycle) for 11 cycles at 4 ± 0.8 in. (10 cm ± 2 cm) per second over at least 80 percent of the lens surface, including all the area between the upper and lower aiming pads, but not including lens covers and edges.

(c)(1) The abrading pad shall be not less than 1.0 ± .04 in. (2.5 cm ± .1 cm) wide, constructed of 0000 steel wool, and rubber cemented to a rigid base shaped to the same vertical contour of the lens. The "grain" of the pad shall be perpendicular to the direction of motion.

(2) The abrading pad support shall be equal in size to the pad and the center of the support surface shall be within ±.08 in. (±2 mm) of the lens surface.

(3) The density of the abrading pad shall be such that when the pad is mounted to its support and is resting unweighted on the lens, the base of the pad shall be no closer than .125 in. (3.2 mm) to the lens at its closest point.

(4) When mounted on its support and resting on the lens of the test headlamp, the abrading pad shall then be weighted such that a pad pressure of 2.0 ± .15 psi (14 ± 1 KPa) exists at the center and perpendicular to the face of the lens.

(d) A pivot shall be used if it is required to follow the contour of the lens.

(e) Unused steel wool shall be used for each test.

S6.3. *Vibration.* A vibration test shall be conducted according to the procedures in SAE Standard J575e, "Tests for Motor Vehicle Lighting Devices and Components" August 1970, and those set forth in paragraphs (a) through (c) of this section.

(a) The table on the adapter plate is of sufficient size to contain completely the test fixture base with no overhang.

(b) The direction of vibration is the vertical axis of the headlamp as mounted on the vehicle.

(c) The filament is cold (not energized).

S6.4. *Chemical resistance.* (a) The entire exterior lens surface of the fixtured headlamp and top surface of the lens-reflector joint shall be wiped once to the left and once to the right with a 6-inch square soft cotton cloth (with pressure equally applied) which has been saturated once in a container with 2 ounces of one of the test fluids listed in paragraph (b) of this section. The lamp shall be wiped within 5 seconds after removal of the cloth of the test fluid.

(b) The test fluids are:

(1) gasoline—unleaded 89 octane

$$\frac{(R+M)}{2}$$

or above used per OSHA Std. 29 CFR 1910–106—Handing Storage and Use of Flammable Combustible Liquids.

(2) tar remover (petroleum base with Xylene).

(3) power steering fluid.

(4) windshield washer fluid consisting of 1.5% monethinalamine with the remainder 50% concentrations of methanol/distilled water by volume.

(5) antifreeze (50% concentration of ethylene glycol/distilled water by volume).

(c) After the headlamp has been wiped with the test fluid, it shall be stored in designed operating attitude for 48 hours at a temperature of 73°F± 7° (23°C± 4°) and a relative humidity of 30 ± 10 percent. At the end of the 48 hour period, the headlamp shall be wiped clean with a soft dry cotton cloth and visually inspected.

S6.5. *Corrosion.* The headlamp, unfixtured and in its designed operating attitude with all drain holes, breathing devices or other designed openings in their normal operating positions, shall be subjected to a salt spray (fog) test in accordance with ASTM B117–73, "Method of Salt Spray (FOG) Testing," for a period of a 240 hours, consisting of ten successive 24-hour intervals. During each interval, the headlamp shall be exposed for 23 hours to the salt spray, which shall not be activated for the 24th hour. The bulb shall be removed during the one hour of salt spray deactivation

and reinserted for the start of the next test cycle.

S6.6. *Dust.* The headlamp, mounted on a test fixture, with all drain holes, breathing devices or other designed openings in their normal operating positions, shall be positioned within a cubical box, with inside measurements of 35.4 in. (900 mm) on each side or larger if required for adequate wall clearance, i.e., a distance of at least 5.9 in. (150 mm) between the headlamp and any wall of the box. The box shall contain 9.9 lb. (4.5 kg) of fine powdered cement which conforms to the ASTM C150–77 specification for Portland Cement. Every 15 minutes, the cement shall be agitated by compressed air or fan blower(s) by projecting blasts of air for a two-second period in a downward direction so that the cement is diffused as uniformly as possible throughout the entire box. This test shall be continued for five hours after which the exterior surfaces of the headlamp shall be wiped clean.

S6.7 *Temperature and internal heat tests.*

S6.7.1 *Temperature cycle.* A headlamp, mounted on a headlamp test fixture, shall be exposed to 10 complete consecutive thermal cycles having the thermal cycle profile shown in Figure 6. During the hot cycle, the highest wattage filament in the headlamp shall be energized at design voltage commencing at point "A" of Figure 6 and de-energized at point "B". Separate or single test chambers may be used to generate the temperature environment described by the thermal cycle profile. All drain holes, breathing devices or other designed openings of the headlamp shall be in their normal operating positions.

S6.7.2 *Internal heat.*

(a) After its lens surface has been cleaned, the photometric output on upper beam of a headlamp that has been tested according to S6.7.1 is measured.

(b) The lens surface of the headlamp that would normally be exposed to road dirt shall be sprayed uniformly with any appropriate mixture of dust and water or other material to reduce the photometric output at the test point H-V of the lamp to 25% ± 2% of the output originally measured in the high beam photometric test under paragraph (b) of S4.1.1.36. Such reduction shall be determined under the same conditions under which the original measurement was made.

(c) After the determination has been made that the photometric output of the lamp has been reduced as specified in S6.7.2, the lamp and its mounting hardware shall be mounted in an environmental test chamber in the manner similar to that indicated in Figure 7 "Dirt-Ambient Test Setup." The headlamp shall be soaked for one hour at a temperature of 95°F (35°C) and then be energized for one hour in a still air condition, allowing the temperature to rise from 95°F (35°C).

(d) The lamp shall be returned to the room ambient temperature, 73 ± 7°F (23 ± 4°C) and relative humidity of 30 ± 10%. The lens shall then be cleaned. Photometric output of the lamp on high beam shall be determined according to S6.1.

S6.8 *Humidity.* The headlamp, mounted on a test fixture, shall be placed in a controlled environment consisting of a temperature of 100°F ± 9° (38°C ± 5°) with a relative humidity of 90% ± 10%. All drain holes, breathing devices, and other designed openings shall be in their normal operating positions. The headlamp shall be subjected to 20 consecutive 6-hour test cycles. In each cycle, it shall be energized at design voltage on the highest wattage filament contained in the device for 1 hour and then de-energized for 5 hours. After completion of the last cycle, the lamp shall be soaked for 1 hour at 73°F (20°C) and a relative humidity of 30% ± 10% before it is removed for photometric testing. The headlamp shall be tested for photometrics at 10 ± 1 minutes following completion of the humidity test.

S6.9 *Impact.* The headlamp shall be rigidly mounted in a headlamp test fixture on the seating lugs with the mechanical axis (bulb socket axis) vertical, and the lens upward. The seating plane of the test fixture shall consist of oakwood 0.5 inch (13 mm) thick. One impact shall be delivered to the center of the lens on the mechanical axis using a steel ball bearing with a diameter of .9055 in. (23 mm) weighing 1.76 oz. (50 grams), dropped freely from a distance of 15.75 in. (40 cm) from the bottom of the ball to the surface of the lens, at the intersection of the ball trajectory and the mechanical axis of the headlamp.

S7 *Deflection test for replaceable bulb.* Each replaceable bulb shall meet the requirements of S4.1.1.38(b)(6) when tested in the following manner. With the bulb rigidly mounted in a fixture in a manner indicated in Figure 8, apply a force of 4.0 ± 0.1 lb. (17.8 ± 4N) perpendicular to the longitudinal axis of the glass envelope and perpendicular to, and in a line intersecting, the lateral axis of the low beam filament. The force shall be applied to the outside surface of the glass envelope using a rod with a hard rubber tip with a minimum spherical radius of .039 in. (1 mm).

S8 *Aiming device locating plate for replaceable bulb headlamps.* Each motor vehicle manufactured on or after July 1, 1983, and before July 1, 1984, which is equipped with a replaceable bulb headlamp system shall be furnished with a Headlamp Aiming Device Locating Plate, conforming to:

(a) The general requirements of SAE J602, October 1980 "Headlamp Aiming Device for Mechanically Aimable Sealed Beam Headlamp Units", and Figure 9, except that the general and specific references in that standard to sealed beam headlamp units shall be read as applicable to replaceable bulb headlamps, and references in that standard to dimensions for headlamp aiming device locating plates shall be read in reference to the dimensions specified in this section.

(b)(1) If a suction cup is used to retain a mechanical aiming device to the headlamp unit, the overall diameter of the suction cup shall not exceed 2.8 in. (71 mm). The suction cup assembly shall be capable of securing the aiming device to a smooth lens surface angled up to 30 degrees universally from a transverse plane perpendicular to the H–V axis of the lamp.

(2) The aiming pad seating surface on the locating plate shall be free of burrs, projections, holes or impressions.

(3) There shall be no projections, tangs, or lugs on the locating plate that would prevent the seating surfaces locating with the aiming pads on the headlamp lens surface.

(4) Each of the two adjustable legs shall be capable of being extended, and locked in position, in increments of .10 in. (2.54 mm) with each increment measured from the '0' seating plane (perpendicular to the H–V axis of the lamp) with a maximum tolerance of ± .01 in. (± 0.25 mm). The incremental positions extending out from the '0' seating plane shall be identified by whole numbers, i.e., '0', '1', '2', '3', through a minimum of '37' for the vertical adjustable leg and minimum of '20' for the horizontal adjustable leg.

4. New Figures 3 through 9 are added as follows:

(Secs. 103, 114, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1403, 1407)); delegation of authority at 49 CFR 1.50)

Issued on May 20, 1983

Raymond A. Peck, Jr.,
Administrator.

BILLING CODE 4910-59-M

Figure 3

SPECIFICATIONS FOR THE STANDARDIZED REPLACEABLE LIGHT SOURCE

INTERCHANGEABILITY DRAWING HEADLAMP BULB ASSEMBLY

Figure 3-1

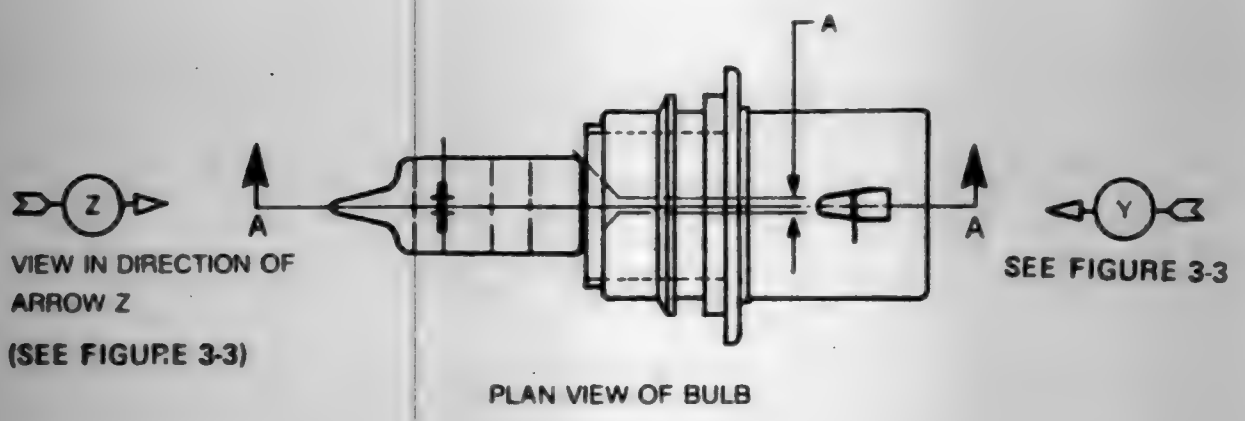

PLAN VIEW OF BULB

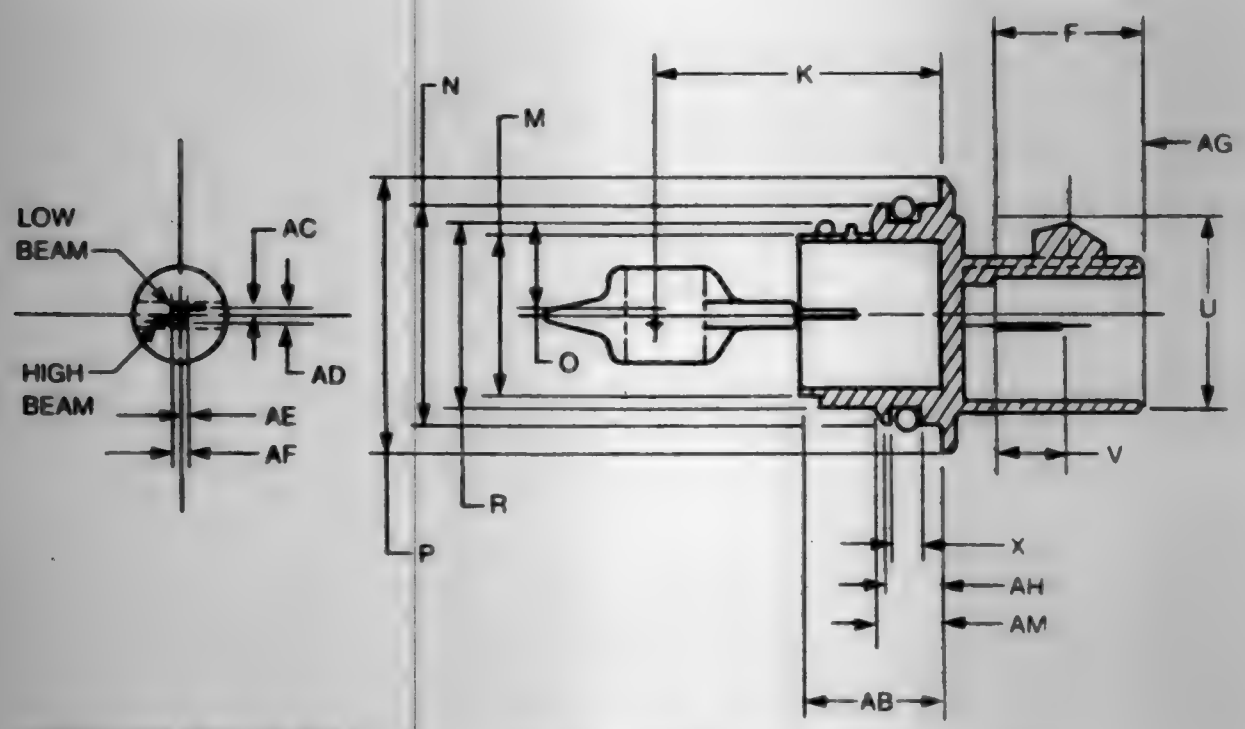

FRONT END VIEW OF BULB

SIDE SECTIONAL VIEW OF BULB—(SECTION A)

Note Except for reference dimensions and unless otherwise specified a general tolerance of ± 004 in (6 10 mm) shall apply to all linear dimensions and ± 1° shall apply to all angular dimensions specified in Fig. 3.

Figure 3-2

INTERCHANGEABILITY DRAWING
HEADLAMP BULB ASSEMBLY

Dimensional Specifications
Figure 3-1

Dimension	Inches	Milimeters
A	.085 to.083 .002 Either Side C_L	2.15 to 2.10 .05 Either Side C_L
F	.906	23.00
K Low Beam	1.752 ± .015 within .020 of position of low beam	44.50 ± .38
High Beam	1.752 ∓ .035	44.50 ∓ .90
M	.974	24.75
N	(1.335 to 1.331) .CC2 Either Sice CL	(33.90 to 33.80) .05 Either Side CL
O TO BE A FEF DIM.)	.517 ± 0.020	13.13 ± .050
P	1.673	42.50
R	(1.126 to 1.222) .002 Either Side CL	(28.60 to 28.50) .05 Either Side CL
U	1.181	30.00
V	.413	10.50
X	.189	4.80
AC	.045 ± .020	1.15 ± .50
AD	.091 ± .028	2.30 ± .70
AE	.047 ± .020	1.20 ± .50
AF	.094 ± .032	2.40 ± .80
AH	.356	9.05
AM	.454	11.55
Reference Dimensions		
AB	.866	22.00
#K High Beam	1.752	44.5.

INTERCHANGEABILITY DRAWING
HEADLAMP BULB ASSEMBLY

Figure 3-3

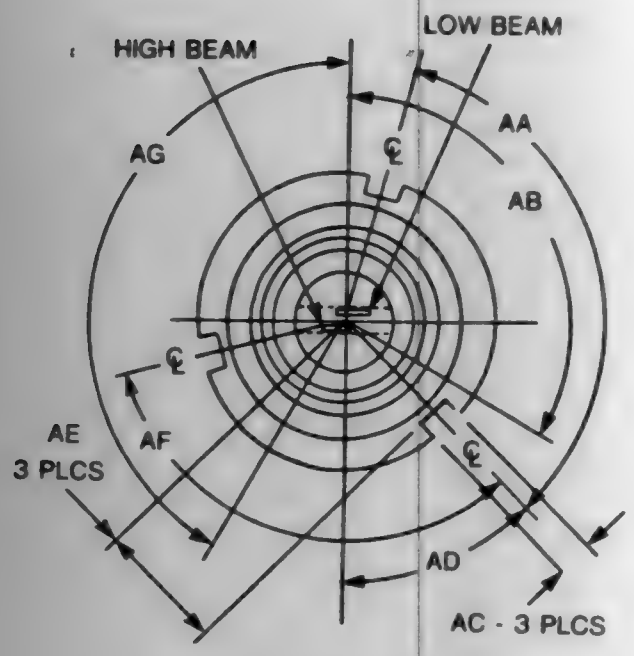

VIEW Z - FROM BULB END

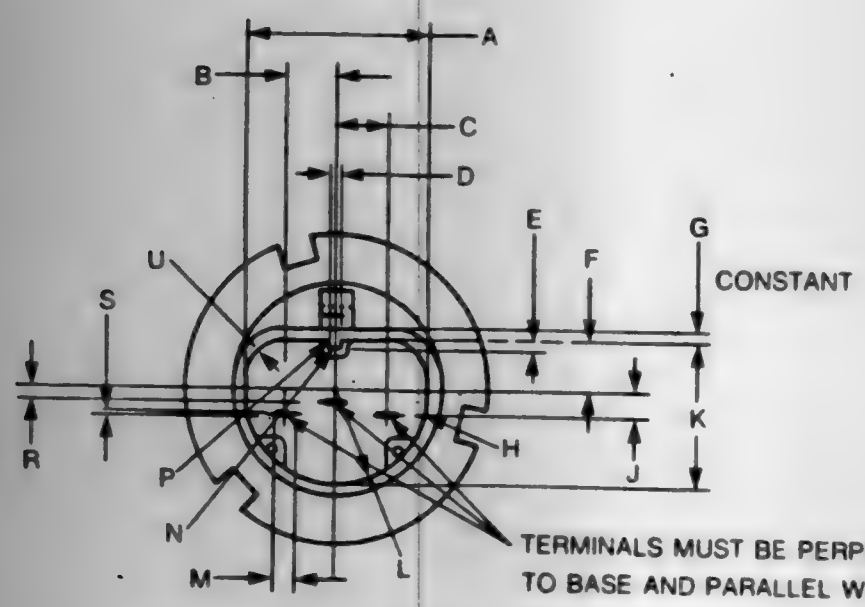

VIEW Y - FROM CONNECTOR END

Figure 3-4

Interchangeability Drawing
Headlamp Bulb Assembly

Dimensional Specifications
Figure 3-3

Letter	Inches	Milimeters
AA	120°	120°
AB	120°	120°
AC	.197	5.0
AD	44° 30°	44° 30°
AE	.722	18.35
AF	120°	120°
AG	150°	150°
AJ	.138	3.50
A	1.024	26.00
B	.289 ± .010	7.35 ± .25
C	.289 ± .010	7.35 ± .25
D	.055	1.40
E	.059	1.50
F	.278	7.05
G	.059	1.50
J	.142 ± .010	3.60 ± .25
K	.807	20 50
L	.531 R	13.50 R
M	.118	3.00
R	.075 ± .010	1.90 ± .25
S	.025 ± .002	.63 ± .25
U	.222 R	5.65 R

INTERCHANGEABILITY DRAWING
HEADLAMP BULB ASSEMBLY
HALOGEN CAPSULE

Figure 3-5

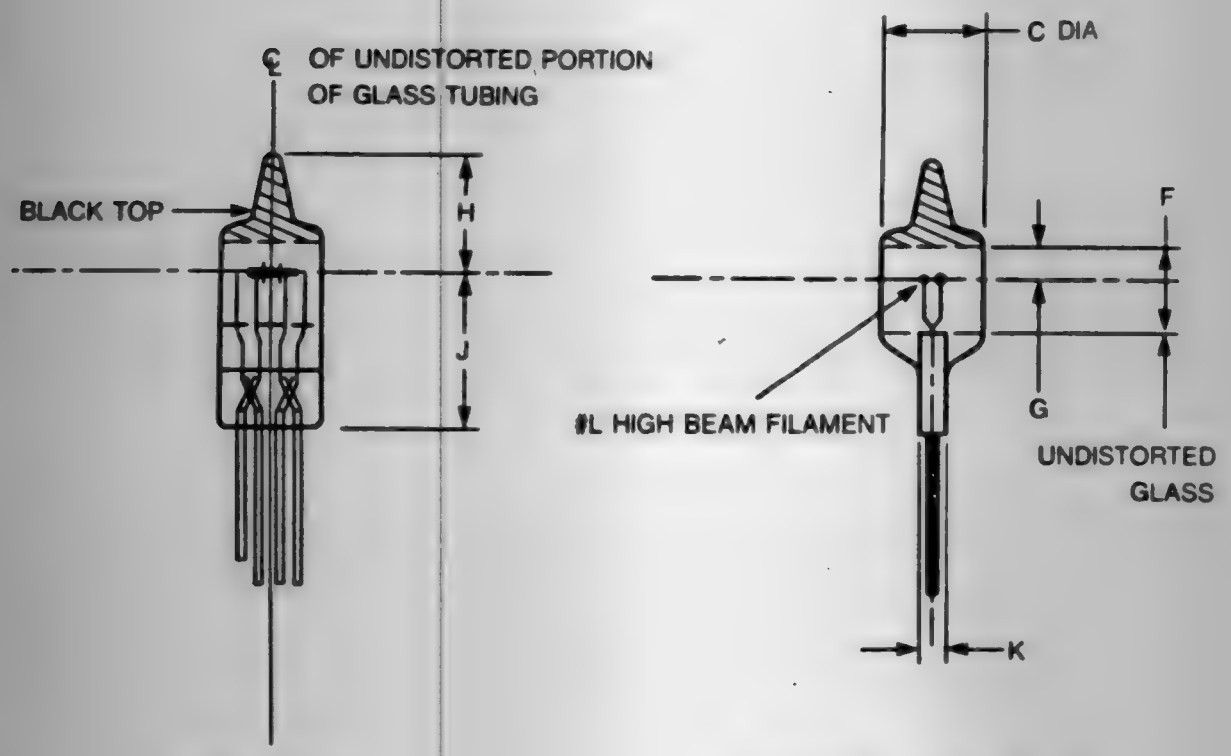

Figure 3-6

INTERCHANGEABILITY DRAWING
HEADLAMP BULB ASSEMBLY
HALOGEN CAPSULE

Dimensional Specifications
Figure 3-5

Letter	Inches	Milimeters
C	.579 ± .012	14.7 ± .50
F	.488 ± .016	12.4 ± .4
G	.217 ± 0.20	5.50 ± .5
L	.020 Either Side Low Beam Centerline	.50 Either Side Beam Centerline
REFERENCE DIMENSIONS		
H	.669 Max	17.00 Max
J	.866 ± .035	22.00 ± .90
K	.150 ± .030	3.80 ± .76

INTERCHANGEABILITY DRAWING
HEADLAMP BULB ASSEMBLY
SOCKET (IN REFLECTOR)

Figure 3-7

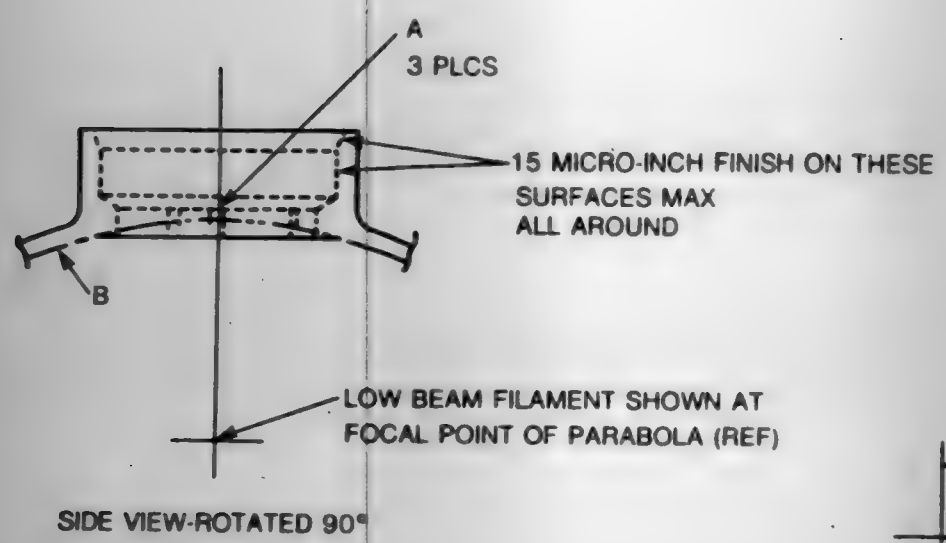

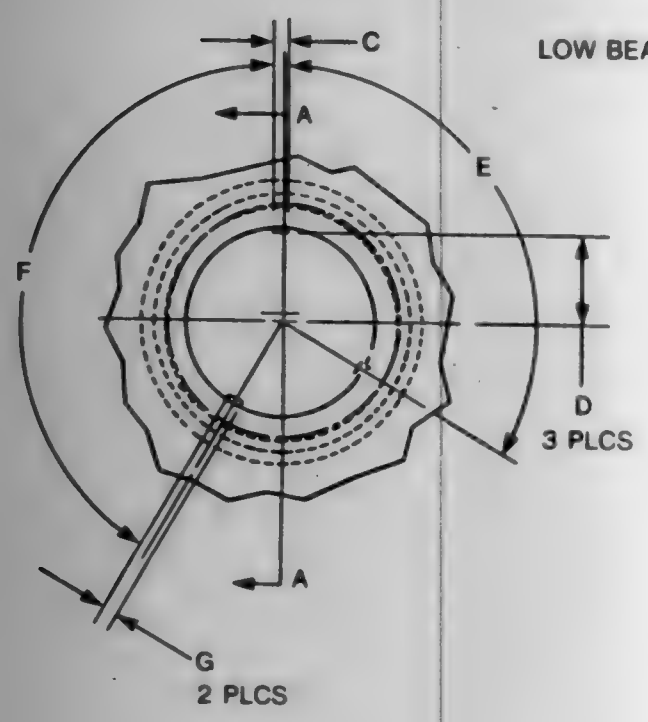

BOTTOM VIEW

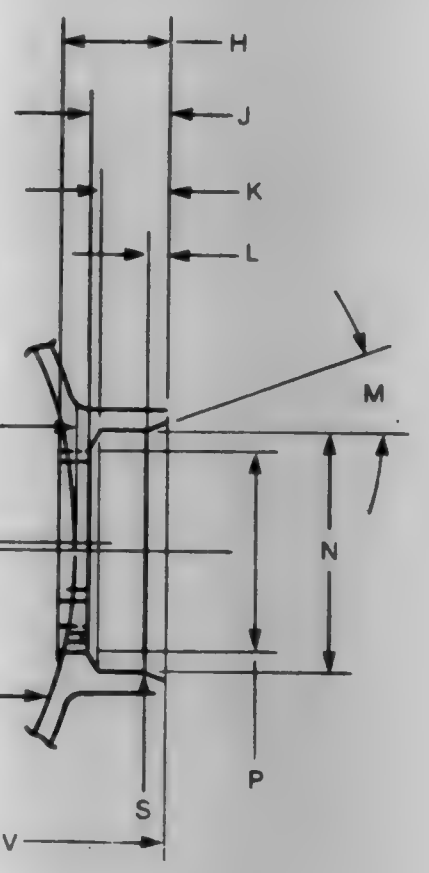

SIDE VIEW (SECTION A)

SCALE 1 1

Dimens
Figure

Letter

B
C
D
E
F
G
H
J
K
L
N
P
R
REFERE
A
M
U
V

Figure 3-8

INTERCHANGEABILITY DRAWING
HEADLAMP BULB ASSEMBLY
SOCKET (IN REFLECTOR)

Dimensional Specifications
Figure 3-7

Letter	Inches	Milimeters
B	Ref Line Lamp Parabola	Ref Line Lamp Parabola
C	.079 ± .002 ⁺.002 Either Side of CL	2.00 ± .05 .05 Either Side of CL
D	.502	12.75
E	120°	120°
F	150°	150°
G	.079	2.00
H	.596	15.15
J	.433	11.00
K	.374	9.50
L	.108	2.75
N	(1.350 to 1.346) .002 Either Side of CL	(34.30 to 34.20) .05 Either Side of CL
P	(1.132 to 1.128) .002 Either Side of CL	(28.75 to 28.65) .05 Either Side of CL
R	.045	1.15
REFERENCE DIMENSIONS		
A	.032 R	.8 R
M	20°	20°
U	1.250	31.75
V	1.752	44.50

Figure 3-9

INTERCHANGEABILITY DRAWING
HEADLAMP BULB ASSEMBLY
'O' RING'

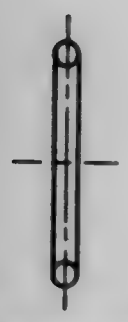

SECTIONAL VIEW OF "O" RING
(SEC. A)

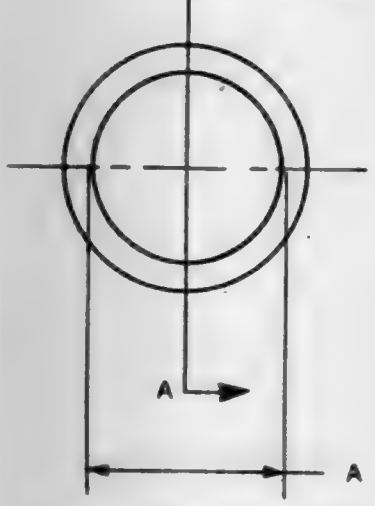

END VIEW OF "O" RING

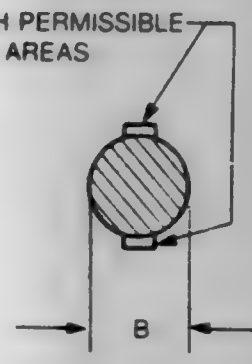

ENLARGED VIEW OF SEC A

DIMENSIONS	IN	MM
A	1 109 ± .012	28 17 ± 0 30
B	.139 ± 004	3 53 ± 0 10

DIMENSIONAL SPECIFICATIONS
FOR LOCATION OF AIMING PADS
ON REPLACEABLE BULB HEADLAMP UNITS

DIMENSIONAL SPECIFICATIONS FOR LOCATION OF AIMING PADS ON REPLACEABLE BULB HEADLAMP UNITS

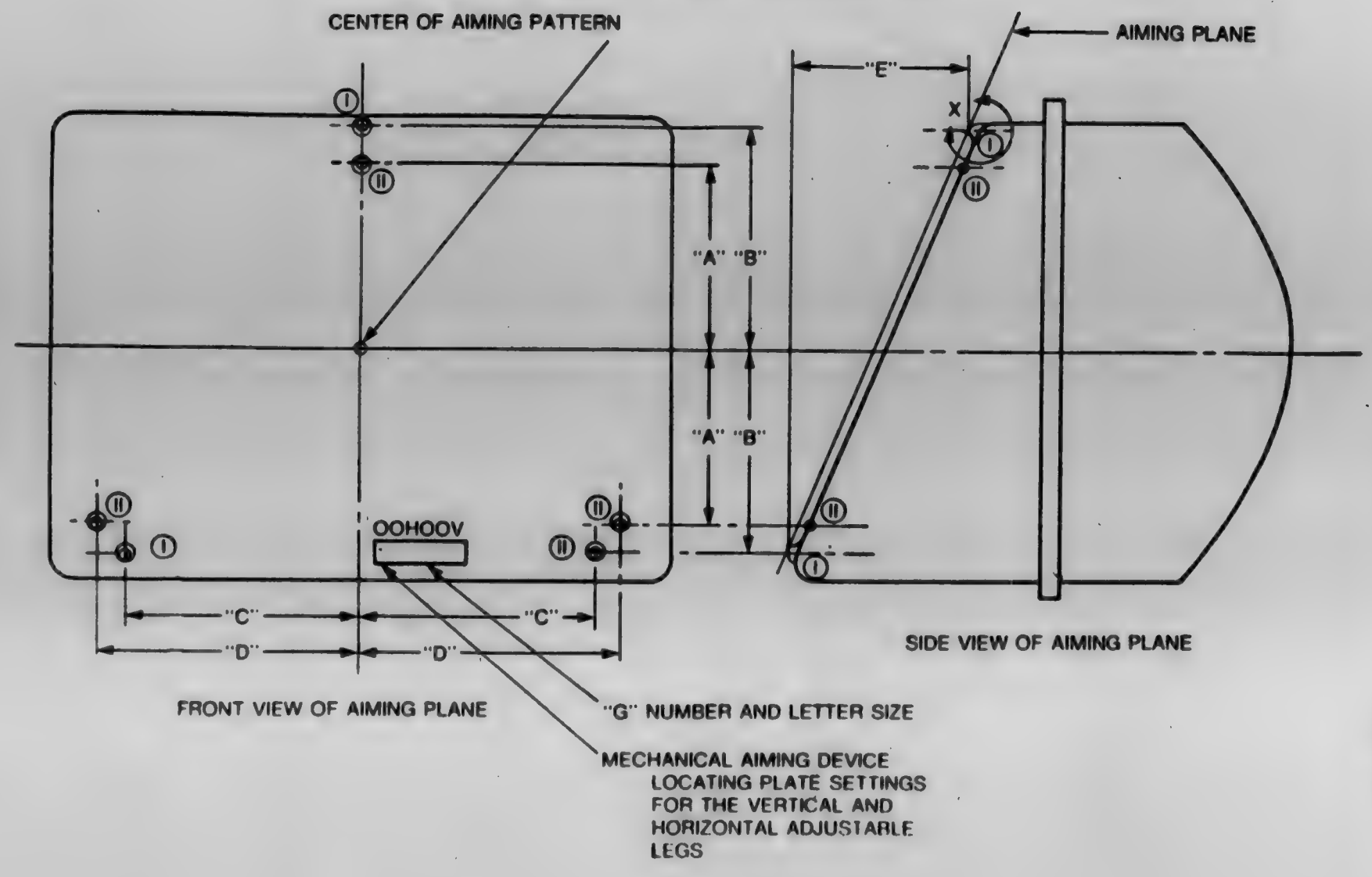

Figure 4-1

Figure 4-2

DIMENSIONAL SPECIFICATIONS
FOR LOCATION OF AIMING PADS
ON REPLACEABLE BULB UNITS

DETAIL EXAMPLE OF AIMING PAD

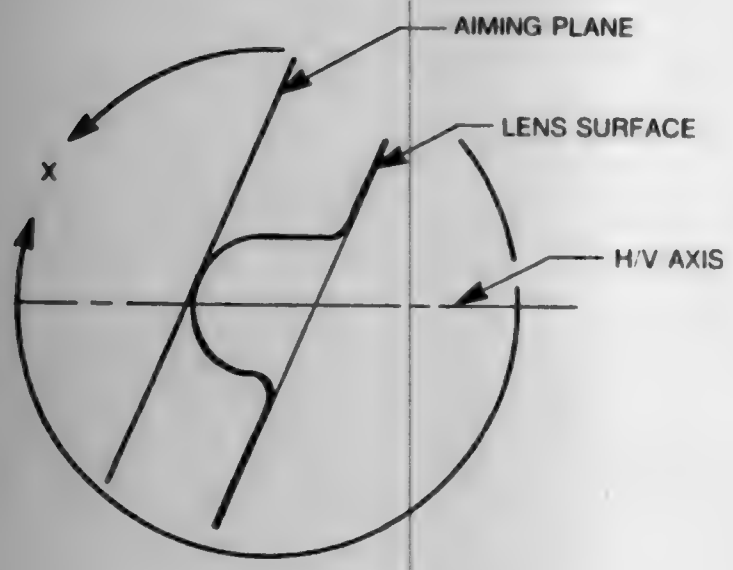

DIMENSIONAL SPECIFICATIONS
FOR LOCATION OF AIMING PADS
ON REPLACEABLE BULB UNITS

DIMENSIONAL SPECIFICATIONS FOR LOCATION OF AIMING PADS ON REPLACEABLE BULB UNITS

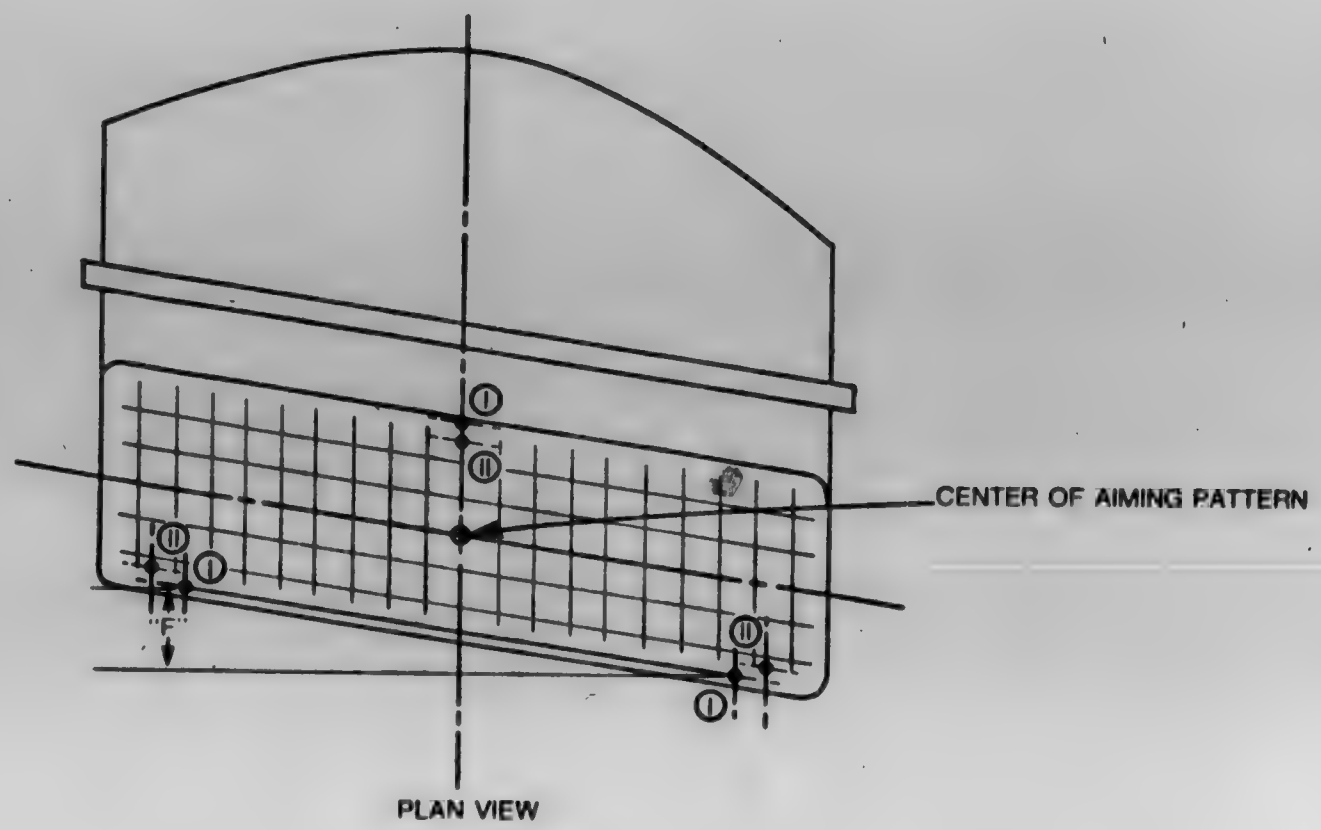

NOTES

- Group I or Group II aiming pad locations may be used
- Group I aiming pad location (front view) is that prescribed for 2B1 sealed beam units
- Group II aiming pad location (front view) is that prescribed for 1A1 2A1 sealed beam units

Figure 4-3

Figure 4:4

DIMENSIONAL SPECIFICATIONS
FOR LOCATION OF AIMING PADS
ON REPLACEABLE BULB UNITS

Dimension	Millimetres	Inches
A	42.16 ± 0.25	1.660 ± 0.010
B	60.05 ± 1.00	2.364 ± 0.039
C	64.0 ± 1.00	2.520 ± 0.039
D	68.58 ± 0.51	2.700 ± 0.020
E	Mechanical aiming device locating plate setting for the vertical adjustable leg.	
F	Mechanical aiming device locating plate setting for the horizontal adjustable leg.	
G	6.35 ± 0.80	0.250 ± 0.032

ABRASION TEST FIXTURE Figure 5

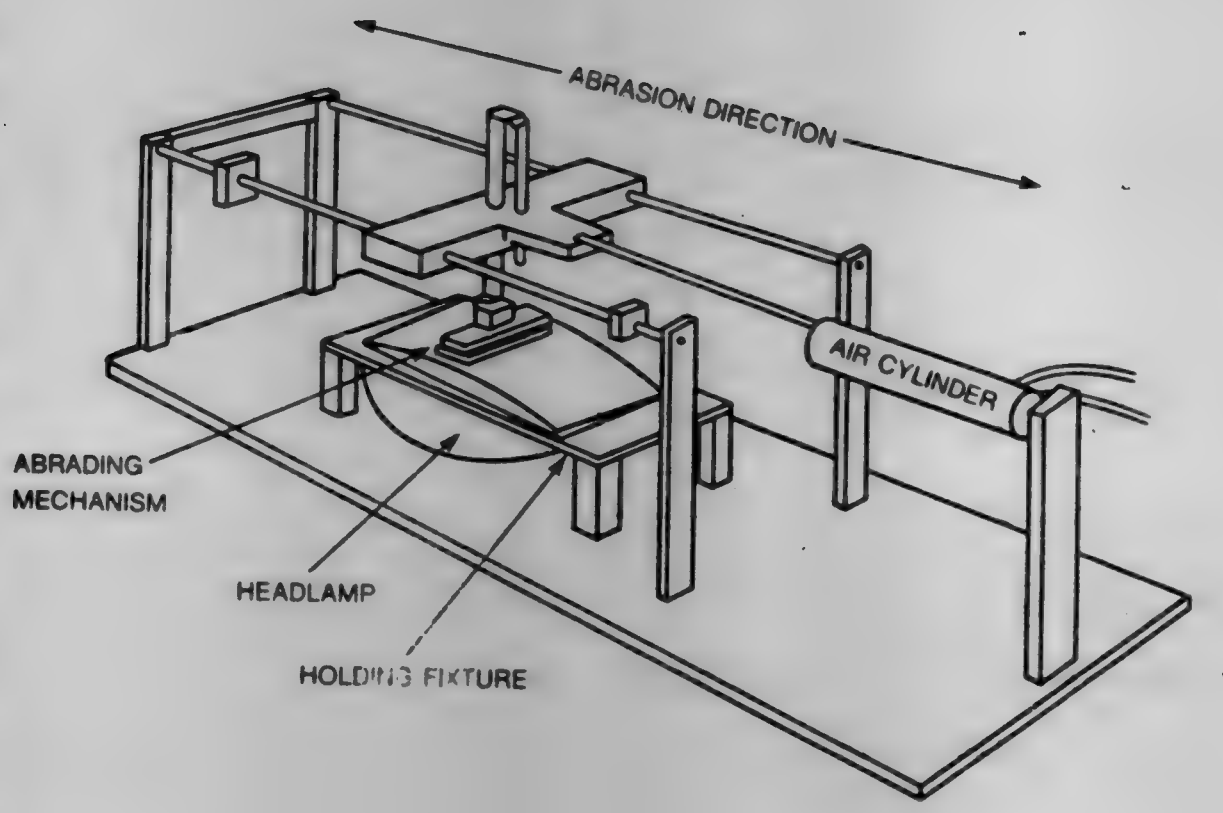

Figure 6

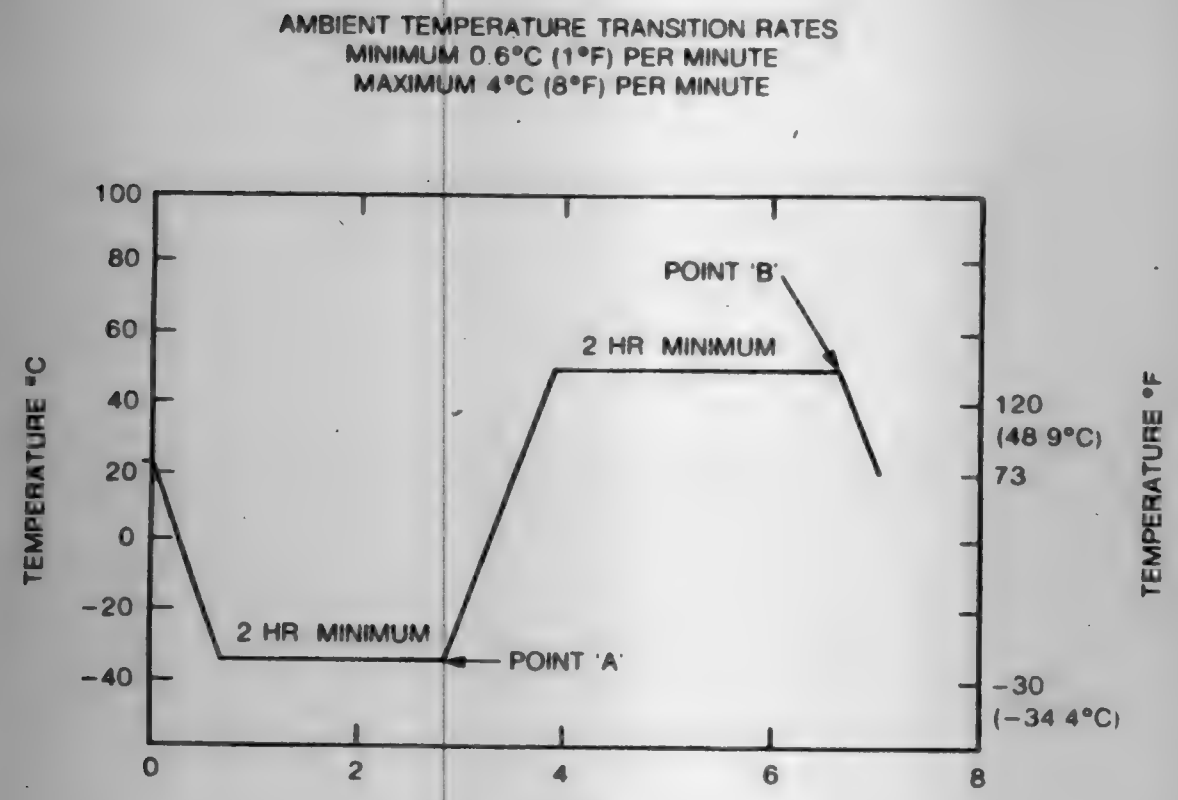

Note Ambient Conditions 73°F ± 7°(23°C ± 4) and 30 ± 10% RH

THERMAL CYCLE PROFILE

DIRT/AMBIENT TEST SETUP

DIRT/AMBIENT TEST SETUP

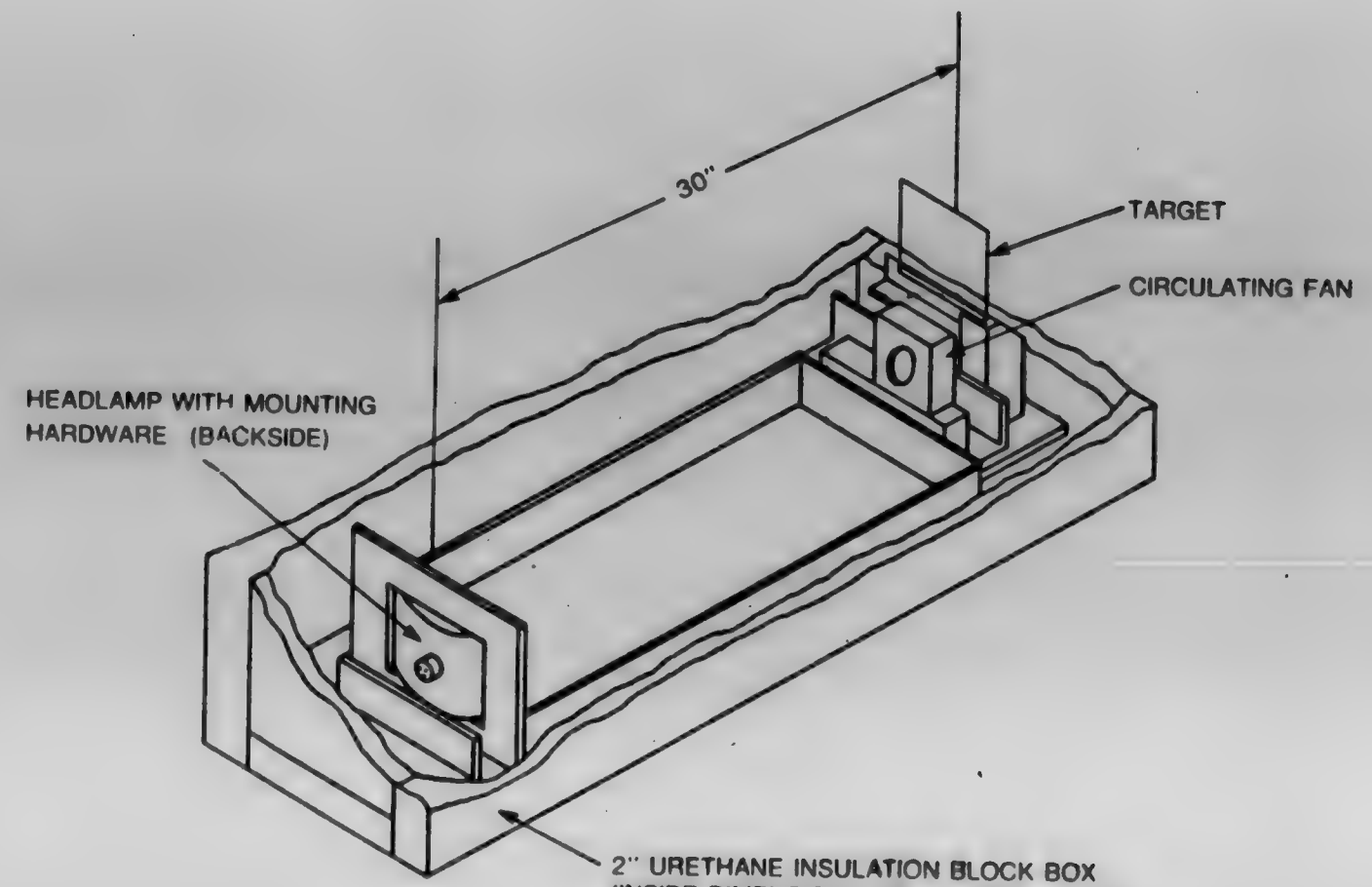

Figure 7

Figure 8

BULB DEFLECTION TEST

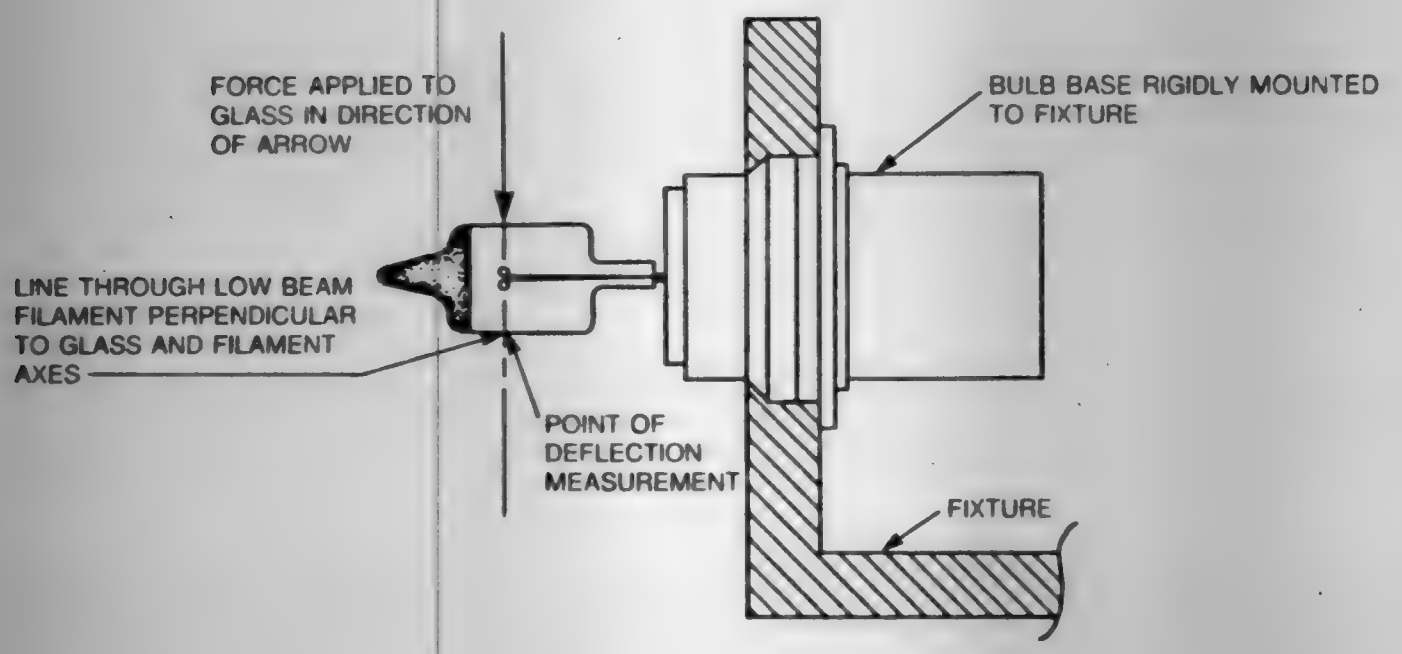

DIMENSIONAL SPECIFICATIONS FOR ADJUSTABLE LOCATING PLATES FOR USE WITH A MECHANICAL HEADLAMP AIMING DEVICE FOR GROUP I AND II (PER FIG. 4-1) AIMING AIMING PAD LOCATIONS

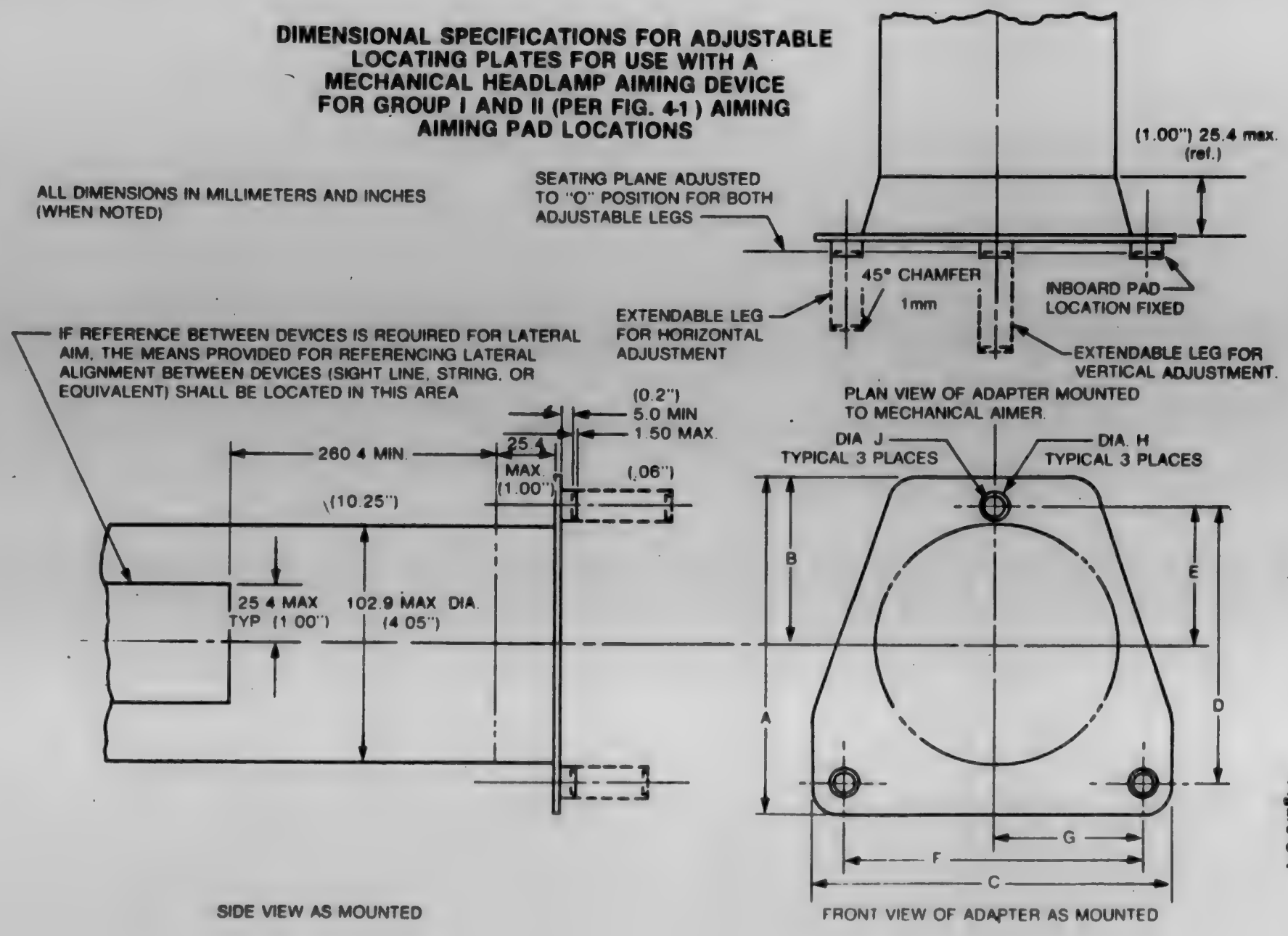

Figure 9-1

Figure 9-2

DIMENSIONAL SPECIFICATIONS FOR
ADJUSTABLE LOCATING PLATES
FOR USE WITH A MECHANICAL HEADLAMP AIMING DEVICE

(Group I and Group II Aiming Pad Locations)

Dimension	Locating Plate For Group I Aiming Pad Location		Locating Plate For Group II Aiming Pad Location	
	Millimeters	Inches	Millimeters	Inches
A	147.30 ± 0.75	5.80 ± .030	104.00 ± 0.75	4.09 ± .030
B	73.65 ± 0.75	2.90 ± .030	76.00 ± 0.75	2.99 ± .030
C	157.00 ± 0.75	6.18 ± .030	171.00 ± 0.75	6.73 ± .030
D	120.10 ± 0.75	4.73 ± .030	84.33 ± 0.75	3.32 ± .030
E	60.50 ± 0.50	2.38 ± .020	60.00 ± 0.50	2.36 ± .020
F	128.00 ± 0.75	5.04 ± .030	137.16 ± 0.75	5.40 ± .030
G	64.00 ± 0.50	2.52 ± .020	68.58 ± 0.50	2.70 ± .020
H	12.70 ± 0.50	0.50 ± .020	12.70 ± 0.50	0.50 ± .020
J	9.50 ± 0.50	0.37 ± .020	9.50 ± 0.50	0.37 ± .020

[FR Doc. 83-14502 Filed 5-28-83; 9:07 am]
BILLING CODE 4910-59-C

49 CFR Part 571

[Docket No. 74-14; Notice 30]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to delay for two years the effective date of the comfort and convenience requirements for seat belts in Safety Standard No. 208 *Occupant Crash Protection*. These requirements were issued January 8, 1981, to promote the installation of more comfortable and convenient belts by specifying additional performance requirements for both manual and automatic belts installed in motor vehicles with a Gross Vehicle Weight Rating (GVWR) of 10,000 pounds or less. The requirements were originally scheduled to become effective September 1, 1982, but in partial response to petitions for reconsideration, and in light of the agency's rescission of the automatic restraint requirements of Standard No. 208, were delayed for one year to September 1, 1983.

The agency has now concluded that a further delay is necessary because of concerns that have arisen within the agency regarding the efficacy and level of stringency of certain of the requirements, and because of the unsettled state of future plans for seat belt designs. The two-year delay set forth in this notice will give the agency sufficient time to complete its review of performance characteristics of restraint design that would lead to enhanced comfort and convenience for users, and to resolve the many questions that have developed regarding particular provisions.

DATES: Any petitions for reconsideration of this rule must be received within 30 days after the date of publication of this notice. The new effective date for the seat belt comfort and convenience requirements is September 1, 1985.

ADDRESS: Any petitions for reconsideration should refer to the docket number and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are from 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert Nelson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2992).

SUPPLEMENTARY INFORMATION: On January 8, 1981, Safety Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208), was amended to specify additional performance requirements to enhance the comfort and convenience of both manual and automatic safety belts installed in vehicles with a GVWR of 10,000 pounds or less (46 FR 2064). Type 2 manual belts (combination lap and shoulder belts) installed in front outboard seating positions in passenger cars were excepted from these additional requirements because it was then assumed that these belts would be phased out of production in passenger cars as the automatic restraint requirements of Standard No. 208 became effective. However, the agency rescinded the automatic restraint requirements on October 29, 1981 (46 FR 53419). This rescission altered basic assumptions that had been made when the comfort and convenience requirements were first issued. Likewise, it altered the belt designs which manufacturers would be installing in future cars.

In partial response to petitions for reconsideration that were received concerning the comfort and convenience requirements, the agency delayed the effective date of the requirements for one year because of the changed circumstances surrounding the rescission of the automatic restraint requirement (47 FR 7254). The agency noted that it was difficult to respond to the substantive issues raised in the petitions for reconsideration, at that time, because many of the issues are no longer pertinent and because many of the rationales discussed by the agency when the requirements were first established must be re-evaluated.

During the agency's review of the comfort and convenience requirements following the one-year delay, questions arose concerning the efficacy and appropriate level of stringency of certain of the requirements. It became evident that the agency needed additional time to re-evaluate the comfort and convenience requirements in their entirety. Thus, on November 15, 1982, the agency proposed an additional two-year delay, to September 1, 1985 (47 FR 51432).

As noted in the proposal, agency experts have identified concerns about various countervailing safety consequences that could develop depending on the final form of the requirements. For example, tension-relieving devices on belt systems can reduce belt pressure and increase comfort, but there is a concern that the increased belt slack due to misuse could reduce belt effectiveness. The proposal pointed out that the agency must have time to complete its evaluation and resolution of these and other similar conflicting considerations.

Eleven comments were received in response to the proposed two-year delay, and only one of these objected to the proposal. The State of Idaho Transportation Department strongly recommended against a further delay on the basis that this would hinder current national and State level education efforts to encourage the voluntary use of seat belts. All of the vehicle manufacturers which commented vigorously supported the proposed delay, as did the American Seat Belt Council. Three manufacturers, however, urged the agency to delay the requirements indefinitely, rather than to September 1, 1985. These manufacturers agreed that the agency needs additional time to re-evaluate the comfort and convenience requirements in their entirety, but they are concerned that the two-year period proposed would then leave no lead time for manufacturers prior to the effective date. One manufacturer stated, "A new effective date should not be specified before the final requirements are established."

The agency understands the manufacturers' concerns regarding lead time. There were many issues raised in the petitions for reconsideration to which the agency has not yet responded (e.g., objectivity of the requirements, test repeatability, conflicts with the requirements of other safety standards). However, the agency believes that a specific effective date, September 1, 1985, is preferable to an indefinite delay since it gives all parties, including the agency, a time frame within which to work. The agency will, of course, evaluate whether there is adequate lead time for manufacturers after all the issues have been resolved in this rulemaking, and modify the effective date accordingly if that is necessary.

In spite of the concerns raised by the Idaho Department of Transportation, the agency has concluded that a two-year delay in the effective date of the comfort and convenience requirements is necessary. As noted in the proposal, the issues involved in this proceeding have been clouded in uncertainty since the regulation was first adopted.

Safety belt designs are currently in a state of flux. Therefore, it is not certain exactly what type of restraints will be on the road in the foreseeable future. For this reason, the agency has

determined that it would be wise to delay the comfort and convenience requirements, to give the agency sufficient time to re-evaluate the requirements in light of evolving belt systems and avoid imposing possibly unnecessary costs. For example, one commenter to the proposal stated that it had been experimenting with a particular seat belt design for nearly two years and is still uncertain whether the design will consistently meet the somewhat conflicting requirements (in Standard No. 208) for full belt retraction, 0.7 pound chest force limitation and the retractive force requirements of Safety Standard No. 209 (49 CFR 571.209). The agency needs additional time to evaluate these and other similar problems.

Finally, as noted in the proposal, the agency believes that it is impossible at the current time to determine how to achieve or induce effective improvements in the comfort and convenience of belt systems until the occupant crash protection standard can be reviewed in its entirety. The two-year delay will allow the agency time to complete its evaluation of all the current provisions in terms of expected applicability, effectiveness, overall safety consequences and appropriate level of detail.

The agency does not believe that this delay will retard the introduction of new improved belt systems, in terms of comfort and convenience. One vehicle manufacturer which commented on the proposal specifically stated that it "plans to proceed voluntarily with a variety of improvements in seat belt comfort and convenience for 1984 and future models regardless of the proposed delay in effective date." The agency encourages other manufacturers to also voluntarily introduce improved comfort and convenience features in their belt designs during this interim period in which the agency is resolving the issues associated with the Standard No. 208 requirements.

The agency has examined the impacts of this amendment and determined that it is not major within the meaning of Executive Order 12291 or significant according to the Department of Transportation regulatory policies and procedures. The agency has prepared a final regulatory evaluation concerning the amendment, which has been placed in the Docket. (A free copy may be obtained by contacting the Docket Section.) That evaluation shows that the safety impact of the proposed delay will not be significant. The precise magnitude of the impact cannot be quantified because the agency has not been able to successfully address in quantified terms the larger question of the effects of the comfort and convenience requirements. That adverse impact will be minimized as a result of the improved seat belt designs that are currently being introduced by manufacturers on a voluntary basis, partly in response to the dialogue generated by the proposal and adoption of the comfort and convenience requirements. The agency believes that manufacturers will experiment further during the two-year delay with innovative designs aimed at increasing the comfort and convenience of belt systems. This effort will at least partially offset any negative impacts that the delay might otherwise cause. The proposed delay will provide slight cost savings for both manufacturers and consumers.

NHTSA has also considered the impacts of this amendment under the Regulatory Flexibility Act. I hereby certify that amending Standard No. 208 to delay the effective date of the comfort and convenience requirements will not have significant economic impact on a substantial number of small entities for the reasons just discussed. The only small entities that would be affected would be small manufacturers or small organizations or governmental units that purchase vehicles. The effect would not be significant since the cost savings made possible by the delay would be slight.

Finally, NHTSA has analyzed this amendment for purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the effective date of the comfort and convenience requirements of 49 CFR 571.208 that were issued January 8, 1981 (46 FR 2064) is hereby delayed from September 1, 1983, to September 1, 1985.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on May 27, 1983.

Diane K. Steed,

Acting Administrator.

[FR Doc. 83-14812 Filed 5-31-83; 9:59 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 424

Recovery Plan for the Hawaiian Monk Seal

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability.

SUMMARY: The Assistant Administrator for Fisheries has concurred with the approval of the Hawaiian Monk Seal Recovery Plan by the Director, Southwest Region, NMFS. The Plan, which was approved on April 1, 1983, was developed in accordance with Section 4(g) of the Endangered Species Act. The objective of the Plan is to provide a comprehensive research and management program to promote the recovery of the endangerd Hawaiian monk seal. Copies of the Plan may be obtained by writing to the offices listed below.

ADDRESSES: Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731 or Administrator, Western Pacific Program Office, National Marine Fisheries Service, P.O. Box 3830, Honolulu, Hawaii 96812.

SUPPLEMENTARY INFORMATION: The Hawaiian monk seal is one of three species of monk seals. The Caribbean monk seal probably is extinct and the populations of the Mediterranean and Hawaiian monk seals have declined in recent history. The Hawaiian monk seal is confined to the Northwestern Hawaiian Islands. Based on information demonstrating that the Hawaiian monk seal population declined substantially since the late 1950s, the Secretary of Commerce designated the Hawaiian monk seal an endangered species pursuant to Section 4 of the Endangered Species Act of 1973. The final rule listing the Hawaiian monk seal became effective on November 23, 1976 (41 FR 51611).

On April 24, 1980, the Director, Southwest Region, National Marine Fisheries Service appointed a Recovery Team to prepare a comprehensive research and management plan that, when implemented, would promote the recovery of the Hawaiian monk seal. On March 25, 1983, the team submitted the final draft plan and on April 1, 1983, it was approved for implementation. The plan describes an extensive research program designed to identify causes of

instability in the monk seal population at several of the atolls in the Northwestern Hawaiian Islands and to monitor trends in population changes throughout the island chain. The plan also identifies management activities, to be implemented by NMFS, other Federal agencies operating in the Northwestern Hawaiian Islands, and the State of Hawaii, that will provide for the recovery of the Hawaiian monk seal.

The plan is a dynamic document. As research results indicate areas where more specific research is needed or additional management actions might enhance recovery, the plan will be amended to accommodate those tasks. The effectiveness of the plan in promoting recovery of the Hawaiian monk seal population will be monitored and periodically evaluated by the Recovery Team.

List of Subjects in 50 CFR Part 424

Administrative practice and procedure, Endangered and threatened wildlife.

Dated: May 26, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-14780 Filed 6-1-83; 8:45 am]
BILLING CODE 3510-22-M

---

50 CFR Part 611

[Docket No. 30511-84]

Foreign Fishing, Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to implement Amendment 3 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. The amendment establishes a management system to reduce the incidental catch of salmon, Pacific halibut, king crab, and Tanner crab in the foreign trawl fishery. This action is intended to reduce the incidental catch and unnecessary mortality of these species in foreign groundfish operations while still allowing the foreign fisheries an opportunity to harvest their groundfish allocations.

EFFECTIVE DATE: July 4, 1983.

ADDRESS: Copies of the amendment, the environmental impact statement, and the regulatory impact review/final regulatory flexibility analysis may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510, 907-274-4563.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP), developed by the North Pacific Fishery Management Council (Council), was implemented on January 1, 1982 (46 FR 63295, December 31, 1981). Nine amendments to the FMP have been adopted by the Council under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et. seq.*; three of those amendments have been implemented (Amendments 1a, 2, and 4).

Amendment 3 to the FMP establishes prohibited species catch (PSC) limits for salmon, Pacific halibut, king crab, and Tanner crab, which are prohibited species in the foreign groundfish fisheries and are caught incidentally in those operations. The annual PSC established for the above species is apportioned to foreign nations in proportion to each nation's groundfish allocation. When U.S. observer data, or other reported statistics that are considered reliable, indicate that trawl vessels of a particular nation have caught incidentally that nation's specified portion of the PSC for one of the above species, those vessels will be subject to a significant time-area closure in order to reduce or eliminate further taking of these species in the Bering Sea and Aleutian Islands area.

The preamble to the proposed rule (48 FR 10383, March 11, 1983) thoroughly discussed the need and justification of Amendment 3; it also discussed the procedure for apportionment of PSCs to foreign nations, considerations for adjustments of PSCs, exemptions to PSC regulations, and additional incentives to reduce the catch of prohibited species in foreign groundfish fisheries. Public comments on the proposed rule were invited until April 22, 1983. Public comments received have been considered and are responded to below. After considering the comments, the Director of the National Marine Fisheries Service, Alaska Region (Regional Director), has decided to give final approval to Amendment 3 and to implement it with a final rule.

The final rule incorporates the following changes to the proposed regulations. First, the word "will" is changed to "may" in paragraph (e)(2)(ii) in order to respond to Comment 2, below. Second, in paragraph (e)(2)(ii), the term "fishing elements" is replaced by "a selected portion of that nation's fishing fleet", and notification procedures for the imposition of time-area restrictions on trawl vessels of a nation which has caught its current specified portion of a PSC limit are clarified.

Public Comments

1. *Comment:* The procedure used to apportion the salmon PSC among nations does not provide for the distribution of salmon PSC amounts withheld in relation to reserves which are never allocated to the total allowable level of foreign fishing (TALFF). This is an oversight which should be corrected.

Response: The procedure set forth in Amendment 3 to determine each nation's portion of the Salmon PSC does not withhold PSC amounts in relation to groundfish reserves which are allocated to domestic annual harvest. Initial salmon PSC amounts are apportioned to foreign nations using the equation set forth in paragraph (c)(2)(iii)(D)(1)(ii) of the regulations. Subsequent salmon PSC apportionments to nations which accompany inseason groundfish allocations resulting from the allocation of initial unallocated TALFF or reserves will be determined by multiplying the current balance of the total salmon PSC by the ratio of a nation's additional groundfish allocation to the remainder of the initial unallocated TALFF plus the amount of the reserve apportioned to TALFF plus the current reserve balance. Using this procedure and assuming the reserve amount will equal zero at the end of the year, all of the salmon PSC will be apportioned to TALFF.

2. *Comment:* The word "will" should be changed to "may" in § 611.93(e)(2)(ii) of the regulations to clarify that the established PSC limits will apply in the absence of a Secretarial field order modifying such limits, and that such a field order is not required unless the established PSC limits are to be modified.

Response: The suggested change in § 611.93(e)(2)(ii) has been made.

3. *Comment:* The statement in the notice of proposed rulemaking that "The annual inseason supplemental allocations to a nation will be intended as a reward to that nation for its compliance with PSC regulations . . ." is inconsistent with the allocation standards of the Magnuson Act (16 U.S.C. 1801 *et seq.*) and, without additional qualification, is an inaccurate statement of both U.S. fisheries policy and the intent of the U.S. government.

Response: A nation's compliance with PSC regulations is only one of the many factors that are considered by NOAA and the U.S. State Department when making inseason groundfish allocations to foreign nations. Section 201(e)(1)(E) of the Magnuson Act lists the factors that are to be considered when making such allocations to foreign nations. These factors include the extent to which foreign nations have (1) cooperated with the U.S. in the enforcement of U.S. fishing regulations; (2) contributed to or fostered the growth of a sound and economic U.S. fishing industry; (3) transferred harvesting technology which will benefit the U.S. fishing industry; (4) made substantial contributions to fishery research; and (5) any such other matters deemed appropriate. Foreign compliance with PSC regulations and development of harvesting technologies necessary for that compliance are relevant when these factors are considered in the allocation process.

Classification

The Regional Director has determined that the FMP Amendment 3 and this rule are necessary for the conservation and management of the Bering Sea and Aleutian Islands area groundfish fishery and that both are consistent with the Magnuson Act and other applicable law.

The Council prepared a final environmental impact statement for this FMP and filed it with the Environmental Protection Agency on November 20, 1981; it addresses Amendment 3 and is available from the Council at the address set forth above.

The NOAA Administrator determined that this final rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because it will not result (1) in an annual effect on the economy of $100 million or more; (2) in a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises on domestic or export markets. This rule will have a significant beneficial economic impact on a substantial number of small entities.

These determinations are based on the regulatory impact review/final regulatory flexibility analysis (RIR/FRFA) available at the address above. The analysis in the RIR/FRFA is the same as that contained in the RIR/initial regulatory flexibility analysis, which was summarized in the preamble to the proposed rule at (48 FR 10383).

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. The State Division of Policy Development and Planning has concurred in this determination.

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

Dated: May 27, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR Part 611 is amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

2. In § 611.93, paragraph(c)(2)(ii)(D) is revised and paragraph (e) is added to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(D) Prohibited species catch (PSC) limits.

(1) Salmon. (i) During any fishing year, that portion of fishing area I lying between 55° N. and 57° N. latitude and 165° W. and 170° W. longitude and all of fishing area II may be closed for the remainder of the periods January 1 through March 31 and October 1 through December 31 to trawl vessels of any nation. This closure will occur when vessels of a nation have intercepted an amount of salmon which exceeds by 10 percent that nation's portion of the salmon prohibited species catch (PSC) established for the current fishing year (Table 2), or when vessels of that nation have intercepted an amount of salmon in any consecutive three-year period which exceeds the sum of that nation's portion of the salmon PSC established for those three years. Any salmon caught incidentally by vessels of that nation in the area which remains open will be applied against its portion of the following year's salmon PSC. Fishing areas I and II are shown in § 611.9, Appendix II, Figure 2.

TABLE 2.—TARGET REDUCTION SCHEDULE OF SALMON PROHIBITED SPECIES CATCHES BASED ON THE AVERAGE 1977–80 FOREIGN TRAWL SALMON INCIDENTAL CATCH

Year	Total salmon[1]
Base numbers:	
1977–80	60,000
Reduced catch levels:	
(1981)	60,000
(1982)	59,400
(1983)	58,925
(1984)	(2)
(1985)	(2)
(1986)	17,473

[1] Total salmon numbers are calulated on the assumption that 93% of incidentally-caught salmon are chinook.
[2] Reserved.

(ii) A nation's initial portion of the salmon PSC for a fishing year will be determined by multiplying the total salmon PSC for that year by the ratio of that nation's initial groundfish allocation to the total initial TALFF plus reserves for groundfish:

Nation's initial salmon PSC equals total salmon PSC multiplied by nation's initial groundfish allocation divided by total initial groundfish TALFF and reserve.

At the beginning of the fishing year, a portion of the salmon PSC will not be distributed to nations, because groundfish reserves will not yet be apportioned and some of the initial TALFF may not yet be allocated. This remaining portion of the salmon PSC will be subsequently distributed to nations in proportion to increases in their groundfish allocations which result from the apportionment of the initial unallocated TALFF and groundfish reserves.

(2) Pacific halibut, king crab, and Tanner crab. (i) When during any fishing year the trawl vessels of a nation have taken incidentally that nation's current portion of the PSC for Pacific halibut, king crab, or Tanner crab, the entire management area will be closed to trawling by vessels of that nation for the remainder of that fishing year or until that nation's groundfish allocation will result in a corresponding increase in its current portion of PSC for Pacific halibut, king crab, and Tanner crab.

(ii) For any year (year i), the PSC_{ij}s for each of these species (species j) are based upon the incidental catch rates (R_{ij}) shown in Table 3:

PSC_{ij} equals R_{ij} multipliled by the total groundfish TALFF. Using this formula, the PSC for Pacific halibut, king crab, and Tanner crab will increase in proportion to increases in the total TALFF which result from the apportionment of groundfish reserves or surplus DAH to TALFF under paragraph (b)(2) of this section.

(*iii*) A nation's current portion of the PSC_{ij}s for Pacific halibut, king crab, and Tanner crab, at any time during the fishing year, is determined by multiplying that nation's current groundfish allocation by R_{ij}:

Nation's PSC_{ij} equals R_{ij} multiplied by a nation's groundfish allocation.

TABLE 3.—INCIDENTAL CATCH RATE REDUCTIONS FOR PACIFIC HALIBUT, KING CRAB, AND TANNER CRAB, BASED ON THE AVERAGE 1977–80 FOREIGN TRAWL GROUNDFISH AND PROHIBITED SPECIES CATCHES

Year	Halibut [1]	King Crab [2]	Tanner Crab [2]
Base Catch Rates			
1977–80	3,182	916,804	16,003,329
Average Base	[3] 1,301,250 R=0.00245	[4] 1,301,250 R=0.70456	[5] 1,301,250 R=12.29843
Rate Reduction Schedule, R and R as percentage of base R (percent)			
(1981)			
(1982)	R=.00220 90%	R=.66933 95%	R=11.6840 95%
(1983)	R=.00196 80%	R=.63410 90%	R=11.0686 90%
(1984)	R=.00171 70%	R=.59887 85%	R=10.4537 85%
(1985)	R=.00147 60%	R=.56365 80%	R=9.8387 80%
(1986)	R=.00122 50%	R=.52842 75%	R=9.2238 75%

[1] Metric tons per metric ton of groundfish.
[2] Number of individuals per metric ton of groundfish.
[3] Base R=0.00245.
[4] Base R=0.70456.
[5] Base R=12.29843.

* * * * *

(e) *Inseason management decisions.*—(1) *Field orders.*—(i) Any field order issued by the Secretary under this section will include the following:

(A) The Secretary's findings required by paragraph (e)(2) of this section;

(B) A description and order of the modification of time and area limitations, based upon the Secretary's findings; and

(C) The effective dates of the modification.

(ii) No field order issued under this section may take effect until:

(A) It has been filed for publication with the **Federal Register**;

(B) The foreign nations concerned and the designated representatives for affected foreign fishing vessels are notified. If practicable, notification shall be given at least 48 hours before the field order is to be effective; and

(C) The public has been offered the opportunity to comment upon the Secretary's proposed findings and order of modification for a period of at least thirty (30) days, unless the Secretary finds that such prior opportunity for public comment would adversely affect the conservation and management of groundfish or unallocated species.

(iii) If the Secretary finds that prior opportunity for public comment on the proposed findings and order of modification would adversely affect the conservation and management of groundfish or unallocated species, he will receive public comments on the field order for thirty (30 days) after its effective date, making available to the public during business hours the aggregate data on which it was based. After considering the comments received, the Secretary will determine whether the field order should be changed.

(iv) Any modification prescribed by a field order issued under this section will remain in effect in accordance with the terms of the field order, or of any subsequent field order which may be issued under this section.

(2) *Prohibited species catch (PSC) limits.*—(i) The PSCs or incidental catch rates for salmon, Pacific halibut, king crab, and Tanner crab established in paragraph (c)(2)(ii)(D) of this section will be reviewed annually by the Secretary, in consultation with the North Pacific Fishery Management Council, in order to respond to changes in relevant circumstances, including the following:

(A) Changes in the stock condition and abundance of prohibited species;

(B) Changes in the stock condition and abundance of target groundfish species, except that such changes will not be considered relevant to the salmon PSC except in the course of a full and complete review of the salmon PSC reduction program to be conducted during 1983;

(C) Changes in the degree of socioeconomic impact of prohibited species catches on the domestic fisheries dependent on those species; and

(D) Changes in the impact of PSCs on the opportunity of foreign fisheries to take their groundfish allocations.

(ii) Based upon the most recent scientific and technical information available, and prior to the beginning of the fishing year, the Secretary may issue a field order under paragraph (e)(1) of this section to adjust the PSC's or incidental catch rates from salmon, Pacific halibut, king crab, and Tanner crab after consultation with the North Pacific Fishery Management Council under paragraph (e)(2)(i) of this section and after he has considered all of the following in descending order of priority and issued relevant findings:

(A) The need to protect prohibited species for biological and other conservation reasons;

(B) The impact of PSC regulations on the domestic fisheries dependent on prohibited species;

(C) The impact of the PSC regulations on development and operation of domestic groundfish fisheries; and

(D) The impact of PSC regulations on the foreign groundfish fisheries.

(iii) The Regional Director will notify a nation when its portion of the PSC for salmon, Pacific halibut, king crab, or Tanner crab, as established under paragraph (c)(2)(iii)(D) of this section, is approached, so that voluntary efforts by vessels of that nation may reduce the incidental catch of these species. When a nation's portion of the PSC for salmon, Pacific halibut, king crab, or Tanner crab, is reached, the Regional Director shall notify the foreign nation and the designated representatives for affected foreign fishing vessels of the resulting time-area restriction under paragraph (c)(2)(iii)(D) of this section. If practicable, such notification will be given at least 48 hours prior to the restriction. After a nation has caught its portion of the PSC for Pacific halibut, king crab or Tanner crab, the Regional Director may by field order allow a selected portion of that nation's fishing fleet to continue fishing under specified conditions until that nation's groundfish allocation is reached, although any additional incidental catch of prohibited species by vessels which have been allowed to continue fishing will be considered when establishing future PSC limits for that nation. The Regional Director will take into account the following considerations when making such allowance and will issue relevant findings.

(A) The risk of biological harm to prohibited species stocks and of socioeconomic harm to authorized prohibited species users posed by continued trawling by the selected elements;

(B) The extent to which the selected elements have avoided incidental prohibited species catches up to that point in the fishing year;

(C) The confidence of the Regional Director in the accuracy of the estimates of prohibited species catch by the selected elements up to that point in the fishing year;

(D) Whether observer coverage of the selected elements is sufficient to assure adherence to the prescribed conditions, and to alert the Regional Director to increases in the elements' prohibited species catch; and

(E) The enforcement record of owners and operators of vessels included in the selected elements, and the confidence of the Regional Director that adherence to prescribed conditions can be assured in light of available enforcement resources.

[FR Doc. 83-14771 Filed 5-27-83; 4:35 pm]
BILLING CODE 3510-22-M

Pro

This sec
contains
proposed
regulation
is to giv
opportuni
making p
rules.

DEPART

Agricult

7 CFR P

United S
America
Grapes

AGENCY:
USDA.

ACTION:

SUMMAR
Service (
voluntary
Grades o
Bunch Gr
that the s
them in l
practices
more rea
for small
make mi
requirem
Grapes; a
varieties
requirem

AMS h
cooperat
the curre

DATE: Co
before Au

ADDRESS
to submit
this prop
duplicate
Departme
South Bu
Comment
and page
Federal R
available
Office of
regular bu

FOR FURT
Michael V
Branch, F
Agricultu
Departme
DC 20250

SUPPLEME
has been

Proposed Rules

Federal Register
Vol. 48, No. 107
Thursday, June 2, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of American (Eastern Type) Bunch Grapes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to amend the voluntary United States Standards for Grades of American (Eastern Type) Bunch Grapes. Industry has requested that the standards be amended to bring them in line with current marketing practices. This proposal would provide more reasonable tolerance limitations for small consumer-size containers; make minor changes in bunch requirements for U.S. No. 1 Table Grapes; and, delete reference to specific varieties with respect to applicable size requirements.

AMS has the responsibility, in cooperation with industry, to maintain the currency of its grade standards.

DATE: Comments must be received on or before August 1, 1983.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Michael V. Morrelli, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–2011.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "non-major" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it reflects current marketing practices.

The voluntary United States Standards for Grades of American (Eastern Type) Bunch Grapes became effective in 1926 and were last revised in 1935.

Venture Vineyards, Inc., Lodi, New York, a large-volume marketer of table grapes for approximately 75 growers, has requested that the standards be amended to bring them in line with current cultural and marketing practices. Since the last revision of the standards there has been a major change in packaging. In past years consumers purchased these grapes in 8-quart and larger size packages for making products such as juice, wine or preserves. Most eastern type grapes shipped to fresh market are now utilized as table grapes. Consequently they are packaged in 1- or 2-quart containers, a more convenient size for the typical family. The current tolerance limitations on individual containers are overly restrictive when applied to small consumer units. This amendment would bring the standards in line with current cultural and marketing practices and make them more useful to the grape industry.

Proposed changes are as follows:

(1) The current container tolerance limitations of 1½ times for a lot tolerance of 10 percent of more and 2 times for a lot tolerance of less than 10 percent would be increased to 3 times the specified lot tolerance for grapes packed in containers of 5 pounds or less. This would provide more reasonable container limitations for small consumer-size units. Inasmuch as this change would apply only to individual container tolerances and would not affect lot tolerances, the quality level for the lot as a whole would be maintained as under the current standards.

(2) The U.S. No. 1 Table Grapes grade currently requires at least 85 percent of the bunches in each container to be fairly compact. Under this proposal containers of 5 pounds or less would be permitted to have 50 percent of the bunches in any container fairly compact, provided that the average for the lot is not less than 85 percent. Bunches could not be excessively small, except that the portions of bunches consisting of not less than three berries could be used to fill open spaces between whole bunches. This would provide more realistic bunch requirements for individual small consumer-size packages.

(3) Delete from the "Size of berries" sections of the U.S. Fancy and the U.S. No. 1 Table Grapes grades the reference to specific varieties and add "unless otherwise specified." The present standards require that the specified varieties and other varieties of similar size must have a minimum berry size of not less than 9/16 of an inch in diameter. This change would allow a minimum berry size, other than that presently required, to be specified in connection with the trade for any variety.

List of Subjects in 7 CFR Part 51

Fresh fruits, vegetables and other products (inspection, certification and standards).

PART 51—[AMENDED]

Accordingly, it is proposed that 7 CFR Part 51 be amended as follows:

1. In § 51.3610, paragraph (b) is revised to read:

§ 51.3610. U.S. Fancy Table Grapes.

* * * * *

(b) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of dried berries, on each bunch shall have a minimum diameter, unless otherwise specified, of 9/16 of an inch.

* * * * *

2. In § 51.3611, paragraphs (a) and (b) are revised to read:

§ 51.3611 U.S. No. 1 Table Grapes.

* * * * *

(a) *Bunches.* At least 85 percent of the bunches in each container are fairly compact; except that for packages which contain 5 pounds or less, at least 50 percent of the bunches in any container are fairly compact, provided that the average for the lot is not less than 85 percent. Bunches shall not be excessively small, except that portions of bunches consisting of not less than three berries may be used to fill open spaces between whole bunches.

(b) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of dried berries, on each bunch shall have a minimum diameter, unless otherwise specified, of 9/16 of an inch.

3. Section 51.3614 is amended by revising the introductory text, paragraph (a) and adding paragraph (b) to read:

§ 51.3614 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided that the averages for the entire lot are within the tolerances specified for the grade:

(a) Individual packages which contain more than 5 pounds: Shall contain not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a specified tolerance of less than 10 percent.

(b) Individual packages which contain 5 pounds or less: Shall contain not more than three times the specified tolerance.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended (7 U.S.C. 1622, 1624)

Done at Washington, D.C. on May 26, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-14715 Filed 6-1-83; 8:45 am]

BILLING CODE 3410-02-M

---

7 CFR Part 1207

Potato Research and Promotion Plan; Proposed Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This notice invites written comments on proposed expenses for the functioning of the National Potato Promotion Board. It would enable the Board to collect assessments from designated handlers on assessable potatoes and to use the resulting funds for its expenses.

DATE: Comments due by June 16, 1983.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 1207) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581–0093.

This proposed rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

The Potato Board is the administrative agency established under the Potato Research and Promotion Plan (7 CFR Part 1207). This program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611–2627).

List of Subjects in 7 CFR Part 1207

Administrative practice and procedure, Advertising, Agricultural research, Potatoes.

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

It is proposed that § 1207.411 (47 FR 32914, July 30, 1982) be removed and § 1207.412 be added as follows:

§ 1207.412 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1983, and ending June 30, 1984, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $2,565,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the Plan shall be one cent ($0.01) per hundredweight of assessable potatoes handled by such person during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

(Approved by OMB under control number 0581–0093)

(Title III of Pub. L. 91–670; 84 Stat. 20401; 7 U.S.C. 2611–2627)

Dated: May 26, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-14639 Filed 6-1-83; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9145]

General Motors Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 83–11159 beginning on page 20731 in the issue of Monday, May 9, 1983 make the following corrections:

1. On page 20733, column one, paragraph designated as "(iii)", line two, "charger" should read "charge."

2. On page 20733, column one, paragraph designated as "(iv)", line five, "many" should read "may."

3. On page 20733, column three, **"II"** should appear above paragraph three beginning "It is further ordered that."

4. On page 20734, column one, paragraph designated as "B", "1986" should read "1984."

5. On page 20744, column two, paragraph two, line one, "on" should read "of."

6. On page 20744, column three, line two, **"Contract"** should read **"Contact."**

7. On page 20746, column three, paragraph between "27)" and "29)" should be correctly designated as "28)."

8. On page 20747, column one, under DON'TS, paragraph designated as "3)", "on" should read "or."

9. On page 20747, column one, *SPECIAL GENERAL MOTORS PROVISIONS*, paragraph designated as "1. *Gasoline and diesel engines.*" line five, "balance" should read "balancers."

10. On page 20747, column one, *SPECIAL GENERAL MOTORS PROVISIONS*, paragraph designated as "1. *Gasoline and diesel engines.*" line nine, "housing" should read "housings."

11. On page 20747, column two, **BACKGROUND STATEMENT**, paragraph designated as "2. *Transmissions.*", lines one through thirty-nine and column three, lines one

through twenty-three should be removed.

12. On page 20749, column two, (five stars)* * * * * should appear beneath line thirteen.

13. On page 20749, column two, pararaph designated as "8." should be correctly designated with a bullet (•).

14. On page 20757, column three, *Indexes and Explanatory Information.* line sixteen, "change" should read "charge."

15. On page 20759, column three, paragraph two, line thirteen, "or" should read "on."

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-19811, File No. S7-975]

Exemption for Certain Foreign Government Securities for Purposes of Futures Trading

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is proposing for comment a rule which would designate certain British and Canadian government securities as "exempted securities" under the Securities Exchange Act of 1934 (the "Exchange Act") for purposes only of the Exchange Act's application to the marketing in this country of futures contracts on those securities. The proposed rule would have the effect of removing the designated securities from the class of securities on which futures trading is forbidden by the Commodity Exchange Act ("CEA"). Trading the underlying securities, absent compliance with applicable registration and other requirements, would remain prohibited under the federal securities laws.

DATE: Comments should be submitted by July 5, 1983.

ADDRESSES: Interested persons should submit three copies of their written data, views and arguments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and should refer to File No. S7-975. All submissions will be available for public inspection at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Kevin Fogarty, Esq., Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2416.

SUPPLEMENTARY INFORMATION:

I. Introduction

Under recently enacted amendments to the CEA, [1] the trading of futures contracts on individual securities is prohibited, unless such securities qualify as "exempted securities" under Section 3 of the Securities Act of 1933 ("Securities Act") or 3(a)(12) of the Exchange Act. Since the legislative history of the new amendments indicates that Congress did not intend to forbid the marketing of futures on British government bonds (so-called "gilt-edged" bonds or "gilts") [2] in this country so long as the futures contracts are not settled here and the bonds themselves are not traded here, the Commission is proposing Rule 3a12-8 under the Exchange Act, which would designate such bonds, as well as certain Canadian government securities, as "exempted" securities under Section 3(a)(12) for the purpose of permitting futures trading in this country.

A. The Futures Trading Act of 1982

The Futures Trading Act of 1982 ("Futures Trading Act"), signed by the President on January 11, 1983, contains amendments to the CEA including a new Section 2(a)(1)(B)(v) that provides that

> * * * [n]o person shall offer to enter into, enter into, or confirm the execution of any contract of sale (or option on such contract) for future delivery of any security, or interest therein or based on the value thereof, except an exempted security under Section 3 of the Securities Act of 1983 or Section 3(a)(12) of the Securities Exchange Act of 1934. * * *

The apparent effect of this language would be to prohibit both the offer and the acceptance in this country of any future on any individual security, including the British gilt and Canadian government securities, unless the security qualifies as an "exempted security" under Section 3 of the Securities Act or 3(a)(12) of the Exchange Act. Foreign government bonds generally are not exempted securities under either of these sections. Section 3(a)(12) also provides, however, that the term "exempted security" includes

> * * * such other securities * * * as the Commission may, by such rules and regulations as it deems consistent with the public interest and the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an "exempted security" or to "exempted securities."

Therefore, the Commission may exclude gilt or Canadian bond futures from the proscription in the CEA's new Section 2(a)(1)(B)(v) by declaring, subject to whatever limitations appropriate, that the underlying bond is "exempt from the operation of any one or more provisions of [the Exchange Act] which by their terms do not apply to an 'exempted security' or to 'exempted securities.'"

B. Legislative History of Section 2(a)(1)(B)(v)

The effect of the CEA's new language on foreign government security futures traded on foreign boards of trade was specifically addressed when Congress was considering the Futures Trading Act. Representatives Timothy Wirth and Tom Daschle, both members of House committees which had deliberated on the bill, discussed the question on the House floor, in the context of gilt futures. Mr. Daschle raised the problem, noting his understanding that neither the Securities and Exchange Commission ("SEC") nor the Commodity Futures Trading Commission ("CFTC"), which had jointly proposed the provision in question as part of the SEC/CFTC Jurisdictional Accord, had intended to bar gilt futures trading. Mr. Wirth agreed that the provision had not been intended to bar gilt futures trading, but pointed out that a clarifying amendment would be unnecessary in view of the SEC's intention to take administrative action to allow the sale of these futures contracts in this country. [3] The Commission is proposing this action today consistent with this Congressional intent. While futures on Canadian government bonds and bills were not specifically addressed in the legislative history, there does not appear to be any legal or policy basis for treating them differently from the gilt futures contracts.

II. Discussion

The Commission's present opinion is that the proposed rule would be

---

[1] The Futures Trading Act of 1982, Pub. L. 97-444.

[2] "Gilt-edged" generally refers to a variety of obligations of the British government, British local authorities, British nationalized industries, and Commonwealth central governments and corporations. The references in the legislative history, however, were specifically to the long-term British government bonds on which futures currently trade. While the references hereinafter to "gilts" include only obligations of the British government, the proposed rule includes no limitation as to the term of the debt instrument.

[3] Congressional Record, H. 7492 (daily ed., September 23, 1982). *See also* letter of Chairman John S. R. Shad to Senator David L. Boren, attaching memorandum of June 2, 1982 from SEC General Counsel to Chairman Shad; letter of Chairman Phillip McB. Johnson to Senator Boren (June 3, 1982). The CEA section 2(a)(1)(B)(v) was to be designated section 2(a)(1)(B)(iv) at the time these letters were written.

desirable both to remove any question regarding the applicability of the Exchange Act to futures on the subject foreign securities and to avert the unnecessary application of the statutory ban contained in the CEA to trading futures in these securities.

The Commission does not believe generally that its regulatory responsibilities in administering the federal securities laws would be undermined by the sale in the United States of futures contracts based on the foreign debt instruments in question. Congress has delegated to the CFTC the role of establishing the proper regulation required for futures contracts sold in this country, including foreign futures contracts. Accordingly, the Commission proposes to implement the Congressional intent to exempt gilt futures from the prohibition in Section 2(a)(1)(B)(v) of the CEA. At the same time, the Commission does not believe the basic treatment of foreign debt securities under the federal securities laws should be altered simply because a foreign board of trade intends to trade futures on those securities. Given the turbulence characterizing the current international financial markets, particularly the debt structure of many foreign governments, any lessening of the disclosure and other protections afforded by the federal securities laws with respect to such instruments would appear to be inappropriate.

To accommodate these competing interests, the proposed rule would treat British gilts and Canadian government securities as exempted securities only for the purpose of futures trading on those securities, and subject to certain limitations designed to ensure that futures trading not serve as a way of effectively marketing the underlying securities themselves in the United States.

A. Proposed Limitations

1. *Application to Unregistered Securities.* The rule would define as exempted securities only underlying securities that are not registered in the United States. The prohibition in Section 2(a)(1)(B)(v) was added to the CEA to ensure that trading in futures on individual non-exempt securities did not disrupt the underlying regulated markets for those securities. There appears to be no basis for not applying this prohibition to all securities registered under the Securities Act, including securities issued by foreign governments.[4]

2. *Application to Futures Contracts with No More than One Delivery Month Per Quarter.* As noted above, the Commission does not believe the regulation of foreign government debt securities should change because a foreign board of trade seeks to trade futures on those securities. However, because a futures contract on a foreign government security is a contract to buy or sell that security for future delivery, the Commission believes it is important to ensure that futures trading not serve as a vehicle for effectively marketing the underlying instrument in this country without registration. This arguably could occur if futures contracts generally were made available calling for very near-term deliveries. To address this problem, the Commission has proposed to limit the exemption to foreign futures contracts that do not have more than one delivery month per calendar quarter. This would not result in any restrictions on either the British or Canadian government security futures contracts currently traded, since the Commission understands that these contracts currently provide for the introduction of new delivery months every three months. It would, however, prevent a foreign board of trade from introducing futures on foreign government securities with so close a succession of delivery periods as to provide almost continuous cash market equivalency.[5]

B. Additional Issues

The two limitations discussed above are designed to ensure that the scheme of regulation under the federal securities laws is not disrupted by the proposed exemption. The Commission also seeks comment on whether additional measures are necessary or appropriate in connection with the proposed rule.

1. *Disclosure Requirements.* The fact that a foreign government issue is not registered in the United States may result in the dissemination of substantially less information to the public regarding that security and related futures contracts that is the case for registered securities and derivative products. The Commission invites discussion on whether further safeguards may be advisable to address the risk that the futures contract could be used simply as an expedient to evade the disclosure requirements that would apply to direct trading of the underlying security in the cash market. Accordingly, the Commission solicits comments on whether it should condition its exemption on disclosure of certain information concerning the securities underlying foreign futures contracts and the governments issuing those securities.[6]

The CFTC is authorized under the Futures Trading Act of 1982 to adopt rules proscribing fraud and requiring risk disclosure, among other things, in the trading of foreign futures.[7] The Commission notes that the CFTC has not adopted rules specifically addressed to the trading of futures on foreign government securities. Thus, the Commission also seeks comment on whether its proposed rulemaking should await rulemaking initiatives in this area by the CFTC on be undertaken only in coordination with CFTC efforts.

2. *Eligible Foreign Government Issues.* A final question on which the Commission solicits public comment concerns whether to establish limitations on the governments included in the proposed rule. The proposed rule would permit trading solely in futures contracts based on British and Canadian government securities, since the Commission is not aware of other foreign government securities which are currently the subject of futures trading. Should the securities of additional governments become subjects of futures contracts, it may become necessary to

---

[4] While the securities deliverable under the currently traded LIFFE and TSE contracts do not appear to be registered or distributed in the United States, various debt offerings of the British and Canadian governments are indeed registered and traded here. The proposed rule leaves it to persons marketing the future—or to the exchange trading it—to make sure that no U.S.-registered instrument, nor any instrument covered by U.S.-registered American depositary receipts, is deliverable under the futures contract. Moreover, upon the understanding that the LIFFE's current gilt contracts include no U.S.-registered bonds as deliverable issues, both the SEC and CFTC staffs have taken the position that, while the Commission is in the process of promulgating the exemption, the terms of Section 2(a)(1)(B)(v) should not be enforced against offer or acceptance of gilt futures orders in the United States, conduct Congress expected to be exempted from the CEA.

[5] Section 4(b) of the amended CEA, it should be noted, expressly forbids the CFTC to regulate the terms of foreign futures contracts, although the legislative history speaks of the CTFC "certifying" futures based on foreign securities. H.R. Rep. No. 97-565, Part 1, 97th Cong., 2d Sess. (1982) 85.

[6] For example, the Commission might consider a limitation of for the exemption to issuers currently filing a Form 18K in connection with an issue of securities not the subject of a futures contract. The United Kingdom, but not Canada, currently files and 18K.

[7] Section 204 of the Futures Trading Act refers only to regulation of foreign futures trading "by any person located in the United States . . ." Regulation of such trading by persons located outside the United States is not specifically addressed in the CEA itself but is in 17 CFR 30.02, and antifraud rule. The CEA's new Section 12 also allows the CFTC to permit the application of other federal and state statutes to foreign futures. *See* S. Rep. No. 97-384, 97th Cong. 2d Sess. (1982) at 45-46. There is no indication in the legislative history, however, that the CFTC's regulatory authority was intended in any way to restrict the Commission's authority, under Section 3(a)(12) of the Exchange Act, to impose such terms or conditions on the exemption of a security as it deems necessary or approoriate.

consider amending the rule to include those governments. In this regard, the Commission seeks comment on whether it should elaborate standards for inclusion of such governments before adopting any rule. Standards might be adopted, for example, related to the credit-worthiness of the issuing government or, as suggested above, the extent of material information currently available in the United States concerning that government. The Commission also requests comment on the alternative of limiting the exemption on a pilot basis to the securities of only one foreign government until some practical experience with the effect of the exemption has been acquired. As noted above, however, the Commission has not identified any regulatory basis to distinguish between futures traded on British or Canadian government securities. Therefore, any commentators supporting such an amendment should articulate the regulatory or policy basis upon which such a distinction could rest.

Finally, the Commission notes that the two types of futures contracts that would be eligible for trading in the United States by virtue of proposed exemption are both traded on futures exchanges in the country whose government issues the underlying security. Accordingly, both countries would have a strong interest in ensuring the integrity of the futures market. If a futures market in a third country introduced trading on such securities, this interest might not be present. The Commission therefore solicits comment on whether it should limit the proposed rule to foreign futures contracts traded solely on a board of trade located in the country whose government issues the underlying security.

III. Regulatory Flexibility Act Consideration

The Regulatory Flexibility Act, which became effective on January 1, 1981, imposes new procedural steps applicable to agency rulemaking which has a signficant economic impact on a substantial number of small entities.[8] The Chairman of the Commission has certified pursuant to the Regulatory Flexibility Act that proposed Rule 3a12–8, if adopted, would not have a significant economic impact on a substantial number of small entities, for these reasons: First, the rule, being permissive in nature, imposes no regulatory burden in itself, and merely forestalls a prohibition which would otherwise come into being under the Futures Trading Act of 1982. It therefore imposes no new requirements upon nor eliminates former protections for any entity. Second, because the level of interest presently evident in this country in the futures trading covered by the proposed rule is modest, neither the availability nor unavailability of these futures products is likely to have a significant economic impact on a substantial number of small entities.

Statutory Basis

Proposed Rule 3a12–8 would be adopted under the Act, 15 U.S.C. 78a *et seq.*, particularly Sections 3(a)(12) and 23(a), 15 U.S.C. 78c(a)(12) and 78w(a).

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

IV. Text of the Proposed Amendment

On this basis of the above discussion and analysis, the Commission is proosing to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding Section 240.3a12–8 as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.3a12–8 Exemption for designated foreign government securities for purposes of futures trading.

(a) When used in this Rule, the following terms shall have the meaning indicated:

(1) The term "foreign futures contracts" shall mean any contracts for the purchase or sale of a commodity for future delivery, as "future delivery" is defined in 7 U.S.C. 2, which are traded exclusively on or through a board of trade, as defined at 7 U.S.C. 2, that is located outside the United States, its territories and possessions, provided that such board of trade neither trades nor establishes on an instrument described in paragraph(a)(2) hereof any such futures contract which settles more frequently than one month per quarter.

(2) When used in this rule, the term "designated foreign government security" shall mean a security not registered under the Securities Act of 1933 nor the subject of any American depositary receipt so registered, and representing a debt obligation of the government of

(i) The United Kingdom of Great Britain and Northern Ireland; or

(ii) Canada.

(b) Any designated foreign government security shall be deemed an "exempted security" for all provisions of the Act which by their terms do not apply to an "exempted security" or "exempted securities," but only insofar as such provisions may be construed to apply to the offer or sale of foreign futures contracts for the purchase or sale of such designated foreign government securities.

(c) This rule shall not be applicable to any designated foreign government security delivered within the United States or any of its possessions or territories pursuant to a foreign futures contract, or pursuant to any other purchase, or sale or exchange, nor to any such security sold or offered for sale in contemplation of delivery within the United States or any of its possessions or territories.

V. Solicitation of Comments

All interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written comments should submit three copies thereof to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than July 5, 1983. Reference should be made to File No. S7–975. All submissions will be made available for public inspection at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C.

By the Commission.

Dated: May 25, 1983.

George A. Fitzsimmons,

Secretary.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed rule 3a12–8 to define certain foreign government securities as exempted securities under the Securities Exchange Act of 1934, for purposes of futures trading only, set forth in Securities Exchange Act Release No. 19811 will not have a significant economic impact on a substantial number of small entities, for

[8] Although Section 601(6) of the Regulatory Flexibility Act, 5 U.S.C. 601(6), defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission has adopted definitions of the term small entity for purposes of Commission rulemaking in accordance with the Regulatory Flexibility Act. Those definitions, as relevant to this proposed rulemaking, are set forth in Rule 0–10, 17 CFR 240.0–10. *See* Securities Exchange Act Release No. 18452 (January 28, 1982). A broker or dealer under Rule 0–10 generally is a "small business" or "small organization" if it had total capital of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to 17 CFR 240.17a–5(d), or, if not required to file such a statement, if it had total capital of less than $500,000 on the last business day of the preceding fiscal year (or in the time it has been in business, if shorter). *See* Rule 0–01(c). Boards of trade, registered futures commission merchants, and certain orther futures market participants reporting to or registered with the CFTC are not, according to its interpretation, "small entities." *See* 17 CFR 1.3.

these reasons: first, the rule, being permissive in nature, imposes no regulatory burden in itself, and merely forestalls a prohibition which would otherwise come into being under the Futures Trading Act of 1982. It therefore imposes no new requirements upon nor eliminates former protections for any entity. Second, because the level of interest presently evident in this country in the futures trading covered by the proposed rule is modest, neither the availability or unavailability of these futures products is likely to have a significant economic impact on a substantial number of small entities as that term is defined for futures market participants at 17 CFR 1.3 and for broker-dealers in 17 CFR 240.0-10.

Dated: May 19, 1983

John S.R. Shad,

Chairman.

[FR Doc. 83-14800 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 240

[Rel. No. 34-19813; File No. S7-976]

Disclosure Regarding Recourse to the Federal Courts Notwithstanding Arbitration Clauses in Broker-Dealer Customer Agreements

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is publishing for comment a proposed rule that would require broker-dealers using pre-dispute arbitration clauses in customer agreements to disclose that investors are not precluded by such clauses from recourse to the federal courts with respect to claims arising under the federal securities laws. The purpose of the proposed rule is to ensure that investors are aware of the availability of this recourse to the federal courts.

DATE: Comments must be received on or before July 15, 1983.

ADDRESS: All communications on this matter should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Comments should refer to File No. S7-976 and will be available for public inspection and copying in the Commission's Public Reference Room.

FOR FURTHER INFORMATION CONTACT: Robert A. Love, Esq., Division of Market Regulation (202-272-2792).

SUPPLEMENTARY INFORMATION: The Commission today announced that it is proposing to prohibit the use in broker-dealer customer agreements of provisions purporting to bind customers to arbitration of future disputes unless accompanied by adequate disclosure that such clauses are not enforceable with respect to claims arising under the federal securities laws. The Commission's proposal would codify its longstanding view that without such disclosure those clauses are inconsistent with the deceptive practice prohibitions of section 10(b) [15 U.S.C. 78j(b)] and section 15(c) [15 U.S.C. 78*o*(c)] of the Securities and Exchange Act of 1934 ("Act") [15 U.S.C. 78a *et seq.*]. This action is consistent with the Commission's continuing strong endorsement of fairly administered arbitration procedures as the most cost effective means of resolving certain disputes between broker-dealers and their customers.

Discussion

The Commission announced on June 9, 1976 [1] a program for the development of a model and uniform system of dispute grievance procedures for the adjudication of small claims. At that time, the Commission also announced the creation of the Commission's Office of Consumer Affairs [2], which has as its principal mandate the study of the resolution of customer disputes with broker-dealers. Subsequently, that Office proposed to the Commission a comprehensive system for the resolution of such disputes, and the Commission solicited public comment.[3] The Commission determined to defer direct action on the system pending the promised development and implementation of an investor dispute resolution system, including a uniform arbitration code, by the securities industry's self-regulatory organizations ("SROs"), their members and members of the public.[4]

In April, 1977, in response to the Commission's public releases and forums on this subject, the Securities Industry Conference on Arbitration ("SICA") was organized. SICA drafted the Uniform Code of Arbitration ("Code"), which has since been adopted by all ten of its SRO members.[5] In approving SRO adoption of the Code, the Commission found, among other things, that the Code was designed to promote just and equitable principles of trade.

The Commission continues to believe that this is an appropriate subject for industry self-regulation, subject to Commission oversight. Furthermore, the Commission continues to support the use of arbitration as an important means for the resolution of disputes between broker-dealers and their customers. The Code provides an economical alternative to litigation and fair and efficient procedures for the resolution of these disputes. Nevertheless, the Commission is concerned with a widespread industry practice which conflicts with legislative history, a thirty-year line of case law, and Commission releases.

Beginning with the Supreme Court's decision in *Wilko v. Swan*, 346 U.S. 427 (1953), courts have consistently held that broker-dealer agreements purporting to bind customers to arbitrate disputes arising in the future are void and unenforceable as applied to claims arising under federal securities laws. accordingly, investors entering into agreements containing such clauses with broker-dealers for the purchase or sale of securities can be deceived into believing that all their disputes with broker-dealers must be settled by arbitration.

The Commission has already discussed at length, in Securities Exchange Act Release No. 15984 (July 2, 1979) ("Release"), its views concerning these clauses. In that release, the Commission stated that use of arbitration clauses without adequate disclosure is inconsistent with just and equitable principles of trade and may raise serious questions of compliance with the anti-fraud provisions of the federal securities law.[6] The release was

---

[1] Securities and Exchange Act Release No. 12528 (June 9, 1976), 41 FR 23806 (June 11, 1976).

[2] *Id.*

[3] Securities and Exchange Act Release No. 12974 (November 15, 1976), 41 FR 50880 (November 18, 1976).

[4] Securities and Exchange Act Release No. 13470 (April 20, 1977), 42 FR 23892 (May 11, 1977).

[5] Those SROs (in order of adoption of the Code) are the New York Stock Exchange, Inc.; Cincinnati Stock Exchange, Inc.; American Stock Exchange, Inc.; Midwest Stock Exchange, Inc.; Municipal Securities Rulemaking Board; Chicago Board Options Exchange, Inc.; Boston Stock Exchange, Inc.; Pacific Stock Exchange, Inc.; National Association of Securities Dealers, Inc.; and Philadelphia Stock Exchange, Inc.

[6] This reasoning by the Commission was not novel. In 1951, the Commission released an opinion by its General Counsel concerning the use of "hedge clauses" by brokers, dealers, investment advisers and others who sought thereby to avoid liability for a representation which they knew, or in the exercise of reasonable care could have discovered, to be false and misleading. The courts had repeatedly struck down such clauses. See Investment Advisers Act Release No. 58 (April 10, 1951). The position expressed in Release No. 58 was as follows:

> All the statutes administered by the Commission provide that any condition, stipulation or provision which binds any person to waive compliance with their requirements shall be void . . . . The question arises, therefore, whether the result, if not the purpose, of such a legend is to create in the mind of the investor a belief that he has given up legal rights and is foreclosed from a remedy which he might otherwise have . . . under the SEC statutes.
>
> In my opinion, the antifraud provisions of the SEC statutes are violated by the employment of any . . .

intended to bring to SRO and industry attention the inadequacy of arbitration clause disclosure in order that defective provisions would be promptly cured.[7]

The Commission has found that there continues to be widespread use of arbitration clauses inconsistent with the views expressed in the Release and relevant case law. Many broker-dealers continue to employ these clauses in their customer agreements and to impede investor recourse to the federal court system by seeking to compel arbitration of causes of action arising under the federal secruities laws based upon such clauses. Therefore, the Commission has determined that it is necessary and appropriate for the protection of investors to propose this rule 15c2–2 [17 CFR 240.15c2–2] under the Act.

Paragraph (a) of the proposed rule embodies the general prohibition that broker-dealers' customer agreements may not contain clauses that purport to bind customers to the arbitration of future disputes arising under the federal securities laws.[8]

Paragraph (b) makes clear that the use of general arbitration clauses in customer agreements is not prohibited by the rule so long as such clauses also clearly disclose that investors are not precluded from recourse to the federal courts with respect to claims arising under the federal securities laws. In this regard, language currently appearing in some broker-dealers' customs agreement forms, such as "unless unenforceable due to state or federal law." or "to the extent consistent with state or federal law" are inadequate with respect to the concerns addressed by the Commission in this release and rule. Such language does not with sufficient clarity and specificity address the issue of recourse to the federal courts for claims arising under the federal securities law and, accordingly, would not satisfy paragraph (b) of the rule.

Under paragraph (c) of the proposed rule, until April 1, 1984, brokers and dealers are permitted to enter into new agreements with customers using existing supplies of preprinted forms that otherwise would violate paragraphs (a) and (b) of the rule, provided that adequate written disclosure accompany such agreements. The Commission finds that this course is appropriate for the protection of investors while at the same time avoiding any unnecessary cost to brokers or dealers in the replacement of existing supplies of customer agreements.

In addition, paragraph (d) provides that broker-dealers may cure outstanding customer agreements which do not comply with paragraphs (a) or (b) by sending to customers prior to January 15, 1984, the disclosure required by paragraph (b) the rule. The rule would not require that such agreements be reexecuted. Paragraph (d) also defines "customer" for the purposes of that paragraph.

Today's action continues the Commission's strong support for the arbitration system established by the Code for the securities industry while reinforcing Congressional determination that public investors should also have available the special protection of the federal courts for resolution of disputes arising under the federal securities laws. Existing law prohibits contractual waiver of that protection.

Regulatory Flexibility Act Certification

Pursuant to 5 U.S.C. 605(b), the Chairman has certified that the proposed rule would not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to the release.

List of Subjects in 17 CFR Part 240

Reporting requirements, Securities.

Text of Proposed Rule

In accordance with the foregoing, it is proposed to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding § 240.15c2–2 to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.15c2–2 Disclosure regarding recourse to the federal courts notwithstanding arbitration clauses in broker-dealer customer agreements.

(a) It shall be a fraudulent, manipulative or deceptive act or practice for a broker or dealer to enter into an agreement with any customer which purports to bind the customer to the arbitration of future disputes between them arising under the federal securities laws, or to have in effect such an agreement pursuant to which it effects transactions with or for a customer.

(b) Notwithstanding paragraph (a) of this section, it shall not be afraudulent, manipulative or deceptive act or practice for a broker or dealer to have in effect an agreement with any customer pursuant to which it effects transactions with or for that customer, which provides for the arbitration of future disputes between them, or to enter into such an agreement, if that agreement discloses: "Arbitration cannot be compelled with respect to disputes arising under the federal securities laws."

(c) Notwithstanding paragraphs (a) and (b) of this section, until April 1, 1984 a broker or dealer may use existing supplies of customer agreement forms if all such agreements entered into with customers after [effective date] are accompanied by the separate written disclosure prescribed in paragraph (b) of this section.

(d) A broker or dealer shall not be in violation of paragraphs (a) or (b) of this section with respect to an agreement entered into with a customer prior to [effective date] if the customer who has entered into such agreement with the broker or dealer is sent, no later than January 15, 1984, the disclosure prescribed in paragraph (b) of this section. For purposes of this paragraph (d), the term "customer" shall be any person (other than a broker or dealer) for whom the broker or dealer after January 1, 1983 (1) carries a free credit balance, or (2) holds securities for safekeeping, or (3) has effected a securities transaction.

Statutory Authority

The Securities and Exchange Commission, acting pursuant to the Act, and particularly sections 2, 10, 15, 23 and 29 thereof [15 U.S.C. 78b, 78j, 78o, 78w and 78cc], hereby proposes for adoption § 240.15c2–2. The Commission finds that there will be no burden upon competition imposed by the amendments.

By the Commission.

George A. Fitzsimmons,

Secretary.

May 26, 1983.

---

provision which is likely to lead an investor to believe that he has in any way waived any right of action he may have, assuming, of course, that the mails or other jurisdictional elements are involved. I refer to Section 10(b) of the Securities Exchange Act of 1934 and Rule [10b–5] thereunder, Section 15(c)(1) of that Act and Rule [15c1–2] thereunder . . .

[7] The legislative history of the Securities Acts Amendments of 1975 indicates that the Congress, during an extensive review of the federal securities laws, was aware of and intended to preserve the case law developed regarding the effect of arbitration clauses. A Conference Committee Report stated: "It was the clear understanding of the Conferees that this amendment [Section 28(b) of the Securities Exchange Act of 1934] did not change existing law, as articulated in *Wilko v. Swan*, 346 U.S. 427 (1953), concerning the effect of arbitration proceeding provisions in agreements entered into by persons dealing with members and participants of self-regulatory organizations." H.R. Rep. No. 229, 94 Cong., 1st Sess. 111 (1975). *See also* 15B(b)(2) (D).

[8] The Commission notes that the proposed rule is not intended to change existing law with respect to contractual agreements for the resolution by arbitration of international, commercial disputes. *See, e.g., Scherk v. Alberto-Culver Co.*, 417 U.S. 506 (1974).

Securities and Exchange Commission Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed rule to require broker-dealers using pre-dispute arbitration clauses in customer agreements to disclose that investors are not precluded by such clauses from recourse to the federal courts with respect to claims arising under the federal securities laws, set forth in Securities Exchange Act of 1934 Release No. 19813, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that the costs engendered by this rule should be minimal. Although, the rule would require a small change on the customer agreement forms of many broker-dealers, it also allows broker-dealers to continue to use existing supplies of forms for approximately nine months subsequent to the effective date of the rule, if coupled with the necessary disclosure on a separate paper. In that way, the costs of this change should be limited essentially to having printers change two or three lines on the broker-dealers next set of forms. In addition, the cost of including these few sentences of disclosure in a regularly scheduled mailing to existing customers should not significantly effect any broker-dealer.

Dated: May 26, 1983.

John S. R. Shad,

Chairman.

[FR Doc. 83-14815 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-193]

High-Cost Gas Produced From Tight Formations; Louisiana-10

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendations of the State of Louisiana Office of Conservation that the Mid Cockfield Sand, in St. Landry Parish, Louisiana, be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 11, 1983.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 13, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued: May 27, 1983.

I. Background

On March 24, 1983, the State of Louisiana Office of Conservation (Louisiana) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Mid Cockfield Sand, underlying parts of the Krotz Springs Field in St. Landry Parish, Louisiana, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determined whether Louisiana's recommendation that the Mid Cockfield Sand be designated a tight formation should be adopted. Louisiana's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Louisiana recommends that the Mid Cockfield Sand, underlying parts of the Krotz Springs Field in St. Landry Parish, Louisiana, be designated as a tight formation. The recommended area includes all or parts of Township 6 South, Range 7 East, Sections 12, 13, 14, and 19 through 24; Township 7 South, Range 7 East, Sections 5 and 6; Township 6 South, Range 6 East, Sections 24, 25, 26, 35 and 36; and Township 7 South, Range 6 East, Section 1.

The Mid Cockfield Sand is a very shalely, glauconitic, calcareous sandstone. It is in the upper part of the Claiborne Group of the Eocene Series which underlies the Jackson Group and overlies the Cook Mountain and Sparta Formations.

In a typical well log for the area, the Gulf Oil Corporation KZS SU KU No. 51 well located in Section 20, Township 6 South, Range 7 East, the Mid Cockfield Sand is defined as that vertical interval found between the electric log depths of 10,670 feet and 10,740 feet, having a thickness of 70 feet. This well is located on the eastern flank of a large domal structure and is the only well currently producing from the Mid Cockfield Sand in the recommended area.

III. Discussion of Recommendation

Louisiana claims in its submission that evidence gathered through information and testimony presented at a public hearing on February 23, 1983, convened by Louisiana on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized product rate, against atmosphere pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Louisiana further asserts that existing requirements of Statewide Order No. 29-B will assure that development of the formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Louisiana that the Mid Cockfield Sand as described and delineated in Lousiana's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North

Capitol Street, N.E., Washington, D.C. 20426, on or before July 11, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–193 (Louisiana–10), and should give reasons, including supporting data, for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 13, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Louisiana's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(179) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(129) through (178) [Reserved].

(179) *Mid Cockfield Sand in Louisiana.* RM79–76 (Louisiana–10)

(i) *Delineation of formation.* The Mid Cockfield Sand is found in the Krotz Springs Field in St. Landry Parish, Louisiana. The area includes all or parts of Township 6 South, Range 7 East, Sections 12, 13, 14, and 19 through 24; Township 7 South, Range 7 East, Sections 5 and 6; Township 6 South, Range 6 East, Sections 24, 25, 26, 35 and 36; and Township 7 South, Range 6 East, Section 1.

(B) *Depth.* The depth to the top of the Mid Cockfield Sand is found at 10,670 feet and the base at 10,740 feet (log depths) on a type log located on the eastern flank of a large domal structure, the Gulf Oil Corporation KZS SU KU No. 51 well located in Section 20, Township 6 South, Range 7 East. On the top of the structure in Section 21, Township 6 South, Range 7 East, the top of the Mid Cockfield Sand is at an approximate log depth of 10,410 feet. Approximate thickness of the sand is 70 feet.

[FR Doc. 83–14745 Filed 6–1–83 8:45 am]

BILLING CODE 6717–01–M

---

18 CFR Part 271

[Docket No. RM79–76–196]

High-Cost Gas Produced From Tight Formations; Texas—9 Addition V

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that an additional area of the Travis Peak Formation in Panola and Rusk Counties, Texas, be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 11, 1983.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 13, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued: May 27, 1983.

I. Background

On April 11, 1983, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Travis Peak Formation located in Panola and Rusk Counties, Texas, be designated as a tight formation. The Commission previously adopted recommendations that portions of the Travis Peak Formation in the Sym-Jac, West (Hosston) Field (Order No. 154 issued June 10, 1981, in Docket No. RM79–76 (Texas—9)) and the Bear Grass Area of east Texas (Order No. 180 issued October 8, 1981, in Docket No. RM79–76 (Texas—9 Addition)) be designated as tight formations. There are currently under consideration the following recommendations that additional areas of the Travis Peak Formation be designated as tight formations: all of Texas Railroad Commission Districts 5 and 6 in Docket No. RM79–76 (Texas—9 Addition II), the Melrose, South (Travis Peak) Field in Docket No. RM79–76–171 (Texas—9 Addition III) and the Martinsville (Travis Peak) Field in Docket No. RM79–76–190 (Texas—9 Addition IV), Notices of Proposed Rulemaking issued December 15, 1981, March 14, 1983, and April 28, 1983, respectively. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that an additional area of the Travis Peak be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas' recommended addition to the Travis Peak Formation is located in East Texas in the Pinehill, S.E. (Travis Peak) Field which straddles the Panola-Rusk County line, Texas Railroad Commission District 6. The area, which is 2 miles southeast of the town of Pinehill, Texas, contains approximately 4,000 acres and includes the following surveys: S. Alred A–12 and A–29, H. Biggs A–65, E. Blackburn A–63, I. Collier A–130, J. T. Copeland A–874, G. Fish A–281, R. Flores A–198, A. B. Handley A–303, S. Harris A–300, H. Howeth A–320 and A–389, J. W. Howeth A–381, T. Howeth A–383, W. Howeth A–380, M. Kuykendall A–383, J. Leath A–414 and A–486, C. Lindsey A–387, J. McAdams

A–422 and A–436, C. McCormick A–453, G.B. Reed A–577 and A–579, K. A. Sandlin A–734 J. Story A–801, R. Tippit A–773, B. A. Vansickle A–696 and A–798, R. White A–733, S. Willis A–718, and J. Wilson A–725.

The top of the Travis Peak Formation which dips westward at approximately 50 feet per mile is encountered at depths ranging from 6,900 to 7,000 feet, with the base occurring at 8,100 to 8,200 feet, in the recommended area.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing on August 19, 1982, convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing state and federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Travis Peak Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 925 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 11, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–196 (Texas—9 Addition V), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 13, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, *Code of Federal Regulations* as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(36)(v) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(36) *Travis Peak Formation in Texas. RM79–76 (Texas—9)*

* * * * *

(v) *Pinehill, S.E. (Travis Peak) Field.*

(A) *Delineation of formation.* The designated portion of the Travis Peak Formation is located 2 miles southeast of the town of Pinehill, in Panola and Rusk Counties in East Texas, Texas Railroad Commission District 6 and includes the following surveys: S. Alred A–12 and A–29, H. Biggs A–65, E. Blackburn A–93, I. Collier A–130, J. T. Copeland A–874, G. Fisk A–281, R. Flores A–198, A. E. Handley A–303, S. Harris A–300, H. Howeth A–320 and A–389, J. W. Howeth A–381, T. Howeth A–383, W. Howeth A–380, M. Kuykendall A–383, J. Leath A–414 and A–486, C. Lindsey A–387, J. McAdams A–422 and A–436, C. McCormick A–453, G.B. Reed A–577 and A–579, K. A. Sandlin A–734, J. Story A–801, R. Tippit A–773, B. A. Vansickle A–696 and A–798, R. White A–733, S. Willis A–718, and J. Wilson A–725.

(B) *Depth.* The depth to the top of the Travis Peak Formation which dips westward at approximately 50 feet per mile ranges from 6,900 to 7,000 feet with the base occurring at 8,100 to 8,200 feet.

[FR Doc. 83–14744 Filed 6–1–83; 8:45 am]

BILLING CODE 6717–01–M

---

18 CFR Part 271

[Docket No. RM79–76–189]

High-Cost Gas Produced From Tight Formations; Wyoming—16

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designations as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Wyoming that the Muddy, Lakota, Morrison, and Sundance Formations each be designated a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 11, 1983.

Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 13, 1983.

ADDRESS: Comments and requests for hearing must be filed with Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION:

Issued: May 27, 1983.

I. Background

On March 10, 1983, the State of Wyoming Oil and Gas Conservation

Commission (Wyoming) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Muddy, Lakota, Morrison, and Sundance Formations located in Natrona County, Wyoming, each be designated a tight formation. Pursuant to § 271.703(c)(4) of the regulations, the Director of the Office of Pipeline and Producer Regulation (Director, OPPR) issues this Notice of Proposed Rulemaking to determine whether Wyoming's recommendation that these formations each be designated a tight formation should be adopted. The United States Department of the Interior, Bureau of Land Management concurs with Wyoming's recommendation. Wyoming's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formations are located in Natrona County, Wyoming, between the cities of Waltman and Powder River. The recommended area in the Bull Frog Unit, which comprises approximately 24,400 acrea on the southeastern flank of the Wind River Basin adjacent to the Casper Arch. The Muddy Formation averages 75 feet in thickness and is found at an average depth of 19,800 feet within the Bull Frog Unit Area. The Lakota Formation averages 60 feet in thickness and is found at an average depth of 20,020 feet. The Morrison Formation averages 200 feet in thickness and is found at an average depth of 20,100 feet. The Sundance Formation averages 330 feet in thickness and is found at an average dept of 20,300 feet.

III. Discussion of Recommendation

This filing is made pursuant to the alternative designation requirements found at § 271.703(c)(2)(ii) of the Commission's regulations, which provide that the Commission may approve a recommendation by a jurisdictional agency to designate as a tight formation any formation which meets the stabilized production rate guideline found in § 271.703(c)(2)(i)(B) and the crude oil production guideline in § 271.703(c)(2)(i)(C), but does not meet the permeability guideline in § 271.703(c)(2)(i)(A), if the jurisdictional agency shows that the formation exhibits low permeability characteristics and that the incentive price is necessary to provide reasonable incentives for production from the formation. Wyoming claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. 1, Order No. 1, Docket No. 236-81 convened by Wyoming on this matter demonstrates that:

(1) The recommended formations exhibit low permeability characteristics, and the price established in section 271.703(a) is necessary to provide reasonable incentives for production of gas from the recommended formation;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formations, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formations is expected to produce more than five (5) barrels of oil per day.

Wyoming further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 *F.R.* 53456, August 12, 1980), notice is hereby given of the proposal submitted by Wyoming that the Muddy, Lakota, Morrison, and Sundance Formations, as described and delineated in Wyoming's recommendation as filed with the Commission, each be designated a tight formation pursuant to § 271.703.

The Director, OPPR, notes that this recommendation raises two significant issues. First, it is a recommendation received under the alternative requirements found in § 271.703(c)(2)(ii). Under this alternative approach, the Commission must decide whether Wyoming has made an adequate showing both that the recommended area exhibits low permeability characteristics and that the tight formation incentive price [1] is necessary to provide reasonable incentives for production of the natural gas from the recommended formation due to the extraordinary costs associated with such production.

The other issue in this case (which is an issue raised for the first time in a tight formation proceeding) is whether the Commission should designate as tight a formation which is located entirely below 15,000 feet. This question is raised since most gas produced from such depths qualifies under NGPA section 107(c)(1) and thus is already price decontrolled pursuant to NGPA section 121. Therefore, the purpose in designating a formation, which is deeper than 15,000 feet, as a tight formation is to permit wells drilled before February 19, 1977, to qualify as "recompletion tight formation gas" under § 271.703(b)(3) of the regulations, since gas from these wells would not qualify for a deregulated price under section 107(c)(1). The only two wells within the recommended area which penetrate the recommended formations were both spudded after February 19, 1977, and therefore could qualify under section 107(c)(1) of the NGPA. The record also shows that some pre-1977 wells were drilled on the surface acreage within the recommended area, but that none of these wells were drilled deeper than 12,350 feet, with most of the wells ranging in depths from 5,000 to 8,000 feet. [2] It appears unlikely that any of these pre-1977 wells will be deepened to the recommended formations because to do so would contravene sound engineering practices. The Director, OPPR, therefore questions the necessity of designating the formations as tight formations, since the gas produced from such formations will already be price-decontrolled.

Wyoming, in its transmittal letter to the Commission, as well as in certain statements in the transcript of the hearing convened by Wyoming in this case, indicated that the purpose of designating the formations as tight formations is to resolve a contractual pricing problem which exists for sales of gas produced from the recommended formations. The Director, OPPR, questions whether this is adequate justification for considering designation of the formations as tight formations, and requests comments on this view.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 11, 1983. Each

[1] A Notice of Proposed Rulemaking was issued in Docket No. RM82-32-000 on February 10, 1983, which, if adopted, would set the tight formation gas incentive price at the lesser of an imputed commodity value based on the price of alternative fuels or 200% of the section 103 maximum lawful price.

[2] Gas produced from these wells, if deepened and completed in the recommended formation, could qualify as recompletion tight formation gas if the wells satisfy the requirements of § 271.703(b)(3) of the regulations pertaining to the date of completion of the well into the designated tight formation. These wells, even if completed below 15,000 feet, would not qualify under section 107(c)(1) because the wells were initially spudded prior to February 19, 1977.

person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–189 (Wyoming—16), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of the desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 13, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Wyoming's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraphs (d)(172) through (175) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(126) through (171) [Reserved]

(172) *Muddy Formation in Wyoming.* RM79–189 (Wyoming—16).

(i) *Delineation of formation.* The Muddy Formation is located in Natrona County, Wyoming, in Township 36 North, Range 86 West, 6th P.M., Sections 4 through 9, Sections 15 through 22, and Sections 28 through 30; Township 36 North, Range 87 West, 6th P.M., Sections 1 through 3, Sections 11 through 14, NE¼ of Section 23, and N½, N½ S½ of Section 24; Township 37 North, 86 West, 6th P.M., Sections 19, 20, and 28 through 33; Township 37 North, Range 87 West, 6th P.M., Sections 23 through 26, and Sections 35 and 36.

(ii) *Depth.* The vertical limits of the Muddy Formation are defined as the Mowry Shale above, and the Thermopolis Shale below. The average depth to the top of the formation is 19,800 feet.

(173) *Lakota Formation in Wyoming.* RM79–76–189 (Wyoming—16).

(i) *Delineation of formation.* The Lakota Formation is located in Natrona County, Wyoming, in Township 36 North, Range 86 West, 6th P.M., Sections 4 through 9, Sections 15 through 22, and Sections 28 through 30; Township 36 North, Range 87 West, 6th P.M., Sections 1 through 3, Sections 11 through 14, NE¼ of Section 23, and N½, N½ S½ of Section 24; Township 37 North, 86 West, 6th P.M., Sections 19, 20, and 28 through 33; Township 37 North, Range 87 West, 6th P.M., Sections 23 through 26, and Sections 35 and 36.

(ii) *Depth.* The vertical limits of the Lakota Formation are defined as the Thermopolis Shale above, and the Morrison Shale below. The average depth to the top of the formation is 20,020 feet.

(174) *Morrison Formation in Wyoming.* RM79–76–189 (Wyoming—16).

(i) *Delineation of formation.* The Morrison Formation is located in Natrona County, Wyoming, in Township 36 North, Range 86 West, 6th P.M., Sections 4 through 9, Sections 15 through 22, and Sections 28 through 30; Township 36 North, Range 87 West, 6th P.M., Sections 1 through 3, Sections 11 through 14, NE¼ of Section 23, and N½, N½ S½ of Section 24; Township 37 North, 86 West, 6th P.M., Sections 19, 20, and 28 through 33; Township 37 North, Range 87 West, 6th P.M., Sections 23 through 26, and Sections 35 and 36.

(ii) *Depth.* The vertical limits of the Morrison Formation are defined as the Lakota Shale above, and the Sundance Shale below. The average depth to the top of the formation is 20,100 feet.

(175) *Sundance Formation in Wyoming.* RM79–76–189 (Wyoming—16).

(i) *Delineation of formation.* The Sundance Formation is located in Natrona County, Wyoming, in Township 36 North, Range 86 West, 6th P.M., Sections 4 through 9, Sections 15 through 22, and Sections 28 through 30; Township 36 North, Range 87 West, 6th P.M., Sections 1 through 3, Sections 11 through 14, NE¼ of Section 23, and N½, N½ S½ of Section 24; Township 37 North, 86 West, 6th P.M., Sections 19, 20, and 28 through 33; Township 37 North, Range 87 West, 6th P.M., Sections 23 through 26, and Sections 35 and 36.

(ii) *Depth.* The vertical limits of the Sundance Formation are defined as the Morrison Shale above, and the Triassic Shale below. The average depth to the top of the formation is 20,300 feet.

[FR Doc. 83–14746 Filed 6–1–83; 8:45 am]

BILLING CODE 6717–01–M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commissions Operations and Relocation Procedures; Hopi Reservation Evictees

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Proposed rule.

SUMMARY: This notice proposes adoption of rules to implement 25 U.S.C. 640d–14, Pub. L. 96–305, the Navajo and Hopi Indian Relocation Amendments Act of 1980, to provide for the relocation of members of the Navajo Tribe who were evicted from the Hopi Indian Reservation as a consequence of the decision in the case of *United States vs. Kabinto* (456 F. 2d 1087 (1972). This action is necessary because the Commission's existing regulation do not address the unique situation of those families who were evicted from the Hopi Indian Reservation. The intended effect of this action is to establish regulations which will provide certainty in the determination of which families are eligible to receive benefits and the nature of benefits they are to receive and to allow the Commission to move forward to provide benefits to those families impacted by the law.

DATE: Comments must be received by July 5, 1983.

ADDRESS: Comments may be sent to Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 86002.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, AZ, 86002, Telephone (602) 572–7356, FTS: 765–7350.

The principal author of this proposed rulemaking is E. Susan Crystal, Attorney at Law, of the Navajo and Hopi Indian Relocation Commission.

SUPPLEMENTARY INFORMATION: Section 700.601 of the proposed rule provides for definitions of Hopi reservation evictees and head of household. An evictee is a head of household who was evicted as a consequence of the court decision in *United States v. Kabinto.* This language

is consistent with the language of the Navajo and Hopi Indian Relocation Commission Amendments Act of 1980. The head of household definition requires that a person had to be a head of household as of November 10, 1972. Individuals who were 18 or older and self-supporting as of that date are considered heads of household.

Section 700.603 of the proposed rule provides that heads of household who were physically residing on the Hopi resevation on November 10, 1972 shall be eligible. If the head of household was absent for education, employment, military service or medical treatment, he/she may still be considered eligible if his/her spouse and/or immediate family were physically residing on the Hopi reservation as of November 10, 1972. Proof of physical residence will be determined by inclusion on various lists complied by the Navajo Tribe and the BIA. Since the eviction occurred eleven years ago, it may be difficult to prove residence as of that time. A section has been included to allow an applicant to provide any relevant information to prove physical residence.

The replacement housing payments (§ 700.605) will be consistent with the regulatory scheme provided for those moving off the Hopi Partitioned Lands. If the head of household owns no dwelling, the Commission will purchase or construct a home. If he/she owns or is buying a home, the Commission will pay off the mortage or fix up the home so it meets the Commission's decent, safe and sanitary standards. If the Commission determines that the house can not be brought up to these standards, it has the discretion to acquire a replacement dwelling. If the home is decent, safe and sanitary and owned free and clear, no replacement home will be provided.

Many of the Hopi reservation evictees were provided housing by other federal agencies. The Commission will inspect that home and expend whatever is necessary up to the maximum replacement housing benefit to assure the home meets decent, safe and sanitary standards.

Those individuals who moved from the Hopi reservation to the Hopi partitioned lands and who are eligible to receive benefits under Subpart A–H of these regulation shall not be eligible under this subpart. Appeals and hearings will be handled under Subpart L of the existing regulations.

List of Subjects in 25 CFR Part 700

Administrative practice and procedure, Conflict of interests, Freedom of information, Grant program-Indians, Indians-claims, Privacy, Real property acquisition, Relocation assistance.

PART 700—[AMENDED]

Accordingly, the Commission proposes to issue a new subpart to Part 700 to read as follows:

Subpart P—Hopi Reservation Evictees

Sec.
700.601 Definitions.
700.603 Eligibility.
700.605 Replacement housing payments.
700.607 Dual eligibility.
700.609 Appeals.

Authority: 25 U.S.C. 640d, Pub. L. 93–531, 25 U.S.C. 640d–14, Pub. L. 96–305.

Subpart P—Hopi Reservation Evictees

§ 700.601 Definitions.

(a) Hopi reservation evictees. Hopi reservation evictees are those heads of household of members of the Navajo Tribe who were eyicted from the Hopi Indian Reservation as a consequence of the decision in the case of *United States v. Kabinto* (456 F. 2d 1087) (1972).

(b) Head of household. (1) A household is a group of two or more persons who lived together at a specific location, who formed a unit of permanent and domestic character.

(2) The head of household is the individual who speaks on behalf of the members of the household and who is determined by the Commission to represent the household.

(3) In order to be eligible for benefits under this section, an individual must have been a head of household as of November 10, 1972.

(4) Those individuals who were 18 or older as of November 10, 1972 and who were self-supporting at the time shall be considered head of household.

§ 700.603 Eligibility.

(a) Those heads of household who were members of the Navajo Tribe, physically residing on the Hopi reservation on November 10, 1972 shall be eligible to receive relocation assistance. If the head of household was absent for employment, education, military service, medical treatment or incarceration, he/she shall still be considered eligible if his/her spouse and/or immediate family were physically residing on the Hopi reservation as of November 10, 1972.

(b) Proof of physical residence shall be determined by one of the following criteria:

(1) Inclusion on the list of plaintiffs in *United States v. Kabinto* (456 F. 2d 1087) (1972);

(2) Inclusion on the list prepared by the Bureau of Indian Affairs as a result of having provided services to those heads of household;

(3) Inclusion on a list prepared by the Navajo Tribe in 1977;

(4) Inclusion on a list prepared by the Navajo Legal Aid Service dated April 29, 1970;

(5) Other evidence furnished by the applicant which is sufficient to prove residence on the Hopi reservation on November 10, 1972, as determined by the Commission.

§ 700.605 Replacement housing payments.

(a) Each eligible head of household shall be entitled to receive a decent, safe and sanitary replacement dwelling in the following manner:

(1) If the head of household owns no dwelling, the Commission will make funds available to the head of household as provided in these regulations for the acquisition of a replacement home in one of the following manners:

(i) Purchase of an existing home by the head of household,

(ii) Contracting by the head of household for the construction of a home,

(iii) Participation or purchase by the head of household in a mutual help housing or other home ownership project under the U.S. Housing Act of 1937 (50 Stat. 888, as amended; 42 U.S.C. 1401) or in any other federally assisted housing program.

(2) If the eligible head of household owns or is buying or building a home, the Commission will expend relocation benefits in one of the following manners:

(i) If the home is decent, safe and sanitary, but is encumbered by a mortgage, such mortgage existing as of the effective date of these regulations, the Commission may expend replacement housing benefits up to the maximum then existing benefit to accelerate to the maximum extent possible the achievement by that household of debt-free home ownership.

(ii) If the home is owned free and clear but does not meet Commission decent, safe and sanitary standards; or the home is neither owned free and clear, nor is decent, safe and sanitary, the Commission will, at its discretion either:

(A) Expend replacement home benefits for improvements to assure the home meets the Commission's decent, safe and sanitary standards, or

(B) Expend replacement home benefits for the Acquistion of a replacement dwelling as if the eligible head of household or spouse did not own a home as in paragraph (a) of this section.

(3) If the home is decent, safe and sanitary, and is owned free and clear,

no replacement home benefits will be paid.

§ 700.607 Dual eligibility.

Those individuals who moved from the Hopi reservation to the Hopi partitioned lands and who are eligible to receive benefits under the general regulations, shall not qualify for benefits under this subpart.

§ 700.609 Appeals.

Appeals of eligibility, hearings and administrative review (appeals) will be administered under Subpart L of these regulations.

Ralph Watkins,

Chairman, Navajo-Hopi Indian Relocation Commission.

[FR Doc. 83-14424 Filed 6-1-83 8:45 am]

BILLING CODE 7565-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-277-82]

Addition to Tax for a Substantial Understatement of Liability; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the addition to tax to be imposed in the case of a substantial understatement of tax liability. The Tax Equity and Fiscal Responsibility Act of 1982 provides for the addition to tax. The proposed regulations affect all taxpayers subject to the addition to tax, and provide guidance necessary to comply with the provisions.

DATES: The public hearing will be held on Tuesday, July 12, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Tuesday, June 28, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-277-82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Lou Ann Craner of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 6661 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Tuesday, March 15, 1983 (48 FR 10862).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Tuesday, June 28, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-14810 Filed 6-1-83; 8:45 am]

BILLING CODE 4830-01-M

---

26 CFR Part 1

[LR-188-82]

Personal Service Corporations Proposed Income Tax Regulations; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the reallocation of income, deductions, credits, and exclusions between a personal service corporation and its employee-owners if the corporation was formed or availed of primarily to evade or avoid Federal income taxes.

DATES: The public hearing will be held on Tuesday, July 19, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Tuesday, July 5, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-188-82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Lou Ann Craner of the Legislation and Regulations Division, Office of Chief Counsel; Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 269A of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Thursday, March 31, 1983 (48 FR 13438).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Tuesday, July 5, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-14813 Filed 6-1-83; 8:45 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 468]

Pacheco Pass Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in California to be known as "Pacheco Pass." This proposal is the result of a petition from Mr. H. G. Zanger, a grape grower in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will enable industry to label wines more precisely, and will help consumers to better identify the wines they purchase.

DATE: Written comments must be received by July 18, 1983.

ADDRESSES: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385 (Notice No. 468)

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 1200 Pennsylvania Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 provide for the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Part 9 of 27 CFR provides for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Petition

ATF has received a petition from Mr. H. G. Zanger of Pacheco Pass Vineyard, proposing an area near Hollister, California, as a viticultural area to be known as "Pacheco Pass." The area extends for a length of about 5 miles and a width of about 1 mile (3200 acres). It is located at the entrance to Pacheco Pass, by the junction of California Routes 152 ("Pacheco Pass Highway") and 156.

There are about 17 acres of grapes currently planted in the proposed area, and one bonded wine cellar is operating. The petitioner stated that he plans to construct a winery and to plant up to 600 additional acres of grapes on land that he currently owns in the area.

The petitioner claims that the proposed viticultural area is known by the name of Pacheco Pass" and is associated with grape growing for the following reasons:

(a) The name of the area derives from Don Francisco Pacheco, who in 1833 received a large land grant from the Mexican Government. The name of the land grant was "Rancho Pacheco," and the nearby pass over the Diablo Range took the name "Pacheco Pass."

(b) Don Pacheco made use of the area's unique microclimate to plant vineyards for his personal use. (This is recounted in Dr. Alfred Shumate's book, "Francisco Pacheco of Pacheco Pass.")

(c) Later settlers continued this tradition. From 1936 to 1952, there was a 70,000 gallon winery operating within the area. At various times during this century, over 100 acres of land in the area have been planted to grapes. However, due to economic conditions, vine disease, and death of the owners, only one vineyard and one bonded wine cellar remain in operation today.

(d) Since 1976, the designation "Pacheco Pass Vineyard" has appeared on certain wine labels from Casa de Fruta. (Casa de Fruta is the bonded wine cellar in the proposed area, and "Pacheco Pass Vineyard" is the name of Casa de Fruta's 17-acre vineyard in the proposed area.)

The petitioner claims that the proposed viticultural area is distinguished from the surrounding areas for the following reasons:

(1) Pacheco Pass is a cut through the Diablo Range and has an approximate total length of 15 miles. The proposed Pacheco Pass viticultural area occupies only the southwestern one-third of that total length, because the rest is unsuitable for viticulture.

(2) The proposed viticultural area is distinguished on the basis of terrain from the surrounding areas to the east and west. The viticultural area is in a valley and generally has flat or gently sloping terrain; whereas to the east and west lie the rugged hills of the Diablo Range. Those hills are too steep for viticulture and are also distinguishable from the proposed viticultural area on the basis of soil types.

(3) As Pacheco Pass rises in elevation northeast of the proposed viticultural area, the soil changes markedly, becoming very shallow and rocky. Therefore, it is not suitable for any kind of cultivation and is used primarily as rangeland. For this reason, it has not been included within the proposed viticultural area even though it is associated with the name "Pacheco Pass." Furthermore, as the pass continues to rise in elevation, the climate changes, becoming wetter and subject to greater temperature extremes; then the pass narrows to where it is almost fully occupied by Pacheco Pass Highway and the shifting stream bed of Pacheco Creek. At this point (near Pacheco Lake) the pass is steep and forested.

(4) To the south, the proposed viticultural area is distinguished from the surrounding area on the basis of soil and climate. Outside the boundaries of the proposed viticultural area, the land is afflicted with high-perched water

tables and boron salts which affect the quality of water. In contrast, the proposed Pacheco Pass viticultural area is free from these defects, having a very good water table and good quality water from Pacheco Creek. Further, the viticultural area has more rainfall than the Hollister Basin to the south, and it enjoys more moderate temperatures due to the passage of winds through Pacheco Pass en route to the San Joaquin Valley.

Daytime temperature in the San Joaquin Valley may be 30° higher than at the ocean; this difference creates a venturi effect, and the air mass moves from the cool of the ocean to the heat of the interior valley, bringing cool breezes to the Pacheco Pass viticultural area. Pacheco Pass is the only pass south of Interstate Highway 580 (Altamont Pass) and north of San Luis Obispo. Consequently, consistently strong winds near the highest elevation Pacheco Pass have led the State of California to construct an experimental wind turbine there for the generation of electricity.

The boundaries of the proposed viticultural area may be found on two U.S.G.S. maps in the 7.5 minute series: San Felipe Quadrangle and Three Sisters Quadrangle. The boundaries are as described in the proposed § 9.88.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, because the value of the proposed viticultural area designation is intangible and subject to influence by unrelated factors. Further, the proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 of Feb. 17, 1981, the Bureau has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestice or export markets.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Pacheco Pass viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendement of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is revised to add the title of § 9.88. As revised, the table of sections reads as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.88 Pacheco Pass.

Paragraph 2. Subpart C of 27 CFR Part 9 is amended by adding § 9.88, which reads as follows:

§ 9.88 Pacheco Pass.

(a) *Name.* The name of the viticultural area described in this section is "Pacheco Pass."

(b) *Approved maps.* The appropriate maps for determining the boundaries of Pacheco Pass viticultural area are two U.S.G.S. maps. They are titled;

(1) San Felipe Quadrangle, 7.5 minute series, 1955 (photorevised 1971).

(2) Three Sisters Quadrangle, 7.5 minute series, 1954 (photorevised 1971).

(c) *Boundary*—(1) *General.* The Pacheco Pass viticultural area is located in California. The starting point of the following boundary description is the crossing of Pacheco Creek under California Highway 156, about 4 miles north of Hollister Municipal Airport, in San Benito County, California.

(2) *Boundary Description*—(i) From the starting point northwestward along Pacheco Creek to the intersection with the straight-line extension of Barnheisel Road.

Note: This is an old land grant boundary and appears on the U.S.G.S. map as the western boundary of an orchard.

(ii) From there in a straight line northeastward to the intersection of Barnheisel Road and California Highway 156.

(iii) From there northward along Highway 156 to California Highway 152 ("Pacheco Pass Highway").

(iv) Then northward along Pacheco Pass Highway to the 37° latitude line.

(v) Then eastward along that latitude line to the land line R.5E./R.6E.

(vi) Then southward along that land line, crossing Foothill Road, and continuing southward to a point exactly 2,3000 feet south of Foothill Road.

(vii) From there in a straight line to the starting point.

Approved: May 26, 1983.

W. T. Drake,

Acting Director.

[FR Doc. 83-14632 Filed 6-1-83; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

Proposed Extension of Study on Alabama's Program Provisions Concerning Disposal of Excess Spoil

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule

SUMMARY: OSM is proposing to extend the trial peroid for a study of provisions for the disposal of excess spoil on abandoned mine sites contained in Alabama's conditionally approved program for the regulation of surface coal mining and reclamation operations and the surface effects of underground mining.

The Alabama program was conditionally approved by the Secretary of the Interior on May 20, 1982 (See 47 FR 22030–58). By that notice, the Secretary announced that a one year trial period would be held in order to evaluate the adequacy of Alabama's plan. The one year period expired on May 20, 1983. Because few permit applications requesting to take advantage of Albama's excess spoil plan were received and because the available site-specific data is insufficient, OSM cannot make a meaningful evaluation of the plan within the one year period. On May 19, 1983, OSM received a request from the Alabama Surface Mining Commission that the trial period be extended for three years (AL–378). OSM proposes to extend the trial period for a lesser period (to August 20, 1984), for the reasons set forth in this notice, and invites public comment on the proposed extension.

This document sets forth the times and locations that copies of the Alabama program, the Secretary's notice of conditional approval, and copies of permit applications requesting approval to implement Alabama's excess spoil provisions on specific sites are available for public inspection. This notice also contains the details about the public comment period during which interested persons may submit written comments on the proposed trial period extension, and information pertinent to the public hearing.

DATE: Written comments relating to the proposed extension not received on or before 4:00 p.m. on July 5, 1983, will not necessarily be considered in OSM's decision on whether the trial period will be extended.

If requested, a public hearing will be held on June 27, 1983, beginning at 10:00 a.m. at the location shown under "ADDRESSES."

ADDRESS: Written comments should be mailed or hand-delivered to: Mr. John T. Davis, Director, Birmingham Field Office, Office of Surface Mining, 228 West Valley Avenue, Room 302, Birmingham, Alabama 35209.

If a public hearing is held, its location will be at: OSM Birmingham Field Office, Office of Surface Mining, 228 West Valley Avenue, Room 302, Birmingham, Alabama 35209; Telephone: (205) 254–0890.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Davis, Director, Birmingham Field Office, Office of Surface Mining, 228 West Valley Avenue, Room 302, Birmingham, Alabama; Telephone: (205) 254–0890

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Alabama program, the Secretary's notice conditionally approving the the Alabama program (together with the Secretary's findings), permit applications received to date requesting to implement Alabama's excess spoil plan on a site-specific basis, and a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSM offices and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays

Office of Surface Mining, Room 5315, 1100 L Street, N.W., Washington, D.C. 20240

Office of Surface Mining, 228 West Valley Avenue, Room 302, Birmingham, Alabama 35209.

Alabama Surface Mining Commission, 100 Third Street, Payne, Alabama 35967.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "Dates" or at locations other than Birmingham, Alabama, will not necessarily be considered and included in the Administrative Record for the final rulemaking.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by the close of business three working days before the date of the hearing. If no one requests to comment at the public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Individual testimony at the hearing will be limited to 15 minutes. Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions for clarification or to request more specific information from the person testifying. The public hearing will continue on the specified date until all persons who have not been scheduled to comment and wish to do so are heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the OSM office listed in "ADDRESSES" or by contacting the person listed under "FOR FURTHER INFORMATION CONTACT."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made part of the Administrative Record.

II. Background on the Alabama Program and Excess Spoil Provisions

Information regarding the general background on the Alabama State Program, including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Alabama program can be found in the May 20, 1982, **Federal Register** at 47 FR 22030–58. In that notice, under Finding 18.1 (47 FR 22038–39), the Secretary approved, with certain restrictions, Alabama's plan to allow the disposal of excess spoil generated by current operations on areas which have been previously disturbed but not adequately reclaimed. The provisions of Alabama's plan were set forth at State rule section 805.11. (That section has now been recorded as 880–X–9b–11 under a generic

recodification scheme. See the section "Other Information" below for details about Alabama's recodification of its rules.) No comparable provision is contained under the Federal rules.

The Secretary's findings on Alabama's provision noted that under the State's plan, the previously disturbed area must be included within the currently permitted bond area, but an additional bond amount would not be required. In an attempt to ensure the reclamation of the entire area in the event an operator defaults on his obligations and abandons the job, the Alabama regulations state that the condition of the entire area will be considered before full bond release is granted. Federal regulations at 30 CFR 800.11(b)(1) require that all operations to be conducted within the permit area during the life of the mine be covered by a performance bond. By that definition, those areas to be used for excess spoil disposal must be included in the performance bond. In his findings, the Secretary expressed concern that the State's plan might spread bond amounts too thin, resulting in less, rather than more, reclamation. However, since the plan has possibilities for increased reclamation activities, the Secretary proposed to allow its implementation on a controlled basis for an appropriate trial period.

A one year trial period was established during which the State was allowed to put its plan into effect under the following conditions:

(1) Prior to approval of any application involving this spoil disposal plan, the State Regulatory Authority must notify the OSM Field Office and submit to that Office a report stating the relevant particulars concerning the request indicating that the State approved:

(2) The OSM Field Office will then review the matter and notify the State within 30 days of its approval or objection;

(3) At the end of one year, the State shall submit to the OSM Field Office a report on the project;

(4) The OSM Filed Office will then review the State report, add data or material as needed and transmit the material to OSM Headquarters;

(5) A decision will then be made concerning the success or failure of the trial.

The Secretary's findings also stated that it was recognized that a one year trial period may not be sufficient to adequately evaluate the initial results and that OSM may extend the trial period as needed until sufficient data for appropriate evaluation is obtained. Alabama agreed to the above restrictions.

III. Reasons for the Proposed Trial Period Extension

The present one year trial period ended on May 20, 1983. In early 1983, seven applications were received which requested to implement Alabama's plan on specific sites. The Alabama Surface Mining Commission forwarded recommendations that OSM approve all seven applications. As of May 1, 1983, OSM has approved six of those applications. Actual on-site implementation of Alabama's plan will not occur in sufficient time prior to May 20, 1983, to provide adequate data for OSM to make a meaningful evaluation.

On May 19, 1983, the Alabama Surface Mining Commission submitted a statement (AL-378) to OSM that no site-specific information on the plan's implementation is available at this time. That statement also included a request that OSM extend the trial period for three years. The State's request did not specify a specific rationale to support a three year extension.

Based on the number of applications approved at this time, OSM estimates that it will be approximately August 20, 1984 (2 and ¼ years after Alabama's primacy took effect) before significant data can be collected on a sufficient number of cases for a meaningful evaluation.

OSM is proposing that the trial period for Alabama's excess spoil plan be exended to August 20, 1984. OSM believes that sufficient information should be available by that time for a meaningful evaluation to be made. At the close of the study period, OSM would compile and evaluate the data and determine whether to allow the State's practice to continue or, in the event of insufficient data, to extend the trial period again.

At this time, OSM requests comments on the proposed extension and, in particular, on the length of any possible extension that may be granted. If an extension is granted, the length of the extension may be different than the period being proposed today. To assist the public, OSM will make available copies of those applications presently on file which would implement the State's provisions on specific sities. These applications are available for review at the OSM Field Office and Office of the State Regulatory Authority Shown above under "Addresses."

IV. Other Information

On November 24, 1982, the Alabama Surface Mining Commission informed OSM that due to the implementation of the Alabama Administrative Procedures Act, the State has renumbered its regulations to coincide with the requirements of the new systems as follows:

RULES OF ALABAMA SURFACE MINING COMMISSION—TABLE OF CONTENTS

Existing Citation	New Citation	Topic
	Chapter 880-X-1. Organization	
	880-X-1A	Organization.
	880-X-1B	Forms.
	Chapter 880-X-2. General	
700	880-X-2A	General.
701	880-X-2B	Applicability.
705	880-X-2C	Restriction on Financial Interests of State Employees.
707	880-X-2D	Exemption for Coal Extraction Incident to Government-financed Highway or Other Construction.
708	880-X-2E	Exemption for Coal Extraction Incident to the Extraction of Other Minerals.
	Chapter 880-X-3. Interim Program Regulations	
710	880-X-3A	Continued Operation under the Interim Program.
	Chapter 880-X-4. Permanent Regulatory Programs for Non-Federal and Non-Indian Lands	
	880-X-4A	(This Chapter not used at this time.)
	Chapter 880-X-5. Special Rules for Hearings and Appeals	
710	880-X-5A	Special Rules Applicable to Surface Coal Mining Hearings and Appeals.
	Chapter 880-X-6. General Requirements for licensing	
713	880-X-6A	General Requirements for Licenses and License Application.
	Chapter 880-X-7. Areas Unsuitable for Mining	
760	880-X-7A	General.
761	880-X-7B	Areas Designated by the Act.
762	880-X-7C	Criteria for Designating Areas as Unsuitable for Surface Coal Mining Operations.
764	880-X-7D	State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations.
	Chapter 880-X-8. Surface Coal Mining and Reclamation Operations Permits and Coal Exploration	
770	880-X-8A	General Requirements for Exploration and Operation Permits.
771	880-X-8B	General Requirements for Permits and Permit Applications.
775	880-X-8C	General Requirements for Coal Exploration.
778	880-X-8D	Surface Mining Permit Applications—Requirements for Legal, Financial, Compliance, and Related Information.
779	880-X-8E	Surface Mining Permit Applications—Requirements for Information on Environmental Resources.
780	880-X-8F	Surface Mining Permit Applications—Requirements for Reclamation and Operation Plan.
782	880-X-8G	Underground Mining Permit Applications—Requirements for Legal, Financial, Compliance, and Related Information.
783	880-X-8H	Underground Mining Permit Application—Requirements for Information on Environmental Resources.

RULES OF ALABAMA SURFACE MINING COMMISSION—TABLE OF CONTENTS—Continued

Existing citation	New citation	Topic
784	880-X-9I	Underground Mining Permit Application—Requirements for Reclamation and Operation Plan.
785	880-X-9J	Requirements for Permits for Special Categories of Mining.
786	880-X-9K	Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions.
787	880-X-9L	Administrative and Judicial review of Decisions by the State Regulatory Authority on Permit Applications.
788	880-X-9M	Permit Reviews, Revisions, and Renewals, and Transfer, Sale, and Assignment of Rights Granted under Permits.
795	880-X-9N	Small Operator Assistance.
		Chapter 880-X-9. Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations
802	880-X-9A	General Requirements for Bonding of Surface Coal Mining and Reclamation Operations.
805	880-X-9B	Amount and Duration of Performance Bond.
806	880-X-9C	Form, Conditions, and Terms of Performance Bonds and Liability Insurance.
807	880-X-9D	Procedures, Criteria and Schedule for Release of Performance Bond.
808	880-X-9E	Performance Bond Forfeiture Criteria and Procedures.
		Chapter 880-X-10. Performance Standards
810	880-X-10A	Performance Standards—General Provisions.
815	880-X-10B	Performance Standards—Coal Exploration.
816	880-X-10C	Performance Standards—Surface Mining Activities.
817	880-X-10D	Performance Standards—Underground Mining Activities.
818	880-X-10E	Special Performance Standards—Concurrent Surface and Underground Mining.
819	880-X-10F	Special Performance Standards—Auger Mining.
823	880-X-10G	Special Performance Standards—Operations on Prime Farmland.
824	880-X-10H	Special Performance Standards—Mountaintop Removal.
826	880-C-10I	Special Performance Standards—Operations on Steep Slopes.
827	880-X-10J	Special Performance Standards—Coal Processing Plants and Support Facilities Located at or Near the Minesite but not Within the Permit Area of a Mine.
828	880-X-10K	Special Performance Standards—In Situ Processing.
		Chapter 880-X-11. Inspection and Enforcement Provisions
840	880-X-11A	General Requirements for Inspection and Enforcement.
842	880-X-11B	Inspections.
843	880-X-11C	Enforcement.
845	880-X-11D	Civil Penalties.
		Chapter 880-X-12. Training, Examination, and Certification of Blasters
	880-X-12A	Training, Examination and Certification Program for Blasters.

OSM intends to incorporate Alabama's recodification scheme into the approved Alabama program.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 901

Coal mining Intergovernmental relations, Surface mining, Underground mining.

Dated: May 27, 1983.

J. Steven Griles

Acting Director, Office of Surface Mining.

[FR Doc. 83-14857 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 913

Permanent State Regulatory Program of Illinois; Consideration of Modification of Decline

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining (OSM) is considering modifying the deadline for Illinois to meet two conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The conditions concern sediment ponds and covering coal seams with water.

DATE: Comments must be received by July 5, 1983, at the address below, no later than 4:30 p.m.

ADDRESS: Written comments must be mailed or hand-delivered to: Office of Surface Mining, Springfield Field Office, No. 4 Old Capitol Plaza, North, Springfield, Illinois 62701.

FOR FURTHER INFORMATION CONTACT: Mr. James Fulton, Field Office Director, Office of Surface Mining, No. 4 Old Capitol Plaza, North, Springfield, Illinois 62701; Telephone: (217) 492-4495.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(j), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The schedule is established in consultation with the State based on the time required for changes to be adopted under State procedures or legislative schedules.

The Illinois program was conditionally approved June 1, 1982 (47 FR 23858). In that document, the Secretary published a schedule for the State to meet each of the five conditions on the State program.

This notice is for the purpose of addressing the State's request for an extension that would establish a new deadline for the State to meet conditions (b) and (c) of 30 CFR 913.11. These conditions were due by June 1, 1983. The State noted, in its May 23, 1983 request, that the Illinois Department of Mines and Minerals (IDMM) had filed a notice of proposed rulemaking in the Illinois Register to amend its permanent program rules to meet the two conditions due June 1, 1983. However, the IDMM received little public comment on the proposed rulemaking. In order to stimulate the fullest public participation in the rulemaking process, the IDMM wishes, by direct mailing to interested persons, to give further notice of the proposed rulemaking. Under Illinois administrative procedures, this process should be complete within six months.

Therefore, the State requested a six-month extension of the June 1, 1983 deadline. As the State noted in its letter, since Illinois agreed to operate its program in conformance with the terms of the conditions until such time as its rules are amended, there will be no substantive difference in the field.

In accordance with the State's request, OSM is proposing that the deadline for the State to meet these conditions be extended until December 1, 1983. OSM requests comments on this proposed extension.

Procedural Matters

1. Compliance with the National Environmental Policy Act: The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need by prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act: On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act: This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 913

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

PART 913—ILLINOIS

Accordingly, Part 913 of Title 30 is proposed to be amended as set forth herein.

Dated: May 27, 1983.

J. Steven Griles,

Acting Director, Office of Surface Mining

§ 913.11 [AMENDED]

1. Section 913.11 is amended in paragraphs (b) and (c) by substituting "December 1, 1983" for "June 1, 1983" each time it appears.

[FR Doc. 83-14816 Filed 6-1-83; 8:45 am]
BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 405, 406, 407, 408, 409, 411, 412, 422, 424, 426, 429, 430, 431, 432, 433, and 440

[WH-FRL-2374-5]

Availability of Data Pertaining to Proposed Methodology for Best Conventional Pollutant Control Technology Effluent Limitations Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability concerning proposed rules.

SUMMARY: EPA proposed a revised methodology for determining the reasonableness of Best Conventional Pollutant Control Technology (BCT) effluent limitations guidelines on October 29, 1982 (47 FR 49176). The Agency now expects to use new data on publicly owned treatment works (POTWs) in the promulgation of the final methodology and requests comments from the public on its use.

DATE: Comments must be submitted on or before July 5, 1983. Comments should be mailed to Ms. Renee Rico, Attn: Comments on BCT Notice of Availability, Office of Analysis and Evaluation (WH-586), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Renee Rico, Office of Analysis and Evaluation (WH-586), 401 M Street, S.W., Washington, D.C. 20460 (202) 382-5386.

SUPPLEMENTARY INFORMATION:

Background

On October 29, 1982, EPA published its proposed methodology to determine the reasonableness of Best Conventional Pollutant Control Technology (BCT) effluent limitations. 47 FR 49176. At the same time, EPA applied the proposed BCT methodology to the following secondary industry and primary industry categories: Dairy Products, Grain Mills, Canned and Preserved Fruits and Vegetables, Canned and Preserved Seafoods, Sugar, Cement Manufacturing, Feedlots, Inorganic Chemicals, Phosphates, Ferroalloy Manufacturing, Glass Manufacturing, Timber Products, Pulp, Paper and Paperboard, and Builder's Paper and Board Mills, Meat Products, Metal Finishing, and Ore Mining and Dressing.

The proposed methodology consists of two parts: A POTW test and an industry cost-effectiveness test. Both tests must be passed for BCT limitations to be set more stringent than Best Practicable Control Technology Currently Available (BPT) limitations. The POTW test compares the cost per pound of conventional pollutants removed by industry in going from BPT to BCT with the incremental cost per pound removed by POTWs in going for secondary treatment to advanced secondary treatment (the POTW benchmark). The incremental costs to industry must be less than the POTW benchmark for more stringent levels of control to pass the POTW test. At proposal the benchmark was $0.27 per pound (1976 dollars). The Industry Cost test compares industry's incremental cost per pound in going from pre-BPT to BPT levels with the incremental costs in going from BPT to BCT. If the ratio of the latter cost divided by the former cost is greater than 1.43 (the industry Benchmark), the more stringent levels of control do not pass this test.

POTW Cost Equations

Each of the benchmarks is based on POTW costs of contruction and operation and levels of pollutant reduction at particular treatment levels. At the time of proposal, EPA used the following report in computing the construction costs of levels of treatment at POTWs: "Construction Costs for Municipal Wastewater Treatment Plants: 1973-1978," EPA 430/5-80-003, May, 1980. EPA used curves in Figure 4.1 of that document.

Since the EPA used the 1980 POTW study, new construction cost curves have been developed for EPA's Office of Water Program Operations. These cost curves will be used as part of the 1984

Needs Survey and are scheduled to be published in August, 1983. (Needs Surveys are conducted biennially by the Agency in order to assess the cost of providing sewage collection and treatment as required by Pub. L. 95–217.) As with the curves in the 1980 POTW cost document, these new curves describe the relationship between construction costs and wastewater flow for POTW treatment technologies ranging from primary treatment through advanced secondary treatment. Since these latest curves reflect the most recent cost data (four years newer), the Agency believes that it is preferable to use these curves to promulgate the final BCT methodology. Table 1 present in equation form the cost curves EPA plans to use in the final methodology. (The cost equations EPA used in proposing the revised methodology on October 29, 1983 appeared in Tables A2 and B2 of Appendices A and B of the October 29, 1982 **Federal Register** notice [47 FR 49196 and 49198].) While the new curves will be used in the same way as those used in the proposed methodology, they may result in changes to the BCT benchmarks and different levels of control for final BCT limitations.

TABLE 1.—CAPITAL COST EQUATIONS

(3d quarter 1982 dollars)

Treatment level	Cost equations[1]	Indexation factor to 1976 dollars
Savings from primary treatment	$1.14 \times 10^6 Q^{0.77}$	0.629
Secondary treatment	$3.29 \times 10^6 Q^{0.72}$	.529
Savings from secondary treatment	$1.82 \times 10^6 Q^{0.86}$	.629
Advanced treatment I [2]	$3.83 \times 10^6 Q^{0.72}$	.629

[1] Q = flow size in millions of gallons per day.
[2] Advance Treatment I is equivalent to Advanced Secondary Treatment.

Comments Invited

The comments received on the use of this data will be considered in the development of the final BCT methodology. Copies of documentation on the new curves may be reviewed at the EPA Headquarters Library, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460, Rm: 2404, and at EPA Regional Libraries. Copies of the documentation on the new curves may also be obtained by writing or telephoning Ms. Dena Caldwell, Office of Analysis and Evaluation (WH-586) U.S.E.P.A, Washington, D.C. 20460 (202) 382–5397.

Dated: May 25, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-14743 Filed 6-1-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6526]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Connecticut et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

PART 67—[AMENDED]

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Bethel, town, Fairfield County	Limekiln Brook	Downstream corporate limits	*294
			Upstream Walnut Hill Road	*311

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 340 feet downstream of second dam after Walnut Hill Road.	*337
			Upstream Plumtrees Road	*368
			Approximately 3,550 feet downstream Rockwell Road	*402
			Approximately 150 feet upstream of Old Hawleyville Road.	*427
			Upstream corporate limits	*447
		Sympaug Brook	Downstream corporate limits	*360
			Upstream South Street	*372
			Grassy Plain Street/State Route 53	*383
		East Swamp Brook	*Confluence with Limeklin Brook	*294
			Upstream of Plumbtrees Road	*305
			Approximately 625 feet upstream of Taylor Road	*373
		Terrehaute Brook	Confluence with Sympaug Brook	*362
			Approximately 1,180 feet upstream of Reservoir Street	*375
		Wolf Pit Brook	Confluence of East Swamp Brook	*346
			Upstream Dodgingtown Road	*374
			Approximately 990 feet upstream of dam	*392
			Confluence of Putnam Park Brook	*446
			Approximately 1,020 feet upstream of Wolf Pits Road	*502
		Dibbles Brook	Confluence with Limeskiln Brook	*508
			Approximately 25 feet downstream of second dam after Plumtrees Road.	*400
			Approximately 2,230 feet upstream of provate drive culvert.	*435
		Putnam Park Brook	Confluence with Wolf Pit Brook	*445
			Approximately 265 feet upstream of second private drive after State Route 58.	*470

Maps available for inspection at the Town Clerak's Office, Town Hall, Bethel, Connecticut.

Send comments to Honorable Edward Mills, First Selectman of theTown of Bethel, Town Hall, Library Place, Bethel, Connecticut 06801.

Colorado	Delta County (unincorporated areas)	Gunnison River and river	At the Intersection of G-50 Road	*4,896
			50 Feet upstream of State Highway 92	*5,007
		North fork, Gunnison River	At the intersection of 3400 Road and river	*5,293
			100 feet downstream of State Highway 187	*5,635
		Uncompahgre River	100 feet upstream of 1600 Road	*5,017
			At the intersection of B Road and river	*5,143
		Minnesota Creek	At the intersection of 4110 Drive and creek	*5,672
		Surface Creek	10 feet upstream of 2305 Drive	*6,002

Maps available for inspection at the Planning Department, 5th & Palmer, Delta, Colorado.

Send comments to Honorable John W. Hawkins, 5th & Palmer, Delta, Colorado 81416.

Colorado	Montrose County, (Unincorporated Areas)	Uncompahgre River	30 feet upstream from center of Blossom Road	*5,240
			60 feet upstream from center of Jay Jay Road	*5,526
		Montrose Arroyo	50 feet upstream from center of Ogden Road	*5,956
		Dry Cedar Creek	75 feet upstream from center of Highway 550	*5,863
		Happy Canyon Creek	45 feet upstream from center of U.S. Highway 90	*5,776
		San Miguel River	70 feet upstream of Main Street	*4,984

Maps available for inspection at Planning Department, 320 S. 1st. Street, Montrose, Colorado.

Send comments to Honorable Neal Reams, Box 1289, Montrose, Colorado 81402.

Florida	Bradenton Beach (city), Manatee County	Gulf of Mexico	Center of intersection of Avenue B and 24th Street	*10
			Center of intersection of Avenue C and 22nd Street	*11
			Center of intersection of State Highway 789 (Gulf Drive) and 22nd Street.	*12
			100 feet due west from the center of the intersection of State Highway 789 (Gulf Drive) and 22nd Street.	*14
			100 feet due west from the center of the intersection of State Higway 789 (Gulf Drive) and State Highway 684 (Cortez Road).	*15

Maps available for inspection at Building Department, City Hall, 107 Gulf Drive North, Bradenton Beach, Florida.

Send comments to the Honorable Richard F. Connick, 107 Gulf Drive North, Bradenton Beach, Florida 33510.

Florida	Sarasota (city), Sarasota County	Whitaker Bayou	At the center of the intersection of 41st Street and Cocoanut Avenue.	*14
		Phillippi Creek, Branch B	At the Confluence with Phillipi Creek Branch A	*16
		Rainfall Ponding	250 feet east from center of the intersection of Callandra Drive and Circus Boulevard.	*19
		Gulf of Mexico	At the center of the intersection of Filmore Drive and Monroe Drive.	*11
			At the center of the intersection of Cedar Terrace and Chippawa Place.	*12
			At the center of the intersection 1st Street and Cedar Point Drive.	*13
			At the center of the intersection of Norosota Way and Hamilton.	*14
			At the center of the intersection of Bayshore Road and Indian Beach Drive.	*15
			At the Westermost end of Sapphire Drive	*16
			At the mouth of Whitaker Bayou	*17

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			400 feet north from North Shore Drive near the shoreline of Sarasota Bay.	*10

Maps available for inspection at Chief Building Inspector's Office, City Hall, 1st and Orange Avenue, Sarasota, Florida.
Send comments to the Honorable Rita Roehr, P.O. Box 1058, Sarasota, Florida 33578.

Illinois	(V) Bath, Mason County	Illinois River	Within the corporate limits	*452

Maps available for inspection at the Parrott's Restaurant, Bath, Illinois.
Send comments to Honorable Jewel Moore, Village President, Village of Bath, Community Building, Bath, Illinois 62617.

New Jersey	Belmar, Borough, Monmouth County	Atlantic Ocean	Entire shoreline within community	*13
		Shark River	Entire shoreline within community	*10

Maps available for inspection at the Belmar Municipal Building, 8th Avenue and Route 35, Belmar, New Jersey 07719.
Send comments to Honorable Francis A. Pyanoe, Mayor of Belmar, P.O. Box A, Belmar, New Jersey 07719.

New Jersey	Spring Lake, borough, Monmouth County	Atlantic Ocean	Entire shoreline within community	*13

Maps available for inspection at the Spring Lake Municipal Building, 5th and Warren Avenue, Spring Lake, New Jersey.
Send comments to Honorable Harry A. Erbe, Mayor of Spring Lake, P.O. Box 4, Spring Lake, New Jersey 07762.

New York	Beacon, city, Dutchess County	Hudson River	Entire shoreline within corporate limits	*9
		Fishkill Creek	Upstream corporate limits	*183
			Factory bridge—downstream side	*130
			At East Main Street	*98
			Most downstream dam (upstream side)	*45
			At confluence with Hudson River	*8

Maps available for inspection at the Office of the Commissioner of Public Works, City Hall, 427 Main Street, Beacon, New York.
Send comments to Honorable George Tomlinson, Mayor of the City of Beacon, City Hall, 427 Main Street, Beacon, New York 12508.

North Dakota	Dodge (city), Dunn County	Spring Creek	Area approximately 200 feet North of the intersection of Central Avenue and Kemper Street.	*1,979

Maps available for inspection at Mayor's Office, City Hall, Main Street, Dodge, North Dakota.
Send comments to Honorable Edward Viman, Main Street, Dodge, North Dakota 58625.

North Dakota	Dunn County (unincorporated areas)	Spring Creek	Area approximately 50 feet south of the intersection of State Highway 200 and Burlington Northern Railroad, east of the City of Dodge.	*1,970
			Approximately 100 feet downstream of the confluence of North Creek and Spring Creek.	*2,050
			South side of State Highway 200 at the crossing of Spring Creek at the North end of Lake ILO.	*2,196
		Alkali Creek	At the intersection of Creek and center of State Highway 200.	*2,072

Maps available for inspection at Dunn County Auditor's office, Manning, North Dakota.
Send comments to the Honorable Albert Sickler, Chairman, Dunn County Board of Commissioners, Manning, North Dakota 58642.

North Dakota	Grand Forks (city), Grand Forks County	English Coulee	At the intersection of Columbia Road and Gateway Drive.	*825
			At the intersection of Royal Drive and Baron Boulevard.	*831

Maps available for inspection at City Engineer's Office, 440 2nd Avenue, North, Grand Forks, North Dakota 58201
Send comments to the Honorable H.C. Wessman, P.O. Box 1518, Grand Forks, North Dakota 58201.

Ohio	(V) Cleves, Hamilton County	Great Miami River	Within community	*498

Maps available for inspection at the Clerk Treasurer's Office, Municipal Building, 101 North Miami Avenue, Cleves, Ohio.
Send comments to Honorable Orrin Tucker, mayor, Village of Cleves, Municipal Building, 101 North Miami Avenue, Cleves, Ohio 45002

Ohio	(V) Jamestown, Greene County	Ceasar Creek	About 0.38 mile downstream of South Charleston Road	*1,059
			About 0.15 mile upstream of South Charleston Road	*1,058
		South branch, Ceasar Creek	About 0.42 mile downstream of State Route 72	*1,043
			About 0.27 mile upstream of Chessie System	*1,053

Maps available for inspection at the Mayor's Office, Six East Xenia Street, Jamestown, Ohio.
Send comments to Honorable James Collins, Mayor, Village of Jamestown, Six East Xenia Street, Jamestown, Ohio 45335.

Ohio	(Uninc.) Jefferson County	Ohio River	About 0.6 mile downstream of confluence of short Creek.	*668
			At north county boundary	*668
		Yellow Creek	At mouth at Ohio River	*682
			At confluence of North Fork Yellow Creek	*684
		North Fork, yellow Creek	At confluence with Yellow Creek	*684
			About 0.6 mile upstream of State Route 213	*690
		Wills Creek	At mouth at Ohio River	*672
			About 150 feet downstream of confluence of Cedar Creek.	*686
			Just upstream of Ross Ridge Alikanna Road (downstream crossing).	*710
			About 650 feet upstream of upstream crossing of Ross Ridge Alikanna Road.	*675
		Cross Creek	Just upstream of State Route 7	*668
			Just upstream of confluence of Dry Fork	*688
			Just upstream of Mingo Junction Goulds Road (third crossing).	*712

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Short Creek	At mouth at Ohio River	*603
			Just downstream of State Route 150 (about 0.9 mile upstream of confluence of Little Short Creek).	*667
			Just upstream of confluence of Jug Run	*718
			Just downstream of Norfolk Southern Railway (upstream of Dalonvale-Longrun Road).	*778
			About 350 feet downstream of county boundary	*854
		Piney Fork	At mouth at Short Creek	*727
			About 1,500 feet upstream of State Route 150	*736

Maps available for inspection at the Regional Planning Commission, Adams & Eighth Street, Steubenville, Ohio.

Send Comments to Honorable Jerry Krupinski, President of the Jefferson County Commissioners, 301 Market Street, Steubenville, Ohio 43952.

Ohio	(V) Terrace Park, Hamilton County	Little Miami River	About 1.1 miles downstream of confluence of East Fork River.	*508
			About 1000 feet downstream of U.S. Route 50	*522

Maps available for inspection at the Terrace Park Municipal Building, 428 Elm Street, Terrace Park, Ohio 45174.

Send comments to Honorable Charles S. Rockel, Mayor, Village of Terrace Park, Terrace Park Municipal Building, 428 Elm Street, Terrace Park, Ohio 45174.

Ohio	(C) Whitehall, Franklin County	Big Walnut Creek	Just upstream of Main Street	*766
			Just downstream of Conrail	*781
		Mason Run	About 0.25 mile downstream of Main Street	*776
			About 0.08 mile upstream of Broad Street	*795

Maps available for inspection at the Service Director's Office, 360 South Yearling Road, Whitehall, Ohio.

Send comments to Honorable John Bishop, Mayor, City of Whitehall, 360 South Yearling Road, Whitehall, Ohio 43213.

Ohio	(Uninc.) Wood County	Maumee River	At City of Rossford upstream corporate limits	*579
			Just downstream of Ohio Turnpike	*580
			Just upstream of Interstate 475	*593
			About 0.65 mile upstream of Providence Dam	*648
		Portage River	Just upstream of U.S. Route 23	*670
			At confluence of South Branch, Portage River	*603
		Middle branch, Portage River	At confluence of South Branch, Portage River	*603
			About 600 feet downstream of Solether Road	*676
			About 1000 feet downstream of Place Road	*686
		Nothe branch, Portage River	About 1.6 miles downstream of Kohring Road	*646
			Just upstream of State Route 199	*654
			Just upstream of Gypsy Lane Road	*666
			About 700 feet upstream of Portage Road	*676
		East branch Portage River	Just upstream of Eagleville Road	*729
			About 2400 feet upstream of Stearns Road	*753
		Ayers Creek	Just upstream of Fostoria Road	*602
			About 600 feet downstream of Interstate 280	*617
		Cedar Creek	About 600 feet upstream of State Route 579	*600
			About 0.6 mile upstream of Interstate 280	*612
		Little Cedar Creek	At confluence with Cedar Creek	*604
			Just upstream of Interstate 280	*613
			Just downstream of Conrail (near Ayers Road)	*616
			Just upstream of Conrail (near Ayers Road)	*621
		Crane Creek	Just upstream of State Route 51	*610
			About 1800 feet upstream of State Route 51	*611
		Dry Creek	About 400 feet upstream of State Route 579	*625
			About 400 feet downstream of State Route 795	*626
		Grassy Creek	Just upstream of City of Rossford upstream corporate limits	*600
			Just downstream of State Route 795	*626
		Rocky Ford Creek	Just upstream of Jerry City Road	*692
			About 1500 feet upstream of Front Street	*701
			Just upstream of Interstate 75	*712
			About 0.5 mile upstream of State Route 18	*726
		Rocky Ford Creek, tributary	At confluence with Rocky Ford Creek	*726
			Just upstream of West Park Road	*727
		Sister Creek	Just downstream of Dam	*628
			Just upstream of Dam	*645
			Just downstream of State Route 235	*648
		Sugar Creek	At mouth at Maumee River	*628
			Just downstream of Dam	*629
			Just upstream of Dam	*645
			About 200 feet downstream of Sugar Creek Road	*653

Maps available for inspection at the Wood County Planning Commission, Courthouse Square, Bowling Green, Ohio.

Send comments to Honorable Norman Millikin, President of the County Commissioners, Wood County, Courthouse Square, Bowling Green, Ohio 43402.

Oregon	The Dalles (city), Wasco County	Mill Creek	Intersection of W. Sixth Street and Stream	*102
			100 feet upstream from center of Wright Drive	*224
		Threemile Creek	25 feet upstream from center of Columbia River Highway.	*114
		Columbia River	At the mouth of Threemile Creek	*97

Maps Available for inspection at Building Department, 313 Court Street, The Dalles, Oregon 97058.

Send comments to the Honorable John Lundell, 313 Court Street, The Dalles, Oregon 97058.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oregon	Veneta (City), Lane County	Long Tom River	90 feet west from center of intersection Territorial Highway and Jeans Road.	*382

Maps available for inspection at City Hall, 24951 McCutcheon, Veneta, Oregon.

Send comments to the Honorable J.W. Smigley, P.O. Box 458, Veneta, Oregon 97487.

Pennsylvania	Blair, township, Blair County	Beaverdam Branch, Juniata River	Confluence with Frankstown Branch Juniata River	*[illegible]
			Approximately 950 feet upstream of confluence of Brush Run.	*[illegible]
			Approximately 950 feet downstream of Park Street [extended].	*954
			At corporate limits located just downstream of U.S. Route 220.	969
		Frankstown branch, Juniata River	Downstream of Township Route 405	*[illegible]
			Upstream of Legislative Route 07012	*[illegible]
			Approximately 2,100 feet upstream of Conrail	*944
			Approximately 2,200 feet downstream of Township Route 373.	*[illegible]
		Approximately 580 feet upstream of corportae limits	*977	
		Halter Creek	Confluence with Frankstown Branch Juniata River	*[illegible]
			Most upstream corporate limits	*1,032
		Poplar Run	At confluence with Frankstown Branch Juniata River	*[illegible]
			Upstream of U.S. Route 220	*1,030
			At upstream corporate limits	*1,044
		Brush Run	Upstream of U.S. Route 22	*[illegible]
			Downstream of Scotch Valley Road	*[illegible]

Maps available for inspection at the Blair Township Building, Duncansville, Pennsylvania.

Send comments to Honorable Tom Kwapick, Chairman of the Blair Township Board of Supervisors, 645 Appleview Lane, Duncansville, Pennsylvania 16635.

Pennsylvania	Buffalo, township, Butler County	Little Bull Creek	Downstream corporate limits	*1,046
			Upstream Hranica Road bridge	*1,064
			1,480 feet upstream Hranica Road bridge	*1,072

Maps available for inspection at the Buffalo Township Building, 19 Bear Creek Road, Sarver, Pennsylvania.

Send comments to Honorable Cecil D. Furer, Chairman of the Buffalo Township Board of Supervisors, P.O. Box 148, Sarver, Pennsylvania 16055.

Pennsylvania	Chester, township, Delaware County	Chester Creek	At downstream corporate limits	*28
			At upstream corporate limits	*41

Maps available for inspection at the Chester Township Building, 1150 Mildred Avenue, Chester, Pennsylvania.

Send comments to Honorable Stanley R. Keeder, Chairman of the Chester Board of Supervisors, 1150 Engle Street, Chester, Pennsylvania 19013.

Pennsylvania	East Brandywine, township Chester County	[illegible] Creek	Downstream corporate limits	*[illegible]
			Upstream of Bondeville Road	*[illegible]
			Upstream of Hadfield Road (2d crossing)	*451
			Upstream of East Reeceville Road	*479
			Upstream corporate limits	*489
		East branch of Brandywine Creek	Downstream corporate limits	*252
			Upstream of Dowlin Forge Road	*269
			Upstream of Dorlans Mill Road	*284
			Upstream of Reeds Road	*308
			Upstream of Lyndell	*329
			Upstream corporate limits	*543

Maps available for inspection at the East Brandywine Municipal Building, 1214 Horseshoe Pike, Downingtown, Pennsylvania.

Send comments to Honorable Charles Bruton, Chairman of the East Brandywine Board of Supervisors, 1214 Horseshoe Pike, Downingtown, Pennsylvania 19325.

Pennsylvania	East Nantmeal, township, Chester County	Beaver Run	Approximately 450 feet downstream of Fairview Road	*377
			Upstream of Fairview Road	*[illegible]
			Approximately 220' downstream of Horseshoe Trail	*437

Maps available for inspection at the Township Building, Elverson, Pennsylvania.

Send comments to Honorable Nicholas Tkaczak, Chairman of the Board of Supervisors, R.D. 2, Elverson, Pennsylvania 19943.

Pennsylvania	Fawn, township, Allegheny County	Bull Creek	Downstream corporate limits	*[illegible]
			Upstream side of Bull Creek Road bridge (Allegheny bridge No. 2).	*904
			Upstream side of Bull Creek Road bridge located approximately 0.3 mile upstream of confluence of Howes Run.	*[illegible]
			Upstream side of Lardintown Road bridge	*[illegible]
			Upstream side of most upstream Thompson Road bridge.	*[illegible]
			Upstream corporate limits	*895
		Tributary to Bull Creek	Confluence with Bull Creek	*843
			Upstream side of Bull Creek Road bridge	*852
			Upstream corporate limits	*862

Maps available at the Fawn Township Building, Howes Run Road, Tarentum, Pennsylvania.

Send comments to Honorable Michael Chick, Chairman of the Fawn Board of Supervisors, R.D. 2, Box 366C, Tarentum, Pennsylvania 15084.

Pennsylvania	Langhorne Manor, borough, Bucks County	Chub Run	Downstream corporate limits	*82
			Upstream of Dam No. 1	*117

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in Feet (NGVD)
			Downstream of Dam No. 2	*162
			Upstream corporate limits	*196

Maps available for inspection at the Borough Building, Langhorne Manor, Pennsylvania.

Send comments to Honorable Paul Cichy, President of Langhorne Manor Borough Council, 301 Prospect avenue, Langhorne Manor, Pennsylvania 19047.

Pennsylvania	Newry, borough, Blair County	Poplar Run	Corporate limits (extended)	*1,019
			Approximately 530' upstream of corporate limits (extended)	*1,023

Maps available for inspection at the Borough Building, Newry, Pennsylvania.

Send comments to Honorable Marjorie Harker, President of the Newry Borough Council, Newry, Pennsylvania 16665.

Pennsylvania	Upper St. Clair, town, Allegheny County	Chartiers Creek	.12 miles upstream of corporate limits	*834
			Upstream of Mayview Road	*840
			Downstream of Conrail	*[illegible]
			Upstream corporate limits	*[illegible]
		McLaughlin Run	At downstream corporate limits	*842
			At downstream footbridge	*[illegible]
			Upstream of Dirt Road	*[illegible]
			Upstream of Lesnett Road	*905
			Upstream of Morrow Road	*927
			Downstream of Washington Road	*967
			Downstream of Bethel Church Road/Drake Road	*[illegible]
			Upstream corporate limits	*1,012

Maps available for inspection at the Upper St. Clair Township Municipal Building, 1820 McLaughlin Run Road, Upper St. Clair, Pennsylvania.

Send comments to Honorable Douglas Watkins, Upper St. Clair Township Manager, 1820 McLaughlin Run Road, Upper St. Clair, Pennsylvania 15241.

Pennsylvania	West Marlborough, Township, Chester County	Doe Run	Downstream corporate limits	*[illegible]
			Upstream State Route 82	*[illegible]
			Upstream Spring Dell-Doe Run Road	*320
			Upstream corporate limits	*339

Maps available for inspection at the West Marlborough Township Building, Route 82, Coatesville, Pennsylvania.

Send comments to Honorable Landis Hess, Chairman of the West Marlborough Board of Supervisors, R.D. 8, Box 400, Coatesville, Pennsylvania 19320.

South Carolina	City of Charleston, Charleston County	Atlantic Ocean/Stono River	Intersection of Kensington Drive and Hollywood Drive	*10
			At the confluence of Julia Water Way and Stono River	*11
		Atlantic Ocean/Ashley River	Intersection of Burning Tree Road and Joseph Street	*12
			At the confluence of Orange Grove Creek and Ashley River	*13
		Atlantic Ocean/Charleston Habor	Intersection of Church Street and South Battery Street	*14

Maps available for inspection at Director of Public Services Office, 116 Meeting Street, Charleston, South Carolina 29401.

Send comments to Mayor Joseph P. Riley, Jr., City Hall, P.O. Box 652, Charleston, South Carolina 29402 of Mr. Mario Ciappa, Director of Public Services, 116 Meeting Street, Charleston, South Carolina 29401.

South Carolina	Township of Folly Beach, Charleston County	Atlantic Ocean	Intersection of Center Street and Cooper Avenue	*13
			Intersection of Ashley Avenue East and 13th Street East	*14

Maps available for inspection at Town Hall, 17 Center Street, Folly Beach, South Carolina 29439.

Send comments to Mayor Richard Beck or Mr. Bill Griffin, Town Administrator, Town Hall, P.O. Box 22, Folly Beach, South Carolina 29439.

South Carolina	Town of Meggett, Charleston County	Atlantic Ocean	Approximately 500 feet south of intersection of Seaboard Coastline Railroad and County Road 1846 along County Road 1846.	*9
			Approximately 100 feet east of intersection of Donaldson Street and Church Street along Donaldson Street.	*[illegible]

Maps available for inspection at Mayor's Office, Masonic Hall, Meggett, South Carolina 29460.

Send comments to Mayor Grange Coffin, Route 1, P.O. Box 34A, or Mr. Harry Harrington, Megett Town Councilman, Route 1, Meggett, South Carolina 29460.

South Carolina	Town of Mount Pleasant, Charleston County	Atlantic Ocean/Charleston Habor	Intersection of Beach Street and Haddrell Street	*17
			Venning Street extended to Charleston Harbor	*15
			Intersection of Bank Street and Pitt Street	*12
			Intersection of Center Street and Hindman Avenue	*12
			Intersection of Coleman Boulevard and Intersection of Highway 17.	*11

Maps available for inspection at the Town Hall, 302 Pitt Street, Mount Pleasant, South Carolina 29464.

Send comments to Mayor John J. Dodds or Joel Fold, Town Planner, Town Hall, 302 Pitt Street, Mount Pleasant, South Carolina 29464.

Tennessee	City of Gatlinsburg, Sevier County	West prong, Little Pigeon River	Just upstream of Old Treatment Plant Road	1,239
			Just downstream of Laurel Avenue	*1,260
			Just upstream of Long Branch Road	*1,323
		Dudley Creek	Just upstream of Dudley Creek Road	*1,256
			Just downstream of State Highway 73	*1,329
			Just upstream of Grimes Road (extended)	*1,504
		Roaring Fork Creek	Just upstream of U.S. Highway 441	*1,272
			Just downstream of State Highway 73	*1,364
		Baskins Creek	Just downstream of Bishop Lane	*1,310
			Just upstream of Stephen Drive	*1,346
		Le Conte Creek	Just upstream of State Highway 73 and U.S. Highway 441.	*1,339

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 100 feet upstream of Ashbury Lane	*1,499

Maps available for inspection at City Planners Office, City Hall, 175 Airport Road, Gatlinburg, Tennessee 37738.

Send comments to Mr. Joe Yarbrough, City Manager, or Mr. Clell Ogle, Fire Chief, City Hall, P.O. Box 5, Gatlinburg, Tennessee 37738.

Texas	City of Little River-Academy, Bell County	Boggy Creek	Just upstream of FM 436	*454
			Just upstream of Texas Highway 95	*[illegible]
		Boggy Creek, tributary 1	Just upstream of Wilson Valley Road	*477

Maps available for inspection at City Hall, Main and Evan Streets, Little River-Academy, Texas 76554.

Send comments to Mayor R. Norell or Marilyn Moore, City Secretary, City Hall, P.O. Box 521, Little River, Texas 76554.

West Virginia	Logan County	Guyandotte River	Downstream County boundary	*[illegible]
			Downstream County Route 8	*[illegible]
			Upstream County Route 12	*[illegible]
			Upstream County Route 10–18	*[illegible]
			Upstream County Route 10–4	*711
			At upstream corporate limits of the Town of Man	*732
			At upstream County boundary	*[illegible]
		Crawley Creek	At confluence with Guyandotte River	*[illegible]
			Upstream County Route 3–9	*[illegible]
			Upstream County Route 3	*[illegible]
			Approximately 250' downstream of confluence of Brushy Fork.	*[illegible]
		Mud Fork	Confluence with Copperas Mine Fork	*[illegible]
			Upstream of third upstream Chessie System bridge	*692
			Confluence of Ellis Branch	*711
			Upstream of fourth upstream Chessie System bridge	*[illegible]
			Upstream County Route 41	*772
			Upstream of fifth upstream Chessie System bridge	*[illegible]
			Upstream of second upstream County Route 5 bridge	*[illegible]
			Downstream of confluence of Right Hand Branch	*863
		Copperas Mine Fork	Downstream of confluence of Brush Camp Fork	*[illegible]
			Confluence with Island Creek	*[illegible]
			Upstream County Route 9–1	*[illegible]
			Upstream of third upstream Chessie System bridge	*727
			Upstream of abandoned railroad bridge	*745
			Upstream County Route 9–2	*784
			Upstream of third upstream County Route 9–2	*[illegible]
			Approximately .33 mile upstream of fourth upstream County Route 9–2.	*[illegible]
		Big Creek	Confluence of Heiner Branch	*777
			Approximately .47 mile upstream of confluence of Heiner Branch.	*801
		Trace Fork	Confluence with Big Creek	*[illegible]
			Upstream State Route 119	*[illegible]
			Approximately 200 feet upstream of upstream County Boundary.	*[illegible]
		North Fork Big Creek	Confluence with Big Creek	*[illegible]
			Confluence of Chapman Branch	*702
			At upstream county boundary	*729
		Buffalo Creek	At downstream corporate limits	*757
			Upstream County Route 16–9	*[illegible]
			Upstream 2nd upstream County Route 16	*[illegible]
			At 1st upstream Access Road	*[illegible]
			Confluence of Robinette Branch	*[illegible]
			Upstream 4th upstream Access Road	*977
			Confluence of Cartwright Branch	*1,026
			Upstream County Route 68	*1,063
			Confluence of Upper Road Branch	*1,138
			Approximately 3,550 feet upstream of confluence of Upper Raod Branch.	*1,163
		Right Fork Buffalo Creek	Confluence with Buffalo Creek	*[illegible]
			Approximately .55 mile upstream of confluence with [illegible] Creek.	*865
			Upstream County Route 16–1	*[illegible]
			Approximately .44 mile upstream of County Route 16–1.	*[illegible]
			Approximately .96 mile upstream of County Route 16–1.	*997
			Approximately 1.25 miles upstream of County Route [illegible].	*1,014
		Island Creek	Confluence with Guyandotte	*[illegible]
			Upstream County Route 119–9	*686
			Upstream County Route 52	*714
			Upstream of third upstream State Route 44	*737
			Upstream of fourth upstream State Route 44	*760
			Upstream County Route 119–18	*772
			Upstream of second upstream County Route 119–18	*794
			Upstream of fifth upstream Chessie System	*[illegible]
			Confluence of Cow Creek	*[illegible]
			Approximately .29 mile upstream of confluence of Cow Creek.	*[illegible]
		Big Harts Creek	Downstream County boundary	*840
			Downstream County Route 5–8	*[illegible]
			Downstream County Route 18	*[illegible]
			At County Route 5–7	*727
			Approximately .60 mile upstream of County Route 5–7	*[illegible]
			Confluence of Brier Branch	*807

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 260 feet upstream of Tomblin Branch confluence	*824
			Approximately .52 mile upstream of Tomblin Branch confluence	*871
		Big Creek	Confluence with Guyandotte River	*630
			At County Route 4	*[illegible]
			At second upstream County Route 7	*672
			Upstream County Route 66	*702
		Huff Creek	Confluence of Rock Lick Branch	*734
			Confluence with Guyandotte River	*733
			Confluence of Green Branch	*750
			Upstream County Route 10	*784
			Upstream County Route 10–6	*819
			Confluence of Dolliver Branch	*836
			Confluence of Sandlick Branch	*873
			Confluence of Hollow Log Branch	*[illegible]
			Upstream of third upstream Access Road	*940
			At upstream County boundary	*974
		Big Springs Branch	Confluence with Huff Creek	*791
			Approximately .33 mile upstream of confluence with Huff Creek	*832
			Approximately .63 mile upstream of confluence with Huff Creek	*877

Maps available for inspection at the County Courthouse, Logan, West Virginia.

Send comments to Honorable Ott H. Dameron, Logan County Administrator, Room 103, County Courthouse, Logan, West Virginia 25601.

West Virginia	Triadelphia, town, Ohio County	Little Wheeling Creek	Downstream corporate limits	*703
			Upstream of Middle Wheeling Creek Road	*717
			Upstream of U.S. Route 40 (downstream crossing)	*756
			Upstream corporate limits	*782
		Middle Wheeling Creek	Confluence with Little Wheeling Creek	*712
			At Interstate Route 70	*714
			Upstream corporate limits	*758

Maps available for inspection at the Triadelphia Town Hall, Triadelphia, West Virginia.

Send comments to Honorable Daniel Robinson, Mayor of the Town of Triadelphia, P.O. Box 177, Triadelphia, West Virginia 26059.

West Virginia	Williamson, city, Mingo County	Tug Fork	Downstream corporate limits	*[illegible]
			Upstream U.S. Route 119 bridge	*668
			Upstream Norfolk & Western Railway bridge*	671
			Upstream corporate limits	*674

Maps available for inspection at the City Hall (old Amtrak Building), Route 52, Williamson, West Virginia.

Send comments to Honorable Sam Capoursales, Mayor of the City of Williamson, Box 1517, Williamson, West Virginia 25661.

[illegible]	(C) Eau Claire	Chippewa River	About 1.0 mile downstream of Short Street	*774
			Just downstream of Dells Dam	*[illegible]
			Just upstream of Dells Dam	*[illegible]
			Upstream corporate limits	*[illegible]
		Sherman Creek	At mouth	*778
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad about 2400 feet upstream from [illegible]	*778
			About 1.26 miles upstream from mouth	*807
			About 0.95 mile downstream of U.S. Highway 12	*[illegible]
			Upstream corporate limits near U.S. Highway 12	*[illegible]
		Eau Clair River	At mouth	*784
			About 2300 feet upstream from mouth	*784
			Eastern corporate limits	*793
		Chippewa River Overflow	Downstream corporate limits	*774
			About 200 feet downstream of Ferry Street	*775

Maps available for inspection at the City Engineer's Office, City Hall, 203 S. Farwell, Eau Claire, Wisconsin.

Send comments to Honorable Eric Wahl, City Council President, City of Eau Claire, City Hall P.O. Box 148, 203 S. Farwell Eau Claire, Wisconsin 54701.

Wisconsin	(C) Evansville, Rock County	Allen Creek	About 1.0 mile downstream of Water Street	*881
			Just downstream of Lake Leota Dam	*[illegible]
			Just upstream of Lake Leota Dam	*[illegible]
			About 2000 feet upstream Lake Leota	*910

Maps available for inspection at the City Hall, 31 South Madison Street, Evansville, Wisconsin.

Send comments to Honorable Robert M. Olsen, Mayor, City of Evansville, City Hall, 31 South Madison Street, Evansville, Wisconsin 53536.

Wisconsin	(C) Gillett, Oconto County	Christie Brook	About 0.72 mile downstream of North Green Bay Avenue	*765
			About 0.56 mile upstream of Mackenzie Avnaue	*[illegible]

Maps available for inspection at the Building Inspector's Office, City Hall, Gillett, Wisconsin.

Send comments to Honorable Ronald K. Lambrecht, Mayor, City of Gillett, City Hall, Gillett, Wisconsin 54124.

Wisconsin	(V) Lac LaBelle, Waukesha County	Lac LaBelle	At shoreline	*854

Maps available for inspection at the Clerk's Office, Village Hall, 850 Summit Avenue, Lac LaBelle, Wisconsin.

Send comments to Honorable Joseph Lakota, Village President, Village of Lac LaBelle, Village Hall, P.O. Box 443, Lac La Belle (Oconomowoc), Wisconsin 53066.

[illegible]	(V) Osceola, Polk County	St. Croix River	About 1.7 miles downstream of State Highway 243	*702
			About 1.2 miles upstream of State Highway 243	*704

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Village Administrator's Office, Municipal Building, Osceola, Wisconsin 54020. Send comments to Honorable Byron Blanchard, Village President, Village of Osceola, Municipal Building, P.O. Box 252, Osceola, Wisconsin 54020.				
Wisconsin	(V) Whiting, Portage County	Wisconsin River	Just downstream of Whiting-Plover Dam	*1,047
			Just upstream of Whiting-Plover Dam	*1,054
			Just upstream of Wisconsin River Division Dam	*1,068
			About 1.0 mile upstream of Wisconsin River Division Dam.	*1,071
Maps available for inspection at City Hall, 3800 Church Street, Whiting, Wisconsin. Send comments to Honorable Thomas Hagen, Village President, Village of Whiting, City Hall, 3800 Church Street, Whiting, Wisconsin 54501.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 11, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-14280 Filed 6-1-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking submitted by the California Department of Transportation asking NHTSA to issue a regulation governing devices to restrain wheelchairs in mass transit vehicles. The agency concludes for the reasons set forth below that these additional safety measures are not needed at this time.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Williams, Crashworthiness Division, National Highway Traffic Safety Administration 400 7th Street, S.W., Washington, D.C. 20590 (202–426–2264)

SUPPLEMENTARY INFORMATION: On November 9, 1982, the California Department of Transportation petitioned the agency to create a safety standard governing tie-downs or restraints for wheelchairs in public transit vehicles. In that petition, they argued that current restraint devices permit wheelchairs to come loose in accidents and, therefore, are not effective in protecting the occupants of those chairs.

The agency has reviewed this subject and does not find it an appropriate area to regulate at this time. Currently, the agency lacks information indicating that wheelchair occupants are being injured by the inadvertant release of existing wheelchair restraint devices. This lack of injury information, while not in itself determinative, must be viewed in light of the relative safety provided by buses. These vehicles because of their substantial size achieve a higher level of safety than other vehicles on the roads. For this reason, the agency has issued only limited safety standards applicable to this vehicle type. Absent the submission of additional information indicating that unjuries are being sustained by wheelchair occupants, NHTSA concludes that given the safety record of buses rulemaking is not justified at this time.

The agency agrees that the issue of safe transportation for the handicapped is important and will continue to monitor accident information involving buses and wheelchair restraints in those buses and will reconsider rulemaking in this area should the information indicate a need for regulatory action.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C.) 1391, 1407); delegation of authority at 49 CFR 1.50)

Issued on May 26, 1983.

Diane K. Steed,

Acting Administrator.

[FR Doc. 83-14614 Filed 6-1-83; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

[Docket No. 30510–81]

High Seas Salmon Fishery Off Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to rescind the present prohibition against the use of treble hooks by commercial salmon trollers fishing in the fishery conservation zone off Alaska; comments are requested on this rule and the amendment. This action is necessary to bring Federal and State regulations into conformity and make Federal regulations more easily enforceable. The intended effect of this action is to provide for an orderly fishery and to remove an unnecessary regulatory burden from salmon trollers in Alaska.

DATE: Comments must be received on or before July 5, 1983.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service (NMFS), P.O. Box 1668, Juneau, Alaska 99802. A copy of the amendment and environmental assessment may be obtained from Mr. McVey.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Regional Plan Coordinator, NMFS), 907–586–7229.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan (FMP) for the High Seas Salmon Fishery off the Coast of Alaska East of 175° East Longitude was published in its entirety on June 6, 1979 (44 FR 33250). The FMP has been amended twice. Amendments 1 and 2 were implemented on September 8, 1980 (45 FR 59172) and November 23, 1981 (46 FR 57299), respectively.

The prohibition against the use of treble hooks was established in 1981 for two reasons. First, there was concern that fishermen using arguably more efficient treble hooks might catch and release a greater number of sublegal chinook salmon than those using single hooks, thus increasing the incidence of hook and release mortalities. Second, the prohibition was imposed to avoid conflicting regulations in Federal and State waters and the resulting enforcement difficulties in both areas. In 1981 the North Pacific Fishery Management Council (Council) and the State of Alaska Board of Fisheries (Board) reviewed the results of an Alaska Department of Fish and Game study that compared the hooking efficiency of treble hooks versus single hooks and the relative severity of hooking wounds associated with each hook type. The study was largely inconclusive, but did suggest that treble hooks have slightly greater hooking efficiency than single hooks. It also appeared that the wounds associated with treble hooks were usually less severe than those caused by single hooks. Based on this study, the Council concluded that the greater hooking efficiency of treble hooks might result in a greater catch, handling, and associated mortality of sublegal chinook salmon as they were returned to the water. Consequently, the Council (with the Secretary's approval) and Board banned the use of treble hooks in both Federal and State waters. The Council further concluded that conformity with State regulation was essential to avoid confusion and enforcement conflicts. This prohibition was not incorporated into the FMP itself, but was promulgated concurrently with the regulations implementing Amendment 2 to the FMP.

The Council and Board again reviewed the treble hook issue at the January 1983 joint meeting. No scientific data had been developed demonstrating that prohibiting the use of treble hooks resulted in any measurable biological benefits. The majority of public testimony emphasized that the ban lacked scientific justification and that it imposed an unjustified regulatory burden on those fishermen who traditionally used treble hooks. The Board removed the ban in State waters. Due to the lack of conclusive scientific evidence supporting retention of the ban and the desire for conformity between State and Federal regulations, the Council reversed its previous decision and recommended rescinding the treble hook ban in the fishery conservation zone. Because the treble hook ban was never actually incorporated into the FMP, removal of the ban does not necessitate an FMP amendment but can be accomplished by the rulemaking.

Classification

The Assistant Administrator of Fisheries, NOAA (Assistant Administrator), has determined that implementation of these regulations would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act. An environmental assessment and negative determination of significant environmental impact has been prepared on this proposed action, and filed with the Environmental Protection Agency on April 12, 1983. The environmental assessment may be obtained from the Alaska Regional Director, NMFS, at the address set forth above.

Recision of the prohibition on the use of treble hooks imposes no new regulatory or economic burdens on salmon trollers. On the contrary, this action would remove an unnecessary regulatory burden and allow salmon trollers to choose whichever hook type they prefer. On the basis of the environmental assessment, the Administrator of NOAA has determined that the proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291.

On the same basis, the general Counsel of Commerce certified to the Small Business Administration that this proposed rule would not have a significant economic impact on a substantial number of small entities, and thus does not require preparation of a regulatory flexibility analysis under 5 U.S.C. 603 and 604 of the Regulatory Flexibility Act.

The Assistant Administrator has determined that this proposed rule is consistent to the maximum extent practicable with the Alaska Coastal Management Program as required by § 307(c)(1) of the Coastal Zone Management Act of 1982 and its implementing regulations at 15 CFR Part 930, Subpart C. The proposed rule will not affect any species listed as endangered or threatened under the Endangered Species Act.

This proposed rule does not contain a collection of information requirement, and does not involve any agency in conduction or sponsoring the collection of information.

List of Subjects in 50 CFR Part 674

Administrative practice and procedure, Fish, Fisheries, Fishing, Reporting requirements.

Dated: May 26, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

PART 674—HIGH SEAS SALMON FISHERY OFF ALASKA

For the reasons set out in the preamble, 50 CFR Part 674 is proposed to be amended as follows:

1. The authority citation for Part 674 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 674.24 [Amended]

2. Section 674.24 is amended by removing paragraph (a)(4).

[FR Doc. 83-14725 Filed 6-1-83; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 107
Thursday, June 2, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Administration; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Administration of the Administrative Conference of the United States, to be held at 10:00 a.m., Thursday, June 9, 1983 at the Administrative Conference, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037.

The Committee will meet primarily to discuss pending and possible projects on its agenda, including Professor George D. Brown's study on procedures for administering federal block grant programs.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information contact Charles Pou, Jr., Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. (Telephone: 202–254–7065) Minutes of the meeting will be available on request.

Richard K. Berg,
General Counsel.

May 27, 1983.

[FR Doc. 83–14724 Filed 6–1–83; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Montana; Flathead National Forest Plan Draft Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Extenson of public review period for the Flathead National Forest Plan Draft Environmental Impact Statement.

SUMMARY: The period of public review for the Flathead National Forest Draft Environmental Impact Statement has been extended until July 20, 1983

ADDRESSES: Requests for further information should be addressed to: John Emerson, Supervisor, Flathead National Forest, P.O. Box 147, Kalispell, MT 59901.

Tom Coston,
Regional Forester.

[FR Doc. 83–14774 Filed 6–1–83; 8:45 am]
BILLING CODE 3410–11–M

Office of the Secretary

Forms Under Review by Office of Management and Budget

May 27, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Department Clearance Officer, USDA, OIRM, Room 108–W Admin. Bldg. Washington, D.C. 20250, (202) 447–6201.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

New

• Food and Nutrition Service
Evaluation of the Simplified Application Demonstration Project
Monthly
Individuals or households and State or local governments: 25,518 responses; 6,687 hours; not applicable under 3504(h)
Sharon Bingham (703) 756–3133

Revised

• Agricultural Stabilization and Conservation Service
ASCS–177—Record of Pooled Farm Allotment, Quota on Acreage Base—ASCS–178—Application for Transfer of Allotments, Quota or Acreage Base From Pool ASCS–177 and ASCS–178
On occasion
Individuals or households and farms: 60,000 responses; 30,000 hours; not applicable under 3504(h)
Alex King (202) 447–4542

• Agricultural Stabilization and Conservation Service
Report of Unmarketed Tobacco
MQ–108–1
Annually
Farms: 300,000 responses; 20,000 hours; not applicable under 3504(h)
Thomas Burgess (202) 447–2715

• Agricultural Marketing Service
Application for License to Sample Cotton Under the U.S. Cotton Standards Act CN–246
License issued every 5 years.
Small businesses or organizations: 200 responses; 17 hours; not applicable under 3504(h)
Loyd Frazier (202) 447–2147

Extension

• Agricultural Stabilization and Conservation Service

7 CFR Part 729—Poundage Quota and Marketing Regulations for the 1983 Through 1985 Crops of Peanuts
ASCS–1002, ASCS–1030, ASCS–1010, ASCS–1011, ASCS–101, ASCS–1006, ASCS–1007
On occasion annually
Farms: 879,525 responses; 229,456 hours; not applicable under 3504(h)
Paul Kume (202) 382–0153

Marshall L. Dantzler,
Acting Department Clearance Officer.

[FR Doc. 83–14723 Filed 6–1–83; 8:45 am]
BILLING CODE 3410–01–M

COMMISSION ON CIVIL RIGHTS

Alabama Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 10:00 and will end at 12 Noon, on June 21, 1983, at the Sheraton Waterfront, 200 Coosa Street, Seaboard Room, Montgomery, Alabama 36104. The purposes of this meeting are to review status of Committee project on Montgomery police/community relations; update on regional and national projects; and show Commission firm "Cycle to Nowhere.".

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Abigail Turner, P.O. Box 2963, Mobile, Alabama 36601, (205) 433–7409; or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Room 362, Atlanta, Georgia 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 23, 1983.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 83–14728 Filed 6–1–83; 8:45 am]
BILLING CODE 6335–01–M

Connecticut Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:00p and will end at 9:00p, on June 27, 1983, at the CHRO Building, 90 Washington Street, Hartford, Connecticut. The purpose of the meeting is to initiate the study on the block grant program.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Richard Brown, 151 Farmington Avenue, Hartford, Connecticut 06156, (203) 273–6389; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated Washington, D.C., May 27, 1983.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 83–14730 Filed 6–1–83; 8:45 am]
BILLING CODE 6335–01–M

Montana Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Montana Advisory Committee to the Commission will convene to 9:00a and will end at 12 Noon, on June 25, 1983, at the Ramada Inn, I–90 and Mullowney Lane, Billings, Montana 59102. The purposes of this meeting are to consider recent developments in civil rights in Montana; and explore possible projects for the Advisory Committee.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Angela V. Russell, Box 333, Lodge Grass, Montana 59405, (406) 638–2626; or the Rocky Mountain Regional Office, Brooks Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202 (303) 327–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 27, 1983.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 83–14727 Filed 6–1–83; 8:45 am]
BILLING CODE 6335–01–M

New Hampshire Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 7:30p and end at 9:30p, on July 13, 1983, at the Chubb Life Insurance Building, 1 Granite Place, Concord, New Hampshire. The purpose of this meeting is to initiate the study on the block grant program.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Andrew T. Stewart, Moose Mountain, Enfield, New Hampshire 03748, (603) 523–4882; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 27, 1983.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 83–14731 Filed 6–1–83; 8:45 am]
BILLING CODE 6335–01–M

New Jersey Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene to 6:30p and will end at 8:30p, on June 23, 1983, at the Ramada Inn, Naricon Avenue, East Bruswick, New Jersey. The purpose of this meeting is to discuss program planning for the coming year.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clyde C. Allen, 620 Sheridan Avenue, Plainfield, New Jersey 07060, (212) 572–7577; or the Eastern Regional Office, Jacob K. Javits Building, Room 1639, 26 Federal Plaza, New York, New York 10278, (212) 264–0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 27, 1983.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 83–14726 Filed 6–1–83; 8:45 am]
BILLING CODE 6335–01–M

Ohio Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 6:00p and and will end at 10:00p, on June 21, 1983, at the Gallon Building, 3161 N. Republic Boulevard, Toledo, Ohio 43615. The purpose of this meeting is to develop and make assignments for data gathering on the Hispanic education/employment project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Marian A. Spencer, 940 Lexington Avenue, Cincinnati, Ohio 45229, (513) 221–5656; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Wasington, D. C., May 27, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–14733 Filed 6–1–83; 8:45 am]

BILLING CODE 6335–01–M

Vermont Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00p and will end at 9:00p, on June 16, 1983, at the Montpelier City Hall, Memorial Room, Main Street, Montpelier, Vermont 05602. The purpose of this meeting is to review the project plan for studying the civil rights implications of Federal block grants in Vermont.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Philip H. Hoff, 192 College Street, Hoff, Wilson, & Powell, P.C., Burlington, Vermont 05401, (802) 658–4300; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D. C., May 27, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–14732 Filed 6–1–83; 8:45 am]

BILLING CODE 6335–01–M

Wyoming Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wyoming Advisory Committee to the Commission will convene at 9:00a and will end at 12 Noon, on July 23, 1983, at the Casper Public Library, 302 East Second Street, Casper, Wyoming 82601. The purposes of this meeting are to review the draft of *Accessibility for the Disabled to Wyoming's Higher Education:* and consider possible future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Jamie C. Ring, 520 Parkview Drive, Casper, Wyoming 82601, (307) 268–2269; or the Rocky Mountain Regional Office, Brooks Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202, (303) 327–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated: At Washington, D.C. May 27, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–14729 Filed 6–1–83; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration Preliminary Determinations of Sales at Less Than Fair Value

Certain Carton Closing Staples and Staple Machines From Sweden;

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Determinations of Sales at Less than Fair Value: Certain Carton Closing Staples and Staple Machines from Sweden.

SUMMARY: We have preliminarily determined that certain carton closing staples and staple machines from Sweden are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determinations, and we have directed the U.S. Customs Service to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margins as described in the "Suspension of Liquidation" section of this notice.

We have also preliminarily determined that imports of certain carton closing staples from Grytgols Bruks AB should be excluded from these preliminary determinations because we found no sales at less than fair value.

If these investigations proceed normally, we will make final determinations by August 9, 1983.

EFFECTIVE DATE: June 2, 1983.

FOR FURTHER INFORMATION CONTACT: G. Leon NcNeill, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377–1273.

SUPPLEMENTARY INFORMATION:

Preliminary Determinations

We have preliminary determined that there is a reasonable basis to believe or suspect that certain carton closing staples and staple machines from Sweden are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act).

We have also preliminarily determined that imports of certain carton closing staples from Grytgols Bruks AB (Grytgols) should be excluded from these preliminary determinations because we found no sales by Grytgols at less than fair value.

For certain carton closing staples, we have found that the foreign market value exceeded the United States price on 60.86 percent of sales. These margins ranged from 0.00 percent to 47.90 percent. The overall weighted-average margin on all sales compared is 8.71 percent.

For certain carton closing staples machines, we have found that the foreign market value exceeded the United price on over 99.00 percent of sales. These margins ranged from 61.10 percent to 213.70 percent. The overall weighted-average margin on all sales compared is 138.20 percent.

The weighted-average margins for individual companies investigated are given for each product in the "Suspension of Liquidation" section of this notice.

If these investigations proceed normally, we will make final determinations by August 9, 1983.

Case History

On December 17, 1982, we received a petition from counsel for International Staple and Machine Company, Inc. of Butler, Pennsylvania, on behalf of the domestic carton closing staple and staple machine industry. In accordance with the filing requirements of § 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petitioner alleged that certain carton closing staples and staple machines from Sweden are being, or are likely to be, sold in the United States at less than fair value within the meaning of section

731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

After reviewing the petition, we detemined that it contained sufficient grounds upon which to initiate antidumping investigations. We notified the ITC of our actions and initiated such investigations on January 6, 1983 (48 FR 1530). On January 31, 1983, the ITC found that there is a reasonable indication that imports of certain carton closing staples and staple machines are materially injuring, or are threatening to materially injure, a U.S. industry (48 FR 6039).

Questionnaires were presented to Josef Kihlberg Trading AB (Kihlberg) on February 9, 1983, and to Grytgols on February 10, 1983. Responses were received on March 22, 1983 from Grytogols, and on April 12, 1983 from Kihlberg.

Scope of Investigations

The merchandise covered by these investigations is certain carton closing staples in strip form and non-automatic carton closing staple machines. Carton closing staples are made of steel, most often copper coated or galvanized. Non-automatic carton closing staple machines can be divided for the most part into two categories: handheld top staple machines and free standing bottom staple machines. The subject staples and staple machines are currently classifiable under item 646.2000 and item 662.2065, respectively, of the *Tariff Schedules of the United States Annotated (TSUSA)*.

Since Kihlberg and Grytgols are the only known Swedish exporters of certain carton closing staples to the United States, and Kihlberg is the only known Swedish exporter of certain carton closing staple machines to the United States, we limited our investigations to them.

These investigations cover the period from July 1, 1982, to December 31, 1982.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price for sales by Kihlberg and Grytgols because merchandise was sold to unrelated purchasers prior to its importation into the United States. For Kihlberg, we calculated purchase price based on the f.o.b., port of exportation, unpacked price to unrelated purchasers in the United States. We made a deduction for the cost of foreign inland freight and added U.S. packing costs. For Grytgols, we calculated purchase price based on the c.i.f., U.S. port, packed price to unrelated purchasers in the United States. We made a deduction for the costs of foreign inland freight, foreign terminal charges, ocean freight and insurance.

Foreign Market Value

In accordance with section 773 of the Act, we calculated foreign market value for Kihlberg and Grytgols based on their home market sales.

For Kihlberg, we calculated home market prices on the basis of ex-factory, unpacked prices. We made deductions, where appropriate, for quantity discounts in accordance with section 353.14 of the Commerce Regulations. In addition, we made deductions, where appropriate, for loyalty discounts. We also made an adjustment for differences in credit terms, and added U.S. packing costs.

Kihlberg claimed we should use sales to third countries as the basis for comparison with sales to the United States because sales in Sweden are to end users, and sales to the United States and to third countries are to distributors. We rejected this claim because there were sufficient sales of such or similar merchandise in the home market to provide a basis for comparison.

Kihlberg also claimed a level of trade adjustment between United States and home market sales based on differences in indirect selling expenses in the two markets. We do not consider this to be a proper basis for a level of trade adjustment, and disallowed the claim because Kihlberg was not able to demonstrate differences in pricing arising out of sales of such or similar merchandise at different levels of trade in the home market, in accordance with § 353.19 of the Commerce Regulations. If Kihlberg submits verifiable information as to differences in level of trade affecting price comparability, we will consider using it in making our final determinations.

For Grytgols, we calculated the home market prices on the basis of ex-factory, packed prices. We allowed a deduction for quantity discounts in accordance with § 353.14 of the Commerce Regulations. We also made an adjustment for differences in credit terms. We made no adjustments for differences in packing costs as these costs are reportd to be the same in both markets.

Grytgols claimed a level of trade adjustment to compensate for the differences in levels of trade existing between the United States market and the home market for sales of certain carton closing staples. Pursuant to § 353.19 of the Commerce Regulations, the deduction was disallowed because Grytgols was not able to demonstrate differences in pricing arising out of sales of such or similar merchandise at different levels of trade in the home market. If Grytgols submits verifiable information as to differences in level of trade affecting price comparability, we will consider using it in making our final determinations.

Supplemental Information Requested

We are requesting Kihlberg to provide us with additional information on technical services expenses, and warranty, guarantee, and servicing costs. We are also requesting Grytgols to provide us with additional information on warranty, guarantee and servicing costs. If the above supplemental information is not received by June 6, 1983, we may resort to using the best information available for our final determinations.

Verification

We will verify all data used in reaching the final determinations in these investigations, as provided in section 776(a) of the Act.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain carton closing staples and staple machines from Sweden, with the exception of imports of certain carton closing staples produced and exported by Grytgols. This suspension of liquidation applies to all merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond for each such entry of the merchandise equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to these investigations exceeds the United States price. This suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Certain carton closing staples	Weighted-average margin (percent)
Grytgols	[1]0.60
Kihlberg	14.31
All Other Manufacturers/Producers/Exporters	8.71
Kihlberg	136.20
All Other Manufacturers/Producers/Exporters	136.20

[1]Imports of these products from Grytgols are excluded from these preliminary determinations, because we found no sales at less than fair value.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or are threatening to materially injure a U.S. industry before the later of 120 days after the Department of Commerce makes its preliminary affirmative determinations or 45 days after the Department makes its final affirmative determinations.

Public Comment

In accordance with § 353.47 of the Commerce Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on June 24, 1983, at the U.S. Department of Commerce, Room 3092, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by June 17, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

May 25, 1983.

[FR Doc. 83-14782 Filed 6-1-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council and Its Administrative Subcommittee; Change in Meeting Dates

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: The public meeting dates for the Caribbean Fishery Management Council and its Administrative Subcommittee, as published in the **Federal Register**, May 25, 1983 (57 FR 23472), have been changed as follows:

FROM

Council—Tuesday, June 28, 1983–Wednesday, June 29, 1983.

Administrative Subcommittee—Tuesday, June 28, 1983.

TO

Council—Tuesday, July 12, 1983–Wednesday, July 13, 1983.

Administrative Subcommittee—Tuesday, July 13, 1983.

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Banco de Ponce Building—Suite 1108, Hato Rey, Puerto Rico 00918, Telephone: (809) 753–4926.

Dated: May 27, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-14783 Filed 6-1-83; 8:45 am]

BILLING CODE 3510-22-M

Modification to a General Marine Mammal Permit

Notice is hereby given that pursuant to the provisions of § 216.24(b)(4) of the Regulations Governing the Taking and Importing of Marine Mammals and Condition 8 of the Permit, the Category 1 General Permit issued on February 22, 1983 to the VEB Fischfang Rostock of the German Democratic Republic, is hereby modified as detailed below.

1. Condition 2b. is deleted and replaced by:

b. Not more than 25 marine mammals of the Order Cetacea, and 8 marine mammals of Order Pinnipedia, Family Phocidae may be killed or injured.

2. Condition 3 is deleted and replaced by:

3. Marine mammals taken as authorized herein may be taken in the North Atlantic Ocean within the Fishery Conservation Zone of the United States.

These modifications become effective on May 23, 1983.

The General Permit as modified and supporting documentation pertaining to the modifications are available for review in the office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, Room 412, 3300 Whitehaven Street, N.W., Washington, D.C. 20240.

Dated: May 26, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-14781 Filed 6-1-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Marine Mammal Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Point Definance Zoo and Aquarium (p284A).

b. Address: 5402 North Shirley, Tacoma, Washington 98407.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Beluga Wale (*Delphinapterus leucas*), 3.

4. Type of Take: to take and import for public display.

5. Location of Activity: Churchill, Manitoba, Canada.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or requests for a public hearing on this application should be

submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be approprate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.: and

Regional Director, National Marine Fisheries Service, Northwest Region, 7600 Sand Point Way, N.E., BIN C157000, Seattle, Washington 98115.

Dated: May 27, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, National Marine Fisheries Service.

[FR Doc. 83-14779 Filed 6-1-83; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

President's Private Sector Survey on Cost Control

AGENCY: Office of the Secretary, Commerce.

ACTION: Notice of Open Meeting of the Subcommittee of the President's Private Sector Survey on Cost Control (PPSSCC).

SUMMARY: The Subcommittee was established by the Executive Committee of the PPSSCC to: (i) review the recommendations submitted, including task force reports and public comments, and (ii) determine which recommendations should be made to the President and the Departments and Agencies.

TIME AND PLACE: June 13, 1983, beginning at 11 a.m. The meeting will be held at the U.S. Department of Commerce Auditorium, First Floor, Herbert C. Hoover Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

AGENDA:

1. Draft reports from the following Task Forces of the Survey will be discussed by Subcommittee members:
   A. HHS/SSA
   B. Department of Education
   C. Department of the Treasury
   D. Procurement
   E. ADP
   F. Federal Management Systems
2. Comments and recommendations received from public and other interested parties will be discussed by Subcommittee members.

In compliance with Federal Advisory Committee Act and Freedom of Information Act requirements, copies of the draft reports will be available on June 3 at the Department's Central Reference and Records Inspection Facility, Room 6628 Hoover Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Please call Ms. Geraldine P. LeBoo on (202) 377-3271 for information concerning fees and procedures for obtaining copies by mail.

SUPPLEMENTARY INFORMATION: The Subcommittee will hold an additional public meeting in June, 1983. The exact date will be noticed in the **Federal Register**. Copies of all materials, including Task Force reports, to be considered at this meeting will be available approximately two weeks prior to the meeting at the Department's Central Reference and Records Inspection Facility, address above.

PUBLIC PARTICIPATION: The June 13 meeting will be open to the public. Seating will be on a first-come, first-served basis, up to the safe capacity of the meeting room. Media representatives are encouraged to call Mr. Malcolm Barr, Director, News Relations, Department of Commerce, 377-4901 to arrange for coverage of the meeting.

The public may file written statements for consideration by the Subcommittee any time before, at, or after the meeting. It is strongly recommended that statements concerning the matters to be considered at each meeting be filed before such meeting to ensure that they are considered by the Subcommittee before adoption of a report. The statements should be filed at the Department of Commerce's Central Reference and Records Inspection Facility, address and phone number as above. Because of the number of recommendations to be discussed, the meeting agenda will not include time for oral statements from public attendees. All public statements received will be available for public review.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Colson, Committee Control Officer for the Executive Committee of the President's Private Sector Survey on Cost Control, telephone (202) 466-4665.

Dated: May 27, 1983.

Marilyn S. McLennan,

Chief, Information Policy and Management Division, Office of the Secretary.

[FR Doc. 83-14703 Filed 6-1-83; 8:45 am]

BILLING CODE 3510-CW-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

May 27, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on High Energy Lasers will meet in the Pentagon on June 16 to 24, 1983 from 8:30 a.m. to 5:00 p.m. each day. The purpose of the meeting will be to review technologies associated with high energy laser applications. The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Darwin W. Berg,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 83-14690 Filed 6-1-83; 8:45 am]

BILLING CODE 3910-01-M

Defense Mapping Agency

Defense Mapping Agency Advisory Committee on Mapping, Charting and Geodesy (MC and G); Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of the DMA Advisory Committee on MC&G has been scheduled as follows:

Tuesday, June 21, 1983 and Wednesday June 22, 1983, DMA Hydrographic/Topographic Center, Brookmont, Maryland, with appropriate side trips. The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical MC&G issues and advise the Director.

DMA on related scientific and technical matters.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

May 27, 1983.

[FR Doc. 83-14795 Filed 6-1-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Law-Related Education—Institutional Projects; Funding Priorities and Application Notice for Fiscal Year 1983 Grants

Applications are invited for new projects under the Law-Related Education Program.

These awards will be made under the authority of Section 583 of the Education Consolidation and Improvement Act of 1981 (ECIA), which authorizes the Secretary's Discretionary Program. The awards implement the intent of the Congressional Conference Committee on the second continuing resolution for Fiscal Year 1983 (Pub. L. 97-377) that $1 million be reserved from the Secretary's Discretionary Program to fund law-related education projects similar to those supported under the Law-Related Education Act of 1978, which had been previously revoked, effective September 30, 1982, by ECIA.

Closing date for transmittal of applications: Applications for new awards must be mailed or hand delivered by July 18, 1983.

Program Information

(1) *Scope of law-related education.* Grants will be made to support programs at the elementary and secondary school levels through the development and implementation of model projects designed to institutionalize law-related education. "Institutionalization" is defined as the adaptation and incorporation of existing law-related education program materials and processes as an integral part of ongoing and continuing system-wide activities with regular State and local funding sources. Law-related education is intended to give persons knowledge and skills pertaining to the law, the legal process, and the legal system, and the fundamental principles and values on which these are based. The purpose of law-related education is to enable non-lawyers, including children, youth, and adults, to be more informed citizens.

Law-related education may include a variety of learning approaches in subject areas such as: fundamental legal principles and the values on which they are based; the Bill of Rights and other constitutional law; the role and limits of law in a democratic society both past and present; the Federal, State, and local lawmaking process; the role of law in avoiding and resolving conflicts; development and administration of specific rules of law by Federal, State, or local governments and examination in a general or theoretical way of how rule of governance are developed and administered; the administration of the criminal, civil, and juvenile justice systems; and issues of authority, freedom, enforcement, and punishment.

Law-related education does not include direct training for careers in law. It does not include programs designed exclusively or primarily to provide information to persons preparing for or working in a particular profession on a specific law or set of laws that affect that profession.

(20 U.S.C. 3851; Pub. L. 97-377)

2. *Eligible applicants.* A State educational agency (SEA), local educational agency (LEA), or public or private nonprofit agency, organization, or institution may apply for a grant. However, the secretary encourages private nonprofit organizations to develop their applications in cooperation with State or local educational agencies or other organizations responsible for the administration of schools. An applicant may apply singly or jointly with another eligible applicant, as provided in 34 CFR 75.127 through 75.129 of the Education Department General Administrative Regulations (EDGAR). The Secretary of Education encourages joint applications from consortia of eligible applicants. Applicants may apply only for a project that does not exceed one year in duration.

(20 U.S.C. 3851(a))

3. *Types of projects.* The Secretary intends to fund one nation-wide project and additional projects with State-wide, area-wide (involving several school districts), or school district-wide applicability designed to institutionalize law-related education. Project activities may include technical assistance to help agencies identify and coordinate financial and programmatic support from public and private organizations in the community; planning and implementation of training such as seminars for educators and law-related personnel, e.g., law enforcement officials; and other services necessary to plan, manage, coordinate, and strengthen programs—all directed toward institutionalization of law-related education in the classroom.

It is estimated that a nation-wide project would require $100,000–$150,000, State-wide projects would require about $50,000–$100,000, area-wide projects would require about $25,000–$75,000, and system-wide projects would require approximately $10,000–$50,000. It therefore is estimated that between 10 and 20 projects would be funded, depending in part on the distribution of successful applications among projects of different scope.

It is possible that the Secretary may decide to fund one or more contracts for specific activities in law-related education outside of the grant competition provided for by this notice. This decision would affect the number and size of grant awards under this notice. The funding levels described above are estimates that do not bind the Secretary.

(20 U.S.C. 3851)

4. *Evaluation criteria.* In evaluating applications, the Secretary considers the following:

(a) *Institutionalizing law-related education.* (35 points)

The likely success of the project in helping to institutionalize law-related education programs, as measured by the extent and quality of activities that contribute to—(1) a recognition among public and private agencies and members of the public of law-related education's value as a part of the elementary and secondary school curriculum; (2) an increase in the number of educators and others who are competent in law-related education; (3) the development of effective sources of continuing programmatic and financial support from public and private organizations, including, for example, partnerships among State educational agencies, other public agencies, and private organizations, such as bar associations, law schools, and parent groups, and use of volunteers in law-related education programs; and (4) implementation of law-related education programs in the classroom.

(b) *Quality of project.* (15 points) The following additional criteria bearing on the quality of the project: (1) evidence of applicability to classroom use and age-level of students, of the applicant's materials, programs, or approaches in law-related education; (2) the applicant's and the staff's experience in and knowledge of law-related education; (3) how the project addresses a diversity of learning approaches that are—(i) appropriate to the students to whom the project is directed, (ii) designed to address gains not only in student's knowledge, but also in their

skills, (iii) balanced and based on sound scholarship and do not advocate particular legal or political viewpoints; and (4) the involvement of the appropriate State educational agency or agencies in the planning and conduct of the project.

(c) *Quality of key personnel.* (15 points) The quality of key personnel the applicant plans to use in the project, including—(1) the qualifications of the project director (if one is to be used) and other personnel; (2) the time that these persons will commit to the project; and (3) the extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(d) *Plan of Operation.* (15 points) The quality of the plan of operation for the project. In applying this criterion, the Secretary looks for information that shows—(1) high quality in the design of the project; (2) an effective plan of management that ensures proper and efficient administration of the project; (3) a clear description of how the objectives of the project relate to the purpose of the program; (4) the way the applicant plans to use its resources and personnel to achieve each objective; (5) a clear description of how the applicant will provide equal access and treated for eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly, and (6) if the applicant is an SEA or LEA, how the applicant will provide an opportunity for the participation of persons (administrators, teachers, and students) in private schools.

(e) *Budget and cost effectiveness.* (6 points) The cost effectiveness of the project and the appropriateness of its budget.

(f) *Evaluation plan.* (7 points) The quality of the evaluation plan for the project. (See 34 CFR 75.590—Evaluation by the grantee.) In applying this criterion, the Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points) The adequacy of facilities, equipment, and supplies that the applicant plans to use in the project.

5. *Rationale for program focus.* The emphasis on projects designed to institutionalize law-related education was selected for two reasons—

(a) There are highly regarded law-related education programs in many States and school districts throughout the Nation, including programs that have been funded under the Law-Related Education Act and by other sources. However, many school districts do not have effective programs, or any programs at all. It is appropriate to build on the succeses of existing programs, to institutionalize them, and to strengthen their capacity to serve as resources that will help address these unmet needs. The Secretary believes that this is a more effective way to use discretionary funds available for law-related education under Section 583 of ECIA than to provide direct support for additional basic program initiation or development.

(b) For the most part, future Federal financial support for particular law-related education programs will depend on decisions by State educational agencies and local educational agencies as to how to spend funds they administer under other Department of Education programs, particularly the block grant program authorized by Chapter 2 of ECIA. Projects that have system-wide applicability can contribute to more effective use of State and locally-administered Federal funds for law-related education. Projects that include strategies to institutionalize classroom law-related education can address the problem that many local educators are not aware of the potential value of law-related education and how it can be integrated into the curriculum. Therefore, institutionalization projects can promote informed choices by cognizant State and local officials—with the block grant funds or with State and local funds—of whether and how best to support law-related education activities.

6. *Private school personnel.* An SEA or LEA that receives a grant under this notice must provide for the equitable participation of private school persons in the project, in accordance with Section 586 of ECIA.

(20 U.S.C. 3862)

Waiver of Rulemaking

In accordance with Section 431 of the General Education Provisions Act and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Department of Eduction to provide an opportunity for public comment in respone to proposed regulations before issuing the regulations in final form. However, the Secretary of Education has determined that proposed rulemaking would be impracticable and contrary to the public interest for the rules in this notice and is therefore waiving the opportunity for public comment, in accordance with 5 U.S.C. 553(b)(3)(B).

The rules in this notice apply only to a competition for grants that must be awarded in the current fiscal year, which ends September 30, 1983. The awards should be made as far in advance of that date as possible to permit planning by grantees for use of funds during the 1983–84 school year. Funds governed by this notice were appropriated in the continuing resolution enacted December 20, 1982. Prior to that date, the Department expected that discretionary funds would not be used for this purpose. Given the time required to prepare, clear, and publish proposed and final regulations, to invite and review applications, and to negotiate and award grants, there is insufficient time following December 20, 1982 to follow proposed rulemaking procedures and still obligate funds on a timely basis in this fiscal year. Therefore, it is impracticable and contrary to the public interest to follow rulemaking procedures. It should also be noted that the rules in this notice are similar to those that were in effect under the Law-Related Education Act, which were developed with substantial public involvement, consistent with the Conference Committee directive.

(5 U.S.C. 553(b); 20: U.S.C. 1232)

Effective dates: Unless the Congress takes certain adjournments, the funding priorities, criteria, and other rules in this notice are expected to take effect 45 days after publication in the **Federal Register.** If you want to know the effective date of these regulations, call or write the Department of Education contact person.

Available Funds

Approximately $1 million are available for these awards for Fiscal Year 1983. Information on the estimated number and size of awards is described under paragraph 3 of this notice (Types of projects).

Applications Delivered by Mail

An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.123, Law-Related Education Program, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(a) A legibly dated U.S. Postal Service Postmark.

(b) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(c) A dated shipping label, invoice, or receipt from a commercial carrier.

(d) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark; or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Street, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily except Saturdays, Sundays, and Federal holidays. An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Application Forms

Application forms and program information packages will be ready for mailing on June 3, 1983. The program information packages may be obtained by writing to the Division of Educational Support, Law-Related Education Program, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 1725, Donohoe Building), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information package.

The Secretary strongly urges that applicants not submit information that is not requested, However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

Applicable Regulations

The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, and 78, are applicable to this program.

Further information: For further information, contact M. Patricia Goins, Program Officer, Law-Related Education Program, Division of Educational Support, U.S. Department of Education, 400 Maryland Avenue, SW (Room 1725, Donohoe Building), Washington, D.C. 20202. Telephone: (202) 245–8223.

(20 U.S.C. 3851)

(Catalog of Federal Domestic Assistance No. 84.123, Law-Related Education Program)

Dated: May 27, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-14782 Filed 6-1-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Barrett Paving Materials, Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

[ERA Docket No. 83-CERT-085]

On May 11, 1983, Barrett Paving Materials, Inc. (BARRETT), 4847 Provident Drive, Cincinnati, Ohio 45246, filed with the Administrator of the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at three of its facilities in Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, BARRETT indicates that the volume of natural gas for which it requests certification is approximately 46,000 Mcf per year. This volume is estimated to displace the use of approximately 307,000 gallons of No. 2 fuel oil (0.3 percent sulfur) per year at the Pleasant Run and Grand Avenue plants in Cincinnati, Ohio, and at the West Carrollton plant in West Carrollton, Ohio.

The quantities at each location are subject to variation with changes in demand, but estimated gas usage and resulting oil displacement volumes are listed below:

Facility	Estimated volume (Mcf) per year	Estimated oil (No. 2) displacement (gallons) 0.3% sulfur
Pleasant Run, 12075 Hamilton Avenue, Cincinnati, Ohio 45231	18,000	120,000
Grand Avenue, 2201 Grand Avenue, Cincinnati, Ohio 45214	18,000	120,000
West Carrollton, 4710 Soldiers Home-West, Carrollton Road, West Carrollton, Ohio 45449	✓ 10,000	67,000
Total	46,000	307,000

The eligible sellers are Exxon, U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, Owensboro, Kentucky 42301; and Ohio Gas Marketing Corporation, 3393 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, Owensboro, Kentucky 42301; and by Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, and Dayton Power & Light Company, Courthouse Plaza Southwest, Dayton, Ohio 45401, the local distribution companies in Cincinnati and West Carrollton, Ohio.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paul A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such

an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to BARRETT and any person filing comments and will be published in the Federal Register.

Issued in Washington, D.C. on May 25, 1983.

James W. Workman,

Director, Office of Fules Programs, Economic Regulatory Administration.

[FR Doc. 83-14687 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-076]

Container Corporation of America; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

The Container Corporation of America (CONTAINER), 5500 Wooster Road, Cincinnati, Ohio 45226, filed an application on May 9, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its paperboard manufacturing facility in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, CONTAINER indicates that the volume of natural gas for which it requests certification is approximately 31.5 million cubic feet per month. This volume is estimated to displace the use of approximately 210,000 gallons of No. 6 fuel oil (less than 1.0 percent sulfur) per month.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and the Cincinnati Gas and Electric Company, P.O. Box 960, Cincinnati, Ohio 45202; and The Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012, local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Ecomonic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the Federal Register.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to CONTAINER and any person filing comments and will be published in the Federal Register.

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14686 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-057, etc.]

Dauphin Manor, et al.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

On May 12, 1983, Dauphin Manor (DAUPHIN), 1205 South 28th Street, Harrisburg, Pennsylvania 17111; Sperry New Holland Division of Sperry Corporation (SPERRY), 500 Diller Avenue, New Holland, Pennsylvania 17557; The Milton S. Hershey Medical Center (HERSHEY), P.O. Box 850, Hershey, Pennsylvania 17033; G & M Finishing, Inc. (G&M), R. D. #1, Alexander Street, Ephrata, Pennsylvania 17522; St. Lawrence Carbonizing Co., Inc. (ST. L.), 3600 Park View Road, St. Lawrence, Reading, Pennsylvania 19606; Arbogast & Bastian, Incorporated (A&B), 1-19 Hamilton Street, P.O. Box 478, Allentown, Pennsylvania 18105; Ralston Purina Company (RALSTON), 6509 Brandy Lane, P.O. Box 1190, Mechanicsburg, Pennsylvania 17055; and Lehigh University (L.U.) 404 Adams Street, Bethlehem, Pennsylvania 18015, filed with the Administrator of the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at one university, one county home, one hospital, and six manufacturing facilities in Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the applications on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In their applications, the Applicants indicate the total volume of natural gas for the nine Pennsylvania facilities for which they request certification is approximately 1,355,900 Mcf per year. This volume is estimated to displace the use of approximately 3,740,000 gallons of No. 6 fuel oil (0.2-2.8 percent sulfur), approximately 2,632,252 gallons of No. 2 fuel oil (0.1-1.0 percent sulfur), and approximately 2,884,400 gallons of No. 5 fuel oil (0.2-2.9 percent sulfur) per year.

Estimated gas usage and resulting oil displacement volumes for each applicant and facility are listed below:

ESTIMATED OIL DISPLACEMENT (GALLONS) PER YEAR

ERA Docket No. 83-CERT-	Location	Estimated volume (Mcf) per year	No. 2	Sulfur content	No. 5	Sulfur content	No. 6	Sulfur content
[illegible] (DAUPHIN)	1. Dauphin County Home, Harrisburg, PA	56,400	425,152	0.1				
[illegible] (SPERRY)	1. Mountville Plant, Mountville, PA	50,000	134,200	1.0	220,800	1.0		
	2. New Holland Plant, New Holland, PA	100,000	82,900	1.0	506,100	1.0		
060 (HERSHEY)	1. Medical Center/Hospital, Hershey, PA	245,000	2,000,000	0.1				

ESTIMATED OIL DISPLACEMENT (GALLONS) PER YEAR—Continued

ERA Docket No. 83-CERT-	Location	Estimated volume (Mcf) per year	No. 2	Sulfur content	No. 5	Sulfur content	No. 6	Sulfur content
090 (G&M)	1. Ephrata Facility, Ephrata, PA	110,000					733,000	0.2
091 (ST.L)	1. St. Lawrence Plant, St. Lawrence, PA	36,500			255,500	0.2		
092 (A&B)	1. Allentown Facility, Allentown, PA	225,000					1,500,000	2.0
093 (RALSTON)	1. Mechanicsburg Plant, Mechanicsburg, PA	230,000					1,507,000	2.0
094 (L.U.)	1.Lehigh Facility, Lehigh, PA	310,000			1,808,000	2.8		
Total		1,355,500	2,892,252		2,884,400		9,740,000	

For each application noted above, the eligible seller is Exxon U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning any of these applications to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of any of these applications may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to the Applicant and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14669 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

Merrell Dow Pharmaceuticals, Inc.;

[ERA Docket No. 83-CERT-081] Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Merrell Dow Pharmaceuticals, Inc. (MERRELL DOW), 2110 East Galbraith Road, Cincinnati, Ohio 45215, filed an application on May 9, 1983, with the Economic Regulatory Administration (EPA), and amended it May 18, 1983, for certification of an eligible use of natural gas to dsiplace fuel oil at its pharmaceutical facility in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, MERRELL DOW indicates that the volume of natural gas for which it requests certification is approximately 125 million cubic feet per year. This volume is estimated to displace the use of approximately 1 million gallons of No. 2 fuel oil (0.20 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by the Cincinnati Gas and Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D. C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interest person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to MERRELL DOW and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 25, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14668 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-1001]

Mt. Savage Refractories Company, Inc.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Mt. Savage Refractories Company, Incorporated (MSRC), P.O. Box 5171 Centre Avenue, Pittsburgh, Pennsylvania 15206, filed an application on May 16, 1983 with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its facility in Mt. Savage, Maryland, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket

Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal Holidays.

In its application, MSRC indicates that the volume of natural gas for which it requests certification is approximately 150,000 Mcf per year. This volume is estimated to displace the use of approximately 1,050,000 gallons of No. 2 fuel oil (1.0 percent sulfur) per year.

The eligible sellers are Burdette Oil and Gas Company, Inc., 2303 Roxalana Road, Dunbar, West Virginia 25064; and J & J Enterprises, Inc., P.O. Box 697, Indiana, Pennsylvania 15701–0697. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston West Virginia 25325; and by Columbia Gas of Maryland, Inc., 107 West Main Street, Uniontown, Pennsylvania 15401, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to MSRC and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on May 25, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–14670 Filed 6–1–83; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Brent Exploration, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Brent Exploration, Inc. (Brent), 2060 Energy Center One, 717 Seventeenth Street, Denver, Colorado 80202. This Proposed Remedial Order charges Brent with pricing violations in the amount of $1,542,912.41 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period August 1979 through December 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Manager, Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7407. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Tex., on the 6th day of May 1983.

Ben L. Lomos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83–14672 Filed 6–1–83; 8:45 am]

BILLING CODE 6450–01–M

Granite Petroleum Corporation Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Granite Petroleum Corporation and John E. Woolsey, Jr., 7880 San Felipe, Suite 201, Houston, Texas 77063. This Proposed Remedial Order alleges violations in the pricing of crude oil. The principal amount of the violation of 10 CFR 212.186, 210.62 and 205.202 for the period October 1979 through November 1980 is $705,324.56. The principal amount of the alleged alternative violation of 10 CFR 212.183 for the same period is $288,774.61.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Tex., on the 20th day of May 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83–14671 Filed 6–1–83; 8:45 am]

BILLING CODE 6450–01–M

Kunz Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administation hereby gives notice of a Proposed Remedial Order which was issued to Kunz Oil Company of Edina, Minnesota

This Proposed Remedial Order charged Kunz Oil Company with pricing violations in the amount of $143,375.11, plus accrued interest in sales of motor gasoline during the time period of May 1, 1979 through August 31, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Mo. on the 20th day of May 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83–14673 Filed 6–1–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–066]

Sherwin-Williams Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Sherwin-Williams Company (S–W), 501 Murray Road, Cincinnati, Ohio 45217, filed an application on May 9, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its organic chemical plant in Cincinnati, Ohio, pursuant to 10 CFR

Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, S–W indicates that the volume of natural gas for which it requests certification is approximately 60 million cubic feet per year. This volume is estimated to displace the use of approximately 10,800 barrels of No. 2 fuel oil (0.17 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; and Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by the Cincinnati Gas and Electric Company, P.O. Box 960, Cincinnati, Ohio 45202; and The Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012, local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to S–W and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 26, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14780 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ID-2043-000]

Burton C. Arola; Application

May 26, 1983.

The filing individual submits the following:

Take notice that on May 9, 1983, Burton C. Arola filed an application pursuant to Section 35(b) of the Federal Power Act to hold the following positions:

Treasurer—Upper Peninsula Power Company

Secretary and Treasurer—Upper Peninsula Generating Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14681 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-338-002]

Colorado Interstate Gas Co. and Montana-Dakota Utilities Co.; Petition To Amend

May 26, 1983.

Take notice that on April 28, 1983, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, and Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP82-338-002 a joint petition to amend the order issued in Docket No. CP82-338-000 on November 30, 1982, pursuant to Section 7 (c) of the Natural Gas Act so as to authorize the additions and deletions of delivery points to an exchange agreement between the Petitioners, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that by order issued November 30, 1982, in CP82-338-000, Petitioners were authorized to engage in the reciprocal exchange of natural gas in the Madden Field area of Wyoming pursuant to a gas exchange agreement dated October 27, 1978, as amended. Petitioners further state that the terms of the Madden agreement provide for the delivery of volumes of natural gas to CIG by MDU and to MDU by CIG from various sources of supply which are remote from one party's gathering system but proximate to the other's system thus eliminating the need for additional facilities required to connect such gas directly.

Petitioners assert that the Madden Field is still developing as a producing area with new wells being developed and connected to the gathering systems. Petitioners further assert that on occasion, for various operational or other reasons, wells may be disconnected from the systems. Petitioners, therefore, request authorization for blanket authority for the addition and deletion of delivery points in the Madden area of interest. Petitioners assert they would file annual tariff revisions by January 31 of each year setting forth additions and deletions of delivery points made during the previous calendar year.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to

intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14664 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI79-621-001 et al.]

Elf Aquitaine, Inc. (Successor to Texasgulf Inc.); Application of Succession in Interest From Texasgulf Inc. to Elf Aquitaine, Inc.

May 26, 1983.

Take notice that on March 28, 1983, Elf Aquitaine, Inc., (Elf), of Eleven Hundred Milam Building, Houston, Texas 77002, as successor to Texasgulf, Inc. (Texasgulf), filed an application to amend certain certificates currently held by Texasgulf to show Elf as certificate holder and to redesignate the related rate schedules.

By Conveyance effective March 31, 1983, Texasgulf transferred and assigned to Elf all of its right, title and interest in and to the Texasgulf gas properties. Elf proposes to continue, as successor, all of the Texasgulf's ongoing sales. The various dockets and rate schedules involved are listed in the attached Appendix.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

APPENDIX

Certificate docket No.	Now— Elf Aquitaine, Inc., FERC gas rate schedule No.	Formerly— Texasgulf, Inc., FERC gas rate schedule No.	Purchaser
CI73-449[1]	2	1	Columbia Gas Transmission Corp.
CI73-542[1]	3	2	Columbia Gas Transmission Corp.
CI79-621-001	4	3	Northern Natural Gas Co.
CI80-279	5	4	Northern Natural Gas Co.
CI80-464	6	5	Northern Natural Gas Co.
CI82-162-000	7	6	Southern Natural Gas Co.
CI82-167-000	8	7	Southern Natural Gas Co.
CI82-243-000	9	8	Southern Natural Gas Co.

[1] Optional pricing certificates.

[FR Doc. 83-14665 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-312-000]

Equitable Gas Co.; Application

May 26, 1983.

Take notice that on May 4, 1983, Equitable Gas Company (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP83-312-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon from its interstate system certain natural gas compression facilities and related building structures and for a certificate of public convenience and necessity authorizing the construction and operation of replacement facilities at its Burnsville compressor station, Braxton County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon its 6,000 horsepower Burnsville compressor station and appurtenant facilities now in operation in the City of Burnsville, Braxton Country, Salt Lick District, West Virginia, due to the old age and outmoded steam engines used in compressing of the natural gas.

Applicant proposes to replace its existing compressor station, at the same location, with a station of modern design and technology having a total of 3,300 installed horsepower at an estimated cost of $7,000,000. Such cost, it is asserted, would be financed from general funds of the company.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14677 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-89-000]

Midwestern Gas Transmission Co.; Tariff Filing

May 26, 1983.

Take notice that on May 24, 1983, Midwestern Gas Transmission Company (Midwestern) tendered for filing First Revised Sheet No. 21 and Original Sheet No. 21A to Original Volume No. 1 of its FERC Gas Tariff to be effective June 1, 1983.

Midwestern states that the revisions make changes in the minimum bill provisions of Midwestern's Southern System Rate Schedule CD–1 pursuant to a settlement between Midwestern and its customers who purchase under Rate Schedule CD–1. Midwestern states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before June 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14679 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-19-002]

Northwest Pipeline Corp.; Amendment

May 26, 1983.

Take notice that on May 5, 1983, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84410, filed in Docket No. CP81–19–002 an amendment to the pending application filed in Docket No. CP81–19–000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect no limit to the annual volumes of natural gas available for sale to Southwest Gas Corporation (Southwest), as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on October 17, 1980, Applicant filed in Docket No. CP81–19–000 an application for a certificate of public convenience and necessity authorizing the establishment of a new point of delivery for the sale and delivery of natural gas to Southwest. It is asserted that the proposed delivery point would be at an existing point of interconnection between the facilities of Applicant and El Paso Natural Gas Company in the vicinity of Ignacio, Colorado. The proposed sale to Southwest would be made pursuant to Applicant's Rate Schedule ODL–1 and would be made within Southwest's present ODL–1 contract entitlement, it is asserted. Applicant proposed to limit the maximum deliveries of gas at the proposed delivery point to 500,000 therms equivalent per day and 30,000,000 therms equivalent annually.

Applicant proposes in this amendment to the application to limit the volumes of natural gas available for sale to Southwest at the proposed delivery point to a price not to exceed Applicant's system average gas costs. Applicant states that it no longer considers an annual limitation to be appropriate and therefore requests that the annual limitation not be imposed. Applicant further states that it is willing to accept a certificate of public convenience and necessity conditioned as follows:

(a) It is Applicant's intent that deliveries of natural gas at the Ignacio delivery point shall be limited to those incremental volumes of natural gas that Applicant is able to deliver for resale to Southwest at a price not to exceed Applicant's system average gas cost at the time of delivery.

(b) The volumes of natural gas which Applicant is authorized to sell and deliver to Southwest at the proposed Ignacio delivery point shall not exceed 500,000 therms on a daily basis.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14680 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI76–733–002, et al.]

Petrofina Delaware, Inc. (Finadel, Inc.); Corporate Name Change

May 26, 1983.

Take notice that on April 29, 1983, Petrofina Delaware, Incorporated (Petrofina) of P.O. Box 2159, Dallas, Texas 75221, filed in Docket Nos. CI76–733–002, *et al.*, applications for amendment of certificates of public convenience and necessity and for redesignation of certain rate schedules as listed in the attached Appendix to reflect a change in corporate name from Finadel, Incorporated to Petrofina Delaware, Incorporated.

Effective December 20, 1982, the Certificate of Amendment of Finadel, Incorporated amending Article I of the Articles of Incorporation of the Corporation so that same shall read as follows: "The name of the Corporation is: Petrofina Delaware, Incorporated" was filed in the Office of the Secretary of State of Delaware.

Notice is hereby given that all the certificates and rate schedules as listed in the attached Appendix are hereby redesignated to reflect the corporate name change form Finadel, Incorporated to Petrofina Delaware, Incorporated.

Kenneth F. Plumb,

Secretary.

APPENDIX

Docket No.	Formerly	Now	Purchaser
CI76–733–002.	Finadel, Incorporated No. 1.	Petrofina No. 1.	Transcontinental Gas Pipe Line Corp.
CI76–737–002.	Finadel, Incorporated No. 2.	Petrofina No. 2.	Transco Gas Supply Co.
CI76–735–001.	Finadel, Incorporated No. 3.	Petrofina No. 3.	Transco Gas Supply Co.

[FR Doc. 83-14686 Filed 6-1-83; 8:45 am]

BILLING CODE 6710-01-M

[Docket No. ID–2044–000]

Philip L. Lefebvre; Application

May 21, 1983.

The filing individual submits the following:

Take notice that on May 9, 1983, Philip L. Lefebvre filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant Secretary-Assistant Treasurer—Upper Peninsula Power Company
Assistant Secretary-Assistant Treasurer—Upper Peninsula Generating Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14680 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2045-000]

Rodney H. Carlson; Application

May 26, 1983.

The filing individual submits the folliwing:

Take notice that on May 9, 1983, Rodney H. Carlson filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President—Upper Peninsula Power Company
Director—Upper Peninsula Generating Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14679 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-470-001]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Amendment to Application

May 20, 1983.

Take notice that on May 2, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-470-001 an amendment to its pending application filed in Docket No. CP82-470-000 pursuant to Section 3 of the Natural Gas Act so as to reflect a change in the maximum daily quantity of natural gas proposed to be imported from Canada to the United States from 309,000 Mcf to 209,000 Mcf, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Tennessee states that due to the Reasons for Decision issued by the National Energy Board of Canada (NEB) on January 27, 1983, Tennessee is amending its import application to reflect the deletion of its request to import gas to be produced by Ocelot Industries Ltd.

Tennessee seeks to recover the cost of that gas which it would import under the authorizations requested in its instant application by means of its purchased gas adjustment provision in Article XXIII of the General Terms and Conditions of its FERC Gas Tariff and by means of a waiver of § 154.38(d)(4) of the Commission's Regulations to the extent that the Commission determines that such waiver is necessary.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 3, 1983, file with the Federal Energy Regulatory Commisssion, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Except for those persons that have previously been permitted to intervene, any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14668 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-309-000]

Transcontinental Gas Pipe Line Corp.; Application

May 26, 1983.

Take notice that on May 3, 1983, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-309-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for The New Jersey Zinc Company, Inc. (NJZ), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 3,700 dt equivalent of natural gas per day for NJZ on an interruptible basis for six months. Applicant contends that NJZ is an eligible user of natural gas as defined in Section 157.102 of the Commission's Regulations. Applicant submits that NJZ has arranged to purchase natural gas from Industrial Energy Services Company (IESCO), a broker purchasing gas from Atlas Resources, Inc. (Atlas), for use in NJZ's Palmerton, Pennsylvania, ammonia plant.

It is further stated that Columbia Gas Transmission Corporation (Columbia) would receive up to 3,700 dt equivalent of gas per day from IESCO via Columbia's existing interconnections with Atlas in Indiana County, Pennsylvania, and would redeliver such quantities, minus line loss and fuel retention charged by Columbia, to Applicant at the existing interconnection of Applicant and Columbia at Young Woman's Creek, Clinton County, Pennsylvania. Applicant, in turn, would transport such quantities by displacement and deliver them for NJZ's account to Union Gas Company (Union), an existing customer of Applicant at Palmerton, Pennsylvania, it is stated. Union would redeliver the gas ultimately at existing delivery points with NJZ, it is further explained.

It is stated that for such transportation service, NJZ would initially pay Transco 32.1 cents per dt equivalent delivered. Such service would be subordinate to

deliveries to Union under Applicant's Rate Schedules CD, GSS, LGA, PS, WSS and ISP, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate if required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14682 Filed 6-1-83: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-307-000]

Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Application

May 27, 1983.

Take notice that on May 3, 1983, Arkansas Louisiana Gas Company, a division of Arkala, Inc. (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP83-307-000 and application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale for resale of natural gas to the Town of Mangum, Oklahoma (Mangum), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that at the request of Mangum, it has bought the municipally-owned distribution system and taken over its operation. Applicant, therefore, proposes the abandonment of its sale of gas to Mangum for resale as Applicant would be delivering gas into its own distribution facilities. Applicant submits that the volumes sold to Mangum have averaged less than 110 Mcf per day for the last six years. Applicant points out that it is not requesting abandonment authorization for its tap and related facilities by means of which it has heretofore effected the delivery of gas from its transmission line to the subject distribution system because those facilities would continue to be used in the same service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14747 Filed 6-1-83: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-336-000]

City of Pensacola, Florida v. United Gas Pipe Line Co.; Petition for Declaratory Order and Complaint

May 27, 1983.

Take notice that on May 4, 1983, the City of Pensacola, Florida (Pensacola), Energy Services, 105 East DeSota Street, Pensacola, Florida 32501, pursuant to the Natural Gas Act and the Commission's Regulations thereunder, has filed a petition for declaratory order[1] and complaint. Pensacola seeks, *inter alia*, a declaration that the full requirements provision of the service agreement between it and United Gas Pipe Line Company (United) is unjust, unreasonable, unduly discriminatory and preferential and that certain articles in the service agreement are in conflict with United's FERC Gas Tariff as to partial requirements customers. Pensacola also asserts that United has permitted some customers with full requirements service agreements to pursue second source supplies. Pensacola also asserts that United seeks to use its monopoly position to thwart competition, contrary to the antitrust and antimonopoly laws and decisions. Pensacola also requests, *inter alia*, that an investigation be initiated and that a hearing be convened to take evidence on matters set forth in its petition.

Any person desiring to be heard or to make any protest with reference to said petition and complaint should, on or before July 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

[1] Pensacola's petition is styled "Motion to Intervene, Protest, Complaint, and Petition for Declaratory Order."

to intervene in accordance with the Commission's Rule.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14748 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-41-002]

Columbia Gas Transmission Corp.; Equitable Gas Co.; Petition To Amend

May 27, 1983.

Take notice that on April 14, 1983 Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virgina 25314, and Equitable Gas Company (Equitable), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP78-41-002 a petition to amend the order issued April 13, 1978, in Docket No. CP78-41 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas to an additional delivery point from Columbia to Equitable and the transportation of gas owned by any Equitable subsidiary, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners were authorized, *inter alia*, to transport and exchange natural gas pursuant to a transportation and exchange agreement dated October 18, 1977. It is asserted that this agreement provides that delivery of exchange volumes of natural gas may be made at such other points not enumerated therein as are mutually agreed upon. Petitioners have agreed upon and request authorization for a new point of delivery from Columbia to Equitable at an existing point of interconnection between Columbia and Texas Eastern Transmission Corporation (Texas Eastern) near Waynesburg, Greene County, Pennsylvania. It is asserted that deliveries at this location would not exceed 30,000 Mcf per day on a firm basis and in addition up to 20,000 Mcf per day on a best-efforts basis provided that the combined delivery at this location plus deliveries at the existing Waynesburg delivery point would not exceed 50,000 Mcf per day for the five-month period, November through March, and 30,000 Mcf per day for the seven-month period, April through October. It is stated that all deliveries made at the new delivery point would be made by Columbia to Texas Eastern for Equitable's account.

Further, Equitable has requested and Columbia has agreed that gas owned by any Equitable subsidiary may be transported under the transportation and exchange agreement of October 18, 1977, so long as the total volumes transported thereunder do not exceed 70,000 Mcf per day. Authority for such transportation is also requested herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14749 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-437-000]

Commonwealth Edison Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, and Establishing Hearing and Price Squeeze Procedures

Issued: May 27, 1983.

On March 31, 1983, Commonwealth Edison Company (Commonwealth) tendered for filing increased rates for firm service to its five full requirements customers.[1] The proposed rates would increase revenues by approximately $8.6 million (18.6%) for the calendar year 1983 test period. Commonwealth requests that the proposed rates because effective on May 31, 1983. The proposed rates are based on a cost of service study which includes no CWIP in rate base that would not qualify under existing Commission regulations. However, Commonwealth requests that sufficient CWIP be added to rate base to offset any downward adjustments ultimately made to its cost of service.

Notice of the filing was published in the **Federal Register**, with comments due by April 26, 1983. The Cities of Batavia, Geneva, Naperville, Rock Falls, and St. Charles, Illinois (Cities) filed a timely protest and motion to intervene. The Cities raise various cost of service and rate base issues,[2] allege that the proposed rates will create a price squeeze, request a five month suspension, and request that the Commission abandon its policy of phasing price squeeze issues and deal with that issue immediately. The Cities also request that the Commission reject Commonwealth's request for inclusion of sufficient non-qualifying CWIP in rate base to offset any cost of service adjustments.

While the Cities have been involved in substantial litigation before the Commission in prior cases, they state that their present attorneys and consultants have not participated in that prior litigation. Therefore, the Cities assert that they are not yet in a position to make a judgment as to which issues, if any, in this docket should be governed by the outcome of prior litigation or which issues, although previously addressed, have been affected by changed circumstances or other factors. Accordingly, the Cities request that all decisions concerning the precedential effect of prior cases be deferred for consideration by the presiding administrative law judge.

On May 11, 1983, Commonwealth filed an answer to the Cities' protest and motion to intervene. Commonwealth disputes the allegations that its cost of service is excessive or improper. Commonwealth does not, however, oppose the Cities' intervention in this proceeding. As to the Cities' contention that CWIP is not properly includable in Commonwealth's filing, Commonwealth states that the Commission at a public meeting on March 10, 1983, decided to adopt a rule allowing up to 50% of a utility's CWIP in rate base. By that decision, Commonwealth argues that the Commission effectively abandoned its CWIP policy as embodied in § 2.16 of the Commission's regulations. Therefore, it is Commonwealth's belief that the disposition of its filing should be governed by the Commission's March 10th "decision," not § 2.16 of the Commission's regulations.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motion to intervene serves to make the Cities parties to this proceeding.

---

[1] *See* Attachment A for customers and rate schedule designations.

[2] These issues include: (1) Claimed return on common equity; (2) rate design; (3) demand and energy allocators; (4) test period expense and load projections; (5) calculation of income tax; and (6) inclusion of the cost of unenriched uranium in rate base.

We shall deny Commonwealth's request to support the proposed rates by including sufficient non-qualifying CWIP in rate base as an offset to any cost of service adjustments. As noted, this request was made in anticipation of revised regulations changing the Commission's CWIP policy; Commonwealth did not allege that it was experiencing severe financial difficulty under § 2.16 of our regulations as it existed at the time of Commonwealth's filing. Cities contend that Commonwealth's request is contrary to the effective regulations and would constitute a moving target. They argue persuasively that a utility generally controls the timing, magnitude, and cost support of its rate filings and that substantial resources would be squandered in litigating various cost of service issues if the utility were later able to negate any adverse consequences by a simple offset based on a rule which had not issued at the time of filing. We note that a final rule pertaining to CWIP was issued in Docket No. RM81–38–000 on May 16, 1983. That rule expressly provides that it does not become effective until thirty days after publication in the **Federal Register**; the rule further provides the specific filing requirements and conditions under which a utility may *file* to include CWIP in rate base *on and after* the effective date of the rule. Thus, the new regulations cannot apply to anticipatory filings or requests such as Commonwealth's.

As noted, the Cities' request that all decisions regarding which issues in this docket are properly governed by prior litigation should be referred to the presiding judge. Inasmuch as the issues raised by this filing may be more clearly defined after discovery has taken place, we agree that it is appropriate to leave such questions initially to the presiding judge.

Our review of Commonwealth's submittal and the pleadings indicates that the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. We shall therefore accept Commonwealth's rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82–23–000, 18 FERC ¶ 61,189 (1982), we explained the Commission's suspension policy and noted that rate filings would ordinarily be suspended for five months where preliminary review indicates that the proposed rates may be unjust and unreasonable and may produce substantially excessive revenues, as defined in *West Texas*. Because our review suggests that Commonwealth's rates may be substantially excessive, we shall suspend the rates for five months from 60 days after filing, to become effective, subject to refund, on October 31, 1983.

In light of the Cities price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79–339–000, 8 FERC ¶ 61,131 (1979).[3]

The Commission orders:

(A) Commonwealth's proposed rates are hereby accepted for filing and suspended for five months from 60 days after filing, to become effective, subject to refund on October 31, 1983.

(B) Commonwealth's request that sufficient CWIP be added to rate base to offset any cost of service adjustments ultimately ordered is hereby denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Commonwealth's rates.

(D) The Commission staff shall serve top sheets in this proceeding on or before June 14, 1983.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service to top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates, to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure, and to determine which issues in this proceeding should be governed by prior litigation involving Commonweath and the Cities.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate, which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[3] While the Cities generally challenge the appropriateness of our established phasing practice and urge that it be abandoned, barring such relief, they have not suggested that extraordinary circumstances exist so as to justify an exception in their case.

Attachment—Commonweath Edision Company Rate Schedule Designations

[Docket No. ER83–437–000]

Filed: March 31, 1983.

FPC Electric Tariff, Original Volume No. 1

Sheet No.	Superseding sheet No.
Eleventh Revised Sheet No. 1.	Tenth Revised Sheet No. 1
Fourth Revised Sheet No. 7	Third Revised Sheet No. 7
First Revised Sheet No. 7A	Original Sheet No. 7A.
Third Revised Sheet No. 8	Second Revised Sheet No. 8

[FR Doc. 83–14750 Filed 6–1–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6397–001]

Lawrence J. McMurtrey; Suspending 120-Day Period for Action on Small Hydro Exemption

May 27, 1983.

Lawrence J. McMurtrey filed an application for exemption for the proposed Project No. 6397–001, located in Snohomish County, California. The application was filed pursuant to Section 408 of the Energy Security Act of 1981 and § 4.101 *et seq.* of the Commission's regulations.

Having determined that additional time is necessary for action on the application in order to ensure full consideration of all information and comments that have been received, the 120-day period for Commission action is suspended pursuant to § 4.105(b)(5)(iv).

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–14751 Filed 6–1–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP83-7-001]

Louisiana Resources Co.; Amendment to Application

May 26, 1983.

Take notice that on May 24, 1983, Louisiana Resources Company (Applicant), Post Office Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. CP83-7-001, an amendment to its pending application filed in Docket No. CP83-7-000 pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 so as to reflect a change in the transportation service to be provided Southern Natural Gas Company (Southern), all as more fully set for th in the amendment which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas transportation agreement dated June 10, 1982, it proposes to transport on behalf of Southern up to 150 billion Btu's of gas per day on firm basis for a 15-year term. Applicant further states that said agreement has been amended by agreement dated May 20, 1983, that changes the proposed transportation service by (1) deleting the minimum annual charge as an element of the rate and charge to be assessed Southern for the service, and (2) deleting the right Southern to extend the agreement an additional 5 years in order to make up for any transportation service paid for under the minimum annual charges but not actually provided by Applicant.

Any person desiring to be heard or to protest with reference to said amendment should on or before June 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 385.214, or 385.211). All protests filed with Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14752 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-420-000]

Northern States Power Company (Wisconsin); Order Accepting for Filing and Suspending Rates, Noting Interventions, and Establishing Hearing Procedures

Issued: May 27, 1983.

On March 29, 1983, Northern States Power Company (Wisconsin) (NSP-W) filed a proposed two-phase increase in rates for service to its thirteen wholesale customers.[1] The proposed Phase A rates would increase revenues from NSP-W's wholesale customers by approximately $404,550 (3.19%) for the calendar year 1983 test period. The Phase B rates would further increase revenues by an additional $102,950, representing a total increase of 4.09%. NSP-W requests that its Phase A rates be allowed to become effective on May 30, 1983; and effective date of May 31, 1983, is proposed for the Phase B rates. Further, NSP-W requests that if the Commission determines that the Phase B increase should be suspended for one day, that the Phase A increase be deemed withdrawn.

NSP also proposed to transfer service to its only partial requirements customer, the City of Barron, from its LP-1 rate to its full requirements W-1 rate since Barron no longer intends to use its own generation to meet portions of its load. Since Barron is NSP-W's only partial requirements customer, NSP-W has also filed a notice of cancellation of the LP-1 rate.

Although the proposed rates retain the rate structure of the present rates, NSP-W has also submitted proposed rates W-1 and PS-1 which are based on claimed short-run marginal costs. The proposed marginal cost-based rates would produce the same revenue as the proposed rates. NSP-W requests that the marginal cost-based rates be implemented prospectively after a final Commission decision in this docket.

Notice of NSP-W's filing was published in the **Federal Register** (48 FR 15686-87), with comments due on or before April 21, 1983. On April 21, 1983, a motion to intervene and request for a five month suspension and hearing was filed on behalf of the Cities and Villages ob Bangor, Baron, Bloomer, Cadott, Cornell, Spooner, and the Wisconsin Public Power Incorporated System (Cities).[2] On April 20, 1983, the Public Service Commission of Wisconsin filed a notice of intervention.

In support of their request for a five month suspension, the Cities raise a number of rate base, cost of service, and allocation issues.[3] The Cities have also requested that we specifically note that this proceeding may require a price squeeze investigation, but assert that they cannot now determine if hearing on price squeeze will be necessary.

On May 9, 1983, NSP-W answered the Cities' motion. NSP-W does not oppose the request to intervene or the Cities' request for a hearing. It does, however, object to the motion for a five month suspension. NSP-W disputes the Cities' proposed adjustments and further contends that, even assuming their appropriateness, the cost of service impact of these adjustments has been overstated.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed notice and motion to intervene serves to make the Wisconsin Commission and the Cities parties to this proceeding.

Our preliminary examination of NSP-W's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be injust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

The Commission explained its suspension policy in *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982). There we stated that, where preliminary examination indicates that revised rates may be unjust and unreasonable and maybe substantially excessive, as

---

[1] Twelve of these wholesale customers, the Cities and Villages of Bangor, Black River Falls, Bloomer, Cadott, Cornell, New Richmond, Rich Lake, River Falls, Spooner, Trempealeau, Westby and Whitehall currently receive full requirements service under rate W-1. The other wholesale customer, the City of Barron, is currently a partial requirements customer served under rate LP-1. *See* Attachment A for rate schedule designations.

[2] The Wisconsin Public Power Incorporated System (SYSTEM) is a municipal electric company formed pursuant to State law by 28 Wisconsin municipalities and is authorized to serve as the bulk power supplier of its members. It receives service from NSP-W pursuant to contracts with five municipalities (Black River Falls, New Richmond, River Falls, Westby, and Whitehall) which have been assigned to SYSTEM with the consent of NSP-W.

[3] These issues include: (1) Revenue requirements for return on production plant and Tyrone Energy Park amortization; (2) stated depreciation expenses; (3) income tax expense; (4) wholesale demand and energy allocation factors; (5) mechanics for synchronization of test period fuel expenses and revenues; (6) calculation of labor ratios; (7) claimed fuel inventory, regulatory commission expense, and rate of return; (8) a proposed late payment charge; (9) the proposed peak shaving service demand charge; (10) an energy tilt in the rate design to the detriment of low load factor customers; and (11) treatment of future estimated nuclear fuel storage costs.

described in *West Texas*, we will ordinarily suspend the rates for the maximum five months. In the case at hand, our preliminary review suggests that both the Phase A and Phase B rates proposed by NSP–W may produce substantially excessive revenues. Accordingly, we shall suspend the Phase A and Phase B rates for five months to become effective, subject to refund, on October 30, 1983, and October 31, 1983, respectively.

With respect to the Cities' price squeeze concerns, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power & Light Company*, Docket No. ER79–339–000, 8 FERC ¶ 61,131 (1979).

With respect to the proposed notice of cancellation of the partial requirements service rate LP–1 tariff sheets, we shall accept that notice of cnacellation for filing, effective May 31, 1983. As noted, the City of Barron is the only customer now served under the LP–1 rate. Elimination of this partial requirements service to Barron will have no revenue effect because the unit charges under the LP–1 rate and the W–1 rate are identical and Barron has indicated that it does not intend to use its generation to meet its load. Thus, the billing determinants for Barron will be unchanged if Barron is served, as proposed by NSP–W, under the full requirements W–1 rate.

The Commission orders:

(A) NSP–W's proposed Phase A and Phase B rates are hereby accepted for filing and are suspended for five months, to become effective, subject to refund, on October 30, 1983, and October 31, 1983, respectively.

(B) NSP–W's notice of cancellation of its rate LP–1 tariff sheets is accepted for filing to become effective on May 31, 1983, and service to the City of Barron shall be provided under the applicable full requirements rate W–1.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness or NSP–W's rates.

(D) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment—Northern States Power Company (Wisconsin)

[Docket No. ER83–420–000]

Rate Schedule Designations

Disignation and Other Party

I. Schedule W–1 Phase A and Schedule W–FC Fuel Clause

1. Supplement No. 9 to Rate Schedule FPC No. 51 (Supersedes Supplement No. 8, as supplemented)—City of Whitehall
2. Supplement No. 10 to Rate Schedule FPC No. 52 (Supersedes Supplement No. 8, as supplemented)—Village of Trempealeau
3. Supplement No. 11 to Rate Schedule FPC No. 55 (Supersedes Supplement No. 10, as supplemented)—City of Westby
4. Supplement No. 8 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 7, as supplemented)—City of Rice Lake
5. Supplement No. 7 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 6, as supplemented)—City of Bangor
6. Supplement No. 7 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 6, as supplemented)—City of Cornell
7. Supplement No. 9 to Rate Schedule FPC No. 60 (Supersedes Supplement No. 8, as supplemented)—City of New Richmond
8. Supplement No. 3 to Rate Schedule FPC No. 61 (Supersedes Supplement No. 2, as supplemented)—Village of Cadott
9. Supplement No. 2 to Rate Schedule FPC No. 62 (Supersedes Supplement No. 1, as supplemented)—City of Bloomer
10. Supplement No. 4 to Rate Schedule FPC No. 64 (Supersedes Supplement No. 3, as supplemented)—City of Spooner
11. Supplement No. 7 to Rate Schedule FERC No. 69 (Supersedes Supplement Nos. 1 and 3)—City of River Falls
12. Supplement No. 6 to Rate Schedule FERC No. 70 (Supersedes Supplement No. 1)—Wisconsin Public Power Incorporated SYSTEM for City of Black River Falls

II. Schedule PS–1—Phase A

13. 2nd Revised Sheet Nos. 1 and 2 under FERC Electric Traiff, Original Volume No. 2 (Supersedes 1st Revised Sheet Nos. 1 and 2)
14. Supplement No. 8 to Rate Schedule FERC No. 69 (Supersedes Supplement No. 2)—City of River Falls
15. Supplement No. 7 to Rate Schedule FERC No. 70 (Supersedes Supplement No. 2)—Wisconsin Public Power Incorporated SYSTEM for City of Black River Falls

III. City of Barron

1. Rate Schedule FPC No. 71 (Redesignation of Service Agreement dated June 9, 1981, as supplemented under FERC Electric Traiff Original Volume No. 1)—City of Barron
2. Supplement No. 1 to Rate Schedule FERC No. 71—City of Barron (Schedule W–1 effective October 4, 1981 and Schedule WF–C Fuel Clause)
3. Supplement No. 2 to Rate Schedule FERC No. 71 (Supersedes Supplement No. 1)—City of Barron (Schedule W–1 Phase A and Schedule W–FC Fuel Clause)

IV. Schedule W–1– Phase B and Schedule W–FC Fuel Clause

1. Supplement No. 10 to Rate Schedule FPC No. 51 (Supersedes Supplement No. 9)—City of Whitehall
2. Supplement No. 11 to Rate Schedule FPC No. 52 (Supersedes Supplement No. 10)—Village of Trempealeau
3. Supplement No. 12 to Rate Schedule FPC No. 55 (Supersedes Supplement No. 11)—City of Westby
4. Supplement No. 9 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 8)—City of Rice Lake
5. Supplement No. 8 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 7)—City of Bangor
6. Supplement No. 8 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 7)—City Cornell
7. Supplement No. 10 to Rate Schedule FPC No. 60 (Supersedes Supplement No. 9)—City of New Richmond
8. Supplement No. 4 to Rate Schedule FPC No. 61 (Supersedes Supplement No. 3)—Village of Cadott
9. Supplement No. 3 to Rate Schedule FPC No. 62 (Supersedes Supplement No. 2)—City of Bloomer
10. Supplement No. 5 to Rate Schedule FPC No. 64 (Supersedes Supplement No. 4)—City of Spooner
11. Supplement No. 9 to Rate Schedule FERC No. 69 (Supersedes Supplement No. 7)—City of River Falls

12. Supplement No. 8 to Rate Schedule FERC No. 70 (Supersedes Supplement No. 6)—Wisconsin Public Power Incorporated SYSTEM for City of Black River Falls
13. Supplement No. 3 to Rate Schedule FERC No. 71 (Supersedes Supplement No. 2)—City of Barron

V. Schedule PS–1– Phase B

14. 3rd Revised Sheet Nos. 1 and 2 under FERC Electric Tariff, Original Volume No. 2 (Supersedes 2nd Revised Sheet Nos. 1 and 2)
15. Supplement No. 10 to Rate Schedule FERC No. 69 (Supersedes Supplement No. 8)—City of River Falls
16. Supplement No. 9 to Rate Schedule FERC No. 70 (Supersedes Supplement No. 7)—Wisconsin Public Power Incorporated SYSTEM for City of Black River Falls

VI. Notice of Cancellation Rate LP–1 Tariff Sheets

Designation and Description

1. Fifth Revised Sheets Nos. 1 and 2 under FERC Electric Tariff Original Volume No. 1 (Cancels FERC Electric Tariff Original Volume No. 1)—Notice of Cancellation of Rate LP–1 Tariff Sheets

[FR Doc. 83–14753 Filed 6–1–83; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. ES83–45–000]

Pacific Power & Light Co.; Application

May 27, 1983.

Take notice that on May 19, 1983, Pacific Power & Light Company filed its application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue and sell its commercial paper from time-to-time in aggregate principal amounts not to exceed $150,000,000 at any one time outstanding. The authority requested is a renewal of authority granted in 1981 and expiring June 30, 1983.

Any person desiring to be heard or to make any protest with reference to the application should, on or before June 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with 18 CFR 385.211 or 385.214, respectively.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–14754 Filed 6–1–83; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. ER83–433–000]

Rochester Gas & Electric Co.; Order Accepting for Filing and Suspending Transmission Rate Schedule, Granting Intervention, and Establishing Procedures

Issued: May 27, 1983.

On March 31, 1983, Rochester Gas & Electric Company (RG&E) tendered for filing increased rates and new terms and conditions[1] for wheeling firm Niagara Project capacity and energy to customers of the Power Authority of the State of New York (PASNY).[2] The change is contained in a letter agreement between RG&E and PASNY dated November 23, 1982. The proposed wheeling rate would increase revenues by approximately $190,000 (236%) based on a calendar year 1981 test period.

In addition, the instant submittal would modify the present agreement by committing RG&E to provide firm service rather than providing service only to the extent that excess transmission capacity is available. The proposed filing requires PASNY to supply RG&E with a five-year load forecast to provide sufficient time for RG&E to construct the transmission facilities necessary to meet the full requirements of PASNY's customers. The agreement also provides that, if PASNY fails to provide timely load forecasts and RG&E cannot install needed facilities on a timely basis without incurring extraordinary costs, RG&E will perform the required installation only upon agreement by the affected PASNY customers to reimburse RG&E. Under the proposed agreement, if a PASNY customer experiences a temporary load increase necessitating system reinforcement, RG&E would not be required to serve the additional load unless the customer pays for the cost of the system reinforcement. However, RG&E would be required to refund this amount if permanent increases in load within the subsequent ten-year period would warrant equivalent system reinforcement. RG&E requests a July 1, 1983, effective date for its revised rates, terms, and conditions.

Notice of the filing was published in the **Federal Register**, with comments due on or before April 25, 1983. On April 29, 1983, PASNY filed a late motion to intervene in support of RG&E's submittal. PASNY states that it has a direct financial interest in this proceeding which cannot be adequately represented by any other party.

On May 4, 1983, the Municipal Electric Utilities Association of New York (MEUA) filed a motion for leave to file out of time followed on May 5, 1983, by a motion to intervene out of time. MEUA requests that it be permitted to intervene, that the filing be suspended for one day, and that a hearing be held on the lawfulness of the proposed rates and service conditions. In support of its requests, MEUA states that: (1) Actual notice of RG&E's filing was provided to PASNY and to the New York Public Service Commission, but not to PASNY's customers, Angelica and Spencerport; (2) a one-day suspension is warranted under the rule enunciated in *West Texas Utilities Company*, 18 FERC ¶61,189 (1982); (3) RG&E's claimed rate of return on common equity is not justified in today's economic climate; (4) RG&E has not allocated cost of service items correctly, including A&G expenses, taxes, materials and supplies, prepayments, and Federal income taxes; (5) a proposed limitation in service relating to contiguous service areas is unduly discriminatory or needs clarification; (6) the ability of RG&E to withhold additional delivery points may prevent competition by PASNY customers in the future; (7) language with respect to providing load forecasts by PASNY and limitations on firm service is ambiguous; and (8) language with respect to construction of facilities does not include notice provisions.

On May 20, 1983, RG&E filed an answer to MEUA's motion. RG&E states that none of the members of MEUA has a direct interest in RG&E's filing and that only Angelica and Spencerport have an indirect interest as affected PASNY customers. Thus, RG&E opposes MEUA's motion to intervene for any purpose other than as a representative of Angelica and Spencerport. In addition, RG&E states that MEUA has attempted to raise issues which do not apply to the transmission service required by Angelica and Spencerport; therefore, RG&E also opposes any effort by MEUA to address issues which are generic to other transmission services rendered by other utilities. RG&E responds to each of the specific matters raised by MEUA, arguing that its proposed transmission rate has been developed at a level substantially lower than its cost of service would support, that the adjustments suggested by MEUA are improper or of no net rate effect, and that the challenged terms and conditions of service are both necessary and reasonable. RG&E concludes that no evidentiary hearing is needed in this docket and that suspension is not warranted.

Discussion

Given the early stages of this proceeding, the apparent interests of PASNY and at least some MEUA

[1] The rate schedule designation is: *Rochester Gas and Electric Corporation*, DC–A–32, Supplement No. 1 to Rate Schedule FERC No. 25.

[2] PASNY operates the Niagara Hydroelectric Project. RG&E wheels capacity and energy to two of PASNY's customers, the Villages of Angelica and Spencerport, New York. The present RG&E rates have been in effect since 1961.

members in the outcome of this case, and the fact that no undue delay or prejudice should occur as a result of the late interventions, we find that good cause exists to permit PASNY and MEUA to intervene out of time. We shall not at this time attempt to limit the degree of participation by MEUA as a representative of its membership or to define the precise scope of this proceeding, as requested by RG&E. After having heard the positions of all participants, we believe that the presiding judge will be in a better position to evaluate the relevance of particular issues and to preclude consideration of matters not germane to the filing in this docket.

Our preliminary examination of RG&E's filing and the pleadings indicates that the proposed rates, terms, and conditions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the submittal for filing and suspend its operation as ordered below.

The Commission explained in *West Texas Utilities Company, supra,* that, where preliminary examination indicates that revised rates may be unjust and unreasonable but may not be substantially excessive, as described in *West Texas,* we will ordinarily suspend the rates for one day. Our review in this case suggests that the proposed rates may not be excessive. In any event, MEUA has requested only a one day suspension. Accordingly, we shall suspend the proposed rates, terms, and conditions for one day from the proposed effective date, to become effective, subject to refund, on July 2, 1983.

Two aspects of RG&E's filing require further comment. As noted, the submittal contains provisions requiring PASNY's customers to reimburse RG&E for (1) extraordinary costs incurred in constructing additional transmission facilities to meet projected increases in load, and (2) construction costs for system reinforcement to supply additional temporary load increases. We take this opportunity to advise RG&E that implementation of either provision will constitute a change in rate and will require a timely filing pursuant to § 35.13 of the Commission's regulations accompanied by appropriate data and computations showing the basis for the change in rate.

The Commission orders:

(A) RG&E's submittal is hereby accepted for filing and suspended for one day to become effective on July 2, 1983, subject to refund.

(B) The untimely interventions by PASNY and MEUA are hereby granted subject to the Commission's Rules of Practice and Procedure.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of RG&E's rates, terms, and conditions for the wheeling service at issue.

(D) The Commission's staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the Federal Register

By the Commission

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14795 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER83-427-000 and ER83-428-000]

Utah Power & Light Co.; Order Accepting for Filing and Suspending Rates, Granting Summary Disposition, Noting Interventions, Consolidating Dockets, and Establishing Hearing and Price Squeeze Procedures

Issued: May 27, 1983.

On March 31, 1983, Utah Power & Light Company (Utah) tendered for filing in Docket No. ER83-427-000 increased tariff rates for firm power service to 17 full and partial requirements wholesale customers.[1] At the same time Utah tendered for filing in Docket No. ER83-428-000 increased rates to the City of Manti, Utah (Manti) under a separate rate schedule. The proposed rates in Docket No. ER83-427-000 would increase revenues in two steps. The first step (Phase I) would increase revenues by approximately $4,244,000 (6%) during the calendar year 1983 test period. The second step (Phase II) would further increase rates by approximately $11,315,000 (23%), or a total increase of approximately $15,559,000 (29%). The requested effective dates are May 31, 1983, and June 1, 1983, for the Phase I and Phase II rates, respectively. The proposed rates for Manti, essentially identical to the Phase II rates in Docket No. ER83-427-000, would result in an increase in annual revenues from that customer of approximately $89,000 (101%), based on estimated sales for 1983. Utah requests that the increased rates to Manti become effective prospectively following a final Commission order, in accordance with Manti's service agreement.

Notice of the instant filings was published in the Federal Register ,[2] with comments due on or before April 22, 1983.

Three timely interventions were filed in Docket No. ER83-427-000 and one timely intervention was filed in Docket No. ER83-428-000.

An untimely intervention was filed in Docket No. ER83-427-000 by the Navajo Tribal Utility Authority (NTUA). NTUA's motion to intervene was filed April 27, 1983, five days late, although the accompanying certificate of service states that it was mailed on April 21, 1983. NTUA states that it is a wholesale customer of Utah and that its interests will not be adequately represented by any other intervenor. NTUA requests that Utah's proposed rates be suspended for five months, although NTUA does not raise any specific substantive issues.

The Public Service Commission of Nevada filed a timely notice of intervention in Docket No. ER83-428-000 which raises no specific issues.

Sierra Pacific Power Company (Sierra) requests a hearing and identifies a number of cost of service and rate design issues in connection with Utah's filing. Sierra notes that the issue of transmission functionalization and allocation is a subject of litigation at this time in a pending Utah rate case in Docket No. ER82-211-000. With respect to Utah's proposed CWIP-based rates, Sierra reserves the right to contest the consistency of Utah's filing with any revised CWIP regulations ultimately

[1] *See* Attachment A for rate schedule designations.

[2] 48 FR 15689 (April 12, 1983).

issued by the Commission. Sierra states that it has not had time to complete an in-depth analysis of Utah's filing, so that it may seek to raise other issues in addition to those discussed in its motion to intervene.[3]

The Tri-State Intervention Group (Tri-State) [4] filed a protest, motion to intervene, and motion to suspend Utah's rates for five months. Tri-State raises a variety of cost of service and rate design issues [5] and alleges that the proposed rates would result in a price squeeze. Tri-State also contends that the Commission should apply its suspension analysis on a class-by-class basis, citing the Commission's order in *Ohio Power Company*, Docket Nos. ER82–533–000 and ER82–534–000, 20 FERC ¶61,081 (1982).

Manti filed a protest, motion to intervene, and motion to reject the filing in Docket No. ER83–428–000. Manti urges rejection of Utah's filing for Manti on the ground that it is unduly discriminatory because it provides for a larger percentage increase in rates for Manti than for Utah's other wholesale customers. Manti also challenges Utah's proposed ratchet for Manti and for Utah's other partial requirements customers. Manti alleges that the ratchet has been previously rejected in Opinion No. 113, *Utah Power & Light Company*, Docket No. ER79–121–000, 13 FERC ¶61,162 at 61,300 (1981). Manti contends that Utah's proposed ratchet is a further basis for rejection of Utah's filing. In the event that the filing is not rejected, Manti requests a hearing and consolidation with Docket No. ER83–427–000.

Utah filed timely responses to the motions by Manti and Tri-State on May 4, 1983, and May 9, 1983, respectively. Utah contends that Manti's motion to reject Utah's filing as discriminatory ignores the fact that Manti's contract status means that rates previously filed in Docket No. ER82–211–000 are not currently in effect for Manti as they are for Utah's other customers. Utah contends that Manti's separate status as a customer with a contract allowing only for prospective rate changes makes a separate filing for Manti appropriate and makes consolidation of the two dockets inappropriate. Finally, Utah argues that Opinion No. 113, *supra*, does not preclude Utah from filing a rate design incorporating a ratchet.

Concerning the question of consolidation, Utah asserts that different evidentiary standards apply in proceedings under sections 205 and 206 of the Federal Power Act and that the timing of the effective dates for the proposed rates make the interests of Manti different from the interests of the other customers in pursuing prompt resolution of the proceeding. Utah also asks that if the Commission does consolidate the two dockets, it order Manti "to participate fully in the hearing and litigate the issues attendant to the [section] 206 proceeding so that the [section] 205 customers are not burdened with the prospect of trying those issues which are related solely to Manti's position."

In its response to Tri-State's pleading, Utah contends that Tri-State's arguments as to the percentage amount of the increase are fallacious inasmuch as they are based upon a comparison between the rates filed in this docket and settlement rates, rather than the rates currently being collected by Utah. Utah also argues against Tri-State's request that the Commission apply the criteria of *West Texas Utilities Company*, Docket No. ER82–23–000, 18 FERC ¶ 61,189 (1982), on a class-by-class basis. Utah contends that the Commission's order in *Ohio Power Company, supra*, is not precedent for the treatment sought by Tri-State because in *Ohio Power Company* the Commission set different suspension periods for two different filings and because the customer in one of the two dockets was a subsidiary of Ohio Power Company. Utah argues that in this docket such a class-by-class analysis would lead to regulatory chaos.

Utah also contends that its Phase I rates comply fully with ratemaking principles that have been previously adopted by the Commission and that the Phase II rates reflect certain additional costs that are fully supported in Utah's filing. With respect to the Phase II rates, Utah contends that the inclusion of CWIP in rate base is an appropriate issue for hearing. Utah further contends that the inclusion of CWIP in rate base is not pertinent to the Phase I rates because no CWIP was included in rate base for the cost of service supporting those rates.

Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely notice and motions to intervene serve to make the Nevada Commission, Manti, Sierra, and Tri-State parties to this proceeding. Because of the early stage of this proceeding, NTUA's late motion to intervene will not prejudice other parties or delay the proceeding, and we find that good cause exists to grant the motion.

Manti's motion to reject the filing in Docket No. ER83–428–000 will be denied. Manti's allegations of undue discrimination and Utah's response raise questions of law or fact most appropriately decided on the basis of an evidentiary record. We note, however, that the rates proposed to Manti and the remaining customers are virtually identical. Manti's allegations with regard to Utah's proposed ratchet do not constitute a basis for rejection of Utah's filing. It appears that Utah's proposed ratchet may be sufficiently different from the ratchet at issue in Opinion No. 113, *supra*, that its use is a proper issue for hearing. Because Utah's filing substantially complies with our regulations and no other basis for rejection has been identified, rejection is not warranted.[6]

With respect to the question of whether the two dockets should be consolidated for purposes of hearing and decision, we find that consolidation is appropriate in this proceeding. Utah has filed the same cost of service in support of the proposed rates in each docket. Common issues of law and fact are clearly presented and a failure to consolidate the dockets would pose substantial risk of redundancy and wasted resources. We are not persuaded that undue delay in the proceeding will result from this decision.[7]

We note that Utah has not synchronized the interest expense used in its income tax calculation with the interest portion of the claimed rate of return. Although Utah has properly calculated the interest in the capitalization for rate of return purposes, Utah has improperly included approximately $154 million in investment tax credits as a separate

---

[3] In addition to the issues noted above, Sierra also raises the following issues: (1) Use of revenue credits for wheeling services; (2) classification of fixed and variable costs for allocation and rate design purposes.

[4] The group consists of Deseret Generation & Transmission Cooperative and its members; Strawberry Water Users Association; the Utah Cities of Blanding, Brigham, Levan, Nephi, Price, and St. George; and Soda Springs, Idaho.

[5] These issues include: (1) Adjustment of coincident peaks used to allocate demand-related costs; (2) claimed rate of return on equity; (3) inclusion of non-qualifying CWIP in rate base; (4) calculation of allowance for cash working capital; (5) deferred tax reserve deficiency; (6) accumulated deferred taxes as an offset to rate base; (7) impact of new generating capacity on cost of service; (8) use of revenue credits for firm wheeling revenues; (9) use of a demand ratchet; and (10) power factor charge.

[6] *See Municipal Light Boards of Reading and Wakefield, Mass. v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

[7] We believe that Utah's concern regarding the degree and substance of Manti's participation in the hearing presents questions of procedure best left for resolution by the presiding judge and the parties.

component in the capitalization when developing the interest expense deduction for income taxes, resulting in a lower deduction than required. Commission policy and practice have consistently required the computation of the long-term debt cost component of the interest expense tax deduction as the product of a utility's allocated rate base and the weighted cost of long-term debt.[8] Accordingly we shall order summary disposition as to this issue.

With respect to Utah's inclusion of CWIP in rate base for its Phase II rates and for its rates to Manti, we note that the Commission recently reassessed its CWIP standards in Docket No. RM81–83–000. A final rule was issued in the docket on May 16, 1983. The company, however, based its request in this docket on the anticipated outcome of that rulemaking proceeding; Utah had not alleged that it was experiencing severe financial difficulty under section 2.16 of our regulations as it existed at the time of Utah's filing. We note that the final rule in Docket No. RM81–38–000 provides expressly that it does not become effective until thirty days after publication in the **Federal Register**; the rule further provides the specific filing requirements and conditions under which a utility may *file* to include CWIP in rate base *on and after* the effective date of the rule. Thus, the new regulations cannot apply to anticipatory filings such as Utah's. Accordingly, we shall reject Utah's proposed inclusion of CWIP in rate base, without prejudice to Utah's right to file revised rates after the effective date of the new rules, together with any requests for waivers which Utah might seek. Given the magnitude of our summary dispositions with regard to CWIP and the question of interest synchronization, we shall require Utah to refile its Phase II rates and its rates to Manti to reflect these determinations. As noted below, however, we have determined preliminarily that the Phase I rates may not be excessive. Consequently, refiling of those rates will not be required at this time.

Our preliminary review of Utah's filing and the pleadings indicates that the rates proposed in these dockets have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In *West Texas Utilities Company, supra*, we indicated that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not produce substantially excessive revenues, as defined in *West Texas*. Because our preliminary review indicates that Utah's proposed Phase I Rates may not yield excessive revenues, we shall suspend those rates for one day to become effective, subject to refund, on June 1, 1983. With respect to the Phase II rates, however, preliminary review suggests that, even after summary disposition, the proposed increase may yield substantially excessive revenues. Accordingly, we shall suspend the Phase II rates for five months, to become effective, as modified by summary disposition and subject to refund, on November 1, 1983.[9] Utah' proposed rates for Manti, as modified by summary disposition, may become effective prospectively only following a final Commission order in this proceeding.

In accordance with the Commission's policy and practice established in *Arkansas Power & Light Company*, Docket No. ER79–339–000 8 FERC ¶ 61,131 (1979), we shall phase the price squeeze issue raised by Tri-State.

The Commission orders:

(A) Manti's motion to reject the filing in Docket No. ER83–428–000 is hereby denied.

(B) Summary disposition is hereby ordered with respect to: (1) Utah's failure to properly synchronize the interest expense in the income tax calculation with the interest portion of the claimed rate of return; and (2) Utah's inclusion of non-qualifying CWIP in rate base for its Phase II rates in Docket No. ER83–427–000 and for its proposed rates to Manti In Docket No. ER83–428–000. Within sixty (60) days of the date of this order, Utah shall file a revised cost of service as well as revised Phase II rates and rates to Manti which reflect these determinations.

(C) Utah's proposed Phase I and Phase II rates in Docket No. ER83–427–000 are hereby accepted for filing; the Phase I rates are suspended for one day from sixty days after filing, to become effective, subject to refund, on June 1, 1983, and the Phase II rates are suspended for five months to become effective, as modified by summary disposition and subject to refund, on November 1, 1983.

(D) Utah's proposed rates for Manti in Docket No. ER83–428–000 are accepted for filing, as modified by summary disposition to become effective prospectively only following a final Commission order in this proceeding.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Utah's rates.

(F) Docket Nos. ER83–427–000 and ER83–428–000 are hereby consolidated for purposes of hearing and decision.

(G) NTUA's late-filed motion to intervene is hereby granted pursuant to the Commission's Rules of Practice and Procedure.

(H) The Commission staff shall serve top sheets in this proceeding on or before June 14, 1983.

(I) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(J) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rates which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(K) The Secretary shall promptly publish this order in the **Federal Register**.

[8] *See, e.g., Gulf States Utilities Company*, Docket No. ER82–375–000, 20 FERC ¶ 61,039 (1982); *Public Service Company of New Mexico*, Opinion No. 133, Docket No. ER78–338–000 (Phases I and II), 17 FERC ¶ 61,123 (1981); *Union Electric Company, Opinion No. 94, Docket No. ER77–614–000, 12 FERC* ¶ 61,239 (1980); *Alabama Power Company*, Opinion No. 54, Docket No. E–8851, 8 FERC ¶ 61,083 (1979).

[9] We believe that our decision with regard to the suspension period for the Phase II rates moots the controversy between Utah and Tri-State over suspension on a class-by-class basis.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Utah Power & Light Company

[Docket No. ER83-427-000]

Filing Date: March 31, 1983.

Effective Date: Phase I: June 1, 1983, subject to refund; Phase II: November 1, 1983, subject to refund.

Designation	Description
(1) FERC Electric Tariff, First Revised Volume No. 1 (Original Sheet Nos. 1 through 15.A) (Supersedes FPC Electric Tariff, Original Volume No. 1).	Phase I rates
(2) Exhibit A to FERC Electric Tariff, First Revised Volume No. 1 (Redesignation of Exhibit A to FPC Electric Tariff, Original Volume No. 1).	Operating Agreement with American Coal Company dated March 20, 1972.
(3) FERC Electric Tariff, Second Revised Volume No. 1 (Original Sheet Nos. 1 through 15.A) (Supersedes FERC Electric Tariff, First Revised Volume No. 1).	Phase II rates.
(4) Exhibit A to FERC Electric Tariff, Second Revised Volume No. 1 (Redesignation of Exhibit A to FERC Electric Tariff, First Revised Volume No. 1).	Operating Agreement with American Coal Company dated March 20, 1972

[FR Doc. 83-14756 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-430-000]

Virginia Electric & Power Co.; Order Accepting for Filing and Suspending Rates, Granting Summary Disposition, Noting Interventions, and Establishing Hearing and Price Squeeze Procedures

Issued: May 27, 1983.

On March 31, 1983, Virginia Electric and Power Company (VEPCO) tendered for filing a proposed three-phase increase in rates for firm power service to ten municipal customers, eighteen cooperative customers, and the North Carolina Eastern Municipal Power Agency (NCEMPA). VEPCO also tendered for filing a three-phase increase in rates for transmission service to NCEMPA.[1]

The Phase-one rates provide for an increase in jurisdictional revenues of approximately $15.1 million (6.8%) for the calendar year 1983 test period. The Phase-two rates would increase jurisdictional revenues by an additional $8.9 million. The difference between the Phase-one and Phase-two rates consists of a higher rate of return on common equity and the inclusion in rate base of the unamortized costs associated with the company's cancellation of its nuclear facility at North Anna Unit 3. Finally, the Phase-three rates represent an additional increase of $10.3 million; this portion of the increase reflects the inclusion in rate base of 50% of VEPCO's average construction work in progress (CWIP) for the test period. According to the company, the third phase has been submitted as a result of public discussions by the Commission relating to the pending generic CWIP rulemaking in Docket No. RM81-38-000.

VEPCO requests "effective dates" of May 30, 1983, and May 31, 1983, for its proposed Phase-one and Phase-two rates, respectively. However, in accordance with a settlement agreement between VEPCO and its customers in Docket No. ER82-423-000, VEPCO requests that these rates be suspended until July 15, 1983. Moreover, VEPCO states that the Phase-one rates should be deemed withdrawn if the Commission suspends these rates beyond July 15, 1983, or if it suspends the Phase-two rates to no later than July 15, 1983. With respect to its Phase-three rates, VEPCO requests an effective date of May 31, 1983, with suspension until July 15, 1983, or until such later date as a final rule in Docket No. RM81-38-000 becomes effective. In this regard, VEPCO requests that the Phase-three rates become effective as a supplement to whatever rates are then in effect. As a related matter, VEPCO requests permission to supplement its filing to include any additional information that might be required by a final CWIP rule in Docket No. RM81-38-000.

Notice of the filing was published in the **Federal Register**, with responses due on or before April 25, 1983. The period for responses was later extended until May 2, 1983. The Secretary of the Navy (Navy) filed a timely motion to intervene. The Navy states that while VEPCO's Military Service (MS) rate schedule is not subject to this Commission 's jurisdiction, the terms of the Navy's contract with VEPCO link the MS rates to the rates set by the Commission for the RS rate schedule (Resale Service to Municipalities and Private Utilities). In developing rates for service to the Navy, VEPCO utilizes the same methodology, rate of return, test period, and effective date as those permitted with respect to the RS rate schedule.

Bear Island Paper Company (Bear Island) also filed a timely motion to intervene. Bear Island states that it is a high load factor industrial customer which purchases power furnished by VEPCO to the Rappahannock Electric Cooperative. Bear Island contends that its interests will not be adequately represented by other parties to this proceeding. While Bear Island raises no specific cost of service issues, it requests that VEPCO's proposed rates be suspended for five months and that hearing procedures be established.

On May 2, 1983, Old Dominion Electric Cooperative and Northern Virginia Electric Cooperative (Virginia Cooperatives) filed a motion to intervene. The Virginia Cooperatives request rejection of the filing on the grounds that the company's proposed Phase-one rates are not supported by a separate cost of service study. The Virginia Cooperatives also request rejection of the Phase-three CWIP rates on the grounds that the request is inconsistent with the Commission's current regulations concerning inclusion of CWIP in rate base. If the filing is not rejected, a five month suspension is requested for all three phases of VEPCO's increase. The Virginia Cooperatives support this suspension request on the basis of a number of alleged errors reflected in VEPCO's cost of service calculations.[2] In addition, the Virginia Cooperatives request that the Commission grant summary disposition with respect to the company's inclusion in rate base of the unamortized costs associated with the cancellation of North Anna Unit No. 3. Finally, the Virginia Cooperatives allege that the proposed rates may result in a price squeeze.

On May 2, 1983, separate motions to intervene were filed by (1) ElectriCities of North Carolina and the North Carolina Eastern Municipal Power Agency (ElectriCities), and (2) the North Carolina Electric Membership Corporation and Albemarle Electric Membership Corporation (North Carolina Cooperatives). These pleadings contain many of the same requests as those advanced by the Virginia Cooperatives. ElectriCities and the North Carolina Cooperatives also request rejection of the filing, rejection of the proposed Phase-three rates or a maximum suspension of all three phases, and summary disposition as to VEPCO's inclusion in rate base of plant cancellation costs. With respect to the price squeeze issue, the North Carolina Cooperatives ask that the price squeeze claims be heard initially rather than phased for later consideration.[3]

[1] *See* Attachment A for customers and rate schedule designations.

[2] These issues include rate of return, the mechanics of interest synchronization, support for O&M expenses, and the rate base and expense treatment of a facilities sale during the test period.

[3] The North Carolina Cooperatives raise several of the issues identified by the Virginia Cooperatives as well as the calculation of AFUDC amounts and wholesale coincidence factors, and the claimed

On May 13, 1983, VEPCO filed a response to the motions of the Virginia Cooperatives, ElectriCities, and North Carolina Cooperatives. VEPCO argues, *inter alia*, that there is no basis for the Commission to reject the entire filing or the Phase-three CWIP rates. VEPCO also argues that the Commission should deny the request for summary disposition with respect to VEPCO's inclusion in rate base of plant cancellation costs. If summary disposition is granted on this issue, however, VEPCO requests permission to amortize the cancellation costs over a five year period, instead of the ten year period reflected in VEPCO's originally filed rates and prepared testimony. The Company suggests that this approach would preclude the need to file reduced rates to reflect the summary disposition. Finally, VEPCO denies the existence of a price squeeze and argues, further, that its cost of service justifies its requested suspension period. VEPCO agrees with the intervenors on one point. The company states that it erred in the calculation of an interest expense deduction for income tax purposes and suggest that its rates should be refiled to reflect the appropriate calculation.

On May 18, 1983, ElectriCities filed a pleading amplifying its May 2, 1983 motion. The additional discussion was prompted by two intervening Commission actions: revised rules pertaining to CWIP issued on May 16, 1983, in Docket No. RM81–38–000; and a Commission decision in *Public Service Company of New Mexico*, Opinion No. 164, Docket No. ER81–187–000; issued May 13, 1983.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motions to intervene serve to make the Navy, Bear Island, the Virginia Cooperatives, the North Carolina Cooperatives, and ElectriCites parties to this proceeding.

Contrary to the intervenors' claims, we find that VEPCO's filing as it relates to its Phase-one and Phase-two rates substantially complies with the Commission's filing requirements.[4] Consistent with our determination in *Southern California Edison Company*, 19 FERC 61,209 (1982), we believe that it is unnecessary to require VEPCO to file a separate cost of service for both the Phase-one and Phase-two rates. Accordingly, the motions to reject the filing on this basis will be denied.

However, the Commission will grant the requests to reject VEPCO's proposed Phase-three rates. As noted, the company sought to justify filing these rates based on discussions held during a Commission meeting relating to a pending rulemaking; VEPCO has not alleged that it was experiencing severe financial difficulty under § 2.16 of our regulations as it existed at the time of VEPCO's filing. While VEPCO offered to make its Phase-three rates effective only after issuance of a final CWIP rule and to supplement it filing if necessary, this portion of VEPCO's filing did not satisfy the then-effective CWIP criteria. As noted, the Commission isued revised CWIP regulations on May 16, 1983, in Docket No. RM81–38–000. The final rule, however, expressly provides that it does not become effective until thirty days after publication the **Federal Register**; the rule further provides the specific filing requirements and conditions under which a utility may *file* to include CWIP in rate base *on and after* the effective date of the rule. Thus, the new regulations cannot apply to anticipatory filings such as VEPCO's. Accordingly, we shall reject VEPCO's Phase-three rates without prejudice to VEPCO's right to file revised rates after the effective date of the revised rules, together with any requests for waivers which VEPCO might seek.

We shall also grant summary disposition with respect to VEPCO's inclusion in rate base of the cancellation costs associated with its North Anna Unit No. 3. This proposed treatment by VEPCO is contrary to well-established Commission precedent. *See, e.g., New England Power Co.*, Opinion No. 49, 8 FERC ¶ 61,054 (1979), *aff'd sub nom., NEPCO Municipalities Committee* v. *FERC*, 668 F. 2d 1327 (D.C. Cir. 1981); *Virginia Electric and Power Company*, Opinion No. 118, 15 FERC ¶ 61,052 (1983); and *Central Maine Power Company*, Docket Nos. ER82–155–000, *et al.*, 18 FERC ¶ 61,126 (1982). We note that VEPCO's prefiled testimony on this issue does not provide a basis for distinguishing this precedent. We also reject the company's alternative request to permit it to amortize these costs over a period other than that reflected in its prepared testimony and filed rates. VEPCO was free to develop its proposed rates and supporting testimony as it saw fit. Its decision was to develop rates reflecting a rate base inclusion contrary to established Commission precedent while proffering testimony suporting a ten year amortization period as consistent with prior Commission treatment of VEPCO cancellation costs. VEPCO has offered no support in its original filing or in its May 13 response for an amortization period other than ten years. The Commission "has long held that utilities may not present a 'moving target' by offering alernative justifications for previously filed rates." *Jersey Central Power & Light Company*, Docket No. ER82–426–000, 20 FERC ¶ 61,083 (1982). Because the revenue impact of our determination with respect to rate base inclusion of cancelled plant costs is substantial, VEPCO will be required to revise its Phase-two rates in accordance with our summary disposition.

We shall accept VEPCO's suggestion that it revise its rates to correct the calculation of the interest expense deduction for income tax purposes. Accordingly, the revised rates ordered herein shall also reflect this correction.

Our preliminary review of VEPCO's Phase-one and Phase-two rates and the intervenors' pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. As discussed below, we shall accept VEPCO's Phase-two rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82–23–000, 18 FERC ¶ 61,169 (1982), we noted that rate filings would ordinarily be suspended for five months where preliminary review indicates that the proposed increase may be unjust or unreasonable and may generate substantially excessive revenues, as defined in *West Texas*. Since our preliminary review indicates that both the Phase-one rates and the Phase-two rates, after summary disposition, would yield substantially excessive revenues, we shall suspend VEPCO's proposed Phase-two rates for five months, to become effective on October 31, 1983, subject to refund. Consistent with the company's request, we shall deem the Phase-one rates to have been withdrawn.

In accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79–339, 8 FERC ¶ 61,131

---

cash working capital allowance. ElectriCities also raise a variety of additional issues including, *inter alia*, stated levels of materials and supplies, fuel stocks, wages and salaries, and demand and energy projections; treatment of gains associated with facilities sales; the amortization period for recovery of cancelled plant costs; assignment of retail costs to wholesale customers; normalization procedures; and accrual of AFUDC on CWIP amounts included in rate base.

[4] *See Municipal Light Boards of Reading and Wakefield, Mass.* v. *FERC*, 450 F. 2d 1341 (D.C. Cir. 1971).

(1979), we shall phase the price squeeze issue raised by the intervenors.[5]

The Commission orders:

(A) The motions to reject VEPCO's filing in its entirety are hereby denied.

(B) The motions to reject VEPCO's Phase-three rates are hereby granted.

(C) Summary disposition is hereby ordered, as noted in the body of this order, with respect to the company's inclusion in rate base of the costs associated with the cancellation of North Anna Unit No. 3. In accordance with VEPCO's suggestion, the calculation of VEPCO's interest expense deduction shall also be corrected. VEPCO's request to incorporate a five year amortization period for cancelled plant costs is denied. Within sixty (60) days of the date of this order, VEPCO shall refile its rates and supporting cost data to reflect these determinations.

(D) VEPCO's proposed Phase-two rates are hereby accepted for filing, as modified by summary disposition, and are suspended to become effective on October 31, 1983, subject to refund. The Phase-one rates are deemed to have been withdrawn.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of VEPCO's rates.

(F) The Commission staff shall serve top sheets within ten (10) days of the date of this order.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) The Commisson hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modity this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I)The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[5] Based on the information available thus far, we perceive no basis on which to depart from our existing phasing practice as requested by the North Carolina Cooperatives. However, we note that, under that practice, the presiding judge has discretion to modify the procedural schedule where good cause is found to do so. (*See* Ordering Paragraph (H), *infra*).

Attachment—Virginia Electric and Power Company

[Docket No. ER83-430-000]

Rate Schedule Designations

Designations	Tariff customers
Eleventh Revised Sheet Nos. 4 through 9 and 17 and Twelfth Revised Sheet No. 10 to FPC Electric Tariff, First Revised Volume No. 1 (supersedes Tenth Revised Sheet Nos. 4 through 9 and 17 and Eleventh Revised Sheet No. 10).	Town of Blackstone. Town of Culpepper Town of Elkton. Town of Enfield. Town of Franklin. City of Harrisonburg. Town of Iron Gate. City of Manassas. Town of Wakefield. Town of Windsor.

Designation	Description
Supplement No. 4 to Supplement No. 3 to Rate Schedule FERC No. 102 (supersedes Supplement No. 3 to Supplement No. 3).	Schedule RS-A, Interim Electric Service to North Carolina Eastern Municipal Power Agency.
Supplement No. 5 to Supplement Nol. 3 to Rate Schedule FERC No. 102 (New Sheet No. 7).	Article 4. Service Facilities
Supplement No. 3 to Supplement No. 4 to Rate Schedule FERC No. 102 (Supersedes Supplement No. 2 to Supplement No. 4).	Schedule TS-A, Transmission Service to North Carolina Eastern Municipal Power Agency.
Supplement No. 4 to Supplement No. 4 to Rate Schedule FERC No. 102 (New Page 7).	Revised Facilities Charge Schedule TS-A.

Customer	Rate schedule	Schedule RC [1]		Schedule RC-F [2]		Schedule RC—interruptible [3]	
		Supplement No.	Supersedes	Supplement No.	Supersedes	Supplement No.	Supersedes
B-A-R-C EC	76	48	44	49	45	50	41
Community EC	77	60	56	61	57	62	53
Craig-Botetourt EC	78	45	41	46	42	47	38
Mecklenburg EC	79	71	67	72	68	73	64
Northern Neck	80	52	48	53	49	54	45
Prince George EC	82	53	49	54	50	55	46
Prince George EC	83	74	70	75	71	76	67
Shenadoah Valley EC	84	72	68	73	69	74	65
Southside EC	85	76	72	77	73	78	69
Tri-County EC	86	51	47	52	48	53	44
Albermarle EMC	88	51	47	52	48	53	42
Cape Hatteras EMC	89	36	32	37	33	38	29
Edgecombe-Martin County EMC	90	52	48	53	49	54	45
Halifax EMC	91	44	40	45	41	46	37
Roanoke EMC	92	56	52	57	53	58	49
Tideland EMC	93	41	37	42	38	43	34
Central Virgina EC	94	62	57	63	58	64	54
Rappahannock EC	101	52	48	53	49	54	45

[1] Firm Resale Service Schedule RC.
[2] Excess Facilities Service Schedule RC-F
[3] Interruptible Service Schedule RC—Interruptible

[FR Doc. 83-14757 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-423-000]

Wisconsin Power & Light Co., Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Motion To Reject, Granting Summary Disposition, and Establishing Procedures

Issued: May 27, 1983.

On March 31, 1983, Wisconsin Power and Light Company (WP&L) filed a proposed two-step rate increase for service to forty-one wholesale customers.[1] The proposed step-one rates would increase revenues by approximately $1.3 million (2.6%) for the twelve month test period ending June 30, 1984. The step-two rates would result in an additional increase of approximately $1.6 million (3.1%). WP&L proposes that the step-one rate increase become effective on July 1, 1983, and that the step-two rates become effective prospectively only after a final Commission order.[2]

Notice of the filing was published in the **Federal Register**, with comments due on or before April 25, 1983. On April 18, 1983, the Public Service Commission of Wisconsin filed a notice of intervention. On April 22, 1983, WP&L's cooperative customers (Cooperatives) [3] filed a protest, motion to intervene, motion to reject, request for a five month suspension, and request for price squeeze procedures. On April 25, 1983, the Municipal Wholesale Power Group (MWPG) filed a motion to intervene, request for a five month suspension, motion for summary disposition, and request for an investigation and hearing. MWPG is an association of wholesale purchasers, including 34 municipalities, two small private electric companies, and the Wisconsin Public Power Incorporated System (WPPI System), a municipal electric system.[4]

The Cooperatives request that WP&L's proposed filing be rejected, asserting that WP&L has not provided adequate supporting work papers as required by the Commission's regulations. In the alternative, the Cooperatives request that WP&L's proposed rates be suspended for five months. In support of their request for a five month suspension, the Cooperatives raise numerous cost of service issues including: (a) Overstated materials and supplies, fuel stocks, and cash working capital allowance; (2) excessive expense projections, depreciation rates, and reserve capacity; (3) failure to synchronize fuel adjustment clause revenues and fuel expenses; and (4) improper allocation of administrative and general expenses and other expenses. In addition, the Cooperatives request that the Commission initiate a price squeeze investigation.

MWPG also requests a five month suspension and has raised a number of issues including: (1) Excessive return on equity; (2) overstated expense projections; (3) excessive fuel stocks; (4) improper allocation factors; and (5) inclusion of an inappropriate amount for spent nuclear fuel disposal costs in the test year. In addition to its request for a maximum suspension, MWPG requests summary disposition with respect to WPL&L's failure to synchronize fuel adjustment clause revenues and fuel expenses during the test year. MWPG also alleges price squeeze.

WP&L filed a timely response to the MWPG pleading on May 9, 1983. WP&L asserts that almost all of the issues raised by MWPG relate to the proposed step-two rates, which will only be applied prospectively. According to WP&L, MWPG will, therefore, have ample opportunity to substantiate these allegations before the imposition of final rates. WP&L further contends that MWPG has failed to support its request for a five month suspension of the step-one rates. With respect to the fuel synchronization issue, WP&L contends that the method it has used in its filing is mandated by the terms of the settlement agreement between itself and MWPG in Docket Nos. ER80-297 and ER82-188-000.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely notice and motions to intervene serve to make the Public Service Commission of Wisconsin, the Cooperatives, and MWPG parties to the proceeding absent opposition within fifteen days of their respective pleadings.

Contrary to the Cooperatives' contentions, we find that WP&L's submittal substantially complies with the Commission's filing requirements. As a result, the motion to reject WP&L's filing will be denied.[5]

As noted by the intervenors, WP&L has failed to synchronize fuel adjustment clause revenues and fuel expenses during the test year. According to WP&L, MWPG and the W-2 customers opposed its fuel synchronization method in Docket No. ER80-297. WP&L further contends that its calculation in this filing is identical to that underlying the settlement agreements in Docket Nos. ER80-297 and ER82-188-000. WP&L believes that if MWPG is permitted to raise an objection to the method used in the filing, WP&L will be placed in a "catch-22" position since MWPG could justifiably claim that WP&L must abide by the method used in the two earlier dockets. (Response at 13). Consequently, WP&L contends that the issue should be resolved during a hearing. We disagree.

Contrary to WP&L's contentions, the settlement agreements in the earlier dockets do not bar WP&L from making a filing which properly synchronizes fuel expenses and revenues. The agreements merely precluded WP&L from seeking rate design changes in this wholesale rate filing. Synchronization of test period fuel expenses and revenues is a cost of service adjustment affecting revenue requirements and has no effect on the design of the company's base rates or fuel adjustment clauses. Thus, consistent with established Commission precedent, [6] we shall grant the intervenor's request for summary disposition and require that the company's cost of service and rates developed at the conclusion of this proceeding reflect an appropriate synchronization of test period fuel expenses and revenues.

Our preliminary review of WP&L's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

---

[1] WP&L serves 34 municipals and two private utilities under its Rate Schedule W-3 and five cooperative customers under its Rate Schedule W-2. *See* Attachment A for rate schedule designations and affected customers.

[2] Pursuant to a prior settlement agreement between WP&L and its wholesale customers in Docket No. ER82-188-000, the step-two increase may only be effective prospectively after a final Commission order.

[3] The five cooperative customers are: Adams-Marquette Electric Cooperative, Central Wisconsin Electric Cooperative, Columbus Rural Electric Cooperative, Waushara County Electric Cooperative, Inc., and Rock County Electric Cooperative Association.

[4] Five of the WPPI System members, Boscobel, Cuba City, Muscoda, Waunakee, and Waupum, are presently direct customers of WP&L. They have contracted, however, to receive power from the WPPI System which, in turn, has contracted to received power from WP&L. WP&L filed this agreement on April 19, 1983. Upon acceptance of that filing, the five WPPI members would no longer be direct customers of WP&L.

[5] *See Municipal Light Boards of Reading & Wakefield, Massachusetts* v. *FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

[6] *See, e.g., Gulf States Utilities Company*, Docket No. ER82-375-000, 20 FERC ¶ 61,039 (1982); *Mississippi Power Company*, Docket No. ER83-194-000, 22 FERC ¶ 61,141 (1983).

In *West Texas Utilities Company*, Docket No. ER82–23–000, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. Our preliminary review indicates that WP&L's proposed step-one increase may not yield excessive revenues. Under these circumstances, we shall suspend the step-one rates for one day from the requested effective date to become effective, subject to refund, on July 2, 1983. With respect to WP&L's step-two rates, preliminary review suggests that the proposed increase may yield substantially excessive revenues. However, as noted, WP&L seeks to apply the step-two rates prospectively only. Accordingly, consistent with the Company's request we shall set WP&L's proposed step-two rate for investigation, to become effective following a final Commission order in this proceeding.

In light of the intervenors' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79–339, 8 FERC ¶ 61–131 (1979).

The Commission orders:

(A) The Cooperatives' motion to reject is hereby denied.

(B) MWPG's motion for summary disposition is hereby granted. WP&L shall reflect synchronized fuel clause revenues and fuel expenses in its compliance cost of service and rates at the conclusion of this proceeding.

(C) WP&L's submittal is hereby accepted for filing. The proposed step-one rates are suspended for one day to become effective, subject to refund, on July 2, 1983. The proposed step-two rates may become effective prospectively only from the date of a final Commission order in this proceeding.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules and Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of WP&L's rates.

(E) The Commission staff shall serve top sheets in this proceeding on or before June 13, 1983.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service to top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate, which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment—Wisconsin Power & Light Co. Rate Schedule Designations

[Docket No. ER83–429–000]

STEP ONE RATES [1]

Customer	Supplement No.	Rate schedule No.	Supersedes supplement No.
W–3 CUSTOMERS			
City of Evansville	21	76	19
Village of Gresham	22	31	20
Village of New Glarus	21	39	19
Village of Hustiford	21	71	18
City of Sun Prairie	20	73	18
City of Plymouth	19	75	17
Village of Muscoda	21	76	19
City of Boscobel	19	77	17
City of Cuba City	20	78	18
City of Waupun	19	82	17
City of Brodhead	21	83	19
Village of Sauk City	18	84	16
City of Juneau	18	86	16
City of Benton	18	88	16
City of Reedsburg	18	89	16
Village of Hazel Green	17	91	15
Village of Mt. Horeb	18	92	16
Village of Black Earth	12	116	10
Village of Prairie du Sac	18	95	16
City of Wisconsin Dells	11	125	9
City of Sheboygan Falls	2	131	1
City of Lodi	17	101	15
Village of Pardeville	16	102	14
Village of Wonewoc	14	107	12
Village of Mazomanie	14	108	12
Village of Maunakee	14	109	12
Village of Belmont	14	110	12

STEP ONE RATES [1]—Continued

Customer	Supplement No.	Rate schedule No.	Supersedes supplement No.
Village of Footville	14	111	12
City of Stoughton	12	115	10
Pioneer Power & Light Company	12	118	10
City of Princeton	11	121	9
City of Columbus	10	128	8
Cross Plains Electric Company	11	117	9
City of Shullsburg	9	120	8
City of Wisconsin Rapids	10	122	9
W–2 CUSTOMERS			
Adams-Marquette Electric Cooperative	13	112	12
Central Wisconsin Electric Cooperative	11	113	10
Columbus Electric Cooperative	6	128	5
Waushara County Electric Cooperative	6	129	5
Rock County Electric Cooperative	3	130	2

[1] Step Two rates to be designated after final Commission Order.

[FR Doc. 83–14758 Filed 6–1–83; 8:45 am]

BILLING CODE 6717–01–M

Office of the Secretary

National Petroleum Council, Chemical Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Chemical Task Group of the Committee on Enhanced Oil Recovery will meet in June 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Chemical Task Group meeting follows:

The Chemical Task Group will hold its seventh meeting on Tuesday and Wednesday, June 7 and 8, 1983, starting at 10:00 a.m., in Room 112, Phillips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentive agenda for the Chemical Task Group Meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.

2. Review progress of Task Group study assignments.

3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Chemical Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Chemical Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G.J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on May 26, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-14940 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51466; TSH-FRL 2362-4]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 83–12722, beginning on page 21370, in the issue of Thursday, May 12, 1983, on page 21371, in the second column, in the eighth line under "PMN 83–687", "110.25" should read "10.25".

BILLING CODE 1505-01-M

[ORD-FRL 2374-62]

Draft Health Assessment Document for Manganese

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: On May 5, 1983 (48 FR 20281), EPA announced the availability of three draft Health Assessment Documents on metals prepared by the Office of Health and Environmental Assessment of the Office of Research and Development. In order to have a thorough review of the scientific aspects of these documents, external review drafts will be transmitted to the Agency's Science Advisory Board (SAB) for review, and simultaneously, will be made available for public review and comment.

The titles and publication numbers of the draft assessment documents are:

Title	EPA publication No.
Health assessment document for nickel	600/8-83-012
Health assessment document for manganese	600/8-83-013
Health assessment document for chromium	600/8-83-014

The draft Health Assessment Document for Nickel became available for public review on May 16 and the Agency will accept public comments until July 15.

The draft Health Assessment Document for Manganese will be available for public review on or about June 13 and the Agency will accept public comments until August 12.

The draft Health Assessment Document for Chromium will tentatively be available in mid June. There will be a further announcement in the **Federal Register** specifying the exact date for the release of the Chromium document.

After receipt of all comments on the three documents, public meetings will be held to review these documents. Advance notices announcing the time and place for the SAB public meetings and document agenda will be made in the **Federal Register.**

Those persons interested in commenting on the scientific merit of the draft Manganese document will be able to obtain copies as follows:

(1) The draft document will be available in single copy quantity from EPA at the following address: ORD Publication's—CERI-FR, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268, Tel: 513/684–7562. Requesters should be sure to cite the EPA number assigned to the document.

(2) The draft document will also be available for public inspection and copying at the EPA library at Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Commenters are requested to submit comments in writing. Comments must be received by close of business, August 12, in order to be considered. Address comments to: Dr. Linda Erdreich, Environmental Criteria and Assessment Office, U.S. Environmental Protection Agency, 26 W. St. Clair Street, Cincinnati, Ohio 45268.

FOR FURTHER INFORMATION CONTACT:
For Manganese—Dr. Linda Erdreich, Tel: 513/684–7573.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 83-14741 Filed 6-1-83; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL 2374-3]

National Drinking Water Advisory Council; Open Meeting

Under Section 10(a)(2) of Pub. L. 92423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council stablished under the Safe Drinking Water Act, as amended (42 U.S.C. 300f *et seq.*), will be held at 9:00 a.m. on June 23, 1983, and at 8:30 a.m. on June 24, at EPA Headquarters, Room 3906, Mall Area, 401 M Street, SW., Washington, D.C. 20460. Council Subcommittees will be metting at EPA Headquarters on June 22 1983.

The purpose of the meeting will be an initial review of the Advance Notice of Proposed Rulemaking on the Revised Regulations, a review of soon to be proposed Regulations for Federally Administered UIC Programs for twenty-two States and Territories, a review of the Council's position on the fluoride standard in view of a second report from the Surgeon General (if received), and to consider potential changes to the Safe Drinking Water Act which may be currently before Congress.

This meeting will be open to the public. The Council encourages the hearing of outside statements and will allocate a portion of its meeting time for public participation. Oral statements will be limited to 5 minutes. It is preferred that there be one presenter for each statement. Any outside parties interested in presenting an oral statement should petition the Council by telephone at (202) 382–5533. The petition should include the topic of the proposed statement, the petitioner's telephone number and should be received by the Council before June 15, 1983.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at the Council meeting and will be part of the permanent meeting record.

Any member of the public wishing to atend the Council meeting, present an oral statement, or submit a written statement should contact Ms. Charlene Shaw, Executive Assistant, National Drinking Water Advisory Council,

Office of Drinking Water (WH–550), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The telephone number is: Area Code 202/382–5533.

Dated: May 24, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83–14742 Filed 6–1–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

National Industry Advisory Committee, Long Range Planning Committe; Meeting

Pursuant to the provisions of Pub. L. 92–463, announcement is made of a public meeting of the Long Range Planning Committee of the National Industry Advisory Committee (NIAC) to be held Friday, June 17, 1983. The Committee will meet at the Chandelier Room of the Sheraton Carlton Hotel Located at 16th and K Street, N.W., Washington, D.C. at 2:00 P.M.

Purpose: To discuss NSTAC initiatives on the National Coordinating Mechanism and Satellite Survivability.

Agenda: As follows:

1. Opening remarks by Chairman.
2. Discussion of National Security Telecommunications Advisory Committee (NSTAC) initiatives:
   a. National Coordinating Mechanism.
   b. Satellite Survivability.
3. Discussion of response to NSTAC through FCC.
4. Other business.
5. Adjournment.

Any member of the public may attend or file a written statement with the Commitee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the NIAC Executive Secretary in the FCC Emergency Communications Division at (202) 634–1549.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–14700 Filed 6–1–83; 8:45 am]

BILLING CODE 6712–01–M

Telecommunications Industry Advisory Group, Income and Other Accounts Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Income and Other Accounts Subcommittee scheduled for Wednesday and Thursday, June 29 and 30, 1983. The meeting will begin on June 29 at 9:30 a.m. in the offices of the Florida Public Service Commission, Communications Department, Duncan Fletcher Building (Room G11), 101 East Gaines Street, Tallahassee, Florida 32301, and will be open to the public.

The agenda is as follows:

I. General Administration Matters
II. Discussion of Assignments
III. Other Business
IV. Presentation or Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman Glenn L. Griffin, oral statments, while not favored or encouraged, may be allowed at the meeting if time permits, and if the Chairman determines that an oral presentation is conductive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Griffin (214/659–3484) at least five days prior to the meeting date.

William J. Tricarico,

Secretary.

[FR Doc. 83–14714 Filed 6–1–83; 8:45 am]

BILLING CODE 6712–01–M

Telecommunications Industry Advisory Group, Steering Committee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group Steering Committee scheduled to meet on Thursday, June 16, 1983. The meeting will be held at 9:30 a.m. in Conference Room 311 at the Federal Communications Commission located at 1919 M Street, N.W., Washington, D.C. and will be open to the public.

The agenda is as follows:

I. Review of Minutes of Previous Meeting
II. General Administration Matters
III. Discussion of Assignments
IV. Other Business
V. Presentation of Oral Statements
VI. Adjournment

With prior approval of the Chairman, Gerald P. Vaughan, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conductive to the effective attainment of Steering Committee objectives. Anyone not a member of the Steering Committee and wishing to make an oral presentation should contact Stephen T. Duffy, Group Vice-Chairman (202/634–1509), at least five days prior to the meeting date.

William J. Tricarico,

Secretary.

Federal Communications Commission.

[FR Doc. 83–14701 Filed 6–1–83; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

TITLE OF INFORMATION COLLECTION: Application for Federal Deposit Insurance for Operating Noninsured Institutions.

BACKGROUND: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments may be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the FDIC, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Requests for a complete copy of the form SF–83 "Request for OMB Review," and related documentation may be addressed to John Keiper, Paperwork and Regulation Control Coordinator, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, telephone (202) 389–4351.

SUMMARY: Section 5(a) of the Federal Deposit Insurance Act (12 U.S.C. 1815) provides that any State nonmember bank, upon application to and examination by the Corporation and approval by its Board of Directors, may become an insured bank. Before approving the application, the Act requires that FDIC Board of Directors to consider certain factors which are listed in Section 6 of the Act.

The information contained in the application will be used by the FDIC as a basis for analyzing the proposal and evaluating the statutory factors in order to determine whether or not to grant deposit insurance to the applicant.

It is estimated that this collection of information will create a reporting

burden of 8 hours per application for each of the estimated 50 respondents, annually. The total annual reporting burden is, therefore, estimated to be 400 hours.

Dated: May 26, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-14718 Filed 6-1-83; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Equality Bankshares

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. WIth respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Equality Bankshares,* Cheyenne, Wyoming; to acquire 100 percent of the voting shares or assets of Century Bank Shares, Cheyenne, Wyoming, parent of First State Bank of Lyman, Lyman, Wyoming; Pioneer Bank Shares, Cheyenne, Wyoming, parent of Pioneer Bank of Evanston, Evanston, Wyoming; and Jeffrey City State Bank, Jeffrey City, Wyoming. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later that June 24, 1983.

Board of Governors of the Federal Reserve System, May 26, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14691 Filed 6-1-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities; First Bank System, Inc., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Bank System, Inc.,* Minneapolis, Minnesota (data processing; continental United States): To engage through its subsidiary, First Data Processing, Inc., in data processing and processing banking and financial data in accordance with the Board's Regulation Y. These activities would be conducted from offices located in Milwaukee and West Allis, Wisconsin, serving the continental United States. Comments on this application must be received not later than June 23, 1983.

2. *First Bank System, Inc.,* Minneapolis, Minnesota (making and servicing loans; United States): To engage through its subsidiary, FBS Asset Management, in acquiring directly or indirectly loans or other extensions of credit and servicing these loans and credits. These activities would be performed from offices located in Minneapolis, Minnesota, serving the United States. Comments on this application must be received not later than June 23, 1983.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Mercantile Texas Corporation,* Dallas, Texas (mortgage financing and servicing activities; Texas, Oklahoma, Arkansas, Louisiana, and New Mexico): To engage through its subsidiary, MPACT Mortgage Company, in making or acquiring and servicing loans and other extensions of credit such as would be made by a mortgage company. These activities would be performed in the states of Texas, Oklahoma, Arkansas, Louisiana and New Mexico. Comments on this application must be received not later than June 24, 1983.

Board of Governors of the Federal Reserve System, May 26, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14695 Filed 6-1-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First National Bankshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. section 1842(c)).

Each aplication may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First National Bankshares, Inc.*, Emporia, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Emporia, Emporia, Virginia. Comments on this application must be received not later than June 24, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Financial Bancshares Corp.*, Ponca City, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of First National Bank and Trust Company, Ponca City, Oklahoma. Comments on this application must be received not later than June 24, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. *Viejo Bancorp*, Mission Viejo, California; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Mission Viejo National Bank, Mission Viejo, California. Comments on this application must be received not later than June 24, 1983.

Board of Governors of the Federal Reserve System, May 26, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14692 Filed 6-1-83; 8:45 am]

BILLING CODE 6210-01-M

First Interstate Bancorp; Proposed Acquisition of First Interstate Mortgage Company of Texas

First Interstate Bancorp, Los Angeles, California, through its wholly-owned direct subsidiary, First Interstate Mortgage Company, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire indirect ownership of the common stock of First Interstate Mortgage Company of Texas, Houston, Texas.

Applicant states that the proposed subsidiary would engage in making, acquiring, selling, and servicing loans and other extensions of credit secured by real estate mortgages. These activities would be performed from offices of Applicant's subsidiary in Houston, Texas, and the geographic area to be served in Texas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 24, 1983.

Board of Governors of the Federal Reserve System, May 26, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14693 Filed 6-1-83; 8:45 am]

BILLING CODE 6210-01-M

Hong Kong and Shanghai Banking Corporation, Kellett, N.V., H.S.B.C. Holdings, B.V., Marine Midland Banks, Inc.

The Hong Kong and Shanghai Banking Corporation, Hong Kong, B.C.C., Kellett, N.V., Curacao, Netherlands Antilles, H.S.B.C. Holdings B.V., Amsterdam, The Netherlands, and Marine Midland Banks, Inc., Buffalo, New York, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage *de novo*, through their wholly-owned subsidiary, Marine Midland Realty Credit Corporation, Buffalo, New York, in arranging, incidental to the conduct of a mortgage banking business, equity financing for income-producing real properties with institutional investors. These activities would be performed from offices of Applicants' subsidiary in New York and Buffalo, New York; Los Angeles and Newport Beach, California; and Houston, Texas and the geographic area to be served is the entire United States.

Although arranging equity financing has not been added to the list of permissible activities specified by the Board in section 225.4(a) of Regulation Y, the Board has determined by Order that this activity is closely related to banking. E.g. *Trust Company of Georgia*, 69 Federal Reserve Bulletin 225 (1983).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than June 24, 1983.

Board of Governors of the Federal Reserve System, May 26, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14694 Filed 6-1-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

NIOSH/Union Carbide Kanawha Valley Chemical Workers Study; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the the public for observation and participation, limited only by space available:

Date: June 9, 1983.

Time: 9:00 a.m. to 4:30 p.m.

Place: Room 8021, Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.

Purpose: To discuss the protocol and status of the NIOSH/Union Carbide Kanawha Valley Chemical Workers Study with two independent scientific consultants. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

The time and place of this meeting are subject to change, depending on the availability of the participants. Additional information may be obtained from: Robert Rinsky, Division of Surveillance, Hazard Evaluations, and Field Studies, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, OH 45226, Telephone: Fts: 684–4391, Commercial: 513/684–4391.

Dated: May 24, 1983.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 83–14791 Filed 6–1–83; 8:45 am]

BILLING CODE 4160–19–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT FEIS 83–27]

Final Eastside Salem Timber Management Environmental Impact Statement; Availability of FEIS

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental impact statement for the Eastside Salem EIS area. The proposal involves implementing a 10-year timber management plan on public lands in the Clackamas-Molalla and Santiam Sustained Yield Units of the Salem District in western Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets N.W., Washington, D.C. 20240.
Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah St., Portland, OR 97208.
Bureau of Land Management, Salem District Office, 1717 Fabry Road S.E., Salem, OR 97302
Oregon State Library, State Library Building, Salem, OR 97310
Oregon State University Library, Government Document Section, Corvallis, OR 97331
Portland State University Library, 724 S.W. Morrison, Portland, Oregon 97201
Mt. Hood Community College Library, 26000 S.E. Stark, Gresham, Oregon 97030
University of Oregon Library, Government Document Section, Eugene, OR 97403
Clackamas Community College Library, 19600 S. Molalla, Oregon City, Oregon 97045
Linn-Benton, Community College Library, Albany, OR 97321
Chemeketa Community College Library, 4000 Lancaster Dr. N.E., Salem, Oregon 97303
Public Library, 626 2nd, Lebanon, Oregon 97355
Public Library, 7th & John Adams, Oregon City, Oregon 97045
Public Library, 1390 S.E. Waverly Drive, Albany, Oregon 97321
Multnomah County Library, 801 S.W. 10th, 'Portland, OR 97205
Salem Public Library, 585 Liberty S.E., Salem, OR 97302.

A limited number of copies are available upon request from the Bureau of Land Management, Oregon State Office, or the Salem District Office, at the above addresses. Due to the addition of a new preferred alternative, a 60-days comment period on the FEIS is established.

Written comments on the FEIS will be accepted by the Salem District Manager until August 1, 1983.

Dated: May 18, 1983.

Philip C. Hamilton,

Acting Duputy State Director for Lands and Renewable Resources.

[FR Doc. 83–14676 Filed 6–1–83; 8:45 am]

BILLING CODE 4310–84–M

[INT FEIS 83–25]

Final Eugene Timber Management Environmental Impact Statement; Availability of FEIS

AGENCY: Bureau of Land Managment, Interior.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental impact statement for the Eugene EIS area. The proposal involves implementing a 10-year timber management plan on public lands in the Siuslaw and Upper Willamette Sustained Yield Units of the Eugene District in western Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW., Washington, D.C. 20240
Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah St., Portland, OR 97208
Bureau of Land Management, Eugene District Office, 1255 Pearl Street, P.O. Box 10226, Eugene, Oregon 97440
Oregon State Library, State Library Building, Salem, OR 97310
Oregon State University Library, Government Document Section, Corvallis, OR 97331
Portland State University Library, 724 S.W. Morrison, Portland, OR 97201
University of Oregon Library, Government Document Section, Eugene, OR 97403
Lane Community College Library, 4000 E. 30th Ave., Eugene, OR 97405
Linn-Benton, Community College Library, Albany, OR 97321
Umpqua Community College Library, P.O. Box 956, Roseburg, OR 97470
Eugene Public Library, 100 West 13th Ave., Eugene, OR 97401
Springfield Public Library, 320 North A Street, Springfield, OR 97477
Cottage Grove Public Library, 40 S. 6th Street, Cottage Grove, OR 97424
Brownsville Public Library, 146 Spalding Ave., Brownsville, OR 97439
Florence City Library, 250 Highway 101 North, Florence, OR 97439

A limited number of copies are available upon request from the Bureau of Land Management, Oregon State Office, or the Eugene District Office, at the above addresses. Due to the addition of a new preferred alternative, a 60-day comment period on the FEIS is established.

Comments on the FEIS will be accepted by the Eugene District Manager until August 1, 1983.

Dated May 18, 1983.

Philip C. Hamilton,

Acting Deputy State Director for Lands and Renewable Resources.

[FR Doc. 83–14674 Filed 6–1–83; 8:45 am]

BILLING CODE 4310–84–M

[INT FEIS 83–26]

Final Roseburg Timber Management Environmental Impact Statement; Availability of FEIS

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental impact statement for the Roseburg EIS area. The proposal involves implementing a 10-year timber management plan on public lands in the Douglas and South Umpqua Sustained Yield Units of the Roseburg District in western Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW Washington, D.C. 20240

Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah St., Portland, OR 97208
Bureau of Land Management, Roseburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, OR 97470
Oregon State Library, State Library Building, Salem, OR 97310
Oregon State University Library, Government Document Section, Corvallis, OR 97331
Portland State University Library, 724 S.W. Morrison, Portland, OR 97201
Universtiy of Oregon Library, Government Document Section, Eugene, OR 97403
Lane Community College Library, 4000 E. 30th Ave., Eugene, OR 97405
Linn-Benton, Community College Library, Albany, OR 97321
Umpqua Community College Library, P.O Box 956, Roseburg, OR 97470
Riddle Library, 637 1st Ave., Riddle, OR 97469
Yoncalla Library, 161 Front St., Yoncalla, OR 97499
Douglas County Library, Courthouse, 1036 S.E. Douglas Roseburg, OR 97470
Oakland Public Library, Locust Street, Oakland, OR 97460
Winston Library, 201 N.W.Highway 42, Winston, OR 97496
Canyonville Library, 1st & Pine St., Canyonville, OR 97417
Drain Library, 2nd & C Streets, Drain, OR 97435
Glendale Library, 3rd & Willis, Glendale, OR 97442
Myrtle Creek Library, 231 Division, Myrtle Creek, OR 97457

A limited number of copies are available upon request from the Bureau of Land Management, Oregon State Office, or the Roseburg District Office, at the above addresses. Due to the addition of a new preferred alternative, a 60-day comment period on the FEIS is established.

Comments on the FEIS will be accepted by the Roseburg District Manager until August 1, 1983.

Dated: May 18, 1983.

Philip C. Hamilton,

Acting Deputy State Director for Lands and Renewable Resources.

[FR Doc. 83-14675 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-84-M

[A 11811]

Order Providing for Opening of Public Lands; Arizona

In an exchange of lands made under the provisions of Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following lands have been conveyed to the United States:

Gila and Salt River Meridian, Arizona

Those certain tracts or parcels of land being a part of H.E.S. No. 509, Township 4 South, Range 32 East of the Gila and Salt River Base and Meridian, Greenlee County, Arizona, described as follows:

No. 1 beginning at a point South 8°56' E., 792.22 feet from Corner No. 1, H.E.S. No. 509; thence due East for a distance of 424.52 feet; thence South 6°44' W. for a distance of 178.67 feet; thence South 5°34' W. for a distance of 128.36 feet; thence South 13°59'30" W. for a distance of 212.64 feet; thence South 33°41' W. for a distance of 88.50 feet; thence South 43°25' W. for a distance of 126.21 feet; thence South 27°46' W. for a distance of 128.53 feet; thence South 11°42' W. for a distance of 55.32 feet; thence North 8°56' W. for a distance of 855.07 feet to the point of beginning.

No. 2 beginning at Corner No. 1, H.E.S. No. 509; thence South 8°56'00" E. 164.36 feet to the true point of beginning: thence South 89°47'56" E. 328.00 feet; thence due South a distance of 619.08 feet; thence due West a distance of 230.50 feet; thence North 8°56'00" W. 627.86 feet to the true point of beginning.

The areas described contains approximately 9.94 acres in Greenlee County.

Upon acceptance of title to the lands, they became part of the Apache National Forest and are subject to all the laws, rules, and regulations applicable thereto.

At 10: a.m. on June 29, 1983, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Forest Supervisor, Apache National Forest, P.O. Box 640, Springerville, Arizona, 85938.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-14777 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-84-M

[U-37255]

Order Providing for Opening of Public Lands; Utah

1. In an exchange of lands pursuant to Section 8 of the Act of June 28, 1934, 48 Stat. 1272, the following described lands, including all minerals, were reconveyed to the United States:

Salt Lake Meridian, Utah

T. 33 S., R. 16 E.,
Sec. 2, all.
T. 34 S., R. 16 E.,
Sec. 16, all.
T. 39 S., R. 16 E.,
Sec. 2, lots 1, 2, S½NE¼, SE¼.
T. 33 S., R. 17 E.,
Secs. 2, 16, 32, 36, all.
T. 34 S., R. 17 E.,
Sec. 2, all.
T. 39 S., R. 17 E.,
Sec. 2, S½.
T. 32 S., R. 18 E.,
Sec. 32, all.
T. 38 S., R. 18 E.,
Sec. 2, all;
Sec. 16, S½.
T. 37 S., R. 21 E.,
Sec. 32, N½, SE¼.

Aggregating 7,519.24 acres.

2. At 10:00 a.m. on June 27, 1983, the lands described in paragraph one lying outside of primitive areas, as shown on the official Bureau of Land Management township plats, will be open to the operation of the public land laws generally, to location under the United States Mining Laws, and to mineral leasing subject to the following listed leases issued by the State of Utah:

ML 31342 affecting Sec. 2, lots 1, 2, S½NE¼, SE¼, T. 39 S., R 16 E.,
ML 31838 affecting Secs. 2, 16, 32, 36. T. 33 S., R. 17 E.,
ML 31343 affecting Sec. 2, S½. T. 39 S., R. 17 E.,
ML 31323 affecting Sec. 32, all. T. 32 S., R. 18 E.,
ML 31339 affecting Sec. 2, all; and Sec. 16, S½. T. 38 S., R. 18 E.

Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

All valid applications received at or prior to 10:00 a.m. on June 27, 1983 shall be considered as simulataneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: May 24, 1983.

Darrell C. Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-14778 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 20644]

Santa Rosa County, Florida; Proposed Reinstatement of a Terminated Oil and Gas Lease

1. Federal oil and gas lease ES 20644 terminated automatically by operation of Law on July 1, 1980 [30 U.S.C. 188].

2. A petition for reinstatement of ES 20644 was filed by Tenneco Oil Company (Lessee) under Section 31 D of the Mineral Leasing Act of 1920, as amended by the Federal Oil and Gas Royalty Management Act of 1982 (96 Stat. 2447).

3. The Lessee has met all the following requirements for reinstatement:

(a) $500—Reimbursement of Department Administrative cost.

(b) $6,324—Back rental payments.

(c) $136—Publication cost.

4. The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to $5 per acre per year, and royalty increased to 16⅔ percent beginning July 1, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-14660 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permits Issued for the Months of January, February, March and April 1983

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235-1903) or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 8:00 a.m. and 3:00 p.m. weekdays.

Arizona Zoo	X9633	01-04
Knoxville Zoo	X0929	01-04
New York Zoo	X9947	01-18
Sturgeon, Walter	X9854	01-28
Allen, George, Jr	X9921	02-24
Denver Zoo Garden	X9862	02-16
Krantz, Karl R.	X9843	02-25
Milwaukee County Zoo	X9884	02-09
Regional Dir. #2/USFWS	X1770	02-07
Blakeship, John	X9964	03-24
Chaffee, Paul	X9932	03-11
Florida State Museum	10052	03-30
International Crane Foundation	X9574	03-09
Keller, Charles	X9956	03-11
Snyder, Terry C.	X9966	03-01
Allen, George A., Jr.	10088	03-14
Arizona Zoo Society	10122	04-26
Berlinski Bros. (Shipped to Ever Trading Co., Ltd. Tokyo, Japan)	X9894	04-20
Lloyd, Elmer	10058	04-22
National Zoo Park	10029	04-06
New York Zoological Society	X9972	04-09
Topeka Zoo Park	10043	04-12
Zoological Society of Cincinnati	10141	04-05
Zoological Society of Cincinnati	10048	04-26
Zoological Society of San Diego	X9996	04-04
Zoological Society of San Diego	10028	04-21
Zoological Society of San Diego	10148	04-22
Zoological Society of San Diego	10149	04-26

Dated: May 27, 1983.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-14790 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications; University of Hawaii, et al.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Michael G. Hadfield, University of Hawaii, Honolulu, HI—PRT 2-10486.

The applicant requests a permit to take (mark) live snails and take (collect) empty shells of the Oahu tree snail (*Achatinella* spp.) in Oahu, HI, for scientific research.

Applicant: International Animal Exchange, Ferndale, MI—PRT 2-10490.

The applicant requests a permit to purchase in interstate commerce two male mongoose lemurs (*Lemur mongoz*), four male and one female ring-tailed lemurs (*L. catta*) and two male and three female brown lemurs (*L. mococo fulvus*) from Oregon Regional Primate Center, Beaverton, OR, for enhancement of propagation.

Applicant: David B. Wake, University of California, Berkeley, CA—PRT 2-10499.

The applicant requests a permit to take two desert slender salamanders (*Batrachoseps aridus*) from Hidden Palms Canyon, CA, for scientific research.

Applicant: International Animal Exchange, Ferndale, MI—PRT 2-10491.

The applicant requests a permit to import one male captive-born lion-tailed macaque (*Macaca silenus*) and one male captive-born mandrill (*Papio sphinx*) from Metro Toronto Zoo, Canada, for enhancement of propagation.

Applicant: Roger Williams Park Zoo, Providence, RI—PRT 2-10485.

The applicant requests a permit to import six captive-bred Parma wallaby (*Macropus parma*) from the Jersey Wildlife Preservation Trust, Channel Islands, United Kingdom.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: May 27, 1983.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-14789 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-55-M

Extension of Public Comment Period on the Draft Environmental Impact Statement (DEIS) for the Cache River Basin: A Waterfowl Habitat Preservation Proposal

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that the period for submitting written comments on the DEIS for the Cache River Basin: A Waterfowl Habitat Preservation Proposal, has been extended from July 15 to August 15, 1983. Refer to the DEIS Notice of Availability published in the Federal Register on May 5, 1983 (Vol. 48, No. 88, pages 20299 and 20300).

Comments should be sent to: Regional Director, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303; ATTN: Chief Ascertainment Biologist.

FOR FURTHER INFORMATION CONTACT: Ken Quackenbush, U.S. Fish and Wildlife Service, Room 409, Merchants National Bank Building, 820 South Street, Vicksburg, Mississippi 39180; telephone: Commercial—(AC 601) 638-1891, FTS-542-5995.

Dated: May 25, 1983.

James W. Pulliam, Jr.,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 83-14804 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Contributions From and Collaborative Work With Private Sources

AGENCY: Geological Survey, Interior.

ACTION: Notice.

SUMMARY: This notice is published to announce that the U.S. Geological Survey (USGS) is authorized, pursuant to the provisions of the Department of Interior Appropriations Act (Pub. L. 97-394), to accept lands, buildings, equipment and other contributions for and to engage in collaborative projects with private sources. The criteria and procedures for acceptance of contributions from and collaborative projects with private sources are set forth below. Procedures for cooperative work with Federal, State, and local government agencies are not covered by this notice.

EFFECTIVE DATE: May 26, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Bruce B. Hanshaw, Assistant Director for Research, U.S. Geological Survey, (MS 104), National Center, Reston, VA 22092. Telephone (703) 860-7480.

Criteria for Acceptance

The USGS will consider accepting contributions and pursuing collaborative projects for the support of scientific research, technological development and data systems pertaining thereto. To be acceptable such contributions and collaborative projects must:

1. Serve the public.
2. Be in compliance with applicable laws and regulations.
3. Be compatible with USGS missions.
4. Not adversely affect the scientific integrity of the USGS.
5. Provide funding adequate to accomplish the proposed project objective.

Procedures

Individuals and orgaizations wishing to make contributions to or enter into collaborative projects with the USGS should submit proposals to the Director, USGS.

1. In cases where a donor wishes to made a contribution to the USGS for a *nonspecific purpose*, the Director may accept such donations and determine their use for a purpose which meets the criteria stated above. Such contributions must be documented by a letter from the donor specifying the amount or description of the contribution. The Director will acknowledge the contribution by letter to the donor.

2. When proposals are received for collaboratiove projects, they will be reviewed by appropriate USGS officials who will recommend acceptance or rejection to the Director.

a. USGS officials may hold preliminary discussions with those who have proposed projects which meet the criteria stated above. These preliminary discussions are to identify the nature and scope of the proposed project, its estimated cost, financing method, and other significant aspects of the project, but will not be binding on the USGS.

b. Prior to final acceptance, the USGS will submit all proposals to the Department of the Interior Solicitor and Ethics Counselor for a determination that they are in compliance with law and conflict-of-interest regulations.

c. The USGS and th party contributing funds will execute a Memorandum of Agreement to document all agreements for collaborative projects.

d. The USGS will provide administrative control and technical direction for all collaborative projects.

Public Announcement

Upon final acceptance of a contribution or collaborative project, the USGS will place and announcement in the **Federal Register** to inform the public and other concerned sources of the amount and purpose, and to invite additional contributions or participation if appropriate, for the same or similar purpose.

Reports

The USGS will prepare and make available to the public a report on the results of all projects conducted with contributions for private sources.

Dated: May 26, 1983.

Doyle G. Frederick,

Associate Director.

[FR Doc. 83-14705 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-31-M

Office of the Secretary

Coastal Barrier Resources Act; Section 10—Reports to Congress

AGENCY: Office of the Secretary, Interior.

ACTION: Notice and request for comments.

SUMMARY: This document sets forth for review and comment the Department of the Interior's proposed plan to study those aspects of undeveloped coastal barriers required by Section 10 of the Coastal Barrier Resources Act of 1982 (CBRA) (Pub. L. 97-348)

DATE: Comments on this plan will be accepted through July 1, 1983.

ADDRESS: Comments should be addressed to Ms. Deborah Lanzone, Coastal Barriers Study Coordinator, National Park Service (763), U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Lanzone, (202) 343-9377.

SUPPLEMENTARY INFORMATION: On October 18, 1982, President Reagan signed the CBRA into law (Pub. L. 97-348). The law establishes the Coastal Barrier Resources System as referred to and adopted by Congress, and prohibits all new Federal expenditures and financial assistance within the units of the System unless specifically excepted by the Act. These provisions of the Act became effective immediately. The Act also amends and conforms the Federal flood insurance provisions of the Omnibus Budget Reconciliation Act 1981 (OBRA) pertaining to undeveloped coastal barriers. The statutory ban on the sale of new Federal flood insurance for new construction or substantial improvements in these areas will go into effect on October 1, 1983. Section 10(a) of CBRA directs the Secretary to prepare and submit to Congress a report regarding the System. Section 10(b) directs the Secretary to prepare this report in consultation with the States, and where applicable, the State Coastal Zone Management officers of those States affected by CBRA. Section 10(c) states that the report shall contain:

—Recommendations for the conservation of the fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

—Recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

—A summary of the comments received from the Governors of the States, State coastal zone management

agencies, other government officials, and the public regarding the System; and,

—An analysis of the effect, if any, that general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221) have had on undeveloped coastal barriers.

In response to this mandate, the Department proposes to conduct the Coastal Barriers Study as outlined below. Further, the Department intends to transmit the Report to Congress prior to the deadline established in CBRA; the Department expects to transmit this report no later than October 1984.

The Coastal Barriers Study Proposed Outline

I. Evaluation and comparison of existing management alternatives for coastal barrier resources—

A. Federal.

B. State.

C. Local.

D. Private (includes user constitutencies, i.e. fishing, boating, recreation, as well as conservation).

E. Partnerships and inter-institutional agreements.

II. Case studies of coastal barrier ecosystems.

III. Review and reassessment of Atlantic and Gulf Coast undeveloped coastal barriers.

IV. Identification and inventory of national coastal resources—

A. "Protected" coastal barriers along the Atlantic and Gulf Coasts.

B. Pacific Coast coastal barriers.

C. Great Lakes coastal barriers.

D. Caribbean coastal barriers, including U.S. Virgin Islands.

E. Pacific Territories.

V. Identification and inventory of other coastal resources.

VI. Consultation and coordination with States—

A. Information exchange.

B. Ongoing input to study process.

C. Effects on general revenue sharing.

VII. Effects of reduced Federal dollars in coastal development.

VIII. Findings and Conclusions.

A. Symposium/Workshop.

B. Major protection issues (including post-disaster mitigation).

IX. Recommendations.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks

[FR Doc. 83-14759 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-10-M

Privacy Act of 1974—Publication of Systems of Records Notices

May 25, 1983.

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Department of the Interior is publishing new notices of systems of records maintained by the Minerals Management Service (MMS). Six notices of systems of records maintained by MMS are published in their entirety below. The records systems described by the notices do not contain newly-created records, but represent existing records that were transferred from other bureaus in the Department when MMS was established.

The notice for EMM-1 titled Minerals Lease and Royalty Accounting Files, published below, replaces the notice published in the **Federal Register** on January 7, 1982 (47 FR 866) for EGS-21 titled Mineral Lease and Royalty Accounting Files describing the records formerly maintained by the U.S. Geological Survey. The notice for EMM-6 titled Outer Continental Shelf (OCS) Lease Sale Qualification files, published below, replaces the notice published in the **Federal Register** on April 11, 1977 (42 FR 191118) for LLM-25 titled Outer Continental Shelf Lease Sale describing the records formerly maintained by the Bureau of Land Management. Both EGS-21 and LLM-25 are deleted from the inventory of the Department's Privacy Act records systems.

The remaining notices published below, EMM-2 through EMM-5, describe administrative records extracted from comparable existing records systems maintained by the U.S. Geological Survey and the Bureau of Land Management, and which were transferred to the Minerals Management Service upon its establishment.

This notice is published pursuant to the provisions of 5 U.S.C. 552(e)(4). The purposes and routine uses of the records described in the notices published below are consistent with those previously published for the records systems from which the MMS records were derived. Written comments on the proposed notices are invited and can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C., 20240. If no comments are received, the systems will be implemented without further notice in the **Federal Register**. Comments received on or before July 5, 1983 will be considered.

Dated: May 25, 1983.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

INTERIOR/EMM-1

SYSTEM NAME:

Mineral Lease and Royalty Accounting Files—Interior, EMM-1

SYSTEM LOCATION:

Minerals Management Service, 12203 Sunrise Valley Drive, Reston, Virginia 22091 and field offices. For specific addresses of field offices contact the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Lease or permit holders, and individuals who have requested statistical books. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. However, some of the records in the system which pertain to individuals may reflect personal information. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporation and other business entities. These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Lease contractual terms, production, royalty, reserve, and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Minerals Leasing Act of 1920, as amended, 30 U.S.C. 22, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to: (a) Manage mineral leases on public lands for which the Minerals Management Service (MMS) is responsible; (b) supervise the leases and permits; (c) keep records of royalty accounts; (d) control revenues; (e) gather statistical data for planning and managing the mineral leasing program. Disclosure outside of the Department may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulations, order, or license; (3) from the record of an individual in response

to an inquiry from a congressional office made at the request of that individual; (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee or issuance of a security clearance, license, contract, grant, or other benefit; (5) to Federal, State, or local agencies when necessary to obtain information relevant to the hiring or retention of an employee or the issuance of a security clearance, license, contract, grant, or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders, tab runs, and information recorded on magnetic tape.

RETRIEVABILITY:

Indexed by lease number and/or company.

SAFEGUARDS:

Maintained in MMS areas occupied by MMS personnel during working hours with building locked and/or guarded during off hours.

RETENTION AND DISPOSAL:

Destroyed 6 years after lease terminates or in the event of a dispute; 6 years after settlement of the dispute.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Minerals Management Service, Office of the Director, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Anyone wishing to inspect a file may request access from the System Manager. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Lessees, permittees, and individuals on whom records are maintained.

INTERIOR/EMM-2

SYSTEM NAME:

Personal Property Accountability Records—Interior, EMM–2

SYSTEM LOCATION:

(1) Administative Services Division, Branch of Office Services, Minerals Management Service, 12203 Sunrise Valley Drive, Reston, Virginia 22091; amd (2) Administrative offices in substantially all field locations. A listing of field locations is available from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of MMS who are accountable for Government-owned controlled property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of assignment of an internal identification number and acknowledgment of receipt by employees. Records of transfers to other accountable employees. Inventory records containing employee social security numbers and duty stations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 483(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to: (1) Maintain control over MMS-owned and controlled property; and (2) maintain up-to-date inventory and to record accountability for the property. Disclosure outside the Department of the Interior may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; and (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee or the issuance of a security clearance, license, contract, grant, or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are both manual and computerized.

RETRIEVABILITY:

By employee social security number.

SAFEGUARDS:

Access by authorized employees only.

RETENTION AND DISPOSAL:

Placed in inactive file upon transfer or separation of employee. Closeout inactive file at the end of the fiscal year. Destroyed 2 years after closeout.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office Services Branch, Minerals Management Service, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

NOTIFICATION PROCEDURE:

Contact the System Manager or the pertinent field installation. See 43 CFR 2.60

RECORDS ACCESS PROCEDURES:

Same as above or to the pertinent field installation for access. See 43 CFR 3.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71

RECORD SOURCE CATEGORIES:

Individual employees and property management personnel.

INTERIOR/EMM-3

SYSTEM NAME:

Accident Reports and Investigations—Interior, EMM–3

SYSTEM LOCATION:

Administrative Services Division, Minerals Management Service, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel of the Minerals Management Service (MMS) who have had on-the-job accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Form DI–134, Accident Reports, correspondence, historical information, and corrective action reviews relating to accidents which have occurred on-the-job.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are: (1) To maintain records of accidents in which MMS employees have been involved; (2) to report statistics and trends to the Department; (3) to monitor and report progress of the safety program in the MMS, using historical data and records of actions taken. Disclosure outside of the Department may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee or issuance of a security clearance, license, contract, grant, or other benefit; and (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention on an employee or the issuance of a security clearance, license, contract, grant, or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Kept in locked cabinet. Access limited to authorized personnel.

RETENTION AND DISPOSAL:

Retained onsite. Closeout at the end of the fiscal year in which the case is closed. Destroyed 6 years after closeout.

SYSTEM MANAGER(S) AND ADDRESS:

Safety Management Officer, Administrative Services Division, Minerals Management Service, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requester seeks information concerning records pertaining to him or her must be addressed to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access must be in writing, signed by the requester, submitted to the System Manager, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Accident victims, witnesses, supervisors, and investigators.

INTERIOR/EMM–4

SYSTEM NAME:

Security—Interior, EMM–4

SYSTEM LOCATION:

Administrative Services Division, Facilities Management Branch, Minerals Management Service, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Minerals Management Service (MMS) employees who have been granted access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of Security Clearances for MMS personnel; contains name, grade, organization, place and date of birth, and type of security clearance of person being granted access.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10501.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to keep current records on security clearances in MMS. Disclosure outside of the Department may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee or issuance of a security clearance, license, contract, grant, or other benefit; and (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee or the issuance of a security clearance, license, contract, grant, or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual systems maintained in locked cardex and legal size files.

RETRIEVABILITY:

Indexed by individual name.

SAFEGUARDS:

Maintained with security, meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records on former employees are placed in inactive file upon transfer or separation. Closeout inactive file at the end of the fiscal year. Destroyed 2 years after closeout.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Facilities Management Branch, Minerals Management Service, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him or her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/EMM–5

SYSTEM NAME:

ELC Records—Interior, EMM–5

SYSTEM LOCATION:

Administrative Services Division, Facilities Management Branch, Minerals Management Service, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Minerals Management Service (MMS) employees Service-wide.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individual employees, social security numbers, grades, office telephone, location codes, room numbers, tenures, mail stop codes, organization codes, and home zip codes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The primary uses of these records are: (1) To prepare MMS telephone directories; (2) ride sharing; and (3) to prepare space occupancy reports. Disclosure outside of the Department may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee or issuance of a security clearance, license, contract, grant, or other benefit; and (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE

Maintained in manual and computerized form.

RETRIEVABILITY:

By name or social security number.

SAFEGUARDS:

Records kept in locked cabinets for use by the Facilities Management Branch.

RETENTION AND DISPOSAL:

Retained until obsolete or employee leaves MMS, then destroyed.

SYSTEM MANAGERS(S) AND ADDRESS:

Chief, Facilities Management Branch, Minerals Management Service, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requester seeks information concerning records pertaining to him or her must be addressed to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access should be addressed to the System Manager. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

Contact the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals on whom records are kept.

INTERIOR/EMM-6

SYSTEM NAME:

Outer Continental Shelf (OCS) Lease Sale Qualification Files, Interior, EMM-6

SYSTEM LOCATION:

Regional Managers of OCS Regional Offices of the Minerals Management Service at:

Alaska Regional Office, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510

Atlantic Regional Office, 26 Federal Plaza, Suite 32-120, New York, New York 10278

Gulf of Mexico Regional Office, 3301 N. Causeway Blvd., P.O. Box 7944, Metairie, Louisiana 70010

Pacific Regional Office, 1340 West 6th Street, Rm. 200, Los Angeles, California 90017.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Qualified bidders/assignees, who are individuals, or which are trusts and estates, who bid on OCS leases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents showing qualifications to bid (citizenship status), name, and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 1331, 30 CFR 256.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify holders of record title interest in OCS leases. Users include the general public and Government Agencies for notification to lessees and for any necessary regulatory compliance action. Disclosures outside of the Department may be made: (1) To the general public by the publication of information for all bids on each sale; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license; and (4) from the record of an individual in response to any inquiry from a congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records consist of paper documents which are stored in folders in file cabinets.

RETRIEVABILITY:

Indexed by individual name, by trust names, or estate names.

SAFEGUARDS:

Access to files is supervised when office is open. Maintained in MMS areas occupied by MMS personnel during working hours. During non-working hours, the buildings are locked and/or guarded.

RETENTION AND DISPOSAL:

If bidder is unsuccessful, record is retained for 3 years and then transmitted to GSA for records retirement. If bidder is successful, record is retained for the life of the lease and 6 months thereafter and then to GAS for records retirement.

SYSTEM MANAGER(S) AND ADDRESSES:

Regional Managers, OCS Regional Offices listed above.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Access requests should be directed to the appropriate System Manager. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment must be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

All records are derived from documents submitted by the qualified bidders or assignees.

[FR Doc. 83-14687 Filed 6-1-83; 8:45 am]
BILLING CODE 4310-10-M

Guidelines for Transactions Between Nonprofit Conservation Organizations and Federal Agencies

AGENCY: Office of the Secretary, Interior.

ACTION: Extension of notice of final guidelines—Request for additional comments.

SUMMARY: The Assistant Secretary for Fish and Wildlife and Parks is extending for 30 days the comment period prior to publishing final guidelines for transactions between nonprofit conservation organizations and Federal agencies that utilize the Land and Water Conservation Fund (LWCF). These guidelines will provide broad instructions to the four Federal agencies in their use of nonprofit conservation organizations to assist in securing the natural, cultural, wildlife and recreation values in greatest need of protection.

The guidelines will apply to the National Park Service, Fish and Wildlife Service, and the Bureau of Land Management in the Department of The Interior and the Forest Service in the Department of Agriculture.

DATES: Additional comments must be received before June 23, 1983. Unless modified pursuant to notice in the **Federal Register**, these guidelines shall be effective July 21, 1983.

FOR FURTHER INFORMATION CONTACT: Chairman, LWCF Policy Group, Room 3156, Department of the Interior, Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: The public was invited to comment on the proposed guidelines, that appeared in the **Federal Register**, January 28, 1983 (Vol. 48, No. 20, pages 4055–6), and the final guidelines that appeared in the **Federal Register**, April 22, 1983 (Vol. 48, No. 79, pages 17406–7). In order to receive the benefit of the comments of a greater number of interested parties, the Assistant Secretary has extended the comment period and effective date by 30 days, until June 23, 1983, for the comment period and July 21, 1983, for the effective date.

May 23, 1983.

J. Craig Potter,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-14783 Filed 6-1-83; 8:45 am]
BILLING CODE 4310-10-M

INTERNATIONAL TRADE COMMISSION

[Investigations No. 104-TAA-14 and 104-TAA-15]

Import Investigations; Bicycle Tires and Tubes From the Republic of Korea and Taiwan

Determinations

Based on the record [1] developed in investigations Nos. 104–TAA–14 and 104–TAA–15, the Commission determines,[2] pursuant to section 104(b) of the Trade Agreements Act of 1979, that an industry in the United States would not be materially injured or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reason of imports of bicycle tires and tubes from the Republic of Korea manufactured by Korea Inoue Kasei, Co., or bicycle tires and tubes from Taiwan manufactured by Cheng Shin Rubber Co., Ltd., if the countervailing duty orders covering those imports were to be revoked.

Background

On July 30, 1981, the Commission received a petition on behalf of Korea Inoue Kasei Co. (KIK) seeking the institution of an investigation under section 104(b) of the Trade Agreements Act of 1979, (19 U.S.C. 1671 note), to determine whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry would be materially retarded if the countervailing duty order covering bicycle tires and tubes from the Republic of Korea were to be revoked. KIK, a Korean manufacturer of bicycle tires and tubes, is the only company coverd by the order.

On December 30, 1982, Cheng Shin Rubber Co., Ltd., (Cheng Shin), a manufacturer of bicycle tires and tubes from Taiwan, submitted a petition seeking the institution of a section 104 investigation regarding the revocation of the countervailing duty order covering bicycle tires and tubes from Taiwan. Cheng Shin is the only company covered by the order.

On the basis of the petitions filed on behalf of KIK and Cheng Shin, the Commission instituted investigation No. 104–TAA–14 on bicycle tires and tubes from Korea on December 21, 1982, and investigation No. 104–TAA–15 on bicycle tires and tubes from Taiwan on January 10, 1983. The purpose of the Commission's investigations was to determine whether an industry in the United States would be materially injured, or threatened with material injury, or the establishment of an industry in the United States would be materially retarded, if the countervailing duty orders applicable to bicycle tires and tubes, provided for in items 772.48 and 772.57, respectively, of the Tariff Schedules of the United States, imported from Korea, manufactured by KIK, and imported from Taiwan, manufactured by Cheng Shin, were to be revoked.

Notice of the institution of these Commission investigations was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and by publishing the notice for investigation No. 104–TAA–14 in the **Federal Register** of December 29, 1982, and that for investigation No. 104–TAA–15 in the **Federal Register** of January 14, 1983. The public hearing for these investigations was held concurrently on March 1, 1983, and the Commission voted on these cases in public session on May 10, 1983.

The Commission transmitted its report on these investigations to the Secretary of Commerce on May 20, 1983. A public version of the Commission's report, Bicycle Tires and Tubes from the Republic of Korea and Taiwan (investigations nos. 104–TAA–14 and 15), USITC Publication 1382, contains the views of the Commission and information developed during the investigations.

By Order of the Commission.

Issued: May 20, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-14787 Filed 6-1-83; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-139]

Import Investigations; Certain Caulking Guns; Commission Decision Not To Review Initial Determination

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to

[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (47 FR 6190, Feb. 10, 1982).

[2] Chairman Eckes dissenting.

review the presiding officer's initial determination (Order No. 7) granting complainant's motion to amend the complaint in the above-captioned investigation to consolidate two respondents—Handy Dan, San Antonio, Texas and Handy Dan Home Improvement Center Inc., Los Angeles, California—into one respondent, Handy Dan Home Improvement Centers, Inc., Dover, Delaware.

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982 and 48 FR 20225, May 5, 1983; to be codified at 19 CFR 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: On April 27, 1983, the presiding officer issued an initial determination granting the motion of complainant Peter J. Chang to amend the complaint to consolidate to two above-named respondents into one respondent, Handy Dan Improvement Centers, Inc. Under § 210.54(b) of the Commission's rules, the deadline for filing petitions for review of the initial determination expired on May 9, 1983. No petitions were filed.

Copies of the nonconfidential version of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0499.

By order of the Commission.

Issued: May 24, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-14803 Filed 6-1-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-137]

Import Investigation; Certain Heavy Duty Staple Gun Tackers; Change of the Commission Investigative Attorney

Notice is hereby given that, as of this date, Ralph Elsas-Patrick, Esq of the Unfair Import Investigations Division, will be the Commission investigative attorney in the above-cited investigation instead of Robert S. Budoff, Esq.

The Secretary is requested to publish this Notice in the **Federal Register.**

Dated: May 25, 1983.

David I. Wilson,

Chief, Unfair Import Investigations Division.

[FR Doc. 83-14806 Filed 6-1-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 104-TAA-16, 17, and 18]

Import Investigation of Certain Nonrubber Footwear From Brazil, India, and Spain

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, [2] pursuant to section 104(b) of the Trade Agreements Act of 1979, that an industry in the United States would not be materially injured or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reason of imports of certain nonrubber footwear from Brazil, India, or Spain covered by outstanding countervailing duty orders, if the orders were to be revoked. The investigations, cover imports of nonrubber footwear provided for in items 700.05–.45, 700.56, 700.72–.83, and 700–.95 of the Tariff Schedules of the United States (TSUS). With respect to India, the investigation covers all of the above footwear except huaraches (TSUS item 700.05); leather ski boots (TSUS item 700.28); and chappals, slippers and footwear having an open toe and heel, however provided for in part 1, subpart A of Schedule 7 in the TSUS.

Background

On October 26, 1981, October 27, 1981, and April 23, 1982, the U.S. International Trade Commission received requests from the Governments of Brazil, India, and Spain, respectively, for investigations under section 104 of the Trade Agreements Act of 1979 with respect to certain nonrubber footwear imported from Brazil, India, and Spain. Accordingly, effective January 25, 1983, the Commission instituted investigations Nos. 104–TAA–16, 17, and 18 under section 104(b) to determine whether an industry in the United States would be materially injured or threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of certain nonrubber footwear from Brazil, India, and Spain, currently covered by contervailing duty orders, if the orders were to be revoked.

Notice of the institution of the commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on February 2, 1983 (48 FR 4742). The hearing was held in Washington, D.C. on April 19, 1983, and all persons who requested the opportunity were permited to appear in person or by counsel.

The Commission transmitted its report on the investigations to the Secretary of Commerce on May 24, 1983. A public version of the Commission's report, *Certain nonrubber footwear from Brazil, India, and Spain* (investigations Nos. 104–TAA–16, 17, and 18, USITC Publication 1383, 1983), contains the views of the Commission and information developed during the investigation.

By order of the Commission.

Issued: May 24, 1983.

Kenneth R. Mason,

Secretary

[FR Doc. 83-14798 Filed 6-1-83; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Haggart dissenting with respect to the orders covering imports of the subject merchandise from Brazil and Spain.

[Investigation No. 337-TA-148]

Import Investigations; Certain Processes for the Manufacture of Skinless Sausage Casings and Resulting Product; Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: May 24, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83-14802 Filed 6-1-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-149]

Import Investigations; Certain Radar Detectors and Accompanying Owner's Manuals; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 29, 1983, under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, on behalf of Cincinnati Microwave, Inc., 1 Microwave Plaza, Cincinnati, Ohio 45242. The complaint alleges unfair methods of competition and unfair acts in the importation of certain radar detectors and accompanying owners' manuals into the United States, or in their sale, by reason of (a) infringement of U.S. Letters Patent Des. 253,752; (b) infringement of U.S. Copyright Reg. Nos. TX 346–467 and TX 1–064–030; (c) infringement of U.S. Trademerk Reg. No. 1,127,831; (d) common law trademark infringement; (e) false representation using ESCORT; (f) false representation using photographs; (g) false advertising; (h) passing off; (i) false designation of manufacturer and/or geographic origin using photographs; and (j) improper use of complainant's copyright notice. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of investigation: Having considered the complaint, the U.S. International Trade Commission, on May 24, 1983, ordered that: (1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain radar detectors and accompanying owners' manuals into the United States, or in their sale, by reason of alleged (a) infringement of U.S. Letters Patent Des. 253,752; (b) infringement of U.S. Copyright Reg. Nos. TX 346–467 and TX 1–064–030; (c) infringement of U.S. Trademark Reg. No. 1,127,831; (d) common law trademark infringement; (e) false representation using ESCORT; (f) false representation using photographs; (g) false advertising, (h) passing off; (i) false designation of manufacturer and/or geographic origin using photographs; and (j) improper use of complainant's copyright notice, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Cincinnati Microwave, Inc., 1 Microwave Plaza, Cincinnati, Ohio 45242.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Uniden Corporation, 7–4 Onitaka 4–Chome, Ichikawa, Japan

Dynascan Corporation, 6460 West Courtland Street, Chicago, Illinois 60635

Larrick's Incorporated, 23 Mackoil Street, Dayton, Ohio 45403

Capitol Electronics, Inc., 7312 Cherokee Plaza, Oklahoma City, Oklahoma 73132

Cardenal Car Stereo, 6240 North 23rd Avenue, Glendale, Arizona 85301

David's, 7601 N. May Avenue, Oklahoma City, Oklahoma 73116

Apollo Wholesalers, 1022 Miller Industrial Park, Altamonte Springs, Florida 32701

(c) Wilhelm A. Zeitler, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 124, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR § 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to consititue a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice of the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Wilhelm A. Zeitler, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0390.

By order of the Commission.

Issued May 27, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–14894 Filed 6–1–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–108]

Import Investigation; Certain Vacuum Bottles and Components Thereof; Denial of Petition for Reconsideration and Rejection of Motion for Relief From the Order

AGENCY: International Trade Commission.

ACTION: Denial of petition for reconsideration of the Commission's determination and rejection of motion for relief from the order.

SUPPLEMENTARY INFORMATION: On Octobr 29, 1982, the Commission concluded the above-captioned investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) with a determination that there is no violation of that section in the importation into and sale in the United States of certain vacuum bottles. On November 12, 1982, complainant Union Manufacturing Co. (Union) filed a petition for reconsideration pursuant to § 210.56 of the Commission's Rules of Practice and Procedure (19 CFR 210.56). On March 22, 1893, Union filed a motion for relief from the order based on newly discovered evidence.

On May 17, 1983, the Commission denied the petition for reconsideration and rejected Union's motion for relief from the order.

Copies of the Commission's Action and Order disposing of these matters and all other nonconfidential documents filed in connection with this investigation are available for inspection during offical business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW.,

Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0499.

By order of the Commission.

Issued May 24, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–14800 Filed 6–1–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–128]

Import Investigations; Certain Cupric Hydroxide Formulated Fungicides and Cupric Hydroxide Preparations Used in the Formulation Thereof; Initial Determination Terminating Respondent on The Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Dr. H. Wayne Richardson (Richardson).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on May 25, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washigton, D.C. 20436, telephone 202–523–0161.

Written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later then 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: May 25, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–14799 Filed 6–1–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–131]

Import Investigation, Certain Variable Character Display Devices; Termination of Investigation Based on Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Termination of the above-captioned investigation based on a settlement agreement.

SUMMARY: On January 27, 1983, complainant Staver Manufacturing Co., Inc. (Staver) and respondent Ferranti-Packard Electronics, Ltd. (Ferranti-Packard) filed a joint motion (Motion No. 131–2) to terminate the above-captioned investigation as to all respondents. The motion is based on a nonexclusive patent license agreement between Staver and Ferranti-Packard. Neither complainant nor the Commission investigative attorney requested that the investigation continue with regard to the two other respondends in the investigation, Identicon of Franklin, Massachusetts, and Ferranti-Packard Ltd. of Dunkirk, New York. On May 18, 1983, the Commission granted the joint motion and terminated the investigation.

SUPPLEMENTARY INFORMATION: Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jane K. Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–1627.

By order of the Commission.

Issued: May 24, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–14801 Filed 6–1–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–130 (Preliminary)]

Import Investigations; Chloropicrin From the People's Republic of China

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured, [2] by reason of imports from the People's Republic of China of chloropicrin, provided for in items 408.16, 408.29, or 425.52 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On April 6, 1983, counsel for LCP Chemicals and Plastics, Inc., and Niklor Chemical Co., Inc., filed a petition with the Commission and the Department of Commerce alleging that imports of chloropicrin from the People's Republic of China are being sold in the United States at LTFV, and that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. Accordingly, effective April 6, 1983, the Commission instituted a preliminary antidumping investigation under section 733(a) of the Act (19 U.S.C. 1673b(a)).

Notice of the institution of the Commission's investigation and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on April 13, 1983 (48 FR 15964). The conference was held in Washington, D.C. on April

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern determines that there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of the subject imports.

28, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on May 23, 1983. A public version of the Commission's report, Chloropicrin from the People's Republic of China (investigation No. 731–TA–130 (Preliminary), USITC Publication 1395, 1983) contains the views of the Commission and information developed during the investigation.

By order of the Commission.

Issued: May 23, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–14796 Filed 6–1–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA108 and 109 (Final)]

Import Investigations; Portland Hydraulic Cement From Australia and Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of final antidumping investigations and scheduling of a hearing to be held in connection with the investigations.

EFFECTIVE DATE: May 19, 1983.

SUMMARY: As a result of affirmative preliminary determinations by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from Australia and Japan of portland hydraulic cement other than white, nonstaining portland cement, provided for in item 511.14 of the Tariff Schedules of the United States, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigations Nos. 731–TA–108 and 109 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. Unless the investigations are extended, the Commission will make its final injury determinations by August 26, 1983 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Ms. Judith C. Zeck (202–523–0339), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background.—On November 1, 1982, the Commission determined, on the basis of the information developed during the course of its prelimary investigations, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of portland hydraulic cement from Australia and Japan which were alleged to be sold at LTFV. The perliminary investigations were instituted in response to a petition filed on September 23, 1982, by counsel for Kaiser Cement Corp., Gifford-Hill Cement Company, Monolith Portland Cement Company, Nevada Cement Company, the Stone, Glass and Clay Coordinating Committee, AFL/CIO, and the United Cement, Lime, Gypsum and Allied Workers International Union, AFL/CIO; CLC.

Participation in the investigations.—Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to these investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in these investigations will be placed in the public record on July 1, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with these investigations beginning at 10:00 a.m., on July 19, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on July 5, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on July 11, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is July 14, 1983.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factural meterials relevant to the public hearing should be included in prehearing briefs in accordance with §207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on July 26, 1983.

Written submissions.—As mentioned, parties to these investigations may file prehearing and posthearing briefs by the dates, shown above. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before July 26, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207,

as amended by 47 FR 33682, Aug. 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: May 27, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-14806 Filed 6-1-83; 8:45 am]

BILLING CODE 7035-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: May 27, 1983.

The following notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt interstate transportation must file the Notice, Form BOp-102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Northwest Agricultural Cooperative Association, Inc. (NACA, INC.)
(2) P.O. Box 1, Ontario, Oregon 97914
(3) 920 Southeast Ninth Ave., Ontario, OR 97914
(4) Ted Hoots, P.O. Box 1, Ontario, OR 97914

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-14704 Filed 6-1-83; 8:45 am]

BILLING CODE 7035-01-M

[OP-5FC-246]

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, (202) 275-72-7269.

F.D. 30197. By decision of May 20, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181 Subpart B, Review Board Number 3, approved the transfer to HENRY J. SERWAT, d.b.a. RED WING EXCURSIONS, St. Louis Park, MN, of Certificates Nos. WC-1308 and WC-1308 Sub 2, issued May 17, 1977, and August 15, 1979, respectively, to BLAINE F. CLAYPOOL, d.b.a. RED WING EXCURSIONS, Lake City, MN, authorizing the transportation of passenger, by self-propelled vessel, in round-trip excursion trips on the Mississippi River, beginning and ending at Red Wing, MN, and extending to Prairie Island, MN, and Bay City, WI, between the months of May and October inclusive of each year; and passengers and their baggage, in regular daily scheduled, sightseeing trips and special charter sightseeing trips, between points and ports along the Mississippi River from 8 miles north of Red Wing, MN, to and including Alma, WI, in seasonal operations from the opening of the river for navigation to the close of navigation of each year. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440.

[FR Doc. 83-14708 Filed 6-1-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods.) The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules undeer 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with

the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendents to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members, Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–196

Decided: May 24, 1983.

MC 146941 (Sub-2), filed May 13, 1983. Applicant: CRAWFORD TRANSIT, INC., 43 National Ave., Staunton, VA 24401. Representative: Leonard A. Jaskiewicz, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202)–296–2900. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166031, filed May 16, 1983. Applicant: KELLY KOST d.b.a. KELLY KOST TRUCKING, Bowdon, ND 58418. Representative: Richard P. Anderson, Federal Square, 112 Roberts St., P.O. Box 2581, Fargo, ND 58108, (701)–235–3300. *Transporting food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168080, filed May 16, 1983. Applicant: CORPORATE LIMOUSINE SERVICE, INC., 230 North Fehrway, North Bay Shore, NY 11706. Representative: Ira H. Leibowitz, 585 Steward Ave., Garden City, NY 11530, (516)–222–1800. Transporting *passengers,* in charter and special operations, between points in NY and NJ.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 168140, filed May 18, 1983. Applicant: CUSTOM HIGHWAY INTERSTATE EXPRESS FREIGHTBROKERS, INC., 2401 North Harvard Ave., Tulsa, OK 74115, (918)–834–2222. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603, (312)–236–9375. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168151, filed May 18, 1983. Applicant: GORDON M. WATERS, JR., d.b.a. WATER'S TRUCKING COMPANY, 3505 Mansfield Drive, Rocky Mount, NC 27801. Representative: Gordon M. Waters, Jr. (same address as applicant) (919) 443–1248. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168160, filed May 19, 1983. Applicant: H & S TRUCK BROKERAGE OF FOREST, INC., P.O. Box 1556, Forest, MS 39074. Representative: Gene Harvey (same address as applicant) (601) 469–2383. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP1–194

Decided: May 25, 1983.

MC 168040, filed May 13, 1983. Applicant: DAVID A. WERNER, 1047 Jayne St., Eugene, OR 97404. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228–3807. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168070, filed May 17, 1983. Applicant: FRANK W. McGINNIS, SR., 7920 Widmer, Lenexa, KS 66215. Representative: Frank W. McGinnis, Sr. (same address as applicant) (913) 492–8905. Transporting *passengers,* in charter operations, between points in KS, MO, AR, IA, MN, WI and CO.

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 168081, filed May 16, 1983. Applicant: WILLIAM D. SALYAR, d.b.a. COLUMBINE TRUCKING, INC., 4580 Freeport Way, Denver, CO 80349. Representative: R.L. Buchanan, 1020 W. 100th Place, Northglenn, CO 80221, (303) 452–2055. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–246

Decided: May 23, 1983.

MC 167782, filed May 4, 1983. Applicant: SOUNDVIEW LIMO SERVICE, INC., d.b.a. SOUNDVIEW TOUR AND LIMO SERVICE, INC., 5710

38th Ave., NW., Gig Harbor, WA 98335. Representative: Frank R. Gateley (same address as applicant) 206–851–8687. Transporting *passengers*, in charter operations, beginning and ending at points in Kitsap, Pierce, and King Counties, WA, and extending to points in the U.S. (except AK and HI).

Note.—Appliicant seeks to provide privately-funded charter transportation.

MC 167982, filed May 10, 1983. Applicant: E. SHANNON KIRK, d.b.a. CAPITAL BUS LINES, 1704 Augusta Rd., West Columbia, SC 29169. Representative: Kenneth G. Goode, 210 South Vanderhorst St., Winnsboro, SC 29180, 803–635–5912. Transporting *passengers*, in charter and special operations, beginning and ending at points in SC, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167983, filed May 12, 1983. Applicant: EDWARD H. STANN, 220 Hillside Ave., Chatham, NJ 07928. Representative: Edward H. Stann (same address as applicant), 201–635–8616. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167992, filed May 12, 1983. Applicant: FAY V. KLINK AND BARBARA L. KLINK, 8 Salisbury St., Meyersdale, PA 15552. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167993, filed May 12, 1983. Applicant: EDWARD P. BEDNAREK, d.b.a. BEDNAREK TRUCKING, 900 Southwest 8th St., P.O. Box 323, Little Falls, MN 56345. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, 414–722–2848. Transporting (1) *pulp, paper and related products*, between points in Morrison County, MN, on the one hand, and, on the other, points in Effingham County, IL, and St. Louis, MO, and (2) *food and related products*, between St. Louis, MO, on the one hand, and, on the other, points in Morrison County, MN.

MC 168042, filed May 13, 1983. Applicant: ALVIN L. TIGNOR, d.b.a. AMERICAN TRANSNATIONAL BROKERS, 336 South Richardson Rd., Ashland, VA 23005. Representative: Frank L. Willard, Suite Number 1001, First & Merchants National Bank Bldg., Norfolk, VA 23510, 804–627–0070. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168062, filed May 16, 1983. Applicant: CARL MILES TRUCK BROKERS, INC., P.O. Box 10172, Fresno, CA 93745. Representative: Carl Miles, P.O. Box 31022, Birmingham, AL 35222, 205–428–8629. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168063, filed May 16, 1983. Applicant: M & K BROKERAGE, INC., West Main St., Allerton, IA 50008. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501–521–8121. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168082, filed May 16, 1983. Applicant: HAPPY ROCK TRANSPORTATION, INC., 19393 S.E. Kay St., Milwaukie, OR 97222. Representative: Bill L. Watkins (same address as applicant), 503–656–4098. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 168092, filed May 16, 1983. Applicant: EDWARD M. MARX., d.b.a. ECONOMY MOVING & TRANSFER CO., 5826 N. Clark St., Chicago, IL. 60660. Representative: Edward M. Marx (same address as applicant), 312–561–7130. (1) As a *broker* of *general commodities* (except household goods), between points in the U.S., and (2) as a *broker of household goods*, between points in U.S.

Note.— Part (1) is published in the **Federal Register**, this issue, under the preface with "fitness applications".

MC 168093, filed May 16, 1983. Applicant: ROBERT GYNN, d.b.a. INTERMODAL MARKETING CONSULTANTS, 5200 Meadowview Ave., North Bergen, NJ 07047. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, 201–791–2270. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168103, filed May 16, 1983. Applicant: RONALD NEAL, d.b.a. J.R. INDUSTRIAL MANUFACTURING, 1017 3rd Ave. NW, Watertown, SD 57201. Representative: Ronald Neal (same address as applicant) 605–886–8612). Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168132, filed May 18, 1983. Applicant: ROCKWELL MANAGEMENT & CONSULTANTS, INC., 1520 Stuckert Rd., Warrington, PA 18976. Representative: Robert B. Einhorn, 3220 PSFS Bldg., 12 S. 12th St., Philadelphia, PA 19107, 215–922–1400. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168153, filed May 18,1983. Applicant: JAN-CAR LEASING CORP., West Road, Hudson, NH 03051. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, 617–657–6071. Transporting *passengers*, in charter and special operations, between points in MA, NH, ME, RI, VT, CT, NY, NJ, PA, DE, MD, VA, WV, OH, FL, KY, and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume. No. OP4–320

Decided: May 23, 1983.

MC 150006 (Sub-5), filed May 17, 1983. Applicant: RICHARD L. JENKINS & WARDELL E. JENKINS, d.b.a. JENKINS BUILDING SUPPLY, P.O. Box 30, Alpine, WY 83128. Representative: Timothy R. Stivers, P.O. Box 1576, Bosie, ID 83701 (208) 343–3071. Transporting (A) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI). (B) As a *broker of general commodities* (except household goods), between points in the U.S. (C) *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and west of ND, SD, KS, NE, OK, and TX (except AK and HI).

Note.— Because this application includes issues subject to a finding of Public Convenience and Necessity as well as fitness only, it will be published in two volumes of this **Federal Register** issue. Part A and B will be published in Vol. Number 320. Part C will be published in Vol. Number 321.

MC 167996, filed May 13, 1983. Applicant: B. J. TOURS, INC., 1 Van Tassel Dr., Lindale, GA 30147. Representative: Frank Quarles (same address as applicant), (404) 234–7337. Transporting *passengers*, in charter and special operations, beginning and ending at points in Floyd County, GA, and

extending to points in the U.S. (except AK and HI).

Volume No. OP4–326

Decided: May 26, 1983.

MC 130457 (Sub 2), filed May 13, 1983. Applicant: W. J. CONDREN, INC., 7506–7510 Third Ave., Bay Ridge, NY 11209. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022 (212) 838–0600. Transporting passengers, in charter and special operations, between points in the U.S.

Note.— Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–14712 Filed 6–1–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–193

Decided: May 20, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 167711, filed April 29, 1983. Applicant: RELIANCE TRANSPORT SERVICES, INC., P.O. Box 3117, Kingsport, TN 37664. Representative: John R. King, III (same address as applicant) (615) 288–4908. Transporting *general commodities* (except classes A and B explosives, and household goods) between points in the U.S. (except AK and HI).

Note.—This application is directly related to a petition for exemption, docketed MC–F–15256, published in this same FR issue.

Volume No. OP1–195

Decided: May 25, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 96691 (Sub-3), filed May 18, 1983. Applicant: E. B. TRANS. CO., INC., 475 "C" Street, So. Boston, MA 02127. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01481, (617) 657–8250. Transporting *general commodities* (except classes A and B explosives and household goods), between points in MA, RI, NH, CT, VT and ME, on the one hand, and, on the other, points in MA, RI, NH, CT, VT, ME, NY, NJ, PA, AL, DE, FL, GA, IL, IN, KS, KY, CA, MD, MI, NC, SC, OH, TN, VA, WV, and DC.

MC 108380 (Sub-114), filed May 16, 1983. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, WY 82701. Representative: Manuel Andrade, Jr., Suite 228, 770 Grant St., Denver, CO 80203, (303) 861–4273. Transporting (1) *chemicals*, between points in the U.S. (except AK and HI), (2) *bentonite and additives*, between points in MS, NC, OH, WA and WY, on the one hand, and, on the other, points in AL, AR, CA, CO, FL, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NC,

NH, NJ, NM, NY, OH, OR, PA, RI, SC, SD, TX, TN, UT, VA, WA and WI, and (3) *ores and minerals*, between Rapid City, SD, on the one hand, and, on the other, points in MT, WY and UT.

MC 134701 (Sub-10), filed May 18, 1983. Applicant: J–V, INC., 723 E. 8425 South, Sandy, UT 84070. Representative: Irene Warr, 311 South State Street, Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sunchild Forest Products 1983, Division of Pelican Spruce Mills Ltd., of Winterburn, Alberta, Canada.

MC 138951 (Sub-3), filed May 17, 1983. Applicant: W.R. MEEKER, INC., P.O. Box 186, 602 New Market Ave., South Plainfield, NJ 07080. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Thypin Steel Co., Inc., of Long Island City, NY.

MC 147201 (Sub-5), filed May 16, 1983. Applicant: MARLOR ENTERPRISES, LTD., 17–1583 Pemberton Ave., N. Vancouver, BC Canada. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 147911 (Sub-11), filed May 17, 1983. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37149. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, (202) 347–8862. Transporting *such commodities* as are dealt in or used by wholesale and retail grocery stores and food business houses, between points in the U.S. (except AK and HI).

MC 163040, filed May 3, 1983. Applicant: ROGER L. MADDOX, d.b.a. MATTOX MOTOR SERVICE, 9638 South Harvard Ave., Chicago, IL 60628. Representative: Roger L. Maddox (same address as applicant) (312) 928–8750. Transporting *metal products, chemicals and related products, clay, concrete, glass or stone products, and waste or scrap materials not identified by producing industry*, between Chicago, IL, on the one hand, and, on the other, points in AR, IL, IN, IA, KY, MI, MN, MO, OH, TN and WI.

MC 164771 (Sub-1), filed May 16, 1983. Applicant: ALLEN FREIGHT LINES, INC., 1401 Traffic Way, Building D, Kansas City, KS 66115. Representative: Thomas M. O'Brien, 160 North Michigan Ave., Suite 1700, Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 165811, filed May 16, 1983. Applicant: ROY V. WEEDMAN, d.b.a. COWBOY TRANSPORT, 12217 S.E. 22, Milwaukie, OR 97222. Representative: Roy V. Weedman (same address as applicant) (503) 653–1198. Transporting *plumbing products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sunrise Pipe & Supply Ltd., of Portland, OR.

MC 167961, filed May 10, 1983. Applicant: THE MUSICLAND GROUP, 7500 Excelsior Blvd., Minneapolis, MN 55426. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with K-Tel International, Inc., of Minnetonka, MN, 5–D Truck Leasing, of New Brighton, MN, Busch Brokerage and Company, Inc., of South St. Paul, MN.

MC 168090, filed May 16, 1983. Applicant: SMITH ENTERPRISES, INC., P.O. Box 487, Hooks, TX 75561. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Charles McAlpin Brokerage, Inc., of Decatur, AL.

MC 168101, filed May 16, 1983. Applicant: C.S.C. INCORPORATED, 1109 Court Street, Medford, OR 97501. Representative: William D. Thorndike, Jr. (same address as applicant) (503) 779–1970. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 168121, filed May 17, 1983. Applicant: N & B TRUCKING CO., INC., P.O. Box 98, Kellyville, OK 74039. Representative: Norman T. Fowlkes III, 1919 Pennsylvania Ave., N.W., Suite 500, Washington, DC 20006, (202) 828–5062. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 168141, filed May 17, 1983. Applicant: BUTLER TRANSFER, INC., P.O. Box 174, Dublin, NC 28332. Representative: Dewey A. Bruce (same address as applicant) (919) 862–4250. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Wolverine Brass Works Division of the Citation Walther Corporation, of Grand Rapids, MI.

Volume No. OP1–197

Decided: May 24, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 58851 (Sub-11), filed May 20, 1983. Applicant: RUDOLF EXPRESS CO., 1650 Armour Road, Bourbonnais, IL 60914. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Henkel Corporation, of Minneapolis, MN, and GNB Batteries, Inc., of Kankakee, IL.

MC 75840 (Sub-174), filed May 19, 1983. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., (except AK and HI), under continuing contract(s) with Gulf States Paper Corporation, of Tuscaloosa, AL, Great Southwest Warehouses, Inc., of Houston, TX, Dr. Pepper Company, of Dallas, TX, and Fritz Companies, Inc., of San Francisco, CA.

MC 115831 (Sub-21), filed May 4, 1983. Applicant: TIDEWATER TRANSIT CO., INC., P.O. Box 189, Kinston, NC 28501. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *chemicals and related products*, between those points in the U.S. in and east of MN, WI, IL, KY, TN, MS, LA and TX.

MC 121811 (Sub-14), filed May 18, 1983. Applicant: McCLELLAN'S ENTERPRISES, INC., d.b.a. McCLELLAN TRUCK LINES, P.O. Box 1327, Tifton, GA 31794. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Castellaw

Transportation Consultants, Inc., of Jonesboro, GA.

MC 123880 (Sub-3), filed May 17, 1983. Applicant: BROWN GOBBLE d.b.a. GOBBLE TRUCKING COMPANY, 705 High St., Lawrenceburg, TN 38464. Representative: Brown Gobble (same address as applicant) (615)–762–5123. Transporting *fertilizer, fertilizer materials and agricultural chemicals,* between points in AL, AR, FL, GA, IN, KS, KY, LA, MO, MS, OH, TN, VA and IL.

MC 141661 (Sub-2), filed May 19, 1983. Applicant: TANNAHILL TRANSPORT LTD./LTEE, Allan's Corners, Ormstown, Quebec, Canada JOS 1KO. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *animal feed and animal feed ingredients,* between points in the U.S. under continuing contract(s) with the Enerpro By-Products Division of Maple Leaf Mills Ltd., of Chateauguay, Quebec, Canada.

MC 150411 (Sub-2), filed May 18, 1983. Applicant: JERRY REID TRUCKING LTD., 16728–111 Ave., P.O. Box 5364, Edmonton, Alberta, Canada T5P 4C9. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108 (701) 237–4223. Transporting *food and related products, clay, concrete, glass or stone products, and lumber and wood products,* between the ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158651 (Sub-12), filed May 20, 1983. Applicant: GRAEBEL VAN LINES, INC., 719 North Third Avenue, Wausau, WI 54401. Representative: John E. Koci (same address as applicant), (715) 675–9481. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Touche Ross & Co., of New York, NY.

MC 159751 (Sub-3), filed May 18, 1983. Applicant: PROFESSIONAL TRANSPORT, INC., P.O. Box 23207, Rochester, NY 14692. Representative: Michael A. Wargula, Suite 808, 69 Delaware Ave., Buffalo, NY 14202, (716)–856–2942. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with the Personal Products Division of Bausch & Lomb, Inc., of Rochester, NY.

MC 166051, filed May 13, 1983. Applicant: M & H TRUCK RENTAL, INC., P.O. Box 262, Lansdale, PA 19446. Representative: Peter A. Greene, 1920 N St. N.W., Washington, DC 20036, (202)–331–8800. Transporting *general commodities* (except A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166100, filed May 17, 1983. Applicant: LYNCON ENTERPRISES, INC., 124 Poinier St.–Bldg. D, Newark, NJ 07114. Representative: Joseph S. Coladarci, Jr., 11 Brookside Court, Parsippany, NJ 07054, (201)–386–9383. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NY, NJ, CT and PA.

For the following, please direct status calls to Team 2 at 202–275–7293.

Volume No. OP2–247

Decided: May 23, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 147282 (Sub-4), filed May 6, 1982. Applicant: SCOTT WEBSTER TRUCKING COMPANY, 209 Valley Park Dr., Pittsburgh, PA 15216. Representative: Scott Webster (same address as applicant), 412–343–0129. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in DE, KY, MD, NJ, NY, OH, PA, and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152852 (Sub-2), filed May 12, 1983. Applicant: FRANK T. OSOWIECKY, JR. d.b.a. FALD LEASING, RD #1, Box 128, Averill Park, NY 12018. Representative: Michael A Wargula, Suite 808, 69 Delaware Ave., Buffalo, NY 14202, 716–856–2942. Transporting *pulp, paper, and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Nashua Corporation, of Nashua, NH.

MC 162552 (Sub-2), filed May 16, 1983. Applicant: RONMAT LEASING, INC., 128 Crosswinds Ct., Murrysville, PA 15668. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, 412–281–9494. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with (a) Action Industries, Inc., of Cheswick, PA, and (b) Film Recovery Systems Corp., of Elk Grove Village, IL.

MC 162832 (Sub-1), filed May 12, 1983. Applicant: SOUTHERN REFRIGERATED CARRIERS, INC., 1720 Central Ave., Memphis, TN 38104. Representative: Kim D. Mann, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703–522–0900. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with John Morrell & Co., of Northfield, IL.

MC 163753 (Sub-1), filed May 13, 1983. Applicant: BARON TRANSPORT, INC., 1336 Southwest 12th Ave., Ocala, FL 32674. Representative: W. B. Edrington IV, P.O. Box 31022, Birmingham, AL 35222, 205–426–8629. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Bandco Transportation Service, Inc., of Birmingham, AL.

MC 165842, filed May 13, 1983. Applicant: WAYNE L. HANSON, Route 3, Box 1540, Ellensburg, WA 98926. Representative: Wayne L. Hanson (same address as applicant), 509–968–3815. Transporting *fertilizer,* between points in WA and ID.

MC 166033, filed May 13, 1983. Applicant: PATRICK J. JOHNSON, Route 2, Box 1230, Ellensburg, WA 98926. Representative: Patrick J. Johnson, (same address as applicant), 509–968–3009. Transporting *fertilizer,* between points in WA and ID.

MC 167273, filed May 12, 1983. Applicant: N. J. S. TRANSPORT CO., INC., 9 Puritan Rd., Sayville, NY 11782. Representative: William J. Augello, 120 Main St., Huntington, NY 11743, 516–427–0100. Transporting *automobiles, trucks, and vans,* between points in NY, NJ, PA, CT, MA, RI, VA, DE, MD, and DC.

MC 167873 (Sub-1), filed May 16, 1983. Applicant: TATER TOTERS, INC., 19393 S.E. Kay St. Milwaukie, OR 97222. Representative: Bill L. Watkins (same address as applicant), 503–656–4096. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AK, AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC 168002, filed May 10, 1983. Applicant: CIRCLE C BAR TRUCKING COMPANY, Highway 15–West, West Monroe, LA 71291. Representative: Ronnie A. Collie, Rte. 1, Box 407, Calhoun, LA 71225, 318–396–1705. Transporting *building materials,* between points in AR, LA, MS, TN, TX, KS, OK, and AL.

MC 168043, filed May 16, 1983. Applicant: BRY AND COMPANY, INC., d.b.a. PERRY TRANSFER & STORAGE, 4725 Forest St., Denver, CO 80216. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln St., Denver,

CO 80264, 303–861–4028. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO, NE, NM, and WY.

MC 166052, filed May 13, 1983. Applicant: L. THOMAS STANTON HORSE TRANSPORTATION, INC., Route 1, PO Box 176, Williston, FL 32696. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, 201–836–1144. Transporting *horses and such commodities* used in the handling and transportation of horses, between points in TX, NE, and those in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 166092, filed May 16, 1983. Applicant: EDWARD M. MARX, d.b.a. ECONOMY MOVING & TRANSFER CO., 5826 N. Clark St., Chicago, IL 60660. Representative: Edward M. Marx (same address as applicant), 312–561–7130. (1) As a *broker of general commodities* (except household goods), between points in the U.S., and (2) as a *broker of household goods*, between points in the U.S.

Note.—Part (2) is published in the Federal Register, this issue, under the preface with "regular applications."

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–227

Decided: May 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC 14314 (Sub-58), filed May 6, 1983. Applicant: DUFF TRUCK LINE, INC., P.O. Box 359, Lima, OH 45802. Representative: Ronald D. Mills (same address as applicant) (419) 222–8045. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S (except AK and HI), under continuing contract(s) with Montgomery Ward & Co., of Chicago, IL.

MC 45764 (Sub-42), filed May 6, 1983. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 38, Essington, PA 19029. Representative: Paul F. Sullivan, Suite 202, 3408 Wisconsin Ave., NW., Washington, DC 20016 (202) 363–1848. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 111274 (Sub-95), filed May 6, 1983. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266–9773. Transporting *forest products, lumber and wood products*, and *paper and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Birmingham International Forest Products, of Birmingham, AL.

MC 148234 (Sub-3), filed May 3, 1983. Applicant: LAWRENCE TRUCKING, INC., 14230 Dalewood Ave., Baldwin Park, CA 91706. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield CA 93306, (805) 872–1106. Transporting *pulp, paper and related products, furniture and fixtures*, and *toilet preparations*, between points in CA and OR, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC 150584 (Sub-2), filed May 5, 1983. Applicant: PAPER MERCHANTS TRANSPORT AND SUPPLY, INC., 125 Madison St., Oakland, CA 94607. Representative: Michael S. Rubin, 100 Bush St., Suite 410, San Francisco, CA 94104, (415) 421–6743. Transporting *pulp, paper and related products, rubber and plastic products*, and *food and related products*, between points in CA, OR, WA, UT, CO, AZ, NV, ID, MT, WY, and NM.

MC 156314 (Sub-2), filed April 27, 1983. Applicant: AALCO MOVING & STORAGE, INC., d.b.a. WEST COAST MOVING SYSTEMS, 5747 Imperial Way, SW, Fort Orchard, WA 98366. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington D.C. 20036, (202) 785–0024. Transporting *Household goods and furniture and fixtures*, between points in the U.S. (except AK, HI and VT).

MC 167364, filed April 11, 1983. Applicant: ASTRO HAULING COMPANY, 5184 Broerman Ave., Cincinnati, OH 45217. Representative: Walter G. Hunter, 6352 Montgomery Road, Cincinnati, OH 45213, (513) 396–6489. Transporting (1) *Food and related products*, and (2) *pulp and paper products*, between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Beatrice Foods Company, Cincinnati Fruit and Extract Works of Cincinnati, OH, (b) Pulp and Paper Exchange, Inc., of Columbus, OH, and (c) Consolidated Foods, Inc, of San Francisco, CA.

MC 167605, filed May 5, 1983. Applicant: JOHN H. BERNECHE, d.b.a. J. B. & SONS, 2790 Matilda, Roseville, MN 55113. Representative: Robert S. Lee, 121 S. Eighth St., 1600 TCF Tower, Minneapolis, MN 55402 (612) 333–1341. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Miller (Little-Giant) Manufacturing Company, Inc., of South St. Paul, MN.

MC 167685, filed April 28, 1983. Applicant: AFFILIATED CARRIERS INC., P.O. Box 1067, Norfolk, NE 68701. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501, (402) 475–4414. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in CO, IA, KS, MN, MO, NE, ND, SD, and WY.

MC 167785, filed May 4, 1983. Applicant: TIGNOR TRUCKING CORP., 336 S. Richardson Rd., Ashland, VA 23005. Representative: Frank L. Willard, Suite #1001, First & Merchants Nat'l Bank Bldg., Norfolk, VA 23510, (804) 627–0070. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–321

Decided: May 23, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 150006 (Sub-5), filed May 17, 1983. Applicant: RICHARD L. JENKINS & WARDELL E. JENKINS, d.b.a. JENKINS BUILDING SUPPLY, P.O. Box 30, Alpine, WY 83128. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting (A) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI). (B) As a *broker of general commodities* (except household goods), between points in the U.S. (C) *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and west of ND, SD, KS, NE, OK, and TX (except AK and HI).

Note.—Because this application includes issues subject to a finding of Public Convenience and Necessity as well as fitness only, it will be published in two volumes of this Federal Register issue. Parts A and B will be published in VOL #320. Part C will published in VOL #321.

Volume No. OP4–317

Decided: May 23, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF–696, filed May 16, 1983. Applicant: GOLLOTT FORWARDING, INC., P.O. Box 468, Biloxi, MS 39533.

Representative: David E. Tinker, 1000 Connecticut Ave., NW, Suite 1112, Washington, DC 20036–5391, (202) 887–5868. As a freight forwarder, in connection with the transportation of *household goods, furniture, fixtures, unaccompanied baggage, and used automobiles,* between points in the U.S.

FF–697, filed May 17,1983. Applicant: EATON WORLD FORWARDING, INC., 9325 First St., N, St. Petersburg, FL 33702. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833–8884. As a freight forwarder, in connection with the transportation of *used household goods, unaccompanied baggage and used automobiles,* between points in the U.S.

MC 59336 (Sub-31), filed May 16, 1983. Applicant: U.S. TRUCK COMPANY, INC., 3500 Toledo Ave., Detroit MI 48216. Representative: Leonard R. Kofkin, 150 S Dearborn St., Suite 1515, Chicago, IL 60603, (312) 580–2210. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 121107 (Sub-27), filed May 12, 1983. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., P.O. Box 207, Farmville, NC 27828. Representative: George W. Selby, Jr., 1090 Vermont Ave., Suite 200, Washington, DC 20005, (202) 783–6131. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Weyerhaeuser Company of Plymouth, NC

MC 121496 (Sub-85), filed May 16, 1983. Applicant: ENTERPRISE TRANSPORTATION COMPANY, P.O. Box 4324, Houston, TX 77210. Representative: John E. Smith, II (same address as applicant), (713) 880–6562. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Monsanto Company of St. Louis, Mo.

MC 133567 (Sub-1), filed May 16, 1983. Applicant: ARTHUR JOHN McCASHIN, JR., d.b.a., CAROLINA HORSE TRANSPORTS, Box 296, Clemmons, NC 27012. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting *horses, other than ordinary, personal effects of attendants, and supplies and equipment, used in the care or exhibition of such horses,* (1) between points in AL, AR, FL, KY, MS, TN, VA and WV, and (2) between points in NC, SC and GA, on the one hand, and, on the other points in AL, AR, FL, KY, MS, TN, VA and WV.

MC 134616 (Sub-6), filed May 17, 1983. Applicant: KEARNEY'S TRUCKING SERVICE, INC., P.O. Box 284, Portland, PA 18351. Representative: Raymond Talipski, 121 S Main St., Taylor, PA 18517 (717) 344–8030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NY, NJ and PA, on the one hand, and, on the other, points in OH, IN, MI, IL, CA, WA and OR.

MC 138928 (Sub-10), filed April 7, 1983, originally published in the **Federal Register** issue of April 20, 1983, and republished herein. Applicant: GENCOM, INC., R.R. No. 4, Box 697, Marshall, MO 65340. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102 (314) 636–2321. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in MO, and KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note: The purpose of this republication is to accurately reflect the authority sought by applicant.

MC 143986 (Sub-3), filed May 16, 1983. Applicant: WILLEY FREIGHT WAYS, INC., 14836 LaSalle St., Dolton, IL 60419. Representative: Carl L. Steiner, 135 S LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Nickal Freight Consultants, Inc. of Highland, IN.

MC 146186 (Sub-8), filed May 13, 1983. Applicant: TRIANGLE TRANSPORT CO., INC., 74 Sulyma St., Cumberland, RI 02864. Representative: William F. Poole, 22 Knollwood Circle, N. Kingstown, RI 02852 (401) 885–0474. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146516 (Sub-11), filed May 16, 1983. Applicant: ALEXANDER TRUCKING, INC., 1209 S Woodland Dr., Dothan, AL 36302. Representative: Daniel O. Hands, 104 S Michigan Ave., Suite 410, Chicago, IL 60603 (312) 641–1944. Transporting *food and related products,* between Tampa, FL, Gulfport, MS, Galveston, TX, and Charleston, SC, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, NC, ND, OH, OK, SC, SD, TN, TX, VA, WV and WI.

MC 147677 (Sub-5), filed May 13, 1983. Applicant: PERRY MOTOR FREIGHT, INC., 901 S. Meadow, Odessa, TX 79763. Representative: John T. Coon (same address as applicant) (915) 332–1614. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Whites City, NM and El Paso, TX over U.S. Hwy 62/180, serving all intermediate points.

MC 149067 (Sub-3), filed May 16, 1983. Applicant: SUN VALLEY TRUCKING, INC., 149 Franklin St., Oakland, CA 94607. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *food and related products,* between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY.

MC 163136 (Sub-1), filed May 17, 1983. Applicant: JIMWAY, INC., 6030–A Unity Dr., Norcross, GA 30070. Representative: Thomas J. O'Brien, 234 Mt. Pleasant Ave., Ambler, PA 19002 (215) 646–6220. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Intermodal Brokerage Services, Inc., of Norcross, GA.

MC 163696 (Sub-1), filed May 17, 1983. Applicant: S.D.H. CORPORATION, U.S. Route 40, West Terre Haute, IN 47885. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., N.W., Suite 500, Washington, DC 20006 (202) 828–5015. Transporting *pulp, paper and related products,* and *textile mill* products, between points in IA, IL, IN, MO, and WI.

MC 166727, filed May 17, 1983. Applicant: EDWARDS DISTRIBUTORS, INC., 215 Waukechon St., P.O. Box 126, Shawano, WI 54166. Representative: Nancy J. Johnson, 103 East Washington St., Box 218, Crandon, WI 54520 (715) 478–3341. Transporting *food and related products,* between points in Wood, Outagamine, Brown, and Shawano Counties, WI, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 167436, filed May 13, 1983. Applicant: STAGGS TRUCKING, INC., Rt. 2, P.O. Box 871, Hennessey, OK

73147. Representative: William P. Parker, 4400 N. Lincoln, Suite 10, Oklahoma City, OK 73105 (405) 424–3301. Transporting *Mercer commodities*, between points in AL, AR, CA, CO, KS, KY, LA, MI, MS, MT, ND, NE, NM, NY, OH, OK, PA, SD, TX, VA, WV, and WY.

MC 168036, filed May 12, 1983. Applicant: BAUSCH & LOMB, INCORPORATED, 465 Paul Rd., P.O. Box 22737, Rochester, NY 14692. Representative: Thomas E. Brissenden (same address as applicant) (716) 338–6779. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Vertex Associates Transportation, Inc., of Rochester, NY, National Distribution Agency, of Norwalk, CA, United Freight Brokers, Inc., of Hodgekins, IL, and Southern Warehouse Corporation, of Dallas, TX.

MC 168037, filed May 13, 1983. Applicant: BONNIE LINDBERG AND DAVE JOHNSON, d.b.a. BLUE STAR TRUCKING, P.O. Box 32025, Fridley, MN 55432. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333–1341. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Reserve Supply Company, of Fridley, MN.

Volume No. OP4–324

Decided: May 25, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 114227 (Sub-15), filed May 10, 1983. Applicant: A & C CARRIERS, INC., 2909 E. Laketon Ave., Muskegon, MI 49442. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933 (517) 482–2400. Transporting *chemicals and related products*, between points in Linn County, IA, on the one hand, and, on the other, points in MI.

MC 145596 (Sub-8), filed May 10, 1983. Applicant: A & M EXPRESS, INC., 1136 Haley Rd., P.O. Box 667, Murfreesboro, TN 37130. Representative: Roland M. Lowell, 501 Union St., Fifth Floor, Nashville, TN 37219 (615) 256–1290. (A) Over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between Atlanta, GA, and points in the U.S. (except AK and HI), and (2) between points in Knox County, TN, and points in the U.S. (except AK and HI) and (B) Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between Atlanta, GA and Knoxville, TN, (a) from Atlanta over Interstate Hwy 85 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction Hwy 40, then over Interstate Hwy 40 to Knoxville, and return over the same route, and (b) from Atlanta over Interstate Hwy 75 to Knoxville, and return over the same route, serving all intermediate points in routes (B)(1) (a) and (b) above.

Note.—Applicant intends to tack (A) (1) and (2) above to (B)(1) (a) and (b) above, and to tack (B)(1)(a) above with existing authority.

MC 145966 (Sub-14), filed May 4, 1983. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501–2028 (402) 475–6761. Transporting (1) *paper and paper products*, (2) *rubber and plastic products*, (3) *electrical equipment*, (4) *transportation equipment*, (5) *such commodities* as are dealt in or used by grocery and food houses, (6) *food and related products*, and (7) *metal products*, between points in the U.S. (except AK and HI).

Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of the Permit in No. MC–145966 (Sub-No. P9)X, served February 19, 1982, and the underlying superseded authority in Permits Nos. MC–113382 (Sub-Nos. 15, 19, 24, and 25, and Permits Nos. MC–113382 (Sub-Nos. 1, 13, 14, 18, and 22.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–250

Decided: May 19, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 29648 (Sub-16), filed May 9, 1983. Applicant: E. F. SMITH, INC., P.O. Box 73, Roaring Spring, PA 16673. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108, 717–233–5731. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in PA, on the one hand, and, on the other, points in MD, IN, MI, NY, OH, PA, WV, VA, NJ, NC, DE, TN, KY and DC.

MC 52869 (Sub-105), filed May 3, 1983. Applicant: NORTHERN TANK LINE, P.O. Box 970, Miles City, MT 59301. Representative: Michael E. Miller, 15 Broadway, Suite 502, Fargo, ND 58102, 701–235–4487. Transporting *liquid petroleum and petroleum products, and natural gas and its products*, between points in WA, OR, ID, UT, MT, WY, CO, ND, SD, NE, MN, IA, WI, IL, and the Upper Peninsula of MI, under continuing contract(s) with persons who are engaged in the business as producers, refiners, distributors, dealers or users of liquid petroleum and petroleum products and natural gas and its products in bulk.

MC 79658 (Sub-75), filed May 9, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same address as applicant.) (812) 424–2222. Transporting *household goods* between points in the U.S. (except AK and HI), under continuing contract(s) with Butler's Shoe Corporation, of Marietta, GA.

MC 96719 (Sub-15), filed May 11, 1983. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, TX 79756. Representative: James W. Hightower, Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237–2385, 214–339–4108. Transporting *machinery, metal products, and building materials*, between points in the U.S. (except AK and HI).

MC 109028 (Sub-19), filed May 10, 1983. Applicant: S & W TRANSFER, INC., 312 East Wisconsin Ave., Milwaukee, WI 53202. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612–542–1121. Transporting (1) *pulp paper and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Flambeau Paper Co., of Park Falls, WI; Northamerican Paper Co., of Franklin Park, IL; Potlatch Corp., Northwest Paper Div., of Cloquet, MN; Rhinelander Paper Co., of Rhinelander, WI; and Wausau Paper Mills Co., of Brokaw, WI, and (2) *pulp paper and related products, waste or scrap materials not identified by industry producing*, between points in the U.S. (except AK and HI), under continuing contract(s) with Owens-Illinois, Inc., of Tomahawk, WI.

MC 152178 (Sub-1), filed April 29, 1983. Applicant: LEVY T. POWELL, d.b.a. POWELL'S DELIVERY SERVICE, P.O. Box 11374, Houston, TX 77293. Representative: Levy T. Powell (same address as applicant) (713) 633–7374. Transporting *metal articles*, between points in AR, CA, CO, GA, KS, LA, MN, MS, MT, NM, NV, ND, OK, SD, TX, VT, and WY.

MC 154268 (Sub-1), filed May 9, 1983. Applicant: RONNIE G. LAWRENCE, d.b.a. RON'S TRANSPORT, 516 Beard Ave., Modesto, CA 95354. Representative: Arden Riess, P.O. Box 7965, Stockton, CA 95207 (209) 957–6128. Transporting (1) *food and related products*, (2) *lumber and wood products*,

(3) *pulp, paper and related products,* (4) *rubber and plastic products,* (5) *metal products,* and (6) *waste or scrap materials not identified by industry producing,* between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY, and (7) *food and related products,* between points in CA.

MC 157608 (Sub-2), filed may 10, 1983. Applicant: DANIEL W. LANG, d.b.a., DANDY INTERMODAL SERVICE, 11444 Perry Hwy., Wexford, PA 15090. Representative: David W. Donley, 610 Smithfield St., Suite 400, Pittsburgh, PA 15222, 412–471–6272. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 164689 (Sub-1), filed May 10, 1983. Applicant: O. M. SCOTT & SONS COMPANY, 14111 Scottslawn Rd., Marysville, OH 43041. Representative: Linda F. McHenry (same address as applicant), 513–644–0011. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Central Ohio Coordinated Corp., of Columbus, OH.

Volume No. OP5–252

Decided: May 20, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 136348 (Sub-8), filed May 6, 1983. Applicant: ANTHONY G. FRANCIS AND JOSEPH G. FRANCIS d.b.a, FRANCIS WHOLESALE COMPANY, 3048 White Horse Road, Greenville, SC 29611. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, 313–349–3980. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 142359 (Sub-13), filed May 13, 1983. Applicant: PORT EAST TRANSFER, INC., Pulaski Hwy & 68th St., P.O. Box 18492, Baltimore, MD 21237–0492. Representative: Mel P. Booker, Jr., 9900 Main St., Suite 400, Fairfax, VA 22031, 703– 691–4000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 158809 (Sub-1), filed May 9 1983. Applicant: OLD SOUTH TRANSPORTATION CO., INC., P.O. Box 461, Prattville, AL 36067. Representative: Donald B. Sweeney, Jr., 1010 Massey Bldg., P.O. Box 2366, Birmingham, AL 35201, 205–254–3880. Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 160789 (Sub-5), filed May 9, 1983. Applicant: RAM EXPRESS COMPANY, 237 Noblestown Rd., Carnegie, PA 15106. Representative: Kevin W. Walsh, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting *general commodities* (except classes A and B express, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with National Steel Corporation of Pittsburgh, PA, and its subsidiaries.

MC 163778 (Sub-2), filed May 9, 1983. Applicant: J. H. TRANSPORT, INC., 105 Lakeside Dr., Stanton, MI 48888. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, 616–941–5313. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167489, filed May 12, 1983. Applicant: J. WALLACE, INC., 439 Montrose, Romeoville, IL 60441. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *food and related products,* between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167988, filed May 12, 1983. Applicant: WILLIAM N. AND MARIAN D. CARTER, d.b.a., SORRENTO ENTERPRISES, 9055 SW Sorrento, Beaverton, OR 97005. Representative: William N. Carter (same address as applicant) 503–644–6913. Transporting (1) *building materials,* (2) *lumber and wood products,* (3) *metal products,* and (4) *waste or scrap materials,* between points in AK, AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY.

Volume No. OP5–254

Decided: May 23, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 102298 (Sub-22), filed May 9, 1983. Applicant: MOHAWK VAN LINES, INC., 251–57 Jericho Turnpike, Bellerose, NY 11426. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. (914) 835–4411. Transporting *household goods,* and *furniture and fixtures,* between points in the U.S. (except OR, AK, and HI).

MC 107478 (Sub-95), filed May 16, 1983. Applicant: OLD DOMINION FREIGHT LINE, INC., 1730 Westchester Dr., High Point, NC 27261. Representative: Kim D. Mann, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703–522–0900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 129059 (Sub-4), filed May 12, 1983. Applicant: WILSON DRIVEAWAY, INC., 55 W. Monroe St., Suite 3370, Chicago, IL 60603. Representative: Anthony E. Young, Ltd., 29 So. LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *motor vehicles, baggage, sporting equipment, and personal effects* of owners thereof, between points in the U.S. (except AK).

MC 141599 (Sub-13), filed May 13, 1983. Applicant: MOUNTAIN PACIFIC TRANSPORT, d.b.a. SHADOW LINES, 241 Schoolhouse Rd., Coquitlam, B.C., Canada V3K 4X9. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, 206–228–3807. Transporting (1), *talc,* between Three Forks, MT, on the one hand, and, on the other, points in the U.S., (2) *chemicals and related products,* between points in WA, OR, and CA, on the one hand, and, on the other, points in SD, AL, KY, OH, IL, IN, WA, OR and CA, (3) *metal products,* between points in WA, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, UT, NV, CO, AZ, NM, TX, OK, KS, NE and SD, (4) *mercer commodities, contractors machinery equipment and supplies,* between points in WA, OR, CA, ID, MT, UT, NV, CO, AZ, NM, TX, OK, KS, NE, ND, and SD.

MC 142779 (Sub-5), filed May 3, 1983. Applicant: WEIER TRUCKING AND AIR FRIEGHT, INC., 4948 S. Second St., Milwaukee, WI 53207. Representative: Roland W. Weier (same address as applicant) 414–744–1480. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. in and east of ND, SD, NE, OK, and TX.

MC 148218 (Sub-3), filed May 12, 1983. Applicant: STRUCTURAL TRANSPORT, INC., 6701 W. Ryan Rd., Franklin, WI 53132. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153348 (Sub-2), filed May 9, 1983. Applicant: HAROLD J. FUNK, d.b.a.

FUNK TRANSPORT, 405 South Polk St., Lancaster, WI 53813. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *petroleum and related products,* between points in IA, on the one hand, and, on the other, points in WI.

MC 167979, filed May 10, 1983. Applicant: DOUGLAS A. DERRYBERRY, d.b.a. DOUBLE A TRUCKING, 2587 Bronco Ct., West Linn, OR 97068. Representative: M. M. Butler, 25200 S.W. Parkway, Suite 200, Wilsonville, OR 97070, (503) 682–2437. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Superior Tansportation Systems, Inc., of Wilsonville, OR.

MC 167999, filed May 13, 1983. Applicant: B&M STAGE COACH CO., INC., P.O. Box 6034, Greensboro, NC 27405. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, (803) 244–9314. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC, or the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP5–256

Decided: May 24, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 419 (Sub-2), filed May 13, 1983. Applicant: DELCHER INTERCONTINENTAL MOVING SERVICE, INC., 4219 Central Ave., St. Petersburg, FL 33733–0880. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006 (202) 833–8884. As a *freight forwarder* in connection with the transportation of *general commodities* (except used household goods, unaccompanied baggage, used automobiles, commodities in bulk, and classes A and B explosives), between points in the U.S.

MC 41098 (Sub-109), filed May 12, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006 (202) 833–8884. Transporting *household goods,* between points in the U.S., under continuing contract(s) with J. R. Simplot Co., of Boise, ID, and its subsidiaries.

MC 72069 (Sub-48), filed May 16, 1983. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW, Washington, DC 20005 (202) 296–3555. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 116858 (Sub-24), filed May 16, 1983. Applicant: J & M CARRIERS CORP., No. Shore Atrium, Suite 118 West, 6800 Jericho Turnpike, Syosset, NY 11791. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145138 (Sub-2(A)), filed May 13, 1983. Applicant: GOLDEN VALLEY TRANSPORTATION INC., P.O. Box 130, Roberts, ID 83444. Representative: Todd Ross Clement (same address as applicant) (208) 524–3331. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI).

Note.—Applicant seeks additional authority in MC 145138 Sub 2(B) published in this same issue.

MC 153898 (Sub-2), filed May 13, 1983. Applicant: H & B TRUCKING, INC., P.O. Box 25723, Salt Lake City, UT 84125. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, 801–531–1300. Transporting (1) *pulp, paper and related products,* (2) *printed matter,* (3) *chemicals and related products,* (4) *machinery,* and (5) *instruments* and *photographic goods,* between points in CA, UT, TX and WI, on the one hand, and, on the other, points in CA, OR, WA, ID, CO, MO, MN, NE, OK and AZ.

MC 156789 (Sub-1), filed May 12, 1983. Applicant: JON–MAR TRUCKING CO., INC., 13 Koosman Drive, Leonardo, NJ 07737. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *fishing nets, machinery, transportation equipment, metal products, rubber products, and those commodities which, because of their size or weight, require the use of special handling or equipment,* between Philadelphia, PA, New York,, NY, and points in Berks County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159659 (Sub-4), filed May 13, 1983. Applicant: J WAY STERILE SERVICE, INC., 639 Ramsey Ave., Hillside, NJ 07205. Representative: A. David Millner, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068, 201–992–2200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Nu-Tex Corporation, of Dunnellen, NJ.

MC 161628 (Sub-1), filed May 13, 1983. Applicant: RAM OFFICE TRANSPORT CORP., R.D. 3, Box 224, Delta, PA 17314. Representative: Harry M. Ness, 46 E. Philadelphia St., York, PA 17401–1197, (717) 845–7695. Transporting *mobile office trailers and modular buildings,* between points in Baltimore County, MD, on the one hand, and, on the other, points in ME, VT, NH, RI, MA, CT, NY, PA, NJ, DE, MD, VA, WV, NC, SC, and DC.

MC 167568, filed May 13, 1983. Applicant: KENICHI HARAMOTO, d.b.a., FUJI EXPRESS, 328 Swift Ave., South San Francisco, CA 94080. Representative: Kenichi Haramoto (same address as applicant), 415–761–1280. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA.

MC 168059, filed May 16, 1983. Applicant: HARVEY INDUSTRIES, INC., P.O. Box 2096, Athens, TX 75751. Representative: Mike Cotton, P.O. Box 1148, Austin, TX 78767, 512–472–8800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168099, filed May 16, 1983. Applicant: TRANSPORT PARTNERS, INC., 5691 W. 3640 So., W Valley, UT 84120. Representative: Richard McDougal (same address as applicant) 801–969–9737. Transporting (1) *electronic surplus,* between points in Los Angeles County, CA, on the one hand, and, on the other, points in AZ, NM, and TX, (2) *such commodities* as are dealt in or used by department, discount and grocery stores, between points in the U.S. (except AK, HI, FL, ME, MI, ND, NH, SD and VT), and (3) *mercer commodities* and *machinery* between points in NV and UT, on the one hand, and, on the other, points in LA, OK, TX and WY.

[FR Doc. 83–14713 Filed 6–1–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the

Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed. Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Finding

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, at (202) 275–7992.

Volume No. OPI–199

Decided: May 25, 1983.

MC 136540 (Sub-7)X, filed May 13, 1983. Applicant: REFINERS TRANSPORT SERVICE, INC., P.O. Box 742, Metairie LA 70004. Representative: Gerald J. Klumpp (same address as applicant), (504) 733–2585. Lead and Sub-Nos. 1, 2, 3 and 4: broaden the territorial description to "between points in the U.S.", under continuing contract(s) with named shipper.

For status: call Team 5 at 202–275–7289.

Volume No. OP5–248

Decided: May 20, 1983.

MC 123329 (Sub-62)X, filed January 19, 1983. Applicant: H. M. TRIMBLE & SONS LTD., 737 8th Ave., S.W., Calgary, Alberta, Canada T2P 2P9. Representative: Edward J. Kiley, 1730 M St., NW, Washington, DC 20036, (202) 296–2900. Sub 11 Certificate: Broaden commodities in bulk to "Farm products, forest products, marine products, food and related products, metallic ores, coal and coal products, petroleum, natural gas, and petroleum products, non-metallic minerals, tobacco products, textile mill products, lumber and wood products, pulp, paper or allied products, chemicals and related products, rubber and plastic products, clay, concrete, glass and stone products, metal products, and Mercer commodities."

[FR Doc. 83-14708 Filed 6-1-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP-5-249]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 20, 1983.

90-Day Intrastate Motor Common Carriers of Passengers.

The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the **Federal Register** on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922 (c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 25 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 30 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

Please direct status inquiries to Team 5, (202) 275–7289.

MC 123748 (Sub-32), filed May 5, 1983. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 1080 State Street, New Haven, CT 06511. Representative: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, CT 06103, (203) 278–1330. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on routes in No. M–123748 Sub 28, in part, as follows: To operate over the routes (1) between Farmington, CT and LaGuardia Airport and John F. Kennedy International Airport, New York, NY, and (2) between Wethersfield, CT, and LaGuardia Airport and John F. Kennedy International Airport, New York, NY, to provide intrastate service at all intermediate points between the Connecticut-New York border and LaGuardia Airport and John F. Kennedy International Airport, New York, NY.

[FR Doc. 83-14711 Filed 6-1-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP1-199]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petitions for intervention must be filed with the Commission within 30 days after the date of this **Federal Register** Notice. Applicant may file a verified statement in rebuttal within 50 days. Such pleadings shall comply with 49 CFR 1160.1–1160.49 addressing specifically the issue(s) indicated as the purpose for this republication.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275–7992.

MC 164651 (republication), filed December 6, 1982, previously noticed in the **Federal Register** issue of December 20, 1982. Applicant: WALTER MOSLEY, Jr., d.b.a. MOSLEY'S MOBILE HOME MOVERS, 920 N. Arizona Ave., Chandler, AZ 85224. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375. A decision by the Commission, Review Board Number 1, decided May 23, 1983, and served May 26, 1983, find that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *mobile homes* and *such commodities* as are dealt in or used in the manufacture, distribution, and installation of mobile homes, between points in AZ, CA, CO, NM, NV, TX, and UT. The purpose of this republication is to broaden the commodity description.

[FR Doc. 83-14709 Filed 6-1-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-247]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

MC 113658 (Sub—50), (republication), filed March 7, 1983, published in the **Federal Register** issue of March 1983, and republished, this issue. Applicant: SCOTT TRUCK LINE, INC., P.O. Box 16346, 5280 Newport Street, Commerce City, CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Avenue, NW., Washington, D.C. 20036; 202–223–5900. An Order of the Commission, Division 2, decided April 19, 1983, and served April 25, 1983, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in the United States, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 114718 (Sub-3) (republication), filed November 12, 1982, published in the **Federal Register** issue of and republished this issue. Applicant: GEORGE R. MURPHY, d.b.a., MURPHY TRUCKING & EXCAVATING CO., P.O. Box 378, Reno, OH 45773. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215, 614–228–1541. An Order of the Commission, Division 1, decided April 12, 1982, and served April 18, 1982, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Food and related products* between Uniontown, Pittsburgh and Sharon, PA, on the one hand and, on the other, points in Ohio (eliminate Marietta, OH gateway); (2) *Metal products* between points in Fayette, Washington, Greene and Westmoreland Counties, PA, on the one hand, and, on the other, points in Ohio (eliminate Marietta, OH gateway); (3) *General commodities* (except those of unusual value, Classes A and B explosives, household goods and those requiring special equipment) between points in Wood and Pleasants Counties, WV, on the one hand, and, on the other, points in Ohio (eliminate Marietta, OH gateway); (4) *Machinery, metal products, rubber* and *plastic products, chemicals and related products, and lumber and wood products,* between points in that part of West Virginia on and west of US Hwy 19 and on and north of US Hwy 60, on the one hand, and, on the other, points in Ohio (eliminate Marietta, OH gateway); (5) *Farm products,* between Pittsburgh, PA, on the one hand, and, on the other, points in Ohio (eliminate Marietta, OH gateway); (6) *Chemicals and related products* between points in Ohio, on the one hand, and, on the other, points in Illinois, Missouri, North Carolina, Pennsylvania and West Virginia (eliminate Marietta, OH gateway); (7) *Metal products, coal and coal products, ores and minerals, clay, concrete, glass ofstone products, and waste or scrap materials* between points in Ohio, on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Arkansas, and Louisiana (eliminate Marietta, OH gateway); (8) *Metal products,* (A) between points in Fayette, Washington, Greene and Westmoreland Counties, PA, on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Arkansas and Louisiana (eliminate Marietta, OH and Ashtabula County, OH gateways); (B) Between points in that part of West Virginia on and west of US Hwy 19 and on and north of US Hwy 60, on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Arkansas, and Louisiana (eliminate Marietta, OH and Ashtabula County, OH gateways); (C) between Baltimore, MD and Newport News, VA on the one hand, and, on the other points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Arkansas and Louisiana (eliminate Marietta, OH and Ashtabula County, OH gateways); (9) *Alluminum articles,* between the facilities of Kaiser Aluminum and Chemical Corporation located at or near Ravenswood, WV, on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Arkansas, and Louisiana, (eliminate Washington County, OH gateway); (10) *Chemicals and related products,* between points in that part of West Virginia on and west of US Hwy 19 and on and north of US Hwy 60, on the one hand, and, on the other, points in Illinois, Missouri, North Carolina, Pennsylvania, and Wisconsin (eliminate Marietta, OH and Washington County, OH gateways); (11) *Food and related products* between Uniontown, Pittsburgh, and Sharon, PA, on the one hand, and, on the other, points in Wood

and Pleasants Counties, WV (eliminate Marietta, OH and Washington County, OH gateways); (12) *Machinery, rubber and plastic products, chemicals and related products, and lumber and wood products,* between points in that part of West Virginia on and west of US Hwy 19 and on and north of US Hwy 60, on the one hand, and, on the other, points in Wood and Pleasants Counties, WV (eliminate Marietta, OH and Washington, County, OH gateways); (13) *Farm products* between Pittsburgh, PA, on the one hand, and, on the other, points in Wood and Pleasants Counties, WV (eliminate Marietta, OH and Washington County, OH gateways), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 83-14710 Filed 6-1-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren Wood (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume No. OP2-245

Decided: May 26, 1983.

[No. MC-F-15261]

Walter G. Bay and Transport Investment Corporation—Continuance in Control Exemption—Tandem Transport Corp.

Transport Investment Corporation (TIC), and in turn its sole shareholder, Water G. Bay, who controls TIC and its subsidiary corporation—Arrow Transportation Co. (No. MC-116164) as well as St. Louis Freight Lines, Inc. (No. MC-117165) seek an exemption from the requirement under section 11343 of prior regulatory approval to continue in control of Tandem Transport Corp., (No. MC-156133 (Sub-No. 5)).

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: James M. Hodge, Isaacson, Clarke, Vernon, & Hodge, P.C., 3730 Ingersoll Avenue, Des Moines, IA 50312, 515-274-4985.

Comments should refer to No. MC-F-15261.

Volume No. OP2-245

Decided: May 25, 1983.

[No. MC-F-15286]

DLM Transportation, Inc.—Purchase Portion—KSS Transportation Corp.

DLM Transportation, Inc. a regulated motor carrier (No. MC-165843), seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating rights of KSS Transportation Corp. in No. MC-145468 (Sub-No. 47).

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Arlyn L. Westergren, Esq., Westergren, Hauptman & O'Brien P.C., 9202 West Dodge Road, Suite 201, Omaha, NE 68114.

Comments should refer to No. MC-F-15286.

[FR Doc. 83-14707 Filed 6-1-83; 8:45 am]
BILLING CODE 7035-01-M

MERIT SYSTEMS PROTECTION BOARD

Office of the Special Counsel

Schedule for Awarding Senior Executive Service Performance Award (Bonus)

AGENCY: Office of the Special Counsel.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding a Senior Executive Service bonus.

FOR FURTHER INFORMATION CONTACT: William E. Caldwell, Director, Operations Management Division, 1120 Vermont Ave., NW., Washington, D.C. 20419 (202) 653-7144.

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

SCHEDULE FOR AWARDING SENIOR EXECUTIVE SERVICE BONUS: The Office of the Special of the Special Counsel intends to award a Senior Executive Service bonus for the performance rating cycle of October 1, 1981, through August 31, 1982, with payout to be made by June 30, 1983.

Dated: Washington, D.C., May 27, 1983.

For the Office of the Special Counsel.

K. William O'Connor,

Special Counsel.

[FR Doc. 83-14689 Filed 6-1-83; 8:45 am]
BILLING CODE 7400-09-M

NATIONAL COMMUNICATIONS SYSTEM

National Security Telecommunications Advisory Committee; Closed Meeting

A meeting of the National Security Telecommunications Advisory Committee (NSTAC) Industry Executive Subcommittee will be held beginning at 9:00 p.m. on Wednesday, June 22, 1983. The meeting will be held in the Westgate Building of the MITRE Corporation, 1820 Dolley Madison Boulevard, McLean, Virginia. The agenda is as follows:

A. Opening Remarks
B. Briefing on National Coordinating Mechanism Report
C. Briefing on Commercial Satellite Survivability Report
D. Status Report on Automated Information Processing Issue
E. Status Report on Total Systems Survivability Issue
F. Introduction of International Diplomatic Telecommunications Issue
G. Formulation of Recommendations to be presented at 2nd HSTAC Meeting

Due to the requirement to discuss classified information in conjunction with the issues listed above, the meeting will be closed to the public in the interest of National Defense. Any person desiring information about the meeting may telephone (Area Code 202-692-9274) or write the Manager of the National Communications System, 8th

Street and South Courthouse Road, Arlington, Virginia 22204.

Dated: May 26, 1983.

Joseph C. Wheeler,

Colonel, USAF, NCS Joint Secretariat.

[FR Doc. 83-14719 Filed 6-1-83; 8:45 am]

BILLING CODE 3810-26-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Advisory Panel (Challenge Section); Meeting

Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Challenge Section) to the National Council on the Arts will be held on June 17, 1983, from 9:00 a.m.-5:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

May 25, 1983.

[FR Doc. 83-14722 Filed 6-1-83; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel (Artists Nominations Section); Meeting

Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Artists Nominations Section) to the National Council on the Arts will be held on June 29, 1983, from 10:00 a.m.-5:00 p.m. in the Old Post Office Building, 815 Olive Street, St. Louis, MO.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation regarding the selection of artists to be commissioned to create works of art for Federal buildings under construction or renovation. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

May 25, 1983.

[FR Doc. 83-14721 Filed 6-1-83; 8:45 am]

BILLING CODE 7537-01-M

PENSION BENEFIT GUARANTY CORPORATION

Exemption From Bond/Escrow Requirement Relating to Sale of Assets by and Employer Who Contributes to a Multiemployer Plan: Reilly-Whiteman, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of Exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted Reilly-Whiteman, Inc. an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended. A notice of the request for exemption from this requirement was published on March 9, 1983 (48 FR 9978). The effect of this notice is to advise the public of the decision of the exemption request.

ADDRESS: The request for an exemption and the PBGC response to the request are available for public inspection at the PBGE Public Affairs Office, Suite 7100, 2020 K Street, NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (160) at the above address.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), 2020 K Street, N.W., Washington, D.C. 20006; (202) 254-4862.

SUPPLEMENTARY INFORMATION:

Background

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1384, provides that the sale of assets of an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B). Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (29 CFR Part 2643), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the rist of financial loss to the plan.

The legislative history of section 4204 indicates a Congressional intent that the sales rules be administreed in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

ERISA section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

Decision

On March 9, 1983 (48 FR 9978), the PBGC published a notice of the pendency of a request from Reilly-Whiteman, Inc. ("New Reilly") for an exemption from the bond/escrow requirement of ERISA section 4204(a)(1)(B), in connection with the purchase by New Reilly of substantially all of the assets of Reilly-Whiteman, Inc. (the "Seller"). The sale of assets became effective on June 11, 1982. No comments were received in response to the notice.

New Reilly has agreed to assume the Seller's obligation to contribute to the Oil, Chemical and Atomic Workers International Union Industry Pension Fund (the "Fund"). Prior to the sale, the Seller's potential withdrawal liability had been estimated by the Fund to be $7,500. The amount of the bond escrow required under section 4204(a)(1)(B) is approximately $17,400 (the Seller's required annual contribution for 1981,

the plan year preceding the year in which the sale occurred).

New Reilly is a wholly owned subsidiary of Oakite Products, Inc. ("Oakite"). According to its audited consolidated financial statements, Oakite and its subsidiaries had total net assets for its fiscal year ended December 31, 1981 of approximately $28 million, and an average net income for its fiscal years 1979–1981 of about $4.5 million.

Based on the facts of this case and the representations and statements made in connection with the request for exemption, PBGC has determined that an exemption from the bond/escrow requirement is warranted, in that it would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the plan. Therefore, PBGC hereby grants New Reilly's request for an exemption from the bond/escrow requirement. The granting of an exemption of variance from the bond/escrow requirement of section 4204(a)(1)(B) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1). The determination of whether the transaction satisfies such other requirements is a determination to be made by the plan sponsor.

Issued at Washington, D.C., on this 26 day of May, 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-14769 Filed 6-1-83; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13282; (812-5536)]

Alliance Tax-Exempt Reserves, Inc.; Filing of Application

Notice is hereby given that Alliance Tax-Exempt Reserves, Inc., 140 Broadway, New York, NY 10005, ("Applicant") registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on April 28, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, to amend a previous order of the Commission (the "previous order") exempting Applicant: (1) From the provisions of Section 2(a)(41) and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant (a) to compute its net asset value per share using the amortized cost method of valuation and (b) to value in the manner described in Applicant's application (the "previous application") standby commitments acquired from broker-dealers or banks, and (2) from the provisions of Section 12(d)(3) of the Act to permit Applicant to acquire standby commitments from broker-dealers. The Commission issued the previous order on February 17, 1983 (Investment Company Act Release No. 13030). The requested order would amend the previous order to the extent necessary to permit Applicant to value on the basis of the amortized cost method, as described in the previous application, participation interests in variable rate demand instruments that are backed by an irrevocable letter of credit or guarantee of a bank. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of Sections 2(a)(41) and 12(d)(3) and Rules 2a–4 and 22c–1.

Within the categories of municipal and taxable securities in which Applicant may invest are variable rate demand instruments. Applicant states that the variable rate demand instruments in which it may invest will be payable on not more than seven days' notice either by the issuer or by drawing on a bank letter of credit or guarntee issued with respect to such instrument either at the time of original issuance of the instrument or at the time Applicant purchased the instrument. Applicant states that the interest rates of the instruments will be adjustable at intervals of up to one year. Each instrument purchased will meet the quality criteria set forth in the previous application for Applicant's portfolio securities. Applicant states that for purposes of determining whether a variable rate demand instrument matures not more than one year from the date of its purchase, the maturity of the instrument will be deemed to be the longer of: (i) The notice period required before Applicant is entitled to payment of the principal amount of the instrument or (ii) the period remaining until the instrument's next interest rate adjustment. In addition, Applicant states that the maturity of a variable rate demand instrument will be determined in the same manner for purposes of computing Applicant's dollar-weighted average portfolio maturity. Applicant's Board of Directors will reevaluate, at least quarterly, any variable rate instruments Applicant holds to determine that such instruments are of high quality. Applicant asserts that in the event that proposed Rule 2a–7 under the Act as adopted requires a different reevaluation period, Applicant will conform to such period.

In support of the requested relief, Applicant states that it believes that use of the amortized cost valuation method benefits its shareholders by enabling Applicant to maintain a constant net asset value of $1.00 per share while providing shareholders with the opportunity to receive a relatively steady flow of investment income. Moreover, because Applicant will invest only in high-grade securities with a remaining maturity of one year or less, Applicant states that it believes there will normally be a negligible discrepancy between the market value and the amortized cost value of Applicant's portfolio securities. Accordingly, Applicant asserts that it has determined that the amortized cost method of valuing its portfolio securities, including the participations described above, will reflect the fair value of such securities, absent unusual or extraordinary circumstances, and is appropriate and in the best interests of its shareholders.

Applicant further states that the request for an order set forth herein is made based on the policies and proposed policies of Applicant as set forth in the application and the previous application, and that applicant agrees that any order issued pursuant to this request may be issued subject to the condition that in all other respects the previous application shall remain unchanged.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 20, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the

case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14798 Filed 6-01-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13282; (812-5540)]

The Boston Company Tax-Free Municipal Funds; Filing of Application

May 26, 1983.

Notice is hereby given that The Boston Company Tax-Free Municipal Funds, One Boston Place, Boston, MA 02106 ("Applicant") registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 4, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant: (1) From the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to value the portfolio securities of its existing and future money market fund series using the amortized cost method of valuation, and (b) to value rights acquired from brokers, dealers, or banks to sell portfolio securities to such persons in the manner described herein and (2) from Section 12(d)(3) of the Act to the extent necessary to permit Applicant to acquire such rights to sell its portfolio securities to brokers or dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable sections and rules.

Applicant states that it was established as a voluntary association known as a business trust under the laws of Massachusetts and has authority to issue shares in separate classes (or "Funds"). Applicant represents that two such Funds, the Tax-Free Money Fund ("Money Fund") and the Massachusetts Tax-Free Money Fund ("Tax-Free Fund"), have been established, and additional series may be established in the future ("Money Market Fund Series"). Applicant represents that the Money Fund and the Tax-Free are "money market" funds, the investment objective of which is to maximize current income exempt from Federal income taxes to the extent consistent with the preservation of capital and the maintenance of liquidity through investment in a diversified portfolio of municipal obligations having maturities of one year or less at the date of purchase. Applicant further states that the Tax-Free Fund has the additional investment objective of maximization of current income exempt from Massachusetts state personal income taxes. Applicant further represents that a Fund may invest up to 20% of its total assets in taxable securities in limited situation, and may invest more than 20% of its total assets in taxable securities to maintain a defensive posture because of adverse conditions affecting the market for municipal obligations; however, because Applicant's purpose is to provide income exempt from Federal taxes, a Fund will invest in taxable obligations only if and when the Applicant's Board of Trustees believe it would be in the best interests of shareholders to do so.

According to the application, the Funds will invest in a wide variety of municipal obligations, including municipal bonds, municipal notes and municipal commercial paper. Applicant further states that any additional money market fund series it will establish in the future will have as its principal investment objective the maximization of current income exempt from Federal income taxes to the extent consistent with the preservation of capital and the maintenance of liquidity through investment in short term municipal obligations. Applicant represents that both the Money Fund and Tax-Free Fund, and any additional money market fund series to be established by Applicant will be subject to the conditions specified below.

Applicant states that it may invest in floating rate and variable rate obligations, including participation interests therein. Applicant represents that investments in floating or variable rate obligations will normally involve industrial development or revenue bonds which provide that the rate of interest is set as a specific percentage of a designated base rate (such as the prime rate) at a major commercial bank, and that Applicant can demand payment of the obligation on no more than seven days notice at par plus accrued interest. Applicant further states that it may invest in participation interest purchased from banks in variable rate municipal obligations owned by banks provided they are backed by an irrevocable letter of credit or guarantee of a bank that its Trustees have determined meets Applicant's prescribed quality standards. Applicant states that floating rate and variable rate demand obligations purchased for its money market fund portfolios, including participation interests therein, will satisfy the requirements of, and that it will determine the maturity of such interests in accordance with the procedures set forth in, proposed Rule 2a-7 under the Act (Investment Company Act Release No. 12206, February 1, 1982) or, if the rule should ultimately be adopted, with the procedures set forth in the rule as adopted.

Applicant further states that it may purchase municipal obligations on a "when-issued" basis and, in so doing, will establish a separate account consisting of cash or liquid debt securities equal to the amount of the when-issued commitment. In purchasing securities on a "when-issued" basis, Applicant represents that it will comply in all respects with the views of the Commission's Division of Investment Management as expressed in Investment Company Act Release No. 10666 (April 18, 1979) ("Release No. 10666").

Applicant states that it may also purchase stand-by commitments with respect to the municipal obligations it holds. Under a stand-by commitment (also known as "put"), Applicants state that it proposes to improve portfolio liquidity by issuing same-day settlements on portfolio sales and thus facilitate same-day payment of redemption of proceeds. According to the application, a stand-by commitment may be described as the right of an investment company, when it purchases muncipal securities for its portfolio from a broker, dealer or financial institution, to sell the same principal amount of such securities back to the seller, at the investment company's option, at a specified price. Applicant states that it will purchase stand-by commitments solely to facilitate portfolio liquidity and it represents that its acquisition of stand-by commitments will not affect the valuation or assumed maturity of the underlying municipal obligations which would continue to be valued at amortized cost in accordance with the conditions set forth herein.

In addition, Applicant states that it may enter into repurchase agreements, which are taxable securities, with securities dealers or member banks of the Federal Reserve System. Applicant undertakes to comply in all respects with Release No. 10666, and Investment Company Act Release No. 13005

(February 2, 1983) when entering into repurchase agreements with banks and broker-dealers.

Applicant seeks an order of the Commission pursuant to Section 6(c) of the Act exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value portfolio securities of its money market fund series at amotized cost and to value stand-by commitments acquired from brokers, dealers or banks in the manner described in the application, and from Section 12(d)(3) of the Act to permit it to acquire such stand-by commitments. Section 6(c) of the Act provides that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act and the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that money market funds are attractive investments for a wide range of investors because these funds offer relative stability of principal and a relatively smooth stream of investment income at a currently competitive rate. Applicant believes that for it to be in a position to meet the needs and expectations of potential investors in its money market fund series and to offer its shareholders in such series relative stability of principal and a relatively smooth stream of investment income at currently competitive rates, it must be able to price the portfolios of its money market fund series at amortized cost.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to its investment adviser, Applicant's Board of Trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and its investment objectives, to stabilize its net asset value per share for each money market fund portfolio, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Trustees shall be the following:

(a) Review by the Trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share, as determined by using available market quotations, from the $1.00 amortized cost price per share, and the maintenance of records of such review; [1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds one-half of one percent, a requirement that the Trustees will promptly consider what action, if any, should be initiated; and

(c) Where the Trustees believe the extent of any deviation from the $1.00 amortized cost price per share for any money market fund series may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity in the relevant series; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share in each of its money market fund series; provided, however, that Applicant will not: (a) Purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity that exceeds 120 days in each money market fund portfolio.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above Applicant will also record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of meetings of the Board of Trustees. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit the portfolio investments in each of its money market fund series, including repurchase agreements, to those United States dollar-denominated instruments that the Trustees determines present minimal cridit risks, and that are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

6. If any action pursuant to Condition 2(c) is taken, Applicant will include in its next quarterly report, as an attachment to Form N–1Q, a statement describing the nature and circumstances of such action.

According to Applicant, stand-by commitments will have the following features: (1) they will be in writing and will be physically held by Applicant's custodian; (2) they may be exercisable by Applicant at any time prior to the maturity of the underlying security; (3) they will be entered into only with dealers, banks and broker-dealers who, in the judgment of the Trustees, present a minimum risk of default; (4) Applicant's right to exercise them will be unconditional and unqualified; (5) although such commitments may not be transferable, municipal obligations purchased subject to such commitments could be sold to a third party at any time, even though the commitment was outstanding; and (6) their exercise price will be: (i) Applicant's acquisition cost of the municipal obligations that are subject to the commitment (excluding any accrued interest that Applicant paid on their acquisition), less any amortized market premium or plus any amortized or original issue discount during the period Applicant owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by the Applicant. Applicant asserts that a stand-by commitment will

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Trustees in the exercise of its discretion to be appropriate indicators of value, which may include, among other things: (1) Quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] Should the disposition of a portfolio instrument result in a dollar-weighted average portfolio maturity in excess of 120 days for any money market fund portfolio, Applicant, in fulfilling this condition, will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity for that portfolio to 120 days or less as soon as reasonably practicable.

not obligate it to sell the underlying securities back to the seller, nor entitle the seller to demand the return of the securities or instruments at its option, although a sale of the underlying securities or instruments to a third party by Applicant will terminate applicant's rights under the related stand-by commitment to sell the securities back to the seller. According to the application, Applicant intends to acquire stand-by commitments solely to facilitate portfolio liquidity; does not intend to exercise its rights thereunder for trading purposes; and will not acquire stand-by commitments to promote reciprocal practices, to encourage the sale of its shares, or to obtain research services.

Applicant plans to value the short-term municipal obligations in its money market fund series on an amortized cost basis, and, thus, asserts that the amount payable under a stand-by commitment will be substantially the same as the value assigned by Applicant to the underlying security. Applicant submits there is little risk of the occurrence of an event which would make amortized cost valuation of its money maket fund series inappropriate. In such event, however, Applicant represents that the securities would be valued on the basis of available market information and held to maturity. Applicant further represents that any stand-by commitment relating to such securities would be expected to continue to be valued as described above because Applicant expects to refrain from exercising the stand-by commitments to aviod imposing a loss on a dealer and jeopardizing its business relationship with that dealer.

Applicant expects stand-by commitments generally to be available without payment of any direct or indirect consideration. If necessary and appropriate, however, Applicant states that it will pay for stand-by commitments, either separately in cash or by paying a higher price for portfolio securities that are acquired subject to the Commitment. Applicant further represents that as a matter of policy, the total amount paid in either manner for outstanding stand-by commitments held by Applicant will not exceed ½ of 1 percent of the value of the total assets of the relevant money market fund series calculated immediately after any stand-by commitment is acquired.

Applicant states that during the term of a stand-by commitment, it will be difficult to evaluate the likelihood of exercise or potential beneift in the event of exercise of a stand-by commitment. For purposes of complying with Condition 3 herein, Applicant represents that its Trustees will determine that the "fair value" of a stand-by commitment is zero, regardless of whether any direct or indirect consideration was paid for the commitment and when payment is made for a stand-by commitment, that cost will be reflected as unrealized depreciation for the period during which the commitment is held by the Applicant. Applicant further asserts that for purposes of calculating the dollar-weighted average portfolio maturity of the Applicant's money market fund portfolios, stand-by commitments will be valued at zero, and that Applicant will not consider the maturity of a portfolio security shortened or otherwise affected by any stand-by commitment to which the security is subject.

Notice is further given that any interested person wishing to request a hearing on the applicaton may, not later than June 20, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Secruities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14794 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 25, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

CFI Steel Corp.—Common Stock, $5 Par Value (File No. 7-6668)

Federal Resources Corp.—Common Stock, $.50 Par Value (File No. 7-6669)

Goldfield Corp. (The)—Common Stock, $.10 Par Value (File No. 7-6670)

Kirby Exploration Company—Common Stock, $.10 Par Value (File No. 7-6671)

Sundance Oil Company—Common Stock, $.10 Par Value (File No. 7-6672)

Verbatim Corp.—Common Stock, No Par Value (File No. 7-6673)

Chesebrough-Pond's Inc.—Common Stock, $1 Par Value (File No. 7-6674)

Metromedia, Inc.—Common Stock, $1 Par Value (File No. 7-6675)

Northrop Corp.—Common Stock, No Par Value (File No. 7-6676)

Ramada Inns Inc.—Common Stock, $.10 Par Value (File No. 7-6677)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 16, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14792 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13278; (812-5428)]

Eaton and Howard Balanced Fund, et. al.; Filing of Application for an Order

May 26, 1983.

In the matter of Eaton & Howard Balanced Fund, Eaton & Howard Income Fund, Eaton & Howard Stock Fund, Eaton Vance Growth Fund, Inc., Eaton Vance High Yield Fund, Eaton Vance Income Fund of Boston, Inc., Eaton Vance Investors Fund, Inc., Eaton Vance Municipal Bond Fund, Eaton Vance Special Equities Fund, Inc., Eaton Vance Tax-Managed Trust, Vance, Sanders Income Fund, Inc., Vance, Sanders Special Fund, Inc., and Eaton & Howard, Vance Sanders Distributors Inc.

Notice is hereby given that Eaton & Howard Balanced Fund, Eaton & Howard Income Fund, Eaton & Howard

Stock Fund, Eaton Vance Growth Fund, Inc., Eaton Vance High Yield Fund, Eaton Vance Income Fund of Boston, Inc., Eaton Vance Investors Fund, Inc., Eaton Vance Municipal Bond Fund (a California Limited Partnership), Eaton Vance Special Equities Fund, Inc., Eaton Vance Tax-Managed Trust, Vance, Sanders Income Fund, Inc., and Vance, Sanders Special Fund, Inc., open-end management investment companies (the "Funds"), registered under the Investment Company Act of 1940 (the "Act"), and Eaton & Howard, Vance Sanders Distributors Inc. ("Distributor"), the principal underwriter of the shares of the Funds (collectively with the Funds, the "Applicants") filed an application on January 17, 1983, and an amendment thereto on April 1, 1983, for an order pursuant to Section 6(c) of the Act exempting them and any funds which Distributor may offer in the future from the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder to the extent necessary to permit sales without a sales charge of shares of the Funds, and of any funds which may in the future become one of the Funds offered with a sales charge by Distributor, to: (a) Any officer, director, trustee, general partner or employee of any investment company for which Eaton & Howard, Vance Sanders, Inc. ("Adviser") acts as investment adviser, (b) any investment advisory, agency, custodial or trust account managed or administered by Adviser, or by any parent or subsidiary or other affiliate of Adviser, and (c) any officer, director or employee of any parent or subsidiary or other affiliate of Adviser. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of the provisions from which Applicants seek to be exempted.

Applicants state that Eaton & Howard, Vance Sanders Inc. ("Adviser"), a Maryland corporation, is the investment adviser of the Funds, and the parent corporation of Distributor, a Massachusetts corporation and the Funds' principal underwriter. Adviser and Distributor serve the Funds pursuant to written advisory and distribution contracts, respectively, with the Funds. The Funds have been and are now currently engaged in the continuous public offering of their shares through distributor as the principal underwriter at the public offering prices set forth in their respective prospectuses.

Applicants state that the sales force of Distributor is comprised of wholesalers who call upon broker/dealers to interest them in selling shares of the Funds. The sales charge is designed to compensate the broker/dealer and its individual sales representatives for the effort put forth in making the customer contact, presenting the product, and securing the purchase of shares of one or more of the Funds.

Applicants propose to permit: (a) Any officer, director, trustee, general partner or employee of any investment company for which Adviser acts as investment adviser, (b) any investment advisory, agency, custodial or trust account managed or administered by Adviser, or by any parent or subsidiary or other affiliate of Adviser, and (c) any officer, director, or employee of any parent or subsidiary or other affiliate of Adviser, to purchase shares of the Funds, and of any other registered investment companies which may hereafter be offered with a sales charge by Distributor for initial and subsequent investment, at the net asset value without the imposition of the sales charge otherwise applicable. The terms "officer", "director", "trustee", "general partner" or "employee" shall include any such person's spouse and minor children, and also include retired officers, directors, trustees, general partners and employees and their spouses and minor children. (Collectively, all of the above persons to whom offers and sales without a sales charge are proposed to be made may be referred to herein as "Advisory Offerees".)

Under the current prospectuses of the Funds which are parties to this application shares may be sold at net asset value to directors or trustees of the Fund and to officers, directors, employees of sales representatives of Adviser or the principal underwriter for those Funds, or to any trust, pension, profit sharing or any other benefit plan established for any of such persons, provided that such sales are made for investment purposes and that the shares will not be resold except through repurchase or redemption by or on behalf of the Fund. The term "employees" is defined in those prospectuses to include an employee's spouse and minor children, and retired employees.

Applicants state that among the advisory accounts of Adviser are approximately 400 investment counsel accounts. Applicants assert that many of such accounts are of modest size, resulting in difficulties in providing adequate portfolio diversification and in relatively high management costs in relation to the size of the account. Applicants assert that investment companies such as the Funds would provide a very suitable alternative investment medium for such accounts, and that the flexibility of investment in the Funds, the detailed recordkeeping provided the investor, and other factors also make the Funds appropriate investment vehicles for larger accounts as well.

Applicants further state that among the subsidiaries and affiliates of Adviser is Investors Bank & Trust Company ("IB&T"), which is approximately 77% owned by Adviser. Of the Funds which are parties to the application, it acts as custodian for Eaton & Howard Income Fund, Eaton & Howard Stock Fund and Eaton Vance Special Equities Fund, Inc. It is contemplated that IB&T may be considered for engagement as custodian for the other Funds which are parties to the application. Applicants assert that as a result of the custodian relationship, and of the familiarity of the trust department of IB&T with the investment process at Adviser and with the outflow of investment information from Adviser, there is an understanding and knowledge of these mutual funds which is widespread among the officers, directors and employees of IB&T.

Applicants further assert that the ordinary selling expense which is incurred (i) by Distributor directly in calling upon broker/dealers and otherwise helping such firms to seek out and personally contact prospective investors and (ii) by such broker/dealers will not be incurred with respect to any of the types of sales covered by the application. Administrative and processing costs are expected to be minimal.

Applicants submit that the sales of shares of the Funds at net asset value to Advisory Offerees may conflict with the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder. Nevertheless, Applicants assert that investment by Advisory Offerees in shares of the Funds at net asset value pursuant to a uniform offer described in the prospectuses of the Funds would not be inconsistent with the purpose underlying Section 22(d) of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provisions of the Act or any rule under the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the

purposes fairly intended by the policy and provisions of the Act.

Applicants represent that the proposed sales to Advisory Offerees would result in substantial economies in sales effort and sales-related expenses as compared with other sales in the normal channels of distribution. Advisory Offerees who are officers, directors or employees of IB&T or other subsidiary or affiliate of Adviser (and, or course, those who are officers, directors, trustees, general partners or employees of registered investment companies), and Advisory Offerees who are investment advisory accounts of Adviser or a parent or subsidiary or other affiliate thereof, have or should have a basic understanding of the nature of an investment in an investment company as well as general familiarity with the Funds. Applicants submit that the common tie through Adviser and affiliated companies is the basis for a unique relationship of the Advisory Offerees to the Funds and that substantial equities exist in favor of selling to such Offerees without a sales charge since the customary selling expense would not be incurred by the Funds or the principal underwriter in connection with these sales.

Applicants assert that no individual or in-person group sales solicitations or presentations concerning the Funds will be made. Advisory Offerees who are employees of IB&T or other subsidiary or affiliate of Adviser ("Affiliated Employees") will at least annually receive a notice at their employer's expense concerning the availability of shares of the Funds at their net asset value. Applicants represent that this notice will describe the Funds and their investment objectives, indicate that investments would be at net asset value and detail the methods by which investments could be made. The notice will also indicate where additional information concerning the Funds can be obtained. A copy of the appropriate prospectus/es would be furnished prior to the time any Affiliated Employees would make an initial investment in a Fund. Applicants state further that each prospectus would contain appropriate disclosure concerning the ability of Affiliated Employees to make an investment in a Fund without a sales charge.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 20, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the Application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14786 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13278; (812-5342)]

Investors Mutual, Inc., et al.; Filing of An Application for an Order

May 26, 1983.

In the matter of Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., Investors Variable Payment Fund, Inc., IDS New Dimensions Fund, Inc., IDS Progressive Fund, Inc., IDS Growth Fund, Inc., IDS Bond Fund, Inc., IDS Cash Management Fund, Inc., IDS Tax-Exempt Bond Fund, Inc., IDS High Yield Tax-Exempt Fund, Inc., IDS Tax-Free Money Fund, Inc., IDS Discovery Fund, Inc., IDS Government Securities Money Fund, Inc., 1000 Roanoke Building, Minneapolis, MN 55402, and Investors Diversified Services, Inc., IDS Tower, Minneapolis, MN 55402.

Notice is hereby given that Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., Investors Variable Payment Fund, Inc., IDS New Dimensions Fund, Inc., IDS Progressive Fund, Inc., IDS Growth Fund, Inc., IDS Bond Fund, Inc., IDS Cash Management Fund, Inc., IDS Tax-Exempt Bond Fund, Inc., IDS High Yield Tax-Exempt Fund, Inc., IDS Tax-Free Money Fund, Inc., IDS Discovery Fund, Inc., and IDS Government Securities Money Fund, Inc. ("Funds," or "IDS Group"), each of which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, and Investors Diversified Services, Inc. ("IDS"), the Funds' investment manager and principal underwriter (collectively with the Funds, "Applicants"), filed an application on October 14, 1982, and amendments thereto on December 23, 1982, and April 7, 1983, for an order pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder to permit Applicants to enter into and implement a proposed joint arrangement for allocating distribution expenses among the Funds, and pursuant to Section 6(c) of the Act exempting Applicants from Sections 22 (b), (c) and (d) of the Act and Rules 2a-4, 17d-1(a) and 22c-1 under the Act in connection with the proposed joint arrangement. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable sections and rules.

Applicants state that shares of the Funds are continuously offered for sale to the public through the IDS sales force, which consists of approximately 3,900 field sales representatives who are supervised through 160 divisional sales offices located in 49 states which, in turn, are supervised by 10 regional IDS sales vice presidents. Each Fund has identical executive officers, and a board of directors comprised of persons who also serve as directors of other Funds in the IDS Group. Applicants further represent that all except two directors of the Funds are persons not affiliated with IDS and were selected without consultation with persons affiliated with IDS.

Applicants believe that the availability of the IDS field sales force, to provide personal contacts for prospective investors in the Funds through a "two call" interview process, makes the IDS Group virtually unique in the investment company industry. According to the application, IDS field sales representatives are trained to meet at least twice with prospective investors for one to two hours; to develop a case analysis of the investor's needs and objectives; and to implement a proposed financial plan designed to achieve those goals through purchases of investment products offered by IDS. Thereafter, personal contacts between IDS representatives and individual shareholders of the Funds vary, with at least an annual and, in many cases, a semi-annual update and review. In addition to direct personal contacts, frequent telephone contacts may be made by either the shareholder or the IDS representative. For providing such services, IDS field sales representatives receive commissions which range from $42 per thousand of sales for sales of less than $15,000 of IDS New Dimensions Fund, IDS Progressive Fund, IDS Growth Fund, IDS Discovery Fund,

Investors Mutual, Investors Stock Fund and Investors Variable Payment Fund (each of which is sold at an 8% load), to $38 per thousand of sales for sales of less than $15,000 of Investors Selective Fund (sales load 7%), to $24 per thousand of sales for sales of less than $25,000 of IDS Tax-Exempt Bond Fund (sales load 3½%). Applicants state that IDS representatives who sell shares of IDS Cash Management Fund, Inc., IDS Tax-Free Money Fund, Inc., and IDS Government Securities Money Fund, Inc. ("IDS Money Funds"), which are sold without a sales load, receive no commission or fees in respect of such sales.

Applicants represent that IDS' distribution efforts for the Funds are currently financed in part by the sales loads paid to IDS by purchasers of the Funds and in part (in full in the case of the IDS Money Funds) by IDS' other operations. Applicants assert that, due to increasing expenses incurred by IDS in distributing the Funds' shares, IDS experienced distribution losses of over $11 million in 1981 and over $12 million in 1982. In view of its increasing distribution losses, IDS has represented to the Funds that, in the absence of additional financial support, IDS is uncertain of its ability to maintain and to continue improving the level of shareholder services provided by the IDS sales force. Applicants represent that the board of directors of each Fund has determined that it is in the best interest of the respective Funds and their shareholders to allocate distribution expenses among the Funds by entering into, and implementing, substantially identical written plans of distribution ("Distribution Plans") pursuant to Section 12(b) of the Act and Rule 12b–1 thereunder. Applicants further represent that the shareholders of each Fund approved their proposed distribution plan at their respective annual meetings held on July 7, 1982. Applicants state that the proposed distribution plans are separate and the execution and implementation of a plan by one Fund is not contingent upon the execution and implementation of such a plan by any other Fund in the IDS Group.

Applicants further state that the proposed distribution plans would modify the existing distribution agreements between each Fund and IDS, but would not affect the manner in which the Funds' shares are currently sold. Under the terms of the proposed distribution plans, each Fund would separately contract with IDS to pay IDS a charge assessed against the assets of that Fund to help defray IDS' expenses incurred in connection with the distribution of shares of the Funds, the maintenance and improvement of a field sales force available to provide services to shareholders, and the development of new products and markets. This compensation received by IDS, under the proposed distribution plans, would be in addition to any sales loads earned by IDS on sales of Funds' shares. The plans further provide that the distribution charge would be accrued on a daily basis by multiplying the number of a Fund's shareholder accounts existing as of the close of business of the preceding day by six dollars ($6.00) and by dividing that product by 365 (366 in a leap year). The amount so accrued by each Fund would be paid monthly to IDS from the Fund's assets to the extent that the Fund's total expenses, including compensation received by IDS for investment management and distribution services, in that month did not exceed one percent (.75% for the IDS Money Funds) of the Fund's average daily net assets for the Fund's fiscal year then in progress. The portion of this monthly distribution charge exceeding such percentage of the Fund's average net assets would not be paid to IDS in that month but would be carried over by IDS to subsequent months, but in no event beyond the end of the Fund's fiscal year then in progress.

IDS presently proposes to promote sales of the Funds to institutional investors under a separate sales load structure, consistent with Rule 22d-1(f) under the Act, which would eliminate the payment of a sales load by an institutional investor on purchases of $250,000 or more. IDS has represented to the Funds that the distribution expenses and sales efforts attributable to sales of the Funds to institutional investors would not be borne by shareholders of the Funds; would not be used by IDS to justify any future charges to the Funds; and would not reduce IDS's financial commitment to the maintenance and improvement of shareholder field services.

As set forth in the application, implementation of the proposed distribution plans will have the effect of increasing each Fund's expense ratio. However, Applicants submit that in the judgment of each Fund's board of directors the potential benefits to the Fund and its shareholders justify the projected increase in each Fund's expense ratio. The major benefit of the proposed distribution plans is expected to be the maintenance and improvement of the ongoing shareholder services provided by the IDS field sales force which is viewed by each Fund's board as of significant value to existing Fund shareholders. Applicants expect that the plans will promote the direct personal contact that presently exists between Fund shareholders and the IDS sales representative (as the primary source of information for shareholders concerning the Funds and the shareholders' investment programs). To improve further the services provided by the IDS sales representative, the plans intend to facilitate the integration of these personal contact with current telecommunications and data processing technology.

Rule17d–1, adopted by the Commission pursuant to Section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company, and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or modification thereof to securityholders for approval. In passing upon such application the Commission will consider whether the participation of the registered investment company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants. Rule 17d–1(c) under the Act defines the term "joint enterprise or other joint arrangement" to mean, in pertinent part, any writtern contract or arrangement whereby a registered investment company and any affiliated person of such a person have a joint and several participation.

IDS is an affiliated person of each of the Funds by virtue of serving as their investment manager. In addition, the Funds may be deemed to be affiliated persons of each other by virtue of sharing common directors and a common investment manager, which may place them under common control. While not conceding that the Funds are affiliated persons of each other, or that the exemption provided by Rule 17d–3 under the Act is unavailable, Applicants nevertheless have determined that it would be prudent to request that the Commission issue an order, pursuant to Section 17(d) and Rule 17d–1 thereunder, permitting Applicants to enter into, and

implement, their proposed distribution plans.

Applicants represent that the board of each Fund has considered their proposed distribution plan, the costs involved, and the surrounding circumstances, and concluded that there was a reasonable likeihood that such a plan would benefit the Fund and its shareholders. In this regard, Applicants assert that, because the services of the IDS field sales representatives are equally available to the shareholders of each Funds, and in view of the difficulty of specifically identifying distribution expenses to a particular Fund, the board determined that it was fair and appropriate for each Fund to help defray a portion of IDS's costs in providing such services on the basis of its number of shareholder accounts. Applicants further represent that each Fund's board determined that any economic disparity among the Funds from implementation of the proposed distribution plans would be sufficiently offset by the intangible benefits which are expected to accrue to each Fund. While admitting the difficulty in arriving at a numerical figure on the purely intangible benefits (e.g., enhanced shareholder services) that are expected upon implementatin of the proposed distribution plans, nevertheless. Applicants assert that the determination by each Fund's board that such intangible benefits sufficiently offset any economic disparity under the plans was a proper exercise of the reasonable business judgment of those boards. Applicants further argue that in considering issues involving inherently difficult business and policy questions, the resolution of which cannot be reduced to mathematical certainty, the independent, informed judgment of the directors of the Funds is entitled to deference. Applicants submit that the basis of each Fund's participation in its proposed joint distribution plans, which has been approved by the board of each Fund in accordance with the requirements of Rule 12b–1 (particularly, in light of the independence of the members of those boards, the extensive consideration they have given to this subject and their determination as to the respective costs and benefits which can be expected to inure to each Fund and its shareholder from implementation of that plan) falls within a reasonable range of fairness and, therefore, that their requested order pursuant to Rule 17d–1 should be granted.

Applicants represent that the order they request will not relieve the Funds' directors of their continuing duty to monitor and review the effects of implementation of the proposed distribution plans as required by Rule 12b–1 under the Act. In this regard, Applicants assert that each proposed distribution plan provides for at least a quarterly board review of reports submitted by IDS of all expenditures for distribution purposes. Such reports will also include data for review and analysis by the Funds' boards as to the distribution charges paid by the Funds, sales of shares of the Funds, expense ratios of the Funds and other relevant statistical data, as well as information concerning IDS's marketing plans and strategy and developments affecting shareholder services in the field. In addition to the other data and information to be included in such reports, IDS will include information with respect to the field services available to the shareholders of the Funds and the actual utilization of such services by each Fund's shareholders. Applicants have specifically represented that the directors' periodic review of each Fund's distribution plan will include an analysis of this information.

Applicants state that each plan will be subject to termination at any time by a vote of a majority of the members of a Fund's board of directors who are not interested persons of the Fund and who have no direct or indirect financial interest in the operation of the proposed distribution plan. Moreover, Applicants note that renewal of each proposed distribution plan will require annual approval of the plan by a vote of the board of each Fund and of those directors who are not interested persons of that Fund and who have no direct or indirect financial interest in the operation of the proposed distribution plans. According to Applicants, if the board of directors determines that fairness requires a modification of the basis of a Fund's or group of Funds' participation in the proposed distribution arrangement, such a modification would be proposed, and the Applicants would seek an appropriate amendment of any order granting this application.

Applicants further request retroactive relief under Section 6(c) of the Act to the extent that they may have violated the requirements of Rule 17d–1(a) by submitting a proposed distribution plan to the shareholders of each Fund for their approval prior to the grant of the Commission order sought by Applicants. Applicants represent that this was done in an effort to save, in the aggregate, approximately $390,000 which would have been the cost of holding special shareholder meetings for the sole purpose of considering the plans, and to secure for the shareholders, as promptly as possible, the anticipated benefits of the plans. Applicants further argue that the development of the proposed distribution plans and the extensive consideration given to the subject of the Funds' distribution arrangements with IDS by the board of each Fund, precluded the filing of the instant application, and the Commission's action thereon, prior to the Funds' annual meetings in July, 1982.

Since each of the Funds would, under its proposed distribution plan, pay a portion of its net assets to IDS as compensation for the complex's distribution activities, Applicants submit that it might be asserted that such Fund would not be selling or redeeming its shares at a current net asset value calculated in accordance with Section 22(c) of the Act and Rules 2a–4 and 22c–1 thereunder. Applicants are further concerned that it might be asserted that the distribution charges paid by a Fund under its plan represent a "sales load" as defined in the Act which (when added to existing sales loads) could be both excessive under Section 22(b) of the Act, and not specifically identified as such in the Fund's prospectus in violation of Section 22(d) of the Act. Although Applicants assert that they do not believe that these provisions of the Act and the rules thereunder preclude Applicants from entering into and implementing, the proposed distribution plans, they have applied for an order, pursuant to Section 6(c) of the Act, exempting them, to the extent necessary, from those provisions of the Act and the rules thereunder. It should be noted that the Commission has not taken the position that distribution charges paid by an investment company pursuant to a plan adopted in accordance with Rule 12b-1 under the Act, represent a "sales load" subject to regulation under Section 22(b) of the Act, and that granting the requested exemption from Section 22(b) of the Act would not exempt the existing sales loads of the Funds from the provisions of that section.

Section 6(c) of the Act provides, in pertinent part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice if further given that any interested person wishing to request a

hearing on the application may, not later than June 20, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this mattter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14785 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22955; (70-6582)]

Middle South Energy, Inc. et al.; Proposed Increase in Authorized Amount of Notes To Be Issued and Sold Pursuant To Bank Loan Agreement; Assignment of Rights as Security for Such Loan

May 26, 1983

In the matter of Middle South Energy, Inc., P.O. Box 6100, New Orleans, Louisiana 70161; Arkansas Power & Light Co., P.O. Box 551, Little Rock, Arkansas 72203; Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, Louisiana 70174; Middle South Utilities, Inc., 225 Barone Street, New Orleans, Louisiana 70112; Mississippi Power & Light Co., P.O. Box 1640, Jackson, Mississippi 39205; New Orleans Public Service Inc., 317 Baronne Street, P.O. Box 60340, New Orleans, Louisiana 70160.

Middle South Utilities, Inc. ("MSU"), a registered holding company, and five of its wholly-owned subsidiary companies, Middle South Energy, Inc. ("MSE"), Arkansas Power & Light Company ("AP&L"), Louisiana Power & Light Company ("LP&L"), Mississippi Power & Light Company ("MP&L"), and New Orleans Public Service Inc. ("NOPSI") have filed with this Commission a further post-effective amendment to their application-declaration in this proceeding pursuant to Sections 6(a), 7, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

On March 18, 1983 (HCAR No. 22884), the Commission issued a notice in this proceeding regarding the proposed issuance and sale by MSE of up to $340 million of additional notes to domestic banks through December 31, 1988, raising MSE's domestic bank borrowings to approximately $1.05 billion. It is now proposed that MSE issue and sell approximately $400 million of additional notes to domestic banks, for a total of approximately $1.71 billion. The proceeds are to be used to finance the construction of Units No. 1 and 2 of the Grand Gulf nuclear generating plants.

The application-declaration, as now amended, and any further amendments are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 22, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14787 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 26, 1983.

The above named national securities exchange has filed applications with the Securities and Echange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Ala Moana Hawaii Properties, Additional Shares Depository Units, No Par Value (File No. 7-6678)

Chesebrough-Pond's Inc., Common Stock, $1 Par Value (File No. 7-6679)

First Boston, Inc., Common Stock, No Par Value (File No. 7-6680)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 17, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if its finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14786 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18797; File No. 37-787]

Summary Effectiveness and Temporary Approval of Proposed Amendment to the Plan for the Designation of National Market System Securities Submitted by the National Association of Securities Dealers, Inc.

May 20, 1983.

Background

On May 10, 1983, the National Association of Securities Dealers, Inc. ("NASD") filed with the Commission pursuant to Rule 11Aa2-1 under the Securities Exchange Act of 1934 ("Act")[1] a proposed amendment to its

[1] 17 CFR 240.11Aa2-1 ("Rule"). Pursuant to the Rule, certain actively-traded over-the-counter ("OTC") securities have been or will be designated as National Market System ("NMS") Securities. Upon designation, a NMS Security is deemed a "reported" security, as that term is defined in Rule 11Ac1-1(a)(6) under the Act, and becomes subject to, among other things, the Commission's last sale reporting rule, Rule 11Aa3-1 under the Act.

The Rule employs a two-tiered approach to determine which OTC securities are designated as NMS Securities. In this respect, Tier 1, which became effective on April 1, 1982, automatically requires that the most actively traded OTC securities be designated as NMS Securities and the trading activity with respect to potential NMS Securities be reviewed quarterly to determine if additional securities have become subject to the Rule. Currently, 176 OTC securities have been designated as NMS Securities pursuant to the Tier 1 criteria. In addition, Tier 2, which became effective

"National Market System Securities Designation Plan with Respect to NASDAQ Securities" ("Designation Plan").[2]

The Designation Plan provides for the phased designation of those securities meeting the Tier 2 voluntary designation criteria.[3] Pursuant to the phase-in provisions, on February 8, 1983, 50 securities were selected by the NASD from eligible Tier 2 applications and designated as NMS Securities, based on a variety of factors including the security's trading characteristics, volume and the location of its market makers.[4] The Designation Plan also provides that between February 8, 1983, and April 29, 1983, no further designations of eligible Tier 2 securities would become effective while the NASD studied the impact of last sale reporting on the markets for NMS Securities as well as the ability of the NASDAQ system to accommodate the reporting of additional NMS Securities.

The Plan currently provides that the NASD designate an additional 100 securities subject to the Tier 2 designation criteria in May 1983 and each month thereafter, unless the study reveals "significant unforeseen adverse effects on market makers or issuers of NASDAQ/NMS securities.

Propposed Changes To Designation Plan

During the period following the designation of the initial Tier 2 securities, the NASD conducted an extensive monitoring of the impact last sale reporting had on the securities that were designated pursuant to the Tiers 1 and 2 criteria in February. Specifically, the NASD's study disclosed that last sale reporting has had no adverse impact on quotation spreads and inter-day price volatility after the securities became NMS designated. The study also disclosed that while NASDAQ volume was up overall, NMS designation was clearly a factor for the increased volume in the securities designated in February.[5] Finally, the study indicated that while market maker participation in the Tier 2 securities declined slightly, from an average of 13.67 firms per security in the pre-designation period to an average of 12.45 firms per security, 74 percent of the firms which ceased market making in a Tier 2 security each had constituted only 3 percent or less of the share volume, and 89 percent formerly constituted 5 percent or less. Accordingly, in the view of the NASD, the study did not disclose any adverse effects on market makers or issuers occurring during the study period. Nevertheless, as a result of the recent high levels of trading volume experienced in NSADAQ securities, the NASD recommends a reduction of the number of monthly Tier 2 designations in order to ameliorate market maker administrative burdens during the transition period in which increased numbers of OTC securities become subject to last sale reporting.

The increased NASDAQ volume would appear to effect reporting procedures in two respects. First, the increased volume partially is responsible for a greater number of securities being designated pursuant to the mandatory Tire 1 designation criteria (hence, more stocks being subject to last sale reporting).[6] Second, the increased volume requires market makers to report a greater number of transactions with respect to all NMS Securities. In this respect, the NASD is proposing to amend the phase-in requirements of the Plan so that 57 securities are designated on May 24, 1983,[7] and 50 per month each month thereafter until the present accumulation of successful Tier 2 applicants is phased-in.[8] Thereafter, pursuant to Rule 11Aa2–1 and current provisions of the Designation Plan, qualified Tier 2 applicants will have their securities immediately designated. The NASD requests summary effectiveness for the proposed amendment so that the NASD may implement the revisied schedule as of May 24, 1983.

Discussion

In adopting Rule 11Aa2–1, the Commission determined that there would be substantial benefits associated with last sale reporting in active OTC securities which outweighed any direct or indirect costs to market makers resulting from such reporting.[9] In this regard, the Commission continues to believe that transaction reporting for OTC securities increases the ability of investors to monitor their borker-dealers' efforts to achieve best execution, assists the Commission and the NASD in their oversight responsibilities with respect to the OTC market and enhances the pricing mechanism of the OTC market generally, Accordingly, in light of the absence of any identifiable significant adverse effects resulting from last sale reporting in the NMS Securities designated pursuant to the Tier 2 criteria, the Commission believes that it is appropriate to complete the task of providing all Tier 2 issuers with the opportunity to elect NMS designation.

Nevertheless, the Commission remains cognizant of the concerns expressed by some members of the OTC trading community that the designation of a large number of securities at one time, especially in times of high volume, could affect adversely the OTC market. In this respect, the Commission views the proposed amendment as a reasonable method of minimizing reporting burdens in light of the recent high trading volume while still permitting the NASD to proceed in phasing-in new NMS designations. Accordingly, pursuant to Section (d)(4) of Rule 11Aa2–1, the Commission has granted the proposed amendment summary effectiveness and has

---

on February 8, 1983, permits issuers of less actively traded OTC securities to become NMS designated if the issuers so elect. Currently, 50 OTC securities have been designated pursuant to the Tier 2 criteria. For further information concerning the Rule, *see* Securities Exchange Act Release No. 17549 (February 26, 1981), 46 FR 13992, and Securities Exchange Act Release No. 18397 (January 7, 1982), 45 FR 2079.

[2] The Commission approved the NASD's Designation Plan on January 7, 1982. Securities Exchange Act Release No. 18399 (January 7, 1982), 47 FR 2226. Generally, the Designation Plan provides: (1) Procedures for the designation of NMS Securities; (2) procedures for determining substantial compliance with the Tier 2 criteria established in the Rule; (3) procedures and criteria for terminating or suspending the NMS status of securities; and (4) procedures for publishing lists of NMS Securities.

[3] The phase-in feature of the Designation Plan was included in the plan as a method of minimizing administrative burdens in connection with the potential designation of a large number of securities pursuant to the Tier 2 designation criteria. *See* Securities Exchange Act Release No. 19286 (December 1, 1982), 47 FR 55357.

[4] In addition, the designation of 50 Tier 1 securities became effective on February 8, 1983.

[5] The NASD cautioned, however, that some of the volume increase in NMS Securities resulted from the difference in methodology of reporting NMS Securities and non-NMS NASDAQ securities. Specifically, NMS trades are reported on a real-time basis generally by the selling market maker, whereas non-NMS trades are reported at the end of the day as the higher of a market maker's purchases or sales for that day. The NASD's limited study in this area was unable to draw definitive conclusions as to the precise extent of the increased volume caused by the methodology in calculating NMS volume. While the NASD believes that the differences in the two reporting methods essentially raise an educational matter with respect to investors and traders, the NASD indicated that it will continue in its efforts to ascertain the effect on volume resulting from the change in reporting method.

[6] The Tier 1 criteria require, among other things, that an eligible security have an average trading volume of 600,000 shares or more per month during the six month period preceding the most recent qualification date and a price per share of $10.00 or more.

[7] On May 10, 1983, 43 securities were designated pursuant to the Tier 1 designation criteria; accordingly, 100 securities would be designated in May (43 pursuant to Tier 1 and 57 pursuant to Tier 2).

[8] After the 57 Tier 2 applications become effective in May, the NASD indicates that presently an additional 200 successful Tier 2 applications await designation.

[9] *See* Securities Exchange Act Release No. 17549 (February 26, 1981), 46 FR 13992, 13996.

determined that such action is necessary in the public interest, for the protection of investors or the maintenance of fair and ordely markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.

Conclusion

In accordance with the above, it is ordered, pursuant to Section 11A of the Act, and paragraph (d)(4) of Rule 11Aa2–1 thereunder, that the NASD's amendment to the Designation Plan be, and hereby is, effective for a period not exceeding 120 days from the publication of notice of this release. In order to assist the Commission in determining whether further Commission action should be taken in regard to this amendment before or upon the expiration of the 120 day period, interested persons are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, within 21 days from the date of publication of this notice in the **Federal Register**. The amendment to the Designation Plan will be available for public inspection in the Commission's public reference room. All communications should refer to File No. S7–787.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

George A. Fitzsommons

Secretary,

[FR Doc. 83–14783 Filed 6–1–83; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Application No. 03/03–5163]

Allied Financial Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Allied Financial Corporation (Allied), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1983).

The proposed officers, directors, and stockholder of Allied are as follows:

Curtis S. Steuart, Chairman of the Board
George C. Williams, President and Director
David J. Gladstone, Executive Vice President and Director
T. Murray Toomey, Secretary and Director
Henry J. Kaufman, Director
Walter L. Green, Director
Paul L. Courtney, Director
Robert E. Long, Director
Wallace F. Holladay, Director
Willem F. P. de Vogel, Director
Raymond J. Lee, Director
Kenneth A. Swain, Senior Vice President
Harry T. Brill, Treasurer and Assistant Secretary
Joan T. Barra, Assistant Secretary
Kathleen T. Ryan, Assistant Secretary
G. Cabell Williams, III, Assistant Vice President
Clyde D. Garrett, II, Assistant Vice President
Allied Capital Corporation, Sole Shareholder

Allied Capital Corporation is a publicly owned closed-end investment company, whose shares are traded on NASDAQ. Allied Capital Corporation's headquarters are in Washington, D.C. On September 30, 1982, it had assets of $43.3 million.

Allied, a District of Columbia corporation, with its principal place of business located at 1625 Eye Street, NW., Washington, D.C. 20006 will begin operations with $500,000 of private capital derived from the sale of common stock to Allied Capital Corporation.

Allied will conduct its activities principally in the Eastern United States.

As a small investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in the Washington, D.C. area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 25, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83–14786 Filed 6–1–83; 8:45 am]

BILLING CODE 8025–01–M

[License No. 05/05–5176]

Peterson Finance and Investment Co.; Application for a License as a Section 301(d) Small Business Investment Company (SBIC)

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102 (1983)), by Peterson Finance and Investment Company, 3300 West Peterson Avenue, Suite A, Chicago, Illinois 60659 for a license to operate as a small business investment company (SBIC) under the provisions of Section 301(d) of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. *et seq.*).

The proposed officers, directors and stockholders are:

Name and address	Title and relationship	Percent of ownership
Dr. Hyo H. Byun, 4646 W. Bryn Mawr, Chicago, Illinois 60646.	Chairman of the Board, Director	19.606
Thomas Lhee, 2619 Iroquois, Wilmette, Illinois 60091.	President, Director	8.868
Ms. Miryung Kim, 2600 Golf Road #507, Glenview, Illinois 60025.	Vice President, Secretary.	8
James S. Rhee, 3425 Keeman Lane, Glenview, Illinois 60025.	Treasurer, Director	8.852
Harry Zaidenberg, 5445 North Sheridan Road, Chicago, Illinois 60640.	Director	1.961
Philip Zaidenberg, Apt. 107, River Oaks Center Director, Calumet City, Illinois 60409.	...do	1.961
Dr. Key I. Nam, 27 Meadowview Drive, Northfield, Illinois 60093.	...do	8.804

[10] 17 CFR 200.30–3(a)(37).

Name and address	Title and relationship	Percent of ownership
Dr. Youk Rin Lee, 46 Cambridge, Oak Brook, Illinois 60521.	....do	9.804
Mark Rubert, 3232 West Peterson Avenue, Chicago, Illinois 60659.	....do	
The Peterson Bank, 3232 West Peterson Avenue, Chicago, Illinois 60659.	....do	95.294

The Applicant proposes to begin operations with capitalization of $506,000 and will be a source of equity capital and long term loan funds solely to small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and finanacial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later then 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 25, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-14767 Filed 6-1-83; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 03/03-5157]

Salween Financial Services Inc.; Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. et seq.), has been filed by Salween Financial Services Inc. (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1983).

The officers, directors, and stockholders of the Applicant are as follows:

Dr. Ramarao Naidu, 7 Caswallen Drive, West Chester, PA 19380—President, Director, 25 percent Stockholder

Dr. Gurcharan Singh, 1853 Mallard Lane, Villanova, PA 19085—Secretary, Treasurer, Director, 10 percent Stockholder

Dr. Ramesh K. Agarwal, 15 Waverly Drive, Hollidaysburg, PA 16648—Director, 10 percent Stockholder

Dr. Millan C. Baidya, 2316 Trillium Lane, Naperville, Illinois 60540—Director, 10 percent Stockholder

Dr. Harbhajan S. Chawla, 1605 Plymouth Rock Drive, Cherry Hill, New Jersey 08003—Director, 10 percent Stockholder

Mrs. Urmila Chopra, Box 4, Sylvan Drive, Hollidaysburg, PA 16648—Director, 10 percent Stockholder

Dr. Sukhdev C. Soni, 210 North Hames Avenue, Joliet, Illinois 60435—Director, 10 percent Stockholder

Dr. Daljeet Singh, 1933 Fieldwood Drive, Northbrook, Illinois 60062—5 percent Stockholder.

The Applicant, a Pennsylvania corporation with its principal place of business at 228 North Pottstown Pike, Exton, Pennsylvania 19341, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 50,000 shares of common stock.

The Applicant will conduct its activities primarily in the State of Pennsylvania.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Exton, Pennsylvania.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 25, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-14768 Filed 6-1-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Jefferson County, Alabama

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Birmingham, Alabama.

FOR FURTHER INFORMATION CONTACT: Mr. R. W. Evers, District Engineer, Federal Highway Administration, 441 High Street, Montgomery, Alabama 36104, Telephone: (205) 832-7379. Mr. Ray D. Bass, State of Alabama Highway Department, 11 South Union Street, Montgomery, Alabama 36130, Telephone: (205) 832-5440.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Alabama Highway Department, will prepare an Environmental Impact Statement (EIS) for Alabama Project M-7173(2). This proposal is a fourlane arterial project that begins on East Lake Boulevard and extends northeasterly for a distance of approximately 8 miles to Pinson Valley Parkway. This project in conjunction with the proposed Finley Avenue Extension will provide a total of

about a 11.5 mile artery from the Centerpoint area southwest to I–65 and greatly facilitate this traffic movement.

Alternatives under consideration: (1) Location—two basic alignments, with alternates along each alignment in various areas, and (2) a no-action alternative.

Three public involvement meetings will be held to solicit public input for the proposal. Copies of the Draft EIS will be sent to appropriate Federal, State, and local agencies, and to private organizations and individuals who have expressed interest in the proposal. A public hearing will be held. Public notice will be given concerning the time and place of the hearing. The Draft EIS will be available to public review and comment at the hearing. Written comments will be solicited from Federal, State, and local agencies, officials, and individuals who may have an interest in the project.

To ensure that the full range of issues related to this proposed action are addresses and all significant issues are identified, comments are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on May 24, 1983.

L. N. MacDonald,

Division Administrator, Montgomery, Alabama.

[FR Doc. 83–14541 Filed 6–1–83; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. EX83–1; Notice 2]

Handcraft Motorcar Co.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by Handcraft Motorcar Company of Bradenton, Florida, for temporary exemption from several Federal motor vehicle safety standards. The basis of the petition was that compliance would cause substantial economic hardship.

Notice of receipt of the petition was published on December 9, 1982, and an opportunity afforded for comment (47 FR 55448).

Handcraft, a Florida corporation, was chartered on April 27, 1982, with the intent of assembling motor vehicles from components produced by other companies, principally Thoroughbred Motorcars, Inc., of Redmond, Washington (frame and major body components) and Ford Motor Company (mechanical components). The resulting passenger car, styled to resemble a classic Mercedes-Benz 540K of the 1930's will be known as the "Magnum 540K." Petitioner sought an exemption of three years from the following Federal motor vehicle safety standards:

1. Standard No. 104, *Windshield Wiping and Washing Systems.* Paragraph S4.1.2 of the standard establishes minimum percentages of certain areas on the windshield to be covered by the wipers—80 percent of Area A, 94 percent of Area B and 99 percent of Area C. The percentage cleaned by the Magnum wipers are respectively, 70, 88, and 94 percent.

2. Standard No. 201, *Occupant Protection in Interior Impact.* The vehicle is not equipped with sun visors. The instrument panel "has no sharp, unyielding projections," but to conduct the test specified would cause hardship.

3. Standard No. 202, *Head Restraints.* The seats and head rests are supplied by Ford and used in vehicles that Ford certifies as complying with the standard, but the company lacks the means to verify conformity through testing.

4. Standard No. 203, *Impact Protection for the Driver From the Steering Control System.* The steering column in obtained from Ford, and is used by Ford in vehicles certified as meeting the standard.

5. Standard No. 204, *Steering Control Rearward Displacement.* Petitioner does not know if its vehicle complies. The steering wheel is a substantial distance from the front wheel assembly and the rack nand pinion power steering unit. There are three universal joints between the front axle area and the steering column "which will prevent a direct line transmission of any crash impact through the steering column."

6. Standard No. 206, *Door Locks and Door Retention Components.* The Magnum 540K will be equipped with latches manufactured for use in truck cabs. The doors are joined to the body by two hinges, and a total of 20 bolts per door. The body and doors are made of fiberglass.

7. Standard No. 207, *Seating Systems.* The seats are provided by Ford Motor Company and used in certified vehicles. They are mounted in the Magnum 540K by bolts through the floor.

8. Standard No. 212, *Windshield Mounting.* The windshield glass is mounted in a rubber molding which is secured in a steel windshield framework.

9. Standard No. 214, *Side Door Strength.* The doors were not damaged by a "full force blow with a sledge hammer."

10. Standard No. 219, *Windshield Zone Intrusion.* The dimensions of the windshield are such that it "should result in above normal restriction of motor vehicle components into the windshield area during a crash."

11. Standard No. 301, *Fuel System Integrity.* The fuel tank, filler assembly lines, connectors, etc. are provided by Ford Motor Company and are retained as the manufacturer provides them.

The assets of the company as of may 31, 1982, a month after incorporation, totalled $42,770. The petitioner estimates that the cost of testing to verify compliance of many of the standards discussed above would approach $150,000, which includes the cost of a vehicle ($48,000). With the capital at hand, this would cause "substantial economic hardship."

Petitioner argued that an exemption would be in the public interest "by providing an object of aesthetic pleasure to both the public and the individual owner." An exemption would be consistent with the objectives of the Traffic Safety Act in that "every effort has been made to make this car as safe as possible," and it is equipped with "today's modern tires, wheels, brakes, steering, seats, safety belts, glass, door latches, lights, fuel system, energy absorbing bumpers, etc."

No comments were received on the petition.

The National Highway Traffic Safety Administration has decided to grant the petition of Handcraft Motorcar Company. The Magnum's windshield wipers cover a greater percentage of the wiped areas A, B, and C of Standard 104 than some other vehicles NHTSA has exempted. The use of components that are found in vehicles of other manufacturers that are certified as complying with the standards afford the agency a reasonable basis on which to find that exemptions are consistent with the objectives of the National Traffic and Motor Vehicle Safety Act. These componenets include seats, headrests, door latches, steering columns and fuel system components. With respect to other standards, the statements of petitioner indicate that it has analyzed the requirements of the standards as they relate to its specific vehicle design, affording a degree of compliance which, however, could be verified only through testing. As the amount required to conduct these tests would probably exceed the value of the company's assets, it is hereby found that immediate

compliance would cause Handcraft substantial economic hardship. Because an exemption will afford employment to the petitioner and its supplier, it is found to be in the public interest.

In consideration of the foregoing, Handcraft Motorcar Corporation is hereby granted NHTSA Exemption 83-1, expiring February 1, 1986, from the following Federal Motor Vehicle Safety Standards or portions thereof: Paragraph S4.1.2 of 49 CFR 571.104, Motor Vehicle Safety Standard No. 104, *Windshield Wiping and Washing Systems;* 49 CFR 571.201, Motor Vehicle Safety Standard No. 201, *Occupation Protection in Interior Impact;* 49 CFR 571.202, Motor Vehicle Safety Standard No. 202, *Head Restraints;* 49 CFR 571.203, Motor Vehicle Safety Standard No. 203, *Impact Protection for the Driver From the Steering Control System;* 49 CFR 571.204, Motor Vehicle Safety Standard No. 204, *Steering Control Rearward Displacement;* 49 CFR 571.206, Motor Vehicle Safety Standard No. 206, *Door Locks and Door Retention Components;* 49 CFR 571.207, Motor Vehicle Safety Standard No. 207, *Seating Systems,* 49 CFR 571.212, Motor Vehicle Safety Standard No. 212, *Windshield Mounting,* 49 CFR 571.214, *Side Door Strength;* 49 CFR 571.219, Motor Vehicle Safety Standard No. 219, *Windshield Zone Intrusion;* and 49 CFR 571.301, Motor Vehicle Safety Standard No. 301, *Fuel System Integrity.*

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50)

Issued on May 25, 1983.

Diane K. Steed,

Acting Administrator.

[FR Doc. 83-14911 Filed 6-1-83; 8:45 am]

BILLING CODE 4910-59-M

UNITED STATES INFORMATION AGENCY

Radio Engineering Advisory Committee; Meeting

The Radio Engineering Advisory Committee of the United States Information Agency (USIA) will meet in Washington, D.C., on Friday, June 17, 1983, to discuss current operations and future plans of the Voice of America (VOA). The meeting will be held at the VOA Headquarters, 330 Independence Avenue, SW., Room 3348, beginning at 9:00 AM. Point of contact for the meeting is Terry Balazs, tel: 202 485-8048.

This meeting will include remarks by Charles Z. Wick, Director of USIA, on the role of this agency in international broacasting; remarks by Kenneth Y. Tomlinson, Associate Director for Broadcasting, on the current status of and future plans for VOA broadcasting operations; and a discussion led by Maurice J. Raffensperger, Director of Engineering and Technical Operations, on specific technical plans and recommendations for correcting deficiencies.

The meeting will be closed to the public because there will be a discussion of issues relating to future site negotiations for Voice of America relay stations. The meeting will be closed because disclosure of the matters to be discussed is likely to divulge information that is (A) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) in fact is properly classified pursuant to such Executive Order (5 U.S.C. 552b(c)(1)).

Dated: May 27, 1983.

Charles Z. Wick,

Director.

[FR Doc. 83-14858 Filed 6-1-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 107
Thursday, June 2, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Communications Commission	1
Federal Deposit Insurance Corporation	2, 3
Federal Election Commission	4
Federal Home Loan Bank Board	5
Federal Trade Commission	6
Postal Service	7-9

1

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold a Closed Commission Meeting Thursday, June 2, 1983.

May 26, 1983.

The Federal Communications Commission will hold a Closed Meeting on the subject listed below on Thursday, June 2, 1983, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Court remand of the RKO General, Inc. Fidelity Television, Inc. comparative television renewal proceeding (Docket Nos. 16679-16680).

This item is closed to the public because it concerns Adjudication Matters (See 47 CFR 0.603(j)).

The following persons are expected to attend:

Commissioners and their Assistants
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission May 18, 1983. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commissioner to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 25, 1983.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-781-83 Filed 5-31-83; 11:21 am]
BILLING CODE 6712-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, June 6, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Request for reconsideration of a previous denial of an application for Federal deposit insurance:

Dakota Bank of Wahpeton, a proposed new bank to be located at 1005 Dakota Avenue, Wahpeton, North Dakota.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.
Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or Associate Director (Administration and Corporate Applications) of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.
Reports of the Director, Office of Corporate Audits and Internal Investigations:
Audit Report re: Summary of Three Liquidation Site Audits, dated May 5, 1983.
Audit Report re: Summary of Three Liquidation Site Audits, dated May 12, 1983.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 27, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-779-83 Filed 5-27-83; 5:11 pm]
BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m., on Monday, June 6, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Notice of acquisition of control:

Name and location of bank and names of acquiring persons authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of person names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act (5

U.S.C. 552b (c)(6), and (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Request for reconsideration of a previous denial of a request for relief from adjustment for violations of Regulations Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointment, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: May 27, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-779-83 Filed 5-27-83; 5:13 pm]

BILLING CODE 6714-01-M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, June 7, 1983, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, June 9, 1983, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings correction and approval of minutes

Advisory opinions:

Draft AO 1983–12: J. Curtis Herge, Esq., on behalf of National Conservative Political Action Committee

Draft AO 1983–14: James B. Keegan, Treasurer, Second Congressional Boosters (for Don Clausen)

Draft AO 1983–16: Congressman Vic Fazio, on behalf of the Sala Burton for Congress Committee

Eligibility reports for candidates to receive presidential primary matching payments

Proposed revisions to Presidential Election Campaign Fund regulations

Personnel reclassification Office of Planning and Management

Finance Committee report

Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Biland, Information Officer; telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-780-83 Filed 5-31-83; 3:51 pm]

BILLING CODE 6715-01-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, Page No. none at this time. Date published, none at this time.

PLACE: Board Room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee, (202–377–6970).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled for Thursday, June 2, 1983, has been cancelled.

[S-782-83 Filed 5-31-83; 12:52 pm]

BILLING CODE 6720-01-M

6

FEDERAL TRADE COMMISSION

TIME AND DATES: 10 a.m., Monday and Tuesday, June 6 and 7, 1983.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open

MATTER TO BE CONSIDERED:

Oral Presentations concerning Proposed Trade Regulation Rule on Credit Practices.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523–1892; Recorded Message: (202) 523–3806.

[S-780-83 Filed 5-31-83; 9:45 am]

BILLING CODE 6750-01-M

7

POSTAL SERVICE

Cancellation of a Meeting

"FEDERAL REGISTER" CITATIONS OF PREVIOUS ANNOUNCEMENTS: 48 FR 22254, May 17, 1983; 48 FR 23353, May 24, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETINGS: Meeting (closed): 1 p.m., Wednesday, June 1, 1983; meeting (open): 8 a.m., Thursday, June 2, 1983.

CHANGE: A majority of the Board, Governors Camp, McKean, and Voss being in the minority, determined by recorded vote that this meeting should be cancelled. No earlier announcement was possible.

CONTACT PERSON FOR MORE INFORMATION: David F. Harris (202) 245–3734.

David F. Harris,

Secretary.

[S-783-83 Filed 5-31-83; 2:48 pm]

BILLING CODE 7710-12-M

8

POSTAL SERVICE

Meeting

The Audit Committee of the Board of Governors of the United States Postal Service, pursuant to the Bylaws of the Board (39 CFR 7.1(a) and 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice it intends to hold a meeting at 9:00 a.m. on Monday, June 13, 1983, in Room 10300, Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C.

Pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, the Committee has determined that the meeting should be closed to public observation. The only agenda item for the meeting will be a discussion of the state of Postal Service finances and future mail rate adjustments.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 245–3734.

David F. Harris,

Secretary.

[S-784-83 Filed 5-31-83; 2:48 pm]

BILLING CODE 7710-12-M

9

POSTAL SERVICE

Vote To Close Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 1:30 p.m. on Monday, June 13, 1983, continued at 8:30 a.m. on Tuesday, June 14, 1983, in

Washington, D.C., in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, Washington, D.C. By telephone vote on May 27, 1983, the Board voted to close the meeting to public observation. The meeting is expected to be attended by the following persons: Vice Chairman Babcock; Governors Camp, Hughes, McKean, Ryan, Sullivan and Voss; Postmaster General Bolger; Deputy Postmaster General Finch; Secretary of the Board Harris; General Counsel Cox; Senior Assistant Postmaster General Coughlin; Assistant Postmaster General McCaffrey; and Associated General Counsel Beck.

The only agenda item to be considered at this meeting will be a discussion regarding future rate adjustments.

Accordingly, the Board of Governors has determined that pursuant to section 552(b)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39. The Board determined further that, pursuant to section 552 b(c)(10) of title 5 and § 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding or the initiation of a particular case involving a determination on the record after opportunity for a hearing.

In accordance with section 552 b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation pursuant to sections 552(b)(c) (3) and (10) of title 5 and section 410(c) (3) and (4) of title 39, United States Code, and § 7.3(c)(j) of title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 245–3734.

David F. Harris,

Secretary.

[S–785–83 Filed 5–31–83; 2:49 pm]

BILLING CODE 7710–12–M

4 B
ISS
1
0
7
J E
2
1983

federal register

Thursday
June 2, 1983

Part II

Department of Transportation

Federal Highway Administration

Truck Size Policy Statement; Modifications of Certain Interim Designated Highways

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Ch. I

[FHWA Docket No. 83–4, Notice No. 8]

Truck Size Policy Statement; Modifications of Certain Interim Designated Highways

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Modification of policy statement.

SUMMARY: The FHWA made an interim designation of each State's Federal-aid primary system highways on April 5, 1983. These roads were to be made available to certain size trucks from April 6 until issuance of the final regulation pursuant to the requirements of the Surface Transportation Assistance Act (STAA) of 1982. By this notice, the FHWA provides modifications to the interim designated highway networks for the States of Idaho, Maine, Minnesota, New Hampshire and North Carolina.

EFFECTIVE DATE: The modifications are effective June 2, 1983, and will expire upon designation of the final network.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon G. Strickland, Office of Highway Planning, (202) 426–0153, or Mr. David C. Oliver, Office of the Chief Counsel, (202) 426–0825, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are 7:30 a.m. to 4:00 p.m. ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On April 5, 1983, FHWA issued a policy statement (48 FR 14844) that provided an interim designation of primary system highways on which commercial motor vehicles with dimensions authorized by sections 411 and 416 of the STAA of 1982 (Pub. L. 97–424, as amended by Pub. L. 98–17) may be permitted to operate from April 6, 1983, until issuance of final regulations. The policy statement also provided that modifications to the interim designated network would be made under certain circumstances.

The designated routes in the Appendix to this notice supersede those routes designated in the April 5, 1983, policy statement. On May 3, 1983 (48 FR 20022) and May 12, 1983 (48 FR 21317) modifications were made in the interim designations for 21 States. At this time the FHWA is announcing modifications of the designations in five additional States. Highlights of the State-by-State modifications follow.

Idaho. Portions of US 93, US 95 and US 26 are removed from the interim system. Routes US 2 and US 12 are deleted from the interim system.

Maine. Route US 302 is deleted from the interim system.

Minnesota. Several corrections and additions have been made.

New Hampshire. Routes US 202, US 302, and US 2 are deleted from the interim system and changes made in other route designations.

North Carolina. Several corrections and additions have been made.

Issued on: May 31, 1983.

R. D. Morgan,

Executive Director, Federal Highway Administration.

Appendix-Modified List for Certain States

Posted route No.		From	To	Miles
		Idaho		
ID 16	ID 44		Emmett	13.93
ID 19	Wilder		Caldwell	9.98
US 20	Oregon St. Line		I–84 Near Boise	30.15
US 20	Mountain Home		Montana St. Line	252.86
ID 22	ID 33		Dubois	43.04
ID 24	Rupert		Shoshone	84.55
ID 25	Jerome		I–84 Rupert	46.33
US 26	Bliss		Blackfoot	141.02
ID 27	Oakley		Paul	22.37
ID 28	Mud Lake		Salmon	120.05
US 30	US 95		I–84	10.82
US 30	Nampa		I–84	1.17
US 30	Bliss		Burley	32.85
US 30	McCammon		Wyoming St. Line	95.74
ID 33	US 20		Wyoming St. Line	130.95
ID 34	Utah St. Line		Conda	80.57
ID 39	American Falls		Blackfoot	49.57
ID 40	I–15		Downey	2.74
ID 41	I–90		Newport	39.06
ID 44	I–84		Boise	19.78
ID 46	Wendell		US 20	43.05
ID 48	Roberts		Rigby	13.97
ID 50	US 30		ID 25	9.09
ID 51	Nevada St. Line		Mountain Home	80.79
ID 53	Washington St. Line		US 95	14.24
ID 55	Marsing		Eagle	15.57
ID 64	Craigmont		Nez Perce	14.71
ID 67	Mountain Home AFB		Mountain Home	5.95
ID 74	US 93		Twin Falls	4.65
ID 75	Shoshone		Ketchum	53.72
ID 77	Declo		I–84	3.03
ID 78	Marsing		ID 51	76.00
ID 81	Malta		Burley	32.86
ID 79	Jerome		South	1.94
ID 87	US 20		Montana St. Line	9.15
US 89	Utah St. Line		Montpelier	25.02
US 91	Utah St. Line		I–15	42.54
US 91	Pocatello		I–15 Bus	92.13
US 93	Nevada St. Line		Shoshone	68.38
US 95	Grangeville		Moscow	96.2
US 95	Coeur d'Alene		Bonners Ferry	71.3
I–15 Bus	I–15		Idaho Falls	3.80
I–84 Bus	I–84		Mountain Home	6.66

APPENDIX-MODIFIED LIST FOR CERTAIN STATES—Continued

Posted route No.	From	To	Miles
Maine			
Scarboro Connector	I-295 South Portland	US 1 South Portland	[illegible]
South Portland Spur	I-95 South Portland	US 1 South Portland	2
Maine Turnpike	I-95 Portland	I-95 Near Gardiner	[illegible]
US 1	I-95 Yarmouth	I-95 Freeport	3
US 1	I-95 Brunswick	Old US 1 (vicinity of Congress St.) Bath	[illegible]
US 1	I-95 Houlton	Canada Border, Fort Kent	121
Minnesota			
US 59	I-90	Slayton	30
MN 220	US 75 Climax	East Grand Forks	26
US 71	I-94 Sauk Centre	Long Prairie	19
US 12	Benson	I-494 Minneapolis	114
MN 9	Benson	Morris	23
MN 28	Brown's Valley	I-94 Sauk Centre	101
MN 55	I-494 near Minneapolis	MN 28 at Glenwood	110
US 10	I-694 near Minneapolis	North Dakota St. Line	240
MN 65	Minneapolis	MN 23 Mora	59
US 61	Duluth	Two Harbors	28
MN 24	I-94	US 10 Clear Lake	4
US 212	South Dakota St. Line	I-494 near Minneapolis	[illegible]
MN 7	US 59 at Montevideo	I-494 near Minneapolis	116
MN 43	I-90 Wilson	US 61 Wacone	7
MN 14	US 75	I-35	[illegible]
MN 60	Iowa St. Line	Mankato	[illegible]
US 169	Mankato	I-35 via TH 101/13	[illegible]
US 75	Odessa	Climax	175
MN 7	US 75	Montevideo	[illegible]
US 71	Iowa St. Line	I-90	[illegible]
US 59	I-94	US 2 at Erskine	111
MN 29	I-94	Alexandria	4
MN 210	US 75 at Breckenridge	Fergus Falls	[illegible]
MN 23	US 12 Willmar	I-35	125
US 52	US 63 near Rochester	MN 110 at Mendota Heights	[illegible]
US 61	I-90 Dakota	Wabasha	[illegible]
US 63	I-90	US 52 at Rochester	[illegible]
MN 371	Brainard	US 2 Cass Lake	[illegible]
US 2	East Grand Forks	Duluth	[illegible]
US 53	US 61 at Duluth	US 169	54
US 169	Aitkin	US 53	111
US 169	I-94 near Minneapolis	MN 95 at Princeton	[illegible]
MN 210	Brainerd	Aitkin	[illegible]
MN 33	US 61/I-35	US 53 Independence	[illegible]
US 218	Iowa St. Line	I-90	12
MN 27	US 71 at Long Prairie	US 10 at Little Falls	25
MN 210	US 10 at Motley	MN 371 at Brainerd	22
MN 371	US 10 at Little Falls	MN 210 at Brainerd	30
MN 27	MN 29 at Alexandria	MN 127 at Osakis	11
MN 127	MN 27 at Osakis	I-94	[illegible]
MN 41	US 212 near Chaska	US 169	[illegible]
MN 56	US 52 at Inver Grove Heights	I-494	[illegible]
New Hampshire			
US 3	Massachusetts St. Line	101A Nashua	[illegible]
Everett Turnpike	101A Nashua	I-293 Bedford	13
NH 101	West End Milford Bypass	I-293 Bedford	[illegible]
NH 9	Vermont St. Line	I-89 Hopkinton	[illegible]
NH 101	I-93 Manchester	NH 51 Exeter	[illegible]
NH 51	NH 101 Exeter	US 1 Hampton	[illegible]
Spaulding Turnpike	US 4 Dover	NH 16 Laskey Corner	[illegible]
US 4	Exit 6 Spaulding Turnpike	I-95 Portmouth	6
NH 16	Spaulding Turnpike near Laskey Corner	US 302 Conway	47
US 3	I-93 North Woodstock	Twin Mountain	21
NH 18	Vermont St. Line	I-93 Littleton	[illegible]
North Carolina			
US 19	US 64 near Ranger	US 19A near Bryson City	[illegible]
US 19A	US 19 near Bryson City	US 19 near Lake Junaluska	[illegible]
US 25	South Carolina St. Line	I-26 near East Flat Rock	[illegible]
US 221	Rutherfordton	I-40	[illegible]
US 1	US 74 at Rockingham	I-85 near Henderson	[illegible]
US 15	US 401 near Lauringburg	US 1 Aberdeen	[illegible]
US 15	US 1 Northview	US 64 Pittsboro	[illegible]
US 401	South Carolina St. Line	I-40 Raleigh	[illegible]
US 17	South Carolina St. Line	Jct. US 74/76 West of Wilmington	[illegible]
US 17	NC 1409	Virginia St. Line	[illegible]
US 76	Jct. US 17/74 West of Wilmington	NC 1409	[illegible]
SR 1409 (Truck Rt.)	US 76	US 17	[illegible]
US 64	Tennessee St. Line	Jct. US 19/129 near Ranger	[illegible]
US 64	US 1/70/401 Raleigh	US 17 Williamston	[illegible]
US 64	US 29 Lexington	US 15 Pittsboro	[illegible]
US 258	NC 24 near Richlands	US 64 Tarboro	[illegible]
US 601	South Carolina St. Line	US 74 near Monroe	[illegible]
US 74	US 221 Rutherfordton	I-85 near Kings Mountain	[illegible]
US 220	US 1 near Rockingham	Virginia St. Line	[illegible]
NC 49	I-85 Charlotte	US 52 Richfield	[illegible]
NC 18	I-40 near Morgantown	US 321 near Lenoir	[illegible]

APPENDIX-MODIFIED LIST FOR CERTAIN STATES—Continued

Posted route No.	From	To	Miles
US 321	I–40 near Hickory	NC 90 near Lenoir	
US 321	South Carolina St. Line	I–85 near Gastonia	
US 52	NC 24/27 Albemarle	Virginia St. Line	
US 87	NC 24/27 Spout Springs	US 1 Sanford	
US 158	I–40 Winston-Salem	US 29 Reidsville	
US 158	I–85 Henderson	US 258 Murfreesboro	
US I–40 Conn	US 19 near Lake Junaluska	I–40 West of Clyde	
US 70	US 70A near Smithfield	I–85 Durham	
US 70A	US 70 near Princeton	US 70 near Smithfield	
US 64	US 1 Raleigh	US 17 Williamston	
I–95 Bus	Kenly	Gold Rock	
US 74	I–277	US 17 near Wilmington	
US 23	US 19A Dillsboro	US 441 Franklin	
US 29	US 52 Lexington	I–85 Greensboro	
US 258	US 158 Murfreesboro	Virginia State Line	
US 521	South Carolina St. Line	I–77	
NC 24	US 74 Charlotte	US 52 Albermarle	
US 70	I–85 Salisbury	I–77 Statesville	
US 29	I–85 Greensboro Fayetteville	Virginia St. Line	
US 15	US 64 Pittsboro	I–85 Durham	
NC 54	I–85 Graham	US 15 Chapel Hill	
US 264	US 17 Washington	US 64 near Zebulon	
NC 11	US 70 Kinston	US 264 Greenville	
SR 1728 (Wade Ave., Ext.)	US 1 Raleigh	I–40	
SR 1959–2028 (Truck Rt.)	US 70 Raleigh	I–40	
US 421	Kure Beach	I–95 Dunn	
US 421	US 1 Sanford	US 64 Siler City	
US 421	I–40 Winston-Salem	Wilkesboro	
NC 24	US 70 Mansfield	US 701 Clinton	
NC 24	I–95	Spout Springs	
US 70	Beaufort	US 70A near Princeton	

[FR Doc. 83–14038 Filed 6–1–83; 8:45 am]

BILLING CODE 4910–22–M

Reader Aids

Federal Register
Vol. 48, No. 107
Thursday, June 2, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

24311-24652.....1
24653-24854.....2

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

7 CFR
319.....24311
916.....24653
932.....24311
Proposed Rules:
51.....24723
1007.....24391
1207.....24724

9 CFR
318.....24314

10 CFR
25.....24318
95.....24318
Proposed Rules:
50.....24391

14 CFR
95.....24654
389.....24323

15 CFR
369.....24323

16 CFR
Proposed Rules:
13.....24724

17 CFR
200.....24663
240.....24663
249.....24663
Proposed Rules:
240.....24725, 24728

18 CFR
2.....24323, 24358
35.....24323
Proposed Rules:
271.....24730-24732

20 CFR
Proposed Rules:
632.....24392
633.....24392
634.....24392
684.....24392

23 CFR
Ch. I.....24852

24 CFR
111.....24361

25 CFR
Proposed Rules:
700.....24734

26 CFR
601.....24668
Proposed Rules:
1.....24736

27 CFR
21.....24672
212.....24672
Proposed Rules:
9.....24737

28 CFR
540.....24622
550.....24623
551.....24623
Proposed Rules:
547.....24626
570.....24626
571.....24626

30 CFR
784.....24638
785.....24638
816.....24638
817.....24638
818.....24638
Proposed Rules:
901.....24739
913.....24741
948.....24393

34 CFR
682.....24584

40 CFR
52.....24362, 24689
180.....24364, 24365, 24689
716.....24366
Proposed Rules:
81.....24393
180.....24394, 24396
405.....24742
406.....24742
407.....24742
408.....24742
409.....24742
411.....24742
412.....24742
422.....24742
424.....24742
426.....24742
429.....24742
430.....24742
431.....24742
432.....24742
433.....24742
440.....24742
610.....24397

43 CFR
3200.....24367
3210.....24367
3220.....24367
3240.....24367

3250	3240

44 CFR

64	24369
67	24370
Proposed Rules:	
67	24743

47 CFR

0	24383
73	24383
74	24383

49 CFR

571	24690, 24717
1033	24386
1153	24386
1162	24388
1307	24388
Proposed Rules:	
Ch. X	24397
571	24751

50 CFR

424	24718
611	24719
Proposed Rules:	
674	24751

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 1, 1983

4 8

1 S S

1
0
7

J E

2

1983

4 E
ISS
1
0
7
J E
2
1983
UMI

Just Released

Code of Federal Regulations

Revised as of January 1, 1983

Quantity	Volume	Price	Amount
_____	Title 7—Agriculture (Parts 1200 to 1499) (Stock No. 022-003-95113-0)	$7.00	$_____
_____	Title 7—Agriculture (Part 1945 to End) (Stock No. 022-003-95116-4)	7.00	_____
_____	Title 10—Energy (Parts 0 to 199) (Stock No. 022-003-95120-2)	9.00	_____
		Total Order	$_____

A cumulative checklist of CFR issuances for 1982–83 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐–☐

Order No._____

VISA® MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

nt

. 20402

Charges

18

55

1

0

7.

JE

2

1983

48
ISS
1
0
8
JE
3
1983

6-3-83
Vol. 48

United
Govern
Printing
SUPERINT
OF DOCU
Washington

OFFICIAL
Penalty for

Federal Re
(ISSN 0097

6-3-83
Vol. 48 No. 108

federal register

Friday
June 3, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

A FR SERIA300S NOV 83 R DIR **
SERIALS PROCESSING **
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

Postage and Fees Paid
U.S. Government Printing Office
375

SECOND CLASS NEWSPAPER

48
155
108
JE
3
1983
UMI

6-3-83
Vol. 48
Pages

6-3-83
Vol. 48 No. 108
Pages 24855-25168

federal register

Friday
June 3, 1983

Selected Subjects

Administrative Practice and Procedure
Civil Aeronautics Board

Air Pollution Control
Environmental Protection Agency

Air Rates and Fares
Civil Aeronautics Board

Animal Drugs
Food and Drug Administration

Coal Mining
Surface Mining Reclamation and Enforcement Office

Continental Shelf
Minerals Management Service

Endangered and Threatened Wildlife
National Oceanic and Atmospheric Administration

Fisheries
National Oceanic and Atmospheric Administration

Food Additives
Food and Drug Administration

Food Grades and Standards
Food and Drug Administration
National Oceanic and Atmospheric Administration

Freight
Civil Aeronautics Board

Government Employees
Personnel Management Office

Government Property Management
General Services Administration

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

Health Professions
Public Health Service

Imports
Animal and Plant Health Inspection Service 24855

Loan Programs—Health
Public Health Service

Marketing Agreements
Agricultural Marketing Service

Medical Devices 24860
Food and Drug Administration 24859

Milk Marketing Orders 24863
Agricultural Marketing Service 24864

Motor Vehicle Pollution 24862
Environmental Protection Agency

National Banks 24905
Comptroller of Currency

Radio
Federal Communications Commission

Rice
Federal Grain Inspection Service

Smoking 24878
Civil Aeronautics Board 24963

24866

25024

24981

24866

24918

24922

24923

Contents

Federal Register
Vol. 48, No. 108
Friday, June 3, 1983

The President
PROCLAMATIONS
24855 Father's Day (Proc. 5066)

Executive Agencies

Agricultural Marketing Service
RULES
24860 Avocados, imported and grown in Fla.; interim
24859 Lemons grown in Ariz. and Calif.
Milk-marketing orders:
24863 Eastern Ohio-Western Pennsylvania
24864 Lake Mead; suspension
24862 Ohio Valley
PROPOSED RULES
Milk marketing orders:
24905 Louisville-Lexington-Evansville

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Federal Grain Inspection Service; Food and Nutrition Service; Forest Service; Soil Conservation Service.

Air Force Department
RULES
24878 Privacy Act; implementation; correction
NOTICES
Meetings:
24963 Scientific Advisory Board

Animal and Plant Health Inspection Service
RULES
Animal and poultry import restrictions:
24866 Stallions from countries affected with CEM; interim rule affirmed

Arts and Humanities, National Foundation
NOTICES
Meetings:
25024 Music Advisory Panel

Centers for Disease Control
NOTICES
Grants and cooperative agreements:
24981 Tuberculosis control programs; correction

Civil Aeronautics Board
RULES
Air carriers:
24866 Smoking aboard aircraft; clarification, etc.
PROPOSED RULES
Air carriers:
24918 Smoking aboard aircraft
Domestic cargo transportation:
24922 Statutory prohibition against unjust discrimination in air service, exemption
24923 Foreign air carrier licenses; continuance of expired authorizations pending Board action on renewal requests, clarification
Tariffs:
24916 Fares or rates outside zones of flexibility; requirement for submission of supporting data by U.S. and foreign air carriers
NOTICES
Hearings, etc.:
24958 Aero West Airlines
24958 Northeast Imperial Airlines

Commerce Department
See Foreign-Trade Zones Board; International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration.

Comptroller of Currency
PROPOSED RULES
National banks:
24913 Indemnification of directors, officers, and employees

Consumer Product Safety Commission
NOTICES
25045 Meetings; Sunshine Act

Defense Department
See Air Force Department.

Education Department
NOTICES
Meetings:
24963 Education Intergovernmental Advisory Council

Employment and Training Administration
PROPOSED RULES
Job Training Partnership Act programs; advance notice and availability of draft copies. (*Editorial Note:* This document was published in the Federal Register of June 1, 1983.)
NOTICES
Adjustment assistance:
25021 Amstar Corp.
25022 Union Carbide Corp.
Unemployment compensation; extended benefit periods:
25021 Iowa

Employment Standards Administration
NOTICES
25082 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ariz., Calif., Conn., D.C., Fla., Ill., Ind., Kans., Ky., La., Md., Miss., Mo., N. Mex., N.Y., Ohio, Pa., Tex., Va., and Wash.)

Energy Department
See Federal Energy Regulatory Commission.

Environmental Protection Agency
PROPOSED RULES
Air pollution control; new motor vehicles and engines:

24932 Evaporative emission regulation and test procedure; 1985 and later model year gasoline-fueled heavy-duty vehicles; intent to grant reconsideration petition and to make technical amendment

Air quality implementation plans; delayed compliance orders:
24930 Hawaii; termination

Pesticide programs:
24930 Ground water, strategy for control of pesticides, etc.; FIFRA Scientific Advisory Panel meeting

Water pollution; effluent guidelines for point source categories:
24933 General pretreatment regulations; combined wastestream formula; rulemaking petition denied

NOTICES

Meetings:
24970 Environmental Engineering Committee

Toxic and hazardous substances control:
24967 Premanufacture notices receipts
24968 Premanufacture notices review period extensions; termination

Equal Employment Opportunity Commission

NOTICES

25045 Meetings; Sunshine Act

Federal Communications Commission

RULES

Radio broadcasting:
24898 FM broadcast stations, Class A; increased antenna height in Puerto Rico and Virgin Islands

Radio services special:
24884 Radio control and citizens band services; elimination of individual station licenses

PROPOSED RULES

Common carrier services:
24945 Public mobile radio services; one-way paging stations procedures, etc.; correction

Frequency allocations and radio treaty matters:
24945 Coast Guard; use of two VHF frequencies to transmit safety information to foreign ships or for search and rescue missions

Radio broadcasting:
24949 Noncommercial, educational FM broadcast stations; reception protection for TV channel 6 broadcasts; extension of time
24945 Subsidiary communications authorization; extension of time

Radio services, special:
24954 Amateur service; repeater operation, additional frequencies available
24953 Citizens band land mobile private radio communications service; extension of time
24950 Private operational-fixed microwave service; private carrier systems authorization

NOTICES

24979 Emergency broadcast system; closed circuit test

Hearings, etc.:
24971 B-K Broadcasting Co. et al.
24971 BA Co. et al.
24972 GTE Mobilnet of Portland Inc. et al.; correction (2 documents)
24972 Hancock County Broadcasting, Inc., et al.
24973 KOBY Radio et al.
24974 Riverbank Broadcasters et al.
24976 Tully-Warwick Corp. et al.

Federal Deposit Insurance Corporation

NOTICES

25045, 25046 Meetings; Sunshine Act (4 documents)

Federal Energy Regulatory Commission

NOTICES

Hearings, etc.:
24966 Basin Electric Power Cooperative et al.
24966 Northern Natural Gas Co.

Natural gas companies:
24963 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend (ARCO Oil & Gas Co. et al.)

Natural Gas Policy Act:
25140, 25141 Jurisdictional agency determinationsl (2 documents)

Small power production and cogeneration facilities; qualifying status; certification applications, etc.:
24966 Fabulous Inns of America
24966 Royster Co.

Federal Grain Inspection Service

RULES

24857 Rice, rough, brown for processing, and milled; grade standards

Federal Home Loan Bank Board

NOTICES

Applications, etc.:
24979 Naples Federal Savings & Loan Association

Federal Housing Commissioner—Office of Assistant Secretary for Housing

NOTICES

Grants; availability, etc.:
24998 Elderly and non-elderly handicapped; congregate housing services program, rural demonstration

Federal Maritime Commission

NOTICES

24979 Agreements filed, etc.
25047 Meetings; Sunshine Act

Federal Reserve System

NOTICES

25047 Meetings; Sunshine Act

Federal Trade Commission

RULES

24868 Textile wearing apparel and piece goods; care labeling

Food and Drug Administration

RULES

Animal drugs, feeds, and related products:
24870 Evsco Pharmaceuticals; sponsor name change from Evsco Pharmaceuticals Corp.
24872, 24873 Sterile benzathine penicillin G and procaine penicillin G suspension (2 documents)
24871 Sulfamethazine sustained-release boluses
24871 Tylosin

Food additives:
24869 Adhesive coatings and components; alpha olefin sulfonate

Food for human consumption:
24868 Milk and cream; cultured and acidified milks and buttermilks, yogurts, and eggnog; confirmation and extension of effective date
Medical devices:
25137 Prosthetic hair fibers, ban; hearing
25126 Prosthetic hair fibers; ban; immediately effective proposed rule
PROPOSED RULES
Human drugs:
24925 Cold, cough, allergy, bronchodilator, and antiasthmatic drug products (OTC); tentative final monograph for bronchodilator products; marketing status for metaproterenol sulfate metered-dose inhaler drugs
NOTICES
Animal drugs, feeds, and related products:
25166 Animals, laboratory, care and use standards; memorandum of understanding with Animal and Plant Inspection Service and National Institutes of Health
Food additive petitions:
24984 Morton-Thiokol, Inc.
Medical devices:
24981 General Medical Co.; drionic iontophoretic sweat inhibition device; reclassification petition
Medical devices; premarket approval:
24984 Wesley-Jessen, Inc.
Meetings:
24985 Consumer information exchange
24985 Dermatologic Drugs Advisory Committee; republication

Food and Nutrition Service
NOTICES
Child nutrition programs:
Meals and milk, free and reduced price; income poverty guidelines
Women, infants, and children; special supplemental food program; income poverty guidelines. (*Editorial Note:* These documents were published in the **Federal Register** of June 1, 1983.)

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
24958 New Jersey
24959 Pennsylvania

Forest Service
NOTICES
Environmental statements; availability, etc.:
24956 Allegheny National Forest, Pa., et al.
24956 Stanislaus National Forest, Calif.
Meetings:
24957 Routt National Forest Grazing Advisory Board

General Services Administration
See also National Archives and Records Service.
RULES
Property management:
24878 Utilization and disposal; sales responsibilities and exclusions and exemptions
24879 Utilization and disposal of real property; removal of covenant against contingent fees

Health and Human Services Department
See also Centers for Disease Control; Food and Drug Administration; Public Health Service; Social Security Administration.
NOTICES
24986 Agency forms submitted to OMB for review

Housing and Urban Development Department
See Federal Housing Commissioner—Office of Assistant Secretary for Housing; Solar Energy and Energy Conservation Bank.

Interior Department
See Land Management Bureau; Minerals Management Service; Surface Mining Reclamation and Enforcement Office.

International Trade Administration
NOTICES
25162 Catalog/video catalog exhibitions; conditions of participation
25154 Commercial exhibitions (solo or international trade fair); conditions of participation
25150 Export Development Office (EDO) facilities uses; conditions of participation
Meetings:
24960 Importers and Retailers' Textile Advisory Committee
25158 Trade and seminar missions; conditions of participation

International Trade Commission
NOTICES
25047 Meetings; Sunshine Act

Interstate Commerce Commission
RULES
Rail carriers:
24900 Liquid iron chloride; nationwide rail exemption; correction
NOTICES
Motor carriers:
25013 Finance applications
25014, 25016 Permanent authority applications (2 documents)
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
25013 Bouma Transport et al.
25019 Convaire Corp. et al.
25020 Hoover Universal, Inc., et al.
Rail carriers; contract tariff exemptions:
25019 Seaboard System Railroad, Inc., et al.

Justice Department
NOTICES
Pollution control; consent judgments:
25020 Quaker State Oil Refining Corp.
25020 Westchester County, N.Y., et al.

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Occupational Safety and Health Administration.
NOTICES
25022 Agency forms submitted to OMB for review

Land Management Bureau
NOTICES
Classification of public lands:
25001 Colorado; correction
25010 Nevada
Conservation and recreation areas:
25011 California Desert Conservation Area Plan
Disclaimer of interest to lands:
25005 Arizona
Environmental statements; availability, etc.:
25002 Alturas Resource Area, Susanville District, Calif.
Exchange of public lands for private land:
25003 Idaho
25006 Montana
25004 Utah
Meetings:
25002 Albuquerque District Advisory Council
25005 Worland District Grazing Advisory Board
Oil and gas leases:
25011 Wyoming
Opening of public lands:
25006 South Dakota
Organization, functions, and authority delegations:
25003 Western Region states; onshore minerals management functions
Recreation use permit systems:
25001 South Fork of American River et al., Calif; use fee schedule; correction
Sale of public lands:
25004 Colorado (2 documents)
25006–25010 Montana (6 documents)
Survey plat filings:
25001 California
25001 Colorado
Withdrawal and reservation of lands, proposed, etc.:
25011 California; correction

Legal Services Corporation
NOTICES
25023 Severance pay restrictions for both Corporation and recipient employees; interpretation

Merit Systems Protection Board
NOTICES
Senior Executive Service:
Bonus awards schedule. (*Editorial Note:* For a document on this subject see entry in the **Federal Register** of June 2, 1983.)

Minerals Management Service
RULES
Outer Continental Shelf; oil, gas, and sulphur operations:
24873 Bidding systems
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
25012 Amoco Production Co.
25012 ARCO Oil & Gas Co.

Minority Business Development Agency
NOTICES
Financial assistance application announcements:
24960 Florida

National Archives and Records Service
NOTICES
Meetings:
24981 Preservation Advisory Committee

National Oceanic and Atmospheric Administration
RULES
Endangered and threatened species:
24903 Petitions to list marine species; determination, etc.
Fishery products, processed:
24901 Inspection and certification; fees and charges
Pacific Salmon Fisheries Commission, International:
24902 Fraser River Sockeye and Pink Salmon
NOTICES
Marine mammal permit applications, etc.:
24962 Atlantic Shelf Fisheries Co.
Meetings:
24961 Sea Grant Review Panel

Nuclear Regulatory Commission
NOTICES
Abnormal occurrence reports:
25024 Alabama Power Co., Ala.; inoperable containment spray system
Applications, etc.:
25026 Consumers Power Co.
25027, 25028 Florida Power & Light Co. (2 documents)
25030 Power Authority of State of New York
Meetings:
25026 Reactor Safeguards Advisory Committee; cancellation
25047 Meetings; Sunshine Act
25031 Regulatory guides; issuance, availability, and withdrawal

Occupational Safety and Health Administration
NOTICES
Meetings:
Occupational Safety and Health National Advisory Committee. (*Editorial Note:* This document was published in the **Federal Register** of June 1, 1983.)

Pacific Northwest Electric Power and Conservation Planning Council
NOTICES
25032 Columbia River Basin fish and wildlife program; land acquisition criteria, proposed; inquiry

Personnel Management Office
RULES
Excepted service:
24857 Schedule A appointment authority

Public Health Service
RULES
Fellowships, internships, training:
24879 National Research service awards; technical amendments
Grants:
25064 Health professions student loan program
PROPOSED RULES
Grants:

25071 Health professions student loan program; compliance with 5 percent performance standard
25072 Nursing student loan program

Securities and Exchange Commission
NOTICES
25033, 25034 Agency forms submitted to OMB for review (3 documents)
Hearings, etc.:
25034 American Electric Power Co., Inc.
25034 Cambridge Appreciation Fund, Inc.
25035 Maine Yankee Atomic Power Co.
25036 Northeast Utilities et al.
25036 SAFECO Life Insurance Co. et al.
25047 Meetings; Sunshine Act
Self-regulatory organizations:
25043 Automated interface expansion deferred
Self-regulatory organizations; proposed rule changes:
25037 American Stock Exchange, Inc.
25039 Chicago Board Options Exchange, Inc.
25040 Municipal Securities Rulemaking Board
25042 National Securities Clearing Corp.
Self-regulatory organizations; unlisted trading privileges:
25042 Philadelphia Stock Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
25043 G.F.C. Capital Corp.

Social Security Administration
NOTICES
Grants; availability, etc.:
24993 Cuban/Haitian entrant program; targeted assistance grant funding in high-need local areas
24996 Refugee resettlement program; social service funds; allocation formula
24986 Refugee resettlement program; targeted assitance grant funding in high-need local areas

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
24957 East Fork of Big Creek Watershed, Iowa and Mo.
24957 East Wenatchee Watershed Project, Wash.
24958 Ninigret Park RC&D Measure, R.I.
24958 Twin-Rush Creek Watershed, Ind.

Solar Energy and Energy Conservation Bank
RULES
24873 Financial assistance program; interim; correction

Surface Mining Reclamation and Enforcement Office
RULES
Abandoned mine land reclamation program; plan submissions:
24874 Kansas; interim
24876 Utah
PROPOSED RULES
Permanent program submission; various States:
24928 Oklahoma
NOTICES
Coal mining operations, underground; valid existing rights determinations:
25012 Monongahela National Forest, W. Va.; extension of time

Textile Agreements Implementation Committee
NOTICES
Export visa requirements; certification, etc.:
24962 Philippines
Textile consultation; review of trade:
24962 Taiwan

Treasury Department
See also Comptroller of Currency.
NOTICES
Notes, Treasury:
25043 J–1988 series
25043, 25044 U–1985 series (2 documents)

Separate Parts in This Issue

Part II
25064 Department of Health and Human Services, Public Health Service

Part III
25082 Department of Labor, Employment Standards Administration, Wage and Hour Division

Part IV
25126 Department of Health and Human Services, Food and Drug Administration

Part V
25140 Department of Energy, Federal Energy Regulatory Commission

Parts VI—IX
25150–25162 Department of Commerce, International Trade Administration

Part X
25166 Department of Health and Human Services, Food and Drug Administration

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
5066 24855

5 CFR
213 24857

7 CFR
68 24857
910 24859
915 24860
944 24860
1033 24861
1036 24863
1139 24864
Proposed Rules:
1046 24905

9 CFR
92 24866

12 CFR
Proposed Rules:
7 24913

14 CFR
252 24866
Proposed Rules:
221 24916
252 24916
291 24922
377 24923

18 CFR
423 24868

21 CFR
131 24868
175 24869
178 24869
510 (2 documents) 24870, 24871
520 24871
540 (2 documents) 24872, 24873
558 24871
895 (2 documents) 25126, 25137
Proposed Rules:
341 24925

24 CFR
1800 24873

30 CFR
260 24873
916 24874
944 24876
Proposed Rules:
936 24928

32 CFR
806b 24878

40 CFR
Proposed Rules:
Ch. I 24930
65 24930
86 24932
403 24933

41 CFR
101–45 24878
101–47 24879

42 CFR
57 25064
66 24879
Proposed Rules:
57 (2 documents) 25071, 25072

47 CFR
1 24884
73 24898
95 24884
Proposed Rules:
2 (3 documents) 24945
22 24945
73 (2 documents) 24945, 24949
74 24945
94 24950
96 24953
97 24954

49 CFR
1039 24900

50 CFR
260 24901
371 24902
424 24903

Federal Register
Vol. 48, No. 108
Friday, June 3, 1983

Presidential Documents

Title 3—

The President

Proclamation 5066 of June 1, 1983

Father's Day, 1983

By the President of the United States of America

A Proclamation

Each year this Nation sets aside a day on which to honor fathers for their many contributions to the well-being of their children, their families, and our society.

Traditionally, Americans have looked to fathers to provide leadership and stability for their families. Fathers play a vital role in providing sustenance, protection, and guidance for their families and the community at large. We owe them our high esteem, for their presence and gift of love as role models, providers, and defenders of the Nation. They not only play an invaluable part in transmitting the values and traditions of our society, but are instrumental in encouraging the self-confidence of our youngsters in facing the future.

Fatherhood is both a great responsibility and one of the most rewarding and pleasurable experiences life has to offer. Father's Day presents a special opportunity to appreciate our fathers—to consider all they have done, and all they continue to do, in fostering children's physical and emotional growth, encouraging success, easing failure, maintaining family life, contributing vitally to the economy, and serving their communities. The quality and scope of their activities, as well as their overriding concern for the well-being of their families and our country, inspire and strengthen us as individuals and as a Nation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in accordance with the joint resolution of the Congress (36 U.S.C. 142a), do hereby proclaim Sunday, June 19, 1983, as Father's Day. I invite the States and communities and the people of the United States to observe that day with appropriate ceremonies as a mark of gratitude and abiding affection for their fathers. I direct government officials to display the flag of the United States on all Federal government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of June, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-15117
Filed 6-2-83; 10:33 am]
Billing code 3195-01-M

48
ISS
10
8
JE
3
1983

Rul

This s
contain
general
of whic
the Co
publishe
U.S.C.
The Co
by the
Prices
first FE
month.

OFFIC
MANA

5 CFR

Except

AGENC
Manag

ACTION
amendi

SUMMA
Manage
amendi
Code o
Schedu
authori
implem
Conser
amendi
authori

EFFECT

FOR FU
William

SUPPLE
Young
original
Compre
Trainin
was sub
appropr
program
1982. H
program
Year 19
propose
availab
appoint
Schedul
no one
after Se
employ
YACC p
the Sch
its own

Pursu
553(d)(3

Rules and Regulations

Federal Register
Vol. 48, No. 108
Friday, June 3, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Final rule; technical amendment.

SUMMARY: The Office of Personnel Management is issuing a technical amendment removing from Title 5 of the Code of Federal Regulations the Schedule A excepted appointing authority covering positions as needed implementing the Young Adult Conservation Corps program. This amendment is needed because the authority has expired by its own terms.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: The Young Adult Conservation Corps was originally funded under Title VIII of the Comprehensive Employment and Training Act of 1973, as amended, and was subsequently included in other appropriations acts, with funding for the program authorized through Fiscal Year 1982. However, no funding for the program was appropriated for Fiscal Year 1983, nor is any such funding proposed for FY 1984. In line with the availability of appropriated funds, the appointing authority contained in Schedule A § 213.310(hh) provided that no one could serve under the authority after September 30, 1982. As this employment limit has passed and the YACC program is no longer authorized, the Schedule A authority has expired by its own terms.

Pursuant to sections 553(b)(B) and 553(d)(3) of title 5, United States Code, I find that good cause exists to waive the general notice of proposed rulemaking and to make this amendment effective in less than 30 days. The regulation is being made effective immediately because it does not change the substance of the regulations issued in part 213, but merely removes from the regulations a paragraph which is no longer current.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it merely updates information on authorities use to appoint certain employees in Federal agencies.

List of Subjects in CFR Part 213

Government employees.

Office of Personnel Management.
Donald J. Devine,
Director.

PART 213—[AMENDED]

Accordingly, the U.S. Ofice of Personnel Management is amending 5 CFR Part 213 by removing and reserving § 213.3102(hh):

§ 213.3102 Entire executive civil service.

* * * * *

(hh) [Reserved]

* * * * *

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

[FR Doc. 83-14809 Filed 6-2-83; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

United States Standards for Rough Rice and Brown Rice for Processing; Revision of the United States Standards for Milled Rice

AGENCY: Federal Grain Inspection Service,[1] USDA.

ACTION: Final rule.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) has reviewed the U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice. FGIS has determined that no changes are to be made to the U.S. Standards for Rough Rice and the U.S. Standards for Brown Rice for Processing. The U.S. Standards for Milled Rice are revised to amend the definitions of milled and of coated milled rice.

EFFECTIVE DATE: July 5, 1983.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Regulations and Directives Unit, USDA, FGIS, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: The U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice were established under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*; the Act). Pursuant to Section 203(c) of the Act (7 U.S.C. 1622(c)), the Administrator is authorized to develop and improve standards for all assigned agricultural commodities.

Executive Order 12291

This final rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1. The action has been classified as nonmajor because it does not meet the criteria for a major regulation as established in the Order.

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS, has determined that this final rule will not have a significant impact on a substantial number of small entities because most users of rice inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

Standards Review

In conformance with the requirements for the periodic review of existing regulations, FGIS reviewed the U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice. This review included a determination of the continued need for the standards; and a determination of the potential for improving the standards and their application through the incorporation of grading factors or tests which better indicate quality attributes. The objective was to assure that the standards continue to serve the needs of the market to the greatest extent.

In the October 15, 1982 **Federal Register** (47 FR 46094), FGIS proposed that the U.S. Standards for Rough Rice remain as currently written and changes be made to the U.S. Standards for Brown Rice for Processing and Milled Rice. A March 31, 1981 prenotice (46 FR 19699) had requested public comment on specific issues with respect to the standards for rice.

U.S. Standards for Rough Rice

In August, 1980, milling yield appraisal methods were revised for California grown short and medium grain rough rice. Because changes were made for California Rough Rice milling yield methods, input was solicited for the purpose of determining whether revised methods were needed for southern long, medium, and short grain rice milling yield appraisals. No comments were received on the prenotice of March 31, 1981. However, further information from and discussions with the rice industry indicated that the current procedures were considered a fair evaluation of the expected quality of the rice and that further revision of milling yield appraisal methods would not be necessary at this time. It was proposed that the standards for rough rice remain as presently written.

Four comments were received on the proposal. One comment was in favor of the proposal for no change. Three comments requested that a final decision be delayed because of concerns with milling yield appraisal methods currently in use for California rough rice. FGIS has determined that it can address these recent concerns with milling yields in California without delaying final action on the rough rice standards since milling yield determinations are a part of rice inspection procedures, and not a part of the standards. Accordingly, no changes are being made to the U.S. Standards for Rough Rice at this time.

U.S. Standards for Brown Rice for Processing

As a result of the March 31, 1981 prenotice, four comments were received supporting a revision of the brown rice for processing standards so that grade factors are determined on a milled portion of the sample. No comments were received opposing the concept.

Determining the percentages of red rice, damaged kernels, chalky kernels and other types on a milled rice basis would provide more accurate information on the quality to be expected following processing of brown rice to milled rice. Accordingly, FGIS proposed a change to § 68.253 *Basis of Determination* so that these factors would be determined on a milled rice portion of the brown rice sample along with other determinations currently made on the milled portion. However, the factors of paddy kernels, seeds, objectionable seeds, broken kernels removed by a 6 plate or 6½ inch sieve and well-milled kernels, as proposed, would continue to be determined on a brown rice basis because they are indicators of the extent of processing that may be necessary prior to milling the rice.

Further, FGIS proposed to amend § 68.261 *Grade and grade requirements for the classes of Brown Rice for Processing*, so that the limits for red rice, damaged kernels, chalky kernels, and other types are the same as the limits currently in the U.S. Standards for Rough Rice. These grade factors in the rough rice standards are currently determined on a milled rice basis. The rough rice grade factor tolerances have been accepted and understood by the rice industry as having a good correlation with milled rice quality.

It was also proposed that § 68.252(k), the definition of red rice be amended to reflect the determination of this factor on a milled rice basis. The proposed wording of the amended definition coincides with the definition of red rice in the rough rice and milled rice standards. Red rice in these standards is currently determined on a milled rice basis.

Four comments were received on the proposed changes to the brown rice for processing standards. One comment was in complete agreement with the proposed revision. Two comments requested that FGIS postpone final action on the proposal for the purposes of further study and consideration. One comment supported the proposed change in the basis of determination, but objected to changes in the grade limits for the grade factors involved.

After reviewing these comments and the results of a limited study by FGIS supporting the appropriateness of the proposed grade limits, FGIS decided to conduct additional studies to further verify the proposed grade tolerances and to provide further information to interested parties concerning these proposals. FGIS, therefore, is postponing action on all of the proposed changes to the U.S. Standards for Brown Rice for Processing until such studies can be completed. In the interim, the brown rice for processing standards and § 68.261 Grade and grade requirements for the classes of brown rice for processing are to remain as currently written.

U.S. Standards for Milled Rice

As a result of the March 31, 1981 prenotice, three comments were received in favor of the establishment of related and unrelated foreign material grade limits in milled rice. One comment opposed any change in the foreign material grade limits as it could lower the quality of U.S. rice. Establishing grade limits for related and unrelated foreign material would allow rice with a small amount of related foreign material (e.g., up to 0.4 percent in U.S. No. 6 milled rice) to retain its grade rather than being graded U.S. Sample grade as it would currently for exceeding 0.1 percent total foreign material. FGIS determined that this would not significantly reduce the quality of milled rice, and therefore proposed the establishment of such grade limits and specific definitions for related and unrelated foreign material.

FGIS proposed that the embryo (germ) and bran of the rice be defined as related material. Embryo and bran material dislodge in handling milled rice; are edible material; and are presently grade limiting as described above, particularly in rice shipments milled to reasonably well milled and lightly milled degree. In these lower milling degrees the likelihood of bran and germ material dislodging from rice kernels increases and loose bran and germ are more difficult to separate. Thus, grade tolerances for related material were proposed to allow increasing amounts of related material for decreasing degrees of milling.

In the proposal, rice hulls, awns, straw, dirt and other extraneous matter were considered unrelated material. Grade limits for unrelated material were proposed at a reasonably strict level as this material is inedible and more easily removed in processing milled rice.

It was proposed to revise § 68.302(f), the definition of foreign material, to define related and unrelated foreign

material. It was also proposed to amend § 68.310, Grades and grade requirements for the classes Long-Grain Milled Rice, Medium-Grain Milled Rice, Short-Grain Milled Rice, and Mixed Milled Rice, § 68.311, Grades and grade requirements for the class Second Head Milled Rice, § 68.312, Grades and grade requirements for the class Screenings Milled Rice, and § 68.313, Grades and grade requirements for the class Brewers Milled Rice, to provide for the inclusion of the related and unrelated material and total foreign material grade limits. Also it was proposed that a format change be made to the table in § 68.310 for clarification and uniformity considerations.

As a result of the proposal, three comments were received in favor of all the proposed changes. One comment was received which objected to the proposed establishment of related and unrelated foreign material and the grade limit provisions.

The objecting commenter represented the brewing industry and expressed concern that an increase in related foreign material could adversely affect beer quality. Related foreign material, as defined in the proposal, would be composed of embryo and bran layers that have dislodged from the rice kernels. Rice bran and embryo (germ) contain oil which has a detrimental effect on the flavor and shelf life of beer. The commenter also felt that the problem shipments that had prompted the development of the proposal were of an isolated nature, unique to a particular location and crop year. The commenter did not feel these occurrences were sufficient justification to warrant revision of the standards.

Based on these comments FGIS has decided not to change the milled rice standards concerning related and unrelated foreign material. Further, the conforming changes proposed to § 68.310, § 68.311, § 68.312, and § 68.313 together with format changes to § 68.310 will not be made in view of the above.

As a result of the March 31, 1981 prenotice, two comments received recommended that a revision be made to the definition for coated milled rice. The current definition (§ 68.315) specifically refers to coated milled rice as rice that has been coated all or in part with glucose and talc. There is concern in the rice industry about the restriction of coated rice to be rice which is coated with glucose and talc. Other commercially available substances may be safe and suitable in accordance with commercially accepted practices and the Federal Food, Drug and Cosmetic Act and other Federal laws. Therefore, FGIS proposed that the definition be revised to generally describe coated milled rice rather than specifically mention additives used for coating.

The proposal also includes revision to the definition of milled rice (§ 68.301). A portion of § 68.301, Definition of Milled Rice, specifically the words "and a part of the germs", was temporarily suspended from the definition on August 1, 1980 for a period of one year. This action was announced in the July 9, 1980 **Federal Register** (45 FR 46332). The reason for the suspension was to allow FGIS to conduct a study to ascertain the effects of changing the milled rice definition. The suspension was extended on August 4, 1981 (46 FR 39608). The current suspension action does not expire until final revisions are made to the definition of milled rice.

The purpose of the initial suspension action was to facilitate the marketing of the lower milling degrees of milled rice. The requirement that a part of the germ must be removed from the milled rice was grade limiting in U.S. Nos. 5 and 6 grades. The germ requirement caused rice millers to mill rice more severely than the grade requirement for milling degree. This resulted in added milling costs to rice millers. FGIS determined from its study that the suspension action allowed rice millers to more effectively mill and market U.S. Nos. 5 and 6 grades, and that a uniform, accurate, and efficient determination of milled rice may be made without a requirement that a part of germs be removed from the rice kernels. Therefore, it was proposed that the definition of milled rice be amended to delete the words, "and a part of the germs".

Both the proposed revisions to the definition for coated milled rice and to the definition of milled rice were supported in the comments received. Therefore, the proposed changes to § 68.301 and § 68.315 are being made final in this rulemaking.

List of Subjects in 7 CFR Part 68

Administrative practices and procedures—FGIS, Agricultural commodities, and Export.

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Accordingly, Subpart C—United States Standards for Rough Rice are not amended and remain as currently written; Subpart D—United States Standards for Brown Rice for Processing are not amended and remain as currently written; Subpart E—United States Standards for Milled Rice are amended by revising § 68.301 and removing footnote 2; by revising § 68.315 paragraph (a) to read as follows:

Subpart E—United States Standards for Milled Rice [1] Terms Defined

§ 68.301 Definition of milled rice.

Whole or broken kernels of rice (*Oryza sativa* L.) from which the hulls and at least the outer bran layers have been removed and which contain not more than 10.0 percent of seeds, paddy kernels, or foreign material, either singly or combined.

Special Grades, Special Grade Requirements, and Special Grade Designations

§ 68.315 Special grades and special grade requirements.

* * * * *

(a) Coated Milled Rice. Coated milled rice shall be rice which is coated, in whole or in part, with substances that are safe and suitable [2] according to commercially accepted practice.

* * * * *

(Secs. 203, 205, 60 Stat. 1087, 1090 as Amended; 7 U.S.C. 1622, 1624)

Dated: May 23, 1983.

Kenneth A. Gilles,

Administrator.

[FR Doc. 83-14671 Filed 6-3-83; 8:45 am]

BILLING CODE 3410-EN-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 414]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation established the quantity of fresh California-Arizona lemons that may be shipped to market during the period June 5–11, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: June 5, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch,

---

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or other Federal laws.

[2] Compliance with the provisions of the standards does not excuse failure to comply with provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal Laws. Safe and suitable is defined in the regulation issued pursuant to the Federal Food, Drug and Cosmetic Act at 21 CFR 130.3(d).

F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on May 31, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.714 is added as follows:

§ 910.714 Lemon regulation 414.

The quantity of lemons grown in California and Arizona which may be handled during the period June 5, 1983, through June 11, 1983, is established at 310,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 2, 1983.

D. S. Kuryloski,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–15120 Filed 6–2–83; 11:15 am]

BILLING CODE 3410–02–M

---

7 CFR Parts 915 and 944

[Florida Avocado Reg. 27; Avocado Import Reg. 33]

Avocados Grown in South Florida and Imported Avocados; Grade and Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule establishes minimum grade and maturity requirements for shipments of fresh avocados grown in south Florida, and for avocados imported into the United States. Such action is necessary to assure the shipment of ample supplies of mature avocados of acceptable quality in the interest of producers and consumers.

DATES: Section 915.327 becomes effective June 3, 1983 and § 944.25 becomes effective June 6, 1983. Comments which are received by August 2, 1983, will be considered prior to issuance of a final rule to become effective on August 29, 1983.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Florida avocado crop and of imported avocados for the benefit of producers and consumers, and will not substantially affect costs for the persons directly regulated.

The Florida avocado regulation is issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The avocado import regulation is issued under section 8e (7 U.S.C. 608e–1) of the Act. The grade and maturity requirements applicable to Florida avocado shipments were recommended by the Avocado Administrative Committee, which locally administers this marketing order program.

Both regulations establish U.S. No. 3 as the minimum grade, and prescribe minimum weights or diameters by specified dates as the maturity requirements for the various varieties of avocados. Minimum weights or diameters and picking dates are used as indicators during harvest to determine which avocados are sufficiently mature to complete the ripening process. Skin color is also authorized as a method of determining maturity for certain varieties which turn red or purple when mature. The grade and maturity requirements are designed to assure that the various varieties of avocados will be of suitable quality and maturity so they provide consumer satisfaction essential for the successful marketing of the crop. These requirements are also designed to provide the trade and consumers with an adequate supply of mature avocados of acceptable quality in the interest of producers and consumers. It is hereby found that this action will tend to effectuate the declared policy of the Act.

Section 8e of the Act requires that when specified domestically produced commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements.

The Avocado Administrative Committee estimates 1983–84 season fresh Florida avocado shipments at 1,150,000 bushels (55 pounds), 13 percent less than the estimated 1,325,310 bushels shipped fresh in 1982–83, but 15 percent more than the 976,872 bushels shipped

fresh in 1981–82. California fresh avocado shipments were 5,470,531 bushels for the 12-month period ending March 31, 1983. Avocados are imported into the United States in relatively small amounts, mostly from the Dominican Republic. The 1983–84 season Florida avocado crop is expected to begin with light shipments of early varieties in late May, with substantial shipments beginning in late June or early July.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this final rule is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation of 1983–84 season Florida avocados at an open meeting, at which the committee without opposition recommended implementation of the requirements for Florida avocados specified in this final rule. It is necessary to effectuate the declared purposes of the Act to make this final rule effective as specified, and Florida avocado handlers have been apprised of the provisions and effective date of the Florida avocado regulation. The avocado import requirements are mandatory under section 8e of the Act, and the required 3 days notice is provided.

List of Subjects

7 CFR Part 915

Marketing agreements and orders, Avocados, Florida.

7 CFR Part 944

Food grades and standards, Imports, Avocados.

Therefore, new §§ 915.327 and 944.25 are added to read as follows: (Sections 915.327 and 944.25 expire August 28, 1983, and will not be published in the annual Code of Federal Regulations).

PART 915—[AMENDED]

§ 915.327 Florida Avocado Regulation 27.

(a) During the period June 3, 1983 through August 28, 1983, no handler shall handle any variety of avocados grown in the production area unless:

(1) Such avocados grade at least U.S. No. 3, except for avocados handled within the production area in containers other than those authorized in § 915.305.

(2) Such avocados have any portion of the skin of the individual fruit changed to the color normal for that fruit when mature for those varieties which normally change color to any shade of red or purple when mature, except for the Linda variety.

(3) Such avocados, except as provided in paragraph (a)(2) of this section, meet the minimum weight or diameter requirements for the specified effective periods for each variety listed in the following Table 1: *Provided,* That avocados may not be handled prior to the earliest date specified in column 2 of such table for the respective variety: *Provided further,* That up to a total of 10 percent, by count of the individual fruit in each lot may weigh less than the minimum specified or be less than the specified diameter, except that no such avocados shall be over 2 ounces lighter than the minimum weight specified for the variety: *Provided further,* That up to double such tolerance shall be permitted for fruit in an individual container in a lot.

TABLE I

Avocado variety	Effective period		Minimum size	
	From	Through	Weight (ounces)	Diameter (inches)
Koeel	6-3-83	8-5-83	16	
	8-6-83	8-19-83	13	
Arue	8-3-83	8-5-83	16	
	8-6-83	7-10-83	14	3 9/16
Fuchs	6-13-83	8-26-83	14	3 9/16
	6-27-83	7-10-83	12	3
Dr. Dupuis #2	6-6-83	8-18-83	16	3 5/16
	6-20-83	7-10-83	14	3 1/16
	7-11-83	7-24-83	12	3 5/16
K-5	6-20-83	7-3-83	15	3 1/16
	7-4-83	7-17-83	14	3 1/16
West Indian Seedling [1]	6-27-83	7-24-83	16	
	7-25-83	8-28-83	16	
	8-29-83	9-25-83	14	
Pollock	6-27-83	7-10-83	16	3 11/16
	7-11-83	7-24-83	16	3 1/16
	7-25-83	8-7-83	14	3 1/16
Simmonds	6-27-83	7-10-83	16	3 5/16
	7-11-83	7-24-83	14	3 1/16
	7-25-83	8-7-83	12	3 1/16
Hardee	6-20-83	6-25-83	16	3 5/16
	6-27-83	7-3-83	16	3 5/16
	7-4-83	7-24-83	14	2 15/16
Nadir	6-27-83	7-3-83	14	3 5/16
	7-4-83	7-10-83	12	3 1/16
	7-11-83	7-24-83	10	2 15/16
Donnie	7-4-83	7-17-83	16	3 5/16
	7-18-83	8-14-83	14	3 1/16
Dawn	7-11-83	7-24-83	12	3 5/16
	7-25-83	8-7-83	10	3
Webb-2	7-11-83	7-24-83	16	
	7-25-83	8-7-83	16	
Ruehle	7-11-83	7-17-83	16	3 11/16
	7-18-83	7-24-83	16	3 5/16
	7-25-83	8-7-83	14	3 1/16
	8-8-83	8-14-83	12	3 5/16
	8-15-83	8-21-83	10	3 5/16
Peterson	7-18-83	7-24-83	14	3 5/16
	7-25-83	7-31-83	12	3 1/16
	8-1-83	8-14-83	10	3 5/16
Biondo	7-18-83	8-21-83	15	
Bernecker	7-25-83	8-21-83	16	3 5/16
232	7-25-83	8-7-83	14	
	8-8-83	8-21-83	12	
Pinelli	7-25-83	8-7-83	16	3 15/16
	8-8-83	8-21-83	16	3 15/16

TABLE I—Continued

Avocado variety	Effective period		Minimum size	
	From	Through	Weight (ounces)	Diameter (inches)
Trapp	7-25-83	8-7-83	14	3 15/16
	8-8-83	8-21-83	12	3 5/16
Miguel (P)	7-25-83	8-7-83	22	3 15/16
	8-8-83	8-21-83	20	3 13/16
	8-22-83	9-4-83	18	3 9/16
Nesbitt	7-25-83	8-7-83	22	3 15/16
	8-8-83	8-14-83	16	3 5/16
	8-15-83	8-28-83	14	3 5/16
Bete	8-8-83	8-14-83	18	3 9/16
	8-15-83	9-4-83	16	3 5/16
K-8	8-8-83	8-28-83	16	
Gorham	8-8-83	8-21-83	29	4 5/16
	8-22-83	9-4-83	27	4 1/16
Tower 2	8-8-83	8-21-83	14	3 5/16
	8-22-83	9-11-83	12	3 1/16
Christina	8-8-83	8-28-83	11	2 13/16
Tonnage	8-8-83	8-21-83	16	3 5/16
	8-22-83	8-28-83	14	3 1/16
	8-29-83	9-4-83	12	3
Waldin	8-8-83	8-21-83	16	3 5/16
	8-22-83	9-4-83	14	3 1/16
	8-5-83	8-16-83	12	3 5/16
Annie Ruth	8-8-83	8-28-83	21	3 13/16
Lisa (P)	8-15-83	8-21-83	12	3 5/16
	8-22-83	8-28-83	11	3
Days	8-15-83	8-5-83	14	3 5/16
Catalina	8-22-83	9-4-83	24	
	8-5-83	8-25-83	22	
Fairchild	8-22-83	9-4-83	16	3 15/16
	8-5-83	8-18-83	14	3 5/16
	8-19-83	8-25-83	12	3 1/16
Loretta	8-22-83	10-2-83	28	4 1/16
Blair	8-5-83	8-18-83	16	3 5/16
	8-19-83	10-9-83	14	3 5/16
Black Prince	8-22-83	9-4-83	26	4 1/16
	8-5-83	8-18-83	23	3 15/16
	8-19-83	10-9-83	16	3 9/16
Booth 8	8-5-83	8-25-83	16	3 9/16
	8-26-83	10-8-83	14	3 5/16
	10-10-83	10-23-83	10	3 1/16
Booth 7	8-5-83	8-18-83	16	3 15/16
	8-19-83	10-3-83	16	3 13/16
	10-3-83	10-16-83	14	3 5/16
Booth 6	8-12-83	8-25-83	14	3 5/16
	8-26-83	10-8-83	12	3 1/16
Guatemalan Seedling [2]	8-12-83	10-9-83	15	
	10-10-83	12-11-83	13	
Marcus	8-12-83	8-25-83	32	4 13/16
	8-26-83	11-6-83	24	4 5/16
Brooks 1978	8-12-83	8-18-83	12	3 5/16
	8-19-83	8-25-83	10	3 1/16
	8-25-83	10-16-83	8	2 13/16
Collinson	8-19-83	10-16-83	16	3 15/16
Rue	8-19-83	8-25-83	30	4 5/16
	8-26-83	10-9-83	24	3 15/16
	10-10-83	10-23-83	18	3 5/16
Hickson	8-19-83	10-2-83	12	3 1/16
	10-3-83	10-16-83	10	3
Simpson	8-26-83	10-16-83	16	3 5/16
Choquette	8-26-83	10-9-83	24	4 1/16
	10-10-83	10-23-83	20	3 13/16
	10-24-83	11-6-83	16	3 5/16
Winslowson	10-3-83	10-23-83	18	3 15/16
Booth 10	10-3-83	10-30-83	16	3 13/16
Booth 11	10-3-83	10-23-83	16	3 13/16
Leona	10-3-83	10-16-83	18	3 13/16
Hall	10-3-83	10-16-83	26	3 15/16
	10-17-83	10-30-83	20	3 5/16
	10-31-83	11-13-83	18	3 5/16
Herman	10-10-83	10-23-83	16	3 5/16
	10-24-83	11-6-83	14	3 5/16
Lula	10-10-83	10-23-83	18	3 13/16
	10-24-83	11-6-83	14	3 5/16
	11-7-83	11-20-83	12	3 5/16
Ajax (B-7)	10-17-83	11-6-83	16	3 13/16
Taylor	10-17-83	10-30-83	14	3 5/16
	10-31-83	11-13-83	12	3 5/16
Booth 3	10-17-83	10-23-83	16	3 5/16
	10-24-83	11-6-83	14	3 5/16
Byars	11-7-83	11-27-83	16	3 15/16
Linda	11-7-83	11-27-83	18	3 13/16
Monroe	11-7-83	11-20-83	24	4 5/16
	11-21-83	12-4-83	20	3 13/16
	12-5-83	12-18-83	16	3 5/16

TABLE I—Continued

Avocado variety	Effective period		Minimum size	
	From	Through	Weight (ounces)	Diameter (inches)
Booth 1	11-14-83	11-27-83	16	3 1/16
	11-28-83	12-11-83	12	3 1/16
Zio (F)	11-21-83	12-4-83	12	3 1/16
	12-5-83	12-18-83	10	2 15/16
Wagner	11-28-83	12-11-83	12	3 1/16
	12-12-83	12-25-83	10	3 1/16
Brookslate	12-13-83	12-25-83	16	3 1/16
	12-26-83	1-15-84	14	3 1/16
	1-16-84	1-29-84	12	3 1/16
	1-30-84	2-12-84	10	
Maya (F)	12-19-83	1-1-84	13	3 1/16
	1-2-84	1-15-84	11	3

[1] Avocados of the West Indian type varieties and the West Indian type seedling not listed elsewhere in Table I.
[2] Avocados of the Guatemalan type varieties, hybrid varieties, and unidentified seedlings not listed elsewhere in Table I.

(b) The term "diameter" means the greatest dimension measured at a right angle to a straight line from the stem to the blossom end of the fruit, and the term "U.S. No. 3" means the same as in the U.S. Standards for Grades of Florida Avocados (7 CFR 51.3050–3069).

PART 944—[AMENDED]

§ 944.25 Avocado Import Regulation 33.

(a) *Applicability to imports.* Pursuant to section 8e of the Act and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados is prohibited during the period June 6, 1983, through August 28, 1983, unless:

(1) Such avocados grade at least U.S. No. 3, as defined in § 915.327.

(2) Such avocados have any portion of the skin of the individual fruit changed to the color normal for that fruit when mature for those varieties which normally change color to any shade of red or purple when mature, except for the Linda variety.

(3) Such avocados, except as provided in paragraph (a)(2) of this section, meet the minimum weight or diameter requirements for the specified effective periods for each variety listed in the following Table 2: *Provided,* That avocados may not be imported prior to the earliest date specified in column 2 of such table for the respective variety: *Provided further,* That up to a total of 10 percent, by count of the individual fruit in each lot may weigh less than the minimum specified or be less than the specified diameter, except that no such avocados shall be over 2 ounces lighter than the minimum weight specified for the variety: *Provided further,* That up to double such tolerance shall be permitted for fruit in an individual container in a lot.

TABLE 2

Avocado variety	Effective period		Minimum size	
	From	Through	Weight (ounces)	Diameter (inches)
West Indian Seedling [1]	6-27-83	7-24-83	16	
	7-25-83	8-28-83	16	
	8-29-83	9-25-83	14	
Pollock	6-27-83	7-10-83	16	3 1/16
	7-11-83	7-24-83	16	3 1/16
	7-25-83	8-7-83	14	3 1/16
Trapp	7-25-83	8-7-83	11	3 1/16
	8-8-83	8-21-83	12	3 1/16
Catalina	8-22-83	9-4-83	24	
	9-5-83	9-25-83	22	
Guatemalan Seedling [2]	9-12-83	10-9-83	15	
	10-10-83	12-11-83	13	

[1] Avocados of the West Indian type varieties and the West Indian type seedlings, except for the Pollock and Trapp varieties.
[2] Avocados of the Guatemalan type varieties, hybrid varieties, and unidentified seedlings, except for the Catalina variety.

(b) It is hereby found that avocados imported into the United States shall meet the same grade and maturity requirements specified in § 915.327 for avocados grown in South Florida under M.O. 915 (7 CFR Part 915), except that all varieties of avocados, other than the Pollock, Catalina, and Trapp varieties, shall meet comparable weight or diameter maturity requirements, because it is not practicable to apply the same requirements due to the variations in characteristics between avocados grown in Florida and avocados imported into the United States.

(c) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) and in accordance with the Procedure for Requesting Inspection and Designating the Agencies to Perform Required Inspection and Certification (7 CFR Part 400).

(d) The term "importation" means release from custody of the United States Customs Service.

(e) *Minimum quantity exemption.* Any person may import up to 55 pounds of avocados exempt from the requirements specified in this section.

(f) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-14868 Filed 6-2-83; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 1033

[Milk Order No. 33; Docket No. AO–166–A51]

Milk in Ohio Valley Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action adopts on an emergency basis a temporary amendment to the Ohio Valley milk order. The order change provides for a reduction of 40 cents per hundredweight in the price for producer milk used to produce butter, nonfat dry milk and cheese. The change, which will apply only through July 1983, is based on evidence presented at a public hearing held on March 3 and 4, 1983, in Middleburg Heights, Ohio, to consider proposed amendments to the Ohio Valley and Eastern Ohio-Western Pennsylvania milk orders. The hearing was requested by a cooperative association representing a majority of the producers who supply milk to the two markets.

The change is necessary to reflect current marketing conditions and to assure orderly marketing of unusually large supplies of surplus milk. Marketing conditions are such that prompt amendatory action is required. For this reason, a recommended decision and the opportunity to file exceptions thereto were omitted. A cooperative association representing more than two-thirds of the producers supplying the Ohio Valley market have approved the issuance of the amended order. A referendum will be held to determine producer approval of the amended Eastern Ohio-Western Pennsylvania milk order.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Chief, Order

Formulation Branch, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202/447-6273).

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of executive Order 12291.

Prior documents in this proceeding:

Notice of hearing: Issued February 15, 1983; published February 22, 1983 (48 FR 7462).

Reopening of hearing: Issued March 23, 1983; published March 25, 1983 (48 FR 12552).

Emergency Final Decision: Issued May 13, 1983; published May 18, 1983 (48 FR 22313).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Ohio Valley order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Ohio Valley marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the **Federal Register**. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued May 13, 1983 (48 FR 22313). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the **Federal Register** and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register**. (Sec. 553(d), Administrative procedure Act, 5 U.S.C. 551-559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1033

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Ohio Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

In § 1033.60, paragraph (h) is added to read as follows:

§ 1033.60 Computation of the net pool obligation of each handler.

* * * * *

(h) With respect to milk marketed on and after the effective date of this amendatory action through July 1983, subtract an amount determined by multiplying the pounds of producer milk used to make butter, nonfat dry milk and cheese (except cottage cheese and cottage cheese curd) by 40 cents per hundredweight.

Effective date: June 3, 1983.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Signed at Washington, D.C., on: May 31, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-14829 Filed 6-2-83; 8:45 am]

BILLING CODE 3410-02-M

---

7 CFR Part 1036

[Milk Order No. 36; Docket No. AO-179-A46]

Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action adopts on an emergency basis a temporary amendment to the Eastern Ohio-Western Pennsylvania milk order. The order change provides for a reduction of 40 cents per hundredweight in the price for producer milk used to produce butter, nonfat dry milk and cheese. The change, which will apply only through July 1983, is based on evidence presented at a public hearing held on March 3 and 4, 1983, in Middleburg Heights, Ohio, to consider proposed amendments to the Ohio Valley and Eastern Ohio-Western Pennsylvania milk orders. The hearing was requested by a cooperative association representing a majority of the producers who supply milk to the two markets.

The change is necessary to reflect current marketing conditions and to assure orderly marketing of unusually large supplies of surplus milk. Marketing conditions are such that prompt amendatory action is required. For this reason, a recommended decision and

the opportunity to file exceptions thereto were omitted. Issuance of the amended order has been approved by more than two-thirds of the producers in the market.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Chief, Order Formulation Branch, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202/447–6273).

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of hearing: Issued February 15, 1983; published February 22, 1983 (48 FR 7462).

Reopening of hearing: Issued March 23, 1983; published March 25, 1983 (48 FR 12552).

Emergency Final Decision: Issued May 13, 1983: published May 18, 1983, (48 FR 22313).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Eastern Ohio-Western Pennsylvania order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the **Federal Register.** Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued May 13, 1983 (48 FR 22313). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the **Federal Register** and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register.** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1036

Milk marketing orders, Milk, Dairy products.

Order Relative To Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

In § 1036.60, paragraph (f) is added to read as follows:

§ 1036.60 Handler's value of milk for computing uniform price.

* * * * *

(f) With respect to milk marketed on and after the effective date of this amendatory action through July 1983, subtract an amount determined by multiplying the pounds of producer milk used to make butter, nonfat dry milk and cheese (except cottage cheese and cottage cheese curd) by 40 cents per hundredweight.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: June 3, 1983.

Signed at Washington, D.C., on: June 1, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83–15005 Filed 6–2–83; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 1139

Milk in Lake Mead Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends for May through July 1983 the requirement under the Lake Mead Federal milk order that 20 percent of a dairy farmer's monthly milk production be received at a pool plant in order for the remaining production to be eligible to be moved directly from the farm to nonpool manufacturing plants and still be priced and pooled under the order. The suspension was requested by a cooperative association in order to reduce the hauling costs of disposing of an increased supply of milk that is not needed for fluid use.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued May 5, 1983; published May 10, 1983 (48 FR 20929).

It has been determined that this suspension is not a major action under the criteria set forth in Executive Order 12291.

It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the issuance of the suspension in time to include May 1983 in the suspension period. The request for this action was received on April 27, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and will tend to insure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Lake Mead marketing area.

After considering all relevant information, it is hereby found and determined that for the months of May through July 1983, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1139.13(d)(2), the language "from whom at least 20 percent of his milk production is received during the month at a pool plant".

2. In § 1139.13(d)(3), the language "from whom at least 20 percent of his milk production is received during the month at the pool plant".

Statement of Consideration

This action suspends for May through July 1983 the requirement that a portion of a dairy farmer's monthly milk production be received at a pool plant in order for the remaining production to be eligible to be diverted directly from the farm to nonpool plants and still be priced and pooled under the order. The order currently provides that 20 percent of a dairy farmer's production must be received at a pool plant in order for the remaining production of the producer to the eligible for diversion by a cooperative association or other handlers.

The suspension was requested by the Lake Mead Cooperative Association, which supplies a substantial part of the market's fluid milk needs and handles most of the market's reserve supplies. The cooperative association requested the suspension to provide for greater efficiencies in handling the market's reserve milk supply.

The need to handle an increasing quantity of reserve milk supplies is a result of a continuing imbalance between the market's fluid milk requirements and the milk supplies available from producers. The cooperative indicated that milk production continues to be heavy without a corresponding increase in sales to fluid milk outlets. As a result of these marketing conditions, the order limits on the quantity of milk that may be moved directly from farms to nonpool plants and still be priced under the order were suspended for the months of April through July 1983 (48 FR 16028). A similar suspension has been in effect since April 1982 (47 FR 17036, 47 FR 38496, 47 FR 55201).

Although the diversion limitations are currently suspended, the requirement that 20 percent of a dairy farmer's monthly milk production must be received at a pool plant in order for the remaining quantity to be eligible for diversion to nonpool plants has remained in effect. As a result, the cooperative stated that substantial quantities of the milk of individual producers who are located farthest from the market would have to be shipped to pool plants solely for diversion qualification purposes. The shipment of distantly located milk supplies to pool plants displaces the milk of other producers who are located nearer to the distributing plants. Such milk must then be shipped to distant outlets for surplus disposal. Thus, the cooperative contended it would incur unnecessary hauling costs because of the need to qualify the milk of its member producers to be eligible for diversion to nonpool plants. The cooperative indicated that suspension of this requirement will eliminate costly and inefficient movements of producer milk that are made solely for the purpose of pooling the milk of dairy farmers who have been regularly associated with the market.

The cooperative requested the suspension until a more permanent regulatory solution to the supply-demand imbalance in the market could be formulated based on the record of a public hearing. It is expected that a hearing will be held in the near future to consider proposals to amend the order to accommodate current marketing conditions.

Interested parties were given the opportunity to submit written data, views or arguments concerning the suspension. No comments were received.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to assure the orderly marketing of milk in the affected and adjoining marketing areas;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No views opposing this suspension were received.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1139

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions in § 1139.13 of the Lake Mead order are hereby suspended for May through July 1983.

Effective Date: June 3, 1983.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on May 31, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-14928 Filed 6-2-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 83-053]

Specifically Approved States To Receive Stallions Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which added New York to the list of specifically approved States authorized to receive certain stallions imported into the United States from countries affected with contagious equine metritis (CEM). This action is taken because the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, determined that New York has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further ensure their freedom from CEM as required by the regulations. This action was necessary in order to avoid the imposition of unnecessary restrictions on importers of stallions from countries affected with CEM.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Mark P. Dulin, VS, APHIS, USDA, Room 844-AAA, Federal Building, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION:

Background

Section 92.2(i)(2) of the regulations in 9 CFR Part 92, among other things, authorizes the importation of certain male horses (stallions over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into approved States for further inspection, treatment and testing.

A document published in the **Federal Register** on June 7, 1982 (47 FR 24540-24541), set forth an interim rule amending § 92.4(a)(5)(ii) of the regulations in 9 CFR Part 92 by adding New York to the list of States approved to receive these stallions. The addition of New York to the list was based on the finding that it meets certain criteria concerning treatment, testing, and handling procedures for these stallions.

The interim rule was made effective on the date it was signed, June 1, 1982, in order to relieve as soon as possible unnecessary restrictions that had been placed on importers of these stallions.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of June 7, 1982, still provides a basis for the amendment. Accordingly, it has been determined that the amendment should remain effective as published in the **Federal Register** on June 7, 1982.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1, and has been determined to be not a "major rule." The Department has determined that this action will not have a significant annual effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512-1.

This action affirms an interim rule which provides a means by which stallions over 731 days of age from countries affected with CEM and bound for New York can be imported directly into New York. Otherwise, the stallions would be allowed to be imported only to other States which have been approved to receive these stallions from countries affected with CEM. The nearest States to New York approved to receive these stallions from countries affected with CEM are Ohio, Maryland, and Virginia. This action should result in a decrease of transportation costs for such horses.

It is anticipated that the number of these stallions imported into the United States from countries affected with CEM will be insignificant compared with horses of all classes imported into the United States. In the last year only 9 of these stallions were imported into New York and 70 into the entire United States from countries affected with CEM, compared with 38,983 horses of all classes imported into the United States.

Under the circumstances explained above, Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 92

Animal Diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

(Sec. 2, 32 Stat. 792, as amended, secs. 2, 4, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134c, 134f; 7 CFR 2.17, 2.51, and 371.2(d)).

Done at Washington, D.C., this 27th day of May 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-14669 Filed 6-3-83; 8:45 am]

BILLING CODE 3410-34-M

CIVIL AERONAUTICS BOARD

14 CFR Part 252

[Economic Regulations Amendment 1; Docket 29044]

Smoking Aboard Aircraft

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB affirms and provides further explanation for its earlier decision not to ban smoking on short flights and not to include vague language in its smoking rule prohibiting unreasonable burdens on nonsmokers from breathing tobacco smoke. The Board also republishes provisions previously eliminated regarding cigars and pipes and ventilation systems. This action is taken in response to a decision of the United States Court of Appeals for the District of Columbia.

DATES: Adopted: May 19, 1983. Effective: July 3, 1983.

FOR FURTHER INFORMATION CONTACT: David E. Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: By ER-1245, 46 FR 45934, September 16, 1981, the Board adopted a new version of 14 CFR Part 252, *Smoking Aboard Aircraft.* This was the culmination of a rulemaking proceeding that began in 1976 with a petition from Action on Smoking and Health (ASH), and included five notices of proposed rulemaking, one prior final rule, dozens of formal comments, thousands of individual letters and an oral argument.

In ER-1245, the Board decided to replace the then-existing rule with a less

detailed regulation. The new rule required airlines to provide separate seating for smokers and nonsmokers and to guarantee a seat in the no-smoking section for all nonsmokers with confirmed reservations who arrived by the airline's check-in deadline. As before, smokers had no right to smoke under this rule. The Board rejected arguments for ending its regulation of smoking, banning all smoking, banning smoking on small aircraft and short flights, and requiring special provisions for passengers especially sensitive to smoke. Details concerning cigars and pipes and ventilation systems, and language prohibiting unreasonable burdens were not included in the new rule.

ASH filed suit challenging ER–1245. The Air Transport Association of America and Transamerica Airlines intervened challenging the Board's authority to regulate smoking. On January 28, the Court issued it decision. *Action on Smoking and Health v. CAB*, F. 2d (D.C. Cir. 1983). It upheld the Board's authority to regulate smoking. It also did not question the Board's decision not to ban smoking on all flights and to permit airlines to establish a check-in deadline for guaranteeing a no-smoking seat. It did, however, direct the Board to provide further explanation for not adopting its proposals to (1) ban smoking on small aircraft, (2) ban smoking on short flights, and (3) provide special protections for persons especially sensitive to smoke. It also required further explanations for not continuing the previous requirements that (1) cigar and pipe smokers be specially segregated, (2) smoking be banned when the ventilation system is not fully functioning, and (3) nonsmokers not be unreasonably burdened by breathing smoke.

After the Court issued its decision, ASH filed a motion for oral argument, which we are granting, and a petition for rulemaking. In its petition ASH asked the Board to republish the three requirements above that had not been continued from the previous rule. It also asked the Board to reopen the smoking docket, or in the alternative, to institute a new rulemaking to consider the three provisions above that had been proposed but not adopted.

This notice responds to the Court's directive and the ASH petition with respect to some of the provisions summarized above. The others are the subject of a new rulemaking and are therefore discussed in EDR–461, issued simultaneously.

Short Flights

In EDR–377, 44 FR 29846, May 21, 1979, the Board proposed a ban on smoking during flights of one hour or less. This proposal was singled out for particular criticism. Delta argued that the nonsmoker's annoyance is less on a short flight because the duration of exposure would not be as long. The Association of Flight Attendants was concerned that it would be difficult to administer. PSA pointed out that there may be enforcement problems, especially if the Board does not clarify whether the 1 hour refers to scheduled or actual flight time. The Tobacco Institute considered the 1-hour cutoff to be arbitrary. ASH favored a 90-minute or 2-hour cutoff so that carriers could not evade the ban by listing a 1-hour flight as being 65 minutes.

The Board here reaffirms its decision not to adopt a ban on smoking on short flights. Unlike the proposal to ban smoking on small aircraft, there does not appear to be any characteristic of short flights that causes nonsmokers any greater problem than flights of longer duration. Indeed, the opposite is the case since smoking is limited to a briefer period of time. We also agree with those commenters that found it would be difficult to administer and enforce. It would be particularly troublesome on multisegment flights where smoking would be permitted at some times, and then prohibited during other parts of the trip. In addition, such a ban would require arbitrary line drawing. It might create a perverse incentive for some carriers to rearrange their schedules to evade it. We conclude on balance that the limited benefits are outweighed by the difficulties associated with this proposal.

Unreasonable Burden

The Board's smoking rule, as revised by ER–1245, did not include the "unreasonably burdened by breathing smoke" language formerly in § 252.2. This language has been viewed by the Board as an objective to be achieved by the rule rather than as a specific regulatory requirement. In addition the Board recognized that it had no sufficient justification for banning the practice of sandwiching nonsmokers between two smoking sections, so it dealt with the complaints about sandwiching by adding this hortatory language to paragraph (e) of § 252.2.

The Board concludes that this language is too vague to be effectively enforced and merely serves to create confusion over exactly which airline practices are prohibited. Some have tried to use this language as a basis for prohibiting longitudinal separation of smokers and nonsmokers, although the airlines and others have not viewed it as prohibiting that arrangement. Indeed, at least one aircraft manufacturer has stated that longitudinal separation would be the most effective way to separate smokers and nonsmokers.

The Board therefore reaffirms its decision not to include the "unreasonably burdened" language in the revised Part 252 and denies ASH's petition insofar as it asked the Board to republish it. We continue to view protecting nonsmokers from an unreasonable burden, whether from sandwiching or other airline practices, as one of the main purposes of its rule. There is no persuasive evidence, however, that the current required separation is not the most practical way to achieve this.

ASH did attach to its petition letters from people who claimed to be bothered by smoke even though they were in the no-smoking section. Most did not complain that they had been sandwiched between two smoking sections but rather were concerned about drifting smoke.

The problem thus appears to be primarily one of drifting smoke. The Board is not persuaded that it will help the situation to include hortatory language in a rule that nonsmokers should not be unreasonably burdened. There has been no showing that the level of complaints was affected by either the adoption or elimination of this language. It would be much better, from a regulatory standpoint, to propose specific requirements. ASH suggested none in its recent petition. The Board, however, has tried to do so. In EDR–377, it proposed to require physical barriers or buffer zones as a means of protecting nonsmokers from drifting smoke. The buffer zone, under this proposal, would have been composed of one row of seats that were either vacant or occupied by persons who did not object to being placed next to the smoking section.

Most nonsmokers who addressed this aspect of the proposal did not favor it, expressing doubt whether partitions or buffer zones would be effective. Some did suggest that the Board require carriers to install a wall-to-wall, floor-to-ceiling plexiglass divider between smoking and no-smoking sections. The Association of Flight Attendants viewed a one-row buffer zone as adequate. Donald Pevsner and other nonsmokers did not consider one row to be enough.

Several arguments were raised by airlines against the use of barriers or buffer zones. Delta viewed a Board-imposed requirement that carriers install

barriers to be contrary to section 401(e)(4) of the Act, prohibiting the Board from restricting a carrier's use of its accommodations and facilities. ATA and PSA stated that barriers would limit flexibility of carriers to expand the no-smoking section to accommodate an unexpectedly large number of nonsmoking passengers. TIA claimed that there was no FAA-approved structure that could be moved at the last minute. PSA and the Association of Flight Attendants were concerned that any partition would be unsafe. PSA added that its studies indicate that barriers would not protect non-smokers from smoke. ATA stated that attempts to establish a buffer zone comprised of nonsmokers who do not object to smoke would delay check-in and necessitate the hiring of more airline personnel, thereby increasing carrier costs and fares.

In light of the lack of enthusiasm for these proposals on the part of non-smokers, the operational, enforcement, safety, and financial problems they may cause if imposed as described above, and the lack of any clear evidence that prohibiting sandwiching or requiring partitions or buffer zones would minimize complaints about drifting smoke, we have decided not to adopt these proposals. Their difficulties and costs, in the Board's judgment, would far outweigh their uncertain benefits.

Cigars and Pipes and Ventilation

Prior to ER–1245, the Board's smoking rule required carriers to provide for special segregation of cigar and pipe smokers and to ban smoking when the aircraft ventilation system was not fully functioning. As revised by ER–1245, the rule no longer included these requirements. The Court of Appeals vacated this aspect of that decision. ASH has now asked the Board to republish them.

The Board recognizes that cigar and pipe smoke causes greater discomfort for some nonsmokers than cigarettes. The Board, in EDR-461, issued simultaneously, is therefore proposing to ban cigar and pipe smoking entirely. The Board is also here republishing the special segregation requirement so that that requirement will be in effect while the rulemaking to ban cigar and pipe smoking is pending.

For generally the same reasons, the Board is also republishing the ventilation requirements. Although, for the reasons discussed more fully in EDR–461, the Board has doubts about the appropriateness of that provision, it has decided to republish it while it is considering what the proper ventilation standard should be.

Final Regulatory Flexibility Analysis

The Board's final regulatory flexibility analysis of this rule is contained in ER–1245 as supplemented by the discussion above. Copies of these documents can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428 (202–673–5432) by referring to the "ER" number at the top of the document.

List of Subjects in 14 CFR Part 252

Air carriers, Consumer protection, Smoking.

Accordingly:

PART 252—[AMENDED]

1. For the reasons discussed above, the Board affirms its decision in ER–1245, 46 FR 45934, September 16, 1981, not to ban smoking on short flights;

§ 252.2 [Amended]

2. For the reasons discussed above, the introductory paragraph and paragraph (e) of § 252.2 of 14 CFR Part 252, *Smoking Aboard Aircraft* (1981), are again removed; and

3. A new § 252.1a is added to read:

§ 252.1a Special segregation of cigar and pipe smokers.

Carriers shall adopt and enforce rules providing for special segregation of cigar and pipe smokers, and for such other procedures as may be necessary to avoid exposing persons seated in no-smoking areas to smoke from cigars and pipes.

4. A new § 252.2a is added to read:

§ 252.2a Ban on smoking when ventilation systems not fully functioning.

Carriers shall adopt and enforce rules prohibiting the smoking of tobacco whenever the ventilation system is not fully functioning. A ventilation system shall be considered fully functioning only when all parts are in working order and operating at the capacity designed for normal service.

(Secs. 204, 404, 407, and 416 of Pub. L. 85–726, as amended, 72 Stat. 743, 760, 766, 771, 49 U.S.C. 1324, 1374, 1377, 1386.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–14944 Filed 6–2–83; 8:45 am]

BILLING CODE 6320–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 423

Amendment to Trade Regulation Rule Concerning Care Labeling of Textile Wearing Apparel and Certain Piece Goods

Correction

FR Doc. 83–13576 was published on page 22733 in the issue of Friday, May 20, 1983. The trade regulation rule requires manufacturers and importers of textile wearing apparel and certain piece goods to provide labels for their products which disclose information for cleaning and care of the product. The document was published in the Proposed Rules section of the **Federal Register**. It should have appeared in the Rules section.

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 131

[Docket No. 77N–0143]

Standards of Identity for Cultured and Acidified Milks, Cultured and Acidified Buttermilks, Yogurts, and Eggnog; Confirmation of Effective Date and Extension of Effective Date of Previously Confirmed Provisions

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date and extension of effective date of previously confirmed provisions.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date for compliance with the amendments to the standards of identity for acidified milk, acidified lowfat milk, acidified skim milk, cultured milk, cultured lowfat milk, cultured skim milk, eggnog, yogurt, lowfat yogurt, and nonfat yogurt. FDA is also extending the effective date of the previously confirmed provisions of the standards to coincide with this effective date.

DATES: Effective July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance with the amendments to the standards of identity published in the **Federal Register** of September 21, 1982 (47 FR 41519), may have begun November 22, 1982. Voluntary compliance with the provisions of the standards published in

the **Federal Register** of January 30, 1981 (46 FR 9924), and confirmed in the **Federal Register** of September 21, 1982 (47 FR 41519), may have begun March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1155.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 30, 1981 (46 FR 9924), FDA published a final rule that established standards of identity for acidified milk (21 CFR 131.111), cultured milk (21 CFR 131.112), acidified lowfat milk (21 CFR 131.136), cultured lowfat milk (21 CFR 131.138), acidified skim milk (21 CFR 131.144), cultured skim milk (21 CFR 131.146), eggnog (21 CFR 131.170), yogurt (21 CFR 131.200), lowfat yogurt (21 CFR 131.203), and nonfat yogurt (21 CFR 131.206). The final rule also redesignated 21 CFR 131.145 *Skim milk* as 21 CFR 131.143 *Skim milk.* Except for provisions that were stayed by the filing of proper objections, the final rule would be effective July 1, 1983.

In the **Federal Register** of September 21, 1982 (47 FR 41519), FDA confirmed the effective date of July 1, 1983, for certain provisions of the standards of identity for acidified and cultured milks, eggnog, and yogurts. FDA also stayed certain provisions of these standards of identity because FDA had received objections and requests for hearing. In the same document, the agency issued further amendments to §§ 131.111 (d) and (e)(6); 131.112(d)(6); 131.136 (d) and (e)(6); 131.138(d)(6); 131.144 (d) and (e)(6); 131.146(d)(6); 131.170(a); 131.200 (a), (b), and (f)(1)(iii); 131.203 (a), (b), and (f)(1)(iv); and 131.206 (a), (b), and (f)(1)(iii). Any person adversely affected by the amendments could have, at any time on or before October 21, 1982, filed written objections and requested a hearing.

FDA received one objection and request for a hearing from the Milk Industry Foundation to extend the effective date of the previously confirmed provisions of these standards from July 1, 1983, to July 1, 1985. The Milk Industry Foundation stated that extending the effective date to July 1, 1985, would provide a uniform effective date for all confirmed provisions of the standards of identity for cultured and acidified milks, yogurts, and eggnog, which would serve the best interests of both the consumer and the affected industry.

The objection does not involve an issue of fact that warrants a hearing. FDA agrees, however, that it is reasonable to have one effective date. Therefore, FDA is extending the effective date of those provisions of the standards of identity that were confirmed in the **Federal Register** of September 21, 1982 to July 1, 1985.

List of Subjects in 21 CFR Part 131

Cream; Food standards; Milk; Yogurt.

PART 131—MILK AND CREAM

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that the amendments to §§ 131.111, 131.112, 131.136, 131.138, 131.144, 131.146, 131.170, 131.200, 131.203, and 131.206, published in the **Federal Register** of September 21, 1982 (47 FR 41519), will become effective July 1, 1985, and that the effective date for compliance with the amendments published in the **Federal Register** of January 30, 1981 (46 FR 9924), and confirmed in the **Federal Register** of September 21, 1982 (47 FR 41519), is extended from July 1, 1983, to July 1, 1985. Voluntary compliance with the amendments to the standards of identity published in the **Federal Register** of September 21, 1982 (47 FR 41519), may have begun November 22, 1982. Voluntary compliance with the amendments to the standards of identity published in the **Federal Register** of January 30, 1981 (46 FR 9924), may have begun March 31, 1981.

Dated: May 26, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–15087 Filed 6–27–83; 2:17 pm]

BILLING CODE 4160–01–M

---

21 CFR Parts 175 and 176

[Docket No. 81F–0384]

Indirect Food Additives; Adhesive Coatings and Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of *alpha* olefin sulfonate [alkyl group is in the range of C_{16}–C_{18} with not less than 50 percent C_{14}–C_{16}], ammonium, calcium, magnesium, potassium, and sodium salts as emulsifiers and/or surface active agents in adhesives, vinyl chloride copolymer coatings, acrylic coatings, and certain acrylonitrile-butadiene copolymers. Witco Chemical Corp. petitioned for this use.

DATES: Effective June 3, 1983; objections by July 5, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 2, 1981 (46 FR 48767), FDA announced that a petition (FAP 1B3567) had been filed by Witco Chemical Corp., Houston, TX 77045, proposing that the food additive regulations be amended to provide for the safe use of *alpha* olefin sulfonate [alkyl group is in the range of C_{16}–C_{18} with not less than 50 percent C_{14}–C_{16}], ammonium, calcium, magnesium, potassium, and sodium salts, as emulsifiers and/or surface-active agents in the manufacture of articles or components of articles intended for food-contact applications.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency previously considered the

potential environmental effects of this rule as announced in the notice of filing published in the Federal Register. No new information or comment has been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects

21 CFR Part 175

Adhesives; Food additives; Food packaging.

21 CFR Part 178

Food additives; Food packaging; Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetics Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Parts 175 and 178 are amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

1. Part 175 is amended in § 175.105(c)(5) by alphabetically inserting a new item in the list of substances to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * * * *	
alpha Olefin sulfonate [alkyl group is in the range of C_{14}–C_{16} with not less than 50 percent C_{14}–C_{16}], ammonium, calcium, magnesium, potassium, and sodium salts.	For use only: 1. In acrylonitrile-butadiene copolymers identified in § 177.2600(c)(3)(ii) of this chapter. 2. At levels not to exceed 1 percent by weight of acrylic coatings complying with § 175.300(b)(3)(xx) of this chapter and having a maximum thickness of 0.051 millimeter (0.002 inch). The finished polymers contact food only of the types V, VIII, and IX as identified in table 1 of § 176.170(c) of this chapter. 3. At levels not to exceed 2 percent by weight of vinyl chloride copolymer coatings having a maximum thickness of 0.051 millimeter (0.002 inch) and complying with § 175.300(b)(3)(xv) of this chapter. The finished polymers contact food only of the types V, VIII, and IX as identified in table 1 of § 176.170(c) of this chapter. 4. As provided in § 175.105 of this chapter.
* * * * *	

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 5, 1983, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 3, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s) 348))

Dated: May 20, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–14600 Filed 5–27–83; 2:14 pm]

BILLING CODE 4160–01–M

Substances	Limitations
* * * * *	
alpha Olefin sulfonate [alkyl group is in the range of C_{14}–C_{16} with not less than 50 percent C_{14}–C_{16}], ammonium, calcium, magnesium, potassium, and sodium salts	
* * * * *	

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

2. Part 178 is amended in § 178.3400 (c) by alphabetically inserting a new item in the list of substances to read as follows:

§ 178.3400 Emulsifiers and/or surface-active agents.

* * * * *

(c) * * *

21 CFR Part 510

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for several new animal drug applications (NADA's) from Evsco Pharmaceuticals Corp., subsidiary of Damon Corp., to Evsco Pharmceuticals, an Affiliate of ImmunoGenetics, Inc. Supplements to the affected NADA's provide for this change.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Bureau of Veterinary Medicine (HFV–238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6243.

SUPPLEMENTARY INFORMATION: Evsco Pharmaceuticals, an Affiliate of ImmunoGenetics, Inc., Box 209, Harding Hwy., Buena, NJ 08310, has filed several supplemental NADA's providing for a change of sponsor from Evsco Pharmaceutical Corp,, Subsidiary of Damon Corp.

This change of sponsor for several NADA's does not involve changes in manufacturing facilities, equipment, procedures, or personnel. The list of sponsor names and addresses in 21 CFR 510.600(c) is amended to reflect the change of sponsor.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 510.600 is amended in paragraph (c)(1) by revising the entry for Evsco Pharmaceutical Corp., and in paragraph (c)(2) by removing the sponsor name in the entry for "017030" and inserting the new sponsor name, to read as follows:

PART 510—NEW ANIMAL DRUGS

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
Evsco Pharmaceuticals, An Affiliate of ImmunoGenetics, Inc., Box 299, Harding Hwy., Buena, NJ 08310	017030

(2) * * *

Drug labeler code	Firm name and address
017030	Evsco Pharmaceuticals, An affiliate of ImmunoGenetics, Inc., Box 299, Harding Hwy., Buena, NJ 08310.

Effective date. June 3, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 25, 1983.

Max I.. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-14837 Filed 6-2-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 510 and 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Feed Service Co., Inc., providing for manufacturing a 10-gram-per-pound tylosin premix from a 40- or 100-gram-per-pound premix or granulated tylosin concentrate. The intermediate premix is used to make complete feeds for swine, cattle, and chickens. This supplemental NADA also provides for a change of sponsor address.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Feed Service Co., Inc., 303 Lundin Blvd., P.O. Box 698, Mankato, MN 56001, is the sponsor of a supplement to NADA 111-637 submitted on its behalf by Elanco Products Co. This NADA currently provides for use of 40-gram-per-pound tylosin (as tylosin phosphate) premixes to make 10-gram-per-pound intermediate premixes subsequently used in complete swine feeds. This supplement provides for use of the 40- and 100-gram-per-pound premixes or granulated tylosin concentrate to make 10-gram-per-pound premixes subsequently used to make complete feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The basis for approval of this supplement is discussed in the freedom of information (FOI) summary. Based on the data and information submitted, the supplement is approved and the regulations are amended to reflect the approval.

This supplemental NADA also provides for a change of sponsor address. The regulations are amended to provide for this change.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 510

Administrative practice and procedure; Animal drugs; Labeling; Reporting and recordkeeping requirements.

21 CFR Part 558

Animal drugs; Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

1. In Part 510, § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) for the entry "Feed Service Co., Inc." and (c)(2) for No. "030841" under "Firm name and address" by revising the address to read "303 Lundin Blvd., P.O. Box 698, Mankato, MN 56001."

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. In Part 558, § 558.625(b)(54) is revised to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(54) To No. 030841: 10 grams per pound; paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date. June 3, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 25, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-14585 Filed 6-2-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Sulfamethazine Sustained-Release Boluses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Bayvet Division of Miles Laboratories. The regulation covering use in cattle of sustained-release boluses containing 22.5 grams of sulfamethazine is being amended to remove the limitation that the product may only be used by or on the order of a licensed veterinarian.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Bayvet Division of Miles Laboratories, Inc., P.O. Box 390, Shawnee Mission, KS 66201, filed a supplement to NADA 93-329 providing for deleting the limitation on the product label that required use only by or on the order of a licensed veterinarian (prescription use). The supplement also deleted the recommended use of the product at a dosage level of 22.5 grams of sulfamethazine per 100 pounds of body weight, revised the claims for the product to identify the pathogenic organisms against which the drug is effective, and added a warning statement to the product label advising that a veterinarian should be consulted

if treated animals do not respond within 2 to 3 days.

Under the Bureau of Veterinary Medicine's supplemental approval policy (**Federal Register** of December 23, 1977; 42 FR 64367), this is a Category II supplemental approval that does not require reevaluation of the safety and effectiveness data in the original application.

This basis of approval of the supplement is discussed fully in the freedom of information summary. The product was originally approved for prescription use only since the product was a new entity with limited drug experience data. Also, the withdrawal was in excess of 10 days, and an administrative decision had been made to limit such products to prescription use. Based on the data and information submitted, the supplement is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs; oral.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i)), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.2260b by revising paragraph (a)(2), to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.2260b Sulfamethazine sustained-release boluses.

(a)(1) * * *

(2) *Conditions of use*—(i) *Amount.* Administer as a single-dose 1 bolus (22.5 grams) per 200 pounds of body weight.

(ii) *Indications of use.* Beef and nonlactating dairy cattle for the prolonged treatment of the following diseases when caused by one or more of the listed pathogenic organisms sensitive to sulfamethazine: bovine respiratory disease complex (shipping fever complex) (*Pasteurella* spp.), bacterial pneumonia (*Pasteurella* spp.), necrotic pododermatitis (foot rot) (*Fusobacterium necrophorum*), colibacillosis (bacterial scours), (*Escherichia coli*), calf diptheria (*Fusobacterium necrophorum*), acute mastitis (*Streptococcus* spp.), and acute metritis (*Streptococcus* spp.).

(iii) *Limitations.* Cattle that are acutely ill should be treated by injection with a suitable antibacterial product to obtain immediate therapeutic blood levels; do not slaugther animals for food within 16 days of treatment; do not use in lactating dairy cattle; if treated animals do not respond within 2 to 3 days, consult a veterinarian.

* * * * *

Effective date. June 3, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 25, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-14566 Filed 6-2-83; 8:45 am]

BILLING CODE 4110-01-M

---

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Sterile Benzathine Penicillin G and Procaine Penicillin G Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Beecham Laboratories. The supplement provides for over-the-counter (OTC) marketing of benzathine penicillin G and procaine penicillin G suspension for subcutaneous use in beef cattle.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV–133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Bristol, TN 37620, filed a supplement to its approved NADA 65–488 for Benza-Pen (benzathine penicillin G and procaine penicillin G suspension). The supplement requested OTC marketing of Benza-Pen when the product is labeled solely for subcutaneous use in beef cattle for the treatment of certain bacterial infections. The supplement did not include additional safety or effectiveness data. Under the Bureau of Veterinary Medicine's supplemental approval policy (see 42 FR 64367; December 23, 1977), this is a Category II approval which does not require reevaluation of the safety and effectiveness data in the original application. The basis of approval of this supplement is discussed in the **Federal Register** of July 23, 1982 (47 FR 31865). The supplement is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 540

Animal drugs, Antibiotics, Penicillin.

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 540.255c [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 540.255c *Sterile benzathine penicillin G and procaine penicillin G suspension* is amended in paragraph (c)(2)(ii) by inserting the phrase "000029 and" before the number "010271."

Effective date. June 3, 1983.

(Sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n)).)

Dated: May 27, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-14635 Filed 6-2-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Sterile Benzathine Penicillin G and Procaine Penicillin G Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Bristol Laboratories. The supplement provides for over-the-counter (OTC) marketing of benzathine penicillin G and procaine penicillin G suspension for subcutaneous use in beef cattle.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV–133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: Bristol Laboratories, Division of Bristol-Myers Co., P.O. Box 657, Syracuse, NY 13201, filed a supplement to its approved NADA 65–169 for Dura-Biotic (benzathine pencillin G and procaine penicillin G suspension). The supplement requested OTC marketing of Dura-Biotic when the product is labeled solely for subcutaneous use in beef cattle for the treatment of certain bacterial infections. The supplement did not include additional safety or effectiveness data. Under the Bureau of Veterinary Medicine's supplemental approval policy (see 42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original application. The basis of approval of this supplement is discussed in the **Federal Register** of July 23, 1982 (47 FR 31865). The supplement is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 540

Animal drugs, Antibiotics, Penicillin.

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 540.255c [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 540.255c *Sterile benzathine penicillin G and procaine penicillin G suspension* is amended in paragraph (c)(2)(ii) by inserting the number "000015" before the phrase "000029 and 010271."

Effective date. June 3, 1983.

(Sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n)))

Dated: May 27, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-14836 Filed 6-2-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Solar Energy and Energy Conservation Bank

24 CFR Part 1800

[Docket No. R–83–1053]

Financial Assistance Program

Correction

In FR Doc. 83–14153, beginning on page 24254 in the issue of Tuesday, May 31, 1983, make the following correction.

On page 24254, first column, the line reading: *"Dates: Effective Date:* May 31, 1982." should have read *"Dates: Effective Date:* May 31, 1983."

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 260

Outer Continental Shelf Oil and Gas Bidding Systems

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule removes provisions relating to the use of variable net profit share and work commitment bidding systems in the award of Federal oil and gas leases on the Outer Continental Shelf (OCS). The Department of the Interior (DOI) has determined that the purposes of the OCS Lands Act would not be served by the use or availability of these bidding systems.

EFFECTIVE DATE: July 5, 1983.

FOR FURTHER INFORMATION CONTACT: Mary Vavrina, (703) 860–7567, (FTS) 928–7567.

SUPPLEMENTARY INFORMATION:

Background

Section 8(a) of the OCS Lands Act, 43 U.S.C. 1331 et seq., as amended, 92 Stat. 629, authorizes the Secretary of the Interior (Secretary) to implement alternative bidding systems for the award of Federal oil and gas leases on the OCS. This authority, which had been transferred to the Secretary of Energy, revested in the Secretary on December 21, 1981, when Congress repealed section 302(b) of the Department of Energy (DOE) Organization Act, 42 U.S.C. 7152(b), 91 Stat. 578. Rules issued by DOE under its previous authority were codified at 10 CFR Parts 375, 376, 390, 391, and 378. On January 11, 1983 (48 FR 1161), DOI transferred these regulations to 30 CFR and redesignated them as Parts 259, 260, 261, 262, and 263, respectively. In the same issue of the **Federal Register** (48 FR 1200), DOI proposed to remove provisions contained in newly redesignated 30 CFR Part 260 relating to the use of variable net profit share and work commitment bidding systems in the award of Federal oil and gas leases on the OCS. (For a description of these two systems and the history of regulatory authority to implement and administer alternative bidding systems on the OCS, see the discussion contained in the proposed rulemaking under "SUPPLEMENTARY INFORMATION," 48 FR 1200, 1201, January 11, 1983.)

To date, neither the variable net profit share nor the work commitment bidding system has been used in the award of Federal oil and gas leases on the OCS.

Public Comments

A total of 15 comments was submitted in response to the proposed rule, 13 from industry or trade organizations, 1 from a nonprofit consumer organization, and 1 from a State governmental entity. Thirteen commenters expressed complete support of the rule as it was proposed. The reasons most frequently

cited by commenters in support of the proposal to remove variable net profit share and work commitment bidding systems were that use of the systems would:

1. Introduce enormous administrative costs to both industry and Government;
2. Offer little or no incentive for rapid exploration of the OCS; and
3. Tend to encourage speculation in the OCS lease market.

It was the consensus of these commenters that the bidding systems were unlikely to have a measurable effect on competition (one area intended to be enhanced by their use) and that the negative impacts incidental to their application would far outweigh any potential benefits. The DOI agrees with these comments and, thus, has not altered its previous determination that the two bidding systems which incorporate variable net profit share and work commitment as bid variables are costly, inefficient, and counterproductive.

Two commenters suggested that, while the Secretary is not obligated to use any one of the several bidding systems authorized by the OCS Lands Act, all of those bidding systems should be available in the event that he or a future Secretary should ever choose to use them.

The DOI disagrees. The fact that variable net profit share and work commitment bidding systems are authorized by the OCS Lands Act does not alter their status as inefficient and counterproductive approaches to the management of Federal OCS oil and gas resources. Because DOI believes that these bidding systems would be contrary to the purposes and policies expressed in the OCS Lands Act, their future availability, if any, should follow upon a new rulemaking which supports such availability.

The same commenters expressed doubt as to whether it is a justifiable expense to remove existing regulations which would have to be repromulgated if it were determined that their use would be desirable.

The DOI has determined that the inclusion of these bidding systems among those available to the Secretary would be inconsistent with the purposes and policies of the OCS Lands Act. The rulemaking directed toward their removal has provided the interested public with an opportunity to address the issues involved and has created a record which serves as an appropriate foundation to the policy of rescission. The removal is a beneficial action that DOI considers to be worth the administrative costs incurred.

One of these commenters contended that the bidding systems should not be removed because they provide a superior method of obtaining fair market value.

The DOI disagrees. Ironically, it is the preamble to the DOE rulemakings codifying these bidding systems where one finds the most compelling arguments against the ability of variable net profit share and work commitment bidding systems to achieve their intended benefits. The analysis contained in that rulemaking indicates that these bidding systems would not ensure, and indeed might prove an impediment to, the attainment of fair market value in the leasing of Federal OCS oil and gas resources. (For a detailed discussion of the issues surrounding these bidding systems, see "II. Analysis of Public Comments," 46 FR 29682, June 2, 1981, and 46 FR 35615, July 9, 1981.) Indeed, it is apparent that, in the absence of a court order (later reversed) requiring the adoption of these bidding systems, they most likely would not have been promulgated in the first place. (See *Energy Action Educational Foundation v. Andrus*, 654 F.2d 735 (1980), and *Watt v. Energy Action Educational Foundation*, 454 U.S. 151 (1981).)

Accordingly, in order to ensure that the Secretary's choices of bidding systems include only those which will best accomplish the purposes and policies of the OCS Lands Act, DOI is removing the provisions relating to variable net profit share and work commitment bidding systems. Specifically, DOI is removing paragraphs (a)(5) and (a)(6) from 30 CFR 260.110.

The DOI determined that this document is not a major rule under Executive Order 12291, since it is not likely to result in an annual effect on the economy of $100 million or more, a major increase in costs to consumers or others, or significant adverse effects. The DOI certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This determination is based on the fact that oil and gas operations on the OCS are complex undertakings generally engaged in by enterprises that are not considered small entities. Accordingly, no small entities of any type are likely to be significantly affected by the rule.

Because the choice of bidding systems is within the sole discretion of the Secretary and DOI believes it would not constitute prudent management of the Nation's resources to utilize either of the bidding systems removed by this rule, neither of these bidding systems has been nor would be selected for use in the award of Federal OCS oil and gas leases. The rule, therefore, will have no effect on the selection of bidding systems nor any effect on costs, prices, competition, employment, investment, productivity, innovation, or the ability of domestic producers to compete with foreign-based enterprises.

Paperwork Reduction Act

Part 260 of 30 CFR does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

Drafting Information: This document was drafted by Neil Stoloff, Offshore Rules and Operations Division, Minerals Management Service.

List of Subjects in 30 CFR Part 260

Continental shelf, Mineral royalties, Oil and gas exploration.

Dated: May 4, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

PART 260—[AMENDED]

§ 260.110 [Amended]

For the reasons set forth in the preamble, 30 CFR Part 260 is amended by removing paragraphs (a)(5) and (a)(6) from § 260.110.

[FR Doc. 83-14873 Filed 6-2-83; 8:45 am]
BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Removal of Conditions of Approval of the Kansas Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Interim rule.

SUMMARY: This document amends 30 CFR Part 916 by removing the conditions of approval of the Kansas Abandoned Mine Land Plan under the Surface Mining Control and Reclamation Act (SMCRA) of 1977, Pub. L. 95-87. Kansas has submitted provisions to the Office of Surface Mining which satisfy all the conditions of the Assistant Secretary's approval of February 1, 1982 (47 FR 4513-4515).

EFFECTIVE DATE: This rule is effective June 3, 1983. Public comment is not required due to the interpretive nature of this interim action.

ADDRESSES: Copies of the Kansas AML Plan, the amendments submitted by the State, and all written comments received in response to this notice will be available for review at the offices listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

State Corporation Commission, Mined Land Conservation Board, 107 West 11th Street, Pittsburg, Kansas 66762

Office of Surface Mining Reclamation and Enforcement, Missouri State Office, 818 Grand Avenue, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Charles V. Smith, Program Manager, Division of Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone (202) 343–7921.

SUPPLEMENTARY INFORMATION:

Background on the Kansas AML Plan Submission

On October 1, 1981, the State of Kansas submitted its proposed Abandoned Mine Land Reclamation Plan to OSM. On February 1, 1982, following a review of that proposed program as outlined in 30 CFR Part 884, the Assistant Secretary approved the Kansas AML Plan subject to the correction of three minor deficiencies. The approval was effective upon publication of the conditional approval in the February 1, 1982, **Federal Register** (47 FR 4513–4515).

Information pertinent to the general background of the AML Program and the submission of the Kansas AML Plan can be found in the February 1, 1982, **Federal Register** (47 FR 4513–4515).

Background on the Assistant Secretary's Conditional Approval

The Assistant Secretary of the Interior determined that the Kansas AML Plan contained three minor deficiencies.

1. Kansas lacked the statutory authority to deposit Federal Abandoned Mine Land Funds in the State Treasury;

2. Liens on abandoned mine lands are for the benefit of the United States instead of the State of Kansas; and

3. The Mined Land Conservation and Reclamation Board has no authority for condemnation of lands for reclamation purposes.

In granting conditional approval of the Kansas AML Plan, the Assistant Secretary found that Kansas would be ineligible to apply for AML Reclamation construction grants until the appropriate legislation was passed correcting the three deficiencies.

Submission of Revisions

On April 14, 1982, Kansas House Bill No. 2994 was signed into law. This bill gave the State authority to deposit AML Funds in a State account and amended the lien authority provisions so that liens would now benefit the State and not the Federal Government.

On May 2, 1983, the remaining deficiency was corrected with the signing into law of House Bill No. 2516. This Bill provided the State condemnation authority as required by Section 407 of SMCRA and 30 CFR 879.12(c).

Both statutes have been submitted to OSM by the State of Kansas in order to remove the funding restriction placed on the Kansas AML Program in the Assistant Secretary's findings approving the State AML Plan.

OSM has reviewed these statutory provisions and has found them to be consistent with Title IV of SMCRA and 30 CFR Subchapter R of the Secretary's regulations, and therefore recommends that the Assistant Secretary remove the conditions of approval.

Assistant Secretary's Findings

The Assistant Secretary finds the amendments submitted by the State of Kansas in April, 1982, and May, 1983, correct the deficiencies in the Kansas AML Program as follows:

(1) Kansas Statute 49–428(a) deletes the prohibition regarding the State's acceptance of and the right to deposit abandoned mine land funds. This is consistent with Section 405 of SMCRA.

(2) Kansas Statute 49–428(d)(3) deletes the provision providing that any liens filed must be for the benefit of the United States and adds a new provision stating that the lien shall be for the benefit of the State, deposited in the State Treasury and credited to the abandoned mine land fund. This is consistent with Section 408 of SMCRA and 30 CFR 882.13.

(3) Section 1(c) of House Bill 2516, and amendment to Kansas Statute 49–428, provides the Mined-Land Reclamation Board authority to acquire land by eminent domain consistent with the provisions in Section 407 of SMCRA and 30 CFR 879.12(c).

Approval Without Condition

Accordingly, the Kansas AML Plan is hereby fully approved. 30 CFR 916.20 is amended to indicate approval of the April 14, 1982, and May 2, 1983, statutes passed by the State of Kansas.

The removal of the conditions of the control approval of the Kansas AML Plan is effective upon date of publication of this notice. The good cause for making this rule effective upon publication is that the State of Kansas has construction grants pending that need to be approved to safeguard the public health, safety, and general welfare from extreme danger of adverse effects of coal mining practices. If no substantive comments are received concerning the removal of conditions for the Kansas AML Plan, OSM will not publish any further annoucements.

Additional Findings

The Office of Surface Mining has examined this rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981), and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

The Assistant Secretary has determined that the Kansas AML Plan, as amended, will not have a significant effect on the quality of the human environment because the decision relates only to policies, procedures and the organization of State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of Interior Manual (DM) 516.2.3(A)(1), the Assistant Secretary's decision on the Kansas Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment or environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Also, an environmental

analysis or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

List of Subjects in 30 CFR Part 916

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: May 24, 1983.

J. S. Griles,

Acting Director, Office of Surface Mining.

Dated: May 26, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

Accordingly, the Kansas AML Plan is hereby fully approved. 30 CFR 916.20 is amended to indicate the removal of the conditions prohibiting funding of State AML construction grants.

PART 916—[AMENDED]

Therefore, § 916.20 is revised to read as follows:

§ 916.20 Approval of Kansas Abandoned Mine Land Reclamation Plan.

The Kansas AML Plan, as submitted on October 1, 1981, and amended by Kansas Statute 49–428, April 14, 1982, is hereby fully approved and all conditions prohibiting the funding of State AML construction grants are deleted. Copies of the approved Plan, including amendments, are available at:

Office of Surface Mining, Missouri State Office, 818 Grand Avenue, Kansas City, Missouri 64106

State Corporation Commission, Mined-Land Conservation Board, 107 West 11th Street, Pittsburg, Kansas 66762.

(Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*)

[FR Doc. 83-14882 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-05-M

---

30 CFR Part 944

Approval of the Abandoned Mine Land Reclamation Plan for the State of Utah Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: On February 9, 1983, the State of Utah submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of this submission was to demonstrate the State's intent and capability to assume responsibility for administering and conducting the Abandoned Mine Land Reclamation Program established by Title IV of SMCRA and regulations adopted by OSM (30 CFR Chapter VII, Subchapter R, 47 FR 28574–28604, June 30, 1982). After opportunity for public comment and review of the plan submission, the Assistant Secretary for Energy and Minerals of the Department of the Interior has determined that the Utah Abandoned Mine Land Reclamation Plan meets the requirements of SMCRA and the Secretary's regulations. Accordingly, the Assistant Secretary has approved the Utah Plan.

EFFECTIVE DATE: The rule is effective June 3, 1983.

ADDRESSES: Copies of the full text of the Utah Plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 219 Central Avenue NW., Suite 216, Albuquerque, New Mexico 87102

State of Utah, Division of Oil, Gas and Mining 4241 State Office Building, Salt Lake City, Utah 84114

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315, 1100 L Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Charles V. Smith, Program Manager, Division of Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone (202) 343–7921.

SUPPLEMENTARY INFORMATION:

General Background of the Abandoned Mine Land Reclamation Program

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal law.

Each State, having within its borders coal mined land eligible for reclamation under Title IV of SMCRA, may submit to the Department a State reclamation plan demonstrating its capability for administering an abandoned mine reclamation program. Title IV provides that the Department may approve the plan once the State has an approved Regulatory program under Title V of SMCRA. If the Secretary determines that a State has developed and submitted a program for reclamation and has the necessary State legislation to implement the provisions of Title IV, the Secretary shall grant the State exclusive responsibility and authority to implement the provisions of the approved plan. Section 405 of SMCRA (30 U.S.C. 1235) contains the requirements for State reclamation plans.

The Secretary has adopted regulations that specify the content requirements of a State reclamation plan and the criteria for plan approval (30 CFR Part 884, 47 FR 28600–28601, June 30, 1982). Under those regulations, the Director of the Office of Surface Mining is required to review the plan and solicit and consider comments of other Federal agencies and the public. If the State plan is disapproved, the State may resubmit a revised reclamation plan at any time.

Upon approval of the State reclamation plan, the State may submit to the Director on an annual basis an application for funds to be expended in that State on specific reclamation projects which are necessary to implement the State reclamation plan as approved. Such annual requests are reviewed and approved by OSM in compliance with the requirements of 30 CFR Part 886.

To codify information applicable to individual States under SMCRA, including decisions on State reclamation plans, OSM has established a new Subchapter T of 30 CFR Chapter VII. Subchapter T consists of Parts 900 through 950. Provisions relating to Utah are found in 30 CFR Part 944.

Background on the Utah Abandoned Mine Land Reclamation Plan Submission

On April 29, 1982, a cooperative agreement between the State of Utah, Division of Oil, Gas and Mining, and the Office of Surface Mining was approved. The purpose of this agreement was to assure that information required for the preparation of the Utah Abandoned Mine Reclamation Plan would be assembled.

On February 9, 1983, the State of Utah submitted its proposed Abandoned Mine Land Reclamation Plan to the Office of Surface Mining.

During the drafting of the AML Plan, the public was provided adequate notice and opportunity to be heard on the Plan. The record did not reflect any major unresolved controversies. Therefore, a

public hearing on the Plan was deemed unnecessary.

Notice of receipt of the submission initiating the Plan review was published March 14, 1983 (48 FR 10719–10721). The announcement requested public comments. On March 7, 1983, OSM's Albuquerque Field Office Director and on May 2, 1983, the Assistant Director for Program Operations and Inspection recommended to the Director that the Assistant Secretary approve the Utah Reclamation Plan.

The administrative record on the Utah Plan is available for review during regular business hours at the Office of Surface Mining Reclamation and Enforcement's Administrative Record Office at the address listed above in "Addresses."

Assistant Secretary's Findings

1. In accordance with Section 405 of SMCRA the Assistant Secretary finds that Utah has submitted a Plan for reclamation of abandoned mine lands and has the ability and necessary legislation to implement the provisions of Title IV of SMCRA.

2. The Assistant Secretary has determined, pursuant to 30 CFR 884.14, that:

(a) The State of Utah Division of Oil, Gas and Mining has the legal authority, policies and administrative structure necessary to carry out the Plan;

(b) The Plan meets all the requirements of 30 CFR Chapter VII, Subchapter R;

(c) The State has an approved regulatory program; and

(d) The Plan is in compliance with all applicable State and Federal laws and regulations.

3. The Assistant Secretary solicited and considered the views of other Federal agencies having an interest in the Plan as required by 30 CFR 884.14(a)(2). Agencies that reviewed the Plan include: The Department of the Interior, Bureau of Mines (BOM), Denver, Colorado; Environmental Protection Agency (EPA), Denver Colorado; Department of Agriculture, Forest Service (FS), Ogden, Utah; and Department of the Interior, Fish and Wildlife Service (FWS), Salt Lake City, Utah.

Disposition of Comments

The following comments received on the Utah Plan during the public comment period were considered in the Assistant Secretary's evaluation as indicated below:

1. The FWS commented that the Division of Oil, Gas and Mining has a responsibility for "the protection of wildlife under the provisions of the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and the Endangered Species Act as they relate to reclamation of mined lands. We believe the document should express this responsibility." OSM's response is that Utah's AML Plan adequately addresses this concern. As discussed on page 11 of the Utah Plan, each eligible AML site will be reviewed and prioritized based in part on its environmental impact. The environmental index used by the State considers land surface impacts, air and water quality, the condition of vegetation, wildlife and endangered species and offsite impacts. In addition, specific wildlife concerns will be addressed in the environmental assessments (EAs) during project selection. Furthermore, OSM and FWS signed a memorandum of understanding (June 10, 1980) that provides for formal consultation on those projects which may affect threatened or endangered species. OSM is satisfied that these procedures adequately address the wildlife protection responsibilities raised by FWS.

2. The FWS commented that although the environmental index selection criteria adequately address threatened and endangered species; they do not, however, take into account State resident species or migratory birds. Both categories of wildlife, as well as threatened and endangered species, are protected at active mines under provisions of SMCRA; therefore, this same protection should be required at abandoned mine sites. The environmental index should reflect protection or enhancement potential for those species. OSM agrees that the Environmental Index Scoresheet lacks suitable explicit treatment of fish and wildlife values. However, these indices were considered initially in developing the scoresheet and were designed to be implicit in the vegetation component. The State has revised the scoresheets to show that they are intended primarily as a measure of wildlife habitat.

3. The FWS commented that it has wildlife and land use data for Utah stored on its computerized graphics information system (GIC). The level of detail varies from statewide to very site-specific vegetation and wildlife data for the coal-producing regions of the State. This information could be very useful for categorizing and ranking the large number of abandoned mines. OSM's response is that the FWS system might be beneficial to the State. This data was brought to the attention of the State. No changes to the AML Plan are required as a result of the comment.

4. The FWS suggested that after the sites have been initially prioritized from the literature review, "a more in-depth analysis of the high priority abandoned mines should be made before reclamation begins. This plan points out the possibilities for enhancing wildlife on all reclamation sites, even though public safety may be the main objective". OSM agrees that enhancing wildlife habitat on "all reclamation sites" may not be required. The State has changed the phrase "all reclamation sites" to the phrase "all reclamation sites where appropriate".

5. The FWS commented that the land use map included in the Plan fails to identify a great number of large and small wetlands that could be affected by reclamation decisions. These lands are given protection under Executive Order 11990. The FWS and Soil Conservation Service have conducted inventories of the Great Salt Lake area, Cache County and the Uintah Basin that identify wetlands based on the National Wetlands Inventory Classification System. The FWS also has 1:24000 photo interpreted land use maps for the Book Cliffs and Wasatch Plateau. More site-specific land use information may be appropriate when reclamation decisions are made.

OSM considers this a useful suggestion and has passed the comment on to the State to be used on a site specific basis. No change to the Plan is required, however.

6. The BOM objected to the term "abandoned mine" and instead favored the term "inactive mine"; the BOM stated that the Plan should distinguish clearly between mines that are truly abandoned and those that are merely inactive. OSM's response is that the term "abandoned mines" is standard terminology in Title IV of SMCRA. Legal distinctions between "inactive" and "abandoned" mines can be examined in more detail in the eligibility findings required by Section 404 of SMCRA. No change to the Plan is required as a result of this comment.

7. The BOM urged that the remaining mineral values of a reclamation site be considered and discussed as an integral part of the Plan to assure that reclamation is not carried out indiscriminately without regard for remaining minerals. OSM's response is that the Utah AML Plan adequately addresses the issue of remining during the project selection process. The potential for remining is evaluated during the site evaluation stage (see, pg. 21, figure 4—Socioeconomic index) and again during the final selection process (see, pg. 12—Section E). Moreover, OSM

has published final guidelines to assist States, Indian tribes and the U.S. Department of Agriculture in interpreting and applying the general reclamation requirements for individual programs and projects contained in SMCRA and the abandoned mine land regulations. Section 3(b)(6) in the "Selection Criteria" discusses the ramifications of remining on the selection process; Section 5(a) deals with the incidental recovery of coal in conjunction with AML sponsored reclamation activities; and Section 5(b) provides guidance for determining the resource recovery potential of an eligible site. Based on these provisions, no further discussion is needed in the Utah AML Plan regarding resource recovery. Specific details of any potential recovery operation will be examined on a site by site basis.

8. The EPA commented that additional specific information on the mines in each county would be helpful in the Plan. OSM's response is that the Plan meets the requirements of 30 CFR 884.13 and does an adequate job of highlighting abandoned mines in Utah. The specific reclamation activites designed by the State are more fully discussed in the annual construction grant submission. No changes to the Plan are required as a result of this comment.

Additional Findings

The Office of Surface Mining has examined this rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981), and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect cost, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

The Assistant Secretary has determined that the Utah Abandoned Mine Land Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of Interior Manual (DM) 516.2.2(A)(1), the Assistant Secretary's decision on the Utah Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment or environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Also, an environmental analysis or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

The good cause for making this rule effective upon date of publication is that grants are pending approval of the Title IV plan and OSM wishes to expedite grant assistance to Utah to initiate needed reclamation work as required by the Act.

List of Subjects in 30 CFR Part 944

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: May 24, 1983.

J. Steven Griles,

Acting Director, Office of Surface Mining.

Dated: May 26, 1983.

Daniel N. Miller Jr.,

Assistant Secretary for Energy and Minerals.

(Pub. L. 95-87, 30 U.S.C. 1201, *et seq.*)

PART 944—UTAH

Therefore, Part 944 is amended by adding § 944.20 to read as follows:

§ 944.20 Approval of Utah Abandoned Mine Plan.

The Utah Abandoned Mine Plan, as submitted on February 9, 1983, and as subsequently revised is approved. Copies of the approved program are available at:

Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 219 Central Avenue NW., Suite 218, Albuquerque, New Mexico 87102

State of Utah, Division of Oil, Gas and Mining, 4241 State Office Building, Salt Lake City, Utah 84114.

[FR Doc. 83-14929 Filed 6-2-83; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 806b

Air Force Privacy Act Program; Correction

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule; correction.

SUMMARY: This corrects 32 CFR Part 806b published as a final rule in 48 FR 18807, 26 April 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Updike, Department of the Air Force, HQ USAF/DAQD, Washington, D.C. 20330, telephone (202) 694-3488.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-10899, beginning on page 18807, in the issue of April 28, 1983, make the following correction in the part heading: Delete the word "[AMENDED]" and replace it with "Air Force Privacy Act program."

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-14925 Filed 6-2-83; 8:45 am]
BILLING CODE 3910-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-45

[FPMR Amdt. H-140]

Sales Responsibilities and Exclusions and Exemptions

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: Final rule.

SUMMARY: This regulation amends GSA regulations to indicate that the Department of Defense is delegated authority to sell personal property under its control, and to show that the authority to dispose of vessels of 1,500 gross tons or more was transferred from the Secretary of Commerce to the Secretary of Transportation with the transfer of the Maritime Administration.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Milton Herman, 703-557-0814.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101–45

Government property management, Reporting and recordkeeping requirements, Surplus Government property.

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

1. The authority citation for Part 101–45 reads as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Subpart 101–45.1—General

2. Section 101–45.103–1(a) is revised to read as follows:

§ 101–45.103–1 Responsibilities of the General Services Administration.

* * * * *

(a) Conducting sales for holding agencies except for the Department of Defense, which is delegated authority to sell property under its control;

* * * * *

3. Section 101–45.105–2 is revised to read as follows:

§ 101–45.105–2 Disposal of certain vessels.

The Secretary of Transportation has jurisdiction over the disposal of vessels of 1,500 gross tons or more which the Secretary determines to be merchant vessels or capable of conversion to merchant use. Such vessels, therefore, are excluded from the provision of this Part 101–45.

4. Section 101–45.105–3 is amended to revise the introductory paragraph to read as follows:

§ 101–45.105–3 Exemptions.

The sale by GSA of property (excluding personal property under the control of the Department of Defense) as required by this Part 101–45 has been determined to be advantageous to the Government in terms of economy, efficiency, and service with due regard to the program activities of the agencies concerned. Exemptions from the provisions of this Part 101–45 may be obtained only under the following circumstances:

* * * * *

Dated: May 9, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–14857 Filed 6–1–83; 8:45 am]

BILLING CODE 6820–34–M

---

41 CFR Part 101–47

[FPMR Amdt. H–139]

Utilization and Disposal of Real Property; Surplus Real Property Disposal; Deletion of Covenant Against Contingent Fees.

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The regulatory provision concerning the covenant against contingent fees is deleted from the text of the Code of Federal Regulations to facilitate the disposal of surplus real property since this requirement is not mandated by statute and is considered unnecessarily restrictive.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: James H. Pitts, Office of Real Property (202–535–7067).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or to have significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

In 1966 GSA promulgated 41 CFR 101–47.315, which made the provisions of 41 CFR 101–45.313 concerning personal property applicable to disposals of real and related personal property. The latter regulation requires that the purchaser of surplus property warrant that he has not paid a contingent fee or commission to someone other than a full time employee or an agency regularly maintained by the purchaser. Under the regulation, a purchaser is barred from paying a real estate broker or anyone else a commission in connection with any one-time purchase of Government-owned surplus real property.

Deletion of 41 CFR 101–47.315 permits greater participation of real estate brokers in GSA's real property sales program and assists in accelerating the disposal of surplus real property as mandated under the Presidential initiative. The cancellation is consistent with the mission of the Presidential Task Force on Regulatory Relief.

List of Subjects in 41 CFR Part 101–47

Government property management, Surplus government property.

PART 101–47—[AMENDED]

Subpart 101–47.3—Surplus Real Property Disposal

1. The Table of Contents for Subpart 101–47.3 is amended by removing one entry as follows:

Sec.
101–47.315 [Removed]

2. Section 101–47.315 is removed as follows:

§ 101–47.315 [Removed]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: May 9, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–14858 Filed 6–2–83; 8:45 am]

BILLING CODE 6820–26–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 66

National Research Service Awards; Technical Amendments

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: This notice amends the regulations for the National Research Service Awards program. The amendments are intended to comply with statutory changes mandated by the Omnibus Budget Reconciliation Act of 1981. The amendments liberalize the payback options available to Award recipients, and make minor, technical changes in the regulations.

DATES: Changes required by the Omnibus Budget Reconciliation Act are effective as of August 13, 1981. These changes are in §§ 66.105, 66.106, 66.107, 66.110, 66.205, and 66.206. Other changes in sections 66.112, 66.115, and 66.207 become effective on June 3, 1983.

FOR FURTHER INFORMATION CONTACT: William Raub, Ph. D., Associate Director for Extramural Research and Training, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–1096.

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), enacted on August 13, 1981, made a number of modifications in section 472, which require conforming changes in the regulations,[1] as follows:

1. Several sections are being amended to provide that the first twelve months of support under National Research Service Awards (Awards) are eliminated from the payback obligation. The effect of this new provision is that recipients of Awards for periods of twelve months or less incur no payback obligation; recipients of Awards for periods in excess of twelve months are subject to payback obligations for the period of support in excess of twelve months. Although the language of the Omnibus Budget Reconciliation Act does not state whether recipients of Awards in excess of twelve months incur a payback obligation for the first twelve months of training, the Conference Report makes Congressional intent clear that the first twelve months of support should be excluded from the payback obligation regardless of the length of the award. [See Conference Report (H. Rep. No. 97–208) at p. 803.]

2. The same sections are being amended to relieve further payback obligations on the part of individuals who receive awards for research training at the prebaccalaureate level. These provisions apply to prebaccalaureate candidates who are recipients of Minority Access to Research Careers support under the National Research Service Awards program.

3. Sections 66.105 and 66.205 are being amended to delete the provision that, effective July 1, 1975, Awards may be made for research or research training only in those subject areas for which there is a need for personnel, as determined under section 473 of the Act (42 U.S.C. 289/–2).

4. Sections 66.106 and 66.206 are being amended to provide that in making Awards, the Secretary shall take into account the Nation's overall need for biomedical research personnel by giving special consideration to physicians who agree to undertake a minimum of two years of biomedical research.

5. Section 66.107 is being amended to clarify that tuition and fees are included among the cost items to which Award recipients are entitled.

6. Section 66.110 is being amended to limit the payback options available to Award recipients to health research or teaching, or a combination of research and teaching which is in accordance with the usual patterns of academic employment. The other payback options which formerly existed in the regulations, namely, service as a member of the National Health Service Corps, service in certain health maintenance organizations which serve underserved populations, and service in certain other authorized health activities, have been eliminated.

In addition to the foregoing changes mandated by the Omnibus Budget Reconciliation Act , § 66.115 of the regulations is being deleted, and reference to the Department's regulations governing inventions and discoveries is being added to § 66.112 (Other HHS regulations and policies that apply) in view of changes made by the Patent and Trademark Amendment Act of 1980 (Pub. L. 96–517).

The amendments outlined above are intended solely to conform Part 66 with section 472, as amended, and to make a few minor, technical changes. Consequently, no purpose would be served by publishing these changes as a notice of proposed rulemaking, and the Department finds that good cause exists for dispensing with that step.

The following statement is provided for the information of the public:

1. As required by Executive Order 12291, Section 3(g)(1), the Secretary notes that the proposal has been reviewed against the criteria in Executive Order 12291, Section 1(b), and does not meet that directive's test for "a major rule."

2. No environmental impact statement is needed under 42 U.S.C. 4321 et seq.

3. *Catalog of Federal Domestic Assistance* numbered programs affected by this rule are:

13.272	13.282	13.306
13.278	13.297	13.398
13.821	13.848	13.864
13.837	13.849	13.865
13.838	13.851	13.866
13.839	13.852	13.867
13.840	13.853	13.868
13.841	13.854	13.869
13.842	13.855	13.870
13.843	13.856	13.871
13.844	13.859	13.878
13.846	13.862	13.890
13.847	13.863	13.894

4. The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96–354, since these regulations are technical in nature and revise existing regulations to implement statutory changes.

5. The information collection requirements contained in this final rule have been approved by the Office of Management and Budget (OMB) under section 3507 of the Paperwork Reduction Act and assigned control numbers as follows: §§ 66.104 and 66.105—OMB control number 0925–0002; §§ 66.204 and 66.205—OMB control number 0925–0022.

List of Subjects in 42 CFR Part 66

Grant programs—health, Health professions, Medical research, Nursing research.

Dated: Feburary 22, 1983.

Approved: April 26, 1983.

Edward N. Brandt. Jr.,

Assistant Secretary for Health.

Margaret M. Heckler,

Secretary.

Accordingly, Part 66 of 42 CFR is revised to read as follows:

PART 66—NATIONAL RESEARCH SERVICE AWARDS

Subpart A—Direct Awards

Sec.

66.101 Applicability.
66.102 Definitions.
66.103 Eligibility.
66.104 Application.
66.105 Requirements.
66.106 Awards.
66.107 Payments to awardees.
66.108 Payments to institutions.
66.109 Termination.
66.110 Service, payback, and recovery requirements.
66.111 Suspension, waiver, and cancellation.
66.112 Other HHS regulations and policies that apply.
66.113 Publications.
66.114 Copyright.
66.115 Additional conditions.

Subpart B—Institutional Grants

66.201 Applicability.
66.202 Definitions.
66.203 Eligibility.
66.204 Application.

[1] On May 2, 1975 final regulations published in the **Federal Register** (40 FR 19314) implementing section 472 of the Public Health Service Act (42 U.S.C. 289/–1) regarding National Research Service Awards. These regulations are codified in 42 CFR Part 66. On January 8, 1980, technical amendments to the regulations were published in the **Federal Register** (45 FR 1822) to conform with certain statutory changes mandated by the Community Mental Health Centers Extension Act of 1978 (Pub. L. 95–622) and the Health Services Research, Health Statistics, and Health Care Technology Act of 1978 (Pub. L. 95–623).

Sec.
66.205 Requirements.
66.206 Grant awards.
66.207 Other HHS regulations and policies that apply.
66.208 Additional conditions.

Authority: Sec. 215, 58 Stat. 690, as amended (42 U.S.C 216); sec. 472, 88 Stat. 342 (42 U.S.C. 289*l*–1).

Subpart A—Direct Awards

§ 66.101 Applicability.

The regulations in this subpart apply to National Research Service Awards made by the Secretary to individuals for research, and training to undertake research, under section 472(a)(1)(A) of the Public Health Service Act, as amended [42 U.S.C. 289*l*–1(a)(1)(A)].

§ 66.102 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

(c) "Nonprofit" institution means a corporation or association in which no part of the net earnings inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Award" means a National Research Service Award under section 472 of the Act (42 U.S.C. 289*l*–1).

(e) "Residency" means post-graduate training for doctors of medicine, osteopathy, dentistry, optometry, and podiatry, nurses, and other individuals providing health care directly to patients, in which the majority of the time is spent in non-research clinical training.

(f) "Noncitizen national of the United States" means a person who, though not a citizen of the United States, owes permanent allegiance to the United States [8 U.S.C. 1101(a) (22)].

(g) "Predoctoral training" means training at the post-baccalaureate level in a program leading to the award of a doctor of philosophy or science, or equivalent degree. For purposes of Awards under the Minority Access to Research Careers programs of the National Institute of General Medical Sciences and the Alcohol, Drug Abuse, and Mental Health Administration, "predoctoral training" also means training in a program leading to the award of a baccalaureate degree in science or equivalent degree.

(h) "Postdoctoral training" means training of individuals holding a doctor of philosophy, science, medicine, dentistry, osteopathy, optometry, podiatry, veterinary medicine, engineering, nursing sciences, public health, or equivalent degree.

§ 66.103 Eligibility.

To be eligible for a National Research Service Award an individual must:

(a) Be a citizen, noncitizen national of the United States, or lawfully admitted to the United States for permanent residence at the time of application; and

(b) Propose to engage on a full-time basis in research, or training to undertake research, in a program specified in section 472(a)(1)(A) of the Act.

§ 66.104 Application.

(a) Eligible individuals may apply for an Award using the form and by the dates the Secretary prescribes.

(b) In addition to any other pertinent information that the Secretary may require, each application shall detail:

(1) The applicant's educational background and other qualifications and experience, including previous academic and professional degrees;

(2) The subject area of the proposed research or training;

(3) The proposed period of Award:

(4) If the proposed period of Award would provide the individual with aggregate support in excess of five years at the predoctoral level or three years at the postdoctoral level, the justification for this request; and

(5) The availability of necessary resources facilities at the institution where the research or training would be conducted.

(Approved by the Office of Management and Budget under control number 0925–0002.)

§ 66.105 Requirements.

The Secretary shall make an Award to an individual under this subpart only if:

(a) For any Award made for a period in excess of twelve months, other than an Award made for research training at the prebaccalaureate level, the individual has submitted to the Secretary a written assurance (in the manner the Secretary may prescribe) that he or she will satisfy the requirements of § 66.110;

(b) If the proposed research or training would take place at an institution other than one operated by the Public Health Service agencies listed in section 472(a)(1)(A) of the Act, the institution has submitted a written assurance (in the manner the Secretary may prescribe). The assurance shall indicate that:

(1) The applicant has been accepted to the institution for the purpose of engaging in the research or training for which an Award is being sought;

(2) The Award will not be used to support a residency; and

(3) In the event an Award is made the institution will make available to the applicant any resources and facilities described in the application as necessary to carry out the research or training; and

(c) The individual has submitted a written assurance (in the manner the Secretary may prescribe) that the Award to individuals will not be used to support a residency.

(Approved by the Office of Management and Budget under control number 0925–0002.)

§ 66.106 Awards.

(a) Within the limits of funds available, the Secretary shall make Awards to those applicants:

(1) Who have satisfied the requirements of § 66.105; and

(2) Whose proposed research or training would, in the judgment of the Secretary, best promote the purposes of section 472(a)(1)(A) of the Act, taking into consideration among other pertinent factors:

(i) The scientific, technical, or educational merit of the particular proposal;

(ii) The availability of resources and facilities to carry it out;

(iii) The qualifications and experience of the applicant; and

(iv) The need for personnel in the subject area of the proposed research or training.

(b) In making Awards, the Secretary shall take account of the Nation's overall need for biomedical research by giving special consideration to physicians who agree to undertake a minimum of two years of biomedical research.

(c) All Awards shall be in writing. Each shall specify:

(1) The period of the Award;

(2) The total recommended stipends and allowances provided for the entire Award period;

(3) The amount awarded for the intitial year of that period (see § 66.107); and

(4) The amount of the payments to the institution for the cost of services provided the awardee by the institution during the initial year of that period (see § 66.108).

(d) Neither the approval of any application nor any Award shall commit or obligate the United States in any way to make additional, supplemental, continuation, or other Award with respect to any approved application or portion thereof.

(e) No individual may receive an aggregate of more than five years of

support at the predoctoral level and three years at the postdoctoral level unless the Secretary waives, for good cause shown, this limitation for the individual. In determining what constitutes "good cause," the Secretary shall take into account such factors as whether the applicant proposes to pursue a combined program leading to the degrees of doctor of medicine and doctor of philosophy.

§ 66.107 Payments to awardees.

(a) Individuals receiving Awards shall be entitled to the stipends, tuition, fees, and allowances the Secretary may designate, taking into account the cost of living, and such other factors as the needs of the program and the availability of funds.

(b) The Secretary shall pay stipends, tuition, fees and allowances to the awardee or the sponsoring institution for payment to the awardee.

§ 66.108 Payments to institutions.

The institution shall be entitled to an allowance to help defray the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided to the individual by the institution. The Secretary shall determine the amount of payments based upon reasonable costs to the institution of establishing and maintaining the quality of research and training programs for which it receives support under this subpart. The Secretary may make payments to the institution either in advance or by way of reimbursement.

§ 66.109 Termination.

(a) The Secretary may terminate an Award prior to its normal expiration date:

(1) At the written request of the awardee; or

(2) If the Secretary finds that the awardee has materially failed to comply with the terms and conditions of the Award or to carry out the purpose for which it was made.

(b) In the event an Award is terminated, the Secretary shall notify the awardee in writing of this determination, the reasons for termination, the effective date, and any procedural rights available.

§ 66.110 Service, payback, and recovery requirements.

(a) Each individual who receives an Award for more than twelve months other than an Award for research training at the prebaccalaureate level shall upon completion of the Award engage for a period equal to the period of support (in excess of twelve months) in health research or teaching or, when in academic employment, any combination of research or teaching which is in accordance with the usual patterns of such employment.

(b) Except as provided in § 66.111, an individual subject to the requirements for service in paragraph (a) of this section must begin to undertake the service on a continuous basis within two years after the termination of his or her Award.

(c) If the individual fails to undertake or perform the service in accordance with the requirements of paragraph (a) of this section, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula:

$$A = O\frac{(t-s)}{(t)}$$

in which "A" is the amount the United States is entitled to recover; "0" is the sum of the total amount paid under one or more Awards to the individual less the amount paid for the initial twelve months; "t" is total number in months in the individual's sevice obligation; and "S" is the number of months of the obligation served by him or her in accordance with paragraph (a) of this section.

(d) Except as provided in § 66.111, the individual shall pay to the United States any amount which it is entitled to recover under paragraph (c) within a three-year period beginning on the date the United States becomes entitled to recover that amount. Interest shall accrue to the United States until any amount due it under paragraph (c) of this section is paid. The rate of interest will be fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date the United States become entitled to recovery.

§ 66.111 Suspension, waiver, and cancellation.

(a) The Secratary may extend the period for undertaking service prescribed in § 66.110(b), permit breaks in service under § 66.110(b), or extend the period of repayment under § 66.110(b) if the Secretary determines that:

(1) An extension or break in service is necessary so the individual may complete his or her research training;

(2) Completion during the period would be impossible because the individual is temporarily disabled; or

(3) Completion during the period would involve a substantial hardship to the individual and failure to extend to the period would be against equity and good conscience.

(b) The Secretary may waive, in whole or in part, the obligation of the individual to repay pursuant to § 66.110(c) if the Secretary determines that:

(1) Fulfillment would be impossible because the individual is permanently and totally disabled; or

(2) Fulfillment would involve a substantial hardship to the individual and enforcement of the obligation would be against equity and good conscience.

(c) In making determinations under § 66.111 (a)(3) and (b)(2), the Secretary will take into consideration such factors as:

(1) The individual's present financial resources and obligations;

(2) The individual's estimated future financial resources and obligations;

(3) The reasons for the individual's failure to complete the requirements within the prescribed period, such as problems of a personal nature;

(4) The extent to which the individual has been engaged in activities encompassed by § 66.110(a);

(5) Whether the individual has received sufficient training to be qualified to perform any such activities;

(6) The unavailability of employment opportunities appropriate to the individual's education and training; and

(7) Any other extenuating circumstances.

(d) Any obligations of any individual under this subpart will be cancelled upon the death of that individual.

§ 66.112 Other HHS regulations and policies that apply.

Several other regulations and policies may apply to individuals and institutions receiving payments under this subpart. These include, but are not limited to:

45 CFR Part 6—Inventions and Patents (General).

45 CFR Part 8—Inventions resulting from research grants, fellowship awards, and contracts for research.

45 CFR Part 46—Protection of human subjects.

45 CFR Part 76—Debarment and suspension from eligibility for financial assistance.

45 CFR Part 80—Nondiscrimination under programs receiving federal assistance through the Department of Health and Human Services-Effectuation of Title VI of the Civil Rights Act of 1964.

45 CFR Part 81—Practice and procedure for hearings under Part 80.

45 CFR Part 84—Nondiscrimination on the basis of handicap in federally assisted programs.

45 CFR Part 86—Nondiscrimination on the basis of sex in education programs and

activities receiving or benefiting from federal financial assistance.
45 CFR Part 90—Nondiscrimination on the basis of age in programs and activities receiving federal financial assistance.
40 FR 34482—Guidelines for Research Involving Recombinant DNA Molecules published by the National Institutes of Health.

§ 66.113 Publications.

Publication, distribution, and disposition of all manuscripts and other materials resulting from an Award shall be subject to the conditions that all such materials shall bear appropriate acknowledgement of Department of Health and Human Services support and that the awardee shall furnish copies of these manuscripts or other materials as the Secretary may reasonably request.

§ 66.114 Copyright.

Where the work accomplished under an Award results in a book or other copyrightable material, the author is free to copyright the work, but the United States reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the Award.

§ 66.115 Additional conditions.

The Secretary may with respect to any Award or class of Awards impose additional conditions prior to or at the time of any Award when in the Secretary's judgment such conditions are necessary to assure the carrying out of the purposes of the Award, the interests of the public health, or the conservation of funds awarded.

Subpart B—Institutional Grants

§ 66.201 Applicability.

The regulations in this subpart apply to grants under section 472(a)(1)(B) of the Public Health Service Act, as amended [42 U.S.C. 289*l* –1(a)(1)(B)], to public institutions and to nonprofit private institutions to enable these institutions to make National Research Service Awards to individuals for research, and training to undertake research, in programs specified in section 472(a)(1)(B) of the Act.

§ 66.202 Definitions.

The definitions in § 66.102 of Subpart A of this part apply to this Subpart.

§ 66.203 Eligibility.

To be eligible for a grant under this subpart, an applicant must be:
(a) A public or nonprofit private institution; and
(b) Located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 66.204 Application.

(a) Application for a grant under this subpart shall be made on a form approved for that purpose by the Secretary. Applicants shall submit completed forms on or before the dates the Secretary may prescribe.
(b) In addition to any other pertinent information that the Secretary may require, each application shall set forth in detail:
(1) The subject area or areas in which the proposed research or training will be conducted;
(2) The resources and facilities available for use by recipients of Awards in carrying out this research or training;
(3) The names, qualifications, and experience of the program director and principal staff members who will be responsible for the proposed program;
(4) The criteria to be employed in selecting recipients of Awards;
(5) The estimated number of recipients of Awards under the grant;
(6) The proposed project period and a detailed budget and justification for the amount of grant funds requested; and
(7) Proposed methods for monitoring and evaluating the performance of individual recipients of Awards, as well as the overall program.

(Approved by the Office of Management and Budget under control number 0925–0022.)

§ 66.205 Requirements.

(a) No Award shall be made to an individual from a grant under this subpart unless:
(1) For any Award made for a period in excess of twelve months, other than an Award made for research training at the baccalaureate level, the individual has submitted to the Secretary a written assurance (in the manner the Secretary may prescribe) that he or she will satisfy the requirements of § 66.110 of Subpart A of this Part;
(2) The individual is a citizen or non-citizen national of the United States or has been lawfully admitted to the United States for permanent residence at the time of application;
(3) The Award includes a provision for termination in the event the recipient is found by the institution to have materially failed to comply with the terms and conditions of the Award or to carry out the purpose for which it was made; and
(4) The Award is not to be used to support a residency.
(b) No Award shall be made to an individual under such grant which would provide that individual with aggregate support in excess of five years for predoctoral training and three years for postdoctoral training, unless the Secretary for good cause shown as provided in § 66.106(d) of Subpart A of this part, waives the application of the limitation with respect to that individual.
(c) The provisions of §§ 66.110 and 66.111 of Subpart A of this part constitute terms and conditions of any Award made from a grant under this subpart.

(Approved by the Office of Management and Budget under control number 0925–0022.)

§ 66.206 Grant awards.

(a) Within the limits of funds available, the Secretary shall award grants to those applicants:
(1) Whose applications have been reviewed and recommended for approval by the appropriate national advisory council or board;
(2) Who have satisfied the requirements of § 66.105; and
(3) Whose proposed programs would, in the judgment of the Secretary, best promote the purposes of section 472(a)(1)(B) of the Act, taking into consideration among other pertinent factors:
(i) The scientific, technical, or educational merit of the proposed program;
(ii) The adequacy of the resources and facilities available to the applicant;
(iii) The qualifications and experience of the program director and principal staff members;
(iv) The degree of the need for personnel in the subject area or areas of the proposed research or training;
(v) The extent to which the applicant, in making Awards, gives special consideration to physicians who agree to undertake a minimum of two years of biomedical research;
(vi) The administrative and management capability of the applicant;
(vii) The reasonableness of the proposed budget in relation to the proposed program; and
(viii) The adequacy of the methods for monitoring and evaluating the performance of individual recipients and the overall program.
(b) The notice of grant award specifies how long HHS intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for 3–5 years.
(c) Generally the grant will initially be for one year and subsequent continuation awards will also be for one year at a time. A grantee must submit a

separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of such awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by HHS that continued funding is in the best interest of the government.

(d) Neither the approval of any application nor the award of any grant commits or obligates the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of any approved application.

§ 66.207 Other HHS regulations and policies that apply.

Several other regulations and policies apply to grants under this subpart. These include, but are not limited to:

42 CFR Part 50—PHS grant appeals process.
45 CFR Part 16—Department grant appeals process.
45 CFR Part 46—Protection of human subjects.
45 CFR Part 74—Administration of grants.
45 CFR Part 75—Informal grant appeals procedure.
45 CFR Part 76—Debarment and suspension from elgibility for financial assistance.
45 CFR Part 80—Nondiscrimination under programs receiving federal assistance through the Department of Health and Human Services—Effectuation of Title VI of the Civil Rights Act of 1964.
45 CFR Part 81—Practice and procedure for hearings under Part 80.
45 CFR Part 84—Nondiscrimination on basis of handicap in federally assisted programs.
45 CFR Part 86—Nondiscrimination on basis of sex in education programs and activities receiving or benefiting from federal financial assistance.
45 CFR Part 90—Nondiscrimination on the basis of age in programs and activities receiving federal financial assistance.
47 FR 17180—Guidelines for Research Involving Recombinant DNA Molecules published by the National Institutes of Health.

§ 66.208 Additional conditions.

The Secretary may, with respect to any grant award, impose additional conditions prior to or at the time of any award when in the Secretary's judgment those conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

[FR Doc. 83-14914 Filed 6-2-83; 8:45 am]
BILLING CODE 4140-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 95

[PR Docket No. 82-799; FCC 83-169]

Elimination of Individual Station Licenses in Radio Control Radio Service and Citizens Band Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: This Report and Order amends Parts 1 and 95 of the Commission's Rules to eliminate individual station licenses in the Radio Control (R/C) Radio Service and in the Citizens Band (CB) Radio Service. These amendments are being adopted because licensing of individual stations in these services is unnecessary. Elimination of individual station licensing will result in significant cost savings and will reduce administrative burdens.

DATE: July 5, 1983.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau, Washington, D.C. 20554 (202) 632-4964.

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 95

Radio.

Report and Order

In the matter of amendment of Parts 1 and 95 of the Commission's rules to eliminate individual station licenses in the Radio Control (R/C) Radio Service and the Citizens Band (CB) Radio Service; PR Docket No. 82-799.

Adopted: April 27, 1983.
Released: May 10, 1983.

By the Commission. Commissioner Jones absent.

I. Introduction

1. In a *Notice of Proposed Rule Making* in this proceeding, 47 FR 56677 (December 20, 1982), we proposed to eliminate individual licensing of stations in the Radio Control (R/C) Radio Service and the Citizens Band (CB) Radio Service and, instead, to authorize operation of these radio stations without individual licenses.[1]

II. Background

2. In the *Notice of Proposed Rule Making, supra,* we set forth, by way of background information, the circumstances which led to commencement of this proceeding. We believe it would be useful to reiterate this information.

3. The CB Radio Service was created to make available to the public a low-cost, short-range, two-way voice radio service for both personal and business communications.[2] The R/C Radio Service was created to make available to the public a private, one-way short-distance, non-voice communications service for the remote operation of devices. Its primary use has been for the control of model aircraft, model boats, and model cars.

4. Although there have been some modifications to the technical and operational rules governing both the R/C and CB services, they have remained essentially unchanged in purpose since their inception. These services have attracted millions of users. There are now approximately 6 million R/C and CB licensees, down from a high of 15 million in 1979. We expect to receive some 600,000 applications in FY (Fiscal Year) 1983 for new, renewed and modified licenses in both the R/C and CB Radio Services.

5. Licensing of R/C and CB stations has always differed from licensing of other private radio stations because of the broad eligibility and operational provisions of these services. Individualized R/C and CB licensing is not used to assign specific frequencies, output power or hours of operation. All R/C and CB licensees are authorized to operate on legal R/C and CB frequencies with legal power at any time of the day. Applicants are not required to show financial or technical qualifications, and need only meet minimal eligibility requirements (12 years of age for R/C, 18 years of age for CB, and not a foreign government or a representative thereof or a federal government agency).[3] Each application in these services is computer processed, largely by outside contractors, with minimal review.

6. Spectrum management in the R/C and CB radio services is accomplished by way of type acceptance and operating rules, rather than by licensing. R/C and CB transmitters are type

[1] Individual station licenses, in this context, refer to R/C and CB station licenses now issued to eligible persons, including individuals, corporations, partnerships, associations or governmental entities other than those specifically prohibited by statute from holding such licenses. See Footnote 3, *infra.*

[2] *See California Citizens Band Assn., Inc.* v. *United States,* 375 F2d. 43, 9 RR2d 2037 (9th Circ. 1967), cert. denied, 389 U.S. 844. (1967)

[3] 47 U.S.C. § 310(a) prohibits the issuance of a license to a foreign government or a representive thereof. 47 U.S.C. § 305 exempts radio stations "belonging to and operated by" the United States from the licensing requirements of Title III.

accepted to assure that they are operated on legal frequencies with legal power. Frequency assignments, power limitations and antenna height restrictions are determined by rule making, not by licensing. We have estimated that in FY 1983 we will spend approximately $361,000 for R/C and CB radio station licensing.

7. Recognizing that the high cost for licensing individual stations in the R/C and CB Radio Services may not justify the limited public interest benefits of such licensing, Congress recently amended the Communications Act of 1934 to permit us to grant authority to operate R/C and CB radio stations without individual licenses. *See* Public Law (Pub. L.) 97–259, Section 113(a), enacted September 13, 1982. *See also* 47 U.S.C. § 307(e).

III. Proposal

8. We therefore proposed to eliminate all individual station licenses in the R/C and CB Radio Services and instead, to authorize operation of these stations by rule without individual stations licenses. We proposed that as of the day a *Report and Order* adopting these rules would be issued, all existing R/C and CB licenses would be void. Additionally, we proposed that all pending applications for such licenses, and all applications for such licenses subsequently received, would result in no official Commission action.

9. We also proposed to eliminate all individual station call signs in the R/C and CB Radio Services. In the Citizens Band Radio Service, in lieu of call sign identification, we proposed requiring identification by the license plate number of any truck, automobile or motorcycle registered in the CB operator's name. If the operator did not have a truck, automobile or motorcycle we proposed requiring identification by the operator's residence street address. We sought comment on the desirability of requiring identification of CB radio communications. We also sought comment on whether identification would assist in the resolution of interference problems without Commission intervention, and on whether identification would facilitate the effective utilization of voluntary and uncompensated Citizens Band radio operators under new paragraph 4 of 47 U.S.C. 154(f). Additionally, we sought comment on whether license plate numbers would be the most appropriate unique identifiers if CB identification was retained. In the Radio Control Radio Service we proposed to retain rules not requiring identification of communications (see 47 CFR 95.227).

10. We proposed retaining, with appropriate modifications, the requirement that manufacturers pack a copy of the CB rules with each transmitter. *See* 47 CFR 95.645(f). We also proposed to delete minimum age requirements for operating in the R/C and CB Radio Services. Finally, we proposed that for compliance purposes we would treat persons violating R/C or CB rules while using non-modified, type accepted equipment as persons operating in violation of Commission rules. Conversely, we would treat a person violating R/C or CB rules which could be violated only by using modified or non-type-accepted equipment as operating without proper authorization in violation of Sections 301 and 302 of the Act.

IV Comments

11. We received approximately 200 comments and 150 reply comments to the *Notice of Proposed Rule Making, supra,* in this proceeding. Of these 350 filings, only roughly 25 were filed by persons other than REACT organizations or members of REACT. About 70 of the comments received were REACT standard form comments. About 140 of the reply comments received were REACT fill-in-the-blank reply comments. We note that for a proceeding directly affecting millions of Americans, the number or comments received was exceedingly small. It has been typical in other potentially far-reaching personal radio proceedings for us to receive ten times the number of comments we received in this proceeding. *See Memorandum Opinion and Order,* 66 FCC 2d 504, Docket 19759 (October 18, 1977), at paragraph 3: "Several thousand Comments and Reply Comments were received." *See also Amateur Radio Service,* 59 FCC 2d 877, 878 (June 15, 1976): "An estimated 4000 comments and reply comments were filed in this Docket."

12. The question of whether to eliminate individual station licenses in the Radio Control Radio Service was largely unaddressed by the comments. Fewer than ten comments spoke to this issue. Of those, only one (comments of Jeny Dwiggins) clearly opposed the R/C proposal. The Academy of Model Aeronautics, Inc.,[4] endorsed eliminating R/C individual licenses.

13. Most of the comments filed addressed the question of whether to eliminate individual station licenses in the CB Radio Service. There was almost unanimous opposition to this proposal. Of the 350 comments in this proceeding, no more than five favored eliminating individual CB licenses. Among others, lengthy and substantive comments concurring in this opposition were filed by REACT International, Inc., National Capital REACT, Inc., P. Randall Knowles and Dennis M. Lowry. Thomas C. Bowling, III, Nathan L. Maryn and Robert R. Vannoy filed substantial comments and reply comments opposing this proposal. Corwin D. Moore filed reply comments in opposition to eliminating individual CB licenses.

14. The comments of these and all commenters are addressed below in the context of each of the respective issues.

V. Summary of Decision

15. For the reasons set forth in the discussion below, we have decided to eliminate all individual station licenses in the R/C and CB Radio Services. We are, by rule, authorizing operation of these stations without individual station licenses. We are eliminating all individual station call signs in the R/C and CB Radio Services. We are retaining rules not requiring identification of communications in the Radio Control Radio Service, and eliminating rules requiring identification of communications in the Citizens Band Radio Service. We are deleting minimum age requirements for operating in the R/C and CB Radio Services. We are retaining the requirement that manufacturers pack a copy of the CB rules with each transmitter. In the CB Radio Service, we will adhere to the enforcement policy elucidated in the *Notice.*

VI. Discussion

A. *Rationale for Eliminating Individual Station Licenses in the R/C and CB Radio Services.*

1. *Individual Licensing is Unnecessary.* 16. The comments dispute our view that spectrum management is achieved in the R/C and CB services exclusively through the mechanisms of type acceptance and operating rules, rather than by the licensing function. The comments maintain that by obtaining a license in the R/C or CB services, an R/C or CB user is then authorized to operate on the frequencies allocated to the services only at the prescribed power in the services, and only with equipment permitted in the services. This is true, but it does not dispute the very essence of our position, which is that it is not the licensing function that accomplishes assignment of frequencies, power limitations or equipment standards in these services.

[4] The Academy of Model Aeronautics is a division of the National Aeronautic Association, which is the official U.S. representative of the Federal Aeronautique Internationale, the world governing body for sport aviation.

Rather, in these services an R/C or CB user may operate on every one of the frequencies allocated to each service with equipment and at powers set forth in the rules for each of the respective services. Each license in these services conveys exactly the same rights and privileges to any given user.

17. Many of the comments argue that if our position that we do not accomplish spectrum management through the licensing function in these services is true, then it is equally as true for other services, and not a valid reason to eliminate individual licenses for R/C and CB. This argument is not valid. A license in the R/C or CB services permits operation on every channel in each service. A license in the GMRS (General Mobile Radio Service) or in the private land mobile radio services authorizes operation only upon the frequency(ies) or frequency pair(s) assigned. In the private land mobile services obtaining such an assignment my involve extensive frequency coordination as part of a license application (see 47 CFR 90.175). In either case the licensing function is used to determine the most spectrum efficient assignment to the applicant in the service, and to make that assignment. No such frequency assignment function is served by the issuance of R/C or CB licenses. Additionally, in the Amateur Radio Service there are various classes of operator licenses, each with different privileges including use of various frequencies and use of voice communication. Part of the licensing function in the Amateur Radio Service is to determine what class of Amateur Radio operator license an individual is qualified for and, therefore, the nature of his or her operating privileges. No similar function of allocating operating privileges is served by the issuance of R/C or CB licenses.

18. Some comments set forth the view that because CB equipment is easily modified, type acceptance does not play an important spectrum management role. If CB equipment is modified, the operator using that equipment does not violate a condition of his/her license, but instead violates type acceptance rules and operating rules applicable to all CB operation. In such a situation, the cudgel of spectrum management is wielded not by the licensing function, but by type acceptance and operating rules.

19. Some comments are of the view that licensing at least serves the function of compliance with ITU (International Telecommunication Union) Regulations. However, as we stated in the *Notice*, new Radio Regulation No. 2020 (Article 24) of the ITU Regulations, effective January 1, 1982, permits licenses to be issued "in an appropriate form." It is our view that this permits authorization by rule instead of issuance of individual station licenses. This is consistent with Pub. L. 97–259 which exempted R/C and CB radio stations from the individual licensing provisions of the Communications Act of 1934, as amended.

20. Many of the comments stated that licensing in these services serves the function of informing users that there is an FCC and that there are rules the user must obey. Commenters stated that licensing reminds an operator that transmitting is a regulated privilege. Other comments expressed the view that the knowledge that a license is needed and can be revoked constitutes a psychological deterrent to violators, and imposes moral pressure on a would-be violator.

21. Assuring that users know of the existence of the FCC and operating rules is achieved by many means, including packaging of CB rules by manufacturers and word-of-mouth within the CB community. There are few CB'ers who haven't heard of "Uncle Charlie." The existence of a license does not play an essential role in this process. Rather than relying upon the unquantifiable vagaries of psychological deterrence or infusion of moral sensitivity that certain commenters have attributed to the licensing process, we believe that our forfeiture authority in these services constitutes that primary deterrence to would-be violators. Many comments indicated that effective enforcement is the only effective deterrent to violations. Recently our ability to respond to problems other than major "hue and cry" situations has been limited. However, we hope that we will be able to augment our efforts by accepting the services of CB volunteers. *See* 47 U.S.C. 154(f)(4)(D). The extent to which these volunteers can actually bolster our overall CB enforcement capability is not clear. The Field Operations Bureau (FOB) is planning to begin to implement a CB volunteer enforcement program in late Fiscal Year 1984 with emphasis upon channel 9.

22. Other comments stated that licensing provides a data base, which is a valuable enforcement tool. However, by and large CB violators fail to identify their communications, and our field offices must use other means to determine the location and identity of a violator. These means often include the use of sophisticated direction-finding techniques. While a data base does have value in resolving interference problems or other complaints of rule violation, it is not the primary method by which we locate and identify serious violators. We hope that the use of volunteers to monitor for rule violations will be helpful to FOB in this regard because such volunteers may be in a position to identify rule violators through their personal knowledge of the local CB population and practices.

23. Finally, some comments claimed that since the majority of users apply for licenses and comply with our rules, licensing must work. This merely begs the question, and does not consider whether other Commission rules or policies besides the licensing function are responsible for rule compliance.

24. Because most comments were encouraged by REACT International, Inc., they reflected a view which would be expected from such a volunteer, quasi-law-enforcement body, that has, as its primary interest, the use of 1 channel in the CB radio service (channel 9). This view was that licensing equates with rule compliance. This position however, must be placed in perspective. We do not believe it is representative of the views of the 6 million licensees from whom we heard nothing. Moreover, we believe REACT's concern that CB violations will increase significantly without individual station licensing is speculative. Our records reflect that since 1980 the number of complaints received by our Field Operations Bureau relating to interference by CB to CB and by CB to home electronic entertainment equipment has been gradually decreasing, both in real numbers and as a percentage of situations of interference generating more than 1% of complaints.[5] Additionally, since 1979 the number of complaints we have received of interference to CB users has dramatically decreased. [6] We conclude that licensing in these services serves only a minimal function * * * one better served by the type acceptance and operating rules and enforcement of those rules.

---

[5] In the following chart, HEEE refers to Home Electronic Entertainment Equipment:

SITUATIONS OF INTERFERENCE GENERATING MORE THAN 1% OF COMPLAINTS

Interference		Fiscal year 1980		Fiscal year 1981		Fiscal year 1982	
From	To	Percent	Number	Percent	Number	Percent	Number
CB	HEEE	84	51,128	80	48,960	86	42,373
CB	CB	8	6,471	7	5,900	6	4,537

[6] Complaint data:

Interference to	Fiscal year 1979	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982	Fiscal year 1983 (projections)
CB	9,057	8,672	5,194	4,753	3,000

2. *Individual Licensing Is Costly and Administratively Burdensome.* 25. We have already indicated at paragraphs four and six, *infra,* that there are approximately 6 million R/C and CB licensees; that we expect to receive some 600,000 applications in FY 1983 for new, renewed and modified licenses in both the R/C and CB Radio Services; and that we have estimated that in FY 1983 we will spend approximately $361,000 for R/C and CB radio station licensing, including costs for ten full time permanent positions within the Private Radio Bureau, two computer-related positions within the Managing Director's Office, and additional miscellaneous expenses for forms, postage, computer operation and microfiche licensing records.

26. Commenters stated that the estimated savings work out to a license processing cost per application of $.50 to $.60, which, in their view, is *de minimus.* Nonetheless, it is our view that the aggregate savings this agency would realize by eliminating individual licensing in these services would be substantial.

27. Some comments indicated that the savings we now estimate are less than those claimed in previous testimony by this Commission in Congressional hearings. This is true, because we have taken into account the fact that R/C and CB applications have been decreasing annually. These figures represent annual savings based on FY 1983 statistics. Some comments indicated we should project a continued decline in license applications and a commensurate net decrease in our projected annual savings. We do not believe that the rate of R/C and CB application filings is sufficiently predictable to attribute figures other than those in FY 1983 to future fiscal years.

28. Many comments argue that our projected cost savings will be offset by increased enforcement costs that would result from loss of the Citizens Band Radio Service data base. Our Field Operations Bureau (FOB) estimates that this data base provides significant assistance in resolving about 7,000 interference complaints per year. Even without this tool, most cases will be resolvable by the FOB Public Service Staff through other means, but at a slight additional cost of about two work-years annually. However, FOB also estimates that because of the loss of the data base about 700 additional cases will require on-scene visits from FOB Enforcement Staff at an additional cost of 4 work-years annually. Therefore, the total cost to FOB of eliminating individual station licenses while maintaining the present level of enforcement effort in the Citizens Band Radio Service will be 6 workyears, spread over all field installations, and, at worst, an offset of $166,875 per annum against savings of $361,000.

29. It is our belief that FOB will incur no other additional enforcement expense, because we will be able to proceed with the issuance of forfeitures in the R/C and CB Radio Services in the same manner and using the same methods as we have in the past.

30. We conclude that elimination of individual station licenses in the R/C and CB Radio Services would result in significant cost savings and in substantial administrative savings.

3. *Individual Licensing Consumes Burden Hours.* 31. In the *Notice* in this proceeding we stated that elimination of individual station licensing in the R/C and CB Radio Services will reduce the associated paperwork burden on the public for filling out temporary permits, application forms, and change of name and address forms by 68,000 burden hours in fiscal year 1983 and each fiscal year thereafter. The comments questioned the validity of this statistic, claiming that this would be roughly 6.8 to 7 minutes per application form, and that, in reality, it takes less than 2 minutes to fill out such a form. These comments fail to recognize that the time to fill out a temporary permit was included. Also, the time for addressing, sealing and mailing the application in an envelope is included in such estimates.

32. While the comments stated that even 6.8–7 minutes is a *de minimus* amount of time for one applicant to spend every five years, the 68,000 figure still quantifies the public paperwork burden saved by adoption of this proposal.

B. *Rules and Policies We Are Adopting in Eliminating Individual Station Licensees in the R/C and CB Radio Services.*

1. *Identification.* 33. The vast majority of comments favored retention of identification in the Citizens Band Radio Service, preferably by Commission-assigned call sign. Commenters were of the view that unique identification is needed in the CB Radio Service to provide ease of communications, for emergencies, for FOB and volunteer enforcement, and for informal resolution of interference complaints. Some commenters expressed the view that ITU Radio Regulations require call sign identification or some similar unique identifier.

34. If we eliminate individual station licenses in the R/C and CB Radio Services in order to reduce administrative and cost burdens to the FCC, we cannot retain the practice of individually assigned call signs without incurring roughly the same amount of administrative and cost burdens. We are confident that in order to facilitate ease of communications and in order to handle emergencies CB operators will be able to adequately identify themselves by other means. We have already explored FOB's cost evaluation of the impact of lack of a data base in these services, and found that even with the offsetting costs we would realize significant savings by eliminating individual station licenses. The effects of eliminating call signs on a prospective volunteer enforcement program, or on informal resolution of interference complaints, are speculative, at best. Accordingly, we will eliminate all individual station call signs in the R/C and CB Radio Services.

35. In the Citizens Band Radio Service we proposed that in lieu of Commission-assigned call signs we would instead require that each CB operator identify by the license plate number of any motor vehicle registered in the operator's name or, if the operator did not own a motor vehicle, by the operator's residence street address. This proposal met significant opposition in the comments, with roughly 180 filings opposing it and 25 filings favoring it.

36. The primary objections to the license plate/address identification proposal were that: (1) Such identification eliminates the anonymity of the operator, which according to the commenters, is an essential aspect of CB radio and one of its prime attractions, and (2) that such specific identification may constitute a danger to life and property for the operator so identifying, with one result being that fewer operators would identify. Many of the other objections to the proposal were of a legal or practical nature, including: (1) Identification would not be unique to an individual where the individual owned more than one motor vehicle; (2) the same license plate number may exist in more than one state, resulting in loss of uniqueness; (3) persons having their Amateur Radio Service call sign on their license plates would be required to identify by their call signs in the Amateur Radio Service, violating Amateur Radio Service rules; (4)

identification with obscene, profane or offensive vanity plates would be required; (5) many motor vehicle owners have not memorized their tag numbers; (6) within a family, different identifications would be required; (7) residence street addresses of multi-residence buildings would not be unique; (8) employees driving leased vehicles in the course of their business would have confusing identification requirements; and (9) businesses or organizations neither owning motor vehicles nor having street addresses would have no proper identification.

37. In its "fill-in-the-blank" reply comments, REACT polled those who filed on what identification methods they would prefer were we to eliminate individual station licenses in the CB radio service. The choices were not mutually exclusive. Of those filing such reply comments, almost all favored retention of identification by original Commission-assigned call sign. Additionally, about 90 favored identification by organization and unit (where applicable), about 60 favored use of a call sign constructed in the same fashion as present call signs to be used in CB radio with temporary authorization, and about 50 favored use of handles.

38. Without going into the merits of each individual objection to the proposed license plate/address identification scheme for CB, we are convinced by the comments that it could create significant practical problems. As a result, we have chosen not to adopt this identification proposal. Each of the other proposed alternatives would be, arguably, less unique, and each of the other proposed alternatives could create equally as many practical problems, such as (1) new CB'ers won't have original Commission-assigned call signs, (2) call signs in the fashion of those constructed for temporary use with CB today could be highly duplicative, (3) identification by organization and unit numbers does not include individual persons, and would cause massive confusion in the case of large organizations or businesses, and (4) handles are also frequently duplicated. Thus, instead of adopting the license plate/address identification scheme, we are eliminating the requirement that CB communications be identified.

39. We recognize that present ITU Radio Regulation No. 737, Mar. 2 (Article 19) states in pertinent part: "A station shall be identified by a call sign or other recognized means of identification." However, in the Final Acts of the World Administrative Radio Conference, Geneva, 1979 (the Final Acts) to which the U.S. Senate recently gave its advice and consent, new ITU Radio Regulation No. 2058, Geneva, 1979, states that transmissions by stations in the mobile services "should" carry identification signals. It does not make station identification mandatory. And while present ITU Radio Regulation No. 737, Mar. 2 survives in the Final Acts in substance as new ITU Radio Regulation No. 2069, Geneva, 1979, it does so with the added qualifier that it applies only to "* * * transmissions carrying identification signals * * *." This is consistent with new Radio Regulation 2079, Geneva, 1979, which expressly comtemplates "transmissions not carrying identification signals." CB transmissions, therefore, will be such transmissions. The United Kingdom has already eliminated identification requirements in its Citizens Band service. We believe elimination of identification requirements in the U.S. Citizens Band Radio Service is consistent with the Final Acts.

40. As we indicated in the *Notice* in this proceeding, the removal of individually assigned call signs makes it impossible to meet with International Frequency Board (IFRB) requirements. Because of the large number of CB licensees, we have never given notification of CB call signs to the IFRB. This has caused few problems, because violators rarely identify by call sign and cross-checking of IFRB data would not generally have been helpful. Thus, we believe that elimination of any requirement to identify CB communications will have little impact in view of out long-standing policy of not reporting CB call signs to the IFRB.

41. In the Radio Control Service, we are retaining rules not requiring identification of communications. While Article 19 of the ITU Radio Regulations requires identification of stations, Footnote 1 to Radio Regulation 735 of Article 19 recognizes that "identifying signals for certain radio systems (e.g. radiodetermination, radio relay systems and space systems) is not always possible." We believe that systems used in the Radio Control Service, which are typically designed to transmit signals to control mechanical devices, fall within this exception.

2. *Enforcement.* 42. Some comments stated that a greater number of CB violations will occur if we eliminate individual station licenses because this action will contribute to a growing perception that the FCC is abandoning the Citizens Band Radio Service. The same comments argued that FCC enforcement in CB is inadequate now, and would continue to be inadequate if individual station licenses are eliminated.

43. We are not abandoning the Citizens Band Radio Service. Elimination of individual station licenses will result in no diminution of the operating privileges or responsibilities of R/C and CB users. An operator of an R/C or CB radio station will still be required to comply with the Act and with the rules of each service. *See* 47 U.S.C. 307(e)(2). We will continue to use forfeitures and cease and desist orders as enforcement tools.

44. However, it must be recognized that the level of field enforcement in the Citizens Band Radio Service, regardless of the outcome of this proceeding, is directly related to budgetary constraints and the necessary prioritization that must occur in times of limited resources.

45. Nonetheless, we believe that the changes in compliance policy proposed in the *Notice* at para. 16 will go a long way toward giving FOB and the Justice Department greater latitude in dealing with CB violators. Specifically, we will, for compliance purposes, treat persons violating R/C or CB rules while using non-modified, type accepted equipment as operating in violation of Commission Rules. We will treat persons violating R/C or CB rules while using modified or non-type-accepted equipment as operating without proper authorization in violation of Sections 301 and 302 of the Communications Act of 1934, as amended.

46. Other practical difficulties of enforcement likely to occur with the elimination of individual station licenses were raised by the comments. These difficulties included the need to ascertain specific operator's identity to establish responsibility for transmissions, the need for additional field activity or inspections to identify violators, and the difficulty of imposing forfeitures upon minors. These workability problems were factored into our assessment of FOB's offsetting costs to maintain its present level of CB enforcement.

47. REACT International, Inc. and 125 or so reply commenters indicated that if the FCC accepted the use of voluntary and uncompensated volunteers to assist in enforcement in the Citizens Band Radio Service, they would participate in such a program if individual station licenses were eliminated. The comments generally agreed that without a unique identifier such as a Commission-assigned call sign it would be difficult for volunteers to assist the FCC in enforcement or to assist others in emergencies. However, as we have already indicated, violators generally do

not identify, so a lack of required identification for communications should not adversely impact upon a volunteer enforcement assistance program. Moreover in emergencies we are confident that those wishing to identify themselves adequately in order to obtain or to provide emergency assistance will be able to do so.

3. *Rule copies.* 48. We are retaining, with appropriate modifications, the requirement that manufacturers pack a copy of the CB rules with each transmitter. *See* 47 CFR 95.645(f). We expect that this will insure that the public will continue to be apprised of the substance of our rules and the necessity to abide by them. Almost all of the reply comments filed supported retention of this rule.

49. Also, virtually all of the reply comments favored reinstatment of a rule requiring CB operators to keep a current copy of FCC CB rules as part of their station records. We recently decided to stop requiring CB operators to have a copy of Commission CB rules. The reasons we took this action are equally valid whether or not we eliminate individual station licenses, and we do not intend to revisit the matter in the context of this proceeding. *See Order,* 47 FR 19367 (May 5, 1982). *See also Memorandum Opinion and Order,* FCC 82–540 (December 13, 1982).

4. *Eligibility.* 50. We are deleting minimum age requirements for operating in the R/C and CB Radio Services. Age reduction proposals in the CB Radio Service have generally been supported in comments in previous proceedings. *See Citizens Radio Service,* 60 FCC 2d 762, 767 (July 29, 1976). However, we have in the past refrained from changing the minimum age for eligibility due to inability to absorb the likely additional resource impact from the projected number of additional license applications. *Id.* With the elimination of individual station licenses in these services, Commission resource impact no longer stands in the way of deleting minimum age requirements. Comments on this subject in this proceeding were limited and mixed.

51. In addition to its *Comments* in this proceeding, REACT International, Inc., filed a separate pleading noting that proposed CB Rule 4 does not rule ineligible those persons whose CB licenses have been revoked but who have not been issued a cease and desist order. Other comments, including the *Comments* of P. Randall Knowles, felt that it would be inappropriate to permit those who had committed serious violations which had resulted in license revocation to operate under the new rules. We disagree. It would be neither consistent nor equitable for us to establish a rationale, on the one hand, that we will eliminate individual station licenses and rely on our forfeiture authority primarily for enforcement and then, on the other hand, to "grandfather" in the effects of license revocation into services where individual station licenses have been eliminated. Nevertheless, we have available to us several remedies for resumed or continued violative conduct. These remedies include cease and desist orders and/or criminal prosecution. In criminal prosecutions illegal equipment may be seized by U.S. Marshalls and forfeited to the United States Government.

C. *Alternative Proposals.* 1. *User Fees.* 52. Almost two-thirds of the comments and reply comments urged that we offset licensing administration, education and enforcement of CB radio matters with licensing or user fees, instead of eliminating individual station licensing in the Citizens Ban Radio Service. Fewer than five filings expressed opposition to such a proposal. Roughly 70 persons indicated they would pay a $10 fee for a five year license; 35 persons would pay $20; and 30 persons would pay $5.

53. Some of the comments acknowledged that any monies collected in such a fashion would have to be placed in U.S. government general revenues, rather than in the operating budget of this agency. *See* the *Miscellaneous Receipts Act,* 31 U.S.C. 484 *et seq.,* read in conjunction with 31 U.S.C. 628 and 16 U.S.C. 209. We may only spend those monies which Congress has appropriated for our budget. Thus, we are not in a position to act favorably on such a proposal.

54. A few comments urged the enactment of new legislation permitting establishment of a trust fund or other similar "escrow" account into which the Commission could place CB license or user fees. The Commission would then be authorized by Congress to offset its CB expenses with monies from such a fund.

55. This rule making proceeding is not the appropriate forum in which to seek new legislation. We can only make rules consistent with our mandate from Congress and the laws of the land as they exist today. Present law does not permit us to offset CB costs directly with license or user fees. Therefore, such fees are not an available alternative.

2. *Ten Year Licenses.* 56. At least one comment suggested that, in order to realize cost savings, we adopt ten year licenses in the R/C and CB Radio Services instead of eliminating individual station licenses. Many of the cost and administrative savings achieved by eliminating individual station licenses result from abolishing the data base entirely and completely eliminating jobs and computer usage associated with processing the licenses and maintaining the data base. Comparable savings could not be achieved by adopting a system of ten-year licensing. The savings would be less than half those estimated for eliminating individual station licensing. We are, therefore, not adopting this proposed alternative.

D. *Channel 9.*

57. REACT International, Inc. requested us to permit administrative communications on Channel 9 in the CB Radio Service if we eliminate individual station licenses. Almost 100 reply comments favored this request; more than 40 opposed it. We now allow Channel 9 to be used only for emergency communications or for traveler assistance. We do not believe that elimination of individual station licensing should have, in and of itself, any practical impact on the use of Channel 9. Therefore, we will not permit administrative communications on this channel.

E. *International Effects.*

58. Some comments expressed concern that if we eliminate individual station licenses in the CB Radio Service, then U.S. citizens travelling abroad, particularly in Canada and Mexico, will no longer be able to use their CB radios in those countries. We have forwarded copies of the *Notice of Proposed Rule Making* in this proceeding to Canada and Mexico. To date, we have received no response. We hope to be able to work out acceptable arrangements for use of CB radios by travellers from the United States to Canada or Mexico.

59. Some comments stated that elimination of individual station licensing in these services as proposed would adversely affect the United States in future international negotiations and encourage other countries to ignore the ITU Regulations. Admittedly, we do not know what the reaction of the international community will be to elimination of individual station licenses in the United States in the Radio Control and Citizens Band Radio Services. However, we are of the view that our action is defensible in international negotiations.

VII. Regulatory Flexibility

60. We certified in the *Notice of Proposed Rule Making* in this proceeding that the rules we are adopting would not have a significant economic impact on a substantial number of small entities, since they

merely eliminate a licensing requirement that imposed little economic burden on individual applicants. Accordingly, pursuant to Section 605 of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, we determined in the *Notice* that Sections 603 and 604 of the Regulatory Flexibility Act, 5 U.S.C. 603 and 604, do not apply to this rule making proceeding. The Chief Counsel for Advocacy of the Small Business Administration was so notified.

VIII. Ordering Clauses

61. Accordingly, it is ordered, effective thirty days after publication of this document in the **Federal Register**, that 47 CFR Parts 1 and 95 are amended as shown in the Appendix attached hereto.[7] The authority for this action is found in sections 4(i), 303 and 307(e) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303 and 307(e).

62. It is further ordered that as of the effective date of these rule changes all existing licenses that have been issued by this Commission in the Radio Control Radio Service and in the Citizens Band Radio Service will be void.

63. It is further ordered that all pending applications for licenses in the Radio Control Radio Service and in the Citizens Band Radio Service, as of the date of adoption of this *Report and Order*, will receive no further consideration.

64. It is further ordered that applications for licenses in the Radio Control Radio Service and in the Citizens Band Radio Service received on or after the date of adoption of this *Report and Order* will receive no consideration.

65. It is further ordered that this proceeding is terminated.

66. For further information concerning this document, contact John J. Borkowski (202) 632–4964.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

William J. Tricarico,

Secretary.

Appendix

The FCC hereby amends Part 1 [47 CFR 1.89, 1.912, 1.922, 1.925, 1.926 and 1.933] and Part 95 [Subpart C (47 CFR 95.201 and following), Subpart D (47 CFR 95.401 and following), and 47 CFR 95.645(f) in Subpart E] of its Rules as set forth below:

[7] In the interest of clarity, we have set forth new Subparts C and D of Part 95 in the Appendix in their entirety.

PART 1—[AMENDED]

1. Section 1.89 of the rules is revised to read:

§ 1.89 Notice of violations.

(a) Except in cases of willfulness or those in which public health, interest, or safety requires otherwise, any person who holds a license, permit or other authorization appearing to have violated any provision of the Communications Act or any provision of this chapter will, before revocation, suspension, or cease and desist proceedings are instituted, be served with a written notice calling these facts to his or her attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose. The Notice of Violation may be combined with a Notice of Apparent Liability to Monetary Forfeiture. In such event, notwithstanding the Notice of Violation, the provisions of § 1.80 apply and not those of § 1.89.

(b) Within 10 days from receipt of notice or such other period as may be specified, the recipient shall send a written answer, in duplicate, directly to the Commission office originating the official notice. If an answer cannot be sent or an acknowledgment cannot be made within such 10-day period by reason of illness or other unavoidable circumstance, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of action taken to correct the condition or omission complained of and to preclude its recurrence. In addition:

(1) If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus and any new apparatus is to be installed, the answer shall state the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application.

(2) If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge (where applicable) shall be given.

2. Paragraph (d) of § 1.912 of the rules is revised to read:

§ 1.912 Where applications are to be filed.

* * * * *

(d) All formal applications for ship station licenses (FCC Forms 502 and 405–B) shall be submitted to the Commission's office, Box 1040, Gettysburg, Pennsylvania 17325. All formal applications for aircraft station licenses (FCC Forms 404 and 405–B) shall be submitted to the Commission's office, Box 1030, Gettysburg, Pennsylvania 17325. All applications for General Mobile Radio Service station licenses shall be filed in accordance with paragraph (e) of this section.

* * * * *

§ 1.922 [Amended]

3. FCC Forms 505 and 555–B are removed from § 1.922 of the rules.

§ 1.925 [Amended]

4. Paragraph (d) of § 1.925 of the rules is removed and reserved.

§ 1.926 [Amended]

5. Paragraph (b)10 of § 1.926 of the rules is removed and reserved.

6. Paragraph (b) of § 1.933 of the rules is revised to read:

§ 1.933 Installation or removal of apparatus.

* * * * *

(b) In the Personal Radio Services, replacement of transmitting equipment may be made without prior authorization if: (1) The replacement transmitter appears in the Commission's "Radio Equipment List," as designated for use in the Personal Radio Service, *OR* (2) the replacement transmitter is for an R/C station, operates on frequencies assigned for R/C station use and complies with the technical standards of Part 95, Subpart E.

7. Subpart C of Part 95, Radio Control (R/C) Radio Service, is completely revised to read as follows:

PART 95—PERSONAL RADIO SERVICES

* * * * *

Subpart C—Radio Control (R/C) Radio Service

General Provisions

Sec.

95.201 (R/C Rule 1) What is the Radio Control (R/C) Radio Service?
95.202 (R/C Rule 2) How do I use these rules?
95.203 (R/C Rule 3) Am I eligible to operate an R/C station?
95.204 (R/C Rule 4) Do I need a license?

Sec.

95.205 (R/C Rule 5) Where may I operate my R/C station?
95.206 (R/C Rule 6) Are there any special restrictions on the location of my R/C station?

How To Operate An R/C Station

95.207 (R/C Rule 7) On what channels may I operate?
95.208 (R/C Rule 8) How high may I put my antenna?
95.209 (R/C Rule 9) What equipment may I use at my R/C station?
95.210 (R/C Rule 10) How much power may I use?
95.211 (R/C Rule 11) What communications may be transmitted?
95.212 (R/C Rule 12) What communications are prohibited?
95.213 (R/C Rule 13) May I be paid to use my R/C station?
95.214 (R/C Rule 14) Who is responsible for R/C communications I make?
95.215 (R/C Rule 15) Do I have to limit the length of my communications?
95.216 (R/C Rule 16) Do I identify my R/C communications?
95.217 (R/C Rule 17) May I operate my R/C station transmitter by remote control?

Other Things You Need to Know

95.218 (R/C Rule 18) What are the penalties for violating these rules?
95.219 (R/C Rule 19) How do I answer correspondence from the FCC?
95.220 (R/C Rule 20) What must I do if the FCC tells me that my R/C station is causing interference?
95.221 (R/C Rule 21) How do I have my R/C station transmitter serviced?
95.222 (R/C Rule 22) May I make any changes to my R/C station transmitter?
95.223 (R/C Rule 23) Do I have to make my R/C station available for inspection?
95.224 (R/C Rule 24) What are my station records?
95.225 (R/C Rule 25) How do I contact the FCC?

Subpart C—Radio Control (R/C) Radio Service

General Provisions

§ 95.201 (R/C Rule 1) What is the Radio Control (R/C) Radio Service?

The R/C Service is a private, one-way, short distance non-voice communications service for the operation of devices at remote locations.

§ 95.202 (R/C Rule 2) How do I use these rules?

(a) You must comply with rules (see R/C Rule 18, § 95.218, for the penalties for violations) when you operate a station in the R/C service from:

(1) Within or over the territorial limits of places where radio services are regulated by the FCC (see R/C Rule 5, §95.205);

(2) Aboard any vessel or aircraft registered in the United States; or

(3) Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company.

(b) Your R/C station must comply with technical rules found in Subpart E of Part 95.

(c) Where the rules use the word "you", "you" means a person operating an R/C station.

(d) Where the rules use the word "person," the rules are concerned with an individual, a corporation, a partnership, an association, a joint stock company, a trust, a state, territorial or local government unit, or other legal entity.

(e) Where the rules use the term "FCC," that means the Federal Communications Commission.

(f) Where the rules use the term "R/C station," that means a radio station transmitting in the R/C Radio Service.

§ 95.203 (R/C Rule 3) Am I eligible to operate an R/C station?

You are authorized to operate an R/C station unless:

(a) You are a foreign government, a representative of a foreign government, or a federal government agency; *OR*

(b) The FCC has issued a cease and desist order to you, and the order is still in effect.

§ 95.204 (R/C Rule 4) Do I need a license?

You do not need an individual license to operate an R/C station. You are authorized by this rule to operate your R/C station in accordance with the rules in this subpart.

§ 95.205 (R/C Rule 5) Where may I operate my R/C station?

Your are authorized to operate your R/C station from:

(a) Within or over any area of the world where radio services are regulated by the FCC. Those areas are within the territorial limits of:

(1) The fifty United States
(2) The District of Columbia

Caribbean Insular areas

(3) Commonwealth of Puerto Rico
(4) Navassa Island
(5) United States Virgin Islands (50 islets and cays)

Pacific Insular areas

(6) American Samoa (seven islands)
(7) Baker Island
(8) Commonwealth of Northern Mariana Islands
(9) Guam Island
(10) Howland Island
(11) Jarvis Island
(12) Johnston Island (Islets East, Johnston, North and Sand)
(13) Kingman Reef
(14) Midway Island (Islets Eastern and Sand)
(15) Palmyra Island (more than 50 islets)
(16) Wake Island (Islets Peale, Wake and Wilkes)

(b) Any other area of the world, except within the territorial limits of areas where radio services are regulated by—

(1) An agency of the United States other than the FCC. (You are subject to its rules.)

(2) Any foreign government. (You are subject to its rules.)

(c) An aircraft or ship, with the permission of the captain, within or over any area of the world where radio services are regulated by the FCC or upon or over international waters. You must operate your R/C station according to any applicable treaty to which the United States is a party.

§ 95.206 (R/C Rule 6) are there any special restrictions on the location of my R/C stations?

(a) If your R/C station is located on premises controlled by the Department of Defense, you may be required to comply with additional regulations imposed by the commanding officer of the installation.

(b) If your R/C station will be constructed on land of environmental or historical importance (such as a location significant in American history, architecture or culture), you may be required to provide information and to comply with §§ 1.1305–1.1319 of the FCC's Rules.

How to Operate an R/C Station

§ 95.207 (R/C Rule 7) On what channels may I operate?

(a) Your R/C station may transmit only on the following channels (frequencies):

Frequencies (MHz)	To operate
26.995	Any kind of device (any object or apparatus, except an R/C transmitter).
27.045	
27.095	
27.145	
27.195	
27.255	
26.995	A model aircraft device (any small imitation of an aircraft).
27.045	
27.095	
27.145	
27.195	
27.255	
72.01	
72.03	
72.05	
72.07	
72.09	[see paragraph (a) of this section]
72.09	
72.11	
72.13	
72.15	

Frequencies (MHz)	To operate
72.16	[see paragraph (e) of this section]
72.17	
72.19	
72.21	
72.23	
72.24	[see paragraph (e) of this section]
72.25	
72.27	
72.29	
72.31	
72.33	[see paragraph (e) of this section]
72.35	
72.37	
72.39	
72.40	[see paragraph (e) of this section]
72.41	
72.43	
72.45	
72.47	
72.49	
72.51	
72.53	
72.55	
72.57	
72.59	
72.61	
72.63	
72.65	
72.67	
72.69	
72.71	
72.73	
72.75	
72.77	
72.79	
72.81	
72.83	
72.85	
72.87	
72.89	
72.91	
72.93	
72.95	
72.96	[see paragraph (e) of this section]
72.97	
72.99	
72.01	[see paragraph (e) of this section]
72.990	A model surface craft device (any small imitation of a boat, car or vehicle except aircraft, for carrying people or objects).
27.045	
27.095	
27.145	
27.195	
27.255	
72.16	[see paragraph (e) of this section]
72.32	[see paragraph (e) of this section]
72.96	[see paragraph (e) of this section]
75.41	
75.43	
75.45	
75.47	
75.49	
75.51	
75.53	
75.55	
75.57	
75.59	
75.61	
75.63	
75.65	
75.67	
75.69	
75.71	
75.73	
75.75	
75.77	
75.79	
75.81	
75.83	
75.85	
75.87	
75.89	
75.91	
75.93	
75.95	
75.97	
75.99	

(b) You must share the channels with other R/C stations. You must cooperate in the selection and use of the channels. You must share the channel 27.255 MHz with stations in other radio services. There is no protection from interference on any of these channels.

(c) Your R/C station may not transmit simultaneously on more than one channel in the 72–76 MHz band when your operation would cause harmful interference to the operation of other R/C stations.

(d) Your R/C station must stop transmitting if it interferes with:

(1) Authorized radio operations in the 72–76 MHz band; *OR*

(2) Television reception on TV channels 4 or 5.

(e) Authorization for the use of the following frequencies is withdrawn effective December 20, 1987: 72.08, 72.16, 72.24, 72.32, 72.40, 72.96 and 75.64 MHz.

§ 95.208 (R/C Rule 8) How high may I put my antenna?

(a) "Antenna" means the radiating system (for transmitting, receiving or both) and the structure holding it up (tower, pole or mast). It also means everything else attached to the radiating system and the structure.

(b) If your antenna is mounted on a hand-held portable unit, none of the following limitations apply.

(c) If your antenna is installed at a fixed location, it (whether receiving, transmitting or both) must comply with either one of the following:

(1) The highest point must not be more than 6.10 meters (20 feet) higher than the highest point of the building or tree on which it is mounted; *OR*

(2) The highest point must not be more than 18.3 meters (60 feet) above the ground.

(d) If your R/C station is located near an airport, and if your antenna structure is more than 6.1 meters (20 feet) high, you may have to obey additional restrictions. The highest point of your antenna must not exceed one meter above the airport elevation for every hundred meters of distance from the nearest point of the nearest airport runway. Differences in ground elevation between your antenna and the airport runway may complicate this formula. If your R/C station is near an airport, you may contact the nearest FCC field office listed in section 0.121 of the Commission's Rules for a worksheet to help you figure the maximum allowable height of your antenna. Consult Part 17 of the FCC's Rules for more information.

WARNING: Installation and removal of R/C station antennas near powerlines is dangerous. For your safety, follow the installation directions included with your antenna.

§ 95.209 (R/C Rule 9) What equipment may I use at my R/C station?

(a) Your R/C station may transmit only with:

(1) An FCC type accepted (or type approved) R/C transmitter (Type accepted means the FCC has determined that certain radio equipment is capable of meeting recommended standards for operation); *OR*

(2) A non-type accepted R/C transmitter on channels 26.995–27.255 MHz if it complies with the technical standards (See Part 95, Subpart E).

(3) Use of a transmitter outside of the band 26.995–27.255 MHz which is not type accepted (or type approved) voids your authority to operate the station. Use of a transmitter in the band 26.995–27.255 MHz which does not comply with the technical standards voids your authority to operate the station.

(b) You may examine a list of type accepted transmitters at any FCC field office.

(c) Your R/C station may transmit with a transmitter assembled from a kit.

(d) You must not make, or have made, any internal modification to a type-accepted transmitter. (See R/C Rule 22.) Any internal modification to a type-accepted transmitter cancels the type-acceptance, and use of such a transmitter voids your authority to operate the station.

§ 95.210 (R/C Rule 10) How much power may I use?

(a) Your R/C station transmitter power output must not exceed the following value under any conditions:

Channel	Transmitter power (carrier power) (watts)
27.255 MHz	25
26.995–27.195 MHz	4
72–76 MHz	0.75

(b) Use of a transmitter which has power output in excess of that authorized voids your authority to operate the station.

§ 95.211 (R/C Rule 11) What communications may be transmitted?

(a) You may only use your R/C station to transmit one-way communications. (One-way communications are transmissions which are not intended to establish communications with another station.)

(b) You may only use your R/C station for the following purposes:

(1) The operator turns on and/or off a device at a remote location (Refer to Diagram 1); *or*

(2) A sensor at a remote location turns on and/or off an indicating device for the operator. (Refer to Diagram 2.) Only channels 26.995 to 27.255 MHz (see R/C Rule 17 § 95.217) may be used for this purpose. (A remote location means a place distant from the operator.)

(c) Your R/C station may only transmit non-voice:

(1) Amplitude modulation emissions (A9);

(2) Unmodulated on-off emissions (A9); *or*

(3) Frequency (or phase) modulated emissions (F9) on the 72–76 MHz channels only.

§ 95.212 (R/C Rule 12) What communications are prohibited?

You must not use an R/C station—

(a) In connection with any activity which is against federal, state or local law;

(b) To transmit any message other than for operation of devices at remote locations (no voice, telegraphy, etc.);

(c) To intentionally interfere with another station's transmissions;

(d) To operate another R/C transmitter by remote control (See R/C Rule 17 § 95.217); *or*

(e) To transmit two-way communications.

§ 95.213 (R/C Rule 13) May I be paid to use my R/C station?

(a) You may not accept direct or indirect payment for transmitting with an R/C station.

(b) You may use an R/C station to help you provide a service, and be paid for that service, as long as you are paid only for the service and not for the actual use of the R/C station.

§ 95.214 (R/C Rule 14) Who is responsible for R/C communications I make?

You are responsible for all communications which are made by you from an R/C station.

§ 95.215 (R/C Rule 15) Do I have to limit the length of my communications?

(a) You must limit your R/C communications to the minimum practical time.

(b) The only time your R/C communications may be a continuous signal for more than 3 minutes is when operation of the device requires at least one or more changes during each minute of the communications.

(c) Your R/C station may transmit a continuous signal without modulation only if:

(1) You are using it to operate a model aircraft device; *and*

(2) The presence or absence of the signal operates the device.

(d) If you show that you need a continuous signal to insure the immediate safety of life of property, the FCC may make an exception to the limitations in this rule.

§ 95.216 (R/C Rule 16) Do I identify my R/C communications?

You need not identify your R/C communications.

§ 95.217 (R/C Rule 17) May I operate my R/C station transmitter by remote control?

(a) You may not operate an R/C transmitter by radio remote control. (See R/C Rule 12, § 95.212.)

(b) You may operate an R/C transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control. Send your request and justification to FCC, Gettysburg, Pa. 17325. If you receive FCC approval, you must keep the approval as part of your station records. (See R/C Rule 24, § 95.224.)

(c) Remote control means operation of an R/C transmitter from any place other than the location of the R/C transmitter. Direct mechanical control or direct electrical control by wire from some point on the same premises, craft or vehicles as the R/C transmitter is not considered remote control.

Other Things You Need To Know

§ 95.218 (R/C Rule 18) What are the penalties for violating these rules?

(a) If the FCC finds that you have willfully or repeatedly violated the Communications Act or the FCC Rules, you may have to pay as much as $2,000 for each violation, up to a total of $5,000. (See Section 503(b) of the Communications Act.)

(b) If the FCC finds that you have violated any section of the Communications Act or the FCC Rules, you may be ordered to stop whatever action caused the violation. (See Section 312(b) of the Communications Act.)

(c) If a federal court finds that you have willfully and knowingly violated any FCC Rule, you may be fined up to $500 for each day you committed the violation. (See Section 502 of the Communications Act.)

(d) If a federal court finds that you have willfully and knowingly violated any provision of the Communications Act, you may be fined up to $10,000, or you may be imprisoned for one year, or both. (See Section 501 of the Communications Act.)

§ 95.219 (R/C Rule 19) How do I answer correspondence from the FCC?

(a) If it appears to the FCC that you have violated the Communications Act or FCC rules, the FCC may send you a discrepancy notice.

(b) Within the time period stated in the notice, you must answer with:

(1) A complete written statement about the apparent discrepancy;

(2) A complete written statement about any action you have taken to correct the apparent violation and to prevent it from happening again; *AND*

(3) The name of the person operating at the time of the apparent violation.

(c) If the FCC send you a letter asking you questions about your R/C radio station or its operation, you must answer each of the questions with a complete written statement within the time period stated in the letter.

(d) You must not shorten your answer by references to other communications or notices.

(e) You must send your answer to the FCC office which sent you the notice.

(f) You must keep a copy of your answer in your station records (See R/C Rule 24, § 95.224).

§ 95.220 (R/C Rules 20) What must I do if the FCC tells me that my R/C station is causing interference?

(a) If the FCC tells you that your R/C station is causing interference for technical reasons, you must follow all instructions in the official FCC notice. (This notice may require you to have technical adjustments made to your equipment.)

(b) You must comply with any restricted hours of R/C station operation which may be included in the official FCC notice.

§ 95.221 (R/C Rule 21) How do I have my R/C transmitter serviced?

(a) You may adjust an antenna to your R/C transmitter and you may make radio checks. (A radio check means a one-way transmission for a short time in order to test the transmitter.)

(b) Each internal repair and each internal adjustment to your FCC type accepted R/C transmitter (see R/C Rule 9, § 95.209) must be made by or under the direct supervision of a person licensed by the FCC as a General Radiotelephone Operator.

(c) Except as provided in paragraph (d) of this section, each internal repair and each internal adjustment of an R/C transmitter in which signals are transmitted must be made using a nonradiating ("dummy") antenna.

(d) Brief test signals (signals not longer than one minute during any five

minute period) using a radiating antenna may be transmitted in order to:

(1) Adjust a transmitter to an antenna;

(2) Detect or measure radiation of energy other than the intended signal; *OR*

(3) Tune a receiver to your R/C transmitter.

§ 95.222 (R/C Rule 22) May I make any changes to my R/C station transmitter?

(a) You must not make or have anyone else make an internal modification to your R/C transmitter.

(b) Internal modification does not include:

(1) Repair or servicing of an R/C station transmitter (see R/C Rule 21, § 95.221); *OR*

(2) Changing plug-in modules which were type-accepted as part of your R/C transmitter.

(c) You must not operate an R/C transmitter which has been modified by anyone in any way, including modification to operate on unauthorized frequencies or with illegal power. (See R/C Rules 9 and 10, §§ 95.209 and 95.210.)

§ 95.223 (R/C Rule 23) Do I have to make my R/C station available for inspection?

(a) If an authorized FCC representative requests to inspect your R/C station, you must make your R/C station and records available for inspection.

(b) An R/C station includes all of the radio equipment you use.

§ 95.224 (R/C Rule 24) What are my station records?

Your station records include the following documents, as applicable:

(a) A copy of each response to an FCC violation notice or an FCC letter. (See R/C Rule 19, § 95.219.)

(b) Each written permission received from the FCC. (See R/C Rule 17.)

§ 95.225 (R/C Rule 25) How do I contact the FCC?

(a) Write to your nearest FCC Field Office listed in Section 0.121 of the Commission's Rules if you:

(1) Want to report an interference complaint; *OR*

(2) Want to know if the FCC has type-accepted a transmitter for R/C.

(b) Write to the FCC, Private Radio Bureau, Personal Radio Branch, Washington, D.C. 20554 if you have questions about the R/C Rules.

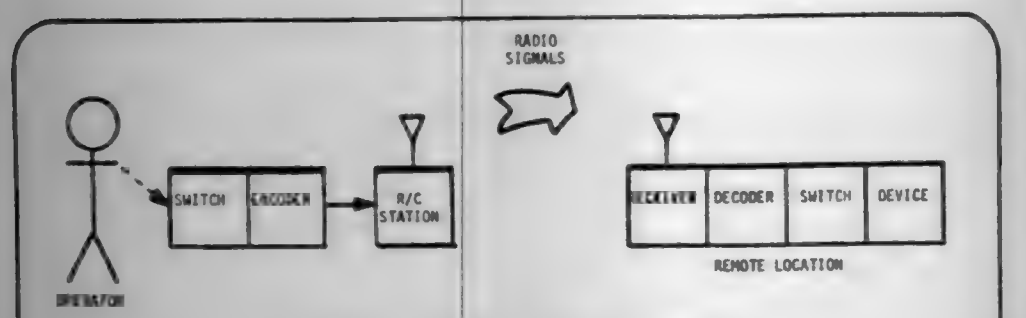

Diagram 1 (Refer to R/C Rule 11(b)(1))

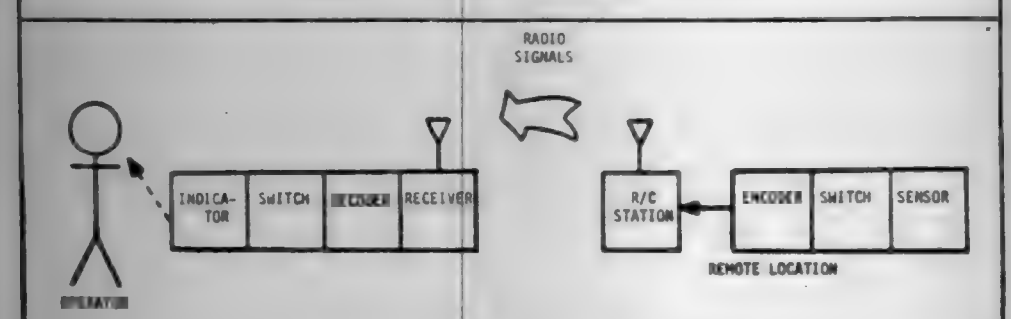

Diagram 2 (Refer to R/C Rule 11(b)(2))

8. Subpart D of Part 95, Citizens Band (CB) Radio Service, is completely revised to read as follows:

Subpart D—Citizens Band (CB) Radio Service

General Provisions

Sec.

95.401 (CB Rule 1) What is the Citizens Band (CB) Radio Service?
95.402 (CB Rule 2) How do I use these rules?
95.403 (CB Rule 3) Am I eligible to operate a CB station?
95.404 (CB Rule 4) Do I need a license?
95.405 (CB Rule 5) Where may I operate my CB station?
95.406 (CB Rule 6) Are there any special restrictions on the location of my CB station?

How To Operate a CB Station

95.407 (CB Rule 7) On what channels may I operate?
95.408 (CB Rule 8) How high may I put my antenna?
95.409 (CB Rule 9) What equipment may I use at my CB station?
95.410 (CB Rule 10) How much power may I use?
95.411 (CB Rule 11) May I use power amplifiers?
95.412 (CB Rule 12) What communications may be transmitted?
95.413 (CB Rule 13) What communications are prohibited?
95.414 (CB Rule 14) May I be paid to use my CB station?
95.415 (CB Rule 15) Who is responsible for CB communications I make?
95.416 (CB Rule 16) Do I have to limit the length of my communications?
95.417 (CB Rule 17) Do I identify my CB communications?
95.418 (CB Rule 18) How do I use my CB station in an emergency or to assist a traveler?
95.419 (CB Rule 19) May I operate my CB station transmitter by remote control?
95.420 (CB Rule 20) May I connect my CB station transmitter to a telephone?

Other Things You Need To Know

95.421 (CB Rule 21) What are the penalties for violating these rules?
95.422 (CB Rule 22) How do I answer correspondence from the FCC?
95.423 (CB Rule 23) What must I do if the FCC tells me that my CB station is causing interference?
95.424 (CB Rule 24) How do I have my CB station transmitter serviced?
95.425 (CB Rule 25) May I make changes to my CB station transmitter?
95.426 (CB Rule 26) Do I have to make my CB station available for inspection?
95.427 (CB Rule 27) What are my station records?
95.428 (CB Rule 28) How do I contact the FCC?

Subpart D—Citizens Band (CB) Radio Service

General Provisions

§ 95.401 (CB Rule 1) What is the Citizens Band (CB) Radio Service?

The CB Radio Service is a private, two-way, short-distance voice communications service for personal or business activities. The CB Radio Service may also be used for voice paging.

§ 95.402 (CB Rule 2) How do I use these rules?

(a) You must comply with these rules (See CB Rule 21 § 95.421, for the penalties for violations) when you operate a station in the CB Service from:

(1) Within or over the territorial limits of places where radio services are regulated by the FCC (see CB Rule 5, § 95.405);

(2) Aboard any vessel or aircraft registered in the United States; *OR*

(3) Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company.

(b) Your CB station must comply with technical rules found in Subpart E of Part 95.

(c) Where the rules use the word "you", "you" means a person operating a CB station.

(d) Where the rules use the word "person," the rules are concerned with an individual, a corporation, a partnership, an association, a joint stock company, a trust, a state, territorial or local government unit, or other legal entity.

(e) Where the rules use the term "FCC", that means the Federal Communications Commission.

(f) Where the rules use the term "CB station", that means a radio station transmitting in the CB Radio Service.

§ 95.403 (CB Rule 3) Am I eligible to operate a CB station?

You are authorized to operate a CB station unless:

(a) You are a foreign government, a representative of a foreign government, or a federal government agency; *OR*

(b) The FCC has issued a cease and desist order to you, and the order is still in effect.

§ 95.404 (CB Rule 4) Do I need a license?

You do not need an individual license to operate a CB station. You are authorized by this rule to operate your CB station in accordance with the rules in this Subpart.

§ 95.405 (CB Rule 5) Where may I operate my CB station?

You are authorized to operate your CB station from:

(a) Within or over any area of the world where radio services are regulated by the FCC. Those areas are within the territorial limits of:

(1) The fifty United States.

(2) The District of Columbia.

Caribbean Insular areas

(3) Commonwealth of Puerto Rico.

(4) Navassa Island.

(5) United States Virgin Islands (50 islets and cays).

Pacific Insular areas

(6) American Samoa (seven islands).

(7) Baker Island.

(8) Commonwealth of Northern Mariana Islands.

(9) Guam Island.

(10) Howland Island.

(11) Jarvis Island.

(12) Johnston Island (Islets East, Johnston, North and Sand).

(13) Kingman Reef.

(14) Midway Island (Islets Eastern and Sand).

(15) Palmyra Island (more than 50 islets).

(16) Wake Island (Islets Peale, Wake and Wilkes).

(b) Any other area of the world, except within the territorial limits of areas where radio services are regulated by—

(1) An agency of the United States other than the FCC. (You are subject to its rules.)

(2) Any foreign government. (You are subject to its rules.)

(c) An aircraft or ship, with the permission of the captain, within or over any area of the world where radio services are regulated by the FCC or upon or over international waters. You must operate your CB station according to any applicable treaty to which the United States is a party.

§ 95.406 (CB Rule 6) Are there any special restrictions on the location of my CB station?

(a) If your CB station is located on premises controlled by the Department of Defense you may be required to comply with additional regulations imposed by the commanding officer of the installation.

(b) If your CB station will be constructed on land of environmental or historical importance (such as a location significant in American history, architecture or culture), you may be required to provide information and to comply with §§ 1.1305 through 1.1319 of the FCC's Rules.

How To Operate a CB Station

§ 95.407 (CB Rule 7) On what channels may I operate?

(a) Your CB station may transmit only on the following channels (frequencies):

Channel	Frequency (megahertz-MHz)
1	26.965
2	26.975
3	26.985
4	27.005
5	27.015
6	27.025
7	27.035
8	*27.055*
9	27.065
10	27.075
11	27.085
12	27.105
13	27.115
14	27.125
15	27.135
16	27.155
17	27.165
18	27.175
19	27.185
20	27.205
21	27.215
22	27.225
23	27.255
24	27.235
25	27.245
26	27.265
27	27.275
28	27.285
29	27.295
30	27.305
31	27.315
32	27.325
33	27.335
34	27.345
35	27.355
36	27.365
37	27.375
38	27.385
39	27.395
40	27.405

[1] See paragraph (b) of this section.

(b) Channel 9 may be used only for emergency communications or for traveler assistance.

(c) You must, at all times and on all channels, give priority to emergency communication messages concerning the immediate safety of life or the immediate protection of property.

(d) You may use any channel for emergency communications or for traveler assistance.

(e) You must share each channel with other users.

(f) The FCC will not assign any channel for the private or exclusive use of any particular CB station or group of stations.

(g) The FCC will not assign any channel for the private of exclusive use of CB stations transmitting single sideband or AM.

§ 95.408 (CB Rule 8) How high may I put my antenna?

(a) "Antenna" means the radiating system (for transmitting, receiving or

both) and the structure holding it up (tower, pole or mast). It also means everything else attached to the radiating system and the structure.

(b) If your antenna is mounted on a hand-held portable unit, none of the following limitations apply.

(c) If your antenna is installed at a fixed location it (whether receiving, transmitting or both) must comply with either one of the following:

(1) The highest point must not be more than 6.10 meters (20 feet) higher than the highest point of the building or tree on which it is mounted; *OR*

(2) The highest point must not be more than 18.3 meters (60 feet) above the ground.

(d) If your CB station is located near an airport, and if your antenna structure is more than 6.1 meters (20 feet) high, you may have to obey additional restrictions. The highest point of your antenna must not exceed one meter above the airport elevation for every hundred meters of distance from the nearest point of the nearest airport runway. Differences in ground elevation between your antenna and the airport runway may conplicate this formula. If your CB station is near an airport, you may contact the nearest FCC field office listed in Section 0.121 of the Commission's Rules for a worksheet to help you figure the maximum allowable height for your antenna. Consult Part 17 of the FCC's Rules for more information.

WARNING: Installation and removal of CB Station Antennas near powerlines is dangerous. For your safety follow the installation directions included with your antenna.

§ 95.409 (CB Rule 9) What equipment may I use at my CB station?

(a) You must use an FCC type-accepted CB transmitter at your CB station. You can identify an FCC type-accepted transmitter by the type-acceptance label placed on it by the manufacturer. You may examine a list of type-accepted equipment at any FCC Field Office or at FCC Headquarters. Use of a transmitter which is not FCC type-accepted voids your authority to operate the station.

(b) You must not make, or have made, any internal modification to a type-accepted CB transmitter. (See CB Rule 25, § 95.425). Any internal modification to a type-accepted CB transmitter cancels the type-acceptance, and use of such a transmitter voids your authority to operate the station.

§ 95.410 (CB Rule 10) How much power may I use?

(a) Your CB station transmitter power output must not exceed the following values under any conditions:

AM (A3)–4 watts (carrier power)
SSB—12 watts (peak envelope power)

(b) If you need more information about the power rule, see the technical rules in Subpart E of Part 95.

(c) Use of a transmitter which has carrier or peak envelope power in excess of that authorized voids your authority to operate the station.

§ 95.411 (CB Rule 11) May I use power amplifiers?

(a) You may not attach the following items (power amplifiers) to your type-accepted CB transmitter in any way:

(1) External radio frequency (RF) power amplifiers (sometimes called linears or linear amplifiers); *OR*

(2) Any other devices which, when used with a radio transmitter as a signal source, are capable of amplifying the signal.

(b) There are no exceptions to this rule and use of a power amplifier voids your authority to operate the station.

(c) The FCC will presume you have used a linear or other external RF power amplifier if—

(1) It is in your possession or on your premises; *AND*

(2) There is other evidence that you have operated your CB station with more power than allowed by CB Rule 10, § 95.410

(d) Paragraph (c) of this section does not apply if you hold a license in another radio service which allows you to operate an external RF power amplifier.

§ 95.412 (CB Rule 12) What communications may be transmitted?

(a) You may use your CB station to transmit two-way plain language communications. Two-way plain language communications are communications without codes or coded messages. Operating signals such as "ten codes" are not considered codes or coded messages. You may transmit two-way plain language communications only to other CB stations, to units of your own CB station or to authorized government stations on CB frequencies about—

(1) Your personal or business activities or those of members of your immediate family living in your household;

(2) Emergencies (see CB Rule 18, § 95.418);

(3) Traveler assistance (see CB Rule 18, § 95.418); *or*

(4) Civil defense activities in connection with official tests or drills conducted by, or actual emergencies announced by, the civil defense agency with authority over the area in which your station is located.

(b) You may use your CB station to transmit a tone signal only when the signal is used to make contact or to continue communications. (Examples of circuits using these signals are tone operated squelch and selective calling circuits.) If the signal is an audible tone, it must last no longer than 15 seconds at one time. If the signal is a subaudible tone, it may be transmitted continuously only as long as you are talking.

(c) You may use your CB station to transmit one-way communications (messages which are not intended to establish communications between two or more particular CB stations) only for emergency communications, traveler assistance, brief tests (radio checks) or voice paging.

§ 95.413 (CB Rule 13) What communications are prohibited?

(a) You must not use a CB station—

(1) In connection with any activity which is against federal, state or local law;

(2) To transmit obscence, indecent or profane words, language or meaning;

(3) To interfere intentionally with the communications of another CB station;

(4) To transmit one-way communications, except for emergency communications, traveler assistance, brief tests (radio checks), or voice paging;

(5) To advertise or solicit the sale of any goods or services;

(6) To transmit music, whistling, sound effects or any material to amuse or entertain;

(7) To transmit any sound effect solely to attract attention;

(8) To transmit the word "MAYDAY" or any other international distress signal, except when your station is located in a ship, aircraft or other vehicle which is threatened by grave and imminent danger and your are requesting immediate assistance;

(9) To communicate with, or attempt to communicate with, any CB station more than 250 kilometers (155.3 miles) away;

(10) To advertise a political candidate or political campaign; (you may use your CB radio for the business or organizational aspects of a campaign, if you follow all other applicable rules);

(11) To communicate with stations in other countries, except General Radio Service stations in Canada; *or*

(12) To transmit a false or deceptive communication.

(b) You must not use a CB station to transmit communications for live or delayed rebroadcast on a radio or television broadcast station. You may

use your CB station to gather news items or to prepare programs.

§ 95.414 (CB Rule 14) May I be paid to use my CB station?

(a) You may not accept direct or indirect payment for transmitting with a CB station.

(b) You may use a CB station to help you provide a service, and be paid for that service, as long as you are paid only for the service and not for the actual use of the CB station.

§ 95.415 (CB Rule 15) Who is responsible for communications I make?

You are responsible for all communications which are made by you from a CB station.

§ 95.416 (CB Rule 16) Do I have to limit the length of my communications?

(a) You must limit your CB communications to the minimum practical time.

(b) If you are communicating with another CB station or stations, you, and the stations communicating with you, must limit each of your conversations to no more than five continuous minutes.

(c) At the end of your conversation, you, and the stations communicating with you, must not transmit again for at least one minute.

§ 95.417 (CB Rule 17) Do I identify my CB communications?

(a) You need not identify your CB communications.

(b) [You are encouraged to identify your CB communications by any of the following means:

(1) Previously assigned CB call sign;

(2) K prefix followed by operator initials and residence zip code;

(3) Name; *OR*

(4) Organizational description including name and any applicable operator unit number.]

(c) [You are encouraged to use your "handle" only in conjuction with the methods of identification listed in paragraph (b) of this section.]

§ 95.418 (CB Rule 18) How do I use my CB station in an emergency or to assist a traveler?

(a) You must at all times and on all channels, give priority to emergency communications.

(b) When you are directly participating in emergency communications, you do not have to comply with the rule about length of transmissions (CB Rule 16, § 95.416). You must obey all other rules.

(c) You may use your CB station for communications necessary to assist a traveler to reach a destination or to receive necessary services. When you are using your CB station to assist a traveler, you do not have to obey the rule about length of transmissions (CB Rule 16, § 95.416). You must obey all other rules.

§ 95.419 (CB Rule 19) May I operate my CB station transmitter by remote control?

(a) You may not operate a CB station transmitter by radio remote control.

(b) You may operate a CB transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control. Send your request and justification to FCC, Gettysburg, Pa 17325. If you receive FCC approval, you must keep the approval as part of your station records. (See CB Rule 27, §95.427.)

(c) Remote control means operation of a CB transmitter from any place other than the location of the CB transmitter. Direct mechanical control or direct electrical control by wire from some point on the same premises, craft or vehicle as the CB transmitter is not considered remote control.

§ 95.420 (CB Rule 20) May I connect my CB transmitter to a telephone?

(a) You may connect your CB station transmitter to a telephone if you comply with all of the following:

(1) You or someone else must be present at your CB station and must—

(i) Manually make the connection (the connection must not be made by remote control);

(ii) Supervise the operation of the transmitter during the connecton;

(iii) Listen to each communication during the connection; *AND*

(iv) Stop all communications if there are operations in violation of these rules.

(2) Each communication during the telephone connection must comply with all of these rules.

(3) You must obey any restriction that the telephone company places on the connection of a CB transmitter to a telephone.

(b) The CB transmitter you connect to a telephone must not be shared with any other CB station.

(c) If you connect your CB transmitter to a telephone, you must use a phone patch device with has been registered with the FCC.

Other Things You Need to Know

§ 95.421 (CB Rule 21) What are the penalties for violating these rules?

(a) If the FCC finds that you have willfully or repeatedly violated the Communications Act or the FCC Rules, you may have to pay as much as $2,000 for each violation, up to a total of $5,000. (See Section 503(b) of the Communications Act.)

(b) If the FCC finds that you have violated any section of the Communications Act or the FCC Rules, you may be ordered to stop whatever action caused the violation. (See Section 312(b) of the Communications Act.)

(c) If a federal court finds that you have willfully and knowingly violated any FCC Rule, you may be fined up to $500 for each day you committed the violation. (See Section 502 of the Communications Act.)

(d) If a federal court finds that you have willfully and knowingly violated any provision of the Communications Act, you may be fined up to $10,000 or you may be imprisoned for one year, or both. (See Section 501 of the Communications Act.)

§ 95.422 (CB Rule 22) How do I answer correspondence from the FCC?

(a) If it appears to the FCC that you have violated the Communications Act or these rules, the FCC may send you a discrepancy notice.

(b) Within the time period stated in the notice, you must answer with:

(1) A complete written statement about the apparent discrepancy;

(2) A complete written statement about any action you have taken to correct the apparent violation and to prevent it from happening again: *AND*

(3) The name of the person operating at the time of the apparent violation.

(c) If the FCC sends you a letter asking you questions about your CB radio station or its operation, you must answer each of the questions with a complete written statement within the time period stated in the letter.

(d) You must not shorten your answer by references to other communications or notices.

(e) You must send your answer to the FCC office which sent you the notice.

(f) You must keep a copy of your answer in your station records. (See CB Rule 27, § 95.427.

§ 95.423 (CB Rule 23) What must I do if the FCC tells me that my CB station is causing interference?

(a) If the FCC tells you that your CB station is causing interference for technical reasons you must follow all instructions in the official FCC notice. (This notice may require you to have technical adjustments made to your equipment.)

(b) You must comply with any restricted hours of CB station operation which may be included in the official notice.

§ 95.424 (CB Rule 24) How do I have my CB station transmitter serviced?

(a) You may adjust an antenna to your CB transmitter and you may make radio checks. (A radio check means a one way transmission for a short time in order to test the transmitter.)

(b) Each internal repair and each internal adjustment to your FCC type-accepted CB transmitter (See CB Rule 9, § 95.409) must be made by or under the direct supervision of a person licensed by the FCC as a General Radiotelephone Operator.

(c) Except as provided in paragraph (d) of this section, each internal repair and each internal adjustment of a CB transmitter in which signals are transmitted must be made using a nonradiating ("dummy") antenna.

(d) Brief test signals (signals not longer than one minute during any five minute period) using a radiating antenna may be transmitted in order to:

(1) Adjust an antenna to a transmitter;

(2) Detect or measure radiation of energy other than the intended signal; *OR*

(3) Tune a receiver to your CB transmitter.

§ 95.425 (CB Rule 25) May I make any changes to my CB station transmitter?

(a) You must not make or have any one else make any internal modification to your CB transmitter.

(b) Internal modification does not include:

(1) Repair or servicing of a CB station transmitter (see CB Rule 24, § 95.424); *OR*

(2) Changing plug-in modules which were type accepted as part of your CB transmitter.

(c) You must not operate a CB transmitter which has been modified by anyone in any way, including modification to operate on unauthorized frequencies or with illegal power. (See CB Rules 9 and 11, § 95.409 and 95.411.)

§ 95.426 (CB Rule 26) Do I have to make my CB station available for inspection?

(a) If an authorized FCC representative requests to inspect your CB station, you must make your CB station and records available for inspection.

(b) A CB station includes all of the radio equipment you use.

§ 95.427 (CB Rule 27) What are my station records?

Your station records include the following documents, as applicable.

(a) A copy of each response to an FCC violation notice or an FCC letter. (See CB Rule 22, § 95.422.)

(b) Each written permission received from the FCC. (See CB Rule 19, § 95.419.)

§ 95.428 (CB Rule 28) How do I contact the FCC?

(a) Write to your nearest FCC Field Office listed in Section 0.121 of the Commission's Rules if you:

(1) Want to report an interference complaint; *OR*

(2) Want to know if the FCC has type-accepted a transmitter for CB.

(b) Write to the FCC, Private Radio Bureau, Personal Radio Branch, Washington, D.C. 20554 if you have questions about the CB Rules.

9. Paragraph (f) of § 95.645 of the rules is revised to read:

§ 95.645 Additional requirements for type acceptance.

* * * * *

(f) A copy of Subpart D of Part 95 of the Commission's Rules, to be current at the time of packing of the transmitter, shall be furnished with each transmitter.

* * * * *

[FR Doc. 83-13966 Filed 6-2-83; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 81-421; FCC 83-227; RM-3130]

Permit Increased Antenna Height of Class A FM Commercial Broadcast Stations in Puerto Rico and the Virgin Islands

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: In response to a petition filed by Radio Musical Incorporated, and a subsequent Notice of Proposed Rule Making, this action amends the Commission's rules to permit Class A FM broadcast stations in Puerto Rico and the Virgin Islands to operate with increased antenna height. The increase will allow Class A stations to regain portions of their service area, theoretically lost when Class B stations were permitted to increase their antenna height, and to compensate for the adverse effects of the unusually rugged terrain found on these islands.

EFFECTIVE DATE: June 30, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bernard Gorden, Mass Media Bureau, (202) 632-9660.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order Proceeding terminated

In the matter of amendment of § 73.211 (b)(3) of the Commission's rules to permit increased antenna height of Class A FM Commercial Broadcast Stations in Puerto Rico and the Virgin Islands; BC Docket No. 81-421, RM-3130.

Adopted: May 12, 1983.

Released: May 23, 1983.

By the Commission.

Introduction

1. The Commission has before it for consideration the *Notice of Proposed Rule Making* [1] *("Notice")* in the above-captioned proceeding and the comments and reply comments filed in response thereto. The *Notice* proposed to increase the maximum antenna height permitted Class A FM broadcast stations in Puerto Rico and the Virgin Islands to compensate for the irregular terrain found there. Class A stations are now limited to a maximum antenna height above average terrain ("AAT") of 300 feet and the *Notice* proposed to increase this to 1,100 feet. It also proposed that Class A stations having antennas above 1,100 feet AAT should reduce power to prevent the service area from exceeding that possible with the proposed maximum facilities. No change in the maximum power limit of 3 kilowatts ("kW") was proposed.

Background

2. Radio Musical, Incorporated, licensee of Class A FM Station WBRQ at Cidra, Puerto Rico ("WBRQ"), submitted a petition (RM-3130) requesting an increase in the antenna height permitted Class A stations located in the two territories. It asserted that the Islands' irregular terrain severely limited the coverage of Class A stations, as it does all FM broadcast stations in that region. Petitioner noted that this problem and its effect on the operation of Class B stations had been explored by the Commission in Docket No. 14185.[2]

3. In Docket No. 14185 the Commission permitted Class B FM broadcast stations in Puerto Rico to utilize 25 kW power with antenna heights up to 2000 feet above average terrain. The primary reasons for the adoption of this provision in Puerto Rico were (a) the special terrain situation wherein a large mountain range runs throughout the Island in its central portion and (b) the favorable assignment situation wherein most of the mileage separations meet the requirements for Class B classifications. In view of those

[1] 47 FR 37923 (July 21, 1981).

[2] See the *Fourth Report and Order* in Docket No. 14185, adopted on October 7, 1964 (29 FR 14116, October 14, 1964). Also see *Report and Order* in Docket No. 18050, adopted May 15, 1968 33 FR 7573 (May 22, 1968).

special considerations and in order to encourage use of higher antennas with their attendant better service to the public, the Commission adopted § 73.211(b)(3) of the rules to permit increased antenna facilities (2000 feet at 25 kW) for Class B stations and further appropriate power reduction for antenna heights above 2000 feet in Puerto Rico. Subsequently, the provision was amended further, by action in Docket No. 18050, to include Class B stations in the Virgin Islands.[3]

4. When § 73.211(b)(3) was originally adopted in 1964, there were no Class A FM stations or channel assignments in Puerto Rico. Thus, increased facilities for Class A stations were not considered. When Class A channels were later assigned in Puerto Rico, similar relief was not considered, and the Class A channels were allocated according to normal mileage separation requirements. However, at normal separations, Class A station's service area might be reduced in the direction of an adjacent channel Class B station. Thus, petitioner indicated that Class A stations require an increase in antenna height to redress this imbalance as well as to compensate for effects of irregular terrain.

5. The Commission agreed that relief appeared warranted and thereby issued the *Notice of Proposed Rule Making* initiating this proceeding to modify the rules. The proposal differed from that suggested by the petitioner in one minor respect: a maximum antenna height of 1100 feet AAT was proposed instead of the 1200 feet sought by WBRQ. The *Notice* indicated that an 1100 foot antenna height permitted an increase in coverage of approximately 6 miles, in the direction of interfering adjacent channel Class B stations. This is sufficient to restore the service area otherwise lost by Class A stations to adjacent channel Class B stations (due to their greater than normal operating facilities at the regular separation distances).

6. The *Notice* also referred to the *Notice of Proposed Rule Making* in BC Docket No. 80–520, as an alternate solution to the Class A stations' signal coverage problem.[4] That proceeding proposed to substitute Class B channels for three of the five Class A channels currently allocated to Puerto Rico. To accommodate these substitute channels, four of the existing Class B stations would have had to change their channel assignments. This proposal was not adopted because the Commission believed that the gain in possible service by upgrading the three Class A channels would not outweigh the disruption to the existing Class B stations. *Report and Order* in BC Docket No. 80–520 adopted on June 29, 1982.[5]

Comments

7. Individual comments were filed by Radio Americas Corporation, licensee of Class B FM Station WIOA, Mayaguez, Puerto Rico ("WIOA"); Guyama Broadcasting Company, licensee of Class B FM Station WXRF, Guayama, Puerto Rico ("WXRF"); Southwestern Broadcasting Corporation, licensee of Class A FM Station WGIT–FM, Hormigueros, Puerto Rico ("WGIT") the Estate of Carlos Rivera, licensee of Class A FM Station WZOL, Luquillo, Puerto Rico ("WZOL"); and Arso Radio Corporation, licensee of Class B FM Station WPRM–FM, San Juan, ("WPRM").[6] Joint comments were filed by Aurio Matos, licensee of Class A FM Station WRFE, Aguada, Puerto Rico ("WRFE"); Arzuaga and Davilla Associates, licensee of Class A FM Station WREI, Quebradillas, Puerto Rico ("WREI"); Radio Musical, Inc., licensee of Class A Station WBRQ, Cidra, Puerto Rico ("WBRQ"); and Enrique Leon. Reply comments were submitted by WBRQ.

8. In its comments, Class B Station WXRF expressed some doubts regarding the technical limitations claimed by Class A stations in Puerto Rico. However, it did believe the instant proposal offered Class A station licensees an opportunity to improve their service in an orderly and efficient manner, and that it constituted a suitable method of achieving a technically appropriate, balance of Class A and Class B FM service in the two regions. Furthermore, WXRF viewed the instant proposal as a preferred alternative to the proposal in BC Docket No. 80–520, because it believed that proceeding would result in considerable disruption and inconvenience necessitated by changes in channel assignments. Lastly, WXRF agreed that the instant proposal is consistent with the intent and purpose of the Commission's FM channel allocation structure.

9. Class B Station WIOA contended that neither the petitioner nor the other Class A station licensees had shown the need for improved facilities, or any significant benefit to the public, to justify adoption of either of the two proposals then under consideration. However, in the event that the Commission concluded that some change of existing standards were warranted, WIOA agreed with WXRF that the antenna height increase at issue in this proceeding was preferable to the more general increase in facilities proposed in DB Docket No. 80–520. WIOA believed that the latter proposal would cause massive and plainly unnecessary disruption of existing Class B station service throughout Puerto Rico.

10. WGIT and WZOL both submitted similar but separate comments in support of the *Notice*. Since each would benefit from adoption of the proposal, both fully supported the technical arguments and fundamental basis for the instant proceeding. These licensees further emphasized the importance of this proceeding in permitting Class A FM assignments in Puerto Rico and the Virgin Islands to operate with facilities that have service areas comparable to those of Class A stations on the U.S. mainland.

11. WBRQ, WREI, WRFE (all Class A stations) and Enrique Leon, collectively submitted comments in response to the *Notice* that discussed the differences of the instant proposal from their proposal under consideration in BC Docket No. 80–520.[7] Their comments suggested the Commission adopt the proposals of both rule making proceedings. Additionally, they indicated that while they supported the proposed increase in antenna height, they believed that a maximum antenna height of 1,200 feet, as petitioned, would be more appropriate than the 1,100 feet limitation proposed in the *Notice*.[8]

---

[3] Also in Docket No. 18050, the Commission further amended § 73.211(b)(3) of the rules to address the appropriate operating power for stations using antennas between 500 feet and 2000 feet in height. That amendment in effect permits any combination of power and antenna height provided the specified signal (1 mV/m) contour coverage area is not greater than that obtained with the facilities of 25 kW at 2000 feet. As a result, this rule allows these Class B stations to maintain a maximum power of 50 kW and increase their antenna height to a maximum of 1500 feet.

[4] 45 FR 58824 (September 4, 1980).

[5] The *Report and Order* also assigned a Class A channel to Lajas, Puerto Rico, in response to interest expressed during the comment period. Reconsideration of this action has been sought.

[6] The comments of WPRM do not address the merits of the Commission's proposal. They simply register an objection to any improvements in the facilities of short-spaced Class A Station WREI. WREI entered into an agreement with WPRM in which it has agreed not to increase its facilities at its present location. The comments of WPRM are not relevant to this general proceeding since the matter it discusses is a separate one which should be raised in connection with an application for increased facilities by Station WREI.

[7] Collectively, these parties are the petitioners in DB Docket No. 80–520.

[8] These commenters assumed that since Class B stations had earlier received provision for a fourfold increase in antenna height, Class A stations should receive a similar increase in order to restore balance to the FM station assignment criteria in Puerto Rico and the Virgin Islands. However, we would note here (as we did in the *Notice*) that while the maximum antenna height of Class B stations

Conclusion

12. The foregoing discussion reflects the general support of the comments for the antenna height increase proposed in the *Notice*. While Class B station licensees view it as somewhat of an infringement on their service areas, they prefer adoption of this proposal over that considered and denied in BC Docket No. 80–520.

13. After careful consideration of the comments, the Commission concludes that action on the instant proposal is warranted to achieve a greater degree of service area comparability between Class A stations in Puerto Rico and the Virgin Islands and those on the U.S. mainland. It is further warranted to correct an imbalance between the service area relationship of Class A and Class B stations in Puerto Rico and the Virgin Islands. Accordingly, the Commission is herein amending § 73.211(b)(3) to permit use of maximum facilities of 3 kW/1,100 feet by Class A FM commercial stations in Puerto Rico and the Virgin Islands. The use of an antenna height in excess of 1,100 feet will require a reduction in power so that the 1 mV/m contour extends no further from the transmitter/antenna site than it would with the facilities of 3 kW/1,100 feet.

14. *Regulatory Flexibility Act Final Analysis.*

I. Need for Rule

This rule is needed in order that Class A stations in Puerto Rico and the Virgin Islands may overcome the adverse impact of irregular terrain found there, and counterbalance previous Commission action granting adjacent channel Class B stations authority to operate with increased antenna height.

II. Purpose of Rule

The rule amendment described above is intended to improve the service areas of Class A FM commercial stations in Puerto Rico and the Virgin Islands, thereby facilitiating delivery of communications service to the general public. It should also restore the traditional relationship between these stations and Class B FM commercial stations in the same areas, making it analogous with that found on the U.S. mainland.

III. Flexibility Issues Raised In the Comments

None.

IV. Significant Alternatives Not Adopted

None within the scope of this proceeding.

15. Accordingly, it is ordered, pursuant to the authority contained in §§ 4(i) and 303 of the Communications Act of 1934, as amended, that Part 73 of the Commission's Rules and Regulations is amended as set forth in the attached Appendix, effective June 30, 1983. It is further ordered that this proceeding is terminated.

16. Further information on this matter may be obtained by contacting Bernard Gorden, Mass Media Bureau, (202) 632–0000.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communication Commission.

William J. Tricarico,

Secretary.

PART 73—[AMENDED]

47 CFR Part 73 of the Federal Communications Commission's Rules and Regulations is amended as follows:

1. Section 73.211(b)(3) is revised as follows:

§ 73.211 Power and antenna height requirements.

* * * * *

(b) * * *

(3) In Puerto Rico and the Virgin Islands:

(i) Class B stations may use antenna heights up to 2,000 feet above average terrain with effective radiated powers up to 25 kW. For antenna heights above 2,000 feet, the power shall be reduced so that the station's 1 mV/m contour (located pursuant to Figure 1 of § 73.333) will extend no farther from the station's transmitter than with the facilities of 25 kW and an antenna height of 2,000 feet. For powers above 25 kW (up to 50 kW) no antenna height will be authorized which result in greater coverage by the 1 mV/m contour than that obtained with the facilities of 25 kW and an antenna height of 2,000 feet.

(ii) Class A stations may use antenna heights up to 1,100 feet above average terrain with effective radiated powers up to 3 kW. For antenna heights above 1,100 feet, the power shall be reduced so that the station's 1 mV/m contour (located pursuant to Figure 1 of § 73.333) will extend no farther from the station's transmitter than with the facilities of 3 kW and an antenna height of 1,100 feet.

* * * * *

[FR Doc. 83–14867 Filed 6–2–83; 8:45 am]

BILLING CODE 6712–01–M

was quadrupled, their maximum power was halved. Furthermore, the two technical parameters under consideration do not relate linearly, *i.e.*, increasing or decreasing the antenna height by some specified percentage does not equate with a similar percentage change in the effective radiated power.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 9A)]

Liquid Iron Chloride; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Notice of correction of final rules.

SUMMARY: In a notice of final rules (exemption) published in the **Federal Register** on April 15, 1983 (48 FR 16277), the Commission exempted nationwide rail transportation of liquid iron chloride from regulation pursuant to 49 U.S.C. 10505. The notices of proposed and final rules contemplated adding liquid iron chloride to an existing list of exempt commodities in § 1039.11. Final rules developed in Ex Parte No. 346 (Sub-No. 14) and published in the **Federal Register** on March 4, 1983 (48 FR 9277) removed § 1039.11. This notice corrects the erroneous April 15th publication by adding a new § 1039.11 for miscellaneous commodities.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245 or Mont Burrup (202) 275–6447.

SUPPLEMENTARY INFORMATION:

Environment and Energy

This action does not significantly affect the quality of the human environment or conservation of energy resources.

Revisions

The text in the amendments below is patterned after the former provisions of § 1039.11, with adaptations to make it better suited for additions of other miscellaneous commodities that may be exempted later. A notification condition in the former section related to an exemption proceeding that is no longer applicable. We are omitting it and otherwise wording the conditions to correspond to less detailed ones in a more recent exemption (see § 1039.13). These are minor changes without substantive effect, and thus notice and public comment are unnecessary.

Accordingly, the **Federal Register** notice of April 15, 1983 is amended by correcting the Appendix on page 16277 to read as follows:

PART 1039—[AMENDED]

Title 49 of the Code of Federal Regulations is amended by adding the following § 1039.11 to read as follows:

§ 1039.11 Miscellaneous commodities exemptions.

(a) *Commodities exempted.* Except as indicated in paragraph (b) of this section, the rail transportation of the commodities listed below is exempt from the provisions of 49 U.S.C. Subtitle IV. The Standard Transportation Commodity Code (STCC) numbers that identify the exempted commodities are those in effect on the effective date of the tariff cited, and shall embrace all commodities assigned additional digits.

STCC No.	STCC tariff	Commodity
28 195 22-23	6001-J, eff. 1-1-1982.	Iron chloride liquid.

(b) *Conditions.* Carriers must continue to comply with Commission accounting and reporting requirements. All railroad tariffs pertaining to the transportation of these miscellaneous commodities will no longer apply. This exemption shall remain in effect, unless modified or revoked by a subsequent order of this Commission.

(49 U.S.C. 10321 and 10505; 5 U.S.C. 553)

Decided: May 16, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-14841 Filed 6-2-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 260

[Docket No. 30427-67]

Inspection and Certification; Fees and Charges

AGENCY: National Oceanic and Atmospheric Administration, (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This rulemaking amends the procedure for publishing fees for voluntary Department of Commerce fishery product grading and certification services. The current program fee schedule is revised annually by amending the existing program regulations through a formal rulemaking process. This rule authorizes the Secretary of Commerce to revise the fees charged by the National Seafood Inspection Program by publishing a fee schedule in the notice section of the **Federal Register**. Therefore, this rulemaking simplifies the method by which program participants will be notified of future fee schedule changes.

EFFECTIVE DATE: July 5, 1983.

FOR FURTHER INFORMATION CONTACT: Richard V. Cano, Acting Program Manager, National Seafood Inspection Program, Office of Utilization Research, National Marine Fisheries Service, Washington, D.C. 20235, Phone: (202) 634-7458.

SUPPLEMENTARY INFORMATION: On October 1, 1982, the President, by Executive Order, increased the rates of basic pay of General Schedule employees. 50 CFR 206.81(a) requires that the hourly rates for inspection fees automatically be increased on the effective date of the pay adjustment by an amount equal to the increase received by the average General Schedule grade level of fishery product inspectors receiving such pay increases. In addition, during the previous several years this Agency has incurred added costs for increased inspector training, equipment replacement, and other administrative expenses. These cost increases previously were reflected by an amendment to the fee schedule in 50 CFR 260.70.

This rulemaking amends the existing regulations to allow the added costs for the previous fiscal year General Schedule pay increase and the additional administrative costs associated with providing fishery product grading and certification services to be reflected in a fee schedule published by notice in the **Federal Register**.

Executive Order 12291

A determination has been made that this rule is not a major rule under Executive Order 12291. This rule determines the procedure by which annual National Seafood Inspection Program fees will be revised. Therefore, this rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. It is anticipated that this procedure for revising and publishing, program fees will not have significant economic effects on fish plant producers, packers, and consumers.

Administrative Procedure Act

This rulemaking applies exclusively to the procedure for publishing fees charged under agency contracts for fishery product inspection services. As a "* * * matter relating to Agency * * * contracts," this rulemaking is exempt from the notice and comment provisions of the Administrative Procedure Act.

Regulatory Flexibility Act

Since this rulemaking is exempt from the notice and comment provisions of the Administrative Procedure Act, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

Paperwork Reduction Act

This rulemaking does not require an additional collection of information from the public under the Paperwork Reduction Act of 1980.

List of Subjects in 50 CFR Part 260

Food grades and standards, Food labeling, Seafood.

Dated: May 25, 1983.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries.

PART 260—[AMENDED]

For the reasons set forth in the preamble, 50 CFR Part 260 is amended as follows:

1. The authority citation for Part 260 reads as follows:

Authority: Sec. 6, 70 Stat. 1122, 16 U.S.C. 742e; secs. 203, 205, 60 Stat. 1087, 1090 as amended; 7 U.S.C. 1622, 1624; Reorganization Plan No. 4 of 1970 (84 Stat. 2090).

2. In Part 260, §260.70 is revised to read as follows:

§ 260.70 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Secretary, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any other agency or instrumentality thereof, will be published as a notice in the **Federal Register** and will be in accordance with § 260.81.

(b) Fees are reviewed annually to ascertain that the hourly fees charged are adequate to recover the costs of the services rendered.

(1) The TYPE I (Contract Inspection) hourly fee is determined by dividing the estimated annual costs by the estimated annual billable hours.

(2) The TYPE II (Lot Inspection) hourly fee is determined by adding a factor of 50 percent to the TYPE I fee, to

cover additional costs (down-time, etc.) associated with conducting lot inspection services.

(3) The TYPE III (Miscellaneous and Consulting) hourly fee is determined by adding a factor of 25 percent to the TYPE I fee, to cover the additional costs (down-time, etc.) associated with conducting miscellaneous inspection services.

[FR Doc. 83-14875 Filed 6-2-83; 8:45 am]
BILLING CODE 3510-22-M

---

50 CFR Part 371

[Docket No. 30527-97]

Fraser River Sockeye and Pink Salmon Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of final rule.

SUMMARY: NOAA issues this notice of final rule to reprint in the **Federal Register** the International Pacific Salmon Fisheries Commission's 1983 regulations, which implement the Convention for Protection, Preservation, and Extension of the Sockeye Salmon and Pink Salmon Fisheries of the Fraser River System between the United States and Canada (Convention). This notice and reprinting discharges a foreign affairs obligation of the United States. These regulations are necessary to achieve the objectives of the Convention in 1983. The intended effect of the regulations is to ensure adequate escapement of each spawning unit and the equitable division of catch between U.S. and Canadian fishermen in Convention waters. These rules do not apply to Treaty Indians exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places, who will be fishing under regulations promulgated by the Department of the Interior.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. H. A. Larkins, Regional Director, 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115; telephone: 206-527-6150.

SUPPLEMENTARY INFORMATION: On February 21, 1983, the International Pacific Salmon Fisheries Commission (the Commission) forwarded proposed regulations for the 1983 commercial fishing season for sockeye in Convention Waters to the Government of the United States for approval, as required by Article VI of the Convention for Protection, Preservation, and Extension of the Sockeye Salmon and Pink Salmon Fisheries of the Fraser River System (the Convention) between the United States and Canada. The United States has provisionally approved those regulations, with the exception that the regulations would not apply to Treaty Indians exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places. Treaty Indian fisheries are regulated by 25 CFR Part 256, published by the Department of the Interior.

Regulations for 1983 are similar to regulations adopted by the Commission in previous years to implement the Convention. The regulations for 1982 were published at 47 FR 24723 on June 8, 1982. The 1983 regulations amend the 1982 schedules of fishing by gillnets, purse seines and reef nets to 1983 calendar dates.

The 1983 regulations for sockeye salmon fishing provide for a 9-week season with one day of fishing per week for the all-citizen, or non-Indian, fishery. This preseason schedule will undoubtedly be adjusted during the season by the Commission to meet the following paramount objectives of the Convention with Canada: (1) Conservation, i.e., properly-timed escapement through all fisheries of adequate numbers of the various races of salmon for spawning purposes, and (2) equal division of Convention Waters catches between fishermen of the two nations. Such changes in the fishing schedule often occur as the season progresses because preseason estimates of run size, catches, racial compositions of the salmon runs, migration routes, and timing of the runs may vary substantially from actual observations during the season.

These regulations for all-citizen fisheries will be effective in High Seas Convention Waters and in Convention Waters inside the Bonilla Point-Tatoosh Island line. These regulations are necessary to achieve the objectives of the Convention and provide for a rational fishery by U.S. fishermen.

50 CFR Part 371 gives notice of the effectiveness and content of regulations adopted by an international commission and in force for the United States through the operation of the Convention. Reprinting the Commission's regulations in the **Federal Register** helps fulfill the United States, Convention obligation to make the Commission's regulations effective and, as such, involves a foreign affairs function not subject to the requirements of E.O. 12291 or the Regulatory Flexibility Act.

List of Subjects in 50 CFR Part 371

Fish, Fishing, Fisheries, International organizations, Reporting requirements.

Dated: May 27, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

PART 371—FRASER RIVER SOCKEYE AND PINK SALMON REGULATIONS

50 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776-776f.

2. Section 371.9 and Appendix A are revised to read as follows:

§ 371.9 Commission regulations.

Appendix A sets forth regulations of the Commission for the 1983 fishing season. These regulations, as may be modified from time to time by emergency orders of the Commission and disseminated under § 371.6 of this part, are the "Regulations of the Commission," violation of which is unlawful under the Act.

Appendix A—International Pacific Salmon Fisheries Commission Regulations

1. (1) No person shall retain sockeye salmon taken by commercial trolling gear in those waters westerly of a straight line drawn from Tatoosh Island Lighthouse in the State of Washington to Bonilla Point in the Province of British Columbia from the 15th day of June, 1983 to the 30th day of July, 1983, both dates inclusive.

(2) No person shall retain pink salmon taken by commercial trolling gear in those waters described in subsection (1) of this section from the 15th day of June, 1983 to the 6th day of August, 1983, both dates inclusive.

(3) Regulatory control of the waters described in subsection (1) of this section shall be relinquished effective 12:01 a.m. September 11, 1983.

2. No person shall fish for sockeye or pink salmon with nets from the 19th day of June, 1983 to the 16th day of July, 1983, both dates inclusive

3. (1) No person shall fish for sockeye or pink salmon with purse seines in Puget Sound Salmon Management and Catch Reporting Areas 4B, 5, 6, 6C, 7 and 7A:

(a) From the 17th day of July, 1983, to the 13th day of August, 1983, both dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday of each week; and

(b) From the 14th day of August, 1983 to the 17th day of September, 1983, both dates inclusive, except from five o'clock in the forenoon to nine o'clock in the afternoon of Monday of each week.

(2) No person shall fish for sockeye or pink salmon with reef nets in the waters described in subsection (1) of this section:

(a) From the 17th day of July, 1983 to the 23rd day of July, 1983; from the 31st day of July, 1983 to the 6th day of August, 1983; and from the 14th day of August, 1983 to the 20th

day of August, 1983, all dates inclusive, except from half past seven o'clock in the forenoon to nine o'clock in the afternoon of Sunday of each week; and

(b) From the 24th day of July, 1983 to the 30th day of July, 1983, and from the 7th day of August 1983 to the 13th day of August, 1983, all dates inclusive, except from half past six o'clock in the forenoon to half past eight o'clock in the afternoon of Sunday of each week; and

(c) From the 21st day of August, 1983 to the 27th day of August, 1983, and from the 4th day of September, 1983 to the 10th day of September, 1983, all dates inclusive, except from seven o'clock in the forenoon to half past seven o'clock in the afternoon of Sunday of each week; and

(d) From the 28th day of August, 1983 to the 3rd day of September, 1983, and from the 11th day of September, 1983 to the 17th day of September, 1983, all dates inclusive, except from six o'clock in the forenoon to nine o'clock in the afternoon of Sunday of each week.

(3) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 17th day of July, 1983 to the 23rd day of July, 1983, and from the 31st day of July, 1983 to the 6th day of August, 1983, all dates inclusive, except from seven o'clock in the afternoon of Sunday to half past nine o'clock in the forenoon of Monday of each week; and

(b) From the 24th day of July, 1983 to the 30th day of July, 1983, and from the 7th day of August, 1983 to the 13th day of August, 1983, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday of each week; and

(c) From the 21st day of August, 1983 to the 27th day of August, 1983, and from the 4th day of September, 1983 to the 10th day of September, 1983, all dates inclusive, except from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday of each week.

4. (1) No person shall fish for sockeye or pink salmon with purse seines in Puget Sound Salmon Management and Catch Reporting Area 6A:

(a) From the 17th day of July, 1983 to the 13th day of August, 1983, both dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday of each week; and

(b) From the 14th day of August, 1983 to the 10th day of September, 1983, both dates inclusive; and

(c) From the 11th day of September, 1983 to the 17th day of September, 1983, both dates inclusive, except from five o'clock in the forenoon to nine o'clock in the afternoon of Monday.

(2) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 17th day of July, 1983 to the 23rd day of July, 1983, and from the 31st day of July, 1983 to the 6th day of August, 1983, all dates inclusive, except from seven o'clock in the afternoon of Sunday to half past nine o'clock in the forenoon of Monday of each week; and

(b) From the 24th day of July, 1983 to the 30th day of July, 1983, and from the 7th day of August, 1983 to the 13th day of August, 1983, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday of each week; and

(c) From the 14th day of August, 1983 to the 10th day of September, 1983, both dates inclusive; and

(d) From the 11th day of September, 1983 to the 17th day of September, 1983, both dates inclusive, except from six o'clock in the afternoon of Sunday to nine o'clock in the forenoon of Monday.

5. (1) No person shall fish for sockeye or pink salmon with purse seines in Puget Sound Salmon Management and Catch Reporting Area 7D:

(a) From the 17th day of July, 1983 to the 13th day of August, 1983, both dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday of each week; and

(b) From the 14th day of August, 1983 to the 3rd day of September, 1983, both dates inclusive, except from five o'clock in the forenoon to nine o'clock in the afternoon of Monday of each week.

(2) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 17th day of July, 1983 to the 23rd day of July, 1983, and from the 31st day of July, 1983 to the 6th day of August, 1983, all dates inclusive, except from seven o'clock in the afternoon of Sunday to half past nine o'clock in the forenoon of Monday of each week; and

(b) From the 24th day of July, 1983 to the 30th day of July, 1983, and from the 7th day of August, 1983 to the 13th day of August, 1983, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday of each week; and

(c) From the 14th day of August, 1983 to the 20th day of August, 1983, and from the 28th day of August, 1983 to the 3rd day of September, 1983, all dates inclusive, except from six o'clock in the afternoon of Sunday to nine o'clock in the forenoon of Monday of each week; and

(d) From the 21st day of August, 1983 to the 27th day of August, 1983, both dates inclusive, except from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday.

6. No person shall fish for sockeye or pink salmon with commercial trolling gear in Puget Sound Salmon Management and Catch Reporting Area 4B, 5 and 6C from the 17th day of July, 1983 to the 17th day of September, 1983, both dates inclusive, except from Monday through Friday of each week on those days when purse seine fishing is permitted within that area.

7. No person shall fish for sockeye or pink salmon with nets in Puget Sound Salmon Management and Catch Reporting Area 7B, except for those sockeye and pink salmon taken in nets having mesh of not less than 7 inches as authorized for the taking of chinook salmon by the Director of Fisheries of the State of Washington, from the 19th day of June, 1983 to the 3rd day of September, 1983, both dates inclusive.

8. (1) No person shall fish for sockeye or pink salmon with nets in that portion of the waters described in subsection (1) of section 3 lying northerly and westerly of a straight line drawn from Iwersen's Dock on Point Roberts in the State of Washington to Georgina Point Light at the entrance to Active Pass in the Province of British Columbia from the 28th day of August, 1983 to the 3rd day of September, 1983, both dates inclusive.

(2) No person shall fish for sockeye or pink salmon with nets in that portion of the waters described in subsection (1) of section 3 lying westerly of a straight line drawn from the low water range marker in Boundary Bay on the International Boundary through the east tip of Point Roberts in the State of Washington to the East Point Light on Saturna Island in the Province of British Columbia from the 4th day of September, 1983 to the 1st day of October, 1983, both dates inclusive.

9. The foregoing recommended regulations shall not apply to the following waters:

(1) Puget Sound Salmon Management and Catch Reporting Areas 6B, 6D and 7C.

(2) Preserves previously established by the Director of Fisheries of the State of Washington for the protection of other species of food fish.

All times hereinbefore mentioned shall be Pacific Daylight Savings Time.

[FR Doc. 83-14874 Filed 6-2-83; 8:45 am]
BILLING CODE 3510-22-M

---

50 CFR Part 424

Listing Endangered and Threatened Species and Designating Critical Habitat: Actions on Petitions to List Several Marine Species

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Rule-related notice.

SUMMARY: The Service received petitions to add the pea crab, *Parapinnixia affinis*, large summer-run steelhead trout, *Salmo gairdneri*, in California, the monoplacophoran mollusc, *Vema hyalina*, and the Gulf of California harbor porpoise, *Phocoena sinus*, to the U.S. List of Endangered and Threatened Wildlife (50 CFR Part 17). As required by Section 4 of the Endangered Species Act, notice is given herein of findings made by the Assistant Administrator for Fisheries concerning petitions to add certain species to the List of Endangered and Threatened Wildlife. The Assistant Administrator for Fisheries has determined the petitions concerning *P. affinis*, *S. gairdneri*, and *V. hyalina* do not meet

the requirements of Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended, because they do not present substantial scientific or commercial information indicating that the petitioned actions may be warranted. Therefore the Service will not conduct reviews of the status of those species to determine if they are threatened or endangered species. The Assistant Administrator for Fisheries also has determined that the petition concerning *P. sinus* presents substantial scientific information indicating that the petitioned action may be warranted. As required by Section 4(b)(3)(A) of the Act, the Service has commenced a review of the status of *P. sinus* to determine if the petitioned action is warranted. To insure that the review is comprehensive, the Service is soliciting information and data concerning the status of *P. sinus*.

DATE: Comments, information and data must be received by August 2, 1983.

ADDRESS: Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Charles Karnella, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, Washington, D.C. 20235 ((202) 634–7471).

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the Endangered Species Act of 1973, as amended, contains provisions allowing interested persons to petition the Secretary of the Interior or the Secretary of Commerce to add a species to, or remove a species from the List of Endangered and Threatened Wildlife (List). Section 4(b)(3)(A) of the Act requires that to the maximum extent practicable, within 90 days after receiving such a petition the Secretary must determine whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. This information standard for petitions is the result of an amendment made to Section 4 of the Act in 1982. Regulations implementing these amendments have not been published. The Service interprets "substantial scientific or commercial information" to mean the amount of information that would lead a reasonable person to believe that the proposed measure is warranted. The criteria used in making such determinations are found at 50 CFR 424.14. The Service will continue to use these criteria until regulations implementing the 1982 amendments to the Act are published.

Listing Factors and Basis for Determinations

Pursuant to Section (4)(a)(1) of the ESA, a species is determined to be Endangered or Threatened for any of the following factors: (1) Present or threatened destruction, modification, or curtailment of its habitat or range; (2) Overutilization for commercial, recreational, scientific, or educational purposes; (3) Disease or predation; (4) Inadequacy of existing regulatory mechanisms; or (5) Other natural or manmade factors affecting its continued existence.

Recent amendments to the ESA clarify that determinations concerning decisions on listings shall be made solely on the best scientific and commercial data available after conducting a status review of the species and after taking into account those efforts, if any, being made by any State, or foreign nation, or subdivision thereof, to protect such species. The purpose of these amendments is to insure that decisions in every phase of the process to list or delist species are made solely on biological criteria and to prevent non-biological considerations from affecting such decisions. H.R. Rep. No. 97–835, 97th Cong., 2d Sess. 19 (1982) (Conference Report).

Petitions Received

The Service received petitions from the following: (1) Dr. Mary K. Wicksten to list the pea crab, *Parapinnixia affinis*, as endangered or threatened; (2) Dr. John L. Mohr to list the monoplacophoran mollusc, *Vema hyalina*, as endangered; (3) California Trout to list large summer-run steelhead, *Salmo gairdneri*, in California as threatened; and (4) Defenders of Wildlife to list the Gulf of California Harbor porpoise, *Phocoena sinus*, as a threatened species.

The petitions from Drs. Wicksten and Mohr and California Trout do not present substantial scientific or commercial information indicating that the petitioned actions may be warranted. Because these petitions do not meet the requirements of section 4(b)(3)(A), the Service will not conduct reviews to determine the status of the species in question.

The petition from Defenders of Wildlife to list *P. sinus* presents substantial scientific information indicating that the petitioned action may be warranted. Pursuant to Section 4 of the Act, this determination requires that a review of the status of *P. sinus* be conducted to determine if the petitioned action is warranted. In addition, Section 4 also requires that within 12 months of the date of the enactment of the 1982 amendments (October 13, 1982) the Secretary must make one of the following findings: (1) The petitioned action is not warranted; (2) the petitioned action is warranted; (3) the petitioned action is warranted, but pending listing proposals preclude immediate proposal and timely promulgation of a final regulation to implement the action. A Notice of the finding must be published in the **Federal Register** and in the case of (2) above the complete text of a proposed regulation to implement the action must be included.

Biological Information Solicited

To insure that the review is complete and is based on the best available scientific and commercial data concerning *Phocoena sinus*, the Service is soliciting data and information and comments concerning the biological status of the species from any interested party. The Service requests that such data, information and comments be accompanied by the following: (1) The scientific and common names of the species involved; (2) Supporting documentation, such as maps, bibliographic references, or reprints of pertinent publications; and (3) The Party's name, address, and any association, institution, or business that the Party represents. Receipt of all comments will be acknowledged in writing by the Service.

List of Subjects in 50 CFR Part 424

Administrative practice and procedure, Endangered and threatened wildlife.

Dated: May 27, 1983.

Richard B. Roe,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 83–14941 Filed 6–2–83; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 48, No. 108
Friday, June 3, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1046

[Docket No. AO-123-A50]

Milk in Louisville-Lexington-Evansville Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision replaces the order's seasonal production incentive program known as the "Louisville plan" with a seasonal base-excess plan for distributing to producers their returns from the sale of milk. This change was proposed by Dairymen, Inc. (DI), a cooperative that represents a large portion of the dairy farmers that supply milk for the market.

Under the provisions of the base-excess plan adopted herein, each producer would establish a new "base" annually. It would be determined from the dairy farmer's milk deliveries during the base-forming months of September-December. During the following months of March through June, minimum payments to such producer would be based on the amounts of base and excess milk marketed by the dairy farmer. In the other months (July through February), producers would be paid not less than the marketwide uniform price for all of their milk deliveries. This new producer payment plan is intended to encourage level milk production throughout the year.

A referendum will be conducted to deermine whether producers favor the issuance of the proposed amended order. The amended order must be approved by at least two-thirds of the producers participating in the referendum or by producers supplying at least two-thirds of the volume of production represented in the referendum.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202/447-4829.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this section will not have a significant economic impact on a substantial number of small entities. It will have no effect on regulated handlers since the action affects only the manner in which the proceeds from milk sales are distributed to producers.

Prior documents in this proceeding:

Notice of Hearing: Issued January 25, 1983; published January 28, 1983 (48 FR 3992).

Recommended Decision: Issued April 22, 1983; published April 27, 1983 (48 FR 19030).

Suspension Order: Issued April 22, 1983; published April 27, 1983 (48 FR 19017).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Louisville, Kentucky, on February 15, 1983. Notice of such hearing was issued on January 25, 1983 (48 FR 3992).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Marketing Program Operations, on April 22, 1983, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modification:

The final paragraph of the Findings and Conclusions is revised.

The material issue on the record of the hearing relates to replacing the "Louisville" plan to pay producers under the order with a seasonal base-excess plan.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The order should be amended to provide a seasonal base-excess plan to pay producers in place of the current "Louisville" plan. Under the present plan, 40 cents per hundredweight is withheld from payments to producers for milk delivered during the months of April through July when supplies are abundant. This money is paid back to producers through the marketwide pool during the following months of September through December when supplies are seasonally lower.

As in the case of the Louisville plan, the purpose of a base-excess plan is to provide an incentive for producers to even out their milk production throughout the year. Such a plan is designed to encourage more production in the months of seasonally low production and discourage production in the months of seasonally high production.

Dairymen, Inc. (DI), a cooperative that represents about 44 percent of the producers supplying the market, proposed that the order's current producer payment plan (Louisville plan) be replaced with a seasonal base-excess plan for use in distributing to producers their returns from the sale of milk. The DI witness testified that the proposed base-excess plan is needed to provide an enhanced inducement to dairy farmers to increase their production during the months of seasonally low milk production, which is when Class I demand is greatest, and to decrease their production during the months of seasonally high milk production, when fluid demand is somewhat lower.

In support of its proposal, the witness for the proponent cooperative testified that the current take-out rate under the Louisville plan is too low to effectively encourage desirable production patterns for the market. He also contended that increasing the withholding rate to a level which would make it effective was

not a practical solution because it would lower the blend prices too much in the take-out months. Hence, the cooperative proposed replacement of the Louisville plan with a seasonal base-excess plan to pay producers.

Southeastern Graded Milk Producers Association, another cooperative representing producers supplying the market, made a statement at the hearing in support of DI's proposed base-excess plan. Dean Milk Company, a proprietary handler under the order, also indicated support for DI's proposal at the hearing. Although the spokesman could not speak for the individual dairy farmers supplying the company's pool plant, he submitted a position statement on behalf of his company. In his view, the proposal would be beneficial to overall marketing conditions in the region from the standpoint of milk procurement between adjacent order areas. In addition, he recognized DI's concern about the declining influence in recent years of the Louisville plan adjustments on the blend prices dairy farmers receive.

No one testified in opposition to the proposed base-excess plan.

A base-excess plan should be provided for the Louisville-Lexington-Evansville market. The base plan will provide a means of encouraging a more level seasonal production pattern that will be beneficial to producers, handlers, and consumers.

The Louisville market has developed a good seasonal milk production pattern over the years. Nevertheless, milk production for the market does fluctuate seasonally, with supplies generally increasing in the spring and declining in the fall. This is evidenced, for example, by the market data for producer receipts for a recent 5-year period.

These data indicate that the 1978–82 average daily deliveries of producer milk in May, the peak production month, were 108 percent of the 5-year daily average. Downswings of comparable magnitude occurred with the 5-year daily average producer milk deliveries during October, when production is lowest, dropping to 94 percent of the daily average for the entire 5-year period.

Although the seasonal fluctuations in production are relatively small, the changes are more meaningful when viewed in terms of the somewhat opposite swings in Class I producer milk. When milk supplies were lower in the fall, average daily producer milk allocated to Class I was higher. For instance, the 1978–82 September daily average producer milk used in Class I was 114 percent of the daily average for the entire 5-year period. This compares to a 5-year daily average of Class I utilization of producer milk during June, which was 92 percent of the average for the entire 5-year period.

The National Farmers Organization (NFO) filed a posthearing brief urging that a base-excess plan not be adopted. One of the points raised by NFO was that the Louisville plan provides an adequate incentive for level production, and that it has, in fact, provided a "remarkably stable level of production throughout the year."

This market's favorable production pattern has been influenced somewhat by the seasonal incentive (Louisville) plan which has been used to pay producers supplying the market for many years. Since early 1968, the take-out rate has been 10 percent of the preceding year's average basic formula price, but not to exceed 40 cents per hundredweight.[1] Because of this 40-cent limitation, which has limited the deduction since 1968, the Louisville plan has been less effective in recent years in promoting level milk production.

When the take-out rate represented 10 percent of the basics formula price for the take-out months in 1968, it provided an adequate incentive for producers to level their production. Since 1968, the 40-cent limit has applied and has represented a steadily declining percentage of the basic formula price. Since 1975, the 40-cent take-out has been less than 5 percent of the basic formula price for the preceding calendar year.[2] The 40-cent withholding rate now represents only about 3 percent of the basic formula price. Such a rate is too low to effectively encourage level production by dairy farmers. Hence, a seasonal base-excess plan should be provided in place of the order's current Louisville plan to provide a better incentive for producers to maintain their level milk production patterns throughout the year.

NFO's brief also stated that the proponent's reasons offered in support of a base-excess plan were "speculative." While the impact of payment plans on production may be difficult to measure with any preciseness, the decline of the take-out rate as a percent of the basic formula price cannot be ignored. At the least, it can be presumed that the take-out rate currently provides a smaller incentive to level production than it did in 1968. It is important to note that the predominant view by producers in this market is that a base-excess plan will be more effective than the Louisville plan in maintaining a desirable seasonal pattern of production in the future.

Because of the declining effectiveness of the Louisville plan, proponent cooperative has operated seasonal incentive plans outside the order in each of the past two years to encourage to a greater extent the leveling of production. However, since the cooperative represents only about one-half of the market's producers, the effects of such programs are reflected in lower returns to the cooperative's members relative to other producers on the market. Other producers stand to benefit to the extent that they receive higher blend prices as a result of DI's curtailed production. The seasonal base-excess adopted herein would apply equally to all producers.

If milk production fluctuates widely on a seasonal basis, serious marketing problems could be created for producers, and especially for cooperatives that perform a major role in balancing the market's fluid needs. These problems would involve obtaining adequate supplies of milk for handlers' fluid needs during the months of seasonally low milk production and disposing of excess supplies during the months of seasonally high milk production. For example, if production declines too much in the short milk production season, cooperatives could find it necessary to import milk from beyond the local supply area to meet the shortage of the market's fluid processors. This could involve moving milk considerable distances, which is quite costly.

Another aspect of seasonal imbalances in milk production is the disposition of milk that is excess to the market's fluid needs. More marketing problems are experienced under this order in handling the excess supplies during the flush milk production season than with importing milk for the market during the short milk production season. This is because there is considerably more milk produced in this general area than is needed to meet the fluid needs. Hence, at times when local manufacturing plants are operating at or near capacity, excess milk must be transported to manufacturing plants at considerable distance from the major consumption areas of the market.

In addition, a more level milk production pattern during the year would reduce the amount of manufacturing capacity needed to handle the market's peak milk

[1] Official notice is taken of the Assistant Secretary's decision issued March 22, 1968 (33 FR 5040), with respect to the provisions of the current Louisville plan.

[2] Official notice is taken of "Federal Milk Order Market Statistics", December 1982, and Annual Summaries for 1968 through 1981, issued by the Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C.

production and would allow area manufacturing plants to operate throughout the year with less seasonal fluctuation in the volumes of milk handled. This would improve the plants' operating efficiency, and in the case of cooperative manufacturing plants permit greater returns to members.

Hence, producers, handlers and consumers would benefit from a low variation in milk production primarily because of reduced marketing costs associated with disposing of excess supplies in the flush production months. In view of the foregoing, adoption of a base-excess plan applicable to all producers under this order is appropriate in the interest of maintaining reasonably level milk production for this market throughout the year.

The issue in this proceeding primarily concerns producers in that it deals with how the pool funds are to be divided among the producers supplying the market. In such case, the views of producers are an important consideration. The record in this proceeding clearly shows that a large portion of the producers associated with the Louisville market prefer a base-excess plan to the current Louisville plan as a means of encouraging more level milk production.

The base-excess plan adopted in this decision is very similar to that proposed by producers. Each producer would be assigned a base computed by dividing the producer's total pounds of producer milk in September through December (the base-forming period) by the number of days' production represented in such producer milk deliveries or by 100, whichever is more.

Bases would be computed, assigned, announced, and transferred on a daily basis (in terms of pounds per day). However, the milk of some dairy farmers may not be picked up each day. Hence, producers should be aware of the procedure that would be used by the market administrator to convert their every-other-day pickup to days of production. In that regard, if a producer's milk is regularly picked up every other day, a single pickup would be considered two days of production in computing such dairy farmer's base.

The market administrator would compute a new base for each producer annually. By February 1 of each year, he would notify each producer and the handler receiving the milk of the producer's base. If requested to do so by a cooperative, the market administrator would notify such cooperative of the amount of base assigned to each producer-member in lieu of sending a notice to each individual producer-member of the cooperative. It is noted that any producer who did not receive a notice could obtain the base information by contacting the market administrator.

At the hearing, DI modified its hearing notice proposal with respect to notifying its member-producers about their established bases. Under the original proposal the market administrator would have been required to notify all producers (both cooperative members and nonmembers).

Instead of notifying each of the cooperative's member-producers, DI asked that the market administrator notify the cooperative of each member's base if requested to do so by such association. The witness for the cooperative testified that the base on which DI pays a member-producer may be different from the base established by such producer under the order. It is concluded that the cooperative's wishes in this regard should be accommodated since the cooperative has been designated by its producer-members to act as the marketing agent for their milk.

The order should provide for the computation of a separate base by the market administrator for each dairy farm operated by a producer. Although the proposed provisions included in the hearing notice did not cover this point, it is reasonable to expect that a producer who is operating two or three dairy farms may wish to sell the base that is associated with the milk production of an individual farm if he sells that farm. Establishing a separate base for each farm would accommodate this situation. In cross examination at the hearing, the witness for DI stated that the cooperative intended that a separate base be computed for each farm of a producer.

As proposed by DI, the months of September through December should be the base-forming period. It is during these months that milk production tends to reach its lowest point and the market's Class I needs are greatest. In order to establish a production level for which they will receive payment at the higher uniform price for base milk in the base-paying months, producers will tend to establish a higher level of production in the base-forming months.

Record data show that the market's Class I utilization of producer milk during 1978–82 was greatest during the months of September–November. It was noted at the hearing that the supply-sales relationship was somewhat better in January than December during the 5-year period. Although there was little difference in the relationship in the two months as a whole, proponent indicated that the demand for milk in the first two-thirds of December is relatively higher. He also stated that in the last third of December, due to school closings and the holidays, the demand for milk falls off sharply. In view of the higher Class I use in the greater part of the month of December, it is appropriate that December be included with September, October, and November as the base-forming months.

The uniform (weighted average) price would be the minimum order price payable to producers for producer milk delivered during July through February.

The base-paying months should be March through June, as proposed by DI. These months form a period of time during the year when, in general, milk production is high and Class I utilization of milk is low. Thus, it is a period when the base plan should be discouraging excessive seasonal production. This would occur under the plan because during the base-paying months payments to producers would reflect a lower price for any excess producer milk delivered to the market. Operation of the base-excess plan should serve to maintain, or perhaps improve, the seasonal production pattern that producers desire.

Record data show that the market's producer receipts were substantially greater than Class I sales in the 5-year period of 1978–82 in April–June. The 5-year data also indicate that producer receipts exceeded Class I sales by a greater amount in July than in March. Nevertheless, March rather than July should be included as a base-paying month so that the base-paying months under the base plan for this order will conform with the base-paying period in the nearby Tennessee Valley market. The record also indicates that the local manufacturing plants in Kentucky, which are the normal outlets for this market's excess supplies, are utilized to dispose of the surplus milk of other markets in the Southeast where production tends to reach its seasonal peak earlier in the year. Because of this, DI has found it more difficult to secure a local outlet for surplus milk in the month of March than to do so in the month of July. In view of the foregoing, it is appropriate to include the month of March with the months of April through June in the base-paying period.

"Base milk" would be the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month. "Excess milk" would be the producer milk of a producer in each such month that is in excess of the producer's base milk for the month. Excess milk would include all of the producer milk in March

through June of a producer who has no assigned base.

In computing the uniform prices for base and excess milk, Class III producer milk would be assigned to excess milk first. If there are more pounds of Class III producer milk in the market than there are pounds of excess milk deliveries by producers, the uniform price for excess milk will be the Class III price. In such case, the additional value for the remaining Class III producer milk as well as the values for Class I and Class II producer milk will be reflected in the uniform price for base milk.

As proposed by producers, the uniform price for excess milk should not be subject to a location adjustment. Since excess milk would represent basically producer milk classified in Class III (milk for manufacturing uses) to which no location adjustment is applicable, the uniform price for excess milk should not be subject to a location adjustment. There is practically no difference in the location value of milk for Class III uses. The Class III price under the Louisville order and other orders is equal to the average price per hundredweight for the month of manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin. If a location adjustment were applied to the excess price, it could result in applying an excess price to the producer milk at various plant locations that is less than the value of manufacturing grade milk delivered to those same plant locations.

A producer generally would deliver milk continuously throughout the base-forming period. However, because of various circumstances (e.g., storm damage at the farm or to roads, temporary suspension of a health permit or temporary loss of market when cut off by a buying handler), a producer may be off the market for a limited number of days in the base-forming period. In recognition of this, proponent cooperative proposed that a producer who delivered at least 100 days' production during the 122 days in the base-forming period have the average daily delivery computed on the same basis as a producer who delivered continuously throughout the entire period (by dividing the total producer milk during the four-month period by the number of days' production represented in such producer's deliveries).

The requirement that a producer supply the market in the base-forming months in order to earn a base provides an incentive for a producer to ship milk to this market instead of to other markets in the months when production is lowest relative to the demand for Class I milk. A producer who ships at least 100 days' production during the four-month base-forming period can reasonably be considered as being fully associated with the market. A producer who delivered less than 100 days' production should have a base determined by dividing such person's total production in the base-forming period by 100. Thus, a producer who may have been supplying the Class I needs of another market for a substantial part of the base-forming period would receive a base that reflects the dairy farmer's contribution as a producer toward supplying the fluid needs of the Louisville market in such period.

In its brief, NFO maintained that a base-excess plan should not be adopted because it would restirct the movement of milk onto or off of the Louisville market. The testimony presented at the hearing was essentially silent with regard to whether a base-excess plan would restrict producer entry to the market more than would a Louisville plan. However, there is an indication that producers who shift from the Tennessee Valley or Nashville markets to the Louisville market (or vice-versa) would find a base-excess plan more compatible than the current Louisville plan.

The application of the base-excess plan adopted herein to new producers is essentially that proposed by DI. There are several types of new producers whose first association with this market could take place during the base-paying period. Two examples would be dairy farmers who had supplied the fluid milk needs of another order market or who had supplied an unregulated market in the preceding base-forming period. Milk produced on their farms in the base-paying months that becomes associated with this order would represent production that is surplus to the Class I needs of the market with which they had been previously associated. It is appropriate, therefore, that for their deliveries of such milk under the Louisville order in the base-paying months, such producers should receive only the excess milk price.

In other instances, persons who have not previously supplied a fluid milk market may become new producers for the Louisville market. Included in this category would be dairy farmers who had previously been shipping manufacturing grade milk and persons starting new dairy farm operations. Before coming onto the market as new producers, such persons would be expected to have planned their entry into the market in advance. If such dairy farmers choose to begin delivering as new producers in one of the four base-paying months, presumably that decision would be made in recognition of the fact that the excess price would be received for milk delivered to the market in such months by producers without bases.

As proposed, if a dairy farmer's milk was delivered to a nonpool plant that became a pool plant after the beginning of the base-forming period, a base should be assigned in the same manner as if the dairy farmer had been a producer during the entire base-forming period. Such base would be calculated from all of the dairy farmer's deliveries that would have qualified as producer milk (including diversions) if the nonpool plant had been a pool plant for the entire September through December base-forming period. The same procedure would apply to a producer-handler operation that qualified as a pool plant.

To acquire pool status under the order a plant must dispose of a certain percentage of its receipts on routes in the marketing area or to other pool plants. Hence, when a nonpool plant becomes a pool plant it will most likely add Class I sales to the pool relative to such sales in prior periods when it was a nonpool plant. It is appropriate, therefore, that those dairy farmers who had been supplying the plant have bases computed for them on the basis of their deliveries in the base-forming period.

Bases so assigned to such producers should not be transferable. Such producers would be receiving bases without having incurred any of the economic costs that the market's regular producers incurred in adjusting their operations to achieve more level production. Thus, any income received from the transfer of such bases in essence would be windfall gains, which should not be permitted.

The base earned by any producer who supplied the market during the preceding base-forming period should be transferable. This procedure will facilitate the transfer of property when a baseholder dies or when the diary farmer decides to go out of business. It will also permit dairy farmers to expand or contract their operations. However, proper safeguards should be provided so that the transfer provisions may not be exploited at the expense of producers regularly supplying the market.

The amount of base transferred could be in its entirety or in amounts of not less than 300 pounds. These limits, which were proposed at the hearing, are administratively practicable and should be adequate under current marketing conditions.

At the hearing, the witness for the proponent cooperative clarified its

intent with respect to transfers of base. In the cooperative's view, a producer should be permitted to transfer any remaining amount of base after transferring at least 300 pounds of base to another dairy farmer, even though such remainder might be less than 300 pounds. Such an interpretation would allow a dairy farmer to transfer all of the base earned by such person.

The order should specifically provide that base may only be transferred to a person who is or will be a producer by the end of the month that the base transfer is to become effective. Although the hearing notice proposal was not specific on this point, proponent's witness indicated that a base would only have value to a dairy farmer who delivers producer milk under the order, and expressed no opposition to having this limitation placed on transfers of base. Accordingly, the base rules specifically incorporate the necessary words to accomplish this.

Base transfers would be effective on the first day of the month following the date on which an application for transfer is received by the market administrator. Such application would be required to be on a form approved by the market administrator and signed by a baseholder or the baseholder's heirs and the person or persons to whom the base is to be transferred. If a base is held jointly, it would be required that the application be signed by all joint holders or their heirs. These provisions would insure that there will be no misunderstanding between the parties involved concerning transfers.

A producer who transferred base on or after February 1 would not be permitted to receive other base by transfer that would be applicable within the March–June period of the same year. Also, a producer who received base by transfer on or after February 1 would not be permitted to transfer a portion of the base assigned to such producer to be applicable within the March–June period of the same year, but would be permitted to transfer the entire base. Adoption of these provisions will tend to insure that the exchanges of base between producers are bona fide transfers. Absent such provisions, the transferring of base back and forth by two or more producers throughout the base-paying period could result in unwarrantedly increasing their share of the total payments under the order for producer milk at the expense of all of the other producers.

The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agree-upon division, signed by each partner, is received by the market administrator prior to the first day of the month in which the division is to be effective. This will facilitate the division of the assets of a partnership that is dissolved during the base-paying period. On the other hand, it will in no way affect the total quantity of base milk in the pool, irrespective of the manner in which the division of the base is made between the partners.

Likewise, the order should provide that two or more producers who decide to form a partnership may combine their separately established bases. As with the division of base in a partnership, it should be noted that the combination of individual bases by producers forming a partnership would not affect the total quantity of base milk in the pool. The partners would be required to notify the market administrator prior to the first day of the month in which such combination of bases is to be effective.

In some instances a "natural disaster" may cause a producer to suffer a significantly reduced rate of production or force such person to discontinue temporarily the production of milk. Unless provision is made in the order to give consideration to such occurrences in computing a producer's base, the producer would suffer an undue hardship. Thus, the order should specify certain conditions under which relief may be granted to a producer whose production was adversely affected in the base-forming period as the result of an occurrence beyond the control of such producer.

This can be achieved by providing that the base assigned to a person who was a producer in the preceding base-forming period may be increased by any amount up to 90 percent of the producer's average daily producer milk deliveries in the month immediately preceding the month during which such person's production was adversely affected by an allowable "hardship" condition. Such relief would be granted only after the producer submitted to the market administrator by March 1 a written statement that established to the satisfaction of the market administrator that the amount of milk produced on such dairy farmer's farm in the immediately preceding base-forming period was substantially reduced because of a condition beyond the producer's control, which resulted from:

(1) Loss by fire or windstorm of a farm building used in the production of milk on the producer's farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in the producer's milking herd, as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents the dairy farmer from supplying milk from the farm of such producer to a plant.

The conditions under which hardship relief (in the form of an increased base) may be granted a producer encompass most natural disasters that could result in reduced production or in the temporary discontinuance of production on a dairy farm. Such a standard will provide the market administrator the guidance necessary for applying the provision in an objective manner.

Allowing hardship relief by assigning a producer a base equal to any amount up to 90 percent of such dairy farmer's average daily producer milk deliveries in the month immediately preceding the month during which the hardship occurred provides an equitable standard for this purpose. The order should indicate specifically that the market administrator could adjust a producer's base by any amount up to 90 percent of the dairy farmer's average daily producer milk deliveries. This would provide the market administrator with the flexibility necessary to administer the hardship provisions on the basis of each individual situation. Setting this forth in the order and the decision will let producers know how the provisions will be applied should such a situation occur.

In connection with replacing the order's "Louisville" plan with a seasonal base-excess plan, certain conforming changes in other sections of the order need to be made.

Under present order provisions, each handler is required to report on or before the 8th day of each month the total pounds of milk received from producers during the month. Since producers would be paid for base and excess milk deliveries only during the months of March–June, handlers should be required to report by the same date the total amount of base milk received from all producers during these months. Later, by the 20th day of each such month, handlers would be required to report the total amount of base milk received from each producer.

The entire section dealing with the computation of the uniform price is revised to provide that the market administrator compute a weighted average price each month. During the months of July through February the weighted average price also would be the uniform price and would be the minimum price to pay producers for all of their milk deliveries. In the other months (March–June) the market administrator would compute uniform prices for base milk and excess milk,

which would be the minimum prices to pay producers for their milk deliveries.

Following the computation of the uniform price or prices, the market administrator would be required to announce such uniform price or prices. Accordingly, the section dealing with such announcements is appropriately modified to reflect this change. In addition, certain other payment sections of the order are revised essentially for the purpose of referring to base and excess milk deliveries by producers and uniform prices for base and excess milk.

At the conclusion of the hearing, DI asked that a base-excess plan be incorporated in the order by September 1, 1983. Under the current provisions of the Louisville plan, money is withheld in paying producers for milk pooled during April through July and is distributed to producers through the "blend" prices for milk pooled in the following months of September through December. In view of this, the proponent cooperative requested that the take-out provisions of the order be suspended before any money is deducted from payments to producers during the 1983 take-out months. This is because the order provisions for distributing the withheld amounts plus interest would no longer exist if the base-excess plan adopted herein becomes effective by September 1983. For this reason, the take-out provisions of the Louisville plan were suspended concurrently with the issuance of the recommended decision.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

No exceptions were filed.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement [3] regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Referendum Order To Determine Producer Approval; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted and completed on or before the 30th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300 *et seq.*), to determine whether the issuance of the attached order as amended and as hereby proposed to be amended, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during the representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The representative period for the conduct of such referendum is hereby determined to be April 1983.

The agent of the Secretary to conduct such referendum is hereby designated to be Arnold Stallings.

List of Subjects in 7 CFR Part 1046

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on May 31, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

Order [4] Amending the Order, Regulating the Handling of Milk in the Louisville-Lexington-Evansville Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such

[3] Marketing Order filed as part of the original document.

[4] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Marketing Program Operations, on April 22, 1983, and published in the Federal Register on April 27, 1983, (48 FR 19030), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. A new paragraph (d) is added to § 1046.32 to read as follows:

§ 1046.32 Other reports.

* * * * *

(d) Each handler described in § 1046.9(a), (b) and (c) shall report to the market administrator on or before the 8th day after the end of each month of March through June the aggregate quantity of base milk received from producers during the month, and on or before the 20th day after the end of each month of March through June the pounds of base milk received from each producer during the month.

2. Section 1046.61 is revised to read as follows:

§ 1046.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).

(a) The market administrator shall compute the weighted average price for each month and the uniform price for each month of July through February per hundredweight for milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1046.60 for all handlers who filed the reports prescribed in § 1046.30 for the month and who made the payments pursuant to § 1046.71 for the preceding month;

(2) Add one-half the unobligated balance in the producer-settlement fund;

(3) Add an amount equal to the total value of the minus location adjustments and subtract an amount equal to the total value of the plus location adjustments computed pursuant to § 1046.75;

(4) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1046.60(f); and

(5) Subtract not less then 4 cents nor more than 5 cents per hundredweight. The resulting figure, rounded to the nearest cent, shall be the weighted average price for each month and the uniform price for the months of July through February.

(b) For each month of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(1) Compute the total value of excess milk for all handlers included in the computations pursuant to paragraph (a)(1) of this section as follows:

(i) Multiply the hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class III milk by the Class III price;

(ii) Multiply the remaining hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class II milk by the Class II price;

(iii) Multiply the remaining hundredweight quantity of excess milk by the Class I price; and

(iv) Add together the resulting amounts;

(2) Divide the total value of excess milk obtained in paragraph (b)(1) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations pursuant to paragraph (a)(1) through (3) of this section, subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (a)(4)(ii) of this section by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b)(2) of this section times the hundredweight of excess milk from the amount computed pursuant to paragraph (b)(3) of this section;

(5) Divide the amount calculated pursuant to paragraph (b)(4) of this section by the total hundredweight of base milk included in these computations; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (b)(5) of this section. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

§ 1046.62 [Amended]

3. In paragraph (b) of § 1046.62, the words "uniform price" are changed to "applicable uniform price(s) pursuant to § 1046.61".

§ 1046.71 [Amended]

4. In paragraph (a)(2)(i) of § 1046.71, the words "uniform price" are changed to "applicable uniform price(s)".

5. In § 1046.73, paragraphs (a), (b), (d) and (e) are revised to read as follows:

§ 1046.73 Payments to producers and to cooperative associations.

* * * * *

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher. If the producer had no established base upon which to receive payments during the base-paying months of March through June, the applicable rate for making payments to such producer pursuant to this paragraph shall be the Class III price for the preceding month.

(b) On or before the 17th day of the following month, an amount equal to not less than the uniform price(s), as adjusted pursuant to §§ 1046.74 and 1046.75, multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month subject to the following adjustments:

(1) Plus or minus adjustments for errors made in previous payments to such producer;

(2) Minus payments made to such producer pursuant to paragraph (a) of this section;

(3) Minus deductions for marketing services made pursuant to § 1046.86; and

(4) Minus proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is

marketing the producer's milk, by such association.

* * * * *

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show the following:

(1) The month and identity of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) For the months of March through June the total pounds of base milk received from the producer;

(4) The minimum rate(s) at which payment to the producer is required under the order;

(5) The rate(s) used in making the payment if such rate(s) is other than the applicable minimum rate(s);

(6) The amount or rate per hundredweight and nature of each deduction claimed by the handler; and

(7) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(1) On or before the 20th day of the month, the total pounds of milk received during the first 15 days of such month;

(2) On or before the 7th day of the following month, the total pounds of milk received each month, together with the butterfat content of such milk and the amount of deductions by such handler; and

(3) On or before the 7th day after the end of each month of March through June, the total pounds of base milk received.

* * * * *

§ 1046.74 [Amended]

6. In § 1046.74, the words "uniform price" are changed to "uniform price(s)".

§ 1046.75 [Amended]

7. In paragraph (a) of § 1046.75, the words "uniform price for producer milk" are changed to "uniform price and the uniform price for base milk".

8. A new centerheading and five new sections (§§ 1046.90, 1046.91, 1046.92, 1046.93 and 1046.94) are added after § 1046.86 to read as follows:

Base-Excess Plan

§ 1046.90 Base milk.

"Base milk" means the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month.

§ 1046.91 Excess milk.

"Excess milk" means the producer milk of a producer in each month of March through June in excess of the producer's base milk for the month, and shall include all the producer milk in such months of a producer who has no base.

§ 1046.92 Computation of base for each producer.

(a) Subject to § 1046.93, the base for each producer shall be an amount obtained by dividing the total pounds of producer milk delivered by such producer during the immediately preceding months of September through December by the number of days' production represented by such producer milk or by 100, whichever is more. If a producer operated more than one farm at the same time, a separate computation of base shall be made for each such farm.

(b) The base for a producer whose milk was delivered to a nonpool plant that became a pool plant after the beginning of the base-forming period (September-December) shall be calculated as if the plant were a pool plant for the entire base-forming period. A base thus assigned shall not be transferable.

§ 1046.93 Base rules.

(a) Except as provided in § 1046.92(b) and in paragraph (b) of this section, a base may be transferred in its entirety or in amounts of not less than 300 pounds effective on the first day of the month following the date on which an application for such transfer is received by the market administrator. Base may be transferred only to a person who is or will be a producer by the end of the month that the transfer is to be effective. An application for a base transfer shall be on a form approved by the market administrator and signed by the baseholder or the baseholder's heirs and the person or persons to whom the base is to be transferred. If a base is held jointly, the application must be signed by all joint holders or their heirs.

(b) A producer who transferred base on or after February 1 may not receive by transfer additonal base that would be applicable during March through June of the same year. A producer who received base by transfer on or after February 1 may not transfer a portion of the base to be applicable during March through June of the same year, but may transfer the entire base.

(c) The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agreed-upon division of base signed by each partner is received by the market administrator prioir to the first day of the month in which such division is to be effective.

(d) Two or more producers in a partnership may combine their separately established bases by giving notice to the market administrator prior to the first day of the month in which such combination of bases is to be effective.

(e) The base assigned a person who was a producer during any of the immediately preceding months of September through December may be increased up to 90 percent of such producer's average daily producer milk deliveries in the month immediately preceding the month during which a condition described in paragraph (e)(1), (2), or (3) of this section occurred, providing such producer submitted to the market administrator in writing on or before March 1 a statement that established to the satisfaction of the market administrator that in the immediately preceding September through December base-forming period the amount of milk produced on such producer's farm was substantially reduced because of conditions beyond the producer's control, which resulted from:

(1) The loss by fire or windstorm of a farm building used in the production of milk on the producer's farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in the producer's milking herd as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents the producer from supplying milk for the farm to a plant.

§ 1046.94 Announcement of established bases.

On or before February 1 of each year, the market administrator shall calculate a base for each person who was a producer during any of the immediately preceding months of September through December and shall notify each producer and the handler receiving milk from such producer of the base established by the producer. In lieu of notifying such individual producer-member of a cooperative association, the market administrator shall notify the cooperative association of each member's base if requested to do so by the cooperative association.

[FR Doc 83-14935 Filed 6-2-83; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 7

[Docket No. 83-23]

Indemnification of Directors, Officers, and Employees of National Banks

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency is proposing to revise Interpretive Ruling 7.5217 (12 CFR 7.5217) to recognize that national banks may, with certain limitations, adopt articles of association to provide for the indemnification of their directors, officers, and employees in accordance with the standards reflected in the law of the state in which the bank is headquartered or in the Model Business Corporation Act. The proposed Ruling indicates that indemnification articles which substantially reflect the principles of either such alternative are presumptively within the corporate powers of a national bank. The proposed Ruling also denies indeminification when a supervisory action results in a final order assessing civil money penalties or requiring affirmative action in the form of payments by an individual to a national bank, and recognizes the Comptroller's authority to deny or modify an indemnification which appears to be inconsistent with the standards stated in the bank's indeminification article. While the Administrative Procedure Act does not require the solicitation of comments on interpretive rulings, they are being sought in this instance because the Office believes that they will prove beneficial in developing its position.

DATE: Comments must be received on or before August 2, 1983.

ADDRESS: Comments should be sent to Docket No. 83-23, Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219, Attn: C. Christine Jones. Telephone: (202) 447-1768. Comments will be available for inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Raija H. Bettauer, (202) 447-1880, or Andrew J. Levinson, (202) 447-1954, Senior Attorneys, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

SUPPLEMENTARY INFORMATION: The principal drafter of this document was Raija H. Bettauer, Senior Attorney, Legal Advisory Services Division, Comptroller of the Currency, (202) 447-1880.

Special Analyses

Since the Regulatory Flexibility Act does not apply to interpretive rulings, no regulatory flexibility analysis has been prepared for this proposal.

The Office believes that the proposed Ruling is not a major regulation under Executive Order 12291 and, therefore, has not prepared a regulatory impact analysis. As proposed, the Ruling will not require national banks to expend any funds or file reports, and will not otherwise have an adverse effect on their prices and costs. It seeks to reduce administrative expenses with respect to drafting and implementing indemnification provisions. Futher, since the proposed Ruling would enable national banks to adopt indemnification provisions comparable to those observed elsewhere in the business community, it would not have an adverse effect on their competitive posture.

Background

On February 6, 1980, the Office of the Comptroller of the Currency ("Office") published an Advance Notice of Proposed Rulemaking ("Notice") which solicited comments on the perceived need for a change in the Office's current Interpretive Ruling 7.5217 (12 CFR 7.5217) regarding the indemnification of directors, officers, and employees of national banks. 45 FR 8025-26. As the Notice indicated, the Interpretive Ruling recognizes, in general terms, the legal authority of national banks to provide indemnification to directors, officers and employees "against legal and other expenses incurred in defending law suits brought against them by reason of the performance of their official duties." In addition, the Interpretive Ruling indicates that national banks may purchase, and pay the premiums on, insurance for such indemnification. A national bank may not in any manner provide indemnification to persons "guilty of, or liable for, willful misconduct, gross neglect of duty, or criminal acts."

The Notice also discussed certain aspects of indemnification which are not currently addressed in the Ruling.[1] Because the staff interpretations of this Office concerning indemnification have differed from specific state law regarding corporate indemnification or from general corporate law principles, national banks and their counsel have experienced difficulty in drafting articles of association regarding the indemnification of bank directors and personnel or applying the provisions of the current Ruling. Because of these difficulties, the Office concluded that a change or a clarification of the Ruling might be called for.

As alternative approaches, the Office proposed that national banks be authorized to adopt indemnification provisions (1) similar to those permitted by Section 5 of the Model Business Corporation Act ("MBCA") as drafted by the American Bar Association (see Appendix) or (2) consistent with local corporate law regarding indemnification.

Comments

In response to the Notice, the Office received thirty (30) comments. The consensus among the commenters was that the current Interpretive Ruling is not sufficiently specific in its wording to provide national banks and their counsel with the necessary guidance for its application, and that clarification of, and substantive changes in, the Ruling are desirable. In particular, a number of commenters felt that the Office's interpretations mentioned in the Notice should be brought into comformity with general corporate practice.

The majority of the commenters felt that there is no need to impose on bank directors and personnel an indemnification standard which, by its wordking, is stricter than that generally applicable to corporate directors or personnel. State law and the MBCA contain standards of care as prerequisites for indemnification (for instance, good faith performance of duties). But courts typically require bank directors to demonstrate higher degree of diligence than directors of non-financial institutions in similar circumstances before concluding that a given standard of care has been met. Therefore, the commenters felt that imposing a stricter indemnification standard for bank directors and personnel, in addition to the greater

[1] While the eight interpretive areas mentioned in the Notice (such as the applicable standard of care, mandatory indemnification, or the extent of indemnification) were intended to identify areas that in the past had been the subject of requests for Office legal opinions and might now need clarification, several commenters read the Notice as reflecting the Office's *current and uniform* views, *i.e.*, that an indemnification which conflicts with a position mentioned in the Notice would be impermissible. The Office emphasizes that the interpretations discussed in the Notice were not intended to represent any unalterable positions concerning indemnification of bank directors and personnel, and articles of association of a nations bank which are currently properly filed with the Office are not to be regarded as *ultra vires* merely because they differ with any of the views expressed by the Office in the past.

substantive demands of any standard of care, would further impede the recruitment of competent and qualified directors for national banks, particularly when state banks and corporations following state corporate indemnification provisions are not subject to similar restrictions.

A number of commenters suggested that the Interpretive Ruling be revised to incorporate the standards stated in Section 5 of the MBCA. The commenters felt that the MBCA provision would provide a carefully considered and uniform standard for all national banks throughout the country. On the other hand, an equal number of commenters favored the alternative which would allow national banks to follow their state law regarding the indemnification of corporate directors and personnel. In the opinion of those commenters, such state law provisions reflect public policy positions which are generally acceptable and familiar to banks, their counsel, shareholders and depositors.

Proposed Revision

After considering the available alternatives, the Office proposes to revise Interpretive Ruling 7.5217 to recognize that national banks may, with certain limitations, adopt indemnification standards which reflect either general corporate law standards as evidenced by the law of the state in which it is headquartered or the standards suggested in MBCA § 5. An indemnification provisions which substantially follows either alternative will be regarded by this Office as presumptively falling within the corporate powers of a national bank. In order to avoid interpretive ambiguities, the Office would encourage national banks to review their current articles and to adopt either standard without change or with only minimal modifications. Such provisions, if adopted by a national bank, cannot allow indemnification in supervisory actions which result in a final order assessing civil money penalties or requiring individuals to take affirmative action in the form of payments to the bank. Also, in accordance with its supervisory responsibilities, the Office may review the suitability and the consistency of any indemnification with the standards stated in the bank's articles.

(a) *General rule.* The authority of a national bank to indemnify its directors and staff derives from 12 U.S.C. § 24, which, in general terms, outlines the corporate powers of a national bank. Since neither this provision nor any other provision of the National Bank Act provides further specific guidance on this point, the Office must interpret this provision in accordance with its supervisory responsibilities and the broad purposes of the act and other federal banking laws.

The Office has concluded that, as a general rule, national banks may adopt indemnification standards parallel to those observed elsewhere in the business community. The past experience of this Office indicates that local law regarding corporate indemnification is familiar and accessible to national banks and bank counsel. Therefore, small- and medium-sized banks in particular may find the state law option preferable. Also, the familiarity with, and ready reference to, state law will lead to reduced costs in drafting and implementing indemnification provisions. While some state statutes regarding indemnification may be ambiguous, the comments received and the review of the statutory language of such statutes did not indicate that, on their face, such standards would be inconsistent with the powers or responsibilities of national banks under federal law. Similarly, MBCA section 5 appears to provide a reasonable and equitable framework for the indemnification of the directors and personnel of a national bank.

To interpret 12 U.S.C. 24 to permit national banks to select indemnification provisions which might reflect two different sets of standards could result in non-uniform and inconsistent policies among national banks. However, in view of the comments received, the Office is persuaded that this apparent disadvantage is not significant and is outweighted by the benefits obtained by adopting a more flexible interpretation of 12 U.S.C. § 24. First, our review of current state law indicates that at least two-thirds of the states already incorporate all or most MBCA standards. Thus, national banks in such states electing to amend their indemnification articles in accordance with state corporate law will, to a large extent, have provisions similar to those adopted by banks referring to the MBCA.

Secondly, it appears that exclusive adoption by the Office of either the state law option or the MBCA option would create problems the revision efforts seeks to resolve. For instance, while the MBCA appears to provide an acceptable framework, it is not universally familiar or accessible to bankers and bank counsel, and could not therefore be incorporated merely by reference. Moreover, incorporating the entire standard as an Interpretive Ruling, with its subsequent follow-up and amendments, would add another layer to the existing bulk of federal regulations and to the administrative burden on national banks.

On the other hand, it does not appear feasible to adopt exclusively the state law option because certain state corporate statutes, on their face, exclude banks from their coverage without providing a separate statutory framework for indemnification of bank directors and personnel. In the absence of clear statutory guidance, national banks might be at a loss as to the general corporate law standards applicable to them. In addition, because some state indemnification statutes are not as specific as MBCA section 5, national banks located in such states may well prefer the MBCA's more fully developed standards and procedures.

In sum, our review of the relevant state indemnification provisions and MBCA section 5 has led the Office to the view that, subject to the provisions described below, it is conclusively presumed to be within the corporate powers of a national bank to adopt indemnification provisions consistent with either set of criteria.

(b) *Supervisory concerns.* Obviously, neither the state statutes nor the MBCA can anticipate or reflect the Office's unique supervisory concerns and responsibilities. Thus, they do not explicitly address the permissibility of indemnification in the context of supervisory proceedings or actions where national bank directors or personnel are assessed civil money penalties or held personally liable. *See, e.g.,* 12 U.S.C. 93, 1818(b).

Since certain supervisory actions may in part be punitive in character or may be comparable to actions brought by or in the right of the corporation, it would be inappropriate for a national bank to provide indemnification in such actions. For instance, under current Office practice a final order assessing civil money penalties frequently implies that a bank director or employee has willfully, flagrantly, or in a manner otherwise evidencing bad faith violated the applicable law. *See* Comptroller of the Currency Policy & Procedures Manual No. 5000–7. Consequently, the proposed Ruling indicates that a national bank cannot authorize indemnification of bank directors and personnel when the supervisory action or proceeding results in a final order assessing civil money penalties or otherwise holds them personally liable.

Further, it is possible that a national bank could propose to provide

indemnification which is inconsistent with the applicable standard of care, or would appear excessive in the circumstances. The statutory responsibilities of this Office for the safety and soundness of the national banking system may occasionally require that the Office review the suitability and consistency of an actual or proposed indemnification award with the applicable standards, and, if necessary, direct modifications through appropriate supervisory action. The proposed Ruling would explicitly recognize this authority.

Status of Current Indemnification Provisions

Some commenters inquired whether a change in the Interpretive Ruling would necessitate an amendment of articles of association which are not identical to the MBCA or relevant state laws. While recognizing that indemnification articles which substantially reflect the principles of local law or MBCA section 5 are presumed to be within the corporate powers of a national bank, the proposed Ruling implies that indemnification articles reflecting variations from either alternative may still be legally valid. Consequently, it is possible that current indemnification provisions of a national bank adopted in compliance with prior staff opinions may in substance reflect the local law of MBCA section 5 or otherwise be legally permissible. However, in order to avoid potential ambiguity, the Office would encourage national banks to review their current indemnification articles and, if necessary, to amend them to reflect explicitly either the state law or the MBCA Section 5 provisions.

List of Subjects in 12 CFR Part 7

National banks, Indemnifications.

PART 7—[AMENDED]

Accordingly, for the reasons stated above, the Office proposes to amend 12 CFR Part 7 by revising § 7.5217 to read as follows:

1. The authority for 12 CFR Part 7 reads as follows:

Authority: R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq., unless otherwise noted.

2. Section 7.5217 is revised to read as follows:

§ 7.5217 Indemnification of directors, officers and employees.

(a) A national bank may provide in its articles of association for the indemnification of directors, officers, and employees for expenses reasonably incurred in actions to which the directors, officers, or employees are parties or potential parties by reason of the performance of their official duties. Indemnification articles which substantially reflect general standards of law as evidenced by the law of the state in which the bank is headquartered or the relevant provisions of the Model Business Corporation Act ("MBCA") are presumed by the Office of the Comptroller of the Currency to be within the corporate powers of a national bank.

(b) Such indemnification provisions shall not allow the indemnification of directors, officers, or employees of a national bank against expenses, penalties, or other payments incurred in an administrative proceeding or action instituted by an appropriate bank regulatory agency which proceeding or action results in a final order assessing civil money penalties or requiring affirmative action by an individual or individuals in the form of payments to the bank.

(c) In accordance with its supervisory responsibilities, the Office of the Comptroller of the Currency may, in its discretion, review the suitability of any indemnification or proposed indemnification of directors, officers, or employees by a national bank and the consistency of any such indemnification with the standards adopted by that bank in its articles of association. Based upon this review, the Office may direct a modification of a specific indemnification by a national bank through appropriate administrative action.

Appendix

Section 5 of the Model Business Corporation Act, as amended, 36 Bus. Law. 103 (1980), is published here for convenient reference. It will not be codified in the Code of Federal Regulations.

Section 5 Indemnification of Directors and Officers

(a) As used in this section:

(1) Director means any person who is or was a director of the corporation and any person who, while a director of the corporation, is or was serving at the request of the corporation as a director, officer, partner, trustee, employee or agent of another foreign or domestic corporation, partnership, joint venture, trust, other enterprise or employee benefit plan.

(2) Corporation includes any domestic or foreign predecessor entity of the corporation in a merger, consolidation or other transaction in which the predecessor's existence ceased upon consummation of such transaction.

(3) Expenses include attorneys' fees.

(4) Official capacity means

(A) When used with respect to a director, the office of director in the corporation, and

(B) When used with respect a person other than a director, as contemplated in subsection (i), the elective or appointive office in the corporation held by the officer or the employment or agency relationship undertaken by the employee or agent in behalf of the corporation.

But in each case does not include service for any other foreign of domestic corporation or any partnership, joint venture, trust, other enterprise, or employee benefit plan.

(5) Party includes a person who was, is, or is threatened to be made, a named defendant or respondent in a proceeding.

(6) Proceeding means any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative.

(b) A corporation shall have power to indemnify any person made a party to any proceeding by reason of the fact that he is or was a director if

(1) He conducted himself in good faith; and

(2) He reasonably believed

(A) In the case of conduct in his official capacity with the corporation, that his conduct was in its best interests, and

(B) In all other cases, that his conduct was at least not opposed to its best interests; and

(3) In the case of any criminal proceeding, he had no reasonable cause to believe his conduct was unlawful.

Indemnification may be made against judgments, penalties, fines, settlements and reasonable expenses, actually incurred by the person in connection with the proceeding; except that if the proceeding was by or in the right of the corporation, idemnification may be made only against such reasonable expenses and shall not be made in respect of any proceeding in which the person shall have been adjudged to be liable to the corporation. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, be determinative that the person did not meet the requisite standard of conduct set forth in this subsection (b).

(c) A director shall not be indemnified under subsection (b) in respect of any proceeding charging improper personal benefit to him, whether or not involving action in his official capacity, in which he shall have been adjudged to be liable on the basis that personal benefit was improperly received by him.

(d) Unless limited by the articles of incorporation,

(1) A director who has been wholly successful, on the merits or otherwise, in the defense of any proceeding referred to in subsection (b) shall be indemnified against reasonable expenses incurred by him in connection with the proceeding; and

(2) A court of appropriate jurisdiction, upon application of a director and such notice as the court shall require, shall have authority to order indemnification in the following circumstances:

(A) If it determines a director is entitled to reimbursement under clause (1), the court shall order indemnification, in which case the director shall also be entitled to recover the expenses of securing such reimbursement;

(B) If it determines that the director is fairly and reasonably entitled to indemnification in view of all the relevant circumstances, whether or not he has met the standard of conduct set forth in subsection (b) or has been adjudged liable in the circumstances described in subsection (c), the court may order such indemnification as the court shall deem proper, except that indemnification with respect to any proceeding by or in the right of the corporation or in which liability shall have been adjudged in the circumstances described in subsection (c) shall be limited to expenses.

A court of appropriate jurisdiction may be the same court in which the proceeding involving the director's liability took place.

(e) No indemnification under subsection (b) shall be made by the corporation unless authorized in the specific case after a determination has been made that indemnification of the director is permissible in the circumstances because he has met the standard of conduct set forth in subsection (b). Such determination shall be made:

(1) By the board of directors by a majority vote of a quorum consisting of directors not at the time parties to the proceeding; or

(2) If such a quorum cannot be obtained, then by a majority vote of a committee of the board, duly designated to act in the matter of a majority vote of the full board (in which designation directors who are parties may participate), consisting solely of two or more directors not at the time parties to the proceeding; or

(3) By special legal counsel, selected by the board of directors or a committee thereof by vote as set forth in clauses (1) or (2) of this subsection (e), or, if the requisite quorum of the full board cannot be obtained therefor and such committee cannot be established, by a majority vote of the full board (in which selection directors who are parties may participate); or

(4) By the shareholders.

Authorization of indemnification and determination as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible, except that if the determination that indemnification is permissible is made by special legal counsel, authorization of indemnification and determination as to reasonableness of expenses shall be made in a manner specified in clause (3) in the preceding sentence for the selection of such counsel. Shares held by directors who are parties to the proceeding shall not be noted on the subject matter under this subsection (c).

(f) Reasonable expenses incurred by a director who is a party to a proceeding may be paid or reimbursed by the corporation in advance of the final disposition of such proceeding upon receipt by the corporation of

(1) A written affirmation by the director of his good faith belief that he has met the standard of conduct necessary for indemnification by the corporation as authorized in this section, and

(2) A written undertaking by or on behalf of the director to repay such amount if it shall ultimately be determined that he has not met such standard of conduct, and After a determination that the facts then known to those making the determination would not preclude indemnification under this section. The undertaking required by clause (2) shall be an unlimited general obligation of the director but need not be secured and may be accepted without reference to financial ability to make repayment. Determinations and authorizations of payments under this subsection (f) shall be made in the manner specified in subsection (e).

(g) No provision for the corporation to indemnify or to advance expenses to a director who is made a party to a proceeding, whether contained in the articles of incoporation, the by-laws, a resolution of shareholders or directors, an agreement or otherwise (except as contemplated by subsection (j)), shall be valid unless consistent with this section or, to the extent that indemnity hereunder is limited by the articles of incorporation, consistent therewith. Nothing contained in this section shall limit the corporation's power to pay or reimburse expenses incurred by a director in connection with his apearance as a witness in a proceeding at a time when he has not been made a named dependant on respondent in the proceeding.

(h) For purposes of this section, the corporation shall be deemed to have requested a director to serve an employee benefit plan whenever the performance by him of his duties to the corporation also imposes duties on, or otherwise involves services by, him to the plan or participants or beneficiaries of the plan; excise taxes assessed on a director with respect to an employee benefit plan pursuant to applicable law shall be deemed "fines"; and action taken or omitted by him with respect to an employee benefit plan in the performance of his duties for a purpose reasonably believed by him to be in the interest of the participants and beneficiaries of the plan shall be deemed to be for a purpose which is not opposed to the best interests of the corporation.

(i) Unless limited by the articles of incorporation,

(1) an officer of the corporation shall be indemnified as and to the same extent provided in subsection (d) for a director and shall be entitled to the same extent as a director to seek indemnification pursuant to the provisions of subsection (d);

(2) A corporation shall have the power to indemnify and to advance expenses to an officer, employee or agent of the corporation to the same extent that it may indemnify and advance expenses to directors pursuant to this section; and

(3) A corporation, in addition, shall have the power to indemnify and to advance expenses to an officer, employee or agent who is not a director to such further extent, consistent with law, as may be provided by its articles of incorporation, by-laws, general or specific action of its board of directors, or contract.

(j) A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or who, while a director, officer, employee or agent of the corporation, is or was serving at the request of the corporation as a director, officer, partner, trustee, employee or agent of another foreign or domestic corporation, partnership, joint venture, trust, other enterprise or employee benefit plan, against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

(k) Any indemnification of, or advance of expenses to, a director in accordance with this section, if arising out of a proceeding by or in the right of the corporation, shall be reported in writing to the shareholders with or before the notice of the next shareholders' meeting.

Dated: May 3, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-14870 Filed 6-2-83; 8:45 am]

BILLING CODE 4810-33-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[Economic Regulation Docket 41496]

Tariffs

May 19, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing to amend its tariff rules to require that U.S. and foreign air carriers justify fares or rates that are outside the zones of flexibility permitted by the Standard Foreign Fare Level or the Standard Foreign Rate Level. This amendment would also conform tariff-filing procedures to the changes made by the International Air Transportation Competition Act of 1979, which established zones of flexibility for foreign passenger fares, and a recent Board policy statement permitting zones of flexibility for cargo rates in foreign air transportation. This proposal is made at the Board's initiative in order to analyze more efficiently fares and rates submitted outside the zones.

DATES: Comments by: August 2, 1983.

Comments and other relevant information received after this date will be considered by the Board only to the extent possible.

Requests to be put on the Service List: June 13, 1983.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41496, Civil Aeronautics Board, 1825 Connecticut

Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Martha Langelan, International Fares and Rates Division, Bureau of International Aviation, (202) 673–5360, or Joanne Petrie, Office of General Counsel, (202) 673–5442, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The reasonableness of fares and rates in foreign air transportation is now partly governed by zones of flexibility. Sections 1002(j)(6)(B) and 1002(j)(6)(C) of the Federal Aviation Act (as amended by the International Air Transportation Competition Act of 1979, Pub. L. 96–192) state that the Board does not have authority to suspend any passenger fare for foreign air transportation that is not more than 5 percent higher or 50 percent lower than the standard foreign fare level for the same or essentially similar class of service, except in exceptional circumstances. The Board has by order supplemented the statutory zone with discretionary zones of flexibility keyed to particular geographic areas. This additional flexibility is updated periodically. Carriers that so choose may simply file a fare that is within these zones without economic justification or other supporting information. In almost all cases, the Board will accept the filing, and the fare will become effective.

At the same time, section 1002(j)(5)(G) of the Federal Aviation Act, as amended (49 U.S.C. 1482), requires the Board to take into consideration "reasonably estimated or foreseeable future costs and revenues for * * * air carrier[s] and foreign air carrier[s] for a reasonably limited future period during which the rate at issue would be in effect," when determining whether or not to permit passenger fares above or below the Standard Foreign Fare Level (SFFL) zones specified in section 1002(j)(6)(B) and 1002(j)(6)(C). We interpret these two sections as requiring the Board, in most cases, to accept any tariff filings that are within the SFFL flexibility zone without investigation. For fares outside the zone, the Act requires the Board to consider the economic justification before determining the reasonableness of the fare.

The Board has not amended all of its tariff-filing procedures to conform with the two sections of the Act. At present, U.S. carriers are required to submit supporting data for proposed passenger fares outside the applicable flexibility zones. Prior to the adoption of the International Air Transportation Competition Act, the Board was not required to take estimated or foreseeable future costs of foreign air carriers into consideration when determining whether or not to suspend their tariffs for international passenger fares. Therefore, paragraph (d)(2) of § 221.165, explanation and data supporting tariff changes and new matter in tariff publications, exempts foreign air carriers from the requirement of filing economic data supporting their proposed new fares or rates. At present, unless foreign air carriers voluntarily submit such documentation for their proposed prices that are outside the zone of flexibility, the Board must rely on secondary sources such as the current prices, prices in comparable markets, general cost increases and provisions of the applicable bilateral agreement to determine the reasonableness of those filings. Such secondary evidence is often inconclusive. Under our statute and present tariff regulations, in the absence of specific documentation that would support a favorable finding on proposed prices outside the zone, the Board may have no recourse but to invoke formal procedures to suspend the proposed tariffs—an unduly lengthy and burdensome process when a filing outside the zone could in fact have been supported by the submission of a simple economic justification.

We propose to amend paragraph (d)(2) of § 221.165 to require U.S. and foreign air carriers to supply economic data and information in support of their proposed passenger fares outside any applicable zone of pricing flexibility.

The subsection that would be amended lists exceptions to the requirement to file supporting data for new matter filed in tariffs. The exception would be changed from the current exemption granted to all foreign air carriers to only those foreign air carriers filing fares that are within (a) the statutory zone, (b) the applicable discretionary zone created by the Board, or (c) any pricing flexibility created by bilateral or multilateral pricing agreements between the U.S. and foreign governments. Neither U.S. nor foreign carriers are now required to submit supporting data for filings that simply match existing tariffs, and the proposed rule would not change that exemption for matching tariffs.

This amendment would benefit both the carrier proposing the new fare and any person wishing to oppose it. The Board would be able to approve such fares that are economically justified more quickly than under the current regime. If the fares were disapproved by the Board, the carrier would have the benefit of a quick determination so that it could submit and implement alternative, acceptable fares without undue regulatory lag. Persons wishing to challenge the filing would also be better able to pinpoint the source of their dissatisfaction so that a compromise or a final solution could be quickly reached.

The proposed amendment would not be burdensome. In deciding that it would like to change its fares, a carrier presumably would have to make some calculations of its future costs and revenues. In addition, for all multicarrier tariff changes outside the zone, the Board currently requires extensive cost documentation. The rule change would not require supporting data for unilateral tariff filings as detailed as that now required in support of multicarrier fare and rate proposals.

The Board is proposing an additional change in the exemptions from filing supporting data for price changes. The rules would be further amended to require economic justification for cargo rates above the Standard Foreign Rate Level (SFRL). In PS–109, 48 FR 4271, February 27, 1983, the Board adopted a policy of not suspending international cargo rates within a specified zone, except in extraordinary circumstances. This zone, like the one for passenger fares, will be adjusted periodically to take account of actual operating cost changes. As with foreign passenger fares, carriers would be required to file supporting documentation for rates above the zone, for the reasons discussed above. As the Board stated in PS–109: New rates that are above the flexibility ceiling will require justification and will not be assured the same expeditious treatment or assurance against suspension as those below it. But the fact that they are above the suspend-free ceiling does not mean that we will be predisposed to suspend them. They will receive prompt attention, and we intend to continue our generally flexible approach to cargo pricing even outside the suspend-free zone, if adequate justification is presented.

If this proposed amendment is adopted, Part 385, *Delegations and Review of Action Under Delegation: Nonhearing matters*, will be amended to give the Chief of the Board's Tariff Division authority to reject filings of fares or rates outside the flexibility zones if they are not accompanied by

adequate economic justification and supporting information.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that the proposed change will not have a significant economic impact on a substantial number of small entities. The rate would only apply to air carriers and foreign air carriers that want to file fares or rates that are outside the zones of flexibility. There are few carriers in foreign air transportation, the only entities covered by the Act, that use small aircraft (less than 60 seats). In addition, small aircraft users file very few tariffs with the Board, and therefore would generally not be subject to this rule.

List of Subjects in 14 CFR Part 221

Air rates and fares, Credit, Explosives, Freight, and Handicapped.

PART 221—[AMENDED]

Accordingly, the Civil Aeronautics Board is proposing to revise paragraph (d)(2) of § 221.165 of 14 CFR Part 221, Tariffs as follows:

§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.

* * * * *

(d) * * *

(2) The requirement for data or information in paragraph (b) of this section will not apply to air carriers or foreign air carriers in cases where the new or changed tariff matter proposes fares or rates that are within the zones of flexibility associated with: (i) the Standard Foreign Fare Level, as established by the CAB under section 1002(j) of the Federal Aviation Act of 1958, as amended, including any additional fare flexibility granted by the CAB, (ii) the Standard Foreign Rate Level as set forth in Part 399 of this chapter, including any additional rate flexibility granted by the CAB, or (iii) bilateral or multilateral pricing agreements between the United States and foreign governments.

* * * * *

(Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, Pub. L. 85–726, as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–14884 Filed 6–2–83; 8:45 am]

BILLING CODE 6320–01–M

14 CFR Part 252

[Economic Regulations Docket 41431]

Smoking Aboard Aircraft

May 19, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to ban smoking on small aircraft, ban the smoking of cigars and pipes on all U.S. airlines, ban smoking when the aircraft ventilation is not adequate, and provide special protections for those especially sensitive to smoke. The questions of whether the CAB should regulate smoking at all or whether it should ban all smoking, having been decided in an earlier proceeding, are not at issue here.

DATES: Comments by: September 1, 1983. Reply comments by: October 3, 1983.

Comments and other relevant information received after this date will be considered by the board only to the extent practicable.

Requests to be put on the Service List: July 20, 1983.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41431, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals, may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION:

Background

The Board first adopted a rule governing smoking aboard aircraft in 1973. ER–800, 38 FR 19146, September 13, 1973. This rule, set forth in 14 CFR Part 252, required airlines to establish a separate section for nonsmokers. In 1976, Action on Smoking and Health (ASH) petitioned the Board to change this rule by banning cigar and pipe smoking. The Board responded by issuing EDR–306, 41 FR 44424, October 8, 1976, in which it proposed a ban on cigar and pipe smoking, and other restrictions on smoking. The Cigar Association then submitted a petition of its own proposing several amendments that would allow continued cigar and pipe smoking on a restricted basis. These were consolidated in Order 78–5–139, May 22, 1978.

In ER–1091, 44 FR 5071, January 25, 1979, the Board adopted some of the proposed changes to the smoking rule but kept the proceeding open for further comments. The Board decided to provide for the special segregation of cigar and pipe smokers, require carriers to expand the no-smoking areas to accommodate all persons who wish to sit there, prohibit smoking when ventilation systems are not fully functioning, and add language to help ensure that nonsmokers were not unreasonably burdened by breathing smoke. There then followed four more notices of proposed rulemaking in which the Board proposed many options, ranging from leaving the matter to the discretion of the airlines to banning smoking aboard aircraft entirely. EDR–377, 44 FR 29846, May 21, 1979; EDR–377A, 44 FR 33410, June 11, 1979; EDR–399, 45 FR 26976, April 22, 1980; EDR–420, 46 FR 11827, February 11, 1981. These included banning smoking on short flights on small aircraft and providing unspecified special protections for those who were especially sensitive to smoke. Dozens of formal comments and thousands of individual letters were received in response to these proposals.

Also during this period, an important change in the Board's governing statute occurred. Congress passed the Airline Deregulation Act of 1978 (Pub. L. 95–504), which significantly altered the Federal Aviation Act of 1958. It altered the Board's mission from that of a tight regulator of the airline industry, and instead directed it to "place maximum reliance on competitive market forces * * * to provide the needed air transportation system." Section 102(a)(4), 49 U.S.C. 1302(a)(4).

In light of the conflicting views expressed in the comments and the change in its statutory mission, the Board, in November 1980, decided to take a fresh look at the smoking issue. An oral argument was held in May 1981, and in June the Board decided to issue an entirely new rule governing smoking aboard aircraft. ER–1245, 46 FR 45934, September 16, 1981. The only substantive requirement of the new rule was for airlines to provide a seat in the no-smoking section, for each class of service, on request by any passenger that met the airline's check-in deadline.

This new rule was challenged by ASH in Federal court. This suit was combined with earlier ones filed by ASH. On January 28, 1983, the Court issued its decision. *Action on Smoking and Health*

v. *CAB*, Nos. 79–1044 *et al.* (D.C. Cir., January 28, 1983). While leaving intact the heart of the Board's smoking rule, the Court focused on some provisions that had not been incorporated in the new rule. Specifically, it vacated ER–1245 to the extent that it had not continued the previous requirements that cigar and pipe smokers be specially segregated, that smoking be banned when the aircraft ventilation system is not fully functioning, and that nonsmokers not be unreasonably burdened by breathing tobacco smoke. It also remanded for further proceedings the Board's decision not to adopt proposals to ban smoking on short flights or small aircraft, or to require special provisions for persons especially sensitive to smoke. The Court held that the Board had failed to adequately explain the reasons for not taking these actions.

After that decision was issued, ASH filed two petitions with the Board. In the first, it asked the Board to hold an oral argument on the matters remanded by the Court. It stated that the change in Board membership and new evidence since ER–1245 justified holding an oral argument. The Regional Airline Association (RAA) filed an answer asking to be included if an oral argument was held. Senator Inouye of Hawaii wrote a letter supporting the ASH request. In its second petition, ASH called on the Board to republish the previous requirements concerning cigars and pipes, ventilation systems, and unreasonable burdens that had been dropped from the rule by ER–1245. In addition ASH asked the Board to institute a rulemaking to further consider the proposals on short flights, small aircraft, and especially sensitive persons that had not been adopted by ER–1245.

The Board has decided to institute a new rulemaking on the matters remanded by the Court. After the close of the comment period, we will hold another oral argument. This notice refines the earlier proposals in light of previous comments and experience under the old rule.

Small Aircraft

In EDR–377, the Board proposed a ban on smoking aboard aircraft of 30 seats or less. Two airlines that had prohibited smoking on their small aircraft supported the proposal based on their experience. Surburban Airlines had banned smoking on its 19-seat aircraft after a passenger survey indicated that most found smoke objectionable in that small a cabin area. It reported that the ban was not difficult to enforce, but did not consider it necessary to extend it to its 30-seat equipment. Hawaiian Airlines stated that its 2-month experiment with no-smoking flights on its 30-seat aircraft indicated that a ban on smoking on small aircraft would receive public acceptance, and would be less costly and administratively less burdensome than the current segregation requirements. Hawaiian urged the Board to adopt a ban that would apply to all small operators rather than leaving the matter to carrier discretion. Hawaiian was concerned that unilateral action on its part could place it at a competitive disadvantage relative to those who continued to allow smoking.

Other commenters supported the proposed ban on smoking on small aircraft because they were concerned that the small cabin area would make it more difficult for nonsmokers to avoid the smoke, and that the unsegregated cockpit on many of these planes could permit smoke to bother the pilots, imperiling passenger safety. The American Lung Association of Southeast Florida wanted the ban to apply to 40-seat equipment.

Opponents of the proposed ban considered such action to be inequitable and unsupportable by any data. Delta argued that banning smoking on small aircraft would place carriers who operate those at a competitive disadvantage. It was concerned that travelers would opt instead for ground transportation in the short-haul markets. The Tobacco Institute stated that such a ban may hinder air service at small communities, contrary to sections 102(a)(8) and 419 of the Federal Aviation Act, 49 U.S.C. 1302(a)(8) and 1389. It also found no reason to consider the ventilation less effective on small aircraft or nonsmokers subject to more discomfort on those planes.

The Board has decided to again propose a ban on smoking on small aircraft. Such a ban may be appropriate, considering the small cabin area and the possibility that the ventilation system on these aircraft is less sophisticated. The small cabin area makes it less practical to extend the segregation requirement for larger aircraft to the smaller ones. Nevertheless, if commenters can show that it is possible to effectively segregate smokers and nonsmokers on small aircraft, the Board will consider imposing that requirement rather than a total ban.

It appears doubtful that this ban would place small aircraft operators at a disadvantage or hinder air service at small communities. Since most people are nonsmokers, the larger group would be encouraged to fly on small planes by such a ban. Some individuals have written that the rougher ride combined with the smoke on small planes makes them nauseated. A ban on smoking would help to relieve that discomfort. A survey of carriers operating aircraft with 30 seats or less revealed that 57 percent of the air carriers surveyed already banned smoking on these aircraft.

This ban would also not create significant problems for smokers. Most small planes fly only short flights, often an hour or less. Most smokers are accustomed to not smoking for such short periods of time, as they must do when attending most theatrical and other public auditorium events.

For the purposes of this proposal, small aircraft are defined as those with 30 seats or less. In the alternative, the Board is also proposing to extend the ban to aircraft with 60 seats or less. Of the 33 carriers that operate 31 to 60 seat aircraft, 31 (94 percent) now allow smoking.

Many general allegations have been made, both in support and in opposition to a ban, about the ventilation on small aircraft. Those who wish to comment on this issue in this proceeding should provide specific facts or data about small aircraft ventilation systems rather than making general unsupported assertions.

Regional Airline Association Petition

On November 10, 1982, the Regional Airline Association (RAA) petitioned the Board to amend § 252.1, the applicability section of the smoking rule (Docket 41088). It asked that the smoking rule no longer be made applicable to aircraft with 31 to 60 seats. Currently the rule applies to all aircraft that are designed for more than 30 seats. RAA contended that drawing the line at 60 rather than 30 seats would be consistent with other Board rules, specifically Parts 250, 254, 298, and 399 (§ 399.73). It also argued that the current applicability provision creates problems for regional and commuter carriers by forcing them to have different rules for different flights depending on the size of aircraft being flown. ASH filed an answer opposing RAA's petition and calling for a ban on smoking on small aircraft. RAA replied by stating that the proper forum for consideration of its petition would be the Board proceedings in response to the Court of Appeals remand.

Making the change in § 252.1 requested by RAA would of course be inconsistent with the proposal above to ban smoking on small aircraft. The Board agrees with RAA, however, that its petition should be consolidated with this proceeding so that the Board can

consider the full range of issues with respect to smoking on small aircraft. Thus the Board is consolidating Docket 41088 with this proceeding and proposing, in the alternative, to limit the applicability of the smoking rule to operations with aircraft designed to have a passenger capacity of more than 60 seats.

In connection with this petition, the Board surveyed regional and commuter carriers that operate mixed fleets, that is, fleets that include some aircraft with 30 seats or less and some that are designed for 31 to 60 seats. It revealed that 12 airlines separate smokers and nonsmokers on their larger aircraft and ban smoking on their small ones, 8 separate smokers and nonsmokers regardless of aircraft size, and 4 separate smokers and nonsmokers only on their larger aircraft.

Especially Sensitive Persons

In EDR–377, the Board requested comments on whether persons who are unusually susceptible to physical ill effects from inhalation of tobacco smoke should be entitled to special accommodations or placed in the area that is the freest of smoke. Commenters were asked to address the issues of how the carriers should decide who is entitled to special accommodations, whether a medical certificate should be required, and whether carrier rules on the subject should be uniform.

The Chicago Heart Association, ASH, Pacific Southwest Airlines (PSA), and the Association of Flight Attendants favored special provisions for unusually susceptible people. ASH stated that the potential for serious physical impairment should carry more weight in this matter than any administrative problems that such a rule would cause for the airline. It suggested that most of the administrative problems could be overcome by requiring advance notice to the airline by the person seeking special seating. The Chicago Heart Association favored setting aside a sufficient number of seats in a smoke-free area for unusually susceptible persons. ASH and the Association of Flight Attendants stated that a statement from a doctor should be required. The Flight Attendants also favored uniform carrier rules on this matter.

The Air Transport Association (ATA), Delta Air Lines, Trans International Airlines (TIA), and the Tobacco Institute opposed any rule requiring special treatment for susceptible persons. Delta insisted that airlines already do all they can to accommodate the needs of this group. Seveal commenters claimed that any government-mandated solution to this problem would be unworkable and plague carriers with unnecessary, costly and delay-ridden requirements. The Tobacco Institute argued that airlines will not be able to determine the authenticity of a medical certificate claiming unusual susceptibility to tobacco smoke. It also was concerned that persons merely opposed to smoking would be able to obtain a medical certificate from a friendly doctor declaring them unusually susceptible. The Aviation Consumer Action Project (ACAP) did not favor special provisions for susceptible people because, in its view, a total ban was necessary and moving them far away from the smokers would not do them any good.

The Board considers it a highly desirable goal that persons who are unusually susceptible to physical ill effects from breathing tobacco smoke not undergo discomfort or illness. It is difficult, however, to develop standards for objectively determining who should be covered. Even if the problem of identification could be resolved, this proposal presents further difficulties, in that it is unclear what area of the plane is freest from smoke. The proposal in EDR–377 was general and did not provide solutions for these problems.

The Board has decided to seek further comments on this issue. In an effort to devise a more specific approach, it is proposing here that people who present evidence to the airline that they are especially sensitive to smoke must be given the seat most distant from the smoking section that is still available. The necessary evidence could be a medical certificate or a note from a doctor attesting to the person's medical problem. Providing the sensitive person with the farthest available seat from the smoking section would not require airlines to move people around or otherwise burden airline personnel. It would merely ensure what should be a matter of common courtesy in any event.

The Board recognizes that placement in an aircraft cabin is important enought to many people that is could be expected that there would be strong pressure to gain access to this favored class, by both legitimate and illegitimate means. Nevertheless, it tentatively finds this problem outweighed by the importance of protecting especially sensitive people from tobacco smoke.

Cigars and Pipes

Prior to ER–1245, § 252.1a of the Board's smoking rule required carriers to provide for special segregration of cigar and pipe smokers. As revised by ER–1245, the smoking rule no longer included this requirement. The Court of Appeals vacated this aspect of ER–1245. ASH has asked the Board to republish it in the light of the Court of Appeals decision.

In EDR–377, five alternative approaches for dealing with cigar and pipe smoke were proposed. These were: establishing a seven-row buffer zone between cigar and pipe smokers, permitting cigars and pipes to be smoked only by persons seated closest to the air vent in each row, prohibiting the smoking of cigars and pipes in any compartment where a passenger requested such a ban through a flight attendant, permitting the smoking of cigars and pipes only at the rear of the compartment, and banning the smoking of cigars and pipes altogether.

The Association of Flight Attendants, Air Cal, several antismoking groups, and many nonsmokers favored a total ban on cigar and pipe smoking aboard aircraft. Very little support was expressed for the other proposals. The Flight Attendants preferred a total ban over the other options because, in their view, placing cigar and pipe smokers in the rear would not solve the problem, and prohibiting them from smoking when a passenger so requested would place flight attendants in an awkward position. Several commenters supported a total ban on the grounds that cigars were more harmful and offensive to nonsmokers and less addictive to smokers than cigarettes. In their view, this made it easier for cigar and pipe smokers to refrain while on a plane and more imperative that they do so. The Airline Passenger Association (APA) submitted the results of a survey that indicated that 51 percent of its membership favored a total ban on cigar and pipe smoking aboard aircraft.

Several airlines and pro-smoking organizations opposed the proposed alternatives. The ATA stated that the Board's proposals were unworkable. It found no evidence that seating cigar and pipe smokers near air vents would provide any additional comfort for nonsmokers. A requirement that cigar and pipe smokers be seated at the rear would, in ATA's view, restrict carriers' ability to have different service levels in the same compartment and slow the check-in process. ATA considered extinguishing pipes and cigars upon passenger request to be a matter of common courtesy that carriers already attempt to provide, one that does not need to be regulated by the government.

The Cigar Association of America and the Tobacco Institute insisted that cigar and pipe smokers have the same right to adequate service under section 404(a) of the Act as nonsmokers, and that this right includes being free to smoke. The Cigar Association recognized that "the

right of smokers may not be absolute and that it must be tempered by the need to accommodate the corresponding right of non-smokers." It considered the Board's current rule requiring special segregation of cigar and pipe smokers as the appropriate resolution of the conflicting rights, viewing further regulatory action in this area as serving no useful purpose.

The Board recognizes that cigar and pipe smoke causes greater discomfort for some nonsmokers than cigarettes. The special segregation requirement, however, is not the best way to deal with this problem. This requirement creates practical difficulties for carriers in arranging seating aboard the aircraft. More importantly, it is a vague requirement and therefore difficult to effectively obey or enforce. The Board tentatively concludes that these difficulties outweigh any benefits of the special segregation requirement. Indeed, the benefits appear to be slight. The Board received the same number of complaints about cigars and pipes in the year after this requirement was eliminated as it had during the last year it was in effect. Most carriers have banned cigars and pipes on their own initiative in any event so that special segregation may be a step backward from the standpoint of protecting nonsmokers. The Board is therefore proposing to revoke the special segregation provision.

Instead of the special segregation requirement, the Board is proposing a total ban on cigar and pipe smoking aboard aircraft. A total ban would not suffer from the same deficiencies as the special segregation requirement. It would be easy for both the carriers and the Board to administer and enforce. It would not place any special burdens on carriers. Indeed, as noted above, most airlines have already instituted such a ban on their own. A survey of 27 large airlines revealed that 24 banned cigar and pipe smoking, one allowed it only on transatlantic flights, and one allowed only pipe smoking. A survey of smaller regional and commuter airlines indicated that 88 percent banned cigar and pipe smoking. A general ban would ensure that this protection now provided by airlines would continue.

Stricter control of cigars and pipes than of cigarettes is justified because they evidently are more offensive to many nonsmokers than cigarettes. This is borne out by the APA survey that found that a majority of frequent flyers favored a ban on cigar and pipe smoking, but not on all smoking.

While this rulemaking is pending the special segregation requirement will be in effect. See ER–1245A, issued simultaneously. We reserve the option of revoking this requirement after considering the comments even if the total ban is not adopted.

Ventilation

Section 252.2a formerly required airlines to prohibit smoking "whenever the ventilation system is not fully functioning." As revised by ER–1245, the smoking rule is silent on the issue of ventilation. The Court of Appeals directed the Board to provide further explanation for this nonaction and vacated it. Subsquently, ASH petitioned the Board to republish § 252.2a.

The Board has decided to republish § 252.2a but also to propose a new provision on aircraft ventilation in this rulemaking. The Board has tentatively concluded that the "fully functioning" language should not be continued. It has created confusion with little corresponding benefit. The confusion has revolved primarily around whether it requires all available ventilation units on an aircraft to be operating at all times. ASH has contended that it does while the airlines have argued to the contrary. The Board itself has not ruled on this question.

In the Board's view, a rule that prevents airlines from adjusting their ventilation to reflect the actual needs of a particular flight is unduly restrictive. To the extent that the former rule could be construed as preventing such adjustments, it should be revoked and replaced. Aircraft design, on-board conditions, and the number of passengers aboard should dictate ventilation rates, not an arbitrary rule. As in buildings, it is not always necessary to have all air conditioning units operating at full blast to provide the proper degree of comfort. The Board is therefore republishing the "fully functioning" language but is proposing to revoke it. We reserve the option of revoking this provision after considering the comments even if one of the alternatives described below are not adopted.

The Board is instead proposing language here that would require airlines to ban smoking whenever the ventilation system on an aircraft is not operating as designed to produce adequate ventilation under the conditions that are present. This rule would provide the needed protections for nonsmokers while allowing airlines to take into account the built-in capabilities of different aircraft and the characteristics of each flight in setting ventilation rates. It is justified by the reliance of many airlines on their ventilation systems as the reason for opposing efforts to ban or further restrict smoking. This rule would not require airlines to keep all their air packs running where that is not necessary to produce adequate ventilation.

The Board recognizes that the proposed ventilation standard suffers from some of the deficiencies of the former standard in that it is not precise. We have tried to delineate some of its limits above. Nevertheless, in the alternative, we are proposing a more limited requirement. Under this alternate proposal, airlines would be required to ban all smoking when the ventilation system has been turned off for any reason. The Board has received letters from nonsmokers complaining that when flights are delayed on the ground, smoking is often freely permitted. They claim that, at these times, the ventilation system is usually turned off. The result is that they experience extreme discomfort. This alternate proposal would prevent that. It also has the advantage of being an objective standard that can be more readily obeyed and enforced. It may, however, provide a lesser degree of protection for nonsmokers.

The Board is also aware that there are people who are dissatisfied with the air quality aboard aircraft and consider the ventilation systems to be generally inadequate. Some flight attendants in particular have raised concerns about aircraft ventilation. For example, one from Hawaii recently wrote that "even the air conditioning system is fully operating, it is unbearable."

It is important to keep in mind that the Board is here proposing to regulate only smoking. Ventilation becomes an issue only insofar as it has an impact on smoking and the protection of nonsmokers from the build-up of smoke in the aircraft cabin. To the extent that passengers and flight attendants have general objections about aircraft ventilation practices, that are outside the scope of this rulemaking. Indeed such objections may not be appropriate for Board consideration at all because technical details about aircraft ventilation systems are not within the Board's area of expertise. The Federal Aviation Administration (FAA), which does have this expertise, already has rules that generally cover this subject (14 CFR 25.831 and 121.219). They require passenger compartments to be "suitably ventilated" and limit the amounts of carbon monoxide and other fumes that may be present. In addition, Congress is now considering airlines industry practices regarding interior cabin air. See S. 197, introduced by Senator Inouye and S. Rep. No. 97–122 97th Cong., 1st Sess. (1982).

Other Matters

The issues of a ban on smoking on short flights and language prohibiting nonsmokers from being unreasonably burdened by breathing smoke, also remanded by the Court of Appeals, are dealt with in ER–1245A which is being issued simultaneously.

Since the issues of the Board's power to regulate smoking and its refusal to impose a general ban on smoking have been fully discussed and disposed of in the earlier proceedings, commenters should not address those issues here. Comments should be directed solely to the issues discussed above.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act, Pub. L. 96–354, the Board concludes that this rule, if adopted, may have a significant economic impact on small air carriers. There are about 200 such carriers. As explained above, however, the impact is more likely to be positive than negative because most people are nonsmokers. The need and objective of the rule are described above. The legal basis is primarily section 404(a) of the Federal Aviation Act. It would not impose any reporting or recordkeeping requirements nor duplicate, overlap, or conflict with other Federal rules.

List of Subjects in 14 CFR Part 252

Air carriers, Consumer protection, Smoking.

Proposal

PART 252—[AMENDED]

Accordingly, the Board proposes to amend 14 CFR Part 252, *Smoking Aboard Aircraft*, as follows:

1. The Table of Contents would be revised to read:

Sec.
252.1 Applicability.
252.2 No-smoking sections.
252.3 Small aircraft.
252.4 Cigars and pipes.
252.5 Ventilation.
252.6 Enforcement.
252.7 Waivers.

2. Section 252.1 would be revised to read:

§ 252.1 Applicability.

(a) This part establishes rules for the smoking of tobacco aboard aircraft.

(b) This part applies to all operations of direct air carriers, except on-demand services of air taxi operators.

Alternate Proposal: Add at the end of this sentence: with aircraft designed to have a passenger capacity of more than 60 seats.

(c) Nothing in this part shall be deemed to require carriers to permit the smoking of tobacco aboard aircraft.

3. A new paragraph (a)(4) would be added in § 252.2 so that it would read as follows:

§ 252.2 No-smoking sections.

(a) * * *

(4) The seat, among those that are still available, that is farthest removed from all smoking sections, for any person that presents written medical evidence to the carrier of an unusual susceptibility to physical ill effects from breathing tobacco smoke.

* * * * *

4. A new § 252.3 would be added, to read:

§ 252.3 Small aircraft.

Carriers shall adopt and enforce rules prohibiting the smoking of tobacco on aircraft with 30 seats or less.

Alternate Proposal: Substitute "60" for "30".

5. A new § 252.4 would be added, to read:

§ 252.4 Cigars and pipes.

Carriers shall adopt and enforce rules prohibiting the smoking of cigars and pipes aboard aircraft.

6. A new § 252.5 would be added to read:

§ 252.5 Ventilation.

Carriers shall adopt and enforce rules prohibiting the smoking of tobacco whenever the ventilation system is not producing adequate ventilation for the conditions that exist aboard the aircraft.

Alternate Proposal: Carriers shall adopt and enforce rules prohibiting the smoking of tobacco aboard aircraft whenever the ventilation system is turned off.

§§ 252.3 and 252.4 [Redesignated as §§ 252.6 and 252.7, respectively]

7. Sections 252.3, *Enforcement*, and 252.4, *Waivers*, would be redesignated § 252.6 and § 252.7 respectively.

§§ 252.1a and 252.2a [Removed]

8. Sections 252.1a, *Special segregation of cigar and pipe smokers*, and 252.2a, *Ban on smoking when ventilation not fully functioning*, would be removed.

(Secs. 204, 404, 407, and 416 of Pub. L. 85–726, as amended, 72 Stat. 743, 760, 766, 771, 49 U.S.C. 1324, 1374, 1377, 1386)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–14983 Filed 6–2–83; 8:45 am]
BILLING CODE 6320–01–M

14 CFR Part 291

[Economic Regulation Docket No. 41498]

Domestic Cargo Transportation

May 19, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB is proposing to exempt domestic airlines providing cargo service from the statutory prohibition against unjust discrimination in their service. All direct and indirect air carriers are now exempt from this provision for domestic passenger service, as are all indirect carriers in domestic and international cargo service. The exemption would put these carriers in the same position as others with respect to this provision. The proposal would also clarify the exemption for U.S. cargo carriers from the statutory provision requiring approval for acquisitions and control.

DATES: Comments by: August 2, 1983.

Reply comments by: August 17, 1983.

Comments and relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on Service List by: June 13, 1983.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41498, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673–5442.

SUPPLEMENTARY INFORMATION: The Board has granted broad exemptions from the Federal Aviation Act (49 U.S.C. 1301 *et seq.*) for the operation of domestic cargo air transportation. These exemptions apply to combination (passenger and cargo) and all-cargo carriers in interstate (except for service within the States of Alaska and Hawaii) and overseas air transportation (14 CFR Part 291), and to all indirect air carriers in air transportation (Parts 296 and 380). Under the Airline Deregulation Act, domestic passenger transportation has been largely deregulated.

Section 404

As part of this deregulation of domestic passenger and cargo air service (whether by statute or regulation), passenger carriers and indirect carriers are no longer subject to the section 404(b) prohibition against unjust discrimination in air service. Domestic cargo carriers are, however, still subject to it. This proposal would exempt airlines in domestic cargo transportation from that provision, so that they would be in the same position as all other carriers in domestic air service.

Section 404 of the Act contains several provisions codifying the duties of common carriers. The prohibition against unjust discrimination is one of those provisions. Congress, by means of the Deregulation Act, has eliminated this statutory provision for the much larger business of passenger transportation. This provision has been used to hinder price competition, by inhibiting airlines and their potential customers from seeking the most favorable terms that they can arrange. The clear intent of the Deregulation Act is to give maximum freedom to market forces, of which price competition is the most important. Thus, the antidiscrimination provision for cargo is a vestige of an older system of pervasive governmental control that has been discarded.

The exemption for domestic cargo carriers in Part 291 would thus be amended by changing the reference to "404(a)" to "404", so that it would include an exemption from section 404(b).

Section 408

With respect to the wording of exemptions in Part 291, there has been some confusion about the extent of the exemption from the Act's requirement to obtain approval for certain acquisitions and control situations. This proposal would clarify that exemption, by stating that the exemption from section 408(a) applies to all direct air carriers in air transportation, including all domestic or international passenger or cargo air service, except for transactions involving two or more air carriers providing any passenger service.

The Board has consistently explained the applicability of the exemption in this manner. The proposed amendment would expressly state that interpretation in the rule.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-354, the Board certifies that none of the proposed changes, if adopted, will have a significant economic impact on a substantial number of small entities. Small air carriers, such as air taxi operators, are already exempt from this provision. Because the exemption does not remove the common law discrimination jurisdiction, the effect on any small shippers should be small.

List of Subjects in 14 CFR Part 291

Air carriers, Antitrust, Freight, Insurance, and Reporting requirements.

Proposed Rule

PART 291—[AMENDED]

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 291, *Domestic Cargo Transportation*, as follows:

1. Paragraph (a)(2) and (b) of § 291.31 would be revised to read:

§ 291.31 Exemptions from the Act for direct air carriers.

(a) * * *

(2) Section 404, except for (i) air transportation of property within the State of Alaska or Hawaii, and (ii) (for all domestic cargo transportation) the requirement to provide safe and adequate service, equipment, and facilities in connection with that transportation.

* * * * *

(b) Each direct air carrier providing air transportation of passengers or property is exempted from section 408(a) of the Act, except that the exemption in this paragraph—

(1) Does not include section 408(a)(4),

(2) Does not apply to transactions that involve two or more carriers each holding authority to provide passenger air service, and

(3) Is subject to the notification requirement of § 291.33.

2. Paragraph (a) of § 291.32 would be revised to read:

§ 291.32 Exemptions from the Act for persons other than direct air carriers.

(a) Air freight forwarders, common carriers that are not air carriers, and persons substantially engaged in the business of aeronautics other than as air carriers, are exempted from section 408(a) of the Act, except section 408(a)(4), for all transactions that do not involve two or more air carriers providing passenger air service.

* * * * *

(Secs. 204(a), 401, 403, 408, 412, and 416(b), Pub. L. 85-726, as amended, 72 Stat. 743, 754, 758, 767, 770, 771; 49 U.S.C. 1324, 1371, 1373, 1378, 1382, 1386)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-14985 Filed 6-2-83; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Part 377

[Special Regulations Docket No. 41497]

Continuance of Expired Authorizations Pending Board Action on Renewal Requests

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to amend its rule that implements the Administrative Procedure Act provision for the automatic extension of certain expiring licenses. This amendment would clarify the rule and provide that foreign air carrier licenses would expire upon the happening of an event such as the expiration of a bilateral air service agreement.

DATE: Comments by: August 2, 1983.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: June 20, 1983

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41497, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civill Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: Under various sections of the Federal Aviation (49 U.S.C. 1301 *et seq.*), the Board grants operating and other authority to air carriers and foreign air carriers. These authorizations may be limited for an indefinite duration. For some of those of a limited duration, the Administrative Procedure Act (APA), 5 U.S.C. 558(c), provides that the authority will automatically continue after its expiration date if the carrier has filed a timely and sufficient application for

renewal, even if the Board has not acted on that application. In part it states:

> When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

The Board's rules, 14 CFR Part 377, implement this section of the APA. Part 377 sets forth those authorizations that the Board considers to be "of a continuing nature" and thus covered by section 558(c). It also details the procedure for a carrier seeking to rely on the auomatic continuation rights available under that section.

When this rule was first adopted, ER–175, 17 FR 7137, August 6, 1952, it listed only two types of authorizations that were not for activities "of a continuing nature." These were (1) authorizations that were set to expire within 180 days and (2) authorizations that would expire by their own terms upon the happening of an event.

Since that time, Part 377 has been amended several times. SPR–7, 26 FR 11288, November 30, 1961, SPR–84, 40 FR 24998, June 12, 1975, SPR–184, 47 FR 7211, February 18, 1982. The result has been a confusing array of criteria upon which the automatic-continuation rights of section 588(c) of the APA will depend. For example, in some cases, whether an authorization is for an activity "of a continuing nature" under the APA will depend on whether an event occurs before or after a specified date. See § 377.4.

In March 1983, Ceskoslovenske Aerolinie filed a petition in Docket 41142 seeking clarification of Part 377, especially as it related to Board actions on its permit. The Board is treating this as a petition for rulemaking.

The purpose of this notice is to clarify which authorizations are for activities "of a continuing nature," and to state under which circumstances the Board will allow an authorization to continue beyond its expiration date. Under this proposal, authorizations for more than 180 days that are not subject to termination upon the happening of an event would be authorizations for an activity "of a continuing nature" under the APA. They would continue beyond their effective date if a timely and sufficient renewal application were filed. Authorizations that are for less than 180 days or that are subject to termination upon the happening of an event would not be considered such authorizations under the APA. They would expire on the specified date, or upon the happening of the event, respectively, even if a renewal application had been filed. Thus, as far as the definition of an "activity of a continuing nature" is concerned, this proposal reverts to the rule as originally issued by ER–175.

The further refinements in automatic-continuation rights will be by rule rather than by statutory interpretation. A new proposed § 377.4 would provide relief to U.S. airlines holding authorizations that expire upon the happening of an event. As explained above, these authorizations would normally expire when the event occurs. Proposed § 377.4 would, however, as a matter of Board policy rather than as a matter of law, allow them to continue if a timely renewal application were filed. The Board could restrict this relief in the order granting the authorization by stating there that the rights of § 377.4 would not apply.

Proposed § 377.4 would not provide similar relief to foreign airlines. Authorizations to foreign airlines that are set to expire upon the happening of an event would expire when that event occurred, even if the carrier had filed a renewal application. The only way for a foreign air carrier to continue such an authorization beyond its expiration date would be to apply for and receive an exemption under section 416(b) of the Federal Aviation Act (49 U.S.C. 1386(b)) from the Board.

Relying on its exemption power, rather than on automatic-continuation rights, to continue a foreign carrier's authority gives the Board added flexibility. The Board tentatively finds that automatically allowing a foreign carrier's authority to continue if a renewal application is filed unnecessarily restricts the U.S. government in dealing with the delicate foreign policy issues that are raised when certain events occur.

Although there are various types of events upon which the continuation of a foreign carrier's authority could depend, the one that the Board is primarily concerned with is the termination of a bilateral air service agreement with the foreign carrier's home country. Many foreign air carrier permits are subject to expiration upon the termination of a bilateral agreement.

The termination of a bilateral agreement usually indicates a serious problem in the aviation relations between the U.S. and the foreign nation involved. This is especially true when the termination occurs because one party has denounced the bilateral. In such cases, the Board frequently must defer action on a pending permit renewal application until the differences between the carrier's government and the United States have been resolved. Under the current rule, the foreign carrier could arguably continue service during the deferral by relying on section 558(c) of the APA. This would tend to undercut the United States bargaining position.

The Board has a responsibility under sections 102(a)(12) and 1102(b) of the Federal Aviation Act (49 U.S.C. 1302(a)(12) and 1502(b)) and under section 2(a) of the Fair Competitive Practices Act (49 U.S.C. 1159b(a)) to ensure equal competitive opportunities for U.S. carriers. To fulfill this responsibility, it may sometimes be necessary to allow a foreign carrier's authority to lapse with the expiration of the underlying bilateral agreement. The proposed rule would produce this result while maintaining the Board's discretion to allow the carrier to continue operating by granting it a temporary exemption under section 416 of the Act. Thus, this rule change would enhance the Board's ability to tailor its action on a foreign carrier's renewal application to the circumstances of each case.

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that this rule would not, if adopted, have a significant economic impact on a substantial number of small entities. The change proposed here will affect only foreign carriers engaging in international air service. These are primarily large airlines.

List of Subjects in 14 CFR Part 377

Administrative practice and procedure, Air carriers.

PART 377—[AMENDED]

Accordingly, the Board proposes to amend 14 CFR Part 377, *Continuance of Expired Authorizations Pending Board Action on Renewal Requests*, as follows:

1. Section 377.3 would be revised be revised to read:

§ 377.3 Authorizations not covered by 5 U.S.C. 558(c).

The following authorizations will expire as indicated unless the Board has taken action to extend them:

(a) Authorizations granted for a specified period of 180 days or less, at the end of the specified period;

(b) Authorizations that are subject to termination upon the happening of an event, fulfillment of a condition, or occurrence of a contingency, when the event, condition, or contingency occurs; and

(c) Any authorization that the Board determines under § 377.5 not to be covered by 5 U.S.C. 558(c), as specified in that determination.

2. Section 377.4 would be revised to read:

§ 377.4 Authorizations that will continue although not covered by a U.S.C. 558(c).

Unless otherwise specified in the authorization and notwithstanding § 377.3, an authorization to a U.S. air carrier that is subject to termination upon the happening of an event, fulfillment of a condition, or occurrence of a contingency will continue after that event, condition, or contingency occurs, even if the Board has not acted to extend it, if the carrier has filed a timely and sufficient renewal application under § 377.10. This section does not apply to foreign air carriers.

(Secs. 204, 402, 416, 1001, Pub. L. 85–726, as amended, 72 Stat. 743, 757, 771, 788; 49 U.S.C. 1324, 1372, 1386, 1481; 5 U.S.C. 558, 559)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 14945 Filed 6-2-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 341

[Docket No. 76N-052B]

Metaproterenol Sulfate Metered-Dose Inhaler Drugs For Use as a Bronchodilator; Marketing Status; Proposed Rule-Related Notice

AGENCY: Food and Drug Administration.

ACTION: Notice; proposed rule-related.

SUMMARY: The Food and Drug Administration (FDA) is announcing that drug products containing metaproterenol sulfate in a metered-dose inhaler for use as a bronchodilator may not be marketed over-the-counter (OTC) at this time. Such products may be dispensed on prescription or administered by licensed practitioners, in accordance with the approved new drug application for metaproterenol sulfate metered-dose inhaler products. This announcement is made in accordance with FDA's enforcement policy applicable to prescription drugs undergoing review in the OTC drug review (see 21 CFR 330.13(b)(2)). Firms marketing metaproterenol sulfate OTC have advised the agency that they have initiated the steps necessary to limit the marketing of such products to prescription dispensing.

DATE: This announcement is effective June 3, 1983.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drugs and Biologics (HFN–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4900.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 26, 1982 (47 FR 47520), FDA published a notice of proposed rulemaking in the form of a tentative final monograph that would establish conditions under which OTC bronchodilator drugs are generally recognized as safe and effective and not misbranded. In that document, FDA proposed to establish conditions for the OTC marketing of metaproterenol sulfate as a bronchodilator in the form of a pressurized metered-dose inhalation aerosol (see 47 FR 47524). Before the proposal, metaproterenol sulfate in that dosage form had been marketed under an approved new drug application (NDA) for 9 years as a prescription drug product. The proposal to convert the product to OTC status was based on the agency's review of the published literature on metaproterenol sulfate's safe and effective use as a prescription drug and on the 9 years of safe use of the product as demonstrated by review of adverse reaction experiences reported to the agency.

Also on October 26, FDA issued a "Talk Paper" stating that metaproterenol sulfate in a metered-dose inhaler could be marketed OTC before publication of a final monograph based on the proposal. This decision was based on FDA's enforcement policy, under which a prescription drug may be marketed OTC if FDA reaches a tentative conclusion in the relevant OTC drug review proceeding that such marketing is safe and the drug otherwise qualifies for inclusion in Category I. In a comment dated December 2, 1982, Boehringer Ingelheim, the manufacturer of Alupent, a metaproterenol metered-dose inhalation aerosol, told FDA that it intended to market its product OTC. In January 1983, Boehringer Ingelheim commenced OTC marketing of Alupent. Dorsey Laboratories subsequently began OTC marketing of Metaprel, its version of the same product.

Shortly after OTC marketing of these products began, FDA received the first of many letters questioning the agency's decision to allow metaproterenol sulfate metered-dose inhaler to be marketed OTC. The letters criticized both the decision and the agency's failure to await comment, or seek the advice of its Pulmonary-Allergy Drugs Advisory Committee, before allowing the decision to take effect.

FDA did not, at the time it decided to allow metaproterenol sulfate metered-dose inhaler to be marketed OTC, anticipate the extensive and emphatic reaction to its decision provoked. Prescription products have been converted to OTC status through the enforcement policy mechanism since 1976, with little or no public comment or controversy. In fact, FDA received few comments on this matter during the first several months following the October 26, 1982 proposal. Moreover, the agency believed that metaproterenol sulfate provided a useful alternative drug therapy for asthma sufferers, who at that time were limited to epinephrine preparations if they chose to treat the sumptoms of asthma by an OTC inhaler drug. FDA had also proposed that epinephrine preparations in nebulizer and metered-dosage inhaler forms be classified in Category I (safe and effective) (47 FR 47524) on the basis of earlier recommendations made by the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic (CCABA) products (41 FR 38312; September 9, 1976). The panel did not review metaproterenol because data on the drug were not submitted to it for review and because the NDA for the drug was not approved until 1973, while the panel's deliberations were well underway. Epinephrine products, however, were already marketed OTC before they were reviewed by the panel.

At the time FDA proposed OTC marketing for metaproterenol sulfate metered-dose inhaler, the agency believed that the drug was as safe but more effective than currently available OTC epinephrine products. For this reason, the agency concluded that the conversion of metaproterenol sulfate metered-dose inhaler products to OTC status would improve the overall quality of the OTC drug therapy available to persons suffering from asthma. The agency also concluded that it would be in the interest of the public health for this improvement to be effected immediately, rather than awaiting publication of a final monograph for OTC bronchodilator drugs, an event that might not occur for several years.

Those who criticized FDA's decision did so on several grounds. The agency was criticized for allowing metaproterenol sulfate metered-dose inhaler to be marketed OTC without awaiting formal comments on the proposal and for not notifying the professional community in advance. The decision was also criticized on substantive grounds. Individual physicians specializing in the treatment of asthma and other allergic conditions, as well as several professional organizations representing allergy

specialists, disagreed or had divided opinions on whether metaproterenol sulfate metered-dose inhaler is safe for unsupervised use. Pediatricians expressed strong concerns that the OTC availability of metaproterenol sulfate could result in misuse of the drug by children. Like many drugs, including OTC drugs, metaproterenol sulfate is capable of producing serious side effects if not properly used; criticism emphasized the potential for misuse of metaproterenol sulfate by asthma sufferers seeking more relief by exceeding the dosage instructions provided on the lable of the OTC product. Those critical of the decision also suggested that because metaproterenol sulfate is longer lasting than epinephrine, the drug could mask the symptoms of a serious asthma attack, thus deterring persons in need of immediate, more decisive medical intervention from seeking medical treatment in a timely fashion.

Some letters noted that metaproterenol sulfate has a slower onset of action than epinephrine; thus persons used to OTC epinephrine might be induced to overuse metaproterenol sulfate in the mistaken belief that the drug was not producing its intended effect at the recommended dosage. For these reasons, the letters of criticism said, metaproterenol sulfate metered-dose inhaler required the supervision of a physician and therefore should remain a prescription drug. At a minimum, the letters contended, these problems should have been addressed before metaproterenol sulfate was allowed to be marketed OTC. In particular, it was sugested that FDA should have consulted with its Pulmonary-Allergy Drugs Advisory Committee.

The critical letters also claimed there had been unsatisfactory experience with metaproterenol sulfate in other countries. Whereas in some countries the drug remains OTC, in Great Britain metaproterenol sulfate inhalers and other aerosol bronchodilators containing isoproterenol were converted from OTC to prescription status after health authorities became concerned that misuse or improper use of such products had been responsible for an observed increased mortality in asthmatics in the mid-1960s. In Great Britain at that time only 8 percent of the products contained metaproterenol sulfate; a majority of the products contained isoproterenol, 28 percent in a highly concentraed formulation. Some letters described specific examples of possible adverse reactions to metaproterenol sulfate occurring in this country in recent months.

In response to these criticisms, FDA scheduled a meeting of its Pulmonary-Allergy Drugs Advisory Committee to present the issue of the OTC marketing of metaproterenol sulfate. The advisory committee met on May 13. Presentations were made by FDA staff responsible for the decision, by several of the principal critics of the decision, by several proponents of the decision, and by representatives of Boehringer Ingelheim, who also favored the decision. Following these presentations, the advisory committee deliberated and, by a vote of 4 to 3, recommended to FDA that it rescind its decision to permit the OTC marketing of metaproterenol sulfate metered-dose inhaler at this time.

FDA has concluded that it should accept the advisory committees advice. The agency has reached this conclusion for two reasons. First, reservations exist within the medical community about whether metaproterenol sulfate metered-dose inhaler can be safely marketed without the safeguard of a prescription limitation and professional supervision of the drug's use in asthma patients. These reservations should be more fully considered before metaproterenol sulfate metered-dose inhaler is marketed OTC. Second, the procedure by which metaproterenol sulfate was permitted to enter the marketplace as an OTC drug has led to unintended confusion and controversy that, if allowed to continue, may disrupt the relationship between physicians and their patients and produce unnecessary anxiety among asthma sufferers seeking relief from their symptoms through OTC drug therapy. So that the agency's position on these matters is clear, these reasons are discussed more fully below.

1. *The safety of metaproterenol for OTC use.* FDA has thoroughly reviewed its decision to propose that metaproterenol sulfate be classified in Category I for OTC use. Its original decision, published in the proposed rule for OTC bronchodilator drug products on October 26, 1982 (42 FR 47524), was based on an extensive review of the literature and the experience with the drug during 9 years of marketing as a prescription drug. The decision was made in the context of an OTC bronchodilator market in which the only metered-dose inhaler products available were epinephrine preparations, which the agency believed to be no safer, and less effective, than metaproterenol sulfate. Since then, the agency has evaluated the critical comments made in response to the OTC marketing of metaproterenol sulfate metered-dose inhaler and the data and arguments presented at the May 13, 1983, advisory committee meeting.

Despite the advisory committee's vote, FDA continues to believe that a careful weighing of risks and benefits supports the proposal that metaproterenol sulfate metered-dose inhaler should be made available to asthma sufferers without a prescription. Metaproterenol sulfate is a safe and effective drug, and nothing in the criticisms submitted to FDA or voiced at the advisory committee meeting is inconsistent with that judgment. Whether the drug is "safe" for OTC use is a matter of judgment, and that judgment relates to one's expectations about patient behavior. There seems to be little or no controversy about whether adequate directions for the safe use of metaproterenol sulfate can be written for lay persons. There is controversy, however, about whether patients can be depended on to follow carefully those directions. FDA believes that persons who suffer from severe asthma are capable of understanding and heeding instructions for the safe use of metaproterenol sulfate. Concern has been expressed that some patients are likely to overuse metaproterenol sulfate, or to encounter a life-threatening asthmatic attack and fail to seek immediate medical intervention because metaproterenol sulfate may conceal the gravity of the attack. The agency believes, however, that these patients are most likely to be under close medical supervision, and thus have the readiest access to professional advice on the appropriate use of any drugs they may be taking. Under these circumstances, the OTC availability of metaproterenol sulfate metered-dose inhaler does not appear to pose a serious threat that the patient will overuse the drug or rely inappropriately on the drug's relief-giving properties.

FDA also shares the concern expressed by some that the product, if marketed OTC, may be misused by children. However, the labeling of the marketed products specifies that they should not be used for children under 12 years of age except on the advice of a physician. This age limitation is the same as that in effect when the products are marketed as prescription drugs. Also, metaproterenol sulfate is not known to have qualities typically sought by young persons who abuse or misuse drugs. It is possible, of course, that in the absence of State or local laws restricting sales, young children could purchase and use the drug without parental authority or supervision. FDA notes, however, that the drug was very widely prescribed. FDA believes that

essentially the same potential exists for children using the product without parental supervision whether the product is marketed OTC or on prescription. FDA believes that the key to preventing misuse by children is not the marketing status of the drug; rather, it is the degree of informed and effective control exercised by parents.

Nevertheless, FDA cannot fail to respect the judgment of specialists in the field who believe that OTC availability of metaproterenol sulfate metered-dose inhaler poses a health risk. These practitioners have made clear that they have important reservations about FDA's decision to propose that metaproterenol sulfate be marketed OTC. FDA believes, therefore, that it would be inappropriate to allow metaproterenol sulfate metered-dose inhaler to be marketed OTC at this time, before resolution of the safety issues.

2. *The procedure that allowed OTC marketing of metaproterenol sulfate.* Throughout the OTC drug review, FDA has encouraged manufacturers of drugs under consideration in the review to reformulate and relabel their products in line with OTC panel recommendations before completion of the rulemaking proceeding of which the recommendations are a part. It is, by now, well known that the OTC drug review will be a lengthier proceeding than basis of panel recommendations, the public realizes the benefits of the review—the elimination of ingredients of questionable safety or effectiveness, the deletion of exaggerated labeling claims—before the issuance of final regulations, which often require years of additional procedure before they are completed. Such changes are permissible because FDA has the discretion to withhold enforcement under the Federal Food, Drug, and Cosmetic Act. Because these changes depend on enforcement policy, FDA may issue a final monograph that requires manufacturers to abandon those changes and comply with different requirements.

In 1975, FDA issued a statement of enforcement policy specifically directed to changes made in the marketing status of prescription drugs under consideration in the OTC drug review. The OTC drug review was from its inception designed for consideration of prescription drugs for OTC marketing, along with other conditions of OTC drug use. Changing a prescription drug to an OTC drug, however, is a more significant modification in the conditions of drug marketing than, for example, the elimination of an ineffective ingredient. For this reason, FDA concluded that its enforcement policy for prescription to OTC switches should include an opportunity for FDA review of such changes before they occurred.

The enforcement policy was issued in 1975 and codified as 21 CFR 330.13 in the **Federal Register** of August 4, 1976 (41 FR 32580), after an opportunity for comment. The enforcement policy, as amended in 1982 (47 FR 17738; April 23, 1982), permits a prescription drug to be marketed OTC if the drug is classified by an OTC advisory review panel in Category I and FDA does not dissent in the preamble to the panel report or thereafter. Also, a prescription drug may be marketed OTC if FDA subsequently concludes that a drug not classified by a panel in Category I later tentatively qualifies for classification in Category I and so states in a **Federal Register** announcement. As stated earlier, because such marketing is allowed in the exercise of FDA's enforcement discretion, permission to market a formerly prescription drug OTC may be immediately withdrawn if FDA adopts a different position from the one that originally authorized OTC marketing (21 CFR 330.13(b)(2)). Over 20 drugs or elevated dosage strengths have been "switched" from prescription to OTC status in accordance with this procedure.

The enforcement policy stated in 21 CFR 330.13 describes both a specific procedure and a general principle. The specific procedure relates to drugs originally considered by an OTC advisory review panel. The general principle is that a prescription product can be marketed OTC if it is included in the OTC drug review and FDA tentatively concludes that it qualifies for classification in Category I.

Metaproterenol sulfate metered-dose inhaler was not considered by the OTC advisory review panel responsible for bronchodilator drugs. Apparently because the drug was still quite new at the time the panel met and concluded its deliberations in 1976, no submissions concerning the drug were made to the panel. By 1982, when FDA published the proposed rule for OTC bronchodilator drug products, metaproterenol sulfate metered-dose inhaler had been widely used as a prescription drug for a substantial period of time. FDA medical staff evaluated the recommendations of the panel regarding OTC bronchodilator drug products and decided that metaproterenol sulfate metered-dose inhaler should be proposed for inclusion in the final monograph. This decision brought into play the generl principle that a drug tentatively considered by FDA as qualified for Category I in an OTC drug monograph can be marketed after FDA publishes its conclusion. Hence, after publication of the proposed rule for OTC bronchodilator drug products, metaproterenol sulfate metered-dose inhaler was permitted to enter the OTC market, subject to the same restrictions applicable to other formerly prescription drugs marketed OTC in accordance with this procedure.

FDA now believes that the use of the enforcement policy to allow interim marketing of metaproterenol sulfate metered-dose inhaler was inappropriate. Other prescription drugs have been converted from prescription to OTC status by the procedure specified in 21 CFR 330.13 without controversy. The lack of controversy may have been the result of widespread agreement with the decisions themselves. It may also have reflected the fact that those decisions were forecast to the affected professional communities, other interested groups, and the public at large during the panel deliberations in the OTC drug review proceedings. Not only would the panel's deliberations afford notice that a "switch" of an ingredient was under consideration but those who might object to the switch could convey their concerns to the panel. Finally, any prescription drug converted to OTC status after initial consideration by an advisory review panel was necessarily reviewed by outside experts (i.e., the panel members), in addition to FDA medical staff, before any conversion was allowed to take place.

As mentioned elsewhere in this document, the possible OTC use of metaproterenol sulfate metered-dose inhaler was not considered by the CCABA panel. Accordingly, there was no public awareness that this drug might be marketed OTC before issuance of a final monograph for bronchodilator drug products. Nor was the OTC use of the drug evaluated by outside experts, who could have represented the views of physicians specializing in the treatment of allergic conditions. The agency can readily appreciate, therefore, the reaction of practitioners and professional organizations suddenly faced with a significant change in the marketing status of an important drug widely used for the treatment of a serious condition.

The controversy provoked by the unanticipated appearance of metaproterenol sulfate metered-dose inhaler as an OTC drug is undesirable irrespective of the merits of the decision on whether OTC status is appropriate for the drug. The controversy cannot but create doubts among practitioners and

confusion and anxiety among asthma patients concerning this drug. In FDA's view, it is important that any decision to convert metaproterenol sulfate to an OTC drug be reached in a way that takes into account the views and concerns of practitioners and patients so that the decision has the confidence and support of those who will be most affected by it. Although metaproterenol sulfate metered-dose inhaler may not be marketed OTC at this time, FDA is continuing in effect its proposal to include metaproterenol sulfate in the final monograph for OTC bronchodilator drugs. If, at the conclusion of the monograph development process, it appears to the agency that it would be inappropriate to permit the OTC marketing of metaproterenol sulfate metered-dose inhaler, the drug will remain limited to prescription use.

It is important to emphasize that although FDA agrees that additional public procedure is necessary before a final decision is reached regarding the marketing status of metaproterenol sulfate metered-dose inhaler, the agency does not believe that all drug decisions require the prior involvement of an advisory committee or the use of notice-and-comment procedures. FDA has been given the statutory responsibility to make a broad range of decisions involving the suitability of drugs for use by the American public. These decisions involve the safety and effectiveness of drugs, their status as a prescription or OTC drug, the indications for their use, and other vital labeling information. In general these decisions are made without rulemaking. Moreover, although many important decisions affecting drug approval are made with the assistance of advisory committees, many are not. FDA's advisory committees cannot, as a practical matter, be involved in all important decisions affecting drug approval or drug use. Even if they could be, it would be inappropriate for FDA to refrain in all cases from exercising its statutory responsibility to regulate drugs and their uses unless and until an advisory committee approved the agency's intended actions. Congress has given the duty of approving drugs to FDA, not to advisory committees. The agency believes that advisory committees are an important adjunct to its decisionmaking, but it does not believe that advisory committees should be viewed as an indispensable part of all FDA procedures for regulating drugs. Less than a decade ago, a Congressional subcommittee strongly criticized FDA for relying too often and too heavily on advisory committees in deciding important drug issues. Although FDA believes that that criticism was misplaced given the factual background against which it was made, the subcommittee's underlying point is valid: FDA is responsible for making decisions about drugs, and the agency must therefore exercise restraint in the extent to which it uses advisory committees to improve its decisionmaking process, making sure that committee advice supplements FDA's expertise without displacing the agency's authority.

This principle is fully applicable to the decision whether to convert metaproterenol sulfate metered-dose inhaler from prescription to OTC status. FDA will be guided by the advice of the Pulmonary-Allergy Drugs Advisory Committee, but, ultimately, the agency is responsible for the final decision. Because the marketing status of metaproterenol sulfate metered-dose inhaler is also involved in the OTC drug rulemaking proceeding, FDA will also be guided by public comment on the propriety of converting the drug to OTC status. In a future of the **Federal Register**, FDA will announce that the administrative record for the OTC bronchodilator tentative final monograph will be reopened to admit new data and comments relating to the proposal to permit OTC marketing of metaproterenol. FDA may reach a final decision regarding the status of metaproterenol sulfate metered-dose inhaler in the OTC drug review. Alternatively, or in addition, the provisions of 21 CFR 310.200 may be invoked to consider the issue by a procedure separate from the OTC drug review.

However, until such additional procedures are completed, the status of metaproterenol sulfate metered-dose inhaler at this time is, by this announcement, that of a prescription drug to be marketed in accordance with the terms and conditions specified in the approved NDA's for metaproterenol sulfate metered-dose inhaler products. Boehringer Ingelheim and Dorsey Laboratories have advised the agency that they have undertaken a program by which existing retail inventory of metaproterenol sulfate metered-dose inhaler products for OTC use will be withdrawn from OTC retail sale (i.e., removed from retail shelves), placed under the control of pharmacists, and dispensed only on prescription.

Dated: May 27, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-14694 Filed 6-2-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Permanent State Regulatory Program of Oklahoma

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by Oklahoma to satisfy certain conditions imposed by the Secretary of the Interior on the approval of the Oklahoma State program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendment consists of a set of modifications to Oklahoma's surface and underground coal mining statute and regulations, and is intended, in part, to satisfy the four conditions of approval. These conditions relate to (a) citizen access to courts, (b) rules of practice and procedure for hearings, (c) the awarding of the costs and expenses (including attorney and expert witness fees), and (d) Oklahoma's ability to provide for the administration of the Small Operator Assistance Program.

The amendment also consists of other changes to the Oklahoma statute and rules which are not related to the conditions of approval. These proposed changes are discussed below under "SUPPLEMENTARY INFORMATION."

This document sets forth the times and locations that the Oklahoma program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment (OK-466), and information pertinent to the public hearing.

DATES: Written comments relating to Oklahoma's proposed modification of its program not received on or before 4:00 p.m. on July 5, 1983, will not necessarily be considered in the Secretary's decision on whether the proposed program amendment satisfies the above conditions.

If requested, a public hearing will be held on June 28, 1983, beginning at 10:00 a.m. at the location shown below under "ADDRESSES."

ADDRESS: Written comments should be mailed or hand-delivered to: Mr. Robert L. Markey, Director, Tulsa Field Office,

Office of Surface Mining, 333 West Fourth Street, Room 3432, Tulsa, Oklahoma 74103.

If a public hearing is held, its location will be at: Tulsa Field Office, Office of Surface Mining, 333 West Fourth Street, Room 3432, Tulsa, Oklahoma 74103.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Markey, Director, Tulsa Field Office, Office of Surface Mining, 333 West Fourth Street, Room 3432, Tulsa, Oklahoma 74103; Telephone: (918) 581–7927.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Oklahoma program, the Secretary's notice conditionally approving the Oklahoma program (together with the Secretary's findings), a listing of any scheduled public hearing or meeting and all written comments received in response to this notice will be available for review at the OSM offices and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining, Room 5315, 1100 L Street, N.W., Washington, D.C. 20240

Office of Surface Mining, Tulsa Field Office, 333 West Fourth Street, Room 3432, Tulsa, Oklahoma 74103

Oklahoma Department of Mines, Suite 107, 4040 N. Lincoln, Oklahoma City, Oklahoma 73105.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "**DATES**" of at locations other than Oklahoma City, Oklahoma, will not necessarily be considered and included in the Administrative Record for the final rulemaking.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "**FOR FURTHER INFORMATION CONTACT**" by the close of business three working days before the date of the hearing. If no one requests to comment at the public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions. The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

Public Meeting

Persons wishing to meet with OSM representatives to discuss the Proposed amendment may request a meeting at the OSM office listed in "**ADDRESSES**" by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT.**"

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made part of the Administrative Record.

II. Background on Conditional Approval

Under 30 CFR 732.13(j), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with the steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval.

III. Background on the Oklahoma Program

Information pertinent to the general background on the Oklahoma State program, including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Oklahoma program can be found at 46 FR 4910 (January 19, 1981), 47 FR 14152 (April 2, 1982), and 47 FR 37080 (August 25, 1982).

At the time of the Secretary's conditional approval, Oklahoma agreed to meet four minor conditions. Briefly, these conditions are:

1. Condition (a) requires Oklahoma to provide citizens with the same access to courts (i.e., without having to exhaust administrative remedies) as provided under section 520 of SMCRA.

2. Condition (b) requires Oklahoma to amend its rules of practice and procedures for hearings to make the public participation aspects of those rules no less effective than the Federal requirements of SMCRA, 30 CFR Chapter VII, and 43 CFR Part 4.

3. Condition (c) requires Oklahoma to provide for the award of costs and expenses, including attorney's fees, in administrative proceedings in accordance with 43 CFR 4.1294 (b) and (c).

4. Condition (d) requires Oklahoma to provide for the administration of the small operator assistance program in accordance with section 507(c) of SMCRA and 30 CFR Part 795.

The deadline for Oklahoma to submit program modifications to meet the four conditions was May 15, 1983.

IV. Discussion of the Proposed Amendment

On May 13, 1983, the Oklahoma Department of Mines (ODOM) transmitted a set of statutory and regulatory amendments intended to meet all four conditions. See OK–466.

Oklahoma has: (1) Proposed changes to its statute at 45 O.S. 1981, section 774C, to meet condition (a); (2) submitted new rules of practice and procedure (sections 4.1000 through 4.1400) to meet condition (b); (3) proposed changes to its statute at 45 O.S. 1981, section 786E and submitted new rules of practice and procedure (sections 4.1290 through 4.1296) to meet condition (c); and (4) proposed changes to its statute at 45 O.S. 1981, section 745.16.1 and submitted amended rules at Part 795 to meet condition (d).

In addition, Oklahoma has proposed changes to other statutory and regulation sections that are unrelated to the conditions. These provisions are:

1. Changes to the statute at 45 O.S. 745.2 and rules at sections 788.17 through 788.19 to provide for the transfer, assignment, or sale or rights under permits.

2. Changes to section 816.64 of the State's rules to correct an erroneous statement requiring blasting schedule notices to be published for at least ten days prior to blasting, rather than one notice at least ten days prior, as originally intended.

3. Changes to Parts 842, 843 and 845 of the State's rules governing inspection and enforcement to incorporate changes made to the Federal rules announced on August 16, 1982 (see 47 FR 35620).

Thus, the Secretary requests comments on the substantive adequacy of the proposed amendments to satisfy conditions listed above and on the substantive adequacy of the proposed changes to the other Oklahoma program provisions.

V. Other Information

The Director, OSM, recently notified the Governor of Oklahoma that he had reason to believe that the State is not adequately implementing, administering, maintaining and enforcing its approved program pursuant to 30 CFR Part 733. See 48 FR 23414 (May 25, 1983). Actions surrounding proceedings under the rulemaking being announced in this notice are being conducted separately from the ongoing OSM investigation of Oklahoma's program implementation.

VI. Procedural Matters

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 936

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: May 31, 1983.

(Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*))

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 83–14927 Filed 6–2–83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[OPP–00165] PH–FRL 2375–5]

FIFRA Scientific Advisory Panel; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: There will be a three-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel to review the Agency's proposed strategy for the control of pesticides in ground water and to consider certain scientific data in connection with the question of whether or not to grant food tolerances for the pesticide active ingredient 2,3-dihydro-5,6-dimethyl-1,4-dithiin-1,1,4,4-tetraoxide. The meeting will be open to the public.

DATES: Tuesday, Wednesday, and Thursday, June 21, through 23, 1983. The meeting will begin at 1:00 p.m. on June 21, and will conclude by mid-afternoon on June 23.

ADDRESS: The meeting will be held at: Crystal Mall Building #2, Rm., 1112, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Philip H. Gray, Executive Secretary, FIFRA Scientific Advisory Panel (TS–766C), Office of Pesticide Programs, Rm. 1115B, CM#2, 1921 Jefferson Davis Highway, Arlington, Va 22202, (703–557–7096).

SUPPLEMENTARY INFORMATION: The agenda for the meeting is:

1. A review of the Agency's proposed approach to the problem of pesticides in ground water.

2. Consideration by the Panel on certain scientific data bearing on risk to public health and the environment in connection with the question of whether or not to continue food tolerances and registrations for 2,3-dihydro-5,6-dimethyl-1,4-dithiin-1,1,4,4-tetraoxide, a pesticide compound developed by Uniroyal Company.

3. In addition, the Agency may present status reports on other ongoing programs of the Office of Pesticide Programs.

Copies of draft documents concerning item 1 may be obtained by contacting: David Severn, Hazard Evaluation Division (TS–769C), Rm. 816J, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–3710).

Copies of draft documents concerning item 2 may be obtained by contacting: Christine Chaisson, Hazard Evaluation Division (TS–769C), Rm. 803, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7560).

Interested persons wishing to attend or submit a paper should contact Philip H. Gray, Jr., at the address or phone number listed above to confirm the meeting and agenda. Interested persons are permitted to file written statements before or after the meeting, and may upon advance notice to the Executive Secretary, present oral statements, to the extent that time permits. All statements will be made part of the record and will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons wishing to make oral statements must notify the Executive Secretary and submit the required number of copies of a summary no later than June 17, 1983.

Individuals who wish to file written statements are requested to submit 12 copies by June 17, 1983, in order to ensure appropriate consideration by the Panel.

(Sec. 25, Pub. L. 92–516, 86 Stat. 973 as amended; (7 U.S.C. 136 et seq.))

Dated: May 25, 1983.

Edwin J. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83–14686 Filed 6–2–83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 65

[A–9–FRL 2374–4]

Termination of Proposed Delayed Compliance Order for Hawaiian Electric Company, Inc., Kahe, Oahu, Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Termination of Proceedings.

SUMMARY: On January 8, 1982, EPA published a proposed Delayed Compliance Order (DCO) to be issued to the Hawaiian Electric Company, Inc., (HECO) power plant in Kahe, Hawaii. On January 20, 1983, HECO informed EPA that it desired to terminate the proceedings leading to the issuance of a final Delayed Compliance Order. On January 21, 1983, EPA informed HECO that it would terminate such proceedings. Today's notice provides the public with notice of the termination.

ADDRESSES: The proposed DCO and supporting ma terials, including the

transcripts of public hearings and public comments received, may be inspected and copied at:

Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105

Environmental Protection Agency, Pacific Islands Contact Office, 300 Ala Moana Blvd., Room 1302, Honolulu, Hawaii

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Director, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8250

SUPPLEMENTARY INFORMATION: The Hawaiian Electric Company (HECO) operates a power plant at Kahe, approximately 18 miles west of the Honolulu metropolitan area on the island of Oahu, Hawaii. The plant consists of six oil-fired steam generating units.

On January 8, 1982 (46 FR 969) EPA published a notice of a proposed Delayed Compliance Order to be issued to HECO for Units 1–5 at the Kahe power plant. EPA proposed to issue an Innovative Technology Order under the Clean Air Act in order for HECO to achieve compliance with sulfur dioxide emission limits through the use of a new means of emissions control technology—a seawater scrubber. An Innovative Technology Order is a specific type of Delayed Compliance Order authorized under § 113 of the Clean Air Act.

HECO's existing Prevention of Significant Deterioration permit, issued by EPA on January 25, 1979, requires HECO to burn fuel oil containing no more than 0.5 percent sulfur. During the term of the Order as proposed, HECO would have been allowed to burn fuel oil containing up to 2 percent sulfur in Units 1–5 at the Kahe power plant.

EPA held a public hearing in Hawaii on February 11, 1982, and also received written comments from the public.

In a letter dated January 20, 1983, HECO advised EPA that it did not wish to proceed with the Innovative Technology Order. The letter requesting termination of the proceedings is reprinted below in its entirety:

January 20, 1983.

Ms. Sonia F. Crow,
Regional Administrator, Region IX, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105

Dear Ms. Crow: On January 8, 1982, you published a proposed delayed compliance order (DCO) applicable to Units 1–5 of Hawaiian Electric Company's (HECO) Kahe Power Plant. As we interpreted this Order, proposed pursuant to § 113(d)(4) of the Clean Air Act, it would have required HECO to examine the feasibility and need for seawater scrubbers and install them if found to be technically and economically feasible and necessary to insure that national ambient air quality standards for SO_2 would be met. This would have been an alternative to the current control measure required at Kahe—low sulfur fuel oil—which has resulted in an unreasonable economic burden for HECO ratepayers. However, since that time, you have made it clear to us that, after review of the public comments received, EPA would consider it necessary to revise the Order to require the unconditional installation of a complete seawater scrubber system for Kahe Units 1–5. HECO is extremely concerned about the tremendous financial exposure to our ratepayers presented by such a required shift to the untried seawater scrubber technology. These reservations make it unlikely that we can reach agreement with EPA on conditions to a final DCO which would adequately protect the interest of the ratepayers.

The technical and economic problems presented by a mandatory seawater scrubber program coupled with the significant additional information produced by the monitoring program indicate that the proposed Order is not the most efficient or appropriate means to address the problems presented by the excessive requirements currently imposed on Kahe Units 1–5. For these reasons, we believe the delayed compliance order proceeding should be terminated.

More importantly, however, HECO has during this same period undertaken a comprehensive EPA approved air quality monitoring program and performed additional analyses to develop more data regarding emission levels necessary to meet ambient air quality standards near Kehe. The additional data support HECO's original position that seawater scrubbers are not needed, and the permit conditions applicable to Units 1–5 are unnecessarily stringent. This over-control can be addressed more effectively in the context of a proceeding to reconsider those permit conditions, and it is HECO's intention to seek reconsideration of the permit by EPA based upon these data at the earliest possible time. HECO met with you in September to discuss these data and at that time urged you to take immediate action to revise the permit and allow the Company to burn fuel with a higher sulfur content.

My staff will be available to work with your staff on any further issues presented by the monitoring program and permit proceeding.

Very truly yours,
[Signed] C. Dudley Pratt

In a letter dated January 21, 1983, EPA responded to Mr. Pratt's letter of January 20, 1983. The letter is reprinted below in its entirety:

January 21, 1983.

Mr. C. Dudley Pratt,
President, Hawaiian Electric Company, P.O. Box 2750, Honolulu, HI 96840

Dear Mr. Pratt: I have received your letter of January 20, 1983, setting forth the reasons why you believe the delayed compliance order proceeding for Kahe Units 1–5 should be terminated. In accordance with your request, EPA will terminate the proceeding and will issue a Federal Register notice announcing that decision.

I would also like to respond to your earlier request for clarification of the Agency's position regarding the monitoring study which HECO has undertaken in connection with its analysis of the impact of the Kahe facility on ambient air quality. The Agency understands that HECO intends to submit the results of the study in order to justify a change in its outstanding permit for the facility which would allow the use of higher sulfur fuel.

EPA is prepared to propose a revision of the outstanding permit if the results of the monitoring study, based on a full year's data, justify such a revision and all other applicable requirements of the Clean Air Act are met.

An exception to the one year monitoring requirement would be possible only if at least a normal year of adverse meteorological conditions occurred prior to the scheduled March 15, 1983 completion of the monitoring study. In that event, an immediate decision could be made regarding sulfur limits for the plant and revision of the permit could expeditiously proceed. However, such an exception to the one year study would require the following safeguards to protect the health based NAAQS.

1. When evaluating the baseline and current year weather records, Barbers Point Naval Air Station should be used, since it is the only nearby location with long term weather records. Adverse meteorological conditions are defined as the number of hours of stable onshore flow (SSW–NW) that occur at Barbers Point Naval Air Station. A normal year is based upon the average number of adverse cases during the 1964–1980 period, and can be established using either 24 observations/day or 8 observations/day as long as the method is consistent with the calculation of current year cases.

2. HECO will continue SO_2 monitoring at the elevated terrain locations until March 15, 1983. If subsequent monitoring data indicate that a lower sulfur limit is necessary the permit will be revised again based upon the new data.

3. All available ambient SO_2, meteorological, and Kahe Plant emissions data will be submitted to EPA on a monthly basis up to March 15, 1983, even if data collected before that date are determined to constitute a normal year's data.

4. HECO will be credited for the number of hours of adverse meteorology that occurred during the January 1 to March 15, 1982 monitoring period. Since only one of the five elevated terrain monitors was operational credit will be applied at a rate of 20 percent of the observed adverse meteorology hours that occurred during this period.

If you have any further questions regarding these matters please don't hesitate to call.

Cordially yours,

[Signed] Sonia F. Crow,

Regional Administrator.

If HECO requests a permit modification, EPA wil evaluate the request and publish notice of any proposed action in appropriate newspaper announcements and any final action in the **Federal Register.**

List of Subjects in 40 CFR Part 65

Air pollution control.

(Sections 113 and 301 of the Clean Air Act, as amended (42 U.S.C. 7413 and 7601))

Dated: May 20, 1983.

John Wise,

Acting Regional Administrator, Environmental Protection Agency, Region 9

[FR Doc. 83-14740 Filed 6-2-83; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 86

[AMS-FRL-2372-8]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Evaporative Emission Regulation and Test Procedure for 1985 and Later Model Year Gasoline-Fueled Heavy-Duty Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Grant Petition for Reconsideration and to Make Technical Amendment.

SUMMARY: This Notice sets forth the Environmental Protection Agency's (the Agency) intent to respond afirmatively to a petition from General Motors Corporation and change the implementation date of the heavy-duty evaporative emission regulation (48 FR 1430, January 12, 1983) from the start of the 1985 gasoline-fueled heavy-duty vehicle model year (approximately September 1984) to the start of the 1985 gasoline-fueled heavy-duty engine model year (approximately January 1985). This delay of approximately four months would allow manufacturers to synchronize the introduction of evaporative emission control systems with engine modifications required for the 1985 model year.

This Notice also sets forth the Agency's intent to issue a Technical Amendment to lower the minimum test fuel temperature from 50° to 45° F. This change will be applicable to the evaporative emission test procedures for both heavy-and light-duty vehicles.

Comments will be accepted for a period of 30 days after publication of this Notice, following which time the Agency will publish a final notice assessing any comments received and announcing its final decision on these matters.

All relevant comments postmarked on or before July 5, 1983 will be considered.

ADDRESSES: Interested persons should submit written comments (in duplicate if possible) to: Public Docket No. OMSAPC-79-1 at the Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery I, 401 M Street, SW., Washington, D.C. 20460. The docket is open to the public and may be inspected between 8 a.m. and 4 p.m. on weekdays. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy D. Mott, Emissions, Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105 (313) 668-4387.

SUPPLEMENTARY INFORMATION: On March 14, 1983, the Agency received a petition from General Motors Corporation (GM) (a copy of which is in Public Docket No. OMSAPC-79-1) requesting that the implementation date of the "Evaporative Emission Regulation and Test Procedure for 1985 and Later Model Year Gasoline-Fueled Heavy-Duty Vehicles; Final Rule" (48 FR 1430, January 12, 1983) be delayed from the start of the 1985 vehicle model year to the start of the 1985 engine model year. General Motors stated that it planned to introduce 1985 model year gasoline-fueled heavy-duty vehicles (HDGVs) in September of 1984, as usual. However, its 1985 model year HDGVs would not be introduced until a few months later because of the additional leadtime necessary to comply with new 1985 gasoline-fueled heavy-duty engine (HDGE) test procedures and exhaust emission standards. Thus, GM's 1985 model year HDGVs would be powered by 1984 model year HDGEs for about four months, whereupon the 1985 model year engines would then be available.

As it now stands, the HDGV evaporative emission control regulation would require that all 1985 model year HDGVs meet the new evaporative emission standards. General Motors stated that it would have to develop and produce separate evaporative emission control systems for those 1985 HDGVs with 1984 engines and for those 1985 HDGVs with 1985 engines, because engine changes dictated by the 1985 HDGE exhaust emission regulation will substantially affect the evaporative emission control systems. General Motors claimed, therefore, that similar costs to those incurred to develop and produce the evaporative emission control systems for those 1985 HDGVs with 1984 engines would again be necessary in order to develop and produce the evaporative emission control systems for those 1985 HDGVs with 1985 engines. If the implementation date of the evaporative emission regulation were changed to coincide with the introduction of the 1985 engines, then the evaporative emission control system development and production costs would only be incurred once (i.e., for 1985 model year HDGVs with 1985 model year engines).

A delay in the implementation date of the evaporative emission regulation to coincide with the introduction of 1985 model year engines would allow approximately 30 percent of one year's industry sales to be uncontrolled for evaporative emissions. This is estimated to be approximately 121,600 HDGVs. The air quality impact of such a delay would be greatest in 1985 because HDGV mileage accumulation rates are typically highest for the first year. Average HDGV mileage decreases each successive year and at approximately eight years, average annual HDGV mileage has declined to only half of that of the first year. Furthermore, after the first year, a certain number of HDGVs are scrapped each year, and by the eighth year, over half of the HDGVs originally sold in a particular model year have been scrapped. Thus, the air quality impact of this delay would be greatest in 1985 and would decline fairly rapidly thereafter. The Agency estimates that total nationwide non-methane hydrocarbon (NMHC) emissions in 1985 would increase approximately 0.05 percent due to this delay. Total mobile source 1985 NMHC emissions are estimated to increase about 0.16 percent.

The Agency at this time believes the request from GM to be reasonable and intends to grant the petition and change the implementation date of the heavy-duty evaporative emission regulation to the start of the 1985 HDGE model year. However, no final decision has yet been made, and the Agency will accept comment on this issue for a period of 30 days following publication of this Notice. In addition, if a hearing is requested under Section 307(d)(5) of the Clean Air Act, one will be scheduled. After close of the comment period, the Agency will analyze any comments received and then publish, either separately or as part of the upcoming heavy-duty engine final rulemaking, a final notice announcing its decision on this matter.

In addition, this Notice provides vehicle manufacturers with advance knowledge of the intent of the Agency to

issue a Technical Amendment to lower the minimum test fuel temperature from 50° to 45° F. This change will be made in 40 CFR 86.1233–85 of the heavy-duty evaporative emission test procedure and 40 CFR 86.133–78 of the light-duty vehicle evaporative emission test procedure. The change is being made to reduce temperature-related test problems which have occurred at the EPA Motor Vehicle Emissions Laboratory. Eliminating these problems will reduce test costs for both the Agency and for motor vehicle manufacturers. There are no other known consequential effects of this change. Although this technical amendment does not require prior notice or comment, the Agency will consider any comments received before the Technical Amendment is issued.

Since these actions will not result in any significant adverse impact on the national economy, prices, competition, employment, innovation, or productivity, they are not "major" actions under Executive Order 12291. Therefore, the preparation of a Regulatory Impact Analysis is not required.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: May 20, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83–14894 Filed 6–2–83; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 403

[OW–FRL 2329–5]

General Pretreatment Regulations; Denial of Petition for Rulemaking

AGENCY: Environmental Protection Agency.

ACTION: Denial of petitions for rulemaking.

SUMMARY: On August 4, 1982, Ford Motor Company filed a petition requesting EPA to initiate a rulemaking to repeal a rule known as the "combined wastestream formula," found at § 403.6(e) of the General Pretreatment Regulations (40 CFR Part 403). On August 10, 1982, General Motors Corporation petitioned the Agency to commence a rulemaking to stay or suspend the effective date of the conbined wastestream formula, and to take appropriate action to ensure that integrated electroplating facilities will have a full three years to comply with the electroplating pretreatment standards. The Administrator has denied these petitions. The Administrator's decisions appear below.

FOR FURTHER INFORMATION CONTACT: Craig Jakubowics, Permits Division (EN–336), 401 M Street, SW., Washington, D.C. 20460, (202) 426–4793.

SUPPLEMENTARY INFORMATION: EPA has established a public record for these decisions which is available for inspection by contacting the person named above. This record includes the petitions and attachments submitted by Ford and GM, and EPA's responses to them. Additionally, it includes the administrative records for the January 28, 1981 rulemaking promulgating the amendments to the General Pretreatment Regulations (46 FR 9404), and for the October 13, 1982 rulemaking establishing the effective date of those amendments. (46 FR 50502–50503).

The decisions of the Administrator appearing below were sent to Ford and GM.

Dated: May 18, 1983.

Lee L. Verstandig,

Acting Administrator.

Environmental Protection Agency, Washington, D.C.

In the matter of Ford Motor Company, Dearborn, Michigan

Response to the Petition of Ford Motor Company for Rulemaking on the Combined Wastestream Formula

The Administrator has been petitioned to initiate a rulemaking to repeal the "Combined Wastestream Formula" (40 CFR 403.6(e)), and in its place issue a revised rule. For the reasons set out below, the petition is denied.

Introduction

On August 4, 1982, Ford Motor Company (Ford) filed a petition under the Administrative Procedure Act, 5 U.S.C. 553(e). Ford requested that EPA begin a rulemaking procedure to repeal a rule known as the "Combined Wastestream Formula" and issue a new rule revised according to recommendations submitted by Ford. Ford argued that the present formula is flawed in that

* * * it allows no consideration of wastestream treatability and sets limits that will change whenever pretreatment standards are set on previously unregulated industrial processes, reduces limits in inappropriate ways, and because that flawed Formula has been made effective retroactively to March 30, 1981 by court order due to an administrative procedural error, and because industry should be provided the full three year compliance period EPA intended.

The combined wastestream formula presently in the General Pretreatment Regulations resulted from an extensive and complex rulemaking proceeding. All significant comments raised during that proceeding that pertained to the formula, including those submitted by the petitioner, were reviewed and considered at that time. In its current petition, no new information that contradicts the Agency's earlier findings regarding the substance of the formula is brought to light by Ford. Hence, EPA has been provided no reasons for reconsidering the substance of the promulgated formula. However, because the Agency recognizes the importance of the combined wastestream formula and the complexity of the issues it raises, a detailed response to Ford's petition with respect to the substance is set forth below.

Furthermore, this response addresses Ford's argument that the combined wastestream formula should be repealed to extend the deadline for compliance with the electroplating pretreatment standards. Ford contends this is necessary because of the holding of the United States Court of Appeals for the Third Circuit in *NRDC* v. *EPA*, No. 81–2068 (July 8, 1982), that the formula be made effective retroactively to March 30, 1981.

The Administrator has decided not to repeal the combined wastestream formula because it has been the object of lengthy and intense scrutiny and review; because the Agency believes it is sound in its present form; and because an extension of time for compliance with the electroplating pretreatment standards would be both unlawful and unwarranted by the facts.

Background

A combined wastestream formula is needed to meet the Agency's statutory obligation under section 307(b) of the Clean Water Act to establish mandatory national pretreatment standards to prevent the discharge of any pollutant through publicly owned treatment works (POTWs) which interferes with, passes through, or is otherwise incompatible with such works. EPA fulfills this obligation in part through promulgation of pretreatment standards for particular industrial categories and subcategories. This approach enables EPA to account for differences in wastestreams, treatability, and industry-specific facility and economic characteristics. But there are a number of industrial facilities engaged in activities that are covered by several

different categories or subcategories, and that combine their various process wastestreams prior to or at the point of treatment. As a result, they have discharges that are covered by several different pretreatment standards or that are not covered by any pretreatment standards. These are primarily large, diversified industrial users of POTWs with many manufacturing processes utilized to produce an end product. For these "integrated" industrial facilities,[1] there is a need for a means to translate the applicable categorical standard or standards to an equivalent end of the pipe limit applicable to the combined waste water from these different processes. The combined wastestream formula is the tool to establish that discharge limitation.

The first time the Agency addressed the combined wastestream issue was in the development of the original General Pretreatment Regulations, promulgated June 26, 1978 (43 FR 27736). The regulations did not include a combined wastestream formula. Instead, a formula was incorporated as guidance in an appendix to the regulations. It adjusted categorical limits by lowering standards in proportion to the flow of all other streams mixed with a single regulated process wastestream. This "guidance only" approach, however, proved inadequate. EPA received numerous inquiries expressing confusion as to how this formula would work and uncertaintly as to whether it would be applied uniformly.

In response to these concerns, EPA proposed in the amendments to the pretreatment regulations to move the combined wastestream formula from the appendix to the text of 40 CFR Part 403 (44 FR 62260, October 29, 1979). The formula proposed in 1979 was identical to that found in the appendix to the 1978 pretreatment regulations.

Public comments on the proposal were extensive and nearly unanimous in criticizing the formula. The principal criticism was that the formula would establish a *de facto* zero discharge limit for all unregulated process streams because it failed to account for the presence of regulated pollutants in unregulated streams. Furthermore, commenters argued the formula assumed that the wastestream from only one regulated process would be mixed into the combined wastestream. If adopted in this form, commenters claimed that the new limits would be technically impossible to achieve, thus forcing segregation of wastestreams at a substantial number of plants. This contradicted the purpose of the formula to reduce the need for segregation of compatible wastestreams. Commenters also claimed that the costs of segregating and separately treating compatible process wastestreams would be very high, and not outweighed by the potential effluent reductions.

After carefully evaluating the comments on the proposed formula, EPA acknowledged that it was flawed. Numerous alternative approaches were carefully studied and considered to deal with combined wastestream discharges. The formula finally selected appeared in § 403.6(e) of the amendments to the pretreatment regulations promulgated January 28, 1981 (46 FR 9404). It eliminated the defects of the 1978 formula by permitting combined treatment in almost all cases. The formula contained some restrictions on the combination of certain streams to protect against dilution and the combination of incompatible wastestreams. This formula ensured that similar facilities will be subject to comparable discharge limits, thus providing equity among the facilities in a given industrial category.

The combined wastestream formula promulgated January 28, 1981, divides the universe of wastewater streams into three types: (1) Regulated (2) unregulated, and (3) dilution (wastestreams containing few if any regulated pollutants). Alternative limits, either concentration or mass based, are calculated in a two-step process. First, the formula averages each of the individual categorical limits which apply to the regulated wastestreams. In other words, the formula computes a flow-weighted average of the categorical limits for each of the regulated streams. Second, if these regulated wastestreams are combined with dilution streams prior to treatment, the average calculated above is reduced in proportion to the flow of these streams to account for dilution. Unregulated streams are not calculated into the formula.

Calculation of the alternative limits may be performed by the Control Authority or the industrial user with the written concurrence of the Control Authority. The Control Authority is either EPA or the NPDES State, where a POTW's pretreatment program has not been approved, or the POTW itself, where it has an approved pretreatment program. These alternative discharge limits must be complied with by the industrial user in lieu of the promulgated national categorical standards and are enforceable as such.

Several calculations may be necessary to establish the alternative limits under the formula. An alternative categorical limit must be established for each regulated pollutant in each regulated process stream that is treated in the combined treatment facility. For each regulated pollutant, both an alternative daily maximum limit and an alternative monthly average limit must be calculated. These calculations will use the values set forth in the appropriate categorical standard.

Amendments to the General Pretreatment Regulations that were promulgated January 28, 1981 were to become effective on March 13, 1981. However, acting in accordance with the President's memorandum of January 29, 1981, EPA postponed their effective date until March 30, 1981 (46 FR 11972, February 12, 1981). Subsequently, the Agency indefinitely deferred the effective date of the amendments, pursuant to Executive Order 12291, on March 27, 1981 (46 FR 19936, April 2, 1981). The deferral was instituted in order to enable the Agency to conduct a Regulatory Impact Analysis of the entire pretreatment program.

Subsequent to EPA's indefinite postponement of the effective date of the pretreatment amendments, the Natural Resources Defense Council (NRDC) filed suit in the United States Court of Appeals for the Third Circuit, challenging the suspension (*NRDC* v. *EPA*, No. 81–2068 (3d Cir. 1982)). On October 13, 1981, while the NRDC suit was pending, the Agency took two related administrative actions. First, EPA established January 31, 1982 as the effective date of all the pretreatment amendments (46 FR 50502). Second, EPA initiated a rulemaking to determine whether all or portions of the amendments should be deferred beyond the January 31 effective date (46 FR 50503).

During this time, EPA analyzed the combined wastestream formula for the third time. This included a review of the comments received during the October 13 rulemaking. No new facts or information were presented in those comments. On January 27, 1982, the EPA Administrator signed a Federal Register notice anhouncing that the effective date of four pretreatment amendments would continue to be deferred, but that the remainder of the amendments would be put into effect as scheduled (47 FR 4518, February 1, 1982). One of the four amendments which continued to be deferred was § 403.6(e)—The combined wastestream formula. The Agency

[1] The term "integrated facility" is defined at § 413.02(h) of the electroplating standards (46 FR 9462, January 16, 1981).

took this action in response to requests for a fourth evaluation of the formula.

Over the next five months, the Agency reevaluated the four amendments that continued to be deferred. A great deal of this time was spent scrutinizing the combined wastestream formula. Various alternative formulas and options again were studied. All previous comments and submissions were reconsidered. After conducting this extensive review, it was again concluded that the formula as promulgated January 28, 1981 should be implemented because it represented the best approach for determining alternative categorical limits for combined wastestreams. It further balanced the concerns identified by the affected parties with the need to ensure equitable regulation between plants treating single or uncombined wastestreams and those treating combined wastestreams.

On July 6, 1982, the Third Circuit Court of Appeals issued its opinion in NRDC's suit contesting EPA's original indefinite deferral of all the pretreatment amendments (*NRDC* v. *EPA*, No. 81–2068). Concluding that EPA's October 13, 1981 rulemaking did not render NRDC's action moot, the court ruled that EPA's original indefinite deferral violated the notice and comment provisions of the Administrative Procedure Act. As a remedy, the court ordered the Agency to retroactively reinstate all the amendments effective March 30, 1981. The court's decision came before the Agency was able to take any formal action on the formula. However, the ruling accomplished the same result EPA intended: to put the combined wastestream formula into effect.

EPA is presently involved in litigation concerning the electroplating pretreatment standards and several provisions of the General Pretreatment Regulations (which includes the combined wastestream formula). *NAMF et al.* v. *EPA*, Nos. 78–2256 *et seq.* (3d Cir.). On October 4, 1982, the court issued an order extending for 90 days certain compliance, application and reporting deadlines contained in the electroplating and pretreatment regulations. By virtue of the court order, the final deadline for compliance with the electroplating pretreatment standards has been extended. Integrated facilities now have until June 30, 1984 to achieve compliance. The non-integrated segment of the electroplating industry has until April 27, 1984 to achieve compliance. A **Federal Register** notice announcing the order was published on January 21, 1983 (48 FR 2774).

Denial of Ford's Petition To Rescind the Combined Wastestream Formula

In its petition requesting the Agency to rescind the combined wastestream formula, Ford presented three central arguments to support its position. These are considered below in turn.

1. Extension of Compliance Deadline for Ford's Integrated Facilities

Ford points out that EPA originally gave integrated facilities a full three years from the effective date of the combined wastestream formula to achieve compliance with the electroplating pretreatment standards.[a] Ford claims that, as a result of the *NRDC* v. *EPA* decision, integrated facilities now have only 18–19 months in which to plan, purchase, and install the necessary treatment equipment. Ford claims this contradicts EPA's intent to give integrated facilities the full three years. Ford contends that compliance will be costly and complex, and therefore the loss of compliance time will prove detrimental. In addition, Ford argues that the Agency should complete another reevaluation of the combined wastestream formula before putting it into effect. Money expended to comply with the electroplating pretreatment standards will be wasted, Ford asserts, if the formula and the alternative limits it produces are determined later to be improper and must be revised.

Pared down to its essentials, Ford's argument is that even if EPA rejects Ford's argument that the combined wastestream formula is substantively flawed, EPA should suspend the formula (after notice and comment) to provide Ford more time to comply with the electroplating standards. Thus, Ford is in essence asking EPA to grant it more than the statutorily mandated three years from the effective date of those standards (March 30, 1981) to attain compliance.

EPA lacks the legal authority to extend statutory deadlines. Such an extension may be accomplished only by the Congress or, as in this situation, a court exercising its equity powers. A suspension or withdrawal of the combined wastestream formula, unless to correct fatal flaws in the formula, would in essence be an extension of a statutory deadline. For this reason alone, EPA must reject Ford's argument.[b]

Moreover, as a practical matter, Ford has not provided the Agency with any specific information to demonstrate that the 24-month compliance period (from the July 8, 1982 court decision to the June 30, 1984, judicially-established compliance deadline) fails to provide adequate time to achieve compliance. Thus, Ford has not provided a factual basis for the relief requested.

Furthermore, a limited case history study of eight plants (most of which are integrated plants) conducted by the Agency demonstrates that on the average, given an appropriate state of preparation (including the completion of a plant assessment, engineering study, engineering design work and bid awards), facilities can install the necessary equipment in approximately 16 months and can complete the whole process, including plant assessment, design work, construction and start-up, in approximately 32 months. However, the information in the study indicates that for a plant subject to a tight compliance deadline, this time can be considerably compressed and that the whole process, including design work and engineering studies, could be completed in 24 months if necessary. Information previously submitted by industry tends to substantiate this estimate of average installation time and total project length.

The electroplating standards were promulgated September, 1979, and, after taking into consideration the terms of the settlement agreement entered into with other portions of the industry, amended and made final in January, 1981. The technology required to meet these standards has been known by the affected industries for a number of years. A good deal of the initial planning and preparation necessary to put this technology in place should have been completed or be near completion at this time. Ford itself acknowledges that wastewater treatment systems are either completed or are in the process of being installed at a substantial number of its affected industries (Ford Petition, Appendix A, p. 58). In addition, as noted above, Ford representatives have at no time submitted concrete evidence of Ford's inability to achieve compliance within the required time period.

An inequity could possibly result from recission of the formula and further postponement of the compliance date for

---

[a] Ford erroneously cited a March 25, 1980 **Federal Register** notice (45 FR 19245) as providing for a three year compliance deadline. That notice only corrected § 413.01 of the electroplating regulations to tie the deadline for compliance by integrated facilities with electroplating pretreatment standards to the effective date of the combined wastestream formula. EPA made the compliance deadline three years from the effective date of the combined wastestream formula in the January 28, 1981 amendments to the electroplating regulations (46 FR 9463).

[b] Ford's argument, that it faces a reduced compliance period as a result of EPA's improper procedural actions, does not provide the Agency with legal authority to extend the statutory three year deadline, which is based upon the effective date of a categorical standard. However, it does provide legitimate grounds for EPA to exercise its enforcement discretion in a favorable manner to adversely affected plants, as discussed below.

integrated electroplating facilities. Non-integrated facilities, whose compliance date is not affected by the combined wastestream formula, must comply with the electroplating standards by April 27, 1984. Maintaining a deadline of June 20, 1984 for integrated facilities may avoid a competitive inequity between them and their smaller, more economically vulnerable counterparts that may result from widely varying compliance deadlines.

The Agency believes the 1984 deadlines are achievable. However, in the event individual facilities are unable to comply § 309(a)(5)(A) of the Clean Water Act does provide the Agency a mechanism for exercising its discretion with respect to remedies when enforcing the compliance deadline. If the Agency determines that a facility is unable to comply, despite its best good faith efforts, § 309(a)(5)(A) permits the Administrator to issue an administrative order which specifies "* * * a time [she] determines to be reasonable in the case of a violation of a final deadline" in which compliance shall be achieved. In making this determination, the Administrator may take into account "the seriousness of the violation and any good faith efforts to comply with applicable requirements" (e.g., meeting compliance deadlines). EPA believes that if the petitioner, or any other party, experiences actual difficulties in meeting the compliance deadlines, § 309(a)(5)(A) of the Clean Water Act provides the Agency with the necessary enforcement flexibility to deal with such [illegible].

Ford's request for an extension of the compliance deadline is based not only on the contention, which we reject, that there is insufficient time to achieve compliance, but also on the assertion that the Agency is still studying the formula and that this ongoing review may result in a significant alteration of Ford's discharge requirements. This second assertion is erroneous. Over the past three years, EPA conducted numerous reevaluations of the formula. The present formula was extensively restudied. Other solutions to the combined wastestream problem, including alternative equations previously offered by industry, were carefully reviewed. These analyses were conducted independent of the Regulatory Impact Analysis (RIA) of the entire pretreatment program undertaken in 1981–1982 referred to by Ford. The RIA focused on the overall general pretreatment program and a range of possible statutory, regulatory and administrative alternatives to the current Agency approach to pretreatment. This study examined in depth the need to protect the operations of POTWs from industrial discharges, the potential contamination of POTW sludge, and the need to control pass through of toxic pollutants. The RIA was not concerned with analyzing the individual components of the pretreatment regulations. Based on the entirely separate reevaluations of the combined wastestream formula, the Agency has decided to retain the formula in its present form. We do not intend to consider the formula yet another time.

2. Treatability of Pollutants in Unregulated Streams

Ford contends that the formula is flawed because it "sets arbitrary limits on wastes from unregulated processes" (Ford Petition, p.5). It is unrealistic to assume, Ford argues, that the technology treating an integrated industrial facility's regulated process streams can treat the facility's unregulated streams to the same level. Ford asserts that the presence of other pollutants in a facility's unregulated streams, not considered by EPA in setting the standards for the regulated streams, may make it technically impossible for the model treatment technology to achieve the limits for those pollutants controlled in the regulated streams. In a related vein, Ford argues that the formula sets limitations on unregulated streams without consideration of appropriate statutory criteria (treatability, economic achievability, etc.).

The use of the formula is optional. A facility may choose to combine its wastestreams or to segregate unregulated streams and provide separate treatment for its regulated streams. By allowing treatment of combined wastestreams, the formula increases the flexibility for many industrial users of POTWs in deciding on the best treatment alternative for its facility. The Agency believes that the formula, as promulgated and put into effect by the *NRDC v. EPA* decision, balances environmental protection with the concern, as raised by the petitioner, for feasible control of pollutants. No actual data of treatment performance has been submitted to the Agency to indicate that the limits as calculated by the combined wastestream formula are unachievable in situations where *compatible* unregulated wastestreams are combined with regulated wastestreams. In fact, the Agency repeatedly asked for actual examples that could contradict this conclusion. No new information was included in Ford's recent petition; instead, Ford has raised only theoretical problems.

The key inquiry is whether wastestreams are compatible. If a wastestream contains very few pollutants, it may act to dilute the regulated process wastewaters and make the efficient removal of pollutants in the regulated stream more difficult and expensive. Such dilution would be incompatible with proper treatment. The combined wastestream formula incidentally regulates combined unregulated streams to ensure that existing limits are fairly met, without inappropriate dilution.

Under the authority of the Clean Water Act, EPA is directed to develop technology-based standards to control the discharges from specific industrial subcategories. Thus, where an industry choose to combine process effluent from various regulated wastestreams with unregulated streams prior to treatment, the Agency has the discretion to impose reasonable conditions to ensure that the proper level of treatment is provided for the regulated streams.[4] The Agency believes that the current combined wastestream formula accomplishes this while allowing unregulated streams to be combined with regulated streams whenever technically appropriate.

In some instances, the concentration level of a certain pollutant found in an unregulated wastestream may be greater than the categorical pretreatment standard for the same pollutant in a facility's regulated process wastestream. In such cases, combining regulated and unregulated streams may result in treatment of the unregulated wastestream in order to meet the alternative limit calculated by the formula. In other instances, mixing unregulated wastestreams may make it easier for an industrial facility to comply with alternative discharge limits. This will be the case when the concentration level of a pollutant in the unregulated stream is lower than the discharge limit in the categorical standard for the same pollutant controlling a regulated process wastestream.

The primary alternative to the promulgated

[4] This is true whether the pretreatment standards are, like the current electroplating standards, analogous to best practicable control technology currently available (BPT) or, like the proposed metal finishing standards, analogous to best available technology economically achievable (BAT) effluent limitations guidelines.

formula—the so-called "full credit" approach—is less satisfactory. This approach, which was proposed by some commenters to the 1981 amendments, would calculate a limit for the combined wastestream which would exactly take into account the presence of regulated pollutants in unregulated streams. If, for example, an unregulated wastestream had a concentration of 2 mg/l of regulated pollutants, the "full credit" formula would calculate a limit for the combined stream which exactly gave allowance for this 2 mg/l, but no more. The result would be a limit which avoided incidental regulation of unregulated streams—i.e., which achieved the same net reduction of pollutants as if the regulated and unregulated streams were being discharged separately, and only the regulated streams were being treated. However, as noted in the January 28, 1981 preamble and as Ford itself pointed out in its comments on the 1981 regulation, such a formula would, on many occasions, make combined treatment more difficult and thus in effect force segregation of individual wastestreams. This would occur when the unregulated stream contained regulated pollutants at a level substantially lower than the categorical limit, resulting in alternative limits lower than the treatability level of the combined wastestream. This approach would thus operate to the ultimate detriment of some industrial users.

Another alternative, which was suggested by Ford in earlier comments, would be for the Agency to assign limits to the unregulated streams through consideration of the statutory factors of treatability and costs. This suggested approach would require the Agency to conduct a plant-by-plant study of the feasibility of combined treatment and the appropriate limitations to be assigned to unregulated streams. In the absence of any convincing showing that Ford's integrated facilities cannot achieve the applicable pretreatment standards, EPA rejects such an approach. It would require a tremendous effort by the Agency and industry which is not justified by the facts presented and which is inconsistent with the implementation of nationally applicable pretreatment standards in a timely manner. It would serve the purpose only of substantially delaying the pretreatment of combined wastestreams.

In any event, the Agency has a mechanism for ensuring that a facility is not required to comply with alternative limits set by the combined wastestream formula that are unachievable. This is the fundamentally different factors (FDF) variance (§ 403.13 of the General Pretreatment Regulations). The Agency made this point explicitly in the preamble to § 403.13 of the January 28, 1981 amendments to the pretreatment regulations: "Where an adjusted Pretreatment Standard has been calculated in accordance with § 403.6(e), the Industrial User may apply for a fundamentally different factors variance from this adjusted standard in accordance with this section". 46 FR at 9412. Section 403.13 of the General Pretreatment Regulations sets out the criteria and procedures for a FDF. Factors which may be considered fundamentally different include the nature of quality of pollutants contained in the raw wasteload of an industrial user's process wastewater; volume of process wastewater and effluent discharged; age, size, land availability, and configuration as they relate to the user's equipment; engineering aspects of the application of control technology; processes employed; process changes; and cost of compliance with required technology. The latter three reasons are the type of issues petitioner is most concerned with.

In establishing categorical pretreatment standards, EPA considers the technology and costs required to achieve those standards. This includes the segregation of incompatible streams from regulated streams and the cost of such segregation. Thus, the fact that a facility has incompatible wastestreams which, when combined with a regulated stream, fails to meet the alternative pretreatment standard calculated by the formula, does not automatically entitle the plant to an FDF variance. However, if the facility believes that the cost of segregating its incompatible streams from its regulated stream is wholly disproportionate to the costs considered by EPA in establishing a pretreatment standard for the regulated stream, then it may apply for an FDF variance.

In an attachment to its petition, Ford recommends that an alternative variance provision be established for this specific situation. Under Ford's proposal, "[w]henever an Industrial User shows that the achievable concentration of [combined regulated wastestreams], is materially greater" than the alternative limit calculated by using the combined wastestream formula, then the formula's alternative limit should be modified by multiplying this limit "by the ratio of the achievable concentration in the combined streams * * * to the limit determined [by using the formula]." If Ford's plan were implemented, it would have the effect of cancelling any alternative limit calculated by the formula, and replacing it with the "achieveable concentration" as shown by the industry. An example will clearify this point. If the alternative limit from using the formula is 5 mg/l for a certain pollutant, and the achievable limit is shown by the industrial plant to be 8 mg/l for the same pollutant, then multiplying the formula's limit of 5 "by the ratio of the achievable concentration * * * to the limit determined [by the formula]," i.e., 8/5, the new limit would be 8 mg/l. Using Ford's "ratio" will, therefore, always result in implementation of the pretreatment limit the industry shows to be achievable. This "bootstrap" argument would improperly allow a plant to combine incompatible unregulated wastestreams with a regulated stream and make it difficult or impossible to assure that the regulated stream is being adequately treated in accordance with the pretreatment standard.

Ford's proposal also is vague in that it fails to specify the type of showing required of an industrial facility to justify modification of the alternative limitation derived from the formula. The language Ford submitted to establish such a variance mechanism lacks specifically delineated criteria that must be met before such a variance could be granted. Modifying Ford's recommended provision to make it clear would likely result in language paralleling that already contained in the FDF provision of the General Pretreatment Regulations. As there has been no demonstration why the FDF provision is inadequate to deal with the situation raised by the petitioner, the Agency believes it is unnecessary to implement a parallel and redundant variance mechanism.

Finally, Ford's recommended provision presents the same problem as did Ford's alternative combined wastestream formula discussed above: a plant-by-plant determination of alternative limits would be needed, which would require a tremendous effort which is not justified and likely would be administratively impossible.

3. *Uncertainty/Repose*

Ford argues that each time a new categorical pretreatment standard applicable to an unregulated stream is promulgated, a recalculation of the alternative discharge limit set by the combined wastestream formula will be required. Ford contends that this would undoubtedly create uncertainty for an industrial user with regard to adequate planning for the required treatment technology needed to meet applicable discharge limits for its combined wastestreams. Faced with the uncertainty of such a moving target, "long-range planning and construction of combined waste

treatment facilities [will be] difficult, if not impossible" (Ford Petition, p.6). Ford recommends language to amend the combined wastestream formula to eliminate this uncertainty and provide industry with "repose." Ford's proposal would permit no modification of the alternative pretreatment discharge limit once it is calculated to account for a newly regulated wastestream. In other words, once an alternative limit is set the first time, subsequently promulgated pretreatment standards would not be factored into the combined wastestream formula, and thus the first alternative limit calculated by the formula would remain in effect. Ford's proposal is aimed at eliminating all uncertainty in planning pollution control.

Ford's complaint about the formula's failure to provide "repose" treats repose as if it were an integral feature to the Clean Water Act. In fact, the opposite is to a large extent true. Under section 301(b) of the Act, facilities which discharge directly to navigable waters must engage in a two-step reduction of their effluents. By 1977, they must comply with effluent limitations based upon best practicable technology (BPT) and, by 1984, with effluent limitations based upon best available technology (BAT) or best conventional technology (BCT). Under section 301(d), the BAT and BCT effluent limitations are then required to be reviewed at least every five years and, if appropriate, revised.

Similarly, under section 307(b)(2) of the Act, the Administrator has issued pretreatment standards analogous to BPT and BAT, and plans to continue issuing standards which are analogous to BAT levels of control. Under § 307(b)(2) of the Act, all pretreatment standards are to be revised by the Agency from time to time, as control technology, processes, operating methods or other alternatives change. Thus, far from providing repose, the Act expressly calls for industrial facilities to periodically upgrade their treatment systems to meet newly promulgated standards.

In fulfilling its obligations to promulgate effluent limitation guidelines and standards for direct and indirect dischargers, EPA has been guided by a consent decree entered into with the Natural Resources Defense Council in 1976, and amended in 1979 and 1982. *NRDC* v. *Train*, 8 ERC 2120 (D.D.C. 1976), *modified sub nom., NRDC* v. *Costle*, 12 ERC 1883 (D.D.C. 1979), *modified sub nom. NRDC* v. *Gorsuch*, 8/25/82 and 10/26/82 (Memorandum Orders). This consent decree requires EPA to promulgate, in sequential fashion, various effluent limitations guidelines and pretreatment standards. Under the decree, EPA was required to promulgate BPT-level pretreatment standards for eight categories of industrial users, including electroplaters, by 1977. EPA was then required to develop BAT-level pretreatment standards for up to 34 categories of industrial users, all of which are scheduled to be promulgated by June, 1984. In similar fashion, EPA was required to develop BAT effluent limitations guidelines for up to 34 categories of direct dischargers within this same time frame. Inherent in this sequential promulgation of effluent limitations guidelines and standards, sanctioned by the consent decree, is the possibility of shifting compliance obligations as new limitations and standards are promulgated.

The one small measure of repose afforded by law, and the feature which most serves to distiguish the direct discharge program from the indirect discharge program is the NPDES permit system created by section 402 of the Act. Under this system, permits are issued to direct dischargers for a term not exceeding five years. If, at the time of permit issuance, any of the facilities' wastestreams are not subject to national effluent limitations, the permit writer devises a limitation for these "unregulated" wastestreams, applying his best professional judgment. These "BPJ" limitations generally remain applicable to the facility throughout the term of the permit. At the end of the permit term, however, these BPJ limitations must be changed to conform to any newly promulgated national limitations applicable to the unregulated streams. Moreover, even this limited five year repose may be unavailable where the permit contains a "reopener" clause requiring incorporation of any subsequently promulgated national limitation into the permit during the permit term. The limited repose provided by the NPDES permit system is unavailable to industrial users of sewage treatment works because Congress, in establishing the pretreatment program, rejected a permit-based approach. Instead, Congress made categorical pretreatment standards directly binding upon industrial users and provided no permit mechanism to temporarily insulate them from compliance with these standards.

Given this underlying statutory and regulatory framework, it is clear that the prospect of shifing, and possibly more stringent, compliance obligations cannot be remedied simply by application of some other formula. For, at bottom, the moving target "problem" (to the extent there is one) is a product of the sequential promulgation of categorical pretreatment standards and the absence of a permit mechanism to cushion facilities from the necessity of complying with categorical pretreatment standards within the statutorily-mandated three years. For even if there were no formula, and a facility were free to decide for itself the appropriate limitations for its unregulated streams, the facility might still be subject to shifting compliance obligations as new standards applicable to its unregulated streams were promulgated—unless the facility were clairvoyant enough to perceive in advance what its ultimate end of pipe limit was going to be.

Ford's proposed solution to the moving target "problem" can not be reconciled with the existing statutory scheme. Under Ford's proposal, the formula would be amended to prevent modification of the limit for unregulated streams upon the promulgation of new categorical standards. In effect, the original limit calculated by the formula for unregulated streams would continue for an indefinite time. EPA, however, does not have the authority under the statute to waive compliance with newly promulgated categorical standards. Under the statute, these standards must be complied with no later than three years after their date of promulgation. Additionally, Ford's solution would tend to greatly favor integrated facilities over nonintegrated facilities (by exempting the former from new categorical standards), and would result in inequitable regulatory treatment between the two. Furthermore, it would tend to give indirect dischargers considerably more "repose" than their direct discharge counterparts, who are at best protected by their NPDES permits for a period five years from compliance with newly promulgated limitations.

Ford's rejoinder to this (which is contained in an attachment to its petition) is that Congress intended EPA to promulgated categorical standards which regulate all the processes found at a given plant—i.e. "whole plant" regulation—and did not intend piecemeal regulation of particular processes. In Ford's view, if EPA's categorical standards addressed themselves to the whole plant, the moving target problem, would disappear, or at least be brought within acceptable bounds. The problem with Ford's contention is that as shown in Ford's own previous submissions

document, American industry is extremely diverse and does not always fit neatly into standard industrial classifications. Steel plants, for instance, perform a number of industrial operations aside from steel, including electroplating. Porcelain enamel manufacturers often engage in plastics manufacturing. Auto manufacturers perform a multitude of operations. Given the extreme diversity of processes performed by most industries, Ford's injunction against regulating anything but the whole plant would be a recipe for plant-by-plant regulation—something Congress clearly wanted EPA to avoid. *Legislative History of the Water Pollution Control Act Amendments of 1972*, Vol. 1, p. 800 (1973).

In any event, it is not at all clear that Ford has a real moving target problem. The technology required to comply with the existing electroplating standards is nearly identical to that needed to comply with the proposed metal finishing standards, which will cover most if not all of Ford's integrated facilities. The essential features of these metal finishing standards were widely known by the interested public even before they were formally proposed in the **Federal Register** on August 31, 1982 (47 FR 38461). Promulgation of the metal finishing standards will eliminate or greatly reduce the need to use the combined wastestream formula in a number of cases because these standards represent an end of pipe discharge limit for a number of different, though related, operations. At no time has Ford presented information to EPA indicating that once the metal finishing standards become final, Ford's integrated facilities will have any problem using the formula. In addition, standards for other metal-bearing streams, which will be the ones most likely to apply to integrated plants subject to the electroplating standards, have been or soon will be proposed. These standards are based on nearly identical technology to that which EPA relied on in the electroplating and metal finishing standards.

Moreover, and perhaps most importantly, if the staggered promulgation of standards does create a significant problem, this would be an appropriate area for comment during the rulemaking process involving proposed categorical pretreatment standards and might provide cause for adjusting the proposed standards before their final promulgation. Ford's underlying concern is that newly instituted standards, when factored into the combined wastestream formula, might result in a limit which would require wholesale renovation or replacement of existing treatment technology. This concern is totally theoretical and assumes that EPA will promulgate new regulations without regard to the regulations that are already in place. In actuality, as in the case of the metal finishing regulations, EPA will pay close attention to the capabilities of already installed treatment technologies.

Miscellaneous

Ford is concerned with how the Agency classifies certain process wastestreams. Where a wastestream regulated for a particular pollutant by a categorical pretreatment standard is combined before treatment with a second process wastestream containing only trace amounts of that particular pollutant, but a high concentration of another pollutant, Ford believes the Agency would classify this second wastestream as a dilution stream. For argues that this dilution effect would be factored into the alternative discharge limit calculated by using the combined wastestream formula, making this limit more stringent.

Ford's concern grew out of a misunderstanding of how the formula works. At a meeting held on August 4, 1982 at EPA Headquarters in Washington, D.C., EPA staff explained to Ford representatives that in the situation described above, the second process wastestream is considered as unregulated, and not as a dilution stream. Unregulated streams are not factored into the combined wastestream formula. Thus, the alternative limit would not be made more stringent by combining these two process wastestreams.

Although not included in its petition, at the August 4 meeting Ford expressed concern as to the combined wastestream formula's definition of dilution streams, specifically, § 403.6(e)(1) (i) and (ii). In these paragraphs, a dilution stream is defined as "the average daily flow (at least a 30-day average) from * * * process wastestreams which were *or could have been* entirely exempted from categorical Pretreatment Standards pursuant to paragraph 8 of the *NRDC* v. *Costle* Consent Decree * * *" (emphasis added). Ford contended that the words "or could have been" make it unclear just who makes the determination that a wastestream be exempted under paragraph 8, and confusing as to which streams are exempted.

EPA agrees that the regulations could be improved in this one respect, and plans to propose amendments to clarify the § 403.6(e) definition. The Agency does not view such a change as significant, and therefore it is not a reason to suspend the combined wastestream formula or alter the deadline for compliance with the electroplating pretreatment standards.

Petition of General Motors Corporation

General Motors Corporation also has petitioned the Agency to conduct a rulemaking to stay the combined wastestream formula. EPA has responded separately to that petition. Although some of the issues raised by GM are identical to those raised by Ford in its petition, several are not. EPA's consideration and response to these different issues may be relevant to Ford's concerns about the formula, though not specifically raised by Ford in its petition.

Conclusion

For the reasons stated above, the petition of Ford Motor Co. is denied.

Dated: May 18, 1982.

Lee V. Verstandig,

Acting Administrator.

Environmental Protection Agency, Washington, D.C.

In the matter of General Motors Corporation, Detroit, Michigan.

Response to the Petition of General Motors Corporation For Rulemaking on the Combined Wastestream Formula.

The Administrator has been petitioned to initiate a rulemaking to stay or suspend the effective date of the "Combined Wastestream Formula" (40 CFR 403.6(e)), and to take appropriate action to ensure that integrated electroplating facilities will have a full three years to comply with the electroplating pretreatment standards. For the reasons set out below, the petition is denied.

Introduction

On August 10, 1982, General Motors Corporation (GM) filed a petition requesting that EPA begin a rulemaking procedure to stay or suspend the effective date of a rule known as the "Combined Wastestream Formula". GM argued that, if the formula is allowed to remain in effect, GM will be unable to meet the deadline for compliance with the electroplating pretreatment standards because its compliance date has been reduced by 15 months. GM asserted a full three years is needed to achieve compliance. GM further contended there are a number of uncertainties surrounding the formula that must be cleared up before it can be put into effect. GM also argued that the combined wastestream formula itself is flawed, and that the Agency must complete its reevaluation of it before it can become effective.

The combined wastestream formula presently in the General Pretreatment Regulations resulted from an extensive and complex rulemaking proceeding. All significant comments raised during that proceeding that pertained to the formula were reviewed and considered at that time.

In its current petition, no new information that contradicts the Agency's earlier findings regarding the substance of the formula is brought to light by GM. Hence, EPA has been provided no reasons for reconsidering the substance of the promulgated formula. However, because the Agency recognizes the importance of the combined wastestream formula and the complexity of the issues it raises, a detailed response to GM's petition with respect to the substance is set forth below.

Furthermore, this response addresses GM's argument that the combined wastestream formula should be suspended to extend the deadline for compliance with electroplating pretreatment standards. GM contends this is necessary because of the holding of the United States Court of Appeals for the Third Circuit in *NRDC* v. *EPA*, No. 81–2068 (July 8, 1982) that the formula be made effective retroactively to March 30, 1981.

The Administrator has decided not to stay the combined wastestream formula because it has been the object of lengthy and intense scrutiny and review; because the Agency believes it is sound in its present form; and because an extension of time for compliance with the electroplating pretreatment standards would be both unlawful and unwarranted by the facts.

Background

A combined wastestream formula is needed to meet the Agency's statutory obligation under section 307(b) of the Clean Water Act to establish mandatory national pretreatment standards to prevent the discharge of any pollutant through publicly owned treatment works (POTWs) which interferes with, passes through, or is otherwise incompatible with such works. EPA fulfills this obligation in part through promulgation of pretreatment standards for particular industrial categories and subcategories. This approach enables EPA to account for differences in wastestreams, treatability, and industry-specific facility and economic characteristics. But there are a number of industrial facilities engaged in activities that are covered by several different categories or subcategories, and that combine their various process wastestreams prior to or at the point of treatment. As a result, they have discharges that are regulated by several different categorical pretreatment standards or that are not covered by any pretreatment standards. These are primarily large, diversified industrial users of POTWs with many manufacturing processes utilized to produce an end product. For these "integrated" industrial facilities,[1] there is a need for a means to translate the applicable categorical standard or standards to an equivalent end of the pipe limit applicable to the combined waste water from these different processes. The combined wastestream formula is the tool to establish that discharge limitation.

The first time the Agency addressed the combined wastestream issue was in the development of the original General Pretreatment Regulations, promulgated June 26, 1978 (43 FR 27736). The regulations did not include a combined wastestream formula. Instead, a formula was incorporated as guidance in an appendix to the regulations. It adjusted categorical limits by lowering standards in proportion to the flow of all other streams mixed with a single regulated process wastestream. This "guidance only" approach, however, proved inadequate. EPA received numerous inquiries expressing confusion as to how this formula work and uncertainty as to whether it would be applied uniformly.

In response to these concerns, EPA proposed in the amendments to the pretreatment regulations to move the combined wastestream formula from the appendix to the text of 40 CFR Part 403 (44 FR 62266, October 29, 1979). The formula proposed in 1979 was identical to that found in the appendix to the 1978 pretreatment regulations.

Public comments on the proposal were extensive and nearly unanimous in criticizing the formula. The principal criticism was that the formula would establish a *de facto* zero discharge limit for all unregulated process streams because it failed to account for the presence of regulated pollutants in unregulated streams. Furthermore, commenters argued the formula assumed that the wastestream from only one regulated process would be mixed into the combined wastestream. If adopted in this form, commenters claimed that the new limits would be technically impossible to achieve, thus forcing segregation of wastestreams at a substantial number of plants. This contradicted the purpose of the formula—to reduce the need for segregation of compatible wastestreams. Commenters also claimed that the costs of segregating and separately treating compatible process wastestreams would be very high, and not outweighed by the potential effluent reductions.

After carefully evaluating the comments on the proposed formula, EPA acknowledged that it was flawed. Numerous alternative approaches were carefully studied and considered to deal with combined wastestream discharges. The formula finally selected appeared in § 403.6(e) of the amendments to the pretreatment regulations promulgated January 28, 1981 (46 FR 9404). It eliminated the defects of the 1978 formula by permitting combined treatment in almost all cases. The formula contained some restrictions on the combination of certain streams to protect against dilution and the combination of incompatible wastestreams. This formula ensured that similar facilities will be subject to comparable discharge limits, thus providing equity among the facilities in a given industrial category.

The combined wastestream formula promulgated January 28, 1981, divides the universe of wastewater streams into three types: (1) Regulated, (2) unregulated, and (3) dilution (wastestreams containing few if any, regulated pollutants). Alternative limits, either concentration or mass-based, are calculated in a two-step process. First, the formula averages each of the individual categorical limits which apply to the regulated wastestreams. In other words, the formula computes a flow-weighted average of the categorical limits for each of the regulated streams. Second, if these regulated wastestreams are combined with dilution streams prior to treatment, the average calculated above is reduced in proportion to the flow of these streams to account for dilution. Unregulated streams are not calculated into the formula.

Calculation of the alternative limits may be performed by the Control Authority or the industrial user with the written concurrence of the Control Authority. The Control Authority is either EPA or the NPDES State, where a POTW's pretreatment program has not been approved, or the POTW itself, where it has an approved pretreatment program. These alternative discharge limits must be complied with by the industrial user in lieu of the promulgated national categorical pretreatment standards and are enforceable as such.

Several calculations may be necessary to establish the alternative limits under the formula. An alternative categorical limit must be established for each regulated pollutant in each regulated process stream that is treated in the combined treatment facility. For each regulated pollutant both an alternative daily maximum limit and an alternative monthly average limit must be calculated. These calculations use the values set forth in the appropriate categorical standard.

Amendments to the General Pretreatment Regulations that were promulgated January 28, 1981 were to become effective on March 13, 1981. However, acting in accordance with the President's memorandum of January 29, 1981, EPA postponed their effective date until March 30, 1981 (46 FR 11972, February 12, 1981). Subsequently, the Agency indefinitely deferred the effective date of the amendments, pursuant to Executive Order 12291, on March 27, 1981 (46 FR 19936, April 2, 1981). The deferral was instituted in order to enable the Agency to conduct a Regulatory Impact Analysis of the entire pretreatment program.

Subsequent to EPA's indefinite postponement of the effective date of the pretreatment amendments, the Natural Resources Defense Council (NRDC) filed suit in the United States Court of Appeals for the Third Circuit, challenging the suspension (*NRDC* v. *EPA*, No. 81–2068 (3d Cir. 1982)). On October 13, 1981, while the NRDC suit was pending, the Agency took two related administrative actions. First, EPA initiated January 31, 1982 as the effective date of all the pretreatment amendments (46 FR 50502). Second, EPA established a rulemaking to determine whether all or portions of the amendments should be deferred beyond the January 31 effective date (46 FR 50503).

During this time, EPA analyzed the combined wastestream formula for the third time. This included a review of the comments received during the October 13 rulemaking. No new facts or information were presented in those comments. On January 27, 1982, the EPA Administrator signed a **Federal Register** notice announcing that the effective date of four pretreatment amendments was again deferred, but that the remainder of the amendments would be put into effect as

[1] The term "integrated facility" is defined at § 413.02(h) of the electroplating standards (46 FR 9462, January 28, 1981).

scheduled (47 FR 4518, February 1, 1982). One of the four amendments which continued to be deferred was § 403.6(e) the combined wastestream formula. The Agency took this action in response to requests for a fourth evaluation of the formula.

Over the next five months, the Agency reevaluated the four amendments that continued to be deferred. A great deal of this time was spent scrutinizing the combined wastestream formula. Various alternative formulas and options again were studied. All previous comments and submissions were reconsidered. After conducting this extensive review, it was again concluded that the formula as promulgated January 28, 1981 should be implemented, because it represented the best approach for determining alternative categorical limits for combined wastestreams. If further balanced the concerns identified by the affected parties with the need to ensure equitable regulation between plants treating single or uncombined wasterstreams and those treating combined wastestreams.

On July 8, 1982, the Third Circuit Court of Appeals issued its opinion in NRDC's suit contesting EPA's original indefinite deferral of all the pretreatment amendments (*NRDC* v. *EPA*, No. 81–2068). Concluding that EPA's October 13, 1981 rulemaking did not render NRDC's action moot, the court ruled that EPA's original indefinite deferral violated the notice and comment provisions of the Administrative Procedure Act. As a remedy, the court ordered the Agency to retroactively reinstate all the amendments effective March 30, 1981. The court's decision came before the Agency was able to take any action on the formula. However, the ruling accomplished the same result EPA intended: to put the combined wastestream formula into effect.

EPA is presently involved in litigation concerning the electroplating pretreatment standards and several provisions of the General Pretreatment Regulations (which includes the combined wastestream formula). *NAMF et al* v. *EPA*, Nos. 79–2256 *et seq.* (3d Cir). On October 4, 1982, the court issued an order extending for 90 days certain compliance, application and reporting deadlines contained in the electroplating and pretreatment regulations. By virtue of the court order, the final deadline for compliance with the electroplating pretreatment standards has been extended. Integrated facilities now have until June 30, 1984 to achieve compliance. The non-integrated segment of the electroplating industry now has until April 27, 1984 to achieve compliance. A **Federal Register** notice announcing the court order was published on January 21, 1983 (48 FR 2774).

Denial of GM's Petition To Rescind the Combined Wastestream Formula

In its petition requesting the Agency to rescind the combined wastestream formula, GM presented several arguments to support its position. These are considered below in turn.

1. *Extension of Compliance Deadline for GM's Integrated Facilities.* GM argues that EPA originally gave intgrated facilities a full three years from the effective date of the combined wastestream formula to achieve compliance with electroplating pretreatment standards. GM claims that, as a result of the *NRDC.* v. *EPA* decision, the deadline for compliance by integrated facilities with the electroplating pretreatment standards has been shortened by 15 months. GM argues that "[d]esigning, installing, and debugging the treatment facilities that may be necessary to meet these adjusted standards cannot be completed in this amount of time" (FM Petition, p. 3). GM further argues that "even if one or two plants could be completed in this time frame, the design and manufacturing capacity of the Nation's pretreatment contractors is insufficient to deal with the complexities of these projects given the number of plants involved" (GM Petition, p. 21).

Pared down to its essentials, GM's argument is that even if EPA rejects GM's argument that the combined wastestream formula is substantively flawed, EPA should suspend the formula (after notice and comment) to provide GM more time to comply with the electroplating standards. Thus, GM is in essence asking EPA to grant it more than the statutorily mandated three years from the effective date of those standards (March 30, 1981) to attain compliance.

EPA lacks the legal authority to extend statutory deadlines. Such an extension may be accomplished only by the Congress or, as in this situation, a court exercising its equity powers. A suspension or withdrawal of the combined wastestream formula, unless done to correct fatal flaws in the formula, would in essence be an extension of a statutory deadline. For this reason alone, EPA must reject GM's argument.[2]

Moreover, as a practical matter, GM has not provided the Agency with any specific information to demonstrate that the 24 month compliance period (from the July 8, 1982 court decision to the June 30, 1984 judicially-established compliance deadline) fails to provide adequate time to achieve compliance. Thus, GM has not provided a factual basis for the relief requested.

Furthermore, a limited case history study of eight plants (most of which are integrated plants) conducted by the Agency demonstrates that on the average, given an appropriate state of preparation (including the completion of a plant assessment, engineering study, engineering design work and bid awards), facilities can install the necessary equipment in approximately 16 months and can complete the whole process, including plant assessment, design work, construction and start-up in approximately 32 months. However, the information in the study indicates that for a plant subject to a tight compliance deadline, this time could be considerably compressed and that the whole process, including design work and engineering studies, can be completed in 24 months if necessary. Information previously submitted by industry tends to substantiate this estimate of average installation time and total project length.

The electroplating standards were promulgated September, 1979, and, after taking into consideration the terms of the settlement agreement entered into with other portions of industry, amended and made final in January, 1981. The technology required to meet these standards has been known by the affected industries for a number of years. A good deal of the initial planning and preparation necessary to put this technology in place should have been completed or be near completion at this time. Indeed, in its petition, GM acknowledges that "virtually all [of its] plants already have some level of treatment, and, by and large, the discharge levels exceed the adjusted electroplating standards by small increments for particular pollutants" (GM Petition, p. 20). GM, therefore, should have little trouble making the necessary adjustments to achieve compliance. In addition, as noted above, GM representatives have at no time submitted convincing evidence of GM's inability to achieve compliance within the required time period.

An inequity could possibly result from recision of the formula and further postponement of the compliance date for integrated electroplating facilities. Non-integrated facilities, whose compliance date is not affected by the combined wastestream formula, must comply with the electroplating standards by April 27, 1984. Maintaining the deadline of June 30, 1984 for integrated facilities may avoid a competitive inequity between them and their smaller, more economically vulnerable counterparts that may result from widely varying compliance deadlines.

The Agency believes that the 1984 deadlines are achievable. However, in the event individual facilities are unable to comply, section 309(a)(5)(A) of the Clean Water Act does provide the Agency a mechanism for exercising its discretion with respect to remedies when enforcing the compliance date. If the Agency determines that a facility is unable to comply, despite its best good faith efforts, section 309(a)(5)(A) permits the Administrator to issue an administrative order which specifies "* * * a time [she] determines to be reasonable in the case of a violation of a final deadline" in which compliance shall be achieved. In making this determination, the Administrator may take into account "the seriousness of the violation and any good faith efforts to comply with applicable requirements" (e.g., meeting compliance deadlines). EPA believes that if the petitioner, or any party, experiences actual difficulties in meeting the compliance deadlines, section 309(a)(5)(A) of the Clean Water Act provides the Agency with the necessary enforcement flexibility to deal with such occurrences.

GM's request for an extension of the compliance deadline is based not only on the contention, which we reject, that there is insufficent time to achieve compliance, but also on the assertion that the Agency is still studying the formula and that this ongoing

[2] GM's argument, that it faces a reduced compliance period as a result of EPA's improper procedural actions, does not provide the Agency with legal authority to extend the statutory three year deadline, which is based upon the effective date of a categorical standard. However, it does provide legitimate grounds for EPA to exercise its enforcement discretion in a favorable manner to adversely affected plants, as discussed below.

review may result in a significant alteration of GM's discharge requirements. This second assertion is erroneous. Over the past three years, EPA conducted numerous reevaluations of the formula. The present formula was extensively restudied. Other solutions to the combined wastestream problem, including alternative equations previously offered by industry, were carefully reviewed. These analyses were conducted independent of the Regulatory Impact Analysis (RIA) of the entire pretreatment program undertaken in 1981–1982. The RIA focused on the overall General Pretreatment Regulations and a range of possible statutory, regulatory administrative alternatives to the current Agency approach to pretreatment. This study examined in depth the need to protect the operations of POTWs from industrial discharges, the potential contamination of POTW sludge, and the need to control pass through of toxic pollutants. The RIA was not concerned with analyzing the individual components of the pretreatment regulations. Based on the entirely separate reevaluations of the combined wastestream formula, the Agency has decided to retain the formula in its present form. We do not intend to consider the formula yet another time.

2. *Technological Feasibility of Alternative Discharge limits.* GM contends that the formula is flawed because it may set alternative discharge limits that cannot be achieved. At no time, petitioner argues, did EPA consider whether these limits are reasonable or technologically feasible (GM Petition, p. 4).

The use of the formula is optional. A facility may choose to combine its wastestreams or to segregate unregulated streams and provide separate treatment for its regulated streams. By allowing treatment of combined wastestreams, the formula increases the flexibility for many industrial users of POTWs in deciding on the best treatment alternative for its facility. The Agency believes that the formula, as promulgated and put into effect by the *NRDC* v. *EPA* decision, balances environmental protection with the concern, as raised by the petitioner, for feasible control of polluants. No actual data of treatment performance has been submitted to the Agency to indicate that the limits as calculated by the combined wastestream formula are unachievable in situations where *compatible* unregulated streams are combined with regulated streams. In fact, the Agency repeatedly asked for actual examples that could contradict this conclusion. No new information was included in GM's petition; instead, GM has raised only theoretical problems.

The key inquiry is whether wastestreams are compatible. If a wastestream contains very few pollutants, it may act to dilute the regulated process waste waters and make the efficient removal of pollutants in the regulated stream more difficult and expensive. Such dilution would be incompatible with proper treatment. The combined wastestream formula incidentally regulates combined unregulated streams to ensure that existing limits are fairly met, without inappropriate dilution.

Under the authority of Clean Water Act, EPA is directed to develop technology-based standards to control the discharges from specific industrial subcategories. Thus, where an industry chooses to combine process effluent from various regulated wastestreams with unregulated streams prior to treatment, the Agency has the discretion to impose reasonable conditions to ensure that the proper level of treatment is provided for the regulated streams.[2] The Agency believes that the current combined wastestream formula accomplishes this while allowing unregulated streams to be combined with the regulated streams whenever technically appropriate.

In some instances, the concentration level of a certain pollutant found in an unregulated wastestream may be greater than the categorical pretreatment standard for that same pollutant in a facility's regulated process wastestream. In such cases, combining regulated and unregulated streams may result in treatment of the unregulated wastestream in order to meet the alternative limit calculated by the formula. In other instances, mixing regulated and unregulated wastestreams may make it easier for an industrial facility to comply with alternative discharge limits. This will be the case when the concentration level of a pollutant in the unregulated stream is lower than the discharge limit in the categorical standard for that same pollutant controlling a regulated process wastestream.

The primary alternative to the promulgated formula—the so-called "full credit" approach—is less satisfactory. This approach, which GM suggested as a possible option in its comments to the 1978 rulemaking and which other commenters proposed during the 1981 rulemaking, would calculate a limit for the combined wastestream which would exactly take into account the presence of regulated pollutants in unregulated streams. If, for example, an unregulated wastestream had a concentration of 2 mg/l of regulated pollutants, the "full credit" formula would calculate a limit for the combined stream which exactly gave allowance for this 2 mg/l, but no more. The result would be a limit which avoided incidental regulation of unregulated streams—i.e., which achieved the same net reduction of pollutants as if the regulated and unregulated streams were being discharged separately. However , as we noted in the January 28, 1981 preamble, such a formula would, on many occasions, make combined treatment more difficult and thus in effect force segregation of individual wastestreams. This would occur when the unregulated stream contained a regulated pollutant at a level substantially lower than the categorical limit, resulting in alternative limits lower than the treatability level of the combined wastestream. This approach would thus operate to the ultimate detriment of some industrial users.

Another alternative would be for the Agency to assign limits to the unregulated streams through consideration of the statutory factors of treatability and costs. This suggested approach would require the Agency to conduct a plant-by-plant study of the feasibility of combined treatment and the appropriate limitations to be assigned to unregulated streams. In the absence of any convincing showing that GM's integrated facilities cannot achieve the applicable pretreatment standards, EPA rejects such an approach. It would require a tremendous effort by the Agency and industry which is not justified by the facts presented and which is inconsistent with the implementation of nationally applicable pretreatment standards in a timely manner. It would serve the purpose only of substantially delaying the pretreatment of combined wastestreams.

In any event, the Agency has a mechanism for ensuring that a facility is not required to comply with unachievable alternative limits set by the combined wastestream formula. This is the fundamentally different factors (FDF) variance (§ 403.13 of the General Pretreatment Regulations). The Agency made this point explicitly in the preamble to § 403.13 of the January 28, 1981 amendments to the pretreatment regulations: "Where an adjusted Pretreatment Standard has been calculated in accordance with § 403.6(e), the Industrial User may apply for a fundamentally different factors variance from this adjusted standard in accordance with this section." 46 FR at 9412. Section 403.13 of the General Pretreatment Regulations sets out the criteria and procedures for a FDF. Factors which may be considered fundamentally different include the nature or quality of pollutants contained in the raw wasteload of an industrial user's process wastewater; volume of process wastewater and effluent discharged; age, size, land availability, and configuration as they relate to the user's equipment; engineering aspects of the application of control technology; processes employed; process changes; and cost of compliance with required technology.

In establishing categorical pretreatment standards, EPA considers the technology and costs required to achieve those standards. This includes the segregation of incompatible streams from regulated streams and the cost of such segregation. Thus, the fact that a facility has incompatible wastestreams which, when combined with a regulated stream, fails to meet the alternative pretreatment standard calculated by the formula, does not automatically entitle the plant to a FDF variance. However, if the facility believes that the cost of segregating its incompatible streams from its regulated stream is wholly disproportionate to the costs considered by EPA in establishing a pretreatment standard for the regulated stream, then it may apply for a FDF variance.

3. *Uncertainty.* GM argues that each time a new categorical pretreatment standard applicable to an unregulated stream is promulgated, a recalculation of the alternative discharge limit set by the combined wastestream formula may be required. GM contends that this would undoubtedly create uncertainty for an in industrial user with regard to adquate planning for the required treatment technology needed to meet applicable discharge limits for its combined

[2] This is true whether the pretreatment standards are, like the current electroplating standards, analogous to best practicable control technology currently available (BPT) or, like the proposed metal finishing standards, analogous to best available technology economically achievable (BAT) effluent limitations guidelines.

wastestreams. GM argues that, under the current scheme, changing limits "will render earlier compliance efforts insufficient over-designed or unnecessary altogether. The integrated facility must then modify its control efforts so as to meet the new requirements, only to shortly thereafter have the requirements change again when another standard is promulgated" (GM's Memorandum in Support of Petition, p. 11). In its November 1 submission of "Additional Information" in support of its petition, GM listed 39 of its facilities affected by more than one categorical standard as a means to emphasize the moving target problem it confronts.

As a remedy for this uncertainty, GM suggests that "integrated facilities be exempted from all categorical pretreatment standards at least until: (1) All categorical standards for each of the process wastestreams combined by a particular facility have been promulgated and (2) the Agency has reviewed whatever standards result from the combination of those streams and standards to determine that they are technologically achievable and otherwise consistent with the requirements of the [Clean Water] Act" (GM's Memorandum in Support of Petition, p. 28). In other words, the approach recommended by GM would exempt an integrated facility from any categorical pretreatment standard applicable to it until the last standard affecting that facility was promulgated. Not until that time could an alternative limit be calculated by the combined wastestream formula.

GM's complaint that the formula leads to uncertainty fails to recognize that the Clean Water Act itself creates a degree of uncertainty. Under section 301(b) of the Act, facilities which discharge directly to navigable waters must engage in a two-step reduction of their effluents. By 1977, they must comply with effluent limitations based upon best practicable technology (BPT) and, by 1984, with effluent limitations based upon best available technology (BAT) or best conventional technology (BCT). Under section 301(d), the BAT and BCT effluent limitations are then required to be reviewed at least every five years and, if appropriate, revised.

Similarly, under section 307(b)(2) of the Act, the Administrator has issued pretreatment standards analogous to BPT and BAT and plans to continue issuing standards which are analogous to BAT levels of control. Also under section 307(b)(2) of the Act, all pretreatment standards are to be revised by the Agency from time to time, as control technology, processes, operating methods or other alternatives change. Thus, rather than providing certainty, the Act expressly calls for industrial facilities to periodically ungrade their treatment systems to meet newly promulgated standards.

In fulfilling its obligations to promulgate effluent limitations guidelines and standards for direct and indirect dischargers, EPA has been guided by a consent degree entered into with the Natural Resources Defense Council in 1976, and amended in 1979 and 1982. *NRDC* v. *Train*, 8 ERC 2120 (D.D.C. 1976), *modified sub nom., NRDC* v. *Costle*, 12 ERC 1833 (D.D.C. 1979), *modified sub nom., NRDC* v. *Gorsuch*, 8/25/82 and 10/28/82 (Memorandum Orders). This consent decree requires EPA to promulgate, in sequential fashion, various effluent limitations guidelines and pretreatment standards. Under the decree, EPA Was requried to promulgate BPT-level pretreatment standards for eight categories of industrial users, including electroplaters, by 1977. EPA was then required to develop BAT-level pretreatment standards for up to 34 categories of industrial users, all of which are scheduled to be promulgated by June, 1984. In similar fashion, EPA was required to develop BAT effluent limitations guidelines for up to 34 categories of direct dischargers within this same time frame. Inherent in this sequential promulgation of effluent limitations guidelines and standards, sanctioned by the consent decree, is the possibility of shifting compliance obligations as new limitations and standards are promulgated.

The one small measure of certainty afforded by law, and the feature which most serves to distinguish the direct discharge program from the indirect discharge program, is the NPDES permit system created by section 402 of the Act. Under this system, permits are issued to direct dischargers for a term not exceeding five years. If, at the time of permit issuance, any of the facilities' waste streams are not subject to national effluent limitations, the permit writer devises a limitation for these "unregulated" wastestreams, applying his best professional judgment. These "BPJ" limitations generally remain applicable to the facility throughout the term of the permit. At the end of the permit term, however, these BPJ limitations must be changed to conform to any newly promulgated national limitations applicable to the unregulated streams. Moreover, even this limited certainty of five years may be unavailable where the permit contains a "reopener" clause requiring incorporation of any subsequently promulgated national limitation into the permit during the permit term. The limited certainty provided by the NPDES permit system is unavailable to industrial users of sewage treatment works because Congress, in establishing the pretreatment program, rejected a permit-based approach. Instead, Congress made categorical pretreatment standards directly binding upon industrial users and provided no permit mechanism to temporarily insulate them from compliance with these standards.

Given this underlying statutory and regulatory framework, it is clear that the prospect of shifting, and possibly more stringent, compliance obligations cannot be remedied simply by application of some other formula. For, at bottom, the moving target "problem" (to the extent there is one) is a product of the sequential promulgation of categorical pretreatment standards and the absence of a permit mechanism to cushion facilities from the necessity of complying with categorical pretreatment standards within the statutorily-mandated three years. For even if there were no formula, and a facility were free to decided for itself the appropriate limitations for its unregulated streams, the facility might still be subject to shifting compliance obligations as new standards applicable to unregulated streams were promulgated—unless the facility were clairvoyant enough to perceive in advance what its ultimate end of pipe limit was going to be. GM recognizes as much, because its suggested alternative is directed at the standards-setting process rather than the formula itself.

GM's proposed solution to the moving target "problem" cannot be reconciled with the statutory requirements. Under GM's proposal, integrated facilities would be entirely exempted from compliance with any categorical standards until all of that facility's wastestreams became subject to regulation. Integrated facilities would thus be relieved of any compliance obligation based solely on whether they provided combined or separate treatment of their wastestreams. EPA, however, does not have the authority under the statute to waive compliance with newly promulgated categorical standards. Under the statute, these standards must be complied with no later than three years after their date of promulgation.

GM's proposed solution to the moving target "problem' also is unacceptable as a matter of regulatory policy. Its proposal would create a discrepancy in the Agency's treatment of integrated and non-integrated facilities (by exempting the former from categorical standards), absent any environmental justification for doing so. This difference in regulatory treatment might prejudice non-integrated plants. Also, this difference in regulatory treatment would create a strong incentive for plants to combine their unregulated streams, solely for the purpose of escaping regulation. Plants would, in short, be able to indefinitely escape regulations simply through a rearrangement of their interior plumbing.

In any event, it is not clear that GM has as much of a moving target problem as it asserts. In its submission of "Additional Information" supporting the petition, GM listed 90 plants which are subject to the electroplating standards. Three of these plants do only electroplating, while a fourth does electroplating and another operation, but segregates the process waste water and separately treats them. Fifty-three of these plants perform operations other than electroplating, but these operations will all be covered by the proposed metal finishing standards. Thirty-three plants will be subject to the metal finishing standards, but combine their metal finishing wastestreams with other wastestreams slated for regulation.

It would thus appear, on the basis of GM's own assertions, that fully two thirds of their facilities subject to electroplating will be relieved of any moving target "problem" by promulgation of the metal finishing regulations. These regulations will provide comprehensive coverage of the wastestreams combined for treatment at fifty-seven of the facilities subject to electroplating. The technology required to comply with the metal finishing standards is, moreover, nearly identical to the technology upon which the electroplating standards were based. Thus, complying with the metal finishing requirements should not require a significant reworking or upgrading of the electroplating technology. All that may be required are

changes to a facility's operation and maintenance procedures.

GM, in anticipation of this argument, contends that metal finishing standards *create*, rather than resolve, a large portion of GM's moving target problem, both because the final metal finishing standards have not yet been promulgated and because there is a good possibility that the final metal finishing standards will be significantly different than the electroplating standards. According to GM, achieving compliance with the electroplating standards in the absence of final metal finishing standards might preclude it from adopting less expensive means of compliance with those two standards because of the lack of assurance that the control strategy dictated by electroplating would be compatible with the strategy dictated by metal finishing. In addition, GM argues that, in their proposed form, the metal finishing standards will require significant modifications of the control strategy GM adopts for the electroplating standards.

GM's complaints about the moving target problems associated with the metal finishing standards are, however, belied by its acknowledgment in the petition that virtually all plants have some level of treatment and that generally the discharge levels exceed the adjusted electroplating standards only by small increments for particular pollutants. Consequently, in devising its control strategy for compliance with the electroplating and metal finishing standards, GM is not writing on a clean slate; its control technology is to a large degree already installed and is close to achieving full compliance with the standards. The slight inconvenience which GM might experience by having to comply with the electroplating standards before complying with the metal finishing standards is really no different than the "inconvenience" which plants regularly experience in having to upgrade their BPT-level treatment system to meet a BAT-level standard.

There also is a substantial question as to whether GM faces a moving target "problem" at the 33 plants which combine metal finishing wastestreams with other wastestreams slated for regulation. GM's underlying concern with respect to these 33 plants is that newly instituted standards for the non-metal finishing streams, when factored into the combined wastestream formula, might result in a limit which would require wholesale renovation or replacement of existing treatment technology. This concern is totally theoretical and assumes that EPA will promulgate new regulations without regard to the regulations that are already in place. In actuality, as in the case of the metal finishing regulations, EPA will pay close attention to the capabilities of already installed treatment technologies. But if the staggered promulgation of standards does create a significant problem, this would be an appropriate area for comment during the rulemaking process involving proposed contegorical pretreatment standards, and might provide cause for adjusting the proposed standards before their final promulgation.

Moreover, GM appears to have overstated the extent to which the non-metal finishing streams will influence the selection of control technology. Of the 33 plants GM listed as subject to metal finishing and other categorical standards, thirteen have wastewaters from only one other process subject to categorical standards—plastics molding and forming. Twelve others combine metal finishing streams with plastics molding and forming streams and one or two other streams. However, survey data submitted by GM to the Agency, covering a number of its plants, indicates that some of those facilities performing plastics operations have no wastewater discharges from those processes. Furthermore, some of these plants discharge very small amounts of wastewater from their plastics processing relative to other categorical operations conducted at the facility. Thus, GM is already in compliance with the plastics molding and forming standards in some instances, and compliance is unlikely to cause a problem in others. Although this data is not fully comprehensive of all of GM's plants performing plastics operations, it is sufficient to indicate a substantial overstatement of the problem by GM.

Miscellaneous

In the memorandum supporting its petition, GM raised several other matters related to the combined wastestream formula. GM claimed that where one process wastestream is regulated by a categorical standard expressed in terms of 30-day average values and another process stream is regulated by a different standard expressed in terms of 4-day average values (i.e., electroplating standards), conversion of the 4-day limits to 30-day limits, as required by the formula, will result in a more stringent standard.

Because the same methodology is used to calculate both 4-day and 30-day values, conversion of 4-day limits to 30 day limits will not result in a more stringent discharge limitation. The limits may appear to be lower only because of a statistical variability factor attributable to the lower number of samples as compared to the 4-day limit.

GM also contended that where one wastestream is regulated by a categorical standard expressed only in terms of mass-based limits and a second wastestream is regulated by another categorical standard expressed only in terms of concentration-based limits, it will not be possible to reconcile these different limits for purposes of calculating alternative limits by the combined wastestream formula. Although this question is not addressed by the combined wastestream formula provision (§ 403.6(e)), the answer may be logically inferred when that provision is read in conjunction with the provision prohibiting dilution as a substitute for treatment (§ 403.6(d)). If the situation described by GM arises, a mass-based limit should be applied to the combined flow. To accomplish this under the formula, the concentration limit would be converted to a mass limit by multiplying the concentration limit by the flow of the regulated stream to which it applies.

GM argues that it is impossible to establish an alternative limit by the formula "where one standard regulates a combination of streams, assigning that combined stream an end-of-pipe limit (as in the case of the metal finishing standards), while another regulates a single stream assigning it a segregation limit . . ." (GM's Memorandum in Support of Petition, p. 14). This issue arises from a misunderstanding of the metal finishing limits. These limits represent a single number for a combined flow and apply only to the metal finishing flow, not to the end of the pipe discharging to the POTW (unless only metal finishing wastes are discharged to the POTW). Thus, for purposes of calculating alternative limits by the combined wastestream formula, the metal finishing limits are considered like any other categorical limit, and a single alternative limit can be established for each regulated pollutant.

Finally, GM asserts that it is unclear how the formula is to be used "where two regulated streams do not limit the same class of pollutants. Is the stream which does not limit pollutant A to be deemed an unregulated stream, a regulated stream, or a dilute stream with regard to that pollutant?" (GM's Memorandum in Support of Petition, p. 14). Where two regulated streams are combined prior to treatment but only one of the streams is regulated for a certain pollutant, the wastestream not regulated for that pollutant is to be considered an unregulated stream for purposes of calculating an alternative discharge limit using the combined wastestream formula. Hence, using GM's example, the stream not limited for "pollutant A" is to be considered an unregulated stream in calculating an alternative limit for "pollutant A".

Petition of Ford Motor Company

Ford Motor Company also has petitioned the Agency to conduct a rulemaking to stay the combined wastestream formula. EPA has responded separately to that petition. Although some of the issues raised by Ford are identical to those raised by GM in its petition, several are not. EPA's consideration and response to these different issues may be relevant to GM's concerns about the formula, though not specifically raised by GM in its petition.

Conclusion

For the reasons stated above, the petition of General Motor Corporation is denied.

Dated: May 18, 1983.

Lee L. Verstandig,

Acting Administrator

[FR Doc. 83-14734 Filed 6-2-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 22

[Gen. Docket No. 80-183; RM-2365; RM-2750; RM-3047; RM-3066]

Amendment of the Commission's Rules To Allocate Spectrum in the 928-941 MHz Band and To Establish Other Rules, Policies, and Procedures for One-Way Paging Stations in the Domestic Public Land Mobile Radio Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: In Gen Doc. 80-183 which concerns spectrum allocation and establishment of rules, policies, and procedures for one-way paging stations, appearing at page 21354 in the issue of May 12, 1983, 47 CFR Parts 2 and 22, the language after Action and in line 10 of the summary should be corrected by changing "Further notice of proposed rulemaking and Further Notice" to read "Second Further notice of proposed rulemaking and Second Further Notice."

FOR FURTHER INFORMATION CONTACT: Lisa Wershaw, Common Carrier Bureau, (202) 632-6450.

Erratum

In the matter of amendments of Parts 2 and 22 of the Commission's rules to allocate spectrum in the 928-941 MHz Band and to establish other rules, policies, and procedures for one-way paging stations in the domestic public land mobile radio service; Gen. Doc. No. 80-183 Rm-2365, RM-2750, RM-3047, RM-3066, (5-12-83; 48 FR 21354).

Released: May 24, 1983.

On May 4, 1983, the Commission released a *Further Notice of Proposed Rulemaking*, FCC 83-145, in the captioned proceeding. The title of this document, and the reference to it in line 17, page 1, should be corrected to read *Second Further Notice of Proposed Rulemaking.*

William F. Adler

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 83-14902 Filed 6-2-83; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Parts 2 and 73

[BC Docket No. 82-536]

Use of the Subsidiary Communications Authorizations; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of comment/reply comment period.

SUMMARY: The extension of time in Docket No. 82-536, concerning Subsidiary Communication Authorizations, is granted to obtain additional information on increased modulation levels.

DATES: Comments must be filed on or before July 1, 1983, and reply comments on or before August 1, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Brian F. Fontes, Mass Media Bureau, (202) 632-6302.

In the matter of amendments of Parts 2 and 73 of the Commission's rules concerning the use of the subsidiary communications authorizations; BC Docket 82-536, (8-19-82; 47 FR 36235).

Order Extending Time for Filing Comments to Notice of Proposed Rule Making

Adopted: May 19, 1983.
Released: May 27, 1983.

By the Chief, Policy and Rules Division.

1. On August 4, 1982, the Commission adopted a *Notice of Proposed Rule Making*, BC Docket 82-536, proposing to amend Parts 2 and 73 of its rules to eliminate restrictions on the use and availability of subcarrier signals in the transmissions of FM broadcast stations. The *Notice* was released on August 19, 1982 and reply comments were to be received by November 17, 1982.

2. On September 24, 1982, the Telocator Network of America (Telocator) requested that the time for filing comments and replies to be extended until February 16, 1983, and April 18, 1983, respectively. As an alternative, Telocator suggested that the issue of providing paging service on FM broadcast subcarrier channels be separated from the remaining issues in the proceeding and that the period for filing comments and replies be extended solely with respect to this issue.

3. On October 4, 1982, an *Order Extending Time for Filing Comments to Notice of Proposed Rule Making* was granted for issues related to paging services only. Comments and replies were due on December 17, 1982, and January 16, 1983, respectively.

4. On April 7, 1983, the Commission adopted the *First Report and Order* in Docket No. 82-536. However, before increasing the permissible modulation levels, the Commission desired a further opportunity for public comment on that issue. Therefore, we are extending the comment period on two related matters: (1) The degree of reception degradation if any caused by adjacent-channel stations using peak modulation exceeding 100%; and (2) whether short-spaced stations may suffer adjacent-channel interference to any greater extent than normally spaced stations under the condition of typical FM program transmission practices.

5. Accordingly, it is ordered, that the time for filing comments and replies to comments regarding modulation levels pertaining to short-spaced stations and adjacent channels in the above-referenced *Notice of Proposed Rule Making*, BC Docket 82-536, is extended to and including July 1, 1983 for comments and August 1, 1983 for reply comments.

6. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.61, 0.283 and 0.204(b) of the Commission's Rules.

7. For further information concerning this proceeding, contact Brain F. Fontes, Mass Media Bureau, (202) 632-6302.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-14879 Filed 6-2-83; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Parts 2 and 74

[Gen. Docket No. 83-425; FCC 83-165]

Use of the Frequencies 161.7 and 161.75 MHz by the U.S. Coast Guard

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission is proposing to revise its Rules in response to a request for rulemaking to provide for use of two VHF frequencies by the Coast Guard. The frequencies would be used by Coast Guard stations only in certain areas to transmit safety information to foreign ships or in connection with Search and Rescue missions. The proposed change would permit better communications between Coast Guard and foreign vessels and would provide communications to hard-to-reach areas during Search and Rescue activities.

DATES: Comments are due by July 5, 1983 and replies by August 3, 1983.

ADDRESS: Federal Communications Commission, 2025 "M" Street, NW., Washington, D.C. 20554, (202) 653-8162.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Tropea, Office of Science and

Technology, 2025 "M" Street, NW., Washington, D.C. 20554, (202) 653–8162.

List of Subjects

47 CFR Part 2

Frequency allocations.

47 CFR Part 74

Radio.

Proposed Rulemaking

In the matter of an amendment of Parts 2 and 74 of the Commission's Rules to permit use of the frequencies 161.7 and 161.75 MHz by the U.S. Coast Guard; Gen. Docket No. 83–825.

Adopted: April 27, 1983.
Released: May 16, 1983.

By the Commission: Commissioner Jones absent.

Introduction

1. This rulemaking proceeding is in response to a request from the United States Coast Guard (hereinafter "Coast Guard") requesting amendment of the Commission's Rules to permit its use of the 161.7 and 161.75 MHz frequencies [1] The Coast Guard has requested:

a. Permission to use the frequency 161.7 MHz from certain of its coast stations to transmit safety information concerning navigational or environmental matters to foreign vessels; and

b. Permission to use the frequency 161.75 MHz for portable repeater operations involved in Search and Rescue (SAR) missions in 21 states.

This Notice proposes to allow Coast Guard use of the frequencies as requested on a shared basis with remote pickup broadcast stations licensed in the land mobile service. Comments from interested parties are invited.

Background

2. Appendix 18 of the international Radio Regulations pairs frequencies in the band 161.625–161.775 MHz with frequencies in the band 157.025–157.175 MHz and designates them as channels 21–23 and 60–63. These channels are allocated to the international maritime mobile service, and stations operating in the service are given priority internationally. The 161 MHz band frequencies are used for coast stations, and the 157 MHz band frequencies are used for ship stations.[2] Domestically, however, only the 157 MHz band frequencies are available for maritime operation in the simplex mode. The 161 MHz band frequencies are allocated for land mobile operation.[3] As a result foreign vessels using the paired frequencies in accordance with Appendix 18 cannot communicate on these channels with United States coast stations while in United States waters.

3. Land Mobile use of the 161.625–161.775 MHz band in the United States is presently limited to remote pickup broadcast base and mobile sations. Part 74, Subpart D of the Commission's Rules. Such stations, commonly called remote pickup units (RPU's), are operated by broadcast stations to transmit information regarding news events from the scene of action to the studio. This is accomplished via a portable or mobile transceiver at the scene which transmits the program material to the studio on one of the five RPU frequencies, which are 161.64, 161.67, 161.70, 161.73 and 161.76 MHz. The use of these frequencies is accordingly linked to the random breaking of news events and, consequently, the times and lengths of such occurrences and the use of the channels for reporting broadcast news stories are completely unpredictable.

Proposed Coast Guard Use of 161.7 and 161.75 MHz

161.7 MHz Use

4. Under the National VHF Distress System, the Coast Guard provides emergency communications and assistance of the frequency 156.8 MHz, Channel 16, to vessels operating at up to 20 miles offshore. If a vessel initially operating on 156.8 MHz is not in immediate danger, the ship radio operator is requested to shift frequency to 157.1 MHz, the lower half of Channel 22, sometimes called 22A, to keep the emergency channel open. United States vessels operating on 157.1 MHz are equipped to both transmit and receive on this frequency when communicating with the Coast Guard. However, many foreign vessels navigating in United States ports can transmit on 157.1 MHz because they have receivers designed for operation on 161.7 MHz, the upper half of Channel 22 as provided for by the international Radio Regulations. Therefore, to provide safety information concerning navigational or environmental matters to foreign vessels, the Coast Guard requests amendment of the Commission's Rules to permit operation on the paired Channel 22 frequencies by Coast Guard coast stations located at Boston, Portland, New York, Delaware Bay, Miami, Mobile, Alabama, Mobile Bay, New Orleans, San Diego, Los Angeles, San Francisco, Seattle, and Valdez, Alaska.

161.75 MHz Use

5. The Coast Guard Second District provides emergency and navigational assistance to vessels navigating on the Missouri, Mississippi, and Ohio Rivers and their tributaries. The Second District includes all or part of the following 21 states:

Alabama	Missouri
Arkansas	Nebraska
Colorado	Oklahoma
Indiana	Ohio
Iowa	Pennsylvania
Illinois	South Dakota
Kentucky	Tennessee
Kansas	West Virginia
Michigan	Wisconsin
Minnesota	Wyoming
Mississippi	

The Coast Guard states that its Second District has experienced difficulty in communicating among its units engaged in Search and Rescue (SAR) and other emergency operations involving VHF communications due to topography and range of operation along the waterways of the indicated states. The current Coast Guard VHF command and control frequency for SAR and other emergency operations is the lower half of VHF channel 23 or 157.15 MHz which is used to transmit and receive.

6. To rectify the situation, the Coast Guard proposes to use portable repeaters only when normal VHF communications cannot be achieved during SAR operations. The operation of existing equipment as repeater stations when required for portable repeater operations can be achieved if the upper half of the paired channel 23 frequency, 161.75 MHz, is made available for use in conjunction with 157.15 MHz. The frequency 161.75 MHz does not fall directly on any RPU frequency but is 20 kHz, removed from 161.73 MHz and 10 kHz removed from 161.76 MHz. Thus,

Channel designator	Ship station frequency (megahertz)	Coast station frequency (megahertz)
60	157.025	161.625
21	157.050	161.650
61	157.075	161.675
22	157.100	161.700
62	157.125	161.725
23	157.145	161.750
63	157.175	161.775

[1] The Coast Guard request was contained in three letters dated April 20, 1977, April 23, 1981, and April 5, 1982. Copies of these letters are included in the Docket file.

[2] The international maritime mobile channels and their associated frequencies are:

[3] Radio Regulation No. 613 of the International Radio Regulations, 1982 Edition, formerly Radio Regulation No. 287, permits this group of VHF channels, otherwise assigned to maritime, to be used for other purposes as authorized by each particular administration. Thus, land mobile operation in the United States is permitted.

using the upper half of channel 23 could cause interference to equipment on two RPU channels. To help minimize this potential interference, the Coast Guard proposes to limit operation on 161.75 MHz to 16F3 emission with no more than 25 watts transmitter output power using whip antennas at a nominal height of 30 feet above ground level. Operation on Channel 23 would only be for SAR or emergency communications, and no more than three portable repeaters would be used in the states concerned.

Discussion

7. The Commission recognizes the importance of the Coast Guard operations to provide emergency communications and assistance to vessels for safety of navigation. We also appreciate the operational difficulties that have arisen as a result of the Coast Guard's inability to utilize fully the Appendix 18 VHF frequencies in the paired manner as intended for maritime operations internationally. At the same time, the Commission recognizes the importance of the current United States allocation of frequencies in the band 161.625–161.775 MHz for broadcast remote pickup units. The primary issue in considering the Coast Guard's request for use of 161.7 and 161.75 MHz is whether shared operation with broadcast users is practicable.

8. To evaluate this issue, we have compiled data from the non-Government Master Frequency List as of July 1, 1982, showing the degree of broadcast use of the RPU channels. The following number of authorizations are outstanding for each of the RPU channels on a nationwide basis:

TABLE A.—NATIONWIDE USAGE OF RPU CHANNELS

Frequency (megahertz)	Number of authorizations
161.64	1609
161.67	1552
161.70	1654
161.73	1628
161.76	1728

The following number of authorizations are outstanding for use of RPU channel 161.7 MHz in the vicinity of the port and waterway areas where the Coast Guard has requested its use:

TABLE B: USAGE OF RPU CHANNEL 161.7 MHZ IN CERTAIN PORT AND WATERWAY AREAS

Port area	Number of authorizations on 161.7 MHz
1. Boston, Massachusetts	5
2. Portland, Maine	1
3. New York City and Long Island Sound	14
4. Delaware Bay	0
5. Miami, Florida and Biscayne Bay	6
6. Mobile, Alabama and Mobile Bay	8
7. New Orleans, Louisiana and Lower Mississippi River	5
8. San Diego, California	1
9. Los Angeles, California Area	7
10. San Francisco, California	4
11. Seattle, Washington, and Puget Sound	11
12. Valdez and Prince William Sound, Alaska	0

Finally, the following number of authorizations are outstanding in the twenty-one states where the Coast Guard has proposed SAR operation:

TABLE C: USAGE OF RPU CHANNELS IN CERTAIN STATES, BY CHANNEL

State	Number of authorizations by channel	
	161.73 MHz	161.76 MHz
Alabama	31	44
Arkansas	21	26
Colorado	14	16
Indiana	32	55
Iowa	16	11
Illinois	26	28
Kentucky	12	19
Kansas	11	21
Michigan	34	29
Minnesota	33	34
Mississippi	27	32
Missouri	32	44
Nebraska	12	7
Oklahoma	7	11
Ohio	80	77
Pennsylvania	33	30
South Dakota	2	6
Tennessee	48	47
West Virginia	4	3
Wisconsin	33	17
Wyoming	14	3

9. These data show that the number of RPU authorizations for stations within the areas and states the Coast Guard seeks to serve is not excessive. Indeed, because some of these authorizations may not be near the proposed Coast Guard stations, the number of RPU stations within range of Coast Guard operations may actually be lower than the data indicate. The low number of RPU users in the areas of Coast Guard transmission, the transmitter powers used and proposed, and the temporary nature of the present and proposed use of the channels suggest that sharing on a co-equal basis between the Coast Guard and broadcaster licensees of RPU stations is possible, and we are proposing this sharing. In doing so, however, we are cognizant of the use of the RPU frequencies by key stations in the Emergency Broadcast System (EBS). It is proposed that Coast Guard use of an operational or support nature, therefore, would be on a secondary basis to use by EBS stations during operation for emergency broadcasting purposes. Comments are invited regarding the Coast Guard's use of the frequencies in this manner.

10. However, we are concerned about the compatibility of a safety-of-life service with a non-safety service sharing a common communications channel. We invite comments on the feasibility and desirability of shared usage and on whether the Coast Guard's proposal can realistically be accommodated during emergencies or even on a day-to-day basis. We question whether the Coast Guard will be able to communicate reliably on a shared channel during an emergency, and we would like to know whether the Coast Guard has plans for insuring continuous communications if it encounters interference during a safety communication. These plans could include usage of an alternate or repeater backup channel, use of a higher power transmitter on the simplex channels, or some other method. We also are concerned that an actual SAR situation will require the Coast Guard to have unlimited access to communications channels; thus, the Coast Guard's use of an SAR channel might require a higher priority than the broadcaster's use for RPU. Should such priority be necessary, we question the manner in which broadcasters would be notified or required to vacate the channel. Finally, we are concerned about liability of the Coast Guard or a broadcaster if an RPU disrupts a Coast Guard safety transmission and loss of life or property results. We request commenters to address these concerns when discussing the proposal.

11. Concerning technical limitations for Coast Guard's proposed operation, the Coast Guard stated that it would limit station power, antenna height and the number of units operating on 161.75 MHz. It would use the equipment at existing coast station facilities that operate with power outputs of 25 to 50 watts for operation on 161.7. MHz The adoption of strict technical limitations is not a significant concern because the output powers used by RPUs and Coast Guard stations appear compatible. Rather, general language is proposed in Parts 2 and 74 to require the Coast Guard to operate in a manner technically compatible with RPUs. While this general limitation is believed adequate, comments are invited regarding the need for specific technical limitations on Coast Guard's operation.

Proposals

12. In response to the Coast Guard's request for the use of 161.7 and 161.75 MHz, changes to Parts 2 and 74 of the Commission's Rules are necessary. The changes to Part 2 include: (1) Modification of Footnote US 214 to

provide for the proposed paired use of channel 22 from Coast Guard coast stations located around the designated United States port areas; and (2) a new Footnote to provide for the proposed paired use of channel 23 within the states discussed for SAR and emergency activities only. Part 74 would need modification to inform RPU stations of Coast Guard's proposed operation on a co-equal shared basis.

13. Accordingly, we propose to amend Parts 2 and 74 of the Commission rules as follows:

A. Section 2.106, Footnote US 214 would be modified to permit Coast Guard use of the paired frequencies 157.1 and 161.7 MHz to communicate with foreign ships from certain of its coast stations.

B. Section 2.106 would be modified by adding a new footnote US 289 to permit the Coast Guard to use the frequencies 157.15 and 161.75 MHz to communicate using repeater stations only when necessary to conduct Search and Rescue or emergency operations in designated states.

C. Section 74.402 would be modified by adding a new paragraph (f) to alert RPU broadcast station operators Coast Guard operation on 161.7 and 161.75 MHz.

Procedural Matters

14. The proposed amendments to Parts 2 and 74 rules as set forth in the appendix are issued pursuant to the authority contained in Sections 4(i) and 303(c), (h) and (r) of the Communications Act of 1934, as amended.

15. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceedings. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation, on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of these Commission procedures governing *ex parte* presentations in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554.

16. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, the Commission issues the following initial regulatory flexibility analysis:

I. *Reason for action:* This proceeding is in response to a request for rule making requesting additional frequencies for communicating between the United States Coast Guard and certain vessels for safety and liaison requirements.

II. *The objectives:* The Commission desires comments on this proposal to provide shared use of 161.7 and 161.75 MHz by the Coast Guard. The frequencies are presently used by remote pickup broadcast stations.

III. *Legal basis:* The action proposed is in furtherance of Sections 4(i), and 303(c), 303(h), and 303(r) of the Communications Act of 1934, as amended, which permits the Commission to make such rules and regulations, not inconsistent with law, as may be necessary in the execution of its functions in the public interest.

IV. *Descriptions, potential impact and number of small entities affected:* The rulemaking action contained herein does not propose any change to the present use of the frequencies by existing users except to provide for additional share usage of the spectrum. If operation during an emergency requires priority usage by Coast Guard, the impact on affected entities could be greater. Over 8000 licensees are authorized to use broadcast remote pickup units in the band proposed for sharing with the Coast Guard. Affected parties are invited to submit comments if they perceive an economic impact resulting from the shared usage.

V. *Recording, record-keeping and other compliance requirements:* No additional requirements would be imposed if proposed rule changes are adopted.

VI. *Federal rules which overlap, duplicate or conflict with these proposed rules:* None.

VII. *Any significant alternatives minimizing impact on small entities and consistent with the stated objective:* The frequencies in question are allocated by the international Radio Regulations for paired operation and the assignment of alternate spectrum is not appropriate.

In accordance with the requirements of *The Regulatory Flexibility Act of 1980,* Pub. L. 96–354, 19 September 1980, Section 603(a), the Secretary is directed to transmit a copy of the initial analysis to the Chief Counsel for Advocacy of the Small Business Administration.

17. Pursuant to applicable procedures set forth in §1.415 of the Commission's Rules, interested persons may file comments on or before July 5, 1983 and reply comments on or before August 3, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source fo such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

18. In accordance with the provisions of §1.419 of the Commission's Rules, an original and 5 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C. For further information concerning this proceeding, contact Sam Tropea (202) 653–8162.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 2 and 74 of Chapter I of Title 47 of the Code of Federal Regulations are proposed to be amended, as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106, Columns 5, 6, 10 and 11 of the allocation table for the band

157.1875 to 162.0125 MHz are amended to reflect the revision to Footnote US 214 and addition of new footnote US 289 to read as follows:

§ 2.106 Table of frequency allocations.

Band (MHz)	Allocation	Band (MHz)	Frequency (MHz)	Nature of services of stations
5	8	7	10	11
157.1675–162.0125	NG			
	(US 77)			
	(US 200)	161.625–		Remote pickup broadcast base; Remote pickup broadcast mobile (NG 6) (NG 26).
	(US 214)	161.775		
	(US 223)			
	(US 289)			
	(NG 111)			
	(NG 124)			
			161.700	US Coast Guard Liaison.
			161.750	US Coast Guard SAR.

U.S. FOOTNOTES

* * * * *

US 214—The frequency 157.1 MHz is the primary frequency for liaison communications between ship stations and stations of the United States Coast Guard. Only when liaison communications are necessary with foreign vessels not equippped to transmit and receive on 157.1 MHz, Coast Guard stations may operate on the paired frequencies 157.1 MHz and 161.7 MHz when receiving and transmitting, respectively. Paired operation is limited to Coast Guard stations located around United States port areas at Boston, Portland, New York, Delaware Bay, Miami, Mobile, Alabama, Mobile Bay, New Orleans, San Diego, Los Angeles, San Francisco, Seattle, Puget Sound, and Valdez, Alaska and shall use only such power and antenna parameters necessary, and all technological and operational techniques available to promote compatibility with remote pickup broadcast stations. Coast Guard use of 161.7 MHz of an operational or support nature shall be secondary to key broadcast stations using the Emergency Broadcasting System during operation for emergency broadcast purposes.

US 289–United States Coast Guard repeater stations engaged in Search and Rescue and emergency type operations may operate on the paired frequencies 157.15 MHz and 161.75 MHz. Operation is limited to repeater stations operating within the states of Alabama, Arkansas, Colorado, Indiana, Iowa, Illinois, Kentucky, Kansas, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Ohio, Pennsylvania, South Dakota, Tennessee, West Virginia, Wisconsin and Wyoming. Operations shall use only such power and antenna parameters necessary and all technological and operational techniques available to promote compatibility with remote pickup broadcast stations. Coast Guard use of 161.75 MHz of an operational or support nature shall be secondary to key broadcast stations using the Emergency Broadcasting System during operation for emergency broadcasting purposes.

PART 74—EXPERIMENTAL AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. In § 74.402 a new paragraph (f) is added as follows:

§ 74.402 Frequency assignment.

* * * * *

(f) Remote pickup broadcast stations utilizing Group K_2 frequency assignments share operation between 161.64 and 161.76 MHz with certain United States Coast Guard operations on 161.7 and 161.75 MHz provided for under § 2.106, US Footnotes 214 and 289. Coast Guard operations shall use only such power and antenna parameters necessary and all technological and operational techniques available to promote compatibility with remote pickup broadcast stations.

Separate Statement of Commissioner Mimi Weyforth Dawson re: U.S. Coast Guard VHF Sharing Proposal

My vote for adoption of this *Notice* was made with deep concern over the possible sharing of two emergency systems.

The *Notice* lists 21 states where the Coast Guard would use 161.75 MHz for Search and Rescue missions and other emergency operations. Then, paragraph 9 of the *Notice* indicates that key broadcast stations in the Emergency Broadcast System have remote pickup units authorized in the subject VHF band. What would be the result of an EBS alert occurring during a vital Coast Guard Search and Rescue operation? How could the Coast Guard know EBS units were in a given area since each use portable or mobile transmitters?

I would hope we would receive a great deal of input from FEMA and the NIAC on this as to their assessment of the feasibility of this proposal. Unless precise and persuasive response is made to show that these two emergency operations can be made compatible, I will not support adoption of the proposed sharing arrangements.

[FR Doc. 83–14113 Filed 6–2–83; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[Docket No. 20735; RM–1974; RM–2655]

Changes in the Rules Relating to Noncommercial, Educational FM Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of comment/reply comment period.

SUMMARY: The time for filing comments and reply comments in this proceeding concerning noncommerical, educational FM broadcast Stations is being extended by approximately 1⅛ months. This action is necessary due to delays encountered by certain participants in this proceeding in developing technical information on the efficacy of vertical polarization of FM broadcast antennas in reducing interference to the reception of Channel 6 TV stations. This extension of time is intended to afford these participants the time necessary to complete their studies.

DATES: Comments are due on July 22, 1983. Reply comments are due on September 2, 1983.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: James E. McNally, Jr., Mass Media Bureau, Technical and International Branch (202) 632–9660.

By the Chief, Policy and Rules Division.

Order Extending Time for Filing Comments and Reply Comments

In the matter of changes in the rules relating to noncommercial, educational FM broadcast stations; Docket No. 20735, RM–1974, RM–2655.

Adopted: May 19, 1983
Released: May 24, 1983.

1. On May 23, 1982, the Commission adopted a *Second Further Notice of Proposed Rule Making* (*Second Further Notice*) in the above-entitled matter which was released on May 26, 1982 and published in the **Federal Register** (47 FR 24144) on June 3, 1982. By subsequent Orders, the time for filing comments and reply comments was extended to June 6, 1983, and July 21, 1983, respectively.

2. On April 26, 1983, the Commission received a "Request For Extension of Time" to file comments in this proceeding by National Public Radio, the National Associaton of Broadcasters, the Association of

Maximum Service Telecasters, Taft Broadcasting Company, McGraw-Hill Broadcasting Company, Capital Cities Communications, Inc. and Storer Broadcasting Company (Petitioners). A 1½ month extension of the comment and reply comment period is requested. Petitioners have experienced some delays in conducting engineering studies and field tests concerning the efficacy of cross-polarization in alleviating interference to the reception of Channel 6 TV stations These tests are being conducted jointly by parties having an adversary relationship in this proceeding. If a consensus can be reached that using only vertical polarization at noncommercial, educatonal FM stations reduces interference to TV Channel 6 reception, the resolution of this proceeding will be facilitated. Even in the absence of a consensus, the information being developed is likely to prove useful in the resolution of this proceeding. Accordingly, we believe the extenson of time requested by the petitioners should be granted.

3. Accordingly, it is Ordered that the time for filing comments and reply comments in Docket No. 20735 is extended to July 22, 1983, and September 2, 1983, respectively.

4. This action is taken pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.283 of the Commission's Rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-14901 Filed 6-2-83; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 94

[PR Docket No. 83-426; FCC 83-172]

Private Carrier Systems in the Private Operational-Fixed Microwave Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to authorize private carriers under Part 94 of the FCC Rules and Regulations. Under this proposal, private operational-fixed microwave licensees would be authorized to provide communications service on a commercial basis to eligibles in the Private Operational-Fixed Microwave Service. This document also proposes to relax the record keeping requirements for cooperatively shared private microwave systems. The Commission has proposed these changes to enhance the communications options available to eligibles in the Private Radio Services and to promote more efficient use of the radio spectrum.

DATES: Comments are due by July 18, 1983 and replies by August 17, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C., 20554.

FOR FURTHER INFORMATION CONTACT: Eugene C. Bowler or Frederick J. Day, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 94

Private Operational-Fixed Microwave Radio Service, Cooperative use of radio facilities, Private carriers.

Proposed Rule Making

In the matter of amendment of Part 94 of the Commission's rules and regulations to authorize private carrier systems in the Private Operational-Fixed Microwave Radio Service.

Adopted: April 27, 1983.
Released: May 17, 1983.

By the Commission: Commissioner Jones absent.

Summary

1. The Commission commenced its proceeding in Docket No. 19309 [1] in 1971 to consider methods of enhancing the sharing of private microwave communications facilities and systems. In an accompanying Order we have terminated that proceeding because of the staleness of the comments and because we intend to use this proceeding as the vehicle for exploring this matter more thoroughly. Under the rules being herein proposed, we would authorize the expanded shared use of private microwave facilities by licensing persons eligible under Part 94 of our rules [2] to offer service to other Part 94 eligibiles on a for-profit, private carrier basis.[3] We also propose to adopt rules which would simplify our cooperative sharing and joint use rules in the Private Operational-Fixed Microwave Radio Service.[4]

Background

2. Since the 1950's the Commission has allowed eligibles in the private microwave service to share their systems on a non-profit, cooperative basis. In reviewing this matter in 1966, in Docket No. 16218, the Commission stated that the sharing of microwave facilities by private service eligibles had served the public interest by enabling eligibles to obtain the benefits of microwave communications which might not have otherwise been possible for them.[5] It also concluded that joint use of private facilities results in the fuller and more efficient utilization of microwave systems; that joint use generally conserves frequency spectrum and antenna sites; and that the attendant economics of joint use enable more users to obtain the benefits of microwave radio service than would otherwise be the case.[6] While the Commission considered the prospect of third party licensing in Docket No. 16218, it ultimately did not adopt such an approach. Thus, under our microwave sharing rules as they now exist, a licensee in the private microwave service may not profit by sharing the system with other eligibles.[7] In this rule making, we are proposing ways in which joint use of facilities might be expanded including, specifically, the authorization of private carrier microwave systems to permit licensees to profit from providing a communications service to others. Further, should the Commission ultimately authorize private microwave carriers, it is proposing substantially to simplify the cooperative use record keeping requirements.

Private Carriers

3. One of the major areas which Docket No. 19309 sought to explore was the licensing of third parties to provide communications service to Part 94 eligibles on a commercial basis. In

---

[1] *Memorandum Opinion and Order, Notice of Inquiry, and Notice of Proposed Rule Making,* Docket No. 19309, 31 FCC 2d 766 (1971).

[2] 47 CFR Part 94. Part 94 of the Commission's Rules governs the licensing and operation of private operational-fixed microwave systems, in frequency bands at 928-929 MHz and above 952 MHz. Eligibility in Part 94 is limited to persons qualified for licensing in a radio service under either Part 81 (Stations on Land in the Maritime Service and Alaska-Public Fixed Stations); Part 87 (Aviation Services); or Part 90 (Private Land Mobile Radio Services) See § 94.5 of the Commission's Rules (47 CFR 94.5).

[3] For a discussion of private carriers see *NARUC v. FCC,* 525 F.2d 630 (1976); *cert. denied,* 425 U.S. 992 (1976).

[4] Pending final action in this matter we will continue the policy we adopted in Docket No. 19309. We will not authorize Stage III cooperatives in the Private Operational-Fixed Microwave Service pending the outcome of this proceeding (See Order in Docket 19309 for a description of Stage III cooperatives).

[5] *Cooperative Sharing of Operational Fixed Stations, Report and Order,* Docket No. 16218, FCC 66-640, 4 FCC 2d 406, 416-17 (1966).

[6] *Id.* at 417.

[7] Cooperative sharing is permitted on a (1) no-cost basis, (2) on a costshared basis or (3) on a reciprical use basis. See 47 CFR § 94.17.

recent years, subsequent to the receipt of comments in Docket No. 19309, the Commission has found that the establishment of a private carrier category of eligibility within the private services promotes the public interest by enhancing the options by which private service eligibles can satisfy their communications needs. Thus, in 1974 the Commission authorized private carrier SMR systems in Docket No. 18262 for the 800 NHz private land mobile spectrum [8]; and, in 1982 the Commission authorized private carrier paging systems at 900 MHz.[9] Moreover, in the recently adopted amendments to the Communications Act, the Congress affirmed the public interest in the concept of licensing entrepreneurs as private carriers to enhance the communications sources available to private service eligibles.[10]

4. While the comments submitted in Docket No. 19309 on this matter evidenced no great need for private microwave carriers, these comments are quite old.[11] In the intervening eleven years since public input was received, much in the communications industry has changed. From more recent expressions received from licensees of private microwave systems, we believe there is significant interest in having the Commission authorize entities in the Private Operational-Fixed Microwave Service to offer communications service to other Part 94 eligibles on a commercial basis, particularly through the sale of excess system capacity. Moreover, authorization of private carriers could serve somewhat to alleviate the growing need for microwave paths which the expanding use of data transmission technology necessitates.

5. The Commission's objectives in regulating the private radio services include providing a maximum number of ways under which a maximum number of qualified persons may, at the earliest date possible, with the least administrative delay and under minimum procedural restraints, provide themselves with the means of radio communications they may require to enable them to conduct their affairs in an efficient and effective manner.[12]

6. Moreover, in many on-going proceedings the Commission has recognized the public interest in allowing licensees of spectrum to maximize use of their authorized systems. Thus, in the Commission's proceeding in Docket No. 81-741 it has amended its broadcast rules to permit TV broadcast spectrum authorized to them. The Commission concluded this additional use of authorized spectrum was feasible and that there was no reason why licensees should not be permitted to profit from the offering of this service to persons who needed it and were willing to pay for it. A somewhat analogous approach is to be found in the Commission's proceeding in Docket No. 21323 dealing with the use of subcarrier frequencies in the aural baseband of television transmitters. Again, our objective is to enhance efficient and effective spectrum use in the public interest. Yet other examples of this approach to the maximization of spectrum utilization are enhanced use of SCA's which broadcast licensees can offer, and the proceeding in Docket 81-794 in which Broadcast Auxiliary microwave station licensees were permitted to offer excess capacity on a private carrier basis.[13]

7. The objective of maximizing efficient and effective use of radio spectrum by the public is a statutory mandate for the Commission. See 47 and Sections 151 and 303(g). It can be accomplished by the authorization of private carrier microwave systems. There are many existing private microwave systems with some excess capacity. Allowing the licensees of these systems to sell their excess capacity as private carriers would increase incentives towards enhanced use of this spectrum, while at the same time offering other private service eligibles enhanced opportunity to employ microwave in the public interest. It would also promote the efficient and effective use of spectrum by obviating the necessity to build wasteful parallel microwave systems. Also, it has the potential for enhanced use of this spectrum by small business entities who have, to date, lacked the financial means to build their own microwave systems.

8. As we have already pointed out, one of this Commission's regulatory mandates is to encourage the larger and more effective use of radio in the public interest. Enhanced use of radio not only improves the operations of the licensees employing these communications systems, but also the public interest at large, since these licensees are able to serve the public in a more efficient and effective manner through the use of radio. Moreover, as we have long recognized, the joint or shared use of facilities results in their fuller and more efficient use, and conserves spectrum and antenna sites.

9. The Commission's legal authority to permit private carrier operation has been clearly established. See *NARUC* v. *FCC, supra* (NARUC I). Like the private carrier SMRS systems addressed by the Court in NARUC I, private carrier microwave licensees will be likely to establish "medium-to-long-term contractual relations" with a relatively stable clientele. 525 F. 2d at 643. The private operator is also likely to tailor its offerings based on the "personal and operational compatibility of a given applicant" vis-a-vis other users already on the system. *Id.* This characteristic of the somewhat limited potential of shared use of microwave was clearly recognized in Docket No. 16216 where we noted that joint use of these systems is feasible between two or more persons only if they have communications needs along substantially the same route.[14]

10. While we would not confine the authorization of private carrier systems to existing licensees with communications requirements of their own, we would only authorize such private carrier systems to serve Part 94 eligibles. These licensees would be responsible for assuring that all operations conducted by the persons to whom they provided service were in strict compliance with the Commission's rules and with the Communications Act.

11. Should such an approach be adopted, we also believe it should be accompanied by a relaxation of the record keeping burdens which govern cooperative use in the microwave service. Since a licensee could elect to operate either as a cooperative or as a private carrier, it would appear unnecessary to impose rigorous record keeping burdens on cooperatives or to constrain the ways in which private

---

[8] *Land Mobile Radio Services, Second Report & Order*, Docket No. 18262, 46 FCC 2d 752 (1974); *reconsidered, Memorandum Opinion and Order*, Docket No. 18262, 51 FCC 2d 945 (1975); on appeal *sub nom. NARUC* v. *FCC*, 525 F. 2d 630 (D.C. Cir. 1976); *cert. denied*, 425 U.S. 992 (1976).

[9] *Second Report & Order*, Gen. Docket No. 80-183, FCC 82-339, adopted July 22, 1982, released August 20, 1982.

[10] Communications Amendments Act of 1982, Pub. L. 97-259, 96 Stat. 1087 (September 13, 1982).

[11] Comments in Docket No. 19309 closed in October 1971.

[12] See 46 FCC 2d at 766.

[13] See, for example, *Report and Order* in Docket No. 81-741, adopted March 31, 1983, —— FCC 2d ——, and *Report and order* in docket 81-794, adopted April 7, 1983, —— FCC 2d ——. These analogous proceedings are also addressing potential common carriage issues which do not arise here; we are only proposing to allow private service eligibles to use the frequencies for the purposes described herein.

[14] 4 FCC 2d at 415, 417. See also *Computer and Communications Ind. Assn. v. FCC*, 693 F. 2d 198 (D.C. Cir. 1982), Petition for cert. filed, 51 U.S. Law Week 3614 (U.S. Feb. 9, 1983) *et alii*.

services eligibles elect to share their costs. Also it would appear unnecessary to confine non profit arrangements to Stage I cooperatives. Consequently, we are also proposing modifying our cooperative sharing rules.

12. Finally, we are proposing rules specifically to govern multiple licensing of facilities in the private microwave service.

Public Interest Considerations

13. As noted, we are proposing that licensees in the Private Operational-Fixed Microwave Service be permitted to make excess capacity on these systems available for the use of others, on a for-profit basis. Such capacity exists, and is currently unused. Thus, it is clear that the proposed approach will contribute to attainment of the statutory goals of promoting the development of "rapid, efficient" service (Section 1 of the Act) and encouragement of the "larger and more effective use of radio" (Section 303(g) of the Act). However, a concomitant consideration which is relevant is the potential that such capacity might be used as an alternative to facilities of local telephone common carriers (e.g., exchange facilities and relatively short-haul toll facilities).

14. In our recent *Third Report and Order* in CC Docket No. 78–72, Phase I, FCC 82–579, released February 28, 1983 ("*Access Charge* order"), we acknowledged the comments of many parties that existing interstate telephone rates, including an exchange access component, to some extent support local telephone rates. Availability of facilities which might bypass support mechanisms in the exchange access component potentially could adversely affect the level of telephone charges. We specifically did not embark upon the path of seeking to foreclose all bypass. We noted that, "Any attempt to insure continued support for local telephone service through the prohibition of bypass systems would lead to a stifling of innovation, and quite probably, to the transformation of the nation's telephone system—currently the best in the world—into an outmoded and technically inefficient system." Access Charge order, para. 363. Rather, our access charge rules are premised, in part, on minimizing the emergence of diseconomic bypass systems.

15. Our actions in *Access Charge* to minimize potential uneconomic bypass in large measure have relevance for systems yet to be constructed. A decision to construct transmission facilities that serve as an alternative to facilities of a local exchange carrier will necessarily involve consideration of whether alternative facilities are more cost effective than use of the facilities of such carrier. Whether a particular system is economic or diseconomic may not always be evident. At a minimum we have sought to avoid construction of alternative facilities because of the previous diseconomic pricing of local telephone facilities. The instant proceeding affects not only future systems, but also existing systems for which the costs, as compared with exchange carrier facilities, are not the same as when new construction of facilities is considered. In both circumstances, action to expand the public's use of private operational-fixed microwave facilities may affect utilization of local exchange carriers' facilities. Any substantial change in utilization, particularly by large users, could conceivably result in undue pressures on local exchange rates.

16. Our proposals herein might, to some extent, raise these concerns. The radio facilities here are potentially useful for exchange bypass, and while existing facilities would appear to represent the type of facilities which would be economical as compared with alternative local telephone facilities, wholly apart from the effects of access charges under the *Access Charge* order, we do not have specific information on this point or on the effects of the construction of pure private carrier facilities. In sum, while we are proposing in this Notice to permit the offering on a private-carrier for-profit basis of both excess and new capacity on private operational-fixed microwave facilities, we shall also weigh, in reaching a final decision in this proceeding, material effects which this proposal might have on attainment of our statutory goals of promoting "Nation-wide and world-wide * * * service with adequate facilities at reasonable charges * * *" (Section 1 of the Act). We invite comments on the relationship of our proposals in this proceeding to our overall regulatory scheme.[15]

Statement in Compliance With the Regulatory Flexibility Act

17. The proposed regulatory plan is designed to broaden the types of sharing arrangements which would be allowed in the private operational fixed microwave service. The plan is formulated under the provisions of Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

18. The rules being proposed should have little or no adverse effect on a significant number of small entities and should reduce the paperwork requirements under which cooperatives now operate. The rules, if adopted, would result in some minimal record keeping requirements on private carriers since licensees would have to keep information as to the persons operating on their systems and the arrangements under which they operate.

19. There are no federal rules which overlap, duplicate or conflict with these rules. There are no significant alternatives which would accomplish our stated objectives and at the same time promote our objective of enhancing the opportunities of small businesses to use microwave. Also, the status quo, in our view, represents a continuing burden.

20. For purposes of this non-restricted notice and comment rule making, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of the presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

[15] It might be noted that, to some extent, certain existing common carrier services, *e.g.* cellular mobile radio and DTS, similarly may have some utility as exchange bypass media. The Access Charge order itself acknowledged the existence of exchange bypass media such as these, and for that reason we adopted an economic pricing approach. What may be somewhat different in the proposals in this proceeding is that the services which might be offered pursuant to our proposals in this Notice would be fully unregulated, on a private carrier SMRS-like, for-profit basis.

21. This action is taken pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Interested persons may file comments on both aspects of this proposal on or before July 18, 1983, and reply comments on or before August 17, 1983. All relevant and timely comments filed in accordance with §§ 1.415 and 1.419 of our Rules and Regulations (47 CFR 1.415 and 1.419) will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in its final decision.

22. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy of their comments without regard to form (as long as the docket number is clearly stated in the heading). All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

23. It is further ordered, That the Secretary shall cause a copy of this decision to be published in the **Federal Register** and shall transmit a copy of the initial Regulatory Flexibility Act analysis to the Chief Counsel for Advocacy of the Small Business Administration.

24. For further information concerning this rule making contact Eugene C. Bowler or Frederick Day of the Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C. (202) 634–2443.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 94—[AMENDED]

Part 94 of the Commission's Rules and Regulations is proposed to be amended as follows:

1. Section 94.3 is amended by the addition of the term private carrier in alphabetical order to the list of definitions, to read as follows:

§ 94.3 Definitions.

* * * * *

Private carrier. An entity licensed in the private services and authorized to provide communications service to other private service eligibles on a commercial basis.

* * * * *

2. Section 94.5 is revised to read as follows:

§ 94.5 Eligibility.

Any person, or any governmental entity or agency eligible for licensing in a radio service under Parts 81, 87, or 90 for private operational-fixed communications related to activities for which licensing is available in such service, or any person proposing to provide communications service to such persons is eligible to hold a license under this part.

3. Section 94.9(a) is revised to read as follows:

§ 94.9 Permissibility of communications.

(a) Stations in this radio service are authorized to transmit:

(1) The licensee's own communications.

(2) The communications of the licensee's parent corporation, of another subsidiary of the same parent, or its own subsidiary where the party to be served is regularly engaged in any of the activities which constitute the basis for eligibility to use the frequencies assigned.

(3) The communications of other parties in accordance with § 94.17.

(4) Emergency communications unrelated to the licensee's activities in accordance with § 94.11.

* * * * *

4. Section 94.17 is revised to read as follows:

§ 94.17 Shared use of radio stations.

Licensees of radio stations authorized under this part may share the use of their facilities on either a non-profit or a commercial basis, subject to the following conditions and limitations:

(a) Sharing of radio systems may occur only on frequencies for which all participants separately would be eligible for assignment.

(b) The licensee must maintain access to and control over all facilities authorized under its license.

(c) All sharing arrangements must be conducted pursuant to a written agreement to be kept as part of the station records.

(d) The licensee must keep an up-to-date list of system sharers and the basis of their eligibility under Part 94. Such records must be kept current and must be made available upon request for inspection by the Commission.

5. A new § 94.19 is added to the rules to read as follows:

§ 94.19 Multiple licensing of radio transmitting equipment in the operational-fixed microwave radio service.

Two or more persons eligible for licensing under this rule part may use the same transmitting equipment under the following terms and conditions:

(a) Each license complies with the general operating requirements set out in Subpart D of this part.

(b) Each licensee is eligible for the frequency(ies) on which the facility operates.

(c) Each licensee must have the ability to access the transmitter for which the licensee is authorized.

[FR Doc. 83–14699 Filed 6–2–83; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 96

[General Docket No. 83–26, RM 4121]

Rules to Create a New Citizens Band Land Mobile Private Radio Communications Service in the 896–902 MHz and 937–941 MHz Bands; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: This Order extends the time periods in which to file comments and reply comments in response to the *Notice of Proposed Rule Making* in this proceeding concerning creation of additional private radio service. These periods have been extended in order to provide additional time for comments and reply comments by the Personal Radio Steering Group and others expected to be generated by a "working seminar" on the proposal in this proceeding.

DATES: Comments may now be filed on or before July 15, 1983, and replies on or before September 6, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau, Special Services Division, Washington, D.C. 20554, (202) 632–4964.

Order

In the matter of creation of an additional private radio service; General Docket No. 83–26, RM–4121.

Adopted: May 16, 1983.
Released: May 18, 1983.

By the Chief, Private Radio Bureau.

1. On January 20, 1983, the Commission adopted a *Notice of Proposed Rule Making*, 48 FR 12228 (March 23, 1983), instituting this proceeding to determine whether an additional Private Radio service should be created. The Notice indicated that comments would be accepted on or before June 10, 1983, and reply comments would be accepted on or before July 11, 1983.

2. On April 22, 1983, the Personal Radio Steering Group (PRSG), an organization representing approximately 4,000 licensees and users of the General Mobile Radio Service (GMRS), filed a *Petition to Extend the Time Periods for Submitting Comments and Replies* in this proceeding. The *Petition* requested that the comment period be extended through September 15, 1983, and that the reply comment period be extended through a date "at least sixty days following the close of comments."

3. The request was made in order to accommodate comments by PRSG and others generated by a two-day PRSG-affiliated "working seminar" on this proposal to be held in conjunction with the REACT International, Inc. Convention in Wichita, Kansas on July 29, and 30, 1983.

4. Because it will best conduce to the proper dispatch business and to the ends of justice, we will partially grant PRSG's *Petition* to extend the comment and reply periods. However, it does not appear that it is necessary to lengthen the comment and reply periods to the extent requested by PRSG. We believe a comment deadline of July 15, 1983 and a reply comment deadline of September 6, 1983, would afford those attending the two-day workshop sufficient opportunity to file comments as they prepare for it and to file reply comments after it has taken place.

5. Accordingly, pursuant to Sections 4(i) and (j), 302 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and (j), 302 and 303, and pursuant to §§ 0.131 and 0.331 of the Commission's Rules, 47 CFR 0.131 and 0.331, the Personal Radio Steering Group's *Petition to Extend the Time Period for Submitting Comments and Replies* in this proceeding is granted in part to the extent discussed above.

6. Interested persons may file comments in this proceeding on or before July 15, 1983, and reply comments on or before September 6, 1983.

7. For further information about this proceeding contact John J. Borkowski, (202) 632–4964, Personal Radio Branch, Special Service Division, Private Radio Bureau, FCC Washington, D.C. 20554.

Federal Communications Commission.

James C. McKinney,

Chief, Private Radio Bureau.

[FR Doc. 83–14000 Filed 6–2–83; 8:45 am]

BILLING CODE 6712 -01-M

---

47 CFR Part 97

[PR Docket No. 83–485; FCC 83–219; RM–4231]

Amendment of Amateur Radio Service Rules To Make Additional Frequencies Available for Repeater Operation

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: The Commission proposes to amend the Amateur Radio Service Rules, Part 97, to make additional Amateur Radio Service Frequencies available for repeater operation. The amendment is intended to eliminate congestion on the frequencies currently authorized or repeater operation in the 28.0–29.7 MHz band.

DATES: Comments are due July 25, 1983, and reply comments are due August 24, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James D. McGrath, Private Radio Bureau, Washington D.C. 20554, (202) 632–4964.

List of Subjects in 47 CFR Part 97

Radio.

Notice of Proposed Rule Making

In the matter of amendment of the Amateur Radio service rules, Part 97, to make additional frequencies available for repeater operation; PR Docket No. 83–485, RM–4231.

Adopted: May 12, 1983.
Released: May 23, 1983.

By the Commission.

1. Notice of Proposed Rule Making in the above-captioned matter is hereby given.

2. A petition for rule making has been submitted by Beryl Gosney of Oak Harbor, Washington and was received by the Commission on October 29, 1982. This petition requests that additional Amateur Radio Service frequencies be made available for repeater operation in the 10 meter band.[1] Specifically, petitioner requests that the current 29.5–29.7 MHz segment authorized for repeater use be expanded to include the frequencies 29.0–29.5 MHz. This would increase the number of available "channels" for repeater operation from approximately 4 to 17.[2]

3. The petitioner, in support of the need for additional frequencies, stated:

(a) The frequencies currently assigned for repeater operation in the ten meter band have become "inadequate" with "severe congestion" being experienced.

(b) The recent addition by commercial manufacturers of FM to their amateur radio circuit designs has caused a surge of interest in FM communications on 10 meters.

(c) Citizens band radios from yesteryear which, for a few dollars have been converted to 10 meter FM have contributed significantly to the growth seen here.

4. There may be merit in the petitioner's request to make additional Amateur Radio Service frequencies available for repeater operation. We are therefore proposing to authorize for repeater operation the additional frequencies the petitioner requested. We are interested in receiving information on the need for the proposed repeater subband expansion, the impact of the expansion on existing and future repeater and non-repeater operation and whether that impact is acceptable to the amateur community.[3]

5. Notice is hereby given that it is proposed to amend 47 CFR Part 97 in accordance with the proposed rules set forth in the attached Appendix.

6. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is

---

[1] The frequencies between 28.0–29.7 MHz are commonly referred to in the amateur community as the 10 meter band.

[2] We note that most repeater operations in this band use a 20 kHz spacing between channels. Commonly accepted band plans also provide for one simplex channel and small guard bands in the segments currently authorized.

[3] In our Further Notice of Proposed Rule Making in PR Docket 82–63 we proposed to expand the telephone segment of the 10 meter band to 28.3 MHz, which could offset most of the loss of frequencies to non-repeater operation.

issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Office, FCC Washington, D.C. 20554, (202) 632–7000.

7. Authority for issuance of this Notice is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before July 25, 1983, and reply comments on or before August 24, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

8. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. Each set of comments must state on its face the proceeding to which it relates (PR Docket Number) and should be submitted to: The secretary, Federal Communications Commission, Washington, DC 20554. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

9. The Commission has determined that Section 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding since this proposal would simply allow the use of additional Amateur Radio Service frequencies for repeater operation. No amateur radio licensees would be compelled to purchase new radio equipment. Consequently, there would be no significant economic impact on a substantial number of small entities.

10. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this Notice to be published in the Federal Register.

11. For further information on this proceeding, contact James D. McGrath, Federal communications Commission, Private Radio Bureau, Washington, D.C. 20554, (202) 632–4964.

Federal Communications Commission.
(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

William J. Tricarico,
Secretary.

Appendix

PART 97—[AMENDED]

It is proposed that Part 97 of the Commission's Rules, 47 CFR Part 97, be amended as follows:

Section 97.61 paragraph (c) would be revised to read as follows:

§ 97.61 Authorized frequencies and emissions.

* * * * *

(c) All amateur frequency bands above 29.0 MHz are available for repeater operation, except 50.0–52.0 MHz, 144.0–144.5 MHz, 145.5–146.0MHz, 220.0–220.5MHz, 431.0–433.0MHz, and 435.0–438.0MHz. Both the input (receiving) and output (Transmitting) frequencies of a station in repeater operation shall be frequencies available for repeater operation.

* * * * *

[FR Doc. 83-14991 Filed 6-3-83; 8:45 am]
BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 108
Friday, June 3, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Land and Resource Management Plans; Revision of Notices of Intent to Prepare Enviromental Impact Statements on Eleven National Forests in the Eastern Region

The Department of Agriculture, Forest Service, is preparing environmental impact statements on the proposed Land and Resource Management Plans for the National Forest in the Eastern Region. The scope of issues to be analyzed in depth, for 11 National Forests, is hereby revised to include further evaluation of roadless areas previously analyzed in the second roadless area review and evaluation (RARE II) and in approved National Forest Unit Plans. The National Forests, along with the **Federal Register** citation in which the original notice of intent appears, are as follows:

Allegheny National Forest, Vol. 26, No. 12, p. 5029, Monday, January 19, 1981.
Chequamegon National Forest, Vol. 44, No. 198, p. 58769, Thursday, October 11, 1979.
Chippewa National Forest, Vol. 45, No. 109, p. 37711, Wednesday, June 4, 1980.
Green Mountain National Forest, Vol. 46, No. 34, p. 13246, Friday, February 20, 1981.
Hiawatha National Forest, Vol. 47, No. 4, p. 839, Thursday, January 7, 1982.
Huron-Manistee National Forest, Vol. 44, No. 239, p. 71441, Tuesday, December 11, 1979.
Nicolet National Forest, Vol. 47, No. 14, p. 3013, Thursday, January 21, 1982.
Ottawa National Forest, Vol. 45, No. 141, p. 48680, Monday, July 21, 1980.
Shawnee National Forest, Vol. 45, No. 141, p. 48680, Monday, July 21, 1980.
Superior National Forest, Vol. 44, No. 16, p. 4748, Tuesday, January 23, 1979.
White Mountain National Forest, Vol. 45, No. 64, p. 21322, Tuesday, April 1, 1980.

On February 1, 1983, the Secretary of Agriculture determined that further evaluation of RARE II roadless areas is necessary to respond to a recent court ruling that the environmental impact statement on which the 1979 roadless area decisions were based did not adequately meet National Environmental Policy Act requirements. Pending legislative change, the evaluation will be done during each Forest's land and resource management planning process. It will include made available for nonwilderness uses. Also included are several areas that were considered prior to RARE II in appproved Unit Plans of the White Mountain National Forest.

36 CFR Part 219 sets out the overall requirements for the Forest Planning Process. The present section 219.17 of this Part has had to be revised because its directions are now incompatible with the court ruling discussed above. A revision designed to remove those features incompatible with existing law was published on April 18, 1983, the the **Federal Register** Vol. 48, No. 75, p. 16505. Statutory time limits placed upon completion of the Forest Planning Process by Congress require that every possible effort be made to expedite each planning step. While it is not the intent of the Forest Service to take any steps involving final resource commitment until long after a revised rule compatible with existing law becomes final, respect for the time limitations discussed above requires that public participation in this planning aspect be initiated now, so as to facilitate early data collection and at least preliminary analysis. Federal, State and local agencies, special interest groups, organizations and individuals are invited to participate in the further evaluation of roadless areas. Information on each roadless area about its potential for designation as wilderness and for nonwilderness uses will now considered in order to determine the scope and detail of the further evaluation. Information on the scope of alternatives and impact will not be considered in the planning process until after a revised rule compatible with existing law becomes final.

The Forest Supervisors will solicit information from the public through various public participation activities that may be held the individual National Forests.

All other conditions of the original notices of intent remain the same.

Questions and comments on this Notice of Intent can be directed to the representatives listed in the original Notices of Intent

James L. Hagemeier,

Director of Planning, Programming and Budgeting.

[FR Doc. 83-14819 Filed 6-2-83; 8:45 am]
BILLING CODE 3410-11-M

Stanislaus National Forest, Summit Ranger District; Intent To Prepare an Environmental Impact Statement; Dodge Ridge Winter Sports Site, Tuolumne County, California

The USDA-Forest Service is starting an environmental analysis of the proposed expansion of the existing Dodge Ridge winter sports site in Tuolumne County, California. It is probable that the analysis will result in preparation and circulation of an environmental impact statement.

The range of alternatives to be considered will include the "no-action" (no expansion) alternative. Other alternatives will vary in terms of the ultimate size of the recreation development, ranging from 7,200 to 10,000 skiers at one time. Uphill facilities, ski runs and support facilities will be considered.

The alternative of providing similar apline skiing opportunities in different areas, other than Dodge Ridge, will not be considered at this time.

As an early step in the environmental analysis, Federal, State and local agencies, and other individuals and organizations who may be interested in or affected by the decision will be invited to participate in:

(a) Identification of the issues to be addressed in the analysis

(b) Identification of those issues to be analyzed in depth, and

(c) Elimination from detailed study the issues which are not significant, or which have been covered by prior environmental review.

To accomplish this, informal public meetings will be held at:

Forest Supervisor's Office, Wednesday, July 20, 1983, 7:30 p.m., Sonora, CA;
Dodge Ridge Ski Area, Saturday, July 23, 1983, 1:00 p.m., Pinecrest, CA.

For further information about the project, or the environmental analysis, contact:

Ed Rosenbaum, Project Coordinator, Summit Ranger District, Star Route, Box 1295, Sonora, CA 95370.

It is anticipated that the environmental analysis will require about 8 months. The draft environmental impact statement is scheduled for completion by June 1984. There will be a three month period for public review. Following this, a final environmental impact statement will be prepared and circulated, in approximately January 1985.

Written comments and suggestions concerning this analysis are encouraged. They should be sent to Herb Hahn, District Ranger, Summit Ranger District, Star Route, Box 1295, Sonora, CA 95370. To be of most assistance, they should be received by August 30, 1983.

Dated: May 23, 1983.

Blaine Cornell,

Forest Supervisor.

[FR Doc. 83-14977 Filed 6-2-83; 8:45 am]

BILLING CODE 3410-11-M

Routt National Forest Grazing Advisory Board Meeting

The Routt National Forest Grazing Advisory Board will meet July 19, 1983 at the Routt National Forest Supervisor's Office, Hunt Building, 137 10th Street, Steamboat Springs, Colorado. The board will leave at 9:00 a.m. to review cattle allotments on the Michigan-Illinois Rivers area of North Park.

Other business will include: (1) A short business meeting; (2) recommendations on the use of high elevation sheep allotments: (3) recommendations on the use of range betterment funds; (4) recommendations concerning the development of allotment management plans; (5) review the results of the 1978 introduction of moose on the Illinois-Owl Mountain cattle allotment.

The meeting will be open to the public. Persons who wish to attend and participate should notify Jim Webb, Routt National Forest (303-879-1722) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file a written statement following the meeting.

Jack Weissling,

Forest Supervisor.

May 27, 1983.

[FR Doc. 83-14775 Filed 6-2-83; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

East Fork of Big Creek Watershed, Supplement, Iowa, Missouri

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Supplement to the Work Plan for the East Fork of Big Creek Watershed, Harrison County, Missouri and Decatur County, Iowa.

FOR FURTHER INFORMATION CONTACT: Paul F. Larson, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65202, telephone 314/875-5214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul F. Larson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns supplemental measures, to a plan for flood control and watershed protection. The planned works of improvement include 111 floodwater retarding dams and 79 grade stabilization dams.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul. F. Larson.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Paul F. Larson,

State Conservationist.

May 24, 1983.

[FR Doc. 83-14776 Filed 6-2-83; 8:45 am]

BILLING CODE 3410-16-M

East Wenatchee Watershed Project, Washington; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the East Wenatchee Watershed Project, Douglas County, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn A. Brown, State Conservationist, Soil Conservation Service, Room 360 U.S. Courthouse, Spokane, Washington 99201; telephone 509-456-3711.

SUPPLEMENTARY INFORMATION: The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Lynn A. Brown, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection and flood damage reduction. The planned works of improvement include flood proofing the basements of eight homes, two trapezoidal open channel flood diversions and a pipeline that collects water from the diversions and main channel and outlets into the Columbia River.

The Finding of No Significant Impact (FONSI) has been forwarded to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Lynn A. Brown.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 24, 1983.

Lynn A. Brown,

State Conservationist.

[FR Doc. 83–14539 Filed 6–2–83; 8:45 am]

BILLING CODE 3410–16–M

Ninigret Park RC&D Measure, Rhode Island; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No. Significant Impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Par 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ninigret Park RC&D Measure, Washington County, Rhode Island.

FOR FURTHER INFORMATION CONTACT: Richard N. Duncan, State Conservationist, Soil Conservation Service, 46 Quaker Lane, West Warwick, Rhode Island, 02893, telephone (401) 828–1300.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Richard N. Duncan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This Measure concerns a plan to develop a 18.4 acre recreation area. The planned works of improvement include upgrading a beach, a picnic area with 15 tables and grills, parking area for 66 cars, a comfort station with running water, an ice skating warm-up shelter, recreational open space area, nature trail, upgrade 900 foot access road, tree planting, and seeding.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Richard N. Duncan.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.

Richard N. Duncan,

State Conservationist.

May 23, 1983.

[FR Doc. 83–14720 Filed 6–2–83; 8:45 am]

BILLING CODE 3410–16–M

Twin-Rush Creek Watershed, Indiana; Availability of Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

SUMMARY: Robert L. Eddleman, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of Indiana, is hereby providing notification that a record of decision to proceed with the installation of the Twin-Rush Creek Watershed project is available. Single copies of this record of decision may be obtained from Robert L. Eddleman at the address shown below.

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, State Conservationist, Soil Conservation Service, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone 317–248–4350.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Robert L. Eddleman,

State Conservationist.

[FR Doc. 83–14651 Filed 6–3–83; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

[Docket No. 40662]

Aero West Airlines; Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on June 8, 1983, at 10:00 a.m. (local time) in Room 1027, 1825 Connecticut Avenue, NW., Washington D.C. before the undersigned administrative law judge.

Dated at Washington, D.C., May 27, 1983.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 83–14980 Filed 6–2–83; 8:45 am]

BILLING CODE 6320–01–M

[Docket 41048]

Northeast Imperial Airlines; Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge Ronnie A. Yoder. Future communications should be addressed to him.

Dated at Washington, D.C., May 26, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83–14981 Filed 6–2–83; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 211]

Approval for Expansion of Foreign-Trade Zone No. 49, Newark/Elizabeth, New Jersey, Within the New York Customs Port of Entry

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Port Authority of New York and New Jersey, Grantee of Foreign-Trade Zone No. 49, has applied to the Board for authority to expand its general-purpose zone located in Newark and Elizabeth, New Jersey, to include the entire Port Newark/Elizabeth Port Authority Marine Terminal, except for a 124-acre parcel in the southwest corner of the 2,230-acre complex, within the New York Customs port of entry;

Whereas, the application was accepted for filing on January 11, 1982,

and notice inviting public comment was given in the Federal Register;

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the expansion is necessary to help the port authority fully serve the needs of firms using the marine terminal complex, including those involved in reexport operations; and,

Whereas, the Board has found that the requirements of the Foreign-Trade Zone Act, as amended, and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

That the Grantee is authorized to expand its zone in accordance with the application filed January 11, 1982, except for a 124-acre parcel withdrawn by the applicant in February 1983. The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations. The authority given in this Order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C. this 26th day of May 1983.

Lawrence J. Brady,

Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-14986 Filed 6-2-83; 8:45 am]

BILLING CODE 3510-25-M

[Order No. 210]

Resolution and Order Approving the Application of the Philadelphia Port Corporation for a Special-Purpose Subzone in Lansdale, Pennsylvania, Adjacent to the Philadelphia Customs Port of Entry.

Proceedings of the Foreign-Trade Zone Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Philadelphia Port Corporation, grantee of Foreign-Trade Zones 35, filed with the Foreign-Trade Zones Board (the Board) on October 26, 1982, requesting authority for a special-purpose subzone at the electronic automotive parts plant of the Ford Electronics and Refrigeration Corporation, Lansdale, Pennsylvania, adjacent to the Philadelphia Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority to Establish a Foreign-Trade Subzone in Lansdale, Pennsylvania, Adjacent to the Philadelphia Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when exisitng zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Philadelphia Port Corporation, grantee of Foreign-Trade Zone No. 35, has made application (filed October 26, 1982) in due and proper form to the Board requesting a special-purpose subzone at the electronic automotive products plant of the Ford Electronics and Refrigeration Corporation, located in Landsdale, Pennsylvania, adjacent to the Philadephia Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's reguations are satisfied;

Now, therefore, in accordance with the application filed October 26, 1982, the Board hereby authorizes the establishment of a subzone at the Lansdale, Pennsylvania electronic automotive components plant of the Ford Electronics and Refrigeration Corporation, designated on the records of the Board as Foreign-Trade Subzone No. 35A at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive officer or his delegate at Washington, D.C. this 26th day of May 1983 pursuant to Order of the Board.

Foreign-Trade Zones Board.

Lawrence J. Brady,

Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-14762 Filed 6-2-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Importers and Retailers' Textile Advisory Committee; Open Meeting

A meeting of the Importers and Retailers' Textile Advisory Committee will be held June 16, 1983, 10:30 a.m., Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C. The Committee was established by the Secretary of Commerce on August 13, 1963 to advise Department officials on the effects on import markets and retailing of cotton, wool, and man-made fiber textile agreements.

Agenda: Review of import trends, implementation of textile agreements, report on conditions in the domestic market, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Helen L. LeGrande (202) 377–3737.

Dated: May 27, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83–14805 Filed 6–2–83; 8:45 am]
BILLING CODE 3510–25–M

Minority Business Development Agency

Minority Business Development Center Program; Solicitation of Applications

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning October 1, 1983 in the Miami/Ft. Lauderdale, Florida SMSA. The cost of the project is estimated to be $770,000. The maximum Federal participation amount is $654,500. The minimum amount required for non-Federal participation is $115,500. The award number will be 04–10–83016–01.

Applicants shall be required to contribute at least 10% of the total program costs through non-Federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

DATE: Closing July 1, 1983.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street NE., Suite 505, Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT: Gordon Anderson/Karen Davis, Telephone (404) 881–3094.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to find projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to an about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by an MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*—provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—the organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)
—background credentials and references for the owners of the organization and a capability statement of what the organization can do.
—knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.
—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.
—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.
—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment 0 of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring

clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when, where work will be done and by whom. Include level of performance.

III. *Resources*—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order or priority: (1) Cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-Kind contribution*—represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV. *Costs*—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request of Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC) Organizations whose proposals are unsuccessful will advised by MBDA, DOC.

F. Proposal Instructions and Forms

This program is subject to OMB Circular A–95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A preapplication conference to assist all interested applicants will be held at the above address on June 17, 1983 at 1:00 p.m.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: May 25, 1983.

Stanley W. Tate,

Regional Director.

[FR Doc. 83-14823 Filed 6-2-83; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Sea Grant Review Panel; Meeting

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. The purpose of the meeting is to discuss the current posture and future outlook of the Sea Grant Program. A joint discussion will also be held with the Sea Grant Directors to discuss legislation, administrative changes, fiscal outlook, and the activities of the Review Panel Subgroups on Accountability and Responsibility, Research, Education, and Advisory Services.

DATE: The announced meeting is scheduled for three days, July 11, 12, and 13, 1983 as follows: July 11, 1983, 1:00–3:00 p.m.; July 12, 1983, 8:30 a.m.– 12:00 noon; and July 13, 1983, 8:30 a.m.– 12:00 noon.

ADDRESS: The meeting will be held at: San Antonio Marriott Hotel, 711 E. Riverwalk, San Antonio, Texas 78205 9982.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur G. Alexiou, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852 (301) 443–8894.

SUPPLEMENTAL INFORMATION: The Panel, which consists of balanced representation from academia, industry, state government, and citizens groups, was established in accordance with the Sea Grant Program Improvement Act of 1976, Pub. L. 94–461. This Act, signed into law on October 8, 1976, requires the Secretary of Commerce to establish and maintain a Sea Grant Review Panel to advise the Secretary, the Administrator of NOAA, and the Director of the Program on the conduct of this program.

The agenda for the meeting is:

Monday, July 11, 1983

1:00–3:00 p.m.—A. Discussion of current posture and nature of problems facing the Sea Grant Program

Tuesday, July 12, 1983

8:30 a.m.–12:00 noon—Discussion with Sea Grant Directors on:
- B. Legislation changes
- C. Administrative changes
- D. Fiscal changes
- E. Activities of Panel Subgroups on Accountability and Responsibility, Research, Education, and Advisory Services

Wednesday, July 13, 1983

8:30 a.m.–12:00 noon—F. Discussion on future plans of Subgroups.

The meeting will be open to the public.

Dated: May 25, 1983.

Francis J. Balint,

Chief, Information and Management Services Division.

[FR Doc. 83-14833 Filed 6-2-83; 8:45 am]

BILLING CODE 3510-12-M

Incidental Taking of Marine Mammals; Receipt of Application for General Permit

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. Fishery Conservation Zone, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the regulations thereunder.

1. The Atlantic Shelf Fisheries Company of Hampton, Virginia has applied for a Category 1: "Towed or Dragged Gear" general permit to incidentally take up to 10 (10) small cetaceans and ten (10) phocid seals in 1983.

The application is available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Interested parties may submit written views on the application within thirty (30) days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: May 27, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-14842 Filed 6-2-83; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENT

New Official of the Government of the Republic of the Philippines Authorized To Issue Export Visas and Exempt Certifications

May 31, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing a change in the officials of the Government of the Republic of the Philippines authorized to issue export visas and certifications for exempt cotton, wool and man-made fiber textile products from the Philippines.

SUMMARY: The Government of the Republic of the Philippines has notified the United States Government that Ms. Eden Malapad is authorized to issue export visas and certifications for exempt textile products exported to the United States, replacing Ms. Lucita P. Reyes, who will not longer issue these documents.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230; (202/377–4212).

SUPPLEMENTARY INFORMATION: On November 18, 1979, a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the **Federal Register** (44 FR 66005), which established a new export visa requirement and certification for exemption of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported to the United States. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of the Republic of the Philippines. The Government of the Republic of the Philippines has named a new official to issue these documents. A complete list of currently authorized officials is published as an enclosure to the letter to the Commissioner of Customs which follows this notice.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of November 21, 1979 from the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton, wool and man-made fiber textile products in designated categories for which the Government of the Republic of the Philippines had not issued an appropriate export visa or exempt certification.

Effective on June 6, 1983, the directive of November 21, 1979 is hereby further amended to include the name of Eden Malapad as one of the officials authorized by the Government of the Republic of the Philippines to issue export visas and exempt certifications, replacing Lucita P. Reyes, who will no longer issue these documents. A revised list of officials who are currently authorized to issue export visas and exempt certifications is enclosed.

The action taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton, wool and man-made fiber textile products from the Philippines has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Officials Authorized by the Government of the Republic of the Philippines to Issue Visas and Certifications for Exemption for Textile and Apparel Products Exported to the United States.

Asuncion B. Kalalo
Eden Malapad
Guillermo Parayno
Ramon R. Tayas

[FR Doc. 83-14906 Filed 6-2-83; 8:45 am]

BILLING CODE 3510-25-M

Solicitation of Public Comment on Bilateral Textile Consultations With Taiwan To Review Trade in Categories 315, 433, 444, 448 and 644

June 1, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: On April 6, 21, 25, and May 9, 1983 the American Institute in Taiwan requested consultations with the Coordination Council for North American Affairs concerning exports from Taiwan of Categories 315 (printcloth), 433 (Men's and boys' suit type coats), 444 (women's, girls' and infants' suits), 448 (women's girls', and infants' trousers), and 644 (women's girls' and infants' suits). These requests were made on the basis of the bilateral agreement of November 18, 1982, concerning trade in cotton, wool, and man-made fiber textiles and textile products.

SUMMARY: The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with Taiwan, the Committee for the Implementation of Texitle Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of textile products in Categories 315, 433, 444, 448 and 644, produced or manufactured in Taiwan and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

The Committee for the Implementation of Textile Agreements reserves the right under the Agreement to invoke import controls on these categories, as defined in the bilateral agreement concerning cotton, wool, and man-made fiber textile products from Taiwan.

Any party wishing to comment or provide data or information regarding the treatment of Categories 315, 433, 444, 448 and 644 under the bilateral agreement, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in these Categories is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements

[FR Doc. 83-15023 Filed 6-2-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

May 25, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on the Engineering and Service Role in the Employment of Air Power will meet at HQ TAC, Langley AFB, VA on June 28, 1983 and at HQ AFSC, Andrews AFB, DC on June 29–30, 1983. The purpose of the meeting will be to review AFSC and TAC prioritization of CE programs and problems. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-14928 Filed 6-2-83; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

Intergovernmental Advisory Council on Education; Hearing and Meeting

AGENCY: Intergovernmental Advisory Council on Education, Ed.

ACTION: Notice of hearing and meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a hearing and meeting of the Intergovernmental Advisory Council on Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: June 23–24, 1983.

ADDRESS:

June 23—College of Mount St. Joseph, 5701 Delhi Road, Mt. St. Joseph, Ohio 45051

June 24—Stouffer's—Cincinnati Towers, 141 West 6th Street, Cincinnati, Ohio 45202

FOR FURTHER INFORMATION CONTACT: Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C. 20202 (202) 472–6464.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education is established under Section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council is established to provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations pertaining to education.

The Intergovernmental Advisory Council on Education will conduct a Public Hearing on June 23, 1983. The hearing schedule is as follows:

9 a.m.–10:30 a.m.—Impact of Block Grant Programs
10:30–10:45 a.m.—Break
10:45–12 noon—The Federal Role in Education
12:00–2:00 p.m.—Lunch
2:00–4:00 p.m.—Tuition Tax Credits
4:00 p.m.—Press Conference

Individuals, organizations, and associations must *preregister* to speak at the June 23 hearing. To preregister, write or phone Ms. Laverne Johnson, Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C. 20202 (telephone—(202) 472–6464. (*Commenters will be limited to five (5) minutes.* Each speaker must provide written copies of his/her presentation. Those wishing only to submit comments may do so by mailing them to Ms. Johnson and they will be included in the official record of the hearing.)

The Intergovernmental Advisory Council on Education will meet on June 24. The meeting is open to the public and is scheduled from 9 a.m. to 3:30 p.m.

The proposed agenda includes:

Critique of Hearings
Discussion of Council Report
Discussion of Future Council Activities

Records are kept of all Council proceedings and are available for public inspection at the office of the Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C. 20202.

Signed at Washington, D.C., on Tuesday, May 31, 1983.

Wendy Borcherdt,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 83-14879 Filed 6-2-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

ARCO Oil and Gas Co., Division of Atlantic Richfield Company, et al.; Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

May 31, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene if filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft³	Pressure base
G-3694-013, D, May 9, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	United Gas Pipeline Company, Sibley Field, Webster County, Louisiana.	(1)	
G-3694-014, D, May 11, 1983	do	Tennessee Gas Pipeline Company, Mustang Island Field, Nueces County, Texas.	(2)	
G-6342-008, D, May 9, 1983	Conoco Inc., P. O. Box 2197, Houston, Texas 77252.	El Paso Natural Gas Company, State 10 No. 2 Well, Unit Letter E, Section 10-21S-37E, Monument Area, Lea County, New Mexico.	(3)	
G-6958-000, D, May 13, 1983	do	Montana-Dakota Utilities Company, Elk Basin Unit, Park County, Wyoming and Carbon County, Montana.	(4)	
G-6580-000, D, May 13, 1983	do	Montana-Dakota Utilities Company, South Elk Basin Unit Area (certain horizons only), Park County, Wyoming.	(5)	
G-10712-000, D, May 16, 1983	Northern Natural Gas Producing Company, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Northern Natural Gas Company, Hugoton Field, Finney and Grant Counties, Kansas.	[7]	
G-13098-000, D, May 12, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Northern Natural Gas Company, Mocane-Laverne Field, Beaver County, Oklahoma.	(8)	
G-14440-000, D, May 13, 1983	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Montana-Dakota Utilities Co., South Elk Basin Unit, Park County, Wyoming.	(9)	
G-14454-000, D, May 13, 1983	do	Montana-Dakota Utilities Co., South Elk Basin Unit, Park County, Wyoming.	(4)	
G-16117-000, D, May 9, 1983	Tenneco Oil Company, Operator & Agent for Terra Oil Company, P.O. Box 2511, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, Mocane-Laverne Field, Harper County, Oklahoma.	(7)	
G-16747-000, D, May 12, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	El Paso Natural Gas Company, Bisti Field, San Juan County, New Mexico.	(3)	
CI61-254-000, D, May 16, 1983	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Socony Mobil Oil Company, Inc., Holly Ridge Field, Tensas Parish, Louisiana.	(7)	
CI62-1120-000, D, May 16, 1983	Union Oil Company of California, Union Oil Center, P.O. Box 7600, Los Angeles, California 90051.	Transcontinental Gas Pipe Line Corporation, Block 35, Block, 23 Field, Block 48, Block 46 Field, South Marsh Island Area, Offshore Louisiana.	(10)	
CI65-1275-000, D, May 12, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Northwest Central Pipeline Corp. (formerly Cities Service Gas Company), South Bishop Field, Ellis County, Oklahoma.	(11)	
CI66-422-000, D, May 11, 1983	do	Michigan Wisconsin Pipeline Co., Boston Bayou Field, Vermilion Parish, Louisiana.	(12)	
CI66-1128-001, D, May 11, 1983	do	Northwest Central Pipeline Corp. (formerly Cities Service Gas Company), Bishop Area, Roger Mills County, Oklahoma.	(13)	
CI67-861-001, D, May 5, 1983	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Tennessee Gas Pipeline Company (formerly Tennessee Gas Transmission Company), Ship Shoal Block 144, Offshore Louisiana.	(14)	
CI67-864-000, D, May 13, 1983	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Oklahoma 74102.	Tennessee Gas Pipeline Company, Ship Shoal Block 144, Offshore Louisiana.	(14)	
CI68-156-002, C, May 16, 1983	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Natural Gas Pipeline Company of America, N. E. Custer City, Custer County, Oklahoma.	(15)	14.65
CI68-690-000, D, May 11, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Natural Gas Pipeline Company of America, Crittendon Field, Winkler County, Texas.	(15)	
CI68-1302-001, C, May 12, 1983	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Michigan Wisconsin Pipe Line Company, Eugene Island Block 256 Field, Offshore Louisiana.	(16)	15.025
CI70-1075-001, C, May 12, 1983	do	Michigan Wisconsin Pipe Line Company, Eugene Island Block 256 Field, Offshore Louisiana.	(16)	15.025
CI73-44-002, C, May 12, 1983	do	Michigan Wisconsin Pipe Line Company, Eugene Island Block 256 Field, Offshore Louisiana.	(16)	15.025
CI73-386-000, D, May 26, 1982	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	Arkansas Louisiana Gas Company (Division of Arkla Inc.), Lacy Area Field, Kingfisher County, Oklahoma.	(17)	
CI76-334-004, D, Apr. 25, 1983	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Oklahoma 74102.	Panhandle Eastern Pipe Line Company, Thunder Creek Field, Campbell County, Wyoming.	(17)	
CI76-269-001, E, May 13, 1983	Texaco Producing Inc. (Successor in interest to Texaco Inc), P.O. Box 52332, Houston, Texas 77052.	Columbia Gas Transmission Corporation, Eugene Island Block 313, Platform A, Offshore Louisiana.	(18)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft³	Pressure base
CI76-689-001, E, May 13, 1983	....do	Columbia Gas Transmission Corporation, Eugene Island Block 313, Platform B, Offshore Louisiana.	[19]	15.025
CI77-730-001, E, May 13, 1983	....do	Columbia Gas Transmission Corporation, Eugene Island Block 330 Field, Offshore Louisiana.	[20]	15.025
CI81-250-001, C, May 23, 1983	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, Galveston Blocks A-128, A-131, A-156 and A-157, Offshore Texas.	[21]	14.65
CI83-106-001, C, May 18, 1983	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	West Lake Arthur Corporation, Vermilion Block 251, Offshore Louisiana.	[22]	15.025
CI83-232-000, B, May 5, 1983	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Texas 79189.	Colorado Interstate Gas Company, Playa Area Field, Sweetwater County, Wyoming.	[23]	
CI83-234-000, B, May 9, 1983	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	Tennessee Gas Pipeline Company, Hargill Field, Hidalgo County, Texas, Texas Gulf Coast Area.	[24]	
CI83-235-000, A, May 9, 1983	Newmont Oil Company, 600 Jefferson Avenue, Suite 930, Houston, Texas 77002.	Transcontinental Gas Pipe Line Corporation, North Half of Block 138, High Island Area, Offshore Texas.	[25]	14.65
CI83-236-000, A, May 12, 1983	ARCO Oil and Gas Company, Division Of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Cajun Natural Gas Company, West Cameron Blocks 211 and 212, Offshore Louisiana.	[26]	15.025
CI83-237-000, (G-12616), B, May 13, 1983.	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Oklahoma 74102.	Columbia Gas Transmission Corporation, W. Gueydan Field, Vermilion Parish, Louisiana.	[27]	
CI83-238-000, B, May 13, 1983	Robert Mosbacher, 1300 Main Street, Suite 2100, Houston, Texas 7702.	Michigan Wisconsin Pipe Line Company, Buck Point Field, Vermilion Parish, Louisiana.	[28]	
CI83-239-000, E, May 16, 1983	Anadarko Production Company (Successor In Interest To Phillips Petroleum Company), P.O. Box 1330, Houston, Texas 77251.	El Paso Natural Gas Company, West Bisti Lower Gallup Sand Unit Area, San Juan County, New Mexico.	[29]	
CI83-240-000, B, May 16, 1983	Sabine Production Company, 1200 Mercantile Bank Bldg., Dallas, Texas 75201.	Arkansas Louisiana Gas Company, Missionary Lake Field, Cedrin Parish, Louisiana.	[30]	
CI83-241-000, (CI66-551), B, May 23, 1983.	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Arkansas Louisiana Gas Company, A. B. Camp Unit, Section 28-5N-12E, Pittsburg County, Oklahoma.	[31]	
CI83-242-000, A, May 23, 1983	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, Matagorda Island Block 668 Field, Offshore Texas.	[32]	14.65
CI83-243-000, A, May 23, 1983	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Texas 79173.	Trunkline Gas Company, Block A-365, High Island Area, East Addition, South Extension, Offshore Federal) Texas.	[33]	14.73
CI83-244-000, A, May 24, 1983	Louisiana Land Offshore Exploration Company, Inc., Post Office Box 60350, New Orleans, Louisiana 70160.	Transco Gas Supply Company, High Island Block A-566 Field, Gulf of Mexico.	[34]	14.65
CI83-245-000, A, May 24, 1983	The Louisiana Land and Exploration Company, Post Office Box 60350, New Orleans, Louisiana 70160.	Transco Gas Supply Company, High Island Area Block A-566 Field, Gulf of Mexico.	[34]	14.65

[1] The two Release of Oil, Gas and Mineral Leases covering lease Nos. LA-4036 and LA-3433 were executed on December 18, 1961 and January 16, 1961 respectively.
[2] The leases were dropped by our predecessor in interest (Sinclair Oil & Gas Company) as ARCO Oil and Gas Company, Division of Atlantic Richfield Company has no further interest in said leases.
[3] The State 10 No. 2 Well was reclassified by the New Mexico Oil Conservation Division from a gas well to an oil well.
[4] Filing an Application to Partially Abandon Service for a Limited Period of Time to permit Conoco to use that portion of residue gas which the buyer has informed Conoco that it no longer is able to purchase at the present time.
[5] To release gas for irrigation fuel.
[6] Partial abandonment is requested because ARCO no longer owns any interest in Lease Nos. 317, 331, 333 and 657.
[7] Plugging and abandonment of the Otto (Barby) #1-7 Well, located on the Otto Lease, Mocane-Laverne Field, Harper County, Oklahoma.
[8] ARCO no longer owns any interest in the subject acreage as a result of the Release of Oil, Gas and Mineral Lease executed February 1, 1972.
[9] By Assignment dated April 7, 1978, Mobil Oil Corporation, predecessor in interest to Mobil Oil Exploration & Producing Southeast Inc. assigned to John W. McGowen and Collins Wohner all of its right, title and interest in and to those certain oil, gas and mineral leases.
[10] Depleted. Lease OCS-0781 (Block 35) was released to the Bureau of Land Management by release filed April 29, 1982. Union has until June 28, 1983 to plug and abandon any wells and remove all structures from the lease.
[11] ARCO no longer owns any interest in NW Section 25-17N-26W, containing 159.50 acres.
[12] Deletion of acreage. ARCO has no remaining reserves or production.
[13] OCS-0815 (Ship Shoal Block 144) has expired.
[14] OCS Lease No. 0815 (Ship Shoal Block 144) expired on October 18, 1981.
[15] Applicant is filing to add additional acreage.
[16] Applicant is filing under Gas Sales Contract dated June 3, 1970, amended by Amendment Gas Sales Contract dated April 8, 1983.
[17] Non-productive.
[18] Applicant has acquired by assignment the interest of Texaco Inc., Assignor, in certain properties in the Eugene Island Block 313 A Platform, Offshore Louisiana effective September 1, 1982.
[19] Applicant has acquired by assignment the interest of Texaco Inc., Assignor, in certain properties in the Eugene Island Block 313 B Platform, Offshore Louisiana effective September 1, 1982.
[20] Applicant has acquired by assignment the interest of Texaco Inc., Assignor, in certain properties in the Eugene Island Block 330 Field, Offshore Louisiana effective September 1, 1982.
[21] Applicant is filing under Gas Purchase Agreement dated May 17, 1979 amended by Amendatory Agreements dated September 7, 1980 and October 1, 1980.
[22] Applicant is filing under Gas Purchase and Sales Agreement dated December 23, 1982 amended by Amendment dated April 21, 1983.
[23] Due to depletion of casinghead gas and gas well gas from the reservoirs and underlying the lands which were the subject of said Gas Purchase Agreements, deliveries therefrom are no longer economically feasible and, accordingly, said agreements have been mutually cancelled and terminated.
[24] There are no longer gas sales subject to the jurisdiction of the Commission from acreage dedicated under the terms of the Gas Sales Contract filed as Energy Reserves Group, Inc.
[25] Applicant is filing under Gas Purchase Contract dated January 11, 1983.
[26] Applicant is filing under Gas Purchase Contract dated May 11, 1983.
[27] Cities sold and assigned its last producing property under the subject contract effective August 1, 1978 and the contract was allowed to expire effective September 16, 1977.
[28] Due to decline in production, it became uneconomical to produce the wells and the unit expired for lack of production in commercial quantities.
[29] The Clements #1, following sidetracking, was permanently plugged and abandoned by the operator, Louisiana Land & Exploration, on December 21, 1979.
[30] By assignment executed January 15, 1964, effective January 1, 1964, Applicant acquired 50% of Phillips interest in the south half and the south half of the northwest quarter of Section 36, Township 26 North, Range 13 West, San Juan County, New Mexico dedicated under a contract dated October 22, 1958, as amended.
[31] No gas is currently being produced from the acreage. The only gas well on the lease was plugged and abandoned July 23, 1981, and Getty released the acreage April 19, 1982.
[32] Applicant is filing under Gas Purchase Contract dated January 7, 1983.
[33] Applicant is filing under Gas Purchase Contract dated May 2, 1983.
[34] Applicant agrees to accept a certificate conditioned on the maximum lawful price under Section 104 of the NGPA but reserves its right to file for and collect any higher rate which it may be entitled to collect under the NGPA.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 83-14964 Filed 6-2-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EL83-21-000]

Basin Electric Power Cooperative and Merrill Lynch Leasing, Inc.; Termination of Docket

May 31, 1983.

On May 3, 1983, a letter was submitted to the commission on behalf of Basin Electric Power Cooperative (Basin Electric). The letter requested an opinion as to whether Merrill Lynch Leasing Inc. or St. Paul Bank for Cooperatives would become public utilities pursuant to Section 201(e) of the Federal Power Act by virtue of entering into a leasing arrangement with Basin Electric.

This matter was treated as a request for a declaratory order, assigned Docket No. EL83-21-000, and noticed for public comment. No comments were received in response to that notice. By letter dated May 16, 1983, Basin Electric indicated that it desired only a written staff opinion concerning the jurisdiction question, rather than a formal declaratory order by the Commission. An interpretation was requested by May 20, 1983.

On May 20, an opinion letter was sent to Basin Electric by the Commission's Acting General Counsel. Given this resolution of the inquiry, notice is hereby given that Docket No. EL83-21-000 is terminated.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14955 filed 6-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-281-000]

Fabulous Inns of America; Notice of Application for Commission Certification of Qualifying Status of a Cogeneration Facility

May 31, 1983.

On May 6, 1983, Fabulous Inns of America, 2485 Hotel Circle Place, San Diego, California 92108, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The internal combustion engine topping-cycle cogeneration facility will be located in San Diego, California. The primary energy source to the facility will be natural gas. The electric power production capacity of the facility will be 65 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14956 Filed 6-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-280-002]

Northern Natural Gas Co., Division of InterNorth, Inc.; Amendment to Application

May 26, 1983.

Take notice that on May 17, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-280-002 a further amendment to its application filed in Docket No. CP82-280-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect the transportation of gas from Ventura, Iowa, to Ogden, Iowa, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its application filed April 8, 1982, as amended on October 12, 1982, Applicant proposed to exchange certain volumes of natural gas with East Tennessee Natural Gas Company (East Tennessee) at Ogden, Iowa, and to transport and redeliver such volumes to Northern Illinois Gas Company (NI-Gas) at East Dubuque, Illinois, for East Tennessee's account pursuant to a gas exchange and transportation agreement dated February 25, 1982.

Applicant proposes herein the further transportation of gas from a point of interconnection between the pipeline systems of Applicant and Northern Border Pipeline Company located near Ventura, Iowa, to Ogden, Iowa.

Any person desiring to be heard or to make any protest with reference to said amendment to amend should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not do so again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14957 Filed 6-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-255-000]

Royster Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

May 31, 1983

On April 15, 1983, Royster Company, Two Commercial Place, Norfolk, Virginia 23501, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located at a fertilizer plant in Polk County, Florida. The primary energy source to the facility will be waste heat from chemical process reactions made available to the facility as high pressure steam. Steam extracted from the turbine generator will be available for process use at a rate of 70,000 lbs./hr. The electric power production capacity of the facility will be 15 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14868 Filed 6-2-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51469; TSH-FRL 2376-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Acency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of thirty-one PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-753, 83-754, 83-755, and 83-756—August 17, 1983.

PMN 83-757, 83-758, 83-759, 83-760, 83-761, 83-762, 83-763, 83-764, 83-765, and 83-766—August 20, 1983.

PMN 83-767, 83-768, 83-769, 83-770, 83-771, 83-772, 83-773, 83-774, 83-775, 83-776, 83-777, 83-778, and 83-779—August 21, 1983.

PMN 83-780—August 22, 1983.

PMN 83-781, 83-782, and 83-783—August 23, 1983.

Written comments by:

PMN 83-753, 83-754, 83-755, and 83-756—July 18, 1983.

PMN 83-757, 83-758, 83-759, 83-760, 83-761, 83-762, 83-763, 83-764, 83-765, and 83-766—July 21, 1983.

PMN 83-767, 83-768, 83-769, 83-770, 83-771, 83-772, 83-773, 83-774, 83-775, 83-776, 83-777, 83-778, and 83-779—July 22, 1983.

PMN 83-780—July 23, 1983.

PMN 83-781, 83-782, and 83-783—July 24, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-51469]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-753

Manufacturer. E. I. du Pont de Nemours & Company, Inc.

Chemical. (G) Styrene acrylic copolymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 2 workers, up to 8 hrs/shift, up to 2 da/yr, 3 shifts/day.

Environmental Release/Disposal. Minimal release. Disposal by incineration.

PMN 83-754

Manufacturer. Confidential.

Chemical. (G) Polyimide ester.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: minimal.

Environmental Release/Disposal. Negligible release. Disposal according to Resource Conservation and Recovery Act (RCRA) regulations.

PMN 83-755

Importer. Confidential.

Chemical. (S) 4-hydroxy-6-phenylaminonaphthalene-2-sulfonic acid.

Use/Import. (S) Manufacture of a dyestuff. Import range: 3,000-8,000 kg/yr.

Toxicity Data. Acute oral: > 5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Irritant.

Exposure. Use: dermal, inhalation and ocular.

Environmental Release/Disposal. No release.

PMN 83-756

Importer. Confidential.

Chemical. (G) (Substituted) (substituted) naphthalene sulfonic acid, and (substituted) (substituted) napthalene sulfonic acid, chloride.

Use/Import. (S) Colorant for paper. Import range: Confidential.

Toxicity Data. Acute Oral: 2.50 ml/kg; Irritation: Skin—Corrosive, IC_{50} (waste water bacteria): > 100 mg/1; Fish Toxicity, 96 hrs: Not toxic @100 mg/1.

Exposure. Negligible.

Environmental Release/Disposal. Disposal by publicly owned treatment works (POTW) and biological treatment system.

PMN 83-757

Manufacturer. Confidential.

Chemical. (G) Functionalized acrylic polymer.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal and ocular, a total of 8 workers, up to 8 hrs/da, up to 70 da/yr.

Environmental Release/Disposal. 1,000-10,000 kg/yr released to water with 100-1,000 kg/yr to land. Disposal by POTW, biological treatment system and approved landfill.

PMN 83-758

Manufacturer. Confidential.

Chemical. (G) Functionalized acrylic polymer.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal and ocular, a total of 13 workers, up to 8 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. 1,000-10,000 kg/yr released to water with 100-1,000 kg/yr to land. Disposal by POTW, biological treatment system and approved landfill.

PMN 83-759

Manufacturer. Confidential.

Chemical. (G) Functionalized acrylic polymer.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal and ocular, a total of 13 workers, up to 8 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. 1,000-10,000 kg/yr released to water with 100-1,000 kg/yr to land. Disposal by POTW, biological treatment system and approved landfill.

PMN 83-760

Importer. Confidential.

Chemical. (G) Methylpropenylpyridine.

Use/Import. Confidential. Import range: 1–10 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—Not an irritant, Eye—Non-irritant. Repeated insult patch test/ photosensitization study in human subjects: Non-sensitizer.

Exposure. Use: a total of 2 workers, up to < 1 hr/da, up to <20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83–761

Importer. Confidential.

Chemical. (G) Substituted cyclopentadione.

Use/Import. Confidential. Import range: 1–1,000 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—Not an irritant, Eye—Irritant. Repeated insult patch test/ photosensitization study in human subjects: Non-sensitizer.

Exposure. Use: workplace, a total of 2 workers, up to < 1 hr/da, up to < 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83–762

Importer. Confidential.

Chemical. (G) Octenal.

Use/Import. Confidential. Import range: 1–1,000 kg/yr.

Toixicity Data. Acute oral: > 5.0 g/kg; Acute dermal: > 2.0 g/kg; Irritation: Skin—Not an irritant, Eye—Irritant. Repeated insult patch test/ photosensitization study in human subjects: Non-sensitizer.

Exposure. Use: workplace, a total of 2 workers, up to < 1 hr/da, up to < 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83–763

Manufacturer. Confidential.

Chemical. (G) N,N'-bis (substituted alkyl) dicarboxylic acid diamide.

Use/Production. (S) Intermediate. Prod. (maximum 12-month estimate): 206,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: a total of 3 workers, up to 1 hr/da, up to 100 da/yr.

Environmental Release/Disposal. 200 kg/yr released to water. Disposal by POTW.

PMN 83–764

Manufacturer. Confidential.

Chemical. (G) N,N'-bis (substituted alkyl) dicarboxylic acid diamide.

Use-Production. (S) Intermediate. Prod. (maximum 12 month estimated): 214,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: a total of 3 workers, up to 1 hr/da, up to 100 da/yr.

Environmental Release/Disposal. 200 kg/yr release to water. Disposal by POTW.

PMN 83–765

Manufacturer. Confidential.

Chemical. (G) Poly[alkylene-bis(amidoalkyl)-bis(dialkyl)oxaalkylene diammonium dichloride].

Use/Production. (S) Hair care, bath gel, liquid soap formulations, oil well stabilization, and flocculants. Prod. (maximum 12-month estimate): 300,000 kg/yr.

Toxicity Data. Acute oral: 8.1 ml/kg; Irritation: Skin—Mild, Eye—Non-irritant.

Exposure. Manufacture: a total of 5 workers, up to 2 hrs/da, up to 130 da/yr.

Environmental Release/Disposal. 200 kg/yr release to water. Disposal by POTW.

PMN 83–766

Manufacturer. Confidential.

Chemical. (G) Poly[alkylene-bis(amidoalkyl)-bis(dialkyl)oxaalkylene diammonium dichloride].

Use/Production. (S) Hair care, bath gel, liquid soap formulations, oil well stabilization, and flocculants. Prod. (maximum 12-month estimate): 300,000 kg/yr.

Toxicity Data. Acute oral: 5.3 ml/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.

Exposure. Manufacture: a total of 5 workers, up to 2 hrs/da, up to 13 da/yr.

Environmental Release/Disposal. 200 kg/yr released to water. Disposal by POTW.

PMN 83–767

Manufacturer. Confidential.

Chemical. (G) Trisubstituted heterocycle.

Use/Production. (G) Site-limited chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: Approx. 2,000 mg/kg; Acute dermal: > 1,000 mg/kg; Irritation: Skin—Strong, Eye—Severe.

Exposure. Manufacture and use: dermal and inhalation.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by biological treatment system and incineration.

PMN 83–768

Manufacturer. Confidential.

Chemical. (G) Trisubstituted heterocycle.

Use/Production. (G) Site-limited chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: > 1,000 mg/kg; Acute dermal: > 1,000 mg/kg; Irritation: Skin—Slight, Eye—Moderate.

Exposure. Manufacture and use: dermal and inhalation.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by biological treatment system and incineration.

PMN 83–769

Manufacturer. Confidential.

Chemical. (G) Disubstituted heterocycle.

Use/Production. (G) Site-limited chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: > 1,000 mg/kg; Acute dermal: > 1,000 mg/kg; Irritation: Skin—Slight, Eye—Moderate.

Exposure. Manufacture and processing: dermal and inhalation.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by biological treatment system and incineration.

PMN 83–770

Importer. Confidential.

Chemical. (G) Cobalt complex of a substituted phenolazonaphthol.

Use/Import. (S) Colorant for textiles. Import range: 200-1,000 kg/yr.

Toxicity Data. Acute oral: > 6.8 g/kg; Irritation: Skin—Mild, Eye—Severe; Biodegradation: 50–100%, static method.

Exposure. Processing: dermal and inhalation, a total of 12 workers, up to 2 hrs/da, up to 60 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by POTW and incineration.

PMN 83–771

Importer. Confidential.

Chemical. (G) Chromium complex of substituted phenylazoalkyl arylamino-formimidphenol with sulfonaphthylazosulfonaphthol.

Use/Import. (S) Colorant for textiles. Import range: 200–1,000 kg/yr.

Toxicity Data. Acute oral: > 5 g/kg; Irritation: Skin—Slight Eye—Moderate; Biodegradation: 0–,0%, static method.

Exposure. Processing: dermal and inhalation, a total of 12 workers, up to 2 hrs/da, up to 60 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by POTW and incineration.

PMN 83–772

Manufacturer. Confidential.

Chemical. (G) [(haloheterocyclicoxy)aryl oxy] alkanoate.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 393-599 mg/kg; Acute dermal: > 5,000 mg/kg; Irritation: Skin—Slight, Eye—Slight; Lc^{96}, (Fathead minnows): 0.34 mg/L; Skin sensitization: Negative.

Exposure. Dermal and inhalation, a total of 12 workers, up to 1.5 hrs/da, up to 150 da/yr.

Environmental Release/Disposal. Release is minimal. Disposal by biological treatment system and incineration.

PMN 83-773

Manufacturer. Confidential.

Chemical. (G) Polyester.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83-774

Importer. Confidential.

Chemical. (G) Substituted phenolic derivative, alkyl ester.

Use/Import. (S) Industrial use as an antioxidant/stabilizer for lubricants and certain polymers. Import range: Confidential.

Toxicity Data. Acute oral: 4,320 mg/kg; Irritation: Skin—Slight, Eye—none; Salmonella and escherichial/liver microsome test—negative without and with activation; 28 days peroral range finding study in rats—NOEL<300 mg/kg.

Exposure. Processing and use; dermal.

Environmental Release/Disposal. No release. Disposal by incineration, approved landfill or refined and recycled.

PMN 83-775

Manufacturer. Confidential.

Chemical. (G) Polymer of mixed acrylates and methacrylates.

Use/Production. (S) Site-limited and industrial intermediate used in metal coating. Prod. range: 5,000–1,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and disposal: dermal, a total of 11 workers, up to 1 hr/da, up to 150 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to land. Disposal by incineration and approved landfill.

PMN 83-776

Manufacturer. Confidential.

Chemical. (G) Hydrogenated diene copolymer.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 6 workers, up to 12 hrs/da, up to 300 da/yr.

Environmental Release/Disposal. 1,000–10,000 kg/yr released to land. Disposal by incineration and approved landfill.

PMN 83-777

Importer. Confidential.

Chemical. (G) Disubstituted methanone.

Use/Import. Confidential. Import range: Confidential.

Toxicity Data. Acute oral: > 250 mg/kg; Acute dermal: > 1,000 mg/kg; Irritation: Skin—Slight, Eye—Mild; Skin sensitization: Non-sensitizer; Skin absorption: Not readily absorbed.

Exposure. Use: a total of 2 workers, up to 8 hrs/shift, 800 manhours/yr, 30 min/batch.

Environmental Release/Disposal. No release. Disposal by water effluent system.

PMN 83-778

Manufacturer. Chem-Fleur, Inc.

Chemical. (G) Cyclomethylene citronellal.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by incineration.

PMN 83-779

Manufacturer. Chem-Fleur, Inc.

Chemical. (G) Cyclomethylene citronellal.

Use/Production. (S) Industrial and consumer fragrance base. Prod. range: 1,500–20,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by incineration.

PMN 83-780

Manufacturer. Ethyl Corporation.

Chemical. (G) Aryl borate.

Use/Production. (S) Industrial lube oil additive. Prod. range; Confidential.

Toxicity Data. Acute oral: > 5 g/kg; Acute dermal: > 5 g/kg; Irritation: Skin—Non-irritant, Eye—Mild; Ames Test: Non-mutagenic; HPC/DNA Repair assay—Non-mutagenic.

Exposure. Confidential.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by approved landfill.

PMN 83-781

Manufacturer. Confidential.

Chemical. (G) An organic complex of a halogenated metal.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, use and disposal: dermal and ocular, a total of 12 workers, up to 8 hrs.

Environmental Release/Disposal. No release. Disposal by incineration and landfill.

PMN 83-782

Manufacturer. Confidential.

Chemical. (G) Product of alcohol, halogenated metal, organic complex of halogenated metal.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal and ocular, a total of 10 workers, up to 16 hrs/da.

Environmental Release/Disposal. No release. Disposal by approved landfill.

PMN 83-783

Manufacturer. Confidential.

Chemical. (G) An organic complex of a halogenated metal.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal and ocular, a total of 12 workers, up to 4 hrs/da.

Environmental Release/Disposal. No release. Disposal by incineration and approved landfill.

Dated: May 31, 1983.

V. Paul Fuschini,

Acting Director, Management Support Division.

[FR Doc. 83-14803 Filed 6-2-83; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-51442B; TSH-FRL 2376-1]

Premanufacture Notices; Termination of an Extended Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is terminating the remaining portion of a 90-day extension of the review periods for premanufacture notices (PMN's) 83-129 through 83-235, which was issued pursuant to section 5(c) of the Toxic Substances Control Act (TSCA). The review periods will now expire on May 26, 1983. The PMN's were submitted by Union Oil Company of California for a full range, dewaxed, dearsenited shale oil (Syncrude) and for Syncrude-derived refinery stream derivatives.

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control

Division (TS–794), Environmental Protection Agency, Rm. E–203, 401 M St., SW., Washington, D.C. 20460, (202–382–3734).

SUPPLEMENTARY INFORMATION:

I. Background

Under section 5 of TSCA anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a premanufacture notice (PMN) to EPA 90 days prior to commencement of manufacture or import. Under section 5(c) EPA may extend the notice period for good cause for additional periods, not to exceed an aggregate of 180 days from the date of receipt. EPA issued proposed rules to implement the premanufacture notification program in the **Federal Register** of January 10, 1979 (44 FR 2263). Section 720.35 of the proposed rules addressed the section 5(c) extension authority and provided examples of situations in which the Agency believed there would be good cause to extend the notice period.

II. Review to Date

On November 16, 1982 EPA recieved PMN's 83–129 thru 83–235 from Union Oil Company of California for a substance described as a full range dewaxed, dearsenited shale oil (Syncrude), a petroleum crude oil substitute, and for 106 Syncrude-derived refinery streams. One of the PMN substances, PMN 83–164 (full range catalytic reformed naphtha (shale oil)) was found to be a duplication of PMN 83–143. Notice of receipt of the PMN's was published in the **Federal Register** of December 2, 1982 (47 FR 54357). The submitter plans to produce 12,000 barrels of Syncrude daily. Products derived from Syncrude will be used as jet fuel, diesel fuel, and residual fuel. Products derived from Syncrude-petroleum crude mixtures may include liquid petroleum gases, motor gasolines, naphtha, middle-distillates, aviation turbine fuels, lubricating products, industrial oils, crankcase oils, greases, residual and light fuel oils, and coke.

The original review period was scheduled to expire on Feburary 13, 1983. On February 11, 1983, EPA extended the review period for an additional 90 days, to May 14, 1983. Notice of this action was published in the **Federal Register** of February 22, 1983 (48 FR 7494). EPA extended the review period because, due to the volume and complexity of information submitted in the PMN's, the Agency had insufficient time to complete its review during the initial 90-day period. The PMN submitter also voluntarily suspended the review period on several occasions. The end of the review period is currently scheduled to occur on July 24, 1983.

During the additional time allowed by the extension and the submitter's voluntary suspensions, EPA concluded that there is insufficient information for EPA to evaluate the following: (1) The chemical composition of the fully commercialized Syncrude; (2) the chronic health hazards and the acute and chronic environmental hazards of Syncrude and its derived refinery streams, as compared to analogous petroleum products; (3) the potential risks to workers during manufacture of the Syncrude; and (4) the potential health and environmental effects which may result from the management of wastes from the manufacture of Syncrude. The Agency also determined that the PMN substances will be produced in substanial quantities and may be expected to enter the environment in substantial quantities, and that there may be significant and/or substantial human exposure.

III. Termination of the Review Period Extension

Based on its analysis, EPA found that it was appropriate to regulate the PMN substances pursuant to section 5(e) of TSCA. The Agency has negotiated a section 5(e) Consent Order with the submitter which limits production of the Syncrude, and thus its derived refinery streams, while additional data are developed. The Consent Order was effective as of May 26, 1983. Therefore, the Agency no longer requires the additional time provided under section 5(c), and terminates the remaining portion of the 90-day extension.

IV. Public Record

PMN's 83–129 through 83–235 are available for public inspection in Rm. E–107, at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: May 26, 1983.

Marcia E. Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83–14802 Filed 6–2–83; 8:45 am]

BILLING CODE 6560–50–M

[SAB FRL 2376–3]

Science Advisory Board; Environmental Engineering Committee; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a two-day meeting of the Environmental Engineering Committee (EEC) of the Science Advisory Board will be held in Conference Room 5167–5169, HHS/North Building, Department of Health and Human Services, 330 Independence Avenue, SW., Washington, D.C., on June 22–23, 1983. The meeting will begin at 9:00 a.m. and last until approximately 5:00 p.m. each day.

There will be three main agenda items. First, the Committee will continue review of technical support data pertaining to the proposed EPA effluent guidelines for the pesticides industry, developed under the Clean Water Act. The major issue under review will be the techniques and assumptions used by EPA in determining the types and levels of technology used to establish treatment limits, particularly for those pesticides for which an adequate data base does not exist.

The Committee will also continue its review of proposed revisions to the Agency's definitions of secondary treatment. The major scientific issues pertaining to this review by the Committee include:

(1) The technical implications of using a BOD test that inhibits nitrification in lieu of the present uninhibited BOD test;

(2) The scientific and technical basis for seasonal (cold-weather) adjustments to trickling filter effluent limitations; and

(3) Whether newly-designed trickling filters can be expected to meet current effluent limits.

The Committee will also discuss plans to continue its review of the proposed effluent guidelines for the Organic Chemicals and Plastics/Synthetic Fibers Industries.

The meeting is open to the public. Any member of the public wishing to participate or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382–2552, or Terry F. Yosie, Staff Director, Science Advisory Board, at (202) 382–4126. Public comment will be accepted at the meeting. Written comment will be accepted in any form, and there will be opportunity for brief oral statements. Anyone wishing to make such comment must contact Mr. Torno prior to June 17, 1983, in order to be placed on the agenda.

Terry F. Yosie,

Staff Director, Science Advisory Board.

May 27, 1983.

[FR Doc. 83–14800 Filed 6–2–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83-500 et al. and File No. BPH-810821AE et al.]

B-K Broadcasting Co. et al.; Hearing Designation Order

In the matter of applications of B-K Broadcasting Co., Marshfield, Wisconsin, Req: 92.1 MHz, Channel 221A 3kW (H & V), 300 feet; MM Docket No. 83-500, File No. BPH-810821AE; Russell J. Brown and Richard M. Wold, d.b.a. Brown Broadcasting Group, Marshfield, Wisconsin, Req: 92.1 MHz, Channel 221A 3kW (H&V), 300 feet; MM Docket No. 83-501, File No. BPH-820311AI and Gerald J. Hackman, Mary J. Hackman, and Ann M. Cutts, d.b.a. Hackman Broadcasting, Spencer, Wisconsin, Req: 92.1 MHz, Channel 221A 3kW (H&V), 300 feet; MM Docket No. 83-502 File No. BPH-820414AD for construction permit for a new FM station—designating applications for consolidated hearing on stated issues.

Adopted: May 3, 1983.

Released: May 23, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by B-K Broadcasting Co. (B-K), Russell J. Brown and Richard M. Wold, d.b.a. Brown Broadcasting Group (Brown) and Gerald J. Hackman, Mary J. Hackman, and Ann M. Cutts, d.b.a. Hackman Broadcasting (Hackman).

2. *B-K.* By amendment dated September 15, 1982, B-K amended its application to show the addition of Joann Korn to the partnership. However, the amendment did not mention whether or not Mrs. Korn held any other media interests or provide her citizenship as required by FCC Form 301. Accordingly, it will be necessary for B-K to file an amendment with the presiding Administrative Law Judge.

3. *Brown.* Applicants for new broadcast stations are required by Section 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in Section 73.3580(h) of the Rules. We have no evidence that Brown published the required notice. To remedy this deficiency, Brown will be required to publish local notice of its application, if they have not already done so, and to file a statement of publication with the presiding Administrative Law Judge.

5. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

6. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

2. To determine the areas and populations which would receive primary aural service (1m V/m or greater in the case of FM) from each proposal and the availability of other primary service to such areas and populations.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

7. It is further ordered, that B-K shall within 30 days of the release of this Order file an amendment with the presiding Administrative Law Judge detailing Joann Korn's citizenship and other broadcast interests, if any.

8. It is further ordered, that Brown shall publish a local notice of its application in accordance with Section 73.3580 of the Commission's Rules and shall file a statement of publication with the presiding Administrative Law Judge within 30 days of release of this Order.

10. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, that the applicants herein shall, pursuant to Section 311(a) (2) of the Communications Act of 1934, as amended, and Section 73.3594(g) of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

Appendix

4. No determination has been reached that the tower heights and locations proposed by the below listed applicants would not constitute a hazard to air navigation.[1] Accordingly, it is further ordered, that the following issue is specified:

1. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower heights and locations proposed by B-K and Hackman.

9. It is further ordered, that the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

[FR Doc. 83-14883 Filed 6-2-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 83-507 and 83-508; File Nos. 440-CM-P-80 and 3842-CM-P-80]

BA Company and Florida MDS, Inc.; Hearing Designation Order

In the matter of applications of Robert A. Gordon d.b.a. The BA Company (CC Docket No. 83-507, File No. 440-CM-P-80) and Florida MDS, Inc. (CC Docket No. 83-508 File No. 3842-CM-P-80) for construction permits in the Multipoint Distribution Service for a New Station at Lake City, Florida—designating applications for consolidated hearing on stated issues.

Adopted May 13, 1983.

Released May 20, 1983.

By the Common Carrier Bureau.

Memorandum Opinion and Order

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service

[1] It appears that the west longitude coordinates specified in Section V-G (Antenna) of B-K's application are in error.

and they propose operations on Channel 1 at Lake City, Florida. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR § 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Robert A. Gordon d.b.a. The BA Company, Florida MDS, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules, 47 CFR 1.221.

[1] Consideration of these factors shall be in light of the Commission s discussion in *Frank K. Spain, 77* FCC 2d 20 (1980)

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-14884 Filed 6-2-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. 26054-CL-P-(3)-82 et al. and CC Docket No. 83-445]

GTE Mobilnet of Portland Inc. et al.; Memorandum Opinion and Order Granting Application, Dismissing Application, and Designating Applications for Hearing; Correction

In the matter of applications of GTE Mobilnet of Portland Incorporated (File No. 26054-CL-P-(3)-82) and Advanced Mobile Phone Service, Inc. (File No. 26017-CL-P-(10)-82) for a construction permit to establish a cellular system operating on frequency Block B in the Domestic Public Cellular Radio Telecommunications Service (DPCRTS) to serve the Portland, Oregon/Washington, Standard Metropolitan Statistical Area (SMSA).

In the matter of applications of CC Docket No. 83-445: American Mobile Communications of Washington and Oregon (File No. 26110-CL-P-(8)-82), Cellular Mobile Systems of Washington, Inc. (File No. 26183-CL-P-(8)-82), Interstate Mobilephone Co. (File No. 26150-CL-P-(6)-82), MCI Cellular Telephone Co. (File No. 26104-CL-P-(5)-82) and Parr Communications Co. (File No. 26082-CL-P-(7)-82) for a construction permit to establish a cellular system operating on frequency Block A in the DPCRTS to serve the Portland, Oregon/Washington, Standard Metropolitan Statistical Area; Erratum (See 48 FR 22205, 5-17-83)

Released May 20, 1983.

On May 9, 1983, the Common Carrier Bureau released an order in the captioned proceeding. In footnote 5 of the order, the Bureau stated that an ownership change in connection with the application of Interstate Mobilephone Co. was similar to an ownership change considered in *American Radio Telephone Service, Inc.*, CC Mineo 812, released November 16, 1982, *review granted in part*, FCC 83-179, released May 9, 1983 (*Washington/Baltimore Order*). However, because the ownership change in this proceeding is not part of a settlement or partial settlement, it is distinguishable from the change considered in the *Washington/Baltimore Order*. Accordingly, footnote 5 is unnecessary and is deleted in its entirety.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 83-14887 Filed 6-3-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. 26054-CL-P-(3)-82 et al. and CC Docket No. 83-445]

GTE Mobilnet of Portland, Inc., et al.; Memorandum Opinion and Order Granting Application, Dismissing Application, and Designating Applications for Hearing; Correction

In the matter of applications of GTE Mobilnet of Portland Incorporated (File No. 26054-CL-P-(3)-82) and Advanced Mobile Phone Service, Inc. (File No. 26017-CL-P-(10)-82) for a construction permit to establish a cellular system operating on frequency Block B in the Domestic Public Cellular Radio Telecommunications Service (DPCRTS) to serve the Portland, Oregon/Washington, Standard Metropolitan Statistical Area (SMSA).

In the matter of applications of CC Docket No. 83-445: American Mobile Communications of Washington and Oregon (File No. 26110-CL-P-(8)-82); Cellular Mobile Systems of Washington, Inc. (File No. 26183-CL-P-(8)-82), Interstate Mobilephone Co. (File No. 26150-CL-P-(6)-82), MCI Cellular Telephone Co. (File No. 26104-CL-P-(5)-82), and Parr Communications Co. (File No. 26082-CL-P-(7)-82) for a construction permit to establish a cellular system operating on frequency Block A in the DPCRTS to serve the Portland, Oregon/Washington, Standard Metropolitan Statistical Area; Erratum (See 48 FR 22205; 5-17-83).

Released: May 17, 1983.

The Memorandum Opinion and Order Granting Application, Dismissing Application, and Designating Applications for Hearing in the above entitled matter, CC Mimeo No. 4027, Adopted April 28, 1983, released May 9, 1983, is corrected to add a last line to footnote 4. The last sentence should read as follows: "The arguments raised by both petitions were considered in the Seattle Order, although specific reference to Amcom's petition was inadvertently omitted."

William F. Adler,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 83-14888 Filed 6-3-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 83-503 and 83-504; File Nos. BPH-811204AI and BPH-820616AL]

Hancock County Broadcasting, Inc. and Waycross Radio; Hearing Designation Order

In the matter of applications of Hancock County Broadcasting, Inc., Waycross, Georgia, Req: 97.7 MHz, Channel No. 249A, 3.0 kW (H&V), 300 feet (MM Docket No. 83-503, File No. BPH-811204AI) and Janice C. Koger & Joane Brehm, a Partnership, d/b/a Waycross Radio, Waycross, Georgia, Req: 97.7 MHz, Channel No. 249A, 3.0 kW (H&V), 300 feet (MM Docket No. 83-504, File No. BPH-820616AL) for construction permit for a

new FM station—designating applications for consolidated hearing on stated issues.

Adopted: May 3, 1983.

Released: May 23, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Hancock County Broadcasting, Inc. (HCB) and Janice C. Koger & Joane Brehm, a partnership, d/b/a Waycross Radio, (Radio).

2. *Radio.* Radio will not be able to provide a 3.16 mV/m signal to the entire city of Waycross as required by Section 73.315(a) of the Commission's Rules. Radio, in requesting a waiver of this section, indicates that it will provide a city grade contour over all populated areas in Waycross, but that it will not provide coverage to an unpopulated two mile strip of railroad property which is included within the Waycross city boundary. Under these circumstances, a waiver is warranted. *Irwin County Broadcasting Corp.*, 50 RR 2d 131 (1981).

3. Radio fails to provide data relative to the size of the area and population which would receive service from its proposal, as required by question 10(d) of Section V–B of FCC Form 301. To remedy this deficiency Radio will be required to provide the Administrative Law Judge with the required information. Upon receipt of such data, the Administrative Law Judge can determine whether it is necessary to consider any variations in coverage within the context of the comparative issue.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive they must be designated for hearing in a consolidated proceeding.

5. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, that, if the Radio application is granted, the permit shall specify that the provisions of § 73.315(a) of the Commission's Rules are waived to permit a signal level of less than 3.16 mV/m over the entire city of Waycross, Georgia.

7. It is further ordered, that Radio shall file data with the presiding Administrtive Law Judge, relative to question 10(d) of Section V–B of FCC Form 301.

8. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rules, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83–14681 Filed 6–2–83; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket Nos. 83–521 and 83–522; File Nos. BR–4827 and BP 811124BL]

KOBY Radio and First Broadcasting of Nevada, Inc, Inc.; Hearing Designation Order

In the matter of applications of Thompson Magowan and James M. Cunningham d.b.a KOBY RADIO, a partnership, for renewal of license (KOBY (AM), Reno, Nevada) Has: 1550 kHz, 10 kW, D (MM Docket No. 83–521, File No. BR–4827) and First Broadcasting of Nevada, Inc., Reno, Nevada, Req. 1550 kHz, 10 kW, D (MM Docket No. 83–552, File No. BP–811124BL) for construction permit—designation applications for consolidated hearing on stated issues.

Adopted: May 23, 1983.

Released: May 27, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the application of Thompson Magowan and James M. Cunningham d.b.a KOBY Radio (KOBY) for renewal of Station KOBY, Reno, Nevada, an application for a construction permit for the KOBY facilities filed by First Broadcasting of Nevada, Incorporated (FBN), and a response to *ex parte* contacts of KOBY Radio filed by FBN.

2. *KOBY.* KOBY has been off the air since May, 1974; its license renewal has been in deferred status since October, 1974. KOBY was accorded authority to remain silent pending the submission of an assignment application and the resolution of negotiations necessary to resolve problems involved with the assignment. An assignment application was approved by the Commission (BAPL–504) but never consummated due to the withdrawl of the assignee, Alvin L. Korngold, in a letter to the Commission dated November 29, 1982. The station's authority to remain silent expired on July 1, 1979.

3. The Commission has received correspondences from KOBY that refer to "financial problems" encountered by Thompson Magowan, General Partner. The Commission has, therefore, serious doubts about the financial status of KOBY. Consequently, an appropriate issue will be specified.

4. FBN filed a "Response to *Ex Parte* contacts of KOBY Radio" on February 18, 1983 alleging, on the basis of information contained in the Commission's files, that KOBY had violated Section 1.1201 *et seq.* of the Commission's Rules which prohibit any interested party, from the time at which that party has actual notice of the filing of a mutually exclusive application, from making any *ex parte* presentation to decision-making personnel regarding the merits of the application proceeding.[1] Consequently, an issue will be specified below concerning this matter.

5. Except as indicated by the issued specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

---

[1] Several of the contacts complained of in the file were not *ex parte* because they were directed to non decision-making personnel. One of these letters, however, (to the Chief, Renewal and Transfer Division), was included in a letter to the Chairman of the Commission. The Chairman is included as a part of the "decision-making personnel" under Rule 1.1205. Therefore, this contact raises the issue of a possible *ex parte* contact under Rule 1.1223.

1. To determine whether KOBY Radio has the financial resources to resume and maintain operation of its station.

2. To determine whether an *ex parte* contact was made, and, if so, the effect of the *ex parte* contact upon KOBY Radio's basic and/or comparative qualifications to remain a Commission licensee.

3. To determine which of the applicants would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to Section 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

8. It is further ordered, that, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division.

[FR Doc. 83-14883 Filed 6-3-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-509 and 83-510; File Nos. BP-810428AG and BP-810806AN]

Riverbank Broadcasters and Radio Riverbank, Inc.; Hearing Registration Order

In the matter of applications of Robert A. Jones, Marvin B. Clapp and Carl J. Auel, d/b/a Riverbank Broadcasters, Riverbank, California, Req: 770 kHz, 1 kW, DA-N, U (MM Docket No. 83-509, File No. BP-810428AG) and Radio Riverbank, Inc., Riverbank, California, Req: 770 kHz, 1 kW, 50 kW-LS, DA-2, U (MM Docket No. 83-510, File No. BP-810806AN) for construction permit—designating applications for consolidated hearing on stated issues.

Adopted: May 19, 1983.

Released: May 27, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority has under consideration: (a) The above-captioned mutually exclusive applications for a new AM station; (b) an objection to the Riverbank Broadcasters' application filed by Hubbard Broadcasting, Inc., licensee of station KOB, Albuquerque, New Mexico; (c) a petition to deny the Radio Riverbank, Inc., application filed by Riverbank Broadcasters; and (d) related pleadings.

2. *Riverbank Broadcasters* (Riverbank). Hubbard Broadcasting, Inc. (Hubbard), has filed an objection to the Riverbank proposal. Hubbard states that it has filed a request for waiver of Section 73.22 of the Rules together with an application for modification to operate station KOB as a Class 1-A facility and a petition for rule making to assign frequency 770 kHz to Albuquerque, New Mexico. Hubbard asserts that its proposed operation of KOB as a Class 1-A station on 770 kHz will be "inconsistent" with the Riverbank proposal.

3. By separate letters, both dated June 9, 1981, the Chief of the Broadcast Bureau dismissed the petition for rule making and denied the request for waiver of Section 73.22 of the Rules. Hubbard's two applications for review were considered together by the Commission and we denied. *Hubbard Broadcasting Inc.*, 87 F.C.C. 2d 988 (1981). Hubbard filed an appeal in the United States Court of Appeals for the Eighth Circuit, *Hubbard Broadcasting Inc.* v. *F.C.C.*, Case No. 81-2295. On August 6, 1982, the appeal was dismissed for lack of jurisdiction. On November 4, 1982, Hubbard filed a petition for certiorari at the United States Supreme Court (Case No. 82-772); certiorari was denied on February 22, 1983. Hubbard did not appeal the decision. Hubbard's objection to the Riverbank proposal is now moot and will be dismissed.

4. Section 1.1311(a)(2) of the Commission's Rules requires that the narrative environmental statement contain a description of the proposed facilities including antenna height, access roads and power lines. Riverbank has not submitted the required information; it must do so within thirty (30) days of the release of this Order.

5. *Character questions.* Robert A. Jones, one of the three Riverbank Broadcasters' partners, was the consulting engineer to WKKQ, Inc., licensee of stations WKKQ AM and FM, Hibbing, Minnesota. An application to make changes in the facilities of AM Station WKKQ (BP-780901AG) was designated for hearing by *Memorandum Opinion and Order*, released April 29, 1982 (Docket No. 82-227); certain field strength measurements taken by Mr. Jones and submitted to the Commission, among other things, were at issue. On January 27, 1983, the Presiding Judge issued an *Initial Decision* (ID), F.C.C. 83 D-7, released February 4, 1983.[1] The Presiding Judge found that Mr. Jones failed to conduct the questioned measurements in a professional manner and that he was more interested in completing the measurements in one day than he was in gather accurate data to submit in his engineering affidavit to the Commission. The Presiding Judge further found that Mr. Jones was well aware that much of the survey data concerning the questioned measurements was inaccurate but it was, nevertheless, submited in affidavit form to the Commission. The Presiding Judge "concluded that Robert A. Jones misrepresented the facts to the Commission about his May 20, 1977, field strength measurements. . . ." *ID* conclusions, para. 15. Misrepresentation is a serious offense. However, absent substantive review by the Commission or the Review Board, initial decisions do not establish a precedent which is binding on the Commission in future cases. *See Finalization on Initial Decisions*, FCC 61-25, 20 RR 2d 1141 (1961); *WFPG, Inc.*, 33 FCC 673, 677 (1962); *Western Communications, Inc.*, 59 FCC 2d 1441, 1446 n. 9 (1976). Thus, the Bureau has reviewed the record compiled in the Hibbing proceeding. Based on our review it is concluded that the record does not support the *ID*'s adverse findings and conclusions regarding Jones' conduct. Accordingly, no issue will be specified.

6. *Radio Riverbank Inc.* Riverbank Broadcasters timely filed a petition to deny the Radio Riverbank application. Petitioner alleges the application was untimely filed, is incomplete and violates numerous Commission Rules. Petitioner asserts that the Commission's copy of the application shows a date stamp of August 7, 1981, which is one day after the August 6, 1981, cut-off-date. Petitioner further asserts that below the August 7 date there is an August 6, 1981, date stamp which would have been at the top of the application if it had "really" been filed on that date.

7. Concerning the timeliness of documents tendered for filing with the Commission, Section 1.4(c) of the Rules requires they be filed in the Office of the Secretary. There is no rule that specifies where date stamps must be placed on the pages of documents. The Radio

[1] By *Memorandum Opinion and Order*, FCC 83R-37, released May 13, 1983, the Review Board dismissed both a Petition for extraordinary relief and the Petition for leave to intervene filed by Mr. Jones.

Riverbank application shows that on August 6, 1981, the application was filed with the Office of the Secretary and on August 7, 1981, it was received by the Broadcast License Division of the Broadcast Bureau. Clearly the application was timely filed on the August 6, 1981, cut-off-date.

8. Petitioner next asserts the application should not have been accepted because it violates Section 73.37(a) of the Rules in that the proposed 25 mV/m daytime contour will overlap the 25 mV/m daytime contour of station KCBS, San Francisco, California. In support of its contention, petitioner asserts the applicant incorrectly read measured radiation from the May 1971, KCBS proof of performance BL–13001. This argument is not convincing since measured radiation patterns are no longer used. Rather, the KCBS standard pattern radiation (Conversion 740–04) must be used. *Radiation Patterns for AM Broadcast Stations*, 48 F.C.C. 2d 796 (1981). Based on all the measurements submitted as well as the daytime standard radiation pattern for KCBS we find no prohibited overlap will occur between the proposed station and KCBS.

9. Petitioner also asserts the applicant's proposed 0.5 mV/m contour will overlap the 0.5 mV/m contour of station KCRL, Reno, Nevada. It submits a copy of part of the M–3 Map showing what petitioner alleges are the relevant overlapping contours. In addition, petitioner asserts that the application is incomplete in that the applicant failed to file data supporting its determination of the KCRL contours. Moreover, petitioner asserts the field intensity measurements taken on KCRL by the applicant and filed September 1, 1981, are incomplete, were improperly taken and improperly presented. Thus, according to petitioner, the application violates Section 73.153, 73.186 and 73.3571 of the Rules. We find Radio Riverbank Inc.'s application was substantially complete when it was filed; preliminary staff review showed no prohibited overlap between it and KCRL and the application was properly accepted for filing. A timely filed amendment to the application further demonstrated the lack of overlap with KCRL.

10. Next petitioner asserts the tower height as listed on the application is in error, and the computer designed radiation pattern is erroneous. In addition, according to petitioner, the antenna system is a critical array and will be difficult to adjust, and there will be reradiation problems with station KTRB. The opposition pleading concedes the antenna height listed on the application was in error. A corrected Section V–A (FCC Form 301) shows the tower height above ground is 299 feet, not 296 feet as was originally reported in the application. Our own computer studies show that the proposed nighttime array is not sensitive to minor changes in the operating parameters in that variations of 0.5 percent current-ratio deviation and 0.5 degree phase deviation would not result in radiation greater than the specified standard radiation values. (Our benchmarks are 1%/1° for generally stable arrays and 0.1%/0.1° for highly unstable arrays; between these extremes we consider arrays on a case-by-case basis.) Due to a relatively low RSS/RMS ratio of 1.33 and the absence of any likely sources of reradiation nearby, we find that the proposed array appears stable. In addition, the KTRB site is approximately 5.1 miles away from the proposed site, and no reradiation will occur. See *Radio Nevada Corp.*, 44 FR 69365 (1979). Petitioner also asserts the application violates Section 73.37(b) of the rules because the proposed 5 mV/m contour "overlaps the San Francisco-Oakland urbanized area." The allegation, even if true, raises no issue concerning Section 73.37(b) which refers to permissible co-channel contour overlap under certain conditions none of which are relevant here. We will deny the Riverbank Broadcasters' petition to deny.

11. The narrative environmental statement filed by Radio Riverbank failed to include a description of the facilities, whether there are power lines and access roads to the site, whether the proposal has been a source of controversy in the community and the antenna height. The applicant must file the information as required by Section 1.311(a)(2) of the Rules within thirty (30) days of the release of this Order.

12. Radio Riverbank, Inc. filed a petition for leave to amend on November 16, 1981. The petition requests that certain engineering information be accepted as part of its application. Petitioner asserts that the information is already on file with its opposition to the petition to deny and the information merely "illuminates" its engineering showing. Petitioner also notifies the Commission of changes in the business interests of its principals. The amendment does not prejudice the other competing applicant and is, in part, required to be filed under Section 1.65 of the Rules. Therefore, we will grant the petition and accept the amendment with the restriction that it cannot be used to enhance the comparative position of the applicant. *Azalea Corp.*, 31 FCC 2d 561 (1971).

13. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed.[1] However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive AM service of 0.5 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

14. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive AM service of 0.5 mV/M or greater from each proposal together with the availability of other primary aural service in such areas to determine whether a comparative preference should accrue to either of the applicants.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

15. It is further ordered, that Riverbank Broadcasters shall file the required environmental statement information, as discussed in paragraph four (4) above, with the Administrative Law Judge within thirty (30) days of the release of this Order.

16. It is further ordered, that the informal objection to the Riverbank Broadcasters application filed by Hubbard Broadcasting, Inc., is dismissed.

17. It is further ordered, that the petition to deny the Radio Riverbank,

[1] Operation with the facilities specified herein is subject to modification suspension or termination without right to hearing, if found by the Commission to be necessary in order to conform to the final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

Inc. proposal, filed by Riverbank Broadcasters, is denied.

18. It is further ordered, that Radio Riverbank, Inc., file the required environmental statement information, as discussed in paragraph eleven (11) above, with the Administrative Law Judge within thirty (30) days of the release of this Order.

19. It is further ordered, that the petition for leave to amend filed by Radio Riverbank, Inc., is granted and the amendment contained therein is accepted for filing upon the conditions set out in paragraph twelve (12) above.

20. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to Section 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission, in triplicate, written appearances stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this order.

21. It is further ordered, that pursuant to Section 311(a) of the Communications Act of 1934 as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of hearing as prescribed in the rules and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

Appendix

The Commission has not yet received Federal Aviation Administration clearance for the antenna tower(s) proposed by the below listed applicant(s). Accordingly, it is further ordered, That the following issue is specified:

To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height(s) and location(s) proposed by Radio Riverbank, Inc.

It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

[FR Doc. 83-14886 Filed 6-2-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 83-505 and 83-506; File Nos. BP-810706AU and BP-820628AH]

Tully-Warwick Corp. and Concord Broadcasting Associates; Hearing Designation Order

In the matter of applications of Tully-Warwick Corporation, Concord, New Hampshire, Req: 1140 kHz, 5 kW, DA-D (MM Docket No. 83-505, File No. BP-810706AU) and Concord Broadcasting Associates, Concord, New Hampshire, Req: 1140 kHz, 10 kW, DA-D (MM Docket No. 83-506, File No. BP-820628AH) For construction permit—designating applications for consolidated hearing on stated issues.

Adopted: May 11, 1983.

Released: May 24, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration: (a) the above-captioned mutually exclusive applications for a new AM broadcast station; (b) a petition to dismiss or deny and a motion to delete from the cut-off list, in opposition to the Tully-Warwick Corporation (TWC) application, filed by Capital Broadcasting Corp. (Capital), licensee of stations WKXL and WKXL-FM, Concord, New Hampshire; (c) a petition to dismiss or deny the Concord Broadcasting Associates (CBA) application filed by Capital; and, (d) relevant pleadings.

2. *Background:* TWC initially filed its application on July 13, 1979, (BP-790713AE) specifying a frequency of 1320 kHz. That application and an application filed by Spacetown Communications Corporation (Spacetown) for Derry, New Hampshire, (BP-790725AD) were mutually exclusive; the two applications were designated for hearing by *Hearing Designation Order,* released March 12, 1981, 46 FR 17258 (see BC Docket Nos. 81-151 and 81-152). In addition to the standard comparative issue under Section 307(b) of the Communications Act, principal city coverge (Section 73.24(j)), regional concentration of control (73.35(b)), and hazard to air navigation issues were specified against TWC. On April 17, 1981, Spacetown filed a motion to enlarge issues against TWC alleging that TWC is a wholly-owned subsidiary of New England Broadcasting Company, Inc. (New England), and that another wholly-owned subsidiary of New England, WGAW, Inc., was the applicant for a new FM station at Winchendon, Massachusetts (see BC Docket Nos. 79-234 and 79-235). Spacetown further alleged that in response to a competing applicant's petition to enlarge issues, the Presiding Judge added the following issues against WGAW, Inc.:

(a) To determine what efforts, if any, WGAW, Inc., has made to obtain the necessary zoning for its transmitter site; and, whether WGAW, Inc. has misrepresented the facts to, or been less than candid with the Commission regarding such efforts;

(b) To determine, in light of the facts adduced in issue (a) *supra,* whether WGAW, Inc., has violated 47 CFR 1.65 by failing to properly update its application; and

(c) To determine, pursuant to issues (a) and (b) *supra,* whether WGAW, Inc., is qualified to be the licensee of the FM Channel involved here.

The [1] Presiding Judge also ruled that the burden of proceeding on issues (a) and (b) would be on the competing applicant. Before any further action in the proceeding was taken, however, WGAW, Inc., and the other applicant filed a joint request for approval of agreement whereby WGAW, Inc., would dismiss its application and would receive $6,000 reimbursement for reasonable and prudent expenses. Subsequently, before the Presiding Judge ruled on the joint reimbursement request, WGAW, Inc., dismissed its FM application and did not seek approval of the $6,000 expense money. The Presiding Judge dismissed the application with prejudice, and the character issues were never resolved. Spacetown requested that the character qualification issues be added to the proceeding between it and TWC. Spacetown also asserted that TWC had violated Section 1.65 of the Rules because it had failed to amend its pending Concord AM application concerning the Winchendon application within the required thirty day time period; in addition, according to Spacetown another subsidary corporation of New England had filed assignment applications to acquire stations WLKN-AM and FM, Lincoln, Maine, and TWC failed to timely report it. Further, Spacetown alleged the ownership report for New England, filed by TWC with its Concord application, differs from that filed by other subsidiaries of New England. In addition, according to Spacetown, the principals of TWC and New England have failed to provide full and complete information concerning their business interests in violation of Section 73.3514 of the Rules. Finally, Spacetown alleged the principals of New England distributed false and misleading coverage maps in connection with the operation of stations WGAW and WSRO which greatly exaggerate the stations' service areas. Before any further action was taken in the proceeding, TWC and Spacetown filed a joint motion to suspend procedural dates pending outcome of negotiations between the parties. Subsequently, the parties filed a joint request for approval

[1] These applications were granted December 18, 1980. (BAL-800819AI and BALH-800818HI).

of settlement agreement and on July 6, 1981 TWC filed a major amendment to its application to change frequency to remove the electrical conflict between the applications and to return it to the processing line. The Presiding Judge approved the agreement, accepted the TWC amendment, removed the amended application from the hearing docket and returned it to the processing line. Becaue of the joint motion to suspend procedural dates, which had been granted, no responses to the Spacetown motion to enlarge issues were filed, and it was dismissed as moot.

3. Pursuant to the Order of the Presiding Judge (FCC 81M–2182) the TWC amended application (BP–790713AE) was returned to the processing line and given a new file number (BP–810706AU). On August 21, 1981, Capital filed a petition to dismiss or deny [3] alleging the application, as amended, is no longer acceptable for filing under Section 73.37(e)(1) of the Rules because FM Channel 288A has been assigned to Concord effective November 17, 1980. Further, according to Capital, if the application is accepted, it must be designated for hearing because of the unresolved issues raised by the Spacetown petition to enlarge. In response to Capital's petition, and without consideration of the merits of the petition, the Chief, Broadcast Facilities Division, by letter, dated May 26, 1982, notified Capital that the circumstances surrounding the July 1981 amendment to the TWC application presented a "colorable claim of acceptability under Section 73.37(e)(1)" of the Rules and to prevent further processing delays the amendment would be accepted and a cut-off date would be announced. The application was given a cut-off date of June 28, 1982. (Report No. A–54, released May 24, 1982.) CBA filed its competing application on June 28, 1982.

4. Capital timely filed a motion to delete the TWC application from the cut-off list and a petition to dismiss or deny the CBA application. Both petitions raise the threshold question of whether the applications conform to Section 73.37(e)(1) [4] of the Rules, and are thus, acceptable for filing or whether they must be dismissed for nonconformance. We will consider both petitions together as they relate to this issue.[5] Capital asserts that TWC voluntarily filed its major change amendment which, under Section 73.3571 of the Rules, required a new file number as if it were first filed on July 6, 1981, and, according to Capital, as of that date TWC must demonstrate that its application conforms to Section 73.37(e)(1) of the Rules. Capital asserts that its stations, WKXL AM and FM,[6] are licensed to Concord and on November 17, 1980, FM Channel 288A was assigned to Concord; therefore, according to Capital, TWC's amended application is not acceptable for filing and should be dismissed. For the same reason Capital asserts the CBA application is not acceptable for filing. TWC, in its opposition,[8] argues that its application is an existing facility pursuant to Note 8 of Section 73.37 of the Rules,[7] and, according to TWC, its application is acceptable because existing daytime stations filing for frequency changes are not subject to the restrictions of Section 73.37(e)(1). Capital, in its reply pleading, continues to insist the applications are unacceptable for filing.

5. We find no merit to TWC's contention that its application should be considered that of an existing station to be acceptable for filing under the rules; clearly it is not an existing station. Nor do we agree with petitioner's contention that the application must be dismissed. It is undisputed on the record that the TWC application was acceptable for filing when it was initially tendered, and when the Presiding Judge *accepted* the July 6, 1981, amendment he did so for good cause. The Presiding Judge noted that the proceeding would be substantially simplified and the conflict would be removed between the Spacetown and the TWC application. In addition the Presiding Judge noted that the amendment removed a city coverage issue (73.24(j)) and a regional concentration of control issue against TWC and would increase the possibility of a first local transmission service for Derry, New Hampshire.[9] More importantly however, acceptance of the amendment mooted a 307(b) issue since it was likely that both Concord and Derry would now receive a new daytime AM facility. It cannot be reasonably argued that the Presiding Judge accepted the amendment and returned the application to the processing line merely so that it could be dismissed; if this were the case he would not have accepted the amendment. Furthermore, dismissal of the application would effectively abrogate the Presiding Judge's determination that the 307(b) issue was resolved by the possibility that both communities would receive a broadcast facility. While we agree with petitioner that the major amendment to the TWC application did not technically conform to Section 73.37(e)(1) of the Rules; we think that it does comport with the intent of the Rule as well as to note 8 of that Rule (see footnote 3). In light of the unique circumstances manifested here we think grant of TWC's request for waiver of the Rule will serve the public interest.[10] With regard to the CBA application, we agree with petitioner; the application does not technically conform to Section 73.37(e)(1) of the Rules. The applicant does not request a waiver of the rule nor demonstrate how its application is otherwise acceptable for filing. CBA could, of course, have specified a community in its application that would meet the requirements of the Rules, but it did not. Our cut-off notice did, however, notify applicants that applications in conflict with TWC's application would be considered by the Commission if they were timely filed. While it is axiomatic that for an application to be considered it must conform to the rules or show good cause why the rules should be waived; it is also well established Commission policy that the public interest is served by having a choice among many qualified applicants who appear together at a hearing. *Azalea Corp.*, 31 F.C.C. 2d 561 (1977). We think that the benefits of having more applicants appear together at a hearing, in this case, outweight any potential detriment that may be caused by waiver of the rules. This is particularly so, in light of the fact that dismissal of the CBA application would deprive Concord of an AM broadcast facility if TWC is not qualified. Because of the unusual circumstances presented here, we will,

---

[3] Capital has standing to file a petition to deny as an economic competitor. See *FCC* v. *Sanders Brothers Radio Station*, 309 U.S. 470 (1940).

[4] The relevant Rule is Section 73.37(e)(1)(ii) which provides that an applicant for a new daytime AM station must provide the community designated in the application with a first or second authorized aural transmission service, and no FM. channel is available in that community. Note 6 to Section 73.37 is relevent here since it indicates that FM channel availability is applicable only at the tender date of the application.

[5] Both of Capital's petitions against TWC raise this issue; its petition against CBA raises no other issues.

[6] Note 7 to Section 73.37 provides, in relevant part, that when commonly owned AM and FM stations are licensed to the community in question the stations will be considered a single aural transmission service for the purpose of determining the acceptability of an application.

[8] The record does not contain opposition pleadings for CBA.

[7] Note 8 provides, *inter alia*, that in determining the number of authorized aural transmission facilities in a given community, applicants for that community, in hearing or otherwise having protected status under specified cut-off procedures, shall be considered existing stations.

[9] The remaining applicant had a limited financial qualification issue and a petition to enlarge issues against it.

[10] TWC requested waiver of the rule in its opposition pleading.

on our own motion, waive Section 73.37(e)(1) of the Rules and accept the CBA application. For the above reasons, the petition to dismiss or deny the CBA application and the motion to delete the TWC application from the cut-off list, both filed by Capital, will be denied.

6. We will now consider Capital's petition to dismiss or deny the TWC application. The petition first requests dismissal of the application based on nonconformance with Section 73.37(e)(1) of the Rules; we will deny the request for the reasons set forth in paragraph 5, above. Capital's petition, in addition to the issues raised by the Spacetown motion to enlarge issues,[10] alleges that TWC and its principals have shown a pattern of dismissals and settlements in order to avoid resolving the character qualification issues. TWC in its opposition concedes that it failed to timely report, in these proceedings, the dismissal of its Winchendon application, and the acquisition, of stations WLKN AM and FM by another subsidiary of New England. In addition, TWC concedes there was an inconsistency between the ownership information in its application (Concord) and its parent Corporation's ownership reports as filed with the Commission; however, TWC asserts this was the result of an inadvertent failure of its parent Corportion to report a 2 percent change in its (parents') ownership. TWC further concedes that it failed to report on its application as originally filed several business interests of two of its principals; however, it asserts the information was contained in another application, was not significant, and was not concealed. With regard to the exaggerated coverage map issue concerning stations WGAW and WSRO, TWC concedes that the maps on the stations' rate cards were inaccrurate but disavows any intent to deceive. TWC asserts the maps are "significantly less inaccurate" than alleged, their use has been discontinued, and accurate maps have been prepared to replace them. With regard to the misrepresentation and Section 1.65 issues which were added against WGAW, Inc., in the Winchendon FM proceedings, TWC concedes that WGAW, Inc., failed to timely amend its application concerning its change in plans but it asserts there was no intent to conceal information or to mislead. Capital, in its reply pleading, continues to oppose acceptance of the TWC application and assests that, if it is accepted, the matters raised in its petition and the Spacetown petition must be resolved by a hearing. Capital also opposes TWC's request for waiver of Section 73.37(e)(1) of the Rules.

7. *Discussion.* TWC has conceded that it and its principals have violated the Commission's Rules on numerous occasions: it failed to timely amend its Concord application when its Windendon application was dismissed in violation of Section 1.65; it failed to timely report the acquisition by another subsidiary corporation of stations WLKN AM and FM in violation of Section 1.65; it did not list in its Concord application certain business interests of its principals in violation of Section 73.3514; its parent corporation, New England Broadcasting Co., failed to timely report changes in its ownership as required by Section 73.3615; its corporate sibling, WGAW, Inc., failed to timely report changes in its plans concerning its Winchendon FM application in violation of Section 1.65; and finally, TWC concedes that the contour maps depicted on the rate cards for stations WGAW and WSRO showed exaggerated service areas for the stations. The fact that most of the information not timely reported pursuant to Section 1.65 was available in other Commission records or that the omissions were inadvertent or that inaccuracies were less inaccurate than alleged does not excuse the violations. Some of the violations occurred while TWC was actively prosecuting a contested application and it is well known that the Commission cannot evaluate an applicant's qualifications without full knowledge of all relevant facts. *Bangor Broadcasting Corp.*, 32 RR 2d 409 (Rev. Bd 1974). We think that TWC and its principals' repeated violation of the Commission's Rules and failure to timely report required information amounts to a pattern of carelessness and inadvertence in preparing applications and amendments which reflects adversely on its qualifications to be a licensee of the facilities sought here. *Beamon Advertising Inc.*, 1 R.R. 2d 285 (Rev. Bd 1963); *Vernon Broadcasting Co.* 12 F.C.C. 2d 946 (1968). Furthermore, use of inaccurate coverage maps is inconsistent with a licensee's obligation to operate their facilities in the public interest. *Gainesville, Media, Inc.*, 37 R.R. 2d 708 (Rev. Bd. 1976); *Sherwood, J. Inc., et al.*, 60 F.C.C. 2d 808 (Rev. Bd. 1976). An appropriate issue will be specified.

8. With regard to the misrepresentation/lack of candor issue, we are not persuaded by the record that such an issue is warranted against TWC in these proceedings. WGAW was put on notice March 17, 1977, by a letter from the Commission which questioned the availability of its antenna site in light of certain town zoning restrictions; the applicant responded by letter dated April 14, 1977, indicating it was aware of the problem and would handle it expeditiously and obtain a zoning variance. The Presiding Judge found that between April 18, 1977, and February 6, 1978, WGAW made no attempt to "live up to its written promises." Thereafter, by letter dated July 25, 1978, in response to a February 6, 1978, Commission deficiency letter, WGAW asserted, its president had met with the town zoning board of appeals and believed that the variance to operate the station would be granted in a short period of time. The Presiding Judge however, found that the meeting referred to in the July 25, 1978, letter took place prior to the April 14, 1977, letter and that WGAW tried to circumvent explaining its prior promises by talking about an earlier meeting. In addition the competing applicant filed an affidavit from the chairman of the board of zoning appeals which stated that an examination of the board's official minutes from 1973 to November 1979 did not disclose a request or formal application by WGAW for a zoning variance. The 1.65 issue was added on the basis of WGAW's failure to amend its application when it did not take steps to cure the site availability problems. Since WGAW was on notice that the availability of its proposed site was being questioned by the staff and its application could not be granted without a zoning variance, there was no motive to conceal or misrepresent the extent of its efforts. It was undisputed that WGAW's president appeared before the zoning board in March or April 1977, at which time he was informed that a formal variance application would be required; it was also undisputed that the formal variance application was never submitted. WGAW was responsible for the accuracy of its pending applications, and it was required to inform the Commission of any significant changes that occurred; this it failed to do when it changed its intentions and did not immediately file for a zoning variance. However, we do not think the record indicates that a misrepresentation or lack of candor issue is warranted in these proceedings. Capital's allegation that TWC and its principals have shown a pattern of dismissals and settlements calculated to avoid resolving the issues is unsupported by the record; only one application has been dismissed, the Winchendon FM application. We will grant the petition to dismiss or deny filed by Capital to the extent set out above and deny it in all other respects.

[10] These are set out in paragraph 2. above.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive AM service of 0.5 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

10. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the extent to which the conduct and conceded violations of the Commission's Rules by Tully-Warwick Corporation and its principals, set out in paragraph seven (7), above, affect Tully-Warwick Corporation's basic and/or comparative qualifications to be the licensee of the facilities sought here.

2. To determine the areas and populations which would receive AM service of 0.5 mV/m or greater from each proposal together with the availability of other primary aural service in such areas to determine whether a comparative preference should accrue to either of the applicants.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, that Section 73.37(e)(1) of the Commission's Rules, is waived, and the applications of Tully-Warwick Corporation and Concord Broadcasting Associates are accepted.

12. It is further ordered, that the petition to dismiss or deny the Concord Broadcasting Associates application filed by Capital Broadcasting Corp., is denied.

13. It is further ordered, that the motion to delete application from the cut-off list, filed against the Tully-Warwick Corporation application by Capital Broadcasting Corp., is denied.

14. It is further ordered, that the petition to dismiss or deny the Tully-Warwick Corporation application, filed by Capital Broadcasting Corp., is granted to the extent set out in paragraph seven (7), above and in all other respects, is denied.

15. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to Section 1.221(c) of the Commission's Rules the applicants shall, within 20 days of the mailing of this Order, in person or by attorney, file with the Commission, in triplicate, written appearances, stating an intention to appear on the dates fixed for the hearing and to present evidence on the issues specified in this Order.

16. It is further ordered, that pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed by the rule, and shall advise the Commission of the publication of the notices as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-14662 Filed 6-2-83; 8:45 am]

BILLING CODE 6712-01-M

Closed Circuit Test of the Emergency Broadcast System

May 31, 1983.

A test of the Emergency Broadcast System (EBS) has been scheduled during the week of June 20, 1983. Only ABC, MBS, NPR, AP Radio, CBS, IMN, NBC and UPI Audio Radio Network affiliates will receive the Test Program for the Closed Circuit Test. AP and UPI wire service clients will receive activation and termination messages of the Closed Circuit Test. The ABC, CBS, NBC and PBS television networks are not participating in the Test.

Network and press wire service affiliates will be notified of the test procedures via their network approximately 30 to 45 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after the Test.

This is a closed circuit test and will not be broadcast over the air.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-14663 Filed 6-2-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-238]

Naples Federal Savings & Loan Association, Naples, Florida, Final Action; Approval of Post-Approval Amendment to Mutual-to-Stock Conversion Application

Dated: May 27, 1983.

Notice is hereby given that on May 5, 1983, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved post-approval amenement to Sections 27 and 28 of the Plan of Conversion of Naples Federal Savings and Loan Association, Naples, Florida. The Application for Conversion had been approved by the Board by Resolution No. 79-548, dated November 8, 1979. Copies of the Application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, N.W. Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 83-14648 Filed 6-2-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-35]

Pacific Coast European Conference (Agreement No. 5200); Order To Show Cause

Agreement No. 5200 (Agreement) is the basic Agreement of the Pacific Coast European Conference (PCEC).[1] The Agreement authorizes member lines to provide direct all-water service from U.S. Pacific Coast ports to European ports and inland points, and to provide minibridge service from the Pacific Coast to European destinations via U.S. Atlantic, Great Lakes and Gulf Ports.[2]

[1] The current membership of Agreement No. 5200 consists of: Blue Star Line, Ltd.; Compagnie Generale Maritime (French Line); D'Amico Societa di Navigazione Per Azioni; The East Asiatic Co., Ltd.; Hapag-Lloyd AG; Intercontinental Transport (ICT) B.V.; Italia Societa Per Azioni di Navigazione; Johnson Line AB.; Scan-Pacific Line; Sea-Land Service, Inc.; Sploena Plovba (United Yugoslav Line); and Zim Israel Navigation Co., Ltd.

[2] The precise service description as stated in the Preamble to the Agreement covers the trade: * * * from ports in the states of Alaska, Washington, Oregon and California and overland from such ports to destinations via connecting water movements from U.S. Atlantic, Great Lakes

Article 1 of the Agreement requires a member line to give 120 days' advance notice to the Conference prior to offering an intermodal service within the scope of the Agreement which is not being offered under the Conference tariff.[3] This advance notice clause originally was approved by the Commission in connection with an amendment to the Agreement adding European inland points to the Conference's port-to-port service. *See Conditional Approval of Agreements No. 5200–29,* January 12, 1977.

Subsequent to this approval, the Commission found that such advance notice provisions unreasonably restrain Conference members from initiating intermodal transportation services and thereby inhibit innovation. *Application for Approval of an Amendment to the American West African Freight Conference Agreement No. 7680–38,* 18 S.R.R. 339 (1978) (*AWAFC*). The Commission stated in *AWAFC* that although it has previously approved advance notice clauses, such provisions had burdened the filing of intermodal tariffs by individual members to an unreasonable degree. The Commission reasoned that individual member lines would be less likely to undertake the costly and time consuming effort of developing an individual intermodal tariff if the implementation of such a proposal could be delayed by a requirement of notice to the Conference. The Commission established as a general rule that members of a Conference "* * * have no duty to give notice to or file anything with the Conference regarding intermodal tariffs, and are subject only to the notice to the public and the filing with the Commission required by section 18 of the Shipping Act, 1916." *AWAFC, supra* at 18 S.R.R. 341. In *AWAFC*, the Commission conditioned its section 15 approval of an amendment expanding the agreement's intermodal authority upon the deletion of a 90-day notice provision. In accordance with this policy, the Commission has required the deletion of other previously approved advance notice clauses.[4] Moreover, the Commission has stated that any departure from the rule expressed in *AWAFC* must be justified by demonstrated trade conditions.[5]

The advance notice clause in Article 1 of Agreement No. 5200, on its face, is contrary to the Commission policy established in the *AWAFC* decision and therefore appears to contravene the standards of section 15. The Conference and its member lines must therefore show cause why Agreement No. 5200 should not be modified to delete the advance notice provision from the Agreement and, if not so modified, why the Agreement should not be found contrary to the public interest within the meaning of section 15.[6]

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821), the Pacific Coast European Conference and its member lines are ordered to show cause why Agreement No. 5200 should not be modified to delete the 120-day advance notice provision from the third paragraph of Article 1 of the Agreement; and, if not so modified, why Agreement No. 5200 should not be found contrary to the public interest within the meaning of section 15 of the Shipping Act, 1916 and disapproved pursuant to that section;

It is further ordered, That the Pacific Coast European Conference and its member lines be named Proponents in this proceeding;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Hearing Counsel shall be a party to this proceeeding;

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law and replies thereto pursuant to the following schedule:

By close of business July 15, 1983, affidavits of fact and memoranda of law shall be filed by Proponents and served upon all parties.

By close of business August 15, 1983, reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and served upon all parties.

By close of business August 22, 1983, all parties must file requests for evidentiary hearing and/or discovery, if desired, which requests must be accompanied by a statement setting forth in detail the facts to be proven or developed, their relevance to the issues in this proceeding and why such proof cannot be submitted through further affidavit.

It is further ordered, That persons other than those already parties to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72) no later than close of business June 15, 1983;

It is further ordered, That persons permitted to intervene in support of Proponents' position shall conform to the filing schedule assigned to Proponents; and that, persons permitted to intervene in opposition to Proponents' position shall conform to the filing schedule assigned to the Commission's Bureau of Hearing Counsel;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and fifteen copies as well as being mailed directly to all other parties of record; and

It is further ordered, That notice of this Order be published in the Federal

---

and Gulf ports to ports in the United Kingdom of Great Britain and Northern Ireland, Ireland, the Scandinavian Peninsula, Continental Europe, including ports on and in the Baltic and Mediterranean Seas, as well as the seas bordering thereon, and to European (including British Isles) inland points via these ports, and to ports (but not inland points) in Morocco and the Atlantic Islands of the Azores, Madeira, Canary and Cape Verdes and by transshipment at the aforementioned ports to ports in Iceland.

[3] The third paragraph of Article 1 on seventh revised page 2 of the Agreement states: In the event a member line desires to offer an intermodal service within the scope of this Agreement, but not being offered by the Conference under its tariff, it shall first present the matter to the Conference in writing for consideration and joint action. Only in the event the Conference does not, within one hundred twenty (120) days of such presentation, establish such service shall the proposing member, or any other member line, be free to act unilaterally in respect to the matter proposed. In the event the Conference shall, by such vote, subsequently adopt and effectuate a tariff or tariffs covering the service embraced by any such member's individual tariff, the member's tariff, to the extent of such duplication, shall be cancelled by said member or members which are parties thereto coincidentally with the effectiveness of such Conference tariff or tariffs. Provided, however, that such cancellation shall be required only to the extent the relevant tariff rates, rules or regulations so adopted by the Conference are no less favorable to the promotion and development of the intermodal service involved than the parallel provisions of the applicable independent tariff or tariffs.

[4] In *Conditional Approval of Agreement No. 8000–16,* 19 S.R.R. 831, 833 (1979), the Commission required deletion of a 120-day notice clause as a condition of approval of an amendment seeking foreign inland authority. Deletion of an advance notice clause as a condition of approval was also required in *Philippines North America Conference (Agreement No. 5800–42),* 21 S.R.R. 345, 347 (1981).

[5] *See U.S. Atlantic & Gulf/Australia-New Zealand Conference (Agreement No. 6200–20—Intermodal Authority),* 21 S.R.R. 89, 93 (1981) (Proponents of an advance notice clause must demonstrate trade conditions which require a deviation from the general rule expressed in *AWAFC); Japan/Korea Atlantic and Gulf Conference Intermodal Amendment Agreement No. 3103–67,* 20 S.R.R. 1173, 1181 n. 24 (1981) (120-day notice clause must be adequately justified).

[6] One specific matter which should be clarified is whether Article 1 of Agreement No. 5200 contemplates an additional notice period before modification of a previously inaugurated independent intermodial tariff becomes effective. If an additional 120 days would be required for adjustments in the tariff, then the inhibiting effect on member-initiated intermodal service would be increased. *See Seatrain International v. Federal Maritime Commission,* 598 F.2d 288, 298 (D.C. Cir. 1979).

Register and that a copy thereof be served upon all parties.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-14078 Filed 6-2-83; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Advisory Committee on Preservation will meet on June 27, 1983 from 10:00 a.m. to 4:00 p.m., June 28, 1983 from 9:00 a.m. to 4:00 p.m., and June 29, 1983 from 9:00 a.m. to 12 noon in Room 105, National Archives Building, Washington, D.C. This meeting will be devoted to the relative longevity of paper, film, and tape as related to the mission of the National Archives.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: May 24, 1983.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 83-14055 Filed 6-2-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Cooperative Agreements; Preventative Health Services—Tuberculosis Control Clinical Trial; Availability of Funds for Fiscal Year 1983

Correction

In FR Doc. 83-12903 beginning on page 21656 in the issue of Friday, May 13, 1983, make the following correction:

On page 21657, middle column, under "2. *Applications submitted by other means*", last line of the paragraph, "1985" should have read "1983".

BILLING CODE 1505-01-M

Food and Drug Administration

[Docket No. 82P-0388]

General Medical Co.; Drionic® Iontophoretic Sweat Inhibition Device; Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment the recommendations of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel (the Section) that the Drionic® Iontophoretic Sweat Inhibition Device not be reclassified from class III (premarket approval) into class I (general controls). The recommendation was made after review by the Section of a reclassification petition filed by the manufacturer of the device, General Medical Co., Los Angeles, CA 90025. After reviewing the Section recommendation and any public comments received, FDA will approve or deny the reclassification petition by order in the form of a letter to the petitioner. FDA's decision on the reclassification petition will be announced in the **Federal Register**.

DATE: Comments by August 2, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Thomas J. Callahan, National Center for Devices and Radiological Health (HFK-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7238.

SUPPLEMENTARY INFORMATION: On November 8, 1978, General Medical Co., Los Angeles, CA 90025, submitted to FDA a premarket notification under section 510(k) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360(k)), stating that it intented to market an iontophoresis device with the brand name Drionic® Iontophoretic Sweat Inhibition Device (Drionic®).

After reviewing the information in the premarket notification, FDA determined that the device was not substantially equivalent to any device that was in commercial distribution before May 28, 1976, nor was the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Accordingly, this device is automatically classified into class III under section 513(f)(1) of the act (21 U.S.C. 360(f)(1)).

On October 18, 1982, General Medical Co. submitted to FDA, under section 513(f)(2) of the act, a petition to reclassify from class III into class I the Drionic® device.

Under section 515(a)(2) of the act, (21 U.S.C. 360e(a)(2)), before a device that is in class III can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approved application for premarket approval under section 515 of the act. Such a device may be shipped in commerce, however, if there is in effect for the device and investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)). There is no approved premarket approval application in effect for the Drionic® device, and the device is not the subject of an investigational device exemption.

Section 513(f)(2) of the act requires FDA to refer a reclassification petition to the appropriate advisory panel and to secure a recommendation on whether to approve or deny the petition. Accordingly, because primary users of the device are dermatologists, FDA referred the petition to the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee. On January 26, 1983, the Section reviewed the petition at an open public meeting.

To determine the proper classification of the device, the Section considered the criteria specified in section 513(a)(1) of the act. Section 513(a) of the act establishes three classes of devices. Classification into each of the three classes is determined by the level of regulatory control needed to provide reasonable assurance of the safety and effectiveness of the devices in the class.

A class I device is (1) a device for which the "general controls" authorized by or under other sections of the act are sufficient to provide reasonable assurance of the safety and effectiveness of the device; or (2) if insufficient information exists to make such a determination, a device that is not purported or represented to be for a use in supporting or sustaining human life or for a use which is of substantial importance in preventing impairment of human health and that does not present a potential unreasonable risk of illness or injury.

A class II device is a device for which general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, for which there is sufficient information to establish a performance standard to provide such assurance, and for which "it is therefore necessary to establish * * * a performance standard under section 514 to provide reasonable assurance of its safety and effectiveness."

A class III device is a device that cannot be classified into class I or class II and that is purported or represented to be for a use in supporting or sustaining human life or for a use which is of

substantial importance in preventing impairment of human health, or that presents a potential unreasonable risk of illness or injury. Premarket approval obtained in accordance with section 515 of the act is required to provide reasonable assurance of the safety and effectiveness of a class III device.

The data on which any reclassification of a device is based are required to consist of "valid scientific evidence," as defined in section 513(a)(3) of the act and § 860.7 (21 CFR 860.7) of the regulations governing medical device classification procedures. For the purposes of reclassification, the valid scientific evidence upon which the agency relies may not be based on trade secret or confidential commercial information obtained by FDA under various sections of the act (see section 520(c) of the act and § 860.5(e) (21 CFR 860.5(e)) of the regulations) or on the detailed summaries of information respecting the safety and effectiveness of devices for which there are approved applications (see section 520(h)(3) of the act). But all data and information in a filed petition for reclassification under section 513(f) of the act may be disclosed by the agency and used as the basis for reclassification of a device (see § 860.5(e)). After considering the information in the petition and the presentations made at the January 26, 1983 meeting, the Section unanimously recommended that the petition to reclassify the device from class III into class I be denied.

Summary of Reasons for the Recommendation

The Section expressed as its principal reason for opposing reclassification of the device, its conclusion that there was a lack of evidence that the device was effective for its claimed use, sweat inhibition. In addition, the Section stated that the data did not establish the safety of long-term use of the device and concluded that long-term followup is needed to determine whether or not there may be other safety problems.

Summary of the Data on Which the Recommendation Is Based

The Section identified a number of problems with the study presented by the petitioner in support of its claims of the safety and effectiveness of the device. The study was conducted at four separate institutions. The deficiencies in the study included the high attrition rate (only 60 patients remaining out of more than 169 initial patients) and the questionable objective improvement shown by the petitioner's sweat assessment method. Because of the deficiencies in the design and results of the study, the Section concluded that the petitioner failed to show that the device was effective.

The Section based its conclusion, in part, on a presentation at the meeting to the Section by two guest speakers, Antoinette Hood, a dermatologist, and Ellis F. Stanley, a neurophysiologist, both from the Johns Hopkins University, who reviewed the clinical study in the petition. The guest speakers raised concerns about the high percentage of patients lost to followup and the questionable validity of the petitioner's method for assessing effectiveness noted by the Section. They cited the need, in any attempt to investigate any phenomenon, for a standardized, reproducible measurement technique to measure the parameters of interest. With respect to the petitioner's study, the speakers concluded that measurements in the grading system of sweat assessment for institutions and individual subjects were not standardized. The speakers cited the following factors as additional reasons why the petitioner had failed to demonstrate the effectiveness of the device: there was large improvement in the untreated "control" side of a unilaterally treated patient population (a significant percentage of untreated hands showed improvement); and there was no testing for use of the device in controlling any type of sweating other than hyperhydrosis, e.g., stress sweating, exercise sweating, temperature sweating.

Risks to Health

The Physical Medicine Device Classification Panel, in its recommendation for the classification of iontophoresis devices (see 44 FR 50520; August 28, 1979) identified the following risks to health associated with iontophoresis devices: (1) Electric shock; (2) electric burns; (3) cardiac arrest; and (4) use in inappropriate therapy. The petitioner, General Medical Co., presented information to the General and Plastic Surgery Device Section in support of the petitioner's conclusion that the risks to health identified by the Physical Medicine Classification Panel had been overcome by new design features incorporated into the Drionic® device. The Section noted, however, the existence of cases of burn and shock reported in the petitioner's clinical study.

In addition to the risks to health identified by the Physical Medicine Classification Panel, the Section identified a number of additional potential safety concerns about the use of the petitioner's device, including the unknown consequences of chronic use of the device, particularly when no control on number of treatments, duration of treatments, or strength of the application is maintained. The petitioner's protocol specified treatment every 2 to 3 days up to 2 weeks until at least 5 treatments were given, with a 2-week and 6-week followup. Dr. Hood noted that fewer than 50 percent of the subjects entered in the study were seen at the 6-week followup. Other potential safety concerns raised by the Section included the potential for unintended and unknown effects with continuing use in the presence of antiperspirants or creams, e.g., forcible injection of aluminum ions into the skin, and the potential complications that may arise from over-the-counter use by patients who self-diagnose a hyperhidrotic condition but may actually either have a hyperactive sympathetic system going on the scleroderma or thromboangitis obliterans that may be present with sweating as a first symptom, or who have Raynaud's phenomenon or Raynaud's disease. In addition, the device as presented at the Section meeting uses a sweat assessment technique that results in repeated exposure to iodine solutions. The Section expressed concern about the long-term dermatologic hazard from this exposure.

Petitioner's Position

The petitioner stated in the petition that the Drionic® device does not meet the statutory criteria for class III devices because:

1. The device is not intended to support or sustain human life;
2. The device does not present a potential unreasonable risk of illness or injury; and
3. Sufficient information exists about the safety and effectiveness of the device that application of class I controls is appropriate to provide reasonable assurance to the public of the safety and effectiveness of the Drionic® device.

The petitioner maintains, in the petition, that clinical investigations it sponsored demonstrate both the safety and the effectiveness of the Drionic® device. But during the petitioner's presentations to the Section, the petitioner argued that section 513(a)(1)(A)(ii)(II) of the act requires FDA to reclassify a device from class III into class I, if the device is neither life sustaining nor life supporting, nor of substantial importance in preventing impairment of human health, and the device does not present an unreasonable risk of illness or injury.

even though the effectiveness of the device has not been clearly established. During his presentation to the Section, counsel for the petitioner stated, "the primary interest of General Medical in conducting this clinical trial was to demontrate the safety of this particular device."

FDA's Position

It is unnecessary to reach petitioner's argument concerning the application of section 513(a)(1)(A)(ii) of the act, because FDA has tentatively concluded that the Drionic® device fails to meet petitioner's own criteria for reclassification into class I and that premarket approval is necessary to provide reasonable assurance of the safety and effectiveness of the device. FDA tentatively agrees with the Section that the petitioners has failed to show that the Drionic® device is effective for sweat inhibition. FDA also tentatively agrees with the safety concerns raised by the Section. Having considered both the language in section 513(a)(2) of the act and the guidance provided by the legislative history, FDA has tentatively concluded that the Drionic® device presents a potential unreasonable risk of illness or injury and should therefore remain in class III.

Section 513(a)(2) of the act reads as follows:

(a) * * *

(2) For purposes of this section and sections 514 and 515, the safety and effectiveness of a device are to be determined—

(A) With respect to the persons for whose use the device is represented or intended,

(B) With respect to the conditions of use prescribed, recommended, or suggested in the labeling of the device, and

(C) Weighing any probable benefit to health from the use of the device against any probable risk of injury or illness from such use.

FDA believes that lacking any evidence of probable benefit to the health of those persons for whose use the device is intended, any risk of injury or illness is unreasonable. This conclusion is supported by the legislative history of the Medical Device Amendments of 1976 (Pub. L. 94–295). In its report, the House Committee on Interstate and Foreign Commerce explained the meaning of "potential unreasonable risk" as follows:

The phrase "presents a potential unreasonable risk of illness or injury" has two significant features. First, the requirement that a risk be unreasonable contemplates a balancing of the possibility that illness or injury will occur against benefits from use. Second, the risk need only be a potential one. The risk may be one demonstrated by reported injuries or it may simply be foreseeable. The fact that a device is being marketed without sufficient testing is an adequate basis for the Secretary's conclusion that the device presents a potential unreasonable risk to health.

H.R. Rep. No. 94–853, 94th Cong. 2d Sess. 36 (1976).

Thus, Congress intended that where the foreseeable risks of a device outweigh any known benefits from use, or where the risks of a device are not fully known because the device has not been adequately tested, FDA may find that the device presents a potential unreasonable risk to health and does not belong in class I.

Although the design features incorporated into the Drionic® device may preclude the risk of cardiac arest due to exposure to the device, the evidence presented was insufficient for the Section to conclude that the balance of the hazards identified by the Physical Medicine Classification Panel and the risks to health enumerated by the Section have been removed. Review of the petitioner's clinical investigation report reveals 72 reports of complications, including the following: 1 burn; 5 vesicles and buillae; 6 reports of shock; and 60 cases of other experiences, including tingling sensations, burning sensations, and erythema. FDA also notes that the actual incidence of adverse effects cannot be assessed because of the large number of subjects in the petitioner's study lost to followup. In addition, no adequate study of any possible adverse effects of long-term use (more than 2 weeks) has been made.

Weighing these demonstrated risks, and the potential risks identified by the Section, against the lack of demonstrated effectiveness of the device. FDA has tentatively concluded that the device presents a potentially unreasonable risk of illness or injury and that therefore there is insufficient evidence to support reclassification into a class other than class III.

On the basis of the foregoing discussion, FDA has tentatively decided that the subject petition for reclassification should be denied.

After considering the economic consequences of approving or denying approval of this reclassification petition, FDA certifies that this notice requres neither a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory flexibility Act (Pub. L. 96–354). Approval of this petition would not have a significant economic impact on a substantial number of small entities. The petitioner and all future manufacturers of the iontophoresis sweat inhibition device would be relieved of the costs of complying with the premarket aproval requirements in section 515 of the act. There are no offsetting costs that the petitioner would incur from reclassification into class I. The magnitude of the economic savings from approval or costs from denial of approval of this petition depends on the extent of premarket approval studies the petitioner would have to conduct and the number of future competitors satisfying the same requirements. Neither of these parameters can be reliably calculated to permit quantification of the economic costs.

Because of statutory deadlines (section 513(f)(2) of the act) and requirements in the regulations (21 CFR 860.134(b)(5)), FDA is required to publish this notice in the **Federal Register** as soon as practicable. As authorized by section 8(a)(2) of Executive Order 12291, FDA is publishing this notice in the **Federal Register** without clearance of the Director, Office of Management and Budget. As soon as practicable, FDA will notify that office of the publication of this notice.

In accordance with section 520(d) of the act (21 U.S.C. 360j(d)), FDA is providing 60 days for interested persons to comment on this notice. FDA also recognizes that under section 513(f)(2)(C)(i), FDA must act on this petition within 210 days after the petition is filed. Therefore, the agency encourages interested persons to submit comments early and advises that immediately upon the close of the comment period, FDA will evaluate the comments and approve or deny the petition.

Interested persons may, on or before August 2, 1983, submit to the Dockets Management Branch (address above) written comments on the recommendation. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the name of the device and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 25, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

FR Doc. 83-14544 Filed 6-2-83; 8:45 am

BILLING CODE 4160-01-M

[Docket No. 83F-0156]

Morton Chemical Division of Morton-Thiokol, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Morton Chemical Division of Morton-Thiokol, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of an aqueous dispersion of polyhydric alcohol diesters of oxidatively refined (Gersthoffen process) montan wax acids, polyoxyethylene (minimum (min.) 3 mols) cetyl alcohols, and polyoxyethylene (min. 20 mols) oleyl ether, for use in aqueous dispersions of polyvinylidene choloride copolymers intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-[illegible]90.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3707) has been filed by Morton Chemical Division of Morton-Thiokol, Inc., Two North Riverside Plaza, Chicago, Il 60606, proposing that the food additive regulations be amended to provide for the safe use of an aqueous dispersion of polyhydric alcohol diesters of oxidatively refined (Gersthoffen process) montan wax acids, polyoxyethylene (min. 3 mols) cetyl alcohols, and polyoxyethylene (min. 20 mols) oleyl ether, for use in aqueous dispersions of polyvinylidene chloride copolymers intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: May 20, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-14545 Filed 6-2-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0148]

Wesley-Jessen, Inc., Premarket Approval of DURASOFT® TruFocal ™ (Phemfilcon A) Bifocal Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the DURASOFT® TruFocal ™ (phemfilcon A) Bifocal Hydrophilic Contract Lens, sponsored by Weley-Jessen, Inc., Chicago, IL. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by July 5, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the dockets Management branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On July 22, 1982, Wesley-Jesen, Inc., Chicago, IL, submitted to FDA a supplemental applicationfor premarket approval of the DURASOFT® TruFocal ™ (phemfilcon A) Bifocal Hydrophilic Contact Lens. The lens is indicated for daily wear by not aphakic, hyperopic, myopic, and emmetrophic, preshyopic persons with nondiseased eyes who may have no more than 2.00 diopters of astigmatism and who require from 1.00 to 2.75 diopters of refractive add. The lens is approved in powers of −4.5 to +4.5 diopters and is to be disinfected using either thermal or chemical disinfection systems. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, and FDA advisory committee, which recommended approval of the application. On April 20, 1983, FDA approved the application by letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321 (h)), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similiar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of an approved contact lens states that the lens is to be used with thermal or chemical disinfection systems. The restrictive labeling informs new users that they must avoid certain products, such as solutions intended for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new lens solutions that FDA approves for use with approved contact lenses. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 96-637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever

FDA publishes a notice in the Federal Register of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before July 5, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 25, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-14839 Filed 6-2-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Notice of Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings:

Dallas District Office, chaired by James E. Anderson, District Director. The topic to be discussed is: Direct-to-Consumer Advertising of Prescription Drugs.

DATE: Thursday, June 9, 1983, 5:30 p.m. to 7:30 p.m.

ADDRESS: Public Service of New Mexico (PNM) Bldg., Reddy's Rendezvous, Alvarado Square, Albuquerque, NM.

FOR FURTHER INFORMATION CONTACT: Hazel L. Wallace, Consumer Affairs Officer, Food and Drug Administration, 1200 Main Tower, Rm. 1545, Dallas, TX 75202, 214-767-5433.

St. Louis Station Office, chaired by Ronald M. Johnson, Chief. The topic to be discussed is: Direct-to-Consumer Advertising of Prescription Drugs.

DATE: Thursday June 16, 1983, 1:30 p.m. to 3:30 p.m.

ADDRESS: Food and Drug Administration, 808 North Collins, Laclede's Landing, St. Louis, MO 63102.

FOR FURTHER INFORMATION CONTACT: Mary-Margaret Richardson, Consumer Affairs Officer, Food and Drug Administration, 808 North Collins, Laclede's Landing, St. Louis, MO 63102, 314-425-5021 or 314-425-4137.

Buffalo District Office, chaired by Burton I. Love, Chief Investigator. The topic to be discussed is: Direct-to-Consumer Advertising of Prescription Drugs.

DATE: Thursday June 16, 1983, 1:30 p.m. to 3:30 p.m.

ADDRESS: Rm. 1440, U.S. Federal Bldg., West Huron and Delaware Aves., Buffalo, NY 14202.

FOR FURTHER INFORMATION CONTACT: Lois M. Meyer, Consumer Affairs Officer, Food and Drug Administration, 599 Delaware Ave., Buffalo, NY 14202, 716-846-4483.

Nashville District Office, chaired by Hayward E. Mayfield, District Director. The topics to be discussed are: Direct-to-Consumer Advertising of Prescription Drugs and the Update of FDA Issues.

DATE: Wednesday, June 22, 1983, 10 a.m. to 11:30 a.m.

ADDRESS: Conference Room, Food and Drug Administration, 297 Plus Park Blvd., Nashville, TN 37217.

FOR FURTHER INFORMATION CONTACT: Barbara B. Shields, Consumer Affairs Officer, Food and Drug Administration, 297 Plus Park Blvd., Nashville, TN 37217, 615-251-7127.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 27, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-13000 Filed 6-2-83; 8:45 am]

BILLING CODE 4160-01-M

Dermatologic Drugs Advisory Committee; Republishing of Meeting Notice

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is republishing the notice announcing a meeting of the Dermatologic Drugs Advisory Committee scheduled for June 13, 1983. The meeting was announced in the Federal Register of May 13, 1983 (48 FR 21660). The notice is being republished because of a revised schedule and a change in the open committee discussion. In addition to the agenda items announced in the May 13 notice, the committee will also discuss bioequivalence considerations in topical corticosteroids.

Dermatologic Drugs Advisory Committee

Date, time, and place. June 13, 8 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, 8 a.m. to 9 a.m.; open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4:30 p.m.; David Bostwick, National Center for Drugs and Biologics (HFN-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5798.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in the treatment of dermatological disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss bioequivalence considerations in topical corticosteroids, ketoconazole (NDA 18-533, Janssen Pharmaceutica), and lindane (NDA 6-309, Reed and Carnrick, Inc.).

Dated: May 31, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-15001 Filed 6-2-83; 8:45 am]

BILLING CODE 4160-01-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on May 27.

Public Health Service

Alcohol, Drug Abuse, and Mental Health Administration

Subject: Supplemental Instructions: Research Scientist Development/ Award Program
Respondents: Research scientists
OMB Desk Officer: Fay S. Iudicello

Office of the Assistant Secretary for Health

Subject: Application and Related Forms for the Operation of the National Death Index (0937-0088)—Revision
Respondents: Individuals, organizaitons, and agencies conducting health and medical research involving the monitoring of cohorts of individuals over time
Subject: Application for Correction of PHS Commissioned Corps Personnel Records (0937-0095)—Extension
Respondents: Present and former PHS commissioned corps personnel
OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: New Drug Applicaiton (0910-0001)—Extension/no change
Respondents: Drug manufacturers
OMB Desk Officer: Richard Eisinger

Social Security Administration

Subject: Employer Classification Update (SSA-L378 (4-81))—Reinstatement
Respondents: New employers who supplied insufficient industry classificaiton information on their SS-4, Applications for Employer Identification Number
Subject: Refugee State-of-Origin Report—New
Respondents: State governments
OMB Desk Officer: Milo Sunderhauf

Office of the Secretary

Subject: HHS Procurement Regulation
Respondents: State and local governments, businesses, non-profit institutions
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer).

Date: May 26, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-14805 Filed 6-2-83; 8:45 am]

BILLING CODE 4160-04-M

Social Security Administration

Availability of Funding for Targeted Assistance Grants for Services for Refugees in Local Areas of High Need

AGENCY: Office of Refugee Resettlement (ORR), SSA, HHS.

ACTION: Notice of availability of funding for targeted assistance grants for refugee services in high-need local areas.

SUMMARY: This notice announces the availability of funds and award procedures for targeted assistance project grants for services to refugees under the Refugee Resettlement Program (RRP) in localities with large refugee populations, high refugee concentrations, and high use of assistance, and where specific needs exist for supplementation of currently available resources.

DATE: Application deadline: Applications for grants under this notice must be received by ORR no later than August 2, 1983, or be mailed by first class mail and postmarked no later than that date. Applications not meeting this requirement will not be considered and will be returned to the sending agency.

FOR FURTHER INFORMATION CONTACT: Robert L. Robins, Office of Refugee Resettlement, Room 1229, Switzer Building, 330 C Street SW., Washington, D.C. 20201, Telephone (202) 472-4440.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope:

This notice announces the availability of funds for targeted assistance grants for services to refugees in counties where, because of factors such as unusually large refugee populations, high refugee concentrations, and high use of public assistance, there exists and can be demonstrated a specific need for supplementation of currently available resources for services to this population.

Notice of proposed availability of funds was published in the **Federal Register** for public comment on March 3, 1983 (48 FR 9067). No significant changes have been made in the program as a result of comment on the previously published proposal. However, several modifications and clarifications and some technical changes were made in response to comments. In addition, eight counties were added to the list of qualifying counties as a result of additional data provided and a consideration of contiguous counties in Standard Metropolitan Statistical Areas; adjustments have been made in recognition of the lack of an AFDC-UP program in some States or such program's noninclusion or negligible coverage of refugees in other States; and the Director has added $10,000,000 to the program to allow for the additional areas and other adjustments.

A total of $40,000,000 in funds which Congress has designated for this purpose is currently expected to be available in FY 1983 for targeted assistance for refugees. (A separate announcement will be made for targeted assistance for Cuban and Haitian entrants.)

The purpose of the grants is to provide to refugees, through a process of local planning and implementation, targeted projects and services which are intended to result in economic self-sufficiency and reduced dependency. Funds awarded under this program will support projects which enhance refugee employment potential and increase the ability of refugees to find and retain jobs. Innovative approaches to accomplish this objective will be entertained and are encouraged.

Funds awarded under this targeted assistance program are generally related to the existence of and relative extent of refugee need in each qualifying county, as indicated by a qualification and allocation formula (described in this notice), and to the completeness of applications and allowability of activities proposed. If requested, comment and technical assistance will be provided to the applicant by the granting agency in order that a proposal can be developed which will merit the award of funds at the level determined by the allocation formula. An award of

funds will be made only if, and to the extent that, an application is determined acceptable by the Director of ORR.

II. Discussion of Comments Received

Seventy-four comments were received in response to the notice of proposed availability of funds for refugee targeted assistance. The comments strongly supported the concept of the targeted assistance program in general and the basic approach to its implementation as presented in the March 3, 1983, notice. Many of the comments included recommendations for particular changes or expressed concern about particular aspects of the program as proposed. These are summarized below and are followed in each case by the Department's response.

Refugee Eligibility for Participation in Targeted Assistance Program

Comment: Some commenters expressed concern that eligibility for receipt of services or participation in projects funded under this program was too restricted. Specific issues which were raised include: Emphasis on unemployed refugees to the exclusion of those who are employed but not self-sufficient; clarification as to the eligibility of time-expired refugees—i.e., those whose eligibility for refugee cash assistance, (RCA) has expired, or for whom the State no longer receives reimbursement from ORR for its share of the refugee's AFDC benefit; the appropriateness of the requirement that refugee clients live in the county which has qualified for targeted assistance; and the question of whether only Southeast Asian refugees are eligible to be served under the targeted assistance projects.

Response: The Department intended, in proposing to limit refugee eligibility for this program, to ensure that available resources would be targeted to refugees who would most benefit from the program in areas where needs appear to be greatest. The number and content of comments which was received on these issues has convinced the Department that such restrictions can often creat compliations in planning and service delivery which offset this intended purpose. The comments also provided sound evidence that the planning and application process, as outlined in this notice, is adequate as a means of ensuring that the purposes of the targeted assistance program will be carried out. Therefore, the present notice has been amended to remove any restriction or rule regarding refugee eligibility for this program. Instead, each proposal will be required to include a description of the local administering entity's policies on this issue, as indicated in section VIII, below.

Although the present notice does not prescribe targeted assistance program eligibility with regard to a refugee's cash assistance eligibility or receipt, employment status, or residence as a result of these changes, it should be noted that the basic purpose of the program remains unchanged and that proposals should be developed with increased self-sufficiency and reduced public assistance use as primary objectives. Activities which are peripheral to these objectives or which serve refugee clients who are not unemployed and not receiving full assistance benefits should be fully justified.

With regard to eligible ethnic or nationality group, the Department imphasizes for clarity that no eligibility restriction was indicated or intended in the March 3 notice. The first criterion adopted for use in the qualifying stage of the formula employed arrival figures for Southeast Asian refugees for reasons stated in section VI, below. For purposes of allocation through the second stage of the formula, and for purposes of refugee eligibility, no ethnic or national distinction or discrimination was or is now indicated.

Service Allowability, Definition, and Coordination

Comment: Several commenters requested that definition or clarification be provided regarding the meaning of "duplication of services," as discussed in section VII of the proposal.

Response: The proposal contained the phrase "duplication of services" in the first element of a State's certication requirement, which must be submitted with a locally-developed proposal upon application. The Department agrees with comments that the intended meaning of this phrase was not clear and has revised the appropriate paragraph, section VIII, of this final notice to indicate the point of this required certification element. This revision states that, in essence, a State must certify that no targeted assistance funds will be used to liquidate contract obligations for refugee services when those obligations were based on the availability of other funds. This certification is required to prevent the diversion of already obligated funds to additional activities. (Planning and proposal development costs incurred during the pre-award period are excepted from this rule, as explained in the response to comment on administrative costs, below.)

Comment: Some commenters indicated that limitation of the service delivery area to the qualifying county would be at least, inconvenient and would likely lead to many practical problems in providing services or conducting innovative projects in an effective way.

Response: The Department's rationale for this original provision was similar to that for a refugee residency requirement, in that it was intended to ensure use of funds where they appear to be most needed. Comments received on this issue have convinced the Department that the location of targeted assistance projects is more appropriately a matter for local determination, and the language of the notice has been changed accordingly. Nevertheless, where location is a critical factor in the effective execution of a project, such as a farming or an on-the-job-type project, for example, proposals should include some indication of how a location outside the qualified county will allow for increased refugee opportunity.

Comment: A number of commenters sought clarificaiton of the allowable scope of services or asked for inclusion of specific services which had not been named in the proposal. Other commenters requested that certain service or project activities be defined.

Response: Targeted assistance funds are available for the primary purpose of facilitating refugee employment and the achievement of self-sufficiency. As such, the program is not and should not be construed to be, one of general impact aid or for the purpose of contributing to a wide range of local infrastructure costs. Since the types of allowable activities included in the proposal generally encompassed the varieties of employment-related projects which are commonly recognized, the Department sees no need to supplment the list in this notice. However, the paragraphs in section VIII which address allowable services have been amended to indicate that ancillary services are generally allowable if the proposal demonstrates that they are an integral and indispensable part of an employment project or plan. We have also revised section VIII to provide definition of allowability for projects which include a benefit payment (referred to as a stipend in the proposal), which is intended to allow the provision of programs with targeted assistance funds to those who otherwise would not be able to participate.

Since the Department encourages innovative approaches designed to further refugee employment opportunities, it is emphasized that while targeted assistance funds may not be used for capitalization of an

enterprise, many activities related to business development, such as marketing, management, and employee development, are allowable if pursued through training and technical assistance. The cost-effectiveness of such projects should be addressed in the proposals, with data specifying the number and type of jobs which would result and the portion of the target population which would benefit from them.

Comment: A few comments were received which pertain to the applicability of rules and sanctions to targeted assistance projects and the refugees who participate in them. Specific inquiry was made with regard to the role of targeted assistance projects with respect to refugees who are mandatory participants in the WIN program (45 CFR Part 224).

Response: Targeted assistance is a program of employment-related projects for refugees and is funded under the authority of section 412(c) of the Immigration and Nationality Act, as amended. All targeted assistance projects and all refugee participants of such projects are subject to policies and regulations issued under this authority, as well as to policies and regulations issued under authorities which govern other public programs in which they participate. Where special authorities, such as those for demonstrations, waivers, and other welfare-linked employment programs, may be invoked to aid in integrating targeted assistance projects with existing programs, this would generally be viewed favorabley by the Department. A recommendation or requirement of such linkages, however, is beyond the purview of this notice.

Planning, Application, and Administration Issues

Comment: Some comments were received regarding the proposed arrangement for local planning and administration of targeted assistance activity. a few recommendations were for different arrangements: That the funds be awarded directly to the county; that the State administer the program rather than pass the funds through to the local level; and that specific alternatives be prescribed for circumstances which do not easily accommodate the administrative arrangement as set forth in the proposal.

Response: The Department has designed the proposed targeted assistance program to be, as much as possible, a locally-determined program of activities which are specifically applicable to local refugee needs, while at the same time being coordinated with and within the general scope of the existing State refugee program. It is recognized that, depending upon local structures and relationships, the most effective approach to proposal development and to program administration may vary from site to site and that the determination of the most appropriate approach would be an early and essential part of the planning process. To clarify this intent, the Department has retained and reiterates two essential conditions of this program: That the State be the applicant and the grantee; and that the proposal be developed through a process of local consultation in the targeted assistance area.

It is also intended that, where possible, the program be locally-administered as well. In cases where no system of county governments exists, the State may designate an administering entity, including itself, to perform this function; it may also do so, with county concurrence, if there is no cognizant refugee program or agent in the county. Under any other circumstance, a county would administer the program, or it could delegate such responsibility through any legal means which provides for compliance with the requirements, terms, and conditions that govern the award. Where precedent and/or current practice indicate, State-local consultation and cooperation would be expected in order to ensure the effective and efficient provision of the targeted assistance activity.

Comment: Several commenters requested clarification regarding allowable administrative costs, and limitations on such costs, which relate to State administration, to direct service activity, and to planning costs.

Response: The proposal stipulates that a State must pass through to the local administering entity not less than 95 percent of the total allocation made for that county. Funds thus available to a State are for the purpose of carrying out administrative activity related to planning, review, and submission of proposals on behalf of local entities, and for conducting normal monitoring activities as required of a grantee under 45 CFR Part 74, the Department's regulations governing the administration of grants. In order to account for the use of these funds, we have amended the application requirements for States by adding the requirement that a State submit a budget and narrative which describes its intended use of available administrative funds.

Planning costs may be claimed by both State and local administering agencies as pre-award costs, provided that they are directly attributable to local consultation, proposal development and review, and other activities specifically related to these. Planning costs will be considered administrative costs and will be included in the administrative ceilings as provided in this notice. Administering agencies are authorized to charge these costs against their cash and medical assistance administrative budget prior to the issuance of targeted assistance awards. Upon issurance of those awards, such charges must be offset from the targeted assistance administrative budget. Costs of direct service to refugees, where provided by the local administering entity, will not be considered administrative costs and will not be included in the administrative cost ceiling.

Finally, costs incurred in development and/or operation of any alternative administrative mechanism, such as a consortium or an administrative contractor, will be considered administrative costs and will be included in the administrative ceiling.

Comment: Some commenters indicated that one or more of the time periods identified in the proposal for planning, processing, and implementation, were too short.

Response: The proposal set forth a due date for applications 45 days after the date of publication of this notice. In response to comments that this would not allow sufficient consultation time, the Department has amended the period to 60 days. Recognizing that not all qualifying areas will need 60 days. Recognizing that not all qualifying areas will need 60 days to develop proposals, and that the receipt of all applications at the same time would likely increase the time necessary to review them and issue awards, we encourage States to submit applications for qualifying areas prior to the 60-day due date whenever possible.

Although no specific reference was made in the proposal to a project or budget period for targeted assistance grants, the reporting requirements were taken by many to imply a one-year duration. Awards shall be issued for a project period and budget period of 18 months. Semiannual progress reports, as currently proposed, will be due within 30 days after each 6-month period, beginning with the date on which funds are passed by the grantee to the administering entity, except that the final report is due 90 days after the end of the project period.

A few comments were received regarding the State certification requirement that funds be passed to the administering entity within 45 days of the grant award. The Department

believes that this period is practical and appropriate, and therefore has retained this provision from the original proposal.

Formula, Data, and Allocation Issues

Comment: Some commenters suggested that different criteria, or additional criteria, be employed in determining a county's qualification for targeted assistance. In particular, some commenters suggest that a Standard Metropolitan Statistical Area (SMSA) would better represent service need than a county. Other commenters stated that they would prefer the use of a different criterion, or more than one criterion, in the calculation of allocations for qualified counties. Several commenters specifically mentioned the need for consideration of time-expired refugees, particularly those in areas without broad programs for unemployed parents under AFDC and without State or county general assistance programs.

Response: The Department believes that the two-stage formula for targeted assistance qualification and allocation is a reasonable and programmatically sound method for the distribution of funds under this program. This position was supported by a vast majority of commenters. However, the Department also agrees with comments which recommended adjustments in the application of categories of data to the formula, in order to achieve optimal equity among qualified areas and to allow for the allocation of funds on behalf of an equivalent group of refugees in each qualified county. Therefore, we have made two adjustments to the formula's data base: We applied a compensatory constant to cash assistance figures to construct a standard set of data categories to be used in establishing an "adjusted" cash assistance number of each county; and we aggregated data from geographically contiguous counties which are in the same SMSA for purposes of qualification and allocation. Since the application of these adjustments relates also to data appeals, explanation of this process is presented below.

Comment: Several comments were received which challenged the data used either for determining a county's qualification for targeted assistance or for calculating an allocation amount for qualified counties.

Response: As a result of secondary migration into certain counties, those counties have refugee populations considerably larger than ORR's refugee data system reflects, since the system shows primarily the initial resettlement site. In their submissions, certain counties were able to demonstrate the presence of much larger refugee populations than ORR used in its initial screening, and the arrival figures were adjusted accordingly. Also, ORR requested formal confirmation of the accuracy of the cash assistance figures used in the allocation of funds. In a few cases, this resulted in corrections to the initial figures, and the amounts of the proposed allocations were adjusted. Finally, ORR acknowledges that the county boundaries for a few locations impose an overly narrow definition of the local refugee service area. In these places, ORR combined pairs or groups of counties for purposes of qualifying and/or allocation of funds. Each group of counties allowed to qualify in this manner is in the same SMSA, and at least one of the combined counties would have been unable to qualify alone.

The groups of counties that qualified, or whose allocations were increased, under these conditions are: (1) Riverside/San Bernardino, CA; (2) San Francisco, CA (Marin County was added for allocation purposes); (3) Denver, CO (Adams, Arapahoe, and Boulder Counties were added for allocation purposes); (4) Cook, IL (Kane County was added for allocation purposes); (5) Montgomery/Prince Georges, MD; (6) Jackson, MO (Wyandotte County, KA, was added for qualification and allocation purposes); (7) New York, NY (the five boroughs were included for allocation purposes); (8) Multnomah, OR (Clackamas County, OR, Washington County, OR, and Clark County, WA, were included for allocation purposes); (9) Salt Lake, UT (Davis and Utah Counties were included for allocation purposes); (10) Fairfax, VA (the independent cities of Alexandria, Fairfax, and Falls Church were included for qualification and allocation purposes); and (11) King, WA (Snohomish County was added for allocation purposes).

III. Authorization

Targeted assistance projects will be funded under the authority of Section 412(c) of the Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980 (Pub. L. 96–212), 8 U.S.C. 1522(c).

IV. Eligible Grantees

The Department is limiting eligible grantees to those agencies of State governments which are responsible for the refugee program under 45 CFR 400.5 (except that under certain circumstances—see section VIII, below—a grant could be made directly to a local entity). Applications for targeted assistance funds, consisting of a locally-developed proposal and required State certifications as outlined in section VIII, below, must be submitted by the above-mentioned State agency on behalf of the county governments of the qualified counties in that State. In the absence of a statewide county system, or in the absence of an appropriate county-level refugee program agent or agency and with the concurrence of the county government, the State may designate a city or other entity, either public or private nonprofit, to administer the targeted assistance funds for a qualified local area. The targeted assistance proposal must be developed by the county government or other designated entity according to local needs and capabilities. The proposed activities are required to be identified and planned in cooperation with local public officials, voluntary refugee resettlement agencies, the business community and refugees in that area. In submitting proposals on behalf of qualified local entities in the State, the State agency must provide assurance that targeted assistance funds do not supplant other refugee program funds which support current assistance and services in the targeted localities and must certify that not less than 95% of each locality's allocated amount will be passed through to the designated administering entity.

Applications submitted in response to this notice are subject to review by State and areawide clearinghouses under the procedures in Part I of Office of Management and Budget Circular No. A–95. To ensure adequate time for all required reviews, applicants are encouraged to immediately advise appropriate clearinghouse personnel of their intentions to apply and to submit applications to the clearinghouses and ORR simultaneously.

V. Qualification and Allocation Formula

The Department has used a two-stage formula for qualification for, and allocation of, targeted assistance funds. The first stage of the formula defines the qualification of counties for targeted assistance through the use of four equally-weighted criteria which have been selected to collectively indicate local conditions and problems which the proposed program is intended to address. In order to qualify for application for targeted assistance funds, a county (or group of adjacent counties within the same Standard Metropolitan Statistical Area, or SMSA, as described in section VI, below) is required to be above the median or above a selected cutoff point of jurisdictions for which data were

reviewed (as described in section VI, below) in three of the four following criteria: (1) The number of refugees placed in the county during Federal fiscal years 1980–82; (2) the ratio of the overall county population to the refugees in item (1), above; (3) the number of refugees in the county who were receiving cash assistance under the programs of aid to families with dependent children program (AFDC), including the unemployed parent (UP) portion of that program, and refugee cash assistance (RCA) on October 1, 1982; and (4) the ratio of refugees in item (3) to the number of refugees in item (1). A county which places above the cutoff point in any three of the above categories is qualified to apply for targeted assistance funds, and is included in the list of qualifying localities for determination of its targeted assistance allocation. Discussion of the derivation and use of date is presented in section VI, below.

The second stage of the targeted assistance formula is designed to reflect the relative level of need for funds among those counties which have qualified to apply under the formula's first stage. The relative degree of need of each qualified locality is best indicated by the number of refugees residing in that locality who are not self-sufficient. Therefore the Department is using the following single criterion as the basis for the allocation of targeted assistance funds among the eligible counties. The number of refugees residing in the county who have been in the United States 36 months or less and who were receiving cash assistance under AFDC, AFDC-UP, or RCA on October 1, 1982. (These data are adopted to represent refugee need for targeted assistance on a basis which makes some adjustment for the variation in caseloads caused by State-to-State assistance program differences. Estimates have been calculated to provide funds to qualifying counties in States which do not have AFDC-UP, or in which refugee inclusion under AFDC-UP is non-existent or minimal, in order to provide an equitable level of funding in all qualifying localities, regardless of differences in Federal-State assistance program availability.) A county's allocation is the proportion of available funds which equals that county's proportion of all such refugee recipients residing in all counties which have qualified to apply for targeted assistance funds under the first stage of the formula. Further discussion of the data and proposed allocation amounts are presented in section VII, below.

In summary, the Department recognizes that local need for targeted assistance funds may be reflected in several different, if interrelated, factors. Such need is addressed in a manner which, to the extent measurable, takes into account both the variety and cumulative impact of those factors. Therefore the first stage of the formula allows for differences in local circumstances and problems by measuring each of four factors separately. It then selects qualified localities by identifying those which exhibit consistently high indications of need in most of the criteria.

With respect to the second stage of the formula, the Department considers the purpose of this program to be to provide self-sufficiency-related services to refugees in all qualifying areas on an equitable basis. Therefore the amount of funds allocated to each county is a proportion of the available funds which is equal to each county's proportion of the refugees in all qualifying counties who are not self-sufficient.

VI. Discussion of Data and Application of Criteria

This section discusses the development and application of the four criteria and explains the data bases used to derive them. A table is included to show how the qualifying counties scored on each criterion.

The Department is using the county as the basic unit to which the critieria are applied. This insures that uniform units are compared nationwide. All relevant data are available at the county level, which is not the case with other possible units. The county is thought to be a meaningful local unit in which need for additional services to the resident refugee population can be identified and addressed.

An initial list of counties was developed which could be screened according to the proposed criteria. From ORR's data system, all counties that received more than 900 initial resettlements of Southeast Asian refugees during either of two time periods were listed. The time periods were October 1979 through December 1980 (a 15-month period during which 196,057 refugees arrived) and January 1981 through September 1982 (a 21-month period during which 175,243 arrived). Thus, all counties were listed that received more than approximately one-half of one percent of the new arrivals in either time period. Together, these time periods constitute the entire 36-month period considered in the allocation of funds for social services for FY 1983. The number of counties meeting this initial criterion was 40. (Washington, D.C., was treated as a county for this purpose.)

The ORR refugee data system contains information on the refugee's initial place of resettlement as recorded in documents carried by the refugee at the time of arrival in the U.S. The system contains records on 99 percent of the Southeast Asian refugees who arrived during the 3-year period considered. The county of arrival could not be identified (although the State was identified) for about 15 percent of those who arrived during 1980, 6 percent of those who arrived during 1981, and 1 percent of those arriving in 1982. Because of this, arrival numbers by county are somewhat understated; however, the "unknown" placements are distributed proportionately across all of the States, and no county is thought to suffer a relative disadvantage due to the missing information.

The population considered was confined to Southeast Asian refugees primarily because this population is in greatest need for targeted assistance services, but also because comparable data are not available at the county level for other groups of refugees over the 3-year period. (Data available to the Department indicate that Southeast Asian refugees have a higher rate of cash assistance use and lower employment rates than other refugee groups; however, eligibility for praticipation in targeted assistance projects is *not* confined to Southeast Asian refugees.)

This initial list was compared with three other lists of places thought to be significantly affected by their refugee populations, as compiled by three organizations: The Committee on Migration and Refugee Affairs of the American Council of Voluntary Agencies for Foreign Service, Inc. (ACVA), the National Association of Counties, and the U.S. Conference of Mayors. In cases where these lists referred to a non-county entity, the county thought to best approximate the organization's meaning was used. From the ACVA list, places designated as either "impacted" or "sensitive" were considered. All counties so identified were added to the ORR list unless they had clearly been determined to be "impacted" due to the presence of Cuban/Haitian entrants rather than refugees. While all lists showed substantial overlap, the review of these additional three sources resulted in the addition of 20 more counties to ORR's initial list of 40. In this way, 60 counties were screened according to the proposed criteria. Following the receipt

of corrected data and requests submitted on behalf of certain counties in response to the notice of March 3, 1983, revisions were made in the data on refugee arrivals and cash assistance.

Criterion 1, the number of Southeast Asian refugees initially resettled in the county during FY 1980, 1981, and 1982, appears in Column B of Table 1. The median of Criterion 1 for the counties screened is 2,066.5. Criterion 2 appears in Column E of the same table; it consists of the county population according to the 1980 U.S. Census divided by the refugee arrival figure in Column B and may be interpreted as persons per refugee. The median of Criterion 2 is 244.5. Criterion 3, the number of refugees receiving ORR-reimbursed AFDC, AFDC-UP, or RCA benefits as of October 1, 1982, appears in Column D. The source of this information was the counties themselves. (Counties that did not meet the first two criteria, and thus would not be eligible in any case, were not asked to supply this information.) The cutoff point for Criterion 3 was established initially at 1,000, in order to insure a sizable pool of refugees needing services. After counties were deemed to have met the criteria for receiving awards, their cash assistance figures were adjusted for the variation in caseloads caused by differences among the States in assistance programs. The adjustment was made by applying a constant percentage to the cash assistance caseloads representing the AFDC-UP proportion of the case loads in States having an AFDC-UP program for which significant numbers of refugees qualify. In States without an AFDC-UP program of this type, an adjustment factor was added to bring the AFDC caseload up to what it would be, on average, if the AFDC program were more inclusive. The cash assistance figure appearing in Column D represents the adjusted figure used to calculate the proposed award, not necessarily the raw data figure reported by the county. Criterion 4, the ratio of refugees receiving assistance adjusted to refugees initially resettled in the county as shown in Column B, appears in Column F. The cutoff point for Criterion 4 was established at 50 percent, the approximate national average dependency rate. This criterion should not be interpreted as a dependency rate, for several reasons: (1) It does not include all types of assistance; (2) refugees of all nationalities are compared only with Southeast Asians in the population base; (3) adequate corrections to the base population figure for secondary migration could not be made. However, the Department feels that Criterion 4 is a good measure of the *relative* need for additional services in the area; and it is an indirect indicator of secondary migration since secondary migrants would be included in the cash assistance data.

Application of these four criteria resulted in the identification of 33 counties or adjacent pairs or groups of counties that meet three of the four criteria and therefore qualify for the proposed program.

While recognizing that differing views may exist, we believe that these criteria comprise good indicators of high-need counties and that the proposed cutoff points establish a reasonable basis for identifying those counties which have the greatest needs and therefore qualify for targeted assistance funds. The basic intent of the targeted assistance program is to concentrate the available funds in those areas which have the greatest need for funds in addition those provided under the social services allocations and where there are appreciable numbers of unemployed and dependent refugees on whose behalf special self-support efforts are required.

VII. Allocation Amounts

Based on the foregoing formula and the available data at this time, the allocation amounts intended to be available for targeted assistance, subject to the applications requirements of this notice, are shown in Column H of Table 1.

TABLE 1.—COUNTIES FOR PROPOSED TARGETED ASSISTANCE PROGRAM AND FORMULA CALCULATION

(A) County and state	(B) Arrivals Oct. 1979–Sept. 1982	(C) 1980 Census (000)	(D) Cash assistance Oct. 1, 1982[1]	(E) Population ratio	(F) Percent receiving assistance	(G) Formula base[2]	(H) Allocation
Alameda CA	*4,024	1,105	*7,481	*224	*152	7,481	$1,483,669
Contra Costa CA	*2,247	657	*2,139	292	*95	2,139	424,217
Fresno CA	*5,000	515	*4,131	*103	*83	4,131	819,281
Los Angeles CA	*29,088	7,478	*35,272	257	*121	35,272	6,995,319
Orange CA	*13,909	1,932	*16,810	*139	*121	16,810	3,333,543
Riverside/San Bernardino CA	*2,490	1,557	*2,134	625	*86	2,134	423,226
Sacramento CA	*3,950	783	*6,403	*198	*162	6,403	1,269,875
San Diego CA	*10,441	1,862	*12,529	*178	*120	12,529	2,484,614
San Francisco CA[3]	*11,259	679	*9,330	*80	*83	9,330	1,850,372
San Joaquin CA	*2,825	347	*6,481	*123	*229	6,481	1,285,378
Santa Clara CA	*10,207	1,295	*12,514	*127	*123	12,514	2,481,509
Stanislaus CA	1,171	266	*1,169	*227	*100	1,169	231,842
Denver CO[3]	*2,943	491	*2,526	*167	*86	2,524	500,519
Honolulu HI	*3,709	763	*2,779	*206	49	2,779	551,152
Cook/Kane IL	*8,268	5,531	*11,892	667	*87	11,892	2,358,440
Sedgwick KA	*2,959	367	*2,725	*125	*93	2,725	540,500
Orleans LA	*2,432	557	*1,314	*229	44	1,314	260,631
Montgomery/Prince Georges MD	*2,695	1,244	*2,585	462	*74	2,585	512,726
Middlesex MA	*2,557	1,587	*2,042	536	*64	2,042	405,046
Suffolk MA	*6,555	650	*4,667	*99	*69	4,667	925,512
Hennepin MN	*2,193	941	*3,293	429	*131	3,293	653,098
Ramsey MN	*5,575	460	*4,630	*83	*71	4,630	918,292
Jackson MO[3]	*2,080	662	*1,594	383	*54	1,594	316,209
New York NY[3]	*4,606	1,426	*5,297	297	*57	5,297	1,050,573
Multnomah OR[3]	*7,404	563	*7,097	*76	*69	7,097	1,407,416
Philadelphia PA	*7,325	1,688	*4,858	*231	47	4,858	963,392
Providence RI	*2,356	571	*3,470	*242	*98	3,470	688,096
Harris TX	*12,130	2,410	*5,694	*199	34	5,694	1,129,253
Salt Lake UT[3]	*5,178	619	*1,731	*121	21	1,731	343,292
Arlington VA	1,954	152	*3,000	*76	*99	3,000	594,897
Fairfax VA[3]	*2,179	729	*3,617	335	*107	3,617	717,333
King/Snohomish WA	*9,481	1,507	*8,641	*170	166	8,641	1,713,650
Pierce WA	*2,338	486	*1,847	*208	*52	1,847	366,332

Note.—An asterisk (*) beside a figure indicates county meets that criterion.

[1] Number of refugees receiving AFDC, AFDC–UP, and RCA as of October 1, 1982, adjusted for variations in AFDC–UP program criteria.

[2] The formula base included neighboring counties or independent cities that did not qualify alone and that are part of the same SMSA and service area. See discussion in text.

VIII. Eligible Projects

In applying for targeted assistance funds on behalf of a qualified county in the State, a State agency is required to certify that: (1) The available targeted assistance funds do not supplant other refugee program funds which have been obligated for assistance and services in the local area; (2) the State will make available to the county or designated local entity not less than 95% of the amount of the award for purposes of implementing the proposed activities; (3) the State's authorization to the county or designated local entity to use funds awarded will be made within 45 days of the State's receipt of the notification of the grant award, or, in lieu of this, the State may recommend that the award be granted directly to the eligible entity; (4) the proposal was developed through a local process based upon meaningful consultation with appropriate public and private groups involved in resettlement, including local public officials, representation from voluntary refugee resettlement agencies, the business community, and refugees in the local area. In addition, a State must submit a budget and justification narrative for use of all funds not forwarded to (an) eligible county(ies).

In developing a proposal, a county or designated local entity is required to set forth in detail: (1) Evidence of specific needs and definition of targeted population; (2) a statement of specific employment objectives for use of the funds in increasing refugee self-sufficiency in the area; (3) a description of the strategy proposed to achieve these objectives, including detailed description of individual program components, number of clients to be served, policies regarding eligibility of clients for components, and the integration and/or coordination of proposed activities with the overall refugee service system in the area; (4) an estimation of anticipated outcomes achieved within 6 months and 12 months from the date funds are received by the county or other local administering entity; (5) a brief description of the procurement process to be used for each program component; (6) a description of program monitoring and evaluation of the proposed activities; and (7) a detailed budget, including itemization by program component, and containing a local administration cost not to exceed 10% of the amount allocated to the county.

Allowable activities include any activity permissible under section 412(c) of the INA which is directly related to the furtherance of refugee economic self-sufficiency by aiding refugees in finding and retaining jobs, increasing refugee employability potential, and/or enhancing refugee job market possibilities. Creative approaches to such activities are encouraged. Allowable activities would include, for example, job development, job placement, business and employer incentives (such as on-site employee orientation and vocational English training, or bilingual supervisor assistance), business technical assistance, short-term job training specifically related to opportunities in the local economy, and on-the-job training. Use of targeted assistance funds for venture capital, either as grants or loans, is specifically not allowed.

Stipends or needs-based payments to program participants are allowed if no other source of support is available to them and it can be demonstrated that support is essential to their participation. In any case, no more than 30% of funds used for this program component may be made available for such payments. Support services, such as day care and transportation, are allowable when it is demonstrated that they are directly related to employment opportunities or are a critical component of an employability plan. Proposals which include voluntary corporate participation and a generally high degree of business and refugee group involvement are especially welcomed.

IX. Application Content

In developing targeted assistance proposals, counties or designated local entities must consider and spell out clearly the appropriateness of the proposed activities to the local economy, the appropriateness of the proposed activities for the refugee population(s) in the area, and the relationship of the proposed activities to existing refugee services carried out with Federal funds.

Final targeted assistance grant applications must include the following elements. Those which fail to include all elements will be considered incomplete.

1. Certification by the State agency that, for each local entity on whose behalf an application is being submitted, the four conditions listed in the first paragraph of section VIII, above, have been met, and submission of a State administrative budget.

2. Documentation of specific needs for targeted assistance projects and discussion of characteristics of anticipated refugee client population (e.g., assistance status, ethnicity, occupational and educational background).

3. Description of specific employment objectives for use of funds, including justification that the proposed objectives are appropriate to the needs of the proposed refugee clients and the local economy and will result in jobs and employment of the clients.

4. Results anticipated within 6 months and 12 months from the date funds are received by the county or other local administering entity, including the number of unsubsidized full-time job placements, number of individuals removed from cash assistance, and other specific outcomes related to the services proposed.

5. Justification of the strategic approach to achieving the stated objectives, including number of clients to be served in each component, and complementarity among targeted assistance activities and with other existing refugee services.

6. Adequate justification for an description of each specific activity that is proposed.

7. Adequate plan for determination of measurable, performance-based project outcomes on a semiannual basis (e.g., number of job placements reaching 90-day retention period).

8. Description of the local planning process which was used to develop the proposal, including identification of interests and sectors represented.

9. Assurance that services will be provided by qualified non-profit or for-profit agencies or individuals.

10. Reasonable cost estimates in relation to anticipated results.

X. Review, Technical Assistance, and Award Procedure

Applications will be reviewed on a non-competitive basis by a panel of experts to determine acceptability. Such determination will be based on the completeness of the submission (according to the requirements of section IX, above) and the allowability of proposed activities. The Department will provide technical assistance to the applicant if it is necessary in order to develop a proposal which warrants the award of funds at the proposed

allocation amount and if such assistance is requested by the applying State agency. The panel will make recommendations regarding acceptability of applications to the Director of the Office of Refugee resettlement (ORR). Final determination as to the acceptability of applications and determination of whether an award will be made to a State or local entity are at the discretion of the director of ORR.

XI. HHS Regulations That Apply

The following HHS regulations apply to grants under this Notice:

42 CFR Part 441, Subparts E and F, Services: Requirements and limits applicable to specific services—Abortions and Sterilizations
45 CFR Part 16, Department grant appeals process
45 CFR Part 74, Administration of grants
45 CFR Part 75, Informal grant appeals procedures
45 CFR Part 80, Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare effectuation of Title VI of the Civil Rights Act of 1964
45 CFR Part 81, Practice and procedure for hearings under Part 80 of this title
45 CFR Part 84, Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance
45 CFR Part 95, Subpart E General Administration—Grant Programs (Public assistance and medical assistance)—cost Allocation Plans

XII. Reporting and Recordkeeping

Sections VIII and IX of this announcement establish application and reporting requirements that are subject to OMB review and approval under the Paperwork Reduction Act and 5 CFR Part 1320.

Applications for these grants are to be submited on Form SSA–96 which has current OMB approval (0960–0184). In completing Form SSA–96, States must address the evaluation criteria listed in Section IX.

Proposed financial and performance reporting requirements for these grants are curently at OMB undergoing review. Applicants will be notified of OMB's decision when it is received by ORR. The proposed reporting requirements directly follow Departmental grants administration regulations at 45 CFR 74.73 and 74.82.

(No Catalog of Federal Domestic Assistance number has been assigned)

Dated: May 31, 1983.

Paul B. Simmons,

Acting Commissioner of Social Security.

[FR Doc. 83-14911 Filed 6-2-83; 8:45 am]
BILLING CODE 4190-11-M

Proposed Availability of Funding for Targeted Assistance Grants for Services for Cuban and Haitian Entrants in Local Areas of High Need

AGENCY: Office of Refugee Resettlement (ORR), SSA, HSS.

ACTION: Notice of proposed availability of funding for targeted assistance grants for Cuban and Haitian entrant services in high-need local areas.

SUMMARY: This notice announces the proposed availability of funds and award procedures for targeted assistance project grants for services to Cuban and Haitian entrants under the Cuban/Haitian Entrant Program (CHEP) in localities with large entrant populations and high entrant concentrations, and where specific needs exist for supplementation of currently available resources. In FY 1983, funds are expected to be available for targeted assistance grants.

DATE: Comments on the requirements and procedures set forth in this notice will be considered if received by July 5, 1983.

ADDRESS: Address written comments, in duplicate, to: David Howell, Office of Refugee Resettlement, Room 1332, Switzer Building, 330 C Street SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: David Howell, (202) 472–6510.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope

This notice announces the proposed availability of funds for targeted assistance grants for services to Cuban and Haitian entrants in counties where, because of factors such as unusually large entrant populations and high entrant concentrations, there exists and can be demonstrated a specific need for supplementation of currently available resources for services to this population.

A total of $18,900,000 in funds which Congress has designated for targeted assistance is currently expected to be available for targeted assistance for entrants. (A separate announcement has been made for targeted assistance for refugees. See 48 FR 9067, March 3, 1983.) The amount of funds designated for entrant targeted assistance is based on the proportion (27%) which entrants comprise of the total population of entrants and of refugees who have been in the United States for less than three years, as calculated from the total available appropriation of $70 million for targeted assistance.

The purpose of the proposed grants is to provide to entrants who reside in qualifying counties, through a process of local planning and implementation, targeted projects and services which are intended to result in economic self-sufficiency and reduced dependency. Funds awarded under this proposed program are intended to support projects which enhance entrant employment potential and increase the ability of entrants to find and retain jobs. Innovative approaches to accomplish this objective will be entertained and are encouraged.

Funds awarded under this targeted assistance program will be generally related to the existence of and relative extent of entrant need in each qualifying county, as indicated by a qualification and allocation formula (described in this notice), and to the completeness of applications and allowability of activities proposed. If requested, comment and technical assistance will be provided to the applicant by the granting agency in order that a proposal can be developed which will merit the award of funds at the level determined by the allocation formula. An award of funds will be made only if, and to the extent that, an application is determined acceptable by the Director of ORR.

II. Authorization

Targeted assistance projects would be funded under the authority of section 501(a) of the Refugee Education Assistance Act of 1980 (Pub. L. 96–422), 8 U.S.C. 1522 note, insofar as it incorporates by reference with respect to Cuban and Haitian entrants the authorities pertaining to assistance for refugees established by section 412(c) of the Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980 (Pub. L. 96–212), 8 U.S.C. 1522(c).

III. Eligible Grantees

The Department proposes to limit eligible grantees to those agencies of State governments which are responsible for the Cuban/Haitian Entrant Program under 45 CFR 401.12 (except that under certain circumstances— see section VII, below—a grant could be made directly to a local entity). It is proposed that the above-mentioned State agency submit proposals on behalf of the county governments of the qualified counties in that State. In the absence of a statewide county system, or in the absence of an appropriate county-level entrant program agent or agency and with the

concurrence of the county government, the State may designate a city or other entity, either public or private nonprofit, to administer the targeted assistance funds for a qualified local area. It is further proposed that the county government or other designated entity develop the targeted assistance proposal according to local needs and capabilities and that the proposed activities be required to be identified and planned in cooperation with local public officials, voluntary resettlement agencies which have resettled entrants, the business community, and entrants in that area. In submitting proposals on behalf of qualified local entities in the State, the State agency would provide assurance that the proposed activities do not supplant other entrant program funds which support current assistance and services in the targeted localities and would certify that not less than 95% of each locality's allocated amount would be passed through to the designated administering entity.

Applications submitted in response to this notice are subject to review by State and areawide clearinghouses under the procedures in Part I of Office of Management and Budget Circular No. A–95.

IV. Qualification and Allocation Formula

The Department proposes to allocate targeted assistance funds for entrants on the basis of each qualifying county's proportion of the total entrant population of counties which qualify for this program. In order to qualify, a county must have received, as initial placements or through secondary migration, more than 1,000 entrants under the Cuban/Haitian entrant resettlement program. Thus a county's proportion of available targeted assistance funds for entrants would be equal to its proportion of the entrant population of all counties which have received more than 1,000 entrants.

The Department believes that a direct proportion formula is equitable and programmatically sound because: (1) Entrants are residing in significant numbers in a limited number of counties; (2) entrants are a relatively homogeneous population in terms of the needs and sociodemographic characteristics of those who would be served under this targeted assistance program; (3) due to the history of the Cuban/Haitian Entrant Program, other types of data which might be indicative of need are not available for all areas, and therefore cannot be utilized uniformly. Section V, which follows, discusses the data base and application of the formula to that data.

V. Discussion of Data

This section explains the sources of data used to develop the estimated entrant populations at the county level.

The U.S. Bureau of the Census, with the cooperation of the Federal Cuban/Haitian Task Force, developed estimates of the Cuban and Haitian entrant and immigrant populations of substate areas having at least 50 entrants. These estimates were limited to persons who arrived in the U.S. between 4/1/80 and 10/1/80. The estimates were published in the **Federal Register** on June 24, 1981; subsequently, revised estimates have been published for a few geographical areas.

To adjust these estimates, ORR applied two correction factors. First, since the Census estimates included immigrants as well as entrants, we deducted the numbers of immigrants from the estimated totals, using copies of worksheets provided by the Census Bureau. Second, we increased the estimates using the available information on Cuban and Haitian entrants who were resettled or who migrated after 10/1/80. This information included data on persons released from resettlement camps, official second resettlements, and estimates of secondary migration based on reports from various States.

A cutoff point of 1,000 was selected because an entrant population smaller than this was thought unlikely to have had such a significant effect on a comumnity as to call for special targeted assistance beyond the cash and medical assistance and social service funds which have already been provided since 1980. Also, a smaller population would be unlikely to contain a significant number of entrants who would be candidates for the kinds of programs to be funded through this announcement. In the revised county entrant population estimates, no county was found to have an entrant population in the 700–1,000 range. Therefore, a cutoff of 1,000 is considered to reasonably identify counties with entrant populations in need of services.

VI. Proposed Allocations

The allocations proposed to be available for entrant trageted assistance are shown in Table 1. The Director of ORR reserves the right to adjust these proposed allocation figures, both upward and downward, upon a persuasive showing by a State or local government that the indicated population estimate for that area requires adjustment.

TABLE 1.—COUNTIES FOR PROPOSED ENTRANT TARGETED PROGRAM AND PROPOSED ALLOCATIONS

County	Estimated entrant population	Proposed allocation
1. Los Angeles, CA	3,600	$497,005
2. Broward, FL	2,130	294,061
3. Dade, FL	108,625	14,996,439
4. Hillsboro, FL	1,695	261,818
5. Palm Beach, FL	2,505	345,833
6. Cook, IL	1,670	230,555
7. Essex, NJ	1,005	138,747
8. Hudson, NJ	5,725	926,435
9. Union, NJ	1,350	186,377
10. Bronx, NY	1,020	140,818
11. Kings, NY	2,300	317,531
12. New York, NY	2,600	358,846
13. Queens, NY	1,475	203,634

VII. Eligible Projects

In applying for targeted assistance funds on behalf of a qualified county in the State, a State agency would be required to certify that: (1) The available targeted assistance funds do not supplant other funds under the Cuban/Haitian Entrant Program (CHEP) which have been obligated for assistance and services in the local areas; (2) the State will make available to the county or designated local entity not less than 95% of the amount of the award for purposes of implementing the proposed activities; (3) the State's authorization to the county or designated local entity to use funds awarded will be made within 45 days of the State's receipt of the notification of the grant award, or, in lieu of this, the State may recommend that the award be granted directly to the eligible entity; (4) the proposal was developed through a local process which involved meaningful consultation with appropriate public and private groups involved in resettlement, including local public officials, representation from entrant voluntary resettlement agencies, the business community, and entrants in the local area. In addition, a State must submit a budget and justification narrative for use of all funds not forwarded to (an) eligible county(ies).

In developing a proposal, a county or designated local entity would be required to set forth in detail: (1) Evidence of specific needs and definition of targeted population; (2) a statement of specific employment objectives for use of the funds in increasing entrant self-sufficiency in the area; (3) a description of the strategy proposed to achieve these objectives, including detailed description of individual program components, number of clients to be served, policies regard eligibility of clients for components, and the integration and/or coordination of proposed activities with the overall

entrant service system in the area; (4) an estimation of anticipated outcomes achieved within 6 months and 12 months from the date funds are received by the county or other local administering entity; (5) a brief description of the procurement process to be used for each program component; (6) a description of program monitoring and evaluation of the proposed activities; and (7) a detailed budget, including itemization by program component, and containing a local administration cost not to exceed 10% of the amount allocated to the county.

Allowable activities include any activity permissible under section 412(c) of the INA which is directly related to the furtherance of entrant economic self-sufficiency by adding entrants in finding and retaining jobs, increasing entrant employability potential, and/or enhancing entrant job market possibilities. Creative approaches to such activities are encouraged. Allowable activities would include, for example, job development, job placement, business and employer incentives (such as on-site employee orientation and vocational English training, or bilingual supervisor assistance), business technical assistance, short-term job training specifically related to opportunities in the local economy, and on-the-job training. Use of targeted assistance funds for venture capital, either as grants or loans, is specifically not allowed.

Stipends or needs-based payments to program participants are allowed if no other source of support is available to them and it can be demonstrated that support is essential to their participation. In any case, no more than 30% of funds used for this program component may be made available for such payments. Support services, such as day care and transportation, are allowable when it is demonstrated that they are directly related to employment opportunities or are a critical component of an employability plan. Proposals which include voluntary corporate participation and a generally high degree of business and refugee group involvement are especially welcomed.

VIII. Application Content

In developing targeted assistance proposals, counties or designated local entities must consider and spell out clearly the appropriateness of the proposed activities to the local economy, the appropriateness of the proposed activities for the entrant population(s) in the area, and the relationship of the proposed activities to existing entrant services carried out with Federal funds.

Final targeted assistance grant application must include the following elements. Those which fail to include all elements will be considered incomplete.

1. Certification by the State agency that, for each local entity on whose behalf an application is being submitted, the four conditions listed in the first paragraph of section VII, above, have been met, and submission of a State administrative budget.
2. Documentation of specific needs for targeted assistance projects and discussion of characteristics of anticipated entrant client population (e.g., assistance status, ethnicity, occupational and educational background).
3. Description of specific employment objectives for use of funds, including justification that the proposed objectives are appropriate to the needs of the proposed entrant clients and the local economy and will result in jobs and employment of the clients.
4. Results anticipated within 6 months and 12 months from the date funds are received by the county or other local administering entity, including the number of unsubsidized full-time job placements, number of individuals removed from cash assistance, and other specific outcomes related to the services proposed.
5. Justification of the strategic approach to achieving the stated objectives, including number of clients to be served in each component, complementarity among targeted assistance activities and with other existing entrant services.
6. Adequate justification for and description of each specific activity that is proposed.
7. Adequate plan for determination of measurable, performance-based project outcomes on a semiannual basis (e.g., number of job placements reaching 90-day retention period).
8. Description of the local planning process which was used to develop the proposal, including identification of interests and sectors represented.
9. Assurance that services will be provided by qualified non-profit or for-profit agencies or individuals.
10. Reasonable cost estimates in relation to anticipated results.

ORR proposes to allow 45 days from the date of publication of the final notice for the submittal of applications.

IX. Review, Technical Assistance, and Award Procedure

Applications will be reviewed on a non-competitive basis by a panel of experts to determine acceptability. Such determination will be based on the completeness of the submission (according to the requirements of section VIII, above) and the allowability of proposed activities. The Department will provide technical assistance to the applicant if it is necessary in order to develop a proposal which warrants the award of funds at the proposed allocation amount and if such assistance is requested by the applying State agency. The panel will make recommendations regarding acceptability of applications to the Director of the Office of Refugee Resettlement (ORR). Final determination as to the acceptability of applications and determination of whether an award will be made to a State or local entity are at the discretion of the Director of ORR.

X. HHS Regulations That Apply

The following HHS regulations apply to grants under this Notice:

- 42 CFR Part 441, Subparts E and F, Services: Requirements and limits applicable to specific services—Abortions and Sterilizations
- 45 CFR Part 16, Department grant appeals process
- 45 CFR Part 74, Administration of grants
- 45 CFR Part 75, Informal grant appeals procedures
- 45 CFR Part 80, Nondiscrimination under program receiving Federal assistance through the Department of Health, Education, and Welfare effectuation of Title VI of the Civil Rights Act of 1964
- 45 CFR Part 81, Practice and procedure for hearings under Part 80 of this title
- 45 CFR Part 84, Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance
- 45 CFR Part 95, Subpart E General Administration—Grant Programs (Public assistance and medical assistance)—Cost Allocation Plans

XI. Reporting and Recordkeeping

Section VII of this announcement establishes reporting requirements which necessitate OMB review and approval. HHS will seek OMB approval of these requirements.

Applications for these grants are to be submitted on Form SSA–96 which has current OMB approval (OMB No. 0960–0184). In completing Form SSA–96, States must address the evaluation criteria listed in Section VIII.

(Catalog of Federal Domestic Assistance No. 13.817, Entrant Assistance Cuban and Haitian Entrants)

Dated: May 31, 1983.

Paul B. Simmons,

Acting Commissioner of Social Security.

[FR Doc. 83-14913 Filed 6-3-83; 8:45 am]

BILLING CODE 4190-17-M

Refugee Resettlement Program; Proposed Formula for Allocation to States of FY 1983 Refugee Social Service Funds

AGENCY: Office of Refugee Resettlement (ORR), SSA, HHS.

ACTION: Notice of proposed formula for allocation to States of FY 1983 refugee social service funds.

SUMMARY: This notice proposes the formula for allocation to States of FY 1983 social services funds under the Refugee Resettlement Program (RRP). The formula will yield the allowable allocation of FY 1983 refugee social services funds for each State participating in the RRP.

DATE: Comments on the allocation method provided for in this notice will be considered if received by July 5, 1983.

ADDRESS: Address written comments, in duplicate, to: David Howell, Office of Refugee Resettlement, Room 1332 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: David Howell (202) 472-8510.

SUPPLEMENTARY INFORMATION:

I. Amounts Proposed for Allocation

The Conference Report accompanying the Second Continuing Resolution (Pub. L. 97-377, enacted December 21, 1982) specifies a total of $80,000,000 for social services for refugees and Cuban and Haitian entrants. (H. Rept. No. 980, 97th Cong., 2d Sess. 178 (1982).) Congress has specifically commented upon the use of social service funds, including the importance of case management (S. Rept. No. 638, 97th Cong. 2d Sess. 6 (1982), *see also* H. Rept. No. 541 97th Cong. 2d Sess. 7-8 (1982)), and the problem of critical unmet needs arising from service shortages in some areas (Subcommittee on Immigration, Refugees, and International Law of the House Committee on the Judiciary, 97th Cong., 1st Sess., Immigration and Refugee Issues in Southern California: An Investigative Trip 38 (Comm. Print No. 7, 1981)). The Director of the Office of Refugee Resettlement (ORR) proposes to make available to State a total of $22 million in social service funds for the following purposes:

- $10 million, on the basis of evidence of underserved populations, in order to reduce the backlog in those areas of refugees with critical unmet needs;
- $3 million, on a basis of evidence of need, for supplementation of existing resources where necessary to assist with development of a case management function;
- $9 million, which has been awarded on a per capita basis to States participating in the Cuban/Haitian Entrant Program (CHEP) for social services to entrants.

Of the remaining $58,000,000, the Director proposes to allocated approximately $50,393,950 (about 87%) to States under a formula based on each State's estimated population of refugees who had been in the United States three years or less as of October 1, 1982. In addition, the Director also proposes to allocate to States approximately $3,500,000 (6%) necessary to: (1) Provide each State which has fewer than 500 refugees with a minimum of $75,000 and provide each State which has 500 or more refugees with a minimum of $100,000; and (2) provide each State with a minimum allocation equal to 86.8% of its FY 1982 social service formula allocation. The former proposal is believed by OR to be a minimal level of funding necessary to carry out a refugee social service program in States with small refugee populations. The latter compensates States which would receive a reduced allocation due to the inclusion of non-southeast Asian, non-Cuban refugees in the FY 1983 data base by providing each State with an allocation at the same ratio as ORR's FY 1983 social service formula amount ($50,393,950) is to its FY 1982 formula amount ($58,056,005). With the adjustments, the amount to be provided under the formula totals nearly $54,000,000.

The remaining funds, approximately $4,000,000, are currently expected to be used on a discretionary basis to meet special and unforeseeable needs of States and to carry out individual projects intended to contribute to the effectiveness and efficiency of the refugee resettlement program in service delivery and self-support. The Director currently anticipates making discretionary funds available to States on the basis of special needs arising from such factors as unanticipated secondary in-migration, changed geographic distribution of new refugee arrivals, special needs of particular refugee groups, and, if needed, to provide additional funding under the proposed formula resulting from any adjustments made in population estimates (see section III, below) beyond the estimate specified in section IV.

Possible individual projects could test approaches to particular problems or be designed to develop model programs in refugee service delivery and self-support, including: Delivery of social services to special refugee populations; development of job opportunities; vocational-English training; and participation of community agencies, refugee organizations, business leadership, and volunteers in increasing refugee self-sufficiency. An announcement of the availability of funding and grant application procedures for such projects will be published in the **Federal Register** at such time as determinations are made by the Director concerning the appropriate disposition of remaining refugee/entrant social service resources.

II. Proposed Formula

Under this proposal, nearly $54,000,000 of the funds available for FY 1983 refugee social services would be allocated to States in accordance with the formula specified below. Each State's allocation will consist of that State's proportion of the total funds which the Director determines to be available for this purpose. A State's allowable allocation will be calculated as follows:

1. The total amount of funds determined by the Director to be available for this purpose;

Divided by—2. The total number of refugees who arrive in the United States not more than three years prior to the beginning of the fiscal year for which the funds are appropriated, as shown by the ORR Refugee Data System;

The resultant per capita amount will be multiplied by—3. The number of refugees, in item 2, above, in the State as of October 1, 1982, adjusted for estimated secondary migration.

The calculation above will yield the allowable allocation for each State.

Example: The following presents a computation for a hypothetical State ABC as derived from the proposed formula. All population figures are from ORR records.

- U.S. Refugee population arriving in FY 1980, 1981, 1982: 442,448
- FY 1983 funds determined by ORR Director to be available for this purpose: $50,393,950
- Per capita allocation available: $50,393,950 ÷ 442,448 = $113.90
- State ABC refugee population: 9,848
- State allowable allocation for refugee social services: $113.90 × 9,848 = $1,121,687

The Director has re-evaluated ORR's policy for determining the allocation of social service funds in light of Congressional views presented during the reauthorization of the RRP in 1982 (Pub. L. 97-363), comments which were

received on the FY 1982 formula, and the total funds available in FY 1983 for social services and targeted assistance. As indicated in section I, above, social service funds beyond those proposed for allocation under the formula are designated specifically to meet critical unmet needs of earlier refugees, to provide additional services for Cuban and Haitian entrants, and to provide additional resources for case management. In addition, targeted assistance funds (announced separately) will provide funds specifically focused on areas of high concentration and need.

The proposed formula is similar to that used by ORR for social service allocations in FY 1982, and incorporates improvements which were recommended last year. States generally supported the concept of the FY 1982 formula, which was also based on 3-year population estimates, but recommended: (a) That minimum amounts be provided to States with small refugee populations (an adjustment which was made at that time) and (b) that the population base include refugees of all nationalities rather than only Southeast Asian and Cuban refugees (an adjustment which was not possible in FY 1982 because adequate data on other groups did not exist). Very few commenters recommended that a State's total refugee population, rather than the 3-year population, be used in the formula. One commenter recommended that greater weight be given to areas with higher concentrations of refugees (as measured by the ratio of refugees to total population), while other commenters supported higher per capita funding to rural areas and to States with only a few refugees. (For discussion of comments on the FY 1982 formula, see 47 FR 42634 *et seq.*)

As indicated in section I, the proposed FY 1983 formula incorporates minimum amounts for States with small refugee populations and contains an adjustment to provide that no State will receive less than 86.8 percent of its FY 1982 formula amount. In addition, the FY 1983 formula responds to a recommendation made frequently in 1982 by including refugees of all nationalities in the population estimates on which the formula is based.

Several other factors argue strongly for the proposed formula: (1) Data on refugee dependency on cash assistance show the highest rates to occur during a refugee's first 3 years in the United States and thus validly reflect the need for services directed toward achieving employment and self-support in the general refugee population; (2) reliable population data for non-Southeast Asian, non-Cuban refugees are available only for the past 3 fiscal years; (3) earlier data on Southeast Asian or Cuban refugees, if included in the formula, would not substantially change the allocation pattern because resettlement patterns have remained nearly constant. While the proposed formula is based on the 3-year refugee population, social service programs are not limited to refugees who have been in the U.S. only three years. Funding may be provided to programs which provide services without regard to an individual refugee's length of residence.

Based on the review of data related to the need for social services, previous experience in the formula allocation of social service funds, comments received on the FY 1982 formula, and subsequent consultations with States, ORR has concluded that the proposed formula, with the adjustments and improvements incorporated, will result in allocations being made available to States on an equitable basis, with each receiving funds in proportion to its population of refugees generally having the greatest need for services.

The population estimates for the proposed allocation of funds in FY 1983 are based on the ORR Refugee Data System, adjusted as of October 1, 1982, for estimated secondary migration (see section III, below). Unlike the data base used in FY 1982, however, ORR is now able to include all refugees, rather than only Southeast Asian and Cuban refugees (not entrants), in these estimates.

III. Basis of Refugee Population Estimates

For fiscal year 1983, ORR's formula allocations to the States for support services for refugees are to be based on the number of refugees who arrived during the preceding three fiscal years: 1980, 1981, and 1982. Therefore, estimates have been developed of the numbers of refugees with arrival dates between 10/1/79 and 9/30/82 who are thought to be living in each State as of 10/1/82. The population estimates for the fiscal year 1983 allocations cover refugees of all nationalities in response to recommendations received on ORR's formula for 1982.

Estimates have been developed separately for Southeast Asians and for all other refugee groups and then combined into a total estimated 3-year refugee population for each State. In doing so, ORR excluded from the population totals nationwide 31,559 refugees who were resettled subject to a full Federal match of $1,000 under ORR's matching-grant program with national voluntary refugee resettlement agencies. The per capita funds available to serve non-matching grant refugees are limited and, ORR believes, should be directed to the areas where those refugees live.

Table 1 below, shows the estimated three-year populations, as of October 1, 1982, of Southeast Asian refugees (col. 1) and of all other refugees (col. 2), excluding those matching-grant refugees discussed above; the total of these figures (col. 3); the formula amounts which the population estimates yield (col. 4); and the proposed allocations (col. 5) after allowing for the minimum amounts and the adjustment so that no State is below 86.8% of its FY 1982 formula amount, as discussed in section II, above.

A detailed explanation of the development of data used in this formula allocation can be obtained by writing to the address indicated in section V of this notice.

IV. Proposed Allocations

The following allocations are proposed for refugee social services in fiscal year 1983:

Table 1.—Estimated Three-Year Refugee Populations of States Participating in the Refugee Program and Social Services Formula Amounts and Proposed Allocations for Fiscal Year 1983 [1]

State	(1) Southeast Asian refugees	(2) All other refugees	(3) Total	(4) Formula amount	(5) Proposed allocation [2][3]
Alabama	1,330	120	1,449	$185,090	$171,283
Alaska [3]					
Arizona	2,244	302	2,546	289,984	268,659
Arkansas	1,404	103	1,507	171,672	171,672
California	129,733	14,276	144,009	16,402,590	16,402,590
Colorado	6,012	697	6,709	764,186	764,186
Connecticut	4,231	1,152	5,383	613,178	613,178
Delaware	162	0	162	20,577	75,000
District of Columbia	816	386	1,202	136,906	142,798
Florida	5,416	14,645	20,063	2,285,140	2,067,250
Georgia	4,052	493	4,545	517,637	600,596
Hawaii	3,303	69	3,372	384,116	516,902
Idaho	909	82	991	112,912	112,912
Illinois	13,990	6,114	20,104	2,289,856	2,289,856
Indiana	2,280	430	2,709	308,586	308,586

Table 1.—Estimated Three-Year Refugee Populations of States Participating in the Refugee Program and Social Services Formula Amounts and Proposed Allocations for Fiscal Year 1983 [1]—Continued

State	(1) Southeast Asian refugees	(2) All other refugees	(3) Total	(4) Formula amount	(5) Proposed allocation [2][3]
Iowa	5,381	34	5,415	616,736	662,107
Kansas	5,826	191	6,017	585,377	585,377
Kentucky	1,656	90	1,747	198,999	198,999
Louisiana	6,940	112	7,052	803,205	803,205
Maine	796	31	827	94,202	100,000
Maryland	4,676	933	5,609	638,917	638,917
Massachusetts	8,500	852	10,152	1,156,276	1,156,276
Michigan	5,824	2,398	8,222	936,491	936,491
Minnesota	14,398	371	14,769	1,682,359	2,308,466
Mississippi	578	49	627	71,411	126,470
Missouri	3,377	282	3,659	416,796	416,796
Montana	670	16	687	76,257	100,000
Nebraska	1,395	236	1,601	182,365	182,365
Nevada	849	312	1,260	143,570	176,782
New Hampshire	302	64	366	41,639	75,000
New Jersey	3,080	2,464	5,544	631,478	631,478
New Mexico	2,040	184	2,225	253,422	281,502
New York	12,432	13,397	25,829	2,941,942	2,941,942
North Carolina	2,462	256	2,718	309,722	420,331
North Dakota	500	131	630	71,814	100,000
Ohio	5,418	1,008	6,426	731,960	731,960
Oklahoma	4,824	289	5,113	582,324	582,324
Oregon	11,801	976	12,777	1,455,277	1,509,866
Pennsylvania	13,656	1,887	15,543	1,770,404	1,785,412
Rhode Island	4,824	266	5,090	579,634	579,634
South Carolina	1,396	215	1,550	176,562	176,562
South Dakota	558	59	617	70,299	100,000
Tennessee	3,043	285	3,328	379,059	409,412
Texas	24,121	2,429	26,550	3,024,043	3,804,088
Utah	5,306	452	5,759	655,808	733,345
Vermont	368	0	368	41,903	75,000
Virginia	11,577	1,542	13,119	1,494,274	1,494,274
Washington	19,927	407	20,334	2,316,048	2,374,719
West Virginia	348	24	371	42,307	75,000
Wisconsin	5,159	307	5,465	622,492	623,256
Wyoming	157	30	187	21,323	75,000
Guam	120	0	120	13,668	75,000
Total	371,226	71,223	442,448	50,394,812	53,950,126

[1] These calculations may appear incorrect due to rounding. They were performed with a computer program that added and multiplied unrounded figures, which are displayed here rounded to the nearest person or dollar.
[2] Allows for swimouts and adjustments discussed in section II.
[3] Not currently participating in refugee program.

V. State Evidence on Refugee Population

If a State wishes ORR to reconsider its population estimate, it should submit written evidence through the ORR Regional Director. Requests will be evaluated according to a strict standard. The following is the type of evidence which would be considered appropriate:

- Documentation and discussion should be confined to the population entering during fiscal years 1980, 1981, 1982, and should clearly identify what refugee groups are being discussed.
- Evidence should include a description of the information collection system(s) used by the State, including data sources, time period covered, timeliness, and validation procedures.
- Special studies and reports can be considered only if they are submitted for review.
- An example of acceptable evidence would be a list of refugees identified by name, alien number, and case size, if appropriate

Any State evidence on population estimates should be submitted separately from comments on the proposed allocation formula no later than 30 days from date of publication of this notice and should be addressed to: Dr. Linda Gordon, Office of Refugee Resettlement, Room 1332 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201, Telephone: (202) 472–4130.

Paperwork Reduction Act

This notice does not create any reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance No. 13.814 Refugee Assistance State Administered Programs)

Dated: May 31, 1983.

Paul B. Simmons,

Acting Commissioner of Social Security.

[FR Doc. 83-14912 Filed 6-3-83; 8:45 am]
BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N-83-1247]

Announcement of Fund Availability (Fiscal Year 1983) for a Rural Demonstration Under the Congregate Housing Services Program for the Elderly and Non-Elderly Handicapped

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of fund availability.

SUMMARY: This notice announces the availability of $500,000 in Fiscal Year (FY) 1983 funds for the Congregate Housing Services Program (CHSP). Grant assistance will be made available for use by four or five local Public Housing Agencies (PHAs) and nonprofit Section 202 borrowers in rural areas to provide meals and other services to elderly and non-elderly handicapped project residents who require such services to remain independent. This competition covers that portion of the FY 1983 CHSP funding which is set aside for existing rural projects. For purposes of this notice, "existing rural projects" include only those rural area projects in which PHAs and Section 202 borrowers achieved occupancy by June 30, 1982.

DATE: Applications must be received by August 5, 1983.

ADDRESS: Applications should be submitted to HUD at the following address: Office of Procurement and Contracts, Community Services Division, Room 5252, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Cheryl Yeargins, Contracts Specialist, Community Services Division Office of Procurement and Contracts (OPC), Assistant Secretary for Administration, Room 5252, 451 7th Street, SW., Washington, D.C. 10410, telephone (202) 755–5862. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Title IV of the Housing and Community Development Amendments of 1978 (Public Law 95–557, 92 Stat. 2104, 42 U.S.C. 8001), the Congregate Housing Services Act of 1978 (the Act), authorizes HUD to enter into three- to five-year grant contracts with eligible PHAs and Section 202 borrowers to provide meals and other supportive

services to eligible project residents. The services to be funded are those which allow the handicapped or temporarily disabled residents, whether elderly or nonelderly, to live independently and prevent premature or unnecessary institutionalization. Such services must include a full meal service adequate to meet nutritional requirements and may also include personal assistance, housekeeping and other services required by participating residents in order to live independtly.

Congress appropriated $4,000,000 in FY 1983 for the CHSP. The Conference Report states that $3,500,000 will be used for continuing those CHSDP grants scheduled to end in 1983 and $500,000 will be used for a three-year rural demonstration grant program. Four to five grants will be approved for a maximum of $125,000 each. The overall division of available funding will be about $250,000 for PHAs and $250,000 for Section 202 borrowers.

Length of Grant: HUD will provide three-year grants to selected PHAs and Section 202 borrowers for eligible congregate services to be provided to program participants.

Maximum Funding Level: HUD funding for each CHSP grant is limited to a *maximum* of $125,000 total grant amount, to be provided in approximately equal annual sums over the three-year grant period. The first year funding request may not exceed 30 percent of the total grant requested.

Mandatory Meals: The Congregate Housing Services Act of 1978 requires each grantee to provide to program participants a full meal service adequate to meet nutritional needs, which has been defined administratively as a minimum of two meals a day, seven days a week. If the applicant anticipates providing one of the required two meals per day from other than CHSP grant funds, then funding for additional meal(s) and other eligible services may be requested. At least one meal a day must be served in the central dining room. Any application proposing all home-delivered meals shall be rejected and returned to the applicant.

Other Services: An applicant may request CHSP funds for the provision of housekeeping, personal assistance, transportation, escort and other supportive services that are considered necessary to maintain the participants' independence. HUD approval for funding each additional services will be used on the anticipated needs of residents, availability of funding from other sources, and the extent to which the service is necessary to maintain the participants' independence.

Number of Participants-Elderly: Because of the limited level of funding, applicants will be expected to limit participation in CHSP to no more than 20 percent of a project's total resident population. A higher level of participation may be requested for these project if it is justified in the context of local need and within budgetary limitations. Such request are subject to approval by HUD.

Number of Participants-Nonelderly Handicapped: Small group homes and independent living complexes for the nonelderly handicapped may justify the participation of all residents in the CHSP, provided the focus is on meals and limited support services, within budgetary limitations.

Identified Project: The applicant shall apply for CHSP funding *only* for the project identified in the Federal Assistance Request, Standard Form (SF–424). Each applicant is limited to one proposed project. A proposal for 2–4 small group homes owned by the applicant in the same geographic locality will be considered as a single project.

Recapture Authority: Any grantee failing to initiate the approved congregate services within six months of the effective date of its CHSP grant contract will have it award terminated by HUD.

Professional Assessment Committee (PAC): Each grantee shall appoint a PAC made up of at least one medical professional and two others qualified to asses functional ability of elderly and nonelderly handicapped and temporarily disabled residents. The PAC will screen all interested project residents for eligiblility and admission to or termination of participation in the CHSP, and make appropriate recommendation to program management for action.

Consulation and Review by State or Local Agencies: In designing the CHSP services plan, all applicants proposing projects with elderly residents shall consult with the Area Agency on Aging (AAA), or State Agency on Aging if no AAA exists. Those projects with both elderly residents and nonelderly handicapped residents shall consult also with the State/local agencies providing services to do the nonelderly handicapped. Applicants serving only nonelderly handicapped residents in the proposed project(s) need not consult with the Area or State Agency on Aging but must consult with the State/local agencies for the nonelderly handicapped.

The applicant shall present the completed CHSP application (SF–424) to the appropriate State/local agencies for review and comment. Their comments must be submitted to HUD with the CHSP application.

HUD recommends that, in addition, applicants consult with the single State Agencies providing Social Service Block Grant funds and medicaid reimbursements, and with other appropriate Federal agencies; e.g., the Department of Labor and the Department of Agriculture.

Consultation in Program Planning and On-going Operation: Each applicant shall consult with the members of the proposed PAC and the elderly handicapped, nonelderly handicapped and temporarily disabled project residents when preparing the CHSP application. Each applicant shall also establish procedures which ensure the participation of the project tenants in the ongoing operations and employment opportunities of the program.

Maintenance of Effort for Services: Each applicant shall provide a specific written assurance that its own funding for meals and other services currently being provided to project residents admitted to the CHSP after the initiation of the program will be continued. The assurance shall provide that this funding will continue at the same level provided before the HUD funding become available, and that annual inflation adjustments will be provided by the applicant, as needed, in subsequent years.

Coordination with Service Providers in the Community: The applicant is expected to contact all external providers of services currently available in the project and to obtain a commitment to maintain the existing funding level for the current fiscal year, and a similar commitment "in principle" for funding in subsequent years for the term of the CHSP grant, subject to the external providers' own future appropriations. In addition, the applicant is expected to seek available funding to supplement the HUD-funded CHSP so that all residents who qualify can be served.

Sliding Fee Scale: Each applicant shall establish a sliding fee scale related to income under which program participants pay part or all of the cost of meals and services received and which permits the provision of services to such residents who cannot afford meal and service fees. Under the fee scale, each participant may be charged only for the services actually received. The fee scale must be reasonable and may not exceed the cost of the services.

HUD Evaluation: HUD is conducting an in-depth evaluation to determine: the extent to which coordination is achieved

between other Federal programs and HUD; the extent to which the CHSP avoids or creates a duplication of existing programs; and the extent to which the program is successful in preventing unnecessary or premature institutionalization of elderly or nonelderly handicapped persons. All CHSP grantees are expected to cooperate with and participate in the HUD evaluation, if requested. By virture of selection for participation in the CHSP, the grantee must agree to cooperate fully with the HUD evaluation over the life of the CHSP grant.

Self-Assessment Requirements: Each grantee shall plan and conduct an annual assessment of program activities which will be tied closely to the HUD evaluation effort. Grantees may purchase consultant assistance to carry out the self-assessment requirements. However, applicants are encouraged to absorb these costs or use funds from other programs and resources. If the applicant requires CHSP funds to conduct the self-assessment, no more than one percent (1%) of the total CHSP funds provided may be used for the self-assessment.

Eligibility: Eligibility under the competition cited in this notice is limited to those applicants which have an existing public housing or Section 202 project meeting the requirements set forth below and which have not been selected for a fiscal year 1979, 1980 or 1982 CHSP award.

1. The project must have achieved occupancy by June 30, 1982; and it must be:

a. A conventional congregate public housing project as defined in Section 7 of the United States Housing Act of 1937, or

b. Housing for the elderly or nonelderly handicapped owned by a nonprofit corporation and funded under Section 202 of the Housing Act of 1959. (Note: A Section 202 project with Section 8 Rent Subsidy (Section 202/8) is eligible for the CHSP.)

2. The project must be located in a rural area. A "rural area" means: any open country, or any place, town, village or city which is not associated with an urban area, and: (1) Has a population not in excess of 2,500 inhabitants, or (2) has a population in excess of 2,500, but not in excess of 10,000 if it is rural in character, or (3) has a population in excess of 10,000 but not in excess of 20,000 and: (A) Is not contained within a standard metropolitan statistical area, and (B) has a serious lack of mortgage credit as defined by the Secretaries of the Department of Agriculture and HUD. Eligible areas are those which have been designated by the Department of Agriculture to be eligible for participation in its rural housing programs.

3. The project must have a central dining facility, defined as:

a. For projects under construction before January 1, 1979, a common space of sufficient size within or in proximity to the project, where at least 50 percent of those receiving meals under this program can be served at one sitting; and

b. For projects not under construction before January 1, 1979, a kitchen equipped for food preparation and a central common space within the project where at least 50 percent of the project residents can be served at one sitting.

4. Both the central dining facility and routes from dwelling untis where the residents live to the central dining facility must be accessible to residents. Applicable procedures for accessibility are contained in HUD Handbook 4900.1, Minimum Property Standards for Multifamily Housing and the American National Standards Institute (ANSI) A117.1–1961, Specifications for Making Building and Facilities Accessible to, and Usable by, Physically Handicapped Persons (Rev. 1980).

The following projects are not eligible for funding under the CHSP:

1. A public housing or Section 202 project which provides overnight medical care on an ongoing basis, e.g., has a nursing wing or is certified as an intermediate care facility, and eligible for funds under Title XIX (Medicaid) of the Social Security Act.

2. Section 8 projects (other than Section 202/8), including those owned by PHAs.

3. Any project sponsored by a State Housing Agency.

4. Section 202 projects converted to Section 236 projects.

5. A project under any other HUD-assisted or non-assisted multifamily housing program.

Application Process: All potential applicants shall submit a letter requesting the CHSP grant application kit to: Department of Housing and Urban Development, Office of Procurement and Contracts, Community Services Division, 451 7th Street, SW., Room 5252, Washington, D.C. 20410.

The application kit contains the prescribed application, the Request for Grant Application (RFGA), the Certificate of Eligibility and other grant materials and instructions.

Application submission:

1. One signed original and two (2) conformed copies of the completed grant application must be received by July 1983 at 4:00 p.m., EST, at the following address: Department of Housing and Urban Development, Office of Procurement and Contracts, Community Services Division, 451 7th Street, S.W., Room 5252, Washington, D.C. 20410.

2. The application must be signed by the representative designated in the resolution of the governing body of the applicant, who should be either Executive Director or Board Chairperson, and should identify the name and address of the project being proposed for participation in the CHSP.

3. The application must also include the Certificate of Eligibility completed and signed by the appropriate HUD Field Office, certifying that the proposed project meets the eligibility requirements as described in the previous section on eligibility. Applications submitted to HUD Headquarters without the Certification of Eligibility will not be considered for this competition and will be returned.

Review and Evaluation Process: All applications submitted to HUD pursuant to this notice will be reviewed by the HUD Headquarters staff and the HUD Field Office staff. The applications will be reviewed for all mandatory items, as stated in the Application Kit. Failure to include any mandatory item will result in rejection of the application; such applications will be returned to the applicant. Applicants meeting all mandatory requirements will receive a full technical review based on the following criteria:

1. Objectives and Need for Assistance;
2. Expected Results and Benefits;
3. Technical Approach;
4. Review and Consultation by State and Local Agencies;
5. Sliding Fee Scale(s);
6. Summary Budget.

The full review process and selection criteria are explained in the Application Kit.

Selection:

1. The Secretary of HUD will announce fiscal year 1983 rural demonstration CHSP selectees on or about September 30, 1983. HUD expects to make 4 to 5 awards. Nonselectees will receive written notification from the Office of Procurement and Contracts.

2. Selectees will enter negotiations with HUD to determine the proposed program and budget about 30 calendar days after the date of written notification of selection. At the completion of negotiations, the grant contract will be executed by HUD and the appropriate official on behalf of the selected applicant.

Other Matters: The Catalog of Federal Domestic Assistance program title and

number is Congregate Housing Services, 14.803.

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB). The OMB number is 2506–0040.

Authority: Section 410(d), Congregate Housing Services Act of 1978, 42 U.S.C. 8009.

Dated: May 27, 1983.

Philip Abrams,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc 83–14661 Filed 6–3–83; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 803]

California; Notice of Filing of Plat of Survey

May 25, 1983.

1. This plat of survey of the following described land will be officially filed in the California, State Office, Sacramento, California immediately:

San Bernardino Meridian, California

T. 6 S., R. 4 W.

T. 6 S., R. 5 W.

T. 7 S., R. 4 W.

2. This plat, representing the dependent resurvey of a portion of the boundaries of Lot 38, Rancho Santa Rosa, a portion of the south and west boundaries of T. 6 S., R. 4 W., a portion of the south and east boundaries of T. 6 S., R. 5 W., a portion of the west boundary, a portion of the subdivisional lines, and the survey of the subdivision of fractional sections 7 and 18, T. 7 W., R. 4 W., San Bernardino Meridian, under Group No. 803, California, was accepted April 28, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau and the U.S. Department of Agriculture, Forest Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

May 25, 1983.

[FR Doc. 83–14620 Filed 6–3–83; 8:45 am]

BILLING CODE 4310–84–M

California; Use Fee Schedule for Permitted Recreation Activities; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; California; Special Recreation Permit Fee; Correction.

SUMMARY: This document corrects a notice that appeared on p. 21665 in the Federal Register of Friday, May 13, 1983 (48 FR 21665). The action is necessary to correct the effective date which was inadvertently omitted and an addition to the description for commercial use fees.

FOR FURTHER INFORMATION CONTACT: John Skibinski, Outdoor Recreation Planner, Bureau of Land Management, (916) 484–4636.

The following corrections are made in FR Doc. 83–12894 appearing on 21665 in the issue of May 13, 1983.

EFFECTIVE DATE: May 13, 1983.

The statement which describes commercial use fees is corrected to read:

1. Commercial use fees (other than permits for events that are both commercial and competitive) for all recreation use on lands and rivers managed by the Bureau in California are $3.00 per user day except for the following rivers:

Dated: May 27, 1983.

Ronald D. Hofman,

Associate State Director.

[FR Doc. 83–14662 Filed 6–3–83; 8:45 am]

BILLING CODE 4310–84–M

[C–3357, C–3358]

Colorado; Classification Decision Termination

Correction

In FR Doc. 83–11159 beginning on page 19082 in the issue of Wednesday, April 27, 1983, make the following corrections:

1. On page 19082, third column, under **Tomichi Site,** the land description should have read as follows:

T. 49 N., R. 2 E.,
Sec. 16, NW¼NW¼, S½NE¼NW¼, S½NW¼NE¼NW¼, S½NW¼ NW¼NE¼NW¼, and SW¼NE¼N NE¼NW¼ (State Minerals).

2. In the same column, under **Cathedral site,** T.44 N., R. 2 W., the description for Sec. 12 should have read as follows:

Sec. 12, lots 4 (SW¼NW¼), 5 (SE¼NW¼), and 6 (SW¼NE¼), (Subject to PLO 5300, and PLO 5386).

3. Same column, under **Granodiorite Site,** next to the last line,

"300 acres"

should have read

"290 acres".

4. On page 19083, first column, twenty two lines from the bottom of the page, "is authorized" should have read "is unauthorized".

BILLING CODE 1505–01–M

Colorado, Filing of Plats of Survey

May 25, 1983.

The plats of survey of the following described lands were officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., May 25, 1983.

Sixth Principal Meridian

T. 20 S., R. 57 W.

The plat representing the dependent resurvey of a portion of the Fifth Standard Parallel South (south boundary), T. 25 S., R. 57 W., the Seventh Guide Meridian West (east boundary), and subdivisional lines, and the survey of the subdivision of certain sections, T. 26 S., R. 57 W., Sixth Principal Meridian, Colorado, Group 549, was accepted May 2, 1983.

T. 25 S., R. 56 W.

The plat representing the dependent resurvey of a portion of the Fifth Standard Parallel South (south boundary), the Seventh Guide Meridian West (west boundary), and subdivisional lines, and the survey of the subdivision of section 31, T. 25 S., R. 56 W., Sixth Principal Meridian, Colorado, Group 549, was accepted May 2, 1983.

T. 26 S., R. 54 W.

The plat representing the dependent resurvey of a portion of the west boundary and subdivisional lines, and the survey of the subdivision of section 30, T. 26 S., R. 54 W., Sixth Principal Meridain, Colorado, Group 549, was accepted May 5, 1983.

T 26 S., R. 55 W.

The plat representing the dependent resurvey of a portion of the south boundary and subdivisional lines, and the survey of the subdivision of section 32, T. 26 S., R. 55 W., Sixth principal

Meridian, Colorado, Group 549, was accepted May 5, 1983.

T. 31 S., R. 47 W.

The plat representing the dependent resurvey of a portion of the Sixth Standard Parallel South (south boundary), T. 30 S., R. 47 W., the subdivisional lines, and Tract 46, and the survey of the subdivision of section 4, T. 31 S., R. 47 W., Sixth principal Meridian, Colorado, Group 549, was accepted may 5, 1983.

T. 32 S., R. 51 W.

The plat representing the dependent resurvey of a portion of the subdivisional lines and the survey of the subdivision of section 23, T. 32 S., R. 51 W., Sixth principal Meridian, Colorado, Group 549, was accepted May 5, 1983.

T. 33 S., R. 55 W.

The plat representing the dependent resurvey of a portion of the west boundary and subdivisional lines, and the survey of the subdivision of section 18, T. 33 S., R. 55 W., Sixth principal Meridian, Colorado, Group 549, was accepted May 6, 1983.

These surveys were executed to meet certain administrative needs of the U.S. Forest Service.

T. 6 S., R. 78 W.

The plat, in four sheets, representing the dependent resurvey of a portion of the south and east boundaries, a portion of the subdivisional lines, and a portion of certain mineral surveys, T. 6 S., R. 78 W., Sixth principal Meridian, Colorado, Group 429, was accepted May 6, 1983.

This survey was executed to meet certain administrative needs of this Bureau

All inquires about these lands should be sent to the Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Harold R. Martin

Chief, Division of Operations.

[FR Doc. 83-14628 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

Draft North Central California Wilderness Study Areas Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of and public hearing on the draft North Central California Wilderness Study Areas Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and Section 603(a) of the Federal Land Policy and Management Act (FLPMA) of 1976; The Bureau of Land Management has prepared a draft environmental impact statement which analyzes management alternatives for two wilderness study areas (WSAs) in the Alturas Resource Area, Susanville District. The WSAs are Timbered Crater (18,690 acres) and Lava (11,632 acres). The proposed action for both WSAs recommends a nonsuitable designation.

Copies of the Draft North Central California Wilderness Study Area Environmental Impact Statement are available from: Bureau of Land Management 355 Hemsted Drive, Redding, CA 96002, Telephone (916) 246-5325.

DATES: Written comments on the draft should be submitted to the Redding Resource Area Office, 335 Hemsted Drive, Redding, CA 96002 by September 1, 1983. A public hearing will be held on July 20, 1983 at 7:30 p.m. at the Civic Auditorium, Redding, California.

FOR FURTHER INFORMATION CONTACT: Robert Korfhage, Bureau of Land Management, 335 Hemsted Drive, Redding, CA 96002 or (916) 246-5325.

SUPPLEMENTARY INFORMATION: The draft EIS analyzes the potential environmental effects of various management alternatives, including designation as wilderness, for the Timbered Crater and Lava WSAs. BLM's preferred alternatives are nonsuitable designations which propose management for multiple use in the following manner: Timbered Crater WSA—resources and resource uses would be minimally developed. Management would allow all resources to be developed as long as the naturalness of the area is maintained. Lava WSA—management of the area would allow full development of the resources under FLPMA. The analysis of the EIS indicates there would be no significant effects from implementing any of the alternatives. Wilderness designation would guarantee the continued preservation and enhancement of wilderness values and a nonwilderness designation would not. However, based on past and predicted resource demands and uses, it has been determined that existing wilderness values would not be significantly impaired under the nonwilderness designation.

The recommendations made in the wilderness draft EIS are not final decisions. Following the public comments on the DEIS, a final EIS, report, and recommendation will be prepared and submitted from the Secretary of Interior to the Congress for a final decision.

Oral and written comments will be received at a public hearing July 20, 1983, 7:30 p.m. at the Civic Auditorium, Redding, California. Oral and written comments should be substantive and focus on: (1) The views of the interested public on the wilderness recommendations for consideration by the BLM, the Secretary of Interior, the President, and the Congress, in accordance with requirements of the Wilderness Act; and, (2) obtaining the views of the public on the draft EIS, in accordance with requirement of the National Environmental Policy Act.

Requests to testify orally should be received by the Redding Area Office at the above address prior to close of business on July 15th. Requests should identify the organization represented and should be signed by the prospective witness.

Dated: May 23, 1983.

Van Manning,

District Manager.

[FR Doc. 83-14704 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Albquerque District Advisory Council, Meeting

The BLM Albuquerque District Advisory Council will meet July 21, 1983 in the conference room of the District Office, 3550 Pan American Freeway, NE, Albuquerque, Beginning at 9 a.m.

Following its field trip to the Bistri coal region and the Rio Puerco Water pipeline system at its April 25-27 meeting, the District Advisory Council will determine which management issues facing the district Manager it will focus on to provide timely advice. Among the issues being considered are: Federal coal leasing in the San Juan Basin; maintenance options for the Rio Puerco range watering system; public lands suitable for sale under BLM's asset management program; and planning issues and planning criteria for the Rio Puerco Resource Area's Resource Management Plan.

This council is managed in accordance with the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976, and the Rangeland Improvement act of 1976.

The public is welcome to attend all portions of this meeting. Statements by the public to members of the Council may be made at 11:30 a.m., July 21, 1983.

Minutes of the meeting will be prepared and made available for review within 30 days following the meeting.

L. Paul Applegate,

District Manager.

[FR Doc. 83-14620 Filed 6-3-83; 8:45 am]

BILLING CODE 4310-84-M

Organization and Functions; Western Region; Onshore Minerals Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; change of functions.

SUMMARY: By Secretary Order 3087, dated December 3, 1982, the Bureau of Land Management (BLM) assumed all onshore minerals management functions including oil and gas, geothermal, and solid leasable minerals not related to Royalty Management, on Federal and Indian lands. These functions, which were formerly assigned to the Minerals Management Service (MMS), include both supervision of operations and mineral resource evaluation. The placement of all onshore mineral functions in BLM will eliminate duplication, provide one location approval for mineral actions, and reduce the time required for mineral approvals. All functions related to royalty and minerals revenue management will continue to be the responsibility of the Minerals Management Service.

EFFECTIVE DATE: The Western Region states will handle all minerals correspondence and inquiries effective June 13, 1983.

FOR FURTHER INFORMATION CONTACT: James W. Sutherland, Deputy State Director, Mineral Resources, Bureau of Land Management, Sacramento, California, (916) 484-4515.

SUPPLEMENTAL INFORMATION: Western Region states (Arizona, California, Idaho, Nevada, Oregon, and Washington) have now reached the stage of this transition when the BLM organization can accommodate all mineral industry correspondence, requests, submittals, plan approvals, inspection and enforcement actions. Therefore, effective June 13, 1983, all onshore minerals correspondence formerly addressed to Western Region MMS office must be submitted to the appropriate BLM offices. This does *not* include royalty and mineral revenue correspondence which will continue to be submitted directly to the Minerals Management Service, Royalty Management Office, Denver, Colorado. Onshore minerals management activities in each state will be approved and regulated by an appropriate state BLM office. Each BLM state office has established a position of Deputy State Director, Minerals Resources, to address mineral issues. These positions will be staffed by June 1, 1983. Questions concerning the appropriate state or district BLM office for correspondence submittals in each state should be referred to the appropriate Deputy State Director, Minerals Resources, at the following numbers:

State	Deputy State director minerals Resources	Telephone No.
Arizona	Ray A. Brady	(602) 261-3873
California	James W. Sutherland.	(916) 484-4515
Idaho	Bill LaVelle	(208) 334-1401
Nevada	Tom Leshendok	(702) 784-5676
Oregon/ Washington.	Pat Geehan	(503) 231-6251

Ronald D. Hofman,

Associate State Director, California.

[FR Doc. 83-14621 Filed 6-3-83; 8:45 am]

BILLING CODE 4310-84-M

[I-16302]

Public Land Exchange; Management Framework Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action—Exchange, Public Lands in Bannock County, Idaho; Notice of Intent to Amend Pocatello Management Framework Plan (MFP).

Notice is hereby given that BLM is proposing to amend the Pocatello MFP to allow disposal through exchange of 100 acres of public land. Specifically, the following language would be incorporated into the MFP:

L-9: Allow disposal through exchange of 100 acres of public land in T. 6 S., R. 35 E., Boise Meridian, Sec. 7: SE¼SE¼, Sec. 8: NW¼W½SW¼SW¼, Sec. 17: W½W½NW¼NW¼, and Sec. 18: NE¼NE¼

Additionally, this notice serves as the Notice of Realty Action as required by 43 CFR Part 2201. The above described public lands have been determined to be suitable for disposal by exchange under Sec. 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716. In exchange for these lands, the Federal Government will acquire the following lands from Kent and Emi Lee Yost; Gordon and Sheri Yost and Gladys Call:

Boise Meridian, Idaho

T. 8 S., R. 38 E.,
Sec. 23: SW¼NE¼, S½NW¼, NW¼SE¼, Sec. 24: SE¼SW¼, Sec. 25: N½NW¼; and Sec. 26: NE¼NE¼.
T. 9 S., R. 39 S.,
Sec. 17: E½SW¼

Comprising 400 acres of private land.

The purpose of the exchange is to acquire lands with high recreational and wildlife values for public use. The acquisition of these lands is consistent with the Bureau's planning system. The public interest will be well served by the exchange. The value of the lands to be exchanged is approximately equal, and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The public lands will be transferred subject to: (1) the reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of Aug. 30, 1890 (43 U.S.C. 945); (2) those rights for pipeline purposes as have been granted to the Intermountain Gas Co. under serial number I-06362; (3) the reservation to the United States of the oil/gas rights; and (4) all other valid existing rights. The surface and mineral estate of the private lands will be transferred to the United States subject to valid existing rights.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. This segregative effect shall terminate upon issuance of patent to such lands, upon publication in the **Federal Register** of a termination of the segregation, or 2 years from date of this publication, whichever occurs first.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Burley District Office, Route 3, Box 1, Burley, ID 83318.

Comments: For a period of 45 days interested parties may submit coments to the Burley District Manager, at the above address. Any adverse comments may be evaluated by the District Manager, who may vacate or modify

this realty action and issue a final determination.

Nick James Cozakos,
District Manager.
May 27, 1983.
[FR Doc. 83-14818 Filed 6-3-83; 8:45 am]
BILLING CODE 4310-84-M

[U-44905]

Realty Action; Exchange of Public and State Lands in Iron County, Utah

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Sec. 6, T. 35 S., 17 W., Salt Lake Base and Meridian, Utah.

Comprising 674.89 acres of public lands.

In exchange for these lands, the United States will acquire the following described lands from the State of Utah:

Sec. 16, T. 35 S., R. 18 W., Salt Lake Base and Meridian, Utah.

Comprising 640 acres of State lands.

The purpose of this exchange is to acquire non-Federal lands which have public values for livestock and wildlife forage production and to facilitate the administration of public lands. The public interest will be served by completing the exchange.

The values of the lands to be exchanged are equal.

Lands to be transferred from the United States will be subject to the following reservations, terms, and conditions:

1. All minerals will be exchanged except that oil and gas leases, present on both the offered and selected lands, will be reserved to the State of Utah and the United States respectively for the term of the leases or as long as there is production.

2. Excepting and reserving to the United States, a right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, (26 Stat. 391; 43 U.S.C. 945).

Further information concerning the exchange is available for review at the Beaver River Resource Area Office at 444 South Main, Cedar City, Utah 84720.

For a period of 45 days from the date of first publication, interested parties may submit comments to the District Manager, Cedar City District Office, P.O. Box 724, Cedar City, Utah 84720.

Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action. In the absence of any action by the District Manager, this notice will become the final determination of the Department.

Dated: May 23, 1983.
J. Kent Giles,
Acting District Manager.
[FR Doc. 83-14819 Filed 6-3-83; 8:45 am]
BILLING CODE 4310-84-M

[C-35465]

Realty Action; Noncompetitive Sale of Public Lands in Custer County, Colorado (Parcel No. 1)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following described public land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value of $34,000.

New Mexico Principal Meridian

T. 45 N., R. 12 E.,
Sec. 12, lot 1.

The parcel described above contains 13.6 acres.

The sale of this land will be held on August 17, 1983. A detailed prospectus on the offered land and the procedures for the sale will be sent to the person designated below.

The lands are being offered as a direct, noncompetitive sale to Mr. Paul C. Hutton III, the owner of a cabin and outbuilding located on the parcel. The above mentioned improvements were thought to be on private land until a remonumentation of property boundaries revealed they were located on public land. Disposal by direct sale to Mr. Hutton, rather than by public auction, will legalize his use of the parcel and protect his equity investment in his improvements on the land and avoid any undue hardship if he were required to cease his use of the parcel. The cabin has been in existence since approximately 1910. The sale will resolve an unauthorized use situation.

The parcel has not been used for and is not required for any Federal purpose. Due to the location and physical characteristics of the parcel, it is difficult and uneconomical to manage as public land. Disposal would not have any significant effect on existing public use or resource values. Disposal would best serve the public interest.

The proposed sale will be consistent with the Bureau of Land Management land use plans. Disposal would not conflict with local planning and zoning. The Custer County Commissioners have not objected to the proposed sale of the parcel.

Any patent issued as a result of this proposed sale will be subject to all valid existing rights and reservations of record and will contain a reservation to the United States for rights-of-way for ditches and canals constructed by the United States under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), and all minerals will be reserved to the United States as required by Section 209(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719). Any patent issued for this parcel will also be subject to those rights for an access road as have been granted under Right-of-Way Colorado 35428 and to those rights for existing water facilities located on the parcel.

Additional information concerning this proposed sale, including the planning documents and environmental assessment is available for review in the Royal Gorge Resource Area Office, Bureau of Land Management, 9th and Royal Gorge Boulevard, Canon City, Colorado. For a period of 45 days from the date of this notice interested parties may submit comments to the District Manager, Canon City District Office, Bureau of Land Management, P.O. Box 311, Canon City, Colorado 81212. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue his final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior.

Melvin D. Clausen,
District Manager.
[FR Doc. 83-14827 Filed 6-3-83; 8:45 am]
BILLING CODE 4310-84-M

[C-35461 through C-35464]

Realty Action; Sale of Public Lands in Custer County, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following described public lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than fair market value shown for each parcel:

Parcel No.	Legal description	Acreage	Value
2, S-35464	T. 45 N., R. 12 E., NMPM, sec. 12, lot E.	22.4	$21,000
3, C-35463	T. 22 S., R. 73 W., 6th PM, sec. 18, W½NE¼, NE¼NW¼.	120.0	70,000
4, C-35461	T. 22 S., R. 73 W., 6th PM, sec. 8, NW¼SE¼.	40.0	32,000
5, C-35462	T. 22 S., R. 73 W., 6th PM, sec. 17, SW¼SW¼.	40.0	45,000

The above lands have not been used for and are not required for any Federal purpose. Due to the location and physical characteristics of each parcel, it is difficult and uneconmical to manage as public lands. Disposal would not have any significant adverse effect on existing public use or on resource values. Disposal would best serve the public interest.

The proposed sale will be consistent with the Bureau of Land Management land use plans. Disposal would not conflict with local planning and zoning. The Custer County Commissioners have not objected to the proposed sale of the parcels.

Each patent issued as the result of the proposed sale will be subject to all valid existing rights and reservations of record and will contain a reservation to the United States for rights-of-way for ditches and canals constructed by the United States under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945) and all minerals will be reserved to the United States as required by section 209(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719). Any patent issued for Parcel No. 2 (C–35464) will also be subject to those rights for an access road as have been granted under Right-of-way Colorado 35428. Any patent issued for Parcel No. 3 (C–35463) and Parcel No. 4 (C–35461) will also be subject to a right-of-way for an existing county road. Any patent issued for Parcel No. 5 (C–35462) will also be subject to those rights for a county road as have been granted under Right-of-Way Colorado 35433 and a right-of-way for an existing irrigation ditch.

The lands will be sold at public auction. For Parcel No. 2 and Parcel No. 5 which presently have no public access, the adjoining landowners of record will be given a preference right to meet the high bid. Parcel No. 3 and Parcel No. 4 will be sold by competitive bidding with no preference right. The competitive bidding will be by sealed bids, followed by oral auction. The public sale will be held at the Royal Gorge Resource Area Office, Bureau of Land Management, 9th and Royal Gorge Boulevard, Canon City, Colorado 81212, at 2 p.m., August 24, 1983. A detailed prospectus on the offered lands and the bidding procedures may be obtained from the Royal Gorge Resource Area Office. P.O. Box 1470, Canon City, Colorado 81212.

Additional information concerning this proposed sale, including the planning documents and environmental assessment, is available for review in the Royal Gorge Resource Area Office, 9th and Royal Gorge Boulevard, Canon City, Colorado.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Canon City District Office, Bureau of Land Management, P.O. Box 311, Canon City, Colorado 81212. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue his final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior.

Melvin D. Clausen,

District Manager.

[FR Doc. 83-14828 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

Worland District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Worland District Grazing Advisory Board. The agenda for this meeting includes:

1. Opportunity for public comment—9:15 a.m.

2. FY 1984 project proposals and recommendations—9:30 a.m.

The meeting will be open to the public. Interested persons may make oral statements to the Board, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager by June 21, 1983.

DATE: June 28, 1983, 9:00 a.m.

ADDRESS: Bureau of Land Management Office, Conference Room, 1700 Robertson Avenue, Worland, Wyoming.

FOR FURTHER INFORMATION CONTACT: Gary Blincow, District Office, Bureau of Land Management, 1700 Robertson Avenue, Worland, Wyoming 82401.

SUPPLEMENTARY INFORMATION: Summary minutes of this meeting will be on file in the District Office and available for public inspection (during regular business hours) within 30 days of the meeting.

Chester E. Conrad,

District Manager.

[FR Doc. 83-14822 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

[A 17796]

Application for Issuance of Disclaimer of Interest to Lands in Arizona

May 27, 1983.

Notice is hereby given that the United States of America, pursuant to the provisions of the Federal Land Policy and Management Act of 1976 (FLPMA), Section 315, 43 U.S.C. 1745 (1976), does hereby give notice of its intention to disclaim all interest in the following property, to wit:

Gila and Salt River Meridian, Arizona

T. 18 N., R. 24 E.,
Sec. 31, E½SW¼.
Containing 80 acres.

After review of the official public land records, it is the position of the Bureau of Land Management that the Atlantic and Pacific Railroad (now Santa Fe Pacific Railroad) acquired the above land from the United States pursuant to the Act of July 27, 1866 (14 Stat. 292), as amended. On September 27, 1887 the Atlantic and Pacific Railroad Company (A&P) conveyed the subject land to Stephen G. Little, by warranty deed, recorded July 6, 1892. The Department of the Interior erroneously issued an order restoring to public demain status the land that was granted to the Railroad. A chain of title on the subject land exists from the time the A&P Railroad deeded the land to Sephen G. Little in 1887 until it was sold for taxes in 1941. A tax deed was issued on August 13, 1941, from Apache County, Arizona, to the State of Arizona and the land was subsequently transferred to the Summers family. The subject land is currently on the Apache County tax rolls.

An persons wishing to sumit a protest or comments on the above disclaimer should do so in writing before the expiration of 90 days from the date of publication of this notice. If no protest(s) is received, the disclaimer will become effective on the date set out below.

Disclaimer of title and release of all interest of the United States shall not issue before August 29, 1983.

Information concerning this land and the proposed disclaimer may be obtained from and the protest filed with the State Director, Bureau of Land

Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mildred C. Koslow,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-14852 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

[M-58097]

Montana; Realty Action, Direct Noncompetitive Sale of Public Land in Carbon County, Montana

The following described lands have been examined and found suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743) at no less than the fair market value.

Principal Meridian

T. 9 S., R. 27 E.,
Sec. 25: NE¼SW¼NW¼SW¼,
S½SW¼NW¼SW¼,
W½SW¼SW¼.

The area described contains 27.5 acres.

The land will be offered for direct sale by noncompetitive bidding procedure. Mildred Wallin is the proposed designated buyer and will be offered the right to pay the appraised fair market value. Refusal or failure to meet that price shall cause cancellation of the sale.

The subject land is located approximately 15 miles north of Lovell, Wyoming. The land adjoins Mildred Wallin's private land which lies directly west of the parcel. The land is included in the area designated as the Pryor Mountain Wild Horse Range, but lies outside of the horse range boundary fence. The land has very low productivity, contains no unique values, is difficult and uneconomical to manage, and has therefore been identified as unneeded by the BLM.

The proposed sale is consistent with the Bureau's planning system and Carbon County government officials have been notified of the proposed sale. Since the land has a low resource value, the transfer of the tract into private ownership will benefit the public interest and provide for better land management.

The terms and conditions applicable to the sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, and remove them under applicable laws and regulations;

2. A right-of-way for ditches and canals will be reserved to the United States; and

3. The sale of this land will be subject to all valid existing rights and reservations of record.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, at the address shown below. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

Information related to the sale, including planning documents, environmental assessment, and the record of public discussions, is available for review at the Miles City District Office, P.O. Box 940, Garryowen Road, Miles City, Montana 59301.

Dated: May 20, 1983.

Robert A. Teegarden,

District Manager.

[FR Doc. 83-14853 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

[M-58098]

Montana; Realty Action—Exchange

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Principal Meridian

T. 9 S., R. 27 E.,
Sec. 25: W½W½NW¼, NW¼NW¼SW¼, NW¼SW¼NW¼SW¼.

Containing 52.5 acres of public land.

In exchange for these lands, the United States will acquire the following described lands:

Principal Meridian

T. 9. S., R. 27 E.,
Sec. 25: SW¼SE¼.

Containing 40 acres of private land.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, at the address shown below. Any adverse comments will be evaluated by the BLM, Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of Interior.

Information related to the exchange, including the environmental assessment and land report, is available for review at the Miles City District Office, P.O. Box 940, Garryowen Road, Miles City, Montana 59301.

The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.

2. The reservation to the United States of all minerals in the federal land being transferred.

3. All valid existing rights (e.g., rights-of-way, easements, and leases of record).

This exchange is consistent with Bureau of Land Management policies and planning and has been discussed with state and local officials. The public interest will be served by completion of this exchange.

Dated: May 26, 1983.

Robert A. Teegarden,

District Manager.

[FR Doc. 83-14854 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

[M10562(SD)]

South Dakota; Order Providing for Opening of Public Lands and National Forest Lands

May 23, 1983.

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening order.

SUMMARY: This order opens the reserved mineral interests in the described lands to the operation of the public land laws. These mineral interests have been open to location and entry under the United States mining laws since March 4, 1983 due to Public Land Order 6356.

EFFECTIVE DATE: July 8, 1983.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406-657-6090.

By virtue of the authority vested in me it is ordered as follows:

1. The reserved mineral interest in the following described lands is opened to the operation of applicable public land laws at 8 a.m. on the effective date of this order:

Black Hills Meridian

T. 16 N., R. 7 E.,
Sec. 13, SE¼NW¼;

Sec. 14, W½E½, SE¼NW¼, NE¼SW¼, and NE¼SE¼;
Sec. 15, N½;
Sec. 17, NE¼SW¼ and N½SE¼;
Sec. 23, S½NE¼ and W½SE¼;
Sec. 24, N½NE¼;
Sec. 32, S½NE¼ and SE¼NW¼;
Sec. 33, SW¼NW¼ and NW¼SW¼
T. 18 N., R. 8 E.,
Sec. 18, W½NW¼SW¼NE¼ and SW¼SW¼NE¼;
Sec. 19, SE¼SW¼, NE¼SE¼, SW¼SE¼, and N½SE¼SE¼;
Sec. 20, W½NW¼SW¼ and NW¼SW¼SW¼.

The areas described aggregate 1,385 acres in Harding County.

2. This opening is subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law.

Inquiries concerning the interests should be addressed to the Chief, Branch of Land Resources, Bureau of Land Management, P. O. Box 30157, Billings, Montan 59107.

Kannon Richards,

Acting State Director.

[FR Doc. 83-14840 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

[M-57736]

Montana; Notice of Realty Action—Competitive Sale of Public Land in Chouteau County, Mont.

AGENCY: Bureau of Land Management, Lewistown District Office, Interior.

ACTION: Notice of Realty Action M-57736, Competitive Sale of Public Land in Chouteau County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than fair market value:

Principal Meridian Montana

Tract III of Plat Number 53C and Reception Number 390080 of Block 19 of the Townsite of the Town of Fort Benton, and part of Block "C" of the Reservation Addition of the Townsite of Fort Benton—Containing 0.22 acres.

The land will be offered for sale by competitive bid utilizing sealed and oral bidding procedures on August 5, 1983.

The subject land is located in the commercial district on Front Street in downtown Fort Benton. The land has limited resource values and no unique values. The parcel is difficult and uneconomic to manage as part of the public lands system, was previously used as an administrative site, and is no longer needed for this purpose.

The proposed sale is consistent with the Bureau's planning system and Chouteau County government officials have been notified of the proposed sale. Since the land is no longer needed as an administrative site, the transfer into private ownership will benefit the public interest and provide for better land management.

Terms and Conditions: The terms and conditions applicable to this sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, and remove same under applicable law and regulations;

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945;

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

4. Protective covenants will be placed on the deed for protection of historical values of the area. A copy of the list of required covenants is available from the Lewistown District Office.

DATE: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, at the address shown below. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

The competitive sale of the above-described land in Chouteau County will be held at the Fort Benton Courthouse at 1:00 p.m. on August 5, 1983.

FOR FURTHER INFORMATION CONTACT: Information related to the sale, including planning documents, environmental assessment, and the record of public discussions is available for review at the Lewistown District Office, Airport Road, Lewistown, Montana 59457, or Havre Resource Area Office, Drawer 911, Havre, Montana 59501.

SUPPLEMENTARY INFORMATION:

Bidder Qualifications: The bidder must be a U.S. citizen or, in the case of a corporation, subject to the laws of any state or the U.S. A state, state instrumentality, or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of Montana. Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised value of $10,600.00 and bids must include all of the land identified in this notice.

Method of Bidding: The land will be sold by a combination of sealed or oral bidding. Sealed bids delivered or sent by mail will be considered only if received by the Bureau of Land Management, Lewistown District Office, Airport Road, Lewistown, Montana 59457, prior to 4:00 p.m. on August 4, 1983. Each bid must be in a sealed envelope accompanied by a certified check, postal money order, bank draft, or cashiers check made payable to the Bureau of Land Management for not less than one-fifth of the amount bid. The sealed bid envelope must be marked in the lower lefthand corner as follows:

Public Land Sale M-57736

Date _____

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying sealed bid shall then be publicly declared. The proceedings shall then be opened to oral bidding. The bidding shall begin at the amount of the highest qualifying sealed bid and proceed in minimum $100 increments. After the oral bids, if any, are received, the highest qualifying bid, whether sealed or oral, shall be declared by the authorized officer.

Final Details: The person declared to have entered the highest qualifying bid shall submit payment by cash, personal check, bank draft, money order, or any combination for not less than one-fifth of the amount of the bid immediately following the close of the sale. The successful bidder shall submit the remainder of the full bid price prior to the expiration of 30 days from the date of the sale. Failure to submit the full bid price prior to the 30th day shall result in cancellation of the sale, and the deposit will be forfeited. All bids will be either returned, accepted, or rejected within 30 days of the sale date.

If no bids for the land are received on August 5, 1983, they will remain available for sale on a continuing basis Sealed bids will be received at the Lewistown District Office and will be opened at 9:00 a.m. each succeeding Wednesday through September 7, 1983. If no bids are received by September 7, 1983, this sale is cancelled.

Dated: May 25, 1983.

Glenn W. Freeman,

District Manager.

[FR Doc. 83-14919 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

[M-57738]

Montana; Notice of Realty Action—Modified Competitive Sale of Public Land in Phillips County, Montana

AGENCY: Bureau of Land Management, Lewistown District Office, Interior.

ACTION: Notice of Realty Action M-57738, Modified Competitive Sale of Public Land in Phillips County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than fair market value:

Principal Meridian Montana

T. 24 N., R. 24 E.,
Sec. 26, NW¼NW¼;
Sec. 27, E½NE¼, NE¼SE¼, N½SE¼SE¼.
Containing 180 acres.

The land will be offered for sale by sealed bid utilizing modified competitive bidding procedures. Square Butte Grazing Association, the current grazing lessee, is the proposed designated bidder and will be offered the right to meet the highest bid. Refusal or failure to meet the highest bid shall constitute a waiver of such bidding provisions.

The subject land is located approximately 55 miles south of Malta, Montana, adjacent to secondary State Route 376 at the D-Y Junction. The tract has no unique values and has historically been used for livestock grazing. The tract of land is difficult and uneconomical to manage and by transferring the land into private ownership will benefit the public interest and provide for better land management. The proposed sale is consistent with the Bureau's planning system and the Phillips County government officials have been notified of the sale.

Terms and Conditions: The terms and conditions applicable to this sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, and remove same under applicable law and regulations;

2. A right-of-way for ditches or canals will be reserved to the United States; and

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, Airport Road, Lewistown, Montana 59457. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

The modified competitive sale of the above-described land in Phillips County will be held at the Montana State Office, 222 North 32nd Street, Billings, Montana, on August 3, 1983 at 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: Information related to the sale, including planning documents, environmental assessment, and the record of public discussions is available for review at the Lewistown District Office, Airport Road, Lewistown, Montana 59457 or the Phillips Resource Area, 501 South 2nd Street East, Malta, Montana 59538.

SUPPLEMENTARY INFORMATION:

Bidder Qualifications: The bidder must be a U.S. citizen or, in the case of a corporation, subject to the laws of any state or the U.S. A state, state instrumentality, or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of Montana. Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised value of $9,600.00 and bids must include all of the land identified in this notice.

Method of Bidding: The land will be sold by sealed bid. Each bid must be in a sealed envelope accompanied by a certified check, postal money order, bank draft, or cashiers check made payable to the Bureau of Land Management for not less than one-fifth of the amount bid. Sealed bids delivered or sent by mail will be considered only if received by the Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107 prior to August 3, 1983.

The sealed bid envelope must be marked in the lower lefthand corner as follows:

Public Land Sale M-57738

Date ————————.

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying sealed bid shall then be publicly declared.

Modified Bidding: For a period of 30 days following the date of the sale, Square Butte Grazing Association, the designated bidder, will be offered the right to meet the highest qualifying bid. The designated bidder must submit a bid of at least the fair market value prior to the sale date in order to be considered under the modified bidding provisions. If he meets the highest bid, the land will be sold to him, and the other bid will be returned. His refusal to meet the highest bid or to submit any bid at all prior to the sale date shall constitute a waiver of such bidding provisions.

Final Details: Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within the time period designated by the authorized officer. Failure to submit the required amount within the allotted time will result in cancellation of the sale and the deposit will be forfeited. All bids will be either returned, accepted, or rejected within 30 days of the sale date.

Dated: May 25, 1983.

Glenn W. Freeman,

District Manager.

[FR Doc. 83-14921 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

[M-57737]

Montana; Notice of Realty Action—Modified Competitive Sale of Public Land in Phillips County, Montana

AGENCY: Bureau of Land Management, Lewistown District Office, Interior.

ACTION: Notice of Realty Action M-57737, Modified Competitive Sale of Public Land in Phillips County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than fair market value:

Principal Meridian Montana

T. 24 N., R. 24 E.,
Sec. 27, W½E½,
Containing 160 acres.

The land will be offered for sale by sealed bid utilizing modified bidding procedures on August 3, 1983. Charles E. Schwenke, one of the current grazing

lessees, is the proposed designated bidder and will be offered the right to meet the highest bid. Refusal or failure to meet the highest bid shall constitute a waiver of such bidding provisions.

The subject land is located approximately 55 miles south of Malta, Montana, adjacent to Secondary State Route 376 at the D–Y Junction. The tract has no unique values and has historically been used for livestock grazing. It is difficult and uneconomical to manage and transferring the land into private ownership will benefit the public interest and provide for better land management. This tract was identified for disposal through the Asset Management inventory. The proposed sale is consistent with the Bureau's planning system and the Phillips County government officials have been notified of the sale.

Terms and Conditions: The terms and conditions applicable to this sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, and remove same under applicable law and regulations;

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945;

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, at the address shown below. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

The modified competitive sale of the above-described land in Phillips County will be held at the Montana State Office, 222 North 32nd Street, Billings, Montana, on August 3, 1983 at 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: Information related to the sale, including planning documents, environmental assessment, and the record of public discussions is available for review at the Lewistown District Office, Airport Road, Lewistown, Montana 59457 and at the Phillips Resource Area, 501 South 2nd Street East, Malta, Montana.

SUPPLEMENTARY INFORMATION:

Bidder Qualifications: The bidder must be a U.S. citizen or, in the case of a corporation, subject to the laws of any state or the U.S. A state, state instrumentality, or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of Montana. Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised value of $8,200.00 and bids must include all of the land identified in this notice.

Method of Bidding: The land will be sold by sealed bid. Each bid must be in a sealed envelope accompanied by a certified check, postal money order, bank draft, or cashiers check made payable to the Bureau of Land Management for not less than one-fifth of the amount bid. Sealed bids delivered or sent by mail will be considered only if received by the Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107 prior to August 3, 1983.

The sealed bid envelope must be marked in the lower lefthand corner as follows:

Public Land Sale M–57737

Date ————————.

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying sealed bid shall then be publicly declared.

Modified Bidding: For a period of 30 days following the date of the sale, Charles E. Schwenke, the designated bidder, will be offered the right to meet the highest qualifying bid. The designated bidder must submit a bid of at least the fair market value prior to the sale date in order to be considered under the modified bidding provisions. If he meets the highest bid, the land will be sold to him, and the other bid will be returned. His refusal to meet the highest bid or to submit any bid at all prior to the sale date shall constitute a waiver of such bidding provisions.

Final Details: Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within the time period designated by the authorized officer. Failure to submit the required amount within the alloted time will result in cancellation of the sale and the deposit will be forfeited. All bids will be either returned, accepted, or rejected within 30 days of the sale date.

Dated: May 25, 1983.

Glenn W. Freeman,

District Manager.

[FR Doc. 83-14822 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

[M–57739]

Montana; Notice of Realty Action—Noncompetitive Sale of Public Land in Phillips County, Montana

AGENCY: Bureau of Land Management, Lewistown District Office, Interior.

ACTION: Notice of Realty Action M–57739, Noncompetitive Sale of Public Land in Phillips County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than fair market value:

Principal Meridian Montana

T. 24 N., R. 24 E.
Sec. 27, S½SE¼SE¼
Sec. 34, N½NE¼NE¼NE¼, NE¼NW¼ NE¼NE¼
Containing 27.5 acres.

The land will be offered for direct sale to Roger Ereaux at the appraised fair market value of $10,200.00. Refusal or failure to meet that price by August 31, 1983, shall cause the lands to be offered for sale through competitive bidding procedures. Sealed bids will be received at the Bureau of Land Management, Montana State Office, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107 and will be opened at 2:00 p.m. each Wednesday during the month of September 1983. If no bids are received by September 28, 1983, this sale is cancelled. Further information on competitive bidding procedures may be obtained from the Montana State Office.

The subject land is located in the junction of U.S. Highway 376, approximately 55 miles south of Malta, Montana. The subject land has no unique values and has historically been used for livestock grazing. In addition some unauthorized facilities are located on a portion of the tract associated with the operation and maintenance of a Bar-Cafe, and other facilities. The sale, if consummated, will resolve this unauthorized use.

This tract was identified for sale in the Asset Management inventory process. The proposed sale is consistent with the Bureau's planning system and the general public as well as the Phillips County government officials have been notified of the sale. Since the land has

low resource value, the transfer of the tract into private ownership will benefit the public interest and provide for better land management.

Terms and Conditions: The terms and conditions applicable to this sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, and remove same under applicable law and regulation;

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945;

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, at the address shown below. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior. If the decision to sell is made, Roger Ereaux shall submit the full purchase price and publishing costs within the time period designated by the authorized officer. Failure of Roger Ereaux to submit the required amount within the allotted time will result in the cancellation of the sale to him. The lands will then be put up for competitive sale through September 28, 1983.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale, including planning documents, environmental assessment, and the record of public discussions is available for review at the Lewistown District Office, Airport Road, Lewistown, Montana 59457 and at the Phillips Resource Area, 501 South 2nd Street East, Malta, Montana 59538.

Dated: May 25, 1983.

David E. Little,

Acting District Manager.

[FR Doc. 83-14923 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

[M-57735]

Montana; Notice of Realty Action—Noncompetitive Sale of Public Land in Toole County, Montana

AGENCY: Bureau of Land Management, Lewistown District Office, Interior.

ACTION: Notice of Realty Action M-57735, Noncompetitive Sale of Public Land in Toole County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than fair market value:

Principal Meridian Montana

T. 32 N., R. 2 W.,
Sec. 17: NE1/4NE1/4;
Containing 40.00 acres.

The land will be offered for direct sale to the Shelby Airport Commission at the appraised fair market value of $7,000.00. Refusal or failure to meet that price by August 31, 1983, shall cause the lands to be offered for sale through competitive bidding procedures. Sealed bids will be received at the Bureau of Land Management, Montana State Office, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107 and will be opened at 2:00 p.m. each Wednesday during the month of September 1983. If no bids are received by September 28, 1983, this sale is cancelled. Further information on competitive bidding procedures may be obtained from the Montana State Office.

The subject land is located 2–3 miles northwest of Shelby, Montana. The land adjoins the Shelby Airport on the southwest and is located at the end of a runway. The subject land has no unique values and has historically been used for livestock grazing. The sale, if consummated, will create a buffer zone for safety reasons at the end of the runway at the Shelby Airport.

The subject tract was identified for sale, through the planning system, to the Airport Commission to ensure public safety by protecting air flight paths. Toole County government officials have been notified of the proposed sale. The transfer of the tract into private ownership will benefit the public interest and provide for better land management.

Terms and Conditions: The terms and conditions applicable to this sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, and remove same under applicable law and regulations;

2. A right-of-way for ditches or canals will be reserved to the United States; and

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, Airport Road, Lewistown, Montana 59457. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior. If the decision to sell is made, Shelby Airport Commission shall submit the full purchase price and publishing costs within the time period designated by the authorized officer. Failure of the Shelby Airport Commission to submit the required amount within the allotted time will result in the cancellation of the sale to him. The lands will then be put up for competitive sale through September 28, 1983.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale, including planning documents, environmental assessment, and the record of public discussions is available for review at the Lewistown District Office, Airport Road, Lewistown, Montana 59457 and at the Havre Resource Area, Drawer 911, Havre, Montana 59501.

Dated: May 26, 1983.

David E. Little,

Acting District Manager.

[FR Doc. 83-14924 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

Nevada; Classification Vacated

May 12, 1983.

1. Pursuant to the authority delegated by Bureau Order 701 and an amendment thereto, the Bureau of Land Management multiple use classification N-2710 was published in the **Federal Register** on July 25, 1969 (FR Doc. 59-8714). Pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411-18) and the 43 CFR Part 2460 regulations, this action classified approximately 23,451.97 acres of public land in Humboldt County, Nevada, for disposal under the Public Land Sale Act of September 19, 1964, Section 8 of the Taylor Grazing Act of June 28, 1934, and the Recreation and Public Purposes Act of June 14, 1926. All the land was segregated from the mining laws and 3,466 acres were also segregated from the mineral leasing laws.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification is hereby vacated in its entirety:

Mount Diablo Meridian, Nevada

T. 36 N., R. 38 E.,
Sec. 28, SE¼SE¼.
T. 37 N., R. 38 E.,
Sec. 2, Lots 1, 2, 3, 4, S½NW¼, S½;
Sec. 3, Lots 1, 2, 3, 4, S½NE¼, S½NW¼, S½;
Sec. 11, SW¼;
Sec. 12, Lots 1, 2, 3, 4, W½NE¼, W½, W½SE¼;
Sec. 14, Lots 1 thru 7, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 15, NE¼;
Sec. 16, NE¼NE¼;
Sec. 22, E½NE¼, NW¼NE¼, NE¼NW¼, SW¼NW¼, SW¼, NE¼SE¼, SW¼SE¼;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, N½, SW¼, E½SE¼;
Sec. 28, NE¼, E½SE¼NW¼, SW¼;
Sec. 33, N½, SW¼, N½SE¼;
Sec. 34, W½NW¼;
Sec. 36, N½NW¼, SW¼NW¼.
T. 38 N., R. 38 E.,
Sec. 36, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, SE¼SE¼.
T. 37 N., R. 39 E.,
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, Lots 1 thru 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, all;
Sec. 16, all;
Sec. 17, SE¼;
Sec. 18, Lots 1, 2, 3, 4, NE¼, W½W½, SE¼;
Sec. 19, SE¼;
Sec. 20, all;
Sec. 21, NW¼;
Sec. 24, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 26, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 28, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 29, NW¼;
Sec. 30, Lots 1, 2, 3, 4, E½, E½W½;
Sec. 36, all.
T. 38 N., R. 39 E.,
Sec. 36, all.
T. 36 N., R. 40 E.,
Sec. 6, Lots 2 thru 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼.

The land vacated comprises approximately 16,725.49 acres. The remaining 6,726.46 acres are now in private ownership.

3. At 9:00 a.m. on July 5, 1983, the land described above is hereby open to the public land laws, subject to valid existing rights. All valid applications received prior to or at 9:00 a.m. on July 5, 1983 will be considered as simultaneously filed. All other applications received will be considered in the order of filing.

4. At 9:00 a.m. on July 5, 1983, the land described above is hereby open to the operation of the mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

5. All the land segregated against the mineral leasing laws is now in private ownership. All minerals on the private land are withdrawn in accordance with the Public Land Sale Act of September 19, 1964.

Inquiries concerning this land should be addressed to the District Manager, BLM, 705 E. 4th Street, Winnemucca, Nevada 89445.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 83-13959 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

[W-33472, W-37418, W-61985, W-63448, W-64792, W-69098, and W-73358]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Leases

Pursuant to the provisions of Pub. L. 31-245 and Title 43 Code of Federal Regulations, Section 3108.2-1(c), and Pub. L. 97-451, petitions for reinstatement of the above-listed oil and gas leases have been received.

The proposed reinstatement of the leases would be under the same terms and conditions of the original leases, except the rentals will be increased to $5 per acre per year, and royalty increased to 16⅔ percent with the exception of lease W-73358. All future rentals for lease W-73358 will be at the rate of $10.00 per acre or fraction thereof, and royalties will be paid at a rate of 16⅔ percent computed on a sliding scale based upon average production per well per day.

Lessees will reimburse the Department for the cost of the notice published in the **Federal Register**.

Harold G. Stinchcomb,

Chief, Branch of Fluid Minerals.

[FR Doc. 83-14697 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

[CA-8297]

California; Proposed Withdrawal and Reservation of Land; Correction

May 25, 1983.

In Federal Register Document 83-10589 appearing on pages 17148 and 17149 of the issue of April 21, 1983, the 19th, 20th, 21st and 22nd lines read "T. 5 N., R. 25 E., Sec. 21, E½NE¼, NE¼SE¼, S½SE¼; Sec. 28, N½NE¼, SW¼NE¼. The area described aggregates 320 acres." It is corrected to read, "That part of the E½E½, SW¼SE¼ Sec. 21; E½NE¼NE¼, W½NW¼NE¼ Sec. 28, lying easterly of the easterly right-of-way line of highway No. 182, and the SW¼NE¼ Sec. 28, T. 5 N., R. 25 E. The area described aggregates approximately 180 acres * * *."

Eleanor Wilkinson,

Chief, Lands and Locatable Minerals Section, Branch of Lands and Minerals Operations.

[FR Doc. 83-14621 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

Record of Decision for 1982 Amendment Review of the California Desert Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given that the Record of Decision for the second amendment (1982) to the California Desert Conservation Area Plan has been prepared, and that the decisions it includes are in effect.

FOR FURTHER INFORMATION CONTACT: Gerald Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: The Record of Decision (ROD) describes each proposed amendment, indicates whether it was accepted or rejected, and presents the rationale for the decision. Final decisions were made by the District Manager and concurred in by the State Director. Decisions were based on the findings of an Environmental Impact Statement prepared for the amendments, public review, and input from the California Desert District Advisory Council. Members of the public wanting a summary of the ROD may obtain one by writing to the address given above. The complete ROD is available for public inspection, also at the above address.

Dated: May 27, 1983.

Hugh Riecken,

Associate District Manager.

[FR Doc. 83-14666 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; ARCO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 1608, 2137, and 2943, Blocks 59 and 60, South Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 26, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-14662 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1088, Block 89, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 27, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-14930 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

Determination of Valid Existing Rights Within the Otter Creek Wilderness Area of Monongahela National Forest

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Request for additional comments.

SUMMARY: The Otter Creek Coal Company has requested a determination by the Office of Surface Mining Reclamation and Enforcement (OSM) that its proposed underground coal mining operation on Federal lands in the Otter Creek Wilderness Area, West Virginia, is not prohibited or limited by Section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (the Act). The Company has specifically requested that OSM determine that Otter Creek has valid existing rights under that section of the Act. On April 19, 1983, OSM gave notice of receipt of the request and established a comment period scheduled to expire on July 18, 1983. See 48 FR 16763 (April 19, 1983). To further clarify the issues in this proceeding and to ensure that the agency decides Otter Creek's application based upon a complete administrative record, OSM is soliciting additional public comments on the application.

DATES: Written comments will be accepted until 5:00 p.m., E.D.T., on July 18, 1983. Public meetings will be scheduled on request only.

ADDRESSES: Documents comprising the administrative record are available for public review and copying during regular business hours at the address below. Copies of relevant notices may be obtained at the same location.

Administrative Record Room, Room 5315L, Office of Surface Mining, Department of the Interior, 1100 L Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Murray Newton, Chief, Branch of Regulatory Programs, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Telephone (202) 343–5866.

Background

Otter Creek Coal Company (the Company, or Otter Creek) initially filed an action in the United States Court of Claims pursuant to the just compensation clause of the Fifth Amendment to the U.S. Constitution and 28 U.S.C. 1491, seeking compensation for the alleged taking by inverse condemnation by the United States of its mineral estate underlying the Otter Creek Wilderness Area (OCWA) in Randolph and Tucker counties, West Virginia. Among other things, the Company alleged that the Act prohibits all surface coal mining within the OCWA, thereby depriving Otter Creek of all use or enjoyment of its property, requiring the payment of compensation.

In subsequent judicial proceedings, the United States Court of Claims ordered Otter Creek Coal Company to file an application for a valid existing rights (VER) determination pursuant to Section 522(e) of the Act. If OSM grants Otter Creek's VER application, then Otter Creek would be exempt from the 522(e) restrictions on mining in the Otter

Creek Wilderness Area; however, its operations would remain subject to the permitting and performance standards of the Act. Otter Creek complied with the court order by filing its VER application on January 28, 1983; OSM announced receipt of the application and solicited public comment in the April 19, 1983, *Federal Register* 48 FR 16783.

In its opinion dated June 24, 1982, the Court of Claims held that the threshold issue to be determined before the Court could proceed to the merits of Otter Creek's "taking" claim is whether the Company is to be barred from conducting surface coal mining activities within the OCWA. In this regard, the Court held that Otter Creek should initially seek a determination from OSM on the question of whether it has valid existing rights to conduct mining operations that disturb the surface on the OCWA. Section 522(e) of the Act prohibits all surface coal mining operations on lands within the boundaries of units of the National Wilderness Preservation System, subject to valid existing rights. While the term "valid existing rights" is not further defined by statute, Congress intended by its inclusion in the Act to avoid constitutional taking of property as a result of implementation of the statute. See 123 Cong. Rec. 12878, April 19, 1977. *Accord, Hodel* v. *Virginia Surface Mining and Reclamation Association, Inc.*, 452 U.S. 264, 293, n. 37 (1981). While the regulations initially promulgated at 30 CFR 761.5 do not specifically refer to a taking standard in defining valid existing rights, the Secretary stated clearly in the preamble that VER should be determined "on a case-by-case basis" and that it should be defined as "those rights which cannot be affected without paying compensation." 44 FR 14992–3 (1979).

In the litigation pending before the Court of Claims, the Government suggested that it was possible for Otter Creek to mine its reserves within the wilderness area without disturbing the surface of the OCWA by locating mine entries and portals on adjacent Federal lands outside wilderness land areas. Otter Creek has rejected any contention that it is feasible to mine without committing surface disturbances of the OCWA in violation of Section 522(e) of the Act, 30 U.S.C. 1272(e). In order to determine whether Otter Creek has valid existing rights, the Court of Claims has suggested that OSM may want to consider the feasibility or practicality of mining from outside the wilderness area boundaries.

In reviewing Otter Creek's application for a valid existing rights determination and its arguments regarding the feasibility of the Government's alternative approach, OSM is requesting additional public comments on the following matters:

(1) Whether the Government's alternative plan of mining operations would result in subsidence or require the construction of ventilation shafts within the wilderness area and, if so, whether this would constitute a prohibited surface disturbance within the meaning of 30 U.S.C. 1272(e).

(2) Whether there are any legal restrictions affecting the Company's ability to mine from contiguous Federal lands outside the Wilderness Area.

(3) Any additional general comments relating to this proceeding and any facts which are relevant to the question of whether it is feasible to mine from locations outside the Wilderness Area.

(4) Any comments concerning the application of the "taking" standard set forth in the order of the Court of Claims in determining whether Otter Creek Coal Company has valid existing rights.

Dated: May 27, 1983.

Arthur W. Abbs,

Acting Assistant Director, Program Operations and Inspection.

[FR Doc. 83-14090 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[No. MC-FC-80141TA]

Motor Carriers; L. R. Bouma, d.b.a. Bouma, Transport—Transferee—Shoemaker Trucking Company (Loren Wetzel, Trustee in Bankruptcy)—Transferor

On April 22, 1983, Division 1, Acting as an Appellate Division, voted to grant the application of L. R. Bouma, d.b.a. Bouma Transport of Choteau, MT, to temporarily lease the motor carrier rights of Shoemaker Trucking Company of Boise, ID.

Approval of the TA is subject to the following conditions. By July 5, 1983, lessee must:

(1) Comply with the appropriate statutory and regulatory provisions governing insurance, tariffs, and designation of agents (see 49 U.S.C. 10927, 10761–62, and 10330; accord 49 CFR Parts 1043, 1044, and 1300–1310);

(2) Commence operations pursuant to the authority granted;

(3) Confirm, in writing, to the Commission, immediately upon commencement of operations, the date operations were commenced; and

(4) File with the Commission 3 copies of the approved lease agreement, if this has not previously been done.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-14090 Filed 6-2-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CRF 1161.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative

requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, (202) 275–7289.

Volume, No. OP5–FC–258

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC 81493. By decision of May 24, 1983 issued under 49 U.S.C. 10926 and the transfer rules 49 CFR Part 1181, Review Board Number 1 approved the transfer to CUSTOM FREIGHT, INC., of Booneville, MS, of Certificate No. MC–154999 issued October 22, 1981, to DIAMOND G. TRUCKING, INC., of Blue Springs MS, authorizing the transportation of (1) *furniture and fixtures*, and (2) *machinery and supplies* used in the manufacture and distribution of the commodities in (1) between points in MS, on the one hand, and, on the other, points in the U.S. Representative: Fred W. Johnson, Jr., P.O. Box 1291, 109 North State St., Jackson, MS 39205.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–FC–249

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC–81406. By decision of May 24, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board No. 2 approved the transfer to INDUSTRIAL TRANSPORT SERVICE, INC., of Tenley Park, IL, of Certificates No. MC–147962 Sub-Nos.3X (and the underlying authority under MC–147962 Sub-No. 1), 4, and 5, issued March 25, September 14, 1981, and December 3, 1982, respectively, to DONDO TRUCKING, INC., of Oak Lawn, IL, authorizing the transportation, over irregular routes, of (1) food and related products, between Chicago, IL, on the one hand, and, on the other, points in IN, WI, Scott County, IA, and Henry County, OH; (2) chemicals and related products, metal products, and textile mill products, between Chicago, IL, on the one hand, and, on the other, points in the U.S.; and (3) general commodities (with exceptions), between points in IL and IN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Representative: Joseph Winter, 29 LaSalle St., Chicago, IL 60603, 312–263–2306.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–FC–323

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC–81469, filed May 11, 1983. By decision of May 24, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to TWIN CITY FRUIT, INC. d.b.a. TWIN CITY FREIGHT, Deadwood, SD, of Certificate No. MC–141737 (Sub-No. 1), issued July 17, 1981, to WALKER FREIGHT LINE, INC., Black Hawk, SD, authorizing the transportation of *general commodities* (except classes A and B explosives), between points in South Dakota, and of Certificate No. MC–141737 (Sub-No. 2)X, issued April 7, 1982, and the underlying authority in MC–141737 Lead, issued June 18, 1981, authorizing the transportation of *general commodities* (except classes A and B explosives, household goods, and commodities in bulk, and those requiring special equipment), between Scottsbluff, NE and Rapid City, SD, serving all intermediate points and off-route points in Dawes County, NE: from Scottsbluff over Nebraska Hwy 71 to junction Nebraska Hwy 2, then over Nebraska Hwy 2 to junction U.S. Hwy 20 to Crawford, then over U.S. Hwy 20 to junction U.S. Hwy 385, then over U.S. 385 to U.S. Hwy 16, then over U.S. Hwy 16 to Rapid City, and return over the same route. An application for temporary authority has been filed. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501.

Volume No. OP4–FC–329

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–79943, filed July 19, 1982. (Republication). By decision of May 26, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to Eazor Special Services, Inc., Of Pittsburgh, PA, of Certificate No. MC–591207 Sub-Nos. 44, 45 and 46, issued December 29, 1981, May 27, 1982, and June 16, 1982, respectively, to Eazor Express, Inc., of Pittsburgh, PA, authorizing the transportation of: Sub 44: *machinery, metal products, and transportation equipment*, between points in the U.S. under continuing contract(s) with Rockwell International, of Pittsburgh, PA; Sub 45: *general commodities* (except household goods, commodities in bulk, and classes A and B explosives, between points in the U.S. (except AK and HI), under continuing contract(s) with Edgewater Steel Company, of Oakmont, PA, and Toyad Corp., of Latrobe, PA; Sub 46: *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Mars Forge Company, of Mars, PA. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800.

Note.—The sole purpose of this republication is to reflect the authority to be transferred in Certificate No. MC–59120 Sub-Nos. 44, 45, and 46.

[FR Doc. 83–14944 Filed 6–3–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified

prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in interstate commerce over regular routes as motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 4 at 202–275–7669.

Volume No. OP4–325

Decided: May 26, 1983.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing.

MC 42487 (Sub-1074), filed May 12, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208 (503) 226–4692. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with the Monsanto Company of St. Louis, MO.

MC 51146 (Sub-870), filed May 12, 1983. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant) (414) 498–7623. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of capital goods and industrial materials and supplies, between points in the U.S. (except AK and HI), under continuing contract(s) with shippers of the described commodities.

MC 59206 (Sub-37), filed May 10, 1983. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 E 40th St., Holland, MI 49423. Representative: Kenneth De Vries (same address as applicant) (616) 392–3101. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 79987 (Sub-42), filed May 13, 1983. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Rd, Zelienople, PA 16063. Representative: David M. O'Boyle, 1610 Two Chatham Center, Pittsburgh, PA 15219 (412) 765–1600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 134257 (Sub-5), filed May 12, 1983. Applicant: CARROLL'S TRANSFER, INC., P.O. Box 265, Dublin, NC 28332. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602 (919) 828–0731. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Robeson County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 138146 (Sub-6), filed May 13, 1983. Applicant: OLYMPIA TRAILS BUS COMPANY, INC., Rear 30–116 Port St., Newark, NJ 07105. Representative: Joseph L. Steinfeld, 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004 (202) 737–1030. Over regular routes, transporting *passengers*, between Newark International Airport, Newark, NJ, and New York, NY: (1) from Newark International Airport to junction U.S. Highway 1/9, then over U.S. Hwy 1/9 to junction NJ Hwy 439, then over NJ Hwy 439 to junction U.S. Hwy 278, then over U.S. Hwy 278 to junction Goethals Bridge, then over Goethals Bridge to New York, NY, (2) from Newark International Airport to junction U.S. Hwy 1/9, then over U.S. Hwy 1/9 to junction Holland Tunnel, then through the Holland Tunnel to New York, NY, (3) from Newark International Airport to junction U.S. Hwy 1/9, then over U.S. Hwy 1/9 to junction New Jersey Turnpike Interchange #14, then over New Jersey Turnpike to Interchange #16(E), then over turnpike access roads to junction NJ Hwy 3, then over NJ Hwy 3 to junction Lincoln Tunnel, then through the Lincoln Tunnel to New York, NY, and (4) from New Jersey Turnpike Interchange #14, over New Jersey Turnpike to Interchange #16(W), then over turnpike access roads to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction George Washington Bridge, then over the George Washington Bridge to New York, NY, returning over the same routes, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce in accordance with the provisions under 49 U.S.C. 10922(c)(2)(B), over the same route.

MC 156577 (Sub-1), filed May 10, 1983. Applicant: L & L CARTAGE COMPANY, INC., P.O. Box 1041, 101 Jessup Drive Jonesboro, AR 72401. Representative: James T. Darby, 1021 Irving Ave., Colonial Beach, VA 22443 (804) 224–0773. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI.)

MC 159037 (Sub-1), filed May 11, 1983. Applicant: B & D MACHINERY SERVICES, LTD,. P.O. Box 116, Elrose, Saskatchewan, Canada SOL OZO. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108 (701) 237–4223. Transporting *machinery, and chemicals and related products,* between the ports of entry on the International Boundary line between the U.S. and Canada at points in MT and ND, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162776 (Sub-3), filed May 9, 1983. Applicant: DMi TRUCKING, INC., State Road 64, Huntingburg, IN 47542. Representative: J. M. Summerly (Same address as applicant) (812) 683–2332. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Specialty Brands, Inc., of San Francisco, CA, Gerico, Inc., of Thornton, CO, Highway Transport Service, of Atlanta, GA, Arvey Paper & Supplies and American Backhaulers, both of Chicago, IL.

MC 164237 (Sub-1), filed May 12, 1983. Applicant: E. PRITT LEASING & TRUCKING, INC., 5441 Whitney Court, Swartz Creek, MI 48473. Representative: David E. Jerome 436 N. Center St., Northville, MI 48167 (303) 348–4433. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI) under a continuing contract(s) with Soo Transportation Service Ltd., of Grand Blanc, MI.

MC 165616 (Sub-1), filed May 9, 1983. Applicant: J. M. HOLT & SONS CONSTRUCTION, INC., P.O. Box 794, Graham, NC 27253. Representative: Terrell Price, 800 Briar Creek Rd., Ste. DD504, Charlotee, NC 28205 (704) 372–8212. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC, VA, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP4–327

Decided: May 25, 1983.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 97357 (Sub-58), filed May 19, 1983. Applicant: ALLYN TRANSPORTATION COMPANY, 980–A East Orangethorpe Ave., Anaheim, CA 92801. Representative: Charles Carbonaro (Same address as applicant) (714) 992–4261. Transporting *general commodities* (except classes A and b explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 133466 (Sub-8), filed May 18, 1983. Applicant: FORT CALHOUN EXPRESS, INC., 12th & Madison, Fort, Calhoun, NE 68023. Representative: Cole Sparkman (Same address as applicant) (404) 468–5511. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 141476 (Sub-1), filed May 12, 1983. Applicant: ADVANCE INDUSTRIES TRANSPORTATION CORP. 2301 Bridgeport Dr., Sioux City IA 51102. Representative: George L. Hirschbach, 920 W. 21 St., P.O. Box 155, South Sioux City, NE 68776 (402) 494–5466. Transporting (1) *lumber and wood products,* (2) *clay, concrete, glass or stone products,* (3) *rubber and plastic products,* (4) *metal products,* (5) *machinery,* and (6) *transportation equipment,* between points in the U.S.

MC 142037 (Sub-3), filed May 12, 1983. Applicant: SCHULTZ BROS., INC., State Highway 36, P.O. Box 373, Guy TX 77444. Representative: Thomas F. Sedberry, P.O. Box 2023 (78768), 2600 InterFirst Tower, Austin, TX 78701 (512) 472–8355. Transporting *building materials,* between points in Tarrant County, TX, on the one hand, and, on the other, points in TX.

MC 148556 (Sub-5), filed May 19, 1983. Applicant: KEEBLER COMPANY, One hollow Tree Lane, Elmhurst, IL 60126. Representative: John M. Sanderson, Jr. (Same address as applicant) (312) 833–2900. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with American Licorice Company of Alsip, IL.

MC 150096 (Sub-2), filed May 11, 1983. Applicant: GLENDALE TRUCKING CORP., 57–40 Flushing Ave., Maspeth, NY 11378. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048 (212) 381–7000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 153877 (Sub-1), filed May 18, 1983. Applicant: A. L. ZARY TRANSPORT LTD., 210 Vancouver Ave. South, Saskatoon, SK Canada S7M 3M9. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102 (206) 325–8875. In foreign commerce only, transporting *lumber and lumber products,* and *forest products,* between points on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points, in NV, CA, AZ, UT, WY, CO, NM, ND, SD, NE, KS, OK and TX.

MC 156107 (Sub-5), filed May 18, 1983. Applicant: VARDAROS MOTOR LINES, INC., 510 Plaza Dr., Suite 1530 H, College Park, GA 30349. Representative: Virgil H. Smith, 74 Hwy N. Box 245, Tyrone, GA 30290 (404) 969–1980. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 162056 (Sub-1), filed May 19, 1983. Applicant: BOSTEDER TRUCKING, INC., P.O. Box 236, Big Rock, IL 60511. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901 (608) 742–3579. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Hoe K. Bosteder and Sarah A. Bosteder Warehouse Company, of Big Rock, IL.

[FR Doc. 83–14846 Filed 6–2–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not

fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team Five at 202-275-7289.

Volume No. OP5-251

Decided: May 19, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 167868, filed May 9, 1983. Applicant: R.R. BOWMAN, d.b.a. RAINER BROKERS, P.O. Box 30389, Portland, OR 97230. Representative: R. R. Bowman (same address as applicant), (503) 255-4236. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167889, filed May 9, 1983. Applicant: SCORPIO 7 ENTERPRISES, INC., 50 Emjay Blvd., Brentwood, NY 11717. Representative: Joseph F. Stern, 17 Bradley Drive, Shoreham, NY 11786, (516) 744-1227. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167948, filed May 9, 1983. Applicant: CARL MATUSEK, INC., 1001 North America Way, Dodge Island, Miami, FL 33132. Representative: Peter S. Herrick, 3139 S.W. 27th Ave., Suite 2, Miami, FL 33133, (305) 445-2112. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167949, filed May 9, 1983. Applicant: BYRAM BUS LINE, INC., R.D. 5, Sparta Stanhope Rd., Stanhope, NJ 07874. Representative: Edward F. Bowes, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, (201) 992-2200. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167958, filed May 10, 1983. Applicant: KEVIN SHEPHERD, 704 S. 60th Ave., Yakima, WA 98908. Representative: Kevin Shepherd (same address as applicant), (509) 966-4523. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167959, filed May 10, 1983. Applicant: JAMES VANDERKOLK, d.b.a. J & B TRUCKING, 8558 Adams, Zeeland, MI 49464. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume, No. OP5-253

Decided: May 20, 1983.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 167938, filed May 9, 1983. Applicant: CONSOLIDATED FREIGHTWAYS, EXPORT-IMPORT SERVICES, INC., 244 Jackson St., San Francisco, CA 94111. Representative: Mark J. Andrews, 1660 L. St., N.W., Suite 1100, Washington, D.C. 20036, 202-452-7438. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167968, filed May 12, 1983. Applicant: KENNETH S. MACKAY, 1 Sprucewood Lane, Avon, CT 06001. Representative: Hugh M. Joseloff, 410 Asylum St., Hartford, CT 06103 (202) 728-0700. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167969, filed May 12, 1983. Applicant: CHARLES B. WAYTE, One Hackensack Ave., South Kearney, NJ 07032. Representative: Charles B. Wayte (same address as applicant), (201) 589-5959. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167989, filed May 12, 1983. Applicant: ANCHOR TOURS OF FLORIDA, INC., 5281 SW 106th Ave., Ft. Lauderdale, FL 33330. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166 (305) 592-0036. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168006, filed May 13, 1983. Applicant: RICHARD E. WERNING, R.R. #2, Box 81-A2, Higginsville, MO 64037. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102 (314) 636-2321. Transporting *passengers*, in charter and special operations beginning and ending at points in Carroll, Lafayette, Ray, and Saline Counties, MO, and extending to points in AL, AR, CO, FL, GA, IL, IN, KS, KY, MN, NE, OK, SD, TN, TX, and WI.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP5–255

Decided: May 23, 1983.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 167759, filed May 3, 1983. Applicant: INDUSTRIAL SECURITY SYSTEMS, INC., P.O. Box 7193, Concord Hights Station, Concord, NH 03301. Representative: Kelvin H. Clark (same address as applicant), (603) 225–7734. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 167939, filed May 9, 1983. Applicant: MICHAEL T. FRANICH, d.b.a. FRANICH TRUCKING, Rte. 1, Box 1518, Whitehall, MT 59759. Representative: Mike Franich (same address as applicant), (406) 287–3532. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP5–257

Decided: May 24, 1983.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 145138 (Sub-2(B)), filed May 13, 1983. Applicant: GOLDEN VALLEY TRANSPORTATION INC., P.O. Box 130, Roberts, ID 83444. Representative: Todd Ross Clement (same address as applicant), (208) 524–3331. (1) Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.; and (2) As a *broker* of *general commodities* (except household goods), between points in the U.S.

Note.—Applicant seeks additional authority in MC 145138 Sub 2 (A) published in this same issue.

MC 167928, filed May 9, 1983. Applicant: FREIGHT SPECIALIST, INC., 470 Raintree Ct., Glen Ellyn, IL 60137. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602, (312) 236–8225. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168039, filed May 13, 1983. Applicant: AL McKNIGHT, P.O. Box 4, 504—5th St., Culver, OR 97734. Representative: Al McKnight (same address as above), (503) 546–6432. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168048, filed May 16, 1983. Applicant: AMERICAN-ITALIAN TOURS, INC., 369 Sip Ave., Jersey City, NJ 07306. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168058, filed May 16, 1983. Applicant: JAKE TIEMERSMA, 670 Reservoir Rd., Port Angeles, WA 98362. Representative: Jake Tiemersma (same address as applicant), (206) 457–0318. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except HI).

MC 168079, filed May 16, 1983. Applicant: USA TRANSPORT COMPANY, P.O. Box 57, Route 1, Rector Corner Rd., Marshall, NC 28753. Representative: Leonard F. Ponder (same address as applicant), (704) 649–3181 or (704) 645–7161. To operate as a *broker* of *General Commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–318

Decided: May 23, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 167986, filed May 12, 1983. Applicant: REGINALD G. HILL, d.b.a. HILL TRANSPORTATION SERVICE, P.O. Box 11941, Baltimore, MD 21207. Representative: Raymond G. Hill (same address as applicant), (301) 466–8383. Transporting *passengers*, in charter and special operations, between points in MD, PA, DE, VA, WV, NY, NJ, and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167987, filed May 12, 1983. Applicant: KIEFFERS OF AUBURNDALE, INC., Route 2, Auburndale, WI 54412. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956 (414) 722–2848. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167997, filed May 12, 1983. Applicant: EDGEE CORPORATION, 615 Shunpike Rd., Cape May, NJ 08204. Representative: George E. Campbell, 985 Old Eagle School Rd., Suite 501, Wayne, PA 19087 (215) 293–9220. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168007, filed May 13, 1983. Applicant: ROSE P. BAIRD, d.b.a. BAIRD TRUCK LINE, Rt. 1, Winsted, MN 55395. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, (612) 452–8770. Transporting *foodstuffs*, between points in MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168016, filed May 12, 1983. Applicant: PAWNEE, INC., 5101 St. Charles Rd., Bellwood, IL 60104. Representative: Timothy Dubiel (same address as applicant), (312) 544–2300. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168017, filed May 13, 1983. Applicant: CONNIE M. CALHOUN, d.b.a. CONNIE M. CALHOUN TRUCKING, 53 North Second St., Ashland, OR 97520. Representative: Kenneth A. Bohn (same address as applicant), (503) 482–3711. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168027, filed May 13, 1983. Applicant: OKLAHOMA PACKAGE EXPRESS INC., P.O. Box 22353, Oklahoma City, OK 73123. Representative: Stephen L. Plake, 8017 McKee, Oklahoma City, OK 73123, (405) 721–1958. (1) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI). (2) As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168067, filed May 16, 1983. Applicant: DENNIS KOST, d.b.a.

CENTRAL WEST EXPRESS, R.R. 1 Box 132, Letcher, SD 57359. Representative: Dennis Kost (same address as applicant), (605) 996–9375. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168096, filed May 13, 1983. Applicant: THE PARRISH TRANSPORTATION COMPANY, 34 Pittston Ave., Yatesville, PA 18640. Representative: Paul J. Kenworthy, P.O. Box 25, Clarks Summit, PA 18411, (717) 587–2533. Transporting *passengers*, in charter and special operations, beginning and ending at points in Columbia, Lackawanna, Luzerne, Wayne, and Wyoming Counties, PA, and extending to those points in the U.S. in and east of MN, IA, MO, AR, and LA.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168116, filed May 13, 1983. Applicant: L & M TRANSPORTATION SERVICES, INC., 3126 N. Boulevard, Raleigh, NC 27604. Representative: Joseph L. Steinfeld, Jr., 915 Pennsylvania Bldg., 425–13th St., NW., Washington, DC 20004, (202) 737–1030. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4–328

Decided: May 25, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 139986 (Sub-1), filed May 12, 1983. Applicant: FRANK C. SCHEER, d.b.a. ALLSTATES COACH SERVICE, 4371 NW 32d Court, Ft. Lauderdale, FL 33319. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53d St., Miami, FL 33166, (305) 592–0036. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 152956 (Sub-1), filed May 18, 1983. Applicant: COORDINATED DISTRIBUTION SYSTEMS, INC., P.O. Box 330, Mt. Holly, NJ 08060. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168157, filed May 19, 1983. Applicant: CHISM BUS LEASING, INC., d/b/a Chism Trails, Route 12, State Park Rd., Greenville, SC 29609. Representative: Henry H. Chism (same address as applicant), (803) 244–9285. Transporting *passengers* in charter and special operations, beginning and ending at points in Greenville, Anderson, Spartanburg, Laurens, Pickens, Oconee, Cherokee, Newberry, Greenwood, and Richland Counties, SC, and extending to points in the U. S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–14847 Filed 6–2–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

Volume No. OP5–F–259

Decided: May 26, 1983.

Convaire Corporation—Control—F.M.S. Transportation, Inc. and McBride Express, Inc.

[No. MC–F–15270]

Convaire Corporation (Convaire) (a non-carrier), Air Meridian, Inc. (Air Meridian) (a non-carrier), and G. Leonard Rochon (Rochon) (an individual who controls Convaire and Air Meridian) seek an exemption from the requirement under section 11343 of prior regulatory approval for the acquisition of control of F.M.S. Transportation, Inc. (F.M.S.) (No. MC–139206) and McBride Express, Inc. (McBride) (No. MC–112049) by Convaire through transfer of stock. At present, Air Meridian holds control of F.M.S. and McBride. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative, Richard H. Streeter, Esq., Wheeler & Wheeler, 1729 H Street NW., Washington, D.C. 20006. Comments should refer to No. MC–F–15270.

Volume No. OP2–248

Decided: May 27, 1983.

William E. Benckart, W. E. Benckart, Jr., and Fleurete M. Benckart—Continuance in Control Exemption—B&B Investments, Inc., Moon Freight Lines, Inc., Mid-South Freight Lines, Inc., Louis Shannon, Inc. and Stone Belt Freight Lines, Inc.

[No. MC–F–15265]

William E. Benckart, W. E. Benckart, Jr. and Fleurete M. Benckart seek an exemption from the requirement under section 11343 of prior regulatory approval for their continuance in control of multiple carriers as set forth below. William E. Benckart and Fleurette M. Benckart own B & B Investments, Inc., a holding company which in turn owns all the stock of Moon Freight Lines, Inc., operating as a common carrier in No. MC–16903. W. E. Benckart, Jr. is an officer and director of both these companies. In addition, William E. Benckart and W. E. Benckart, Jr. own stock in and serve as officers and directors for Louis Shannon, Inc. (MC–154707), Mid-South Freight Lines, Inc. (MC–155372) and Stone Belt Freight Lines, Inc. (MC–120843), all newly authorized carriers. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Donald W. Smith P.O. Box 40248, Indianapolis, IN 46240. Comments should refer to No. MC–F–15265.

[FR Doc. 83–14846 Filed 6–2–83; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one

day's notice.[1] These exemptions may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washinton, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be constued to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specifics	Review Board [1]	Decided date
341	Seaboard System Railroad, Inc., ICC-SBD-C-0075, (Fertilizer)	1	5-26-83
342	Norfolk and Western Railway Co., ICC-NW-C-0070, (Motor vehicles)	2	5-27-83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams, and Ewing.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-14842 Filed 6-2-83; 8:45 am]

BILLING CODE 7035-01-M

[MC-F-15295 [1]]

Rail Carriers; Hoover Universal, Inc.—Control Exemption—Cadiz Railroad Company

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Hoover Universal, Inc., is a manufacturing company that owns all of the stock of the Cadiz Railroad Company. Cadiz operates a 10.3-mile rail line between Cadiz and Gracey, KY. Hoover has filed an application for a motor common carrier certificate and seeks exemption from the requirement of prior Commision approval of its continuance in control of Cadiz upon becoming a motor carrier.

DATES: Comments must be received by June 20, 1983.

ADDRESSES: Send comments referring to MC-F-15295 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423

(2) Petitioner's reprsentative: Terrence D. Jones, 2033 K Street, NW., Washington, D.C. 200006.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Hoover seeks the exemption pursuant to 49 U.S.C. 11343(e), and the Commission's regulation in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (19832), 47 FR 53303 (November 24, 1982).

Notice of the application for motor carrier authority, No. MC-165259, was published in the **Federal Register** on January 11, 1983 (48 FR 1241).

A copy of the petition for exemption may be obtained from petitioner's representative, or it may be inspected at the Washington, D.C. offices of the Interstate Commerce Commission during usual business hours.

Decided: May 27, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-14843 Filed 6-2-83; 8:45 am]

BILLING CODE 7035-01-M

[1] Note tariff supplements advancing contract's effective date shall refer to these decisions for authority.

[1] This proceeding was initially assigned as Finance Docket No. 30104.

DEPARTMENT OF JUSTICE

Office of the Attorney General

Proposed Consent Decree in Clean Water Act Enforcement Action

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Quaker State Oil Refining Corporation*, Civil Action No. 83-0049-W(K) has been lodged with the United States District Court for the Northern District of West Virginia. The consent decree provides for payment by Quaker State of stipulated penalties. The terms and conditions of Quaker State's NPDES permit effective October 27, 1979 shall remain in effect unless and until superseded by a new NPDES permit.

The consent decree may be examined at: (1) The Office of the United States Attorney, Northern District of West Virginia, Post Office Box 591, Wheeling, West Virginia, 26003, (2) the Office of the Environmental Protection Agency, Region III, Office of Regional Counsel, 6th and Walnut Streets, Philadelphia, Pennsylvania, 19106, and (3) the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. The Department of Justice will receive comments relating to the consent decree for a period of thirty (30) days from the day of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C., 20530 and should refer to *United States* v. *Quaker State Oil Refining Corporation*, DOJ Reference #90-5-1-1-1794.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-14830 Filed 6-2-83; 8:45 am]

BILLING CODE 4410-01-M

Superseding Consent Judgment in Marine Protection, Research, and Sanctuaries Act Enforcement Action

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed superceding consent judgment in *United States* v. *County of Westchester, et al.*, 79 Civ. 2186 (ADS), has been lodged with the United States District Court for the Southern District of New York. The superceding consent judgment requires the County of Westchester to submit a permit application to ocean dump its sewage sludge.

The consent judgment may be examined at (1) the office of the United States Attorney, Southern District of New York, One St. Andrews Plaza, New York, New York 10007, (2) the office of the Environmental Protection Agency, Region II, Office of Regional Counsel, 26 Federal Plaza, New York, New York 10278, and (3) the Environmental Enforcement Section, Land and Natural Resources Division, of the Department of Justice, Room 1521, Ninth Street and

Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent judgment may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, of the Department of Justice. The Department of Justice will receive comments relating to the consent judgment for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States* v. *County of Westchester et al.*, DOJ Reference #90–4–83.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83–14850 Filed 6–2–83; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–13,706]

Amstar Corp., Philadelphia, Pennsylvania; Negative Determination on Reconsideration

On April 11, 1983, the Department issued an Affirmative Determination Regarding Application for Reconsideration for former workers of Amstar Corporation's Philadelphia, Pennsylvania refinery. This determination was published in the **Federal Register** on April 19, 1983 (48 FR 16777).

The company in its application for reconsideration claims that the closing of Amstar's Philadelphia refinery was the result of (1) imports of both sugar and blended syrups from Canada and (2) the classification rulings by the U.S. Customs Service on blended syrups, permitting them to be imported without duty or quota. It also claims that the syrups are like or directly competitive with refined sugar. It also claims that the Department of Agriculture's denial of Amstar's request for an exemption from the quota on raw cane sugar prevented Amstar from using refining capacity to continue its refined sugar export business.

The Philadelphia refinery which ceased operations in September 1982, was engaged in the production of refined sugar. Initially, the Department found that the worker petition did not meet the increased import criterion of the Trade Act of 1974. U.S. imports of refined sugar decreased both absolutely and relative to domestic production in each year from 1978 through 1981 and decreased absolutely in the first five months of 1982 compared to the same period in 1981.

The petitioner's claim that the classification rulings by the U.S. Customs Service permitting liquefied sugars to be imported especially from Canada as blended syrups without duty or quota, even if true, would not provide a basis for certification since such Canadian imports of blended sugar which represented nearly 90 percent of total U.S. imports of blended sugar were insignificant in the first nine months of 1982. Further, the impact of imported liquefied blended sugars on production sales and employment at Philadelphia was de minimis since production of liquefied sugar or blends at Philadelphia accounted for only a small percent of that refinery's FY 1982 production.

Additional facts obtained on reconsideration show that U.S. consumption of liquefied blends has decreased each year from 2.4 million short tons in 1978 to 1.7 million short tons in 1981. The liquid sugar share of all sugar deliveries in 1981 was only 18 percent down from 25 percent in 1978. This decline is particularly noticeable in liquid sugar use in beverages, processed foods and dairy foods and reflects the growing use of High Fructose Corn Sweeteners (HFCS) in food and beverage products. During the past five years the per capita consumption of HFCS has increased from five pounds in 1975 to 45 pounds per capita in 1981. During the first six months of 1982, declines in sugar consumption and production have been more than offset by increases in production and consumption of HFCS. This has occurred notwithstanding substantial price reductions that have been in effect since 1980 for refined sugar. U.S. imports of HFCS are negligible.

The Department's denial is not proven wrong by the fact that the workers at Philadelphia and other related facilities of Amstar Corporation's American Sugar Division were eligible for trade adjustment assistance under petitions TA–W–5719 and TA–W–5760 certified earlier.

The Department of Agriculture's denial of Amstar's request for an exemption from the quota of imported raw cane sugar, which Amstar claims prevented it from using refining capacity to continue its refined sugar export business would not provide a basis for certification.

Based on these findings, it is determined that increased imports of refined sugar or liquefied blends did not contribute importantly to the decline in production or sales and to the separation of workers at Amstar Corporation's Philadelphia, Pennsylvania sugar refinery.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to former workers of Amstar Corporation's sugar refinery in Philadelphia, Pennsylvania.

Signed at Washington, D.C. this May 24, 1983.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 83–14917 Filed 6–2–83; 8:45 am]

BILLING CODE 4510–30–M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Iowa

This notice announces the ending of the Extended Benefit Period in the State of Iowa, effective on June 4, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured uemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the

end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Iowa on February 20, 1983 and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on May 14, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on June 4, 1983.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on May 31, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-14016 Filed 6-2-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,862]

Union Carbide Corp., Carbon Products Division, Fostoria, Ohio; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 19, 1983 applicable to all workers engaged in employment related to the production of midget electrodes at the Fostoria, Ohio plant of the Union Carbide Corporation, Carbon Products Division. The Notice of Certification was published in the **Federal Register** on May 3, 1983 (48 FR 19960).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification for the Fostoria, Ohio plant workers, TA-W-13,862. The additional information reveald that a few layoffs occurred a few weeks after the Department's initial termination data of March 1, 1983. These workers were engaged in employment related to midget electrodes. All production operations on midget electrodes ceased by the end of 1982. Consequently these layoffs were not covered by the initial certification.

The intent of the certification for workers at the Fostoria, Ohio plant was to cover all workers engaged in employment related to the production of midget electrodes. The certification for workers at the Fostoria, Ohio plant, TA-W-13,862, therefore is amended by changing the March 1, 1983 termination date to April 15, 1983.

The certification applicable to TA-W-13,862 is hereby amended and issued as follows:

All workers engaged in employment related to the production of midget electrodes of Union Carbide Corporation, Carbon Products Division, Fostoria, Ohio who became totally or partially separated from employment on or after May 1, 1982 and before April 15, 1983 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 24th day of May 1983.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 83-14016 Filed 6-2-83; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension (No Change)

Labor Management: Services Administration
Final Regulation: Alternative Method of Compliance for Certain Simplified Employee Pensions
LMSA-NMSEP-1
Other
Business or other institutions; small business or organization
SIC: All
100 responses; 9 hours
The regulation relieves sponsors of "non-model" simplified employee pensions (SEPs) of the reporting and disclosure requirements of Part I title 1 of ERISA that would otherwise be applicable to such plans.

Signed at Washington, D.C., this 27th day of May, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-14913 Filed 6-2-83; 8:45 am]
BILLING CODE 4810-22-M

LEGAL SERVICES CORPORATION

Interpretation of Severance Pay Restrictions for Recipients

AGENCY: Legal Services Corporation.

ACTION: Adoption of LSC Instruction 83–2.

SUMMARY: The Continuing Resolution under which the Legal Services Corporation received its 1983 funds limited payment of severance pay to both Corporation and recipient employees. This Instruction conveys to recipients the Corporation's interpretation of the limits on allowable severance pay to employees of recipients if funded with 1983 funds.

EFFECTIVE DATE: This Instruction is effective July 5, 1983.

FOR FURTHER INFORMATION CONTACT: Phyllis K. Fong, (202) 272–4010.

Authority

Pursuant to Sec. 1008(e), Pub. L. 93–355, 88 Stat. 378 (42 U.S.C. Section 2996g(e) and Pub. L. 97–377, 96 Stat. 1874, the following Legal Services Corporation Instruction is adopted:

LSC Instruction 83–2, Interpretation of Severance Pay Restrictions for Recipients in Pub. L. 97–377

Public Law 97–377 (December 21, 1982) which appropriated $241 million to the Legal Services Corporation for fiscal year 1983, contains a provision restricting the use of such funds for severance payments. All recipients received a copy of the continuing resolution with their 1983 grants, and are specifically bound by grant condition to comply with all Congressional restrictions set forth therein. This Instruction is intended to provide assistance to recipients in interpreting and implementing the severance provision of Pub. L. 97–377.

The continuing resolution provides, in pertinent part:

> * * * That no officer or employee of the Legal Services Corporation or a recipient program shall be reimbursed for membership in a private club, or be paid severance pay in excess of what would be paid a Federal employee for comparable service.

Based on the specific language of this provision, we conclude that both the Corporation and its recipients are bound by the restriction on severance pay. Corporation grantees cannot spend 1983 Corporation grant funds to pay severance in excess of the amount payable to federal employees.

The continuing resolution does not require recipients to adopt the federal standards in computing severance pay. It does, however, establish a ceiling on severance pay by prohibiting grantees from using FY 1983 funds to make severance payments that are larger than those permitted under federal standards. Within these limits, recipients are free to adopt their own policies governing the amount and circumstances under which severance may be paid.

Under the federal system, federal employees who have worked for at least one year are entitled to one week of severance pay [1] for each year worked for the first 10 years of creditable service, and two weeks' of severance for each year of additional service.[2] Employees over age 40 are entitled to an age adjustment allowance equal to ten percent (10%) of their basic severance pay for each year that their age exceeds 40. In making these computations, employees are credited with twenty-five percent (25%) of a year for each three (3) months of creditable service and each 3 months that their age exceeds 40 years. The amount of severance benefits payable per year of experience or age over 40 is equal to the amount of one week's basic pay at the rate received by the employee immediately before his or her separation.[3] No employee may be paid over his or her lifetime more than one year's pay (52 weeks) as severance benefits by the federal government. Finally, if an employee has receives severance benefits for prior federal service, the number of weeks of such severance pay must be deducted from the current number of weeks of severance pay to which the employee would otherwise be entitled, based on age and service.

Under the federal system, certain categories of employees are not entitled to severance benefits.[4] Employees with less than one (1) year of federal service are not entitled to severance benefits. Employees whose salaries are fixed by the executive schedule or are in excess of the highest rate of grade GS–18 are excluded from coverage, as are employees in the excepted service serving under a Presidential appointment, such as a Senior Executive Service (SES) non-career appointment,[5] a Schedule C appointment,[6] or a non-career executive assignment appointment.[7]

Finally, there are sections which govern the definition of "creditable service" in calculating severance pay under the federal system. The basic provision is that all service creditable for annual leave purposes may be considered in computing severance pay, except that military service may be included only where it interrupts creditable civilian service.[8] In general, this means that all service with a federal agency during which an employee made contributions to the federal retirement system can be credited. Additionally, experience with the postal service and periods during which an employee received worker's compensation can be included.[9] Each severance claim by employees must be handled individually in order to determine precisely which types of job experience can be considered in computing severance benefits.

---

[1] Note that OPM's severance regulations provide that severance is only available "to an employee who is *involuntarily* separated from the service, not by removal for cause on charges of misconduct, delinquency, or inefficiency." 5 CFR 550.702 (1982) (emphasis added).

[2] 5 U.S.C. 5595 (1978); 5 CFR 550.701–06 (1982); Chapter 550, Federal Personnel Manual, Subchapter 7 (1975).

[3] The severance provisions of OPM's regulations and the Federal Personnel Manual do not define the term "1 week's basic pay." It would be reasonable to interpret this, for most employees, as a 5-day work week, equal to 1/52nd of their annual salary. Part-time employees could be paid on the basis of the usual number of hours worked per week.

[4] *See* 5 U.S.C. 5595(a)(2) and Chapter 550 of the Federal Personnel Manual pages 550–21 and 550–22 for a complete list of exclusions from coverage.

[5] This provision appears to cover positions with responsibility for or involvement in determining or advocating major controversial policies of an Administration or an agency. 5 CFR 214.402 (1982). It does not cover positions that require impartiality or involve day-to-day operations of an agency.

[6] This provision covers positions of a confidential or policy-making character, or which involve a close and confidential working relationship with an agency head or key appointed office. 5 CFR 213.3301 (1982).

[7] This provision covers positions whose incumbents are expected to be deeply involved in advocating or formulating Administration programs, to participate in determining major political policies for an Administration, or to serve as advisors to Presidential appointees. 5 CFR 305.701 (1982). This provision does not cover positions that are principally involved in the internal management of an agency or that involve longstanding recognized professional duties based on a politically neutral body of knowledge.

[8] This provision cites 5 U.S.C. 6303 (1978), which basically provides that federal employees with a certain number of years of federal service receive a certain number of hours of annual leave per pay period. More important, 5 U.S.C. Section 6303 provides that in determining "years of service" for purposes of calculating annual leave, an agency must consider all service creditable under 5 U.S.C. 8332 (retirement and annuity provisions).

[9] *See* 5 U.S.C. 8332 for a complete list of creditable service. It appears, from OPM's regulations governing retirement and annuity, that some types of service with the District of Columbia government can also be credited. 5 CFR 831.201 (1982).

A question is raised as to whether prior experience with a grantee of the Corporation or OEO can be credited. We conclude that, with respect to Corporation employees, Corporation and federal government experience can be used in determining creditable service. Corporation employees can not receive credit for prior grantee experience because such experience was not subject to the federal retirement system, and a federal employee could not include grantee experience in calculating his or her severance or retirement benefits for that reason.

When Congress applied these restrictions on severance pay to employees of recipients, it necessitated the development of a definition of creditable service for such employees. There is, however, no guidance as to what that definition should be in the legislative history of this provision. Application of the Federal definition of creditable service would be illogical since employees of recipients do not participate in the Federal retirement system; thus most of them would never have any creditable service. Clearly, Congress did not intend to forbid payment of severance pay to them, but rather to limit it.

Consequently, it is necessary to define creditable service for such employees by analogy to the definition applied to Corporation employees. Recipient employees may receive credit for service with their current employer as well as for previous related service with another Corporation or OEO grantee. This approach is consistent with our interpretation allowing Corporation employees to receive credit for service with the Corporation as well as for previous service with other Federal agencies. Recipient employees may not be credited for previous service with the Corporation or the Federal government, since recipients do not participate in the Federal retirement system, but instead have their own pension and benefits arrangements.

Thus, it is the opinion of this Office that employees of recipients may include all current and prior experience as employees of recipients or grantees of the Corporation and of OEO, but may not include Federal government or Corporation experience in calculating creditable service time to determine maximum allowable severance benefits payable with 1983 Corporation funds.

Recipients of funding from the Corporation are directed to review their severance policies in light of OPM's severance regulations, the contract rights of employees and governing state law, and applicable collective bargaining agreements and this opinion. The Corporation realizes that, in many cases, recipients may have entered into collective bargaining agreements that contain severance provisions that are more generous than comparable federal standards. Nothing in this Instruction is intended to abrogate the rights and obligations of the parties to such agreements. Recipients are reminded, however, that they may use 1983 Corporation funds to pay only severance amounts permitted under the continuing resolution. Recipients may use other funds where they conclude that they are obligated to pay severance in excess of the amount permitted by federal law. This office will be available to answer specific inquiries.

Dated: May 31, 1983.

Alan R. Swendiman,

General Counsel.

[FR Doc. 83-14933 Filed 6-2-83; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Council (Overview Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, as amended, notice is hereby given that a meeting of the Music Advisory Panel (Overview Section) to the National Council on the Arts will be held on June 28-29, 1983, from 9:00 a.m.-5:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

A portion of this meeting will be open to the public on June 28, 1983, from 9:00 a.m.-5:30 p.m. and on June 29, 1983, from 2:00 p.m.-5:30 p.m. Topics for discussion will include reports on 1982 Music Seminar, programming accomplishments in partnership with the private sector, Music Program Reorganization, Guidelines for Consolidated Presenting Category and New Music-Chamber Music.

The remaining sessions of this meeting on June 29, 1983 from 9:00 a.m.-2:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: May 26, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-14932 Filed 6-2-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence; Inoperable Containment Spray System

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). One of the general criteria notes that major degradation of essential safety-related equipment can be considered an abnormal occurrence. In addition, Example II.A.3 ("For Commercial Nuclear Power Plants") in Appendix A notes that loss of plant capability to perform essential safety functions such that a potential release of radioactivity in excess of 10 CFR Part 100 guidelines could result from a postulated transient or accident can be considered an abnormal occurrence. The following description of the incident also contains the remedial actions taken to date.

Date and Place—On October 28, 1982, Alabama Power Company (the licensee) notified the NRC that the manual isolation valves for both train A and train B of the containment spray system were found locked in the closed position at their Farley Nuclear Plant Unit 2. Farley Unit 2 utilizes a Westinghouse designed pressurized water reactor and is located in Houston County, Alabama.

Nature and Probable Consequences—Farley Unit 2 was taken to cold shutdown on October 24, 1982 to begin a refueling and maintenance outage. On October 28, 1982, while aligning valves for certain scheduled inservice inspections, the licensee found the containment spray header isolation valves on each of the two supply

headers locked in the closed position. These valves, located inside the Unit 2 containment building, supply separate, redundant, containment spray rings. After investigation and record searches of valve movement documentation, the licensee concluded that the valves had been closed since before the plant achieved initial criticality on May 8, 1981. Thus, the redundant containment spray systems were inoperable during this period and consequently would have been unable to fulfill their safety function.

The safety function of the containment spray system is to spray borated water into the containment to limit the maximum pressure in the containment to less than the design pressure following certain steam line breaks or loss of coolant accidents (LOCA) and to reduce the pressure and temperature to minimize containment leakage. The system is also designed to spray sodium hydroxide into the containment to remove radioactive iodine which would limit iodine doses to less than 10 CFR Part 100 limits should a LOCA occur.

The plant also has a containment fan cooler system which is used during normal operation to recirculate and cool the containment atmosphere. Following a LOCA or steam line break accident, the system acts in conjunction with the containment spray system to reduce containment temperature and pressure. The amount of pressure and temperature reduction depends upon the number of containment spray rings and fan coolers that would operate following such an accident. The licensee's technical specifications require a minimum of one containment spray system and one fan cooler to be operable. As discussed below, the containment fan cooler system working alone, even with only one fan operable, can be expected to protect the integrity of the containment and the safety equipment inside. However, the containment fan cooler system does not have the radioactive iodine removal capabilities of the containment spray system.

Conservative calculations were made by the NRC and the licensee to determine the effect on containment pressure, containment temperature, and iodine doses had a LOCA or a main steam line break (MSLB) accident occurred while the containment sprays were inoperable.

In regard to containment pressure, the most limiting accident would be a MSLB of 0.7 square feet at 30% power with a single failure of the containment fan coolers. With two out of four fan coolers in operation, the calculated peak pressure would be 55.1 psig. With only one fan cooler in operation (based on the plant's technical specifications requiring only one fan cooler per train such that the worst single failure would result in only one fan cooler being operational), the analysis predicts a peak containment pressure of 61.6 psig. Both calculated pressures are higher than the containment design pressure of 54 psig. However, even for the more conservative calculation, containment integrity would likely be maintained since the containment has been tested at 62.1 psig.

Peak containment temperature, based on the most limiting MSLB, was conservatively calculated by the licensee to compare to the equipment qualification temperatures. Generally, the calculated peak temperature exceeded the qualification temperatures by less than 20°F. In one case, the difference was about 50°F. However, the required operating times for many components are short and the thermal lag inside the equipment housings would be expected to preclude damage to the internal components prior to performing their specified functions.

The radiological consequences at both the exclusion area and the low population zone boundaries were conservatively calculated based on a LOCA and rupture of fuel cladding. Calculations were made by the NRC staff for the maximum allowable containment leak rates permitted by the licensee's technical specifications and for the leak rate as measured at the plant when last tested. In both cases, analyses indicate that thyroid doses would exceed 10 CFR Part 100 limits at both the exclusion area and the low population zone boundaries.

The licensee also made calculations based on what the licensee considered more "realistic" assumptions. The licensee concluded that offsite exposures could be expected to be less than 10 CFR Part 100 guidelines values, based on the "realistic" assumptions. However, since the valves had been closed since before initial plant startup, variations could be expected in such parameters as containment leak rates (last performed and reported to the NRC in mid-1980) and meteorological conditions.

The importance of the event is emphasized since the subject valves at Farley are located inside containment and are manually operated. Therefore, in the event of a LOCA or a MSLB accident, the valves would not be accessible to be opened by plant personnel.

Cause or Causes—The event was caused by the valves not being in conformance with design drawings and by a procedural inadequacy used for operator determination of valve position. A unique condition developed in these valves when the vendor, Westinghouse, made a design change that lengthened the valve stem to increase the valve's adaptability to a motor-operated valve (however, as described above, the valves are manually operated at Farley). The design change resulted in a valve stem that makes the valve appear to be open when it is actually closed. That is, in the closed position, the extra long valve stem shows six inches of threaded stem extending out of the bonnet.

Therefore, operators who are instructed and trained to observe valve stem positions, in order to verify the valve positions, erroneously interpreted these valves as being open when they were, in fact, closed. However, similar valves were found in the correct (locked open) position in Unit 1. This indicates that operator error may have been a contributing factor to this event.

In addition, Westinghouse did not provide revised drawings showing the valve modification. As a result, the overall dimension of the installed valve stem was six inches longer than that specified.

Actions Taken To Prevent Recurrence

Licensee—Alabama Power Company has obtained concurrence from Westinghouse Corporation to cut the excess stem off the valves so as to conform with design drawings and with other rising stem gate valves throughout the plant. In addition, as a further safeguard to prevent recurrence, plant administrative procedures covering valve position verification have been changed to require that manual valves which are locked open will be moved in the shut direction to verify their position; then the valve will be returned, if applicable, to the original position.

As stated previously, the licensee performed analyses of the effects on containment pressure, containment temperature, and iodine dosages had a design basis accident occurred while the containment sprays were inoperable. These analyses were submitted to the NRC for review on November 30, 1982, and December 30, 1982.

After the locked valves were found on Unit 2, the licensee checked the containment spray valves on Unit 1. The valves were found to be locked open as required. Since the Unit 1 valves are identical to those of Unit 2, the corrective actions described above are applicable to both units.

NRC—As stated previously, the NRC performed conservative analyses of

containment pressure and iodine release to compare to the licensee's analyses.

An enforcement conference was held in the NRC Region II (Atlanta) office with the licensee on November 19, 1982. The licensee presented their program for preventing recurrence. The NRC concurred with the licensee's corrective actions. NRC Region II performed inspections to determine the circumstances associated with this event. Based on these inspections, a Notice of Violation and Proposed Imposition of Civil Penalty (for $40,000) was issued to the licensee on February 2, 1983. The licensee paid the civil penalty on February 28, 1983.

Dated in Washington, D.C., this 31st day of May 1983.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-14953 Filed 6-2-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Quality Assurance During Construction; Cancellation of Meeting

The ACRS Subcommittee meeting on Quality Assurance During Construction scheduled for June 1, 1983, Washington, D.C. has been cancelled. The Subcommittee is tentatively scheduled for late June or early July. Notice of this meeting was published May 13, 1983 (FR 48 21679).

Further information regarding the meeting can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. David C. Fischer, (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: May 31, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc 83-14946 Filed 6-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co.; Consideration of Issuance of Amendment to Provisional Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), for operation of the Palisades Plant located in Van Buren County, Michigan.

The amendment would allow surveillance tests that require cold shutdown conditions to be performed on a refueling cycle frequency rather than the current 18-month cycle, in accordance with the licensee's application for amendment dated May 5, 1983. The proposed technical specification changes are requested in order to prevent unnecessary plant shutdowns or the extension of plant outages for the sole purpose of performing surveillance tests.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission's staff has determined that this proposed amendment does no involve a significant hazards consideration because the proposed change would potentially slightly increase the interval between testing certain components and systems to verify their operability.

The testing of these components and systems either require a cold, shutdown condition to perform or, in a few cases, could impact on safe operation of the plant if performed during operation. The types of tests included in this request involve:

(1) Isolation of transmitters of signals to the reactor protection system and engineered safety features actuation systems for the purpose of calibrating the transmitters;

(2) Automatic initiation and operation of engineered safety feature systems; and

(3) Tests or calibrations of a small number of components which are inaccessible during plant operation (e.g., containment radiation or humidity monitors, containment sump water level monitors, snubbers on pipes in high radiation areas, fire barriers in high radiation areas, etc.).

Based on the results of the last three tests for each of these items with successful verification of operability, this will not involve a significant reduction in equipment reliability or have any other significant effect on plant safety.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By July 6, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject provisional operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been

admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Dennis M. Crutchfield: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of the **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalmazoo, Michigan 49006.

Dated at Bethesda, Maryland, this 31st day of May, 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-14967 Filed 6-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–67, issued to Florida Power and Light Company (the licensee), for operation of the St. Lucie Plant, Unit No. 1, located in St. Lucie County, Florida.

The amendment would permit operation with an improved and larger capacity 125 volt DC battery system. The current system consists of two 1800 amp. hr. batteries and three 300 ampere chargers. The new system will consist of two 2160 amp. hr. batteries and five 300 ampere chargers. This modification to the existing system is needed because of increased loads that are being added during the cycle 6 refueling outage. The amendment is supported by reference to the system installed in Unit 2 and its approved surveillance requirements. The amendment will change the Technical Specifications with regard to surveillance requirements in a manner to make them similar to Unit 2 and incorporate the latest industry testing standards in accordance with the licensee's application dated February 16, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

In NUREG–0737, "Clarification of TMI Action Plan Requirements" the Commission detailed the TMI-related items approved for implementation. The requirements set forth in NUREG–0737, along with earlier correspondence with the licensee caused modifications to be made to the licensee's St. Lucie Plant, Unit No. 1 requiring an increased

capacity in the DC distribution system. The upgraded DC distribution system of Unit 1 is identical to the system used for St. Lucie Plant, Unit No. 2. The changes to the surveillance requirements being imposed on the modified and improved DC distribution system is not significantly different than those previously reviewed and approved at this facility. The staff, therefore, proposes to determine that the application does not involve a significant hazard since it will apply to the same 125 volt DC distribution system as approved for the operation of Unit 2 and it will make the Unit 1 Technical Specifications similar to those approved Unit 2 operation.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 6, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H. Street, N.W., Washington, D.C., and at the Indian River Junior College Library, 3209

Virginia Avenue, Fort Pierce, Florida 33450.

Dated at Bethesda, Maryland, this 25th day of May, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-14948 Filed 6-2-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-67, issued to Florida Power and Light Company (the licensee), for operation of the St. Lucie Plant, Unit No. 1 located in St. Lucie County, Florida.

The amendment would permit operation after deletion of the flux peaking augmentation factor curve from the Technical Specifications. The need for this curve is based on postulated axial gaps occurring in the fuel rod pellet stack. Evaluation of the conditions that are necessary to form such gaps have shown that these conditions will not occur in the future operation of St. Lucie 1. Therefore, the flux peaking augmentation factor curve is no longer needed in accordance with the licensee's application for amendment dated February 8, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (vi) of actions not likely to involve a significant hazards considerations relates to small refinements of previously used models.

The current need for the flux peaking augmentation factor curve is based on postulating axial gaps in the fuel rod pellet stack because of fuel column densification in combination with an increase in cladding ovality. The staff proposes to determine that the application does not involve a significant hazard since densification is complete after a few thousand MWD/MT exposure. Calculations show that changes in the fuel cladding (i.e., ovality) does not proceed to the point that pellets are gripped by the cladding until after densification. In addition the use of an upper plenum spring is used to keep a positive pressure on the pellets to inhibit gap formation. As a result it is concluded that axial gaps will not occur.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 6, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the basis for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harold R. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Dated at Bethesda, Maryland, this 27th day of May, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-14969 Filed 6-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License and Final No Significant Hazards Consideration Determination and Opportunity for Hearing and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

This amendment involves three principal sets of changes, all relating to resumption of operation after steam generator repairs at the facility. The first set adds requirements for surveillance of steam generator upper girth welds governing operation after repair of cracking in certain steam generator shell upper girth welds. The second set modifies steam generator tube surveillance provisions, permits operation with steam generator tubes repaired by sleeving, and provides limits on degradation of sleeves. The third set of changes imposes secondary water chemistry monitoring requirements.

Before issuance of the license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a determination that the amendment request involves no significant hazards consideration. Under the Commission's standards in 10 CFR 50.92, this means that operation of the facility in accordance with the license amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment. The Commission has also prepared an environmental impact appraisal for the completed repair work and has concluded that there has been no environmental impact attributable to the repair work other than that which was previously predicted and described in the Commission's Final Environmental Statement for the facility.

The Commission has provided guidance concerning the application of these standards by providing certain examples, which was published in the **Federal Register** on April 6, 1983 (48 FR 14864). None of the examples, relating to whether significant hazards considerations are likely or unlikely, appears to be directly applicable to this amendment. Consequently, the Commission has determined that the application does not involve a significant hazards consideration, since the applicant proposes compensatory measures to provide a level of safety in operation with the repaired steam generators commensurate with that of a facility that had not experienced the need to repair steam generators anticipated when the facility was initially licensed to operate.

The Commission did not seek public comments on this determination since it had planned to issue this amendment prior to the effective date of its new regulations governing procedures for no significant hazards determinations. Under preexisting practice notice of amendments which did not involve significant hazards were issued after the amendment's effective date. *See* 48 FR 14877. Since failure to issue this amendment before the expiration of a public comment period would result in a shutdown of the Indian Point 3 facility (*See* 10 CFR 50.91(a)(5)), the Commission has determined the amendment should be issued without prior notice and opportunity for hearing or for public comment. However, the Director of Technological Development Programs, New York State Energy Office was

advised of the subject of the licensee's request and of the NRC's actions.

By July 6, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceedings as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Steven A. Varga, Chief, Operating Reactors Branch No. 1, Division of Licensing: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Charles M. Pratt, Assistant General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request; that determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see (1) the submittal dated October 10, 1982, as supplemented by letters dated January 19, 1983, May 2, 1983 and May 3, 1983, (2) Amendment No. 47 to License No. DPR-64, (3) the Commission's related Safety Evaluation, (4) the Commission's related letter dated May 27, 1983, and (5) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2), (3), (4), and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of May 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reators Branch No. 1, Division of Licensing.

[FR Doc. 83-14650 Filed 6-2-83; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, ES 115-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Guidelines for Modeling Ground-Water Transport of Radioactive and Nonradioactive Contaminants at Tailings Disposal Sites" and is intended for Division 3, "Fuels and Materials Facilities." It discusses the use of models for predicting ground-water contaminant transport associated with tailings disposal activities at uranium recovery facilities and provides guidance on describing the models chosen for evaluation by the NRC staff.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by August 5, 1983.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regualtory guides are available for inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland, this 25th day of May 1983.

For the Nuclear Regulatory Commission.

Frank J. Arsenault,

Director, Division of Health, Siting, and Waste Management, Office of Nuclear Regulatory Research.

[FR Doc. 83-14952 Filed 6-2-83; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Northwest Power Planning Council; Proposed Criteria for Acquisition of Land

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council.

ACTION: Notice of proposal and opportunity to comment.

SUMMARY: On May 18, 1983, the Pacific Northwest Electric Power and Conservation Planning Council ("the Council") approved the release, for public review and comment, of a preliminary proposal of criteria for acquisition of land to compensate for wildlife losses related to development and operation of hydroelectric facilities in the Columbia River Basin. This notice sets out the preliminary proposal and describes the process for submitting comments. The Council will take the comments into account in refining the proposal for eventual incorporation into its Columbia River Basin Fish and Wildlife Program through a program amendment process beginning November 15, 1983.

DATE AND ADDRESS: Written comments on the preliminary proposal must be received in the Council's Central Office, 700 Southwest Taylor Street, Suite 200, Portland, Oregon 97205, by 5 p.m., Friday, October 14, 1983. They should be addressed to the attention of Curt Marshall, Fish and Wildlife Program Manager.

FOR FURTHER INFORMATION CONTACT: Curt Marshall, Fish and Wildlife Program Manager at 503-222-5161 (toll-free 1-800-222-3355 from Washington, Idaho, and Montana; 1-800-452-2324 from Oregon) or Marty Montgomery, Wildlife Coordinator, at 1-208-334-2956.

SUPPLEMENTARY INFORMATION: By passage of the Pacific Northwest Electric Power and Conservation Act, Pub. L. 96-501, 94 Stat. 2697, 16 U.S.C. 839 et seq. ("the Act"), Congress provided for the establishment of the Pacific Northwest Electric Power and Conservation Planning Council ("the Council"), a regional agency composed of two appointees each from the states of Idaho, Montana, Oregon and Washington. Congress charged the Council with two major responsibilities (1) Preparation of a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development, operation, and management of hydroelectric facilities on the Columbia River and its tributaries; and, (2) Development of a conservation and electric power plan for the Pacific Northwest. The Council adopted its Columbia River Basin Fish and Wildlife Program ("the Program") on November 15, 1982, and its Regional Conservation and Electric Power Plan on April 27, 1983.

In Section 1004(d)(1) of the Program, the Council indicated its intent to develop criteria for acquisition of land to compensate for the losses of wildlife and wildlife habitat attributable to development and operation of the hydroelectric system in the Columbia River Basin. In Section 1404 of the Program, the Council established a process for amending the Program to incorporate new elements, such as the criteria for land acquisition discussed in this notice.

On May 18, 1983, in a public meeting in Boise, Idaho, the Fish and Wildlife Committee of the Council voted to recommend that the full Council take these actions: (1) Authorize publication of criteria for acquisition of land to compensate for wildlife losses as a preliminary Council proposal for amendment of the Program; (2) Invite written comment on the preliminary proposal between June 1, 1983 and October 15, 1983; and, (3) Consider the proposed criteria as a Program amendment in the amendment proceedings starting November 15, 1983. On May 19, 1983, in a public meeting in Boise, Idaho, the full Council approved a motion to undertake the actions recommended by the Fish and Wildlife Committee.

The Council staff developed the preliminary proposal after consultation with wildlife agencies, Indian tribes, federal project operators, managers, and regulators, and federal land management agencies. The proposed criteria are designed to ensure that: (1) Local concerns are addressed; (2) Use of leases, easements, and management rights is preferred over outright purchase of land; (3) Land acquisitions are consistent with all relevant standards in the Act and provisions of the Program; (4) Management plans are prepared and operation and maintenance costs are taken into account; and, (5) Requirements of the National Environmental Policy Act are satisfied. The proposed criteria would alter Program Section 1004(d) to read as follows:

(1) The Council supports mitigation of losses to wildlife and its habitat associated with the development and operation of the projects listed in Tables 7 and 8 [of the existing Program]. This compensation shall be based on the best available scientific knowledge and consistent with the program standards set out in Section 4(h)(5) and 4(h)(6) of the Northwest Power Act. The Council also will seek agreements regarding the levels of mitigation and enhancement through consultation with all affected parties.

(2) The Council will consider the acquisition, operation and maintenance

costs of wildlife habitat as mitigation and enhancement for the projects listed in Table 8 [of the existing Program]. The Council may consider acquisition of habitat for projects listed in Table 7 pending completion and Council review of the requirements in Section 1004(b)(1) and (2) [of the existing Program].

(3) The council supports the following land management methods for achieving mitigation and enhancement in the following order of priority:

(a) *First priority:* Obtain the management authority to develop and enhance wildlife habitat on lands owned by federal or state agencies, groups, corporations or individuals, rather than acquiring land in the name of the wildlife agencies for that purpose.

(b) *Second priority:* Obtain long-term leases to lands owned by other federal or state agencies, groups, corporations or individuals.

(c) *Third priority:* Obtain fee title to existing lands from willing sellers.

(4) Upon approval by the Council, Bonneville shall fund the acquisition, operation and maintenance costs of suitable wildlife habitat to mitigate for the losses of habitat associated with the development and operation of the projects listed in Tables 7 and 8 [of the existing Program], if the following criteria are satisfied:

(a) Completion of the mitigation status reports under Sections 1004(b)(1) and (2) of the Fish and Wildlife Program and a determination by the Council that full mitigation has not been achieved;

(b) A determination by the Council that such funding will meet the criteria in Sections 4(H)(5) and (4)(h)(6) of the Pacific Northwest Electric Power Planning and Conservation Act;

(c) Satisfaction of requirements of the consultation and coordination provisions of Section 1304(c)(2) of the Council's Fish and Wildlife Program;

(d) Completion of a written explanation of the agency's effort to meet the criteria found in 1004(d)(3) (as amended) of the Council's Fish and Wildlife Program;

(e) Completion of a detailed description of the cost of the proposed acquisition, including a cost estimate of the annual operation and maintenance costs;

(f) Completion of a detailed management plan for the acquired lands that would explain the anticipated benefits that the management entity expects to achieve; and,

(g) Completion of a plan for the development of any documents needed to satisfy the requirements of the National environmental Policy Act.

The Council welcomes written comment on this preliminary proposal between now and October 14, 1983. It will consider all comments in proposing a Program amendment on land acquisition in the amendment proceedings starting November 15, 1983. The Program amendment proceedings will include opportunities for further written comment and consultation, as well as for hearings, as provided in the Act and Section 1404 of the Program.

Once the Council adopts land acquisition criteria as an amendment to the Program, the Bonneville Power Administration, U.S. Department of Energy ("Bonneville") will be required, under the terms of the Act, to use its financial resources and legal authorities consistently with those criteria. In addition, Bonneville and the federal agencies which manage, operate, or regulate Columbia River Basin hydroelectric facilities will be required by the Act to take the Program criteria into account "at each relevant stage of decisionmaking processes to the fullest extent practicable." Until the Council adopts such criteria as part of its Program, the Council requests Bonneville and the other federal hydropower agencies to consider these proposed criteria as guidelines.

James F. Fell,

Deputy Director.

[FR Doc. 83-14838 Filed 6-2-83; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval.

Rule 6a-3.

No. 270-15.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 6a-3 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) which requires each registered or exempted exchange to supplement its application and annual amendments for registration as a national securities exchange, or for an exemption from such registration, by filing certain categories of information with the Commission. The potential affected entities are approximately 10 national securities exchanges.

Submit comments to OMB Desk Officer: Mr. Robert Veeder, 202-395-4814, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Dated: May 27, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc 83-14875 Filed 6-2-83; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval.

Rules 15a-4, 15b1-1 and form BD, 15b1-2, 15b1-3, 15b1-4, 15b2-1, 15b3-1, 15b6-1(a) and form BDW.

Nos. 270-7, 19, 12, 8, 9, 10, 11, 17.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 15a-4 (17 CFR 240.15a-4) which permits a natural person who terminates his association with a registered broker-dealer to continue to do business on an exchange while the Commission reviews his application for registration as a broker-dealer, Rule 15b1-1 (17 CFR 240.15b1-1) which provides that application for registration as a broker-dealer be filed on Form BD, Form BD (17 CFR 249.501) which requires certain information be disclosed on application for registration as a broker-dealer, Rule 15b1-2 (17 CFR 240.15b1-2) which requires on application for registration as a broker-dealer that an applicant file a statement of financial condition and make arrangements with respect to personnel, facilities, and financing, Rule 15b1-3 (17 CFR 240.15b1-3) which permits an unregistered broker-dealer to succeed to the business of an existing registered broker-dealer if the unregistered broker-dealer files a new application for registration within 30 days, Rule 15b1-4 (17 CFR 240.15b1-4) which permits a qualified fiduciary who succeeds to the business of a registered broker-dealer to continue operation of the business if the fiduciary files a statement with the Commission within 30 days of succession, Rule 15b2-1 (17 CFR 240.15b2-1) which permits application for registration as a broker-dealer to be filed on behalf of a corporation or partnership by a predecessor and permits the successor to adopt that

application as its own, Rule 15b3–1 (17 CFR 240.15b3–1) which provides for amendments to Form BD, Rule 15b6–1(a) (17 CFR 240.15b6–1(a)) which provides that a notice of withdrawal from registration as a broker-dealer be filed with the Commission on Form BDW, and Form BDW (17 CFR 249.501a) which requires certain information from registered broker-dealers upon withdrawal of registration. These rules are promulgated under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

The potential respondents are certain members of national securities exchanges, registered securities broker-dealers and their associated persons. The respective burdens imposed by these rules and forms remain unchanged from the burdens stated in the previous submissions.

Submit comments to OMB Desk Officer: Mr. Robert Veeder, (202) 395–4814, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

May 27, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–14975 Filed 6–2–83; 8:45 am]

BILLING CODE 8010–01–M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash (202) 272–2142.

Upon Written Request Copy Available From: Securities and Exchange Commission Office of Consumer Affairs

New.

Rule 24f–2.

No. 270–131.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance proposed amendments to Rule 24f–2 (17 CFR 270.24f–2) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) which would require registered investment companies which have elected to register securities pursuant to Rule 24f–2 to include a statement to that effect on all subsequent post-effective amendments. They would also be required to include a statement indicating when they have filed, or intend to file, the annual notice as required by Rule 24f–2 or that they need not file a notice because they have not sold any securities pursuant to Rule 24f–2.

Submit comments to OMB Desk Officer: Mr. Robert Veeder, (202) 395–4814, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

May 27, 1981.

[FR Doc. 83–14974 Filed 6–2–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22957; 70–5943]

American Electric Power Co., Inc.; Proposed Issuance and Sale of Common Stock Pursuant to Dividend Reinvesment and Stock Purchase Plan

May 27, 1983.

American Electric Power Company, Inc. ("AEP"), 180 East Broad Street, Columbus, Ohio 43215, a registered holding company, has filed with this Commission a post-effective amendment to its declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

By orders in this proceeding dated February 8, 1977, April 19, 1978, March 29, 1979, August 8, 1979, May 1, 1980, June 30, 1981, and June 15, 1982, (HCAR Nos. 19879, 20506, 20979, 21180, 21544, 22113, and 22539), AEP was authorized to issue and sell, from time to time through June 30, 1983, up to 25,000,000 shares of its authorized but unissued common stock, $6.50 par value, pursuant to its Dividend Reinvestment and Stock Purchase Plan ("Plan"). Through April 10, 1983, a total of 21,820,365 shares had been issued and sold, leaving a balance of 3,179,635 shares available for issuance and sale.

AEP now propose to issue and sell, from time to time through June 30, 1984, up to an additional 8,000,000 shares of its authorized unissued common stock, plus the unsold balance of the shares of common stock heretofore authorized by the Commission for issuance, pursuant to the Plan. The price of shares purchased with reinvested cash dividends is 95% of the average of the daily high and low sales prices of AEP's common stock on the New York Stock Exchange for the five trading days ending on the day of purchase.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 24, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–14986 Filed 6–2–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 13284; 811–1887]

Cambridge Appreciation Fund, Inc.; Filing of an Application

May 27, 1983.

Notice is hereby given that The Cambridge Appreciation Fund, Inc. ("Applicant") 580 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, an open-end, non-diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on April 13, 1983, pursuant to Section 8(f) of the Act, for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Organized as a corporation under Delaware law, Applicant filed its initial registration statement on October 24, 1969. Applicant commenced its initial public offering on or about December 30, 1971. On October 19, 1982, Applicant's board of directors approved Applicant's filing for deregistration. Applicant did not distribute its assets because its shareholders had already redeemed their securities.

Applicant declares that when it filed its application it had no assets other than those reserved for the liability it will incur when it files for voluntary dissolution in Delaware. Applicant states that it is not engaged nor does it propose to engage in any business activities other than those necessary for the winding up of its affairs, that it has no outstanding liabilities other than the previously mentioned dissolution fee, and that it is not a party to any litigation or administrative proceeding. Applicant represents that, when it filed its

application, it had no securityholders. Applicant expects to file a certificate of dissolution in Delaware as well as any other documents required by that state.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall terminate.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 21, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14966 Filed 6-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22958; 70-6862]

Maine Yankee Atomic Power Co.; Proposed Issuance of Secured Notes by Subsidiary; Exception From Competitive Bidding

May 27, 1983.

Maine Yankee Atomic Power Company ("Maine Yankee"), Edison Drive, Augusta, Maine 04333, a subsidiary of New England Electric System ("NEES") and Northeast Utilities ("Northeast"), registered holding companies, has filed an application with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) thereunder. Maine Yankee is owned by eleven New England electric companies, including NEES and Northeast (collectively, "Sponsors").

Maine Yankee proposes to issue not more than $40.5 million principal amount of promissory notes ("Notes") to a group of international banks ("Banks") with Union Bank of Switzerland acting as agent bank ("Agent Bank"). The Notes will be secured by (i) a second lien on Maine Yankee's nuclear fuel inventory, (ii) its rights to be paid its fuel costs under power contracts with its Sponsors and (iii) its rights under capital funds agreements with its Sponsors which require the Sponsors to purchase the common stock of, contribute capital, or make loans or advances to Maine Yankee to finance the costs of obtaining and maintaining an inventory of nuclear fuel. A first lien on the nuclear fuel, the power contracts and capital funds agreements was granted by Maine Yankee to MYA Fuel Company ("MYA Fuel") pursuant to a security agreement between Maine Yankee and MYA Fuel. MYA Fuel has assigned its rights under the agreement to Manufacturers Hanover Trust Company.

The Notes will be issued pursuant to a Eurodollar Credit Agreement ("Credit Agreement") among Maine Yankee, the Banks and the Agent Bank, under which the Banks have agreed to make available to Maine Yankee a revolving credit facility and term loan facility in an aggregate principal amount at any one time outstanding of not more than $40.5 million. Under the Credit Agreement, Maine Yankee may from time to time borrow funds under the revolving credit facility, subject to the maximum amount, together with all outstanding term loans, of $40.5 million, such revolving credit facility to expire two years after the date of execution of the Credit Agreement. Maine Yankee may also from time to time borrow funds under the term loan facility subject to the maximum amount, together with all outstanding revolving credit loans, of $40.5 million, such term loan facility to expire four years after the date of execution of the Credit Agreement. Maine Yankee may, on any interest payment date or on the expiration date of the revolving credit facility, convert all or part of the then outstanding revolving credit loans to term loans, which will mature four years after the date of execution of the Credit Agreement. The revolving credit loan from each Bank will be evidenced by a revolving credit note and each term loan by each Bank will be evidenced by a term note.

The Credit Agreement provides that Maine Yankee may from time to time select interest periods for ech revolving credit loan and each term loan of one, three or six months' duration. The interest rate on each revolving credit loan and term loan will be the London Inter-Bank Offering Rate ("LIBOR") for the interest period selected plus ⅝%, if such interest period ends before the second anniversary of the date of the Credit Agreement or ¾%, if suchg interest period ends thereafter. However, if due to circumstances affecting the Eurodollar market, adequate and reasonable means do not exist for ascertaining LIBOR, the interest rate shall be determined on the basis of the lenders' actual cost of funding such loan plus ⅝%, if such interest period ends before the second anniversary of the date of the Credit Agreement or ¾%, if such interest period ends therefore. Maine Yankee will also pay a commitment fee during the term of the revolving credit facility of ⅜% per annum of the unused portion of the total revolving and term loan credit facility. Assuming a six month LIBOR of 9.50% and borrowings of $40.5 million for an interest period ending after the second anniversary of the Credit Agreement, the effective cost of borrowings would be 10.25%. Maine Yankee has the right at any time to terminate in whole or reduce in part the unused portion of the facility.

Maine Yankee may, on any interest payment date, prepay all or part of any outstanding loans under the Credit Agreement upon payment of accrued interest and, in the case of term loans prepaid prior to the first anniversary of the Credit Agreement, a prepayment fee equal to ¼% of the principal amount of the term loan to be prepaid. The commitments of the Lenders to make loans under the Credit Agreement are reduced by the amount of any term loans which are prepaid.

Maine Yankee request an exception from the competitive bidding requirements of Rule 50 pursuant to Section 50(a)(5) because of the nature of the proposed transaction.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 20, 1983 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall indentify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may

be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14970 Filed 6-2-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22956; 70-6876]

Northeast Utilities, et al.; Proposed Issuance and Sale of Short-Term Notes to Banks and Commercial Paper, Capital Contributions and Open Account Advances by Holding Company to Subsidiaries, and Exemption From Competitive Bidding as to Commercial Paper

May 27, 1983.

In the matter of Northeast Utilities, Western Massachusetts Electric Company and the Quinnehtuk Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089; The Connecticut Light and Power Company, Northeast Nuclear Energy Company, the Rocky River Realty Company, Selden Street, Berlin, Connecticut 06037 and Holyoke Water Power Company, One Canal Street, Holyoke, Massachusetts 01040.

Northeast Utilities ("NU"), a registered holding company, and its subsidiary companies, The Connecticut Light and Power Company ("CL&P"), Western Massachusetts Electric Company ("WMECO"), Holyoke Water Power Company ("HWP"), Northeast Nuclear Energy Company ("NNECO"), The Rocky River Realty Company ("Rocky River"), and The Quinnehtuk Company ("Quinnehtuk"), have filed a declaration with this commission pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50 (a)(5) thereunder.

The declaration relates to (1) proposed short-term borrowings by certain of the declarants from time to time before June 30, 1984, through (a) in the case of NU, CL&P, WMECO, and NNECO, the issuance of notes to banks and (b) in the case of NU, CL&P, WMECO, the issuance of notes to banks and WMECO,the issuance of commercial paper to a dealer in commerical paper and (2) proposed capital contributions and open account advances by NU to its subsidiary companies. The aggregate amount of all such notes at any time outstanding, whether issued to banks or to a dealer in commercial paper, will not exceed $100,000,000 in the case of NU, $250,000,000 in the case of CL&P, $60,000,000 in the case of WMECO, and $25,000,000 in the case of NNECO.

The bank notes will each be dated the date of issue, will have maximum maturity dates of nine months with right to renewal, will bear interest at the prime rate or at the prime rate plus a fraction thereof, or will bear interest at rates determined with reference to other financial indices, will be issued no later than June 30, 1984, and will be subject to prepayment at any time at the declarants' option with or without premium. The declarants, other than Quinnehtuk and Rocky River, have credit lines with a number of banks, subject in some cases to commitment fees and/or compensating balance requirements. The effective interest rates (based on a prime rate of 10½% and assuming full usage) range from 10.50% to 11.34%.

The commercial paper will be issued in the form of short-term promissory notes in denominations of not less than $50,000 and no more than $1,000,000, of varying maturities, with no maturity more than 270 days after the date of issue, and will not be repayable prior to maturity. The commercial paper will be sold directly to a dealer in commerical paper at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity. No commission of fee will be payable in connection with the issuance and sale of commercial paper. The purchasing dealer, as principal, will reoffer the commercial paper to not more than 200 institutional investors at a discount of not more than ⅛ of 1% per annum less than the prevailing discount rate.

NU expects to apply the new funds derived from the issuance and sale of the bank notes and the commercial paper during the period from July 1, 1983, to June 30, 1984, (1) to make proposed capital contributions of up to $160,000,000 to CL&P and up to $70,000,000 to WMECO; (2) to make proposed open account advances to Rocky River and to Quinnehtuk, both wholly-owned real estate subsidiaries of NU, and to HWP in amounts not to exceed in the aggregate $1,500,000, $500,000 and $8,500,000, respectively; and (3) to supply funds as needed to other subsidiary companies as heretofore or hereafter authorized by the Commission. All capital contributions to subsidiaries will be credited to their capital surplus accounts. The amounts of capital contributions stated above include the amount of proposed capital contributions described in File No. 70-6833.

The funds to be derived by CL&P and WMECO from the issuance and sale of the bank notes and commercial paper, and from the receipt of capital contributions and/or open account advances from NU, will be applied, together with other funds available to these companies, to provide working capital and to finance their respective construction expenditures (including Allowance of Funds Used During Construction but excluding nuclear fuel) in 1983 and 1984, which are estimated to be $1,059,223,000 and $215,147,000, respectively. NNECO will apply funds derived from the sale of bank notes and other funds available to it for operating and maintenance expenses for the Millstone plants and to meet its obligations with respect to a proposed financing for two nuclear plant control room simulators and the building which houses them.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 24, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14971 Filed 6-2-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13286; 812-5033]

SAFECO Life Insurance Co. et al.; Filing of Amendments to a Previously Noticed Application

May 27, 1983.

Notice is hereby given that SAFECO Life Insurance Company ("Company"), SAFECO Variable Account A ("Variable Account A"), a separate account registered under the Investment Company Act of 1940 ("Act") as management investment company, and SAFECO Securities, Inc. (collectively,

"Applicants"), SAFECO Plaza, Seattle, Washington 98185, filed amendments on December 8, 1982 and May 11, 1983 ("new amendments") to an application filed on December 2, 1981 and previously amended on May 7, 1982, July 20, 1982, and August 18, 1982 ("initial amendments"). The application and initial amendments requested an order of the Commission pursuant to Section 6(c) of the Act exempting Applicants from provisions of Sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit the transactions described in the application and initial amendments. A notice thereof was issued on September 3, 1982 (Investment Company Act Release No. 12638). The new amendments ask for additional and amended relief from the provisions of Sections 26(a)(2) and 27(c)(2) of the Act and for relief from the provisions of Section 17(f) of the Act all to the extent necessary to permit the transactions described in the application as amended. All interested persons are referred to the prior notice and the application and amendments on file with the Commission for a statement of the representations contained therein, some of which are summarized below, and to the Act for a statement of the relevant statutory provisions.

In the application and initial amendments Applicants, *inter alia*, requested an exemption from the provisions of Sections 26(a) and 27(c)(2) to the extent necessary to permit the deduction of an investment advisory fee of $25,000.00 on an annual basis. Applicants now state that while the investment adviser will be paid an annual fee of $25,000.00, the Company will assume the obligation for the fee rather than deducting it from the assets of Variable Account A. Additionally, in the application and initial amendments, Applicants represented that the custodian, Investors Fiduciary Trust Company, would hold all of the securities and cash of Variable Account A in accordance with Sections 26(a) and 27(c) of the Act. Applicants now request exemptions from the provisions of Sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit Variable Account A to place and maintain its investments in time deposits which will be held, not in trust, by the issuing banks and savings and loan associations, rather than by the custodian. Applicants also request an exemption from the provisions of Sections 26(a)(2) and 27(c)(2) of the act to the extent necessary to permit the custodian to participant directly, or indirectly through a subcustodian, in the Depository Trust Company or the Federal Book-Entry System. Finally, Applicants request an exemption from the provisions of Section 17(f) of the Act to the extent necessary to permit the Variable Account to place and maintain its investments in time deposits in book entry form not in accordance with the provisions of Section 17(f) or the rules thereunder but rather for those instruments to be held by the issuing banks and savings and loan association (the "financial institutions").

In requesting the exemptions from the provisions of Sections 17(f), 26(a), and 27(c)(2) relating to time deposits, Applicants represent that they will comply with the following conditions: (1) Variable Account A will adopt a system that is reasonably designed to prevent unauthorized officer's instructions and which will provide, at a minimum, for the form, content, and means of giving, recording, and reviewing the instructions. The definition of "officer's instructions" will be the same as for Rule 17f-4(c)(1) under the act. (2) The instruments to be held in book entry form will be purchased only from banks eligible to be a trustee or custodian pursuant to Section 26(a)(1) of the act or from savings and loan associations with equivalent aggregate capital, surplus, and undivided profits. (3) The financial institution will send confirmations, receipts, or notices to either the custodian or Variable Account A and will simultaneously send a copy of that document to the other. (4) A representative of the investment adviser for Variable Account A will negotiate, by telephone, the purchase of a time deposit from a financial institution and will request that the financial institution send a confirmation or notice of the purchase through the Federal Funds Wire System to Variable Account A's custodian. The representative also will inform the custodian of the details of the transaction and that a request will be coming in, and these oral instructions will be confirmed in writing through an over-the-phone lines service or otherwise. The custodian will not transfer any funds until it receives the transaction request from the financial institution. When it does receive the request, and provide the request is in accord with the instructions received from the investment adviser, the custodian will then transfer funds via the Federal Wire System. Upon receipt of the funds, the financial institution will mail a confirmation to the custodian. (5) The transaction will be recorded by the financial institution in book entry form in the name of the custodian for Variable Account A (or a description to that effect). The financial institution upon maturity will pay the custodian for Variable Account A. (6) Variable Account A, by resolution of its Variable Account Committee, has approved the procedures discussed herein and the Variable Account Committee wil review and approve the procedures at least annually.

Section 6(c) of the act provides, in pertinent part, that the Commission may exempt any person from any provision of the act or its Rules and Regulations if and to the extent necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application as amended may, not later than June 21, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimons,

Secretary.

[FR Doc. 83-14973 Filed 6-2-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-19819; File No. SR-AMEX-83-6 and Amdt. No. 1]

Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc., Relating to Expansion of Position and Exercise Limits for Specialists in Their Specialty Options

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 30, 1983 and May 5, 1983, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change and amendment thereto, respectively (hereinafter, proposed rule change), as

described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex" or "the Exchange") proposes to amend Exchange Rules 904 and 905 regarding the expansion of position and exercise limits with regard to option Specialists. *Italics* indicate material proposed to be added. Brackets [] indicate material proposed to be deleted.

Rule 904. Position Limits

No change

* * * Commentary

.01 through .04—no change.

.05 *The position limit for stock options for Specialists shall be 4,000 contracts in their specialty options. In addition,* the Exchange may establish higher position limits for [specialists' transactions than those applicable with respect to other accounts] *Specialists whenever necessary in the interests of maintaining a fair and orderly market.* Whenever a [s]*S*pecialist reasonably anticipates that he may exceed such position limits in the performance of his function of assisting in the maintenance of a fair and orderly market he must consult with and obtain the prior approval of a Senior Floor Official.

Rule 905. Exercise Limits

No change.

* * * Commentary

.01—No change.

.02 The exercise limit for stock options for Specialists shall be 4,000 contracts in their specialty options.

[.02] *.03*—No change.

[.03] *.04*—No change.

[.04] *.05*—No change.

II. A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to expand position and exercise limits for Specialists to 4,000 contracts for their specialty stock options in order to further enhance market depth and liquidity.

Recently, the AMEX and other options exchanges proposed an increase in position and exercise limits in the form of a two-tier system. (See SR–AMEX–83–5.) This new system provides a higher, 4,000 contract, limit for options on underlying stocks which meet certain criteria regarding number of outstanding shares and trading volume. All other options would be subject to a 2,500 contract limit. As noted in the Exchange's filing, one reason for the two-tier limit proposal is to insure that stocks which do not meet the share and volume criteria be protected against possible manipulation by prohibiting the accumulation and exercise of positions in excess of 2,500 contracts.

However, concerns regarding the possibility of manipulation with regard to Specialists are of much reduced significance. The activity of Specialists is surveilled scrupulously by the Exchange. Specialists are required to report all activity in each specialty option, as well as their activity in the underlying stock, on a daily basis. (See Exchange Rule 957.) This activity is reviewed daily to insure its compliance with Exchange and SEC rules and regulations. Thus, the concerns of potential manipulation by a Specialist of a stock which underlies a specialty option is significantly abated by the surveillance protections described above.

The Exchange believes that a potential effect of the proposed two-tier position and exercise limit system might be to divert volume away from lower tier options. It is essential, therefore, that Specialists have the ability to provide depth and liquidity to the marketplace in their specialty options. If such capability is not afforded Specialists, the lower tier options could become illiquid. By expanding position and exercise limits for Specialists in their specialty options, this possibility should be avoided.

It should also be noted that Specialists have unique, affirmative obligations to maintain fair and orderly markets in their specialty options. Unlike market-makers, who also have such responsibilities, Specialists are required to be present in the trading crowd at all times during the trading day, to give a two-sided market in every series of their specialty options throughout the day, and to maintain price continuity in each series throughout the day. These additional burdens and responsibilities necessitate providing some additional flexibility for Specialists to enable them to better meet those responsibilities. Permitting 4,000 contract position and exercise limits in their specialty options will greatly enhance Specialists' capabilities and will result in greater market depth and liquidity for the benefit of all options investors and traders.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that it will increase market depth and liquidity, which is in the public interest, while continuing to protect investors from potential manipulative activity.

Therefore, the proposed rule change is consistent with Section 6(b)(5) of the 1934 Act, which provides, in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition.[1]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding of (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange

[1] The Commission is particularly interested in soliciting comment on whether providing higher position and exercise limits to Amex specialists in their specialty options imposes an unnecessary or inappropriate burden on competition on other persons establishing or exercising positions in the same option classes, such as Amex registered option traders, who would not automatically be entitled to the higher position and exercise limits. Comment also is requested on the competitive consequences of such across-the-board limit increases for specialists in contrast to limits for market makers in other option classes traded on other exchanges. Under current and proposed exchange rules, higher limits for market makers on the Chicago Board Options Exchange may be effected only pursuant to a case-by-case exemption procedure. *See, e.g.*, Securities Exchange Act Release Nos., 19243, November 16, 1982 and 19820, May 27 1983.

Commission, 450 Fifth Street, NW, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 27, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14806 Filed 6-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19820; File No. SR-CBOE-83-11]

Self-Regulatory Organizations; Proposed Rule Change By Chicago Board Options Exchange, Inc. Relating to Position and Exercise Limits

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 16, 1983, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

The following procedures and critiera are filed as a proposed rule change pursuant to section 19(b) of the securities Exchange Act of 1934 (the Act).

Special Exemption Procedure for Market Makers in Options on Underlying Stocks With 2,500 Contract Position and Exercise Limits

(1) Market makers may request, in writing, an increase in position and exercise limits in options on underlying stocks which are subject to a 2,500 contract position limit.

(2) Upon receipt of a request, the Department of Surveillance will compile the following data:

(a) Total volume in the underlying security and all overlying options for each of the prior 20 to 40 trading days.

(b) Price of the underlying security for each of the prior 20 to 40 trading days.

(c) Open interest in options on the underlying security for each of the prior 20 to 40 trading days.

(d) A listing of all market makers with positions in excess of 1,000 contracts as of the most recent trade date.

(e) A listing of the requesting market maker's positions by series as of the most recent trade date.

(f) A summary listing of the requesting market maker's daily volume and transactions, differentiating volume executed personally from volume executed through orders, in each series for the prior 20 to 40 trading days.

(3) The data will be provided to a panel of three members, at least two of which currently serve on the Floor Procedure or Floor Official Committees. It will also be provided to a senior staff member of the Regulatory Division.

(4) Based upon a review of the data, the panel and senior regulatory staff member will make separate recommendations to the President or his designee as to whether the exemption should be granted.

(5) Based upon a review of the data and recommendations, the President or his designee will decide whether to grant the exemption.

(6) The requesting member will be advised of the decision in writing, generally no more than one week following receipt of the request.

(7) If an exemption is granted, it will be effective at the time the decision of the President or his designee is communicated. No retroactive exemptions will be granted. The size of the exemption will be 1500 contracts. The exemption will remain in effect as long as the President or his designee, based upon periodic reviews of the data described in #2 above and the recommendations of a panel and a senior regulatory staff member, decides that the exemption is still warranted. Any market maker whose exemption is terminated as a result of such a periodic review will be granted a reasonable period of time to reduce any excess positions to 2500 contracts or less.

Special Exemption Criteria for Market Makers in Options on Underlying Stocks with 2,500 Contract Position and Exercise Limits

(1) The requesting market maker should be maintaining positions which are within 1,000 contracts of the existing limits.

(2) The requesting market maker should be maintaining positions on both sides of the market in a significant number of open series where significant open interest exists.

(3) The requesting market maker should have a history of daily trading activity in a significant number of open series where trading activity occurs.

(4) The requesting market maker should personally execute at least 90% of total option transactions and contract volume.

(5) The historical level of trading activity in options and the underlying security should warrant an exemption.

(6) Historical option open interest should warrant an exemption.

(7) The requesting market maker should be granted two or more special exemptions only in options on underlying stocks traded in the same quadrant.

II. (A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of this filing is to enable those Exchange market makers who regularly make markets in a class or classes of options, in which the position and exercise limit is 2,500 option contracts, to receive an ongoing position and exercise limit of 4,000 option contracts. This parallels the treatment presently being sought by the American and Philadelphia Stock Exchanges for specialists in classes of options that under the two-tier position and exercise limits would have the lower 2,500 option contract limit. The proposed procedures and criteria would supplement the Exchange's present exemption policy that was approved by the Commission (SR-CBOE-82-12) and that was conveyed to the membership in a memorandum dated September 22, 1982.

The proposed procedures and criteria are self-explanatory. Please note that respecting section 2, parts a), b) and c) of the procedures, one to two months of data will be reviewed. The Systems Division currently stores such daily data on tapes containing a calendar month of information. It is thought that two tapes containing not less than one month nor more than two months of data will be appropriate for this review. In addition,

respecting sections 3 and 4 of the procedures, two independent recommendations will be made to the President or his designee: one from a senior staff member of the Regulatory Division and one from a panel composed of three members. Thus, a system of checks and balances is established in the procedures. Finally, respecting section 7 of the procedures, the periodic reviews will occur on an irregular basis depending on market conditions and the workload of the Department of Surveillance. In no event will such reviews be more than four months apart.

(B) Self-Regulatory Organization's Statement on burden on Competition.

The Exchange does not believe the proposed rule change will impose any burden on competition.[1]

. (C) Self-Regulatory Organization's Statement on comments on the Proposed Rule Change Received from Members, Participants or Others.

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communciations relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 27, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14962 Filed 6-2-83; 8:45 am]

BILLING CODE 8010-01-M

[1] The Commission is particularly interested in soliciting comment on whether providing a special exemption procedure for CBOE market makers imposes an unnecessary or inappropriate burden on competition on other persons establishing or exercising positions in the same option classes. Comment also is requested on the competitive consequences of such an exemptive process for CBOE market makers in contrast to the across-the-board limit increases proposed by Amex for its option specialists. *See* Securities Exchange Act Release No. 19619 (May 27, 1983).

[Release No. 34-19788; File No. SR-MSRB-83-4]

Self-Regulatory Organizations; Proposed Rule Changes By Municipal Securities Rulemaking Board Relating to Uniform Practice

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 17, 1983, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

(a) The Municipal Securities Rulemaking Board ("Board") is filing herewith amendments to rule G-12 on uniform practice. The text of the proposed rule changes is as follows:

Rule G-12. Uniform Practice [1]

(a) through (d) No change.

(e) Delivery of Securities. The following provisions shall, unless otherwise agreed by the parties, govern the delivery of securities:

(i) through (xiii) No change.

(xiv) Delivery of Registered Securities

(A) Assignments. Delivery of a certificate in registered form must be accompanied by an assignment on the certificate or on a separate bond power for such certificate, containing a signature *or signatures* which correspond[s] in every particular with the name *or names* written upon the certificate, except that the following shall be interchangeable; "and" or "&"; "Company" or "Co."; "Incorporated" or "Inc."; and "Limited" or "Ltd.".

(B) through (D) No change.

(E) Form of Registration. Delivery of a certificate accompanied by the documentation required in this paragraph (xiv) shall constitute good delivery if the certificate is registered in the name of:

(1) an individual or individuals;

(2) a nominee;

(3) a member of a national securities exchange whose specimen signature is on file with the transfer agent or any other municipal securities broker or municipal securities dealer who has filed specimen signatures with the transfer agent and places a statement to this effect on the assignment; or

(4) an individual or individuals acting in a fiduciary capacity.

(F) Certificate in Legal Form. Good transfer of a security in legal form shall be determined only by the transfer agent for the security. Delivery of a certificate in legal form shall not constitute good delivery unless the certificate is identified as being in such form at the time of trade. A certificate shall be considered to be in legal form if documentation in addition to that specified in this paragraph (xiv) is required to complete a transfer of the securities.

[(E) Certificate in Name of a Party Other Than a Natural Person. A certificate registered in the name of a party other than a natural person, or in a name with official designation, shall constitute good delivery only if the statement "Proper papers for transfer filed by assignor" is placed on the assignment and signed by the transfer agent.

(F) Certificate in Name of Deceased Person, Trustee, Etc.

(1) A certificate shall not constitute good delivery if executed with a qualification, restriction or special designation or if delivered in the name of, or with an assignment or power of substitution executed by a person since deceased; a minor; a receiver in bankruptcy; an agent; an attorney; or, except as provided in subparagraph (2) below, a trustee or trustees (except for trustees acting in the capacity of a board

[1] Italics indicate new language [brackets] indicate deletions.

of directors of a corporation or association in which case the requirements of subparagraph (E) above shall apply), an executor, or an administrator.

(2) A certificate shall constitute good delivery with an assignment or a power of substitution executed by an individual executor or administrator; an individual trustee under an inter vivos or testamentary trust; a guardian (including committees, conservators and curators); or a custodian acting pursuant to the provisions of the Uniform Gifts to Minors Act.]

(G) and (H) No change.

(xv) and (xvi) No change.

(f) No change.

(g) Rejections and Reclamations (i) and (ii) No change.

(iii) Basis for Reclamation and Time Limits. A reclamation may be made by either the receiving party or the delivering party if, subsequent to delivery, information is discovered which, if known at the time of the delivery, would have caused the delivery not to constitute good delivery, provided such reclamation is made within the following time limits:

(A) and (B) No change.

(C) Reclamation by reason of the following shall be made within 18 months following the date of delivery:

(1) No change.

(2) Refusal to transfer or deregister by the transfer agent due to *presentation of documentation in connection with the transfer or deregistration which the transfer agent deems inadequate [a lack of documentation required by paragraph (e) (xiv) of this rule].*

(3) No change.

(D) No change.

The running of any of the time periods specified in this paragraph shall not be deemed to foreclose a party's right to pursue its claim via other means, including arbitration.

(iv) through (vi) No change.

(h) through (l) No change.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes

A. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes.

(a) The current provisions of subparagraphs (e)(xiv) (E) and (F) of rule G–12 set forth certain standards governing the acceptability of deliveries of securities with certain types of registration. During the course of its review of the provisions of its rules relating to registered securities, which review was conducted in connection with the impending effectiveness of the registration requirements of TEFRA, the Board concluded that the current provisions of these subparagraphs may impose burdens on the clearance of transactions as more registered municipal securities begin to be traded in the municipal market, and, accordingly, has adopted the proposed rule changes to remove such burdens.

The proposed rule changes would have the effect of making most securities with a "corporate name" or unusual form of registation or assignment execution unacceptable for delivery purposes, absent an agreement otherwise at the time of trade. The proposed rule changes amend subparagraph (e)(xiv) (E) to require that a security be registered in the name of one of the following four types of persons or entities to be acceptable for delivery purposes:

(1) an individual or individuals;

(2) a nominee;

(3) a municipal securities broker or municipal securitites dealer whose signature is on file with the transfer agent (if the broker or dealer is not a member of a national securities exchange, a statement attesting to the filing of the signature must be placed on the assignment); or

(4) an individual or individuals acting in a fiduciary capacity (*e.g.*, as an individual executor, trustee, administrator, custodian, etc.) who is specifically named on the certificate. The proposed rule changes amend subparagraph (e)(xiv) (F) to specify that certificates registered in the name of other types of persons or entities, on which documentation in addition to the completed securities assignment would be required in order to transfer the securities, would be considered under the amendment to be in "legal form" and unacceptable for delivery purposes unless the parties agree otherwise at the time of trade.

In addition, the proposed rule changes also amend the provisions of subparagraph (e)(xiv) (A) to reflect the fact that securities may be registered in more than one person's name. The proposed rule changes also revise the reclamation provisions of rule G–12(g)(iii) to provide that a delivery of registered securities may be reclaimed in the event that the transfer agent refuses to transfer the securities because it deems the documentation provided with the securities to be inadequate for transfer purposes. The Board believes that this provision of the proposed rule changes is necessary to deal with those relatively infrequent instances where an individual transfer agent may require documentation in connection with a transfer in addition to that which is normally necessary and is required under Board rules.

(b) The proposed rule changes have been adopted pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which authorizes and directs the Board to adopt rules which are designed * * * to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities. * * *

The Board believes that the standards set forth in the proposed rule changes will facilitate the clearance of transactions in registered municipal securities, since they ensure that the standards applicable to deliveries of registered securities are, to the extent possible, clearly and definitively set forth in the rule, and that registered securities used for the clearance of transactions will generally be in a form that is transferable with a minimum of difficulty.

B. Self-Regulatory Organization's Statement on Burden on Competition.

The Board believes that the proposed rule changes generally do not impose any burden on competition, inasmuch as they establish standards for the delivery of registered securities which apply equally to all municipal securities brokers and dealers.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Changes Received from Members, Participants, or Others.

On December 22, 1982 the Board released an exposure draft of a proposed amendment to subparagraphs (e)(xiv) (E) and (F) substantially the same as that contained in the proposed rule changes. The Board received seven letters of comment on the exposure draft; in addition, the Board received two letters from professional transfer agents describing current transfer practices with respect to issues of registered municipal securities.

The commentators generally supported adoption of the amendments set forth in the exposure draft.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory

organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within *21* days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

May 19, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14965 Filed 6-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19821; File No. SR-NSCC-83-7]

Filing and Immediate Effectiveness of Proposed Rule Change by National Securities Clearing Corporation ("NSCC")

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. § 78s(b)(1), notice is hereby given that on May 9, 1983, NSCC filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends Section II.B.1 of NSCC's Procedures, which relates to the comparison of New York and American Stock Exchange equity transactions. The proposal allows NSCC to accept from its participants that also are New York Stock Exchange ("NYSE") members additional trade data. That trade data, which includes time of execution, *contra* executing badge numbers and type of account, will not be used or required by NSCC in the actual trade comparison operation, but will be forwarded by NSCC to the NYSE for use in its Audit Trail Service.

In its filing, NSCC stated that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder because the proposal fosters cooperation and coordination among self-regulatory organizations, namely NSCC and the NYSE. NSCC further stated that because the proposal authorizes NSCC merely to accept additional trade data for the purposes of resubmitting that data to the NYSE, the proposal will not affect NSCC's ability to safeguard securities and funds in its custody or control or for which it is responsible. Finally, NSCC represented that it will not implement the proposed rule change until the NYSE begins its Audit Trail Service.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-NSCC-83-7.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14970 Filed 6-2-83; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

May 27, 1983.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Imperial Chemical Industries, American Depository Receipts—Ordinary Regular Stock, L1 Par Value (File No. 7-6681).

This security is registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 20, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14972 Filed 6-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19825; File No. 4-208]

Intermarket Trading System and National Association of Securities Dealers, Inc.; Order Deferring Expansion of an Automated Interface

May 31, 1983.

In the matter of American Stock Exchange, Inc, Boston Stock Exchange, Inc., Cincinnati Stock Exchange, Inc., Midwest Stock Exchange, Inc., National Association of Securities Dealers, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., and Philadelphia Stock Exchange, Inc.

The Securities and Exchange Commission is extending the pilot phase of the interface between the Intermarket Trading System ("ITS") and the National Association of Securities Dealers' ("NASD") NASDAQ system from June 1, 1983 until July 15, 1983.[1] the purpose of this extension is to allow the Commission to finish its review of the comments received in response to its release republishing an order exposure rule that might govern the ITS–NASDAQ linkage.[2]

Accordingly, the Commission hereby issues an order, pursuant to its authority under the Securities Exchange Act of 1934[15 U.S.C. §§ 78a *et seq.*, as amended by Pub. L. No. 94–29 (June 4, 1975)] and particularly Sections 2, 3, 6, 10, 11, 11A, 15, 15A, 17 and 23 thereof [15 U.S.C. §§ 78b, 78c, 78f, 78j, 78k, 78k–1, 78*o*, 78*o*–1, 78q, 78w] as follows:

It is hereby ordered that the Commission's order, dated April 21, 1981 (Securities Exchange Act Release No. 17744, 46 FR 23856) as amended by the Commission (most recently on December 23, 1982 (Securities Exchange Act Release No. 19371)) requiring among other things, the American Stock Exchange, Inc.; Boston Stock Exchange, Inc.; Cincinnati Stock Exchange, Inc.; Midwest Stock Exchange, Inc.; New York Stock Exchange, Inc.; Pacific Stock Exchange, Inc.; Philadelphia Stock Exchange, Inc. and any other self-regulatory organization which hereafter becomes a participant in the ITS and the NASD to act jointly in planning, developing and operating an automated intermarket communications linkage ("Automated Interface") between the ITS and the NASDAQ electronic inter-dealer quotation system, as modified by the NASD to permit computer assisted execution, is amended to defer the date on which full operation of the Automated Interface, as described in the Section I, paragraph B of the April 1981 Order, must be implemented, from June 1, 1983, until July 15, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14987 Filed 6-2-83; 8:45 am]

BILLING CODE 8010-01-M

[1] The ITS is governed by a plan ("ITS PLAN") filed with, and approved by, the Commission pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 and Rule 11Aa3–2 thereunder. The ITS Plan contains a number of provisions that govern the pilot phase of the ITS–NASDAQ linkage. *See, e.g.*, Section 10(d) of the ITS Plan. The Commission interprets the ITS Plan to provide that such provisions will continue to govern the linkage until the full implementation of the linkage becomes effective.

[2] Securities Exchange Act Release No. 19372 (December 21, 1982), 47 FR 58287.

SMALL BUSINESS ADMINISTRATION

[Application No. 03/03–0162]

GFC Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (SBIC) (13 CFR 107.102 (1983)), under the name of GFC Capital Corporation, located at 1300 19th Street, NW., Suite 240, Washington, DC 20036 for a license to operate as an SBIC under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and sole shareholder of the applicant are as follows:

George F. Chopivsky, Jr., 3824 Brandywine St., NW., Washington, DC 20008, President, Treasurer, Director, Sole shareholder.

Bernard G. Barczak, 5310 Night Roost Court, Columbia, MD 21045, Vice President.

J. Andrew Chopivsky, 4005 Davis Pl., N.W., Washington, DC 20007, Secretary, Director.

Paul F. Balser, 1365 York Avenue, Apt. 12A, New York, NY 10021, Director.

Chopivsky Corporation, 1300 19th St., NW., Suite 240, Washington, D.C 20036, Management Advisor.

Chopivsky Corporation is wholly-owned by George Chopivsky, Jr. He is also its President and Treasurer. His brother, J. Andrew, is Vice President and Secretary, and Mr. Barczak is Manager of the company.

There is one class of stock authorized, 2,500 shares of common stock. Initially, 1,000 shares will be issued with a resultant paid-in capital and paid-in surplus of $525,000. Applicant proposes to conduct its operations principally in the Washington, DC Metropolitan Area.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Washington, DC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 31, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-14979 Filed 6-2-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

[Supplement to Department Circular; Public Debt Series—No. 15–83]

Notes of Series U–1985; Interest Rate

May 27, 1983

The Secretary announced on May 26, 1983, that the interest rate on the notes designated Series U–1985, described in Department Circular;—Public Debt Series—No. 15–83 dated May 19, 1983, will be 9⅞ percent. Interest on the notes will be payable at the rate of 9⅞ percent per annum.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-14907 Filed 5-31-83; 4:15 pm]

BILLING CODE 4810-40-M

[Dept. Circular Public Debt Series—No. 15–83]

Treasury Notes of May 31, 1985, Series U–1985

May 27, 1983.

Department of the Treasury Circular, Public Debt Series—No. 15–83, dated May 19, 1983, descriptive of Treasury Notes of Series U–1985, is hereby amended effective May 26, 1983. The notes were auctioned Thursday, May 26,

1983, and will accrue interest from Tuesday, May 31, 1983.

The same numbered paragraphs of Department of the Treasury Circular, Public Debt Series—No. 15–83, are hereby amended and replaced with the following paragraphs. the other terms and conditions remain unchanged.

3. Sale procedures

3. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, May 26, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, May 25, 1983, and received no later than Tuesday, May 31, 1983.

5. Payment and Delivery

5. 1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Tuesday, May 31, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, May 27, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. when payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

The foregoing amendment was effected under authority of Chapter 31 of Title 31, United States Code. Notice and public procedures thereof are unnecessary as the fiscal policy of the United States is involved.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83–14008 Filed 5–31–83; 4:18 pm]

BILLING CODE 4810–40–M

[Amendment to Department Circular; Public Debt Series—No. 16–83]

Treasury Notes of August 15, 1988 Series J–1988

May 27, 1983.

Department of the Treasury Circular, Public Debt Series—No. 16–83, dated May 19, 1983, descriptive of Treasury Notes of Series J–1988, is hereby amended, effective May 26, 1983. The notes will be auctioned Wednesday, June 1, 1983, and will accrue interest from Friday, June 3, 1983.

The same numbered paragraphs of Department of the Treasury Circular, Public Debt Series—No. 16–83, are hereby amended and replaced with the following paragraphs. The other terms and conditions remain unchanged.

2. Description of Securities

2. 1. The securities will be dated June 3, 1983, and will bear interest from that date, payable on a semiannual basis on February 15, 1984, and each subsequent 6 months on August 15 and February 15 until the principal becomes payable. They will mature August 15, 1988, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

3. Sale Procedures

3. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving Time, Wednesday, June 1, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 31, 1983, and received no later than Friday, June 3, 1983.

5. Payment and Delivery

5. 1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Friday, June 3, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, June 2, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

The foregoing amendment was effected under authority of Chapter 31 of Title 31, United States Code. Notice and public procedures thereof are unnecessary as the fiscal policy of the United States is involved.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83–14009 Filed 5–31–83; 4:18 pm]

BILLING CODE 4810–40–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 108
Friday, June 3, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Consumer Product Safety Commission	1
Equal Employment Opportunity Commission	2
Federal Deposit Insurance Corporation	3–6
Federal Maritime Commission	7
Federal Reserve System	8
International Trade Commission	9
Nuclear Regulatory Commission	10
Securities and Exchange Commission	11

1

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 23748, Thursday, May 26, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., June 1, 1983.

CHANGES IN THE MEETING: The meeting to discuss the FY 1984 Operating Plan scheduled for June 1, 1983 has been postponed until June 13, 1983.

[S–702–83 Filed 6–1–83; 2:05 pm]

BILLING CODE 6355–01–M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, June 7, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 200, Second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s
2. Report on Commission Operations (Optional)
3. Freedom of Information Act Appeal No. 83–03–FOIA–50–CH, concerning a request for documents in an ADEA file.
4. Proposed Contract for services needed in connection with a court case.

Closed:

1. Litigation Authorization; General Counsel Recommendations.

Note.—any matter not discussed or concluded may be carried over to a later meeting.

(In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634–6748.

Issued: May 31, 1983.

[S–700–83 Filed 6–1–83; 11:30 am]

BILLING CODE 6570–06–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:25 p.m. on Friday, May 27, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The Commercial Bank of California, Los Angeles (West Hollywood), California, which was closed by the Superintendent of Banks for the State of California on May 27, 1983; (2) accept the bid for the transaction submitted by First Credit Bank, Blythe, California, an insured State nonmember bank; (3) approve the application of first Credit Bank, Blythe, California, for consent to purchase certain assets of and to assume the liability to pay deposits made in The Commercial Bank of California, Los Angeles (West Hollywood), California, and to establish the two offices of The Commercial Bank of California as branches of First Credit Bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and asumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: June 1, 1983.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S–703–83 Filed 6–1–83; 3:46 pm]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 10 a.m. on Tuesday, May 31, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a recommendation regarding the Corporation's assistance agreement involving an insured bank pursuant to section 13(c) of the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), and (c)(8) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6) and (c)(8)).

Dated: June 1, 1983.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S-796-83 Filed 6-1-83; 3:46 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 9:30 a.m. on Tuesday, May 31, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Key Bank of Central New York, Syracuse, New York, an insured State nonmember bank, for consent to pruchase certain assets of and assume the liability to pay certain deposits made in seven offices of Bankers Trust Company of Albany, N.A., Albany, New York, and to establish those seven offices as branches of Key Bank of Central New York.

Application of Savings Bank of Puget Sound, Seattle, Washington, an insured stock savings bank, for consent to acquire certain assets of and assume the liability to pay doposits made in the Aurora and Federal Way Branches of Prudential Mutual Savings Bank, Seattle, Washington, and to establish those two offices as branches of Savings Bank of Puget Sound.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those banks:

Case No. 45,686-L (amended): American City Bank, Los Angeles, California; Newport Harbour National Bank, Newport Beach, California; Western National Bank, Santa Ana, California; Bank of San Marino, San Marino, California.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: May 31, 1983.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

S-795-83 Filed 6-1-83; 3:46 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:50 p.m. on Friday, May 27, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in City and County Bank of Anderson County, Lake City, Tennessee, which was closed by the Commissioner of Banking for the State of Tennessee on Friday, May 27, 1983; (2) accept the bid for the transaction submitted by Third National Bank in Anderson County, Lake City, Tennessee, a newly-chartered national bank subsidiary of Third National Corporation, Nashville, Tennessee; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

The meeting was recessed at 3:52 p.m., and at 4:15 p.m. that same day the meeting was reconvened, at which time the Board of Directors: (1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in City and County Bank of Roane County, Kingston, Tennessee, which was closed by the Commissioner of Banking for the State of Tennessee on Friday, May 27, 1983; (2) accepted the bid for the transaction submitted by Bank of Oak Ridge, Oak Ridge, Tennessee, an insured State nonmember bank; (3) approved the application of Bank of Oak Ridge, Oak Ridge, Tennessee, for consent to purchase the assets of and to assume the liability to pay deposits made in City and County Bank of Roane County, Kingston, Tennessee, and for consent to establish the four offices of City and County Bank of Roane County as branches of Bank of Oak Ridge; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

The Board of Directors also: (1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in City and County Bank of Knox County, Knoxville, Tennessee, which was closed by the Commissioner of Banking for the State of Tennessee on Friday, May 27, 1983; (2) accepted the bid for the transaction submitted by Bank of Knoxville, Knoxville, Tennessee, an insured State nonmember bank; (3) approved the application of Bank of Knoxville, Knoxville, Tennessee, for consent to purchase the assets of and to assume the liability to pay deposits made in City and County Bank of Knox County, Knoxville, Tennessee, and for consent to establish the eleven offices of City and County Bank of Knox County as branches of Bank of Knoxville; and (4) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

The meeting was recessed at 4:17 p.m. and at 4:31 p.m. that same day the meeting was reconvened, at which time the Board of Directors: (1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in United Southern Bank of Nashville, Nashville, Tennessee, which was closed by the Commissioner of Banking for the State of Tennessee on Friday, May 27, 1983; (2) accepted the bid for the transaction submitted by Union Planters National Bank of Memphis, Memphis, Tennessee, a subsidiary of Union Planters Corporation, Memphis, Tennessee; and (3) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

The meeting was recessed at 4:33 p.m., and at 4:37 p.m. that same day the meeting was reconvened, at which time the Board of Directors: (1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in United American Bank in Hamilton County, Chattanooga, Tennessee, which was closed by the Commissioner of Banking for the State of Tennessee on Friday, May 27, 1983; (2) accepted the bid for the transaction submitted by Union Planters National Bank of Memphis, Memphis, Tennessee, a subsidiary of Union Planters Corporation, Memphis, Tennessee; and (3) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that

Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: May 31, 1983.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S-706-83 Filed 6-1-83; 8:46 pm]

BILLING CODE 6714-01-M

7

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., June 8, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to public. The rest of the meeting will be closed to public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreements Nos. 14–48, 5700–31, 10107–15 and 10108–10: Modifications, respectively, of the Trans Pacific Freight Conference (Hong Kong), New York Freight Bureau, and Agreements Nos. 10107 and 10108 to authorize payment of compensation to container freight station and container yard operations in Hong Kong and Taiwan.
2. Agreement No. 10268–2: Modification of the U.S. North Atlantic-Italy Pool Agreement to permit deviation from agreed pool shares and for other purpsoes.
3. Agreement No. 7680–46: Modification of the American West African Freight Conference Agreement to provide for intermodal service.

Portions closed to the public:

1. Agreements Nos. 10457 and 10458: Korean Marine Transport Co./NYK/Showa Space Charter Agreements.
2. Agreement No. 10332–3: Korean Marine Transport/NYK Space Charter and Agreement No. 10371–2: Korean Marine Transport Co./NYK/Showa Space Charter—Proposed three-year extensions of the agreements.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-709-83 Filed 6-1-83; 10:42 am]

BILLING CODE 6730-01-M

8

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, June 8, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 462–3204.

Dated: May 31, 1983.

James McAfee,

Associate Secretary of the Board.

[S-707-83 Filed 5-31-83; 4:15 am]

BILLING CODE 6210-01-M

9

INTERNATIONAL TRADE COMMISSION

[USITC SE–83–28]

TIME AND DATE: 2:30 p.m., Tuesday, June 14, 1983.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints: a. Flow injection analysis and components thereof (see UIID–G–14).
5. Investigations 701–TA–179, –180, –181 (Final) (Stainless Steel Products from Brazil)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-707-83 Filed 6-1-83; 4:03 pm]

BILLING CODE 7020-02-M

10

NUCLEAR REGULATORY COMMISSION

DATE: Week of June 6, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS:
Open and closed.

MATTERS TO BE DISCUSSED:

Monday, June 6:

2:00 p.m.:
Discussion of Pending Investigations (Closed—Exemption 5)

Thursday, June 9:

2:00 p.m.:
Discussion and Vote on Indian Point (Public Meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

May 27, 1983.

Walter Magee,

Office of the Secretary.

[S-708-83 Filed 6-1-83; 9:10 am]

BILLING CODE 7590-01-M

11

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTEN" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 22677, May 19, 1983.

STATUS: Closed meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, May 16, 1983.

CHANGES IN THE MEETING: Additional items. The following additional items will be considered at a closed meeting scheduled for Wednesday, May 25, 1983, at 10 a.m.

Amend institution of injunctive action and settlement of administrative proceeding of an enforcement nature.
Access to investigative files by Federal, State, or Self-regulatory authorities.

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Bob Zutz at (202) 272–2091.

May 31, 1983.

[S-701-83 Filed 6-1-83; 11:34 am]

BILLING CODE 8010-01-M

48
ISS
1
0
8
JE
3
1983

federal register

Friday
June 3, 1983

Part II

Department of Health and Human Services

Public Health Service

Health Professions and Nursing Student Loan Programs

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Health Professions Student Loan Program

AGENCY: Public Health Service (PHS), HHS.

ACTION: Final regulations.

SUMMARY: This rule amends existing regulations governing the Health Professions Student Loan (HPSL) program. These revisions strengthen the regulations regarding recordkeeping and collection procedures and establish performance standards against which a health professions school's delinquency rate will be measured.

EFFECTIVE DATE: These regulations are effective June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Alice M. Swift, Acting Chief, Program Development Branch, Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8-48, 5600 Fishers Lane, Rockville, Maryland 20857, telephone number 301 443-4540.

SUPPLEMENTARY INFORMATION: Section 740 of the Public Health Service Act ("the Act") (42 U.S.C. 294m) authorizes the Secretary of Health and Human Services ("the Secretary") to enter into an agreement for the establishment and operation of a student loan fund with any public or other nonprofit school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, or veterinary medicine which is located in a State and is accredited as provided in section 721(b)(1) of the Act.

In response to concerns expressed about the manner in which schools and the Federal Government administer the HPSL program, the Department published in the **Federal Register** of August 31, 1982 (47 FR 38365), a Notice of Proposed Rulemaking (NPRM). This proposed rule was designed to strengthen the regulations regarding recordkeeping and collection procedures and establish performance standards against which a health professions school's delinquency rate would be measured. Interested persons were invited to submit comments not later than October 15, 1982. Following the close of the comment period, the regulations were to be revised as warranted by public comments received. The Department received 297 comments from students, school officials, professional and student organizations, private citizens and public officials. The comments and the Department's response to the comments are discussed below. For clarity, the comments and responses are arranged according to the section numbers and titles of the Notice of Proposed Rulemaking to which they pertain.

Section 57.205 Health Professions Student Loan Funds

Three respondents objected to charging to the fund the cost associated with membership in credit bureaus, noting that borrowers were so highly mobile and widely dispersed that the effectiveness of credit bureau membership was limited and not worth the cost in diminished funds available to fund student loans. The Department recognizes the schools' concerns about the dispersion and mobility of its borrowers and the possible impact of this dispersion on the usefulness of credit bureaus in collecting delinquent loans. However, the Department believes that reports to credit bureaus will have sufficient impact on borrowers to be cost effective.

Another respondent suggested that this section be revised to allow for charging in-house collection costs to the fund. The Department has not adopted this suggestion since the existing regulations permit schools to charge collection costs that exceed the usual expenses incurred in the collection of health professions student loans, as approved by the Secretary.

Section 57.206 Eligibility and Selection of Health Professions Student Loan Applicants

Twelve of 22 respondents supported the proposal to require all applicants who had previously attended an institution of higher education to submit a financial aid transcript.

The majority of those opposed were concerned that the information required on the financial aid transcript would not be useful in determining the creditworthiness of the borrower. The Department has determined that while the financial aid transcript will not insure the creditworthiness of a borrower, it may provide the school with information on those borrowers who have become delinquent in repaying educational loans.

Three respondents expressed concern about the cost and additional administrative burden associated with this requirement. Since most schools already require the submission of the financial aid transcript, the Department finds that the additional cost and administrative burden necessary to collect the information is too small to warrant changing this provision.

Two respondents suggested that the proposed requirement for the collection of information on prior grants be deleted as irrelevant and unnecessary. The Department has not accepted this suggestion since any information on refunds owed on grants would be useful in the administration of this program.

Two respondents suggested that the Department allow some flexibility in the disbursement of loan funds if the transcript is not readily available since applicants are dependent upon authorizing officials from other schools to provide the necessary information. In view of the widespread usage of the financial aid transcript, the Department does not anticipate the problem to be great enough to warrant changing this provision.

Another respondent suggested that schools be permitted to charge a transcript fee. Since the regulations do not prohibit such a charge, no change in the regulations is necessary.

One respondent suggested that schools be allowed to accept a written statement from the student in place of the transcript. Since the value of this information diminishes without the certification of an authorized official at the institution, the Department has not accepted this suggestion.

Another respondent suggested that the Department encourage voluntary collection of this data rather than requiring it. The Department has not accepted this suggestion because of the necessity for uniformity among schools in the collection of this data.

One respondent suggested that the Department work with the schools to establish guidelines for implementing this provision. The Department has determined that because of the current widespread use of this transcript, problems in implementing this provision will not be sufficient to necessitate additional guidelines.

Section 57.208 Health Professions Student Loan Promissory Note

Twenty-two respondents commented on the proposal to require that promissory notes contain a clause which will allow the acceleration of delinquent loans at the school's option. Twenty-one respondents supported this provision.

Two respondents expressed concern that this provision could not be used retroactively. The Department notes that this provision may not be given retroactive effect.

One respondent was concerned that some State laws precluded the inclusion of an acceleration clause in the

promissory note. The Department has made no change since the Federal regulation would have the effect of superseding any such State laws, as applied to HPSL program loans.

One commenter noted the possibility of increased bankruptcies as a result of exercising this provision. Another suggested that borrowers be given adequate opportunity to bring their accounts up-to-date prior to having their loans accelerated. The Department expects the schools to exercise prudent fiscal management and professional judgment in determining when acceleration is appropriate. Although the promissory note will contain this clause, it will be exercised at the option of the school.

Section 57.210 Repayment and Collection of Health Professions Student Loans

Thirty-nine of 64 commenters opposed proposed § 57.210(a)(3), which requires schools to establish monthly repayment schedules for borrowers. Twenty-seven respondents expressed concern that this provision would substantially increase billing costs and administrative burdens, with no evidence that monthly billings would improve collections. Thirteen suggested a quarterly billing period, and six suggested that schools retain the flexibility to use whichever repayment schedule would be most effective for the school and the borrower. One respondent noted that monthly repayment schedules would have little impact on fund balances since loan awards were made only twice yearly anyway. Another respondent noted that monthly repayments would not solve the problem of those in repayment status now. Three other respondents expressed concern that it would not be legally possible to convert those who have already signed agreements for other than monthly repayment schedules.

The Department recognizes the concerns expressed by the respondents and although the Department still encourages the use of monthly repayment schedules, the regulations have been revised to require that borrowers establish no less often than quarterly repayment schedules, with monthly repayment schedules required for those borrowers delinquent more than 60 days.

Twenty-seven of 29 respondents supported the provision, proposed § 57.210(a)(4), which permits schools to grant forbearance when extraordinary circumstances such as unemployment, poor health or other personal problems affect the borrower's ability to repay according to the repayment schedule.

Three respondents commented that this proposal would require additional staff and administrative efforts. The Department believes that the merit of the proposal warrants the additional work that may be required, and notes that it has been included as a tool to assist in reducing delinquency rates and is to be implemented in a way that is least burdensome to the school. The Department further notes that the provision is included as an option to be exercised at the discretion of the schools.

Two respondents expressed concern about the status of borrowers who have been granted forbearance in calculating the school's delinquency rates. Two respondents suggested that such borrowers not be considered delinquent. The Department expects that in granting forbearance, the school and the borrower will reach mutual agreement with regard to the borrower's repayment arrangement and that so long as the borrower does not violate the agreement such borrower would not be considered delinquent.

One respondent suggested that the Department establish very specific circumstances for granting forbearance in order to facilitate administration. The Department believes that the regulations should not be more specific to allow for discretion on the part of school officials.

One respondent suggested that the Department address the length of forbearance, while another suggested that the Department allow for an extension of the 10-year repayment period. The Department cannot extend the repayment period since section 741(c) of the Act establishes the maximum length of the repayment period as 10 years. Any forbearance period granted by the school must provide that the loan be repaid within the 10-year repayment period.

Thirteen of 17 respondents opposed § 57.210(b)(1), which strengthens the due diligence requirements and requires schools which fail to exercise due diligence in the collection of a loan to reimburse the HPSL fund for the uncollected amount.

Six respondents suggested that the Department include a more detailed definition of due diligence in the regulations. The Department did not accept this suggestion, since the purpose of this provision is not to outline in detail all steps of the due diligence process, but rather to require certain aspects of the due diligence provisions of the *Student Financial Aid Guidelines*.

Five respondents felt that it was unfair to apply the new due diligence requirements and the reimbursement penalty to old loans, one requested clarification of which loans were covered by the penalty, and one suggested that the new due diligence requirements be established prospectively. Five respondents did not think schools should have to pay for past mistakes, and two others expressed general concern about the reimbursement penalty. The Department points out that the new due diligence requirements will be effective as of the date of publication of the regulations and will have to be exercised for all loans, since it is reasonable for a school to use these new procedures regardless of when a loan was awarded. The reimbursement penalty is not a new procedure and will continue to apply to all loans.

Eight respondents suggested that guidelines for write-offs be provided. The Department accepts these comments and will be issuing guidelines discussing write-off in greater detail than in the current *Student Financial Aid Guidelines*.

One respondent suggested that litigation was preferable to write-off in order to replenish the loan fund. The Department points out that litigation must always be pursued in lieu of write-off when appropriate. Write-off may only be requested after all collection efforts have failed.

Two respondents noted that the 1969 guidelines prohibited the write-off of Federal Capital Contribution (FCC) loans. The Department notes that this provision of the guidelines was revised in 1980 to reflect that the Department has the authority to approve the write-off of FCC loans.

Two respondents indicated that Write-off was forbidden by State law. Since write-off approval merely indicates that the school is not required to reimburse the Federal Government for its proportionate share of the uncollectible loan, this should not be in conflict with any State laws.

One respondent commented that requiring uniform due diligence procedures is a wasted effort, one suggested that the department establish less stringent requirements for schools with good collection records, and two suggested that schools be allowed maximum flexibility in exercising due diligence. The Department cannot accept these suggestions, since the due diligence provision outlines minimal procedures that are essential in the proper management of any loan account

One respondent suggested that the Department add a loan assignment provision to the HPSL program. Since loan assignment is currently prohibited

by section 741(h) of the Act, the Department cannot accept this suggestion. However, the administration has submitted a statutory amendment to Congress to allow for referal of certain HPSLs to the Federal Government. This amendment was introduced in S. 963 on March 24, 1983.

One respondent suggested that the due diligence timetable be revised to accommodate the credit bureau requirement. The due diligence timetable is not in the regulations but in the guidelines. Nevertheless, since the timetable encourages the use of credit bureaus with those borrowers who are more than 120 days past due, no change is needed.

A majority of the respondents supported § 57.210(b)(1)(i), which requires the use of collection agents as a part of the due diligence procedure. However, several expressed concerns such as the problem of reduced amounts recovered on accounts since collection agencies receive a percentage of collections, the relative efficiency of in-house collection agents versus commercial agencies, and the failure to identify at which point institutions are required to enlist the services of a collection agent.

The Department notes that use of a collection agent would only be required when the school's efforts to collect have failed. Thus, the school could possibly recover a percentage of the unpaid loan rather than nothing. Additionally, schools may charge collection costs to the borrower where such charges are provided for in the promissory note.

The Department notes that the term "collection agent" could include a collection office within a school that is performing collection efforts beyond the routine activities that are part of the due diligence process. Schools may meet the requirement to use collection agents by contracting with an external collection agency, or by turning accounts over to an internal collection office which performs the same functions as an external collection agency. This section of the regulations has been revised to clarify that schools can use in-house collection agents to satisfy this requirement.

In response to the concern with the failure to identify the point at which institutions are required to enlist the services of a collection agent, the Department notes that the *Student Financial Aid Guidelines* explain that the services of a collection agent are to be enlisted after the 120-day delinquency letter receives no response.

One respondent opposed this provision because there are some situations in which the use of a collection agent is fruitless. The Department has not made changes in the requirement in response to this concern since the school loses nothing if the efforts of the collection agent to collect funds from the borrower are fruitless.

One respondent expressed concern that some State laws will not permit the use of collection agents. The Department notes that the Federal regulations will supersede State law in this regard.

Another respondent expressed concern that a collection agent may prove so offensive as to retard rather than hasten repayment. The Department expects the schools to exercise their professional judgment in selecting a collection agency that will handle the accounts in an appropriate manner.

Fourteen of 27 commenters opposed § 57.210(b)(1)(ii), which requires litigation, when appropriate. Four respondents expressed concern that the provision was unclear and inconsistent, since "mandatory" action cannot be performed "when appropriate." Four others opposed the provision because of the costs of litigation, and one opposed it because of the time involved. The Department drafted this provision to allow schools to make the determination to litigate only when they find it to be cost-effective, based on the size of the loan, the location of the borrower, the anticipated time involved, and any other pertinent factors. Therefore, the Department is retaining the provision, as proposed.

One respondent requested clarification of the point in the due diligence process at which litigation will be required. The Department notes that the *Student Financial Aid Guidelines* provide greater detail on when litigation should be used in the due diligence process.

One respondent felt that to require litigation was too stringent, and seven suggested that schools be given more flexibility in determining when to use litigation. The Department cannot accept this suggestion, since there is a need for uniformity in the due diligence procedures. Also, litigation is only required when other collection efforts have failed and when it is appropriate.

One respondent suggested that it would be more efficient to assign loans to the Federal Government for central handling of all cases requiring litigation. The Department cannot accept this suggestion since assignment is prohibited by Section 741(h) of the Act.

Twenty-five of 48 respondents opposed § 57.210(b)(1)(iii), which requires each school to become a member of a credit bureau and notify the credit bureau of all delinquent accounts.

Five respondents expressed skepticism regarding the effectiveness of credit bureaus in improving debt collection. In view of the serious impact that a poor credit rating can have on an individual, the Department believes that credit bureaus are an important tool for improving debt management.

Eighteen respondents objected to the point in time at which borrowers were to be reported, and several suggested that schools be given greater flexibility in determining which accounts to report. The Department notes that the use of credit bureaus will be a required step of the due diligence process for all borrowers who do not respond satisfactorily to the 120-day delinquency letter. The Department has modified the provision accordingly.

Two respondents suggested that schools be required to warn borrowers prior to reporting them to a credit bureau. The Department agrees that the borrower should be notifed in the 120-day delinquency letter, and has included this in a policy memorandum to participating schools.

Seven respondents objected to the administrative burden that this proposal would impose due to the extra work involved in filing monthly reports with the credit bureaus. Since schools will only be required to report borrowers more than 120 days past due, the Department expects that the administrative burden will be minimal.

Three respondents were concerned about the legality of reporting student loan accounts to a credit bureau because of the protection granted to students under the Family Educational Rights and Privacy Act (FERPA) and because of some State laws which prohibit such. The Department notes that the use of credit bureaus is not a violation of FERPA. Since Federal regulations take precedence over State laws, the inclusion of this requirement in the regulations will allow schools to use credit bureaus for HPSL borrowers, regardless of the State law.

Two respondents suggested that the promissory note be revised to specify the schools' rights to use credit bureaus. The Department will include the credit bureau provision in the revised promissory note.

Three respondents suggested that credit bureau membership be optional. Another suggested that this requirement not be imposed on schools with acceptable delinquency rates. The Department cannot accept these suggestions since there is a need for uniformity in the due diligence procedures followed by the schools.

Section 57.213a (New) to Follow § 57.213 Loan Cancellation Reimbursement

Eight of 13 respondents opposed the provision for reimbursing schools for their proportionate share of loans and interest cancelled for practice in a shortage area, death, or disability in the event insufficient funds are available to pay all schools.

Two respondents were concerned that to either reimburse based on the same ratio to total funds available or reimburse at the time of the distribution of the assets of the school's fund would limit the amount of money available in the Fund to loan to new students. Another respondent suggested that under the Prompt Payment Act, Pub. L. 97–177, enacted on May 21, 1982, any amount owed to an institution that is 30 days overdue must be repaid with interest penalty.

In response to these comments, the Department notes that Section 741(i) of the Act only provides for the reimbursement of cancelled loans and does not indicate when such reimbursement should occur. This regulation is intended to assure that each school will receive an equitable share of funds in the event insufficient funds are available in any year to pay all schools their full share. The Prompt Payment Act applies to amounts owed to the Federal Government for property or services acquired from business concerns, and is irrelevant to this provision.

Section 57.215 Records, Reports, Inspection, and Audit

Fifty of 51 commenters opposed the provision which requires the submission of a quarterly report on the status of the program. The majority of the respondents expressed concern that the addition of a quarterly report requirement to the Annual Operating Report (AOR) requirement would unnecessarily burden the schools. Many believed that the AOR was sufficient or suggested that the quarterly report be required only of those schools that do not achieve the required performance standard.

The Department feels that the opposition to the quarterly report was based primarily on a comparison of this report with the AOR. In fact, the quarterly report is much simpler than the AOR and should not be an administrative burden. The quarterly report is a vital part of monitoring compliance with the performance standards for the program, so the Department cannot accept the commenters' suggestions. However, the Department has clarified this provision to indicate that all required reports, which would include the quarterly report as well as the AOR, must be submitted within 45 days of the close of the reporting period.

Seven of 11 respondents opposed the proposal that repayment records be retained for 5 years after loans have been repaid. The opposition was based on the respondents' judgment that retention of these records for such a long period of time would be expensive in terms of space and equipment. This expense would place an unnecessary burden on the schools. Suggestions included reducing the period retained to a maximum of 3 years after the loan was repaid, keeping repayment records until the audit was completed, and keeping only selected items necessary for audit. The Department has not accepted these suggestions since it considers the retention of records for this period to be essential for monitoring purposes.

In regard to the suggestions that these records be stored on microfilm or microfiche in lieu of paper files, the regulation does not specify in what form the records must be stored; therefore, no change is required to accommodate this suggestion.

Section 57.216a (New) To Follow § 57.216 Performance Standards

The majority of all respondents, 130 of 152, objected to the setting of a standard of performance which would require all participating schools to achieve a delinquency rate of not more than 5 percent. Fifty-three commenters opposed the use of the non-compliance penalty, § 57.218, as described in the preamble to the NPRM. Additionally, 85 commenters opposed the implementation of the 5 percent performance standard by March 31, 1983.

Seventy-three commenters believed that the selection of the 5 percent standard based on a comparison of the HPSL program with the commercial banking community was inappropriate. Many respondents felt that the 5 percent was unreasonable, unfair, and would lead to the elimination of the program since most schools would not be able to meet the standard. Several respondents asked that the Department take into consideration the differences in earning power between the various disciplines supported by the program as well as the differences in the economic conditions from State-to-State that affect the borrower's ability to repay.

Several respondents indicated that borrowers who fail to complete the program were particularly difficult to collect from since in many cases their income was insufficient to cover this debt. They asked for assistance from the Department in collecting these loans or that special provisions for these cases be made in computing the school's delinquency rate.

Nine respondents noted that because of the short time period that they had been in the program, a minimal number of delinquencies would place them above the 5 percent standard.

In response to these commenters, the Department believes that it set a standard which reflects the general ability of a health professional to repay. The Department used the experience of the commercial banking communities for a history of repayment of loans from professionals. With the exception of the borrower who failed to complete studies, the HPSL borrower would be comparable to a professional who borrows from a commercial banking institution. Additionally, in setting the 5 percent performance standard, the Department considered the average dollar delinquency rate, based on June 1982 AOR data, of 8.51 percent. Taking into account the considerable amount of progress made by schools in reducing the delinquency rates since June of 1981, when the average dollar delinquency rate was 11.75 percent, the Department does not believe that the 5 percent performance standard is unrealistic, and therefore no change has been made to the regulations in this regard. However, the Department has changed the effective date by which schools are expected to meet the 5 percent performance standard to June 30, 1983, and has developed phase-in procedures for those schools that are unable to meet the standard by that date.

The Department does recognize that borrowers who fail to complete studies may be a problem in calculation of the rate. However, the strengthened due diligence procedures, including use of write-off and forbearance, should alleviate this problem.

Many of the respondents objected to use of the non-compliance provision § 57.218, for the failure to meet the 5 percent performance standard as discussed in the preamble. The respondents believed that this proposal, which would terminate a school's participation in the program because of a problem caused by the negligence of former borrowers, the failures of previous financial aid administrators, and the lack of emphasis on loan collections by the Federal Government, is too harsh, punishes current innocent students, and denies opportunities for a health professions education to low income, minority, disadvantaged, and

exceptionally financially needy students. The Department has taken into consideration many of the concerns and suggestions made by these respondents and has revised the regulations to provide for a phase-in of the performance standard, as described in § 57.216a.

Five respondents questioned the authority of the Department to terminate the participation of schools which fail to meet the standards. The Department points out that the current non-compliance provision, § 57.218 of the regulations, permits the Secretary "to take such other actions, including the termination of any agreement, as he or she finds necessary to enforce the Act and regulations."

Two respondents noted that there was no appeals process in the regulations and that the Department must use formal suspension or termination procedures that allow schools to rectify problems before suspension. The Department would point out that the HPSL legislation does not contain specific limitation, suspension, and termination provisions. However, the non-compliance provision of the regulations, § 57.218, does provide that the Secretary must give reasonable notice before taking remedial action.

Many commenters indicated that the proposed effective date of March 31, 1983 would provide insufficient time to implement the new regulations and is unrealistic and unreasonable. Additionally, it was pointed our that the March 31, 1983, date does not conform to current reporting periods or billing cycles.

The Department has taken into consideration these comments and has adopted the suggestion that the effective date be June 30, 1983 with a phased-in time period for enforcing the performance standard. Section 57.216a, as revised, provides that:

(a) Those schools which do not meet the 5 percent performance standard by June 30, 1983 may continue participating in the program, but must reduce their delinquency rates by 50 percent (or those below 10 percent, but above 5 percent, must reach 5 percent) by December 31, 1983;

(b) Those schools which fail to achieve the 50 percent reduction or 5 percent delinquency rate by December 31, 1983, must:

(1) Place funds and all subsequent collections into an interest-bearing account;

(2) Make no new loans;

(3) Reduce by June 30, 1984 their delinquency rates by 50 percent (or reach the 5 percent standard) below the level which should have been achieved by December 31, 1983, or be terminated from the program, and return all funds in the loan account to the Department. Those schools which fail to meet the 50 percent reduction or 5 percent standard by June 30, 1984, must continue to pursue collections. Any such school may reapply for participation in the program when the 5 percent delinquency standard has been reached.

Schools which go above the performance standard subsequent to June 30, 1984 will follow the same 6-month and 12-month performance check-point cycle. The Quarterly Debt Management and Annual Operating Reports will form the basis of these performance check-points.

One hundred and twenty-eight respondents opposed the requirement that, for purposes of calculating the delinquency rate, all accounts overdue by more than 30 days be considered delinquent. Several commenters expressed concern that the 30-day definition of delinquency does not allow adequate time for the processing of deferment forms and for other uncontrollable delays. The Department has responded to these concerns by changing this provision to require that all accounts overdue by more than 60 days be considered delinquent for purposes of calculating the delinquency rate.

The majority of commenters expressed concerns about the formulas proposed to compute delinquency rates. Many felt that excluding retired loans from the formulas unfairly inflates the delinquency rates. The Department has not changed this provision, because including retired loans in the formula would obscure current collection efforts. Additionally, analysis of current data indicates that due to their small number, retired loans do not impact significantly on the delinquency rate of most schools.

Concern was raised about including the total amount of principal outstanding in calculating the dollar delinquency rate. The Department has taken this concern into consideration by changing the 30-day delinquency definition to 60 days. The Department believes that any account more than 60 days overdue must be considered as high risk, and therefore will continue to use the principal outstanding in calculating the dollar delinquency rate.

The Secretary is proposing in the proposed rule section of this issue of the **Federal Register** an additional change in the formula used to calculate the delinquency rate.

Twenty respondents commented on the Department's determination that these regulations did not require a regulatory impact analysis under the Regulatory Flexibility Act of 1980. Fourteen respondents believed that the NPRM would have a significant economic impact on the schools, in spite of the Department's certification to the contrary. Three respondents were concerned about the lack of resources available to cover the additional administrative costs associated with provisions of the NPRM. The Department believes that the resources required to implement these regulations are minimal in comparison to the overall budgets of the schools. Furthermore, because these regulations set realistic performance standards and provide through the phase-in procedures and other provisions flexibility for the schools which have the greatest difficulty, most schools should be able to comply with these regulations within the time periods specified. Therefore, in accordance with the requirements of the Regulatory Flexibility Act of 1980, the Secretary certifies that these regulations will not have a significant impact on a substantial number of schools.

Four respondents suggested that the Department do a regulatory impact analysis. The Department has determined that a regulatory impact analysis is not warranted, since the cost of its implementation will not exceed the $100 million threshold level as established in section (b) of Executive Order 12291.

Six respondents commented on the proposals of the NPRM as they relate to the OMB recordkeeping requirements and Paperwork Reduction Act of 1980. Three respondents felt that the Department's certification that reporting requirements would have a minor import on schools was a gross misrepresentation. Several respondents provided their own estimates of the additional burden that would be imposed by the new reporting requirements, ranging from a low of 21 hours fof schools with computerized collections to a high of 10 times the estimate quoted in the NPRM. The Department believes that these comments reflect a misconception of the complexity of the quarterly report. Since the quarterly report is much simpler than the annual operating report, the Department believes that it is correct in its original determination.

Additional comments

Many of the respondents suggested that the HPSL regulations be revised to be consistent with all Federal student assistance programs, and specifically with the National Direct Student Loan program administered by the Department of Education. The

Department has not adopted these suggestions because both the authorizing statutes and the problems of the two programs differ considerably.

As indicated in the NPRM, the Department certifies that these regulations will not have a significant economic impact on a substantial number of small entities and therefore do not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980. The new recordkeeping requirements resulting from these regulations will impose a total response burden of 6600 hours, or an average of 21 hours per school. This response burden is minor and will not have a significant economic impact on either small or large schools.

The Department has also determined that this rule is not a "major rule" under Executive Order 12291; therefore, a regulatory impact analysis is not required. As is discussed above, the reporting requirements will have minor impact on schools. Additionally, the impact on students is relatively small. As of June 30, 1982, 8.7 percent of all borrowers in repayment status were delinquent, representing approximately $11.6 million. This Final Rule requires schools to achieve delinquency rates of not more than 5 percent by June 30, 1983, with performance check-points for those schools that are above 5 percent as of that date. The Department does not have a specific estimate of the cost of debt collection activities, but believes these are also small, therefore the proposed rule will not exceed the threshold level of $100 million established in section (b) of Executive Order 12291.

The existing reporting and recordkeeping requirements have been cleared by OMB and given approval number 0915–0044. The new reporting and recordkeeping requirements contained in §§ 57.206 and 57.215 of these regulations require OMB approval under the Paperwork Reduction Act of 1980, and have been cleared by OMB and given approval numbers 0915–0047 and 0915–0046, respectively.

List of Subjects in 42 CFR Part 57

Dental health, Educational facilities, Educational study programs, Education of disadvantaged, Emergency medical services, Grant programs-education, Student aid, Grant programs-health, Health professions, Loan programs-health, Health facilities, Medical and dental schools, Scholarships and fellowships.

(Catalog of Federal Domestic Assistance Number 13.342; Health Professions Student Loan Program)

Dated: May 26, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: May 26, 1983.

Margaret M. Heckler,

Secretary.

42 CFR Part 57 is amended as follows:

PART 57—HEALTH PROFESSIONS STUDENT LOAN PROGRAM

1. Paragraphs (a)(3) and (b)(2)(ii) of § 57.205 are revised to read as follows:

§ 57.205 Health professions student loan funds.

(a) * * *

(3) Costs of litigation; costs associated with membership in credit bureaus; and, to the extent specifically approved by the Secretary, other collection costs that exceed the usual expenses incurred in the collection of health professions student loans.

(b) * * *

(2) * * *

(ii) Costs of litigation; costs associated with membership in credit bureaus; and, to the extent specifically approved by the Secretary, other collection costs that exceed the usual expenses incurred in the collection of health professions student loans.

2. Section 57.206 is amended by adding a new paragraph (a)(3), to read as follows:

§ 57.206 Eligibility and selection of health professions student loan applicants.

(a) * * *

(3) An applicant who has previously attended an institution of higher education must submit a financial aid transcript which includes at least the following data:

(i) Applicant's name and social security number;

(ii) Amounts and sources of loans and grants previously received by the applicant for study at an institution of higher education;

(iii) Whether the applicant is in default on any of these loans, or owes a refund on any grants;

(iv) Certification from each institution previously attended by the applicant that the applicant has received no financial aid, if applicable; and

(v) From each institution previously attended, the signature of an official authorized by the institution to sign such transcripts on behalf of the institution.

* * * * *

3. Paragraph (a) of § 57.208 is amended by redesignating paragraph (a)(2) to (a)(3) and adding a new paragraph (a)(2) to read as follows:

§ 57.208 Health professions student loan promissory note.

(a) * * *

(2) Each promissory note must contain an acceleration clause provided by the Secretary, which will permit the acceleration of delinquent loans at the school's option.

* * * * *

4. In § 57.210 paragraphs (a)(3) and (b)(1) are revised and new paragraph (a)(4) is added to read as follows:

§ 57.210 Repayment and collection of health professions student loans.

(a) * * *

(3) Subject to the provisions of paragraph (b)(3) of this section, a borrower must establish a repayment schedule with the school providing for payments not less often than quarterly. Any borrower whose repayment is delinquent more than 60 days must establish a monthly repayment schedule with the school. However, a borrower may at his or her option and without penalty, prepay all or part of the principal and accrued interest at any time.

(4) A school may grant forbearance whenever extraordinary circumstances such as unemployment, poor health or other personal problems temporarily affect the borrower's ability to make scheduled loan repayments.

(b)(1) Each school at which a fund is established must exercise due diligence in the collection of all health professions student loans due the fund. In any instance where the Secretary determines that a school has failed to exercise due diligence in the collection of a loan, the school will be required to reimburse the Fund the full amount of principal and interest that remains uncollected because of that failure. In the exercise of due diligence, in general, a school must use the collection practices which are generally accepted among institutions of higher education and which are at least as extensive and effective as those used in the collection of other student loan accounts due the school. In addition, the school must at least:

(i) Use collection agents, which may include the use of an internal collection agent;

(ii) Institute legal proceedings against borrowers after all other attempts at collection have failed, provided that such litigation is appropriate; and

(iii) Become a member of a credit bureau and notify the credit bureau of accounts overdue by more than 120 days, when appropriate.

* * * * *

5. A new § 57.213a is added to read as follows:

§ 57.213a Loan cancellation reimbursement.

In the event that insufficient funds are available to the Secretary in any fiscal year to enable him to pay to all schools their proportionate shares of all loans and interest cancelled under this subpart for practice in a shortage area, death, or disability:

(a) Each school will be paid an amount bearing the same ratio to the total of the funds available for that purpose as the principal of loans cancelled by that school in that fiscal year bears to the total principal of loans cancelled by all schools in that year; and

(b) Any additional amounts to which a school is entitled will be paid by the Secretary at the time of distribution of the assets of the school's Fund under section 743 of the Act.

6. Section 57.215 is revised to read as follows:

§ 57.215 Records, reports, inspection, and audit.

(a) Each Federal capital contribution and Federal capital loan is subject to the condition that the school must maintain those records and file with the Secretary those reports relating to the operation of its health professions student loan fund that the Secretary may find necessary to carry out the purposes of the Act and these regulations. All required reports must be submitted to the Secretary within 45 days of the close of the reporting period. The school also must comply with the requirements of 45 CFR Part 74 and section 705 of the Act concerning recordkeeping, audit and inspection.

(b) The following student records must be retained by the school for 5 years after an individual student ceases to be a full-time student:

(1) Approved student applications for health professions student loans;

(2) Documentation of the financial need of applicants; and

(3) Copy of financial aid transcript(s).

(c) The following repayment records for each individual borrower must be retained for at least 5 years from the date of retirement of a loan:

(1) The amount and date of each loan;

(2) The amount and date of each payment or cancellation;

(3) Records of periods of deferment;

(4) Date, nature and result of each contact with the borrower or proper endorser in the collection of an overdue loan;

(5) Copies of all correspondence to or from the borrower and endorser;

(6) Copies of all correspondence with collection agents related to the individual borrower;

(7) Copies of all correspondence with a credit bureau related to an individual borrower; and

(8) Copies of all correspondence relating to uncollectible loans which have been written off by the Federal Government or repaid by the school.

(d) The school must also retain other records as the Secretary may prescribe. In all cases where questions have arisen as a result of a Federal audit, the records must be retained until resolution of all questions.

7. A new § 57.216a is added to read as follows:

§ 57.216a Performance standard.

By June 30, 1983, and on each June 30 thereafter, except as provided in paragraph (c) of this section, each school must have either a borrower or dollar delinquency rate (as calculated below) of not more than 5 percent. All accounts overdue by more than 60 days must be considered delinquent.

(a) *Borrower delinquency rate.* The borrower delinquency rate for each school must be calculated by dividing the number of the school's delinquent borrowers by the total number of the school's borrowers whose loans are in repayment status.

(b) *Dollar delinquency rate.* The dollar delinquency rate for each school must be calculated by dividing the sum of the total amount of principal outstanding on all loans delinquent by the total principal amount loaned for all loans in repayment status.

(c) Any school that has a delinquency rate higher than 5 percent on June 30 of any year will be required to: (1) Reduce its delinquency rate by 50 percent (or a school with a delinquency rate below 10 percent must reduce its rate to 5 percent) by the close of the following six-month period; and (2) by the end of each succeeding 6-month period, reduce its delinquency rate to 50 percent of the required rate for the previous six-month period, until it reaches 5 percent.

(d) Any school which fails to comply with the requirements of paragraph (c) of this section will receive no new HPSL funds and will be required to: (1) Place the revolving fund monies and all subsequent collections into an insured interest-bearing account; (2) make no new loans; and (3) by the end of the succeeding six-month period, reduce the delinquency rate to 50 percent of the rate it failed to achieve under paragraph (c) of this section, or 5 percent. A school that meets the requirements of this paragraph will be reinstated in the program, but must continue to comply with the requirements of paragraph (c) (2) of this section if its delinquency rate is still higher than 5 percent.

(e) Any school which fails to comply with the requirements of paragraph (d) of this section will be terminated from the program and must return all Federal funds in the loan account to the Department. Any school which has been terminated must continue to pursue collections, and may reapply for participation in the program only when it has attained a delinquency rate of 5 percent or less.

(Sec. 215 of the PHS Act, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 216); secs. 740–744 of the PHS Act, 77 Stat. 170–173, 90 Stat. 2266–2268, 91 Stat. 390–391, 95 Stat. 920 (42 U.S.C. 294m–q)

[FR Doc. 83-14961 Filed 6-3-83; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Health Professions Student Loan Program

AGENCY: Public Service (PHS), HHS.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would amend existing regulations governing the Health Professions Student Loan (HPSL) program. The proposed amendment to § 57.216a is based upon the Department's conclusion, arrived at during its consideration of the final amendments published today, that use of the dollar delinquency rate will produce the best management of the HPSL program by the schools. This amendment would modify the procedures for determining whether or not a school is in compliance with the 5 percent performance standard.

DATE: As discussed below, comments are invited. To be considered, comments must be received by July 5, 1983.

ADDRESS: Respondents should address written comments to the Director, Bureau of Health Professions (BHPr), Room 8–05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. All comments received will be available for public inspection and copying at the Office of Program Support, BHPr, Room 7–74, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mrs. Alice M. Swift, 301 433–4540.

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the **Federal Register**, the Secretary published final rules amending the regulations for the HPSL program. Among those amendments is a new § 57.216a, which establishes a standard of delinquency which health professions schools must maintain in order to continue their participation in the program. The standard requires that schools maintain a delinquency rate of not more than 5 percent, based upon *either* the number of delinquent borrowers *or* the amount of unpaid principal on delinquent loans. The Secretary proposes in this Notice to eliminate the optional borrower delinquency standard, and to require that the 5 percent standard be based only upon the unpaid principal on delinquent loans.

The proposed amendment to § 57.216a is based upon the Department's conclusion, arrived at during its consideration of the final amendments published today, that use of the dollar deliquency rate will produce the best management of the HPSL program by the schools. The dollar standard would, as a practical matter, encourage the schools to concentrate their collection efforts on those borrowers with large delinquent loans, rather than dissipating those efforts among many borrowers with relatively small delinquencies—thus producing the maximum return of financial resources to the schools' loan funds so that more new loans may be made to deserving students. The dollar standard is also consistent with the method used by other Federal agencies with comparable programs, such as the Department of Education.

The Department certifies that these regulations will not have a significant economic impact on a substantial number of small entities and therefore do not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980. The Department has also determined that this rule is not a major rule under Executive Order 12291 and therefore a regulatory impact analysis is not required.

The Department has determined that this amendment to the regulations does not affect the existing reporting and recordkeeping requirements of the program approved by OMB (numbers 0915–0044, 0915–0046, and 0915–0047) under the Paperwork Reduction Act of 1980.

List of Subjects in 42 CFR Part 57

Dental health, Education of disadvantaged, Educational facilities, Educational study programs, Emergency medical services, Grant programs—education, Grant programs—health, Health facilities, Health professions, Loan programs—health, Medical and dental schools, Scholarships and fellowships, Student aid.

PART 57—[AMENDED]

Accordingly, Subpart C of 42 CFR Part 57 is amended as set forth below:

Section 57.216a is revised to read as follows:

§ 57.216a Performance standard.

By June 30, 1983, and on each June 30 thereafter, except as provided in paragraph (b) of the section, each school must have a deliquency rate (as calculated in paragraph (a) of the section) of not more than 5 percent. All accounts overdue by more than 60 days must be considered delinquent.

(a) The delinquency rate for each school must be calculated by dividing the sum of the total amount of principal outstanding on all loans delinquent by the total principal amount loaned for all loans in repayment status.

(b) Any school that has a delinquency rate higher than 5 percent on June 30 of any year will be required to: (1) Reduce its delinquency rate by 50 percent (or a school with a delinquency rate below 10 percent must reduce its rate to 5 percent) by the close of the following six-month period; and (2) by the end of each succeeding 6-month period, reduce its delinquency rate to 50 percent of the required rate for the previous six-month period, until it reaches 5 percent.

(c) Any school which fails to comply with the requirements of paragraph (b) of this section will receive no new HPSL funds and will be required to: (1) Place the revolving fund monies and all subsequent collections into an insured interest-bearing account; (2) make no new loans; and (3) by the end of the succeeding six-month period, reduce the delinquency rate to 50 percent of the rate it failed to achieve under paragraph (b) of this section, or 5 percent. A school that meets the requirements of this paragraph will be reinstated in the program, but must continue to comply with the requirements of paragraph (b)(2) of this section if its delinquency rate is still higher than 5 percent

(d) Any school which fails to comply with the requirements of paragraph (c) of this section will be terminated from the program and must return all Federal funds in the loan account to the Department. Any school which has been terminated must continue to pursue collections, and may reapply for participation in the program only when it has attained a delinquency rate of 5 percent or less.

(Catalog of Federal Domestic Assistance Number 13.342; Health Professions Student Loan Program)

(Sec. 215 of the PHS Act, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 216); secs. 740–744 of the PHS Act, 77 Stat. 170–173, 90 Stat. 2288–2289, 91 Stat. 380–381, 95 Stat. 920 (42 U.S.C. 294m–q)

Dated: May 20, 1983.

Edward N. Brandt, Jr.,
Assistant Secretary for Health.

Approved: May 26, 1983.

Margaret M. Heckler,
Secretary.

[FR Doc. 83-14880 Filed 6-2-83; 8:45 am]
BILLING CODE 4160-16-M

42 CFR Part 57

Nursing Student Loan Program

AGENCY: Public Health Sevice (PHS), HHS.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would amend existing regulations governing the Nursing Student Loan (NSL) program set forth in Subpart D of 42 CFR Part 57. This proposed rule: (1) Reflects technical amendments made to sections 835–841 of the Public Health Service Act (the Act) since the existing regulations were published in the **Federal Register** on May 9, 1974; (2) simplifies the existing regulations so that they are written in clear, concise language; and (3) would strengthen the regulations regarding recordkeeping and collection procedures and establish performance standards against which a nursing school's delinquency rate would be measured.

DATES: As discussed below, comments are invited. To be considered, comments must be received by July 18, 1983.

ADDRESS: Written comments should be addressed to the Director, Bureau of Health Professions (BHPr), 5600 Fishers lane, Parklawn Building, Room 8–05, Rockville, Maryland 20857. All comments received will be available for public inspection and copying at the Office of Program Support, BHPr, Room 7–74, 5600 Fishers Lane, Parklawn Building, Rockville, Maryland, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mrs. Alice M. Swift, 301 443–4540.

SUPPLEMENTARY INFORMATION: This proposed rule incorporates technical amendments made to sections 835–841 of the Act since the existing regulations were published in the **Federal Register** on May 9, 1974. Even though these technical amendments resulting from nondiscretionary statutory changes have not been published as a final rule, they are applicable to the administration of the NSL program as of the effective dates of their implementing statutes. The amendments are as follows:

(1) The Nurse Training Act of 1975, Pub. L. 94–63, enacted on July 29, 1975, repealed the Federal Capital Loan (FCL) Fund except to honor existing commitments and added training to be a nurse anesthetist as an eligible deferment period;

(2) The Nurse Training Amendments of 1979, Pub. L. 96–76, enacted on September 29, 1979, repealed the cancellation benefits on all loans made on or after September 29, 1979; and

(3) The Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, enacted on August 13, 1981: repealed the prohibition against the receipt of concurrent National Direct Student Loans and Nursing Student Loans; increased the interest rate on a nursing student loan from 3 to 6 percent per year; and required that not less than $1,000,000 of each annual appropriation for Fiscal Years 1982, 1983, and 1984 for nursing student loan capital contributions be used for making loans to individuals who, on the date they receive the loan, have not been employed on a full-time basis or been enrolled in any educational institution on a full-time basis for at least 7 years, except that no individual may receive a loan of this type that exceeds $500 for any academic year.

This proposed rule also simplifies the existing regulations so that they are written in clear, concise language. The index has been revised to reflect these changes. This proposed rule also contains minor technical and editorial changes.

In addition, this proposed rule would strengthen the existing regulations regarding recordkeeping requirements and collection procedures and establish performance standards against which a nursing school's delinquency rate would be measured.

In a recent report of findings to Congress, the General Accounting Office (GAO) identified a number of deficiencies in the manner in which schools and the Federal Government administer the NSL program. The major areas of concern were the lack of compliance by schools with "due diligence" requirements in loan collections, excess cash balances in the schools' revolving loan funds, and deficient recordkeeping. The GAO findings were supported by a Department of Health and Human Services (HHS) analysis of a number of assessments conducted at participating schools during the past year. On December 8, 1981, the Senate Committee on Governmental Affairs held hearings on the high delinquency rates in the NSL and Health Professions Student Loan (HPSL) programs. The GAO findings were cited and the Committee expressed grave concern.

In March of 1982, the Department responded to concerns raised by the HHS analysis, the GAO findings, and the Senate Committee by issuing to all participating schools Policy Memorandum Number Two designed to assist institutions in correcting these deficiences. A HHS Action Plan outlined several changes that the HHS proposed to implement and indicated that those reflecting new compliance requirements would appear in the **Federal Register** for public comment. Subsequently, Policy Memoranda Numbers Three and Four containing clarification and updated information were sent to all participating schools.

The amendments to the existing regulations which incorporate technical amendments made to sections 835–841 of the Act by Pub. L. 94–63, Pub. L. 96–76, and Pub. L. 97–35, technical and editorial changes, and the proposed new compliance requirements are summarized below according to the sections and titles of the regulations. The proposed new compliance requirements are contained §§ 57.305, 57.306, 57.308, 57.310, 57.313a, and 57.315, and are substantially the same as those contained in the HPSL final regulations published in the **Federal Register** on June 3, 1983. The proposed new compliance requirements contained in § 57.316a differ from the HPSL final regulations of June 3, 1983, but are the same as those contained in the HPSL proposed rule published on June 3, 1983. The Secretary welcomes public comments on the proposed revisions reflecting new compliance requirements.

Section 57.301 Applicability

Pub. L. 94–63, enacted on July 29, 1974, repealed the Federal Capital Loan Fund except to honor existing commitments. This section is revised accordingly.

Section 57.302 Definitions

The Secretary is adding to this section the definition of a "State" in order to reflect the definition set forth in section 2(f) of the Act.

Section 57.304 Payment of Federal Capital Contributions

Pub. L. 97–35, enacted August 13, 1981, set forth the requirement that not less than $1,000,000 of each annual appropriation for Fiscal Years 1982, 1983, and 1984 for nursing student loan capital contributions be used for making loans to individuals who, on the date they receive the loan, have not been employed on a full-time basis or been enrolled in any educational institution on a full-time basis for at least 7 years. No individual may receive any loan of this type that exceeds $500 for any academic year. This section is revised to include this "set aside" provision.

Section 57.305 Nursing Student Loan Funds

The Secretary proposes to require schools to join credit bureaus. (See

§ 57.310(b)(1)(iii).) The proposed revision of § 57.305 would permit schools to charge the costs associated with membership in credit bureaus to the Fund.

Section 57.306 Eligibility and Selection of Nursing Student Loan Applicants

Paragraph (b)(2) of this section is revised to include the requirement that schools must use one of the national need analysis systems or any other procedure approved by the Secretary of Education set forth in 34 CFR 674.13. This revision is consistent with the provisions requiring the use of a national need analysis system for determining student need for the HPSL program and for the Department of Education's National Direct Student Loan program.

The Secretary also proposes to require NSL applicants who have previously attended institutions of higher education to submit a financial aid transcript. Such a transcript would: (1) Provide the school with information in order to assure that maximum allowable loan limits are not exceeded; (2) assist the school in planning how best to use NSL funds; (3) assist the school in determining the level of funding needed by the students; (4) aid borrowers in planning how to manage their indebtedness; and (5) provide the school with information regarding the creditworthiness of the students.

Section 57.308 Nursing Student Loan Promissory Note

Pub. L. 97–35, enacted on August 13, 1981, amended section 836(b)(5) of the Act to increase the interest rate on nursing student loans from 3 to 6 percent per year. This section is revised accordingly.

The Secretary also proposes to require that promissory notes contain a clause which will allow the acceleration of delinquent loans at the school's option. The revised promissory note form provided by the Secretary will include the acceleration provision.

Section 57.310 Repayment and Collection of Nursing Student Loans

Pub. L. 94–63, enacted on July 29, 1975, amended section 836(b)(2) of the Act to add periods of training to be a nurse anesthetist as eligible deferment periods. This section is revised accordingly.

The Secretary also proposes to amend § 57.310(a)(3) to require that the installments of a borrower's repayment schedule be paid no less often than quarterly, and to require that a borrower who is more than 60 days past due be placed on a monthly repayment schedule. The regulations now allow a borrower to choose a repayment schedule from those in use by the school. The Department believes that this revision would: (1) Assist the borrower in managing his or her debt by providing for smaller payments; (2) provide the schools with more frequent contact, which should minimize the likelihood of losing track of a borrower's location; and (3) make available a more consistent source of funds for lending to other students. In addition, placing borrowers who are more than 60 days past due on a monthly repayment schedule will help the school to keep closer track of this group of borrowers, who have demonstrated a need for greater attention by their failure to submit payment in a timely manner.

The Secretary also proposes to permit schools to grant forbearance whenever extraordinary circumstances such as unemployment, poor health, or other personal problems affect the borrower's ability to repay according to the repayment schedule. (See § 57.310(a)(3).) When a borrower demonstrates evidence of extraordinary circumstances which temporarily affect his or her ability to make payments, granting forbearance should prevent the borrower from entering delinquent status.

Section 57.310(b) requires that schools exercise "due diligence" in the collection of student loans. The existing regulations do not specify what collection efforts are necessary to satisfy the due diligence requirement, although recommended procedures are described in detail in the *Student Financial Aid Guidelines* distributed to all participating schools. The Secretary proposes to strengthen the due diligence requirements by amending § 57.310(b) to: (1) Require the use of collection agents by the schools; (2) mandate litigation when it is appropriate; and (3) require membership in credit bureaus and notification of such bureaus of all accounts more than 120 days past due, when appropriate. These proposed changes are expected to assist the schools in collecting on delinquent loans. The revised paragraph would also make clear that a school which fails to exercise due diligence in the collection of a loan is required to reimburse the Fund for any amounts uncollected because of that failure.

Section 57.312a Loan Cancellation for Full-Time Employment as a Registered Nurse

Pub. L. 96–76, enacted on September 29, 1979, repealed the cancellation benefits for all loans made on or after September 29, 1979. This section is revised accordingly.

Section 57.313a Loan Cancellation Reimbursement

Section 836 of the Act provides that where all or any part of a loan or interest is canceled for full-time employment as a nurse, or for death or disability, the Secretary shall pay the school its proportionate share of the amount canceled. The Secretary proposes to include a new section in the regulations which will address the impact of fund availability on loan cancellation reimbursements, and will assure that each school will receive an equitable share of funds in the event that insufficient funds are available in any year to pay all schools their full share.

Section 57.315 Records, Reports, Inspection, and Audit

The Secretary is revising this section so that schools will be in compliance with the audit requirements for Department of Health and Human Services grantees which are set forth in 45 CFR Part 74. These regulations require that each recipient for funds must have itself audited by non-Federal independent auditors every 2 years.

In order for both the Secretary and the schools to monitor the program more carefully, the Secretary also proposes to clarify that all required reports, which would include a new Quarterly Debt Management Report as well as the Annual Operating Report, must be submitted within 45 days of the close of the reporting period. Any school which fails to submit the required reports within 45 days of the close of the reporting period will be considered to be in non-compliance. Schools determined to be in non-compliance will be prohibited from disbursing funds and receiving new awards, and will need specific approval from the Secretary to resume use of funds. Under no circumstances may a school in non-compliance for failure to submit a required report retain funds longer than 6 months.

In addition, the Secretary proposes to require that schools retain repayment records of borrowers for a period of 5 years after loans have been repaid. The Secretary further proposes to reduce recordkeeping requirements by eliminating the requirement that records of applicants who are denied loans be retained for 5 years after a student ceases to be a full-time or half-time student.

Section 57.316 Nondiscrimination

The Secretary is adding to this section the fact that schools must comply with The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) and its implementing regulations, 45 CFR Part 90.

Section 57.316a Performance Standard

The Secretary proposes to establish a standard of performance which would require all participating schools to achieve a delinquency rate of not more than 5 percent by December 31, 1983, with a phase-in period for enforcing the performance standard, as follows:

(a) Those schools which do not meet the 5 percent performance standard by December 31, 1983 may continue participating in the program, but must reduce their delinquency rates by 50 percent (or those below 10 percent must reach 5 percent) by June 30, 1984;

(b) Those schools which fail to achieve the 50 percent reduction or 5 percent delinquency rate by June 30, 1984 must:

(1) Place funds and all subsequent collections into an interest-bearing account;

(2) Make no new loans;

(3) Reduce their delinquency rates by December 31, 1984 to 50 percent below the level which should have been achieved by June 30, 1984, (or reach the 5 percent standard), or be terminated from the program and return all loan funds to the Department. Those schools which fail to meet the 50 percent reduction or 5 percent standard by December 31, 1984, must continue to pursue collections, and when the 5 percent delinquency standard has been reached, may reapply for participation in the program.

Schools which go above the performance standard subsequent to December 31, 1984 will follow the same 6-month and 12-month performance check-point cycle. The Secretary will use the Quarterly Debt Management Reports and Annual Operating Reports to determine whether schools are in compliance with the performance standard and performance check-points.

The 5 percent standard represents a change from the proposed 10 percent standard which had been mentioned in policy memoranda. This change was made for consistency with the HPSL program final regulations, because it was determined that although NSL recipients have a lower average income than HPSL recipients, they also have smaller total amounts of loan indebtedness. Thus, their ability to repay in a timely manner should be comparable to that of HPSL recipients.

The use of a dollar delinquency rate also represents a change from the use of either a borrower or dollar delinquency rate as mentioned in policy memoranda. The Secretary believes that the use of the dollar delinquency rate will produce the best management of the NSL program by the schools. The dollar standard would, as a practical matter, encourage the schools to concentrate collection efforts on those borrowers with large delinquent loans, rather than dissipating those efforts among many borrowers with relatively small delinquencies—thus producing the maximum return of financial resources to the schools' loan funds so that more new loans may be made to deserving students. The dollar standard is also consistent with the method used by other Federal agencies with comparable programs, such as the Department of Education.

The determination that a 5 percent performance standard was reasonable for nursing schools to achieve was also based on; (1) The expected rate of delinquency among borrowers who are professionals at the time of repayment; (2) an analysis of data from the June 1981 Annual Operating Reports (AORs); and (3) a review of the types of problems that schools are having in the management of the program, and the ease with which many of them can be corrected.

The 5 percent standard allows for a higher level of delinquency than normally occurs among borrowers who are professionals at the time of repayment. According to the staff of the research division of the Federal Reserve Board, the delinquency rate for all borrowers for the commercial banking community at the end of Fiscal Year 1981 was 3.2 percent on secured and unsecured personal loans, 1.8 percent on secured auto loans, and 2.5 percent on unsecured credit card loans. Additional studies have indicated that professional borrowers generally have a lower delinquency rate on loans than the population at large. The more liberal 5 percent standard was selected to take into account the schools' somewhat limited expertise in loan collections as compared to the commercial banking community.

Using an approach that accounts overdue by more than 90 days should be considered delinquent and by including retired loans, a formula was developed for calculating borrowers and dollar delinquency rates as of June 30, 1981, which was applied to data contained on the AORs submitted for the same ending date. For those schools that had a delinquency rate greater than the proposed 5 percent standard, a significant portion of the delinquency appeared to be the result of inadequate management by the schools, rather than unwillingness to repay on the part of the borrowers. For example, many schools had not paid sufficient attention to maintaining accurate records of those individuals who were in deferment activities or were eligible for cancellation, and thus these individuals were being counted as delinquent when in fact they had a legitimate reason for not making payments. With improved management systems, these deficiencies should be easily correctable.

Another contributor to the high rate of delinquency is the number of uncollectible loans which schools are carrying on their books and not attempting to remove through a write-off precedure. Schools are required to take one of two actions regarding accounts considered to be uncollectible: (1) Show evidence of due diligence in attempting collection, in which case permission may be granted for write-off; or (2) reimburse the loan fund for the amount of the loan. By taking one of these actions, loans classified as uncollectible may be removed from the books, resulting in further reduction in the delinquency rate.

The Secretary proposes to establish a uniform formula for computing the delinquency rate. For purposes of this formula, the Secretary would define a delinquent account as one more than 60 days overdue. To consider accounts that are overdue more than 60 days as delinquent is consistent with the final regulations for the HPSL program. In order for a school to maintain a low delinquency rate, it must begin to pursue borrowers as soon they become late in their payments. Such a strategy should result in few delinquencies in excess of 60 days. The Secretary also proposes to exclude retired loans from the delinquency rate formula, since including them obscures current collection efforts.

Regulatory Flexibility Act

The Department certifies that these regulations will not have a significant economic impact on a substantial number of small entities and therefore do not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980. The new recordkeeping requirements resulting from these regulations will impose a total response burden of 16,500 hours, or an average of 10 hours annually per nursing school respondent. This response burden is minor and will not have a significant economic impact on either small or large schools.

Executive Order 12291

The Department has also determined that this rule is not a "major rule" under Executive Order 12291; therefore, a regulatory impact analysis is not required. As is discussed above, the reporting requirements will have minor impact on schools. Additionally, the impact on students is relatively small. As of June 30, 1981, 26 percent of all borrowers were delinquent, representing approximately $19.1 million. This NPRM would require schools to achieve delinquency rates of not more than 5 percent by December 31, 1983 or meet a series of performance check-points. The Department does not have a specific estimate of the cost of debt collection activities, but believes these are also small, and, therefore, the proposed rule will not exceed the threshold level of $100 million established in section (b) of Executive Order 12291.

Paperwork Reduction Act

The existing reporting and recordkeeping requirements contained in § 57.303 and § 57.308 have been cleared by OMB and given approval number 0915–0044. The new reporting and recordkeeping requirements contained in § 57.306 and § 57.315 of these regulations have also been cleared by OMB and given approval numbers 0915–0048 and 0915–0046, respectively.

List of Subjects in 42 CFR Part 57

Dental health, Education of disadvantaged, Educational facilities, Educational study program, Emergency medical services, Grant programs—health, Health facilities, Health professions, Loan programs—health, Medical and dental schools, Scholarships and fellowships, Student aid.

(Catalog of Federal Domestic Assistance Number 13.364; Nursing Student Loan Program)

Dated: May 26, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: May 26, 1983.

Margaret M. Heckler,

Secretary.

42 CFR Part 57 is proposed to be amended by using Subpart D as follows:

PART 57—GRANTS FOR RESEARCH PROPECTS

* * * * *

Subpart D—Nursing Student Loans

Sec.
57.301 Applicability.
57.302 Definitions.
57.303 Application by school.
57.304 Payment of Federal capital contributions.
57.305 Nursing student loan funds.
57.306 Eligibility and selection of nursing student loan applicants.
57.307 Maximum amount of nursing student loan.
57.308 Nursing student loan promissory note.
57.309 Payment of nursing student loans.
57.310 Repayment and collection of nursing student loans.
57.311 Cancellation of nursing student loans for disability or death.
57.312 Repayment of loans for service in a shortage area.
57.313 Loan cancellation for full-time employment as a registered nurse.
57.313a Loan cancellation reimbursement.
57.314 Repayment of loans made after November 17, 1971, for failure to complete a program of study.
57.315 Records, reports, inspection, and audit.
57.316 Nondiscrimination.
57.316a Performance standard.
57.317 Additional conditions.
57.318 Noncompliance.

Authority: Sec. 215, 58 Stat. 170, as amended (42 U.S.C. 216); sections 835–841, 78 Stat. 913–916, as amended (42 U.S.C. 297a–h).

Subpart D—Nursing Student Loans

§ 57.301 Applicability.

The regulations in this subpart apply to the Federal capital contributions made by the Secretary to public or other nonprofit schools of nursing for the establishment of nursing student loan funds and to loans made to students from these funds.

§ 57.302 Definitions.

As used in this subpart:

"Academic year" means the traditional, approximately 9-month September to June annual session. For the purpose of computing academic year equivalents for students who, during a 12-month period, attend for a longer period than the traditional academic year, the academic year will be considered to be of 9 months' duration.

"Act" means the Public Health Service Act, as amended.

"Date upon which a student ceases to be a full-time or half-time student" means the first day of the month which is nearest to the date upon which an individual ceases to be a full-time or half-time student as defined in this section.

"Federal capital loan" means a loan made by the Secretary to a school under section 827(a) of the Act, as in effect prior to July 29, 1975, the proceeds of which are to be returned to the Secretary.

"Full-time student" means a student who is enrolled in a school and pursuing a course of study which constitutes a full-time academic workload, as determined by the school, leading to a diploma in nursing, an associate degree in nursing or an equivalent degree, a baccalaureate degree in nursing or an equivalent degree, or a graduate degree in nursing.

"Good standing" means the eligibility of a student to continue in attendance at the school where he or she is enrolled as a student in accordance with the school's standards and practices.

"Half-time student" means a student who is enrolled in a school and pursuing a course of study which constitutes at least one-half of a full-time academic workload but less than a full-time academic workload, as determined by the school, leading to a diploma in nursing, an associate degree in nursing or an equivalent degree, a baccalaureate degree in nursing or an equivalent degree, or a graduate degree in nursing.

"Institutional capital contribution" means the money provided by a school, in an amount not less than one-ninth of the Federal capital contribution, and deposited in a nursing student loan fund.

"National of the United States" means: (1) A citizen of the United States or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

"Nursing student loan" means the amount of money advanced to a student by a school from a nursing student loan fund under a properly executed promissory note.

"Registered nurse" means an individual who has been licensed by a State Board of Nursing to practice professional nursing in accordance with State licensing laws requiring as a minimum one of the degrees or diplomas specified in this section.

"School" means a public or other nonprofit school of nursing as defined in section 853 of the Act.

"Secretary" means the Secretary of Health and Human Services, and any other officer or employee to whom the authority involved has been delegated.

"State" means, in addition to the several States, only the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

§ 57.303 Application by school.

(a) Each school seeking a Federal capital contribution must submit an application at the time and in the form and manner that the Secretary may

require.[1] The application must be signed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the statute, the regulations of this subpart, and the terms and conditions of the award.

(b) Each application will be reviewed to determine eligibility and the reasonableness of the amount of Federal support requested. The Secretary may require the applicant to submit additional data for this purpose.

(c) An application will not be approved unless an agreement between the Secretary and the applicant school for a Federal capital contribution under section 835 of the Act is reached.

§ 57.304 Payment of Federal capital contributions.

(a) *Annual payment.* The Secretary will make payments at a time determined by him or her, to each school with which he or she has entered into an agreement under the Act.

(1) The Secretary will first make payments in the manner described in paragraph (a)(2) of this section of not less than $1,000,000 of the amount of Federal funds determined by the Secretary at the time of payment to be available for making loans under this subpart to schools submitting an application to be used only for the purposes of making loans to individuals qualified to receive loans under this subpart who, on the date they receive the loan, have not been employed on a full-time basis or been enrolled in any educational institution on a full-time basis for at least 7 years. An individual may not receive a loan under this subparagraph that exceeds $500 for any academic year.

(2) If the total of the amounts requested for any fiscal year by all schools for Federal capital contributions minus the amount received under paragraph (a)(1) of this section exceeds the amount of Federal funds determined by the Secretary at the time of payment to be available for this purpose, the payment to each school will be reduced to whichever is smaller: (i) The amount requested in the application, or (ii) an amount which bears the same ratio to the total amount of Federal funds determined by the Secretary at the time of payment to be available for that fiscal year for the Nursing Student Loan program as the number of full-time students estimated by the Secretary to be enrolled in that school bears to the estimated total number of full-time students in all participating schools during that year.

(3) Amounts remaining after these payments are made will be distributed in accordance with this paragraph among schools whose applications requested more than the amount paid to them, but with whatever adjustments that may be necessary to prevent the total paid to any school from exceeding the total requested by it.

(b) *Method of payment.* The payment of Federal capital contributions to a school will be paid in a manner that avoids unnecessary accumulations of money in any nursing student loan fund.

§ 57.305 Nursing student loan funds.

(a) *Funds established with Federal capital contributions.* Any fund established by a school with Federal capital contributions will be deposited and carried in a special account of the school. At all times the funds must contain monies representing the institutional capital contribution.

(1) Except for funds transferred under paragraph (a)(2) of this section, this fund is to be used by the school only for: (i) Nursing student loans to full-time and half-time students; (ii) capital distribution as provided in section 839 of the Act or as agreed to by the school and the Secretary; (iii) costs of litigation; costs associated with memberships in credit bureaus; and, to the extent specifically approved with by the Secretary, other collection costs that exceed the usual expenses incurred in the collection of nursing student loans.

(2) An amount not to exceed 20 percent of the amount paid to a school from the appropriation for any fiscal year for Federal capital contributions may be transferred by the school to be used for scholarship awards under section 845 of the Act. However, if the Secretary finds in a particular case that a school has demonstrated an unusual need for scholarship funds, he or she may approve the transfer of any amount in excess of 20 percent to be used for scholarship awards. In the case of any transfer under this subparagraph, the proportionate amount of the institutional capital contribution (i.e., one-ninth of the amount so transferred) may be withdrawn by the school from the fund.

(b) *Funds established with Federal capital loans.* (1) Each Federal capital loan is subject to the terms of the promissory note executed by an authorized official on behalf of the borrowing school.

(2) The Federal capital loans must be carried in a special account of the school, to be used by the school only for: (i) Repayments of principal and interest on Federal capital loans; and (ii) costs of litigation, costs associated with membership in credit bureaus, and, to the extent specifically approved by the Secretary, other collection costs that exceed the usual expenses incurred in the collection of nursing student loans.

§ 57.306 Eligibility and selection of nursing student loan applicants.

(a) *Determination of eligibility.* (1) Applicants are eligible for consideration for a nursing student loan if they are:

(i) Citizens, nationals, or permanent residents of the United States, permanent residents of the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or American Somoa, or lawful permanent residents of the United States, the Commonwealth of Puerto Rico, the Virgin Islands or Guam;

(ii) Enrolled, or accepted for enrollment in the school as full-time or half-time students;

(iii) In need of the amount of the loan to pursue the course of study at the school; and

(iv) Capable, in the opinion of the school, of maintaining good standing in the course of study.

(2) An applicant who has previously attended an institution of higher education must submit a financial aid transcript which includes at least the following data:

(i) Applicant's name and social security number;

(ii) Amounts and sources of loans and grants previously received by the applicant for study at an institution of higher education;

(iii) Whether the applicant is in default on any of these loans, or owes a refund on any grants;

(iv) Certification from each institution previously attended by the applicant that the applicant has received no financial aid, if applicable; and

(v) From each institution previously attended, the signature of an official authorized by the institution to sign such transcripts on behalf of the institution.

(b) *Selection of nursing student loan applicants and determination of need.* The school will select qualified applicants, make reasonable determinations of need, and determine the amount of student loans.

(1) In selecting nursing student loan applicants the school will give preference to licensed practical nurses.

(2) In determining whether a student is in need of a nursing student loan to pursue a full-time or half-time course of study at the school, the school will take into consideration:

(i) The financial resources available to the student by using one of the national need analysis systems or any other

[1] Applications and instructions are available from the Division of Student Assistance, Bureau of Health Professions, 3600 Fishers Lane, Parklawn Building, Room 9A–25, Rockville, Maryland 20857.

procedure approved by the Secretary of Education and published under 34 CFR 674.13 in combination with other information which the school has regarding the student's financial status; and

(ii) The costs reasonably necessary for the student's attendance at the school, including any special needs and obligations which directly affect the student's financial ability to attend the school on a full-time or half-time basis. The school must document the criteria used for determining these costs.

§ 57.307 Maximum amount of nursing student loan.

The total of the nursing student loans made from the fund to any student for an academic year may not exceed $2,500. The maximum amount loaned during a 12-month period to any student enrolled in a school which provides a course of study longer than the 9-month academic year may be proportionately increased. The total of all nursing student loans to any student may not exceed $10,000.

§ 57.308 Nursing student loan promissory note.

(a) *Promissory note form.* Each nursing student loan must be evidenced by a promissory note approved by the Secretary.

(1) Each promissory note must state that the loan will bear interest on the unpaid balance computed only for periods during which repayment of the loan is required, at the rate of 6 percent per year.

(2) Each promissory note must contain an acceleration clause provided by the Secretary, which will permit the acceleration of delinquent loans at the school's option.

(3) A copy of each executed note must be supplied by the school to the student borrower.

(b) *Security.* A school may require security or endorsement only if the borrower is a minor and if, under the applicable State law, the note signed by him or her would not create a binding obligation.

§ 57.309 Payment of nursing student loans

(a) Nursing student loans from any fund may be paid to or on behalf of student borrowers in installments considered appropriate by the school except that a school may not pay to or on behalf of any borrower more during any given installment period (e.g., semester, term, or quarter) than the school determines the student needs for that period.

(b) No payment may be made from a fund to or on behalf of any student borrower if at the time of the payment the borrower is not a full-time or half-time student.

§ 57.310 Repayment and collection of nursing student loans

(a) Each nursing student loan, including accrued interest, will be repayable in equal or graduated periodic installments in amounts calculated on the basis of a 10-year repayment period. Repayment of a loan must begin 9 months after the student ceases to be a full-time or half-time student, except that if a borrower reenters the same or another school as a full-time or half-time student within the 9-month period, the date upon which interest will accrue and the repayment period will begin will be determined by the date on which the student last ceases to be a full-time or half-time student at that school.

(1) The following periods will be excluded from the 10-year repayment period: (i) All periods for up to a total of 3 years of active duty performed by the borrower as a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration Corps or the U.S. Public Health Service Corps; (ii) all periods for up to a total of 3 years of service as a volunteer under the Peace Corps act; and (iii) all periods of up to a total of 5 years during which the borrower is pursuing a full-time course of study at a school leading to a baccalaureate degree in nursing or an equivalent degree, or to a graduate degree in nursing, or is otherwise pursuing advanced professional training in nursing (or training to be a nurse anesthetist). For purposes of this paragraph, "otherwise pursuing advanced professional training in nursing" shall include only full-time training, beyound the first diploma or degree in nursing received by the particular borrower, of at least one academic year which will advance the borrower's knowledge of and strengthen his or her skills in the provision of nursing services. [2]

(2) Subject to the provisions of paragraph (b)(3) of this section, a borrower must establish a repayment schedule with the school providing for payments not less often than quarterly. Any borrower whose repayment is delinquent more than 60 days must establish a monthly repayment schedule with the school. However, a borrower may at his or her option and without penalty, prepay all or part of the principal and accrued interest at any time.

(3) A school may grant forbearance whenever extraordinary circumstances such as unemployment, poor health or other personal problems temporarily affect the borrower's ability to make scheduled loan repayments.

(b) *Collection of nursing student loans.* (1) Each school at which a fund is established must exercise due diligence in the collection of all nursing student loans due the fund. In any instance where the Secretary determines that a school has failed to exercise due diligence in the collection of a loan, the school will be required to reimburse the Fund the full amount of principal and interest that remains uncollected because of that failure. In the exercise of due diligence, the school must use the collection practices which are generally accepted among institutions of higher education and which are at least as entensive and effective as those used in the collection of other student loan accounts due the school. In addition, the school must at least:

(i) Use collection agents, which may include the use of an internal collection agent;

(ii) Institute legal proceedings against borrowers after all attempts at collection have failed, provided that such litigation is appropriate; and

(iii) Become a member of a credit bureau and notify the credit bureau of accounts overdue by more than 120 days, when appropriate.

(2) With respect to any nursing student loan made after June 30, 1969, the school may fix a charge for failure of the borrower to pay all or part of an installment when it is due, and in the case of a borrower who is entitled to a deferment under section 836(b)(2) of the Act, or cancellation or repayment under section 836(b)(3) of the Act, for any failure to file timely and satisfactory evidence of the entitlement. The amount of the charge may not exceed $1 for the first month or part of a month by which the installement or evidence is late and $2 for each succeeding month or part of a month. The school may elect to add to amount of this charge to the principal amount of the loan as of the day after the day on which the installment or evidence was due, or to make the amount of the charge payable to the school no later than the due date of the next installment following receipt of the notice of the charge by the borrower.

(3) With respect to any nursing student loan made after June 30, 1969,

[2] Individuals who received nursing student loans prior to July 1, 1969, remain subject to the repayment provisions of 42 CFR 57.314(a)(3)(1970) as adopted on February 4, 1974. These provisions can be found at 39 FR 16473 (May 8, 1974), and a copy can be obtained by writing the Division of Student Assistance, Bureau of Health Professions, 5600 Fishers Lane, Parklawn Building, Room 9A-33, Rockville, Maryland 20857.

the school may require the borrower to make payments of at least $15 per month on all outstanding nursing student loans during the repayment period.

§ 57.311 Cancellation of nursing students loans for disability or death.

(a) *Permanent and total disability.* The Secretary will cancel a borrower's indebtedness in accordance with section 836(b)(4) of the Act if the borrower is found to be permanently and totally disabled on recommendation of the school and as supported by whatever medical certification the Secretary may require. A borrower is totally and permanently disabled if he or she is unable to engage in any substantial gainful activity because of a medically determinable impairment, which the Secretary expects to continue for a long time or to result in death.

(b) *Death.* The Secretary will cancel a borrower's indebtedness in accordance with section 836(b)(4) of the Act upon the death of the borrower. The school to which the borrower was indebted must secure a certification of death or whatever official proof is conclusive under State law.

§ 57.312 Repayment of loans for service in a shortage area.

(a) *Service in a shortage area.* A person who: (1) Has obtained a degree as specified in section 836(h)(1)(A) of the Act; (2) has obtained one or more nursing student loans or any other loans necessary for costs (including tuition, books, fees, equipment, living and other expenses which the Secretary determines were necessary) of attending a school of nursing; and (3) enters into an agreement with the secretary to serve as a full-time registered nurse for at least 2 consecutive years in a shortage area determined by the Secretary is entitled to have a portion of these loans repaid by the Secretary in accordance with paragraph (b) of this section. Prior to entering an agreement for repayment of loans, other than nursing student loans, the Secretary will require an individual to provide evidence satisfactory to the Secretary of the existence and reasonableness of the education loans, including a copy of the written loan agreement establishing the loan, and a notarized statement that the copy is a true copy of the loan agreement.

(b) *Repayment.* Loan repayment will be made by the Secretary to persons who meet the conditions set forth in paragraph (a) of this section. Payment will be as follows:

(1) Upon completion by the borrower of the first year of service as specified in the agreement, the secretary will pay 30 percent of the prinicipal of, the interest on, each loan which was unpaid as of the date the borrower began his or her service.

(2) Upon completion by the borrower of the second year of service the Secretary will pay another 30 percent of the principal of, and the interest on, each loan which was unpaid as of the date the borrower began his or her service.

(3) Upon completion by the borrower of a third year of service, the Secretary will pay another 25 percent of the principal of, and interest on, each loan which was unpaid as of the date the borrower began his or her service.

(4) No more than 85 percent of the principal of any loan will be paid under this section.

§ 57.313 Loan cancellation for full-time employment as a registered nurse.

(a) *For loans made after November 18, 1971, and before September 29, 1979.* A person who: (1) Received one or more nursing student loans after November 18, 1971, and before September 29, 1979; (2) is in compliance with the requirements of Title VIII of the Act and these regulations; and (3) engages in full-time employment as a registered nurse (including teaching in any of the fields of nurse training or service as an administrator, supervisor, or consultant in any of the fields of nursing) in any public or nonprofit private agency, institution, or organization (including neighborhood health centers) is entitled to have a portion of these nursing student loans canceled as follows: Fifteen percent of the total amount of the loans plus accrued interest on the loan which is unpaid on the first day of his or her service, for each of the first, second, and third year of service, and 20 percent of the total amount of the loan plus accrued interest on the loan for each complete fourth and fifth year of service thereafter, up to 85 percent of the total of the loans, plus accrued interest.

(b) *Continuation of provisions for cancellation of loans made prior to November 18, 1971:* A person who received one or more nursing student loans prior to November 18, 1971, may still receive cancellation of these loans for service under section 836(i) of the Act. The regulations set forth in 42 CFR 57.316 (a) and (b)(6) (1976), as adopted on February 4, 1974, remain applicable to cancellation on this basis. The provisions can be found at 39 FR 16473 (May 9, 1974) and a copy can be obtained by writing to the Division of Student Assistance, Bureau of Health Professions, Room 9A–33, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

(c) The determination of whether a person is entitled to have any portion of his or her nursing student loan canceled for full-time employment as a registered nurse will be made by the institution to whose fund his or her loan is payable, upon receipt and evaluation of an application for cancellation from that person.

§ 57.313a Loan cancellation reimbursement.

In the event that insufficient funds are available to the Secretary in any fiscal year to enable him or her to pay to all schools their proportionate shares of all loans and interest canceled under this subpart for full-time employment as a nurse, death, or disability:

(a) Each school will be paid an amount bearing the same ratio to the total of the funds available for that purpose as the principal of loans canceled by that school in that fiscal year bears to the total principal of loans canceled by all schools in that year; and

(b) Any additional amounts to which a school is entitled will be paid by the Secretary at the time distribution of the assets of the school's fund under section 839 of the Act.

§ 57.314 Repayment of loans made after November 17, 1971, for failure to complete a program of study.

In the event that the Secretary undertakes to repay educational loans under section 836(j) of the Act, he or she will use the following criteria to make a determination as to each applicant's eligibility:

(a) An applicant will be considered to have failed to complete the course of study in nursing for which an eligible education loan was made upon certification by a school of nursing that the individual ceased to be enrolled in the school subsequent to November 17, 1971;

(b) An applicant will be considered to be in exceptionally needy circumstances if, upon comparison of the income and other financial resources of the applicant with his or her expenses and financial obligations, the Secretary determines that repayment of the loan would constitute a serious economic burden on the applicant. In making this determination, the Secretary will take into consideration the applicant's net financial assets, his or her potential earning capacity, and the relationship of the income available to the applicant to the low-income levels published annually by the Secretary under paragraph (c) of this section;

(c) An applicant will be considered to be from a low-income family if the applicant comes from a family with an annual income below a level based on low-income thresholds according to family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in this program, and the family has no substantial net financial assets. Income levels as adjusted will be published annually by the Secreatey in the Federal Register.

(d) An applicant will be considered to be from a disadvantaged family if the individual comes from a family in which the annual income minus unusual expenses which contribute to the economic burdens borne by the family does not exceed the low-income levels published by the Secretary under paragraph (c) of this section and the family has no substantial net financial assets;

(e) An applicant will be considered as not having resumed his or her nursing studies within two years following the date the individual ceased to be a student upon a certification so stating from the applicant; and

(f) An applicant will be considered as not reasonably expected to resume his or her nursing studies within two years following the date upon which he or she terminated these studies, based upon consideration of the reasons for the applicant's failure to complete these studies, taking into account such factors as academic, medical, or financial difficulties.

The Secretary will only repay education loans made after November 17, 1971.

§ 57.315 Records, reports, inspection, and audit.

(a) *Records and reports.* (1) Each Federal capital contribution and Federal capital loan is subject to the condition that the school must maintain those records and file with the Secretary those reports relating to the operation of its nursing student loan fund that the Secretary may find necessary to carry out the purposes of the Act and these regulations. All required reports must be submitted to the Secretary within 45 days of the close of the reporting period. Any school which fails to submit any required report within 45 days of the close of the reporting period must place the revolving fund and all subsequent collections into an interest-bearing account and make no new loans until the Secretary determines that the school is in compliance with the requirement. Any school that remains in non-compliance under this provision for more than 6 months may be terminated from participation in the program and may be required to return all funds to the Department.

(2) The following student records must be retained by the school for 5 years after an individual student ceases to be a full-time or half-time student:

(i) Approved student applications for nursing student loans;

(ii) Documentation of the financial need of applicants; and

(iii) Copy of financial aid transcripts.

(3) The following repayment records for each individual borrower must be retained for at least 5 years from the date of retirement of a loan:

(i) The amount and date of each loan;

(ii) The amount and date of each payment or cancellation;

(iii) Records of periods of deferment;

(iv) Date, nature, and result of each contact with the borrower or proper endorser in the collection of an overdue loan;

(v) Copies of all correspondence to or from the borrower and endorser;

(vi) Copies of all correspondence with a collection agency related to the individual borrower;

(vii) Copies of all correspondence with a credit bureau related to an individual borower; and

(viii) Copies of all correspondence relating to uncollectible loans which have been written off by the Federal Government or repaid by the school.

(4) The school must also retain other records as the Secretary may prescribe. In all cases where questions have arisen as a result of a Federal audit, the records must be retained until resolution of all questions.

(b) *Inspection and audit.* (1) Any application for a Federal capital contribution will constitute the consent of the applicant school to inspection and fiscal audit, by the Secretary and the Comptroller General of the United States or any of their duly authorized representatives, of the fiscal and other records of the applicant school which relate to the Federal capital contribution or Federal capital loan.

(2) The school must comply with the audit requirements of the Department of Health and Human Services Administration of Grants regulations which are set forth in 45 CFR Part 74.

§ 57.316 Nondiscrimination.

Participating schools are advised that in addition to complying with the terms and conditions of these regulations, the following laws and regulations apply:

(a) Section 855 of the Act (42 U.S.C. 298b–2) and its implementing regulation, 45 CFR Part 83 (prohibiting discrimination on the basis of sex in the admission of individuals to training programs).

(b) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and its implementing regulation, 45 CFR Part 80 (prohibiting discrimination in Federally assisted programs on the grounds of race, color, or national origin).

(c) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and its implementing regulation, 45 CFR Part 86 (prohibiting discrimination on the basis of sex in Federally assisted education programs).

(d) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and its implementing regulation, 45 CFR Part 84 (prohibiting discrimination in Federally assisted programs on the basis of handicap).

(e) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) and its implementing regulations, 45 CFR Part 90.

§ 57.316a Performance standard.

By December 31, 1983, and on each June 30, thereafter, except as provided in paragraph (b) of this section, each school must have a delinquency rate (as calculated in paragraph (a) of this section) of not more than 5 percent. All accounts overdue by more than 60 days must be considered delinquent.

(a) The delinquency rate of each school must be calculated by dividing the sum of the total amount of principal outstanding on all loans delinquent by the total principal amount loaned for all loans in repayment status.

(b) Any school that has a delinquency rate higher than 5 percent on December 31, 1983 or on June 30 of any year thereafter will be required to: (1) Reduce its delinquency rate by 50 percent (or a school with a delinquency rate below 10 percent must reduce its rate to 5 percent) by the close of the following six-month period; and (2) by the end of each succeeding six-month period, reduce its delinquency rate to 50 percent of the required rate for the previous six-month period, until it reaches 5 percent.

(c) Any school which fails to comply with the requirements of paragraph (b) of this section will receive no new NSL funds and will be required to: (1) Place the revolving fund monies and all subsequent collections into an insured interest-bearing account; (2) make no new loans; and (3) by the end of the succeeding six-month period, reduce the delinquency rate to 50 percent of the rate it failed to achieve under paragraph (b) of this section, or 5 percent. A school that meets the requirements of this paragraph will be reinstated in the program, but must continue to comply

with the requirements of paragraph (b)(2) of this section if its delinquency rate is still higher than 5 percent.

(d) Any school which fails to comply with the requirements of paragraph (c) of this section will be terminated from the program and must return all Federal funds in the loan account to the Department. Any school which has been terminated must continue to pursue collections, and may reapply for participation in the program only when it has attained a delinquency rate of 5 percent or less.

§ 57.317 Additional conditions.

The Secretary may with respect to any agreement entered into with any school under § 57.305, impose additional conditions prior to or at the time of any award when in his or her judgment the conditions are necessary to assure or protect advancement of the purposes of the agreement, the interest of the public health or the conservation of funds awarded.

§ 57.318 Noncompliance.

Whenever the Secretary finds that a participating school has failed to comply with the applicable provisions of the Act or the regulations of this subpart he or she may, on reasonable notice to the school, withhold further payments of Federal capital contributions and take other action, including the termination of any agreement, as he or she finds necessary to enforce the Act and regulations. In such case no further expenditures shall be made from the nursing student loan fund or funds involved until the Secretary determines that there is no longer any failure of compliance.

[FR Doc. 83-14657 Filed 6-2-83; 8:45 am]
BILLING CODE 4160-16-M

federal register

Friday
June 3, 1983

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona:	
AZ83–5103	Mar. 4, 1983.
AZ83–5107	Mar. 18, 1983.
California:	
CA82–5112	July 16, 1982.
CA82–5116	Aug. 20, 1982.
CA82–5120	Aug. 27, 1982
CA82–5122	Sept. 3, 1982.
District of Columbia: DC82–3031	Nov. 12, 1983.
Florida: FL83–1032	Apr. 29, 1983.
Illinois: IL82–2049	Oct. 15, 1982.
Indiana:	
IN83–2026	Mar. 25, 1983.
IN83–2029	Apr. 8, 1983.
IN83–2030	May 6, 1983.
IN83–2031	Apr. 22, 1983.
IN83–2032	May 13, 1983.
IN83–2033	Apr. 29, 1983.
Kentucky: KY82–1065	Oct. 15, 1982.
Louisiana:	
LA82–4021	May 7, 1982.
LA82–4053	Nov. 5, 1982.
LA83–4001	Jan. 7, 1983.
LA83–4019	Feb. 4, 1983.
Mississippi: MS83–1015	Apr. 1, 1983.
New Mexico: NM83–4032	Apr. 15, 1983.
New York: NY83–3018	May 20, 1983.
Ohio:	
OH83–2006	Feb. 11, 1983.
OH83–2039	May 13, 1983.
Pennsylvania: PA81–3043	July 17, 1981.
Texas:	
TX82–4025	Jun. 18, 1982.
TX83–4004	Jan. 7, 1983.
TX83–4006	Jan. 7, 1983.
TX83–4026	Apr. 8, 1983.
Virginia: VA81–3015	Mar. 6, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Connecticut: CT82–3001(CT83–3021)	Feb. 5, 1982.
Illinois: IL82–2051(IL83–2043)	Aug. 7, 1982.
Maryland: MD81–3074(MD83–3010)	Oct. 9, 1981.
Missouri & Kansas: MO82–4013(MO83–4043).	Apr. 9, 1982.
Texas: TX82–4054(TX83–4042)	Nov. 5, 1982.
Washington: WA82–5117(WA83–5110)	Aug. 13, 1982.

Signed at Washington, D.C., this 28th day of May 1983.

Dorothy P. Come,

Assistant Administrator Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATION P. 1

DECISION NO. AZ83-5103 - Mod. #2
(48 FR 9424 - March 4, 1983)
Maricopa County, Arizona

Change:	Basic Hourly Rates	Fringe Benefits
Electricians:		
Electricians on projects having an electrical contract value of less than $20 million	$16.00	$2.14+ 3%
Electricians on projects having an electrical contract value of $20 million or more	17.95	2.14+ 3%

DECISION NO. AZ83-5107 - Mod. #2
(48 FR 11605 - March 18, 1983)
Statewide, Arizona

Change:	Basic Hourly Rates	Fringe Benefits
Electricians:		
Area 4:		
Electricians on projects having an electrical contract value of less than $20 million	16.00	2.14+ 3%
Electricians on projects having an electrical contract value of $20 million or more	17.95	2.14+ 3%

DECISION NO. CA82-5118 - Mod. #10
(47 FR 36513 - August 20, 1982)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California

Change:	Basic Hourly Rates	Fringe Benefits
Bricklayers; Stonemasons:		
Area 4	$18.00	$4.20
Area 5	17.59	4.69
Electricians:		
Area 1:		
Electricians	22.15	3.78+ 3%
Cable Splicers	22.60	3.78+ 3%
Area 4:		
Electricians	22.88	3.55+ 3%
Cable Splicers	23.93	3.55+ 3%
Area 5:		
Electricians	21.79	4.13+ 3%
Cable Splicers	22.29	4.13+ 3%
Area 6:		
Electricians	21.00	4.90+ 3%
Cable Splicers	21.50	4.90+ 3%
Area 8:		
Electricians	22.20	3.18+ 3%
Cable Splicers	23.70	3.18+ 3%
Area 10:		
Electricians	25.70	3.18+ 3%
Cable Splicers	27.20	3.18+ 3%
Line Construction:		
Area 9:		
Groundmen	20.15	3.18+ 3%
Linemen; Equipment Operators	25.70	3.18+ 3%
Cable Splicers	27.20	3.18+ 3%
Tile Setters:		
Area 4	18.00	4.20

MODIFICATION P. 2

DECISION NO. CA82-5112 - Mod. #14
(47 FR 31154 - July 16, 1982)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, California

Change:	Basic Hourly Rates	Fringe Benefits
Bricklayers; Stonemasons:		
Area 7	$17.57	$3.89
Drywall Installers/Lathers	20.12	6.255
Electricians:		
Area 12:		
Electricians	23.34	3%+5.05
Cable Splicers	26.26	3%+5.05
Area 13:		
Electricians	23.60	3%+6.15
Cable Splicers	26.55	3%+6.15
Area 15:		
Electricians	24.00	3%+5.42
Line Construction:		
Area 9:		
Groundmen	$17.67	$6.20+ 3%
Line Equipment Operator	21.20	6.20+ 3%
Linemen	23.56	6.20+ 3%
Area 11:		
Groundmen	20.40	5.42+ 3%
Line Equipment Operator	21.60	5.42+ 3%
Linemen	24.00	5.42+ 3%

DECISION NO. CA82-5120 - Mod. #10
(47 FR 38022 - August 27, 1982)
Alameda, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tuolumne, Yolo, and Yuba Counties, California

Change:	Basic Hourly Rates	Fringe Benefits
Bricklayers; Stonemasons:		
Area 7	$17.57	$3.89
Electricians:		
Area 10:		
Electricians	23.34	3%+5.05
Cable Splicers	26.26	3%+5.05
Area 11:		
Electricians	$23.60	$6.15+ 3%
Cable Splicers	26.55	6.15+ 3%
Area 13:		
Electricians	24.00	5.42+ 3%
Area 4:		
Electricians	10.25	1.20+ 3%

MODIFICATION P. 3

DECISION NO. CA82-5122 - Mod. #3 (47 FR 39075 - September 3, 1982) San Diego County, California	Basic Hourly Rates	Fringe Benefits
Change:		
Cement Masons:		
Cement Masons	$14.66	$6.47
Color Work; Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	14.96	6.47
Electricians:		
Electricians; Technicians	22.15	3%+3.78
Cable Splicers	22.60	3%+3.78
Utility Technicians	16.50	3%+ .44
Glaziers	17.87	3.15
Line Construction:		
Groundman	16.37	4%+3.65
Linemen	21.26	4%+3.65
Cable Splicers	21.56	4%+3.65
Painters:		
Brush, Paint Burner Brush (swing stage), Spray	18.37	4.67
	18.62	4.67
Paperhangers, Spray (swing stage)	18.87	4.67
Sandblaster· Iron, steel and bridge painter (groundwork); Iron, steel and bridge painters, Spray (groundwork); Riggers, climbing steel; Brush, climbing steel and bridge; Spray, climbing steel and bridge	19.12	4.67
Sandblaster (swing stage); Iron, steel and bridge painters (swing stage); Iron, steel and bridge painter, Spray (swing stage)	19.37	4.67
Steeplejack	20.02	4.67
Taper	19.37	4.67
Parking Lot Work and/or Highway Markers:		
Traffim delineating device applicator	$13.41	1.60+b
Wheel stop installer; Striper; and Sandblaster	12.92	1.60+b
Slurry Seal Operation:		
Traffic surface protective coating applicator	13.41	1.60+b
Mixer Operator	12.92	1.60+b
Squeegee Man; Applicator Operator; and Shuttleman	11.45	1.60+b
Top Man	9.67	1.60+b
Plasterers	17.61	4.27
Plasterers' Tenders	16.34	5.29
Soft Floor Layers	18.45	3.94

DECISION NO. DC82-3031- Mod. #6 (47 FR 51304-November 12, 1982) District of Columbia, Maryland-Montgomery & Prince Georges Counties; & DC Training School; Virginia-Independent City of Alexandria,Arlington,& Fairfax Counties.	Basic Hourly Rates	Fringe Benefits
ADD:		
ASBESTOS WORKER HELPER		$1.11
DECISION NO. VA81-3015- Mod. #11 (46 FR 15666-March 6,1981) Radford Army Ammunition Plant, Virginia		
CHANGE:		
PLUMBERS AND PIPEFITTERS	$13.65	2.77

MODIFICATION P. 4

DECISION NO. FL83-1032 -- MOD. # 1 (April 29, 1983 -- 48 FR 19562) BUILDING CONSTRUCTION BROWARD COUNTY, FLORIDA	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers	$ 14.65	2.505
Lathers	13.30	1.53
Millwrights	15.12	2.60
Refrigeration & A/C Mechanics:		
Units of over 10 tons	18.49	2.58
Units under 10 tons	13.81	2.58

DECISION NO. IL82-2049 - MOD. #1 (47 FR 46221 - October 15, 1982) Peoria & Tazewell Counties, Illinois	Basic Hourly Rates	Fringe Benefits
Omit:		
Sheet Metal Workers	$16.75	$2.34+c
Add:		
Sheet Metal Workers:		
Commercial Building	16.75	2.34+c
Residential	16.89	1.26+c

DECISION NO. KY82-1065 Mod. # 2 (47 FR 46229 - October 15, 1982) Boyd County, Kentucky	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS	$18.35	2.53
BOILERMAKERS	16.35	4.815
CARPENTERS	14.91	2.95
GLAZIERS	15.84	1.11
LABORERS:		
Group 1	12.57	1.70
Group 2	12.72	1.70
Group 3	12.74	1.70
Group 4	12.77	1.70
Group 5	12.82	1.70
Group 6	13.07	1.70
Group 7	13.27	1.70
Group 8	13.77	1.70
PILEDRIVERMEN	15.30	2.95
DUMP TRUCKS (up to 5 cu. yd.)	14.90	305.50 per mo.

DECISION NO. LA82-4021 - MOD. #10 (47 FR 19877 - 5/7/82) Bossier & Caddo Pars., Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Elevator constructors:		
Mechanics	$14.21	2.69+a
Helpers	70%JR	2.69+a
Helpers (Prob.)	50%JR	

DECISION NO. LA82-4053 - MOD. #12 (47 FR 50421 - 11/5/82) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Electricians:		
Zone 3:Electricians	17.70	2.00+ 3-5/10
Cable splicers	18.20	"
Elevator constructors:		
Zone 2 - Mechanics	14.21	2.69+a
Helpers	70%JR	2.69+a
Helpers(Prob)	50%JR	
Line construction:		
Zone 3:		
Linemen, equipment op	17.70	2.00+ 3-1/10
Cable splicers	18.20	"
Groundmen	15.70	"

DECISION NO. LA83-4001 - MOD. #5 (48 FR 928 - 1/7/83) Jefferson,Orleans,Bossier, Caddo,Calcasieu,Beauregard,Cameron,Jefferson Davis,Allen,Plaquemines, St. Bernard & St.Charles Pars., Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Electricians:		
Zones 3, 4 & 5:		
Electricians	17.70	2.00+ 3-5/10
Cable splicers	18.20	"
Line construction:		
Zones 3, 4 & 5:		
Group 1	17.70	2.00+ 3-5/10
Group 2	18.20	"
Group 3	15.70	"

MODIFICATION P. 5

DECISION NO. LA83-4019 - Mod . #3 (48 FR 5448 - 2/4/83)	Basic Hourly Rates	Fringe Benefits

MODIFICATION P. 6

Decision No. IN83-2031 Mod # 2 (48 FR 17503 - April 22, 1983)	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		

	Basic Hourly Rates	Fringe Benefits
DECISION NO. LA83-4019 - Mod . #3 (48 FR 5448 - 2/4/83) Calcasieu Par., Louisiana		
Change:		
Electricians:		
Other electricians:		
Electricians	$17.70	$2.00+ 3-5/10%
Cable Splicers	18.20	2.00+ 3-5/10%

	Basic Hourly Rates	Fringe Benefits
DECISION NO. MS83-1015 -- MOD. # 2 (April 1, 1983 in 48 FR 14312) HINDS COUNTY, MISSISSIPPI BUILDING CONSTRUCTION		
CHANGE:		
Boilermakers	$ 16.20	3.315

	Basic Hourly Rates	Fringe Benefits
DECISION #NM83-4032-Mod. #3 48FR16413 - April 15, 1983 Statewide, New Mexico		
CHANGE:		
POWER EQUIPMENT OPERATORS:		
Residential & General Building Construction FRINGE BENEFITS for Groups V, VI, VII and VIII to read $1.80		
CEMENT MASONS (RESIDENTIAL):		
Sandoval, Bernalillo and Valencia Counties	$8.67	2.22
CEMENT MASONS (COMPOSITION AND MACHINE OPERATORS):		
AREA I	11.99	2.22
AREA II		
Zone I	11.99	2.22
Zone II	13.49	2.22
Zone III	13.74	2.22

	Basic Hourly Rates	Fringe Benefits
DECISION NO. NY83-3018 - MOD. #1 (48 FR 22870 - May 20, 1983) DUTCHESS, ORANGE, SULLIVAN, ORANGE COUNTIES, NEW YORK		
CHANGE:		
POWER EQUIPMENT OPERATORS:		
DUTCHESS (Remainder of County		
HEAVY & HIGHWAY		
GROUP I	15.28	3.50+a
GROUP II	14.79	3.50+a
GROUP III	13.38	3.50+a
GROUP IV	12.10	3.50+a
GROUP V	16.20	3.50+a
ADD:		
To Classification Descriptions:		
POWER EQUIPMENT OPERATORS:		
DUTCHESS (Remainder of County):		
HEAVY & HIGHWAY:		
GROUP V - Master Mechanic		

Decision No. IN83-2031 Mod # 2 (48 FR 17503 - April 22, 1983) Statewide except Lake, Laporte, Porter & St. Joseph Counties, Indiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CEMENT MASONS:		
Area 5	$14.70	
Area 9	15.93	1.55
Area 11	13.50	
Area 13	14.51	2.23
Area 14	14.33	2.60
IRONWORKERS:		
Area 5	16.90	3.60 + 1%
Area 6	17.05	3.60 + 1%
Area 7	15.69	3.32
Area 8	17.01	2.95
PAINTERS:		
Area 1:		
Brush & Roller	14.00	2.17
Spray & Sandblasting	15.00	2.17
Area 6:		
Brush & Roller	14.65	1.70
Structural Steel	14.90	1.70
Spray	17.92	1.70
Sandblasting	15.65	1.70
Area 8:		
Brush & Roller	15.30	1.40
Spray & Sandblasting	16.30	1.40
Area 11:		
Brush, Roller & Steel	15.80	
Spray	16.80	
Area 12:		
Brush	16.00	
Spray	17.50	
Area 13:		
New Construction		
Brush	11.07b	1.18
Spray	11.82b	1.18
Repaint		
Brush	10.32b	
Spray	10.77b	
POWER EQUIPMENT OPERATORS: (Underground & Utility)		
Area 3:		
Group 2	15.55	2.20
LINE CONSTRUCTION:		
Area 2:		
Linemen, Heavy Equipment Operators, Tool Handling Splicer	18.76	.65+8%
Truck Driver	17.63	.65+8%
Groundman	17.30	.65+8%
Area 4:		
Lineman, Groundman Equipment Operator, Crawler Type Equip. larger than D-4	17.25	.65+8½%
Groundman Truck Driver w/Winch	14.21	.65+8½%
Groundman Truck Driver w/o Winch	13.38	.65+8½%
Groundman	12.78	.65+8½%
CLASSIFICATION DEFINITIONS:		
POWER EQUIPMENT OPERATORS:		
AREAS 1, 2 & 3:		
Group 4 - DELETE: Bituminous Paver, ADD: Bituminous Distributor		
FOOTNOTES:		
b - All work outside a 35 mile radius of Jefferson County, Kentucky Courthouse - Add $ .35 per hour to Basic Hourly Rate for all Classifications		

MODIFICATION P. 7

Decision No. IN83-2032 Mod # 1 (48 FR 21776 - May 13, 1983) Lake, LaPorte, Porter & St. Joseph Counties Indiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
GLAZIERS:		
Area 2	$13.97	16%
PLUMBERS:		
Area 3	16.03	2.45
PIPEFITTERS:		
Area 2	16.03	2.45
LINE CONSTRUCTION:		
Area 1 & Area 2:		
Lineman, Groundman Equipment Operator, Crawler Type Equip. larger than D-4	18.74	.65+8½%
Groundman Truck Driver w/ Winch	15.73	.65+8½%
Groundman Truck Driver w/o Winch	14.93	.65+8½%
Groundman	14.33	.65+8½%
Area 3:		
Lineman, Equipment Operator, Crawler Type Equipment larger than D-4	17.25	.65+8½%
Groundman Truck Driver w/ Winch	14.21	.65+8½%
Groundman Truck Driver w/o Winch	13.38	.65+8½%
Groundman	12.78	.65+8½%

Decision No. IN83-2030 Mod # 1 (48 FR 20608 - May 6, 1983) Elkhart, Jasper, Kosciusko, LaGrange, Marshall, Newton, Pulaski & Starke Counties, Indiana		
CHANGE:		
CEMENT MASONS:		
Area 4	17.37	2.93

Decision No. IN83-2030 Mod # 1 (Cont'd)	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELEVATOR CONSTRUCTORS:		
Area 1	16.95	2.69 + a&b
Area 2	18.305	2.395+ a&b
ELEVATOR CONSTRUCTORS' HELPERS:		
Area 1	70%JR	2.69 + a&b
Area 2	70%JR	2.395+ a&b
IRONWORKERS:		
Area 3	15.69	3.32
PAINTERS:		
Area 1:		
Brush, Roller, Taper & Paperhanging	14.00	2.17
Spray & Sandblasting	15.00	2.17
PLASTERERS:		
Area 4	15.26	2.93
PLUMBERS & STEAMFITTERS:		
Area 2	16.18	2.45
LABORERS:		
Area 4:		
Group 1	11.73	1.89
Group 2	11.93	1.89
Group 3	12.03	1.89
Group 4	12.73	1.89
POWER EQUIPMENT OPERATORS		
Area 2:		
Group 1	16.40	3.95
Group 2	15.50	3.95
Group 3	15.05	3.95
Group 4	14.25	3.95
Group 5	13.45	3.95

MODIFICATION P. 8

Decision No. IN83-2026 Mod # 3 (48 FR 12642 - March 25, 1983) Clay, Daviess, Gibson, Greene, Knox, Martin, Parke, Pike, Posey, Putnam, Sullivan, Vanderburgh, Vermillion & Vigo Counties, Indiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS:		
Area 1	$18.00	2.45
Area 2	17.87	2.00
BRICKLAYERS; Caulkers; Pointers; Cleaners & Stonemasons:		
Area 1	18.68	2.58
Area 2	18.53	1.55
CEMENT MASONS:		
Area 2	13.77	2.08
Area 3	15.93	2.55
ELECTRICIANS:		
Area 1	18.55	1.86 + 1%
Area 2	18.355	.85 + 9½%
Area 3	17.50	16.5%
MARBLE SETTERS; TILE SETTERS & TERRAZZO WORKERS:		
Area 2	16.13	2.55
PAINTERS:		
Area 1:		
Brush, Roller, Drywall, & Paperhangers	15.30	1.40
Spray & Sandblasting	16.30	1.40
PLASTERERS:		
Area 1	13.77	2.08
Area 2	16.53	1.55
PLUMBERS & STEAMFITTERS:		
Area 1	18.48	2.35
CARPENTERS:		
Area 3:		
Carpenters & Soft Floor Layers	15.75	2.34
Piledrivermen	16.50	2.34

Decision No. IN83-2033 Mod # 2 (48 FR 19564 - April 29, 1983) Brown, Clark, Crawford, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Randolph, Ripley, Rush, Scott, Switzerland, Union, Washington & Wayne Cos. Indiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS:		
Area 2	18.76	2.48
Area 3	18.74	3.64
BOILERMAKERS		
Area 1	18.05	3.115
BRICKLAYERS; Caulkers; Pointers; Cleaners & Stonemasons:		
Area 1	14.85	2.56
Area 2	16.68	2.58
CEMENT MASONS:		
Area 2	13.14	3.02
Area 5	14.70	
ELECTRICIANS:		
Area 2	18.355	.85+9½%
Area 4	17.50	16.5%
GLAZIERS:		
Area 2	16.36	1.51
IRONWORKERS:		
Area 1	17.05	2.60 + 1%
Area 3:		
Reinforcing	17.08	3.12
Area 4	17.01	2.95
MARBLE & TILE SETTERS; & TERRAZZO WORKERS:		
Area 1:		
Tile Setters	14.60	2.56

MODIFICATION P. 9

Decision No. IN83-2033 Mod # 1 (Cont'd)	Basic Hourly Rates	Fringe Benefits

Decision No. IN83-2029 Mod # 2 (Cont'd)	Basic Hourly Rates	Fringe Benefits

MODIFICATION P. 10

Decision No. IN83-2029 Mod # 2 (Cont'd)	Basic Hourly Rates	Fringe Benefits

Decision No. IN83-2029 Mod # 3 (Cont'd)	Basic Hourly Rates	Fringe Benefits

Decision No. IN83-2033 Mod # 2 (Cont'd)	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PAINTERS:		
Area 2:		
Brush & Roller	$15.30	1.40
Spray & Sandblasting	16.30	1.40
Area 3:		
Brush, Steel & Roller	15.80	
Spray	16.80	
Area 4:		
Brush	16.00	
Spray	17.50	
PLASTERERS:		
Area 1	16.38	
Area 2	15.60	.77
Area 4	13.83	2.16
Area 6	14.70	
POWER EQUIPMENT OPERATORS:		
Area 2:		
Group 1	15.68	2.20
Group 2	14.39	2.20
Group 3	13.55	2.20

Decision No. IN83-2029 Mod # 2 (48 FR 15417 - April 8, 1983)		
Adams, Allen, Bartholomew, Benton, Blackford, Boone, Cass, Clinton, DeKalb, Delaware, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White & Whitley Cos. Indiana		
CHANGE:		
ASBESTOS WORKERS:		
Area 2	$18.00	2.45

Decision No. IN83-2029 Mod # 2 (Cont'd)	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BRICKLAYERS; Caulkers; Pointers; Cleaners & Stonemasons:		
Area 1	$15.36	1.90
Area 4	14.85	1.56
CARPENTERS; Millwrights; Piledrivermen & Soft Floor Layers:		
Area 5:		
Carpenters & Soft Floor Layers	15.36	2.17
Millwrights & Piledrivermen	15.71	2.17
Are 7:		
Carpenters & Soft Floor Layers	15.75	2.34
Millwrights	16.00	2.34
Piledrivermen	16.50	2.34
CEMENT MASONS:		
Area 2	14.70	
Area 3	14.33	2.60
Area 7	14.51	2.23
Area 8	13.50	
ELECTRICIANS:		
Area 1	17.70	1.83 + 3%
Area 2	17.50	16.5%
LINE CONSTRUCTIONS:		
Linemen, Groundman, Equipment Operators	17.25	65+8½%
Groundman Truck Driver w/ Winch	14.21	65+8½%
Groundman Truck Driver w/o Winch	13.38	65+8½%
Groundman	12.78	65+8½%
ELEVATOR CONSTRUCTORS:		
Area 1:		
Elevator Constructor	16.95	2.79+ a&b
Helper	70%ER	2.79+ a&b
GLAZIERS:		
Area 2	13.97	16%

Decision No. IN83-2029 Mod # 2 (Cont'd)	Basic Hourly Rates	Fringe Benefits
CHANGE:		
IRONWORKERS:		
Area 2	$17.05	3.60 + 1%
Area 3	15.69	3.32
Area 5	16.90	3.60 + .1%
MARBLE SETTERS; TILE SETTERS & TERRAZZO WORKERS:		
Area 1	15.36	1.90
PAINTERS:		
Area 1:		
Brush, Roller, Taping & Paperhanging	14.00	2.17
Spray & Sandblasting	15.00	2.17
Area 3:		
Brush, Roller, Drywall & Paperhanging	14.65	1.70
Spray	17.92	1.70
Structural Steel	14.90	1.70
Sandblasting	15.65	1.70
Area 4:		
Brush, Roller, Drywall Tapers, Finishers & Paperhangers	15.30	1.40
Spray & Sandblasting	16.30	1.40
Area 6:		
Brush, Roller, Drywall Taping &	15.80	
Spray & Sandblasting	16.80	
PLASTERERS:		
Area 2	14.70	
Area 3	14.35	1.55
Area 7	13.83	2.16

Decision No. IN83-2029 Mod # 2 (Cont'd)	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PLUMBERS & STEAMFITTERS:		
Area 3	$17.95	2.16
Area 4	18.40	2.35
Area 6	16.18	2.45
SHEET METAL WORKERS:		
Area 2	17.61	2.62
LABORERS:		
Area 1:		
Group 1	10.70	1.94
Group 2	10.90	1.94
Group 3	11.00	1.94
Group 4	11.70	1.94

MODIFICATION P. 11

DECISION NO. OH83-2039 (Cont'd)

	Basic Hourly Rates	Fringe Benefits
Change:		
Line Construction:		
Ashland, Crawford, Huron (New Haven, Richmond, Ripley & Greenwich Twps.), Knox (Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Brown & Jefferson Twps.), Marion, Morrow, Richland, & Wyandot (Sycamore, Crane, Eden, Pitt, Antrim & Tymochtee Twps.) Cos.:		
Equipment Operators;		
Lineman	$18.22	$7.47
Line Truck Driver	10.93	4.21
Groundman	11.84	4.24
Carroll (N ½, inclu. Fox, Harrison, Rose & Washington Twps.), Columbiana (Knox Twp.), Holmes, Tuscarawas (N. of Auburn, Clay, Rush, & York Twps.), & Wayne (S. of Baughman, Chester, Greene & Wayne Twps.) Cos.:		
Cable Splicers	16.48	4.63
Line Equipment Ops.	15.33	4.51
Groundmen; Truck Drivers	11.73	4.12
Clinton, Darke, Greene, Miami, Montgomery, Preble, & Warren (Wayne, Clear Creek, & Franklin Twps.) Cos.:		
Cable Splicers; Linemen Operators:	18.98	2.56
Mole Digging Equipment, Cranes, Hydraulic Lift or Bucket	18.98	2.56
Line Truck with Winch or Pole & Steel Handling Non-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	14.24	2.40
	11.34	2.30

DECISION NO. TX82-4025 - MOD. #9 (47 FR 26550 - 6/18/82) Brazos County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Electricians	$16.09	1.[illegible] 12%
Elevator constructors:		
Mechanics	16.755	2.69+a
Helpers	70%JR	2.69+a
Helpers (Prob.)	50%JR	

DECISION NO. TX83-4004 - MOD. #7 (48 FR 936 - 1/7/83) Galveston & Harris Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Electricians - Harris Co	17.88	1.38+ 12%
Elevator constructors:		
Mechanics	16.755	2.69+a
Helpers	70%JR	2.69+a
Helpers (prob.)	50%JR	
Roofers:		
Composition	13.86	2.08
Slate & tile	14.61	2.08
Kettlemen	12.90	2.08

DECISION NO. TX83-4006 - MOD. #5 (48 FR 933 - 1/7/83) Travis County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters - Carpenters	14.36	1.98
Millwrights	14.61	1.98

DECISION NO. TX83-4026 - MOD. #2 (48 FR 15425 - 4/8/83) Jefferson & Orange Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Elevator constructors:		
Mechanics	16.755	2.69+a
Helpers	70%JR	2.69+a
Helpers (Prob.)	50%JR	
Roofers:		
Composition	13.86	2.08
Slate & tile	14.61	2.08
Composition	12.90	2.08

MODIFICATION P. 12

DECISION NO. OH83-2006 - MOD. #5 (48 FR 6459 - February 11, 1983) Statewide, Ohio

	Basic Hourly Rates	Fringe Benefits
Change:		
Bricklayers & Stonemasons:		
Area 7	$17.225	$1.99
Area 28	18.47	2.67
Area 29	16.35	2.05
Electricians:		
Area 3	18.22	2.39
Area 11	17.59	4.75
Area 12	17.14	2.95
Area 13:		
Within 11 mile radius of 3rd and Main Streets, Dayton, Ohio	18.98	2.56
Beyond 11 mile radius	19.21	2.57
Area 18:		
Electricians	20.00	3.66
Cable Splicers	23.00	3.76
Ironworkers:		
Area 2:		
Reinforcing	16.58	3.62
Area 5	15.66	5.44
Area 8	17.51	3.31
Area 9	16.88	3.17
Painters:		
Area 9:		
Brush	17.06	2.10
Area 19:		
Brush; & Roller	16.25	2.42
Structural Steel	17.00	2.42
Spray	17.10	2.42
Plumbers; Steamfitters & Pipefitters:		
Area 10	19.24	1.81
Area 13	18.13	2.72
Area 16	19.09	2.75
Line Construction:		
Area 3:		
Equipment Ops.; Lineman	18.22	2.47
Line Truck Drivers	10.93	2.21
Groundmen	11.84	2.24
Area 9:		
Cable Splicers	16.48	4.63
Linemen	17.59	4.75
Line Equipment Operators	15.33	4.51
Groundmen; Truck Drivers	11.73	4.12
Area 12:		
Cable Splicers; Linemen	18.98	2.56
Operators:		
Mole Digging Equipment, Cranes, Hydraulic Lift or Bucket	18.98	2.56

	Basic Hourly Rates	Fringe Benefits
Line Construction (Cont'd):		
Area 12 (Cont'd):		
Line Truck with Winch or Pole & Steel Handling	$14.24	$2.40
Non-specialized Truck & Misc. Equipment; Groundmen - Truck Driver	11.34	2.30

DECISION NO. OH83-2039 - MOD. #1 (48 FR 21795 - May 13, 1983) Adams, Allen,...Wood & Wyandot Cos., Ohio

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Marion, Morrow, Richland, & Wyandot (Sycamore, Crane, Eden, Pitt, & Antrim Twps.) Cos.	18.22	2.39
Carroll (N½, incl. Fox, Harrison, Rose & Washington Twps.), Columbiana (Knox Twp.), Holmes, Tuscarawas (N. of Auburn, Clay, Rush, & York Twps.), & Wayne (S. of Baughman, Chester, Green & Wayne Twps.) Cos.	17.59	4.75
Champaign, Clark, & Madison (Pike, Paint, Somerford, Union, & Stokes Twps.) Cos.	17.14	2.95
Clinton, Darke, Greene, Miami, Montgomery, Preble, & Warren (Twps. of Wayne, Clear Creek, & Franklin Twps.) Cos.:		
Electrical Communications Installers within 11 mi. radius of 3rd & Main St., Dayton	18.98	2.56
Electrical Communications Installers beyond 11 mi. radius of 3rd & Main St., Dayton	19.21	2.57
Defiance, Fulton, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos.:		
Electricians	20.00	3.66
Cable Splicers	23.00	3.76

MODIFICATION P. 13

DECISION NO. PA81-3043 - MOD. #11

	Basic Hourly Rates	Fringe Benefits
Change:		
Line Construction:		
Area 1:		
Equipment Operators; Linemen	$18.22	$2.47
Line Truck Drivers	10.93	2.21
Groundmen	11.84	2.24
Area 2:		
Cable Splicers; Linemen	18.98	2.56
Operators:		
Mole Digging Equipment, Cranes, Hydraulic Lift or Bucket	18.98	2.56
Line Truck with Winch or Pole & Steel Handling Non-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	14.24	2.40
	11.34	2.30
Area 3:		
Cable Splicers; Linemen	18.98	2.56
Operators:		
Mole Digging Equipment, Cranes, Hydraulic Lift or Bucket	18.98	2.56
Line Truck with Winch or Pole & Steel Handling Non-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	14.24	2.40
	11.34	2.30
Area 4:		
Cable Splicers; Linemen	18.98	2.56
Operators:		
Mole Digging Equipment, Cranes, Hydraulic Lift or Bucket	18.98	2.56
Line Truck with Winch or Pole & Steel Handling Non-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	14.24	2.40
	11.34	2.30

MODIFICATION P. 14

DECISION NO. PA81-3043 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits
Area 5:		
Cable Splicers; Linemen	18.98	2.56
Operators:		
Mole Digging Equipment, Cranes, Hydraulic Lift or Bucket	18.98	2.56
Line Truck with Winch or Pole & Steel Handling Non-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	14.24	2.40
	11.34	2.30
Area 6:		
Cable Splicers; Linemen	18.98	2.56
Operators:		
Mole Digging Equipment, Cranes, Hydraulic Lift or Bucket	18.98	2.56
Line Truck with Winch or Pole & Steel Handling Non-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	14.24	2.40
	11.34	2.30
Area 7:		
Cable Splicers; Linemen	18.98	2.56
Operators:		
Mole Digging Equipment, Cranes, Hydraulic Lift or Bucket	18.98	2.56
Line Truck with Winch or Pole & Steel Handling Non-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	14.24	2.40
	11.34	2.30

DECISION NO. PA81-3043 - MOD. 011 (46 FR 37212 - July 17, 1981)	Basic Hourly Rates	Fringe Benefits
ARMSTRONG, ALLEGHENY, BEAVER, BUTLER, FAYETTE, INDIANA, WASHINGTON, WESTMORELAND COUNTIES, PENNSYLVANIA		
CHANGE:		
BRICKLAYERS:		
Zone 1	15.02	3.65
Zone 2	16.15	4.66
Zone 5	16.135	3.87
BOILERMAKERS	16.67	.79+5%
CEMENT MASONS		
Zone 1	16.20	3.72
IRONWORKERS, STRUCTURAL, ORNAMENTAL & REINFORCING	16.32	4.95
LABORERS:		
Zone 1		
Class 1	13.55	20%
Class 2	13.68	20%
Class 3	13.81	20%
Class 4	14.08	20%
Class 5	14.28	20%
Zone 2		
Class 1	13.51	20%
Class 2	13.64	20%
Class 3	13.76	20%
Class 4	14.04	20%
Class 5	14.24	20%
Zone 3		
Class 1	13.42	20%
Class 2	13.56	20%
Class 3	13.69	20%
Class 4	13.96	20%
Class 5	14.14	20%
LINE CONSTRUCTION		
Zone 2		
Lineman, dynamite man, heavy equipment operators	15.64	.65+ 3 3/8%
Winch truck operators	10.94	.65+ 3 3/8%
Groundman	10.46	.65+ 3 3/8%
MILLWRIGHTS	14.80	39½%
PAINTERS:		
Zone 1		
Commercial		
Brush	16.06	2.45
Paperhangers	16.06	2.45
Spray	16.56	2.45
Industrial		
Brush	16.71	2.45
Spray	17.21	2.45
Zone 5		
Commercial		
Brush	13.00	4.30+ 2%
Industrial		
Brush	14.65	4.30+ 2%
Zone 6		
Commercial		
Brush	13.09	3.27
Spray	15.09	3.27
PILEDRIVERMEN	16.14	28½%
POWER EQUIPMENT OPERATORS:		
Class I	16.825	3.44
Class I-A	17.075	3.44
Class I-B	13.325	3.44
Class I-C	17.575	3.44
Class II	16.625	3.44
Class III	14.54	3.44
Class III-A	15.04	3.44
Class IV	13.53	3.44
Class V	13.22	3.44
Class V-A	13.32	3.44
Class V-B	13.47	3.44
Class V-C	14.22	3.44
PLASTERERS		
Zone 1	14.44	3.17
Zone 2	16.77	
PLUMBERS		
Zone 1	17.45	3.93
Zone 4	16.48	3.48
ROOFERS	16.89	2.65
SHEET METAL WORKERS	15.59	3.96
SOFT FLOOR LAYERS		
Zone 1	14.46	28½%
TERRAZZO WORKERS		
Zone 1	15.35	3.51
TILE SETTERS		
Zone 1	15.00	3.86
STONEMASONS		
Zone 1	14.98	5.19

DECISION NO. PA81-3043 - (CONT'D)

OMIT:

AREA COVERED BY PLUMBERS ZONES

ZONE 3 - Allegheny, Armstrong, Counties; Twp. of Charleroi in Washington County

ZONE 4 - Fayette, Indiana, Westmoreland and remainder of Washington County

ADD:

AREA COVERED BY PLUMBERS ZONES

ZONE 3 - Allegheny, Armstrong Counties; Washington County (that part West of a straight line drawn from Library to Kirby), Pennsylvania

ZONE 4 - Fayette, Indiana, Westmoreland Counties; Washington County (that part east of a straight line drawn from Library to Kirby) Pennsylvania

SUPERSEDEAS DECISION

STATE: CONNECTICUT
DECISION NO. CT83-3021
COUNTIES: STATEWIDE
DATE: DATE OF PUBLICATION
Supersedes Decision No. CT82-3001 dated February 5, 1982 published in 47 FR [illegible] and Decision No. 81-3032 dated May 15, 1981 in 46 FR 27040.
DESCRIPTION OF WORK: Building (excluding single family homes and apartments up to and including 4 stories); Residential (in Fairfield and Litchfield Counties only); Heavy (excluding tunnel construction); and Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS		
Area 1	18.04	2.84
Area 2	18.45	3.31
Area 3	14.88	3.13
BOILERMAKERS	18.25	1.465+10%
BRICKLAYERS; CEMENT MASONS; CEMENT FINISHERS; MARBLE MASONS; PLASTERERS; STONE MASONS; TERRAZZO WORKERS; TILE SETTERS: BUILDING CONSTRUCTION:		
Area 1	15.00	2.98
Area 2	15.88	1.98
Area 3	15.55	1.85
Area 4	16.15	2.10+a
HEAVY & HIGHWAY:		
Area 1	12.50	2.20
Area 2	13.61	1.08
Area 3&4	12.60	2.10
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; RESILIENT FLOOR LAYERS: BUILDING CONSTRUCTION:		
Area 1	14.15	1.65
Area 2	13.90	1.65
Area 3	13.80	1.55+b+c
Area 4	13.85	1.60
Area 5	13.10	2.40
Area 6	13.80	1.58
HEAVY & HIGHWAY CONSTRUCTION		
Areas 1&2	13.70	1.65+d
Area 3	13.70	1.55+c+d
Area 4	13.70	1.60+d
Area 5	12.95	2.40+d
Area 6	13.70	1.58+d
RESIDENTIAL		
Area 1	11.88	1.85
ELECTRICIANS		
Area 1	17.45	.02+26%+e
Area 2	15.48	2.48+9.25%+e
Area 3	17.98	3.08+3.75%+e
Area 4	17.85	2.07+3.25%+e
Area 5	14.85	1.31+3%+e
Area 6	16.80	4.65+3.5%+e
ELEVATOR CONSTRUCTORS:		
Elevator Constructors	16.88	2.88+f+g
Helpers	11.82	2.69+f+g
Probationary Helpers	8.445	
GLAZIERS		
Area 1	16.75	5.35
Area 2	15.18	2.29+h
Area 3	13.16	3.84+h
Area 4	13.98	2.33+h
IRONWORKERS	17.50	3.93+i
LABORERS (BUILDING):		
Group 1	12.20	2.25
Group 2	12.45	2.25
Group 3	12.95	2.25
Group 4	12.70	2.25
Group 5	12.20	2.25
LABORERS (HEAVY & HIGHWAY):		
Group 1	12.20	2.25
Group 2	12.45	2.25
Group 3	12.70	2.25
Group 4	12.95	2.25
LINE CONSTRUCTION:		
Area 1:		
Lineman	14.43	.02+19.5%+e
Compressor operator	12.00	.02+19.5%+e
Lamp Changer	11.21	.02+19.5%+e
Area 2-Line Construction: Linemen, cable splicers, dynamiteman	15.67	1.88+3.75%+e
Heavy equipment operator	15.17	1.88+3.75%+e

DECISION NO. CT83-3021

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION: (CONT'D		
Area 2 (Cont'd)		
Equipment operator, tractor, tractor trailer driver, field mechanic	14.31	1.80+3.75%
Material man	14.07	1.80+3.75%
Groundman truck driver	12.86	1.80+3.75%
Groundman	11.37	1.80+3.75%
Area 2 - Traffic Control, Illumination & Maintenance:		
Linemen, technicians & cable splicers	15.96	1.80+3.75%
Equipment operator	13.57	1.80+3.75%
Driver groundman	11.97	1.80+3.75%
Groundman	11.17	1.80+3.75%
PAINTERS:		
Bridge (Statewide):		
Structural steel	20.20	
Sandblasting or power tools	21.20	
Spray	23.70	
Area 1:		
Brush, structral steel, paperhangers, tapers	13.75	2.25
Spray	20.625	2.25
Area 2:		
Brush	13.55	1.37
Roller, paperhangers, tapers, epoxy	14.05	1.37
Spray	15.55	1.37
Area 3:		
Painters	13.55	1.47
Tapers	14.05	1.47
Sprayers	15.55	1.47
Area 4:		
Brush	15.00	1.51+k
Rollers, paperhangers, swing stage	15.50	1.51+k
Structural steel	16.00	1.51+k
Epoxy, polyester	17.00	1.51+k
Spray	19.00	1.51+k
Area 5:		
Brush, roller, tapers	15.60	1.60+l
Vinyl & wall coverings	17.00	1.60+l
Steel	17.40	1.60+l
Epoxy	18.50	1.60+l
Spray	23.40	1.60+l
Residential	13.85	1.60+l
Area 6:		
Brush	12.15	1.65
Paperhangers, tapers, catalized-epoxy	12.65	1.65
Spray	18.225	1.65
Area 7:		
Brush, tapers	15.60	2.48
Paperhangers, riggers, swing stage, boatswain chair	16.10	2.48
Riding steel, steam cleaning, sandblasting, tanks, towers, and similar hazardous work	16.18	2.48
Spray	18.60	2.48
Area 8:		
Brush, sandblasting	12.75	1.42
Tapers	13.10	1.42
Paperhangers	13.25	1.42
Spray	15.40	1.42
Structural steel	13.00	1.42
Area 9:		
Brush	13.95	1.91
Rollers	14.46	1.91
Paperhangers, tapers, sign	14.91	1.91
Structural steel, swing stage	14.76	1.91
Spraying oil paint	17.11	1.91
Spraying epoxy	19.64	1.91

DECISION NO. CT83-3021

	Basic Hourly Rates	Fringe Benefits
PILEDRIVERMEN:		
Area 1	15.00	2.98
Area 2	15.88	1.98
Area 3	15.55	1.85
Area 4	16.15	2.10+a
PLASTERERS:		
Area 1	14.15	1.65
Area 2	13.90	1.65
Area 3	13.80	1.55+b+c
Area 4	13.85	1.60
Area 5	13.10	2.40
Area 6	13.80	1.58
PLUMBERS; PIPEFITTERS; STEAMFITTERS:		
Area 1	16.75	2.75+m
Area 2	16.75	2.75+m
Area 3	16.75	2.75+m
Area 4	16.75	2.75+m
Area 5	16.75	2.75+m
Area 6	16.75	2.75+m
ROOFERS:		
Area 1	13.50	1.65
Area 2	13.50	1.65
Area 3	13.50	1.65
Area 4	13.50	1.65
Area 5	13.50	1.65
Area 6	13.50	1.65
SHEETMETAL WORKERS:		
Area 1	15.00	2.98
Area 2	15.88	1.98
Area 3	15.55	1.85
Area 4	16.15	2.10+a
SPRINKLER FITTERS:		
Area 1	15.00	2.98
Area 2	15.88	1.98
Area 3	15.55	1.85
Area 4	16.15	2.10+a
TERRAZZO FINISHERS:		
Area 1	14.15	1.65
Area 2	13.90	1.65
Area 3	13.80	1.55+b+c
Area 4	13.85	1.60
Area 5	13.10	2.40
Area 6	13.80	1.58
TILE SETTERS:		
Area 1	14.15	1.65
Area 2	13.90	1.65
Area 3	13.80	1.55+b+c
Area 4	13.85	1.60
Area 5	13.10	2.40
Area 6	13.80	1.58
TRUCK DRIVERS:		
Area 1:		
Dump trucks, flat trucks, mixer trucks	13.50	1.65
Area 2:		
Dump trucks, flat trucks, mixer trucks	13.50	1.65
Area 3:		
Dump trucks, flat trucks, mixer trucks	13.50	1.65
Area 4:		
Dump trucks, flat trucks, mixer trucks	13.50	1.65
Area 5:		
Dump trucks, flat trucks, mixer trucks	13.50	1.65
Area 6:		
Dump trucks, flat trucks, mixer trucks	13.50	1.65

DECISION NO. CT83-3021

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS: (CONT'D		
Area 1:		
Low boy trucks, dist. bit. trucks, ready mix trucks, tractor trailer trucks	13.75	1.65
Area 2:		
Low boy trucks, dist. bit. trucks, ready mix trucks, tractor trailer trucks	13.75	1.65
Area 3:		
Low boy trucks, dist. bit. trucks, ready mix trucks, tractor trailer trucks	13.75	1.65
Area 4:		
Low boy trucks, dist. bit. trucks, ready mix trucks, tractor trailer trucks	13.75	1.65
Area 5:		
Low boy trucks, dist. bit. trucks, ready mix trucks, tractor trailer trucks	13.75	1.65
Area 6:		
Low boy trucks, dist. bit. trucks, ready mix trucks, tractor trailer trucks	13.75	1.65

a. Paid for all hours worked in excess of eight hours per day and forty hours per week.
b. Paid for all hours worked in excess of eight hours per day or forty hours per week, whichever is greater.
c. Paid for all hours worked on Saturday.
d. Paid for all hours worked in excess of eight hours per day and forty hours per week, whichever is greater.
e. Paid for all hours worked on Saturday and Sunday.
f. Paid for all hours worked in excess of eight hours per day or forty hours per week, whichever is greater; Paid for all hours worked on Saturday and Sunday.
g. Paid for all hours worked on Saturday.
h. Paid for all hours worked in excess of eight hours per day and forty hours per week, whichever is greater; Paid for all hours worked on Saturday.
i. Paid for all hours worked in excess of eight hours per day and forty hours per week, whichever is greater; Paid for all hours worked on Saturday and Sunday.
j. Paid for all hours worked in excess of eight hours per day and forty hours per week, whichever is greater; Paid for all hours worked on Saturday and Sunday.
k. Paid for all hours worked in excess of eight hours per day or forty hours per week, whichever is greater; Paid for all hours worked on Saturday and Sunday.
l. Paid for all hours worked in excess of eight hours per day or forty hours per week, whichever is greater; Paid for all hours worked on Saturday and Sunday.
m. Paid for all hours worked in excess of eight hours per day and forty hours per week, whichever is greater; Paid for all hours worked on Saturday and Sunday.

DECISION NO. CT83-3021

	Basic Hourly Rates	Fringe Benefits
PLUMBERS:		
Area 1	16.21	2.69
PLUMBERS & STEAMFITTERS:		
Area 1	16.99	2.47
Area 2	17.60	2.25+ 5%
Area 3	17.30	2.25+ 5%
Area 4	17.82	2.22+ 5%+m
Area 5	17.80	2.92
Area 6	16.65	2.88+n
Area 7	17.47	2.20+o
Area 8	17.40	3.07+p
Area 9	19.17	3.40+q
POWER EQUIPMENT OPERATORS (Building Construction):		
Group I	17.01	2.95+r
Group II	16.85	2.95+r
Crane with boom excluding jib over 150' - $.25 extra		
Crane with boom excluding jib over 200' - $.50 extra		
Group III	16.69	2.95+r
Group IV	16.31	2.95+r
Group V	15.97	2.95+r
Group VI	15.87	2.95+r
Group VII	15.81	2.95+r
Group VIII	15.64	2.95+r
Group IX	15.49	2.95+r
Group X	15.23	2.95+r
Group XI	14.28	2.95+r
Group XII	13.96	2.95+r
Group XIII	13.24	2.95+r
(Heavy & Highway)		
Class 1	18.06	3.10+r
Class 2	17.81	3.10+r
Crane with 150 foot boom (excluding jib)- $.25 extra		
Crane with 280 foot boom (excluding jib - $.50 extra		
Class 3	17.33	3.10+r
Class 4	17.03	3.10+r
Class 5	16.78	3.10+r
Class 6	16.51	3.10+r
Class 7	16.17	3.10+r
Class 8	16.06	3.10+r
Class 9	15.52	3.10+r
Class 10	15.42	3.10+r
Class 11	14.98	3.10+r
Class 12	14.81	3.10+r
Class 13	14.27	3.10+r
Class 14	9.81	3.10+r
ROOFERS:		
Area 1	14.90	1.80
Area 2		
Composition	13.15	2.475
Slate, tile	13.65	2.475
SHEET METAL WORKERS:		
Area 1	16.73	4.40
Area 2	16.69	3.25+3%
SPRINKLER FITTERS	18.00	2.83
STEAMFITTERS:		
Area 1	17.83	3.91
TILE, MARBLE & TERRAZZO FINISHERS	12.90	2.10
TRUCK DRIVERS		
Class 1	11.78	3.02+r
Class 2	11.88	3.02+r
Class 3	11.98	3.02+r
Class 4	11.93	3.02+r
Class 5	12.03	3.02+r
Class 6	12.08	3.02+r

DECISION NO. CT83-3021

Welders - Receive rate prescribed for craft performing operation to which welding is incidental

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

FOOTNOTES:

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

a. Paid Holidays: ½ day on Christmas Eve and ½ day on New Year's Eve.

b. Paid Holidays: B, C, D and Good Friday, provided the employee was employed during the 14 consecutive day period immediately prior to the holiday.

c. $100 per year.

d. Paid Holidays: B, C, and D.

e. Employer contributes $0.50 per worker per day to Security Benefit Fund.

f. Paid Holidays: A through F, plus Friday after Thanksgiving.

g. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

h. Paid Holidays: A through F, Washington's Birthday, Good Friday and Columbus Day.

i. Paid Holiday: Labor Day, provided employee works any part of week prior to and any part of week after Labor Day.

j. The last 4 hours on Christmas Eve is a paid half-day, if employee has worked 5 consecutive days prior to Christmas Eve.

k. Paid Holidays: A through F and Good Friday, provided employee works the day before and the day after the holiday.

l. Paid Holidays: A through F and Good Friday, provided employee works 15 working days within the 4 calendar weeks prior to the holiday.

m. Paid Holiday: Labor Day, provided employee was employed 10 working days prior to and the day after the holiday.

DECISION NO. CT83-3021

FOOTNOTES: (CONT'D)

n. Paid Holidays: M and N, plus half-day paid holidays on the Friday after Thanksgiving, the last working day before Christmas, and Good Friday.

o. Paid Holiday: H

p. Paid Holidays: C, D, H, and half-day paid holiday the Friday after Thanksgiving.

q. Paid Holidays: D and half-day paid holidays on Friday after Thanksgiving and Friday before Labor Day.

r. A through F and Good Friday.

AREA DESCRIPTIONS

ASBESTOS WORKERS:

Area 1: FAIRFIELD; LITCHFIELD (Barkhamsted, Bethlehem, Bridgewater, Cornwall, Goshen, Harwington, Kent, Litchfield, Morris, New Hartford, New Milford, Plymouth, Roxbury, Sharon, Torrington, Warren, Washington, Watertown, Winchester, Woodbury, Thomaston); HARTFORD (Avon, Berlin, Bloomfield, Bristol, Burlington, Canton, East Hartford, West Windsor, Farmington, Glastonbury, Hartford, Manchester, Marlborough, New Britain, Newington, Plainville, Rocky Hill, Simsbury, Southington, South Windsor, West Hartford, Wethersfield, Windsor); NEW HAVEN; MIDDLESEX; NEW LONDON (Bozrah, Colchester, East Lyme, Franklin, Groton, Lebanon, Lyme, Montville, New London, Norwich, Old Lyme, Salena, Sprague, Waterford; TOLLAND (Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Tolland, Vernon, Willington); WINDHAM (Ashford, Chaplin, Eastford, Hampton, Scotland, Windham).

Area 2: LITCHFIELD (Cannan, Colbrook, Norfolk, North Canaan, Salisbury); HARTFORD (East Granby, Enfield, Granby, Hartland, Suffield, Windsor Locks); TOLLAND (Somers, Stafford, Union); WINDHAM (Woodstock).

Area 3: NEW LONDON (Griswold, Ledyard, Lisbon, North Stonington, Preston, Stonington, Voluntown); WINDHAM (Brooklyn, Canterbury, Killingly, Plainfield, Pomfret, Putnam, Sterling, Thompson).

DECISION NO. CT83-3021

BRICKLAYERS; CEMENT MASONS; CEMENT FINISHERS; MARBLE MASONS; PLASTERERS; STONE MASONS; TERRAZZO WORKERS; TILE SETTERS:

Area 1: FAIRFIELD (Greenwich).

Area 2: FAIRFIELD (Darien, Stamford).

Area 3: FAIRFIELD (New Canaan, Norwalk, Ridgefield, Weston, Westport, Wilton).

Area 4: Remainder of State.

CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; RESILIENT FLOOR LAYERS:

Area 1: FAIRFIELD (Bethel, Brookfield, Danbury, Darien, Greenwich, New Canaan, New Fairfield, Newton, Norwalk, Redding, Ridgefield, Sherman, Stamford, Wilton).

Area 2: LITCHFIELD (Barkhamstead, Bethlehem, Bridgewater, Canaan, Colebrook, Cornwall, Goshen, Kent, Litchfield, Morris, New Hartford, New Milford, Norwalk, North Canaan, Roxbury, Salisbury, Sharon, Torrington, Warren, Washington, Winchester, Woodbury).

Area 3: FAIRFIELD (Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, Westport); NEW HAVEN (Milford, Oxford, Derby, Seymour, Ansonia, Orange-that part south of Route 1 and west of the Oyster River).

Area 4: LITCHFIELD (Harwington, Plymouth, Thomaston, Watertown); HARTFORD (New Britain, Newington, Berlin, Southington, Plainville, Burlington, Canton, Bristol); NEW HAVEN (Meriden, Wallingford, New Haven, East Haven, Branford, Guilford, Madison, North Branford, North Haven, Hamden, West Haven, Orange - east of Orange Center Road and north of Route 1 plus north of Route 1 and east of the Oyster River, Cheshire, Waterbury, Wolcott, Middlebury, Southbury, Naugatuck, Prospect, Bethany, Beacon Falls, Woodbridge); MIDDLESEX.

Area 5: HARTFORD (Hartford, West Hartford, Avon, Farmington, Simsbury, Bloomfield, Windsor, East Granby, Granby, Windsor, Locks, Suffield, Enfield, East Windsor, South Windsor, East Hartford, Manchester, Glastonbury, Rocky Hill, Wethersfield, Hartland); TOLLAND (Stafford, Somers, Tolland, Ellington, Bolton, Vernon).

Area 6: TOLLAND (Mansfield, Union, Willington, Coventry, Hebron, Columbia, Andover); WINDHAM; NEW LONDON.

DECISION NO. CT83-3021

DECISION NO. CT83-3021

25982 Federal Register / Vol. 48, No. 108 / Friday, June 3, 1983 / Notices

DECISION NO. CT83-3021

ELECTRICIANS:

Area 1: FAIRFIELD (Darien, Greenwich, New Canaan, Stamford).

Area 2: FAIRFIELD (Norwalk, Wilton, Weston, Westport).

Area 3: FAIRFIELD (Bethel, Bridgeport, Brookfield, Danbury, Easton, Fairfield, Monroe, New Fairfield, Newton, Redding, Ridgefield, Shelton, Sherman, Stratford, Trumbull); LITCHFIELD (except Plymouth); NEW HAVEN (Milford, Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, Wolcott); HARTFORD (Hartland).

Area 4: LITCHFIELD (Plymouth); HARTFORD (Berlin, Bristol, New Britain, Newington, Plainville, Southington); NEW HAVEN (Remainder of County); MIDDLESEX (Chester, Clinton, Deep River, Durham, East Haddam, East Hampton, Essex, Haddam, Old Saybrook, Killingworth, Westbrook); NEW LONDON (East Lyme, Groton, Ledyard-Ledyard Submarine Base Only, Lyme, New London, Old Lyme, Waterford, Fishers Island Sound).

Area 5: HARTFORD (Suffield, Enfield - portion of Thompsonville west of George Washington Road and north of Hazard Avenue).

Area 6: HARTFORD (Remainder of County); MIDDLESEX (Cromwell, Middlefield, Middletown, Portland); TOLLAND; WINDHAM; NEW LONDON (Bozrah, Colchester, Franklin, Lisbon, Montville, North Stonington, Norwich, Griswold, Lebanon, Ledyard - except Ledyard Submarine Base, Preston, Salem, Sprague, Stonington, Voluntown).

GLAZIERS:

Area 1: FAIRFIELD (Greenwich).

Area 2: FAIRFIELD (Remainder of County; NEW HAVEN (except Waterbury, Meridan, Wallingford); LITCHFIELD (Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Watertown, Woodbury); MIDDLESEX (Clinton, Essex, Killingworth, Old Saybrook, Westbrook; NEW LONDON (Old Lyme).

Area 3: LITCHFIELD (Remainder of County); HARTFORD; MIDDLESEX (Remainder of County); NEW LONDON (Bozrah, Colchester, East Lyme, Franklin, Lebanon, Lyme, Montville, New London, Norwich, Salem, Sprague, Waterford); TOLLAND; WINDHAM (Ashford, Chaplin, Hampton, East Port, Scotland, Windham).

Area 4: NEW LONDON (Remainder of County); WINDHAM (Remainder of County).

DECISION NO. CT83-3021

LINE CONSTRUCTION:

Area 1: FAIRFIELD (Darien, Greenwich, New Canaan, Stamford, Norwalk portion west of Five Mile River).

Area 2: Remainder of State.

PAINTERS:

Area 1: FAIRFIELD (Greenwich).

Area 2: FAIRFIELD (Darien, Stamford, New Canaan, Norwalk, Weston, Westport, Wilton).

Area 3: FAIRFIELD (Bridgeport, Easton, Fairfield - including Southport, Stratford, Trumbull); NEW HAVEN (Milford up to Gulf Street).

Area 4: FAIRFIELD (Monroe, Shelton); NEW HAVEN (Ansonia, Beacon Falls, Derby, Oxford, Seymour).

Area 5: FAIRFIELD (Bethel, Brookfield, Danbury, Newton, New Fairfield, Redding, Ridgefield, Sherman); LITCHFIELD (New Milford).

Area 6: NEW HAVEN (Middlebury, Naugatuck, Prospect, Southbury, Waterbury, Wolcott); LITCHFIELD (Roxbury, Thomaston, Washington, Watertown, Woodbury).

Area 7: LITCHFIELD (Barkhamstead, Canaan, Colebrook, Cornwall, Goshen, Harwington, Kent, Litchfield, New Hartford, Norfolk, North Canaan, Salisbury, Sharon, Torrington, Warren, Winchester); HARTFORD; NEW HAVEN (Cheshire, Guilford, Madison, Meriden, Wallingford); MIDDLESEX; TOLLAND; WINDHAM (Ashford, Windham).

Area 8: NEW HAVEN (Bethany, Branford, East Haven, Hamden, Milford - south to Gulf Street, New Haven, Orange, West Haven, Woodbridge, Woodmont).

Area 9: NEW LONDON; WINDHAM (Remainder of County).

PLUMBERS:

Area 1: HARTFORD (Avon, Bloomfield, Burlington, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Harttord, Hartland, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, Windsor Locks; MIDDLESEX (Cromwell, East Haddam, East Hampton, Haddam, Middlefield, Middletown, Portland); TOLLAND (Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Tolland, Union, Vernon, Willington); WINDHAM (Windham).

DECISION NO. CT83-3021

PLUMBERS & STEAMFITTERS:

Area 1: FAIRFIELD (Greenwich).

Area 2: FAIRFIELD (Stamford, Darien, New Canaan).

Area 3: FAIRFIELD (Norwalk, Westport, Weston, Wilton).

Area 4: FAIRFIELD (Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull); NEW HAVEN (Milford).

Area 5: FAIRFIELD (Bethel, Brookfield, Danbury, New Fairfield, Newton, Redding, Ridgefield, Sherman); LITCHFIELD (Bridgewater, New Milford).

Area 6: LITCHFIELD (Remainder of County); NEW HAVEN (Ansonia, Beacon Falls, Bethany, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, Wolcott); HARTFORD (Hartland).

Area 7: HARTFORD (Berlin, Bristol, New Britain, Plainville, Southington and parts of Newington, Farmington and West Hartford--Newington south of Cedar Street, west of Berlin Turnpike, north along New Haven Railroad to South Main Street to Route 6, west on Route 6 to Bristol town line); NEW HAVEN (Cheshire, Meridan, Wallingford); MIDDLESEX (Durham).

Area 8: NEW HAVEN (Branford, Derby, East Haven, Guilford, Hamden, Madison, New Haven, North Branford, North Haven, Orange, West Haven, Woodbridge) MIDDLESEX (Chester, Clinton, Deep River, Killington, Westbrook).

Area 9: NEW LONDON; MIDDLESEX (Essex, Old Saybrook, Saybrook); WINDHAM (Except Windham Twsp.).

ROOFERS:

Area 1: FAIRFIELD; LITCHFIELD (Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury); NEW HAVEN (Ansonia, Beacon Falls, Bethany, Branford, Derby, East Haven, Guilford, Hamden, Madison, Middlebury, Milford, Naugatuck, New Haven, North Branford, North Haven, Orange, Oxford, Seymour, West Haven, Woodbridge).

Area 2: NEW HAVEN (Cheshire, Meriden, Prospect, Wallingford, Wolcott); LITCHFIELD (Remainder of County); HARTFORD; MIDDLESEX; NEW LONDON; TOLLAND; WINDHAM.

DECISION NO. CT83-3021

POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION):

Group I: Derrick, hoisting engineer 2 drums and over, hoisting structural steel, pile driver & setting stone.

Group II: Dragline, forklift - over 4' lift, front end loader - 7 cy. or over, gradall, hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Koehring scooper loader and/or hoe, master mechanic, shovel, & tower crane.

Group III: Maintenance engineer.

Group IV: Central mix operator, Coleman loader and screening plant or similar equipment, combination hoe and loader over ¾ yd, conveyors - regardless of motive power, front end loader 3 cy. up to 7 cy., joy drill limited to joy heavy weight champion or equivalent, mucking machine, post hole digger, pumpcrete machine, rock boring machine, vibratory hammer, welder & well digger.

Group V: Asphalt spreader.

Group VI: Bulldozer, carry-all operators, grader, & scraper pan.

Group VII: Combination hoe and loader machine, concrete mixer - 5 bags and over, front end loader under 3 cy., powerstone spreader.

Group VIII: Fork lift not over 4', Steam Jenny.

Group IX: Roller.

Group X: Dinky machine, power pavement breaker.

Group XI: Mechanical Heater.

Group XII: Fireman (High Pressure).

Group XIII: Oiler.

25004 Federal Register / Vol. 48, No. 108 / Friday, June 3, 1983 / Notices

DECISION NO. CT83-3021

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY):

Class 1: Erecting and Handling structural steel; front end loader (7 cy. or over).

Class 2: Piledriver; power shovel and crane; dragline; gradall; trenching machine; lighter derrick; master mechanic; paver (concrete); derrick (stiff leg and guy); steel pile sheeting; Koehring loader (scooper).

Class 3: Drill (joy heavy weight champion or equivalent); side boom; loader (euclid); mucking machine; pumpcrete; rock and earth boring machine; post hole digger; well digger; A hammer (vibratory); central mix; combination hoe & loader (over ¾ yd.).

Class 4: Asphalt spreader.

Class 5: Front end loader (3 yds. or over); grader; power stone spreader; combination hoe and loader.

Class 6: Asphalt roller; bulldozer; carryall; maintenance engineer concrete mixer (5 bags and over); welder.

Class 7: Front end loader (under 3 yds.); roller; power chipper; fork lift; finishing machine; asphalt plant; power pavement breaker; dinky machine.

Class 8: Compressor battery.

Class 9: Well point system.

Class 10: Batch plant.

Class 11: Fireman (high pressure).

Class 12: Compressor; pump.

Class 13: Oiler.

Class 14: Track backhoe oiler.

DECISION NO. CT83-3021

SHEET METAL WORKERS:

Area 1: FAIRFIELD; LITCHFIELD.

Area 2: NEW HAVEN; HARTFORD; MIDDLESEX; NEW LONDON; TOLLAND; WINDHAM.

STEAMFITTERS:

Area 1: HARTFORD (Avon, Bloomfield, Burlington, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, Windsor Locks) MIDDLESEX (Chester, Cromwell, Deep River, East Haddam, Hampton, Haddam, Maromas - Atomic River Project, Middlefield, Middletown, Portland; TOLLAND (Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon, Willington); WINDHAM (Windham).

CLASSIFICATION DESCRIPTIONS

LABORERS (BUILDING):

Group 1: Laborers, carpenter tenders, wrecking laborers, fire watchers.

Group 2: Jack hammer operator, mason tenders, mortar mixer, pipelayers, plasterers tenders, power buggy operators, powdermen.

Group 3: Air track operators, wagon drill operators, sand blasters, blasters.

Group 4: Bottom men on open air caisson, cylindrical work and boring crew.

Group 5: Top men on open air caisson, cylindrical work and boring crew.

LABORERS (HEAVY & HIGHWAY):

Group 1: Laborers (unskilled).

Group 2: Asphalt rakers, chain saw operators, fence and guard rail erectors, pipelayers, mason tenders, pneumatic tool operators, powdermen, and wagon drill operators.

Group 3: Air track operators, block pavers, curb setters.

Group 4: Blasters.

DECISION NO. CT83-3021

TRUCK DRIVERS:

Class 1: Two axle trucks; helpers.

Class 2: Three axle trucks; two axle ready mix.

Class 3: Four axle trucks; heavy duty trailer-up to 40 tons.

Class 4: Three axle ready mix.

Class 5: Four axle ready-mix; specialized earth moving equipment other than conventional tye on-the road trucks and semi-trailer (including Euclids).

Class 6: Heavy duty trailer-40 tons and over.

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL83-2043
Supersedes Decision No. IL81-2051, dated August 7, 1981 in 46 FR 40423
DESCRIPTION OF WORK: Heavy and Highway Construction Projects (Including Dredging Projects)

COUNTIES: *See Below
DATE: Date of Publication

*Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Peoria, Stark, Tazewell & Warren

	Basic Hourly Rates	Fringe Benefits
CARPENTERS & PILEDRIVERMEN:		
AREA 1:		
Carpenters	$15.58	$2.82
Piledrivermen	16.08	2.82
AREA 2:		
Carpenters	15.58	2.82
Piledrivermen	16.08	2.82
AREA 3:		
Carpenters	15.45	2.48
Piledrivermen	16.15	2.48
AREA 4:		
Carpenters	15.57	2.82
Piledrivermen	16.07	2.82
AREA 5:		
Carpenters	15.92	2.78
Piledrivermen	15.41	2.78
CEMENT MASONS:		
AREA 1	15.65	2.75
AREA 2	16.14	2.03
AREA 3	16.30	.85
AREA 4	14.37	1.80
AREA 5	17.65	
AREA 6	16.30	.85
AREA 7	14.90	1.35
ELECTRICIANS:		
AREA 1:		
Electricians	17.32	2.50
Cable Splicers	19.05	2.56
AREA 2:		
Electricians	17.32	2.50
Cable Splicers	19.05	2.56
AREA 3:		
Electricians	17.32	2.50
Cable Splicers	19.05	2.56
AREA 4:		
Electricians	16.64	2.69
Cable Splicers	17.64	2.77
AREA 5:		
Electrical Installations not exceeding $4,000.00	16.10	2.07
Electrical Installations over $4,000.00	16.60	2.09
IRONWORKERS:		
AREA 1	15.95	2.23
AREA 2	15.715	3.32
AREA 3	16.25	2.15
AREA 4	16.45	2.79

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
AREA 1:		
Linemen	$18.02	$2.18
Groundman Equipment Op. - Class 1	16.81	2.08
Groundman Truck Driver w/Winch	12.77	1.74
Groundman Truck Driver without Winch	12.02	1.67
Groundman	11.46	1.62
AREA 2:		
Linemen; Heavy Equipment Op.; & Technicians	14.07	.94
Cable Splicers	14.17	.95
Dynamiter	11.97	.87
Groundman Equipment Op.	11.39	.85
Groundman Truck Driver with Winch	10.06	.80
Groundman Truck Driver without Winch; Groundman	9.72	.79
PAINTERS:		
AREA 1:		
Brush	15.50	1.73
Bridge Work; Spray & Steel	16.35	1.73
AREA 2:		
Brush	14.25	
Bridge; Spray & Steel	14.75	
AREA 3:		
Brush	12.50	1.00
Steel	12.75	1.00
Spray	13.00	1.00
AREA 4:		
Brush; Roller	14.47	3.49
Spray; Steel	14.97	3.49
Bridge	15.72	3.49
LABORERS:		
AREA 1:		
Unskilled	15.75	1.40
Semi-Skilled	15.95	1.40
Skilled	16.15	1.40
AREA 2:		
Unskilled	14.42	1.70
Semi-Skilled	14.62	1.70
Skilled	14.82	1.70
AREA 3:		
Unskilled	13.97	2.15
Semi-Skilled	14.17	2.15
Skilled	14.37	2.15

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
AREA 1:		
Asphalt Plant	15.50	1.73
Backhoe	16.35	1.73
Boom Truck	15.50	1.73
Bulldozer	16.35	1.73
Concrete Pump	15.50	1.73
Crane	16.35	1.73
Drill	15.50	1.73
Fork Lift	15.50	1.73
Grader	16.35	1.73
Hoist	15.50	1.73
Loader	15.50	1.73
Mechanic	16.35	1.73
Oiler	15.50	1.73
Roller	15.50	1.73
Scraper	15.50	1.73
Trackhoe	16.35	1.73
Trackmobile	15.50	1.73
Trackpaver	16.35	1.73
Trackshovel	16.35	1.73
Trackspotter	15.50	1.73
Trackspreader	15.50	1.73
Trackwasher	15.50	1.73
Trackwelder	16.35	1.73
Trackwidener	15.50	1.73
Trackwinch	15.50	1.73
Truck Crane	16.35	1.73
Truck Driver	15.50	1.73
AREA 2:		
Asphalt Plant	14.25	
Backhoe	14.75	
Boom Truck	14.25	
Bulldozer	14.75	
Concrete Pump	14.25	
Crane	14.75	
Drill	14.25	
Fork Lift	14.25	
Grader	14.75	
Hoist	14.25	
Loader	14.25	
Mechanic	14.75	
Oiler	14.25	
Roller	14.25	
Scraper	14.25	
Trackhoe	14.75	
Trackmobile	14.25	
Trackpaver	14.75	
Trackshovel	14.75	
Trackspotter	14.25	
Trackspreader	14.25	
Trackwasher	14.25	
Trackwelder	14.75	
Trackwidener	14.25	
Trackwinch	14.25	
Truck Crane	14.75	
Truck Driver	14.25	
AREA 3:		
Asphalt Plant	12.50	1.00
Backhoe	12.75	1.00
Boom Truck	12.50	1.00
Bulldozer	12.75	1.00
Concrete Pump	12.50	1.00
Crane	12.75	1.00
Drill	12.50	1.00
Fork Lift	12.50	1.00
Grader	12.75	1.00
Hoist	12.50	1.00
Loader	12.50	1.00
Mechanic	12.75	1.00
Oiler	12.50	1.00
Roller	12.50	1.00
Scraper	12.50	1.00
Trackhoe	12.75	1.00
Trackmobile	12.50	1.00
Trackpaver	12.75	1.00
Trackshovel	12.75	1.00
Trackspotter	12.50	1.00
Trackspreader	12.50	1.00
Trackwasher	12.50	1.00
Trackwelder	12.75	1.00
Trackwidener	12.50	1.00
Trackwinch	12.50	1.00
Truck Crane	12.75	1.00
Truck Driver	12.50	1.00
AREA 4:		
Asphalt Plant	14.47	3.49
Backhoe	14.97	3.49
Boom Truck	14.47	3.49
Bulldozer	14.97	3.49
Concrete Pump	14.47	3.49
Crane	14.97	3.49
Drill	14.47	3.49
Fork Lift	14.47	3.49
Grader	14.97	3.49
Hoist	14.47	3.49
Loader	14.47	3.49
Mechanic	14.97	3.49
Oiler	14.47	3.49
Roller	14.47	3.49
Scraper	14.47	3.49
Trackhoe	14.97	3.49
Trackmobile	14.47	3.49
Trackpaver	14.97	3.49
Trackshovel	14.97	3.49
Trackspotter	14.47	3.49
Trackspreader	14.47	3.49
Trackwasher	14.47	3.49
Trackwelder	14.97	3.49
Trackwidener	14.47	3.49
Trackwinch	14.47	3.49
Truck Crane	14.97	3.49
Truck Driver	14.47	3.49

FOOTNOTE:

	Basic Hourly Rates	Fringe Benefits
LABORERS (CONT'D):		
AREA 4:		
Class 1	$13.18	$2.20
Class 2	13.43	2.20
Class 3	13.68	2.20
AREA 5:		
Road, Driveways & Alleys:		
Group 1	14.71	2.45
Group 2	14.835	2.45
Group 3	14.86	2.45
Group 4	14.96	2.45
Group 5	14.985	2.45
Group 6	15.085	2.45
Tunnel & Subways (Free Air):		
Group 1	14.71	2.45
Group 2	14.835	2.45
Group 3	15.085	2.45
Group 4	15.185	2.45
Cofferdams & Caisson (Free Air):		
Group 1	14.71	2.45
Group 2	14.835	2.45
Group 3	15.185	2.45
Open Sewer Or Trenches:		
Group 1	14.71	2.45
Group 2	14.76	2.45
Group 3	14.835	2.45
Group 4	15.085	2.45
Group 5	15.185	2.45
Levee & Heavy Grading:		
Group 1	14.71	2.45
Group 2	14.835	2.45
Pipeline:		
Group 1	14.71	2.45
Group 2	14.835	2.45
Group 3	14.985	2.45
AREA 6:		
Unskilled	13.72	2.40
Semi-Skilled	13.92	2.40
Skilled	14.13	2.40
AREA 7:		
Unskilled	13.92	2.20
Semi-Skilled	14.12	2.20
Skilled	14.32	2.20

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
AREA 1:		
Group 1	$16.74	$2.35
Group 2	16.54	2.35
Group 3	15.39	2.35
Group 4	15.32	2.35
Group 5	13.88	2.35
AREA 2:		
Class 1	15.30	2.98
Class 2	15.30	2.98
Class 3	13.70	2.98
Class 4	13.70	2.98
Class 5	12.55	2.98
TRUCK DRIVERS:		
AREA 1:		
Group 1	14.325	1.15+a
Group 2	14.725	1.15+a
Group 3	14.925	1.15+a
Group 4	15.175	1.15+a
AREA 2:		
Group 1	14.875	1.15+a
Group 2	15.275	1.15+a
Group 3	15.475	1.15+a
Group 4	15.725	1.15+a
DREDGING:		
Group 1	13.07	1.30
Group 2	12.87	1.30
Group 3	12.493	1.30
Group 4	12.22	1.30
Group 5	11.61	1.30

FOOTNOTE:
a. $51.00 Per Week Per Employee

AREA DESCRIPTIONS

CARPENTERS & PILEDRIVERMEN:
AREA 1: Fulton, Peoria, Stark & Tazewell Cos.
AREA 2: Hancock (E 1/3) & McDonough Cos.
AREA 3: Hancock (W 2/3) Co.
AREA 4: Henderson, Knox, & Warren Cos.
AREA 5: Mercer Co.

CEMENT MASONS:
AREA 1: Fulton (Except NW Part), Peoria & Tazewell Cos.
AREA 2: Fulton (NW Part), Knox, & Warren Cos.
AREA 3: Hancock Co.
AREA 4: Henderson (N ½) & Mercer Cos.
AREA 5: Henderson (S ½) Co.
AREA 6: McDonough Co.
AREA 7: Stark Co.

ELECTRICIANS:
AREA 1: Fulton (Cass, Deerfield, Ellisville, Harris, Lee, Union, Young & Hickory Twps.), Henderson, Knox, McDonough (Blandinsville, Prairie City, Emmet, Tennessee, Scotland, Sciota, Bushnell, Macomb, Colchester, New Salem, Walnut Grove, Hire, Mound & Chalmers Twps.), Mercer (Ohio Grove, Suez & N. Henderson Twps.), & Warren Cos.
AREA 2: Fulton (Exclu. Cass, Deerfield, Ellisville, Harris, Lee, Union, Young & Hickory Twps.), Peoria, Stark (Essex, Valley & W. Jersey Twps.) & Tazewell Cos.
AREA 3: Hancock & McDonough (Lamoine, Bethel, Industry & Eldorado Twps.) Cos.
AREA 4: Mercer (Exclu. Ohio Grove, N. Henderson, & Suez Twps.) Co.
AREA 5: Stark (Elmira, Goshen, Osceola, Penn, & Toulon Twps.) Co.

IRONWORKERS:
AREA 1: Fulton (S. tip, inclu. Marbletown, Astoria & Summum Twps.) Co.
AREA 2: Fulton (N. of Summum & Marbletown Twps.), Knox (S & E of Galesburg), McDonough, Peoria, Stark, & Tazewell Cos.
AREA 3: Hancock, Henderson, Knox (W & SW of Galesburg), Mercer & Warren Cos.
AREA 4: Knox (Galesburg & all area N. of the city) Co.

LINE CONSTRUCTION:
AREA 1: Fulton, Hancock, Henderson, Knox, McDonough, Mercer (N. Henderson & Suez Twps.), Peoria, Stark, Tazewell, & Warren Cos.
AREA 2: Mercer (Exclu. N. Henderson & Suez Twps.) Co.

PAINTERS:
AREA 1: Fulton, Peoria, & Tazewell Cos.
AREA 2: Hancock & McDonough Cos.
AREA 3: Henderson, Knox, Stark, & Warren (N. to Center of E-W Hwy at Alexis) Cos.
AREA 4: Mercer & Warren (Exclu. area N. to Center of E-W Hwy at Alexis) Cos.

LABORERS:
AREA 1: Fulton, & Tazewell (Exclu. City of East Peoria) Cos.
AREA 2: Hancock & McDonough Cos.
AREA 3: Henderson, Knox, & Warren Cos.
AREA 4: Mercer Co.
AREA 5: Peoria, & Tazewell (City of East Peoria) Cos.
AREA 6: Stark (E ½) Co.
AREA 7: Stark (W ½) Co.

POWER EQUIPMENT OPERATORS:
AREA 1: Fulton, Hancock, Henderson, Knox, McDonough, Peoria, Stark, Tazewell, & Warren Cos.
AREA 2: Mercer Co.

TRUCK DRIVERS:
AREA 1: Fulton, Hancock, Henderson, Knox, McDonough, Mercer & Warren Cos.
AREA 2: Peoria, Stark, & Tazewell Cos.

DREDGING: Fulton, Hancock, Henderson, Knox, McDonough, Peoria, Stark, Tazewell & Warren Cos.

LABORERS CLASSIFICATIONS:
AREA 1:
UNSKILLED: Tool Cribmen; Cleaning & Oiling Machinery & Tools; Gravel Box Men; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Wrecking Laborers; Fireproofing; Unloading & Carrying of Rebars; Scaffold Workers; Laborers w/DeWatering Systems; Tunnel Laborers (Free Air); Tenders for Carpenters, Masons, Plasterers, Piledrivers, Asphalt Plant, Firemen or Salamanders, Caisson Top Man, & Truck Drivers
SEMI-SKILLED: Handling of Materials Treated w/Oil & Creosote; Asphalt and/or Foreign Material Harmful to Skin & Clothing Handled by any mode or method; Track Laborers; Cement Handlers; Signalling & Spotting of Rigs & Equipment; Chloride Handlers; Wet Concrete Workers; Batch Dumpers; Kettle & Tar Men; Tank Cleaner; Plastic Installer; Motorized Buggies or Motorized Units used for Wet Concrete or Building Materials; Sewer Workers; Vibrator Ops.; Mortar Mixer Op.; Cement Silica, Clay, Fly Ash, Lime & Plaster Handlers (Bulk or Bag); Cofferdam Workers; Work on Concrete Paving; Placing, Cutting & Tying of Reinforcing; Deck Hand; Dredge Hand & Shore Laborers; Bank Men or Floating Plant; Asphalt Workers & Layers with Machine; Grade Checker; Dumpmen & Spotter where Grade is to be established; Power Tools; Chain Saw Op.; Jackhammer & Drill Ops.; Air Tamping Hammerman; Caisson Top Men; Gunnite Pot Men; Batterboard Setter; Digging Bell Holes; Driving or Stakes & Setting Stringlines for all Machinery
SKILLED: Caisson or Tunnel Miners & Muckers; Gunnite Nozzlemen; Welders; Cutters; Burners; & Torchmen; Steel Form Setters-Street & Highway; Concrete Saw Op.; Screenman on Asphalt Pavers; Front End Man on Chip Spreader; Laborers Tending Masons with Hot Material or/where Foreign Matter of Materials are used; Multiple Concrete Duct-Leadman; Lutemen; Curb Asphalt Machine Op.; Ready Mix Scaleman; Permanent Portable or Temporary Plant; Laborers Handling Master-Plate or similar Materials; Laser Beam Op.; Concrete Burning Machine Op.; Coring Machine Op.; Underpinning & Shoring of Buildings; Dynamite Shooter; Cribbing & Jackmen in Trench & Hydraulic Jackman
AREA 4:
CLASS 1: Common; Carpenter Tender; Tool Cribmen; Salamander Tender; Form Handler; Material Handler; Fencing; Cleaning Lumber; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Wrecking; Unloading of Re-Bars; Scaffold Workers; & Signal Man on Crane
CLASS 2: Handling of Materials treated with Creosote; Kettle Men; Prime Mover or Motorized Unit used for Wet Concrete or Handling of Building Materials; Vibrator Ops.; Mortar Mixer; Power Tools used under the jurisdiction of the Laborer; Sand Points; Gunnite Nozzle Men; Welders; Cutters; Burners and Torchmen; Chain Saw Op.; Jackhammer and Drill Ops.; Paving Breakers; Air Tamping Hammermen; Concrete Saw Op.; Concrete Burning Machine Op.; Coring Machine Op.; Hod Carriers & Plasterers' Tenders
CLASS 3: Caisson Workers after 6 ft. depth; Dynamite Men; Tunnel Miners; Mixermen (Plaster only); & Pump Men
AREA 5:
Road, Driveways & Alleys:
Group 1: Bricklayer Tender; Carpenter Tender; Cement Mason Tender; Concrete Form Dismantler; Piledriver Tender; Tool Cribmen; Expansion Joint Assemblers; All other Excavating Work & Labor; Curing all Concrete by Hand Method; Drive Stakes; Stringlines for all Machinery; Waterproofing w/Cold Stuff; & Landscape Work
Group 2: Power Operated Tool; Asphalt Kettlemen & Carries; Cement Men & Sack Shakers; Chipping Hammermen; Jackhammer & Drill Op. (Open); Power Form Tampers; Power Concrete Saw; Rigmen; Signalling & Spotting Rigs & Equipment, Waterproofing w/Hot Stuff
Group 3: Stripping Concrete Forms with Composite Crew of Carpenters & Laborers
Group 4: Gunnite Pump Man; Puddlers; Vibrator Man; Wire Fabric Placer; Sandblasting Pump Man; Strike Off; Unloading, Handling & Carrying of any Creosoted Material; Concrete Burning Bars
Group 5: Power Wheelbarrows or Buggies
Group 6: Asphalt Raker; Bricksetters; Cutting Torch; Setting Lines to Level Forms; Form Setters; Gunnite Nozzlemen; Sandblasting Nozzlemen; Powdermen; Rip Rapping; Cutting Torchman (elec. & acetylene)

LABORERS CLASSIFICATIONS (CONT'D):
AREA 5 (Cont'd):
Tunnel & Subways (Free Air):
Group 1: Top Laborer
Group 2: Bell Men (Top & Bottom); Laborers in Tunnel
Group 3: Drill & Powder Men; Gunnite Op. (Tunnel); Operator Cement Placement; & Muckers
Group 4: Tunnel Miners
Cofferdams & Caisson (Free Air):
Group 1: Caisson & Cofferdam Top Men Tenders
Group 2: Caisson & Cofferdam Top Men
Group 3: Caisson & Cofferdam Miner; Caisson & Cofferdam Muckers; & Any other Laborers Working in "said" Caisson or Cofferdam
Open Sewer Or Trenches:
Group 1: Top Man & All Other Excavating
Group 2: Man Working in Sewers 2 years old and older
Group 3: Bottom Man who does immediate grading; Batter Board Men; Laser Beam Equipment
Group 4: Tile Layer & Caulker
Group 5: Cribbing, Jackman & Hydraulic Jackman in Trench
Levee & Heavy Grading:
Group 1: All Other Laborers
Group 2: Spotters; Dump Man & Cut Man
Pipeline:
Group 1: All other Laborers; Rollers; Sealers & Spotters
Group 2: Signal Men on Rigs; Rig Men; Kettlemen & Carries; Men Handling Hotstuff; Men who do immediate grading for laying of pipe or digging bells holes
Group 3: Spacers
POWER EQUIPMENT OPERATORS CLASSIFICATIONS:
AREA 1:
GROUP 1 - Cranes; Hydro Crane; Shovels; Crane Type Backfiller; Tower Cranes, Mobile & Crawler & Stationary; Derricks & Hoist (3-drum); Dragline; Drott Yumbo & similar Types considered as Cranes; Backhoe; Derrick Boats; Pile Driver & Skid Rigs; Clam Shells; Locomotive Cranes; Road Pavers, Single Drum, Dual Drum & Tri Batcher; Motor Patrols & Power Blades, Dumore, Elevating & Similar types; Mechanics; Central Concrete Mixing Plant Op.; Blacktop Plant Ops. & Plant Engineers; Gradall; Caisson Rigs; Skimmer Scoop, Koehring Scooper; Dredges (all types); Hoptoe, Crane type; Escalated rate on Crane & Derricks Booms, $.01 per hour, per ft., over 80' incl. jib; Cherry Pickers; Work Boat; Ross Carrier; Helicopter; Dozer & Tournadozer
GROUP 2 - Asphalt Heater & Planer Combination (used to plane streets); Trench Machines; Pump Crete; Belt Crete; Squeeze Crete; Screw type Pumps & Gypsum; Bulker & Pump; Dinkeys; Tournapulls, all, & similar types; Multiple Unit Earth Movers, $.25 per hour for each scoop over one; Scoops (all sizes); Pushcats; End Loaders (all types); Side Booms; P-H One Pass Soil Cement Machines & similar types; Wheel Tractors (industrial or farm type with Dozer, Hoe, End Loader other attachments; Backfiller; Asphalt Surfacing Machine; Euclid Loader; Fork Lifts; Formless Finishing Machine; Jeep with Ditching Machine or other attachment; Tune-luger; Rockcrusher; Automatic Cement & Gravel Batching Plants; Mobile Drills (Soil Testing); & Similar types; Pugmill with Pump; Flaherty Spreader & Similar types; Heavy Equipment Greaser (Top Greaser on Spread); Power Launches; Boring Machine & Pipe Jacking Machine; C.M.I & similar types; All (1) & (2) Drum Hoists; Dewatering System; Straw Blower; Hydro-seeder; Boring Machine; Hydro-broom; Starting Engineer on Pipeline; P. W. D. & similar types

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (CONT'D):
AREA 1 (Cont'd):

TRUCK DRIVERS CLASSIFICATIONS:

25008 Federal Register / Vol. 48, No. 108 / Friday, June 3, 1983 / Notices

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (CONT'D):

AREA 1 (Cont'd):

GROUP 3: Apsco Spreader or similar types; Tractors (track-type) without Power Units pulling Rollers; Rollers on Asphalt-brick or Macadam; Concrete Breakers; Concrete Spreaders; Center Stripper; Cement Finishing Machines; Vibro Tampers (all similar types) self-propelled; Mechanical Bull Floats; Mixers, over 3 bag to 27E; Winch & Boom Trucks; Tractor, pulling Power Blade or Elevating Grader; Porter Tex Rail; Clary Screed; Mule, pulling Rollers; Pugmill without Pump; Barber Greene or similar Loaders; Track-Type Tractors with Power unit attached (minimum); Fireman; Screed Man on Laydown Machine; & Spray Machine on Paving

GROUP 4 - Power Subgrader; Oil Distributor; Straight Tractor; Tracair (without attachments); Curb Machines; Paved Ditch Machines; Truck Crane Oiler; & Truck type Hoptoe Oilers

GROUP 5 - Herman Nelson Heater, Dravo, Warner, Silent Glo & Similar types: Self-propelled Concrete Saws; Assistant Heavy Equipment Greaser; Crawler Crane & Skid Rig Oilers; Rollers, 5 tons & under on Earth & Gravel; Form Graders; Pump (1) or (2); Light Plant (1) or (2); Generator (1) or (2); Conveyor (1) or (2); Mixer, 3 bags & under; Bulk Cement Plant; Air Compressor (1) or (2); & Welding Machine (1) or (2)

AREA 2:

CLASS 1: Crane; Shovel; Clamshell; Dragline; Backhoe; Derrick; Tower Crane; Cable Way; Concrete Spreader; Asphalt Spreader; Asphalt Mixer Plant Engineer; Dipper Dredge; Dipper Dredge Craneman; Dual Purpose Truck (Boom or Winch); Leverman or Engineman (Hydraulic Dredge); Mechanic; Paving Mixer with Tower attached; Pile Driver; Boom Tractor; Stationary, Portable or Floating Mixing Plant; Trenching Machine (over 40 H.P.); Building Hoist (two drums); Hot Paint Wrapping Machine; Cleaning & Priming Machine; Backfiller (throw bucket); Locomotive Engineer; Welder; Tow or Push Boat; Concrete Paver; Seaman Trav-L-Plant or similar machines; CMI Autograder or similar machines; Slip Form Paver; Caisson Augering Machine; Mucking Machine; Asphalt Heater-Planer Unit; Hydraulic Cranes; & Mine Hoists

CLASS 2: Athey; Barber-Green; Euclid or Haiss Loader; Asphalt Pug Mill; Fireman & Drier; Concrete Pump; Concrete Spreader; Bulldozer; Endloader; Log Chipper or similar machines; Elevating Grader; Group Equipment Greaser; LeTourneaupul & similar machines; DW-10 Hyster Winch & similar machines; Motor Patrol; Power Blade; Push Cat; Tractor Pulling Elevating Grader or Power Blade; Tractor Operating Scoop or Scraper; Tractor with Power Attachment; Roller on Asphalt or Blacktop; Single Drum Hoist; Jaeger Mix & Place Machine; Pipe Bending Machine; Flexaplane or similar machines; Automatic Curbing Machines; Automatic Cement & Gravel Batch Plants (one stop set-up); Seaman Pulvi-Mixer or similar machines; Blastholer Self-propelled Rotary Drill or similar machines; Work Boat; Combination Concrete Finishing Machine & Float; Self-propelled Sheep Foot Roller or Compactor; Asphalt Spreader Screed Operator; Apsco Spreader or similar machine; Forklift (over 6,000 lb. cap. or working at heights above 28 ft.); Concrete Conveyors; & Chip Spreader

CLASS 3: Asphalt Booster; Fireman & Pump at Asphalt Plant; Mud Jack; Underground Boring Machine; Concrete Finishing Machine; Form Grader with Roller on Earth; Mixers (3 bag to 16E); Power Operated Bull Float; Tractor without Power attachment; Dope Pot (agitating motor); Dope Chop Machine; Distributor (back end); Straddle Carrier; Portable Machine Fireman; Hydro-Hammer; Power Winch on Paving Work; Self-propelled Roller or Compactor; Pump (more than one well-point pump); Portable Crusher; Trench Machine (under 40 H.P.); Power Subgrader (on forms) or similar machines; Forklift (6,000 lb. cap. or less); Gypsum Pump; Conveyor over 20 H.P.; Fuller Kenyon Cement Pump or similar machines

CLASS 4: Air Compressor (275 c.f.m. or over); Driver on Truck Crane or similar machines; Light Plant; Mixers (1 or 2 bag); Power Batching Machine (Cement Auger or Conveyor); Boiler (Engineer or Fireman); Water Pumps; Mechanical Brooms; Automatic Cement & Gravel Batch Plants (two or three stop set-up); Small Rubber-tired Tractors (not including Backhoes or Endloaders); Self-propelled Curing Machines; & Brush Chippers

CLASS 5: Oiler; Mechanic's Tender; Mechanical Heater (other than steam boiler); Belt Machine; Small Outboard Motor Boats (Safety Boat & Life Boat); Engine Driven Welding Machine; & Small Tractors (used to unroll or roll wire mesh)

TRUCK DRIVERS CLASSIFICATIONS:

GROUP 1: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP 2 : 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP 3 : 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP 4 : Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

DREDGING:

GROUP 1: Operators on hydraulic dipper or clamshell dredges, Engineers & Repairmen, Operators on Work Boats.

GROUP 2: Power Winches 1-2-3 Drums

GROUP 3: Security Engineer

GROUP 4: Cranemen on Dipper Dredges, Operators on Launches or Power Boats.

GROUP 5: Fireman & Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MARYLAND

COUNTIES: ANNE ARUNDEL (EXCLUDING THE D.C. TRAINING SCHOOL), BALTIMORE AND BALTIMORE CITY, MARYLAND, AND FOR HEAVY CONSTRUCTION PROJECTS IN HARFORD & HOWARD COUNTIES, MARYLAND

DECISION NO.: MD83-3010

DATE: DATE OF PUBLICATION

Supersedes Decision No. MD81-3074 dated October 9, 1981 in 46 FR 50238.

DESCRIPTION OF WORK: Building Construction (does not include single family houses and apartments up to and including 4-stories) and Heavy Construction Projects (does not include sewer and water lines)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	15.30	3.39
BOILERMAKERS	17.675	2.915
BRICKLAYERS	14.78	2.07
CARPENTER, SOFT FLOOR LAYERS, MILLWRIGHTS, PILEDRIVERS, DIVERS AND DIVER'S TENDERS		
Zone 1 - Anne Arundel County (the City of Annapolis and that portion of the county south and east of the following line: beginning at Rte. 3 and the Patuxent River, north of Rte. 3 to the junction of Benfield Rd., then right on Benfield Rd. to the junction of Jumpers Hole Rd. left on Jumpers Hole Rd. to the junction of Ritchie Hwy., left on Ritchie Hwy. to the junction of Rte. 100, right on Rte. 100 to Rte. 177 and continuing in an easterly direction on Rte. 177 to Gibson Island):		
Carpenters & soft floor layers	14.92	1.55
Millwrights	15.61	1.55
Piledriver	15.25	1.55
Divers	23.20	1.55
Diver's Tenders	16.53	1.55
Zone 2 - Anne Arundel (remainder of county), Baltimore, Baltimoce City, Harford and Howard Counties:		
Carpenters, soft floor layers, resilient floor layers, pile drivers and diver's tenders	13.80	2.11
Divers	27.50	2.11
Millwrights	14.15	2.36
CEMENT MASONS	13.69	2.12
ELECTRICIANS:		
Zone 1 - From Baltimore City Hall to 25 miles	18.68	3.5%+ 2.70
Zone 2 - Over 25 miles to 45 miles from Baltimore City Hall	18.85	3.5%+ 2.70
Zone 3 - Over 45 miles from Baltimore City Hall	17.10	3.5%+ 2.70
ELEVATOR CONSTRUCTORS		
Mechanics	16.04	2.69+ a+b
Helpers	11.23	2.69+ a+b
Helpers (Probationary)	8.02	
GLAZIERS	14.48	4.14
IRONWORKERS:		
Ironworkers, finishers, rodmen; pre-cast & prestress erectors	14.48	4.14
Fence Erectors	14.13	4.14
Sheeters	14.73	4.14

DECISION NO. MD83-3010

	Basic Hourly Rates	Fringe Benefits
LABORERS, BUILDING & HEAVY (EXCLUDING TUNNEL CONSTRUCTION)		
General Laborers material handlers (except tenders), clean-up, janitors, truck checkers	8.50	1.885
Construction Laborers - All laborers not otherwise classified	9.85	1.285
Semi-Skilled Laborers Pavers, power tool operators, pipe layers, drillers, concrete laborers, signalmen, small machine operators, laser beam operators	10.15	1.885
Skilled Laborers - Burners, welders, nozzlemen, wagon drillers, powder men	10.60	1.225
Jackhammer Operator - 80 lbs and over	10.35	1.225
LEAD BURNERS	17.35	1.01
LINE CONSTRUCTION:		
Linemen		
Zone 1 - From Baltimore City Hall to 45 miles (air line):		
Linemen, cable splicers digging and equipment operator	16.50	3%+.80
Truck drivers	10.31	3%+.80
Groundmen	9.90	3%+.80
Linemen		
Zone 2 - Over 45 miles from Baltimore City Hall:		
Linemen, cable splicers, digging and equipment operator	16.75	3%+.80
Truck drivers	10.56	3%+.80
Groundmen	10.15	3%+.80

DECISION NO. MD83-3010

	Basic Hourly Rates	Fringe Benefits
MARBLE SETTERS	12.88	1.73
MASON TENDERS:		
Mason tenders	10.45	1.125
Scaffold builders	10.70	1.125
PAINTERS:		
Brush, roller, spackling, taping and wallcovering	13.38	2.28
Steel, spray, swinging stages, Bosuns chair, sand and waterblasting, steam cleaning, and epoxies	14.05	2.29
Ames tool-bazooka	14.30	2.29
PLASTERERS	14.00	2.10
PLUMBERS	16.22	2.82
ROOFERS	11.35	1.45
SHEET METAL WORKERS	13.90	3.76
SIGN ERECTORS	9.18	4%+d
SPRINKLER FITTERS:		
Baltimore City including a 10 mile radius beyond the city limits	15.90	2.83
Harford & Howard Cos. and the remainder of Anne Arundel and Baltimore Counties	16.17	2.83
STEAMFITTERS	16.68	3.51
TILE & TERRAZZO WORKERS	13.86	2.87
TILE, MARBLE & TERRAZZO FINISHER	10.36	.95
TRUCK DRIVERS: BUILDING		
Euclid wagon and dumpster	11.54	2.50+8 +g
Dropframe gooseneck and trailers	13.14	2.50+8 +g
Dump	11.14	2.50+8 +g
Pick-up	11.49	2.50+8 +g

DECISION NO. MD83-3010

DECISION NO. MD83-3010

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS: HEAVY		
Euclid wagons & dumpsters	10.54	2.50+f +g
Drop Frame, gooseneck & trailers	10.39	2.50+f +g
Dump; sweeper, boring machine and miscellaneous equipment; water trucks, fuel and lube truck	10.14	2.50+f +g
Pick-up	9.86	2.50+f +g
POWER EQUIPMENT OPERATORS		
Group I	15.08	2.55+e
Group II	13.78	2.55+e
Group III	13.07	2.55+e
Group IV	12.40	2.55+e
Group V	11.05	2.55+e
POWER EQUIPMENT OPERATORS (PAVING, SITE CLEARANCE AND UTILITIES):		
Group I	12.70	2.55
Group II	12.10	2.55
Group III	11.41	2.55
Group IV	10.13	2.55

BUILDING POWER EQUIPMENT OPERATOR CLASSIFICATIONS

Group I - Operators handling or setting steel, stone prestressed concrete or machinery. Tower cranes.

Group II - Backfiller, backhoe, batching plants, boat captain, cableway, case type hoe (with a front end bucket over 1-1/4 yds.), concrete mixing plants, concrete paver, crane, derrick boat, double concrete pump, dragline, Kimco type overhead loader, elevating grader, excavating scoop ((25 yds. and over), front end loader (1-3/4 yds. and over), gradall, grader, grader, hoist (2 active drums or more), multiple conveyor, pile driving machine, power shovel, repair mechanic, shield, standard gauge locomotive, trenching machine, tunnel mucking machine, twin engine scraper, welder, whitley rig and bulldozers (D-9 or equivalent and above)

Group III - Asphalt spreader, bull float, Case type backhoe (with a front end bucket 1-1/4 yds. and under), concrete mixer (with skip), concrete pump, concrete spreader, excavating scoop (under 25 yds.), finishing machine, front end tractor loader (under 1-3/4 yds.), hi-lift fork lift, longitudinal float, narrow guage locomotive, one drum hoist, power roller on hot mix asphalt, screeding machine, stone crusher, stone spreader, sub-grader, tractor with attachments (2 or more provided both attachments are being used) and all bulldozers except D-9 or equivalent and above.

GROUP IV -Caterpillar type tractor, compressors, elevator operator, firemen, fuel truck, grease truck, grout pump, light plant, mighty midget with compressor, single conveyor, space heaters, welding machines, well-drill, wellpoint system, and all power rollers except on hot mix asphalt.

GROUP V - Deck hands, oilers (all types)

DECISION NO. MD83-3010

(PAVING, SITE CLEARANCE UTILITIES) POWER EQUIPMENT OPERATOR CLASSIFICATIONS

Group I - Backfiller, backhoe, batching plants, cableway, case type hoe (with a front end bucket over 1-¼ yds.), concrete mixing plants, concrete paver, derrick, derrick boat, double concrete pump, dragline, elevating grader, excavating scoop (25 yds. and over), front end loader (1 - 3/4 yds. and over), grader, gradall, hoist (2 active drums or more), pile driving machine, power crane, power shovel, repair mechanic, standards guage locomotive, trenching machine, tunnel mucking machine, twin engine scoop, welder, whirley rig, and bulldozers (D-9 or equivalent and above).

Group II - Asphalt spreader, bull float, Case type hoe (with a front end bucket 1 - ¼ yds. and under), concrete mixer (with a slip), concrete pump, concrete spreader, ditch-witch type trencher, excavating scoop (under 25 yds.) finishing machine, front end loader (under 1 - 3/4 yds.), grout pump, hi-lift, longitudinal float, narrow guage locomotive, one drum hoist, power roller on hot mix asphalt, screeding machine, stone crusher, stone spreader, tractor with attachments (2 or more provided both attachments are being used); subgrader, well-drill and all bulldozers except D-9 or equivalent and above.

Group III - Compressors, conveyors, firemen, fuel truck, grease truck, light plant, mighty midget with compressor, space heaters, welding machines, wellpoint system and all power rollers except on hot mix asphalt.

Group IV - Oilers (all types)

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

DECISION NO. KS83-3010

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Christmas Eve; H-Good Friday.

FOOTNOTES:
a. Holidays: A through F.
b. Employer contributes 8% of basic hourly rate for 5 years or more of service or 4% of the basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. Employee working Christmas Eve shall work 4 hours and receive 8 hours pay.
d. Holidays: A through F,H, Friday after Thanksgiving, and employee's birthday, vacation: One week per year after 1 year of service, 2 weeks after 3 years of service and 3 weeks after 10 years of service.
e. Holidays: A through F.
f. Employee with 1 year of service - 1 week's paid vacation; 2 - 3 weeks paid vacation, provided the employee has worked during the holiday week).
g. Holidays: A through H plus the employee's birthday; (provided the employee has worked one day and has been available for work during the holiday week).

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass,Clay,Jackson,Platte, Ray,Henry,Johnson & Lafayette Cos., Missouri; Johnson & Wyandotte Cos., Kansas

DECISION NO: MO83-4043 DATE: Date of Publication

Supersedes Decision NO. MO82-4013 dated April 9, 1982 in 47 FR 15497.

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories) and heavy and highway construction in Johnson & Wyandotte Cos., Kansas only.

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers	17.29	4.36
Boilermakers	16.11	3.825
Bricklayers & Stonemasons	14.44	3.98
Carpenters:		
Zone 1 - Cass,Clay,Jackson, Lafayette,Platte & Ray Cos., Mo.; Johnson & Wyandotte Cos.,Kansas:		
Carpenters, Lathers, Millwrights & Pile-drivermen	15.05	2.87
Zone 2 - Henry County, Mo.:		
Carpenters & Lathers	13.55	2.07
Millwrights & Pile-drivermen	15.05	2.87
Zone 3 - Johnson Co.,Mo.:		
Carpenters & Lathers	14.075	2.07
Millwrights & Pile-drivermen	15.05	2.87
Cement Masons (Building Construction):		
Zone 1 - Cass,Clay, Jackson, Lafayette, Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos., Kansas:		
Cement Masons	15.075	1.95
Zone 2 - Henry & Johnson Cos.,Mo.	13.98	
Cement Masons (Heavy & Highway Construction): Johnson & Wyandotte Cos., Kansas	15.17	1.95
Electricians:		
Zone 1 - Western half of Clay & Jackson Cos., Mo. not including Blue Springs; Northern half of Platte Co., Mo.; Northwestern portion of		

	Basic Hourly Rates	Fringe Benefits
Electricians (Cont'd):		
Cass Co., Mo. not including Pleasant Hill: Electricians	16.18	10%+ 2.51
Zone 2 - Henry,Johnson & Lafayette Cos., Mo. & remainder of Clay, Jackson,Platte & Cass Cos.,Mo.:		
Electricians (contracts exceeding 2000 man hrs.	16.18	10%+ 2.51
Electricians (contracts not exceeding 2000 man hrs.	15.18	10%+ 2.51
Zone 3 - Ray Co.,Mo:		
Electricians (contracts exceeding 2000 man hrs	16.18	10%+ 2.51
Electricians (contracts not exceeding 2000 man hrs.	14.58	10%+ 2.51
Zone 4 - Johnson & Wyandotte Cos.,Kansas	16.18	10%+ 2.51
Elevator Constructors	18.53	3.46%+a
Elevator Constructors' Helpers	70%JR	3.46%+a
Elevator constructors' Helpers (Prob.)	50%JR	
Glaziers	14.72	2.6%+ 15.46%
Ironworkers:		
Zone 1 - Cass,Clay,Jackson,Platte,Ray,Henry, Johnson & Lafayette Cos.,Mo.	18.25	8.25
Zone 2 - Johnson & Wyandotte Cos.,Kansas	18.135	4.25

	Basic Hourly Rates	Fringe Benefits
Laborers:		
Building Construction:		
Zone 1 - Cass,Clay, Jackson, Lafayette, Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos., Kansas:		
Laborers	14.75	2.07
Zone 2 - Henry & Johnson Cos.,Mo.	13.98	
Zone 3 - Johnson Co.,Mo.:		
Laborers	14.075	2.07
Line Construction:		
Zone 1 - Cass,Clay, Jackson, Lafayette, Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos., Kansas:		
Laborers	14.75	2.07
Zone 2 - Henry & Johnson Cos.,Mo.	13.98	
Zone 3 - Johnson Co.,Mo.:		
Laborers	14.075	2.07
Power Equipment Operators:		
Building Construction:		
Zone 1 - Cass,Clay, Jackson, Lafayette, Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos., Kansas:		
Power Equipment Operators	15.05	2.87
Zone 2 - Henry & Johnson Cos.,Mo.	13.55	2.07
Zone 3 - Johnson Co.,Mo.:		
Power Equipment Operators	15.05	2.87
Heavy & Highway Construction:		
Zone 1 - Cass,Clay, Jackson, Lafayette, Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos., Kansas:		
Power Equipment Operators	15.05	2.87
Zone 2 - Henry & Johnson Cos.,Mo.	13.55	2.07
Zone 3 - Johnson Co.,Mo.:		
Power Equipment Operators	15.05	2.87
Line Construction:		
Zone 1 - Cass,Clay, Jackson, Lafayette, Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos., Kansas:		
Power Equipment Operators	15.05	2.87
Zone 2 - Henry & Johnson Cos.,Mo.	13.55	2.07
Zone 3 - Johnson Co.,Mo.:		
Power Equipment Operators	15.05	2.87
Power Equipment Operators (Tunnel Construction):		
Zone 1 - Cass,Clay, Jackson, Lafayette, Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos., Kansas:		
Power Equipment Operators	15.05	2.87
Zone 2 - Henry & Johnson Cos.,Mo.	13.55	2.07
Zone 3 - Johnson Co.,Mo.:		
Power Equipment Operators	15.05	2.87
Roofers:		
Roofers	14.48	2.71
Roofers (Spec. Work)	15.48	2.71

	Basic Hourly Rates	Fringe Benefits
Painters:		
Zone 1 - Cass,Clay, Jackson, Lafayette, Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos., Kansas:		
Painters	14.75	2.07
Zone 2 - Henry & Johnson Cos.,Mo.	13.98	
Zone 3 - Johnson Co.,Mo.:		
Painters	14.075	2.07
Sheetmetal Workers:		
Zone 1 - Cass,Clay, Jackson, Lafayette, Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos., Kansas:		
Sheetmetal Workers	15.05	2.87
Zone 2 - Henry & Johnson Cos.,Mo.	13.55	2.07
Zone 3 - Johnson Co.,Mo.:		
Sheetmetal Workers	15.05	2.87
Truck Drivers:		
Zone 1 - Cass,Clay, Jackson, Lafayette, Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos., Kansas:		
Truck Drivers	14.75	2.07
Zone 2 - Henry & Johnson Cos.,Mo.	13.98	
Zone 3 - Johnson Co.,Mo.:		
Truck Drivers	14.075	2.07

DECISION MO83-4043

PAGE 2

	Basic Hourly Rates	Fringe Benefits
Laborers:		
Building Construction:		
Zone 1 - Cass,Clay,Jackson,Lafayette,Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos.,Kansas:		
Group 1	12.30	1.85
Group 2	12.45	1.85
Group 3	12.60	1.85
Zone 3 - Henry & Johnson Cos.,Mo.:		
Group 1	9.575	2.55
Group 2	9.675	2.55
Group 3	9.90	2.55
Site preparation & grading,Heavy & Highway Construction:		
Zone 4 - Johnson & Wyandotte Cos.,Kansas:		
Group 1	12.02	3.30
Group 2	12.82	3.30
Line Construction:		
Zone 1 - Cass,Clay,Jackson,Platte & Ray Cos., Mo.; Wyandotte & remainder of Johnson Cos., Kansas:		
Lineman	18.28	3-1/2%+1.06
Lineman Operator	17.02	3-1/2%+1.06
Groundman	12.05	3-1/2%+1.06
Zone 2 - Western 3/4 of Johnson Co.,Kansas:		
Lineman	15.50	3-1/2%+.65
Cable Splicers	16.28	3-1/2%+.65
Groundman	9.56	3-1/2%+.65
Powderman	12.81	3-1/2%+.65
Line Truck & Equipment Operators	12.81	3-1/2%+.65
Zone 3 - Cass,Clay,Jackson,Platte,Ray,Henry, Johnson & Lafayette Cos., Mo.; Wyandotte Co. & Johnson Co.-that portion east of Monticello,Olathe & Spring Hill Townships Kansas:		
Line Construction (Telephone & Telegraph Work-		

Line Construction:(Con'd)	Basic Hourly Rates	Fringe Benefits
including C.A.T.V. Work):		
Cable splicers;air pressure technicians; central office equipment man	10.96	3%+.45
Telephone lineman & installer repairman; C.A.T.V. terminator; equipment operator (1/4 yd. backhoe & larger & D-4 crawlers & larger:	10.39	3%+.45
Equipment operator (trenchers & all other equipment)	9.11	3%+.45
Groundman-winch driver	7.87	3%+.45
Groundman	6.36	3%+.45
Line Construction (Railroad & Cross Country Transmission Lines):		
Zone 4 - Wyandotte Co. & Johnson Co.-that portion east of Monticello Olathe & Spring Hill Townships:		
Lineman	15.62	3-1/2%+1.06
Lineman Operator	14.45	3-1/2%+1.06
Groundman, Powderman	10.75	3-1/2%+1.06
Groundman	10.03	3-1/2%+1.06
Pole Treating:		
Pole treating specialist	16.35	3-1/2%+1.06
Pole treating inspector	15.62	3-1/2%+1.06
Pole treating truck driver	10.75	3-1/2%+1.06
Pole treating groundman	10.03	3-1/2%+1.06
Marble & Tile Setters	16.55	10%
Marble & Tile Setters Finishers	14.40	

DECISION MO83-4043

PAGE 3

	Basic Hourly Rates	Fringe Benefits
Painters:		
Zone 1 - Cass,Clay, Henry,Jackson,Johnson (excluding Whitman AFB),Lafayette,Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos.,Kansas:		
Brush & Tapers	15.84	1.40
Spray	16.04	1.40
Zone 2 - Johnson Co.,Mo. (Whitman AFB only):		
Brush	14.25	
Spray	15.25	
Plasterers:		
Zone 1 - Cass,Clay,Jackson,Lafayette,Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos.,Kansas	17.25	
Zone 2 - Henry & Johnson Cos.,Mo.	12.51	
Pipefitters	17.44	3.22
Plumbers	17.96	2.70
Power Equipment Operators:		
Building Construction:		
Group I	15.46	3.75
Group II	15.11	3.75
Group III:		
(a)	10.05	3.75
(b)	13.21	3.75
(c)	10.85	3.75
(d)	13.46	3.75
Group IV	15.71	3.75
Group V	15.36	3.75
Group VI	15.96	3.75
Group VII:		
(a)	15.21	3.75
(b)	14.96	3.75
(c)	12.96	3.75
Group VIII	16.46	3.75
Group IX	15.96	3.75
Site preparation & grading,Heavy & Highway Construction:		
Zone 1 - Johnson & Wyandotte Cos.,Kansas:		
Group I	14.10	3.92
Group II	13.85	3.92
Group III	13.15	3.92
Group IV:		
(a)	9.13	3.92
(b)	12.15	3.92
Group V	14.35	3.92

	Basic Hourly Rates	Fringe Benefits
Roofers:		
Roofers	16.48	2.71
Sheet Metal Workers	16.65	2.63
Soft Floor Layers	11.21	11%+1.95
Sprinkler Fitters	17.83	2.81
Sprinkler Fitters (Henry, Johnson & Lafayette Cos., Mo.)	16.67	2.83
Terrazzo Workers:		
Terrazzo Workers	15.31	10%
Terrazzo Workers Finishers	13.58	
Terrazzo Base Machine	13.93	
Truck Drivers:		
Building Construction:		
Group I	14.085	2.75
Group II	14.135	2.75
Group III	14.21	2.75
Group IV	14.335	2.75
Group V	14.235	2.75
Group VI	14.435	2.75
Group VII	14.285	2.75
Group VIII	14.185	2.75
Truck Drivers:		
Site preparation & grading,Heavy & Highway Construction:		
Zone 1 - Johnson & Wyandotte Cos.,Kansas:		
Group I	12.66	3.50
Group II	12.86	3.50
Group III	13.17	3.50
Group IV	13.32	3.50
Group V	12.44	3.50

FOOTNOTES: a - Employer contributes 8% of basic hourly rate for over 5 yrs. of service & 6% of basic hourly rate for 6 mos. to 5 yrs. service as Vacation Pay Credit. Also 7 paid holidays.

CLASSIFICATION DEFINITIONS

LABORERS - (Building Construction Zone 1):
Group 1 - General labor; wiremesh handlers or setters; carpenter tender; track men; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects)
Group 2 - Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; georgia buggies (self-propelled) fork lift; hoseman; insulation man
Group 3 - Fork lift (masonry); brick tender; plasterer tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators

LABORERS: (Zone 5):
Group 1 - Carpenter tenders, track men, wreckers (alteration or entire projects); reinforcing rod carriers; signal men; all other general laborers
Group 2 - Plumber laborers; stonemason tenders; air tool operators, sewer work, water lines, conduit pipe, drain tile and duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; jackhammer & chipping hammer operators; material batch hopper man; scaleman; spreader or screed man on asphalt machine; chain or concrete sawman; brush feeders or pulverizers; swinging scaffold; cement handlers (buck or sack); laser beam man
Group 3 - Plasterer tenders; hod carriers; brick tender; cutting torch & burner men; asphalt rakers; barco tampers; jackson or any similar tamps; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzlemen; head pipe layer or sewer work; man working in tunnels; head form setters & stringline men; hot tar applicator

LABORERS: (Site Preparation)
Group 1 - Carpentor tenders;salamander tenders;dump man and ticket takers on stock piles;loading trucks under bins,hoppers and conveyors track men and all other general laborers,Air tool operators;cement handler (bulk or sack);chain or concrete saw;deckhands;dump man on earth fill;grade checkers cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only); crusher feeder;men handling creosote ties or

CLASSIFICATION DEFINITIONS - (Cont'd)

LABORERS: (Site Preparation) (Cont'd):

creosote materials;men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used
Group 2 - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline man on concrete paving, curbs, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operator; manhole builders helpers and mortar men on brick or block manholes; sandblasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels; Manhole builder (brick or block);dynamite and powder man

POWER EQUIPMENT OPERATORS
Group I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; hackhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man
GROUP II Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; corpressors (1) 125' or over; concrete saws, self-propelled; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies, sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; compressors-tandem; compressors sigle, truck mounted; elevator; finishing machine
Group III -
(a) Oilers
(b) Fork lift-masonry
(c) Oiler driver
(d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering system, test or pressure pumps; tractors (except when hauling material)less than 50 h.p.
Group IV -
Clamshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl.jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft, of boom or over (incl. jib)

CLASSIFICATION DEFINITIONS (Cont'd)

CLASSIFICATIONS DEFINITIONS (Cont'd)

25764 Federal Register / Vol. 48, No. 108 / Friday, June 3, 1983 / Notices

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS: (Cont'd):

Group V
Hoists-each additional drum over 1 drum
Group VI
Crane or rigs, over 200 ft. of boom
Group VII
Ready Mixed Concrete Plants;
(a) Crane operator
(b) Loader operator & plant man
(c) Conveyor Operator
Group VIII
Master Mechanic
Group IX
Crane-tower or climbing

POWER EQUIPMENT OPERATORS: (Site Preparation)

Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers - 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader - fork lift; hoistline engine - 2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump - 2; push cat op.; quad-track; scoop operator - all types; scoops in tandem; self-propelled rotary drill (leroy or equal - not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip - form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator - 2

Group II - A-frame truck, asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine - 1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydrahammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator tractor operator over 50 h.p.

Group III - Boilers - 1; chip spreader (front man); churn drill operator; compresser maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heator operator - combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator -1

CLASSIFICATIONS DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS: (Site Preparation - Cont'd):

Group IV
(a) Oilers
(b) Oiler driver, all types

Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yds. capacity or over) men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

TRUCK DRIVERS -(Building Construction):
Group I - Warehousemen and stock man
Group II - Flat beds; pick-ups; drum trucks, under 10 yds.
Group III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers
Group IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated aerial lifts; heavy hauling, a-frame winch and fork lifts; heavy excavating (dumpter, euclid, etc.); double bottom units (20 tons capacity and over)
Group V - Distributor truck drivers and operators; oilers, greasers and mechanics' helpers
Group VI - Mechanics
Group VII - Transit mix, 5 yds. and over
Group VIII - Transit mix, under 5 yds.

TRUCK DRIVERS - (Site Preparation)
Group I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle
Group II - Material trucks, tandem; two teams; semi-trailers; winch trucks - fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, single axle; tank wagon drivers tandem or semi-trailers; insley wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment
Group III - A-frame, lowboy, and boom truck driver
Group IV - Mechanics and welders
Group V - Oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Collin,Dallas,Denton,Ellis,Grayson,Hood,Hunt,Johnson,Kaufman,Palo Pinto,Rockwall,Tarrant & Wise
DECISION NO.: TX83-4042 DATE: Date of Publication
Supersedes Decision No. TX82-4054 , dated 11/5/82,in 47 FR 50430.
DESCRIPTION OF WORK: Building Projects(does not include single family homes & apartments up to & including 4 stories).(Use current heavy & highway general wage determination for Paving Incidental to Building Const. in Tarrant Co. & for Paving & Utilities Incidental to Building Const. in remaining Cos.).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$16.29	2.885
BOILERMAKERS	16.60	2.415
BRICKLAYERS & STONEMASONS:		
ZONE 1 - Collin,Dallas, Ellis,Grayson,Hunt,Kaufman & Rockwall Cos.	15.58	1.74
ZONE 2 - Denton,Hood,Johnson,Palo Pinto, Tarrant & Wise Cos.	15.67	2.11
CARPENTERS:		
ZONE 1 - Grayson Co.:		
Carpenters	14.61	1.655
Millwrights	15.01	1.655
Piledrivermen	15.11	1.655
ZONE 2 - Collin,Dallas, Denton,Ellis,Hood,Hunt, Johnson,Kaufman,Palo Pinto,Rockwall,Tarrant & Wise Cos.:		
Carpenters & piledrivermen	16.15	2.33
Millwrights	15.66	3.53
CEMENT MASONS:		
ZONE 1 - Denton,Hood,Johnson,Palo Pinto,Tarrant & Wise Cos.	15.63	2.07
ZONE 2 - Collin,Dallas, Ellis,Hunt,Kaufman & Rockwall Cos.	14.45	1.42
ELECTRICIANS:		
ZONE 1 - Denton,Hood, Johnson,Palo Pinto,Tarrant & Wise Cos.:		
Electricians	15.90	.80+8%
Cable splicers	16.15	.80+8%
ZONE 2 - Collin,Dallas, Ellis,Grayson,Hunt,Kaufman & Rockwall Cos.:		
Electricians	17.10	.80+9%
Cable splicers	18.81	.80+9%
ELEVATOR CONSTRUCTORS:		
Mechanics	16.025	2.69+a
Helpers	70%JR	2.69+a
Helpers (Prob.)	50%JR	
GLAZIERS (excluding Grayson Co.)	$15.60	1.55
IRONWORKERS:		
ZONE 1 - Collin,Dallas, Denton,Ellis,Grayson, Hood,Hunt,Johnson,Kaufman,Palo Pinto(excluding northwest corner),Rockwall,Tarrant & Wise(excluding northwest 1/2)	15.59	2.92
ZONE 2 - Palo Pinto(northwest corner) & Wise (northwest 1/2)	12.625	2.95
LABORERS:		
ZONE 1 - Grayson Co.:		
GROUP 1 - Unskilled	9.675	.775
GROUP 2 - Air tool op, (jackhammer,vibrator), mason tenders & mortar mixers,pipelayers	9.925	.775
ZONE 2 - Collin,Dallas, Denton,Ellis,Hood Hunt, Johnson,Kaufman,Palo Pinto,Rockwall,Tarrant & Wise Cos.:		
GROUP 1	10.31	1.10
GROUP 2	10.46	1.10
GROUP 3	10.56	1.10
GROUP 4	10.71	1.10
LATHERS	15.86	2.54
LINE CONSTRUCTION:		
Linemen	17.10	60+8%
Cable splicers	18.81	60+8%
Operators	17.96	60+8%
Groundmen	11.97	60+8%
MARBLE, TILE & TERRAZZO WORKERS (excluding Ellis Co.)	14.42	1.47

DECISION NO. TX83-4042 Page 2

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
ZONE 1 - Collin,Dallas, Denton,Ellis,Grayson, Hunt,Kaufman & Rockwall:		
GROUP 1 - Brush	$14.31	1.62
GROUP 2 - All wall covering work:paper, fabric,sheeting,flexwood,etc.	14.56	1.62
GROUP 3 - Ames tool op.	14.435	1.62
GROUP 4 - Structural steel,stage work,bosun chair,spray gun,sandblasting & window jack & fire escapes	14.885	1.62
ZONE 2 - Hood,Johnson, Palo Pinto,Tarrant & Wise:		
GROUP 1 - Brush	16.01	1.27
GROUP 2 - Wallcovering; pressure roller;sandblasting;structural steel;bosun chair,window jack & window sill; stage,fireescape;steel storage tank;stilts; mittens;ames tools, drywall finishing	16.26	1.27
GROUP 3 - Steeple jack (radio & TV towers, smoke stacks,chimneys & water towers & similar facilities & flagpole atop bldgs. located closer to the edge of bldg. than the height of the pole);toxic material(creosote,coal tar products or similar materials injurious to the skin	17.26	1.27
GROUP 4 - Spray	16.385	1.27
PLASTERERS:		
ZONE 1 - Collin,Dallas, Ellis,Hunt,Kaufman & Rockwall Cos.	14.92	3.04
ZONE 2 - Denton,Hood,Johnson,Palo Pinto,Tarrant & Wise Cos.	17.45	.51
PLUMBERS & PIPEFITTERS:		
ZONE 1 - Collin,Dallas, Ellis,Grayson,Hood, Hunt,Kaufman & Rockwall	16.88	1.19
ZONE 2 - Denton,Johnson, Palo Pinto,Tarrant & Wise Cos	16.58	1.03
ROOFERS:		
GROUP 1 - Slate & tile	12.96	.35
GROUP 2 - Composition & built-up,dampproofing & bituminious waterproofing	12.81	.35
SHEET METAL WORKERS:		
ZONE 1 - Collin,Dallas, Denton,Ellis,Grayson, Hood,Hunt,Johnson,Kaufman,Rockwall,Tarrant & Wise Cos.	16.905	2.06
ZONE 2 - Palo Pinto Co.	12.84	.09
SOFT FLOOR LAYERS	15.32	1.16
SOUND INSTALLERS - repair, service & install intercommunication telephone interconnect sound & public address equip., electronic systems,music & TV distributing system for commercial bldgs. & shall include the pulling of all wires in conduit or raceways or surface wiring,the running of open wires,the running of conduit & raceways not to exceed 10 ft. in length & the wiring of all electrical communication devises of 100 volts or less controlling the equip. described above	11.38	.54+3% +b
SPRINKLER FITTERS	18.17	2.83
POWER EQUIPMENT OPERATORS:		
ZONE 1 - Dallas County:		
GROUP 1	15.12	2.35
GROUP 2	15.52	2.35
ZONE 2 - Remaining Cos.:		
GROUP 1	7.26	2.30
GROUP 2	15.61	2.30
GROUP 3	16.01	2.30

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

DECISION NO. TX83-4042 PAGE 3

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

DECISION NO. TX83-4042 PAGE 4

LABORERS (ZONE 2) (CONT'D)
GROUP 3 - Concrete & clay pipe(handling & laying);mason handler;scaffold bldr.;

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate. Also 7 Paid Holidays A thru G
b - Sick or Injury Pay:
1st day out - no pay
2nd day out - 1/2 pay
3rd day out & thereafter - full pay for a maximum of 10 days pay per year
Employees who receive pay for less than 5 sick days per year shall receive on 8/31 of each year incentive pay equal in amount to a day's pay for each day that such days were less than 5

Employees who are members of a reserve component of the Armed Services & are ordered to annual active duty for training as a normal part of their reserve obligation shall be eligible for & shall receive differential pay equal to the difference between their computed daily base rate (excluding overtime compensation) & their daily military base pay (excluding quarters & subsistence allowances) for each day of military leave where the employee would normally have performed work up to a maximum of 10 work days per year

Employees absent from work while serving as jurors shall be paid at their hourly rate excluding overtime for the hours actually lost from work less any amount received by the employee as juror's fee

Up to 3 days leave for death of immediate family member (spouse,child,parent, brother,sister,mother-in-law,father-in-law,grandparents & grandchildren)

Paid Vacation:
after 1 year service - 1 week vacation
after 2 years service - 2 weeks vacation
after 5 years service - 2 weeks & 1 day vacation
after 6 years service - 2 weeks & 2 days vacation
after 7 years service - 2 weeks & 3 days vacation
after 8 years service - 2 weeks & 4 days vacation
after 9 years service - 3 weeks vacation

Paid Holidays - A thru G plus the last working day preceding Christmas Day & another day designated by the Company

LABORERS (ZONE 2) CLASSIFICATION DEFINITIONS
GROUP 1 - All hand digging dirt work & backfilling;firing of salamanders,loading & unloading of materials to & from hoist or cages;loading & unloading of tools & equip.;wheeling,placing & pouring of concrete;all excavation;handling of lumber, steel,cement;distribution of all materials;miscellaneous job clean-up;wrecking & razing of bldgs. & all structures;cleaning & clearing of all debris;handling of broken concrete or other damanaged or undamanged materials;removing,moving, handling & greasing of forms,wrecking forms;storing materials to storage place; slip form jacks,scaffold builders, checking materials & tools in & out of receiving lots & sheds; tool housemen;landscaper;asphalt ironer & raker;waterproofing tender;dumper;spotter;concrete pumpcrete pipe(handling & laying); carpenter tender
GROUP 2 - All power tool & equip. ops.(gas,electric or air);cutting torch man; concrete grademan;power buggy op.;wagon drill op.,well driller,drilling rig tender;cement finisher tender;metal pan & steel form men;handling creosoted materials;liquid acids or like materials injurious to health,eyes,skin or clothes; all newly developed equip. which replaces wheelbarrows or buggies previously used by laborers;scale men on batch plants

LABORERS (ZONE 2) (CONT'D)
GROUP 3 - Concrete & clay pipe(handling & laying);mason handler;scaffold bldr.; mason tender;hod carrier mortar mixers;lather tenders,plaster tenders;water pump ops. up to 4"; cement masons tenders;mortar mixers;hod carriers;dry mixers; tank cleaning;all pipe doping,treating & wrapping,including all men working with dope,mortar & plaster mixing machines;grout machines,pumpcrete machines,gunite mixing machine,including placing & cleaning of pipe & conduits used in placing of concrete,handling & placing of gunite materials from stockpile;screening sand,running sand dryer & loading & operating sand blaster,except nozzle, conveying,stocking & handling of all materials for brickmasons,lathers,cement finisher,plasterers;ditch work over 6 ft. & cleaning out drill piers
GROUP 4 - Sand blaster,blaster powderman;gunite worker;gunite nozzleman & terrazzo grinder

POWER EQUIPMENT OPERATORS (ZONE 1) CLASSIFICATION DEFINITIONS
GROUP 1 - Air compressor,water pumps,welding machines(2 to 6 machines) & generators;Blade grader,towed;Flex plane;Form grader;Concrete mixer,less than 14 cu. ft.;Pulsometer;Wagon drill op.;Conveyor;Hoist,single drum;Scraper, 3 cu. yd. or less;Bob cat with loader
GROUP 2 - Heavy duty mechanic;Asphalt mixer op. on job;Blade grader,self-propelled;Bull clam;Backfiller;Bulldozer & all cat type tractors;Backhoe;Concrete mixers over 14 cu. ft.;Crusher on job;Concrete batch plant;Clamshell;Cranes (all types);Truck mounted or crawler requires oiler including groves(hydraulic) or similar type over 12½ ton cap.;Escalated rate on crane & derrick booms: .01¢ per hr., per ft. over 90 ft. including jib;Draglines;Derricks,power operated (all types);DW-10 caterpillar,S-8 Euclid & similar tractors;Elevating grader,self-propelled;Foundation drilling machines(all);Forklifts used in handling machinery on const.;Gradeall;Hoist,motor driven,2 drums or more; Locomotive crane;Mixmobile;Paving mixers(all types);Piledriver;Pumpcrete machines;Pneumatic roller,self-propelled;Shovels,power operated;Scrapers, over 3 cu. yds.;Scoopmobile;Trenching machines,all types;Winch trucks,when pole & winch is used;Water well drilling machines,used on construction;Well point pump;Welding machines(7 to 13 machines)

POWER EQUIPMENT OPERATORS (ZONE 2) CLASSIFICATION DEFINITIONS
GROUP 1 - Oiler-Fireman
GROUP 2 - Air compressors,Pumps,Welding Machines,Throttle Valves,Light Plants; Conveyor;Wagon drill;Elevators Building;Form Graders,Hoist,Single drum;Ford Tractor including blade & mower on rear;Mixers less than 14 cu. ft.;Screening Plants;Crushing Plants;Forklifts(short under 25 ft.);Concrete Pumps(all types);Bobcat type equip.
GROUP 3 - Ford Tractor or like with any attachments(except blade & mower on rear);Drilling Machines(all types);Scoopmobiles;Hoist,2 drums or more;Forklifts (over 25 ft.);Winch Truck, 6 wheel truck,when used continuously for 5 days;Mixermobile;Locomotives;Mixers,14 cu. ft. or over;Blade Graders,self-propelled;Cableways;Cranes-power operated to 100 ft.;Derricks,power operated (all types);Gradall;Hy-Ho;Hop-To;Paving Mixers (all types);Piledrivers; Mobile Concrete Mixers over 14 cu. ft.;Bulldozers,Loaders,Tractorvators; Scrapers & Pulls;Welding;Trenching Machines;Roller, 10 tons or over; Air Compressor & Air Tugger;Boilers,2 or more fired by 1 man;Heavy Duty Mechanic

SUPERSEDEAS DECISION

STATE: Washington
DECISION NUMBER: WA83-5110
Supersedes Decision No. WA82-5117 dated August 13, 1982, in 47 FR 35433
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area 1	$21.07	$3.30
Area 2	21.52	3.54
Area 3	20.38	2.80
BOILERMAKERS	19.67	3.96
BRICKLAYERS; MARBLE SETTERS:		
Area 1	16.43	3.36
Area 2	17.28	1.62
Area 3	17.84	2.29
Area 4	18.50	2.93
Area 5	17.11	2.85
Area 6	16.76	3.07
Area 7	17.11	3.18
CARPENTERS:		
Area 1:		
Carpenters; Lathers Piledriver; Saw Filer; Stationary Power woodworking tool Operator	15.85	3.57
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	16.00	3.57
Piledriver (creosoted material)	16.10	3.57
Millwrights and Machine Erectors	16.25	3.57
Area 2:	16.35	3.57
Carpenters and Drywall Applicators	17.06	2.66
Carpenters on Creosoted material	17.16	2.66
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shinglers; Floor Sander and other stationary power woodworking tools	17.19	2.66
Millwrights and Machine Erectors	17.56	2.66
CARPENTERS: (AREA 2): (Cont'd)		
Piledrivers; Bridge, Dock and Wharf Builders	$17.26	$2.66
Acoustical Workers	17.22	2.66
Boommen	17.31	2.66
Area 3:		
Acoustical and Drywall Applicator, Automatic Nailing Machine, Carpenters, Form Strippers, Manhole Builders	16.19	3.32
Floor Layers and Finishers, Stationary Power Saw Operator	16.34	3.32
Millwrights and Machine Erectors	16.44	3.32
Certified Welders	16.59	3.32
Piledrivermen; Bridge, Dock and Wharf Builders	16.29	3.32
Boommen	16.39	3.32
Area 4:		
Carpenters	16.27	3.32
Piledriver; Sawfiler, Stationary power woodworking tool Operator	16.42	3.32
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	16.52	3.32
Piledriver; Creosoted material	16.63	3.32
Millwrights and Machine Erectors	16.77	3.32
CEMENT MASONS: (AREA 1):		
Group 1	15.50	3.45
Group 2	16.00	3.45
Group 3	16.50	3.45
CEMENT MASONS: (Cont'd)		
Area 2:		
Cement Masons Composition, Color, Mastic, Trowel Machine; Grinder, Power Tool Gunnite Nozzleman	$17.86	$2.55
Area 3:	18.11	2.55
Cement Masons Composition, Color, Mastic, Trowel Machine, Grinder, Power Tools Gunnite Nozzleman	14.63	2.20
Area 4:	14.88	2.20
Cement Masons Composition Materials and power machinery	15.49	4.02
Area 5:	15.80	4.02
Group 1	15.88	3.20
Group 2	16.38	3.20
Group 3	16.88	3.20
ELECTRICIANS:		
Area 1:		
Electricians	18.95	3%+2.58
Cable Splicers	19.35	3%+2.58
Area 2:		
Electricians	20.39	3%+3.53
Cable Splicers	21.41	3%+3.53
Area 3:		
Electricians	18.70	3%+3.58
Cable Splicers	20.57	3%+3.58
Area 4:		
Electricians	22.12	3%+3.38
Cable Splicers	24.33	3%+3.38
Area 5:		
Electricians	20.80	3%+4.13
Cable Splicers	21.60	3%+4.13
Area 6:		
Electricians	20.15	3%+3.27
Cable Splicers	22.17	3%+3.27
Area 7:		
Electricians	18.72	11%+ 2.28
Cable Splicers	20.59	11%+ 2.28
Area 8:		
Electricians	22.80	3%+2.93
Cable Splicers	25.08	3%+2.93
ELECTRONIC TECHNICIANS:		
Area 1	10.08	3%+0.69
Area 2	13.66	2.63

	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTORS:		
Mechanics:		
Area 1	$19.73	a+2.[illegible]
Area 2	21.15	a+2.[illegible]
Area 3	18.06	a+2.33
Elevator Helpers - Areas 1,2, and 3 - 70% of Journeyman Rate plus the above Fringe Benefits		
Probationary Helpers - Areas 1, 2, and 3 - 50% of Journeyman Rate excluding Fringe Benefits		
GLAZIERS:		
Area 1	13.70	b+1.34
Area 2	15.50	2.[illegible]
Area 3	10.91	2.51
Area 4	13.79	2.[illegible]
Area 5	16.77	b+1.[illegible]
Area 6	13.06	1.90
Area 7	16.24	1.8[illegible]
INSULATION APPLICATORS	14.06	1.6[illegible]
IRONWORKERS	18.04	3.80
LATHERS:		
Area 1	17.77	2.75
Area 2	14.42	1.86
MASON TENDERS:		
Area 1:		
Mason Tenders (including Tenders of Plasterers, Bricklayers, Tile Setters, Marble Setters, and Terrazzo Workers; Topping for Cement Finishers and Mortar Mixers)	14.22	2.60
PAINTERS:		
Area 1:		
Brush	15.97	2.46
Drywall Taper	16.22	2.46
Steel; Spray; Steam Cleaning	16.47	2.46
Swing Stage or High work over 30 '	16.67	2.46
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	16.77	2.46
TV, Radio, and Electrical Transmission Towers	17.47	2.46
Area 2:		
Brush	13.73	2.99

	Basic Hourly Rates	Fringe Benefits
PAINTERS: (Cont'd)		
Area 2: (Cont'd)		
Spray; Sandblasting	$14.23	$2.99
Steel; Swing Stage or High work over 30 '	14.48	2.99
Bridge; Tanks on legs; Tower; Stacks; Steeples	14.58	2.99
Area 3:		
Brush	15.97	2.46
Drywall Taper	16.22	2.46
Steel; Spray; Steam Cleaning	16.47	2.46
Swing Stage or High work over 30 '	16.67	2.46
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	16.77	2.46
TV, Radio, and Electrical Transmission Towers	17.47	2.46
Area 4:		
Brush	15.97	2.46
Drywall Taper	16.22	2.46
Steel; Spray; Steam Cleaning	16.47	2.46
Swing Stage or High work over 30 '	16.67	2.46
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	16.77	2.46
TV, Radio, and Electrical Transmission Towers	17.47	2.46
Area 5:		
Brush	15.97	2.46
Drywall Taper	16.22	2.46
Steel; Spray; Steam Cleaning	16.47	2.46
Swing Stage or High work over 30 '	16.67	2.46
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	16.77	2.46
TV, Radio, and Electrical Transmission Towers	17.47	2.46
Area 6:		
Brush	15.97	2.46
Drywall Taper	16.22	2.46
Steel; Spray; Steam Cleaning	16.47	2.46
Swing Stage or High work over 30 '	16.67	2.46
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	16.77	2.46
TV, Radio, and Electrical Transmission Towers	17.47	2.46
Area 7:		
Brush	15.97	2.46
Drywall Taper	16.22	2.46
Steel; Spray; Steam Cleaning	16.47	2.46
Swing Stage or High work over 30 '	16.67	2.46
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	16.77	2.46
TV, Radio, and Electrical Transmission Towers	17.47	2.46
Area 8:		
Brush	15.97	2.46
Drywall Taper	16.22	2.46
Steel; Spray; Steam Cleaning	16.47	2.46
Swing Stage or High work over 30 '	16.67	2.46
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	16.77	2.46
TV, Radio, and Electrical Transmission Towers	17.47	2.46
PILEDRIVERMEN:		
Area 1	15.85	3.57
Area 2	17.06	2.66
Area 3	16.29	3.32
Area 4	16.27	3.32
Area 5	20.80	3%+4.13
Area 6	20.15	3%+3.27
Area 7	18.72	11%+ 2.28
Area 8	22.80	3%+2.93
PLASTERERS:		
Area 1	16.43	3.36
Area 2	17.28	1.62
Area 3	17.84	2.29
Area 4	18.50	2.93
Area 5	17.11	2.85
Area 6	16.76	3.07
Area 7	17.11	3.18
PLUMBERS; PIPEFITTERS:		
Area 1	18.95	3%+2.58
Area 2	20.39	3%+3.53
Area 3	18.70	3%+3.58
Area 4	22.12	3%+3.38
Area 5	20.80	3%+4.13
Area 6	20.15	3%+3.27
Area 7	18.72	11%+ 2.28
Area 8	22.80	3%+2.93
ROOFERS:		
Area 1	15.85	3.57
Area 2	17.06	2.66
Area 3	16.29	3.32
Area 4	16.27	3.32
Area 5	20.80	3%+4.13
Area 6	20.15	3%+3.27
Area 7	18.72	11%+ 2.28
Area 8	22.80	3%+2.93

	Basic Hourly Rates	Fringe Benefits
SHEETMETAL WORKERS:		
Area 1	18.95	3%+2.58
Area 2	20.39	3%+3.53
Area 3	18.70	3%+3.58
Area 4	22.12	3%+3.38
Area 5	20.80	3%+4.13
Area 6	20.15	3%+3.27
Area 7	18.72	11%+ 2.28
Area 8	22.80	3%+2.93
SHIPWRIGHTS; LOGGERS; RIGGERS:		
Area 1	15.85	3.57
Area 2	17.06	2.66
Area 3	16.29	3.32
Area 4	16.27	3.32
Area 5	20.80	3%+4.13
Area 6	20.15	3%+3.27
Area 7	18.72	11%+ 2.28
Area 8	22.80	3%+2.93
SOFT FLOOR LAYERS:		
Area 1	15.85	3.57
Area 2	17.06	2.66
Area 3	16.29	3.32
Area 4	16.27	3.32
Area 5	20.80	3%+4.13
Area 6	20.15	3%+3.27
Area 7	18.72	11%+ 2.28
Area 8	22.80	3%+2.93
STONE MASONS:		
Area 1	15.85	3.57
Area 2	17.06	2.66
Area 3	16.29	3.32
Area 4	16.27	3.32
Area 5	20.80	3%+4.13
Area 6	20.15	3%+3.27
Area 7	18.72	11%+ 2.28
Area 8	22.80	3%+2.93
TERRAZZO WORKERS:		
Area 1	15.85	3.57
Area 2	17.06	2.66
Area 3	16.29	3.32
Area 4	16.27	3.32
Area 5	20.80	3%+4.13
Area 6	20.15	3%+3.27
Area 7	18.72	11%+ 2.28
Area 8	22.80	3%+2.93
TILE SETTERS:		
Area 1	15.85	3.57
Area 2	17.06	2.66
Area 3	16.29	3.32
Area 4	16.27	3.32
Area 5	20.80	3%+4.13
Area 6	20.15	3%+3.27
Area 7	18.72	11%+ 2.28
Area 8	22.80	3%+2.93
TILE; MARBLE; TERRAZZO FINISHERS:		
Area 1	15.85	3.57
Area 2	17.06	2.66
Area 3	16.29	3.32
Area 4	16.27	3.32
Area 5	20.80	3%+4.13
Area 6	20.15	3%+3.27
Area 7	18.72	11%+ 2.28
Area 8	22.80	3%+2.93
TRUCK DRIVERS:		
Area 1:		
Dump Trucks, Flat Bed Trucks, Water Trucks	15.85	3.57
Area 2:		
Dump Trucks, Flat Bed Trucks, Water Trucks	17.06	2.66
Area 3:		
Dump Trucks, Flat Bed Trucks, Water Trucks	16.29	3.32
Area 4:		
Dump Trucks, Flat Bed Trucks, Water Trucks	16.27	3.32
Area 5:		
Dump Trucks, Flat Bed Trucks, Water Trucks	20.80	3%+4.13
Area 6:		
Dump Trucks, Flat Bed Trucks, Water Trucks	20.15	3%+3.27
Area 7:		
Dump Trucks, Flat Bed Trucks, Water Trucks	18.72	11%+ 2.28
Area 8:		
Dump Trucks, Flat Bed Trucks, Water Trucks	22.80	3%+2.93

DECISION NO. WA83-5110 Page 3

	Basic Hourly Rates	Fringe Benefits
PAINTERS-AREA 2: (Cont'd)		
Spray	$14.28	$2.99
Bridges, High work over 50' (brush)	14.63	2.99
Bridges, High work over 50' (Spray)	15.18	2.99
Drywall Finishers	15.48	2.11
Area 3:		
General Painters	16.74	2.32
Drywall Tapers	17.14	2.32
Industrial Painter	17.14	2.32
Area 4:		
Striper	16.65	1.83
Area 5:		
Journeyman Painters	15.97	2.46
Taper Finishers	16.22	2.46
Spray Painters, Steel Painters, Steam Cleaning, Acid Etching	16.47	2.46
Swing Stage Work or high work over 30 ft.	16.67	2.46
Bituminastic, Sand Blasting, Bridges, Towers, Stacks, Steeples, Tank on Legs	16.77	2.46
TV, Radio, and Electrical Transmission Towers	17.47	2.46
PLASTERERS:		
Area 1	15.88	3.20
Area 2	17.23	3.29
Area 3	15.07	3.21
PLASTERERS' TENDERS:		
Area 1	13.62	2.61
PLUMBERS:		
Area 1	17.50	6.07
Area 2	19.43	6.98
Area 3	19.74	6.21
Area 4	20.58	3.60
Area 5	19.25	6.32
ROOFERS:		
Area 1	14.56	4.10
Area 2	16.48	2.55
Area 3:		
Roofers; Waterproofers	18.85	2.27
Slate and Tile Roofers	19.10	2.27
Area 4:		
Roofers; Waterproofers	16.20	2.77
Slate and Tile Roofers	16.45	2.77
Area 5:		
Roofers; Waterproofers	15.25	1.81
Slate and Tile Roofers	15.75	1.81
ROOFERS: (Cont'd)		
Area 6:		
Roofers	$16.85	$2.30
Handling of irritating material (coal tar or epoxy)	17.10	2.30
Handling of irritating material (coal tar or epoxy) in confined area	17.35	2.30
SHEET METAL WORKERS:		
Area 1	17.46	3%+3.03
Area 2	21.54	3%+2.24
Area 3	17.95	3%+4.13
Area 4	18.14	3%+2.03
Area 5	20.71	3%+3.07
Area 6	20.52	3%+3.[illegible]
Area 7	18.76	3%+3.10
SOFT FLOOR LAYERS:		
Area 1	14.19	1.74
Area 2	15.72	2.99
Area 3	15.00	2.34
Area 4	11.75	1.79
Area 5	17.03	3.10
Area 6	13.786	c+2.33
Area 7	14.51	3.08
Area 8	15.05	1.89
SPRINKLER FITTERS		
Area 1	19.76	5.86
Area 2	17.92	2.83
TERRAZZO WORKERS; TILE SETTERS:		
Area 1	15.40	3.15
Area 2	16.61	1.62
Area 3	17.84	2.29
Area 4	17.06	3.13
Area 5	17.31	3.05
Area 6	16.76	3.07
Area 7	17.11	3.18
TILE, MARBLE and TERRAZZO FINISHERS:		
Area 1	14.71	1.97
Area 2	15.70	2.10
Area 3	12.70	3.15
IRRIGATION and LANDSCAPE CONSTRUCTION: (STATEWIDE)		
Laborers	8.66	2.50
Plumbers	10.62	2.31
Power Equipment Operators	10.96	2.95

DECISION NO. WA83-5110 Page 4

LABORERS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian (except DOE Hanford Site in Benton and Franklin Counties)

BUILDING, HEAVY And HIGHWAY CONSTRUCTION

GROUPS	BASE RATE	FRINGE BENEFITS
1	$13.72	$3.37
2	13.97	3.37
3	14.22	3.37
4	14.47	3.37

AREA 2
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County

GROUPS	BASE RATE	FRINGE BENEFITS
1-A	$10.13	$2.88
1-B	15.16	2.88
2	15.50	2.88
3	15.64	2.88
4	15.74	2.88

AREA 3
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties, and the Southern portion of Pacific County

GROUPS	BASE RATE (ZONE 1)	ZONE DIFFERENTIAL - (Add to BASE RATE)
1	$13.59	Zone 2 - $0.65
2	13.94	Zone 3 - 1.15
3	14.24	Zone 4 - 1.70
4	14.49	Zone 5 - 2.75
5	8.66	
6	10.87	

FRINGE BENEFITS:
$3.55

AREA 4
Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties lying west of the 120th Meridian

GROUPS	BASE RATE	FRINGE BENEFITS
1-A	$10.13	$2.88
1-B	15.16	2.88
2	15.50	2.88
3	15.64	2.88
4	15.74	2.88

AREA 5
DOE Hanford Site in Benton and Franklin Counties

GROUPS	BASE RATE	FRINGE BENEFITS
1	$14.10	$3.12
2	14.35	3.12
3	14.60	3.12
4	14.85	3.12
5	15.10	3.12

LINE CONSTRUCTION

	BASE RATE (ZONE 1)
Group 1: Cable Splicer, Leadman Pole Sprayer	$19.83
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	18.81
Group 3: Tree Trimmer	16.25*
Group 4: Line Equipment Man	15.51
Group 5: Head Groundman, Powderman, Jackhammer Man	13.56
Group 6: Head Groundman	13.56*
Group 7: Groundman	12.74

ZONE DIFFERENTIAL (Add to BASE RATE)	FRINGE BENEFITS
Zone 2 - $2.40	Groups 1 to 3 - $2.75+3%
Zone 3 - 3.15	Groups 4 to 7 - 3.01+3%
Zone 4 - 3.90	
Zone 5 - 5.15	

*Groups 3 and 6 receive BASE RATE ONLY (no Zone Differential)

ZONE DEFINITIONS -LINE CONSTRUCTION ONLY

ZONE 1 - 0 to 3 miles radius from the geographical center of Seattle, Tacoma, Portland, Medford

ZONE 2 - 3 to 30 miles radius from Seattle, Tacoma, Portland, Medford; and 0 to 20 miles radius from the Cities listed below

ZONE 3 - 20 to 35 miles radius from all Cities

ZONE 4 - 35 to 50 miles radius from all Cities

ZONE 5 - More than 50 miles radius from all Cities

BASE POINTS

Bellingham	Astoria	Coeur D'Alene	Ellensburg
Ephrata	Baker	Kellogg	Everett
Kennewick	Bend	Lewiston	Longview
Olympia	Corvallis	Oro Fino	Sandpoint
Spokane	Lakeview	Walla Walla	Klamath Falls
Wenatchee	Pendleton	Salem	Roseburg
Wilbur	The Dalles	Yakima	Umatilla
Eugene	Burns		

DECISION NO. WA83-5110	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS: (AREA 1)		
All Counties and portions of Counties East of the 120th Meridian (except DOE Hanford Site in Benton and Franklin Counties):		
Group 1	$13.65	$4.35
Group 2	13.95	4.35
Group 3	14.50	4.35
Group 4	14.65	4.35
Group 5	14.80	4.35
Group 6	15.05	4.35
Group 7	15.30	4.35
Group 8	16.30	4.35
(AREA 2)		
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3):		
Group 1	18.73	3.66
Group 2	18.23	3.66
Group 3	17.79	3.66
Group 4	17.43	3.66
Group 5	17.13	3.66
Group 6	15.33	3.66
(AREA 3)		
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County:		
	ZONE 1:	
Group 1	15.00	4.15
Group 2	15.18	4.15
Group 3	15.33	4.15
Group 4	15.53	4.15
Group 5	15.56	4.15
Group 6	15.67	4.15
Group 7	15.74	4.15
Group 8	15.87	4.15
Group 9	15.96	4.15
Group 10	16.04	4.15
Group 11	16.06	4.15
Group 12	16.15	4.15
Group 13	16.25	4.15
Group 14	16.48	4.15
Group 15	16.67	4.15
Group 16	16.91	4.15
Group 17	17.10	4.15
Group 18	17.34	4.15
Group 19	17.52	4.15

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS: (AREA 3) (Cont'd)		
ZONE DIFFERENTIAL - (Add to Zone 1 Rate):		
Zone 2 - $0.65		
Zone 3 - 1.15		
Zone 4 - 1.70		
Zone 5 - 2.75		
Zone 6 - 3.55		
(DREDGING - AREA 1)		
All Counties and portions of Counties East of the 120th Meridian:		
Group 1	$16.75	$3.60
Group 2	16.85	3.60
Group 3	17.19	3.60
Group 4	17.24	3.60
Group 5	17.61	3.60
(DREDGING - AREA 2)		
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and the Northern part of Pacific County:		
Group 1	16.75	3.66
Group 2	16.85	3.66
Group 3	17.19	3.66
Group 4	17.24	3.66
Group 5	17.61	3.66
(DREDGING - AREA 3)		
Clark, Cowlitz, and Klickitat Counties; Pacific County (Southern portion); Skamania and Wahkiakum Counties:		
Group 1	16.97	3.87
Group 1-A	17.68	3.87
Group 2	16.43	3.87
Group 3	16.02	3.87
Group 4	15.67	3.87
(AREA 4)		
DOE Hanford Site in Benton and Franklin Counties:		
Group 1	14.28	4.10
Group 2	14.58	4.10
Group 3	15.13	4.10
Group 4	15.28	4.10
Group 5	15.43	4.10
Group 6	15.68	4.10
Group 7	15.93	4.10
Group 8	16.93	4.10
Group 9	18.68	4.10

DECISION NO. WA83-5110	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
ZONE 1:		
Group 1	$15.00	$4.15
Group 2	15.18	4.15
Group 3	15.33	4.15
Group 4	15.53	4.15
Group 5	15.56	4.15
Group 6	15.67	4.15
Group 7	15.74	4.15
Group 8	15.87	4.15
Group 9	15.96	4.15
Group 10	16.04	4.15
Group 11	16.06	4.15
Group 12	16.15	4.15
Group 13	16.25	4.15
Group 14	16.48	4.15
Group 15	16.67	4.15
Group 16	16.91	4.15
Group 17	17.10	4.15
Group 18	17.34	4.15
Group 19	17.52	4.15

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits
ZONE DIFFERENTIAL - (Add to Zone 1 Rate):		
Zone 2 - $0.65		
Zone 3 - 1.15		
Zone 4 - 1.70		
Zone 5 - 2.75		
Zone 6 - 3.55		
(DREDGING - AREA 1)		
All Counties and portions of Counties East of the 120th Meridian:		
Group 1	$16.75	$3.60
Group 2	16.85	3.60
Group 3	17.19	3.60
Group 4	17.24	3.60
Group 5	17.61	3.60
(DREDGING - AREA 2)		
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and the Northern part of Pacific County:		
Group 1	16.75	3.66
Group 2	16.85	3.66
Group 3	17.19	3.66
Group 4	17.24	3.66
Group 5	17.61	3.66
(DREDGING - AREA 3)		
Clark, Cowlitz, and Klickitat Counties; Pacific County (Southern portion); Skamania and Wahkiakum Counties:		
Group 1	16.97	3.87
Group 1-A	17.68	3.87
Group 2	16.43	3.87
Group 3	16.02	3.87
Group 4	15.67	3.87
(AREA 4)		
DOE Hanford Site in Benton and Franklin Counties:		
Group 1	14.28	4.10
Group 2	14.58	4.10
Group 3	15.13	4.10
Group 4	15.28	4.10
Group 5	15.43	4.10
Group 6	15.68	4.10
Group 7	15.93	4.10
Group 8	16.93	4.10
Group 9	18.68	4.10

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

DECISION NO. WA83-5110

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits
(AREA 1)		
All Counties and portions of Counties East of the 120th Meridian (Except DOE Hanford Site in Benton and Franklin Counties):		
Group 1	$15.19	$3.73
Group 2	15.23	3.73
Group 3	15.29	3.73
Group 4	15.38	3.73
Group 5	15.59	3.73
Group 6	15.63	3.73
Group 7	15.69	3.73
Group 8	15.73	3.73
Group 9	15.84	3.73
Group 10	15.88	3.73
Group 11	16.19	3.73
Group 12	16.33	3.73
Group 13	16.49	3.73
Group 14	16.63	3.73
(AREA 2)		
All Counties and portions of Counties West of the 120th Meridian (Except those enumerated in Area 3) including the Northern portion of Pacific County and all of Kittitas and Yakima Counties:		
Group 1	16.41	2.92
Group 2	16.48	2.92
Group 3	16.51	2.92
Group 4	16.62	2.92
Group 5	16.68	2.92
Group 6	16.72	2.92
Group 7	16.73	2.92
Group 8	16.79	2.92
Group 9	16.84	2.92
Group 10	16.86	2.92
Group 11	16.89	2.92
Group 12	16.99	2.92
Group 13	17.01	2.92
Group 14	17.05	2.92
Group 15	17.17	2.92
Group 16	17.21	2.92
Group 18	17.33	2.92
Group 19	17.38	2.92
Group 19	17.54	2.92
Group 20	17.78	2.92
Group 21	17.86	2.92

Page 7

TRUCK DRIVERS: (Cont'd)

	Basic Hourly Rates	Fringe Benefits
(AREA 3)		
Clark, Cowlitz, Klickitat, Skamania, and Wahkikkum Counties; and the Southern portion of Pacific County:	ZONE 1	
Group 1	$14.69	$3.74
Group 2	14.74	3.74
Group 3	14.79	3.73
Group 4	14.84	3.73
Group 5	14.89	3.74
Group 6	15.99	3.74
Group 7	15.09	3.74
Group 8	15.19	3.74
Group 9	15.29	3.74
Group 10	15.46	3.74
Group 11	15.56	3.74
Group 12	15.66	3.74
Group 13	15.76	3.74
Group 14	15.86	3.74
ZONE DIFFERENTIAL- (Add to Zone 1 Rate):		
Zone 2 - $0.65		
Zone 3 - 1.15		
Zone 4 - 1.70		
Zone 5 - 2.75		
(AREA 4)		
DOE Hanford Site in Benton and Franklin Counties:		
Group 1	15.19	3.48
Group 2	15.23	3.48
Group 3	15.29	3.48
Group 4	15.38	3.48
Group 5	15.59	3.48
Group 6	15.63	3.48
Group 7	15.69	3.48
Group 8	15.73	3.48
Group 9	15.84	3.48
Group 10	15.88	3.48
Group 11	16.19	3.48
Group 12	16.33	3.48
Group 13	16.49	3.48
Group 14	16.63	3.48

DECISION NO. WA83-5110 Page 8

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

"Where Pacific County is stated as "Northern Portion" or "Southern Portion" such areas are defined as follows:

Pacific County (northern portion) - North of Wahkiakum County northern boundary extended due west to the Pacific Ocean

Pacific County (southern portion) - South of Wahkiakum County northern boundary extended due west to the Pacific Ocean

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day.
b. Two weeks' vacation with pay after 1 year employment. Also seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day.
c. 4% of all gross wages to be placed to the credit of the employee with less than one(1) year's service - 6% of all gross wages to be placed to the credit of the employee with more than one(1) year of service.

AREA and ZONE DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, and Okanogan Counties; Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Remaining Counties

BRICKLAYERS; MARBLE SETTERS:
Area 1: Adams County (except City of Othello); Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, and Stevens Counties; Grand Coulee Dam Area in Okanogan County; and Whitman County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan, Douglas and Grant Counties; Okanogan County (except area of Grand Coulee Dam); and the portion of Adams County that includes the City of Othello
Area 4: Clallam, Island, Jefferson, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom Counties
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and ten mile strip bordering the Columbia River in Klickitat County
Area 6: Kittitas and Yakima Counties; Klickitat County (except a ten mile strip bordering the Columbia River)

AREA and ZONE DESCRIPTIONS (Cont'd)

BRICKLAYERS; MARBLE SETTERS: (Cont'd)
Area 7: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 8: Whatcom County

CARPENTERS:
Area 1: All Counties and parts of Counties east of the 120th Meridian except DOE Hanford Site in Benton and Franklin Counties
Area 2: All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion), Skamania and Wahkiakum Counties
Area 4: DOE Hanford Site in Benton and Franklin Counties

CEMENT MASONS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, and Grant Counties; Kittitas County (except western portion lying one mile west of the City of Easton); Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties
Area 2: Clallam, Grays Harbor, and Jefferson Counties; King County (southern portion); Kitsap County; Kittitas County (western portion lying one mile west of the City of Easton); Lewis and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 3: Island, San Juan, Skagit, and Snohomish Counties; King County (northern portion); Whatcom county
Area 4: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

GROUP DESCRIPTIONS FOR CEMENT MASONS - AREAS 1 and 5

Group 1: Journeyman Cement Mason, includes but not limited to: Rodding, Tamping, Floating, Troweling, Patching, Stoning, Rubbing, Sack Rubbing; All exposed aggregate finishing, setting of Screeds, Screed Forms, Curb and gutter and sidewalk forms, Preparation of all concrete for caulking of the joints and the caulking of expansion joints, Preparation of concrete for the application of hardeners, sealers and curing compounds and their application; Grouting and dry packing of Machine Base; Removal of Snap Ties and She-bolts prior to patching of concrete

Group 2: Power Troweling Machine Operator; Troweling of Magnesite, Toroganal or material with epoxy base or oxychloride base; All power Grinders, Brushing Hammer, Chipping Gun, Gunnite Nozzleman; All sandblasting for architectural finishes and exposing of aggregate for finish; Concrete sawing and cutting for expansion joints and scoring for decorative patterns; Operating of Clary-type Floats, Longitudinal Floats, Bodding Machines and Belting Machines; Scarifiers

Group 3: Grinding, Brushing or Chipping of toxic materials or high density concrete; Operating power tools on a Scaffold

AREA DESCRIPTIONS (Cont'd)

ELECTRICIANS:
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, and Yakima Counties
Area 3: Chelan, Douglas, Grant, and Okanogan Counties
Area 4: Clallam, Jefferson, King, and Kitsap Counties
Area 5: Clark, Klickitat, and Skamania Counties
Area 6: Cowlitz and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, Mason, Pierce, Pacific, and Thurston Cos.
Area 8: Island, San Juan, Skagit, Snohomish, and Whatcom Counties

ELECTRONIC TECHNICIANS:
(Installation and repair of low-voltage communication and alarm systems, excluding any work under the jurisdiction of a journeyman wireman):
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Clallam, Jefferson, King, and Kitsap Counties

ELEVATOR CONSTRUCTORS:
Area 1: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Cos.
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

GLAZIERS:
Area 1: Adams County (northeastern portion); Ferry County; Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern corner); Chelan, Douglas, and Grant Counties; Lincoln County (western half); and Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Clallam, Island, Jefferson, Grays Harbor, King, Kitsap, Lewis, and Mason Counties; Pacific (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 6: Yakima and Kittitas Counties
Area 7: Clark, Cowlitz, and Klickitat Counties, Pacific County (southern portion); Skamania and Wahkiakum Counties

LATHERS:
Area 1: Clallam, Island, Jefferson, King, Kitsap, and Lewis Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, and Whatcom Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

MASON TENDERS:
Area 1: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

AREA DESCRIPTIONS (Cont'd)

AREA DESCRIPTIONS (Cont'd)

AREA DESCRIPTIONS (Cont'd)

PAINTERS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, and Thurston Counties; Pacific County (northern portion); and Whatcom County
Area 4: Statewide except Wahkiakum, Cowlitz, and Skamania Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

PLASTERERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties
Area 2: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

PLASTERERS' TENDERS:
Area 1: All Counties and portions of Counties east of the 120th Meridian

PLUMBERS:
Area 1: Chelan County; Kittitas County (north of 47°15' N. Lat.); Douglas County (west of the 119°30' W. Long.); Okanogan County (except the area lying east of the 119°31' W. Long., North to 48°30' N. Lat.)
Area 2: Adams County (southern portion), Asotin County (except the City of Clarkston), Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, and Yakima Counties; Douglas County (east of 119°30' W. Long.); Ferry County (west of a line drawn from Creston in Lincoln County northward to the Canadian Border), Kittitas County (south of 47°15' N. Lat.), Lincoln County (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan County (east of 119°30' W. Long. and south of 48°30' N. Lat.)
Area 3: Adams County (northern portion including the City of Ritzville), Asotin County (City of Clarkston only), Cowlitz County; Ferry County (east to a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Island, Kitsap, and Lewis Counties; Lincoln County (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, Clark, and Skamania Counties (those portions lying north of a east-west line drawn through Woodland eastward to the Klickitat County Line
Area 4: Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line
Area 5: Clallam, King, and Jefferson Counties; and all Dam Sites on the Skagit River in Whatcom County

AREA DESCRIPTIONS (Cont'd)

ROOFERS:
Area 1: Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Benton, Franklin, Kittitas, Klickitat and Yakima Counties
Area 3: Clallam, Jefferson, King, Kitsap, Mason, and Snohomish Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum Counties
Area 5: Island, San Juan, Skagit, and Whatcom Counties
Area 6: Clark and Skamania Counties

SHEET METAL WORKERS:
Area 1: Adams, Asotin, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Clallam, Jefferson, Kitsap, and Mason Counties
Area 3: Clark and Skamania Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum counties
Area 5: King, Kittitas, Island, and Snohomish Counties
Area 6: Whatcom, Skagit, and San Juan Counties
Area 7: Benton, Columbia, Franklin, Garfield, Klickitat, Walla Walla, and Yakima Counties

SOFT FLOOR LAYERS:
Area 1: Adams County (northeastern portion); Ferry County; Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern portion); Chelan, Douglas, and Grant Counties, Lincoln County (western half); Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Island, King, Kitsap, Skagit, and Snohomish Counties
Area 6: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 8: Yakima and Kittitas County

SPRINKLER FITTERS:
Area 1: Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Counties
Area 2: Remaining Counties

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Adams County (except that portion which include the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam area in Okanogan County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan, Douglas, Grant, Okanogan County (except area of Grand Coulee Dam), and the portion of Adams County that include the City of Othello)

AREA DESCRIPTIONS (Cont'd)

TERRAZZO WORKERS; TILE SETTERS: (Cont'd)
Area 4: Clallam, Island, Jefferson, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom Counties
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile strip bordering the Columbia River in Klickitat County
Area 6: Kittitas, Klickitat (except 10 mile striping bordering the Columbia River), and Yakima Counties
Area 7: Grays Harbor, Lewis, Mason, Pierce, and Thurston Counties

TILE, MARBLE, and TERRAZZO FINISHERS:
Area 1: All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 2: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile strip bordering the Columbia River in Klickitat County
Area 3: Adams County (except that portion which includes the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam area in Okanogan County

ZONE DESCRIPTIONS (AREA 3) ONLY

LABORERS,
POWER EQUIPMENT and TRUCK DRIVERS
Astoria, Bingen, Goldendale, The Dalles, Longview, Portland and Vancouver

ZONE 1 - all jobs or projects located within 30 miles of the respective City Hall
ZONE 2 - more than 30 miles but less than 40 miles from the respective City Hall
ZONE 3 - more than 40 miles but less than 50 miles from the respective City Hall
ZONE 4 - more than 50 miles but less than 80 miles from the respective City Hall
ZONE 5 - more than 80 miles from the respective City Hall

LABORERS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian (Except DOE Hanford Site in Benton and Franklin Counties)

BUILDING, HEAVY, and HIGHWAY CONSTRUCTION

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeezecrete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and Reference Post, Sign Posts, and Right-of-way Markers); General Laborer; Grout Machine Header Tender; Nippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Well-point Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper; Track Laborer; Railroad Equipment, power driven; Dual Mobile Power Spiker or Puller

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Powderman; Miner Class "C" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts; Powderman receives $0.25 an hour additional

LABORERS (Cont'd)
AREA 2

LABORERS (Cont'd)
AREA 3

LABORERS (Cont'd)
AREA 2
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4 and the Northern portion of Pacific County

AREA 4
Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties lying West of the 120th Meridian

Group 1-A: Window Washer

Group 1-B: General Laborer; Asphalt Laborer; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car and Truck Loader; Carpenter Tender; Cement Handler; Changehouse or Dry Shack; Choker Setter; Clean-up Laborer; Concrete Form Stripper; Concrete and Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition: wrecking and moving (including charred material); Ditch Digger; Drierman; Dumpman; Elevator Feeders; Faller and Bucker, hand; Fence Laborer; Fine Grader; Form Setter; Grout Machine Header Tender; Header Laborer and Guardrail Erector; Housewrecker; Material Yard Man (including electrical); Nipper-swamper; Pilot; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (at job site); Track Laborer; Truck Spotter; Vinyl Seaming

Group 2: Air, Gas, or Electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chipper; Choker Splicer; Chuck Tender; Clary Power Spreader and others; Concrete Saw; Epoxy Technician; Gabian Basket Builder; Grinder; Groutman (pressure) including Post Tension Beams; Jackhammer; Multiple Tamper; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper Powderman's Tender; Power Jack; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, head; Rip Rap Man, head; Rodder; Sloper (over 20'); Stake Hopper; Tamper (multiple and self-propelled); Tamper and similar electric and air operated tools; Topman - Tailman; Wagon Driller and Air Track Tender; Well Point Laborer

Group 3: Bit Grinder and Drill Doctor; Cement Dumper - paving; Cement Finisher Tender; Faller and Bucker Chain Saw; Grade Checker and Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman and Hod Carrier; Nozzleman (concrete pump, Green Cutter when using combination of high pressure air and water on concrete and rock, Sandblast, Gunnite, Shotcrete) Water Blaster; Pipe Layer and Caulker; Powderman; Raker-asphalt; Spreader (carriers grade with Rodder); Timberman - sewer (Lagger, Shorer and Cribber); Tugger Operator; Vibrator; Wagon Driller and Air Track Operator

Group 4: Caisson Worker; Laser Beam Operator (tunnel); Miner; Spader, tunnel; Powderman; Re-timberman Pipe Reliner (not insert type)

LABORERS (Cont'd)
AREA 3
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties, and the Southern portion of Pacific County

Group 1: General Laborer; Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers' Tenders; Dumpers, road oil crew; Dumpman (for grading crew); Fine Graders; Form Strippers (not swinging stages); Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Tender; Pittsburgh Chipper Operator or similar types; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipman; Slopers; Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman - Crusher (aggregate when used); Railroad Track Laborers

Group 2: Applicator (including Pot Tender for same) applying protective material by hand or nozzle on utility lines or storage tanks or project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, power spreader and similar types; Cleanup Nozzleman-Greencutter (concrete, rock, etc.); Concrete power Buggyman; Crusher Feeder; Demolition and wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sandblasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers; Ribbon Setter, head; Rip Rap Man, head, hand placed; Sand Blasting (wet); Stake Setter; Tunnel-Muckers; Brakemen; Concrete Crew; Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators; Air Tracks; Cat Drills; Wagon Drills; Rubber - mounted Drills and other similar types; Concrete Saw Operator; Gunite Nozzleman; High Scalers; Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying); Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer (Pipe Layers); Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, multiple Tampers, Power Jacks; Tugger Operator; Tunnel Chuck Tenders; Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powdermen

Group 5: Landscaping or Planting Laborers

Group 6: Fence Builder (including Guard Rail, Median Rail, Reference Post, Guide Post Right-of-way Marker)

LABORERS (Cont'd)
AREA 5
DOE Hanford Site in Benton and Franklin Counties

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the Nozzle of Squeezecrete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and reference Post, Sign Posts, and Right-of-way Markers); General Laborer; Grout Machine Header Tender; Nippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Wellpoint Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

Group 5: Powderman

POWER EQUIPMENT OPERATORS
(AREA 1)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 1: Bit Grinder; Bolt Threading Machine; Compressor, under 2,000 cu. ft. per minute, gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Driller's Tender; Fireman and Heater Tender; Grade Checker; Tender (Mechanic, H.D.); Oiler, Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or Compacting or Vibrator) except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine; Hydro-seeder

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator; Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more, gas, diesel or electric power); Concrete Saw multiple cut); Distributor Leverman; Elevator hoisting materials; Dope Pots (power agitated); Fork lift or Lumber Stacker; Hydralift and similar; Gin Trucks (Pipeline); Hoist, single drum; Loader (Bucker, Elevator and Conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker; Hydra Hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Batch Plant and Wet Mix Operator, single unit (concrete); Bending Machine; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (Pipeline); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Mucking Machines; Soil Stabilizer (P & H or similar); Spreader Machine; Pump; Tractor to D-6 or equivalent and Traxcavator; Transverse Finish Machine, Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pump (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders Overhead and Front-end, under 4 yds. R/T); Pave or Curb Extruders (asphalt or concrete); Refrigeration Plant Engineers (under 1,000 tons); Rubber-tired Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill, under 5" bit)

POWER EQUIPMENT OPERATORS (Con'td)
AREA 1 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)

Federal Register / Vol. 48, No. 108 / Friday, June 3, 1983 / Notices

POWER EQUIPMENT OPERATORS (Con't'd)
AREA 1 (Cont'd)

Group 5: Backhoe (under 1 yard); Crane (25 tons and under); Derrick and Stifflegs (under 65 tons); Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Piledriving Engineers; Paving (dual drum); Refrigeration Plant Engineer (1,000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

Group 6: Asphalt Plant Operator; Automatic Subgrader (Ditches and Trimmers (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (1 yard to 3 yards); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Blade (finish and Bluetop) (Automatic, CMI, ABC, and similar when used as automatic); Boat Operator; Boom Cats (side); Cableway Controller (Dispatcher); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (over 25 tons including 45 tons); Crusher, Grizzlo and Screening Plant Operator; Draglines (under 3 yards); Drill Doctor; H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards including 8 yards); Multiple Dozer Units with single blade; Quad-track or similar equipment; Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yards); Rubber-tired Scrapers, Multi-engine power with one Scraper (Euclid, TS 24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Rubber-tired Scraper, multiple engines with two scrapers; Shovels (under 3 yards); Tractors (D-6 and equivalent and over); Trenching Machines (7 feet depth and over)

Group 7: Backhoe (3 yards and over); Cableway Operators; Clamshell Operator (1 yards and over); Cranes (over 45 tons to 85 tons); Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar; Loaders (Overhead and Front-end, over 8 yards to 10 yards); Rubber-tired Scrapers (multiple engine with three or more Scrapers); Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 8: Cranes (85 tons and over, and all climbing, rail and tower); Loaders (Overhead and Front-end, 10 yards and over); Helicopter Pilot

AREA 2
All Counties and portions of Counties West of the 120th Meridian
(Except those enumerated in Area 3)

Group 1: Cranes, 100 tons and over or 200' of boom including jib and over; Loaders, 8 yds. and over; Shovels and attachments, 6 yds. and over

Group 2: Cableways; Cranes, over 45 tons up to 100 tons or over 150' including jib; Rollagon; Tower Crane; Helicopter, Winch; Remote Control Operator; Loader, Overhead, 6 yds. up to 8 yds.; Shovels, Backhoes, over 3 yds. to 6 yds.; Slipform Pavers; Scrapers, self-propelled, 45 yds. and over; Quad 9, HD 41, D-10

POWER EQUIPMENT OPERATORS (Cont'd)
(AREA 2) (Cont'd)

Group 3: Concrete Batch Plant Operator; Bump Cutter; Cranes, 20 tons through 45 tons; Hydralifts; Chipper; Crushers; Derrick; Drilling Machine; Finishing Machine; Loaders, Overhead, under 6 yds.; Mechanics; Mixers, Asphalt Plant; Motor Patrol Graders, finishing; Pump Truck mounted Concrete Pump with boom attachment; Piledriver Operator; Screed Man; Shovels, Backhoes 3 yds. and under; Subgrader, Trimmer; Tractors, Backhoes, over 60 HP; Scrapers, Self-propelled, under 45 yds.

Group 4: Brooms; Dozers, D-9 and under; Paydozers; A-Frame Crane; Cranes up to 20 tons; Conveyors; Hoists, Air Tugger; Loaders, elevating type; Fork Lifts; Motor Patrol Grader, non-finishing; Mucking Machine; Concrete Pumps; Roller, Plant Mix or Multi-lift materials; Saws, Concrete; Scrapers, Carryall; Spreaders, Blaw Knox; Trenching Machines; Equipment Service Engineer; Oiler Driver on Truck Cranes over 45 tons; Tractor, Backhoe, 60 HP and under

Group 5: Oiler Driver on Truck Cranes, 45 tons and under; Oil Distributors, blower; Assistant Engineer (formerly Oiler classification); Pavement Breaker; Posthole Digger, mechanical; Power Plant; Wheel Tractors, Farmall type; Compressor; Pumps, water; Rollers, other than plant mix;

Group 6: Gradechecker and Stakeman

AREA 3
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler - driver, 25 ton capacity or over; Crane Fireman (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Tender; Auger; Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Tender; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 3 (Cont'd)

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite Work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Serivce Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without Front End attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring Operator or Grader; Pot Rammer

Group 8: Diesel-electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Egnerator Operator; Belt Loader, Holman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yds.; Loader, Front End and Overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. Flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 3 (Cont'd)

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller - Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu .yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine; Single Scraper, with Push-pull attachments, self-loader; Paddle Wheel, auger type; Blade mounted Spreaders Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver Operator; Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, auger type, finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley, over 80 ton and including 150 ton; Floating Crane (Derrick Barge), 80 ton, but less than 130 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 3 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 4

25118 Federal Register / Vol. 48, No. 108 / Friday, June 3, 1983 / Notices

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 3 (Cont'd)

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane, 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in connection with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane, 250 ton and over; Remote contolled earth moving equipment; Underwater equipment, remote or otherwise

DREDGING

AREA 1 - All Counties and portions of Counties East of the 120th Meridian

AREA 2 - All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and the Northern part of Pacific County

Group 1: Assistant Mate (Deckhand)

Group 2: Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam of Booster Pump); Mates and Boatmen

Group 4: Craneman, Engineer Welder

Group 5: Leverman, Hydraulic

AREA 3- DREDGING
Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

Group 1: Leverman, Hydraulic

Group 2-A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, attending Dredging Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 4
DOE Hanford Site in Benton and Franklin Counties

Group 1: Bit Grinders; Bolt Threading Machine; Compressors (under 2,000 CFM, gas, diesel or electric power); Crusher Feeder (mechanical); Deck Hand; Driller Tender; Fireman and Heater Tender; Grade Checker; Mechanic or Welder, H.D.; Hydro-seeder, Mulcher, Nozzleman; Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar, or Compacting Vibrator), except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single drum); Assistant Refrigeration Plant (under 1,000 ton); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2,000 CFM or over, 2 or more, gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Ditch Witch or similar; Elevator, hoisting materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket, elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job only); Tractor (Farm type R/T with attachments, except Backhoe); Tugger Operator

Group 3: A-Frame Truck (2 or more drums); Assistant Regrigeration Plant and Chiller Operater (over 1000 ton); Backfillers (Cleveland and similar); Batch Plant and Wet Mix Operator, single unit (concrete); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Bend Machine; Bob Cat; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginau or similar); Canal Lining Machine (concrete); Cleaning and Doping Machine (pipeline); Deck Engineer; Elevating Belt-type Loader (Euclid, Barber Green and similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Posthole Auger or Punch; Pump (Grout or Jet); Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (to D-6 or equivalent) and Traxcavator; Traverse Finish Machine; Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pumps (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Curb Extruder (asphalt or concrete); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders (Overhead and Front-end, under 4 yds. R/T); Refrigeration Plant Engineers (under 1000 ton); Rubber-tire Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill under 8" bit)

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 4 (Cont'd)

Group 5: Drilling Equipment (8" bit and over) (Rubbins, Reverse Circulation and similar); Hoe Ram; Paving (dual drum); Refrigeration Plant Engineer (1800 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

Group 6: Automatic Subgrader (Ditches and Trimmers)(Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoe (under 1 yd.); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Boat Operator; Cableway Controller (Dispatcher); Cranes (25 tons and under); Derricks and Stifflegs (under 65 tons); Drill Doctor; Multiple Dozer Units with single blade; Paving Machine (asphalt and concrete); Piledriving Engineers; Quad-track or similar equipment; Rollerman (finishing pavement); Trenching Machines (7 ft. depth and over)

Group 7: Asphalt Plant Operator (Backhoes (1 yd. to 3 yds.); Blade (finish and Blustop) Automatic, CMI, ABC and similar when used as automatic; Boom Cats (Wide); Cableway Operators; Clamshell Operators (under 3 yds.); Concrete Slip Form Paver; Cranes (over 25 tons, including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yds.); Elevating Belt (Holland type); H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards, including 8 yards); Mucking Machine; Quad-track or similar equipment; Rubber-tired Scrapers; Shovels (under 3 yds.); Tractors (D-6 and equivalent and over)

Group 8: Backhoes (3 yds. and over); Cranes (over 45 tons, to 85 tons); Cranes (85 tons and over, all climbing, rails and tower); Clamshell Operator (3 yds. and over); Derricks and Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yds.); Helicopter Pilot; Shovels (3 yds. and over); Whirleys and Hammerheads, all

Group 9: Transi-lift

TRUCK DRIVERS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian (Except DOE Hanford Site in Benton and Franklin Counties)

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Hue Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Powar Boat hauling employees or material); Tirsperson No. 1

TRUCK DRIVERS (Cont'd)
AREA 1 (Cont'd)

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck, 1,801 - 4,000 gallons

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. and under); Flat Bed Truck (with hydarulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yds. to 12 yds.); Oil Distributor Driver (Road, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yds.); Transit Mixers and Trucks hauling concrete (6 yds. to 10 yds.); Trucks, side, end, and bottom dump (over 12 yds. including 20 yds.); Semi Truck and Trailer 50 tons and under; Lowboy

Group 8: Low Boy (over 50 tons); Water Tank Trucks, 8,001 to 10,000 gallons; Tractor with Steer Trailer; Truck mounted Crane with load bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yds. to 15 yds.); Trucks, side, end, and bottom dump (over 20 yds. including 30 yds.); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

Group 10: Mechanic, Field

Group 11: Tournarocker, D. W.'s and similar, with 2 to 4 wheel power tractor with trailer, gallonage or yardage scale, whichever is greater; Transit Mixers and Trucks hauling concrete (15 yds. to 20 yds.); Trucks, side, end, and bottom dump (over 30 yds. to 40 yds.); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yds.); Trucks, side, end, and bottom dump (over 40 yds. to 50 yds.)

Group 13: Trucks, side, end, and bottom dumps (over 50 yds. to 100 yds.)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

TRUCK DRIVERS (Cont'd)
AREA 2
All Counties and portions of Counties West of the 120th Meridian

TRUCK DRIVERS (Cont'd)
AREA 2 (Cont'd)

25120 Federal Register / Vol. 48, No. 108 / Friday, June 3, 1983 / Notices

TRUCK DRIVERS (Cont'd)
AREA 2
All Counties and portions of Counties West of the 120th Meridian (Except those enumerated in Area 3) including the Northern portion of Pacific County and all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at Bunkers and Batch Plants; Pickup Trucks, Escort or Pilot Car; Swampers; and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site (warehousing); Dumpsters and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks, side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yds.; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Trucks, up to 1,600 gallons; Winch Truck, single rear axle; Wrecker, Tow Truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Trucks, 1,600 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yds. to and including 12 yds.; Explosive Truck (finish mix) anmilar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tankers; Dumpsters and similar equipment (as listed in Group 3) - over 16 yds. to and including 20 yds.; Water Wagon and Trank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4 yds. to and including 6 yds.

Group 12: "A" Frame or Hydralift Trucks or similar equipment

TRUCK DRIVERS (Cont'd)
AREA 2 (Cont'd)

Group 13: Dumpster and similar equipment (as listed in Group 3) - over 20 yds. to and including 30 yds.; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yds. to and including 8 yds.

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yds. to and including 40 yds.; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yds. to and including 10 yds.

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yds. to and including 55 yds.

Group 18: Transit-mix, over 10 yds. to and including 12 yds.

Group 19: Transit-mix, over 12 yds. to and including 16 yds.

Group 20: Transit-mix, over 16 yds. to and including 20 yds.

Group 21: Transit-mix, over 20 yds.

AREA 3
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on Concrete Dry Batch Plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Tender; Truck Mechanic Tender; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers).; Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Fireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

TRUCK DRIVERS (Cont'd)
AREA 3 (Cont'd)

Group 3: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and Wet or Dry Mix Trucks: 5 cu. yds. and under; Fireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Stadddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and Wet or Dry Trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and Wet or Dry Mix Truck, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic - Welder - Body Repairman; Water Wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity) over 7,000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 11 cu. yds. and including 13 cu. yds.; Water Wagon (rated capacity) over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

TRUCK DRIVERS (Cont'd)
AREA 3 (Cont'd)

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

AREA 4
DOE Hanford Site in Benton and Franklin Counties

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired Pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Fireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yds. and under); Trucks, side, end, and bottom dump (under 6 yds.); Water Tank Truck, 1,801 - 4,000 gallons

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

Group 5: Service Greaser; Fireperson No. 2; Truck, side, end, and bottom Dump (over 6 yds. to 12 yds.); Oil Distributor Driver (read, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer; Lowboy 50 tons and under

Group 8: Low Boy (over 50 ton); Water Tank Trucks, 8,001 to 10,000 gallons; Tractor with Steer Trailer; Truck mounted Crane with load bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yds. to 15 yds.); Trucks, side, end, and bottom dump (over 20 yds. including 30 yds.); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

Federal Register / Vol. 48, No. 108 / Friday, June 3, 1983 / Notices

TRUCK DRIVERS (Cont'd)
AREA 4 (Cont'd)

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, whichever is greater; Transit Mixers and Trucks hauling concrete (15 yds. to 20 yds.); Trucks, side, end, and bottom dump (over 30 yds. to 40 yds.); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yds.); Trucks, side, end, and bottom dump (over 40 yds. to 50 yds.)

Group 13: Trucks, side, end, and bottom dumps (over 50 yds. to 100 yds.)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

Drivers and Tenders (hauling sacked cement - add $.15 per hour)

Winch Truck - takes classifiation of Truck on which Winch is mounted.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

[FR Doc. 83-14770 Filed 6-2-83; 8:45 am]
BILLING CODE 4510-27-C

48
ISS
1
0
8
JE
3
1983
UMI

federal register

Friday
June 3, 1983

Part IV

Department of Health and Human Services

Food and Drug Administration

Proposal To Make Prosthetic Hair Fibers a Banned Device; Notice of Immediately Effective Proposed Rule and Opportunity for Hearing

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 895

[Docket No. 80N-0301]

Banned Devices; Proposal To Make Prosthetic Hair Fibers a Banned Device and Declaration of a Special Effective Date

AGENCY: Food and Drug Administration.

ACTION: Immediately effective proposed rule.

SUMMARY: The Food and Drug Administration (FDA) has determined that prosthetic hair fibers intended for implantation into the human scalp to simulate natural hair or conceal baldness present substantial deception and an unreasonable and substantial risk of illness or injury, that the deception or risk cannot be corrected or eliminated by labeling or a change in labeling, and that the deception or risk associated with use of the device presents an unreasonable, direct, and substantial danger to the health of individuals. Therefore, FDA proposes that prosthetic hair fibers be made a banned device and declares the proposed regulation to be effective June 3, 1983, pending final action on the proposed regulation. The special effective date will protect the public health during the comment period and until FDA either promulgates a final regulation or terminates the proceeding.

Elsewhere in this issue of the **Federal Register**, FDA also is announcing an opportunity for an informal hearing on the proposed regulation. After the hearing, if any, and after considering any written comments submitted on the proposal and any additional available information and data that the agency believes are pertinent, FDA will as expeditiously as possible either affirm, modify, or withdraw the proposed regulation.

DATES: Effective June 3, 1983; comments by August 2, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Pamela F. Wojtowicz, National Center for Devices and Radiological Health (HFK-114), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7218.

SUPPLEMENTARY INFORMATION: The Medical Device Amendments of 1976 (Pub. L. 94-295) (the amendments), amending the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321 et seq.), became law on May 28, 1976. Among other provisions, the amendments added section 516 to the act (21 U.S.C. 360f), which authorizes FDA to ban, by regulation and after an opportunity for an informal hearing, any device intended for human use if FDA finds, based on all available data and information, and after consultation with the appropriate classification panel, that such device presents a "substantial deception" or an "unreasonable and substantial risk of illness or injury" that FDA finds cannot be, or has not been, corrected or eliminated by labeling or a change in labeling. If FDA determines that the deception or risk of illness or injury associated with use of the device presents an unreasonable, direct, and substantial danger to the health of individuals, FDA may declare a regulation to make the device a banned device to be effective upon publication of the proposal in the **Federal Register**, and until the effective date of any final action taken respecting the regulation, provided FDA, before the date of publication of such regulation, notifies the domestic manufacturer of the device of the special effective date of the regulation.

Section 501(g) of the act (21 U.S.C. 351(g)) deems a device to be adulterated, and thus prohibited from commerce, if it is a banned device. Section 304(a)(2) of the act (21 U.S.C. 334(a)(2)) authorizes the seizure of any adulterated device without regard to interstate commerce. Section 709 of the act (21 U.S.C. 379a) establishes for FDA's injunction and criminal prosecution cases involving devices a statutory presumption of interstate commerce for any device in commerce. Consequently, once FDA makes a device a banned device, in subsequent regulatory proceedings to remove the device from commerce the government need show only that the device has been banned; the government is not required to adduce evidence in court to establish any of the elements usually necessary to prove that the device is adulterated and should be condemned.

The banning proposed by this regulation applies to prosthetic hair fibers, which are devices intended for implementation into the human scalp to stimulate natural hair or conceal baldness. Prosthetic hair fibers may consist of various materials, e.g., synthetic fibers, such as polyester, modacrylic, and polyacrylic, or natural fibers, such as processed human hair. Excluded from the scope of the proposed regulation are natural hair transplants, in which a person's hair and its surrounding tissues are surgically removed from one location on the person's scalp and then grafted onto another area of the person's scalp:

Various techniques have been used to insert prosthetic hair fibers into the scalp. For all methods of insertion employed, local anesthetics are first injected into the scalp. At least four procedures have been used to insert the prosthetic hair fibers into the scalp.

1. By threading 1 to 10 fibers at a time on a needle, a prosthetic hair fiber is sewn into, and pulled about half its length through the scalp, to allow two free ends. A knot close to the scalp is tied in the middle of the fiber. By grasping the free ends of the fiber and using an alternating pulling motion, the knot is pulled into and under the scalp surface to anchor the prosthetic hair fiber (Refs. 1 and 2).

2. After folding a fiber over a notch about ¼ inch from the end of a curved stainless steel suturing needle, the needle is driven by hand into the scalp. When the needle is withdrawn, the prosthetic hair fiber remains in the scalp (Ref. 3).

3. After loading four to six fibers into a hypodermic-type needle attached to a syringe modified by the addition of a spring and a thin wire, the needle is inserted into the scalp. The wire travels through the needle and pushes the fibers into the scalp. When the needle is withdrawn the prosthetic hair fibers remain in the scalp (Ref. 4).

4. Using a small plastic clip containing seven notched stainless steel needles, over each of which is looped a fiber, seven fibers at a time are forced by hand into the scalp. When the device is withdrawn, the prosthetic fibers remain in the scalp (Ref. 5).

Subpart A of Part 895 of FDA's regulations on banned devices (21 CFR Part 895) describes the procedures by which the agency may institute proceedings to make a device a banned device. Under section 516 of the act and Subpart A of Part 895, FDA has determined, on the basis of all available data and information, and after consultation with the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel (the Section), an FDA advisory committee, that prosthetic hair fibers present a substantial deception and an unreasonable and substantial risk of illness or injury to individuals that cannot be corrected or eliminated by labeling or a change in labeling. Further, the agency has determined that the deception and risk of illness or injury associated with use of prosthetic hair

fibers present an unreasonable, direct, and substantial danger to the health of individuals. Therefore, FDA is proposing to make prosthetic hair fibers a banned device, and declares the implementing regulation (21 CFR 895.101) to be effective on the date of publication in the **Federal Register**, June 3, 1983, as authorized by the special effective date provisions of section 516(b) of the act and § 895.30 (21 CFR 895.30). Thus, any prosthetic hair fiber as defined in proposed § 895.101 is a banned device until the effective date of any final action taken by FDA with respect to this proceeding. Devices banned by the regulation include those prosthetic hair fibers now in commercial distribution and those devices already sold to, but not implanted in, the ultimate user.

At present, FDA is not aware of any person engaged in the commercial distribution of prosthetic hair fibers. However, as required by section 516(b)(2) of the act and § 895.30(a)(2), before publication of this proposed regulation in the **Federal Register**, FDA, by letters forwarded by certified mail, notified all known domestic manufacturers of the devices that the agency intended to declare the proposal to be effective upon such publication. Copy of the letter and a list of the addresses are on file with the Dockets Management Branch (address above) under the docket number appearing at the head of this notice and are available for public inspection between 9 a.m. and 4 p.m., Monday through Friday.

Notice of Opportunity for an Informal Hearing

Elsewhere in this issue of the **Federal Register**, in accordance with section 516(b)(2) of the act and § 895.30(c), FDA is announcing an opportunity for an informal regulatory hearing on the proposed regulation. If FDA receives a request for such a hearing, FDA will grant the request and will publish notice of the hearing in the **Federal Register**. The notice will state the issues to be considered, the persons who may participate in the hearing, the date, time, and place where the hearing will be held, and other details. The provisions of section 201(y) of the act (21 U.S.C. 321(y)) and Part 16 (21 CFR Part 16) shall govern any hearing on the proposed regulation.

Agency Proceeding To Make Prosthetic Hair Fibers a Banned Device

Section 895.21(d) provides that a proposal to make a device a banned device will briefly summarize:

1. The findings regarding the risk, deception, and illness or injury presented by the device;

2. The reasons why FDA initiated the proceeding;

3. The evaluation of data and information obtained by FDA under provisions of the act other than section 516, submitted by the manufacturer or distributor of the device, or voluntarily submitted by any other interested persons;

4. The consultation with the classification panel required by § 895.21(b);

5. The determination of whether the deception or risk of illness or injury or the danger to the health of individuals could be corrected by labeling or a change in labeling;

6. The determination of whether any required labeling or change in labeling has been made;

7. The determination of whether, and the reasons why, the banning should apply to devices already in commercial distribution or those already sold to the ultimate user, or both; and

8. Any other data and information that FDA believes are pertinent to the proceeding.

1. *Summary of findings (§ 895.21(d)(1)).* FDA has determined that the continued marketing of prosthetic hair fibers intended for implantation, no matter how they are labeled, presents a substantial deception and an unreasonable and substantial risk of illness or injury to individuals, and provides no benefit to the public health. Implantation of prosthetic hair fibers frequently has resulted in, and can be expected to continue to result in, serious infections or other illnesses or injuries to individuals because the device is inherently dangerous when used in the manner recommended or suggested in its labeling. Furthermore, prosthetic hair fibers of materials currently available have not been, and cannot be, effective either in simulating natural hair or concealing baldness. Within a short time after implantation, prosthetic hair fibers usually fall out or break off at the scalp line. The human body rejects the implanted fibers because they are not biocompatible.

Adequate directions for use cannot be written, even for use by a physician, to assure the safe and effective use of prosthetic hair fibers intended for implantation to simulate natural hair or conceal baldness. There are no conditions under which the prosthetic hair fibers can be safely and effectively marketed for the device's intended purposes. There is, therefore, no benefit to the public health from continued marketing of prosthetic hair fibers, and the deception and risk posed by their continued marketing is important, material, and significant, considering the severity of the infections, illnesses, or injuries caused by their implantation. It is irrelevant whether manufacturers or distributors of the device have intended to deceive ultimate users. Actions, such as promoting, offering for sale, selling, and implanting prosthetic hair fibers, have the capacity or tendency to make users believe, contrary to fact, that the fibers are safe and effective and that their implantation will simulate natural hair or conceal baldness.

FDA has determined that the data described in paragraphs 3. and 4. of this notice establish in accordance with § 895.30 that the deception and risk of illness or injury associated with the implantation of prosthetic hair fibers present an unreasonable, direct, and substantial danger to the health of individuals. Moreover, implantation of prosthetic hair fibers may have long-term, as well as short-term, risks. Prosthetic hair fibers used by one firm have at least one unidentified, leachable, component that is mutagenic to *Salmonella typhimurium* and the dyes used by another firm to color its fibers also are mutagenic to *Salmonella typhimurium*. Because the components and dyes are mutagenic in the Ames test, implantation of the devices may increase the risk to the health of the user.

2. *Reasons for proceeding (§ 895.21 (d)(2)).* FDA is initiating this proceeding to prevent further introduction into commerce of prosthetic hair fibers intended for implantation and to expedite the removal of these devices from commerce, thereby preventing deception and risk of illness or injury that present an unreasonable, direct, and substantial danger to the health of individuals.

3. *Evaluation of data and information (§ 895.21(d)(3))—a. Consumer complaints.* In the period from December 1978 through February 1981, FDA received through its Device Experience Network 186 consumer complaints concerning implanted prosthetic hair fiber (Refs. 6 and 7). The seriousness of the complaints ranged from reports of user dissatisfaction because the implanted fibers fell out soon after the insertion procedure was completed (Ref. a) to reports of serious harm to users, such as infection at implantation sites (Ref. 6b); facial swelling (Ref. 6c); severe pain (Ref. 6d); itching (Ref. 6e); severe and punctate scarring (Ref. 6f); frequent breakage of the implanted fibers at the scalp line that make it difficult to extract the fibers remaining below the scalp line (Refs. 6g, 6h, and 6i); and permanent,

additional loss of the person's natural hair (Ref. 8j). Several of the injuries to users required substantial corrective medical (Ref. 8k) or surgical (Refs. 8l and 8m) treatment.

In 138 cases (Ref. 8b), complainants reported infections resulting from implantation of the devices. The infections ranged from mild to severe. Some cases required prolonged systemic antibiotic treatment (Refs. 8b and 8k). Complications reported by complainants included possible endocarditis, serum hepatitis, phlebitis, benign fatty tumor, heart murmur, nervous colitis, and various visual, auditory, urinary, and respiratory problems (Ref. 8n). Often the treatment of the infection was not effective until the fibers were removed from the scalp (Ref. 8b). In 54 cases, the fibers spontaneously had broken at, or beneath, the scalp line, which made removal extremely difficult (Refs. 8g and 8h). In seven cases, surgical removal of portions of the scalp to effect treatment was necessary (Ref. 8m).

In some cases, plastic and reconstructive surgery to correct scarring that resulted from implanted prosthetic hair fibers was necessary (Ref. 8l). In 21 cases, the prosthetic hair fibers could not be physically extracted and surgical removal was not indicated. Therefore, the person's scalp remains disfigured by the visible fiber stubble, which resembles large blackheads (Ref. 8h). Similar injuries from prosthetic hair fibers have been reported in published court opinions (e.g., Ref. 9) and the medical literature (see paragraph 3.b., below) and described in testimony presented to the Section at its meetings on January 12, March 30, and October 18, 1979 (see paragraph 4. below).

Moreover, the Federal Trade Commission (FTC) obtained the complaints of 181 consumers who had received or contracted to receive implants of prosthetic hair fibers from one firm or its franchisees. Twenty-nine persons complained that they had deposited money for implantation of the fibers, but had not received their implants and were unable to obtain refunds. One hundred fifty-two persons complained that the implants they received did not work because the fibers fell out soon after the procedure was completed. In addition, 37 consumers complained of pain, 41 of infection, 22 of scarring, 19 of swelling, 9 of loss of natural hair, and 8 of fiber breakage (Ref. 10).

FDA does not know how many consumers have had prosthetic hair fibers implanted. Therefore, the agency cannot provide accurate data on the rate of adverse reactions in the general population. However, because many consumers may not realize that FDA regulates prosthetic hair fibers intended for implantation, the agency believes that the 166 complaints received by FDA through February 1981 represent only a small fraction of all those in whom the implantation of prosthetic hair fibers has caused serious infections or other illnesses or injuries. Considering the reports in the medical literature (see paragraph 3.b., below), the inherent risks of infection, implant rejection, and tissue and foreign body reactions (see paragraphs 3.b. and 4., below), the possible long-term risk of users developing cancer (see paragraphs 3.d., 3.e., and 4., below), other data (see paragraphs 3.f. and 3.g., below), FDA believes that it is unnecessary for the agency to present data on the rate of adverse reactions in the general population to establish that implantation of prosthetic hair fibers presents a substantial deception and an unreasonable, direct, and substantial danger to the health of a significant number of individuals, and that the device provides no benefit to the public health.

b. *Reports in the medical literature.* In January 1979, Hanke and Bergfeld reported on complications in 20 patients who had received modacrylic prosthetic hair fibers (Ref. 11). All patients suffered pain, swelling, crusting, and spontaneous loss of the implanted fibers. Seventeen patients complained of itching, 15 reported that their eyes were swollen shut, 11 sustained scarring, 10 had infections, and 9 patients suffered permanent loss of natural hair.

In June 1979, Gonzales and McBride reported that the implantation of synthetic prosthetic hair fibers continued to cause medical problems for patients. The problems included pain, swelling, local and systemic infections, foreign body reactions, scarring, fiber breakage, loss of natural hair, and emotional difficulties (Ref. 12). Treatment required long-term antibiotic therapy, fiber removal, scalp removal, cosmetic surgery, and hospitalization.

From March 1979 through March 1980, Lepaw reported on complications he had observed in 100 patients who had received prosthetic hair fibers made of synthetic materials (Refs. 1, 2, 13, and 14). These complications included facial swelling, bleeding, oozing, comedopustular dermatitis (blackheads), foreign body reactions, microbial infections, septicemia, scarring, pain, itching, numbness, fiber breakage, and loss of natural hair. In addition, one case of cardiac arrest and one case of osteomyelitis following implantation of the device were reported to the author by other physicians. Dr. Lepaw reported that the complications were severe enough in all cases to necessitate the removal of the fibers in order to effect treatment. In some cases, removal of the fibers was impossible because of their fragility. In three of these cases, complete excision of the scalp and split thickness grafts were necessary to correct the injury. The author believes that long-term complications that may develop from use of implanted prosthetic hair fibers include progressive sclerosis (hardening) of the scalp caused by irretrievable fiber fragments and knots, and possible malignant degeneration of the tissues of the scalp.

In March 1980, Bloomenstein reported on a patient who had suffered an extensive *Staphylococcus aureus* coagulase-positive infection due to the implantation of prosthetic hair fibers into the scalp (Ref. 15). Four months after the procedure was completed, the patient was hospitalized for treatment of the infection and subsequent plastic surgery to remove imbedded fibers. Very deep implants were impossible to remove. Skin grafts were not used in this case. The author states that patients treated for implant-related infections may never be suitable candidates for autogenous hair transplants because of permanent scarring and repeated episodes of infection from retained implants.

In May 1980, Schwartz and Downham reported that a patient suffered a secondary foreign body reaction and persistent infection from the implantation of prosthetic hair fibers made of systhetic materials (Ref. 16). The authors warn that such implants always presents the potential of the emergence of antibiotic-resistant infection of the scalp which may lead to infection in other areas of the body. When infection does not clear after appropriate systemic antibiotic therapy, excision of the fibers and infected skin is recommended.

In April 1981, Rauscher and DiGregorio described the treatment of 11 patients with various complications resulting from the implantation of prosthetic hair fibers made of synthetic materials (Ref. 17). All 11 patients demonstrated multiple scalp abscesses resistant to synstemic antibacterial drugs. Conservative treatments, such as the suppression of localized foreign body reaction, provided only temporary relief for the scalp conditions; ideally, all synthetic fibers should be removed. Complete removal of all fibers by manual extraction usually was not possible due to fiber breakage, the uncontrolled depth of fiber insertion,

and scalp edema. Complete removal of synthetic fibers was performed on some patients by excision of the involved scalp area. Because of the large skin area involved, the use of hair-bearing scalp flaps was not always feasible. Thus, various surgical techniques including manual fiber extraction, scalp excision and skin graft, scalp excision and local flap closure, and a combination of scalp excision, local flap closure, and skin graft were used to remove the fibers and correct the defects.

Also in April 1981, Hanke and Bergfeld reported on complications that occurred in 41 patients in each of whose scalps unknotted modacrylic fibers were implanted using one technique (Ref. 18). All patients experienced swelling of the head and forehead that lasted for 5 to 21 days after the procedure. The eyes were swollen shut in 76 percent of these cases. Some patients had swelling of additional areas such as the nasal bridge, cheeks, anterior neck, and jawline. All patients experienced some degree of pain following the procedure. The most severe pain coincided with the period of acute facial swelling. Seventeen percent of the patients had persistent headache pain for 1 to 6 months following the procedure. Within 12 weeks following the implant procedure, at least 70 percent of the fibers fell out spontaneously in all patients. In 33 percent of the cases, all the fibers had fallen out within 4 weeks. Itching was a problem in 90 percent of the cases; itching subsided when fibers fell out, indicating that the fibers had been rejected by the body. Three patients experienced itching for 3 months due to broken fibers remaining imbedded in the scalp. Fifty-four percent of the patients experienced scalp infections with pustules usually observable at the bases of the implanted fibers. Fifteen percent of these patients had severe infections which lasted 4 months or longer. Scarring occurred in 63 percent of the cases. Forty-six percent of the patients had pitted scars while 17 percent had severe scarring. Sixty-six percent of the patients reported permanent loss of their own natural scalp hair as a result of the procedure.

Hanke and Bergfeld further reported that many patients had self-image problems and long-standing psychological trauma following the procedure in addition to the economic loss, which included a total of $100,610 paid by the patients for the procedure, time lost from work, and the costs of continuing medical treatment for complications following fiber implantation.

The authors concluded that the major problems with fiber implants are the foreign body reactions and the infections that develop due to the implanted fibers. The foreign body reaction appears to be the controlling event when infections occur, because scalp infections persist despite systemic antibiotic therapy and tend to resolve when fibers are removed. Infections also can be caused by contaminated fibers and lack of aseptic implantation techniques and because openings to the deeper scalp tissues are created by the fiber tracts, which can serve as a portal of entry for bacteria from the skin surface.

Also in April 1981, Hanke, Norins, Pantzer, and Bennett reported that four patients experienced complications of infection, foreign body reaction, crusting, loss of natural hair, pain, itching, swelling, and scarring as a result of the implantation of prosthetic hair fibers consisting of natural human hair (Ref. 19). The patients spontaneously lost about 50 percent of the implanted hair within 12 weeks of the implant process. The remaining hairs fractured at the scalp surface or below the dermis. These hairs were nearly impossible to remove. In summary, the authors stated, there is no scientific evidence to show the effectiveness of implantation of prosthetic hair fibers made of human hair. Quite the contrary, such a prosthetic hair fiber does not have an intact hair follicle like a normal growing hair; therefore, the implants have no protection against the body's immune system. The authors believe that the prosthetic hair fibers are not biocompatible and cause a foreign body reaction, even when the implanted hair is a person's own natural hair.

c. *FDA investigations.* During April and May 1979, under the inspectional and investigational authority of sections 702 and 704 of the act (21 U.S.C. 372 and 374), FDA conducted a nationwide investigation of establishments that promoted, shipped, sold, or implanted prosthetic hair fibers. The agency inspected or attempted to inspect about 90 establishments (Refs. 3 through 5 and 20 through 76). Frequently, however, FDA was unable to inspect these device establishments because they had gone out of business (e.g., Refs. 21 through 35).

In some instances, the responsible persons in the defunct device establishments resumed promoting, shipping, selling, and implanting prosthetic hair fibers using new business names under new corporate or other organizational structures soon after the original establishments had ceased to operate (Refs. 3, 31, and 33 through 42).

During the agency's nationwide investigation, FDA collected examples of the available labeling and promotional materials used by manufacturers and distributors of prosthetic hair fibers intended for implantation. The agency believes that the labeling and promotional materials are false and deceptive in nine general areas. The labeling or promotional materials represent, directly or by implication, that the implantation of prosthetic hair fibers to simulate natural hair or conceal baldness is: (1) safe (Refs. 3, 4, 25, 26, 32, 34 through 37, 39, 40, and 43 through 60); (2) effective (Refs. 3, 4, 20, 32, 34 through 37, 39, 40, and 43 through 60); (3) long lasting or permanent (Refs. 3, 4, 32, 36, 37, 39, 44 through 51, and 56); (4) painless or causes little or no discomfort (Refs. 3, 4, 28, 32, 34 through 37, 39, 44, 45, 47 through 55, and 58 through 60); or (5) approved by FDA for use (Refs. 4, 40, 50, and 55). Additionally, the labeling states or indicates (6) that the fibers used are made of scientifically or medically accepted materials (Refs. 4, 39, 40, 45, 49, 50, and 56); (7) that the implantation process has been scientifically or medically tested (Refs. 3, 4, 25, 26, 32, 34 through 37, 39, 43 through 48, 48 through 54, 56, and 59 through 61); (8) that the fibers are stronger or hold stronger than natural hairs (Refs. 5, 32, 34 through 37, 39, 45, 48, 49, 51, 53, and 55 through 57); or (9) that the fibers remain in the scalp longer than natural hairs (Refs. 51 and 52). Further, FDA inspections revealed that the prosthetic hair fibers were not accompanied by adequate directions for lay use and that the labeling for professional use that is required by FDA's regulations on prescription devices (21 CFR 801.109(c)) bears inadequate information for use, including inadequate or no information on indications, effects, routes, methods, frequency, and duration of administration, and any relevant hazards, contraindications, side effects, and precautions.

In releases or postoperative instructions, some firms informed clients that the implantation process could cause minor problems, such as swelling, itching, headaches, or that fibers would fall out over a period of time (Refs. 3, 4, 25, 36, 37, 40, 41, 43, 45 through 47, 49, 51, 52, 55, 57, 60, and 62). Major risks, such as infection, rejection, scarring, and breakage of fibers with the stubble remaining in the scalp, were disclosed to users by only a few firms. The disclosure of major risks was done

either when a client signed a medical waiver before implantation of the prosthetic hair fibers (Refs. 40 and 57) or in the postoperative instructions for clients (Ref. 43). One firm required the client to obtain his or her own medical malpractice insurance for protection in the event the person experienced problems with the implants (Ref. 39). Another device firm promoted four different implantation procedures under different corporate names. In this instance, promotional letters were sent to former clients stating that if the implantation procedure used had failed, there was a new "improved" method available that would be successful. All four procedures, however, were unsuccessful (Refs. 3, 8, 10, 33, and 41).

d. *Analytical results.* FDA collected postseizure samples of prosthetic hair fibers that consisted of the polyester materials and dyes used by one device firm to color its fibers. FDA testing of these fibers and dyes revealed that the dyes used in the manufacture of these prosthetic hair fibers are mutagenic to *Salmonella typhimurium* in the Ames test (Ref. 77).

In the Ames test, strains of the bacterium *Salmonella typhimurium*, which will not grow in a medium deficient in histadine, are used. Colonies of this bacterium will grow in the test medium only if mutated by a chemical agent. There is a high correlation between results in bacterial mutagenicity tests and carcinogenicity, as determined by chronic toxicity studies (Refs. 77, 78, 79, and 80). This correlation is not perfect—10 percent of carcinogens are not mutagenic in the Ames test—but few compounds that are not carcinogenic show any degree of mutagenicity (Ref. 80). For this reason, some of the mutagenic dyes used in the manufacture of implanted prosthetic hair fibers may present an increased risk to the health of the user.

e. *Data and information submitted by manufacturers.* One firm submitted to FDA preclinical (animal) test data and human skin biopsies intended to show the safety and effectiveness of the prosthetic hair fibers used in the firm's implantation procedure (Ref. 72). These fibers were made of modacrylic materials. FDA and two consultants to the Section reviewed the submitted data from four animal studies (Refs. 82, 83, and 84). The studies allegedly were designed to reveal adverse effects attributable to the fibers, including acute or chronic toxicity, mutagenicity, and allergization. FDA found that the data were irrelevant. The studies did not address the potential major medical problems, such as chronic foreign body reaction, continuous susceptibility to infection, possible ulceration, and irreversible scarring. In the tests performed by the firm, sterilized prosthetic hair fibers were fully encapsulated in animal tissue and isolated within the body. By contrast, when prosthetic hair fibers are used in the human scalp, they are asepticized in alcohol and implanted in an open-air environment. Thus, after implantation in the scalp, prosthetic hair fibers provide a bacterial pathway from outside the body to the subcutaneous tissue—a pathway that would not exist where sterilized fibers were fully encapsulated in tissue.

The firm's mutagenicity tests were conducted on ethanol rather than saline extracts of its prosthetic hair fibers. Because ethanol, unlike saline, does not represent the physiological environment, the negative results obtained from these tests are inadequate to show that the fibers are not mutagenic. The manufacturer's data submitted to FDA from biopsies of specimens of human skin and associated prosthetic hair fibers revealed a chronic granulomatous foreign body reaction in 80 percent of the specimens.

In summary, FDA believes that the submitted preclinical data are irrelevant, that the submitted mutagenicity data are inadequate, and that the submitted biopsy data reveal the prosthetic hair fibers to be biologically incompatible. These findings by FDA refute the firm's claim that the submitted data demonstrate that the prosthetic hair fibers are safe and effective.

f. *FDA regulatory actions.* On May 18, 1979, at United Laboratories of America, Inc., Maple Heights, OH, FDA placed under administrative detention a quantity of prosthetic hair fibers and related promotional materials and labeling. This action was taken under the administrative detention authority provided in section 304(g) of the act (21 U.S.C. 334(g)) and § 800.55 of FDA's administrative detention regulations (21 CFR 800.55). The action was taken because FDA had reason to believe, based on complaints received, advisory panel deliberations, and inspectional evidence: (1) that the devices were misbranded within the meaning of section 502(a) of the act (21 U.S.C. 352(a)) in that the labeling was false and misleading; section 502(j) of the act (21 U.S.C. 352(j)) in that the devices were dangerous to health when used in the manner recommended in the labeling; and section 502(o) of the act (21 U.S.C. 352(o)) in that the devices were manufactured, prepared, propagated, compounded, or processed in an establishment in any State not duly registered under section 510 of the act (21 U.S.C. 360); and (2) that the devices were adulterated within the meaning of section 501(h) of the act (21 U.S.C. 351(h)) in that the methods used in, or the facilities or controls used for their manufacture, packing, or storage were not in conformity with applicable requirements under section 520(f)(1) of the act (21 U.S.C. 360j(f)(1)) and FDA's current good manufacturing practice regulations in 21 CFR Part 820. The firm appealed the detention order and a hearing was held on June 4, 1979 at the Chicago Regional Office of FDA (Ref. 85). The presiding officer's decision following the hearing upheld the detention and found that FDA had reason to believe that the devices were misbranded within the meaning of section 502(j) of the act (Ref. 86). The presiding officer found that insufficient evidence was available to support the charges under sections 502(a) and 501(h) of the act (Ref. 86). No decision was made on the validity of the charge under section 502(o) of the act. On June 15, 1979, after the government filed a Complaint for Forfeiture alleging that the prosthetic hair fibers were misbranded within the meaning of section 502(f)(1) of the act (Ref. 87a), the detained products were seized under a Warrant for Arrest. No Claim or Answer was filed regarding the Complaint for Forfeiture, and the seized articles were subsequently destroyed in accordance with a Default Decree of Condemnation and Destruction entered by the United States District Court for the Northern District of Ohio, Eastern Division (Ref. 87b).

On May 18, 1979, at United Laboratories of America, Bellevue, WA, FDA placed under administrative detention a quantity of prosthetic hair fibers and related promotional materials and labeling. On June 18, 1979, after the government filed a Complaint for Forfeiture alleging that the prosthetic hair fibers were misbranded within the meaning of section 502(f)(1) of the act, the detained products were seized under a Warrant for Arrest (Ref. 88a). No Claim or Answer was filed regarding the Complaint for Forfeiture, and the seized articles were subsequently destroyed in accordance with a Default Decree of Condemnation and Destruction entered by the United States District Court for the Western District of Washington (Ref. 88b).

On August 1, 1979, after the government filed a Complaint for Forfeiture alleging that prosthetic hair fibers and fiber implantation devices

were misbranded within the meaning of sections 502 (f)(1), (f)(2) and (o) of the act, the fibers and implantation devices were seized at Hairegenics, Inc., Atlanta, GA, under a Warrant for Arrest (Ref. 89a). No Claim or Answer was filed regarding the Complaint for Forfeiture, and the seized articles were subsequently destroyed in accordance with a Default Decree of Condemnation and Destruction entered by the United States District Court for the Northern District of Georgia, Atlanta Division (Ref. 89b).

On September 29, 1979, at Hair Replacement Survival Center, Inc., Tonawanda, NY, FDA placed under administrative detention a quantity of prosthetic hair fibers, fiber implantation devices, and related promotional materials and labeling. On October 23, 1979, after the government filed a Complaint for Forfeiture alleging that the devices were misbranded within the meaning of sections 502 (a), (f)(1), (f)(2), and (o) of the act, the detained articles were seized under a Warrant for Arrest (Ref. 90a). No Claim or Answer was filed regarding the Complaint for Forfeiture, and the seized articles were destroyed in accordance with a Default Decree of Condemnation and Destruction entered by the United States District Court for the Western District of New York (Ref. 90b).

On January 10, 1979, in the United States District Court for the Western District of New York, the government filed a Complaint for Injunction against Henryk R. Hanulewicz, an individual, doing business as Hair Replacement Survival Center, Cosmetic Medical Center, and Hair Survival Center. The Complaint alleged that the defendant violated the act by causing the introduction into interstate commerce of misbranded prosthetic hair fibers; receiving the misbranded prosthetic hair fibers in interstate commerce; and then delivering them, or proffering them for delivery, and further misbranding the prosthetic hair fibers while they were held for sale after shipment in interstate commerce. The Complaint charged that the prosthetic hair fibers were misbranded because their labeling was false and misleading (section 502(a)(1) of the act); because their labeling failed to bear adequate directions for use (section 502(f)(1) of the act); because the fibers were dangerous to health when used in the manner recommended or suggested in their labeling (section 502(j) of the act); and because they had not been the subject of a premarket notification to FDA as required by sections 510(k) and 502(o) of the act, and § 807.81 of the regulations (21 CFR 807.81). On January 14, 1980, the District Court entered a Consent Decree of Permanent Injunction. The defendant subsequently were out of business (Ref. 91). On March 13, 1980, the Grand Jury of Erie County, Supreme Court of the State of New York, indicted Henryk R. Hanulewicz on 10 courts arising out of his prosthetic hair fiber implantation business: one count of Scheme to Defraud in the First Degree, one count of Unauthorized Practice of Medicine, five counts of Grand Larceny in the Third Degree, and three counts of Assault in the Second Degree (Ref. 92a). Hanulewicz plead guilty to one count of Grand Larceny in the Third Degree and was sentenced to 3 years in prison (Ref. 92b).

g. *Involvement of other government agencies*—(1) *Federal Trade Commission (FTC).* On April 3, 1980, Hair Extension of Beverly Hills, Inc., also doing business as Hair TransCenter, and two individuals, Lee Marlow and Ann Marlow, entered into a consent order with FTC prohibiting the firm and the individuals from soliciting, selling, or performing prosthetic hair fiber implants or misrepresenting in advertising, or otherwise, the safety or effectiveness of the "hair implant process" in the treatment of baldness. The order also provided for FTC to notify former customers that the implant process is unsafe and that persons who had the device implanted should seek medical attention promptly. The consent order defined the "hair implant process" as any hair replacement product, process, or surgical procedure that involves the insertion or placement of (1) synthetic fibers or filaments which simulate hair or (2) nonliving human hairs into or under the scalp of a patient (Refs. 93 and 94).

On September 27, 1979, in the United States District Court for the Northern District of Ohio, Eastern Division, FTC filed a Complaint for Injunction and Ancillary Equitable Relief against Ronald S. Kazdin, doing business as United Laboratories of America, Inc., and United Laboratories of Cleveland, Inc., and Nate Kazdin and Sylvia Kazdin (Reg. 96a). The Complaint alleged that the defendants engaged in unfair or deceptive acts or practices in violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45), in that the hair implant process (the implantation of of prosthetic hair fibers) is not recognized as, and in fact is not, a safe and effective method for the treatment of baldness; that many customers suffer severe pain, serious infections, extensive scarring, and other medical complications as a result of the hair implant process; that the hair implant process is generally ineffective as a method for treating baldness because the implanted fibers ordinarily fall out or break off shortly after being inserted; that customers frequently lose their own remaining hair as a result of the hair implant process; that the defendants have falsely represented, explicitly and implicitly, that the hair implant process is, and is recognized as, a safe and effective method of treatment of baldness and that the process has been approved by FDA; that the defendants failed to disclose to the prospective customers the material facts that there are high risks, such as severe pain, serious infections, extensive scarring, and other medical complications that may result from the hair implant process; and that the defendants failed to disclose to prospective customers the material fact that the hair implant process is unlikely to be effective for the treatment of baldness. FTC further alleged that the defendants violated section 12 of the Federal Trade Commission Act (15 U.S.C. 52) because the defendants' advertisements constitute false advertisements within the meaning of section 15 of the Federal Trade Commission Act (15 U.S.C. 55). FTC filed a Motion for Default Judgment on June 25, 1980 (Ref. 95b), and on June 30, 1980, the court entered an order granting the relief sought by FTC (Ref. 95c). A Motion to Set Aside Entry of Default (Ref. 95d) was denied on June 30, 1981 (Ref. 95e).

(2) *Regulatory actions by States.* On January 18, 1979, in the Court of Common Pleas, Cuyahoga County, OH, the Ohio State Medical Board filed a petition for injunctive relief against United Laboratories of Cleveland, Inc., to prevent that firm from illegally practicing medicine (Ref. 96a). The court found that the implantation of synthetic prosthetic hair fibers constituted the practice of medicine, ordered that the implantation be performed only by individuals licensed to practice medicine or surgery in the State of Ohio, and granted the injunction (Ref. 96b).

On March 26, 1979, in the Court of Common Pleas, Cuyahoga County, OH, the State of Ohio filed an injunction against United Laboratories of Cleveland, Inc., United Laboratories of Cincinnati, United Laboratories of America, and United Laboratories of Northern Ohio, three principals of the firms and unknown officers, directors, franchisees, salesmen, and licensed or unlicensed medical doctors of the four named corporate defendants, charging that the defendants in violation of

section 1345.02 of the Ohio Revised Code, engaged in deceptive and unfair acts by representing that the "dermis inversion process" the firms' trade name for the implantation of prosthetic hair fibers) was effective; that the body would not reject the fibers following implantation into the scalp; that the process would last for a period of years; that the process would cause no pain or discomfort; that infection would not result from the process; that consumers would have no scarring, marking, discoloration, or irritation; that no healing period would be necessary following the process; that the resistance to pull strength from the scalp of the prosthetic hair fibers would be greater than that of natural hair; that the process was approved by FDA; and that licensed doctors supervise the process, when such was not the case. The State of Ohio also charged that the defendants, in violation of section 1345.03, Ohio Revised Code, engaged in unconscionable acts or practices by entering into consumer transactions while knowing of the inability of consumers to receive a substantial benefit from the subject of the consumer transaction (Ref. 97). The case is pending.

On April 19, 1979, in the Supreme Court of the State of New York, Queens County, the State of New York filed a petition for injunctive relief and monetary restitution against Syntho-Hair Centers International, Ltd., Ivan M. Rubin, Lawrence Goldspiel, Leo J. Grant, and Joan Martin Rubin (Ref. 98a). The State charged that the respondents, in violation of the Executive Law, section 63, subdivision 12, misrepresented the safety and effectiveness of the prosthetic fiber hair implants by deceiving consumers regarding the very painful and distressing after-effects which commonly accompany the procedure, and that, in violation of the Education Law, section 6512, a medical/surgical technique of some complexity was performed by nonphysicians. The petition was granted February 14, 1980 (Ref. 98b). The State of New York also brought charges against Ivan M. Rubin in the Criminal Court of the State of New York, Queens County (Ref. 99a). The defendant pleaded guilty and was sentenced to 60 days in prison plus 3 years probation (Ref. 99b).

On October 18, 1979, in the Supreme Court of the State of New York, New York County, the State of New York filed a petition for injunctive relief against Underwood Hair Adaption Process, Inc., Donald Underwood and Christine Underwood (Ref. 100a). The State charged that in violation of the Executive Law, section 63, subdivision 12, the respondents engaged in repeated fraud by misrepresenting the safety and effectiveness of the hair implant process (the implantation of prosthetic hair fibers) by deceiving customers regarding the very painful and distressing after-effects which almost invariably accompanied the procedure, and that in violation of the Education Law, section 6512, respondent's employees and Christine Underwood, personally, illegally performed medical procedures including the surgical implantation of synthetic prosthetic hair fibers, administration of anesthetics, and the dispensing of drugs. The petition also requested restitution and punitive and exemplary damages for victims. The case was dismissed, however, due to improper service of process (Ref. 100b).

On December 19, 1979, in the Supreme Court of the State of New York, New York County, the State of New York filed a petition for injunctive relief against Howard Kleiman; Hair Labs, Inc.; Kleiman Process, Inc.; and Hair Labs, Inc.; doing business as Hair Discovery Center (Ref. 101a). The State charged that in violation of the Executive Law, section 63, subdivision 12, the respondents engaged in particularly dangerous and illegal fraud by persuading consumers, with false assurances of safety, to undergo a baldness cure; and that in violation of the Education Law, section 6512, the respondents' unsupervised employees illegally performed the medical procedure of sewing synthetic fibers into the scalp. The petition also requested a judgment against the respondents for restitution to consumers of all funds paid to the respondents.

On March 12, 1980, the court issued an order which, pending the outcome of the litigation, prohibits the respondents from performing any new implant procedures, but allows the respondents to consult with existing clients concerning the care of their heads and to remove broken fibers from existing clients' heads by simple pulling, provided that the dispensing of prescription drugs and other medical procedures be performed only by licensed doctors (Ref. 101b). The case is pending.

The California State Legislature passed a bill which become law on July 13, 1980, adding Section 638a to the Penal Code making it illegal for anyone in the State to implant foreign materials within the scalp of another person for the purpose of preventing or alleviating baldness. "Foreign materials" include, but are not limited to, synthetic fibers and strands of hair from another person. Procedures for the transplantation of a person's own hair or for the fixation of hair pieces, toupees, or wigs are not subject to the law's provisions. Violation of Section 638a constitutes a misdemeanor (Ref. 102).

h. *Publicity.* Newspapers, magazines, and various electronic media throughout the country have publicized the infections, injuries, and illnesses caused by implantation of prosthetic hair fibers (Ref. 103). On May 28, 1979, FDA issued a press release warning the public of the hazards associated with the use of these devices (Ref. 104). The agency published an article on prosthetic hair fibers in the October 1979 issue of the *FDA Consumer* magazine (Ref. 105).

4. *Consultation with the classification panel (§ 895.21(d)(4)).* Throughout the period of investigative, administrative, and court enforcement actions described in paragraph 3., above, FDA consulted the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel (the Section).

On January 12, 1979, the Section heard testimony regarding the use of prosthetic hair fiber implants (Ref. 106a). Dr. Marvin Lepaw, a teaching and practicing dermatologist, reported that he had treated 10 patients for postimplant complications. Within 2 weeks after the implant procedures were completed, all patients began to experience bioincompatibility tissue rejection reactions to the materials that had been inserted into their scalps. Because of the these reactions and because of the bacterial pathways through the skin created by the fibers, bacteria were invading the skin and causing an almost continuous infection and inflammation that varied from multiple pustules around the fibers, to bleeding, purulent fistulas and larger fluctuant abscesses. Bacterial cultures of specimens from the infected areas revealed the presence of various organisms, including *Pseudomonas aeruginosa, Staphylococcus epidermidis,* klebsiella, acetobacter, calcoaceticus, enterococcus, and enterobacter group. All patients experienced spontaneous breakage of the prosthetic hair fibers at the scalp line. Other complications included constant pain, itchiness, and numbness present for up to 6 months following implantation. There was also a total or partial loss of the patients' own hair in the areas treated with implants. All patients experienced postinflammatory pitting and severe scarring. Dr. Lepaw expressed concern about the risk of death due to infection with *Pseudomonas aeruginosa,* and the risk

of induced osteomyllitis, meningitis, or encephalitis (Ref. 106a, pp. 21–35).

Christine Underwood, a registered nurse, made a presentation to the Section concerning the Underwood Hair Adaption Process that she and her husband, Dr. Donald Underwood, had developed, used, and promoted. Mrs Underwood stated that of about 400 patients treated, none had experienced any spontaneous fall out of prosthetic hair fibers. Fiber breakage, which was experienced by 48 patients, was said to have been prevented through the use of satin pillowcases. According to Mrs. Underwood, no complaints or problems were reported by 333 patients, including the 48 patients who experienced fiber breakage. Mrs. Underwood stated that slight inflammations or localized infections that were easily treated and healed were experienced by 46 patients. Mrs. Underwood reported that three patients currently had moderate infections. Hair pieces were furnished to two patients at Underwood's expense, due to problems caused by the patients themselves. Mrs. Underwood stated that, if properly cared for, the implanted fibers would last for up to 10 years or longer (Ref. 106a, pp. 36–48).

The Section requested that Mrs. Underwood furnish additional data and expressed its concerns about prosthetic hair fiber implants. Section members suggested that the procedure should be investigational, because (1) the data presented lacked short-term and long-term patient followup, (2) histological studies were not available to address the problems associated with the foreign body reaction which would be present, and (3) infections would result (Ref. 106a, pp. 48–76). The testimony presented to the Section on behalf of the Underwood Hair Adaption Process regarding the alleged safety and effectiveness of the firm's prosthetic hair fibers and implant procedure was refuted by subsequent investigations by FDA (Refs. 47 through 51), consumer complaints received by FDA (Refs. 1 and 2), and court enforcement action taken by New York State (Ref. 100).

During the March 30, 1979 meeting of the Section, Howard Messer, an attorney from Pittsburgh, PA, made a presentation to the Section on behalf of a client who had purchased prosthetic hair fibers from, and had the fibers implanted by, United Laboratories of Western Pennsylvania. Mr. Messer stated that his client had been misled by the firm's advertisements which claimed a fast, easy, moderately inexpensive, and complication-free method of providing the appearance of a full head of hair. In reality, according to Mr. Messer, the client paid $3,250 for the implantation of the prosthetic hair fibers, the process was ineffective, and his client had to pay for medical bills and expenses necessary to cure the aftereffects. The client was said to have suffered severe swelling, pain, permanent scarring, loss of the implanted fibers, and missed several weeks of work. Mr. Messer stated that he was aware of 10 to 15 consumers who had experienced similar problems with implants from the same firm, but he had been unable to locate anyone in whom the implantations were successful (Ref. 107a, pp. 3–12).

During the Section meeting, testimony was presented on behalf of Hairegenics, Inc., to support claims of safety and effectiveness for its prosthetic hair fibers and implant procedure. The firm claimed that 2,000 to 3,000 looped polyester fibers could be inserted into a person's scalp with minimal bleeding, that biopsy specimens showed only mild fibrosis with a mild inflammatory reaction, that the fibers were durable over a 2½ year period, that there were only minor complications, that the fiber fall-out rate was less than 10 percent, that there was little or no permanent scarring, and that the fibers could be removed easily if necessary (Ref. 107a, pp. 14–46). Representatives of the firm stated that no experimental testing had been done on the process before use of the procedure in consumers, and that results of long-term experience were not available. The claims of safety and effectiveness of prosthetic hair fiber implants that were made by Hairegenics, Inc., were contradicted by its own representative's testimony (Ref. 107a, pp. 46–48), consumer complaints received by FDA (Refs. 6 and 7), and an FDA investigation (Ref. 5). The firm's prosthetic hair fibers were seized on August 1, 1979. A Default Decree of Condemnation and Destruction was entered on January 29, 1980, and the fibers were subsequently destroyed in accordance with the Decree (Ref. 89).

During the Section meeting (Ref. 107a), the Section members discussed the labeling and promotional advertising used for prosthetic hair fibers, the feasibility of implanting prosthetic hair fibers, recommendations for agency classification of prosthetic hair fibers, and possible regulatory options available to control the use of prosthetic hair fibers. A Section member presented a case report of a person treated following implantation of the device. A consultant to the Section presented a multicase review.

One Section member reviewed the labeling and promotional materials used by several promoters of prosthetic hair fibers and concluded that the materials were misleading because claims were made that the procedures were painless and permanent (Ref. 107a, pp. 60–63). Another Section member presented scientific data regarding the problems inherent in implanting prosthetic hair fibers. The Section member stated that problems could occur because the implanted fibers do not duplicate naturally growing hair. This Section member explained that infection is prevented and anchorage is provided for such hair by, among other things, a constant sloughing and renewal of the follicle epithelium, the presence of glands which secrete antibacterial substances into the lumen of the follicle, and the production of sebum which constantly flows outward to prevent the invasion of the scalp by bacteria. Because the implantation of prosthetic hair fibers yields an accumulation of scar tissue (fibrosis) and because fibrosis is a known carcinogenic (cancer-causing) stimulus in animals, the Section member also expressed concern that a carcinogenic risk may exist (Ref. 107a, pp. 64–65). Still another Section member reported that the member had treated a patient who developed an infection 6 weeks after the patient had received prosthetic hair fiber implants from Hair Discovery Center, Bellmore, NY. Cultures of specimens from the patient revealed the presence of pathogenic *Staphylococcus aureus* as well as nonpathogenic *Streptococcus fecalis*. After 1 month of treatment with topical antibiotics and alcohol cleansing, the patient's condition had not improved. To cure the infection, it would be necessary to remove the implanted fibers (Ref. 107a, pp. 66–67).

A consultant to the Section reviewed several reports of illness and injury caused by implantation of prosthetic hair fibers. The reports had been received and investigated by FDA. The consultant concluded that in the cases reviewed, inflammation of the scalp was a universal problem. The inflammation of the scalp was attributed to the composition of the fibers and the implantation procedure. The consultant recommended that the implantation of prosthetic hair fibers be discontinued until more information is available because (1) sinus tracts that allow bacterial communication between the inner and outer surfaces of the scalp persist around the implanted prosthetic hair fibers, (2) there is considerable traumatic injury to the scalp from needle punctures, from the administration of anesthesia, and from the accumulation of numerous foreign particles in the

scalp, and (3) nonsterile surgical techniques are used at the time of implantation (Ref. 107a, pp. 67–74).

One Section member believed that prosthetic hair fiber implants should be banned, because the available evidence showed that many individuals received permanent and debilitating injuries from the device (Ref. 107a, pp. 77–78).

In summary, based on numerous reports of inflammations and infections experienced by persons implanted with prosthetic hair fibers, on the inevitability of tissue and foreign body reactions to the implants as well as the possible adverse effects of chronic fibrosis (scar tissue) accumulating in the scalp, and other complications, the Section members doubted that prosthetic hair fibers intended for implantation into the human scalp are safe or effective. The Section members also noted that no data were available to show that the use of prosthetic hair fiber implants was safe or effective.

The Section recommended that all prosthetic hair fibers intended for implantation be classified into class III (premarket approval), as provided under section 513 of the act (21 U.S.C. 360c). The Section believed, however, that the public health would not be protected sufficiently during the 30-month period following any such classification before FDA could require submission of applications for premarket approval of the devices (section 501(f)(2)(B) of the act (21 U.S.C. 351(f)(2)(B))). Therefore, the Section recommended that FDA institute more restrictive regulatory controls over prosthetic hair fibers that were marketed before the enactment date of the amendments. The Section also recommended that manufacturers of prosthetic hair fibers not be exempted from the premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)). The Section believed that premarket notification is necessary for manufacturers of new or modified fibers (Ref. 107b).

On October 18, 1979, the Section met to consider an FDA proposal to ban prosthetic hair fibers intended for implantation into the scalp to simulate natural hair or conceal baldness.

Dr. Marvin Lepaw made a second presentation to the Section. He stated that he had treated a total of 70 patients who experienced adverse effects from prosthetic hair fibers. All his patients had serious infections. Dr. Lepaw stated that to treat the infections effectively, he had to remove completely the scalps from some patients and to lift the scalps and remove the fibers from other patients. In some instances, the fibers were implanted so deeply that they were attached to the periosteum of the skull bone (Ref. 108a, pp. 60–61).

An FDA representative presented to the Section the results of FDA's tests of polyester and modacrylic prosthetic hair fibers. Using the Ames test, FDA evaluated the toxicological effects of the devices. The FDA test data showed that some of the dyes used to color the fibers were mutagenic to *Salmonella typhimurium* in the Ames test (Ref. 108a, pp. 14–19). (See also paragraph 3.d., above.)

Another FDA representative then reported to the Section that the agency had received 140 consumer complaints of injury from the use of prosthetic hair fibers of all the kinds known to be used in the United States, including modacrylic, polyacrylic, polyester, and processed human hair. Moreover, FDA had performed a nationwide investigation of about 90 firms that promoted the use of prosthetic hair fibers. The nationwide investigation had resulted in the agency's insuurance of four regulatory letters, and the accomplishment of three administrative detentions and four seizures of the devices. Further regulatory actions were being considered by FDA. In addition to FDA actions, FTC and several States were also instituting legal actions. The FDA representative stated that because FDA, FTC, and local authorities were using considerable manpower pursuing legal actions against individual establishments, FDA believed it necessary to ban the devices to protect the public health, expedite regulatory actions, and conserve agency resources (Ref. 108a, pp. 27–32). (See also paragraph 3., above.)

After considering the data presented to it, the Section concluded that prosthetic hair fibers present substantial deception and an unreasonable and substantial risk of injury, because, contrary to claims made in the labeling of, and advertising for, the device; (1) implantation of the fibers into the scalp does not provide permanent, simulated hair; (2) the fibers often either break off at the scalp line or fall out; (3) implantation is neither painless nor without significant complications; and (4) inherent hazards such as infections, inflammations, and tissue and foreign body reactions are the inevitable result of the implantation of the fibers (Ref. 108a, pp. 6–14 and 19–27). The Section found that prosthetic hair fibers are neither safe nor effective for their intended purposes and that neither the substantial deception nor the unreasonable and substantial risk of illness or injury presented by the devices could be corrected or eliminated by labeling or a change in labeling (Ref. 108a, pp. 22–36 and Ref. 108b).

The Section unanimously concluded that the deception and risk of illness or injury associated with use of prosthetic hair fibers present an unreasonable, direct, and substantial danger to the health of individuals and that such deception and risk could not be corrected by labeling or a change in labeling (Ref. 108a, pp. 34–36, and Ref. 108b).

5. *Determination whether the deception, risk of illness or injury, or the danger to the health of individuals could be corrected by labeling or a change in labeling (§ 895.21(d)(5)).* Prosthetic hair fibers are ineffective in simulating natural hair or concealing baldness and also are inherently hazardous. There are no conditions of use under which prosthetic hair fibers can be marketed safely for their intended uses. Therefore, FDA has determined that the deception or risk associated with the use of the device presents an unreasonable, direct, and substantial danger to the health of individuals and that such danger could not be corrected by labeling or a change in labeling.

6. *Determination of whether any required labeling or change in labeling has been made (§ 895.21(d)(6)).* FDA has determined that prosthetic hair fibers intended for implantation are inherently dangerous to the health of individuals and are not safe, no matter how they are labeled. Accordingly, FDA has not proposed a change in device labeling.

7. *Determination of the reasons why the banning should apply to devices already in commercial distribution or to those already sold to the ultimate user or both (§ 895.21(d)(7)).* Because of the serious infections, illnesses, or injuries sustained by individuals in whose scalps prosthetic hair fibers have been implanted, the inherently hazardous nature of the device, and because the fibers provide no benefit to the public health, FDA has determined that the banning should apply to those devices now in commercial distribution and those already sold to, but not implanted in, the ultimate user.

Further Agency Actions

After any informal regulatory hearing, and after considering any written comments and any additional information and data submitted on the proposed regulation, the agency will, as expeditiously as possible, affirm, modify, or withdraw the proposed regulation making the device a banned device. If the agency decides to affirm or modify the proposed regulation to make the device a banned device, the agency

will publish in the Federal Register a final rule amending Subpart B of Part 895 by adding the name or description of the device, or both, to the list of banned devices. If the agency decides to withdraw the proposed regulation to make the device a banned device, FDA will publish in the Federal Register a notice of withdrawal of the proposed rulemaking.

References

The following information is on file in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Lepaw, M. L., "Complications of Implantation of Synthetic Fibers into the Scalp for 'Hair' Replacement," *Journal of Dermatology Surgery and Oncology*, 5:201–204, 1979.

2. Lepaw, M. L., "Scalp Injuries from 'Hair' Replacement," *Consultant*, 2:149, 1980.

3. United Laboratories of America; United Laboratories of Cleveland, Cleveland, OH, Establishment Inspection Report (EIR).

4. Hair Replacement Survival Center, Buffalo, NY, EIR.

5. Hairegenics, Inc., Atlanta, GA, EIR.

6. Descriptive computer print-out of complaints received by FDA on prosthetic hair fiber devices.

7. Copies of complaints received by FDA.

8. Computer print-outs of categorized complaints received by FDA.

9. *Baker* v. *Underwoods's Hair Adaption Process, Inc.*, 490 F. Supp. 276 (D. Mass. 1980).

10. Copies of complaints received by the Federal Trade Commission.

11. Hanke, C. W. and W. F. Bergfield, "Fiber Implantation for Pattern Baldness," *Journal of the American Medical Association*, 241:146–148, 1979.

12. Gonzales, E. R. and G. McBride, "Synthetic Hair Implants Continue; Serious Complications Result," *Journal of the American Medical Association, Medical News*, 241:2667–2669, 1979.

13. Lepaw, M. L., "The Synthetic Fiber Implant Scam," *International Journal of Dermatology*, 18:468–471, 1979.

14. Lepaw, M. L., "Therapy and Histopathology of Complications from Synthetic Fiber Implants for Hair Replacement," *Journal of the American Academy of Dermatology*, 3:195–204, 1980.

15. Bloomenstein, R. B., "Artificial Hair Implantation Treatment of Intensive Infection," *Journal of the Medical Society of New Jersey*, 77:191–193, 1980.

16. Schwartz, R. S. and T. F. Downham, "Dangers of Synthetic Fiber Implantation for Male Pattern Baldness," *Cutis*, 25:491–492, 1980.

17. Rauscher, G. E. and V. R. Digregorio, "Surgical Treatment of Fiber Implanted Scalps," *Plastic and Reconstructive Surgery*, 67:449–452, 1981.

18. Hanke, C. W. and Bergfield, W. F., "Fiber Implantation for Pattern Baldness," *Journal of the American Academy of Dermatology*, 4:276–283, 1981.

19. Hanke, C. W., A. L. Norins, J. C. Pantzer, and J. R. Bennett, "Hair Implant Complications," *Journal of the American Medical Association*, 245:1344–1345, 1981.

20. FDR Nationwide Assignment to Investigate the Hair Implant Industry.

21. Creative Enterprises, Hollywood, FL, EIR.

22. Underwood Hair Adaption Process, Cleveland, OH, EIR.

23. Underwood Hair Adaption Process, Toledo, OH, EIR.

24. Underwood Hair Adaption Process, Milwaukee, WI, EIR.

25. Underwood Hair Adaption Process, Mineola, NY, EIR.

26. United Laboratories of Cincinnati, OH, EIR.

27. Underwood Hair Adaption Process, Cherry Hill, NJ, EIR.

28. Underwood Hair Adaption Process, Cincinnati, OH, EIR.

29. Headstart Hair for Men, Inc., New York, NY, EIR.

30. Creative Hair Replacement Center, Brooklyn, NY, EIR.

31. United Laboratories of Washington, DC, Washington, DC, EIR.

32. United Laboratories of Western Pennsylvania, Pittsburgh, PA, EIR.

33. United Laboratories of Eastern Massachusetts, Burlington, MA, EIR.

34. United Laboratories of Central Florida; Bio-Hair Clinique, Bio-Cosmetic Surgical Clinique, Altamonte Springs, FL, EIR.

35. United Laboratories, Atlanta, GA, EIR.

36. Affiliated Laboratories, Dallas, TX, EIR.

37. Affiliated Laboratories, Houston, TX, EIR.

38. Federated Laboratories, New York, NY, EIR.

39. Cosmetic Medical Center, Ft. Lauderdale, FL, EIR.

40. Hair Discovery Center, Bellmore, NY, EIR.

41. Northfield Medical Center, Northfield Center, OH, EIR.

42. Scientific Devices; Triocologists Total Hair Care; Hair Connection, Freeport, NY, EIR.

43. Aurel Medical Centers, Cleveland, OH, EIR.

44. Chambliss Hair Replacement Centers, Louisville, KY, EIR.

45. Cosmetic Surgical Group, Edison NJ, EIR.

46. CNI Scientific, Indianapolis, IN, EIR.

47. Denver Tricology Clinic, Denver, CO, EIR.

48. Federated Laboratories of Tennessee, Inc., Nashville, TN, EIR.

49. Federated Laboratories of Colorado, Inc., Denver, CO, EIR.

50. Hair Replacement Center, Canastota, NY, EIR.

51. Hairegenics, Inc., Cambridge, MA, EIR.

52. Hair Replacement Center, Houston, TX, EIR.

53. HRC of Texas, Dallas, TX, EIR.

54. Hair Research Associates; Cosmetic Surgery, Inc., Ft. Wayne, IN, EIR.

55. Nu-Image, Houston, TX, EIR.

56. Nu-Image, Phoenix, AZ, EIR.

57. Sheffield Spottswood, Inc., West Caldwell, NJ, EIR.

58. Syntho Hair, Ltd., Rego Park, NY, EIR.

59. United Laboratories of Northern California; Federated Laboratories of Northern California, San Francisco, CA, EIR.

60. United Laboratories, Inc., Bellevue, WA, EIR.

61. Hair Consultants; Cosmetic Hair Clinic, Inc., New York, NY and Ft. Lee, NJ, EIR.

62. Hair Survival Center; California Cosmetic Clinic, San Francisco, CA, EIR.

63. Buchheit, Goshen, NY, EIR.

64. Hair Injection Company, Santa Monica, CA, EIR.

65. Impla-Hair Systems, Inc., Tucson, AZ, EIR.

66. Federated Laboratories of New Jersey, Cherry Hill, NJ, EIR.

67. Jon-Vic Enterprises, Inc.; Biohair Clinique; Biomedical Co., New York, NY, EIR.

68. Monte Carlo Hairpieces; Patrician International, North Miami, FL, EIR.

69. Naturelle International, Inc., Dania, FL, EIR.

70. The Professional's Custom Hair Centers, Cherry Hill, NJ, EIR.

71. Progressive Industries, Chicago, IL, EIR.

72. Underwood Hair Adaption Process, Kansas City, MO, EIR.

73. Underwood Hair Adaption Process, Towson, MD; Hair Again, Silver Spring, MD; Avon Hair Research, Baltimore, MD, EIR.

74. Underwood Hair Adaption Process, Despares, MO, EIR.

75. Virtex Hair Laboratory; Armgarr, Inc., Washington, DC, EIR.

76. Derma-Hair, Atlanta, GA, EIR.

77. Mishra, N. K., S. J. Bell, Y. P. Gomez, and M. J. Prival, "Mutagenicity of Synthetic Hair Implant Components: Biocompatibility Study of Leachates Using Salmonella," Environmental Mutagen Society 12th Annual Meeting (1981).

78. Purchase, I. F., H. Longstaff, J. Ashby, J. A. Styles, and D. Anderson, "An Evaluation of 6 Short-Term Tests for Detecting Organic Chemical Carcinogens," *British Journal of Cancer*, 37:873–959, 1978.

79. Sugimura, T., S. Sato, M. Nagao, T. Yahagi, T. Matsushima, Y. Seino, M. Takeuchi, and T. Kawachi, "Overlapping of Carcinogens and Mutagens," *in* "Fundamentals in Cancer Prevention," Edited by Magee, P. N., et. al., University Park Press, Baltimore, MD, pp. 191–215, 1976.

80. McCann, J., E. Choi, E. Yamaski, and B. N. Ames, "Detection of Carcinogens as Mutagens in Salmonellea/Microsome Test: Assay of 300 Chemicals," *Proceedings of the National Academy of Science, U.S.A.*, 72:5135–5139, 1975.

81. "Research Results re: Safety and Efficacy of Artificial Hair for Implantation in Humans," Presented to FDA, May 10, 1979 by United Laboratories of America.

82. Memorandum Dated June 12, 1978, to Division of Compliance Operations from Division of Surgical and Rehabilitation Devices, "Review of Research Results re: Safety and Efficacy of Artificial Hair for Implantation into Humans," submitted May 10, 1979, by Wayne B. Statt and Joseph Radzius, representing United Laboratories.

83. Communication Between R. H. Rigdon, M.D., and Mark F. Parrish, Division of Surgical and Rehabilitation Devices, Bureau of Medical Devices, July 13, 1979.

84. Communication Between K. G. Brand, M.D., and Mark F. Parrish, Division of

Surgical and Rehabilitation Devices, Bureau of Medical Devices, July, 9, 1979.

85. Transcript, Administrative Hearing on Appeal of Administrative Detention of Medical Devices, CIN–79–1, June 4, 1979.

86. Decision Document: In the Matter of Detention of Certain Medical Devices, Detention Order, CIN–79–1.

87. *United States* v. *An Article of Device*, C79–1211, United States District Court for the Northern District of Ohio, Eastern Division, July 23, 1979.

a. Complaint for Forfeiture.

b. Default Decree of Condemnation and Destruction.

88. *United States* v. *Article of Device*, C79–722, United States District Court for the Western District of Washington, Seattle, WA, September 24, 1979.

a. Complaint for Forfeiture.

b. Default Decree for Condemnation and Destruction.

89. *United States* v. *An Undetermined Quantity of Articles of Device*, C79–1387A, United States District Court for the Northern District of Georgia, Atlanta Division, January 29, 1980.

a. Complaint for Forfeiture.

b. Default Decree of Condemnation and Destruction.

90. *United States* v. *Articles of Device*, C79–827, United States District Court for the Western District of New York, February 21, 1980.

a. Complaint for Forfeiture.

b. Default Decree of Condemnation and Destruction.

91. *United States* v. *Hair Replacement Survival Center, et al.*, C80–28, United States District Court for the Western District of New York, January 14, 1980.

92. *People* v. *Hanulewicz*, Supreme Court of the State of New York, Erie County, Indictment No. 46,480, March 13, 1980.

a. Indictment.

b. Docket sheet.

93. **Federal Register**, October 23, 1979 (44 FR 61050).

94. **Federal Register**, April 3, 1980 (45 FR 22021).

95. *Federal Trade Commission* v. *Ronald S. Kazden, et al.*, C79–1857, United States District Court for the Northern District of Ohio, Eastern Division, August 28, 1980.

a. Complaint for Injunction and Ancillary Equitable Relief.

b. Motion for Default Judgment.

c. Order Dated June 30, 1980.

d. Motion to Set Aside Entry of Default.

e. Docket Sheet.

96. *State of Ohio, State Medical Board* v. *United Laboratories of Cleveland, Inc.*, Court of Common Pleas, Cuyahoga County, OH, 99–38–39, March 28, 1979.

a. Petition for Injunctive Relief.

b. Journal Entry dated March 28, 1979.

97. *William J. Brown* v. *United Laboratories of Cleveland, Inc.*, Court of Common Pleas, Cuyahoga County, OH, 99–65–19, March 28, 1979.

98. *State of New York* v. *Syntho-Hair Centers International, Ltd., et al.*, Supreme Court of the State of New York, Queens County, Index No. 41121/79, February 21, 1980.

a. Petition for Injunctive Relief and Monetary Restitution.

b. Final Judgment.

99. *People* v. *Rubin*, 103 Misc. 2d 227, 424 N.Y.S. 2d 592 (Crim. Ct. N.Y. 1979).

a. Information.

b. Order dated August 28, 1981.

100. *State of New York* v. *Underwood Hair Adaption, et al.*, Supreme Court of the State of New York, New York County, Index No. 41677/79, June 25, 1979.

a. Petition.

b. Order and Judgment dated July 7, 1981.

101. *State of New York* v. *Howard Kleiman*, Supreme Court of the State of New York, New York County, Index No. 43216/79, February 7, 1979.

a. Petition.

b. Memorandum and Order dated March 11, 1980.

102. Assembly Bill No. 2295, California State Legislature, July 13, 1980.

103. News Items:

a. "Hair's Difference in State Court Complaint," *The Plain Dealer*, Cleveland, OH, January 19, 1979.

b. "Baldness Remedy is Assailed," *New York Times*, March 14, 1979.

c. "Warnings on Hair Implants," *New York Times*, March 29, 1979.

d. "Artificial Hair Implantation Found to be Dangerous." *Dermatology News*, June 1979.

e. "Scalped Victims Left with Infection and Scars in Worst Hair Fraud Ever," *The Medical Post*, Toronto, Canada, July 17, 1979.

f. "S. F. Fraud Unit Sues Hair Injection Clinic," *San Francisco Chronicle*, July 27, 1979.

g. "4 Hair Transplant Doctors Accused of Incompetence," *Los Angeles Times*, August 22, 1979.

h. "2 File $6 Million Hair-Implant Suit," *The Nashville Banner*, October 23, 1979.

104. HEW Press Release, March 28, 1979.

105. *FDA Consumer*, October 1979.

106. a. Transcript of the Meeting of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel held on January 12, 1979.

b. Summary Minutes.

107. a. Transcript of the meeting of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel held on March 30, 1979.

b. Summary Minutes.

108. a. Transcript of the meeting of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel held on October 18, 1979.

b. Summary Minutes.

Environmental Impact

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Assessment

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposed regulation and has determined that it is not a major rule under the criteria of the Order. Further, FDA certifies that it will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. At this time, FDA is unaware of any person actively engaged in the manufacture, promotion, distribution, or implantation of prosthetic hair fibers—the result, it is believed, of the adverse publicity described in paragraph 3.b. above and the case-by-case administrative and court enforcement actions described in paragraph 3.f. and g. above. The proposed banning is necessary, nevertheless, to prevent most efficiently any further social costs caused by a recurrence of marketing of these unsafe, ineffective, and deceptive devices. Thus the proposal offers social benefits (in the form of social costs avoided) without itself imposing any social costs.

List of Subjects in 21 CFR Part 895

Administrative practice and procedure, Banned devices, Labeling, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502(r), 516, 518, 519, 701(a), 52 Stat. 1055, 90 Stat. 560, 562–565, 577–578 (21 U.S.C. 352(r), 360f, 360h, 360i, 371(a))) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), it is proposed that Part 895 be amended by adding new Subpart B consisting of § 895.101, to read as follows:

PART 895—BANNED DEVICES

Subpart B—Listing of Banned Devices

§ 895.101 Prosthetic hair fibers.

Prosthetic hair fibers are devices intended for implantation into the human scalp to simulate natural hair or conceal baldness. Prosthetic hair fibers may consist of various materials; for example, synthetic fibers, such as modacrylic, polyacrylic, and polyester; and natural fibers, such as processed human hair. Excluded from the banned device are natural hair transplants, in which a person's hair and its surrounding tissue are surgically removed from one location on the person's scalp and then grafted onto another area of the person's scalp.

The special effective date for the proposal is June 3, 1983. Interested persons may, on or before August 2, 1983, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may

submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 26, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 83-14772 Filed 6-2-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 895

[Docket No. 80N-0301]

Notice of Opportunity for an Informal Hearing on Proposal To Make Prosthetic Hair Fibers a Banned Device

AGENCY: Food and Drug Administration.

ACTION: Notice of opportunity for hearing.

SUMMARY: The Food and Drug Administration (FDA) announces an opportunity for an informal public hearing on its immediately effective proposed regulation published elsewhere in this issue of the **Federal Register** to make prosthetic hair fibers a banned device and its declaration of a special effective date for the regulation. If FDA receives a request for such a hearing, FDA will grant the request and will publish in the **Federal Register** notice of the hearing.

DATE: Requests for an informal regulatory hearing by July 5, 1983.

ADDRESS: Written requests for a hearing to the Dockets Management Branch, Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tenny P. Neprud, Regulations Policy Staff (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the **Federal Register**, FDA is issuing a proposed regulation to make prosthetic hair fibers a banned device and declaring the proposal to be effective on June 3, 1983, pending final action on the proposed regulation. The special effective date will protect the public health during the comment period and until FDA either promulgates a final regulation or terminates the proceeding.

FDA's announcement of opportunity for an informal hearing on the proposed regulation is governed by section 516(b)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360f(b)(2)) and § 895.30(c) of the agency's regulations providing procedures for banning a device (21 CFR 895.30(c)). The provision of section 201(y) of the act (21 U.S.C. 321(y)) and Part 16 of the agency's administrative practices and procedures regulations (21 CFR Part 16) shall govern any hearing on the proposed regulation.

Interested persons may on or before July 5, 1983, submit to the Dockets Management Branch (address above), written requests for an informal regulatory hearing under section 201(y) of the act and Part 16. Two copies of any requests are to be submitted, except that individuals may submit one copy. Requests are to be identified with the docket number found in the heading of this document. Received requests may be seen in the office above between 9 a.m and 4 p.m., Monday through Friday.

Dated: April 26, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 83-14563 Filed 6-2-83; 8:45 am]

BILLING CODE 4160-01-M

48
SS
1
0
8
JE
3
1983

federal register

Friday
June 3, 1983

Part V

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Vol. 904]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 31, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS VOLUME 904

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME ISSUED MAY 31, 1983	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMAX PETROLEUM CORPORATION				RECEIVED:	05/10/83	JA: NM			
8336056		3003908008		108-PB		BISHOP #2	SOUTH BLANCO	18.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	05/10/83	JA: NM			
8336055		3004523113		108		GARRETT "A" #1	BLOOMFIELD CHACRA	20.0	EL PASO NATURAL G
-LEWIS B BURLESON				RECEIVED:	05/10/83	JA: NM			
8336054		3002525842		108		MOBIL #1	LANGLIE-MATTIX	11.0	EL PASO NATURAL G
-TENNECO OIL COMPANY				RECEIVED:	05/10/83	JA: NM			
8336052		3002527906		102-4		STATE LG 25 #1	SOUTH KEMNITZ - ATOKA	0.0	
-YATES PETROLEUM CORPORATION				RECEIVED:	05/10/83	JA: NM			
8336053		3001242250		103		BERRY "EE" COM #2	UND KENNEDY FARMS MOR	0.0	TRANSWESTERN PIPE
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-BENNETT PETROLEUM CORP				RECEIVED:	05/09/83	JA: NY			
8336013	5976	3112115955		107-TF		BLANCHE M BRICK #1 - 31-121-15955	UNNAMED	94.9	COLUMBIA GAS TRAN
8336018	2913	3105115976		102-2		CIPRIANO BROS #2 - 31-051-15976	UNNAMED	420.5	COLUMBIA GAS TRAN
8336017	5981	3105115976		107-TF		CIPRIANO BROS #2 - 31-051-15976	UNNAMED	420.5	COLUMBIA GAS TRAN
8336015	5868	3112114615		107-TF		FRANK IRELAND #1	UNNAMED	6.0	COLUMBIA GAS TRAN
8336012	5879	3112114426		107-TF		JAMES W WRIGHT #1		9.0	COLUMBIA GAS TRAN
8336016	5877	3105116154		107-TF		MARG C CURRY - 31-051-15833	UNNAMED	8.0	COLUMBIA GAS TRAN
8336014	5875	3112114427		107-TF		THOMAS FARLEY #1	UNNAMED	10.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED:	05/09/83	JA: NY			
8335994	3921	3101316229		107-TF		ARTHUR ROBERTS #1 KJ-28	SHERMAN	30.0	COLUMBIA GAS TRAN
8335995	3919	3101316229		102-2		ARTHUR ROBERTS #1 KJ-28	SHERMAN	30.0	COLUMBIA GAS TRAN
8335997	3918	3101317708		102-2		D J WHITE #1 KA-150	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8335996	3920	3101317708		107-TF		D J WHITE #1 KA-150	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8336000	3626	3101315974		107-TF		G SANDBERG #1 KA-92	CARROLL	30.0	COLUMBIA GAS TRAN
8336001	3625	3101315974		102-2		G SANDBERG #1 KA-92	CARROLL	8.0	COLUMBIA GAS TRAN
-PENNZOIL COMPANY				RECEIVED:	05/09/83	JA: NY			
8335973	4910	3100917269		102-4		SUE MALONEY #1	CHIPMUNK	8.0	
-TRAHAN PETROLEUM INC				RECEIVED:	05/09/83	JA: NY			
8335975	4246	3101317149		107-TF		B & E GOSTOMSKI NY #34 31-013-17149	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335974	4273	3101317149		102-2		B & E GOSTOMSKI NY #34 31-013-17149	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335999	3982	3101316255		102-2		BEIGHTOL #1 31-013-16255	ELLINGTON	36.0	COLUMBIA GAS TRAN
8335998	3981	3101316255		107-TF		BEIGHTOL #1 31-013-16255	ELLINGTON	36.0	COLUMBIA GAS TRAN
8335976	4245	3101316967		107-TF		BREHM NY #35 31-013-16967	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336007	4269	3101312520		102-2		DELARA NY #14 31-013-12520	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336006	4242	3101312520		107-TF		DELARA NY #14 31-013-12520	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335985	4268	3101312490		102-2		FROST NY #30 31-013-12490	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335984	4241	3101312490		107-TF		FROST NY #30 31-013-12940	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336024	4287	3101317283		102-2		HESS #2 31-013-17283	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336023	4253	3101317283		107-TF		HESS #2 31-013-17283	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336011	4286	3101317695		102-2		HESS #3 31-013-17695	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336010	4252	3101317695		107-TF		HESS #3 31-013-17695	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336028	4283	3101317694		102-2		HESS #4 31-013-17694	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336027	4249	3101317694		107-TF		HESS #4 31-013-17694	CHERRY CREEK	36.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8335969	4282	3101317170		102-2		HITCHCOCK #1 31-013-17170	ELLINGTON	36.0	COLUMBIA GAS TRAN
8336026	4288	3101317736		102-2		MELBY #2 31-013-17736	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336025	4254	3101317736		107-TF		MELBY #2 31-013-17736	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336022	4269	3101317242		102-2		NEWCOMB #1 31-013-17242	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336021	4255	3101317242		107-TF		NEWCOMB #1 31-013-17242	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335959	4280	3101317271		102-2		NOBLES #1 31-013-17271	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335988	4265	3101317271		107-TF		NOBLES #1 31-013-17271	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335961	4266	3101312488		102-2		NOBLES NY #32 31-013-12488	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335960	4240	3101312488		107-TF		NOBLES NY #32 31-013-12488	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335987	4274	3101312541		102-2		NOBLES NY #33 31-013-12541	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335986	4259	3101312541		107-TF		NOBLES NY #33 31-013-12541	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336032	4271	3101312511		102-2		NOBLES NY #36 31-013-12511	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336031	4244	3101312511		107-TF		NOBLES NY #36 31-013-12511	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336003	4270	3101317620		102-2		NOBLES NY #81 31-013-17620	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8336002	4243	3101317620		107-TF		NOBLES NY #81 31-013-17620	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335991	3964	3101315749		102-2		RICE NY #47 31-013-15749	LEON	36.0	COLUMBIA GAS TRAN
8335990	3965	3101315749		107-TF		RICE NY #47 31-013-15749	LEON	36.0	COLUMBIA GAS TRAN
8335993	3968	3101315753		102-2		RICE NY #9 31-013-15753	LEON	36.0	COLUMBIA GAS TRAN
8335992	3967	3101315753		107-TF		RICE NY #9 31-013-15753	LEON	36.0	COLUMBIA GAS TRAN
8335983	4267	3101317174		102-2		SMALLBACK NY #31 31-013-17174	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335982	4239	3101317174		107-TF		SMALLBACK NY #31 31-013-17174	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335977	4272	3101316967		102-2		THOMAS BREHM NY #35 31-013-16967	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8335979	4281	3101317193		102-2		WEHRENBERG #3 31-013-17193	ELLINGTON	36.0	COLUMBIA GAS TRAN
8335978	4247	3101317193		107-TF		WEHRENBERG #3 31-013-17193	ELLINGTON	36.0	COLUMBIA GAS TRAN
8336005	4284	3101317172		102-2		WOLFE #1 31-013-17172	ELLINGTON	36.0	COLUMBIA GAS TRAN
8336004	4250	3101317172		107-TF		WOLFE #1 31-013-17172	ELLINGTON	36.0	COLUMBIA GAS TRAN
8336029	4251	3101317676		107-TF		WOLFE #2 31-013-17676	ELLINGTON	36.0	COLUMBIA GAS TRAN
8336030	4285	3101317676		102-2		WOLFE #2 31-013-17676	ELLINGTON	36.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED:	05/09/83	JA: WV			
8335972	4162	3100916851		107-TF		CLYDE M LOOMIS #1 WV-0008	RANDOLPH TOWN	0.0	COLUMBIA GAS TRAN
8336020	4165	3101316443		102-2		DONALD S COE SR #1 WV-0003	POLAND TOWN	0.0	COLUMBIA GAS TRAN
8336019	4163	3101316443		107-TF		DONALD S COE SR #1 WV-0003	POLAND TOWN	0.0	COLUMBIA GAS TRAN
8336009	4166	3100916890		102-2		LAWRENCE GROVER #1 WV-0002	RANDOLPH TOWN	0.0	COLUMBIA GAS TRAN
8336008	4164	3100916890		107-TF		LAWRENCE GROVER #1 WV-0002	RANDOLPH TOWN	0.0	COLUMBIA GAS TRAN
8335971	4161	3100916852		107-TF		TIMOTHY J PARKER WV-0007	RANDOLPH TOWN	0.0	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP				RECEIVED:	05/09/83	JA: WV			
8335970	4555	3101317771		102-2		TERRY-SIUTA #1	GERRY BASS ISLAND	50.0	COLUMBIA GAS TRAN
TENNESSEE OIL & GAS BOARD									
-AMTEX RESOURCES INC				RECEIVED:	05/05/83	JA: TN			
8336060	A-2443	4104921024		102-2		BRUNO GERNTESTATES INC #50	MONTEAGLE	10.0	FENTRESS GAS TRAN
8336064	A-2339	4103520138		102-2		CHESTER BROWN #1	MONTEAGLE	1.0	
8336063	A-2430	4112921258		102-2		JAMES WEBB #1	MONTEAGLE	3.0	
8336061	A-2444	4112921275		102-2		JAMES WEBB #2	MONTEAGLE	3.0	
8336062	A-2445	4112921272		102-2		VIRGIL SMITH UNIT #1	MONTEAGLE	5.0	
-FRANCIS PETROLEUM CORP				RECEIVED:	05/05/83	JA: TN			
8336074	A-2416	4115121070		102-2		COMMODORE TODD UNIT #1	FORT PAYNE	3.0	
8336070	A-2415	4115121076		102-2		COMMODORE TODD UNIT #2	MONTEAGLE	1.0	
8336066	A-2411	4104920908		102-2		CURTIS SMITH #1	MONTEAGLE	2.0	
8336071	A-2407	4104920925		102-2		EUGENE STORIE #1-A	MONTEAGLE	2.0	
8336067	A-2413	4104920917		102-2		EUGENE STORIE UNIT #1	MONTEAGLE	2.0	
8336068	A-2409	4104920968		102-2		HOLLIS RICHARDSON UNIT #1	MONTEAGLE	2.5	
8336065	A-2408	4104920563		102-2		ODIE TOMPKINS #1	FORT PAYNE	3.0	
8336072	A-2414	4115121048		102-2		PLATEAU PROPERTIES #1	MONTEAGLE	2.0	
8336073	A-2412	4104920896		102-2		ROYAL TOMPKINS #1-A	MONTEAGLE	2.5	
8336069	A-2410	4104920973		102-2		TOMPKINS-MILLS-SMITH UNIT #1	MONTEAGLE	2.5	
WEST VIRGINIA DEPARTMENT OF MINES									
-ASHLAND EXPLORATION INC				RECEIVED:	05/10/83	JA: WV			
8336091		4703901820		108		EASTERN GAS & FUEL #20 - 033880	PAINT CREEK	21.0	COLUMBIA GAS TRAN
8336094		4701900145		108		EASTERN GAS & FUEL #39 - 039740	PAINT CREEK	0.0	COLUMBIA GAS TRAN
8336090		4701900147		108		EASTERN GAS & FUEL #40 - 0400005	PAINT CREEK	21.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:	05/10/83	JA: WV			
8336079		4700101659		108		THACKER #1	VALLEY	11.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	05/10/83	JA: WV			
8336084		4701702363		107-DV		D C STEWART 12571	WEST UNION DISTRICT	15.0	
8336056		4701702296		107-DV		D C STOUT 12558	NEW MILTON DISTRICT	3.0	
8336075		4701701853		107-DV		E W KREYENBUHL 12356	COVE DISTRICT	14.0	
8336076		4701701904		107-DV		J D MCREYNOLDS 12284	GRANT DISTRICT	12.0	
8336085		4709900669		107-DV		J VICTOR AYRES 12563	MEADE DISTRICT	7.0	
8336083		4703501369		107-DV		L A BAIER #11940	UNION DISTRICT	37.0	
8336078		4703501373		107-DV		L A BAIER #12144	UNION	11.0	
8336082		4703501371		107-DV		LEWIS M MILLER #12041	UNION DISTRICT	4.0	
8336077		4705100138		107-DV		R M MCKINNEY 12164	COLOGNE	3.0	
-GLENN L HAUGHT & SONS				RECEIVED:	05/10/83	JA: WV			
8336087		4708505030		107-DV		JOHN CUMMINGS H-896	GRANT DISTRICT	19.0	CONSOLIDATED GAS
8336095		4708506544		108		M TAYLOR H-809	CLAY DISTRICT	4.4	CONSOLIDATED GAS
-JAMES DRILLING CORP				RECEIVED:	05/10/83	JA: WV			
8336093		4701301895		108		A C DOUGLAS #1	WASHINGTON	0.3	CONSOLIDATED GAS
8336098		4701301876		108		AGNES HAYS #1	WASHINGTON	3.5	CONSOLIDATED GAS
8336101		4701700605		108		C R FORD #1	GREENBRIER	0.3	CONSOLIDATED GAS
8336099		4701301875		108		CLARA MEADOWS #1	WASHINGTON	5.0	CONSOLIDATED GAS
8336100		4701301976		108		FLORA HINZMAN #1	WASHINGTON	7.5	CONSOLIDATED GAS
8336097		4701301892		108		JOSEPH BAILEY #1	WASHINGTON	0.5	CONSOLIDATED GAS
8336102		4708502387		108		MADGE SMITH #1	UNION	5.0	CONSOLIDATED GAS
8336104		4708502529		108		MADGE SMITH #2	UNION	0.5	CONSOLIDATED GAS
8336103		4708502566		108		MADGE SMITH #3	UNION	1.0	CONSOLIDATED GAS
8336096		4701301893		108		W W BAILEY #1	WASHINGTON	0.7	CONSOLIDATED GAS
-PEAKE OPERATING CO				RECEIVED:	05/10/83	JA: WV			
8336080		4710900855		108		WELCHLANDS #7-AW	(SLAB FORK DISTRICT)	5.0	CONSOLIDATED GAS
8336081		4710900871		108		WELCHLANDS #9-AW	(SLAB FORK DISTRICT)	5.0	CONSOLIDATED GAS
-WARREN R HAUGHT AGENT				RECEIVED:	05/10/83	JA: WV			
8336088		4708503736		108		D L GOFF H-529	MURPHY DISTRICT	1.7	CONSOLIDATED GAS
8336089		4708503737		108		D L GOFF H-538	MURPHY DISTRICT	1.7	CONSOLIDATED GAS
8336092		4708504894		108		M M WELCH H-1048	MURPHY DISTRICT	20.0	CONSOLIDATED GAS
DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, LOS ANGELES,CA									
-CHEVRON U S A INC				RECEIVED:	05/09/83	JA: CA 2			
8336057	OCS-P 4-83	0431120519		102-5		OCS-P-0217 0A-23	SANTA CLARA UNIT	1000.0	PACIFIC LIGHTING
8336058	OCS-P 5-83	0431120528		102-5		OCS-P-0217 0A-25	SANTA CLARA UNIT	2000.0	PACIFIC LIGHTING
-UNION OIL COMPANY OF CALIF				RECEIVED:	05/09/83	JA: CA 2			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8336059	OCS-P 6-83	0431120524		102-S		SANTA CLARA UNIT WELL S-10	CALIFORNIA OFFSHORE	0.0	PACIFIC LIGHTING
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK									
-DCX RESOURCES LTD				RECEIVED:	05/09/83	JA: OK 8			
8336048		3511300000		102-S		SIGNAL HILLS #1A		3.2	PHILLIPS PETROLEU
8336047		3511300000		102-S		SIGNAL HILLS #2A		3.6	PHILLIPS PETROLEU
8336049		3511300000		102-S		SIGNAL HILLS #3A		3.2	PHILLIPS PETROLEU
8336050		3511300000		102-S		SIGNAL HILLS 4A		3.5	PHILLIPS PETROLEU
8336051		3511300000		102-S		W PIONEER DOME #1-A		54.0	PHILLIPS PETROLEU
-DEREK A J CLARK				RECEIVED:	05/09/83	JA: OK 8			
8336044		3511300000		108		MYERS #2-31 SW/4 31-27N-9E		7.0	PHILLIPS PETROLEU
8336045		3511300000		108		MYERS #4-31 SW/4 31-27N-9E		7.0	PHILLIPS PETROLEU
8336042		3511300000		103		PAWHUSKA #2-28 NE/4 SEC28-26N-9E		21.9	PHILLIPS PETROLEU
8336043		3511300000		103		PAWHUSKA #3-28		73.0	PHILLIPS PETROLEU
8336035		3511300000		103		S WHITETAIL #3-7 SW/4 SEC7-26N-10E		18.2	PHILLIPS PETROLEU
8336034		3511300000		103		S WHITETAIL #5-7 SW/4 SEC7-26N-10E		18.2	PHILLIPS PETROLEU
8336033		3511300000		103		S WHITETAIL #6-7 NE/4 SEC7-26N-10E		18.2	PHILLIPS PETROLEU
8336036		3511300000		103		S WHITETAIL #7-7 NE/4 SEC7-26N-10E		18.2	PHILLIPS PETROLEU
8336037		3511300000		103		S WHITETAIL #8-7 SW/4 SEC7-26N-10E		27.4	PHILLIPS PETROLEU
-DUFFIELD IRVING W				RECEIVED:	05/09/83	JA: OK 8			
8336039		3511300000		108		OSAGE #1-B	BIGHORSE	0.0	NATIONAL ZINC CO
8336040		3511300000		108		OSAGE #2-B	BIGHORSE	0.0	NATIONAL ZINC CO
8336041	I80051	3511300000		108		OSAGE #6(246)	BIGHORSE	0.0	NATIONAL ZINC CO
-J M GRAVES				RECEIVED:	05/09/83	JA: OK 8			
8336038		3511300000		102-S		MULLENDORE #4-B	HICKORY CREEK	180.0	AJAX OIL & GAS CO
-PITCOCK INC				RECEIVED:	05/09/83	JA: OK 8			
8336046		3511300000		102-S		HENRY "B" #1 SE 33-22-8		292.0	SANTA FE - ANDOVE

[FR Doc. 83-14830 Filed 6-2-83; 8:45 am]

BILLING CODE 6717-01-C

[Vol 905]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 31, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1000 Ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
107-GB: Geopressured brine
107-CS: Coal Seams
107-DV: Devonian Shale
107-PE: production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS VOLUME 905

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	ISSUED MAY 31, 1983	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION										
-AKERS AND FULTZ INC				RECEIVED:			05/09/83 JA: TX			
8336162	F-09-063015	4223732405		102-4		ROY CHERRYHOMES #89 28048		ROY CONGLOMERATE	12.0	CITIES SERVICE CO
-AMERIND OIL CO				RECEIVED:			05/09/83 JA: TX			
8336253	F-08-066394	4200333297		103		COWDEN "F" 06		GOLDSMITH N (SILURIAN	10.0	WESTAR TRANSMISSI
-AMOCO PRODUCTION CO				RECEIVED:			05/09/83 JA: TX			
8336361	F-08-067892	4208333415		103		MIDLAND FARMS AM 06		FASKEN (PENN)	8.2	AMOCO PRODUCTION
8336215	F-06-065708	4220330969		102-4		W E JACKSON GAS UNIT 02		WOODLAWN (TRAVIS PEAK	165.0	TEXAS GAS TRANSMI
-APEX PETROLEUM INC				RECEIVED:			05/09/83 JA: TX			
8336251	F-7B-066282	4208333161		102-4		JOHN E WOLF 05		WOLF (SERRATT)	8.0	EL PASO HYDROCARB
-ARCO OIL AND GAS COMPANY				RECEIVED:			05/09/83 JA: TX			
8336141	F-04-060582	4213134436		108		HAGIST GAS UNIT II 02		HAGIST RANCH (WILCOX	150.0	NATURAL GAS PIPEL
8336358	F-10-067080	4223308008		108		HENRY HARRISON 01		PANHANDLE HUTCHINSON	2.0	J M HUBER CORP
8336357	F-10-067079	4223308000		108		HENRY HARRISON 02		PANHANDLE HUTCHINSON	2.0	J M HUBER CORP
8336356	F-10-067078	4223300000		108		HENRY HARRISON 03		PANHANDLE HUTCHINSON	2.0	J M HUBER CORP
8336362	F-08-06789	4200333333		103		UNIVERSITY 11 SEC 11 03		MARTIN (CLEARFORK LOW	71.0	PHILLIPS PETROLEU
8336269	F-08-066818	4208333192		103		UNIVERSITY 11 SEC 13 03-4		MARTIN (CLEARFORK)	370.0	PHILLIPS PETROLEU
-ATWA ENERGY CO				RECEIVED:			05/09/83 JA: TX			
8336245	F-7B-066088	4242933476		102-4		HOPE "E" 01		BRECKENRIDGE SE (DUFF	73.0	WARREN PETROLEUM
-BEAL OPERATING				RECEIVED:			05/09/83 JA: TX			
8336107	F-7B-065584	4206300000		102-4		RUTH ANN HEMPHILL 02		WILDCAT	79.0	ODESSA NATURAL CO
-BETTIS BOYLE & STOVALL				RECEIVED:			05/09/83 JA: TX			
8336372	F-04-067129	4224900000		108		GOLDAPP HEIRS 01-C (014792)		TSESMELIS (3400)	7.5	VALLEY GAS TRANSM
8336370	F-04-067127	4224900000		108		GOLDAPP HEIRS 02 (014790)		TSESMELIS (3400)	7.0	VALLEY GAS TRANSM
8336371	F-04-067128	4224900000		108		M O SCHUETTE 01 (039943)		ALICE (4200)	9.0	VALLEY GAS TRANSM
-BRACKEN EXPLORATION CO				RECEIVED:			05/09/83 JA: TX			
8336117	F-10-053898	4221131408		102-4		AITKENHEAD #1-259		ALLISON PARKS	183.0	EL PASO NATURAL G
-BRANNON & MURRAY				RECEIVED:			05/09/83 JA: TX			
8336239	F-7B-066011	4208333221		103		DIBRELL ESTATE 03A		COLEMAN COUNTY REGULA	17.0	SOUTHWESTERN GAS
8336240	F-7B-066012	4208333162		103		DIBRELL ESTATE 2A		COLEMAN COUNTY REGULA	13.0	SOUTHWESTERN GAS
-BTA OIL PRODUCERS				RECEIVED:			05/09/83 JA: TX			
8336198	F-7C-064957	4238332421		103		JACKSON "B" 018		SPRABERRY (TREND AREA	22.0	EL PASO NATURAL G
8336252	F-7C-066379	4238332416		103		JACKSON "B" 021		SPRABERRY (TREND AREA	22.0	EL PASO NATURAL G
-C & K PETROLEUM INC				RECEIVED:			05/09/83 JA: TX			
8336194	F-04-064834	4224731501		102-3		MESTENA E-6		MESTENA GRANDE (QUEEN	340.0	AMERICAN PIPELINE
-C F LAWRENCE & ASSOC INC				RECEIVED:			05/09/83 JA: TX			
8336170	F-08-063471	4237134021		103		IRT 61-1		LEHN 52986 001	[illegible]	
-CENTRAL PRODUCERS INC				RECEIVED:			05/09/83 JA: TX			
8336119	F-02-054562	4229732177		102-4	103	HARRIS-SKAGGS UNIT #1		CLAYTON	37.0	DELHI GAS PIPELIN
-CHALMERS OPERATING CO INC				RECEIVED:			05/09/83 JA: TX			
8336257	F-7B-066496	4209330926		102-4		PRITCHARD UNIT		CHARLIES (MISSIPPI)	32.3	LONE STAR GAS CO
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:			05/09/83 JA: TX			
8336111	F-04-051925	4235500000		102-4	103	TEXON ROYALTY CO 07-L		WILDCAT	0.0	TENNESSEE GAS PIP
-CITIES SERVICE COMPANY				RECEIVED:			05/09/83 JA: TX			
8336297	F-08-066940	4213534075		103		CUMMINS-O 04		GOLDSMITH WEST (SAN A	59.0	PHILLIPS PETROLEU
8336296	F-08-066938	4238931348		103		MATTHEWS CAMP A 06		COLLIE (DELAWARE)	183.0	INTRATEX GAS CO
-COASTAL OIL & GAS CORP				RECEIVED:			05/09/83 JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8336351	F-8A-067066	4216532439		103		SO HARRIS UNIT 4-7	HARRIS (GLORIETA)	28.0	PHILLIPS PETROLEU
-CONOCO INC				RECEIVED:	05/09/83	JA: TX			
8336108	F-04-049027	4247933113		102-3		CARLOS BENAVIDES #1	WILDCAT	437.0	
[illegible]	F-04-062811	4247933365		102-2	107-TF	IGNACIO VERGARA #1	WILDCAT	711.8	UNITED TEXAS TRAN
8336175	F-04-063656	4250531506		103		L E BRUNI #1	WILDCAT	850.0	HOUSTON PIPELINE
-CORDOVA RESOURCES INC				RECEIVED:	05/09/83	JA: TX			
8336293	F-7B-066897	4213333191		101		M D SAUCIER #11	EASTLAND COUNTY REGUL	6.9	EL PASO HYDROCARB
[illegible]241	F-7B-066058	4213332796		101		NORTH PIONEER UNIT #1103	EASTLAND COUNTY REGUL	1.4	EL PASO HYDROCARB
[illegible]248	F-7B-066814	4213333609		101		NORTH PIONEER UNIT #1720	EASTLAND COUNTY REGUL	11.3	EL PASO HYDROCARB
-COTTON PETROLEUM CORPORATION				RECEIVED:	05/09/83	JA: TX			
8336154	F-06-061922	4200530138		102-4		CAMERON #1	RED LAND NORTH	0.0	UNITED GAS PIPELI
-CRESCENT ENERGY CORP				RECEIVED:	05/09/83	JA: TX			
[illegible]135	F-10-060319	4248330852		103		FIELDS (101521) #1	EAST PANHANDLE	83.0	HIGH PLAINS NATUR
8336137	F-10-060321	4248330849		103		M CROCKETT (100134) #1	EAST PANHANDLE	50.0	HIGH PLAINS NATUR
[illegible]138	F-10-060322	4248330896		101		NORMA CROCKETT (100133) #1	EAST PANHANDLE	192.0	HIGH PLAINS NATUR
[illegible]134	F-10-060318	4208730177		103		POWELL (100821) #1	EAST PANHANDLE	32.0	HIGH PLAINS NATUR
[illegible]136	F-10-060328	4248330851		103		R CROCKETT (100135) #1	EAST PANHANDLE	136.0	HIGH PLAINS NATUR
-CREWS OIL CO				RECEIVED:	05/09/83	JA: TX			
8336258	F-7C-066505	4239932681		102-4		THORA IRWIN #1	PETRIE (GARDNER)	88.0	LONE STAR GAS CO
-D & B PETROLEUM INC				RECEIVED:	05/09/83	JA: TX			
8336110	F-10-049238	4248330889		103		MERTAL #1	PANHANDLE EAST	0.0	WARREN PETROLEUM
8336109	F-10-049229	4248330999		103		VERONICA #1	PANHANDLE EAST	0.0	WARREN PETROLEUM
-DAMERON PETROLEUM CORP				RECEIVED:	05/09/83	JA: TX			
8336316	F-7C-066993	4210534227		102-2		MRS RAY DUNLAP - SEC 91 BLK 1 #2	AMERICAN (SPRABERRY B	120.0	EL PASO NATURAL G
-DANDEN PETROLEUM INC				RECEIVED:	05/09/83	JA: TX			
8336105	F-10-005562	4219500000		108-ER		HUNTER #1	MANMAS DRAW (DOUGLAS)	0.0	NORTHERN NATURAL
-DAWKINS ENERGIES INC				RECEIVED:	05/09/83	JA: TX			
8336359	F-10-067083	4206531281		103		DAWKINS #1 (ID #103600)	PANHANDLE WEST	100.0	GETTY OIL CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	05/09/83	JA: TX			
8336180	F-10-064052	4221131511		103		DAVID Q ISAACS SR #6-216	CANADIAN SE	0.0	NORTHERN NATURAL
8336369	F-10-067123	4229531053		103		LEROY BECKER "A" #3-635	BRADFORD	217.0	
-DINERO OIL CO				RECEIVED:	05/09/83	JA: TX			
8336120	F-02-055363	4239100000		108-ER		W J FOX #1	REFUGIO - FOX (5000)	13.0	UNITED GAS PIPE L
-EL PASO NATURAL GAS COMPANY				RECEIVED:	05/09/83	JA: TX			
8336114	F-7C-052958	4243500000		103	107-TF	WARD #9	SONARA (CANYON/UPPER)	78.0	EL PASO NATURAL G
-ENERGETICS INC				RECEIVED:	05/09/83	JA: TX			
8336123	F-03-055649	4214931303		102-2		EDGAR H SCHMIDT #1	GIDDINGS (GEORGETOWN)	15.0	PHILLIPS PETROLEU
8336122	F-03-055648	4214931302		102-2		JACK H SCHWECKE #1	GIDDINGS (GEORGETOWN)	15.0	PHILLIPS PETROLEU
-ENSERCH EXPLORATION INC				RECEIVED:	05/09/83	JA: TX			
8336211	F-06-065544	4218300000		102		HENRY BUTLER #1C & 1T	WILLOW SPRINGS	2.0	WESTERN GAS CORP
-ESENJAY PETROLEUM CORP				RECEIVED:	05/09/83	JA: TX			
8336178	F-04-063905	4240900000		102-4		TAYLOR G R G U #2 096001	ST PAUL N W (5100)	0.0	TRANSCONTINENTAL
-EXXON CORPORATION				RECEIVED:	05/09/83	JA: TX			
8336214	F-10-065665	4219535166		105		H J COLLIER "E" #2	HITCHLAND 4640	4.0	NORTHERN NATURAL
[illegible]289	F-10-065448	4235735581		105		HELEN ROGERS #3	DUDE WILSON	21.0	TRANSWESTERN PIPE
[illegible]260	F-08-066511	4210332649		103		J B TUBB C #30U	SAND HILLS (MCKNIGHT)	8.0	EL PASO NATURAL G
[illegible]186	F-03-027330	4215730993		103		J H P DAVIS #59 U	THOMPSON SE (FRIO UP)	7.3	ARMCO STEEL CORP
8336179	F-03-063991	4247330374		103		KATY GAS FIELD UNIT #1 W-52	KATY (WILCOX SPARKS S	273.8	ARMCO STEEL CORP
[illegible]139	F-04-067037	4227331716		102-4		KING RANCH BORREGOS 585 (06544)	BORREGOS (ZONE V-19 N	38.0	ARMCO STEEL CORP
[illegible]223	F-04-065818	4224731497		102-4		MRS A M K BASS 48 (ID PENDING)	KELSEY DEEP (21-B NW)	42.0	TRUNKLINE GAS CO
[illegible]186	F-04-066870	4226130778		102-4		MRS S K EAST 146-D (103914)	RITA NE (I-36)	675.0	ARMCO STEEL CORP
8336140	F-04-067038	4204731061		102-4		R J KLEBERG JR TR BARROSA PAST 24	PITA N W (L-20)	800.0	ARMCO STEEL CORP
8336337	F-04-067035	4226130777		102-4		R J KLEBERG JR TR STILLMAN 29-D	TORDILLA (I-67 N)	450.0	ARMCO STEEL CORP
8336287	F-04-066872	4226130736		103		R J KLEBERG JR TR STILLMAN 58	STILLMAN (SHALLOW)	200.0	ARMCO STEEL CORP
8336118	F-04-067036	4204730988		102-4		R J KLEBERG JR TR ZACH PAST ST 12	VIBORAS (K-50 N)	250.0	ARMCO STEEL CORP
8336221	F-8A-065775	4216532467		103		ROBERTSON CLEARFORK UNIT #4801	ROBERTSON M (CLEAR FO	15.0	PHILLIPS PETROLEU
8336259	F-04-066507	4246930635		101		SAUZ RANCH-MULATOS PASTURE 165	WILLAMAR WEST (MIOCEN	70.0	NATURAL GAS PIPEL
-FLAG-REDFERN OIL CO				RECEIVED:	05/09/83	JA: TX			
8336314	F-08-066986	4247532560		103		JOHN #1 #27737	RHODA WALKER (5900)	127.7	NORTHERN NATURAL
-FOREST OIL CORPORATION				RECEIVED:	05/09/83	JA: TX			
8336195	F-04-064846	4247932583		102-2	107-TF	OLMITOS RANCH INC #1	NICHOLSON (LOBO 1)	77.0	TRANSCONTINENTAL
-G M LEHNERTZ				RECEIVED:	05/09/83	JA: TX			
8336242	F-06-066848	4249900000		107-PE		HUDSON #1 ID NO 47748	COKE (GLOYD)	36.0	LONE STAR GAS CO
-GENERAL PRODUCTION CO INC				RECEIVED:	05/09/83	JA: TX			
8336336	F-03-067027	4205132366		102-2		JOHN PLASEK A #2	WILLARD (NAVARRO)	0.0	FERGUSON CROSSING
-GEORGE L ROUSSEAU				RECEIVED:	05/09/83	JA: TX			
8336222	F-03-065803	4205132352		102-4		FRED OWENS #1-A	HOOKER CREEK (NAVARRO	36.0	FERGUSON CROSSING
-GEOSOUTHERN ENERGY CORP				RECEIVED:	05/09/83	JA: TX			
8336129	F-03-058972	4214931344		102-2	103	MISS KATIE #1	GIDDINGS (EDWARDS GAS	0.0	CLAJON GAS CO
-GETTY OIL COMPANY				RECEIVED:	05/09/83	JA: TX			
8336139	F-06-060418	4218930000		103		T E HEWETT #2	NEW HOPE (ELLEDGE)	29.0	TEXAS UTILITIES F
-GHR ENERGY CORP				RECEIVED:	05/09/83	JA: TX			
8336151	F-04-061634	4210531558		102-4		ALFONSO #3	CHARCO (9900)	550.0	NATURAL GAS PIPEL
[illegible]165	F-04-063243	4247933401		102-4	107-TF	CATTLE CO #1 7-B	BARNSLEY (LOBO 10,900	450.0	TRANSCONTINENTAL
[illegible]188	F-04-064409	4247933467		102-4	107-TF	LUNDELL #18	GATO CREEK (9800)	450.0	NATURAL GAS PIPEL
8336164	F-04-063237	4247933428		102-4	107-TF	MARTIN-VOLZ GU #1	VOLZ (LOBO)	500.0	NATURAL GAS PIPEL
[illegible]192	F-04-061636	4250531509		102-4	107-TF	MCASKILL #9	MCASKILL (LOBO 11,300	900.0	NATURAL GAS PIPEL
[illegible]198	F-04-064541	4247933440		102-4	107-TF	ROTTERSMAN #4	ROTTERSMAN (9020)	500.0	NATURAL GAS PIPEL
-GRACE PETROLEUM CORPORATION				RECEIVED:	05/09/83	JA: TX			
8336124	F-05-056391	4228930464		102-4	107-TF	SAVAGE GAS UNIT #2	BEAN CREEK	0.0	DELHI GAS PIPELIN
-GULF OIL CORPORATION				RECEIVED:	05/09/83	JA: TX			
8336310	F-03-066980	4204130571		102-2		HOWARD T WINKLER UNIT 1 WELL #1	KURTEN (BUDA)	266.0	
8336274	F-08-066834	4247532755		103		HUTCHINGS STOCK ASSN #1214	WAGON WHEEL (PENN)	307.0	CABOT CORP
[illegible]131	F-10-059222	4249300000		108-ER		JOHN HAGGARD #22	QUINDUNO	0.0	NATURAL GAS PIPEL
8336312	F-03-066982	4204130363		103		JONES ENHANCED RECOVERY UNIT #3	KURTEN (WOODBINE)	15.0	PRODUCERS GAS CO
8336313	F-03-066984	4204130514		103		PATCH UNIT 1 WELL #1	KURTEN (AUSTIN CHALK)	30.0	PRODUCERS GAS CO
8336208	F-09-065134	4218130846		108		ROBERT H JOHNSON #1	M E SOUTHMAYD/SIMPSON	4.0	LONE STAR GAS CO
8336163	F-10-064181	4221131529		103		TEAGUE #2	S E CANADIAN (DOUGLAS	480.0	WESTAR TRANSMISSI
8336273	F-08-066833	4238931323		103		TXL "BM" (NCT-B) #2	JESS BURNER (DELAWARE	37.0	CONOCO INC
8336311	F-08-066981	4238931334		103		TXL BM (NCT-B) #5	JESS BURNER (DELAWARE	20.0	CONOCO INC
8336309	F-08-066979	4238931354		103		TXL BM (NCT-B) #8	JESS BURNER (DELAWARE	38.0	CONOCO INC
8336328	F-08-067014	4210330116		108		W N WADDELL #1030	DUNE	0.4	
8336329	F-08-067015	4210330136		108		W N WADDELL #1038	DUNE	0.5	
8336352	F-08-067073	4210330264		108		W N WADDELL #1073	DUNE	0.5	GULF OIL CORPORAT
8336353	F-08-067074	4210332149		108		W N WADDELL #1112	DUNE	0.6	GULF OIL CORPORAT
8336354	F-08-067075	4210332161		108		W N WADDELL #1114	DUNE	0.8	GULF OIL CORPORAT
8336355	F-08-067076	4210332150		108		W N WADDELL #1116	DUNE	1.1	GULF OIL CORPORAT
8336341	F-08-067043	4210301103		108		W N WADDELL #246	DUNE	0.3	
8336342	F-08-067044	4210301110		108		W N WADDELL #253	DUNE	0.3	
8336343	F-08-067045	4210301125		108		W N WADDELL #268	DUNE	1.1	
8336344	F-08-067046	4210301137		108		W N WADDELL #280	DUNE	0.8	
8336345	F-08-067047	4210301157		108		W N WADDELL #300	DUNE	0.9	GULF OIL CORPORAT
8336346	F-08-067048	4210301520		108		W N WADDELL #384	DUNE	0.4	GULF OIL CORPORAT
8336347	F-08-067049	4210301244		108		W N WADDELL #400	DUNE	0.9	GULF OIL CORPORAT

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8336348	F-08-067050	4210302004		108		W N WADDELL #554	DUNE	1.9	GULF OIL CORPORAT
8336323	F-08-067009	4210301404		108		W N WADDELL #570	DUNE	0.3	GULF OIL CORP
8336324	F-08-067010	4210301453		108		W N WADDELL #621	DUNE	0.7	GULF OIL CORP
8336325	F-08-067011	4210301490		108		W N WADDELL #658	DUNE	0.4	
8336326	F-08-067012	4210301559		108		W N WADDELL #704	DUNE	1.6	
8336327	F-08-067013	4210310878		108		W N WADDELL #926	DUNE	0.6	
-HANLEY PETROLEUM INC				RECEIVED:	05/09/83	JA: TX			
8336265	F-08-066798	4217331353		103		T X L "AA" (06400) #1	SPRABERRY (TREND AREA	11.0	PHILLIPS PETROLEU
8336266	F-08-066799	4217331341		103		T X L "AB" (06401) #1	SPRABERRY (TREND AREA	11.0	PHILLIPS PETROLEU
-HGI CORP				RECEIVED:	05/09/83	JA: TX			
8336181	F-03-064131	4208931328		102-4		W N LEHRER #1	WILDCAT	72.0	HOUSTON PIPE LINE
-HILTY INTERESTS INC				RECEIVED:	05/09/83	JA: TX			
8336228	F-02-065933	4239733262		102-4		SANGER HEIRS #2 API #42 297 33262	CLOETER (1700) (PROPO	100.0	INTRASTATE GATHER
-HNG OIL COMPANY				RECEIVED:	05/09/83	JA: TX			
8336176	F-7C-063731	4243500000		103	107-TF	KELLY "126" #5	SAWYER (CANYON)	250.0	INTRATEX GAS CO
8336197	F-7C-064888	4243500000		103	107-TF	REED "101" #5	SAWYER (CANYON)	180.0	INTRATEX GAS CO
8336193	F-04-064775	4250530518		103		SULLIVAN-HEIN #2	LA PERLA (WILCOX ELEV	55.0	HOUSTON PIPE LINE
8336163	F-08-063232	4237132994		102-2	103	TREES "65" #1	WILDCAT	150.0	INTRATEX GAS CO
8336220	F-7C-065767	4243532030		103		WALLACE "64" #2	SAWYER (WOLFCAMP)	7.3	INTRATEX GAS CO
-HUMBLE EXPLORATION CO INC				RECEIVED:	05/09/83	JA: TX			
8336224	F-01-065896	4217731183		102-4	103	JENILYN #1	PEACH CREEK (AUSTIN C	8.8	
-INTERNATIONAL OIL & GAS CORP				RECEIVED:	05/09/83	JA: TX			
8336191	F-7C-064636	4210534191		102-4		PARKER "18" #1	DUDLEY EAST (DEVONIAN	0.0	INTRASTATE GATHER
-J-O'B OPERATING CO & ENTERPRISE RES				RECEIVED:	05/09/83	JA: TX			
8336262	F-06-066697	4234700000		102-4		T M PETERSON #1R-T ID #103888	MACONICHE CREEK	989.0	UNITED GAS PIPE L
8336263	F-06-066698	4234700000		102-4		T M PETERSON 1R-C ID #103955	MACONICHE CREEK	957.0	UNITED GAS PIPE L
-JADE ENTERPRISES INC				RECEIVED:	05/09/83	JA: TX			
8336206	F-10-065198	4206500000		103		WYATT #2	PANHANDLE CARSON	128.0	GETTY OIL CO
-JOHN M YOUNG INC				RECEIVED:	05/09/83	JA: TX			
8336121	F-03-055568	4214900000		102-2		MACKEBELL 1-B	GIDDINGS (EDWARDS GAS	60.2	CLAJON GAS CO
-K P EXPLORATION INC				RECEIVED:	05/09/83	JA: TX			
8336127	F-04-058485	4213133779		102-4		K P EXPLORATION INC HUBBERD #2	HERBST WILCOX (LEEDY	0.0	ESPERANZA PIPELIN
-K-B EXPLORATION CO				RECEIVED:	05/09/83	JA: TX			
8336126	F-03-057929	4208931308		102-4		GEORGE J MILLER EXTATE #2-C	FONDREN (YEGUA 4800)	600.0	SEAGULL PIPELINE
-KEAHEY EXPLORATION INC				RECEIVED:	05/09/83	JA: TX			
8336166	F-02-063316	4217500000		103		DUDERSTADT-FROMME UNIT #1	BRANDT (REKLAW)	0.0	UNITED GAS PIPELI
-KELLEY & KERR DRILLING LTD				RECEIVED:	05/09/83	JA: TX			
8336158	F-04-062662	4200730718		102-4		OCKER BROTHERS #3	NORTH BURGENTINE LAKE	200.0	HOUSTON PIPE LINE
-KILROY CO OF TEXAS				RECEIVED:	05/09/83	JA: TX			
8336153	F-04-061914	4250531254		102-4		JUAN G BENAVIDES #A-2	LOPENO S W (WILCOX 73	73.0	TRANSCONTINENTAL
8336146	F-04-060947	4250531569		102-4		JUAN G BENAVIDES #4	LOPENO S W (WILCOX 73	369.0	TRANSCONTINENTAL
8336145	F-03-060777	4270330246		102-4		STATE TRACT 485-L #4-L	MATAGORDA ISLAND BLOC	657.0	VALLEY PIPELINES
8336144	F-03-060776	4270330246		102-4		STATE TRACT 485-L #4-U	MATAGORDA ISLAND BLOC	1095.0	VALLEY PIPELINES
-L & B OIL CO INC				RECEIVED:	05/09/83	JA: TX			
8336116	F-02-053867	4217531191		108		W D DOBBINS #1	ANGEL CITY (WILCOX 80	13.0	TEXAS EASTERN TRA
-LANDMARK EXPLORATION INC				RECEIVED:	05/09/83	JA: TX			
8336132	F-03-060024	4205131833		102-2		LORRAINE BOWERS #1	CALDWELL (AUSTIN CHAL	100.0	CLAJON GAS CO
-MAC EXPLORATION & DRILLING CORP				RECEIVED:	05/09/83	JA: TX			
8336244	F-7B-066060	4204933177		102-4		LOLA HILL #3	FROG (FRY)	4.0	LONE STAR GAS CO
-MAGNUM RESOURCES INC				RECEIVED:	05/09/83	JA: TX			
8336264	F-09-066758	4250336309		103		NESBITT F-1 RRC #22813	SCHULZ & BRAMHAN (STR	36.0	SUN GAS TRANSMISS
-MANN PETROLEUM CORP				RECEIVED:	05/09/83	JA: TX			
8336133	F-10-060257	4217931039		103		J B BOWERS #8 (ID #000326)	PANHANDLE GRAY	62.0	PHILLIPS PETROLEU
-MCZ INC				RECEIVED:	05/09/83	JA: TX			
8336115	F-03-053176	4204130694		102-2		WHEELER OIL UNIT I #1-L	KURTEN (GEORGETOWN)	400.0	FERGUSON CROSSING
-MELTON THOMAS C				RECEIVED:	05/09/83	JA: TX			
8336295	F-7B-066930	4213334597		102-4		K D BROOKS #1	BARTON (CADDO LOWER)	57.0	SOUTHWESTERN GAS
-MID-AMERICA PETROLEUM INC				RECEIVED:	05/09/83	JA: TX			
8336284	F-7C-066868	4238332165		103		EVANS #3	SPRABERRY (TREND AREA	11.0	NORTHERN NATURAL
8336285	F-7C-066869	4238332257		103		TURNER C #4	SPRABERRY (TREND AREA	11.0	NORTHERN NATURAL
-MIN-TEX EXPLORATION CORP				RECEIVED:	05/09/83	JA: TX			
8336261	F-7B-066648	4236732387		102-4		BERKLEY-WATERS #2	MARMAC (MARBLE FALLS)	61.0	SOUTHWESTERN GAS
-MINERAL DEVELOPMENT INC				RECEIVED:	05/09/83	JA: TX			
8336230	F-08-065976	4237134042		103		[illegible]	PECOS VALLEY HIGH GRA	0.0	PERRY PIPELINE CO
8336231	F-08-065977	4237133978		103		MAGNOLIA TRIPOLEY #18	PECOS VALLEY HIGH GRA	7.7	PERRY PIPELINE CO
8336234	F-08-065982	4237134075		103		MAGNOLIA TRIPOLEY #21	PECOS VALLEY HIGH GRA	6.2	PERRY PIPELINE CO
8336232	F-08-065980	4237134073		103		MAGNOLIA TRIPOLEY #22	PECOS VALLEY HIGH GRA	5.5	PERRY PIPELINE CO
8336233	F-08-065981	4237134074		103		MAGNOLIA TRIPOLEY #23	PECOS VALLEY HIGH GRA	2.5	PERRY PIPELINE CO
8336235	F-08-065983	4237134072		103		MAGNOLIA TRIPOLEY #24	PECOS VALLEY HIGH GRA	0.0	PERRY PIPELINE CO
8336236	F-08-065984	4237134071		103		MAGNOLIA TRIPOLEY #25	PECOS VALLEY HIGH GRA	5.8	PERRY PIPELINE CO
8336229	F-08-065975	4237134070		103		MAGNOLIA TRIPOLEY #26	PECOS VALLEY HIGH GRA	9.1	PERRY PIPELINE CO
-MITCHELL ENERGY CORPORATION				RECEIVED:	05/09/83	JA: TX			
8336304	F-09-066955	4249700000		108		DEAVERS -A- #1 10214	ALVORD (CADDO CONGLOM	0.0	NATURAL GAS PIPEL
8336364	F-7B-067110	4236700000		108		GLADYS JACKSON #1 #078517	RENO (CONGL)	0.0	NATURAL GAS PIPEL
8336199	F-09-064995	4249700000		108		J D BRANNON #1 #030714	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8336363	F-09-067112	4223700000		108		M E FERRELL #1 18832	JACKSBORO S E (5270)	0.0	SOUTHWESTERN GAS
8336128	F-09-058557	4249700000		108-ER		STELLA YOUNG #1	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	05/09/83	JA: TX			
8336276	F-08-066844	4246131975		103		HARDWICKE UNIVERSITY SEC 48 #13	MCELROY	0.0	PHILLIPS PETROLEU
8336205	F-04-065247	4224931242		101		LA GLORIA GAS UNIT #99	LA GLORIA (LA GLORIA)	322.0	NATURAL GAS PIPEL
8336149	F-04-061396	4213134432		102-4		MAG-DUVAL RANCH SECTION 208-209 #64	WILDCAT	251.0	TENNESSEE GAS PIP
8336277	F-08-066845	4210333090		103		SAND HILLS TUBB UNIT #48	SAND HILLS (TUBB)	19.3	EL PASO NATURAL G
-MONTERREY PETROLEUM CORP				RECEIVED:	05/09/83	JA: TX			
8336148	F-04-061217	4247932355		102-2	107-TF	JOHN R BLOCKER 1854-4	GOLD RIVER NORTH (OLM	0.0	SEAGULL PIPELINE
-MOORE MCCORMACK OIL & GAS CORP				RECEIVED:	05/09/83	JA: TX			
8336142	F-06-060613	4200131246		102-4		BEACH #1	TENNESSEE COLONY S W	70.0	CHAPARRAL GAS PIP
-MORROW RESOURCES INC				RECEIVED:	05/09/83	JA: TX			
8336169	F-7C-063422	4232730497		102-2	103	PFLUGER "D" #2	WILDCAT	0.0	SUN GAS CO
-MOSBACHER PRODUCTION CO				RECEIVED:	05/09/83	JA: TX			
8336360	F-03-067089	4248100000		108		E B MCCORMICK #1	LISSIE (WILCOX 9600')	24.0	TENNESSEE GAS PIP
-NORTH RIDGE CORP				RECEIVED:	05/09/83	JA: TX			
8336171	F-7B-063489	4213334431		102-4	103	J C HARRELL #1	RANGER (BLACK LIME ME	0.0	PRISM ENTERPRISES
-OAK BROOK ENERGY				RECEIVED:	05/09/83	JA: TX			
8336366	F-7C-067113	4238332410		103		SCOTT #2	JOHN SCOTT (GRAYBURG)	6.8	NEW ENERGY CO
-OAKWOOD RESOURCES INC				RECEIVED:	05/09/83	JA: TX			
8336279	F-10-066849	4219530822		103		A R HENDERSON S-95	HANSFORD (KANSAS CITY	52.8	
-OWL PETROLEUM CO				RECEIVED:	05/09/83	JA: TX			
8336250	F-03-066259	4248132364		102-4		L A M KRAUSKOPF UNIT #1	BLACK OWL	1100.0	HOUSTON PIPE LINE
-PARKER & PARSLEY INC				RECEIVED:	05/09/83	JA: TX			
8336306	F-7C-066971	4238300000		103		UNIVERSITY #5	BLOCK 49 (2450)	0.0	J L DAVIS
8336305	F-7C-066970	4238300000		103		UNIVERSITY #6	BLOCK 49 (2450)	0.0	J L DAVIS
-PETRO PLEX OIL CO INC				RECEIVED:	05/09/83	JA: TX			
8336255	F-7C-066490	4238332295		103		SCOTT AA-5	JOHN SCOTT (GRAYBURG)	34.3	NEW ENERGY CO
8336256	F-7C-066493	4238332385		103		SCOTT AA-8	JOHN SCOTT (GRAYBURG)	25.5	NEW ENERGY CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PETRO-LEWIS CORPORATION				RECEIVED:	05/09/83	JA: TX			
8336302	F-06-066945	4245900000		107-PE		ARRINGTON #1	GILMER	93.6	WESTERN GAS CORP
8336303	F-06-066946	4245900000		107-PE		CLEMENS #2	GILMER	144.0	WESTERN GAS CORP
8336299	F-06-066942	4245900000		107-PE		LANDERS #1	GILMER	48.4	WESTERN GAS CORP
8336300	F-06-066943	4245900000		107-PE		LAUGHLIN #1	GILMER	30.0	WESTERN GAS CORP
8336298	F-06-066941	4245900000		107-PE		REYNOLDS J E #1	GILMER	138.0	WESTERN GAS CORP
8336301	F-06-066944	4245900000		107-PE		SNOW J E #1	GILMER	84.0	WESTERN GAS CORP
-PETRUS OPERATING CO INC				RECEIVED:	05/09/83	JA: TX			
8336159	F-05-062697	4216130753		102-4		CARPENTER #2	BUZAHNE	0.0	
8336213	F-05-065633	4234933040		102-4		CARPENTER #5	INGRAM TRINITY (RODES	8.0	DELHI GAS PIPELIN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/09/83	JA: TX			
8336308	F-7C-066976	4246101602		105		NO PEMBROOK SPRABERRY UNIT 08-02	SPRABERRY (TREND AREA	1.0	NORTHERN NATURAL
-PITCOCK INC				RECEIVED:	05/09/83	JA: TX			
8336237	F-09-065995	4223731959		108		UPTERGROVE #1 102765	JACK COUNTY REGULAR	8.0	LONE STAR GAS CO
8336238	F-09-065996	4223700000		108		WOODS #1 102764	JACK COUNTY REGULAR	8.0	LONE STAR GAS CO
-PITTS OIL CO & DALLAS PROD INC				RECEIVED:	05/09/83	JA: TX			
8336315	F-06-066989	4242330572		102-4		THOMPSON A #1 RRC LEAS 010925	CHAPEL HILL NE (TRAVI	51.0	TRIANGEL GAS PIPE
-PRECISION DRILLING CO INC				RECEIVED:	05/09/83	JA: TX			
8336368	F-7B-067121	4200333424		101		MRS EULA P WEAVER "A" 15445	COLEMAN COUNTY REGULA	12.0	LONE STAR GAS CO
-R LACY INC				RECEIVED:	05/09/83	JA: TX			
8336307	F-06-066974	4216900000		108		ELLA SMITH UNIT #1 WELL 05	CARTHAGE (JAMES LIME)	12.0	WESTERN GAS CORP
-RETAMCO INC				RECEIVED:	05/09/83	JA: TX			
8336254	F-04-066418	4247900000		107-TF		BRISCOE "E" #18	GOLD RIVER NORTH (OLM	273.2	DELHI GAS PIPELIN
-RICHEY & CO INC				RECEIVED:	05/09/83	JA: TX			
8336150	F-09-061473	4249732437		103		J SYLER #1	BOONSVILLE (BEND CONG	345.0	DELMI GAS PIPELIN
-RIDLEY OIL CORP				RECEIVED:	05/09/83	JA: TX			
8336363	F-06-067094	4242330639		102-4		SUNSHINE OIL UNIT #1	SUNSHINE (RODESSA)	188.0	SEMCO GAS INC
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED:	05/09/83	JA: TX			
8336206	F-02-065390	4229733232		102-4		BRYSCH GAS UNIT 2 WELL 03-U	GEORGE WEST WEST (WIL	500.0	UNITED TEXAS TRAN
-SANTA FE-ANDOVER OIL CO				RECEIVED:	05/09/83	JA: TX			
8336318	F-06-067000	4231530568		103	107-TF	CLAUDE WILLIAMS ESTATE GU #1	RODESSA (COTTON VALLE	5.0	NATURAL GAS PIPEL
8336317	F-06-066999	4231530570		103	107-TF	D W WELBORNE GAS UNIT #1	RODESSA (COTTON VALLE	100.0	NATURAL GAS PIPEL
8336319	F-06-067001	4231530571		103	107-TF	KING GAS UNIT #1	RODESSA (COTTON VALLE	31.0	NATURAL GAS PIPEL
8336320	F-06-067002	4231530572		103	107-TF	TORRENS GAS UNIT #1	RODESSA (COTTON VALLE	44.0	NATURAL GAS PIPEL
-SANTA FE-WINDSOR PRODUCING CO				RECEIVED:	05/09/83	JA: TX			
8336169	F-03-062707	4205100000		102-2	103	JACKSON #1-A	BIG "A" TAYLOR	189.0	PERRY PIPELINE CO
-SAXON OIL COMPANY				RECEIVED:	05/09/83	JA: TX			
8336182	F-08-064166	4231700000		103		HAYNIE #1	SPRABERRY (TREND AREA	8.0	PHILLIPS PETROLEU
8336210	F-7C-065478	4246100000		103		ROSS #1	SPRABERRY (TREND AREA	8.0	MOBIL PRODUCING T
-SCANDRILL INC				RECEIVED:	05/09/83	JA: TX			
8336174	F-09-063580	4250316461		102-4		CHENEY "B" #1	JOHNSON (800')	65.3	MID-STATES GAS CO
8336138	F-10-059219	4240330874		107-DP		LISTER #1		214.6	
8336143	F-10-060702	4240331074		102-4	103	REDDING "A" #1		211.7	EL PASO NATURAL G
-SMA-JAM CORP				RECEIVED:	05/09/83	JA: TX			
8336350	F-03-067059	4214931202		102-2		ENOLA GAY #1	GIDDINGS (AUSTIN CHAL	36.5	SOUTH CEN-TEX GAS
-SHELL OIL CO				RECEIVED:	05/09/83	JA: TX			
8336212	F-04-065568	4221531261		102-4	107-DP	HAMMAN RANCH #13	MONTE CHRISTO (WKSBO-	800.0	VALERO TRANSMISSI
-SIDWELL OIL & GAS INC				RECEIVED:	05/09/83	JA: TX			
8336247	F-10-066174	4217900000		103		JACKSON #2	PANHANDLE GRAY	43.0	PHILLIPS PETROLEU
-SO-TEX PETROLEUM, INC.				RECEIVED:	05/09/83	JA: TX			
8336187	F-7B-064213	4244131973		102-4		BURNS 2A #1	SO-TEX (FRY)	27.0	UNION TEXAS PETRO
-SOUTHLAND ROYALTY CO				RECEIVED:	05/09/83	JA: TX			
8336335	F-08-067021	4213534069		103		EDWARDS FIELD GRAYBURG UNIT 06-10	EDWARDS	5.0	PHILLIPS PETROLEU
8336334	F-08-067020	4213534068		103		EDWARDS FIELD GRAYBURG UNIT 06-11	EDWARDS	3.6	PHILLIPS PETROLEU
8336367	F-08-067119	4213534067		103		EDWARDS FIELD GRAYBURG UNIT 07-34	EDWARDS	4.3	PHILLIPS PETROLEU
8336333	F-08-067019	4213534066		103		EDWARDS FIELD GRAYBURG UNIT 07-35	EDWARDS	5.8	PHILLIPS PETROLEU
8336332	F-08-067018	4210333009		103		EDWARDS FIELD GRAYBURG UNIT 07-36	EDWARDS	5.5	PHILLIPS PETROLEU
8336331	F-08-067017	4210333010		103		EDWARDS FIELD GRAYBURG UNIT 07-37	EDWARDS	4.7	PHILLIPS PETROLEU
8336330	F-08-067016	4247532763		103		UNIVERSITY 16-12 D 06	WICKETT SOUTH	5.8	CABOT PIPELINE CO
-STEVE STAMPER				RECEIVED:	05/09/83	JA: TX			
8336292	F-09-066896	4223700000		103		BOAZ #10	BRYSON EAST	12.8	LONE STAR GAS CO
8336291	F-09-066894	4223700000		103		BOAZ #12	BRYSON EAST	10.2	LONE STAR GAS CO
-SUE-ANN OIL & GAS CO				RECEIVED:	05/09/83	JA: TX			
8336225	F-03-065923	4216730632		103		KAHLA UNIT #1	CAPLEN (FB-3 2)	110.0	WINNIE PIPELINE C
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	05/09/83	JA: TX			
8336281	F-8A-066864	4250132227		103		BENNETT RANCH UNIT #343	WASSON	8.0	SHELL OIL CO
8336280	F-8A-066862	4250132229		103		BENNETT RANCH UNIT #345	WASSON	3.0	SHELL OIL CO
8336271	F-8A-066831	4250132220		103		BENNETT RANCH UNIT #348	WASSON	15.0	SHELL OIL CO
8336272	F-8A-066832	4250132221		103		BENNETT RANCH UNIT #349	WASSON	35.0	SHELL OIL CO
8336283	F-04-066866	4224900000		108		SEELIGSON UNIT #40-36T	SEELIGSON (ZONE 19B-0	12.0	TENNESSEE GAS PIP
8336226	F-8A-065925	4221931495		103		SOUTHEAST LEVELLAND UNIT #289	LEVELLAND	6.0	AMOCO PRODUCTION
8336227	F-8A-065926	4221931616		103		SOUTHEAST LEVELLAND UNIT #94A	LEVELLAND	4.0	AMOCO PRODUCTION
8336282	F-7B-066865	4236700000		108		T M CHRISTIAN UNIT #1	LAKE MINERAL WELLS (4	18.0	SOUTHWESTERN GAS
-SUNDANCE OIL CO				RECEIVED:	05/09/83	JA: TX			
8336118	F-05-053909	4229330534		103	107-TF	B W THOMPSON #1	FARRAR NORTH BOSSIER	61.3	DELHI GAS PIPELIN
-SUPERIOR DRILLING CO				RECEIVED:	05/09/83	JA: TX			
8336192	F-03-064706	4208931326		102-4	103	WINTERMANN #1	MOHAT WEST (8600')	93.0	TEJAS - SOUTHWEST
-SUPERIOR OIL CO				RECEIVED:	05/09/83	JA: TX			
8336157	F-04-062633	4221531287		102-4	103	F I JOHNSON #18	WILDCAT (UPPER)	0.0	
-TARTAN OIL & GAS				RECEIVED:	05/09/83	JA: TX			
8336147	F-03-061089	4246100000		102-4		A J WENDEL #3	WHARTON WEST (4230)	180.0	ESPERANZA TRANSMI
-TAYLOR GORDON				RECEIVED:	05/09/83	JA: TX			
8336322	F-10-067008	4234130895		103		GAYLA #1	PANHANDLE MOORE COUNT	128.0	DIAMOND SHAMROCK
-TENNECO OIL COMPANY				RECEIVED:	05/09/83	JA: TX			
8336248	F-08-066216	4230130134		107-DP		BRUNSON 15-1	BRUNSON RANCH	0.0	TENNESSEE GAS PIP
8336112	F-04-052213	4242731555		103		S W FARM & RANCH & ST OF TEXAS #1	SOUTH BOROSA	219.0	CHANNEL INDUSTRIE
-TENNUC CORP				RECEIVED:	05/09/83	JA: TX			
8336113	F-03-052586	4205130085		102-2		LOCKHART #1	GIDDINGS (AUSTIN CHAL	900.0	PHILLIPS PETROLEU
-TEPCO ENGINEERING INC				RECEIVED:	05/09/83	JA: TX			
8336246	F-02-066172	4283900000		102-4	103	JOHN T VANCE #2	TEXANA NORTH (FRIO 61	660.0	HOUSTON PIPE LINE
-TEXACO INC				RECEIVED:	05/09/83	JA: TX			
8336125	F-04-057191	4242731684		103		GUERRA SHARE 385C #24	ROMA (WILDCAT)	33.0	TENNESSEE GAS PIP
8336172	F-08-063531	4232931101		102-4		JACWIL "B" #2	BRADFORD RANCH	8.0	
8336189	F-08-064430	4243131277		103		STERLING "D" FEE #5	CONGER (PENN)	38.0	VALERO TRANSMISSI
8336208	F-08-065418	4243131244		103		STERLING "N" FEE #6	CONGER (PENN)	8.0	VALERO TRANSMISSI
8336173	F-08-063535	4243131245		103		STERLING "O" FEE #5	CONGER (PENN)	0.0	VALERO TRANSMISSI
8336216	F-8A-065715	4216532487		103		WHARTON UNIT #108	HARRIS	44.5	PHILLIPS PETROLEU
8336218	F-8A-065717	4216532484		103		WHARTON UNIT #112	HARRIS	12.4	PHILLIPS PETROLEU
8336217	F-8A-065716	4216532482		103		WHARTON UNIT #114	HARRIS	6.5	PHILLIPS PETROLEU
-THE ARD DRILLING COMPANY INC				RECEIVED:	05/09/83	JA: TX			
8336267	F-8A-066800	4211500000		101		W E LOVE #1-R	JO-MILL (SPRABERRY)	10.9	
-THOMSON-MONTEITH				RECEIVED:	05/09/83	JA: TX			
8336278	F-08-066848	4232931122		103		WINDHAM 33 #2	PARKS (SPRABERRY)	18.9	MOBIL PROD TEXAS
-TIDWELL INVESTMENTS INC				RECEIVED:	05/09/83	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8336196	F-7B-064881	4213338358		102-4		COLLINS #1	WILDCAT	88.0	LONE STAR GAS CO
-TOM F MARSH INC				RECEIVED:	05/09/83	JA: TX			
8336156	F-10-062097	4248330729		1WA-EF		C ZYBACH #1-14	WILDCAT	0.0	COLORADO INTERSTA
-TOT RICHARDS DOZER INC				RECEIVED:	05/09/83	JA: TX			
8336184	F-7B-064193	4244733133		102-4		DARLA JANICE #1	RICHARDS RANCH (1830)	0.0	N S T GATHERING S
8336185	F-7B-064194	4244733175		102-4		DARLA JANICE #3	RICHARDS RANCH (1830)	0.0	N S T GATHERING S
8336186	F-7B-064195	4244733176		102-4		DARLA JANICE #4	RICHARDS RANCH (1830)	0.0	N S T GATHERING S
-TOT RICHARDS OIL CO				RECEIVED:	05/09/83	JA: TX			
8336207	F-7B-065395	4244733098		102-4		DEBBIE RICHARDS #1	FRED (CISCO)	84.0	N S T GATHERING C
-TRIAX OIL & GAS INC				RECEIVED:	05/09/83	JA: TX			
8336140	F-7B-060427	4208133135		102-4		HUNTER-FEE #3	CAMP COLORADO S (GUNS	0.0	SOUTHWESTERN GAS
8336155	F-7B-062094	4208333191		102-4		HUNTER-FEE #4	CAMP COLORADO S (GUNS	0.0	SOUTHWESTERN GAS
-UNION OIL COMPANY OF CALIF				RECEIVED:	05/09/83	JA: TX			
8336349	F-10-067057	4239300000		104		MARION OSBORNE #1-35	RED DEER (BROWN DOLOM)	28.0	TRANSWESTERN PIPE
8336168	F-05-063369	4246730445		101		SWVLU #4407	VAN SOUTHWEST (LEWISV	4.0	UNITED GAS PIPELI
8336167	F-05-063368	4246730446		101		SWVLU #6808	VAN SOUTHWEST (LEWISV	0.0	UNITED GAS PIPELI
-UNION TEXAS PETROLEUM				RECEIVED:	05/09/83	JA: TX			
8336202	F-7C-065186	4223531977		102-2	103	SUGG 11 #2	ANDREW A (CANYON)	174.0	FARMLAND INDUSTRI
8336203	F-7C-065187	4223531978		102-2		SUGG 3 #2	MARY ROBIN (CANYON)	57.0	FARMLAND INDUSTRI
-VINSON EXPLORATION				RECEIVED:	05/09/83	JA: TX			
8336294	F-7C-066927	4210500000		102-4		UNIVERSITY 29-E #1	INGHAM (QUEEN)	91.0	SOUTHWESTERN GAS
-W D H OIL PROPERTIES INC				RECEIVED:	05/09/83	JA: TX			
8336321	F-7B-067006	4213333622		102-4		POWERS #1-A	WDH (MARBLE FALLS)	0.0	NORTHERN NATURAL
-W J WHITT				RECEIVED:	05/09/83	JA: TX			
8336275	F-7B-066839	4204933358		102-4		4-W RANCH "A" #16 (19316)	WHITT (CADDO MIDDLE)	22.0	EL PASO HYDROCARB
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	05/09/83	JA: TX			
8336241	F-08-066025	4210333034		103		W N WADDELL #1278	SAND HILLS (TUBB)	67.6	EL PASO NATURAL G
-WESTERN HILLS OIL & GAS CO INC				RECEIVED:	05/09/83	JA: TX			
8336219	F-7B-065765	4236732372		102-4		FAIN #2 (I D NUMBER APPLIED FOR)	W & R (BEND CONGL)	55.0	TEXAS UTILITIES F
-WILLIAM PERLMAN				RECEIVED:	05/09/83	JA: TX			
8336289	F-04-066885	4213100000		106		SOUTHLAND LIFE #18 - 014336	SOUTHLAND LIFE (TEDLI	1.8	TRANSCONTINENTAL
8336290	F-04-066886	4213100000		106		SOUTHLAND LIFE #42 I D #014332	SOUTHLAND LIFE (TEDLI	1.8	TRANSCONTINENTAL
8336288	F-04-066884	4213100000		106		SOUTHLAND LIFE #44 030986	(COLE LOWER)	1.8	TRANSCONTINENTAL
-WILLIAMS EXPLORATION COMPANY				RECEIVED:	05/09/83	JA: TX			
8336201	F-02-065143	4205700000		102-4		P H WELDER D #1L	KATIE WELDER (M-7)	14.6	SEAGULL PIPELINE
-WINN EXPLORATION/DULCE CO				RECEIVED:	05/09/83	JA: TX			
8336177	F-01-063896	4250731783		102-4		PRYOR RANCH #119-T	WINN-DULCE	0.0	NORTHERN NATURAL
8336249	F-01-066250	4250731839		102-4		PRYOR RANCH #135	WINN-DULCE	0.0	NORTHERN NATURAL
-WY-VEL CORP				RECEIVED:	05/09/83	JA: TX			
8336270	F-10-066824	4206531263		103		ARNOLD (04894) #2	PANHANDLE	13.5	GETTY OIL CO

[FR Doc. 83-14960 Filed 6-2-83; 8:45 am]

BILLING CODE 6717-01-C

48
85
108
JE
3
1983
UMI

federal register

Friday
June 3, 1983

Part VI

Department of Commerce

International Trade Administration

Conditions of Participation for Use of EDO Facilities; Notice

DEPARTMENT OF COMMERCE

International Trade Administration

Conditions of Participation for Use of EDO Facilities

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Conditions of Participation for U.S. Catalog/Video Catalog Exhibitions.

SUMMARY: This notice sets forth Conditions of Participation for Use of EDO Facilities of the U.S. Department of Commerce.

DATE: These administrative procedures are effective June 1, 1983.

ADDRESSES: Office of Event Management and Support Services, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. James B. Hawes, Office of Event Management and Support Services, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230, (202/377-0871).

SUPPLEMENTARY INFORMATION:

Conditions of Participation; Use of EDO Facilities

A. Use of EDO Facilities Defined

The Department of Commerce (USDOC) makes available to individual U.S. firms or associations of U.S. firms physical facilities at its overseas Export Development Offices (EDOs) for sales meetings, business/technical conferences, small product exhibitions or demonstrations, seminars, and other activities of a limited nature. Use of the facilities is limited to occasions when facilities are not required for regularly scheduled trade promotion events.

B. Criteria

Firms making use of EDO facilities must use the facilities to promote only products or services which in the judgement of the Department meet one of the following criteria:

1. Manufactured or produced in the United States.

2. If manufactured or produced outside of the United States, the product or service must be marketed under the name of a U.S. firm and have U.S. content representing at least 51 percent of the value of the finished good or service.

C. Within Limits of Available Resources the Following Facilities and Services May Be Provided:

1. Use of facilities of a U.S. Export Development Office to the extent agreed upon in writing by the EDO Director and the Participant. In no instance shall the use of office space at the EDO exceed 5 days.

2. The following physical facilities or services to the extent available:

a. Display floor space, office space, in-stock furniture, audio-visual equipment, and display systems for booth construction and display purposes.

b. Normally available utilities for the operation of the equipment on display.

c. Free local telephone service. Long distance telephone and telex, if available, can be provided at Participant's expense.

d. Assistance in clearing through local customs authorities exhibit items consigned to the EDO.

e. Assistance to the Participant in making arrangements for repacking, loading, and shipping for storage or return to point of origin items consigned to the EDO.

f. Staff assistance, of a limited nature, to the Participant during regular EDO business hours.

3. As needed: marketing counsel, including identification of appropriate prospective customers, licensees, joint venture partners, distributors and agents, and assistance in evaluating their suitability; information regarding local trade practices; and assistance in development of the promotional strategy and/or physical staging of the promotional activity.

4. Assistance in obtaining interpreters, assistants, and/or secretarial services upon request by the Participant and at the Participant's expense.

D. As Conditions of the Use or Acceptance of Facilities or Services, the Participant Shall Agree to:

1. Make know to the EDO Director or designee its marketing objectives and, if requested, submit a promotion plan for review and approval. All costs connected with the implementation of the plan will be for the Participant's account.

2. Pay no later than 30 days in advance of any event a basic contribution set by the EDO Director for the use of the facilities.

3. Pay on the commencement date of the event the anticipated costs of all additional services arranged through the EDO for the account of the Participant, e.g., interpreters, audio-visual equipment rental, etc., and to pay any remaining balance for these additional services provided during the event at its conclusion.

4. If for any reason the Participant cancels its participation within 30 days of the opening of the event, the contribution will not be refunded. If the Participant's written cancellation is received by USDOC 30 days prior to the opening of the event, the only charges to the Participant will be those which have already been incurred by the EDO, as determined by the Director.

5. Submit to the EDO Director, upon request, a statement of planned expenses and revenue and records of actual expenses and revenue.

In addition to the conditions described in items 1–5 above, any participant making use of EDO facilities for exhibition purposes agrees to:

6. Obtain prior approval from the EDO Director or designee of the design of the Participant's exhibit and/or display, and of the product line or service.

7. Furnish in the Participant Agreement a listing of items the Participant plans to ship to the EDO.

8. If saleable equipment is displayed, provide a qualified company representative to be on duty at the exhibition. This representative shall be prepared and authorized to discuss product lines; to give price quotations on various bases as appropriate; to make sales and related arrangements; to provide instructions at the close of the exhibition for the disposition of the Participant's equipment; and to make immediate payment for all overseas expenses including handling and shipping costs from the point of entry to the exhibition site.

9. Mark and ship equipment consigned to the EDO according to shipping and marking instructions and carrier designations furnished by the EDO. U.S. carriers should be used wherever practicable. The Participant shall comply fully with all import and customs laws of the host country. The Participant shall provide any information requested by the EDO Director or designee and obtain any permits which may be required by the host country government for the importation/operation/exportation of items consigned to the EDO.

10. Obtain all export licenses required by the Department's Office of Export Administration, or by any other export licensing agency, e.g., the Nuclear Regulatory Commission, the U.S. Department of Energy, and the Offices of Munitions Control, U.S. Department of State, for demonstration or exhibit of equipment or any other items and for the disposition abroad of exhibited equipment following the Exhibition.

Information concerning export license requirements may be obtained from the Office of Export Administration, Exporter's Service Branch, Washington, D.C. (202) 377–4811, or from the nearest U.S. Department of Commerce District Office. Participant also agrees to obtain any permits necessary under host country law relevant to the operation of exhibit equipment.

11. a. Before the close of the Exhibition, pay all costs of shipment of exhibit and promotional items from point of origin to the entrance of the exhibition site, including inland freight, duties, if applicable, and other charges such as port handling, transfer, cartage, freight forwarding, customs brokerage, taxes and other fees and storage costs incurred before or after the Exhibition.

b. Re-export exhibit items within the time limitations set by the host country if not sold or otherwise disposed of, and pay all duties and taxes, customs and related charges which may be levied. The Participant shall comply fully with all import and customs laws of the host country.

c. Remove exhibit items from the Exhibition site after the close of the Exhibition within a time period to be determined by the Director of the U.S. Exhibition or designee. At or before the conclusion of the Exhibition, the Participant shall provide the Director of the U.S. Exhibition or designee, in writing, with one or more of the following instructions as to the disposition of the Participant's exhibit items:

Release at the Exhibit site to the custody of the Participant;

Place in storage for further disposition in accordance with Section D, 8 a and b above;

Release at the Exhibit site to a specified third party, e.g., the buyer, agent, freight forwarder, in accordance with Section D, 8 a and b above.

d. Pay all costs for shipping exhibit items from the exhibition site to the next destination. If the exhibit items are not to be returned to the United States at the conclusion of the Exhibition, the Participant shall comply with any restrictions on foreign disposition established by the Office of Export Administration or any other relevant export licensing agency. If the Participant fails to provide written disposition instructions at the close of the Exhibition, the Department may, at the Participant's expense, release the Participant's exhibit items to the freight forwarder servicing the Exhibition for appropriate disposition. Failure for the Participant to furnish such instructions shall release the Department from responsibility for any disposition of the Participant's equipment including all related expenses and necessary documentation.

E. Other Conditions

1. It is understood that subject to the Department's policies and regulations, the EDO Director is authorized to approve or disapprove any application for use of the EDO.

2. The amount of time that the Participant may utilize EDO facilities will be determiend by the EDO Director or designee.

3. While the Department of Commerce will make every effort to identify reliable contractors such as freight forwarders, customs brokers, designers, photographers, translators, etc., for the benefit of the Participant, the Participant waives all claims for liability against the U.S. Government for damage or loss to the Participant resulting from the use of the contractor.

4. The EDO Director or designee reserves the right to approve the selection of Participant's contractors and personnel working in the EDO.

5. It is agreed that the Department of Commerce or its contractors shall be absolved of any liability for any damage or loss resulting from or related to the failure of the Participant to comply with the provisions of these Conditions. If the Participant fails to fulfill any obligations under these Conditions, the Department of Commerce shall be released from its obligations, and the Participants contribution may be forfeited. In the event additional costs are incurred by the Department of Commerce as a result of the Participant's failure to comply with the provisions of these Conditions or the instructions provided therein, such additional costs, including all attorney fees, shall be paid by the Participant.

6. The Department of Commerce reserves the right to cancel an event at any time for the convenience of the Government. In the event of such cancellation, the Department of Commerce shall notify the Participant but shall incur no liability to the Participant for costs incurred by the Participant except the return of the Participant's contribution.

7. The Participant agrees to indemnify and hold harmless the U.S. Government, its agencies and instrumentalities, against all suits, actions, claims, costs or demands (including without limitation, those resulting from death, illness, personal injury and property loss or damage) to which the U.S. Government, its agencies and instrumentalities may be subject or put by reasons of loss of or damage or illness or injury (including death) to the property or person of any one other than U.S. Government, its agencies, instrumentalities and personnel, arising or resulting in whole or part from the Participant's use of the EDO facility including but not limited to acts done or performed by the Participant, its representatives or employees, and also including but not limited to the Department's performance or services for the Participant under the terms of this Conditions of Participation.

8. The Participant agrees, and it is incumbent upon the Participant, to be covered at its own expense for comprehensive all-risk insurance, including casualty, accident and liability insurance in amounts adequate to cover reasonable risk of liability for death, personal injury, illness, property loss or property damage relating to acts done or performed by the Participant, its representatives or employees. (In no event shall these liability coverage amounts be less than may be required for these purposes by the laws of the host country.)

9. The Participant also agrees to pay any supplementary costs occasioned by the use of the EDO after regular business hours; all costs for painting, refurbishing, electrical wiring, etc., of the EDO's display property, to meet Participant's requirements (**Note.**—*No change or modification will be made in any such display property or physical plan without prior approval of the EDO Director or designee. Should any changes be approved, the property must be returned to its original conditions by the Participant. Any damage to the facility or its property, other than that arising from normal wear and tear will be charged to the Participant. The Participant agrees to pay any charges beyond normal utility consumption as determined by the EDO Director if the consumption is excessive or the utility is required to be augmented or changed.*

10. For activities involving the promotion of goods or services, the Participant agrees to provide the EDO Director or designee at the end of the event with information on the results of

its participation (ITA–4075P or successor form). If the Participant requests that particular information be treated confidentially, the Department of Commerce will honor the request to the extent possible under applicable law. No report on results will be required in the case of firms using office space only.

11. The only obligations the Department of Commerce assumes are those expressly made herein or agreed to by an amendment in writing.

Official issuance date: June 1, 1983.

Brenda L. Ebeling,

Acting Director, Office of Event Management and Support Services.

[FR Doc. 83–14861 Filed 6–2–83; 8:45 am]

BILLING CODE 3510–25–M

federal register

Friday
June 3, 1983

Part VII

Department of Commerce

International Trade Administration

Conditions of Participation for U.S. Commercial Exhibitions (Solo or International Trade Fair); Notice

DEPARTMENT OF COMMERCE

International Trade Administration

Conditions of Participation for U.S. Commercial Exhibitions (Solo or International Trade Fair)

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of conditions of participation for U.S. Commercial Exhibitions (Solo or International Trade Fair).

SUMMARY: This notice sets forth Conditions of Participation for U.S. Commercial Exhibitions (Solo or International Trade Fair) sponsored by the U.S. Department of Commerce.

DATE: These administrative procedures are effective June 1, 1983.

ADDRESS: Office of Event Management and Support Services, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. James B. Hawes, Office of Event Management and Support Services, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230, (202/377-0871).

SUPPLEMENTARY INFORMATION:

Conditions of Participation; U.S. Commercial Exhibitions

(Solo or International Trade Fair)

A. U.S. Commercial Exhibition Defined

There are two types of U.S. Commercial Exhibitions:

Solo Fairs: overseas exhibitions sponsored, conducted and managed by the U.S. Department of Commerce (USDOC) for the benefit of U.S. Firms. Most solo fairs are vertically organized by product line.

International Trade Fairs: overseas exhibitions conducted and managed by a party other than the U.S. Government, at which the U.S. Department of Commerce sponsors a U.S. presence. International Trade Fairs may be either horizontal or vertical in terms of product theme.

B. Criteria

Firms that participate in a U.S. Commercial Exhibition (hereafter referred to as "Exhibition") must use the event to promote the sale of products or services which in the judgement of the Department meet one of the following criteria:

1. Manufactured or produced in the United States.

2. If manufactured or produced outside of the United States, the product or service must be marketed under the name of a U.S. firm and have U.S. content representing at least 51 percent of the value of the finished good or service.

C. Policy on the Mixing of New and Used Equipment in a Single Event

The Department has found that the promotion of both new and used equipment at a single exhibition usually impairs the success of the event. Therefore, except where a contrary policy is announced at the time participation by private firms is first invited by the Department, the display or promotion of used equipment in events featuring new equipment, or *vice versa,* will not be permitted.

D. Within the Limits of Available Resources the Department of Commerce Agrees To—

1. Undertake an appropriate promotional campaign to attract to the Exhibition importers, distributors, agents, licensees, joint-venture partners, franchisees, buyers and end-users, including key government officials. This may incorporate press releases, brochures and directories, special trade and press showings, conferences, receptions and other publicity and promotional techniques as appropriate.

2. Provide exhibition space in accordance with booth size and contribution schedule.

3. Provide the following exhibition services:

a. Overall exhibition design and fabrication and individual display stand design and construction.

b. Enlargement and installation of two black and white graphics for each stand from Participant's photographs or artwork if material provided by the Participant is deemed suitable by the Director of the U.S. Exhibition or designee. The Department reserves the right to control the type of display and materials used by participants to ensure conformity with the Exhibition theme and to maintain overall design integrity. Additional graphics may be enlarged at the Participant's expense and displayed with the approval of the Director of the U.S. Exhibition or designee.

c. Installation of a display system and furnishings such as shelves, chairs and tables.

d. Mounting of standard Participant and agent/distributor identification signs.

e. Normal utilities and hookup services. (Utility requirements determined by the Director of the U.S. Exhibition or designee to be unusual will be charged to the Participant at cost.)

f. Interpreter assistance, if deemed necessary under local conditions by the Director of the U.S. Exhibition, for Participants not having representation in the country of the Exhibition.

g. Normal housekeeping and security services.

4. Provide marketing counseling and advice, including identification of prospective customers, licensees, joint-venture partners, distributors and agents, and assistance in evaluating their suitability; and background information on local trade and pricing practices and customs.

5. Provide the following transportation, loading and packing services:

a. Arrange, through the Department's Exhibits Transportation Unit or its agent, the scheduling of the shipment of the Participant's exhibit items to be shipped from the United States. U.S. carriers must be used whenever practicable. Further, arrange for the movement of the Participant's exhibit items from the point of entry in the host country to the Exhibition site (irrespective of shipment point of origin) on condition that the Participant has complied with all shipping and marking instructions and carrier designations provided by the Department or its agent.

b. Arrange and pay for unloading from transport vehicles and unpacking of Participant's equipment at the exhibition site, placement in the display area and storage of empty shipping cartons or crates during the Exhibition.

c. Arrange and pay for the repacking of exhibit items to be shipped from the Exhibition using inbound packing materials. If it is not practicable to use the original packing material, new packaging materials will be used, the cost of which shall be borne by the participant.

d. Arrange and pay for the loading of exhibit items onto a transport vehicle at the exhibition site.

These services are to be provided on the basis of the Participant's agreement hereunder that the U.S. Government shall be held harmless against breakage or other damage to the Participant's equipment that might occur in the course of the performance of these services. Accordingly, the Participant may wish to obtain insurance to cover its risk of loss due to breakage or other damage that might so occur.

The U.S. Department of Commerce may limit the amount of cost to be incurred by the Department in connection with the unloading, placement, hookup, dismantling, and loading of exhibition equipment. Should special equipment be required beyond

that normally used for handling, installation, or operation, the Director of the U.S. Exhibition or designee will obtain it if available; additional costs incurred shall be paid by the Participant. The Director of the U.S. Exhibition, at his or her discretion, may refuse to handle exceptionally large, delicate or complex equipment not identified on the Participation Agreement.

E. The Participant Agrees To—

1. Make a financial contribution to the U.S. Department of Commerce in an amount to be established for each Exhibition for use in funding all services provided to the Participant, including market development, operating and hospitality costs of the Exhibition, and other international trade promotional activities. A signed Participation Agreement (Form ITA 4008) is to be submitted with the contribution.

2. Furnish a listing of exhibit items with the Participation Agreement. Any item not so listed is shipped at the Participant's risk and may release the Department from any or all of its obligations under these Conditions of Participation.

3. Provide a qualified representative to be on duty at the Exhibition during business hours through the term of the Exhibition. This representative shall be prepared and authorized to discuss product lines; to give price quotations on various bases, as appropriate; to make sales and related arrangements; to provide instructions at the close of the Exhibition for the disposition of the Participant's exhibit items; to make immediate payment for all overseas expenses including handling and shipping costs from the port of entry to the exhibition site, as well as such payments to the Department as are necessary to cover unusual expenses chargeable to the Participant under Section E hereof. This person should be designated and his or her name and address furnished to the Department at the earliest possible date. This person should arrive at the Exhibition site a sufficient number of days in advance of the Exhibition opening date to insure that the Participant's exhibit equipment is properly set up for demonstration and to gain familiarity with the market. At a minimum, the representative should be present two days prior to opening to also attend such functions as press previews and exhibitors' briefings.

4. Mark and ship equipment according to instructions to be furnished by the Department or its agent.

5. When directed by the Department, to document, pack, and ship catalogs, brochures, sales literature, and other expendable items separately from exhibit equipment.

6. Obtain:

a. All export licenses required by the Department's Office of Export Administration, or by any other export licensing agency, e.g., the Nuclear Regulatory Commission, the U.S. Department of Energy, and the Office of Munitions Control, U.S. Department of State, for demonstration or exhibit equipment and for the disposition abroad of exhibited equipment or any other items following the exhibition. Information concerning export license requirements may be obtained from the Office of Export Administration, Exporters' Service Branch, Washington, D.C. (202) 377–4811, or from the nearest U.S. Department of Commerce District Office.

b. Any permits necessary under host country law relevant to the operation of exhibit equipment. (While this remains the responsibility of the Participant, the Department will endeavor to ensure that Participants are advised of any such requirements.)

7.a. Before the close of the Exhibition, pay all costs of shipment of exhibit and promotional items from point of origin to the entrance of the exhibition site, including inland freight, duties, if applicable, and other charges such as port handling, transfer, cartage, freight forwarding, customs brokerage, taxes and other fees.

b. Pay any storage costs incurred before or after the Exhibition.

c. Re-export exhibit items within the time limitations set by the host country if not sold or otherwise disposed of, and pay all duties and taxes, customs and related charges which may be levied. The Participant shall comply fully with all import and customs laws of the host country.

8. Arrange for removal of exhibit items from the Exhibition site after the close of the Exhibition within a time period to be determined by the Director of the U.S. Exhibition or designee. At or before the conclusion of the Exhibition, the Participant shall provide the Director of the U.S. Exhibition or designee, in writing, with one or more of the following instructions as to the disposition of the Participant's exhibit items:

a. Release at the Exhibit site to the custody of the Participant.

b. Place in storage for further disposition in accordance with Section E, 8a, above.

c. Release at the Exhibit site to a specified third party, e.g., the buyer, freight forwarder, in accordance with Section E, 8 a and b, above.

9. Pay all costs for shipping exhibit items from the exhibition site to the next destination. If the exhibit items are not to be returned to the United States at the conclusion of the Exhibition, the Participant shall comply with any restrictions on foreign disposition established by the Office of Export Administration or any other relevant export licensing agency. If the Participant fails to provide written disposition instructions at the close of the Exhibition, the Department may, at the Participant's expense, release the Participant's exhibit items to the freight forwarder servicing the Exhibition for appropriate disposition. Failure of the Participant to furnish such instructions shall release the Department from responsibility for any disposition of the Participant's equipment including all related expenses and necessary documentation.

10. Execute a new Participation Agreement if the Participant's exhibit items are to be displayed at another Commerce-sponsored overseas exhibition. The Participant will be responsible for paying all costs involved in shipping the items to the subsequent site.

11. The Participant agrees to indemnify and hold harmless the U.S. Government, its agencies and instrumentalities, against all suits, actions, claims, costs or demands (including without limitation, those resulting from death, illness, personal injury and property loss or damage) to which the U.S. Government, its agencies and instrumentalities may be subject or put by reasons of loss of or damage of illness or injury (including death) to the property or person of any one other than the U.S. Government, its agencies, instrumentalities and personnel, arising or resulting in whole or part from the Participant's participation in the Exhibition, including but not limited to acts done or performed by the Participant, its representatives or employees, and also including but not limited to the Department's performance of services for the Participant under the terms of these Conditions of Participation.

The Participant agrees, and it is incumbent upon the Participant, to be covered at its own expense for comprehensive all-risk insurance, including casualty, accident and liability insurance in amounts adequate to cover reasonable risk of liability for death, personal injury, illness, property loss or property damage relating to acts done or performed by the Participant, its representatives or employees, and its participant otherwise in the Exhibition,

which participation includes the Department's performance of exhibition services for the Participant. (In no event shall these liability coverage amounts be less than may be required for these purposes by the laws of the host country.)

12. Provide detailed and accurate information as to the technical specification of the exhibits equipment on Product Characteristics Form (ITA–426P).

13. Provide promotional information on the Marketing Data Form (ITA–466P) and supply publicity materials in accordance with instructions furnished by the Department.

14. Provide the Director of the U.S. Exhibition or designee at the end of the Exhibition with information on the results of its participation on Exhibitor and Mission Member Report Form (ITA–4075P) or successor forms. In addition, the Participant may be requested to report business activity resulting from participation in the Exhibition on a followup questionnaire provided by the Department 12 months after the close of the Exhibition. Information provided by the Participant will be used for program evaluation purposes only. If the Participant requests that particular information be treated confidentially, the Department will honor the request to the extent possible under applicable law.

F. Other Conditions

1. The Director of the U.S. Exhibition or designee has complete authority to assign space, determine articles and methods to be used for display of items, determine location of the Participant and representation identification in booths, and has overall authority concerning matters directly relating to the U.S. Exhibition and its participants.

2. While the Department makes every effort to insure that marketing information furnished to exhibitors is reliable and up-to-date, it assumes no responsibility for any errors or omissions therein. Although the Department will make every effort to facilitate a successful exhibition, it is understood and agreed that the Department does not guarantee in any way the success of any Participant in the Exhibition. The only contractural obligations the Department assumes are those expressly made herein or mutually agreed to by an amendment in writing.

3. If, for any reason, the Participant cancels participation in the Exhibition, its financial contribution will be refunded only if written notice is received by the Department 90 days before the opening of the Exhibition. Any such notice should be addressed to the attention of the Department's Industry Officer with whom the Participant has been dealing. The Department, at its sole discretion, and upon its determination that it would be consistent with the proper operation of its exhibition program, may allow a partial or full refund of the financial contribution.

4. It is agreed that the Department or its contractors shall be absolved of liability for any damage or loss resulting from or related to the failure of the Participant to comply with the provisions of these Conditions of Participation. If the Participant fails to fulfill any of its obligations under these Conditions of Participation, the Participant's contribution may be forfeited. In the event additional costs are incurred by the Department as a result of the Participant's failure to comply with the provisions of the Conditions of Participation or instructions provided therein, such additional costs, including all attorney fees, shall be paid by the Participant.

5. While the Department will make every effort to select reliable contractors such as freight forwarders, customs brokers, designers, photographers, translators, etc., for the benefit of the Participant, is assumes no responsibility or liability for the acts of any contractor selected.

6. The Department reserves the right to cancel the Exhibition or the participation of any Participant at any time for the convenience of the Government. In the event of such cancellation, the Department shall notify the Participant but shall incur no liability to the Participant for costs incurred by the Participant except the return of the Participant's contribution.

7. Not more than five companies will be allowed to share a single booth under one Participation Agreement and one contribution. The Department will determine the number of firms permitted, up to five per booth, taking into consideration the items to be displayed. The Department will not be obligated to promote or prepare complimentary graphics or stand identification for more than one company.

8. It is understood that all applications for participation in the U.S. Exhibition are subject of approval by the Department.

Official Issuance Date: June 1, 1983.

Brenda L. Ebeling,

Acting Director, Office of Event Management and Support Services.

[FR Doc. 83–14982 Filed 6–3–83; 8:45 am]

BILLING CODE 3510–25–M

federal register

Friday
June 3, 1983

Part VIII

Department of Commerce

International Trade Administration

Conditions of Participation for U.S. Trade and Seminar Missions; Notice

DEPARTMENT OF COMMERCE

International Trade Administration

Conditions of Participation for U.S. Trade and Seminar Missions

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Conditions of Participation for U.S. Trade and Seminar Missions.

SUMMARY: This notice sets forth Conditions of Participation for U.S. Trade and Seminar Missions sponsored by the U.S. Department of Commerce.

DATES: These administrative procedures are effective June 1, 1983.

ADDRESSES: Office of Event Management and Support Services, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Ave., N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. James B. Hawes, Office of Event Management and Support Services, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Ave., N.W., Washington, D.C. 20230, (202/377-0871).

SUPPLEMENTARY INFORMATION:

Conditions of Participation; Trade and Seminar Missions

A. Trade and Seminar Missions Defined

Trade Missions: overseas events planned, organized and led by Department of Commerce officers which bring groups of U.S. businesspersons into contact with foreign buyers, agents, distributors, licensees, franchisers or joint-venture partners.

Seminar missions: overseas events planned, and organized by the Department of Commerce, which promote the sale of sophisticated products or services through technical seminars presented by participants to potential foreign buyers, agents, distributors, licensees, franchisees or joint-venture partners, and chaired by an industry expert or Commerce official.

B. Criteria

Firms that participate in a Trade or Seminar Mission must use the mission to promote only products or services which in the judgement of the Department, meet one of the following criteria:

1. Manufactured or produced in the United States.

2. If manufactured or produced outside of the United States, the product or service must be marketed under the name of a U.S. firm and have U.S. content representing at least 51 percent of the value of the finished good or service.

The Mission will be composed of the representatives of a limited number of companies of which one will be designated Chairperson. Spouses are not to accompany Mission members except when the spouse is an active member of the participating firm. Each representative must be a director, officer or employee of the participating company or of the Export Management Company designated by the Participant.

C. Within Limits of Available Resources the U.S. Department of Commerce Agrees to:

1. Select a product or service category and an overseas itinerary which offer potential for export development. Selection will be based upon market research and consultation with the U.S. Foreign Service posts in the countries selected to be visited and with key trade associations and companies in the industry to be promoted.

2. Provide to each Mission member available market research relevant to the products and services to be promoted for all countries to be visited.

3. Where appropriate, or upon request, conduct a general briefing for Mission members prior to departure from the United States regarding commercial and economic conditions in the countries to be visited. If a briefing in the United States is not practicable, the briefing will be held at the first overseas stop on the Mission's itinerary. An in-depth briefing by U.S. Commercial Officers at Foreign Service posts will be conducted in each country visited.

4. Arrange a schedule of business appointments with key prospects for the goods or services of Mission members.

5. Provide information for distribution overseas describing the Mission participants, their companies, goods or services and, where appropriate, their marketing objectives. Where appropriate, this material will be in the language of the country visited.

6. Provide a Mission headquarters in each foreign location, as necessary, where individual business appointments can be scheduled and other Mission business transacted.

7. Host official receptions and/or other hospitality events, where appropriate, at or in conjunction with the U.S. Foreign Service posts to provide Mission members with the opportunity to meet key local government officials and business leaders.

8. Provide transportation schedules for members to book appropriate flights.

9. Obtain confirmed hotel reservations for Mission members in advance of each stop.

10. Provide clerical staff and interpreters as needed to assist Mission members. Each post's commercial staff will provide administrative and logistical support as needed by the Mission or arrange for outside logistical support.

11. Provide a U.S. Government official or appropriate private sector representative having extensive knowledge of the Mission theme to serve as Mission Director (Seminar Chairperson in the case of Seminar Mission).

For Seminar Mission only, the Department agrees, in addition to the above, to:

12. Provide a qualified Department of Commerce Officer to coordinate logisitics and administration.

13. Provide a suitable seminar location, including simultaneous translation equipment, if available, interpreters, and audiovisual equipment, as necessary.

D. The Participant Agrees to:

1. Make a financial contribution to the U.S. Department of Commerce in an amount to be established for the Mission for use in funding all services provided to the Participant, including market development, operating and hospitality costs of the Mission, and other international trade promotional activities. A signed Participation Agreement (Form ITA-4008) is to be submitted with the contribution.

2. Furnish detailed descriptive company and product/service information sufficiently in advance of the mission to allow for compilation and/or printing, and advance distribution.

3. Obtain information from the Department's Office of Export Administration, and/or from other licensing agencies, e.g., Nuclear Regulatory Commission, Department of Energy, and Office of Munitions Control, U.S. Department of State as to whether existing laws or regulations might impede or prevent the Participant from marketing its products or services or releasing U.S.-origin technical data in any of the countries to be visited by the Mission. If problems arise in obtaining this information, the Department will provide such assistance or facilitation as may be necessary and appropriate.

4. Promote its individual business interests, e.g., direct sales, licensing agreements; or agent/distributors arrangements.

5. Participate in scheduled briefings by the Department of Commerce and other agencies including the Foreign Service posts.

6. Keep all business appointments which have been arranged, and adhere

to the Mission program and its complete itinerary.

7. Contribute information for the Mission report and provide the results achieved on the Exhibitor and Mission Member Report Form (ITA–4075P) or successor document. If the participant requests particular information to be treated confidentially, the Department of Commerce will honor the request to the extent possible under applicable law.

8. Travel between the United States and abroad an American carriers, whenever practicable.

9. Pay representative's travel, hotel and daily living expenses.

10. Obtain entry permit visas and/or other travel documentation where necessary prior to the Mission's departure from the U.S.

11. Participants' representatives travel at their own risk. It is recommended that they be covered by adequate insurance. The company, on behalf of itself and any of its officers, employees or agents, agrees to save the U.S. Government harmless from liability for any illness, injury, loss of life, or damage or loss of property occasioned by or connected with participation in the Mission.

12. For *Trade Missions only,* The Participant agrees, to provide at its expense a qualified company executive who will participate in all Mission activities. This person shall be authorized to discuss product lines or services, to give price quotations on various bases, as appropriate, and to negotiate sales and related arrangements. The representatives should be designated at the earliest possible date and his or her name furnished to the Department of Commerce. The representative must carry a valid passport, and be a director, officer or employee of the participating U.S. company (the Participant), a subsidiary, or an Export Management Company designated by the Participant. If a participant has an agent or distributor in a country visited by the Mission, the agent or distributor may accompany the member on appointments functions and is encouraged to do so.

13. *For Seminar Mission only,* the Participant agrees to provide at its expense a qualified company executive who will participate in all Mission activities and present in each city visited a state-of-the-art or problem-solving paper that is not oriented to any particular company. The paper should be of a type that tends to demonstrate some aspect of the expertise, unique capabilities or activities of U.S. industry. To permit timely review of the paper for simultaneous interpretation preparation, where necessary, and to enable printing of the Mission brochure for the advance publicity of the mission, a copy of the seminar presentation paper and all other documentation must be submitted a designated number of days before Mission departure for review and approval by the Seminar Chairperson. All seminar papers must be approved in advance by the Department and/or the Seminar Chairperson. The Participant's representative must carry a valid passport, and be a director, officer or employee of the participating company (the Participant), a subsidiary, or an Export Management Company designated by the Participant.

E. Other Conditions

1. If, for any reason, the participating company cancels its participation, its financial contribution will not be refunded unless written notice of cancellation is received by the Department of Commerce at least 60 days before the departure of the Mission, unless a replacement is found.

2. The Department may cancel a Mission or the participation of any company for the convenience of the Government. In the event of such cancellation, any contribution made will be refunded.

3. It is understood that all applications for participation in Missions are subject to approval by the Department of Commerce.

Official issuance date: June 1, 1983.

Brenda L. Ebeling,

Acting Director, Office of Event Management and Support Services.

[FR Doc. 83–14883 Filed 6–2–83; 8:45 am]
BILLING CODE 3510–25–M

48
ISS
1
0
8
JE
3
1983
UMI

federal register

Friday
June 3, 1983

Part IX

Department of Commerce

International Trade Administration

Conditions of Participation for U.S. Catalog/Video Catalog Exhibitions; Notice

DEPARTMENT OF COMMERCE

International Trade Administration

Conditions of Participation for U.S. Catalog/Video Catalog Exhibitions

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of conditions of participation for U.S. catalog/video catalog exhibitions.

SUMMARY: This notice sets forth Conditions of Participation for U.S. Catalog/Video Catalog Exhibitions sponsored by the U.S. Department of Commerce.

DATE: These administrative procedures are effective June 1, 1983.

ADDRESSES: Office of Event Management and Support Services, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Ave., N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. James B. Hawes, Office of Event Management and Support Services, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Ave., N.W., Washington, D.C. 20230, (202/377-0871).

SUPPLEMENTARY INFORMATION:

Conditions of Participation; U.S. Catalog/Video Catalog Exhibition

A. Catalog and Video Catalog Exhibition Defined

Catalog Exhibition: overseas theme-oriented exhibition which displays catalogs of U.S. companies, primarily at U.S. Embassies and Consulates.

Video Catalog Exhibition: overseas theme-oriented exhibition which combines the display of U.S. firms' catalogs with video-taped presentations of participating firms, primarily at U.S. Embassies and Consulates.

B. Criteria

Firms which participate in a Catalog Exhibition or a Video Catalog Exhibition must promote through the exhibition products or services that meet one of the following criteria:

1. Manufactured or produced in the United States;

2. If manufactured or produced outside of the United States, the product or service must be marketed under the name of a U.S. firm and have U.S. content representing at least 51 percent of value of the finished good or service.

C. Within Limits of Available Resources the U.S. Department of Commerce Agrees To—

1. Provide publicity and promotional support to attract to the exhibition potential importers, distributors, agents, buyers and end-users of the products or services featured in the exhibition.

2. Staff the exhibition with an Industry Technical Representative (ITR) who will assist visitors in finding products, services, or applications of interest to them and who will prepare a brief summary report for exhibitors and for the Department.

3. Provide management staff to mount and operate the Exhibition.

4. Provide space for the Exhibition.

5. Provide each Participant, following the close of the exhibition, with the names of those firms or individuals identified as having specific interest in the Participant's products or services and a copy of the final report prepared by the ITR.

6. Subsequent to the exhibition, place the catalogs with U.S. Foreign Service post commercial libraries, trade associations or other suitable institutions, or use them in additional promotional events, where appropriate, in order to provide continuing market exposure.

Note.—In addition to the services described in items 1–6 above, the Department of Commerce will provide the following services to participants in *video catalog exhibitions.*

7. Produce a Video Tape Recording (VTR), in sound and color, up to seven minutes long, demonstrating the features of not more than two products of the participating company, including a brief narrated introduction and a close with thematic music.

8. Display the VTR, supported by the participating company's catalogs, at a Video Catalog Exhibition (VCE) in a country or countries determined by the Department.

9. Explore opportunities to utilize the VTR in other markets. If such opportunities are found, the Participant will be contacted to obtain its approval for participation. Some opportunities may require no further funding; others might involve charges for language translation, an Industry Technical Representative, or other items. The Participant is under no obligation to participate in any presentations except those referred to in item 8 above, which is covered by the *current* contribution.

D. The Participant Agrees To—

1. Make a financial contribution to the U.S. Department of Commerce in an amount to be established for each Exhibition for use in funding all services provided to the Participant, including market development, operating and hospitality costs of the Mission, and other international trade promotion activities. Contribution of VCE participants will also cover costs of VTR production. A signed Participation Agreement (Form ITA 4008) is to be submitted with the contribution.

2. Reply promptly to any business inquiries generated by participation.

3. Furnish the required number of catalogs and other requested information on exhibitor's firm, its products and participation objectives.

4. Ship catalogs and sales literature according to shipping and marketing instructions furnished by the Department.

5. When requested by the Department, contribute information on sales results and agency agreements concluded or under negotiation. If the Participant requests particular information to be treated confidentially, the Department will honor the request to the extent possible under applicable law.

6. *Video Catalog Exhibition Participants Only*—In the event a VTR is produced live at a trade exhibition in the United States, provide a suitable person or persons to demonstrate the selected piece(s) of equipment at a time designated by the Department.

E. Other Conditions

1. The Department assumes no liability for any damage or loss resulting from or related to the failure of the Participant to comply with the provisions of these Conditions of Participation. If the exhibition is cancelled or rescheduled, or the Participant's materials do not arrive in time for production of the VTR, or the exhibitor's literature does not arrive overseas in time for display, the Participant waives all claims for liability against the U.S. Government for damages or loss to the Participant.

2. While the Department will make every effort to select reliable contractors for services such as VTR production, translation, construction, promotion, and printing, the Participant waives any claim against the U.S. Government for the acts of any contractor.

3. If, for any reason, the Participant cancels its participation, its full financial contribution *will not be refunded unless:*

Catalog Exhibition Only—written notice of cancellation is received by the Department at least 21 days before the date of the event.

Video Catalog Exhibition Only—written notice of cancellation is received by the Department prior to the production of the Participant's segment of the VTR. If a cancellation is received after a Participant's VTR has been produced, the Participant will be given a

copy of its VTR, but no refund will be made.

4. The U.S. Department of Commerce may cancel an exhibition or the participation of any company for the convenience of the Government. In the event such a cancellation occurs:

Catalog Exhibitors Only—Any contribution made by the Participant will be refunded.

Video Catalog Exhibition Only—In the event such a cancellation occurs *prior* to the production of the VTR, any contribution made by the Participant will be refunded. *If the VTR has already been produced,* the Participant will be provided with a copy of its VTR, and that part of the Participant's contribution that would have been used for the exhibition and promotion will be refunded.

5. All applications for participation in the Exhibition are subject to approval by the Department.

6. While the Department will make every effort to facilitate a successful Exhibition, it is understood and agreed that the Department does not guarantee in any way the success of the Exhibitor or the sales efforts of any Participant. The only contractual obligations the Department assumes are those expressly made herein or mutually agreed to an amendment in writing.

Official Issuance Date: June 1, 1983.

Brenda L. Ebeling,

Acting Director, Office of Event Management and Support Services.

[FR Doc. 83-14884 Filed 6-2-83; 8:45 am]

BILLING CODE 3510-25-M

48
ISS
108
JE
3
1983
UMI

federal register

Friday
June 3, 1983

Part X

Department of Health and Human Services

Food and Drug Administration

Memorandum of Understanding With the Animal and Plant Health Inspection Service and the National Institutes of Health; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[FDA 225-83-8400]

Memorandum of Understanding With the Animal and Plant Health Inspection Service and The National Institutes of Health

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Animal and Plant Health Inspection Service and the National Institutes of Health. The purpose of the agreement is to maintain and enhance agency effectiveness while avoiding duplication of efforts to achieve required standards for the care and use of laboratory animals. The agreement sets forth procedures of reciprocal cooperation which will assist each agency in meeting its responsibilities in promoting proper laboratory animal care and welfare.

EFFECTIVE DATE: The agreement was effective April 11, 1983.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Intergovernmental and Industry Affairs Staff (HFC-50). Food and Drug Administration, 5600 Fisher Lane, Rockville, MD 20857, 301-443-1583.

SUPPLEMENTARY INFORMATION: In accordance with § 20.108(c) (21 CFR 20.108(c)) stating that all agreements between FDA and others shall be published in the **Federal Register**, the agency is publishing the following memorandum of understanding:

MEMORANDUM OF UNDERSTANDING

AMONG

THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE, U.S. DEPARTMENT OF AGRICULTURE, AND

THE FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND

THE NATIONAL INSTITUTES OF HEALTH, U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES,

RELATING TO LABORATORY ANIMAL CARE AND WELFARE

I. Purpose

The participating agencies share a common concern for the care and welfare of laboratory animals used in research and testing. This agreement sets forth procedures of reciprocal cooperation which will assist each agency in meeting its responsibilities in promoting proper laboratory animal care and welfare. Implementation of this agreement is intended to maintain and enhance agency effectiveness while avoiding duplicaton of efforts to achieve required standards for the care and use of laboratory animals.

II. Background

The Animal and Plant Health Inspection Service, USDA

Each participating agency operates under its own authority for fostering proper animal care and welfare procedure. Primary responsibility is assigned to the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) as specified in the Animal Welfare Act and its implementing regulations (9 CFR Parts 1, 2 and 3). The USDA regulations establish standards for the humane treatment of laboratory animals and a registration procedure for identifying institutions that breed, sell, transport, hold and use such animals. Adherence to these standards is achieved primarily through voluntary compliance, although formal regulatory actions may be taken in cases of flagrant and serious noncompliance. These actions may range from the confiscation of suffering animals to the issuance of "cease and desist" orders. Compliance with the USDA regulations is monitored by an active inspection program that provides for periodic inspections by veterinary medical officers or suitably trained paraprofessionals.

Food and Drug Administration, HHS

The Food and Drug Administration (FDA) is also involved in ensuring proper procedures for the care and use of laboratory animals. The source statute is the Federal Food, Drug, and Cosmetic Act as implemented by the Good Laboratory Practice Regulations (21 CFR Part 58). These regulations establish standards for the proper conduct of nonclinical laboratory studies that include animals. Adherence to the regulations sought through voluntary compliance has been found to be effective in a majority of cases. Serious noncompliance is dealt with by procedures ranging from study rejection to laboratory disqualification. Compliance is assessed through an active program of periodic inspections carried out by trained field inspectors.

National Institutes of Health, HHS

The National Institutes of Health (NIH) implements the Animal Welfare Policy of the Public Health Service (PHS Manual Chapter 1-43 and NIH Manual Issuance 4206 and 6000-3-4.58).

Each institution which receives PHS support for research involving warm blooded laboratory animals is required to submit an acceptable assurance to NIH which commits the institution to actively promote compliance with 12 basic principles for humane care and use of laboratory animals, and with the recommendations set forth in the *Guide for the Care and Use of Laboratory Animals*. Compliance is achieved by means of (a) Review and approval of assurances; (b) site visits to institutions in response to allegations of noncompliance; (c) a program of randomly selected site visits to institutions which utilize laboratory animals—for purposes of gathering information and promoting education; and (d) a nationwide education program relating to the care and use of laboratory animals.

In addition, where NIH scientific review groups conduct on-site visits to institutions to review proposed or on-going research projects, they are encouraged to evaluate the adequacy of the care and use of laboratory animals. Finally, all scientific review groups that review research applications for scientific merit are expected to evaluate projects for compliance with the principles stated in the NIH policy when the use of laboratory animals is proposed. Clarification of responsibilities and procedures at both the institutional and NIH levels has been set fourth by the Extramural Program Management Committee Task Force 2 on Laboratory Animals. Voluntary correction of unacceptable practices is the preferred method of achieving adherence to the policy, but possible sanctions for continued noncompliance range from the suspension or termination of support of a specific project or projects of an individual investigator to withdrawal of approval of the institution's assurance, without which the institution is ineligible to receive support for research involving laboratory animals.

Shared Concerns

Although there are necessary operational differences among the animal welfare programs of the cooperating agencies, it is clear that the agencies share a concern for the care and use of laboratory animals. Common program features include evidence of concern for the welfare of laboratory animals, the promulgation and application of established standards or policies related to animal care, the maintenance of a registry/inventory of institutions and facilities subject to agency policies and regulations, the periodic conduct of routine and directed inspections or site visits, the actions designed to promote voluntary compliance, and the authority to apply a range of sanctions when the need arises.

Interagency cooperation as to common efforts provides an excellent opportunity to achieve program benefits and facilitates program operations. By sharing a perspective on acceptable standards of laboratory animal care, the agencies present a consistent approach to the regulated entities intended to foster positive compliance attitudes.

III. Substance of Agreement

The participating agencies agree to share information of mutual concern and interest about animal care and welfare programs. To facilitate the implementation of this agreement, the cooperating agencies each agree to designate a liaison officer to serve on a standing committee that will meet at a frequency of no less than once per year. Matters for consideration are to include a review of each agency's participation in this agreement and an assessment of progress made so that necessary modifications can be made. As appropriate, the committee will also function to deal with urgent issues and specific cases of serious noncompliance.

Specifically, the participating agencies agree to:

(1) Share information contained in the registry/inventory/listing of establishments that fall under the purview of the cooperating agencies;

(2) Send to one another, each quarter, a listing of establishments that have been inspected or site visited. This listing is to be used in order to avoid redundant evaluations of the same entities;

(3) Provide to each other information on significant adverse findings concerning animal care and welfare revealed by insections or site visits and on followup actions taken;

(4) Inform each other of evidence of serious noncompliance with required standards or policies for care and use of laboratory animals (including defective assurances of compliance with PHS policies) in establishments that fall under the auhority of the cooperating agencies;

(5) Request from each other comments and advice on regulatory or policy proposals involving animal care and welfare under consideration by any of the cooperating agencies; and

(6) Provide each other resource persons for scientific seminars, speeches and workshops related to animal care

IV. Liaison Officers

For the Animal and Plant Health Inspection Service:
Chief Staff Veterinarian, currently Arnett Matchett, D.V.M., M.S.
Animal and Plant Health Inspection Service
U.S. Department of Agriculture, 6505 Belcrest Road, Hyattsville, Maryland 20782 301–436–7835

For the Food and Drug Administration:
Staff Scientist, currently Paul D. Lepore, Ph.D.
Bioresearch Monitoring Staff, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–2390.

For the National Institutes of Health:
Director, currently Charles R. McCarthy, Ph.D.
Office for Protection from Research Risks, OD
Westwood Building, Room 3A18 (after February 1983 Building 31, Room 4B09
National Institutes of Health, Bethesda, Maryland 20205, 301–496–7005.

V. Period of Agreement

This agreement becomes effective on the date of last signature and continues indefinitely. It may be modified by mutual written consent of the three parties. The agreement may be terminated by any party upon a ninety (90) day advance written notice to the other parties.

VI. Authorizing Officials

For the Animal and Plant Health Inspection Service: James O. Lee, Jr., B.S., Acting Administrator.

For the Food and Drug Administration: Arthur H. Hayes, Jr., M.D. Commissioner.

For the National Institutes of Health: James B. Wyngaarden, M.D., Director.

Approved and accepted for the Animal and Plant Health Inspection Service, U.S. Department of Agriculture:

By: James O. Lee, Jr., M.S.
Title: Acting Administrator, APHIS
Date: April 11, 1983

Approved and accepted for the Food and Drug Administration, U.S. Department of Health and Human Services

By: Arthur Hull Hayes, Jr., M.D.
Title: Commissioner of Food and Drugs
Date: March 22, 1983

Approved and accepted for the National Institutes of Health, U.S. Department of Health and Human Services:

By: James B. Wyngaarden, M.D.
Title: Director, NIH
Date: February 3, 1983

Effective date. This memorandum of understanding became effective April 11, 1983.

Dated: May 17, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs

[FR Doc. 83-14888 Filed 6-3-83; 8:45 am]
BILLING CODE 4160-01-M

48

ISS

1

0

8

JE

3

1983

Read

INFORMA

PUBLICA

Code of F
CFR Unit

General in
Incorporati
Printing sc

Federal Re
Correctiona
Daily Issue
General in
Privacy Ac
Public Insp

Scheduling

Laws
Indexes
Law numbe

Slip law or

Presidentia
Executive d
Public Pape
Weekly Co

United Sta

SERVICES

Agency ser
Automation
Library
Magnetic t
volumes
Public Insp
Special Pro
Subscriptio
Subscriptio
TTY for the

FEDERAL

24311-2465
24653-2485
24855-2516

Reader Aids

Federal Register

Vol. 48, No. 108

Friday, June 3, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202–523–3419
	523–3517
General information, index, and finding aids	523–5227
Incorporation by reference	523–4534
Printing schedules and pricing information	523–3419

Federal Register

Corrections	523–5237
Daily Issue Unit	523–5237
General information, index, and finding aids	523–5227
Privacy Act	523–5237
Public Inspection Desk	523–5215
Scheduling of documents	523–3187

Laws

Indexes	523–5282
Law numbers and dates	523–5282
	523–5266
Slip law orders (GPO)	275–3030

Presidential Documents

Executive orders and proclamations	523–5233
Public Papers of the President	523–5235
Weekly Compilation of Presidential Documents	523–5235

United States Government Manual 523–5230

SERVICES

Agency services	523–5237
Automation	523–3408
Library	523–4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275–2867
Public Inspection Desk	523–5215
Special Projects	523–4534
Subscription orders (GPO)	783–3238
Subscription problems (GPO)	275–3054
TTY for the deaf	523–5229

FEDERAL REGISTER PAGES AND DATES, JUNE

24311–24652.....1
24653–24854.....2
24855–25168.....3

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5066.....24855

5 CFR

213.....24857

7 CFR

68.....24857
319.....24311
910.....24859
915.....24860
916.....24653
932.....24311
944.....24860
1033.....24861
1036.....24863
1139.....24864

Proposed Rules:
51.....24723
1007.....24391
1046.....24905
1207.....24724

9 CFR

92.....24866
318.....24314

10 CFR

25.....24318
95.....24318

Proposed Rules:
50.....24391

12 CFR

Proposed Rules:
7.....24913

14 CFR

95.....24654
252.....24866
389.....24323

Proposed Rules:
221.....24916
252.....24918
291.....24922
377.....24923

15 CFR

369.....24323

16 CFR

423.....24868

Proposed Rules:
13.....24724

17 CFR

200.....24663
240.....24663
249.....24663

Proposed Rules:
240.....24725, 24726

18 CFR

2.....24323, 24358
35.....24323

Proposed Rules:
271.....24730–24732

20 CFR

Proposed Rules:
632.....24392
633.....24392
634.....24392
684.....24392

21 CFR

131.....24868
175.....24869
178.....24869
510.....24870, 24871
520.....24871
540.....24872, 24873
558.....24871
895.....25126, 25137

Proposed Rules:
341.....24925

23 CFR

Ch. I.....24852

24 CFR

111.....24361
1800.....24873

25 CFR

Proposed Rules:
700.....24734

26 CFR

601.....24868

Proposed Rules:
1.....24736

27 CFR

21.....24672
212.....24672

Proposed Rules:
9.....24737

28 CFR

540.....24622
550.....24623
551.....24623

Proposed Rules:
547.....24626
570.....24626
571.....24626

30 CFR

260.....24873

784.....24638
785.....24638
816.....24638
817.....24638
818.....24638
916.....24874
944.....24876

Proposed Rules:
901.....24739
913.....24741
936.....24928
948.....24393

32 CFR
806b.....24878

34 CFR
682.....24584

40 CFR
52.....24362, 24689
180.....24364, 24365, 24689
716.....24366

Proposed Rules:
Ch. I.....24930
65.....24930
81.....24393
86.....24932
180.....24394, 24396
403.....24933
405.....24742
406.....24742
407.....24742
408.....24742
409.....24742
411.....24742
412.....24742
422.....24742
424.....24742
426.....24742
429.....24742
430.....24742
431.....24742
432.....24742
433.....24742
440.....24742
610.....24397

41 CFR
101–45.....24878
101–47.....24879

42 CFR
57.....25064
66.....24879

Proposed Rules:
57.....25071, 25072

43 CFR
3200.....24367
3210.....24367
3220.....24367
3240.....24367
3250.....3240

44 CFR
64.....24369
67.....24370

Proposed Rules:
67.....24743

47 CFR
0.....24383
1.....24884
73.....24383, 24898
74.....24383
95.....24884

Proposed Rules:
2.....24945
22.....24945
73.....24945, 24949
74.....24945
94.....24950
96.....24953
97.....24954

49 CFR
571.....24690, 24717
1033.....24386
1039.....24900
1153.....24386
1162.....24388
1307.....24388

Proposed Rules:
Ch. X.....24397
571.....24751

50 CFR
260.....24901
371.....24902
424.....24718, 24903
611.....24719

Proposed Rules:
674.....24751

AGENCY PU

The following
documents or
(Monday/Thur

Monday
DOT/SEC
DOT/COA
DOT/FAA
DOT/FHW
DOT/FRA
DOT/MA
DOT/NHTS
DOT/RSPA
DOT/SLSD
DOT/UMT

Note: The Off
formal progra
week. See 48

List of Publi

Note: No publ
Office of the F
Laws.

Last Listing Ju

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing June 1, 1983

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA* (*List of CFR Sections Affected*), the *Federal Register Index,* or both.

LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.
$20.00 per year

Federal Register Index

The Index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.
$21.00 per year

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers.
FR Indexes and the LSA (List of CFR Sections Affected) are mailed automatically to regular FR subscribers.

Order Form

Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐☐–☐

Order No._____

MasterCard and VISA accepted.

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please enter the subscription(s) I have indicated:

____ **LSA** List of CFR Sections Affected $20.00 a year domestic; $25.00 foreign

____ **Federal Register Index** $21.00 a year domestic, $26.25 foreign

PLEASE PRINT OR TYPE

Company or Personal Name

Additional address/attention line

Street address

City State ZIP Code

(or Country)

For Office Use Only

Quantity		Charges
_____	Publications	_____
_____	Subscription	_____
	Special Shipping Charges	_____
	International Handling	_____
	Special Charges	_____
	OPNR	_____
_____	UPNS	
_____	Balance Due	
_____	Discount	
_____	Refund	

882

.C. 20402

elow.

Charges

d82

48
ISS
1
0
8
JE
3
1983
UMI

48
ISS
1
0
9
J E
6
1983
6-6-83
Vol. 48
United
Goverr
Printing
SUPERINT
OF DOCUM
Washington
OFFICIAL
Penalty for
Federal Re
(ISSN 0097

6-6-83
Vol. 48 No. 109

federal register

Book 1 of 2 Books
Monday, June 6, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

A FR SERIA300S NOV 83 R DIR **
SERIALS PROCESSING **
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

Postage and Fees Paid
U S Government Printing Office
375

SECOND CLASS NEWSPAPER

6-6-83
Vol. 48

Book
Pages
25165

Book
Pages
25767

48

ISS

1

0

9

JE

6

1983

6-6-83
Vol. 48—No. 109

Book 1:
Pages
25169-25766

Book 2:
Pages
25767-26278

federal register

Book 1 of 2 Books
Monday, June 6, 1983

Selected Subjects

Administrative Practice and Procedure
Commodity Futures Trading Commission
Customs Service

Airports
Federal Aviation Administration

Aviation Safety
Federal Aviation Administration

Banks, Banking
Farm Credit Administration

Carpools
Federal Aviation Administration

Coal Mining
Surface Mining Reclamation and Enforcement Office

Exports
International Trade Administration

Government Procurement
Agency for International Development

Government Property Management
General Services Administration

Hazardous Materials
Environmental Protection Agency

Income Taxes
Internal Revenue Service

Investment Companies
Securities and Exchange Commission

Marine Safety
Coast Guard

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

Marketing Agreements
Agricultural Marketing Service — 25188

Motor Vehicle Safety
National Highway Traffic Safety Administration — 25169

Natural Gas
Federal Energy Regulatory Commission — 25239

Navigation (Water)
Coast Guard — 25186, 25187, 25231

Organization and Functions (Government Agencies)
Customs Service — 25256
General Services Administration — 25218
Justice Department — 25261, 25261, 25302

Range Management
Land Management Bureau — 25180, 25180, 25224, 25502

Contents

Federal Register
Vol. 48, No. 109
Monday, June 6, 1983

Agency for International Development
RULES
25188 Procurement

Agricultural Marketing Service
RULES
25169 Onions grown in Tex.

Agriculture Department
See also Agricultural Marketing Service; Forest Service; Packers and Stockyards Administration.
NOTICES
Meetings:
25239 Agribusiness Promotion Council

Coast Guard
RULES
Regattas and marine parades; safety of life:
25186 Norfolk Harborfest
Safety zones:
25187 Elizabeth River, Norfolk, Va.; correction
PROPOSED RULES
Inland waterways navigation regulations:
25231 Connecting waters from Lake Huron to Lake Erie

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration.
NOTICES
25256 Agency forms submitted to OMB for review

Commodity Futures Trading Commission
PROPOSED RULES
25218 Reparation proceedings; availability

Consumer Product Safety Commission
NOTICES
25261 Export of noncomplying products; procedures; reporting and recordkeeping requirements; request for extension of OMB approval
Flammable fabrics:
25261 Children's sleepwear standards; reporting and recordkeeping requirements; request for extension of OMB approval
25302 Meetings; Sunshine Act

Customs Service
RULES
Administrative rulings:
25180 Merchandise samples submitted with ruling requests; disposition guidelines
Organization, functions, and authority delegations:
25180 Field organization; realignment
PROPOSED RULES
Tariff classification of merchandise:
25224 Thread seal tape made of "teflon"

Defense Department
See also Engineers Corps.
NOTICES
25502 Privacy Act; systems of records; annual publication

Economic Regulatory Administration
NOTICES
Natural gas; fuel oil displacement certification applications:
25263 V.A. Medical Center

Education Department
NOTICES
Meetings:
25263 Adult Education National Advisory Council; cancellation
25262 Dependents' Education Advisory Council

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
25261 Alabama-Coosa Rivers, Ala. and Ga.
25262 Black Warrior and Tombigbee Rivers, Ala.

Environmental Protection Agency
PROPOSED RULES
Hazardous waste programs; interim authorizations; State programs:
25236 Maine
NOTICES
Environmental statements; availability, etc.:
25270 Agency statements; weekly receipts

Farm Credit Administration
PROPOSED RULES
Loan policies and operations:
25210 Interest rate programs

Federal Aviation Administration
RULES
25169 Control areas
25170 VOR Federal airways
PROPOSED RULES
Air carriers certification and operations:
25211 Airports serving commuter carriers; operating certificates
Airport, National Capital:
25215 Carpools on Dulles access highway
Airworthiness directives:
25210 Garlick Helicopters et al.
NOTICES
25295 Exemption petitions; summary and disposition; correction

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
25270 Louisiana
Meetings:
25270 National Fire Academy Board of Visitors

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act; ceiling prices for high cost natural gas produced from tight formations; various States:
25179 New Mexico
25177, 25178 Texas (3 documents)
PROPOSED RULES
Natural Gas Policy Act; ceiling prices for high cost natural gas produced from tight formations; various States:
25223 Texas
NOTICES
Hearings, etc.:
25265 New Hampshire Water Resources Board
25266 Puget Sound Power & Light Co.
25266 Seattle Oil Service, Inc. (3 documents)
25265 Transco Gas Supply Co.
25266 Upper San Joaquin River Water & Power Authority
25264 Pipelines, interstate; purchasing practices inquiry; informal public conference

Federal Highway Administration
RULES
25181 Federal-aid highway programs; acceleration of projects, etc.; interim policy statement

Federal Maritime Commission
NOTICES
Freight forwarder licenses:
25271 Kronos International Shippers, Inc.
25271 Miami Lakes International Freight
25270 Rogers, Andrew Buchanan
25271 Southern Pacific International, Inc.
25271 Starboard Group, Inc., et al.

Federal Mine Safety and Health Review Commission
NOTICES
25302 Meetings; Sunshine Act

Federal Trade Commission
RULES
25174 Funeral industry practices; effective date deferred
PROPOSED RULES
25218 Standards and certification; report availability
NOTICES
25302 Meetings; Sunshine Act

Fine Arts Commission
NOTICES
25244 Meetings

Forest Service
RULES
Range management:
25187 Horses and burros, wild; adoption fees
NOTICES
25239 Land and resource management planning schedules

General Services Administration
RULES
25200 Organization and function
Property management:
25196 Federal product descriptions; procurement and requisitioning of items and services
25199 Utilization and disposal; identification of unneeded property
NOTICES
Property management:
25272 Travel expenses; report on travel costs and privately owned vehicle operation

Health and Human Services Department
See also Health Resources and Services Administration; National Institutes of Health; Public Health Service.
NOTICES
Meetings:
25278 Social Security Advisory Council

Health Resources and Services Administration
NOTICES
Indian health service:
25273 Eligibility criteria options for program beneficiaries; inquiry
25275 Eligibility verification options for program beneficiaries; inquiry

Hearings and Appeals Office, Energy Department
NOTICES
25266 Second stage refund procedures; implementation

Interior Department
See Land Management Bureau; Minerals Management Service; Surface Mining Reclamation and Enforcement Office.

Internal Revenue Service
PROPOSED RULES
Income taxes:
25226 Accumulated earnings tax on corporations having foreign corporate shareholders; withdrawn
25224 Motor carrier operating authority deduction
25228 Travel expenses of Members of Congress, withdrawn

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
RULES
Export licensing:
25171 Policy clarifications
25174 Spectrum analyzers; exclusion from special licensing considerations, etc.; interim
NOTICES
Antidumping:
25244 Stainless sheet and strip products from France
25247 Tool steel from West Germany
Countervailing duties:
25255 Float glass from Italy
25245 Frozen concentrated orange juice from Brazil
25254 Industrial nitrocellulose from France
25250 Tool steel from Brazil
Meetings:
25254 Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee

International Trade Commission
NOTICES
Import investigations:
25279 Frozen concentrated orange juice from Brazil; hearing rescheduled, etc.

Interstate Commerce Commission
NOTICES
Motor carriers:
25290 Finance applications
25280, 25281 Permanent authority applications (2 documents)
25285 Temporary authority applications
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
25289 Simpson, L. W., et al.
Rail carriers:
25291 Coal rate guidelines, nationwide; proposed policy; inquiry; extension of time
25291 Union Pacific Railroad Co.; passenger train operation
Railroad freight rates and charges:
25290 Uniform railroad costing system (URCS); variable costs determinations in computing surcharges and jurisdictional threshold calculations; availability and inquiry; extension of time
Railroad services abandonment:
25290 Burlington Northern Railroad Co.
25290 Grand Trunk Western Railroad Co.
Water carrier applications:
25291 Alumina Transport Corp.

Justice Department
RULES
Organization, functions, and authority delegations:
25183 Tax Division; compromise and close civil claims

Land Management Bureau
RULES
Public land orders:
25205 Idaho and Oregon
NOTICES
25239 Land and resource management planning schedules
Management framework plans, review and supplement, etc.:
25278 California
Meetings:
25278 Moab District Grazing Advisory Board

Minerals Management Service
NOTICES
Environmental statements; availability, etc.:
25279 Pacific Ocean OCS, Gorda Ridge polymetallic sulfide minerals lease sale, proposed; extension of time

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
25209 Tires, new pneumatic; standardization organization
PROPOSED RULES
Motor vehicle safety standards:
25237 Snap-in tubeless tire valves; rulemaking petition denied
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
25295 Alliance Tire & Rubber Co., Ltd.

National Institutes of Health
NOTICES
Meetings:
25276 General Research Support Review Committee
25276 Research Grants Division study sections

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
25238 Gulf of Alaska groundfish; foreign fishing

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
25292 Florida Power Corp. et al.
25292 Public Service Co. of New Hampshire et al.
Meetings:
25291 Reactor Safeguards Advisory Committee

Occupational Safety and Health Review Commission
NOTICES
25302 Meetings; Sunshine Act

Packers and Stockyards Administration
NOTICES
Stockyards; posting and deposting:
25239 Southeastern Livestock Service & Auction, Inc., Ala., et al.

Postal Service
NOTICES
25302 Meetings; Sunshine Act

Public Health Service
NOTICES
National toxicology program:
25277 Cancer bioassay reports; melamine and pentachloroethane
Organization, functions, and authority delegations:
25277 Assistant Secretary for Health et al.; correction

Research and Special Programs Administration
RULES
Pipeline safety:
25206 Natural and other gas and hazardous liquid transportation; line marking at navigable waterways
PROPOSED RULES
Hazardous materials:
25236 Railroad tank cars, specifications for shipping; extension of time

Securities and Exchange Commission
RULES
Investment companies:
25175 Registration of indefinite number of securities
PROPOSED RULES
Investment companies:
25220 Registration of indefinite number of securities; filing of statements, etc.
NOTICES
25293 Agency forms submitted to OMB for review
Self-regulatory organizations; proposed rule changes:
25293 National Association of Securities Dealers, Inc.

Small Business Administration
NOTICES
Disaster loan areas:
25295 Kentucky

25295 Ohio

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission; various States:
25184 Virginia
PROPOSED RULES
Permanent program submission; various States:
25229 Tennessee

Textile Agreements Implementation Committee
NOTICES
Export visa requirements; certification, etc.:
25257 Pakistan
Textile consultation; review of trade:
25260 Korea

Trade Representative, Office of United States
NOTICES
Generalized System of Preferences:
25296 Articles eligible for duty-free treatment, etc.
Meetings:
25296 Trade Negotiations Advisory Committee

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration.

Treasury Department
See Customs Service; Internal Revenue Service.

Separate Parts in This Issue

Part II
25502 Department of Defense

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
959.....25169

12 CFR
Proposed Rules:
614.....25210

14 CFR
71 (2 documents).....25169, 25170

Proposed Rules:
39.....25210
121.....25211
139.....25211
159.....25215

15 CFR
371.....25171
373.....25174
376.....25171
379.....25171
386.....25171
399 (2 documents).....25171, 25172

16 CFR
453.....25174

Proposed Rules:
457.....25218

17 CFR
270.....25175

Proposed Rules:
12.....25218
270.....25220

18 CFR
271 (4 documents).....25177–25179

Proposed Rules:
271.....25223

19 CFR
101.....25180
177.....25180

Proposed Rules:
177.....25224

23 CFR
Ch. I.....25181

26 CFR
Proposed Rules:
1 (3 documents).....25224, 25228

28 CFR
0.....25183

30 CFR
946.....25184

Proposed Rules:
942.....25229

33 CFR
100.....25186
165.....25187

Proposed Rules:
162.....25231

36 CFR
222.....25187

40 CFR
Proposed Rules:
271.....25236

41 CFR
Ch. 7.....25188
101–29.....25196
101–47.....25199
105–53.....25200

43 CFR
Public Land Orders:
6391.....25205

49 CFR
192.....25206
195.....25206
571.....25209

Proposed Rules:
173.....25236
179.....25236
571.....25237

50 CFR
Proposed Rules:
611.....25238
675.....25238

48
ISS
1
0
9
JE
6
1983
UMI

This se
contains
general
of whic
the Co
publishe
U.S.C.
The Co
by the
Prices
first FE
month.

DEPAR

Agricul

7 CFR

Onions
Amend

AGENCY
USDA.

ACTION

SUMMA
continu
exempt
the usu
The am
pack an
would
extreme
in the p

EFFECTI

FOR FUR
James B
Vegetab
Washin
Copies
availabl

SUPPLEM
Paperwo
Inform
containe
959) hav
of Mana
provisio
have be
This rul
by telep
1983.

The ru
Secretar
Executiv
designat
T. Manle
Agricult
certified
significa
substant

Rules and Regulations

Federal Register
Vol. 48, No. 109
Monday, June 6, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

Onions Grown in South Texas; Amendment to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the continuing regulation § 959.322 to exempt shippers on May 29, 1983, from the usual Sunday shipping prohibition. The amendment will enable handlers to pack and ship onions that Sunday which would otherwise be lost due to extremely adverse weather conditions in the production area.

EFFECTIVE DATE: May 29, 1983.

FOR FURTHER INFORMATION CONTACT: James B. Wendland, Acting Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. Copies of the marketing policy are available from him.

SUPPLEMENTARY INFORMATION:
Paperwork Reduction Act.

Information collection requirements contained in this regulation (7 CFR Part 959) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581–0074. This rule received emergency clearance by telephone from OMB on May 27, 1983.

The rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it would not significantly affect costs for the directly regulated handlers.

Marketing Agreement No. 143 and Order 959, both as amended, regulate the handling of onions grown in designated counties in South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The South Texas Onion Committee, established under the order, is responsible for its local administration.

On May 27, 1983, the South Texas Onion Committee unanimously recommended by telephone vote that the Sunday shipping prohibition be suspended for Sunday, May 29, 1983. Heavy rains in parts of the production area, particularly the Laredo area, have prevented harvesting operations. In order to harvest the remainder of the crop in the affected area shippers will need all of the time available to them. Prohibiting the packing and shipping of onions on Sunday, May 29, would present an unreasonable and unnecessary hardship on handlers in the production area.

Findings. After consideration of all relevant matters, it is found that the following amendment will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) compliance with this amendment will not require any special preparation on the part of handlers, (2) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (3) this amendment relieves restrictions on the handling of production area onions.

List of Subjects in 7 CFR Part 959

Marketing agreements and orders, Onions, Texas

PART 959—ONIONS GROWN IN SOUTH TEXAS

Section 959.322 *Handling regulation* (47 FR 8551, March 1, 1982; 48 FR 7427, February 22, 1983) is hereby further revised as follows:

§ 959.322 Handling regulation.

During the period beginning March 10 and ending on June 15 each season no handler may package or load onions on Sunday, except Sunday, May 29, 1983, or handle any onions except red varieties, unless they comply with paragraphs (a) through (d) or (e) or (f) of this section. However, the requirements of paragraphs (a) and (b) and the Sunday prohibition shall terminate at 11:59 p.m. on June 1 of each season.

* * * * *

(Approved by the Office of Management and Budget under control number 0581–0074)

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 27, 1983, to become effective May 29, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–15084 Filed 6–3–83; 8:45 am]
BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83–AWA–2]

Alteration of Santa Barbara, CA, and Control 1176 Additional Control Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment lowers the floor of a portion of the Santa Barbara, CA, and Control 1176 Additional Control Areas to provide additional controlled airspace needed to improve air traffic control services to offshore helicopter operations. This action also corrects an error in the description of the Santa Barbara, CA, Additional Control Areas.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: George Hussey, Airspace Regulations and Obstructions Branch (AAT–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

On February 7, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to lower the floor of the Santa Barbara, CA, and Control 1176 Additional Control Areas (48 FR 5573). This action designates additional controlled airspace east of the Pacific Coastal Air Defense Identification Zone (ADIZ) from the southern boundary of Control 1155 to the southern boundary of Control 1176, an area generally west of Vandenburg AFB, CA. Currently, the floor of this airspace is 2,000 feet MSL and this action designates the floor at 1,200 feet MSL. The floor of a major portion of this airspace was recently lowered from 5,000 feet MSL to 2,000 feet MSL. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.163 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations lowers the floor of a portion of the Santa Barbara, CA, and Control 1176 Additional Control Areas to provide additional controlled airspace needed to improve air traffic control services to offshore helicopter operations. This action also corrects an error in the description of the Santa Barbara, CA, Additional Control Area.

List of Subjects in 14 CFR Part 71

Additional control areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), is amended, effective 0901 GMT, August 4, 1983, as follows:

Santa Barbara, CA [Amended]

By deleting the words "except, that airspace extending upward from 2,000 feet MSL" and substituting for them the words "and that airspace extending upward from 1,200 feet MSL" and by deleting the words "lat. 34°19'00"N., long. 120°45'00"W.;" and substituting for them the words "lat. 34°19'36"N., long. 120°45'34"W.;"

Control 1176 [Amended]

By adding the words ", and that airspace extending upward from 1,200 feet MSL bounded by a line beginning at lat. 34°24'00"N., long. 120°30'00"W.; to lat. 34°08'45"N., long. 120°30'00"W.; to lat. 34°03'59"N., long. 120°33'09"W.; to lat. 34°19'36"N., long. 120°45'34"W.; to point of beginning."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 1291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 25, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-14995 Filed 6-3-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 82-ANM-24]

Alteration and Revocation of Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of several VOR Federal Airways in the vicinity of Great Falls, MT, by revoking the alternate route structure and by extending V-19 from Lewistown, MT, to Havre, MT. This action improves traffic flow in the area when the Hays Military Operations Area (MOA) is active, reduces chart clutter, increases safety, and reduces controller workload.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspece-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On March 17, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend V-19 and revoke V-19 between Great Falls, MT, and Lewistown, MT, and revode V-120W between Great Falls and Lewistown (48 FR 11286). The airway extension would provide controlled airspace that bypasses the Hays MOA without adding excessive mileage and inconvenience to the pilot. This action aids flight planning, increases safety, and reduces chart clutter and controller workload. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment of part 71 of the Federal Aviation Regulations alters the description of several VOR Federal Airways in the vicinity of Great Falls, MT, by revoking the alternate route structure and by extending V-19 from Lewistown, MT, to Havre, MT. This action improves traffic flow in the area when the Hays MOA is active, reduces chart clutter, increases safety, and reduces controller workload.

List of Subjects in 14 CFR Part 71

Federal airways, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of part 71 of the Federal Aviation Regulations (14 CFR Part 71), is amended, effective 0901 GMT, August 4, 1983, as follows:

V-19 [Amended]

By deleting the words "Lewistown; Great Falls, MT, including a W alternate via INT Lewistown 274° and Great Falls 122° radials." and substituting the words "Lewistown; INT Lewistown 322° and Havre, MT, 226° radials; to Havre."

V-120 [Amended]

By deleting the words "Lewistown, MT, including a N alternate INT Great Falls 074° and Lewistown 308° radials; 41 miles, 72 miles, 85 MSL, Miles City, MT," and substituting the words "Lewistown, MT; Miles City, MT."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec.

6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 24, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-14666 Filed 6-3-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371, 376, 379, 386 and 399

[Docket No. 30510-79]

Clarification of Export Licensing Policy

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule, which neither expands nor limits the provisions of the Export Administration Regulations, amends the Regulations by clarifying various aspects of export licensing policy. Some of these amendments involve adding material inadvertently omitted in recent regulatory revisions; others involve removing provisions inadvertently retained; and others involve rewording or emphasis of current provisions for the sake of clarity and consistency.

DATES: This rule is effective June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-4811).

SUPPLEMENTARY INFORMATION: This rule makes the following amendments to the Export Administration Regulations:

(1) A paragraph referencing outdated controls on exports in support of the 1980 Moscow Summer Olympics is removed.

(2) A clarification is added to a note instructing exporters on how to determine whether written approval from OEA is required for certain exports.

(3) Spain is added to the list of NATO countries that are not subject to certain export restrictions.

(4) A statement is added to emphasize that no technical data or software listed on the Commodity Control List may be exported under General License *GTDR*.

(5) A footnote is amended by clarifying a reference to controls on certain exports to South Africa and Namibia.

(6) A supplement is added to Part 386 listing excerpts from the Bureau of the Census Foreign Trade Statistics Regulations governing exports exempt from a Shipper's Export Declaration. This supplement is designed to help exporters locate information regarding the necessity for a Shipper's Export Declaration.

(7) The Commodity Control List is amended by adding technical notes explaining restrictions on the use of General License *GTDR* and export controls relating to instrumentation incorporating computing facilities.

These changes are made only for the sake of regulatory consistency and clarity, and neither expand nor limit the provisions of the Export Administration Regulations.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act") this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 Fed. Reg. 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects

15 CFR Parts 371, 376, 386 and 399

Exports.

15 CFR Part 379

Exports, Science and technology.

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

PART 371—[AMENDED]

§ 371.2 [Amended]

1. Paragraph (c)(13) of § 371.2 is removed.

PARTS 376 AND 379—[AMENDED]

§ 376.12 [Amended]

2. The paragraph numbered "3." in the NOTE to § 376.12 is amended by revising the phrase "If the answers to both questions in 2. are 'no,' " to read "If the answer to either question in 2. is 'no,' ".

§§ 376.14 and 376.16 [Amended]

§ 379.4 [Amended]

3. The word "Spain," is inserted between the words "Portugal," and "Turkey" in § 376.14(a), § 376.16(a), and § 379.4(h).

4. Paragraph (g) of § 379.4 is revised to read as follows:

§ 379.4 General License GTDR: Technical data under restriction.

* * * * *

(g) Restrictions applicable to software. All software exported under this General License *GTDR* requires a letter of assurance. However, no software or technical data may be exported or reexported under General License *GTDR* when such software or technical data are listed on the Commodity Control List (Supplement No. 1 to § 399.1). *See* ECCN's 1091A, 1355A and 1527A. In addition, exports of application software included in § 379.4(c) and (d) require a validated license.

* * * * *

PART 386—[AMENDED]

§ 386.6 [Amended]

5. Footnote 1 to § 386.6(a)(2) is amended by revising the phrase "is

excepted by § 385.4(a)(2)(i) through (v)" to read "is not listed in § 385.4(a)(2)".

6. Part 386 is amended by adding a Supplement No. 1 reading as follows:

Supplement No. 1: Subpart D—Exemptions from the Requirements for the Filing of Shipper's Export Declarations—of the Foreign Trade Statistics Regulations of the Bureau of the Census (15 CFR 30.50–30.57).

§ 30.50 Procedure for shipments exempt from the requirements for Shipper's Export Declarations.

Except as provided below, where an exemption from the requirement for the filing of a Shipper's Export Declaration is provided in this subpart, a notation describing the basis for the exemption shall be made on the bill of lading, air waybill, or other loading document for carrier use, with a reference to the number of the section in this part where the particular exemption is provided so that the carrier at the time of lading, and the Customs Director at the time of exportation, may verify that no declaration is required. If none of the above named documents is used, the person transporting the merchandise must be prepared to identify to the Customs Director at the port of exportation, at the time of exportation but prior to departure, any merchandise which is exempt from the requirement for the filing of a Shipper's Export Declaration and explain to the Customs Director the basis for the exemption. Where shipments are exempt from the requirement for Shipper's Export Declarations on the basis of value and destination, the appearance of the value and destination on the bill of lading, air waybill, or other loading document for carrier use, shall be acceptable as evidence of the exemption, and no reference need be made to the particular section of these regulations where the exemption is provided.

§ 30.51 Government shipments not generally exempt.

Except as provided below in this subpart, Shipper's Export Declarations are required for exports by or to U.S. Government agencies, whether or not shipped on a Government bill of lading. No general exemption is provided for Government shipments, as such.

§ 30.52 Special exemptions for shipments to the U.S. armed services.

Shipper's Export Declarations are not required for the following types of shipment to the U.S. armed services:

(a) All commodities, whether shipped commercially or through Government channels, consigned to the U.S. armed services for their exclusive use, including shipments to armed services exchange systems. (This exemption does not apply to shipments which are for the ultimate use of the U.S. armed services but which are not consigned to the U.S. armed services. However, special exceptions to the requirements of these regulations which may in some circumstances apply to shipments for the ultimate use of the U.S. armed services but not so consigned are provided in § 30.37.)

(b) Department of Defense Military Assistance Program Grant-Aid shipments being transported as Department of Defense cargo under the provisions of Customs Circular Letters VES–5–MA, March 8, 1954 (MC 133), VES–5–MA, June 17, 1954 (MC 133 S.1), VES–5–MA, May 24, 1956 (MC 133 S2) and RES–20–MC, January 25, 1960 (CC 76). Under arrangements with the Department of Defense, information on these shipments for inclusion in U.S. export statistics will be furnished directly to the Bureau of the Census by the Department of Defense. This exception from the filing of Shipper's Export Declarations does not apply to Military Assistance Program Grant-Aid shipments to Which a foreign government has taken title before exportation or to any Grant-Aid Military-Aid Program shipment moving in any manner other than as Department of Defense cargo. (See § 30.37 for possible exceptions to the full reporting requirements of § 30.7 for certain military sales shipments not exempt from the requirement for the Shipper's Export Declaration.)

§ 30.53 Special exemptions for certain shipments to U.S. Government agencies and employees.

Shipper's Export Declarations are not required for the following types of shipments to U.S. Government agencies and employees:

(a) Office furniture, office equipment, and office supplies shipped to and for the exclusive use of U.S. Government offices.

(b) Household goods and personal property shipped to and for the exclusive and personal use of U.S. Government employees.

(c) Food, medicines, and related items and other commissary supplies shipped to U.S. Government offices or employees for the exclusive use of such employees, or to U.S. Government employees cooperative or other associations for subsequent sale or other distribution to such employees.

(d) Books, maps, charts, pamphlets, and similar articles shipped by U.S. Government offices to U.S. or foreign libraries, Government establishments or similar institutions.

(e) All commodities shipped to and for the exclusive use of the Panama Canal Zone Government of the Panama Canal Company.

§ 30.54 Special exemptions for mail shipments.

Shipper's Export Declarations are not required for the following kinds of shipments by mail:

(a) Shipments (except shipments requiring a validated export license) where one or more of the following conditions are present:

(1) Either the consignor or the consignee is not a business concern.

(2) The shipment is valued at $500 or under.

(3) The goods are not mailed for commercial consideration.

(b) Technical data regardless of value, licensing requirements, and the other criteria set forth in paragraph (a) of this section.

(13 U.S.C. 302; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Order No. 35–2A, Aug. 4, 1975, 40 FR 42765)

(41 FR 9134, Mar. 3, 1976, as amended at 44 FR 38833, July 3, 1979)

§ 30.55 Miscellaneous exemptions.

Shipper's Export Declarations are not required for the following kinds of shipments:

(a) Diplomatic pouches and their contents.

(b) Human remains and accompanying appropriate receptacles and flowers.

(c) Shipments from one point in the United States to another thereof by routes passing through Mexico or Canada.

(d) Shipments from one point in Canada or Mexico to another point thereof by routes through the United States.

(e) Shipments, other than by vessel, or merchandise for which no validated export licenses are required, transported in bond through the United States and exported from another U.S. port, or transshipped and exported directly from the port of arrival.

(f) Shipments to foreign libraries, Government establishments, or similar institutions, as provided in § 30.53(d).

(g) Shipments of single gift parcels as encompassed by Office of Export Administration General License GIFT. .

(h) Shipments (except shipments requiring a validated export license) between the United States and Puerto Rico, to the Virgin Islands of the United States, and to all countries except countries included in country groups S, W, Y, and Z, as defined in the Export Administration Regulations of the Office of Export Administration (15 CFR Parts 368–399), where the value of the commodities classified under a single Schedule B number and shipped on the same exporting carrier from one exporter to one importer is $500 or under: Provided, however, that this exemption shall be conditioned upon the filing of such reports as the Bureau of the Census shall periodically require to compile statistics on $500-and-under shipments.

(i) Shipments of interplant correspondence, executed invoices and other documents, and other shipments of company business records from a U.S. firm to its subsidiary or affiliate.

(j) Shipments of pets as baggage, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft.

(k) Shipments for use in connection with NASA tracking systems under Office of Export Administration Project License DL–5355–S.

(l) Shipments of aircraft parts and equipment, and food, saloon, slop chest, and related stores, provisions, and supplies for use on aircraft, by a U.S. airline to its own installations, aircraft, and agents abroad, under Department of Commerce, Office of Export Administration General License RCS.

(13 U.S.C. 302; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Order No. 35–2A, Aug. 4, 1975, 40 FR 42765)

(41 FR 9134, Mar. 3, 1976, as amended at 41 FR 42845, Sept. 28, 1976; 44 FR 38833, July 3, 1979)

§ 30.56 Conditional exemptions.

Shipper's Export Declarations are not required for the following classes of commodities when they are not shipped as cargo under a bill of lading or an air waybill and do not require a validated export license, but the exporter should be prepared to make oral declaration to the Customs Director, if required:

(a) Baggage and personal effects, accompanied or unaccompanied, of persons

leaving the United States, including members of crews on vessels and aircraft, such as:

(1) Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects and their containers.

(2) Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.

(3) Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks, trailers, motorcycles, bicycles, tricycles, perambulators and their containers.

Provided, That the above-indicated baggage and personal effects (i) shall include only such articles as are owned by such person or members of his immediate family; (ii) shall be in his possession at the time of or prior to his departure from the United States for the foreign country; (iii) are necessary and appropriate for the use of such person or his immediate family; (iv) are intended for his use or the use of his immediate family; and (v) are not intended for sale.

(b) Tools of trade of persons leaving the United States covering usual and reasonable kinds and quantities of implements, instruments and tools of trade, occupation, or employment and their containers. *Provided,* That the above indicated tools of trade (1) shall include only such articles as are owned by such persons; (2) shall be in his possession at the time of or prior to his departure from the United States for a foreign country; (3) are necessary and appropriate and intended for the personal use of such person; and (4) are not intended for sale.

(c) Carriers' stores (including merchandise carried in ships aboard carriers for sale to passengers), supplies, and equipment for departing vessels, planes, or other carriers, including usual and reasonable kinds and quantities of bunker fuel, deck engine and steward department stores, provisions and supplies, medicinal and surgical supplies, food stores, slop chest articles, and saloon stores or supplies for use or consumption on board and not intended for unlading in a foreign country, and including usual and reasonable kinds and quantities of equipment and spare parts for permanent use on the carrier when necessary for proper operation of such carrier and not intended for unlading in a foreign country. Hay, straw, feed, and other appurtenances necessary to the care and feeding of livestock while enroute to a foreign destination are considered part of carriers' stores of carrying vessels, trains, planes, etc.

(d) Dunnage of usual and reasonable kinds and quantities necessary and appropriate to stow or secure cargo on the outgoing or any immediate return voyage of an exporting carrier, when exported solely for use as dunnage and not intended for unlading in a foreign country.

§ 30.57 Information on export declarations for shipments of types of goods covered by § 30.56 not conditionally exempt.

(a) In those cases where Shipper's Export Declarations are required for articles enumerated in § 30.56 (a) through (d) only by virtue of their being shipped under a bill of lading or an air waybill (no validated license is required) the export declaration should clearly show in the column for commodity description, in lieu of the complete commodity description a statement that the shipment consists of baggage, personal effects, household effects, ship's stores, crew's effects, or as appropriate. In such cases, Schedule B commodity numbers should not be shown on the declarations.

(b) In those cases where the articles enumerated in § 30.56 (a) through (d) require a validated export license (whether or not shipped under a bill of lading or an air waybill) the Shipper's Export Declaration must identify the shipment as baggage, personal effects, etc., and must contain all the information normally required for any exportation made under a validated export license, i.e. complete commodity description, license number, Schedule B number, quantity, value, etc.

PART 399—[AMENDED]

7. ECCN 1091A of the Commodity Control List (Supplement No. 1 to § 399.1) is amended by adding a **Technical Note** reading as follows:

ECCN 1091A * * *

Controls for ECCN 1091A:

* * * * *

List of commodities controlled by ECCN 1091A:

* * * * *

Notes:

* * * * *

Technical Note: No technical data or software controlled under this ECCN may be exported or reexported under General License *GTDR.*

Advisory Notes:

* * * * *

8. ECCN 1355A of the Commodity Control List is amended by adding a **Technical Note** (numbered "5") reading as follows:

1355A * * *

Controls for ECCN 1355A:

* * * * *

Definitive list of machinery and equipment controlled by ECCN 1355A:

* * * * *

Technical Notes:

* * * * *

5. No technical data or software controlled under this ECCN may be exported or reexported under General License *GTDR.*

Advisory Notes:

* * * * *

9. ECCN 1527A of the Commodity Control List is amended by adding a **Technical Note** reading as follows:

1527A * * *

Controls for ECCN 1527A:

* * * * *

List of equipment controlled by ECCN 1527A:

* * * * *

Technical Note: No technical data or software controlled under this ECCN may be exported or reexported under General License *GTDR.*

Note:

* * * * *

10. ECCN 1529A of the Commodity Control List is amended by adding a **Technical Note** reading as follows:

1529A * * *

Controls for ECCN 1529A:

* * * * *

List of equipment controlled by ECCN 1529A:

* * * * *

Technical Note: Instrumentation incorporating computing facilities remains controlled under this ECCN 1529A even if the computing facility has been removed. Such instrumentation *cannot* be classified under ECCN 6599G.

Advisory Notes:

* * * * *

11. ECCN 4529B of the Commodity Control List is amended by adding a **Technical Note** reading as follows:

4529B * * *

Controls for ECCN 4529B:

* * * * *

Technical Note: Instrumentation incorporating computing facilities remains controlled under this ECCN 4529B even if the computing facility has been removed. Such instrumentation *cannot* be classified under ECCN 6599G.

12. ECCN 6599G of the Commodity Control List is amended by adding a **Technical Note** reading as follows:

6599G * * *

Controls for ECCN 6599G:

* * * * *

Technical Note: Instrumentation incorporating computing facilities that is controlled under ECCNs 1529A or 4529B *cannot* be reclassified under ECCN 6599G even if the computing facility has been removed. Such instrumentation remains classified under either 1529A or 4529B, as appropriate.

(Secs. 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.;* Executive Order No. 12214 (45 FR 29783, May 6, 1980))

Dated: May 6, 1983.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83-15084 Filed 6-3-83; 8:45 am]

BILLING CODE 3510-25-M

15 CFR Parts 373 and 399

[Docket No. 30510-78]

Exports of Spectrum Analyzers; No Special Licensing Procedures Available; Interim Rule

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: Supplement No. 1 to Part 373 of the Export Administration Regulations lists those commodities disqualified from special export licensing procedures of Part 373 for reasons of national security, nuclear non-proliferation, or foreign policy. The Commodity Control List (Supplement No. 1 to § 399.1) includes all commodities subject to Department of Commerce export controls. This rule adds real-time FFT spectrum analyzers to Supplement No. 1 to Part 373 to exclude them from special licensing considerations.

In addition, the entry on the Commodity Control List controlling the export of spectrum analyzers is amended to reflect the lack of special licensing procedures for spectrum analyzers. This rule is necessary because of concern that this equipment has applications to antisubmarine warfare activities.

DATES: This rule is effective June 6, 1983. Comments must be received by the Department August 5, 1983.

ADDRESS: Written comments (six copies when possible) should be sent to: Richard J. Isadore, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements and Invitation To Comment

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

However, because of the importance of the issues raised by the rule and the intent of Congress set forth in section 13(b) of the Act, this rule is issued in interim form and comments will be considered in developing a final rule. This rule may be revised before the end of the comment period. Accordingly, interested persons who desire to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

The period for submission of comments will close August 5, 1983. All comments received before the close of the comment period will be considered by the Department in the development of final regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001-B, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facilities may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

List of Subjects in 15 CFR Parts 373 and 399

Exports.

PART 373—[AMENDED]

1. Supplement No. 1 to Part 373, "Commodities Excluded from Certain Special License Procedures," is amended by adding an entry 1529 between entries 1522 and 4530, reading as follows:

Supplement No. 1—Commodities Excluded From Certain Special License Procedures

Export Control Commodity Number and Commodity Description

* * * * *

1529 sub-entry (b)(4) only: Spectrum analyzers employing time compression of the input signal or FFT (Fast Fourier Transform) techniques.

* * * * *

PART 339—[AMENDED]

2. The Commodity Control List (Supplement No. 1 to § 399.1) is amended by revising the paragraph titled "Special Licenses Available" for ECCN 1529A to read as follows:

Supplement No. 1—[Amended]

1529A Electronic measuring, calibrating counting, testing and/or time interval measuring equipment, whether or not incorporating frequency standards.

CONTROLS FOR ECCN 1529A:

* * * * *

Special Licenses Available: None for spectrum analyzers defined in paragraph (b)(4) of the LIST below. See Part 373 for special licenses available for other commodities controlled by ECCN 1529A.

* * * * *

(Secs. 5, 13 and 15, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; E.O. No. 12214 (45 FR 29783, May 6, 1980))

Dated: May 6, 1983.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83-15083 Filed 6-3-83; 8:45 am]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 453

Trade Regulation Rule; Funeral Industry Practices

AGENCY: Federal Trade Commission.

ACTION: Change in effective date of final trade regulation rule.

SUMMARY: The effective date of the Federal Trade Commission's trade regulation rule for funeral industry practices (47 FR 42260 (1982)) is being changed to January 1, 1984, to give parties with court actions pending concerning the rule additional time to comply with the rules provisions.

ADDRESS: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. Requests for copies of the funeral rule should be sent to the Public Reference Branch, Room 130.

FOR FURTHER INFORMATION CONTACT: Erica L. Summers, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3945.

SUPPLEMENTARY INFORMATION: On September 24, 1982, the Commission published in the **Federal Register** a final trade regulation rule for funeral industry practices, 16 CFR Part 453. See 47 FR 42260 (1982). Pursuant to 15 U.S.C. 57A–1 (Supp. IV 1980), the rule has been subject to congressional review for a period of 90 days of continuous legislative session. The congressional review provisions were continued by House Joint Resolution 631, making continuing appropriations for fiscal year 1983, Pub. L. 97–377, 96 Stat. 1830, 1870 (1982). The Commission's **Federal Register** notice stated that the rule would become effective three months after the expiration of the congressional review period, and that the Commission would publish a further notice advising the public of its effective date. 47 FR 42260. The congressional review period ended on May 15, 1983, without a disapproval of the funeral rule. As a result, the rule would become effective on August 15, 1983.

Ten actions to review the funeral rule are pending in the Untied States Court of Appeals for the Fourth Circuit, *Harry & Bryant Co. et al.* v. *FTC*, Nos. 82–1850(L) et al. (4th Cir.). On the Commission's motion, the Fourth Circuit deferred briefing in these actions until the expiration of the congressional review period. Under this schedule, the last briefs would be due only a few weeks before the rule was scheduled to take effect.

Therefore, in order to give the Court additional time to review the pleadings before the rule takes effect, and to give affected parties additional time to comply with the rule, the Commission is setting the rule's effective date as January 1, 1984. This date may be subject to review by the Commission if circumstances in the litigation so require.

List of Subjects in 16 CFR Part 453

Funerals, Trade practices.

Emily H. Rock,

Secretary.

[FR Doc. 83–14986 Filed 6–3–83; 8:45 am]
BILLING CODE 6750–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release Nos. 33–6467; IC–13273; File No. S7–977]

Registration of an Indefinite Number of Investment Company Securities

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; adoption of technical amendment.

SUMMARY: The Commission is adopting a technical amendment to § 270.248–2, rule 24f–2 under the Investment Company Act of 1940 that will permit issuers who have registered an indefinite number or amount of securities by filing a declaration according to that rule to omit the annual notice required by that rule with respect to any fiscal year in which such issuers have not sold securities pursuant to that declaration. Rule 24f–2 allows certain types of registered investment companies to register under the Securities Act of 1933 an indefinite number or amount of securities. The Commission believes that eligible companies which have made no sales of securities in reliance on Rule 24f–2 during the prior fiscal year should not be subject to the notice filing requirements and that the costs of preparing and filing the required notices are unwarranted.

EFFECTIVE DATE: The technical amendment to rule 24f–2 will become effective June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Jane A. Kanter, Special Counsel (202) 272–2115, or Gregory K. Todd, Esq. (202) 272–7317, Office of Disclosure Legal Services, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is today adopting a technical amendment to rule 24f–2 [17 CFR 270.24f–2] under the Investment Company Act of 1940 (the "1940 Act") [15 U.S.C. 80a–1 *et seq.*] that will eliminate the requirement of filing a notice pursuant to rule 24f–2 (the "Notice") with respect to any fiscal year in which an issuer, who has filed a declaration according to rule 24f–2, has not sold any securities pursuant to such declaration.

Background

Section 24(f) [15 U.S.C. 80a–24(f)] was added to the 1940 Act by the Investment Company Amendments Act of 1970 [1] to authorize the Commission to adopt: (i) Rules permitting registered investment companies to register retroactively securities sold in excess of the number or amount of securities included in the investment company's effective registration statement upon the payment of three times the normal registration fees for these securities,[2] and (ii) rules allowing certain types of registered investment companies to register an indefinite number or amount of securities. In connection with the enactment of this provision, the legislative history states:

> Occasionally, due to inadvertence, a registered investment company making a continous offering of its securities, sells more shares than are covered by its registration statement under the Securities Act of 1933. Although the number of shares sold in excess of those registered are not registered under the act, in practical effect no investor is harmed if each offeree or purchaser is given a current prospectus.[3]

In 1977, the Commission adopted rule 24f–2 permitting face-amount certificate companies, open-end management companies, and unit investment trusts ("eligible companies") to register an indefinite number or amount of securities pursuant to the conditions of that rule.[4]

Rule 24f–2 provides that an eligible company may elect to register, under the Securities Act of 1933 (the "1933 Act") [15 U.S.C. 77a *et seq.*], an indefinite number or amount of securities by including a declaration to that effect on either its original registration statement or any post-effective amendment to its registration statement, and by paying a non-refundable fee of $500.00 to the

[1] Pub. L. 91–547, 84 Stat. 1423 (1970).

[2] This provision has been implemented by rule 24f–1 [17 CFR 270.24f–1], Securities Act Release No. 5208 (November 5, 1971), [36 FR 22673 (November 27, 1971)].

[3] House Report No. 91–1382, 91st Congress, 2d Sess. 32 (August 7, 1970). The report continued by stating: However, the inadvertence may result in a violation of Section 5 of the Securities Act and any person who can show that his shares were not actually registered might be entitled to the rescission rights given by Section 12 of the Securities Act.

Id.

[4] Securities Act Release No. 5981 (November 3, 1977), [42 FR 58400 (November 9, 1977)].

Commission.[5] A company that has made such a declaration must file an annual Notice [6] setting forth, among other things, the number or amount of securities sold pursuant to rule 24f–2, and must include along with such Notice the registration fees for such securities as calculated pursuant to section 6(b) [15 U.S.C. 77f(b)] of the 1933 Act.[7] The Notice must be filed no later than six months after the end of any fiscal year during which the declaration was in effect.[8] Paragraph (b)(2) of rule 24f–2 provides that if an issuer fails to file the required Notice on time, the issuer's registration statement will then terminate and the issuer must discontinue all sales of securities pursuant to that registration statement.[9] If such an issuer intends to continue selling its securities, it must then file a new registration statement and wait until that registration statement becomes effective before it can resume selling its securities.[10]

Discussion

As discussed previously, rule 24f–2 requires that an eligible fund that has filed a declaration pursuant to the rule must, within six months after the close of the fiscal year, file a Notice making definite the number or amount of securities actually sold pursuant to such declaration and must pay the appropriate fees. The Commission is aware, however, that there may be situations in which an eligible company has not sold any securities during the fiscal year pursuant to its rule 24f–2 declaration because either: (i) The company had registered a definite number of securities not less than the number of securities sold in that year and has elected to apply those registered securities to its sales for the year; or (ii) the company has simply not made any sales of its securities during that fiscal year. In either case, at the end of its fiscal year such a company is currently required to file a Notice pursuant to rule 24f–2 even though it has not sold any securities in reliance on the rule and does not owe any registration fee. Moreover, under the rule as currently worded, the registration statement of such a company in these circumstances would be terminated if it failed to file the required Notice in a timely manner.

The principal purpose of the Notice requirement contained in rule 24f–2 is to enable the Commission to monitor the number or amount of securities sold in reliance on that rule and to ensure the payment of the appropriate registration fees for those securities sold. The Commission, consequently, believes that eligible companies, which have in effect a declaration pursuant to rule 24f–2, but which have made no sales of securities in reliance on that rule during the prior fiscal year, should not be subject to the Notice filing requirement of the rule, since there would be no discernible benefit to the public from their compliance with that requirement. Moreover, the Commission believes that for a company which has sold no securities pursuant to its rule 24f–2 declaration during the prior fiscal year the costs of preparing and filing the required Notice are unwarranted.[11]

The Commission has, therefore, decided to adopt a technical amendment to rule 24f–2 to eliminate the Notice filing requirement for a company that has sold no securities pursuant to that rule during the prior fiscal year.[12] Moreover, for reasons discussed below, the Commission has determined that it is appropriate to make this amendment effective immediately without prior notice and comment.

Adoption of the Technical Amendment Without Prior Notice

The Administrative Procedure Act [5 U.S.C. 551 *et seq.*] ("APA") generally requires that any agency or commission publish a notice of proposed rule-making that provides adequate opportunity for comment by interested persons. Section 553(b)(B) of the APA provides an exception from this requirement in situations where the agency for good cause finds that prior notice and comment are "impractical, unnecessary, or contrary to the public interest." These standards are incorporated in rule 4(b) of the Commission's Rules of Practice [17 CFR 201.4(b)], which requires publication of prior notice of proposed rule amendments "[e]xcept where the Commission finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest."

In addition, the APA provides in section 553(d) that an adopted rule must be published at least 30 days prior to the rule's effective date. However, section 553(d)(1) contains an exception to this required publication of an adopted rule and 30 day delay in effectiveness when the rule is a substantive one that grants an exception or relieves a restriction.

The purpose of this technical amendment to rule 24f–2 is to relieve an unnecessary filing burden on eligible companies. The Commission believes that this amendment to rule 24f–2 would not otherwise alter the existing regulatory framework of the rule and would have no detrimental impact on the rights of companies subject to the rule. In addition, the Commission believes that there is little likelihood that any interested person would have reason to object to the rule's adoption. Accordingly, the Commission has determined that prior notice and comment are unnecessary. Further, the Commission finds, pursuant to section 553(d)(1) of the APA, that a 30 day delay in effectiveness is not required because this amendment to rule 24f–2 grants an exception or relieves a restriction. Therefore, this amendment to rule 24f–2

[5] An eligible company may at the same time register a specific number of securities as well as elect to register an indefinite number or amount of securities pursuant to rule 24f–2. If it does, then the company must pay the appropriate fee for the definite number of securities being registered as calculated in section 6(b) of the 1933 Act [15 U.S.C. 77f(b)]. *See* 17 CFR 270.24f–2(a)(4).

[6] Rule 24f–2 was amended in 1979 to require that 5 copies of the Notice be filed with the Commission and that the issuer's 1933 Act registration number appear on the Notice. Securities Act Release No. 6038 (March 22, 1979) [44 FR 19367 (April 9, 1979)]].

[7] Paragraph (b)(1)(v) of rule 24f–2 also requires that an opinion of counsel be included indicating that the securities covered by the Notice were legally issued, fully paid, and non-assessable.

[8] Rule 24f–2(c) contains the provision that any issuer who files a Notice within two months after the end of its fiscal year may pay a fee based on the aggregate sales price of all securities sold less the aggregate price of all securities redeemed or repurchased, unless that amount has been previously applied by the issuer to reduce its fees pursuant to rule 24e–2(a) [17 CFR 270.24e–2(a)]. This provision allows the issuer to pay 1933 Act registration fees on only net securities sold during the past fiscal year.

[9] Even after an issuer's registration statement has terminated, the rule, nevertheless, requires that the issuer file a separate Notice as described in paragraph (b)(1) with respect to sales of securities made pursuant to the declaration during (i) the fiscal year for which the Notice was not timely filed and (ii) the period after the close of the fiscal year as to which such Notice was not timely filed.

[10] In its release adopting rule 24f–2 the Commission stated its view that when a registrant chooses to register shares pursuant to rule 24f–2, failure to complete the registration process by filing the Notice will result in an incomplete registration of securities which will subject the issuer, or any person liable to the issuer for failure to complete the registration process on its behalf, to the risks arising from that failure. Securities Act Release No. 5981 (November 3, 1977) [42 FR 58400 (November 3, 1977)].

[11] *See* note 5 *supra.*

[12] Simultaneously herewith the Commission is issuing a release proposing for comment two other amendments to rule 24f–2. Those proposed amendments would: (a) Require an issuer relying on rule 24f–2 to place a statement to that effect on the facing sheet of any post-effective amendment to its registration statement and to include the date upon which the issuer has filed, or intends to file, the Notice required by the rule, or a statement that the issuer need not file a Notice because it has not sold any securities in reliance on the rule for the prior fiscal year, and (b) modify the rule so that failure to file the required Notice would no longer result in termination of the issuer's registration statement.

will become effective immediately upon publication in the Federal Register.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting requirements, Securities.

Text of Technical Amendment to Part 270

In accordance with the foregoing, Chapter II, Title 17 of the Code of Federal Regulations, Part 270 is amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

In § 270.24f–2, paragraph (b)(2) is revised as follows:

§ 270.24f–2 Registration under the Securities Act of 1933 of an indefinite number of certain investment company securities.

* * * * *

(b) * * *

(2) If the Rule 24f–2 Notice is not filed within the time specified in such paragraph, the registration statement containing the declaration filed pursuant to paragraph (a)(1) of this section shall be deemed to be terminated and the registrant shall discontinue all sales of securities pursuant to such registration statement. Separate notices as described in paragraph (b)(1) of this section shall be filed as soon as practicable after such termination with respect to sales of securities made pursuant to the declaration during (i) the fiscal year as to which such notice was not timely filed, and (ii) the period after the close of such fiscal year as to which such notice was not timely filed. Nothing in this paragraph (b)(2) shall require an issuer to file a Rule 24f–2 Notice for any fiscal year in which the issuer has not sold any securities in reliance on a declaration authorized by paragraph (a)(1) of this section.

* * * * *

Statutory Authority

The technical amendment is being adopted pursuant to section 24(f) of the 1940 Act [15 U.S.C. 80a–24(f)].

By the Commission.

George A. Fitzsimmons,

Secretary.

May 26, 1983.

[FR Doc. 83–15035 Filed 6–3–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76–154 (Texas–27), Order No. 305]

High-Cost Gas Produced From Tight Formations; Texas

June 2, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Middle Wilcox (11,000–15,000') Formation in the Vienna Field area be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective July 5, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross, (202) 357–8571, or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

The Commission hereby amends § 271.703(d) of its regulations to include the Middle Wilcox (11,000–15,000') Formation in the Vienna Field area as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued December 30, 1982, 48 F.R. 421 (January 5, 1983) [1] based on a recommendation by the Railroad Commission of Texas (Texas), in accordance with § 271.703, that the Middle Wilcox (11,000–15,000') Formation in the Vienna Field area be designated as a tight formation.

[1] Comments and requests for a public hearing were invited and one comment in support of the recommendation was received by the Commission in this docket.

Evidence submitted by Texas supports the assertion that the Middle Wilcox (11,000–15,000') Formation in the Vienna Field area meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective July 5, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations*, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.709 is amended by adding paragraph (d)(130) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(130) *Middle Wilcox (11,000–15,000') Formation in Texas.* RM79–76 (Texas–27).

(i) *Delineation of formation.* The Middle Wilcox Formation is located in Lavaca County, Texas, Railroad Commission District 2. The designated area is located 14 miles east-southeast of the Halletsville, Texas, and 8 miles south-southeast of Sublime, Texas, and is comprised of the following 15 surveys: James Ryan A–42, Miguel Muldoon A–34, E. W. Perry A–358, Lev. T. Bostiok A–95, F. W. Perry A–358, P. Ansuldua A–621, F. Baseldua A–622, Peter Garza A–632, J. A. Wynmaker A–498, John W. Seymour A–431, H. L and B.P.R. A–523, A. M. Gillespie A–633, H. F. and W.T.R.R. A–551, H. E. and W.T.R.R. A–550, and North ½ John D. Ragsdale A–377.

(ii) *Depth.* The Middle Wilcox Formation is defined as that formation which is encountered between 11,000 feet and 15,000 feet as measured on the log of the Mitchell Energy Corporation C. F. Aschbacher No. 1 well. The top of the Middle Wilcox pay ranges in depth from approximately −11,200 feet in the north to −13,300 feet in the south.

[FR Doc. 83–15071 Filed 6–3–83; 8:45 am]

BILLING CODE 6717–01–M

18 CFR Part 271

[Docket No. RM79-76-093 (Texas-18), Order No. 304]

High-Cost Gas Produced From Tight Formations; Texas

June 2, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Cleveland Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective July 5, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross (202) 357-8571, or Walter W. Lawson (202) 357-8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Cleveland Formation as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued January 13, 1982, 47 FR 2883 (January 30, 1982) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703, that the Cleveland Formation be designated as a tight formation.

Evidence submitted by Texas [2] supports the assertion that the Cleveland Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective July 5, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations,* is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(129) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(129) *Cleveland Formation in Texas.* RM79-76 (Texas-18).

(i) *Delineation of formation.* The Cleveland Formation is found in the northeast Texas Panhandle and consists of all of Lipscomb, Ochiltree and Hansford Counties, virtually all of Hemphill County, approximately the northern halves of Hutchinson and Roberts Counties, and approximately the northeast quarter of Wheeler County, Texas.

(ii) *Depth.* The top of the Cleveland Formation is located near 2500 feet subsea to the west in Hansford County, Texas, and near 9700 feet subsea in Wheeler County, Texas, to the southeast. The Cleveland Formation is approximately 154 feet thick as demonstrated in a type log from the Diamond Shamrock Corporation No. 1 J. A. Little Well in Lipscomb County, Texas.

[FR Doc. 83-15072 Filed 6-3-83; 8:45 am]

BILLING CODE 6717-01-M

[1] Comments and requests for a public hearing were invited and one comment in support of the recommendation was received by the Commission in this docket.

[2] The calculations for permeability and flow rates submitted by Texas are based on median values, rather than average values. However, using the data submitted by Texas in support of its recommendation, the Commission has determined that the arithmetic average values for permeability and flow rates for the subject formation also satisfy the Commission's guidelines in § 271.703(c)(2).

---

18 CFR Part 271

[Docket No. RM79-76-178 (Texas-35); Order No. 306]

High-Cost Gas Produced From Tight Formations; Texas

June 2, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Devonian, Fusselman, and Montoya Formations be designated as tight formations under § 271.703(d).

EFFECTIVE DATE: This rule is effective July 5, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross, (202) 357-8571, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Devonian, Fusselman, and Montoya Formations as designated tight formations eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued March 1, 1983, 48 FR 9298 (March 4, 1983) [1] based on a recommendation by the Railroad Commission of Texas (Texas), in accordance with § 271.703, that the Devonian, Fusselman, and Montoya Formations be designated as tight formations.

Evidence submitted by Texas supports the assertion that the Devonian, Fusselman, and Montoya Formations meet the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective July 5, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incenfive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

[1] Comments and requests for a public hearing were invited and one comment in support of the recommendation was received by the Commission in this docket.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations*, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraphs (d) (131), (132), and (133) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(131) *Devonian Formation in Texas.* RM79–76 (Texas—35).

(i) *Delineation of the formation.* The Devonian Formation is located in the Nine Mile Draw Field area of Reeves County, Texas, Railroad Commission District 8. The designated area consists of Sections 12, 13, 24, 25, 36 and 37 of T&P RR Block 55, and Sections 5, 6, 11, 12, 13, 14, 17, 18, 19, 20, 21, and 22 of T&P RR Block 54, TWP 7, Reeves County, Texas.

(ii) *Depth.* The top of the Devonian Formation is encountered between the measured depths of 13,080 and 14,120 feet, with an approximate thickness of 100 feet.

(132) *Fusselman Formation in Texas.* RM79–76 (Texas—35).

(i) *Delineation of the formation.* The Fusselman Formation is located in the Nine Mile Draw Field area of Reeves County, Texas, Railroad Commission District 8. The designated area consists of Sections 12, 13, 24, 25, 36 and 37 of T&P RR Block 55, and Sections 5, 6, 11, 12, 13, 14, 17, 18, 19, 20, 21, and 22 of T&P RR Block 54, TWP 7, Reeves County Texas.

(ii) *Depth.* The Fusselman Formation is encountered between the measured depths of 13,340 and 14,396 feet, with an approximate thickness of 80 feet.

(133) *The Montoya Formation in Texas.* RM79–76 (Texas—35).

(i) *Delineation of the formation.* The Montoya Formation is located in the Nine Mile Draw Field area of Reeves County, Texas, Railroad Commission District 8. The designated area consists of Sections 12, 13, 24, 25, 36 and 37 of T&P RR Block 55, and Sections 5, 6, 11, 12, 13, 14, 17, 18, 19, 20, 21, and 22 of T&P RR Block 54, TWP 7, Reeves County, Texas.

(ii) *Depth.* The Montoya Formation is encountered between the measured depths of 13,395 and 14,490 feet, with an approximate thickness of 475 feet.

[FR Doc. 83–15073 Filed 6–3–83; 8:45 am]

BILLING CODE 6717–01–M

18 CFR Part 271

[Docket No. RM79–179 (New Mexico–19); Order No. 307]

High-Cost Gas Produced From Tight Formations; New Mexico

June 2, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of New Mexico Energy and Minerals Department, Oil Conservation Division that a portion of the Mesaverde Formation underlying certain lands in San Juan County, New Mexico be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective July 5, 1983.

FOR FURTHER INFORMATION CONTACT: Jane M. Oliver, (202) 357–8316 or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include a portion of the Mesaverde Formation underlying land in San Juan County, New Mexico, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued February 14, 1983 (48 FR 6992, February 17, 1983),[1] based on a recommendation by the State of New Mexico Energy and Minerals Department, Oil Conservation Division (New Mexico) in accordance with § 271.703, that certain areas of the Mesaverde Formation be designated as a tight formation.

Evidence submitted by New Mexico supports the assertion that the Mesaverde Formation meets the guidelines contained in § 271.703(c)(2).[2] The Commission adopts the New Mexico recommendation.

This amendment shall become effective July 5, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter 1, *Code of Federal Regulations*, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(134) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(134) *Mesaverde Formation in New Mexico.* RM79–76–179 (New Mexico–19).

(i) *Delineation of formation.* The Mesaverde Formation is located in San Juan County, New Mexico, Township 32 North, Range 8 West, NMPM, Sections 7, 8, and 17 through 20. The Mesaverde Formation is in the Blanco Mesaverde Gas Pool in the southwestern flank of the San Juan Basin.

(ii) *Depth.* The Mesaverde Formation consists of three members: the Cliffhouse member which average 50 feet in thickness, the Menefee member with thickness range of 230 to 290 feet, and the Point Lookout member which ranges from 150 to 200 feet in thickness. The vertical limits of the Mesaverde Formation are from the Huerfanito Bentonite in the Lewis Shale above to a point 500 feet below the top of the Point Lookout member. The average depth to the top of the Mesaverde Formation is 5,600 feet.

[FR Doc. 83–15074 Filed 6–3–83; 8:45 am]

BILLING CODE 6717–01–M

[1] Comments were invited and no comments or requests for a public hearing were received by the Commision in this docket.

[2] The United States Department of the Interior, Minerals Management Service concurs with New Mexico's recommendation.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 83-125]

Realignment of Customs Service Field Organization

AGENCY: Customs Service, Treasury.

ACTION: General rule-related notice.

SUMMARY: This document advises the public that the regional structure of the Customs Service is being realigned.

The Norfolk, Virginia, and Washington, D.C. Customs Districts, will become part of the Southeast Region; the Nogales, Arizona, Customs District will become part of the Southwest Region; and the Great Falls, Montana, Customs District will become part of the North Central Region. Also, the boundaries of the Great Falls, Montana, Customs District will be redefined to include the States of Utah, formerly part of the San Francisco, California, Customs District, and Colorado, formerly part of the El Paso, Texas, Customs District.

These administrative changes are being made as part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

EFFECTIVE DATE: July 6, 1983.

FOR FURTHER INFORMATION CONTACT: C. Wayne Hamilton, Budget Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5187).

SUPPLEMENTARY INFORMATION:

Background

By Treasury Department Order No. 165-24, published in the **Federal Register** as T.D. 82-118 on June 25, 1982 (47 FR 27655), effective September 30, 1982, the regional management structure of the U.S. Customs Service was reorganized from nine to seven regions. With the completion of the regional consolidation as part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, the regional structure of the Customs Service is being realigned.

The Great Falls, Montana, and Nogales, Arizona, Customs Districts, which are currently part of the Pacific Region, are being transferred to the North Central and Southwest Regions, respectively. In addition, the Norfolk, Virginia, and Washington, D.C., Customs Districts are being transferred from the Northeast Region to the Southeast Region. Finally, the boundaries of the Great Falls, Montana, Customs District are being redefined to include the State of Utah, now part of the San Francisco, California, Customs District, and the State of Colorado, now part of the El Paso, Texas, Customs District. This transfer will also alter regional boundaries because Utah, currently in the Pacific Region, and Colorado, currently in the Southwest Region, are being transferred to the North Central Region.

This realignment is in keeping with the President's program for reducing burdens on taxpayers and increasing productivity. There will be no adverse operational impact on the importing community or the traveling public and the changes will result in a more equitable distribution of workload throughout Customs.

Appropriate changes to the list of Customs regions, districts, and ports of entry, set forth in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), will be made in a future document to be published in the **Federal Register.**

Executive Order 12291

Because this is a general notice which relates to the organization of Customs, it is not a regulation or rule subject to Executive Order 12291.

Regulatory Flexibility Act

This notice is not subject to the provisions of Pub. L. 96-354, the Regulatory Flexibility Act (5 U.S.C. 601-612) because that Act does not apply to a document such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), or any other law.

Drafting Information

The principal author of this document was James S. Demb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Harbors, Organization and functions (Government agencies), Seals and insignia, Vessels.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: March 7, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-14690 Filed 6-3-83; 8:45 am]

BILLING CODE 4820-02-M

---

19 CFR Part 177

[T.D. 83-126]

Guidelines for the Disposition of Merchandise Samples Submitted in Connection With Ruling Requests

AGENCY: Customs Service, Treasury.

ACTION: Rule related general notice.

SUMMARY: This document provides guidelines for the handling and disposition of merchandise samples submitted in connection with requests made to Customs for rulings that interpret and apply provisions of the Customs and related laws to a specific set of facts. These guidelines are being adopted as part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public. These guidelines provide pertinent information that is appropriate and helpful to persons submitting samples to Customs in connection with ruling requests.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: John T. Roth, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202)-566-5868.

SUPPLEMENTARY INFORMATION:

Background

In response to the growing need for a formal procedure to govern the disposition of merchandise samples received in connection with requests for administrative rulings under Part 177 of the Customs Regulations (19 CFR Part 177), Customs has provided guidelines for the handling and disposition of these samples. Certain of the guidelines relate to the return of samples to the submitting parties. Adoption of these guidelines reflects Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public.

Notice of Guidelines

In general and except as hereinafter provided, the guidelines provide for the return of the sample to the submitting party provided such return is requested in writing within 90 days of the date of issuance of the ruling to which the sample relates (or in the event no ruling can be issued, within 90 days of the date of notice of that fact). In certain cases, Customs may request permission to retain a sample for reference purposes. If such permission is granted, and the return of the sample was requested by the submitting party, the sample will be returned when no longer needed by Customs. The request for the return of a sample should be made at the time the sample is furnished to Customs, but must be received not later than 90 days after the date of issuance of the ruling or decision to which the sample relates (or 90 days after the date of notice that no ruling can be issued). The request should be made to the same office from which the ruling or decision was requested or, in the case of requests made after the issuance of the ruling or decision, to the office which issued that ruling or decision.

In the interests of simplicity and practicality and as a service to parties requesting administrative rulings, Customs will, upon request, package and return by mail any mailable sample. Such parcels will not be mailed insured and Customs will assume no responsibility for breakage, damage, or other loss with respect to samples returned by mail. Similarly, parties submitting samples are advised that any sample submitted may be altered, damaged, or consumed in the course of examination, testing, or analysis by Customs. Customs assumes no responsibility for such change, damage, or loss, or for loss or damage of any kind whatsoever, unless Customs has specifically assumed such liability in writing. Parties submitting samples which cannot be returned by mail, however, are responsible for arranging for the return of such samples (if such return is desired).

As of June 6, 1983, Customs will have many samples on hand which relate to rulings or decisions issued on or before this date. Any party submitting a sample with respect to a ruling or decision which was issued by Customs during the period July 1, 1982, through June 6, 1983 who desires the return of the sample (provided the sample has not already been returned), may request such return from the office which issued the ruling or decision. The request must be made in writing on or before September 6, 1983. Parties submitting samples in connection with rulings or decisions issued after June 6, 1983 will have 90 days from the date of the ruling or decision to request, in writing, the return of their samples.

Except as hereinabove provided, samples which are not retained for reference purposes by Customs or requested to be returned to the submitting party within 90 days of the date of issuance of the ruling or decision to which they relate, will be destroyed or otherwise disposed of by Customs in accordance with applicable law and regulations.

The new guidelines will be applied by Customs to requests for rulings received on and after June 6, 1983. Copies of the guidelines or further information with respect to the return of specific samples will be available on or after that date to persons submitting samples. Inquiries should be directed to the office to which the sample was submitted.

Inapplicability of Both the Delayed Effective Date Provision and the Solicitation of Comments

This document provided guidelines concerning Customs procedures and is designed to promote efficient use of personnel, facilities, and resources. Accordingly, pursuant to 5 U.S.C. 553 (b) and (d)(3), no notice of proposed rulemaking and solicitation of comments is required and good cause is found for dispensing with the delayed effective date for adoption of the new guidelines for the handling and disposing of merchandise samples submitted in connection with ruling requests.

List of Subjects in 19 CFR Part 177

Customs duties and inspection, Imports, Administrative practice and procedure.

Executive Order 12291

Because this will not result in a "major rule" as defined in section 1(b) of E.O. 12291, the regulatory impact analysis and review prescribed by section 3 of E.O. is not required.

Regulatory Flexibility Act

The regulatory flexibility analysis requirements under the provisions of sections 603 and 604 of title 5, United States Code (as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act") are not applicable to this document because there is no requirement to publish a notice of proposed rulemaking under the provisions of section 553, 5 U.S.C. 553.

Drafting Information

The principal author of this document was James. S. Demb, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Approved: May 16, 1983.

Alfred R. De Angelus,

Acting Commissioner of Customs.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-15000 Filed 6-3-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Ch. I

Acceleration of Projects; Policy Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of policy statement.

SUMMARY: This notice provides an interim statement of FHWA policy on acceleration of projects and how alternative methods to advance a Federal-aid project should be implemented.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Steiner M. Silence, Chief, Special Procedures Branch, (202) 426-0334 or Mr. Edward V. A. Kussy, Office of the Chief Counsel (202) 426-0791, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: This notice provides interim guidance to implement Section 129 of the Surface Transportation Assistance Act of 1982, Pub. L. 97-424, January 6, 1983. It sets forth current FHWA policy on acceleration of projects as part of FHWA's continuing efforts to streamline the Federal-aid highway process. This policy is based upon the results of a demonstration project accomplished under Section 141 of the 1976 Federal-Aid Highway Act. Pub. L. 94-280, 90 Stat. 444, known as the Everett Bypass Project, comments and actions taken as a result of the April 1981 report issued by the American Association of State Highway and Transportation Officials (AASHTO) titled, "Federal Mandates Contributing to Excessive Project Costs," and various meetings and workshops dealing with expedited and simplified Federal-aid procedures. The policy encourages States to make maximum use of the program to Facilitate Acceleration through Special

Techniques (FAST) and is considered part of FHWA's on-going work toward the goal of new rulemaking to streamline procedures.

The FHWA is committed to simplification of procedures for developing all highway projects. The procedures set forth in this notice are consistent with current FHWA rules. In a future rulemaking for this program, we will also be considering significant "across the board" changes to existing FHWA and State procedures and operations, which would be available to accelerate projects. Changes such as regulatory waivers and "turnkey" design/construction projects may be involved. Comments will be solicited upon further development of the program.

Every effort should be made to assure that implementation of the FAST program will accommodate a broader effort as well as provide immediate action to improve critically deficient elements of the Federal-aid highway system, obligate the increased Federal-aid funding levels for FY 1983–1986, and accomplish the objectives of Section 129 of the 1982 Surface Transportation Assistance Act (Pub. L. 97–424, 96 Stat. 2118).

Earlier instructions on acceleration of projects suggested reviews of existing policies and procedures to identify areas where changes could be made along lines of the Everett Bypass report. Those reviews should be used at this time to provide background for further implementation of this program.

Based on information received in efforts over the past two years to simplify procedures, accelerate projects, and reduce Federal mandates, it is evident that substantial time and money can be saved through systematic application of special techniques applied to selected priority projects. While suitable projects should be designated with care to allow acceleration efforts to be focused, the number of projects need not be limited to one or two per State as earlier suggested. The FAST program will identify the purpose and approach of expediting projects by special treatment including exemption from normal processing requirements. Of course, where State law requires more restrictive procedures than these, the State law is to govern.

Implementation of this program is to be carried out as follows:

—States shall immediately be advised of the availability of the FAST program to expedite their high priority work and be requested to submit their proposed FAST projects. The number of projects should reflect staffing capabilities to provide the special priority treatment required.

—The FAST projects should be selected from candidates which would: (a) have a high degree of public support and a low level of controversy, (b) provide a significant improvement to safety, traffic operation and/or economic development, (c) upon completion be of immediate use to the traveling public, and (d) be significantly expedited by the special techniques permitted.

—The State's proposal requesting approval of FAST projects should show proposed acceleration techniques to be applied, specific deadline dates for key phases and overall timesavings which may be realized.

—Upon approval by the FHWA Division Administrator, the proposed list of FAST projects, with background information, shall be provided to the FHWA Regional Administrator.

—The Regional Administrator shall coordinate program efforts regionwide and provide information, support and approvals as appropriate.

—The FAST projects shall be advanced in accordance with normal Federal-aid procedures with the following provisions:

• The FHWA Division Administrator is delegated approval authority for all FAST project actions normally reserved for higher FHWA authority unless otherwise provided below.

• Project coordinators shall be designated by the State highway agency and FHWA field offices to monitor progress and to assure there is a joint commitment to expedit.

• Coordination meetings should be held to monitor progress and to assure timely decisions are reached.

• "Milestone" meetings involving top management should be held at major project stages (e.g., Environmental Clearance/Design Approval, PS&E).

• Environmental documents requiring FHWA Headquarters approval should be transmitted to Washington immediately on preparation. Headquarters will provide appropriate comments, and, where possible, will delegate authority for approval of the final environmental impact statement (EIS) to the FHWA regional office without prior concurrence. The region may redelegate such approval to the division subject only to legal review by the Regional Counsel. Special cases may call for Headquarters participation and review during early meetings with the State, FWHA field offices, and other agencies.

• For environmental documents not requiring Headquarters approval, if no significant comments on a drâft EIS or draft 4(f) evaluation are made by Regional or Headquarters offices, processing of the final EIS or 4(f) determination may be accomplished by the Division Administrator, subject only to legal review by the Regional Counsel.

• Categorical exclusion determinations for activities not currently listed in 23 CFR 771.115(b) should be considered where appropriate and approved in accordance with 23 CFR 771.117.

• The draft environmental document should indicate which, if any, of the alternatives currently under consideration is the preferred alternative.

• A critical path schedule of development should be provided for each project showing specific deadline dates for key phases of the remaining project work where the State and Division agree this would save time.

• Where public involvement is required, continuous public involvement processes should be applied which are tailored to each project. If possible, a single combined public hearing should also be used.

• Environmental documents may include public hearing certification and location and design study documentation.

• Any necessary design consultant selection work should be started as early as possible followed by negotiations once the preferred alignment is selected.

• District, area or statewide specialty projects such as those for resurfacing should be used where time and money will be saved.

• Copies of required permit documents should be provided to all reviewing offices for concurrent action.

• State and Federal review agencies should be requested to give priority to necessary actions.

• Where more than one office is required to review elements of a project, concurrent reviews should be made wherever practical.

• Final design work may be authorized to permit engineering and environmental decisions necessary to complete a finding of no significant impact (FONSI) or an EIS and to comply with other laws and regulations which

must be accomplished coincidentally with the NEPA process.

• Value Engineering should be applied early in project development (e.g., environmental/location) to identify cost and timesaving elements.

• Sensitive right-of-way acquisitions and potential relocation problems on all major alternatives should be identified and title evidence for appraisals should be gathered not later than the evironmental study phase.

• A preliminary alignment plan should be provided to right-of-way personnel as soon as possible after identification of the preferred alternative.

• Right-of-way plan preparation should begin as soon as possible after identification of the preferred alternative.

• Necessary right-of-way work, up to the actual acquisition (negotiation) stage may be authorized prior to completion of the NEPA process.

• Last resort housing should be made available when it will significantly expedite clearing the right-of-way and facilitate relocating residents.

• A "caseworker" approach should be used on negotiations and relocation assistance by using one individual for both functions for a more personalized result.

• Use of incentive/disincentive clauses on construction contracts should be considered to save time.

• Specifications should be revised to reduce "method-type" provisions which are too time consuming considering state-of-the-art equipment and materials.

• The use of standard designs and prefabricated items should be encouraged.

• The time from bid opening to contract award should be reduced to 3 weeks or less where possible.

• The period from contract award to start of work should be minimized.

Other items which should be applied as appropriate:

• Photogrammetry, if needed, should be done very early in project development.

• Separate "Technical Reports" should be prepared to complement environmental documentation where they would expedite the process.

• Availability of critical materials should be investigated early in project development.

• Advertising periods for public hearings should be reduced to 2 weeks where consistent with applicable regulations.

• Administrative right-of-way settlement decisions should be delegated to the lowest level practical.

• End result specifications and lump sum payments may be used for selected bid items where reduced time or cost would result.

• An analysis of the project should be done to determine how construction could be reasonably staged to facilitate the earliest opening of usable segments of the project.

• A reduced contract advertising period should be considered along with use of pre-bid advertising.

Expediting planning efforts between project conception and selection for the FAST program can be done through: (1) Grouping smaller projects for inclusion in the TIP/AE by functional classification, geographical area or work type, and (2) taking advantage of the TIP/AE exclusion provisions of the joint FHWA/UMTA urban transportation planning regulations.

This program can be summarized as a systematic effort to expedite projects through exceptions to normal procedures based on predetermined priority need. The FAST procedures outlined above are designed to be consistent with existing FGHWA regulations. Additional techniques consistent with regulations may be obtainable for specific projects and should be addressed in the State submission.

Should difficulties arise in application of a specific element of a selected FAST project, work should revert to normal procedures. The State should be advised that FHWA would normally be more involved in FAST projects than may otherwise be the case especially in the instance of the Secondary Road Plan or Certification acceptance coverage. This is necessary for the FHWA Division Administrator to be able to determine if, at any stage, the selection conditions no longer apply to a particular FAST project, the State's need for the project has diminished or that serious objection by other government agencies or the public has arisen. In such case, the FHWA Division Administrator, upon coordination with the State and consideration of modifications to accommodate problems encountered shall notify the State as well as the FHWA Regional Administrator that these procedures no longer apply and normal procedures shall apply.

Issued on: May 27, 1983.

L. P. Lamm,

Deputy Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 83-14993 Filed 6-3-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Tax Division Directive No. 45]

Redelegation of Authority To Compromise and Close Civil Claims

AGENCY: Tax Division, Justice.

ACTION: Final rule.

SUMMARY: This directive supersedes Tax Division Directive No. 43. The directive gives the United States Attorneys authority to compromise and close judgments referred to them, which do not exceed $50,000, and to reject offers in compromise of judgments referred to them, regardless of amount.

EFFECTIVE DATE: This directive shall become effective June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Mildred L. Seidman, Tax Division, Department of Justice, Washington, D.C. 20530, 202-724-6567.

SUPPLEMENTARY INFORMATION: The Assistant Attorney General for the Tax Division has determined that this directive is not a rule within the meaning of Executive Order 12291 or the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 0

Government employees, Organization and functions (government agencies).

Appendix to Subpart Y [Amended]

In appendix to Subpart Y—Redelegation of Authority to Compromise and Close Civil Claims, Tax Division Directive No. 43 is removed and Directive No. 44 is added as follows:

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.168, it is ordered as follows:

* * * * *

[Directive No. 44]

Section 1. The Chiefs of the Civil Trial Sections, the Claims Court Section, and the Appellate Section are authorized to reject offers in compromise, regardless of amount, provided that such action is not opposed by the agency or agencies involved.

Section 2. Subject to the conditions and limitations set forth in Section 7 hereof, the Chiefs of the Civil Trial Sections and Claims Court Section are authorized to:

(A) Accept offers in compromise in all civil cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $200,000,

(B) Approve administrative settlements not exceeding $100,000,

(C) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $100,000.

(D) Accept offers in compromise in injunction or declaratory judgment suits against the United States in which the amount of the related liability, if any, does not exceed $200,000, and

(E) Accept offers in compromise in all other nonmonetary cases,

provided that such action is not opposed by the agency or agencies involved, and provided further that the case is not subject to reference to the Joint Committee on Taxation.

Section 3. Subject to the conditions and limitations set forth in Section 7 hereof, the Chief of the Appellate Section is authorized to:

(A) Accept offers in compromise with reference to litigating hazards of the issues on appeal in all civil cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $200,000,

(B) Accept offers in compromise in declaratory judgment suits against the United States in which the amount of the related liability, if any, does not exceed $200,000, and

(C) Accept offers in compromise in all other nonmonetary cases which do not involve issues concerning collectibility,

provided that such action is not opposed by the agency or agencies involved or the chief of the section in which the case originated, and provided further that the case is not subject to reference to the Joint Committee on Taxation.

Section 4. Subject to the conditions and limitations set forth in Section 7 hereof, the Chief of the Office of Review shall have authority to:

(A) Accept offers in compromise in all civil cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $500,000,

(B) Approve administrative settlements not exceeding $500,000,

(C) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $500,000,

(D) Accept offers in compromise in all nonmonetary cases, and

(E) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount,

provided that the action is not opposed by the agency or agencies involved or the chief of the section to which the case is assigned, and provided further that the case is not subject to reference to the Joint Committee on Taxation.

Section 5. Subject to the conditions and limitations set forth in Section 7 hereof, the Deputy Assistant Attorneys General and the Special Counsel to the Assistant Attorney General each shall have authority to:

(A) Accept offers in compromise of claims against the Government in all cases in which the amount of the government's concession, exclusive of statutory interest, does not exceed $750,000,

(B) Approve administrative settlements not exceeding $750,000,

(C) Accept offers in compromise of claims in behalf of the Government in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed $750,000 or 10 percent of the original claim, whichever is greater,

(D) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $750,000,

(E) Accept offers in compromise in all nonmonetary cases, and

(F) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount,

provided that such action is not opposed by the agency or agencies involved, and provided further that the case is not subject to reference to the Joint Committee on Taxation.

Section 6. Subject to the conditions and limitations set forth in Section 7 hereof, United States Attorneys are authorized to:

(A) Reject offers in compromise of judgments in favor of the Government regardless of amount,

(B) Accept offers in compromise of judgments in favor of the Government where the amount of the judgment does not exceed $50,000, and

(C) Terminate collection activity by that office as to judgments in favor of the Government which do not exceed $50,000 if the United States Attorney concludes that the judgment is uncollectible,

provided that such action has the concurrence in writing of the agency or agencies involved, and provided further that this authorization extends only to judgments which have been formally referred to the United States Attorney for collection.

Section 7. The authority redelegated herein shall be subject to the following conditions and limitations:

(A) When, for any reason, the compromise or administrative settlement or concession of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totalling more than the respective amounts designated in Sections 2, 3, 4, 5 and 6 the case shall be forwarded for review at the appropriate level.

(B) When, because of the importance of a question of law or policy presented, the position taken by the agency or agencies or by the United States Attorney involved, or any other considerations, the person otherwise authorized herein to take final action (or the Chief of the Office of Review, in cases which have been considered by such office) is of the opinion that the proposed disposition should be reviewed at a higher level, the case shall be forwarded for such review.

(C) If the Department has previously submitted a case to the Joint Committee on Taxation leaving one or more issues unresolved, any subsequent compromise or concession in that case must be submitted to the Joint Committee, whether or not the overpayment exceeds the amount specified in Section 6405 of the Internal Revenue Code.

(D) Nothing in this Directive shall be construed as altering any provision of Subpart Y of Part 0 of Title 28 of the Code of Federal Regulations requiring the submission of certain cases to the Attorney General, the Deputy Attorney General, or the Solicitor General.

(E) Authority to approve recommendations that the Government confess error, or make administrative settlements, in cases on appeal, is excepted from the foregoing redelegations.

(F) The Assistant Attorney General, at any time, may withdraw any authority delegated by this directive as it relates to any particular case or category of cases, or to any part thereof.

Section 8. This Directive supersedes Tax Division Directive No. 43, effective April 19, 1983.

Section 9. This Directive shall become effective on the date of its publication in the Federal Register.

Glenn L. Acher, Jr.,

Assistant Attorney General, Tax Division.

Approved:

Edward C. Schmultz,

Deputy Attorney General.

May 25, 1983.

[FR Doc. 83-15076 Filed 6-3-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Approval of Permanent Program Amendments From the State of Virginia Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 946 by removing one of the conditions of approval of the Virginia permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Virginia has submitted provisions to OSM which satisfy condition (q) relating to awarding of costs and attorneys' fees against the State in judicial and administrative proceedings imposed by the Secretary of the Interior in his approval of the Virginia program. The document also amends 30 CFR 946 by the inclusion of an amendment to correct an erroneous cross-reference in the Virginia Surface Mining Control and Reclamation Act of 1979 (Virginia SMCRA) which was submitted as a program amendment to the Virginia program under the provisions of 30 CFR 732.17.

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Secretary of the Interior has determined

that the modifications to the Virginia program satisfy condition (q) of the Secretary's approval and that the additional modification meets the requirements of SMCRA and the Federal permanent program regulations. Accordingly, the Secretary of the Interior has removed the condition from his approval of the Virginia program and approved the additional modification.

Part 946 of 30 CFR Chapter VII is being amended to implement this decision.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, 1951 Constitution Avenue, Washington, D.C. 20240; Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION: On March 3, 1980, the Secretary of the Interior received a proposed regulatory program from the Commonwealth of Virginia. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in Part and disapproved in part the proposed program (45 FR 69977–70000). Virginia resubmitted its proposed regulatory program on August 13, 1981, and after a subsequent review, the Secretary approved the program subject to the correction of 19 minor deficiences. The approval was effective upon publication of the notice of conditional approval in the December 15, 1981 Federal Register (46 FR 61088–61115).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 Federal Register. Information pertinent to the previous amendments submitted by Virginia to satisfy 17 of the conditions can be found in the July 21, 1982 Federal Register (47 FR 31549) and in the December 13, 1982 Federal Register (47 FR 55675).

One of the minor conditions of the approval imposed by the Secretary was as follows:

> Condition (q) requires Virginia to submit a copy of enacted law or otherwise amend its program to provide for the awarding of costs and attorneys' fees against the State in judicial and administrative proceedings consistent with section 525(e) of SMCRA.

On March 22, 1983, Virginia submitted an act passed by the Virginia General Assembly which amends Section 45.1–249 and 45.1–251 of the Virginia SMCRA to satisfy condition (q) set by the Secretary in his conditional approval (Administrative Record No. VA 463). This act amends the Virginia SMCRA to provide for the award of costs and expenses, including attorneys' fees, against the State in judicial and administrative proceedings.

Also, in the March 22, 1983 letter, Virginia submitted two additional proposed revisions to the Virginia SMCRA. One of the proposed revisions amends Sections 45.1–240 to correct an erroneous cross-reference in the Virginia SMCRA. The second proposed revision, which is the subject of a separate notice of rulemaking (48 FR 17071, April 21, 1983), amends Section 45.1–234 of the Virginia SMCRA to subject interim program operations to the penalty and enforcement provisions of the Virginia SMCRA and the penalty and enforcement regulations implementing those sections.

OSM published a notice in the Federal Register on April 19, 1983, announcing receipt of the amendments and inviting public comment on whether the proposed program amendment corrected the deficiency (48 FR 16707). The public comment period ended May 19, 1983. A public hearing scheduled for May 16, 1983, was not held because no one expressed a desire to present testimony.

Secretary's Findings

The Secretary finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Virginia on March 22, 1983, meet the requirements of SMCRA and 30 CFR Chapter VII as set forth below.

1. *Condition (q).* Virginia has revised Sections 45.1–249 and 45.1–251 of the Virginia SMCRA to provide for the award of costs and expenses, including attorneys' fees, to any party to any judicial or administrative proceeding and to assess such costs and expenses against any other party as deemed proper. Further, the term "party" includes the Commonwealth or any of its agents, officers or employees. The Secretary finds this amendment to be in accordance with section 525(e) of SMCRA and to satisfy the condition.

2. *Non-substantive correction to the Virginia SMCRA.* Virginia has revised Section 45.1–240 of the Virginia SMCRA to correct an erroneous cross-reference. The amendment relates to the decision of the Director upon a permit application, hearing and appeal. Specifically, the correction changes the erroneous cross-reference relating to informal hearings from Section 45.1–255 to the correct citation of Section 45.1–239 of the Virginia SMCRA. The Secretary finds this amendment consistent with the requirements of SMCRA and the Federal regulations.

Part 946 of 30 CFR Chapter VII is being amended to reflect approval of the above State program modifications. Also, 30 CFR Part 946 is being reorganized and expanded to reflect all final actions to date pertaining to State program amendments submitted by Virginia. This reorganization should afford the reader a clearer indication of the Secretary's approval or disapproval of Virginia's State program amendments.

Public Comment

No comments were received from the public on Virginia's proposed amendments. Comments from Federal agencies were limited and did not identify any specific deficiencies of the proposed program amendments.

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), of those Federal agencies invited to comment, comments were received from the following: Fish and Wildlife Service, Bureau of Mines, Bureau of Land Management, Mine Safety and Health Administration, and the Army Corps of Engineers.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Section 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subject in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Therefore, Part 946 of 30 CFR Chapter VII ia amended as set forth herein.

Dated: May 31, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

(Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*))

PART 946—VIRGINIA

1. 30 CFR 946.10 is revised to read:

§ 946.10 State regulatory program approval.

The Virginia State Program, as submitted on March 3, 1980, as amended and clarified on June 16, 1980, as resubmitted on August 13, 1981, and clarified in a meeting with OSM on September 21 and 22, 1981, and in a letter to the Director of the Office of Surface Mining on October 15, 1981, is conditionally approved, effective December 15, 1981. Beginning on that date, the Department of Conservation and Economic Development, Division of Mined Land Reclamation, shall be deemed the regulatory authority in Virginia for all surface coal mining and reclamation operations and all exploration operations on non-Federal and non-Indian lands. Copies of the conditionally approved program, as amended, are available for review at:

(a) Virginia Division of Mined Land Reclamation, Drawer U, 622 Powell Avenue, Big Stone Gap, Virginia 24219
(b) Virginia Department of Conservation and Economic Development, 1100 State Office Building, Richmond, Virginia 23219
(c) Office of Surface Mining, Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266
(d) Office of Surface Mining, Reclamation and Enforcement, Room 5315, 1100 L Street, N.W., Washington, D.C. 20240

2. 30 CFR 946.11 is amended to remove and reserve paragraph (q).

§ 946.11 Conditions of State regulatory program approval.

* * * * *

(q) [Reserved]

* * * * *

3. Part 946 is amended by adding a new § 946.12 as set forth below:

§ 946.12 State program provisions disapproved.

(a) The following provisions were disapproved effective April 22, 1983: §§ 45.1–364.A.1, 45.1.–364.A.3 and 45.1–364.A.4 of Chapter 23 of the Code of Virginia; and 3.01(a)(1), 3.01(a)(5) and 3.01(a)(4) of the Virginia Coal Surface Mining and Reclamation Regulations for Operations Disturbing Two Surface Acres or Less.

4. Part 946 is amended by adding a new § 946.15 as set forth below:

§ 946.15 Approval of regulatory program amendments.

(a) The following amendment was approved effective July 21, 1982: Virginia's revised policy statement granting authority to field inspectors to issue cessation orders for imminent danger or harm, submitted January 28, 1982, to satisfy condition (k).

(b) The following amendments were approved effective August 19, 1982:

(1) Section 33.1–246.1 of the Virginia Surface Mining Control and Reclamation Act (Virginia SMCRA), repealed upon adoption of House Bill 975 and upon approval of the amendment by the Secretary of the Interior, submitted July 9, 1982.

(2) Virginia revised regulations, § V816.150 and V817.150, submitted July 9, 1982.

(c) The following amandments were approved effective September 21, 1982:

(1) New §§ 45.1–270.1—45.1–270.7 of the Virginia SMCRA, submitted July 8, 1982.

(2) Virginia revised regulations, § V808.15, new part V809 and appropriate reference changes to remainder of Subchapter VJ.

(d) The following amendments were approved effective December 13, 1982:

(1) Virginia revised regulations, submitted August 13, 1982, to satisfy conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (l), (m), (n), (o), (p) and (s).

(2) Amended § 45.1–235(C) of the Virginia SMCRA and Virginia revised regulations, submitted August 13, 1982.

(e) The following amendment was approved effective January 18, 1983: Virginia revised regulations, Section V809, submitted September 30, 1982.

(f) The following amendment was approved effective February 28, 1983: Virginia revised regulations, § V809.11, submitted December 20, 1982.

(g) The following amendment was approved effective April 21, 1983: Amended § 45.1–234 of the Virginia SMCRA, submitted March 22, 1983.

(h) The following amendment was approved effective April 22, 1983: Chapter 23 of Title 45 of the Code of Virginia and the Virginia Coal Surface Mining Reclamation Regulations for Operations Disturbing Two Surface Acres or Less except for the provisions listed at 30 CFR 946.12, submitted on July 9, 1982.

(i) The following amendments were approved effective June 6, 1983:

(1) Amended §§ 45.1–249 and 45.1–251 of the Virginia SMCRA, submitted March 22, 1983, to satisfy condition (q).

(2) Amended § 45.1–240 of the Virginia SMCRA, submitted March 22, 1983.

[FR Doc. 83–15097 Filed 6–3–83; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD5–83–02]

Regatta; Norfolk Harborfest

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the City of Norfolk Harborfest regatta. This event will be held on June 10–12, 1983 at the Norfolk waterfront. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations are effective from 10 a.m. EDST to 10:30 p.m. EDST on June 10, 1983; from 8 a.m. EDST to 11 p.m. EDST on June 11, 1983; and from 9 a.m. EDST until 10 p.m. EDST on June 12, 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Duane I. Preston, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705 (804–398–6204).

SUPPLEMENTARY INFORMATION: On March 24, 1983 the Coast Guard published a notice of proposed rule making in the **Federal Register** for this regulation (48 FR 12398). Interested persons were requested to submit comments and no comments were received. The final rule is being made effective in less than 30 days. The application to hold the event was not received in sufficient time to provide for a delayed effective date.

Drafting Information

The drafters of this notice are LCDR Duane I. Preston, project officer, Chief, Boating Affairs Branch, Fifth Coast Guard District, and CDR David J. Kantor, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Regulations

The annual City of Norfolk Harborfest is scheduled to be held on June 10–12,

1983 at the Norfolk waterfront. Numerous water events, including ski shows, boat races, and military demonstrations, are scheduled to take place on the Elizabeth River. In addition, approximately 400 spectator craft are expected to attend the event. As a result, it will be necessary to designate a portion of the Elizabeth River as a regulated area to promote safety of life during Harborfest.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

PART 100—[AMENDED]

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–501 to read as follows:

§ 100.35–501. Norfolk Harborfest.

(a) *Regulated Area.* Those waters of the Elizabeth River and its branches from shore to shore and bounded by the Midtown tunnel on the north, the Downtown tunnel on the south, and the Berkley Bridge on the east.

(b) *Special Local Regulations.*—(1) Except for participants in the Norfolk Harborfest or persons or vessels authorized by the Coast Guard Patrol Officer, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop his vessel immediately upon being directed to do so by any Coast Guard officer or petty officer on board a vessel displaying a Coast Guard ensign, and

(ii) Proceed as directed by any Coast Guard officer or petty officer.

(3) Any spectator vessel may anchor outside of the area specified in paragraph (a) of these regulations;

(4) The Coast Guard Patrol Officer is a commissioned officer of the Coast Guard who has been designated by the Commander, Fifth Coast Guard District. The Patrol Commander will be stationed at the reviewing platform at Town Point; and

(5) These regulations and other applicable laws and regulations shall be enforced by Coast Guard officers and petty officers on board Coast Guard and private vessels displaying the Coast Guard ensign.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: May 23, 1983.

W. D. Markle, Jr.,

Acting Chief, Marine Safety Division, Fifth Coast Guard District.

[FR Doc. 83–14869 Filed 6–3–83; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[Reg. 83–01]

COTP Hampton Roads, VA; Safety Zone Regulations; Elizabeth River, Norfolk, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Final Rule; correction.

SUMMARY: This document corrects an error made in the section number of the Elizabeth River Safety Zone published as a final rule on May 5, 1983 (48 FR 20230).

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander W. K. SIX, Chief, Port Operations Department, Coast Guard Marine Safety Office, Hampton Roads, Norfolk, VA 23510, (804) 441–3296.

The May 5, 1983 issue of the **Federal Register**, page 20231, column two, is corrected by changing the section number of the regulation from §165.503 to §165.505.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: May 25, 1983.

C. M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

[FR Doc. 83–14868 Filed 6–3–83; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 222

Management of Wild, Free-Roaming Horses and Burros

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This final rulemaking provides that the Chief of the Forest Service will charge a fee for the adoption of wild, free-roaming horses or burros. This fee is the same as is established by the United States Department of the Interior, Bureau of Land Management. A fee is needed to recover part of the costs incurred by the United States in connection with the adoption program. This action will establish uniform fees and procedures for the public to follow, regardless of the Federal agency to which the public applies for custody of excess animals.

EFFECTIVE DATE: The rule shall be effective June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Robert M. Williamson, USDA, Forest Service, Range Management Staff, P.O. Box 2417, Room 610 RPE, Washington, D.C. 20013 (703) 235–8139.

SUPPLEMENTARY INFORMATION: The Wild, Free-Roaming Horse and Burro Protection Act of 1971 (85 Stat. 649, as amended; 16 U.S.C. 1331 et seq.) directed the Secretaries of Agriculture and the Interior to protect wild, free-roaming horses and burros on public lands administered by the Forest Service and the Bureau of Land Management (BLM). Of the approximately 57,000 horses and burros on public lands, 95 percent are found on lands administered by BLM, and 5 percent on lands administered by the Forest Service.

As part of its protection and management of wild, free-roaming horses and burros, BLM has established an Adopt-a-Horse Program for placement of excess animals. Through joint agreement between BLM and the Forest Service, 80 percent of the excess animals removed from National Forest System lands are placed in private custody through BLM's adoption program. The remaining 20 percent are placed directly by the Forest Service, through its own adoption procedures.

On March 4, 1983, BLM published final rules establishing fee levels for the adoption of wild, free-roaming horses and burros (48 FR 9260). The BLM rule requires that a $25 fee accompany each application filed by a person wishing to take custody of a horse or burro and also requires that, in addition to an adoption fee, the applicant pays the costs of transporting the animal(s) to the point of pickup.

The requirement that an application for adoption of a horse or burro be accompanied by a nonrefundable payment of $25 is necessary to discourage frivolous applications from individuals who are not actually prepared to adopt or are not seriously interested in adopting animals. Reducing the number of unsuitable applicants will reduce administrative costs of processing such applications and of notifying applicants of available animals. For those whose adoption applications are approved, the $25 application fee is credited toward the adoption fee.

Under the BLM rules transportation costs are charged to those adopters who do not choose to pick up animals at a

holding facility near the point of capture. It would not be fair to charge a transport fee to adopters living nearby. To do so would, in effect, subsidize those adopters whose actual transportation costs would be greater than the adoption fee charged

Consistent with statutory direction that the Secretaries of Agriculture and the Interior coordinate the horse and burro protection activities of their respective departments "to the maximum feasible extent", the Department of Agriculture has decided that the Forest Service will adopt the same fee levels and requirements as used by BLM when the Forest Service makes direct placement of excess animals to private parties.

In addition to these changes, the rule deletes the requirement of the current rule that unless waived in writing the application for title shall include a written statement by a licensed veterinarian attesting that the animal is in good condition. As a practical matter, Forest Service officials have routinely waived this requirement because the cost and burden to the applicant was inpeding titling of excess animals and thus undermining the objective of the adoption program. In practice, the Forest Service can certify the condition of the animal without such statements.

In accordance with exceptions to rulemaking procedures in 5 U.S.C. 553 and Department of Agriculture policy (36 FR 13804), it has been found and determined that advance notice and request for comments is unnecessary since public comments have been received on the substance of the rule as part of the rulemaking initiated by the BLM. Adoption of this final rule brings USDA into conformance with BLM adoption fee requirements and establishes uniform fees and procedures for the public to follow regardless of the agency to which the public applies for custody of excess animals. Moreover, the BLM fee is now in effect and is lower than that presently charged by the Forest Service. Therefore, it is advantageous to potential adoptees and, therefore, to the adoption program to put this rule into effect now rather than wait the customary 30 days.

Because this rule will probably affect no more than 80 excess animals per year and because adoption of these animals is wholly a matter of voluntary initiative by private parties, it has been determined that this is not a major rule as defined in E.O. 12291 and that the rule, in fact, has minimal, if any, impact on costs, prices, or the economy. Likewise the Assistant Secretary for Natural Resources and Environment has determined that this rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (15 U.S.C. 601 et seq.) and therefore does not require a regulatory flexibility analysis. It has further been determined that this rule will not result in any significant impact on the quality of the human environment. This rule contains no information collection requirement. In fact, it eliminates a requirement that applicants seeking title provide a written statement by a licensed veterinarian attesting that the animal is in good condition. Removing this requirement relieves applicants of the burden of arranging for these statements and of the cost associated with the veterinarian's inspection, which averages about $30 per animal.

List of Subjects in 36 CFR Part 222

Grazing lands, Livestock, National forests, National grasslands, Range management, Wildlife (horses and burros).

Therefore, for the reasons set forth in the preamble, Subpart B of Part 222 of Chapter II, Title 36 of the Code of Federal Regulations is hereby amended by revising paragraph (e) of § 222.29 and adding a new paragraph (f) to read as follows:

PART 222—RANGE MANAGEMENT

Subpart B—Management of Wild Free-Roaming Horses and Burros

§ 222.29 Relocation and disposal of animals

* * * * *

(e) The applicants must make written application for title and/or adoption, must be of legal age in the State in which they reside, and must pay fees for adoption and transportation as follows:

(1) The application must be accompanied by a nonrefundable advance payment of $25 by guaranteed remittance. If custody of a wild, free-roaming horse or burro is granted by the authorized Forest Service officer, the advance payment shall be applied against the adoption fee required to be paid at the time the maintenance and care agreement § 222.29(c)(4) is executed.

(2) The Forest Service shall charge an adoption fee of $125 for each horse and $75 for each burro, except that there shall be no adoption fee for an unweaned offspring under 6 months of age accompanying its mother.

(3) Any transportation costs incurred for the transportation of the animal(s) to the point of pickup must be paid before an approved individual, group, or government agency takes custody of the animal(s).

(f) Humane conditions, treatment, and care must have been provided for no less that one year preceding the filing of the application for title. The conveyance of title shall include a written statement by an authorized officer attesting that the animal is in good condition.

Dated: May 31, 1983.

Douglas W. MacCleery,

Deputy Assistant Secretary for Natural Resources and Environment.

[FR Doc. 83-15100 Filed 6-3-83; 8:45 am]

BILLING CODE 3410-11-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

41 CFR Ch. 7

[AIDPR Notice 83-4]

Miscellaneous Revisions to the AID Procurement Regulations

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: This AIDPR Notice makes miscellaneous changes to the AID Procurement Regulations. It changes all references to the "Assistant to the Administrator for Management" to the "Associate Assistant to the Administrator for Management" (except AIDPR 7-1.204 and 7-2.406-3, where the Assistant to the Administrator for Management serves as head of the agency), reflecting AID Redelegation of Authority 93.1; corrects miscellaneous office or form titles and regulatory cross-references; revises Subpart 7-1.6, concerning debarment and suspension, to reflect the requirements of OFPP Policy Letter No. 82-1, and Temporary Regulation 65 of the Federal Procurement Regulations; amends the standard contract clause covering reports to reflect current office functions and titles; amends the list of countries for which partial waivers of Defense Base Act insurance requirements are in effect to add Cape Verde, India, and Pakistan, and; amends Part 7-7, Contract Clauses, and adds a new Part 7-29, Payment to Contractors, to incorporate new contract clauses concerning interest on late payments, payment due dates, and invoice requirements, as required by Temporary Regulation 66 of the Federal Procurement Regulations.

EFFECTIVE DATE: This AIDPR Notice is effective on the date it is signed (May 24, 1983):

FOR FURTHER INFORMATION CONTACT: J. M. Kelly, M/SER/CM/SD/POL, Agency for International Development, Washington, D.C. 20523. Telephone (703) 235–9107.

SUPPLEMENTARY INFORMATION: This AIDPR Notice is a procurement regulation, and has been exempted from the requirements of Executive Order 12291 of February 17, 1981, pursuant to Section 8(b) of the Order, by the Director, OMB, in a letter dated April 8, 1981, as amended on December 2, 1981 and October 4, 1982. The determination required by paragraph 4a of OFPP Policy Letter 80–5, and the certification required by the Regulatory Flexibility Act have been made and are included in the body of this AIDPR Notice.

List of Subjects in 41 CFR Chapter 7

Government procurement.

Part 7–1—GENERAL

Subpart 7–1.3—General Policies

1. Remove all references to the "Assistant to the Administrator for Management" appearing in the AIDPR subsections listed below. In their place insert reference to the "Associate Assistant to the Administrator for Management (M/AAA/SER)". This change affects the following AIDPR subsections:

7–1.003
7–1.006–50
7–1.006–51
7–1.206
7–1.451–3
7–1.451–4
7–1.453–2
7–2.406–4
7–8.211–1(a)
7–8.211–1(b)
7–8.211–2(b)

2. Paragraphs (a)(13), (a)(20), (a)(22), and (a)(23) of § 7–1.313 are revised as follows:

§ 7–1.313 Record of contract actions.

(a) * * *

(13) A copy of any deviations approved pursuant to AIDPR 7–1.009 or FPR 1–1.305–3.

* * * * *

(20) Evidence of contractor's compliance with equal opportunity provisions (FPR 1–12.805–4).

* * * * *

(22) Copies of the Federal Reserve Letter of Credit data (AIDPR 7–30.50).

(23) Copy of contracting officer's decisions under the "Disputes" clause (FPR 1–1.318–4).

* * * * *

§ 7–1.318–1 [Removed]

3. Section 7–1.318–1, *Contracting Officer's decision under a disputes clause,* is removed.

Subpart 7–1.4—Procurement Responsibility and Authority

§ 7–1.451–1 [Amended]

4. Section 7–1.451–1, *General,* is amended by removing the reference to ". . . AIDPR 7–1.106 . . ." in the last sentence, in its place inserting reference to ". . . AIDPR 7–1.004 . . .".

Subpart 7–1.6—Debarment, Suspension, and Ineligibility

5. Subpart 7–1.6, including the table of sections, is revised as follows:

Subpart 7–1.6—Debarment, Suspension, and Ineligibility

Sec.
7–1.600 Scope of subpart.
7–1.601 Policy.
7–1.602 Definitions.
7–1.603 Establishment and maintenance of records and lists of debarred, suspended and ineligible contractors.
7–1.603–1 Consolidated list of debarred, suspended and ineligible contractors.
7–1.603–2 Agency records.
7–1.604 Effect of listing.
7–1.604–1 General.
7–1.604–2 Continuation of current contracts.
7–1.604–3 Restrictions on subcontracting.
7–1.605 Debarment.
7–1.605–1 General.
7–1.605–2 Causes for debarment.
7–1.605–3 Procedures.
7–1.605–4 Period of debarment.
7–1.605–5 Scope of debarment (imputed conduct).
7–1.606 Suspension.
7–1.606–1 General.
7–1.606–2 Causes for suspension.
7–1.606–3 Procedures.
7–1.606–4 Period of suspension.
7–1.606–5 Scope of suspension.
7–1.607 Interchange of information.

Authority: Sec. 621, Pub. L. 87–115, 75 Stat. 424, as amended (22 U.S.C. 2381).

Subpart 7–1.6—Debarment, Suspension, and Ineligibility

§ 7–1.600 Scope of subpart.

(a) This subpart:

(1) Prescribes policies and procedures governing the debarment and suspension of contractors for the causes given in § 7–1.605 and § 7–1.606 involving personal property and nonpersonal services, including construction and leases of real property;

(2) Provides for the listing of debarred and suspended contractors, and of contractors declared ineligible (see the definition of "ineligible" in § 7–1.602(k)); and

(3) Sets forth the treatment to be accorded to contractors listed as debarred or suspended, as well as those listed as having been declared ineligible.

(b) This subpart does not govern or otherwise apply to the exclusion of contractors from Federal grant or assistance programs, or prescribe policies or procedures governing declarations of ineligibility.

§ 7–1.601 Policy.

(a) The Agency shall solicit bids and proposals from, award contracts to, renew or otherwise extend the duration of an existing contract, and approve or consent to subcontracts, with responsible contractors only. Debarment and suspension are discretionary actions which, taken in accordance with this subpart, are appropriate means to effectuate this policy.

(b) The serious nature of debarment and suspension requires that they be imposed only in the public interest, for the Government's protection and not for purposes of punishment. Debarment and suspension shall be imposed to protect the Government's interest, and only for the causes and in accordance with the procedures set forth in this subpart.

§ 7–1.602 Definitions.

(a) "Adequate evidence" means information sufficient to support the reasonable belief that a particular act or omission has occurred.

(b) *"Affiliates".* Business concerns or individuals are affiliates if, directly or indirectly: (1) Either one controls or can control the other; or (2) a third controls or can control both.

(c) "Agency" means the Agency for International Development.

(d) "Authorized representative" means an official who has been designated by and authorized to act on behalf of the Administrator for the purposes of this subpart including, but not limited to, acting as a debarring or suspending official.

(e) "Consolidated List of Debarred, Suspended and Ineligible Contractors" means a list compiled, maintained and distributed by the General Services Administration, containing the names of contractors that have been debarred or suspended by a department or agency of the Government, as well as contractors that have been declared ineligible pursuant to other regulatory, or statutory, authority.

(f) "Contractor" means any individual or other legal entity that: (1) Submits bids or proposals for or is awarded, or reasonably may be expected to submit bids or proposals for or be awarded, a Government contract or a subcontract under a Government contract; or (2) conducts business with the Government

as an agent or representative of another contractor.

(g) "Conviction" means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or plea, and includes a conviction entered upon a plea of nolo contendere.

(h) "Debarment" means action taken by a debarring official under § 7–1.605 to exclude a contractor from Government contracting and Government-approved subcontracting for a reasonable, specified period; a contractor so excluded is debarred.

(i) "Debarring Official" means the AID Administrator or an official authorized to impose debarment.

(j) "Indictment" means indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given the same effect as an indictment.

(k) "Ineligible", as used in this subpart, means excluded from Government contracting (and subcontracting, if appropriate) pursuant to statutory, Executive Order, or regulatory authority other than this subpart or subpart 1–1.6 of the Federal Procurement Regulations. For example, contractors excluded pursuant to the Davis-Bacon Act and its related statutes and implementing regulations, the Service Contract Act, the Equal Employment Opportunity Acts and Executive Orders, the Walsh-Healey Public Contract Act, the Buy American Act, and the Environmental Protection Acts and Executive Orders are ineligible.

(l) "Legal proceedings" mean any civil judicial proceeding to which the Government is a party or any criminal proceeding. The term also includes appeals from such proceedings.

(m) "Preponderance of the evidence" means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

(n) "Suspending Official" means the Administrator or an official authorized to impose suspension.

(o) "Suspension" means action taken by a suspending official under § 7–1.606 to disqualify a contractor temporarily from Government contracting and Government-approved subcontracting; a contractor so disqualified is suspended.

§ 7–1.603 Establishment and maintenance of records and lists of debarred, suspended and ineligible contractors.

§ 7–1.603–1 Consolidated list of debarred, suspended and ineligible contractors.

(a) The General Services Administration (GSA) is responsible for—

(1) Compiling and maintaining a current, consolidated list of contractors debarred, suspended or declared ineligible by Federal agencies or by the General Accounting Office;

(2) Revising and distributing the list quarterly and issuing monthly supplements to Federal agencies and the General Accounting Office; and

(3) Providing in the list the name and telephone number of the official responsible for maintenance and distribution of the list.

(b) The Agency shall—

(1) Notify GSA, within 5 working days after debarring or suspending a contractor or modifying or rescinding such an action, of the information set forth in FPR 1–603.2;

(2) Notify GSA of the names and addresses of the organizations within the Agency that are to receive the consolidated list and the number of copies to be furnished to each;

(3) Direct inquiries concerning listed contractors to the Agency or other Governmental authority that took the action; and

(4) Use the consolidated list to ensure that the Agency does not solicit offers from, award contracts to, or consent to subcontract with, listed contractors except as provided in this subpart.

§ 7–1–602–2 Agency records.

At a minimum, the Agency shall maintain records relating to each contractor it has debarred or suspended that contain the following information:

(a) The contractor's name and address;

(b) The cause for the action (see §7–1.605 and § 7–1.606);

(c) The effective date of the action and, in the case of debarments, the termination date for each listing; and

(d) The name and telephone number of the Agency's point of contact for the action.

§ 7–1.604 Effect of listing.

§ 7–1.604–1 General.

(a) The Agency shall not solicit bids or proposals from, award contracts to, renew or otherwise extend the duration of an existing contract with, or approve or consent to subcontracts (when such approval or consent is required) with a contractor known to have been debarred or suspended by any Department or Federal agency, unless the Administrator or his authorized representative grants an exception pursuant to paragraphs (a) (1) and (2) of this section. For the purpose of this subpart, knowledge of the debarment or suspension of a contractor exists if there is actual knowledge of such status, as, for example, when such status is ascertained from the consolidated list.

(1) Prior to initiating a pre-award survey or any of the procurement actions set forth in (a) above, the consolidated list shall be reviewed. Bids received from any listed contractor in response to an Invitation for Bids shall be opened (see FPR 1–2.402), entered on the Abstract of Bids (see FPR 1–2.403), and rejected (see FPR 1–2.404) unless the Administrator or his authorized representative determines in writing that there is a compelling reason to make an exception. Proposals, quotations or offers received from any listed contractor shall not be evaluated for award or included in the competitive range, and discussions shall not be conducted with such offeror, unless the Administrator or his authorized representative determines in writing that there is a compelling reason to make an exception.

(2) When the Agency makes an exception, a notice describing the exception shall be forwarded to the GSA Office of Acquisition Policy. Some examples of circumstances that may constitute a compelling reason include: (i) The property or services to be acquired are available only from the listed contractor; (ii) The urgency of the requirement dictates that the Agency deal with the contractor; (iii) The contractor and the Agency have entered an agreement covering the same events which resulted in the listing and the agreement includes a decision by the Agency not to debar or suspend the contractor; and (iv) For such other reasons related to U.S. foreign assistance activities which require continued business dealings with the listed contractor.

(b) Ineligible contractors are excluded from receiving contracts and, if applicable, subcontracts, under the conditions and for the period set forth in the applicable statute, Executive Order, or regulation. The Agency shall not solict bids or proposal from, award contracts to, renew or otherwise extend an existing contract with, or approve or consent to subcontracts (when such approval or consent is required) with a contractor known to be ineligible, for the period of the ineligibility, to the extent the particular procurement action is prohibited by the terms of the declaration.

§ 7–1.604–2 Continuation of current contracts.

Notwithstanding the listing of a contractor for the causes set forth in this subpart, the Agency may continue contracts or subcontracts in existence at

the time the contractor was debarred or suspended, unless the Administrator or his authorized representative directs otherwise. A decision as to the type of termination action, if any, to be taken should be made only after review by Agency contracting and technicial personnel and by general counsel to assure the propriety of the proposed action.

§ 7–1.604–3 Restrictions on subcontracting.

When a debarred or suspended contractor is proposed as a subcontractor for any subcontract subject to Government consent (see FPR 1–7.202–8 and 1–7.402–8), consent shall not be given unless the Administrator or his authorized representative states in writing the compelling reasons for the consent.

§ 7–1.605 Debarment.

§ 7–1.605–1 General.

(a) The debarring official may, in the public interest, debar a contractor for any of the causes contained in § 7–1.605–2, using the procedures in § 7–1.605–3; prior to using such procedures, the official initiating such action shall consult with the Agency's central contact point for such matters, i.e., the Assistant General Counsel for Litigation and Enforcement (GC/LE). The existence of a cause for debarment under § 7–1.605–2, however, does not necessarily require that the contractor be debarred; the seriousness of the contractor's acts or omissions and any mitigating factors should be considered in making any debarment decisions.

(b) Debarment of a contractor constitutes debarment of all divisions or other organizational elements of the contractor, unless the debarment decision is limited by its terms to specific divisions, organizational elements, or commodities. Debarment extends to affiliates of the contractor, only if they are: (1) Specifically named and (2) given written notice of the proposed debarment and opportunity to respond (see § 7–1.605–3(c)).

(c) A contractor's debarment shall be effective throughout the Executive branch of the Government, unless the Administrator, or his authorized representative, or other Federal agency taking the procurement action, states in writing the compelling reason for continued business dealings between the Agency or other Federal agency and the contractor.

(d) If no suspension is in effect under § 7–1.606 at the time debarment is proposed by the Agency, bids or proposals shall not be solicited from, contracts shall not be awarded to, existing contracts shall not be renewed or othewise extended with, and subcontracts shall not be consented to or approved for the contractor by any Agency component pending a debarment decision unless the Administrator or his authorized representative states in writing the compelling reason to do so.

§ 7–1.605–2 Causes for debarment.

The debarring official may debar a contractor for any of the causes listed in paragraphs (a) through (d) of this section:

(a) Conviction of or civil judgment for—

(1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract;

(2) Violation of Federal or State antitrust statutes relating to the submission of bids or proposals; or

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the present responsibility of a Government contractor or subcontractor.

(b) Violation of the terms of a Government contract or subcontract so serious as to justify debarment, such as—

(1) Willful failure to perform in accordance with the terms of one or more contracts; or

(2) A history of failure to perform, or of unsatisfactory performance of, one or more contracts.

(c) Any other cause of so serious or compelling a nature that it affects the present responsibility of a Government contractor or subcontractor.

(d) Debarment for any of the above causes by another Federal agency where the original debarment did not have government-wide effect.

§ 7–1.605–3 Procedures.

(a) *Investigation and referral.* Matters appropriate for the debarring official's consideration shall be reported promptly to that official.

(b) *Decisionmaking process.* (1) Any Agency procedures that may be established to implement the debarment decisionmaking process of this subpart shall be as informal as practicable, consistent with the principle of fundamental fairness.

(2) The contractor (and any specifically named affiliates) shall be given an opportunity to submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment.

(3) In actions not based upon a conviction or judgment, if it is found that the contractor's submission in opposition raises a genuine dispute over facts material to the proposed debarment, factfinding shall be conducted. The official conducting the factfinding shall—

(i) Afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses, and confront any person the Agency presents; and

(ii) Ensure that a record of the factfinding is transcribed and made available at cost to the contractor upon request, unless the contractor and the Agency, by mutual agreement, waive the requirement for a transcript.

(c) *Notice of proposal to debar.* The contractor and any specifically named affiliates shall be advised, by certified mail, return receipt requested:

(1) That debarment is being considered;

(2) Of the reasons for the proposed debarment in terms sufficient to put the contractor on notice of the conduct or transaction(s) upon which it is based;

(3) Of the cause(s) relied upon under § 7–1.605–2 for proposing debarment;

(4) That, within 30 days after the receipt of the notice, the contractor may, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment, including any additional specific information that raises a genuine dispute over the material facts;

(5) That the Agency's procedures governing debarment decisionmaking are contained in this subpart (i.e., 41 CFR 7–1.6);

(6) Of the potential effect of the proposed debarment; and

(7) That if no suspension is in effect under § 7–1.606, bids or proposals shall not be solicited from, contracts shall not be awarded to, existing contracts shall not be renewed or otherwise extended, and subcontracts shall not be consented to or approved for the contractor by any component of the Agency pending a debarment decision unless the Administrator or his authorized representative states in writing the compelling reason to do so.

(d) *Debarring official's decision.* (1) In actions based upon a conviction or judgment, or in which there is no genuine dispute over material facts, the debarring official shall make a decision on the basis of all the information in the

administrative record, including any submission made by the contractor. If no suspension is in effect under § 7–1.606, the decision shall be made within 30 working days after receipt of any information and argument submitted by the contractor, unless the debarring official extends this period for good cause.

(2) In actions in which factfinding is conducted as to disputed material facts, written findings of fact shall be prepared. The debarring official shall base the decision on the facts as found, together with any information and argument submitted by the contractor and any other information in the administrative record.

(i) The debarring official may refer matters involving disputed material facts to another official for findings of fact. The debarring official shall accept any such findings unless he specifically determines them to be arbitrary and capricious or clearly erroneous.

(ii) The debarring official's decision shall be made after the conclusion of factfinding with respect to disputed facts.

(3) In any action in which the proposed debarment is not based upon a conviction or civil judgment, the facts establishing the cause for debarment must be proved by a preponderance of the evidence.

(e) Notice of debarring official's decision.

(1) If the debarring official decides to impose debarment, the contractor and any affiliates involved shall be given prompt notice by certified mail, return receipt requested—

(i) Referring to the notice of proposed debarment;

(ii) Specifying the reasons for debarment;

(iii) Stating the period of debarment, including effective dates (see § 7–1.605–4); and

(iv) Advising that the debarment is effective throughout the Executive branch of the Government unless the Administrator, or his authorized representative, or other Federal agency taking the procurement action, states in writing the compelling reason for continued business dealings between the Agency or other Federal agency and the contractor.

(2) If debarment is not imposed, the debarring official shall promptly notify the contractor and any affiliates involved of that decision, by certified mail, return receipt requested.

§ 7–1.605–4 Period of debarment.

(a) Debarment shall be for a period sufficient to protect the Government's interest. Generally, a debarment should not exceed 3 years. If suspension precedes a debarment, the suspension period shall be considered in determining the debarment period.

(b) The debarring official may extend the debarment for an additional period, if that official determines that an extension is necessary to protect the Government's interest. However, a debarment may not be extended solely on the basis of the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined to be necessary, the procedures of § 7–1.605–3 above shall be followed to extend the debarment.

(c) The debarring official may reduce the period or extent of debarment, upon the contractor's request, supported by documentation, for reasons such as—

(1) Newly discovered material evidence;

(2) Reversal of the conviction or judgment upon which the debarment was based;

(3) Bona fide change in ownership or management; or

(4) Elimination of other causes for which the debarment was imposed.

§ 7–1.605–5 Scope of debarment (imputed conduct).

(a) The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with a contractor may be imputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor, or with the contractor's knowledge, approval, or acquiescence. The contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

(b) The fraudulent, criminal, or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the contractor who participated in, knew of, or had reason to know of, the contractor's conduct.

(c) The fraudulent, criminal, or other seriously improper conduct of one contractor participating in a joint venture or similar arrangement may be imputed to other participating contractors if the conduct occurred for or on behalf of the joint venture or similar arrangement or with the knowledge, approval, or acquiescence of these contractors. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

§ 7–1.606 Suspension.

§ 7–1.606–1 General.

(a) The suspending official may, in the public interest, suspend a contractor for any of the causes in § 7–1.606–2, using the procedures in § 7–1.606–3; prior to using such procedures, the official initiating such action shall consult with the Agency's central contact point for such matters, i.e., the Assistant General Counsel for Litigation and Enforcement (GC/LE).

(b) Suspension is a serious action to be imposed on the basis of adequate evidence, pending the completion of an investigation or legal proceedings, when it has been determined that immediate action is necessary to protect the Government's interest. In assessing the adequacy of the evidence, consideration should be given to how much information is available, how credible it is given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result. This assessment should include an examination of basic documents such as contracts, inspection reports, and correspondence.

(c) Suspension constitutes suspension of all divisions or other organizational elements of the contractor, unless the suspension decision is limited by its terms to specific divisions, organizational elements, or commodities. The suspending official may extend the suspension decision to include any affiliates of the contractor if they are: (1) Specifically named and (2) given written notice of the suspension and an opportunity to respond (see § 7–1.606–3(c)).

(d) A contractor's suspension shall be effective throughout the Executive branch of the Government, unless the head of the agency taking the procurement action, or his authorized representative, states in writing the compelling reason for continued business dealings between that agency or Department and the contractor.

§ 7–1.606–2 Causes for suspension.

(a) The suspending official may suspend a contractor suspected, upon adequate evidence, of—

(1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract;

(2) Violation of Federal or State antitrust statutes relating to the submission of bids or proposals;

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false

statements, or receiving stolen property; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a Government contractor or subcontractor.

A contractor may be suspended for any of the above causes based on a suspension by another Federal agency where the original suspension does not have Government-wide effect.

(b) Indictment for any of the causes in paragraph (a) above constitutes adequate evidence for suspension.

(c) The suspending official may upon adequate evidence also suspend a contractor for any other cause of so serious or compelling a nature that it affects the present responsibility of a Government contractor or subcontractor.

§ 7–1.606–3 Procedures.

(a) *Investigation and referral.* Matters appropriate for the suspending official's consideration shall be reported promptly to that official.

(b) *Decisionmaking process.* (1) Any Agency procedures that may be established to implement the suspension decisionmaking process shall be as informal as practicable consistent with the principle of fundamental fairness. These procedures shall afford the contractor (and any specifically named affiliates) an opportunity, following the imposition of suspension, to submit, in person, in writing or through a representative, information and argument in opposition to the suspension.

(2) In actions not based on an indictment, if it is found that the contractor's submission in opposition raises a genuine dispute over facts material to the suspension and if no determination has been made, on the basis of Department of Justice advice, that substantial interest of the Government in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced, factfinding shall be conducted. Then official conducting factfinding shall—

(i) Afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses and confront any person the Agency presents; and

(ii) Ensure that a record of the factfinding is transcribed and made available at a cost to the contractor upon request, unless the contractor and the Agency, by mutual agreement, waive the requirement for a transcript.

(c) *Notice of suspension.* When a contractor and any specifically named affiliates are suspended, they shall be immediately advised by certified mail, return receipt requested:

(1) That they have been suspended and that the suspension is based on an indictment or other adequate evidence that the contractor has committed irregularities (i) of a serious nature in business dealings with the Government, or (ii) seriously reflecting on the propriety of further Government dealings with the contractor; any such irregularities shall be described in terms sufficient to place the contractor on notice without disclosing the Government's evidence;

(2) That the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue;

(3) Of the cause(s) relied upon under § 7–1.606–2 for imposing suspension;

(4) Of the effect of the suspension (see § 7–1.606–1(d) and § 7–1.604–1(a));

(5) That, within 30 days after receipt of the notice, the contractor may submit, in person, in writing or through a representative, information and argument in opposition to the suspension, including any additional specific information that raises a genuine dispute over material facts; and

(6) That factfindings to determine disputed material facts will be conducted unless: (i) The action is based on an indictment or (ii) a determination is made, on the basis of Department of Justice advice, that the substantial interests of the Government in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced.

(d) *Suspending official's decision.* (1) In actions: (i) Based on an indictment, (ii) in which the contractor's submission does not raise a genuine disputed over material facts; or (iii) in which factfinding to determine dispute material facts has been denied on the basis of Department of Justice advice, the suspending official's decision shall be based on all the information in the administrative record, including any submission made by the contractor.

(2) In actions in which factfinding is conducted as to disputed material facts, written findings of fact shall be prepared. The suspending official shall base the decision on the facts as found, together with any information and argument submitted by the contractor and any other information in the administrative record.

(i) The suspending official may refer matters involving disputed material facts to another official for findings of fact. The suspending official shall accept any such findings, unless he specifically determines them to be arbitrary and capricious or clearly erroneous.

(ii) The suspending official's decision shall be made after the conclusion of factfinding with respect to disputed facts.

(3) The suspending official may modify or terminate the suspension or leave it in force (for sample reasons, see § 7–1.605–4(c)). However, a decision to modify or terminate the suspension shall be without prejudice to the subsequent imposition of suspension by any other Federal Agency or the imposition of debarment by any other Federal agency.

(4) Prompt written notice of the suspending official's decision shall be sent to the contractor by certified mail, return receipt requested.

§ 7–1.606–4 Period of suspension.

(a) Suspension shall be for a temporary period pending the completion of investigation and any ensuing legal proceedings, unless sooner terminated by the suspending official or as provided in this paragraph § 7–1.606–4.

(b) If legal proceedings are not initiated within 12 months after the date of the suspension notice, the suspension shall be terminated unless an Assistant Attorney General requests its extension, in which case it may be extended for an additional 6 months. In no event may a suspension extend beyond 18 months, unless legal proceedings have been initiated within that period.

(c) The suspending official shall notify the Department of Justice of the proposed termination of the suspension at least 30 days before the 12 month period expires to give it an opportunity to request an extension.

§ 7–1.606–5 Scope of suspension.

The scope of suspension shall be the same as that for debarment (see § 7–1.605–5), except that the procedures of § 7–1.606–3 shall be used in imposing the suspension.

§ 7–1.607 Interchange of information.

Debarment or suspension of a contractor by one Department or Federal agency can have an adverse impact on the missions of other Departments or agencies with which the contractor does business. Accordingly, if it appears that there is the potential for such an adverse impact, the cognizant debarring or suspending official should solicit the comments of those Departments or Federal agencies that he believes could be affected before taking action. A Department or Federal agency that believes it could be affected by the

proposed action should comment directly to the cognizant debarring or suspending official of the agency. If several Departments or Federal agencies independently are contemplating a debarment or suspension action against the same contractor, consideration should be given to designating one Department or Federal agency as the lead agency for making the decision.

PART 7-6—FOREIGN PURCHASES

Subpart 7-6.51—Source, Origin, and Nationality

§ 7-6.5103 [Amended]

6. Paragraph (f), *The Cooperating Country as a source,* of § 7-6.5103, *Contract clause—source and nationality requirements,* is amended by removing the reference "* * * (see paragraphs (c)(1) and (c)(2) of this section.) * * *", in its place inserting "* * * (see paragraphs (c)(2) and (c)(3) of this section.) * * *".

PART 7-7—CONTRACT CLAUSES

§§ 7-7.103-50, 7-7.603-50, 7-7.5003-6, 7-7.5301-5, 7-7.5403-7 [Amended]

7. The contract clause entitled "Mandatory use of visa eligibility Form DSP 66 A by participants" appearing in §§ 7-7.103-50, 7-7.603-50, 7-7.5003-6, 7-7.5301-5, and 7-7.5403-7, is retitled as "Required Visa Form for AID Participants".

Subpart 7-7.1—Fixed Price Supply Contracts

8. The following entries are added to the table of sections for Subpart 7-7.1.

Sec.
7-7.102-50 Interest on overdue payments.
7-7.102-51 Payment due dates.
7-7.102-52 Invoice requirements.
* * * * * *

9. A new § 7-7.102-50 is added as follows:

§ 7-7.102-50 Interest on overdue payments.

Insert the clause set forth in FPR 1-29.104 (FPR Temporary Regulation 66) in all non-exempt contracts.

10. A new § 7-7.102-51 is added as follows:

§ 7-7.102-51 Payment due dates.

Insert the clause set forth in AIDPR 7-29.202-50 in all non-exempt contracts.

11. A new § 7-7.102-52 is added as follows:

§ 7-7.102-52 Invoice requirements.

Insert the clause set forth in AIDPR 7-29.301-4 in all non-exempt contracts.

Subpart 7-7.6—Fixed Price Construction Contracts

12. The following entries are added to the table of sections for Subpart 7-7.6:
7-7.602 Required clauses.
7-7.602-50 Interest on overdue payments.
7-7.602-51 Payment due dates.
7-7.602-52 Invoice requirements.
* * * * * *

13. A new § 7-7.602 is added as follows:

§ 7-7.602 Required clauses.

14. A new § 7-7.602-50 is added as follows:

§ 7-7.602-50 Interest on overdue payments.

Insert the clause set forth in FPR 1-29.104 (FPR Temporary Regulation 66) in all non-exempt contracts.

15. A new § 7-7.602-51 is added as follows:

§ 7-7.602-51 Payment due dates.

Insert the clause set forth in AIDPR 7-29.202-50 in all non-exempt contracts.

16. A new § 7-7.602-52 is added as follows:

§ 7-7.602-52 Invoice requirements.

Insert the clause set forth in AIDPR 7-29.301-4 in all non-exempt contracts.

Subpart 7-7.50—Clauses for Cost Reimbursement Contracts

17. The following entries are added to the table of sections of Subpart 7-7.50:
* * * * * *
7-7.5001-48 Interest on overdue payments.
7-7.5001-49 Payment due dates.
7-7.5001-50 Invoice requirements.
* * * * * *

18. A new § 7-7.5001-48 is added as follows:

§ 7-7.5001-48 Interest on overdue payments.

Insert the clause set forth in FPR 1-29.104 (FPR Temporary Regulations 66) in all non-exempt contracts.

19. A new § 7-7.5001-49 is added as follows:

§ 7-7.5001-49 Payment due dates.

Insert the clause set forth in AIDPR 7-29.202-50 in all non-exempt contracts.

20. A new § 7-7.5001-50 is added as follows:

§ 7-7.5001-50 Invoice requirements.

Insert the clause set forth in AIDPR 7-29.301-4 in all non-exempt contracts.

Subpart 7-7.53—Contracts for Participant Training

21. Section 7-7.5301-5 is revised as follows:

§ 7-7.5301-5 Required visa form for AID participants.

Required VISA Form for Aid Participants (Sept. 1982)

The Contractor shall ensure that any foreign student brought to the United States for training under this contract uses visa form IAP 66 A, "Certificate for Exchange Visitor (J-1) Status".

22. Section 7-7.5301-25 (Reserved), is added as follows:

§ 7-7.5301-25 Interest on overdue payments.

Insert the clause set forth in FPR 1-29.104 (FPR Temporary Regulation 66), in all non-exempt contracts.

23. A new § 7-7.5301-31 is added as follows:

§ 7-7.5301-31 Payment due dates.

Insert the clause set forth in AIDPR 7-29.202-50, in all non-exempt contracts.

24. A new § 7-7.5301-32 is added as follows:

§ 7-7.5301-32 Invoice requirements.

Insert the clause set forth in AIDPR 7-29.301-4, in all non-exempt contracts.

Subpart 7-7.54—Clauses for Fixed Price Contracts for Technical Services

§ 7-7.5401-14 [Amended]

25. Section 7-7.5401-14, *Standards of work,* is amended by removing the reference to "* * * AIDPR 7-7.5001-6 * * *", in its place inserting "* * * FPR 1-7.302-3 * * *".

26. Section 7-7.5401-32, is added as follows:

§ 7-7.5401-32 Interest on overdue payments.

Insert the clause set forth in FPR 1-29.107 (FPR Temporary Regulation 66) in all non-exempt contracts.

27. A new § 7-7.5401-39 is added as follows:

§ 7-7.5401-39 Payment due dates.

Insert the clause set forth in AIDPR 7-29.202-50, in all non-exempt contracts.

28. A new § 7-7.5401-40 is added as follows:

§ 7-7.5401-40 Invoice requirements.

Insert the clause set forth in AIDPR 7-29.301-4, in all non-exempt contracts.

Subpart 7-7.55—Clauses for Cost Reimbursement Contracts With Educational Institutions

29. Section 7-7.5501-13 is amended by changing the clause date from "(Feb. 1982)" to "(Mar. 1983)", and by revising paragraph (d) as follows:

§ 7-7.5501-13 Reports.

Reports (Mar. 1983)

* * * * *

(d) Contractor shall submit three copies of each report required by paragraphs (a)(1), (b), and (c) of this section, and any other report of a technical nature required by the Schedule of this Contract, to the Acquisitions Development Information and Utilization Service, Bureau for Program and Policy Coordination (PPC/E/DIU), AID, Washington, D.C. 20523. The title page of all reports sent to PPC/E/DIU shall include the report date, contract number, project number, and project title, as set forth on the Cover Page and in the Schedule of this Contract.

30. Section 7-7.5501-15 is amended by changing the clause date from "(May 1982)" to "(Mar. 1983)", and by revising paragraph (e) as follows:

§ 7-7.5501-15 Training of Foreign Country Nationals.

Training of Foreign Country Nationals (Mar. 1983)

* * * * *

(e) The Contractor shall insure that any foreign student brought to the United States for training under this contract uses visa form IAP 66 A, "Certificate for Exchange Visitor (J-1) Status".

31. Section 7-7.5501-37, is added as follows:

§ 7-7.5501-37 Interest on overdue payments.

Insert the clause set forth in FPR 1-29.104 (FPR Temporary Regulation 66) in all non-exempt contracts.

32. A new § 7-7.5501-44 is added as follows:

§ 7-7.5501-44 Payment due dates.

Insert the clause set forth in AIDPR 7-29.202-50, in all non-exempt contracts.

33. A new § 7-7.5501-45 is added as follows:

§ 7-7.5501-45 Invoice requirements.

Insert the clause set forth in AIDPR 7-29.301-4, in all non-exempt contracts.

PART 7-10—BONDS AND INSURANCE

Subpart 7-10.4—Insurance Under Fixed-Price Contracts

34. Paragraph (b)(2) of § 7-10.402, Workmen's compensation insurance overseas, is amended by adding Cape Verde, India and Pakistan, in their alphabetical sequence, as new entries to the list of countries in paragraph (b)(2), and renumbering the present entries 1 through 84 as 1 through 87.

35. A new Part 7-29, including a table of sections, is added as follows:

PART 7-29—PAYMENT TO CONTRACTORS

Subpart 7-29.2—Payment Terms in Contracts

Sec.
7-29.202-50 Contract clause—payment due dates.

Subpart 7-29.3—Invoice Requirements

7-29.301-4 Invoice requirements clause.

Subpart 7-29.2—Payment Terms in Contracts

§ 7-29.202-50 Contract clause—payment due dates.

As authorized in FPR 1-29.202 (FPR Temporary Regulation 66), the following clause is required in all non-exempt AID-direct contracts:

Payment Due Dates (Oct. 1982)

(a) Payments under this contract will be due as follows:

(1) When the designated paying office identified in the contract or purchase order is located in the U.S.: 30 calendar days after the date of actual receipt of a proper invoice in the designated paying office or 30 days after a designated AID official or authorized representative accepts the property or services, whichever is later.

(2) When the designated paying office identified in the contract or purchase order is at a foreign location: 45 calendar days after the date of actual receipt of a proper invoice in the designated paying office or 45 days after a designated AID official or authorized representative accepted the property or services, whichever is later.

(b) For definition of the term "proper invoice", see the clause of this contract entitled "Invoice Requirements".

(c) The date of the check issued in payment shall be considered to be the date payment is made.

Subpart 7-29.3—Invoice Requirements

§ 7-29.301.4 Invoice requirements clause.

As authorized in FPR 1-29.301-4 (FPR Temporary Regulation 66), the following clause is required in all non-exempt AID-direct contracts:

Invoice Requirements (Oct. 1982)

Invoices shall be submitted in an original and 3 copies to the Government office designated in this contract or on the delivery order to receive invoices. To constitute a proper invoice, the invoice must include the following information and/or attached documentation:

(a) Name of the business concern and invoice date.

(b) Contract number, or other authorization for delivery of property or services.

(c) Description, price, and quantity of property and services actually delivered or rendered.

(d) Shipping and payment terms.

(e) Name (where practicable), title, phone number, and complete mailing address of responsible official to whom payment is to be sent.

(f) Other payment documentation required by the contract.

PART 7-50—EXTRAORDINARY CONTRACTUAL ACTIONS TO PROTECT FOREIGN POLICY INTERESTS OF THE UNITED STATES

Subpart 7-50.2—Requests for Contractual Adjustments

36. § 7-50.202 is revised as follows:

§ 7-50.202 Approving authorities.

Authority to approve actions processed under this Part 7-50 has been delegated as follows:

(a) The Director, Office of Contract Management, may approve actions up to $50,000 per contract, under Section 3 of the Executive Order.

(b) The Associate Assistant to the Administrator for Management (M/AAA/SER), may approve actions up to $250,000 per contract, under Sections 3 or 4 of the Executive Order.

(c) The Administrator or Deputy Administrator must approve any action over $250,000.

Determination

As required by paragraph 4a of OFPP Policy Letter 80-5, I hereby determine that this AIDPR Notice has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93-400, as amended by Pub. L. 96-83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6(h) of the Act.

Based on this review, I hereby determine that this AIDPR Notice is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

Certification

Pursuant to the Regulatory Flexibility Act, I hereby certify as the Agency's Procurement Executive that this regulation will not have a significant economic impact on a substantial number of small entities including small businesses, small organizational units and small governmental jurisdictions.

Authority: This AIDPR notice is issued under 41 CFR 7-1.006-51.

Dated: May 24, 1983.

John F. Owens,

Associate Assistant to the Administrator for Management Directorate for Program and Management Services.

[FR Doc. 83-15028 Filed 6-3-83; 8:45 am]

BILLING CODE 6116-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-29

[FPMR Amdt. E-253]

Procurement and Requisitioning of Items and Services

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: Final rule.

SUMMARY: GSA is amending its regulations to provide policies and procedures for managing and using Federal product descriptions, formerly known as Federal standardization documents; include Commercial Item Descriptions as one of the Federal product descriptions; and to update organizational references.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Walter L. Eckbreth, Director, Policy and Procedures Division (703-557-0536).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of this rule; has determined that the potential benefits to society from this rule outweigh potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-29

Government property management.

Part 101-29 is revised as follows:

PART 101-29—FEDERAL PRODUCT DESCRIPTIONS

Sec.

101-29.000 Scope of part.

Subpart 101-29.1—General

101-29.101 Federal product descriptions.

Subpart 101-29.2—Definitions

101-29.201 Specification.
101-29.202 Standard.
101-29.203 Federal specification.
101-29.204 Interim Federal specification.
101-29.205 Federal standard.
101-29.206 Interim Federal standard.
101-29.207 Qualified products list. (QPL)
101-29.208 Commercial item description.
101-29.209 Purchase description.
101-29.210 Product.
101-29.211 Product description.
101-29.212 Tailoring.
101-29.213 Commercial product.
101-29.214 Commercial-type product.
101-29.215 Departmental specification or standard.
101-29.216 Department of Defense Index of Specifications and Standards (DODISS).
101-29.217 Military specification or standard.
101-29.218 Voluntary standards.
101-29.219 Index of Federal Specifications, Standards, and Commercial Item Descriptions.
101-29.220 Market research and analysis.
101-29.221 Federal Specifications, Standards, and Commercial Item Description Program (Federal Standardization Program).

Subpart 101-29.3—Responsibilities

101-29.301 General Services Administration.
101-29.301-1 Policies and Procedures.
101-29.301-2 Federal Standardization Handbook.
101-29.301-3 Availability of Federal product descriptions.
101-29.301-4 Periodic review of Federal product descriptions.
101-29.302 Other Federal agencies.
101-29.303 All Federal executive agencies.

Subpart 101-29.4—Mandatory Use of Federal Product Descriptions

101-29.401 Federal product descriptions listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.
101-29.402 Exceptions to mandatory use of Federal product descriptions.
101-29.403 Federal product description exceptions and tailoring.
101-29.403-1 Authorization of exceptions.
101-29.403-2 Agency responsibility relative to exceptions to Federal product descriptions.
101-29.403-3 Tailoring of Federal product descriptions.

Subpart 101-29.5—Use of and Optional Use of Federal Product Descriptions and Agency Product Descriptions

101-29.501 Optional use of interim Federal specifications.
101-29.502 Use of Federal specifications and interim Federal specifications in Federal construction contracts.
101-29.503 Agency product descriptions.
101-29.504 Use of Federal product descriptions by mandatory source of supply.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101-29.000 Scope of part.

This part sets forth the policy and procedures for managing and using Federal product descriptions.

Subpart 101-29.1—General

§ 101-29.101 Federal product descriptions.

Federal and interim Federal specifications, their associated Federal qualified products lists (QPL's), Federal and interim Federal standards and Commercial item descriptions (CID's) are referred to collectively as Federal product descriptions. They are developed by GSA or other Federal agencies under the Assigned Agency Plan described in the "Federal Standardization Handbook" issued by the Assistant Administrator for Federal Supply and Services (FSS). Product descriptions are coordinated with other Federal agencies having technical, statutory, or regulatory interest in the commodity or other subject matter covered. Generally, before they are issued, Federal product descriptions are reviewed by technical societies, individual industrial producers, and organizations representing industrial producers and consumers.

Subpart 101-29.2—Definitions

§ 101-29.201 Specification.

A "specification" is a document, prepared specifically to support acquisition that clearly and accurately describes the essential technical requirements for purchased material. Procedures necessary to determine whether these requirements have been met are also included.

§ 101-29.202 Standard.

A "standard" is a document that establishes engineering and technical requirements for items, processes, procedures, practices, and methods that have been adopted as customary. Standards may also establish requirements for selection, application, and design criteria so as to achieve the highest practical degree of uniformity in materials or products, or interchangeability of parts used within or on those products.

§ 101-29.203 Federal specification.

A "Federal specification" is a specification, issued in the Federal series, that is mandatory for use by all Federal agencies. These documents are issued or controlled by the General Services Administration and are listed in the GSA "Index of Federal Specifications, Standards and Commercial Item Descriptions."

§ 101-29.204 Interim Federal specification.

An "interim Federal specification" is a potential Federal specification issued in temporary form for optional use by all Federal agencies. Interim amendments to Federal Specifications and amendments to interim Federal specifications are included in this definition. These documents are issued or controlled by the General Services Administration and are listed in the GSA "Index of Federal Specifications, Standards and Commercial Item Descriptions."

§ 101-29.205 Federal standard.

A "Federal standard" is a standard, issued in the Federal series, that is mandatory for use by all Federal agencies. These documents are issued or controlled by the General Services Administration and are listed in the GSA "Index of Federal Specifications, Standards and Commercial Item Descriptions."

§ 101-29.206 Interim Federal standard.

An "interim Federal standard" is a potential Federal standard issued in temporary form for optional use by all Federal agencies. These documents are issued or controlled by the General Services Administration, primarily for use in the telecommunication functional area.

§ 101-29.207 Qualified products list (QPL).

A "qualified products list" is a list of products that have met the qualification requirements stated in the applicable specification, including appropriate product identification and test or qualification reference number, with the name and plant address of the manufacturer and distributer, as applicable. Documents that contain QPL requirements are listed in the GSA "Index of Federal Specifications, Standards and Commercial Item Descriptions."

§ 101-29.208 Commercial item description (CID).

A "commercial item description" is an indexed, simplified product description that describes by function or performance characteristics of available, acceptable commercial products that will satisfy the Government's needs. These documents are issued or controlled by the General Services Administration and are listed in the GSA "Index of Federal Specifications, Standards and Commercial Item Descriptions."

§ 101-29.209 Purchase description.

A "purchase description" is any informal product description prepared for one-time use only or for small purchases when issuance of a formal product description is not cost effective.

§ 101-29.210 Product.

The term "product" is any end item, either manufactured or produced, and also includes materials, parts, components, subassemblies, equipment, accessories, attachments, and services.

§ 101-29.211 Product description.

A "product description" is a description of a product for acquisition and management purposes. Product descriptions include specifications, standards, commercial item descriptions, purchase descriptions, and brand-name purchase descriptions.

§ 101-29.212 Tailoring.

"Tailoring" is a process by which the individual requirements (sections, paragraphs or sentences) or product descriptions are evaluated to determine the extent to which each requirement is most suitable for a specific acquisition and the modification of these requirements, where necessary, to ensure that each document invoked achieves and optimal balance between operational needs and costs.

§ 101-29.213 Commercial product.

A "commercial product" is any item, component, or system available from stock or regular production that is sold in substantial quantities to the general public at established catalog or market prices (for definition of terms, see FPR 1-3.807.1).

§ 101-29.214 Commercial-type product.

A "commercial-type product" is defined as: (a) Any product similar to the commercial product but modified or altered in compliance with specified Government requirements and, as such is usually sold only to the Government and not through the normal catalog or retail outlets; (b) any product similar to a commercial product that is either assembled or manufactured in accordance with specifically stated Government requirements and sold only to the Government and not to the general public; or (c) a commercial product identified or marked differently than the commercial product normally sold to the general public.

§ 101-29.215 Departmental specification or standard.

A "departmental specification or standard" is a specification or standard prepared by, and of primary interest to, a particular Federal agency, but which may be used by other Federal agencies.

§ 101-29.216 Department of Defense Index of Specifications and Standards (DODISS).

The "Department of Defense Index of Specifications and Standards" is a Department of Defense (DoD) publication of unclassified Federal and military specifications and standards, related standardization documents, and voluntary standards that are used by DoD.

§ 101-29.217 Military specification or standard.

A "military specification or standard" is a specification or standard issued by the Department of Defense and listed in the DODISS.

§ 101-29.218 Voluntary standards.

"Voluntary standards" are established generally by private sector bodies and available for use by any person or organization, private or governmental. The term includes what are commonly referred to as "industry standards" as well as "consensus standards," but does not include professional standards of personal conduct, institutional codes of ethics, private standards of individual firms, or standards mandated by law such as those contained in the United States Pharmacopeia as referenced in 21 U.S.C. 351.

§ 101-29.219 Index of Federal Specifications, Standards and Commercial Item Descriptions.

The "Index of Federal Specification, Standards and Commercial Item Descriptions" is a GSA publication that lists Federal specifications, qualified products lists, standards, and commerical item descriptions.

§ 101-29.220 Market research and analysis.

"Market research and analysis" is a process used to ascertain and analyze the range and quality of available commercial products to determine whether they meet user needs and to identify the market practices of firms engaged in producing, distributing, and supporting the products.

§ 101-29.221 Federal Specifications, Standards and Commercial Item Description Program (Federal Standardization Program).

The "Federal Specifications, Standards and Commercial Item Description Program" is a standarization program developed under authority of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377) in consonance with the Defense Cataloging and Standardization Act (Secs. 2451-2456, Title 10, U.S.C.

Chapter 145), managed by the General Services Administration, for the purpose of coordinating civilian and military standardization functions to avoid unnecessary duplication. Within the program, procedures and controls govern the development, coordination, approval, issuance, indexing, management, and maintenance of product descriptions in the Federal series (Federal specifications, Federal standards, and CID's) that define commercial products and products that have high potential for common Federal agency use.

Subpart 101–29.3—Responsibilities

§ 101–29.301 General Services Administration.

§ 101–29.301–1 Policies and procedures.

The Administrator of General Services is responsible for establishing policies and procedures, in coordination with the other agencies, for the preparation, coordination, approval, issuance, and maintenance of product descriptions in the Federal series of specifications, standards, and CID's.

§ 101–29.301–2 Federal Standardization Handbook.

The Assistant Administrator for Federal Supply and Services will issue and maintain on a current basis a "Federal Standardization Handbook." The Federal Standardization Handbook sets forth operating procedures and applicable definitions used in the development of Federal product descriptions under the Assigned Agency Plan described therein. Federal agencies shall adhere to the provisions of the handbook in the development and coordination of Federal product descriptions.

§ 101–29.301–3 Availability of Federal product descriptions.

The Assistant Administrator for Federal Supply and Services will promulgate and maintain on a current basis the "Index of Federal Specifications, Standards and Commercial Item Descriptions." The Index lists Federal product descriptions which have been printed and distributed, including those which are mandatory for use, and identifies the sources from which these documents may be obtained. Supplements to the Index indicate the dates on which the use of new Federal product descriptions become mandatory. The Department of Defense aslo lists Federal product descriptions in the "Department of Defense Index of Specifications and Standards."

§ 101–29.301–4 Periodic review of Federal product descriptions.

The Assistant Administrator for Federal Supply and Services is responsible for establishing a program for periodically reviewing Federal product descriptions to determine whether revision, cancellation or reauthorization (validation) is appropriate. The frequency of the review shall be based on the degree of change in the technology of the product covered by the description and shall be conducted at least once every 5 years.

§ 101–29.302 Other Federal agencies.

Heads of other Federal agencies are responsible for adhering to the policies and procedures established by GSA for management and control of Federal product descriptions and for the use of these documents in acquisition as applicable.

§ 101–29.303 All Federal executive agencies.

(a) Federal executive agencies shall evaluate the effectiveness of their Federal product descriptions by:

(1) Establishing a system for obtaining user critiques of products acquired using those descriptions; and

(2) Establish a method whereby the preparing activity can locate and communicate with the users.

(b) The system shall encourage users to communicate with acquisition organizations regarding:

(1) The user's essential requirements;

(2) Product suitability for use in the user's environment;

(3) Product failures and deficiences;

(4) The needs of the logistics system; and

(5) Suggestions for corrective actions.

(c) Acquisition organizations shall designate a central point in each agency to evaluate and respond to user critiques and take corrective action on reasonable complaints and suggestions.

(d) At the time of the periodic review, the responsible preparing activity shall consider available user evaluations, the results of market research and analysis, and all reported deviations from the product description. Information, such as the following shall be examined in the review process:

(1) Whether the product description is still needed in its present form and scope or whether a more simplified one can be used;

(2) The existence of voluntary standards or other Government product descriptions that may better reflect current requirements;

(3) The need to convert Federal and agency specifications covering commercial or commercial-type products to CID's; and

(4) The currency and applicability of reference documents included in the product description.

Subpart 101–29.4—Mandatory Use of Federal Product Descriptions

§ 101–29.401 Federal product descriptions listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.

(a) Federal product descriptions shall be used by all Federal agencies in the procurement of supplies and services covered by such descriptions, except as provided in § 101–29.402 and § 101–29.403.

(b) The order of preference in selecting Federal product descriptions for acquisition shall be:

(1) Any Federal product description adopting voluntary standards.

(2) Commercial item descriptions.

(3) Federal specifications and standards.

§ 101–29.402 Exceptions to mandatory use of Federal product descriptions.

(a) Federal product descriptions do not need to be used under any of the following circumstances:

(1) The purchase is required under a public exigency and a delay in obtaining agency requirements would be involved in using the applicable description.

(2) The total amount of the purchase is less than $10,000. (Multiple small purchases of the same item shall not be made for the purpose of avoiding the intent of this exception. Further, this exception in no way affects the requirements for the procurement of items available from GSA supply distribution facilities, Federal Supply Schedule contracts, GSA procurement programs, and certain procurement sources other than GSA that have been assigned supply responsibility for Federal agencies as provided in Subparts § 101–26.3, § 101–26.4, and § 101–26.5).

(3) The items are purchased in foreign markets for use of overseas activities of agencies.

(4) The products are adequately described in voluntary standards or in standards mandated by law.

(5) The acquisition involves a one-time procurement.

(6) A Federal product description is not currently available and is not expected to be available within a reasonable time of the scheduled acquisition action.

(7) The product is available only from a single source or is produced to a single manufacturer's design.

(8) The product is unique to a single system.

(9) The product (excluding military clothing) is acquired for authorized resale.

(b) If the purchase involves the following, Federal product descriptions do not need to be used except to the extent they are applicable, in whole or in part:

(1) Items required in construction of facilities for new processes or new installations of equipment;

(2) Items required for experiment, test, or research and development; or

(3) Spare parts, components, or material required for operation, repair, or maintenance of existing equipment.

§ 101-29.403 Federal product description exceptions and tailoring.

§ 101-29.403-1 Authorization of exceptions.

When the exceptions listed in § 101-29.402 do not apply and an applicable indexed product description is desired for use in procurement but does not meet an agency's essential needs, exceptions to the product description to effect procurement may be authorized as follows:

(a) All exceptions to Federal telecommunications standards require prior approval by the Assistant Administrator for Information Resources Management, General Services Administration, Washington, DC 20405.

(b) Preparing activities may designate specific product descriptions that require approval of exceptions by the preparing activity before use.

(c) Exceptions to Federal product descriptions that do not require prior approval under paragraphs (a) and (b) of this section may be authorized by the acquiring agency if:

(1) Justifications for exceptions are subject to review before authorization and that such justification can be fully substantiated if post audit is required;

(2) Notification of exception or recommendation for change to the Federal product description is sent promptly to the preparing activity and the General Services Administration (FCO), Washington, DC 20406.

(A statement of the exception with a justification and, where applicable, recommendation for revision or amendment to the description)

§ 101-29.403-2 Agency responsibility relative to exceptions to Federal product descriptions.

Each agency taking exceptions shall establish procedures whereby a designated official having substantial procurement responsibility shall be responsible for assuring that Federal product descriptions are used and provisions for exceptions are complied with.

§ 101-29.403-3 Tailoring of Federal product descriptions.

Product descriptions prepared to define and impose performance characteristics, engineering disciplines, and manufacturing practices such as reliability, system safety, quality assurance, maintainability, configuration management, and the like shall be tailored in accordance with their specific application in acquisitions.

Subpart 101-29.5—Use of and Optional Use of Federal Product Descriptions and Agency Product Descriptions.

§ 101-29.501 Optional use of interim Federal specifications.

Interim Federal specifications are for optional use. All agencies are urged to make maximum use of them and to submit suggested changes to the preparing activity for consideration in further development of the specifications for promulgation as Federal specifications or commercial item descriptions. Interim revisions or interim amendments to Federal specifications are for optional use as valid exceptions to the Federal specifications so revised or amended and must, therefore, be specifically identified by symbol and date in the invitation for bids or request for proposal.

§ 101-29.502 Use of Federal specifications and interim Federal specifications in Federal construction contracts.

When material, equipment, or services covered by an available Federal specification or interim Federal specification are specified in connection with Federal construction, the Federal specification or interim Federal specification shall be made part of the specification for the construction contract, subject to provisions in §§ 101-29.402, 101-29.403, and 101-29.501.

§ 101-29.503 Agency product descriptions.

When a Federal product description is not available, existing agency product descriptions should be used by all agencies consistent with each agency's procedures for establishing priority for use of such descriptions.

§ 101-29.504 Use of Federal product descriptions by mandatory sources of supply.

When items are supplied by a mandatory source such as the Federal Prison Industries, Inc., or the Committee for Purchase from the Blind and other Severely Handicapped, Federal and military specifications or other technical documents must be used in lieu of commercial item descriptions. Any deviations or exceptions to this requirement must have prior approval by the Director of Procurement, Office of Federal Supply and Services (FC), Washington, DC 20406.

Dated: March 25, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-15083 Filed 6-3-83; 8:45 am]

BILLING CODE 6820-AM-M

---

41 CFR Part 101-47

[FPMR Amdt. H-141]

Identification of Unneeded Federal Real Property

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: Executive Order 12348 of February 25, 1982 among other things requires the Administrator of the General Services Administration (GSA) to issue standards, procedures, and guidelines for the conduct of surveys of real property holdings of Executive Agencies on a continuing basis to identify properties which are not utilized, are underutilized, or are not being put to their optimum use. The GSA is amending portions of its regulations regarding the identification of unneeded Federal real property in order to implement sections 4 and 5 of E.O. 12348.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. B. Michael O'Hara, Office of Real Property (202-535-7074).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society for this rule outweigh the potential costs, and has maximized the net benefits; and has chosen the alternative approach involving the least net costs to society.

List of Subjects in 41 CFR Part 101-47

Government property management, Surplus property management.

PART 101–47—[AMENDED]

Accordingly, Subpart 101–47.8 of Title 41, Code of Federal Regulations, is amended as follows:

Subpart 101–47.8—Identification of Unneeded Federal Real Property

1. Section 101–47.800 is revised to read as follows:

§ 101–47.800 Scope of subpart.

This subpart is designed to implement, in part, sections 4 and 5 of Executive Order 12348, which provide, in part, that the Administrator of General Services shall (a) issue standards, procedures, and guidelines for the conduct of surveys of real property holdings of Executive agencies on a continuing basis to identify properties which are not utilized, are underutilized, or are not being put to their optimum use; and (b) make reports to the Property Review Board describing any property or portion thereof which has not been reported excess to the requirements of the holding agency and which, in the judgment of the Administrator, is not utilized, is underutilized, or is not being put to optimum use, and which he recommends should be reported as excess property. The provisions of this subpart are presently limited to fee-owned properties and supporting leaseholds and lesser interests located within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico; American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands. The scope of this subpart may be enlarged at a later date to include real property in additional geographical areas and other interests in real property.

2. Section 101–47.802 is amended by revising the introductory sentence of (b) and paragraphs (b)(5)(ii) through (b)(5)(v) to read as follows:

§ 101–47.802 Procedures.

* * * * *

(b) *GSA Survey.* Pursuant to section 4 of Executive Order 12348, GSA will conduct, on a continuing basis, a survey of real property holdings of all executive agencies to identify properties which, in the judgment of the Administrator of General Services, are not utilized, are underutilized, or are not being put to their optimum use.

* * * * *

(5) * * *

(ii) The GSA Central Office will notify the head of the Executive agency or his designee, in writing, of the survey findings and/or recommendations. A copy of the survey report will be enclosed when a recommendation is made that some or all of the real property should be reported excess, and the comments of the Executive agency will be requested thereon. The Executive agency will be afforded 45 calendar days from the date of the notice in which to submit such comments. If the case is resolved, GSA Central Office will notify the head of the Executive agency or his designee, in writing, of the resolution, and the case will be completed at such time as the agency completes all resolved excess and/or disposal actions. The agency will be afforded a period of 90 calendar days from the date of the notice to complete such actions.

(iii) [Reserved].

(iv) [Reserved].

(v) If the case is not resolved, the, GSA Central Office will report to the Property Review Board with respect to unresolved recommendations as prescribed in section 5 of Executive Order 12348. The head of the Executive agency or his designee will be notified by the Property Review Board of the resolution, and the case will be completed at such time as the agency completes all resolved excess actions. The agency will be afforded a period of 90 calendar days from the date of the notice to complete such actions.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: May 11, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–15080 Filed 6–3–83; 8:45 am]

BILLING CODE 6820–24–M

41 CFR PART 105–53

Statement of Organization and Functions

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation reflects the current GSA organization and functions and is published in accordance with the Freedom of Information Act.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Sylvester H. Kish, Director of Organization and Staff Utilization, (202–566–0086).

List of Subjects in 41 CFR Part 105–53

Archives and records, Office of Information Resources Management, Computer technology, Federal buildings and facilities, Government property, Government property management, Organization and functions (Government agencies), Surplus Government property, Strategic materials.

Therefore, Part 105–53 is revised to read as follows:

PART 105–53—STATEMENT OF ORGANIZATION AND FUNCTIONS

Sec.
105–53.100 Purpose.

Subpart A—General

105–53.110 Creation and authority.
105–53.112 General statement of functions.
105–53.114 General statement of organization.
105–53.116 General regulations.
105–53.118 Locations of material available for public inspection.
105–53.120 Addresses and telephone numbers.

Subpart B—Central Offices

105–53.130 Office of the Administrator.
105–53.130–1 Office of Congressional Affairs.
105–53.130–2 Office of Ethics.
105–53.130–3 Office of the Executive Secretariat.
105–53.130–4 Office of Small and Disadvantaged Business Utilization.
105–53.130–5 Office of Communications.
105–53.130–6 Office of Program Control.
105–53.131 Office of Inspector General.
105–53.132 GSA Board of Contract Appeals.
105–53.133 Information Security Oversight Office.
105–53.134 Associate Administrator for Administration.
105–53.135 Office of Operations.
105–53.136 Office of Policy and Management Systems.
105–53.137 Office of Acquisition Policy.
105–53.138 Office of General Counsel.
105–53.139 Office of Plans, Programs, and Financial Management.
105–53.140 Office of Organization and Personnel.
105–53.141 Office of Oversight.
105–53.142 Office of Public Affairs.
105–53.143 Office of Information Resources Management.
105–53.144 Federal Property Resources Service.
105–53.145 Office of Federal Supply and Services.
105–53.146 National Archives and Records Service.
105–53.147 Public Buildings Service.

Subpart C—Regional Offices

105–53.150 Organization and functions.
105–53.151 Geographic composition; addresses and telephone numbers.

Authority: 5 U.S.C. 552(a)(1), Pub. L. 90–23, 81 Stat. 54 sec. (a)(1); 40 U.S.C. 486(c), Pub. L. 81–152, 63 Stat. 390, sec. 205(c).

§ 105–53.100 Purpose.

This part is published in accordance with 5 U.S.C. 552 and is a general description of the General Services Administration.

Subpart A—General

§ 105–53.110 Creation and authority.

The General Services Administration was established by section 101 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), effective July 1, 1949. The act consolidated and transferred to the agency a variety of real and personal property and related functions fomerly assigned to various agencies. Subsequent laws and Executive orders assigned other related functions and programs.

§ 105–53.112 General statement of functions.

The General Services Administration, as a major policy maker, provides guidance and direction to Federal agencies in a number of management fields. GSA formulates and prescribes a variety of Government-wide policies relating to procurement and contracting; real and personal property management; transportation, public utilities, and telecommunications management; automated data processing management; records management; the Nation's emergency defense supplies; the use and disposal of property; the information security program; and the creation, preservation, and disposal of records.

§ 105–53.114 General statement of organization.

The General Services Administration is an independent agency in the executive branch of the Government. The work of the agency as a whole is directed by the Administrator of General Services, who is assisted by the Deputy Administrator. A summary description of each of GSA's major functions and organizational components is presented in subparts B and C.

§ 105.53 116 General regulations.

Regulations of the General Services Administration and its components are codified in the Code of Federal Regulations in Title 1, Chapters I and II; Title 32, Chapter XX; and Title 41, Chapters 1, 5, 101, and 105. Titles 1, 32, and 41 of the Code of Federal Regulations are available for review at most legal and depository libraries and at the General Services Administration Central Office and regional offices. Copies may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

§ 105–53.118 Locations of material available for public inspection.

GSA maintains reading rooms containing materials available for public inspection and copying at the following locations:

(a) General Services Administration, 18th & F Streets, NW., Library (Room 1038), Washington, DC 20405. Telephone: 202–566–1240.

(b) Business Service Center, General Services Administration, John W. McCormack Building, Post Office & Courthouse, Boston, MA 02109. Telephone: 617–223–2868.

(c) Business Service Center, General Services Administration, 26 Federal Plaza, NY, NY 10007. Telephone: 212–264–1234.

(d) Business Service Center, General Services Administration, Seventh & D Streets, SW., Room 1050, Washington, DC 20407. Telephone: 202–472–1804.

(e) Business Service Center, General Services Administration, Ninth & Market Streets, Room 5142, Philadelphia, PA 19107. Telephone: 215–597–9613.

(f) Business Service Center, General Services Administration, Richard B. Russell Federal Building, U.S. Courthouse, 75 Spring Street, SW., Atlanta, GA 30303. Telephone: 404–221–5100.

(g) Business Service Center, General Services Administration, 230 South Dearborn Street, Chicago, IL 60604. Telephone: 312–353–5383.

(h) Business Service Center, General Services Administration, 1500 East Bannister Road, Kansas City, MO 64131. Telephone: 816–926–7203.

(i) Business Service Center, General Services Administration, 819 Taylor Street, Fort Worth, TX 76102. Telephone: 817–334–3284.

(j) Business Service Center, General Services Administration, Building 41, Denver Federal Center, Denver, CO 80225. Telephone: 303–324–2216.

(k) Business Service Center, General Services Administration, 525 Market Street, San Francisco, CA 94105. Telephone: 415–974–9000.

(l) Business Service Center, General Services Administration, 440 Federal Building, 915 Second Avenue, Seattle, WA 98174. Telephone: 206–442–5556.

§ 105–53.120 Addresses and telephone numbers.

The Office of the Administrator; Office of Inspector General; GSA Board of Contract Appeals; Information Security Oversight Office; Associate Administrator for Administration; Office of Operations; Office of Policy and Management Systems; Office of Congressional Affairs; Office of Communications; Office of Ethics; Office of the Executive Secretariat; Office of Small and Disadvantaged Business Utilization; Office of Program Control; Office of Acquistion Policy; Office of Organization and Personnel; Office of Plans, Programs, and Financial Management; Office of Oversight; Office of Public Affairs; Office of Information Resources Management; Federal Property Resources Service; and Public Buildings Service are located at 18th and F Streets, NW., Washington, DC 20405. The Office of Federal Supply and Services is located in Crystal Mall Building 4, 1941 Jefferson Davis Highway, Washington, DC 20406. The National Archives and Records Service is located in the Archives Building, Seventh and Pennsylvania Avenue, NW., Washington, DC 20408. The telephone number for the above addresses is 202–655–4000. The addresses of the eleven regional offices are provided in § 105–53.151.

Subpart B—Central Office

§ 105–53.130 Office of the Administrator.

The Administrator of General Services, appointed by the President with the advice and consent of the Senate, directs the execution of all programs assigned to the General Services Administration. The Deputy Administrator, who is appointed by the Administrator, assists in directing agency programs and coordinating activities related to the functions of the General Services Administration.

§ 105–53.130–1. Office of Congressional Affairs.

The Office of Congressional Affairs, headed by the Director of Congressional Affairs, is responsible for directing and coordinating the legislative and congressional activities of GSA.

§ 105–53.130–2 Office of Ethics.

The Office of Ethics, headed by the Director of Ethics, is responsible for developing, directing, and monitoring the agency's program governing employee standards of ethical conduct. It is the focal point for the agency's implementation of the Ethics in Government Act of 1978.

§ 105–53.130–3. Office of the Executive Secretariat.

The Office of the Executive Secretariat, headed by the Director of the Executive Secretariat, is responsible for policy coordination, correspondence control, and various administrative tasks in support of the Administrator and Deputy Administrator.

§ 105–53.130–4 Office of Small and Disadvantaged Business Utilization.

(a) *Creation and authority.* Public Law 95–507, October 14, 1978, an amendment to the Small Business Act and the Small Business Investment Act of 1958, established in each Federal agency having procurement authority the Office of Small and Disadvantaged Business Utilization. Each office is headed by a Director of Small and Disadvantaged Business Utilization. The Director is appointed by the head of the agency or department.

(b) *Functions.* The Director of Small and Disadvantaged Business Utilization is responsible for the implementation and execution of the functions and duties under Sections 8 and 15 of the Small Business Act to include the issuance of policy direction and guidance. The office provides information, assistance, and counseling to business concerns, including small businesses, small socially and economically disadvantaged persons, women-owned businesses, labor surplus area concerns, and workshops operated by the blind and other severely handicapped persons. The office also conducts outreach, liaison, source listings, and seminars for small and disadvantaged businesses and coordinates and promotes procurement programs and policies.

§ 105–53.130–5 Office of Communications.

The Office of Communications, headed by the Director of Communications, is responsible for the planning, implementation, and coordination of the public events activities and the GSA publications program.

§ 105–53.130–6 Office of Program Control.

The Office of Program Control, headed by the Director of Program Control, is responsible for developing and maintaining an agencywide management information system to track and monitor critical projects, problems, and issues. It is also responsible for planning, implementing, and coordinating the GSA customer relations activities.

§ 105–53.131 Office of Inspector General.

(a) *Creation and authority.* Public Law 95–452, known as the Inspector General Act of 1978, consolidated existing audit and investigation functions and established an Office of Inspector General in 11 major domestic departments and agencies, including GSA. Each office is headed by an Inspector General appointed by the President with the advice and consent of the Senate.

(b) *Functions.* The Office of Inspector General is responsible for policy direction and conduct of audit, inspection, and investigation activities relating to programs and operations of GSA; and maintaining liaison with other law enforcement agencies, the Department of Justice, and United States Attorneys on all matters relating to the detection and prevention of fraud and abuse. The Inspector General reports semiannually to the Congress through the Administrator concerning fraud, abuses, other serious problems, and deficiencies of agency programs and operations; recommends corrective action; and reports on progress made in implementing these actions.

§ 105–53.132 GSA Board of Contract Appeals.

(a) *Creation and authority.* The GSA Board of Contract Appeals (GSBCA), headed by the Chairman, GSA Board of Contract Appeals, was established on February 28, 1979, by the Administrator of General Services as an independent administrative/judicial tribunal under the provisions of the Contract Disputes Act of 1978 (Pub L. 95–563).

(b) *Functions.* The GSBCA hears, considers, and decides disputes between contractors and GSA and other executive departments, agencies, and commissions under the provisions of the Contract Disputes Act of 1978, the "Disputes" clause of contracts and in connection with contract related claims. The Board furnishes hearing examiners for the Suspension and Debarment Board which serves as the fact-finder in suspension and proposed debarment matters. The Suspension and Debarment Board Provides the suspending official with a determination as to whether adequate evidence exists to support the cause for suspension, delivers written findings of fact to the debarring official which resolve any facts in dispute based on a preponderance of the evidence and determines whether a cause for debarment exists. The Board also serves as an *ad hoc* body convened to consider any other type of dispute, including appeals involving violations of post-Federal employment restrictions pursuant to the Ethics in Government Act of 1978.

(c) *Regulations.* Regulations pertaining to GSBCA programs are published in 41 CFR Part 5A–60. Information on availability of the regulations is provided in § 105–53.116

§ 105–53.133 Information Security Oversight Office.

(a) *Creation and authority.* The Information Security Oversight Office (ISOO), headed by the Director of ISOO, who is appointed by the Administrator with the approval of the President, was established by the Administrator on November 20, 1978, under the provisions of Executive Order 12065. Effective August 1, 1982, this authority is based upon Executive Order 12356, which superseded E.O. 12065.

(b) *Functions.* ISOO oversees and ensures, under the general policy direction of the National Security Council, Government-wide implementation of the information security program established by Executive order.

(c) *Regulations.* Regulations pertaining to ISOO Programs are published in 32 CFR Chapter XX, Part 2000 et seq.

§ 105–53.134 Associate Administrator for Administration.

The Associate Administrator for Administration participates in the executive leadership of the agency, provides advice on major policies and procedures to the Administrator and Deputy Administrator, and oversees organizational effectiveness within the agency.

§ 105–53.135 Office of Operations.

The Office of Operations, headed by the Associate Administrator for Operations, participates in the executive leadership of the agency and in the formulation of GSA-wide policy; has primary responsibility for GSA's field operations; supervises GSA's Regional Administrators; and ensures that regional programs are executed in the most cost-effective and efficient manner.

§ 105–53.136 Office of Policy and Management Systems.

The Office of Policy and Management Systems, headed by the Associate Administrator for Policy and Management Systems, participates in the executive leadership of the agency and in the formulation of GSA-wide policy; serves as the focal point for policy regarding agency management matters; and exercises control of agencywide management systems with oversight responsibility of general operating systems.

§ 105–53.137 Office of Acquisition Policy.

(a) *Functions.* The Office of Acquisition Policy (OAP), headed by the Assistant Administrator for Acquisition Policy, serves as the single focal point for GSA acquisition and contracting matters and is responsible for ensuring that the GSA procurement process is executed in compliance with all appropriate public laws and regulations

and is based on sound business judgment.

(b) *Regulations.* Regulations pertaining to OAP programs are published in 41 CFR Chapter 5, General Services Administration Procurement Regulations (GSPR), and 41 CFR Chapter 1, Federal Procurement Regulations (FPR). Information on availability of the regulations is provided in § 105–53.116.

§ 105–53.138 Office of General Counsel.

Functions. The Office of General Counsel (OGC), headed by the General Counsel, is responsible for providing all legal services to the services, programs offices, staff offices, and regions of GSA with the exception of certain legal activities of the Office of Inspector General and legal activities of the Board of Contract Appeals; drafts legislation proposed by GSA; furnishes legal advice required in connection with reports on legislation proposed by other agencies; provides liaison on legal matters with other Federal agencies; coordinates with the Department of Justice in litigation matters; and reviews and gives advice on matters of contract policy and contract operations.

§ 105–53.139 Office of Plans, Programs, and Financial Management.

(a) *Functions.* The Office of Plans, Programs, and Financial Management (PPFM), headed by the Assistant Administrator for Plans, Programs, and Financial Management, is responsible for centralized agencywide budget and accounting functions; overall allocation and administrative control of agencywide resources and financial management programs; and for the audit of transportation bills paid by the Government and subsequent settlement of claims.

(b) *Regulations.* Regulations pertaining to PPFM programs are published in 41 CFR Parts 101–2 and 101–41. Information on availability of the regulations is provided in §105–53.116.

§ 105–53.140 Office of Organization and Personnel.

The Office of Organization and Personnel, headed by the Director of Organization and Personnel, plans for and administers GSA-wide programs for staffing, position classification and pay administration, employee relations, training, career development, equal employment opportunity, organization, and staff utilization.

§ 105–53.141 Office of Oversight.

The Office of Oversight, headed by the Director of Oversight, is responsible for conducting independent reviews of agencywide programs within priorities set by the Administrator to determine the effectiveness, efficiency, and economy of GSA activities; overseeing agencywide implementation of OMB Circular A–123; serving as the central point of control for audit and inspection reports from the Inspector General and the Comptroller General of the United States; administering GSA's security programs; and directing an agencywide program of administrative services.

§ 105–53.142 Office of Public Affairs.

The Office of Public Affairs, headed by the Director of Public Affairs, is responsible for the planning, implementing, and coordinating of all GSA public information activities.

§ 105–53.143 Office of Information Resources Management.

(a) *Creation and authority.* The Office of Information Resources Management (OIRM), headed by the Assistant Administrator for Information Resources Management, was established on August 17, 1982, by the Administrator of General Services. The Office was assigned responsibility for administering the Government-wide automatic data processing (ADP) resources management program and the Government-wide telecommunications management program.

(b) *Functions.* OIRM is responsible for directing and managing Government-wide programs for the procurement and use of automatic data processing, office information systems, and telecommunications equipment and services; developing and coordinating Government-wide plans, policies, procedures, regulations, and publications pertaining to ADP and telecommunications activities; managing and operating the Automatic Data Processing (ADP) Fund and the Federal Telecommunications (FT) Fund; managing and operating the Federal Telecommunications System (FTS); planning and directing programs for improving Federal records and information management practices Government-wide; managing and operating the Federal Information Centers and the Consumer Information Center; and developing and overseeing GSA policy concerning internal automated information systems, equipment, and facilities.

(c) *Regulations.* Regulations pertaining to OIRM programs are published in 41 CFR Chapter 1 and 41 CFR Chapter 101, Subchapters B and F. Information on availability of the regulations is provided in § 105–53.116.

§ 105–53.144 Federal Property Resources Service.

(a) *Creation and authority.* The Federal Property Resources Service (FPRS), headed by the Commissioner, Federal Property Resources Service, was established on July 18, 1978, by the Administrator of General Services to carry out the utilization and disposal functions for real and related personal property and the management of the Strategic and Critical Materials Stockpile.

(b) *Functions.* FPRS is responsible for utilization surveys of Federal real property holdings; the reuse of excess real property; the disposal of surplus real property; and acquiring, maintaining quality, storing, and disposing of the Nation's inventory of strategic and critical materials essential to the military and industrial requirements of the United States in times of emergency.

(c) *Regulations.* Regulations pertaining to FPRS programs are published in 41 CFR Chapter 1 and 41 CFR Chapter 101, Subchapters C and H. Information on availability of the regulations is provided in § 105–53.116.

§ 105–53.145 Office of Federal Supply and Services.

(a) *Creation and authority.* The Office of Federal Supply and Services (FSS), headed by the Assistant Administrator for Federal Supply and Services, was established on August 17, 1982, by the Administrator of General Services.

(b) *Functions.* FSS is responsible for determining supply requirements; procuring personal property and nonpersonal services; transferring excess (except ADP equipment) and donating and selling surplus personal property; managing GSA's Government-wide transportation, traffic management, travel, fleet management, and employee relocation programs; developing Federal standard purchase specifications and Commercial Item Descriptions; standardizing commodities purchased by the Federal Government; cataloging items of supply procured by civil agencies; and ensuring continuity of supply operations during defense emergency conditions.

(c) *Regulations.* Regulations pertaining to FSS programs are published in 41 CFR Chapters 1 and 5 and 41 CFR Chapter 101, Subchapter A, E, G, and H. Information on availability of the regulations is provided in § 105.53.116.

§ 105–53.146 National Archives and Records Service.

(a) *Creation and authority.* The National Archives and Records Service (NARS), under the direction of the Archivist of the United States, was established on December 11, 1949, by the Federal Property and Administrative Services Act of 1949 to succeed the National Archives Establishment originally established by the Act of June 19, 1934 (48 Stat. 1122).

(b) *Functions.* NARS is responsible for providing economical storage in Federal records centers for semiactive and noncurrent Federal records; appraising and scheduling records for appropriate disposition; selecting, preserving, and servicing the permanently valuable noncurrent records of the Federal Government; publishing the laws, constitutional amendments, Presidential documents, and administrative regulations having general applicability and legal effects; providing for the preservation, publication, and administration of the historical materials in Presidential libraries operated by GSA; and providing staff support to the National Historical Publications and Records Commission.

(c) *Regulations.* Regulations pertaining to NARS programs are published in 1 CFR Chapter I and II; 41 CFR Chapter 101, Subchapter B; and 41 CFR Parts 105–61, 105–63, and 105–65. Information on availability of the regulations is provided in § 105.53.116.

§ 105–53.147 Public Buildings Service.

(a) *Creation and authority.* The Public Buildings Service (PBS), headed by the Commissioner, Public Buildings Service, was established on December 11, 1949, by the Administrator of General Services to supersede the Public Buildings Administration, which was abolished by the Federal Property and Administrative Services Act of 1949.

(b) *Functions.* PBS is responsible for the design, construction, management, maintenance, operation, alteration, extension, remodeling, preservation, repair, improvement, protection, and control of buildings, both federally owned and leased, in which are provided housing accommodations for Government activities; the acquisition, utilization, custody, and accountability for GSA real property and related personal property; representing the consumer interests of the Federal executive agencies before Federal and State rate regulatory commissions and providing procurement support and contracting for public utilities (except telecommunications); the Government-wide safety program as it relates to GSA public buildings, and the GSA employee safety and health program; the implementation of Executive Order 11593; and coordination of GSA's activities towards improving the environment as required by the National Environmental Policy Act of 1959.

(c) *Regulations.* Regulations pertaining to PBS programs are published in 41 CFR Chapter 1 and 41 CFR Chapter 101, Subchapters D and H. Information on availability of the regulations is provided in § 105.53.116.

Subpart C—Regional Offices

§ 105–53.150 Organization and functions.

Regional offices have been established in 11 cities throughout the United States. Each regional office is headed by a Regional Administrator, who is responsible to the Associate Administrator for Operations for the overall direction and administration of the regional office and for the total performance of GSA programs and activities within the region. The overall organizational structure for each region is identical and consists of the following: Regional Administrator, Executive Assistant, Office of Regional Counsel, Office of Project Control and Oversight, Office of Controller, Office of Public Building and Real Property, Office of Federal Supply and Services, and Office of Information Resources Management. In certain instances, regional offices are assigned national interregional jurisdiction for a specific program. The geographic composition of each region is shown in § 105–53.151.

§ 105–53.151 Geographic composition; addresses and telephone numbers.

Regional Offices—General Services Administration

Region and Address

No. 1. (Comprising the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont); John W. McCormack Building, Post Office and Courthouse, Boston, MA 02109. Telephone: 617–232–2100.

No. 2. (Comprising the States of New Jersey and New York, the Commonwealth of Puerto Rico, and the Virgin Islands. *Exception: FPRS Real Property functions for the Commonwealth of Puerto Rico and the Virgin Islands are administered by Region 4); 26 Federal Plaza, New York, NY 10007. Telephone: 212–264–3311.

No. 3. (Comprising the States of Maryland, Virginia, (except those jurisdictions within National Capital Region boundaries), West Virginia, Pennsylvania, and Delaware); Ninth and Market Streets, Philadelphia, PA 19107. Telephone: 215–597–3311.

No. 4. (Comprising the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; and the FPRS Real Property functions for the Commonwealth of Puerto Rico and the Virgin Islands); 75 Spring Street, SW., Atlanta, GA 30303. Telephone: 404–221–3200.

No. 5. (Comprising the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin); 230 South Dearborn Street, Chicago, IL 60604. Telephone: 312–353–4401.

No. 6. (Comprising the States of Iowa, Kansas, Missouri, and Nebraska); 1500 East Bannister Road, Kansas City, MO 64131. Telephone: 816–926–7201.

No. 7. (Comprising the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas); 819 Taylor Street, Fort Worth, TX 76102. Telephone: 817–334–2321.

No. 8. (Comprising the States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming); Building 41, Denver Federal Center, Denver, CO 80225. Telephone: 303–234–3131.

No. 9. (Comprising Guam and the States of Arizona, California, Hawaii, and Nevada); 525 Market Street, San Francisco, CA 94105. Telephone: 415–556–0000.

No. 10. (Comprising the States of Alaska, Idaho, Oregon, and Washington); GSA Center, Auburn, WA 98002. Telephone: 206–396–5000.

National Capital Region. (Comprising the District of Columbia; the Counties of Montgomery and Prince Georges in Maryland; and the City of Alexandria and the Counties of Arlington, Fairfax, Loudoun, and Prince William in Virginia); Seventh and D Streets, SW., Washington, DC 20407. Telephone: 202–655–4000. *FPRS Real Property utilization and disposal functions for Region 2 are administered by Region 1; Region 3 and National Capitol Region administered by Region 4; Region 6 administered by Region 7; and Region 8 administered by Region 10.

Dated: May 31, 1983.

Jon R. Halsall,

Acting Director of Organization and Personnel.

[FR Doc. 83–15084 Filed 6–3–83; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6391

[OR-15667, I-18188]

Oregon and Idaho; Transfer of Jurisdiction; Addition to Wallowa National Forest

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order transfers jurisdiction of 6,744 acres of public lands and an additional 6,212 acres of Federal minerals to the Secretary of Agriculture. The lands which lie within the Hells Canyon National Recreation Area will also become part of the Wallowa National Forest. All public lands and minerals involved will remain closed to surface entry, mining and mineral leasing.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and as provided by Section 9 of the Act of December 31, 1975, 89 Stat. 1117; 16 U.S.C. 460gg, which established the Hells Canyon National Recreation Area, it is ordered as follows:

1. Subject to valid existing rights, administrative jurisdiction of the following described public lands lying within the boundaries of the Hells Canyon National Recreation Area are hereby transferred to the Secretary of Agriculture:

Willamette Meridian, Oregon

T. 6 N., R. 47 E.,
- Sec. 15, lots 1, 2, 3, and 4;
- Sec. 17, lots 1, 2, 3, and 4;
- Sec. 20, W½;
- Sec. 21, N½NW¼, SW¼NW¼, NW¼SW¼, and S½SW¼;
- Sec. 25, lots 1 and 2;
- Sec. 28, N½ and W½SW¼;
- Sec. 29, S½NE¼;
- Sec. 33, lots 4, 5, 6, and 7, SW¼NW¼, N½SW¼, and S½S½;
- Sec. 35, lot 5.

T. 6 S., R. 48 E.,
- Sec. 18, that portion lying within the Hells Canyon National Recreation Area;
- Sec. 19, W½, SW¼SE¼, and those portions of the N½NE¼ and N½SE¼ lying within the Hells Canyon National Recreation Area;
- Sec. 30, W½ and those portions of the N½NE¼ and SE¼ lying within the Hells Canyon National Recreation Area;
- Sec. 31, that portion lying within the Hells Canyon National Recreation Area.

T. 7 S., R. 48 E.,
- Sec. 6, those portions of lot 4, SW¼NW¼, and W½SW¼ laying within the Hells Canyon National Recreation Area.

Boise Meridian, Idaho

T. 28 N., R. 2 W.,
- Sec. 15, lots 1, 2, and 3, and SW¼NE¼;
- Sec. 23, lots 1, 3, 4, and 5;
- Sec. 25, S½NW¼ and W½SW¼;
- Sec. 26, lots 1, 2, 3, and 4;
- Sec. 35, lots 1, 2, 3, and 4.

T. 28 N., R. 3 W.,
- Sec. 3, lot 1.

T. 29 N., R. 3 W.,
- Sec. 28, lot 3;
- Sec. 29, lots 1, 2, 3, and 4;
- Sec. 30, lots 3 to 7, inclusive, NE¼NE¼, SW¼NE¼, and NE¼SW¼;
- Sec. 34, lot 4.

T. 29 N., R. 4 W.,
- Sec. 3, lots 4 to 8, inclusive, and SE¼SE¼;
- Sec. 4, lot 1;
- Sec. 10, lots 1 and 2;
- Sec. 11, lots 1, 2, and 3, and SW¼NW¼;
- Sec. 14, lots 1 to 6, inclusive;
- Sec. 23, lots 1, 2, 3, and 4;
- Sec. 25, lots 1 to 5, inclusive, NW¼NW¼, and SW¼NE¼;
- Sec. 26, lot 1.

T. 30 N., R. 4 W.,
- Sec. 7, lots 1, 2, and 3, and those portions of lots 4, 5, and 6 lying within the Hells Canyon National Recreation Area;
- Sec. 17, W½SW¼NW¼, NW¼SW¼, and SW¼SW¼;
- Sec. 18, lots 1, 2, 3, and 4;
- Sec. 19, lots 1 and 2;
- Sec. 20, lots 4, 5, and 6, SW¼NW¼, W½NE¼SW¼, and W½SE¼SW¼;
- Sec. 29, lots 1, 2, 3, and 4, NE¼NW¼, NW¼SE¼, and SE¼SE¼;
- Sec. 32, lot 1;
- Sec. 33, lots 1, 2, 3, and 4, NW¼NW¼, S½SE¼NW¼, S½NW¼SE¼, and SE¼SE¼.

The areas described aggregate approximately 3,535 acres in Baker and Wallowa Counties, Oregon, and 3,209.41 acres in Idaho and Nez Perce Counties, Idaho.

2. Subject to valid existing rights, administrative jurisdiction of the reserved mineral estate in the following described patented lands lying within the boundaries of the Hells Canyon National Recreation Area is hereby transferred to the Secretary of Agriculture to the extent necessary to carry out the purposes of the Act of December 31, 1975:

Willamette Meridian, Oregon

T. 6 N., R. 47 E.,
- Sec. 14, lot 1;
- Sec. 18, lots 1, 2, 3, and 4;
- Sec. 19, NE¼, N½SE¼, and that portion of the SW¼ lying within the Hells Canyon National Recreation Area;
- Sec. 20, E½;
- Sec. 21, E½, SE¼NW¼, and NW¼SW¼;
- Sec. 22, NW¼;
- Sec. 23, lots 1, 2, and 3;
- Sec. 26, lots 1, 3, 4, and 5, SE¼NW¼, W½SW¼, and SW¼SE¼;
- Sec. 27, SW¼ and S½SE¼;
- Sec. 28, E½SE¼;
- Sec. 29, those portions of the N½NE¼, SE¼, and E½SW¼ lying within the Hells Canyon National Recreation Area;
- Sec. 30, those portions of the NE¼ and E½NW¼ lying within the Hells Canyon National Recreation Area;
- Sec. 32, that portion of the SE¼ lying within the Hells Canyon National Recreation Area;
- Sec. 33, lot 3 and NW¼NW¼;
- Sec. 34, NE¼, W½, and W½SE¼;
- Sec. 35, lots 1, 2, and 3, and N½.

T. 7 S., R. 47 E.,
- Sec. 26, that portion of the W½W½ lying within the Hells Canyon National Recreation Area;
- Sec. 27, E½ and E½W½;
- Sec. 28, those portions of the E½SW¼ and W½SE¼ lying within the Hells Canyon National Recreation Area;
- Sec. 33, NE¼ and that portion of the E½NW¼ lying within the Hells Canyon National Recreation Area;
- Sec. 34, N½NE¼, SE¼NE¼, and SW¼NW¼;
- Sec. 35, that portion of the NW¼NW¼ lying within the Hells Canyon National Recreation Area.

Boise Meridian, Idaho

T. 28 N., R. 2 W.,
- Sec. 6, lots 7 and 8;
- Sec. 7, lot 3;
- Sec. 8, lots 1, 2, 3, and 4;
- Sec. 9, lots 1 and 2, NW¼NW¼ and SE¼NW¼.

T. 28 N., R. 3 W.,
- Sec. 2, lots 1 and 2, SW¼NW¼, NE¼SW¼, and SW¼SE¼;
- Sec. 3, lot 2;
- Sec. 11, lots 1 and 2, and NE¼NE¼;
- Sec. 12, lots 1 to 5, inclusive.

T. 29 N., R. 3 W.,
- Sec. 27, lots 1 and 2, SW¼NW¼, and NE¼SW¼;
- Sec. 28, lots 1, 2, and 4;
- Sec. 34, lots 1, 2, and 3.

T. 30 N., R. 4 W.,
- Sec. 6, lots 5, 14, 15, 18, 19, and that portion of lot 4 lying within the Hells Canyon National Recreation Area;
- Sec. 7, W½NE¼NE¼.

The areas described aggregate approximately 4,797 acres in Baker and Wallowa Counties, Oregon, and approximately 1,415 acres in Idaho and Nez Perce Counties, Idaho.

3. Subject to valid existing rights, the lands described in paragraphs 1 and 2 are hereby made a part of the Wallowa National Forest to be administered as the Wallowa-Whitman National Forest and shall hereafter be subject to all laws and regulations applicable thereto.

4. Subject to valid existing rights, Section 11 of the Act of December 31, 1975, withdraws the lands described in paragraphs 1 and 2 from all forms of

location, entry, and patent under the mining laws of the United States, and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 27, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-14999 Filed 6-3-83; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Amdt. Nos. 192-44 and 195-27; Docket No. PS-59]

Transportation of Natural and Other Gas and Hazardous Liquids by Pipeline; Line Marking at Navigable Waterways

AGENCY: Materials Transportation Bureau (MTB), RSPA, DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the regulations that require pipeline operators to place and maintain line markers at locations where gas and hazardous liquid pipelines cross navigable waterways. The current regulations are considered costly and unnecessary for safety in light of requirements and practices of the U.S. Army Corps of Engineers and voluntary practices of the pipeline industry.

EFFECTIVE DATE: July 6, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. L. M. Furrow, (202) 426-2392, regarding the content of this notice, or the Dockets Branch, (202) 426-3148, regarding copies of this notice or other information in the dockets.

SUPPLEMENTARY INFORMATION:

Background

Line markers (or signs) historically have been installed by gas and hazardous liquid pipeline companies at navigable waterway crossings to warn vessel pilots of the presence of underwater pipelines. The objective of this practice is to reduce the possibility that underwater pipelines will be damaged by activities such as anchoring, dredging, pile driving, spud mooring, or by collision at the shoreline. A version of this voluntary practice became mandatory for hazardous liquid pipelines when § 195.410, Line markers, was adopted in 1970 (34 FR 15473). Later, the standards in § 192.707 for marking gas pipelines were amended in 1975 (40 FR 13502) to, among other things, establish specific, detailed requirements for marking mains and transmission lines at navigable waterway crossings.

Although the term "navigable waterway" is not defined in either the gas or liquid regulations, MTB has interpreted it in a manner consistent with the U.S. Coast Guard's application of the term. This application has been recently expanded, however, by statutes and court decisions to include waters where there is little or no likelihood that marine activities will damage pipelines. For instance, markers would not be very useful for protecting crossings of minor streams that, although "navigable," have no vessel traffic and no likelihood of being dredged.

Another problem with both the gas and liquid line marking regulations is the difficulty and impracticality of installing warning signs at the shore that are large enough to be seen from passing vessels. Usually as waterways increase in size, so must the signs to provide adequate notice. At some point, aesthetic objections occur.

Review

These problems caused MTB to include §§ 192.707 and 195.410 in its program for reviewing existing regulations, with a view toward revoking or revising those regulations that are not achieving their intended purpose. MTB's review concluded, preliminarily, that despite their longstanding usage, there was no empirical evidence to demonstrate the effectiveness of line markers in reducing the potential for accidents at navigable waterway crossings. It was also obvious that marker benefits, if any, would not likely be available at night or in fog, or far from shore where markers of moderate size could not be seen.

Another finding was that the consequences of accidents that have occurred have not been severe in terms of deaths and injuries. From 1970 through 1979, there were 40 accidents reported on gas pipeline crossings caused by marine activities, resulting in no deaths and four injuries. Between 1968 and 1977, there were only 16 marine-activity related accidents on liquid pipelines, and no deaths or injuries were reported.

Finally, even in the absence of a complete cost study, information supplied by the Tennessee Gas Pipeline Company and East Tennessee Natural Gas showed that compliance with the existing requirements for water crossings that might be classed as navigable is very costly for the industry.

To complete its review of the regulations that require placement of line markers at navigable waterway crossings, MTB issued an Advance Notice of Proposed Rulemaking (ANPRM) on June 17, 1981 [46 FR 32287; June 22, 1981], inviting comments on the problem of interference with underwater pipeline crossings, the benefits of installing line markers at these crossings, and the size and costs of markers to be used.

The ANPRM set forth five alternative courses of action to deal with the line marker problem. Of these, Alternatives 2 and 4 received the most favorable responses. These alternatives were as follows:

Alternative 2. "Require line markers only at crossings of rivers or other bodies of water which carry potentially damaging vessels or where channel dredging and commercial dredging [such as oyster shell dredging] is commonly performed, but place a reasonable limit on the size of signs."

Alternative 4. "Revoke the present requirements for line markers at navigable waterways. In this case, safety would be regulated by other existing Department of Transportation requirements, such as depth of burial, by "one-call" damage prevention programs, or by Coast Guard and Corps of Engineer requirements. . . ."

Notice of Proposed Rulemaking

After considering the comments on the ANPRM, MTB issued a Notice of Proposed Rulemaking concerning line markers at navigable waterways [48 FR 2987; January 24, 1983]. In this notice, MTB gave its reasons for rejecting Alternative 2 and proposing to adopt Alternative 4. The reasons in regard to Alternative 2 were as follows:

> MTB is not persuaded by the respondents who favored Alternative 2 that there should be a Federal pipeline safety requirement for placement of line markers at particular waterways. The waters to which the respondents would apply such a requirement, ones where damage to pipelines is most likely to occur, are the same ones they stated they would continue to mark in the absence of any Federal pipeline safety requirement. Indeed, the Regulatory Evaluation indicates that in high traffic locations, it is cost beneficial to install line markers, giving credence to the industry comments that line markers will be voluntarily installed where appropriate. MTB does not believe that it should require by regulation that which industry largely does on its own initiative, particularly when the failure to act voluntarily would not measurably threaten public safety.

Another consideration regarding Alternative 2 is that the Corps of Engineers and the Coast Guard also have regulations which affect the safety of pipelines crossing navigable waterways.

The Corps of Engineers and National Ocean Survey of the Department of Commerce produce charts for purposes of navigation on U.S. waterways. Submarine cables and pipelines are shown on these charts, based on information furnished by the Corps as set forth in 33 CFR 209.310 and 209.325 (g), (h), and (i). Also, information about pipelines which affect navigation is published in Notices to Mariners, a Coast Guard and Department of Commerce publication, and in the U.S. Coast Pilot Monthly, another government sponsored publication, both of which are available to mariners. The U.S. Coast Guard requires vessels of 1,600 gross tons and up operating on the navigable waters of the U.S. to carry current government charts, coast pilots, and Notices to Mariners (33 CFR 164.33). Thus, information about pipeline crossings that could affect navigation is available on charts and publications to pilots of all vessels, and required to be kept on vessels with sufficient capacity to damage pipelines.

Moreover, the Corps of Engineers has authority under Sec. 10 of the River and Harbor Act of 1899 to regulate and grant permits for pipeline crossings of navigable waters of the United States and for dredging of other construction activities that might interfere with such crossings. The regulations which apply to the issuance of permits are in 33 CFR Parts 320 through 330.

The Corps of Engineers' policies for review of applications for Department of Army permits include a public interest review (33 CFR 320.4). All factors which may be relevant to a proposed crossing are considered, among which are navigation, safety, and in general, the needs and welfare of the people. Comments on the ANPRM from the Corps stated that the need for line markers is also part of this review. No permit is granted unless its issuance is found to be in the public interest.

Thus, the Corps not only furnishes information about pipeline crossings that is used by mariners, but also conducts a case-by-case review of the safety of pipeline crossings of navigable waters, including the need for line markers. Furthermore, after a crossing is constructed, the Corps' permitting program in regard to dredging and marine construction activities serves to protect the crossing against damage. It follows, therefore, that the present requirements of §§ 192.707 and 195.410 for marking navigable waterway crossings are to a large extent unnecessary in light of the Corps of Engineers' practices.

The reasons for selecting Alternative 4 were as follows:

After reviewing all the comments and considering other information available, MTB does not believe that its current requirements for placing line markers at navigable waterway crossings are justified. In short, MTB believes that because of their location, there is little risk of damage to underwater pipelines, and most of the incidents to underwater pipelines that do occur expose very few members of the general public to danger. Moreover, there is insufficient evidence to show that line markers have had any effect in preventing damage to underwater pipelines and such quantitative information appears unobtainable.

A major factor related to the lack of need for Federal regulations is MTB's belief, as supported by the comments, that most operators will voluntarily install and maintain line markers at crossings where they consider line markers to be helpful. Clearly, it is unnecessary for MTB to require by Federal regulations what industry can and will do in the absence of Federal regulations.

Another very important consideration involves the requirements and practices of the Corps of Engineers regarding issuing permits for pipeline crossings, dredging, and other construction activities in navigable waterways and the information provided mariners about pipeline crossings. The Corps' permitting and informational programs protect the public not only in regard to hazards to navigation, but also against risks posed by interference with underwater pipelines by vessels, dredging, or other water-use activity.

Discussion of Comments

There were 34 persons who submitted comments on the Notice of Proposed Rulemaking. They included public utility companies, gas and liquid transmission companies, State agencies, industry trade associations, a maritime association, and Federal agencies.

Twenty-five of these commenters supported the proposed rulemaking categorically. Of this group, some acknowledged they previously were proponents of Alternative 2, but were persuaded by the notice that Alternative 4 is a better choice.

Both §§ 192.707 and 195.410 provide, in general performance terms, that line markers must be installed where necessary to identify the location of a pipeline. To assure that this general provision could not be construed to apply to navigable waterway crossings, MTB proposed to amend paragraph (b) of each rule to add "navigable waterways" to the list of situations in which markers are not required. A few commenters pointed out, however, that use of the term "navigable waterways" without a definition would be confusing because the exclusion would not apply to all waterways. Inasmuch as the rationale for not requiring markers at navigable waterways applies equally, or even more so, to waterways that are not navigable, there is no valid reason why the regulations should imply that some nonnavigable waterway crossings should be marked. Therefore, in the final rules, the words "navigable waterways" are deleted from paragraph (b), but replaced by the words "waterways and other bodies of water". Hence, no one may infer that markers are required at any waterway or other body of water.

Four commenters opposed the proposal to revoke the current regulations: the U.S. Coast Guard, the National Transportation Safety Board, the New York State Public Service Commission, and the West Gulf Maritime Association. They argued in favor of Alternative 2, which was to require markers at waterways with potentially damaging vessel traffic. Some of the supporting statements advanced were that in emergencies pilots would not have time to consult charts before dropping anchor, and it is unrealistic to assume that the voluntary placement of signs would provide satisfactory protection. The U.S. Coast Guard said that pipeline markers are more effective than charts. The National Transportation Safety Board added that waterway markers have the benefit of warning shoreside excavators of the presence of buried pipelines. Yet, none of these commenters submitted any hard data regarding the benefits of existing line markers at navigable waterway crossings. For example, even though the proposal did not rest on the assumption that pilots would consult charts instead of line markers during an emergency, no information was presented to show how markers have helped to prevent accidents in an emergency. Since the benefits of waterway markers remain a matter of conjecture, and the historical practices of industry and the Corps of Engineers appear to provide sufficient safeguards against vessel damage and dredging, the primary threats to underwater pipelines, MTB's line marking regulations on the subject cannot be justified. The general linemarking requirements will continue to protect against shoreside excavation activities that do not affect waterways but might interfere with a buried pipeline. Also, "one call" damage prevention programs (e.g., § 192.614) will protect against damage from onshore excavation activities.

Advisory Committee Review

Section 4(b) of the Natural Gas Pipeline Safety Act of 1968, as amended (49 USC 1673(b)), requires that each proposed amendment to a safety standard established under that statute be submitted to a 15-member advisory committee for its consideration. The committee, composed of persons knowledgeable about the transportaion of gas, considered the proposed amendment to § 192.707 at a meeting in Washington, D.C., on November 16 and 17, 1982.

In its report, dated January 14, 1983 (a copy of which is in the docket), the committee found the proposed amendment, as set forth in a draft of the Notice of Proposed Rulemaking, to be technically feasible, reasonable, and practical provided (1) the words "or at crossings of" in the proposed paragraph (b)(1) were deleted, and (2) the heading of paragraph (d) was changed to read "Marker." The second of these recommended revisions was included in substance in the published Notice of Proposed Rulemaking. The first was not adopted, however, in either the notice or this final rule because MTB does not concur with the committee's rationale for the change. The committee thought the express exclusion of waterway crossings from the marker regulations (by adding "or at crossings of" to the existing paragraph (b)) would serve to deter voluntary installation of markers, and also, not permit use of the general duty provision in paragraph (a) (discussed above) as a shield against persons who might object to the voluntary installation of waterway markers on aesthetic grounds. As discussed above, MTB has left the exclusion in the final rule to avoid any implication that the general duty provision requires waterway markers in some locations and to avoid the associated interpretive difficulties. Pipeline companies have historically installed markers at waterway crossings. MTB doubts, based on the comments of operators in the record, that a clear Federal statement that markers are no longer mandatory in these locations will cause companies to change their long-standing policies. As to the protection a Federal rule might give companies against opponents of waterway markers, providing such defenses is certainly not an authorized purpose of rulemaking when a rule cannot otherwise be justified. In addition, MTB believes that most objections to signs in the past have arisen because of the oversized signs companies have had to erect to comply with § 192.707 at wide navigable waterways. A more judicious approach to choosing sign sizes should result in few, if any, objections in the future.

Likewise, Section 204(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 USC 2003(b)) requires that the proposed amendment to § 195.410 be submitted for consideration by a 15-member advisory committee composed of persons knowledgeable about the transportation of hazardous liquids. The committee considered the proposed amendment at a meeting in Washington, D.C., on December 7–8, 1982. In its report, dated March 9, 1983 (a copy of which is in the docket), the committee found the proposed amendment, as set forth in a draft of the Notice of Proposed Rulemaking, to be technically feasible, acceptable, and reasonable.

Classification

This final rule is not a "major rule" under Executive Order 12291. The Order defines a "major rule" as one which would have an annual effect on the economy of $100 million or more, a major increase in costs, or a significant adverse effect on the economy. As shown by the Regulatory Evaluation for this proceeding, this final rule does not have such an impact. This final rule also is not a "significant" rule as defined by the Department of Transportation Policies and Procedures (DOT Order 2100.5).

The Regulatory Flexibility Act (5 USC 601 et seq.) requires a review of certain rules proposed after January 1, 1981, for their effects on small businesses, organizations and governmental bodies. I certify that the final rule will not have a significant economic impact on a substantial number of small entities because there will be no direct or indirect costs of compliance or other adverse effects.

List of Subjects

49 CFR Part 192

Pipeline safety.

49 CFR Part 195

Ammonia, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

Therefore, for reasons set out in the preamble, MTB amends 49 CFR Parts 192 and 195 as follows:

PART 192—[AMENDED]

1. Section 192.707 is amended by revising paragraphs (a) and (b) and the introductory text of paragraph (d) to read as follows, and by removing paragraphs (e) and (f):

§ 192.707 Line markers for mains and transmission lines.

(a) *Buried pipelines.* Except as provided in paragraph (b) of this section, a line marker must be placed and maintained as close as practical over each buried main and transmission line:

(1) At each crossing of a public road and railroad; and

(2) Wherever necessary to identify the location of the transmission line or main to reduce the possibility of damage or interference.

(b) *Exceptions for buried pipelines.* Line markers are not required for buried mains and transmission lines—

(1) Located offshore or at crossings of or under waterways and other bodies of water; or

(2) In Class 3 or Class 4 locations—

(i) Where placement of a marker is impractical; or

(ii) Where a damage prevention program is in effect under § 192.614.

* * * * *

(d) *Marker warning.* The following must be written legibly on a background of sharply contrasting color on each line marker:

* * * * *

(49 U.S.C. 1672; 49 CFR 1.53 and Appendix A of Part 1)

PART 195—[AMENDED]

2. Section 195.410 is amended by revising the introductory text of paragraphs (a) and paragraph (a)(2) and (b) to read as follows, by removing paragraph (c), and by redesignating paragraph (d) as paragraph (c):

§ 195.410 Line markers.

(a) Except as provided in paragraph (b) of this section, each operator shall place and maintain line markers over each buried pipeline in accordance with the following:

* * * * *

(2) The marker must state at least the following: "Warning" followed by the words "Petroleum (or the name of the hazardous liquid transported) Pipeline" (in lettering at least 1 inch high with an approximate stroke of one-quarter inch on a background of sharply contrasting color), the name of the operator and a telephone number (including area code) where the operator can be reached at all times.

(b) Line markers are not required for buried pipelines located—

(1) Offshore or at crossings of or under waterways and other bodies of water; or

(2) In heavily developed urban areas such as downtown business centers where—

(i) The placement of markers is impracticable and would not serve the purpose for which markers are intended; and

(ii) The local government maintains current substructure records.

* * * * *

(49 U.S.C. 2002; 49 CFR 1.53 and Appendix A of Part 1)

Issued in Washington, D.C., on May 27, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83-14666 Filed 6-3-83; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 80-14; Notice 7; Docket No. 71-16; Notice 12]

Safety Standards for New Pneumatic Tires

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Technical amendment.

SUMMARY: In this agency's safety standards applicable to new pneumatic tires for use on motor vehicles, there are listings of standardization organizations whose publications of specifications are accepted under the standards as means for determining appropriate rim sizes on which to mount the tires during testing, and for providing other technical data. This agency has received two petitions requesting changes to these listings. The Society of Motor Manufacturers & Traders Ltd. (SMMT) stated that they no longer set or maintain standards for new tires, and that those functions are now handled for the group by the British Standards Institution, a group already listed in both new tire standards. SMMT requested that their name be deleted from the list of standardization organizations in the new tire standards. Japan Automobile Tire Manufacturers' Association, Inc. (JATMA) asked that the name of the Japanese group currently listed in the standard for new tires for use on motor vehicles other than passenger cars be deleted, because that group does not issue specific tire standards. JATMA, which does issue such standards, asked that its name be added to the list of standardization organizations. This notice makes the changes requested by these petitions. Additionally, this notice corrects an error in the name of the German standardization organization in the passenger car tire standard.

DATE: This amendment is effective June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Arturo Casanova, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1715).

SUPPLEMENTARY INFORMATION: Section S4.4.1(b) of Standard No. 109, *New Pneumatic Tires—Passenger Cars* (49 CFR 571.109), and section S5.1(b) of Standard No. 119, *New Pneumatic Tires for Motor Vehicles Other Than Passenger Cars* (49 CFR 571.119), both contain listings of the various standardization organizations. A standardization organization is a voluntary association composed of representatives of each of the member tire companies. The purpose of a standardization organization is to establish and promulgate engineering standards for tires, rims, and their allied parts. NHTSA relies on the standardization organizations to list the acceptable rim sizes for each tire size and for certain technical information regarding the tire sizes.

Two petitions recently submitted to the agency indicate that these listings of standardization organizations need to be updated in order to reflect the current status of standardization activities. In the first petition, SMMT stated that it no longer performs any of the tasks associated with standardization organizations, and that those activities are now performed for SMMT by the British Standards Institution, a group already listed in both standards. Accordingly, SMMT requested that its name be deleted from the list of standardization organizations.

In the second petition, JATMA noted that the group currently listed in Standard No. 119 as the Japanese standardization organization is Japanese Industrial Standards. JATMA noted that that organization is an organization for all Japanese industries, not just the Japanese tire industry, and does not currently perform the functions associated with a standardization organization. JATMA does perform these functions, and is so recognized in Standard No. 109, which no longer lists Japanese Industrial Standards. JATMA requested that Standard No. 119's list of standardization organizations be amended to correspond to the listing in Standard No. 109 with regard to the Japanese standardization organization.

Both of these petitions are granted. Additionally, the agency erroneously listed the German standardization organization as the Deutsches Institut fur Norming in its response to the petitions for reconsideration of the final rule deleting the tire tables from Standard No. 109 (47 FR 36180; August 19, 1982). The correct name for that organization, and the name which has been used in all previous agency rulemaking notices referring to that standardization organization, is Deutsche Industrie Norm. The correct name is substituted in Standard No. 109 by this amendment.

These changes represent only technical corrections to the agency's listing of recognized standardization organizations. They impose no obligations on any party, but only accommodate the wishes of the listed organizations or correct an error by this agency. Accordingly, the agency finds for good cause that notice and opportunity for comment are unnecessary, and these changes are effective as soon as this notice is published.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, section S4.4.1(b) of 49 CFR 571.109 and section S5.1(b) of 49 CFR 571.119 are revised to read as follows:

§§ 571.109 and 571.119 [Amended]

* * * * *

(b) Contained in publications, current at the date of manufacture of the tire or any later date, of at least one of the following organizations:

The Tire and Rim Association
The European Tyre and Rim Technical Organisation
Japan Automobile Tire Manufacturers' Association, Inc.
Deutche Industrie Norm
British Standards Institution
Scandanavian Tire and Rim Organization

* * * * *

(Secs. 102, 119, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, and 1422); delegation of authority at 49 CFR 1.50)

Issued on May 27, 1983.

Diane K. Steed,

Acting Administrator.

[FR Doc. 83-15021 Filed 6-3-83; 8:45 am]
BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 48, No. 109
Monday, June 6, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FARM CREDIT ADMINISTRATION

12 CFR Part 614

Loan Policies and Operations

AGENCY: Farm Credit Adminstration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration ("FCA") by its Federal Farm Credit Board, publishes for comment proposed amendments to its regulation concerning interest rate programs.

The amendments authorize banks or associations to establish interest rate programs subject to FCA approval. Differential interest rates, based on costs reasonably associated with different portions of the banks' or associations' loan portfolios, are now specifically authorized.

DATE: Written comments must be received on or before August 8, 1983.

ADDRESSES: Submit any comments in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of the Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Michael C. Salapka, Finance Division, (202) 755–4055, or Gary Griffith, Operations Management Section, (202) 755–5943, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, DC 20578.

SUPPLEMENTARY INFORMATION: The current FCA regulation § 614.4321 does not specifically authorize Farm Credit System ("System") banks or production credit associations to establish differential interest rates based on costs reasonably associated with particular segments of their loan portfolios. An amendment to the regulation is being proposed to allow banks and associations to set differential interest rates based on funding and operations costs and on such other factors as the FCA may approve. All differential interest rate programs shall be subject to FCA approval.

The current FCA Regulation § 614.4321 authorizes System banks and associations to implement differential interest programs which price credit for specific classes of loans based on type, purpose, amount, quality, or any combination of these factors. Except for the limited use of match-funded loan programs, System institutions currently do not price credit to their borrowers giving specific consideration to the funding and operating costs properly attributable to the particular type of loan involved. Such costs are spread over the institution's entire loan portfolio rather than weighted in the calculation of the rates applicable to the respective types of credit. One result of this practice is that borrowers under one type of credit program which has lower associated costs may be subsidizing the interest rates of borrowers under another type of credit program which has higher associated costs. Since such a result may be considered inequitable, the proposed amendment to the regulation is designed to allow System institutions to address the problem by also considering funding and operating costs as factors in formulating differential interest rate programs. A differential interest rate program which considers such costs will better enable System institutions to meet the statutory objective of providing the types of credit needed by eligible borrowers, at the lowest reasonable cost. The proposed amendment permits, but does not require, System banks to develop differential interest rate programs.

List of Subjects in 12 CFR Part 614

Agriculture, Banks, banking, Credit, Rural areas.

PART 614—LOAN POLICIES AND OPERATIONS

As stated in the preamble, it is proposed that Part 614 of Chapter VI, Title 12 of the Code of Federal Regulations, be amended by revising § 614.4321 to read as follows:

§ 614.4321 Interest rate programs.

The following types of interest rate programs may be employed by banks and production credit associations. Bank interest rate programs are subject to Farm Credit Administration approval.

(a) *Fixed rates.* The rate of interest specified in the note or loan document shall prevail as the maximum rate chargeable to the borrower during the period of the loan.

(b) *Variable rates.* The interest rate(s) on outstanding loan balances may be changed from time to time during the period of the loan, if appropriate provisions are made in the note or loan document.

(c) *Fixed interest spread.* Interest rates shall be expressed in terms of a percentage to be added to the cost of money to the bank or association.

(d) *Differential rates.* Differential interest rates may be established for loans based on type, purpose, amount, quality, funding or operating costs, any combination of these factors, or such other factors as may be approved by the Farm Credit Administration. Differential interest rate programs should achieve equitable rate treatment among categories of borrowers. In the adoption of differential interest rate programs bank boards shall consider the effect that such interest rate structures will have on the achievement of district objectives relating to the special credit needs of young farmers. The Federal intermediate credit banks must provide other financing institutions with the same differential interest rate programs as they provide to production credit associations.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246 and 2252))

Carl T. Fredrickson,

Acting Governor.

[FR Doc. 83–15066 Filed 6–3–83; 8:45 am]

BILLING CODE 6705–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83–ASW–21]

Airworthiness Directives; Garlick Helicopters, Hawkins & Powers Aviation, Inc., Wilco Aviation (Bell) Model UH–1B Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require an inspection of Bell Helicopter Textron, Inc., Model UH–1B series helicopters (modified by Garlick Helicopters, Hawkins & Powers Aviation, Inc., or Wilco Aviation) to assure that unapproved tail rotor hub assemblies are not installed. The proposed AD is needed to prevent operation of the helicopter with unapproved tail rotor hubs which could lead to excessive structural loads resulting in possible loss of the helicopter.

DATE: Comments must be received on or before August 1, 1983.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Regional Counsel, Attention: Docket No. 83–ASW–21, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; or delivered in duplicate to: Office of the Regional Counsel, Southwest Region, Room 100, Building 3B, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

Comments delivered must be marked: Docket No. 83–ASW–21.

Comments may be inspected at Room 100, Building 3B, between 8:30 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gary B. Roach, Helicopter Certification Branch, ASW–170, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, Telephone (817) 877–2592.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76106, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 83–ASW–21." The postcard will be date/time stamped and returned to the commenter.

The FAA has determined that the tail rotor hub assembly on certain bell Helicopter Textron Model UH–1B series helicopters modified by Garlick Helicopters, Hawkins & Powers Aviation, Inc., and Wilco Aviation, may have unapproved parts installed that could increase the tail rotor blade angle beyond approved limits. This could result in higher structural loading than has been substantiated for this model, resulting in possible loss of the helicopter. Since this condition is likely to exist on other helicopters of the same type design, the proposed AD would require the removal of the unapproved tail rotor hub assembly and installation of the proper tail rotor hub assembly on Bell Helicopter Textron, Inc., Model UH–1B series helicopters.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Garlick Helicopters, Hawkins & Powers Aviation, Inc., Wilco Aviation (Bell Helicopter Textron, Inc.): Applies to Bell Helicopter Textron, Inc., Model UH-1B helicopters, and modified by Garlick Helicopters, Hawkins & Powers Aviation, Inc., or Wilco Aviation certified in all categories.

Compliance is required within the next 100 hours' time in service after the effective date of this AD unless already accomplished.

To prevent excessive structural loads, accomplish the following:

(a) Inspect the tail rotor hub assembly and identify the part number of the tail rotor hub assembly. (The tail rotor hub assembly part number is located on the yoke assembly.)

(b) If the tail rotor hub assembly, P/N 204–011–801–003, is installed, remove and replace with P/N 204–011–801–005, –009, or –017.

(c) Any equivalent method of compliance with paragraph (b) above of this AD must be approved by the Manager, Aircraft Certification Division, Southwest Region, Federal Aviation Administration.

(d) In accordance with FAR 21.197, flight is permitted to a base where the inspections required by this AD may be accomplished.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note:— The FAA has determined that this proposed regulation includes approximately 11 helicopters at an anticipated total expense of $5,306 per helicopter. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) if promulgated, will not have a significant economic impact on a sustantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Tex., on May 17, 1983.

Richard L. Failor,

Acting Director, Southwest Region.

[FR Doc. 83–14681 Filed 6–3–83; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Parts 121 and 139

[Docket No. 20450; Notice No. 80–10A]

Applicability of Part 139

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This supplements an FAA notice of proposed rule making which proposed to require airport operating certificates for certain airports serving "commuter" air carriers. After further analysis the FAA concluded that its authority to issue the proposed rule was unclear, and, therefore, requested clarification from Congress. This supplemental notice revises the original proposal to implement a statutory change approved by Congress in response to the FAA's request.

DATES: Comments must be received on or before July 22, 1983.

ADDRESS: Send comments on this proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 20450, 800 Independence Avenue, SW., Washington, D.C. 20591; or deliver comments in duplicate to:

FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments may be examined in the Rules Docket on

weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:
Mr. Jose Roman, Jr., Safety and Compliance Division (AAS–300), Office of Airport Standards, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426–3087.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–204, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before July 22, 1983, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 20450." The postcard will be date and time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this Supplemental Notice of Proposed Rule Making (SNPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–3058. Communications must identify the notice number of this SNPRM. Persons interested in being placed on the mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

Background

This notice supplements Notice of Proposed Rule Making No. 80–10 (45 FR 39857, June 11 1980). That notice proposed amending Part 139 of the Federal Aviation Regulations (FAR) (Certification and Operations: Land Airports Serving CAB—Certificated Air Carriers) to require airport operating certificates for certain airports serving "communter" air carriers. Notice 80–10 proposed a definition of "commuter air carrier," which at the time was consistent with that used by the Civil Aeronatics Board (CAB). The CAB definition has since been changed.

Since 1970, section 612 of the Federal Aviation Act of 1958 (FA Act) (49 U.S.C. 1432) has empowered the Administrator to issue airport operating certificates to airports serving certain air carriers and to establish minimum safety standards for the operation of those airports. Prior to the enactment of the Airport and Airway Improvement Act of 1982, this authority was limited to air carriers certificated by the CAB. The FAA implemented section 612 in 1972 by adopting Part 139 of the Federal Aviation Regulations (FAR). Under Part 139 an airport serving an air carrier conducting operations at that airport under the authority of a certificate of public convenience and necessity (CPCN) issued by the CAB is required to hold an airport operating certificate if any of those air carrier operations at the airport are conducted in large aircraft (more than 12,500 pounds maximum certificated takeoff weight). If all of the CPCN operations at the airport are unscheduled large aircraft operations or scheduled small aircraft operations the airport operator is required to hold a limited airport operating certificate.

When Part 139 was adopted, the routes on which air carriers holding CPCN's could operate were strictly controlled by the CAB. With the implementation of the Airline Deregulation Act of 1978 (Pub. L. 95–504, 92 Stat. 1705) and the relaxation of the CAB policies and regulations, route structures became more flexible, numerous scheduled air carriers not holding CPCN's ("commuters") began conducting operations similar to those that were previously conducted only by CPCN holders, and CPCN holders also began serving airports not included in former routes.

The FAA became concerned that Part 139 did not require many airports used by these "commuter" air carriers to be certificated. For example, a "commuter" air carrier to be certificated. For example, a "commuter" air carrier providing service between two points that are also being served by a CPCN holder could use uncertificated airports as intermediate stops. However, members of the traveling public, using the "commuter" air carrier service instead of CPCN air carrier service, are likely to assume that the same level of service and safety will be provided at all airports. In some limited cases, the "commuter" air carrier and the CPCN air carrier operate the same type aircraft. This concern has increased since the CAB authority to regulate the routes air carriers operate expired January 1, 1982, in accordance with the provisions of the Deregulation Act

Under current CAB regulations, CPCN certificates only apply to operations conducted by air carriers in aircraft having a maximum passenger seating capacity of more then 60 passengers or a maximum payload of more than 18,000 pounds.

Since current Part 139 is applicable to an airport only if it serves an air carrier conducting operations into the airport under a CPCN, airports serving only air carriers operating aircraft with less than 61 passenger seats are not required by Part 139 to be certificated. Nevertheless, § 121.590 provides that air carrier operations conducted under the rules of Part 121 may operate only into Part 139 certificated airports. Therefore, air carriers utilizing aircraft with a seating capacity of more than 30, but less than 61, passengers are required to operate into certificated airports under the rules of Part 121, but the airports into which they operate are not required by Part 139 to hold a certificate. Thus, airports serving air carriers operating under the rules of Part 121 using only aircraft with a seating capacity of more than 30 passengers and less than 61 passengers remain under Part 139 only if they voluntarily elect to do so in order to keep this service. This has resulted in much confusion on the part of airport operators and air carriers as to which air carriers can operate into which airports.

Notice 80–10 was published as part of the FAA implementation of the Airline Deregulation Act of 1978. It was intended to eliminate the confusion that existed with respect to airport certification as well as to ensure that passengers traveling on "commuter" air carriers will be afforded a level of safety equivalent, to the extent feasible, to that provided passengers of air carriers holding certificates of public convenience and necessity (CPCN). After further analysis and review in light of comments received to Notice 80–10, the FAA concluded that rulemaking should not proceed until the statutory basis for the proposed rule was clarified. For this reason the FAA suspended action on the Notice, and on January 22, 1981, published in the **Federal Register** (46 FR 6975) a copy of

its letter to Congress requesting clarification of its authority to regulate airports under section 612 of the FA Act. On September 3, 1982, the Airport and Airway Improvement Act of 1982 (Pub. L. 97–248) was enacted, in part amending sections 610 and 612 of the FA Act. Section 612(a), as amended by Pub. L. 97–248, empowers the Administrator to issue airport operating certificates to, and establish minimum safety standards for the operation of, airports that serve any scheduled or unscheduled passenger operation of air carrier aircraft designed for more than 30 passenger seats. Section 612(b), as amended, provides that any person desiring to operate an airport which is described in section 612(a) and is required by the Administrator, by rule, to be certificated, may file an application for certification with the Administrator. Section 612(a)(8) was amended to make it unlawful for any person to operate an airport without an airport operating certificate required by the Administrator pursuant to section 612, or in violation of the terms of that certificate.

To implement the authority provided in Pub. L. 97–248, and to simplify and clarify the language in Parts 121 and 139, this notice proposes to revise Notice 80–10.

Supplemental Proposal

It is proposed that Part 139 require airports to be certificated only if they serve any scheduled or unscheduled operation of an air carrier that is conducted with an aircraft having a seating capacity of more than 30 passengers. It also is proposed to revise the requirement in Part 121 that air carriers use only certificated airports.

Part 139

Notice 80–10 proposed to extend the applicability of Part 139 to airports serving commuter air carriers with a certain frequency of scheduled operations. It is now proposed that Part 139 be amended to apply to airports serving any scheduled or unscheduled air carrier operations of aircraft having a seating capacity of more than 30 passengers. The references to "CAB-certificated air carriers" in Part 139 would be deleted.

The more-than-30-seat limit is consistent with limited authority granted by Congress and with the general division now existing in the FAR between air carriers operating under the rules of Part 121 and those operating under Part 135.

While Pub. L. 97–248 speaks to "aircraft *designed for* more than 30 passenger seats" (emphasis added), the proposed amendment would limit Part 139 applicability to airports serving air carrier aircraft having a *seating capacity* of more than 30 passengers. This would exclude from the certification requirement airports serving aircraft designed to carry more than 30 passenger seats, but with 30 or fewer passenger seats actually installed in the aircraft. As noted above, section 612 of the FA Act as amended provides the Administrator with discretion to determine the appropriate criteria for certification of airports. The FAA believes that the requirement that airports must obtain and maintain certificates should be keyed to the number of passenger seats installed, rather than the number of passenger seats for which the aircraft is designed. This would place the burden of certification on airports only when there is the potential for the safety or more than 30 passengers to be protected, and place no direct burden on the airports when only cargo air carrier operations were served.

Notice 80–10 further proposed to amend the firefighting and rescue equipment requirements for airports with limited certificates. Many comments were received supporting and opposing these proposals, and suggesting changes. The economic impact of the proposed amendments was the subject of many comments. In addition, the FAA has recently received the report on a study conducted by H. H. Aerospace Design Co., Inc., and has solicited comments from the public concerning its findings. The study provides a cost/benefit analysis of current firefighting and rescue equipment requirements and offers alternatives. The FAA is now reviewing the study and the public comments to determine what, if any, changes are appropriate. Therefore, no changes in the firefighting and rescue equipment requirements are being proposed in this notice.

Section 139.12a(a) currently provides, in part, that airports serving CPCN holders using only small aircraft are required to obtain a limited airport operating certificate. Small aircraft, as defined in Part 1 of the FAR, are aircraft of 12,500 pounds or less, maximum certificated takeoff weight. These aircraft have about 20 or fewer seats. Under the proposed amendments to Part 139, no airport would be required to be certificated if it served only air carriers using aircraft with 30 or fewer passenger seats. This would render the reference to small aircraft in section 139.12a(a) meaningless. It is therefore proposed that the reference be deleted.

Part 121

Section 121.590(a) currently provides in part that no domestic, flag or supplemental air carrier, or air carrier certificated under Part 127, may operate an aircraft of any passenger capacity or payload into a land airport in the United States unless the airport has been certificated under Part 139. This includes operations with small airplanes which, as explained previously, have about 20 seats or fewer. Small air carrier aircraft of Part 121 certificate holders are required by § 121.9 to be operated under the rules of Part 135, which has no requirement that aircraft be operated into certificated airports. In order to maintain a consistent policy regarding this size of aircraft, it is proposed to remove the requirement from § 121.590(b) that small aircraft operated by Part 121 air carriers use only certificated airports.

While Part 139 is proposed to be keyed only to passenger seating capacity, § 121.590 would continue to require aircraft with a maximum payload capacity of over 7,500 pounds, that is, any cargo operations under Part 121, to operate only into certificated airports. Thus, while the airport operator would not have to refer to the payload capacity of aircraft to determine whether certification is necessary, air carriers would continue to be required to conduct operations under Part 121 only into certificated airports. The FAA in appropriate cases would authorize a deviation from § 121.590 if (1) the air carrier shows it needs to operate an aircraft with a maximum payload capacity over 7,500 pounds, but with a seating capacity of 30 or fewer passengers, into an uncertificated airport because of unique circumstances, and (2) the FAA determines any conditions necessary for safe operations by that air carrier into the specified airport.

Under this scheme, air carriers operating under Part 121 would continue to be held to the highest standard of safety, in that they would in general only use certificated airports. When the aircraft being used does not have a seating capacity of more than 30 passengers (but has a maximum payload capacity of over 7,500 pounds), however, the FAA would have the flexibility to determine that, with any special conditions found necessary for safety, the air carrier could operate into a particular uncertificated airport. It is anticipated that under the proposed rule there would be very few Part 121 operations into uncertificated airports. By placing no direct burden on the

operators of the airports involved, this proposal appears to provide the least amount of regulation consistent with safety and the efficient administration of the program. As experience is gained with the proposed amendments to Part 139, if adopted, the FAA would determine whether § 121.590 should be amended to require air carriers to use certificated airports based only on passenger seating capacity.

Section 121.590 by its terms applies to domestic, flag and supplemental air carriers, and air carriers certificated under Part 127, conducting operations under Part 121. Consistent with nomenclature changes made by Special Federal Aviation Regulation 38, it is proposed to remove reference to specific air carriers from the heading and body of § 121.590, and refer only to air carriers operating under that part.

Regulatory Evaluation

A review of available data indicates that under the proposed amendments to Part 139, a number of airports would no longer be required by Part 139 to hold certificates. It is anticipated that many of these airports would choose to retain their Part 139 certificates for safety purposes or in order to continue to be available for service to unscheduled passenger or cargo operations of air carriers operating under Part 121. The FAA has been unable to determine the number of these airports which would choose to retain their Part 139 certificates, and therefore is unable to accurately determine the potential economic relief involved.

In addition, any air carrier operating under Part 121 would incur minor costs if it wanted to use an airport which has dropped its Part 139 certificate, associated with either obtaining a deviation so that the airport can be used, or with landing at a different airport and transporting the cargo from there.

Available data also indicates that there are only minor costs to a few airports which would become certificated because of the proposed amendment.

In order to more accurately assess the potential economic impact of the proposed amendment, comments providing the following information are requested:

1. The number and location identifiers of airports which currently hold Part 139 certificates which would elect to drop their certificate if the proposed amendments were adopted.

2. The number and names of air carriers operating under Part 121 which would wish to operate into the airports described in 1. above, the frequency and type of aircraft which the air carriers would use into those airports, and the location identifiers of, and distance to, the nearest certificated airport.

3. The number and names of air carriers operating under Part 121 which serve the airports at Palacios, Texas; Rockport, Texas; Sherman/Dennison, Texas; and Houma/Terrebone, Louisiana, on a scheduled or unscheduled basis; the frequency and type of aircraft used into those airports, the profits from service to those airports which would be lost if they could no longer be used; airports to which service could be diverted; and typical cargo and passenger loads on flight into those airports.

List of Subjects

14 CFR Part 121

Aviation safety, Safety, Air carriers, Aircraft, Airplanes, Airports.

14 CFR Part 139

Air safety, Safety, Aviation safety, Air carriers, Aircraft, Airports, Airplanes.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Parts 121 and 139 of the Federal Aviation Regulations (14 CFR Parts 121 and 139) as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. By revising § 121.590 to read as follows:

§ 121.590 Use of certificated land airports.

(a) Unless otherwise authorized by the Administrator, no air carrier and no pilot being used by an air carrier may, in the conduct of operations governed by this part, operate an aircraft into a land airport in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that airport is certificated under Part 139 of this chapter. However, an air carrier may designate and use as required alternate airport for departure or destination an airport that is not certificated under Part 139 of this chapter.

(b) Notwithstanding § 121.13 (a) and (b), the provisions of this section apply to air carriers specified herein when conducting operations with helicopters.

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CERTAIN AIR CARRIERS

2. By revising the title of Part 139 to read as set forth above.

3. By revising § 139.1(a), the introductory phrase of §§ 139.1(b), and 139.1(b)(2) to read as follows:

§ 139.1 Applicability.

(a) This part describes rules governing the certification and operation of land airports which serve any scheduled or unscheduled passenger operation of an air carrier that is conducted with an aircraft having a seating capacity of more than 30 passengers.

(b) The following are definitions of terms used in this part:

* * * * *

(2) "Air Carrier User" means an air carrier while operating an aircraft having a seating capacity of more than 30 passengers.

* * * * *

§ 139.3 [Amended]

4. By removing the words "CAB-certificated air carrier operating aircraft into that airport" in § 139.3 and inserting, in their place, the words "scheduled or unscheduled passenger operation of an air carrier with an aircraft having a seating capacity of more than 30 passengers".

§ 139.12a [Amended]

5. By removing the words "CAB-certificated" in section 139.12a(a).

6. By removing the words "or operations with small aircraft" in section 139.12a(a).

(Secs. 313(a) and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1432); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The proposed amendment, if adopted, would permit a number of airports now certificated under Part 139 to drop their certificates, resulting in minor economic benefits to those airports which would choose to do so, and minor costs to those air carriers who would wish to operate into the airports which drop their certificates. In addition, the proposed amendment, if adopted, would require a few airports which are not now certificated to obtain airport operating certificates with minor costs involved as to these airports. For these reasons, the FAA has determined that this document involves a proposed regulation that is not a major regulation under Executive Order 12291 and is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The FAA has determined that a relatively small number of small entities would receive an economic benefit or cost under the proposed rule, and that these benefits or costs would be minor. It is

therefore, certified that under the criteria of the Regulatory Flexibility Act the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and placed in the regulatory docket. A copy may be obtained by contacting the person listed under "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on May 11, 1983.

Leonard E. Mudd,

Director, Office of Airport Standards.

[FR Doc. 83-14877 Filed 6-3-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 159

[Docket No. 23655; Notice 83-5]

Carpools on Dulles Access Highway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice requests comments on a proposal to amend the Federal Aviation Regulations to allow carpools with two or more persons to use the Dulles Airport Access Highway during peak commuter hours. Use of the highway is presently restricted to airport users with certain exceptions including an exception for 4-person carpools. The amendment would allow 2-person carpools to operate until January 1, 1985.

DATE: Comments must be received on or before July 22, 1983.

ADDRESS: Comments may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 23655, 800 Independence Avenue, SW, Washington, DC 20591

or delivered in duplicate to: Room 915 G, 800 Independence Avenue, SW,, Washington, DC. 20591.

Comments must be marked: Docket No. 23655.

Comments may be inspected in Room 915 G weekdays between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Edward Faggen, Legal Counsel, AMA-7, Hangar 9, Washington National Airport, Washington, D.C. 20001, Telephone: (703) 557-8123.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invite to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impacts that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing substantive public contacts with FAA personnel concerned with the rulemaking will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 23655." The postcard will be dated, time-stamped, and returned to the commenter.

Availability of NPRM

Any persons may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. A copy may be obtained from the Public Affairs Office at Washington National Airport, Hangar 9 or by calling David Hess at (703) 557-1155. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background: Use of the Access Highway

The Dulles International Airport Access Highway (Access Highway) is owned by the United States and operated by the Department of Transportation (DOT), Federal Aviation Administration (FAA). The Administrator of the FAA, in accordance with a delegation of authority from the Secretary of Transportation, has the responsibility for the care, operation, maintenance, improvement and protection of Dulles Airport, including the Access Highway and the Administrator has the authority to make and amend regulations in order to carry out this responsibility.

The Access Highway was built to provide rapid ground access from Wahington, D.C., to the airport which is located near Chantilly, Virginia, 26 miles from the downtown metropolitan center. The Access Highway was built in 1962 to accommodate airport traffic. It was decided that the best way to achieve this was to keep the airport traffic separate from commuter and local traffic. Since it as been open the Access Highway has been restricted to airport related business; there are only two restricted entrances, other than at the airport itself, for vehicles traveling eastbound away from the airport. Similarly, with limited exceptions, the only westbound exit is at Dulles Airport.

FAA regulations have permitted certain non-airport uses by emergency vehicles, vehicles bound to or from the Wolf Trap Farm Park for the Performing Arts, buses being operated in common carriage, and Fairfax County school buses. Since April, 1980, vehicles occupied by four or more persons have been permitted to use the Access Highway via ramps at Reston Avenue and Trap Road during the morning and afternoon peak commuter periods. Carpools are also permitted to enter the highway at Route 28 to travel to the airport to turn around and use the highway eastbound. The reverse movement is allowed for carpools exiting at Route 28.

It is the FAA's intention that all non-airport uses of the Access Highway (other than emergencies) will cease when the high capacity, parallel roadways are completed. The Commonwealth of Virginia is presently constructing the parallel lanes known as the Dulles Toll Road. The new highway is scheduled to open late in 1984.

In addition to the authorized uses of the Access Highway there are numerous unathorized users who enter the highway, proceed west to the airport only for the purpose of making a U-turn, and then proceed back eastbound. This maneuver is known as "backtracking." It enables commuters to avoid congested alternate routes and results in some real or perceived time savings for commuters, its circuitous nature notwithstanding. The practice is widespread. A detailed study in 1981 indicated that 6,400 cars entered Dulles Airport each day solely to reverse their direction. Recent FAA police studies indicate that the number of daily backtrackers has increased to approximately 8,000. The practice has resulted in considerable congestion on the airport roadways, particularly on the portion of the Access Highway between Route 28 and Dulles terminal.

The I-66 Connection

The Access Highway extends from the terminal roadway at Dulles eastward to I-495 and Virginia Route 123. FAA is currently constructing an extension to the Access Highway from its present terminus at Route 123 to join I-66 near West Falls Church. When the extension is completed and open to traffic in September, 1983, air travelers driving between Dulles and downtown Washigton will have the use of a free flowing highway for the entire length of the trip. This will produce a 10–5 minute savings compared to present routing and should be significant benefit to Dulles Airport travelers.

Since its opening in December, 1982, traffic on I-66 between I-495 and the Theodore Roosevelt Bridge over the Potomac River has been restricted to high occupancy vehicles with 4 or more persons (HOV–4) during morning and afternoon peak commuter hours in the peak directions. The restrictions on I-66 were developed during environmental studies and were incorporated into the January 5, 1977 decision by Secretary of Transportation Coleman after extensive controversy over the environmental impact of I-66. The HOV–4 restrictions are enforced by State and local police.

When the Access Highway extension to I-66 is completed, airport traffic will be commingled with I-66 tafffic. During peak hours, airport traffic will be exempt from the HOV–4 restrictions as set forth by Secretary Coleman's decision. The extension, however, would also enable unauthorized backtrackers to gain access to I-66 in violation of the HOV–4 restrictions. From the time of the I-66 decision in 1977, it was recognized that when the connection of the Access Highway to I-66 was completed in 1983, backtrackers would be excluded from the Access Highway. FAA, therefore, must now take effective enforcement action to eliminate backtracking to ensure that only airport related traffic and HOV–4 vehicles will enter I-66 by way of the Access Highway.

Description of Proposed Action

FAA is now proposing to reduce the carpool requirement on the Access Highway (between the Airport and Route 123) from 4 or more persons to 2 or more persons per vehicle until January 1, 1985. The intent of the liberalized carpool exception to the airport only policy is to allow more commuters to gain lawful access to the Access Highway at the ramps now used by 4 person carpools thereby easing the impact of the enforcement action against backtracking. They will not have to travel many miles to the Airport and back. Commuters will have an alternative to congested routes and an alternative to continued backtracking and risk of prosecution. FAA is cognizant to the problems of commuters in Western Fairfax and Loudoun Counties and we believe that the toll road will provide an adequate commuter thoroughfare. Until that road is open, FAA is proposing that these non-airport related carpool uses of the Access Highway be broadened.

If adopted, 2- and 3-person carpools with a pass would be allowed access and egress via the same ramps that the 4-person carpools currently use. The hours of operation of the ramps would not be changed. The Reston Avenue ramps would be open to eastbound and westbound traffic from 6:00 a.m. to 9:00 a.m. and from 3:30 p.m. to 7:00 p.m. The Trap Road ramps would be open to estbound traffic from 6:00 a.m. to 9:00 a.m. and to westbound traffic from 4:00 p.m. to 7:00 p.m. Carpools would not be given access to the highway via the ramps at Route 657 (Centerville Road) and Route 674 (Hunter Mill Road). These ramps allow entry onto the Access Highway in the direction of the airport and do not facilitate eastbound traffic. Vehicles that might otherwise enter the highway at these locations should enter at Reston Avenue or Trap Road which can accommodate traffic to and from the east. In addition, authorized carpools will be permitted to enter the Access Highway westbound from Route 28 and turn around on the airport. Single occupant vehicles, however, and vehicles with 2 and 3 persons without a pass, will not be allowed to enter the airport for the purpose of making a U-turn, or otherwise turning around. They would be in violation of the regulations prohibiting backtracking and subject to prosecution for a traffic violation.

The 2- and 3-person carpools would have to be clearly identified by a pass because, although the proposal would allow 2- and 3-person carpools onto the Access Highway, these carpools would remain restricted from using I–66 during the peak hours in the peak direction. Vehicles with fewer than 4 persons that are not on airport related business would have to continue to use routes other than I–66. Two- and 3-person carpools would have to exit the Access Highway eastbound at I–495 and Route 123. Therefore, it would be necessary to identify 2- and 3-person carpools with a pass that visibly distinguishes these vehicles from airport related low occupant vehicles that are allowed to proceed on to I–66. The carpool vehicles so distinguished (by a bumper sticker or marking) would be permitted to pass on to the Access Highway, but if the vehicle proceeds on to I–66 those same markings would signify to law enforcement personnel that the vehicle is not on airport related business and therefore is in violation of the I–66 HOV–4 restrictions.

In the afternoon restricted hours on I–66, low occupancy vehicles with a distinguishing pass would have to enter the Access Highway westbound from Route 123 or I–495. These vehicles so marked would not be allowed on I–66 during the restricted hours. The pass would signify that the occupants of the vehicle are not on airport related business. Low occupancy vehicles without a distinguishing pass headed in a westerly direction in the afternoon restricted hours would not be prevented from using I–66 to proceed toward the airport. However, once on the Access Highway these vehicles without a pass would not be permitted to exit from the Access Highway at ramps for authorized carpools nor would they be permitted to turn around at the airport.

Thus, only legitimate airport traffic would be permitted to use I–66 in low occupancy vehicles, and even legitimate airport traffic would not be permitted to use I–66 in a low occupancy vehicle with a distinguishing pass. Otherwise there would be no means of differentiating between the legitimate airport traffic and commuter traffic not exempt from the HOV–4 restrictions on I–66.

Vehicles with four or more persons would continue to have access to I–66 and the Access Highway as they do today.

FAA views this proposal as an effort to accommodate the commuters in western Fairfax and Loudoun Counties while preserving the Access Highway and I–66 for their intended purposes. In view of the Commonwealth of Virginia's commitment to build the Dulles Toll road, it should be possible to ease the restrictions on the Access Highway to benefit the commuters to and from both counties until that roadway is open.

To some persons it may appear that FAA has the alternative of not enforcing the regulation against backtracking even after the connection to I–66 is complete. While perhaps the easiest administrative solution for FAA and the most agreeable to commuters, this would also be inconsistent with the Department of Transportation's conditions for the construction of I–66. It would add several thousand vehicles to I–66 during the peak hours that do not conform to the HOV–4 restrictions. It is therefore not a viable alternative.

An alternative that is viable is to maintain the carpool restriction on the Access Highway at HOV–4 and to eliminate all backtracking when the connection to I–66 is completed. This would also be administratively easier than the proposal to implement. It would, however, impact upon commuters and would add to the congestion on already crowded arteries such as Route-50 and Route-7. Therefore, the proposed rule is FAA's preferred approach because it eases the burden on commuters and preserves the I–66 compromise. FAA hopes that the Fairfax and Loudon County governments and northern Virginia commuters will view this proposal as it was intended by FAA and lend it support.

As FAA stated at the time the 4-person carpool regulation was adopted for the Access Highway, a strong commitment to enforcement is essential to its success. At that time, FAA's position was that enforcement is primarily a local government responsibility inasmuch as local citizens, businesses, and employees derive the benefit from the carpool regulations. FAA sought and received the excellent cooperation of the Commonwealth of Virginia for enforcement. State and local authorities have stationed attendants at the gates and have policed the ramps. As with the 4-person carpool, FAA believes that the enforcement matters and administrative matters associated with the 2-person carpool should be the responsibility of State and local authorities. In particular, although the pass will be FAA approved for standardization, the printing and distribution of the passes for 2-person carpools ought to be administered by local authorities.

If, however, there are excessive violations of the regulations by vehicles without passes and if unauthorized backtracking cannot be brought under control, FAA would have to reconsider the carpool program. Furthermore, if it proves to be administratively infeasible or if the program jeopardizes the I–66 restrictions FAA may limit carpools to 3 or more persons in order to limit the number of cars gaining access to the roadway. Finally, in FAA's judgment, if the program is jeopardizing the primary role of the Dulles Access Highway as a free flowing airport access way, the FAA would have to place more restrictions on carpool use.

Environmental Assessment

FAA, in conjunction with the Federal Highway Administration, has prepared an environmental assessment of the proposed amendment to the carpool regulation. In 1980 FAA prepared a detailed assessment of opening the Access Highway to 4-person carpools. At that time, FAA concluded that that proposal would not have significant primary or secondary impacts upon the environment. The updated assessment on the present proposal also reveals no significant impact. The principal impacts relate to traffic flow and are secondary. Under this proposal vehicles that currently backtrack to I–495 or Route 123 will use the Access Highway legally as a carpool to gain access to the same highways. If the proposal is adopted, overall traffic on the Access Highway would decrease. Even though some vehicles now using the alternate routes will shift to the Access Highway. While recordering the flow of traffic somewhat in Fairfax and Loudoun Counties, the 2-person carpool is not likely to affect the volume or type of traffic passing through Arlington County, Virginia or other communities between the District of Columbia and Dulles Airport. There will be no significant increase in noise or air pollution from the amendment.

The principal alternative of keeping the Access Highway restricted to 4-person carpools (no change) would, when backtrackers are eliminated, cause the majority of backtracking vehicles to use the alternate routes.

The other alternatives are to not enforce the restrictions on backtracking or to open the Access Highway completely without restriction pending the opening of the parallel lanes. These approaches would attract a significant number of vehicles from alternate routes particularly when the connection to I–66 is open. The cars backtracking daily will increase over the thousands of vehicles backtracking today. This would pose potentially insurmountable problems for those attempting to distinguish legitimate airport users from unauthorized low occupancy vehicles on I–66 after the extension of the Access Highway is complete. A complete opening would also be inconsistent with the purpose for which the Dulles Access Highway was built, i.e., to assure rapid access to Dulles Airport for airport patrons.

The assessment is available for review and comment at the public docket at 800 Independence Avenue, SW., Room 916, at the Dulles Airport Manager's Office, and at Washington National Airport, Office of the Director, (Hangar 9). A copy may be obtained by writing to: Mr. Henry L. Mahns, Engineering Division, West Lab Building, AMA–32, Washington National Airport, Washington, D.C. 20001.

List of Subjects in 14 CFR Part 159

Airports, Access Highway, Carpools.

Proposed Amendment

FAA proposes to amend the Federal Aviation Regulations to permit carpools of two or more persons to have access to the Dulles Airport Access Highway until January 1, 1985. If, as a result of the comment period the FAA is, in its judgment, presented with good and sufficient reason not to amend the regulations, or to alter the proposal, FAA may withdraw or otherwise modify this proposal.

Comment Period: A comment period of 45 days will be provided. The Dulles Access Highway extension will be open on or about September 30, 1983. A comment period of 45 days will enable FAA to receive meaningful comments in a time frame that will allow an FAA decision prior to the opening of the extension and prior to stepped up enforcement of the regulation against backtrackers.

PART 159—NATIONAL CAPITAL AIRPORTS

§ 159.35 [Amended]

Accordingly, it is proposed to amend § 159.35(b)(3) of Part 159 of the Federal Aviation Regulations [14 CFR 159.35(b)(3)] to read as folows:

* * * * *

(b) *Exceptions.* Any person may enter upon and travel over the Access Highway in the following vehicles:

* * * * *

(3) Until January 1, 1985.

(i) a vehicle occupied by 4 or more persons, or

(ii) a vehicle occupied by 2 or 3 persons displying a pass that bears an FAA approval affixed to the vehicle front and rear bumpers,

(iii) a vehicle described in (i) or (ii) shall be an "authorized carpool" and the diver of such a vehicle shall operate the vehicle in compliance with the requirements of road signs pertaining to the Access Highway erected or posted upon the Access Highway or the approaches thereto.

(Secs. 3 and 4, Second Washington Airport Act, 64 Stat. 770; sec 313 of the Federal Aviation act of 1958, as amended (49 U.S.C. 1359); sec. 6, Department of Transportation Act (49 U.S.C. 1655)).

Note.—It is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Only a few small entities (businesses) are affected and the cost of implementation and compliance is deemed minimal. FAA has therefore determined that

the proposed regulation is not major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A detailed economic evaluation is not required because the economic impact of the proposal is judged to be minimal.

Issued in Washington, D.C., on April 29, 1983.

James A. Wilding,

Director, Metropolitan Washington Airports

[FR Doc. 83-14876 Filed 6-3-83; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 457

Standards and Certification

AGENCY: Federal Trade Commission.

ACTION: Publication of Presiding Officer's Report and Invitation for Comment.

SUMMARY: Federal Trade Commission's Presiding Officer has released to the public the Presiding Officer's Report in the rulemaking proceeding on Standards and Certification. The report contains a recommended decision based upon the Presiding Officer's findings and conclusions as to all relevant and material evidence, taking into account the Final Staff Report. Interested persons and the public are invited to submit written comment on both the Final Staff Report of April 8, 1983, and the Presiding Officer's Report, and other matters described in this notice. The Commission has not reviewed or adopted the Presiding Officer's Report. The Commission's final determination in this matter will be based upon the entire rulemaking record, including comments received in response to this notice.

DATE: Written comment will be received for a period of 90 days following publication of this notice or until September 6, 1983. Rebuttal comments on new material presented during this post record comment period will be accepted for 45 days commencing on September 7, 1983, and ending October 21, 1983.

Both post record comments and rebuttal comments should be submitted on 8½ by 11 inch paper, and those in excess of four pages in length should be accompanied by three copies.

ADDRESSES: Copies of the Presiding Officer's Report and of the Final Staff Report are available at the Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. Telephone: 202-523-3598.

FOR FURTHER INFORMATION CONTACT: Henry B. Cabell, Presiding Officer, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. Telephone: 202-724-1045.

SUPPLEMENTARY INFORMATION: The Presiding Officer's Report in the Standards and Certification rulemaking proceeding has been placed on the rulemaking record (Public Record No. 215-61). During the post record comment period which will end on September 6, 1983, the public, including persons interested in this proceeding, is invited to submit comments on this report and upon the Final Staff Report of April 8, 1983.

Such comments should be confined to: (1) Information already in the rulemaking record; (2) Information on the impact of Office of Management and Budget (OMB) Circular A-119, "Federal Participation in the Development and Use of Voluntary Standards," 45 FR 4326, January 21, 1980, and revised and superseded by OMB Circular A-119, published in 47 FR 49496, November 1, 1982; (3) Issues relevant to this rulemaking proceeding, including those raised in the Conference Report to accompany H.R. Rep. 2313, Federal Trade Commission Improvements Act of 1980, H.R. Rep. No. 96-917, 96th Cong., 2d Sess. (1980) at pgs. 29-30 (These issues include the advisability of issuing voluntary rules and guidelines in the area of standards and certification as an alternative to a trade regulation rule, and whether or not Commission action is necessary in the light of the activities of other interested Federal agencies in the interest of avoiding inconsistent or duplicative activity); and (4) current information relating solely to the nature and effectiveness of any changes standard developers and certifiers have made in their procedures for processing and disposing of complaints (including complaints made before January 15, 1980) since the rulemaking record closed on January 15, 1980. Information as to the number of complaints received since that date and how they were handled will also be relevant. The information on any changes in complaint handling procedures is intended to be responsive to the views expressed by the Commission Staff, in its final report at pages 360-65, that the decision of the Supreme Court in *American Society of Mechanical Engineers* v. *Hydrolevel Corp.*, — U.S. —, 102 S.Ct. 1935 (1982), and other factors or events subsequent to January 15, 1980, may have prompted standard developers to institute changes in their procedures to insure that their standards actions have not or will not result in an unreasonable restraint of trade, thereby reducing or obviating the need for a trade regulation rule.

The inclusion in comments of further evidence or factual material not germane to the subjects listed in (2), (3), and (4) of the previous paragraph, or in further support or rebuttal of testimony or other information previously included in the rulemaking record would be neither helpful nor relevant to the central issue of whether or not standard developers and certifiers have changed and improved their complaint handling procedures. Accordingly, the inclusion of such irrelevant material in a post record comment may result in rejection of the comment as a whole.

Immediately following the close of the post record comment period on September 6, 1983, the record will remain open for a period of 45 days for the receipt of rebuttal comment to new information or evidence presented during the post record comment period. The period for the submission of such rebuttal comment will end on October 21, 1983.

The Commission has not yet reviewed the rulemaking record in this proceeding or determined whether or not to promulgate a rule. Any decision by the Commission in this matter will be based solely upon the contents of the rulemaking record, including the material submitted in response to this notice. Publication of the Presiding Officer's Report should not be interpreted as representing the views of the Commission or of any individual Commissioner.

List of Subjects in 16 CFR Part 475

Trade practices, Product standards.

Issued: June 6, 1983.

Henry B. Cabell,

Presiding Officer.

[FR Doc. 83-14997 Filed 6-3-83; 8:45 am]
BILLING CODE 6755-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 12

Proposed Rules Relating to Reparation Proceedings

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of proposed rules.

SUMMARY: On January 11, 1983, Section 14(b) of the Commodity Exchange Act, 7 U.S.C. 18(b) was amended, effective May 11, 1983, to authorize the

Commodity Futures Trading Commission to "promulgate such rules, regulations and orders as it deems necessary or appropriate for the efficient administration of this section." The Commission is making available to the public, by request to the Office of the Secretariat, 2033 K Street, N.W., Washington, D.C. 20581, proposed rules which would effectuate major changes in its existing procedure to simplify the reparation rules and streamline the entire reparations process. The Commission invites comment on the rules as proposed and suggestions for any other changes that would improve and expedite the reparations procedure.

DATE: Comments and suggestions must be received on or before July 21, 1983.

ADDRESS: Interested persons should submit their comments and suggestions to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, Attention of the Secretariat. Telephone: (202) 254–6314.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Raisler, Acting General Counsel, or Edward S. Geldermann, Attorney, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–9880.

SUPPLEMENTARY INFORMATION: In a recent amendment to Section 14(b) of the Commodity Exchange Act, effective May 11, 1983, Congress authorized the Commission to:

> Promulgate such rules, regulations, and orders as it deems necessary or appropriate for the efficient and expeditious administration of this section. Notwithstanding any other provision of law, such rules, regulations, and orders may prescribe, or otherwise condition, without limitation, the form, filing, and service of pleadings or orders, . . . hearing (including the waiver thereof, which may relate to the amount in controversy), rights of appeal, if any, and all other matters governing proceedings before the Commission under this section.

Futures Trading Act of 1982, Pub. L. No. 97–444, section 231, 96 Stat. 2294, 2319 (1983). Congress conferred this broad discretion upon the Commission "[t]o enable the Commission to simplify its rules of procedure regarding reparations and streamline the process." H.R. Rep. No. 565, 97th Cong., 2d Sess. 55 (1982). In addition, the amendments to Section 14(b) were intended to authorize the Commission "to use its best judgment in fashioning appropriate procedures that will be both fair and efficient." *Id.*

In accordance with this grant of authority, the Commission recently published an advance notice of proposed rulemaking concerning revisions in its reparations procedure. 48 FR 6720 (February 15, 1983). In the advance notice, the Commission indicated that it was considering the following ideas as changes to be made in the reparations procedure: instituting a purely voluntary procedure analogous to commercial arbitraton in which a final, unappealable decision can be expected within 180 days after the filing of a reparations complaint; raising from $5,000 to $10,000 the monetary ceiling for damage claims that could be heard pursuant to the summary procedure; permitting a decisionmaker in a voluntary or summary proceeding to conduct oral examination of the parties and their witnesses in Washington, D.C. or by telephonic conference; creating the position of "proceedings officer" to conduct most of the discovery in proceedings where claims may be decided by an Administrative Law Judge; and dismissing, instead of staying, reparation claims or respondents from reparation proceedings in which the claims, at the time the complaint was filed, were pending in arbitration or in court, or in which one or more respondents are the subject of receivership or bankruptcy proceedings. These matters are discussed in greater detail in the Commission's advance notice. 48 FR 6720 (February 15, 1983).

On May 24, 1983, the Commission determined to propose new rewritten and renumbered reparation rules which essentially incorporate all of the concepts discussed in its advance notice of proposed rulemaking.[1] In addition, the Commission is proposing three other significant changes in the reparation procedure not discussed in its advance notice, which relate to discovery, the formal decisional procedure, and the method of obtaining Commission review of an initial decision.

In the proposed rules, the Commission is proposing to modify the method by which parties can obtain discovery (*e.g.*, Proposed Rules §§ 12.208 and 12.209). The new method would permit the parties to apply to the decisionmaker (or, if a formal decisional procedure has been elected, the proceedings officer) for an order compelling other parties to produce documents and tangible items, verified affidavits, and verified written responses to interrogatories which the applying party may suggest to the decisionmaker. The decisionmaker would have the authority to accept or reject, in whole or in part, any such application for a discovery order. The Commission is proposing this change in discovery procedure because the decisionmaker, after reviewing all of the pleadings and submissions of documentary proof that are required to be filed with a complaint, answer or reply, would be sufficiently familiar with the issues in the proceeding to recognize whether information sought in a discovery request is truly necessary for resolution of those issues. The Commission believes that this procedure would benefit the parties by sparing them the time and expense of having to comply with discovery requests for unnecessary information. The Commission also expects this procedure to abbreviate the discovery phase in all proceedings, and increase the likelihood of and early final determination of the parties' claims.

Under the proposed rules, in cases where the amount of damages exceeds $10,000 and the parties have not elected the voluntary procedure, the proceeding would be conducted pursuant to a formal decisional procedure. In such procedure, if credibility determinations are required to decide the case, parties (or their counsel) would be granted the opportunity to conduct oral examination of other parties and their witnesses in the presence of an Administrative Law Judge. (Proposed Rule § 12.317(b).) However, all direct proof in such proceedings would be required to be submitted in documentary form, *e.g.*, verified affidavits, prior to the oral hearing. Direct examination would not be allowed at an oral hearing conducted pursuant to a formal decisional procedure, and oral examination would be restricted to cross and redirect examination, which would be confined to the factual issues to be decided by a credibility determination.

The Commission is proposing to alter its decision review procedure to afford parties a right to appeal the initial decision by filing a notice of appeal within 15 days after service of the initial decision.[2] (Proposed Rule § 12.401.) The

[1] Comments received in response to the advance notice of proposed rulemaking have been carefully reviewed and considered in preparing the proposed rules, and will be considered, as well, with respect to the adoption of final rules.

[2] The proposed appellate procedure contrasts with the Commission's current review procedure which affords the parties with an opportunity for

notice of appeal would need only contain a very brief expression of the appealing party's intention to appeal the initial decision. Within 30 days after filing a notice of appeal the appealing party must file an appeal brief and pay an appellate filing fee in the amount of $50, or have its appeal dismissed. If no party filed an appeal, the Commission would still be authorized to review and initial decision on its own motion, 30 days after the initial decision is served. Unless the Commission took review on its own motion, the proposed rules provide that the timely filing and perfecting of an appeal to the Commission is a mandatory prerequisite to judicial review of a final reparations decision of the Commission. (Proposed Rules §§ 12.213(e), 12.320(e).)

The proposed rules contain numerous other changes not discussed in the advance notice, which include: restructuring the Office of Hearings and Appeals and redesignating it as the Office of Proceedings, and creating the position of Director to serve as the administrative head of that Office (Proposed Rule § 12.2); eliminating the investigatory function of those staff members who screen reparation complaints; requiring the parties when filing the complaint and answer (and reply, if applicable) to include all documentary proof (including verified affidavits of third party witnesses) then available to support their claims and defenses (Proposed Rules §§ 12.13, 12.18, and 12.20); granting the decisionmaker in the summary and formal decisional procedures the authority to entertain motions for dismissal on the merits (Proposed Rules §§ 12.205, 12.313); in the formal decisional procedure limiting the locations for oral hearings to the 12 regional cities in which the United States Circuit Courts of Appeals are situated (Proposed Rule § 12.318(b)); permitting a decisionmaker to set the requirement of a bond against a party ordered to pay a reparation award, in the event that such party files an appeal to the Commission (Proposed Rules §§ 12.213, 12.320); authorizing the Commission to review a final decision in a voluntary proceeding if manifest injustice would otherwise result (Proposed Rule § 12.403); and imposing a trading prohibition upon parties who fail to pay an award—based on a counterclaim (Proposed Rule § 12.408). In addition, the Commission is proposing other numerous changes in the existing Reparation Rules which have not been mentioned herein. The Commission is inviting public comment on such other changes as well as the changes discussed above. Moreover, the Commission reiterates its interest is receiving additional suggested changes in the reparation rules that would help streamline the procedures.[3]

Copies of the proposed rules and a descriptive summary are available for inspection at the Office of the Secretariat, 2033 K Street, NW., Washington, D.C. 20581. Such copies can also be obtained through the Office of the Secretariat by mail at the above address or by telephone at (202) 254–6314. Any person interested in submitting comments on the proposed rules or suggestions for other changes that would improve and expedite the reparations process should send such comments or suggestions to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by July 21, 1983.

List of Subjects in 17 CFR Part 12

Administrative practice and procedure, Commodity exchanges, Commodity futures, Reparations.

Issued in Washington, D.C., on May 27, 1983.

Jane K. Stuckey

Secretary of the Commission.

[FR Doc. 83-15070 Filed 6-3-83; 8:45 am]

BILLING CODE 6351-01-M

Commission review of an initial decision if they file and application for review within fifteen days after being served with the initial decision. Under this procedure, the Commission could deny review if it determined that review was not necessary to resolve an important issue of law or public policy.

[3] The proposed rules relate solely to agency organization, procedure and practice. Therefore, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, generally requiring notice of proposed rulemaking and opportunity for public comment, are not applicable. However, because these proposed amendments represent significant changes in the Commission's current reparations procedure, the Commission is inviting public comment on the rules as proposed and suggestions for any other changes that would improve or expedite the reparations procedure.

The Regulatory Flexibility Act ("RFA"), Pub. L. No. 96-354, 94 Stat. 1164 (1980), 5 U.S.C. 601, *et seq.*, requires that agencies, in proposing rules, consider their impact on small businesses. Section 3(a) of the RFA defines the term "rule" to mean "any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of this title . . . for which the agency provides an opportunity for notice and public comment." 5 U.S.C. 601(2). As the proposed rules have not been effected pursuant to 5 U.S.C. 553(b), they are not "rules" as defined in the RFA and the analysis or certification specified in that Act do not apply. In any event, the proposed rules, in proposing to streamline and simplify the reparation procedure and provide an expeditious voluntary decisionmaking forum, are not expected to have a significant economic impact on a substantial number of small business entities.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release Nos. 33-6468; IC-13274; File No. S7-978]

Registration of an Indefinite Number of Investment Company Securities

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is proposing for public comment two amendments to § 270.24f-2, rule 24f-2, under the Investment Company Act of 1940. One proposed amendment would require any issuer who has filed a declaration pursuant to rule 24f-2 to include a statement to that effect on the facing sheet of any post-effective amendment to its registration statement, and to include therein either the date upon which the issuer filed, or intends to file, the notice required by rule 24f-2, or a statement that the issuer need not file a notice for the prior fiscal year because it has not sold any securities in reliance on that declaration during that fiscal year. The other proposed amendment would modify the consequences for failure to file timely the notice required by rule 24f-2 so that the declaration filed pursuant to the rule would be terminated if the notice was not filed timely, but the registration statement containing the declaration would remain in effect. These two proposed amendments would improve the ability of the Commission and issuers to monitor the timeliness of rule 24f-2 notices while making less harsh the consequences of failure to file such notices on time.

DATE: Comments on the proposed amendments to rule 24f-2 should be received on or before July 8, 1983.

ADDRESS: Comments should be submitted in quintuplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Comment letters should refer to File No. S7-978. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Jane A. Kanter, Special Counsel (202) 272-2115, or Gregory K. Todd, Esq. (202) 272-7317, Office of Disclosure Legal Services, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is publishing for comment two proposed amendments to rule 24f–2 [17 CFR 270.24f–2] under the Investment Company Act of 1940 (the "1940 Act") [15 U.S.C. 80a–1 *et seq.*]. The first would require any issuer who has filed a declaration pursuant to that rule to include on the facing sheet of any post-effective amendment to its registration statement a statement that the issuer has filed a declaration pursuant to rule 24f–2 and the date upon which the issuer filed, or intends to file, its notice as required by that rule (the "Notice"), or a statement that the filing of such a Notice is unnecessary. The second amendment would modify the consequences for failure to file timely the Notice required by rule 24f–2 so that the declaration filed pursuant to the rule would be terminated if the Notice was not filed timely, but the registration statement containing the declaration would remain in effect. This change would permit an issuer that failed to file a timely rule 24f–2 Notice and sold securities thereafter to use rule 24f–1 [17 CFR 270.24f–1] to register retroactively securities sold within six months after the termination of its rule 24f–2 declaration.

Background

Section 24(f) [15 U.S.C. 80a-24(f)] was added to the 1940 Act by the Investment Company Amendment Act of 1970 [1] to authorize the Commission to adopt: (i) rules permitting registered investment companies to register retroactively securities sold in excess of the number or amount of securities included in the investment company's effective registration statement upon the payment of three times the normal registration fees for these securities [2] and (ii) rules allowing certain types of registered investment companies to register an indefinite number or amount of securities. In connection with the enactment of this provision, the legislative history states:

> Occasionally, due to inadvertence, a registered investment company making a continuous offering of its securities, sells more shares than are covered by its registration statement under the Securities Act of 1933. Although the number of shares sold in excess of those registered are not registered under the act, in practical effect no investor is harmed if each offeree or purchaser is given a current prospectus.[3]

In 1977, the Commission adopted rule 24f–2 permitting face-amount certificate companies, open-end management companies, and unit investment trust ("eligible companies") to register and indefinite number or amount of securities pursuant to the conditions of that rule.[4]

Rule 24f–2 provides that an eligible company may elect to register, under the Securities Act of 1933 (the "1933 Act") [15 U.S.C. 77a *et seq.*], an indefinite number or amount of securities by including a declaration to that effect on either its original registration statement of any post-effective amendment to its registration statement, and by paying a non-refundable fee of $500.00 to the Commission.[5] A company that has made such a declaration must file an annual Notice [6] setting forth, among other things, the number or amount of securities sold pursuant to rule 24f–2, and must include among with such Notice the registration fees for such securities as calculated pursuant to section 6(b) [15 U.S.C. 77f(b)] of the 1933 Act.[7] The Notice must be filed no later than six months after the end of any fiscal year during which the declaration was in effect.[8] Paragraph (b)(2) or rule 24f–2 provides that, if an issuer fails to file the required Notice on time, the issuer's registration statement will then terminate and the issuer must discontinue all sales of securities pursuant to that registration statement.[9]

If such an issuer intends to continue selling its securities, it must then file a new registration statement and wait until that registration statement becomes effective before it can resume selling its securities.[10]

Discussion

Section 24(f) and rule 24f–2 recognize and accommodate the unique character of investment companies that issue redeemable securities. Unlike operating companies and closed-end investment companies, whose offerings are intended typically to yield a specific maximum amount of proceeds to the issuer and are limited to a specified distribution period, investment companies issuing redeemable securities (other than certain unit investment trusts) normally offer their securities for sale on a continuous basis. It is, therefore, difficult for such companies to determine prospectively how many securities to register. Rule 24f–2 resolves this problem by permitting these investment companies to register an indefinite number or amount of securities.

It has come to the Commission's attention that several eligible companies that had been selling securities in reliance on rule 24f–2 have had their registration statements terminated automatically because of inadvertent failures to file required 24f–2 Notices on timely basis. In light of the fact that in practical effect no investor is harmed by the sale of securities in excess of those registered when each investor or potential investor receives a current prospectus from the issuer, the Commission believes that termination of the issuer's registration statement because of the issuer's failure to file its Notice timely is too harsh a result. On the other hand, the Commission must attempt to assure that required registration fees are paid. To address these concerns, the Commission is proposing for comment two amendments to rule 24f–2.[11]

---

[1] Pub. L. 91–547, 84 Stat. 1423 (1970).

[2] This provision has been implemented by rule 24f–1 [17 CFR 270.24f–1]. Securities Act Release No. 5208 (November 5, 1971), [36 FR 22873-(November 27, 1971)].

[3] House Report No. 91–1382, 91st Congress, 2d Sess. 31 (August 7, 1970). The report continued by stating: However, the inadvertence may result in a violation of Section 5 of the Securities Act and any person who can show that his shares were not actually registered might be entitled to the rescission rights given by Section 12 of the Securities Act.

Id.

[4] Securities Act Release No. 5881 (November 3, 1977), [42 FR 58400 (November 9, 1977)].

[5] An eligible company may at the same time register a specific number of securities as well as elect to register an indefinite number or amount of securities pursuant to rule 24f–2. If it does, then the company must pay the appropriate fee for the definite number of securities being registered as calculated in section 6(b) of the 1933 Act [15 U.S.C. 77f(b)]. *See* 17 270.24f–2(a)(4).

[6] Rule 24f–2 was amended in 1979 to require that 5 copies of the Notice be filed with the Commission and that the issuer's 1933 Act registration number appear on the Notice. Securities Act Release No. 6036 (March 22, 1979) [44 FR 19367 (April 9, 1979)].

[7] Paragraph (b)(1)(v) of rule 24f–2 also requires that an opinion of counsel be included indicating that the securities covered by the Notice were legally issued, fully paid, and non-assessable.

[8] Rule 24f–2(c) contains the provision that any issuer who files a Notice within two months after the end of its fiscal year may pay a fee based on the aggregate sales price of all securities sold less the aggregate price of all securities redeemed or repurchased, unless that amount has been previously applied by the issuer to reduce its fees pursuant to rule 24e–2(a) [17 CFR 270.24e–2(a)]. This provision allows the issuer to pay 1933 Act registration fees on only net securities sold during the past fiscal year.

[9] Even after an issuer's registration statement has terminated, the rule, nevertheless, requires that the issuer file a separate Notice as described in paragraph (b)(1) with respect to sales of securities made pursuant to the declaration during: (i) The fiscal year for which the Notice was not timely filed and (ii) the period after the close of the fiscal year as to which such Notice was not timely filed.

[10] In its release adopting rule 24f–2 the Commission stated its view that when a registrant chooses to register securities pursuant to rule 24f–2, failure to complete the registration process by filing the Notice will result in an incomplete registration of securities which will subject the issuer, or any person liable to the issuer for failure to complete the registration process on its behalf, to the risks arising from that failure. Securities Act Release No. 5881 (November 3, 1977) [42 FR 58400 (November 3, 1977)].

[11] Simultaneously herewith the Commission is issuing a release adopting a technical amendment to

First, the Commission is proposing an amendment to rule 24f–2 that would require all eligible companies that have filed declarations pursuant to rule 24f–2 to include on the facing sheet of any post-affective amendments to their registration statements a caption: (i) Stating that the eligible company has elected to register an indefinite number or amount of securities pursuant to rule 24f–2; and (ii) stating either the date on which the eligible company filed, or intends to file, its rule 24f–2 Notice for the immediately preceding fiscal year, or stating that the eligible company did not or need not file a Notice because it did not sell any securities in reliance upon rule 24f–2 during that year.

The Commission believes this proposed amendment is necessary to help issuers avoid inadvertent failures to file the required Notices and to enable its staff to monitor compliance in that respect. Requiring that companies having a rule 24f–2 declaration in effect place a statement to that effect on the facing page of any post-effective amendments to their registration statements and set forth the date when a 24f–2 Notice was filed or will be filed, should assure that sufficient attention will be directed to the requirement to file 24f–2 Notices that inadvertent failures to file will be minimized.

The second amendment proposed by the Commission would alter the consequences of failing to file a 24f–2 Notice on time. At present, pursaunt to paragraph (b)(2) of the rule, such failure results in termination of the issuer's registration statement, which means that securities sold after such termination may be considered unregistered securities and purchasers of such securities may have rescission rights under the 1933 Act. As stated above, the Commission believes this result is too harsh, at least in cases in which the delinquency is not unduly prolonged. Therefore, the Commission proposes to amend paragraph (b)(2) of rule 24f–2 to provide that failure to file a 24f–2 Notice on time will result, not in termination of the registration statement, but merely in termination of the issuer's declaration of registration of an indefinite number of securities. The practical consequence of this change would be that an issuer that failed to file its 24f–2 Notice on time and continued to sell its securities thereafter would, because its registration statement was still in effect, be able to use rule 24f–1 to register retroactively securities sold within six months after the termination of its rule 24f–2 declaration.[18] However, any securities sold more than six months after a failure to file a timely rule 24f–2 Notice could not be registered retroactively under rule 24f–1 and might, accordingly, be considered unregistered. An issuer that failed to file a rule 24f–2 Notice on time and wished to resume selling that rule could do so by filing a new declaration and paying a new $500.00 fee.

rule 24f–2. Pursuant to that amendment an issuer will no longer be required to file a Notice for any year during which it sold no securities pursuant to the rule.

[18] Rule 24f–1 [17 CFR 270.24f–1] permits the retroactive registration of shares sold in excess of the number of shares authorized by an effective registration statement, if, *inter alia*, the issuer files, within six months after the sale of the securities, a notification authorized by its board of directors and pays a fee equal to three times the registration fee as calculated in section 6(b) of the 1933 Act.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Proposed Amendments to Part 270

The Commission is publishing for comment amendments to Chapter II, Title 17 of the Code of Federal Regulations as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

By revising paragraphs (a)(1) and (b)(2) of § 270.24f–2 to read as as follows:

§ 270.24f–2 Registration under the Securities Act of 1933 of an indefinite number of certain investment company securities.

(a)(1) A face amount certificate company or an open-end management company or unit investment trust may, subject to the provisions of this section, elect to register an indefinite number or amount of securities under the Securities Act of 1933 by including on the facing sheet of its registration statement a declaration that an indefinite number or amount of its securities is being registered by such registration statement, or if a registration statement under the Securities Act of 1933 is in effect as to such securities by amending such registration statement on the facing sheet to declare that to the number or amount of securities of the same class or series presently registered is added an indefinite number or amount of such securities. Such declaration shall take effect when the registration statement or post-effective amendment in which it is included becomes effective. The issuer shall place on the facing sheet of any post-effective amendment to the registration statement filed after the issuer has made a declaration pursuant to this paragraph (a) (1) a statement to the effect that the issuer has registered an indefinite number or amount of securities under the Securities Act of 1933 pursuant to this section, and the date on which the Rule 24f–2 Notice for the issuer's most recent fiscal year was filed or will be filed, or a statement that pursuant to paragraph (b)(2) the issuer need not file a Rule 24f–2 Notice because it did not sell any securities pursuant to such declaration during the most recent fiscal year.

* * * * *

(b) * * *

(2) If the Rule 24f–2 Notice is not filed within the time specified in such paragraph, the declaration filed pursuant to paragraph (a)(1) of this section shall be deemed to be terminated on the next business day, and the registrant shall disscontinue all sale of securities pursuant to such declaration. Separate notices as described in paragraph (b)(1) shall be filed as soon as practicable after such termination with respect to sales of securities made pursuant to the declaration during (i) the fiscal year as to which such notice was not timely filed, and (ii) the period after the close of such fiscal year but before such declaration was terminated. Securities sold after termination of such declaration shall, for purposes of Rule 24f–1, be deemed to have been sold in an amount in excess of the number of shares of securities of the same class or series included in a registration statement of such issuer under the Securities Act of 1933 in effect at the time of the sale. Nothing in this paragraph (b)(2) shall require an issuer to file a Rule 24f–2 Notice for any fiscal year in which the issuer has not sold any securities in reliance on a declaration authorized by paragraph (a)(1) of this section.

* * * * *

Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding the proposed amendments to rule 24f–2 proposed herein. The analysis notes that the first proposed amendment would require certain registered investment companies to indicate on the facing sheet of any post-effective amendment to their registration statements the fact that they have registered an indefinite number of securities under the Securities Act of 1933 and the date they filed or intend to file the notice required by rule 24f–2. The second proposed amendment would modify rule 24f–2 so

that only an issuer's declaration pursuant to the rule would be terminated if the issuer failed to file timely the notice required by the rule. The object of the proposed amendments is to monitor compliance with the filing requirements of rule 24f–2 and to modify a harsh remedy.

A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting Gregory K. Todd, Esq., Office of Disclosure Legal Services, Securities and Exchange Commission, (202) 272–2317, Room 5128, 450 Fifth Street, N.W. Washington, D.C. 20549.

Statutory Authority

The Commission publishes the proposed amendments to rule 24f–2 pursuant to section 24(f) of the 1940 Act (15 U.S.C. 80a–24(f)).

By the Commission.

May 26, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–15042 Filed 6–3–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76–194 (Texas-36)]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recomendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commision of Texas that a portion of the Cook Mountain Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 15, 1983.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 16, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

I. Background

On April 4, 1983, the Railroad Commision of Texas (Texas) submitted to the commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that a portion of the Cook Mountain Formation, located in Harris County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that a portion of the Cook Mountain Formation be designated as a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the upper 275 feet of Cook Mountain Formation, as found in an area roughly rectangular in shape and approximately 6.4 miles by 18.9 miles and located approximately 2.5 miles northwest of the City of Houston, in Harris County, Texas, Railroad Commission District 3, be designated as a tight formation.

The Cook Mountain Formation is found at subsea depths ranging from approximately −7,300 feet on the west to −8,000 feet in the southeast, with a thickness of approximately 2,000 feet, and is part of the Middle Eocene Claiborne Group that was deposited during the Tertiary Period of the Genozoic Era. It is overlain by the Yegua formation and overlies the Sparta sandstone. The recommended portion of Cook Mountain Formation is identified as that formation occurring between the measured depths of 7,730 feet and 8,005 feet on the log of the Pringle Petroleum Inc. John Ivy No. 1 well.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situs* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 milidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing state and federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that a portion of the Cook Mountain Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 15, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–194 (Texas-36) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and

therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 16, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(181) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) Designated tight formations.

* * * * *

(129) through (180) [Reserved]

(181) *Cook Mountain Formation in Texas.* RM79–76 (Texas-36).

(i) *Delineation of formation.* The Cook Mountain Formation is located in Harris County, Texas, Railroad Commission District 3. The designated area is the upper 275 feet of the formation as found in an area roughly rectangular in shape and approximately 6.4 miles by 18.9 miles and located approximately 2.5 miles northwest of the City of Houston, Texas.

(ii) *Depth.* The Cook Mountain Formation is found at subsea depths ranging from −7,300 feet in the west to −8,000 feet in the southeast and is identified as that formation occurring between the measured depths of 7,730 feet and 8,005 feet on the log of the Pringle Petroleum Inc. John Ivy No. 1 well.

[FR Doc. 83–15075 Filed 6–3–83; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

Tariff Classification of Thread Seal Tape Made of "Teflon"

AGENCY: Customs Service, Treasury.

ACTION: Notice of proposed change of practice; solicitation of comments.

SUMMARY: Customs has determined that there is an established and uniform practice with respect to the tariff classification of merchandise which is a nonfibrous, nonlaminated, nonreinforced, continuous form plastic tape made of polytetrafluoroethylene ("teflon" fluorocarbon resin). The merchandise is also known as thread seal tape made of "teflon." Customs is now proposing a change in the tariff classification of this merchandise which, if adopted, would result in the imposition of a higher rate of duty. Accordingly, this notice invites public comments on the matter before any final action is taken.

DATE: Comments must be received on or before August 5, 1983.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Phil Robins, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8181).

SUPPLEMENTARY INFORMATION:

Background

This document pertains to the tariff classification of merchandise which is a nonfibrous, nonlaminated, nonreinforced, continuous form plastic tape made of polytetrafluoroethylene ("teflon" fluorocarbon resin). The merchandise is also known as thread seal tape made of "teflon."

Proposed Change of Practice

Customs has determined that there is an established an uniform practice of classifying, for tariff purposes, the subject merchandise, which meets the dimensional requirements for man-made fiber strips, under the provision for "articles not specially provided for, of rubber or plastics, other," in item 774.55, Tariff Schedules of the United States (TSUS; 19 U.S.C. 1202), at a Column 1 rate of duty of 6.9 percent ad valorem.

Customs is proposing to change its practice such that the merchandise would be classified under the provision for "strips (in continuous form), whether known as artificial straw, yarns, or by any other name: not laminated," in items 309.20 and 309.21, TSUS. Item 309.20, TSUS, which covers strips valued not over $1 per pound, carries a Column 1 rate of duty of 10¢ per pound, while item 309.21, TSUS, which covers strips valued over $1 per pound, carries a Column 1 rate of duty of 10.5 percent ad valorem.

Customs is proposing this change of practice because the merchandise meets the criteria for man-made fiber strips as defined in Headnotes 2(b) and 3(d) of Schedule 3, Part 1, Subpart E, TSUS. Further, the proposed change is based on the decision of the Customs Court in *Le Jeune, Inc. v. United States*, 67 Cust. Ct. 301, C.D. 4289 (1971).

Authority

Because the proposed change of practice, if adopted, will result in the imposition of a higher rate of duty, Customs in giving interested parties notice and an opportunity to comment in accordance with section 177.10(c)(1), Customs Regulations (19 CFR 177.10(c)(1)). Pursuant to section 315(d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d)), if the proposed change of practice is adopted, it shall not be effective prior to the expiration of 30 days after the date of publication in the Federal Register of notice of such adoption.

Comments

Consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: May 18, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83–15069 Filed 6–3–83; 8:45 am]

BILLING CODE 4820–02–M

Internal Revenue Service

26 CFR Part 1

Deduction for Motor Carrier Operating Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations regarding a deduction which is to be taken ratably over a 60-month period for the adjusted bases of motor carrier operating authorities held by taxpayers on July 1, 1980. Changes to the applicable tax law were made by the Economic Recovery Tax Act of 1981, the Highway Revenue Act of 1982, and the Technical Corrections Act of 1982. These regulations provide relief to taxpayers who, on July 1, 1980, held one or more motor carrier operating authorities, or later acquired such an authority pursuant to a binding contract in effect on July 1, 1980.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 5, 1983. The regulations are proposed to be effective for taxable years ending after June 30, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue; Attention: CC:LR:T [LR–203–81], Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Robert B. Coplan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) 202–566–3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) relating to a ratable deduction for the adjusted bases of motor carrier operating authorities held by taxpayers on July 1, 1980, as provided by section 266 of the Economic Recovery Tax Act of 1981 (Pub. L. 97–34, 95 Stat. 265), section 517 of the Highway Revenue Act of 1982 (Title V of the Surface Transportation Assistance Act of 1982, Pub. L. 97–424, 96 Stat. 2097), and section 102(n) of the Technical Corrections Act of 1982 (Pub. L. 97–448, 96 Stat. 2365). These amendments are to be issued under the authority contained in section 266 of the Economic Recovery Tax Act of 1981, section 517 of the Highway Revenue Act of 1982, and section 7805 of the Code (68A Stat. 917; 26 U.S.C. 7805).

In General

This document contains proposed amendments to the regulations relating to an ordinary deduction which will be allowed ratably over a 60-month period for taxpayers who held one or more motor carrier operating authorities on July 1, 1980. The deduction is intended to provide relief for taxpayers who acquired motor carrier operating rights before enactment of the Motor Carrier Act of 1980 on July 1, 1980. That Act deregulated the interstate motor carrier industry and significantly reduced the value of motor carrier operating rights acquired before deregulation.

Allowance of Deduction

Section 1.9200–1(a) of the proposed regulations provides that the deduction is allowable to a taxpayer in an amount equal to the adjusted basis of each motor carrier operating authority either held by the taxpayer on July 1, 1980, or acquired by the taxpayer after that date under a binding contract in effect on July 1, 1980. Generally, the 60-month period for taking the deduction begins with the later of July 1980 or the month in which the authority was acquired pursuant to a binding contract. However, the taxpayer may elect to begin the 60-month period with the first month of the first taxable year beginning after July 1, 1980, for all authorities acquired by the taxpayer by the end of the first month of such taxable year.

Rules are provided in paragraph (b) of § 1.9200–1 for determining the taxpayer entitled to claim the deduction for a particular motor carrier operating authority.

Adjusted Basis of Motor Carrier Operating Authority

Generally, for purposes of determining the amount of the deduction, a taxpayer's adjusted basis in a motor carrier operating authority is determined under Code sections 1012 and 1016. However, § 1.9200–1(e)(2) provides a special rule under which a corporation whose stock was acquired by a qualified acquiring party on or before July 1, 1980, and which held an authority at the time of such acquisition, may elect to allocate to the basis of the authority a portion of the cost basis in the corporation's stock held by such qualified acquiring party. If certain requirements are met, then the portion of the cost basis in the stock that may be allocated to the authority is the amount that would have been properly allocable under section 334(b)(2) of the Code (before amendment by the Tax Equity and Fiscal Responsibility Act of 1982) if the qualified acquiring party were a corporation that had liquidated the acquired corporation immediately after the acquistion. If the election under § 1.9200–1(e)(2) is made, the qualified acquiring party's basis in the acquired corporation's stock must be reduced to reflect the amount of basis which is allocated to the authority under this rule. In addition, the aggregate basis of assets of the acquired corporation other than the authority must be reduced, if necessary, so that it does not exceed the qualified acquiring party's basis in the acquired corporation's stock after such reduction. The election under § 1.9200–1(e)(2) is available only if the date of the last acquisition of stock within the 12-month period described in section 334(b)(2)(B) was after June 21, 1952 (the earliest date that a stock acquisition could have been completed where section 334(b)(2) applies to the subsequent liquidation).

Deduction To Be Treated as Section 381 Item

The Technical Corrections Act of 1982 provides that the amortization deduction may carry over in corporate acquisitions to which section 381 of the Code applies. This provision applies to taxable years ending after June 30, 1980.

Manner of Taking Deduction

The deduction is to be claimed by entering the amount of the deduction allowable for the taxable year at the appropriate place on the taxpayer's return for each year in which the deduction is properly claimed. Information relating to the adjusted baiss of each motor carrier operating authority must also be provided on the return on which the deduction for the authority is first taken.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, noticeof the time and place will be published in the **Federal Register**.

Executive Order 12291 and Regulatory Flexibility Act

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. The Internal Revenue Service has concluded that although this document is a notice of proposed rulemaking that solicits public comment, the regulations proposed herein are interpretative and the notice and pubic procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of these proposed regulations is Robert B. Coplan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.9200-1-1.9200-2

Income taxes, Motor carrier operating authorities.

Proposed Amendments to the Regulations

Part 1—[AMENDED]

The proposed amendments to 26 CFR Part 1 are as follows:

Paragraph 1. The following new §§ 1.9200–1 and 1.9200–2 are added to read as follows:

§ 1.9200–1 Deduction for motor carrier operating authority.

(a) *In general.* Section 266 of the Economic Recovery Tax Act of 1981 (Pub. L. 97–34, 95 Stat. 265) provides that, for purposes of chapter 1 of the Internal Revenue Code of 1954, an ordinary deduction shall be allowed in computing the taxable income of all taxpayers who either held one or more motor carrier operating authorities on July 1, 1980, or later acquired a motor carrier operating authority pursuant to a binding contract in effect on July 1, 1980. The deduction for each motor carrier operating authority is to be allowed ratably over a 60-month period and is equal to the adjusted basis of the motor carrier operating authority on July 1, 1980. Except as provided in this section, no deduction is allowable for any diminution in value of any motor carrier operating authority caused by administrative or legislative actions to decrease restrictions on entry into the interstate motor carrier business.

(b) *Person entitled to claim deduction.* In general, the deduction provided by this section for a particular motor carrier operating authority may be claimed only by the taxpayer which held the authority on July 1, 1980. However, if another person acquired the motor carrier operating authority after July 1, 1980, pursuant to a binding contract in effect on that date, the deduction for such authority may be claimed only by the acquirer and may not be claimed by the taxpayer which held the authority on July 1, 1980. A taxpayer, otherwise entitled to claim a deduction under this section, who sells a motor carrier operating authority after July 1, 1980 (in a sale which is not pursuant to a binding contract in effect on July 1, 1980) may not claim an amortization deduction for such authority for any month which begins after the date of such sale. In addition, acquisition of a motor carrier operating authority after July 1, 1980, if not pursuant to a binding contract in effect on July 1, 1980, will not entitle the acquirer to a deduction under this section.

(c) *Allowance of deduction*—(1) *Determination of period for deduction.*—(i) *General rule.* Except as provided in paragraph (c)(1)(ii) of this section, the 60-month period for taking the deduction provided by this section for a particular motor carrier operating authority begins with the month of July 1980, or, if later, the month in which the motor carrier operating authority was acquired pursuant to a binding contract in effect on July 1, 1980.

(ii) *Election.* In lieu of beginning the 60-month period as provided in paragraph (c)(1)(i) of this section, the taxpayer may elect to begin the 60-month period with the first month of the taxpayer's first taxable year beginning after July 1, 1980. This election, if made, shall apply to the deduction for all motor carrier operating authorities either held by the taxpayer on July 1, 1980, or later acquired by the taxpayer by the end of the first taxable year beginning after July 1, 1980, pursuant to a binding contract in effect on July 1, 1980. Any such election will not apply to the determination of the period for amortizing the bases of authorities acquired by the taxpayer after the end of the first month of the first taxable year beginning after July 1, 1980.

(2) *Amount of monthly deduction.* In the case of each motor carrier operating authority for which the taxpayer is entitled (under paragraph (b) of this section) to claim a deduction, the deduction for each month during the 60-month period relating to the motor carrier operating authority is equal to the adjusted basis (determined under paragraph (e) of this section) of the motor carrier operating authority divided by 60.

(d) *Definition of motor carrier-operating authority.* For purposes of § 1.9200–2 and this section, the term "motor carrier operating authority" means a certificate or permit held by a motor common carrier or motor contract carrier of property and issued pursuant to the Revised Interstate Commerce Act, 49 U.S.C. § 10921–10933 (Sup. III 1979). The terms "motor common carrier" and "motor contract carrier" shall be defined as in 49 U.S.C. 10102 (Supp. III 1979).

(e) *Adjusted basis of motor carrier operating authority.*—(1) *In general.* Except as provided in paragraph (e)(2) of this section, the adjusted basis of a motor carrier operating authority for which a deduction is allowed under this section is the adjusted basis of the motor carrier operating authority as determined under sections 1012 and 1016 in the hands of the taxpayer who is entitled to claim the deduction under paragraph (b) of this section.

(2) *Special rule in case of certain stock acquisitions*—(i) *Election by holder.* A corporation entitled to claim a deduction under paragraph (b) of this section for a motor carrier operating authority may elect to allocate a portion of the cost basis of a qualified acquiring party in the stock of an acquired corporation, to the basis of the authority. A qualified acquiring party is a corporation (or a noncorporate person or group of noncorporate persons described in paragraph (e)(2)(ii) of this section) that after June 21, 1952, and on or before July 1, 1980 (or after July 1, 1980 under a binding contract in effect on such date) acquired by purchase, within the meaning of section 334(b)(3) and during a period of not more than 12 months, 80 percent or more of the stock (as described in section 334(b)(2)(B)) of a corporation (the acquired corporation) which held the authority directly or indirectly on the date which is the end of the period of 12 months or less within which such 80 percent of the acquired corporation's stock was purchased. The election to allocate basis in an acquired corporation's stock to the basis in an authority may be made only if 80 percent of all classes of the acquired corporation's stock (other than nonvoting stock which is limited and preferred as to dividends) was acquired by purchase (within the meaning of section 334(b)(3)) during a period of not more than 12 months, as described in section 334(b)(2)(B). If the qualified acquiring party is a corporation, the taxpayer holding the authority on July 1, 1980, may elect the basis allocation of this paragraph only if it is a member of the affiliated group (as defined in section 1504(a)) of which the qualified acquiring party is a member. If there is more than one acquisition of stock that might permit an election to allocate basis under this paragraph (e)(2)(i), the taxpayer may elect to allocate to the authority only the basis in the acquired corporation's stock held by the qualified acquiring party which became a qualified acquiring party as a result of the last of such acquisitions.

(ii) *Certain noncorporate persons treated as qualified parties.* For purposes of paragraphs (e)(2)(i)–(vi) of this section, the term "qualified acquiring party" shall include a

noncorporate person or group of noncorporate persons which, after June 21, 1952 and on or before July 1, 1980, acquired in one purchase, stock in a corporation (the acquired corporation) which at the time of acquisition held, directly or indirectly, a motor carrier operating authority. In order to be treated as a qualified acquiring party under this paragraph, a noncorporate person or group of noncorporate persons must have held stock constituting control (within the meaning of section 368(c)) of the acquired corporation on July 1, 1980. A group of noncorporate persons consists of two or more noncorporate persons who, acting together on the same date, made the required purchase of stock in the acquired corporation.

(iii) *Portion of stock basis allocable to basis of authority when stock of direct holder of authority is acquired.* If the qualified acquiring party acquired the stock of a corporation directly holding the authority, the portion of the stock basis allocable to the basis of the authority is the amount that would have been properly allocable under section 334(b(2) if the qualified acquiring party were a corporation that had received the authority in a distribution of all the acquired corporation's assets in a complete liquidation of the acquired corporation immediately after the acquisition of the acquired corporation's stock. If the acquired corporation's stock was acquired on more than one date, the date on which the liquidation is deemed to have occurred shall be the date which is the date of the last acquisition by purchase of stock of the acquired corporation within the 12-month period described in section 334(b)(2)(B).

(iv) *Portion of stock basis allocable to basis of authority when stock of indirect holder of authority is acquired.* If the qualified acquiring party acquired the stock of a corporation indirectly holding the authority (such as by owning all of the stock of a subsidiary that directly holds the authority), a portion of the qualified acquiring party's cost basis in the stock of the acquired corporation may be allocated to the basis in the operating authority. The portion allocable is the amount that would have been properly allocable under section 334(b)(2) if, immediately before the liquidation of the acquired corporation on the date of the last acquisition by purchase of stock of the acquired corporation within the 12-month period described in section 334(b)(2)(B), the authority had been transferred in such a way that the qualified acquiring party would have received direct ownership of the authority upon the liquidation of the acquired corporation immediately after the acquisition.

(v) *Other assets to be accounted for.* For purposes of paragraphs (e)(2) (iii) or (iv) of this section, in determining the portion of stock basis properly allocable to the operating authority under section 334(b)(2), the portion of the qualified acquiring party's basis in the acquired corporation's stock that would have been allocable following the liquidation to other assets of the acquired corporation, including intangible assets such as goodwill and going concern value, must be taken into account.

(vi) *Adjustments to basis in acquired corporation's stock and other assets.* If a taxpayer makes the election provided by paragraph (e)(2)(i) of this section, the qualified acquiring party's basis in the stock of the acquired corporation shall be decreased, effective as of July 1, 1980, by the amount determined by the following formula:

$$\frac{\text{basis in acquired corporation's stock}}{\text{basis in acquired corporation's stock plus unsecured liabilities of acquired corporation}} \times \text{amount allocated to basis in authority.}$$

In addition, if the aggregate basis of the assets of the acquired corporation other than the authority as of July 1, 1980 (reduced by the liabilities secured by such assets) exceeds the qualified acquiring party's basis in the stock of the acquired corporation remaining after application of the preceding sentence, then the bases of such assets shall be reduced proportionately so that their aggregate basis as of such date (minus secured liabilities) is equal to such remaining stock basis. If the acquired corporation held the authority indirectly, appropriate basis reductions shall be made to reflect the transfers deemed to have occurred under paragraph (e)(iv) of this section.

(vii) *Pre-TEFRA law applies.* References made in this section to section 334 of the Code relate to such section as it existed before amendment by the Tax Equity and Fiscal Responsibility Act of 1982.

(f) *Adjustment to basis of motor carrier operating authority.* A taxpayer's basis in a motor carrier operating authority must be reduced by the amount of any amortization deductions allowable to the taxpayer under this section.

(g) *Examples.* The principles of this section may be illustrated by the following examples:

Example (1). (i) Corporation X acquired all the stock of corporation Y for $130,000 in 1970. Y's assets at the time of acquisition consisted of a motor carrier operating authority valued at $210,000, in which it has a basis of $90,000, and trucks with a fair market value of $70,000 and an aggregate basis of $30,000. Y has $50,000 of liabilities secured by the trucks and $100,000 of unsecured liabilities. Both X and Y use a June 30 fiscal year for tax purposes.

(ii) Y is the only taxpayer eligible to claim a deduction under § 1.9200–1(b). If X sold its Y stock to Z in October 1980 (other than pursuant to a binding contract in effect on July 1, 1980), Y would continue to be the only taxpayer eligible to claim the deduction. However, if Y sold the operating authority to W in February 1981, neither Y nor W would be eligible to claim the monthly deduction for the remainder of the 60-month period. Also, Y would realize gain or loss on the sale after reducing its basis in the authority by any amortization claimed for the period prior to the sale.

(iii) Y must begin the 60-month period in July 1980 unless it elects under paragraph (c)(1)(ii) of this section to begin the 60-month period with the first month of the first taxable year beginning after July 1, 1980, which in Y's case would be July 1981.

(iv) Y's allowable monthly deduction is equal to its adjusted basis in the operating authority of $90,000, divided by 60, or $1,000. However, Y may elect under § 1.9200–1(e)(2) to allocate to its basis in the authority a portion of X's basis in Y stock, since X is a qualified acquiring party under paragraph (e)(2)(i) of this section and Y is a member of an affiliated group of which X is a member. Assuming Y makes the election, Y may allocate to the basis of the authority the amount of X's basis in Y stock that would have been allocable under section 334(b)(2) if X had received the authority in a distribution of all of Y's assets in a complete liquidation of Y immediately after X acquired Y's stock. Therefore, for purposes of the allocation, X's $130,000 cost basis in Y stock is deemed to be increased by Y's $100,000 of unsecured liabilities to $230,000. Of the $230,000 deemed basis, $210,000 is allocated to the authority and $20,000 to the trucks. Y's allowable monthly amortization deduction would be $210,000 divided by 60, or $3,500. X's $130,000 cost basis in its Y stock must be decreased to $11,304 as provided in paragraph (e)(2)(vi) of this section. Y's $30,000 aggregate basis in its trucks remains unchanged.

Example (2). Assume the same facts as in Example (1), except that Y's aggregate basis in the trucks is $90,000. If Y makes the election under § 1.9200–1(e)(2), the same allocation as in Example (1) would occur. However, in addition to the decrease in X's basis in its Y stock to $11,304, the $90,000 aggregate basis in the trucks must be reduced to $61,304 (so that the $61,304 basis minus secured liabilities of $50,000 is equal to X's $11,304 remaining stock basis).

§ 1.9200–2 Manner of taking deduction.

(a) *In general.* The deduction provided by § 1.9200–1 shall be taken by multiplying the amount of the monthly deduction determined under § 1.9200–1(c)(2) for each motor carrier operating authority by the number of months in the taxable year for which the deduction

is allowble, and entering the resulting amount at the appropriate place on the taxpayer's return for each year in which the deduction is properly claimed. Additionally, in any year in which falls the first month of a 60-month period selected pursuant to § 1.9200–1(c)(1), a statement must be attached to the return showing the manner in which the adjusted basis of each motor carrier operating authority was determined.

(b) *Filing and amendment of returns.* A taxpayer who has filed its return for the taxable year that includes July 1, 1980 claiming the deduction allowed under § 1.9200–1, may amend its return for such year in order to elect under § 1.9200–1(c)(1)(ii) to begin the 60-month period in the subsequent taxable year. A taxpayer eligible to take the deduction under § 1.9200–1 who has filed its return for the taxable year that includes July 1, 1980 without claiming the deduction, may (1) file an amended return or claim for refund for such year claiming the deduction, or (2) elect to begin the 60-month period by claiming the appropriate deduction on its return for the following taxable year.

(c) *Deduction taken for operating authority other than under § 1.9200–1.* If a deduction other than the deduction allowed under § 1.9200–1 was taken in any taxable year for the reduction in value of a motor carrier operating authority caused by administrative or legislative actions to decrease restrictions on entry into the interstate motor carrier business, the taxpayer should file an amended return for such taxable year which computes taxable income without regard to such deduction.

Par. 2. Section 1.1502–32 is amended by removing the word "and" at the end of paragraph (d)(1)(i)(*b*), by adding ", and" in lieu of the period at the end of paragraph (d)(1)(i)(*c*), and by adding a new paragraph (d)(1)(i)(*d*) to read as follows:

§ 1.1502–32 Investment adjustment.

* * * * *

(d) * * *

(l) * * *

(i) * * *

(*b*) * * *

(*c*) * * *, and

(d) In computing the earnings and profits of a member holding one or more motor carrier operating authorities who makes the election under § 1.9200–1 (e)(2), the annual amortization deduction allowed under § 1.9200–1 shall not be taken into account.

(Sec. 266 of the Economic Recovery Tax Act of 1981, Pub. L. 97–34, 95 Stat. 265 and Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917, 26 U.S.C. 7805)

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83–14934 Filed 6–3–83; 8:45 am]

BILLING CODE 4830–01–M

---

26 CFR Part 1

[LR–125–78]

Imposition of Accumulated Earnings Tax on Corporations Having Foreign Corporate Shareholders; Withdrawal of Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws the notice of proposed rulemaking relating to imposition of accumulated earnings tax on corporations having foreign corporate shareholders that appeared in the **Federal Register** on December 22, 1980 (45 FR 84088).

FOR FURTHER INFORMATION CONTACT: Carol T. Doran of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, Attention: CC:LR:T (LR–125–78), 202–566–3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document withdraws the notice of proposed rulemaking that appeared in the **Federal Register** on December 22, 1980 (45 FR 84088). The notice proposed amendments to the regulations under sections 532, 533, 535, and 537 of the Internal Revenue Code of 1954. The principal purpose of the proposed amendments was to apply the accumulated earnings tax to corporations accumulating earnings and profits to avoid the income tax on distributions to foreign corporate shareholders.

Drafting Information

The principal author of this document is Carol T. Doran of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing this document, both in matters of substance and style.

Withdrawal of Proposed Amendments

The proposed amendments to 26 CFR Part 1 relating to imposition of accumulated earnings tax on corporations having foreign corporate shareholders and published in the **Federal Register** on December 22, 1980 (45 FR 84088), are hereby withdrawn.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83–15048 Filed 6–3–83; 8:45 am]

BILLING CODE 4830–01–M

---

26 CFR Part 1

[LR–4–82]

Travel Expenses of Members of Congress; Withdrawal of Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws the notice of proposed rulemaking relating to travel expenses of Members of Congress that was published in the **Federal Register** for January 21, 1982 (47 FR 3006).

FOR FURTHER INFORMATION CONTACT: Linda M. Kroening of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3297, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document withdraws the notice of proposed rulemaking that appeared in the **Federal Register** on January 21, 1982 (47 FR 3006). That notice was cross-reference to temporary regulations under section 274 of the Internal Revenue Code of 1954 (47 FR 2987) and provided rules whereby deductions for traveling expenses of Members of Congress could be claimed without substantiation.

Subsequent to the issuance of the notice of proposed rulemaking section 162(a) and 280A(f)(4) of the Code were amended by section 215 of the Urgent Supplemental Appropriations Act, 1982 (Pub. L. 97–216, 96 Stat. 194). The amendments limited deductions by Members of Congress for living expenses to a maximum of $3,000 per taxable year and provided that substantiation of such deductions could be required. The amendments were effective for taxable years beginning after December 31, 1981. Due to these amendments, the Internal Revenue Service has decided to withdraw the proposed regulations.

Drafting Information

The principal author of this document was Linda M. Kroening of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing this document, both on matters of substance and style.

The proposed amendments to 26 CFR Part 1 relating to travel expenses of Members of Congress published in the **Federal Register** (47 FR 3006) on January 21, 1982, are hereby withdrawn.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-15045 Filed 6-3-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 942

Public Comment and Opportunity for Public Hearing on Modified Portions of the Tennessee Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of proposed amendments to the Tennessee permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments submitted by Tennessee for the Secretary's approval include modifications intended to satisfy nine of the Secretary's conditions of approval of the Tennessee permanent program.

DATE: Written comments must be received on or before 4:00 p.m. on July 6, 1983, to be considered in the Secretary's decision to approve or disapprove the proposed amendments.

A public hearing on the proposed modifications has been scheduled for June 27, 1983, at the address listed below under "ADDRESSES." Any person interested in making an oral or written presentation at the hearing should contact Mr. James Curry at the address below by June 20, 1983. If no person has contacted Mr. Curry by this date to express an interest to participate in this hearing, the hearing will be cancelled. If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public hearing will be held starting at 7 p.m. at the TVA Office Complex, Plaza West Towers, Room C-36, 400 West Summit Hill Drive, Knoxville, Tennessee 37901.

Written comments should be mailed or hand-delivered to Mr. James Curry, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street, S.W., Suite 400, Knoxville, Tennessee 37902.

Copies of the proposed modifications to the Tennessee program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Offices and the Office of the State Regulatory Authority listed below, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Administrative Record Room, 1100 "L" Street, NW., Washington, D.C. 20240.

Office of Surface Mining Reclamation and Enforcement, Field Office, 530 Gay Street, S.W., Suite 400, Knoxville, Tennessee 37902; Telephone: (615) 523-9523.

Tennessee Department of Public Health, Division of Surface Mining and Reclamation, 305 W. Springdale Avenue, Knoxville, Tennessee 37917.

FOR FURTHER INFORMATION CONTACT: Mr. James Curry, Field Office Director, Office of Surface Mining, 530 Gay Street, S.W., Knoxville, Tennessee 37902; Telephone: (615) 523-9523.

SUPPLEMENTARY INFORMATION: The Tennessee surface coal mining regulatory program was conditionally approved by the Secretary on August 10, 1982 (47 FR 34724-34754). The approval was conditioned on the State's correction of 11 minor deficiencies in its program.

Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Tennessee program can be found in the August 10, 1982 **Federal Register** (47 FR 34724-34754).

Submission of Revisions

On May 2, 1982, OSM received program amendments submitted by the Tennessee Division of Surface Mining (DSM) which are intended to satisfy conditions (b), (c), (d), (e), (f), (g), (h), (i), and (j) of the Secretary's approval of the Tennessee regulatory program. Set forth below is a general description of the provisions submitted by the State and of the conditions they are intended to satisfy.

Condition (b)

Condition (b) specifies that termination of the approval found in 30 CFR 942.10 will be initiated on April 30, 1983, unless Tennessee submits to the Secretary by that date copies of promulgated regulations containing definitions of "surface mining activities" and "surface coal mining operations" which are consistent with Federal requirements, and which make it clear that "surface coal mining operations" has the same meaning as the State's term "surface mining operations."

To address condition (b), Tennessee submitted to OSM a proposed amended version of Rule 0400-1-1.03 which 1) establishes definitions of "surface mining activities" and "surface coal mining operations" which, the State indicated, are consistent with the Federal requirements and 2) which clarifies that "surface coal mining operations" has the same meaning as the State's term "surface mining operations."

Condition (c)

Condition (c) stipulates that termination of the approval found in 30 CFR 942.10 will be initiated on April 30, 1983, unless Tennessee submits to the Secretary by that date, copies of promulgated regulations which correct the typorgraphical and editorial errors identified in the June 4, 1982, letter to the State (See OSM Administrative Record TN-528).

In satisfaction of this condition, Tennessee submitted to OSM revised promulgated regulations which correct the typographical errors and editorial errors referenced above. The State also submitted to OSM a list of eight errors identified in OSM's June 4, 1982, letter to the State which the State inadvertently failed to correct. The Director, DSM, advised OSM that the eight remaining editorial errors in the rules would be corrected in the near future.

Condition (d)

Condition (d) specifies that termination of the approval found in 30 CFR 942.10 will be initiated on April 30, 1983, unless Tennessee submits to the Secretary by that date, copies of promulgated regulations which delete the exception to the limitation on bare areas in Tennessees's underground mining regulations for evaluating vegetation survival which says, "unless

such areas are too stony to support vegetation."

To address condition (d), Tennessee submitted to OSM a copy of regulation 0400–1–15–.62, as amended, from which the State has deleted the above-cited exception to the limitation on bare areas.

Condition (e)

Condition (e) stipulates that termination of the approval found in 30 CFR 942.10 will be initiated on April 30, 1983, unless Tennessee submits to the Secretary by that date, copies of promulagated regulations which include the missing requirements for a water quality protection plan in the permit application to require information in the plan to be represented by a "detailed description, with appropriate maps and cross-section drawings," and unless Tennessee submits to the Secretary by that date, either copies of promulgated regulations which delete the redundant and incomplete TR 0400–1–5–.22 or assurance that TR 0400–1–5–.32 is the controlling regulation for the water quality protection plan for underground mining.

As required by condition (e), Tennessee submitted a proposed amended version of Rule 0400–1–5–.32 which includes requirements pertaining to the water quality protection plan to be included in the permit application. Tennessee also submitted a proposed amendment which deletes Rule 0400–1–5–.22.

Condition (f)

Condition (f) specifies that termination of the approval fund in 30 CFR 942.10 will be initiated on April 30, 1983, unless Tennessee submits to the Secretary by that date, copies of promulgated regulations which include provisions for location of natural and man-made features that are no less effective than 30 CFR 779.24 (d), (e), (h), and (j), 779.25(j), 783.24 (d), (e), (h), and (j), and 783.25(j).

As required by condition (f), Tennessee submitted promulgated regulations 0400–1–2–.29, 0400–1–2–.32, 0400–1–5–.29, 0400–1–5–.32, 0400–1–9–.10, which, the State indicated, are no less effective than 30 CFR 779.24 (d), (e), (h) and (j), 779.25(j), 783.24 (h) and (j), and 783.25(j). Tennessee also submitted a proposed amended version of item 9 of subparagraph (c) of paragraph 2 of Rule 0400–1–5–.34 which, the State indicated, includes provisions consistent with 30 CFR 783.24 (d) and (e).

Condition (g)

Condition (g) specifies that termination of the approval found in 30 CFR 942.10 will be initiated on April 30, 1983, unless Tennessee submits to the Secretary by that date, copies of promulgated regulations, or otherwise amends its program to include parameters for determining significant departures from the approved permit for purposes of requiring a formal review of a proposed permit revision.

To address condition (g), Tennessee submitted to OSM a copy of proposed amended rule 0400–1–3–.17 which provides parameters for determining significant departures from the approved permit.

Condition (h)

Condition (h) specifies that termination of the approval found in 30 CFR 942.10 will be initiated on April 30, 1983, unless Tennessee submits to the Secretary by that date, copies of promulgated regulations concerning the five year period of liability under performance bond, which provide that such period shall begin "after the last year" of augmented seeding, fertilizing, irrigation, or other work, as required by SMCRA.

To address condition (h), Tennessee has submitted to OSM a proposed amended version of paragraph (2) of Rule 0400–1–7–.05 which provides that the five year period of liability under performance bond shall begin "after the last year" of augmented seeding, fertilizing or other work.

Condition (i) and (j)

Condition (i) specifies that "termination of the approval found in 30 CFR 942.10 will be initiated on April 30, 1983, unless Tennessee submits to the Secretary by that date, additional documentation for Chapters VII (1), (4), (5), (6), (7), (8), (9), (15), and (16) of the Tennessee program concerning procedures and forms for permitting, inspection and enforcement, which is complete and adequate to describe the State's intended methods of implementing the program."

Condition (j) of the Secretary's approval specifies that "termination of the approval in 30 CFR 942.10 will be initiated on April 30, 1983, unless Tennessee submits to the Secretary by that date, additional information for Chapters V, VI, X, XI and XII of the Tennessee Program concerning staffing and funding, which includes sufficient documentation to show that the State will have qualified personnel and funding adequate to implement all aspects of the State program."

The original deadline established by the Secretary for Tennessee to satisfy conditions (i) and (j) was October 31, 1982. In satisfaction of these conditions, Tennessee submitted on November 1, 1982, amendments to Chapters V, VI, and VII of the approved Tennessee program. In the December 3, 1982, Federal Register (47 FR 54474), OSM announced receipt of these amendments and invited public comment on them.

Subsequently, on February 15, 1983, the Governor of Tennessee transferred the Division of Surface Mining (DSM) from the Department of Conservation to the Department of Public Health. Because of this transfer, the Secretary granted Tennessee an extension until April 30, 1983, to satisfy conditions (i) and (j) in order to allow the State time to further amend the program chapters referenced above to reflect the agency reorganization. (See 48 FR 8058, February 25, 1983.) On May 2, 1983, OSM again received amendments submitted by Tennessee intended to satisfy conditions (i) and (j). The amendments, which revise the chapters cited above, reflect the transfer of DSM from the Department of Conservation to the Department of Public Health.

The Secretary invites comment on the adequacy of the amendments submitted by the State in satisfying conditions (b)–(j). The full text of the material submitted by the State is available for public review at the address listed above under "ADDRESSES."

Because some of the material submitted by the State was in proposed rather than promulgated form, OSM would like to point out that the Secretary will not approve any of the proposed amendments submitted to OSM by Tennessee unless the State promulgates them in the same form as submitted to OSM on May 2 and as reviewed by the public. If changes are made to any of the provisions which were submitted to OSM in proposed form before the State promulgates them, OSM will reexamine the provisions as modified and reopen the comment period on the adequacy of the amendments in satisfying the conditions.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or

conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 942

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

(Pub. L. 95–87, Sec. 523(c); 30 U.S.C. 1273(c))

Dated: May 31, 1983.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 83–15098 Filed 6–3–83; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD 78–151]

Inland Waterways Navigation Regulations; Connecting Waters From Lake Huron to Lake Erie

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing regulations that would amend the existing inland waterways navigation regulations for the connecting waters from Lake Huron to Lake Erie. The purpose of this action is to modernize and simplify the requirements, and to make them compatible with the requirements of the Canadian Coast Guard in the Canadian portion of the waterway.

DATE: Comments must be received on or before September 6, 1983.

ADDRESSES: Comments may be mailed to Commandant (G-CMC/44) (CGD 78–151), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, between the hours of 8 a.m. and 4 p.m. Monday though Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Edward J. LaRue, Jr., Project Manager, Office of Marine Environment and Systems, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426–4958, between the hours of 8 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Written comments should include the docket number (CGD 78–151), the specific section of the proposal to which each comment applies, and the reason for the comments. Commenters should include their name and address. Those desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The proposal may be changed in view of the comments received. All comments received before the expiration date of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid in the rulemaking process.

Drafting Information

The principal persons involved in drafting this proposal are Mr. Edward J. LaRue, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Mark Hanlon, Staff Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulations

On September 29, 1977, responsibility for certain inland waterways navigation regulations was transferred from the U.S. Army Corps of Engineers to the Coast Guard (42 FR 51758). At that time, the regulations were moved from 33 CFR Part 207 to 33 CFR Part 162 with only minor editorial changes. The Coast Guard is now proposing minor procedural and editorial changes to the regulations governing the connecting waters from Lake Huron to Lake Erie. The changes will simplify the regulations, remove outdated requirements, and make the regulations consistent with current practices on the waterways. The changes will also make them compatible with regulations presently being drafted by the Canadian authorities to cover their portion of the waterways.

In drafting these proposed regulations, the provisions of the existing regulations have been incorporated except as noted. Provisions which have been transferred without substantive change are not discussed in the following paragraphs unless confusion might result without some explanation. The proposed regulations have been organized in the format and style of vessel traffic service regulations. These regulations are similar in content to the various vessel traffic service regulations and the Coast Guard feels that the regulations would be clearer to the reader if a similar format is used.

The existing regulations are found at §§ 162.135 and 162.140 of Title 33, Code of Federal Regulations. In order to arrange the regulations in a simple and logical manner, the proposed rules have been revised and redesignated using §§ 162.130 through 162.140. A section by section redesignation table can be found at the end of the discussion of the proposed regulations.

Applicability, § 162.130(b)

Proposed § 162.130(b) would change the applicability of the existing speed rules (§ 162.135(d)) from "commerical vessels 65 feet or greater in length" to "vessels 20 meters or more in length". This has a twofold purpose. First, vessels of equal size, commercial or otherwise, could cause equal damage due to excessive speed. Second, although the actual size limit changes very little, 20 meters is a standard of vessel length used in other maritime related laws and regulations. Adopting this standard will make it easier for the mariner to remember that the rules apply.

Proposed § 162.130(b)(3) would establish the type and size of vessels to which the security calling rules (proposed § 162.132), the traffic rules (proposed § 162.134), and the anchorage rules (proposed § 162.136) would apply. The vessels described are essentially the same (20 meters equals 65.7 feet, 8 meters equals 26.2 feet) as the ones to which the provisions of the existing Joint United States Coast Guard-Canadian Coast Guard Contingency Plan for Emergency Vessel Traffic Management on the Detroit and St. Clair Rivers apply. The existing requirements apply to vessels 65 feet and over and 26 feet and over, respectively.

The vessels required to participate in the contingency plan are the same as those required to have a VHF–FM radiotelephone by the Agreement Between the United States and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973. Since

the United States and Canada have previously established the size and type of vessels to which navigation safety and communication rules should apply, the Coast Guard is proposing to use essentially the same limits for these regulations. Few vessels are built with lengths between 65 and 65.7 feet or between 26 and 26.2 feet.

Definitions, § 162.130(c)

Several definitions have been added in proposed § 162.130(c). "Harbor Master" and "Regional Director" would identify Canadian officials who exercise responsibilites similar to the U.S. Coast Guard Captain of the Port and District Commander. "SARNIA TRAFFIC" would identify the Canadian traffic center at Sarnia, Ontario. A definition of "Security Call" would be included for clarity. Although the term is used in the existing regulations (§ 162.140(f)), it is not defined.

Security Calling and Reporting Rules, § 162.132

Proposed § 162.132 would require various radiotelephone security calls. Presently, § 162.140(f) requires security calls when a vessel is entering, leaving, or obstructing the Rouge River or the Short Cut Canal. Also, District Commander Order No. 1–78 (NAV ORDER 1–78) requires vessel masters to coordinate their movements in order to avoid meeting in an area around the Blue Water Bridge in the St. Clair River. This is accomplished by use of bridge-to-bridge radiotelephone. Vessels also make random radiotelephone calls throughout the waterway in order to facilitate meeting and overtaking. The Coast Guard is proposing to formalize the security calling procedures by establishing fixed calling points throughout the waterway. Although radiotelephone calls are usually made voluntarily by mariners, there is a need to avoid overcrowding the calling frequency. This is particularly important during the pleasure boating season. Therefore, the Coast Guard is proposing to require security calls by vessels only at certain geographic points or when performing certain operations. These requirements, coupled with an effort to make the boating public in the area aware of the congestion problem, should substantially reduce unnecessary radio transmissions. This, in turn, should facilitate the required communications.

Proposed § 162.132(b)(1) lists the locations at which vessels transiting the waterway would make calls. A vessel transiting the entire waterway (approximately 90 miles) would be required to make a total of 6 calls, whether upbound or downbound. A call would be required if a vessel is entering or leaving the Rouge River or Short Cut Canal. Proposed § 162.132(b)(2) would require vessels to make a security call when getting underway in two portions of the waterway that are narrow and/or visually obstructed. Proposed § 162.132(c) would require vessels to make a security call before maneuvering to come about.

The security calls outlined above are designed to establish a pattern of regular communication among certain types of vessels. The intent is to provide safe meeting and overtaking situations while maintaining smooth traffic flow. Because the security calls are usually made by the person conning the vessel, without leaving his or her station, the proposed requirements should add little or no burden to the mariner.

Proposed § 162.132(d) would require the master of a vessel to make a report of impairment or other hazard. The requirements which deal with impairment of a vessel's navigation (proposed § 162.132(d)(1)) and difficulty with towing (proposed § 162.132(d)(2)) are common to vessel traffic services and similar to an existing requirement (33 CFR 161.15) that, in all U.S. navigable waters, the Coast Guard is to be notified of a hazardous condition aboard a vessel.

Proposed § 162.132(e) would allow an exemption from compliance with the calling and reporting requirements of a vessel's radiotelephone equipment had failed.

Traffic Rules, § 162.134

The bulk of the traffic rules in proposed § 162.134 are simply the existing requirements, reworded and reorganized. Rather than list the traffic rules by type of requirement, they are organized geographically in the order the mariner meets them when navigating from Lake Erie to Lake Huron.

A "Note" to proposed § 162.134(b) informs the mariner that he or she may proceed down the Amherstburg Channel only with authorization from the proper authority. The downbound channel is presently restricted to passenger vessels. The Amherstburg Channel is entirely in Canadian waters. The relaxation of the regulation is being proposed by the Canadian authorities. It has been included for consistency.

Proposed § 162.134(d) would restrict vessels to overtaking only towing vessels in the Detroit River near Belle Isle. This area is almost entirely Canadian waters and the requirement is one which the Canadian government has proposed. It has been included in these regulations for the sake of consistency.

Proposed § 162.134(g) would make permanent a requirement foir a zone of alternating one way traffic in the St. Clair River in the vicinity of Blue Water Bridge. The waterway in this area has a channel width of approximately 400 feet at the bridge and widens to about 1400 feet near Port Huron Traffic Lighted Buoy (two miles downstream). The channel is in the shape of an "S" curve and the current flows at speeds up to 6 miles per hour. The U.S. Army Corps of Engineers (COE) institude a one way traffic zone in the area primarily as a result of the collision between the S.S. PARKER EVANS and the S.S. SIDNEY E. SMITH in 1972. When the responsibility for these Inland Waterways Navigation Regulations was shifted to the Coast Guard in 1977, the one way restriction was continued by District Commander Navigation Order. At this time the Coast Guard proposes to make it a permanent requirement.

Proposed § 162.134(g) would prohibit meeting, overtaking, and coming about in the zone. Vessels approaching the zone would indicate their intentions using the radiotelephone at the fixed calling points. Before entering the zone, vessels would also coordinate their movements by radiotelephone following the procedures outlined in proposed § 162.132. A downbound vessel would have the right of way if it passes Lake Huron Cut Lighted Buoy 7 and upbound vessel enters the zone. Vessels in transit would also have the right of way over vessels getting underway in the zone.

Anchorage Rules, § 162.136

Proposed § 162.136(a) (1) and (2) describe the areas in the Detroit and St. Clair Rivers where vessels may normally anchor. In proposed § 162.136(a) the provisions of existing § 162.135(f)(1) (2), and (3) have been condensed and simplified and specific geographic references have been deleted. The purpose of the existing sections is to prohibit the obstruction of traffic by vessels both underway and at anchor. The Coast Guard feels that proposed § 162.136(b) in conjuction with the new Inland Navigation Rules will accomplish this and that additional language is unnecessary. The tonnage limitation (500 gross tons) has been deleted because it is no longer considered an appropriate standard of measure. The proposed limit (20 meters) is discussed under "Applicability, § 162.135(b)". The area of "Canadian waters just above Fighting Island" exists as an anchorage by authority of the Canadian government. This information is included in a "Note" to proposed § 162.136. In the Saint Clair River, there

are no specified anchorages. Vessels have traditionally anchored where they could find good ground and avoid obstructing dredged channels or steering ranges. The Coast Guard is proposing to make this practice a permanent requirement.

Speed Rules, §162.138

Proposed §162.138(a) would require vessels of 20 meters or more in length to normally proceed at a speed not greater than 12 statute miles per hour (10.4 knots) in the waters to which this section applies. The speed rules which presently exist are somewhat complicated. The limits range from 9 to 14 m.p.h. in parts of the Detroit and St. Clair Rivers. Speed limits have proven to be necessary to enhance navigation safety and to reduce shoreline property damage. However, informal consultation with the Canadian Coast Guard suggests that a uniform speed limit of 12 m.p.h. throughout the waterway would be as effective as the complex requirements which presently exist.

Modifying the existing limits would, of course, involve raising the limit in some area and lowering it in others. The Coast Guard feels this would be safely accomplished by the proposed speed rules and the traffic rules in proposed § 162.134 (which restrict meeting and overtaking in certain areas).

It is generally assumed that the faster a vessel proceeds, the more damaging the wake produced. Observation of the patterns or vessel wakes suggests that speed is not necessarily the most critical factor with regard to the size of the wake generated. The beam, draft, and design of a vessel have an effect on the wake. The ratio of a vessel's a beam to the width of the waterway can also be a factor. A number of vessels navigating in a waterway will compound the effects of a single vessel's wake. For example, if a vessel passes another in a narrow channel, wave height will usually increase and the transverse stern waves of the vessels may be superimposed. It is believed that the proposed speed limit will not necessarily increase wake damage and should enhance traffic flow. In addition, restriction of meeting and overtaking in some critical areas should serve to minimize the effects of vessels' wakes.

The Coast Guard does not intend to change the speed limit in the Rouge River because the present limit adequately controls vessel wakes while allowing vessels to maintain steerage. However, the existing regulations in the Rouge River have a different applicability from the existing regulations which cover the Detroit and St. Clair Rivers. For the sake of consistency, the Coast Guard proposes to change the applicability of the speed rules for the Rouge River from "vessels of 100 gross tons or more" to "vessels of 20 meters or more in length". This would simplify the regulations and bring them in line with the applicability of the other speed regulations in the area.

Miscellaneous rules, § 162.140

Proposed § 162.140(a) contains rules aimed at preventing towing vessels from obstructing navigation in the waterway. The existing regulations contain a general prohibition of obstruction of navigation. The Coast Guard feels this is a valid concern which is dealt with by Rule 9 of the Inland Navigation Regulations. However, towboats making up, breaking, and anchoring tows in the waterway would not be effectively covered if the existing regulation was simply deleted in favor of Rule 9. Therefore, the Coast Guard proposes two specific rules regarding towboats operating in the waterway.

Proposed § 162.140(a)(1) would require tows to be dropped or anchored only in the authorized anchorages. Proposed § 162.140(a)(2) would prohibit towing vessels from obstructing navigation while arranging tows.

As previously discussed under "Traffic rules, § 162.134", the area around Blue Water Bridge is particularly hazardous to navigation. In view of the swift current and narrow, winding channel, the Coast Guard believes that only underway operations that are absolutely necessary should be carried out in this stretch of water. Therefore, proposed § 162.140(b) would prohibit vessels from taking on, discharging, or exchanging pilots in the one way traffic zone near Blue Water Bridge.

Disposition of existing regulations

This supplementary information shows the disposition of the existing regulations in 33 CFR 162.135 and 162.140. As indicated in the following table, most of the existing regulations have been included (though reworded) in the proposed regulations. Some portions have been deleted for various reasons as set forth below.

TABLE 1.—DISPOSITION OF §§ 162.135 AND 162.140

Existing section	Disposition
162.135(a)(3) and (a)(5)(v)	Deleted
162.135(a)(remainder)	162.130
162.135(b)	Deleted
162.135(c)	162.134
162.135(d)	162.138
162.135(e)(4)	Deleted
162.135(e)(remainder)	162.134
162.135(f)	162.136
162.135(g)	Deleted

TABLE 1.—DISPOSITION OF §§ 162.135 AND 162.140—Continued

Existing section	Disposition
162.140(a)	162.130
162.140(b)	162.130
162.140(c)	162.136
162.140(d)	162.134
162.140(e)	162.134
162.140(f)	162.132
162.140(g)	Deleted

Paragraphs (a)(3) and (a)(5)(v) of § 162.135 would be deleted because they make reference to patrol vessels. "Patrol Vessel" is an outdated term and there is presently no Coast Guard unit by that name. Because of the reliability of VHF-FM radiotelephone, there is no longer a need for the special sound signals used by the patrol boats. The requirement for these would also be deleted.

Paragraph (b) of § 162.135, which prescribes the length of towlines for towing vessels, would be deleted. This requirement is no longer relevant to the amount and type of towing done on the waterway. At present, towboats are more powerful than when these regulations first came into force, giving operators better control over their tows. In addition, the majority of towing is now done by pushing ahead.

Paragraph (e)(4) of § 162.135 would be deleted because it is overly restrictive. The rule requires certain vessels to enter or navigate in a one way channel with a minimum time interval between them. Rule 2 of the Inland Navigation Rules (which come into effect on the Great Lakes on March 1, 1983) applies to this situation. Vessel masters are in a better position to determine what precautions are required to insure safe transit. Rule 2, the "Rule of Good Seamanship", makes them responsible for insuring that the proper precautions are taken.

Paragraph (g) of § 162.135 will be deleted for a number of reasons. First, it is redundant in that it reiterates the lighting requirements for certain vessels when aground or not under command. This paragraph requires sounding of a danger signal upon the approach of other vessels. The regular use of radiotelephone makes this practice obsolete. This paragraph outlines the manner in which vessels should interact when navigating near a disabled vessel. This is the type of injunction which is covered by Rule 2 of the Inland Navigation Rules and the Coast Guard believes the additional cautionary words are unnecessary. Finally this paragraph requires that the Coast Guard be notified of the nature and location of any vessel casualty which is observed. This requirement is covered in the

security calling and reporting rules in proposed § 162.132.

Paragraph (g) of § 162.140 would be deleted because it is unnecessary. Insuring that a vessel is properly moored or secured is a matter of such elemental seamanship that no amplification should be required.

Regulatory Evaluation

This Proposed rulemaking action is considered to be "non-major" under Executive Order 12291 (46 FR 13193; February 19, 1981) and is classified as "non-significant" under Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations," dated May 22, 1980. A draft Evaluation has not been prepared because the impact of the proposed regulations is expected to be minimal. For example, the equipment required by the proposed regulation, a radiotelephone, is already required on most vessels by the Agreement between the United States and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973 (which is implemented by the Vessel Bridge-to-Bridge Radiotelephone Act). The proposed regulations would only require a radiotelephone on one additional category of vessel, non commercial vessels 20 meters or more in length. The most recent figures available (1978 and 1979) indicate that there should be approximately 50 of these vessels documented in Great Lakes ports today. Considering the complex navigation equipment normally found aboard yachts of this size, it is unlikely that any of the vessels would not carry a radiotelephone. However, assuming all the vessels were to be fitted with this equipment ($500 per unit) the total cost would be $25,000.

The reports that would be required by the proposed regulations are for navigational safety purposes and would, for the most part, simply require a master to report the position of the vessel. Each report should normally take no more than 10 seconds.

Based on experience under the existing requirements, the Coast Guard is of the opinion that the costs imposed on vessel operators will not be burdensome. The one way traffic zone, for instance, will occasionally require vessels to lose some time while another vessel passes through the zone. However, this expense is minor compared to the losses involved if a collision were to again close the waterway for an extended period of time.

Regulatory Flexibility Analysis

Because the maximum cost of these proposed regulations is expected to be less than $25,000, the Coast Guard believes that these regulations will not have a significant economic effect. For the reasons stated above, pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164) it is certified that these regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Reporting and Recordkeeping Requirements

There are no reporting or recordkeeping requirements in the proposed regulations which fall under the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 94 Stat. 2812, December 11, 1980).

Environmental Impact

This action has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation, in accordance with Section 2.B.3.(g) of Commandant Instruction (COMDINST) M16475.1A.

List of Subjects in 33 CFR Part 162

Coast Guard, Navigation (water), Waterways.

In consideration of the foregoing it is proposed that Part 162 of Title 33 of Code of Federal Regulations be amended as follows:

PART 162—[AMENDED]

1. The authority citation for Part 162 is revised to read as follows:

Authority: (33 U.S.C. 1208, 33 U.S.C. 1221, 33 U.S.C. 1223, 33 U.S.C. 1231; 33 CFR 26.09(b), 49 CFR 1.46)

§ 162.135 [Removed]

2. By removing § 162.135.

3. By adding new §§ 162.130, 162.132, 162.134, 162.136, and 162.138 to read as follows:

§ 162.130 Connecting waters from Lake Huron to Lake Erie; general rules.

(a) *Purpose.* The regulations in §§ 162.130 through 162.140 prescribe rules for vessel operation in U.S. waters connecting Lake Huron to Lake Erie (including Rouge River) to prevent collisions and groundings, to protect waterway improvements, and to protect these waters from environmental harm resulting from collisions and groundings.

(b) *Applicability.* (1) Unless otherwise specified, the rules in §§ 162.130 through 162.140 apply to all U.S. vessels.

(2) The general rules in this section and the miscellaneous rules in §§ 162.140 apply to all vessels.

(3) The speed rules in § 162.138 apply to vessels 20 meters or more in length.

(4) The security calling and reporting rules in § 162.132, the traffic rules in § 162.134, and the anchorage rules in § 162.136 apply to the following vessels:

(i) Vessels of 20 meters or more in length;

(ii) Commercial vessels more than 8 meters in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(iii) Each dredge and floating plant.

(c) *Definitions.* As used in §§ 162.130 through 162.140-"Captain of the Port" means the United States Coast Guard Captain of the Port of Detroit, Michigan.

"Detroit River" means the connecting waters from Windmill Point Light to the lakeward limits of the improved navigation channels at the head of Lake Erie.

"Harbor Master" means the harbor master appointed to the Windsor Harbor Commission and who has delegated authority to enforce the regulations and By-Laws of the Windsor Canada Harbor Commission.

"Lake St. Clair" means the waters from St. Clair Flats Canal Light 2 to Windmill Point Light at the head of the Detroit River.

"Master" means the licensed master or operator, the person designated by the master or operator to navigate the vessel, or, on a vessel not requiring licensed personnel, the person in command of the vessel.

"Regional Director" means the Regional Director for the Central Region, Canadian Coast Guard, Department of Transport.

"Rouge River" means the waters of the Short Cut Canal and the Rouge River from Detroit Edison Cell Light 1 to the head of navigation.

"SARNIA TRAFFIC" means the Canadian Coast Guard traffic center at Sarnia Ontario.

"Security call" means a voice radiotelephone transmission giving navigational information concerning a vessel's presence in the waterway.

(d) *Laws and regulations not affected.* The regulations in §§ 162.130 through 162.140 do not relieve the owners or operators of vessels from complying with any other laws or regulations relating to navigation on the Great Lakes and their connecting or tributary waters.

(e) *Local arrangements.* The District Commander or the captain of the Port may make local arrangements with appropriate Canadian officials, in the

interest of safety of operations, to facilitate traffic movement and anchorage, to avoid disputes as to jurisdiction and to take necessary action to render assistance in emergencies.

§ 162.132 Connecting waters from Lake Huron to Lake Erie; security calling and reporting rules.

(a) *General.* (1) Security calls required by this section shall be made by the master using a radiotelephone capable of operation on a vessel's navigation bridge, or in the case of a dredge, from its main control station.

(2) Security calls shall be made on Channel 16(156.8Mhz) and shall be conscise (no longer than 10 seconds). When longer transmissions are necessary, communications shall be shifted to a working frequency.

(3) Security calls shall be made in the English language.

(4) Security calls shall include the name of the vessel, its location, and direction of travel.

(b) *Required security calls.* (1) Security calls shall be made as indicated at the following points:

Downbound vessels	Calling points	Upbound vessels
Security Call	Lake Huron Cut Lighted Buoy 11.	
Security Call	Lake Huron Cut Lighted Buoy 7.	
Security Call	Lake Huron Cut Lighted Buoy 1.	
	Port Huron Traffic Lighted Buoy.	Security Call.
	Stag Island Upper Light.	Security Call.
Security Call	Grande Point Light 23	
	St. Clair Flats Canal Light 2.	Security Call.
Security Call	Belle Isle Light	Security Call.
Security Call	Immediately before entering or leaving the Rouge River.	Security Call.
	Fighting Island North Light.	Security Call.
Security Call	Fighting Island South Light Detroit River Light.	Security Call.

(2) A security call shall be made when departing any mooring or anchorage which is:

(i) In the St. Clair River between Lake Huron Cut Lighted Buoy 1 and Port Huron Traffic Lighted Buoy; or

(ii) In the Detroit River between Belle Isle Light and Fighting Island North Light.

(c) Additional security calls shall be made:

(1) Before maneuvering to come about; and

(2) Within 20 minutes of departing any mooring in the Rouge River.

(d) *Report of impairment or other hazard.* The master of a vessel shall report to the Captain of the Port as soon as possible:

(1) Any condition on the vessel that may impair its navigation, including but not limited to: fire, defective steering equipment, or defective propulsion machinery;

(2) Any tow that the towing vessel is unable to control, or can control only with difficulty;

(e) *Exemptions.* Compliance with this section is not required:

(1) When a vessel's radiotelephone equipment has failed; or

(2) When vessel traffic management is in effect and requires vessels to report to a Vessel Traffic Center.

§ 162.134 Connecting waters from Lake Huron to Lake Erie; traffic rules.

(a) In the Detroit River, the West Outer Channel is restricted to downbound vessels.

(b) In the Detroit River, the Livingston Channel, west of Bois Blanc Island, is restricted to downbound traffic.

NOTE.—The Amherstburg Channel, in Canadian waters east of Bois Blanc Island, is normally restricted to upbound traffic. No vessel may proceed downbound in the Amherstburg Channel without authorization from the Regional Director.

(c) In the Detroit River, between Fighting Island South Light and Bar Point Pier Light 29D, no vessels shall meet or overtake in such a manner that more than two vessels would be abreast at any time.

(d) In the Detroit River between the Grain Elevator at Walkerville and Peach Island Light, vessels may only overtake vessels engaged in towing.

(e) In the Rouge River, no vessel shall overtake another vessel.

(f) In the St. Clair River, between St. Clair Flats Canal Light 2 and Russel Island Light 33, vessels may only overtake vessels engaged in towing.

(g) In the St. Clair River between Lake Huron Cut Light Buoy 1 and Port Huron Traffic Buoy there is a zone of alternating one way traffic. Masters shall coordinate their movements in accordance with the following:

(1) Vessels shall not overtake;

(2) Vessels shall not come about;

(3) Vessels shall not meet;

(4) Downbound vessels which have passed Lake Huron Cut Lighted Buoy 7 have the right of way over upbound vessels which have not reached the Port Huron Traffic Buoy. Upbound vessels awaiting transit of downbound vessels will maintain position south of the Port Huron Traffic Buoy;

(5) Vessels transiting the zone shall coordinate passage by using communication procedures in § 162.132; and

(6) Transiting vessels shall have the right of way over moored vessels getting underway within the zone.

(h) In the waters described in § 162.130(a), the District Commander or Captain of the Port may establish temporary traffic rules for reasons which include but are not limited to: Channel obstructions, winter navigation, unusual weather conditions, or unusual water levels.

(i) The requirements of this section do not apply to public vessels of the U.S. or Canada engaged in icebreaking or servicing aids to navigation or to vessels engaged in river and harbor improvement work.

§ 162.136 Connecting waters from Lake Huron to Lake Erie; anchorage rules.

(a) *Anchorage grounds.*—(1) In the Detroit River, vessels shall be anchored so as not to swing into the channel or across steering courses.

Note.—There is an authorized anchorage in Canadian waters just above Fighting Island.

(2) In the St. Clair River, vessels shall be anchored so as not to swing into the channel or across steering courses.

(b) *Order of departure from anchorage.* Vessels collected in any of the waters described in § 162.130(a) for reasons of weather, ice, or other impediment to navigation shall get underway and depart in the order in which they arrived, unless otherwise directed by the Captain of the Port of SARNIA TRAFFIC.

§ 162.138 Connecting waters from Lake Huron to Lake Erie; speed rules.

(a) *Maximum speed limit.* Except when required for the safety of the vessel or any other vessel, vessels of 20 meters or more in length shall proceed at a speed not greater than:

(1) 12 statute miles per hour (10.4 knots) between Fort Gratiot Light and Detroit River Light;

(2) 4 statute miles per hour (3.5 knots) in the Rouge River.

(b) *Temporary speed limits.* The District Commander may temporarily establish speed limits or temporarily amend existing speed limit regulations on the waters described in § 162.130(a).

4. By revising § 162.140 to read as follows:

§ 162.140 Connecting waters from Lake Huron to Lake Erie; miscellaneous rules.

(a) *Rules for towing vessels.* (1) A towing vessel shall drop or anchor its tows in authorized anchorage areas only.

(2) A towing vessel engaged in arranging its tow shall not obstruct the navigation of other vessels.

(b) *Pilots.* In the St. Clair River between Lake Huron Cut Lighted Buoy 1 and Port Huron Traffic Lighted Buoy, Vessels shall not take on, discharge, or exchange pilots.

Dated: May 6, 1983.

B. F. Hollingsworth,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 83-14887 Filed 6-3-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[OSWER-FRL 2376-7]

Hazardous Waste Management Program; Maine; Application for Interim Authorization, Phase II, Components A, B, and C

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearing and public comment period.

SUMMARY: EPA is today announcing the availability for public review of the Maine application for Phase II, Components A, B & C, Interim Authorization, Hazardous Waste Management Program, inviting public comment, and giving notice that EPA will hold a public hearing on the application.

DATES: A public hearing is scheduled for July 14, 1983 at 10:00 a.m. All written comments on the Maine Interim Authorization Application must be received by the close of business on July 19, 1983.

ADDRESSES: EPA will hold a public hearing on Maine's Application for Interim Authorization on July 14, 1983 at 10:00 a.m. at the Downtown Holiday Inn, 88 Spring Street, Portland, Maine.

Written comments on the application and requests to speak at the hearing should be sent to: Beverly Roehrig, Maine State Coordinator, State Waste Programs Branch, U.S. EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone (617) 223-5630.

Copies of the Maine Phase II Interim Authorization application are available during normal business hours at the following addresses for inspection and copying by the public:

Maine Department of Environmental Protection, Bureau of Oil and Hazardous Materials Control, Licensing and Enforcement Division, Ray Building, Augusta, Maine, 04333, Telephone (207) 289-2651

Environmental Protection Agency, Region I Office Library, Room 2100B, John F. Kennedy Federal Building, Boston, Massachusetts, 02203, Telephone (617) 223-5791

EPA Headquarters Library, Room 2404, 401 M Street, S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Beverly Roehrig, Maine State Coordinator, State Waste Programs Branch, U.S. EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone (617) 223-5630.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976, (RCRA), as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified state programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of Maine received interim authorization for Phase I on March 18, 1981.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase II of interim authorization. Component A, published in the **Federal Register** January 12, 1981 (46 FR 2802), contains standards for permitting storage and treatment in containers, tanks, surface impoundments and waste piles. Component B, published in the **Federal Register** January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators. Component C, published in the **Federal Register** July 26, 1982 (47 FR 32274), contains technical facility standards which apply to ground water protection, surface impoundments, waste piles, land treatment and landfills.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 271, Subpart F, as amended by 47 FR 32377. It should be noted that on April 1, 1983 at 48 FR 14146, EPA promulgated rules reorganizing the presentation of permit program requirements in the Consolidated Permit Regulations, 40 CFR 122, 123, and 124, governing, among other things, the Hazardous Waste Management Program under RCRA. Part 122 is now, for RCRA, new Part 270. Part 123 is now, for RCRA, new Part 271. Part 124 remains the same. Because the Maine Phase II application was developed largely prior to April 1, all citations therein are to the original consolidated permit regulations.

As noted in the May 19, 1980 **Federal Register**, copies of complete state submittals for Phase II interim authorization are to be made available for public inspection and comment.

Dated: May 27, 1983.

Paul G. Keough,

Acting Regional Administrator, Region I.

[FR Doc. 83-15089 Filed 6-3-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 179

[Docket No. HM-175; Notice No. 83-1]

Specification for Railroad Tank Cars Used to Transport Hazardous Materials; Extension of Time for Public Comment

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM); extension of comment period.

SUMMARY: On April 14, 1983, MTB published an NPRM under docket HM-175 (48 FR 16188) pertaining to the construction and maintenance standards for certain railroad tank cars used to transport hazardous materials. Specifically, the NPRM proposes that existing large capacity specification 105 and 111 tank cars built before September 1, 1981 and used for the transportation of a flammable gas, anhydrous ammonia, or ethylene oxide have the same added tank head and thermal safety systems that are now required on newly built specification 105 tank cars and all specification 112 and 114 tank cars used to carry those same hazardous materials. By this notice, MTB is extending the closing date of the comment period from June 7, 1983 to July 13, 1983.

DATE: The time for filing comments is extended from June 7, 1983 to July 13, 1983.

FOR FURTHER INFORMATION CONTACT: Philip Olekszyk, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, (202) 426–0897.

SUPPLEMENTARY INFORMATION: In consideration of a request made by the Compressed Gas Association, Inc. (CGA) for additional time in which it may file comments on this NPRM, MTB is extending the comment period to July 13, 1983. CGA requested an extension of at least 90 days so that it and its members may respond to the NPRM with comments that are thoroughly developed, well considered, and factually supported. The CGA contends that its members are substantially affected by this proposal, which would require major technical, logistical, and economic efforts in retrofitting the specification 105 and 111 tank cars.

The MTB believes comments on the proposed amendments can be prepared in less additional time than is sought by CGA since they relate to existing safety requirements for specification 112 and 114 tank cars, and newly constructed specification 105 tank cars. Extending the comment period to July 13, 1983 allows a total of 90 days to file comments which MTB considers to be adequate time for all interested parties to participate in this rulemaking.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Issued in Washington, D.C. on June 1, 1983.

Alan L. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83–15508 Filed 6–3–83; 8:45 am]

BILLING CODE 4910–60–M

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition filed by Scovill, Inc., requesting this agency to establish performance requirements for snap-in tubeless tire valves. According to the petitioner, this action is necessary to prevent sudden deflation of tires caused by the failure of Japanese tire valves. The agency is denying the petition because of the absence of any data indicating that the Japanese tire valves are failing on the road to any greater extent than American valves or that tire valves in general fail at a rate warranting the establishment of performance requirements.

FOR FURTHER INFORMATION CONTACT: Arthur Neill, Jr., Office of Vehicle Safety Standards, NHTSA, 400 Seventh Street SW., Washington, D.C. 20590 (202–426–2800).

SUPPLEMENTARY INFORMATION: Scovill, Inc., a tire valve manufacturer, has filed a petition requesting this agency to establish requirements for the low temperature performance and ozone resistance of snap-in tubeless tire valves. According to Scovill, "(l)ow ambient temperatures cause a hardening of the rubber compound which seals the valve to the rim hole. If subsequently flexed—as will happen under rotational forces—cracking can develop which could lead to catastrophic failure of the rim hole seal." As to ozone resistance, Scovill stated that, "ozone is known to cause rubber deterioration . . . Valves not meeting these Standards (SAE J1206) exhibit cracking which can lead to catastrophic failure of the rim hole seal."

Scovill contends that adoption of low temperature performance and ozone resistance requirements is necessary because imported Japanese tire valves are manufactured in accordance with a standard, Japanese Industrial Standard (JIS) D4206, that does not regulate those aspects of performance. Scovill tested samples of the Japanese tire valves in accordance with the low temperature and ozone resistance tests contained in Society of Automotive Engineers (SAE) Standard J1206 and found that while the low temperature test was met, a large percentage of the sample failed to meet the ozone resistance test. Scovill accordingly urges the adoption of the low temperature performance and ozone resistance tests contained in SEA J1206.

Scovill has not provided any data showing that tire valves which do not comply with the SAE requirements are responsible for deflations or have caused accidents. The agency checked its own files to see if they contained any such data. Of the more than 10,000 consumer complaints received by NHTSA since 1976, only 11 involved reported sudden tire deflations. That low number does not suggest the existence of a general problem warranting the regulation of tire valves. Further, the nature of the 11 complaints does not suggest that Japanese tires are more prone to failure. Of the 11 complaints, two were not related to a tire valve failure, six were only possibly related to such a failure, and three were definitely related to such a failure. Of the six complaints possibly relating to a tire valve failure, two occurred on Japanese tires and the others occurred on American tires. Of the three complaints definitely involving a tire valve failure, one was a valve that had been pulled out of a motorcycle tire, one was a valve cut by a wheel cover, and the other was a valve on an American tire. None of these three incidents would have been prevented by making the SAE requirements mandatory.

Moreover, a recent study prepared for this agency by three University of Michigan researchers concluded that tire valves in general are responsible for less loss of air pressure than occurs from the pressurized air inside the tire escaping through the rubber body of the tire. There was no evidence of significant failure rates for tire valves.

NHTSA does not dispute Scovill's findings that 60 percent of the Japanese tire valves it tested did not comply with the requirements of the SAE ozone resistance test. However, there are no data available to this agency suggesting that ozone is causing failure of the Japanese tire valves actually in service on the roads. Given the absence of any data or analyses showing that snap-in tubeless tire valves in general or Japanese valves in particular have exhibited or are likely to exhibit a significant failure rate while in service, this agency denies the petition. NHTSA will continue to monitor complaints and accident reports to see if tire valve failures represent a safety hazard on the road. If Scovill can provide any data or analyses to support its contentions that Japanese tire valves pose a greater safety hazard than do tire valves which meet the SAE standards, it should submit those data and analyses with a new petition. If such a petition were received, NHTSA would give it careful consideration.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on May 27, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83–15039 Filed 6–3–83; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

Foreign Fishing and Groundfish of the Gulf of Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availabilty of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the North Pacific Fishery Management Council has submitted an amendment (Amendment 11) to the Fishery Management Plan for the Groundfish Fishery in the Gulf of Alaska for review by the Secretary of Commerce and is requesting comments from the public. Copies of the amendment may be obtained from the address below.

DATE: Comments on the plan amendment should be submitted on or before August 12, 1983.

ADDRESSES: All comments should be sent to Robert W. McVey, Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, Alaska 99802.

Copies of the amendment are available upon request from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510.

FOR FURTHER INFORMATION CONTACT: Jeffrey J. Povoly (North Pacific Fishery Management Council, Groundfish Plan Coordinator), 907–274–4563.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) requires that each regional fishery management council submit any fishery management plan or paln amendment it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. This act also requires that the Secretary, upon reviewing the plan or amendment, must immediately publish a notice that the plan or amendment is availalbe for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan or plan amendment.

Amendment 11 proposes measures for managing the foreign groundfish fishery in the Gulf of Alaska. Regulations proposed by the Council and based on this amendment are scheduled to be published within 30 days.

(16 U.S.C. 1801 *et seq.*)

Dated: May 31, 1983.

Roland F. Smith,

Acting Director, Office of Data and Information Management, National Marine Fisheries Service.

[FR Doc. 83-15001 Filed 6-3-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 109
Monday, June 6, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Agribusiness Promotion Council Committee on Honduras, Meeting

Notice is hereby given that the USDA Agribusiness Promotion Council Committee on Honduras will meet June 16, 1983, from 12:00 to 5:00 pm, in Room 201–W of the U.S. Department of Agriculture Administration Building, 14th and Independence Avenue, Washington, D.C. The agenda will consist of selection of committee chairman, discussion and planning of committee activities. The meeting will be open to the public. Written statements may be submitted to Joan S. Wallace, Administrator, USDA/OICD, Room 3047, South Building, Washington, D.C. 20250 until June 14, 1983.

Joan S. Wallace,
Administrator.

[FR Doc. 83–15047 Filed 6–3–83; 8:45 am]
BILLING CODE 3410–01–M

Packers and Stockyards Administration

Proposed Posting of Stockyards

The Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AL–165 Southeastern Livestock Service and Auction, Inc., Phenix, Alabama
MO–257 Oregon, Livestock Sales Co., Oregon, Missouri

Notice is hereby given, therefore, that the Packers and Stockyards Administration, pursuant to authority under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by June 21, 1983.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Chief of the Financial Protection Branch during normal business hours.

Done at Washington, D.C., this 27th day of May, 1983.

Jack W. Brinckmeyer,
Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 83–15083 Filed 6–3–83; 8:45 am]
BILLING CODE 3410–02–M

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

National Forest System Land and Resource Management Planning; Public Land and Resources; Planning, Programming, and Budgeting

AGENCIES: Forest Service, USDA and Bureau of Land Management, Interior.

ACTION: Joint Notification of Land and Resource Management Planning Schedules.

SUMMARY: Land and resource management plans of the Forest Service and the Bureau of Land Management frequently cover adjoining areas which share common resource issues and management concerns requiring continuous and close interagency coordination. Therefore, the USDA Forest Service and the USDI Bureau of Land Management have again elected to jointly announce land management planning schedules for lands each agency administers. The purpose of publishing joint planning schedules is to provide interested agencies and publics the opportunity to study the relationships between the two agencies' current and projected planning activities.

The Forest Service and the Bureau of Land Management's planning systems are authorized and administered under different laws and regulations. Consequently, this notice is organized into two parts (Part A—Forest Service and Part B—Bureau of Land Management).

Comments on projected new plans should be directed to the appropriate agency (see **ADDRESS**, Part A and Part B).

Part A—Forest Service

In March 1981, the President's Task Force on Regulatory Relief requested that the Secretary of Agriculture review the 1979 National Forest Management Act regulations for possible modification. As a result of the review, revised regulations to guide land and resource management on the National Forest System were published September 30, 1982, in Vol. 47, No. 190 of the **Federal Register**. The rules set forth a process for developing and revising the land and resource management plans as required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), as amended by the National Forest Management Act (NFMA) of 1976. These rules require development of Regional Guides and Forest Plans. Each plan will include all management planning for resources and be supported by an environmental impact statement. NFMA advises the Forest Service to make every attempt to develop the required Forest Plans by 1985.

The impact of developing new direction for analysis standards and roadless area evaluation to be conducted through Forest planning has had a significant effect on Forest Service programs and schedules. Draft and final Regional Guides and Forest Plans and associated environmental impact statements will be filed with the Environmental Protection Agency and made available to the public for comment. A planning schedule is included showing the fiscal year in which draft and final documents have been or will be filed, as well as projected dates for publication of Supplemental Draft Forest Plans and EIS's required as a result of the roadless area evaluation. Also given are the addresses of the Forest Service's nine

Regional Offices and National Forests headquartered in each Region for which plans are to be prepared.

Readers interested in the progress and status of a particular Regional Guide or Forest Plan should contact the appropriate Regional Forester or Forest Supervisor.

DATES: Comments on the schedule will be accepted until July 1, 1983.

ADDRESS: Comments should be sent to: Chief, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Joyce P. Parker, Land Management Planning, P.O. Box 2417, Washington, DC 20013, (202) 447–6697.

NATIONAL FOREST SYSTEM FIELD OFFICES [1] AND FISCAL YEAR FILING DATES OF REGIONAL GUIDES AND FOREST PLANS WITH ENVIRONMENTAL PROTECTION AGENCY

		Fiscal year to be completed	
		DEIS [2]	FEIS
Northern Region, Federal Building, Missoula, Montana 59807			
Regional Guide		[4] 1981	1982
Idaho			
Clearwater	Orofino 83544	1985	1986
Idaho Panhandle National Forests [5].	Coeur d' Alene 83814.	1985	1986
Coeur d' Alene			
Kaniksu			
St. Joe			
Nezperce	Grangeville 83530	1985	1986
Montana			
Beaverhead [6]	Dillon 59725	[3] 1982	1985
Bitterroot	Hamilton 59840	1984	1985
Custer	Billings 59103	1984	1985
Deerlodge	Butte 59701	1984	1985
Flathead [6]	Kalispell 59901	[3] 1983	1985
Gallatin	Bozeman 59715	1984	1985
Helena	Helena 59601	1984	1985
Kootenai [6]	Libby 59923	[3] 1983	1986
Lewis and Clark [6]	Great Falls 59403	[3] 1982	1985
Lolo [6]	Missoula 59801	[4] 1982	1985
Rocky Mountain Region, 11177 W. 8th Ave., Box 25127, Lakewood, Colorado 80225			
Regional Guide		[4] 1981	1983
Colorado			
Arapaho-Roosevelt [7]	Ft. Collins 80521	[4] 1982	1983
Grand Mesa, Uncompahgre, and Gunnison [7].	Delta 81416	[4] 1983	1983
Pike and San Isabel [7].	Pueblo 81008	[4] 1982	1983
Rio Grande	Monte Vista 81144	1983	1984
Routt	Steamboat Springs 80477.	[3] 1983	1984
San Juan	Durango 81301	[3] 1982	1984
White River	Glenwood Springs 81601.	1983	1984
Nebraska			
Nebraska-Samuel R. McKelvie [7].	Chadron 69337	[4] 1982	1984
South Dakota			
Black Hills	Custer 57739	[4] 1982	1983
Wyoming			
Bighorn	Sheridan 82801	1984	1985
Medicine Bow	Laramie 82070	1984	1985
Shoshone	Cody 82414	1984	1984

NATIONAL FOREST SYSTEM FIELD OFFICES [1] AND FISCAL YEAR FILING DATES OF REGIONAL GUIDES AND FOREST PLANS WITH ENVIRONMENTAL PROTECTION AGENCY—Continued

		Fiscal year to be completed	
		DEIS [2]	FEIS
Southwestern Region, 517 Gold Ave. SW., Albuquerque, New Mexico 87102			
Regional Guide		[4] 1981	1983
Arizona			
Apache-Sitgreaves [7]	Springerville 85938	1985	1985
Coconino	Flagstaff 86001	1984	1985
Coronado [6]	Tucson 85702	[3] 1984	1985
Kaibab	Williams 86046	1984	1985
Prescott	Prescott 86301	1985	1985
Tonto [6]	Phoenix 85034	[3] 1983	1985
New Mexico			
Carson	Taos 87571	1984	1985
Cibola	Albuquerque 87112	1984	1985
Gila	Silver City 88061	1984	1985
Lincoln	Alamogordo 88310	1984	1985
Santa Fe	Santa Fe 87501	[3] 1982	1983
Intermountain Region, 324 25th Street, Ogden, Utah 84401			
Regional guide		[4] 1981	1983
Idaho			
Boise	Boise 83706	1984	1985
Caribou	Pocatello 83201	1984	1985
Challis	Challis 83226	1984	1985
Payette	McCall 83638	1984	1985
Salmon	Salmon 83467	1984	1985
Sawtooth	Twin Falls 83301	1984	1985
Targhee [6]	St. Anthony 83445	[4] 1982	1983
Nevada			
Humboldt	Elko 89801	1984	1985
Toiyabe	Reno 89501	1984	1985
Utah			
Ashley	Vernal 84078	1984	1985
Dixie	Cedar City 84720	1984	1985
Fishlake	Richfield 84701	1984	1985
Manti-LaSal	Price 84501	1984	1985
Uinta [6]	Provo 84601	[4] 1982	1983
Wasatch-Cache [8]	Salt Lake City 84138.	1984	1985
Wyoming			
Bridger-Teton [8]	Jackson 83001	1984	1985
Pacific Southwest, 630 Sansome Street, San Francisco, California 94111			
Regional Guide		[4] 1981	1983
California			
Angeles	Pasadena 91101	1983	1984
Cleveland	San Diego 92188	1984	1984
Eldorado	Placerville 95667	1983	1984
Inyo	Bishop 93514	1984	1984
Klamath [6]	Yreka 96097	[4] 1983	1984
Lassen	Susanville 96130	1984	1984
Los Padres	Goleta 93107	1984	1984
Mendocino	Willows 95988	1984	1984
Modoc	Alturas 96101	1984	1984
Plumas	Quincy 95971	1984	1984
San Bernardino	San Bernardino 92408.	1984	1984
Sequoia	Porterville 93257	1984	1984
Shasta-Trinity [8]	Redding 96001	1984	1984
Sierra [6]	Fresno 93721	[4] 1982	1984
Six Rivers	Eureka 95501	1984	1984
Stanislaus-Calaveras, Big Tree [8].	Sonora 95370	1983	1984
Tahoe	Nevada City 95969	1983	1984
Pacific Northwest Region, 319 SW Pine Street, P.O. Box 3623, Portland, Oregon 97208			
Regional Guide		[4] 1981	1983
Oregon			
Deschutes [6]	Bend 97701	[4] 1983	1985
Fremont	Lakeview 97630	1984	1985
Malheur	John Day 97845	1984	1985
Mt. Hood	Portland 97233	1984	1985
Ochoco	Prineville 97754	1984	1985
Rogue River	Medford 97501	1984	1985
Siskiyou	Grants Pass 97526	1984	1985
Siuslaw	Corvallis 97330	1984	1985
Umatilla	Pendleton 97801	1984	1985
Umpqua	Roseburg 97470	1984	1985
Wallowa-Whitman [6]	Baker 97814	1984	1985
Willamette	Eugene 97440	1984	1985
Winema	Klamath Falls 97601	1984	1985
Washington			
Colville	Colville 99114	1984	1985
Gifford Pinchot	Vancouver 98660	1984	1985
Mt. Baker-Snoqualmie [8]	Seattle 98101	1984	1985
Okanogan [6]	Okanogan 98840	[4] 1982	1985
Olympic	Olympia 98501	1984	1985
Wenatchee	Wenatchee 98801	1984	1985
Southern Region, 1720 Peachtree Road NW., Atlanta, Georgia 30309			
Regional Guide		[4] 1981	1983
Alabama			
National Forests in Alabama. [7]	Montgomery 36101	1984	1985
William B. Bankhead.			
Conecuh			
Talladega			
Tuskegee			
Arkansas			
Ouachita	Hot Springs 79101 National Park.	1984	1985
Ozark-St. Francis [8]	Russellville 72901	1984	1985
Florida			
National Forests in Florida. [7]	Tallahassee 32301	1984	1985
Apalachicola			
Ocala			
Osceola			
Georgia			
Chattahoochee-Oconee [8]	Gainesville 30501	1984	1984
Kentucky			
Daniel Boone	Winchester 40391	1984	1985
Louisiana			
Kisatchie	Pineville 71360	1984	1984
Mississippi			
National Forests Mississippi. [7]	Jackson 39205	1984	1984
Bienville			
Delta			
DeSoto			
Holly Springs			
Homochitto			
Tombigbee			
North Carolina			
National Forests in North Carolina. [8]	Asheville 28802		
Nantahala, and Pisgah.		1984	1984
Uwharrie, and Croatan.		1984	1985
Puerto Rico			
Caribbean	Rio Piedras 00928	1984	1985
South Carolina			
Francis Marion		1984	1986
Sumter [8]	Columbia 29202	1984	1985
Tennessee			
Cherokee	Cleveland 37311	1984	1985

NATIONAL FOREST SYSTEM FIELD OFFICES [1] AND FISCAL YEAR FILING DATES OF REGIONAL GUIDES AND FOREST PLANS WITH ENVIRONMENTAL PROTECTION AGENCY—Continued

		Fiscal year to be completed	
		DEIS [3]	FEIS
Texas			
National Forests in Texas [2].	Lufkin 75901	1984	1985
Angelina			
Davy Crockett			
Sabine			
Sam Houston			
Virginia			
George Washington	Harrisonburg 22801	1984	1985
Jefferson	Roanoke 24011	1984	1985
Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203			
Regional Guide		[4] 1981	1983
Illinois			
Shawnee	Harrisburg 62946	1984	1986
Indiana and Ohio			
Wayne-Hoosier [2]	Bedford 47421		
Wayne		1984	1985
Hoosier		1983	1984
Michigan			
Hiawatha	Escanaba 49829	1984	1986
Huron-Maistee [2]	Cadillac 49601	1984	1984
Ottawa	Ironwood 49938	1984	1985
Minnesota			
Chippewa	Cass Lake 56633	1981	1984
Superior	Duluth 55801	1984	1984
Missouri			
Mark Twain	Rolla 65401	1984	1984

NATIONAL FOREST SYSTEM FIELD OFFICES [1] AND FISCAL YEAR FILING DATES OF REGIONAL GUIDES AND FOREST PLANS WITH ENVIRONMENTAL PROTECTION AGENCY—Continued

		Fiscal year to be completed	
		DEIS [3]	FEIS
New Hampshire and Maine			
White Mountain	Laconia 03246	1984	1984
Pennsylvania			
Allegheny	Warren 16365	1984	1985
Vermont			
Green Mountain	Rutland 05701	1984	1985
West Virginia			
Monongahela	Elkins 26241	1984	1984
Wisconsin			
Chequamegon	Park Falls 54552	1984	1985
Nicolet	Rhinelander 54501	1984	1985
Alaska Region, Federal Office Building, P.O. Box 1628, Juneau, Alaska 99802			
Regional Guide		[4] 1981	1983
Alaska			
Chugach	Anchorage 99502	[4] 1983	1984
Tongass-Chatham	Sitka 99835	1979	1990
Tongass-Ketchikan	Ketchikan 99901	1979	1990
Tongass-Silkine	Petersburg 99833	1979	1990

[1] Headquarters locations opposite National Forests.
[2] Two or more separately proclaimed National Forests under one Forest Supervisor.
[3] DEIS and FEIS mean Draft and Final Environmental Impact Statement.
[4] Document has been filed with EPA.
[5] Draft EIS to be supplemented in FY 1984

Dated: May 26, 1983.

Gary E. Cargill,

Acting Deputy Chief.

Part B—Bureau of Land Management

Regulations governing resbource management planning for Bureau of Land Management Administered lands were published in the **Federal Register** on August 7, 1979 (44 FR 46385). Those regulations (43 CFR 1601.3) require that the Bureau Publish a planning schedule for that Fiscal Year and for three succeeding Fiscal Years. The schedule below complies with this requirement.

The schedule incorporates changes in the planning schedule made as a result of Fiscal Year 1983 appropriations. The planning process for ongoing plans is projected through Fiscal Year 1986. New starts for resource management plans are projected only for Fiscal Years 1983 and 1984. New starts for Fiscal Years 1985 and 1986 will be projected in subsequent planning schedules. A key to abbreviations used is provided after the schedule.

The **Federal Register** notice of December 3, 1979 (44 FR 69374), describes the use of planning regulation provisions in the transitionmanagement framework plans shown in the schedule.

DATES: Comments on the schedule will be accepted until July 1, 1983.

ADDRESS: Comments should be sent to: Director (202), Bureau of Land Management, Washington, D.C. 20340.

FOR FURTHER INFORMATION CONTACT: Alan Stein, (202) 653–8824.

BUREAU OF LAND MANAGEMENT PLANNING SCHEDULE

District, State and resource area	Plan name (major resource issues)	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986
Anchorage, AK: Peninsula	Bristol Bay Cooperative Management Plan (oil & gas, minerals, lands).	Draft Plan	Final Plan		
Fairbanks, AK:					
Yukon	Steese RMP (recreation, minerals)		DEIS, FEIS		
Do	White Mountain RMP (recreation, minerals)		DEIS, FEIS		
Northwest	Central Yukon RMP	New Start	DEIS	FEIS	
Arizona Strip, AZ:					
Shivwits	Grand Wash Plan Amendment (wilderness)	Preliminary FEIS			
Vermillion	Vermillion Plan Amendment (wilderness)	DEIS, Preliminary FEIS			
Phoenix, AZ:					
Lower Gila	Lower Gila South RMP (range, wilderness)	DEIS, FEIS			
Do	Lower Gila North MFPT (range)	MFPT			
Lower Gila and Kingman	Upper Sonoran MFPT (wilderness)	Preliminary FEIS			
Kingman	Cerbat-Black Plan Amendment (wilderness)		DEIS, Preliminary FEIS		
Phoenix	Phoenix Plan Amendment (range)		DEIS, FEIS		
Do	Phoenix Plan Amendment (wilderness)		DEIS, Preliminary FEIS		
Safford, AZ: Gila and San Simon.	Safford Plan Amendment (wilderness)	DEIS	Preliminary FEIS		
Yuma, AZ:					
Havasu	Havasu Plan Amendment (range, wilderness)	DEIS	FEIS, Preliminary FEIS		
Yuma	Yuma Plan Amendment (wilderness)		Preliminary FEIS		
Bakersfield, CA:					
Bishop	Bodie/Coleville Plan Amendment (wilderness)		Preliminary FEIS		
Do	Benton/Owens Valley Plan Amendment (wilderness)		Preliminary FEIS		
Caliente	South Sierra Foothills MFPT (range, recreation).	FEIS	MFPT		
Do	Coast/Valley RMP (range, recreation, oil and gas).		DEIS, FEIS		

BUREAU OF LAND MANAGEMENT PLANNING SCHEDULE—Continued

District, State and resource area	Plan name (major resource issues)	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986
Folsom	Sierra MFPT (range, recreation)				
Hollister	Coast RMP (range, recreation)		DEIS, FEIS		
Susanville, CA:					
Eagle Lake	Willow Creek MFPT (range)				
Do.	Honey Lake Beckwourth MFPT (range, lands)		DEIS, FEIS		
Alturas	Alturas RMP (All)	DEIS, FEIS			
Surprise/Eagle Lake	Wilderness Plan Amendment (wilderness)			DEIS, FEIS	
Ukiah, CA:					
Redding	Siskiyou MFPT (range, forestry)	MFPT			
Do.	Four Rivers MFPT (forestry, recreation, range).	MFPT			
Do.	Ishi MFPT (recreation, range)	MFPT			
Clear Lake	Clear Lake MFPT (wilderness)	Preliminary FEIS			
Do.	Clear Lake MFPT (range)	FEIS			
Arcata	North Coast Plan Amendment (wilderness)				Preliminary FEIS.
Do.	North Coast Plan Amendment (range)	FEIS			
Craig, CO:					
Ilrammling	Kremmling RMP (range, coal, wilderness)	DEIS, FEIS			
Little Snake	Little Snake RMP (range, coal, wilderness)	New start		DEIS, FEIS	
White River	Piceance Basin RMP (oil shale)		DEIS, FEIS		
Montrose, CO:					
San Juan and Uncompahgre	San Juan/San Miguel RMP (range, wilderness, coal, energy, cultural resources).		DEIS, FEIS		
Uncompahgre	Uncompahgre RMP (coal, wilderness)		New start		DEIS, FEIS.
Canon City, CO: Northeast	Northeast RMP (coal, oil and gas, lands)		DEIS, FEIS		
Grand Junction, CO:					
Glenwood Spnngs	Glenwood Springs RMP (range, coal, wilderness)	DEIS, FEIS			
Grand Junction	Grand Junction RMP (coal, wilderness)	New start		DEIS, FEIS	
Boise, ID:					
Bruneau/Kuna	Bruneau MFPT (range, wilderness)	MFPT			
Do.	Kuna MFPT (range)	MFPT			
Cascade	Cascade RMP (range, forestry, wilderness)		New start		DEIS, FEIS.
Jarbidge	Jarbidge RMP (range, wilderness)			DEIS, FEIS	
Owyhee, Bruneau/Kuna	Jacks Creek MFPT (wilderness)		DEIS, Preliminary FEIS		
Owyhee	Owyhee Plan Amendment (range)	MFPA			
Owyhee, Bruneau/Kuna, Lands in Elko (NV) Dist., Vale OR Dis.	Owyhee Canyon Lands Wilderness MFPT (wilderness).		DEIS, Preliminary FEIS		
Burley, ID- Magic	Cassia RMP (range)	DEIS, FEIS			
Idaho Falls, ID					
Big Butte	Big Lost MFPT (range)	MFPT			
Bannock/Oneida	Eastern Idaho Plan Amendment (wilderness)	Preliminary FEIS			
Soda Spnngs	Caribou RMP (range)		New Start		DEIS, FEIS.
Medicine Lodge	Medicine Lodge RMP (range, wildlife, wilderness).		DEIS	FEIS	
Salmon, ID:					
Challis-Mackay	Mackay MFPT (range)	MFPT			
Big Butte/Pahsimeroi	Big Lost/Mackay Plan Amendment (wilderness).	EA			
Lemhi	Lemhi RMP (range, wilderness)	New Start			DEIS, FEIS.
Pahsimeroi	Ellis-Pahsimeroi MFPT (range)	MFPT			
Shoshone, ID:					
Bennett Hills	Monument RMP (range, wilderness)		DEIS	FEIS	
Monument	Monument RMP (range, wilderness)		DEIS	FEIS	
Do.	Shoshone-Sun Valley Wilderness Plan Amendment (wilderness).	Preliminary FEIS			
Miles City, MT:					
New Prairie	New Prairie MFPT (coal)	MFPT			
Redwater	Redwater MFPT (coal)	MFPT			
Powder River	Powder River RMP (coal, range)		DEIS, FEIS		
Dickinson, MT:					
West Central	West Central Plan Amendment (coal)	MFPA			
Southwest	Southwest Plan Amendment (coal)	MFPA			
Golden Valley	Golden Valley Plan Amendment (coal)	MFPA			
McKenzie-Williams	McKenzie-Williams Plan Amendment (coal)	MFPA			
Lewistown, MT:					
Billings	Billings RMP (range, oil and gas, coal, wilderness)	FEIS			
Phillips	Phillips Plan Amendment (range)	MFPA			
Valley	Valley Plan Amendment (range)	MFPA			
Havre	Havre Plan Amendment (range, wild horses)	MFPA			
Havre	Havre RMP (range, oil and gas)		New start		
Judith	Petroleum RMP (range, oil and gas)				
Butte, MT:					
Headwaters	Headwaters RMP (oil and gas, forestry, range, wilderness).	FEIS			
Garnet	Garnet RMP (oil and gas, forestry)	New Start	DEIS	FEIS	
Centennial WSA	Centennial WSA Plan Amendment (wilderness).	MFPA			
Elko, NV:					
Wells	Wells RMP (range, lands, wilderness)	FEIS			
Elko	Elko RMP (range, wilderness)		New Start		DEIS, FEIS.
Winnemucca, NV:					
Paradise-Denio	Paradise-Denio Plan Amendment (wilderness)	Preliminary FEIS			
Sonoma-Gerlach	Sonoma-Gerlach Plan Amendment (wilderness).	Preliminary FEIS			
Carson City, NV:					
Lahontan and Walker	Reno MFPT (range)	MFPT			
Lahontan	Lahontan RMP (range, wilderness)	DEIS	FEIS		
Walker	Walker RMP (range, wilderness)	New Start	DEIS	FEIS	

BUREAU OF LAND MANAGEMENT PLANNING SCHEDULE—Continued

District, State and resource area	Plan name (major resource issues)	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986
Ely, NV:					
Schell	Schell MFPT (range)	MFPT			
Do	Schell MFPT (wilderness)	Preliminary FEIS			
Egan	Egan RMP (range, wilderness)	DEIS	FEIS		
Las Vegas, NV: Stateline-Esmeralda	Esmeralda Plan Amendment (range, ORV, wilderness lands).		DEIS	FEIS, Preliminary FEIS	
Battle Mountain, NV: Shoshone-Eureka	Shoshone-Eureka RMP (range, lands, wilderness).	DEIS, FEIS			
Las Cruces, NM:					
Las Cruces/Lordsburg	Las Cruces/Lordsburg Plan Amendment (range, energy).	DEIS, FEIS			
White Sands	White Sands RMP (range)		New Start	DEIS, FEIS	
Roswell, NM: Roswell	Roswell Plan Amendment (range)		DEIS, FEIS		
Albuquerque, NM:					
Rio Puerco	Rio Puerco RMP (range)	New Start	DEIS	FEIS	
Farmington	Farmington Plan Amendment (range)				DEIS
Taos	Taos RMP		New Start		DEIS, FEIS
Roswell:					
Carlsbad	Carlsbad Plan Amendment (range)				Do.
Oklahoma	Oklahoma Planning Analysis	MFPA	EA (2 counties)	EA (2 counties)	EA (2 counties).
New Mexico State Office	Statewide Wilderness Plan Amendment (wilderness).	Individual EAs	DEIS	Preliminary FEIS	
Lakeview, OR:					
High Desert	High Desert Plan Amendment (wilderness)	MFPA			
Warner Lakes	Warner Lakes Plan Amendment (wilderness)	MFPA			
Burns, OR: John Day	John Day RMP (range, ACEC, wilderness, forestry).		DEIS, FEIS		
Vale, OR:					
Southern Malheur	Southern Malheur Plan Amendment (range, wilderness).	MFPA			
Northern Malheur	Northern Malheur Plan Amendment (range, wilderness).	MFPA			
Baker, OR: Baker	Baker Plan Amendment (wilderness)	MFPA			
Prineville, OR: Central Oregon	John Day River Plan Amendment (wilderness)	MFPA			
Spokane:					
Border	Upper Columbia/San Juan Plan Amendment (wilderness).	MFPA			
Border/Basin	Border/Basin RMP (range, land tenure)	New Start		DEIS, FEIS	
Medford, OR:	Butte Falls, Klamath, Grants Pass, Rogue River, Galice, Glendale.	DEIS	FEIS		
Coos Bay, OR: Myrtlewood	South Coast/Curry Plan Amendment (ACEC)	MFPA			
Vernal, UT: Diamond Mountain	Ashley Creek Plan Amendment (range, oil shale, tar sand).	MFPA			
Moab, UT: Price River	Price River Plan Amendment (range, tar sand, coal, oil and gas).	MFPA			
Cedar City, UT: Bever River	Pinyon Plan Amendment (range, oil and gas)	MFPA			
Richfield, UT: Henry Mountain	Henry Mountain Plan Amendment (range, coal, wilderness, tar sand, oil and gas).	MFPA			
Salt Lake, UT: Pony Express	Tooele MFPT (range, wilderness)	MFPT			
Moab, UT: Grand	Grand RMP (range, wilderness, coal, oil and gas, oil shale).	DEIS, FEIS			
Vernal, UT: Bookcliffs	Bookcliffs RMP (range, oil shale, tar sand, oil and gas).		DEIS, FEIS		
Cedar City, UT: Beaver River/ Kanab	Cedar, Beaver, Garfield RMP (range, coal, oil and gas).		DEIS, FEIS		
Richfield, UT: House Range	House Range RMP (range)			DEIS, FEIS	
Salt Lake, UT: Bear River	Box Elder RMP (range)			DEIS, FEIS	
Moab, UT: San Juan	San Juan RMP (range, oil and gas, tar sand)	New Start			DEIS, FEIS
Salt Lake, UT: Pony Express/ Bear River	Utah Lake RMP (range, oil and gas)	New Start			DEIS, FEIS.
Richfield, UT: Warm Springs	Warm Springs RMP (range, oil and gas)	New Start			DEIS, FEIS
Moab, UT: San Rafael	San Rafael RMP (range, oil and gas, tar sands).		New Start		
Moab, UT: Price River; San Juan, San Rafael	Statewide Tar Sand Amendment (tar sand)	DEIS	FEIS		
Utah State Office	Wilderness Amendment		Preliminary FEIS		
Worland, WY:					
Cody	Cody Plan Amendment (wilderness, ORV)		MFPA		
Washakie	Washakie RMP (range, wilderness)	New Start			DEIS, FEIS
Rawlins, WY:					
Divide-Overland	Divide-Overland MFPT (range, wilderness)	MFPT			
Lander	Lander RMP (range, wilderness)		New Start	DEIS, FEIS	
Medicine Bow	Medicine Bow RMP				DEIS, FEIS
Rock Springs, WY:					
Big Sandy	Big Sandy MFPT (range, coal, wilderness, trona, oil & gas).				
Salt Wells	Salt Wells MFPT (range, wilderness, trona, oil & gas).	MFPT			
Kemmerer	Kemmerer RMP (range, minerals)	New start		DEIS, FEIS	
Pinedale	Pinedale RMP (range, ORV, wilderness, oil and gas).	New start			DEIS, FEIS.
Casper, WY:					
Platte river	Platte River RMP (range)		FEIS		
Do	Eastern Powder River Coal (North Converse County) Plan Amendment.	MFPA			
Buffalo	Buffalo RMP (range, wilderness)	DEIS, FEIS			
EASTERN STATES	Louisiana MUP (lands disposal, minerals)			Final Plan	
Do	Michigan MUP (lands disposal, minerals)		Final Plan		
Do	do.			Final Plan	
Do	Florida MUP (lands disposal, minerals)			Final Plan	
Do	Kentucky MUP (lands disposal, minerals)				Final plan.

BUREAU OF LAND MANAGEMENT PLANNING SCHEDULE—Continued

District, State and resource area	Plan name (major resource issues)	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986
Do	Illinois MUP (lands disposal, minerals)			Final Plan	
Do	Arkansas MUP (lands disposal, minerals)		Final Plan		
Do	Missouri MUP (lands disposal, minerals)		Final Plan		
Kemmerer	Kemmerer RMP (range, minerals)	New start		DEIS, FEIS	
Pinedale	Pinedale RMP (range, ORV, wilderness, oil and gas).	New start			DEIS, FEIS.
Casper, WY:					
Platte river	Platte River RMP (range)		FEIS		
Do.	Eastern Powder River Coal (North Converse County) Plan Amendment.	MFPA			
Buffalo	Buffalo RMP (range, wilderness)	DEIS, FEIS			
EASTERN STATES	Lousiana MUP (lands disposal, minerals)	Final Plan			
Do	Michigan MUP (lands disposal, minerals)	Final Plan			
Do	Mississippi MUP (lands disposal, minerals)		Final plan		
Do	Florida MUP (lands disposal, minerals)		do		
Do	Kentucky MUP (lands disposal, minerals)		do		
Do	Illinois MUP (lands disposal, minerals)		do		
Do	Arkansas MUP (lands disposal, minerals)			Final plan	
Do	Missouri MUP (lands disposal, minerals)			do	
Do.	Ohio MUP (lands disposal, minerals)			Final plan	
Do.	Indiana MUP (lands disposal, minerals)				Final plan
Do.	Iowa MUP (lands disposal, minerals)				Do.
Do.	Tennessee MUP (lands disposal, minerals)				Do

Key to Abbreviations

ACEC—Area of critical environmental concern
DEIS—Draft environmental impact statement
EA—Environment assessment
FEIS—Final environmental impact statement
MFPA—Management framework plan amendment
MFPT—Transition management framework plan
MUP—Multiple use plan (only in Eastern States Office)
ORV—Off-road vehicle
PFEIS—Preliminary final environmental impact statement (only for wilderness issues)
RMP—Resource management plan.

Dated: March 9, 1983.
James M. Parker,
Acting Director.
[FR Doc. 83-14698 Filed 6-3-83; 8:45 am]
BILLING CODES 3410-11; 4310-84-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts meeting scheduled for June 14, 1983 is cancelled. The next meeting will be held on Tuesday, July 12, 1983 at 10:00 a.m. in the Commission's offices at 708 Jackson Place NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles Atherton, Secretary, Commission of Fine Arts, at the above address or call 566-1066.

Dated in Washington, D.C., May 27, 1983.
Charles H. Atherton,
Secretary.
[FR Doc. 83-15056 Filed 6-3-83; 8:45 am]
BILLING CODE 6330-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Stainless Sheet and Strip Products From France: Amendment to Final Determinations of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Amendment to the final determinations of sales at less than fair value.

SUMMARY: On April 29, 1983, we published final affirmative antidumping duty determinations on certain stainless steel sheet and strip products from France (48 FR 19441). Due to a clerical error when computing the weighted-average margins for sales of cold-rolled sheet by Ugine-Gueugnon, sales of a product group which was outside the scope of the investigations were inadvertently included. Due to an investigative error, the interest on a value-added tax as incorrectly deducted from the United States price for sales of cold-rolled sheet and strip by Usinor. Also, for Usinor, we have allowed a claimed adjustment for surface differences on sales of strip. This adjustment was not previously allowed because the adjustment was incorrectly shown on the computer tapes and was not brought to our attention until after publication of the final determinations; we now correct that error.

In the "United States Price" section of the notice, we stated: "We also made a deduction for a value-added tax, erroneously reported as an uncollected export duty and included in the United States sales prices reported by Usinor, as the home market prices reported to us contained no amount for this tax." This

sentence should be deleted. Also, in the "United States Price" section of the notice under "*Usinor.*" we stated: "A value added tax, erroneously described as an uncollected export duty and included in the United States sales prices reported by Usinor, was deducted from the United States price as the home market prices reported to us contained no amount for this tax." This sentence should be deleted.

In the "Foreign Market Value" section of the notice, under "*Usinor:*", the following paragraph should be added. "We allowed a claimed adjustment for certain surface differences on sales of strip. We did not allow a claimed deduction for an imputed interest icurred in the home market on value-added tax (VAT) expenses for the time period between the time the VAT was paid on raw materials and the time the VAT was collected on the sale of the finished product. It is the Department's policy to allow deductions for interest expense only when it is a directly related selling expense."

In the "Results of Investigations" section of the notice, we stated: "For cold-rolled stainless steel sheet, margins were found on 38 percent of metric tons sold. The margins ranged from .1 percent to 55.3 percent. The overall weighted-average margin on these sales was 6.5 percent." This sentence should read: "For cold-rolled stainless steel sheet, margins were found on 35.7 percent of metric tons sold. The margins ranged from .01 percent to 46.5 percent. The overall weighted-average margin on these sales was 3.4 percent. For cold-rolled stainless steel strip, margins were found on 61.8 percent of metric tons sold. The margins ranged from .1 percent to 55.3 percent. The overall weighted-average margin on these sales was 5.3 percent."

In the "Continuation of Suspension of Liquidation" section of the notice, the posting of a cash deposit, bond, or other security will be based on the following revised weighted-average margins.

Manufacturer/producer/exporter	Weighted-average margins
Hot-rolled stainless steel sheet:	
Ugine-Gueugnon	2.9
Usinor	4.7
All Other Manufacturers/Producers/Exporters	3.4
Hot-rolled stainless steel strip:	
Usinor	7.9
All Other Manufacturers/Producers/Exporters	5.3
Cold-rolled stainless steel sheet:	
Ugine-Gueugnon	2.9
Usinor	4.7
All Other Manufacturers/Producers/Exporters	3.4
Cold-rolled stainless steel sheet:	
Usinor	7.9
All Other Manufacturers/Producers/Exporters	5.3

This amendment corrects the four sections quoted. No other information in the April 29, 1983, determinations is affected by this amendment.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Raymond G. Busen, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202–377–1276).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

May 27, 1983.

[FR Doc. 83–15020 Filed 6–3–83; 8:45 am]

BILLING CODE 3510–25–M

Final Affirmation Countervailing Duty Determination: Frozen Concentrated Orange Juice From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Final affirmative countervailing duty determination.

SUMMARY: We have determined that certain benefits which constitute subsidies within the meaning of the countervailing duty laws are being provided to manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice. The estimated net subsidy is 2.77 percent *ad valorem*. The U.S. International Trade Commission (ITC) will determine within 45 days of the publication of this notice whether these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

The Department of Commerce (the Department) and the government of Brazil have entered into a suspension agreement. We continued the investigation at the request of the government of Brazil in accordance with section 704(g) of the Tariff Act of 1930, as amended (the Act). If the final determination by the ITC is negative, the suspension agreement shall have no force or effect. If the final determination by the ITC is affirmative, the suspension agreement shall remain in force.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377–0171.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we have determined that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided to manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice. For purposes of this investigation, the following programs are found to confer subsidies:

- Preferential working capital financing for exports.
- Income tax exemption for export earnings.

We have determined the estimated net subsidy on frozen concentrated orange juice from Brazil to be 2.77 percent *ad valorem*.

The Department of Commerce (the Department) and the government of Brazil have entered into a suspension agreement. If the final determination by the ITC is negative, the suspension agreement shall have no force or effect. If the final determination by the ITC is affirmative, the suspension agreement shall remain in force.

Case History

On July 14, 1982, we received a petition from Florida Citrus Mutual, filed on behalf of the U.S. growers of oranges for processing into frozen concentrated orange juice. The petition alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on August 2, 1982, we started an investigation (47 FR 37172). We stated that we expected to issue a preliminary determination by October 7, 1982. We subsequently determined that the investigation is "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determination for 65 days until December 13, 1982 (47 FR 45896).

Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the U.S. International Trade Commission (ITC) of our initiation. On September 9,

1982, the ITC determined that there is a reasonable indication that these imports are materially injuring, or are threatening to materially injure, a U.S. industry (47 FR 39740).

We presented a questionnaire concerning the allegations to the government of Brazil in Washington, D.C. on August 27, 1982. On December 1, 1982, we received the response to that questionnaire.

On December 13, 1982, we preliminarily determined that the government of Brazil was providing its manufacturers, producers, or exporters of frozen concentrated orange juice with benefits that constitute subsidies. The programs preliminarily determined to bestow subsidies were:

- Preferential working capital financing for exports.
- Income tax exemption for export earnings.

Notice of the preliminary affirmative countervailing duty determination was published on December 17, 1982 (47 FR 56528). We directed the U.S Customs Service to suspend liquidation of all entries of the frozen concentrated orange juice entered, or withdrawn from warehouse, for consumption on or after December 17, 1982, and to require the posting of a cash deposit, bond or other security in the amount of 2.655 percent of the f.o.b. value of the merchandise.

On January 25, 1983, the Department and the government of Brazil initialed a proposed agreement to suspend the countervailing duty investigation involving frozen concentrated orange juice from Brazil. The basis for the proposed agreement was that the government of Brazil would offset by an export tax the entire amount of benefits we found to confer subsidies on exports of frozen concentrated orange juice to the United States.

On the same date, in compliance with the procedural requirements of section 704(e) of the Act, we consulted with the petitioners regarding the proposed agreement and provided them a copy of it. We received no comments concerning the proposed agreement.

On February 24, 1983, the Department and the government of Brazil signed a suspension agreement, as provided for under section 704 of the Act. The agreement became effective with its publication in the **Federal Register** on March 2, 1983 (48 FR 8839). Under the agreement, the government of Brazil is required to offset completely by an export tax the amount of the net subsidy determined by the Department to exist on Brazilian exports of frozen concentrated orange juice to the United States.

By letter of March 21, 1983, counsel for the government of Brazil requested that the investigation be continued under section 704(g) of the Act. Therefore, we have completed the investigation and are issuing a final determination.

Scope of Investigation

The product covered by this investigation is frozen concentrated orange juice as provided for in item 165.35 of the *Tariff Schedules of the United States.*

There are nine known producers and exporters in Brazil of frozen concentrated orange juice to the United States. We have received information from the government regarding three of these companies, Cargill Industrial Ltda. (CARGILL), Citrosuco Paulista S.A. (CITROSUCO) and Sucocitrico Cutrale S.A. (CUTRALE), which represented over 85 percent of exports of this product to the United States during a recent, representative period—calendar year 1981.

The period for which we are measuring subsidization is that fiscal year for each company which most closely corresponds to calendar year 1981. That period is March 1, 1981 to February 28, 1982 for CARGILL; and May 1, 1981 to April 30, 1982 for CITROSUCO and CUTRALE. We have referred to these periods as fiscal year 1981 in this notice. It its response, the government of Brazil provided data for the applicable periods.

Analysis of Programs

I. Programs Determined To Confer Subsidies

We have determined that subsidies are being provided to manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice under the following programs.

A. Preferential Working Capital Financing for Exports: Resolution 674

Under this program, companies are declared eligible to receive working capital loans by the Department of Foreign Commerce of the Banco Central do Brasil (CACEX). These loans may have a duration of up to one year. Firms in the frozen concentrated orange juice industry can obtain this financing at preferential rates for up to 12 percent of the net f.o.b. value of the previous year's exports. The maximum dollar eligibility under this program is established by CACEX and is stated on the "Certificado de Habilitacao" issued to recipients. Since this program is designed to promote exports and is tied to export performance, we have determined that such financing is an export subsidy and therefore is countervailable. This program has also been found to be countervailable in previous investigations involving Brazilian products.

The net export value is calculated by taking numerous deductions from the export value of the merchandise, including agent commissions, contractual penalties or refunds, exports denominated in cruzeiros, imported inputs over 20 percent of the export value, and a deduction for the company's trade deficit as a percentage of the value of its exports.

To determine the value of loans in existence under this program during the 1981 fiscal year, we prorated any loans that straddled other fiscal years. For loans taken out in fiscal year 1980, only that portion extending into fiscal year 1981 was included in our calculation. Any fiscal year 1981 loans extending into fiscal year 1982 were similarly adjusted.

As in previous Brazilian countervailing duty cases, we are using the rate established by the Banco do Brasil for discounting sales of accounts receivable as the commercial rate for the acquisition of short-term working capital. We have used this comparison because information provided by the government of Brazil indicates that within the Brazilian financial system, working capital is normally raised through the sale of accounts receivable. In the review period the annual rate for discounting sales of accounts receivable was 59.6 percent plus a 6.9 percent tax on financial transactions (IOF). The subsidy is the difference between the interest rate available under Resolution 674 and the commercial rate.

The interest rate on loans under Resolution 674 is 40 percent, with interest pyable semiannually and the principal fully payable on the due of the loan. The effective rate of interest for these loans is 44 percent. These loans are also exempt from the IOF. Therefore, the differential between these two types of financing is 22.5 percent. Multiplying this differential by the amount of preferential financing received and dividing the result by the value of exports, we calculated a subsidy of 1.64 percent *ad valorem.*

On February 11, 1983, the government of Brazil notified the Department that the Banco do Brasil rate for discounting accounts receivable had increased from 59.6 percent to 72 percent effective January 3, 1983. In addition, effective January 11, 1983, the tax on financial transactions was reduced from 6.9 percent to 4.6 percent. These changes result in a subsidy rate differential of

32.6 percent rather than 22.5 percent as stated above. Consequently, since the rate established for purposes of the suspension agreement is prospective, we will use 32.6 percent as the applicable differential in determining the net subsidy rate which must be offset by an export tax under the terms of the agreement.

B. Income Tax Exemption for Export Earnings

Exporters of frozen concentrated orange juice are eligible to participate in this program, under which the percentage of their profit attributable to export revenue is exempt from income tax. To arrive at this percentage, export revenue is divided by total revenue. The amount of profit exempt from the income tax is then multiplied by the 35 percent corporate income tax rate to determine the amount of the benefit. Since the program is designed to promote exports and is tied to export performance, we have determined that it is an export subsidy and therefore is countervailable. This program has also been found to be countervailable in previous investigations involving Brazilian products.

In a program of this kind, benefits cannot be determined with finality until the books are closed sometime in the following year. Therefore, we must look at fiscal year 1980 income tax returns to determine if any benefit was received in fiscal year 1981. All three companies received benefits under this program in fiscal year 1981. By dividing the benefit received by the value of exports of the companies under investigation, we calculated a subsidy of 1.13 percent *ad valorem*.

II. Programs Determined Not To Confer Subsidies

We have determined that subsidies are not being provided to manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice under the following programs.

A. Exemption From State Value-Added Tax (ICM)

The state value-added tax (ICM) is applicable only to domestic sales of frozen concentrated orange juice. Export transactions are exempt from such taxation. The exemption of indirect taxes levied on the value added on exported goods does not consitute a countervailable benefit under either section 303 or section 701 of the Act.

B. Exemption From Federal Industrialized Products Tax (IPI)

The federal IPI value-added tax is applicable only to domestic sales of frozen concentrated orange juice. Export transactions are exempt from such taxation. The exemption of indirect taxes levied on the value added on exported goods does not constitute a countervailable benefit under either section 303 or section 701 of the Act.

III. Program Determined Not to Be Used

We have determined that the following program was not used by the manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice.

A. Federal Industrialized Products Tax (IPI) Export Credit Premium

The IPI export credit premium program was suspended on December 7, 1979. When the IPI export credit premium was reinstated on April 1, 1981, the orange concentrate industry was specifically excluded from receiving the benefits of this program (Ministry of Finance Ordinance No. 78).

IV. Program Determined To Be no Longer in Existence

We have determined that the following program is no longer in existence.

A. State Value-Added Tax (ICM) Export Credit Premium

This program, under which Brazilian companies were eligible for an overrebate of a state value-added tax on goods destined for export, was eliminated by Convention 01–79, published January 12, 1979.

Verification

In accordance with section 776(a) of the Act, we have verified data used in making our final determination. During this verfication, we followed normal procedures, including inspection of documents, discussions with company and government officials and inspection of manufacturer's records.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with its regulations (19 CFR 355.35). There was no request of a public hearing. In accordance with the Department's regulations (19 CFR 355.34(a)), written views concerning the preliminary determination have been received and considered. All comments received were addressed in the notice of suspension of this investigation (48 FR 8839).

Suspension of Liquidation

The suspension of liquidation of entries of frozen concentrated orange juice pursuant to the preliminary affirmative determination was terminated upon publication of the notice of suspension of the investigation.

ITC Notification

In accordance with Section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine within 45 days of the publication of this notice whether imports of frozen concentrated orange juice from Brazil are materially injuring, or are threatening to materially injure, a U.S. industry. If the ITC determines that material injury, or threat or material injury, does not exist, the agreement will have no force or effect and this investigation will be terminated. However, if the ITC determines that such injury does exist, the suspension agreement will remain in force, and we will not issue a countervailing duty order as long as the requirements of section 704(f)(3)(B) of the Act are met.

This determination is published in accordance with section 705(d) of the Act.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

May 24, 1983.

[FR Doc. 83-15021 Filed 6-3-83; 8:45 am]

BILLING CODE 3510-25-M

Tool Steel From the Federal Republic of Germany: Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Determination of Sales at Less Than Fair Value.

SUMMARY: We have determined that tool steel from the Federal Republic of Germany (FRG) is being sold in the United States at less than fair value. The United States International Trade Commission (ITC) will determine within 45 days of publication of this notice whether these imports are materially injuring, or are threatening to materially injure, a United States industry.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Charles Wilson or David Layton, Office

of Investigations, Import Administration, United States Department of Commerce, 14th Street and Constitution Ave., NW., Washington, D.C. 20230, (202) 377–5288 or (202) 377–0160.

SUPPLEMENTARY INFORMATION:

Case History

On July 30, 1982, we received a petition filed by counsel on behalf of 9 U.S. specialty steel producers and on behalf of the United Steel Workers of America. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports from the FRG of tool steel are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry.

After reviewing the petition, we determined in contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated the investigation on August 18, 1982 (47 FR 22132). On September 13, 1982, the ITC found that there is a reasonable indication that imports of tool steel are materially injuring, or are threatening to materially injure, a United States industry.

Questionnaires were presented to Edelstahlwerke Buderus AG (Buderus) on September 9, 1982, ARBED Saarstahl GmbH (Saarstahl) on September 10, 1982, and Thyssen Edelstahlwerke AG (Thyssen) on September 21, 1982.

Responses were received on November 1, 1982 from Buderus, on November 15, 1982 from Thyssen, and on December 20, 1982 from Saarstahl. The response from Saarstahl was not received in time to be considered for purposes of the preliminary determination. Our review of the Buderus response revealed numerous deficiencies and we requested additional information which was submitted on December 6, 1982. Thyssen furnished computer printouts on November 19, 1982, a partial narrative response on December 6, 1982, and additional information on December 23, 1982, which was not in time to be considered for purposes of the preliminarily determination.

Therefore, we based our preliminary determination of January 12, 1983 (48 FR 1334) on the best information available, which was contained in the petition, as regards Thyssen and Saarstahl. We preliminary determined that imports of tool steel from Buderus should be excluded from the preliminary determination because we found a 0.4 percent weighted-average margin, which is *de minimis*.

We requested and received a new computer tape which included production costs as well as clarifying and explanatory information since our preliminary determination. This additional information now causes us to include this company in our final affirmative determination.

On February 18, 1983, we published a notice extending the period for making our final determination by 60 days until May 27, 1983, at the request of exporters who accounted for a significant portion of exports of this merchandise in accordance with section 735(a)(2) of the Act (48 FR 7242).

On March 21 through March 31, 1983, we verified the response of Thyssen. On March 21–25, 1983, we verified the response of Buderus. On March 28–31, 1983, we verified the response of Saarstahl.

Our verification revealed further deficiencies in the responses of all three companies, and we requested additional information. We received the information requested from Thyssen on April 13, 1983, from Saarstahl on April 14, 1983, and from Buderus on April 12, 1983.

We verified Thyssen's exporter's sales price portion of the response on April 12–15, 1983, at Thyssen Specially Steel, Inc., in Chicago.

Our notice of preliminary determination provided interested parties an opportunity to submit views orally and in writing. We did not hold a public hearing, because none of the interested parties requested a hearing.

Scope of Investigation

The product covered by this investigation is tool steel as used in hand tools or for cutting, shaping, forming, and blanking of materials at either ordinary or elevated temperatures. Tool steel covers hot-finished tool steel and cold-finished tool steel, high speed tool steel, chipper knife steel, and band saw steel bars and rods. The merchandise is currently classified under item numbers 606.9300, 606.9400, 606.9505, 606.9510, 606.9520, 606.9525, 606.9535, 606.9540, 607.2800, 607.3405, 607.3420, 607.4600, 607.5405, and 607.5420 of the *Tariff Schedules of the United States Annotated*. Valve steel is not within the scope of this investigation.

Since Saarstahl, Thyssen and Buderus manufacture and export virtually all of the tool steel exported from the FRG to the United States, we limited our investigation to them.

This investigation covers the period from February 1 to August 1, 1982, for United States sales and from November 1, 1981 to August 1, 1982, for home market transactions. The longer period for home market transactions was used in order to include sales in the home market at the time of exportation of tool steel where exporter's sales price is the proper basis for United States price. As explained below, the investigative period for sales by Saarstahl was November 1, 1981 to March 1, 1982 since Saarstahl was unable to provide us with information for the investigative period.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used purchase price to represent United States price for sales by Buderus and Saarstahl because the merchandise was sold to unrelated purchasers prior to its importation into the United States. For Thyssen, we used exporter's sales price to represent United States price, because the merchandise was sold to unrelated purchasers after its importation into the United States.

We calculated the purchase price based on the f.o.b., c. & f., c.i.f., and c.i.f., duty paid, packed price to unrelated purchasers. Where appropriate, we made deductions for the costs of foreign inland freight, foreign inland insurance, ocean freight, marine insurance, United States duty, and customs brokerage.

Where we used exporter's sales price, we made additional deductions, where appropriate, for credit costs, warranty costs, cutting costs, and other selling expenses incurred in the United States.

Foreign Market Value

In accordance with section 773 of the Act, we calculated foreign market value based on home market sales, and where appropriate, constructed value. For purposes of determining similar merchandise under section 771(16) of the Act, we made comparisons based on categories selected by a Commerce Department industry expert.

The petitioner alleged that sales in the home market were at prices below the cost of producing tool steel. We examined production costs which included all appropriate costs for materials, fabrication and general expenses. Sales below the cost of production were found to be made for certain categories of tool steel examined. Where sales of any category of the merchandise under investigation

were made over an extended period of time and in substantial quantities, and were at prices which did not permit recovery of all costs within a reasonable period of time in the normal course of trade, the Department disregarded these sales in its analysis in accordance with section 773(b) of the Act. For certain categories, we found that sufficient sales of tool steel were made at or above the cost of production and, therefore, those sales were used in makng price-to-price comparisons with sales in the United States market. For certain other categories of tool steel, we found that sales which were made above the cost of production were inadequate as a basis for the determination of foreign market value and consequently, we used the constructed value of the merchandise for these categories of tool steel to determine their foreign market value.

The home market prices for all three manufacturers were based on delivered, packed prices to unrelated purchasers. From these prices we deducted, where appropriate, inland freight and inland insurance. We made adjustments, where appropriate, for credit costs, warranty costs, cutting costs, and the cost of materials, labor, and directly related factory overhead associated with differences in the merchandise. We also deducted home market packing cost and added the cost of United States packing.

Where we used exporter's sales price, we deducted indirect selling expenses to offset other United States selling expenses.

Where we used constructed value as a basis for foreign market value, we calculated it to include the cost of materials, fabrication, general expenses, profit and the cost of packing. The amount added for general expenses was the statutory minimum of 10 percent of the sum of material and fabrication costs when the statutory minimum was higher than the actual general expenses. When the actual general expenses were higher than the statutory minimum, these expenses were added. The amount added for profit was the statutory minimum of 8 percent of the sum of materials, fabrication costs, and general expenses because the actual profit was less than 8 percent.

Buderus: We did not allow as a circumstances of sale adjustment an expense for technical services, because Buderus did not demonstrate that this claim was directly related to the sales of the merchandise covered by these investigations as required by section 353.15 of the Commerce Regulations.

We also did not allow a claim for a commission, because this commission was paid to sales personnel of Buderus as part of that company's compensation plan.

Saarstahl: As previously mentioned, this investigation covers the period from February 1 to August 1, 1982 for United States sales and from November 1, 1981 to August 1, 1982, for home market transactions. Saarstahl did provide us with home market sales information for the period November 1, 1981 to August 1, 1982.

For United States sales, however, Saarstahl provided us only with information concerning its deliveries to the United States during the period of investigation. The dates of purchase for these deliveries occurred during the period February 1, 1981 to March 1, 1982. Consequently, we have contemporaneous sales data for only 4 months, November 1981 through February 1982. We have used this for our price comparisons for Saarstahl.

Thyssen: In accordance with section 353.15 of the Commerce Regulations, we allowed a claim for after-sale warehousing expenses, because Thyssen demonstrated that these expenses were incurred after the sale by specific contractual agreement.

For the same reason as stated for Buderus, we did not allow as a circumstance of sale adjustment, Thyssen's claim for an expense for technical services.

Verification

In accordance with section 776(a) of the Act, we verified all of the information used in making these determinations. We were granted access to the books and records of Thyssen, Saarstahl, Buderus and Thyssen Speciality Steel, Inc. We used standard verification procedures, including examination of accounting records, financial statements, and selected documents containing relevant information.

Result of Investigations

Except as noted for Saarstahl, we made fair value comparisons on all the reported tool steel sold in the United States by the three German companies. Margins were found on 40.94 percent of metric tons sold. The margins range from 1.55 percent to 218.34 percent. The overall weighted-average margin on these sales was 10.23 percent.

Final Determination

Based on our investigations and in accordance with section 735(a) of the Act, we have reached a final determination that tool steel from the FRG is being sold in the United States at less than fair value within the meaning of section 731 of the Act.

Continuation of Suspension of Liquidation

Liquidation will continue to be suspended on all entries of tool steel from the FRG from Saarstahl and Thyssen. For Buderus, liquidation will be suspended as of the date of this notice. The United States Customs Service will continue to require the posting of a cash deposit, bond, or other security in amounts of the following overall weighted-average margins for tool steel. The bond or cash deposit requirements established in our preliminary determination of January 12, 1983, are no longer in effect.

Manufacturer/producer/exporter	Weighted-average margins
Buderus	6.73
Saarstahl	16.41
Thyssen	7.04
All other manufacturers/producers/exporters	10.23

ITC Notification

We are notifying the ITC and making available to it all non-privileged and non-confidential information relating to this determination. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If the ITC determines that such injury does exist, we will issue an antidumping order directing Customs officers to assess an antidumping duty on tool steel from the FRG entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value exceeds the United States price. This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

Lawrence J. Brady,

Assistant Secretary for Import Administration.

[FR Doc. 83-15022 Filed 6-3-83; 8:45 am]

BILLING CODE 3510-25-M

Final Affirmative Countervailing Duty Determination; Tool Steel From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Final affirmative countervailing duty determination.

SUMMARY: We have determined that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Brazil of tool steel. The estimated net subsidy is 18.77 percent *ad valorem*. The U.S. International Trade Commission (ITC) will determine within 45 days of the publication of this notice whether these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

The Department of Commerce (the Department) and the government of Brazil have entered into a suspension agreement. We continued the investigaton at the request of the petitioners in accordance with section 704(g) of the Tariff Act of 1930, as amended (the Act). If the final determination by the ITC is negative, the suspension agreement shall have no force or effect. If the final determination by the ITC is affirmative, the suspension agreement shall remain in force.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377–0171.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we have determined that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided to manufacturers, producers, or exporters in Brazil of tool steel. For purposes of this investigation, the following programs are found to confer subsidies:

- Industrialized Products Tax (IPI) export credit premium.
- Preferential working capital financing for exports.
- Income tax exemption for export earnings.
- Long-term loans.
- IPI rebates for capital investment.
- Industrial Development Council (CDI) program.
- Accelerated depreciation for capital goods manufactured in Brazil.

We have determined the estimated net subsidy on tool steel from Brazil to be 18.77 percent *ad Valorem*.

The Department and the government of Brazil have entered into a suspension agreement. If the final ITC determination is affirmative, the agreement will remain in force, and we will not issue a countervailing duty order as long as the requirements of section 704(f)(3)(B) of the Act are met.

Case History

On July 30, 1982, we received a petition from Al Tech Specialty Steel Corporation, Braeburn Alloy Steel Dicision, Continental Coppoer & Steel Industries, Inc., Carpenter Technology Corporation, Columbia Tool Steel Company, Crucible Specialty Metals Division, Colt Industries, Inc., Cyclops Corporation, Guterl Special Steel Corporation, Jessop Steel Company, Latrobe Steel Company, on behalf of the U.S. industry producing tool steel, and the United Steelworkers of America, AFL-CIO. The petition alleged that certain benefits which constitute subsidies within the meaning of section 701 of the ACt are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Brazil of tool steel.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on August 18, 1982, we started an investigation (47 FR 36874). We stated that we expected to issue a preliminary determination by October 25, 1982. We subsequently determined that the investigation is "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determination for 65 days until December 27, 1982 (47 FR 49436).

Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the U.S. International Trade Commission (ITC) of our initiation. On September 13, 1982, the ITC determined that there is a reasonable indication that these imports are materially injuring, or are threatening to materially injure, a U.S. industry (47 FR 41881).

We presented a questionnaire concerning the allegations to the government of Brazil in Washington, D.C. on September 2, 1982. On November 15, 1982, we received the response to that questionnaire.

On December 27, 1982, we preliminarily determined that the government of Brazil was providing its manufacturers, producers, or exporters of tool steel with benefits that constitute subsidies. The programs preliminarily determined to bestow subsidies were:

- IPI export credit premium.
- Preferential working capital financing for exports.
- Income tax exemption for export earnings.
- Long-term loans.
- IPI rebates for capital investment.
- Industrial Development Council (CDI) program.
- Accelerated depreciation for capital goods manufactured in Brazil.

Notice of the preliminary affirmative countervailing duty determination was published on January 3, 1983 (48 FR 53). We directed the U.S. Customs Service to suspend liquidation of all entries of tool steel entered, or withdrawn from warehouse, for consumption on or after January 3, 1983, and to require the posting of a cash deposit, bond or other security in the amount of 17.766 percent of the f.o.b. value of the merchandise.

On February 10, 1983, the Department initialed a proposed agreement to suspend the countervailing duty investigation involving tool steel from Brazil. The basis for the proposed agreement was that the government of Brazil would offset by an export tax the entire amount of benefits we found to confer subsidies on tool steel exported to the United States.

In compliance with the procedural requirements of section 704(e) of the Act, we consulted with the petitioners concerning the proposed agreement and provided them a copy of it. We received comments on the proposed agreement and addressed them in the notice announcing the suspension of the investigation.

On March 14, 1983, the Department and the government of Brazil signed a suspension agreement, as provided for under section 704 of the Act. The agreement became effective with its publication in the **Federal Register** on March 21, 1983 (43 FR 11731). Under the agreement, the government of Brazil is required to offset completely by an export tax the amount of the net subsidy determined by the Department to exist on Brazilian exports of tool steel to the United States.

By letter of March 22, 1983, counsel for the petitioners requested that the investigation be continued under section 704(g) of the Act. Therefore, we are required to complete the investigation and issue a final determination.

Scope of Investigation

The product covered by this investigation is tool steel which includes hot-finished tool steel, cold-finished tool steel, high speed tool steel, chipper knife

tool steel and band saw steel bars and rods as currently provided for in items 606.9300, 606.9400, 606.9505, 606.9510, 606.9520, 606.9525, 606.9535, 606.9540, 607.2800, 607.3405, 607.3420, 607.4500, 607.5405, and 607.5420 of the *Tariff Schedules of the United States Annotated.*

There are four know producers and exporters in Brazil of tool steel to the United States. We have received information from the government regarding three of these companies, Acos Finos Piratini S/A (PIRATINI), and Acos Villares S/A (VILLARES), and Eletrometal Acos Finos S/A (ELETROMETAL) which represented approximately 93 percent of exports of this product to the United States during calendar year 1981.

The period for which we are measuring subsidization is that fiscal year for each company which most closely corresponds to calendar year 1981. That period is calendar year 1981 for PIRATINI, February 1, 1981 to January 31, 1982 for VILLARES and October 1, 1980 to September 30, 1981 for ELETROMETAL. We have referred to these periods as fiscal year 1981 in this notice. In its response, the government of Brazil provided data for the applicable periods.

Changes Since the Preliminary Determination

During verification we found additional benefits under the accelerated depreciation and long-term loan programs. These changes as well as others which have resulted from alterations in calculations necessitate modification of the export tax established pursuant to the suspension agreement. Such subsequent determinations are provided for under the terms of the agreement. By letter of March 29, 1983, we notified the government of Brazil that such changes may occur as the result of this determination. We will officially notify the government of Brazil of this determination so that they may adjust the export tax accordingly.

Analysis of Programs

I. Programs Determined To Be Subsidies

We have determined that subsidies are being provided to manufacturers, producers, or exporters in Brazil of tool steel under the programs described below.

A. *Industrialized Products Tax (IPI) Export Credit Premium.*

Under this program the bank involved in the export transaction reimburses in cash to the exporter a percentage of the "adjusted" f.o.b. invoice price of the exported merchandise. After having suspended this program in December 1979, the government of Brazil reinstated it on April 1, 1981. Since the IPI export credit premium program is designed to promote exports and is tied to export performance, we have determined that the program is an export subsidy and therefore is countervailable. The program has also been found to be countervailable in previous countervailing duty investigations involving Brazilian products.

Exporters of tool steel are eligible for the maximum IPI export credit premium which, up until March 30, 1982, was 15 percent of the "adjusted" f.o.b. invoice price of the exported merchandise.

Subsequently, the government of Brazil reduced the benefit to 14 percent on March 31, 1982, 12.5 percent on June 30, 1982, and 11 percent on September 30, 1982.

In calculating the amount the exporter is to receive, several deductions may be made to the invoice price to obtain the "adjusted" f.o.b. value. These adjustments include: any agent commissions, rebates or refunds resulting from quality deficiencies or damage during transit, contractual penalties, and the value of imported inputs. In order to receive the maximum export credit premium, the exported product must consist of a minimum of 75 percent value added in Brazil. If this minimum limit is not met, there is a specific calculation to reduce the f.o.b. invoice price when calculating the base upon which the IPI export credit premium is paid.

To determine the amount of the subsidy, we calculated the value to the IPI credits as of the date of shipment. We used this date, rather than the date of receipt, because the value of the IPI credit is calculated as to the date of shipment. To value it on the date of receipt also would lessen its value and thus constitute an offset impermissible under section 771(b). We divided the value to the IPI credits by the value of exports and calculated a subsidy of 13.70 percent.

This rate is premised on an IPI export credit premium of 15 percent during the period for which we are measuring subsidization.

The government of Brazil has made three reductions in the level of the IPI credit during 1982, the most recent on September 30, 1982 to 11 percent. When there is a fundamental change in the benefit from a program after the period of investigation, which is applicable to all recipients, we take cognizance of that change if we have been able to confirm that the change has occurred and if there is no reason to believe that there has been a shift of these benefits to other programs. We then announce the adjustment in the rate for the deposit of estimated countervailing duties in the next notice published in the normal course of the proceeding. Using 1981 information on the amount of benefit received, we have made a proportional reduction in the amount of estimated net subsidy from this program. On this basis, we calculated a current subsidy of 10.05 percent *ad valorem.*

B. *Preferential Working Capital Financing for Exports: Resolution 674.*

Under this program, companies are declared eligible to receive working capital loans by the Department of Foreign Commerce of the Banco Central do Brasil (CACEX). These loans may have duration of up to one year. Firms in the steel industry can obtain this financing at preferential rates for up to 20 percent of the net f.o.b. value of the previous year's exports. This maximum dollar eligibility under this program is established by CACEX and is stated on the "Certificado de Habilitacao" issued to recipients. Since this program is designed to promote exports and is tied to export performance, we have determined that such financing is an export subsidy and therefore is countervailable. This program has also been found to be countervailable in previous investigations involving Brazilian products.

The net export value is calculated by taking numerous deductions from the export value of the merchandise, including agent commissions, contractual penalties or refunds, export denominated in cruzeiros, imported inputs over 20 percent of the export value, and a deduction for the company's trade deficit as a percentage of the value of its exports. In addition, any growth in the cruzeiro value of exports over the previous year will reduce the value of the benefit as a percentage of the current year's exports.

To determine the value of loans in existance under this program during 1981, we prorated any loans that straddled other years. For loans taken out in 1980, only that portion extending into 1981 was included in our calculation. Any 1981 loans extending into 1982 were similarly adjusted.

As in previous Brazilian countervailing duty cases, we are using the rate established by the Banco do Brasil for discounting sales of accounts receivable as the commercial rate for the acquisition of short-term working capital. Although we are comparing the terms of a loan with the terms of sale of an asset, we have used this comparison because information provided by the

government of Brazil indicates that, within the Brazilian financial system, working capital is normally raised through the sale of accounts receivable. In the review period the rate for discounting sales of accounts receivable was a 59.6 percent plus a 6.9 percent tax on financial transactions (IOF). The subsidy is the difference between the interest rate available under Resolution 674 and the commercial rate.

The interest rate on loans under Resolution 674 is 40 percent, with interest payable semiannually and the principal fully payable on the due date of the loan. The effective rate of interest for these loans is 44 percent. These loans are also exempt from the IOF. Therefore, the differential between these two types of financing is 22.5 percent. Multiplying this differential by the amount of preferential financing received and dividing the result by the value of exports, we calculated a subsidy of 2.37 percent *ad valorem*.

On February 11, 1983, the government of Brazil notified the Department that the Banco do Brasil rate for discounting accounts receivable had increased from 59.6 percent to 72 percent effective January 3, 1983. In addition, effective January 11, 1983, the tax on financial transactions was reduced from 6.9 percent to 4.6 percent. These changes result in a subsidy rate differential of 32.6 percent rather than 22.5 percent as stated above. Consequently, since the rate established for purposes of the suspension agreement is prospective, we will use 32.6 percent as the applicable differential in determining the subsidy rate from this program for determination of the net subsidy rate which must be offset by an export tax under the terms of the agreement.

C. *Income Tax Exemption for Export Earnings.*

Exporters of tool steel are eligible to participate in this program, under which the percentage of their profit attributable to export revenue is exempt from income tax. To arrive at this percentage, export revenue is divided by total revenue. The amount of profit exempt from the income tax is then mutiplied by the 35-percent corporate income tax rate to determine the amount of the benefit. Since the program is designed to promote exports and is tied to export performance, we have determined that is is an export subsidy and therefore is countervailable. This program has also been found to be countervailable in previous investigations involving Brazilian products.

In a program of this kind, benefits cannot be determined with finality until the books are closed some time in the following year. Therefore, we must look at fiscal year 1980 income tax returns to determine if any benefit was received in fiscal year 1981. VILLARES and ELETROMETAL received benefits under this program in 1981. By dividing the benefit received by the value of exports of the companies under investigation, we calculated a subsidy of 0.84 percent *ad valorem*.

D. *Long-Term Loans.*

Long-term financing in cruzeiros is available in Brazil only through government-controlled financial institutions, such as the National Bank for Economic Development (BNDE) and FINAME, a program of BNDE for the purchase of capital equipment manufactured in Brazil. Generally, these loans are fully indexed to the inflation rate in Brazil and are made at fixed real interest rates. The index used for these loans is the ratio established for the Readjustable Bonds of the National Treasure (ORTN). FINAME loans are granted through commercial banks rather than directly from BNDE and carry higher real interest rates than BNDE loans.

VILLARES and ELETROMETAL received direct BNDE loans. As in previous steel countervailing investigations, we have determined that BNDE loans, when fully indexed, are not made at preferential rates. We compared the BNDE loan rates to a constructed benchmark based on the real interest rates of the only private long-term loans commercially available in Brazil—foreign currency loans. Such loans are granted at the London Interbank Offered Rate (LIBOR) plus a certain percentage or spread over LIBOR. Since LIBOR loans are continually readjusted at the prevailing interest rates, we constructed the benchmark by calculating the average real interest component of LIBOR-plus-spread on long-term loans to Brazil for the period 1977–81 during which these BNDE loans were made. We then compared that average real interest rate to the rates at which the long-term BNDE loans were made. Our comparison showed that all the fully-indexed BNDE loans were made at rates above the benchmark. Therefore, we have determined that such BNDE loans are not countervailable.

However, some long-term cruzeiro loans have been granted that are not fully indexed. Under a program instituted in 1975 and no longer in operation, BNDE granted such loans to VILLARES and ELETROMETAL that are adjusted at only 20 percent of the variation in ORTN. These loans were granted only to certain sectors of the economy, including the iron and steel industry, for implementing "priority projects." Because they were granted to a group of enterprises or industries we have determined that the program is countervailable. We have also found this program countervailable in previous cases involving Brazilian products.

Each company has an outstanding balance on their loans. We calculated the interest benefits for these loans as the difference between the amount actually paid in fiscal year 1981 and the amount which would have been paid had the loan been fully adjusted. Even though principal repayments have not yet begun for these loans, the principal balance is recalculated yearly subject to the 20 percent limit on monetary correction. Therefore, the companies benefited from an abatement in principal as well as a reduction in interest. We divided the sum of the interest and principal benefits by total sales of all companies under investigation and calculated a subsidy of 4.48 percent *ad valorem*.

FINAME loans have been received by ELETROMETAL, PIRATINI, and VILLARES and are available to a wide variety of sectors in Brazil. The steel industry has received such loans in proportions similar to other large capital-intensive industries in Brazil. This appears to be warranted by the capital requirements of such industries. In addition, numerous other sectors also received loans from FINAME during this period. Based on the general availability of these fully-indexed loans, we have determined that they do not confer a subsidy.

E. *IPI Rebates for Capital Investment.*

Decree Law 1547 (April 1977) provides funding for the expansion of the Brazilian steel industry through a rebate of the IPI, the Brazilian federal excise tax. Under this tax system, a company determines its liability for the tax at the end of each month. The net tax owed is calculated as the difference between the total IPI the company paid on purchases and the total IPI it collected on domestic sales. Normally, within five months after the end of each month, a company must pay the amount of the net tax owed directly to the Brazilian government. This net IPI tax is the basis for calculating the rebate for investment. A Brazilian steel company may deposit 95 percent of the net IPI tax in a special account with the Banco do Brasil. The amounts deposited are to be applied to steel expansion projects, and when rebated to the firms constitute tax-free capital reserves which must eventually be converted into subscribed capital. Benefits under this program are received only by the steel sector. Because they

are received by a specific industry, we have determined that the benefits are countervailable. We have also found this program countervailable in previous cases involving Brazilian products.

PIRATINI received benefits under this program from 1977 to 1981, while ELETROMETAL and VILLARES continue to receive them. With the enactment of Decree Law 1843 (December 1980), PIRATINI must now pay the IPI tax to the government which in turn rebates 95 percent to SIDERBRAS, the government holding company to which PIRATINI belongs, to increase its capital.

In this investigation, we considered the amount rebated each year as an untied grant received in that year. As such, we have allocated the grants over 15 years. Under our grant methodology, we determine the present value of grants in order to calculate the current value of the benefit to the grant recipient. The calculation of the present value of funds received is a mechanism for allocating money received in one year to other years and is calculated using a discount rate. For this determination, we determine that the most appropriate discount rate is the "risk-free" rate as indicated by the secondary market rate for long-term government debt in the country under investigation. The foundation of a country's interest rate structure is usually its government's debt interest rate (the risk-free rate). In this methodology, we have allocated a grant over the useful life of equipment purchased with it when the value of that grant was large (greater than $50 million) and specifically tied to pieces of capital equipment. Where the grant was small (generally less than one percent of the company's gross revenues and tied to items generally expensed in the year purchased, such as wages or purchases of materials), we have allocated the subsidy solely to the year of the grant receipt. We construe that a grant is "tied" when the intended use is known to the subsidy giver and so acknowledged prior to or concurrent with the bestowal of the subsidy. All other grants, such as in this case, are allocated over 15 years, a period of time reflecting the average life of capital assets in integrated steel mills. The 15-year figure is based on Internal Revenue Service studies of actual experience in integrated mills in the U.S.

To calculate the benefit, we have taken the amount rebated in each month, converted the cruzeiro value to an ORTN value by using the ORTN index rate in that month, added the monthly ORTN amounts to determine the amount of the grant in each year, and used as the discount rate for each year the interest rate of 4% on ORTN-indexed long-term government debt. The total benefit in ORTN for 1981 was converted into cruzeiros using the average ORTN index rate for the year and then divided by the total value of sales for the 1981 fiscal year of all the companies. The benefit of this subsidy is 0.84 percent *ad valorem*.

F. *Industrial Development Council (CDI) Program.*

This program allowed an exemption of 80 percent of the customs duties and 80 percent of the IPI tax on certain imported machinery for certain industrial projects approved by the CDI. Because benefits under the program are limited to "approved" development projects we have determined that they were granted to a group of enterprises or industries and are countervailable. We have also found the CDI program countervailable in previous countervailing duty investigations involving Brazilian products.

Decree Law 1726 repealed this program in 1979 and no new projects are eligible for these benefits. However, companies with projects approved prior to repeal may still receive these benefits pending the completion of the project. The government of Brazil states than ELETROMETAL received such benefits during 1981. By dividing the benefit received by the total value of sales of the companies under investigation, we calculated a subsidy of 0.02 percent *as valorem*.

G. *Accelerated depreciation for capital goods manufactured in Brazil.*

This program allows companies that purchase Brazilian-made capital equipment as part of an approved CDI expansion project to depreciate this equipment at twice the rate normally permitted under tax laws. This program is authorized by the same legislation as the previous CDI program, is likewise countervailable and has been found to be countervailable in previous countervailing duty investigations involving Brazilian products.

ELETROMETAL and VILLARES used the accelerated depreciation provisions of this program. The benefit of such a program is reduced taxable income and a subsequent reduction in tax liabilities. In a program of this kind, benefits cannot be determined with finality until the books are closed sometimes in the following year. Therefore, we must look at fiscal year 1980 income tax returns to determine if any benefit was received in fiscal year 1981. VILLARES claimed that they could have depreciated at a higher "normal" rate than that acutally used to compute its tax liability for the 1980 fiscal year thus offsetting any subsidy that they might receive under this program. However, we used the actual amount of accelerated depreciation used by VILLARES in excess of the normal depreciation that was used by VILLARES in that year.

To calculate the benefit to ELETROMETAL and VILLARES, we determined the amount by which depreciation under this program exceeded normal depreciation, multiplied that amount by 35 percent, the corporate tax rate in Brazil, and then divided the result by the total value of sales for the 1981 fiscal year of the companies under investigation. The benefit of this subsidy is 0.17 percent *ad valorem*.

II. Program Determined Not To Be Subsidies

We have determined subsidies are not being provided to manufacturers, producers, or exporters in Brazil of tool steel under the following program.

Transportation Subsidies From Preferential Port Rates

The Brazilian government, in its response to our questionnaire, stated that none of the exporters of tool steel receive preferential port rates. At verification we examined shipping documents for Brazilian and non-Brazilian carriers, compared the freight rates and port charges to published schedules and found that the rates paid by steel exporters were not preferential and therefore not countervailable.

III. Programs Determined Not To Be Used

We have determined that the following programs were not used by the manufacturers, producers, or exporters in Brazil of tool steel.

A. *The Commission for the Granting of Fiscal Benefits for Special Export Programs (BEFIEX).*

BEFIEX grants several types of benefits to companies that are part of certain targeted industries and that sign contracts that include specific export commitments. These benefits include the following: a reduction of between 70 percent and 90 percent of the import duties and the IPI tax on the import of machinery, equipment, apparatus, instruments, accessories and tools necessary to meet the approved export commitment; an extension of the period for carrying tax losses forward from four to six years, provided no dividends are paid during that time; and amortization of pre-operational expenses of BEFIEX projects at the discretion of the company rather than the normal

straight-line amortization over ten years. As a general rule, companies that sign BEFIEX contracts guaranteeing these and any other benefits must make an export commitment that over the life of the project it will generate export earnings of at least three times the value of imports for the project. The government of Brazil states that since manufacturers of tool steel export only a small portion of their production, they are not in a position to make the required export commitments. We found that none of the companies under investigation received benefits from this program with respect to tool steel.

B. *Export Financing Under Resolution 68.*

This program provides financing for the export of Brazilian goods for a minimum period of 181 days. Such financing is granted on a transaction-by-transaction basis and may cover up to 85 percent of the f.o.b. invoice price for the merchandise (plus freight and insurance). To be eligible, the exporter must show that the foreign purchaser has prepaid 15 percent of the invoice price. We found that none of the exporters of tool steel used Resolution 68 to finance exports of this merchandise to the United States in 1981.

C. *Transportation subsidies from preferential rail rates.*

We found that exporters of certain stainless steel products almost exclusively utilize trucks to ship their products to the ports of exportation because of the low-tonnages of these shipments.

Verification

In accordance with section 776(a) of the Act, we verified data used in making our final determination. During this verification, we followed normal procedues, including inspection of documents, discussions with company and government officials and inspection of manufacturers' records.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with its regulations (19 CFR 355.35). There was no request for public hearing and no written views were received. We received comments on the proposed suspension agreement and addressed those comments in the notice announcing the suspension of the investigation (48 FR 11731).

Suspension of Liquidation

The suspension of liquidation of entries of certain stainless steel products pursuant to the preliminary affirmative determination was terminated upon publication of the notice of suspension of the investigation.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our detemination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an adminstrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will make its determination within 45 days of the publication of this notice whether imports of tool steel from Brazil are materially injuring or are threatening to materially injure, a U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist, the suspension agreement will have no force or effect and this investigation will be terminated. If, however, the ITC determines that such injury does exist, the suspension agreement shall remain in force, and we will not issue a countervailing duty order as long as the requirements of section 704(f)(3)(B) of the act are met.

This determination is published in accordance with section 705(d) of the Act.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

May 27, 1983.

[FR Doc. 83-15007 filed 6-3-83; 8:45 am]

BILLING CODE 3510-25-M

Industrial Nitrocellulose From France; Amendment to Notice of Final Affirmative Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Amendment to Notice of Final Affirmative Countervailing Duty Determination.

SUMMARY: On March 14, 1983, the Department of Commerce signed the final affirmative countervailing duty determination on industrial nitrocellulose from France.

Due to an error involving the total value of sales for Societe Nationale des Poudres et Explosifs (SNPE), the notice incorrectly stated that the net subsidies from grants from the Ministry of Defense, cross subsidization through military sales, assumption of labor costs, and regional development incentives were, respectively, 0.345 percent *ad valorem*, 2.710 percent *ad valorem*, 0.141 percent *ad valorem*, and 0.052 percent *ad volorem* for the product under investigation. The correct figures are, respectively, 0.384 percent *ad valorem* 3.006 percent *od volorem*, 0.157 percent *ad valorem*, and 0.057 percent *ad valorem*.

The total sales value reported by SNPE and used in our calculations was based on the value of industrial nitrocellulose packed in isopropyl alcohol. Since the value of the industrial nitrocellulose represents only 90 percent of the total sales value of the packed product, the total sales value of industrial nitrocellulose was overstated by an amount equal to the value of the isopropyl alcohol. Accordingly, we have recalulated the subsidy rate using only the sales value of industrial nitrocellulose.

Therefore, the estimated net subsidy rate in the "Suspension of Liquidation" section should now be 3.604 percent *ad valorem*.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-0161

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

May 31,1983.

[FR Doc. 83-15082 Filed 6-3-83; 8:45 am]

BILLING CODE 3510-25-M

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held June 23, 1983, at 9:30 a.m., Herbert C. Hoover Building, Room B814, 14th Street and Constitution Avenue, NW., Washington, D.C. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to computer peripherals, components and related test equipment or technology.

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. A review of subcommittee activities:

a. Memory and Media,
b. Foreign Availability,
c. Display and Terminals, and
d. Export Regulations.

4. Review of the Committee charter and organization.
5. New business.

Executive Session

6. Discussion of matters properly classified under Exescutive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session will be open to the public with a limited number of seats available. A Notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on September 29, 1981, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377–4217.

For further information or copies of the minutes contact Margaret Cornejo (202) 377–2583.

Dated: May 31, 1983.

Milton Baltas,

Director of Technical Programs Office of Export Administration.

[FR Doc. 83–15084 Filed 6–3–83; 8:45 am]
BILLING CODE 3510–25–M

Float Glass From Italy; Final Results of Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review and Revocation of Countervailing Duty Order.

SUMMARY: On December 15, 1982, the Department of Commerce published in the **Federal Register** preliminary results of its administrative review of the countervailing duty order on float glass from Italy. The review covered the period January 1, 1980 through December 31, 1980. The notice stated that the Department had preliminarily determined the net subsidy to be 0.88 percent *ad valorem* for Fabbrica Pisana S.p.A., and 3.77 percent *ad valorem* for Societa Italiana Vetro S.p.A.

Interested parties were invited to comment on the preliminary results. At the request of the petitioner, the Department held a hearing on February 18, 1983. After review of all comments received, the Department has determined the amount of the net subsidy during 1980 to be 0.88 percent *ad valorem* for Fabbrica Pisana S.p.A., and 3.61 percent *ad valorem* for Societa Italiana Vetro S.p.A.

As a result of a request by the Delegation of the Commission of the European Communities, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order would not cause injury to an industry in the United States. The Department consequently is revoking the order. All entries of this merchandise made on or after April 3, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: June 6, 1983

FOR FURTHER INFORMATION CONTACT: Charles Anderson or Larry Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On January 1, 1976, the Department of the Treasury published in the **Federal Register** (41 FR 1274) a countervailing duty order on float glass from Italy.

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that the Delegation of the Commission of the European Communities ("the EC") had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). It was not necessary for the Department, upon notification by the ITC, to suspend liquidation of entries of the merchandise pursuant to that section of the TAA, since previous suspensions remained in effect. For a discussion of the procedural background of this order, see the final results of the last administrative review (47 FR 5026).

On December 15, 1982, the Department published in the **Federal Register** (47 FR 56160) the preliminary results of its administrative review of the order. The Department has now completed that administrative review.

On February 15, 1983, the ITC published its determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of Italian float glass if the order were revoked (48 FR 6794).

Scope of the Review

The merchandise covered by the review is flat glass manufactured by the float process. Such glass may be either tinted or clear and is produced in a wide variety of sizes ranging from 0.125" to 1" in thickness. Such glass is currently classifiable under items 543.2100 through 543.6900 of the Tariff Schedules of the United States Annotated. Entries of float glass which has been substantially further manufactured or modified (e.g., into tempered glass or laminated glass) are not subject to this countervailing duty order.

The review covers the period January 1, 1980 through December 31, 1980, and includes the five programs determined to be countervailable in the final results of the last administrative review, plus three other programs, all with regard to the two companies currently covered by the order, Fabbrica Pisana S.p.A. ("Pisana") and Societa Italiana Vetro S.p.A. ("SIV"). Of the eight programs, we found the following four to be countervailable: (1) exemption from local corporate income taxes, (2) reductions in social security and health benefits payments, (3) capital grants, and (4) preferential long-term financing.

Analysis of Comments Received

Interested parties were invited to comment on our preliminary results. At the request of the petitioner, PPG Industries, Inc. ("PPG"), the Department held a public hearing on February 18, 1983. We also received written comments from two Italian float glass manufacturers.

Comment 1: PPG argues that the effective date of revocation is not April 3, 1980, but November 10, 1980, the date on which the ITC notified the Department for a second time of a section 104(b) request for this order. PPG contends that the earlier notification date is inoperative because the case was then under judicial review.

Department's Position: The Department and the ITC consider the date of the first notification to be the effective date for revocation because: (1) the *order* on float glass from Italy was in effect at that time; and (2) the initial request by the EC conformed to all of the criteria stipulated in section 104(b) of the TAA.

Comment 2: PPG contends that the Department erred in calculating the benefit attributable to the exemption from local corporate income taxes by considering the benefit in the year of review, 1980, to be the savings from the tax year 1979. PPG maintains that a benefit is not bestowed when the final extent of the benefit becomes known; rather, it is bestowed when the (preferential) cost of the program is knowable and accountable. Standard business practice calls for firms to

accure their income tax liabilities as the tax year progresses.

Department's Position: Whether the exemption is partial or complete, the exact benefit for a particular tax year cannot be known until the firm's books have closed, because it is only then that the firm can determine with finality its taxable income. The Department therefore maintains that it must allocate income tax benefits to the year in which the total income is knowable.

To accept argument that benefits should be considered conferred when a firm is able to adjust its cash flow or business efforts with regard to estimated tax liabilities would saddle the Department with the prohibitive burden of determining exactly when each company under review may or should be able to account for potential benefits, and determining when subsequent reconciliations are possible. We doubt the wisdom of attempting such a subjective approach.

Comment 3: PPG objects to the use of a "risk free" rate as the discount rate used to calculate and allocate over time the present value of grant benefits. PPG argues that the time value of money to the grant recipient is equal to the benefit from a loan at zero percent interest with no required repayment of principal. To be consistent with its treatment of loans, the Department must take into account the creditworthiness of the firm and accordingly use as a discount rate a rate which includes an imputed risk element. The proper discount rate would be the interest rate commercially available to that firm for a comparable loan.

Department's Position: The basic function of the "present value" exercise is to allocate money received in one year to other years. Domestic interest rates perform this function within the context of an economy. The foundation of a country's interest rate structure is usually its government debt interest rate ("the risk-free rate"). All other borrowings incorporate this risk-free rate and add interest overlays reflecting the riskiness of the funded investment.

When we allocate a subsidy over a number of years it is not the intention of the Department to comment on nor judge the riskiness of the project undertaken with the subsidized funds nor to evaluate the riskiness of the company as a whole. Nor do we intend to speculate how a project would have been financed absent government involvement in the provision of funds. Rather, we simply need a financial mechanism to move money through time so as to accurately reflect the benefit the company receives. We believe that the best discount rate for our purposes is one which is risk free and applicable to all commercial actors in the country.

Comment 4: SIV argues that we should use documents it submitted after the verification but prior to the publication of our preliminary results to calculate its benefit attributable to reductions in social security and health benefits payments.

Department's Position: We agree. Because we solicited this information at verification and received it in a timely fashion after verification, we have used it in our final calculations. Adjusting our calculations for this information, we determine that the benefit in 1980 to SIV from this program is 2.48 percent *ad valorem.*

We have also recalculated SIV's benefit from long-term preferential loans, using supplemental information on two additional preferential loans discovered during verification. This has raised the *ad valorem* benefit attributable to this program from 0.62 percent, to 0.64 percent.

As a result of these recalculations, we have determined that the aggregate net subsidy in 1980 on float glass produced by SIV is 3.61 percent *as valorem.*

Comment 5: Pisana and SIV maintain that the Department may countervail only the face value of grant, and nothing more.

Department's Position: We are charged with determining the magnitude of the benefit bestowed upon the recipient. In the case of grants, the benefit over time is best measured by calculating the amounts allocated to future years in a way that recognizes the time value of money. As long as the present value (in the year of grant receipt) of the amounts allocated over time does not exceed the face value of grant, we are consistent with domestic law and our international obligations; the amount countervailed will not exceed the total net subsidy.

Comment 6: Pisana argues that the Department should assess separate rates for Pisana's two plants, only one of which is located in the Mezzogiorno and receives countervailable regional benefits.

Department's Position: The Department considers a benefit bestowed on the production of the merhandise at one plant to be a benefit bestowed on the production of all of that merchandise produced by the recipient.

Final Results of the Review

After review of all comments received, we determine that the aggregate net subsidy conferred on this merchandise during 1980 is 0.88 percent *ad valorem* for Pisana and 3.61 percent *ad valorem* for SIV.

Accordingly, the Department will instruct the Customs Service to assess countervailing duties of 0.88 percent of the f.o.b. invoice price on all shipments by SIV, of Italian float glass exported on or after January 1, 1980 and entered, or withdrawn from warehouse, for consumption on or before April 2, 1980.

Further, as a result of the ITC's recent finding of an injury, the Department is revoking the countervailing duty order concerning float glass from Italy, effective April 3, 1980, the date the Department received notification of the request for an injury determination. The Department will instruct the Customs Service to proceed with liquidation of all entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, without regard to countervailing duties and to refund any estimated coutervafling duties collected with respect to such entries.

This administrative review, revocation, and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C 1675(a)(1)), section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note), and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: May 27, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-15063 Filed 6-3-83; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

Agency Forms Under Review by the Office of Mangement and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C Chapter 35).

Agency: Bureau of the Census.

Title: AHS—Census Match Reconciliation Record.

Form Numbers: Agency—ACM-3; OMB—N/A.

Type of Request: New collection.

Burden: 200 respondents; 50 reporting hours.

Needs and Uses: This reconciliation questionnaire (to be administered during August–September 1983) will be used to assess and resolve differences in household reporting between the decennial census and the Annual Housing Survey for five basic housing characteristics.

Affected Public: Individuals or households.

Frequency: One-time.

Respondents's Obligation: Voluntary.

OMB Desk Officer: Timothy Sprehe, 395–4814.

Agency: Bureau of the Census.

Title: Content Evaluation of 1982 Economic Censuses—Petroleum Distributors.

Form Numbers: Agency—EE–0001 and EE–0002; OMB—N/A.

Type of Request: New collection.

Burden: 875 respondents; 1,094 reporting hours.

Needs and Uses: This survey of business establishments in SIC's 5171 and 5172 will collect information needed by the Census Bureau to evaluate the content of 1982 Economic Censuses data on total sales, sales by commodity line, and operating expenses. Results will be used to improve procedures for the 1987 Economic Censuses.

Affected Public: Businesses or other for profit institutions; small businesses or organizations.

Frequency: Non-recurring.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Tim Sprehe, 396–4814.

Agency: Bureau of Economic Analysis.

Title: Survey of Foreign Direct Investment in U.S. Business Enterprises Engaged in the Processing, Packaging or Wholesale Distribution of Fish or Seafoods.

Form Numbers: Agency—BE 21A and B; OMB—NA.

Type Of Request: New collection.

Burden: 50 respondents; 4,100 reporting hours.

Needs and Uses: Secures data on foreign direct investment in U.S. fish and seafood processing firms in which a foreign person has an ownership interest of 10 percent or more. Required for analysis of the effect of foreign ownership of U.S. fishery resources..

Affected Public: Business or other for-profit institutions; small businesses or organizations.

Frequency: One-time.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Tim Sprehe, 395–4814.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Tim Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 83–15081 Filed 6–3–83; 8:45 am]

BILLING CODE 3510–GW–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing a New Export Visa Requirement and Exempt Certification for Certain Cotton Textile and Apparel Products Produced or Manufactured in Pakistan

May 27, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing a new visa requirement and exempt certification for certain cotton textile and apparel products, produced or manufactured in Pakistan, pursuant to the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, between the Governments of the United States and Pakistan.

SUMMARY: The Governments of the United States and Pakistan have a new export visa requirement and exempt certification for cotton textile and apparel products in Categories 300–369, produced or manufactured in Pakistan. The new arrangement cancels and supersedes the existing visa and certification requirements. (See 37 FR 13365, 38 FR 14184, and 39 FR 2203.)

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

EFFECTIVE DATE: July 15, 1983 for cotton textile and apparel products in Categories 300.369, exported on and after that date. Merchandise exported before July 15, 1983, shall not be denied entry if accompanied by the previously authorized export visa stamp or exempt certification, provided all other requirements associated with the use of those stamps have been met.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: Cotton textile and apparel products in Categories 300–369, which are subject to the terms of the bilateral agreement and exported on and after July 15, 1983, shall be visaed with a circular stamp in order to be entered, or withdrawn from warehouse, for consumption in the United States. Shipments which are exempt from the quantitative limits of the bilateral agreement shall be certified for exemption by the Government of Pakistan prior to exportation. The basis for exemption shall be stated on the certification by use of a description, such as, "handloomed fabrics of the cottage industry" or "handmade cottage industry products of handloomed fabric," or shall include the name of a particular traditional folklore handicraft product which falls within the defination of "Pakistan Items" agreed to be exempt. All items must be cut, sewn, or otherwise fabricated by hand in the cottage industry of Pakistan in order to qualify for exemption. The list of these agreed items is published as an enclosure to the letter to the Commissioner of Customs following this notice. Invoices for certified exempt items shall not include any products that are not agreed to be exempt. Shipments of textile products that are certified for exemption do not require an export visa.

Merchandise imported for the personal use of the importer, and not for resale, does not require a visa or exempt certification for entry, regardless of value.

Shipments shall be visaed or certified for exemption by the placing of orginal stamped markings (the visa or certification) in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice, when such form is used). Each visa and certification shall include the number, date, and signature of the authorized issuing official. The visa shall also state the correct category and quantity in the shipment in the applicable category units; however, if the quantity shown on the export visa is more than the actual quantity of the merchandise, entry shall be permitted, dispite the inaccuracy.

A facsimile of the new visa stamp is published as an enclosure to the letter to the Commissioner of Customs which follows this notice. The exempt certification stamp which is not being changed is also published.

The Government of Pakistan has authorized the following officials to issue export visas and exempt certifications:

M. Y. Bhutta
Mazar Hussain
Mirza Sadiq Husain
Shafiq Ahmad Bajwa

Interested persons are advised to take all necessary steps to ensure that cotton textile and apparel products, produced or manufactured in Pakistan which are

to be entered into the United States for consumption, or withdrawn from warehouse for consumption on and after July 15, 1983, will meet the stated visa and exempt certification requirements:

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This letter cancels and supersedes the directive of June 29, 1972, as amended, from the Chairman of the Committee for the Implementation of Textile Agreements which established an export visa requirement for Cotton textile and apparel products, producted or manufactured in Pakistan.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral cotton Textile Agreement of March 9 and 11, 1982 between the Governments of the United States and Pakistan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 15, 1983 and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile and apparel products in Categories 300–369, produced or manufactured in Pakistan, and exported on and after July 15, 1983, for which the Government of Pakistan has not issued an appropriate export visa or certification for exemption. Cotton textile and apparel products which have been exported before July 1983, which are visaed or certified for exemption in accordance with previously established procedures shall not be denied entry.

Cotton textile and apparel products in Categories 300–369, exported on and after July 15, 1983, other than the exceptions specified in the following paragraph, shall be visaed with a circular stamp in order to be entered into the United States for consumption, or withdrawn from warehouse for consumption.

Certain cotton textile and apparel products exported on and after July 15, 1983, which are exempt from the levels of restraint of the bilateral agreement, shall be certified by the Government of Pakistan prior to exportation using a square-shaped stamp. The basis for exemption shall be stated on the certification by use of description, such as, "handloomed fabrics of the cottage industry" or "handmade cottage industry products of handloomed fabric," or shall include the name of a particular traditional folklore handicraft product which falls within the definition of "Pakistan Items" agreed to be exempt as indicted on the enclosed list. All items must be cut, sewn, or otherwise fabricated by hand in the cottage industry of Pakistan in order to qualify for exemption.

Merchandise shall be visaed or certified by the placing of original stamped markings (the visa or certification) in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice, when such form is used). Each visa and exempt certification shall include the number, date and signature of the issuing official. The visa shall also state the correct category and quantity in the applicable category units, except, that, if the quantity indicated on the export visa is more than that of the merchandise, entry shall be permitted. The categories and quantities shall be those determined by the U.S. Customs Service. Facsimiles of the visa and exempt certification stamps are enclosed.

Merchandise imported for the personal use of the importer, and not for resale, does not require a visa or certification for entry, regardless of value.

Merchandise covered by an invoice which has an exempt certification but contains both exempt and non-exempt textile products shall not be permitted entry. Merchandise which is certified exempt does not require an export visa.

You are directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of textile products, produced or manufactured in Pakistan and exported to the United States, notwithstanding the designated merchandise does not fulfill the aforementioned visa and exempt certification requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textile Agreements.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile and apparel products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,
Chairman, Committee for the Implementation of Textile Agreements.

Enclosures.

BILLING CODE 3510-25-M

FACSIMILE VISA AND EXEMPT CERTIFICATION STAMPS USED BY THE GOVERNMENT OF PAKISTAN FOR COTTON TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

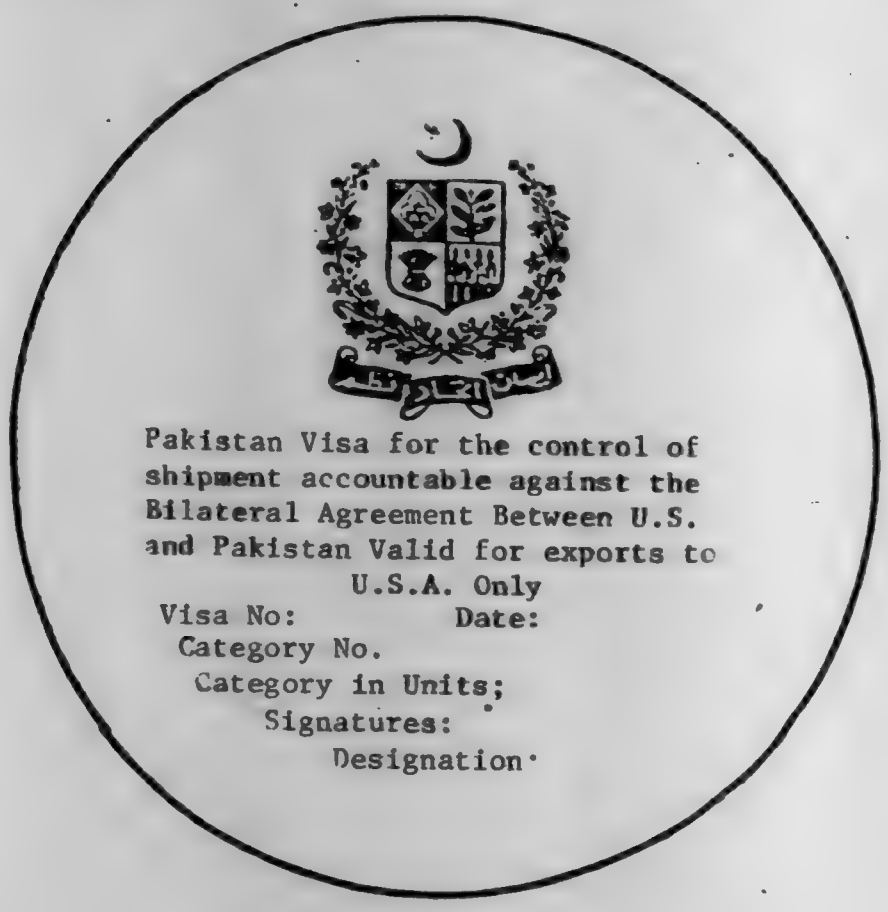

Government of Pakistan

Export Promotion Bureau

Serial No.....

EXEMPTED ITEMS

Description.....

Certified on.....19..

Authorized Signature

BILLING CODE 3510-25-C

List of Pakistan Items

1. Shisha Embroidered Dresses—A traditional mirror embroidery on plain, printed or striped material, worn by the people of Sind and Baluchistan. Short, medium, or long in length according to the areas from which they come.

2. Dastkari Kurta and/or Gharara—A Kurta is a type of halter blouse worn with the Gharara. A Gharara is a traditional form of the pajama worn by ladies of the Moghul courts. Each leg of the Gharara meaures about one yard across the bottom opening. Both made of cotton material with multi-colored embroidery and with drawstrings at the top and waist, in the tradition of the Moghul kings.

3. Multani Kurat—Crochet worked shorts or long tunic worn by the peasants in Panjab. Crocheted work located at the neck and front and has triangular inserts at the armpits.

4. Embroidered Kurta—Type of shirt or loose tunic worn throughout Pakistan over loose trousers. Is embroidered in different colors. Adapted from Angarkha by King Ahmad Shah Abdali. Worn short or long and has triangular inserts at the armpits.

5. Multani Choli—(If in part of set) Fitted blouse worn with either a Lungi (i.e., a scarf) or Sari in Punjab and Sind. Choli is embroidered in different colors or hand printed, tied either in front or back.

6. Rilli Kurta—Kurta of heavy fabric with patchworked decorations appliqued by hand, worn by the women of Sind.

7. Burga—Loose tunic or dress with hood attached worn by ladies when going out of the house. Worn as outer covering and often gaily embroidered or hand printed.

8. Quetta Jackets—Loose vest worn over Kurta by men and women. Made either of printed material or of embroidered material with mirrors on plain colors.

9. Ghagra—Ankle length, loose fitting skirt with drawstring around the waist or hooks worn with either a fitted or loose choli, with traditional colors embroidered or hand printed. Worn in the Tharparkar area of Sind.

10. Batwa—(Drawstring pouches, bags, purses and string bags). Accessories for all Pakistani dresses for carrying betel nuts and other personal things. Gaily printed or hand embroidered or with mirrors, or made with colored string.

11. Shindi Julaba—Very loose ankle length garment in handloom or hand-blocked material with a hood attached, with tie string a V opening in neck and side slits at lower part extending to lower hem. Worn with or without hood in the villages of Sind and can also be embroidered.

12. Izarban—Cotton belt in multi-colored continuous lengths of unwoven threads.

13. Baluchi Kameez—Embroidered top worn by the women of Baluchistan over Shalwar or Turkish trousers. Flared tunic with extra wide sleeves tapering to a buttoned cuff.

14. Cotton Embroidered Kaftan in the traditional embroidery of Multan, Makran, Derz Ghazi Khan and Nuchki. Long, loose fitting dresses with embroidery around top and botton with side slits of about 18 inches to the lower hem.

15. Cholistan Kurta—Colorful striped, heavy, unbleached fabric worn by the camel drivers of the Cholistan Desert with stand up collar band and sleeves made into the body of the garment.

16. Chilaf—Embroidered decorative tubular case open at both ends with drawstring enclosures.

17. Dupatta—(If in part of a set) Long scarf about 4 feet or more long and three feet or more wide of thin cotton fabric with colorful design worn by women to cover the head.

18. Cimmerband—Antique and embroidered wide belts worn about the waist, with heavy mirrored embroidery.

[FR Doc. 83-15006 Filed 6-3-83; 8:45 am]
BILLING CODE 3510-25-M

Solicitation of Public Comment on Bilateral Textile Consultations With the Government of the Republic of Korea to Review Trade in Categories 315, 435, 448, 669-F and 644

June 1, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: On May 11, 1983 the Government of the United States requested consultations with the Government of the Republic of Korea with respect to Categories 315, (Printcloth), 435 (Women's, girls', and infants' wool coats), 448 (Women's, girls' and infants' wool trousers) 669-F (fishnets), and 644 (Women's, girls', and infants' suits of man-made fibers). This request was made on the basis of the Agreement of December 14, 1982, between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool, and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments, the Committee for the Implementation of Textile Agreements may establish limits for the entry and withdrawl from warehouse for consumption of textile products in Categories 315, 435, 448, 669-F and 644, produced or manufactured in Korea and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

The Government of the United States reserves the right under the agreement to invoke import controls on these categories, as defined in the Bilateral Cotton, Wool, and Man-made Fiber Textile Agreement, with the Government of the Republic of Korea.

Any party wishing to comment or provide data on information regarding the treatment of Categories 315, 435, 448, 669-F, and 644 under the bilateral Cotton, Wool and Man-made Fiber Textile Agreement with the Government of the Republic of Korea, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in these categories, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 533(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-15024 Filed 6-3-83; 8:45 am]
BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Requirements—Children's Sleepwear Standards

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through June 30, 1986, of information collection requirements in the flammability standards for children's sleepware and enforcement rules, codified at 16 CFR Parts 1615 and 1616. These standards and enforcement rules are applicable to children's sleepware garments in sizes 0 through 14 and to fabrics used in the production of such garments. The standards and enforcement rules require manufactures and importers of children's sleepware garments and fabrics to perform pre-market testing from representatives samples to assure that children's sleepware items meet the performance requirements of the standards. The enforcement rules also require manufacturers and importers to compile and maintain records of such testing, and to make those records available to Commission investigators upon request.

Information About the Request for Extension of Approval of Information Collection Requirements

Agency Address: Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207.

Title of information collection: Standard for the Flammability of Children's Sleepware: Sizes 0 Through 6X (16 CFR Part 1615); and Standard for the Flammability of Children's Sleepware: Sizes 7 Through 14 (16 CFR Part 1616).

Type of request: Extension of approval.

Frequency of collection: Varies by number of styles of items produced or imported and number of items of each style manufactured or imported each year.

General description of respondents: Manufacturers and importers of children's sleepware garments and fabrics used for production of children's sleepware.

Estimated number of respondents: 200.

Estimated average number of hours per respondent: 437.5 per year.

Comments. Comments on this request for extension of approval of information collection requirements should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; telephone: (202) 395–7313. Copies of the request for extension of approval of information collection requirements are available from Francine Shacter, Office of Budget, Planning, and Program Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone: (301) 492–6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: May 31, 1983

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83–14983 Filed 6–3–83; 8:45 am]

BILLING CODE 6355–01–M

Notification of Request for Extension of Approval of Information Collection Requirements—Procedure for Export of Noncomplying Products

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through June 30, 1986, of information collection requirements in regulations governing notification to the Commission of exportation from the United States of products which do not comply with standards or regulations issued under the Consumer Product Safety Act, the Federal Hazardous Substances Act, or the Flammable Fabrics Act. These regulations are codified at 16 CFR Part 1019, and implement statutory requirements for notification to the Commission prior to export of noncomplying products contained in 15 U.S.C. 2067(b), 1273(d), and 1202(c).

Information About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Procedures for Export of Noncomplying Products (16 CFR Part 1019).

Type of request: Extension of approval.

Frequency of collection: Depends upon the number of shipments from the United States of products which do not comply with a standard or regulation issued under the Consumer Product Safety Act, the Federal Hazardous Substances Act, or the Flammable Fabrics Act.

General description of respondents: Exporters of noncomplying products which would be subject to standards or regulations issued under the Consumer Product Safety Act, the Federal Hazardous Substances Act, or the Flammable Fabrics Act if sold or distributed within the United States.

Estimated number of respondents: 20.

Estimated average number of hours per respondent: 6.5 per year.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; telephone: (202) 395–7313. Copies of the request for extension of information collection requirements are available from Francine Shacter, Office of Budget, Planning, and Program Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: June 1, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83–15090 Filed 6–3–83; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Alabama-Coosa Rivers, Alabama and Georgia; Intent To Prepare Environmental Impact Statement

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of Intent to Prepare a Supplement to the FEIS on file.

SUMMARY: 1. *Proposed Action:* The proposed action is to prepare a Supplement to the FEIS on the Alabama-Coosa Rivers project to evaluate the environmental impact of proposed changes in the operation and maintenance practices on the existing navigation project on the Alabama River

from its mouth to Montgomery, Alabama.

2. *Alternatives:* The following basic alternatives will be evaluated:

a. No action—This alternative will be the "without" project conditions against which impacts will be measured.

b. Construction of additional training dikes.

c. Providing additional storage to augment low flows.

d. Changing dredging and disposal operations.

3. *Scoping Process:*

a. The scoping process, as outlined by the Council on Environmental Quality in the November 29, 1978 **Federal Register**, National Environmental Policy Act—Regulations, will be utilized to involve Federal, State, and local agencies and other interested persons. Identification of significant issues to be addressed in the EIS will be determined through the scoping process. The views and concerns of agencies and individuals will be obtained through personal, telephone, and mail contacts in lieu of a formal scoping meeting.

b. Coordination with the U.S. Fish and Wildlife Service, as required by the Fish and Wildlife Coordination Act and the Endangered Species Act, is being undertaken. Coordination required by other laws and regulations will also be conducted.

4. *SFEIS Preparation:* It is estimated that the Supplement to the FEIS will be available to the public in February 1984.

ADDRESS: Questions about the proposed action and SFEIS can be answered by: Mr. Henry Malec, PD–EE, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628.

Dated: May 26, 1983.

Ronald A. Krizman,

LTC, Corps of Engineers, District Engineer.

[FR Doc. 83–14087 Filed 6–3–83; 8:45 am]

BILLING CODE 3710–CR–M

Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement (DSFEIS) Entitled Black Warrior and Tombigbee Rivers, Alabama (Maintenance), To Cover Proposed Changes in the Maintenance Practices on the Existing Navigation Project

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of Intent to prepare a DSFEIS.

SUMMARY: 1. *Description of Proposed Action:* The proposed action is to prepare a DSFEIS to evaluate the environmental impacts of proposed changes in maintenance practices on the existing navigation project on the Black Warrior and Tombigbee Rivers from the mouth of the Tombigbee River, about 45 miles north of Mobile, Alabama, to the vicinity of Birmingham, Alabama, a total waterway distance of approximately 463 miles.

2. *Alternatives to the Proposed Action:* The following basic alternatives will be evaluated:

a. No action—This alternative will be the "without" project maintenance changes against which impacts will be measured.

b. Additions or deletions to proposed training dike fields and/or revetments.

c. Additions or deletions to proposed disposal areas and/or dredging reaches.

3. *Description of the Scoping Process:*

a. The scoping process, as outlined by the Council on Environmental Quality in the November 29, 1978 **Federal Register**, National Environmental Policy Act—Regulations, will be utilized to involve Federal, State, and local agencies and other interested persons. Identification of significant issues to be addressed in the DSFEIS will be determined through the scoping process. The agencies and individuals views and concerns will be obtained through personal, telephone, and mail contacts in lieu of a formal scoping meeting. Public hearings will be held after the filing of the DSFEIS. Notices informing the public as to time and location of the meetings will be issued.

b. Coordination with the U.S. Fish and Wildlife Service, as required by the Fish and Wildlife Coordination Act and the Endangered Species Act, is being undertaken. Coordination required by other laws and regulations will also be conducted.

4. *DSFEIS Preparation:* It is estimated that the DSFEIS will be available to the public in February 1984.

ADDRESS: Questions about the proposed action and DSFEIS can be answered by: Dr. Diane I. Findley, PD–EE, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628.

Dated: May 26, 1983.

Ronald A. Krizman,

LTC, Corps of Engineers, Acting District Engineer.

[FR Doc. 83–14088 Filed 6–3–83; 8:45 am]

BILLING CODE 3710–CR–M

DEPARTMENT OF EDUCATION

Advisory Council on Dependents' Education; Partially Closed Meeting

AGENCY: Department of Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets for the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Dependents' Education and of two committees concerning education programs and administration. This notice also describes the functions of the Council. Notice of these meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: The Advisory Council on Dependents' Education—June 20 and 22, 1983, from 9:00 a.m. to 5:15 p.m.; and two committees—June 21 and 23, 1983, from 9:00 a.m. to 1:00 p.m. and from 11:00 a.m. to 4:30 p.m., respectively.

ADDRESS: The Capitol Hill Hotel, 200 C Street, S.E., Washington, D.C. 20003.

FOR FURTHER INFORMATION CONTACT: Dr. William F. Keough, Administrator of Education for Overseas Dependents, 400 Maryland Avenue, S.W., Room 2083, Washington, D.C. 20202.

SUPPLEMENTARY INFORMATION: The Advisory Council on Dependents' Education is established under section 1411 of the Defense Dependents' Education Act of 1978, as amended (20 U.S.C. 929). The Council is established to:

"(1) Recommeded to the Director general policies for operation of the defense dependents' education system with respect to curriculum selection, administration, and operation of the system,

"(2) Make recommendations to the Director and to the Secretary of Education on the orderly transfer of the functions under the Dependents' Education Act of 1978 to the Secretary and Department of Education, and

"(3) Provide information to the Director from other Federal agencies concerned with primary and secondary education with respect to education programs and practices which such agencies have found to be effective and which should be considered for inclusion in the defense dependents' education system.

"(4) Advise the Director on the design of the study and the selection of the contractor referred to in section 1412(a)(2) of the title, and

"(5) Perform such other tasks as may be required by the Secretary of Education."

The meeting of the Council is open to the public except as indicated below. The proposed agenda for the full meeting of the Council on June 20 and 22 includes: A report by the Administrator on Council matters, a progress report by the Director, a report by the Director on the current status of previously

expressed concerns of the Council, briefings by staff of the Department of Defense Dependents Schools (DoDDS) on screening of the handicapped and the gifted and talented program, presentation and discussion of parts of the comprehensive study of DoDDS, and the reports of the Education Program and Administration Committees.

The proposed agenda for the Education Program Committee for June 21 includes specialists at small schools, graduation credit requirements, substance abuse, and parts of the comprehensive study of DoDDS. Its agenda for June 23 will consist of business remaining from the meeting on June 21 and new business put before it by the full Council on June 20 and 22.

The proposed agenda for the Administration Committee for June 21 includes review of the draft booklet about the Council, review of the report format and training handbook for local school advisory committees, consideration of the regions' responses on intermediate councils, clarification and revision of DOD Instruction 5105.49, a report on local school advisory committees in Germany, communication with local school advisory committees by the Council, appeals from local school advisory committees, and parts of the comprehensive study of DoDDS. The Committee's agenda for June 23 will consist of business remaining from the meeting on June 21 and new business put before it by the full Council on June 20 and 22.

The June 22 Council meeting will be closed to the public from 11:00 a.m. to 12:00 m. to permit Council members to receive answers to detailed, in-depth questions of the Director of DoDDS concerning personnel and other aspects of DoDDS internal management practices in connection with the report and recommendations of the comprehensive study on these matters. The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I) and under subsection (2) of Section (c) of the Government in the Sunshine Act (Pub. L. 94–409; 5 U.S.C. 552b). The discussions will concern internal personnel rules and practices of DoDDS, which are protected from consideration in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5, U.S.C. 552b will be available to the public within fourteen days of the meeting.

Records are kept of all Council proceedings, and are available for inspection at the Office of the Advisory Council on Dependents' Education, Room 2083, 400 Maryland Avenue, S.W., Washington, D.C. from the hours of 9:00 a.m. to 5:30 p.m.

Dated: May 31, 1982.

Gary L. Jones,

Under Secretary.

Helen R. Wiprud,

Special Assistant to the Administrator of Overseas Dependents.

[FR Doc. 83–14990 Filed 6–3–83; 8:45 am]

BILLING CODE 4000–01–M

National Advisory Council on Adult Education; Cancellation of Meeting

AGENCY: Education Department

ACTION: Cancellation of meeting.

Notice is hereby given of the cancellation of the meeting of the Committee on Adult Illiteracy of the National Advisory Council on Adult Education, June 16–17, 1983, 425 13th Street, N.W., Suite 323, Washington, D.C. as published in the **Federal Register** on May 26, 1983, Volume 48, No. 103.

Signed at Washington, D.C., on May 31, 1983.

Rick Ventura,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 83–15061 Filed 6–3–83; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 83–CERT–073]

VA Medical Center; Notice of Application for Certification of the Use of Natural Gas To Displace Fuel Oil

The V.A. Medical Center (VAMC), 3200 Vine Street, Cincinnati, Ohio 45220, filed an application on May 9, 1983, with the Economic Regulatory Administration (ERA), and amended it on May 10 and May 20, 1983, for certification of an eligible use of natural gas to displace fuel oil at its hospital facility in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, VAMC indicates that the volume of natural gas for which it requests certification is approximately 123,849,280 cubic feet per year. This volume is estimated to displace the use of approximately 891,002 gallons of No. 2 fuel oil (0.09 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virgina 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by the Cincinnati Gas and Electric Company, P.O. Box 960, Cincinnati, Ohio 45202; and The Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012, local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to VAMC and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 26, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15060 Filed 6–3–83; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP83-96-000]

Inquiry Into Purchasing Practices of Interstate Pipelines; Informal Public Conference

June 2, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of informal public conference.

SUMMARY: The Commission will hold an informal public conference to examine whether the purchasing or transportation practices of interstate pipelines, combined with reduced market demand for natural gas, are resulting in undesirable consequences. The Commission seeks views and information from interstate and intrastate pipelines, producers, distributors, end-users, State and local regulatory authorities and the general public on whether problems exist and whether Commission action would alleviate them.

DATES: Requests to participate in the conference are due on or before June 24, 1983. Written statements are due on or before July 1, 1983. The conference is scheduled for July 11–12, 1983, beginning at 10:00 a.m.

ADDRESSES: All submissions should reference Docket No. RP83–96–000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

The informal public conference will be held in: Hearing Room A, 825 North Capitol Street NE., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Bonnie Cord, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8475

Christine Benagh, Office of Commissioner Oliver G. Richard III, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8383.

The Federal Energy Regulatory Commission (Commission) is currently involved in litigation concerning State authority to regulate the purchasing practices of interstate pipelines. *Transcontinental Gas Pipeline Company* v. *Mississippi Oil and Gas Board*, Civil Action No. J82–0531(R) (S.D.Miss.). The Commission's position is that a Mississippi Oil and Gas Board order directed at interstate purchasers of natural gas is an impermissible invasion of the Commission's exclusive jurisdiction under the Natural Gas Act, 15 U.S.C. 717–717w, as amended (Supp. IV 1980), over the sale and transportation of natural gas in interstate commerce for resale. *Northern Natural Gas Company* v. *State Corporation Commission of Kansas*, 372 U.S. 84 (1963). The Commission also believes, as suggested by the Court in *Northern Natural*, 372 U.S. at 94 and n. 12, that States may have authority to accomplish their stated objectives of preventing drainage and promoting conservation by means other than regulating interstate purchasers.

Some producers have alleged that the interstate pipelines are engaging in discriminatory purchasing practices against some producers, which is resulting in denial of access to natural gas markets, drainage and waste. The Commission is unclear as to whether these allegations have merit. Pipelines' current purchasing practices may be, at least in part, a reasonable response to reduced market demand and an attempt to prevent further price increases to their natural gas customers.

The Commission continues to maintain that State regulation of the purchasing practices of interstate pipelines impermissibly invades the Commission's jurisdiction. In enacting the Natural Gas Act, Congress intended to establish a comprehensive scheme of federal regulation of interstate pipelines. Major reasons for establishing the federal scheme were prevention of undue discrimination by interstate pipelines by virtue of their monopsony and monopoly positions, filling the regulatory gap where States could not act effectively, and protecting natural gas consumers from unreasonably high gas prices. 15 U.S.C. 717, 717c, 717d (1976); Federal Trade Commission, Utility Corporations, S. Doc. 92, 70th Cong., 1st Sess. (1936). Congress charged the Commission with the authority and responsibility to administer the Act.

In light of the foregoing, the Commission believes that it is incumbent on it to examine the situation and determine whether Commission action is warranted. Accordingly, the Commission will convene an informal public conference to elicit views and information from members of the public on this matter. The conference will be held at Commission offices in Hearing Room A, 825 North Capitol Street, N.E., Washington, D.C., on July 11–12, 1983, beginning at 10:00 a.m. The Commission encourages the presentation of all views, including those of interstate and intrastate pipelines, independent and affiliated producers, distributors, end-users, State and local regulatory authorities, and the general public, as to whether problems exist and whether Commission action is appropriate. Members of the public are welcome to attend.

In order to aid discussion, the Commission urges participants to focus particularly on the following questions.

1. Does existing State authority consistent with the *Northern Natural* case, or federal authority other than the Natural Gas Act, provide the basis for an adequate remedy for some or all of the problems discussed above?

2. If not, does the Commission's jurisdiction under present statutory authority provide the basis for an adequate remedy for some or all of these problems?

3. Is there any evidence that interstate pipelines are discriminating in the purchase of gas against some producers in favor of other producers?

a. Against independent producers in favor of affiliated producers?

b. Against producers in one state in favor of producers in other states?

c. Against owners in some wells in favor of owners in other wells within a State, or against some owners in a well in favor of other owners in that well?

4. Is there any evidence that pipelines are favoring some producers or end-users with respect to transportation of gas?

5. If pipelines are not purchasing from producers evenly, is this due to:

a. Some producers asking too high a price?

b. Varying contractual obligations of the pipelines, such as varying take-or-pay provisions?

c. Allowables set by the States?

6. Does the right of first refusal under the Natural Gas Policy Act, 15 U.S.C. 3375 (Supp. IV 1980), or under the Commission's regulations, 18 CFR 277.201–277.210, inhibit the flexibility of producers to find alternative markets for their gas?

7. If the Commission should require pipelines to establish practices that allocate the reduced market demand among producers, should reductions be made:

a. Pro rata based upon the total deliverability of wells?

b. By reducing or eliminating higher priced gas first, and then pro rata according to deliverability?

c. By some other method?

What technical problems will arise as a result of any of these methods?

8. Should the Commission take no action and simply allow the marketplace to allocate reduced market demand among producers?

Any person wishing to present data, views or other information on these matters at the conference must submit a written request to participate to the Secretary of the Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, by June 24, 1983. Requests to participate should include a reference to Docket No. RP83–96–000, a brief summary of the participant's interest, the issues to be addressed in the presentation, and an address and telephone number where the participant may be reached. Participants may be assigned to a panel in order to establish a logical order of presentation and to facilitate an informal exchange of views. A schedule of participants and assignments will be available in advance of the conference. To aid the Commission in preparation for the conference, each participant is also requested to submit three copies of a written statement of his or her presentation to the Secretary of the Commission by July 1, 1983. These statements will be made part of the record. Additional copies of statements may be brought to the conference for distribution to members of the audience.

Commissioner Oliver G. Richard III will preside at the conference. Any person may submit questions to Commissioner Richard to be asked of participants. Commissioner Richard will determine whether the question is relevant and whether the time limitations permit it to be presented. If time permits at the conclusion of the scheduled presentations, persons who did not submit requests to participate will be afforded an opportuntiy to speak. Any further procedures will be announced by Commissioner Richard at the conference. A transcript of the conference will be available at the Commission's Office of Congressional and Public Affairs, Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426. Copies of the transcript may be purchased by members of the public.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15130 Filed 6–3–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5050–003]

New Hampshire Water Resources Board, Surrender of Preliminary Permit

May 31, 1983.

Take notice that the New Hampshire Water Resources Board (Board), Permittee for the proposed Mascoma Lake Project No. 5050, has requested that its preliminary permit be terminated. The preliminary permit was issued on May 25, 1982, and would have expired on November 30, 1983. The project would have been located on the Mascoma River in Grafton County, New Hampshire. No reason for surrender was offered.

The Board filed its request on May 3, 1983, and the surrender of its permit for Project No. 5050 is deem effective 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15013 Filed 6–3–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP83–340–000]

Producer-Suppliers of Transco Gas Supply Co.; Application

May 27, 1983.

Take notice that on May 25, 1983, Transco Gas Supply Company (Gasco), a subsidiary of Transco Energy Company, P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83–340–000 an application pursuant to Section 7 of the Natural Gas Act on behalf of producer-suppliers currently selling gas to Gasco pursuant to certificates of public convenience and necessity issued pursuant to Section 7(c) of the Natural Gas Act for permission and approval to abandon certificated sales to Gasco and for a certificate of public convenience and necessity authorizing the sale in interstate commerce of such abandoned reserves to certain customers of Transcontinental Gas Pipe Line Corporation (Transco) for a limited period, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Gasco's affiliate, Transco, in accordance with a settlement agreement approved by Commission letter order dated April 28, 1983, in rate proceedings Docket Nos. RP83–11–000 and RP83–30–000, has implemented a voluntary, experimental Industrial Sales Program (ISP) whereunder Transco, as agent for certain customers, would arrange for gas supplies to be purchased by eligible customers for the purposes of keeping natural gas prices competitive with the prices of alternate fuels and of maintaining historical throughput levels on Transco's system. Gasco states that the authorizations sought in this case are necessary to permit the inclusion into the ISP program, which is limited to the period April 1 through October 31, 1983, of gas supplies which presently are sold to Gasco under certificates of public convenience and necessity and which gas its producer-suppliers voluntarily elect to divert temporarily for sale to Transco's customers. It is also stated that, except to the extent that such gas supplies are utilized for the limited scope and term of the ISP program, Gasco's dedication of its gas reserves to Transco would remain the same.

It is asserted that under the ISP program all Natural Gas Policy Act of 1978 price categories of gas supplies are eligible to participate; therefore, Gasco may release gas reserves tendered by producers that do not require abandonment authority under Section 7(b) or a certificate under Section 7(c) of the Natural Gas Act in order to participate therein.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the

certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Gasco to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15014 Filed 6-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5203-002]

Puget Sound Power and Light Co.; Surrender of Preliminary Permit

May 31, 1983.

Take notice that Puget Sound Power and Light Company, Permittee for the proposed Goat Mountain Project No. 5203, has requested that its preliminary permit be terminated. The permit was issued on December 10, 1981, and would have expired November 30, 1983. The project would have been located on the South Fork Nooksack River in Skagit County, Washington.

The Permittee filed its request on May 2, 1983, and the surrender of the preliminary permit for Project No. 5203 is deemed accepted as of May 2, 1983, and effective as of 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15015 Filed 6-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6263-001]

Seattle Oil Service, Inc.; Surrender of Preliminary Permit

May 31, 1983.

Take notice that Seattle Oil Service, Inc., the Permittee for the proposed Waste Waterway 68D, Dike No. 8 Project No. 6263, has requested that its preliminary permit be terminated. The permit was issued on August 25, 1982, and would have been located on the Waste Waterway 68D in Adams County, Washington.

The Permittee filed its request on March 14, 1983, and the surrender of the preliminary permit for Project No. 6263 is deemed accepted as of March 14, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15016 Filed 6-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6121-001]

Seattle Oil Service, Inc.; Surrender of Preliminary Permit

May 31, 1983.

Take notice that Seattle Oil Service, Inc., the Permittee for the proposed Frenchman Hills Waste Waterway Station 15+00 Project No. 6121, has requested that its preliminary permit be terminated. The permit was issued on July 9, 1982, and would have expired January 31, 1984. The project would have been located on the Frenchman Hills Waste Waterway in Grant County, Washington.

The Permittee filed its request on March 14, 1983, and the surrender of the preliminary permit for Project No. 6121 is deemed accepted as of March 14, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15017 Filed 6-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6248-001]

Seattle Oil Service, Inc.; Surrender of Preliminary Permit

May 31, 1983.

Take notice that Seattle Oil Service, Inc., the Permittee for the proposed Waste Waterway 68D, Dike No. 9 Project No. 6248, has requested that its preliminary permit be terminated. The permit was issued on August 25, 1982, and would have expired February 28, 1984. The project would have been located on the Waste Waterway 68D in Adams County, Washington.

The Permittee filed its request on March 14, 1983, and the surrender of the preliminary permit for Project No. 6248 is deemed accepted as of March 14, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15018 Filed 6-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6766-001]

Upper San Joaquin River Water and Power Authority; Surrender of Preliminary Permit

May 31, 1983.

Take notice that the Upper San Joaquin River Water and Power Authority, Permittee for the proposed Forks Hydroelectric Project No. 6766, has requested that its preliminary permit be terminated. The Preliminary Permit was issued on March 29, 1983, and would have expired on March 31, 1986. The project would have been located on the San Joaquin River near Mammoth Lakes, in Madera County, California.

The Permittee filed its request on April 21, 1983, and the surrender of the preliminary permit for Project No. 6766 is deemed accepted as of April 21, 1983, and effective 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15019 Filed 6-3-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy has issued a Decision and Order concerning second stage refund procedures to be implemented for distribution of the consent order funds remitted to the DOE by Worldwide Energy Corporation, Loveladdy Oil Company, Gas Engine and Compressor Service and Fagadau Energy Corporation.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633-8377.

SUPPLEMENTARY INFORMATION: The Decision and Order which appears below establishes procedures for distribution of the consent order funds remitted to the DOE by the four firms named above. The respective amounts of the escrowed funds are: $49,400 (Worldwide), $25,000 (Loveladdy), $51,400 (Gas Engine) and $83,985 (Fagadau). The entire balance of these

funds, plus all interest accrued to date, remains unclaimed following the expiration of the deadlines for firms who purchased petroleum products marketed by the four firms to submit applications for refund.

In this Decision, the Office of Hearings and Appeals (OHA) apportioned 82.13 percent of the Worldwide consent order fund, or $40,572 plus accrued interest, to the State of Texas. Upon approval by the OHA of a plan submitted by the state which will provide restitutionary benefits to consumers of natural gas liquids products in the State of Texas that amount will be paid to the State of Texas. The remaining 17.87 percent of the Worldwide Fund was apportioned to the State of Oklahoma and will be distributed to the State of Oklahoma under similar conditions. In addition, 100 percent of the Loveladdy, Gas Engine, and Fagadau consent order funds are apportioned for the State of Texas because all of the petroleum products sold by those firms were marketed in Texas. As discussed in the Decision below, the DOE has concluded that the state governments are appropriate bodies to formulate a distribution plan in these proceedings because they will provide effective and efficient restitution to petroleum products consumers in the firms' market areas.

Dated: May 27, 1983.

Richard W. Dugan,

Acting Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy, Second Stage Refund Procedures

Name of Petitioner: Worldwide Energy Corporation, Loveladdy Oil Company, Gas Engine and Compressor Service, Fagadau Energy Corporation.

Dates of Filing: February 8, 1983 (Worldwide, Loveladdy, & Gas Engine), February 14, 1983 (Fagadau).

Case No.: HQF–0015, HQF–0016, HQF–0017, HQF–0018.

On May 17, 1982, the Office of Hearings and Appeals of the Department of Energy issued a Decision and Order establishing special refund procedures for distributing funds obtained by the DOE through consent orders entered into by Fagadau Energy Corporation (Fagadau), Liquid Products Recovery, Inc., Worldwide Energy Corporation (Worldwide) and Gas Engine and Compressor Service (Gas Engine). *Office of Enforcement*, 9 DOE ¶ 82,567 (1982) (hereinafter cited as *Fagadau*). Subsequently, on May 20, 1982, we issued a Decision and Order establishing special refund procedures for distributing funds from the consent orders entered into with Panhandle Eastern Pipeline Company, PVM Oil Associates, Inc., Loveladdy Oil Company (Loveladdy), Armstrong and Associates, and Ethyl Corporation, *Office of Enforcement*, 9 DOE ¶ 82,569 (1982) (hereinafter cited as *Panhandle*). Under the terms of the consent orders, each firm placed money into a DOE escrow account to be distributed, together with interest, in accordance with the directives of the OHA pursuant to special refund proceedings. While common legal and factual issues in these cases made it appropriate to consolidate them for the purpose of establishing special refund procedures, the consent order funds have remained separate, and the refund proceedings in each case have been handled separately. The present Decision concerns only the Worldwide, Loveladdy, Gas Engine and Fagadau (the four firms) consent order funds.

The May 17 and May 20 Decisions established a two-stage process for the distribution of the consent order funds involved. In the first stage, applications for refund would have been accepted from claimants who purchased refined products from the firms involved during the respective consent order periods. The deadline for filing first stage refund applications for the firms covered by the *Fagadau* decision was August 23, 1982. The deadline for the submission of refund applications for the *Panhandle* group was August 24, 1982. The two Decisions also suggested that any funds remaining after qualified claimants had been paid would be distributed to entities which would pass through the benefits of any refunds to the group of persons who were likely injured as a result of the allegedly improper pricing practices.

The deadline for the submission of claims has now passed, and we have not received any refund applications from firms that purchased products from Worldwide, Loveladdy, Gas Engine or Fagadau. Under these circumstances, any possible claimant has waived its right to receive a refund during the first stage claims process. This Decision will therefore address the procedures to be instituted for distribution of the four firms' consent order funds in the second stage of the refund process. After a careful examination of the records compiled in each of these cases, we have determined that the state governments in respective market areas served by the four firms appear to be the most appropriate entities through which the benefits of these settlement funds may be distributed to injured parties

Background

In its audit of Worldwide's Rattlesnake Creek Gas Processing Plant, which was previously owned by Worldwide's predecessor firm, Central States Gas Company, the Office of Enforcement of the DOE's Economic Regulatory Administration (OE) found possible violations with respect to first sales of natural gas liquids (NGLs) during the period April 1, 1975 through April 30, 1977. Central States sold the output from that plant to Liquid Petroleum Corporation during the months of April and May 1975, and continued to sell butane and natural gasoline to that firm during June 1975. During the period June 1975 through April 1977, Central States sold all of the propane obtained at the Rattlesnake Creek plant to Pontotoc Oil Company, and sold butane and natural gasoline to the same firm from July 1975 through April 30, 1977. In order to settle all claims and disputes between the parties, Worldwide agreed to pay $49,400 to the DOE. The parties further agreed that this amount would be distributed by the DOE pursuant to 10 CFR Part 205, Subpart V. On March 21, 1980, the DOE published notice of the Worldwide Consent Order in the **Federal Register** and requested that persons believing that they had a claim to all or a portion of the refund amount file written notification of such a claim with ERA within 30 days. 45 FR 18430 (1980). No claim was filed. The OE was unable to identify the persons, if any, who were entitled to the Worldwide settlement fund or to ascertain the amounts of refunds that such persons were entitled to receive. Accordingly, it subsequently filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals.

In its audit of Loveladdy the OE found possible regulatory violations with respect to the firm's sales of No. 2 fuel oil and motor gasoline in the State of Texas during the period November 1, 1973, through April 30, 1974. The OE identified thirty-eight firms and individuals who were first purchasers of fuel oil and gasoline from Loveladdy during the period concerned. The DOE and Loveladdy entered into a consent order under which Loveladdy agreed to remit $25,000 to the DOE in settlement of all claims and disputes between the parties arising from the audit. The terms of the final consent order were published in the **Federal Register** on August 3, 1979. *See* 44 FR 45663 (1979). Interested parties were given an opportunity to comment on the terms of the consent order and to submit written notice of potential claims against the refund amount. The DOE received no claims in response to that notice and consequently the OE filed a Subpart V Petition for this settlement fund.

In its audit of Gas Engine's Freestone gas processing plant, the OE found possible price violations with respect to first sales of NGLs during the period September 1973 through December 1976. Gas Engine sold NGLs from this plant to Wanda Petroleum and Martin Gas Sales Company. On August 28, 1979, the OE and Gas Engine entered into a consent order under which the firm agreed to pay $51,400 to the DOE in settlement of all disputes between the parties arising from the OE's audit of the Freestone plant. The parties stipulated that the funds were to be distributed by the DOE pursuant to a Subpart V proceeding. The terms of the final consent order were published in the **Federal Register** on September 11, 1979. *See* 44 FR 52880 (1979). Interested parties were given an opportunity to submit written notice of potential claims against the refund account, and the Consumer Energy Council of America submitted comments identifying itself as a potential claimant. No claims were filed by purchasers of NGLs from Gas Engine.

The OE also conducted an audit of Fagadau in order to determine whether the firm had complied with the DOE pricing regulations applicable to the NGLs. *See* 6 CFR Part 150, Subpart L, *and* 10 CFR Part 212, Subparts E and K. In its audits of Fagadau's

Bluegrove and Marietta gas processing plants, the OE found possible violations with respect to first sales of NGLs during the period September 1973 through October 1976. Fagadau sold the output from those plants only to TLOK Marketing during the relevant time period. In order to settle all claims and disputes between Fagadau and the OE regarding the first sales of NGLs, Fagadau agreed to pay $83,985 to the DOE. The parties further agreed that this amount would be distributed by the DOE pursuant to 10 CFR Part 205, Subpart V. On July 11, 1979, the Proposed Consent Order was finalized without modification and the DOE published notice in the **Federal Register** requesting that persons believing that they had a claim to all or a portion of the refund amount file written notification of such a claim with the OE within 30 days of publication. 44 FR 40545 (1979). No claim was filed.

Following the issuance of final determinations on the ERA's Petitions for the Implementation of Special Refund Procedures in connection with the funds in the *Fagadau* and *Panhandle* cases, we mailed written notice of the opportunity to file applications for refund for a portion of the refund moneys to each firm's first purchasers. We also published the *Fagadau* and *Panhandle* Decisions and Orders in the **Federal Register**. *See* 47 FR 25535 (1982) (*Fagadau*); 47 FR 23015 (1982) (*Panhandle*). However, no applications for refund for a portion of the four firms' funds had been filed by the time the deadlines for filing, August 23 and 24, 1982, had passed.

Comments on Second Stage Refund Procedures

Although we did not establish final second-stage procedures in the *Fagadau* and *Panhandle* Decisions, we suggested several possible distribution mechanisms: (1) First purchasers, who are in the best position to channel refunds to downstream purchasers, would be invited to formulate plans for distribution; (2) refunds might be made in the form of lowered energy or energy-related costs in the firms' market areas, through special programs formulated by state governments; and (3) in the event that other distribution mechanisms proved infeasible or inappropriate, we proposed that the remaining funds be deposited into the United States Treasury. Following our discussion of possible second-stage refund mechanisms, we sought comments from interested parties as to the appropriate distribution of second-stage funds.

In response to our request for comments on the appropriate second-stage refund procedures for these cases, we received submissions from nine state governments contending that residual funds should be distributed through them. *See, e.g., Attorneys General of the States of Delaware, et al.*, 10 DOE ¶ 82,536 (1982). We also received a submission from the Transportation Group, an organization representing four public transportation trade associations, in which the group maintained that all funds should be distributed only to direct purchasers of the petroleum products covered by the consent order. All of the comments which we received in this proceeding were generic rather than case-specific—all of them urged us to adopt a standard policy for disposition of all second-stage funds.

We disagree with the premise advocated by the state governments and the Transportation Group that the OHA should adopt a single approach to the disposition of second-stage funds in all special refund cases. As we have repeatedly stated, the appropriate solution to the question of what should be done with funds remaining after all first-stage claims have been adjudicated depends upon the factual circumstances involved in each case. *See Office of Enforcement*, 8 DOE ¶ 82,597 (1981) at 85,397 (hereinafter cited as *Vickers*); *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) at 88,217 (hereinafter cited as *Amoco*). Thus, the amount of money remaining, the product involved, and any information available about the probable distribution of the product or about the transactions underlying the consent order are all factors which we consider in determining the appropriate recipient or recipients for second-stage refunds.

The Transportation Group also argued in its submission that the OHA is obligated to refund moneys only to direct purchasers due to DOE statutes and regulations which require that refunds be made to "injured persons." The Transportation Group maintains that this language mandates that refund money may only be distributed to first purchasers and that therefore a distribution to other entities who agree to use the money to benefit the class of consumers who were injured is unlawful.

We find the Transportation Group's assertion that DOE statutes and regulations governing refund procedures permit us to refund settlement money *only* to direct purchasers of products covered by these consent orders to be completely without merit. As we have stated in a number of previous Decisions, the primary purpose of Subpart V special refund procedures is to provide restitution to persons injured by alleged regulatory violations. *See generally, Vickers; Sauder v. DOE*, 648 F.2d 1341 (Temp. Emer. Ct. App. 1981). Direct purchasers of the products involved, particularly direct purchasers who were resellers, may have simply passed on the injury in the form of increased prices. For this reason we required claimants filing first-state refund applications in these proceedings to demonstrate that they absorbed the alleged injury rather than passing it through to their customers. *See, e.g., Fagadau*, 9 DOE at 85,344. All purchasers, direct or indirect, of product covered by the consent orders were given notice of the opportunity to file applications for a portion of the consent order funds in the first stages of these proceedings. No direct purchasers filed claims. These firms have therefore waived their rights to seek a refund from these consent order funds.

However, as we have previously observed,

[T]he fact that claims to specific refunds may not be made does not mean that injuries to customers who did not file claims have not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the small size of these claims as well as the difficulty and expense of filing a claim.

Amoco, 10 DOE at 88,199. An examination of the records in these cases bears out this observation. In each of the present cases, the majority of the products involved was sold directly either to small firms who were consumers or to firms that resold the products. In the former situation, a consumer's claim might well be for so small an amount that the firm would not expend its resources filing a claim. In the latter case, resellers, for whom the product suppled constituted only a small portion of their entire supply, were in a position to pass on the effects of the alleged overcharges to their customers. *See, e.g., Tenneco Oil Company/Mid-Continent Systems, Inc.*, 10 DOE ¶ 85,009 (1982). Consequently, the injury experienced in these cases was likely borne by parties whose individual shares of the refund moneys are too small to justify the expense of their filing and our adjudicating these claims. Second stage refund procedures permit the fashioning of distribution programs to compensate injured persons who are unable for one reason or another to submit valid claims. *See Armstrong and Associates/City of San Antonio*, 10 DOE ¶ 85,050 (1983). Congress has expressly approved of indirect restitution by adopting the "Warner Amendment", Pub. L. No. 97–377, section 155(a), 96 Stat. 1830, 1919 (1982), which provides for distribution to the states of escrowed funds that are not likely to be otherwise refunded to injured persons. We have therefore concluded that we should fashion an appropriate second-stage refund mechanism designed to channel these refunds to injured parties who were unwilling or unable to file first-stage refund applications.

Second Stage Procedures

In several recent cases we have based our determination of the appropriate distribution of second-stage funds upon the factual circumstances in each case. For example, in *Office of Enforcement*, 10 DOE ¶ 85,072 (1983) (hereinafter cited as *PVM*), after examining the investigatory files complied by the DOE in the enforcement proceedings underlying the consent decree, we determined that a substantial portion of the product sold by PVM was sold to two ultimate consumers. In addition, we concluded that the remainder of the product was distributed to consumers of No. 2 fuel oil in the New York City metropolitan area. Consequently, we determined that the two identifed ultimate consumers of the fuel should receive a portion of the PVM fund with the remainder being reserved for distribution to New York State upon our approval of a state plan to use the money in a manner designed to benefit No. 2 fuel oil consumers in the New York City metropolitan area. *PVM*, 10 DOE at 88,307–08.

Of course, as we stressed in *PVM*

it is important to note that the consent decree is the result of a negotiated settlement which compromises the allegations therein and is in no way an admission of liability. . . . Thus, the DOE investigatory files represent preliminary determinations made by the agency and do not reflect actual overcharges. Nonetheless, we believe that these files, which formed the basis of the government's

complaint and which underlie the settlement, do provide an appropriate basis on which to fashion an equitable plan for restitution of the available funds in this case. *See Armstrong and Associates/City of San Antonio*, 10 DOE ¶ 85,050 (1983).

PVM at 88,307. The funds at issue in the present proceedings are also the fruits of settlement negotiations and do not reflect actual overcharges. However, we believe that an investigation into the circumstances underlying the consent orders, including an examination of the enforcement records compiled before agreement on a consent order, will assist us in formulating equitable distribution plans that will most likely benefit persons who were injured by the consenting firms' regulatory practices. We have therefore obtained copies of enforcement documents, when available, and have in some instances conducted our own investigation of the probable chain of transactions by which the products covered by these consent orders reached their ultimate consumers. We have concluded after our analysis of these cases that, based upon the amounts of money remaining, the products involved, and the probable distribution of those products, the funds should be distributed to the respective states in which the four firms' products were marketed. Prior to our issuing orders for payment of these funds to the states they will be required to submit a plan for the use of the money in a manner calcualted to benefit those residents who were likely injured by the alleged overcharges. The results of our analyses of the appropriate second-stage disposition of funds for each of the four firms follows.

The Worldwide consent order fund presently contains $49,400 principal and $23,302 interest as of April 30, 1983. The record indicates that the Worldwide consent order covered the firm's sales of butane, propane and natural gasoline to resellers located in Midland, Texas, and Tulsa, Oklahoma. The record further indicates that 17.87 percent of the alleged violations occurred in transactions with an Oklahoma reseller, Liquid Petroleum Corporation, and the remaining 82.13 percent was attributed to sales to Pontatoc Oil Company, a Texas reseller.[1] As noted above, neither firm filed a refund application even though notice of their eligibility to do so was mailed to them. We shall assume that these resellers of petroleum products likely declined to file first-stage refund applications because their probable recovery seemed insubstantial or because they would have been unable to establish that they did not pass through the alleged overcharges to their customers. We have therefore concluded that the Worldwide consent order fund should be distributed to the state governments of Texas and Oklahoma upon our approval of those states' proposals for projects to benefit likely injured parties.

There is $25,000 in principal and $11,586 in interest as of April 30, 1983, in the Loveladdy escrow account. The Loveladdy consent order was entered into after a Notice of Probable Violation was issued to the firm alleging overcharges in its sales of motor gasoline and No. 2 heating oil. The Notice of Probable Violation listed 38 Loveladdy customers, and Loveladdy furnished the OHA with addresses for those firms that were still in business. Seventeen of the firms were no longer in business. All of the firms were located in Texas and all of those that were still operating were notified of the opportunity to file for a refund. None of these firms, which area apparently small retailers and end-users, filed refund applications. Based upon the natures of Loveladdy's business and of the likely injured parties, and the small size of this fund, we have concluded that the loveladdy fund should be consolidated with other escrow funds from firms doing business in Texas for distribution to that state according to a consolidated plan to be proposed by the state.

Gas Engine's consent order fund is presently comprised of $51,400 principal land $24,317 in interest. The firm's consent order covered its sales of NGLs to two reseller firms in the vicinity of Longview, Texas. Neither firm filed a refund application. We have determined that this money should likewise be consolidated with other escrow funds for use by the State of Texas to benefit probable injured parties.

Finally, there is currently $83,985 principal and $39,733 interest in the Fagadau consent order fund. All of the NGLs covered by the consent order were sold to TLOK Marketing/United LPG Marketing of Dallas, Texas. Although notified by mail of its opportunity to file a refund application, that firm did not file. Upon investigation, we found that during the consent order period TLOK transported the NGLs by by pipeline to Houston, where they were processd for TLOK's account into ethane, propane, and natural gasoline by either Crystal Oil Company, Cities Service Company or Enterprise Products, Inc. These products were then all sold by TLOK to dealers within Texas. Consequently, we have concluded that the Fagadau escrow fund should be included in the consolidated Texas state fund.

State-Formulated Plans

As we have indicated above, the escrow funds designated for second-stage distribution to the States of Texas and Oklahoma will be disbursed upon our approval of a state-formulated plan for spending this money. The plans should meet the general restitutionary objective of benefiting the class of persons who were injured by the violations—consumers of propane, butane, No. 2 fuel and motor gasoline. The plans will be scrutinized to ensure that administrative costs will be minimized. The refunds must not be used as a substitute for state funds to implement projects or programs which would be funded regardless of this distribution. In other words, the money distributed to Texas and Oklahoma should be used to supplement, not supplant, any state or federal funds which are already budgeted for those purposes. Each program must be implemented within a reasonable period following receipt of the funds. After implementation of the plan, the states should certify that the funds were spent in accordance with the approved plans.

Following the broad guidelines discussed above the plans that Texas and Oklahoma submit should include the following information: (1) a description of the programs to be funded; (2) the timeframe for implementation of the programs; (3) a statement explaining whether each program is an enlargement of an existing program or a new project; (4) an explanation of the manner in which consumers of the products covered by the consent orders will benefit from the programs; (5) a statement certifying that the submitting agency or office has authority under state law to submit the plan; and (6) a statement committing the agency or office responsible for administering the plan to filing with the OHA a post-plan report, which will include a certification that the funds were spent in accordance with the DOE-approved plan.

Finally, to assist the States of Texas and Oklahoma in formulating a suitable distribution plan, we can suggest the following types of programs which would provide restitutionary benefits to consumers of the products covered by the four firms' consent orders:

(1) Maintenance or repair of state highways and bridges;

(2) Energy conservation or energy research programs directed toward residential, agricultural and commerical users of the covered products;

(3) Grant or loan programs for weatherization or other energy conservation equipment.

To the extent that benefits will be derived by the class of persons who are users of the covered products the funds may be used to augment various federal energy-related programs already implemented for these purposes. The above list is by no means exhaustive, and the states are free to select any appropriate energy-related project or program, so long as the funds will be spent in a manner which satisfies the restitutionary objectives of this special refund proceeding.

The following procedures will govern the processing of the states' shares of the second-stage refund money in this proceeding. The States of Texas and Oklahoma should submit a plan to spend their share of the four firms' funds. If approved, we will direct disbursement of the escrow funds. The states will be required to submit a post-plan report when the project(s) is completed. Copies of the plan and the post-plan reports will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C.

It Is Therefore Ordered That:

(1) The State of Texas shall be apportioned:

(a) 82.13 percent of the Worldwide Energy escrow fund ($40,572) plus accrued interest;

(b) 100 percent of the Loveladdy Oil Company escrow fund ($25,000) plus accrued interest;

[1] These calculations are based upon "Attachment A" to the November 26, 1979 Notice of Probable Violation issued to Central States and upon sales information provided by Worldwide.

(c) 100 percent of the Gas Engine and Compressor Service escrow fund ($51,400) plus accrued interest; and

(d) 100 percent of the Fagadau Energy Corporation escrow fund ($83,985) plus accrued interest.

(2) The State of Oklahoma shall be apportioned 17.87 percent of the Worldwide Energy Corporation escrow fund ($8,828) plus accrued interest.

(3) Payment to the states of the amounts set forth in paragraphs (1) and (2) will be made after approval by the Office of Hearings and Appeals of a plan submitted by the states which will benefit probable injured parties within the state and which conforms with the guidelines set forth in the foregoing Decision.

(4) This is a final order of the Department of Energy.

Dated May 27, 1983.

Richard W. Dugan,

Acting Director Office of Hearings and Appeals.

[FR Doc. 83-15012 Filed 6-3-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2375-6]

Availability of Environmental Impact Statements Filed May 23 Through May 27, 1983

RESPONSIBLE AGENCY: Office of Federal Activities, general information (202) 382-5075 or 382-5076.

US Army Corps of Engineers:
- EIS No. 830277, Draft, COE, OH, Reno Beach-Howard Farms Flood Protection Project, Lucas County, Due: July 28, 1983
- EIS No. 830203, Final, COE, AK, St. Paul Island Small Boat Harbor, Construction, Bering Sea, Due: July 5, 1983
- EIS No. 830285, FSuppl, COE, CA, Sacramento River Bank Stabilization, Butte, Glenn and Teham Counties, Due: July 5, 1983

Department of Energy:
- EIS No. 830286, Final, DOE, MA, Mt. Tom Generating Station Unit 1, Coal Conversion, Hampden County, Due: July 5, 1983

Department of the Interior:
- EIS No. 830279, Draft, BLM, WY, Salt Wells-Pilot Butte Resource Area Livestock Grazing Mgmt. Program, Due: July 31, 1983
- EIS No. 830287, Draft, BLM, NV, Shoshone-Eureka Resource Area, Resource Mgmt., Lander/Eureka/Nye Cos., Due: July 18, 1983
- EIS No. 830288, Draft, BLM, CA, North Central California, WSAs, Timbered Crater & Lava, Designation, Due: Sept. 1, 1983

Department of Transportation:
- EIS No. 830278, Draft, FHW, WV, North Valley Dr./WV-16 Widening, County Rd. 6 to US 19/21, Raleigh Co., Due: July 18, 1983
- EIS No. 830280, Draft, FHW, OR, Chambers Connector Const., River Rd to 6th/7th Ave. Couplet, Lane Co., Due: July 7, 1983

Department of Housing and Urban Development:
- EIS No. 830281, Final, HUD, IL, Butterfield Development, Mortgage Insurance, DuPage County, Due: July 5, 1983
- EIS No. 830284, Final, HUD, WY, Elkhorn Valley Development, Mortgage Insurance, Natrona County, Due: July 5, 1983

Department of Agriculture:
- EIS No. 830282, Final, SCS, NB, Wolf-Wildcat Creeks Watershed Flood Protection Plan, Gage/Pawnee Cos., Due: July 5, 1983
- EIS No. 830283, Final, AFS, CO., Homestake Phase II Project, Water Diversion, White River, Eagle Co., Due: July 5, 1983

Amended Notices:
- EIS No. 830258, Final, UMT, CA, Muni J Line Connection Project, San Francisco County, Published FR 05/20/83—Incorrect agency, Due: June 20, 1983
- EIS No. 830253, Draft, FWS, AR, Cache River Basin Waterfowl Habitat Preservation, Published FR 05/20/83—Review extended, Due: Aug. 15, 1983

Dated: May 31, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-14991 Filed 6-3-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-679-DR]

Louisiana; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Louisiana (FEMA-679-DR), dated April 20, 1983, and related determinations.

DATED: May 25, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Louisiana dated April 20, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 20, 1983.

East Baton Rouge Parish for Public Assistance.

In addition to Individual Assistance, East Feliciana Parish is also designated eligible for Federal assistance to disaster-damaged public schools under Pub. L. 81-815 and Pub. L. 81-874, as appropriate.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-15049 Filed 6-3-83; 8:45 am]

BILLING CODE 6718-02-M

National Emergency Training Center, Board of Visitors for the National Fire Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Fire Academy.

Dates of Meeting: June 29-30, 1983.

Place: National Fire Academy, Emmitsburg, MD.

Time: 9:00 a.m. to 5:00 p.m.

Proposed Agenda: June 29-30: Reviewing FY 84 Operating Plan and Multi-Year Plan.

The meeting will be open to the public with approximately 20 seats available on a first-come, first-serve basis. Members of the general public who plan to attend the meeting should contact Mr. Joseph Donovan, Superintendent, National Fire Academy, 16825 South Seton Avenue, Emmitsburg, MD 21727 (telephone number 301-447-6771) on or before June 12, 1983.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Associate Director's Office, Building N, National Emergency Training Center, Emmitsburg, MD: Copies of the minutes will be available upon request 30 days after the meeting.

Dated: May 25, 1983.

Joseph L. Donovan,

Superintendent, National Fire Academy.

[FR Doc. 83-15050 Filed 6-3-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2602]

Andrew Buchanan Rogers; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further

provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Andrew Buchanan Rogers, 217 Forest Trail, Isle of Palms, South Carolina 29451 was cancelled effective May 15, 1983.

By letter dated April 25, 1983, Andrew Buchanan Rogers was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2602 would be automatically revoked unless a valid surety bond was filed with the Commission.

Andrew Buchanan Rogers has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2602 be and is hereby revoked effective May 15, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 2602 issued to Andrew Buchanan Rogers be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Andrew Buchanan Rogers.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-15089 Filed 6-3-83; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Commission, Washington, D.C. 20573.

Starboard Group, Inc., 1141 Caspian Avenue, Long Beach, CA 90813, Officers: Sabrina A. Mason, President, Lucien Deret, Vice President; Jean Luc Berne, Secretary

Hana Corporation, 150 Broadway, No. 714, New York, NY 10038. Officers: Kyung T. Han, President/Director, Su Wan Choi, Director; Margaret McGovern, Dirctor, Rennie J. Day, Director

B.V.T. America, Incorporated, 2260-K Landmeier Road, Elk Grove Village, IL 60007. Officers: Jim van Leenen, President/Director, Leslie G. Etters, Jr., Vice President, C.J.P. van Veen, Director.

Dated: June 1, 1983.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-15085 Filed 6-3-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2184]

Kronos International Shippers, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Kronos International Shippers, Inc. was cancelled effective May 22, 1983.

By letter dated April 29, 1983, Kronos International Shippers, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2184 would be automatically revoked unless a valid surety bond was filed with the Commission.

Kronos International Shippers, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2184 be and is hereby revoked effective May 22, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 2184 issued to Kronos International Shippers, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Kronos International Shippers, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-15087 Filed 6-3-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1913-R]

Miami Lakes International Freight (Gladys C. Moreno, dba); Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Miami Lakes International Freight (Gladys C. Moreno, dba), 5901 N.W. 151st Street, Bay A, Miami Lakes, FL 33014 was cancelled effective May 14, 1983.

By letter dated April 18, 1983, Miami Lakes International Freight (Gladys C. Moreno, dba) was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1913-R would be automatically revoked unless a valid surety bond was filed with the Commission.

Miami Lakes International Freight (Gladys C. Moreno, dba) has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1913-R be and is hereby revoked effective May 14, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 1913-R issued to Miami Lakes International Freight (Glayds C. Moreno, dba) be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Miami Lakes International Freight (Gladys C. Moreno, dba).

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-15088 Filed 6-3-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2390]

Southern Pacific International, Inc.; Order of Revocation

On April 30, 1983, Southern Pacific International, Inc., One Market Plaza, Southern Pacific Bldg., San Francisco,

CA 94105 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2398.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2398 issued to Southern Pacific International, Inc., be revoked effective April 30, 1983.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2398 issued to Southern Pacific International, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Southern Pacific International, Inc.

Albert J. Klingel, Jr.

Director, Bureau of Certification and Licensing.

[FR Doc. 83-15088 Filed 6-3-83; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

Travel Expenses; Report on the Cost of Travel and the Operation of Privately Owned Vehicles

The Travel Expense Amendments Act of 1975 (Pub. L. 94-22, May 19, 1975) requires the periodic investigation of the cost of travel and the operation of privately owned vehicles (automobiles, motorcycles, and airplanes) to employees while engaged on official business. Further the Act requires that the results of these investigations be reported to the Congress and published in the **Federal Register**.

Publication of the following report is in compliance with the requirements of the Act.

Dated: May 9, 1983.

Ray Kline,

Acting Administrator of General Services.

Report to Congress

The General Services Administration has concluded the investigation of the cost of travel and the cost of operating privately owned automobiles, airplanes, and motorcycles. We have identified the costs and consulted with representatives of employee organizations, the General Accounting Office, and the Departments of Defense and Transportation.

Based on the results of the current investigations, we are reporting our determination that a per diem allowance of $63 would be necessary to adequately compensate Government travelers. We can take no administrative action to increase the per diem rate, however, since the current allowance is already at the statutory maximum of $50.

The investigations also show that the costs have increased in a majority of the 158 existing high rate geographical areas (HRGA's) (enclosure 1). Travel expenses in HRGA's are reimbursed on an actual expense basis subject to a statutory maximum of $75 per day. Reimbursement rates in 52 of the existing HRGA's are already at the $75 statutory maximum level and cannot be increased until legislation is enacted to provide for further increases. Subsistence costs in these 52 areas range from $75.85 to a high of $157.40 in New York City. Reimbursement rates in the other 106 existing HRGA's are currently under the $75 statutory maximum. The administratively set rate in 18 of these areas is adequate and no change is required; 84 areas require an increase to the level of cost reported in our study. Subsistence costs in the remaining four areas range from $75.60 to $77.10; thus an increase in the reimbursement rates for those areas is restricted to the $75 statutory maximum.

Additionally, the investigations reveal that 23 new locations (enclosure 2) qualify for designation as HRGA's. To qualfiy as an HRGA, an area's subsistence cost (rounded to the nearest dollar) must exceed the maximum per diem by 10 percent or more. Based on a $50 maximum per diem, the minimum qualifying cost for HRGA status is $55. Current subsistence costs in the 23 areas range from $54.85 to over $75 per day.

Designation of these additional HRGA's brings to 181 the total number of HRGA's within the conterminous United States. We will issue the regulations necessary to so designate these additional localities and to increase the amounts allowed in 88 of the localities already designated as HRGA's. As indicated above, however, the current $75 statutory maximum for actual subsistence expense reimbursement is not adequate to cover travel expenses incurred in all areas. The subsistence cost actually exceeds the statutory maximum in 57 of the 181 areas.

With respect to privatedly owned vehicles (POV's) used on official Government business our investigations reveal that the average cost per mile for operating an automobile is 20.5 cents; for a motorcycle is 25.0 cents; and for an airplane is 63.0 cents. We will issue regulations to increase the automobile mileage rate to 20.5 cents, currently an adequate level of reimbursement. The current allowances for motorcycles (20 cents per mile) and airplanes (45 cents per mile), however, are at their respective statutory maximums and cannot be administratively increased.

As noted above, GSA's flexibility in adjusting the POV and subsistence allowances is limited to adjusting the automobile mileage allowance and certain HRGA's rates. Legislative action would be required to allow GSA to administratively adjust all of the allowance rates to levels which adequately cover the costs.

This report on the costs of travel and the operation of privately owned vehicles will be published in the **Federal Register**. The governing regulations will be amended within 30 days to reflect the subsistence and mileage allowance changes discussed above.

EXISTING HIGH RATE GEOGRAPHICAL AREA (HRGA) ALLOWANCE CHANGES

HRGA	Current rate	Current cost	Proposed maximum rate
1. Akron, OH	$59	$61.15	$61
2. Albany, NY	70	74.40	74
3. Albuquerque, NM	67	73.10	73
4. Amarillo, TX	58	61.05	61
5. Annapolis, MD	62	65.90	66
6. Ann Arbor, MI	64	68.30	68
7. Asheville, NC	60	77.10	[1] 75
8. Aspen, CO:			
(May 1–Oct. 31, incl.)	75	77.85	[1] 75
(Nov. 1–Apr. 30, incl.)	75	87.55	[1] 75
9. Atlanta, GA	75	86.65	[1] 75
10. Atlantic City, NJ	75	100.95	[1] 75
11. Austin, TX	75	81.00	[1] 75
12. Baltimore, MD	75	80.95	[1] 75
13. Baton Rouge, LA	72	75.30	75
14. Beaumont, TX	55	57.50	58
15. Birmingham, AL	54	60.75	61
16. Bismarck, ND	60	61.10	61
17. Boise, ID	62	63.40	63
18. Boston, MA	75	109.60	[1] 75
19. Boulder, CO	70	71.35	71
20. Bridgeport, CT	65	75.05	75
21. Brownsville, TX	58	60.40	60
22. Buffalo/Niagara Falls, NY	68	72.55	73
23. Burlington, VT	61	65.65	66
24. Camden, NJ	64	67.15	67
25. Casper, WY	53	59.25	59
26. Charleston, SC	64	66.20	66
27. Charleston, WV	62	68.00	68
28. Charlotte, NC	62	65.45	65
29. Chester, PA	55	59.20	59
30. Cheyenne, WY	62	61.95	62
31. Chicago, IL	75	116.70	[1] 75
32. Cincinnati/Evendale, OH	72	76.70	[1] 75
33. Cleveland, OH	75	82.95	[1] 75
34. Coatesville/Valley Forge, PA	75	83.40	[1] 75
35. Cocoa Beach, FL	65	65.00	65
36. Columbia, SC	63	64.95	65
37. Columbus, OH	68	71.30	71
38. Corpus Christi, TX	69	74.00	75
39. Covington, KY	59	62.00	62
40. Dallas/Fort Worth, TX	75	106.50	[1] 75
41. Dayton, OH	67	73.55	74
42. Denver, CO	75	92.45	[1] 75
43. Des Moines, IA	60	62.10	62
44. Detroit, MI	75	91.00	[1] 75
45. Dover, NJ	68	75.60	[1] 75
46. Duluth, MN	62	63.48	63
47. Durango, CO	60	64.51	65
48. Eatontown, NJ	75	82.10	[1] 75
49. Edison, NJ	75	75.95	[1] 75
50. El Paso, TX	72	72.48	72
51. Fort Lauderdale, FL	70	70.95	71
52. Fort Walton Beach, FL:			
(May 1–Labor Day, incl.)	55	76.75	[1] 75

EXISTING HIGH RATE GEOGRAPHICAL AREA (HRGA) ALLOWANCE CHANGES—Continued

HRGA	Current rate	Current cost	Proposed maximum rate
(After Labor Day–Apr. 30, incl.)	55	55.40	55
53. Fort Wayne, IN	65	67.05	67
54. Fresno, CA	70	72.30	72
55. Galveston, TX:			
(Memorial Day–Labor Day, incl.)	68	82.70	[1] 75
(All other times)	55	66.05	66
56. Gary, IN	82	84.95	85
57. Glenwood Springs, CO	64	68.96	69
58. Grand Junction, CO	58	62.90	63
59. Grand Rapids, MI	86	95.90	95
60. Harrisburg, PA	75	79.60	[1] 75
61. Hartford, CT	75	82.10	[1] 75
62. Hilton Head, SC:			
(Mar. 1–Nov. 30, incl.)	75	110.55	[1] 75
(Dec. 1–Feb. 29, incl.)	75	81.80	[1] 75
63. Houston, TX	75	86.90	[1] 75
64. Huntsville, AL	61	63.35	63
65. Hyannis, MA:			
(Jun. 1–Labor Day, incl.)	56	79.85	[1] 75
(After Labor Day–May 31, incl.)	56	56.40	56
66. Indianapolis, IN	74	76.90	[1] 75
67. Jackson, MS	62	63.30	63
68. Jacksonville, FL	62	67.60	68
69. Kalamazoo, MI	60	61.80	62
70. Kansas City, MO/KS	75	92.15	[1] 75
71. King of Prussia/Fort Washington, PA	75	81.05	[1] 75
72. Knoxville/Oak Ridge, TN:			
(May 1, 1982–Oct. 31, 1982, incl.)	75	84.70	[1] 75
(On and after Nov. 1, 1982)	58	57.80	58
73. Lake Charles, LA	61	62.95	63
74. Lake Placid, NY:			
(Jun. 1–Labor Day, incl.)	70	81.15	[1] 75
(After Labor Day–May 31, incl.)	73	72.65	73
75. Las Vegas, NV	75	93.25	[1] 75
76. Lexington, KY	70	73.45	73
77. Little Rock, AR	60	64.45	64
78. Los Angeles, CA	75	115.70	[1] 75
79. Louisville, KY/Charlestown, IN	73	73.85	74
80. Lubbock, TX	57	58.30	58
81. Madison, WI	67	67.00	67
82. Manassas, VA	56	60.50	61
83. Manchester, NH	67	69.90	69
84. Martha's Vineyard/Nantucket, MA:			
(Jun. 1–Labor Day, incl.)	88	98.00	[1] 75
(After Labor Day–May 31, incl.)	66	67.00	66
85. Memphis, TN	70	72.90	73
86. Miami, FL	75	91.00	[1] 75
87. Milwaukee, WI	75	76.75	[1] 75
88. Minneapolis/St. Paul, MN	75	83.15	[1] 75
89. Mobile, AL	57	61.35	62
90. Monterey, CA:			
(May 1–Oct. 31, incl.)	75	95.45	[1] 75
(Nov. 1–Apr. 30, incl.)	75	76.85	[1] 75
91. Nashville, TN	68	69.05	69
92. Newark, NJ	75	92.50	[1] 75
93. New Bedford, MA	66	66.65	69
94. New Haven, CT	75	79.95	[1] 75
95. New London/Groton, CT:			
(Apr. 1–Oct. 31, incl.)	61	71.50	72
(Nov. 1–Mar. 31, incl.)	61	60.90	61
96. New Orleans, LA	75	89.25	[1] 75
97. Newport, RI:			
(May 1–Oct. 31, incl.	71	92.50	[1] 75
(Nov. 1–Apr. 30, incl.)	71	71.00	71
98. New York, NY:			
Manhattan only	75	157.40	[1] 75
Other than Manhattan	75	109.05	[1] 75
99. Norfolk, VA	70	74.25	74
100. Ocean City, MD	75	82.67	[1] 75
101. Oklahoma City, OK	64	66.50	67
102. Omaha, NE	64	67.05	67
103. Orlando, FL	65	66.70	66
104. Palm Springs, CA:			
(Jul. 1–Nov. 30, incl.)	75	73.05	73
(Dec. 1–Jun. 30, incl.)	75	83.95	[1] 75
105. Philadelphia/Sale Cynwyd, PA	75	87.25	[1] 75
106. Phoenix/Scottsdale, AZ	65	70.35	70

EXISTING HIGH RATE GEOGRAPHICAL AREA (HRGA) ALLOWANCE CHANGES—Continued

HRGA	Current rate	Current cost	Proposed maximum rate
107. Pittsburgh/Monroeville, PA	75	80.10	[1] 75
108. Pittsfield, MA	61	66.45	66
109. Pontiac, MI	65	65.90	66
110. Portland, ME	71	71.85	72
111. Portland, OR	71	72.40	73
112. Princeton/Trenton, NJ	75	80.50	[1] 75
113. Providence, RI	75	77.30	[1] 75
114. Raleigh, NC	65	69.65	70
115. Reading, PA	56	57.90	58
116. Richmond, VA	62	65.35	65
117. Roanoke, VA	58	59.40	59
118. Rochester, NY	75	85.60	[1] 75
119. Rockford, IL	55	57.00	58
120. St. Louis, MO	75	85.45	[1] 75
121. Sacramento, CA	75	79.25	[1] 75
122. Saginaw, MI	60	63.05	63
123. Salisbury, MD	63	67.66	68
124. Salt Lake City, UT	75	77.55	[1] 75
125. San Antonio, TX	75	82.95	[1] 75
126. San Diego, CA	75	103.50	[1] 75
127. San Francisco/Oakland, CA	75	124.00	[1] 75
128. San Jose, CA	75	84.50	[1] 75
129. San Luis Obispo, CA:			
(May 1–Oct. 31, incl.)	64	70.65	70
(Nov. 1–Apr. 30, incl.)	64	64.60	64
130. San Mateo, CA	67	69.05	69
131. Santa Barbara, CA	75	91.95	[1] 75
132. Santa Cruz, CA:			
(May 1–Oct. 31, incl.)	68	80.10	[1] 75
(Nov. 1–Apr. 30, incl.)	68	67.50	68
133. Santa Fe, NM:			
(Jun. 1–Oct. 31, incl.)	71	93.15	[1] 75
(Nov. 1–May 31, incl.)	71	71.25	71
134. Sarasota, FL	57	57.70	58
135. Savannah, GA	59	59.60	60
136. Seattle, WA	75	93.20	[1] 75
137. South Bend, IN	62	64.45	64
138. Spokane, WA	66	66.30	66
139. Springfield, IL	59	62.05	62
140. Springfield, MA	63	64.60	65
141. Syracuse, NY	75	77.75	[1] 75
142. Tacoma, WA	57	60.90	61
143. Tampa/St. Petersburg, FL	75	85.35	[1] 75
144. Toledo, OH	67	69.00	70
145. Tom's River, NJ	68	69.45	69
146. Tucson, AZ	71	71.35	71
147. Tulsa, OK	75	83.10	[1] 75
48. Vail, CO:			
(May 1–Nov. 30, incl.)	75	98.40	[1] 75
(Dec. 1–Apr. 30, incl.)	75	133.90	[1] 75
149. Vallejo, CA	63	68.02	68
150. Warren, MI	66	67.50	68
151. Washington, DC	75	143.15	[1] 75
152. West Palm Beach, FL	59	60.40	60
153. West Point, NY	61	61.55	62
154. Wichita, KS	71	74.45	74
155. Williamsburg, VA:			
(Apr. 1–Oct. 31, incl.)	65	63.05	[1] 75
(Nov. 1–Mar. 31, incl.)	65	64.65	65
156. Wilmington, DE	75	81.30	[1] 75
157. Worcester, MA	63	66.70	67
158. York, PA	59	62.85	63

[1] Although the subsistence costs exceed $75 per day, the daily allowance cannot exceed the statutory maximum of $75.

NEW AREAS WHICH QUALIFY FOR DESIGNATION AS HRGA'S

HRGA	Current cost	Proposed maximum rate
1. Albany, GA	68.05	68
2. Cape May, NJ	80.40	[1] 75
3. Carson City, NV	54.85	55
4. Chattanooga, TN	59.10	59
5. Colorado Springs, CO	61.15	61
6. Durham, NC	55.10	55
7. Erie, PA	55.27	55
8. Gainesville, FL	55.90	56
9. Great Falls, MT	58.00	58

NEW AREAS WHICH QUALIFY FOR DESIGNATION AS HRGA'S—Continued

HRGA	Current cost	Proposed maximum rate
10. Gulfport, MS	61.85	62
11. Lafayette, LA	65.35	65
12. Lincoln, NE	55.25	55
13. Page, AZ	59.85	60
14. Panama City, FL	70.00	71
15. Pensacola, FL	59.85	60
16. Portsmouth, NH	62.95	63
17. Rapid City, SD	64.85	65
18. Reno, NV	60.05	60
19. Rock Springs, WY	63.20	63
20. Sioux Falls, SD	58.15	59
21. Springfield, MO	57.30	57
22. Tallahassee, FL	57.25	57
23. Yuma, AZ	54.90	55

[1] The subsistence cost for this area exceeds $75 per day; however, the daily allowance cannot exceed the statutory maximum rate of $75.

[FR Doc. 83-15852 Filed 6-3-83; 9:45 am]

BILLING CODE 4220-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Options for Eligibility Criteria for Beneficiaries Served by the Indian Health Service

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Options for Eligibility Criteria for Beneficiaries Served by the Indian Health Service (IHS).

SUMMARY: The notice sets forth a discussion of major approaches under consideration by the Health Resources and Services Administration (HRSA) for potentially revising current eligiblity criteria for IHS beneficiaries to strengthen the capability of the IHS to manage existing resources.

DATE: Comments should be submitted by July 21, 1983.

ADDRESS: Send comments to: Mr. Rich McCloskey, Director, Office of Legislation and Regulations Services, Indian Health Service, Health Resources and Services Administration, Room 6A–14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Mr. Rich McCloskey, Director, Office of Legislation and Regulations Services, HRSA, 301/443–1116.

SUPPLEMENTARY INFORMATION: The Indian Health Service (IHS) provides a range of health care services to Indians and Alaska Natives directly or through contracts with tribes and private health organizations. In 1982, the IHS service population consisted of approximately

900,000 persons (64% of the total Indian population in the United States). Direct care services are available to persons who are of Indian descent and who are members of the Indian community served by the local facilities and programs. Contract care services are provided to Indians who are eligible for direct care, live in a designated geographic area adjacent to a reservation and either belong to or maintain close ties with the tribe living on the nearby reservation.

The various special programs established by the Congress to provide health services to the Indian people are based on the constitutional supremacy of the Congress to regulate commerce with the Indian tribes and are a direct outgrowth of treaties and the resulting Federal trust relationship. The IHS program is not an entitlement program, although it is generally viewed by the Indian community as an obligation of the Federal Government.

As citizens of the United States and of the States in which they reside, Indians are eligible for Federal, State, and local programs on the same basis as other citizens regardless of their membership in a federally recognized tribe or eligibility for a program based on their status as an Indian.

The IHS and HRSA are presently engaged in a review of potential approaches for strenghening the management and allocation of IHS resources to most effectively serve program beneficiaries. The objective is to maximize the use of existing and potential resources for addressing the needs of the IHS program population. The matter of eligibility criteria for IHS program beneficiaries represents a major element among the considerations under review.

The basic authority for IHS to provide services to Indians is the Snyder Act of 1921 which authorizes the expenditure of funds "for relief of distress and conservation of health" of "Indians throughout the United States." The Snyder Act does not define Indians. The IHS regulations, however, restrict services to certain categories within the overall class of eligible Indians.

The current IHS regulations for basic Indian eligibility (42 CFR 36.12(a)) were published in 1956 and read in relevant part: "Services will be made available, as medically indicated, to persons of Indian descent belonging to the Indian community served by the local facilities and program. . . ." Separate regulations were developed for Contract Health Services (42 CFR 36.22) which require applicants who do not reside on a reservation to meet addditional eligibility requirements including residing within a contract health service delivery area.

These requirements may or may not be the most effective approaches to managing the delivery of health care services to Indians. Therefore, the present management review addresses the matters of both basic program eligibility and residency within a service area.

I. Basic Program Eligibility—Alternatives

The current IHS regulations for basic Indian eligibility (42 CFR 36.12(a)) now limit services to certain categories within the overall class of eligible Indians. Generally, Congress has restricted appropriations under the Snyder Act to Indians on or near a reservation. However, being eligible as an Indian under the Snyder Act is not the same as an eligible Indian meeting the participation requirements of a program established under the authority of the Synder Act. For example, a full-blooded member of a federally recognized tribe living in an eastern city does not mean the person meets residency requirements for a particular program.

Tribal membership, on the other hand, is currently only one of a number of indices which can be used to determine if an individual is considered an Indian by the Indian community in which he lives. It is the belonging to an Indian community served by IHS that now defines who among Snyder Act Indians may receive services.

At this time, HRSA is considering various options regarding the matter of basic program eligibility. These include:

- Continue current practice. Under this option, eligibility for IHS services would continue to be based on the current regulations. Direct care services would be available to persons who are of Indian descent and who are members of the Indian community served by the local facilities and program. Contract care would be provided to Indians who are eligible for direct care, live in a designated geographic area adjacent to a reservation and either belong to or maintain close ties with the tribe living on the nearby reservation.
- Permit tribal governments to establish their own criteria for health services eligibility. This option would allow tribes to set their own requirements for determining who should receive federally-funded health services. To insure that tribes would receive a fair and equitable share of available health resources, this option might require separate critera for the allocation of IHS funds as opposed to the receipt of services. A resource allocation method would be needed to distribute IHS resources equitably among tribal populations; tribes could then establish their own criteria for determining who would be eligible for health care paid for with these resources.
- Require only membership in a federally recognized tribe. This would, in effect, adopt the definition of the term "Indian" as used by Congress in Pub. L. 93-638, the Indian Self-Determination Act.
- Require only a minimum blood quantum. Eligibility requiring a specified minimum blood quantum could be based on either the degree of Indian blood or the degree of tribal blood. For implementation purposes, the Bureau of Indian Affairs should be able to provide the necessary determination of an individual's blood quantum.

HRSA is soliciting comments on whether the major options enumerated above represent a complete and appropriate set of alternatives for consideration. HRSA would be interested in the identification of any additional options, including a combination of those already presented, for potential examination.

HRSA is also soliciting comments on a general set of issues that pertain to all of the above options under consideration. Public comment would be most beneficial if directed to each issue set forth below for each of the options being reviewed:

- For each option, are there specific constitutional or other broad legal or philosophical questions that must be considered? To what extent is the thrust of each alternative consistent or inconsistent with Federal legislation?
- For each option, what are the respective implications for Indian self determination, the role and authority of tribal governments, inter-tribal relationships, and existing Federal-Indian relationships and understandings? If negative consequences are envisioned, what steps could be taken to minimize or avoid such an outcome?
- To what extent do these alternative criteria meet or not meet the different historical, legal, and economic circumstances of individual Indian tribes and Alaska Native villages? How might the IHS beneficiary population differ among the respective options? To the extent that major inequities in access to IHS services are envisioned, what parallel actions or policies could be instituted to lessen or avoid such an impact?
- How would the options differ regarding uniformity, objectivity, and

accuracy of final eligibility criteria for services provided by the IHS? What actions should be considered to address any problem areas identified?

• What operational and administrative factors need to be identified that might affect the implementation of each option? What are the implications for administering there respective options resulting from such developments as the greater mobility and mixing of the Indian and non-Indian population and the greater numbers of people claiming Indian descent? What steps might be undertaken to address any problems or constraints identified?

• How would the options vary in their impact upon the complexity, fairness, and effectiveness of the resource allocation procees used by the IHS? Are there critical uncertainties affecting the full implementation of these alternatives? What actions could be considered to address any problems or uncertainties identified?

II. Service Area Residency as a Condition of Eligibility— Alternatives

As mentioned earlier, the Congress has generally appropriated funds to IHS for Snyder Act programs for Indians on or near a reservation. This is reflected in the basic eligibility regulation (42 CFR 36.12(a)) by inclusion of the phrase "served by the local facilities and program." Most IHS facilities and programs are on or near a reservation. It should be noted that in the case of direct services, the IHS policy and practice has been to serve eligible (Snyder Act) Indians who present themselves at IHS facilities to the extent IHS capabilities permit. Notwithstanding the history of appropriations and the existence of the above quoted phrase, the IHS has not established a residency requirement for direct services.

This is not the case with contract health services. As a result of the court decision in *Morton* v. *Ruiz* 94 S.Ct. 1055 et seq., and *Lewis* v. *Weinberger*, 415 F. Supp. 652 et. seq., Contract Health Services regulations were developed which require applicants who do not reside on a funded reservation to meet additional eligibility requirements, including residing within a contract health service delivery area (CHSDA).

Except where specifically spelled out in the regulation (42 CFR 36.22), CHSDAs are established by application of a formula which is termed the county option. The county option delineates the areas which will be considered "on or near" a reservation in terms of the geographic boundaries of any county which includes all or part of a reservation or which has a common boundary with the reservation. The result is the CHSDA.

The county option was not intended to be an irrevocable decision. In fact, it was explained in the preable to the NPRM for the contract care regulations that the county option definition of "on or near the reservation" may be inconsistent with the cultural traditions and social structures of some tribes and their perception of the geographic limits of their Indian communities.

The current IHS regulations, therefore, provide that, after consultation with the appropriate Indian governing bodies and taking into consideration the criteria specified in 42 CFR 36.22, CHSDA's may be redesignated by the Secretary on the basis of concepts other than the county option. Any such redesignation requires the regulation to be amended.

At this time, HRSA is considering various options regarding the matter of service area residency as a condition of eligibility. These include:

• Retain the current system which requires residency only for contract health services. Under this option the IHS would continue to have a residency requirement for contract health services but not for direct care.

• Establish a unified residency service area requirement that applies to both direct and contract health services. This approach would eliminate existing differences in the requirements for direct and contract health services.

• Retain the CHSCA system and establish different service area residency requirement for direct care. This option would institute a policy that "Snyder Act Indians" must reside in the Indian community served by the IHS facility or program.

• Abolish any residency requirement.

HRSA is soliciting comments here as well on whether the options enumerated above represent a complete and appropriate set of alternatives for consideration. HRSA would also be interested in the identification of any additional options for potential examination.

HRSA is also soliciting comments on issues that pertain to all of the above options under consideration. Public comment would be most beneficial if directed to each issue set forth below, as well as to those issues identified earlier for basic program eligibility options that are believed equally germane for the matter of service area residency as a condition of eligibity:

• What are the merits and shortcomings of adopting a unified residency service area requirement for both direct and contract health services?

• To what extent might these options affect the development and implementation of a registration system for IHS program beneficiaries? (A General Notice regarding "Options for Eligibility Verification for IHS Program Beneficiaries" is published in this same issue of the **Federal Register**).

• What are the respective implications of these options for urban and other Indians who may travel to IHS facilities for services? If negative consequences are envisioned, what policies could be taken to minimize or avoid such an outcome?

• How might the options affect the responsibilities of those IHS facilities that currently serve a larger number of Indians that do not reside on or near a reservation and with which they have close social and economic ties?

• What specific politicial, legal, organizational, and economic constraints may be important for each option? What steps could be undertaken to address each of the constraints identified?

It is anticipated that this General Notice will result in detailed comments regarding the options and issues set forth above. In this regard, the Administrator of the Health Resources and Services Administration is especially interested in receiving general and specific comments from American Indian and Alaska Native people and organizations representing them.

Robert Graham,

Administrator, Assistant Surgeon General.

May 29, 1983.

[FR Doc. 83-15003 Filed 6-3-83; 8:45 am]

BILLING CODE 4160-15-M

Options for Eligibility Verification for IHS Program Beneficiaries

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Options for eligibility verification for IHS program beneficiaries.

SUMMARY: The notice sets forth a discussion of major factors under consideration by HRSA for verifying eligibility for IHS program beneficaries to strengthen the capability of the IHS to manage existing resources and to implement the proposed Administration's Fiscal Year 1984 budget for the IHS.

DATES: Comments should be submitted by July 21, 1983.

ADDRESSES: Send comments to: Mr. Rich McCloskey, Director, Office of Legislation and Regulations Services, Indian Health Service, Health Resources and Services Administration, Room 6A-

14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Mr. Rich McCloskey, Director, Office of Legislation and Regulations Services, HRSA, 301/443–1116.

SUPPLEMENTARY INFORMATION: The Indian Health Service (IHS) provides a range of health care services to Indians and Alaska Natives directly or through contracts with tribes and private health organizations. In 1982, the IHS service population consisted of approximately 900,000 persons (64% of the total Indian population in the United States). Direct care services are available to persons who are of Indian descent and who are members of the Indian community served by the local facilities and program. Contract care services are provided to Indians who are eligible for direct care, live in a designated geographic area adjacent to a reservation and either belong to or maintain close ties with the tribe living on the nearby reservation.

The IHS and HRSA are presently engaged in a review of potential approaches for strengthening the management and allocation of IHS resources to most effectively serve program beneficiaries. The intent here is to maximize the use of existing and potential resources for addressing the needs of the IHS program population. This review takes on added importance and urgency given the context of a need to determine how best the President's Fiscal Year 1984 budget submission for the IHS can be implemented. The matter of verifying the eligibility of IHS program beneficiaries represents a major element among the considerations currently under review.

According to the present practice of IHS, an individual applying for services has a medical record established. The medical record contains the information upon which the individual's eligibility was based. Relevant to the issue under consideration, however, the individual does not receive any document attesting to his eligibility, and the method of subsequent verification of eligibility is to check the individual's medical record.

As part of a general management review of the IHS program that includes attention to the matter of eligibility verification, a proposal is being considered to change current practice and institute an IHS registration system of those eligible program beneficiaries who wish to receive services from the IHS. This option would require each IHS beneficiary (current and future) to establish that he or she has met IHS requirements for service.

The review to date has considered a variety of pros and cons regarding the adoption of a registration system versus a continuation of present practice. maintaining the current approach, for example, would clearly be less costly and, at least initially, less disruptive to present operations and service. It is believed that the adoption of a registration system, in contrast, would clearly simplify the current system of verifying eligibilty and allow the IHS to strengthen its capabilities in managing and allocating resources for meeting beneficiary needs.

While the reason for considering an IHS registration system arises from management needs, the HRSA and IHS are acutely aware of a broad set of ethical issues regarding this matter. The concept of a government-sponsored registration system for any identified population group and the specific connection of this concept to existing Federal-Indian relationships are but illustrative of the complex philosophical issues implicit in potentially altering the procedures for eligibility verification.

Preliminary discussions regarding this option have also identified the need to require the inclusion of an appeals system since benefits would be dependent upon a determination that the individual met IHS requirements. Furthermore, these discussions have identified the need to determine an individual identifier for program eligibles that are registered through this system.

In view of the breadth and significance of these considerations under review, the Health Resources and Services Administration is soliciting comments on the matters set forth above. The Administration of the Health Resources and Services Administration is specifically interested in receiving comments from American Indian and Alaska Native people and organizations representing them.

Robert Graham,

Administrator, Assistant Surgeon General.

May 29, 1983.

[FR Doc. 83–15004 Filed 6–3–83; 8:45 am]

BILLING CODE 4160–16–M

National Institutes of Health

Safety and Occupational Health Study Section; Meeting

Pursuant to Pub. L. 92–463, a meeting of the Safety and Occupational Health Study Section, National Institute for Occupational Safety and Health, in conjunction with the Division of Research Grants, will be held on June 20–22, 1983, at the Colonial Manor Motel, 11410 Rockville Pike, Rockville, Maryland 20852.

This meeting will be open to the public on June 20 from approximately 8:30 a.m. to 10:00 a.m., to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Study Section will be closed to the public from 10:00 a.m. June 20 until adjournment on June 22 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the dislosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–7441, will furnish summaries of the meetings and rosters of committee members.

Dr. John Beisler, Executive Secretary of the Study Section, Westwood Building, Room 3A10, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–6723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.262, Occupational Safety and Health Research Grants, National Institutes of Health, HHS)

Dated: May 20, 1983.

Betty J. Beveridge,

National Institutes of Health Committee Management Officer.

[FR Doc. 83–15009 Filed 6–3–83; 8:45 am]

BILLING CODE 4140–01–M

General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, July 21–22, 1983 at the National Institutes of Health. The meeting will be held in Conference Room 4, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. to approximately 1:30 p.m. on July 21, 1983, to discuss policy matters relating to the Minority Biomedical Research Support Program.

Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 21, 1983, from approximately 1:30 p.m. to 5:00 p.m. and on July 22 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Research Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B10, Bethesda, Maryland 20205, telephone (301) 496–5545, will provide summaries of meeting and rosters of committee members. Dr. Sidney A. McNairy, Executive Secretary of the General Research Support Review Committee, Building 31, Room 5B–09, Bethesda, Maryland 20205, telephone (301) 496–4390 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13,375, Minority Biomedical Research Support Program, National Institutes of Health)

Dated: May 20, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83–15010 Filed 6–3–83; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Availability of Carcinogenesis Reports on Melamine and Pentachloroethane

The HHS' National Toxicology Program today announces the availability of technical reports on melamine, a chemical used to make polymeric amino resins and thermosetting plastics used in electrical equipment and housewares, and pentachloroethane, a chemical intermediate used to make tetrachloroethylene.

Melamine was fed in the diet to male F344/N rats and male and female B6C3F$_1$ mice at 0, 2,250 and 4,500 ppm and to female rats at 0, 4,500 and 9,000 ppm for 103 weeks. Under the conditions of these carcinogenesis studies, melamine was carcinogenic for male F344/N rats, causing transitional-cell carcinomas in the urinary bladder. With one exception, urinary bladder stones were observed in male rats that had transitional-cell carcinomas. Melamine was not carcinogenic for female F344/N rats or for male and female B6C3F$_1$ mice.

Pentachloroethane was administered in corn oil by gavage at 0, 75 and 150 mg/kg of body weight to F344/N rats and at 0, 250, and 500 mg/kg to B6C3F$_1$ mice for 103 weeks. Under the conditions of these carcinogenesis studies, technical grade pentachloroethane containing 4.2 percent hexachloroethane (a known carcinogen in mice) was not carcinogenic for F344/N rats. Pentachloroethane was nephrotoxic for male rats. The decreased survival of dosed rats might have reduced the sensitivity for a carcinogenic response in this species. Technical grade pentachloroethane was carcinogenic for B6C3F$_1$ mice, causing hepatocellular carcinomas in males and females, and adenomas in females.

Copies of these reports—*Carcinogenesis Bioassay of Melamine in F344/N Rats and B6C3F$_1$ Mice (Feed Study)* (T.R. 245) and *Carcinogenesis Bioassay of Pentachloroethane in F344/N Rats and B6C3F$_1$ Mice (Gavage Study)* (T.R. 232)—are available without charge by writing to: NTP Public Information Office, M.D. B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541–3991. FTS: 629–3991.

Dated: May 26, 1983.

David P. Rall,

Director.

[FR Doc. 83–15008 Filed 6–3–83; 8:45 am]

BILLING CODE 4140–01–M

Office of the Assistant Secretary for Health; Statement of Organization, Functions, and Delegations of Authority; Correction

In FR Document 83–1498 appearing on pages 2441–2449 in the issue of Wednesday, January 19, 1983, make the following corrections:

1. On page 2441, under the heading Public Health Service and following the preamble paragraph, instructions for making amendments to the Statements for the Mission, Organization, Functions and Delegations of Authority should read:

"Under Part H, Chapter H, Public Health Service, deleted in their entirety Section H–00, Mission, and Section H–10, Organization, and substitute the Mission and Organization below; revise Section H–20, Functions, as stated below:"

2. On page 2442, under *Section HA–10, Office of the Assistant Secretary for Health—Organization,* item (14), Office of Disease Prevention and Health Promotion, should be identified as (HA8);

In the second column under *Office of the Assistant Secretary for Health (HA)* the ninth sentence beginning "ASG supports," should read "ASH supports";

In the last column, the title for the *Office of Refugee Health (ORH)* should read: *"Office of Refugee Health (HAF)";* the abbreviations in the column following the name of this Office remain as (ORH);

3. On page 2443, under the heading, *PHS Executive Secretariat (HA6),* item (4), fourth line, change the words "Secretary to ASH" to read "Secretary or ASH";

Delete the paragraph in the middle of the first column that begins, "Under the heading *National Center for Health Services Research (HAT1),* and substitute the following:

"Under the heading *National Center for Health Services Research (HAT1),* delete the titles and statements for the office and division level entities only, substitute the following, and add the new *Office of Health Technology Assessment (HAR14)*";

Under the heading *National Center for Health Services Research (HAR),* item (8), the sixth line should read "services and health care technology";

Under the heading *Office of Program Development (HAR12),* item (3) should read: "(3) advises the Center Director on the types of projects which should be supported, the projects which should be undertaken by the staff of the Center, and the mechanism to be used for research, demonstrations, and evalution activities to be conducted outside the Center;"

4. On page 2444, in the heading *Division of Intramural Research (HAR5),* the identifier for the division should be (HAR4);

In the last column before the heading *National Center for Health Statistics (HAS),* the instructions should read: "Under the heading *National Center for Health Statistics (HAT2),* delete the titles and statements for the office and division level entities only, substitute the following and add the new *Office of Program Planning, Evaluation and Coordination HAS15:"*

5. On page 2447, under the heading *Division of Analysis (HASE3),* item (5), should read: "(5) augments the policy analysis activities of OASH;"

6. On page 2448, the title for the *Division of Directives and Authorities Management (HAU25),* should read *Division of Systems Management and Improvement (HAU25).*

Dated: May 25, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-15080 Filed 6-3-83; 8:45 am]

BILLING CODE 4160-17-M

Office of the Secretary

Advisory Council on Social Security Meeting

AGENCY: Office of the Secretary, HHS.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given of meeting of the Advisory Council on Social Security, as established by the Secretary of Health and Human Services in accordance with Section 706 of the Social Security Act, 42 U.S.C. 907.

DATE/ADDRESS: The meeting will be held June 21–22, 1983, from 9:00 a.m. to 4:00 p.m. each day. It will be held in the Hubert H. Humphrey Building, 200 Independence Avenue S.W., Washington, D.C. 20201, in room 703A.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burke, Executive Director, Advisory Council on Social Security, 200 Independence Avenue, S.W., Washington, D.C. 20201; telephone (202) 755-8670/71.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Attendance will be limited to the space available. Correspondence can be addressed to Advisory Council on Social Security, 200 Independence Avenue, S.W., Washington, D.C. 20201. Suggested issues for future Council deliberation may be submitted to the same address. However, suggestions received after June 24, 1983 will not be considered.

Sign language interpreting services will be provided if requested in advance.

The proposed meeting agenda includes further briefings and discussion on the Medicare program; and such other business as the Chairperson, the Executive Director, or the membership may put before the Council.

A previous meeting of the Advisory Council on Social Security was announced in 48 FR 20804, May 9, 1983.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Administrative Officer, Advisory Council on Social Security, Room 317-H, HHH Building, 200 Independence Avenue, S.W., Washington D.C. 20201.

Thomas R. Burke,

Executive Director.

[FR Doc. 83-15079 Filed 6-3-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Intent to Amend Eastern San Diego County Management Framework Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given pursuant to 43 CFR 1600, that the California Desert District is planning to amend the Eastern San Diego County Planning Unit Management Framework Plan (MFP).

DATES: An Environmental Analysis (EA) on the amendment will be completed by summer. A final decision on whether or not to accept the amendments would be made following a 30-day public review of the EA.

SUPPLEMENTARY INFORMATION: The eastern portion of San Diego County is divided into small allotments that are difficult to manage. The current MFP retains these allotments, specifies restrictive grazing seasons for them, and prohibits any prescribed burning in large areas. The proposed amendments rectify these problems. The amendments will be reviewed by an interdisciplinary team representing the following disciplines: Wildlife Biology, Botany, Archaeology, Wilderness, and Range Science.

The Environmental Analysis to be prepared on the amendents will be available for public review and comment for a 30-day period at the offices of the Bureau of Land Management at two locations:

California Desert District, 1695 Spruce Street, Riverside, CA 92507;

El Centro Resource Area, 333 South Waterman, El Centro, CA 92243.

FOR FURTHER INFORMATION CONTACT: Roger Zortman at (619) 352-5842.

H. W. Riecken,

Associate District Manager.

[FR Doc. 83-15057 Filed 6-3-83; 8:45 am]

BILLING CODE 4310-84-M

Moab District Grazing Advisory Board; Meeting

May 26, 1983.

AGENCY: Bureau of Land Management, Interior.

ACTION: Moab District Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-465 that a tour and meeting of the Moab District Grazing Advisory Board will be held June 29, and 30, 1983 in the San Juan Resource Area. The meeting will consist of a tour on the first day in the Beef Basin Area and a meeting at the BLM cabin located in Beef Basin on the second day. San Juan Resource Area Office is located at 480 South 1st West, Monticello, Utah 84535.

The field trip will leave the Resource Area Office at 10:00 a.m., June 29, 1983. BLM will provide transportation to and from Beef Basin and Monticello for board members only; other participants will need to provide their own transportation and meals. The purpose of the tour is to observe recent grazing improvments projects, and the Gibson Dome potential nuclear waste repository site.

The formal Advisory Board meeting will be held at 8:00 a.m. at Beef Basin BLM cabin June 30, 1983.

The Agenda is as follows:

—Review proposed maintenance needs on existing range improvements for FY 84
—Review District range monitoring progress
—Status of the Wilderness Review
—Status on Cooperative Management Agreements
—Discuss Utah Farm Bureau Congressional Inquiry on grazing reductions
—Review of indemity selections made by the State of Utah
—The tour and meeting will end at 2:00 p.m., June 30, 1983 and return to Monticello

All Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements to the Board between 11:00 a.m. and 12:00 noon on June 30, 1983, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532 by June 24, 1983.

Summary minutes of the Board meeting will be maintained in the District Office and will be available within 30 days following the meeting.

Gene Nodine,

District Manager.

[FR Doc. 83-14969 Filed 6-3-83; 8:45 am]

BILLING CODE 1410-84-M

Minerals Management Service

Outer Continental Shelf; Proposed Lease Offering of Polymetallic Sulfide Minerals in the Gorda Ridge Area; Intent To Prepare an Environmental Impact Statement

AGENCY: Minerals Management Service, Interior.

ACTION: Extension of comment period on the scope of the environmental impact statement and on leasing options.

On March 28, 1983, the Minerals Management Service (MMS) published a Notice of Intent to prepare an environmental impact statement (EIS) on a proposed lease offering of polymetallic sulfide minerals in the Gorda Ridge area on the Outer Continental Shelf offshore of Oregon and California (48 FR 12840, March 28, 1983). The Notice requested comments on the scope of the EIS and on several alternatives and leasing options that MMS is currently considering.

Several respondents to the March 28, 1983, **Federal Register** Notice have requested that the comment period be extended 60 days to allow for more thorough analyses and preparation of comments. The MMS is hereby reopening and extending the comment period.

DATE: Written comments on the scope of the EIS, and leasing options should be submitted to MMS at the address given below. Comments must be received on or before July 26, 1983.

ADDRESSES: Written comments should be submitted to: Jeffrey Zippin, Minerals Management Service, Department of the Interior, Mail Stop 644, 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (703) 860-6461.

FOR FURTHER INFORMATION CONTACT: Michael Cruickshank, Minerals Management Service, Department of the Interior, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (703) 860-7571.

Dated: May 31, 1983.

David C. Russell,

Acting Director, Minerals Management Service.

[FR Doc. 83-15044 Filed 6-3-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-184 (Final)]

Frozen Concentrated Orange Juice From Brazil

AGENCY: International Trade Commission.

ACTION: Scheduling of a hearing to be held in connection with the subject investigation.

EFFECTIVE DATE: May 31, 1983.

SUMMARY: The Commission hereby announces the scheduling of a hearing to begin at 10:00 a.m. on June 17, 1983, in connection with the investigation.

FOR FURTHER INFORMATION CONTACT: Mr. David Coombs (202-523-1376), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background.—On December 16, 1982, the Commission instituted this final countervailing duty investigation involving frozen concentrated orange juice from Brazil (47 FR 58051, December 29, 1982). The Commission suspended the investigation following the signing of a suspension agreement between the Government of Brazil and the Department of Commerce (48 FR 9969, March 9, 1983), but then continued its investigation, effective March 21, 1983, following receipt of a request for continuation by counsel for the Government of Brazil (48 FR 15016, April 6, 1983). On May 31, 1983, the Commission received Commerce's final subsidy determination and, accordingly, must make its final injury determination by July 14, 1983.

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on June 17, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on June 10, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 11:00 a.m. on June 14, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is June 13, 1983.

Testimony at the public hearing is governed by section 207.23 of the Commission's rules (19 CFR § 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with section 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on June 24, 1983.

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before June 24, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR Part 207, as amended by 47 FR 33682, Aug. 4, (1982), and part 201, subparts A through E (19 CFR Part 201, as amended by 47 33682, Aug. 4, 1982).

This notice is published pursuant to section 207.20 of the Commission's rules (19 CFR 207.20).

Issued: June 2, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-15210 Filed 6-3-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Office of Proceedings

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following application for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulation.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally suficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authoirity will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may deplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team Three at (202) 275–5223.

Volume No. OP3–240

Decided: May 26, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 167985, filed May 12, 1983. Applicant: ROBERT A. MALTON, d.b.a. REGAL LIMOUSINE, 11 Archer Lane, Darien, CT 06820. Representative: L. C. Major, Jr., Suite 304, Overlook Bldg., 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

Volume No. OP3–243

Decided: May 16, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 158055(Sub-2), filed May 11, 1983. Applicant: PEMBROKE TRANSPORATION CORP., 25 Baldwin Ave., P.O. Box 451, Massena, NY 13662. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York NY 10048, (212) 466–0220. As a *broker* of *general commodities* except household goods), between points in the U.S. (except AK and HI).

MC 167995, filed May 13, 1983. Applicant: McMICHAEL & SONS MOTOR COACH SERVICE, 9810 Binyon Court, Oxon Hill, MD 20744. Representative: Warren McMichael, (same address as applicant), (301) 839–5819. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168005, filed May 12, 1983. Applicant: C.I.H. ADVISORY SERVICES, INC., 614 New County Road, Secaucus, NJ 07094. Representative: William J. Augello, 120 Main Street, Huntington, NY 11743, (516) 427–0100. As a *broker* of *general commodities*, except household goods), between points in the U.S.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–331

Decided: May 26, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 168127, filed May 16, 1983. Applicant: C. S. CARRIER SERVICES, INC., 3003 E. Chestnut Expressway, Suite 300, Springfield, MO 65802. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (212) 263–2078. As a *broker of general commodities* except household goods), between points in the U.S. (except AK and HI).

MC 168177, filed May 18, 1983. Applicant: DELL LIMOUSINE SERVICE, INC., 1237 Chessington Rd., Indianapolis, IN 46240. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting (A) Over irregular routes, *passengers*, in charter and special operations, between points in the U.S. (except AK and HI), and (B) Over regular routes, *passengers*, between Indianapolis, IN and Columbus, OH, over U.S. Hwy 40, and (2) between Indianapolis, IN and Columbus, OH,

over Interstate Hwy 70, serving all intermediate points in connection with routes (B) (1) and (2) above.

4Note: Applicant seeks to provide privately-funded charter and special transportation in (A) above, and in (B) above applicant seek to provide regular-route service in interstate or foreign commerce, and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route. Because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this **Federal Register** issue. Part (A) will be published in VOL No. 331. Part (B) will be published in VOL No. 330.

Volume No. OP4–333

Decided: May 27, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (member Krock not participating.)

MC 73828 (Sub-8), filed May 20, 1983. Applicant: HASLETT COMPANY, 1991 Dennison, Oakland, CA 94606. Representative: Armand Karp, 743 San Simeon Dr., Concord, CA 94518, (415) 825–1774. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168197, May 20, 1983. Applicant: MICHAEL M. BOLEY, d.b.a. BESTWAY BROKERAGE, 3905 Mobile, Garland, TX 75041. Representative: Michael M. Boley (same address as applicant), (214) 278–8551. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–261

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 142188 (Sub-2), filed May 17, 1983. Applicant: MARY WIMBERLY AND BETTY BEALS, d.b.a. WIMBERLY BUS SERVICE, 131 South Walnut, Centralia, IL 62801. Representative: Robert M. O'Donnell, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *passengers*, in charter and special operations, beginning and ending at points in IL, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 159038 (Sub-1), filed May 16, 1983. Applicant: DANIEL K. FISK, d.b.a. DAN-A-WAY CHARTER LINE, 504 West First Ave., Coal Valley, IL 61240. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting *passengers* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 168049, filed May 12, 1983. Applicant: HILL & MITCHELL, INC., 112 South Bay Rd., P.O. Box 2236, North Syracuse, NY 13220. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048, (212) 466–0220. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168068, filed May 16, 1983. Applicant: JAMES L. SIMMONS, d.b.a. EASTERN FREIGHT SERVICE, 2884 Industrial Boulevard, Bethel Park, PA 15102. Representative: James L. Simmons, 1240 Cairn Drive, Bethel Park, PA 15102, (412) 835–0945. To operate as a *broker* of *general commodities* (except household goods) between points in the U.S. (except AK and HI).

MC 168119, filed May 17, 1983. Applicant: FREIGHT BROKERS INTERNATIONAL, INC., P.O. Box 200, North Olmsted, OH 44070–0200. Representative: Wallace R. Steffen, 330 Standard Bldg., Cleveland, OH 44113, (216) 771–7171. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP5–263

Decided: May 27, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 168189, filed May 19, 1983. Applicant: FAHERTY DRILLING CO., INC., 1120 Broadway, Platteville, WI 53818. Representative: Ralph Faherty, (same address as applicant), (608) 348–9586. Transporting *passengers*, in charter and special operations, beginning and ending at points in WI, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 168199, filed May 20, 1983. Applicant: PRESTIGE LIMOUSINE SERVICE, LTD., 119 No. Second St., Easton, PA 18042. Representative: Charles P. Hinshaw (same address as applicant), (215) 258–4340. Transporting *passengers*, in charter and special operations, beginning and ending at points in Northampton County, PA., and extending to points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

Note.—Applicant seeks to provide privately funded charter and special transportation.

[FR Doc. 83–15040 Filed 6–3–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 110.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual

operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract Carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202) 275–5223.

Volume No. OP3–241

Decided: May 26, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 117465 (Sub-27), filed April 29, 1983. Applicant: BEAVER EXPRESS SERVICE, INC., d.b.a. BEAVER EXPRESS, P.O. Box 1147, Woodward, OK 73802. Representative: Timothy J. Herman 522 First Federal Plaza, Austin, TX 78701. Over *regular routes*, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) Between Wheeler, TX, and Elk City, OK: From Wheeler over TX Hwy 152 to the TX/OK State line, and then over OK Hwy 6 to Elk City, OK, and return over the same route, serving all intermediate points.

MC 165505, filed May 9, 1983. Applicant: E. LYLE MYERS, d.b.a. EVERGREEN TRANSPORTATION SERVICE, 10121 Argent Rd., Pasco, WA 99301. Representative: E. Lyle Myers (same address as applicant), (509) 547–8292. Transporting *commodities in bulk*, between points in WA, OR, and ID.

MC 166024 (Sub-1), filed May 9, 1983. Applicant: J.A.T. CO., P.O. Box 156, Dover, OH 44622. Representative: James W. Muldoon, 50 W. Broad Columbus, OH 43215, (614) 464–4103. Transporting *building materials*, between points in the U.S. (except AK and HI).

MC 167944, filed May 9, 1983. Applicant: PHELPS TRUCKING COMPANY, INC., Route 2, Box 139–A, Dothan, AL 36301. Representative: Spencer R. Phelps (same address as applicant), (205) 677–3759. Transporting *lumber and wood products*, between points in Houston County, AL, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and TX.

Volume No. OP–245

Decided: May 27, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Krock not participating).

FF–595 (Sub-1), filed May 19, 1983. Applicant: TRIPAR TRANSPORTATION, INC., 1608 The Queensway. Toronto, Ontario, Canada M8Z 1V6. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349–3980. As a *freight forwarder* in the connection with the transportation of *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI).

MC 126145 (Sub-13), filed May 16, 1983. Applicant: TIAGO, 3308 Bandini Blvd., Los Angeles, CA 90023. Representative: Warren N. Grossman, 515 S. Figueroa, Ste 1240, Los Angeles, CA 90071, (213) 627–8471. Transporting *general commodities* (except household goods and classes A and B explosives), between points in AZ and CA, NV, MN, and TX.

MC 135074 (Sub-3), filed May 16, 1983. Applicant: SECURITY STORAGE CO., INC., P.O. Box 2005, Goldsboro, NC 27530. Representative: Wendell Thornton (Same address as applicant), (919) 734–0177. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC, on the one hand, and, on the other, points in FL, GA, SC and VA.

MC 155905 (Sub-1), filed May 16, 1983. Applicant: SUCCESS TRANSPORTATION, INC., P.O. Box 530, Alexander, AR 72002. Representative: Darrell Bailey (same address as applicant), (501) 455–3333. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166105, filed May 16, 1983. Applicant: FRONTIER FREIGHTLINES LTD., 105 Gold Road, Whitehorse, Yukon, Canada Y1A 2W4. Representative: T. O. Mickey (same address as applicant), (403) 668–2441. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between ports of entry on the International boundary line between the U.S. and Canada in AK, on the one hand, and, on the other, points in AK.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–330

Decided: May 26, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 26396 (Sub-404), filed April 29, 1983. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82928, Lincoln, NE 68501, (402) 475–6761. Transporting (1) *lumber and wood products*, (2) *building materials*, (3) *machinery*, (4) *metal products*, (5) *chemicals and related products*, and (6) *Mercer commodities*,

between points in the U.S., under continuing contract(s) with persons who are manufacturers, distributors, retailers or consumers of lumber and wood products, building materials, machinery, metal products, chemicals and related products, or Mercer commodities.

MC 105886 (Sub-39), filed May 9, 1983. Applicant: MARTIN TRUCKING, INC., East Poland Ave. P.O. Box 67, Bessemer, PA 16112. Representative: Henry M. Wick, Jr., 2 Chatham Center, Suite 1610, Pittsburgh, PA 15219, (412) 765–1600. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with SpanCrete Northeast, Inc., Aurora, OH.

MC 165307, filed April 19, 1983. Applicant: ARKANSAS ELECTRIC COOPERATIVES, INC. 8000 Scott Hamilton Dr., Little Rock, AR 72209. Representative: J. Mark Davis, 2200 Worthen Bank Bldg. Little Rock, AR 72201, (501) 371–0808. Transporting *hazardous materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with rural electric cooperatives, municipal electric utility systems, and operators of licensed hazardous waste disposal sites.

MC 166166, filed May 19, 1983. Applicant: DMB TRANSPORTATION CORP., 141 Provost St., Jersey City, NJ 07302. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22091 (703) 860–8521. Transporting *such commodities* as are dealt in or used by department stores and drug companies, between points in the U.S. (except AK and HI).

MC 166177, filed May 18, 1983. Applicant: DELL LIMOUSINE SERVICE, INC., 1237 Chessington Rd., Indianapolis, IN 46240. Representative: John F. Wickes, Jr., 1310 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting (A) Over irregular routes, *passengers*, in charter and special operations, between points in the U.S. (except AK and HI), and (B) Over regular routes, *Passengers*, (1) between Indianapolis, IN and Columbus, OH, over U.S. Hwy 40, and (2) between Indianapolis, IN and Columbus, OH, over Interstate Hwy 70, serving all intermediate points in connection with routes (B) (1) and (2) above.

Note.—Applicant seeks to provide privately-funded charter and special transportation in (A) above, and in (B) above applicant seeks to provide regular-route service in interstate or foreign commerce, and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route. Because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this **Federal Register** issue. Part (A) will be published in VOL #331. Part (B) will be published in VOL #330.

Volume No. OP4–332

Decided: May 27, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Krock not participating.)

MC 145906 (Sub-11), filed May 6, 1983. Applicant: GENERAL TRUCKING CO., INC., P.O. Box 269, Columbia, TN 38401. Representative: Edward C. Blank, II, P.O. Box 1004 Columbia, TN 38401, (615) 388–3200. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request of the Permit in MC–145906 (Sub-No. P6X), issued October 17, 1982, and the underlying superseded authority in Permit No. MC–118560 (Sub-No. 2), issued April 5, 1976, and MC–145906 (Sub-10), issued September 27, 1982, and Permits Nos. MC–118560 (Sub-No. 5), issued October 16, 1968 and August 9, 1979, respectively.

Note.—The purpose of this application is to convert applicant's existing contract carrier authority in No. MC–118560 and MC–118560 (Sub-No. 5), and MC–145906 (Sub-No. P6X), and ME–145906 (Sub-No. 10) to common carrier authority.

MC 167737, filed May 23, 1983. Applicant: WELLS FLEET AND TRUCK SERVICE, INC., 8055 Martz Paulen Rd., Franklin, OH 45005. Representative: Colin Barrett 11764 Indian Ridge Rd. Reston, VA 22091, (703) 860–8521. Transporting *paper and paper products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Stone Paperboard, Div. of Stone Container Corp., of Franklin, OH.

MC 168217, filed May 23, 1983. Applicant: OLD RELIABLE TRANSPORT, INC., 829 Oak St., Mishicot, WI 54228.Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting *petroleum, natural gas and their products*. between points in IL, IN, IA, MI, MN; and WI.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–262

Decided: May 27, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 141318, (Sub-27), filed May 19, 1983. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., P.O. Box Ltd., Medford, WI 54451. Representative: Robert S. Lee, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *ores and minerals and farm products*, between points in St. Louis County, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 44128 (Sub-45), filed May 18, 1983. Applicant: EPES TRANSPORT SYSTEM, INC., P.O. Box 24038, Richmond, VA 23224. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235, (804) 745–0440. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between points in AL, IN, MS, and OH, and (2) between points in AL, IN, MS, and OH, on the one hand, and, on the other, points in DE, GA, KY, MD, NJ, NC, PA, SC, TN, VA, WV, and DC.

MC 92068 (Sub-24), filed May 19, 1983. Applicant: BAILEY'S EXPRESS, INC., 5100 Lawrence Place, Hyattsville, MD 20781. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739–4660. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in DE, GA, NC, SC, MD, PA, TN, VA, WV, NJ, OH, NY, and DC.

MC 108008 (Sub-1), filed May 19, 1983. Applicant: ACUFF INTERPRISES, INC., 339 West Olive St., Memphis, TN 38106. Representative: Ralph David Acuff (same address as applicant), (901) 774–6094. Transporting *those commodities which, because of their size or weight, require the use of special handling or equipment*, between points in the U.S. (except AK and HI).

MC 142879 (Sub-4), filed May 19, 1983. Applicant: C & B CONTRACT CARRIERS, INC., 1280 Chattahoochee Ave. NW., Atlanta, GA 30318. Representative: Guy H. Postell, Suite 675, 3384 Peachtree Rd. NE., Atlanta, Ga 30326, (404) 237–8472. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Tamko Asphalt Products, Inc., of Joplin, Mo.

MC 144218 (Sub-12), filed May 19, 1983. Applicant: FELDSPAR TRUCKING CO., INC., P.O. Box 858, Spruce Pine, NC 28777. Representative: Joseph L. Steinfeld, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004,

(202) 737–1030. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 159248 (Sub-1), filed May 20, 1983. Applicant: HALTERMAN SERVICES, INC., d.b.a. NET, 500 North Sixth Ave., Evansville, IN 47710. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 160549 (Sub-3), filed May 19, 1983. Applicant: CARGO EXPRESS CO., INC., 7107 Kennedy Ave., Hammond, IN 46323. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave. NW., Suite 500, Washington, DC 20006, (202) 828–5015. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI).

MC 164749, filed May 20, 1983. Applicant: GOLD STAR LINES, INC., 560 Old Berwick Rd., Bloomsburg, PA 17815. Representative: Raymond Talipski, 1212 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *bakery and related products,* between points in Philadelphia, Northampton, Cumberland, Perry, and Columbia Counties, PA, on the one hand, and, on the other, points in NY, OH, IN, IL, MI, WI, and KY.

MC 166448, filed May 20, 1983. Applicant: GERALD SUMMERS TRUCKING, INC., P.O. Box 276, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR, 72702, (501) 521–8121. Transporting *food and related products,* between points in Crawford County, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166809, filed May 18, 1983. Applicant: WILLIAM A. VAN WERVEN, 1909 Temon Rd., Everson, WA 98247. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, (406) 543–8369. Transporting *coal* between ports of entry on the International Boundary line between the United States and Canada in WA, on the one hand, and, on the other, points in Whatcom County, WA.

MC 167588, filed May 20, 1983. Applicant: D-A-M EXPRESS, INC., 142 No. Lincoln, Shelley, ID 83274. Representative: Dale Ball, (same address as applicant), (208) 357–7697. Transporting *general commodities* (except classes A and B explosives and household goods), between points in WA, OR, CA, NV, ID, UT, AZ, MT, WY, CO, NM, SD, ND, NE, KS, OK, and TX.

MC 168069, filed May 17, 1983. Applicant: DOUBLE J TRUCKING COMPANY, Box 326, Erie, MI 48133. Representative: Virginia H. Jenkins (same address as applicant), (313) 848–4075. Transporting *race horses, show horses, and breeding horses,* between points in the U.S. (except AK and HI).

MC 168108, filed May 17, 1983. Applicant: TRI-M FREIGHT SYSTEMS, INC., d.b.a. TRUCKING TRANSPORT SERVICE, 1440 E. 5th St., Los Angeles, CA 90033. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602, (213) 945–3002. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), (a) between points in AZ, CA, NV, OR, and WA, and (b) between points in CA, on the one hand, and, on the other, points in CO, KS, and UT.

MC 168109, filed May 17, 1983. Applicant: O.A.T. ENTERPRISES, INC., P.O. Box 104, Bensalem, PA 19020. Representative: Lewis Kates, 2900 PSFS Bldg., 12 So. 12th St., Philadelphia, PA 19107 (215) 923–8080. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 168148, filed May 18, 1983. Applicant: BROOKS F. LANHAM, JR., d.b.a. MOUNTAIN STATES R. A. & C. W. HAULER CO., Route 3, Box 7, Morgantown, WV 26505. Representative: Brooks F. Lanhan, Jr. (same address as applicant), (304) 291–6488. Transporting *radioactive hazardous wastes* between points in the U.S. (except HI).

MC 168149, filed May 16, 1983. Applicant: POINTS WEST EXPRESS, INC., 2988 Shadowbrook Lane, West Lake Village, CA 91361. Representative: Arthur Snoeck (same address as applicant) (805) 497–0246. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

Volume No. OP5–260

Decided: May 26, 1983.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 63838 (Sub-20), filed May 16, 1983. Applicant: BOLUS FREIGHT SYSTEMS, INC., 700 North Keyser Ave., Scranton, PA 18508. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517 (717) 344–8030. Transporting *general commodities* (except classes A and B explosives and household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 79658 (Sub-76), filed May 17, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant (812) 424–2222. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with Greater New Orleans Society for Health Care Personnel Administration, of New Orleans, LA.

MC 138018 (Sub-72), filed May 16, 1983. Applicant: RFI TRANSPORT, INC., P.O. Box 17506, 1420 33rd St., Denver, CO 80217. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264, 303–861–4028. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 150829 (Sub-3), filed May 16, 1983. Applicant: AMERICAN TRUCKING CO., INC., P.O. Box 286, Montgomery, AL 36108. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401, 205–578–3212. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, CO, OK and TX.

MC 152458 (Sub-5), filed May 16, 1983. Applicant: KNOWLES TRUCKING COMPANY, P.O. Box 309, Tyrone, GA 30290. Representative: Virgil H. Smith, 74 Hwy. N. Box 245, Tyrone, GA 30290, 404–969–1980. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167238 (Sub-1), filed May 16, 1983. Applicant: BAR J TRUCK LINES, INC., 254 White Cedar, Houston, TX 77015. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, 713–437–1768. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Port Cities in the U.S. (except AK and HI), and (2) *mercer commodities, machinery and metal products,* between points in the U.S. (except AK and HI).

MC 168078, filed May 16, 1983. Applicant: LLOYD PARTIN, d.b.a., BUD TRUCKING, 1934 North 55th St., Milwaukee, WI 53208. Representative: Lloyd Partin (Same address as applicant) 414–475–1388. Transporting *printed matter,* between points in WI, on the one hand, and, on the other, points

in the U.S (except AK and HI), under continuing contract(s) with Wisconsin Cueno Press, Inc., of Milwaukee, WI.

MC 168089, filed May 16, 1983. Applicant: JOHN J. GOMEZ AND LEANN GOMEZ d.b.a. JONANN TRUCKING, Rte. 1, Box 115, La Crosse, WA 99143. Representative: John J. Gomez (Same address as applicant.) (509) 549–3444. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 168098, filed May 17, 1983. Applicant: GREEN BAY CANNING CO., 1425 Main St., Green Bay, WI 54305. Representative: William Verhasselt (Same address as applicant) (414) 435–3793. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with DFC Transportation Company, of Huntley, IL.

MC 168129, filed May 12, 1983. Applicant: A & Y AUTO TRANSPORT, INC., 6780 Desmond, Waterford, MI 48095. Representative: Donald J. Petrillo, 401 S. Woodward, Suite 320, Birmingham, MI 48011, 313–540–8161. Transporting *transportation equipment*, between points in the U.S. (except AK and HI).

[FR Doc. 83-15041 Filed 6-3-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from the approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–265

The following applications were filed in Region I: Send protests to: Interstate Commmerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114/

MC 134806 (Sub-1–63TA), filed May 18, 1983. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Wood stove accessories*, between Fitchburg, MA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, under continuing contract(s) with Minute Man International Co., Ltd., Fitchburg, MA. Supporting Shipper: Minute Man International Co., Ltd., 75 Sawyer Passway, Fitchburg, MA 01420.

MC 167803 (Sub-1–1TA), filed May 18, 1983. Applicant: L. D'ALESSANDRO TRUCKING CO., INC., 4 Powderhorn Road, Flemington, NJ 08822. Applicant's Representative: A. Frank Panella (same as applicant). *(1) Rubber tires and their related products in manufacture and resale*, between points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI; *(2) Petroleum & by-products*, between ponts in NJ and PA. Suporting shipper(s): Kimber-Allen Petroleum Corp., 333 Main Street, Madison, NJ 07940; Elgene Tire Co., Milltown Road, Union, NJ 07083.

MC 167636 (Sub-1–1TA), filed May 23, 1983. Applicant: LORENZ TRUCKING, INC., 2706 New Albany Road, Cinnaminson, NJ 08077. Representative: Edwin R. Jonas III, Attorney at Law, Suite 24, 807 Haddon Avenue, Haddonfield, NJ 08033. *Contract carrier:* irregular route: *(1) Tires*, from Englewood, NJ, Scottsboro and Birmingham, AL, to Chicago, IL and points in OH, GA, and FL, under continuing contract(s) with Englewood Tire Co., Englewood, NJ; *(2) General commodities*, from Philadelphia, PA, to all points in the U.S. under continuing contract(s) with Liss Brothers, Philadelphia, PA; *(3) Tow Motors, Forklifts, engines, construction equipment and related parts and equipment*, between points in the U.S., under continuing contract(s) with Giles and Ransome Co., Cornwells Heights, PA. Supporting shipper(s): Englewood Tire Co., 375 Dean St., Englewood, NJ; Liss Brothers, Torresdale Ave., Philadelphia, PA; Giles and Ransome Co., Gallaway Rd., Cornwells Heights, PA.

MC 155236 (Sub-1–6TA), filed May 19, 1983. Applicant: POTTLE'S TRANSPORTATION, INC., Odlin Road, Bangor, ME 04401. Representative: Clifton E. Pottle, P.O. Box 164, Carmel, ME 04419. *General Commodities (except classes A and B explosives and commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with Ames Department Stores, Inc., Rocky Hill, CT. Supporting shipper: Ames Department Stores, Inc., 2418 Main Street, Rocky Hill, CT 06067.

MC 142114 (Sub-1–19TA), filed May 19, 1983. Applicant: RETAIL EXPRESS, INC., 36 South Main Street, Sharon, MA 02067. Representative: Frank M. Cushman, 5 Carbrey Avenue, Sharon, MA 02067. *General commodities (except Classes A and B explosives; hazardous waste, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA and WV, on the one hand, and, on the other between points in the U.S. (except to AK and HI). Supporting shipper(s): There are 9 statements of support with this application which may be examined at the ICC Regional Office, Boston, MA.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., rm. 620, Philadelphia, PA 19106.

MC 124333 (Sub-II–14TA), filed May 16, 1983. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Mr. Joseph F. Fogarty (same address as applicant). Contract, Irregular: *Petroleum & petroleum products, in bulk, in tank vehicles*, between points in DE, NJ and PA. Underlying ETA seeks 120 days authority. Supporting shipper: Ryder

Systems, Inc., 3600 N.W. 82nd Ave., Miami, FL 33166.

MC 167952 (Sub-2–1TA), filed May 9, 1983. Applicant: BARGER'S SPECIALIZED SERVICES, INC., 1045 Salem Avenue, Hagerstown, MD 21740. Representative: Gerald K. Gimmel, Suite 200, 444 N. Frederick Avenue, Gaithersburg, MD 20877. *Office equipment and supplies,* from Jersey City, NJ to DE, DC, MD, PA, VA, and WV. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Sidney L. Karp Company, 3294 Kennedy Blvd., Jersey City, NJ 07307.

MC 168065 (Sub-II–1TA), filed May 17, 1983. Applicant: ROBERT CHAVIS, t/a BOB CHAVIS TRUCKING CO., 1810 Joplin Ave., Richmond, VA 23224. Representative: Calvin F. Major, 200 West Grace St., Suite 115, Post Office Box 5010, Richmond, VA 23220. *Contract irregular: uncrated kitchen and bath cabinets and fixtures, hardware, lumber and plywood* between points in KY, OH, MD, DE, PA, NY, MA, NJ, VA, WV, NC, SC, GA, FL, TN, and DC, under continuing contracts with Richmond Lumber Co., Inc. *Supporting shipper:* Richmond Lumber Co., Inc., 4th & Maury St., Richmond, VA 23224.

MC 150845 (Sub-II–1TA), filed May 17, 1983. Applicant: FOE TRUCKING, INC., Post Office Box 12626, Roanoke, VA 24027. Representative: Calvin F. Major, 200 West Grace St., Post Office Box 5010, Richmond, VA 23220. *Liquid asphalt and asphalt products in bulk* from points in VA, SC, NC, TN, KY, MD to points in VA, WV. Supporting shippers: There are five (5) statements in support attached to this application which may be examined at the Philadelphia. Regional Office.

MC 167871C (Sub-II–1TA), filed May 7, 1983. Applicant: HALLEASE, INC., 822 Penn Ave., Sinking Spring, PA 19608. Representative: Lee E. High, P.O. Box 8551, Reading, PA 19603. *Passengers and their baggage, in charter operations,* and sightseeing tours, from Berks County, PA to points in NJ, NY, VA and DC. Supporting shipper(s): Sinking Spring Lions Club, P.O.B. 2058, Sinking Spring, PA 19608 Holy Guardian Angels Booster Club, 3121 Kutztown Rd., Laureldale, PA 19605.

MC 96854 (Sub-II–1TA), filed May 9, 1983. Applicant: LEWIS & MICHAEL, INC., 1827 Woodman Dr., Dayton, OH 45420. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Household goods as defined by the Commission, between points in the U.S., for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): U.S. Air Force, Wright Patterson Air Force Base, OH, 2750 LS/DMTTH, Wright Patterson AFB, OH 45433.

MC 107012 (Sub-II–298TA), filed May 9, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy, 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), Contract irregular: *general commodities* (except Class A & B explosives and commodities in bulk) between points in the US under continuing contract(s) with ITT Corporation of New York, NY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: ITT Corporation, 320 Park Avenue, New York, NY 10022.

MC 107012 (Sub-II–299TA), filed May 16, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the US, under continuing contract(s) with Delta Air Lines, Inc., of Atlanta, GA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Delta Air Lines, Inc., Hartsfield Atlanta, International Airport, Atlanta GA 30320.

MC 107012 (Sub-II–300TA), filed May 16, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the US, under continuing contract(s) with Armco, Inc., of Middletown, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Armco, Inc., 703 Curtis Street, Middletown, OH 45043.

MC 107012 (Sub-II–301TA), filed May 18, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the US, under continuing contract(s) with DeKalb AgResearch, Inc., of DeKalb, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: DeKalb AgResearch, Inc., 3100 Sycamore Road, DeKalb, IL 60115.

MC 107012 (Sub-II–302TA), filed May 18, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A & B explosives and commodities in bulk) between points in the United States under continuing contract(s) with Modernfold, of New Castle, IN, and its divisions and subsidiaries, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Modernfold, 1711 I Avenue, New Castle, IN 47362.

MC 167602 (Sub-II–1TA), filed May 17, 1983. Applicant: OWNERS' EXPRESS COMPANY, 9260 Valley View Rd., Macedonia, OH 44056. Representative: Arthur E. Gogol, 7723 Greenwich Rd., Lodi, OH 44254. Contract carrier: Irregular routes: *Building materials (except commodities in bulk in tank vehicles),* between Westlake and Medina, OH, on the one hand, and, on the other, points in the states of CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Donn Corp., 1000 Crocker Rd., Westlake, OH 44145.

MC 161503 (Sub-II–1TA), filed May 16, 1983. Applicant: RANDALL MOVERS, 13166 Morning Spring Lane, Fairfax, VA 22033. Representative: Robert L. Smith (same address as applicant). *Household goods, as defined by the Commission,* between points in NY, NJ, DE, MD, VA, WV, NC, SC, GA, and FL. Restricted to the transportation for the Department of Defense. An underlying ETA seeks 120 days authority. Supporting shipper(s): Department of Defense, U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 167910 (Sub-3–1–TA), filed May 20, 1983. Applicant: HOWARD DAVIS TRUCKING, INC., Route 2, Box 284, Vale, NC 28168. Representative: William L. Brown, 1100 Cameron-Brown Bldg., Charlotte, NC 28204. Contract: Irregular *Orange juice concentrate in bulk,* from the facilities of Southern Gold Citrus Products in Orlando, FL, to the facilities of Milkco, Inc. in Asheville, NC, under continuing contract with Milkco, Inc. Supporting shipper: Milkco, Inc., P.O. Box 16160, 220 Deaverview Road, Asheville, NC 28816.

MC 140126 (Sub-3–2TA), filed May 19, 1983. Applicant: PRITCHETT TRUCKING, INC., a Florida Corporation, 675 S.E. 6th Street, Lake Butler, FL 32054. Representative: Felix

A. Johnston, Jr., 1030 East Lafayette Street, Suite 112, Tallahassee, Florida 32301. *Road building and construction aggregates* between the states of GA and FL. Supporting shippers: Henry L. Trotman Co., P.O. Box 1129, Augusta, GA 30913; Nassau Utility Construction Co., Inc., P.O. Box 1169, Kingsland, GA 31548; Southeast Grading, Inc., P.O. Box 1528, Kingsland, GA 31548; D. E. Smith, Inc., P.O. Box 1799—U.S. 17 N.—Kingsland, GA 31548; and D & M Asphalt, Inc., U.S. 17 North—Kingsland, GA 31548.

MC 128117 (Sub-3–18TA), filed May 20, 1983. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J. Ortman, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *New furniture and furniture parts,* from points in Knox County, TN to points in AR, LA, OK and TX. Supporting shipper: Silver Manufacturing Company, Inc., P.O. Box 2748, Knoxville, TN 37901.

MC 167996 (Sub-3–1TA), filed May 19, 1983. Applicant: B. J. TOURS, INC., 1 Van Tassel Drive, Lindale, GA 30147. Representative: Randy D. Broadway, 1438 B Old Cedartown Rd., S.E., Lindale, GA 30147. *Passengers in charter and special operations,* beginning and ending at points in Floyd County, GA and extending to points in the US (excluding HI and AK). The Travel Center, Box 33, Riverbend Mall, Rome, GA 30161 World Travel Agency, 430 Broad St., P.O. Box 1393, Rome, GA 30161.

MC 2934 (Sub-3–77TA), filed May 23, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, Indiana 46032. Representative: W. G. Lowry (Same as above). *Contract:* Irregular; *Computer power centers, computerized power sustaining units, trade show materials, and household goods;* between Los Angeles, CA and all points within the U.S. (excluding AK and HI), under continuing contracts with Emergency Power Engineering, Inc., 3580 Cadillac Avenue, Costa Mesa, CA. Supporting shipper: Emergency Power Engineering, Inc., 3580 Cadillac Avenue, Costa Mesa, CA.

MC 67500 (Sub-3–4TA), filed May 23, 1983. Applicant: BLUE RIDGE TRUCKING COMPANY INC., Sweeten Creek Road, P.O. Box 5118, Asheville, NC 28813 Representative: Terrell Price, Registered Practitioner, 800 Briar Creek Rd., Ste. DD504, Charlotte, NC 28205. *Wooden Accents, Wooden Furniture, and Home Furnishings* between Asheville, NC and Mountain City, TN and its commercial zone. Supporting shippers: Charleston Forge, Division of Hearthstone Enterprises, Inc., Rt. 6, Box 41–A, Boone, NC 28607 and Hart-Well Wood Products, Inc., Rt. 3, Box 108–A, Mountain City, TN 37683.

Note.—Applicant intends to tack with authority held in MC–67500 and to interline at Asheville, NC.

MC 146633 (Sub-3–1TA), filed May 20, 1983. Applicant: TOWING SERVICES OF USA, INC., 4590 126 Ave. North, Clearwater, FL 33520. Representative: Kim G. Meyer, Suite 1006, 225 Peachtree St., NE., Atlanta, GA 30303. *Contract;* Irregular; *General commodities (except classes A and B explosives, household goods and commodities in bulk),* between points in the United States (except AK and HI) under continuing contract(s) with Highway Marketing & Sales, Inc., of Ellenwood, GA. Supporting shipper: Highway Marketing & Sales, Inc., 4868 Highway 12, Suite E, Ellenwood, GA 30049.

MC 168225 (Sub-3–1TA), filed May 24, 1983. Applicant: BILLY JOE KIVETTE d.b.a. KIVETTE TRUCKING CO., Route 1, Box 257A, West Point, GA 31833. Representative: Archie B. Culbreth, Suite 570, 2200 Century Parkway, Atlanta, GA 30345. *Sand, crushed stone, asphalt and fill dirt,* between points in GA, on the one hand, and, on the other, points in AL. Supporting shippers: Reeves Construction Co., Inc., P.O. Box 1326, LaGrange, GA 30241 and Henderson Redi Mix, Crystal Springs Road, Lanett, AL 36863.

MC 134257 (Sub-3–1TA, filed May 24, 1983. Applicant: CARROLL'S TRANSFER, INC., P.O. Box 265, Dublin, NC 28332. Representative: Ralph McDonald, Attorney at Law, P.O. Box 2246, Raleigh, NC 27602. *General commodities (except Classes A and B explosives, household goods, and commodities in bulk)* between the facilities of Acme Transformer, Division of Acme Electric Corporation in Robeson County, NC on the one hand, and, on the other, Carlstadt, NJ, Dallas, TX, Salt Lake City, UT, Carritos, CA, Chicago, IL, and Cuba, NY. Supporting shipper(s): Acme Transformer, Division Acme Electric Corporation, Route 4, Box 54, Lumberton, NC 28358.

MC 168106 (Sub-3–1TA), filed May 17, 1983. Applicant: GLENDA D. EVANS, d.b.a. EVANS TRUCKING COMPANY, P.O. Box 194, Route #1, Delano, Tennessee 37325. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. *Contract carrier;* irregular; *granulated slag* from points in Polk County, TN to points in AL, FL, GA, KY, NC, OH, SC, TN, VA and WV under continuing contract(s) with Apache-Blast, Inc. of Copperhill, TN. Supporting shipper: Apache-Blast, Inc., P.O. Box 428, Copperhill, TN 37317.

The following applications were filed in region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 79658 (Sub-5–21TA), filed May 24, 1983. Applicant: ATLAS VAN LINES, INC., P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same as above). Contract, Irregular; Household goods between points in the U.S. (exclusive of AK and HI). Supporting shipper: Zenith Radio Corporation, Chicago, IL.

MC 79658 (Sub-5–22TA), filed May 24, 1983. Applicant: ATLAS VAN LINES, INC., P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same as above). Contract, Irregular; Household goods between points in the U.S. (exclusive of AK and HI). Supporting shipper: FMC Corporation, Chicago, IL.

MC 128678 (Sub-5–1TA), filed May 24, 1983. Applicant: SERVICE TRUCK LINE, INC., P.O. Box 5518, Bossier City, LA 71111. Representative: C. Wade Shemwell (same as above). Contract; Irregular. *Lumber and related articles, building materials and materials and supplies used in the manufacture thereof,* between points in the U.S. Supporting shipper; Manville Forest Products Corporation, West Monroe, LA.

MC 144514 (Sub-5–2TA), filed May 24, 1983. Applicant: J & M ENTERPRISES, LTD., Box 3145, Des Moines, IA 50316. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Food and related products,* between Sioux Falls, SD; Crete, NE; and points in IA, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, MO, AR, and LA. Supporting shippers: Carriage House Meat and Provision Company, Incorporated, Ames, IA; W & G Marketing Co., Inc., Ames, IA.

MC 165658 (Sub-5–2TA), filed May 24, 1983. Applicant: COMMERCIAL ENTERPRISES LTD., 11128 John Galt Blvd., #510, Omaha, NE 68137. Representative: James F. Crosby & Associates, 7363 Pacific Street, #210B, Omaha, NE 68114. *Such commodities as are used and distributed by grocery stores,* from points in the U.S. (except AK and HI), to Norfolk, NE. Supporting shipper: Affiliated Foods Cooperative, Inc., Norfolk, NE.

MC 168056 (Sub-5–1TA), filed May 24, 1983. Applicant: C. EDWARDS, INC., 310 Drumcliffe, Houston, Texas 77015.

Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, Texas 77024. Contract, Irregular; *steel drums* between Harris County, TX, on the one hand, and points in AR, LA, and OK on the other; *heating and air conditioning equipment* between Sebastian County, AR, on the one hand, and points in OK, LA and TX on the other. Supporting shipper: Rheem Manufacturing Company, Houston, Texas.

MC 168192 (Sub-5-1TA), filed May 23, 1983. Applicant: QUALITY TRANSPORT OF IOWA, INC., 1301 Grand Avenue, Des Moines, IA 50309. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *General commodities (except Classes A and B explosives, household goods and commodities in bulk)* between points in IA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shippers: five.

MC 168193 (Sub-5-1TA), filed May 23, 1983. Applicant: LONGVIEW LIMOUSINE & AIR FREIGHT SERVICE, INC., P.O. Box 8171, Longview, TX 75607. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Automobile parts, and materials, equipment and supplies used in the manufacture, assembly and distribution of motor vehicles,* between the General Motors Corporation assembly facilities at Shreveport, LA, on the one hand, and on the other, points in the U.S. (except AK & HI). Supporting shipper: General Motors Corporation, Truck & Bus Manufacturing Div., Shreveport, LA.

MC 168213 (Sub-5-1 TA), filed May 24, 1983. Applicant: JOEL WIRTH d.b.a. JOEL'S MOBILE HOME SERVICE, 2611 East 2nd St., Sioux City, IA 51102. Representative: George L. Hirschbach, P.O. Box 155, South Sioux City, NE 68776. *Mobile Homes* between points in IA, MN, NE and SD. Supporting shippers(s): Holiday Village Inc., Sioux City, IA, Lake Village, South Sioux City, IA, Martin Evergreen Village, Sioux City, IA.

MC 168215 (Sub-5-1 TA), filed May 24, 1983. Applicant: METL-SPAN CORPORATION, 2422 Butler Street, Dallas, TX 75235. Representative: Wayland Little, 617 Medina Dr., Lewisville, TX 75067. Contract, Irregular; *Machinery and/or parts thereof,* between Addison, IL, on the one hand, and, on the other, points in AR, KS, LA, MO, OK, and TX. Supporting shipper: Krack Corporation, Addison, IL.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 168301 (Sub-6-1 TA), filed May 26, 1983. Applicant: THOMAS BOUCHER AND CARMEN BOUCHER FINNEMAN d.b.a. BOUCHER TRUCKING, Box 830, Valier, MT 59486. Representative: Carmen Boucher Finneman (same address as applicant). *Fertilizer,* between points in WA, ID and MT for 270 days. Supporting shipper: Farmer Union Grain Terminal Assn. P.O. Box 671, Great Falls, MT 59403.

MC 41098 (Sub-6-30 TA), filed May 26, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. *Contract carrier,* irregular routes, *Household goods* between points in the U.S. for 270 days. Supporting shipper: Geo. A. Hormel & Conpany, P.O. Box 800, Austin, MN 55912, and subsidiaries.

MC 115904 (Sub-6-3TA), filed May 26, 1983. Applicant: GROVER TRUCKING CO., 1710 W. Broadway, Idaho Falls, ID 83402. Representative: Timothy R. Stivers, P.O.B. 1578, Boise, ID 83701. *Construction materials and machinery, and equipment, materials and supplies* used in the manufacture and distribution thereof, between points in ID on the one hand, and, on the other, points in WI, for 270 days. [An underlying ETA seeks 120 days authority.] Supporting shipper(s): Bucyrus-Erie Co., P.O.B. 2614, Pocatello, ID 83201.

MC 168266 (Sub-6-1TA), filed May 25, 1983. Applicant: ROBERT L. HANSON, d.b.a. HANSON TRUCKING, 2204 Woodlawn, Missoula MT 59801. Representative: (Same as Applicant). *Contract Carrier,* Irregular Routes, *Chemicals and Related Products.* Between points in and between MT, ID, WA, OR, WY, CO, ND, SD, NE, KA, IL, and IA for 270 days. An under lying ETA seeks 120 days authority. Supporting shipper: Transbas, C/O Yellowstone Valley Chemical Co., P.O.B. 957, Billings, MT 59103.

MC 135679 (Sub-6-1TA), filed May 26, 1983. Applicant: FRANK E. HICKS TRUCKING, INC., 5830 Mayhew Road, P.O.B. 26103, Sacramento, CA 95826. Representative: Ellis Ross Anderson, 100 Bush St., Suite 410, San Francisco, CA 94104. *Asphalt emulsions (slurry seal or slurry mix)* between Elk Grove, CA and points in NV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Conoco, Inc., 555 17th St., Denver, CO 80202.

MC 117201 (Sub-6-8TA), filed May 25, 1983. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055. *Contract,* irregular *such commodities as are dealt in by wholesale and retail department, grocery and home improvement stores* between points in the U.S. (excluding AK and HI) for 270 days. Supporting shipper: Pay'n Save Corporation, 1511—6th Ave., Seattle, WA 98101.

MC 168302 (Sub-6-1TA), filed May 26, 1983. Applicant: J&W TRUCK LINES, 1989 Supreme Dr., San Jose, CA, 95148. Representative: Terry L. Jackson, P.O. Box 51122, San Jose, 95122. *Contract,* irregular; *Motor oils,* between, CA, OR, AZ, NV and WA for 270 days. Supporting shipper: Mouren-Lauren Oil Co., 641 East Compton Blvd., Compton, CA 90020.

MC 147201 (Sub-6-1TA), filed May 24, 1983. Applicant: MARLOR ENTERPRISES, LTD, #17-1583 Pemberton Ave., North Vancouver, B.C. V7P2S4. Representative: Don Garrison, P.O.B. 1065, Fayetteville, AR 72702. *Contract* irregular *General Commodities* (except household goods, classes A and B explosives and commodities in bulk)—Between points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Continental Traffic Services, P.O.B. 4385, Springfield, MO 65808.

MC 146798 (Sub-6-5TA), filed May 26, 1983. Applicant: SULLIVAN TRUCKING, INC., 1340 Umatilla, Denver, CO 80204. Representative: Richard P. Kissinger, 50 S. Steele, Suite 330, Denver, CO 80209. *Food and Related Items* between points in CA, NE, TX and WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Jersey Meat & Provision Co., Inc., 4500 Alcoa Avenue, Vernon, CA 90058.

MC 167892 (Sub-6-1TA), filed May 24, 1983. Applicant: LEE TRAYNHAM TRUCKING, INC., Route 1, Box 91, Arbuckle, CA 95912. Representative: Terry Bressler, P.O. Box 789, Arbuckle, CA 95912. (1) *Agricultural Fertilizer Chemicals, Minerals* and *Related Equipment, Materials* and *Supplies,* between CA, NV and OR, for 270 days. Supporting shippers: J. R. Simplot Company, P.O. Box 198, 16777 S. Howland Lathrop CA 95330; H.J. Baker & Bro., Inc., 4969 E. Clinton Ave., Suite 119, Fresno, CA 93727.

MC 168227 (Sub-6-1TA), filed May 24, 1983. Applicant: LUTHER J. SUTHERLAND, d.b.a. UINTAH TOWING SERVICE, 6600 South Hwy. 89, Uinta, UT 84403. Representative: Frank S. Warner, 543 25th St., Ogden, UT 84403. *Mobile homes* and related supplies and materials, between points in AZ, CO, ID, NV, UT, and WY, for 270 days. An underlying ETA seeks

authority for 120 days. Supporting shippers: There are 5 shippers. Their statements may be examined in the office listed.

MC 167798 (Sub-6–1TA), filed May 20, 1983. Applicant: EARL'S DISTRIBUTING 3305 Latimer, Missoula, MT 59801. Representative: Jeremy G. Thane, P.O.B. 4747, Missoula, MT 59806. *Contract,* irregular, *wine, beer, bottled water and institutional foods* from points in CA, ID, OR, and WA to Great Falls, MT; Helena, Kalispell, and Shelby, MT for 270 days. An underlying ETA seek 120 days authority. Supporting shippers: Fun Beverage, P.O.B. 234, Kalispell, MT; Zeke's Distributing, Inc., P.O.B. 145, Helena, MT; and Pennington's, Inc., P.O.B. 2546, Great Falls, MT 59403.

MC 168212 (Sub-6–1TA), filed May 23, 1983. Applicant: CURTIS B. JOHNSTON, 2187 Horseshoe Lake Rd., St. Paul, OR 97137. Representative: (Same as applicant). *Contract carrier,* Irregular routes: *Food and related products,* between points in OR and WA, for 270 days. Supporting shipper: Carnico, 3100 Paterson Road, Riverbank, CA 95367.

MC 168211 (Sub-6–1 TA), filed May 23, 1983. Applicant: J.J. MOORE TRUCKING LTD., 934 Canyon Court, Coquitlam, CD B.C. V3J 5Y2. REPRESENTATIVE: J. Bruneau (same as applicant). *Contract carrier:* irregular route. *Agriculture fertilizer,* between Lynden, WA and points in B.C., and Alberta, CD for 270 days. Supporting shipper: Wolfkill Feed and Fertilizer Corp., 403–1st Street, Lynden, WA 98264.

MC 168188 (Sub-6–TA), filed May 20, 1983. Applicant: GARY MARSHALL d.b.a. NATIONAL LIVESTOCK EQUIPMENT & SUPPLIES, Rt. 87, No. of Buffalo, Buffalo, WY 82834. Representative: Jacqueline M. Howery (same address as applicant). *Passengers* in special and charter operation between points in WY and MT for 270 days. Supporting shipper: Buffalo Chamber of Commerce, 55 N. Main St., Buffalo, WY 82834.

MC 730 (Sub-6–24TA), filed May 23, 1983. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O.B. 8004, Walnut Creek, CA 94598. Representative: R.E. Allish (same address as above). *Contract carrier:* irregular: *General Commodities* (except Classes A and B explosives, household goods and commodities in bulk) from all points in the U.S. to Price Company warehouses in CA and AZ for 270 days. Supporting shipper: The Price Company, 2657 Ariane Dr.) San Diego, CA 92117.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–15043 Filed 6–3–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Approved Exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on July 6, 1983. Petitions for reconsideration must be filed by June 27, 1983. Petitions for stay must be filed by June 16, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Agatha L. Mergenovich,

Secretary.

[No. MC–F–15094]

L.W. Simpson and Joseph Simpson—Continuance in control exemption—Cross Country Corp., and Mid Seven Transportation Company

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission Washington D.C. 20423 and (2) Petitioner's representative William L. Fairbank, 2400 Financial Center Des Moines, Iowa 50309. Pleadings should refer to No. MC–F–15094.

Decided: May 25, 1983.

Under 49 U.S.C. 11343(e), The Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(b)(2), the continuance in control of Cross Country, Corp., and Mid Seven Transportation Company by L.W. Simpson and Joseph Simpson and family.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC–F–15157]

Alaska Terminals, Inc.—Control Exemption—Alaska SeaVan, Inc.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioners' representative J.G. Dail, Jr. P.O. Box LL, McLean, VA 22101. Pleadings should refer to No. MC–F–15157.

Decided: May 27,1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(3) the acquisition of control of Alaska SeaVan, Inc. (No. MC–136038), a regulated carrier doing business as Mitchell Moving and Storage, by Alaska Terminals, Inc. (No. MC–116491), through purchase by Alaska Terminals of all capital stock of Alaska SeaVan from Golden North Van Lines, Inc. (No. MC–140586).

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No, MC–F–15168]

Transport America, Inc.—Purchase Exemption—Chicago-St. Louis Transport Co.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioners representative, James C. Hardman, Suite 2108, 33 N. LaSalle St. Chicago, IL 60602. Pleadings should refer to No. MC–F–15168.

Decided: May 27, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Transport America, Inc., of a portion of the operating rights of Chicago-St. Louis Transport Co. i.e., Certificate Nos. MC–134493, (Sub-No. 9) X and MC–134493, authorizing (over regular routes) the transportation of (1) general commodities (with exceptions), between Chicago, IL and St. Louis, MO, and (2)

food and related products, and machinery, between St. Louis, MO and Waukegan, IL.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[FR Doc. 83-15034 Filed 6-3-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 4 at (202) 275-7669.

Volume No. OP4-FC-334

MC-FC-81482, filed May 16, 1983. By decision of May 25, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to Reliable Crane and Rigging, Inc., d.b.a. Wilkins Draying Co., Sacramento, CA, of Certificate No. MC-69827, issued January 23, 1963, to Wilkins Draying Co., Sacramento, CA, authorizing the transportation of machinery, telephone poles and cables, and construction and building equipment, materials and supplies, between points within 85 miles of Sacramento, CA. Representative: Ellis Ross Anderson, 100 Bush St., Suite 410, San Francisco, CA 94104, (415) 421-6743.

[FR Doc. 83-15035 Filed 6-3-83; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 431]

Rail Carriers; Adoption of Uniform Rail Costing System for Determining Variable Cost for Jurisdictional Threshold and Surcharge Purposes

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments on adoption of Commission's new Uniform Railroad Costing System.

SUMMARY: In the **Federal Register** notice of February 1, 1983 (48 FR 4562) the due date established for comments on the adoption of the Uniform Railroad Costing System for specific regulatory functions was June 1, 1983. At the request of the Association of American Railroads, Edison Institute and other parties the due date has been postponed to September 28, 1983.

DATE: Comments are due September 28, 1983.

ADDRESS: Send an original and 10 copies of any comments to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Leslie J. Selzer at (202) 275-7627.

Dated: May 25, 1983.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15038 Filed 6-3-83; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-147)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—In Stevens and Pope Counties, MN; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its line of railroad known as the Morris to Starbuck line extending from railroad milepost 66.00 near Morris, to milepost 67.00, at the end of the line near Starbuck, a distance of 19 miles to Stevens and Pope Counties, MN. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedure regarding financial assistance for continued rail service are continued in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15037 Filed 6-3-83; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-31 (Sub-7)]

Rail Carriers; Grand Trunk Western Railroad Co.—Abandonment—In Huron County, MI; Findings

The Commission has issued a certificate authorizing Grand Trunk Western Railroad Company to abandon its 6.79 mile rail line between Pigeon, MI (milepost 92.84) and Caseville, MI (milepost 99.63) in Huron County, MI. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission,

Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15030 Filed 6-3-83; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-54]

Passenger Train Operation

To: Union Pacific Railroad Company

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Seattle, Washington and Los Angeles, California. The operation of these trains requires the use of the tracks and other facilities of Southern Pacific Transportation Company (SP). A portion of the SP tracks at Heather, Oregon, are temporarily out of service because of a derailment. An alternate route is available via the Union Pacific Railroad Company between Oregon Trunk Junction and Portland, Oregon.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided April 29, 1981, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 USC 562(c)), the Union Pacific Railroad Company (UP), is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between Oregon Trunk Junction, Oregon, and a connectin with Southern Pacific Transportation Company (SP) at Portland, Oregon.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upoon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 7:30 a.m., May 24, 1983 (EDT).

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 25, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Union Pacific Railroad Company and upon National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 24, 1983.

Interstate Commerce Commission.

Bernard Gaillard,

Acting Director, Office of Compliance and Consumer Assistance.

[FR Doc. 83-15032 Filed 6-3-83; 8:45 am]

BILLING CODE 7035-01-M

Water Carrier; Temporary Authority Application

The following were filed with the Regional Offices. Petition for Reconsideration is to be filed, within 20 days of this publication with the Regional Office noted in each caption summary. Replies to petition may be filed within 20 days of the date petition is filed.

The following application was filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, Pa 19106; WC 1291 (Sub-II-3 TA), filed May 4, 1983. Applicant: ALUMINA TRANSPORT CORP., 6600 West Broad St., Richmond, VA 23261. Representative: Norman J. Philion, III, 1920 N Street NW., Washington D.C. 20036. *Ammonium Sulfate, in bulk,* from Hopewell, VA to Stockton, CA via the Panama Canal, under a continuing contract(s) with Allied Corporation, for 180 days. Supporting shipper: Allied Corporation, Morristown, NJ.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15033 Filed 6-3-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 347 (Sub-1)]

Nationwide Coal Rate Guidelines; Extension of Time To File Comments

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments to notice of proposed policy.

SUMMARY: In the **Federal Register** notice of April 26, 1983 (48 FR 18918) the due date established for comments on ratemaking issues was postponed to June 13, 1983. At the request of the Edison Electric Institute and other parties the due date has been further postponed by 45 days to July 28, 1983.

DATE: Comments are due July 28, 1983.

ADDRESS: Send an original and 10 copies of any comments to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Leslie J. Selzer at (202) 275-7627.

Dated: May 25, 1983.

For the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15039 Filed 6-3-83; 8:45 am]

BILLING CODE 7035-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Committee Activities; Meeting

The ACRS Subcommittee on Committee Activities will hold a meeting on June 22, 1983, at Scripps Institution of Oceanography, Room 114, Administrative Building, 8602 La Jolla Shores Drive, La Jolla, Calif. The Subcommittee will disucss the future scope and direction of ACRS activities.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee and its Staff. Persons desiring to make oral statements should notify the cognizant Designated Federal Employee as far in advance as parcticable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting will be as follows: *Wednesday, June 22, 1983—8:30 a.m. until the conclusion of business.*

The Subcommittee members will exchange views regarding the future scope and direction of Committee activities.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant designated Federal Employee, Mr. Marvin C. Gaske (telephone 202/634–3265) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: May 31, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–15087 Filed 6–3–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–443–OL & 50–444–OL; Public Service Company of New Hampshire, et al.; Seabrook Station, Units 1 and 2]

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), The Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding: Alan S. Rosenthal, Chairman; Gary J. Edles; Howard A. Wilber.

Dated: May 31, 1983.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83–15089 Filed 6–3–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–302]

Florida Power Corporation, et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Signficant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–72, issued to Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees), for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida.

The proposed amendment relates to the Cycle 5 reload, which has an increased cycle lifetime of 460 effective full power days (EFPD) instead of 350 EFPD in the previous cycle, and involves numerical changes to the regulating rod group insertion limit curves, the axial power shaping rod limit curves, the axial power imbalance envelope, and other related Technical Specification changes in accordance with the licensees' application for amendment dated March 31, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain Examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations relates to reload amendments involving no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and that NRC has previously found such methods acceptable. The proposed amendment would permit operation for Cycle 5 with fuel that is not signficantly different from that used in previous cycles. The mechanical design of the fuel assemblies in Cycle 5 is unchanged from Cycle 4. There are no significant changes in the nuclear design of Cycle 5. The thermal-hydraulic design evaluation remains bounded by the Final Safety Analysis Report and the previous reloads and the thermal performance of the core during accidents and transients for the Cycle 5 reload remains within the bounds of previously accepted analyses. The additional cycle lifetime (460 EFPD vs 350 EFPD) is achieved by minor differences in fuel enrichment and compensated for by minor operational changes and by a larger quantity of burnable poison in the core. Therefore, the Commission proposes to determine that the proposed amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 7, 1983, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the

nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to S. A. Brandimore, Florida Power Corporation, Vice President and General Counsel, P.O. Box 14042, St. Petersburg, Florida 33733.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Crystal River Public Library, 668 N. W. First Avenue, Crystal River, Florida.

Dated at Bethesda, Maryland, this 31st day of May 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-15088 Filed 6-3-83; 8:45 am]
BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval
Form U-4
No. 270-14

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for an extension of OMB approval Form U-4 (17 CFR 249.502) under the Securities Exchange Act of 1934 (15 U.S.C. 78a, *et seq.*). Form U-4 is the uniform personnel form which registered brokers and dealers file on behalf of associated persons. Form U-4 requests information regarding the integrity and education of such associated persons.

Submit comments to OMB Desk Officer: Mr. Robert Veeder, (202) 395-4814, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

May 27, 1983.

[FR Doc. 83-15086 Filed 6-3-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-19829; File No. SR-NASD-83-6]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 11, 1983, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The following is the full text of the proposed amendment to Section 24 to Appendix E to Section 33 of Article III of the Association's Rules of Fair Practice.

Note.—Additions are italicized; deletions are bracketed.

Appendix E

* * * * *

Section 24—Options Transactions and Reports by Market Makers in Listed Securities

Every member who is [a] *an off-board* market maker in a security listed on a national securities exchange shall report to the Association in accordance with such procedures as may be prescribed by the Board of Governors, [any transaction either directly or indirectly for the benefit of such member and/or any partner, officer or director of the member in any option contract for which such security is the underlying security]. *transactions involving 50 or more option contracts on such listed securities which are either directly for the benefit of (a) the member or (b) any employee, partner, officer, or director of the member who, by virtue of his position with the member, is directly involved in the purchase or sale of the underlying security for the firm's proprietary account(s) or is directly responsible for supervision of such persons; or who by virtue of his position in the firm, is authorized to, and regularly does, obtain information on the proprietary account(s) of the member in which the underlying security is traded.* This rule shall apply to all options transactions including those executed on an exchange to which the member may belong.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization bas prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the rule change, which was promulgated after receiving comment that the rule as presently structured could result in an unnecessary reporting burden on certain members, is to reduce that burden while maintaining a level of information reporting consistent with the purposes of the rule. The comments received after original implementation of the rule stated that for certain members monitoring of all options transactions for all officers of the firms would create a substantial administrative burden in that some firms have a very large class of employees who are officers of the member but whose responsibilities are totally unrelated to the firm's market making activities.

Under the amended rule, transactions would be reportable only if they are undertaken for the benefit of the member firm or for individuals who are directly involved in the purpose or sale of the underlying security for the firm's proprietary accounts or who are directly responsible for supervision of those persons. In addition, any other employee, partner, officer or director of the firm who, on a routine basis, receives information relating to the firm's proprietary accounts would be covered by the reporting requirement. In an additional effort to make the reporting requirement less burdensome and more meaningful to the Association's Market Surveillance Department, reporting would be required only when a covered account engages in transactions involving 50 or more option contracts in the security on any date during the Association's monthly reporting period since transactions of a lesser volume would have little impact on the marketplace.

Section 15A(b)(6) of the Act which applies to registered securities associations, requires that "[t]he rules of the association [be] designed to prohibit fraudulent and manipulative acts and practices, to promote just and equitable principles of trade . . . [and] to remove impediments to and perfect the mechanism of a free and open market and a national market system." The Association believes that the proposed amendment would still allow the meaningful monitoring of transactions in furtherance of this end but with a diminished reporting burden on its members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not result in a burden on competition in that it reduces an existing reporting requirement.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Association's Rules of Fair Practice provides that Appendix E may be amended by the Board without recourse to the membership. The amendment was, however, circulated to members making off-board markets in optionable exchange listing securities. One comment was received suggesting further reducing the scope transactions to be reported but this suggestion was not deemed appropriate by the Association.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

May 31, 1983.

[FR Doc. 83-15690 Filed 6-3-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2088]

Kentucky; Delaration of Disaster Loan Area

Jefferson County in the State of Kentucky constitutes a disaster area as a result of heavy rains and flooding which occurred on May 2, 1983. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 25, 1983, and for economic injury until the close of business on February 24, 1984, at the address listed below: U.S. Small Business Administration, Federal Office Building, Room 188, 600 Federal Place, P.O. Box 3517, Louisville, Kentucky 40202; or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere, 11.1250%
Homeowners without credit available elsewhere, 5.6250%
Business with credit available elsewhere, 10.5000%
Business without credit available elsewhere, 8.0000%
Business (EIDL) without credit available elsewhere, 8.0000%
Other (non-profit organizations including charitable and religious organizations), 11.3750%.

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Public Law 96–302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)Q02

Dated: May 23, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83–15078 Filed 6–3–83; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area No. 2087]

Ohio; Declaration of Disaster Loan Area

Wood County in the State of Ohio constitutes a disaster area as a result of damage caused by a tornado which occurred on May 2, 1983. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 25, 1983, and for economic injury until the close of business on February 24, 1984, at the address listed below:

U.S. Small Business Administration, AJC Federal Building, Room 317, 1240 East Ninth Street, Cleveland, Ohio 44199 or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	11.1250
Homeowners without credit available elsewhere	5.6250
Businesses with credit available elsewhere	10.5000
Businesses without credit available elsewhere	8.0000
Businesses (EIDL) without credit available elsewhere	8.0000
Other (nonprofit organizations including charitable and religious organizations)	11.3750

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96–302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: May 23, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83–15077 Filed 6–3–83; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–83–11]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

Correction

In FR Doc. 83–12126 appearing on page 23015 in the issue of Monday, May 23, 1983, make the following correction:

In the table on page 23015, under *Docket No.*, the number for Jack Vance McCain now reading "2365" should have read "23625".

BILLING CODE 1505–01–M

National Highway Traffic Safety Administration

[Docket No. IP83–4; Notice 1]

Alliance Tire & Rubber Company Ltd.; Receipt of Petition for Determination of Inconsequential Noncompliance

Alliance Tire & Rubber Company Ltd. of Hadera, Israel, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.)* for an apparent noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition

Paragraph S6.5(f) of Standard No. 119 requires tires to be marked with the actual number of plies and the composition of the ply cord material in the sidewall and, if different, in the tread area. Alliance produced 150 truck tires size 11R24.5 between the 4th and 8th week of 1983 with incorrect markings. The sidewalls read "...Tread 5 Ply Steel Sidewall 1 Plies (sic) Nylon" instead of the correct marking, "...Tread 5 Ply Steel Sidewall 1 Ply Steel".

Petitioner argues that the error has an inconsequential relationship to motor vehicle safety as the tires otherwise comply with Standard No. 119.

Interested persons are invited to submit written data, views and arguments on the petition of Alliance Tire & Rubber Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are P. L. Moore and Taylor Vinson, respectively.

Comment closing date: July 6, 1983.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on May 27, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83–15080 Filed 6–3–83; 8:45 am]

BILLING CODE 4910–59–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Advisory Committee For Trade Negotiations; Closed Meeting

The meeting of the Advisory Committee for Trade Negotiations (the Advisory Committee) to be held Wednesday, June 29, 1983, from 2:00 p.m. to 5:00 p.m. at the Federal Home Loan Bank Board Amphitheater, will involve a review and discussion of the current issues involving the trade policy of the United States. The review and discussion will deal with information submitted in confidence by the private sector members of the Committee under Section 135(g)(1)(A) of the Trade Act of 1974, as amended (the Act); information submitted by government officials under Section 135(g)(2) of the Act the disclsoure of which could be reasonably expected to prejudice United States negotiating objectives; information the disclosure of which would be likely to significantly frustrate implementation of proposed government action; and information properly classified pursuant to Executive Order 12356 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees, established under Section 135(c) of the Act, I hereby determine that the meeting of the Advisory Committee will be concerned with matters listed above and with matters listed in Section 552b(c) of Title 5 of the United States Code. Therefore, the meeting of the Advisory Committee for Trade Negotiations will be closed to the public.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

William E. Brock,

United States Trade Representative.

[FR Doc. 83-15002 Filed 6-3-83; 8:45 am]

BILLING CODE 3190-01-M

Trade Policy Staff Committee; Generalized System of Preferences (GSP) Subcommittee Notice of Results of Reviews of Petitions Requesting Changes in the List of Articles Eligible for Duty-Free Treatment Under the GSP

This publication provides the disposition of the petitions accepted for review in the 1982 annual product review and other petitions as listed below. These petitions requested changes in the list of imported articles eligible for duty-free treatment under the U.S. Generalized System of Preferences (GSP). The GSP is provided for in the Tade Act of 1974 (19 U.S.C. 2461–2465). The review was conducted pursuant to regulations codified at 15 CFR 2007. Results of the review were implemented as of March 31, 1983, by Executive Order 12413 of March 30, 1983 (48 FR 13821). All communications with respect to this notice should be addressed to the Executive Director, Generalized System of Preferences, Office of the United States Trade Representative, Room 316, 600 17th Street, N.W., Washington, D.C. 20506. Questions may be directed to any member of the GSP Information Center at (202) 395–6971.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

BILLING CODE 3190-01-M

PETITIONS ACCEPTED FOR REVIEW

CASE NO.	TSUS OR TSUSA 1/ ITEM NO.	ARTICLE	PETITIONER	ACTION TAKEN
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
82-1	112.54	Sardines, not over 18 cents per pound	Andean Group, Government of Chile	Petition Denied
82-2	112.71	Sardines, not skinned or boned: smoked	Andean Group, Government of Chile	Petition Denied
82-3	112.73	Sardines, not skinned or boned: not smoked	Andean Group, Government of Chile	Petition Denied
82-4	112.74	Sardines, skinned or boned	Andean Group, Government of Chile	Petition Denied
82-5	112.79	Sardines, smoked: valued at 45 cents per pound or more	Andean Group, Government of Chile	Petition Denied
82-6	112.80	Sardines, other	Andean Group, Government of Chile	Petition Denied
82-7	131.75 part	Wheat bran	Government of Chile	Petition Withdrawn
82-8	137.93	Pumpkins and breadfruit	Government of Jamaica	Petition Accepted

1/ TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (19 U.S.C. 1202)

2/ COUNTRY OR COUNTRIES NAMED ARE THOSE BENEFICIARY COUNTRIES SPECIFIED BY THE PETITIONER

* PETITION REVIEWED PURSUANT TO 15 CFR 2007.3(b), PROVISIONS FOR REVIEW OF PETITIONS WHICH REQUIRED IMMEDIATE REVIEW DUE TO UNUSUAL CIRCUMSTANCES

PETITIONS ACCEPTED FOR REVIEW

CASE NO.	TSUS OR TSUSA 1/ ITEM NO.	ARTICLE	PETITIONER	ACTION TAKEN
82-9	145.26	Pistache, not shelled	Government of Turkey	Petition Accepted
82-10	146.74	Raspberries, frozen	Government of Chile	Petition Accepted
82-11	146.90	Cherries, fresh, not in airtight or watertight containers	Government of Chile	Petition Accepted
82-12	146.99	Cherries, prepared or preserved	Government of Chile	Petition Denied
82-13	147.51	Dried figs, in immediate containers weighing with their contents over 1 pound each	Government of Turkey	Petition Denied
82-14	147.53	Figs, dried, in containers weighing not over 1 pound each	Government of Turkey	Petition Accepted
82-15	147.54	Figs, prepared or preserved, nspf	Government of Turkey	Petition Accepted
82-16	147.61	Fresh grapes, entered between Feb. 15 and March 31	Andean Group, Government of Colombia	Petition Denied
82-17	147.64	Fresh grapes, entered between July 1 and Feb. 14	Andean Group, Government of Colombia	Petition Denied
82-20	149.18	Fresh plums	Government of Chile	Petition Denied
82-21	149.28	Prunes	Government of Chile	Petition Denied
82-22	152.50	Fig paste	Government of Turkey	Petition Denied

1/ TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (19 U.S.C. 1202)

2/ COUNTRY OR COUNTRIES NAMED ARE THOSE BENEFICIARY COUNTRIES SPECIFIED BY THE PETITIONER

* PETITION REVIEWED PURSUANT TO 15 CFR 2007.3(b), PROVISIONS FOR REVIEW OF PETITIONS WHICH REQUIRED IMMEDIATE REVIEW DUE TO UNUSUAL CIRCUMSTANCES

PETITIONS ACCEPTED FOR REVIEW

CASE NO.	TSUS OR TSUSA 1/ ITEM NO.	ARTICLE	PETITIONER	ACTION TAKEN
82-23	152.40	Quince and apple paste	Government of Uruguay	Petition Accepted
82-24	153.05	Mulberry jelly	Government of Honduras, Andean Group	Petition Accepted
82-25	153.20	Papaya jelly	Government of Honduras	Petition Accepted
82-26	161.05	Basil, manufactured	Government of Egypt	Petition Accepted
82-27	192.25	Hops	Hmezad Export-Import and Koprodukt Novi Sad, Yugoslavia	Petition Denied
82-28	306.11	Coarse wool, in the grease, or washed, not carded	Government of Egypt	Petition Accepted
82-29	307.08	Wool or hair waste, noils, advanced	Government of Egypt	Petition Accepted
82-30	358.06	Machine belting of rubber	Andean Group, Government of Colombia	Petition Accepted
82-31	358.14	Machinery belts, other than v-belts, of manmade fibers	Andean Group, Government of Colombia	Petition Accepted
82-32	361.85	Floor covering underlays	Government of Egypt	Petition Accepted

1/ TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (19 U.S.C. 1202)

2/ COUNTRY OR COUNTRIES NAMED ARE THOSE BENEFICIARY COUNTRIES SPECIFIED BY THE PETITIONER

* PETITION REVIEWED PURSUANT TO 15 CFR 2007.3(b), PROVISIONS FOR REVIEW OF PETITIONS WHICH REQUIRED IMMEDIATE REVIEW DUE TO UNUSUAL CIRCUMSTANCES

PETITIONS ACCEPTED FOR REVIEW

CASE NO.	TSUS OR TSUSA 1/ ITEM NO.	ARTICLE	PETITIONER	ACTION TAKEN
82-33	389.80 part	Textile fasteners consisting of two mating knit or woven textile strips, of pile or tufted construction	Government of Uruguay	Petition Withdrawn
82-34	389.6265 part	Textile fasteners, other	Government of Uruguay	Petition Withdrawn
82-35	403.27	Alpha-napthol	Makteshim Chemical Works Ltd., Israel	Petition Accepted
82-36	404.42	Para-hydroxybenzoic acid	Maktesnim Chemical Works Ltd., Israel	Petition Accepted
82-37	404.45 part	Methylparaben; and propylparaben	Maktesnim Chemical Works Ltd., Israel	Petition Denied
82-38	405.31	N-Acetylsulfanilyl chloride	Government of Korea	Petition Accepted
82-39	406.81	Cyclohexanone	Andean Group	Petition Accepted
82-40	411.24	Sulfamethazine, suitable for drug use	Pliva of Zagreb, Yugoslavia	Petition Accepted
82-41	411.26	Sulfamerazine	Pliva of Zagreb, Yugoslavia	Petition Accepted
82-42	411.80	Sulfathiazole and sulfathiazole, sodium	Pliva of Zagreb, Yugoslavia	Petition Accepted

1/ TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (19 U.S.C. 1202)

2/ COUNTRY OR COUNTRIES NAMED ARE THOSE BENEFICIARY COUNTRIES SPECIFIED BY THE PETITIONER

* PETITION REVIEWED PURSUANT TO 15 CFR 2007.3(b), PROVISIONS FOR REVIEW OF PETITIONS WHICH REQUIRED IMMEDIATE REVIEW DUE TO UNUSUAL CIRCUMSTANCES

PETITIONS ACCEPTED FOR REVIEW

PETITIONS ACCEPTED FOR REVIEW

PETITIONS ACCEPTED FOR REVIEW

CASE NO.	TSUS OR TSUSA 1/ ITEM NO.	ARTICLE	PETITIONER	ACTION TAKEN
82-43	411.81	Sulfamethazine sodium; sulfamethoxazole; sulfisoxazole	Pliva of Zagreb, Yugoslavia	Petition Accepted
82-44	411.81	Sulfacetamide sodium; sulfanilamide; sulfagunioxaline	Government of Romania	Petition Accepted
82-45	411.91	Mandelic acid	Conray Chemicals, New York, NY	Petition Accepted
82-46	412.67	Hydrochlorothiazide	Pliva of Zagreb, Yugoslavia	Petition Accepted
82-73 82-74		Tolbutamide	Government of Romania	Petition Accepted
82-47	428.38	Glycerine refined	Andean Group, Government of Colombia	Petition Accepted
82-48	546.3540 part	Hand-blown votives	Glass Products, Inc., Dallas TX	Petition Denied
82-49	546.6060 part	Hand-blown votives	Glass Products, Inc., Dallas, TX	Petition Denied
82-50	646.80	Padlocks	Government of India	Petition Denied
82-51	646.83	Padlocks	Government of India	Petition Denied
82-52	646.84	Padlocks	Government of India	Petition Denied

1/ TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (19 U.S.C. 1202)

2/ COUNTRY OR COUNTRIES NAMED ARE THOSE BENEFICIARY COUNTRIES SPECIFIED BY THE PETITIONER

* PETITION REVIEWED PURSUANT TO 15 CFR 2007.3(b), PROVISIONS FOR REVIEW OF PETITIONS WHICH REQUIRED IMMEDIATE REVIEW DUE TO UNUSUAL CIRCUMSTANCES

PETITIONS ACCEPTED FOR REVIEW

CASE NO.	TSUS OR TSUSA 1/ ITEM NO.	ARTICLE	PETITIONER	ACTION TAKEN
82-53	685.8013	Ceramic capacitors, multilayer	AVX Ceramics, Myrtle Beach, SC	Petition Withdrawn
82-54	685.8016	Ceramic capacitors, multilayer	AVX Ceramics, Myrtle Beach, SC	Petition Withdrawn
82-55	685.8017	Ceramic capacitors, chips	AVX Ceramics, Myrtle Beach, SC	Petition Withdrawn
82-56	700.90	Disposable footwear designed for one-time use	Government of Haiti	Petition Accepted
82-75	703.14	Disposable footwear	Government of Haiti	Petition Accepted
82-57	705.86	Rubber gloves	Government of Thailand	Petition Denied
		B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences		
82-58	407.16 part	Mixtures of Toluene-2, 4-diisocyanate and Toluene-2,6-diisocyanate	Ad Hoc Group of Domestic TDI Producers, New York, NY	Petition Denied

1/ TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (19 U.S.C. 1202)

2/ COUNTRY OR COUNTRIES NAMED ARE THOSE BENEFICIARY COUNTRIES SPECIFIED BY THE PETITIONER

* PETITION REVIEWED PURSUANT TO 15 CFR 2007.3(b), PROVISIONS FOR REVIEW OF PETITIONS WHICH REQUIRED IMMEDIATE REVIEW DUE TO UNUSUAL CIRCUMSTANCES

PETITIONS ACCEPTED FOR REVIEW

CASE NO.	TSUS OR TSUSA 1/ ITEM NO.	ARTICLE	PETITIONER	ACTION TAKEN
82-59	418.75 part	Copper hydroxide	Kocide Chemical Corp., Houston, TX	Petition Denied
82-60	425.22 part	1,1' -Azobisformamide	Uniroyal Chemical, Naugatuck, CT	Petition Denied
*	606.30	Ferromanganese containing over 4 percent by weight of carbon	Trade Policy Staff Committee	Accepted
82-61	646.54	Bolts	United States Fastener Manufacturing Group, Washington, DC	Petition Accepted
82-62	646.56	Nuts	United States Fastener Manufacturing Group, Washington, DC	Petition Accepted
		C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences 2/		
82-63	167.05 (Mexico)	Ale, porter, stout and beer	United States Brewers Association, Inc., Washington, DC	Petiton Accepted Mexico Graduated
82-64	240.14 (Taiwan)	Deerskins	Patat Plywood Corp., Hunkmark, GA	Petition Denied
82-65	493.6820 (Republic of Korea, Mexico)	Sorbitol	Pfizer, Inc., New York, NY	Petition Withdrawn
*	606.36 (Brazil)	Ferrosilicon containing over 60 percent but not over 80 percent by weight	U.S. Ferroalloys Association, Washington, DC	Petition Accepted Brazil Graduated
*	606.37 (Brazil)	Ferrosilicon containing over 60 percent but not over 80 percent by weight	U.S. Ferroalloys Association, Washington, DC	Petition Accepted Brazil Graduated
*	606.44 (Brazil)	Ferrosilicon manganese	U.S. Ferroalloys Association, Washington, DC	Petition Accepted Brazil Graduated

1/ TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (19 U.S.C. 1202)

2/ COUNTRY OR COUNTRIES NAMED ARE THOSE BENEFICIARY COUNTRIES SPECIFIED BY THE PETITIONER

* PETITION REVIEWED PURSUANT TO 15 CFR 2007.3(b), PROVISIONS FOR REVIEW OF PETITIONS WHICH REQUIRED IMMEDIATE REVIEW DUE TO UNUSUAL CIRCUMSTANCES

PETITIONS ACCEPTED FOR REVIEW

PETITIONS ACCEPTED FOR REVIEW

CASE NO.	TSUS OR TSUSA 1/ ITEM NO.	ARTICLE	PETITIONER	ACTION TAKEN
82-66	649.3716 (Taiwan)	Visas	Wilton Corporation, Des Plaines, IL	Petition Accepted Taiwan ineligible for GSP on TSUS 649.37 due to competitive need
82-67	654.04 (Republic of Korea, Portugal, Taiwan)	Copper Cookwars	American Trading and Production Company, Baltimore, MD	Petition Accepted Republic of Korea and Taiwan graduated
82-68	682.0520 (Hong Kong)	Luminous neon transformers	France, Fairview, TN	Petition Denied
*	728.22 (Taiwan)	Vinyl tile floor coverings, nspf	Armstrong World Industries, Lancaster, PA	Petition Accepted Taiwan Graduated
82-70	772.60 (Republic of Korea)	Inner tubes	Rubber Manufacturers Association, Washington, DC United Rubber, Cork, Linoleum and Plastic Workers of America, East Gadsden, AL	Petition Accepted Republic of Korea Graduated

1/ TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (19 U.S.C. 1202)

2/ COUNTRY OR COUNTRIES NAMED ARE THOSE BENEFICIARY COUNTRIES SPECIFIED BY THE PETITIONER

* PETITION REVIEWED PURSUANT TO 15 CFR 2007.3(b), PROVISIONS FOR REVIEW OF PETITIONS WHICH REQUIRED IMMEDIATE REVIEW DUE TO UNUSUAL CIRCUMSTANCES

PETITIONS ACCEPTED FOR REVIEW

CASE NO.	TSUS OR TSUSA 1/ ITEM NO.	ARTICLE	PETITIONER	ACTION TAKEN
CONTINUED				
		D. Petitions to determine an eligible article as not like or directly competitive with any article produced in the United States on January 3, 1975, in order to avoid loss of GSP duty-free treatment under the provisions of section 504(c)(1)(B) of the Trade Act of 1974		
82-71	169.42	Mescal	Barton Brands, Ltd., Chicago, IL, Capital Importers, Los Angeles, CA, Government of Mexico	Petition Accepted
82-72	727.13	Buri furniture	Government of the Philippines	Petition Accepted

1/ TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (19 U.S.C. 1202)

2/ COUNTRY OR COUNTRIES NAMED ARE THOSE BENEFICIARY COUNTRIES SPECIFIED BY THE PETITIONER

* PETITION REVIEWED PURSUANT TO 15 CFR 2007.3(b), PROVISIONS FOR REVIEW OF PETITIONS WHICH REQUIRED IMMEDIATE REVIEW DUE TO UNUSUAL CIRCUMSTANCES

[FR Doc. 83-15002 Filed 6-3-83; 8:45 am]
BILLING CODE 3190-01-C

Sunshine Act Meetings

Federal Register
Vol. 48, No. 109
Monday, June 6, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Consumer Product Safety Commission	1
Federal Mine Safety and Health Review Commission	2
Federal Trade Commission	3
Occupational Safety and Health Review Commission	4
Postal Service (Board of Governors)	5

1

CONSUMER PRODUCT SAFETY COMMISSION

Agenda

TIME AND DATE: 10 a.m., Wednesday, June 8, 1983.

LOCATION: Third Floor Hearing Room, 1111–18th Street NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. *Chain Saws: Status Report*
The staff will brief the Commission on the report on the status of the chain saw project. The report includes information on: (1) The availability and use of various chain saw safety devices; (2) selected preliminary results from the consumer chain saw survey; (3) Summary of the ANSI B175 Committee Meetings; (4) summary of hand-held tests; (5) status of chain saw injury surveys; and (6) report on chain saw information and education activities.

2. *Closure Test Apparatus: Status Report*
The staff will brief the Commission on the report on the status of development of closure testing apparatus for use in evaluating child-resistant packaging.

3. *Diphenhydramine*
The Commission will consider whether or not to propose a regulation, under the Poison Prevention Packaging Act (PPPA), to require child-resistant packaging for over-the-counter (OTC) drug products containing diphenhydramine.

(For a recorded message containing the latest agenda information: call 301–492–5709)

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

[S–800–83 Filed 6–2–83; 1:27 pm]

BILLING CODE 6355–01–M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Wednesday, June 8, 1983.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Secretary of Labor *ex rel.* Ball v. B & B Mining Co., Inc., et al., Docket No. VA 80–128–D. (Issues include consideration of Secretary of Labor's motion to withdraw his petition for review and to dismiss the case.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5632.

[S–802–83 Filed 6–2–83; 2:21 p.m.]

BILLING CODE 6735–01–M

3

FEDERAL TRADE COMMISSION

TIME AND DATE: 2:30 p.m., Monday, June 13, 1983.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Open.

MATTER TO BE CONSIDERED: Consideration of Proposed Trade Regulation Rule on Credit Practices.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523–1892; Recorded Message: (202) 523–3806.

[S–799–83 Filed 6–2–83; 10:35 am]

BILLING CODE 6750–01–M

4

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on June 23, 1983.

PLACE: Suite 316, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell. (202) 634–4015.

Date: June 2, 1983.

[S–801–83 Filed 6–2–83; 3:07 pm]

BILLING CODE 7500–01–M

5

POSTAL SERVICE (BOARD OF GOVERNORS)

Notice of Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b) hereby gives notice that it intends to hold meetings at 1:30 p.m. on Monday, June 13, and 8:30 a.m. on Tuesday, June 14, 1983, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. The meetings will be closed to public observation. The only agenda item before the Board will be a discussion regarding possible future rate adjustments. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 245–3734.

David F. Harris,

Secretary.

[S–798–83 Filed 6–2–83; 10:12 am]

BILLING CODE 7710–12–M

Federal Register

Monday
June 6, 1983

Part II

Department of Defense

Privacy Act of 1974; Annual Publication of Systems of Records

DEPARTMENT OF DEFENSE

Privacy Act of 1974; DoD System Notices

AGENCY: Department of Defense.

ACTION: Publication of system notices.

SUMMARY: The Department of Defense is publishing in their entirety the system notices for all of the systems of records maintained by that agency as of December 31, 1982.

DATES: All of the system notices listed have been previously published in the **Federal Register** as required by 5 U.S.C. § 552a(e)(11).

FOR FURTHER INFORMATION CONTACT: Lt. Col. William C. Goforth, USAF, Staff Executive (Attorney), Defense Privacy Board, c/o OSD Mail Room, Rm: 3A–948, The Pentagon, Washington, D.C. 20301. Telephone: 202/694–3027.

SUPPLEMENTARY INFORMATION: This publication represents a complete listing of all of the DoD systems of records subject to the Privacy Act of 1974 as amended Title 5, United States Code Section 552a being maintained as of December 31, 1982.

Anyone wishing to determine if he or she is included in any system, seeking access to any system or requesting amendment of a record in any system should contact the appropriate Component official listed in the applicable system notice.

The systems of records subject to the Privacy Act are maintained under the guidance of the following components:

Component	System identifier
The Department of the Army	A.
Defense Mapping Agency	B
Defense Criminal Investigative Service (Now Office of Inspector General, DoD).	C
Office of the Secretary of Defense	D
Defense Advanced Research Projects Agency	E
Department of the Air Force[1]	F.
National Security Agency	G.
Defense Nuclear Agency	H.
Organization of the Joint Chiefs of Staff	J.
Defense Communication Agency	K.
Defense Intelligence Agency	L
United States Marine Corp	M
Department of the Navy	N.
Defense Contract Audit Agency	R.
Defense Logistics Agency	S.
Defense Investigative Service	V.
Uniformed Services University of Health Science	W.

[1] The Department of the Air Force systems of records will be published at a later date.

The Component system identifier appears as the first symbol in the system identification number assigned each system of records for which the component provides guidance.

M. S. Healy,

OSD Federal Register Liaison Officer. Defense Privacy Board.

April 14, 1983.

[FR Doc. 83–12068 Filed 6–3–83; 8:45 am]

BILLING CODE 3810–01–M

UNITED STATES ARMY

How Systems of Records are Arranged

Department of the Army records are arranged by major functional categories. Systems of records notices are grouped similarly. For example, a system of records about assignment of military personnel may be found in the 'military personnel' functional area - the 700 series; medical treatment records are in the 'medical' functional area - the 900 series. Some subjects, such as investigations, are treated as sub-elements of a major function; e.g., 'military police', 'security', and 'intelligence' investigations are found in the 500 series; 'criminal' investigations in the 400 series; 'military personnel' investigations in the 700 series. 'Civilian personnel' investigations, however, are not covered by Army system notices but can be found in Civil Service Commission systems of records - in this case, under 'CSC/GOVT-4'. The following list serves as a general guide to subjects which are retrieved by personal identifier and are contained in the Army systems of record notices. To this guide have been added Civil Service Commission systems of record notices which identify records in the temporary custody of the Army and bear CSC/GOVT identification numbers.

How to Use the Index Guide

As an aid in locating a particular system of records, follow the general guide below. The series in which the subject is located will appear as numbers of the system notice identification. For example: pay records for military and civilian personnel are in the 300 series; comparable system notices are A0305.08aDACA and A0306.01aDACA respectively. The first letter A represents the Army and the suffix letters are internal management accounting devices. System notices are published in numerical sequence. Following the identification number, the system notice is further identified by name, location, and the category of individuals included.

SUBJECT SERIES

System Identfication Series

Appeals, Grievances, Complaints (civilian)
A0614... and CSC/GOVT-1

Awards and Decorations
A0600... and A0718...

Civilian Personnel Investigations
A0502... and CSC/GOVT-4

Civilian Personnel Records
A0614... and CSC/GOVT-3

Congressional Inquiries
A0411...

Contractors
A1405... and A1519...

Court-martials
A0404...

Criminal Investigations
A0508...

Dependents' Education
A1015...

Housing
A1511...

Inspector General Inspections/ Investigations
A0224...

Intelligence/Counterintelligence
A0500...

Labor-Management Relations
A0614...

Laundry and Drycleaning
A1427...

Law Enforcement
A0225... and A0509...

Legal Assistance
A0402...

Logistics
A1400...

Locator Files
A0100...

Management Functions
A0200...

Medical Records (civilian)
A0609..., A0917... and CSC/GOVT-3

Medical Records (military)
A0714... and A0900...

Military History
A0228...

Military Personnel Records
A007..., A0200..., and A0700...

Non-appropriated Funds
A0314...

Passports
A1205...

Pay (civilian and military)
A0300...

Pharmacy Services
A0913...

Photographic Records
A1107...

Planning, Programming, and Operations
A0300...

Postal
A1108...

Privacy Act Requests
A0201...

Procurement
A1402...

Real Estate
A1050-4...

Review Boards (military)
A0708... and A0727...

Security Access/Clearance
A0506...

School Files
A1010... and A1012...

Telephone Directories
A1101...

Training
A0700..., A0800..., A1000..., A1111... and CSC/GOVT-3

Travel and Transportation
A0302..., A1201..., and A1205...

Veterinary Service
A0929...

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into

agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

AAFES0207.02

SYSTEM NAME:

0207.02 Customer Comments, Complaints, and Direct Line Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Command and Public Relations Division; also oversea system headquarters, regional headquarters, area exchanges and individual exchanges, within the worldwide system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customer inquiries, complaints, and comments on all phases of AAFES operations; also, customer opinion survey information.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains: Customer addresses, telephone numbers, information pertaining to nature of the inquiry, research information, and AAFES response to the customer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To aid the exchange management in determining the needs of the customers and deciding a course of action, if deemed necessary in settling any complaint to the customer's satisfaction.

Information regarding the customer's inquiry may be exchanged between AAFES HQs and field elements for the purpose of expediting customer satisfaction, corrective action and response.

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in metal cabinets. All records are retrieved, retained, stored, and disposed of by authorization of the Director, Command and Public Relations Division.

RETRIEVABILITY:

Customer correspondence is logged by name and cross-referenced, then filed in metal containers by number and by exchange.

SAFEGUARDS:

Folders maintained in metal filing cabinets. Buildings employ security guards.

RETENTION AND DISPOSAL:

Command and Public Relations Division - Regulation 1300-01b. Cutoff at close of fiscal year. Destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Command and Public Relations Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES (AAFES-AD)
ATTN: CP
Dallas, Texas 75222
Telephone: Area Code 214/330-3865

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to HQ AAFES ATTN: CP, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, current address and telephone number, and the case (control) number that appears with the office symbol on all correspondence received from this office.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

AAFES Form 1200-75/1200-76, Personnel Action.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0306.03

SYSTEM NAME:

306.03 Debriefing Acknowledgment Files

SYSTEM LOCATION:

Primary Safety and Security Office, Headquarters AAFES Decentralized segments - Commanders OES and Regions

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person whose access authorization for classified defense information has been terminated due to lack of need.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's cancelled Access Authorizations which have been signed and dated by the individuals who have been debriefed, acknowledging the debriefing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 6, Executive Order 11652, Classification and Declassification of National Security Information and Material.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine if a person charged with disclosing classified information was debriefed and knew the consequences of such disclosure.

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed alphabetically by last name

SAFEGUARDS:

Building has security guards. Records are maintained in a locked file/safe.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file until the end of the fiscal year in which the debriefing occurred, held two additional years in inactive status and retired to the National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Security Specialist, Safety and Security Office HQ AAFES, Dallas, Texas 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES, ATTN: AAFES-SS
Dallas, Texas 75222
Telephone AC 214-330-2721

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Headquarters, Army and Air Force Exchange Service (ATTN: AAFES-SS) Dallas, Texas 75222

Written requests should contain the full name of the individual, current address and telephone number.

For personal visits, valid acceptable identification is required.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Application and related forms from individual requesting access personal clearance from Defense Investigative Service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0306.04

SYSTEM NAME:

306.04, Classified Material Access Files

SYSTEM LOCATION:

Primary System - Safety and Security Office, HQ AAFES; Decentralized Segments in Offices of Commanders OES, Region Chiefs and Division Directors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen whose trustworthiness has been established (in accordance with applicable military regulations) and access granted in response to a request from a region chief or division director.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains Director's/Chief's request and Access Authorization Form granted by Security Control Officer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 6, Executive Order 11652, Classification and Declassification of National Security Information and Material

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Documents are maintained in Division/Region/OES Offices by custodians of classified defense information files to determine personnel with access to such information.

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed alphabetically by last name of individual with access

SAFEGUARDS:

Building has security guards. Files kept in locked file cabinet. Records available to those with a need to know.

RETENTION AND DISPOSAL:

Records are retained in active file until access is terminated for any reason, then transferred to AAFES Security Control Officer for retention under AAFES 306-03

SYSTEM MANAGER(S) AND ADDRESS:

Security Specialist, Headquarters AAFES, ATTN: AAFES-SS, Dallas, Texas 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: AAFES-SS
Dallas, Texas 75222
Telephone AC 214-330-2721

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, AAFES, ATTN: AAFES-SS, Dallas, Texas 75222

Written requests for information should contain the full name of the individual, correct address, telephone number and job title.

For personal visits, the individual should be able to provide acceptable valid identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing determinations may be obtained from HQ AAFES-SS, Dallas, Texas 75222

RECORD SOURCE CATEGORIES:

From security control officer in response to request from manager requesting access for individual. Access based on trustworthiness established by investigation completed by Defense Investigative Service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0306.12

SYSTEM NAME:

306.12 Personnel Security Case Files

SYSTEM LOCATION:

Primary, Safety and Security Office Headquarters AAFES, Dallas, Texas Decentralized segments - Commanders AAFES-PAC, AAFES-EUR and AAFES-ALX

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose trustworthiness has been established (in accordance with appropriate regulations) at the request of their division director or region chief.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's request for clearance, copy of Statement of Personal History, Certificate of Clearance and results of investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 6, Executive Order 11652, Classification and Declassification of National Security Information and Material.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Safety and Security Office - To obtain and grant security clearances and access authorizations to personnel whose trustworthiness has been established.

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name

SAFEGUARDS:

Building has security guards. Records are maintained in a locked safe file.

RETENTION AND DISPOSAL:

Records are maintained until end of fiscal year of individual's separation and placed in inactive status for two years and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Specialist, HQ AAFES, Dallas, Texas 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters Army and Air Force Exchange Service
Attention: AAFES-SS
Dallas, Texas 75222
Telephone AC 214-330-2721

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters AAFES, ATTN: AAFES-SS, Dallas, Texas 75222

Written requests should include the full name of the individual, current address, Social Security number and telephone number

For personal visits, valid, acceptable identification is required.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Applications and related forms from individual, notification of results of security investigation from Defense Investigative Service. Certificates of clearance from this headquarters and other Department of Defense entities

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0306.13

SYSTEM NAME:

306.13, Personnel Security Status Files

SYSTEM LOCATION:

Primary roster - in Safety and Security Office HQ AAFES, Dallas, Texas. Rosters by OES and Regions are maintained in respective OES and region headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee with a valid Certificate of Clearance in their Official Personnel File.

CATEGORIES OF RECORDS IN THE SYSTEM:

Roster is a computer print-out listing all personnel with valid clearance certificates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 6, Executive Order 11652, Classification and Declassification of National Security Information and Material.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Roster copies are provided OES and region security control officers to identify personnel with security clearance levels since the original documents are maintained in Official Personnel Files.

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer print out in ACCO binder

RETRIEVABILITY:

Listed alphabetically by region by facility

SAFEGUARDS:

Building has security guards. Records maintained in locked filesafe

RETENTION AND DISPOSAL:

Records are maintained until the next quarterly run, and held in inactive status for an additional nine months and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Specialist, Headquarters AAFES, Dallas, Texas

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: AAFES-SS
DALLAS, TEXAS 75222
Telephone AC 214-330-2721

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service, ATTN: AAFES-SS Dallas, Texas 75222

Written request for information should include the full name and Social Security number of the individual and job location.

For personal visits, the individual should provide valid acceptable identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting may be obtained from SYSMANAGER

RECORD SOURCE CATEGORIES:

Printout is requested from Personnel Division from information on ID Automated SYSNAME 903-06, System Magnetic Tape Files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0307.01

SYSTEM NAME:

0307.01 Carpooling Program

SYSTEM LOCATION:

Headquarters Army and Air Force Exchange Service (HQ AAFES), Administrative Services Division, Headquarters Personnel Branch (AD-P), Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All HQ AAFES personnel who voluntarily participate in carpool program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, duty address and phone number, hours of duty, residence address and phone number, and any other information necessary for carpool arrangements which may include map coordinates of home or nearby reference points, working hours, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012 and 8012 which identify the powers and duties delegated by the Secretary of the Army and the Secretary of the Air Force, respectively, each of whom is responsible for and has the authority necessary to conduct all affairs of his respective department, including functions necessary or appropriate for administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal use: To assist HQ AAFES personnel who desire to form carpools.

External use: To the City of Dallas, TX for inclusion in its Ridesharing Program.

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by employee name.

SAFEGUARDS:

Information is retained in file cabinets. Work and storage area is within a controlled building, access to which is limited to assigned personnel.

RETENTION AND DISPOSAL:

Retained until such time as individual's employment with HQ AAFES is terminated, after which record is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrator Services Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES (AD-P)
Dallas, TX 75222
Telephone: Area Code 214/330-3871

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: AD-P, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, and duty phone number.

Personal visits may be made to the Administrative Services Division, HQ AAFES. Individual should be able to provide acceptable identification such as a valid driver's license.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by individuals concerned are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Provided by individual interested in carpool program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0401.04

SYSTEM NAME:

0401.04 Official Personnel Folders (OPF).

SYSTEM LOCATION:

Primary: OPF - Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; HQ, AAFES-Pacific; HQ AAFES-Europe; HQ AAFES-Alaska; all regional offices; and post and base area exchanges within the AAFES system.

Decentralized: Career Management Folder (CMF) - Personnel Division, HQ AAFES, Dallas, TX 75222.

Convenience Personnel Folder (CPF) - HQ AAFES, Dallas, TX 75222 HQ AAFES-Pacific; HQ AAFES-Europe; HQ AAFES, Alaska; all regional offices; all past and base exchanges and satellites within the AAFES system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

OFP: All United States (US) citizen (to include permanent-resident alien and non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CMF: All US citizen (to include permanent-resident alien and non-immigrant alien) employees with category of regular full-time temporary full-time who are at the managerial level.

CPF: All US citizen (to include permanent-resident alien and non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

OPF: Name; social security number (SSN); employment history; education; job and pay data; performance reviews; letters of commendation, reprimand; training certificates; salary and benefits information to include allowances and insurance data; travel orders and general correspondence; other personal data such as security clearance, loyalty, non-affiliation, etc.

CMF: Name; SSN; employment history; education; job and pay data; performance reviews; letters of commendation, reprimand; training certificates; travel orders and general correspondence; personal data to include health, security clearance, military separation, etc.

CPF: Name; SSN; training certificates; employment history; job and pay data; performance reviews; letters of commendations, reprimand; travel orders and general correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

OPF: Servicing Personnel Offices to provide hard-copy documentation on employee's current job and pay data, past job history, career progression, etc.

CMF: Personnel Division to obtain information on current and past employment for the purposes of job assignments, promotions, and career progression.

CPF: Maintained by non-servicing personnel offices for ready reference of employee's current and past employment history, job and pay data, etc.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by employee name.

SAFEGUARDS:

Folders maintained in locked filing cabinets.

RETENTION AND DISPOSAL:

OPF: Placed in active file upon separation. Hold 1 year then forward to National Personnel Records Center (NPRC) (Civilian), 111 Winnebago Street, St. Louis, MO 63118. Inactive OPF may be retired to NPRC 3 months after separation by AAFES elements when the volume of inactive OPFs creates a storage problem.

CMF: Cutoff at close of fiscal year in which employee is separated. Destroyed after 3 years.

CPF: Transferred with OPF to gaining location upon transfer. Cutoff at close of fiscal year employee is separated. Destroy after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

OPF: Application for Employment; Application for Fidelity Bond; College Transcripts; Personnel Actions; Performance Reviews and/or Personnel Evaluation Reports; Letters of Commendation, Reprimand; Training Certificates; Travel Orders; Employee Insurance Data; Housing Allowance; Certificate of Clearance; Loyalty Affidavit; Certificate of Non-Affiliation; and Bonds.

CMF: Application for Employment; College Transcripts; Personnel Actions; Personel Evaluation Reports; Letters of Commendation, Reprimand; Training Certificates; Travel Orders; Certificate of Clearance; and other related papers.

CPF: Personnel Actions; Training Certificates; Performance Reviews and/or Personnel Evaluation Reports; Letters of Commendation, Reprimand; Travel Orders; and other related papers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0401.05

SYSTEM NAME:

0401.05 Employee Service Record Card Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; HQ AAFES-Alaska; all regional offices; and all post and base exchanges and satellites within the AAFES system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permenent-resident alien and non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official summary of employment history to include name; social security number (SSN); date of birth; home address and telephone number; emergency contact; passport data; identification card data; dependent data; foreign languages to include degree of proficiency; clerical skills; education to include schools attended, degree achieved; AAFES education/training courses; performance reviews to include date and type; service award data; employment record to include date, job data, pay data, and separation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To have as ready reference to official summary of employment history, chronology of personal and service data for employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in kardex or file boxes.

RETRIEVABILITY:

Alphabetical by employee name.

Alphabetical within activity and branch.

SAFEGUARDS:

Maintained in locked cabinets.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which employee is separated or transferred. Retain 5 additional years in current files area and retire. Destroy 15 years after cutoff. Exception: Forward files to employees of discontinued installations to National Personnel Records Center (Civilian).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personnel Actions: Performance Reviews and/or Personnel Evaluation Reports; application form; training certificates; and service award certificates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0401.11

SYSTEM NAME:

0401.11 Personnel Records Maintained at Supervisory Level.

SYSTEM LOCATION:

All supervisory personnel within the Army and Air Force Exchange Service (AAFES) for subordinate employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (including permanent-resident alien and non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; social security number (SSN); job data; performance review data to include date and rating; counseling interview record; training record to include courses, type, and completion data; job description; and standards of conduct review.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Ready reference for supervisor of pertinent data on subordinate employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper file maintained in file folder.

RETRIEVABILITY:

Alphabetical by employee's name.

SAFEGUARDS:

Maintained in locked filing cabinet or supervisor's desk.

RETENTION AND DISPOSAL:

Destroy upon separation, retirement, or non-local transfer of employee.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, Headquarters, (HQ) AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ ATFES, AATN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Supervisor's Record of Employee, Employee Interview Record Card (Counseling), Job Description, Employee Training Record, and comparable papers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0403.01

SYSTEM NAME:

0403.01 Application for Employment Files

SYSTEM LOCATION:

Executive and Managerial: Personnel Division, Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Non-Managerial - HQ AAFES, Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; HQ AAFES-Alaska; all regional offices; and all post and base exchanges and satellites within the AAFES system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals outside of AAFES applying for positions within the AAFES.

CATEGORIES OF RECORDS IN THE SYSTEM:

Active applications: Application for Employment, resume, applicant referals, interview form, previous employers' references, and related papers.

Inactive applications: Application for Employment, resume, letter of rejection, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Division: Filling of vacancies at the managerial level for which outside recruitment is necessary.

Servicing Personnel Office: Filling of vacancies of non-managerial level that require outside recruitment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records filed in file folders.

RETRIEVABILITY:

Active applications: Alphabetical within position category.

Inactive applications: Alphabetical by individual name.

SAFEGUARDS:

Maintained in locked cabinets.

RETENTION AND DISPOSAL:

Active applications: Destroy after 2 years, except that on request they may be returned to individuals.

Inactive applications: Cutoff monthly. Destroy after 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Applicant; previous employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0403.05

SYSTEM NAME:

0403.05 Employee Examination Records.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All managerial and regular full-time hourly-paid employees who have been considered for promotion to managerial level.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains test scores and normative data on those persons who have taken the AAFES test battery which consists of (a) SET tests; (b) Thurstone Test of Mental Alertness; (c) Wesman Personnel Classification Test; (d) Thurston Tempermanent Schedule; and (e) Personagraph (Allston B. Hobby Associates).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as research data and a predictor of success in given situations during job considerations. Test battery is read only by a professional psychologist with a minimum of a MA in Psychology.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked containers.

RETRIEVABILITY:

Alphabetical by employee name. Each request for data evaluated as to need before release.

SAFEGUARDS:

Stored in locked containers.

RETENTION AND DISPOSAL:

Permanent; cutoff at close of fiscal year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personnel visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual tests taken by employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0403.06

SYSTEM NAME:

0403.08 Reference and Pre-Employment Credit Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizens (to include permanent-resident alien, non-immigrant alien) who have interviewed for a management or management trainee position with the AAFES.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains correspondence and other documents regarding employment suitability. Includes letters to and replies from previous employers, personal reference checks, security and/or other preemployment investigations and clearances deemed appropriate to the position, and evidence that the applicant is in satisfactory physical condition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Assure that an individual, after having been selected for appointment but prior to official appointment, has cleared for employment suitability.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetical by employee's name.

SAFEGUARDS:

Maintained in locked filing cabinet.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year. Destroy after 1 year for satisfactory reference and credit checks. Destroy after 3 years for adverse reference and/or derogatory credit checks.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information obtained from employee's previous employer(s) and from personal references provided AAFES by the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0403.11

SYSTEM NAME:

403.11 Personnel Clearance Records

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, Dallas, Texas; Headquarters, AAFES-Pacific; Headquarters, AAFES-Europe; Headquarters, AAFES-Alaska; all regional offices; all base and post exchanges and satellites within the Army and Air Force System.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All US citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time and intermittent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; social security number; job data; clearance reason and clearing office's approval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Assure that departing personnel have been properly processed and cleared prior to transfer, termination or leave without pay.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records filed in file folders.

RETRIEVABILITY:

Alphabetical by employees name.

SAFEGUARDS:

Maintained in locked filing cabinet.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year of departure. Destroy after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Army and Air Force Exchange Service, Dallas, Texas.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HEADQUARTERS AAFES (AAFES-AD)
Dallas, Texas 75222
Telephone: Area Code 214/330-3871

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service (AAFES-AD), Dallas, Texas 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation and last employing location in addition to the above.

Instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personnel Actions; Performance Reviews and/or Personnel Evaluation Reports; application form; training certificates; service award certificates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0403.12

SYSTEM NAME:

403.12 Oversea Processing Records

SYSTEM LOCATION:

Administrative Services Division, Headquarters, Army and Air Force Exchange Service, Dallas, Texas.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All US citizen employees of a managerial level who are programmed for transfer from CONUS to an oversea activity of the Army and Air Force Exchange Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; social security number; grade; transfer date; household goods; privately-owned vehicle authorization; residence information; dependent data; pasaport data; security clearance data; flight information and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To accomplish travel arrangements on a timely basis to insure departure/arrival of employee (and family) to new location in support of operational requirements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files maintained in filing cabinet.

RETRIEVABILITY:

Alphabetical by employee name.

SAFEGUARDS:

Files maintained in locked cabinet.

RETENTION AND DISPOSAL:

Cutoff when employee departs the US. Destroy after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Army and Air Force Exchange Service, Dallas, Texas.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters AAFES (AAFES-AD)
Dallas, Texas 75222
Telephone: Area Code 214/330-3871

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service (AAFES-AD), Dallas, Texas 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation and last employment location in addition to the above.

Instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personnel Request; Relocation Questionnaire; Travel Orders; Passport; Airline tickets.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0404.01

SYSTEM NAME:

0404.01 Incentive Awards Case Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, social security number (SSN), grade/step, position title, organization, award nominated for, accomplishment, requirements of the position occupied during period covered in award nomination, and staff comments/ concurrence/non-concurrence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To accomplish staff comments and recommendations to support justification for award nominations in order to present findings to AAFES Incentive Awards Committee for recommendation of honorary award to Commander, AAFES.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files stored in filing cabinets.

RETRIEVABILITY:

Alphabetical by employee name.

SAFEGUARDS:

Files maintained in locked filing cabinets.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which case is closed; destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222 Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to above.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

AAFES Form 1900-19, Award Nomination Form, submitted by employees' supervisor; AAFES Form 1900-22, Evaluation of Honorary Award Nomination.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0404.03

SYSTEM NAME:

0404.03 Award Control Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States (US) citizen, US national and permanent resident alien employees; local national and third-country national AAFES employees providing there is no conflict with local treaties, host-country agreements or command directives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Managerial and nonmanagerial employees (Hourly Pay Plan/Universal Annual): name, social security number (SSN), grade/step, organization, and for which nominated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Division: To control award nominations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Three four-drawer and one five-drawer file cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Files maintained in locked filing cabinets.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which case is closed; destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

AAFES Form 1900-19, Award Nomination Form, submitted by employee's supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0404.04

SYSTEM NAME:

0404.04 Award Ceremony Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Personnel Branch, Dallas, TX 75222; and Command and Public Relations Division and Office of the Commander.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

HQ AAFES employees who have been recipients of military awards, AAFES service, and other awards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Managerial and nonmanagerial employees (Hourly Pay Plan/Universal Annual): name, grade, position title, organization, award for which nominated, accomplishments, and requirements of the position occupied during period covered in award nomination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Background on recipients of awards to be read at an awards ceremony held by the Commander, AAFES or his designated representative.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders in one four-drawer file cabinet.

RETRIEVABILITY:

By name

SAFEGUARDS:

Files maintained in filing cabinets.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year. Destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to HQ AAFES, ATTN: PE, Dallas, TX 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and

appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is obtained from employee on AAFES Form 1100-22 and from employee's Official Personnel Folder.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0405.03

SYSTEM NAME:

405.03 Personnel Appeals and Grievances

SYSTEM LOCATION:

Office of the General Counsel, Headquarters Army and Air Force Exchange Service (AAFES); Office of the General Counsel, AAFES Europe; Office of the General Counsel, AAFES PAcific.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any AAFES employee who has filed an appeal of an adverse action and/or who is contesting a personnel action when the appeal/ contest has been referred to the servicing General Counsel's office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain correspondence, documentation and memoranda concerning the employee's appeal/ contest.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United Stated Code, Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The servicing General Counsel's office uses the file to review the appeal for legal sufficiency. Release of information contained in the files is made to civil or criminal law enforcement agencies for law enforcement purposes and to officials and employees of the Department of Defense and Department of Justice who have a need for the information in the performance of their duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of AAFES employee.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files are retained in the servicing General Counsel's office for one year after the final decision is made and subsequently retired to the servicing AAFES warehouse or to the servicing General Services Administration Records Holding Center. Records are destroyed seven years after the fiscal year in which the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Headquarters AAFES; General Counsel AAFES-Europe; General Counsel, AAFES-Pacific.

NOTIFICATION PROCEDURE:

Information may be obtained from the servicing General Counsel (Headquarters AAFES, AAFES-Europe, or AAFES-Pacific).

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the servicing General Counsel's office.

Written requests for information should contain the full name of the individual, current address and telephone number, and the latest correspondence received from the servicing General Counsel's office, if available.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the servicing General Counsel's office (Headquarters AAFES, AAFES-Europe, or AAFES-PAcific).

RECORD SOURCE CATEGORIES:

File information and documentation is provided by the AAFES personnel office responsible for records on the AAFES employee, the AAFES Grievance Examiner, and by the AAFES employee or his/ her representative.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0405.05

SYSTEM NAME:

405.05 Statement of Employment and Financial Interests

SYSTEM LOCATION:

Office of the General Counsel, Headquarters Army and Air Force Exchange Service (AAFES); Office of the General Counsel, AAFES Europe; Office of the General Counsel, AAFES Pacific.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All general military officers assigned to AAFES and all AAFES employees classified as Universal Annual grade 16 or above; and all AAFES employees classified as Universal Annual grade 13 or above, and commissioned military officers in the rank of lieutenant colonel or above assigned to AAFES whose basic duties and responsibilities require the exercise of judgement in making an AAFES/government decision or in taking an AAFES/ government action in regard to contracting or procurement, auditing, and activities in which the final decision or action has a significant economic impact on the interests of any nonfederal enterprise.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains Department of Defense (DD) Form 1555, 'Confidential Statement of Employment and Financial Interest' and the indorsement of said Form by the AAFES employee's superior.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order No. 11222, 'Prescribing Standards of Ethical Conduct For Government Officers And Employees' dated 11 May 1965 and Title 10, United States Code, Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Servicing General Counsel's Office - To collect and maintain complete DD Forms 1555 as required. Release of information contained in the files is made to civil or criminal law enforcement agencies for law enforcement purposes and to officials and employees of the Department of Defense who have a need for the information in the performance of their duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file.

RETRIEVABILITY:

Filed alphabetically by last name of AAFES employee or military officer.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in locked safe or cabinet and maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

File is retained in active status until the close of the fiscal year in which the employee leaves a position for which a DD Form 1555 is required, or when the employee leaves AAFES, or when the statement is superseded, whichever is earlier. Obsolete DD Forms 1555 are maintained for two years in servicing General Counsel's inactive office files and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy General Counsel in servicing General Counsel's office (Headquarters AAFES, AAFES-Europe or AAFES-Pacific).

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy General Counsel of the servicing General Counsel's office (Headquarters AAFES, AAFES-Europe or AAFES-Pacific).

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the servicing General Counsel's office.

Written requests for information should contain the full name of the individual, current address and telephone number and the latest correspondence received from the servicing General Counsel's office, if available.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the servicing General Counsel's office (Headquarters AAFES, AAFES-Europe or AAFES-Pacific).

RECORD SOURCE CATEGORIES:

Information is furnished by the AAFES employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0405.07

SYSTEM NAME:

0405.07 Retirement Assistance Files

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary part-time, temporary full-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains social security number (SSN), name, exchange location, date of birth, date of hire, leave accrual date, retirement participation date, service award base date, citizenship, marital status, sex, security clearance, current military status, prior AAFES service, job and pay data, type of insurance coverage, deductions, mobility status, date in grade, and step.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

To accomplish authority to employ a retired member of the armed forces during the 180 days immediately following retirement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Contains inquiries and the replies to questions submitted in writing by employees concerning their own retirement situations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Five drawer metal file cabinet.

RETRIEVABILITY:

Alphabetical by employee's name.

SAFEGUARDS:

File cabinets are locked when not in use.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year. Destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personnel visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is furnished by Servicing Personnel Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0405.11

SYSTEM NAME:

405.11 Individual Health Records

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, Dallas, Texas

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Headquarters employees

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains on managerial and nonmanagerial employees (Hourly Pay Plan/Universal Annual); Military: Name, address, birthdate, telephone and short health history. All are given voluntarily. Contains date of visit to dispensary, complaint of illness or injury and exact treatment given. The file contains correspondence from doctors regarding illnesses with special instructions for returning to work.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 United States Code, Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To aid Occupational Health Nurses in giving better health care to employees who become ill or are injured during working hours. To help employees maintain good health. Used as reference for past injuries and/or treatment, since

recall on medical treatment may be vague and personnel may have changed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

One five-drawer file cabinet and one four-shelf cabinet.

RETRIEVABILITY:

Name, alphabetical order (active files)
Name, alphabetical order; year (inactive files)

SAFEGUARDS:

Maintained in dispensary in locked cabinets.

RETENTION AND DISPOSAL:

Cut off active file when employee is transferred or separated. Destroy after six years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Army and Air Force Exchange Service, Dallas, Texas

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters AAFES (AAFES-AD)
Dallas, Texas 75222
Telephone: Area Code 214/330-3871

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service (AAFES-AD), Dallas, Texas 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation and last employing location in addition to the above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0405.15

SYSTEM NAME:

0405.15 Retirement Extension Files

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen employees who have applied for deferred retirement.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains social security number (SSN), name, Exchange location, date of birth, service award base date, citizenship, marital status, sex, security clearance, current military status, prior AAFES service, job and pay data, type of insurance coverage, deductions, mobility status, date in grade, and step.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To accomplish authority to employ a retired member of the armed forces during the 180 days immediately following retirement.

Used to approve and control requests for extension of normal retirement date.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Five-drawer metal file cabinet.

RETRIEVABILITY:

Alphabetical by employee's name.

SAFEGUARDS:

File cabinets are locked when not in use.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year. Destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to:
HQ AAFES
ATTN: PE
Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personnel visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is furnished by servicing personnel office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0406.12a

SYSTEM NAME:

0406.12a Skills Bank File (Employee Skills Survey)

SYSTEM LOCATION:

Headquarters Army and Air Force Exchange Service (HQ AAFES), Dallas, TX; HQ AAFES-Europe; HQ AAFES-Pacific: HQ AAFES-Alaska; all regional offices; base and post exchange offices within the Army and the Air Force.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All AAFES regular full time (RFT) and regular part-time (RPT) hourly pay plan (HPP) employees and intermittent (regularly scheduled) employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number (SSN), current job title, grade, duty phone, job location, date of Skills Survey (AAFES Form 1200-61), education/training courses completed, skills/experience acquired, skills used in daily work, and those identified as needed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012 and 8012 which identify the powers and duties delegated by the Secretary of the Army and the Secretary of the Air Force, respectively, each of whom is responsible for and has the authority necessary to conduct all affairs of his respective department, including functions necessary or appropriate for the training operations and administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To aid servicing personnel office in identifying and referring qualified employees for vacant positions. A skills bank for HQ AAFES employees is established/maintained from Employee Skills Survey, AAFES Form 1200-61. The

completed forms are filed alphabetically by employee name.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by employee name.

SAFEGUARDS:

Files are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Retained until such time as employee retires, resigns, or is otherwise separated, at which time record is destroyed. Upon employee's transfer to another AAFES location file is forwarded to gaining personnel office.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES (AD-P)
Dallas, TX 75222
Telephone: Area Code 214/330-3871

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: AD-P, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, duty phone, and job location.

Personal visits may be made to the Administrative Services Division. Individuals should provide acceptable identification such as a valid driver's license.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by individuals concerned are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Employee Skills Survey (AAFES Form 1200-61), submitted by eligible RFT and RPT HPP employees and intermittent (regularly scheduled) employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0406.12b

SYSTEM NAME:

0406.12b Employee Career Development Plan File

SYSTEM LOCATION:

Headquarters Army and Air Force Exchange Service (HQ AAFES), Dallas, TX; HQ AAFES-Europe; HQ AAFES-Pacific; HQ AAFES-Alaska; all regional offices; base and post exchange offices within the Army and the Air Force.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All AAFES regular full time (RFT) and regular part-time (RPT) hourly pay plan (HPP) employees and intermittent (regularly scheduled) employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number (SSN), current job title, grade, duty phone, job location, career goals as identified on AAFES Form 1200-62 and progress in achieving goals, career appraisals, and employee/supervisor comments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012 and 8012 which identify the powers and duties delegated by the Secretary of the Army and the Secretary of the Air Force, respectively, each of whom is responsible for and has the authority necessary to conduct all affairs of his respective department, including functions necessary or appropriate for the training operations and administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide HQ AAFES Personnel Branch (AD-P) a central reference of identifiable employees who have devised a career development plan, or who have attained eligiblity for referral consideration to vacant HPP positions. File also provides a source of information from which referral rosters of HPP employees for junior/middle management positions may be compiled.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by employee name.

SAFEGUARDS:

Files are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Retained until such time as employee retires, resigns, or is otherwise separated, at which time record is destroyed. Upon employee's transfer to another AAFES location, file is forwarded to gaining personnel office.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES (AD-P)
Dallas, TX 75222
Telephone: Area Code 214/330-3871

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: AD-P, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, duty phone and job location.

Personal visits may be made to the Administrative Services Division. Individuals should provide acceptable identification such as a valid driver's license.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by individuals concerned are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Employee Career Development Plan (AAFES Form 1200-62), submitted by interested/eligible RFT and RPT HPP employees and intermittent (regularly scheduled) employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0408.05

SYSTEM NAME:

0408.05 Individual Trainee Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizens (to include permanent-resident alien, non-immigrant alien) who have been selected for a college trainee or management development trainee position.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copy of employment application forms; copy of trainee appointment personnel action; copy of trainee appointment letter; copy of completion of college/university baccalaureate degree requirements; if Hourly Pay Plan (HPP), letter of nomination to college trainee or management development

trainee programs; if HPP, and participating in AAFES Upward Mobility Program, copy of Employee Qualification Record and Employee Career Appraisal Form; copy of Statement of Mobility; if HPP, copy of supervisor's record of employee; and if HPP, copies of last three performance reviews.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Division: To obtain information on current and past employment, education, training history, mobility preference, and personal data for the purpose of assignment to a college trainee or a management development trainee position.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked container.

RETRIEVABILITY:

Alphabetical by employee's name. Each file is retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

SAFEGUARDS:

Stored in locked container.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year following completion of training. Destroy after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AFFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to:
HQ AAFES,
ATTN: PE,
Dallas, TX 75222

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition of the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is based on initial written data provided by the applicant and AAFES to assist in the employment selection process.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0408.06

SYSTEM NAME:

0408.06 Trainee Card Index.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizens (to include permanent-resident alien, non-immigrant alien) selected for college trainee or management development trainee positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card contains trainee category, name, social security number (SSN), date of hire, date of birth, training location, marital status, position and grade to which assigned, and date and location of assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Division: To obtain ready reference regarding summary information, trainee employment status, and pertinent data for trainee employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked cabinet.

RETRIEVABILITY:

Alphabetical by employee name.

SAFEGUARDS:

Stored in locked cabinet.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which individual's trainee program is completed. Destroy after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AFFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to:
HQ AAFES,
ATTN: PE,
Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is obtained from employee's Career Management Folder.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0408.14

SYSTEM NAME:

0408.14 Tuition Assistance Case Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizens (to include permanent resident aliens) who are regular full-time employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Managerial and non-managerial employees: Application for Tuition Assistance, approval letters, letters of congratulations, copies of Request for Disbursement, transcripts, curricula, grade reports, and course receipts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Division: To maintain information on participants in the tuition assistance program of the AAFES in order to properly administer the program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filing cabinets.

RETRIEVABILITY:

Alphabetical by employee's name.

SAFEGUARDS:

Stored in locked cabinets.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which course is completed or 2 years after date of last action, if completion is unknown. Destroy after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to:
HQ AAFES,
ATTN: PE,
Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

AAFES Form 1850-3, Application for Tuition Assistance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0408.15

SYSTEM NAME:

0408.15 Correspondence Course Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Services (AAFES), Dallas, TX 75222

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizens (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Managerial and non-managerial employees who are enrolled in AAFES correspondence courses and US Army correspondence courses: Application for enrollment, notice of enrollment, notice of completion, and certificate of completion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain information on participants in the correspondence course program of the AAFES in order to properly administer the program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets.

RETRIEVABILITY:

Alphabetical by employee's name.

SAFEGUARDS:

None.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which course is completed, or 2 years after date of last action, if completion date is unknown. Destroy after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to:
HQ AAFES,
ATTN: PE,
Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

AAFES Form 1850-43, Management Development Program Course/ Correspondence Course Enrollment Application; DA Form 145.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0409.01

SYSTEM NAME:

0409.01 AAFES Accident Report.

SYSTEM LOCATION:

Primary system will be at the Exchange reporting the accident/ incident, at the Safety and Security Office at Exchange Region/Regional Exchange, and the Overseas Exchange System (OES) having jurisdiction over the reporting Exchange.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual injured in Army and Air Force Exchange Service (AAFES) controlled property/equipment/facility or involved in accidents or mishaps resulting in reportable damage to AAFES property or facilities; or who is injured or becomes ill when those injuries or illnesses are covered by the Williams-Steiger Occupational Safety and Health Act of 1970.

CATEGORIES OF RECORDS IN THE SYSTEM:

AAFES Accident Report/ Supplementary Record of Federal Occupational Injuries and Illnesses/ physicians' reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11807.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are maintained at Headquarters (HQ) AAFES/HQ OES/Exchange Regions/Regional Exchanges/Area Exchanges/Exchanges as a primary record of accidents, incidents, mishaps, fires, or illnesses to be used in correcting deficiencies in safety field; in initiating insurance and workman's compensation claims; and in satisfying statistical reporting requirement to higher echelons of AAFES and the Department of Labor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by location of incident and code identifier.

SAFEGUARDS:

Buildings have security guards. Files kept in file cabinets. Records available to those with a need-to-know.

RETENTION AND DISPOSAL:

Retained by reporting Exchange for 5 years and by Safety and Security Offices for 2 years, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Safety and Security Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: SS
Dallas, TX 75222
Telephone: Area Code 214-330-2721

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to:
HQ AAFES,
ATTN: SS,
Dallas, TX 75222.

Written requests for information should contain the full name of the individual, correct address, social security number, status, telephone number, job title, and date/place/time of the incident.

For personal visits, the individual should be able to provide acceptable identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from HQ AAFES, ATTN: SS, Dallas, TX 75222.

RECORD SOURCE CATEGORIES:

Data obtained from medical institutions/police/investigating officials/bureau of motor vehicle/state and local governments/witnesses and victims.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0410.01

SYSTEM NAME:

410.01 Employee Travel Files

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, Dallas, Texas; Headquarters, AAFES-Pacific; Headquarters, AAFES-Europe; Headquarters, AAFES-Alaska; all regional offices; all base and post exchanges and satellites within the Army and Air Force System.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All US citizen employees at the managerial level.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; social security number; location; travel orders; itineraries; travel expense vouchers and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Statistical analysis for the purpose of personnel costs, requirements, etc.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files maintained in file folders.

RETRIEVABILITY:

Alphabetical by employee name.

SAFEGUARDS:

Maintained in locked filing cabinets.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year. Destroy after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Army and Air Force Exchange Service, Dallas, Texas.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters AAFES (AAFES-AD)
Dallas, Texas 75222
Telephone: Area Code 214/330-3871

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service (AAFES-AD), Dallas, Texas 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation and last employing location in addition to the above.

Instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Travel Expense Vouchers; Travel Orders; Receipt and related paper.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0410.04

SYSTEM NAME:

410.04 Passport Files

SYSTEM LOCATION:

Office responsible for security passports and visas for official foreign travel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All US citizen employees at the managerial level.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; job data; passport data and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Renewal purposes: ready-reference to identify employees possessing current passports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper cards maintained in file box.

RETRIEVABILITY:

Alphabetical by employee name.

SAFEGUARDS:

None

RETENTION AND DISPOSAL:

Destroy when employee is separated or when passport has expired without request for renewal or revoked, whichever is earlier.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Army and Air Force Exchange Service, Dallas, Texas.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters AAFES (AAFES-AD)
Dallas, Texas
Telephone: Area Code 214/330-3871

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service (AAFES-AD), Dallas, Texas 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation and last employing location in addition to the above.

Instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Request for Passport; Passport.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0501.04

SYSTEM NAME:

0501.04 Universal Annual Photograph Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Universal Annual (UA) Salary Plan employees worldwide.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains photographs of UA employees with their name and date of photograph.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for publicity purposes when photograph is needed for publication.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinet. All records are retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

RETRIEVABILITY:

Alphabetically by employee's name.

SAFEGUARDS:

Maintained in locked file cabinet. Available only to personnel having specific authorization to retrieve photographs.

RETENTION AND DISPOSAL:

Maintained in active status for duration of UA's employment. Maintained in inactive status for 3 years after separation, after which time it is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests for individuals should be addressed to:
HQ AAFES,
ATTN: PE,
Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Photographs taken of UA employees at duty stations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0505.02

SYSTEM NAME:

0505.02 IO Biographical Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES); Command and Public Relations Division; AAFES-Europe-CP; and AAFES-Pacific-CP.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and Universal Annual personnel assigned to HQ AAFES, continental United States Exchange Regions, and overseas headquarters.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains: Individual's name; current position title; home address to include street, city, state, zip code, Army Post Office; date of birth; place of birth; marital status; maiden name of spouse; place of birth; name and ages of children; education to include high school and/or college attended, degree; military history, rank, date and type of discharge; reserve status, awards and decorations; membership in fraternal and civic organizations; prior employment; AAFES assignments, AAFES training, awards of honors; special interests or hobbies, name of hometown newspaper, and individual 5x7/8x10 photograph.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Command and Public Relations Division, Information Service Branch: To prepare news and feature articles about employees for employee newspaper, trade media, and/or hometown newspaper.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieyed, retained, stored and disposed of by authorization of the Director, Command and Public Relations Division.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by employee's name.

SAFEGUARDS:

Buildings employ security guards. Records maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained in active file for as long as individual is employed. Destroyed upon termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Command and Public Relations Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: CP
Dallas, TX 75222
Telephone: Area Code 214/330-3865

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CP, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

AAFES Form 1200-75/1200-76, Personnel Action.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0602.01

SYSTEM NAME:

602.01 Claims v. AAFES

SYSTEM LOCATION:

Office of the General Counsel, Headquarters Army and Air Force Exchange Service (AAFES); Office of the General Counsel, AAFES-Europe; Office of the General Counsel, AAFES-Pacific.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has filed a claim against AAFES and whose claim has been forwarded to this office.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains correspondence received from the claimant or claimant's attorney and related claim documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Servicing General Counsel's office-To investigate the claims and prepare responses when necessary. Release of information contained in the files is made to civil or criminal law enforcement agencies for law enforcement purposes and to officials and employees of the Department of Defense and Department of Justice who have a need for the information in the performance of their duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed aphabetically by last name of claimant.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

The file is retained until the claim is settled or withdrawn or one year from the date of the claimant's latest submission if the claim is not pursued. The file is then retired to the servicing AAFES warehouse or the servicing General Services Administration Records Holding Center for six years. Files are destroyed after six years.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Headquarters AAFES; General Counsel, AAFES-Europe; General Counsel, AAFES-Pacific.

NOTIFICATION PROCEDURE:

Information may be obtained from the servicing General Counsel (Headquarters AAFES, AAFES-Europe, or AAFES-Pacific).

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the servicing General Counsel's office.

Written requests for information should contain the full name of the individual, current address and telephone number, and the latest correspondence received from the servicing General Counsel's Office, if available.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the servicing General Counsel's office (Headquarters AAFES, AAFES-Europe or AAFES-Pacific).

RECORD SOURCE CATEGORIES:

Information is obtained from any individual who can provide information concerning the claim and from all available documentation concerning the claim.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0602.04a

SYSTEM NAME:

602.04 Litigation Initiated by AAFES

SYSTEM LOCATION:

Office of the General Counsel, Headquarters Army and Air Force Exchange Service (AAFES); Office of the General Counsel, AAFES-Europe; Office of the General Counsel, AAFES-Pacific.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual against whom AAFES has filed a complaint or similar pleading in a court or administrative body.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains pleadings and documents filed by parties to the action and documentation, correspondence and memoranda pertaining thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Sections 3012 and 8013.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Servicing General Counsel's office-To process and respond, as necessary, to all complaints and other pleadings filed. Release of information contained in the files is made to civil or criminal law enforcement agencies for law enforcement purposes and to officials and employees of the Department of Defense and Department of Justice who have a need for the information in the performance of their duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of defendant in the proceeding.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files are retained in the servicing General Counsel's office until the judicial proceeding has been resolved, then retired to the servicing AAFES warehouse or servicing General Services Administration Records Holding Center. Files are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Headquarters AAFES; General Counsel, AAFES-Europe; General Counsel, AAFES-Pacific.

NOTIFICATION PROCEDURE:

Information may be obtained from the servicing General Counsel (Headquarters AAFES, AAFES-Europe, or AAFES-Pacific).

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the servicing General Counsel's office.

Written requests for information should contain the full name of the individual, current address and telephone number, and the latest correspondence received from the servicing General Counsel's office, if available.

Neither instructions no provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the servicing General Counsel's office (Headquarters AAFES, AAFES-Europe and AAFES-Pacific).

RECORD SOURCE CATEGORIES:

Information is obtained from any individual who can provide information concerning the proceedings and from all available documentation concerning the proceedings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0602.04b

SYSTEM NAME:

602.04 Litigation Against AAFES Employees and/or AAFES

SYSTEM LOCATION:

Office of the General Counsel, Headquarters Army and Air Force Exchange Service (AAFES); Office of the General Counsel, AAFES-Europe; Office of the General Counsel, AAFES-Pacific.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has filed a complaint or similar pleading in a court or administrative body in which an AAFES employee and/or AAFES is named as a defendant.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains pleadings and documents filed by parties to the action and documentation, correspondence and memoranda pertaining thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Servicing General Counsel's office-To process and respond, as necessary, to all complaints and other pleadings filed. Release of information contained in the files is made to civil or criminal law enforcement agencies for law enforcement purposes and to officials and employees of the Department of Defense and Department of Justice who have a need for the information in the performance of their duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of plaintiff in the proceeding.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files are retained in the servicing General Counsel's office until the judicial proceeding has been resolved, then retired to the servicing General Services Administration Records Holding Center. Files are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Headquarters AAFES; General Counsel, AAFES-Europe; General Counsel, AAFES-Pacific.

NOTIFICATION PROCEDURE:

Information may be obtained from the servicing General Counsel (Headquarters AAFES, AAFES-Europe, or AAFES-Pacific).

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the servicing General Counsel's office.

Written requests for information should contain the full name of the individual, current address and telephone number, and the latest correspondence received from the servicing General Counsel's office, if available.

Neither instructions no provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the servicing General Counsel's office (Headquarters AAFES, AAFES-Europe and AAFES-Pacific).

RECORD SOURCE CATEGORIES:

Information is obtained from any individual who can provide information concerning the proceedings and from all available documentation concerning the proceedings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0604.02

SYSTEM NAME:

604.02 Unfair Labor Practice Claim/ Charges File

SYSTEM LOCATION:

Office of the General Counsel, Headquarters Army and Air Force Exchange Service (AAFES); Office of the General Counsel, AAFES-Europe; Office of the General Counsel, AAFES-Pacific; All Continental United States (CONUS) exchange region personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All AAFES civilian employees, except those not permitted to file charges/ claims under Executive Order 11491, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains written allegation(s) by AAFES employees of an unfair labor

practice (ULP), correspondence, documentation and memoranda concerning the ULP claim/charge.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Sections 3012 and 8012; and Executive Order 11491, 'Labor-Management Relations in the Federal Service,' dated 31 October 1969, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General Counsel offices-To process all ULP charges/claims through informal and formal negotiations, to provide information and documentation to U.S. Department of Labor personnel, to officials and employees of the Department of Defense and Department of Justice who have a need for the information in the performance of their duties.

All personnel offices-To accumulate information and documentation regarding ULP charges/claims, to provide information to the servicing General Counsel office and to AAFES management personnel on a need-to-know basis.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed alphabetically by last name of individual and by installations where the employee is located.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained in an active file for five calendar years and then stored in the servicing AAFES warehouse or General Services Administration Records Holding Center for five additional years after which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Headquarters Army and Air Force Exchange Service, Dallas Texas 75222.

NOTIFICATION PROCEDURE:

Information for all Headquarters AAFES employees may be obtained from General Counsel, Headquarters AAFES.

Information for all AAFES-Alaska employees may be obtained from the Chief of Personnel, AAFES-Alaska.

Information for all AAFES-Europe employees may be obtained from the Chief of Personnel, AAFES-Europe.

Information for all AAFES-Pacific employees may be obtained from the Chief of Personnel, AAFES-Pacific.

Information for all AAFES employees of the Alamo Exchange Region may be obtained from the Chief of Personnel, Alamo Exchange Region.

Information for all AAFES employees of the Capitol Exchange Region may be obtained from the Chief of Personnel, Capitol Exchange Region.

Information for all AAFES employees of the Golden Gate Exchange Region may be obtained from the Chief of Personnel, Golden Gate Exchange Region.

Information for all AAFES employees of the Ohio Valley Exchange Region may be obtained from the Chief of Personnel, Ohio Valley Exchange Region.

Information for all AAFES employees of the Southeast Exchange Region may be obtained from the Chief of Personnel, Southeast Exchange Region.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Headquarters AAFES (AAFES-GC), Dallas, Texas 75222.

Written requests for information should contain the full name of the individual, social security number, and last employing location.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the General Counsel, Headquarters Army and Air Force Exchange Service, Dallas, Texas 75222.

RECORD SOURCE CATEGORIES:

Information is furnished by the AAFES employee, the union representing the AAFES employee, any individual who can provide information concerning the ULP charge/claim, and from all available documentation concerning the ULP charge/claim.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0702.01

SYSTEM NAME:

0702.01 Paid Disbursement Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; in continental United States: AAFES Exchange Regions, Area Exchanges; Overseas: HQ AAFES-Alaska, HQ AAFES-Europe, HQ AAFES-Pacific, and Exchange Regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All U.S. citizen Universal Annual Salary Plan employees and foreign national employees who are required to travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumeric: Employee's social security number (SSN)/payroll number, employee's name, and payments made to or on behalf of employee for travel-transfer expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

HQ AAFES Comptroller Division, General Accounting Branch, utilizes file to control payments to employees and furnish necessary information to both employee and Internal Revenue Service for income tax purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Copies of checks and supporting documents such as travel orders, travel vouchers, invoices, etc. All records are retrieved, retained, stored, and disposed by authorization of AAFES Comptroller.

RETRIEVABILITY:

By SSN/payroll number, employee's name or check number.

SAFEGUARDS:

Documents maintained in file folders in metal containers such as standard file cabinets. Retrievability request must be written and requires signature of section chief or unit supervisor.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year; destroyed after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Accounting Branch, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from: HQ AAFES

ATTN: Comptroller Division, CM-G
Dallas, TX 75222
Telephone: Area Code 214/330-2631

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: HQ AAFES, ATTN: CM-G, Dallas, TX 75222.

Written request should contain full name of individual, SSN/payroll number, and location of employment.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Travel orders, travel vouchers, records of expenses incurred, and copies of checks issued for reimbursement.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0702.22

SYSTEM NAME:

Check-Cashing Privilege Suspense Files.

SYSTEM LOCATION:

Headquarters Army and Air Force Exchange Service, Dallas, TX 75222; HQ AAFES, Alaska; HQ AAFES, Europe; HQ AAFES Pacific, (Both Exchange Regions and Main Stores).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Exchange customers, military, dependents, retirees, and exchange employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customer name and Social Security Number, amounts of checks not paid by bank, and category of customer (i.e., military, dependent, retiree, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Printout of listing distributed to applicable locations where mechanical device is not available. Mechanical device, where used, will indicate eligibility to cash a check by displaying a colored light. Printout or mechanical device used to control customer eligibility to cash checks. In overseas areas printouts or access to mechanical devices are provided to military banking facilities. These facilities are branches of U.S. based financial institutions which are under contract to the Department of Defense to provide banking services to U.S. military and affiliated civilian personnel overseas. Any financial losses sustained by these activities in support of the Department of Defense program are underwritten by DoD using appropriated funds. The financial institutions use the check-cashing information only to determine whether to cash checks or similar negotiable instruments for individuals, not to award or deny other banking privileges.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tapes, disks, and printouts.

RETRIEVABILITY:

By SSN.

SAFEGUARDS:

All information is stored in locked rooms within secured buildings and is accessed only by designated personnel having official need therefore - primarily by individuals authorized to cash checks.

RETENTION AND DISPOSAL:

Information is retained until no longer needed at which time it is destroyed by shredding or erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, HQ Army and Air Force Exchange Service, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not thir system contains information concerning them should contact either the local Exchange where check was cashed (or refused) or HQ Army and Air Force Exchange Service, Dallas, TX 75222, furnishing full name, SSN or other acceptable identifying information that will facilitate locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records concerning themselves should write to the System Manager furnishing the information in 'Notification procedure'.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Cashed checks not honored by the bank.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0702.23

SYSTEM NAME:

0702.23 Check-Cashing Privilege Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; in continental United States: AAFES Exchange Regions, Area Exchanges and Installation Exchanges; Overseas: HQ AAFES-Alaska, HQ AAFES-Europe, HQ AAFES-Pacific, and Exchange Regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Exchange Customers: Military, dependents, retirees, and Exchange Service employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumeric: Customer name and social security number (SSN), indebtedness amount and collection efforts documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

HQ AAFES Comptroller Division, General Accounting Branch, utilizes file to collect checks that were not paid by the bank.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in metal filing cabinets; access is restricted to employees with a need-to-know. All records are retrieved, retained, stored, and disposed by authorization of AAFES Comptroller.

RETRIEVABILITY:

By SSN and customer name.

SAFEGUARDS:

Documents maintained in file folders and stored in metal containers such as standard file cabinets.

RETENTION AND DISPOSAL:

Cutoff at time case is closed and destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Accounting Branch, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from: HQ AAFES, Comptroller Division, CM-G

ATTN: Comptroller Division, CM-G
Dallas, TX 75222
Telephone: Area Code 214/330-2631

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: HQ AAFES, ATTN: CM-G, Dallas, TX 75222.

Written request should contain full name of individual and SSN.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Checks cashed by customers and not paid by the bank.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES\702.23b

SYSTEM NAME:

702.23 Dishonored Check Files

SYSTEM LOCATION:

Office of the General Counsel, Headquarters Army and Air Force Exchange Service (AAFES); Office of the General Counsel, AAFES-Europe; Office of the General Counsel, AAFES-Pacific.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has negotiated dishonored checks at AAFES facilities and whose check cashing privilege file has been transferred to the servicing General Counsel's office for further collection as appropriate.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alpha-numeric: customer name and social security number, indebtedness amount and collection efforts and documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The servicing General Counsel's office uses the file to collect the dishonored check indebtedness from the responsible individual. Release of information contained in the files is made to civil or criminal law enforcement agencies for law enforcement purposes and to officials and employees of the Department of Defense and Department of Justice who have a need for the information in the performance of their duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of the individual responsible for the dishonored checks.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files are retained in the servicing General Counsel's office until the indebtedness has been collected, the indebtedness has been determined uncollectible, or additional administrative action from Comptroller Division, Headquarters AAFES, AAFES-Pacific or AAFES-Europe is required. Files are returned to the servicing Comptroller Division to be maintained with the appropriate check cashing privilege files.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Headquarters AAFES; General Counsel, AAFES-Europe; General Counsel, AAFES-PAcific.

NOTIFICATION PROCEDURE:

Information may be obtained from the servicing General Counsel (Headquarters AAFES, AAFES-Europe, or AAFES-Pacific).

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the servicing General Counsel's office.

Written requests for information should contain the full name of the individual, current address and telephone number, and the latest correspondence received from the servicing General Counsel's office, if available.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the servicing General Counsel's office (Headquarters AAFES, AAFES-Europe, or AAFES-Pacific).

RECORD SOURCE CATEGORIES:

Dishonored checks returned by a banking facility, information from the individual's employer or military commander (as applicable), information received from law enforcement investigative agencies, and information concerning the individual's credit.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0702.34

SYSTEM NAME:

0702.34 Accounts Receivable Files.

SYSTEM LOCATION:

Headquarters (HQ), Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; HQ AAFES-Alaska; continental United States and oversea exchange regions, area exchanges, and post and base exchanges and satellites within the AAFES system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All AAFES customers to include military, retirees, civilians, and civilian dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains charge or credit vouchers, oil company credit card tickets, cash receipts documents, purchase orders, receiving reports, and correspondence with the customer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to establish exchange receivables from customers for purchase under a deferred payment plan, book store catalog sales, mail order payment shortages, and rejected oil company credit cards/tickets. Provides documentation to monitor amounts due to take necessary collection actions. Provides support for monthly detailed listings of open items which are prepared to support ledger balances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of customer.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

Paper documents are maintained in steel storage cabinets.

RETENTION AND DISPOSAL:

Records are retained in current files until close of fiscal year in which receivable is cleared. At year end, files are stored and subsequently destroyed after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: Comptroller Division, General Accounting Branch
Dallas, TX 75222
Telephone: Area Code 214/330-2631

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-G, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, current address and telephone number, AAFES activity at which the receivable was established, and date of transaction.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is collected directly from the customer either in writing or verbally. Additional data may be obtained from correspondence between AAFES and vendors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0702.43

SYSTEM NAME:

0702.43 Travel Advance Register Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Comptroller Division, Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Universal Annual Salary Plan employees who are required to travel either for frequent intermittent periods or sustained periods of time.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumeric: employee's name, area of assignment, and dollar amount advanced.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

HQ AAFES Comptroller Division, General Accounting Branch, utilizes file to monitor travel advances paid out.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in locked metal filing cabinets; access is restricted to employees who have a need-to-know. All records are retrieved, retained, stored, and disposed by authorization of AAFES Comptroller.

RETRIEVABILITY:

By employee's name.

SAFEGUARDS:

Documents maintained in file folders in combination locked file cabinet. Retrievability authorized by unit supervisor.

RETENTION AND DISPOSAL:

Cutoff after advance has been repaid. Destroy after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: Comptroller Division, CM-G
Dallas, TX 75222
Telephone: Area Code 214/330-2631

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: HQ AAFES, ATTN: CM-G, Dallas, TX 75222.

Written request should contain full name of individual.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Checks issued to employees for permanent travel advance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0702.44

SYSTEM NAME:

0702.44 Travel Advance - Trial Balance Files.

SYSTEM LOCATION:

Headquarters (HQ), Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; in continental United States: AAFES Exchange Regions and Area Exchanges; Overseas: HQ AAFES-Alaska, HQ AAFES-Pacific, HQ AAFES-Europe, and Exchange Regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Universal Annual Salary Plan employees who have been issued travel advances.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumeric: Employee name and dollar amount advanced.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

HQ AAFES Comptroller Division, General Accounting Branch, utilizes file to control travel advances issued.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in metal filing cabinets; access is restricted to employees who have a need-to-know. All records are retrieved, retained, stored, and disposed by authorization of AAFES Comptroller.

RETRIEVABILITY:

By employee's name and location where advance was issued.

SAFEGUARDS:

Documents maintained in file folders in standard file cabinets. Retrievability authorized by section supervisor.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year. Destroy after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Accounting Branch, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: Comptroller Division, CM-G
Dallas, TX 75222
Telephone: Area Code 214/330-2631

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: HQ AAFES, ATTN: CM-G, Dallas, TX 75222.

Written request should contain full name and area of assignment.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Trial balances prepared by exchange elements.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0703.01

SYSTEM NAME:

0703.01 AAFES Time Sheets.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; in Continental Unites States (CONUS): AAFES Exchange Regions, Area Exchanges, post and base exchanges including satellites; overseas: HQ AAFES-Europe, HQ AAFES-Pacific, and HQ AAFES-Alaska.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizens (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumeric: Facility number, employee's name, social security number (SSN), category, leave balance, and shift identification number. Printout is combination Time Sheet and Time and Attendance (TA), Register for CONUS exchanges and TA Register only for oversea exchanges.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Printout distributed to all exchanges biweekly two pay periods in advance for recording hours worked, leave hours, and other data essential to payroll processing. CONUS exchanges record payroll data from TA Register to Optical Character Recognition (OCR) Time Sheet and submit to HQ AAFES for OCR Reader. Oversea exchanges key punch data from TA Register and submit via wire transmission to HQ AAFES.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape and printouts resulting from source input. OCR paper source documents stored by exchange number in steel file cabinets in HQ AAFES CM-M. All records are retrieved, retained, stored, and disposed of by Authorization of the Comptroller.

RETRIEVABILITY:

Source documents by payroll period, exchange number, SSN or name.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

RETENTION AND DISPOSAL:

Maintained 3 months in Payroll Branch. Transferred to AAFES Records Warehouse. Destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES, Comptroller, Payroll Branch
ATTN: Comptroller, Payroll Branch
Dallas, TX 75222
Telephone: Area Code 214/330-3870

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

TA Registers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0703.02

SYSTEM NAME:

0703.02 Payroll Allotment Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Comptroller Division, Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All regular full-time employees of HQ AAFES and all Universal Annual employees worldwide.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumberic: Employee's social security number (SSN) or pseudo number, employee's name, exchange number, amount of allotment, and allottee's name and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as source document to update employee's payroll master records and name and address file for mechanical preparation of checks payable to allottee.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printouts and paper documents in file folders. All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

RETRIEVABILITY:

Usually by name within Exchange.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

RETENTION AND DISPOSAL:

Replaced when superseded by new or revised document or deleted upon employee termination. Pulled documents destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: Comptroller, Payroll Branch
Dallas, TX 75222
Telephone: Area Code 214/330-3870

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ, AAFES, ATTN: CM-M, Dallas, TX 75222

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee completes and submits document through servicing personnel office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0703.03

SYSTEM NAME:

0703.03 United States Savings Bond Register Files.

SYSTEM LOCATION:

Headquarters (HQ), Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; in Continental United States: AAFES Exchange Region, Area Exchanges, post and base exchanges including satellites; Overseas: HQ AAFES-Europe, HQ AAFES-Pacific, and HQ AAFES-Alaska.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer printout showing employee's name, social security number (SSN), Exchange number, maturity value, cost of bond, current deduction, refund, old balance, new balance, and serial number of bond purchased.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Printout of listing by exchange distributed to each applicable servicing personnel office biweekly with purchased bonds. HQ AAFES Comptroller Division, Payroll Branch, utilizes printout to control employee's bond balance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape, printout, and microfiche. All records are retrieved, stored, and disposed of by authorization of the Comptroller.

RETRIEVABILITY:

Usually by SSN or pseudo number within exchange number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible to authorized personnel on a need-to-know basis.

RETENTION AND DISPOSAL:

HQ AAFES Payroll Branch: Destroy after 4 years.

Other offices: Destroy after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES, Comptroller, Payroll Branch
ATTN: Comptroller, Payroll Branch
Dallas, TX 75222
Telephone: Area Code 214/330-3870

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ, AFFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Bond application form completed by employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0703.05

SYSTEM NAME:

0703.05 Personnel Action/Discrepancy Notice Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222 and applicable Servicing Personnel Offices within the AAFES worldwide system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains: social security number (SSN); name; exchange location; home address to include street, city/state/county, zip code/Army Post Office; date of birth; date of hire; leave accrual date; retirement participation date; service award base date; citizenship; marital status; prior military status; prior AAFES service; sponsor affiliation where the employee is a dependent of a U.S. government/military member; job code and job title; mobility status; employment category; pay plan wage schedule number; grade/step; base hourly rate; scheduled work week; scheduled shift; commission rate/override where applicable; Federal tax exemptions; state tax code and exemptions; type of insurance coverage and deduction amount; deductions to include janitorial fee, union dues, employees' association, and Combined Federal Campaign; and overseas allowances where applicable to include cost of living allowance, post differential, quarters allowance, and separate maintenance allowance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Division: To correct errors in keypunch Personnel Actions which are identified through machine edits.

Comptroller Division: To maintain hard copy documentation of the employee's current and past personnel records for pay purposes.

Servicing Personnel Offices: To document corrections to the personnel actions in the employee's Official Personnel Folder (OPF).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders. All records are retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

RETRIEVABILITY:

Alphabetically by employee's name.

SAFEGUARDS:

Folders maintained in locked filing cabinets.

RETENTION AND DISPOSAL:

Personnel Division: Destroyed upon verification of error correction.

Comptroller Division: Cutoff at close of fiscal year in which employee is terminated. Destroyed after 4 years.

Servicing Personnel Office: Destroyed after posting correction to the employees OPF.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

AAFES Form 1200-75/1200-76, Personnel Action

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0703.07

SYSTEM NAME:

0703.07 Payroll Register Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; in Continental United States: AAFES Exchange Region, Area Exchanges, post and base exchanges including satellites; overseas: HQ AAFES-Europe, HQ AAFES-Pacific, and HQ AAFES-Alaska.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumeric: Employee's social security number (SSN) or psuedo number, employee's name, current payroll data, quarter-to-date and year-to-date wages and/or deductions, leave balances, and control information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Printout of listing by exchange distributed to each applicable servicing personnel office biweekly. HQ AAFES Comptroller Division, Payroll Branch, utilizes microfiche of subject report. Printout serves to control employees current pay status and year-to-date data in order to reply to valid inquiries to individual employee's payroll data.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape and computer printout. All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

RETRIEVABILITY:

Usually by SSN or psuedo number within Exchange number.

SAFEGUARDS:

Tape file maintained at Data Systems Division, Computer Processing Branch - Computer Processing Tape Library. Retrievability requests must be written and need the signature of the Comptroller.

RETENTION AND DISPOSAL:

Tape file: 1 year.

Computer Printout: Permanent, cutoff at close of fiscal year and maintained for 2 years, then retired to National Personnel Records Center.

Other offices: Cutoff at close of fiscal year. Destroy after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: Comptroller, Payroll Branch
Dallas, TX 75222
Telephone: Area Code 214/330-3870

RECORD ACCESS PROCEDURES:

Requests from individual should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above information.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personnel Action, Time Sheet, other related documents, and calculated results from current payroll.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0703.09

SYSTEM NAME:

0703.09 Employer's Copy of Income Tax Withheld.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Comptroller Division, Payroll Branch, Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumberic: Employee's name; address; social security number (SSN); exchange number; Federal, social security, State

or local information; and other information required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Printout is replica of wage and tax statement Form W-2 on microfiche. File is utilized to reply to valid inquiries and to replace lost W-2 Forms for employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape and microfiche printout. All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

RETRIEVABILITY:

By employee's last name.

SAFEGUARDS:

Tape file maintained at Data Systems Division, Comptroller Processing Branch, Tape Library. Retrievability request should be written and requires authority of Comptroller.

RETENTION AND DISPOSAL:

Destroy microfiche after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: Comptroller, Payroll Branch
Dallas, TX 75222
Telephone: Area Code: 214/330-3870

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

At end of taxable year from mechanically stored payroll data (Payroll Master File).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0703.10

SYSTEM NAME:

0703.10 Employer's Quarterly Federal Tax Return Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange System (AAFES), Comptroller Division, Payroll Branch, Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

These files consist of Treasury Department Form 941, other comparable forms, computer printouts, magnetic tape, and related documents showing reports of Federal and State tax withheld from employees and the banking and payment thereof.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For reconciliation and payment of taxes withheld from employees and employer's share.

To provide Internal Revenue Service (IRS) with magnetic tape representating wages covered by Social Security.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape and microfilm received from IRS and computer printouts. All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

RETRIEVABILITY:

By social security number (SSN).

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

RETENTION AND DISPOSAL:

Destroy after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES, Comptroller, Payroll Branch
ATTN: Comptroller, Payroll Branch
Dallas, TX 75222
Telephone: Area Code 214/330-3870

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Data stored in payroll master file.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0703.11

SYSTEM NAME:

0703.11 Wage and Separation Information Report Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Comptroller Division, Payroll Branch, Dallas, TX 75222

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumeric: Employee's social security number (SSN), employee's name, last employment facility, reason for separation, and wage data as requested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To furnish data requested by State Employment Service.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Documents maintained alphabetically in file folders. All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

RETRIEVABILITY:

By employee's name.

SAFEGUARDS:

Building employs security guards. Records are maintained in area accessible only to authorized personnel on a need-to-know basis.

RETENTION AND DISPOSAL:

Destroy after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
Comptroller, Payroll Branch
Dallas, TX 75222
Telephone: Area Code 214/330-3870

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Document received from State Employment Service. Data retrieved from computer printouts, microfilm, and personnel actions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0703.12

SYSTEM NAME:

0703.12 Payroll Adjustment Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Comptroller Division, Payroll Branch, Dallas, TX 75222

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular fill-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumeric: Facility number, employee's name, social security number (SSN), hours, and dollar amount by type to be paid or withheld to/from employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To adjust employee's pay due to retroactive increases/decreases or over/under withholding deductions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

By exchange number within pay period ending date. Copy maintained in servicing personnel office and copy furnished to employee. All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

RETRIEVABILITY:

By Exchange, by employee's name.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

RETENTION AND DISPOSAL:

Destroy after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: Comptroller, Payroll Branch
Dallas, TX 75222
Telephone: Area Code 214/330-3870

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Documents completed by servicing personnel offices or HQ AAFES, Comptroller Division, Payroll Branch.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0703.13

SYSTEM NAME:

0703.13 Levy and Garnishment Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Comptroller Division, Payroll Branch, Dallas, TX 75222

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumeric: Employee's name and address, social security number (SSN), and tax assessment data. File is applicable only to Internal Revenue Service (IRS) Notice of Levy.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To comply with IRS requirements regarding the Notice of Levy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents maintained in file folders. All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

RETRIEVABILITY:

Filed alphabetically by employee's name.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

RETENTION AND DISPOSAL:

Destroy after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: Comptroller, Payroll Branch
Dallas, TX 75222
Telephone: Area Code 214/330-3870

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Notice of Levy received from IRS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0703.14

SYSTEM NAME:

0703.14 Payroll Report Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; in Continental United States: AAFES Exchange Region, Area Exchanges, post and base exchanges including satellites; Overseas: HQ AAFES-Europe, HQ AAFES-Pacific, and HQ AAFES-Alaska.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumeric: Facility number, employee's name, social security number (SSN) or pseudo number, employee category, pay plan, current wages and deductions, quarter-to-date wages, year-to-date wages and deductions, hours worked, and leave hours accrued and taken.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Computer printouts distributed biweekly to exchanges to facilitate adjustment to employee's pay, if applicable, and to identify payments to employee unions, associations, Federal campaigns, allotments, and to facilitate payment of Federal and State taxes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tape, computer printouts, and microfiche. All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

RETRIEVABILITY:

Usually by SSN within Exchange.

SAFEGUARDS:

Tape file maintained at Data Systems Division, Computer Processing Branch - Computer Processing Tape Library. Retrievability request should be written and requires authority of the Comptroller.

RETENTION AND DISPOSAL:

Destroy after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: Comptroller, Payroll Branch
Dallas, TX 75222
Telephone: Area Code 214/330-3870

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Payroll master file.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0704.04

SYSTEM NAME:

704.04 Group Insurance Card Files

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service (AAFES), Dallas, Texas

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regular full-time employees who participate in group insurance plan

CATEGORIES OF RECORDS IN THE SYSTEM:

Card contains: Employees name, social security number or certificate number, name of beneficiary, date of employees birth, date insurance began, date amount of insurance changed or terminated

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 USC Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Card serves to assist in establishing employees eligibility for continued group insurance at retirement

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieved, retained, stored and disposed of by authorization of the Comptroller

STORAGE:

Vertical file cards and roll microfilm

RETRIEVABILITY:

Alphabetical by name

SAFEGUARDS:

Building employs security guards. Records are maintained in steel storage cabinets

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which employee separates or cancels insurance. Destroy after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Headquarters AAFES, Dallas, Texas 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters, AAFES, Comptroller,
Insurance Branch
Dallas, Texas 75222
Telephone: Area Code 214/330-2271

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: Headquarters, AAFES, CM-I, Dallas, Texas 75222

Written requests for Information should contain the full name of the individual, current address (date of separation) and last location.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Employee's request for insurance and personnel actions

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

AAFES0704.05

SYSTEM NAME:

0704.05 Retirement Card Files

SYSTEM LOCATION:

Headquarters Army and Air Force Exchange Service, (AAFES) Dallas, Texas 75222

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All regular full-time AAFES employees assigned to AAFES exchanges located in the U.S. and the Canal Zone, Panama and those regular full-time civilian employees assigned to AAFES exchanges located overseas who are U.S. citizens, non-citizen nationals or permanent residents of U.S.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumeric-employees' social security number, pseudo social security number,, employee name and certificate number if assigned. Information relative to retirement contributions and credited service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 USC Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is collected as necessary to compute and effect payment of individual employee's retirement, death or termination benefits. Referrals to insurance carriers. Referrals for active, retired or terminated employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieved, retained, stored and disposed of by authorization of Comptroller.

STORAGE:

Individual files are retained at Headquarters AAFES in steel cabinets.

RETRIEVABILITY:

Usually by social security number or pseudo social security number, name and certificate number if assigned.

SAFEGUARDS:

Retained in locked retrievers. Retrievability request must be approved by Assistant Comptroller, Insurance Branch.

RETENTION AND DISPOSAL:

Kept at Army and Air Force Exchange Service Headquarters until close of fiscal year following AAFES involvement. Destroyed after six years of storage.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, AAFES Headquarters, Dallas, Texas 75222

NOTIFICATION PROCEDURE:

Information may be obtained from AAFES Headquarters Comptroller Division, Insurance Branch, Dallas, Texas 75222

RECORD ACCESS PROCEDURES:

Requests should be addressed to Headquarters, Army and Air Forces Exchange Service, Headquarters Comptroller Division, Insurance Branch, Dallas, Texas 75222

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personnel actions, enrollment applications, retirement applications, death certificates, termination notices, year-end printout listing of employees retirement contributions and requests for prior service credit.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0704.06

SYSTEM NAME:

0704.06 Group Insurance Printout Files

SYSTEM LOCATION:

Headquarters Army and Air Force Exchange Service (AAFES) Dallas, Texas 75222

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All regular full-time employees who participate in group insurance plan. All retirees who have obtained eligibility for continued group insurance.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains: Employee name, social security number, date of birth, date insurance changed or terminated, exchange location, amount of disability income and life insurance, dependent coverage, executive management program member or not.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 USC Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Forwarded to insurance carrier for payment of submitted claims. Verify existence of insurance coverage, date of insurance change

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieved, retained, stored and disposed of by authority of the Comptroller.

STORAGE:

Paper records in hard-back folders and roll microfilm.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Building employs security guards.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which superseded or cancelled, then destroy

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Headquarters AAFES, Dallas, Texas 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:

Headquarters, Army and Air Force Exchange Service Comptroller, Insurance Branch, Dallas, Texas 75222
Telephone Number: Area Code 214/330-2271

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: Headquarters, AAFES, CM-I, Dallas, Texas 75222.

Written requests for information should contain the full name of the individual, current address, last location, and social security number.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Employee's request for insurance and personnel action

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0704.07

SYSTEM NAME:

0704.07 Fidelity Bond Files

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; in Continental United States: AAFES Exchange Region, Area Exchanges; overseas: HQ AAFES-Europe, HQ AAFES-Pacific, HQ AAFES-Alaska and Exchange Regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non immigrant alien) employees with caregory of regular full-time, regular part-time, temporary full-time, and temporary part-time employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains fidelity bond applications, transmittal letter to insurance company, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Exchange activities as listed in location above. Uses are primarily as a record to assure that all individuals as listed above did submit a fidelity bond application. The originals are submitted to the bonding company for review and retention.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders. All records in AAFES are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Cutoff as close of fiscal year in which bond becomes inactive. Destroy after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: Personnel Division
Dallas, TX 75222
Telephone: Area Code 214/330-2621

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Fidelity bond applications completed by the employee; correspondence relating thereto.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0704.08

SYSTEM NAME:

0704.08 Accidental Death and Dismemberment Administrative Files

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service (AAFES), Dallas, Texas 75222

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All regular full-time employees and military personnel assigned to AAFES who submit application to participate in insurance plan.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains: Employees name, social security number, effective date, date of birth, occupation, name of beneficiary and relationship and address, amount of insurance on application. Renewals and payment of premium records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 USC Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Verify existence of insurance, amount of insurance in force, identity of beneficiary and assistance in responding to written inquiries; obtain renewal premiums.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Building employs security guards. Files are maintained in steel storage cabinets.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which insurance is cancelled or claim is paid. Destroy after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Headquarters AAFES, Dallas, Texas 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters AAFES, Comptroller,
Insurance Branch
Dallas, Texas 75222
Telephone: Area Code 214/330-2271

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service, Dallas, Texas 75222

Written requests for information should contain the full name of the individual, social security number, current address, and last location.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Application from the individual requesting insurance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0704.09

SYSTEM NAME:

0704.09 Personal Property Claim Files

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service (AAFES), Dallas, Texas 75222; AAFES Exchange Regions; Area Exchanges, HQ AAFES-Europe; HQ AAFES-Pacific; HQ AAFES-Alaska

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees entitled to permanent change of station moves at AAFES expense.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains employee's claim, travel orders, exception reports, repair bills/estimates, and correspondence pertaining to the employee's insurance and claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 USC Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Employee - To file claim for loss/damage to household goods in conjunction with Permanent change of Station (PCS) moves.

Exchange Activities - To assist employee in filing claim and transmit to HQ AAFES.

HQ AAFES - To adjudicate and pay claim.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which claim is closed. Destroy after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, HQ AAFES, Dallas, Texas 75222.

NOTIFICATION PROCEDURE:

Information may obtained from:
HQ AAFES, Comptroller, Insurance Branch
Dallas, Texas 75222
Te1ephone: Area Code 214/330-3583

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service, CM-I, Dallas, Texas 75222

Written requests for information should contain the full name of the individual, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The agency's rule for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Inventory of household goods, exceptions noted on delivery, application for movement of household goods and personal effects, repair estimates, bills and correspondence relating thereto

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0704.10

SYSTEM NAME:

0704.10 Insurance Claims Files - Workmen's Compensation

SYSTEM LOCATION:

Headquarters Army and Air Force Exchange Service (AAFES), Dallas, Texas 75222 In continental United States: AAFES Exchange Region, Area Exchanges, base and post exchanges, including satellites; overseas: Headquarters AAFES-Europe, Headquarters AAFES-Pacific, Headquarters AAFES-Alsaka

CATEGORIES OF INDIVIDUALS COVERED BY THE SYETEM:

All employees who suffer on the job accidents, illness or death

CATEGORIES OF RECORDS IN THE SYSTEM:

Claim reports, correspondence and documents relating to claims arising under the insurance program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 USC Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Verify amount of weekly compensation, transmit documents to insurance carrier for reimbursement, transmit payment received to exchange. Respond to inquiries relating to claim. Processing and settlement of workmen's compensation claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieved, retained, stored and disposed of by authorization of the Comptroller.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetical by name; claim number by location.

SAFEGUARDS:

Files are maintained in file folders and stored in steel storage cabinets.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which claim is closed. Destroy after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Headquarters AAFES, Dallas, Texas 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters AAFES, Comptroller, Insurance Branch
Dallas, Texas 75222
Te1ephone: Area Code 214/330-2271

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service, Dallas, Texas 75222

Written requests for information should contain the full name, social security number, claim number that appears on all correspondence received on claim, date of accident, and location of accident.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Claim application received from exchange. Correspondence and

documents received from insurance company and individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0704.11

SYSTEM NAME:

0704.11 Short/Long Term Disability Files

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service (AAFES) Dallas, Texas 75222

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Short Term: All insured headquarters employees who file claims for disabilities extending beyond seventeen days.

Long Term: All insured employees when file claims for disabilities extending beyond six months.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claims for disabling injuries or illness includes employee's application for benefits, medical reports, records of payments received and communications pertaining to the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 USC Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Verify existence of coverage, amount of payment owed ,and length of payment period.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieved, retained, stored and disposed of by authorization of the Comptroller.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in steel storage cabinets.

RETENTION AND DISPOSAL:

Short term: Cutoff at close of fiscal year in which employee returns to work. Destroy after 6 years.

Long term: Cutoff at close of fiscal year in which employee returns to work or when age 62 is reached. Destroy after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Headquarters, AAFES, Dallas, Texas 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters AAFES, Comptroller,
Insurance Branch
Dallas, Texas 75222
Te1ephone: Area Code 214/330-2271

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service, Dallas, Texas 75222

Written requests for information should contain the full name, social security number, current address ,and last location.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Claim application received from exchange, correspondence, and documentation from individual, and insurance company.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0704.12

SYSTEM NAME:

704.12 Miscellaneous Employee Claim Files

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service (AAFES) Dallas, Texas 75222

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medical, hospital, and surgical claim files.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents accumulated on benefit payments made, disputed claims, and related papers not included in other categories of the insurance plan records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 USC, Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record of assistance provided on claims, response to inquiries regarding benefit coverage, and correspondence pertaining to claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in steel storage cabinets.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which claim is closed. Destroy after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Headquarters AAFES, Dallas, Texas 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters AAFES Comptroller,
Insurance Branch
Dallas, Texas 75222
Te1ephone: Area Code 214/330-2271

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters Army and Air Force Exchange Service, Dallas, Texas 7522

Written requests for information should contain the individual's full name, current address, and last location.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Claim application received from overseas exchange. Correspondence and supporting documents from individual, and insurance company.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0704.13

SYSTEM NAME:

704.13 Annuity Eligibility Files

SYSTEM LOCATION:

Headquarters Army and Air Force Exchange Service (AAFES) Dallas, Texas 75222

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired employees who completed fifteen years of insured employment and are eligible for life insurance and hospitalization insurance after retirement.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains employee name, social security number, name of beneficiary, current address, amount of insurance, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 USC Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Verify continuance of insurance coverage for retiree and dependents. Assist in replying to written inquiires, and processing claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in steel storage cabinets.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which AAFES involvement is terminated. Destroy after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Headquarters AAFES, Dallas, Texas 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters AAFES Comptroller,
Insurance Branch
Dallas, Texas 75222
Te1ephone: Area Code 214/330-2271

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army andAir Force Exchange Service, Dallas, Texas 75222.

Written requests for information should contain the individual's full name, current address, date of retirement, and last location.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Claim application received from individual. Correspondence and documents received from individual and insurance company.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0704.14

SYSTEM NAME:

704.14 Waiver of Premium Files

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service (AAFES) Dallas, Texas 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have been disabled for more than 9 months and who have applied for waiver of group insurance premiums due to diability.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains employee's claim application and supporting documents, record of action by the insurance carrier to approve or disapprove the waiver, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 USC Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Accumulation of documentation to verify continuance of extended insurance coverage.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Building employs security guards. Files are maintained in steel storage cabinets.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which employee returns to work or AAFES involvement is terminated. Destroy after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Headquarters AAFES, Dallas, Texas 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters AAFES, Comptroller,
Insurance Branch
Dallas, Texas 75222
Telephone: Area Code 214/330-2271

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service, Dallas, Texas 75222.

Written requests for information should contain the individuals full name, current address, and last location.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee's claim application received from exchange. Correspondence and documentation received from insurance company and individual and other sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0704.15

SYSTEM NAME:

704.15 Individual Retirement Files

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service (AAFES) Dallas, Texas 75222

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regular full-time AAFES employees assigned to AAFES exchanges located in the U.S., and the Canal Zone, Panama and regular full-time employees in oversea areas who are U.S. citizens, non-citizen nationals or permanent residents of the U.S.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains alphanumeric employee's social security number and certificate number of assigned, employee name, retirement plan participation data, documents and correspondence pertaining to participation and benefits of the Plan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, USC Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is collected for use in administering retirement plan, computation of annuities, processing of retirements, subsequent follow-up inquiries, and processing of actions pertaining to retirement benefits.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

STORAGE:

Individual files are maintained in file folders at HQ AAFES.

RETRIEVABILITY:

Usually by social security number or pseudo social security number, and certificate number, if assigned.

SAFEGUARDS:

Building employs security guards.

RETENTION AND DISPOSAL:

Retained until cutoff at close of fiscal year in which the involvement of AAFES is terminated. Destroy after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, AAFES Headquarters, Dallas, Texas 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from AAFES Headquarters, Comptroller Division, Insurance Branch, Dallas, Texas 75222.

RECORD ACCESS PROCEDURES:

Request should be addressed to: Headquarters,Army and Air Force Exchange Service Comptroller Division, Insurance Branch, Dallas, Texas 75222

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Personnel actions, enrollment applications, retirement applications, relating correspondence, and documents pertaining to the individual's retirement plan participation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0704.10

SYSTEM NAME:

0704.l8 Paid Death Claim Files

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service (AAFES), Dallas, Texas 75222

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Incidents of death on which insurance proceeds have been paid by the carrier

CATEGORIES OF RECORDS IN THE SYSTEM:

file contains application for benefits, death certificate and related supporting documentation and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title l0 USC Section 30l2

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Processing death claims for payment of benefits, assistance in responding to inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in steel storage cabinets.

RETENTION AND DISPOSAL:

Cutoff at close of fiscal year in which claim is paid. Destroy after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, Headquarters AAFES, Dallas, Texas 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters, AAFES, Comptroller,
Insurance Branch
Dallas, Texas 75222
Te1ephone: Area Code 2l4/330-2271

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters Army and Air Force Exchange Service, Dallas, Texas 75222

Written requests for information should contain the individual's full name, current address, date of separation, date of death, and last location.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Claim application received from exchange or beneficiary. Correspondence and documentation received from insurance company, and exchange or beneficiary.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0803.01

SYSTEM NAME:

0803.01 AAFES Incident Record.

SYSTEM LOCATION:

Primary System: Safety and Security Office, Headquarters (HQ) Army Air Force Exchange Service (AAFES); Dallas, TX 75222.

Decentralized Segments: Safety and Security Offices in Overseas Exchange System Regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual suspected to be involved in criminal activities/fires/accidents at AAFES activities or involving AAFES property who are identified in criminal reports of investigation furnished AAFES by military and civilian investigating agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

AAFES Incident Record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify in a single AAFES record system, criminal reports prepared by investigating and law enforcement agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records stored in card index filing cabinets.

RETRIEVABILITY:

Filed alphabetically by last name of individual and by identifier code.

SAFEGUARDS:

Buildings have security guards. Files kept in locked file cabinets. Records available only to those with a need-to-know.

RETENTION AND DISPOSAL:

Records are retained until corresponding investigative files are destroyed or until the records are no longer needed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Safety and Security Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: SS
Dallas, TX 75222
Telephone Area Code: 214/330-2721

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to HQ AAFES, ATTN: SS, Dallas, TX 75222.

Written requests for information should contain the full name of the individual; correct address; telephone number; status; job title; social security number; and time, date, and place incident occurred.

For personal visits, the individual should be able to provide acceptable identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

From AAFES Incident Reports and Criminal Investigative Reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0903.06a

SYSTEM NAME:

0903.06 Systems Magnetic Tape Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information on (a) non-managerial employees: social security number (SSN); name; exchange location; home address to include street, city, state/country, zip code/Army Post Office (APO); date of birth; date of hire; leave accrual date; retirement participation date; service award base date; citizenship; marital status; sex; security clearance to include type; current military status; prior military status; prior AAFES service to include type; sponsor affiliation where the employee is a dependent of a US government/military member; job code and job title; employment category; pay plan; wage schedule, number, grade, and step; base hourly rate; scheduled work week and shift; commission rate where applicable to commission pay plan employees; Federal exemptions; State exemptions; type of insurance coverage; deductions to include janatorial fee, union dues, employees association, Combined Federal Campaign, and Panamanian hospital and life insurance supplement; (b) managerial employees: All of the above as well as mobility status; place of birth ;date in grade and step; assignment/health restrictions; date of last Executive Management Program (EMP) physical examination, passport issuance date; number of dependents, to accompany upon reassignment; dates number of months active military service; date assigned to an oversea area; date returned to the Continental United States (CONUS); foreign languages to include degree of proficiency; education to include high school, name of college, major, minor, type of degree, date completed, non-graduate semester/quarter hours completed, whether or not currently enrolled in college, and whether or not seeking a degree; professional licenses; professional/technical field of study to include date completed; assignment preference locations (overseas and within the CONUS); career area interests outside current field; dependents to include name, date of birth, relationship, country of citizenship, health restrictions, and emergency contact to include name and address; whether or not employee is home-owner; training courses to include date, title, type (AAFES, management development, correspondence, professional/technical); EMP member and date status attained; and Personnel Evaluation Report (PER) to include period covered, total score, overall evaluation, promotion potential, career area, and recommended outside career area.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Division: To accomplish statistical analysis of the work force for the purpose of projecting trends in such areas as personnel costs, organizational configurations, strength requirements, etc. For managerial employees, to obtain information on current and past employment for the purposes of job assignment, promotions, and career progression.

Comptroller Division: To provide updated data on pay and deductions necessary to compute bi-weekly payrolls.

Servicing Personnel Offices: To provide hard-copy documentation on employee's current pay and job data, career progression, cost analysis, etc.

Employee: To provide a permanent record of his personal master file record as updated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Disk file and computer printout. All records are retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

RETRIEVABILITY:

Usually by SSN; however, capability exists to retrieve by any data item listed under Record-Category.

SAFEGUARDS:

Disk files maintained in locked room. Retrievability requests must be written and under signature of Director, Personnel Division.

RETENTION AND DISPOSAL:

Disk file: Retained for 18 months after separation and destroyed, with the exception of employees terminated under disciplinary action (ineligible for rehire), retired employees, and all Universal Annual Salary Plan employees whose file remains a permanent record.

Personnel Management Information System: Back-up tapes retained for 90 days.

Computer printouts of purged files maintained for 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES (AAFES-AD)
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personnel Action: PER and Personal Profile Questionaires for managerial personnel only; bonds.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0903.06c

SYSTEM NAME:

0903.06 Systems Magnetic Tape Files.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizens (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Managerial and non-managerial employees: social security number (SSN), name, job title, course number and name, date enrolled, enrollment action/status, and transaction date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Division: To provide updated data on employees worldwide who are enrolled in Management Development Program (MDP) courses as to status of their continuing participation, drop-out or completion.

Servicing Personnel Offices: To provide updated data on employees, under jurisdiction of particular servicing personnel offices, who are enrolled in MPD courses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Disk file and computer printout. All records are retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

RETRIEVABILITY:

By SSN.

SAFEGUARDS:

Disk files maintained in locked room. Retrievability requests made through Personnel Division.

RETENTION AND DISPOSAL:

Disk file: Retained for 90 days after processing cycle is completed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-3871

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

AAFES Form 1850-33, Study Course - Notice of Status.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0903.06d

SYSTEM NAME:

903.06 Personal Property Transfer System

SYSTEM LOCATION:

Primary System - Personal Property Section, Distribution Division, Headquarters, Army and Air Force Exchange Service (HQ AAFES), Dallas, Texas; Data Systems Division, HQ AAFES, Dallas, Texas.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army and Air Force Exchange Service employee who has made or is in the process of making a permanent change of station (PCS) officially connected with his position as an AAFES employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains automated records pertaining to receipt, shipment, storage, weight allowances, and payments of employees' household goods. Specifically data includes such things as employee's name and social security number, PCS order number, employee's grade, marital status, number of dependents, present location and new assignment location. Additionally, all cost data relating to shipment, handling and storage of employee's personal property is captured in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personal Property Section-to review costs, by type, for all employee personal property shipments. To monitor records of payment and other statistical reports pertaining to personal property transactions.

General Accounting Branch, Comptroller Division-to monitor charges incurred by AAFES for shipping, handling, and storing of employee's personal property and to initiate payments accordingly.

Regional Storage Management Offices (RSMO)-to monitor volume of AAFES employees' personal property in non-temporary storage and the value of invoices paid.

Release of information contained in this system of records is made to civil or criminal law enforcement agencies for

law enforcement purposes and to officials and employees of the Department of Defense who have a need for the information in the performance of their duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes, microfiche, and computer paper printouts.

RETRIEVABILITY:

Microfiche-by social security number and employee's name.

Computer Magnetic Tapes-by specific parameters as required by System Operating Procedures-AAFES Training Guide No. 1014.

Computer Paper Printouts-access depends upon the parameters used to generate the reports. The reports will be filed either by general parameter or by employee's name and social security number. Reports that specify employee name and social security number are of a one time nature and are destroyed after use.

SAFEGUARDS:

Building employs security guards. Magnetic tapes are kept in secured room in Data Processing Division which allows authorized personnel only.

Microfiche-maintained by Personal Property Section and Data Processing Division in filing cabinets accessible to authorized personnel only.

Computer Paper Printouts are maintained in filing cabinets in Personal Property Section.

RETENTION AND DISPOSAL:

Magnetic Tapes (Active)-maintained for 4 weeks in Data Processing Division, HQ AAFES.

Magnetic Tapes (History)-records are permanent, maintained in Data Processing Division, HQ AAFES.

Magnetic Tapes (COM)-maintained for 6 weeks in Data Processing Division, HQ AAFES.

Microfiche-maintained for 3 years by Personal Property Section, Distribution Division, HQ AAFES, and then destroyed.

Computer Paper Printouts-as needed by Personal Property Section, Distribution Division, HQ AAFES.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, HQ AAFES.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES (AD)
3911 Walton Walker Blvd.
Dallas, Texas 75222
Telephone: Area Code 214/330-2011

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Headquarters, Army and Air Force Exchange Service (HQ AAFES), Director, Distribution Division, Dallas, Texas 75222.

Written requests for information should contain the full name of the individual, social security number, current address, and telephone number.

For personal visits, the individual should be able to provide acceptable identification such as driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Employee's travel orders; Department of Defense (DOD) approved carriers and storage contractors invoices and substantiating documentation; Military Airlift Command, Military Sealift Command, and Military Traffic Management Command billing offices; Comptroller Division-HQ AAFES.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES0903.06ø

SYSTEM NAME:

0903.06 Personal Profile.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; HQ AAFES-Alaska; Continental United States (CONUS) exchange regions; oversea regional Exchanges; post and base area exchanges within the AAFES system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time temporary full time, and temporary part-time who are serving as managerial (Universal Annual (UA)) employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains social security number (SSN); name; date of birth; date of hire; citizenship; marital status; sex; security clearance to include type; employment category; pay plan; grade; step; mobility status; place of birth; date in grade; date in step; assignment/health restrictions; date of last Executive Management Program (EMP) physical examination; passport issuance date; number of dependents to accompany upon reassignment; dates of military service; number of months active military service; date assigned to an overseas area; date returned to the CONUS; foreign languages to include degree of proficiency; education to include high school, name of college, major, minor, type of degree, date completed, non-graduate semester/quarter hours completed, whether or not currently enrolled in college, and whether or not seeking a degree; professional licenses; professional/technical field of study to include date completed; assignment preference locations (overseas and within CONUS); career area interests outside current field; dependents to include name, date of birth, relationship, country of citizenship, and health restrictions; emergency contact to include name and address; whether or not employee is home-owner; training courses to include date, title, and type (AAFES, management development, correspondence, professional/technical; EMP member and date status attained; employment experience (beginning with current data) to include date in facility, location, date-in-job, job code, and job title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Division: To obtain information on current and past employment training history, education, and personal data for the purposes of job assignment, promotions, and career progression.

Servicing Personnel Offices located at CONUS exchange regions, area exchanges; and oversea headquarters, regional exchanges, and area exchanges: To provide hard-copy documentation on employee's career progression. CONUS exchange regions and overseas headquarters forward copy to gaining regional/area exchange where it is filed in Official Personnel Folder (OPF).

Personnel Division and Servicing Personnel Offices: Release of information contained in the system of records is made to civil or criminal law enforcement agencies for law enforcement purposes and to officials and employees of the Department of Defense who have a need for the

information in the performance of their duties.

Employee: To provide a permanent record of data as updated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printout maintained in Career Management Folder (CMF), Personnel Division; Convenience Personnel Folder (CPF) at CONUS Exchange regions; oversea headquarters; and OPF at gaining regional/area Exchange. All records are retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

RETRIEVABILITY:

Usually by SSN; however, capability exists to retrieve by any data item.

SAFEGUARDS:

The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Personal Profiles are available only to authorized personnel having access to CMFs and OPFs where copies are maintained.

RETENTION AND DISPOSAL:

Disk file: Retained for 18 months after separation and destroyed, with the exception of employees terminated under disciplinary action (ineligible for rehire), retired employees and all UA Salary Plan employees, whose files remain a permanent record.

Computer printout:

CMF: Maintained in Career Management Branch, HQ AAFES and destroyed 3 years after employee is separated.

CPF: Transferred to gaining CONUS exchange region upon transfer of employee; oversea headquarters. Destroyed 1 year after employee is separated.

OPF: Placed in inactive file upon separation. Held at Servicing Personnel Office 1 year then forwarded to National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, MO 63118. May be retired 3 months after separation when the volume of inactive OPF creates a storage problem.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, and current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personnel Actions; Training Certificates; College Transcripts; Personal Profile Questionnaires.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0903.06f

SYSTEM NAME:

0903.06 Personnel Management Information System (PMIS).

SYSTEM LOCATION:

Disk files and computer tapes are maintained at Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

System maintenance and output products are maintained by Servicing Personnel Offices of the AAFES.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of those documents necessary to maintain the centralized AAFES personnel data base, that information which is mechanically stored, and a variety of computer printouts related to the personnel management function of AAFES. The system contains the following information: (a) non-managerial employees: social security number (SSN); name; Exchange location; home address to include street, city, state/country, zip code/Army Post Office (APO); date of birth; date of hire; leave accrual date; retirement participation date; service award base date; citizenship; marital status; sex; security clearance to include type; current and prior military status; prior AAFES service to include type; sponsor affiliation where the employee is a dependent of a US government/military member; job code and title; employment category; pay plan; wage schedule number; grade step; base hourly rate; scheduled work week and shift; commission rate where applicable to commission pay plan employees; Federal and State exemptions; type of insurance coverage; deductions to include janitorial fee, union dues, employees' association, Combined Federal Campaign, Panamanian hospital and life insurance supplement; disability identification; minority code; city tax code and deduction; (b) managerial employees: all of the above as well as mobility status; place of birth; date in grade and step; assignment/health restrictions; date of last Executive Management Program (EMP) physical examination; passport issuance date; number of dependents to accompany upon reassignment; dates of military service; number of months' active military service; date assigned to an oversea area; date returned to the Continental United States (CONUS); foreign languages to include degree of proficiency; education to include high school, name of college, major, minor, type of degree, date completed, non-graduate semester/quarter hours completed, whether or not currently enrolled in college and seeking a degree; professional licenses; professional/technical field of study to include date completed; assignment preference location (overseas and within the CONUS; career area interests outside current field; dependents to include name, date of birth, relationship, country of citizenship, and health restrictions; emergency contact to include name and address; whether or not employee is homeowner; training courses to include date, title, type (AAFES, management development, correspondence, professional/technical); EMP member and date status attained; and Personnel Evaluation Report to include period covered, total score, overall evaluation, promotion potential, career area, and recommended outside career area.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Division: To produce statistical reports (without individual identification) for various echelons of AAFES management for use in projecting trends and evaluating results in such areas as personnel costs, organizational configurations, strength requirements, etc., or evaluating programs not directly related to personnel management function; to obtain information on individual's current and past employment for the purposes of job assignments, promotions, and career progression; to identify and correct errors in employees computerized data files; and to provide summary reports (with or without personal identification) in support of the function for which the records are maintained or for related personnel management or manpower studies.

Comptroller Division: To provide updated data on pay and deductions necessary to computer biweekly payrolls and/or to determine the validity of individual claims related to pay adjustments.

Audit and Inspection Division: To produce summary reports (with or without personal identification) in support of auditing the conduct of personnel programs within various AAFES elements.

Office of the Commander: To provide summary statistics (without individual identification) to evaluate AAFES Equal Employment Opportunity (EEO) programs and to report to the Civil Service Commission, and to produce summary listings or information (with or without individual identification) necessary to the investigation of EEO complaints or employee grievances and complaints.

Servicing Personnel Offices: To provide hard-copy documentation on employee's current pay and job data, career progression, cost analysis, etc.; to produce statistical reports (without individual identification) for various echelons of AAFES management for use in projecting trends and evaluating results in such areas as personnel costs, organizational configurations, strength requirements, etc., or evaluating programs not directly related to personnel management functions; to obtain information on individual's current and past employment for the purpose of job assignments, promotions, and career progression; to identify and correct errors in employees computerized data files; and to provide summary reports (with or without personal identification) in support of the function for which the records are maintained or for related personnel management or manpower studies.

Employee: To provide a permanent record of his/her personal master file record as updated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on disk file, computer tapes, computer printouts, and in file folders. All records are retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

RETRIEVABILITY:

Computer records are indexed by SSN, but may be retrieved by any data item listed under Record Category. Computer printouts are normally indexed by name or SSN within employment location but may be sorted chronologically and/or on the basis of any data item listed under Record Category.

SAFEGUARDS:

Disk files and tapes are located in restricted areas accessible only to authorized personnel who are properly screened, cleared, and trained. Retrievability requests must be written and under the signature of the Director, Personnel Division; manual records and computer printouts which contain individual identification are maintained in locked file drawers or storage cabinets and are available only to individuals having a need-to-know.

RETENTION AND DISPOSAL:

Disk file retained for 18 months after separation and destroyed, with the exception of employees terminated under disciplinary action (ineligible for rehire), retired employees and all Universal Annual Salary Plan employees whose file remains a permanent record. PMIS back-up tapes retained for 90 days. Computer printouts are maintained as follows: system edit reports are destroyed upon verification that identified errors have been corrected, printouts produced in connection with management functions (as described in routine uses) are maintained for periods varying from 2 to 10 years, and source documents and computer printouts which are included as part of the employees official personnel folder are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:

HQ AAFES
ATTN: PE
Dallas, TX 75222
Telephone: Area Code 214/330-2761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee, employee's supervisor, servicing personnel office representatives, and other AAFES management officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES1100.31

SYSTEM NAME:

1100.31 Personal Data Card

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, Dallas, Texas, Desk File, Administrative Section, Audit & Inspection Division.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All auditors/inspectors who perform temporary duty travel (TDY).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains card with personal data such as name, address, telephone number, and authorization for Audit and Inspection Administrative Assistant to act on individual's behalf regarding disposition of personal mail, payroll checks, expense checks, bonds, etc. while individual is on TDY.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used solely to assure compliance with auditors/inspectors instructions

regarding disposition of their personal mail while on TDY.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Retained in Audit & Inspection Division until auditor/inspector is transferred then destroyed.

STORAGE:

Desk file within Administrative Section of Audit & Inspection Division.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Desk file is accessible to Administration Section, Audit & Inspection Division personnel. Offices are locked at closing time.

RETENTION AND DISPOSAL:

Card records are destroyed upon employee's transfer or termination from Audit & Inspection Division.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Audit & Inspection Division, Army and Air Force Exchange Service, Dallas, Texas.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters AAFES (AAFES-AI)
Dallas, Texas 75222
Telephone: Area Code 214/330-2251

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service (AAFES-AI), Dallas, Texas 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information provided by auditors/inspectors, Audit & Inspection Division.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES1203.03

SYSTEM NAME:

1203.03 Appointment of Contracting Officers

SYSTEM LOCATION:

Procurement Management Office, Headquarters Army and Air Force Exchange Service (HQ AAFES); HQ AAFES-Europe; HQ AAFES-Pacific; HQ AAFES-Alaska; all regional offices within the Continental United States.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees and/or military personnel assigned to AAFES who are appointed as contracting officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number (SSN), job title and grade; qualifications, training and experience; request for appointment as contracting officer; copy of Certificate of Appointment, and other correspondence and documents relating to the individual's qualifications to act as a contracting officer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5012 and 8012 which identify the powers and duties delegated by the Secretary of the Army and the Secretary of the Air Force, respectively, each of whom is responsible for and has the authority necessary to conduct all affairs of his respective department, including functions necessary or appropriate for the training operations and administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by AAFES contracting officer appointing authority to ascertain an individual's qualifications to be appointed as contracting officer, to determine if limitations on procurement authority are appropriate; and to complete the Certificate of Appointment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by employee name.

SAFEGUARDS:

Information is retained in filing cabinets. Both the working and storage areas are within a controlled building, the entrance to which is limited to personnel assigned to AAFES.

RETENTION AND DISPOSAL:

Records in this system are retained only so long as individual's appointment as contracting officer is valid. Upon termination of this appointment, records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Procurement Management Office, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES
ATTN: Procurement Management Office
Dallas, TX 75222
Telephone: Area Code 214/330-3761

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to HQ AAFES, ATTN: Procurement Management Office, Dallas, TX 75222.

Written requests for information should contain the full name of the individual and activity to which assigned.

Personal visits may be made to HQ AAFES, or to an AAFES regional office, as appropriate. Individual should provide acceptable identification such as a valid driver's license, military identification card, or SSN.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by individuals concerned are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

The individual concerned, personnel records, former employers, educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES1204.07

SYSTEM NAME:

1204.07 Customers' Merchandise Returned for Repair or Replacement.

SYSTEM LOCATION:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; HQ AAFES-Alaska; all Continental United States and oversea exchange regions, area exchanges, and post and base exchanges and satellites within the AAFES system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All AAFES customers to include military, retirees, civilians, and civilian dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains charge or credit vouchers, shipping and receiving documents, warranty documents, correspondence between AAFES and customers, and correspondence between AAFES and vendors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To document receipt from customers of merchandise which is subsequently returned to vendors for repair or replacement. Used for follow-up actions with vendor and provides details of vendor's actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of customer.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel. Paper documents are maintained in steel storage cabinets.

RETENTION AND DISPOSAL:

Records are retained in current files until close of fiscal year in which transaction is completed. At year end, files are stored and subsequently destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information should be obtained from:
HQ AAFES
ATTN: Comptroller Division, General Accounting Branch
Dallas, TX 75222
Telephone: Area Code 214/330-2631

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-C, Dallas, TX 75222.

Written requests for information should contain full name of the customer, current address and telephone number, AAFES activity to which the merchandise was returned, and date of return.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANGER.

RECORD SOURCE CATEGORIES:

Information is collected directly from the customer in writing or verbally. Additional data may be obtained from correspondence between AAFES and vendors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES1300.01

SYSTEM NAME:

1300.01 Progression Analysis Report (PAR)

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, Dallas, Texas, Audit & Inspection Division.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Auditors/Inspectors within Audit & Inspection Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name and information regarding individual's work performance and progression during each audit/ inspection.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To evaluate auditor's performance/ progression during audits/ inspection.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

PAR's are retained within Audit & Inspection Division files for a period of 1 year then destroyed.

STORAGE:

Filed within Administrative Section of the Audit & Inspection Division.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Files are maintained in locked cabinet. Retrieved upon request from Director, Deputy Director, Assistant Deputy Director and Group Chiefs, Audit & Inspection Division.

RETENTION AND DISPOSAL:

Retained for 12 month period and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Audit & Inspection Division, Army and Air Force Exchange Service, Dallas, Texas.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters AAFES (AAFES-AI)
Dallas, Texas 75222
Telephone: Area Code 214/330-2251

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service (AAFES-AI), Dallas, Texas 75222.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Visual evaluation of personnel on the job.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES1504.02

SYSTEM NAME:

1504.02 Personal Property Shipment Files

SYSTEM LOCATION:

Primary System - Personal Property Section, Distribution Division, Headquarters, Army and Air Force Exchange Service (HQ AAFES), Dallas, Texas;

Decentralized Segments - HQ AAFES-Pacific; HQ AAFES-Europe; Military Transportation Offices (European, Pacific, Alaskan, and United States Army Southern Commands); and Department of Defense (DOD) - Approved Household Goods and Mobile Home Carriers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army and Air Force Exchange Service employee who has made or is in the process of making a permanent change of station (PCS) officially connected with his position as an AAFES employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents relating to the receipt, crating, shipment, and storage of employees' household goods, privately-owned vehicles, and/or mobile homes pursuant to competent travel orders. Included are applications for shipment, travel orders, bills of lading, purchase orders, shipment orders, delivery orders, one-time manual rate tenders, insurance papers, accessorial service statements, inventories, receipts, loss and damage claims, payment and collection vouchers, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personal Property Section - to prepare and issue Government Bills of Lading (GBL) covering movement of employees' personal property, to audit carrier's handling and shipping charges, to verify employee shipping within authorized weight limits and between authorized locations.

DOD-Approved Household Goods and Mobile Home Carriers - to facilitate movement of employees' property and preparation of subsequent handling and shipping charges.

Employee - to maintain personal records and receipts pertaining to employee's shipping and storage data and entitlements.

Release of information contained in the files is made to civil or criminal law enforcement agencies for law enforcement purposes and to officials and employees of the Department of Defense who have a need for the information in the performance of their duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Arranged in fiscal year groups alphabetically by employee name.

SAFEGUARDS:

Building employs security guards. Files are kept in filing cabinets in walled off section occupied by authorized Personal Property employees only. Auditing personnel have access to files for auditing of bills.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file for three fiscal years and subsequently retired to the servicing AAFES warehouse and/or servicing General Services Administration Records Holding Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, HQ AAFES.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES (AD)
3911 Walton Walker Blvd.
Dallas, Texas 75222
Telephone: Area Code 214/330-2011

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Headquarters Army and Air Force Exchange Service (HQ AAFES), Director, Distribution Division, Dallas, Texas 75222.

Written requests for information should contain the full name of the individual, social security number, current address, and telephone number.

For personal visits, the individual should be able to provide acceptable identification such as driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Owner of personal property shipped; DOD-approved carriers involved with given shipment; Military Finance and Accounting Offices; AAFES Personnel and AAFES Administrative Services Offices and Military Transportation Offices of the Europe, Pacific, Alaska, and United States Army Southern commands.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES1504.03

SYSTEM NAME:

1504.03 Personal Property Storage Files

SYSTEM LOCATION:

Primary System - Personal Property Section, Distribution Division, Headquarters, Army and Air Force Exchange Service (HQ AAFES), Dallas, Texas;

Decentralized Segments - HQ AAFES-Europe, Military Transportation Offices (European, Pacific, Alaskan, and United States Army Southern Commands), and Department of Defense (DOD) approved Household Goods Storage Contractors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army and Air Force Exchange Service employee who has made or is in the process of making a permanent change of station (PCS) officially connected with his position as an AAFES employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents relating to the receipt, crating, drayage, and storage of employees' household goods pursuant to competent travel orders. Included are applications for storage, travel orders, purchase orders, service orders, warehouse receipts, insurance papers, inventories, delivery orders, loss and damage claims, payment and collection vouchers and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personal Property Section - to prepare and issue Service Orders covering storage of employees' personal property, to audit contractors' invoices and storage charges, and to verify that employee is not exceeding storage entitlements.

DOD Approved Household Goods Storage Contractors - to facilitate the procurement of required storage space and provide related services as needed.

DOD Regional Household Goods Storage Management Offices - to facilitate the maintenance and monitoring of all storage account records under their jurisdiction.

Employee - to maintain personal records and receipts pertaining to employee's storage entitlements and actual use.

Release of information contained in the files is made to civil or criminal law enforcement agencies for law enforcement purposes and to officials and employees of the Department of Defense who have a need for the information in the performance of their duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Arranged alphabetically by employee name, color coded to indicate year in which storage began.

SAFEGUARDS:

Building employs security guards. Files are kept in filing cabinets in walled off section occupied by authorized Personal Property employees only. Auditing personnel have access for auditing of bills.

RETENTION AND DISPOSAL:

Records are retained in the Personal Property Section, Distribution Division, HQ AAFES, until the close of fiscal year in which final payment is made and subsequently retired to servicing AAFES warehouse and/or servicing General Services Administration Records

Holding Center and destroyed after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, HQ AAFES.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES (AD)
3911 Walton Walker Blvd.
Dallas, Texas 75222
Telephone: Area Code 214/330-2011

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Army and Air Force Exchange Service (HQ AAFES), Director, Distribution Division, National Traffic Branch (DD-N), Dallas, Texas 75222.

Written requests for information should contain the full name of the individual, social security number, current address, and telephone number.

For personal visits, the individual should be able to provide acceptable identification such as driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

From individuals to whom records pertain, DOD-Approved Storage Contractors, Finance and Accounting Office-HQ AAFES and Comptroller Office-HQ AAFES.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES1504.04

SYSTEM NAME:

1504.04 Carrier/Contractor Management Files

SYSTEM LOCATION:

Primary System - Personal Property Section, National Traffic Branch,Headquarters, Army and Air Force Exchange Service (HQ AAFES), Dallas, Texas.

Decentralized Segments - HQ AAFES-Pacific, HQ AAFES-Europe, Military Transportation Offices (European, Pacific, Alaskan, and the United States Army Southern Commands) and Department of Defense (DOD) approved household goods and mobile home carriers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army and Air Force Exchange Service employee who has made a permanent change of station (PCS) officially connected with his position as an AAFES employee and subsequently has experienced a problem resulting in claim action or other related action against the carrier.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains reports, complaints, commendations, inspection reports, performance records, quality control information, claims, and related documents pertaining to carrier/contractor qualification, selections, and performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personal Property Section - to review carrier performance in shipment and storage of personal property and to issue letters of warning and suspensions when necessary.

DOD-Approved Household Goods and Mobile Home Carriers - to facilitate self evaluation of performance and to be aware when corrective action is required by AAFES.

Release of information contained in the files is made to civil or criminal law enforcement agencies for law enforcement purposes and to officials and employees of the Department of Defense who have a need for the information in the performance of their duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Arranged in fiscal year groups subjectively and/or alphabetically by carrier/contractor.

SAFEGUARDS:

Building employs security guards. Files are kept in filing cabinets in walled off section occupied by authorized Personal Property employees only. Auditing personnel have access for auditing of bills.

RETENTION AND DISPOSAL:

Files are retained in the Personal Property Section, Distribution Division, HQ AAFES, until the close of the fiscal year in which action has been completed and subsequently retired to the servicing AAFES warehouse and/or servicing General Services Administration Records Holding Center. Records are destroyed after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Services Division, HQ AAFES.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ AAFES (AD)
3911 Walton Walker Blvd.
Dallas, Texas 75222
Telephone: Area Code 214/330-2011

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Headquarters Army and Air Force Exchange Service (HQ AAFES), Director, Distribution Division, National Traffic Branch (DD-N), Dallas, Texas 75222.

Written requests for information should contain the full name of the individual, social security number, current address, and telephone number.

For personal visits, the individual should be able to provide acceptable identification such as driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

From employee, Personal Property Section - HQ AAFES, DOD-approved carriers, HQ AAFES-Europe, and Military Transportation Offices (Europe, Pacific, Alaska, and United States Army Southern commands).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AAFES1609.02

SYSTEM NAME:

1609.02 AAFES Customer Service

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service (AAFES), Dallas, TX; Headquarters, AAFES-Pacific; Headquarters, AAFES-Europe, and all continental United States and oversea Exchange regions, area exchanges, post and base exchanges, and satellites within the AAFES system. Addresses are listed in the Directory of the Department of the Army, appearing in the Annual Compilation of System

Notices, published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All AAFES customers who elect to purchase merchandise on a time payment, layaway, or special order basis, or who need purchase adjustments or refunds.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of active layaway tickets, requests for refunds, special order forms, requests for special order procurement, special order logs, cash receipts vouchers, and repair vouchers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To record customer transactions/payments for layaways and special orders; to determine payment status before finalizing these transactions; to identify layaway account delinquencies and prepare customer reminder notices; to prepare and mail refunds to customers on cancelled layaways or special orders; and to process purchase refunds and repair orders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file boxes/cabinets.

RETRIEVABILITY:

By last name of customer, document control number, and/or due date.

SAFEGUARDS:

Records are maintained in areas accessible to authorized personnel only. Layaway, special order, cash receipts, and refund vouchers are prenumbered and logged as used or retired.

RETENTION AND DISPOSAL:

Cancelled or completed layaway tickets: Held in file for 6 months after cancellation or delivery of merchandise, then destroyed.

Purchase orders: Retained for 2 years, then destroyed.

Refund vouchers: Retained for 6 years, then destroyed.

Returned merchandise slips: Retained for 6 years, then destroyed.

Cash receipts vouchers: Retained for 3 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Merchandising Division Headquarters, Army and Air Force Exchange Service, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
Headquarters, Army and Air Force Exchange Service
ATTN: MR-O
Dallas, TX 75222
Telephone: Area Code 214/330-2653.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, Headquarters, Army and Air Force Exchange Service, ATTN: MR-O, Dallas, TX 75222, and should contain customer's full name, current address and telephone number, Army and Air Force Exchange Service activity at which transaction was initiated, date of transaction, and control number of document involved.

Neither instructions nor provisions for personal visits are provided at this time.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is furnished by the customer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES1609.03

SYSTEM NAME:

1609.03 AAFES Catalog System (ACS)

SYSTEM LOCATION:

Catalog Sales Center (MR-S), Merchandising Division, Headquarters (HQ) Army and Air Force Exchange Service (AAFES)

Command and Public Relations Division, AAFES-Europe;

Command and Public Relations Division, AAFES-Pacific.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All exchange customers who place a catalog sales order.

CATEGORIES OF RECORDS IN THE SYSTEM:

Order Master Record containing the following: customer name, grade, social security number, address; recipient name and address; description and prices of items ordered; method of shipment; amount of order; amount of any refund; returned check identifier; claim data for returns, loss non-receipt, damage of shipments; accounts receivable or paid; replacement mailing; communication dates; and roster of customers and recipients.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Sections 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To locate order information to reply to customer inquiries, complaints; to create the necessary labels to effect shipment to the proper location; to refund customer remittances or to collect monies due; to provide claim and postal authorities with confirmation/certification of shipment for customer claims for damage or lost shipments; and to release information contained in the System of Records to civil or criminal law enforcement agencies for law enforcement purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes, computer printouts, microfiche, microfilm

RETRIEVABILITY:

Primarily by control number assigned to order when received. Customer order information is also retrievable by social security number (SSN) or insurance number assigned to shipment when the control number assigned to the order is not located. Microfiche and microfilm records are retrievable by order control number.

SAFEGUARDS:

Active order information can only be obtained by submission of an approved file maintenance request to appropriate computer operation personnel. Computer operations rooms are locked and all visitors screened and visitor registers maintained. Microfiche and microfilm records are stored in a locked room.

RETENTION AND DISPOSAL:

Records are maintained on computer files for a period of 180 days following completion of shipment. Microfiche and microfilm records are retained for two years for postal claim purposes. These are destroyed after six years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Catalog Sales Center, HQ AAFES, Dallas, Texas

NOTIFICATION PROCEDURE:

Requests for information should be submitted to the System Manager.

RECORD ACCESS PROCEDURES:

Same as Notification procedures.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The record contains all specifics pertaining to the order for catalog merchandise. The complete name, title, SSN and address of the customer, the complete name and address of the recipient.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0101.20DAMI

SYSTEM NAME:

Controlled Accountable Document Inventory System

SYSTEM LOCATION:

Document Control Center/Security Office of Army Installations and/or major commands to the extent that classified inventories are directed by the commander. Addresses are listed in the appendix to the Army inventory of system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Custodians of Classified Defense information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Custodian's name, Social Security Account Number, and a listing of controlled classified documents for which the custodian is responsible. Records may also include document title, originator, and type and date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to conduct periodic inventory of classified documents and to determine or validate custodian accountability of those documents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, discs, computer printouts; paper records.

RETRIEVABILITY:

Alphabetically by surname and numerically by Social Security Account Number

SAFEGUARDS:

Access is restricted to authorized personnel having a need-to-know and to security officers to verify inventory of classified documents. Information is housed in buildings which are controlled by security guards during non-duty hours.

RETENTION AND DISPOSAL:

Retained until the next inventory has been completed satisfactorily; is destroyed upon next inventory.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief of Staff for Intelligence, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals who desire to know whether or not this system of records contains information on them should write to the commander of the installation where they believe such information was collected or maintained.

RECORD ACCESS PROCEDURES:

An individual should write to the commander as indicated under 'Notification procedure', and provide his/her name, SSN, date and place of employment, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual who receipts for classified documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

A0102.02aDAAG

SYSTEM NAME:

102.02 Office Visitor/Commercial Solicitor Files

SYSTEM LOCATION:

Segments may be maintained at Headquarters, Department of the Army, staff and field operating agencies, commands, installations, and supporting activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Visitors to Army installations/activities and/or commercial solicitors who represent an individual, firm, corporation, academic institution, or other enterprise involved in official or business transactions with the Department of the Army and/or its members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain information which reflect the individual's name, name and address of firm represented, person/office visited, purpose of visit, and status of individual as regards past or present affiliation with the Department of Defense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information to officials of the Army responsible for monitoring/controlling visitor's/solicitor's status and determining purpose of visit so as to preclude conflict of interest.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name of visitor/solicitor.

SAFEGUARDS:

Records are maintained in file cabinets with access limited to officials having primary interest.

RETENTION AND DISPOSAL:

Retained for 1 year after which records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, (DAAG-PSI), Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the commander/supervisor maintaining the information.

RECORD ACCESS PROCEDURES:

Requests should be addressed to appropriate commander. Official mailing addresses are in the Directory of Army addresses preceding the annual compilation of Army system notices published in the Federal Register.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 [32 CFR Part 505].

RECORD SOURCE CATEGORIES:

From the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0102.03aDAAG

SYSTEM NAME:

102.03 Office Personnel Locator/ Organizational Rosters

SYSTEM LOCATION:

Segments are maintained by offices at Headquarters, Department of the Army, Staff and field operating agencies, commands, installations and activities. Official mailing addresses are in the organizational directory in the appendix to these system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel and civilian employees and in some instances their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include cards, sheets of individual paper files, lists and compilations of individual's name, social security number, unit of assignment and/or home address, unit and/or home telephone number, and related information. Rosters of office personnel, military alert rosters, and office directories are included in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide commanders and supervisors with locator information and emergency notification data pertaining to present and former military members or civilian employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, card files and loose leaf and bound notebooks. Rosters may also be stored on magnetic tape, cards, or disks.

RETRIEVABILITY:

Filed alphabetically by name. Rosters may be filed by unit or organization.

SAFEGUARDS:

Records are filed in secure file containers, locked desks, or rooms accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Individual records are destroyed upon separation or transfer of employee.

Previous rosters are destroyed when listing is updated.

SYSTEM MANAGER(S) AND ADDRESS:

Commander/supervisor of organization maintaining locator information, roster, or office directory.

NOTIFICATION PROCEDURE:

Information may be obtained from commander/supervisor of organization to which the individual is assigned or at which he/she is employed. Individual must provide full name and social security number.

RECORD ACCESS PROCEDURES:

Requests should be addressed to appropriate commander or super- visor. Official mailing addresses are in the appendix to Department of the Army system notices.

Written requests should include full name of individual and social security number.

For personal visits, individual must provide acceptable identification; e.g., driver's license, military or civilian identification card.

No identification is required if the individual has previously given consent for release to the general public.

CONTESTING RECORD PROCEDURES:

The Department of the Army rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual concerned or from official personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0102.13DAPC

SYSTEM NAME:

Administrative Military Personnel Records

SYSTEM LOCATION:

HQDA Staff, major commands, field operating agencies, installations and activities performing unit level administration for military personnel, whether active, inactive (reservist, MOBDES), and including the National Guard.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel (and in some instances, their dependents) at the local supervisory level (i.e., company, platoon/squad, or comparable office size) when the individual's MPRJ is maintained elsewhere.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records/documents of a temporary nature which are needed in the day-to-day administration/supervision of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Section 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide supervisors a ready source of information for day-to-day operations and administrative determinations pertaining to assigned/attached personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy, index cards, microfiche, magnetic tape or disk.

RETRIEVABILITY:

By individual's surname or SSN.

SAFEGUARDS:

Information is stored in locked rooms or buildings with access restricted to individuals whose duties require a need-to-know. Where information exists on word processing disk/diskettes/tapes or in automated media, the administrative, physical, and technical requirements of Army Regulation 380-380 must be assured to preclude improper use or inadvertent disclosure.

RETENTION AND DISPOSAL:

Records are destroyed not later than 30 days after transfer/separation of member.

SYSTEM MANAGER(S) AND ADDRESS:

Commander US Army Military Personnel Center, Attn: DAPC-ALS, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system contains information on them should inquire of their immediate supervisor.

RECORD ACCESS PROCEDURES:

Requests should be made of the custodian of the record at the location assigned/attached; individual must

provide full name, SSN, and particulars which enable finding the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Copy of documents in one's OMPF, MPRJ, or CMIF; from the individual; his/her supervisor; other Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0124.06aUSAREC

SYSTEM NAME:

124.06 Recruiter Assignment Report

SYSTEM LOCATION:

Military Personnel Division, Directorate of Recruiting Force Management, US Army Recruiting Command, USARCRFM-MP-A, Fort Sheridan, IL 60037

Directorate of Management Information Systems/ADP, US Army Recruiting Command, USARCMIS, Fort Sheridan, IL 60037

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been relieved from or not accepted for recruiting duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains name, social security number (SSN), and reason for nonselection or relief from recruiting duty, and unit of assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949 (64 Stat. 578), as amended by act of 22 Oct 1968 (82 Stat. 1238; 44 U.S.C. 3101-03).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To screen applications for recruiting duty to insure that previously rejected or relieved individuals are not accepted for recruiting duty unless previous disqualification has been corrected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printout in file cabinet.

RETRIEVABILITY:

Listed alphabetically by last name.

SAFEGUARDS:

Building secured. Records are maintained in area accessible only to properly screened and trained personnel.

RETENTION AND DISPOSAL:

Listing updated monthly and previous listing destroyed. Information contained in report covers a 6-year period.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Recruiting Force Management, US Army Recruiting Command

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Recruiting Force Management, USARCRFM-MP-A
US Army Recruiting Command
Ft Sheridan, IL 60037
Telephone: 312/926-3910

Request for information should contain full name, SSN, and military status.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, US Army Recruiting Command, ATTN: USARCRFM-MP-A, Ft Sheridan, IL 60037.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification; that is, drivers license, ID card.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual applications and relief actions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0201.08aDACS

SYSTEM NAME:

201.08 Central Files, Office of the Chief of Staff (DACS-DAS)

SYSTEM LOCATION:

Office of the Chief of Staff, Department of the Army, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military or civilian employee or correspondent of the Army who may have been the subject of, or initiated correspondence referred to, the Office of the Chief of Staff, Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original or copies of papers relating to matters concerning individuals which have been directed to the Office of the Chief of Staff, Army (e.g., inquiries, complaints, appeals, investigations, personnel actions).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Correspondence control and reference files used by action officers in Headquarters, Department of the Army (HQDA), in processing paperwork and documenting actions taken in Office of the Chief of Staff, Army (OCSA).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: FILES ARE CODED, INDEXED, AND FILED IN ALPHA-NUMERIC FILES ARRANGEMENT UNDER THE ARMY FUNCTIONAL FILES SYSTEM.

STORAGE:

Paper records in file folders are stored in mechanized files shelves.

RETRIEVABILITY:

Location of file folder is determined by searching files record cards, which are filed by numerical code, and alphabetically arranged by name, with further chronological breakdown of each entry. Each entry is cross referenced to all previous related entries.

SAFEGUARDS:

Files are released only to OCSA staff action officers cleared and authorized access. Pentagon employs security guards. Files area is protected by electronic surveillance system with combination lock doors.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file until end of calendar year, held two additional years in inactive file and subsequently retired to Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

The Chief of Staff, Headquarters, Department of the Army, The Pentagon, Washington, DC.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DACS-DSA)
Rm 3D-671
Pentagon

Washington, DC
Telephone: Area Code 202/695-3503 or 695-2765.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Department of the Army, ATTN: DACS-DSA, Washington, DC 20310.

Written requests for information should contain the full name of the individual, current address and telephone number, and nature of information desired.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Internal action correspondence processed by Army Staff.

Individuals addressing correspondence to Department of Defense or United States (US) Army regarding Army matters.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j) or (k), as applicable. For additional information, contact the SYSMANAGER.

A0201.00cOSA

SYSTEM NAME:

201.08 Central Files, Office, Secretary of the Army (SAAA)

SYSTEM LOCATION:

Office, Secretary of the Army (OSA), Administrative Support Group, Rm 3D-718, The Pentagon, Washington, DC.

Relevant segments of the system are maintained throughout Secretariat offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military or civilian employee or correspondent of the Army who may have been the subject of, or initiated, correspondence referred to the Office, Secretary of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Originals or copies of letters, reports, complaints, appeals, inquiries, investigations, personnel actions, requests for assistance and any other documents referring to any subject that requires action of, or that should be brought to the attention of the Office of the Secretary of the Army.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Correspondence control and reference files used by action officers in Headquarters, Department of the Army (HQDA), in processing paperwork and documenting actions taken in the Office, Secretary of the Army.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Files are coded, indexed, and filed in alpha-numeric files arrangement under The Army Functional File System.

STORAGE:

Paper records in file folders are stored in mechanized file shelves.

RETRIEVABILITY:

Location of file folder is determined by searching files record index sheets, which are filed by numerical code, and alphabetically arranged by subject, with further chronological breakdown of each entry. Each entry is cross referenced to all previous related entries.

SAFEGUARDS:

Files are released only to OSA staff action officers cleared and authorized access. The Pentagon employs security guards. Files area is protected by electronic surveillance system with combination lock doors.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file until end of calendar year, held 2 additional years in inactive file and subsequently retired to Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

The Administrative Assistant, Office, Secretary of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (SASG)
Room 3D-718
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/695-2092 or 695-3565

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Office, Secretary of Army, SASG, The Pentagon, Washington, DC 20310.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Internal action correspondence processed by the Army Secretariat.

Individuals addressing correspondence to Department of Defense or the Secretary of the Army regarding Army matters.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C., Section 552a (j) or (k) as applicable. For additional information, contact the System Manager.

A0224.04DAIG

SYSTEM NAME:

224.04 Inspector General Investigative Files

SYSTEM LOCATION:

Primary System, Office of The Inspector General and Auditor General, Department of the Army.

Decentralized Segments: Washington National Records Center, Suitland, Maryland; US Army Inspector General offices and records holding areas located worldwide. Official mailing addresses are in the Department of Defense directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who has been the subject of, witness for, or referenced in an Inspector General investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains Inspector General reports of investigation which normally contain the authority for the investigation, the matters investigated, a narrative report, documentary evidence, and transcripts of verbatim testimony, or summaries thereof.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3039 and 3040.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of an Inspector General investigation is to determine the facts and circumstances surrounding the allegation(s)/problem(s). The information is assembled in report format and presented to the official directing the investigation.

The report of investigation may be used by any Department of Defense organization which has an official interest in the matters under investigation. The information contained therein may be used to take corrective

action or as a basis for making decisions concerning: Department of Defense/ Department of the Army policy; personnel actions; legal, fiscal, logistic, operational, public information, personnel management, and procurement matters.

The report of investigation may be forwarded to the Department of Justice if it contains evidence of possible criminality not within the jurisdiction of the Uniform Code of Military Justice. The Department of Justice will review the report to determine if further investigation by that agency is warranted.

The report of investigation may be used as a basis for summaries or briefing presented to Members of Congress. Members of Congress may use the material to respond to constituents, or to enlighten themselves on matters of concern and interest to them.

The report of investigation may be used as a basis for responses to agencies in the Executive Branch of the Federal government. This information may be used as a basis for responses to concerned citizens and other individuals/organizations querying the Executive Branch.

All or part of reports of investigation, subject to the rules of evidence, may be entered as evidence in court proceedings.

The report of investigation may be provided to appropriate individuals/ organizations under the provisions of the Freedom of Information Act.

The report of investigation may be used as the basis for responding to press queries.

Reports of investigation may be analyzed to determine trends within the Army.

Nonsensitive portions of reports of investigation may be used as instructional vehicles in certain Army schools to inform students about lessons learned as a result of the investigation.

The report of investigation may be used as reference material in other reports of investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in hard cover binders and/or file folders.

RETRIEVABILITY:

Reports are accessed and retrieved by reference to the case name which is normally derived from either the nature of the allegation, the geographic location of the investigation, or, in some instances, the name of the subject or the complainant. Case files are frequently, but not always, assigned a file code number which is cross-referenced with the case name. The file code number, if assigned, is used to administratively file the case, chronologically by calendar year.

SAFEGUARDS:

Primary System: Building employs security guards and access is limited to authorized personnel. Files are stored in locked containers and access given only to persons with an official need to know.

Safeguards for decentralized segments vary but should include, as a minimum, the storage of the reports in locked containers and access given only to persons with an official need to know.

RETENTION AND DISPOSAL:

Reports of investigation conducted by The Inspector General and Auditor General, Department of the Army will be stored permanently. Reports prepared by Inspectors General of other Department of the Army agencies/ organizations will be destroyed 10 years after completion. All other Inspectors General reports will be destroyed 3 years after completion.

SYSTEM MANAGER(S) AND ADDRESS:

The Inspector General and Auditor General, Department of the Army, the Pentagon, Washington, DC 20310

NOTIFICATION PROCEDURE:

Requests should be addressed to the SYSMANAGER.

Because reports are seldom filed by surname or social security number (SSN), requests to determine if the system contains a record about requester should include full name, rank (if applicable), SSN (if applicable), address or Army Post Office (APO) if applicable, approximate date of investigation, subject of investigation, location of Inspector General office conducting the investigation, and the requester's role in the investigation.

Information may be obtained from:
HQDA (DAIG-IN)
Room 1D731
Pentagon
Washington, DC 20310
Telephone: Area Code 202/695/7385

RECORD ACCESS PROCEDURES:

Because reports are seldom filed by surname or SSN, requests from individuals should be addressed to: Headquarters, Department of the Army (DAIG-IN), Room 1D731, Pentagon, Washington, DC 20310.

Written requests for information should include full name, rank (if applicable), SSN (if applicable), address or APO (if applicable), approximate date of investigation, subject of investigation, location of Inspector General office conducting the investigation, and the requester's role in the investigation.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The nature of investigations varies greatly, and the source of the evidence required is not predictable. Previous sources have included: testimony of witnesses; correspondence/records maintained by organizations/ individuals party to the matters being investigated; military personnel files; military pay records; security dossiers; newspaper clippings, and other media material; photographs; reference material/correspondence originating in Department of the Army staff agencies and commands, and other Federal, State, local, and foreign agencies; research notes/documents obtained from reference libraries and records custodians; and other materials in the public domain.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j) or (k) as applicable. For additional information, contact the System Manager.

A0224.05aDAIG

SYSTEM NAME:

224.05 Inspector General Complaint Files

SYSTEM LOCATION:

Assistance Division and Central Files, Office of the Inspector General (OTIG), Department of the Army (DA), Washington, DC 20310.

Decentralized Segments: Offices of all command Inspectors General, Army-Wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Person, Civilian or Military, who presents to an Inspector General in writing or in person a Complaint/ Request for Assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record copy (hard copy) contains the Inspector General Action Request (IGAR) or letter submitted to an Inspector General requesting assistance and all related reports of investigation, inquiries, studies, memoranda and reference material and final replies.

Automated data elements of record contain: Case number, includes fiscal year and sequence number; case name, to include first, last and middle initial of complainant; component of complainant, the functional relationship to military, DA civilian, or other military service; source of complaint, such as the serviceman, his dependent, relative, or DA civilian. The recipient, or the Agency which received the case before it was referred to the OTIG, DA Command or Staff Agency against whom the complaint was made; date case was received by OTIG; suspense data to control information gathering; action officer in OTIG; command to which case referred to have investigation or inquiry conducted; type of allegations made by complainant; number of days for case processing; date reply sent to complainant; and whether complaints were justified/unjustified.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3039, 3040 and subsection 3065(a) provide for and describe the mission of The Inspector General and Auditor General of the Army and his deputies and assistants. Provides for the detail of commissioned officers as Inspectors General.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose is to obtain sufficient information by investigation, inquiry, research of existing historical data; to review and process the data to insure that appropriate action was taken to substantiate or refute allegations presented, and to correct deficiencies.

The purpose of the automated data elements file is to provide a management system to report categories and frequency of complaints and trends by type and command and to improve processing of correspondence and thereby improve responsiveness of the Inspector General assistance function.

Users are Inspectors General Army-wide; Army Commanders at all levels, DA Staff Agencies, Members of Congress, and other government agencies, when determined by The Inspector General to be in the best interest of that agency.

Used to answer complainants or respond to requests for assistance, advice or information. After consultation with appropriate staff judge advocate may be referred for use in trials by court-martial or other military justice matters, as authorized by the Uniform Code of Military Justice. Used by commanders to correct deficiencies found during inquiry/investigation.

User of automated data file is the Office of The Inspector General, DA. Automated data is used to provide weekly and quarterly reports to elements of OTIG and the Army Staff concerning the categories and frequencies of the Inspector General Action Request and trends. Used as a management tool to improve responsiveness of OTIG in its assistance function. It is not used to associate allegations with complainant and does not divulge findings or recommendations as a result of an inquiry.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.
Computer magnetic tapes.

RETRIEVABILITY:

Filed alphabetically by last name of requester for assistance or information.

Automated data information is filed by sequential case number or case name.

SAFEGUARDS:

Records are maintained in locked areas in locked containers accessible only to authorized personnel who are properly cleared and trained in their release.

RETENTION AND DISPOSAL:

IG complaint files are destroyed 1 year following final action, except those which include reports of investigation or inquiry conducted by Inspectors General. IG complaint files containing reports of investigation or inquiry or documents relating to investigations and inquiries conducted by Inspector General will be destroyed according to the level at which the inquiry/investigation was conducted: files which contain an investigation or inquiry conducted by the Office of The Inspector General, DA, will be permanent; files containing an investigation or inquiry conducted by other Headquarters, Department of the Army offices and field commands authorized an Inspector General, that report directly to Headquarters, Department of the Army will be destroyed after 10 years; files containing an investigation or inquiry conducted by any other Inspector General element will be destroyed after 3 years.

Automated record kept on active file 1 year then transferred to a history file and destroyed electronically after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Inspector General and Auditor General, Headquarters, Department of the Army, the Pentagon, Washington, DC 20310

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DAIG-AC)
Room 1D736
Pentagon
Washington, DC 20310
Telephone: Area Code 202/695-1578

Requester must furnish full name, grade, social security number (SSN), unit of assignment, nature of complaint; and proof of personal identification, and identify the Command Inspector General to which his complaint was submitted.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: The Inspector General, Headquarters, Department of the Army, (DAIG-AC), Washington, DC 20310.

Written requests for information should contain: the full name, grade, SSN, current address and telephone number, and the nature of previous complaint.

For personal visits, the individual must provide acceptable identification and verbal information that could be verified with his case file.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personal inquiry or investigation by Inspectors General into matters presented as a complaint or request for assistance. The nature of inquiries and investigations varies greatly, and the source of the evidence required is not predictable. Previous sources have included: testimony of witnesses; correspondence/records maintained by organizations/individuals party to the matters being investigated; military personnel files; military pay records; security dossiers; newspaper clippings, and other media material; photographs; reference material/correspondence originating in Department of the Army staff agencies; research notes/documents obtained from reference libraries and records custodians; and other materials in the public domain.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j) or (k), as applicable. For additional information, contact the System Manager.

A0225.01aDAPE

SYSTEM NAME:

225.01 Military Police Management Information System (MPMIS) - Correctional Reporting System (CRS)

SYSTEM LOCATION:

Primary System: Law Enforcement Division, Human Resources Development Directorate, Office of the Deputy Chief of Staff for Personnel, Department of the Army, (DAPE-HRE).

Decentralized Copies: CRS is programmed for Army installations; the system will be maintained by the installation provost marshall office (PMO). Official mailing addresses are in the Department of Defense directory in the Appendix. The CRS will replace command-unique systems at installations where they exist.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military member confined at any Army confinement facility as a result of, or pending, trial by courts-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

The CRS data are added to the corrections master file. Following output is produced: a daily 4 part prisoner status roster which provides a by name roster showing social security number (SSN), military occupational speciality (MOS), religion, marital status, education level and offense for which confined. Part 1 provides a history of all prisoners confined in the last 24 hours and shows totals by status (i.e., detained, pretrial, detained post trial, adjudged, etc.). Part 2 shows a recapitulation by custody of total number of prisoners in confinement by this category. Part 3 lists all prisoners that departed the facility in the past 24 hours and lists their disposition. Part 4 indicates those individuals in pretrial confinement in excess of 25 days; a monthly status roster showing, by name, all prisoners confined or released for the reporting period. Report shows detailed additional information including totals of new prisoners, total departures, total escapes. total in hospital and totals by custody grade, race, status and such information as total by types or release, confinement less than 30, 60, or 90 days; the semiannual prisoner profile report produces a series of two-dimensional matrices for each type offense and profiles prisoner age, race, education, marital status, and religion for each offense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The CRS is used to provide, on a daily basis, pertinent information required for proper management of confinement facility population; to provide on a monthly basis, statistical information required by the installation commander provost marshal and confinement facility commander pertaining to the prisoner population, status of discipline and responsiveness of personnel procedures relating to prisoner personnel; to provide the installation with monthly data on the total spectrum of the confinement facility utilization, i.e., population turnover, recidivism, and to identify semiannually, prisoner profiles showing the relationship of particular offenses to age, race, education, marital status and religion. CRS output will be furnished to criminal justice elements outside Department of Defense (DOD) and Department of the Army (DA) when law enforcement and crime prevention functions fall within their jurisdiction or concurrent jurisdiction is applicable. These include local, state and Federal agencies such as the Federal Bureau of Investigation, US Customs Service; US District Courts, US Magistrates; US Federal Marshals, state police agencies, local police agencies; and in overseà areas, host government law enforcement agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The CRS master file is stored on disk at the installation data processing activity. The CRS data, produced also in three copies, is maintained at the installation correctional facility in file folders.

RETRIEVABILITY:

Access to the data base/master file is restricted. To receive CRS output personnel must utilize a 'systems control card'. This control card must be prepared for each specific entry and requires unique originator codes. Instructions for creating and using the control card are maintained at two locations; the PMO and the data processing facility. Access to hard copy output is prescribed by installation standard operating procedures (SOP) and policies.

SAFEGUARDS:

The data base and output are managed through extensive SOP and policies prescribed in system functional users manuals. Safeguards include: limited output with distribution controlled by the PMO and released only to designated persons; output is controlled at both pick-up and delivery points: the PMO, confinement facility and data processing activity are 24 hour per day operations; consequently, reports are continuously under scrutiny; the confinement facility and the data processing site are considered secure areas with limited access.

RETENTION AND DISPOSAL:

Individuals are deleted from the CRS master file upon their departure from the correctional/confinement facility. Certain elements of information, pertaining to the prisoner are posted to a corrections history tape which produces the semiannual prisoner profile report. A prisoner can remain on this history tape for as long as 5 months or until the semiannual report is produced. Once this occurs, he is then deleted from the CRS master file.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310. Decentralized to command/installation.

NOTIFICATION PROCEDURE:

Information may be obtained from the command/installation/activity office of record.

RECORD ACCESS PROCEDURES:

Requests for access should be addressed to the command/installation/activity at which the record is located. Written requests should contain full name of individual, current address, SSN and specificity as to the information sought.

CONTESTING RECORD PROCEDURES:

Rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Subjects, suspects, witnesses, victims, military police and US Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense Federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments, personnel records of the individual and other individuals and organizations which may provide exempt information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C., 552a (j) or (k) as applicable. For additional information contact the SYSMANAGER.

A0225.01bDAPE

SYSTEM NAME:

225.01 Carpool Information/ Registration System

SYSTEM LOCATION:

Primary System: Law Enforcement Division, Human Resources Development Directorate, Office of the Deputy Chief of Staff for Personnel, Department of the Army (DAPE-HRE): Decentralized to Army installation/ activity level, the official mailing addresses of which are in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel participating in carpool program who voluntarily provide information for release.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual, Social Security Number (SSN), home phone, and address, office address and phone, map coordinates of home or nearby reference points, working hours, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012 and Federal Property and Administrative Service Act of 1949 as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To assign and administer allocated carpool parking assignments; establish priority of assignments, assist members and applicants in contacting one another and provide printout of individuals in system to other participants who desire to make contact.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Reference cards, computer cards, disk or tape, file folders.

RETRIEVABILITY:

Access is based on name, SSN, grid coordinate reference system and working hours.

SAFEGUARDS:

Accessible only to authorized personnel and those providing identification and purpose for which information is requested; may be accessed by persons seeking members with voluntary consent of person providing information.

RETENTION AND DISPOSAL:

Data are retained only on active participants; destroyed upon request/ reassignment.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Department of the Army (DAPE-HRE); decentralized to command/installation/ activity level.

NOTIFICATION PROCEDURE:

Information may be obtained from command/installation/activity office of record.

RECORD ACCESS PROCEDURES:

Requests should be addressed to command/installation/activity office; on personal visits, individual should provide acceptable means of identification, e.g., driver's license, SSN card, DD FM 2. Written requests should contain full name of individual, current address, SSN and specificity.

CONTESTING RECORD PROCEDURES:

Rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Provided by individual on various local, Department of Army, Department of Defense, or Department of Transportation Forms 1700.9.1.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0225.07aDACS

SYSTEM NAME:

225.07 Teleprocessing Customer Identification System

SYSTEM LOCATION:

United States Army Management System Support Agency (USAMSSA), DACS-AMH-B, Pentagon, Washington, DC 20310.

Data processing installations Army-wide maintaining this system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel and teleprocessing customers of the data processing activity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated file contains individual's name, terminal customer identification codes, organizational element responsible for automatic data processing (ADP) jobs run, system acronym, routing box number, assigned ADP job number, option list to be presented, terminals authorized for use and related information.

Manual file contains customer's social security number, office phone, office symbol, location of terminals to be used and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Teleprocessing customers, agency personnel who use terminal, staff users who access remote terminals, authorized contractors who access terminals connected to central computer facility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, punch cards, disk.

RETRIEVABILITY:

Control number, option list, name, delete date.

SAFEGUARDS:

Records are maintained in secure areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records on file are updated every 6 months. Customer roster updated weekly. Records not in use are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, USAMSSA, The Pentagon, Washington, D.C. 20310.

Commander of each data processing installation maintaining the system.

NOTIFICATION PROCEDURE:

USAMSSA, ATTN: DACS-AMH-B, Room BD965A, The Pentagon, Washington, D.C. 20310. Telephone 202/ 695-9974.

Inquiries should be addressed to the commander of the data processing installation maintaining the system.

RECORD ACCESS PROCEDURES:

See Notification

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Information is supplied by individual, automated system interfaces for user codes on file at the agency.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0225.11aDAAG

SYSTEM NAME:

225.11 Master Index (NMI)

SYSTEM LOCATION:

Automated Equipment Division, Systems Support Directorate, United States (US) Army Reserve Components Personnel and Administration Center (USARCPAC) AGUZ-SSD; 9700 Page Blvd., St Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who subsequent to 1961 has been released from the active Army.

Any individual retired from the US Army or US Army Reserves.

Any individual who has been or is a member of the US Army Reserves.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personnel identification and location indicator of the Official Military Personnel File.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 275.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USARCPAC: To determine the location of the Official Military Personnel File.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes.

RETRIEVABILITY:

By full name or by social security number.

SAFEGUARDS:

Computer Keyword Distribution of output information, routed by interoffice symbols only.

Building employs security guards, ID badge required to enter building, floor badge required.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USARCPAC, 9700 Page Blvd., St Louis, MO 63132.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, USARCPAC
9700 Page Blvd
St Louis, MO 63132
Telephone: Area Code 314/268-7733

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USARCPAC, 9700 Page Blvd., St Louis, MO 63132.

Written requests for information should contain the full name and social security number of the individual.

For personal visits, the individual should be able to provide some acceptable identification, such as driver's license.

CONTESTING RECORD PROCEDURES:

The rules of the agency for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Automated system interface and by notification of the location of the Official Military Personnel File from the record holder.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0225.11bDAAG

SYSTEM NAME:

225.11 The USA Individual Ready, Standby and Retired Reserve Personnel Information System.

SYSTEM LOCATION:

Automated Equipment Division, Systems Support Directorate, United States (US) Army Reserve Components Personnel and Administration Center (USARCPAC), ATTN: AGUZ-SSD, 9700 Page Boulevard, St Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the US Army Reserve who are not assigned to a Reserve unit and not serving on extended active duty in an enlisted reserve status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains personal and military status and qualifications data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 275.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

US Army Reserve Components Personnel Center, Department of the Army staff and command agencies, and Department of Defense and components thereof: The data records are primarily used to select qualified members for assignment to active Army units and mobilized reserve component units in the event of mobilization during a national emergency. Record is also used to support day-to-day personnel management and administration. Specifically, these uses include: selecting qualified personnel for potential assignment to reserve units based on military occupational specialty, grade, and geographical location; selecting and ordering individuals to military active duty training; identifying personnel for promotion consideration; identifying individuals not qualified for retention in the reserve; issuing annual statements of retirement credits; printing statements of total retirement credits; and publishing orders directing personnel actions and training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and disks.

RETRIEVABILITY:

Filed numerically, social security number (SSN) ascending.

SAFEGUARDS:

Computer located in building which has entrance controlled by Federal Protective Officers. An ID badge is required to enter building and a different floor badge is required to enter the floor. The tape and disk library is a fireproof vault with a safe combination door plus a steel bar key-locked door. The functional and systems directors approve production requests for both one-time and recurring information.

RETENTION AND DISPOSAL:

Records are maintained for six years after completion of statutory or contractual reserve commitment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St Louis, MO 63132.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, USARCPAC
9700 Page Boulevard, St Louis, MO 63132
Telephone: Area Code 314/263-7763

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, US Army

Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St Louis, MO 63132

Written requests from individuals should contain full name, SSN and address.

For personal visits the individual should provide some acceptable identification such as a driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Official Military Personnel File and Military Personnel Records Jacket.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0225.11kDACS

SYSTEM NAME:

225.11 Computer Users Information System

SYSTEM LOCATION:

Management Information Systems Directorate, Picatinny Arsenal, Dover, N.J. 07801

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who is currently employed at Picatinny Arsenal, Dover, N.J. 07801 or government contractors using computing facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, business address, business telephone, subject interest code, user ident code, data files retained by users, assigned password, mag tape reel ident, abstracts of computer programs and name and phone number of contributors, items of policy, features and current computing facility problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

List authorized users, disseminate computing news, provide users with available application programs and name of author, accounting for Automatic Data Processing (ADP) mag tape reels.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer (digital and analog) magnetic tape, disk, punched cards.

RETRIEVABILITY:

Name, subject, user ident code, news item number, password, application program key word/author.

SAFEGUARDS:

Building employs security guard. Magnetic tapes are held in vault accessible only to authorized computer personnel. Vault is in computer room, to which entrance is restricted by cipher lock.

RETENTION AND DISPOSAL:

Individual data remains on file while a user of computing facility. Destroy on discontinuance or reassignment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Picatinny Arsenal, ATTN: SARPA-MI-S, Dover, N.J. 07801

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
Picatinny Arsenal
ATTN: SARPA-MI-S
Dover, N.J. 07801

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, Picatinny Arsenal, ATTN: SARPA-MI-T, SARPA-MI-O

CONTESTING RECORD PROCEDURES:

Rules for access to records and for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

User, authors, computing facility management, computer programmers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0225.12aDACS

SYSTEM NAME:

225.12 Data Processing Installation Control System

SYSTEM LOCATION:

Primary System: Automatic Data Processing Branch, Operations Division, Personnel Information Systems Directorate, US Army Military Personnel Center.

Decentralized Segments-Room 7E028 Forrestal Building- Room 2B744 Pentagon, both remote sites of the Primary System.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any DOD employee requiring access to US Army Military Personnel Center computer facility or equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, social security number, office symbol and telephone number. In addition, the following information is maintained on operators of the equipment-assigned Table of Distribution and Allowances paragraph and line number, job title, authorized and actual grade, occupational skill, security clearance, section assignment and projected separation date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Automatic Data Processing Branch and decentralized sites: To verify individual authority to use computer equipment; Security requirements: The processing of classified information and personnel information on equipment by users requires limited access to major remote terminals and the primary computer site.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data Base Management Mass Storage. Input correspondence maintained in paper record folders.

RETRIEVABILITY:

Filed alphabetically or by submitting agency.

SAFEGUARDS:

The primary site employs security guards that check individual access against system reports. Remote location operators check access against system reports.

RETENTION AND DISPOSAL:

Records are retained for the duration the individual is authorized access.

Destroy after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

US Army Military Personnel Center (DAPC-PSO-A), 200 Stovall Street, Alexandria, Virginia 22332

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individuals should write or contact SYSMANAGER in person.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial

determinations are contained in Army Regulation 340-21; as supplemented by Army Regulations 18-7 and 380-5.

RECORD SOURCE CATEGORIES:

Agencies utilizing the computer facility are requested to submit written input to the SYSMANAGER. SYSMANAGER periodically revalidates access directly with these agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0228.01DAMH

SYSTEM NAME:

228.01 Army History Files

SYSTEM LOCATION:

US Army Center of Military History, Department of the Army, Washington, DC 20310.

Decentralized segments exist at historical offices at HQDA and field operating agencies, major commands, and the USA Military Historical Research Collection, Carlisle Barracks, PA 17013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel associated with the Army; individuals who seek information concerning U.S. Army activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical resumes and personal working files of U.S. Army personnel; personal papers donated by individuals for historical research; photographs of Army personages; requests for historical documents regarding U.S. Army activities; and responses thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012, Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information of a general nature concerning U.S. Army history in response to inquiries; to assist in preparing official studies of the U.S. Army and events pertaining thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, tapes, and photographs in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in secured areas accessible only to persons having need for the information in the performance of official duties.

RETENTION AND DISPOSAL:

Historical material and photographs are retained in historical reference collections permanently. Some are retired to the Washington National Records Center when no longer needed in historical offices; others are transferred to the Military History Research Collection at Carlisle Barracks, PA for preservation.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Military History, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individuals may request access to their records by contacting the SYSMANAGER, furnishing their full name, social security number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, his/her Army record, photographs, official Army documents, public records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0228.11DAAG

SYSTEM NAME:

228.11 Memorialization Board Files

SYSTEM LOCATION:

Primary System: Operations Division, Administrative Management Directorate, The Adjutant General Center (i.e., HQDA (DAAG-AMO) WASH DC 20314);

Decentralized segments exist throughout the Army to the installation level.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual for whom a memorialization action is recommended or taken. Only deceased personnel are eligible for memorialization, but sometimes living personnel are recommended.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a record of memorialization actions taken and background information of each, consisting of letters, staff studies and related information leading to a memorialization decision. Also included in the file may be memorialization for record pertaining to processing of a particular action and an information copy of orders announcing that a street, building, installation or similar object or thing has been or will be named after a deceased individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Memorialization board files are used as an essentially decentralized record of memorialization actions taken throughout the Army. When a memorialization action is approved, orders are issued formalizing the approval. (A copy of each order is sent to operations Division where a card is prepared and filed indicating action taken, date, order number and location.)

Files maintained by the approval authority are also used as a source of information from which it can be determined whether others were considered for a particular action and, by exclusion, those who have not been memorialized.

Unusual cases in the Operations Division file also serve as a source of policy and precedence information.

After an action is approved, records may provide information supportive of publicity and news releases.

Records are also used for historical reference.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Operations Division: filed alphabetically by last name of those memorialized.

Decentralized segments: filed loosely in a file folder by calendar year in which memorialization action occurred. Accessible by name.

SAFEGUARDS:

Operations Division - building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Decentralized segments: files accessible to records maintenance and managerial personnel.

RETENTION AND DISPOSAL:

Records of final approving authority are permanent. In most cases approval authority is delegated to installation commanders for memorialization actions on a particular installation except when a policy exception is required or in major naming cases which must be approved by higher authority. Permanent records are held 5 years in the current files area and then sent to a records holding area from which they are retired to the Washington National Records Center. Records of supervisory, reviewing or other offices are destroyed 2 years after the end of calendar year in which a memorialization occurred or on discontinuance of the office concerned (whichever occurs first).

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, the Pentagon, Washington DC

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DAAG-AMO)
Room GA 159
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202/693-8380

RECORD ACCESS PROCEDURES:

Requests for information concerning those rare memorialization actions in which a living person has been recommended should be addressed to the installation concerned or: HQDA (DAAG-AMO), Room GA 175, Forrestal Building, Washington, DC 20314.

Written requests for information should include the full name of the individual and when applicable, information about the building, street, installation, etc., concerned.

For personal visits an individual must be able to provide proper identification such as a driver's license or employing office identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information supporting a memorialization request is extracted from personnel records and orders and from historical references (as applicable).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0239.01DAAG

SYSTEM NAME:

202.08 Request for Information Files

SYSTEM LOCATION:

These records exist at Headquarters, Department of the Army, staff and field operating agencies, major commands, installations and activities receiving requests to access records pursuant to the Freedom of Information Act or to declassify documents pursuant to Executive Order 12065. They also exist in offices of Initial Denial Authorities (enumerated in Army Regulation 340-17) when an individual's request is denied; upon appeal of that denial, record is maintained in the Secretary of the Army's Office of General Counsel. Official mailing addresses are in the DOD Directory following the Annual Compilation of system notices appearing at 44 FR 74011 on December 17, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who requests an Army record under the Freedom of Information Act or requests mandatory review of a classified document pursuant to Executive Order 12065.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's request; related processing papers; correspondence between the office of receipt, records custodians, Army staff offices and other government agencies; retained copies of classified or other exempt materials; and other selective documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 552: Freedom of Information Act as amended by Pub. L. 93-502; Executive Order 12065.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To control administrative processing of requests for information either pursuant to the Freedom of Information Act or to Executive Order 12065, including appeals from denials.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Files alphabetically by last name of requestor.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly trained.

RETENTION AND DISPOSAL:

Records reflecting granted requests are destroyed after 2 years. When requests have been denied, records are retained for 5 years except that if appeals result, records are retained until 4 years after final denial by the Army or 3 years after final adjudication by the courts, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington DC 20310

NOTIFICATION PROCEDURE:

Requests should be addressed to the custodian of the record sought; if unknown, write to: HQDA (DAAG-AMR-S), Room GA-082, Forrestal Building, Washington DC 20310, telephone: 202/693-1847.

RECORD ACCESS PROCEDURES:

Written requests should be addressed to the office that processed the initial inquiry or access request. Individual may obtain assistance from the System Manager.

Personal visits may be made to the office maintaining the records upon presentation of acceptable identification such as driver's license, and furnishing verbal information that can be verified.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21(32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual requestor, Department of Army organizations, other Department of Defense components, and other Federal, state, and local government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The majority of records in this system are not exempt. Copies of documents residing in the office of an Initial Denial Authority having a law enforcement mission which fall within (j)(2) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g). Copies of

documents maintained by other Initial Denial Authorities not having a law enforcement mission which fall within 5 U.S.C., section 552a (k)(1) through (k)(7) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c) (3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f).

A0240.01DAAG

SYSTEM NAME:

201.08 Privacy Case Files

SYSTEM LOCATION:

These records exist at Headquarters, Department of the Army, staff and field operating agencies, major commands, installations and activities receiving Privacy Act requests. They also exist in offices of Access and Amendment Refusal Authorities (enumerated in Army Regulation 340-21) when an individual's request to access and/or amend his/her record is denied; upon appeal of that denial, record is maintained by the DA Privacy Review Board. Official mailing addresses are in the DOD Directory following the Annual Compilation of system notices appearing at 44 FR 74011 on December 17, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request information concerning themselves which is in the custody of the Department of the Army, including requests to amend such records pursuant to Title 5, U.S.C. section 552a(d) (Privacy Act of 1974).

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents which notify requestors of the existence of records on them, providing or refusing access to or amendment of records, acting on appeals or refusals to provide access to or amend records, and providing or developing information for use in litigation. Included are requests; approval and refusal actions; appeals and actions on appeals, including DA Privacy Review Board minutes and actions; coordination actions; copies of the requested and amended/unamended records; statements of disagreement; and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012; Title 5 U.S.C., Section 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are used to process and coordinate individual requests for access, and amendment of personal records; to process and record appeals on denials of requests for access or amendment to personal records by the individual against agency rulings; and to ensure timely response to requestors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file holders.

RETRIEVABILITY:

By name of requestor on whom the records pertain.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Offices of Access and Amendment Refusal Authorities: Approved requests, unappealed refusals and refusals fully overruled by appellate authorities: Destroy after 4 years; refusals upheld in whole or in part by appellate authorities: destroyed after 10 years, provided legal proceedings are completed.

Offices of appellate authorities: Appeals adjudicated fully in favor of requestor: destroyed after 4 years. Appeals refused in full or in part: destroyed after 10 years provided legal proceedings are completed.

Other offices: Destroyed after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, ATTN: DAAG-AMR-R, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Requests should be addressed to the custodian of the record sought; if unknown, write to: HQDA (DAAG-AMR-R), 1000 Independence Avenue, SW, Washington, DC 20310, telephone: 202/693-0973.

RECORD ACCESS PROCEDURES:

Written requests should be addressed to the office that processed the initial inquiry, access request, or amendment request. Individual may obtain assistance from the System Manager.

Personal visits may be made to the office maintaining the records upon presentation of acceptable identification such as driver's license, employee identification card, and furnishing verbal information that can be verified from individual's case file.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21(32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual requestor, Department of Army organizations, other Department of Defense components, and other Federal, state, and local government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The majority of records in this system are not exempt. Copies of documents residing in the office of an Access and Amendment Refusal Authority having a law enforcement mission which fall within (j)(2) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f) and (g). Copies of documents maintained by the DA Privacy Review Board and by those Access and Amendment Refusal Authorities not having a law enforcement mission which fall within 5 U.S.C., section 552a (k)(1) through (k)(7) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f).

A0301.07aDAAG

SYSTEM NAME:

301.07 Army Club Membership Registration System

SYSTEM LOCATION:

Decentralized at Army installations worldwide; the systems will be maintained by the Officers' or NCO club manager at Army installations having club activities. Official mailing addresses are in the Department of the Defense Directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual active military, reserve component, retired, civilian, or dependent who voluntarily applies for membership in an Army club.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, grade, social security number (SSN), address, phone number, name of spouse, credits, merchandise code, date of purchase, activities code. Card number, club bill, date estimated return from overseas (DEROS) where applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Administration of club membership, billing by local commercial institutions maintaining credit systems for individual Army clubs or for billing by local finance and accounting office, preparation of club membership cards, determination of eligibility for membership, identification for collection of accounts due, and dissemination of information regarding club activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cards, kardex files, automated files, file folders/ jackets, and computer printouts.

RETRIEVABILITY:

Filed alphabetically by name, SSN, or club membership number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

An individual's record is maintained on the individual club membership registration file as long as the individual remains a bona fide member of the particular Army club. Routinely destroyed after three years.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, (DAAG-ZA), Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Executive, Club Management Directorate,
The Adjutant General Center,
Washington, DC 20314.
Telephone (Area Code) 202/693-1090.

RECORD ACCESS PROCEDURES:

Written requests for information by an individual pertaining to himself should contain the full name of individual, the club at which the individual is a member, current address and SSN. Requests from individuals should be addressed to the respective club at which the individual is a member or has been a member and remains on records as having an account due. For personal visits the individual should be able to provide some acceptable identification (e.g., driver's license, employee identification card).

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Army Regulation 340-21, The Army Privacy Program.

RECORD SOURCE CATEGORIES:

Information contained in membership registration file is obtained directly from individual making application for membership in the respective Army club.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0301.08aDACA

SYSTEM NAME:

301.08 Military and Civilian Waiver Files

SYSTEM LOCATION:

United States Army Finance and Accounting Center (USAFAC), Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army member or civilian employee or former Army member or civilian employee who applies for waiver of claims arising out of erroneous payments of pay and allowances.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains application, employment history of the individual, reports of investigation, copies of vouchers, certificates, record of disposition, and correspondence with the U.S. General Accounting Office, Army staff offices, and other government agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Field Services Office: To obtain data to determine the validity of waivers, or to make referrals to the U.S. General Accounting Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel of Field Services Office.

RETENTION AND DISPOSAL:

Records are retained indefinitely in active file.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAFAC, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief, Field Services Office
USAFAC
Indianapolis, IN 46249
Telephone: Area Code 317/542-3127

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Chief, Field Services Office, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249

Written requests for information should contain the full name of the individual, social security number and current address. Visits are limited to Field Services Office (FINCY), U.S. Army Finance and Accounting Center, Indianapolis, IN 46249.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Chief, Field Services Office (FINCY), U.S. Army Finance and Accounting Center, Indianapolis, IN 46249.

RECORD SOURCE CATEGORIES:

Finance and Accounting Offices, Army member's commanding officer, records custodian and other Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0301.08bDACA

SYSTEM NAME:

301.08b Contractor Indebtedness Files

SYSTEM LOCATION:

Primary System: Contract Financing Office, Directorate of Finance and Accounting, Office Comptroller of the Army, Department of the Army.

Decentralized Segments: All Army installation and commands, and Defense Contract Administration Services Regions that administer contracts for the Department of the Army.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contractors as individuals determined indebted to the United States Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains correspondence between contracting officer, administrative contracting officer and/or Contract Financing Office, Directorate of Finance and Accounting and the contractor, that terminates contract, demands payment and extablishes debt, and any other related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Claim Collection Act of 1966, 80 Sta. 308, Title 31 U.S.C., Section 951-53.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are used to initiate collection action against a contractor who is determined to be indebted to the United States, to determine whether judicial proceedings should be initiated against the contractor and to maintain and distribute a list of contractors determined to be indebted to the United States. This list is maintained by the US Army Finance and Accounting Center and used by all agencies of the Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, stored in steel filing cabinets.

RETRIEVABILITY:

File alphabetically by last name of individual.

SAFEGUARDS:

Building employs GSA Security Guards. Records are maintained in file cabinets accessible only by authorized personnel in area that is locked after duty hours.

RETENTION AND DISPOSAL:

Files are permanent. They are retained in active file until end of calendar year in which final action is taken, held 2 years after file is closed then transferred to the Washington National Records Center. Copies of files that are sent to the General Accounting Office for determination of judicial proceedings or further collection action are retained in the Contract Financing Office until notification is received that the file has been closed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Contract Financing Office, Directorate of Finance and Accounting, Office Comptroller of the Army, Department of the Army, The Pentagon, Washington, D.C. 20310.

NOTIFICATION PROCEDURES:

HQDA (DACA-FAC)
Room 3-A-688
Pentagon
Washington, DC 20310
Telephone: Area Code 202/695-1300

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Comptroller of the Army, Directorate of Finance and Accounting, ATTN: Contract Financing Office,Washington, D.C. 20310. — Written request for information should contain the full name of the individual and the contract number concerned. Visits can be made to the contracting office of the installation/command that let the contract or the Contract Financing Office (DACA-FAC), Pentagon, Washington, DC 20310.

For personal visits, the individual should be able to provide some acceptable identification such as a current driver's license, and give some verbal information that can be verified with his case folders.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the installation/ command contracting officer administering the contract concerned.

RECORD SOURCE CATEGORIES:

Correspondence received from individuals and contracting offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0302.03aDACA

SYSTEM NAME:

302.03 Subsidiary Ledger Files (Accounts Receivable)

SYSTEM LOCATION:

Decentralized segments - Approximately 300 Finance and Accounting Offices (FAO) World-Wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel with the Department of the Army, Department of Defense, and other government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual control files for services rendered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Finance and Accounting Office: Purpose to maintain records of charges due the Army for services provided to effect collection action, i.e., telephone, quarters, food charges, clothing, etc.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files.

RETRIEVABILITY:

Filed alphabetically by last name, or cross indexed by name, or filed by Social Security Number(SSN).

SAFEGUARDS:

World-Wide Finance and Accounting Offices: Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after closing ledger accounts.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, HQ, Department of the Army, The Pentagon, Washington, D.C.

Finance and Accounting Officer, US Army Finance and Accounting Offices, World-Wide.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Comptroller of the Army
HQDA (DACA-FAA-G)
Room 2B667
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/695-5139

Finance and Accounting Offices World-Wide. Individual must provide full name and social security number, current address.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Comptroller of the Army (DACA-FAA-G), Room 2B667, The Pentagon, Washington, DC 20310 or to Finance and Accounting Officers, Finance and Accounting Offices, World-Wide.

Written requests for information should contain full name, social security number and current address.

Information may be obtained by telephone: Area Code 202/695-5139.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Finance and Accounting Offices, Army member's Commanding Officer, Custodian Records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0302.06bDACA

SYSTEM NAME:

302.06b Absentee Apprehension/ Reward/Expenses Payment SYSTEM

SYSTEM LOCATION:

Decentralized Segments. Approximately 175 Army Finance and Accounting Offices world-wide who may make payments to individuals in connection with the apprehension of service members who are absentees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who may have apprehended service members who are absentees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual payment vouchers and documents used for the payment of rewards and expenses for apprehension of absentees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DOD Annual Appropriation Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Finance and Accounting Offices: Purpose is to provide basis for making payments for rewards and expenses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper vouchers and documents in file folders.

RETRIEVABILITY:

File numerically by voucher numbers by disbursing station symbol numbers and alphabetically by last name of individual.

SAFEGUARDS:

World-wide Finance and Accounting Offices: Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Individual vouchers and documents used for payment: Retain at installation making payment until end of month; then send to U.S. Army Finance and Accounting Center, ATTN: FINCR, Indianapolis, Indiana 46249. Destroy after 3 years except that documents relating to exceptions taken by General Accounting Office (GAO) will be retained until cleared by a satisfactory reply to the notice of exception and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, Headquarters, Department of the Army, Pentagon, Washington, D.C. 20310.

Finance and Accounting Officers, United States Army Finance and Accounting Offices, World-wide.

NOTIFICATION PROCEDURE:

Information may be obtained from the Finance and Accounting Officer who made the payment.

Individual must provide full name, current address and pertinent information regarding items or payments being questioned.

RECORD ACCESS PROCEDURES:

Requests must be addressed to the Finance and Accounting Officer, Finance and Accounting Office where the payments were made.

Written requests for information should contain full name, current address, and other pertinent data required to identify the items or payments.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is requested from individual requesting reward, from DOD staff agencies and field installations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0305.05aDACA

SYSTEM NAME:

305.05 Travel Payment System

SYSTEM LOCATION:

Decentralized Segments--Approximately 175 Army Finance and Accounting Offices world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel of the Department of Defense, United States Army, Navy, and Air Force, and other individuals who perform invitational travel for Army purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual travel vouchers and documents used to reflect travel allowance payments to military and civilian personnel, records of travel payments, and comparable forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Department of Defense Annual Appropriations Act; Title 5 U.S.C., Sections 5701-5742; Title 10 U.S.C., Sections 828, 832, 946, 3012; Title 28 U.S.C., Section 1821; Title 37 U.S.C., Section 404-427.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Finance and Accounting Offices: Purpose is to provide basis for reimbursing military and civilian personnel for expenses incident to travel for official Government business purposes and to account for such payments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, magnetic tape, disks, cassettes, printouts, and microfiche.

RETRIEVABILITY:

By name of individual and/or social security number; computerized indices for automated files.

SAFEGUARDS:

World-wide Finance and Accounting Offices: Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained. Buildings employ security guards and/or military police patrols. Users of automated files are categorized as input, access, and output personnel; access is controlled by assigned passwords.

RETENTION AND DISPOSAL:

Individual vouchers and documents used for payment: Retain at installation making payment until end of month;

then send to US Army Finance and Accounting Center, ATTN: FINCR, Indianapolis, IN 46249.

Signature cards used for approval of certain vouchers: Retain at installation where payments are made until three years after date of revocation of authority; then destroy.

Records of travel payments: Retain at installation making current payments. Military member's record is transferred to New Servicing Finance Office upon permanent change of station or to the US Army Finance and Accounting Center upon death or separation from active duty. Civilian employee's record is transferred to New Servicing Finance Office upon reassignment and destroyed upon termination of service. Records for individuals performing invitational travel are destroyed one year from date of final payment.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

Finance and Accounting Officers, United States Army Finance and Accounting Offices, World-wide.

NOTIFICATION PROCEDURE:

Request for information: For periods of current assignment, request should be made to Finance and Accounting Officer who currently pay the individual. For periods of Army service prior to current assignment, request should be made to the Commander, US Army Finance and Accounting Center, ATTN: FINCR, Indianapolis, IN 46249.

Individual must provide full name and social security number and current address.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Finance and Accounting Officer, Finance and Accounting Offices, World-wide, or to Commander, U. S. Army Finance and Accounting Center, ATTN: FINCR, Indianapolis, IN 46249.

Written requests for information should contain full name, social security number and current address.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is received from Department of Defense (DOD) Staff agencies and field installations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0305.04aDACA

SYSTEM NAME:

305.08 Military Pay System-Active Army (Manual)

SYSTEM LOCATION:

Decentralized Segments: Approximately 122 Army-wide Finance Offices and Finance and Accounting Offices (FAO) world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve Enlisted Program 63 Reservist and National Guard, active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include individual military pay records, casual payment receipts, substantiating documents, temporary pay records, transmittal letters, locator files, financial data record folders (FDRF), miscellaneous military pay files and personal financial records (PFR).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 37 U.S.C., Section 101 and following (pay and allowances of the Uniformed Services).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Finance and Accounting Division Purpose is to provide a basis for establishment of computation of each active member's military pay entitlement, to provide a history of pay transactions, and to answer inquiries or claims pertaining to such entitlements. This information is also used to provide necessary data to the Treasury Department, the Social Security Administration, the US Army Military Personnel Center, the Veterans, and those states and cities which have an agreement with the Department of the Army to receive taxable earnings information.

Treasury Department: To record check and bond issue data and to record taxable earnings and taxes withheld from military personnel.

Social Security Administration: To record earned wages by member under the Federal Insurance Contributions Act (FICA)s

US Army Military Personnel Center (MILPERCEN): To compare military personnel identification with the Social Security Administration for purpose of correction and to compare and correct common data elements with USAFAC.

Veterans Administration: To record the collection of premiums for National Service Life Insurance.

States and Cities: To verify tax liability against members' state and city income tax returns.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and in bulk storage and card files.

RETRIEVABILITY:

Filed by social security number, alphabetically by name, and substantiating document number. Conventional indexing is used to retrieve data.

SAFEGUARDS:

Finance and Accounting Offices: Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Individual military pay records and other records: Retention periods vary according to category of record but total retention periods do not exceed 56 years. Disposition is as required by AR 37-104-3, AR 635-10 and AR 640-10 and destruction when individual is separated or released from active duty. Destruction is by burning or salvage as waste paper.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAFAC, Indianapolis, Indiana 46249

Finance and Accounting Officer United States Army Finance and Accounting Offices, world-wide.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander USAFAC
Attention: FINCP
Indianapolis, Indiana 46249

Individuals may also contact Finance and Accounting Officers at United States Army Finance and Accounting Offices, world-wide.

Individual must provide full name, social security number and military status.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USAFAC, ATTENTION: FINCP, Indianapolis, Indiana 46249; or Finance and Accounting Officers at United States Army Finance and Accounting Offices, world-wide.

Written requests for information should also contain full name, social security number, military status and current address.

CONTESTING RECORD PROCEDURES:

The rules of access to records, contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is received from Department of Defense staff and field installations and Treasury Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0305.10aDACA

SYSTEM NAME:

Joint Uniform Military Pay System-Active Army (JUMPS-AA)

SYSTEM LOCATION:

Primary System-United States Army Finance and Accounting Center (USAFAC), Indianapolis, IN 46249.

Decentralized Segments-Approximately 122 Army Finance Offices and Finance and Accounting Offices (FAO) world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include individual military pay records, casual payment receipts, substantiating documents, temporary pay records, transmittal letters, locator files, financial data record folders (FDRF), miscellaneous military pay files, and personal financial records (PFR).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 37 U.S.C., Section 101 and following (Pay and Allowances of the Uniformed Services).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USAFAC-Purpose is to provide a basis for establishment of computation of each active member's military pay entitlement, to provide a history of pay transactions, and to answer inquiries or claims pertaining to such entitlements. This information is also used to provide necessary data to the Treasury Department, the Social Security Administration, the US Army Military Personnel Center, the Veterans Administration, those states and cities which have an agreement with the Department of the Army to receive taxable earnings information, the American Red Cross and the Department of Health, Education and Welfare.

Treasury Department-To record check and bond issue data and to record taxable earnings and taxes witheld from military personnel.

Social Security Administration: To record earned wages by member under the Federal Insurance Contributions Act (FICA).

US Army Military Personnel Center (MILPERCEN): To compare military personnel identification with the Social Security Administration for purpose of correction and to compare and correct common data elements with USAFAC.

Veterans Administration: To record the collection of premiums for National Service Life Insurance and to transfer contributions to Post-Vietnam Era Veterans Education Account.

States and Cities: To verify tax liability against members' state and city income tax returns.

American Red Cross: To assist military personnel and their dependents in determining the status of monthly pay, dependents allotments, loans, and related financial transactions.

Department of Health, Education and Welfare: Disclose the name, rank and social security account number of each member of the Armed Services on active duty to the Inspector General of that Department only for comparison with appropriate rolls reflecting recipients of Aid to Families with Dependent Children (AFDC).

City of New York: Department of Income Maintenance: Name and address of allottees whose ZIP Codes are in New York City and dollar amount of allotments for the purpose of detecting and curtailing fraud and abuse in Federal Assistance Programs, specifically Aid to Families with Dependent Children and Food Stamps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and in bulk storage, card files, computer magnetic tapes, computer paper printout, and microfiche.

RETRIEVABILITY:

Filed by social security number, alphabetically by name, and substantiating document number. Conventional indexing is used to retrieve data.

SAFEGUARDS:

USAFAC-Buildings employ security guards. An employee badge and visitor registration system is utilized. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained. Access to computer magnetic tape files is restricted to the members' servicing finance and accounting officer. Computer equipment and files are located in a separate secured area.

World-Wide Finance and Accounting Offices-Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Individual military pay records-Records are converted to microfiche which are retained for 56 years. Destruction is by shredding.

Other records: Retention periods vary according to category of record but total retention periods do not exceed 56 years. Disposition is to federal records centers and destruction thereafter is by burning or salvage as waste paper.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAFAC, Indianapolis, IN 46249

Finance and Accounting Officer, United States Army Financing and Accounting Offices, world-wide.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, USAFAC
Attention: FINCP
Indianapolis, IN 46249

Individuals may also contact Finance and Accounting Officers at United States Army Finance and Accounting Offices, world-wide.

Individual must provide full name, social security number and military status.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USAFAC, ATTN: FINCP, Indianapolis, IN 46249; or Finance and Accounting Officers at United States Army Finance and Accounting Offices, world-wide.

Written requests for information should also contain full name, social security number, military status and current address.

Information may be obtained by telephone: Area Code 317/542-2891

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records, contesting contents and appealing initial determinations may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Information is received from Department of Defense staff and field installations, Social Security Administration, Financing organizations,

Treasury Department and automated system interface.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0305.10bDACA

SYSTEM NAME:

305.10 Joint Uniform Military Pay System-Reserve Components-Army

SYSTEM LOCATION:

Primary System- United States Army Finance and Accounting Center (USAFAC), Indianapolis, IN 46249.

Decentralized Segments: There are 57 Input Stations across the continental United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the United States Army National Guard and United States Army Reserve who are drawing inactive duty training (IDT) pay.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual military pay records, substantiating documents, transmittal letters, pay records index cards, financial data record folders, miscellaneous military pay vouchers, personal financial history records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 37 U.S.C., Section 101 and following (Pay and Allowances of the Uniformed Services).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USAFAC- To maintain a record of the member's drill attendance, his entitlements and deductions in order to compute and disburse his pay while keeping a record of taxes and disbursements other than those to the member.

Treasury Department: To record check issue data, taxable earnings and taxes witheld.

Individual States of the United States- To furnish wages earned for the calendar year. These data furnished to the state of home record.

Army National Guard Bureau: To furnish budget data to account for every expenditure within categories established.

Individual National Guard States Associations-Furnish a report and an associated check regarding state sponsored life insurance premiums witheld.

American Red Cross: To assist military personnel and their dependents in determining the status of monthly pay, dependents allotments, loans, and related financial transactions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and in bulk storage, file cards, computer magnetic tape, computer paper printouts, microfiche.

RETRIEVABILITY:

Filed by social security number, name of the member and document number. Conventional indexing is used.

SAFEGUARDS:

USAFAC- Buildings employ security guards. Records are maintained in area accessible only to authorized personnel that are properly screened, cleared and trained. Computer files are maintained in vaults when off line. An employee badge and visitor registration requirement is in effect.

Field activities maintain records in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Individual military pay records: Records are converted to microfiche and retained 56 years from that point. Destruction is by shredding.

Other records: Retention periods vary according to category of record but do not exceed 56 years. Disposition is to Federal Records Centers and destruction thereafter is by burning or salvage as waste paper.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAFAC, Indianapolis, IN 46249.

United States Property and Fiscal Officer, United States Army National Guard of each state of the United States plus Washington, DC, Puerto Rico and the Virgin Islands.

Finance and Accounting Officer, Fort Indiantown Gap Pennsylvania; Finance and Accounting Officer, Fort McPherson, Georgia; Finance and Accounting Officer, Fort Riley, Kansas; Finance and Accounting Officer, Presidio of San Francisco, CA. Finance and Accounting Officers herein named are responsible for United States Army Reserve pay accounts only.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, USAFAC
Attention: FINCP
Indianapolis, IN 46249

Individuals may also contact United States Property and Fiscal Officer, Army National Guard, of each state of the United States plus Washington DC., Puerto Rico and the Virgin Islands.

Individuals may also contact the Finance and Accounting Officer, Fort Indiantown Gap, Pennsylvania; Finance and Accounting Officer, Fort McPherson, Georgia; Finance and Accounting Officer, Fort Riley, Kansas; Finance and Accounting Officer, Presidio of San Francisco, CA. Finance and Accounting Officers herein named are responsible for United States Army Reserve pay accounts only.

Individual must provide full name, social security number and military status.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USAFAC, Attention: FINCP, Indianapolis, IN 46249.

Information may be obtained by telephone: Area Code 317/542-2891.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The source of all data to establish and maintain JUMPS-RC-Army originates from unit level. That is, all units of the United States Army National Guard and all units of the United States Army Reserve which perform inactive duty training and whose members receive drill pay as a result of this training, furnish the data to support the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0305.10cDACA

SYSTEM NAME:

305.10 Joint Uniform Military Pay System-Army-Retired Pay

SYSTEM LOCATION:

United States Army Finance and Accounting Center (USAFAC), Indianapolis, IN 46249

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired Army members, Beneficiaries of Deceased Retired Army Members.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual retired military pay records, correspondence with individuals concerning their retired pay accounts, all documents substantiating entitlement to retired pay.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 1401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

U.S. Army Finance and Accounting Center: to establish and compute pay account of retirees and their beneficiaries; to produce permanent record of transactions; to prepare financial, budgetary, and actuarial reports; to report Federal witholding tax information to Internal Revenue Service; to report check issue and bond sales information to Department of Treasury.

U.S. Military Personnel Center: to maintain current addresses of retirees, for distribution of the Retired Army Bulletin.

Treasury Department: to record check and bond issue data.

Veterans Administration: to record the collection of premiums for National Service Life Insurance.

States and Cities-to verify tax liability against retiree's state and city income tax returns.

Used for extraction or compilation of statistical data and reports for management studies and statistical analyses for use internally or externally as required by Department of Defense or by other Government agencies.

American Red Cross-To assist military personnel and their dependents in determining the status of monthly pay, dependents allotments, loans, and related financial transactions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer magnetic tape files, and microfiche.

RETRIEVABILITY:

Filed by social security number and alphabetically by name. Conventional indexing is used to retrieve data.

SAFEGUARDS:

Building employs security guards. An employee badge and visitor registration system is utilized. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained. Access to computer magnetic tape files is restricted to Director, Retired Pay Operations. Computer equipment and files are located in separate secured area.

RETENTION AND DISPOSAL:

Individual retired military pay records are converted to microfiche which are retained for 56 years. Destruction is by shredding.

Other records: Retention periods vary according to category of record, but total retention periods do not exceed 6 years after termination of the account. (Account is terminated by either the death of the retiree, or if the retiree has designated annuitants under Retired Servicemen's Family Protection Plan or the Survivor Benefit Plan, the subsequent death or ineligibility of the annuitant.) Records are destroyed at the end of the 6 year retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAFAC, Indianapolis, IN 46249

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, USAFAC
Attention: Department 90
Indianapolis, IN 46249
Telephone: Area Code 317/542-3911

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USAFAC, Attention: Department 90, Indianapolis, IN 46249

Written requests should contain the full name and social security number of the retiree, and be signed by the retiree or the annuitant. Visits are limited to USAFAC Inquiries Office, Room 122G, Building 1, Indianapolis, IN 46249.

For personal visits, the individual should provide some acceptable identification, such as driver's license or employing office's identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The source of the data to establish the retiree's pay account originates from other Department of Defense agencies, the Veteran's Administration, Social Security Administration, Department of Treasury, Financial Institutions and Insurance Companies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0305.10dDACA

SYSTEM NAME:

305.10 Health Program Pay and Reimbursement System

SYSTEM LOCATION:

Primary System-United States Army Finance and Accounting Office (F&AO), Fitzsimons Army Medical Center (FAMC), Denver, CO 80240.
Decentralized Segments: Input Station, Office of the Surgeon General, Headquarters, Department of the Army (DASG), Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the US Army Reserve who are enrolled in the Army-Health Professions Scholarship Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual military pay records, cost data work-sheets, miscellaneous active duty military pay vouchers, personal financial history records, monthly payroll listings of present members showing entitlements and deductions, bank identification data for deposit of pay, Social Security records, permanent home address, current mailing address, telephone number, name of college student is attending, address of college, telephone number of college and course of study that student is pursuing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Chapter 104 and following; Public Law 92-426.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Finance and Accounting Office, Fitzsimons Army Medical Center-to establish the pay account of a student in the Health Professions Scholarship Program and to establish his/her entitlements and deductions in order to compute and disburse his/her pay and reimbursable expenses while keeping a record of taxes and disbursements to other than the member. Treasury Department: to record check issue data, taxable earnings and taxes withheld. Individual states and cities of the United States: to verify tax liability against members' state and city income tax returns. Social Security Administration: to record earned wages by member under the Federal Insurance Contributions Act (FICA). Comptroller, FAMC and DASG, Washington, D. C.: to prepare automated statistical reports and personnel information rosters.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, card files, computer magnetic tapes, computer paper printout, microfilm and ledger cards.

RETRIEVABILITY:

Filed by social security number, alphabetically by name. Conventional indexing is used to retrieve data.

SAFEGUARDS:

F&AO, FAMC records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained. F&AO, FAMC secured nightly, weekends and holidays and patrolled by Military Police who make periodic security checks. Computer access is restricted to Management Information Systems Office employees only.

RETENTION AND DISPOSAL:

Individual Pay Record Files: Permanent. Retained at F&AO, FAMC while member is enrolled in the Health Professions Scholarship Program and then transferred to microfilm. Paper record destroyed: microfilm retained 5 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Finance and Accounting Officer, Comptroller Division, Fitzsimons Army Medical Center, Denver, CO 80240.

NOTIFICATION PROCEDURE:

Information may be obtained from Finance and Accounting Officer (HSF-CF)
Comptroller Division
Fitzsimmons Army Medical Center
Denver, CO 80240

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, FAMC, ATTN: Finance and Accounting Officer, Denver, CO 80240.

Written requests should contain the full name and social security number of the member and be signed by the member. For personal visits, the individual must provide some acceptable identification, such as a valid driver's license, employing office's identification card, and give some verbal information which could be verified with his file.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the Finance and Accounting Officer (HSF-CF), Fitzsimons Army Medical Center, Denver, CO 80240. Telephone AUTOVON 943-8832 or 943-8135; Area Code (303) 341-8832 or 341-8135.

RECORD SOURCE CATEGORIES:

The source of the data to establish the member's pay account originates from Department of the Army, Office of the Surgeon General, Washington, D.C.

Other data is obtained from individually prepared forms and authorization documents prepared after admission to the HPSP.

Salary tables and tax rates are obtained from executive orders and Internal Revenue Service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0305.11aDAPE

SYSTEM NAME:

305.11a USMA Cadet Pay and Accounts System

SYSTEM LOCATION:

Finance and Accounting Office, United States Military Academy, West Point, New York 10996

Treasurer, United States Military Academy (USMA), West Point, New York 10996

Adjutant General (AG) Data Processing Branch, Adjutant General Division, United States Military Academy, West Point, New York 10996

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the United States Corps of Cadets

CATEGORIES OF RECORDS IN THE SYSTEM:

Monthly payroll listings of present members of the Corps showing entitlements and deductions (both required and voluntary).

Bank identification data for deposit of pay.

Individual account activity pertaining to funds held in trust by the Treasurer, United States Military Academy.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 205, 4340 and 4350.

Executive Orders which establish salary tables.

Title 6, General Accounting Office (GAO) Policy and Procedures Manual for Guidance of Federal Agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A payroll system for computing pay entitlements and deductions for Federal Tax; Social Security; Servicemen's Group Life Insurance, Combined Federal Campaign; Barber, Laundry & Dry Cleaning charges; Advanced Pay and funds deposited with Treasurer, United States Military Academy for holding in trust to pay for required uniforms, books, and equipment.

Internal Revenue Service (IRS): tax and social security reports.

States and Cities: to provide taxable earnings information of cadets to those states and cities who have entered into an agreement with Department of the Army and Treasury Department.

Individual Cadet Statement supplied monthly to each cadet.

United States Army Military Personnel Center furnished magnetic tape for use in verifying social security account numbers with Social Security Administration.

Commandant of Cadets, United States Military Academy: furnished copy of payroll listing for reference purposes to respond to individual cadet inquiries.

Financial institutions: furnished listings of their depositors and amounts to be credited to individual depositor accounts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tape
Paper records in file folders
Computer paper printouts

RETRIEVABILITY:

Files by cadet number (alphabetical within graduating class year)

Hard copy records are maintained in the Finance and Accounting Office.

SAFEGUARDS:

The Finance and Accounting Office and Treasurer's Office are within buildings and the buildings themselves are secured at night and patrolled. Records are accessible to authorized employees (payroll clerks and supervisors of the Finance and Accounting Office and accounting clerks and supervisors within the Office of the Treasurer). Requests for data, except those which are based on law or court order, are answered only with the written consent of the individual cadet.

Computer access is restricted to authorized computer activity personnel. There is no remote terminal access capability. All master data files and back-up files are stored in secure facilities.

RETENTION AND DISPOSAL:

Original payrolls are submitted monthly to the US General Accounting Office Field Office located and alternately stored at US Army Finance and Accounting Center, Indianapolis, IN 46249.

Duplicate payrolls are retained locally for 3 years and then destroyed by recycling.

Data processing input cards are retained 1 month and then salvaged.

Transaction tapes are retained 1 month then erased.

Master tape and pay check tape files are retained 3 months, then erased.

Quarterly tax report tapes - original is sent to Social Security Administration (SSA) and a back-up is retained by the computer facility. On return both the original and back-up are retained until original tape for annual report is returned, then all quarterly report tapes are erased.

Annual tax report tapes: original is sent to SSA and a back-up is retained. On return of the original, both tapes are retained for 1 year then erased.

SYSTEM MANAGER(S) AND ADDRESS:

Cadet Pay - Finance and Accounting Officer (MACO-F), Office of the Deputy Chief of Staff Comptroller, United States Military Academy, West Point, New York 10996

Cadet Accounts: Treasurer (MATR), United States Military Academy, West Point, New York 10996

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Finance and Accounting Office (MACO-F), United States Military Academy, West Point, New York 10996. Telephone Area Code 914, 938-2607 or 938-2104.

RECORD ACCESS PROCEDURES:

Request for information in current files which are retained for 3 years should be addressed to Finance and Accounting Office (MACO-F), United States Military Academy, West Point, New York 10996. Telephone Area Code 914, 938-2607 or 938-2104.

Written requests for information should contain the cadet's graduating class year, full name, Social Security Number, current address, telephone number and be signed by the requester. If request is from other than the cadet/former cadet, a notarized authorization from the cadet involved must be furnished.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information which could be verified with his payroll.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the Finance and Accounting Office (MACO-F), United States Military Academy, West Point, New York 10996. Telephone Area Code 914, 938-2607 or 938-2104

RECORD SOURCE CATEGORIES:

Director of Admissions and Registrar, United States Military Academy furnishes basic identification data on all new cadets annually which is obtained from individual application for admission to the Academy and related forms.

Other data are obtained from individually prepared forms and authorization documents prepared after admission.

Salary tables and tax rates are obtained from executive orders and IRS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0306.01aDACA

SYSTEM NAME:

306.01 Civilian Employee Pay System

SYSTEM LOCATION:

Army Finance and Accounting Offices (FAO) worldwide and United States Property and Fiscal Offices in the United States, Puerto Rico, the Virgin Islands, and the District of Columbia, having civilian payroll responsibilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians and contract teachers employed by Department of the Army (DA), Office, Secretary of Defense, and specified elements of the Navy and Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employees' pay, leave, and retirement records; individual withholding/deduction authorization for dependents, allotments, health benefits, savings bonds, etc.; tax exemption certificates; personal exception and indebtedness papers; subsistence and quarters records, statements of charges, claims, repatriated payment files; roster of authorized timekeepers and signature cards; payroll and retirement control and working paper files; unemployment compensation data requests; reports of retirement fund deductions to Office of Personnel Management (OPM); management narrative and statistical reports relating to pay, leave, and retirement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 6, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

FAO/United States Property and Fiscal Offices: To provide basis for computing civilian pay entitlements; to record history of pay transactions; to record leave accrued and taken, bonds due and issued, taxes paid; to answer inquiries and process claims.

Treasury Department: To record checks and bonds issued.

Social Security Administration (SSA): To report earned wages by employee under the Federal Insurance Contributions Act.

Internal Revenue Service: To record taxable earnings and taxes withheld.

OPM: To record monies paid into Federal Retirement Fund and to provide information pertaining to health benefits.

States and cities: To provide taxable earnings of civilian employees to those states and cities which have entered into an agreement with DA and Treasury Department.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and in bulk storage, card files, computer magnetic tapes, disks and printouts, and microfilm.

RETRIEVABILITY:

In automated media: By social security number (SSN) within payroll block. In manual form: By last name within payroll block.

SAFEGUARDS:

Records are restricted to personnel who are properly cleared and trained, and have an official need therefor. In addition, integrity of automated data is ensured by internal audit procedures, data base access accounting reports, and controls to preclude unauthorized disclosure.

RETENTION AND DISPOSAL:

Individual pay record files: Permanent. Forward to National Personnel Records Center (NPRC) after 3 years.

Individual retirement records file: Permanent. Retain at installation while member is actively employed. Forward to new installation when member is transferred to another DA activity. Forward to OPM when employee transfers to another installation under the Department of Defense (DOD) NOT serviced by Army or separates from Federal Service. Forward microfilm of

manually maintained individual retirement records to NPRC after 3 years.

Personnel exception and indebtedness files: Permanent. Filed in official personnel folder (OPF). Upon separation or transfer, if OPF is not on file locally, files are forwarded to NPRC, General Services Administration, St. Louis, MO 63118.

Repatriated personnel payment files: Permanent. Forward to NPRC after 3 years.

Subsistence and quarters rate deviation files: Permanent. Retire on discontinuance of the installation.

Other records: Retention periods vary according to category of record. The minimum retention period is 2 years and the maximum period 12 years, after which records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310; National Guard Bureau, Army Comptroller Division, Management Services and Systems Branch, 5600 Columbia Pike, Falls Church, VA 22041; and Finance and Accounting Officer, United States Army Finance and Accounting Offices, worldwide.

NOTIFICATION PROCEDURE:

Information may be obtained from: Comptroller of the Army, Headquarters, Department of the Army (DACA-FAF-C), Washington, DC 20310.

Finance and Accounting Officers at United States Army Finance and Accounting Offices, worldwide.

Information pertaining to National Guard technicians may be obtained from: National Guard Bureau, Army Comptroller Division (NGB-ARC-M), Room 9-112, Columbia Bldg., 5600 Columbia Pike, Falls Church, VA 22041. Telephone: Area Code 202/756-2457.

United States Property and Fiscal Officers (NGB) of the United States, Puerto Rico, Virgin Islands, and the District of Columbia.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Comptroller of the Army (DACA-FAF-C). Records are located at the United States Army Finance and Accounting Center, Indianapolis, IN 46249; appropriate Finance and Accounting Offices, worldwide; National Guard Bureau, Army Comptroller Division (NGB-ARC-M), Room 9-112, Columbia Bldg., 5600 Columbia Pike, Falls Church, VA 22041; or United States Property and Fiscal Officers (NGB) of the United States, Puerto Rico, the Virgin Islands, or the District of Columbia.

Written requests for information should contain the full name, SSN, and current address.

Information may be obtained by telephone: Army: 202/697-5105; National Guard Bureau: 202/756-2457.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting content and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

DOD Staff agencies and field installations, former employers, SSA, financial organizations, Treasury Department, and automated systems interfaced.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0306.02aDACA

SYSTEM NAME:

306.02 Nonappropriated Fund Employee Pay System

SYSTEM LOCATION:

Decentralized Segments at 299 installations/activities world-wide, having approximately 1632 Nonappropriated Fund (NAF) entities, maintained by Central Accounting Offices (CAO) or by independent installation systems.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees of the Department of the Army who are paid from Nonappropriated funds (NAF) and who are under the exclusive control of the Secretary of the Army or his designees, but not paid from appropriated funds or not otherwise excluded.

Authorized, voluntary off-duty enlisted or officer personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual records of appointment or assignment. Officially authenticated time and attendance records, supported by substantiating documents. Individual leave records files, payroll control files, individual withholding authorization files, withholding tax exemption certificate files, withholding tax files, savings bond schedule files, other deduction type files, payroll journal and check register, earnings statement, earnings records, tips received, pay check stubs or envelopes, subsistence and quarters files, unemployment compensation data request files, health, hospitalization and life insurance files.

Income tax withheld, employer and employee Federal Insurance Contributions Act (FICA) files, Federal Unemployment Insurance Tax files, Employer Quarterly Federal Tax Return, state tax files, city tax files, Fair Labor Standards Act files and total employer liability for accrued leave at separation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 2105; Title 5 U.S.C., Section 5531, 5533, Public Law 92-392, Fair Labor Standard Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by Central Accounting Offices (CAO) and Payroll Office to calculate the net pay due each employee, to provide a history of pay transactions, entitlements and deductions, to maintain a record of leave accrued and taken, to keep a schedule of bonds due and issued, to keep a record of taxes paid, to provide answers to inquiries or claims pertaining to payroll data, to provide necessary data to the Treasury Department, the Social Security Administration, Internal Revenue Service, to provide information to states and cities which have an agreement with the Department of the Army to receive taxable earnings information. To provide reports required by law such as Income Tax withheld, Employer and Employee Social Security taxes, Federal Unemployment Insurance taxes, Employer Quarterly Federal Tax Returns (Forms 941), Federal Unemployment Insurance Tax. To provide information pertaining to health benefits and Fair Labor Standards (FLSA) data.

To provide salary and wage statistics to include; number of employees, average hours worked, average hourly earnings, straight time hourly earnings, average earnings per pay period, straight time earning per pay period, and average annual earnings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and in bulk storage, card files, magnetic tapes and disks, computer hardcopy printouts.

RETRIEVABILITY:

Filed by last name and social security number within each Nonappropriated fund activity (NAF) payroll (Alpha-Numeric).

SAFEGUARDS:

Files are located in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Individual pay record files are permanent. Forward to National Personnel Records Center after 3 years. Retain at installation while member is actively employed. Forward to new installation when member is transferred NAF position. Upon separation or termination of employment files are placed in an inactive status and retained 18 months after close of pay year.

Leave records are retained 10 years and then destroyed.

Individual insurance and retirement records are destroyed 6 years after termination of involvement with nonappropriated fund activity.

Other management and accounting information reports are retained from 1 to 3 years before destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Custodians of nonappropriated fund activities at various installations worldwide. Official mailing addresses are listed in the Department of Defense Directory in the Appendix.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander United States Army
Finance and Accounting Center
Attention: FINCD
Indianapolis, Indiana 46249.

Individual may obtain information from the appropriate SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to SYSMANAGER at activities located at commands and installations world-wide.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting the contents and appealing initial determinations are contained in AR 340-21.

Initial determination from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is received from DOD staff agencies and field installations, former employers, Social Security Administration, US Treasuty Department, Nonappropriated Fund benefit plans and servicing Civilian Personnel Offices.

Time and attendance data are received from the employing office records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0309.05aDAAG

SYSTEM NAME:

Resource Management and Cost Accounting Files

SYSTEM LOCATION:

Headquarters, Department of the Army, Staff and field operating agencies, major commands, installations and activities. Official mailing addresses are contained in the appendix to the Army's inventory of System Notices published at 44 FR 74011, December 17, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel assigned/attached to the organization.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records by individual of manhours applied to the accomplishment of assigned tasks or projects. Specific data elements include name, Social Security Number/employee identification number, organizational element, military rank/civilian grade, job title, clearance status, rating data, regular/overtime wage rates, regular/overtime hours worked, hours of leave taken, record of official travel, project code, accounting code and cost data, workload units accomplished, file references and related information, and records control data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., 301; 10 U.S.C., 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by management to project manpower and monetary requirements; to allocate available resources to specific projects; to schedule workload and assess progress; to project a calendar of future organizational milestones; to evaluate individual performance and equipment efficiency; to set standards and methods; to provide a record of personnel and equipment utilization; to control personnel, equipment, and document inventnry; to interpolate training needed by unit or individual; to monitor use of overtime; to control and monitor obligation and expenditure of Government funds; to provide audit trail; to generate statistical reports of workload and production levels and other trends within the organization; and to provide other accounting and monitoring reports.

STORAGE:

Punch cards, magnetic tapes, cards, or disks; microform/microfiche, computer printouts and paper records.

RETRIEVABILITY:

By individual's name, SSN or employee identification number; information may also be accessed by a nonpersonal data element such as project code, cost accounting code, or organizational element.

SAFEGUARDS:

Automated systems employ computer hardware/software safeguard features. All records are maintained in controlled areas, within buildings/rooms which are secured during nonduty hours. Personal information is accessed only by individuals who have need therefore in their official duties.

RETENTION AND DISPOSAL:

Magnetic media are erased after 1 year. Manual records are destroyed after 1 year by pulping, tearing, or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (DAAG-AMR-R), 2461 Eisenhower Ave, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system contains information on them should contact the agency head/installation commander of the Department of the Army organization to which they are (or were) assigned/employed and should furnish full name, SSN, Army Activity believed to have the record, and time frame, any other information which will assist in locating the information.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information from this System of Records should provide information in notification procedure above.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents or records and appealing initial determinations are contained in AR 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Employee time cards; organization manpower rosters; individual personnel and training records; production records; travel orders; unit inventory records and other relevant Dept. of Army documends and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0314.08DACA

SYSTEM NAME:

Check Cashing Privilege Files

SYSTEM LOCATION:

Files are located at all installations/activities with facilities to cash checks.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose checks, written at these facilities, have been dishonored and/or whose check cashing privileges have been suspended or revoked.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents related to advancing, revoking, or suspending, restoring and general supervision of check cashing privileges. Included are letters to individuals about bad checks, warnings that a recurrence in issuing a bad check may result in withdrawing check cashing privileges, notices from banks that the bank was in error, notices to activities that check cashing privileges have been suspended or restored for certain individuals, returned checks, lists of persons whose privileges have been suspended or withdrawn, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine which individuals will be denied check cashing privileges at installation check cashing facilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual card file, paper records in file folders, and computer tape.

RETRIEVABILITY:

Alphabetically by individual's name or social security number.

SAFEGUARDS:

Files are located in areas accessible only to authorized persons having an official need-to-know.

RETENTION AND DISPOSAL:

Files are destroyed 3 years after individual has made restitution for dishonored check.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, US Army Finance and Accounting Center, Ft Benjamin Harrison, IN 46246.

NOTIFICATION PROCEDURE:

Information may be obtained from the installation. commander where check was cashed.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the installation commander. Written requests should contain individual's full name and social security number.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Dishonored check.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0314.09aDACA

SYSTEM NAME:

314.09 Nonappropriated Fund Accounts Receivable System (NAFARS)

SYSTEM LOCATION:

Nonappropriated Fund activities decentralized at various Army installations and activities world-wide. Official mailing addresses are listed in the Department of Defense Directory in the appendix to the Department of Army System Notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current members of Officer club facilities and past members who have other than zero balance in their accounts.

Noncommissioned Officer Club facilities whose members accounts show balances other than zero.

All personnel using Post billeting facilities on a fee-paid-basis (Bachelor Officer Quarters, Visitor Officer Quarters and Guesthouse facilities) and personnel no longer using such facilities whose accounts have other than zero balances.

Any individual, military or civilian, having a statement of account for the billing period.

All military and other personnel occupying government housing at any military installation world-wide.

Individual class B telephone subscribers.

Members, customers or civilians having 30-day credit terms for 'charge' sales and/or dues obligations to NAF activities.

All personnel whose accounts have been charged with dollar accounts of checks that have been dishonored by banking institutions and returned to NAF activities.

Individuals who have cash loans charged to their accounts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Dues/Charge Sales

Files contain records of individual names, social security number, rank, amount of charges, and billings of items or services furnished.

Billeting, Quarters and Utilities

Records include individual files showing establishment of quarters and utility accounts containing all charges, collections and balances on a current basis.

Files of subscriber's requests for installation or removal of telephones.

Cross references between name and telephone numbers.

Individual records describing services provided.

Retained copies of billing showing current and cumulative charges.

Subsidiary ledgers containing detail of services billed and paid by individual receiving services or items.

Customer account listings.

Alpha and numeric lists of delinquent accounts.

Invoice listings.

Toll listings, unmatched toll lists, error lists and billing lists.

Work order forms.

Master list of account showing name, social security number, phone number, unit and home address.

Cash summary lists, cumulative unpaid transaction (unpaid totals by telephone, taxes, rent and utilities).

Master transaction files showing total by type of charge.

Monthly lists compiled by building and/or room number, name and rank of occupant.

Monthly receipt vouchers, date of payment with payment method (cash/check).

File of billings associated with returned dishonored checks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012; Title 5 U.S.C., Section 5101, Section 401 PL 216, Section 113 PL 784; Title 10 U.S.C., Section 2481. Title 31 U.S.C., Section 66.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Central Accounting Officers, custodians and independent accounting service facilities maintain current rosters as subsidiary records for accounts receivable and cash accountability control.

Provide monthly statements to be mailed to customers.

Provide ledger balances for activity financial statements.

To answer inquiries of members on account status and specific transactions, researching errors and nonagreement in general ledger and subsidiary ledger account balances.

Prepare aged listing of accounts receivable, 30, 60 and 90 days.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer hardcopy printouts filed in binders, copies of statements filed in folders identified by customer name and social security number.

Account master files on tape (disks) showing current and cumulative balance data.

RETRIEVABILITY:

Magnetic tapes and/or disks by account in numerical and alphabetical order.

SAFEGUARDS:

Records are maintained in lock-type cabinets within storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Hardcopy records destroyed after 3 years provided audit has been performed and no exceptions or irregularities have been disclosed.

Magnetic tapes and disk files same as other hardcopy.

Punched cards destroyed upon conversion to tape or disk files.

SYSTEM MANAGER(S) AND ADDRESS:

Custodian of nonappropriated fund activities at various installations worldwide.

Official mailing addresses are listed in the appendix to the Department of Army System Notices.

NOTIFICATION PROCEDURE:

Obtain all information from appropriate SYSMANAGER.

RECORD ACCESS PROCEDURES:

Written requests for information must consist of full name, social security number and account number.

CONTESTING RECORD PROCEDURES:

The rules for access to records and for contesting and appeals (AR 340-21) may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Daily transaction registers/journals received from billeting officer, signal officer, and/or club officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0314.24DAAG

SYSTEM NAME:

Nonappropriated Fund Employee Insurance and Retirement Files

SYSTEM LOCATION:

HQDA, The Adjutant General's Office, Club and Community Activities Management Directorate, 2461 Eisenhower Avenue, Alexandria, VA 22331.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army nonappropriated fund (NAF) employees who participate in the NAF Group Insurance and Retirement Plan.

CATEGORIES OF RECORDS IN THE SYSTEM:

Monthly and cumulative insurance and retirement deductions for each NAF employee, together with employee's name and SSN.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95-595; 26 U.S.C., Section 401a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to substantiate initial enrollment and subsequent changes in the NAF Group Insurance and Retirement Plan; to verify monthly deductions and to compute annuities, refunds and death benefits.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes/disks, microfiche, paper records.

RETRIEVABILITY:

By individual's surname within each NAF activity.

SAFEGUARDS:

Records are located in controlled areas within building having security guards; information is accessed only by individuals who are properly cleared and trained and have need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file until individual terminates employment, retires or is deceased; held 1 additional year in inactive file and subsequently retired to Washington National Records Center, Suitland, MD.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Club and Community Activities Management Directorate, 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Information may be obtained from HQDA (DAAG-NFI-B), Room 1248, Hoffman Building 1, 2461 Eisenhower Avenue, Alexandria, VA., (703) 325-9730.

RECORD ACCESS PROCEDURES:

Individuals should address their request as specified in 'Notification procedure' and furnish their full name, Social Security Account Number, NAF activity in which employed, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; NAF Personnel Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0314.30aDAAG

SYSTEM NAME:

314.30 Nonappropriated Fund Instrumentality Membership Files

SYSTEM LOCATION:

Army installations having Membership Association in Nonappropriated Fund Instrumentalities (Clubs) of a social or recreational nature which exist for morale support.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and retired military personnel and Department of Defense civilians who are registered members of NAFI clubs such as rod and gun, flying, riding, hunting, and fishing, and similar clubs at Army installations. Records contain member's name, grade or military rank, and mailing address; monetary balance either owed to or by the

nonappropriated fund, and related information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Club membership list and address labels; name, grade/rank of member and mailing address; and Accounts Payable or Receivable ledger cards, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain list of current members and restrict use of club facilities to eligible personnel; to furnish members information regarding club activities; and to record monies owed to and by the NAFI to members. Accounts payable and receivable information listed and summarized at the end of accounting periods and provided to the Fund Custodian for collection or payment, as appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic discs; and cards filed in metal card files.

RETRIEVABILITY:

Numeric file by membership card number; alphabetically by name; and/or by Fund and Accounts Payable/ Receivable.

SAFEGUARDS:

All files are housed in buildings secured by lock and entered only by authorized personnel. Magnetic discs are maintained in locked filing cabinets accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Disposition of records not authorized at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Commander of Army installation at which NAFI (clubs) are established.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Written requests should be addressed to the Army installation listed in the Appendix and should contain individual's name and name of appropriate NAFI Club. For personnel visits, the individual must provide acceptable justification such as a valid license

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination are contained in AR 340-21.

RECORD SOURCE CATEGORIES:

Registrants' applications; records of the Membership Association NAFI Club.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0319.04DACA

SYSTEM NAME:

319.04 Validation Files

SYSTEM LOCATION:

United States Army Finance and Accounting Center (USAFAC), Indianapolis, IN 46249

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army military member or Department of the Army civilian (DAC) or former military member or DAC suspected of fraud or improper payment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains reports of investigation, copies of vouchers, copies of orders, copies of notices of exception, copies of military pay orders, copies of certificates of dependency, sworn statements, and correspondence between the Comptroller of the Army, US General Accounting Office, Department of the Army staff agencies, US Army Criminal Investigation Command, and other governmental agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Field Services Office: To obtain data for determining propriety and validity of Army financial transactions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel of Field Services Office

RETENTION AND DISPOSAL:

Records are destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAFAC, Indianapolis, IN 46249

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief, Field Services Office
USAFAC
Indianapolis, IN 46249
Telephone: Area Code 317/542-3127

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Chief, Field Services Office, US Army Finance and Accounting Center, Indianapolis, IN 46249

Written requests for information should contain the full name of the individual, social security number and current address. Visits are limited to Field Service Office (FINCY), US Army Finance and Accounting Center, Indianapolis, IN 46249

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Chief, Field Service Office (FINCY), US Army Finance and Accounting Center, Indianapolis, IN 46249.

RECORD SOURCE CATEGORIES:

Federal Bureau of Investigation, Criminal Investigation Detachments, finance officers, Provost Marshal and individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0319.06DACA

SYSTEM NAME:

319.06 Household Goods Shipment Excess Cost Collection File

SYSTEM LOCATION:

United States Army Finance and Accounting Center (USAFAC), Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army and Air Force members who have shipped excess household goods.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain Government bills of lading, supporting documents and copy of excess cost billing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Establish liability and issue notices of amounts due United States for excess household goods shipments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper in file folders.

RETRIEVABILITY:

Folders are filed alphabetically by last name of service number.

SAFEGUARDS:

Buildings employs security guards. An employee badge and visitor registration system is utilized. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are destroyed after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAFAC, Indianapolis, IN 46249

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander.
United States Army Finance and Accounting Center
Attention: FINCH
Indianapolis, IN 46249

Individual must provide full name, social security number, and military status.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, United States Finance and Accounting Center, Attention: FINCH, Indianapolis, IN 46249

Written requests for information should contain the full name, social security number, military status and current address.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information obtained from paid Government Bills of Lading.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0319.07DACA

SYSTEM NAME:

319.07 Federal Housing Administration (FHA) Mortgage Payment Insurance Files

SYSTEM LOCATION:

United States Army Finance and Accounting Center (USAFAC), Indianapolis, IN 46249

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army military member with over 2 years of active duty service who applies for an FHA loan.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's application, certificate of eligibility, record of payments, notices of termination of eligibility, and correspondence with FHA and other Government offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Field Services Office-To determine the amount of insurance payments, and to control authorized payments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of Army member.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel of Field Services Office.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after final separation of the individual from the Army.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAFAC, Indianapolis, IN 46249

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief, Field Services Office
USAFAC
Indianapolis, IN 46249
Telephone: Area Code 317/542-3127

RECORD ACCESS PROCEDURES:

Requests should be addressed to Chief, Field Services Office, US Army Finance and Accounting Center, Indianapolis, IN 46249

Written requests for information should contain the full name of the individual, social security number, FHA Number and current address. Visits are limited to Field Services Office (FINCY), US Army Finance and Accounting Center, Indianapolis, IN 46249

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Chief, Field Services Office (FINCY), U.S. Army Finance and Accounting Center, Indianapolis, IN 46249

RECORD SOURCE CATEGORIES:

Applicant, FHA, member's commanding officer and other Government offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0319.10DACA

SYSTEM NAME:

319.10 Conversion Files

SYSTEM LOCATION:

United States Army Finance and Accounting Center (USAFAC), Indianapolis, IN 46249

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active and former members of the Armed Services and civilians who file military payment certificate (MPC) claims.

All active and former members of the Armed Services and civilians of the Department of the Army who file foreign currency claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's application for exchange of military payment certificates; letter request for the exchange of MPC and foreign currency; military pay vouchers; substantiating documents such as receipts; and correspondence between Field Services

Office and claimant, records custodians, and other Army and Government agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Field Services Office-To evaluate claim, and if approved, issue Treasury check to claimant.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of claimant.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel of Field Services Office.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after final action on claim.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAFAC, Indianapolis, IN 46249

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief, Field Services Office
USAFAC
Indianapolis, IN 46249
Telephone: Area Code 317/542-3127

RECORD ACCESS PROCEDURES:

Requests should be addressed: Chief, Field Services Office, US Army Finance and Accounting Center, Indianapolis, IN 46249

Written requests for information should contain the full name of the individual, social security number, and current address. Visits are limited to Field Services Office (FINCY), US Army Finance and Accounting Center, Indianapolis, IN 46249.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Chief, Field Services Office (FINCY), US Army Finance and Accounting Center, Indianapolis, IN 46249.

RECORD SOURCE CATEGORIES:

Records custodians, Government agencies, and departmental offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0319.11DACA

SYSTEM NAME:

319.11 Disbursing Office Establishment and Appointment Files

SYSTEM LOCATION:

Primary System: United States Army Finance and Accounting Center (USAFAC), Indianapolis, IN 46249

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army military member or Department of the Army civilian (DAC) who is appointed a deputy or bond issuing agent.

Any Army military member or DAC, other than a Finance Corps officer, who is appointed an accountable officer or special disbursing agent.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains Department of the Army (DA) Form 1866 (Designation and Appointment of Deputy to Disbursing Officer), USAFAC Form 35-12FL (Certification as Issuing Agent of U.S. Saving Bonds), USAFAC Form 35-13FL (Letter to Federal Reserve Bank on Bond issuing agent) and letter requests for the approval and appointment of other than Finance Corps officers as accountable officers and special disbursing agents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Field Services Office: To obtain data in the appointment or termination of deputies and bond issuing agents and the appointment or termination of other than Finance Corps officers as accountable officers and Special disbursing agents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel of Field Services Office.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after revocation of appointment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAFAC, Indianapolis, IN 46249

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief, Field Services Office
USAFAC
Indianapolis, IN 46249
Telephone: Area Code 317/542-3127

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Chief, Field Services Office, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249

Written requests for information should contain the full name of the individual, social security number, and current address. Visits are limited to Field Services Office (FINCY), US Army Finance and Accounting Center, Indianapolis, IN 46249.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Chief, Field Services Office (FINCY), US Army Finance and Accounting Center, Indianapolis, IN 46249

RECORD SOURCE CATEGORIES:

Department of Defense Finance and Accounting Officers

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0319.13DACA

SYSTEM NAME:

319.13 Bankruptcy Processing Files

SYSTEM LOCATION:

United States Army Finance and Accounting Center (USAFAC), Indianapolis, IN 46249

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army military member or Department of the Army civilian (DAC) or former military member DAC for whom bankruptcy notice has been received.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's Court notices; financial statements; certificates for deductions; agreements; military pay vouchers; and correspondence between the Judge Advocate General, United States Attorney, US District Courts, and other Government agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Field Services Office: To obtain data for submitting claims of the US Army to the Department of Justice for filing with the bankruptcy court and controlling financial transactions on pay accounts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel of Field Services Office.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after conclusion of related bankruptcy proceedings.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAFAC, Indianapolis, IN 46249

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief, Field Services Office
USAFAC
Indianapolis, IN 46249
Telephone: Area Code 317/542-3127

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Chief, Field Services Office, US Army Finance and Accounting Center, Indianapolis, IN 46249

Written requests for information should contain the full name of individual, social security number and current address. Visits are limited to Field Services Office (FINCY), US Army Finance and Accounting Center, Indianapolis, IN 46249.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Chief, Field Services Office —FINCY), US Army Finance and Accounting Center, Indianapolis, IN 46249

RECORD SOURCE CATEGORIES:

Courts, records custodians, Government agencies, and departmental offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0319.14DACA

SYSTEM NAME:

319.14 Pecuniary Charge Appeal Files

SYSTEM LOCATION:

United States Army Finance and Accounting Center (USAFAC), Indianapolis, IN 46246

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army military member or civilian employee held pecuniarily liable for charges for which an appeal is filed.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains reports of investigations, copies of vouchers, certificates, statements and correspondence between Department of the Army staff agencies and other Governmental agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Field Services Office-To obtain data for determining the propriety of the pecuniary liability ruling.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel of Field Services Office.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after close of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAFAC, Indianapolis, IN 46249

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief, Field Services Office
USAFAC
Indianapolis, IN 46249
Telephone: Area Code 317/542-3217

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Chief, Field Services Office, US Army Finance and Accounting Center, Indianapolis, IN 46249.

Written requests for information should contain the full name of the individual, social security number, and current address. Visits are limited to Field Services Office (FINCY), US Army Finance and Accounting Center, Indianapolis, IN 46249.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Chief, Field Services Office (FINCY), US Army Finance and Accounting Center, Indianapolis, IN 46249.

RECORD SOURCE CATEGORIES:

Information obtained from Major Army Commands.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0320.01aDAEN

SYSTEM NAME:

320.01 Corps of Engineers Management Information System Files

SYSTEM LOCATION:

US Army Engineer Waterways Experiment Station, P.O. Box 631, Vicksburg, MS; US Army Engineer Division, Missouri River, P.O. Box 103 Downtown Station, Omaha, NE; US Army Engineer District, Norfolk, 803

Front Street, Norfolk, VA; US Army Engineer Division, North Central, 536 S. Clark Street, Chicago, IL; US Army Engineer Division, North Pacific, 220 N.W. 8th Avenue, Portland, OR; US Army Engineer Division, Ohio River 550 Main Street, Cincinnati, OH; US Army Engineer Division, South Atlantic, 30 Pryor Street, S.W., Atlanta, GA; US Army Engineer Division, South Pacific, 630 Sansome Street, San Francisco, CA; US Army Engineer Division, Southwestern, 1200 Main Street, Dallas, TX; US Army Engineer Data Processing Center, P.O. Box 2828, Washington, DC; US Army Engineer Division, Europe, Army Post Office (APO) New York; US Army Engineer Division, Middle East, APO New York.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

US Army Corps of Engineers civilian and military employees at locations covered by the system regardless of whether they are employed in the continental United States or overseas; whether employed on a part time, full time or intermittent basis; and regardless of pay plan.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain employee's travel advance records identified by social security number (SSN). For computation of employee's labor cost, the Finance and Accounting (F&A) Subsystem retrieves 8 of the 62 personal data elements per employee from the Personnel Subsystem files of the Corps of Engineers as follows: name, SSN, pay rates, employing office, organizational breakdown, Fair Labor Standards Act coverage, cost codes and funds (functional designator).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The employee data elements are retrieved from the Personnel Subsystem of the Corps by employee SSN. These data elements are used to compute and extend the employee labor costs which are charged to the job worked on by the employee identified by cost code and reflected as obligations and expenditures. The computer printouts produced by the common system F&A programs will list the employee labor costs by SSN or name and are used for control and checking costs recorded in accounting records. The accounting records of the F&A Subsystem will identify the employee labor by cost code and/or organization code. Travel advances are recorded and liquidated in the system using the employee SSN. The Corps of Engineers F&A field offices are provided computer printouts which are used to manage and control financial expenditures that will be recorded and updated in the applicable appropriation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tape and computer paper printouts.

RETRIEVABILITY:

By SSN.

SAFEGUARDS:

Computers are housed behind locked doors.

Rooms are accessible only to authorized persons possessing a special badge or password.

Unauthorized access to the employee file is precluded through a system of passwords.

The official printouts are used by supervisors, managers, and members of the comptroller's office in carrying out F&A responsibilities.

RETENTION AND DISPOSAL:

Corps of Engineers Management Information System Finance and Accounting (COEMIS F&A) files for site audits consist of cost forms as input documents and voucher output listing of employee labor and travel costs. These files are destroyed after 6 years and 3 months. Punch cards that process these data into the computer are destroyed upon completion of General Accounting Office audit.

COEMIS F&A internal or external output files containing this data are destroyed after 30 years.

COEMIS F&A utility files consisting of output reports for maintaining and controlling the F&A Subsystem transactions are destroyed after 5 years.

COEMIS F&A magnetic tape data base files that contain the net result of all transactions processed by the update programs are retained for 30 years.

F&A audit trail tape files contain each valid transaction processed by the update program. These files are retained for 6 years and 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of the Engineer Comptroller, Office of the Chief of Engineers, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from the servicing comptroller office.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the servicing comptroller office. Written requests should contain, as a minimum, the individual employee's name and SSN.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

The Official Personnel Folder (201 File) maintained by the employing Civilian Personnel Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0401.02bDAAG

SYSTEM NAME:

401.02 Mailing List for Army Newspapers/Periodicals

SYSTEM LOCATION:

HQDA Staff and Field Operating Agencies, Major Commands, field installations and activities, Army Service Schools/Colleges, Army National Guard Bureau Headquarters and field activities. Official addresses are in the Department of Defense Directory appearing in the Annual Compilation of System Notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

File contains name and current mailing address of recipients of Army and/or National Guard magazines, newspapers, professional and trade publications, journals, digests, and newsletters. Recipients may be current or former Army and/or National Guard personnel, staff and faculty or graduate/resident/correspondence student of Service Schools, military reservists, ROTC cadets, civilian academicians, professional or other personnel who have requested inclusion on mailing lists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mailing lists containing names and addresses of recipients of various periodicals published by the Army and/or the National Guard which have public relations value. Types of periodicals include but are not limited to the following:

a. Journals published by military schools and colleges, medical facilities, and training institutions.

b. Army newspapers or digests containing official or quasi-official but non-directive data of either a

technical or administrative nature. Other personal data may be included such as Alumni Association Member number, professional society or trade organization of which a member and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012; Title 32 U.S.C., Section 110.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To produce mailing lists for distribution of Army periodicals, newspapers and various journals, digests and newsletters.

b. To perform statistical analyses and surveys of reader interest and opinion.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, magnetic and computer tape, disk, cards, printouts, and addressograph plates.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Records are maintained by authorized personnel who have a need-to-know.

RETENTION AND DISPOSAL:

Retained until no longer needed, normally until individual requests deletion from mailing list, after which record is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of DA Staff and Field Operating Agencies, Major Commands, commanders of installations/activities, Army Service Schools/Colleges and National Guard activities that publish periodicals, command newspapers, or other special-interest recurring publications.

NOTIFICATION PROCEDURE:

Information may be obtained from either the Editor of the publication or the Public Affairs Officer of the Army and/or National Guard element publishing the periodical.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the Editor or the Public Affairs Officer as in 'Notification procedure'.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Individual's application for the periodical; records of the Army and/or National Guard organization publishing same.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0401.07aOSA

SYSTEM NAME:

401.07 Media Contact Files

SYSTEM LOCATION:

Primary system: Public Information Division, Office of the Chief of Public Affairs, Headquarters, Department of the Army (SAPA-PI), Washington, DC 20310.

Decentralized Segments-New York Branch, Office of the Chief of Public Affairs, United States (US) Army, 663 Fifth Avenue, New York, NY 10022; Los Angeles Branch, Office of the Chief of Public Affairs, US Army, 11000 Wilshire Boulevard-Suite 10104, Los Angeles, CA 90024. Public Affairs Office of major Army commands and their subordinate units; and Office Chief of Engineers Public Affairs Office and all Corps of Engineers field operating public affairs offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Journalists, authors, editors, columnists, researchers, representatives of the news media, congressmen and other public figures who demonstrate a consistent interest in Army-related subjects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain name, business address, telephone number and news media affiliation. May also contain clippings, book reviews, interview reports, query sheets, memoranda and/or correspondence relating to past actions, and biographical outlines.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To contact journalists and writers to provide information or leads relevant to their interests. To advise members of the Army staff who are considering requests to grant interviews of the interests, experience and affiliation of journalists. To orient new members of the public affairs office staff to the writing styles and interests of individuals and categories of individuals within this file system; and to brief public affairs officers in the Department of Defense, in other military services, and in subordinate commands about the interests, experience and categories of individuals within this file system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card index or looseleaf paper directories; paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in security containers and are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained as long as those individuals mentioned are involved with Army public affairs officers. Records are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Chief of Public Affairs, Headquarters, Department of the Army, The Pentagon, Washington, DC

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (SAPA-PI)
Room 2E 641
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/695/5136

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Department of the Army (SAPA-PI), Room 2E 641, The Pentagon, Washington, DC 20310.

Written requests should include a notarized statement of identity.

Personal visits may be made to any of the 3 Army Information Offices (Washington, New York, Los Angeles) where the requester is recognized and/or can provide acceptable identification.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Rosters of Pentagon correspondents prepared by the Office of the Assistant Secretary of Defense (Public Affairs); published directories of media contacts; query sheets and interview reports prepared by public affairs officers;

clippings from published sources; and memoranda and correspondence between Army personnel and individuals contained within the file system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0401.07bOSA

SYSTEM NAME:

401.07 Medal of Honor Recipient Files (Vietnam Era)

SYSTEM LOCATION:

Primary System: Public Information Division, Office of the Chief of Public Affairs, Headquarters, Department of the Army, (SAPA-PI), Washington, DC 20310.

Decentralized Segments: New York Branch, Office of the Chief of Public Affairs, United States (US) Army, 663 Fifth Avenue, New York, NY 10022; Los Angeles Branch, Office of the Chief of Public Affairs, US Army, 11000 Wilshire Boulevard-Suite 10104, Los Angeles, CA 90024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, discharged, retired and deceased Army members who received the Medal of Honor during the period of the Vietnam War.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains photograph, statement of service, award citation and copy of the ceremonial program at the time of the award.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to queries from the press and public relating to the individuals within the file, and from the Office of the Assistant Secretary of Defense (Public Affairs), other military services, other Army staff agencies and subordinate commands for information about Medal of Honor recipients.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards; files are maintained in security containers and are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Files maintained as long as individual is likely to be a recurring subject of press interest. Eventually, files will be donated to the Congressional Medal of Honor Society, 38 Fallon Circle, Braintree, MA 02184.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Chief of Public Affairs, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (SAPA-PI)
Room 2E 641
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/695-5136

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Department of the Army (SAPA-PI), Room 2E 641, The Pentagon, Washington, DC 20310

Written requests should include a notarized statement of identity.

Personal visits may be made to any three Army Public Affairs Offices (Washington, New York and Los Angeles). Presentation of acceptable identification is required.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Statements of service, awards, citations and photographs from the US Army Military Personnel Center or the National Personnel Records Center; ceremonial programs for the presentation prepared by the US Army Office of the Director of the Army Staff, Protocol Office, Headquarters, Department of the Army.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0401.09DAJA

SYSTEM NAME:

401.08 Prosecutorial Files

SYSTEM LOCATION:

Decentralized System: Staff Judge Advocate offices at organizations listed in the Department of Defense (DOD) organizational directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is pending trial by court-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains witness statements; pretrial advice; documentary evidence; exhibits; evidence of previous convictions; personnel records; recommendations as to the disposition of the charges; explanation of any unusual features of the case; charge sheet; and criminal investigation reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11476, 19 June 1969.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Preparation of cases for prosecution before Court-Martial.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Permanent. Cut off annually, or on completion of the project, event, or other applicable action.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Judge Advocate of command where case originates.

NOTIFICATION PROCEDURE:

See EXEMPTION

RECORD ACCESS PROCEDURES:

See EXEMPTION

CONTESTING RECORD PROCEDURES:

See EXEMPTION

RECORD SOURCE CATEGORIES:

See EXEMPTION

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j) or (k) as applicable. For additional information, contact the Systems Manager.

A0402.01aDAJA

SYSTEM NAME:

402.01 General Legal Files

SYSTEM LOCATION:

Office of the Judge Advocate General, Pentagon, Washington, DC 20310; Offices of Staff Judge Advocates, Judge Advocates, and Legal Counsels of subordinate commands, installations, and organizations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been the subject of matters (civil or criminal) referred to the Office of the Judge Advocate General or to legal offices of subordinate commands, installations, and organizations for legal opinion, legal review, or other action. Some examples of matters frequently referred for legal opinion, legal review, or other action are: Elimination and separation proceedings; questions pertaining to entitlement to pay, allowances, or other benefits; flying evaluation boards, line of duty investigations, reports of survey, and other boards of investigating officers; unfavorable information (DASEB) cases, efficiency report (DASRB) appeals; petitions to the Army Board for the Correction of Military Records; matters pertaining to on-post solicitation, revocation of privileges, and bars to entry on military installations; matters pertaining to appointments, promotions, enlistments, and discharges; matters pertaining to prohibited activities and conflicts of interest for Army personnel and employees; Article 138, UCMJ complaints (10 USC 938); private relief legislation; military justice matters including requests for delivery of service members for trial by civilian authorities, appeals from non-judicial punishment imposed under Article 15, UCMJ (10 USC 815), appeals under Article 69, UCMJ 869), Secretarial review of officer dismissal cases, petitions for clemency, requests for pardons, and requests for grants of immunity for civilian witnesses; matters pertaining to civilian employees and employees of nonappropriated fund instrumentalities including employment, pay, allowances, benefits, separations, discipline and adverse actions, grievances, equal opportunity complaints, awards, and claims processed by other agencies; and correspondence addressed to the Office of The Judge Advocate General (or subordinate legal offices), or addressed to the President, members of Congress, Department of Defense, or Department of the Army which is referred to the Office of The Judge Advocate General or other legal office for response.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inquiries with substantiating documents, personnel actions, investigations, petitions, complaints, or other matters to be reviewed or acted upon; legal memoranda and legal opinions; and correspondence and responses thereto. Legal opinion files which are not indexed by individual name or personal identifier are frequently commingled with subject files, but are not a part of this system of records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3037 and 3072.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Justice for grants of immunity and requests for pardons.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

Maintained in locked file cabinets and/or in locked offices in buildings employing security guards and/or located on military installations with military police patrols and protection.

RETENTION AND DISPOSAL:

Permanent due to legal precedence value at Army staff and headquarters of major commands. In other offices, some types of records not having legal precedence value are retained for lesser periods (as little as two years) and destoyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army (DAJA), Washington, DC 20310. For records maintained in legal offices of subordinate commands, installations, or organizations, the Staff Judge Advocate, Judge Advocate, or Chief Legal Counsel, as appropriate. Official mailing addresses are in the DOD directory in the Appendix.

NOTIFICATION PROCEDURE:

Information may be obtained by writing or visiting the office of the appropriate SYSMANAGER. Written requests for notification should contain the full name, address and telephone number of the requester, and any other personal data which would assist in identifying records pertaining to the requester such as current or former military status, date of birth, SSN or service number, and if applicable, the date, place, and type of incident which the requester believes may have been referred for legal review.

RECORD ACCESS PROCEDURES:

Access to records may be obtained in the same manner as notification, except that requests for access in person will require verification of identity by military, civil service or dependent ID card, driver's license, or other reasonable means.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in AR 340-21.

RECORD SOURCE CATEGORIES:

Legal memoranda and opinions are based on records submitted with the inquiry from various Department of the Army staff agencies, commands, installations, and organizations. When responding to correspondence, the files contain information supplied by the individual, and in some cases, facts gathered from various Department of the Army records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title U.S.C., Section 552a (k)(1), (2), (5), (6) or (7), as applicable. For additional information, contact the SYSMANAGER.

A0402.05aDAPE

SYSTEM NAME:

402.05 Employment and Financial Interest Statement Files

SYSTEM LOCATION:

Major Command/Department of Army Staff Agencies and installations/activities, the addresses of which are in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian officers and employees paid at the level of grades GS-16 to GS-18 and at a level of the executive schedule in subchapter 11 of chapter 53 of Title 5, United States Code.

All general officers.

Commanders and Deputy Commanders of major Army installations. For this purpose, major installations are those authorized a

commander in the grade of LTC or higher.

DOD personnel classified at GS-13 or above under Section 5332 of Title 5, United States Code or at a comparable pay level under another authority, or members of the military in the rank of LTC or above whose basic duties and responsibilities require the incumbent to exercise judgment in making a government decision or in taking government action in regard to administering or monitoring grants or subsidies.

DOD personnel classified at GS-13 or above under Section 5332 of Title 5, United States Code or at a comparable pay level under another authority or members of the military in the rank of LTC, or above whose basic duties and responsibilities require the incumbent to exercise judgment in making a government decision or in taking government action in regard to: (1) Contracting or Procurement. For the purpose of this section 'Contracting or Procurement' is defined as executing or approving the award of contracts. (2) Auditing. Auditing private or other non-federal enterprise including the supervision of auditors engaged in audit activities or participating in the development of policies and procedures for the performing of such audits, including the authorizing and monitoring of grants to institutions or other non-federal enterprise. (3) Other activities in which the final decision or action has a significant economic impact on the interests of any non-federal enterprise.

Major commanders and heads of DA Staff Agencies.

Enlisted personnel occupying designated positions of trust and responsibility (para 4-2b(2) of Section 5332, Title 5).

Military personnel designated as contracting personnel for officers, non-commissioned officers or enlisted members open mess.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statements of employment and financial interest, supplementary statements, reports of change, review comments, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012 and Executive Order 11222.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Review for sufficiency and determine if conflict of interest exists, and assist in resolving conflicts in accordance with Army Regulation 600-50.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by last name of individual.

SAFEGUARDS:

Kept in locked cabinet in building under 24 hour surveillance by security police.

RETENTION AND DISPOSAL:

Destroyed 6 years after reassignment, retirement, or termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Deputy Chief of Staff for Personnel, Department of Army, Director of Human Resources Development, Leadership and Motivation Division (DAPE-HRL).

NOTIFICATION PROCEDURE:

Information may be obtained from: Major Command or Head of DA Staff Agency.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Major Command or Head of DA Staff Agency.

Written requests for information should contain the full name of the individual, social security number, duty assignment, current address, and telephone number.

For personal visits, the individual should be able to provide acceptable identification; for example: valid driver's license and current identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in AR 340-21 and AR 600-50.

RECORD SOURCE CATEGORIES:

Information is provided by the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0402.05DAJA

SYSTEM NAME:

402.06 Legal Assistance Case Files

SYSTEM LOCATION:

Decentralized System: Legal Assistance Office, Office of the Judge Advocate General, Department of the Army, Room 2C467, Pentagon, Washington, DC 20310 and Staff Judge Advocate offices at Army commands, field operating agencies, installations, and activities. Addresses are listed in the Department of Defense (DOD) Organizational Directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These files pertain to persons having sought legal assistance in their personal and private affairs.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files contain correspondence and other personal information germane to the specific individual problem.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The files are used to assist Legal Assistance personnel in drafting necessary responses to inquiries. The purpose is to maintain a record of the replies given in response to inquiries received from individuals, so their cases can be properly settled.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of client.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only to authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

The files are destroyed after 1 year from the closing date of the case, except at the Pentagon where they are destroyed after 6 months from the closing date of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Legal Assistance Office, HQDA (DAJA-LA), Washington, D. C. 20310 and the Staff Judge Advocates of organizations listed in the DOD directory.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and

telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office or the Legal Assistance Office, Office of The Judge Advocate General, Room 2C467, Pentagon, Washington, D. C. 20310.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The legal assistance case file contains correspondence received from Congressmen who are requesting information in order to reply to their constituents concerning a legal assistance problem and correspondence from other legal assistance offices seeking help or guidance with legal assistance problems which concern a particular individual who has come to them for assistance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0402.07DAJA

SYSTEM NAME:

402.07 Legal Assistance Interview Record Files

SYSTEM LOCATION:

Decentralized System - Legal Assistance Office, Office of the Judge Advocate General, Department of the Army, Washington, DC 20310 and Staff Judge Advocate offices at organizations listed in the Department of Defense (DOD) Organizational Directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These files pertain to persons having sought legal assistance in their personal and private affairs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Interview Card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Interview Card contains basic information which is necessary in the preparation of the legal documents, i.e., wills, power of attorneys, etc. The cards are used in the preparation of the annual statistical report which only shows the number and types of actions handled by the Legal Assistance Office during the year. The Interview Card is subject to the attorney-client privilege rule and the information contained thereon will not be given to any source without the prior approval of the client.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of client.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

The Interview Record File is destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized Systemm - Chief, Legal Assistance Office, Office of the Judge Advocate General, Department of the Army, Washington, DC 20310 and Staff Judge Advocate offices at organizations listed in the DOD organizational directory.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requestor.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telophone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office or the Legal Assistance Office, Office of The Judge Advocate General, Room 2C467, The Pentagon, Washington, DC 20310.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting countents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The Legal Assistance Interview Record File contains the Interview Cards which are prepared byy the individuals who come into the Legal Assistance Office for assistance. The card contains basic information about the individual; such as, name, grade, organization, wife's name, social security number.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0403.01aDAJA

SYSTEM NAME:

403.01 U.S. Army Claims Service Management Information System (USARCS MISO).

SYSTEM LOCATION:

For the manual system, the claims index cards and data output are located at the United States (US) Army Claims Service, Office of The Judge Advocate General, Ft Meade, MD 20755, and the individual claims index cards and claims files pertaining to settled cases are located at Reference Service Branch, Washington National Records Center, General Services Administration, Washington, DC 20409.

The automated systems are stored on computer disks located at the Management Information Systems Office, US Army Garrison, Ft Meade, MD 20755.

Relevant command sections of the automated reports are furnished to the respective Army commands monthly. In addition, claims files on all unsettled and settled claims are retained at Staff Judge Advocate offices at subordinate levels where the claim was filed until they are forwarded to US Army Claims Service.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records pertain to all individuals, corporations, associations, countries, states, territories, political subdivisions presenting a claim against the United States cognizable under the following statutes and Army Regulation 27-20: (a) The Military Claims Act (10 U.S.C. 2733); (b) The Federal Tort Claims Act (28 U.S.C. 2671-2680); (c) The Act of 9 October 1962 (10 U.S.C. 2737); (d) The National Guard Claims Act (32 U.S.C. 715); (e) Title 10, U.S.C. section 2734a and 2734b (NATO claims); (f) The Maritime Claims Settlement Act (10 U.S.C. 4801-4808); (g) Article 139, Uniform Code of Military Justice (10 U.S.C. 939); (h) The Foreign Claims Act (10 U.S.C. 2734), (i) The Military Personnel and Civilian Employees' Claims Act (31 U.S.C.240-243), (j) Claims for Reimbursement under Industrial Security Regulations (DOI) Directive 5220.6) and (k) Nonappropriated Fund Claim.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claims Journal and Individual claims index cards: Contain brief synopsis of claims information including name of claimant; claim file number; type of claim presented (tort, maritime, foreign, personnel, etc.); date claim received by the Army; the date of the incident giving rise to the claim; the amount claimed; and if settled, the date and disposition of the claim. In appropriate claims, data on amounts recovered or paid by third parties is included on the card.

Claims files; Contain the claim forms submitted by the claimant; reports of investigation of claims or potential claims; the witness statements; police reports; photographs; diagrams; bills; estimates; expert opinions; medical records and similar reports; and copies of correspondence with the claimant, potential claimants, third parties, and insurers of claimants or third parties, concerning claims or potential claims. When applicable, copies of finance vouchers evidencing payment of the claims are included. Occasionally Inspector General or similar reports will be included in such files.

U.S.ARCS MISO: Provides a record of every noncontractual claim arising from Army activities. Information is maintained on magnetic tape and stored in alphabetical order by fiscal year. Data includes claimant's name, file number, type of claim, date of incident, amount claimed and amount paid, if anything.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 939, 2733, 2734, 2734a, 2734b, 2737; Title 28 U.S.C., Sections 2671-2680; Title 31 U.S.C, Sections 240-243; Title 32 U.S.C., Section 715.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary purpose of claims investigative reports and ancillary records is to develop and preserve all relevant evidentiary facts about incidents which may generate claims against the Army. The evidence developed is used as a legal basis for payment of claims, and the amount authorized, or to support a denial of the claim. If the claimant initiates litigation the evidence helps provide a basis to defend the suit. Evidence in the files is also used to provide information to reply to the President, the Cabinet, members of Congress or to General Accounting Office and public or private insurers who may be required to participate in the settlement of claims against the United States or who may be required to reimburse the United States as a subrogee for claims paid. Information is also recorded to insure that the use of appropriated funds is legally correct. The data are also used as a management tool to supervise claims operations at subordinate commands worldwide.

Users include claimants and/or their legal representatives for use in legal action against the Government or third parties for tax purposes (Internal Revenue Service (IRS)) and/or to support or provide private relief legislation; US Department of Justice representatives in deciding disposition of claims files against the Government and for consideration of criminal prosecution, civil court action or regulatory orders; US Court of Claims to support legal actions, considerations or evidence to support proposed legislative or regulatory changes, for budgetary purposes, for quality control or assurance type studies or to support action against a third party; foreign governments for use in settlements of claims under North Atlantic Treaty Organization Status of Forces Agreement (NATO SOFA) or similar international agreements; state governments for use in defending or prosecuting claim by the state or its representatives; Department of Labor for consideration in determining rights under Federal Employees' Compensation Act or similar legislation; civilian and governmental medical experts for evaluation of medical aspects and records and related material; The President, Vice President and members of the Congress in order to provide information upon which to base replies to inquiries from claimants; Office of Management and Budget for preparation of private relief bills to be presented to Congress for its consideration; Government contractors for use in defending or settling claims filed against them arising out of the performance of a Government contract; and workmen's compensation agencies, federal and local, for use in adjudicating claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual system: Paper records in file folders at locations indicated.

Automated system: Computer discs located at the USARCS MISO.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Destroy 10 years after final action on the case.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, United States Army Claims Service, Ft Meade, MD 20755.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the claim number if known, the date and place of the incident giving rise to the claim, and any other personal identifying data (driver's license, if any) which could assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the claim number if known, the date and place of the incident giving rise to the claim, or personal identifying data (driver's license, if any) which could assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office or to the US Army Claims Service, Ft Meade, MD 20755

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Federal Bureau of Investigation, Counterintelligence Corps, Criminal Investigations Division, Inspector General, medical treatment facilities, Physicians, Armed Forces Institute of Pathology, Maritime Survey Reports, Corps of Engineers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0403.06DAJA

SYSTEM NAME:

403.06 Tort Claim Files

SYSTEM LOCATION:

Litigation Division, Office of The Judge Advocate General, Department of the Army, Room 2D435, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel, military affiliated or civilians with no military connection, who have filed a complaint against the United States Army in the United States District Court under the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

All pleadings, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation, and allied material, including claims investigation, reports, and files, involved in representing the United States Army in the Federal Court System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 28 U.S.C., Section 2671-80.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The collected information is used to defend the Army in civil suits filed against it in the Federal Court System. Routine users of the information, in addition to Litigation Division, Office of The Judge Advocate General of the Army, are the Department of Justice and United States Attorneys' offices handling the particular case. Most of the collected information is filed in some manner in the courts in which the litigation is pending and therefore becomes a matter of public record. In addition, some of the collected information will appear in some form or fashion in the written orders, opinions, and decisions of the courts. For the most part, these orders, opinions, and decisions are published in the Federal Reporter System under the name or style of the case and are freely open and available to anyone with access to a law library.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of claimant.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Destroy 10 years after final action on the case.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Litigation Division, Office of The Judge Advocate General, Department of the Army, Washington, DC 20310

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to the Litigation Division, Office of The Judge Advocate General, Department of the Army, Room 2D435, The Pentagon, Washington, DC 20310.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

DA Staff elements, Staff Judge Advocate offices at organizations listed in the Department of Defense (DOD) organizational directory in the Appendix; National Personnel Records Center, St. Louis; US Army Military Personnel Center; Posts, Camps, and Stations; Department of the Army Field Operating Agencies; Civil Service Commission; Department of Justice; U.S. Attorneys; opposing counsel; Armed Forces Institute of Pathology.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0403.16DAJA

SYSTEM NAME:

403.16 Army Property Claim Files

SYSTEM LOCATION:

Litigation Division, Office of The Judge Advocate General, Department of the Army, Room 2D435, The Pentagon, Washington, DC 20310, and Staff Judge Advocate offices at organizations listed in the Department of Defense (DOD) organizational directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, having damaged Government property, were not subject to the collection activities of other agencies or organizations and therefore require litigation on behalf of the Department of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of reports from the claim investigator, accident and police reports relating to damage, and pleadings, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation, and allied material involved in representing the United States Army.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 28 U.S.C., Section 2416.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The collected information is used to negotiate with, or to sue as appropriate, the individual or entity, including insurance carriers, causing damage for loss of United States Army property. Routine users include, in addition to the Litigation Division, Office of The Judge Advocate General of the Army, the Department of Justice, United States Attorneys, and defendants and other opposing parties and their attorneys.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

The Judge Advocate General's Office: Collected claims; destroy 10 years after final action on the case. Uncollected claims; destroy 10 years after completion of litigation or determination that the case will not be prosecuted.

Other offices: Destroy cases settled locally 5 years after final action on the case.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Litigation Division, Office of The Judge Advocate General, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from Department of the Army offices and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to the Litigation Division, Office of The Judge Advocate General, Department of the Army, Room 2D435, The Pentagon, Washington, DC 20310.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Department of the Army Staff elements, Staff Judge Advocate offices at organizations listed in the Department of Defense (DOD) organizational directory, National Personnel Records Center-St. Louis, US Army Military Personnel Center, Posts, Camps, and Stations, Department of the Army Field Operating Agencies, Civil Service Commission, Department of Justice, U.S. Attorneys, opposing counsel, Armed Forces Institute of Pathology.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0403.17DAJA

SYSTEM NAME:

403.17 Medical Expense Claim Files

SYSTEM LOCATION:

Primary: Staff Judge Advocate Offices at Army commands, field operating agencies, installations and activities. Addresses are listed in the Department of Defense (DOD) Organizational Directory.

Segment: Litigation Division, Office of The Judge Advocate General, Department of the Army, Room 2D435, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have received medical treatment at the expense of the United States (US) Army as a result of a tortuous or negligent act of a third party; third parties causing medical care to be furnished to individuals entitled to medical care at Government expense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of medical and personnel records of individuals injured by a third party from whom the US Army is seeking to recover the costs of medical care furnished the injured party under the Medical Care Recovery Act (42 USC 2651-3); accident and police reports relating to the injury; claims investigation files; correspondence with attorney's representing the Army's interest; court documents, if the claim is pursued through litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 42 U.S.C., Section 2651-3, Executive Order Number 11060 and Attorney General Regulation 28 CFR 43.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Collected information is used to negotiate with the tortfeasor or an insurance carrier or to sue the same to collect the value of medical care

furnished the injured party. Routine users, in addition to the Litigation Division, Office of The Judge Advocate General of the Army, include the Department of Justice, appropriate United States Attorneys, civilian attorneys representing the injured party who agree also to represent the US Army's claim, and opposing parties and their attorneys.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

The Judge Advocate General's Office: Collected claims; destroy 10 years after final settlement. Uncollected claims; destroy 10 years after completion of litigation or determination that the case will not be prosecuted.

Other offices: Destroy cases settled locally 5 years after final action on the case.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Litigation Division, Office of The Judge Advocate General, Department of the Army, Washington, DC 20310

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to the Litigation Division, Office of The Judge Advocate General, Department of the Army, Room 2D435, The Pentagon, Washington, DC 20310.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Department of the Army (DA) Staff elements, Staff Judge Advocate offices at organizations listed in the DOD Organizational Directory in the Appendix; National Personnel Records Center, St. Louis; US Army Military Personnel Center, posts, camps, and stations, DA field operating agencies, Civil Service Commission, Department of Justice, US Attorneys, opposing counsel, Armed Forces Institute of Pathology.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0404.02DAJA

SYSTEM NAME:

Courts-Martial Files

SYSTEM LOCATION:

U.S. Army Legal Services Agency, Falls Church, VA, 22041; Washington National Records Center, Suitland, MD, 20409; National Personnel Records Center, St. Louis, MO, 63132; and offices of Staff Judge Advocates, Judge Advocates, and Legal Counsel of subordinate commands and installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals tried by courts-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

General and special (BCD) courts-martial records of trial include a verbatim transcript of the trial and all allied papers relating to the charge offenses and legal review of the case. Special (non-BCD) and summary court-martial records of trial include a summarized transcript of the trial and all allied papers relating to the charged offenses, but ordinarily do not include all records of review pursuant to Articles 69 and/or 73, Uniform Code of Military Justice (UCMJ). (See 'Retention and disposal' below.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., 801-940 (Uniform Code of Military Justice).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Courts-martial records are transcribed and used to provide an accurate account of the proceedings for legal review. As such records reflect criminal proceedings ordinarily open to the public, they are normally releasable to the public pursuant to the Freedom of Information Act. They are also used to formulate responses to inquiries from members of Congress, the White House Staff, the individual concerned, or other agencies or individuals interested in the case.

Courts-martial records may be transferred within the Department of Defense, to the Department of Justice, the Veterans Administration, and Federal, state, and local law enforcement agencies for determination of rights and entitlements of the individuals concerned or use in the enforcement of criminal or civil law. If a conviction results, portions of the record in every case are transmitted to Army personnel authorities for use in evaluating the individual's overall performance and for inclusion in his military personnel records. A record of a conviction may be introduced at a subsequent courts-martial involving the same individual, or in any other case in which it is relevant. Statistical data obtained from records of trial are used in determining jurisdictional and Army-wide trends of disciplinary infractions in the Armed Forces, and serve as a guide for officials repsonsible for making policy decisions regarding military justice activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers stored in file folders; index cards, computer disk-packs, and courts-martial coding sheets.

RETRIEVABILITY:

Records are retrieved by reference to the name and social security number of the individual and through the court-martial number assigned to the case.

SAFEGUARDS:

Those portions of the system maintained by the U.S. Army Legal Services Agency and the National Personnel Records Center are contained in file cabinets and are safeguarded by systems of personnel screening and hand receipts. During non-duty hours, guards assure that the areas where records are located are accessible only to authorized personnel. Decentralized segments of the system are maintained in locked file cabinets and/or locked offices in buildings employing security guards and/or located on military installations with military police or contract guard patrols and protection.

RETENTION AND DISPOSAL:

With respect to each courts-martial, there is an original record and between one and four copies. One copy is given to the accused and the remaining copies are used in the review of the case for legal sufficiency. The original record is disposed of as follows: All records of trial by general courts-martial and those special courts-martial records in which a bad conduct discharge (BCD) was approved are retained in the Office of the Clerk of Court, U.S. Army Jidiciary, for 1 - 2 years after completion of appellate review. Thereafter, the records are forwarded to the Washington National Records Center, Suitland, MD 20409 for permanent storage. Records of trial by special courts-martial (non-BCD) and summary courts-martial are retained in the staff judge advocate office of the general courts-martial authority for one year after completion of supervisory review and thereafter for two years in the records holding area or overseas records center. Records are then sent to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO, 63132 where they are retained for seven years. Thereafter, the records are destroyed and the remaining evidence of conviction are the special (non-BCD) and summary courts-martial promulgating orders maintained in the individual's permanent records and any review(s) of the cases conducted pursuant to Article(s) 69 and/or 73, UCMJ. The original review of special (non-BCD) and summary courts-martial cases and a copy of all other reviews pursuant to Articles 69 or 73 UCMJ, are maintained for three years in the office of the Chief, Examination and New Trials, U.S. Army Judiciary, Falls Church, VA, 22041. They are retained an additional seven years at the Washington National Records Center, Suitland, MD 20409 and destroyed. Statistical data obtained from general and special (BCD) courts-martial records are maintained permanently on master index cards which serve as a means of listing records of trial sent to storage.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Requests from individuals as to whether there are any general or special (BCD) courts-martial records in the system pertaining to them should be addressed to the Clerk of Court (JALS-CC), U.S. Army Judicairy, Nassif Building, Falls Church, VA, 22041. Requests for information as to special (non-BCD) and summary courts-martial records should be addressed to the staff judge advocate of the command where the record was reviewed or, if no longer there, to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO, 63132. Official mailing address of subordinate commands and installations is in the DOD Directory in the appendix to the Army's inventory of system notices.

Requests for information concerning reviews pursuant to Articles 69 or 73, UCMJ, should be addressed to the Chief, Examination and New Trials, U.S. Army Judiciary, Nassif Building, Falls Church, VA, 22041. Written requests for information should include the full name of the individual, social security number (SSN), the record file number if available, and any other personal information which would assist in locating the records.

Personal visits may be made to the Office of the Clerk of Court or Chief, Examination and New Trials, during normal business hours. The individual should provide identification such as a valid driver's license, or verbal information sufficient to permit locating the record.

RECORD ACCESS PROCEDURES:

Requests for access should be submitted as specified under 'Notification procedure' above. Requests should be directed to the Clerk of Court (JALS-CC), U.S. Army Judiciary, Nassif Building, Falls Church, VA, 22041 if the type of courts-martial or reviewing command is unknown.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information from almost any source may be included in the record if it is relevant and material to courts-martial proceedings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of 5 U.S.C. 552a: (d)(2), (d)(3), (d)(4), (e)(2), (e)(3), (e)(4)(H), and (g). The rules exempting this system are set forth in 32 CFR Part 505.

A0405.02DAJA

SYSTEM NAME:

405.02 Foreign Jurisdiction Case Files.

SYSTEM LOCATION:

Primary System: International Affairs Division, Office of The Judge Advocate General, Department of the Army, Room 2D443, The Pentagon, Washington, DC 20310.

Decentralized Segments: Army commands where case originates.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the United States (US) Army, civilians in the employ of, serving with, or accompanying the US Army abroad, and the dependents of individuals in such categories, who have been subject to the exercises of civil or criminal jurisdiction of foreign courts or foreign administrative agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual case reports on the exercise of criminal jurisdiction by foreign tribunals, trial observer reports, requests for provision of counsel, records of trials, requests for local authorities to refrain from exercising their criminal jurisdiction, and communications with staff judge advocates, Department of the Army, diplomatic missions, and other selected documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The International Affairs Division and the office where the case originates use the information to monitor developments of each individual case to insure that all rights and protections to which United States personnel abroad and their dependents are entitled under pertinent international agreements are accorded such personnel;and to obtain

information to answer appropriate queries regarding the status or disposition of individual cases involving the exercise of civil or criminal jurisdiction by foreign courts or foreign administrative agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

The Judge Advocate General's Office: Destroy after 30 years. Cut off annually following acquittal, fine, reprimand, dropping of charges, or on completion of sentence, as applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, International Affairs Division, Office of the Judge Advocate General, HQDA (DAJA-IA), Washington, DC 20310 and the staff judge advocate offices where the case originates.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder.. Visits may be made to the International Affairs Division, Office of The Judge Advocate General, Room 2D443, The Pentagon, Washington, DC 20310.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is derived from reports prepared by relevant command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0405.04DAJA

SYSTEM NAME:

405.04 Foreign Jurisdiction Reporting Files

SYSTEM LOCATION:

Primary System: International Affairs Division, Office of The Judge Advocate General, Department of the Army, Rm 2D433, The Pentagon, Washington, DC 20310.

Decentralized Segments: Army commands where case originates.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the United States (US) Army, civilians in the employ of, serving with, or accompanying the US Army abroad, and the dependents of individuals in such categories, who have been subject to the exercise of criminal jurisdiction by foreign courts and sentenced to unsuspended confinement.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains reports concerning personnel who are confined in foreign penal institutions and reports of results of visits to confined personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Both the primary and decentralized segments are used to monitor development of each individual case so as to insure that all rights and protections to which US personnel abroad and their dependents are entitled under pertinent international agreements are accorded such personnel and to obtain information in order to answer appropriate queries regarding the status of individual cases involving US personnel abroad serving a sentence to confinement in a foreign prison.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

The Judge Advocate General's Office: Consolidations and summaries are permanent. Feeder reports are destroyed on extraction and/or consolidation of the data contained therein.

Other offices destroy records 3 years after completion of the next report.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, International Affairs Division, Office of The Judge Advocate General, Headquarters, Department of the Army, Washington, DC and the Staff Judge Advocate Office where the case originates.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office

and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to the International Affairs Division, Office of The Judge Advocate General, The Pentagon, Rm 2D443, Washington, DC or the Staff Judge Advocate Office where the case originates.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is derived from reports prepared by relevant command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0406.01aDAJA

SYSTEM NAME:

406.01 Patent, Copyright, Trademark, and Proprietary Data Files

SYSTEM LOCATION:

Primary System: Patents Division, Office of The Judge Advocate General, Department of the Army, Room 2D444, Pentagon, Washington, DC 20310.

Decentralized System: Commander, US Army Materiel Command, ATTN: AMCGC-L, 5001 Eisenhower Avenue, Alexandria, VA 22333; Commander, US Army Aviation Systems Command, ATTN: AMSAV-J, P.O. Box 209, Main Office, St. Louis, MO 63166; Commander, US Army Armament Command, ATTN: AMSAR-GC, Rock Island Arsenal, Rock Island, IL 61201; Commander, Edgewood Arsenal, ATTN: SMUEA-LE, Edgewood Arsenal, MD 21010; Commander, Frankford Arsenal, ATTN: SMUFA-R1000, Philadelphia, PA 19137; Commander, Picatinny Arsenal, ATTN: SMUPA-L; Dover, NJ 07801; Commander, US Army Electronics Command, ATTN: AMSEL-LG, Ft Monmouth, NJ 07703; Commander Night Vision Laboratory Branch, ATTN: AMSEL-LG-NVL-L, Ft Belvoir, VA 22060; Commander, US Army Missile Command, ATTN: AMXNM-L, Redstone Arsenal, AL 35809; Commander, Natick Laboratories, ATTN: AMXNM-L, Natick MA 01760; Commander, US Army Mobility Equipment, R&D Center, ATTN: AMXBL-L, Ft Belvoir, VA 22060; Commander, US Army Tank-Automotive Command, ATTN: AMSTA-L, Warren, MI 48090; Commander, Harry Diamond Laboratories, 2800Powder Mill Road, ATTN: AMXDO-LP, Adelphi, MD 20783; Commander, US Army Aberdeen Proving Ground, Aberdeen Proving Ground, MD 21005; and Headquarters, Department of the Army (HQDA) (DAEN-GCP), Forrestal Building, Washington, DC 20314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government employees and others who have submitted inventions to the Government; inventors with patents or applications for patents procured on behalf of Department of the Army, or in which the Government has an interest; authors of copywritable or copyrighted material in which the Government has an interest.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to disposition of rights in inventions of Government employees including information about the nature and duration of the employee's employment; documents relating to the filing for a foreign patent; documents evidencing interests of the Government in or under patents or applications for patents procured on behalf of Department of the Army, including copies of licenses, assignments, other instruments, and letters of transmittal; documents relating to the granting of licenses on Government-owned patents, including requests for licenses and communications relating to the licensing arrangement; documents reflecting interests of the Government in or under copyrights procured or obtained on behalf of Department of the Army, including copies of copyright licenses and assignments; documents relating to all phases of the granting of licenses on Government-owned copyrights, service marks, and related items.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purposes are to determine the rights of the Government and employees in employee inventions, to maintain documents used in foreign filing for patents, to provide evidence of Government interest in or under patents or applications for patents procured on behalf of Department of the Army, to provide evidence and record of patent and copyright licensing and assignments. US Patent and Trademark Office has access to specific files for resolving disputes between the Government and the inventor concerning invention rights; for foreign filing of patents, records are presented to the Director of Patent Administration, Department of National Defense in Ottawa, Ontario, Canada and to the Patent's Agent's Managing Clerk Principal Directorate of Patents, Procurement Executive, Ministry of Defense, London, England, to obtain patents in Canada and England, respectively; the parties involved in particular licensing arrangement have access to the specific files involved, as well as the US Patent and Trademark Office and the Copyright Office, Library of Congress, as evidence of legal interests in the patent or copyright license or assignment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only to authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

The Judge Advocate General's Office: For patent matters records are destroyed after 20 or 25 years depending on the specific case; for copyright matters records are destroyed after 56 years or on expiration of copyright not renewed. Other offices: records are destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Patents Division, HQDA (DAJA-PA), Washington, DC 20310 and the senior patent attorney at each location listed.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive

identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Department of the Army patent location.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Department of the Army patent location.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employment records, job description, employee's supervisor; the invention, patent application or copyrighted material concerned; the Government agency interested in the invention or copyright; and the party seeking the license.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0406.01bUSAREUR

SYSTEM NAME:

406.01b Civil Process Case Files and Reference Files

SYSTEM LOCATION:

In Federal Republic of Germany (FRG), Civil Process Section, International Affairs Division, Office of The Judge Advocate, Headquarters (HQ), United States (US) Army, Europe (USAREUR) and 7th Army, Army Post Office (APO) New York 09403, Heidelberg, and decentralized segments at approximately 35 Judge Advocate Offices throughout the FRG to which documents have been forwarded for service.

In Berlin, Office of The Staff Judge Advocate, HQ, US Army, Berlin, APO New York 09742.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

US Army, US Air Force and US Navy personnel, members of the civilian component of the US Forces and dependents of the foregoing upon whom service is made of documents issued by German civil courts, customs and taxing agencies, and other administrative agencies, governmental and otherwise, which, pursuant to German law, may issue: payment orders; execution orders; demands for payment of indebtedness; notifications to establish civil liability; customs and tax demands; documents assessing fines and penalties; demands for court costs or for costs for administrative proceedings; summonses and subpoenas; paternity notices; complaints; judgments; briefs; final and interlocutory orders; orders of confiscation; notices; and other judicial or administrative writs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence from German courts, bailiffs and administrative agencies forwarding documents for service; copies of German documents forwarded to or between Judge Advocate offices in the FRG for service; copies of forwarding correspondence to or between Judge Advocate offices in the field; copies of certificates of service; copies of correspondence to German courts, bailiffs or administrative agencies stating why documents could not be served or could not be served within a prescribed period; copies of routine or specialized instructions to Judge Advocate offices in the field pertaining to service of documents; copies of correspondence to German courts, bailiffs, or administrative authorities denying requests for service of documents, advising them of the individual's name, grade, social security account number and unit for identification purposes, advising them in accordance with applicable regulations of individual's place of residence in the FRG in connection with requests for execution or attachment, and granting or declining to grant authority to enter premises under the control of the US Forces for the purpose of effecting execution on or attachment of personal property, moneys, etc. in compliance with a writ executable pursuant to German law; card files on each document received identifying nature of document, source of document, dates received, forwarded, and served; date on which certificate of service or other reply to source was dispatched, and full identifying data on the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The North Atlantic Treaty Organization (NATO) Status of Forces Agreement, the NATO Status of Forces Supplementary Agreement, and administrative agreements executed in implementation or on the basis of the foregoing by which this office is designated as the central liaison agency of the US Forces for service of civil process documents issued by German courts or authorities upon members of the US Army, the US Navy, members of the civilian component of the US Forces, and dependents of the foregoing; Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to establish strict controls on receipt and forwarding for service of German civil court documents on US personnel; to determine if time limits for service of documents as prescribed by NATO Status of Forces Supplementary Agreement have been complied with and to establish a suspense system to insure compliance by Judge Advocate offices in the FRG of service within prescribed time limits; to determine whether initial documents have been served through the agency of this office as a precondition to service of subsequent documents in the same case. Files are maintained and used in this office and in Judge Advocate offices thoughout the FRG to which documents are forwarded for service to insure that US Forces obligations under the NATO Status of Forces Supplementary Agreement are complied with and to insure that rights of individuals are protected. When individual is served the document by the Judge Advocate office in the field, the document is translated for him; its contents and legal effects are explained to him and legal assistance is made available to him to protect his interests and to enable him to avail himself of his legal rights under German law. The card file is used as a locator and control device and is essential when cases are reopened after a period of years. It records whether the individual was served the initial and subsequent documents through the agency of this office and whether the individual, following personal service on him, was afforded the opportunity to contest the initial and subsequent documents or proceedings based on them. The files or information contained in them may be transferred or disclosed to any other agency of the Department of Defense. Information from the files may be disclosed to foreign law enforcement or

investigatory or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements regulating the stationing and status in the FRG of DOD military and civilian personnel. Information disclosed to authorities of the FRG may be further disclosed by them to claimants, creditors or their attorneys. Information may be disclosed in accordance with applicable regulations in response to inquiries from Congressmen or the news media.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders are stored in cabinets by individual's name. Card files are stored in cabinets.

RETRIEVABILITY:

Filed in alphabetical order by last name.

SAFEGUARDS:

Doors to office to hallway and building are locked each night (triple security).

RETENTION AND DISPOSAL:

File folders are retained 2 years and destroyed. Card files are retained indefinitely due to the continuing nature of these cases.

SYSTEM MANAGER(S) AND ADDRESS:

In FRG, Chief, International Affairs Division, Office of The Judge Advocate, HQ, USAREUR and 7th Army, Heidelberg.

In Berlin, The Staff Judge Advocate, HQ, US Army, Berlin, APO New York 09742.

NOTIFICATION PROCEDURE:

Individuals may submit a written request or visit Office of the SYSMANAGER. An individual's name, rank and service number would be sufficient information to locate the individual's files. Verification of identity is not required since information on these court documents is a matter of public record.

RECORD ACCESS PROCEDURES:

Personnel desiring access to information can contact the International Affairs Division, HQ USAREUR and 7th Army, APO New York 09403, located in Building 9, Campbell Barracks, Heidelberg, FRG.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Documents received from German authorities to be served on each individual and correspondence to these authorities stating whether or not the document was served.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0407.01aDAJA

SYSTEM NAME:

407.01 Patent, Copyright, and Trademark Soliciting Files

SYSTEM LOCATION:

Primary System: Patents Division, Office of the Judge Advocate General, Department of the Army, The Pentagon, Room 2D444, Washington, DC 20310.

Decentralized System: Commander, United States (US) Army Materiel Command, ATTN: AMCGC-L, 5001 Eisenhower Avenue, Alexandria, VA 22333; Commander, US Army Aviation Systems Command, ATTN: AMSAV-J, P.O. Box 209, Main Office, St. Louis, MO 63166; Commander, US Army Armament Command, ATTN: AMSAR-GC, Rock Island Arsenal, Rock Island, IL 61201; Commander Edgewood Arsenal, ATTN: SMUFA-R1000, Philadelphia, PA 19137; Commander, Picatinny Arsenal, ATTN: SMUPA-L, Dover, NJ 12189; Commander, US Army Electronics Command, ATTN: AMSEL-LG, Fort Monmouth, NJ 07703; Commander Night Vision Laboratory Branch, ATTN: AMSMI-L, Redstone Arsenal, AL 35809; Commander, US Army Tank-Automotive Command, ATTN: AMSTA-L, Warren, MI 48090; Commander, Harry Diamond Laboratories, 2800 Powder Mill Road, ATTN: AMXDO-LP, Adelphi, MD 20783; Commander, US Army Aberdeen Proving Ground, Aberdeen Proving Ground, MD 21005; Headquarters Department of the Army (HQDA) (DAEN-GCP), Forrestal Building, Washington, DC 20310; Commander, US Army Medical R&D Command, ATTN: SGRD-JA, Washington, DC 20314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inventors who have submitted inventions to Department of the Army or who have inventions in which the Department of the Army has an interest and Government employees to whom copyright assistance has been rendered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to invention disclosures submitted by Government employees and contractors or sources outside the Government on which a patent application may or has been filed or on which a patent has been issued, but not if issued to contractors, including invention diclosures, drawings, patentability search reports, evaluation reports, applications, amendments, petitions, appeals, interferences, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., SEction 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose is to maintain evidence and record of invention disclosures submitted to Department of the Army, of patents and applications for patents in which Department of the Army has an interest, and of copyright assistance rendered. Concerned contractor and/or Government agencies interested in a specific invention have access to the records in order to conduct patent investigations and evaluations; the United States Patent and Trademark Office and the Copyright Office, Library of Congress, have access to the records for procedings in obtaining a patent or copyright; the Civil Division, Department of Justice, has access to the records in the event of legal proceedings and litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only to authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Destroyed after 20 or 25 years, depending on the specific case.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Patents Division, HQDA (DAJA-PA), Washington, DC 20310 and the senior patent attorney at each location listed.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Department of the Army patent location.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Department of the Army patent location.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The invention concerned, research material in libraries and in the Patent and Trademark Office, and correspondence with the Patent and Trademark Office and with the Copyright Office, Library of Congress.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0408.01aDAJA

SYSTEM NAME:

408.01 Patent, Copyright, and Data License Proffers, Infringement Claims, and Litigation Files

SYSTEM LOCATION:

Primary System: Patents Division, Office of the Judge Advocate General, Department of the Army, Pentagon, Room 2D444, Washington, DC 20310.

Decentralized System: Commander, United States (US) Army Materiel Command, ATTN: AMCGC-L, 5001 Eisenhower Ave., Alexandria, VA 22333; Commander, US Army Aviation Systems Command, ATTN: AMSAV-J, P. O. Box 209, Main Office, St. Louis, MO 63166; Commander, US Army Armament Command, ATTN: AMSAR-GC, Rock Island Arsenal, Rock Island, IL 61201; Commander, Edgewood Arsenal, ATTN: SMUEA-LE, Edgewood Arsenal, MD 21010; Commander, Frankford Arsenal, ATTN: SMUFA-R1000, Philadelphia, PA 19137; Commander, US Army Aberdeen Proving Ground, Aberdeen Proving Ground, MD 21005; Commander, Picatinny Arsenal, ATTN: SMUPA-L, Dover, NJ 07801; Commander, Watervliet Arsenal, ATTN: SARWV-GC, Watervliet, NY 12189; Commander, US Army Electronics Command, ATTN: AMSEL-LG, Ft Monmouth, NJ 07703; Commander, Night Vision Laboratory Branch, ATTN: AMSEL-LG-NVL-L, Ft Belvoir, VA 22060; Commander, US Army Missile Command, ATTN: AMSMI-L, Redstone Arsenal, AL 35809; Commander, Natick Laboratories, ATTN: AMXNM-L, Natick, MA 01760; Commander, US Army Mobility Equipment R&D Center, ATTN: AMXFB-L, Ft Belvoir, VA 22060; Commander, US Army Tank-Automotive Command, ATTN: AMSTA-L, Warren, MI 48090; Commander, Harry Diamond Laboratories, 2800 Powder Mill Road, ATTN: AMXDO-LP, Adelphi, MD, 20783; HQDA (DAEN-CCP), Forrestal Building, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants or defendants in administrative proceedings or litigation with the Government for improper use, infringement, enforcement of agreements, or comparable claims concerning patents or copyrights; individuals having copyrights in material Department of the Army is interested in; individuals who own patents which they offer to license to Department of the Army; individuals seeking private relief before Congress because of right in inventions, patents, copyrights, or data.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the administrative assertion of claims by and against the Government and to litigation with the Government for alleged misuse of patents, copyrights, trademarks, and data, including inquiries, investigations, settlements, communications with claimants or defendants, and related correspondence; documents relating to advice and assistance provided in obtaining licenses for Department of the Army use of copyright material; documents relating to the investigation and disposition of patent license offers; documents relating to investigations in connection with processing proposed legislation or bills for private relief of individuals because of right of individuals in inventions, patents, copyrights, or data, including reports of investigations, comments or recommendations, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., SEction 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purposes are to maintain evidence and record of claims and litigation involving Department of the Army concerning patents, trademarks, copyrights, and data; to maintain evidence and record of Department of the Army attempts to use copyrighted material and to receive the copyright owner's permission for such use; to maintain record and evidence of patent license offers received and investigations and reports pursuant thereto; and to maintain record and evidence of investigations of proposed legislation or bills for private relief. Government agencies involved in the claims or litigation and the Civil Division, Department of Justice, have access to the records to determine the validity of allegations and to properly prosecute or defend the case; Government agencies potentially interested have access to the records of offered licenses to determine actual interest; Congress receives reports on Department of the Army's position on particular bills for private relief.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only to authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Destroyed after 25, 30 or 35 years depending on the specific case.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Patents Division, HQDA (DAJA-PA), Washington, DC 20310 and the senior patent attorney at each location listed.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Department of the Army patent location.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Department of the Army patent location.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Department of Justice and/or the Government agencies involved in the claims or litigation; the agency interested in the copyrighted material or in the offered license; employment records with the Government and pertinent Government patent files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0410.04DAJA

SYSTEM NAME:

410.04 Judicial Information Release File

SYSTEM LOCATION:

Litigation Division, Office of The Judge Advocate General, Department of the Army, Room 2D435, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals connected in any manner with Army aircraft accidents, to include crew members, passengers of the aircraft, witnesses to the accident, technical experts who testified at the investigation into the accident, and members of the investigating boards; individuals and legal entities who have requested information from Army files for which the Litigation Division, Office of The Judge Advocate General of the Army, is the releasing authority.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of collateral investigations of Army aircraft accident; requests and responses thereto for the release of information from Army files for which the Litigation Division, Office of The Judge Advocate General of the Army, is the releasing authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The collected information is used to respond to members of the general public who request information on Army aircraft accidents or other information for which the Litigation Division, Office of The Judge Advocate General of the Army, is the releasing authority. Routine users include any person or legal entity that requests such information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Based on date of accident and name.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only to authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Safeguarded information, destroy after 10 years; nonsafeguarded information, destroy after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Litigation Division, Office of The Judge Advocate General, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to the Litigation Division, Office of The Judge Advocate General, Department of the Army, Room 2D435, The Pentagon, Washington, DC 20310.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Department of the Army Staff elements; Staff Judge Advocate offices at organizations listed in the Department of Defense (DOD) organizational directory in the Appendix; National Personnel Records Center, St. Louis; US Army Military Personnel Center; Posts, Camps, and

Stations; Department of the Army Field Operating Agencies; Civil Service Commission; Department of Justice; US Attorneys; opposing counsel; Armed Forces Institute of Pathology.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0411.03cOSA

SYSTEM NAME:

411.03 Congressional Inquiry File

SYSTEM LOCATION:

Executive Services Division, Office, Chief of Legislative Liaison, Headquarters, Department of the Army (HQDA), Washington, DC

Decentralized segments are maintained by HQDA staff agencies, field operating agencies, major commands, installations and activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who writes a Congressman and is so identified by the Congressman in his request to the Office, Chief of Legislative Liaison, for an answer to his respondent.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copy of individual's letter to Congressman, letter from Congressman requesting information, and information provided to the Congressman relative to his inquiry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 1034 provides that no person may restrict any member of an armed force from communication with a Member of Congress. The records are maintained to ensure an effective service to the Member of Congress and his respondent.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Congressional Inquiry Division: To obtain information relative to timely responses and ensure that a specific case does not become 'lost' in the paperwork channels.

HQDA staff agencies, field operating agencies, major commands installations and activities: To conduct investigations based on Congressional inquiries and prepare appropriate response to Members of Congress.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilm records in an automatic retrieval device.

Paper records in file folders.

RETRIEVABILITY:

Coded by Congressman and individual name.

SAFEGUARDS:

Primary system: Building employs security guards. Records are maintained in an area accessible only to authorized personnel. Coding system must be known to access records.

Decentralized Segments: Records are maintained in an area accessible only to trained and authorized personnel.

RETENTION AND DISPOSAL:

Records collected prior to 27 September 1975 are maintained in an active status until the end of the calendar year, held one additional year in the current files area in an inactive status and then destroyed. Records collected after 27 September 1975 are maintained in an active status until the end of the calendar year, held 4 additional years in the current files area in an inactive status then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Legislative Liaison, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310

NOTIFICATION PROCEDURE:

Information may be obtained from: OSA(SALL), Chief, Executive Services Division, Room 20600, The Pentagon, Washington, DC 20310, Telephone: Area Code 202/695-6028.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Office, Chief of Legislative Liaison OSA(SALL), Room 2C600, The Pentagon, Washington, DC 20301.

Written requests for information should contain the full name of the individual concerned, his current address and telephone number, the name of the Member of Congress who initiated the inquiry.

Visits are limited to Executive Services Division, SALL, The Pentagon, Washington, DC 20310.

For personal visits, the individual should be able to provide some acceptable identification (i.e., driver's license or employing office's identification card) and be able to give relevant verbal information that pertains to the records sought.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Letter from the individual to a Congressman requiring HQDA to provide information to that Congressman.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0411.08aOSA

SYSTEM NAME:

411.08 Biographical Files of Members of Congress

SYSTEM LOCATION:

Office, Secretary of the Army, Chief of Legislative Liaison, Plans and Operations Branch.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Members of U.S. Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain biographical information on members of Congress, voting trends, and committee memberships.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 1034.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Army Congressional witnesses: To provide background information on Members of Congress before whom Army representatives may be testifying, in order to familiarize them with the members' attitudes towards the Department of Army.

Department of Army Congressional escorts: To provide background information on Members of Congress, in order to familiarize them in their official capacity as escorts to those members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in looseleaf binders.

RETRIEVABILITY:

Filed alphabetically by last name of Member of Congress.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened and cleared.

RETENTION AND DISPOSAL:

Records are temporary. They are retained only for the tenure of the Member of Congress.

SYSTEM MANAGER(S) AND ADDRESS:

The Chief of Legislative Liaison. Office, Secretary of the Army, The Pentagon, Wash., DC

NOTIFICATION PROCEDURE:

Information may be obtained from:
Office, Secretary of Army (SALL)
Chief, Plans and Operations Branch
Room 2C638, The Pentagon
Wash., DC 20310

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Office, Chief of Legislative Liaison, OSA(SALL), Room 2C638, The Pentagon, Washington, DC 20310, Telephone: Area Code 202/697-2417.

Written requests for information should contain the full name and state of representation of Member of Congress.

For personal visits, the Member should be able to provide acceptable identification such as driver's license or employment identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Official public records, such as the Congressional Record, Congressional Quarterly Weekly Report, official transcripts of unclassified committee hearings, published proceedings of committee hearings, and the Congressional Staff Directory.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0412.01aDAAG

SYSTEM NAME:

412.01 Funeral Plans

SYSTEM LOCATION:

Decentralized Segments; Ceremonies and Special Events, United States (US) Army Military District of Washington, Ft L.J. McNair, Washington, DC 20319; and DOD Commands and installations supporting State, Official, and Special Military Funerals.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government officials or service connected persons and dependent family members who are authorized a State, Official, Special Military, Full Honor, Simple Honor, or Dependent type funeral.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains letters, memorandums, maps, diagrams, ceremonial plans, and other related documents for military honors and/or funeral support for only those authorized individuals who have requested special arrangements for their funeral ceremony.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Ceremonies and Special Events, U.S. Army Military District of Washington, and supporting DOD Commands and installations. To maintain funeral plans or requests by only those authorized individuals who have requested special arrangements for their funeral ceremony; to facilitate coordination of military support for State, Official, Special Military, Full Honor, Simple Honor, Dependent type funerals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets.

RETRIEVABILITY:

Filed alphabetically.

SAFEGUARDS:

Safes. Records are maintained in areas accessible only to authorized personnel who are properly screened.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in the office of Ceremonies and Special Events.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Ceremonies and Special Events, US Army Military District of Washington, Ft L. J. McNair, Washington, DC 20319

NOTIFICATION PROCEDURE:

Information may be obtained from
Director, Ceremonies and Special Events
US Army Military District of Washington,
Ft L. J. McNair
Washington, DC 20319
Telephone: Area Code 202-693-0636.

RECORD ACCESS PROCEDURES:

Requests from the individual or designated representative should be made in person or addressed to: Director, Ceremonies and Special Events, US Army Military District of Washington, Ft L. J. McNair, Washington, DC 20319.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in AR 340-21.

RECORD SOURCE CATEGORIES:

Information obtained from the individual or designated representative.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0412.05aOSA

SYSTEM NAME:

412.05 Press Interest Reference Files

SYSTEM LOCATION:

Primary system: Public Information Division, Office of the Chief of Public Affairs, Headquarters, Department of the Army (HQDA) (SAPA-PI), Washington, DC 20310.

Decentralized Segments: New York Branch, Office of the Chief of Public Affairs, United States (US) Army, 663 Fifth Avenue, New York, NY; Los Angeles Branch, Office of the Chief of Public Affairs, US Army, 11000 Wilshire Boulevard, Suite 10104, Los Angeles, CA; Public Affairs Offices of major subordinate commands to HQDA; Headquarters First, Fifth, and Sixth Armies and major active installations worldwide; and Office, Chief of Engineers Public Affairs Office, and all Corps of Engineers field operating public affairs offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active, retired, and discharged Army members and civilian employees who are, have been, or are likely to again become the subject of press interest.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain miscellaneous documents depending on the reason for the individual coming to the attention of the press. Most common items are query sheets, fact sheets, statements of service, serious incident reports, copies or extracts from investigative reports, news clippings, memoranda and correspondence relating to the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to queries from the press relating to the individuals concerned and from the Office of the Assistant

Secretary of Defense (Public Affairs) and other agencies or commands in the Army for information about the individuals, particularly with respect to the press interest displayed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in security containers and are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained as long as individual seems likely to be a recurring subject of press interest. Records are routinely destroyed thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

The Office of the Chief of Public Affairs, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from: Headquarters, Department of the Army, (SAPA-PI), Room 2E-641, The Pentagon, Washington, DC 20310; Telephone: Area Code 202/695-5136

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Department of the Army, (SAPA-PI), Room 2E-641, The Pentagon, Washington, DC 20310.

Written requests should include a notarized statement of identity.

Personal visits may be made to any of the three Army Public Affairs Offices (Washington, New York or Los Angeles). Presentation of acceptable identification required.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Query sheets and fact sheets filed by staff public affairs officers; statements of service from the US Army Military Personnel Center or National Personnel Records Center; serious incident reports through information channels from originating commands; clippings from published media; copies or extracts of investigative reports from investigating agencies to include US Army Inspector General, US Army Criminal Investigation Command, and US Army Assistant Chief of Staff for Intelligence and memoranda and correspondence from miscellaneous sources relating to the individual case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0412.07DAJA

SYSTEM NAME:

412.07 Witness Appearance Files

SYSTEM LOCATION:

Litigation Division, Office of The Judge Advocate General, Department of the Army, Room 2D435, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Witness requested by United States Attorneys for Federal Court proceedings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identification of witness by name and address; name and address of United States (US) Attorney requesting same; name and location of trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To locate and provide witnesses to United States Attorneys conducting trials on behalf of United States. Litigation Division, Office of The Judge Advocate General of the Army, Department of Justice, and United States Attorneys are involved.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Destroy after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Litigation Division, Office of The Judge Advocate General, Department of the Army, Washington, DC 20310

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to the Litigation Division, Office of The Judge Advocate General, Department of the Army, Room 2D435, The Pentagon, Washington, DC 20310.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Department of the Army Staff elements, Staff Judge Advocate offices at organizations listed in the Department of Defense (DOD) organizational directory, Records Center, St. Louis, Department of the Army Field Operating Agencies; Civil Service Commission; Department of Justice; US Attorneys, opposing counsel, Armed Forces Institute of Pathology.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0412.14aOSA

SYSTEM NAME:

412.14 Biography Files

SYSTEM LOCATION:

Primary System: Public Information Division, Office of the Chief of Public Affairs, Headquarters, Department of the Army, (SAPA-PI), Washington, DC 20310.

Decentralized Segments: New York Branch, Office of the Chief of Public Affairs, United States (US) Army, 663 Fifth Ave, New York, NY 10022; Los Angeles Branch, Office of the Chief of Public Affairs, US Army, 11000 Wilshire Blvd, Suite 10104, Los Angeles, CA 90024; public affairs offices of major Army commands and subordinate units; and Office, Chief of Engineers Public Affairs Office, and all Corps of Engineers field operating public affairs offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Leading Department of the Army (DA) military and civilian personnel and other important personalities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain biographical material to include biographies, photographs, newspaper clippings, and related documents. Name, grade, social security number (SSN), and summary of service and outstanding achievements may also be shown.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to queries from the press relating to individuals concerned and from other Army agencies or commands for information about the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

File areas are locked when not occupied by supervisory personnel. Only authorized personnel are allowed access to files.

RETENTION AND DISPOSAL:

Records are maintained for 2 years following retirement, transfer, separation, or death of the individual concerned.

SYSTEM MANAGER(S) AND ADDRESS:

Commander/supervisor of organization maintaining biographical data.

NOTIFICATION PROCEDURE:

Information may be obtained from commander/supervisor of organization to which the individual is assigned or employed. Individual must provide full name.

RECORD ACCESS PROCEDURES:

Requests should be addressed to appropriate commander or supervisor. Official mailing addresses are in the Department of Defense Directory in the appendix to the Department of the Army system notices.

Written requests should include full name of individual and SSN.

For personal visits, individual must be able to provide acceptable identification such as driver's license, military or civilian identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Clippings from published media, published biographical data from DA and other agencies and commands.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0412.18aOSA

SYSTEM NAME:

412.18 Correspondence (Civilian Aides to the Secretary of the Army)

SYSTEM LOCATION:

Office, Staff Coordinator for Civilian Aides to the Secretary of the Army Program, Office of the Chief of Public Affairs, Office of the Secretary of the Army (OSA), public affairs offices of major and subordinate commands to Headquarters, Department of the Army and Headquarters First, Fifth, and Sixth Armies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian Aides actively affiliated with the Civilian Aides Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain correspondence between the Secretary of the Army and Civilian Aides currently active with the Civilian Aides Program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Staff Coordinator, Civilian Aides Program, Office of the Chief of Public Affairs: To maintain a record of correspondence.

OSA: Recipient of correspondence.

Department of Army Staff Agencies: To coordinate requests, provide information, and accomplish tasks.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of Civilian Aide.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in security containers and are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Retained during tenure of individual Civilian Aide and destroyed thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

Office, Secretary of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from: Office, Secretary of the Army (SASA-CA), Room 2E-673, The Pentagon, Washington, DC 20310, Telephone: Area Code 202/697-8948.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Office, Secretary of the Army (SASA-CA), Room 2E-673, The Pentagon, Washington, DC 20310.

Written requests for information should contain the full name of the individual, current address, and telephone number.

For personal visits the individual should provide acceptable identification such as driver's license or employee identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Activities of a personal nature provided by the individual in connection with his duties as a Civilian Aide to the Secretary of the Army; and correspondence originated by SYSMANAGER in reply or providing information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0501.02aDAMO

SYSTEM NAME:

501.02 Security Issues Symposium

SYSTEM LOCATION:

Strategic Studies Institute, US Army War College, Carlisle Barracks, PA 17013

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilians of Department of Defense (DOD), other executive departments, and academic institutions invited to attend annual Security Issues Symposium; military and civilian members of the United States (US) Army War College preparing papers for presentation at the Symposium.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, position title, rank, office telephone, title of paper, arrival/departure plan information, milestone dates in preparation of papers, and related data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Development of routine listings on status of invitations/acceptances and preparation of papers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computer storage. Password known only to SYSMANAGER staff required to access file. Hard copy distributed to Command element and principal staffs.

RETRIEVABILITY:

Retrieved by name, status, or title of paper.

SAFEGUARDS:

Computer file is accessible only to SYSMANAGER staff; hard copy is provided to authorized individuals only.

RETENTION AND DISPOSAL:

Current data is maintained while effective, normally 3 to 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Support Group, Strategic Studies Institute, US Army War College, Carlisle Barracks, PA 17013

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER.

RECORD ACCESS PROCEDURES:

Information may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

Rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Official rosters, personal communications

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0501.02bDAAG

SYSTEM NAME:

Vendor Misconduct/Fraud/Mismanagement Information Exchange Program

SYSTEM LOCATION:

Primary System is at Headquarters, Department of the Army, Office of The Adjutant General, Club and Community Activities Management Directorate, Washington, DC 20310.

Decentralized segments exist at other Army activities and nonappropriated fund instrumentalities' management and procurement offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals whose names are contained in reports of vendor misconduct, fraud, or mismanagement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals; companies represented; and reports of misconduct, fraud or mismanagement in procurement efforts concerning military installations/activities (see 'Record Source Categories').

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide management officials of nonappropriated fund activities and commissaries with timely and useful information regarding incidents of vendor misconduct, fraud, and/or mismanagement and of individuals involved in such incidents through the collection, exchange and dissemination of relevant information to the Army, Navy, Air Force, and Marine Corps so as to permit informed responsible procurement decisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by individual, vendor, or company name.

SAFEGUARDS:

Records are retained in combination lock file safes when not under personal supervision of responsible officials.

RETENTION AND DISPOSAL:

Destroyed two years after final determination is made on case.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (DAAG-CMP-S), Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individuals may submit written requests for information to either the SYSMANAGER or appropriate decentralized record custodian and should contain the full name of the individual or company, current address, including telephone number, and other information which will identify the record sought.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Copies of reports of audits, inspections, administrative investigations (e.g., Army Regulation 15-6 Board of Officers Proceedings); summaries of criminal reports issued pursuant to Defense Acquisition Regulation 1-608 received from the Inspector General, The Auditor General, The Judge Advocate General, The Deputy Chief of Staff for Personnel, The Deputy Chief of Staff for Logistics (TSA Commissary Operations), US Army

Criminal Investigation Command, major Army commands, Army and Air Force Exchange Service, Departments of the Navy and Air Force, US Marine Corps, and Regional Offices and Central NAF Procurement Offices of the Adjutant General's Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0501.08eUSACIDC

SYSTEM NAME:

501.08e Informant Register

SYSTEM LOCATION:

Primary System: Operations Directorate, Headquarters (HQ), United States (US) Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, VA 22041.

Decentralized Segments: USACIDC subordinate elements which exercise local administrative and technical control of informants; official mailing addresses are in the Department of Defense directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals, civilian or military, who are utilized as informants by USACIDC elements. 'Casual' informants, persons who walk in on a one time basis, are not documented at HQ, USACIDC primary system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain cross indexed code numbers; name, race, military occupational specialty (MOS), sex, date and place of birth, home of record, educational level, area of utilization, civilian employment, handler, letters, vouchers, personal history, performance, citizenship, marital status, physical descriptions, criminal history, expertise, talents, actions taken and other related personal data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Operations Directorate, HQ USACIDC, and the operational field elements of USACIDC: to monitor performance and reliability, to check the utilization of informants by subordinate USACIDC elements when the informant has been transferred, to maintain an accounting of expenditures connected with the informant, to answer Congressional inquiries concerning misuse or mistreatment of informants or those who claim they were not informants, and to document fear-of-life transfers for military personnel informants.

Information concerning USACIDC informants is provided to the below listed agencies, components, or bureaus for the purposes of criminal investigative liaison and enforcement of criminal laws, civil court or administrative action for the identification and correction of situations indicative of criminal activity, analyzing modus operandi, and detection of organized criminal activity:

Department of Defense staff and subordinate elements.
Department of the Army staff, major commands and subordinate elements.
Department of the Air Force staff, major commands and subordinate elements.
Department of the Navy staff, major commands and subordinate elements.
US Congress
US Immigration and Naturalization Bureau
Department of Justice
Federal Bureau of Investigation
National Security Agency
US Secret Service
US Marshal Service
US Postal Service
Department of the Treasury
Internal Revenue Service
Alcohol, Tobacco, and Firearms-Department of the Treasury
US Customs
US Department of State
Interpol
Central Intelligence Agency
Drug Enforcement Administration
Counsel of Governments, Washington, DC Metropolitan Area
Defense Supply Agency
Defense Investigative Service (DIS): in addition, limited data are supplied for use in the Defense Central Index of Investigations which is managed by DIS.
Naval Investigative Service
Office of Special Investigations
Civil Service Commission
Federal Aviation Administration
Department of Agriculture
Defense Communications Agency
Defense Security Agency
Defense Nuclear Agency
Law Enforcement Assistance Association
Federal Prison Service
US Coast Guard
US Department of Transportation
Social Security Administration
Selective Service Commission
US Department of Commerce
Food and Drug Administration
Agency for International Development
US Park Police
US Capitol Police
Executive Protective Services
US Department of Labor
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Trade Commission
General Accounting Office
General Services Administration
US Department of the Interior
Interstate Commerce Commission
Securities and Exchange Commission
Housing and Urban Development
US Marines
Defense Intelligence Agency
Defense Mapping Agency
Defense Security Assistance Agency
Defense Civil Preparedness Agency
Defense Advance Research Project
Defense Contract Audit Agency
Foreign nations under the provisions of Status of Forces Agreements, Treaties, or formal or informal executive agreements; or for purpose of criminal investigative liaison.

Various state and local criminal law enforcement units, departments, or agencies.

Criminal law enforcement means any activity pertaining to crime prevention, control, or reduction or enforcement of the criminal law, including, but not limited to, police effort to prevent, control, or reduce crime, or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files and paper records in file folders.

RETRIEVABILITY:

Records are retrieved by the individual's name, military occupational specialty (MOS), or code number.

SAFEGUARDS:

HQ USACIDC buildings employ security guards, files are stored in locked containers during non-duty hours and are accessible only by the Informant Register Officer and an alternate.

USACIDC subordinate elements generally maintain a 24 hour duty officer, store the files in locked containers during non-duty hours and permit access only by Field Office Commander and the individual informant handler.

RETENTION AND DISPOSAL:

3 years, or permanent.

SYSTEM MANAGER(S) AND ADDRESS:

The Commander, Headquarters (HQ), US Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, VA 22041.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
USACIDC
ATTN: CIJA-RI
5611 Columbia Pike, Falls Church, VA 22041.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, VA 22041.

Written request for information should contain the full name of the individual, address, date of birth. Personal visits should be made to: Office of the Staff Judge Advocate-Release of Information, USACIDC, 5611 Columbia Pike, Falls Church, VA, 22041.

For personal visits, the requesting individual must present positive identification, such as a driver's license or other identification card with a photograph, in addition to the information required for written requests.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER, ATTN: CIJA-RI.

RECORD SOURCE CATEGORIES:

The military personnel records if the informant is in the military, or the civilian personnel records if the person is a civilian employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552 a (j) or (k), as applicable. For additional information, contact the System Manager.

A0501.10DAMI

SYSTEM NAME:

501.10 Counterintelligence Research File System (CIRFS)

SYSTEM LOCATION:

Counterintelligence Production Division, Intelligence and Threat Analysis Center, United States Army Intelligence and Security Command (USAINSCOM), Arlington Hall Station, Arlington, VA 22212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have come to the attention of the US Army counterintelligence community during the course of intelligence operations or normal mission requirements.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains reports employed by the United States intelligence community and, in some cases, photographs of the individual. File is random in structure and personalities are coded for retrieval by a computerized index.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a quick reference file to support the Assistant Chief of Staff for Intelligence and to provide the counterintelligence desk analyst a working tool for study of historical and current intelligence material for possible trends in the state of the art.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilmed reels in cassettes and indexed on computer diskpack.

RETRIEVABILITY:

Microfilmed in random order. Retrieved by personality name via computer index which identifies the reel and document location containing the requested name.

SAFEGUARDS:

Building protected by security guards and storage point electronically monitored for illegal entry. Computerized index is access controlled by a code word that is issued only to properly screened, cleared and trained personnel. Code word is presently held only by the Assistant Chief of Staff for Intelligence and issued only to the team of a group conducting a screening operation of the CIRFS.

RETENTION AND DISPOSAL:

Records are permanent. They are photographed onto microfilm and the original document destroyed. The file is presently being screened for identification of documents no longer needed and selected documents are being destroyed at the direction of the Assistant Chief of Staff for Intelligence, Headquarters, Department of the Army, the Pentagon, Washington, DC

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Chief of Staff for Intelligence, Department of the Army, Washington, DC.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Commander, United States Army Intelligence and Security Command, ATTN: IACSF-FI, Ft Meade, MD 20755; Telephone: Area Code 301/677-4742/3.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Deputy Commander, United States Army Intelligence and Security Command, ATTN: IACSF-FI, Ft Meade, MD 20755.

Written requests for information must contain the full name and social security number of the individual, current address, and telephone number.

For personal visits, the individual should be able to furnish acceptable identification and give verbal information that could be verified from his file card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information obtained from investigative reports of the Defense Investigative Service, USAINSCOM, other Federal and Department of Defense investigative and law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C., Section 552a (k)(1)(2) or (5), as applicable. For additional information, contact the SYSMANAGER.

A0502.03aDAMI

SYSTEM NAME:

502.03a Intelligence Collection Files

SYSTEM LOCATION:

United States Army Intelligence and Security Command (USAINSCOM), Ft Meade, MD 20755.

Decentralized segments located at USAINSCOM groups, field stations, battalions, detachments, field offices and resident offices stationed worldwide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who qualified and may be accepted for sensitive intelligence duties with the US Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain documents which describe the requirements, the objectives, the approvals, the implementation, the reports, and the results of Department of the Army (DA) sensitive intelligence activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, 2,3,4,5,6,7,8,9 and 14; Title 10 U.S.C., Section 3012 (b)(c)(g); National Security Act of 1947 as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to support contingency planning and military operations.

Information is used by Department of the Army, Department of Defense, Federal Bureau of Investigation, Central Intelligence Agency, and the Defense Intelligence Agency.

Information may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of DOD military and civilian personnel and other countries where there are routine reciprocal exchange of information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and visible, vertical card files. Automated data processing records on disk with video display of individual source records on cathode ray tube.

RETRIEVABILITY:

Filed alphabetically by last name, numerically by source and numerically by project number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly cleared, and have a need-to-know for the information. Automated media are protected by authorized code word for access to system, controlled access to operations rooms, and controlled input distribution.

RETENTION AND DISPOSAL:

Records are permanent and retained in active file until no longer needed then retired to the Investigative Records Repository, USAINSCOM, Ft Meade, MD 20755.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Chief of Staff for Intelligence, Department of the Army, The Pentagon, Washington, DC 20310

NOTIFICATION PROCEDURE:

Information may be obtained from:
Deputy Commander, United States Army Intelligence and Security Command,
ATTN: IACSF-FI, Ft Meade, MD 20755;
Telephone: Area Code 301/377-4742/3.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to:
Deputy Commander, United States Army Intelligence and Security Command,
ATTN: IACSF-FI, Ft Meade, MD 20755.

Written requests for information must contain the full name and Social Security Number of the individual, current address, and telephone number.

For personal visits, the individual should be able to furnish acceptable identification and give verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and for appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Applications and related information is obtained from the individual investigative reports of Defense Investigative Service, USAINSCOM, and other Federal and DOD investigative and law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C., Section 552a (k)(1) or (5), as applicable. For additional information, contact the SYSMANAGER.

A0502.03bDAMI

SYSTEM NAME:

502.03b Technical Surveillance Index

SYSTEM LOCATION:

Decentralized locations at Investigative Records Repository, Headquarters (HQ), United States Army Intelligence and Security Command (USAINSCOM) Ft Meade, MD; Systems Division, Office of the Deputy Chief of Staff, Intelligence, HQ, United States Army Europe and Seventh Army (USAREUR), Heidelberg, W. Germany; Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army (HQDA), The Pentagon; and Crimes Records Directorate, Ft Holabird, MD.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose conversations have been intercepted during technical surveillance operations conducted by, or on behalf of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name and citizenship, any associated telephone number or radio call sign; location, date, and time of the surveillance activity, and the source document.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 18 U.S.C., Sections 2510-2520 and 3504.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Use limited to Motions for Discovery, Military Courts-Martial, Privacy Act Requests, and Congressional inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes and paper records.

RETRIEVABILITY:

USAREUR segment utilizes a computerized retrieval system using name, address, telephone number or case designation. Other segments are retrieved manually by name, address, telephone number or case designation.

SAFEGUARDS:

Access to buildings are controlled by security guards. Records are maintained in General Services Administration approved security containers, physically separated from other materials, and are accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Chief of Staff for Intelligence, Headquarters, Department of the Army (DAMI-CIS), The Pentagon, Washington, DC 20310

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters, Department of the Army,
(DAMI-CIS), Room 2D481,
The Pentagon,
Washington, DC 20310;
Telephone: Area Code 202/695-4474.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the appropriate decentralized repository.

Written requests for information should contain the full name of the individual, current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from HQDA (DAMI-DOS) Washington, DC 20310.

RECORD SOURCE CATEGORIES:

Army and other investigative agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C., Section 552a (k), (1), (2), or (5), as applicable. For additional information, contact the SYSMANAGER.

A0502.08aDAMI

SYSTEM NAME:

502.08a Badge and Credential Files

SYSTEM LOCATION:

United States Army Intelligence and Security Command (USAINSCOM), Ft Meade, MD 20755.

Decentralized Segments: Each USAINSCOM group, field station, battalion, detachment, field or resident office having assigned personnel who possess Military Intelligence Badges and Credentials (B&C).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who currently possess or in the past possessed Military Intelligence B&C.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card file containing the name, social security number (SSN), rank, and B&C number of each person who has been issued Military Intelligence (B&C). This card file is an index to a numerical filing system consisting of envelopes having a B&C status and Control Card (MIIA form 70) attached which contains the name of the individual, B&C number, component (military or civilian), military occupational specialty (MOS), clearance of civilian, authority for issue, and comments which indicate the history of the B&C keyed to the individuals having been assigned the B&C.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, Sections 2,3,4,5,6,7,8,9, and 14; Title 10 U.S.C., Section 3012(b)(c)(d) and (g); National Security Act of 1947, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of system is to maintain control and accountability over Military Intelligence B&C.

USAINSCOM uses system to maintain strict control and accountability over all B&C; to conduct periodic inventories; to determine SSN, rank, and/or location of B&C possessors or expossessors; and to determine whether individuals have B&C.

Federal investigative and/or intelligence agencies on occasion use the file to ascertain if an individual legally possesses B&C.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files.

RETRIEVABILITY:

Filed alphabetically by last name of possessor of B&C.

SAFEGUARDS:

Primary system is maintained in buildings employing security guards. Records are maintained in area accessible only to authorized personnel who are properly cleared and trained.

RETENTION AND DISPOSAL:

Records are maintained indefinitely. Destruction is authorized by Central Custodian of the B&C.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Chief of Staff for Intelligence, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Deputy Commander,
United States Army Intelligence and Security Command,
ATTN: IACSF-FI, Ft Meade, MD 20755;
Telephone: Area Code 301/677-4742/3.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Deputy Commander, United States Army Intelligence and Security Command, ATTN: IACSF-FI, Ft Meade, MD 20755.

Written requests for information must contain the full name and SSN of the individual, current address, and telephone number.

For personal visits, the individual should be able to furnish acceptable identification and give verbal information that could be verified from his file card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

United States Army personnel and security records and United States Army Orders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0502.10aDAMI

SYSTEM NAME:

502.10 USAINSCOM Investigative Files System

SYSTEM LOCATION:

United States Army Intelligence and Security Command, (USAINSCOM), Ft Meade, MD 20755.

Decentralized Segments located at USAINSCOM groups, field stations, battalions, detachments, and field offices stationed worldwide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel of the United States (US) Army to include active duty, National Guard members, reservists and retirees; civilian employees of the Department of the Army (DA), to include contract, temporary, part time, advisory, and volunteer, including citizen and alien employees located both in the US and in oversea areas; industrial or contractor personnel who are civilians working in private industry for firms which have contracts involving access to classified Department of Defense (DOD) information; aliens granted limited access authorization to US Defense information; DOD alien personnel investigated for visa purposes; individuals about whom there is a reasonable basis to believe that they are engaged in, or plan to engage in, activities such as (1) theft, destruction, or sabotage of ammunition, equipment, facilities, or records belonging to DOD units or installations, (2) possible compromise of classified defense information by unauthorized disclosure or by espionage, (3) subversion of loyalty, discipline or

morale of DA military or civilian personnel by actively encouraging violation of lawful orders and regulations or disruption of military activities, (4) demonstrations on active or reserve Army installations or immediately adjacent thereto which are of such character that they are likely to interfere with the conduct of military operations, (5) direct threats to DOD military or civilian employees regarding their official duties or to other persons authorized protection by DOD resources, and (6) activities or demonstrations endangering classified defense contract facilities or key defense facilities of the Panama Canal approved by Headquarters, Department of the Army; certain non-DOD affiliated persons whose activities involve them with the DOD, namely, activities involving requests for admission to DOD facilities or requests for certain information regarding DOD personnel, activities, or facilities; persons formerly affiliated with the DOD; persons who applied for or are/were being considered for employment with or access to DOD such as applicants for military service, pre-inductees and prospective contractors; visa applicants, individuals residing on, having authorized official access to, or conducting or operating any business or other function at any DOD installation and facility; and USAINSCOM sources.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests for investigation and attachments thereto such as personal history statements; fingerprint cards; personnel security questionnaire; waivers for release of credit; medical and/or educational records; and National Agency check requests.

Investigations conducted by USAINSCOM or other DOD, Federal, State or local investigative agency to include: National Agency checks; local agency checks; military records; birth records; employment records; education records; credit records: interviews of education, employment, and credit references; interviews of listed and developed character references; interviews of neighbors; documents which succinctly summarize information in subjects investigative file; case summaries prepared by both investigative control offices and requesters of investigation interrogation reports; correspondence pertaining to the investigation or its adjudication by clearance authority to include; (1) information which reflects the chronology of the investigation and adjudication, (2) all recommendations regarding the future status of the subject, (3) actions of security/loyalty review boards, (4) final actions/determinations made regarding the subject, and (5) security clearance, limited access authorization, or security determination; index tracing reference which contains aliases and nee names of the subject and names of co-subjects; USAINSCOM form indicating dossier has been reviewed and all material therein conforms to DOD policy regarding retention criteria; USAINSCOM form to indicate material has been removed and forwarded to the Defense Investigative Service (DIS); security termination statements; notification of denial, suspension, or revocation of clearance; record of USAINSCOM agent case assignments; reports of casualty, biographic data concerning Army personnel who are missing or captured; cross reference sheets which indicate the removal of investigative documents requiring limited access.

Case control and management documents that serve as the basis for conducting the investigation. This includes documents requesting the investigation; background data such as personal history statement, fingerprint cards, National Agency check requests, and release statments; and documents used in case management and control such as lead sheets, other field tasking documents, and transfer forms.

Card index of personnel investigations/operations which are under controlled access, to include USAINSCOM personnel, file procurement officers, and sensitive counter-espionage, counter-sabotage, and counter-subversion investigations and/or operations.

Accession file maintained to keep record of all persons and agencies authorized to receive Investigative Records Repository (IRR) Files.

Microfilm index and catalogue file, which is an index to all investigative holdings contained in microfilmed investigative records.

Investigative index card file record system maintained to keep a permanent record of all dossiers charged out of USAINSCOM on loan to user agencies or on permanent transfer to DIS.

Document account record or dossiers of their reproductions or microfiche files forwarded from and returned to USAINSCOM.

Card file and paper listing of all personnel under Army cognizance, whose clearances have been revoked. File contains individual's name, date and place of birth, social security number (SSN), coded reason for revocation, and name of agency which designated the revocation.

File containing a record of all favorable IRR dossiers destroyed because no action has transpired in the file within the past 15 years. File consists of either the last clearance certificate contained in the dossier or, if no clearance certificate exists, a summary card containing the name of the individual, his date and place of birth, his SSN, or Army service number, date and type of investigation, and the name of the agency which conducted the investigation.

Records accounting for the disclosure of USAINSCOM investigative material made outside the US Army.

Summaries of release actions under the Freedom of Information Act (FOIA) and the Privacy Act (PVA) of 1974.

Card file containing a summary of all actions taken by the USAINSCOM in the conduct of security adjudication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, Sections 2,3,4,5,6,7,8,9 and 14; Title 10 U.S.C., Section 3012(b)(c)(g); National Security Act of 1947, as amended; Executive Order 11652, Sections 1,2,3,4,5,6,7,8,9,10 and 12.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purposes for which information in the system is collected are as follows:

To conduct personnel security investigations (PSI). A PSI is an inquiry into the activities of the individual which is designed to develop pertinent information pertaining to his suitability for a position of trust. Information is compiled on loyalty, character, emotional stability, trustworthiness, and reliability to insure that an individual's access or continued access to defense information, entry to restricted areas, access to nuclear weapons, security eligibility or acceptability for assignments to or retention in sensitive civilian positions and acceptance or retention as a member of the Armed Forces is clearly consistent with the interest of national security.

To provide protective services when authorized by the Secretary of Defense for the DOD Distinguished Visitors Protection Program. The objective of this program is to provide physical protection for distinguished foreign visitors of DOD and the military departments and high ranking members of DOD and its agencies, and to assist the U.S. Secret Service in its protective functions.

To conduct special investigations as authorized by the Secretary of the Army,

which are counterintelligence investigations concerning highly sensitive matters and highly placed persons within the DOD and its agencies.

To conduct limited reciprocal investigations on receipt of an official request from Federal law investigative agencies. These investigations involve the review of DA and military records.

Categories of users of USAINSCOM investigative files are:

USAINSCOM personnel in the course of their official duties.

Other DOD investigative elements, DOD agencies and elements of the Military Departments designated by the departments in official directives or regulations, and accredited representatives of the Secretary of Defense and the Joint Chiefs of Staff.

Accredited Federal criminal and civil law enforcement agencies including those responsible for conducting their own investigations as to suitability for employment or access of current or potential employees formerly affiliated with the DOD.

Other accredited Federal agencies serviced by the Civil Service Commission but with a need to evaluate the suitability of potential employees formerly affiliated with the DOD.

Congress, including the General Accounting Office.

Veterans Administration.

Specific uses of USAINSCOM Investigative Files are:

To determine the loyality, suitability, eligibility, and general trustworthiness of individuals for assignment or appointment to sensitive military duties or to critical sensitive civilian positions by the first four categories of users, above.

To determine the eligibility and suitability of individuals for entry and retention in the Armed Forces by the first and second category of users, above.

To provide information for ongoing security and suitability investigations being conducted by Federal agencies, by the first three categories of users, above.

To provide information to assist Federal agencies in the administration of criminal justice and prosecution of offenders by the first three categories of users, above.

To provide information in judicial or adjudicative proceedings including litigation, or in accordance with a court order by the first three categories of users, above.

To make statistical evaluations of investigative activities by all categories of users, above.

To respond to legitimate FOIA and PVA access requests by the first category of users, above.

To provide information in response to Inspector General, Equal Employment Opportunity, other complaint investigations and Congressional inquiries by the first and fifth categories of users, above.

To determine the eligibility and suitability of an individual for favorable personnel actions in the Armed Forces of the United States, to include Reserve and National Guard. Unfavorable information may be used as appropriate by personnel decision managers in first and second category of users, above.

For use in alien admission and naturalization inquiries conducted under Section 105 of the Immigration and Nationality Act of 1952, as amended, by the third category of users, above.

For use in benefit determinations by the sixth category of users, above.

The distribution of investigative information to other DA activities or outside agencies is based on this agency's evaluation of their needs and the relevance of the information to the use for which it is provided. Information collected for one purpose is not automatically used for the other purposes or by the other users indicated in this description. Transfer of information from this record system to other DOD components is regarded as a routine intra-agency use under the provisions of Title 5 U.S.C., Section 552a(b)(1).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Upon receipt of a valid request for an investigation, the request package is given a control number and placed in a case folder (paper record) together with identification data concerning the subject of the request for investigation and the control number. The request is entered into an automatic data processing (ADP) system (USAINSCOM case control system), which is designed to provide statistical data and case control management information on the number and types of investigations that are opened, currently pending, and closed in USAINSCOM. This ADP system triggers automatic requests upon the Defense Central Index of Investigations (DCII), a master index that holds reference to all DOD investigations conducted by USAINSCOM and the Military Services investigative file repositories. If there are files on the subject, a request is generated by USAINSCOM upon the appropriate repository. Upon review of the request package and other investigative files retrieved through DCII, investigative requirements are then determined by the USAINSCOM Control Office and investigative leads are dispatched to the USAINSCOM field elements and other pertinent Governmental investigative agencies. Upon receipt of the investigative leads at the field level, a duplicate investigative file is prepared by the receiving DIS field element. This file contains investigatory report and case control material pertaining only to the specific investigative leads assigned to the controlling field element. At this point the USAINSCOM investigative file enters into a pending status. During this pending status investigative reports are prepared by USAINSCOM field elements and sent to the control office, based upon record and interview data obtained during the investigation. Upon completion of the investigation, the closed investigative file held by the USAINSCOM Control Office is forwarded thru the IRR to the requestor of the investigation. Upon receipt, the requestor adjudicates the investigation and returns it to the IRR for retention. The duplicate files prepared by USAINSCOM field elements are destroyed 120 days after the closing.

STORAGE:

Paper records in file folders, rolled microfilm, and microfiche.

RETRIEVABILITY:

File folders are maintained in terminal digit order by regular dossier number and SSN. In order to obtain the dossier number of the subject at least one personal identifier is required. For those subjects who have no identifying data such as date of birth, military service number or SSN, the name only index is searched. Additionally, a non-standard search is required. The name only index will provide a subject's name and dossier number only. The non-standard search will provide a listing of all subjects with identifying data. In these instances, some other identifying data must be furnished such as address. Dossiers possibly identical with the subject may be forwarded to the requester.

Microfiche files are maintained in duplicate copy in separate locations in Microfilm Division, IRR. The records are maintained in terminal digit order according to regular dossier number or SSN.

Microfilm records are retrieved by name or dossier number.

SAFEGUARDS:

Building 4552, which houses the IRR, is under 24-hour guard and accessible only to authorized personnel. Only individuals accredited as file procurement officers may obtain and review IRR investigative records. Subordinate USAINSCOM elements and other official requesters are required to have General Services Administration-approved containers for the storage of investigative files. Certified mail is used to forward any investigative files to official requesters of USAINSCOM subordinate elements.

RETENTION AND DISPOSAL:

Personnel Security Investigative Files may be retained for 15 years after last action reflected in the file, except that files which resulted in adverse action against the individual will be retained permanently. However, once affiliation is terminated, acquiring and adding material to the file is prohibited unless affiliation is renewed.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Chief of Staff for Intelligence, Headquarters, Department of the Army, the Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from
Deputy Commander
United States Army Intelligence and Security Command
ATTN: IACSF-FI
Ft Meade, MD 20755
Telephone: Area Code 301/677-4742/3.

RECORD ACCESS PROCEDURES:

Requests should be sent to: Deputy Commander, United States Army Intelligence and Security Command, ATTN: IACSF-FI, Ft Meade, MD 20755.

Written requests for information should contain the full name of the individual, SSN, previous service number (if any), current address, and telephone number. Visits are limited to Building 4552, Ft Meade, MD 20755.

For personal visits, the individual should be able to provide acceptable identification (e.g. driver's license, employing office's identification card) and give verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

DOD and Military Department records; Federal Agency records; State, county, and municipal records; employment records of private schools, colleges, universities, technical and trade schools; hospital records; real estate agencies; credit bureaus, loan companies, credit unions, banks, and other financial institutions which maintain credit information on individuals; Transportation companies (airlines, railroads, etc.); Other private records sources deemed necessary in order to complete an investigation; Miscellaneous records such as: telephone directories; city directories; Who's Who in America; Who's Who in Commerce and Industry; Who Knows What - A listing of experts in various fields; American Medical Directory; Martindale-Hubbell Law Directory; US Postal Guide; Insurance Directory; Dunn and Bradstreet; and The US Army Register; any other type of miscellaneous record deemed necessary to complete the USAINSCOM investigation; the interview of individuals who have knowledge of the subject's background and activities; the interview of witnesses; the interview of victims; the interview of confidential sources; and the interview of other individuals deemed necessary to complete the USAINSCOM investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C., Section 552a(k)(1), (2) or (5), as applicable. For additional information, contact the SYSMANAGER.

A0503.03aDAMI

SYSTEM NAME:

503.03a Department of the Army Operational Support Activities Files

SYSTEM LOCATION:

United States Army Intelligence and Security Command, (USAINSCOM), Ft Meade, MD 20755.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected members of the US Army and civilian employees of the Department of the Army (DA) who participate in and have received support for conducting US Army intelligence and counterintelligence duties. Included are personnel of other Federal agencies who have requested and received support from appropriate authority.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card file with Automatic Data Processing (ADP) index of individuals who have received support from DA in completing specialized duties within the Army's intelligence and counterintelligence activities.

Card files and duplicate ADP files of individuals indicating any identity and other data which may be used to identify them in their support of DA's intelligence and counterintelligence activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, Sections 2,3,4,5,6,7,8,9 and 14; Title 10 U.S.C., Section 3012(b) (c) (g); National Security Act of 1947 as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain within records which identify individuals performing duties in DA specialized intelligence and counterintelligence assignments data to support or refute any possible future claim of the individual to the US Government.

To facilitate administrative actions by providing a reference to names and identities.

To manage individual's career while he is assigned to duties in support of the Army's intelligence and counterintelligence functions. Records provide reference during individual's period of assignment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, vertical card file, ADP printouts, ADP diskpack.

RETRIEVABILITY:

Filed alphabetically by last name of individual. ADP files by Social Security Number (SSN).

SAFEGUARDS:

Material is stored in General Services Administration (GSA) containers approved for the storage of secret material. Building in which material is stored is locked during hours of nonoccupancy.

ADP files are access controlled by a codeword issued only to properly screened, cleared, and trained personnel.

RETENTION AND DISPOSAL:

Files are maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Chief of Staff for Intelligence, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Deputy Commander, United States Army Intelligence and Security Command,
ATTN: IACSF-FI, Ft Meade, MD 20755;
Telephone: Area Code 301/677-4742/3.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to:
Deputy Commander, United States Army Intelligence and Security Command,
ATTN: IACSF-FI, Ft Meade, MD 20755.

Written requests for information must contain the full name and (SSN) of the individual, current address, and telephone number.

For personal visits, the individual should be able to furnish acceptable identification and give verbal information that could be verified from his file card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Applications and related information is obtained from the individual; investigative reports of Defense Investigative Service, USAINSCOM, and other Federal and Department of Defense investigative and law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C., Section 552a (k) (1), (2) or (5), as applicable. For additional information, contact the SYSMANAGER.

A0503.06aDAMI

SYSTEM NAME:

Counterintelligence Operations Files

SYSTEM LOCATION:

Primary System: US Army Intelligence and Security Command, Fort Meade, Maryland 20755.

Decentralized Segments: Locations of the US Army Intelligence and Security Command's decentralized segments may be obtained from the Appendix to the last Federal Register compilation of Army system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and Retired Military Personnel, Department of Defense (DOD) affiliated civilians including contractor personnel employed by civilian firms having defense contracts, and individuals not affiliated with the Department of Defense only if there is a reasonable basis to believe that one or more of the following situations exist: Theft, destruction or sabotage of weapons, ammunition, equipment, facilities or records belonging to DOD units or installations. Possible compromise of classified defense information by unauthorized disclosure or by espionage. Subversion of loyalty, discipline or morale of Department of the Army military or civilian personnel by actively encouraging violation of laws, disobedience of lawful orders and regulations, or disruption of military activities. Demonstrations on active or reserve Army installations or demonstrations immediately adjacent to them which are of such a size or character that they are likely to interfere with the conduct of military activites. (Armed Forces Induction Centers, US Army Recruiting Stations located offpost and facilities of Federalized National Guard Units are considered to be active DOD installations. For the purpose of the sub-paragraph, Reserve Officer Training Corps (ROTC) installations on campuses are not considered to be active or reserve Army installations and coverage of demonstrations at or adjacent to such installations is not authorized). Direct threats to DOD military or civilian personnel regarding their official duties or to other persons authorized protection by DOD resources. Activities or demonstrations endangering classified defense contract facilities or key defense facilities, including Panama Canal, approved by Headquarters, Department of the Army (HQDA), as key to the defense and operation of the Panama Canal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain those documents used to conduct foreign counterintelligence operations and investigations pertaining to the US Army's responsibilities under the categories of counterintelligence, counterespionage, counter-sabotage, and counter-subversion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, Security Requirements for Government Employment, in particular Sections 2 and 9c thereof. Executive Order 12036, United States Intelligence Activities, in particular paragraphs 1-1104, 1-1112, 1-1113, 1-204(b) and 2-208. The National Security Act of 1947 as amended (Title 10 of the U.S. Code Sections 3012 (b)(c) and (g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are maintained: To detail results of investigations and operations, to facilitate guidance, control and effectiveness of the investigations and operations, to document for record purposes the results of investigations and operations, and to allow analysis of information on foreign intelligence agencies and personalities who are known or suspected of posing a threat to the security of the DOD.

To support authorized counterintelligence investigations and operations initiated to detect, identify and neutralize foreign counterintelligence threats to the DOD.

Information is provided to DOD Components, Federal Agencies, and other services and governmental agencies whose missions contain responsibility for foreign counterintelligence activites.

Information may be disclosed to foreign law enforcement, security, investigatory or administrative authorities in order to comply with requirements imposed by or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of DOD military and civilian personnel and other countries where there are routine reciprocal exchanges of information.

This distribution of operational and investigative information to Army activities or outside agencies is based on the evaluation by the U.S. Army Intelligence and Security Command of the other activity's needs and the relevance of the information to the use for which it is to be provided. Information collected is not automatically used for all the purposes or by all the other users listed in this description.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Reports generated in the documentation of agency investigations and operations are retained in original report format as paper records in file folders. Other records and reports are maintained as paper records in file folders and in microfiche. Extracted information is converted into appropriate language for storage on a computer diskpack.

RETRIEVABILITY:

Paper records are retrieved by name or file number. Computerized data are retrieved by name, date of birth, place of birth, and aliases; by designation of the operation or investigations, or by identification of foreign intelligence agency.

SAFEGUARDS:

Files are maintained in three-position combination, fire resistant steel security containers housed in security controlled areas accessible only to authorized personnel. Computerized data are controlled by a codeword that is issued only to properly screened, cleared and trained personnel. System employs on-line, dial-up procedures, enhanced by shielding and other appropriate technical safeguards to protect data against potential compromising emanations and/or unauthorized access.

RETENTION AND DISPOSAL:

Paper records documenting foreign counterintelligence operations and investigations are permanent. At the termination of the operation/investigation, files are retired to the US Army Intelligence and Security Command's Investigative Records Repository. Computerized information is updated periodically and all previous copies destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Chief of Staff for Intelligence, Department of the Army, Washington, D.C. 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the Assistant Chief of Staff for Intelligence, Department of the Army, Washington, D.C. 20310.

RECORD ACCESS PROCEDURES:

Requestor should contact the Assistant Chief of Staff for Intelligence, Department of the Army, Washington, D.C. 20310. For personal visits, the requestor should present such acceptable proof of identity as a drivers license, military identification card, Department of Defense (DOD) building pass, or other type of identification containing photograph and identity data.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information is obtained from individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt under Title 5 of the U.S. Code Sections 552a(k)(1), (2) and (5) as applicable. The specific exemptions for this system may be found in Army Regulation 340-21 (32 CFR Part 505).

A0506.01fDAMI

SYSTEM NAME:

506.01 Personnel Security Clearance Information Files

SYSTEM LOCATION:

Primary System: Joint Adjudicative Clearance System (JACS) (segment of the Defense Central Index of Investigation (DCII), Defense Investigative Service (DIS), Ft Holabird, MD 21203.

Decentralized Segments: Records as to the individual's personnel security and clearance status may be maintained by offices at Department of the Army (DA) Staff agencies, major commands, installations, activities, and unified and specified commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, civilian or military, affiliated with the United States Army by assignment, employment, contractual relationship, or as the result of an interservice support agreement on whom a personnel security clearance determination has been completed, is in process, or may be pending.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may contain pending and completed personnel security clearance actions on individuals by personal identifying data. Also may contain briefing/debriefing statements for special programs, sensitive positions, and other related information and documents required in connection with personnel security clearance determinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 10450 and 10865; Title 10 U.S.C., Section 3012; Title 50 U.S.C., Section 4039; and the National Security Act of 1947.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To process request for personnel security clearance actions; to determine eligibility for access to classified information or assignment to sensitive position; and to record security clearance issued or accepted.

Information may be released to other Department of Defense (DOD) and Federal agencies, based on formal accreditation as specified in official directives, regulations, and demonstrated need-to-know; to Federal, State, local, and foreign law enforcement, intelligence, or security agencies in connection with a lawful investigation under their jurisdiction; and to commanders/agency heads for adverse personnel actions such as fraudulent enlistment proceedings, removal from sensitive duties, elimination from the service, removal from employment, denial to a restricted or sensitive area, and revocation of security clearance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in folders, file cards; computer tape, punch cards, or disks.

RETRIEVABILITY:

Filed alphabetically by last name of individual or social security number (SSN).

SAFEGUARDS:

Records are stored in locked buildings which employ security guards and are subject to Military Police and/or local civilian law enforcement patrol security. All records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Use of computers, including remote terminals, requires knowledge of special transaction codes to preserve integrity of data.

RETENTION AND DISPOSAL:

Primary system files are destroyed at the same time as the dossier upon which security clearance action was based. Decentralized segment personnel security clearance files are either (1) destroyed upon termination of access, (2) destroyed 1 year from date of transfer or separation of individual, or (3) forwarded to the gaining organization. Investigative reports are forwarded to the United States Army Central Personnel Security Clearance Facility, Ft Meade, MD for inclusion in dossier at the United States Army Intelligence and Security Command (USAINSCOM) Investigative Records Repository (IRR), Ft Meade, MD 20755. Dossiers are maintained no longer than 15 years from date of last entry inless significant adverse information is present, in which case retention is 25 years. Copies of investigative reports are destroyed upon completion of final action.

SYSTEM MANAGER(S) AND ADDRESS:

United States Army Central Personnel Security Clearance Facility, Ft Meade, MD 20755.

NOTIFICATION PROCEDURE:

Information concerning status or degree of personnel security clearance/access may be obtained from the

Installation or Command Security Officer where applicant was assigned or employed. Information contained in investigative files may be obtained from the appropriate investigative agency.

RECORD ACCESS PROCEDURES:

Requests for security clearance information should be sent to: Commander, ATTN: Security Officer, of the command or installation of assignment or employment.

Requests for information should contain the full name of the individual, SSN, current address, and telephone number.

For personal visits to the Security Office, the individual should be able to provide identification (e.g., driver's license, identification card) and give verbal information that can be verified with office records.

Requests for information contained in investigative files should be addressed to appropriate investigative agency with personal identifying data required by that system as published in the Federal Register.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Application and related forms obtained from the individual; investigative results from the DIS, USAINSCOM IRR, and other Federal, DOD, and DA investigative or law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C., Section 552a(k)(1), (2), and (5). For additional information, contact the SYSMANAGER.

A0506.01|USAREUR

SYSTEM NAME:

506.01 Employee Screening Program/ Installation Access Files

SYSTEM LOCATION:

Security Branch, Office of the Deputy Chief of Staff, Intelligence, Office of the United States (US) Commander, Berlin, Germany.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian applicants for and/or employees in positions in US Forces activities in the Berlin Command, other than Department of Defense (DOD) civilians. Persons included are of various nationalities, paid from both appropriated and nonappropriated funds, as well as from funds provided by the German Occupation Costs Office, who are administered under the Berlin Tariff Agreement, which governs employment of the local national workforce. Non-US citizen applicants for and holders of passes authorizing unoffical access to closed US Forces installations and facilities in Berlin.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards or paper files contain name; date and place of birth; social security number (SSN) for US citizens; address; personal identity documents by type and serial number; employing or potential employing agency; type of position held or applied for and related information; dates security screening action initiated and completed; list of investigative agencies' files checked with results and disposition of case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012 and Title 50 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine suitability for employment and to grant access to closed military installations as warranted. Information on security screening actions is provided to DOD and US State Department law enforcement investigative agencies in Berlin for use in criminal/security investigative purposes, when warranted.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards are stored in file boxes, paper records in file folders.

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

Records are maintainted in locked areas, accessible only by authorized personnel who are properly screened, cleared, and trained. Buildings are enclosed in a compound to which access is controlled at all times.

RETENTION AND DISPOSAL:

Files pertaining to US citizens are destroyed on transfer or separation of individual. Files on non-US employeés on whom no derogatory information is developed during their tenure of service are held in the inactive files for 6 months after termination of employment, then destoyed; derogatory files are destroyed 2 years after termination. Files pertaining to applicants who are not accepted are destroyed upon notification by appropriate Civilian Personnel Officer. Files pertaining to non-US citizen applicants or holders of installation passes are disposed of in accordance with the following schedule: When file contains no or only minor derogatory information, destroyed upon notification from responsible official of surrender of pass. When pass is denied or withdrawn for cause, it is placed in the inactive file, held for 3 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Intelligence, Office of the US Commander Berlin, APO New York 09742.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Deputy Chief of Staff, Intelligence
Office of the US Commander, Berlin
APO New York 09742

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to:
Commander, United States Army, Berlin
ATTN: AEBA-IC(S),
APO New York 09742

Written request for information should contain the full name, date and place of birth, SSN (where appropriate), and current address of the individual.

For personal visits, the individual should be able to provide acceptable indentification such as national passport, government identity document, employing offical's identification card, and give verbal information that could be verified with his/her 'case' folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in AR 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Application forms from the individual, employee personnel records, files of various government investigative agencies, previous employers, financial institutions, educational institutions, and research notes/documents from records custodians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0506.05DAAG

SYSTEM NAME:

506.05 Diplomatic Immunity Roster

SYSTEM LOCATION:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member who was assigned to any of the following units which were stationed in Thailand: 7th Radio Relay Field Station; 6924 Security Squadron; Navy Detachment, Radio Relay Field Station; 4802 Joint Liaison Detachment; 17th DAR Squadron; Postal Courier Region, AI16, Det 1, 1985th Communications Squadron; 6201 Aerospace Support Squadron; Department of Defense (DOD) Special Representative, Thailand; General Electric, Kokha.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, social security number (SSN) and organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used only to answer inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

IBM card stock and rosters in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Normal disposition procedures were preempted by imposition of a DOD moratorium. At the present time, these records will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from HQDA (DAAG-AMR-S), Room GA-080, Forrestal Building, Washington, DC 20314, telephone: Area Code 202/693-1845.

RECORD ACCESS PROCEDURES:

Requests should be submitted to The Adjutant General, HQDA (DAAG-AMR-S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Messages and other written communications from the individual units requesting members' addition or deletion from the roster.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0508.04USACIDC

SYSTEM NAME:

508.04 US Army Criminal Investigation Fund Vouchers.

SYSTEM LOCATION:

Primary System: Comptroller, US Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, VA 22041.

Decentralized Segments: USACIDC subordinate elements. Official mailing addresses are in the Department of Defense directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any special agent of USACIDC or Military Police Investigator (MPI), US Army, who has made expenditures of or has requested reimbursement from USACIDC limitation, 015 contingency funds (described in Army Regulation (AR) 37-47).

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain the USACIDC special agent's or MPI's name, reason for such expenditure, grade, receipts, certificates of expenditure when receipts are unavailable, statements by persons as to the receipt of funds and/or reasons for such payment, or cash advances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USACIDC personnel with a need to know: to maintain a proper accounting of the expenditure of USACIDC funds.

Department of the Army staff, major commands and subordinates with a need to know: to monitor the proper accounting of USACIDC funds.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed by voucher number only at Headquarters (HQ) USACIDC. Filed by the individual's name at USACIDC subordinate levels.

SAFEGUARDS:

Subordinate USACIDC elements generally employ 24 hour duty officers and maintain the records in locked buildings. Access is limited to authorized personnel.

HQ USACIDC buildings employ security guards; records are maintained in locked rooms; and access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Clothing records are transferred with the USACIDC special agents.

Individual vouchers are destroyed 8 years after the last entry.

SYSTEM MANAGER(S) AND ADDRESS:

The Commander, US Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
USACIDC
ATTN: CIJA-RI
5611 Columbia Pike
Falls Church, VA 22041

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, VA 22041

Written requests for information should contain the individual's full name, address, and date of birth. Personal visits should be made to Office of the Staff Judge Advocate-Release of Information, USACIDC, 5611 Columbia Pike, Falls Church, VA 22041.

For personal visits, the requesting individual must present positive identification, such as a driver's license or other identification card with a photograph, in addition to the information required in written requests.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER, ATTN: CIJA-RI.

RECORD SOURCE CATEGORIES:

Special agent or MPI, informant, or other persons' statements pertaining to expenditures.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0508.07aUSACIDC

SYSTEM NAME:

508.07 Criminal Investigation Accreditation Files

SYSTEM LOCATION:

Primary System: Accreditation Division, Directorate of Personnel and Administration, Headquarters (HQ), US Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, VA 22041

Decentralized Segments: Crime Records Directorate, USACIDC, 2301 Chesapeake Avenue, Baltimore, MD 21222; Washington National Records Center, GSA, Suitland, MD.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who makes an application to the USACIDC for acceptance into the USACIDC program as an apprentice special agent; for a warrant officer appointment in USACIDC; for USACIDC supervisor credentials; for the USACIDC officer specialty program; or for USACIDC laboratory technician credentials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain the individual's application to USACIDC, a statement of personal history, personal identifiers, photographs, fingerprint cards, qualifications record, biography, information pertaining to assignment capability or location, letters of recommendation, educational documents, character investigation data, reclassification orders, reassignment orders, commander's inquiry data, reports of investigation, reasons for withdrawal from the program, reason for denying the application, date of acceptance into the program, date appointed (if an officer or warrant officer), date of accreditation, badge number, credential number polygraph certificate number (if a certified polygraph examiner), agent sequence number, assignment, date assigned, marital status, and other data pertaining to the accreditation function, polygraph examiner performance and evaluation data, physical profile, date of last physical, assignment preference, humanitarian transfer restrictions, current job title, date current security clearance authorized, date of last background investigation; primary, secondary, tertiary foreign language capability, special qualifications, service agreement, spouse's place of birth and citizenship, agent's place of birth, agent's last ten assignments, agent's hobbies, and agent's private licenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Staff elements of USACIDC with a need-to-know: to determine an applicant's initial acceptance or non-acceptance into the USACIDC program, and if accepted the individual's continued eligibility, placement or standing within the USACIDC program.

U.S. Army Intelligence Security Command, for storage and utilization in determining security classifications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Alpha file: paper records in file folders.

Criminal Investigator Information Data Card: vertical card file.

Machine Punch Card System: vertical card file.

Automated data files are maintained on magnetic tapes.

RETRIEVABILITY:

Alpha Card File, Criminal Information Card, and Machine Punch Card Systems are all retrievable by last name of the individual, agent Sequence number SSN, badge number, credential number and polygraph number.

SAFEGUARDS:

HQ USACIDC buildings employ security guards, material is stored in locked containers during non-duty hours, and is accessible only by authorized personnel.

Crime Records Directorate building employs security guards, data is stored within a locked wire enclosure, and is accessible only by authorized personnel.

Washington National Records Center: buildings employ security guards during non-duty hours, 24 hour intrusion alarms, and locked external doors, and is accessible only by authorized personnel.

Automated records are maintained in a building employing security guards, room and data are accessible only by authorized personnel.

RETENTION AND DISPOSAL:

Alpha files; files of approved applicants are retained in the active file until the individual retires, is released from active duty, or is voluntarily or involuntarily removed from the USACIDC program; the file is placed in an inactive storage at HQ USACIDC for the remainder of that year plus two additional years; it is then transferred to the Washington National Records Center where it is stored for eight additional years and then destroyed; files of personnel not accepted into the USACIDC program are retained in inactive storage at HQ USACIDC for the remainder of that year plus one additional year and then destroyed.

Criminal Investigation Information Data Cards are maintained permanently.

Machine Punch Cards are maintained only during such time as the individual is currently in the USACIDC program and are destroyed upon cessation of that status.

Automated data on individuals are maintained while the individual is serving as an investigator and for 90 days after he or she leaves the program.

SYSTEM MANAGER(S) AND ADDRESS:

The Commander, Headquarters (HQ), US Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, VA 22041

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
USACIDC
ATTN: CIJA-RI
5611 Columbia Pike, Falls Church, VA 22041

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, VA 22041

Written requests for information should contain the full name of the individual, address, date of birth, and whether or not the individual has ever applied for the USACIDC program. Personal visits should be made to: Office of the Staff Judge Advocate-Release of Information, USACIDC, 5611 Columbia Pike, Falls Church, VA 22041.

For personal visits, the requesting individual must present positive identification, such as a driver's license or other identification card with a

photograph, in addition to the information required for written requests.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the sysmanager, ATTN: CIJA-RI.

RECORD SOURCE CATEGORIES:

Previous or present employers, financial institutions, relatives and former spouses, officer master file and enlisted master file, MILPERCEN, educational institutions, trade or fraternal organizations, neighbors past and present, work associates, social acquaintances, churches, public records, current and past commanders, and other investigative departments both within and without the Department of the Army and the Federal Government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j) or (k), as applicable. For additional information, contact the Systems Manager.

A0508.11aUSACIDC

SYSTEM NAME:

508.11 Criminal Investigation and Crime Laboratory Files

SYSTEM LOCATION:

Primary System: Crimes Record Directorate, United States (US) Army Criminal Investigation Command (USACIDC), 2301 Chesapeake Avenue, Baltimore, MD 21222.

Decentralized Segments: Headquarters (HQ), USACIDC and all USACIDC subordinate elements, official mailing addresses are in the Department of Defense directory in the Appendix. Defense Investigative Service, Ft Holabird, MD, automated index to drug offenders in case files and automated suspense index on the disposition of offenders in case files.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, civilian or military, involved or suspected of being involved in or reporting possible criminal activity affecting the US Army's interests, property, and/or personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain names, social security numbers, rank, units, location, date and place of birth, physical descriptions, chronology of events, Action Officer's activity summary, letters, messages, notes; reports of investigation containing witness statements, subject statements, agents statements, laboratory reports, documentary evidence, polygraph examination reports, physical evidence, summary data and administrative data pertaining to the preparation and distribution of the report; basis for the action (allegations), Serious and Sensitive Incident reports, talking papers, fact sheets, aliases, descriptions, modus operandi, and other investigative information from Federal, State, and local investigative agencies and departments. Indices contain codes for the type of crime, location of investigation, year and date of offense, names and personal identifiers of persons who have been subjects of electronic surveillance, suspects, subjects and victims of crimes, the report number which allows access to the files noted above; agencies, firms, Department of the Army (DA), and Department of Defense (DOD) organizations which were the subjects or victims of criminal investigations; and disposition and suspense of offenders listed in criminal investigative case files, witness identification date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

HQ USACIDC and all USACIDC subordinate elements: to accomplish the USACIDC investigative duties assigned by the DA, to include criminal investigations and crime prevention activities; to accomplish various management functions such as case analysis, statistical compilations, quality control, review to insure that the completed investigations are legally sufficient, and overall improvement in techniques, training and professionalization.

Information concerning criminal or possible criminal activity is provided to the below listed agencies, components, or bureaus for the purposes of criminal investigative liaison and enforcement of criminal laws, civil court or administrative action for the identification and correction of situations indicative of criminal activity, analyzing modus operandi, and detection of organized criminal activity:

DOD staff and subordinate elements.

DA Staff, major commands and subordinate elements.

Department of the Air Force Staff, major commands and subordinate elements.

Department of the Navy Staff, major commands and subordinate elements.

United States Congress

US Immigration and Naturalization

Department of Justice

Federal Bureau of Investigation

National Security Agency

US Secret Service

US Marshal Service

US Postal Service

Department of the Treasury

Internal Revenue Service

Alcohol, Tobacco, and Firearms-Department of the Treasury

US Customs

US Department of State

Interpol

Central Intelligence Agency

Drug Enforcement Administration

Counsel of Governments, Washington, DC Metropolitan Area.

Defense Supply Agency

Defense Investigative Service (DIS): in addition, limited data are supplied for use in the Defense Central Index of Investigations which is managed by DIS.

Naval Investigative Service

Office of Special Investigations

Civil Service Commission

Federal Aviation Administration

Department of Agriculture

Defense Communications Agency

Defense Security Agency

Defense Nuclear Agency

Law Enforcement Assistance Association

Federal Prison Service

US Coast Guard

US Department of Transportation

Social Security Administration

Selective Service Commission

US Department of Commerce

Food and Drug Administration

Agency for International Development

US Park Police

US Capitol Police

Executive Protective Services

US Department of Labor

Federal Communications Commission

Federal Deposit Insurance Corporation

Federal Trade Commission

Government Accounting Office

Government Services Administration

US Department of the Interior

Interstate Commerce Commission

Securities and Exchange Commission

Military Transportation Major Command

Housing and Urban Development

Drug and Alcohol Abuse Directive

US Marines

Defense Intelligence Agency

Defense Mapping Agency

Defense Security Assistance Agency

Defense Civil Preparedness Agency

Defense Advance Research Projects

Defense Contract Audit Agency,

Veterans Administration,

Foreign nations under the provisions of Status of Forces Agreements,

Treaties, or formal or informal executive agreements; or for purpose of criminal investigative liaison.

Various State and local criminal law enforcement units, departments, or agencies.

Criminal law enforcement means any activity pertaining to crime prevention, control, or reduction or enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime, or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders
Card files and indexes
Automated indexes

RETRIEVABILITY:

Information is retrievable by reference to the name of the individual or other identifier.

SAFEGUARDS:

Crime Records Directorate buildings employ security guards, locked wire enclosures, and access is limited to authorized personnel.

HQ USACIDC buildings employ security guards, information is stored in locked containers or rooms during non-duty hours, and access is limited to authorized personnel.

Subordinate elements of USACIDC buildings generally employ 24 hour duty officers, store the information in locked containers or rooms, and access is limited to authorized personnel.

Defense Investigative Service: buildings employ security guards, automated system is within a controlled access area, and data are accessible only by authorized personnel.

RETENTION AND DISPOSAL:

40 years

Laboratory reports at the USACIDC laboratory level are destroyed after three years.

USACIDC subordinate elements, other than the laboratories and Crime Records Directorate, retain case files for periods ranging from 1 to 5 years depending on the level of such unit and the data involved.

SYSTEM MANAGER(S) AND ADDRESS:

The Commander, Headquarters (HQ), US Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, VA 22041

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
USACIDC
ATTN: CIJA-RI
5611 Columbia Pike
Falls Church, VA 22041

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, VA 22041.

Written requests for information should contain the full name, address, and date of birth. Personal visits should be made at: Office of the Staff Judge Advocate-Release of Information, USACIDC, 5611 Columbia Pike, Falls Church, VA 22041

For personal visits, the requesting individuals must present positive identification, such as a driver's license or other identification card with a photograph in addition to the information required in written requests.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the sysmanager, ATTN: CIJA-RI.

RECORD SOURCE CATEGORIES:

Suspects, witnesses, victims, USACIDC special agents and other personnel, informants; various DOD, Federal, State, and local investigative agencies; departments or agencies of foreign governments; and any other individual or organization which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j) or (k) as applicable. For additional information contact SYSMANAGER.

A0508.11bUSACIDC

SYSTEM NAME:

508.11b Criminal Information Reports and Cross Index Card Files

SYSTEM LOCATION:

Primary System Operations Directorate, Headquarters (HQ), United States (US) Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, VA 22041.

Decentralized Segments: USACIDC subordinate elements, official mailing addresses are in the Department of Defense directory in the appendix to the Department of the Army systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, civilian or military, involved or suspected of being involved in or reporting possible criminal activity affecting the US Army's interests, property, and/or personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain names, social security numbers, rank, units, location, date and place of birth, physical descriptions, chronology of events, action officer's activity summary, letters, messages, notes; reports of investigation containing witness statements, subject statements, agents statements, laboratory reports, documentary evidence, polygraph examination reports, physical evidence, summary data and administrative data pertaining to the preparation and distribution of the report; basis for the action (allegation), Serious and Sensitive Incident reports, talking papers, fact sheets, aliases, descriptions, modus operandi, and other investigative information from Federal, State, and local investigative agencies and departments. Indices contain codes for the type of crime, location of investigation, year and date of offense, names and personal identifiers of persons who have been subjects of electronic surveillance, suspects, subjects and victims of crimes, the report number which allows access to the files noted above; agencies, firms, Department of the Army (DA), and Department of Defense (DOD) organizations which were the subjects of criminal investigations; and disposition and suspense of offenders listed in criminal investigative case files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To afford index to criminal information case files that are not indexed in Defense Central Index of Investigations (DCII). These records are utilized to develop investigative leads during the conduct of ongoing Army criminal investigations. This data is released only for US Army Criminal Investigation Division (CID) and Military Police (MP) investigative purposes. Statistics generated by this data are also utilized as a management tool to determine crime trends, frequency and rates. In the event that information maintained in this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether

arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file and paper records in file folders.

RETRIEVABILITY:

Retrievable by name, file number and the field assigned criminal information report number.

SAFEGUARDS:

HQ USACIDC buildings employ security guards, information is stored in locked containers during non-duty hours and access is limited to authorized personnel. Buildings of subordinate elements of USACIDC generally employ 24 hour duty officers, store the information in locked containers and access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Permanent, 40 years

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
USACIDC
ATTN: CIJA-RI
5611 Columbia Pike
Falls Church, VA 22041

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to : Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, VA 22041

Written requests for information should contain the full name, address and date of birth. Personal visits should be made at: Office of the Staff Judge Advocate - Release of Information, USACIDC, 5611 Columbia Pike, Falls Church, VA 22041.

For personal visits, the requesting individuals must present positive identification, such as a driver's license or other identification card with a photograph in addition to the information required in written requests.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Suspects, witnesses, victims, informants, USACIDC special agents and other personnel; various Department of Defense, Federal, State and local investigative agencies; department or agencies of foreign governments; and any other individual or organizations which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552 a(j) or (k) as applicable. For additional information, contact the Systems Manager.

A0508.11cUSACIDC

SYSTEM NAME:

508.11c Special Agent Evaluation Files

SYSTEM LOCATION:

Primary System: Operations Directorate, Headquarters (HQ), United States (US) Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, VA 22041.

Decentralized segments USACIDC subordinate elements which exercise local administrative and technical control of special agents; official mailing addresses are in the Department of Defense directory in the appendix to the Department of the Army systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All USACIDC Special Agents, Warrant Officer and enlisted, who prepare USACIDC reports of investigation (ROI's).

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain special agent's name and sequence number; investigative history; e.g., primary or secondary agent, or whether the special agent inherited the case; office of assignment; year of the report of investigation; ROI number; type of ROI; offense codes for the ROI; the number of days the ROI covered; determination of whether or not the number of days the ROI covered was justified; name of the field office reviewer; name of the field office approver; disposition status of the ROI; location of the incident; i.e., on post, off post or combination; determination of case difficulty; determination of the special agent's investigative effort; type of administrative deficiencies, if any; and type of investigative deficiencies, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel of HQ USACIDC and all USACIDC subordinate elements with an official need-to-know, to accomplish various management functions such as statistical compilations, quality control, and special agent investigative and administative evaluations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and computer paper printouts.

RETRIEVABILITY:

Information is retrievable by the name of the individual or other identifier.

SAFEGUARDS:

HQ USACIDC buildings employ security guards, information is stored in locked containers or rooms during non-duty hours and access is limited to authorized personnel. Buildings of subordinate elements of USACIDC generally employ 24 hour duty officers, store the information in locked containers or rooms, and access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Files are retained for an indefinite period, as the disposition policy has not yet been determined.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
USACIDC
ATTN: Dir Opns
5611 Columbia Pike
Falls Church, VA 22041

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USACIDC, ATTN: Dir, Opns, 5611 Columbia Pike, Falls Church, VA 22041

Written requests for information should contain the full name, address, and date of birth. Personnel visits

should be made to: Director of Operations, USACIDC, 5611 Columbia Pike, Falls Church, VA 22041.

For personal visits, the requesting individuals must present positive identification, such as a driver's license or other identification card with a photograph in addition to the information required in written requests.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation (AR) 340-21.

RECORD SOURCE CATEGORIES:

The completed ROI, with all attachments and inclosures, and the objective and subjective analysis by the reviewers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0506.16aDAPE

SYSTEM NAME:

Absentee Case Files

SYSTEM LOCATION:

Primary: US Army Deserter Information Point, US Army Enlisted Records and Evaluation Center, Ft Benjamin Harrison, IN 46249.

Manual Backup Records: US Army Deserter Information Point (USADIP), US Army Enlisted Records Center, Ft Benjamin Harrison, IN 46249.

A copy of all or portions of this system is maintained at the installation initiating the report of absence and at respective law enforcement agencies. Official mailing addresses are in the appendix to the Army's inventory of system notices (44 FR 74011, December 17, 1979), except that mailing addresses for law enforcement agencies may be obtained from the US Army Deserter Information Point.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any active Army member absent without proper authority and administratively designated as a deserter in accordance with AR 630-10.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and records which document the individual's absence; notice of unauthorized absence from US Army which constitutes the warrant for arrest; notice of return to military control or continued absence in hands of civil authorities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by the Department of the Army to enter data in the FBI National Crime Information Center 'wanted person' file; to insure apprehension actions are initiated/terminated promptly and accurately; and to serve management purposes thrnugh examining causes of absenteeism and developing programs to deter unauthorized absences.

Furnished to local, State, Federal, international, or foreign law enforcement authorities in efforts to apprehend, detain, and return offenders to military custody. In overseas areas, information may be disclosed to foreign governmental and civil authorities as required by local customs, law, treaties, and agreements with allied forces and foreign governments.

Information may be disclosed to the Veterans Administration for assistance in determining whereabouts of Army deserters through the Veterans and Beneficiarias Identification and records Locator Subsystem.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and the record copy of the Arrest Warrant are maintained in The Official Military Personnel Files; verified desertion data are stored on the Deserter Verification Information System at the US Army Deserter Information Point.

RETRIEVABILITY:

Manually, by name; automated records are retrieved by name, plus any numeric identifier such as date of birth, Social Security Account Number, or Army serial number.

SAFEGUARDS:

Access is limited to authorized individuals having a need-to-know. Records are stored in facilities manned 24 hours, 7 days a week. Additional controls which meet the administrative, physical, and technical safeguard requirements of Army Regulation 380-380 are in effect.

RETENTION AND DISPOSAL:

Automated records are erased when individual returns to military custody, is discharged, or dies. Paper or microform records remain a permanent part of the individual's Official Military Personnel File.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not this system contains information about them should contact the US Army Deserter Information Point, US Army Enlisted Records Center, Ft Benjamin Harrison, IN; furnishing full name, SSAN and/or Army serial number, address, telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information concerning themselves should provide information in 'Notification procedure' above.

CONTESTING RECORD PROCEDURES:

The Army's rulf for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Unit Commander, First Sergeants; subjects; witnesses; Military Police; US Army Criminal Investigation Command personnel and special agents; informants; DOD Federal, State, and local investigative and law enforcement agencies, departments, or agencies of foreign governments; and any other individuals or organizations which may furnish pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of Title 5 U.S.C., Section 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g). (See 32 CFR 505.9 (Army Regulation 340-21)).

A0508.17aDAPE

SYSTEM NAME:

Military Police (MP) Law Enforcement Reporting System

SYSTEM LOCATION:

The Army installation which created the Military Police (MP) report retains a copy; original of special categories of MP investigations - determined by type of crime and identified in Army Regulation 190-45 - is forwarded to the Crime Records Center, Ft. Holabird, MD.

A cross-reference index in either manual or automated media may exist at intermediate and higher command levels.

Statistical data are derived from individual reports and stored in

automated media at major Army commands and HQDA for the purposes of (1) developing crime trends by major categories (i.e., rape and sex, blackmarketing, drugs, crimes of violence, crimes against property, other crimes of misconduct), and (2) making comparative analyses within crime categories by rank, sex, race, and type offender (i.e., first-time, repeat), organizational or geographical determinant. Such statistics, however, are not used to make determinations about the rights, benefits, or entitlements of individuals.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is the subject, victim, complainant, witness, or suspect in a criminal, civil, or traffic offense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alleged or founded criminal information directed against or involving the Army which may be related to local criminal investigative files and comprising the following: MP reports or similar reports containing investigative data, supporting or sworn statements, affidavits, provisional passes, receipts for prisoners or detained persons, commanders reports of disciplinary action taken, and disposition of cases. Personal information includes individual's name, grade/rank, organization, affiliation, social security account number, category of offense, involvement, and case number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of this system is to provide detailed information necessary for Army officials, commanders, and civil/criminal justice agencies to discharge their responsibilities for maintaining discipline, law and order through investigation of complaints and incidents and possible criminal prosecution, civil court action, or regulatory order. Statistical information is compiled for determining crime trends and making comparative analyses.

May be disclosed to criminal justice agencies for investigation and prosecution when cases are either within their jurisdiction or when concurrent jurisdiction applies. These include: Federal Bureau of Investigation; Drug Enforcement Administration; US Customs Service; Bureau of Alcohol, Tobacco and Firearms; US District Courts; US Magistrates, State and local law enforcement agencies; local wildlife conservation agencies; and, in overseas areas, host government law enforcement agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; Microfiche; magnetic tapes and disc; punched cards; and computer printouts.

RETRIEVABILITY:

By case number; individual's name, date of birth, SSN.

SAFEGUARDS:

Distribution controls are specified by Army Regulation 190-45; only authorized personnel have access to information in this System. Physical security measures include locked containers/ storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Information is destroyed after 5 years except for that required by Army Regulation 190-45 to be sent to the Crime Records Center which is retained 40 years following final action.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310;

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should write to the commander of the installation where incident occurred; if more than five years have elapsed since occurrence of incident, inquiry may be made of the Crime Records Center, Ft Holabird, MD. Individual should provide full name, SSN, and details as to date and place of incident about which inquiry is made.

RECORD ACCESS PROCEDURES:

Individual desiring access to his/her records should follow the requirements in 'Notification procedures', sign the request and have it notarized.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; witnesses; victims; subjects; Military Police; US Army Criminal Investigation Command special agents; informants; investigative and law enforcement persons of Federal, state, local and foreign government agencies; any source which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system which fall within 5 U.S.C. 552a(j)(2) are exempted from the following provisions of Title 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f) and (g).

A0508.17bUSARJ

SYSTEM NAME:

508.17 Blackmarket Monitoring Files

SYSTEM LOCATION:

Office of Provost Marshal, United States Army Garrison, Honshu, Japan

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the US Armed Forces civilian employees, and their dependents, who are assigned to, or under the judicial or administrative control of the United States Army Japan (USARJ), including contractors and their employees who make purchases of controlled items from authorized resale activities on mainland Japan.

CATEGORIES OF RECORDS IN THE SYSTEM:

Sales slips and control sheets used in sales of controlled items by US Forces, Japan sales outlets; overspending/overpurchase printout, produced monthly and forwarded from central computer facility.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Status of Forces Agreement between the United States of America and Japan; Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to assist Military Police, United States Army Criminal Investigation Command, Unites States Air Force Office of Special Investigations, and the Navy Investigative Service in monitoring purchases of controlled items; also to reflect those individuals who have had shopping privileges revoked or suspended and to comply with USARJ and Joint Services blackmarket control policies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in individual envelopes. Paper printouts are stored by run type and number.

RETRIEVABILITY:

Paper records filed alphabetically by last name. Printouts filed by social security number (SSN), name, unit or station.

SAFEGUARDS:

Records are maintained in room accessible only to authorized personnel who are properly screened and cleared.

RETENTION AND DISPOSAL:

Records are maintained in the active file until departure of the sponsor on permanent change of station. The records are then placed in the inactive file. The inactive file is cut off at the end of the calendar year, held 2 years in the current files area and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Japan, APO San Francisco 96343.

NOTIFICATION PROCEDURE:

Information may be obtained from: United States Army Garrison, Honshu, Office of the Provost Marshal, Camp Zama, APO San Francisco 96343

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, United States Army Garrison, Honshu, ATTN: GARH-MP-PM, APO San Francisco 96343.

Written requests for information should contain the full name of the individual, SSN, and current address.

For personal visits, the individual should be able to provide acceptable identification such as valid driver's license or employee identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Sales slips and control sheets from exchanges, clubs, commissaries, and other authorized resale activities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0508.17cUSARJ

SYSTEM NAME:

508.17 Transfer of POV Files

SYSTEM LOCATION:

Office of Provost Marshal, United States Army Garrison, Honshu, Japan.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the US Armed Forces and members of the civilian component and their dependents, as defined in Articles I and XIV of the Status of Forces Agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards and documents pertaining to acquisition, disposition and transfer of ownership of privately owned vehicles (POV) between the United States of America and Japan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain record and control on purchase and disposal limitations, transfer of POV to other authorized United States personnel, and transfer to residents of Japan.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Visible file cards.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Records are maintained in room accessible only to authorized personnel that are properly screened and cleared.

RETENTION AND DISPOSAL:

Records are cut off at the end of a calendar year, held 2 years in the current files area, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Japan, APO San Francisco 96343.

NOTIFICATION PROCEDURE:

Information may be obtained from:
United States Army Garrison (PA-PM)
Room 8, Bldg 400
Camp Zama, Japan
APO San Francisco 96343
Telephone: AUTOVON 315/233-3011/ 233-3732

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, United States Army Garrison, Honshu, ATTN: PA-PM, APO San Francisco 96343.

Written requests for information should contain the full name of the individual, current address, and telephone number.

For personal visits, the individual should be able to provide acceptable identification, e.g., driver's license, employing office's identification, and give verbal information that could be verified with their case folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Department of Defense Form 430, Military Registration and Certificate of Title of Motor Vehicle.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0508.24aDAPE

SYSTEM NAME:

508.24 Serious Incident Reporting Files

SYSTEM LOCATION:

Primary System: Law Enforcement Division, Human Resources Development Directorate, Office of the Deputy Chief of Staff for Personnel, Department of the Army, (DAPE-HRE).

Decentralized Copies: Copies are maintained at the installation initiating the report and at the respective major Army command. Official mailing addresses are in the Department of Defense directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen identified as the subject or victim of a serious incident reportable to Department of the Army (DA) in accordance with Army Regulation 190-40, Military Police Serious Incident Report. This includes in general any criminal act or other incident which because of its sensitivity or nature, publicity or other considerations should be brought to the attention of Headquarters, DA (HQDA).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the initial report of the incident plus any supplemental reports including reports of final adjudication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide the chain of command with timely information regarding serious incidents to permit a valid early determination of possible implication; to provide an early indication of acts or conditions which may have widespread adverse publicity; to provide a means of analysis of crime and conditions conducive to crime on which to base crime prevention policies and programs; and to meet the general needs of DA staff agencies for information regarding selected incidents which impact on their respective areas of responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed numerically by installation report sequence number.

SAFEGUARDS:

Building employs security guards and controls access. Distribution and access to files based on strict need to know. Files contained in locked safes when not under personal supervision of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed 1 year after receipt of final report.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, HQDA, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

See EXEMPTION

RECORD ACCESS PROCEDURES:

See EXEMPTION

CONTESTING RECORD PROCEDURES:

See EXEMPTION

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and US Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 55 USC 552a or (k), as applicable. For additonal information contact the Systems Manager.

A0508.25aUSACIDC

SYSTEM NAME:

508.25a Index to Criminal Investigative Case Files

SYSTEM LOCATION:

Criminal Records Directorate, United States (US) Army Criminal Investigation Command (USACIDC), 2301 Chesapeake Avenue, Baltimore, MD 21222.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, civilian or military, involved or suspected of being involved in criminal activity affecting the US Army's interests, property, and/or personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Indices contain codes for type of crime and location of investigation, year, date of crime, names and personnel identifiers of offenders and victims of crime and report number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To afford index to Criminal Investigation Case Files and Military Police (MP) Reporting Files that are not indexed by any other activity. These records are utilized to develop investigative leads during the conduct of ongoing Army criminal investigations. These data are released only for US Army CID and MP investigative purposes. Statistics generated by these data are also utilized as a management tool to determine crime trends, frequency and rates. In the event that information maintained in this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper card size 3x5 and computer punch cards.

RETRIEVABILITY:

By name of offender, suspect or victim.

SAFEGUARDS:

Contained in a secure area; protected by a locked wire inclosure under 24 hour guard. Access to the files area is controlled through a photograph/badge ID System. No visitors are authorized access to the area, except under escort; files do not afford 'For Official Use Only' protection and release of information data is recorded on a permanent log.

RETENTION AND DISPOSAL:

Permanent; 40 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USACIDC, Crime Records Directorate, 5611 Columbia Pike, Falls Church, VA 22041.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
USACIDC
ATTN: CIJA-RI
5611 Columbia Pike
Falls Church, VA 22041

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, VA 22041.

Written requests for information should contain the full name, address, and date of birth. Personal visits should be made at: Office of the Staff Judge Advocate - Release of Information, USACIDC, 5611 Columbia Pike, Falls Church, VA 22041.

For personal visits, the requesting individuals must present positive identification, such as a driver's license or other identification card with a photograph in addition to the information required in written request.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Suspects, victims, USACIDC special agents and other personnel, informants; various Department of Defense, Federal,

State, and local investigative agencies; departments or agencies of foreign governments; and any other individual or organization which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a(j) or (k) as applicable. For additional information, contact the System Manager.

A0509.02aDAAG

SYSTEM NAME:

509.02 Security Badge/Identification Card Files

SYSTEM LOCATION:

Offices which issue security badges and identification cards authorized by Army Regulation (AR) 606-5 and AR 190-21, located at Headquarters, Department of the Army; staff and field operating agencies; states' adjutant general; and installations/activities. Official mailing addresses are in the organizational Directory of Department of the Army Offices, Commands, Agencies, and Installations/ Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve, and retired military personnel and authorized dependents; Department of the Army (DA) civilians and authorized dependents; Medal of Honor recipients; visitors authorized for official purposes, e.g., vendors, deliverymen, utility and special equipment servicemen; accident investigators; contractor personnel and their authorized dependents; Red Cross personnel; and persons authorized by the Geneva Convention to accompany the Armed Forces.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application on appropriate DA and Department of Defense (DD) forms specified by AR 606-5 (the original of which may be filed in the individual's personnel file) for identification and/or building security pass/badge issuance; individual's photograph, fingerprint record, special credentials, and allied papers; registers/ logs reflecting sequential numbering of badges/cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a record of security badges and identification cards issued; to restrict entry into installations/ activities; and to insure positive identification of personnel authorized access to restricted areas. Registers/logs maintain accountability for issuance and disposition of badges and identification cards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records on cards and in file folders; magnetic tapes, disks, and cassettes; computer printouts and microfiche.

RETRIEVABILITY:

By individual's name, social security number, card/badge number.

SAFEGUARDS:

Data are maintained in secure buildings and are accessed only by authorized personnel who are trained and cleared for access. Information in computer facilities is further protected by alarms and established procedures for the control of computer access.

RETENTION AND DISPOSAL:

Applications for military identification cards are maintained by the issuing office for 1 year. Applications for civilian identification cards are retained 4 years after which they are destroyed. Registers/ logs are destroyed 3 years after last badge has been accounted for.

Limited area credentials will be replaced at the expiration of 3 years or whenever a total of 5 percent of the total have been lost or unaccounted for, whichever occurs earlier; exclusion area credentials will be replaced at least once every 3 years; controlled area credentials will be replaced at the discretion of the major command.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (DAAG-PSI), Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from the issuing office where the individual obtained the identification card.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Major Command or installation headquarters issuing the security badge or identification card.

Written requests for information should contain the full name of the individual and the number of the identification card, if known.

For personal visits, the individual should be able to provide acceptable identification, e.g., driver's license and verbal information that can be verified.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in AR 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Application, on appropriate DA form, from individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0509.03aDAPE

SYSTEM NAME:

509.03 Trophy Firearm Registration

SYSTEM LOCATION:

Primary System: Headquarters, Department of the Army, (DAPE-HRE-CP), Washington, DC 20310.

Decentralized copies of War Trophy Firearm (WTF) Registration records are maintained at the offices of provost marshals initiating the record. Official mailing addresses are in the Department of Defense directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Armed Forces of the US who acquire, during periods of hostilities, firearms approved for personal retention as war trophies.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains record copies of DD Form 603, Registration of War Trophy Firearm acquired by military personnel in combat areas or zones during periods of hostilities.

AUTHORITY FOR MAINTENENCE OF THE SYSTEM:

10 U.S.C. 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Review to assure acquisition is authorized as a war trophy firearm within the meaning of the National Firearms Act and Title 18 U.S.C., Section 102.

Verify importation authorization.

Establish ownership if weapon is identified in commission of a crime. Furnish information to criminal justice elements within Department of Defense and outside the agency for investigation and prosecution for violations of the National Firearms Act or the agency for investigation and prosecution for violations of the National Firearms Act

or investigation and prosecution of criminal activities involving a weapon imported as a war trophy firearm. These agencies include: Federal Bureau of Investigation; Drug Enforcement Administration; US Customs Service; Bureau of Alcohol, Tobacco and Firearms; US District Courts; US Magistrates; local law enforcement agencies; local criminal justice agencies; and, in oversea areas, most government law enforcement agencies as prescribed in status of forces agreements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets.

RETRIEVABILITY:

Filed alphabetically by last name of owner.

SAFEGUARDS:

Building employs security guards. Records accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are created at the onset of hostilities and retained in Headquarters, Department of Army files until end of calendar year in which hostilities ceased and held 1 additional year or until arrangements are complete to transfer the records to Director, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, Washington, DC 20226.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, the Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to:
Official mailing address of SYSMANAGER listed above.

RECORD ACCESS PROCEDURES:

Official mailing address of SYSMANAGER is listed above.
Written requests should contain full name, social security number, date and location acquired, and current address.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation (AR) 340-21.

RECORD SOURCE CATEGORIES:

All information is obtained from the individual at time of registration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0509.04aDAAG

SYSTEM NAME:

509.04 Rod and Gun Clubs, Posts, Camps and Stations

SYSTEM LOCATION:

Rod and Gun Clubs located on Army posts, camps, and stations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel and Department of Defense civilians who are active registered members of Rod and Gun Clubs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Federal Firearms Form 4473 from the Department of the Treasury, Alcohol, Tobacco and Firearms Division, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain a permanent record of firearm registration for tracing weapons to owner. This file is made available to the Department of the Treasury upon written request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Book form and file folder.

RETRIEVABILITY:

Date and alphabetically by name.

SAFEGUARDS:

Records are maintained in locked containers with access limited to authorized personnel only.

RETENTION AND DISPOSAL:

Disposal not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

Commander of the installation where the Rod and Gun Club is established. Official mailing addresses are in the organizational directory in the appendix to these system notices.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individual should contact the Manager of the Rod and Gun Club where the firearm was purchased.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation (AR) 340-21.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual being registered.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0509.05aTRADOC

SYSTEM NAME:

509.05 Camper Trailer Registration Card File

SYSTEM LOCATION:

Office of the Director of Personnel and Community Activities (DPCA), ATZA-PA

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applies to active duty and retired military personnel in the Ft Belvoir Area.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's application for access to camper trailer storage area.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain record of personnel given authorization to park recreational vehicles in the storage area. Requested information will be used only by the personnel of the Office, DPCA for reregistration, emergency notification, administrative control of storage area and identification of recreational vehicle ownership.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card File

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

Building access controlled by personnel of the office DPCA.

RETENTION AND DISPOSAL:

Records are maintained in active file until the registrant has cancelled his registration. After cancellation of registration, the card is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Division, Office of the DPCA, Headquarters, US Army Engineer Center and Ft Belvoir, Ft Belvoir, VA 22060.

NOTIFICATION PROCEDURE:

Information may be obtained from Administrative Division, Office of the DPCA. Requesting individual will be required.to identify himself by name, rank, duty status, home address.

RECORD ACCESS PROCEDURES:

Requests from individuals are accepted by personal interview, written correspondence or telephonic inquiries to SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation (AR) 340-21.

RECORD SOURCE CATEGORIES:

Individual being registered.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0509.08aDAPE

SYSTEM NAME:

509.08a Registration and Permit Files

SYSTEM LOCATION:

Maintained at the installation level. Official mailing addresses are in the Department of Defense directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen registering restricted items of property on a military installation or desiring to engage in restricted activities on a military installation. Items/activities include but are not limited to privately owned firearms/weapons, pets and hunting and fishing.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the registration form for items of restricted property and the permit application for restricted activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files contain information acquired to assist the commander in carrying out effective law enforcement, troop safety, and crime prevention programs. Routine users within the agency include: commanders in exercising their authority under the provisions of chapter 47, Title 10, US Code, 'Uniform Code of Military Justice'; persons designated by the commander to assist him in carrying out his judicial and administrative responsibilities; United States (US) Army Criminal Investigation Command (USACIDC); and law enforcement personnel of other Armed services when personnel of these services are involved. Information is furnished to criminal justice elements outside the agency for investigation and prosecution purposes when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; US Customs Services; Bureau of Alcohol, Tobacco and Firearms; US District Courts; US Magistrates; state and local law enforcement, 'wildlife conservation' and public health agencies; and in oversea areas, host government law enforcement agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed upon removal of the restricted property from the military installation or upon expiration of the permit.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310

NOTIFICATION PROCEDURE:

See EXEMPTION

RECORD ACCESS PROCEDURES:

See EXEMPTION

CONTESTING RECORD PROCEDURES:

See EXEMPTION

RECORD SOURCE CATEGORIES:

Army citizen desiring/required to register firearms/weapons, pets, etc., that will be maintained within or desiring to hunt/fish within the confines of an installation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j) or (k), as applicable. For additional information, contact the System Manager.

A0509.09aDAPE

SYSTEM NAME:

509.09 Traffic Law Enforcement Files

SYSTEM LOCATION:

Files are maintained at the installation producing the files. Official mailing addresses are in the Department of Defense (DOD) directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who, at a military installation, registers a privately owned motor vehicle; is subject of a traffic violation/summons; is a subject, victim, complainant or witness to a traffic accident; or has registered to participate in the installation car pool system or has a parking permit issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain: Documents used to register privately owned motor vehicles and to record moving traffic violations and chargeable accidents of individual drivers; accident reports; traffic violation reports, notices and summons; and documents relating to issuance of car pool or individual parking permits. File may be automated as a part of the Vehicle Registration System (VRS) which is a part of the Military Police Management Information System (MPMIS). The registration information may be coded for entry on the master file, normally updated weekly when a part of MPMIS VRS. The master file is management manipulated to produce the following reports: listing of all registrants and their vehicles on an as required basis by decal number, state license number or name; as required, rosters by unit and decal number showing registrants with safety inspections due and those requiring annual verification of DA Form 3626; monthly rosters of registrants with suspended or revoked driving privileges.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Vehicle registration information is collected to assist the commander in carrying out effective law enforcement, traffic safety, and crime prevention programs. Vehicle registration facilitates Department of Army (DA) compliance with Highway Safety Program Standards (Title 23 U.S.C., Section 402) that have been made applicable to federally administered areas. Information is released only to authorized law enforcement agencies upon request. To assist in identification and apprehension of individuals who commit traffic and criminal offenses. Car pool registrations are utilized to assist person(s) desiring to participate in the program, to be identified with other persons within the same residential geographical area to create or join existing car pools. Car pools parking permits are issued and are a means of identifying those vehicles authorized to park in Car Pool Only parking spaces. Information is released only to any law enforcement agency upon request. Traffic violation reports, notices, and summonses are: basis for disciplinary action by commander in accordance with Chapter 47, Title 10, U.S.C., 'Uniform Code of Military Justice'; referred to US Magistrates and US District Courts in accordance with Title 18, U.S.C., Section 13, 'Assimilated Crimes'; and referred to DOD agencies and host State Motor Vehicle Departments for appropriate driver improvement measures including suspension/revocation of driving privilege, remedial driver training, counseling, or rehabilitation/treatment. Accident reports, which include violation data described above, are used to identify factors contributing to the causes of accidents, injuries, and deaths as a means for initiating appropriate measures (engineer, enforcement, educational) to reduce the frequency/severity of accidents occurring on military installations. Accident reports are routinely distributed to commanders, safety directors, facility engineers, and staff judge advocates. Disclosure outside the agency is only made upon request. VRS is used to insure registrants attest to meeting certain insurance standards; to preclude individuals who have suspended or revoked installation driving privileges from operating motor vehicles or who have vehicles that fail to meet vehicle inspection standards; to assist in rapid identification and apprehension of traffic violators; to provide management data on which to base crime prevention, selective enforcement and improved driving safety.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files.

Portions of VRS and index cards may be automated using paper tape, disk, magnetic tape or card.

RETRIEVABILITY:

Vehicle registrations are filed alphabetically by name and/or by any category of information contained therein; traffic violations are filed alphabetically by name; and accident reports are filed by location of accident. A cross-reference index is maintained.

SAFEGUARDS:

Distribution controls are outlined in Army Regulation (AR) 190-45, and only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed after two years or discontinuance, unless transferred with individual upon reassignment.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310, and installation commanders producing the records.

NOTIFICATION PROCEDURE:

Information may be obtained from the command/installation/ activity office of record.

RECORD ACCESS PROCEDURES:

Requests for access should be addressed to the command/installation/activity at which the record is located. Written requests should contain the full name of individual, current address, social security number and specificity as to the information sought.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in AR 340-21.

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, persons desiring to participate in the car pool system, Military Police personnel and special agents, Federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments and other individuals or organizations which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C., 552a (j) or (k) as applicable. For additional information, contact the SYSMANAGER.

A0509.18aDAAG

SYSTEM NAME:

509.18 Solicitation Ban List Files.

SYSTEM LOCATION:

Field Policy Division, Administrative Management Directorate, The Adjutant General Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual whose on base solicitation privileges have been withdrawn by the Department of the Army or the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name and the name of the company he represented.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Major Army commands, OASD (M&RA), Dept of the Navy and Dept of the Air Force. To deny solicitation privileges to individuals who have been banned from military installations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder.

RETRIEVABILITY:

Alphabetical list.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Retained in active file until new list is published and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters Department of the Army, The Pentagon, Washington, DC

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DAAG-AMP)
Room GA 172
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202/693/0718

RECORD ACCESS PROCEDURES:

Requests for information should be addressed to: Headquarters, Department of the Army (DAAG-AMP) Room GA 172, Forrestal Building, Washington, DC 20314.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from HQDA (DAAG-AMR-S), Washington, DC 20314.

RECORD SOURCE CATEGORIES:

Names of agents forwarded to HQDA by Army installations recommending Army-wide withdrawal of solicitation privileges and approved by HQDA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0509.18bDAPE

SYSTEM NAME:

509.18b Expelled or Barred Person Files

SYSTEM LOCATION:

Files are maintained at the installation producing the files. Official mailing addresses are in Department of Defense directory in Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who is expelled or barred from an Army installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain: expulsion orders, investigative reports to include related documents leading to expulsion and barring, and an alphabetical list of those individuals so expelled or barred.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 18 U.S.C., Section 1382.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is collected to assist the commander in carrying out responsibilities required by above cited statute. Information is not disclosed outside the agency except in those instances where it would be furnished to representatives of United States (US) District Courts in connection with the investigation and prosecution of a violation of the cited statute.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Distribution and access to files based on strict need to know. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed on revocation, or upon discontinuance.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Wash DC 20310.

NOTIFICATION PROCEDURE:

See exemption

RECORD ACCESS PROCEDURES:

See exemption

CONTESTING RECORD PROCEDURES:

See exemption

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and US Army Criminal Investigations Command personnel and special agents, informants, various Department of Defense, Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j) or (k) as applicable. For additional information, contact the Systems manager.

A0509.19aDAPE

SYSTEM NAME:

509.19a Military Police Investigator Certification Files

SYSTEM LOCATION:

Primary System: Record files pertaining to individual certification actions are maintained at US Army Military Personnel Center (DAPC-EPM-L), 200 Stovall Street, Alexandria, Virginia 22332.

Decentralized copies: Correspondence relating to certification is maintained at the installation initiating request and at respective major Army commands. Official mailing addresses are in the Department of Defense (DOD) directory in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has been nominated by a commander for certification as a Military Police Investigator.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain: requests, name checks, background checks, approvals, disapprovals, appeals, rebuttals, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is collected to establish eligibility and suitability of individuals to be certified as Military Police Investigators. Information is not disclosed outside of the agency, and within the agency access to records containing adverse suitability information is restricted by use of protective markings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder and card indexes.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Building employs security guards and controls access. Distribution and access to files based on strict need-to-know. Files contained in locked cabinets when not under personal supervision of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed upon individual's release from active service or 3 years after involuntary withdrawal of certification.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Requests should be addressed to Deputy Chief of Staff for Personnel, HQDA, (DAPE-HRE) Washington, DC 20310

RECORD ACCESS PROCEDURES:

Requests should be addressed to Commander, US Army Military Personnel Center (DAPC-EPM-L), 200 Stovall St., Alexandria, VA 22332

CONTESTING RECORD PROCEDURES:

Requests should be addressed to Deputy Chief of Staff for Personnel, HQDA, (DAPE-HRE), Washingotn, DC 20310

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and United States Army Criminal Investigations Command personnel and agents, informants, various DOD, Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j) or (k) as applicable. For additional information, contact the SYSMANAGER.

A0509.19bUSAREUR

SYSTEM NAME:

509.19 US Army, Europe (USAREUR) Motor Vehicle Registry Files

SYSTEM LOCATION:

Primary System-USAREUR Motor Vehicle Registry, Army Post Office (APO) NY 09102, Heidelberg, Federal Republic of Germany (FRG).

Decentralized Segments: Temporary Registration Stations, Customer Service Centers Driver Testing Stations, Privately Owned Vehicle (POV) Inspection Stations, and Rod and Gun Clubs. Official mailing addresses are available upon request from the USAREUR Motor Vehicle Registry.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has requested a service (this includes the sponsor when a dependent requests the service) from the USAREUR Motor Vehicle Registry, e.g., the registration of a POV or a privately owned firearm (POF), or the issuance of a POV operator's license, or any other service performed for individuals.

Any individual who has been reported to have committed an offense which could have resulted in adverse action against their USAREUR POV driving privilege or their declaration of ineligibility therefore in accordance with existing directives.

Any individual who has acquired, legally or illegally, custody or ownership of a POV or POF which was or should have been registered with the USAREUR Motor Vehicle Registry in accordance with existing directives.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information derived from individual applications to register POV and POF, applications for USAREUR POV operators license, applications for other services provided by the USAREUR Motor Vehicle Registry, and correspondence related thereto; applications include information with respect to the individual (i.e., name, rank, SSN, unit/organization, duty phone, date of birth, place of birth, marital status, accompanied or unaccompanied, whether glasses worn, and driving record), with respect to the vehicle (i.e., make, model, body type, year, color, chassis number, horsepower, insurer, policy number, effective date, lien holder and amount, origin of vehicle, disposition of vehicle, name of buyer), and with respect to a firearm (i.e., manufacturer, type, caliber, serial number, class of registration, origin, disposition, and name of buyer); information derived from reports issued by US military or host country authorities which, in accordance with existing directives, concern an offense or circumstances for which action against the USAREUR POV or POF registration or the USAREUR POV driving privilege may be or has been taken; and information concerning the transfer of ownership of POV or POF which have been or should have been registered with the USAREUR Motor Vehicle Registry in accordance with existing directives.

Manual backup is maintained of: (1) POV registration applications, supporting and related documents and correspondence - filed by registration number; (2) POV operator license applications and related documents and correspondence-filed partially by operator license number and partially alphabetically by last name of individual; and (3) POF applications-filed alphabetically by last name of individual.

The file also consists of certain manually-maintained records which are comprised of correspondence between the USAREUR Motor Vehicle Registry and individuals, groups, agencies, activities or other collective bodies - these are filed chronologically by category.

Manual records are also maintained for access to USAREUR Motor Vehicle Registry files and related processing papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012; Secretary of the Army: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of the files are to (1) establish prima facie ownership of POV or POF (2) determine registration status of POV and POF, insurance and lien status of POV, and licensed status of POV operators; and (3) record driving history of vehicle operators.

Offices within the USAREUR Motor Vehicle Registry use the information: (1) to evaluate and process applications for registration of POV and POF and applications for issuance of USAREUR POV operators license; (2) for locator purposes; (3) to insure compliance with existing regulations pertinent to the registration of POV and POF; (4) to take or recommend action against individuals whose driving history reflects adversely against their driving ability or performance or when conditions occur which require that action be taken to comply with existing regulations or host country laws; (5) to notify commanders, supervisors, or other responsible agencies when a violation of existing regulations has occurred; (6) to respond to requests for identification, registration, insurance and lien data concerning POV, POF and their owners, and licensed status of POV operators received from authorities of US Forces, from government agencies of Germany and other foreign countries, or from verifying authorities, attorneys, lien holders, prospective lien holders, prospective POV purchasers, or insurance companies; (7) to enable fulfillment of requests received from individuals for miscellaneous services performed by the USAREUR Motor Vehicle Registry within the scope of the registry function.

Commanders and supervisors use information provided to detect, investigate and evaluate alleged or suspected offenses, and when appropriate, to support administrative or disciplinary action against offenders, and to assist personnel with problems.

Authorities of the US Forces and other governments use information provided for law enforcement and investigative purposes, to support requests for services from US Forces personnel, to

establish insured status of POV and POV operators, to aid in establishing identification of an individual, and to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements regulating the stationing and status in foreign countries of DOD military and civilian personnel.

Attorneys use information to aid them in civil and criminal proceedings on behalf of a client.

Lien holders use information provided to assist in determining compliance with terms of contracts and agreements.

Insurance companies use information provided to validate compliance with terms of contracts, to terminate contracts for cause (cancel insurance); and to determine insured status of POV and POV operators, or to identify a POV owner, on behalf of a client.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disks, computer magnetic tapes, computer paper printouts, computer punch cards, paper records in file folders, application forms and supporting documents and related correspondence in file trays and cabinets, and microfiche.

RETRIEVABILITY:

Indexed by computer alphabetically by last name, social security number, POV chassis number, POF serial number, POV operator's license number, POV registration number, and by MP or CID report number.

Manual backup records are filed by POV registration number, by POV operator's license number (however some operator's licenses will be filed alphabetically by last name until 1980), and by last name of POF registrants.

SAFEGUARDS:

Building has employees who make periodic and scheduled security checks. Records are maintained in areas accessible only to authorized personnel who are screened, cleared and trained. Computer programs have safety checks, validation code systems, and editing procedures.

RETENTION AND DISPOSAL:

POV Registration Files: Automated files are cleared and manual files are destroyed three years after the end of the year in which final disposition of the license plates occurred (e.g., plates destroyed, cancelled or replaced or POV shipped outside of FRG).

POF Registration Files: Automated files are cleared and manual files are destroyed five years after the end of the year in which registration expired or was cancelled.

POV Operator License Files: Manual files are destroyed at the end of the year in which expiration occurred, and computer is cleared three years after the end of the year in which expiration occurred, except that both files may be transferred to Driving History Files when the license has been revoked or suspended or the individual has been declared ineligible to receive a license.

Driving History Files: (1) Records reflecting chargeable nonfatal traffic accidents/moving violations: automated files are cleared and manual files destroyed 3 years after the end of the year in which the accident/violation occurred; (2) Records reflecting nonmandatory suspensions or revocations; automated files are cleared and manual files are destroyed 5 years after the end of the year in which the suspension or revocation was imposed: (3) Records reflecting mandatory revocations or declarations of ineligibility to receive a license; automated files are cleared and manual files are destroyed 7 years after the end of the year in which revocation or declaration of ineligibility occurred.

Manual files concerning requests for services are destroyed two years after the end of the year of accumulation.

Manual files relative to applications for access to USAREUR Motor Vehicle Registry files are destroyed 5 years after the end of the year of accumulation.

SYSTEM MANAGER(S) AND ADDRESS:

Commander in Chief, US Army, Europe and Seventh Army, APO NY 09403.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Registrar, USAREUR Motor Vehicle Registry, APO New York 09102

To determine whether or not the system contains a record about himself, the requesting individual must provide his full name and either (1) social security number (SSN)--disclosure of SSN is voluntary and an individual will not be denied his right under the Privacy Act to access to a record pertaining to him solely for failure or refusal to supply his SSN, or (2) other precise information which can enable unique identification of him as a particular individual from among others with identical or similar names, e.g., date of birth, operator's license number(s), POV or POF registration numbers, chassis number of POV or serial number of POF.

A person requesting information on whether or not the system contains records pertaining to him may visit the Office of the Registrar, USAREUR Motor Vehicle Registry, APO New York 09102.

For Personal visits, the requester must provide an identification document issued by a US Federal agency (military ID card, Department of State ID card, US Passport, etc.) and verbal information that can be verified with his case folder(s).

RECORD ACCESS PROCEDURES:

An individual may contact the Registrar, USAREUR Motor Vehicle Registry, APO New York 09102, to obtain procedures whereby he can be notified how to gain access to any record pertaining to himself in the system of records.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation (AR) 340-21.

RECORD SOURCE CATEGORIES:

Applications and supporting documentation, and correspondence related thereto, received from individuals for registration of POF or POV, for issue of POV operator's license, and for other services provided by the USAREUR Motor Vehicle Registry.

Communications from insurance companies relative to POV insurance and registration data.

Reports from US military or host country authorities.

Communications from Temporary Registration Stations and Customer Service Centers, Driving Testing Stations, POV Inspection Stations and Rod and Gun Clubs.

Applications and related documentation from individuals requesting access to USAREUR Motor Vehicle Registry files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0509.19cDAAG

SYSTEM NAME:

509.19 Vehicle Registration File

SYSTEM LOCATION:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any US Government Personnel who resided in Thailand and who was required to register vehicles under USMACTHAI Regulation 1-13.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains information related to importing, local purchase, and vehicle registration with the Royal Thai Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used only to answer inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Vehicle Registration File is a card file. Privately Owned Vehicle(s) (POV) records are in file folders. Files of the various categories of POV are on computer printouts.

RETRIEVABILITY:

All records are filed alphabetically. In addition, the files on the categories of POV are also retrieved by license plate number.

SAFEGUARDS:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from HQDA (DAAG-AMR-S), Room GA-060, Forrestal Building, Washington, DC 20314; telphone: Area Code 202/693-1845.

RECORD ACCESS PROCEDURES:

Requests should be submitted to The Adjutant General, HQDA (DAAG-AMR-S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21(32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information is obtained from individuals and messages.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0509.20aDAAG

SYSTEM NAME:

509.20 Ration Control/Commissary/ Cosmetic Purchase File

SYSTEM LOCATION:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who made purchases in Thailand Regional Exhcange (TRE) facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Major Item Ration Control Printout: The master file was used to produce listing on an 'as required' basis of all major TRE purchases made by an individual.

Commissary Printout: Used to produce a listing of individuals who overspent their monthly dollar amount in the commissary.

PX, Commissary, Class VI Questionnaire File: Used to issue ration control cards on a semiannual basis; record all requests for supplemental purchases, items under control of the MACT Form 120, and major household applicance purchases.

PACEX Catalog Purchase File: Used to produce a listing of all items purchased by an individual from PACEX on an 'as required' basis.

Ration Control Registers: Used for control of MACT Forms 36S, 36D, 36U, 81 and 57.

Duty-Free Inspection File: Used to provide information on proper disposition of duty-free merchandise.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used only to answer inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are in file folders and on computer printouts in file cabinets within a Government secured building.

RETRIEVABILITY:

Information on the printouts is retrived by social secuirty number (SSN), and by Ration Control Unit Number. Information on PX, Commissary, Class VI file is retrived by name and unit. Information on Duty-Free Inspection File is retrived by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from HQDA (DAAG-AMR-S), Room GA-060, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693-1845.

RECORD ACCESS PROCEDURES:

Requests should be sumbitted to The Adjutant General, HQDA (DAAG-AMR-S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Applications and related forms from individuals who requested ration control privileges in Thailand.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0509.20bDAAG

SYSTEM NAME:

509.20 Alphabetical Roster (Thailand)

SYSTEM LOCATION:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian US National personnel who were assigned to USMACTHAI/JUSMAGTHAI and the US Embassy, Thailand, who were authorized duty-free privileges by the Thai Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

File consists of punched cards prepared from paper forms. Multiple copies of the entire system are produced by photo-offset process. The information stored includes: name, rank or grade, social security number (SSN), branch of service, duty section, date of rank (if military), number of dependents in Thailand, date eligible to return from overseas, duty phone number, quarters phone number, wife's first name (if in Thailand), individual's date of birth, and local address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used only to answer inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punch cards in card files; printed paper rosters in booklet form.

RETRIEVABILITY:

Category (military or civilian), then alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from HQDA (DAAG-AMR-S), Room GA-080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693-1845.

RECORD ACCESS PROCEDURES:

Requests should be submitted to The Adjutant General, HQDA (DAAG-AMR-S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Individual concerned and official records of the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0509.21aDAPE

SYSTEM NAME:

509.21a Local Criminal Information Files

SYSTEM LOCATION:

Records are maintained at the installation initiating or collecting the documents. Official mailing addresses are in Department of Defense (DOD) directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen or group of citizens who is suspected or involved in criminal activity directed against or involving the United States Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain reports and supporting documents of criminal activity directed against or involving the US Army.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., SEction 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Local criminal information files contain reports of criminal activity to include methods of operation received from individuals or agencies and documents acquired pursuant to receipt of such reports. Information is acquired to identify individuals or groups of individuals in an effort to anticipate, prevent or monitor possible criminal activity directed against or involving the US Army; to enable agency officials, commanders, or civil criminal justice agencies to meet their responsibilities regarding the maintenance of discipline, law and order through investigation and possible criminal prosecution, civil court action, or regulatory order. Routine users within the agency include: commanders in exercising their authority under the provisions of Title 10 and 18, US Code; persons designated by the commander to assist in carrying out his responsibilities, i.e., staff judge advocate, investigating officers appointed in accordance with Army regulations, US Army Criminal Investigation Command (USACIDC), military intelligence personnel in those incidents involving possible or actual sabotage or espionage; and other persons or agencies having a need for such information, e.g., law enforcement personnel of other Armed services when such service personnel or property are involved. Acquired information falls within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; Drug Enforcement Administration; US Customs Service; Bureau of Alcohol, Tobacco and Firearms; local law enforcement agencies; and in oversea areas, host government law enforcement agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

File alphabetically by name, or by any category of information contained therein. A cross-reference index may be maintained.

SAFEGUARDS:

Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed upon supersession, obsolescence, or deactivation of the related command.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310

NOTIFICATION PROCEDURE:

See EXEMPTION

RECORD ACCESS PROCEDURES:

See EXEMPTION

CONTESTING RECORD PROCEDURES:

See EXEMPTION

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and USACIDC personnel and special agents, informants, various DOD, Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j) or (k), as applicable. For additional information, contact the System Manager.

A0501.08aDAAG

SYSTEM NAME:

601.08 Club Management Personnel Files

SYSTEM LOCATION:

Headquarters, Department of the Army (HQDA) (DAAG-CMT-CS), Washington, DC 20314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel who have applied, are employed by, assigned to, or were employed by the Army Club System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for Intelligence Agency dossier check copies of the individual applications, together with letters of recommendation, Enlisted Club Management Career and Development Program applications for award of Primary Military Occupational Specialties (PMOS)/00J50 and/or 021A. Data report; qualification record; determination of moral eligibility and waiver of disqualifications; educational transcripts; reliefs, component; awards, releases, transfers and other military service data; transmittal letters; control cards and related documents. Informational paper and card files on officers, warrant officers, enlisted personnel and civilians; training information, general personnel printouts of officer, warrant officer and enlisted temporary duty orders; copies of assignment instructions; PMOS 00J50, 021A, and Specialty Skill Identifier Code 43; letters of recommendation on Club personnel; military personnel information files; recommendations for award; letters of welcome, orders, and letters of reprimand; extracts of results of US Army Criminal Investigation Command/Intelligence Agency Records check on military personnel only; training information and letters of commendation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to facilitate, recruit, select, appoint, assign, pay, evaluate, recognize, discipline, train, develop, and separate individuals; and execute managerial and supervisory functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, file cards in cardex files.

RETRIEVABILITY:

By last name, social security number (SSN), or other personal identifier.

SAFEGUARDS:

Storage area restricted to authorized personnel and documents treated as if they were For Official Use Only.

RETENTION AND DISPOSAL:

Records are held for the period of probability of use; then retained in records holding area for a safety period and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, HQDA, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from HQDA (DAAG-CMT-CS), Washington, DC 20314.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQDA (DAAG-CMT-CS), Washington, DC 20314. Written requests from individuals should contain the full name of the requester, current address and telephone number, a specific description of the information/records sought, and any identifying numbers such as SSN. For personal visits, the individuals should be able to provide acceptable identification, such as: driver's license, employing offices, identification card and furnish verbal information that can be verified.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents of the records and appealing initial determinations may be obtained from Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Applicant or employee prepared or introduced documents, statements, or correspondence from persons having knowledge of the individual or acts of the individual, official records; officially generated documents noting actions or events affecting employment and/or pay.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0606.07aDAPE

SYSTEM NAME:

606.07 Safety Award Files

SYSTEM LOCATION:

Decentralized maintenance: Safety Offices at all levels of command including Department of the Army (DA), Major Command and installation level.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any DA military/civilian personnel who have received or who have been considered for an award for accomplishments in the safety field, i.e., operators of Army motor vehicles/ equipment, and other deserving individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains approved requests, orders, certificates, citations, disapproved requests and similar or related documents reflecting the consideration and selection of individuals for recognition of outstanding effort and achieve- ment in the prevention of accidents. Automated file consists solely of Broken Wing Award data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 91-596, Section 19, Occupational Safety and Health Act of 1970; and Section 2, Executive Order 11807, Occupational Safety and Health Programs for Federal Employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Safety Offices at all levels of command including DA, Major

Command and installation level use documents in this file for history of outstanding individual effort and achievement in the prevention of accidents. The file is used to evaluate the need for additional awards for outstanding individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

Portions of Broken Wing Award files are maintained on computer magnetic tape at the United States Army Safety Center Ft Rucker, AL 36362.

RETRIEVABILITY:

File is arranged by time interval such as by month, quarter, year, as required, for promotion of accident prevention; within time interval, documents are filed alphabetically by the last name of award recipient.

SAFEGUARDS:

Buildings are kept locked, and records are maintained in areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Office performing award selection responsibility: Permanent.

Recipient offices: Permanent.

All other offices: Destroyed after 2 years, or on discontinuance, whichever is first.

SYSTEM MANAGER(S) AND ADDRESS:

Army Director of Safety, Headquarters, Department of the Army, Office of the Deputy Chief of Staff for Personnel, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DAPE-HRS)
Room 1E686
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/697-6180

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQDA (DAPE-HRS), Washington, DC 20310.

Written requests for information should contain full name of recipient, date and location of award presentation, current address, and telephone number.

For personal visits, the individual should be able to provide acceptable identification such as driver's license or employing office identification card.

CONTESTING RECORD PROCEDURES:

The Army's rule for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Documents supporting outstanding effort and achievement in accident prevention such as accident history, driver record, efforts made in safety promotion and education as supplied by the applicable unit, are used toward the completion of the award process.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0607.01bDAPE

SYSTEM NAME:

607.01 Accident and Incident Case Files; Army Safety Management Information System

SYSTEM LOCATION:

Primary System: US Army Safety Center (USASC), Attn: PESC-D Ft Rucker, AL 36362.

Decentralized Segments: Safety Offices at all levels of command including Department, Major Command and installation level.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Documents describing Army accidents are maintained with personnel identification when the following categories of persons are involved in Army accidents: Active Army military personnel; Army civilian employees; Army Reserve; Army Reserve Officers Training Corps under Army supervision; Army National Guard; Army contractor employees working on an Army installation; non-US citizen Army employees both direct and indirect hire; other persons not engaged in normal activities of an Army installation or activity not specifically defined as a separate category such as persons paid from nonappropriated funds; visitors to an installation, local residents, personnel of other agencies and services, foreign military students, dependents, and government and contractor employees injured on post in activities outside their employment duties; individuals off-post involved in accidents incident to Army operation.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains all pertinent and relevant information relating to Army accidents, including Aviator Mishap Data File consisting of Preliminary Reports of Aviation Mishaps, but excludes aircraft accident reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., section 7902; Pub. L. 91-596, Section 19, Occupational Safety and Health Act of 1970 and Section 2, Executive Order 11807, Occupational Safety and Health Programs for Federal Employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is gathered and maintained solely for accident prevention purposes. Users are Department of the Army or National Guard personnel (military or civilian) tasked with analyzing and improving the Army or National Guard Safety Programs; and for determining qualification of Army or National Guard aviators for selected programs. Various Department of Defense agencies, the Department of Labor, Federal Aviation Agency, other Federal, State, and local agencies, and applicable civilian organizations, such as the National Safety Council; National Transportation Safety Board, are furnished categories of data for use in a combined effort of accident prevention.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, computer magnetic tapes, magnetic disks and microfilm.

RETRIEVABILITY:

By date, location, and type of accident involved. In rare instances it may be retrieved by individual's last name and social security number (SSN) in addition to other necessary information. Aviator accident mishap data is retrieved by individual's last name and/or SSN.

SAFEGUARDS:

Information is coded, located in locked rooms, accessed by authorized personnel only. Only Major Army Command Safety Data Managers and the SYSMANAGER are allowed access to the records.

RETENTION AND DISPOSAL:

Office performing Army-wide staff responsibility for safety function and reviewing offices at lower echelons: Destroyed after 5 years.

USASC: Permanent. Retired to Washington National Records Center on discontinuance. Aviator Mishap Data File: Destroyed after 20 years.

Offices initiating reports and investigations: Destroyed after 2 years or on discontinuance, whichever is first.

SYSTEM MANAGER(S) AND ADDRESS:

Army Director of Safety, Headquarters, Department of the Army (HQDA), Office of The Deputy Chief of Staff for Personnel, Washington, DC 20310

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DAPE-HRS)
Room 1E686
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/697-6180

RECORD ACCESS PROCEDURES:

Written requests for information should contain full name, SSN, when and where accident occurred, and type of accident.

Individuals should contact Commander, U.S. Army Safety Center, Ft Rucker, AL 36362.

For personal visits, the individual should be able to provide acceptable identification; i.e., military ID, driver's license, employment ID, or other document which displays photograph/name/SSN/address/or physical characteristics to adequately identify the visitor.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Documents originating at various Army command levels, which include reports of accident, injury, fire, morbidity, military police traffic accident investigations, casualty, individual sick slips, serious incident reports, operator's reports of motor vehicle accidents, marine casualty reports, and Preliminary Report of Aviation Mishap.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0608.04aDASG

SYSTEM NAME:

608.04 Radiation Incident Case Files

SYSTEM LOCATION:

Primary System: Health and Environment Division, Health Care Directorate, The Surgeon General's Office, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army personnel, military and civilian, overexposed to hazards of ionizing and non-ionizing radiation.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents related to investigating and reporting cases of overexposure of individuals to ionizing and non-ionizing radiation, including personnel dosimetry results, reports of film badge readings and similar and related documents; and analysis of biological specimens, whole-body counts, eye examinations, and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 CFR; Pub. L. 91-596; Executive Order 11807.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Health and Environment Division, The Surgeon General's Office: To identify and correct unsafe working conditions, provide data for use in possible subsequent litigation, and determine whether individual should be permitted to continue to work in a radiation environment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name in approved user files.

SAFEGUARDS:

Building employs security guards. Records are maintained in area accessible only to authorized personnel who are properly screened.

RETENTION AND DISPOSAL:

Permanent; cut off on completion of the investigation or operation. Destroyed after 30 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, (HQDA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained by written request to:
HQDA (DASG-HCH)
The Pentagon
Washington, DC 20310

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Office of The Surgeon General, Department of the Army (DASG-HCH), Washington, DC 20310.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Interview with individual; medical records; reports of investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0609.01aDASG

SYSTEM NAME:

609.01 Individual Radiation Protection Files

SYSTEM LOCATION:

Primary System - Army installations/activities which possess, use, or store radiation producing devices or radioactive materials.

Decentralized Segment - Nucleonics Section, Quality Assurance Division, Lexington Blue Grass Depot Activity, Lexington, KY.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army personnel, civilian and military, occupationally exposed to hazards of ionizing radiation and occasionally exposed and monitored visitors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Installation personnel and Radiation Protection Committee files contain documents, DD Forms 1952, DD Forms 1141, DA Forms 3484, exposed dosimetry film, and related papers reflecting the training, experience, and certification of individual radiation workers to handle specific sources of ionizing radiation; summary listings of certified individuals; external exposures to ionizing radiation, including personnel dosimetry results and reports of film badge readings; and internal exposures to radioactive materials, including analysis of biological specimens and whole-body counts.

Lexington Blue Grass Depot Activity automated dosimetry file contains data elements reflecting individual name, social security number, film badge number, coded cross-reference to place of assignment at time of exposure, from-to dates of exposure and radiation dose, cumulative quarterly, annual and life-time dose, type of measuring device, and coded cross-reference to qualifying data regarding exposure readings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 CFR 35; 10 CFR 20; Title 44 U.S.C., Section 3101; Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To insure individual qualifications to handle radioactive materials; to monitor, evaluate, and control the risks of individual exposures to ionizing radiation or radioactive materials by comparison of both current (short-term) and long-term exposures; to provide radiation data to other Federal agencies, academic institutions, and non-governmental agencies, such as the National Council on Radiation Protection and Measurement and the National Research Council, authorized to conduct radiation research, evaluation, and monitorship.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, film packets, magnetic tape/disk.

RETRIEVABILITY:

Filed alphabetically by name; automated data retrievable by name, social security number, or automatic data processing parameters.

SAFEGUARDS:

Buildings employs security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened and trained; access to computer operations room is controlled by card key system, which requires positive identification and authorization.

RETENTION AND DISPOSAL:

Certified user listing files - Retained 5 years after reassignment, transfer or separation of individual.

Personnel Dosimetry files - Permanent. Processed film indicating normal exposure is retained 5 years after evaluation and recorded on permanent records.

Personnel Bioassay files - Permanent medical records.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army (HQDA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained by written request to:
HQDA (DASG-PSP)
Room 2D453
The Pentagon
Washington, DC 20310

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Office of The Surgeon General, HQDA (DASG-PSP), Room 2D453, The Pentagon, Washington, DC 20310.

All requests should be written since files are not stored in HQDA. If telephone conversation is desired, at the expense of the inquirer, area code and telephone number will be furnished.

Personal visits by the individual requesting access may be arranged only with the official assigned to respond to a written request.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting content and appealing initial determination may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Monitored individuals and exposed dosimetry film.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0609.02DAAG

SYSTEM NAME:

Army Nuclear Test Personnel Review Program (ANTPR)

SYSTEM LOCATION:

Primary system exists at The Adjutant General's Office, Headquarters, Department of the Army, Washington, DC 20310.

Automated segments exist at the US Army Management Systems Support Agency, The Pentagon, Washington, DC 20310; US Army Reserve Components Personnel and Administration Center, St. Louis, MO 63132; and at Lexington-Blue Grass Depot, Lexington, KY 40507.

Extracts of individualized records reside at Headquarters, Defense Nuclear Agency (DNA), Washington, DC 20305.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army military and civilian personnel and/or contractor personnel in support of the Army who were exposed to radiation as the direct result of government-sponsored atmospheric nuclear detonation occurring between 1945 and 1962.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank/grade, service number, social security number (SSN), current or last known address, dates of test participation, radiation exposure and dosage data, Army unit/office of assignment at time of exposure, current medical status, and next-of-kin data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012; Title 42 U.S.C., Section 2013c.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to identify personnel who either were exposed to or participated in the atmospheric nuclear detonation program and to collect radiation exposure information so as to determine appropriate government-provided medical treatment; and to answer inquiries.

By the Veterans Administration (VA) to process/adjudicate claims in which service-connected disabilities resulting from radiation exposure are alleged.

By the National Research Council and similar government authorized agencies to conduct epidemiological studies of effects of ionizing radiation from atmospheric nuclear weapons tests.

By authorized contractors of the Department of Defense/Department of Energy to reconstruct individual dosimetry data based on research and application of mathematical factors and to write historical summaries of atmospheric nuclear testing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records on file folders; computer magnetic tapes, disks, and computer printouts.

RETRIEVABILITY:

By individual's name and/or service number/SSN.

SAFEGUARDS:

Access is limited to properly cleared personnel having need for the information in the performance of official duties. Paper records are maintained in locked containers. Magnetic tapes and disks are stored in secured computer areas, access to which is controlled by password.

RETENTION AND DISPOSAL:

Paper records are retained after data are transferred to magnetic tapes. Paper records will be retired to Washington National Records Center after completion of ANTPR effort. Magnetic tapes and disks are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (DAAG-AMR-S), Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individuals may access records pertaining to them by furnishing full name, SSN and/or service number, Army unit/office to which assigned at time of radiation exposure, and place and approximate date(s) of exposure.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; Army organizational personnel, and medical records; the Veterans Administration, Department of Energy, Defense Nuclear Agency, and other military departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0611.05aDAAG

SYSTEM NAME:

611.05 Individual Gravesite Reservation Files

SYSTEM LOCATION:

Primary System: Cemetery Division, Memorial Affairs Directorate, The Adjutant General Center TAGCEN).

Decentralized Segments: Arlington National Cemetery, Arlington, VA 22211; Soldiers' Home National Cemetery, 21 Harewood Road, NW, Washington, DC 20011; and Army post cemeteries.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and former Armed Forces personnel and non-service-connected dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains records of gravesite reservations (Department of the Army (DA) Forms 2121) in Army national cemeteries and Army post cemeteries. DA Form 2121 contains reservee's address, number of grave and section reserved, and military service and reservation data of service-connected member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Cemetery Division: To maintain official records of individuals holding gravesite reservations in Army national cemeteries and post cemeteries made prior to establishment of the one-gravesite-per-family-unit policy in 1961. Records are used in the conduct of gravesite reservation 2-year and 5-year surveys and to respond to general inquiries from individuals holding gravesite reservations.

Army national cemeteries and post cemeteries: To maintain duplicate records of individuals holding gravesite reservations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by last name of reservee.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Records are destroyed when gravesite reservation is utilized or officially cancelled.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of the Army (Civil Works), DA, The Pentagon, Washington, DC; or Director, Memorial Affairs (TAGCEN), DA, Forrestal Building, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
DA, Memorial Affairs Directorate
(TAGCEN)
Room 7F 057
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202/693-0876

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Director, Memorial Affairs (TAGCEN), DA, ATTN: DAAG-MEC, Room 7F 057, Forrestal Building, Washington, DC 20314.

Written requests for information should contain reservee's full name and name of service member, rank, and date of death. Visits are limited to Cemetery Division (DAAG-MEC), Forrestal Building, Washington, DC 20314.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the Memorial Affairs Directorate (TAGCEN), ATTN: DAAG-MEC, Washington, DC 20314.

RECORD SOURCE CATEGORIES:

Information obtained from next-of-kin and DA Forms 2122 and 2123.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0614.01aNGB

SYSTEM NAME:

614.01 Equal Opportunity Investigative Files

SYSTEM LOCATION:

Equal Employment Opportunity Branch, National Guard Bureau, NGB-EO, Nassif Building, Room 301, 5611 Columbia Pike, Falls Church, VA 22041

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All National Guard Technicians and military members who have filed complaints of discrimination and those National Guard Technicians and military members who are involved in these complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains: formal complaints of discrimination, counselors' reports, notification letters to the complainant, affidavits from the complainant and witnesses, decision on the cases, investigative reports, hearings, complaints, examiners' findings, and recommendations and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI Civil Rights Act 1964; Pub. L. 92-261, Nondiscrimination in the Federal Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses are to investigate complaints of discrimination, provide facts to the Adjutant General of a State for issuing a proposed disposition to the complainant, provide information to the Civil Service Commission Complaints Examiner in the Bureau or other agencies to be used in issuing final decisions, provide information to Civil Service Commission Appeals Review Board in making its determination, make data available to National Guard Bureau Legal Officers as required and provide

data to the complainants to assist them in making their decisions to accept or reject proposals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The investigative files are maintained as paper records in file folders.

RETRIEVABILITY:

Filed by name of complainant and investigation number

SAFEGUARDS:

Building employs security guards. Records are maintained in cabinets accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file until the case is closed by final decision of the agency. Then forwarded to the Washington National Records Center, Suitland, MD.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Guard Bureau, Office of Minority Affairs

NOTIFICATION PROCEDURE:

Information may be obtained from:
NGB-EO
Room 301
Nassif Building
5611 Columbia Pike
Falls Church, VA 22041
Telephone, Area Code 202/756-1563

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: National Guard Bureau, Office of Minority Affairs, Nassif Building, Room 301, 5611 Columbia Pike, Falls Church, VA 22041

For personal visits positive identification is required

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Correspondence relating to the complaint, investigative reports by investigators and attached documents, hearing files and attached documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0614.03aDAPE

SYSTEM NAME:

614.03 Race Relations/Equal Opportunity & Equal Employment Opportunity Complaint Files

SYSTEM LOCATION:

Primary System: Office of Equal Opportunity Programs, Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army.

Decentralized Copies are maintained at the installation initiating the complaint and at the respective major Army command. Official mailing addresses are in the Department of Defense directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member of the United States (US) Army, Active and Reserve Components who submits a complaint to this office, orally, telephonically, or in writing, or whose complaint is forwarded by a major command to this office for appropriate action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain correspondence relating to individuals' complaints, basic complaint, interim replies; final replies; referrals to appropriate offices, i.e., Office of the Inspector General, requests for information upon which to base a reply.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of Equal Opportunity Programs: Insure complaints are properly investigated and steps taken to correct inequities; encourage chain of command to make necessary changes in cases where soldiers are obviously discriminated against.

Major commands and installations: Investigate complaints and take necessary corrective action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by installation; cross referenced by Cross Reference Sheet only, according to rank, i.e., officer or enlisted, for easier retrievability by Central File Officer.

SAFEGUARDS:

Building employs security guards. Records are maintained in safes. Action officers must request file through the Central File Officer. Charge-out sheets are used and action officers queried periodically for continued need of file.

RETENTION AND DISPOSAL:

Office of Equal Opportunity Programs: Files are permanent. They are retained in active file until end of calendar year, held 2 additional years in inactive file and subsequently retired to Washington National Records Center. Cross Reference Sheets are destroyed upon retirement of files.

Major Commands and installations: Files are retained in active file until end of calendar year, held an additional year in inactive file, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army (HQDA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DAPE-HRR)
Room 2D745
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/695-4200 or 697-1860

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQDA, (DAPE-HRR), Room 2D745, The Pentagon, Washington, DC 20310.

Written requests for information should contain the full name of the individual, current address and telephone number, year in which complaint was written, and installation at which the complaint generated.

For personal visits, the individual should be able to provide some acceptable identification; i.e., driver's license or military identification card; name the installation at which the complaint initiated; and give verbal information that can be verified from the file; e.g., date of reply to him, name of office replying.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Deputy Chief of Staff for Personnel.

RECORD SOURCE CATEGORIES:

Individuals, Congressional inquiries, Office of the Inspector General referrals,

major command and installation referrals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0701.01sDAPC

SYSTEM NAME:

701.01 Classification, Reclassification, Utilization of Soldiers

SYSTEM LOCATION:

Department of the Army (DA), US Army Military Personnel Center (USAMILPERCEN) (DAPC-EP), Hoffman Bldg 1, 2461 Eisenhower Avenue, Alexandria, VA 22331.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Army members in enlisted grades E1 through E9 and former Army enlisted personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, social security number (SSN), grade, Military Occupational Specialty, Evaluation Test Data, Enlisted Evaluation Report Data, and additional data substantiating the soldier's or agency's request for exception to or interpretation of regulatory quidance for the classification, reclassification/ utilization of soldiers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DA: Records are used for personnel management, year group management and manpower management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Building employs security guards. Records are maintained in locked cabinets accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Retained in active file until end of calendar year, held for 1 additional year in inactive file, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAMILPERCEN, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from USAMILPERCEN (DAPC-EP), Hoffman Bldg 1, 2461 Eisenhower Avenue, Alexandria, VA 22331.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the the full name of the requester, SSN, and appropriate return address. Personal visits may be made to the USAMILPERCEN; individuals should be able to provide their military service identification and Department of Defense Form 2a for active duty personnel, or other commonly acceptable means of identification used in formal transactions of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual requester, DA personnel records, computer reports, and other Army organizations and stations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0701.02aDAPC

SYSTEM NAME:

701.02 Qualitative Management Program (QMP) Appeal File

SYSTEM LOCATION:

Department of the Army (DA), United States Army Military Personnel Center (MILPERCEN) (DAPC-EP).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted personnel in grades E5 through E9 who have appealed DA imposed bars to reenlistment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, social security number (SSN), pay grade, date of rank, basic active service date, estimated termination of service, primary and secondary military occupational specialties, bar to reenlistment letter, appeal of bar to reenlistment and associated documentation submitted by the service member or his/her commander, final determination of appeal by Reenlistment Appeals Board, enlisted efficiency computer print-out containing selected data elements pertaining to service record of appellant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DA Staff and Commands: To accomplish management of QMP personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Normal access is by name and SSN.

SAFEGUARDS:

Physical security devices, guards, and personnel clearances for individuals working with the system.

RETENTION AND DISPOSAL:

Records are retained for duration of individual service member's current enlistment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from: United States Military Personnel Center, (DAPC-EP) Hoffman Bldg I, 2461 Eisenhower Avenue, Alexandria, VA 22331.

RECORD ACCESS PROCEDURES:

Written requests for information should include full name of the requester, SSN, grade and appropriate return address. Personal visits may be made to the United States Army Military Personnel Center; individual should be able to provide military service identification or other means of identification normally acceptable in the transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from: United States Army Military Personnel Center (DAPC-MSO), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Information is obtained from documented personnel records, other DA organizations and appellant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0701.02cDAPC

SYSTEM NAME:

701.02 Separation Transaction Control/Records Transfer System

SYSTEM LOCATION:

United States Army Military Personnel Center (MILPERCEN), 200 Stovall Street, Alexandria, VA 22332.

United States Army Enlisted Records and Evaluation Center, Ft Benjamin Harrison, IN 46249.

United States Army Reserve Components and Personnel Administration Center, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty enlisted personnel separated from military service (excluding active duty for training) and all personnel immediately reenlisting after separation.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, social security number (SSN), grade, eligibility for reenlistment, character of separation, separation program designator, date and location of separation of reen- listment, moral waiver and specialty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of the Army: To monitor separations of the Army active enlisted personnel as a means of enhancing strength and record accountability; to monitor immediate reenlistment processing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer magnetic tapes and disk.

RETRIEVABILITY:

By name and/or SSN.

SAFEGUARDS:

Physical security devices, guards, computer hardware and software safeguard features, and personnel clearances.

RETENTION AND DISPOSAL:

Separation records are maintained for 1 year; reenlistment records retained for 45 days; tape file scratched at end of retention period; disk files purged.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from: Headquarters, Department of the Army, (DAPC-MSO), 200 Stovall Street, Alexandria, VA 22332.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of requester, SSN, whether active, retired or separated and, if separated, date of separation.

Personal visits may be made to the United States Army Military Personnel Center. Individual should be able to provide acceptable indentification including verbal information that can be verified with his/her record.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from United States Army Military Personnel Center (DAPC-MSO), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Information is obtained through the Automatic Digital Network (AUTODIN) from field, Standard Installation/ Division Personnel Systems (SIDPERS) and United States Army Enlisted Records and Evaluation Center, Ft Benjamin Harrison, IN 46249.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0701.02eDAPC

SYSTEM NAME:

701.02 Military Personnel Management Reports

SYSTEM LOCATION:

Decentralized: Each Major Command (MACOM) maintaining a segment of the system. The official mailing addresses are in the Department of Defense directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty commissioned officers, warrant officers and enlisted personnel assigned or projected for assignment to the respective MACOM.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number (SSN), sex, race; marital status and dependents; physical category code; component; expiration of term of service; additional pay; date of rank; annual efficiency index; last overseas short tour; Personnel Information System (PERSINS) procurement actions; Unit Identification Code; Department of Army (DA) location, assignment and status codes; permanent change of station date; date joined/departed current command; gaining unit, location, assignment and status codes; reporting date; date returned from overseas; previous unit identification code; assignment and type transfer strength; primary and secondary military occupational specialties (MOS), secondary MOS evaluation score; duty MOS; away without leave data; date agreements and related documents, forms, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system extracts data from Officer and Enlisted Personnel Files and records related to organizations, personnel authorized and assigned strength and prepares printed reports designed to aid Major Command (MACOM) staffs in military personnel management functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer magnetic tapes, disks, micro- fiche and hardcopy printouts.

RETRIEVABILITY:

Access is by SSN, name, or other unique identifying characteristics.

SAFEGUARDS:

Physical security devices, computer hardware and software safe- guard features, and personnel clearances for individuals working with the system.

RETENTION AND DISPOSAL:

Records are retained for up to 90 days and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanders of MACOMs.

NOTIFICATION PROCEDURE:

Information may be obtained from the MACOM commanders to which the service member is assigned.

RECORD ACCESS PROCEDURES:

Written requests for information should include the full name, SSN, and current address. Visits may be made to the MACOM, showing appropriate personal identification such as valid driver's license, military or civilian ID cards.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The privacy information contained in this system is extracted from the Department of Army data base and disseminated to the MACOMs via magnetic tape.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0701.02fDAPC

SYSTEM NAME:

701.02 Selective/Variable Reenlistment Bonuses

SYSTEM LOCATION:

Department of the Army (DA), USA Military Personnel Center (USAMILPERCEN) (DAPC-EP).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Army members in enlisted grades E1 through E9 and former Army enlisted personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, social security number (SSN), grade, Military Occupational Speciality and documentation substantiating service member's request for accelerated payment of Selective Variable Reenlistment Bonuses (SRB/VRB) for service financial hardship or compelling compassionate reasons. An advisory recommendation is submitted to the Army Board for Correction of Military Records (ABCMR).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DA: Records are used to determine if service member is experiencing severe financial hardship or compelling compassionate reasons to warrant approval of request for accelerated payment of SRB/VRB. Records are reviewed in order to give an advisory/recommendation to the ABCMR.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by last name of individual.

SAFEGUARDS:

Record maintained in areas accessible only to authorized personnel that are properly cleared and trained.

RETENTION AND DISPOSAL:

Retained in active file until end of calendar year, held for 1 additional year in inactive file and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAMILPERCEN, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from MILPERCEN (DAPC-EP), Hoffman I, 2461 Eisenhower Avenue, Alexandria, VA 22331.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the requester, SSN and appropriate return address. Personal visits may be made to the USAMILPERCEN; individual should be able to provide military service identification and Department of Defense Form 2a if on active duty, or other commonly acceptable means of identification used in formal transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting con- tents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, DA personnel records, computer reports and other DA or organizations and stations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0701.02gDAPC

SYSTEM NAME:

701.02 Dependents of Military Personnel/US Citizen Employees

SYSTEM LOCATION:

Maintained in decentralized segments: Department of the Army commands/installations/agencies in Europe, Africa, Middle East, Japan, Korea, Alaska, Hawaii, Central and South America, and Caribbean Area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel with dependents located overseas and Army citizen civilian employees and their dependents located outside the Continental United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, social security number (SSN), military classification (officer, enlisted, civilian), unit of assignment, area of overseas residence, type sponsor, and the following information on the individual sponsor dependents located overseas: name, if paid from Army nonappropriated funds, month and year of birth, relationship to sponsor, if command sponsored; if member of household, overseas residence (city and country) and country of citizenship.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

US Army Military Personnel Center (USAMILPERCEN): to provide statistical information to Congress on the number of dependents located outside the United States; for contingency planning; for background reference in planning for movement of dependents to and from overseas; for planning for services available to dependents in overseas areas, and similar uses.

Department of the Army staff agencies/commands/installations: to coordinate, facilitate, plan and execute the orderly evacuation of noncombatants from hostile zones when required. Personal data are utilized to verify dependency, issuance of ration cards during emergency operations, logistical manifesting and establishing priorities of evacuation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer magnetic tapes, disks, and computer punch cards. Initial input on paper records is in file folders until data are verified by computer printout.

RETRIEVABILITY:

Normal access is by geographic location of dependent/employee residence; access may be made by individual identifier.

SAFEGUARDS:

Physical security is provided by storing computer tapes in a restricted area manned at all times. Normal computer hardware and software safeguards are employed. Computer printouts are stored in security containers and limited access by authorized Department of Defense personnel making routine use of data in the performance of official duties.

RETENTION AND DISPOSAL:

Records are maintained as long as the civilian employee, his/her dependents and/or the dependents of military personnel reside outside the Continental United States. Upon departure from overseas area, the file is purged of all data pertaining to the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAMILPERCEN, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from:
United States Army, Europe, ATTN: AEUPE-DSP, APO New York 09403
United States Army, Japan, ATTN: AG, APO San Francisco 96343
Eighth United States Army, ATTN: AJ, APO San Francisco 96301
US Army Forces Command, ATTN: AFPR-PR, Ft McPherson, GA 30330

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USAMILPERCEN, 200 Stovall Street, Alexandria, VA 22332.

Written requests should contain the full name, SSN of the individual, authority, need-to-know, current address and telephone number.

For personal visits, the individual should be able to provide acceptable identification, including verbal information that can be verified from his/her record.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Data are collected from the individual sponsor at time of arrival in overseas area and updated from other personnel records as required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0701.07cDAPC

SYSTEM NAME:

701.07 Enlisted Evaluation System/ Report

SYSTEM LOCATION:

Department of the Army (DA), United States Army Military Personnel Center (MILPERCEN) (DAPC-MS).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Army members in enlisted grades E1 through E9 and former Army enlisted personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, social security number (SSN), grade, Military Occupational Specialty (MOS), Evaluation Test Data, Enlisted Evaluation Report Data, and additional data substantiating the soldier's or agency's request for exception to or interpretation of regulatory guidance for the Enlisted Evaluation System and Enlisted Evaluation Reporting System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DA: To determine appropriate response to soldier/agency initiating the inquiry and to document granted exceptions to interpretations of regulatory guidance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Building employs security guards. Records are maintained in locked cabinets accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Retained in active file until end of calendar year, held for 1 additional year in inactive file, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from United States Army Military Personnel Center (DAPC-EP), Hoffman Bldg I, 2461 Eisenhower Avenue, Alexandria, VA 22331 concerning Military Occupational Specialty (MOS), Evaluation Test Data; and DAPC-MS, Hoffman Bldg II, 200 Stovall Street, Alexandria concerning the Enlisted Evaluation Reporting System.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the requester, SSN, and appropriate return address. Personal visits may be made to the United States Army Military Personnel Center; individuals should be able to provide their military service identification and Department of Defense Form 2a for active duty personnel, or other commonly acceptable means of identification used in formal transactions of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information is obtained from the individual requester, DA personnel records, computer reports, and other Army organizations and stations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0701.07dUSAREC

SYSTEM NAME:

701.07 High School Folder (Lead List)

SYSTEM LOCATION:

Army recruiting stations reached through the following Recruiting Commands: Northeast Regional Recruiting Command, Ft Meade, MD.; Southeast Regional Recruiting Command, 1628 Virginia Avenue, College Park, GA.; Southwest Regional Recruiting Command, Ft Sam Houston, TX.; Midwest Regional Recruiting

Command, Ft Sheridan, IL.; Western Regional Recruiting Command, Ft. BAker, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons of both sexes, in their senior year of high school, who may reasonably be assumed to be prospects for enlistment in the Army after graduation.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains names, addresses, and telephone numbers of prospects with qualifying information added after contact by the recruiter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 503, 505, 510, and 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by field recruiter to record locator data on high school seniors. If an interview is conducted with the prospect, additional information will be solicited and recorded on United States Army Recruiting Command (USAREC) Form 200, Recruiting Prospect Card.

Inspected by recruiting supervisory personnel to assure recruiters are contacting a sufficient number of high school graduates to maintain high quality enlistment standards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by school, by last name of high school student.

SAFEGUARDS:

Records are maintained by individual recruiters in secured files and considered privileged information.

RETENTION AND DISPOSAL:

High school lead lists are cut off at the end of the fiscal year, kept in the current files area for 2 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAREC, Ft Sheridan, IL 60037.

NOTIFICATION PROCEDURE:

Individuals who desire information as to whether their names and locator information about them are contained on high school lead lists should write to: Commander, USAREC, ATTN: USARCRFM-A, Ft Sheridan, IL 60037.

Requests should include the full name of the person desiring information, current address and telephone number, name of high school attended as a senior, and the location of the recruiting station where the information is believed to be stored.

RECORD ACCESS PROCEDURES:

Requests from individuals for access to information in this system should be addressed to: Commander, USAREC, ATTN: USARCRFM-A, Ft Sheridan, IL 60037.

Requests should include the full name of the person desiring access to the information, current address and telephone number, name of high school attended as a senior, and the location of the recruiting station where the information is believed to be stored.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting content of records and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

High school officials of the local school, county/city school superintendent, or similar officials, yearbooks and school directories.

High school senior lists are purchased by the USAREC from professional sources of supply.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0701.08DAAG

SYSTEM NAME:

701.08 Clemency Project

SYSTEM LOCATION:

Automated Equipment Division, Systems Support Directorate and Personnel Services Directorate, United States (US) Army Reserve Components Personnel and Administration Center (USARCPAC), AGUZ-SSD, PSD, 9700 Page Boulevard, St Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who were identified as being possible eligibles for clemency discharges by Department of Defense (DOD) Components.

Individuals discharged by the Clemency Processing Center, Ft Benjamin Harrison, IN who were members of the US Army.

Individuals who had served in the US Army and applied for and were potentially eligible to participate in the Clemency Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

For those individuals that were identified by DOD Components a computer print out which indicates name, social security number (SSN) or military service number, home address as shown on discharge, and service component code of the identified individuals.

For individuals that were discharged by the Clemency Processing Center a computer print out indicates name, SSN and a registry number used by National Personnel Records Center (NPRC), General Services Administration (GSA) for filing and retrieval purposes to locate the hard copy personnel record in the file storage area.

For individuals who applied to the Presidential Clemency Board a computer print out shows name, SSN or service number, NPRC, GSA registry number for filing and retrieval purposes used to locate the hard copy personnel record in the file storage area, status of the individual which indicates: performing alternate service, applied for and was not eligible for the program, authorized issuance of a Clemency discharge as recommended by the Presidential Clemency Board and directed by the President, and terminated from the program. The records received from the Presidential Clemency Board are those that were loaned to that Board from the consolidated registry of the NPRC, GSA or from USARCPAC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Presidential Proclamation 4313, 16 September 1974 - Program for Return Viet Nam Era Draft Evaders and Military Deserters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Services Directorate, RCPAC: to issue Clemency discharges as directed, answer inquiries pertaining to or from identified individuals, complete other routine administrative actions prior to returning the records to the NPRC, GSA.

DOD or any component thereof: to provide personnel or statistical information if required, provide administrative data to include, but not limited to, the status of clemency discharges issued, individuals performing alternate service or terminated from the program.

Veterans Administration: to provide information or records to assist in making determinations and decisions in the adjudication of veterans claims.

Selective Service System: to provide statistical data and personnel information to include data relative to clemency discharges issued.

Presidential Clemency Board: to provide status, complete actions, receive and locate records necessary for the orderly phase-out and return of records used by the Board.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and computer printouts.

Paper records in file folder/jacket; military personnel files.

RETRIEVABILITY:

By full name or SSN.

Hard copy personnel records filed alphabetically by last name or records may be filed by status of action required, SSN or service number to facilitate positive identification.

SAFEGUARDS:

Computer keyword distribution of output information, routed by interoffice symbols only.

Building employs security guards; identification badge required to enter building; floor badge required.

RETENTION AND DISPOSAL:

Indefinite for computer printouts and computer magnetic tapes.

Paper records in file folders/jackets are returned periodically to NPRC, GSA for storage and maintenance as personnel actions are completed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USARCPAC, 9700 Page Boulevard, St Louis, MO 63132.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, USARCPAC
9700 Page Boulevard
St Louis, MO 63132.
Telephone: Area Code 314/268-7777

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USARCPAC, 9700 Page Boulevard, St Louis, MO 63132.

Written requests for information should contain the full name and SSN or Military Service Number of the individual.

For personal visits, the individual should be able to provide acceptable identification, such as driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individuals were identified by the DOD Components as individuals who may be eligible for discharge under the Presidential Clemency Program.

Individuals were identified by U. S. Army Clemency Processing Center, Ft Benjamin Harrison, IN as having received an undesirable discharge from the US Army.

Individuals who had served in the US Army and applied for the Clemency program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0702.03aUSAREC

SYSTEM NAME:

702.03 Enlistment Eligibility Files

SYSTEM LOCATION:

Directorate of Recruiting Management, United States (US) Army Recruiting Command (USAREC), USARCRM-M, Ft Sheridan, IL 60037.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pertains to Regular Army applicants who have requested a waiver of moral eligibility for a juvenile or adult felony; determination of medical/Military Occupational Specialty qualifications, determination of Stripes for Skills qualification; exceptions to policy; determination of enlistment eligibility, and prior service personnel requesting a mental retest.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's request and agency reply approving or disapproving the request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 504, 505, 510, and 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reference file for enlistment eligibility qualifications approved or disapproved.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders in metal cabinets.

RETRIEVABILITY:

By individual's last name or date of action.

SAFEGUARDS:

Records stored in file cabinet and building secured. Records are only accessible to authorized personnel who have a valid need-to-know.

RETENTION AND DISPOSAL:

Files remain active for 1 fiscal year, inactive for 1 fiscal year and destroyed at the beginning of the third year.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding General, USAREC, Ft Sheridan, IL 60037.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Recruiting Management,
USARCRM-M
USAREC
Ft Sheridan, IL 60037
Telephone: 312/926-2372

RECORD ACCESS PROCEDURES:

Requests for information should be addressed to: Headquarters, USAREC, ATTN: USARCRM-M, Ft Sheridan, IL 60037. Request for information should contain full name, address, telephone number and military status of requester.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual, employers, probation officials, law enforcement officials, school officials, personal references, transcripts, medical records & documentation, Department of Defense Forms 214, and recruiting personnel evaluations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j) or (k), as applicable. For additional information, contact the System Manager.

A0702.04aDAAR

SYSTEM NAME:

702.04 OCS Waiver Requests

SYSTEM LOCATION:

Headquarters, Department of the Army, (HQDA), Office of the Chief, Army Reserve, Organization and Training Division.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any United States Army Reserve enlisted person or warrant officer who has requested a waiver of requirements to enter Officer Candidate School (OCS).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's request and agency reply approving or denying a waiver.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reference file for waivers approved and disapproved. Users are school officers at HQDA, and major subordinate Army Headquarters.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form file folder.

RETRIEVABILITY:

Information retrieved by individual's name or social security number.

SAFEGUARDS:

Records stored in combination safe. Only OCS Program Manager and agency officers have access.

RETENTION AND DISPOSAL:

Records destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Army Reserve, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Chief, Army Reserve
Washington, DC 20310
Telephone: 202/697-5532

RECORD ACCESS PROCEDURES:

Inquiries should be addressed to Chief, Army Reserve, Washington, DC 20310; Telephone: 202/697-5532.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Correspondence from the individual requesting attendance at OCS and the intervening higher headquarters.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0702.04bDAPC

SYSTEM NAME:

702.04 Eligibility Determination Files

SYSTEM LOCATION:

United States (US) Army Enlistment Eligibility Activity, 9700 Page Boulevard, St Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual applying for enlistment or reenlistment who requires a waiver of one or more disqualifications by Headquarters, Department of the Army (HQDA).

Persons requesting continuation on active duty under the provisions of Army Regulation 635-40, requesting withdrawal of counseling statement or cancellation of extension, or seeking clarification of enlistment/reenlistment eligibility.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains requests for enlistment eligibility or waiver of disqualifications for enlistment/reenlistment, requests for grade determinations, documents reflecting determinations made on requests for waiver or grade determinations, copies or extracted items from basic records, transmittals, and suspense documents needed to provide a means of assuring that requests are acted upon in a timely manner. Copies of auxiliary documentation submitted by applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 333.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of the Army Staff agencies and commands - To evaluate waiver requests and provide record of waiver considered, determinations, and disposition. To provide record of requests for enlistment eligibility determinations and disposition.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records between file dividers.

RETRIEVABILITY:

Filed alphabetically.

SAFEGUARDS:

Building employs security guards and requires identification badges of authorized employees. Records are maintained in area accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from: Commander, US Army Enlistment Eligibility Activity, 9700 Page Boulevard, St Louis, MO 63132.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, US Army Enlistment Eligibility Activity, 9700 Page Boulevard, St Louis, MO 63132. Requests should include the full name of the requester, current address, social security number, date of separation, and service component, if applicable.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Extracts from official military personnel files; extracts from dossiers; letters originating from applicant or inquirer; forms, documents and related papers originated by Army staff offices, command offices, or present or former service member; medical evaluations; application and related forms, records, and correspondence from applicant. Individual file may contain some or all of the foregoing.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0702.08aDASG

SYSTEM NAME:

702.08 Army Medical Procurement Applicant Files

SYSTEM LOCATION:

Primary System: Procurement Division, Army Medical Department (AMEDD) Personnel Support Agency, Headquarters, Department of the Army (HQDA) (SGPE-PD), 1900 Half Street, S.W., Washington, D.C. 20324.

Decentralized Segments: AMEDD Procurement Counselor Field Offices in the following locations: Cutler Army Hospital, Ft. Devens, MA 01433; US Post Office Building, 135 High St., Hartford, CT 06103; Room 1271, Federal Building, 100 South Clinton St., Syracuse, NY

13202; 160 North Franklin St., Hempstead, NY 11550; Building 5515, Room 309 and 316, Ft. Dix, NJ 08640; Federal Office Building, 1000 Liberty Avenue, Pittsburgh, PA 15222; Forest Glen Section, Walter Reed Army Medical Center, Washington, DC 20012; Federal Office Building, 400 North 8th St., Richmond, VA 23240; 3555 Maguire Blvd., Bennington Building, Suite 250, Orlando, FL 32803; Federal Building, 310 New Bern Avenue, Suite 310, Post Office Box 27524, Raleigh, NC 27611; 200 East Liberty St., Ann Arbor, MI 48107; Building 67, Columbus Support Facility, 530 Buckingham St., Columbus, OH 43215; HQ US Army Forces Command, Ft. McPherson, GA 30330; Building 142, Room 345, Ft. Sheridan, IL 60037; 144 Elk Place, Suite 1504, New Orleans, LA 70112; Federal Office Building, 515 Rusk Ave., Room 5122, Houston, TX 77002; Brooke Army Medical Center, ATTN: AFZG-MDZ-PP, Ft. Sam Houston, TX 78234; Federal Office Building, 1100 Commerce Street, Dallas, TX 75202; US Army Recruiting Main Station, 12th & Spruce Streets, St. Louis, MO 63102; US Army Medical Department Activity, Building 268 (Dodge Hall), Ft. Leavenworth, KS 66027; American Red Cross Building, Box 327, Fitzsimons Army Medical Center, Denver, CO 80240; Building 5, Ft. Douglas, UT 84110; Building 138, Room 116, Naval Support Activity (Sand Point), Seattle, WA 98115; Building 654, Presidio of San Francisco, San Francisco, CA 94129; 1600 N. Broadway, Suite 210, Santa Ana, CA 92706; US Army Medical Command, Europe, APO New York 09102; Tripler Army Medical Center, ATTN: HSCT-PD-P, TAMC, Hawaii 96859.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential applicants and applicants for the AMEDD procurement programs, to include applicants for appointment in the Regular Army and US Army Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Interview sheets; counselor evaluations; resume; Curriculum Vitae; autobiography; letters of recommendation; selection/nonselection letters; Special Orders; all correspondence to, from, and about applicant; Selection Board/Committee results; Statement of Interests; Objectives and Motivation; Letter of Appointment; US Army Reserve Components Personnel and Administration Center Transcript; Service Agreement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012 and 4301, and Executive Order 9397.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Procurement Division: To evaluate an applicant's acceptability and potential for appointment in a component of the AMEDD, to evaluate qualifications for assignment to various career areas; to determine educational and experience background for award of constructive service credit; to determine dates of service and seniority; to document service agreement with the US Army; to provide statistical information for effective management of the AMEDD Personnel Procurement Program.

AMEDD Procurement Counselor Field Offices: To assist applicants in completion of their applications; to counsel applicants in their potential for selection for procurement programs and/or for appointment in the AMEDD.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders.

RETRIEVABILITY:

File folders are filed alphabetically by last name of applicant.

SAFEGUARDS:

File folders are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

File folders are cut off at the end of the year in which action is completed, held 10 years, and destroyed, for selected individuals; for individuals not selected, records are cut off at the end of the year, held 1 year and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army (HQDA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, AMEDD Personnel Support Agency
Officer Procurement Division
1900 Half Street, S.W.
Washington, DC 20324
Telephone: 202/693-5120

RECORD ACCESS PROCEDURES:

Requests should be addressed to: HQDA (SGPE-PD), 1900 Half Street, S.W., Washington, DC 20324.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Commander, AMEDD Personnel Support Agency.

RECORD SOURCE CATEGORIES:

Transcripts from post secondary schools; employer evaluations; faculty evaluations; AMEDD counselor evaluations; interviews; military supervisor evaluations; medical information from medical examination facilities; American Testing Program; Educational Testing Service; Selection Board/committees; prior military service records; Department of Defense (DD) Form 214 (Report of Separation from Active Duty); application and related forms from individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a, Section (j) or (k), as applicable. For additional information, contact the SYSMANAGER.

A0703.01aDAPC

SYSTEM NAME:

Military Personnel Action Files

SYSTEM LOCATION:

Primary: US Army Military Personnel Center (MILPERCEN), 200 Stovall Street, Alexandria, VA 22332.

Army installations and commands may maintain some records in this system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals applying for appointment in the US Army or US Army Reserves.

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer candidate applications; individual application for appointment as a warrant or commissioned officer, waivers, recommendations, evaluation reports, test papers, interview records; relevant board determinations on applications; emergency data regarding next-of-kin and survivor benefits; supplemental information regarding qualifications, efficiency, duty assignment, grade, date of rank; transitory adverse suitability information concerning non-support, debts, and similar acts of wrongdoing (adverse suitability information that is supported, substantiated, or otherwise determined to be true is transferred into the official military personnel file); and similar information used by offices exercising administrative jurisdiction as reference records of routine actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Section 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to satisfy administrative and management requirements concerning acceptability of applicants. Information may be disclosed to other branches of the Armed Forces when relevant to an individual's application for transfer or duty with another Service.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfiche.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in controlled areas accessible only to authorized persons having official need therefor.

RETENTION AND DISPOSAL:

Records are retained from 3 months to 3 years depending on the type document, following which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not this system of records contains information on them should inquire of the Army installation to which application was sent, or to the System Manager. Individual should furnish complete name, Social Security Account Number, date of application, place to which sent, and any other information that will assist in locating record.

RECORD ACCESS PROCEDURES:

Individuals should submit a written request as specified under 'Notification Procedure'.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; extracts from personnel records; forms, documents, and related papers originated by or received in army offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0703.02aDAPE

SYSTEM NAME:

703.02 United States (US) Military Academy Entrance Examination Result Files

SYSTEM LOCATION:

Office of the Director of Admissions and Registrar, US Military Academy, (USMA) MAAR-R, West Point, NY 10996.

Archives, USMA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Listings of examination results on all candidates who were admitted as cadets or were unsuccessful in gaining admission to the USMA from 1901 to the present.

CATEGORIES OF RECORDS IN THE SYSTEM:

Entrance exam results; source of nomination; final status as candidate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 4331, 4332, 4334.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Research as appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Bound hardcover book.

RETRIEVABILITY:

Alphabetical, by source of nomination, Prep School candidates, athletic interest, and minority candidates.

SAFEGUARDS:

Stored in locked room during non-duty hours. Records are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Admissions and Registrar, USMA, for classes currently enrolled at USMA and the most recent graduating class.

Archives, USMA for other classes.

NOTIFICATION PROCEDURE:

Information can be obtained from SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the SYSMANAGER or Archives, USMA.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Transcripts from secondary and post secondary schools; faculty evaluations; employer evaluations; military supervisor evaluation; medical information from the Department of Defense Medical Review Board; interviews from Admissions Participants; American College Testing Program; Educational Testing Service; Director of Intercollegiate Athletics; Members of Congress.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0703.04DAPC

SYSTEM NAME:

ROTC Applicant/Member Records

SYSTEM LOCATION:

Manual records exist in Office of the Professor of Military Science at civilian educational institutions, in ROTC Regional Offices, and at US Army Military Personnel Center, Alexandria, VA 22332.

Automated records are maintained at HQ US Army Training and Doctrine Command, Ft. Monroe, VA 23651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who apply and are accepted in the Army Reserve Officers Training Corps (ROTC) program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for appointment, including such personal data as name, Social Security Account Number, date and place of birth, citizenship, home address and telephone; marital status; dependents; transcripts and certificates of education, training, and qualifications; medical examinations; financial assistance documents; awards; ROTC contract; photograph; correspondence between member and the Army or other Federal agencies; letter of appointment in Active Army on completion of ROTC status; security clearance documents. Official documents include DA Form 131, DA

Form 597, DA Form 61, DA Form 873, SF 88 and SF 93, DD Forms 4/1-4/4, and DOJ Form I-151 if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Sections 2101-2111.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army (a) in the selection, training, and commissioning of eligible ROTC cadets in the Active Army and Reserve Forces and (b) for personnel management, strength accounting, and manpower management purposes.

May be disclosed to the Federal Aviation Administration to obtain flight certification/licensing.

May be disclosed to the Veterans Administration for member Group Life insurance and/or other benefits.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in folders, punched cards, microfilm/fiche, magnetic tape, drum, or disc.

RETRIEVABILITY:

By name, social security number, or ADP parameter of characteristics of qualification or identity.

SAFEGUARDS:

All records are maintained in areas accessible only to authorized personnel who are trained and cleared for duties relating to personnel administration. Insofar as automated records are concerned, each outline terminal employs users identification and password edits to protect the system from unauthorized access and to restrict each user to specific files and data elements. User identifications and passwords are changed at random times, control data are maintained by the system manager in a sealed envelope in an authorized safe.

RETENTION AND DISPOSAL:

DA Form 131 is retained in the ROTC unit for 5 years after cadet leaves the institution or is disenrolled from the ROTC program. Following successful completion of ROTC and academic programs and appointment as a commissioned officer with initial assignment to active duty for training, copy of pp. 1 and 2 will be reproduced and sent to the commandant of individual's basic branch course school.

Records of rejected ROTC applicants are destroyed. Other records not mentioned in preceding paragraph and in the 'Category of records' element above are destroyed if not required to become part of the MPRJ.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not this system of records contains information on them should inquire of the Professor of Military Science of the civilian educational institution in which the individual is an enrolled ROTC member.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the official in 'Notification procedure', furnishing his/her full name, current address and telephone number, and definitive description of the information sought. For personal visits, the individual must provide commonly used identification such as valid driver's license or personal identification card used in the normal transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, civilian educational institutions, official Army records addressing entitlement status, medical examination and treatment, security determination, and attendance and training information while an ROTC cadet.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0703.07aDAPE

SYSTEM NAME:

703.07 Officer Availability and Civil School Mgt System

SYSTEM LOCATION:

Adjutant General Data Processing Branch, Adjutant General Division, United States (US) Military Academy (USMA), West Point, NY 10996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army officer previously assigned, presently assigned, scheduled for assignment, or declared permanently not available for assignment to the USMA. Additionally, any officer declared temporarily not available, or available for a specific academic year. When a new academic year is begun, these records are removed from the file.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, rank, social security number (SSN), branch, status of officer, individual's desires regarding assignment, departments/activities interested in the officer, department/activity to which officer will be assigned, if applicable; school attending or attended for masters or PhD training, and Army Educational Requirements Board number used for schooling and utilization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 4334(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USMA: Provide information to interested departments/ activities on officer's desires and availability. Used as a means to verify status of officer. Used to prepare requisitioning documents for use at the USMA and Headquarters, Department of the Army (HQDA). Used to prepare reports to HQDA on utilization of officers.

HQDA: uses information provided on the requisitioning document (name, rank, branch and SSN) to verify availability and begin preparation of orders for direct assignment or civil schooling. Uses information on utilization reports (name, rank, branch, SSN, Army Educational Requirements Board number assigned against) to verify that officer is being utilized properly (proper discipline).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer Disk.

RETRIEVABILITY:

Filed by SSN.

SAFEGUARDS:

Computer disk is maintained in vault when not being used. Disk is maintained in area accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

All records of individuals declared temporarily not available or available and not assigned are destroyed annually. Records of individuals

assigned to the USMA are destroyed on official confirmation of the assignment.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Military Personnel Branch, Adjutant General Division, USMA, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Superintendent
USMA
ATTN: MAAG-P
West Point, NY 10996

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Superintendent, USMA, ATTN: MAAG-P, West Point, NY 10996.

Written requests for information should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification, i.e., a valid identification card, or driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0703.09aDAPE

SYSTEM NAME:

703.09 Evaluation Files on Cadets and Potential Instructors

SYSTEM LOCATION:

Decentralized Segments: Office of the Dean of the Academic Board and Departments of Chemistry; Earth, Space and Graphic Sciences; Electrical Engineering; English; Foreign Languages; History; Law; Mathematics; Mechanics; Physics; and Social Sciences; S1, United States (US) Corps of Cadets and Headquarters, 1st, 2nd, 3rd, and 4th Regiments, US Corps of Cadets; and Offices of Military Instruction, Military Leadership, and Physical Education; United States Military Academy (USMA), West Point, NY 10996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Cadets who are receiving or have received instruction from departments; graduates of the USMA; and other officers who are being considered for assignment to the Staff and Faculty, USMA; officers who are presently serving or have served on the Staff and Faculty, USMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Evaluation material on cadets and graduates; letters of application and recommendation; academic performance documents; correspondence between officers and departments; availability status received from Department of the Army; personal data available from other sources. Individual files may contain some or all of the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 4334.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The files are utilized by the Heads of Departments in evaluating cadets and in evaluating the relative suitability of potential instructors for graduate schooling and subsequent assignment to the Staff and Faculty, USMA, or for direct assignment to the Staff and Faculty, USMA.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in the form of cards, file folders, or other similar material.

RETRIEVABILITY:

Filed alphabetically by last name within year-group or USMA class.

SAFEGUARDS:

Records are maintained in an area accessible to authorized personnel only.

RETENTION AND DISPOSAL:

Records are retained until, in the opinion of the Department Head, they are no longer necessary. Disposal is by destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Dean of the Academic Board, USMA, West Point, NY 10996.

Professor and Head, Departments of Chemistry; Earth, Space and Graphic Sciences; Electrical Engineering; English; Foreign Languages; History; Law; Mathematics; Mechanics; Physics; and Social Sciences; USMA, West Point, NY 10996.

Commandant of Cadets, ATTN: MACC-B, USMA, West Point, NY 10996.

Commanders, 1st, 2nd, 3rd and 4th Regiments, United States Corps of Cadets, USMA, West Point, NY 10996.

Director, Offices of Military Instruction, Military Leadership, and Physical Education.

NOTIFICATION PROCEDURE:

Write or call the specific SYSMANAGER.

RECORD ACCESS PROCEDURES:

Write or call the specific SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Applications of individual officers; recommendations of individual officers submitted by others; college transcripts; potential instructor ratings submitted on cadets by departmental instructors; information provided by the US Army Military Personnel Center in response to requests for availability data; correspondence between individuals and departments; personal data available from other agency publications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0704.03aDAPE

SYSTEM NAME:

704.03 Accelerated Promotion/Early Discharge Report

SYSTEM LOCATION:

Primary System: Headquarters, United States Army Recruiting Command (USAREC), Ft Sheridan, IL 60037;

decentralized segments: regional, district, and area recruiting command headquarters, and recruiting stations. Official mailing addresses of the decentralized segment are in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals discharged from the Army during initial 179 days of service; and individuals who received an accelerated promotion to private E2 after basic combat training. In both cases, the name of the recruiter who recruited the soldier is provided.

CATEGORIES OF RECORDS IN THE SYSTEM:

Report contains name of soldier discharged or promoted along with the date of enlistment, date of promotion or discharge, code of the Armed Forces Examining and Entrance Station that processed the enlistee, waiver code (if

applicable), separation program designator (discharged soldier only), and the name and identification number of the recruiter who recruited the soldier.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301: Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify recruiting organization, recruiters, and geographic areas with high discharge or promotion rates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printout in a metal cabinet.

RETRIEVABILITY:

By geographical area and district recruiting command identifying the recruiter of the soldier.

SAFEGUARDS:

Records are maintained in cabinets; accessibility is limited to authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Report files remain active for 1 year, inactive for 1 year, and are destroyed at the beginning of the 3rd year.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAREC, Ft Sheridan, IL 60037.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Market Studies and Analysis,
USAREC
Ft Sheridan, IL 60037
Telephone: Area Code 312/926-2570.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, USAREC, ATTN: USARCMSA, Ft Sheridan, IL 60037.

Written requests for information should contain the full name of the individual, social security number, current address, and telephone number.

For personal visits, the individual should be able to provide acceptable identification; i.e., driver's license, identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and contesting contents and appealing initial determination may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Enlisted Master File

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0704.04bMEPCOM

SYSTEM NAME:

Military Entrance Processing Reporting system (MEPRS)

SYSTEM LOCATION:

Primary: US Military Enlistment Processing Command, US Naval Training Center, Great Lakes, IL 60088.

Secondary: 73 locations at Military Enlistment Processing Command sector headquarters and individual Military Entrance Processing Stations located in the United States. (Addresses can be obtained from MEPCOM.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who report to a Military Entrance Processing Station to be aptitudinally tested and/or physically examined to determine their fitness for entry into one of the Armed Services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, date and place of birth, home address and telephone number, results of aptitude tests, physical examination, and relevant documentation concerning individual's acceptance/rejection for military service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 505,511; 50 U.S.C. 451-473.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the US Military Enlistment Processing command for determining qualifications of applicants for the Armed Forces through aptitude testing, medical examination, and administrative processing. Information is used also for statistical analyses within the Department of Defense to determine patterns and trends in the military population.

Information from this system is disclosed to the Selective Service System to update the SSS registrant data base.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, Computer Magnetic tape

RETRIEVABILITY:

By Social Security Number.

SAFEGUARDS:

All data are retained in locked rooms/compartments with access limited to designated personnel having an official need to know. Access to computerized data is by use of a valid site ID number assigned to the individual terminal and by a valid user ID and password code assigned to the individual user, changed periodically to avoid compromise. Data entry is on-line using a dial-up terminal. Physical acess to computer files is controlled by keys known only to MEPCOM and MEPS personnel assigned to work on the data base.

RETENTION AND DISPOSAL:

Each MEPS retains a copy of coding sheets for each applicant, plus a copy of the Application for Enlistment on accepted applicants for 6 months after which they are destroyed. For applicants who are not accepted, each MEPS retains a copy of the Report of Medical Examination with supporting documents, the Report of Medical History, and the Coding Sheets for a period not to exceed 2 years after which they are destroyed. Original or copy of documents is filed permanently in the Official Military Personnel File for acceptable applicants and transferred to the gaining Armed Service. All information is transferred to magnetic tapes at the primary site and retained for 7 years, after which it is erased.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Military enlistment Processing Command, US Naval Training Center, Great Lakes, IL 60088.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system of records contains information on them should write to the System Manager, furnishing their full name, Social Security Number, date and location of the Military Enlistment Processing Station (MEPS) (formerly named Armed Forces Examining and Entrance Stations (AFEES)) where the testing or examination occurred, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records concerning them should write to the system manager furnishing information identified under 'Notification procedure'. On personal visits, individual should provide acceptable identification such as valid driver's license, employer identification card, building pass, etc.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, physicians, results of tests, Federal/State/local law enforcement activities/agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0704.04DASG

SYSTEM NAME:

704.04 Medical and Dental Registrant Case Files

SYSTEM LOCATION:

Army Medical Support Agency, Office of the Surgeon General, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those physicians who registered under the Selective Service Act. Preinduction files and brief record pertaining to professional qualifications.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's registration for the draft, including information on his professional education and training, preinduction physical information and in cases of non-citizens, information necessary to initiate National Agency Check.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Not currently used. Records are being held, pending possible reinstatement of physician draft.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders in boxes.

RETRIEVABILITY:

Filed alphabetically by name of applicant, Army Area, and age of applicant.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained until registrant reaches maximum draft age plus 1 year then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, Army Medical Personnel Support Agency
Officer Procurement Division
Room 7B054
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202/693-6160

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, Army Medical Support Agency, Officer Procurement Division, Room 7B054, Forrestal Building, Washington, DC 20314.

Written requests for information should contain full name of individual, current address and telephone number, address at time of registration for draft and date of birth. Visits are limited to Officer Procurement Division, Room 7B054, Forrestal Building, Washington, DC 20314.

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license, employing office's identification card, and verbal information that can be verified from folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Registrant, or his legal guardian or committee, if incompetent.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0704.06aUSAREC

SYSTEM NAME:

704.06 Recruiting Prospect Card Files

SYSTEM LOCATION:

Army recruiting stations reached through the following Recruiting Commands: Northeast Regional Recruiting Command, Ft Meade, MD.; Southeast Regional Recruiting Command, 1628 Virginia Avenue, College Park, GA.; Southwest Regional Recruiting Command, Ft Sam Houston, TX.; Midwest Regional Recruiting Command, Ft Sheridan, IL.; Western Regional Recruiting Command, Ft Baker, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons of both sexes, between the ages of 17 and 35, who may reasonably be assumed to be prospects for enlistment in the Army; those persons who have recently been enlisted into the Army through a recruiting station; and those persons who have recently been determined to be ineligible for enlistment.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains name, address, social security number (SSN), telephone number and information required to determine prospect's qualifications for enlistment and desires concerning enlistment options; items of information required to process enlistment forms, to conduct testing and physical examination and/or to enlist or reject the prospect for Army service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 503, 505, 510 and 3012 of Title 10, US Code

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by field recruiters to record information necessary to locate prospects, to process for testing and physical examination and to enlist those who are qualified and desire to enlist.

Used by Army Guidance Counselors to transcribe information onto enlistment forms; is then returned to the recruiting station responsible for the prospect.

Used by field recruiters as market data information to determine recruiting trends.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Vertical file cards in metal file card container.

RETRIEVABILITY:

Filed alphabetically by last name of prospect.

SAFEGUARDS:

Records are maintained by individual recruiters and are considered privileged information.

RETENTION AND DISPOSAL:

Active prospect cards are maintained until it is apparent that the prospect will not enlist, is not qualified to enlist or has enlisted in the Army or another armed service or Reserve component.

Recruiting prospect cards on persons who have enlisted in the Army are cut off at the end of each calendar year, held in the current files area for 2 years and then destroyed.

Recruiting prospect cards on persons who have been determined to be unqualified for Army service are cut off at the end of the calendar year, held in the current files area for 2 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding General, United States Army Recruiting Command, Fort Sheridan, IL 60037.

NOTIFICATION PROCEDURE:

Individuals who desire information as to whether the recruiting prospect card system contains information on them, should write to Commander, United States Army Recruiting Command, ATTN: USARCRFM-A, Fort Sheridan, IL 60037.

Requests should include the full name of the individual desiring the information, SSN, whether individual has prior service, current address and telephone number, and the location of the recruiting station where the information is believed to be stored.

RECORD ACCESS PROCEDURES:

Requests from individuals for access to information in these files should be addressed to: Commander, United States Army Recruiting Command, ATTN: USARCRFM-A, Fort Sheridan, IL 60037.

Request should include the full name of the individual desiring access to the information, SSN, current address and telephone number, and the location of the recruiting station where the information is believed to be stored.

CONTESTING RECORD PROCEDURES:

Rules for contesting content of records and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

The majority of the items of information on the prospect card are solicited directly from the prospect, though some items may be verified with outside documents such as a driver's license, social security card, educational records, selective service card and/or birth certificate.

Testing information is received from testing personnel at the Armed Forces Examining and Entrance Station (AFEES) and/or the Armed Forces Vocational Testing Group (AFVTG).

Prior service verification is provided from information recorded on the prospect's DD Form 214, DA Form 1181, and/or from the US Army Personnel Records Center and Army Separation Activities.

Follow-up information (locator data) and other information provided to the Army by the prospect in response to Army advertising is forwarded to the recruiting station on USAREC Form 200 cards.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0704.06bTRADOC

SYSTEM NAME:

704.06b Army Reserve Officers' Training Corps (ROTC) LEADS Referral Card System

SYSTEM LOCATION:

Primary System - LCS Industries, 10 Pelham Parkway, Pelham Manor, NY 10803.

Decentralized Segments - Ayer Direct, 1345 Avenue of the Americas, New York, NY 10019; Office of the Deputy Chief of Staff for ROTC (ODCSROTC), Headquarters (HQ), United States Army Training and Doctrine Command (TRADOC), Ft Monroe, VA 23651; United States (US) Army ROTC Region (ROTCR) HQ, and ROTC Instructor Group Staffs.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any US citizen who can reasonably be assumed to be a potential enrollee in the Senior ROTC (SROTC) program.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains individual names, addresses, telephone numbers, social security numbers, high school graduation dates, colleges planning to attend, and enrollment information following recruitment follow-up actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Chapter 103, Section 2101-2111.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

LCS Industries - To establish and maintain a central computerized master file of prospective SROTC enrollees; to generate SROTC prospect LEADS cards and recruitment management information reports.

ROTC Instructor Group Staffs - To recruit individual SROTC prospects for possible enrollment and to maintain a future reference and follow-up suspense file of prospective enrollees.

HQ, TRADOC; HQ, ROTC; and Ayer Direct - To analyze SROTC advertising program effectiveness and recruitment activitites.

United States Army Recruiting Command (USAREC); United States Army Reserve (USAR); and Army National Guard (ARNG) - To recruit individual prospects for enlistment purposes when the individual has specifically requested transfer of his/her name from the SROTC prospect file to the USAREC, USAR, or ARNG.

Admissions/Registrars Offices - To provide prospective enrollees who have indicated a desire to attend a particular host or cross-enrolled institution with catalogs or other information concerning that school.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

LCS Industries stores information on magnetic tape and magnetic disk in a film library secured by a controlled access roster.

Ayer Direct stores computer print-outs in standard file containers.

HQ, TRADOC and ROTCR store computer print-outs in standard file containers.

ROTC Instructor Groupd Staffs store LEADS cards in file folders or in standard card index files.

Admissions/Resistrars Offices store individual referral data in standard file containers.

RETRIEVABILITY:

LCS Industires - Filed alphabetically by last name of prospect and by ROTCR.

HQ, TRADOC, ROTCR, and Ayer Direct - Print-out reports are alphabetized by last name of prospect and by ROTCR. Reports are filed chronologically by month.

ROTC Instructor Group Staffs - LEADS cards are filed alphabetically by last name of prospect.

Admissions/Registrars Offices - Filed alphabetically by last name of prospect.

SAFEGUARDS:

LCS Industries - Building and offices are locked in the evening. Keys are controlled. Records are maintained in areas accessible only to authorized personnel who are properly screened and trained.

Ayer Direct - Building employs security guard. Employees carry passes.

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

HQ, TRADOC and ROTCR - Buildings are located on military reservations. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

ROTC Instructor Group Staffs and Admissions/Registrars Offices - Buildings are located on college campuses guarded by college security officials. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

LCS Industries - Records are retained in active file until the end of the fiscal year in which the data is recieved, held in an inactive file until expiration of contract.

Ayer Direct - Records are retained in an active file for up to two years and then destroyed.

HQ, TRADOC and HQ, ROTCR - Records are retained in an active file for up to two years and then destroyed.

ROTC Instructor Group Staffs and Admissions/Registrars Offices - Records are retained for as long as it is deemed necessary for appropriate follow-up action and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for ROTC, Headquarters, United States Army Training and Doctrine Command, Ft Monroe, VA 23651.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ, TRADOC
ODCSROTC (ATRO-AM)
Ft Monroe, VA 23651
Telephone: Area Code 804/727-3077

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: Headquarters, United States Army Training and Doctrine Command, Office of the Deputy Chief of Staff for ROTC (ATRO-AM), Ft Monroe, VA 23651.

Written requests for information should contain the full name of the individual, current address, and telephone number. Visits are limited to the Office of the Deputy Chief of Staff for ROTC, HQ, TRADOC (ATRO-AM), Ft Monroe, VA 23651.

For personal visits, the individual should be able to provide some acceptable identification; e.g., driver's license or employing office's identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Magazine, newspaper, and poster advertising coupons; mailback reply cards; letters; walk-ins; referrals from parents, relatives, counselors, teachers, coaches, friends, associates, college registrars, dormitory directors, national testing organizations, honor societies, Boys' Clubs, Boy Scout organizations, Future Farmers of America, minority and civil rights organizations, fraternal and chruch organizations, neighborhood youth centers, YMCA, YWCA, social clubs, athletic clubs, Boy's State/Boys' Nation, scholarship organizations, previous employers, trade organizations and other agencies and commands within the Department of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0704.09#USAREC

SYSTEM NAME:

704.09 Center of Influence Card Files (USAREC Form 125)

SYSTEM LOCATION:

Army recruiting stations reached through the following Recruiting Commands: Northeast Regional Recruiting Command, Ft Meade, MD; Southeast Regional Recruiting Command, 1628 Virginia Avenue, College Park, GA; Southwest Regional Recruiting Command, Ft Sam Houston, TX; Midwest Regional Recruiting Command, Ft Sheridan, IL; Western Regional Recruiting Command, Ft Baker, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Army Recruiting Command (USAREC) Form 125 Cards are initiated and maintained on persons who actively assist the recruiter by referring applicants for enlistment.

Cards are also maintained on persons who have been or should be cultivated for improvement of community relations. In this category are program directors for radio and TV stations, newspaper editors and important civic persons, such as the town/city mayors (when applicable).

Cards will also contain by name references to persons actually referred to the recruiters by the center of influence.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains name, title, address, phone number, and specific data about the person which has caused him to be selected as a center of influence for a specific recruiter, and the manner of assistance and effectiveness of the center of influence.

Additionally, the reverse side of the USAREC Form 125 is used to record the names of persons referred to the recruiter for enlistment by the center of influence. Other information about the person referred includes social security number, date enlisted, option selected, educational level and achievement scores resulting from the Armed Forces Qualification Test (AFQT).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 503, 505, 510 and 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the recruiter to determine which persons are providing recruiting assistance, and to recognize and reward those persons who assist the recruiter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Vertical file cards in metal file card container.

RETRIEVABILITY:

Filed alphabetically by last name of center of influence.

SAFEGUARDS:

Records are maintained by individual recruiter and are considered privileged information.

RETENTION AND DISPOSAL:

Center of influence cards are destroyed by the individual recruiter when they are no longer needed for reference and are not transferred to any other file.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAREC, Ft Sheridan, IL 60037.

NOTIFICATION PROCEDURE:

Individuals who desire information as to whether the center of influence card system contains information about them should write to Commander, USAREC, ATTN: USARCRFM-A, Ft Sheridan, IL [illegible]

Requests should include the full name of the individual desiring the

information, current address and telephone number, and the location of the recruiting station where the information is believed to be stored.

RECORD ACCESS PROCEDURES:

Requests from individuals for access to information in these files should be addressed to: Commander, USAREC, ATTN: USARCRFM-A, Ft Sheridan, IL 60037.

Requests should include the full name of the person desiring access to the information, current address and telephone number, and the location of the recruiting station where the information is believed to be stored.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting content of records and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Personal information is solicited directly from the center of influence.

Information about persons referred for enlistment is taken directly from the USAREC Form 200, Recruiting Prospect Card.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0704.10aUSAREC

SYSTEM NAME:

Recruiter Malpractice Files

SYSTEM LOCATION:

Commander, United States Army Recruiting Command (USAREC), Ft Sheridan, IL 60037

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals against whom recruiter malpractice or processing irregularities have been alleged.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation pertaining to allegations of recruiter malpractice/processing irregularities. Such reports contain full identifying data of all persons involved, findings of the investigation, and disciplinary action taken, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949 (64 Stat. 578, as amended by Act of 22 Oct 68); Title 44 U.S.C., Sections 3101-3103.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reports used for trend analysis in order to formulate recommendations for modifications of recruiting policies and practices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file cabinets.

RETRIEVABILITY:

Alphabetically by surname of person against whom allegations have been made.

SAFEGUARDS:

File cabinets and building are secured. Reports are maintained in an area accessible only to properly screened and trained personnel; information is released only to persons having a valid need-to-know.

RETENTION AND DISPOSAL:

Files remain active for 1 year, inactive for 1 year, and are destroyed at the beginning of the third year.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Recruiting Command, Ft Sheridan, IL 60037.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Recruiting Force
Management, USARCRFM-SS
USAREC
Ft Sheridan, IL 60037
Telephone: Area Code 312/926-3147

RECORD ACCESS PROCEDURES:

Requests for information should be addressed to: Commander, US Army Recruiting Command, Ft Sheridan, IL 60037. Written requests should contain full name, address, telephone number and military status of requester. For personal visits, the requester must be able to provide acceptable identification such as a valid driver's license or military identification.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From US Army Criminal Investigation Command reports of investigation and similar reports generated within USAREC.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0704.10bMEPCOM

SYSTEM NAME:

704.10 ASVAB Institutional Test Scoring and Reporting System

SYSTEM LOCATION:

Primary System: Plans/Program/Test Scoring Division, Testing Directorate, United States Military Enlistment Processing Command (MEPCOM), FT Sheridan, IL 60037.

Decentralized Segments: Armed Forces Examining and Entrance Stations (AFEES); participating school systems; state departments of education/testing agencies; Air Force Human Resources Laboratory, Brooks Air Force Base, TX 78236; Defense Manpower Data Center, Monterey, CA 93940; all service recruiters/recruiting commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

High School, job corps, college, and other students who have been administered the institutional version of the Armed Services Vocational Aptitude Battery (ASVAB).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, social security number (SSN), address, telephone number, date of birth, sex, ethnic group identification, grade, booklet number of ASVAB test, individual's plans after graduation, and individual item responses to each of the 12 ASVAB tests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101; Title 10 U.S.C., Sections 133 and 3012.

Executive Order 9397, 'Numbering Systems for Federal Accounts Relating to Individual Personnel.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Plans/Program/Test Scoring: To compute and furnish test score products for career/vocational guidance and group assessment of aptitude test performance; for research use by selected government contractors.

Armed Forces Examining and Entrance Stations: To establish eligibility for enlistment and verify enlistment and placement scores and retest eligibility.

School Systems: For vocational/career counseling, curriculum planning, and group assessment.

Air Force Human Resources Laboratory: For future test development, test validation, and related statistical purposes.

Defense Manpower Data Center: For marketing evaluation, assessment of manpower trends, and characteristics.

Recruiters/Recruiting Commands: For recruitment, enlistment, and placement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Plans/Program/Test Scoring Division: Microfiche, optical mark sense cards, and computer magnetic tapes.

AFEES: Microfiche.

School Systems: Computer paper printout and magnetic tapes.

Air Force Human Resources Laboratory: Magnetic tapes.

Defense Manpower Data Center: Magnetic tapes.

Recruiter/Recruiting Commands: Computer paper printout and cards.

RETRIEVABILITY:

Data are first accessed by date tested, then by high school name, and then alphabetically by student name.

SAFEGUARDS:

Records are maintained in areas (locked rooms or filing cabinets) accessible only to authorized personnel who are properly screened, cleared, and trained in accordance with governing regulations. Magnetic tapes are protected by user identification and manual controls.

RETENTION AND DISPOSAL:

Plans/Program/Test Scoring Division: Primary records (mark sense data cards) are retained 4 months after which they are destroyed. Magnetic tapes are retained for 1 year; microfiche retained for 2 years. Research data retained by contractors for more than 2 years require segregation of personal identifying information and test score data, with analyses performed using only summary statistics.

AFEES: Records retained for 2 years after which they are destroyed.

School Systems: Records released to students; counselors retain scores with student master records.

Air Force Human Resources Laboratory: Records are retained indefinitely or as long as the system is operational. Files maintained after 2 years are purged to delete each student's personal identifying information.

Defense Manpower Data Center: Data maintained for 2 years, at which time personal identifying information is erased from this system.

Recruiter/Recruiting Commands: Records are maintained for 2 years from date ASVAB are administered, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Military Enlistment Processing Command, Ft. Sheridan, IL 60037.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
United States Military Enlistment Processing Command
Testing Directorate
Ft. Sheridan, IL 60037 Telephone: Area Code 312/926-2366

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Commander, United States Military Enlistment Processing Command, Testing Directorate, Ft. Sheridan, IL 60037.

Written requests for information should contain the correct name and full address of the high school, date tested, full name of individual tested, SSN, and address at the time of testing.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Students who are tested with ASVAB.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a(k)(6). For additional information contact the SYSMANAGER.

A0704.11aUSAREC

SYSTEM NAME:

704.11 Recruiter Identification Report

SYSTEM LOCATION:

Military Personnel Division, Directorate of Recruiting Force Management, US Army Recruiting Command (USAREC), USARCRFM-MP-D, Ft Sheridan, IL 60037.

Directorate of Management Information Systems/ADP, USAREC, Ft Sheridan, IL 60037.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals assigned to recruiting duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains name, social security number (SSN), initial unit of assignment, reporting date to initial assignment, and recruiter identification number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949 (64 Stat. 578), as amended by Act of 22 Oct 1968 (82 Stat. 1238); Title 44 U.S.C., Sections 3101-3103.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To assign recruiting objectives and evaluate recruiter production.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printout in file cabinet.

RETRIEVABILITY:

Listed alphabetically by last name, and numerically by four digit recruiter identification number.

SAFEGUARDS:

Building secure. Records are maintained in area accessible only to properly screened and trained personnel.

RETENTION AND DISPOSAL:

Listing updated monthly with previous listings being destroyed. Information contained in report covers a 6 year period.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAREC.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Recruiting Force Management, USAREC
Ft Sheridan, IL 60037
Telephone: 312/926-2442

Request for information should contain full name, SSN, and military status.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, ATTN: USARCRFM-MP-D, Ft Sheridan, IL 60037.

Written request for information should contain the full name of the individual, SSN, current address and telephone number.

For personal visits, the individual should be able to provide acceptable identification; i.e., driver's license, identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and

appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Recruiter Identification Control Log.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0706.02DAAG

SYSTEM NAME:

706.02 Departure Clearance Files

SYSTEM LOCATION:

Headquarters of Installations or Commands. Official mailing addresses are in the Department of Defense directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel and Department of the Army (DA) civilian personnel assigned to installations and commands who are authorized to use Army facilities or who have accountable responsibility for government property, facilities, or material.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a copy of DA Form 137 (Installation Clearance Record) and may contain copies of receipts or documents evidencing payment of telephone bills, return of material held on memorandum receipt, and similar clearance matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C. Section 3012

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To verify that an individual has obtained clearance from the installation's facilities, and to verify that the individual has accomplished his/her personal oblications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by last name of departing individual, or by departure date.

SAFEGUARDS:

Maintained in file cabinets or open storage areas.

RETENTION AND DISPOSAL:

These records are destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (HQDA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained fromm headquarters of the installation to which the individual was previously assigned.

For personal visits, the requester must provide proof of identity such as an identification card or driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the commander at the members previous command or installation of assignment.

Written requests for information should contain the full name of the individual, grade, social security number, and date of departure from unit of assignment.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations obtained from HQDA (DAAG-AMP), Washington, DC 20314.

RECORD SOURCE CATEGORIES:

These records are derived only from those activities or facilities operating on military installations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0707.05DAAG

SYSTEM NAME:

707.05 Privilege Card Application Files

SYSTEM LOCATION:

Major commands; installation headquarters; United States (US) Army Finance and Accounting Center (USAFAC); Administrative Management Directorate, The Adjutant General Center (Field Policy and Operations Division). Official mailing addresses are in the Department of Defense (DOD) directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Dependents of active duty or retired personnel and deceased military personnel; disabled veterans; Medal of Honor recipients; foreign military personnel; civilian employees of the Department of the Army assigned overseas or residing on a military installation within the US; civilian employees under private or Government contract with the US Army and their dependents; civilians of foreign nations on duty in the US at invitation of DOD.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's application for issuance of an identification card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To control and maintain a record of identification cards issued.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Applications are placed in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of applicant and social security number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in an area accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Applications are temporary documents. Applications are maintained until either the identification card expires, is replaced or is no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, (HQDA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DAAG-AMP)
Room GA 172
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202/693-0713

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Major commands; installation headquarters that issued the identification card; the USAFAC when the application was submitted to that agency for determination of dependency.

Written requests for information should contain the full name of the military or civilian sponsor and number from the identification card, if known. Visits may be made to the same agencies to which written requests are submitted.

For personal visits, the individual should be able to provide acceptable identification, i.e., driver's license, employing office's or military

identification card, including verbal information that can be verified with his application.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Sponsor's personnel records when member is on active duty; US Army Reserve Components Personnel and Administration Center when member is deceased or retired.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.01aDAPC

SYSTEM NAME:

708.01 Military Personnel Records Jacket Files (MPRJ)

SYSTEM LOCATION:

United States Army Reserve Components Personnel and Administration Center (RCPAC), each Army command/organization/detachment, and each Army Reserve command/organization/detachment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted, warrant officers, and commissioned officers on active duty in the United States (US) Army; enlisted, warrant officers, commissioned officers of the US Army Reserve in active reserve (non-unit or unit) status; all living retired persons; commissioned/ warrant officers separated after 30 June 1917 and enlisted personnel separated after 31 October 1912.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain qualification record; emergency data record; enlistment record and related service agreement/ extension/active duty orders; military occupational specialty (MOS) evaluation data report; group life insurance election; record of induction; security questionnaire; transfer/ discharge report; license application; language proficiency questionnaire; police record check; current declaration of parent/guardian; statement of personal history; identification card application; Veterans Administration (VA) compensation forms and related papers; security clearance; certificate/ determination; airborne jump record; dependent medical care statement and related forms; training and experience records; Department of Defense (DOD) summary sheet for review of conscientious objector; oath of extension of enlistment; survivor benefit plan election certificate; efficiency report; application/ nomination for assignment; achievement certificates; summarized record of proceeding, record of proceeding and appellate or other supplementary actions, Article 15 (Title 10 U.S.C., Section 815); weight control record; personnel screening and evaluation record; individual statement relating to removal from temporary disability retired list; change of name statements; enlistment statement application/approval/disapproval/ classification/removal for discharge/ identification as conscientious objector; requests for appointment; affidavits relating retention beyond expiration of term of service; prior service enlistment documents; certificate barring reenlistment; waivers for enlistment; physical evaluation board letters/ election/summaries/status of conditions; authority to change name/ birth date; statement of military service; record brief (SIDPERS); letters of failure to complete Army school; certificate of completion of Army school; MOS classification board proceedings; award of MOS; waiver of right to deferment; agreement for noncombatant duty; citation of award; correspondence relating to badges, medals, and unit awards; correspondence/ authorizations/orders regarding foreign decorations; correspondence regarding Medal of Honor and certification to VA; letters of appreciation/commendation; recommendations/approvals/ declinations/ board proceedings/ announcement relating to promotion/ reduction; correspondence/letters/ administrative reprimands/censures/ admonitions relating to apprehensions/ confinement/discipline; letters of sympathy relating to a deceased member; dependent travel and movement of household goods and acknowledgement of restriction; document and orders relating to National Guard status; adverse suitability information; personal indebtedness correspondence and related papers; statement of involuntary retirement; orders/revocations/ amendments/indorsements/ extracts relating to active duty/awards/change data/court martial/ discharge/ enlistment/reenlistment/MOS award/ proficiency pay/promotion/ reduction/ release/retirement/temporary duty; individual flight records/ physical examination records/aviator flight record/instrument certification papers/ application for identification cards/ other training/ proficiency/evaluation forms, records, and papers; other correspondence/ letters/documents/ papers relating to duty status/leave/ pass/organizational entitlements. Correspondence among the (1) United States Army Military Personnel Center (MILPERCEN), (2) service member, (3) Army Staff offices, (4) Army commands, (5) other Federal agencies, and (6) general public to commander or service member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Army command or US Army Reserve command of assignment/station/ location of the Army or Army Reserve service member: To provide day-to-day administration, training, qualification, reenlistment, discharge, and related matters pertaining to individual's military service; to publish officer registers/rosters as authorized by Title 10 U.S.C., Section 122.

Inquiries are received for information, documents, papers, and records which are provided to the requester to enable the agency to adjudicate claims, perform investigative actions, support criminal cases, state determinations, research, security clearance, citizenship, location and other related uses consistent with the functional and statutory responsibility of the agency.

Agencies using files are: Central Intelligence Agency; Department of Agriculture; Department of Commerce; Department of Health, Education and Welfare; Department of Housing and Urban Development; Department of Interior; Department of Labor; Department of State; Department of Transportation; Department of Treasury; American Battle Monuments Commission; Atomic Energy Commission; Civil Aeronautics Board; Federal Communications Commission; Federal Aviation Administration; VA; US Postal Service; Office of Personnel Management; Selective Service System; DOD agencies, elements and military departments; Social Security Administration; Defense agencies of the North Atlantic Treaty Organization, and military commands thereof (i.e., Supreme Headquarters Allied Powers Europe (SHAPE) and its subordinate commands of Allied Forces, Northern (AFNORTH), Central (AFCENT), Central Army Group (CENTAG), Southern (AFSOUTH), and Allied Land Forces Southeast Europe (LANDSOUTHEAST); State, county and city welfare organizations when information is required to conduct

business of the agency concerned; penal institutions when the individual is a patient or an inmate; and State, county and city probation/parole and pardon officers for use in presentencing or parole investigations; correspondence with next-of-kin in accordance with Army Regulation 630-10; and other elements of the Federal Government in accordance with their respective authority and responsibility.

Patriotic societies incorporated under the provisions of Title 36 U.S.C. in consonance with their respective corporate mission when their use of records or information is in furtherance of the welfare, morale, or mission of the service members of the Army.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in record jacket folder.

RETRIEVABILITY:

Records accessed by name.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel; transferred from station to station in personal possession of individual concerned or by US mail.

RETENTION AND DISPOSAL:

Permanent

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the commander of the organization to which the service member is assigned; for retired and non-unit reserve personnel, information may be obtained from the United States Army Reserve Components Personnel and Administration Center, 9700 Page Avenue St Louis, MO 63132; for separated and deceased personnel, notify the National Personnel Records Center, General Services Administration, 9700 Page Avenue St Louis, MO 63132.

RECORD ACCESS PROCEDURES:

Written requests for information should include the full name, service identification number, branch of service of an officer, and current address. Visits should be made to the Consolidated Military Personnel Activity (COMPACT) or the Military Personnel Office (MILPO) of the organization/station of the service member concerned or the United States Army Reserve Components Personnel and Administration Center.

For personal visits, the requester should provide acceptable identification, i.e., military identification card or other identification normally acceptable in the transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Headquarters, Department of the Army (DAPC-MSO), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Letters, statements, forms, records and related papers originating with the service member; generated by Army Staff offices, Army commands, other Federal agencies in accordance with their respective functional or statutory requirements; and by the general public or the commander of service member when such papers relate to the service status of the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.01bNGB

SYSTEM NAME:

708.01 Army National Guard Automated Personnel Reporting System

SYSTEM LOCATION:

Primary System: National Guard Computer Center, National Guard Bureau, Columbia Building, 5611 Columbia Pike, Falls Church, VA 22041.

Decentralized Segments: Offices of the Adjutants General of all States, Puerto Rico, the Virgin Islands, and the District of Columbia and units of the Army National Guard (ANG) not on active duty.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each individual who is a member of the ANG in a commissioned officer, warrant officer or enlisted status.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains items of data relating to individual's service which have been extracted from his/her military records or computed from the information contained therein. The records from which the data are extracted are: military personnel records jacket; financial records data folder; health records; statement of service; qualification record; group life insurance election; application for appointment; enlistment records; medical examination; active duty report; record of retirement points; notification of eligibility for retired pay at age 60; voluntary reduction; academic report; officer evaluation report; transcript of military record; oath of enlistment extension; temporary disability record; change of name; statement for enlistment; acknowledgement of service requirements; report of proceedings of physical fitness board; report of proceedings of physical review board; birth certificate; citizenship statement and status; record of security clearance; educational constructive credit; educational transcript; flight record; Federal recognition orders; special orders; recommendation for promotion; notification of non-selection for promotion; miscellaneous correspondence documents and other military orders relating to military service including information pertaining to dependents, interservice actions, intraservice actions, assignments, details, military qualifications, determinations, reliefs, component, branch of service, military awards, pay entitlements, releases, transfers, and other military service data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 275; Title 32 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Defense and Department of the Army (DA) (to include United States Army Forces Command (FORSCOM) and United States Army Reserve Components Personnel and Administration Center

(RCPAC)]: To provide feeder information necessary to enable computation of the monthly pay for each member of the ANG who is paid by the Joint Military Pay System for Reserve Components of the Army; to provide suspense information to assure completion of individual personnel actions required by Federal statute at the expiration of specified periods of time. These actions are: removal from an active status upon completion of maximum periods of service or attainment of maximum ages; to provide lists of female personnel to facilitate selection of individuals for specialized assignments in connection with ANG activities; to provide lists of military chaplains and chaplains' assistants to facilitate the selection of individuals for specialized duties or training.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

By name, social security number or automatic data processing parameter.

SAFEGUARDS:

Access to data storage area and distribution of printouts are controlled. Approval of functional manager must be obtained before data may be retrieved or distributed.

RETENTION AND DISPOSAL:

•Data retained in file until updated or service of individual is terminated. In case of enlisted personnel the data are destroyed 1 month after individual is separated from the ANG. In the case of commissioned officers and warrant officers, the data are retained indefinitely in separate file.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from: Chief, Army Personnel Division, National Guard Bureau, The Pentagon, Washington DC 20310.

RECORD ACCESS PROCEDURES:

Written requests for information should contain full name of individual, service identification number, current military status and appropriate return address.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Enlistment, appointment, or commission related forms pertaining to the individual having a current or former military status; academic, training, or qualification records acquired prior to or during military service; correspondence, forms, records, documents and other related papers originating in or collected by Department of the Army Staff agencies and commands; other Federal departmental agencies, administrations, Federal separate agencies, commissions, boards, service, or authority; State and local governmental entities; civilian education and training institutions; and members of the public when such information directly concerns the military service member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.01cNGB

SYSTEM NAME:

708.01 Military Personnel Records Jacket (MPRJ) (NGB)

SYSTEM LOCATION:

Each National Guard Armory in all states, Puerto Rico, the Virgin Islands, and the District of Columbia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted personnel, warrant officers, and commissioned officers who are members of the Army National Guard (ANG) not on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain qualification record; emergency data record; enlistment record and related service agreement/extension/active duty orders; military occupational specialty (MOS) evaluation data report; group life insurance election; record of induction; security questionnaire; transfer/discharge report; license application; language proficiency questionnaire; police record check; current declaration of parent/guardian; statement of personal history; identification card application; Veterans Administration (VA) compensation forms and related papers; security clearance; certificate/determination; airborne jump record; dependent medical care statement and related forms; training and experience records; Department of Defense (DOD) summary sheet for review of conscientious objector; oath of extension of enlistment; survivor benefit plan election certificate; efficiency report; application/nomination for assignment; achievement certificates; summarized record of proceeding, record of proceeding and appellate or other supplementary actions, Article 15 (Title 10 U.S.C., Section 815); weight control record; personnel screening and evaluation record; individual statement relating to removal from temporary disability retired list; change of name statements; enlistment statement application/approval/ disapproval/ classification/removal for discharge/ identification as conscientious objector; requests for appointment; affidavits relating retention beyond expiration of term of service; prior service enlistment documents; certificate barring reenlistment; waivers for enlistment; physical evaluation board letters/election/summaries/status of conditions; authority to change name/birth date; statement of military service; record brief; letters of failure to complete Army school; certificate of completion of Army school; MOS classification board proceedings; award of MOS; waiver of right to deferment; agreement for noncombatant duty; citation of award; correspondence relating to badges, medals, and unit awards; correspondence/authorizations/orders regarding foreign decorations; correspondence regarding Medal of Honor and certification to VA; letters of appreciation/ commendation; recommendations/approvals/declinations/board proceedings/announcements relating to promotion/reduction; correspondence/letters/administrative reprimands/censures/admonitions relating to apprehensions/confinement/discipline; letters of sympathy relating to a deceased member; dependent travel and movement of household goods and

acknowledgment of restriction; document and orders relating to National Guard status; adverse suitability information; personal indebtedness correspondence and related papers; statement of involuntary retirement; orders/revocations/amendments/ extracts relating to active duty/awards/change data/court martial/discharge/enlistment-reenlistment/MOS award/proficiency pay/promotion/reduction/release/retirement/temporary duty; individual flight records/physical examination records/aviator flight record/instrument certification papers/application for identification cards, other training/proficiency/evaluation forms, records, and papers; other correspondence/letters/ documents/papers relating to duty status/leave/pass/organizational entitlements. Correspondence between the (1) United States Army Military Personnel Center (MILPERCEN), (2) service member, (3) Army staff offices, (4) Army commands, (5) other Federal agencies, and (6) general public to commander or service member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Sections 275 and 3012; and Title 32 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Army command, United States Army Reserve Command or ANG Command of assignment/station/location of the Army, Army Reserve or ANG service member: To provide day-to-day administration, training, qualification, reenlistment, discharge, and related matters pertaining to individual's military service; to publish officer registers/rosters as authorized by Title 10 U.S.C., Section 122.

Inquiries are received for information, documents, papers, and records which are provided to the requester to enable the agency to adjudicate claims, perform investigative actions, support criminal cases, state determinations, research, security clearance, citizenship, location and other related uses consistent with the functional and statutory responsibility of the agency. Agencies using files are: Central Intelligence Agency; Department of Agriculture; Department of Commerce; Department of Health, Education and Welfare; Department of Housing and Urban Development; Department of Interior; Department of Labor; Department of State; Department of Transportation; Department of Treasury; American Battle Monuments Commission; Atomic Energy Commission; Civil Aeronautics Board; Federal Communications Commission; Federal Aviation Administration; VA; US Postal Service; Office of Personnel Management; Selective Service System; DOD agencies, elements and military departments; Social Security Administration; Other elements of the Federal Government in accordance with their respective authority and responsibility.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in record jacket folder.

RETRIEVABILITY:

Records accessed by name.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel; transferred from station to station in personal possession of individual concerned or by US mail.

RETENTION AND DISPOSAL:

Data retained in file until updated or service of individual is terminated. Following separation, record reverts to State status, not subject to the Privacy Act, and is retained indefinitely in appropriate State depository.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commander of the unit to which the ANG member is assigned; for retired and separated personnel information may be obtained from the Office of the Adjutant General of each State, Puerto Rico, the Virgin Islands, or the District of Columbia as appropriate.

RECORD ACCESS PROCEDURES:

Written requests for information should include the full name, service identification number, current military status, and current return address. For personal visits the requester should provide acceptable identification, i.e., military identification card or other identification normally acceptable in the transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

RECORD SOURCE CATEGORIES:

Letters, statements, forms, records, and related papers originating with the service member; generated by Army staff offices, Army commands, other Federal agencies in accordance with their respective functional or statutory requirements; and by the general public or the commander of service member when such papers relate to the service status of the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0700.02aDAPC

SYSTEM NAME:

Official Military Personnel File

SYSTEM LOCATION:

Primary System: Personnel Information Systems Directorate, United States Army Military Personnel Center (MILPERCEN), 200 Stovall St., Alexandria, VA 22332.

Secondary: United States Army Enlisted Records and Evaluation Center; United States Army Reserve Components Personnel and Administration Center; and National Personnel Records Center, General Services Administration.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each individual on active duty in the United States Army in enlisted, appointed or commissioned status; or in, a USA or AUS retired status; each individual not on active duty who has a reserve status in an enlisted, appointed or commissioned status, or in a retired reserve status; and each individual who was an enlisted, appointed, or

commissioned member of the United States Army and who was completely separated by discharge, death, or other termination of his/her military status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include enlistment contract; Veterans Administration laws; physical evaluation board proceedings; military occupational specialty data; statement of service; qualification record; group life insurance election; emergency data; application for appointment; qualification/evaluation report; oath of office; medical examination; security questionnaire; application for retired pay; application for correction of military records; application for active duty; transfer or discharge report; active duty report; voluntary reduction; line of duty and misconduct determinations; discharge or separation reviews; consent/declaration of parent/guardian; Army ROTC supplemental agreement; award recommendations; academic reports; casualty reports; US field medical card; retirement points, deferment; preinduction processing and commissioning data; transcripts of military records; summary sheets review of conscientious objector; election of options; oath of enlistment extensions; survivor benefit plans; efficiency reports; records of proceeding, Title 10 U.S.C., Section 815 appellate actions; determination of moral eligibility; waiver of disqualifications; temporary disability record; change of name; statements for enlistment; acknowledgements of service requirements; retired benefits; application for review of physical evaluation board and disability board; appointments; designations; evaluations; extensions; birth certificates; photographs; citizenship statements and status; educational constructive credit transcripts; flight status board reviews; assignment agreements/limitations/ waivers/election/and travel; efficiency appeals; promotion/reduction recommendations/approvals/ declinations/announcements/ notifications/reconsiderations/ worksheets/ elections/letters of notification to deferred officers and promotion passover notifications; absence without leave and desertion records; FBI reports; SSA correspondence; miscellaneous correspondence, documents, and military orders relating to military service including information pertaining to dependents, interservice action, inservice details, determinations, reliefs, component; awards, pay entitlements, releases, transfers, and other military service data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of the Army (DA): To maintain, use, collect, and disseminate information with respect to an individual holding a military status or former military status, including regular reserve, retired, former member separated, or deceased. Information pertains to individual's former, current, and subsequent to active duty status; birth; citizenship; parentage; home of record; education; training; dependents; travel; language proficiency; former and current association; brotherhood, memberships and related affiliations with organizations and like collective elements which service member divulges as having meaning, substance, or significance to his/her military service status; assignment history; and other related military experiences, qualification, training, preferences, restriction, and status actions.

Department of State: To issue passport/visa; to document persona-non-grata status, attache assignments, and related administration of personnel assigned and performing duty with the Department of State.

Department of Treasury: To issue bonds; to collect and record income taxes.

Department of Defense: To authorize and consummate interdepartmental actions relating to interservice requirements pertaining to the Army, Navy, Air Force, and Coast Guard (when the Coast Guard is operational under DOD.)

Department of Justice: To file fingerprints; to perform intelligence function.

Department of Agriculture: To coordinate matters related to its advanced education program.

Department of Labor: To accomplish actions required under Federal Employees Compensation Act.

Department of Health and Human Services: To provide services authorized by medical, health, and related functions authorzied by Title 10 U.S.C., Sections 1074 thru 1079.

Nuclear Regulatory Commission: To accomplish requirements incident to Nuclear Accident/Incident Control Officer functions.

American Red Cross: To accomplish coordination and complete service functions including blood donor programs and emergency investigative support and notifications.

Civil Aeronautics Board: To accomplish flight qualifications, certification and license actions.

Federal Aviation Agency: To determine Rating sand Certification (including medical) of in-service aviators.

General Services Administration: For records storage and archival services and for printing of directories and related material which includes personal data.

US Postal Service: To accomplish postal service authorization involving postal officers and mail clerk authorizations.

Veteran's Administration: To provide information relating to benefits, pensions, inservice loans, insurance, and appropriate hospital support.

Bureau of Immigration and Naturalization: To comply with statutes relating to alien registration, and annual residence/location.

Office of the President of the United States of America: To exchange required information relating to White House Fellows, regular Army promotions, aides, and related support functions staffed by Army members.

Federal Maritime Commission: To obtain licenses for military members accredited as captain, mate, and harbor master for duty as Transportation Corps warrant officer.

Each of the several States, and US possessions: To support state bonus applications; to fulfill income tax requirements appropriate to the service member's home of record; to record name changes in state bureaus of vital statistics; and for National Guard affairs.

Civilian educational and training institutions: To accomplish student registration, tuition support, tests, and related requirements incident to inservice education programs in compliance with Title 10 U.S.C., Chapters 102 and 103.

Social Security Administration: To obtain or verify Social Security Account Number; to transmit Federal Insurance Compensation Act deductions made from inservice members' wages.

Department of Transportation: To coordinate and exchange necessary information pertaining to interservice relationships between US Coast Guard and US Army when service members perform duty with the USCG.

Civil authorities: For compliance with Title 10 U.S.C., Section 814.

Department of the Air Force: To administer personnel support for individual Army members assigned for duty with the Air Force.

Department of the Navy: To administer personnel support for individual Army members assigned for duty with the Navy or Marine Corps.

US International Communication Agency: To investigated applicants for sensitive positions pursuant to Executive Order 10450.

Federal Emergency Management Agency: To facilitate participation of Army members in defense planning, training, and emergency operations pursuant to the military support of civil defense as prescribed by DOD Directive 3025.10 and Army Regulation 500-70.

Other elements of the Federal Government pursuant to their respective authority and responsibility.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 21 U.S.C., Section 1175 and 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 72728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfiche stored randomly in electro-mechanical storage/retrieval devices. Temporary files consist of paper records in file folder; selected data automated for management purposes on tapes, disks, cards, and other computer media.

RETRIEVABILITY:

Alphabetically by surname; automated data retrievable by name, SSN, or ADP parameter; Records of Reserve, retired, and deceased persons retrieved by SSN terminal digit sequence.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel; automated records are further protected by authorized passwork system for access terminal, controlled access to operation locations, and controlled output distribution.

RETENTION AND DISPOSAL:

Microfiche and paper records are permanent. They are retained in active file until termination of service, held in inactive file in accordance with retention and retirement schedule and subsequently retired to National Personnel Records Center, St. Louis, MO.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Inquiries for records of commissioned or warrant officers (including members of Reserve Components) serving of active duty should be sent to: Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332; (703) 325-9606.

Inquiries for records of enlisted members (including members of Reserve Components) serving of active duty should be sent to: Commander, US Army Enlisted Records and Evaluation Center, Ft. Benjamin Harrison, IN 46249, (317) 542-3361.

Inquiries for records of commissioned officers or warrant officers in a reserve status not on active duty, or Army enlisted reservists not on active duty, or members of the National Guard who performed active duty, or commissioned officers, warrant officers, or enlisted members in a retired status should be sent to: Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, MO 63132; (314) 268-7770.

Inquiries for records of commissioned officers and warrant officers who were completely separated from the service after 30 June 1917, or enlisted members who were completely separated after 31 October 1912 should be sent to: Chief, National Personnel Records Center, General Services Administration, 9700 Page Boulevard, St. Louis, MO 63132; (314) 268-7262.

RECORD ACCESS PROCEDURES:

Written requests for information should contain full name of individual, service identification number, current or former military status, and appropriate return address.

Personal visits may be made to the appropriate location based on the individual's status; individual should provide commonly acceptable identification, such as valid driver's license, employment identification, and verbal information relating to his/her military status.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Enlistment, appointment, or commission related forms pertaining to the individual's military status; academic, training or qualification records acquired prior to or during military service; correspondence, forms, records, documents and other related papers originating in or collected by DA staff agencies and commands; other Federal agencies, commissions, boards, or authority; state and local governmental entities; civilian education and training institutions; and members of the public when such information obtained directly concerns the military service member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.02bNGB

SYSTEM NAME:

708.02 Official Military Personnel File (Army National Guard)

SYSTEM LOCATION:

Army National Guard Personnel Center, National Guard Bureau, Columbia Pike Office Building, 5600 Columbia Pike, Falls Church, VA 22041.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each commissioned officer or warrant officer in the Army National Guard not on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual records including enlistment contract; Veterans Administration (VA) laws; physical evaluation board proceedings; military occupational specialty report; statement of service; qualification record; group life insurance election; emergency data form; application for appointment; qualification/evaluation report; oath of office; medical examination; security questionnaire; application for retired pay; application for correction of military records; application for active duty; transfer or discharge report; active duty report; voluntary reduction; line of duty and misconduct determinations; discharge or separation reviews; police record checks; consent/declaration of parent/guardian; Army Reserve Officers Training Corps (ROTC) supplemental agreement; award recommendations;

academic reports; casualty reports; United States (US) field medical card; retirement points; deferment; preinduction processing and commissioning data transcripts of military records; summary sheets of conscientious objector; election of options; oath of enlistment extensions; survivor benefit plans; efficiency reports; records of proceeding, Title 10 U.S.C., Section 815 and appellate actions; determination of moral eligibility; waiver of disqualifications; temporary disability record; change of name; statements for enlistment; acknowledgments of service requirements; retired benefits; application for review of physical evaluation board and disability board; appointments; designations; evaluations; birth certificates; photographs; citizenship statements and status; educational constructive credit; educational transcripts; flight status board reviews; assignment agreements/ limitations/ waivers/election and travel; efficiency appeals; promotion/ reduction recommendations/approvals/ declinations/announcements/ notifications/reconsiderations/ worksheets; elections/letters of notification to deferred officers and promotion passover notifications; absence without leave and desertion records; Federal Bureau of Investigation reports; Social Security Administration (SSA) correspondence; miscellaneous correspondence, documents, and military orders relating to military service including information pertaining to dependents, interservice actions, inservice details, determinations, reliefs, component; awards, pay entitlements, releases, transfers, and other military service data.

AUTHORITY FOR MAINTENENCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10, U.S.C., Sections 275 and 3012; and Title 32 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of the Army (DA): To maintain, use, collect, and disseminate information with respect to an individual holding a military status or former military status, including regular reserve, retired, and former member separated. Information pertains to individual's former, current, and subsequent to active duty status relating to birth; citizenship; parentage; home of record; education; training; dependents; travel; language proficiency; former and current association; brotherhood, memberships, and related affiliations with organizations and like collective elements which service member divulges as having meaning, substance, or significance to his/her military service status; assignment history, and other related military experiences, qualifications, training, preferences, restriction, and status actions.

Department of State: To issue passport/visa; to document persona-non-grata status, attache assignments, and related administration of personnel assigned and performing duty with the State Department.

Department of Defense (DOD): To authorize and consummate interdepartmental actions relating to interservice requirements pertaining to the Army, Navy, Air Force, and Coast Guard when the Coast Guard is operational under DOD.

Department of Justice: To file fingerprint cards; to perform intelligence function.

Department of Labor: To accomplish actions required under Federal Employees Compensation Act.

Department of Health, Education and Welfare: To provide services authorized by medical, health, and related functions authorized by Title 10 U.S.C., Sections 1074-1079.

Atomic Energy Commission: To accomplish requirements incident to Nuclear Accident/Incident Control Officer functions.

American Red Cross: To accomplish coordination and complete service functions including blood donor programs and emergency investigative support and notifications.

Civil Aeronautics Board: Flight qualifications, certification and license actions relating to inservice pilots.

Federal Aviation Agency: To accomplish aviation and air service actions involving inservice aviators.

General Services Administration: For records storage, archival services, and for printing of directories and related material which includes personal data.

US Postal Service: To accomplish postal service authorization involving postal officers and mail clerk authorizations.

VA: To provide information relating to benefits, pensions, inservice loans, insurance, and appropriate hospital support.

Bureau of Immigration and Naturalization: To comply with statutes relating to inservice alien registration, and annual residence/locations.

Office of the President of the United States of America: To exchange required information relating to White House Fellows, regular Army promotions, aides, and related support functions staffed by Army members.

Federal Maritime Commission: To obtain licenses for military members accredited as captain, mate, and harbor master for duty as Transportation Corps warrant officer.

Each State and US possessions: To support state bonus applications; to fulfill income tax requirements appropriate to the service member's home of record; to record name changes in state bureaus of vital statistics; and for National Guard affairs.

Civilian educational and training institutions: To accomplish student registration, tuition support, Graduate Record Examination (GRE) tests requirement, and related school requirements incident to inservice education programs in compliance with Title 10 U.S.C., Chapters 102 and 103.

SSA: To obtain or verify social security numbers (SSN); to transmit Federal Insurance Compensation Act deductions made from inservice members' wages.

Department of Transportation: To coordinate and exchange necessary information pertaining to interservice relationships between US Coast Guard and US Army when service members perform duty with the US Coast Guard elements or training activities.

Civil Authorities: For compliance with Title 10 U.S.C., Section 814.

Department of the Air Force: To administer personnel support for individual Army members assigned for duty with the Air Force.

Department of the Navy: To administer personnel support for individual Army members assigned for duty with the Navy or Marine Corps.

Record of the identity, diagnosis, prognosis, or treatment of any client/ patient, irrespective of whe/shether or when he ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine-uses' identified in 44FR73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder/jacket; selected data automated for management facility in a perishable manner on tapes, disks, cards, and other computer media.

RETRIEVABILITY:

Filed alphabetically by last name; automated data retrievable by name, SSN, or automatic data processing (ADP) parameter.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel; automated media protected by authorized password system for access terminals, controlled access to operation rooms, and controlled output distribution.

RETENTION AND DISPOSAL:

Paper records are permanent. They are retained in active file until termination of service or transfer to the US Army Reserve, at which time records are transferred to the custody of the Commander, US Army Reserve Components Personnel and Administration Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Guard Bureau, The Pentagon, Washington, DC 20310

NOTIFICATION PROCEDURE:

Information may be obtained from:
Army National Guard Personnel Center,
Columbia Pike Office Building
Falls Church, VA 22041
Telephone: Area Code 202/756-1210.

RECORD ACCESS PROCEDURES:

Written requests for information should contain full name of individual, service identification number, current or former military status and appropriate return address.

Personal visits may be made to the appropriate location based on the individual's status; individual should be able to provide commonly acceptable identification, such as driver's license, employment identification card, and give some verbal information relative to his/her current or former military status.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

RECORD SOURCE CATEGORIES:

Enlistment, appointment, or commission related forms pertaining to the individual having a current or former military status; academic, training or qualification records acquired prior to or during military service; correspondence, forms, documents and other related papers originating in or collected by DA Staff agencies and commands; other Federal departmental agencies, administrations, Federal separate agencies, commissions, boards, service, or authority; state and local governmental entities; civilian education and training institutions; and members of the public when such information obtained directly concerns the military service member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.02cDAPC

SYSTEM NAME:

Officer Personnel Management Information System (OPMIS)

SYSTEM LOCATION:

US Army Military Personnel Center (MILPERCEN), 200 Stovall Street, Alexandria, VA 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals projected for entrance into the Army officer corps; Army officer and warrant officer personnel projected to enter on active duty, on active duty, separated, or in retired status; individuals, civilian and military, who serve as senior rating officials on the officer evaluation reports (OERs) of Army officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer Master File (OMF) contains name, social security number (SSN), grade and date of rank, appointment and service agreement, service data and date, promotion, assignment, qualifications, specialties, efficiency, education and training, occupation, language, career pattern, awards and badges, physical location, separation, retirement, date and place of birth, race, religion, ethnic group, dependents, sex, citizenship, marital status, and mailing address.

Officer Accession Suspense Information System (OASIS) contains selected information from the OMF, date of entry on active duty, temporary duty data, and permanent change of station data.

Officer Evaluation Reporting System (OERS) contains selected information from the OMF; selection board status; OER suspense indicator for action being taken to obtain missing or erroneous OER; selected information for each of the last ten OERs; and the name, SSN, and rating history of each individual, military and civilian, who has served as the senior rating official for an active duty Army officer.

Assignments and Training Selection for ROTC graduates contains selected information from the OMF, the cadet's preference statement for specialty (branch), duty and initial training; Reserve Forces duty or delay selection, Regular Army selection, and branch selection.

Officer Personnel Utilization System (OPUS) contains selected information from the OMF, projected assignment information for accessions and officers or warrant officers who are being reassigned.

Reserve Officer Training Corps (ROTC) Instructor File contains selected information from the OMF and the following information pertaining to ROTC instructors; ROTC detachment, duty station, date assigned to ROTC detachment, date projected to be reassigned.

Officer Fully Funded Civil School File contains selected information from the OMF and the following information concerning officer and warrant officer personnel participating or who have participated in the Army sponsored degree completion program; school attended, start and completion dates, degree level and discipline, and Army Education Requirements Board (AERB) positions.

Officer Partially Funded Civil School File contains the same type information maintained in the Fully Funded Civil School File for officer and warrant officer personnel participating or who have participated in the Army partially sponsored degree completion program.

Army Education Requirements Board (AERB) File contains selected information from the OMF for officer and warrant officer personnel who are serving or are projected to serve in an AERB approved position requiring graduate level education.

Distribution Management File contains selected information from the OMF and summary manner of performance data for MILPERCEN managed officers.

USMA Potential Instructor File contains selected information from the OMF and the following information pertaining to previous, current, and potential instructors for the United States Miliary Academy (USMA) teaching staff: academic department and

projected availability for USMA instructor duty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., 301; 10 U.S.C., 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army: For personnel management, strength accounting, manpower management, accessioning and determining basic entry specialty (branch) and initial duty assignments; tracking OER; monitoring actions to obtain missing, late, or erroneous OER; tracking the rating history of senior rating officials; posting of the senior rating official's rating history on individual OER; producing reports on active duty officers who have served as senior rating officials, for inclusion in their Official Military Personnel File; managing instructor population at ROTC detachments and USMA; tracking information relating to the Army Degree Completion Civil School Program; transmitting necessary assignment instructions.

By the Department of Defense: For interdepartmental actions and personnel management.

By Social Security Administration: To verify SSNs.

By General Services Administration: To publish US Army Registers as authorized by 10 U.S.C., 122.

By the Smithsonian Institution (The National Museum of American History): Copy of the US Army Active Duty Register, for historical research purposes (not authorized for public display).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and disks.

RETRIEVABILITY:

By SSN, name, or other individual identifying characteristics.

SAFEGUARDS:

Physical security devices, guards, computer hardware and software safeguard features, and personnel clearances. Magnetic tape is maintained in an area accessible only to authorized personnel. Automated media protected by authorized password for system, controlled access to operator rooms, and controlled output distribution.

RETENTION AND DISPOSAL:

Records are retained on the active OMF files for 4 months after separation. Historical OMF records are retained dating back to FY 1970. Accessions in OASIS are retained on active file until effective date of accession and are then placed on a history file for a period of 6 months. Records in the ROTC Graduate Assignment and Training Selection File are retained for approximately 400 days after the file is created (approximately December each year). Historic files for the OER system will be kept for the life of the system. All other records are retained for active duty only until the individual is released from active duty and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from United States Army Military Personnel Center (DAPC-MSO-S), 200 Stovall Street; Alexandria, VA 22332; Telephone: (202) 325-9305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to US Army Military Personnel Center (DAPC-MSO-S), 200 Stovall Street, Alexandria, VA 22332. Written requests should contain the individual's full name, social security number, whether awaiting active duty, active, retired, or separated; return address; and must identify the specific category of record involved. Blanket requests against this consolidated system will not be accepted. If separated, individual must state date of separation; if awaiting active duty, specify the date thereof. Visits are limited to US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA. Individual must provide acceptable identification, and give verbal information that could be verified with his/her record.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information is obtained in document and computer readable form from other DA Staff and commands, other Federal agencies and departments, and individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0708.02dDAPC

SYSTEM NAME:

Enlisted Personnel Management Information System (EPMIS)

SYSTEM LOCATION:

US Army Military Personnel Center (MILPERCEN), 200 Stovall Street, Alexandria, VA 22332. (The Enlisted Evaluation System is maintained at US Army Enlisted Records Evaluation Center, Ft Benjamin Harrison, IN 46249.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army enlisted personnel on active duty; non-prior service and prior service personnel who either have, or indicate a desire to enlist in the US Army, US Army National Guard, or US Army Reserves; initial active duty training personnel undergoing basic training or advanced individual training; former military personnel who are applicants for enlistment in grades E1 to E9.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enlisted Master File (EMF) contains name, Social Security Number (SSN), sex, race, citizenship, religion, marital status, dependents, date and place of birth, residence, assignments, physical profile, ethnic group, grade/date of rank, enlistment and service promotion qualifications, Military Occupational Skill code, education and training, aptitude, separation, retirement, and mailing address.

Recruit Quota System (REQUEST) contains selected information from EMF and soldier's educational level achieved and school subjects, driver's license, color perception, aptitude battery scores, audio perception score, defense language aptitude battery score, motor vehicle battery test score; type of enlistment and date, term, and option; initial processing and training assignments, types, locations, and dates; unit of assignment identification, system identification of location that created accession record, recruiter identification and recruiting area credit code.

Enlisted Training Base contains selected information from EMF and the soldier's enlistment and service, assignment, enlistment commitments by MOS and type, college subjects, civilian acquired skills, advanced or basic individual training start and graduation date, location and MOS, follow-on MOS, location training recommended versus preferred, aptitude area scores and categories.

Enlisted Year Group Management File (RETAIN) contains selected information from the EMF and control number, reclassification/enlistment action, type

of enlistment, basic active service data, estimated termination of service, reenlistment date, civilian education, career management field, primary military occupational specialty code and date of award, source of new Primary Occupational Specialty Code, personnel charged to school code, status of application, assignment code, date of last status change, current location, year group, security investigation status and term reenlisted.

Enlisted Linguist Data Base contains selected information from the EMF and foreign language code, listening and reading proficiency, ratings and scores, dates of evaluation test or interview, how each language capability was acquired, with the principal type, highest level and date of recency for each foreign language in which proficient.

Enlisted Evaluation System contains selected information from the EMF and the soldiers' primary and career progression military occupational specialties, skill qualification test data, enlisted evaluation scores used to create the Enlisted Evaluation Report Weighted Average and other enlisted evaluation report data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army: for personnel management, strength accounting and manpower management. Within the Department of Defense, information is used for interdepartmental actions and personnel management.

By Social Security Administration: to verify SSN's.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and disks; hard copy computer printouts.

RETRIEVABILITY:

SSN, name, or other individually identifying characteristics.

SAFEGUARDS:

Information is protected by physical security devices, guards, computer hardware and software safeguard features, personnel clearances and passwords.

RETENTION AND DISPOSAL:

Records are retained 5 years after separation except enlisted linguist data base records which are retained 6 months after separation.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332, except that information regarding the Enlistment Evaluation System should be obtained from the Commander, US Army Enlisted Records Evaluation Center, Ft Benjamin Harrison, IN 46249; (317) 542-3282.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the name of the individual, SSN, whether awaiting active duty, active, or separated, return address, and must identify the specific category of records involved. Blanket requests against this consolidated system will not be accepted. Visits are limited to US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA, except that information from the Enlisted Evaluation System should be obtained from either the servicing military personnel office, the headquarters of the individual's organizational station, or US Army Enlisted Records Evaluation Center. For personal visits, the individual must be able to provide acceptable identification and give verbal information that can be verified with his/her record.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, from documents and computer readable output, other DA Staff agencies and commands, other Federal agencies and departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0706.03aDAPE

SYSTEM NAME:

Special Review Board (SRB) Appeal Case Summary File

SYSTEM LOCATION:

Office of the Deputy Chief of Staff for Personnel, Special Review Board (DAPE-MPD-CD), Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army officer personnel who have submitted substantive, as opposed to administrative, appeal of Officer Evaluation Reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains identification data on individual, date of appeal, dates of contested period, names of voting Special Review Board (SRB) members, names of any persons contacted directly by Board, summary of evidence considered, discussion, recommendation, conclusions, final determination of the appeal, and disposition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record of cases considered, adjudications, determinations, and dispositions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent for historical purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army (HQDA), (DAPE-MPD), The Pentagon, Washington DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from: HQDA (DAPE-MPD-CD), Room 2C-749, The Pentagon, Washington, DC 20310. Telephone: Area Code 202/697-7619.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQDA (DAPE-MPD-CD), Room 2C-749, The Pentagon, Washington, D.C. 20310.

Written requests for information should contain the full name of the individual, current address and

telephone number. Visits are limited to Professional Development Division, Military Personnel Management Directorate (DAPE-MPD-CD), The Pentagon, Washington, DC 20310

For personal visits, the individual should be able to provide acceptable identification such as military identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from HQDA (DAPE-MPD-CD), Washington, DC 20310.

RECORD SOURCE CATEGORIES:

File containing name, rank, social security number (SSN), date, dates of contested period, voting SRB members, personnel contacted, summary of evidence considered, discussion, recommendation, conclusion and final determination.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.05DAAG

SYSTEM NAME:

708.05 Emergency Data Files

SYSTEM LOCATION:

Primary System: Casualty Services Office, Casualty Directorate, The Adjutant General Center, Department of the Army (DA).

Decentralized Segments: Military Personnel Records Jacket (MPRJ), maintained at Army personnel offices world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains DA Form 41, Record of Emergency Data (1 Apr 74 or 1 Jul 70 edition). Document reflects the service member's name; social security number (SSN); wife and children's names and current address; persons to be and not to be notified in the event of death or injury; information on wills, insurance, and other such information; and designation of beneficiaries for certain benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Casualty Services Office: When properly completed, it is an official and legal document that governs the disposition of pay and allowances of a member who is missing, is captured, or becomes a casualty. It is also used to determine the person(s) to receive death gratuity payments and beneficiary(ies) to receive other benefits. The form provides the names and addresses of the person(s) to be notified in case of emergency or death.

MPRJ: Copy serves the same purposes as stated above in the event the record copy can not be located.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original (machine processed card) in vertical file.

Paper copy in MPRJ.

RETRIEVABILITY:

Card is filed numerically using SSN. File is sorted initially by last digit of the SSN, then in numerical sequence. Paper copy located at unit level is fastened on the left side of the MPRJ.

SAFEGUARDS:

Building employs security guards. Office is in operation 24 hours a day, 7 days a week. Records are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Form is retained in the DA active file until individual's separation from the Army, then destroyed. Copy in personnel folder remains with file when records are retired. If individual dies, the form is placed in the casualty case file. Casualty case files are retired upon completion to National Personnel Records Center (Military), St Louis, MO 63122.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, DA (HQDA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DAAG-CAC)
Room 7G083
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202/693-0807

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQDA (DAAG-CAC), Room 7G083, Forrestal Building, Washington, DC 20314.

Written requests for information should contain the full name of the individual, current address, telephone number, SSN, and grade. Visits are limited to Casualty Directorate, The Adjutant General Center, Forrestal Building, Washington, DC 20314.

For personal visits, the individual must be able to provide acceptable identification, i.e., military identification card or driver's license and social security card.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Data are furnished by service member at initial date of entry and during active duty.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.06aDAPC

SYSTEM NAME:

708.06 Project Managers Development Program (PMDP).

SYSTEM LOCATION:

Department of the Army, United States (US) Army Military Personnel Center (USAMILPERCEN),(DAPC-OP).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, social security number (SSN), pay grade, PMDP Selection Board Officer Record Brief, letters to and from individual, and determination; correspondence originating with program members and USAMILPERCEN; other forms/papers/documents relating to the program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of the Army: To monitor the professional development of PMDP members.

Other Department of Defense elements: As required for program separations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Access is alphabetical by name.

SAFEGUARDS:

Physical security devices, guards, and personnel clearances for individuals working with the system.

RETENTION AND DISPOSAL:

Records are retained for duration of individual's membership in the program.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAMILPERCEN, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from: Headquarters, Department of the Army, (HQDA), USAMILPERCEN, (DAPC-OPP-S), 200 Stovall Street, Alexandria, VA 22332.

RECORD ACCESS PROCEDURES:

Written requests for information should include full name of the requester, SSN, grade and appropriate return address.

Personal visits may be made to USAMILPERCEN; individual should be able to provide military service identification or other means of identification normally acceptable in the transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determination may be obtained from: USAMILPERCEN (DAPC-OPP-S), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Information is obtained from documented personnel records, other Department of Army organizations, and program member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.07DAPE

SYSTEM NAME:

Unfavorable Information Files

SYSTEM LOCATION:

Primary: Department of the Army Suitability Evaluation Board, Office of the Deputy Chief of Staff for Personnel, The Pentagon, Washington, DC 20310.

Secondary: Suitability Evaluation Board at Major Commands; addresses appear in the appendix to the Army's inventory of system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army personnel (active, reserve, National Guard) on whom unfavorable information has been discovered, considered, referred to individual, and disposed of, to include appeals and petitions for removal or transfer of such information from the individual's performance record.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary of unfavorable information, copy of letter of notification to individual, individual's response or appeal, summary of consideration of response or appeal, disposition determination, and voting record of Board members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Suitability Evaluation Board to record Board action and to provide pattern of subsequent unfavorable information. Information filed in the performance portion of the OMPF is also used by DA promotion/selection boards when the individual has been afforded due process.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel having official need for the information. Buildings are secured at all times.

RETENTION AND DISPOSAL:

Records are retained by the Suitability Evaluation Board for 20 years, following which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel (ATTN: DAPE-MPD), Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information exists on them may inquire of the System Manager. Inquirer should furnish his/her full name, Social Security Account Number, sufficient details concerning time and place of event to insure location of the records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access should provide information in 'Notification procedure'.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Suitability Evaluation Board case summary of unfavorable information; letter of notification/request for comment to the individual; individual's response to the Board; individual appeals or petitions to the Board; summary of consideration of response on appeal/petition; final determination case summary by the Board.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.08aDAPC

SYSTEM NAME:

708.08 Career Management Individual Files

SYSTEM LOCATION:

Primary System: United States Army Military Personnel Center (MILPERCEN).

Decentralized Segments: The Surgeon General's Office (TSGO), the Judge Advocate General's Office (TJAGO), Office of Chief of Chaplains, and United States Army Intelligence and Security Command (INSCOM).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty members of the US Army in enlisted grades of E1 through E9, all warrant officers and commissioned officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains orders; record briefs; statements of preference; school credit papers; transcripts; details; career personnel actions; memorandum for record of telephone calls; personal correspondence originated by individual concerned; original copy of efficiency report; appeal actions; assignment memoranda and requests for orders; memoranda of professional development actions; promotion orders; classification data; papers relating to service awards; letters and other forms of written communications relating to military career matters; service agreements; variable incentive pay data memoranda of interviews; copies of applications for assignment

consideration; resumes of qualifications, personal background, and service experience supporting service member's desires, or nominative action by career managers; academic reports; copies of admonitions/ reprimands imposed under Article l5 Uniform Code of Military Justice (Title 10 U.S.C., Section 815); letters of appreciation/ commendation/recommendation; and correspondence among (l) MILPERCEN, (2) individual service member, (3) Army Staff offices and Army organizations (4) other Federal, State, and local government elements, and (5) accredited educational and training organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

MILPERCEN, TSGO, TJAGO, Office of Chief of Chaplains, INSCOM: To accomplish military service career management including assignment, professional development, service training and education, and other related military actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; card files.

RETRIEVABILITY:

Record accessed by name.

SAFEGUARDS:

Records maintained in areas accessible only to authorized career management activity personnel.

RETENTION AND DISPOSAL:

Records range from transitory to permanent depending on the continuing value to the service member or the Army. Records determined to be permanent are merged with the Official Military Personnel File (when not duplicated) upon separation of the service member from active duty by reason of discharge, transfer, retirement, or death.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information in regard to other than professional officers may be obtained from:

Headquarters, Department of the Army
(DAPC-MSO)
Hoffman Bldg II
200 Stovall Street
Alexandria, VA 22332.

Information in regard to medical department officers:
The Surgeon General's Office
1900 Half Street, SW, Room 6126
Washington, DC 20324

Information in regard to Chaplains:
Office of the Chief of Chaplains
The Pentagon, Room 1E417
Washington, DC 20310

Information in regard to The Judge Advocate General Corps officers:
The Judge Advocate General's Office
The Pentagon, Room lE444
Washington, DC 203l0.

Information in regard to United States Army Intelligence and Security Command enlisted personnel:
Headquarters, United States Army Intelligence and Security Command
Ft George G. Meade, MD 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Department of the Army (DAPC-MSO), Hoffman Bldg II, 200 Stovall Street, Alexandria, VA 22332.

Written requests for information should contain the full name of the requester, service identification number, current or former military status, and appropriate return address.

Personal visits may be made to the United States Army Military Personnel Center; individual should be able to provide his/her military service identification card; Department of Defense Form 2A for active duty persons; or other commonly acceptable means of identification used in normal transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Headquarters Department of the Army (DAPC-MSO), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Enlistment, appointment, or commission related forms pertaining to the service member having a current active duty military status; academic, training, and qualification records acquired incident to military service; correspondence, forms, documents and other related papers originating in or collected by the military department for management purposes.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.08bUSAREC

SYSTEM NAME:

708.08 Rapid Electric Ad Coupon Transmission (REACT)

SYSTEM LOCATION:

Philadelphia, PA. Maintained by Worldwide Direct Marketing, Inc., an Army subcontractor through N.W. Ayer ABA International of New York, NY.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The file contains data on individuals who have specifically inquired for information on Army enlistment and, conversely, individuals who have specifically asked not to be included in Army promotional mailings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include name and address (including zip code) of individuals who have requested enlistment information. If the individual volunteered additional information, the following is also included: age, telephone number, social security number, years of education, and the individual's source of request coupon. Each record also contains a unique identification (ID) number generated from the date of initial processing and its sequence in receipt. Finally, each record is ultimately annotated with the final disposition of recruiter action on the individual as an enlistment lead.

Records include name and address of individuals who have asked to be excluded from Army promotional mailings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949 (64 Stat. 578), as amended by Act of 22 Oct 1968 (82 Stat. 1238; Title 44 U.S.C. 3101-03).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To prepare a solicitation letter to the prospect providing requested information and referral to the local recruiter.

To notify the field recruiter and his supervisor of the inquiry.

To follow-up the lead with a second letter to the individual if requested by the local recruiter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer magnetic tape.

RETRIEVABILITY:

Individual records are retrieved by ID number for adding information provided by the individual through the local recruiter. Records are retrieved by a date signal when a second letter to the individual has been requested by the recruiter.

SAFEGUARDS:

Subcontractor is under contract stipulating proprietary use of the file by Army or Army-authorized agents.

RETENTION AND DISPOSAL:

Once created, records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Advertising & Sales Promotion (USARCASP), Headquarters, United States Army Recruiting Command (USAREC), ATTN: USARCASP-D, Ft Sheridan, IL 60037.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Advertising & Sales
Promotion, ATTN: USARCASP-D
USAREC
Ft Sheridan, IL 60037
Telephone: Area Code 312/926/2547
Name and address (including zip code) are needed.
Requesters may visit SYSMANAGER office.
Full name, address, driver's license required as identification.

RECORD ACCESS PROCEDURES:

Individuals may contact SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by individuals concerned may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Sources are either coupon or letter requests for information from individuals or letters requesting exclusion from future Army promotional mailings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.13cDAPC

SYSTEM NAME:

708.13 Foreign Area Officer (FAO) Training

SYSTEM LOCATION:

Department of the Army (DA), United States (US) Army Military Personnel Center (USAMILPERCEN), (DAPC-OP).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, social security number(SSN), sex, race, citizenship, religion, marital status, dependents, date of birth, residence, physical profile, ethnic group, grade and date of rank of appointment and service agreement, service data and dates, promotion, assignment, qualifications, skill, education and training, specialty, aptitude, occupation, language, career pattern, awards and badges, mailing address, letters to and from individual, memoranda of telephone conversations with member, correspondence originating with FAO members and USAMILPERCEN; application for training, preferences, DA Form 873 (Certificate of Clearance and/or Security Determination); other forms/papers/documents relating to the FAO training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DA: Records are used for personnel manage- ment, strength accounting, and manpower management; and for monitoring the training and professional development of FAO specialty members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Access is alphabetically by name.

SAFEGUARDS:

Physical security devices, guards, and personnel clearances for individuals working with the system.

RETENTION AND DISPOSAL:

Records are retained for duration of member's training; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAMILPERCEN, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from: Headquarters, Department of the Army, (DAPC-OPP-S), 200 Stovall Street, Alexandria, VA 22332.

RECORD ACCESS PROCEDURES:

Written requests for information should include full name of requester, SSN, grade and appropriate return address.

Personal visits may be made (by appointment) to the USAMILPERCEN; individual should be able to provide military service identification or other means of identification normally acceptable in the transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from USAMILPERCEN (DAPC-OPP-S), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Information is obtained from service member, various related correspondence, preferences for training, DA Form 873, and docu- ments originating in or collected by the military department for training specialty purposes.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.13DAIG

SYSTEM NAME:

Inspector General Personnel System (IGPERS)

SYSTEM LOCATION:

U.S. Army Inspector General Agency (USAIGA), The Pentagon, Washington, DC 20310

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned and/or detailed to Inspector General offices/positions in Department of the Army and certain Department of Defense and Joint activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank/grade, Social Security Account Number, education, duty position, organization of assignment, date assigned, estimated departure date, job specialty, and relevant career data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army for strength accounting and management of IG assignments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, computer disk, tapes, and printouts of alphabetical and unit rosters.

RETRIEVABILITY:

By name or SSN.

SAFEGUARDS:

Physical security devices, limited access via building guard and personnel clearances restrict access to authorized personnel having need for the information in their offical duties. Access to and update of information in the system are protected through a double password system (terminal control and designation of individuals). Password changes are made at specified intervals.

RETENTION AND DISPOSAL:

Information on cards and printouts is created upon individual's detail to Inspector General and is retained until individual transfers or is separated; information in automated media is retained for 4 years after individual's detail to IG has been terminated to provide relevant historical data.

SYSTEM MANAGER(S) AND ADDRESS:

The Inspector General, Headquarters, Department of the Army, Room 1E-740, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not this system contains information on them should inquire of The Inspector General, Headquarters, Department of the Army (DAIG-ZXM), Room 1E-740, The Pentagon, Washington, DC 20310; telephone: (202) 695-4580.

RECORD ACCESS PROCEDURES:

Written requests should be addressed as indicated in 'Notification procedures' and include the individual's full name, Social Security Account Number, current address and telephone number, and signature. For personal visits, individual should be able to provide acceptable identification such as military, employer, or other individually identifying data such as a valid driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; reports, letters, assignment and detail orders from Inspector General offices; Army Register; US Army Military Personnel Center.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0708.16aUSREDCOM

SYSTEM NAME:

708.16 Military Personnel Data File, USREDCOM

SYSTEM LOCATION:

Primary System-Computer Operations Section, Command Control Support Division, Directorate of Operations, J3, Building 501, United States Readiness Command (USREDCOM), MacDill Air Force Base (AFB), FL 33608.

Computer Products-Military Personnel Division, J1, Room 160, Building 501, USREDCOM, MacDill AFB, FL 33608.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army, Navy, Marine Corps, and Air Force personnel assigned for duty with USREDCOM, MacDill AFB, FL 33608.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains following information on all military personnel assigned for duty with USREDCOM: (1) social security number (SSN), (2) name, (3) rank, (4) pay grade, (5) date of rank, (6) branch of service, (7) Army officer branch, (8) basic active service date, (9) basic pay entry date, (10) date of birth, (11) passport expiration date, (12) organization and division, (13) Joint Table of Distribution paragraph and line number, (14) alert status - joint task force, (15) immunization dates, (16) weapon qualification, (17) primary military specialty/Air Force specialty code (MOS/AFSC), (18) marital status, (19) secondary MOS/AFSC, (20) duty MOS/AFSC, (21) officer evaluation report/enlisted efficiency report (OER/EER) date, (22) date assigned to supervisor, (23) reserve/regular officer, (24) duty telephone number, (25) building and room number, (26) home address, (27) nearest town, (28) home telephone number, (29) spouse's name, (30) date arrived USREDCOM, (31) projected loss date, (32) expiration term of service, (33) foreign service availability code, (34) human personal reliability screening date, (35) language proficiency, (36) enlisted evaluation report weighted average, (37) primary MOS evaluated, (38) primary evaluation date, (39) primary score, (40) secondary MOS evaluated, (41) secondary evaluation date, (42) secondary score, (43) name of OER rater, (44) duty title, (45) permanent grade, officers, (46) permanent date of rank, (47) rated category, (48) highest professional military education, (49) civilian education, (50) source of commission, (51) mandatory retirement date, officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of system is to maintain a consolidated joint personnel file pertaining to Army, Navy, Marine Corps, and Air Force personnel. Although each service has its own personnel reocrds system, USREDCOM requires a consolidated system of basic personnel data that would allow the production of Command Manning Rosters, Immunization Rosters, Joint Task Force Deployment Rosters, and retrievability of individual personnel data as needed in the Joint Military Personnel Division.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The entire personnel system is an on-line disk resident application with back-up maintained on magnetic tape.

RETRIEVABILITY:

Standard reports and ad hoc retrievals are generated via remote terminals using a data management system. Additionally, updates and record brousing may be accomplished in the interactive mode through keying by SSN.

SAFEGUARDS:

All personnel qualified to add, change, or delete records of this file must be cleared for TOP SECRET as the computer equipment used to maintain this file is physically located within a TOP SECRET access area. The overall classification of the personnel file is 'FOR OFFICIAL USE ONLY,' but all operators have individual 'Pass Words'

which are required for access to the computer file. All output products have the following statement printed at the beginning of each page: 'This roster contains Privacy Act information and will not be released unless request meets the requirements of para 3-2, AR 340-21'.

RETENTION AND DISPOSAL:

All personnel data collected from military records for local use of this command are deleted from the data file upon the departure of the individual from USREDCOM. No history is maintained on departing individuals under this system.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Military Personnel Division, Directorate of Personnel, J1, USREDCOM, MacDill AFB, FL 33608.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Directorate of Personnel, J1
ATTN: RCJ1-MP
Room 160, Building 501
USREDCOM
MacDill AFB, FL 33608
Telephone: Area Code 813/830-4106

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to : Chief, Military Personnel Division, ATTN: RCJ1-MP, USREDCOM, MacDill AFB, FL 33608.

Written requests for information should contain the full name of the individual, SSN, current address, and telephone number.

Visits are permitted at the Directorate of Personnel, J1, Room 168, and at the Military Personnel Division, Room 160, Building 501, MacDill AFB, FL 33608, where computer products are maintained.

For personal visits, the individual should be able to provide some acceptable identification; e.g., military identification card, driver's license, or some other acceptable identification card, and give some verbal information which can be verified from his/her file.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records, contesting contents, and appealing initial determinations are contained in 32 CFR Part 505 (Army Regulation 340-21).

RECORD SOURCE CATEGORIES:

Fields of data recorded in this system were taken from official military personnel records of the individual upon his/her reporting to USREDCOM for duty.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0708.17bDASG

SYSTEM NAME:

708.17 Contract Surgeon Personnel Files

SYSTEM LOCATION:

Primary System: Management Office, Medical Centers and hospitals where contract surgeons are employed.

Decentralized Segments: Office of The Surgeon General (OTSG), Department of the Army (DA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian physician with an executed contract, employed as a contract surgeon.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's justification for employment; executed contract; correspondence between medical centers and hospitals and applicant; and selected documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 4022, Contract Surgeons; Title 37 U.S.C., Section 201, Basic Pay; Title 37, U.S.C., Section 421, Contract Surgeons

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Medical Center or Hospital Management Office: To determine need, accessibility, and qualification of private physician for employment as contract surgeon; to coordinate and request DA approval for employment as contract surgeon; to execute contract with private physician as contract surgeon.

OTSG, DA: To control, review, and approve need and qualifications of contract surgeon.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of contract surgeon.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are destroyed after 2 years or on discontinuance, whichever occurs last.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, DA.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters, Department of the Army (HQDA), (DASG-HCC)
Washington, DC 20310
Telephone: Area Code 202/697-8394

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, Medical center or hospital where employed; or HQDA (DASG-HCC), Room 2D528, The Pentagon, Washington, DC 20310.

Written requests for information should contain the full name of the individual, current address and telephone number. Visits are limited to Management Office, Medical Center or hospital where employed; and Professional Services Division (DASG-HCC), The Pentagon, Washington, DC 20310.

For personal visits, the individual should be able to provide sufficient identification, including verbal information that can be verified from his/her file.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Related papers and forms from individual physician.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.18aDAAG

SYSTEM NAME:

708.18 Line of Duty Investigations

SYSTEM LOCATION:

Personnel Actions Branch, all Army Installations. Official mailing addresses are in the Department of Defense (DOD) directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A service member who has been injured.

CATEGORIES OF RECORDS IN THE SYSTEM:

Department of the Army (DA) Form 2173 (Statement of Medical Examination

and Duty Status); DD Form 261 (Report of Investigation-Line of Duty and Misconduct Status); and supporting documents such as military police reports, accident reports, witness statements, and appointment instruments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 972, 1204, 1207, 3722; and Title 37 U.S.C., Section 802.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information collected will be used within DA for making a line of duty determination.

Information may be used as a basis for denying certain active military benefits and pay and allowances.

May be provided to Veterans Administration or other government agencies, to include state agencies, for a determination of the service member's entitlements to benefits.

May be used as a basis for determining facts and circumstances concerning service member's injuries in correspondence to members of the United States House of Representatives and Senate.

Will be provided to the service member or next-of-kin in cases of deceased or mentally incompetent personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of service member.

SAFEGUARDS:

Records are maintained in metal file cabinets accessible only to authorized personnel who are instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Original: Permanently maintained as a part of service member's Official Military Personnel File (OMPF). For active duty personnel: Enlisted personnel file is maintained at Enlisted Records Center (AGPE), Ft Benjamin Harrison, IN 46249; Officer personnel file is maintained at Headquarters, Department of the Army (HQDA), Military Personnel Center, Hoffman Building II, Alexandria, VA 22332. For United States (US) Army Reserve Personnel: US Army Reserve Components Personnel and Administration Center (USARCPAC), 9700 Page Boulevard, St Louis, MO 63132. Upon separation of service member (officer and enlisted), file is transferred to the National Personnel Records Center (NPRC) (Military), 9700 Page Boulevard, St Louis, MO 63132. Copies filed in offices of investigating officer, unit commander, appointing authority, and final reviewing authority are destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, HQDA, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from: Commander, US Army Enlisted Records Center, Ft Benjamin Harrison, IN 46249 (for enlisted personnel on active duty); HQDA, ATTN: DAPC-PAR-R, 200 Stovall Street, Alexandria, VA 22332 (for officers on active duty); Commander, USARCPAC, 9700 Page Boulevard, St Louis MO 63132 (for US Army Reserve personnel); NRPC (military), 9700 Page Boulevard, St Louis, MO 63132 (for separated personnel, both enlisted and officer).

Individual must provide name and social security number (SSN) to determine if a record is maintained on him/her. Individual must present positive proof of identification if requesting a personal visit.

RECORD ACCESS PROCEDURES:

Requests should be addressed as appropriate to: Commander, US Army Enlisted Records Center (AGPD), Ft Benjamin Harrison, IN 46249; HQDA (DAPC-PAR-R),Alexandria, VA 22332; Commander, USARCPAC (AGUZ-SAD), St Louis, MO 63132; NPRC (Military), 9700 Page Boulevard, St Louis, MO 63132.

Written requests for information should contain the full name of the service member, SSN, and Army service number if known.

For personal visits, individual should be able to provide information which can be verified with the OMPF, and a valid identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Medical Records
DA Form 2173
Commander in Continental United States Army or overseas Army installation assigned responsibility for the geographic area in which an injury occurs.
Personnel Records Jacket.
Official Military Personnel File.
Witness statements.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.19sOSA

SYSTEM NAME:

708.19 Correction Case Folders

SYSTEM LOCATION:

Department of the Army Military Review Boards Agency, Army Board for the Correction of Military Records (ABCMR).

Decentralized segments in United States (US) Army Military Personnel Center, and in individual Official Military Personnel File of the service member.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member or former member of the US Army who has applied for the correction of his/her military records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of file cards with basic case information and case files containing Board proceedings and related correspondence, hearing transcripts, and action taken by the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 1552.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

ABCMR: To review applicants' military records to issue rulings on merits of applicants' requests for correction of records; to answer inquiries from applicants, counsel, and Members of Congress for reasons of Board's denial of application or status/disposition of applications.

Litigation Division of Judge Advocate General's Office: To assemble information for transmittal to Department of Justice.

Department of Justice: To gather information sufficient to defend cases in court.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files.

RETRIEVABILITY:

Filed alphabetically by last name of applicant.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

File cards are retained permanently.

Case files are permanent. They are retained in active file at least 6 months after the case is closed, held until the end of that calendar year, and subsequently retired to the Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Special Assistant to the Under Secretary of the Army, DA Military Review Boards Agency, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Office, Secretary of the Army
ABCMR
Room 1E512
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/697-4254

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Office, Secretary of the Army, ABCMR, Room 1E512, The Pentagon, Washington, DC 20310.

Written requests for information should contain the full name of the individual, current address and telephone number, social security number and Army Service Number if applicable. Visits are limited to the ABCMR The Pentagon, Washington, DC 20310.

For personal visits, the individual should be able to provide acceptable identification such as driver's license, employing office's identification card, including verbal information that can be verified with his case folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

All official Army records, Veterans Administration records and Police and Law Enforcement Agency records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.20DAAG

SYSTEM NAME:

708.20 Philippine Army Files

SYSTEM LOCATION:

Philippine Army Branch, Special Actions Division, United States (US) Army Reserve Components Personnel and Administration Center (USARCPAC), 9700 Page Boulevard, St Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

US Armed Forces Far East (USAFFE): Applies to those members of the Philippine Commonwealth Army who were inducted for service with USAFFE under the Military Order of the President of the United States dated 26 July 1941.

USAFFE Guerrillas: Applies to Filippinos who served in Guerrilla units officially recognized and listed in the Recognized Philippine Guerrilla Rosters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military personnel file contains enlistment papers, orders inducting individual into USAFFE service, soldier's qualification card, unit orders of assignment, efficiency rating sheets, pay vouchers or receipts, affidavits and certificates, service records, determination of status under the Missing Persons Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 490-77, 7 May 1942.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Veterans Administration (VA): To certify or verify service with USAFFE or recognized guerrilla units; provide any available medical records or other documents in order to assist in determining benefits.

Department of Justice: To certify or verify service regarding applications for citizenship.

Department of Health, Education and Welfare: To verify type of service which is used to assist in determining eligibility for benefits.

Department of the Army (DA) Staff agencies and commands: To provide information regarding the individuals status, service, and awards in response to requests from the Philippine Goverment to include Embassy and military attaches; to review policies and procedures.

Department of State: To provide statement of service or verification of type of service performed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual military personnel file; paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name; identified by name, service number, VA claim number, units assigned to during period of service in question, names of parents, birth date and place, name of spouse and children if applicable. Due to similarity of names complete file must be screened to determine correct individual.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel. Building is secured through 24 hour guard service. Entry to building is by authorized badge only.

RETENTION AND DISPOSAL:

Records are permanent. Remain as active file and are not retired.

SYSTEM MANAGER(S) AND ADDRESS:

The Secretary of the Army, The Pentagon, Washington, DC 20310;

Commander, USARCPAC, St Louis, MO 63132.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander USARCPAC.
ATTN: AGUZ-SAD-PA
St Louis, MO 63132
Telephone: Area Code 314/268-7359

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USARCPAC, ATTN: AGUZ-SAD-PA, 9700 Page Boulevard, St Louis, MO 63132.

Written requests for information should contain the full name of the individual, service number, VA claim number if applicable, and name and/or number of the unit assigned to during the period of service.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Commander, USARCPAC.

RECORD SOURCE CATEGORIES:

Military record compiled during service of each individual who served with the Philippine Commonwealth Army and or/the US Armed Forces Far East prior to 7 December 1941 up to August 1945. Entire record file

transferred from the Philippines to the US Army in 1951. Nothing has been added to the files other than current copies of papers concerning the service in question.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0708.21aTRADOC

SYSTEM NAME:

708.21 TCATA Personnel Information System

SYSTEM LOCATION:

Office of the Deputy Chief of Staff, Personnel and Administration, Personnel Branch, Headquarters (HQ) TRADOC Combined Arms Test Activity (TCATA), ATCAT-SPT-AGA, Ft Hood, TX 76544.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers, warrant Officers, enlisted personnel, and Department of the Army civilians currently assigned or attached to HQ TCATA

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain automated records on individuals to include first and last name, middle initial, social security number; rank or grade and step; control specialty; date of rank; basic pay entry date; component; branch; date assigned to TCATA; flight status; Primary Military Occupational Specialty/ General Schedule Series; organization location by paragraph and line number; office phone; liaison office; marital status; spouse; home phone; present address; city code; legal residence; loss code and date; special qualifications; highest military schooling; latest evaluation date; source of commission; civilian education level and major; background experience; language code; additionally awarded military occupational specialties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide Commander, TCATA with the ability to effectively manage personnel resources by furnishing real time information pertaining to individuals' qualifications and status through use of the following rosters: alphabetical qualification, officers by branch, majors and higher, all personnel by grade and birthdate, military occupational specialty, military personnel by the city in which they live, slotting and departing personnel; organizational directory, and telephone directory of GS-7's and above. Data provides bases for reports generated on an 'as required' basis in response to specific management queries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk.

RETRIEVABILITY:

SSN and name.

SAFEGUARDS:

Automated media protected by authorized password system for access terminals, controlled access to operation rooms, and restricted output distribution.

RETENTION AND DISPOSAL:

Records destroyed upon departure of person.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Personnel Branch, ATCAT-SPT-AGA, Headquarters TRADOC Combined Arms Test Activity, Ft Hood, TX 76544.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Information may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in AR 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Individual interviewed, Military Personnel Records, Employee Record Cards, TDY Orders and TDY Vouchers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0709.01aDAPE

SYSTEM NAME:

709.01 United States Military Academy Candidate Files

SYSTEM LOCATION:

Primary system: Office of the Director of Admissions and Registrar, MAAR-R, United States Military Academy (USMA).

Decentralized Segment: Instruction Support and Information System Division, Office of the Dean, USMA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential and actual candidates of the USMA for the current and previous 2 years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Candidate Activities Record (Department of Defense (DD) Form 1868); Prospective Candidate Questionnaire, DD Form 1908; Interview Sheets; Evaluation by Director of Intercollegiate Athletics; School Official's Evaluation, DD Form 1869; Employer's Evaluation of Candidate, USMA Form 5-518; Scholastic Aptitude Exam Scores; American College Testing Program Scores; Request for Secondary School Transcript, DD Form 1875; High School Transcript; College Transcript; Physical Aptitude Exam; Candidate Summary Sheets; Nomination Letter; Progress Report 5-413; Selection Letter; Naturalization Papers; Adoption Papers; Birth Certificate; Statement of Consent; OATH 5-50; Special Orders; all correspondence to, from and about candidate; Personal Data Record (DD Form 1867).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 4331, 4332, 4334.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Director of Admissions and Registrar: to evaluate a candidate's academic, leadership, and physical aptitude potential for the USMA; to assist candidates in the completion of their file; to counsel candidates in their potential for USMA.

Office of the Dean: to evaluate an admitted candidate's academic potential

Office of the Director of Intercollegiate Athletics: to evaluate a candidate's intercollegiate athletic potential.

Director of Institutional Research: to assist the Director of Admissions in evaluating current admissions procedures and recommend changes in admissions procedures.

Members of Congress, Washington, DC: to aid them in the selection of candidates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folder. Selected items of information are on computer printouts and magnetic disks.

RETRIEVABILITY:

File folders are filed alphabetically by last name of candidate. Computer printouts are printed alphabetically by source of nomination, current status, and special categories.

SAFEGUARDS:

File folders and computer printouts stored in a room in which authorized representative is always present during working hours. After working hours the room is locked with restricted access to appropriate personnel. Records are accessible only to authorized personnel. Magnetic disks are protected by a user identification and password convention.

RETENTION AND DISPOSAL:

Admitted candidates: Records are transferred to the office of the Dean in August of each year. Other candidates: Records are maintained in the Admissions Office for 2 years and then transferred to Records Holding Area for 2 years after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Admissions and Registrar, USMA.

NOTIFICATION PROCEDURE:

Information can be obtained from SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Transcripts from secondary and post secondary schools; faculty evaluations; employer evaluations; military supervisor evaluation; medical information from the Department of Defense Medical Review Board; interviews from Admissions Participants; American College Testing Program; Educational Testing Service; Director of Intercollegiate Athletics; Members of Congress.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system are exempt pursuant to 5 U.S.C. 552a(k)(5), (6), or (7). Publication of rules is set forth in 32 CFR Part 505.

A0709.03cDAPE

SYSTEM NAME:

709.03 Admissions and Registrar Mailback Card

SYSTEM LOCATION:

Primary system: Office of the Director of Admissions and Registrar, MAAR-C, United States Military Academy, (USMA) West Point, NY 10996.

Decentralized Segment: Instruction Support and Information System Division, Office of the Dean, USMA, West Point, NY 10996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential candidates for the USMA and other individuals who have requested entrance information, to include the catalog.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, address and social security number (SSN) of potential candidates, types of material dispatched to potential cadets, and the sequential number assigned to the request from the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 4331, 4332, 4334.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Director of Admissions and Registrar: to generate mailing labels, check for duplicate information requests, provide accumulative statistics on the progress of Admissions programs and provide inquiry data to the Admissions field force.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data are stored on magnetic disks and computer printouts.

RETRIEVABILITY:

Retrieved by name and/or SSN.

SAFEGUARDS:

Computer file magnetic disks are protected by a user identification and password convention.

RETENTION AND DISPOSAL:

Following candidate admission cycle, magnetic disk file records will be purged of all entries showing a high school graduation date equal to or less than the high school graduation date of the newly entering plebe class.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Admissions and Registrar, USMA, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Information can be obtained from SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

All personal information is provided by the individual on mailback cards, letter, or telephone inquiry.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0709.03DAPE

SYSTEM NAME:

U.S. Military Academy Personnel Cadet Records

SYSTEM LOCATION:

U.S. Military Academy, West Point, NY 10996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former cadets of the U.S. Military Academy (USMA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Application and evaluations of cadet for admission; letters of recommendation/endorsement; academic achievements, awards, honors, grades and transcripts; performance counseling; health, physical aptitude and abilities and athletic accomplishments, peer appraisals; supervisory assessments; suitability data, including honor code infractions and disposition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012 and 4334; Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These documents are created and maintained to record the cadet's appointment to the Academy, his/her scholastic and athletic achievements, performance, motivation, discipline, final standing, and potential as a military career officer. School transcripts may be provided other educational institutions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records in file folders and on microfilm.

RETRIEVABILITY:

By surname or social security number (SSN).

SAFEGUARDS:

All records are limited to persons whose official duties require access. Manual records are maintained in secure file cabinets in a locked room.

RETENTION AND DISPOSAL:

Records are permanent; after 30 years, the cadet's personnel record is accessioned into the USMA Archives at West Point. Management reports are retained until no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent U.S. Military Academy, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individuals may request access to their records by contacting the SYSMANAGER, furnishing their full name, SSN or Cadet number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, his/her sponsors, peer evaluations, grades and reports of USMA academic and physical education department heads, transcripts from other educational institutions, medical examinations/assessments, supervisory counseling/performance reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system which fall within 5 U.S.C. 552a(k)(5) and (7) are exempt from subsection (d) of the act.

A0709.06aDAPE

SYSTEM NAME:

709.06 Alumni Affairs and Gifts Program Division Donor Data Sys.

SYSTEM LOCATION:

Adjutant General (AG) Data Processing Branch, AG Division, United States Military Academy (USMA), West Point, NY 10096.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual or organization that has made a contribution to the West Point Fund.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains dates, amounts, types and purposes for which contributions were made to the West Point Fund. The file records the donor's military or civilian status, name, address and an identifying number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 4334(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a permanent historical record of contributions to the West Point Fund; to identify the type of fund-raising appeal which is most successful, and to identify possible future contributors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disk

RETRIEVABILITY:

Filed by individual's identifying number.

SAFEGUARDS:

Computer disk is maintained in a vault when not being used. Disk is maintained in an area accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Alumni Affairs and Gifts Program Division, USMA, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Information may be obtained from the Chief, Alumni Affairs and Gifts Program Division, USMA, West Point, NY 10996.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Chief, Alumni Affairs and Gifts Program Division, USMA, West Point, NY 10996.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents of records and appealing initial determinations may be obtained from the Chief, Alumni Affairs and Gifts Program Division, USMA, West Point, NY 10996.

RECORD SOURCE CATEGORIES:

Correspondence originating with the donor and biographical information maintained by the Association of Graduates, West Point, NY 10996.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0709.10aDAPE

SYSTEM NAME:

709.10 Athletic Pointer File

SYSTEM LOCATION:

Admission Support Office, Office of the Director of Intercollegiate Athletics, United States Military Academy (USMA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Friends of the USMA who assist in the recruitment of student athletes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains name and address of supporters of the USMA who assist the Director of Intercollegiate Athletics in identifying athletes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 4334.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide mailing labels and address listing of Pointers for Office of the Director of Intercollegiate Athletics, USMA.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punch cards in file cabinets.

RETRIEVABILITY:

Filed alphabetically by last name of Pointer.

SAFEGUARDS:

Records are maintained in an area accessible only to authorized personnel employed by the Admission Support Office, Office of the Director of Intercollegiate Athletics USMA. Records are stored in file cabinets in locked storage room.

RETENTION AND DISPOSAL:

Records are retained until individual is no longer active in program.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director of Intercollegiate Athletics for Recruiting, Office of the Director of Intercollegiate Athletics, USMA, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Admission Support Office
Office of the Director of Intercollegiate Athletics
USMA
West Point, NY 10996
Telephone: Area Code 914/938-2325

RECORD ACCESS PROCEDURES:

Request from individual should be addressed to: Admission Support Office, Office of the Director of Intercollegiate Athletics, USMA, West Point, NY 10996.

Written request for information should contain full name of individual and current address.

For personal visit, the individual should be able to provide acceptable identification and driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rule for access to records, for contesting contents and appealing initial determination may be obtained from the Director of Intercollegiate Athletics, USMA, West Point, New York 10996.

RECORD SOURCE CATEGORIES:

Individual's request to participate in program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0709.11aDAPE

SYSTEM NAME:

709.11 United STates Military Academy Cadet Record Card.

SYSTEM LOCATION:

United States Military Academy (USMA) Archives, West Point, NY 10996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals admitted to USMA as cadets during the period 1802 to 1965.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card contains class year, date of admission, age at date of admission, legal residence, date and place of birth, source of appointment, name and address of parent or guardian, order of general merit for each academic year and at graduation, date of graduation, branch in which commissioned, Cullum number, and remarks relating to separation (e.g., for physical disability or academic deficiency) and readmission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 4334.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Cards are a basic biographical and historical summary of a cadet's tenure at the USMA. They are a source of conveniently available information which eliminates a time-consuming search through numerous other series of official records.

Used by members of the archives or library staff for special studies, expedient replies to historical, biographical, and genealogical inquiries, and confirmation of attendance at the USMA; cadets and faculty members conducting geographic, social, or demographic studies on the background of cadets admitted or graduated; other USMA staff agencies, such as the Office of Institutional Research or the Office of the Dean, engaged in officially sanctioned projects or functions; investigators from the Federal Bureau of Investigation, United States Civil Service Commission, or the Department of Defense conducting records checks on former cadets; the Association of Graduates, USMA, and the Army Athletic Association to determine eligibility of former cadets applying for membership; and scholars and historians conducting research on former cadets or private citizens seeking information on their forebears.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Vertical file cards.

RETRIEVABILITY:

Filed alphabetically by surname of cadet.

SAFEGUARDS:

Cards are maintained in steel cabinets in the Archives office and are under the observation of staff members from 8:00 A.M. to 4:30 P.M. Monday through Friday. Room is locked during non-duty hours. Only authorized personnel and properly screened visitors are allowed access to or use of the cards.

RETENTION AND DISPOSAL:

Records are permanent and will remain in the Archives Office.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, USMA Archives, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Written requests should be addressed to the SYSMANAGER and should include the full name of the individual and the approximate dates of his attendance at USMA.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

For cadets in the Classes of 1920 through 1969, the primary sources of information are various documents in the USMA cadet's personnel file, supplemented by publications such as the Register of Graduates and Former Cadets of the USMA, post orders, and the Official Register of Officers and Cadets. Information on earlier cadets has been obtained from the latter source and other registers, lists, books, and academic records formerly maintained by the Adjutant, USMA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0709.12aDAPE

SYSTEM NAME:

709.12a USMA Admissions Participant Roster and File

SYSTEM LOCATION:

Primary system: Office of the Director of Admissions and Registrar, MAAR-R, United States Military Academy (USMA), West Point, NY 10996.

Decentralized segment: Instruction Support and Information System Division, Office of the Dean, USMA, West Point, NY 10996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Admissions Participants (USMA recruiter contacts) including active and inactive, actual and potential, in following general categories: USMA Reserve Liaison Officers currently attached to Admissions, USMA; USMA graduate volunteers; USMA Admissions contacts at United States (US) Army Installations/Agencies/Activities worldwide; USMA alumni organizations; secondary school educators who have visited USMA under Educator Visit Program; Association of the US Army Presidents and applicants for Reserve Liaison Officer positions; Members of Congress; and Congressional Staff Assistants dealing directly with USMA applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Admissions Participant Roster and Admissions Participant files include the names, addresses and telephone numbers of active and inactive USMA admissions contacts and correspondence reference USMA Admissions recruiting activities. Congressional file includes current mailing address (Washington and local office) of all current Members, including Staff Assistants' names and office telephone numbers, and all Admissions related Congressional correspondence. A subsystem Admissions Participant mailing list entitled, 'Educator Visitors' includes the name and school address of visitors to USMA under the Admissions Educator Visit Program. Applications from US Army Reservists seeking a position as USMA Reserve Liaison Officer include name, address, SSN, telephone number and resumes which are periodically reviewed for position selection.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 4331, 4332, 4334.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Active Admissions Participants, to include each Member of the US Congress and educators who have visited the USMA under the 'USMA Admissions Educator Visit Program', receive informational Admissions mailings concerning present USMA Admissions policy and procedures from the Admissions Participant mailing list. USMA appli- cants are referred to Admissions Participants who render advice and assistance in regard to West Point's admission process. US Army Reservists' applications for USMA Liaison Officer positions are maintained and reviewed at Admissions, USMA, to fill nation-wide position vacancies as they occur. A correspondence file is maintained for each active Admissions Participant containing file copies of all correspondence related to the Admissions Participant's activity in support of West Point programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders. Selected items of information (name, address, telephone numbers, organization) are maintained on completed paper printouts, magnetic disks, magnetic tape for all active Admissions

RETRIEVABILITY:

File folders and computer printouts are maintained by name in State and ZIP Code sequence.

SAFEGUARDS:

File folders and computer printouts stored in room where Admissions Officers are always present during working hours. After working hours, rooms are locked. Access to the building is limited during non-duty hours. Records are accessible only to authorized personnel. Computer file magnetic disks are protected by a user identifi- cation and password convention.

RETENTION AND DISPOSAL:

Files are under continuous review for additions and deletions. Once a file is deleted, all related correspondence is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Admissions and Registrar, USMA, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Information can be obtained from:
Director of Admissions and Registrar
USMA
West Point, NY 10996
Telephone: Area Code 914/938-4041

RECORD ACCESS PROCEDURES:

Requests should be addressed to the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

As submitted by individual Admissions Participant volunteers; Congressional information from public record; US Army published orders appointing USMA Candidate Advisory Officers; resumes submitted by US Army Reservists.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0710.02DAJA

SYSTEM NAME:

710.02 JAGC Reserve Components Officer Personnel Records

SYSTEM LOCATION:

Reserve Affairs Department (Room 232), The Judge Advocate General's School, United States Army (TJAGSA), Charlottesville, VA 22901.

Computer Center, University of Virginia, Charlottesville, VA 22901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Judge Advocate General Corps (JAGC) United States Army Reserve and National Guard officers, not serving on extended active duty; and officers seeking appointment, branch transfer, or Federal Recognition to the JAGC without concurrent call to active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data bank includes individual officer's name, social security number (SSN), home and business addresses, home and business telephone numbers, grade, promotion eligibility date, primary military occupational specialty, date of birth, sex, basic date of mandatory removal, educational courses taken, unit assignment and unit address, employer, job title, specialty, and awards.

Personnel file contains such documents as application for appointment, active duty training, constructive credit, mobilization designee (MOBDES) position, and related matters dealing with educational courses completed; correspondence between Reserve Affairs Department personnel and the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 275(a) and regulations promulgated thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Career Management: To schedule JAGC reserve officer training; select officers for reserve unit command positions; identify individual reservists in need of training; determine mandatory retirement dates; provide full

background information on individuals applying for MOBDES positions, constructive credit by The Judge Advocate General for portions of a judge advocate course, and/or Active Duty for Training; to document background of applicants for appointment in the JAGC or branch transfer to JAGC consistent with prerequisites required for type of appointment/branch transfer and to establish eligibility for appointment/branch transfer.

Communications: To maintain current and complete address and telephone listings to insure that each officer can be quickly and reliably contacted.

Manpower Management: To forecast field grade officer requirements and the number of officers required to fill positions vacated by officers transferred to the Retired Reserve; to provide aggregate statistical reports to other Department of the Army elements for analysis of Total Force and mobilization readiness.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; automated records on magnetic tape.

RETRIEVABILITY:

Alphabetically by last name and SSN.

SAFEGUARDS:

Records maintained in areas where authorized personnel work. During non-duty hours files and office doors are secured.

Computer records maintained in computer building in areas accessible only to authorized personnel; system entry by password.

RETENTION AND DISPOSAL:

Records are maintained until individual officer retires from Reserve Component. They are then placed in inactive file for two years after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Reserve Affairs Department, The Judge Advocate General's School, U.S. Army, Charlottesville, VA 22901.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Reserve Affairs Department
TJAGSA
Charlottesville, VA 22901

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Director, Reserve Affairs Department, The Judge Advocate General's School, United States Army, Charlottesville, VA 22901.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination are contained in Army Regulation 340-21, (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Individual officer(s) concerned; official personnel documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0710.08DAAG

SYSTEM NAME:

710.08 Career Management Files of Dual Component Personnel.

SYSTEM LOCATION:

Counseling Section, Guidance Branch, Personnel Management and Training Division, Reserve Components Personnel Directorate, and Systems Support Directorate, United States Army Reserve Components Personnel and Administration Center (USARCPAC), 9700 Page Boulevard, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any reserve or warrant officer on active duty as an enlisted man; any reserve officer on active duty as a Regular Army warrant officer.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual file contains copies of officer evaluation reports, academic reports, officer qualification records, letters of appreciation and commendation, general orders announcing awards, and other documents furnished by individual concerned. Automated file contains name, rank, social security number (SSN), basic pay entry date, promotion eligibility date, mandatory removal date, highest military education completed and current military education being completed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 275.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To advise reserve officers when they will be considered for promotion; what military education must be completed to be eligible for promotion; to determine if officer should be removed for substandard performance of duty; to advise them of eligibility for retirement as either an officer or enlisted man; (Officer evaluation reports are available for review by promotion boards when officers are being considered for promotion); and to advise officers of latest changes in reserve program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, and computer tape.

RETRIEVABILITY:

Filed alphabetically by last name of officer and SSN.

SAFEGUARDS:

Buildings employ security guards. Computer tapes are stored in tape vault. Paper records are stored in filing cabinets with access limited to individuals with a need-to-know.

RETENTION AND DISPOSAL:

Records are retained as long as officer remains on active duty. When an officer retires, his career management file is combined with his active Army enlisted file. If officer separated and is still on active duty as enlisted man, his career management file is sent to United States (US) Army Enlisted Records Center, Ft Harrison and combined with his enlisted record.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USARCPAC, 9700 Page Boulevard, St Louis, MO 63132.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, USARCPAC,
9700 Page Boulevard
St. Louis, MO 63132
Telephone: Area Code 314/268-7868 or Autovon 698-7868.

RECORD ACCESS PROCEDURES:

Requests from officers should be addressed to: Commander, USARCPAC, 9700 Page Boulevard, St Louis, MO 63132.

Written requests for information should contain the full name of the officer, current address and SSN. Visits are limited to Guidance Branch, Personnel Management and Training Division, USARCPAC, 9700 Page Boulevard, St Louis, MO 63132.

For personal visits, the officer must present active Army identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the

individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

All material is obtained from elements of the US Army, officer's company commander, military schools completed in residence or by correspondence, copies of general orders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0710.09DAAG

SYSTEM NAME:

710.09 Personnel Management/Action Working Files

SYSTEM LOCATION:

Working files and/or folders are maintained by each of the operating Divisions within the United States (US) Army Reserve Components Personnel and Administration Center (USARCPAC), 9700 Page Boulevard, St Louis, MO 63132 and, in certain instances, such as mobilization designation assignments, attachments to Reinforcement Training Units or Army National Guard/US Army Reserve Units, in Department of Defense (DOD) elements and military departments and Selective Service Headquarters in order to accomplish administrative actions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pertains to members of the Individual Ready Reserve (IRR), Standby Reserve, Retired Reserve, unit personnel, and civilians relating to a variety of personnel actions and inquiries concerning Reserve component personnel management and administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files and/or folders contain varied types of applications; correspondence; orders; pay vouchers; efficiency reports; assignment instructions; replies to correspondence; medical evaluations; request for waiver of disqualifications; grade determinations; approvals or disapprovals of specific actions; flagging actions which preclude completion of favorable personnel actions; computer transcripts; requests for transfer to another Branch, status, or service; claims for pay; and notifications to the individual of personnel actions being processed.

These are all working files/folders which contain information and copies of correspondence pertaining to appointment as US Army Reserve (USAR) commissioned or warrant officers; applications for active duty; assignment instructions for active duty (AD) or Active Duty for Training (ADT); applications for delay or exemption from AD/ADT; requests for branch transfers; requests for award of Military Occupational Specialty; nominations for decorations or awards; selection or nonselection for promotion of commissioned or warrant officers; notifications of removal from an active Reserve status for physical disqualification, nonparticipation, two-time passover for promotion or elimination action; request for grade determinations for enlistment in the USAR; applications for waiver of disqualifications for enlistment in the USAR; request for discharge or voiding of enlistments; requests for transfer to or from the Ready Reserve, Standby Reserve, or Retired Reserve; claims for pay not received while on ADT; request for assignment or attachment to Army National Guard (ARNG)/USAR units, mobilization designation positions or detachments, reinforcement training units, and USAR school student detachments; applications for participation in Army Reserve Logistics Career Program and Foreign Area Officers Program; applications for ADT; and correspondence pertaining to the career management of officers and senior enlisted personnel. Correspondence includes copies or orders; approvals or disapprovals of actions requested by the individual and backup copies of correspondence relating to the specific action; these are reference copies of documents normally filed in the individual's Military Personnel Records Jacket or Official Military Personnel File.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title l0 U.S.C., SEction 275.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Working or reading files are maintained in order for the action element of USARCPAC to respond to written, personal, or telephonic inquiries received from an individual or other government agency. Files maintained in DOD elements, military departments and Selective Service Headquarters are used to insure that administrative actions are accomplished.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files and folders are maintained in 4 drawer file cabinets and card files are maintained in standard card file drawers or IBM card cabinets, as appropriate.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

USARCPAC building has security guard at all times. Papers are maintained in areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Files or folders are maintained for a period of 6 months to 3 years depending on the type of action involved. At the specified time, the file is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USARCPAC, 9700 Page Boulevard, St Louis, MO 63132. 9700 Page Boulevard, St Louis, MO 63132

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, USARCPAC,
ATTN: AGUZ-RCPD
9700 Page Boulevard
St Louis, MO 63132
Telephone: Area Code 314/268-7733

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USARCPAC, ATTN: AGUZ-RCPD, 9700 Page Boulevard, St Louis, MO 63132.

Written requests for information should contain full name of individual, current address, and telephone number. Visits are limited to Reports and Inquiries Section, Personnel Management and Training Division (AGUZ-PMT-GRI) USARCPAC, 9700 Page Boulevard, St Louis, MO 63132.

For personal visits, the individual should be able to provide acceptable identification, i.e., Reserve Identification Card, driver's license, employing office's identification card, and give some verbal information that could be verified from his 'Reading file'.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual/Department of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0710.10DAAG

SYSTEM NAME:

710.10 Reserve Personnel Information Reporting System

SYSTEM LOCATION:

Decentralized Segments: Commander, First United States Army, Ft George G. Meade, MD 20755; Commander, Fifth United States Army, Ft Sam Houston, TX 78234; Commander, Sixth United States Army, Presidio of San Francisco, CA 94129; Commander, United States Army Western Command, (WESTCOM), Ft. Shafter, HI96858; Ft. Richardson, AK 99505; Chief, United States Army Reserve (USAR) Affairs, Europe, APO New York 09245. Commander, 172d Infantry Brigade Alaska. Each Army Headquarters (HQ) maintains the records pertaining to its geographical area.

Centralized User: Systems Support Directorate, United States Army Reserve Components Personnel and Administration Center (RCPAC), 9700 Page Boulevard, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals currently assigned to a USAR unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains identification data, including name, social security number (SSN); current assignment data, including unit identification code grade, and occupational specialty; retirement data, including number of retirement points and years of satisfactory military service; and other selected data which serve in the administration and reporting of the individual, including security clearance, date entered military service, date of last promotion, date military obligation expires, sex, race and civilian occupation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 275.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

File is maintained at each Army Command HQ for the administration of USAR unit personnel. Administration includes control of promotions, transfers, and other day-to-day actions in addition to maintaining unit readiness which includes identifying training needs and assuring that needs are filled on a continuing basis.

A copy of each Army file is sent to RCPAC on a monthly basis for reporting purposes. Statistical reports are prepared at RCPAC for use by various Department of the Army (DA) and Department of Defense Staff agencies. The main users of this report are: Office of Chief, Army Reserve; HQ, United States Army Forces Command; HQ, Continental United States (CONUS) Armies, Office of the Chief of Chaplains, and Office of the Deputy Chief of Staff for Personnel (DCSPER). Uses include: strength accounting, budgeting, readiness in case of mobilization of reserve units, and forecasting of future needs based upon expected attrition. In addition, the Command Involvement Program (CIP) computer system inspects the personal data contained in each record and reports percentage of accuracy and completeness to the unit commander and his/her superiors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File is stored on computer magnetic tapes and in air- conditioned libraries.

RETRIEVABILITY:

File is sequenced by SSN within unit identification code. To retrieve an individual's record, an authorized requester must enter SSN, five characters of last name, unit identification code, military personnel class (indicates individual is an officer, warrant officer or enlisted), and a particular code identifying the transaction as a record request.

SAFEGUARDS:

Tape files are stored on tape racks in reel number sequence in a restricted library within the computer room complex which is a restricted area. In addition, the building housing the computer room is restricted to authorized personnel.

RETENTION AND DISPOSAL:

A record is retained for the duration of the reservist's unit assignment.

CONUS: The current tape file and the two previous tape files are retained at any given time.

OVERSEAS: Record files are retained for historical data reporting as follows: 4 years for reports for months of March, June, and December; 6 years for the report month of September; and 2 years for all other report months.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

To ascertain if the tape file contains data on a particular individual, the individual should write or visit the Headquarters of the Continental United States Army area in which his/her unit is located.

RECORD ACCESS PROCEDURES:

To request access to the information contained on this tape file, the individual should write or visit the Headquarters of the Continental United States Army in which his/her unit is located.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER, ATTN: DAPE-PBP.

RECORD SOURCE CATEGORIES:

Data are extracted from the following sources:

Correspondence from Reservist; National ZIP Code Directory; DA Form 1383, Statement of Retirement Points; Release From Active Duty Orders; DA Form 873, Certificate of Clearance and/or Security Determination; DA Form 1379, USAR Unit Record of Reserve Training; Promotion Orders; Assignment Orders; Language Proficiency Questionnaire; DA Form 268, Report for Suspension of Favorable Personnel Actions; DA Form 67-7, US Army Officer Efficiency Report; DA Form 1506, Statement of Service; National Guard Bureau Form 23, Retirement Credits Record; Department of Defense (DD) Form 4, Enlistment Contract Armed Forces of the US; DD Form 47, Record of Induction; DA Form 61, Application for Appointment; DA Form 2, 2-1, Qualification Record; DA Form 3725, Army Reserve Status and Address Verification Questionnaire; Dictionary of Occupational Titles; DA Form 3726, 3726-1, Ready Reserve Service Agreement; DD Form 214, Armed Forces of the US Report of Transfer or Discharge; Standard Form 88, Report of Medical Examination.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0713.09aTRADOC

SYSTEM NAME:

713.09a Skill Qualification Test (SQT)

SYSTEM LOCATION:

a. Headquarters, United States Army Training and Doctrine Command (TRADOC), Ft Monroe, VA 23651: Main computer location and soldier response files.

b. United States Army Training Support Center, Individual Training Evaluation Directorate (ITED): Enlisted Master File and original test forms.

c. Test Control Officers (TCO) at military installations worldwide: Transmittal rosters and source documents for Hands-On Component (HOC) and Performance Certification Component (PCC): (retained 120 days).

d. United States Army Military Personnel Center (MILPERCEN) (Enlisted Evaluation Center: Soldier's SQT scores (DA Form 10a).

e. Supervisory Non-Commissioned Officers (NCOs) at unit level worldwide: SQT Job Books.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active Army and Reserve Component enlisted personnel who take the SQT.

CATEGORIES OF RECORDS IN THE SYSTEM:

Soldier response history of answers to SQTs, both individual and cumulative; quarterly analyses of soldier's test results. The Enlisted Master File at ITED contains update listings of name, social security number (SSN), pay grade, primary and secondary military occupational specialties (MOS), and component. File in TCO (located at the soldier's installation) contains name, rank, SSN, and source document for HOC and PCC. SQT Job Book (located at soldier's unit) contains name, rank, and record of individual performance of job tasks conducted in a unit training environment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

ITED, Ft Eustis, VA and Enlisted Records and Evaluation Center, Ft Benjamin Harrison, IN. Individual scores are computed and forwarded to MILPERCEN for entry on DA Form 10a. This score is used to measure a soldier's job proficiency, to determine eligibility for schooling, and eligibility for promotions. SQT Job Books are used by Commanders and NCOs to assess individual and unit proficiency and combat readiness and to identify routine and intensified training needs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tape, disks and printouts.

RETRIEVABILITY:

Paper records filed in folders retrieved by processing date and imprinted serial number. Computer magnetic tape and disk retrieved by SSN and name.

SAFEGUARDS:

Paper records are filed in folders sorted in a locked room: Magnetic tapes are kept in controlled vault area: Magnetic disks are protected by a user identification and manual controls.

RETENTION AND DISPOSAL:

Magnetic tapes are retained 1 year after which data are erased; disks retained for 6 months before data are erased; hard copy is retained for 5 years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Training Support Center, ATTN: ITED, Ft Eustis, VA 23604.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the SYSMANAGER. Appropriate identification such as driver's license, is required if request is presented in person; written requests must bear notarized signature of the individual making request to prevent disclosure to unauthorized persons.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From other Department of Army Staff and Commands in document and computer readable form.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system are exempt pursuant to Title 5 U.S.C., Section 552a(k)(6). Publication of rules in order to exempt this system is set forth in 32 CFR Part 505.

A0714.02aDAPC

SYSTEM NAME:

714.02 Military Personnel Assignment Files

SYSTEM LOCATION:

Primary System: (1) officers: United States Army Military Personnel Center (MILPERCEN), Officer Personnel Directorate, (2) enlisted: USAMILPERCEN, Enlisted Personnel Directorate.

Decentralized Segments: Army commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty enlisted, warrant officer, and commissioned officer members of the United States (US) Army worldwide.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains letters, forms, statements relating to travel restrictions, dual nationality status, controlled Military Occupational Specialty (MOS) constraints on assignment, Special Forces organization, sole surviving son limitations, compassionate requests, permissive reassignments. Preference for assignment statements, service member/spouse kinship with foreign national considerations, Criminal Investigation eligibility determinations, initial accession assignment data, conscientious objector statement, application and special orders pertaining to airborne qualification and assignemnt, Army Research Association selection and assignment to Atomic Energy Commission, results of Graduate Record Examination or Aptitude Test for Graduate Studies in Business examinations relating to graduate school selection, nominations for position assignment, biographical sketch supporting assignment as Military Assistance Operations Program positions and (1) letters from service member, (2) documents, and forms originating in departmental/ command assignment officers, (3) correspondence between Department of Navy, US Marine Corps, US Coast Guard, Department of the Air Force, Army Staff offices, and Army Command.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of the Army Staff offices and commands: To document assignment considerations of each service member to assure equity of duty, basis for special assignment, protection of service member and dependents assigned in foreign areas; to insure that service member is not assigned contrary to persona non-grata status; and related assignment limitations, restrictions, and constraints.

Department of the Navy: To accomplish administration incident to service when Army members are

assigned for duty with the Navy, Marine Corps or Coast Guard when the Coast Guard is under operational control of the Navy.

Department of the Air Force: To accomplish administration incident to service when Army members are assigned for duty with the Air Force.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records maintained in area accessible to authorized personnel engaged in assignment and reassignment actions.

RETENTION AND DISPOSAL:

Records are destroyed when superseded by subsequent assignment or, in accordance with scheduled destruction, upon discontinuance or obsolescence.

SYSTEM MANAGER(S) AND ADDRESS:

United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information for officer personnel may be obtained from:
Headquarters, Department of the Army, (DAPC-OP)
Hoffman Bldg II
200 Stovall Street
Alexandria, VA 22332

Information for enlisted personnel may be obtained from:
Headquarters Department of the Army (DAPC-EP)
Hoffman Bldg II
200 Stovall Street
Alexandria, VA 22332

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Headquarters Department of the Army ((DAPC-OP) or DAPC-EP)), 200 Stovall Street, Alexandria, VA 22332, or to Commander of the command in which the service member is assigned for duty.

Written requests for information should contain the full name of the requester, his/her service identification number, branch of service if the requester is an officer; grade, and current address.

Visits may be made to command headquarters, or to the Directorate of Officer Personnel for officer visitors, or the Directorate of Enlisted Personnel for enlisted visitors located in Hoffman Bldg I and II, 200 Stovall Street, Alexandria, VA 22332.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from HQDA (DAPC-MSO), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Letters, forms, statements and related forms originating from individual service member; letters, forms, documents originating in assignment offices of United States Army Military Personnel Center or in Army Ccommands.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0714.04aDAPC

SYSTEM NAME:

714.04 Branch Transfer/Detail Files.

SYSTEM LOCATION:

US Army Military Personnel Center (USAMILPERCEN), (DAPC-OP), Washington, DC 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers on active duty in the United States Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of information stored include; name, social security number (SSN), grade, service agreement, branch of ser- vice, date of receipt of request for branch transfer and final action (approval/disapproval).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Army: Records are used for personnel management, strength accounting, and manpower management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper folders and on cards (Office of Personnel Operations-Officer Personnel Directorate Form 177).

RETRIEVABILITY:

Access is by name.

SAFEGUARDS:

Physical security devices and guards.

RETENTION AND DISPOSAL:

Records are retained for 1 year; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAMILPERCEN, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from: Headquarters, Department of the Army, (HQDA)(DAPC-OP), 200 Stovall Street, Alexandria, VA 22332.

RECORD ACCESS PROCEDURES:

Written requests for information should include the full name, SSN, and current address, and submitted to USAMILPERCEN.

For personal visits, the requester should provide acceptable identification, i.e., military identification card or other identi- fication normally acceptable in the transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from USAMILPERCEN (DAPC-OP), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Information is obtained from documents, papers, and forms related to branch transfer and branch detail actions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0714.06aHSC

SYSTEM NAME:

714.06 Army Medical Department Personnel Management and Manpower Control System

SYSTEM LOCATION:

United States (US) Army Medical Centers: Brooke Army Medical Center, Ft Sam Houston, TX; William Beaumont Army Medical Center, Ft Bliss, TX; Madigan Army Medical Center, Ft Lewis, WA; Letterman Army Medical Center, Presidio of San Francisco, CA; Walter Reed Army Medical Center, Washington, DC; Fitzsimons Army Medical Center, Denver, CO; and Tripler Army Medical Center, Honolulu, HI.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel assigned or attached, and all civilian employees of the organization.

CATEGORIES OF RECORDS IN THE SYSTEM:

Military personnel management subsystem contains data extracted from military personnel records and is essentially that data maintained on enlisted and officer master files at Department of the Army (DA) plus selected suspense items such as immunization requirements, efficiency report and periodic photograph submission dates.

Civilian personnel management subsystem contains data extracted from civilian personnel records and is essentially that data maintained in the civilian personnel information system at DA.

Manpower control subsystem contains data to identify authorized military and civilian positions within the organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

System is utilized to provide numerous reporting suspense action and general personnel management requirements for the personnel divisions of the medical centers. System provides interface with automated finance, accounting, civilian pay, and leave accounting. System will be closed out following minor modifications in the Standard Installation/Division Personnel System (SIDPERS) and full implementation of the Civilian Personnel Information System (CIVPERSINS). Type data generated includes authorized and assigned strengths by grade and military occupational specialty (MOS) with projected losses, notification of individual requirements for immunizations, listing of personnel requiring proficiency testing or eligible for promotion or civilian within-grade increases. It also provides information retrieval of combinations of data elements for special or one-time reports. Examples are listings of: all personnel within a given MOS; all personnel of a given grade; all personnel assigned before or after a given date; all personnel whose expiration of term of service (ETS) occurs before or after a given date; and all personnel not occupying an authorized position.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

System uses disk and tape storage.

RETRIEVABILITY:

Data may be extracted by name, social security number (SSN), military occupational specialty or other element included in the system.

SAFEGUARDS:

Records are maintained in secured areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Data are retained in system until departure of the individual; erased from system on reassignment, discharge, separation, retirement or termination of individual's employment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Health Services Command, Ft Sam Houston, TX 78234.

NOTIFICATION PROCEDURE:

Information may be obtained from Director of Personnel at each medical center operating the system. Military or civilian identification card, name, SSN and military or civilian employee status required.

RECORD ACCESS PROCEDURES:

Information may be obtained from Director of Personnel at each medical center operating the system. Military or civilian identification card, name, SSN and military or civilian employee status required.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Military and civilian personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0714.06cDASG

SYSTEM NAME:

AMEDD Personnel Management System

SYSTEM LOCATION:

United States Army Medical Department Personnel Support Agency (USAMEDDPERSA), 1900 Half Street, S.W., Washington, DC 20324.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals either applying for commissions in, on active duty as an officer in, or recently released from active duty in one of the six Army Medical Department Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of information stored include name, social security number, sex, race, date and place of birth, home of record, dependent data, physical profile data, religious preference, ethnic group, citizenship, marital status, personal mailing address, professional qualification data, assignment data, promotion data, education and training data, awards and badges, and incentive pay data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.; Title 37 U.S.C.; and Executive Order 9397.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Army-Used for strength accounting, manpower and budgetary management, recruitment, military service career management of officers to include assignments, promotion, professional development and training, and in the administration of the Variable Incentive Pay Program.

Department of Defense-Used for interdepartmental management regarding medical assets, and development of policies and statistical accounting.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer magnetic tape and disk.

RETRIEVABILITY:

Normal access is by name, the first data element in the file, with SSN or other individual or group discriminators for positive identification. Computerized indices are utilized in record retrievals.

SAFEGUARDS:

Physical security devices, limited access via building guard and personnel clearances will limit computer access to only authorized personnel. Each on-line terminal access or update to the system will be protected through a system of

passwords that will restrict each user to specific data elements. Password changes will be made incrementally at the rate of 20 percent per month. System reconstruction procedures provide for two copies of files, programs, and procedures in-house and one copy at an offsite location both updated and maintained in an operational condition.

RETENTION AND DISPOSAL:

Records are retained on an active file for three months after separation, and accumulated on an inactive file for five years after separation.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Medical Department Personnel Support Agency, 1900 Half Street, S.W., Washington, DC 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from: Commander, USAMEDDPERSA, 1900 Half Street, S.W., Washington, DC 20324.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USAMEDDPERSA, 1900 Half Street, S.W., Washington, DC 20324.

Written requests for information should contain the full name of the individual, SSN, current or former military status, and appropriate return address.

Visits may be made to USAMEDDPERSA. Individual should be able to provide some acceptable identification, and give some verbal information that could be verified with his/her record.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in 32 CFR Part 505 (Army Regulation 340-21).

RECORD SOURCE CATEGORIES:

Data contained in this system of records is obtained in document and computer readable form from the following systems of records: Army Medical Procurement Applicant Files, Officer Master File, Career Management Individual Files, AMEDD Training Application Status Record, Long-Term Civilian Training Student Contract Files, Residency, Subspecialty and Fellowship Training, and US Army Graduate Medical Education Trainee Card File.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0715.01aDAPC

SYSTEM NAME:

SIDPERS Personnel Data Card

SYSTEM LOCATION:

Each active Army unit furnishing personnel and strength data to the Department of the Army.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Army members (commissioned, warrant, and enlisted).

CATEGORIES OF RECORDS IN THE SYSTEM:

DA Form 2475-2 which includes individual's name, Social Security Number, organization, unit, station, grade and pay group, blood type, duty assignment, duty phone, local address and phone number, name and address of next-of-kin, home of record, place of birth, awards, military occupational specialty evaluation data, and unit commander's name and grade. In addition, records include actions reported as SIDPERS change report remarks on members assigned/attached to a military unit bearing on the legal and financial rights of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army: to account for and maintain data relating to each assigned and/or attached active military person; to support the accounting of and reporting function incident to maintenance of the Officer Master File, Enlisted Master File, the Military Personnel Records Jacket, and the Official Military Personnel File; for personnel management actions and reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tapes and disks.

RETRIEVABILITY:

By individual's surname; SSN.

SAFEGUARDS:

Records are maintained in secured areas accessible only to authorized personnel who are trained, cleared, and have official need for the information.

RETENTION AND DISPOSAL:

Records are retained in the reporting unit for 1 year following the date of the last entry on the personnel data card; they are then shipped to the National Personnel Records Center (MPR), St. Louis, MO where they are retained 74 additional years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the reporting unit of assignment/attachment of the individual.

RECORD ACCESS PROCEDURES:

Individual should write or visit the reporting unit of assignment/attachment, furnishing name, SSN, military or other normally acceptable identification and details that will assist in locating the information sought.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the Enlistment Record (DD Form 4), Report of Separation (DD Form 214) for reenlistees; Extention of enlistment (DA Form 1695); Special Orders issued by enlistment/reenlistment authorities, personal information furnished by the individual, documents/records/reports/forms originated within the reporting unit.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0715.06aDAPC

SYSTEM NAME:

715.06a Field Military Personnel Information System - SIDPERS

SYSTEM LOCATION:

Each Army installation and other organizational elements maintaining a segment of the Standard Installation/Division Personnel System (SIDPERS). The official mailing addresses are in the Department of Defense Directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active Army military personnel and personnel attached from the National Guard or United States Army Reserve based upon local option.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of information stored include: name, social security number (SSN), sex, race, citizenship, status, religious denomination, marital status, number of dependents, date of birth, physical profile, ethnic group, grade and date of rank, term of service for enlisted personnel, service agreement for non-regular officers, service data and dates, unit of assignment, military occupation specialty, additional skill identifiers, civilian military education level, language, assignment eligibility and availability and termination date thereof, security status, special pay and bonus, suspense termination date thereof, suspension of favorable personnel action indicator, Privacy Act disputed record indicator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Army: Records are used for personnel management, strength accounting, and manpower management.

Department of Defense: Records are used for interdepartmental actions and personnel management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer magnetic tapes and disks and computer punch cards.

RETRIEVABILITY

Access is by SSN, name, or other individual identifying characteristics.

SAFEGUARDS:

Physical security devices, guards, computer hardware and software features, and personnel clearances for individuals working with the system.

RETENTION AND DISPOSAL:

Records are destroyed 90 days after the individual is no longer active.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, (USAMILPERCEN), 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the commander of the organization to which the service member is assigned.

RECORD ACCESS PROCEDURES:

Written requests for information should include the full name, service identification number, and current address. Visits should be made to the servicing military personnel office (MILPO) or headquarters of the organization/station of the service member.

For personal visits, the requester should provide acceptable identification, i.e., military identification card or other identification normally acceptable in the transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from USAMILPERCEN (DAPC-MSO), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Information is obtained in documented and other computer readable form from other Department of Army organizations/stations and other federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0715.07cUSFK

SYSTEM NAME:

Command Unique Personnel Information Data System (CUPIDS)

SYSTEM LOCATION:

Primary System: Office of the Assistant Chief of Staff, Personnel Directorate (J1), Headquarters United Nations Command (UNC)/United States (US) Forces, Korea (USFK)/Eighth US Army (EUSA), ATTN: AJ-PER-DM, APO San Francisco 96301.

Decentralized Segments: US Army Yongsan Data Processing Center Korea, APO SF 96301; HQ UNC/USFK/EUSA, ATTN: PMJ-O, APO SF 96301; HQ UNC/USFK/EUSA, ATTN: DJ-SP, APO SF 96301; and HQ UNC/USFK/EUSA, ATTN: GCT, APO SF 96301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of UNC/USFK/EUSA who are authorized duty-free privileges in the Republic of Korea (ROK) as well as US Embassy personnel, contract personnel, technical representatives, and authorized potential noncombatant evacuees living in ROK.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, social security number, date and place of birth, sex, rotation date, citizenship, passport number, date arrived in ROK, previous tours in ROK, service component, pay grade/position title, marital status, dependent status, and religion. The following dependent information is maintained: spouse's name, date and place of birth, date arrived in ROK, passport number, citizenship, sex, date and place of marriage, local address, and religion. Applicable information is extracted from this central data base to provide a noncombatant report, contractor and technical representative listing, religious preference listing, and dependent information roster.

An individual purchase record is maintained for those personnel authorized duty-free privileges. It consists of a record of exchange catalog sales and purchases made by authorized shoppers in the exchange system, Class VI stores, commissaries, and retail outlets located on US facilities and installations in ROK.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Section 301; Status of Forces Agreement, United States of America and the Republic of Korea.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To record the number and location of contractor and technical representatives in the ROK for reporting to the Korean Government in accordance with the USA-ROK Status of Forces Agreement.

To identify and locate noncombatant evacuees in case of emergency.

To provide Department of Defense information pertaining to the number of dependents in ROK.

To obtain a religious profile to determine a realistic distribution of Chaplain assets throughout the command.

To produce lists of (1) suspected violators of the ration control authorization set for retail facilities in ROK and (2) exchange catalog sales shipped into ROK. Information is provided the Provost Marshal, US Army Criminal Investigation Command, US Department of State, Office of Special Investigation, Customs Officials, law enforcement authorities of the ROK and commanders for investigative action where appropriate and/or administrative or judicial disposition.

To provide listing of dependents in Korea for verification of housing dollar authorizations.

To maintain file of selected controlled item purchases made in retail facilities.

To provide management data pertaining to expenditures by grade and

family size for use in determining if authorizations are sufficient.

To provide a dependent profile throughout the command for management purposes.

To produce ration control plates for authorized individuals for use in recording purchases in retail facilities.

To produce medical cards which are used for identification in medical facilities.

To provide retail sales information to the USA-ROK Status of Forces Ad Hoc Committee on black marketing activities.

To provide list by date eligible for return from overseas for transportation forecasting requirements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, microfiche, and paper printouts.

RETRIEVABILITY:

Alphabetically by surname of noncombatants listed by area and geographical sub-area; all other records by SSN.

SAFEGUARDS:

Records are accessible only to authorized personnel. During off duty hours, the facility is locked and secured by sound activated alarm.

RETENTION AND DISPOSAL:

The command profile, sales profile, and individual sales file are retained for 1 year. Individual violations are retained until the end of the tour of the individual concerned.

Regular card sales are destroyed monthly unless retained for evidence.

Controlled item sales records are maintained for duration of individual's tour.

The data base account is retained for the duration of the individual's tour, plus one month.

All other information is destroyed at termination of tour or employment.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief of Staff, J1, HQ UNC/USFK/EUSA, APO San Francisco 96301.

NOTIFICATION PROCEDURE:

Information may be obtained from: HQ UNC/USFK/EUSA (A]-PER-DM) Yongsan/Seoul, Korea.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ, UNC/USFK/EUSA (A]-PER-DM), APO SF 96301. Written requests should contain full name of the individual, current address, telephone number, and SSN. For personal visits, the individual should provide a military identification card and ration control plate, if issued, or other acceptable identification such as a valid vehicle operator's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Application for ration control; recorded sales made with ration control plate at retail US military facilities throughout ROK; orders made through exchange catalog sales and retail outlets located on US facilities and installations in the ROK.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0716.04aDAAG

SYSTEM NAME:

716.04 Military Personnel Register Files

SYSTEM LOCATION:

Headquarters of Installations or Commands. Official mailing addresses are in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel; official visitors at Army installations, facilities, or activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a copy of Department of the Army (DA) Form 647 or DA Form 647-1 (Personnel Register).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a source document for personnel accounting systems. Provides a record of Army personnel arriving at or departing from Army installations on permanent change of station or temporary duty. Used to record official visitors at Army installations or at any location where United States troops are on duty in connection with a civil disorder.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; loose leaf binders.

RETRIEVABILITY:

Filed in chronological order.

SAFEGUARDS:

Maintained in file cabinets or open storage areas.

RETENTION AND DISPOSAL:

Records are destroyed after 6 months.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (HQDA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the Headquarters of the installation at which the individual was previously assigned or the visit occurred.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the commander of the installation where individual was assigned or the visit took place.

Written requests should contain the full name of the individual, grade, socia security number, and date of arrival or departure.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from HQDA, (DAAG-AMP), Washington, DC 20314.

RECORD SOURCE CATEGORIES:

All information is collected directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0718.01DAPC

SYSTEM NAME:

718.01 Military Award Case File

SYSTEM LOCATION:

Primary System: United States Army Military Personnel Center (MILPERCEN), 200 Stovall Street, Alexandria, VA 22332.

Decentralized Segments: Each Army command delegated authority for approval of an award.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel on active duty, members of reserve components, United States (US) civilians serving with US Army in a combat zone, and deceased former members of the US Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain recommendation for award; endorsements; transmittals; letters; memoranda; award board approvals/disapprovals; citation texts pertaining to the specific individual and award; Department of the Army (DA) letter orders/general orders; related papers supporting the recommendation; correspondence among (1) MILPERCEN, (2) service member, (3) Army Staff offices, (4) Army commands, (5) and individuals having knowledge/information relative to the service member concerned or the act or achievement stated in the recommendation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Chapters 57 and 357; Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Each Army command having authority for action for a specific award: To accomplish review; to authorize the award; to maintain the award case file of approved and disapproved recommendations.

MILPERCEN: To act as the Army element for Headquarters, Department of the Army (HQDA); to accomplish the review and to authorize the award of those awards/decorations which are not delegated or within the scope of authority of a subordinate element of the Army; to maintain the award case file of approved and disapproved recommendations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder.

RETRIEVABILITY:

Records accessed by name.

SAFEGUARDS:

Records maintained in areas accessible only to authorized individuals.

RETENTION AND DISPOSAL:

Approved wartime or combat activities military award case files are retained permanently; approved case files for all other periods are destroyed after one year.

Disapproved military award case files are destroyed after six years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

RECORD ACCESS PROCEDURES:

Written requests for information should include the full name, service identification number, grade and branch of service, name of award, and current address. Visits should be made to the organization/station of the service member or to the United States Army Military Personnel Center.

For personal visits, the visitor should be able to provide acceptable identification, i.e., military identification normally acceptable in the transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determination may be obtained from HQDA (DAPC-MSS), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Recommendation for award (DA Form 638) with supporting records, forms, statements, letters, and related papers originated by persons other than the awardee and other individuals having information useful in making an award determination.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0720.04aDAPE

SYSTEM NAME:

720.04 Individual Correctional Treatment Files

SYSTEM LOCATION:

Records are located at installation detention/Army confinement and correctional facilities, to include the US Army Retraining Brigade, Ft Riley, Kansas. Major commands, whose addresses are in the appendix to Army systems of records, will provide location assistance.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military member confined at an Army confinement or correctional facility as a result of, or pending, trial by courts-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents and items of information relating to the administration of individual military prisoners in US Army confinement or correctional facilities; court-martial/confinement/release orders; records of disciplinary actions of a judicial or nonjudicial nature; military police reports; prisoner identification records; medical examination reports; requests/receipts for health and comfort supplies; clothing and equipment issue records; mail records and forms authorizing correspondence; individual prisoner utilization records; interview requests/counseling records; fingerprint cards; parolee agreements; inspection records on prisoners in segregation; documents reflecting custodianship of prisoner's personal funds and property; correspondence/orders concerning individual's past, present, or future duty assignments; documents concerning progress and training of confinees; and personal history data to include name, sex, social security number, date of birth, race, marital status, educational level, military rank levels and qualifications, skills test scores, and data relating to separation from service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 951 - 953.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By Confinement/Correctional Facility Commander: To determine: initial custody classifications, when custody elevation is appropriate, work assignments, educational needs; to gauge prisoner's adjustment to confinement; to identify areas of particular concern to individual prisoners, and to determine individual's potential for future duty performance. Records may provide statistical data for research projects and managerial studies/reports concerning effectiveness of confinement/correctional programs.

Portions disclosed to Departments of Justice, Defense, and Army Staff agencies and commands; state and local criminal justice agencies established by law. Disclosure to law enforcement and investigatory agencies is for investigation and possible criminal prosecution, civil court actions or regulatory order. Disclosure to confinement/correctional system agencies is for use in the administration of correctional programs to include custody classification; employment,

training and educational assignments; treatment programs; clemency, restoration to duty and parole actions; verifications of military offenders' criminal records, employment records and social histories.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, punch cards, magnetic tapes and disks.

RETRIEVABILITY:

Alphabetically by prisoner's surname.

SAFEGUARDS:

Confinement facilities are secured. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Automated segments are further protected by controlled system procedures and code numbers.

RETENTION AND DISPOSAL:

Manual records on individual prisoners are destroyed 4 years after release of prisoner from confinement. Automated records used to provide statistical or managerial purposes are retained indefinitely; however, individually identifiable data are purged within 4 years of prisoner's release. (NOTE: Transfer of a prisoner from one confinement/correctional facility to another is not construed as release from confinement; upon transfer to another such facility, individual's record accompanies him.)

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained by writing to the commander of the confinement/correctional facility, or to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals desiring access to their records may write to the Commander of the confinement/correctional facility where a prisoner, furnishing full name, SSN, present home address and approximate dates of confinement. Request must bear signature of the individual whose record it is.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and US Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, Federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of Title 5 U.S.C., Section 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g).

A0721.11aDAPE

SYSTEM NAME:

721.11 Individual Correctional Treatment Files

SYSTEM LOCATION:

Primary System: United States (US) Disciplinary Barracks, Ft Leavenworth, KS 66027.

Decentralized Segment: Federal penal institutions to which prisoner may have been transferred.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military member confined at the US Disciplinary Barracks.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents related to the administration of individual military prisoner in US Disciplinary Barracks; court-martial orders, release orders, confinement orders, medical examiner's reports, requests and receipts for health and comfort supplies, reports and recommendations relative to disciplinary actions, clothing and equipment issue records, forms indicating authorized correspondence by prisoner, mail records, personal history records, individual prisoner utilization records, requests for interview, initial interview, fingerprint cards, military police reports, prisoner identification records, parolee agreements, inspection record of prisoner in segregation, documents relating to the custodianship of personal funds and property of prisoners, former commanding officer's report, parents' report, wife's report, classification recommendations, admission classification summary, request to transfer prisoner, social history, clemency actions, psychologist's report, psychiatric and sociologic report, certificate of parole, certificate of release from parole, assignment progress reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 951, 952 and 953, Chapter 48, 'Military Correctional Facilities'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Commandant, US Disciplinary Barracks and Staff: To determine initial custody classifications; to determine when custody elevation is appropriate; to gauge prisoner's adjustment to confinement; to identify areas of particular concern to individual prisoners; to determine work assignment; to determine educational needs; serves as basis for correctional treatment; serves as basis for clemency, parole and restoration considerations.

Portions disclosed to Departments of Justice, Defense and Army Staff agencies and commands; state and local criminal justice agencies established by law. Disclosure to law enforcement and investigatory agencies is for investigation and possible criminal prosecution, civil court actions or regulatory order. Disclosure to confinement/correctional system agencies is for use in the administration of correctional programs to include custody classification; employment, training and educational assignments; treatment programs; clemency, restoration to duty and parole actions; verifications concerning military offenders' civil or military criminal records, employment records and social histories.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; disk.

RETRIEVABILITY:

Filed alphabetically by last name of prisoner; social security number (SSN), register number, alpha.

SAFEGUARDS:

Records and disk are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files pertaining to military personnel will be forwarded to National Personnel Records Center (NPRC), St Louis, MO 63132, 3 months after release from confinement; or if individual is released

on parole, the files will be forwarded 3 months after expiration of parole. Files pertaining to civilian personnel (former military members who received a dishonorable discharge) will be retired to NPRC (Civilian), St Louis, MO 63118, 3 years after release from confinement; or if individual is released on parole, the file will be retired 3 years after expiration of parole. Transfer of a prisoner from one facility to another is not construed as release from confinement. When a prisoner is transferred to another facility his file is transferred with him.

Disks are retained permanently at the US Disciplinary Barracks.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army;

Commandant, US Discliplinary Barracks.

NOTIFICATION PROCEDURE:

See Exemption.

RECORD ACCESS PROCEDURES:

See Exemption.

CONTESTING RECORD PROCEDURES:

See Exemption.

RECORD SOURCE CATEGORIES:

Subjects, witnesses, Military Police and US Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, Federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j) or (k) as applicable. For additional information, contact the Systems Manager.

A0722.02DACH

SYSTEM NAME:

722.02 Baptism, Marriage, and Funeral Files

SYSTEM LOCATION:

Primary System: Office, Chief of Chaplains, Department of the Army, ATTN: DACH-AMW, Washington, DC 20310. Records from 1917 - 1952 are in the National Archives; records from 1953 - 1977 are in the Washington National Records Center (WNRC), Washington, DC 20409, and the Office, Chief of Chaplains.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any service member, dependent of service member, authorized civilian personnel, and retired service member for whom an Army chaplain has performed a baptism, marriage, or funeral at an Army installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual records of baptism, marriage, and funeral as submitted by the officiating Army chaplain. Records of baptism, marriage, and funeral for the period 1917 - 1955 are reported by the officiating chaplain on a Chaplains Monthly Report. Information may also be provided by religious denominational headquarters offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3547.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For personal use of service members, their dependents, and authorized civilain personnel.

Army Mutual Aid Association: To provide proof of marriage for insurance purposes.

Baptism records provide age proof when birth records are unavailable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Chaplains Monthly Reports for period 1917 - 1952 are on file in paper record form at WNRC. Records of baptism, marriage, and funeral for period 1952 - 1975 are retained in the Office, Chief of Chaplains and are reproduced from roll microfilm. Paper records are on file in Office, Chief of Chaplains for period January 1976 - October 1977 pending microfilming.

RETRIEVABILITY:

Filed aphabetically by last name. Records of marriage are filed alphabetically by last name of groom. Records of funeral are filed alphabetically by last name of deceased person.

SAFEGUARDS:

Building employs security guards at all times.

RETENTION AND DISPOSAL:

Records dated 1953 - 1977 are retained for 50 years. System of maintenance of these records was discontined 1 October 1977.

SYSTEM MANAGER(S) AND ADDRESS:

The Office, Chief of Chaplains, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters, Department of the Army
(DACH-AMW)
Room 1E-417
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/695-1107.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Department of the Army (DACH-AMW), Room 1E-417, The Pentagon, Washington, DC 20310.

Written requests for information should specify type of record requested.

Baptism: Full name of person baptized; approximate date; names of parents (maiden name of mother); name of chaplain, if known; and place of baptism.

Marriage: Full name of groom and maiden name of bride; approximate date; name of installation at which marriage was performed; and name of chaplain, if known.

Funeral: Name of deceased person, year of death, and name of next-of-kin.

Requester may visit Office, Chief of Chaplains, Room 1E-417, The Pentagon, Washington, DC 20310 with proof of identity for his/her own record or that of his/her dependent, and sign a receipt for same.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Records created by Army chaplains and authorized civilian clergypersons who perform pastoral duties for service personnel and their dependents, and authorized civilian personnel, and submit the same to the Office, Chief of Chaplains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0722.05aDACI

SYSTEM NAME:

722.05 Chaplain Counseling/Interview Files

SYSTEM LOCATION:

Army installations. Official mailing addresses are in the Department of Defense (DOD) directory in the Appendix

In privileged files of individual Army Chaplains on Army installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army members, their dependents and any other persons who have received counseling of a privileged nature from the Chaplain maintaining the file.

CATEGORIES OF RECORDS IN THE SYSTEM:

Memoranda and resume of counseling interview sessions between Chaplain and individual counseled.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3107.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintained by the Chaplain for use in counseling.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders or card holder files.

RETRIEVABILITY:

Filed by name of individual counseled.

SAFEGUARDS:

Files are stored in locked cabinets, desks or other appropriately secured containers. Access is only by the Chaplain maintaining the file and the individual to whom the file material pertains.

RETENTION AND DISPOSAL:

Retained until superseded, obsolete, or no longer needed for reference; then destroyed by shredding, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chaplain/Army Installations; and Chief of Chaplains, Department of the Army (DA), Washington, DC 20310.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determination may be obtained from the Chief of Chaplains, DA, DACH-AMB, Washington, DC 20310.

RECORD SOURCE CATEGORIES:

Information obtained from individual counseled.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0722.06aDACH

SYSTEM NAME:

722.06 Religious Census, Education, and Registration Files

SYSTEM LOCATION:

Chaplains at Army installations. Official mailing addresses are in the Department of Defense (DOD) directory in Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All of the following personnel who voluntarily participate: active duty military personnel, retired military personnel, reserve personnel, dependents of military personnel, and Army civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Post Chaplains at various Army installations may have personal data and other information relative to religious census, education needs by age groups, individual faith groups, or denomination, and/or registration for religious education.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3107.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide data on religious education/training or needs of faith groups, denominations, or religious sects. Used by Chaplains, chapel management personnel, lay or salaried personnel in a supervisory position. Used to determine and administer educational or training needs in interpersonal relationship, social, spiritual, and humanitarian welfare that meet the needs of the military community served. To record attendance, training accomplished, participation, and spiritual growth.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and/or card files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and/or by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed. Retained in office files until graduation or elimination from training and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chaplains at Army installations.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the SYSMANAGER (Installation Chaplain) where the individual participated in religious programs.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determination may be obtained from the Chief of Chaplains, Department of the Army, DACH-AM, Washington, DC 20310.

RECORD SOURCE CATEGORIES:

From individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0723.01DAAG

SYSTEM NAME:

723.01 Entertainment Case Files

SYSTEM LOCATION:

Recreation Services Directorate; Armed Forces Professional Entertainment Office, The Adjutant General Center, (DAAG-RE-P), Forrestal Building, Washington, DC 20314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who, either as an individual entertainer or as a member of

an entertainment group, performed for the Armed Forces overseas and was sponsored by the United Service Organizations, Inc. (USO) and/or Armed Forces Professional Entertainment Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains 2 types of automated records: (1) individual, (2) group. Both files contain individual's legal name, social security number (SSN), name of entertainment group, circuit toured, year of tour, length of tour, professional specialty, professional name, and circuit evaluation of the tour.

In addition, manual files contain National Agency Check (NAC) for each individual, invitational travel orders, and travel vouchers with substantiating documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To administer the Armed Forces Professional Entertainment Program.

To identify all individuals and groups which have toured.

To provide information to the USO concerning the past tour history of individuals or groups.

To provide statistics concerning the number of individual entertainers, number of entertainers in location and total tour days.

To answer inquiries from various federal agencies concerning whether or not a particular individual either singly or as a member of a group has toured for the Armed Forces Professional Entertainment Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, individual data record cards, magnetic tapes, disk, computer printouts.

RETRIEVABILITY:

Paper record files are by entertainment group number and year of tour; data cards are alphabetical by individual's name. Automated file is in alphabetical sequence by legal name, with SSN and group name. Either identifier can be used to retrieve information.

SAFEGUARDS:

Buildings employ security guards. Paper files are stored in office with lock. Computer printouts are maintained in a single area where only authorized, properly screened personnel have access; computers are housed in a secure area requiring special authorization and screening prior to admittance. Computer tapes are maintained in a secure vault.

RETENTION AND DISPOSAL:

Paper records in file folders are retained for 2 years; data cards and computer tape records are permanently maintained.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters Department of the Army (HQDA), The Pentagon, Washington, DC 20310 or Director, Recreation Services, The Adjutant General Center (DAAG-RE-P), Forrestal Building, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DAAG-RE-P)
Room 5A 081
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202/693-8230

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQDA (DAAG-RE-P), Room 51 081, Forrestal Building, Washington, DC 20314.

Written requests for information should contain the full legal name of the individual, SSN, current mailing address and telephone number, and the case (control) number that appears on all correspondence received from this office. Visits may be made to this office during normal working hours.

For personal visits, individuals are required to present positive information that can be verified with the case folder.

CONTESTING RECORD PROCEDURES:

The Army rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information contained in this file is obtained from individual entertainers, NAC forms, the commands and installations toured, the USO, and entertainers' agents or authorized spokesman.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0723.03aDAPE

SYSTEM NAME:

723.03 Civilian Season Ticket Holders File

SYSTEM LOCATION:

Army Athletic Association, United States Military Academy (USMA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian season priority football ticket holders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains name, address and social security number of ticket holder, number of season tickets purchased, and location of seats within the football stadium.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 4334.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide address labels and reference files for use by employees of the Army Athletic Association (AAA).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer punch cards.

RETRIEVABILITY:

Filed alphabetically by name of ticket holder and numerically by priority numbers.

SAFEGUARDS:

Records are maintained in an area accessible only to authorized personnel employed by the AAA.

RETENTION AND DISPOSAL:

Records are retained 1 year from date of purchase.

SYSTEM MANAGER(S) AND ADDRESS:

Custodian, AAA, USMA, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Information may be obtained from:
AAA
Bldg 727
USMA
West Point, NY 10996
Telephone: Area Code 914/446-4996

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: AAA, Bldg 727, USMA, West Point, NY 10996.

Written request for information should contain full name of individual and current address.

For personal visit, the individual should be able to provide acceptable identification, such as season priority number and driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the Custodian, AAA, USMA, West Point, NY 10996.

RECORD SOURCE CATEGORIES:

Individual's application for season tickets.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0723.08bDAPE

SYSTEM NAME:

723.08 Army Athletic Association Membership File

SYSTEM LOCATION:

Army Athletic Association (AAA), United States Military Academy (USMA), West Point, NY 10996

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Graduates of the USMA; present and past members of the Staff & Faculty, USMA; and ex-cadets with more than 6 months' honorable service enrolled at the USMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Addressograph plates, with a file card attached.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To establish membership with the AAA to provide addresses of members of the Association for mailing ticket applications and information of the Association, and to record the payment of membership dues.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Addressograph plates with file card attached in a vertical tray file.

RETRIEVABILITY:

Filed alphabetically by last name of member.

SAFEGUARDS:

Records are maintained in an area accessible only to authorized personnel employed by the AAA. Records are stored in steel locked cabinets.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file upon payment of annual dues. Addressograph plates are destroyed upon non-payment of dues at the beginning of a fiscal year; the attached file card is then placed in the inactive file permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Custodian, AAA, USMA, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Information may be obtained from:
AAA
Bldg 727
USMA
West Point, NY 10996
Telephone: Area Code 914/446-4996

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: AAA, Bldg 727, USMA, West Point, NY 10996.

Written request for information should contain full name of individual, current address, and membership number.

For personal visit, the individual should be able to provide acceptable identification, membership card, driver's license, military identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the Custodian, AAA, USMA, West Point, NY 10996.

RECORD SOURCE CATEGORIES:

Individual application for membership and renewal application.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0723.08cDACS

SYSTEM NAME:

723.08 Pentagon Officers' Athletic Center Membership File

SYSTEM LOCATION:

Pentagon Officers' Athletic Center, Room BG-877, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty member: Officers of the Armed Forces of the United States (US) on active duty.

Associate Member.

Reserve Associate: Officers of the Armed Forces of the US actively participating in a reserve/drill unit, presenting proper credentials.

Retired Associate: Officers on the retired list of the Armed Forces of the US, retired with privileges, holding gray identification cards.

Enlisted personnel on active duty who are assigned to duty stations in The Pentagon.

Sponsored Civilian Associate: Civilian employees of the Department of Defense (DOD) in the Military District of Washington (MDW), who are GS-11 and above, sponsored by an active duty member of the Center and approved by the Board of Governors; and those civilian employees of the DOD in grade GS-10 and below (including Wage Board equivalents) whose principal place of duty is in The Pentagon, and who are sponsored by an active duty member of the Center and approved by the Board of Governors.

Foreign Associate: Officers of the Armed Forces of other nations on duty with the DOD in the MDW.

Exchange Officer Associate: State Department Foreign Service Officers, FSO/FSR-4 or above, who are assigned to DOD agencies.

Uniformed Services: Those officers on active duty in the Public Health Service and the National Oceanic and Atmospheric Agency.

Honorary Members: Those individuals, for tenure in office, who have distinguished themselves in service to DOD.

CATEGORIES OF RECORDS IN THE SYSTEM:

Addressograph plates, with file card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To establish membership with the Pentagon Officers' Athletic Center, to provide addresses of members of the Center for mailing information and billing statements, and to record the payment of membership dues.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Addressograph plates with file card attached in a vertical tray file.

RETRIEVABILITY:

Filed alphabetically by last name of member in each category of membership.

SAFEGUARDS:

Records are maintained in an area accessible only to authorized personnel employed by the Pentagon Officers' Athletic Center. Records are stored in steel locked cabinets.

RETENTION AND DISPOSAL:

Records are retained in active file upon payment of annual dues. Addressograph plates are destroyed upon non-payment of dues or termination of membership. The attached file card is then placed in the inactive file permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, Pentagon Officers' Athletic Center, Room BG-877, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Pentagon Officers' Athletic Center
Room BG-877
The Pentagon
Washington, DC 20310
Telephone: Area Code 703/521-5020

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: The Pentagon Officers' Athletic Center, Room BG-877, The Pentagon, Washington, DC 20310.

Written request for information should contain full name of individual, current address, and membership number.

For personal visit, the individual should be able to provide acceptable identification, membership card, driver's license, military identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the Secretary, Pentagon Athletic Center, Room BG-877, The Pentagon, Washington, DC 20310.

RECORD SOURCE CATEGORIES:

Individual application for membership and renewal application.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0723.09aDAAG

SYSTEM NAME:

723.09 Recreation Services Program Files

SYSTEM LOCATION:

All offices of the Army Recreation Services (i.e., Library, Dependent Youth Activities, Music and Theatre, Arts and Crafts, Recreation Centers, Outdoor Recreation, and Sports) at Army installations worldwide. Official mailing addresses are in the organizational directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active and retired military personnel and their dependents, Department of the Army (DA) civilians and dependents, and all other civilians using Army-sponsored Recreation Services Programs worldwide.

CATEGORIES OF RECORDS IN THE SYSTEM:

Arts and Crafts: Contests for Interservice Photography, all Army Art and Designer/Craftsman Contests;

Music and Theatre; Equipment check-out files, registration for training;

Recreation Center: chess tournament participation; award; equipment check-out files, part-time personnel and director listings,

Sports: individual bowling and golf handicap scores, athletic team rosters (all sports), applications for higher level sports, equipment check-out files, sign-in rosters for use of recreation facilities, payroll files of contract sports officials, duty roster for facility work schedule, receipts for awards, golf and swimming pool memberships.

Dependent Youth Activities and registration files; Outdoor Recreation reservations files for recreational lodging facilities.

Records of boating, skiing, swimming, hunting, scuba, and other activity safety and instruction classes; identification files and cards for use at equipment check-out facilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Arts and Crafts: To record participation in contest activities and for publicity purposes;

Music and Theatre: To record individual loan of government equipment, maintain records on program training;

Recreation Center: To record participation in chess tournaments and for publicity purposes, receipt for awards; to account for property loaned for personal use in recreation center to maintain records on program volunteers, and to maintain a listing of all recreation directors worldwide;

Sports: Scores are used in competitive ratings, rosters are used to assemble teams in all sports, applications for higher level sports are retained to assemble teams in higher level sports programs; equipment check-out files are maintained to account for govern- ment property; sign-in rosters for use of facilities are maintained for resources management purposes; payroll files for sports officials paid by the United States Army are maintained to account for expenditure of government funds; duty rosters are maintained for administrative management purposes; receipts for awards are maintained to account for government disbursement of funds; memberships in athletics activities are maintained to account for participation in various sports;

Dependent Youth Activities: To verify payment of registration fees and charges and parental consent; to provide locator data, physical characteristics and personal data in order to organize athletic teams, committees, volunteers, activity groups, special interest classes, clinics, and local units of national youth groups such as Boy Scouts, Girl Scouts, Camp Fire Girls, and 4-H Clubs.

Outdoor Recreation: To identify personnel who have completed safety and/or instruction courses, paid fees, checked out equipment or qualify as group leaders, instructors, facility managers, or program volunteers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders. Selected data automated for management facility on tapes, disks, and cards.

RETRIEVABILITY:

Filed alphabetically by last name of subject.

SAFEGUARDS:

Records maintained in files accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Destruction is authorized upon completion of activity or when information is superseded, obsolete, or no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from Recreation Services officers at Army Recreation Services Offices.

RECORD ACCESS PROCEDURES:

Requests for assistance should be addressed to Recreation Ser- vices officers at Army installations having appropriate programs.

For personal visits, individual must provide full name, social security number, and acceptable proof of identity (e.g., driver's license, employee or military identification card).

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

From the individual concerned, Department of the Army organizations, other Department of Defense organizations and agencies of the Federal Government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0725.01aDAAG

SYSTEM NAME:

725.01 Child Care Centers Registration Files

SYSTEM LOCATION:

Child Care Centers, Army wide: Official mailing addresses are in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any of the following who use Child Care Center services: active duty and retired military personnel and their de- pendents; members of the military Reserve components on active duty for training and their dependents; Department of the Army (DA) civilians overseas and their dependents overseas and in Continental United States (US) where local civilian resources are not available; and other personnel designated by the Commander.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents include, but are not limited to, parent's/guardian's name, grade or rank, social security number (SSN), home address and telephone number; duty address and telephone number; signature of parent/guardian for emergency notification; child's name, birthdate, medical information including allergies, immunization dates; remarks and observations by Child Care Center employees, parents, or physician; and financial records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Child Care Centers: to obtain information necessary to identify each child; to provide assistance or service required; to coordinate and facilitate other agency services; to facilitate referrals and complete follow-up actions to Army and civilian health and welfare departments or agencies as required; to main- tain a record of services provided for analysis and evaluation of Child Care Center Programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files and paper files in folders/ machine readable disks.

RETRIEVABILITY:

Alphabetically by surname of parent/ guardian/SSN.

SAFEGUARDS:

Records are maintained in the Child Care Center office and are accessible only to authorized personnel. Personal data is safeguarded to the same degree as material marked 'FOR OFFICIAL USE ONLY'; positive identification and authorization to access data is established prior to releasing personal data to an individual. Output products and storage media of automated files are labeled ' PERSONAL DATA - PRIVACY ACT OF 1974 (PL 93-579); paper products, such as listings, cards, paper tape, and carbons, are disposed of by tearing into pieces to render unreadable, shredding, pulping, macerating, burning, or burial. For computerized segments, computer systems(s)/remote terminals(s) are housed in designated controlled areas. The entire system is under lock and key when not in use.

RETENTION AND DISPOSAL:

Destroyed after 2 years, or on discontinuance, whichever comes first; may be transferred from one Child Care Center to another upon transfer of child.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20310.

Installation Commanders.

Directors of the Child Care Centers.

NOTIFICATION PROCEDURE:

Information may be obtained from Director of Army Installation Child Care Center. Requesting individual must present name, rank, SSN, and proof of identification.

RECORD ACCESS PROCEDURES:

Requests for assistance should be addressed to the installation commander.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting con- tents and appealing initial determination are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Director of Child Care Center and individual receiving service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0725.01bDAAG

SYSTEM NAME:

Family Life Communications Info and Referral Service.

SYSTEM LOCATION:

Primary system exists at Headquarters, Department of the Army, Quality of Life Office, the Pentagon, Washington, D.C. 20310.

Decentralized segments exist within Family Assistance/Quality of Life Offices/Army Community Service Centers at major commands and installations Army-wide. Addresses are contained in the appendix to the Army inventory of system notices published at 44 FR 73729, December 17, 1979.

Statistical data will be maintained by the Office, Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army service members, civilian employees, their families, social service organizations (Federal, state, local) acting on behalf of the member, employee, or family member. Other military service personnel and civilian employees may be included when such individuals are stationed with Army elements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, mailing address and telephone number of the individual; documentation reflecting nature or basis of service desired or required in the following typical matters, but only to the extent or degree required to determine the proper office, command, or installation that should handle details, resolve problems, or provide responses, or to best answer the inquiry: pay, medical, education, housing, voting, commissary/exchange privileges and practices, community service programs provided by chaplains, alcohol/drug abuse, Equal Employment

Opportunity program, etc., and related processing papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by the Department of the Army to provide family assistance to service members (active duty/reserve/retired), civilian employees and their families in programs that affect family life. Statistical data may be provided commanders or managers at all levels of the Army in support of their functions or programs.

Information may be disclosed to bonafide Federal, state, or local social service or welfare organizations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

At the primary site, records are maintained in manual files. At major Army commands and installations, information and data may be stored on magnetic tape, disk, cassette, or dataphone message tapes in addition to manual folders and on computer printouts.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in buildings guarded by security personnel and rooms are secured by locked doors when not in use. During duty hours, records are used only by authorized personnel, with disclosure limited to agency personnel whose official duties require handling. Automated records are protected by an authorized password system for access terminals, controlled access to operation rooms, and controlled output distribution.

RETENTION AND DISPOSAL:

Information will be retained for 2 years following resolution of the problem or provision of information, after which it will be destroyed. Automated records used to provide statistical data may be retained indefinitely; however, individually identifiable data are purged within 2 years following the resolution of the problem or provision of information.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Quality of Life Office, The Pentagon, Washington, D.C. 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact either the SYSMANAGER or the major Army command or installation to which initial inquiry was directed.

Written requests for information should include the full name, social security number, current address and telephone number of the requester.

For personal visits, the individual should be able to provide some acceptable identification such as valid driver's license, student or employer identification card, building pass, social security account card, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access should follow the procedures in 'Notification procedure' above.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; his/her family; social or welfare organizations under Federal, state, or local jurisdiction; official military/civilian records; other Components of the Department of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0725.01cDAPC

SYSTEM NAME:

725.01 Personnel Actions - Personal Affairs

SYSTEM LOCATION:

Primary: United States Army Military Personnel Center (USAMILPERCEN) 200 Stovall Street, Alexandria, VA 22332.

Decentralized segments: Each Major Command, installation, or- ganization and/or unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers, warrant officers, and enlisted personnel on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, inquiries, applications and other administrative communications pertaining to dependent assistance, personal in- debtedness, lack of support, identification and claims under Civilian Health and Medical Program of the Uniformed Services, marriage in overseas areas, paternity claims, health and welfare actions, and other actions related to a service member which originate from sources other than the individual concerned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012; Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USAMILPERCEN: To record special action considerations pertaining to an active service member as defined in the record category.

Decentralized segments: Same as USAMILPERCEN.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card index file.

RETRIEVABILITY:

Access is by surname of service members.

SAFEGUARDS:

Files are stored in areas accessible only to authorized civilian employees and military members.

RETENTION AND DISPOSAL:

Files are cut off annually and destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAMILPERCEN, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the appropriate decentralized element or from USAMILPERCEN, 200 Stovall Street, Alexandria, VA 22332.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the SYSMANAGER or to the appro- priate decentralized element. Addresses of the decentralized element may be obtained from the Department of Defense directory in the Appendix. Visits may be made to the decentralized ele- ments or to USAMILPERCEN.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Correspondence and communications from persons indicated in record category and military personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0725.01dDAAG

SYSTEM NAME:

725.01 Personal Affairs Army Community Service Assistance Files

SYSTEM LOCATION:

Army Community Service (ACS) Centers at installations Army-wide. Official mailing addresses are in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any of the following who receive ACS assistance: active duty and retired military personnel and their dependents; members of components on active duty for training and their dependents; Department of the Army (DA) civilians overseas and their dependents overseas and in Continental United States (CONUS) where local civilian resources are not available; widows, widowers and other next-of-kin, regardless of dependency status, of military personnel who were on active duty or retired at time of decease; next-of-kin of prisoner of war/missing in action (POW/MIA) of all Armed Services; and other personnel designated by the Commander.

Army Community Service (ACS) Program volunteers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents accumulated by ACS Centers include, but are not limited to, contact summaries, progress notes, referral forms, problem statements used to provide referral and follow-up, financial aid, exceptional children assistance, child advocacy assistance, relocation services, emergency assistance, counseling, community life services, general assistance, and similar services. ACS volunteer service records. (See Department of the Army (DA) Form 3063-R, Army Regulation 608-1 for detailed services provided.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

ACS Centers: To obtain information necessary for providing the assistance or service required; to coordinate and facilitate other agency services; to facilitate referrals and complete follow-up actions; to maintain a record of services provided for purposes of analysis and evaluation of ACS Center program; to maintain record of household items loaned; to communicate between losing and gaining ACS activities concerning unresolved, continuing, or anticipated personal problems of individuals; to develop and coordinate ACS volunteer services and determine volunteer qualifications for task assignments and awards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Records maintained in ACS files accessible only to ACS Officer and authorized ACS staff.

RETENTION AND DISPOSAL:

Destroyed after 2 years, or on discontinuance, whichever comes first; may be transferred from one ACS Center to another upon permanent change of station (PCS) of client.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

Installation ACS Officers.

NOTIFICATION PROCEDURE:

Information may be obtained from Installation ACS Officers. Requesting individual must provide full name, rank, social security number, and military status, together with current military or dependent identification card.

RECORD ACCESS PROCEDURES:

Requests for assistance should be addressed to ACS officers at installations having ACS Centers.

CONTESTING RECORD PROCEDURES:

The Army's rules for obtaining access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

ACS Officers and individuals receiving assistance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0725.06aDAAG

SYSTEM NAME:

725.06 Army Emergency Relief Transaction File

SYSTEM LOCATION:

Army Emergency Relief (AER) offices, Army-wide. Official mailing addresses are in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any of the following who receive AER financial assistance: active duty Army personnel and their dependents; members of all components of the Army retired after completion of 20 or more years of active duty and their dependents, and members of all components of the Army retired by reason of physical disability in line of duty and their dependents; dependents of Army personnel missing in action; and eligible widows and orphans of extended active duty Reserve component or Army of the United States (AUS) personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents accumulated by AER branches and sections, including financial and loan reports, applications for financial assistance, acknowledgments of remittance and assistance received, collection and indebtedness documents, cash books, loan ledgers, control ledgers, canceled checks, prenumbered receipts, and similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record and control over loans and repayment actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files.

RETRIEVABILITY:

Filed alphabetically by last name of applicant.

SAFEGUARDS:

Records maintained in AER files accessible only to AER Officer and authorized AER staff.

RETENTION AND DISPOSAL:

Records are active until loan is paid or determined uncollectable and then kept 2 years in AER office and 1 year in records holding area (RHA); then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20310.

Director, Army Emergency Relief, Department of the Army, Washington, DC 20314.

Installation AER Officers.

NOTIFICATION PROCEDURE:

Information may be obtained from AER Officers at install- ation AER offices. Requesting individual must provide full name, rank, social security number, military status, date and social security number, military status, date and place place where last AER loan was obtained and current military or dependent ID card.

RECORD ACCESS PROCEDURES:

Requests for assistance should be addressed to AER Officers at installations having AER offices.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

AER Officers and individual applicants for assistance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0726.06DAAG

SYSTEM NAME:

Casualty Information System (CIS).

SYSTEM LOCATION:

The Adjutant General's Office, Headquarters, Department of the Army, Alexandria, VA 22331. A manual segment of this system pertaining to Army reserve members not on active duty exists at the U.S. Army Reserve Components Personnel and Administration Center, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army personnel who are reported as casualties in accordance with casualty notification procedures specified in Army Regulation 600-10.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer data base contains information on casualties since 1961, including name, social security number (SSN), date of birth, branch of service, organization, duty, Military Occupational Specialty, rank, sex, race, religion, home of record, and other pertinent information related to one's casualty status. Manual records include DD Form 1300, nofification/certificate of death, and documents pertaining to Servicemen's Group Life Insurance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Section 3012; Public Law 93-289.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from the historical statistical record is used to provide monthly statistics to Army and Defense components of the type, number, place and cause of death of Army members and to respond to public inquiries. Pertinent data may be disclosed to Office, Servicemen's Group Life Insurance for payment of insurance to beneficiary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, computer printouts, punch cards, and paper records.

RETRIEVABILITY:

By name, SSN.

SAFEGUARDS:

All information is restricted to a secure area in buildings which employ security guards. Computer printouts and magnetic tapes and files are protected by password known only to properly screened personnel possessing special authorization for access.

RETENTION AND DISPOSAL:

Records are permanent. Original DD Form 1300 exists in member's official Military Personnel File; copy of this form and documents relevant to Servicemen's Group Life Insurance are retained only until settlement of insurance claims, after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General's Office, Headquarters, Department of the Army (ATTN: DAAG-PEC), Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager; information relating to Servicemen's Group Life Insurance may be obtained from the Commander, US Army Reserve Components Personnel and Administration Center, ST Louis, MO 63132.

RECORD ACCESS PROCEDURES:

Written requests should contain the individual's name, current address and telephone number, and should identify the person who is the subject of the inquiry by name, rank and SSN. For personal visits, individual should provide acceptable identification such as a valid driver's license, or other normally acceptable business identification.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From casualty reports received from Army field commands or from next-of-kin who provide notification or certificate of death.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0727.01DAPC

SYSTEM NAME:

727.01 Misconduct/Unfitness/ Unsuitability Discharge Board Proceedings File

SYSTEM LOCATION:

Primary System: United States Military Personnel Center (MILPERCEN).

Decentralized Segments: US Army commands having authority to appoint appropriate boards and approve findings thereof.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army member whose unfitness, unsuitability, or misconduct is of such a nature that warrants his appearance before a properly constituted board for a determination of his continuance in the service or his discharge therefrom.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains orders appointing the board; verbatim testimony of individuals who appear before the board; personnel records/ forms, papers/documents relating to the individual concerned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The appointed Board: To determine the continuance in service or the separation of the service member who has been directed to appear before the board.

Department of the Army Commands and Staff agencies: To accomplish required administrative actions and for review of board proceedings for accuracy, completeness, and adherence to policy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records of board proceedings which are approved for separation of the individual are permanent and become a part of the official military personnel file. Records of board proceedings and related papers which do not result in separation of the service member are filed in the appropriate command for 2 years and destroyed in accordance with existing files destruction plans and schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
United States Army Military Personnel Center
200 Stovall Street
Alexandria, VA 22332

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: (1) National Personnel Records Center, General Services Administration, 9700 Page Blvd, St Louis, MO 63132 if separated; (2) The Command/ organization/Army element where the service member is assigned, if retained in service.

For personal visits, the individual should provide acceptable military identification or identification normally used in the transaction of civilian business and verbal information that can be verified from the subject file.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Headquarters, Department of the Army (DAPC-MSO) 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Correspondence directing appearance before a duly appointed board; source records pertaining to the alleged misconduct, unfitness, unsuitability; personnel records of individual directed to appear; testimony of witnesses; depositions; affidavits and related papers presented to the board to support and/or refute pertinent allegations. Other records/forms/documents/papers accumulated by the board for information used in reaching a conclusion and formulating a decision.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0727.05aOSA

SYSTEM NAME:

727.05Army Council of Review Boards Files

SYSTEM LOCATION:

Army Council of Review Boards, Office, Secretary of the Army (SFRB), The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of active Army and former members of active Army, and prospective enlistees/inductees eliminated or denied enlistment who have cases pending or under consideration by the Army Council of Review Boards or any of its component boards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Index files contain copies of Board proceedings, hearing transcripts, and findings of Boards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 1214, 1216, 1553, and 1554.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Army Discharge Review Board: to hear appeals from former active duty Army members separated administratively.

Army Disability Rating Review Board: to hear appeals from former Army members retired with or for physical disability.

Army Physical Disability Appeal Board: to hear from active duty Army members being eliminated for physical disability under provisions of Army Regulation (AR) 635-40.

AD-HOC Review Board: to conduct automatic review of officer-qualified resignations under provisions of AR 635-100, grade determinations of all former Army members with combined active and former service greater than 30 years and retired at a grade less than the highest grade ever held, or any other matters that the Secretary of the Army may direct.

Army Security Review Board: to conduct automatic review of officer elimination or denial of induction of Selective Service Registrants or inductees or active duty members eliminated under provisions of AR 604-10.

All Review Boards: to respond to inquiries from individuals, counsel, Members of Congress and other Federal agencies concerning the status and disposition of cases.

Other Army Agencies from which expert comment may be required: to review records and make recommendations within their areas of jurisdiction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cards.
Paper records in file folders.

RETRIEVABILITY:

Grouped by individual boards, and thereunder filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel and classified records are kept in locked safes.

RETENTION AND DISPOSAL:

File cards are historical and maintained permanently.

Working files are retained, on a calendar year basis, for the current year in which a case is closed, plus 1, then are destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Special Assistant to the Under Secretary of the Army, Office, Secretary of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Office, Secretary of the Army
Army Council of Review Boards
Room 1E474
The Pentagon
Washington, DC 20310
Telephone: Area code 202/697-3071

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Office, Secretary of the Army, Army Council of Review Boards, Room 1E474, The Pentagon, Washington, DC 20310.

Written requests for information should contain the full name of the individual, current address and telephone number, and the type of case involved. Visits are limited to the Army Council of Review Boards, The Pentagon, Washington, DC 20310.

For personal visits, the individual should be able to provide some acceptable identification, such as driver's license or employing office identification card, and give some verbal information that can be verified with his case folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Official Military Personnel Files and related records.

Correspondence, documents and other materials generated as a result of action by the Boards.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Those portions of Army Security Review Board records which are properly and currently classified are exempt from subsections c(3), d, e(1), e(4)G, H and I, and f of Section 552a of the Privacy Act of 1974 for reasons of national security.

A0727.05bDAPE

SYSTEM NAME:

DOD Discharge Review Program (Special)

SYSTEM LOCATION:

Primary manual/paper file record located at the Joint Liaison Office, US Army Reserve Components Personnel Administration Center (RCPAC), St Louis, MO; at the National Personnel Records Center (NPRC) of General Services Administration (GSA), St Louis, MO; US Army Administration Center, Ft Harrison, IN; Army Discharge Review Board, The Pentagon, Washington, DC 20310; Army Council of Review Boards, Office, Secretary of the Army, The Pentagon, Washington, DC 20310. Demographic data on people applying will exist in the Office, Secretary of Defense.

Automated case summary information for all former military members, regardless of Service, maintained by Headquarters, Department of the Army (HQDA), US Army Management Systems Support Agency, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former members of the Army who seek discharge upgrade action in accordance with Department of Defense special discharge review program and case summary sheet data on former military members of the Navy, Marine Corps, and Air Force, and the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information initially provided by individual when seeking discharge upgrade consideration; includes but is not limited to: name, social security number (SSN), mailing address, telephone number, former service number(s), and dates of military service. File subsequently contains information provided by requester in written form; information includes discharge date (between 4 Aug 64 and 28 Mar 73 except where otherwise noted), type discharge, desertion data (if applicable), branch of service, SSN, service number(s), address, hearing method, and dates of confirmation letter.

Case data sheet consolidates preceding information as well as information provided from official military records pertaining to the requester and includes, but is not limited to, the following: index reference and case number associated with individual request, date official military personnel file received from NPRC, date of birth, home of record, officer or inductee/enlistee, sex, race, date entered/discharged from service, reason and authority for discharge, documents submitted by individuals meriting special consideration, dates of accomplishment of steps related to processing of request; discharge review date; conclusion (upgrade to honorable, general, or appeal denied); vote of discharge review board and reasons (special considerations, mitigating factors, compelling reasons, deserving post service conduct); date of applicant notification of discharge review determination, and application for rehearing if applicable.

Information which may be obtained from military service records pertaining to the requester includes whether individual completed tour in Southeast Asia or Western Pacific, was wounded in combat, decorated for valor or merit, honorably discharged from previous tour, satisfactorily served 24 months prior to discharge or completed alternative service, or was excused in accordance with Presidential Proclamation 4313. Mitigating data pertaining to request include general aptitude, length of service at time of discharge, education level, socio-economic background, factors related to personal distress, waiver(s) granted for service entry, offense(s) motivated by conscience, drug/alcohol related discharge, and good citizenship. Disqualifying data include whether discharged for act(s) of violence/dishonor, offense(s) subject to civilian criminal prosecution, and desertion in or from combat theater.

Automated record contains summary data from case data summary sheet described above, accumulated by Army for all military services, and includes type record, SSN or service number(s), discharge date (between 4 Aug 64 and 28 Mar 73), name, address, telephone number, hearing method, date of inquiry, date of confirmation letter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Sections 3012, 1553, and 1554.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To support Army Discharge Review Board actions and notify appropriate government agencies (e.g., Veterans Administration) of matters pursuant to such action.

To render recurring reports on number of cases processed by each military service, and matters associated therewith.

To respond to inquiries from individuals to whom records pertain, their counsel, members of Congress, and other governmental agencies concerning the status and disposition of cases.

To obtain views and recommendations, as required, from other governmental activities within their area of responsibility, including The Attorney General and other law enforcement agencies in those cases alleging acts of force or violence and criminal conduct deemed to be so serious as to warrant continued investigation or possible prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in files, card indexes, computer magnetic tapes/disks, computer punch cards, and computer printouts.

RETRIEVABILITY:

By name, SSN or service number, case number or other individually unique identifier assigned the record. Case Summary may be grouped by military service Discharge Review Board and thereunder filed alphabetically by name, case number, SSN or service number, or by other appropriate identifier.

SAFEGUARDS:

Manual records are stored in buildings which employ security guards; records are accessible only to authorized personnel.

Automated records are under the control of a cardkey access system which requires positive identification and authorization, and are located in a designated controlled area to which access is limited to selected personnel only.

RETENTION AND DISPOSAL:

Final determination and associated supporting documentation incorporated into the Official Military Personnel Folder of the Army member and returned to NPRC, GSA upon completion of action by the Discharge Review Board. Copy of case data summary sheet for each former military service member (Army, Navy, Marine Corps, Air Force) and copy of a comprehensive final report by each military service upon completion of the program will be retained by the Army Council of Review Boards for a period not yet determined.

Automated record information retained for 5 years or until such time as necessary to complete all special Discharge Review Board program actions and attendant administrative matters associated with accounting, reporting, and historical file maintenance in support of DOD requirements. Subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

HQDA, ATTN: DAPE-HRL, The Pentagon, Washington, DC 20310.

Army Discharge Review Board, OSA, Room 1E-474, The Pentagon, Washington, DC 20310.

Commander, US Army Management and Systems Support Agency (for ADP portions of the DOD system).

NOTIFICATION PROCEDURE:

Information may be obtained by contacting the respective military department discharge review boards. Addresses are as follows:

Office of the Secretary of the Army
ATTN: Discharge Review Board
(Special Discharge Review Program)
Room 1E-474, The Pentagon
Washington, DC 20310
Telephone: Area Code 202/697-3071

Office of the Secretary of the Navy
ATTN: Discharge Review Board
(Special Discharge Review Program)
Room 910, Ballston Centre Tower 2
801 North Randolph Street
Arlington, VA 22203
Telephone: Area Code 202/692-4991

Office of the Secretary of the Air Force
ATTN: Discharge Review Board
(Special Discharge Review Program)
Room 920, Commonwealth Building
1300 Wilson Boulevard
Arlington, VA 22209
Telephone: Area Code 202/694-5669

RECORD ACCESS PROCEDURES:

Requests from individuals formerly with the Army should be addressed as indicated above. Written requests should contain the full name, SSN, former service number(s), address, telephone number and case number (if known) of the requester, and the fact that the request is related to the DOD Discharge Review Program (Special). Requests for information from other former service personnel should be addressed as indicated under 'Notification procedure'. (Requests of former members of the Coast Guard should be addressed to the Navy Discharge Review Board.)

For personal visits, the individual should be able to provide some acceptable identification such as driver's license and verbal information which can be used to verify that information contained in the record sought (e.g., SSN, former service number(s), address, and case number).

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from HQDA, ATTN: DAPE-HRL, The Pentagon, Washington, DC 20310.

RECORD SOURCE CATEGORIES:

Official Army personnel files and related records.

Reports from the Navy, Marine Corps, and the Air Force.

Correspondence, documents, and other material generated as a result of action required by the DOD Discharge Review Program (Special).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0727.08aDAPC

SYSTEM NAME:

727.08 Temporary Disability Retirement Master List (TDRL)

SYSTEM LOCATION:

United States Army Military Personnel Center (MILBERCEN), 200 Stovall Street, Alexandria, VA 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army personnel who are on temporary disability retirement.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains social security number (SSN), name, address, De- partment of the Army (DA) special order number, percentage of disability, doctor code, re-examination date, date placed on list, hospital code, travel code, Army component, pay termination code, requirement for board code, record control number, hospital name and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 1376.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To fulfill statutory requirements assuring that personnel who are on temporary disability receive periodic physical examina- tions.

To prepare address verification letters, letter orders and allied listings.

To provide a quarterly listing of individuals in hospital code sequence to US Army Health Services Command. Disclosures may be made to a congressional office from the records of an in- dividual in response to a Congressional inquiry made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer magnetic tape and disk.

RETRIEVABILITY:

Records accessed by SSN and date (parameter) control card.

SAFEGUARDS:

Magnetic tape is maintained in areas accessible only to authorized personnel; automated media are protected by

authorized password for system, controlled access to operation rooms and controlled output distribution.

RETENTION AND DISPOSAL:

A magnetic tape record is maintained on each individual while in a temporary disability retired status or removed by pro- cessing a deletion transaction. The current and two previous tape files are maintained at any given time. Upon creation of a new file, the oldest file is erased.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, United States Military Personnel Center
200 Stovall Street
Alexandria, VA 22332.

RECORD ACCESS PROCEDURES:

Requests for information should be addressed to: Headquarters, Department of the Army (DAPC-PAS-RD), 200 Stovall Street, Alexandria, VA 22332.

Written request for information should contain the individual's name, SSN, and appropriate return address.

Personal visits may be made to United States Army Military Personnel Center; individuals should be able to provide their military service identification card or other commonly accepted identification.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from HQDA (DAPC-MSO), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Information is obtained from documents and computer readable form from other DA offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0728.01DAAG

SYSTEM NAME:

728.01 Retired Personnel Data File

SYSTEM LOCATION:

Primary System: The Adjutant General Center, 1000 Independence Avenue SW, Washington, DC 20314.

Decentralized segments: United States Army Military Personnel Center (USAMILPERCEN), 200 Stovall Street, Alexandria, VA 22332; Army commands/installations operating retiree councils and/or service activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All retired Army personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, grade codes, retirement class, social security number, branch of service, date of birth, date of retirement, component, years of service, percentage of disability, sex, retired pay codes, address codes, and retirement codes. File is maintained on magnetic tape for output to microfiche for manual video use.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3966.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Adjutant General Center: To fulfill statutory requirement for listing of retired personnel; to accomplish a continuing contact with the retired person with respect to their entitlements, envolvements, and status as a retired military member; to provide listings, geographically, for use by commands/installations operating retiree councils and/or service activities; and for locator use:

General Services Administration: To obtain printing services for volume III, Army Registers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfiche and magnetic tapes.

RETRIEVABILITY:

Record accessed by name.

SAFEGUARDS:

Microfiche maintained in areas accessible only to authorized personnel who are trained and cleared for duty in the retired activities branch; magnetic tape is maintained in areas accessible only to personnel who are trained and cleared for computer duties.

RETENTION AND DISPOSAL:

Magnetic tape updated through input of new retiree, address change, and death; individual data record retained until death.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, The Adjutant Genral Center, 1000 Independence Avenue SW, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
The Adjutant General Center
1000 Independence Avenue SW
Washington, DC 20314

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Department of the Army (HQDA) (DAAG-PER), 1000 Independence Avenue SW, Washington, DC 20314.

Written requests for information should contain the full name of the requester, service identification number, and current address.

Personal visits may be made to the Adjutant General Center. Individuals should be able to provide their military service identification card or other commonly acceptable means of identification used in the normal transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from HQDA (DAAG-AMR), 1000 Independence Avenue SW, Washington, DC 20314.

RECORD SOURCE CATEGORIES:

Retirement order and documents; retiree input of address change data: death notifications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0802.01aNGB

SYSTEM NAME:

802.01 Technician Personnel Management Information System (TPMIS)

SYSTEM LOCATION:

Primary System: Office of Technician Personnel National Guard Bureau (NGB-TN) and National Guard Computer Center (NGB-AD), Columbia Building, 5600 Columbia Pike, Falls Church, VA 22041.

Decentralized Segments: Adjutants General of each State, Puerto Rico, Virgin Islands and District of Columbia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army and Air National Guard technicians employed under the provisions of Title 32 U.S.C., Section 709.

CATEGORIES OF RECORDS IN THE SYSTEM:

Centralized file contains the following data elements: name, social security number (SSN), submitting office number,

date of birth, sex, citizenship code, reportable handicap code, organization designation, state code, date of retirement from uniform service, purpose and source of training, on duty and non-duty hours of training, training priority, special interest program, direct and indirect training costs, record type, card code, uniform service designation code, uniform service component code, uniform service pay grade, type technician, service computation date, effective date of action, nature of personnel action, employee tenure, Federal Employees Group Life Insurance (FEGLI), retirement, veterans preference, pay plan, grade level, step/rate, occupation series, functional classification, pay basis, salary, geographic location, unit identification code, position occupied, work schedule, pay rate determinate, identification code, position occupied, work schedule, pay rate determinate, special program identification, type of appointment, job number, position tenure, supervisory identification, manning document number and date, project number, function code, level of education, academic discipline, date degree attained, Federal Employees Health Benefit Status Code, National Guard Association Insurance Trust Insurance Status Code, program element code, losing state code, reason for separation code, minority group designator, type of training code, converted military grade, Air Force specialty code (AFSC), military occupation series (MOS), job title, personnel accounting symbol (PAS), military pay date, total years service date.

Decentralized file contains those data elements within the centralized file plus the following: annual performance rating date, probationary or trial period completion date, conversion to career date, conversion to excepted date, within-grade due date, length of service due date, limitation code, not to exceed date, technician/military code, and mandatory retirement date.

Information other than that specified in National Guard Bureau (NGB) publications will not be maintained in the system. In the event any other information is maintained, the State Adjutant General will be the responsible agent for such information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 32 U.S.C., Section 709 and Executive Order 93-97, November 22, 1993.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To statistically analyze the technician workforce strength trends and composition in support of established manpower and budgeting programs and procedures.

To provide statistics and individual personnel information required of the NGB by the Departments of the Army and Air Force, Department of Defense, Office of Management and Budget, Department of Labor, the United States Civil Service Commission, and various staff offices of the National Guard.

To prepare reports, reply to correspondence from both individuals and groups under the Freedom of Information Act and Privacy Act of 1974, and to respond to requests from courts and regulatory bodies.

To produce suspense notices for performance ratings, trainee status, probationary or trial period completion date, conversion to career date, conversion to excepted date, within-grade due date, length of service due date, not to exceed date and mandatory retirement date; and to provide information for internal audit and file maintenance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, disks, computer printouts, punch cards, paper records and microfiche.

RETRIEVABILITY:

Information is accessed and retrieved by SSN, and/or data elements listed in RECORD-CATEGORY above.

SAFEGUARDS:

Accessed by custodian of the system, by employee(s) responsible for servicing the record system in performance of their official duties. Building in which computer system is housed employs security guards. Computer room is accessible by authorized persons only. Computer software precludes unauthorized access to the file through a system of password and system lockout procedures. Buildings in which the microfiche, punch cards, and paper records are housed are secured by uniformed guards and the office maintaining these data is secured when not occupied.

RETENTION AND DISPOSAL:

Updated master files contained on either magnetic tape or disks are maintained as permanent records. Work tapes or disks are cleaned (degaussed) immediately or within 45 days after creation. Computer printouts and microfiche containing selected workforce characteristics are retired to National Guard Records Storage in accordance with applicable regulations. Work records are retained for 45 days and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, NGB-TN, Defense Post Office Unit R-411, 5600 Columbia Pike Office Building, Falls Church, VA 22041.

Decentralized SYSMANAGERS: Office of the State Adjutant General of each State, Puerto Rico, Virgin Islands and District of Columbia.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the appropriate State decentralized SYSMANAGER or the centralized SYSMANAGER. Written requests should contain full name of individual, SSN, current employing State.

For personal visits, requester must provide name and SSN from an acceptable form such as driver's license and employee identification card.

RECORD ACCESS PROCEDURES:

Individual requests should be addressed to either the appropriate Decentralized SYSMANAGER or the centralized SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Information received from the employee official personnel folder, payroll records, manpower authorization document, and automated interface with Army and Air Guard Military Personnel Systems.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0807.01DAAG

SYSTEM NAME:

807.01 MCT USAR Technician System

SYSTEM LOCATION:

Primary System: Systems Support Directorate, United States Army Reserve Components Personnel and Administration Center (RCPAC) (Field Operating Agency of The Adjutant General's Office, Department of the Army (DA)), 9700 Page Boulevard, St Louis, MO 63132.

Decentralized Segments: Deputy Chief of Staff for Personnel (DCSPER) and DA Staff Agencies and commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who is currently employed as a United States Army Reserve (USAR) Technician.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personnel identification data to include name and social security number (SSN) and work status data concerning job category, grade, assigned work station and location. If personnel are members of the USAR, data on reserve assignment and reserve grade are also carried.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 275.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

RCPAC: Receive raw input data from USAR Commands, maintain the centralized data processing system and produces and distributes reports to the users. Is the computer processing agency; does not utilize or dispense data to other than officially designated agencies.

USAR Commands: To obtain current management data to administer to technicians assigned within their command.

DCSPER: To monitor and provide policy guidance and budget planning for the program.

Other DA Staff agencies and commands: To provide data for inclusion in training and mobilization plans.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored as computer tape and paper printout.

RETRIEVABILITY:

Sequenced numerically by SSN.

SAFEGUARDS:

Security guards limit access to the RCPAC. Magnetic tape files are maintained in a library by reel numbers; access to a specific file must be determined by responsible scheduling personnel. In addition, basic file characteristics must be programmed into access programs before individual data records can be referenced.

Access to hard copy listings is limited to employed personnel with a job related need-to-know requirement at the DCSPER, USAR Commands, and other DA Staff agencies and commands.

RETENTION AND DISPOSAL:

The automatic data processing system at the RCPAC requires records to be maintained on an evolutionary schedule; a record is created upon hiring and is eliminated when employment is terminated. Tape files are retained for 60 days; tape files are retained in a tape library through 3 processing cycles, a creation cycle, for use as the current file in the next creation cycle and then as the emergency back-up file.

Printed reports/listings are maintained at the DCSPER, USAR Commands, and other DA Staff agencies and commands until superseded by the next edition.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel (DAPE-MPO), Headquarters Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Deputy Chief of Staff for Personnel
(DAPE-MPO),
Room 2B-718,
The Pentagon
Washington, DC 20310;
Telephone: Area Code 202/695-3837.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Department of the Army, Deputy Chief of Staff for Personnel, ATTN: DAPE-MPO, Washington, DC 20310.

Requests should contain the full name and SSN of the individual; current address and telephone number; and a clear, concise request statement.

Personal visits are limited to the USAR Command having jurisdiction over the unit by whom the technician is employed. Acceptable identifying documents, such as driver's license, Reserve identification card, or other document that can be verified against record, are required.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER, ATTN: DAPE-MPO.

RECORD SOURCE CATEGORIES:

Data coded on DA Forms 3615-R, Strength and Utilization of USAR Technicians, are transmitted by DA Form 200 from the employing USAR command to RCPAC via the United States Postal Service. Processed data are returned to authorized agencies by reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0807.05aDAPE

SYSTEM NAME:

807.05 NAF Personnel Records

SYSTEM LOCATION:

Decentralized Segments: Installation Civilian Personnel Offices and National Personnel Records Center, (NPRC), St Louis, MO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have applied for employment with, are employed by, or were employed by nonappropriated fund (NAF) activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files may contain applications and requests for employment, testing and qualification documents, ratings documents, documentation of prior employment, appointment documents, notification of personnel actions, medical certificates, suitability and security documents, performance evaluations, retirement and group insurance documents, job descriptions and experience statements, training and career development records, records of awards and commendations, withholding authorizations, authorizations for differentials and allowances, authorizations for local logistical support, injury and death compensation documents, unemployment compensation documents, requests for personnel actions and/or entitlements, travel and transportation authorization documents, reduction-in-force and adverse action documents, disciplinary action records, statements covering conflict of interest and/or conduct, and correspondence relating to the above named.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by Department of the Army (DA) Staff Agencies, commands and installations to carry out a personnel management program for DA NAF instrumentalities. The records are used to recruit, select, appoint, assign, pay, evaluate, recognize, discipline, train and develop, and separate individuals; to administer

employee benefits; for labor-management relations, employee-management relations, and responsibilities inherent in the execution of managerial and supervisory functions. Records are used to prepare reports, prepare correspondence, respond to courts and regulatory bodies, execute statutory requirements (such as Freedom of Information Act) and to respond to employee inquiries.

Other Federal agencies, such as General Accounting Office, General Services Administration, Civil Service Commission, Department of Labor, Department of Justice, use these records to resolve and/or adjudicate matters falling in their jurisdiction.

Records may also be disclosed to labor organizations in response to requests for names of employees and identifying information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, kardex files.

RETRIEVABILITY:

Filed alphabetically, manually, by last name; by social security number (SSN); or other individually assigned number by numerical sequence.

SAFEGUARDS:

Storage area restricted to authorized personnel only and the documents treated as if they were FOR OFFICIAL USE ONLY.

RETENTION AND DISPOSAL:

Documents denoting appointment, tenure and pay are retained at Activity level during period of employment and 30 days after separation are forwarded to the NPRC for permanent retention. Other records are held for the period of probability of use, then retained in records holding area for a safety period and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, DA, The Pentagon, Washington, DC, 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Civilian Personnel Officer (at installation where employed).
Former nonappropriated fund employees: NPRC (Civilian) 111 Winnebago Street, St Louis, MO 63118.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Department of the Army (HQDA) (DAPE-CPR), Washington, DC 20310.

Written requests from individuals should contain the full name of the requester, current address and telephone number, a specific description of the information/records sought, and any identifying numbers such as SSN.

For personal visits, the individual should be able to provide acceptable identification such as: driver's license, employing office's identification card, and furnish verbal information in support of his request.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents of the records and appealing initial determinations may be obtained from HQDA (DAPE-CP) Washington, DC 20310.

RECORD SOURCE CATEGORIES:

Applicant or employee prepared or introduced documents, statements or correspondence from persons having knowledge of the individual or acts of the individual, official records, officially generated documents notating actions or events affecting employment and/or pay.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0807.14aDAPE

SYSTEM NAME:

807.14 Department of the Army Civilian Personnel Systems

SYSTEM LOCATION:

Primary System: Civilian Personnel Information System I/Civilian Career Management File, United States (US) Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

Derivative Systems are maintained at commands, installations and activities dependent on the type of system maintained. Command-wide systems are the Civilian Personnel Accounting System of the US Army Military District of Washington, the US Army Corps of Engineers Management Information System Files for Personnel Administration, and the Personnel Management Information System of US Army Materiel Command. Official mailing addresses are in the organizational directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All US citizen appropriated fund employees and in some instances non-appropriated fund employees, dependents, and foreign nationals; military personnel are included in the incentive awards and training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained are afforded broad and general coverage by the US Civil Service Commission (CSC) system notices for application to CSC systems of records which are temporarily in custody of the Department of Army (DA). To support personnel administration at DA Headquarters, commands, installations, and activities, civilian personnel systems vary in informational capacity according to respective requirements and contain several or all of the following records: academic discipline; career program; citizenship; command; date (year) degree attained; date of birth; educational level; academic; effective date of action; employee tenure; Federal Employees Group Life Insurance; functional classification; function designator; General Services Administration location; grade or level; minority group designator; name of employee; nature of action; occupational series; pay basis; pay plan; pay rate determinant; physical handicap; position occupied; position supervisory; position tenure; retirement; retired military; salary; service computation date; sex; social security number (SSN); special program identifier; step or rate; submitting office number (SON); training; date of completion; training direct costs; training; non-duty hours; training; on-duty hours; training; principal purpose of; training; special interest program; training; source; training; type; type of appointment; unit identification code (UIC); veterans preference; work schedule; organizational and position data; retention data; adverse action data; Fair Labor Standards Act coverage; cost of living allowances; transportation entitlements; cost codes; leave category; salary history; wage area; position sensitivity; security investigation data; security clearance and access data; performance award; suggestion award; cash award; reemployment rights; training agreement; reserve status; vessel operations qualification; Government driver's license; food handler's permit; intern recruitment and training data; career management data including performance/potential ratings; employee evaluation; education; experience; qualifications; achievements; training; geographic availability; health; dependent data; careerist comments; and similar information; overseas sponsor

information; state address; home address leave data; foreign language code. Records are maintained for military personnel participating in the DOD Incentive Awards Program and training programs sponsored by operating civilian personnel offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 1124.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The CSC system notices applying to CSC systems of records which are in custody of the DA provide broad and general coverage of routine uses of DA civilian personnel systems. Information for which these records are used or may be used by Headquarters, Department of the Army (HQDA) commands, installations, and activities include reports and statistical analysis of the civilian workforce strength trends and composition in support of established manpower and budget programs and procedures, provide employment verification, provide data in support of Equal Employment Opportunity program requirements, provide locator and emergency notification data pertaining to civilian employees, provide data for the Central Personnel Data File, provide interface with other automated systems, provide information in response to union requests, provide data for retention purposes, identification of training requirements, strength accounting to insure employment within manpower ceilings, grade control, salary data for current and projected fiscal quidance, personnel data for current and projected staffing requirements, provide certain information releasable under the Freedom of Information Act, security clearance and access information, employee data for retirement processing, provide data for individual personnel action forms, suspense dates for within grade increases, length of service awards, performance ratings, pay adjustments and tenure group, prepare labor cost distribution reports, analysis of leave usage, investigation of complaints, grievances and appeals, response to requests from courts and regulatory bodies, provide incentive awards information, used in providing qualified candidates to fill position vacancies, evaluation of special employment programs, contingency planning for civilian employees and dependents, counseling employees on career development and planning future training, plan dependent services in overseas areas, used to advise and counsel employees for development, identify training needs, record historical training data, produce average grade and position control data.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tapes, drum, disk, punched cards, microfilm/fiche, or hard copy.

RETRIEVABILITY:

Records are retrieved by SSN and name, or by 1 or a combination of data elements contained in DA civilian personnel systems.

SAFEGUARDS:

The computer facilities and terminals are located in restricted areas accessible only to authorized personnel who are properly screened, cleared, and trained. Manual records, microfilm/fiche, and computer printouts are stored in locked rooms, locked cabinets on military installations or buildings secured by guards.

RETENTION AND DISPOSAL:

Records are permanent through employee tenure and maintained after separation, transfer, or retirement. Records are maintained for various periods according to category.

SYSTEM MANAGER(S) AND ADDRESS:

HQDA, Deputy Chief of Staff for Personnel, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Upon presentation of proper identification, information may be obtained from servicing civilian personnel office. Individual must provide full name and SSN.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the servicing civilian personnel office.

Written requests should contain as a minimum, the individual employee's name and SSN.

For personal visits, individual must provide acceptable identification, e.g., driver's license, military or civilian identification card.

No identification is required if the individual has previously given written consent for release to the general public.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual concerned or from official personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0810.01aAMC

SYSTEM NAME:

810.01 Educational Development/ Contractor Personnel

SYSTEM LOCATION:

Education Branch, Personnel Services Division, Director of Personnel and Community Activities, ATTN: ATZC-PAPE, Ft Bliss, TX 79916.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian personnel who hold or have held contracts as instructors, test proctors or Librarian military occupational specialty pro- viding nonpersonal services for the Director of Personnel and Community Activities, Ft Bliss, TX.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains Letters of Applications or Statement of Applicant Qualifications; Provost Marshal Files Check; Disposition Form; Personnel Security Action; Standard Form (SF) 26, Contracts Award; SF 30, Amendment to Contracts (as required); Department of Defense (DD) Form 1155, Delivery Order; SF 1034, Public Voucher for Purchases and Services other than Personal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 31 U.S.C., Sections 82b-82f, Title 10 U.S.C., Section 4302; Title 10 U.S.C., Section 3012-G.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain data on contractor personnel required by Army Security Regulations, for pay purposes and schedule of services.

Used by Education Branch, administrative and budget management personnel to process contract requests, prepare vouchers for payment of services and to derive education program costs for budget reports and projection.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of contractor.

SAFEGUARDS:

Records maintained in an area accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Destroy after 2 years, or on discontinuance, whichever is first.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Community Activities, Headquarters, US Army, Air Defense Center and Ft Bliss (USAADCENFB), Ft Bliss, TX 79916.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
USAADCENFB and Ft Bliss
ATTN: ATZC-PAPE
Ft Bliss, TX 79916
Telephone: Area Code 915/568-1011

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to SYSMANAGER.

Written requests should contain name, social security number (SSN), dates and type of work.

Personal visits are limited to the Administrative Office of the Ft Bliss Education Branch, Ft Bliss, TX. Individual must be able to provide proof of identity including verbal infor- mation that can be verified.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Applications from individuals; Notice of Files Check from Provost Marshal; Notice of Award of Contract; Amendments to Contract, and Delivery Orders from Procurement Division, Director of Industrial Operations (DIO); Personnel Security Action Notice from Director of Security; and Public Vouchers for Purchases and Services other than Personal from Education Branch Administrative Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0611.05aAMC

SYSTEM NAME:

811.05 Civilian Attorney/Patent Adviser Career Files

SYSTEM LOCATION:

Office of the General Counsel, United States Army Materiel Command, (USAMC), ATTN: AMCGC-A, 5001 Eisenhower Avenue, Alexandria, VA 22333

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian attorneys and patent advisers of the USAMC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for employment, evaluation statements, reference statements, law school transcript, certificate of admission to the bar, certificate of good standing, personnel notification of appointments, transfers, promotions and details, and job description.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine qualifications, accredited law school or nonaccredited, academic standing, what bar the applicant is a member of, and whether he/she is currently an active member in good standing. This information is used by the General Counsel and/or a panel of senior attorneys to determine eligibility of an individual for appointment, promotion, or transfer within the USAMC. The only other personnel who see the files are file clerks.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in locked safe cabinets, with access limited to the file clerks, career program manager, functional chief, and the panel of senior attorneys who sit on the ad hoc committee to determine best qualified individuals for a particular position. An individual file folder is maintained for each professional attorney/patent adviser in the command.

RETRIEVABILITY:

Files are maintained and retrieved by name.

SAFEGUARDS:

The records are maintained in safe file cabinets and can only be retrieved at the direction of the General Counsel or the Career Program Manager.

RETENTION AND DISPOSAL:

Files are destroyed in the current files area 2 years after the individual is no longer eligible for consideration for appointment, promotion, or transfer.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel
USAMC
5001 Eisenhower Avenue
Alexandria, VA 22333
Telephone: Area Code 202/274-8046

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Only those records submitted by the individual are maintained and are available in the Office of the General Counsel, USAMC for the individual to review. Each individual's travel order or Department of Defense pass is checked to verify identity. The Career Program Manager is authorized to give access to records. The address is:
Career Program Manager
Office of the General Counsel
USAMC
5001 Eisenhower Avenue
Alexandria, VA 22333

CONTESTING RECORD PROCSDURES:

The Army's rules for access to records for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is obtained from educational institutions, state bar associations, previous employers, prospective employers, and individuals whose names have been furnished as references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0611.05bDAEN

SYSTEM NAME:

811.05 Occupational Inventory Files

SYSTEM LOCATION:

Office of General Counsel, Office, Chief of Engineers (DAEN-GCZ-B), Headquarters, Department of the Army, Washington, DC 20314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All attorneys employed by the Corps of Engineers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's application for attorney employment, school transcript, bar admission certificate, references, evaluation by superior, Standard Form 50.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of General Counsel: Used as a basis for determining promotion and reassignment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building has security guards. Records are maintained in locked files accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed 2 years after individual is .o longer eligible for consideration for promotion or reassignment.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of Chief of Engineers, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
OCE (DAEN-GCZ-A)
Room 4A213
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202/693-3047

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Office of General Counsel Chief of Engineers (DAEN-GCK), Room 4A169, Forrestal Building, Washington, DC 20314.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Previous employers, educational institutions and bar associations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0811.06DAPE

SYSTEM NAME:

811.06 Referral Program for NAF Employees

SYSTEM LOCATION:

Primary System: Nonappropriated Fund (NAF) Branch, Procedures and Regulations Division, Deputy Chief of Staff for Personnel (DCSPER) (Civilian Personnel), Department of the Army (DA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who register in the NAF Referral Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individuals' applications for employment, requests and referral lists to fill vacant positions, and related correspondence between the DCSPER NAF Branch, field activities (servicing civilian personnel offices and NAF activities), and individual applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Serves as an applicant and referral file for currently registered NAF employees; used to determine qualifications, availability, and mobility of employees for existing and future vacancies in the United States and foreign locations and to produce referral lists of qualified employees. Information from records is used in preparing reports, replying to correspondence, responding to requests from courts and regulatory bodies and executing statutory requirements such as Freedom of Information Act.

Department of the Army Staff agencies and commands: To select individuals for existing vacancies, process related personnel actions, respond to grievances and complaints related to questions of qualification determination and nonselection to specific positions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by occupational file and series and therein alphabetically by last name of applicant.

SAFEGUARDS:

Building employs security guards. Records are maintained in steel file cabinets in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Application is retained in the active file as long as the individual is employed, unless he requests that it be returned. Applications are placed in the inactive file for 1 year after the employee's separation. Requests for and referral lists are maintained in the active file for 2 years from the date of the request. Records are destroyed after expiration of the 1 or 2 year time limitations, respectively.

SYSTEM MANAGER(S) AND ADDRESS:

NAF Branch, Procedures and Regulations Division, DCSPER (Civilian Personnel), Headquarters, Department of the Army, (HQDA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DAPE-CPR-NAF)
Pentagon, Washington, DC 20310
Telephone: Area Code 202/697-2204

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQDA, (DAPE-CPR-NAF), The Pentagon, Washington, DC 20310.

Written requests from individuals should contain the full name of the requester, current address and telephone number, a specific description of the information/records sought, and if previous correspondence was involved, the subject and date thereof.

For personal visits, the individual should be able to provide acceptable identification such as: driver's license, employing office's identification card, and furnish verbal information that can be verified from his case file.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents of the records and appealing initial determinations may be obtained from HQDA (DAPE-CP), Washington, DC 20310.

RECORD SOURCE CATEGORIES:

Applications submitted by individual employees, requests for referral lists submitted by servicing civilian personnel offices, referral lists furnished by DAPE-CPR-NAF, and related correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0812.03DAPE

SYSTEM NAME:

812.03 Grievance Records

SYSTEM LOCATION:

Records are located in the servicing civilian personnel offices for each Army activity or installation.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former employees of the Department of the Army who have submitted grievances in accordance with part 771 of the regulations of the Office of Personnel Management (5 CFR 771) or through a negotiated grievance procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to grievances filed by Army employees under part 771 of regulations issued by the Office of Personnel Management. The case file contains all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decisions, and related correspondence and exhibits. The system includes files and records of internal grievance and arbitration systems established through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., 1302, 3301, 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218, E.O. 10987, 3 CFR 1959-1963 Comp., p. 519, agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

To disclose information to a Federal agency, in response to its' request, in connection with the hiring or retention of an employee, the issuing of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

By the National Archives and Records Service (General Services Administration) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

By the Department of the Army or by the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in apending judicial or administrative proceeding.

To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

By the names of the individuals on whom the records are maintained. (Records may also be filed by bargaining unit.)

SAFEGUARDS:

Records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are destroyed 7 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Civilian Personnel, Office of the Deputy Chief of Staff for Personnel, Room 2C-681, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the Army personnel or designated office where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified: name, date of birth, approximate date of closing the case and kind of action taken, organization and activity where employed at time grievance was initiated.

RECORD ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance filed by contacting the personnel or designated office where the action was processed.

Individuals must provide the following information for their records to be located and identified: name, date of birth, approximate date of closing of the case and kind of action taken, organization and activity where employed at time grievance was initiated.

Individuals requesting access must also follow the Privacy Act regulations of the Office of Personnel Management regarding access to records and verification of identity (5 CFR 297.203 or 297.201).

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the Army's ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact their servicing civilian personnel office. Individuals must furnish the following information for their records to be located and identified: name, date of birth, approximate date of closing of the case and kind of action taken, organization and activity where employed at time grievance was initiated.

Individuals requesting amendment must also follow the Privacy Act regulations of the Office of Personnel Management regarding amendment to the records and verfication of identity (5 CFR 297.208 and 297.201).

RECORD SOURCE CATEGORIES:

Information in this system of records is provided: by the individual on whom the record is maintained, by testimony of witnesses, by officials of the Department of the Army, from related correspondence, from organizations, or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0814.02aDAPE

SYSTEM NAME:

814.02 Labor Management Relations Records System

SYSTEM LOCATION:

Civilian Personnel Office servicing the Department of the Army (DA) activity/ installation.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees paid from appropriated and non-appropriated funds, who are involved in a grievance which has been referred to an arbitrator for resolution; civilian employees involved in the filing of an unfair labor practice complaint which has been referred to the Assistant Secretary of Labor-Management Relations; union officials; union stewards; and representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records comprise: manual files, maintained in paper folders, filed by type of case and case number (not individual). Folder contains all information pertaining to a specific arbitration case or specific unfair labor practice with which the DA has dealings; field activities maintain manual roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11491, as amended 'Labor-Management Relations in the Federal Service'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the DA in the performance of their official duties related to the Labor- Management Relations Program, e.g., administration/ implementation of arbitration awards, interpretation of the Executive Order through 3rd party case decisions; national consultation and other dealings with the recognized unions.

Representatives of the United States Civil Service Commission on matters relating to the inspection, survey, audit, or evaluation of Civilian Personnel Management Programs.

The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program.

Officials and employees of other components of the DA in the performance of their official duties related to the administration of the Labor-Management Relations Program. A duly appointed hearing examiner or arbitrator for the purpose of conducting a hearing in connection with an employee's grievance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are stored in paper folders.

RETRIEVABILITY:

Manual records are retrieved by case subject, case number, and/ or individual employee names.

SAFEGUARDS:

All manual files are accessible only to authorized personnel having a need-to-know.

RETENTION AND DISPOSAL:

Case files are permanently maintained. Union official rosters are normally destroyed after a new roster has been established.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Director of Civilian Personnel, Headquarters, DA, Washington, DC 20310. Washington, DC 20310.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to Civilian Personnel Office of Army activity/installation. The letter should contain the full name, social security number, and signature of the requester. The individual may visit the DA activity at which he/she is employed. In the event requester is unable to obtain information, contact DA Privacy Review Board, Washington, DC 20310.

RECORD ACCESS PROCEDURES:

The Army's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Servicing civilian personnel offices; arbitrator's office; office of the Assistant Secretary of Labor-Management Relations; union headquarters offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0901.02DASG

SYSTEM NAME:

Medical Facility Administration Records

SYSTEM LOCATION:

Medical centers, hospitals, health clinics. Addresses are in the appendix to the Army's inventory of system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are authorized to use services of an Army medical facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system generally relates to administration at a medical facility, as opposed to an individual's health/care. Typically, records comprise birth; death; accountability of patients (e.g., bed charts, transfer, leave requests, etc.); receipts for patients' personal property; prescriptions for medications, eyeglasses; hearing aids, prosthetic devices; diet/special nourishment plans; blood donor; charges, receipts and accounting documents of payments for medical/dental services; and similar records/reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to enhance efficient management practices and effective patient administration.

Birth records may be disclosed to States' Bureau of Vital Statistics; overseas birth recnrds are disclosed to the Department of State.

Death records may be disclosed to Federal, State, and private sector authorities having legitimate need therefor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards; paper records in file folders.

RETRIEVABILITY:

By individual's surname or SSN.

SAFEGUARDS:

Records are maintained within secured buildings in areas accessible only to persons having official need therefor who are properly trained and screened.

RETENTION AND DISPOSAL:

Records of transient value (e.g., issuance of spectacles/prosthetics, diet/food plan, etc.) are destroyed within 3 months of patient's release. Other records have varying periods of retention as follows:

Record of birth/death: 2 years

Patient accountability (admission/discharge): 5 years

Blood donor: 5 yaars or when no longer required for medical/legal reasons, whichever is later.

Record of patient's personal property: 3 years

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information exists on them in this system should contact the Commander at the medical facility where service/care was provided. Inquirer should furnish full name, SSN, details which will assist in locating record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information from this system of records should provide information in 'Notification procedures'.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; medical facility reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0902.07aDASG

SYSTEM NAME:

902.07 Medical Regulating Files

SYSTEM LOCATION:

Primary System: Armed Services Medical Regulating Office (ASMRO), Office of the Surgeon General, Department of the Army (DA), Washington, DC, 20310.

Decentralized Segments: United States (US) Government medical treatment facilities, evacuation units and medical regulating offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any patient requiring transfer to another medical treatment facility who is reported to ASMRO by US Government medical treatment facilities for designation of the receiving medical facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information reported by the transferring medical treatment facility and includes, but is not limited to, patient identity, service affiliation and grade or status, sex, medical diagnoses, medical condition, special procedures or requirements needed, medical specialties required, administrative considerations, personal considerations, the patient's home town and/or duty station and other information having an effect on the transfer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

ASMRO: To properly determine the appropriate medical treatment facility to which the reported patient will be transferred; to notify the reporting US Government medical treatment facility of the transfer destination; to notify the receiving medical treatment facility of the transfer; to notify evacuation units, medical regulating offices and other government offices for official reasons; to evaluate the effectiveness of reported information; to establish further the specific needs of the reported patient; for statistical purposes; and when required by law and official purposes.

US Government medical treatment facilities, evacuation units and medical regulating offices for official purposes concerned with, but not limited to, the transfer of the patient.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on index cards.

RETRIEVABILITY:

File alphabetically and by ASMRO control number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Destroyed 1 year following the end of the calendar year in which the patient was reported to ASMRO.

SYSTEM MANAGER(S) AND ADDRESS:

Director, ASMRO, Office of the Surgeon General, DA, Room 1E641, The Pentagon, Washington DC 20310; Commanders of US Government medical treatment facilities, evacuation units and medical regulating offices.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER or from the patient administrator of US Government medical treatment facilities reporting patient to ASMRO.

Written requests should include full name of patient, rank or status and parent service, approximate date of transfer, medical treatment facility from which transferred and current address of the individual making request.

For personal visits, requester must provide acceptable identification such as military identification card, social security card or driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Director, ASMRO, Office of The Surgeon General, DA, Room 1E641, The Pentagon, Washington DC 20310, telephone: Area Code 202/695-9118, or to Patient Administrator at US Government medical treatment facilities reporting patients to ASMRO. The official mailing addresses are in the Department of Defense directory in the appendix to Army system notices.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information provided by transferring and receiving medical treatment facilities, medical regulating offices, evacuation offices, and other US Government offices, agencies and commands having information bearing on a patient transfer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0903.07DASG

SYSTEM NAME:

Entrance Medical Examination Files

SYSTEM LOCATION:

Primary: Army medical examining facilities or Military Enlistment Processing Stations (for enlistees);

Secondary location: Department of Defense Medical Review Board, US Academy, CO 80840 (except for reservists).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who (a) enroll in the ROTC program, (b) enlist or are appointed in the US Army or US Army Reserves, or (c) are appointed as a cadet to the US Military Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Entrance medical examination and resulting documentation such as SF 88, Report of Medical Examination, and SF 93, Report of Medical History, together with relevant and supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to determine medical acceptance of applicant for military service and thereafter to properly assign and utilize individual. Management data are derived and used by Health Services Command to evaluate effectiveness of procurement medical standards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; selected management data are stored on word processing or ADP disks and tapes.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in buildings using security guards, accessible only to authorized personnel having official need for the information who are properly screened and trained.

RETENTION AND DISPOSAL:

Original SF 88 and 93 become permanent documents in individual's Health Record; 1 copy of these forms and supporting documentation is retained by the Army or Military Enlistment Processing Station examining Facility for 1 year; 1 copy is forwarded to the DOD Medical Review Board where it is retained for 5 years.

Records of individuals rejected for military service are retained for statistical analyses, but for no longer than 2 years, after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not this system contains information on them should write to the Commander of the medical examining facility where physical examination was given, individual should furnish his/her full name, Social Security Number, home address, approximate date of the examination, and signature.

RECORD ACCESS PROCEDURES:

Individuals who desire access to records pertaining to them should furnish the information required under 'Notification procedure' above.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; from physician and other medical personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

A0904.01aHSC

SYSTEM NAME:

904.01 Medical Care Inquiry Files

SYSTEM LOCATION:

Headquarters, United States Army Health Services Command (HSC), (HSCM-A), Ft Sam Houston, TX 78234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and Reserve component members of the Army whose medical treatment, entitlement to medical care from civilian sources and eligibility for payment of medical claims have been questioned.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain documents reflecting inquiries from members of Congress, private individuals, civilian sources of

care, for nonprivileged information concerning medical treatment, entitlement to medical care, payment of medical claims.

File includes copies of some medical records, Line of Duty Determinations and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by HSC to facilitate and control processing and adjudication of claims requests until such claims have either been paid or disapproved for payment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name of individual claimant.

SAFEGUARDS:

Building is secured after duty hours. During duty hours, files are controlled through visual observation.

RETENTION AND DISPOSAL:

Records are retained for 6 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, HSC, Ft Sam Houston, TX 78234.

NOTIFICATION PROCEDURE:

Information may be obtained by written request to Commander, HSC, ATTN: HSCM-A, Ft Sam Houston, TX 78234.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, HSC, ATTN: HSCM-A, Ft Sam Houston, TX 67234.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification and give some verbal information that could be verified with his case folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual's health claim records, reports received from civilian physicians and similar or related documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0606.01DASG

SYSTEM NAME:

906.01 Medical Review Files

SYSTEM LOCATION:

Office of The Surgeon General, Headquarters, Department of the Army (HQDA), The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and registrants who are being considered for Army service and whose medical fitness is questionable; Army members being considered for continuance in service, promotion, special assignment, or separation whose medical fitness is questioned either by the medical evaluating authority or by the individual.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain documents relating to medical fitness of individuals for appointment, enlistment, retention in service, promotion, special assignment, or separation. Included are reports of medical examination and evaluation, psychological evaluation reports, and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301 and Title 10 U.S.C., Section 1071.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To evaluate medical fitness of marginally qualified personnel for Army program with strict regard to established medical standards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by file number and year.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Records are retained for 3 years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, HQDA, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained by written request to:
HQDA (DASG-AOM)
Room 2D453
The Pentagon
Washington, DC 20310

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Office of The Surgeon General, HQDA, (DASG-AOM), Room 2D453, The Pentagon, Washington, DC 20310.

All requests should be written since files are not stored in HQDA. If telephone conversation is desired, at the expense of the inquirer, Area Code and telephone number should be furnished.

Personal visits by the individual requesting access may be arranged only with the official assigned to respond to a written request.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the official responding to a written request.

RECORD SOURCE CATEGORIES:

Clinical records, health records, medical boards, reports received from civilian physicians, and consultation reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0906.04aDASG

SYSTEM NAME:

906.04 Medical Evaluation Files

SYSTEM LOCATION:

Primary System: Army Medical Department (AMEDD) medical facilities convening a medical board.

Decentralized Segments: United States Army Physical Evaluation Boards and United States Army Physical Disability Agency (USAPDA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army members whose medical fitness for continued service has been questioned either by the member or his/her commander.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents reflecting determination by a board of medical fitness for continued Army active service. Includes medical board proceedings and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 1071; and Title 10 U.S.C., Section 1201, Chapter 61.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Medical Board: To determine medical fitness for continued Army active service.

Physical Evaluation Board (PEB): To review medical board findings when required and to determine if the individual should be discharged, temporarily or permanently retired for disability, or retained for active service.

USAPDA: Record of cases considered, adjudications, reviews determinations, and dispositions. To respond to inquiries received from a member, other Government agency, or other authorized recipient of requested information. Information in computer form consists of profile data, resume of board action and results, maintained primarily for statistical reports. No decisions about members are made from automated data.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

USAPDA: Paper records in file folders and magnetic diskettes. Magnetic diskettes contain personal information on members, certain codes of specific type of injuries for research study purposes, and Veterans Administration Schedule for Rating Disability Diagnostic Codes only. Paper files are the PEB proceedings describing the medical problem, and findings, recommendations, and adjudicative decision.

RETRIEVABILITY:

Filed chronologically by name.

USAPDA: Paper files, filed chronologically by name and fiscal year on 5' x 8' file cards. Retrieval from magnetic diskettes files can be accomplished by PRG program or a DFU load program.

SAFEGUARDS:

Rooms are secured by locked doors when not in use. Records are maintained in areas accessible only to authorized personnel who are properly screened and trained.

USAPDA: In addition to the preceding, operation of data processing equipment and magnetic tapes are limited strictly to authorized personnel. Computer has key lock and key is controlled. Magnetic diskettes are stored and controlled to ensure that they do not result in unauthorized disclosure of personal information.

RETENTION AND DISPOSAL:

Medical Boards: Retained for 5 years and destroyed.

PEBs: Retained for 2 years or until discontinued, whichever occurs first.

USAPDA: Retained for 5 years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained by written request to:
HQDA (DASG-AOM)
Room 2D453
The Pentagon
Washington, DC 20310

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Office of The Surgeon General, Headquarters, Department of the Army, (DASG-AOM), Room 2D453, The Pentagon, Washington, DC 20310.

All requests should be written, since files are not stored in Headquarters, Department of the Army. If telephone conversation is desired, at the expense of the inquirer, area code and telephone number should be furnished.

Personal visits by the individual requesting access may be arranged only with the official assigned to respond to a written request.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination may be obtained from the official responding to a written request.

RECORD SOURCE CATEGORIES:

Interview with the individual; medical records on the individual; and reports of medical boards and PEBs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0912.01aDASG

SYSTEM NAME:

912.01 Medical Staff Credentials File

SYSTEM LOCATION:

Medical treatment facilities at Army commands, installations and activities. Official mailing addresses are in the Department of Defense (DOD) Directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals performing clinical practice in medical treatment facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting delineation of clinical privileges and clinical performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 44 U.S.C., Section 3101; and Title 10 U.S.C., Section 1071.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determine and assess capability of practitioner's clinical practice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by last name.

SAFEGUARDS:

Records are maintained in areas accessible only to the medical treatment facility commander and credentials committee members.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after separation, retirement, or termination of employment. Records are retained in last medical treatment facility of appointment or employment until destroyed. (This retention period is subject to approval by the National Archives and Records Service.)

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be requested from commander at medical treatment facility where practitioner is providing clinical service.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to commander at medical

treatment facility where practitioner is providing clinical service.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from any medical treatment facility.

RECORD SOURCE CATEGORIES:

Interviewer, application, medical audit results, other available administrative records obtained from civilian or military sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0912.01bDASG

SYSTEM NAME:

912.01 Professional Consultant Control Files

SYSTEM LOCATION:

Primary System: Department of the Army, Office of The Surgeon General; US Army Health Services Command; US Army Medical Command, Europe.

Decentralized Segments: Individual appointing/controlling offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has been utilized or appointed as a professional consultant in the professional medical services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain documents relating to utilization, appointment, duties, responsibilities, and compensation of professional consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Sections 1071-1086; Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To appoint and monitor utilization of designated consultants.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of consultant.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained for the duration of consultant status. They are destroyed 1 year after termination of the appointment, or on discontinuance, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army (HQDA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DASG-PTZ-C)
Room 2E519
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/695-1918

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQDA (DASG-PTZ-C), Room 2E519, The Pentagon, Washington, DC 20310.

Written requests for information should contain full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual requesting appointment as consultant; notice of appointment; correspondence between offices and consultants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0912.01cDASG

SYSTEM NAME:

912.01 Professional Personnel Informational File

SYSTEM LOCATION:

Clinical Medical Division (HSPA-C), Deputy Chief of Staff for Professional Activities, Headquarters (HQ), US Army Health Services Command (HSC), Ft Sam Houston, TX 78234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Practicing physicians, residents, psychologists, social workers, and pharmacists assigned or employed in medical treatment facilities operated by the HSC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain personal information provided to the various professional consultants assigned to the Clinical Medical Division, HQ, HSC by practitioners assigned to command medical treatment facilities. These files consist of personal data questionnaires, curricula, vitae, assignment preferences data, personal correspondence, and other such records pertaining to the professional quali- fications and experience of the personnel being monitored by the consultant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are used by the consultant to establish and maintain familiarity with the locations, assignments, utilization, marital and family status, professional and military experi- ence and qualifications, and assignment preferences as an aid in monitoring the utilization of professional personnel and to assist in career management and assignment activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, three-ring looseleaf binders and visible index card files.

RETRIEVABILITY:

Filed alphabetically by last name of professional person within treatment facility to which assigned.

SAFEGUARDS:

Stored in an office of a headquarters building, portions of which are occupied and/or under surveillance at all times. Records are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained in active file until individual practitioner to whom they pertain is no longer assigned or employed within HSC and are destroyed within 1 year following his reassignment or ter- mination.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army and Commander, HSC.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, US Army Health Services Command
(HSPA-C)
Room 302, Bldg 2263
Ft Sam Houston, TX 78234
Telephone: Area Code 512/221-6616

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, HSC (HSPA-C), Ft Sam Houston, TX 78234.

Written requests for information should contain the full name and address of the requester.

For personal visits; individual should be able to provide personal identification and verbal information that could be verified with his 'personnel data file.'

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

4 Written and verbal communications provided by the individual to whom the file pertains.

Official Personnal Rosters, registers, and reports published by the SYSMANAGER and the Department of the Army Agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0912.04DASG

SYSTEM NAME:

Medical Staff Credentials File

SYSTEM LOCATION:

Medical treatment facilities at Army commands, installations and activities. Official mailing addresses are contained in the appendix to the Army's inventory of System Notices published at 44 FR 74011, December 17, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals performing clinical practice in medical treatment facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting delineation of clinical privileges and clinical performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., 301; 10 U.S.C., 1071.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Department of the Army to determine and assess capability of practitioner's clinical practice and, in specific instances, to provide clinical privilege information to civilian and military medical facilities, Federation of State Medical Boards of the US, State Licensure Authorities, and other appropriate professional regulating bodies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's Surname.

SAFEGUARDS:

Records are maintained in areas accessible only to the medical treatment facility commander and credentials committee members.

RETENTION AND DISPOSAL:

Records are retained in medical treatment facility of individual's last assignment. Upon separation, retirement, or termination, records are destroyed not later than five years thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be requested from the commander of the medical treatment facility where practitioner provided clinical service.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information from this system should contact the commander of the medical treatment facility where clinical service was provided, furnishing full name, SSN, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Interviewer, individual's application, medical audit results, other administrative or investigative records obtained from civilian or military sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0914.02aDASG

SYSTEM NAME:

914.02 Pathology Consultation Record Files

SYSTEM LOCATION:

Armed Forces Institute of Pathology (AFIP); Walter Reed Army Medical Center (WRAMC), Washington, DC 20306.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals treated in military or civilian medical facilities whose cases were reviewed on a consultative basis by members of the staff of the AFIP. of Pathology.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents, tissue blocks, microscopic slides, X-rays and photographs reflecting outpatient or inpatient treatment or observation of all individuals on whose cases consultation has been requested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301 and Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose is to insure complete medical data is available to pathologist providing consultative diagnosis to requesting physician in order to improve quality of care provided to individuals; to provide a data base for education of medical personnel; to provide a data base for medical research and statistical purposes and when required by law or for official purposes. Individual records may be released to referring physician, to physicians treating the individual, to qualified medical researchers and students, and to other Federal agencies and law enforcement personnel when requested for official purposes involving criminal prosecution, civil court action or regulatory orders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, X-rays, photographs in paper file folders, microfiche, magnetic tape, printout; tissue blocks in appropriate storage containers; and microscopic slides in cardboard file folders.

RETRIEVABILITY:

Filed by last name or terminal digit number (social security number (SSN)) or accession number assigned when case is received for consultation.

SAFEGUARDS:

Access to the AFIP is controlled. Records are maintained in areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Retained as long as case material has value for medical research or education. Individual cases are reviewed periodically and materials no longer of value to the AFIP are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army (HQDA), The Pentagon, Washington DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the Chief, Patient Records and Tissue Repository Division, Armed Forces Institute of Pathology, Walter Reed Army Medical Center, Washington, DC 20306. Requesting individual is required to submit full name, SSN or service number of military sponsor and branch of military service if applicable, or AFIP accession number if known. For requests made in person, acceptable identification such as military ID card or driver's license will be required.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Chief, Patient Records and Tissue Repository Division, AFIP, WRAMC, Washington, DC 20306.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Interview, diagnostic test, other available administrative or medical records obtained from civilian or military sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0914.04aDASG

SYSTEM NAME:

Research and Experimental Case Files

SYSTEM LOCATION:

US Army Medical Research Institute of Chemical Defense (USAMRICD), Aberdeen Proving Ground, MD 21010.

Individual research/test/medical documents (paper records) are contained in individual's health record which, for reserve and retired military members, is at the US Army Reserve Components Personnel and Administration Center, St. Louis, MO; for other separated military members, is at the National Personnel Records Center (NPRC), St. Louis, MO; for military members on active duty, is at the servicing medical facility/center; for civilians (both Federal employees and prisoners) is in a special file at NPRC.

As paper records are converted to microfiche, the original (silver halide) and 1 copy of the microfiche will be located at the Washington National Records Center; 1 copy will be located at The Surgeon General's Office (DASG-PSA), Headquarters, Department of the Army, Washington, DC 20310; 1 copy will reside with the Army contractor - the National Academy of Sciences; and 1 copy retained at the US Army Medical Research Institute of Chemical Defense.

Historical 16mm film and audio visual tapes are at Norton Air Force Base, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volunteers (military members, Federal civilian employees, state prisoners) who participated in Army tests of potential chemical agents and/or antidotes from the early 1950's until the program ended in 1975.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual pre-test physical examination records and test records of performance and biomedical parameters measured during and after test exposure.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012e and 4503.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army: (1) to follow up on individuals who voluntarily participated in Army chemical/biological agent research projects for the purpose of assessing risks/hazards to them, and (2) for retrospective medical/scientific evaluation and future scientific and legal significance.

Disclosed to the Veterans Administration in connection with benefits determinations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in individual's medical file folders; see 'system location' above for storage of microfiche, computer magnetic tapes and paper printouts, video tapes and 16mm film.

RETRIEVABILITY:

Paper records in individual's health record are retrieved by surname and/or service number/social security account number. Microfiche are retrieved by individual's surname. Film/video tape is accessed by case number and/or volunteer's number. Automated records are accessed by volunteer's number or case number.

SAFEGUARDS:

Paper records and microfiche are kept in locked rooms/compartments with access limited to authorized personnel. Access to computerized data is by use of a valid site ID number assigned to the individual terminal and by a valid user ID and password code assigned to authorized user, changed periodically to avoid compromise. Data entry is on-line using a dial-up terminal. Computer files are controlled by keys known only to USAMRICD personnel assigned to work on the data base. Data base output is available only to designated computer operators at USAMRICD. Computer facility has double barrier physical protection. The remote terminal is in a room which is locked when vacated and the building is secured when unoccupied. The contractor (National Academy of Sciences) employs equal safeguards which meet Army standards for Privacy Act data.

RETENTION AND DISPOSAL:

Records stored in the computer and on microfiche are retained indefinitely at the sites identified under 'system location'. Paper medical records in an individual's health record are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army (DASG-PSA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Commander, US Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010. Written requests should include the full

name, social security account number, current address and telephone number of the requester. For personal visits, the individual should be able to provide acceptable identification such as valid driver's license, employer or other individually identifying number, building pass, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access should follow the procedures in 'Notification proceudure' above.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual through test/questionnaire forms completed at test location; from medical authorities/sources by evaluation of data collected previous to, during, and following tests while individual was participating in this research program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0915.02aDASG

SYSTEM NAME:

916.02 Medical Treatment Indices

SYSTEM LOCATION:

Medical centers, hospitals, health clinics, troop medical clinics. The official mailing addresses are in the Department of Defense (DOD), Directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals treated by or seeking treatment from the Army Medical Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting patient names, register numbers assigned, clinic ward, and other identifying medical history data used to locate medical records, patients, permit scheduling of appointments and similar functions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 44 U.S.C., Section 3101; and Title 10 U.S.C., Section 1071.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose is to locate medical records, personnel, schedule appointments, provide research and statistical data and similar functions at a medical treatment facility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Plain cards, rule cards, punched cards, microfiche, cassette, printout and similar or related documents.

RETRIEVABILITY:

Filed by last name, register number sequence, diagnosis, operation, death, physician, pathology and similar topics as required by medical treatment facility.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly trained and screened.

RETENTION AND DISPOSAL:

Register number files: Destroyed after 10 years.

Nominal index: Destroyed after 20 years. Cutoff after 10 years and held 10 more years in current files area. Transferred to records holding area, held 10 more years and destroyed. Documents in cutoff files for readmitted patients are brought forward and filed in current 10 year block.

Diagnosis, operation, death or similar index files: Destroyed after 20 years. Cutoff after 10 years and held 10 more years in current files area. Transferred to records holding area, held 10 more years and destroyed. Special purpose indexes: Destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General. Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from Patient Administrator at medi- cal center or hospital where treatment was provided. Official mailing addresses are in the DOD Directory in the Appendix.

Requesting individual is required to submit full name, social security number (SSN) of sponsor, date care was provided and facility providing care.

The requester may visit the office of the Patient Administrator, Department of Clinics, or Information Office, as appropriate, at medical center or hospital where care was provided.

For personal visits, the requester is required to provide full name, SSN of sponsor and present some form of acceptable identification, such as identification card, driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Patient Administrator at medical center or hospital where care was provided. The official mailing addresses are in the DOD Directory in the Appendix.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from any medical center or hospital.

RECORD SOURCE CATEGORIES:

Patient admission data form, medical records, and patient.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0917.01aDASG

SYSTEM NAME:

917.01 Health Care and Medical Treatment Record System

SYSTEM LOCATION:

Army Medical Department facilities/activities at addresses listed in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members of the Armed Forces (both active and inactive); dependents; civilian employees of the Department of Defense; members of the United States Coast Guard, Public Health Service, and Coast and Geodetic Survey; cadets and midshipmen of the military academies; employees of the American National Red Cross; and other categories of individuals who receive medical treatment at Army Medical Department facilities/activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records (of a permanent nature) used to document health; psychological and mental hygiene consultation and evaluation; medical/dental care and treatment for any health or medical condition provided an eligible individual on an inpatient and/or outpatient status to include but not limited to: health; clinical (inpatient); outpatient; dental; consultation; and procurement and separation x-ray record files. Subsidiary medical records (of a temporary nature) are also maintained to support records relating to treatment/observation of individuals. Such records include but are not limited to: social work case files, inquiries/

complaints about medical treatment or services rendered by the medical treatment facility, and patient treatment x-ray and index files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Sections 1071-1085; Title 44 U.S.C., Section 3101; and Title 50 U.S.C., Supplement IV, Appendix 454, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of the Army: To provide health care and medical treatment of individuals identified in the Individual-Category of this system of records. Information may also be used for research studies; compilation of statistical data and management reports; implementing preventive medicine, dentistry, and communicable disease control programs; adjudicating claims and determining benefits; evaluating care rendered; determining professional certification and hospital accreditation; and determining suitability of persons for service or assignment.

Department of Defense: To provide medical care to those categories of individuals covered by this record system; and to conduct analyses and research studies.

Veterans Administration: To adjudicate veterans' claims and provide medical care to Army members.

National Research Council, National Academy of Sciences, National Institute of Health, and similar institutions for authorized health research in the interest of the Federal Government and the public. When not essential for longitudinal studies, patient identification data shall be eliminated from records used for research studies. Facilities/activities releasing such records shall maintain a list of all such reasearch organizations and an accounting disclosure of records released thereto.

Local and state government and agencies for compliance with local laws and regulations governing control of communicable diseases, preventive medicine and safety, child abuse, and other public health and welfare programs.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; visible card files; microfiche; cassettes; punched cards; computer printouts and magnetic tapes and disks; and x-ray film preservers.

RETRIEVABILITY:

By last name or social security number (SSN) of patient or sponsor.

SAFEGUARDS:

Records are maintained in buildings which employ security guards and are accessed only by authorized personnel having an official need-to-know. Automated segments are protectd by controlled system passwords governing access to data.

RETENTION AND DISPOSAL:

Medical records of a permanent nature (as defined in Record-Category) are retained as follows:

Military Health/Dental and Procurement/Separation X-ray Records: Permanent; Clinical (inpatient), Outpatient, Dental, and Consultation Record Files - Military members: Destroyed after 50 years (Records pertaining to United States Military Academy (USMA) cadets are withdrawn and retired to the Surgeon, USMA, West Point, NY 10996.); Civilians and Foreign Nationals: Destroyed after 25 years; American Red Cross personnel: Withdrawn and forwaded to the American National Red Cross.

All medical records (except the Military Health/Dental Records which are active while individual is on active duty then retired with individual's Military Personnel Records Jacket and the Procurement/Separation X-ray Records which are forwarded to the National Personnel Records Center (NPRC) on an accumulation basis) are retained in an active file while treatment is provided and subsequently held for a period of one to five years following treatment before being retired to the NPRC.

Subsidiary medical records, of a temporary nature (as defined in Record-Category), are normally not retained long beyond termination of treatment; however, supporting documents determined to have significant documentation value to patient care and treatment are incorporated into the appropriate permanent record file.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the medical facility where treatment was provided (for military and civilian records); Medical Officer, American National Red Cross, 18th and D Streets, NW, Washington, DC 20006 (for American National Red Cross employees).

RECORD ACCESS PROCEDURES:

Written requests should contain requester's full name, SSN, and current address/telephone number. Requests for information concerning inpatient treatment, furnish the name of the hospital and year of treatment.

Personal visits may be made to the medical facility where treatment was provided or to the American National Red Cross (whichever is appropriate). Individuals must provide personal identification such as a valid driver's license or military/civilian identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Personal interviews and history statements from the individuals; abstracts or copies of pertinent medical records; examination records of intelligence, personality, achievement, and aptitude; reports from attending and previous physicians and other medical personnel regarding the results of physical, dental, and mental examinations, treatment, evaluation, consultation, laboratory, x-ray and special studies and research conducted to provide health care and medical treatment, and similar or related documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0917.09aDASG

SYSTEM NAME:

917.09 Alcohol and Drug Abuse Rehabilitation Files

SYSTEM LOCATION:

Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) rehabilitation/counseling facilities (e.g., halfway houses, rap centers) at installation level.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is diagnosed as an alcohol drug abuser by a physician and subsequently enrolled in the ADAPCP.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains client intake and follow-up records, initial interview forms, psychosocial histories, counselor observations and impressions of client's behavior and rehabilitation progress, copies of medical consultation and laboratory procedures performed, results of biochemical urinalysis for drug abuse, and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title V, Public Law 92-129; Section 413, Public Law 92-255.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Blanket 'routine uses' identified in 44 FR 73728 do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein be confidential and be disclosed only for the purposes and under the circumstances expressely authorized in Title 21 U.S.C., Section 1175, as amended by 88 Stat. 137, and Title 42 U.S.C., Section 4582, as amended by 88 Stat. 131. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains.

Within the Armed Forces or within those components of the Veterans Administration furnishing health care to veterans or between such components and the Armed Forces.

To medical personnel outside the Armed Forces to the extent necessary to meet a bona fide medical emergency.

To Government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

Filed alphabetically by last name and maintained in ADAPCP facilities for 1 year following termination of treatment. Selected forms are transferred to the service member's health record.

SAFEGUARDS:

Files and records are maintained in central storage areas in locked file cabinets. Access is limited only to authorized individuals.

RETENTION AND DISPOSAL:

Records maintained in ADAPCP facilities are destroyed 1 year after termination of the case.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Department of the Army, The Pentagon, Washington, DC 20310; Commanders of medical department activities.

NOTIFICATION PROCEDURE:

Information may be obtained from Commander of medical center or, medical department activity at installation where treatment for alcohol/drug abuse was obtained.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, medical center or medical department activity at installation where treatment was received; or Headquarters, Department of the Army (DASG-HCA), Room 2C468, The Pentagon, Washington, DC 20310.

Written requests for information should contain the full name of the individual, social security number, year of birth, current address, and telephone number. Visits are limited to Alcohol and Drug Abuse Prevention and Control Program facilities, medical center or medical department activity; and Alcohol and Drug Policy Office (DASG-HCA), The Pentagon, Washington, DC 20310.

For personal visits, the individual should be able to give sufficient identification and provide some verbal information that can be verified from his/her file.

CONTESTING RECORD PROCEDURES:

The Army's policy for gaining access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Interviews, personal history statements, abstracts or copies of pertinent medical records, abstracts from personnel records, results of tests, physician's notes, observations of client's behavior, related notes, papers, and forms from counselor and/or clinical director.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0917.10DASG

SYSTEM NAME:

Family Advocacy Case Management Files

SYSTEM LOCATION:

Primary: Commander, Patient Administration System and Biostatistics Activity, ATTN: HSHI, OPS (AFAP), Ft Sam Houston, TX 78234.

Secondary: Office of The Surgeon General, Headquarters, Department of the Army, ATTN: DASG-PSC-G, The Pentagon, Washington, DC 20310; US Army medical treatment facility and/or family advocacy case management team office on post, camp, or station where file was initiated or, in some cases, subsequently transferred upon

reassignment of military member. Addresses are contained in the appendix to the Army inventory of system notices at 44 FR 74011, December 17, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All family members entitled to care at Army medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities and all persons suspected of abusing or neglecting such family members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records of suspected or established cases of child abuse or neglect and cases of spouse abuse, extracts of law enforcement investigative reports, correspondence, family advocacy case management team reports, follow-up and evaluative reports, and other supportive data relevant to individual family advocacy case management files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Child Abuse Prevention and Treatment and Child Abuse Prevention and Treatment and Adoption Program Reform Acts, 42 U.S.C. 5101, et seq; 5 U.S.C. 301 and 10 U.S.C. 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by the Department of the Army:

(1) To provide child abuse and neglect treatment services and treatment services for abused and abusive spouses. Services include mental health, education, counseling, health care, child protection, legal and referral, for members and former members of the uniformed services, civilians, and dependents receiving medical care under Army auspices;

(2) To determine qualifications and suitability of Army personnel for duty assignments and fitness of continued military service;

(3) To perform research studies and compile statistical data concerning uniformed services personnel, civilians and dependents receiving medical care under Army auspices.

Information may be disclosed to:

(1) Officials and employees of other components of the Department of Defense and other departments and agencies of the Executive Branch of government in performance of their official duties relating to coordination of family advocacy programs, medical care and research concerning child abuse and neglect, and spouse abuse;

(2) The Attorney General of the United States or his authorized representatives in connection with litigation or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies;

(3) Federal, state, or local governmental agencies when it is deemed appropriate to use civilian resources in counseling and treating individuals or families involved in child abuse or neglect, or spouse abuse, or when appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement;

(4) National Academy of Sciences, private organizations and individuals for health research in the interest of the Federal government and the public, and authorized surveying bodies for professional certification and accreditation such as Joint Commission for the Accreditation of Hospitals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, microfilm, magnetic tape or disk, punched cards, machine listings, and other computerized or machine readable media.

RETRIEVABILITY:

By name of the suspected abused child or the abused or abusive spouse and the name and/or Social Security Number (SSN) of the military member. (Information is never indexed by the name or SSN of any other person not an Army employee or member.)

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specified monitored or controlled areas. Public access is not permitted. Records are accessible only to authorized personnel who are properly screened and trained, and on a need-to-know basis only. Computer terminals are located in supervised areas with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Records are retained in decentralized office files for 5 years after the end of the year in which the case is closed and are then destroyed. Records (DA Form 4461-R) in the central registry at the primary location are retained until the child is age 23 after which information is erased/destroyed; information on adults is retained for 5 years after the end of the year in which the case was closed and is then erased.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system of records contains information about them should contact either the commander of the medical center or hospital where treatment was received, or the Central Registry at the Patient Administration System and Biostatistics Activity, Ft Sam Houston, TX 78234.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records in this system pertaining to them should submit a written request as indicated in 'Notification procedure' above. Individual should provide his/her full name, Social Security Number, current address, date and location details that will assist in locating the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, educational institutions, medical institutions, police and investigating officers, state and local government agencies, witnesses, and records and reports prepared on behalf of the Army by boards, committees, panels, auditors, etc. Information may also derive from interviews, personal history statements, and observations of behavior by professional persons (i.e., social workers, physicians - including psychiatrists and pediatricians, psychologists, nurses, and lawyers).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system which fall within 5 U.S.C., section 552a(k)(2) and (5) are exempted from the following provisions of Title 5 U.S.C., section 552a: (d). (See 32 CFR 505 (Army Regulation 340-21)).

A0918.05DASG

SYSTEM NAME:

918.05 Tuberculosis Registry

SYSTEM LOCATION:

Medical centers, world-wide, Army Hospitals, world-wide, Army Health clinics, world-wide, Army

Official mailing addresses are in the Department of Defense Directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel eligible to receive medical care from Army medical treatment facilities to the extent authorized in Army Regulations AR 40-3 and AR 40-121.

CATEGORIES OF RECORDS IN THE SYSTEM:

The only record in this system is the Tuberculosis Registry (Department of the Army (DA) Form 3897-R) form which is used by medical personnel on all persons eligible for military medical care under medical surveillance for tuberculosis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 1071; Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Form is maintained to serve as a current registration of all tuberculosis cases, contacts and convertors and as a suspense file to insure timely follow-up.

Form is used by medical personnel to record all pertinent information relative to individual's status, i.e., tuberculosis case, contact or convertor; tests performed, date performed and results of tests; drug therapy regimen; and recommendations for frequency of visits, tests, and duration of follow-up.

The medical treatment facility commander is responsible for the maintenance of this registry. The actual file and surveillance is performed by the medical treatment facility, Health and Environment Activity.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper folders in file folders or vertical file cards.

RETRIEVABILITY:

Filed alphabetically by last name of sponsor.

SAFEGUARDS:

Form is filed in office packed during non-duty hours.

Professional and trained non professional Health and Environment activity staff, civilian and military, personnel are authorized access to these records.

RETENTION AND DISPOSAL:

Forms are retained in Health and Environment Activity Office as long as sponsor assigned to area serviced by Army medical treatment facility.

Form is mailed to medical treatment facility commander of joining organization upon permanent change of station for active duty military sponsor.

Medical treatment facility commander notifies the appropriate State health department or Veterans Administration when military sponsor is discharged or separated from the Army.

When medical surveillance is discontinued, the form is removed from the active file and placed in an inactive file for a period of 1 year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Requests for information should be addressed to the Patient Administration Office of the medical treatment facility where care was provided.

Information may be obtained from:

Patient Administration Office of Army medical treatment facilities which provided the health nursing care.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Patient Administration Office of Army medical treatment facility from which health nursing care was provided.

Written requests for information should contain the full name of the individual, military or retired sponsor's social security number, relationship to sponsor, current address and telephone number and the name of military medical treatment facility which provided health nursing care.

Visits are limited to Patient Administration Office of the Army medical treatment facilities which provided the health nursing care.

For personal visits, the individual should be able to provide some acceptable identification, i.e., military, retired military or dependent identification card, driver's license, and give some verbal information that could be verified with his health nursing records.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from local Army medical treatment facility commanders.

RECORD SOURCE CATEGORIES:

Medical and other allied health professional and non professional personnel, civilian and military.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0922.01aDASG

SYSTEM NAME:

922.01 Occupational Health and Tuberculosis Control System

SYSTEM LOCATION:

Decentralized segments: Health and Environment Activity, Management Information Systems Office (MISO), Fitzsimons Army Medical Center (FAMC), Denver, CO 80240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals treated on an outpatient basis by the medical treat- ment facility (MTF) for whom specific occupational health ex- aminations have been requested. This includes civilian employees, active duty (AD) military stationed at FAMC and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Tuberculosis Control (TB) and Occupational Health Data Cards reflecting medical test results of all individuals incorporated within the TB Control and Occupational Health System. Health data cards contain the following: names, social security number (SSN), date of birth, marital status, place of birth, dates of medical surveillance tests and their results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 29, Code of Federal Regulations (CFR), Chapter XVII, Part 1910, Occupational Safety and Health Standard and Title 5 U.S.C., Section 150.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Health and Environment Activity, FAMC, to determine medical fitness and to evaluate health of AD military personnel, civilian employees and dependents pursuant to providing appropriate preventive medicine programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes are stored in MISO Tape Library by system or program

number. Paper listing stored in file cabinets. Medical test results are stored at the Health and Environment Activity in file cabinets.

RETRIEVABILITY:

Stored by terminal digit file system (social security number (SSN)) and last name.

SAFEGUARDS:

Magnetic tape storage library is secured by locked doors. Office is checked daily by staff personnel. Individuals employed in data use are given orientations as to sensitivity of personnel information and the obligation to protect information.

RETENTION AND DISPOSAL:

Master program is retained indefinitely. Computer data bank records are destroyed by conventional binary overwriting. Medical test results are transferred to military medical records when individual departs FAMC. Civilian employee Occupational Health and TB Control data cards withdrawn from Health and Environment Activity and forwarded to Civilian Personnel Officer (CPO), FAMC, for inclusion with Civilian Personnel Record Jacket. Withdrawn and retired to National Personnel Records Center, 111 Winnebago St., St. Louis, MO 63118. Civilian employee medical records file destroyed 25 years after separation. Civilian employees transferring to another duty station: records are forwarded to gaining installation CPO by FAMC CPO. Other civilian categories-dependents of AD military: medical surveillance test results transferred to outpatient medical treatment records, and TB Control Data Card destroyed by mutilation.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Health and Environment Activity, FAMC, Denver, CO 80240.

NOTIFICATION PROCEDURE:

Information may be obtained from Patient Administration Division, FAMC. Official mailing address is:

Chief, Patient Administration Division
Fitzsimons Army Medical Center
Denver, CO 80240

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Patient Administration Division, FAMC, Denver, CO 80240.

Requesting individual is requested to submit full name, SSN (if military dependent, sponsor's SSN, date care was provided. For personal visits, the requester is required to provide full name, SSN, some form of acceptable identification such as identification card (ID), driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Occupational Health and TB Control Data Cards prepared by personnel assigned to Health and Environment Activity at time of incorporation into the Occupational Health and TB Control System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0923.01aDASG

SYSTEM NAME:

923.01 Individual Safety and Health System

SYSTEM LOCATION:

Primary System: Edgewood Arsenal, Aberdeen Proving Ground, MD 21010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees and military members working within Edgewood Arsenal, occupationally exposed to environmental health hazards.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents reflecting the training, experience and certification to work within hazardous environments; external exposures to: chemicals, radiation, physical stress, nonhuman primates, including personnel monitoring results, work area monitoring readings, and similar and related documents; personnel protective equipment and medical programs required to limit exposure to environmental safety and health hazards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 29, Code of Federal Regulations (CFR) Chapter 17; Executive Order (EO) 11807; EO11612.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To insure that the individual is qualified to perform duties under environmental stress and to insure environmental stress is limited to lowest level practical and in other environmental safety management. Provided upon request to authorized representatives of the assistant Secretary of Labor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer magnetic tapes, or disks, computer paper printouts.

RETRIEVABILITY:

Filed and retrieved by social security number (SSN), job number, medical information number, alphabetically by name, supervisor's name, and work area.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Permanent Computer Files: retained 5 years after reassignment, transfer or separation of individual. Personnel exposure files: area monitoring data indicating normal exposure is retained 5 years after evaluation and recorded on permanent records.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters, US Army Edgewood Arsenal, Aberdeen Proving Ground, MD 21010.

NOTIFICATION PROCEDURE:

Information may be obtained by written request to:

Commander, Edgewood Arsenal
ATTN: SAREA-SA
Aberdeen Proving Ground; MD 21010.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Commander, Edgewood Arsenal, ATTN: SAREA-SA, Aberdeen Proving Ground, MD 21010.

Requests should contain SSN, current address, and individual's signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the official responding to a written request.

RECORD SOURCE CATEGORIES:

Written application from the individual requesting access, employee's supervisor, medical department and the Edgewood Arsenal Safety Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0924.01DASG

SYSTEM NAME:

Army Community Health Nursing Records - Family Records.

SYSTEM LOCATION:

Army Medical Centers and hospitals, world-wide. (Official mailing addresses are in the Appendix to the Army's Inventory of System Notices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals eligible for Army military medical care.

CATEGORIES OF RECORDS IN THE SYSTEM:

Family Record Form (DA Form 3762) and Case Referral Form (DA Form 3763).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Section 301; 10 U.S.C., Section 1071.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of Army to identify family members who receive Army community health nursing care. Information includes the source of referral, medical diagnosis, observations, socio-economic, plans and goals for nursing care, and summarization of consultations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders retained in the Army Community Health Nursing Office; copy of DA Forms 3762 and 3763 filed in individual's outpatient medical record.

RETRIEVABILITY:

By surname of eligible military member or sponsor.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel, having official need for the information. Facilities are locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not this system contains information on them should inquire of the Patient Administration Office of Army Medical Treatment Facilities which provided the health nursing care.

RECORD ACCESS PROCEDURES:

Individuals who desire access to records pertaining to them should write to the Army Medical Treatment Facility where the record is believed to exist and furnish their full name, social security number; name and SSN of sponsor, if applicable; relationship to military member; current address and telephone number. Written requests must bear signature of the requestor. For personal visits, individual must provide acceptable identification, i.e., military or dependent ID, driver's license, etc., and verbal information that can be verified with appropriate health nursing records.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR P. 505).

RECORD SOURCE CATEGORIES:

From the individual, family members, other persons having information relevant to health of family members; educational institutions; civilian health, welfare, and recreational agencies; civilian law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0924.04DA5G

SYSTEM NAME:

924.04 School Health Files

SYSTEM LOCATION:

Dependent school systems in the Continental United States (CONUS) in which similar state, county or city civilian forms are not used.

Overseas dependent school systems under the jurisdiction of the Department of the Army.

Official mailing addresses are in the Department of Defense (DOD) Directory in the Appendix to the component's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students enrolled in kindergarten thru 12th grade attending schools as listed above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Recorded in this system is the school health record form (DA Form 4112) which is used to record pertinent data concerning a student's health.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301;
Title 10 U.S.C., Section 1071;
Title 44 U.S.C., Section 3101: Records Management by Agency Heads.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Recorded data assists school and medical personnel in providing and evaluating school health services as well as the needs of the student.

Identifying information, health history and types and dates of immunizations are obtained from parents and entered on the form.

Results of physical examination and screening tests are entered at time of examination.

Nurse: student visits and consultations with parents, school personnel and other appropriate individuals in behalf of the student are recorded on reverse side of the form.

Primary users of this form are professional dependent school and specially trained medical personnel. Occasionally it is necessary to disclose all or some data found in the school health records to include but not limited to law enforcement agencies, protective services or similar health and welfare institutions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Generally, record stored in paper records by school classes and retained in school nurse's office.

Records are filed so as to preclude access by unauthorized personnel.

In some cases, permanent copy of record is filed with rest of family records in the medical treatment facility outpatient record room, while a copy of the school health form is filed as described above.

RETRIEVABILITY:

Filed alphabetically by last name of student and school grade.

SAFEGUARDS:

Files stored in locked cabinets and office doors locked when school is not in session.

Professional dependent school and specially trained medical personnel are only individuals who have access to this information.

RETENTION AND DISPOSAL:

Record remains in school nurse's office as long as student remains in that

school. When child is transferred to another school, the record is given to the parent to deliver to the next school.

SYSTEM MANAGER(S) AND ADDRESS:

Principal of school in which individual is enrolled.

NOTIFICATION PROCEDURE:

Requests from parent or student should be addressed to the above SYSMANAGER.

The name, date of birth and social security number (SSN) of sponsor will be required from the requesting individual.

RECORD ACCESS PROCEDURES:

Official mailing addresses are in the DOD Directory in the Appendix to the component's system notice.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the appropriate SYSMANAGER or local medical treatment facility commander, as applicable.

RECORD SOURCE CATEGORIES:

Dependent professional school and especially trained medical personnel, and parents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0929.02aDASG

SYSTEM NAME:

929.02 Privately Owned Animal Record Files

SYSTEM LOCATION:

Veterinarian service at medical facilities on Army installations and activities. Official mailing addresses are in the Directory of United States Army addresses following the annual compilation of Army system notices published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose privately owned animals receive veterinary care.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains name, home address, and telephone number of animal's owner; treatment of animal; and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 133, 1071 thru 1087, 5031 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To record registration, vaccination, and/or treatment of animals; to compile statistical data; and to identify animals registered with the Veterinary Animal Disease Prevention and Control Facility in connection with the Veterinary Prevention Medicine and Zoonotic Disease Control Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

Alphabetically by the animal owner's last name.

SAFEGUARDS:

Records are maintained in buildings which are locked when unattended, and are accessed only by authorized personnel having an official need-to-know.

RETENTION AND DISPOSAL:

Destroyed within 6 months of death of the animal, expiration of rabies vaccination, or transfer of owner.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the veterinary facility where the animal was treated or euthanized.

RECORD ACCESS PROCEDURES:

Written requests should contain the animal owner's full name, home address, and telephone number; and the animal's rabies vaccination number. Personal visits may be made to the veterinary facility where animal was treated. Owner must provide personal identification such as a valid military identification card or driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Animal owner, veterinarian reports, and similar or related documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1001.02aTRADOC

SYSTEM NAME:

1001.02 MASSTER OSUT Individual Basic Training Survey

SYSTEM LOCATION:

Primary System: Office of the Director, Engineering and Instrumentation Directorate, Automatic Data Processing Division, Test Support Branch, Headquarters, Modern Army Selected System Test, Evaluation and Review (MASSTER), ATMAS-EI-DP, Ft Hood, TX 76554.

Decentralized Segments: Office of the Management Information Systems Officers at Fts Polk, LA; Gordon, GA; Knox, KY; Leonard Wood, MO; Sill, OK; Bliss, TX.

Official mailing addresses are in the Department of Defense Directory in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers and enlisted personnel currently assigned or attached as training cadre; enlisted personnel assigned or attached for purpose of completing US Army individual basic training and/or individual advanced training at Fts Polk, LA; Gordon, GA; Knox, KY; Leonard Wood, MO; Sill, OK; Bliss, TX; First-line officer and enlisted supervisors of the graduate trainee upon arrival at his first United States (US) Army Forces Command (FORSCOM) station/unit after graduation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain automated records on individuals to include social security number (SSN); last name, first name; middle initial; date assigned; unit assigned; race; marital status; component; age; education level and years; prior service; branch of service; enlistment option; enlistment commitment; military occupational specialty (MOS) training; infusee/recycle into unit; mental category; general technical aptitude area (GT) score; years of active service; grade; job title; last primary MOS (PMOS) score; PMOS; combat experience; months' total experience on this job; drill sergeant program entry method; gaining unit identification code (UIC); all trainee daily incidents such as discharge, Uniform Code of Military Justice (UCMJ) actions, sick call, absent without leave (AWOL), recycles, receipt of mental hygiene consultation service, graduated, injured in training; non-graduate and reason, admittance to hospital; all trainee basic MOS qualification tests and scores to include the number of attempted tries to pass the tests;

supervisors' responses to an automated questionnaire as to the graduate trainees' level of expertise and qualifications to function at an entry skill level for his assigned MOS; an attitude survey on trainees as a group unit which is not keyed to individuals' name or SSN.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide Commanders of US Training and Doctrine Command (TRADOC), MASSTER, Ft Polk, Ft Gordon, Ft Knox, Ft Leonard Wood, Ft Sill, and Ft Bliss with the ability to determine if the OSUT philosophy is a successful method of training the individual soldier of the US Army in critical entry level skills for first unit assignment through the use of the following statistical summary documents on groupings of trainees by units of assignment: Trainee Biographical Summary Data; Individual Biographical Training Data; Cadre Biographical Summary Data; Cadre Individual Biographical Data; Training Personnel Status and Update of Incident Data; Trainee Basic Physical Fitness Test Summary Data; Trainee Advanced Physical Fitness Test Summary Data; Trainee Weapons Qualification Summary Data; Trainee Individual Branch or MOS Qualification Test Summary Data; Summary of Critical Task Results Data, Summary of Unit Profile Data; Individual Trainee SSN, Name Sequence Reference Data; additionally, statistical summary reports are generated on as 'as required' basis in response to specific management queries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes, disks and paper printouts.

RETRIEVABILITY:

SSN, unit of assignment, date; computer indices are required to retrieve individual records from the system.

SAFEGUARDS:

Automated media protected by controlled access to operations rooms, restricted output distribution; computer printouts protected by locked cabinets, personnel screenings, and a need-to-know verification.

RETENTION AND DISPOSAL:

Records on all automated media and computer printout are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System: Management Information Systems Officer, HQ, MASSTER, Ft Hood, TX 76554.

Decentralized Segments: Management Information Systems Officers at Fts Polk, LA; Gordon, GA; Knox, KY; Leonard Wood, MO; Sill, OK; Bliss, TX.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER.

RECORD ACCESS PROCEDURES:

Information may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Individual interviewed, Standard Installation/Division Personnel System (SIDPERS) automated system interfaces, military personnel records, and individual trainee qualification test score cards.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1001.07aDAMO

SYSTEM NAME:

1001.07 Student Research Report Index

SYSTEM LOCATION:

Computer data base, United States Army War College (USAWC), 1971-current;

USAWC Library card catalog, 1966-1970;

Military History Research Collection (MHRC), 1951-1965.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USAWC students and selected staff and faculty who prepared a research report, either independently or as part of a group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain author's name, rank, branch of service, and title of research paper.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To locate reports prepared by USAWC personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In computer data base.

On 3x5 cards in respective library card catalog.

RETRIEVABILITY:

Filed alphabetically by last name of author.

SAFEGUARDS:

Manual card catalog at USAWC Library: Entrance is monitored through closed circuit TV by military policeman on duty at building entrance.

Files are available to personnel authorized entrance to the Library.

Manual card catalog at MHRC: Files are available to personnel authorized use of the collection.

RETENTION AND DISPOSAL:

Records are permanent. Manual records are retained in USAWC Library files until research reports are transferred to MHRC; then records are transferred with reports.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, USAWC, Carlisle Barracks, PA 17013.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Library
United States Army War College
Carlisle Barracks, PA 17013
Telephone: Area Code 717/245-4318
Military History Research Collection
Carlisle Barracks, PA 17013
Telephone: Area Code 717/245-3611

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Secretary, United States Army War College, Carlisle Barracks, PA 17013, or to Director, Military History Research Collection, Carlisle Barracks, PA 17013.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Correspondence from the individual; magazines, newspapers, biographical reference works.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1001.08aDAAG

SYSTEM NAME:

1001.08 Office Personnel Training Files

SYSTEM LOCATION:

Maintained by officials designated to administer agency training programs at Headquarters, Department of the Army staff, field operating agencies, major commands, installations, and activities. Official mailing addresses are in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilan personnel employed by the Army who have been selected or scheduled for, or have recently completed training related to functional responsibilities of the office to which assigned or are in furtherance of individual's career development.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records pertain to the scheduling and follow-up of military and civilian training courses. Documents include (a) annual projection of individual training necessary to maximize personal career development goals and mission accomplishment; (b) tuition, personnel and travel costs; (c) course name and training facility at which offered; and (d) personal data including name, rank/grade, social security number (SSN), security clearance, resume of educational background to include academic achievements, on-the-job and formal classroom training, and related management reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide management and individuals with reports of training completion, courses scheduled to be taken, and related required actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes and disks.

RETRIEVABILITY:

By name and/or SSN.

SAFEGUARDS:

All records are maintained in secured buildings, in either file cabinets or areas accessible only to authorized persons having a need-to-know. Computer rooms are accessible only by authorized personnel through controlled access. Computer software precludes unauthorized access to the file by use of a system password and system lock-out procedures.

RETENTION AND DISPOSAL:

Records are destroyed after 1 year or when no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Commander of organization/activity maintaining the record.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER

RECORD ACCESS PROCEDURES:

Requests should be addressed to appropriate commander/training officer/supervisor. Written requests should include full name of individual and SSN. For personal visits, individual must provide acceptable identification, such as driver's license, military or civilian identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Individual applying for training, his/her supervisor, agency training officer, or from office personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1001.08bDAMO

SYSTEM NAME:

1001.08 Student Reference Files

SYSTEM LOCATION:

United States Army War College (USAWC), Carlisle Barracks, PA 17013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and previous resident and correspondence students at USAWC, Carlisle Barracks, PA 17013.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are composed of draft and final academic reports, feeder reports and similar actions while individual was a student, and evaluations (grades).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Selection of future faculty members; preparation of final academic reports; determination of student status; record for possible transfer of college credits when requested by the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual files and computer data base with access limited to Commandant, Deputy Commandant, Secretary, Chairman, Department of Correspondence Studies, Deputy Secretary, necessary administrative personnel, and others authorized by Secretary or Chairman, Department of Corresponence Studies, USAWC.

RETRIEVABILITY:

Primarily by name and class year.

SAFEGUARDS:

Disk is maintained in a secure area with access only to authorized personnel. Manual data are maintained in a restricted area in lockable file cabinets.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Dual responsibility of Secretary and Chairman, Department of Correspondence Studies, USAWC, Carlisle Barracks, PA 17013.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Information may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information in the records is obtained from academic schedules and raters of individuals throughout the academic year.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1002.02aTRADOC

SYSTEM NAME:

1002.02 Assessment of Tank Crew Training

SYSTEM LOCATION:

Primary System: Training Development Branch, Quality Control and Analysis Division, Deputy Chief of Staff for Operations and Plans Headquarters, Modern Army Selected System Test, Evaluation and Review (MASSTER), Ft Hood, TX 76544, ATMAS-OP-Q.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer and enlisted personnel who are currently assigned to selected tank battalions at Ft Hood, TX; Ft Riley, KS; Ft Benning, GA; and United States (US) Army, Europe.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain automated records on individuals to include social security number (SSN), first name, middle initial and last name; rank; time in service; time in grade; unit assigned; specific vehicle assigned; primary and duty military occupational specialty (MOS); height; weight; age; date of advanced individual training; date and name of other military schooling; date assigned to tank crew; combat experience; civil schooling level; marital status; manner of enlistment; indications of reduction in rank; reenlistment intention; primary and duty MOS test scores; time in MOS; aptitude scores; date of rank; past courts-martial; past flagging actions of records; state of birth; civil occupation; date of last physical examination; sex; race; physical profile and limitations; assignment considerations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide Commander (Cdr), Training and Doctrine Command (TRADOC); MASSTER: Cdr, Ft Knox, KY; Cdr, Army Research Institute; Cdr, Army units involved in providing information with the ability to determine methods for selecting and controlling personnel in tank crews through the use of the following statistical summary documents: Tank Crew Position Summary Data; Tank Unit Summary Data; Top and Bottom Ten Percent Summary Data.

Additionally, statistical summary reports are generated on an 'as required' basis in response to specific management queries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes, disk and paper printouts.

RETRIEVABILITY:

SSN (last four digits); unit of assignment; crew assignment crew position. Computerized indices are required to retrieve individual records from the system.

SAFEGUARDS:

Automated media protected by controlled access to operations rooms; Restricted output distribution; Computer printouts protected by locked cabinets, personnel screenings, and a need-to-know verification.

RETENTION AND DISPOSAL:

Records will be maintained as a permanent data base for future comparisons.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System: Management Information Systems Officer, HQ, MASSTER, Ft Hood, TX 76544.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER.

RECORD ACCESS PROCEDURES:

Information may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Individual questionnaire; Standard Installation/Division Personnel System (SIDPERS) automated system interfaces; military personnel and medical records; tank crew gunnery qualification records; personal interviews.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1004.06aTRADOC

SYSTEM NAME:

1004.06 ROTC Financial Assistance (Scholarship) Application File

SYSTEM LOCATION:

Primary System: United States (US) Army Training and Doctrine Command (USATRADOC)

Decentralized Segments: US Army Reserve Officers' Training Corps (ROTC) Regions, Reserve Officers' Training Corps elements of civilian educational institutions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files contain applications received from individual students and service members who desire to participate in the Army ROTC Financial Assistance (Scholarship) Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual application for membership; individual academic transcripts; college board scores and test results forms; applicant reference forms; application data worksheet; individual photograph; interview board results; applicant acceptance or declination form; notice of selection or nonselection; notice of applicant medical status to include reports of medical examination; Professor of Military Science or Commanding Officer's evaluation of applicant; letters of recommendation to include Congressional inquiries; Congressional or other letters of inquiry regarding applicant selection or non selection; reports of Reserve Officers' Training Corps Advanced Camp, Ranger Camp or Basic Camp performance of applicant; report of selection board action to include applicant scores in the areas evaluated for selection; information regarding applicant's choice of institution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 2101-2111.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USATRADOC: To make selection of 4-year financial assistance recipients, 2-year financial assistance enlisted active duty scholarship recipients and 1-year financial assistance recipients; to determine applicant medical status, enrollment of individuals in the ROTC; to compile statistics used in managing the financial assistance program; to develop policies and procedures for administration of the financial assistance program.

US Army Reserve Officers' Training Corps Regions: To make preliminary selection of 4-year financial assistance recipients, final selection of 3-year and 2-year financial assistance recipients; to

enroll financial assistance recipients; to monitor the distribution of financial assistance recipients; to develop policies and procedures for administration of designated portions of the financial assistance program.

ROTC elements of civilian educational institutions: To make preliminary selection of 3- and 2-year financial assistance recipients; to enroll financial assistance recipients; to monitor recipient's academic and ROTC performance - to provide name, address and academic purpose of assisting applicants/recipients in obtaining enrollment at a host educational institution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder; selected data automated for management facility in a perishable manner on tapes, disks, cards and data printouts; microfilm and microfiche.

RETRIEVABILITY:

Records accessed by name, social security account number, automatic data processing (ADP) parameter of characteristics of qualification or identity.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel that are trained and cleared for duties relating to personnel administration.

RETENTION AND DISPOSAL:

Records range from 1 year to 5 years retainability depending on the continuing value to the individual or the department.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Training and Doctrine Command, Ft Monroe, VA 23651.

NOTIFICATION PROCEDURE:

Information may be obtained from: Commander, US Army Training and Doctrine Command; Commander, US Army Reserve Officers' Training Corps Region; Professor of Military Science of the civilian educational institution in which the individual is an enrolled ROTC financial assistance member.

RECORD ACCESS PROCEDURES:

Requests from individuals applying for the 4-year financial assistance program or the 2-year enlisted active duty program should be addressed to: Commander, US Army Training and Doctrine Command, Ft Monroe, VA 23651. Requests from individual applicant for the 3- or 2-year financial assistance program should be addressed to Commander of the ROTC Region in which the applicant has applied for the program.

Written requests for information should contain the full name of the requester, current address and telephone number and some definitive identification of the information desired.

For personal visits, the individual should be able to provide some commonly used identification, such as driver's license or personal identification card used in the normal transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents of records and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Application and related forms, records and correspondence from the applicant or enrollee; medical examination and related records generated and accumulated from individual application and membership in the program by the appropriate civilian institution, Army staff agencies, Army commands, and federal executive or legislative department agencies responsible for the action concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1010.03aDAMO

SYSTEM NAME:

1010.03 National Security Seminar (NSS) Guest Reference File

SYSTEM LOCATION:

United States Army War College (USAWC), Carlisle Barracks, PA 17013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prominent military and civilian personnel who are or have been recommended for attendance at USAWC National Security Seminar (NSS) held annually.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, occupational category, file number, current position, title, address, telephone number, date of birth, (DOB) place of birth (POB), security clearance, equal opportunity information, recommender, and other administrative data necessary to coordinate processing lists and invitations for the current seminar. Also selected reference clippings from publicly available sources and biographical sketch data furnished by individuals who agree to attend.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Request limited security clearance for prospective attendees; select attendees; prepare invitations; prepare biographical sketch for distribution to attendees and other personnel and agencies authorized by SYSMANAGER; maintain historical record of attendees; provide the Army with information concerning prospective attendees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in computer data base and manual files with access limited to Commandant, Deputy Commandant, Secretary, Deputy Secretary, Chairman, Department of Military Strategy, Planning and Operations (DMSPO), necessary administrative and other personnel authorized by Director, NSS.

RETRIEVABILITY:

Primarily by name, identification (ID) number, geographical location recommender, equal opportunity information, profession. Can be retrieved by any data element.

SAFEGUARDS:

Disk is maintained in a secure area with access only to authorized personnel. Manual data are maintained in a restricted area in lockable file cabinets.

RETENTION AND DISPOSAL:

Biographical data are permanent. All other data are destroyed when no longer required for reference.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSS, USAWC, Carlisle Barracks, PA 17013.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Commandant, USAWC, ATTN: Dir, NSS, Carlisle Barracks, PA 17013.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents of records

and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Original entry from recommendations by USAWC personnel, Department of Defense (DOD) agencies, prior attendees, and other academic institutions. Biographical sketch data provided by direct communication with the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1010.07aTRADOC

SYSTEM NAME:

1010.07 Army School Files

SYSTEM LOCATION:

United States (US) Army Training & Doctrine Command (TRADOC) schools, colleges and training centers. Addresses are in the Department of Defense Directory in the Appendix to this Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Assigned and potential instructors and guest speakers at above locations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Instructor evaluation forms, qualification data, biographical sketches and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Documents accumulated by schools provide a locally available record of qualifications, experience, effectiveness and comparable information on potential instructors, assigned instructors and guest speakers. They are used in requesting assignment or employment of instructors, utilizing instructors and determining their need for additional training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, visible and vertical card files.

RETRIEVABILITY:

Information is accessed and retrieved by name, social security number (SSN)/ service number, and by year.

SAFEGUARDS:

Locked cabinets or locked rooms depending on location.

RETENTION AND DISPOSAL:

Place in inactive file on transfer or separation of the instructor. Inactive file cut off after 5 years, held 5 years and destroyed. Earlier destruction is authorized.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Training & Doctrine Command, Ft Monroe, VA 23651.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commander, US Army Training & Doctrine Command, ATTN: ATAG-FOIA, Ft Monroe, VA 23651.

RECORD ACCESS PROCEDURES:

Written requests for information should be addressed to the commander of the appropriate school, college or training center. Requests should contain the full name, rank, SSN/military service number, duty position, academic department and dates of service at the applicable training activity.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Staff and faculty of appropriate school, college or training center responsible for conduct of instruction and presentations by guest speakers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1010.07cDAMO

SYSTEM NAME:

1010.07 Representatives of Carlisle and Vicinity

SYSTEM LOCATION:

United States Army War College (USAWC), Carlisle Barracks, PA 17013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian representatives of Carlisle and vicinity who provide a cross section of the community for interaction with students of the Army War College.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are composed of names, addresses, phone numbers, job/duty positions and titles.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Selection of speakers and other guests for discussion groups. Develop history of representatives for use by Commandant and other members of the Army War College command element.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual files with access limited to USAWC command element.

RETRIEVABILITY:

Primarily by name and type of organization.

SAFEGUARDS:

Maintained in a secure area with access only by authorized personnel.

RETENTION AND DISPOSAL:

Records are retained only when current.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, USAWC, Carlisle Barracks, PA 17013.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER.

RECORD ACCESS PROCEDURES:

Information may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

Rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information in the records is obtained from military and civilian members of the community as well as the individuals themselves.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1010.07dDAMO

SYSTEM NAME:

1010.07 Biographic Files

SYSTEM LOCATION:

Reference Section, United States (US) Army War College (USAWC) Library, US Army War College, Carlisle

Barracks, PA (current files plus prior 10 years); files older than 10 years are transferred to Military History Research Collection (MHRC), Carlisle Barracks, PA 17013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Distinguished individuals in all disciplines who have lectured at the USAWC, or could be considered potential lecturers because of their expertise; newsworthy individuals of interest to the USAWC staff, faculty and students; biographies of generals and admirals.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains biographical data to include date and place of birth, education, positions held, awards received, current position, residence, religious affiliation, political preference, clubs; also clippings covering activities of individual, and selected speeches made by the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide faculty members of the USAWC with biographical information on lecturers and potential lecturers.

To provide staff and faculty with biographical information on visitors to USAWC, specifically for guests for the annual National Security Seminar.

To provide staff, faculty and students with biographical information, specifically current assignments of general officers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and three-ring notebooks.

RETRIEVABILITY:

Filed alphabetically by the biographee's last name.

SAFEGUARDS:

USAWC Library entrance is monitored through closed circuit TV by military policeman on duty at building entrance. Files are available to personnel authorized entrance to the Library.

MHRC Library files are available to personnel authorized use of the Collection.

RETENTION AND DISPOSAL:

Retained in active files in USAWC Library for 10 years, trans- ferred to Military History Research Collection for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, USAWC Library, US Army War College, Carlisle Barracks, PA 17013.

Director, Military History Research Collection, Carlisle Barracks, PA 17013.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Library
US Army War College
Carlisle Barracks, PA 17013
Telephone: Area Code 717/245-4319;
Military History Research Collection
Carlisle Barracks, PA 17013
Telephone: Area Code 717/245-4114

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Secretary, US Army War College, Carlisle Barracks, PA 17013;

Director, Military History Research Collection, Carlisle Barracks, PA 17013.

Written requests for information should contain the full name of the individual, current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Correspondence from the individual; magazines, newspapers, biographical reference works.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.01DAPE

SYSTEM NAME:

Applicants/Students, U.S. Military Academy Prep School

SYSTEM LOCATION:

U.S. Military Academy Preparatory Schhol, Ft. Monmouth, NJ 07703.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and students, U.S. Military Academy Preparatory School.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for admission, high school/college transcripts, Scholastic Aptitude/American College Test/CLEP/GT/Officer Candidate, and related test scores, admissions evaluation worksheets and correspondence relating to admission, medical history, academic progress/grades and related reports, and relevant information comprising the cadet candidtae's attendance and behavior at the School.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to evaluate applicant's acceptance and, once admitted, to assess his/her leadership, academic, and physical aptitude potential for the US Military Academy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

By applicant/student surname.

SAFEGUARDS:

Records are stored in locked rooms within buildings which are secured during non-duty hours, and are available only to authorized persons having an official need for the information.

RETENTION AND DISPOSAL:

For applicants who are rejected or who choose not to enter the US Military Academy: records are maintaned until individual exceeds the age limit for acceptance to the Academy. For applicants who are accepted and enter the US Military Academy, records are retained for 40 years after individual's class graduates from Academy, following which records are destroyed by burning and/or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army. The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact the Commandant, US Military Academy Preparatory School, Ft. Monmouth, NJ 07703. Written requests should include the full name, Social Security Account Number, current address and telephone number of the requester, and year(s) of application and/or attendance. For personal visits, the individual should be able to provide acceptable identification

such as military, employer, or other individually identifying numer, valid driver's license, building pass, etc.

RECORD ACCESS PROCEDURES:

Individuals desiring access to their records should follow the procedures and provide the information set forth under 'Notification procedure' above.

CONTESTING RECORD PROCEDURES:

The army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, high school/college transcripts, nationally recognized and Army testing services, staff and faculty of the US Military Academy Preparatory School, military supervisors/unit personnel officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system which fall within 5 U.S.C. 552a (K)(5) and (7) are exempted from Subsection (d) of 5 U.S.C. 552a.

A1012.02aDAPC

SYSTEM NAME:

1012.02 Language School Files

SYSTEM LOCATION:

United States (US) Army Military Personnel Center, Alexandria, VA 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty members of the US Army in enlisted grades of E1 through E9.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain statements of preference, career personnel actions, record briefs, service agreements, qualifications, personal background, service experience supporting service member's desires or nominative action by career managers, correspondence between service member and Army organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.
Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

US Army Military Personnel Center and Defense Language Institute: To accomplish military service career management including assignment, professional development, service training and education and other related military actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel that are properly cleared and trained.

RETENTION AND DISPOSAL:

Records destroyed 3 years after school completion date.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from: HQDA (DAPC-EP), Hoffman Bldg I, 2461 Eisenhower Avenue, Alexandria, VA 22331.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to HQDA (DAPC-EP), Hoffman Bldg I, 2461 Eisenhower Avenue, Alexandria, VA 22331.

Personal visits may be made to the US Army Military Personnel Center; individuals should be able to provide their military service identification card (DD Form 2A for active duty persons) or other commonly acceptable means of identification used in normal transaction of business.

CONTESTING RECORD PROCEDURES:

The Department of the Army rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Enlistment forms pertaining to the service member having a current active military status, training and qualification records acquired incident to military service, correspondence, forms and other related papers originating in or collected by the military department for management purposes.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03aTRADOC

SYSTEM NAME:

1012.03 Army School Student Files

SYSTEM LOCATION:

All Army schools, colleges, and training centers. Addresses are in the DOD Directory in the Appendix to the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These files relate to student personnel who attend formal and/or nonresident courses of instruction at Army schools, colleges and training centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Academic Record Files: Documents indicating courses attended by Army members, length of each course, extent of completion of courses and results thereof, aptitudes and personal qualities, grade and rating attained and related data for each individual.

Collateral Individual Training Record Files: Documents relating to the training record of individuals and posted to the basic individual academic training record files or other long term records.

Faculty Board Files: Documents pertaining to the class standing, rating, classification and proficiency of students.

Class Academic Record Files: Documents maintained by training instructors indicating progress and attendance of class members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information is used by the training activity to confirm eligibility for attendance, monitor student progress, determine successful completion of academic requirements and serve as record of accomplishment of courses which may be prerequisites for attendance at other formal courses of instruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, card files, computer magnetic tapes, and computer paper printouts.

RETRIEVABILITY:

Information is accessed by name, social security number (SSN), military service number.

SAFEGUARDS:

Locked cabinets or locked rooms depending on training locations.

RETENTION AND DISPOSAL:

Individual Academic Record Files: Destroy after 40 years. Cut off annually. Resident courses - transfer to Records Holding Area (RHA) after 1 year in Central Files Area (CFA). Retire to National Personnel Records Center (NPRC), 111 Winnebago Street, St. Louis, MO 63118, after 2 years in RHA. Extension courses - transfer to RHA after 3 years in CFA. Retire to NPRC, above address, after 2 years in RHA. Records of individuals re-enrolling in extension courses will be withdrawn and refiled in the active file.

Collateral Individual Training Record Files: Destroy after 1 year.

Faculty Board Files: Destroy after 1 year, or on discontinuance, whichever is first.

Class Academic Record Files: Destroy after 40 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USA Training & Doctrine Command (TRADOC), Ft Monroe, VA 23651.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, US Army Training & Doctrine Command
ATTN: ATAG-FOIA
Ft Monroe, VA 23651.

RECORD ACCESS PROCEDURES:

Written requests for information should be addressed to the commander of the appropriate school, college or training center. Request should contain the full name, rank (at time of attendance), SSN/military service number or student number if applicable, course title and class number (if known) or description of type training received and dates of course attendance.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Staff and faculty of appropriate school, college, or training center responsible for presentation of instruction.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03bDARCOM

SYSTEM NAME:

1012.03 Student/Faculty Records-DARCOM Schools System

SYSTEM LOCATION:

U.S. Army Logistics Management Center, Ft Lee, VA; U.S. Army Management Engineering Training Agency, Rock Island, IL; Joint Military Packaging Training Center, Aberdeen Proving Grounds, MD; USAMC Ammunition Center/School, Savanna, IL; USAMC Field Safety Agency, Charlestown, IN.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students enrolled/attending schools identified under 'System location', faculty, instructors, and guest speakers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student academic records, consisting of course completions and results, aptitudes and personal qualities, grades/ratings assigned; instructor/guest speaker qualifications and evaluations, including biographical data; class historical/academic achievements; and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine applicant eligibility, monitor individual's progress, maintain record of student/faculty achievements, and to provide bases for management assessment of curricula and faculty effectiveness and class standing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards, photographs, computer magnetic tapes and printouts.

RETRIEVABILITY:

By name, social security number (SSN), military service number.

SAFEGUARDS:

Records are maintained in locked cabinets within secured areas accessible only to authorized persons having an official need-to-know.

RETENTION AND DISPOSAL:

Individual academic records are retained for 40 years, 3 of which are at the school which created them; they are subsequently transferred to the National Personnel Records Center, 9700 Page Boulevard, St Louis, MO 63132. Faculty/instructor qualifications records are retained until individual transfers from the facility, held for 5 years, and then destroyed. Other records are retained until no longer needed, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, US Army Logistics Management Center, Ft Lee, VA 23801; Director, US Army Management Engineering Training Agency, Rock Island, IL 61201; Director, Joint Military Packaging Training Center, Aberdeen Proving Grounds, MD 21105; Director, USAMC Ammunition Center/School, Savanna, IL 61074; Director, USAMC Field Safety Agency, Charlestown, IN 47111.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commandant/Director of the appropriate School/Agency. Requests should contain individual's full name, rank/grade, SSN, course title/class number, and date of attendance or, if a faculty member: name, course(s) taught, and period in which instructed at named training facility.

RECORD ACCESS PROCEDURES:

Written requests for information should be made to the Commandant/Director of the appropriate training facility, giving information listed under 'Notification procedure'.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual student, faculty, instructor, guest speaker, and management analyses of class performance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03dTRADOC

SYSTEM NAME:

TRADOC Educational Data Systems

SYSTEM LOCATION:

Central computer facility located at United States Army Management Systems Support Agency (USAMSSA), Headquarters, Department of the Army.

Input-output terminals located at US Army Armor School, Ft Knox, KY; US Army Quartermaster School, Ft Lee, VA; US Army Engineer School, Ft Belvoir,

VA; US Army Transportation School, Ft Eustis, VA; US Army Air Defense School, Ft Bliss, TX; US Army Field Artillery School, Ft Sill, OK; US Army Intelligence Center and School, Ft Huachuca, AZ; US Army Ordnance Center and School, Aberdeen Proving Ground, MD; US Army Institute for Military Assistance, Ft Bragg, NC; US Army Missile and Munitions Center and School, Redstone Arsenal, AL; US Army Chaplain Center and School, Ft Monmouth, NJ; US Army Signal School, Ft Gordon, GA; US Army Military Police School, Ft McClellan, AL; US Army Infantry School, Ft Benning, GA; US Army Soldier Support Center, Ft Benjamin Harrison, IN.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Army, Navy, Marine Corps, and Air Force, Reserve Officer Training Corps and National Defense Cadet Corps students, Department of Defense civilian employees, and approved foreign military personnel enrolled in a resident/non-resident course at a US Army service school.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain name, grade or rank, social security number (SSN), address, component, branch personnel classifications, military occupational specialty (MOS), credit hours accumulated, examination and lesson grades, student academic status, student curricula, course description.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(B) and (G).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Designated administrative and academic personnel at US Army Training and Doctrine Command (TRADOC) headquarters and service schools use student records to record lessons and/or exam grades, maintain student academic status, maintain course and subcourse descriptions, produce management summary reports. For non-resident applicants, records are used to produce course completion certificates and reflect credit hours earned.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes or disks and computer paper printouts.

RETRIEVABILITY:

Individual records may be retrieved by SSN.

SAFEGUARDS:

Random number sign on authentication for each inquiry made to the system is required. SIGNON decks to enable such access are updated weekly, safeguarded under Army Regulation (AR) 380-5 due to their Confidential classification and are unique to one TREDS terminal only. Access is granted only designated personnel at Headquarters TRADOC and Army Service Schools responsible for the administration and processing of resident students.

RETENTION AND DISPOSAL:

Machine records are retained during student's entire enrollment, which can vary from a few weeks to a year, depending on the course length. After a course has been completed, the student's records are transferred to the Academic Records System History File where student's records are maintained indefinitely. Non-resident students are assigned a 6 month enrollment period or, if in multiple subcourses, an enrollment period of one year. A hard copy transcript reflecting the student's personal and academic data is produced. The hard copy is retained by the service school for 4 years, then it is transferred to a records holding area on the installation housing the service school and retained for 2 years. It is then transferred to the National Personnel Records Center, St. Louis, MO, where it is retained for 34 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Individual Training, Headquarters, US Army Training and Doctrine Command, Ft Monroe, VA 23651.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commandant of the US Army Service School where student is enrolled. Written requests must contain notarized signature for identification. Individual making request in person must provide acceptable identification (driver's license, military identification).

RECORD ACCESS PROCEDURES:

Request from an individual for stored data concerning himself/herself may be made in writing or in person to the Commandant of the school in which he/she is enrolled.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information is collected from individuals upon enrollment, from class records and instructors, from student's personnel records, and from graded examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03fDASG

SYSTEM NAME:

1012.03 Army School Student Files, Physical Therapy Program

SYSTEM LOCATION:

Headquarters, Department of the Army, Office of the Surgeon General, Office of the Chief, Army Medical Specialist Corps (DASG-DBP), Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Graduates of US Army Physical Therapy Program since 1928.

CATEGORIES OF RECORDS IN THE SYSTEM:

Academic grades only on graduates from 1973 to present. Academic grades and varying amounts and types of anecdotal information on performance, 1945-1972. Academic grades only, 1928-1944.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide certification of graduation from an approved physical therapy program to the individual graduate and to institutions (schools, places of employment, etc.) upon the request of the graduate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of graduate.

SAFEGUARDS:

Building employs security guard. Office is locked when not occupied by tenants. Records are in closed files.

RETENTION AND DISPOSAL:

Records are permanent. Retained in active file.

SYSTEM MANAGER(S) AND ADDRESS:

The Army Surgeon General; Chief, Physical Therapist Section, Army Medical Specialist Corps.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DASG-DBP)
Room 3E 477
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/695-1710

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Department of the Army (DASG-DBP); Room 3E 477, The Pentagon; Washington, DC 20310.

Written requests for transcript should contain the full name of the individual, maiden name if married, year of graduation, current address, institution and complete address to which transcript is to be mailed if other than that of individual concerned.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Staff and faculty of appropriate school and/or training hospital responsible for presentation of instruction.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03gHSC

SYSTEM NAME:

Academy of Health Sciences; Academic Records.

SYSTEM LOCATION:

Academy of Health Sciences, Ft Sam Houston, Texas 78234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Resident and correspondent students enrolled in courses at the Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of student, Social Security Number, grade/rank, academic qualifications, progress reports, academic grades, ratings attained, and relevant information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to determine eligibility for enrollment/attendance, monitor student progress, and record accomplishments.

Information may be released to colleges or universities or medical institutions which accredit the Academy's instruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, microfiche, cards, magnetic tape and/or disk, and computer printouts.

RETRIEVABILITY:

By individual's name, SSN, student number.

SAFEGUARDS:

Information is accessed only by individuals having need therefor in the performance of official duties; automated data are protected further by assigned passwords.

RETENTION AND DISPOSAL:

Academic records are maintained 40 years at the Academy of Health Sciences. Except for the master file, automated data are erased after the fourth updating cycle.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Health Services Command, Ft Sam Houston, Texas 78234.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system contains information about them may inquire of the Registrar, Academy of Health Sciences, Ft Sam Houston, TX. Inquirers should furnish full name, SSN, date attended/enrolled, current address, and signature.

RECORD ACCESS PROCEDURES:

Written requests should be sent to the Superintendent, Academy of Health Sciences, Ft Sam Houston, TX 78234 and include the information in 'Notification procedure'.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Academy of Health Sciences Faculty responsible for preparation of instruction.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03IDLI

SYSTEM NAME:

1012.03 Standardized Student Records System

SYSTEM LOCATION:

Defense Language Institute, Foreign Language Center (DLIFLC), ATTN: Academic Records Office, Presidio of Monterey, CA 93940.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who has ever been enrolled for foreign language training at any facility of the DLIFLC.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, social security number (SSN), and military administrative data, together with academic data generated at DLIFLC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Supplies data to DLIFLC for dividing students among class sections, selecting section monitors, preparing rosters and academic bulletins, preparing summaries of training activity used in managing current operations and reporting workload, establishing a permanent student record used for issuing official grade transcripts and preparing statistical studies used to improve training and testing methods.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Remote computer magnetic tape and disk.

RETRIEVABILITY:

Files accessed by remote terminals with records filed by SSN.

SAFEGUARDS:

Records are accessible via remote terminal only by authorized personnel citing established user identifier and password.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file (on-line) until the student departs; then retired to a history tape.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant, DLIFLC, Presidio of Monterey, CA 93940.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Defense Language Institute
Foreign Language Center
ATTN: Academic Records Office
Presidio of Monterey, CA 93940
Telephone: Area Code 408/242-8221

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: Defense Language Institute, Foreign Language Center, ATTN: Academic Records Office, Presidio of Monterey, CA 93940.

Written requests for information should contain the full name and current address of the individual, SSN, class attended and year graduated.

For personal visits to the Academic Records Office, the individual should be able to provide positive identification, such as, valid driver's license, employing office identification card, etc.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Student registration form (DLIFLC FORM 90) prepared by student upon enrollment and various local forms containing academic data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03JHSC

SYSTEM NAME:

1012.03 Army School Student Files

SYSTEM LOCATION:

United States Army Health Services Command (HSC) Clinical Specialist School, Fitzsimons Army Medical Center, Denver, CO 80240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These files relate to student personnel who attend formal course of instruction at the Clinical Specialist School.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Academic Record Files: Documents indicating courses attended by Army members, length of each course, extent of completion of courses and results thereof, aptitudes and personal qualities, grade and rating attained and related data for each individual.

Collateral Individual Training Record Files: Documents relating to the training record of individuals and posted to the basic individual academic training record files or other long term records.

Faculty Board Files: Documents pertaining to the class standing rating, classification and proficiency of students.

Class Academic Record Files: Documents maintained by training instructors indicating progress and attendance of class members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information is used by the training activity to confirm eligibility for attendance, monitor student progress, determine successful completion of academic requirements and serve as record of accomplishment of courses which may be prerequisites for attendance at other formal courses of instruction, or taking of State Board, Licensed Practical Nursing examinations. Preparation of transcripts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, visible and vertical card files, disks and tapes. Information is retained on disks/tapes for a period of 40 weeks and then purged from the system. Computer printouts are retained by the school for 1 year after the completion of each class. Disposition of hard copy records is in accordance with Retention below.

RETRIEVABILITY:

Information is accessed by name and or assigned class number.

SAFEGUARDS:

Building has limited access. Information is only released to authorized personnel.

RETENTION AND DISPOSAL:

Individual Academic Record Files: Destroyed after 40 years. Cut off after each course. Resident Courses: transferred to Record Holding Area (RHA) after 1 year in-Central Files Area (CFA). Retired to National Personnel Records Center (NPRC), 111 Winnebago Street, St. Louis, MO 63118, after 2 years in RHA. Collateral Individual Training Record Files: Destroyed after 1 year; earlier destruction is authorized.

Faculty Board Files: Destroyed after 1 year or on discontinuance, whichever is first.

Class Academic Record Files: Destroyed after 40 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Fitzsimons Army Medical Center, Director, Clinical Specialist Course, Fitzsimons Army Medical Center, Denver, CO 80240.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commander, Fitzsimons Army Medical Center, ATTN: HSF-N, Denver, CO 80240.

RECORD ACCESS PROCEDURES:

Written requests for information should be addressed to the appropriate Course Director. Request should include the full name, rank (at time of attendance), social security number (SSN), military service number or student number, if applicable, course title and class number (if known), or description of type training received and dates of course attendance.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Staff and faculty of the school responsible for presentation of instruction.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03kUSAREUR

SYSTEM NAME:

1012.03 Individual Academic Record Files

SYSTEM LOCATION:

Manual input system files (Student Travel Orders, Student Record Information Card, Class Rosters, Grade Record Sheets) and automated data output are maintained at Headquarters, Seventh Army Combined Arms Training Center, ATTN: AETTV-DI, Army Post Office (APO) NY 09114.

Automated systems are stored in computer tapes maintained at Data Processing Branch, Seventh Army Training Center, APO NY 09114.

Pertinent data output (notice of individual student graduation or non completion, grade and deficiencies) is forwarded through command military channels to the student and his commander.

Pertinent statistical data is extracted and forwarded to Headquarters, US Army, Europe and Seventh Army, APO NY 09403 and major subordinate commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person, military or civilian, admitted as a student at a course of instruction conducted by the Seventh Army Combined Arms Training Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Source documents consisting of Student Travel Orders or equivalent, Student Information Cards, Student Rosters and Grade Sheets are retained, and filed by name and/or assigned student roster number by course and class.

Automated system contains the following data for each student extracted from source documents: name, rank, social security number (SSN), assigned student roster number, unit of assignment including APO, course quota status, race, mode of transportation to school, applicable Army Classification Battery Scores, beginning and graduation dates; information regarding whether or not student meets course prerequisites; whether or not student graduated; reason for early release, if applicable; academic achievement awards received.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012, Secretary of the Army, powers and duties, delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data utilized to inform students' commanders/supervisors of students' academic performance in the attended course in order that they make appropriate management decisions.

Used to inform Personnel Officers of course attendance for posting to the students' personnel records.

Used to inform other agencies of student attendance and performance, upon request by the student.

Used to perform the following statistical analyses: relationships of performance to prerequisites; total students attending by course, class, command; attrition and reasons therefor; racial composition; funding projections. Resultant statistical data is utilized for analysis and revision of courses and prerequisites; analysis of training center mission accomplishment and unit/command education and training accomplishments; analysis of command support of the Equal Opportunity Program; planning of future courses and funding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Source documents maintained as paper records in file folders.

Automated systems on magnetic tape.

RETRIEVABILITY:

Source documents filed by course/class by assigned roster number (normally alphabetically by last name of student).

Automated systems retrievable by specification of student name, SSN or roster number and course/class.

SAFEGUARDS:

Source documents filed in cabinets in locked room with access only to authorized personnel. Building is under constant supervision.

Automated systems maintained under constant supervision with only authorized personnel with proper training having access. Computer facility is restricted area.

RETENTION AND DISPOSAL:

Source documents are maintained in the active file until the end of the fiscal year of graduation; maintained in inactive files 3 additional years; class rosters and grade sheets are then retired for 40 years to National Personnel Records Center, 111 Winnebago Street, St. Louis, MO 63118. All other source documents are extracted and destroyed prior to forwarding to the National Personnel Records Center.

Automated system maintained at the data processing center for 5 years and then erased.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Academic Operations, Seventh Army Combined Arms Training Center, Vilseck, Federal Republic of Germany, APO NY 09114.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
Seventh Army Combined Arms Training Center
Building 305, Rose Barracks
APO NY 09114
Telephone: Vilseck Military (2641) 880 or 880

Former students should state full name, course and class or dates of attendance.

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Commander, Seventh Army Combined Arms Training Center, ATTN: AETTV-DI, APO NY 09114.

Written requests should contain full name, course and class or dates of attendance.

For personal visits, the individual should be able to provide some acceptable identification (identification card, driver's license, etc.).

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Student travel orders prepared by the student's unit from official military personnel records.

Student Record Information Card prepared by the student upon arrival and registration for the course.

Draft class rosters prepared or verified by students in each class.

Class grade sheets prepared by instructor personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03IDAAG

SYSTEM NAME:

1012.03 Reserve Officer Training Corps - Active Duty Training

SYSTEM LOCATION:

Automated Equipment Division, Systems Support Directorate, United States (US) Army Reserve Components Personnel and Administration Center (RCPAC), AGUZ-SSD; 9700 Page Blvd. St Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve Officer Training Corps Cadets and Officer Active Duty Obligors who have been selected for Active Duty Training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains personal and military status and qualifications data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 275, Personnel Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

US Army Reserve Components Personnel and Administration Center - to assign the branch school which the officer will attend when ordered to Active Duty for Training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes.

RETRIEVABILITY:

By social security number (SSN).

SAFEGUARDS:

Computer located in building which has entrance controlled by Federal Protective Officers. The functional and systems directors approve production requests for both one-time and recurring information. Tapes filed in a restricted tape library within computer room complex, which is also a restricted area.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Blvd., St Louis, MO 63132.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
US Army Reserve Components
Personnel and Administration Center
9700 Page Blvd.
St Louis, MO 63132
Telephone: Area Code 314/268-7733

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Blvd., St Louis, MO 63132.

Written request for information should contain the full name and SSN of the individual.

For personal visits, the individual should be able to provide some acceptable identification, such as driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Automated system interface and Official Military Personnel File.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03mDAMO

SYSTEM NAME:

1012.03 United States Army War College Graduate Directory File

SYSTEM LOCATION:

Computer Center, Administrative Office, United States Army War College (USAWC), Carlisle Barracks, PA 17013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USAWC graduates; present resident USAWC students; present and past USAWC staff and faculty; honorary alumni; Senior Reserve Component Officer Course graduates.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, category, rank, branch, mailing address, status, year of USAWC attendance and an identifying number for each individual's record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To publish annual USAWC Graduate Directory, to allow statistical analysis of past and present student and faculty compositions, and as a locator file to allow former members of the USAWC to maintain close professional relationships with their USAWC associates. Produce address labels for alumni mailings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disk.

RETRIEVABILITY:

Filed by class year, identifying number, name, rank, branch, and ZIP Code.

SAFEGUARDS:

Disk is maintained in a secure area with access only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

The Secretary, US Army War College, Carlisle Barracks, PA 17013.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to The Secretary, US Army War College, Carlisle Barracks, PA 17013.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to The Secretary, US Army War College, Carlisle Barracks, PA 17013.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents of records and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Original entry from personnel files with currency maintained by direct correspondence with the individual and through United States Postal notifications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03nTRADOC

SYSTEM NAME:

1012.03 Nonresident Instruction Automated System (NRIAS)

SYSTEM LOCATION:

United States (US) Army Command and General Staff College (USACGSC), ATSW-NI, Ft Leavenworth, KS 66027; US Army Training and Doctrine Command (TRADOC) Data Processing Field Office (DPFO), Ft Leavenworth, KS 66027.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active, Reserve and National Guard officers of US and allied military services, and US Department of the Army civilian employees who are enrolled in the Command and General Staff Officer Course, Nonresident/Resident (CGSOC, N/R).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains data pertinent to the administration of the CGSOC, N/R. Specific items include the application (CGSC Form 59); academic records of course progress; correspondence with students; notice of termination; and, upon course completion, an academic transcript.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Establish and maintain student academic records; provide the student's Military Personnel Record Jacket (MPRJ) and the Official Military Personnel File (OMPF) custodians with periodic progress reports as follows: official notice of enrollment, 90-day warning notice of insufficient progress, annual statement of academic progress, retirement credits, certificate of 50

percent completion, termination of enrollment, and certificate of eligibility to attend Ft Leavenworth Phase instruction; provide the student with copies of the reports furnished OMPF and MPRJ custodians plus letters of welcome, subcourse completion certificates, phase completion certificates, and lesson and examination grades; provide enrollment data and examination results to Commandants of US Army Reserve (USAR) Schools conducting CGSOC, N/R instruction; produce periodic reports of daily transactions, transactions errors, statistical summaries, listings of students, and mailing labels for dispatch of course material; determine eligibility for initial enrollment, continuing enrollment, reenrollment, and course completion; analyze data for program management and review.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Academic master files stored on magnetic disk and tape in TRADOC DPFO.

Documents and microfiche are stored in vertical files in USACGSC Department of Nonresident Instruction (DNRI).

RETRIEVABILITY:

Tape and disk files are accessed sequentially by social security number (SSN).

Hard copy files are maintained in alphabetical order.

SAFEGUARDS:

Buildings employ security guards. Storage areas are locked and keys held by security guards. Records are maintained in areas accessible only to authorized personnel.

Magnetic disks, magnetic tapes, and computer printouts are located in a physical security restricted area at TRADOC DPFO.

RETENTION AND DISPOSAL:

Tape and disk files are maintained indefinitely through thrice weekly updates; hard copy files are maintained for 3 years by DNRI, 3 additional years by Ft Leavenworth Adjutant General's Record Holding Section and then retired to the National Personnel Records Center (Military), Saint Louis, MO 63132.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Nonresident Instruction, USACGSC.

NOTIFICATION PROCEDURE:

Information may be obtained from: Commandant, USACGSC (ATSW-NI), Ft Leavenworth, KS 66027.

Telephone: Area Code 913/684-5584

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant, USACGSC (ATSW-NI), Ft Leavenworth, KS 66027.

Written requests for information should contain the full name, SSN, and program type (correspondence course or USAR School) of the individual.

For personal visits, the individual should be able to provide some acceptable identification; i.e., driver's license, employing office's identification card, and give some verbal information that could be verified with his file.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Application form, change of address card, lesson and examination answer sheets, student request for administrative action.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03oDAMO

SYSTEM NAME:

1012.03 US Army War College Cooperative Degree Program Files

SYSTEM LOCATION:

United States (US) Army War College, Carlisle Barracks, PA 17013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past resident students participating in the Cooperative Degree Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain student names, ranks, and service numbers, and their past military and civilian academic records (transcripts, diplomas, letters of recommendation, Veterans Administration (VA) applications, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) To assist students in applying for, and pursuing their graduate degree, (2) to monitor administrative data for use in managing the program (number and percent of students participating, degrees being pursued, anticipated completion dates, schools being attended, etc.), and (3) maintain data for evaluating the program (percent completion; enrollment trends from year to year; shifts in curricular choice, etc.).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets; may be converted to computer storage on computer disks.

RETRIEVABILITY:

By student's name; and by name of cooperating institution.

SAFEGUARDS:

Records maintained in locked filing cabinets. If placed on computer disks, disks will be maintained in a secured area with access only by authorized personnel. Access to computer will be by password known only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Development, US Army War College.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to The Secretary, US Army War College, Carlisle Barracks, PA 17013.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Original entries based on records provided by students; additional administrative information may be provided by the Director, Human Resources Development and other USAWC authorities, or received from officials at the cooperating civilian institutions (currently Shippensburg State College and the Capitol Campus of the Pennsylvania State University).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.03qHSC

SYSTEM NAME:

1012.03 Resident Instruction & Support Files

SYSTEM LOCATION:

Primary System: Director of Management Information Systems, Health Services Command, Ft Sam Houston, TX.

Decentralized Segments: Academy of Health Sciences, Ft Sam Houston, TX and other hospitals and schools. Official mailing addresses are in the Department of Defense Directory in the Appendix to the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These files include all student personnel taking resident medical courses, instructors, staff, and faculty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Academic Records File. Records indicating courses attended, length of each course, grades and rating attained and related data for each individual.

Instructor, Staff, and Faculty Files. Personnel records of individuals for instructor scheduling.

Class Academic Records File. Records maintained by class of individual student academic standing and overall class standing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information is used by the school to confirm eligibility for attendance, monitor student progress, determine successful completion of academic requirements, and serve as record of courses which may be prerequisites for attendance at other formal courses of instruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, computer magnetic tape, and disk, computer paper printouts, 80 column punched cards.

RETRIEVABILITY:

Information is accessed by name, social security number (SSN), course number, class number, student number or a combination of these.

SAFEGUARDS:

Computer Center operated 'Closed Shop' to allow only authorized personnel entry. Locked cabinets, rooms and vaults depending upon media and location.

RETENTION AND DISPOSAL:

Transaction files. Blank or destroy after 4 updating cycles.

Master Magnetic Media Files. Blank after 4th updating cycle.

Instructor files maintained until instructor is reassigned or retired.

Academic Records File. Destroy after 40 years. Cut off annually.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army; Commander, Health Services Command; Superinténdent, Academy of Health Sciences.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Office of the Secretary
Academy of Health Sciences
Ft Sam Houston, TX 78234

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of individual, current address, telephone number, SSN, and dates of course attendance.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Personnel information obtained from instructors, staff, and faculty responsible for instruction.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.04hDAMO

SYSTEM NAME:

1012.04 NDU Student Data Files

SYSTEM LOCATION:

National Defense University (NDU), Ft. Leslie J. McNair, Washington, DC 20319.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Resident/non-resident students enrolled at courses of instruction at NDU including the Industrial College of the Armed Forces (ICAF) and the National War College (NWC).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain name, date of birth, social security number (SSN), student number, grade/rank, branch of service or civilian agency, years of Federal service, biographical data, course/section assignment, prior eduction, and academic and other related management data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

NDU officials: To confirm attendance eligibility; to monitor student progress; to produce record of grades and achievements; to prepare assignment rosters; to provide management and statistical summaries and reports; and to compile class yearbooks.

Student transcripts may be disclosed to other educational institutions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes, disks, and printouts.

RETRIEVABILITY:

By SSN or student identification number.

SAFEGUARDS:

Records are maintained in buildings which employ security guards and are accessed only by authorized personnel having an official need-to-know. Automated records employ software passwords; magnetic tapes are protected by user identification and manual controls. Computer room is controlled by card key system requiring positive identification and authorization.

RETENTION AND DISPOSAL:

Individual and class academic records are destroyed after 40 years. Records pertaining to extension courses are held indefinitely before being retired to the National Personnel Records Center, St. Louis, MO. Individual training records are destroyed annually; management reports are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

President, National Defense University, Ft. Leslie J. McNair, Washington, DC 20319.

NOTIFICATION PROCEDURE:

Students may apply to the National Defense University, Ft. Leslie J. McNair, Washington, DC 20319; telephone: Area Code 202/693-8475.

RECORD ACCESS PROCEDURES:

Written requests should contain requester's full name, current address, social security number, and date of enrollment and/or completion/ graduation.

Personal visits may be made to the National Defense University at Ft. Leslie J. McNair. Individuals must provide personal identification such as a valid driver's license or military or civilian identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Applications for enrollment and biographical resumes from applicants, faculty evaluations and reports, and transcripts from educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1012.04hTRADOC

SYSTEM NAME:

1012.04 Grade Calculator System

SYSTEM LOCATION:

Director of Automation (ATZLSW-DOA), United States Army Command and General Staff College (USACGSC), Ft Leavenworth, KS 66027.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any officer, United States or Allied, enrolled in the USACGSC resident program.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains personal data on resident students (i.e., name, rank, social security number (SSN); administrative data (i.e., counselor, class section); and academic data (i.e., courses, course grades).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to schedule resident students for courses in the USACGSC curriculum; to process grades and other academic related information; to record and translate tests, subcourse and course grades; and, at year end, to prepare school transcripts. Records are used also to prepare rosters and labels for use by the USACGSC departments and other Ft Leavenworth activities. Records serve to track resident student progress throughout the academic year by preparation of various reports and by interactive terminal query.

The automated grading examination system (GRADEX) constitutes a subsystem of this file in that it provides the capability to grade and perform item analysis on various tests given to resident students on MARK SENSE forms.

The student information system constitutes a second subsystem of the file providing the ability to identify students who possess certain skills. This assists in the assignment of students to projects and as assistant instructors. Information collected is printed on reports and is also retrievable by interactive terminal query.

The models and simulation system and the geography of Asia system constitutes a third subsystem of the file providing the capability to administer tests interactively using computer terminals.

The automated student housing assignment system constitutes a fourth subsystem of the file providing the ability to assign students to quarters prior to their arrival.

The user name password system constitutes a fifth subsystem of the file providing the ability to assign computer passwords to students for their use throughout the academic year.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disks.

RETRIEVABILITY:

By SSN, student exam code or computer user name.

SAFEGUARDS:

Computer programs are kept in locked cabinets and, after normal duty hours, the building is secured by guards. Computer access is controlled by passwords which are periodically changed. Access to the computer programs is further restricted by additional passwords which are also changed periodically. Data files are maintained in a secure environment restricted to authorized employees.

RETENTION AND DISPOSAL:

Records are destroyed at the completion of an academic year except that educational transcripts become part of an individual's Official Military Personnel File.

SYSTEM MANAGER(S) AND ADDRESS:

Directory of Automation, United States Army Command and General Staff College, Ft Leavenworth, KS 66027.

NOTIFICATION PROCEDURE:

Information may be obtained from: Commandant, United States Army Command and General Staff College, ATTN: Directory of Automation, Bell Hall, Ft Leavenworth, KS 66027; telephone: Area Code 913/684-2498.

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Commandant, United States Army Command and General Staff College, ATTN: ATZLSW-DOA, Ft Leavenworth, KS 66027.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Personal data and enrollment information are obtained from the students at the time they complete enrollment and from Department of the Army orders. Grades, class section number, and academic information are obtained from the USACGSC academic departments. Data for the GRADEX system are obtained from the MARK SENSE cards completed by the students and information extracted from the Grade Calculator System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1012.09aDASG

SYSTEM NAME:

1012.09 House Staff Evaluation Report File

SYSTEM LOCATION:

Primary System: Graduate Medical Education Branch, Education and Training Division, Army Medical Personnel Support Agency (SGPE-EDG), Room 7B-014, Forrestal Building, Washington, DC 20314.

Decentralized Segments: Commander, Brooke Army Medical Center, Ft Sam Houston, TX 78234; Commander, Fitzsimons Army Medical Center, Denver, CO 80240; Commander,

Letterman Army Medical Center, San Francisco, CA 94129; Commander, Madigan Army Medical Center, Tacoma, WA 98431; Commander, Tripler Army Medical Center, Army Post Office (APO) San Francisco 96438; Commander, Walter Reed Army Medical Center, Washington, DC 20012; Commander, William Beaumont Army Medical Center, El Paso, TX 79920; Commander, Womack Army Hospital, Ft Bragg, NC 28307; Commander, DeWitt Army Hospital, Ft Belvoir, VA 22060; Commander, Martin Army Hospital, Ft Benning, GA 31905; Commander, Dwight Eisenhower Army Medical Center, Ft Gordon, GA 30905; Commander, Silas B. Hays Army Hospital, Ft Ord, CA 93941.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military physicians currently participating in a United States (US) Army graduate medical education program.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains from 1 to 3 Department of the Army (DA) Forms 1970-R, (House Staff Evaluation Report) on individuals indicated above. Contains name, rank, social security number (SSN), and evaluation of graduate medical training performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Chapter 401, Section 4301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Graduate Medical Education Branch: To increase the professional qualification information available on an individual currently participating in a graduate medical education program and applying for another graduate medical education program; to evaluate the effectiveness of the selection process for graduate medical education; to develop a position on an individual's ability to function as a physician in his selected area of training; to assist career managers in proper assignment of an officer after he completes training.

Education and Training Committees, US Army Teaching Hospitals: To monitor professional and career development of Medical Corps officers participating in graduate medical education.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of trainee.

SAFEGUARDS:

Graduate Medical Education Branch records maintained in suite of offices staffed by responsible personnel. Offices are locked during non-duty hours. Only authorized personnel who are properly cleared have access. The building employs security guards during non-duty hours and on weekends and holidays, and a building pass is required for entry.

RETENTION AND DISPOSAL:

Records are retained in active file until 6 months after an individual has completed or terminated training, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army Medical Department Personnel Support Agency; Commanders of US Army Teaching Hospitals.

NOTIFICATION PROCEDURE:

Information may be obtained from:
AMEDDPERSA (SGPE-EDG)
Room 7B-014
Forrestal Building
Washington, DC 20314
Telephone; Area Code 202/693-5455

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Army Medical Personnel Support Agency (SGPE-EDG), Room 7B-014, Forrestal Building, Washington, DC 20314

Written request for information should contain the full name of the individual, current mailing address and telephone number, current unit of assignment (if on active duty), specialty or specialties and internship training received in US training facilities. Visits are limited to AMEDDPERSA (SGPE-EDG), Forrestal Building, Washington, DC 20314.

For personal visits, the individual should be able to provide some acceptable identification; i.e., military identification card or driver's license, and give some verbal information that could be verified with his evaluation reports.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

DA Form 1970-R completed by each trainee's immediate superior.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1012.11aDASG

SYSTEM NAME:

1012.11 Continuing Medical Education Course Attendance Files

SYSTEM LOCATION:

Armed Forces Institute of Pathology, Walter Reed Army Medical Center, Washington, DC 20306.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have attended continuing medical education courses conducted by the Armed Forces Institute of Pathology.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting requests for attendance and completion of courses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose is to facilitate billing for course attendance fees, to meet course accreditation requirements, and to verify attendance when requested by individuals concerned.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

File by last name under each course attended.

SAFEGUARDS:

Access to the Armed Forces Institute of Pathology is controlled. Access to records is limited to authorized personnel.

RETENTION AND DISPOSAL:

Held 7 years in active file then transferred to Forest Glen records holding area and held for 3 years. At the end of 3 years retired to National Personnel Records Center (Military), 9700 Page Boulevard, St. Louis, MO 63122.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the Associate Director for Medical Education, Armed Forces Institute of Pathology, Walter Reed Army Medical Center, Washington, DC 20306.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Associate Director for Medical Education, Armed Forces Institute of Pathology, Walter Reed Army Medical Center, Washington, DC 20306.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Written request by individual for attendance at continuing medical education courses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1013.01DAPC

SYSTEM NAME:

1013.01 Civilian School Files

SYSTEM LOCATION:

Primary System: United States (US) Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

Decentralized Segments: Army commands/stations/installations/organizations/activities including overseas areas.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military service member who applies for or is selected for attendance at civilian school; or for training with industry; or participation in a fellowship/scholarship program of training or instruction.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains Department of the Army (DA) Forms 1618-R, 2088-R, 2593-R, 3719-R which include personal data of name, grade, social security number, address, home phone, duty phone, permanent legal address, branch of service, date of birth, marital status, number of dependents, state of legal residence, military occupational specialties, enlistment status, component, foreign service, civilian educational data, military educational data, transcripts, academic records, social fraternities, honorary fraternities, clubs, degree major, class standing, and personal resumes; Standard Form 1034 (Public Voucher for Purchases and Services Other than Personal), school contracts; student training report; photographs; enlisted qualification record; theses; statements of service and schooling obligation; United States Armed Forces Institute test reports; civilian institution Academic Evaluation reports; correspondence between (1) individual student, (2) Army commands and staff agencies, (3) civilian industry training agencies, (4) and civilian educational schools.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

US Army Military Personnel Center: To document, monitor, manage, and administer the service member's attendance at a civilian training agency or civilian school under the authority of Title 10 U.S.C., Section 4301.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Files and records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records have a retention space of from 2 to 10 years depending on the category of the individual record concerned and/or the element maintaining the file.

SYSTEM MANAGER(S) AND ADDRESS:

US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQDA (DAPC-MSO)
Hoffman Bldg 2
200 Stovall Street
Alexandria, VA 22332

Appropriate command/station/installation/organization/activity/overseas command of the student service member as shown in the Directory of Units.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name, grade, branch of service, service identification number, and civilian school or training agency (if known), and the current address.

For personal visits, the individual should be able to provide acceptable military identification or acceptable identification, i.e., a driver's license with other identification normally used in business transactions.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from HQDA (DAPC-MSO), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Application and related forms incident to the service member's qualification for attendance at a specified civilian school or training agency; records, forms, documents, and correspondence originating in/ by DA Staff agencies and commands, the student service member, and civilian school or industry training agency.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1013.02aDASG

SYSTEM NAME:

1013.02 Long Term Civilian Training Student Contract Files

SYSTEM LOCATION:

Primary System: Civilian Health Education Branch, Education and Training Division, Army Medical Personnel Support Agency (AMEDDPERSA) (SGPE-EDC), Washington, DC 20314.

Decentralized Segments: Army Medical Department (AMEDD) Student Detachment, Academy of Health Sciences, Ft Sam Houston, TX 78234; Plans & Program Branch, Education & Training Division, AMEDDPERSA, Washington, DC 20314; Purchasing & Contracting Office, Procurement Division, Ft Bragg, NC 28307; Purchasing & Contracting Office, Procurement Division, Ft Knox, KY 40121; Purchasing & Contracting Office, Procurement Division, Ft Riley, KS 66442; Purchasing & Contracting Office, Procurement Division, Ft Lewis, WA 98433; Purchasing and Contracting Office, Procurement Division, Cameron Station, Alexandria, VA 22314; Finance & Accounting Office, Ft Sam Houston, TX 78234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All AMEDD personnel currently participating in long term civilian training on a fully funded basis in the following programs: pre-Walter Reed Army Institute of Nursing Program (Nonresident Phase), Army Student Nurse Program, Validated Requirements Program, Undergraduate Program, and Medical, Osteopathic, Dental and Veterinary Education for Army Officers Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains 1 to 4 copies of Office of the Surgeon General (OTSG) Form 896, Instructions to Negotiate Contract for Civil Schooling of Army Medical Department Personnel, 1 copy of Army Health Services (AHS) Form 67a, Enrollment Application for Civilian Schools; 1 copy of individual's Letter of Acceptance from the civilian college or university; 1 copy of Department of the Army (DA) Form 3838, Application for Professional Training; 1 copy of each 'Request for Amendment of Contract for Civilian Schooling of Army Medical Department Personnel'; copies of all correspondence between student personnel and return correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Chapter 401, Section 4301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Civilian Health Education Branch: To request issuance of an Educational Service Agreement (Contract) between the Army and a civilian academic institution for the purpose of sending AMEDD officer and enlisted personnel to long term civilian training under 5 fully funded programs: The Pre-Walter Reed Army Institute of Research (Nonresident Phase), Army Student Nurse Program, Validated Requirements Program; Undergraduate Program, and Medical, Osteopathic, Dental and Veterinary Education for Army Officers Program; to amend aforementioned contracts; to manage the funding of AMEDD officer and enlisted personnel under contract.

Plans and Programs Branch, AMEDDPERSA: The OTSG Form 896 is used to issue fund citations and as a control document.

AMEDD Central Student Detachment: The OTSG Form 896 is a control document for students under the fully funded programs who are eligible for a maximum of

100.00 reimbursement for books and minor expenditures.

Purchasing and Contracting Offices: The OTSG Form 896 and amendments are used as control documents for negotiating an Educational Service Agreement (ESA) with civilian academic institutions and for issuing Department of Defense (DD) Form 1155, Purchase Orders, against the ESA for each military student at the academic institution.

Finance and Accounting Office, Ft Sam Houston: The OTSG Form 896 and amendments are used as a control document for accounting purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of student, by program.

SAFEGUARDS:

Civilian Health Education Branch records are maintained in one of a suite of offices which are locked during non-duty hours. The office is staffed by responsible personnel and only authorized personnel are given access to the records. Security guards are on duty during and after duty hours, to include weekends and holidays. A building pass is required for entry.

RETENTION AND DISPOSAL:

Records are temporary. They are destroyed 2 years after an individual has completed training or has been cancelled or withdrawn from the program.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army Medical Department Personnel Support Agency.

NOTIFICATION PROCEDURE:

Information may be obtained from:
AMEDDPERSA (SGPE-EDC)
Room 7B014
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202/693-5368

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Army Medical Department Personnel Support Agency (SGPE-EDC), Room 7B014, Forrestal Bldg, Washington, DC 20314.

Written requests for information should contain the full name of the individual, social security number, current mailing address and telephone number, current unit of assignment (if on active duty), sponsoring program and calendar years in training.

For personal visits, the individual should be able to provide some acceptable identification; i.e., driver's license, employing office identification card, and give some verbal information that can be verified with his case folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents or appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Individual application for training (DA Form 3838) and the financial requirements of the academic institution.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1013.04aDASG

SYSTEM NAME:

1013.04 Residency, Subspecialty and Fellowship Training

SYSTEM LOCATION:

Graduate Medical Education Branch, Education and Training Division, Army Medical Department Personnel Support Agency (AMEDDPERSA) (SGPE-EDG), Forrestal Building, Washington, DC 20314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All physicians applying in the current year or previous year for US Army sponsored residency, subspecialty or fellowship training in any Federal facility or civilian institution.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains one or more copies of Department of the Army (DA) Form 3838 (Application for Professional Training), letters of recommendation for training, individual's photo, medical school transcripts and any correspondence or other paperwork received or supplied concerning an individual's application for residency, subspecialty or fellowship training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Chapter 401, Section 4301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine eligibility for current and future graduate medical education; to determine level of entry into current and future graduate medical education.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by specialty, by last name of applicant.

SAFEGUARDS:

Graduate Medical Education Branch records maintained in suite of offices staffed by responsible personnel. Offices are locked during non-duty hours. Only authorized personnel who are properly cleared have access. The building employs security guards during non-duty hours, on weekends and holidays, and a building pass is required for entry.

RETENTION AND DISPOSAL:

Records are retained in active file until individual is selected for training or until 1 year after an individual is not selected for training, provided that individual does not reaffirm his interest for application in the next training cycle. Files on individuals selected for training are transferred to Medical Corps Career Assignment Office, Army Medical Department Personnel Support Agency (SGPE-MC), where they are integrated into the selectee's career branch individual file. Files on individuals not selected for training and not reaffirming application are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army Medical Department Personnel Support Agency.

NOTIFICATION PROCEDURE:

Information may be obtained from:
AMEDDPERSA (SGPE-EDG)
Room 7B-014
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202/693-5455

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Army Medical Department Personnel Support Agency (SGPE-EDG), Room 7B-014, Forrestal Building, Washington, DC 20314.

Written request for information should contain the full name of the individual, current mailing address and telephone number, current unit of assignment (if on active duty), specialty or specialties and internship training received in United States training facilities. Visits are limited to AMEDDPERSA (SGPE-EDG), Forrestal Building, Washington, DC 20314.

For personal visits, the individual should be able to provide some acceptable identification; i.e., military identification card or driver's license, and give some verbal information that could be verified with his evaluation reports.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

DA Form 3838, telephone information, interview information, and any written inquiries or general correspondence concerning an individual's application for residency, subspecialty or fellowship training.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1013.05aDASG

SYSTEM NAME:

1013.05 US Army Graduate Medical Education Trainee Card File

SYSTEM LOCATION:

Graduate Medical Education Branch, Education and Training Division, Army Medical Department Personnel Support Agency (SGPE-EDG), Forrestal Building, Washington, DC 20314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All physicians who are receiving, or since 1947 have received, any program of long term graduate medical education under United States (US) Army sponsorship in any Federal facility or civilian institution.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains 3' x 5' index cards with individual's name, rank, social security number and history of US Army sponsored training in Federal training facilities or civilian institutions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Chapter 410, Section 4301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To verify finishing dates for training when an officer requests release from active duty; to verify length of training when this information is not available in an officer's official military personnel file; to verify type of subspecialty training within basic training specialties; to specify names of individuals who approved training at different levels; to provide input for special projects levied on The Surgeon General by various other Army and Federal agencies; to main- tain a count on the total number of individuals completing training since the US Army Graduate Medical Education Program began in 1947; to maintain information on former inquiries and information provided in response to those inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of trainee.

SAFEGUARDS:

Graduate Medical Education Branch records maintained in suite of offices staffed by responsible personnel. Offices are locked during non-duty hours. Only authorized personnel who are properly cleared have access.

RETENTION AND DISPOSAL:

Records are permanent. They will be retained in the active file indefinitely as reference material.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army Medical Department Personnel Support Agency.

NOTIFICATION PROCEDURE:

Information may be obtained from:
AMEDDPERSA (SGPE-EDG)
Room 7B-014
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202/693-5455

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Army Medical Department Personnel Support Agency (SGPE-EDG), Room 7B-014, Forrestal Building, Washington, DC 20314.

Written request for information should contain the full name of the individual, current mailing address and telephone number, current unit of assignment (if on active duty), specialty or specialties and internship training received in US training facilities or under US Army sponsorship in civilian facilities. Visits are limited to AMEDDPERSA (SGPE-EDG), Forrestal Building, Washington, DC 20314.

For personal visits, the individual should be able to provide some acceptable identification; i.e., military identification card or driver's license, and give some verbal information that

could be verified with his evaluation reports.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Department of the Army (DA) Form 3838 (Application for Pro- fessional Training), telephone inquiries, in person inquiries, or written inquiries and general correspondence concerning an individual's graduate medical education.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1014.01DAAG

SYSTEM NAME:

Army Continuing Education System

SYSTEM LOCATION:

Education Centers at Army installations; addresses are in the appendix to the Army's inventory of system notices.

Decentralized segment of the college transcript registry is being developed and will be maintained at a DOD Data Processing Installation (DPI).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, including the Army reserves and National Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting name, rank, social security number (SSN), MOS, and educational level of the individual, to include student transcripts, grade slips, course attendance records, tuition assistance and independent study enrollment applications, records of counseling, academic and diagnostic tests including results of Armed Forces Vocational Aptitude Battery and other tests designed to measure educational levels.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 4302; Pub. L. 96-154, 89-358, and 94-502.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by the Army to (1) determine academic/vocational level of education and provide appropriate counseling and educational instruction to raise soldier's competency to a higher level of job performance, military skills, and career growth; (2) to accrue statistical data and produce related management reports.

Disclosed to the Department of Labor, Bureau of Apprenticeship and Training for individuals enrolled in an Army Apprenticeship Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer printouts in file cabinets; disks and tapes. Computer stored data are erased after managerial reports are compiled and individually identifiable course data and scores are transferred to DA Form 669.

RETRIEVABILITY:

By individual's surname or SSN.

SAFEGUARDS:

Records are protected from unauthorized disclosure by their storage in areas accessible only to authorized personnel within buildings secured by locks. Automation is done in on-line equipment; physical safeguards of the computer site meet security classification requirements up to and including secret; a site risk analysis was performed. Terminals are supported by remote and dedicated lines. Each terminal has a physical key lock; each terminal is identified by its own physical profile containing user ID, user password; passwords are confidential. Software prohibits entry to files by other than authorized personnel. Remote sites have been appraised for physical security.

RETENTION AND DISPOSAL:

Automated data are erased after selected information is captured for managerial reports and course/score data transferred to individual's DA Form 669 which becomes part of the Military Personnel Records Jacket (a permanent document).

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (Education Directorate), Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system of records contains information about them may contact either the System Manager or the installation Education Services Officer/ Counselor.

RECORD ACCESS PROCEDURES:

Individuals may obtain their records by contacting the appropriate Education Services Officer or Counselor by presenting identification such as military ID card, official building pass, or current driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

School transcripts, Education Services Officer/Counselor, the individual, test results, SIDPERS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1015.01aDAAG

SYSTEM NAME:

Dependent Children School Program Files

SYSTEM LOCATION:

Currently enrolled students: Army-operated dependents schools located at Ft. Benning, GA; Ft. Bragg, NC; Ft. Campbell, KY, Ft. Jackson, SC, Ft. Knox, KY; Ft. McClellan, AL; Ft. Rucker, AL; Ft. Stewart, GA; U.S. Military Academy, West Point, NY.

Former students: Washington National Records Center, Washington, DC 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students in the Army-operated dependents schools located at installations identified in 'System location'.

CATEGORIES OF RECORDS IN THE SYSTEM:

School files include: enrollment/ admission/registration/transfer applications; course preferences/ curriculum; health records; attendance registers; academic achievements and report cards reflecting grades/credits earned; aptitude, IQ, and other test results; notes regarding student's special interests, hobbies, activities, sports; counseling documents; high school transcripts and certificates; and related supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 6, Pub. L. 81-874.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are created and maintained by the Department of the Army to record education provided for eligible dependent children of Military and Civilian personnel residing on Army

bases identified under 'System location' pursuant to Pub. L. 81-874.

Records may be disclosed to Department of Education in Connection with Federal funding for public education.

Information from the system may be disclosed to Federal and State educational agencies in connection with student's application for financial aid.

Records may be disclosed to student's parents/legal guardians when Army officials determine bona fide need therefor and disclosure is not otherwise precluded by the Family Educational Rights and Privacy Act of 1974 (The Buckley Amendment), 20 U.S.C. 1232g.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

By school, school year, and student surname.

SAFEGUARDS:

Records are accessible only to authorized personnel having need for the information in the performance of their official duties.

RETENTION AND DISPOSAL:

Academic records for elementary school students are destroyed at the school attended after 5 years; those for secondary school students are destroyed after 65 years by the Washington National Records Center where such records are retired 5 years following student's graduation/withdrawal.

Individual student health records and tests/achievements documents are retained at the local school 1 year for elementary students; 2 years for secondary students, after which they are destroyed.

Teacher class registers of attendance and scholastic marks and averages are retained at the local school for 5 years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, (Attn: Director of Education) Hoffman Building 1, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Individuals who wish to know whether or not this system contains information concerning them may write to the principal of the school attended or, if the records have been retired to the Washington National Records Center, to the Adjutant General, Headquarters, Department of the Army (DAAG-AMR-S), Hoffman Building 1, Alexandria, VA 22331. Individuals must furnish name, name at the time of school attendance if different, date of birth, identity and location of school attended, dates of attendance; and signature.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records must submit a written request either to the principal of the school attended or to the Adjutant General, ATTN: DAAG-AMR-S if records have been retired to the Washington National Records Center. Information required under 'Notification procedure' above must be furnished. Personal visits may be made if the school still retains the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information in this system is provided by the individual on whom record is maintained; school teachers, principal, counselors; medical personnel; parents/guardians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1015.06DAAG

SYSTEM NAME:

School Employee File

SYSTEM LOCATION:

During employment and for 30 days thereafter individual employee files are maintained at the Army-operated dependents schools in the United States (US) located at Ft Benning, GA; Ft Bragg, NC; Ft Campbell, KY; Ft Jackson, SC; Ft Knox, KY; Ft McClellan, AL; Ft Rucker, AL; Ft Stewart, GA; and at the US Military Academy, West Point, NY. Individual records are retired to the National Personnel Records Center 30 days after termination of employment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Army-operated dependents schools located at installations cited above. This includes individual records of teaching, administrative, and support personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents pertain to dependent school civilian employees at locations cited above. Included are copies of employment applications, personnel action forms, copies of contracts or excerpts therefrom which describe the services to be performed, the time periods involved, the amount of pay, location of employment, appointment affidavits, statements of service, group life and accident insurance election, survivor benefit elections, change of name request, educational transcripts, position assignment notices, promotion/reduction recommendations with approvals/declinations, supervisor evaluations, annual, sick and/or teacher leave records, miscellaneous correspondence, documents, and records concerning dependents, military and other Federal service including service in other Federally funded dependents schools, letters of recommendations, commendations, reprimands, counseling sessions, and conference records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub1ic Law 8l-874, Section 6.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Documents are used to maintain, collect, and use information with respect to the administration of the individual's Federal service; to document actions which are attributable to the individual's Federal employment and status; to administer pay and other employment policies and regulations as required by Public Law 81-874, the United States Commissioner of Education, and/or respective State Departments of Education. Use is also made of these files by authorized representatives of the Secretary of the Department of Health, Education and Welfare to verify that pay and employment practices in the Army-operated dependents schools are comparable to those of the school districts in the State used for comparability purposes; verification, for salary and retirement purposes of Federal employment for personnel subsequently employed by public, Federal, or private school systems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Records are maintained in files accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are permanent. They are retained at the dependents schools located at installations cited above until 30 days after termination of service and subsequently retired to the National Personnel Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, The Pentagon, Washington DC, 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the Superintendent of Schools at the installations listed above. If inquiry is made 30 days after termination of employment, should be made to the National Personnel Records Center. Written requests should contain the following information: current name, and if different, the name used during the period of Federal employment at the school concerned, date of birth, names of schools, locations, and dates of employment.

RECORD ACCESS PROCEDURES:

Written requests for information concerning individual records or for instructions concerning personal visits may be forwarded to the superintendent of the dependent school concerned or, if made 30 days after termination of employment, to the National Personnel Records Center (civilian), 111 Winnebago St., St. Louis, MO 63118. Written requests should contain the following information: current name and, if different, the name used during the period of Federal employment at the school concerned, date of birth, names of schools, locations, and dates of employment.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial initial by the individual concerned are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Application and related forms from the individual requesting access, notification of personal security clearance from the Defense Investigative Service, appointment affidavits, copies of contracts or excerpts therefrom, personnel action forms, survivor benefit forms, education transcripts, position assignment notices, promotion/reduction recommendations with approvals/declinations, annual, sick, and/or teacher leave records, miscellaneous correspondence, documents, and records concerning prior Federal and non-Federal service provided by the employee or other Federal or non-Federal agencies or offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1019.03FORSCOM

SYSTEM NAME:

1019.03 US Army Marksmanship Unit Data System (AMUDS)

SYSTEM LOCATION:

Primary System: Office Deputy Chief of Staff for Operations (ODCSOPS-TAT), Headquarters, United States Army Forces Command (FORSCOM), Ft. McPherson, GA 30330.

Decentralized Segments: Headquarters, United States (US) Army Marksmanship Unit, Ft. Benning, GA 31905 and US Army Marksmanship Training Units at the following locations: Ft. Meade, MD 20755; Ft. Riley, KS 66442; and Ft. Ord, CA 93941.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All US Army active duty personnel who compete in FORSCOM regional or US Army Shooting Championships, Interservice Shooting Championships or National Rifle Association (NRA) National Shooting Championships.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, social security number (SSN), information concerning shooting classifications, levels of participation in competition, scores fired in such competitions, primary military occupational specialty (PMOS), estimated termination of service (ETS), date of estimated return from overseas (DEROS) or date of return from overseas (DROS), last unit address, phone numbers, and assignment preferences.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012; US Army Forces Command (FORSCOM)/US Army Training and Doctrine Command (TRADOC) Supplement 1 to Army Regulation (AR) 350-6, 'Army-wide Small Arms Competitive Marksmanship.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To monitor the competition status of marksmanship qualified personnel throughout the Army and coordinate the assignment of qualified officers and noncommissioned officers to FORSCOM Marksmanship Units.

To facilitate ranking by demonstrated competitive shooting ability, locating (if not competing in all Army Championships), and attachment, if appropriate, to the US Army Marksmanship Unit for support of the National Trophy Group in the National Matches or for support in the US Army efforts to place individuals on US International Teams.

To assist installation commanders in identifying qualified personnel within their commands to conduct marksmanship programs.

To verify competitive marksmanship qualifications of any individual for Army Marksmanship Unit managers on whose area of responsibility that individual's qualification would have an impact.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer magnetic tapes and disks at ODCSOPS-TAT.

Paper records in file folders may be filed at any of the locations participating in the system.

RETRIEVABILITY:

Alphabetically by last name of individual and by SSN.

SAFEGUARDS:

At ODCSOPS-TAT, Headquarters, FORSCOM, the computer software is secured in a combination locked area restricted to authorized personnel. Access is limited to personnel actually involved in daily computer operations. Visitors are registered and escorted while in the area. Paper records maintained elsewhere are maintained in locked file cabinets accessible only to US Army Marksmanship Unit coaches and managers of FORSCOM Markmanship Unit teams. Buildings are locked during non-duty hours with a charge of quarters in attendance.

RETENTION AND DISPOSAL:

ODCSOPS-TAT, Headquarters, FORSCOM: Paper records containing the individual data and competitive marksmanship results are destroyed upon transposition of information to computer tapes and disks. Information pertaining to an individual is automatically purged from the computer file 4 years after the last competition

entry. Identifying and locating information is updated annually.

US Army Marksmanship Units: Computer printouts are destroyed upon receipt of updated ones.

(This retention period is subject to approval by the National Archives and Records Service.)

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations (ODCSOPS-TAT), Headquarters, US Army Forces Command, Ft. McPherson, GA 30330; Commander, US Army Marksmanship Unit, Ft. Benning, GA 31905.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander
US Army Forces Command
ATTN: AFOP-TAT
Ft. McPherson, GA 30330
Telephone: Area Code 404/752-3908

or

Commander
US Army Marksmanship Unit
ATTN: S-3
Ft. Benning, GA 31905
Telephone: Area Code 404/545-7174

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, FORSCOM, ATTN: AFOP-TAT, Ft. McPherson, GA 30330 or to: Commander, US Army Marksmanship Unit, ATTN: S-3, Ft. Benning, GA 31905.

Written requests for information should contain the full name and SSN of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification; e.g., Armed Forces Identification Card, driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Locally designed forms completed by individuals on whom data is recorded and official match bulletins.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1101.07aDAMO

SYSTEM NAME:

1101.07 Telephone Directories

SYSTEM LOCATION:

Maintained by any distinct, independent Army telephone system at organizations listed in the Department of Defense Directory in the Appendix to the Department of the Army system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel and civilian employees and in some instances their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listing contains individual's name, home address and telephone number, duty address and telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide users and operators with telephone numbers for each assigned military or civilian employee.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Books or booklets.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

When the individual has given prior consent for release, data such as quarters telephone numbers are available to the general public.

When consent is not given the information is not listed.

RETENTION AND DISPOSAL:

Individual telephone directories are periodically updated and old editions destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanders/supervisor of organization maintaining telephone directory.

NOTIFICATION PROCEDURE:

Information may be obtained by inspection of publicly available telephone directories. Information may also be obtained from telephone operators and the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Available to the public.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1101.08aUSACC

SYSTEM NAME:

1101.08 Operation of Private Radio Station/Citizen Band Radio

SYSTEM LOCATION:

Office of the Director of Telecommunications, Continental United States (US) and Oversea Commander, State Adjutant General, Army Reserve Center and Reserve Officers Training Corps (ROTC) Instructor Groups.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel maintaining and operating a private radio station and/or citizen band radio on a military installation or other real estate under the direct control of the Department of the Army. This includes US Army Reserve Centers, ROTC Instructor Groups and National Guard Armories.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name of individual, type of equipment, location, telephone number, Federal Communications Commission (FCC) call sign, frequencies, and type of operation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 652 48 Statute 1064.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to insure that frequencies in use are properly allocated to users; to determine if radio frequencies in use will interfere with any other frequency devices in the area. May also be used in emergencies to determine if the equipment may be used for emergency communications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By authorization number and/or name.

SAFEGUARDS:

Files are maintained in building with access by authorized personnel only.

RETENTION AND DISPOSAL:

Files are destroyed on notification that operation of a private radio station and/or citizen band radio has been discontinued.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding General, US Army Communications Command, Ft Huachuca, AZ 85613.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director of Telecommunications, Active Army installations or oversea commander for Department of the Army personnel, State Adjutant General for National Guard personnel, Commander of the Reserve Training Center or Professor of Military Science (PMS) of ROTC unit for personnel assigned.

RECORD ACCESS PROCEDURES:

Requests for information should be addressed to the individual under Notification, giving name and authorization number.

Personal visits to office maintaining records require identification.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Local form completed by individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1106.04USACC

SYSTEM NAME:

1106.04 MARS Member Files

SYSTEM LOCATION:

Primary System: Chief, Army Military Affiliate Radio System (MARS), Operations Division, Deputy Chief of Staff Operations, Headquarters (HQ), United States (US) Army Communications Command (USACC), Ft Huachuca, AZ 85613.

Decentralized Segments: 5th Signal Command, HQ USACC-Continental United States (CONUS) CONUS area MARS Directors, 8th US Army and subordinate elements of 8th Signal Command.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military or civilian Federal Communications Commission licensed amateur radio operator whose application for Army MARS membership has been approved.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains Army MARS individual's name, Federal Communications Commission call sign, Army MARS call sign, expiration of FCC Amateur operator's license, home address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For issuance of Army MARS Station licenses, mailing of Technical Directives and Quarterly Army MARS Bulletin.

Area and command MARS directors utilize their files to control Army MARS membership, mailing of information and periodicals to Army MARS members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3'x5' cards.

RETRIEVABILITY:

Filed alphabetically by last name by state.

SAFEGUARDS:

Building employs security guards. Cards are maintained only by authorized personnel.

RETENTION AND DISPOSAL:

Cards are destroyed when individual leaves Army MARS Program.

Area and command MARS Directors maintain a file folder on all active Army MARS members. When a member leaves the Army MARS Program the file is placed in an inactive file. Destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Communications Command, Ft Huachuca, Arizona 85613.

Each area and command MARS directors.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commander, HQ USACC, ATTN: CC-OPS-OM, Ft Huachuca, AZ 85613.
Commander, HQ USACC-CONUS, ATTN: CCN-PO-MARS, Ft Ritchie, MD 21719.
Commander, HQ 5th Sig Comd, ATTN: CCE-OPS, APO NY 09056.
USA Communications Command Agency, Eastern Area MARS Director, ATTN: CCNA-MDE, Ft Meade, MD 20755.
USA Communications Command Agency, Southeastern Area MARS Director, ATTN: CCNA-MCP-AMD, Ft McPherson, GA 30330.
US Army Communications Command Agency, Central Area MARS Director, ATTN: CCNA-SHN-AX, Ft Sam Houston, TX 78234.
US Army Communications Command Agency, Western Area MARS Director, ATTN: CCNA-PSF, Presidio of San Francisco, CA 94129.
Commander, 8th Army, ATTN: SJOF, APO San Francisco 96301.

RECORD ACCESS PROCEDURES:

Written requests with name and call sign for information should be addressed to the offices in preceding paragraph.

Personal visits to offices maintaining information records require identification.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information in files in provided by individual Army MARS members.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1107.17DAMO

SYSTEM NAME:

1107.17 Photographer Identification Files

SYSTEM LOCATION:

Army commands and installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who applies for access to unclassified files.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain photographer's identification, permit number, and related documents used to record the issue.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain control of personnel authorized to photograph activities at military installations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by permit number and individual's name.

SAFEGUARDS:

Local installation security system. Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Destroy on expiration or transfer of individual concerned.

SYSTEM MANAGER(S) AND ADDRESS:

Commander of installation or organization issuing photographers permits.

NOTIFICATION PROCEDURE:

Information may be obtained from the installation or organization issuing photographic permits.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the commander of the installation or organization where the photographer's permit was issued.

CONTESTING RECORD PROCEDURES:

The rules for contesting contents and appealing initial determinations may be obtained from the commanders of major commands responsible for subordinate commands where the photographer's permit was issued.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual requesting access for unclassified information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1108.18DAAG

SYSTEM NAME:

Postal and Mail Service System

SYSTEM LOCATION:

Postal facilities at Army headquarters offices, commands, and installations. Addresses are contained in the appendix to the Army's listing of system notices (44 FR 74011, December 17, 1979).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons designated as mail agents; military personnel assigned/attached to Army installations who desire mail handling service; standing delivery order agents designated by individuals who desire such service.

CATEGORIES OF RECORDS IN THE SYSTEM:

DD Form 285 designating Army postal clerks/NCO's/supervisors; locator cards comprising a directory of individuals assigned enroute, and/or departing given installation showing individual's full name, grade, current mailing address, date of assignment/detachment, and Social Security Account Number (latter is voluntary); standing delivery order designations of agents to handle individual's mail.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to identify persons authorized to perform Army postal functions; to maintain current addresses of persons arriving/departing units for purpose of handling personal mail.

Information may be disclosed to US Postal Service.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, paper records; microfiche, word processing disk.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are located in secured buildings, accessible only to designated persons having an official need for the information. Where word processing equipment is used, information is protected by a password system; when not in use word processing equipment is locked.

RETENTION AND DISPOSAL:

Postal personnel designations and designation of mail delivery agents by individuals are destroyed 3 years following termination of individual's duty as such. Directory locator cards are retained for 1 year after individual departs a unit.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, (ATTN: DAAG-MAO), Hoffman Building 1, 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this sytem of records contains information concerning them should inquire of the Postal Director at the unit where assigned or employed.

RECORD ACCESS PROCEDURES:

Written requests should contain individual's full name, rank/grade, Social Security Account Number, and any other information that will assist in locating records. Personal visits may be made; individual must furnish proof of identity.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, unit commanders and Army postal officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1111.01aDAPC

SYSTEM NAME:

1111.01 Individual Flight Record File

SYSTEM LOCATION:

Primary System: United States Army Military Personnel Center (DARC-OPA-J), 200 Stovall Street, Alexandria, VA 22332.

Decentralized Seqments: Each command/organization/element of the United States Army in which an aviator pilot, aircraft observer, technical observer, flight engineer, crew chief, aircraft mechanic, flight surgeon, flight medical attendant, aerial photographer, gunner, student pilot, co-pilot, or instructor pilot is assigned.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

US Army personnel in aviation service, who are prohibited by statute from participating in aerial flight; foreign students; flight crews; observers; technicians; flight medical personnel; photographers; gunners; mechanics; National Guard aviators; US Army Reserve Aviators; student pilots; other personnel authorized to take part in aerial flights and for whom the Army has responsibility for certifying and keeping flight record files.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains flight record and certificates, DA Forms 759 and 759-1; medical clearance for flying; physical examination; documentation of medical suspension/restrictions/waivers; orders relating to flying status, aeronautical designation, instructor, instructor standardization, suspension nonmedical records, forms, papers relating to the issue; renewal/invalidation of instrument qualification; documents relating to orientation, qualification, and proficiency to include annual examination results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Department of the Army to document qualifications, aviation service, medical condition of aviators, aircraft accidents, flight violations, aviation training, examination results, improvement of subsequent examinations; to provide recommendations for appropriate changes in US Army aviation training; to support courts-martial actions, claims against the government, or accident investigation reports.

Disclosed to Federal Aviation Agency to maintain file of violations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder; on microfilm, microfiche, magnetic tape, and aperture cards.

RETRIEVABILITY:

Records accessed by name, social security number (SSN), and/or branch of service.

SAFEGUARDS:

Records maintained in areas accessible only to authorized flight operations personnel who are cleared, screened and trained.

RETENTION AND DISPOSAL:

Documents relating to flight examinations will be destroyed after 2 years. Documents relating to flight regulation violations will be destroyed 1 year after the case is closed. All other documentation will be forwarded with individual personnel records to gaining installation or when individual is retired, discharged, resigned, inactive, deceased or suspended (for longer than 6 months), records will be forwarded to Commander, US Army Reserve Components Personnel and Administration Center (RCPAC), 9700 Page Boulevard, St Louis, MO 63132.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Individual's command/organization/element of the United States Army for all active Army, National Guard, and Army Reserve flying status personnel.

US Army Reserve Components Personnel and Administration Center, 9700 Page Blvd, St Louis, MO 63112 for all separated, retired, deceased flying status personnel.

RECORD ACCESS PROCEDURES:

Individuals may submit written requests for information to either the SYSMANAGER or appropriate decentralized record custodian and should contain full name, SSN, grade, branch of service, and current address.

For personal visits, persons should be able to provide acceptable official military/civilian identification.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Training and qualification records initiated by the individual or training agency. Certificates/documents/records/papers/forms originated by commands/organizations/Army elements relating to aviation activities. Examinations/statements/records/reports initiated by medical examining facilities; Instrument Flight Examiners; and investigative reports of alleged flight violations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1111.16aUSACC

SYSTEM NAME:

1111.16 Controller Training and Proficiency Record Files.

SYSTEM LOCATION:

Army Air Traffic Control Facilities at Fixed Army Airfields and in other Army Aviation Units having assigned air traffic control personnel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A member of the military or a civilian employee who is qualified in air traffic control specialties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Department of the Army (DA) Form 3479-R (Air Traffic Control Training and Proficiency Record) and correspondence related to training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Aviation Act of 1958, Title 49 U.S.C., Section 313 USC 1354(a), and Sec 601 (Stat 72-77) USC 1421.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a record of certification ratings, training received, physical fitness examinations, test results and performance. Also used to determine proficiency to perform air traffic control duties.

Record is available to supervisors, Federal Aviation Authority and military examiners to rate the controller for duty.

Record is available to investigators of aircraft accidents and flight violations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in a file folder.

RETRIEVABILITY:

Filed alphabetically by last name of controller.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Record is maintained as long as controller is on active duty.

Record is destroyed upon death or given to the controller upon termination of active service.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States (US) Army Communications Command, Ft Huachuca, AZ 85613.

Commander, Air Traffic Control Activity, Ft Huachuca, AZ 85613.

Air Traffic Control Facility chief having custody of the record.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests from individuals may be made in person to the custodian of the record or by written request to the SYSMANAGER stating name, military or civilian status, social security number (SSN) and address.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Headquarters, US Army Communications Command, Ft Huachuca, AZ 85613.

RECORD SOURCE CATEGORIES:

Grades, ratings and certifications obtained through training and DA Forms 3479-1-R, 3479-2-R, and 3479-3-R.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1201.02MTMC

SYSTEM NAME:

Personal Property Movement and Storage

SYSTEM LOCATION:

Installation Transportation Offices and Joint Personal Property Shipping Offices, world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members of the Army, Navy, Marine Corps and Air Force; civilian employees; dependents; personnel of other government agencies when sponsored by Department of Defense (DOD).

CATEGORIES OF RECORDS IN THE SYSTEM:

Orders authorizing shipment/storage of personal property to include privately owned vehicles (POV) and house trailers/mobile homes; Department of Defense (DD) Form 1131 (Cash Collection Voucher), DD Form 1299 (Application for Shipment and/or Storage of Personal Property), DD Form 1384 (Transportation Control and Movement Document), DD Form 1797 (Personal Property Counseling Checklist), Standard Form 1103 (Government Bill of Lading), Storage contracts, and other related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DOD: To arrange for the movement, storage and handling of personal property; to identify/trace lost or damaged shipments; to answer inquiries and monitor effectiveness of personal property traffic management functions.

Commercial carriers: To identify ownership, verify delivery of shipment, support billing for services rendered and justify claims for loss, damage, or theft.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, microfilm, magnetic tapes, and computer printouts.

RETRIEVABILITY:

Last name of individual.

SAFEGUARDS:

Information is maintained in secured areas, accessible only to authorized personnel having an official need-to-know. Automated segments are further protected by code numbers/passwords.

RETENTION AND DISPOSAL:

Documents relating to packing, shipping and/or storing of household goods within continental United States destroyed after 3 years; those relating to oversea areas destroyed after 6 years. Documents regarding shipment of POV/house trailers destroyed after 2 years. Shipment discrepancy reports destroyed after 2 years or when claim/investigation is settled, whichever is later. Administrative files reflecting queries and responses are retained for 2 years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters, Military Traffic Management Command, Washington, DC 20315.

NOTIFICATION PROCEDURE:

Information may be obtained from the Installation Transportation Office which processed the shipping/storage documents.

RECORD ACCESS PROCEDURES:

Written requests should contain requester's full name, social security number, current address/telephone number and any information which will be of assistance in locating the records requested (e.g., type of shipment, origin, destination, date of application, etc.).

Personal visits may be made to the Installation Transportation Office from which or to which personal property was shipped/stored. Individual must provide personal identification such as a valid driver's license or military/civilian identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Provided by the individual whose personal property is shipped/stored; by the carrier/storage facility.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1201.07aUSAREUR

SYSTEM NAME:

1201.07 Passenger Reservation Reference Paper Files

SYSTEM LOCATION:

Data systems tapes are maintained in V Corps, Army Post Office (APO) NY 09757, (Creighton Abrams Complex) Frankfurt, Germany. Printouts are stored at Passenger Management Division (PMD), Camp King, Oberursel, Germany; Headquarters, 4th Transportation Brigade, APO New York 09451. Those portions of the printouts pertaining to individuals eliminated upon Chapter 10, Army Regulation (AR) 600-200 (Separation for the good of the service) and Chapter 13, AR 600-200 (Separation for unfitness or unsuitability) are forwarded to the United States (US) Army Military Personnel Center, Europe, APO NY 09081. Those portions of the printouts pertaining to port call requests and confirmation are forwarded to US Army, Europe (USAREUR) & 7th Army subordinate organizations/activities to include the Regional Personnel Centers. Official mailing addresses are derivable from the Appendix in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member of the Armed Forces, Department of the Army Civilian (DAC), contract civilian and dependent authorized use of government flight facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the following items of information: Name, Grade/Title, Seats Required, Special Passenger Category (A-Military member on permanent change station (PCS) accompanied by dependents. Civilians or dependents, or both, not otherwise described (does not apply to unaccompanied PCS personnel). D-Civilian paying cash in place of using a customer identification code (CIC) or for whom special credit

billing procedure must be applied, E-Military paying cash in place of using a CIC or for whom special credit billing procedures must be applied, F-Combination of passengers in codes D and E, H- Foreign national, J-School teachers, K-Key school officials, M-Retirees, N-Separatees, P-Prisoners, R-Prisoner escorts, S-Board actions). Children Under 12 Years Old (as of date of movement), Excess Baggage, Origin of Aerial Post of Embarkation, Destination Aerial Port of Debarkation, Transporatation Passenger Movement Priority, Type Travel, Sponsor Service, Movement Month, Availability Date, Availability Data Code Mandatory Departure Date, Final Destination, Mode of Travel (Continental United States), Unit Identification Code, Mail Code, Social Security/Passport Number, Type Transaction.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301, Departmental Regulations; Title 10 U.S.C., Section 3012, Secretary of the Army, powers and duties, delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Other USAREUR organizations to include Regional Personnel Centers (RCPs): To notify individuals of flight information. Receives daily notification rosters which list individuals with their associated flight data.

Passenger Movement Division (PMD), 4th Transportation Brigade: To schedule flights for all Army and Department of the Army civilian (DAC) personnel departing USAREUR. Statistical data generated is used to improve efficiency of passenger movements. Collects all source data from RCP's, submits it for introduction into the system, then destroys all source documents after verification of submission.

United States Army Military Personnel Center, Europe (MIPERCENEUR): To monitor and enforce USAREUR Regulation 55-6, which prescribes minimum/maximum time frames allowable for movement for such individuals.

Other components within Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is kept in data systems tapes for a period of 6 months after individual has departed and then automatically purged from system. Computer printouts are maintained at PMD for a period of 6 months in filing cabinets and then destroyed. Those portions of the printouts forwarded to MILPERCENEUR and the RCP's are stored in filing cabinets for a period of 1 year and then destroyed.

RETRIEVABILITY:

Individual record can be retrieved by name, rank, and social security number (SSN).

SAFEGUARDS:

Systems tapes are maintained in a classified computer processing site; access is controlled by physical barriers with only authorized personnel being allowed entry. Area is manned 24 hours a day. All printouts are maintained in file cabinets with areas secured after duty hours.

RETENTION AND DISPOSAL:

Information retained in data systems 6 months after individual has departed and then automatically purged from system. Computer printouts at PMD are kept for a period of 6 months and then destroyed. Computer printouts at RPC's and MILPERCENEUR are kept for a period of 1 year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Passenger Movement Division, 4th Transportation Brigade APO NY 09451.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the SYSMANAGER.

Written requests should contain full name, rank, flight (if possible), and date departed. Voluntary submission of SSN is requested to aid in file search.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determination may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information gathered from official military personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1201.08aTRADOC

SYSTEM NAME:

1201.08 Marine Personnel Qualifications/Record of Service Files.

SYSTEM LOCATION:

Office of the Marine Qualification Board, Transportation Education and Military Arts Department, United States (US) Army Trans- portation School, Ft Eustis, VA 23604.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and former Army and US Army Reserve marine operations, maintenance, and supply (commissioned officers, warrant officers, enlisted men, and civilian) personnel whose actual or intended assignment is/was aboard Army watercraft (any type of self-propelled and non self-propelled waterboard craft used or capable of being used as a means of transportation on water and for which the Army has operational and/or maintenance responsibility; the terms watercraft, ship, vessel, harbor craft, and boat are used interchangeably), or in related marine activities. They may be licensed, certified, or non-certified military occupational specialty (MOS) personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain copies of the DA Form 3068-1 (Marine Service Record), individual requests for examination, character and suitability statements, recommendations to commanding officers, physical qualification statements, experience qualifications and evaluations, and individual requests and replies regarding professional requirements for marine licensing, upgrading, and renewing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The individual personnel record is maintained to keep a complete, up-to-date file of previous marine service, including military and civilian, which is kept current by the Marine Qualification Office (MQO) posting subsequent changes (renewals, upgrades, expirations, etc.) and is a permanent source of information used to document actions of the Marine Qualification Board when awarding licenses based on completion of an appropriate examination, sea service, and on-the-job training. The information may duplicate that contained in the Military Personnel Records Jacket (MPRJ) but contains other documents not suitable for filing in the MPRJ. The record is also used as the basis for awarding Special Qualification Identifiers to certain personnel who by order are appointed as Marine

Qualification Field Examiners. Used to compile lists of results of marine qualification examinations which are forwarded to Headquarters, Department of the Army (HQDA) (DAPC-OPD-TC) or HQDA (DAPC-EPC-XE) after each Marine Qualification Board meeting. May be used to verify qualifications of marine personnel in the event of loss or destruction of other records and for inquiries from administrative personnel at any Department of Defense installation where marine units are active.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building is locked and has normal building security during non-duty hours. Records are maintained in area used only by authorized personnel who are properly trained and cleared.

RETENTION AND DISPOSAL:

Records are permanent. Files of discharged, retired, deceased, or eliminated personnel are cut off and placed in an inactive file which is held for 2 years from cut off in the Marine Qualification Office, transferred to the installation Records Holding Area to be held 1 year, and then retired to the Washington National Records Center where records are stored permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Training and Doctrine Command, Ft Monroe, VA 23651.

NOTIFICATION PROCEDURE:

Requests should not be addressed to SYSMANAGER but to the Marine Qualification Board, Transportation Education and Military Arts Department (TEMAD), US Army Transportation School (USATSCH), Ft Eustis, VA 23604.

RECORD ACCESS PROCEDURES:

Written requests for information should be addressed to the Marine Qualification Board, TEMAD, USATSCH, Ft Eustis, VA 23604. Requests should contain full name, rank, and social security number/military service number of the individual.

For personal visits, the individual should be able to provide some acceptable identification; i.e., military identification card, or driver's license with a photograph.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Other military and civilian personnel records and reports, personal records, civilian maritime records, other service records, and personal statements verified by commanders and physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1205.16DAPC

SYSTEM NAME:

1205.16 Passport and Visa Files

SYSTEM LOCATION:

United States (US) Army Service Center for the Armed Forces (USASCAF), ATTN: ANRDP-P, Washington, DC 20310; Installation passport offices, usually located in the installation transportation division, or activity passport agents.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOD military and civilian personnel and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copy of Form DSP-11 (Passport Application), DD Form 1056 (Authorization to Apply for a 'No-Fee' Passport and/or Request for Visa), evidence of US citizenship, passports, photographs, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the State Department and appropriate foreign embassy, as required.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file, paper records in file folders.

RETRIEVABILITY:

Alphabetically, by individual's surname.

SAFEGUARDS:

Only authorized persons have access to file areas. Official passports are stored in a secure area or container at installation when not in use for official travel.

RETENTION AND DISPOSAL:

DD Form 1056 and DSP Form 11 are retained for 1 year after which they are destroyed; other documents are destroyed after 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the office that processed the request for passport/visa.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, official orders, and personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1205.17aDALO

SYSTEM NAME:

1205.17 Passenger Warrant Files

SYSTEM LOCATION:

United States Army, Europe (USAREUR), AEAGD-T, Army Post Office (APO) New York 09403.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel traveling in the oversea area on official business of the Department of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of used and canceled warrants, transportation certificates, travel orders, similar documents serving the same purposes, registers and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Passenger warrants are used by USAREUR installation transportation

officers to purchase transportation from commercial carriers for official travel in Europe.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Destroy after 3 years, except that files involved in an incomplete investigation will be retained until completion of the investigation.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the installation transportation office which issued the passenger warrant.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Commander in Chief, United States Army Europe, ATTN: AEAGD-T, APO New York 09403.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual passenger and pertinent travel orders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1205.26aDALO

SYSTEM NAME:

1205.26 Local Transportation Authorization Files

SYSTEM LOCATION:

Army transportation offices charged with responsibility for approving the use of available local transportation that may be used advantageously in the transaction of official business. Official mailing addresses are in the Department of Defense Directory (DOD) in the Appendix to the Department of the Army (DA) system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel required to use official transportation in the conduct of official Government business within and around their designated duty stations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents pertaining to the issuance of local ferry tickets, commercial bus tokens, and toll bridge tickets for official travel of Government personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of records is to retain evidence that an individual was issued tokens and/or tickets. Users would be all personnel in the transportation office tasked to provide information concerning issuance of tickets/tokens to a specific individual. The use of such information could be for tracer action and to preclude unauthorized reimbursement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information will be retrieved by name or social security number (SSN), through use of conventional indices.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Destroy after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information can be obtained from the Transportation Officer responsible for the records.

RECORD ACCESS PROCEDURES:

Direct requests to SYSMANAGER; address is provided in the DOD Directory in the Appendix to the DA system notices.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Information is obtained from individuals issued tickets/tokens for official travel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1205.27aDALO

SYSTEM NAME:

1205.27a Bus Pass File

SYSTEM LOCATION:

Army transportation offices worldwide involved in movement of passengers by military or commericial contract bus.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel using bus transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the issuance of permanent and temporary passes to individuals for use of military and commercial contract bus.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of records is to retain evidence that an individual was issued a bus pass and would allow transportation officer to be able to identify quantity of bus passes issued and remaining outstanding. Users would be all personnel in the transportation office tasked to provide information concerning valid bus passes. The use of such information could be for tracer action and/or to verify individuals who possess valid bus passes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information will be retrieved by name and/or Social Security Number (SSN), through use of conventional indices.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Destroy on turn-in or replacement of pass.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information can be obtained from the Transportation Officer responsible for the records.

RECORD ACCESS PROCEDURES:

Direct requests to SYSMANAGER; address is provided in the Department of Defense Directory in the appendix to the Department of the Army system notices.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Information is obtained from individuals using military or commercial contract bus transportation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1205.30aDAAG

SYSTEM NAME:

Individual Travel Files

SYSTEM LOCATION:

Travel offices at installations, major commands, and Army Staff Agencies. Addresses are listed in the Appendix to the Army's Inventory of System Notices (44 FR 73702), December 17, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army military (active and reserve) and civilian personnel, US Government personnel assigned to Army and other military installations, their dependents and bona fide members of individual's household, and US personnel traveling under Army sponsorship, including contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents pertaining to travel of persons on official Government business, and/or their dependents, including but not limited to travel assignment orders, authorized leave enroute, availability of quarters and/or shipment of household goods and personal effects, application for passport/visas, the passport on completion of authorized travel, security clearance and relevant messages and correspondence. Records may also include clearances for official travel to or within certain foreign countries which may require military theater/area and/or Department of State authorization pursuant to DOD Directive 5000.7, AR 1-40, or other established military requirement applying in oversea commands for personal unofficial travel in certain foreign countries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 704 and 3012; Status of Forces Agreement or other similar international agreements binding on military forces.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to process official travel requests (and personal travel to restricted areas if in oversea commands) for military and civilian personnel; to determine eligibility of individual's dependents to travel; to obtain necessary clearances where foreign travel is involved, including assisting individual in applying for passports and visas and counseling where proposed travel involves visiting/transiting communist countries. Information may be disclosed to attache' or law enforcement authorities of foreign countries; to US Department of Justice or Department of Defense legal/intelligence/investigative agencies for security, investigative, intelligence, and/or counterintelligence operations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons who are properly screened, cleared, and trained. Buildings in which records are housed are either located on controlled access post or otherwise secured when offices are closed.

RETENTION AND DISPOSAL:

Records are retained for 2 years after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the Administrative or Personal Services Office of the installation/major command at which travel request/clearance was initiated.

RECORD ACCESS PROCEDURES:

Individuals may submit written requests for information in this system to the appropriate decentralized record custodian, furnishing full name, grade/rank, signature, and details of travel authorization/clearance documents being accessed. Custodian of records may require notarized statement of identity.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual requesting travel authorization/clearance and from existing records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1207.08aDAPE

SYSTEM NAME:

1207.08 Operator's Examination and Qualification Record Files.

SYSTEM LOCATION:

Decentralized: Unit level files or installation Personnel Divisions. Filed in the individual's 201 file.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each individual examined for an Army motor vehicle/equipment operator's permit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning who, what, when, where, and how individuals became qualified to operate Army vehicles/equipment and an historical record of their vehicle/equipment operating activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 91-596, Section 19, Occupational Safety and Health Act of 1970, and Section 2, Executive Order 11807, Occupational Safety and Health Program for Federal Employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for reviewing individual's qualifications as related to motor vehicle/ equipment operations and for scheduling of individuals in training courses as an ongoing program to expand operator capabilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings are kept locked, and records are maintained in areas accessible only to authorized personnel that are properly screened and trained.

RETENTION AND DISPOSAL:

Operator qualification record: Permanent. Transferred with Military Personnel Records Jacket or Civilian Personnel Folder, as applicable.

Tests and examinations: Destroyed after recording on applicable qualification records.

SYSTEM MANAGER(S) AND ADDRESS:

Army Director of Safety, Headquarters, Department of the Army, Office of the Deputy Chief of Staff for Personnel, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters, Department of the Army
(DAPE-HRS)
Room 1E-686
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/697-6180

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Headquarters, Department of the Army (DAPE-HRS), Washington, DC 20310.

Written requests for information should include name, social security number, and duty element of the individual at the time the system file was initiated.

Personal visits should be limited to the personnel office at the last duty assignment whenever possible and the individual should be able to provide some acceptable identification: i.e., driver's license or employing office identification card at the time of the visit.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Army's testing organizations, provost marshal offices at Army installations, and Army motor vehicle driver examiners through written correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1207.08bUSAREUR

SYSTEM NAME:

1207.08 Government Equipment Operator Permit Files

SYSTEM LOCATION:

Driver Testing Stations and Transportation Motor Pools (TMP), US Army Europe (USAREUR) installations. Official mailing addresses are in the Department of Defense (DOD) Directory in the Appendix to the Department of the Army (DA) system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each individual examined for an Army Motor Vehicle/Equipment Operator's permit, Standard Form (SF) 46.

CATEGORIES OF RECORDS IN THE SYSTEM:

File records contain name, rank, social security number (SSN), unit, operator's permit number, record of examination and training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012. Secretary of the Army, powers and duties, delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the record is to establish the permissibility of an individual for operating various Government equipment. Records issuance of SF 46. Used to issue duplicate permits in event of loss or destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building is protected from unauthorized entry by security guard and the records are maintained in areas accessible only by authorized personnel.

RETENTION AND DISPOSAL:

Records are destroyed 3 years from date of issue.

SYSTEM MANAGER(S) AND ADDRESS:

Officer or Noncommissioned Officer in Charge (OIC or NCOIC) of Driver Testing Station or TMP where individual was tested or where Operator's Permit (SF 46) was issued. Official mailing addresses are in the DOD Directory in Appendix to the DA system notices.

NOTIFICATION PROCEDURE:

Written request should be addressed to appropriate SYSMANAGER including name or operator permit number.

RECORD ACCESS PROCEDURES:

Written request should be addressed to the appropriate SYSMANAGER including name or operator permit number.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Written examination, physical aptitude test, driver's performance test, remedial driver training course, defensive driving course.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1301.07aAMC

SYSTEM NAME:

1301.07 Alphabetical Listing of Scientists

SYSTEM LOCATION:

Proposals Branch, Information Processing Office, United States Army Research Office (USARO), Research Triangle Park, NC 27709.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any scientist that has submitted a formal, unsolicited basic research proposal in the fields of mathematics and the physical sciences, engineering, life and geosciences.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, title of proposed research, parent organization and proposal number as assigned by the proposals branch.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Proposals Branch: To determine if a scientist has previously submitted a formal proposal and the action(s) taken on that proposal.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in metal Revo File.

RETRIEVABILITY:

Filed alphabetically by last name of scientist.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel that have proper need.

RETENTION AND DISPOSAL:

Records are retained in active file until no longer needed to facilitate work. Held 1 additional year in inactive file and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Records Management Officer, USARO, Research Triangle Park, NC 27709.

NOTIFICATION PROCEDURE:

Information may be obtained from:
USARO (AMXRO-AO)
Box 12211
Research Triangle Park, NC 27709
Telephone: Area Code 919-549-0641

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, USARO, ATTN: AMXRO-AO, Box 12211, Research Triangle Park, NC 27709.

Written requests for information should contain the full name of the individual, current address and telephone number, and the proposal number that appears with the office symbol on all correspondence received from this office. Visits are limited to the Adjutant's Office (AMXRO-AO), USARO, Research Triangle Park, NC 27709.

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license, employing office's identification card, and give some verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Correspondence received from individual scientists.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1301.07bAMC

SYSTEM NAME:

1301.07b Food Taste Test Panel Reference Files

SYSTEM LOCATION:

Primary System: Food Acceptance Group, Food Science Laboratory, United States (US) Army Natick Development Center, AMXNM-YBF, Natick, MA 01760.

Decentralized Segment: Data Analysis Office, US Army Natick Development Center, AMXNM-D, Natick, MA 01760.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel who volunteer to participate in sensory taste tests of food items.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains questionnaire and locator record that are completed by civilian and military personnel who volunteer to participate on a food sensory test panel. Information collected includes name, date, organization, business telephone number, sex, age, marital status, rank or grade, present or prior military service, highest educational level attained, section of country lived in the longest, willingness to test irradiated foods, food aversion data, food preference data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012, Secretary of the Army: Powers and duties, delegated by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Food Acceptance Group: Selection of Panel Members to participate in individual food sensory tests by the SYSMANAGER. Personal information on panel members is used when a particular food sensory test requires selection of panel members having specified characteristics.

Data Analysis Office: To provide automatic data processing services as requested by Head, Food Acceptance Group, Food Science Laboratory.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer paper printouts, cards, magnetic tapes and paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name or unique number assigned to each volunteer.

SAFEGUARDS:

Buildings employ security guards. Records are stored in metal file cabinets which are locked when not under the control of authorized personnel.

RETENTION AND DISPOSAL:

Records are destroyed when individual volunteer leaves or ceases to participate in program.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Food Acceptance Group, US Army Natick Development Center, AMXNM-YBF, Natick, MA 01760.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER, Telephone: Area Code 617/653-1000, X 2720.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, US Army Natick Development Center, ATTN: AMXNM-YBF, Natick, MA 01760.

Written requests for information should contain the full name of the individual, current address and telephone number. Visits are limited to the Food Acceptance Group, Food Sciences Laboratory (AMXNM-YBF), US Army Natick Development Center, Natick, MA 01760.

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Subject individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1301.07cAMC

SYSTEM NAME:

1301.07c Visiting Scientist Research Associates Reference Files

SYSTEM LOCATION:

Deputy Technical Director/Food Service Systems Program, Office of the Technical Director, United States (US) Army Natick Development Center, AMXNM-ZTF, Natick, MA 01760.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Scientific investigators proposed to the US Army Natick Development Center (NDC), by the National Research Council (NRC), National Academy of Sciences, under a contract for research services in special scientific areas of interest to the NDC.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name of each investigator proposed to the NDC, a resume of the investigator's qualifications, a copy of his research proposal, a copy of NRC letter to the investigator appointing him to the NDC, copies of travel requests and vouchers which the investigator submits to the NRC, copies of quarterly and final reports which are submitted by the investigator to the NRC, and a technical evaluation of completed assignment by the investigator's NDC Advisor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012, Secretary of the Army: Powers and duties; delegated by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are maintained for review and approval of investigators and areas of research proposed under the contract and for monitoring performance of assigned investigators under the contract.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of investigator.

SAFEGUARDS:

Buildings employ security guards. Records are stored in metal file cabinets which are locked when not under the control of authorized personnel.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Technical Director/Food Service Systems Program, Office of the Technical Director, US Army Natick Development Center, AMXNM-ZTF, Natick, MA 01760.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER, Telephone: Area Code 617/653-1000, X 2361.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, US Army Natick Development Center, ATTN: AMXNM-ZTF, Natick, MA 01760.

Written requests for information should contain the full name of the individual, current address and telephone number, date and title of research assignment at NDC. Visits are limited to Deputy Technical Director/ Food Service Systems Program, Office of the Technical Director, US Army Natick Development Center, AMXNM-ZTF, Natick, MA 01760.

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information in records is obtained from the National Research Council, National Academy of Sciences; and from the NDC Advisor in the laboratory/office to which the investigator was assigned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1302.15aDAJA

SYSTEM NAME:

1302.15 Unsolicited Proposal Files

SYSTEM LOCATION:

Decentralized System: Commander, United States (US) Army Materiel Command, ATTN: AMCRD-A, 5001 Eisenhower Avenue, Alexandria, VA 22333; Commander, Ballistic Missile Systems Command, ATTN: BMDSC-C, P.O.Box 1500, Huntsville, AL 35807; Headquarters, Department of the Army (HQDA), (DAEN-GCP), Forrestal Building, Washington, DC 20314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons submitting unsolicited inventive proposals to Army agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inventive proposals (other than those arising under contract, from performance of official duty, or in response to a solicitation by the Army) which have been individually submitted to an Army agency for evaluation, together with resultant evaluation reports and correspondence. Proposals are limited to those involving processes, machines, manufactures, compositions of matter, and improvements thereof which are or may be patentable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Inventive proposals are evaluated by technical personnel of the Army and other Governmental agencies to determine whether the proposal is technically feasible, meets military requirements, and should be accepted. Files are retained by the agency as a record of the proposal and of action taken thereon. Later proposals and claims for patent infringement may be cross checked with the records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Name of the person submitting the proposal.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Records are held by the agency which evaluated the proposal and destroyed after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Patents Division, Office of the Judge Advocate General, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from Army organization to which the proposal was submitted or the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received, and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified from his proposal.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received, and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified from his proposal.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

The proposal submitted and agencies evaluating the proposal.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1304.08aDASG

SYSTEM NAME:

1304.08 Immunity Booster Files

SYSTEM LOCATION:

United States (US) Army Medical Research Institute of Infectious Diseases (USAMRIID), Ft Detrick, Frederick, MD 21701.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of Ft Detrick engaged in research who have been immunized with a biological product or who fall under the Occupational Health and Safety Act or Radio- logic Safety Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name of biological agents, name, social security number (SSN), age, race, date of birth (DOB), occupation, titers, immunization schedule, known allergies, amount of dosage, reaction to immunization, radiologic agents, exposure level, health screening test results, health test schedule.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; 1943 Executive Order 9397.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used for two primary purposes: To create a large data base of immunological data for research purposes, and to manage the scheduling of all the health screening tests, immunizations, physicals, and other special procedures required by USAMRIID's biosurveillance program, radiologic safety program, and occupational health and safety program.

Scheduling documents are handled by ward clerks and the immuni- zation nurse. Access to immunological data is given to the immunization nurse, the ward physician, and other interested professional investigators.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are maintained on random access disk files, card files and backed up on magnetic tape. Computer paper printouts are also required by the system users.

RETRIEVABILITY:

For research purposes, the data are usually retrieved and analyzed with respect to relative times, vaccine lots, titers, demographic values, etc. The data are seldom retrieved by name of individual or SSN.

The schedule data are retrieved by name, by test to be taken, and by month of scheduled examinations.

SAFEGUARDS:

Files are maintained in a controlled area in the computer center at Walter Reed Army Institute of Research.

Files at USAMRIID are maintained in a building which is locked at night with periodic patrols by security personnel. Access during duty hours is by authorized personnel only.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Medical Research Institute of Infectious Diseases, Ft Detrick, Frederick, MD 21701.

NOTIFICATION PROCEDURE:

Information may be obtained from the above SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests from individuals will be addressed to the above SYSMANAGER and should indicate type of information desired.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Local form completed by physician or nurse and an interview with the individual. Laboratory results, immunization results, and other relevant test results and dates are provided by the immunization nurse.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1304.21aDASG

SYSTEM NAME:

1304.21 Sandfly Fever Files

SYSTEM LOCATION:

United States (US) Army Medical Research Institute of Infectious Diseases (USAMRIID), Ft Detrick, Frederick, MD 21701.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All human volunteers who participated in the Sandfly fever studies at USAMRIID.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain data on name, body temperature, pulse, blood pressure, respirations, urinalysis results, blood serology results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is not actively being used for any current research efforts but is being stored for possible future study. Data were collected and analyzed during a previous Sandfly fever study.

Access to the data is limited to interested professional investigative personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on punched computer cards. Computer printouts from previous analysis are also being stored.

RETRIEVABILITY:

The records are retrievable by name and are usually analyzed by parameter, pre- or postinfection day and experimentals versus controls.

SAFEGUARDS:

Files are maintained in a building which is locked at night with periodic patrols by security personnel. Access during duty hours is restricted to authorized personnel only.

RETENTION AND DISPOSAL:

Records will be maintained until they have no further research value.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Medical Research Institute of Infectious Diseases, Ft Detrick, Frederick, MD 21701.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests from individuals will be addressed to the SYSMANAGER and should indicate type of information desired.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Quantitative data obtained from investigative staff, and clinical laboratory reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1306.01DAPE

SYSTEM NAME:

1306.01 Behavioral and Social Sciences Research Project Files

SYSTEM LOCATION:

Army Research Institute (ARI) for the Behavioral and Social Sciences, ATTN: PERI-ZA, Room 6E22, 5001 Eisenhower Avenue, Alexandria, VA 22333.

Decentralized locations: ARI Field Units located at: Ft Sill, OK 73503; Ft Benjamin Harrison, IN 46216; HQ USAREUR, c/o ODCSPER, APO NY 09403; Ft Benning, GA 31905; Ft Bliss, TX 79916; Ft Hood, TX 76544; Ft Knox, KY 40121; Ft Leavenworth, KS 66027; Presidio of Monterey, CA 93940; Ft Rucker, AL 36360; and/or Scientific Coordination Offices located at: US Army R&S Group (Europe), APO NY 09510; Ft Monroe, VA 23651; and Ft McPherson, GA 30330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officer, warrant officer, and enlisted military personnel, including Army Reserves and National Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include questionnaire type data relating to service member's preservice education, work experience and social environment/culture, learning ability, physical performance, combat readiness, discipline, motivation, attitude about Army life, and measures of individual and organizational adjustments. May also include test results from Armed Services Vocational Aptitude Battery and Skill Qualification Tests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 4503.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system is used by the Army Research Institute for the Behavioral and Social Sciences to research human factors inherent in the recruitment, selection, classification, assignment, evaluation, and training of military personnel. Information derived from individually identifiable records is used also to enhance readiness effectiveness of the Army in that it provides a basis for developing personnel management methods, training devices, and testing of weapons methods and systems aimed at improved group performance. No decisions affecting an indivudal's rights or benefits are made using these research records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, punch cards, and magnetic tape.

RETRIEVABILITY:

By name and/or social security number.

SAFEGUARDS:

Buildings employ security guards. Access to records is limited to authorized personnel having an official need-to-know. Automated segments are protected by controlled system procedures and code numbers governing access.

RETENTION AND DISPOSAL:

Records are retained at the appropriate research office identified under 'System location' until completion of final report, after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire if this system contains information about them should contact the SYSMANAGER indicated above.

RECORD ACCESS PROCEDURES:

Written requests from individuals should be addressed to Commander, Army Research Institute for Behavioral and Social Sciences if testing has been concluded; otherwise to appropriate field unit or Scientific Coordination Office. Individuals must furnish the following information: full name, social security number, current address, and subject area and year of testing.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, his/her peers, or in the case of ratings and evaluations, from supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1401.07aAMC

SYSTEM NAME:

1401.07 Resumes for Non-Government Technical Personnel

SYSTEM LOCATION:

Primary System: Battelle Columbus Laboratories, Durham Operations (BCL-D), Suite 4A, 3333 Chapel Hill Boulevard, Durham, NC 27707.

Decentralized Segments: Battelle Columbus Laboratories (BCL), 505 King Avenue, Columbus, OH 43201.

Procurement Office, United States Army Research Office (USARO), P.O. Box 12211, Research Triangle Park, NC 27709.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

File contains solicited and unsolicited resumes of candidates for providing scientific services to Federal agencies in the fields of mathematics and the physical, engineering, life and geosciences.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, personal history resume, affiliations, area of expertise, social security number, record of remuneration for services provided and performance evaluations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

BCL-D: To determine the best qualified technical personnel to provide scientific services to Federal agencies.

BCL: Provides for BCL-D quick search computer services on resume information.

Procurement Office, USARO: For evaluation of individual scientific service cost proposals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in metal containers and automatic data processing (ADP) random access.

RETRIEVABILITY:

Filed alphabetically by last name of candidate and ADP by keyword.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly trained and that have proper need.

RETENTION AND DISPOSAL:

Records are temporary. They are retained in active file for life of the contract to facilitate work. They are destroyed when no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Robert S. Carbonara, SSP Program Manager, BCL-D, Durham, NC.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Battelle Columbus Laboratories,
Durham Operations
Suite 4A
3333 Chapel Hill Boulevard
Durham, NC 27707
Telephone: Area Code 919/489-2366

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Battelle Columbus Laboratories, Durham Operations, Suite 4A, 3333 Chapel Hill Boulevard, Durham, NC 27707.

Written requests for information should contain the purpose of the request, full name of the individual, current address, telephone number, position title, and current employer. Visits are limited to BCL-D.

For personal visits, the individual should be able to provide some acceptable identification; i.e., driver's license, employing officer's identification card, and give some verbal information that can be verified.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting the contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Correspondence received from candidates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1401.07bDAAG

SYSTEM NAME:

Library Borrowers' Users' Profile Files

SYSTEM LOCATION:

Libraries on Army installations activities. Addresses are contained in the appendix to the Army's inventory of system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized users of Army library facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, SSN, and telephone number of the user.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Army to identify individuals authorized to borrow library materials; to insure that all library property is returned and individual's account is cleared, and to provide librarian useful information for selecting, ordering, and meeting user requirements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files, magnetic tapes, computer printouts.

RETRIEVABILITY:

By user's surname, SSN, and/or residence.

SAFEGUARDS:

Information is maintained in areas accessible only to authorized persons who have official need therefor. Libraries are secured during non-duty hours.

RETENTION AND DISPOSAL:

Records are destroyed when no longer needed to obtain and/or control library materials.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (DAAG-LM), 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system contains information on them should inquire of the specific library that provided services furnishing their name, period in which a user and any other information that would assist in locating applicable records.

RECORD ACCESS PROCEDURES:

Individuals seeking access should follow the guidance in 'Notification procedure'.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1402.18DAJA

SYSTEM NAME:

1402.18 Procurement Misconduct Files (Fraud Cases)

SYSTEM LOCATION:

Litigation Division, Office of The Judge Advocate General, Department of the Army, Room 2D435, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or legal entities investigated for alleged procurement misconduct, such as fraudulent activities in securing or performing a Government contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

Criminal and administrative investigations of fraudulent or other criminal conduct in connection with Government procurement activities and the Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The collected information is used to determine whether criminal or civil proceeding should be initiated against the contractor with the Government or Government procurement officials for criminal conduct in connection with procurement activities and to maintain and distribute a list of contractors determined to be ineligible to participate in Government procurement activities. The routine users include, in addition to the Litigation Division, Office of the Judge Advocate General of the Army, the Department of Justice, United States (US) Attorneys, and the addressees for the Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors which are: Chief of Naval Material, Department of Navy; Director of Procurement Policy, DCS/S&L, Department of Air Force; Director, Defense Supply Agency; Director, Defense Communications Agency; Director, Defense Nuclear Agency; Headquarters, Department of the Army (HQDA) (DAEN-GCZ-A); HQDA (DASG-HCL); HQDA (NGB-JA); HQDA (DAMA-PPZ-A) Commander in Chief, US Army Europe and Seventh Army; Commander; US Army Forces Command, Ft McPherson, Georgia; US Army Health Service Command ATTN: HSC-LO-P; US Army Materiel Command; US Army Training and Doctrine Command; Military District of Washington, US Army; US Army Communications Command; US Army Security Agency; US Army, Alaska; US Army Theater Support Command, Europe; US Army Support Command, Hawaii; US Army Support Command, Japan.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Various Federal buildings employ security guards. Records are maintained in file cabinets accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Destroy 15 years after final action on the case.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Litigation Division, Office of The Judge Advocate General, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to any Staff Judge Advocate Office.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, current address and telephone number, the case number that appears with the office symbol on all correspondence received from this office and any other personal identifying data (driver's license number, if any) which would assist in determining the identity of the requester.

For personal visits, the individual should be able to provide some positive identification (driver's license, identification card) and give some information that could be verified within his 'case' folder. Visits may be made to the Litigation Division, Office of The Judge Advocate General, Department of the Army, Room 2D435, The Pentagon, Washington, DC 20310.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Department of the Army Staff elements, Staff Judge Advocate Offices, as listed in the DOD organizational directory, Records Center St. Louis, Military Personnel Center, Posts, Camps, and Stations, Department of the Army (DA) Field operating agencies, Civil Service Commission, Department of Justice, US Attorneys, opposing counsel, Armed Forces Institute of Pathology.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1402.20aUSAREUR

SYSTEM NAME:

1402.20 Procurement Management Information System Europe

SYSTEM LOCATION:

Primary System: Headquarters, United States (US) Army Procurement Agency, Europe (USAPAE), Box 49, APO NY 09710.

Decentralized Segments: Maintained by subordinate purchasing offices in Germany. Official mailing addresses are derivable from the Department of Defense Directory in the Appendix to the Department of the Army system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person associated with a firm that desires to do business with the US.

Government through the US Army Procurement Agency, Europe.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 129, Bidder's Mailing List Application, contains applicant's name and address; type of organization; how long in present business; name of business officers, owners, partners, affiliates of applicant; persons authorized to sign bids, offers, and contracts in applicant's name; equipment, supplies, materials, and/or services on which applicant desires to bid; type of business; size of business; business floor space; business net worth; security clearance of key personnel and/or plant.

Dun & Bradstreet business rating, name of firm owner, name and address of firm, date firm started in business, payments, annual sales, number of employees, firm history, firm finances, firm operation description, firm bankers, promptness of firm payments.

Department of Defense (DOD) Form 1057, Monthly Procurement Summary of Actions Under

10,000 by Purchasing Office, contains number and dollar value of all procurement actions; number and dollar value of negotiated actions; number and dollar value of research, development, test and evaluation actions; number and dollar value of competition in negotiated actions; number and dollar value of imprest fund actions.

Army, Europe (AE) Form 1014a, US Army, Europe (USAREUR) Dollar-Deutsche Mark Procurement Report, contains name and location of purchasing office, activity address number, monthly reporting period, number and dollar value of obligations by budget program, country where procured, dollar value of obligation of operation and maintenance, Army (OMA) and Deutsche Mark (DM) Funds.

AE Form 1014b, Analysis of USAREUR Offshore Procurement, contains, by category, monthly dollar value of services and/or supplies, FY cumulative dollar value of supplies and services.

AE Form 1014c, Breakout of Total Procurement Workload, contains name and address of purchasing office, activity address number, monthly reporting period, purchase request workload, procurement administrative lead time (PALT).

AE Form 1014d, Breakout by Purchase Method, contains name and address of purchasing office, activity address number, reporting period, number of actions accomplished in purchasing offices and number of actions accomplished by ordering officers by type of action, number of contracts awarded and number of modifications executed by category dollar value.

AE Form 1014e, Contract Execution and Administration, contains name and location of purchasing office, activity address number, monthly reporting period, contract execution by number, contract administration by number, competitive procurement by dollar value, delinquent contracts by number, contract terminations by number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012, Secretary of the Army, powers and duties, delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose is to provide increased accessibility to a greater number of qualified supply sources, thereby reducing costs to the US Government through increased competition. Contracting officers and purchasing agents use information to determine sources for supplies and services required by the US Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, punched cards, computer magnetic tapes, computer magnetic disks, computer paper printouts.

RETRIEVABILITY:

Paper records accessed manually and retrieved by name of bidder, type of supply or service sold. Punched cards accessed manually and by computer, and retrieved by computer index codes. Computer magnetic tapes and computer magnetic disks accessed by computer and information retrieved by computer index codes. Computer paper printouts accessed manually by name of firm or individual and address, and type of supply or service sold.

SAFEGUARDS:

Access is limited to contracting officers and purchasing agents. Buildings containing records are secured during nonworking hours. Records are filed in file containers.

RETENTION AND DISPOSAL:

No response to two consecutive solicitations to offer results in removal and disposal of all relevant records. Paper records, punched cards and computer printouts are disposed of as Automatic data processing (ADP) salvage waste; computer tapes and computer disks are magnetically erased.

SYSTEM MANAGER(S) AND ADDRESS:

USAREUR Deputy Chief of Staff, Logistics, ATTN: AEAGD-S, APO NY 09403.

NOTIFICATION PROCEDURE:

Information may be obtained from: USAREUR Deputy Chief of Staff, Logistics, ATTN: AEAGD-S-PD, APO NY 09403.

Request for information must contain full name of individual, name and address of individual's business.

RECORD ACCESS PROCEDURES:

With assistance of SYSMANAGER. Requests will be referred to the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

Information is received from persons associated with business organizations expecting to do business with the US Government through US Army Procurement Agency Europe or its subordinate, area field offices.

Information is received from Dun & Bradstreet Company records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1403.30aDAAG

SYSTEM NAME:

1403.30 Commercial Entertainment Transaction Records

SYSTEM LOCATION:

Installation and area clubs; other membership associations, nonappropriated fund (NAF) activities and instrumentalities; Armed Forces recreation centers throughout the Army; United States Army Europe and Korea commercial/entertainment offices; and the Club and Community Activities Management Directorate. The Adjutant General Center, Headquarters, Department of the Army. Addresses are listed in the Directory of the Department of the Army Offices, Commands, and Installations appearing in the Annual Compilation of System Notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual performers, members of entertainment groups or their agents who may be members of the United

States (US) Forces and/or their dependents, civilian components of US Forces and/or their dependents, and other US citizens or foreign nationals.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may contain name of individual or group, social security number (SSN), type of entertainment, passport number, nationality, location of performances, agent code, performance/band information, fees charged, payment records, individual contract number, performance date, and the code of the NAF activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To register individual/group entertainers appearing at NAF activities or instrumentalities, clubs, associations or recreation centers; to issue pay and supporting documents incident to contract for such entertainers; to account for monies of open messes and clubs for entertainment purposes. Used for Internal Revenue Service for income tax purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; punch cards, magnetic tapes and disks, and computer printouts.

RETRIEVABILITY:

By SSN, agent code or band code.

SAFEGUARDS:

Buildings employ security guards. Paper files, computer cards, and printouts are stored in areas accessible only to authorized personnel; offices and buildings are locked during non-duty hours. Access to computer is limited to individuals who are properly cleared and trained in accordance with Army regulations.

RETENTION AND DISPOSAL:

Records are maintained in current files for 3 years, then transferred to inactive files for 3 years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

a. Europe: Chief, Program and Budget Division, Office of the Deputy Chief of Staff for Personnel, United States Army Europe and Seventh Army, APO New York 09403.

b. Korea: Commander, Eight United States Army, ATTN: J-1, APO San Francisco 96301.

c. All others: Director, Club and Community Activities Management Directorate, The Adjutant General Center, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the SYSMANAGER.

Written requests for information should contain the full name of the individual, agent code (if applicable), SSN and/or passport number, and the time period and performance date involved.

For personal visits, the individual must provide acceptable identification such as military identification, driver's license or passport.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information is obtained from individual entertainers and agents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1405.01AMC

SYSTEM NAME:

1405.01 Contractor Personnel Files

SYSTEM LOCATION:

Contractor Industrial Relations Office, AMSAR-PPC-IR, United States (US) Army Armament Command (ARMCOM).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contractor employees at Government-owned contractor operated plants whose total compensation exceeds 15,000 per annum.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain entrance, merit and/or promotional and current salaries, educational and experience background and other compensation paid in area of bonuses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Industrial Relation Office: Establishes, maintains and controls reim- bursable monetary limitations on total compensation paid to contractor employees working under cost type contracts with the government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in filing cabinets and filing card boxes in alphabetical order by plant.

RETRIEVABILITY:

Filed in alphabetical order by plant and last name of employee.

SAFEGUARDS:

Buildings are periodically checked by guards. Records are maintained in locked filing cabinets.

RETENTION AND DISPOSAL:

Records are permanent. They are maintained in active file until employee is terminated at which time they are sent to records holding area at Rock Island Arsenal.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Procurement and Production, Headquarters (HQ) US Army Armament Command, Rock Island, IL 61201.

NOTIFICATION PROCEDURE:

Information may be obtained from:
ARMCOM, AMSAR-PPC-IR
Building 350
Rock Island, IL 61201
Telephone: Area Code 309-794-6134

RECORD ACCESS PROCEDURES:

Request for information should be addressed: US Army Armament Command, AMSAR-PPC-IR, Bldg. 350, Rock Island, IL 61201.

Written request for information should contain full name of the individual and plant where employee last worked.

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license, work badge and provide basis for requiring such data.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from ARMCOM, AMSAR, P&P Director, Rock Island, IL 61201.

RECORD SOURCE CATEGORIES:

Various Government-owned contractor-operated installations throughout the US.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1416.05DALO

SYSTEM NAME:

1416.05 Property Officer Designation Files

SYSTEM LOCATION:

Maintained at each headquarters with orders issuing authority.

Official mailing addresses are in the Department of Defense Directory in the Appendix to the Component's System Notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those individuals with formal responsibility for United States (US) Government property.

In all instances the individual concerned is provided a copy of the designation orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of orders appointing or relieving individuals as property officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

File is maintained to verify an individual's authority to assume responsibility for US Government property.

Utilized by other designated property officers when transferring property;

Used to verify that an individual is a designated property officer.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of appointee at headquarters;

Filed by headquarters and orders number at Department of the Army, the Adjutant General.

SAFEGUARDS:

Records are maintained in locked cabinets accessible only to limited authorized personnel.

RETENTION AND DISPOSAL:

File is maintained during an individual's incumbency and destroyed by burning or shredding 2 years after termination of appointment.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from commanding officers of orders issuing headquarters.

Written requests for information must contain the full name of the individual, social security number, current address and telephone number, orders number and date.

For personal visits, individuals may contact designated representative of commanding officers of orders issuing headquarters.

RECORD ACCESS PROCEDURES:

Individual may review his/her record by visiting designated representatives of or writing to commanding officers of orders issuing headquarters.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Written communications of various types, and/or verbal orders of commanding officers, designating individuals as property officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1416.16DALO

SYSTEM NAME:

Hand Receipt Files

SYSTEM LOCATION:

Property book offices and supply rooms at most Army activities throughout the world. Addresses for Department of the Army activities are available following the annual compilation of Army system notices published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, citizen or non-citizen, military or civilian, who assumes temporary custody or responsibility for United States (US) Government or other property.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains receipts reflecting acceptance of responsibility for items of property listed thereon. Included are individual receipts and listings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

File is maintained as a record of property in use or in custody of individuals.

Utilized by accountable officers as an audit trail for property responsibility.

Used in investigations to determine responsibility for lost, damaged, or stolen property.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, disc and paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual, SSN, menue number, line number, and size.

SAFEGUARDS:

Records are maintained in locked cabinets or locked areas accessible only to limited authorized personnel. Computer magnetic tape and disc files used solely within data processing system and protected by the installations security measures and safeguards.

RETENTION AND DISPOSAL:

File is maintained only while property is in use by or in the custody of an individual.

File is destroyed on turn-in or other complete accounting for the property, or when superseded by a new receipt or listing. Computerized listings are purged from the system upon turn-in of property.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from activities issuing hand receipts.

Written requests for information must contain the full name of the individual, social security number for a citizen, other identifying number for a non-

citizen, and current address and phone number.

For personal visits, individuals may contact designated representatives of activities issuing hand receipts.

RECORD ACCESS PROCEDURES:

Individual may review his/her record by visiting designated representatives of or writing to the activity issuing hand receipts.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Hand receipt, either on printed form or on plain paper, signed by the individual accepting responsibility for US Government or other property.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1416.20DALO

SYSTEM NAME:

1416.20 Personal Property Accounting Files

SYSTEM LOCATION:

Maintained in orderly rooms of troop units.

Official mailing addresses are in the Department of Defense Directory in the Appendix to the Component's System Notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military individuals absent without leave or absent sick in medical facilities.

A copy of the document, with attachments, is provided to the individual concerned.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents reflecting items of personal property of individuals absent without leave or absent sick in medical facilities. Included are inventory of personal property and similar forms, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

File is maintained to ascertain and identify property left behind by an absent individual.

Utilized by troop commanders to protect the interests of absent personnel, and to assist in preventing loss, damage, or theft of the individual's property.

Used as a basis for claim against the United States (US) Government by individuals for property lost, damaged, or stolen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual owning the property.

SAFEGUARDS:

Records are maintained in locked cabinets accessible only to limited authorized personnel.

RETENTION AND DISPOSAL:

File is maintained during an individual's absence and destroyed by burning or shredding 2 years after return of the individual concerned.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from troop commanders.

Written requests for information must contain the full name of the individual, social security number, current address and telephone number, and dates and circumstances of the absence.

For personal visits, individuals may contact designated representatives of troop commanders.

RECORD ACCESS PROCEDURES:

Individual may review his/her record by visiting designated representatives of or writing to troop commanders holding the records.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Inventories and other documents prepared by designated individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1416.34DALO

SYSTEM NAME:

1416.34 Personal Clothing Record Files

SYSTEM LOCATION:

Maintained by Active Army training activities, National Guard Armories, and United States (US) Army Reserve Units.

Official mailing addresses are in the Department of Defense Directory in the Appendix to the Component's System Notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned personnel with military status.

In all instances the individual concerned is provided a copy of the completed and signed record.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual personal clothing records, Department of the Army (DA) Form 3078.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

File is maintained as a record of military personal clothing in the custody of individuals.

Utilized by troop commanders as an audit trail for property responsibility; to determine unit readiness, and as a basis for requisitioning material short of allowances.

Used in investigations to determine responsibility for lost, damaged, or stolen property.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in individual file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual concerned.

SAFEGUARDS:

Records are maintained in locked cabinets or locked areas accessible only to limited authorized personnel.

RETENTION AND DISPOSAL:

For active Army personnel the record is destroyed by burning or shredding when the individual concerned has completed basic training, has been in the service 6 months, and has fulfilled their final showdown inspection as required by Army Regulation (AR) 710-2.

For National Guard and US Army Reserve personnel the record is transferred with the military personnel

records jacket when the individual concerned has completed basic training.

For all personnel the record is destroyed by burning or shredding when the individual concerned is separated and has no further military status.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from troop commanders holding the records in question.

Written requests for information must contain the full name of the individual, social security number (SSN), and current address and phone number.

For personal visits, individuals may contact designated representatives of troop commanders.

RECORD ACCESS PROCEDURES:

Individual may review his/her record by visiting designated representatives of or writing to troop commanders holding the records.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Department of the Army (DA) Form 3078 is completed at the time clothing is issued and signed by the individual receiving the clothing.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1420.06DARCOM

SYSTEM NAME:

Equipment Operator Permit and Register Files.

SYSTEM LOCATION:

Decentralized to local installation level of the Department of the Army. Official mailing addresses are the Appendix to the Army inventory of System Notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel authorized to operate certain categories of Government equipment (generators, air compressors, gas generators, construction equipment, materials handling equipment, locomotives, guided missile hydraulic elevators, mobile floating assault bridges, fueled heaters and stoves, amphibious crafts, and mine detecting equipment).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's permit (Standard Form 46) for operating kinds of equipment in preceding paragraph and a register of such individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine qualifications of individuals and issue authorization for operation of Government equipment described above.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in buildings protected from unauthorized entry by security guards, in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed 3 years from date of issue or whenever revoked by proper authority, whichever occurs first.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Material and Readiness Command, ATTN: DRCSF-S, 5001 Eisenhower Ave., Alexandria, VA 22333.

NOTIFICATION PROCEDURE:

Individuals who believe information on them is contained in this system of records should inquire of the Mobility Equipment Examiner at the installation where record is thought to be maintained.

RECORD ACCESS PROCEDURES:

Individuals should submit a written request to the local installation where record was created, providing full name, Social Security Account Number, date and place assigned when permit was issued, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1427.01aDALO

SYSTEM NAME:

1427.01 Laundry and Dry Cleaning Accounting Files

SYSTEM LOCATION:

Maintained at all laundries worldwide; Department of the Army (DA) Forms 3799 maintained also at United States Army Finance and Accounting Center (USAFAC), Ft Benjamin Harrison, IN.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel who are authorized payroll deduction service. Files contain individual's name, social security number (SSN), and unit to which assigned. The first letter of the individual's surname and the last four numbers of his SSN are required for identification at installations still utilizing the old permanent marking system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual's application for laundry and/or dry cleaning start or stop deductions (DA Form 3799), laundry mark, organizational code number, amount deducted from his pay monthly for laundry or dry cleaning service, date, and organization name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012; also Army Regulation (AR) 210-130, Fabricare Facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine patrons who are authorized laundry and dry cleaning service. Roster is utilized to verify receipt and shipment of individual laundry bundles and the amount of money deducted from incumbent's pay. Used to determine the amount of reimbursables for installation accounting purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manually or machine prepared rosters based on input submitted by DA Form 3799. All information is stored on

Reader Aids

Federal Register

Vol. 48, No. 109

Monday, June 6, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

24311-24652	1
24653-24854	2
24855-25168	3
25169-26278	6

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5066 24855

5 CFR

213 24857

7 CFR

68 24857
319 24311
910 24859
915 24860
916 24653
932 24311
944 24860
959 25169
1033 24861
1036 24863
1139 24864

Proposed Rules:
51 24723
1007 24391
1046 24905
1207 24724

9 CFR

92 24866
318 24314

10 CFR

25 24318
95 24318

Proposed Rules:
50 24391

12 CFR

Proposed Rules:
7 24913
614 25210

14 CFR

71 ..... 25169, 25170
95 24654
252 24866
389 24323

Proposed Rules:
39 25210
121 25211
139 25211
159 25215
221 24916
252 24918
291 24922
377 24923

15 CFR

369 24323
371 25171
373 25174
376 25171
379 25171
386 25171
399 ..... 25171, 25174

16 CFR

423 24868
453 25174

Proposed Rules:
13 24724
457 25218

17 CFR

200 24663
240 24663
249 24663
270 25175

Proposed Rules:
12 25218
240 ..... 24725, 24728
270 25220

18 CFR

2 ..... 24323, 24358
35 24323
271 25177-25179

Proposed Rules:
271 ..... 24730-24732, 25223

19 CFR

101 25180
177 25180

Proposed Rules:
177 25224

20 CFR

Proposed Rules:
632 24392
633 24392
634 24392
684 24392

21 CFR

131 24868
175 24869
178 24869
510 ..... 24870, 24871
520 24871
540 ..... 24872, 24873
558 24871
895 ..... 25126, 25137

Proposed Rules:
341 24925

23 CFR

Ch. I 24852, 25181

24 CFR

111 24361
1600 24873

25 CFR

Proposed Rules:
700 24734

26 CFR

601.....24668

Proposed Rules:
1.....24736, 25224, 25228

27 CFR

21.....24672
212.....24672

Proposed Rules:
9.....24737

28 CFR

0.....25183
540.....24622
550.....24623
551.....24623

Proposed Rules:
547.....24626
570.....24626
571.....24626

30 CFR

260.....24873
784.....24638
785.....24638
816.....24638
817.....24638
818.....24638
916.....24874
944.....24876
946.....25184

Proposed Rules:
901.....24739
913.....24741
936.....24928
942.....25229
948.....24393

32 CFR

806b.....24878

33 CFR

100.....25186
165.....25187

Proposed Rules:
162.....25231

34 CFR

682.....24584

36 CFR

222.....25187

40 CFR

52.....24362, 24689
180.....24364, 24365, 24689
716.....24366

Proposed Rules:
Ch. I.....24930
65.....24930
81.....24393
86.....24932
180.....24394, 24396
271.....25236
403.....24933
405.....24742
406.....24742
407.....24742
408.....24742
409.....24742
411.....24742
412.....24742
422.....24742
424.....24742
426.....24742
429.....24742
430.....24742
431.....24742
432.....24742
433.....24742
440.....24742
610.....24397

41 CFR

Ch. 7.....25188
101-29.....25196
101-45.....24878
101-47.....24879, 25199
105-58.....25200

42 CFR

57.....25064
66.....24879

Proposed Rules:
57.....25071, 25072

43 CFR

3200.....24367
3210.....24367
3220.....24367
3240.....24367
3250.....3240

Public Land Orders:
6391.....25205

44 CFR

64.....24369
67.....24370

Proposed Rules:
67.....24743

47 CFR

0.....24383
1.....24884
73.....24383, 24898
74.....24383
95.....24884

Proposed Rules:
2.....24945
22.....24945
73.....24945, 24949
74.....24945
94.....24950
96.....24953
97.....24954

49 CFR

192.....25206
195.....25206
571.....24690, 24717, 25209
1033.....24386
1039.....24900
1153.....24386
1162.....24388
1307.....24388

Proposed Rules:
Ch. X.....24397
173.....25236
179.....25236
571.....24751, 25237

50 CFR

260.....24901
371.....24902
424.....24718, 24903
611.....24719

Proposed Rules:
611.....25238
674.....24751
675.....25238

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 1, 1983

4 8

ISS

1

0

9

J E

6

1983

48
ISS
1
0
9
JE
6
1983

UPDATED EDITION NOW AVAILABLE

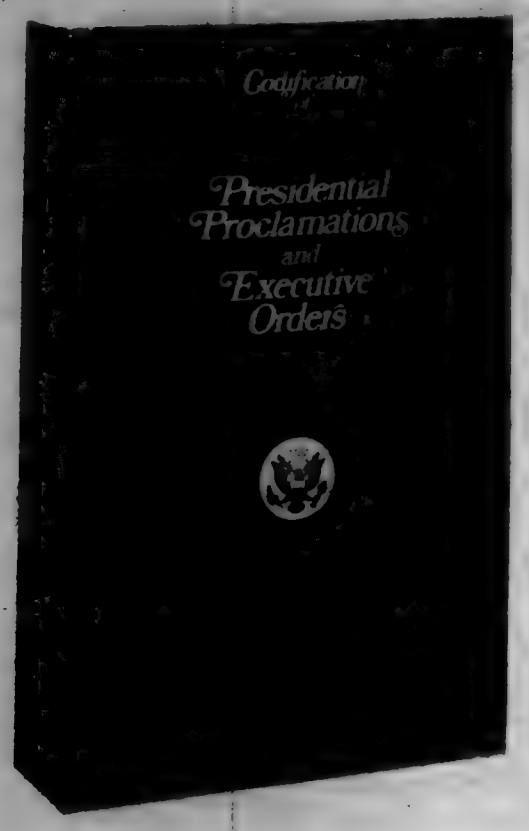

For those of you who must keep informed about Presidential proclamations and Executive orders, there is a convenient reference source that will make researching these documents much easier.

Arranged by subject matter, this edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period January 20, 1961, through January 20, 1981, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1961–1981 period, along with any amendments, an indication of its current status, and, where applicable, its location in this volume.

Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

MAIL ORDER FORM To:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ *check,* ☐ *money order, or charge to my*

Deposit Account No. ☐☐☐☐☐☐☐☐–☐ *Order No.* _____

Credit Card Orders Only

Total charges $ _____. Fill in the boxes below:

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Master Charge Interbank No. ☐☐☐☐

FOR OFFICE USE ONLY	
Quantity	Charges
..... Enclosed	.....
..... To be mailed	.....
..... Subscriptions	.....
Postage	.....
Foreign handling	.....
MMOB	.....
OPNR	.....
..... UPNS	
..... Discount	
..... Refund	

Please send me _____ *copies of the* ***Codification of Presidential Proclamations and Executive Orders*** *at $10.00 per copy. Stock No. 022-002-00097-0.*

NAME—FIRST, LAST

COMPANY NAME OR ADDITIONAL ADDRESS LINE

STREET ADDRESS

CITY STATE ZIP CODE

(or) COUNTRY

PLEASE PRINT OR TYPE

48
ISS
1
0
9
JE
6
1983
MI

6-6-83
Vol. 48

United
Goven
Printin
SUPERINT
OF DOCU
Washingto

OFFICIAL
Penalty fo

Federal R
(ISSN 009

6-6-83
Vol. 48 No. 109

federal register

Book 2 of 2 Books
Monday, June 6, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D.C 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

Postage and Fees Paid
U.S. Government Printing Office
375

SECOND CLASS NEWSPAPER

(CONT
magn
name
RETRIE
File
SAFEG
Ma
AREAS
autho
Ma
maint
Activi
area.
ACCESS
RETENT
Lau
files u
1 year
forwa
retenti
DA Fo
until la
cancel
SYSTEM
Chie
Divisio
and Se
Staff f
Pentag
NOTIFIC
Infor
Directo
at each
facility
RECORD
Requ
individ
DIO of
for the
CONTES
The
appeal
contain
RECORD
DA F
Service
personn
personn
SYSTEMS
PROVISI
None
A143
SYSTEM
1434.
SYSTEM
Distri
Distribu
Manage
(HQ) U
Armam

(CONTINUED FROM BOOK 1)

magnetic tape, alphabetically by last name.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Manual files are maintained in locked areas accessible only to limited authorized personnel.

Machine prepared files are maintained in the Data Processing Activity tape vault, which is a restricted area. Only authorized personnel have access to the data.

RETENTION AND DISPOSAL:

Laundry rosters are retained in active files until the end of the fiscal year, held 1 year in current files area, then forwarded to Records Holding Area for retention for 1 year. Punch cards and DA Forms 3799 are retained indefinitely until laundry or dry cleaning service is cancelled by the individual concerned.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Services Branch, Troop Support Division, Directorate of Transportation and Services, Office, Deputy Chief of Staff for Logistics;(ODCSLOG), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the Director of Industrial Operations (DIO) at each installation supporting a laundry facility.

RECORD ACCESS PROCEDURES:

Requests for information by individuals should be submitted to the DIO of facility providing laundry service for them.

CONTESTING RECORD PROCEDURES:

The rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

RECORD SOURCE CATEGORIES:

DA Form 3799, Request for Laundry Services, submitted by active duty Army personnel and other authorized personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1434.10AMC

SYSTEM NAME:

1434.10 Small Arms Sales Record Files

SYSTEM LOCATION:

Distribution Management Branch, Distribution Division, Materiel Management Directorate, Headquarters (HQ) United States (US) Army Armament Command (ARMCOM), Rock Island, IL 61201. (Correspondence office symbol, AMSAR-MMD-D).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any US citizen who was considered eligible under federal regulations, and purchased a firearm from the US Government for personal use.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, mailing address and date the individual purchased the firearm, including; weapon caliber, model, type and serial number of firearm purchased.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 4308, Title: Civilian Rifle Range: Establishment; Instruction, authorizes maintenance of the system of records, through implementation of Chapter II (Sales of Ordnance Property to Individuals, Non-Federal Government Agencies, Institutions, and Organizations).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Distribution Management Branch: To maintain record files, in order to respond to individual citizen inquiries as well as Federal, state and local law enforcement investigative agencies as to ownership or serial number identification.

Individual Citizen Inquiries: To obtain/verify serial number(s) of previous purchases of firearms due to loss of same through fire, theft, or act of God. To enable concerned individual to report loss to proper authorities.

Investigative Agency Inquiries: To provide Federal, state and local law enforcement investigative agencies a source for: determination of last known firearm ownership: tracing of recovered or confiscated firearms; and assistance to law enforcement authorities in criminal prosecution or civil court actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets.

RETRIEVABILITY:

Bulk of records are filed in serial number sequence by type of weapon with a portion of this system cross-referenced alphabetically by last name of purchaser.

SAFEGUARDS:

Installation security guard force in charge of overall security. Records are maintained in building accessible only by authorized personnel.

RETENTION AND DISPOSAL:

Records are permament. File is maintained by means of Department of the Army (DA) Form 3535 Weapon Sales Record. All other shipping documents, certificates and related papers are retained in active file until end of calendar year, held 1 additional year in inactive file and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

HQ, US Army Armament Command, Rock Island, IL 61201.

NOTIFICATION PROCEDURE:

Information may be obtained from:
HQ, US Army Armament Command
(AMSAR-MMD-D)
Rock Island Arsenal
Rock Island, IL 61201
Telephone: Area Code 309/794-6568

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: HQ, US Army Armament Command (AMSAR-MMD-D), Rock Island, IL 61201.

Written requests for information should contain the full name of the individual, current address, (as well as address at time of firearm purchase, if different from current address), the caliber, type and serial number of firearm(s) purchased, if known.

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license, employing office's identification card, and provide verbal information as to caliber, type and serial number of firearm(s) purchased, if known.

CONTESTING RECORD PROCEDURES:

Army's rules for contesting contents and appealing content data may be obtained from HQ, ARMCOM (AMSAR-GCS), Rock Island, IL 61201.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual requesting purchase of firearm.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1503.07aDAEN

SYSTEM NAME:

1503.07 Resettlement Files

SYSTEM LOCATION:

Primary System: Homeowners Assistance Division, Real Estate Directorate, Office, Chief of Engineers (OCE) (Department of the Army).

Decentralized Segments: Engineer Division and District Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for relocation assistance pursuant to the provisions of Title II of Public Law 91-646.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the individual's application for Relocation Assistance and related papers; correspondence between the Engineer Division and District Offices; correspondence between the Homeowners Assistance Division, Real Estate Directorate, Office, Chief of Engineers, and Division and District Offices; correspondence with the applicant; correspondence between the Office of the President and Congressmen from whom the applicant has requested assistance. Documents relating to the movement of displaced persons because of the acquisition of real estate by this agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 91-646.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Homeowners Assistance Division: Records accumulated incident to processing applications for relocation assistance benefits and to consideration of appeals in cases where appeals are filed.

Corps of Engineers Division and District Offices: To take initial action in assisting applicants in preparing their application for benefits, in reviewing applications filed, in determining benefits, and in submitting to higher authority for consideration those applications where appeals are filed which cannot be acted upon favorably at the field level.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders. Information may also be stored on magnetic tape, cards, or disk.

RETRIEVABILITY:

Filed alphabetically by last name of applicant.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Primary System: Records are permanent.

Decentralized Segments: Records are destroyed 6 years after notification of final determination, or 2 years after final audit approval by OCE, whichever is later. Information on magnetic tape, cards, or disk is updated on a continuing basis.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army (HQDA), Forrestal Building, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief of Engineers
ATTN: DAEN-REH-O
Headquarters, Department of the Army
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202-693-6786

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Chief of Engineers, ATTN: DAEN-REH-O, HQDA, Forrestal Building, Washington, DC 20314.

Written requests for information should contain the full name of the individual, current address and telephone number, and the state where the individual resided at time the application was filed. Visits can be made to the Division/District Offices or the Homeowners Assistance Division (DAEN-REH-O), Forrestal Building, Washington, DC 20314.

For personal visits, the individual should be able to provide some acceptable identification such as a current driver's license, and give some verbal information that can be verified with his case folders.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from HQDA (DAEN-REH-O), Washington, DC 20314.

RECORD SOURCE CATEGORIES:

The individual's application for Relocation Assistance and related correspondence from the Division and District Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1504.08aDAEN

SYSTEM NAME:

1504.08a Real Estate Outgrants

SYSTEM LOCATION:

Office of the Chief of Engineers (OCE), United States Army Corps of Engineers Division and District Offices with real estate responsibility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Grantees holding outgrants (leases, licenses, easements, permits, and consents) for use of Government real property, or permission (under consents) for use of property over which the Government holds easement interests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Outgrant instruments and listings by number and name to include location, purpose, term and rental for each outgrant and an indication when grantees are not in compliance with term of their outgrants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Outgrants at civil and military installations are issued under the following authorities:

Title 10 U.S.C., Sections 2667, 2668, 2669, 2672, 3012, 4777, 8012 and 9777.

Title 16, U.S.C., Sections 460d and 661 et seq.

Title 30 U.S.C., Section 185.

Title 33 U.S.C., Sections 558b and 558b-1.

Title 40 U.S.C., Sections 319 and 471 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this system is to promote processing of outgrants and to facilitate the administration of the outgrant program.

The machine listing of outgrants (Engineer Form 3560) is used by OCE personnel and District, Division, and Headquarters OCE levels in recording inspections of outgrants and determination of grantees' compliance with terms and conditions of the grant. Though presently used only for civil works projects, it may be used for inspection of military installations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punch cards in ADP Centers; paper records and computer paper printouts in file folders at District/Division/OCE Offices.

RETRIEVABILITY:

Numerically by outgrant number. Numbers may be obtained from an alphabetical listing by name.

SAFEGUARDS:

Automated data are protected by physical security devices which include guards to the buildings, and limited access only to authorized personnel. Access to or update of information in the system is protected through a system of passwords, thereby preserving integrity of data handled. Paper records are maintained in areas accessible only to authorized personnel in buildings which either employ security guards or are locked when not in use.

RETENTION AND DISPOSAL:

Outgrants at OCE level are destroyed on termination; remaining files are permanent. Division records are destroyed 4 years after termination of basic instrument. In District Offices and ADP Centers, records are destroyed 3 years after termination of basic instrument.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Programs Division, Directorate of Real Estate, Office of the Chief of Engineers, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER.

RECORD ACCESS PROCEDURES:

Access to records may be gained by contacting the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records or for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Outgrants in the names of individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1506.02sDAEN

SYSTEM NAME:

1506.02 Homeowners Assistance Case Files

SYSTEM LOCATION:

Primary System: Homeowners Assistance Division, Real Estate Directorate, Office, Chief of Engineers (OCE), Department of the Army.

Decentralized Segments: Engineer Division and District Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and military personnel who apply for homeowners assistance benefits under Section 1013 of Pub. L. 89-754, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the application of persons involved in losses sustained in real estate market because of closure or reduction of military bases. Included are: employment verifications; income and expense figures; Engineer (ENG) Form 42 (Offer to Sell Real Property) or similar written offer; ENG Form 3423 (Negotiator's Report), title evidence and opinions, surveys, leases; ENG Form 798 (Certificate of Inspection and Possession); ENG Form 1566 (Payment and Closing Sheet and Receipt for United States Treasurer's Check); market impact data; insurance and tax data; ENG Form 1290 (Disclaimer by Person in Possession); Department of Defense Form 1607 (Application for Homeowners Assistance); Federal Housing Administration (FHA) Form 1174 (Notification of Military Acquisition) and FHA Form 1175 (Transmittal of Recorded Deed and Title Assembly-Military Acquisition); appraisal reports, docket sheets, questionnaires, copies of deeds and mortgages, mortgage settlement data; evidence of proof of ownership and occupancy of residence, applicant appeals and final decisions thereon; comparable forms and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754 (80 Stat. 1255, 1290), as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Homeowners Assistance Division OCE: To process applications for homeowners assistance benefits and to consider appeals; to review market studies and appraisals; to review final title assemblies of deeds of conveyance to the Government for properties acquired under the program.

Corps of Engineers Division and District Offices: To investigate and study potential impact of base closures or reductions based upon personnel data and real estate market conditions; to reply to inquiries; to assist persons in applying for benefits by reviewing applications, determining benefits, furnishing deed, title evidence, name of Government's grantor, name and address of mortgagee, unpaid balance on mortgage, occupancy data, tax information, title opinion and insurance policy; to furnish FHA appropriate papers and to transmit unresolved appeals to OCE.

Department of Housing and Urban Development/FHA: In assuming custody of acquired homes, to manage and dispose of such properties on behalf of the Secretary of Defense.

FHA/Veterans Administration: In accepting subsequent purchaser in private sale when property is encumbered by a mortgage loan guaranteed or insured by them.

Department of Justice: In reviewing final title and deeds of conveyance to the Government for properties acquired under the program, pursuant to their responsibilities under Pub. L. 91-393.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape, cards or disk.

RETRIEVABILITY:

By applicant's surname.

SAFEGUARDS:

Automated data are protected by physical security devices which include guards to the buildings, and limited access only to authorized personnel. Access to or update of information in the system is projected through a system of passwords, thereby preserving integrity of data handled. Paper records are maintained in areas accessible only to authorized personnel in buildings which either employ security guards or are locked when not in use.

RETENTION AND DISPOSAL:

Office performing Army-wide responsibility: Files are destroyed 10 years after final action or decision on appeals, as applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief of Engineers, Headquarters, Department of the Army,
ATTN: DAEN-REH-O
Washington, DC 20314
Telephone: Area Code 202/693-6786.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed: Chief of Engineers, Headquarters, Department of the Army, ATTN: DAEN-REH-O, Washington, DC 20314.

Written requests for information should contain the full name of the individual, current address and telephone number, name and location of the installation announced for closure.

Personal visits may be made to the Homeowners Assistance Division, Office, Chief of Engineers, Headquarters, Department of the Army, Washington, DC 20314. The individual should be able to provide acceptable identification such as a current driver's license, and give verbal information that can be verified with case folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual's application for homeowners assistance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1509.11DAEN

SYSTEM NAME:

Integrated Facilities System (IFS)

SYSTEM LOCATION:

Decentralized at local installation level of the Department of the Army. Information is stored on computer media at five Regional Data Centers. Access to and processing of the information is through dirtributed data processing centers located at installations. Addresses are in the Appendix to the Department of the Army system notices (44 FR 74011, December 17, 1979).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel employed in the Directorate of Facilities Engineering at Department of the Army installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Employee Master File contains employee name, Social Security Number (SSN), shop code, normal duty category (direct/indirect labor, direct/indirect supervision), hire category code (full-time permanent/temperorary General Schedule, full-time permanent Wage Board, etc.), base hourly rate.

Adjustment Security File contains the name, grade/rank, and SSN of key management personnel at the Army installation (i.e., Installation Commander, Director/Deputy Director of Facilities Engineering, Chief, Resource Management Division) authorized to input economic indicator adjustment factors to the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C., section 18c.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Employee Master File is the source of individual employee labor rates used in the computations which support facilities engineering cost accounting. Monthly, there is a formatted output of this file which is used by administrative personnel within the Directorate of Facilities Engineering and Housing for file maintenance. The Adjustment Security File is used to verify and provide positive control of the input of economic indicator adjustment factors which affect all cost estimate information in the system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc, tape, and computer paper printouts.

RETRIEVABILITY:

By name, SSN, or ADP parameter.

SAFEGUARDS:

Regional Data Centers are contractor-operated under an Army approved security program. Potential contractor personnel are security screened; contractor employees receive a security briefing and participate in an ongoing security education program under the Regional Data Security Officer.

Regional Data Centers are connected through a communications network to 44 distributed data processing centers at Army installations. Technical, physical, and administrative safeguards required by Army Regulation 380-380 are met at installations data processing centers and information is secured in locked rooms with limited/controlled access. Data are available only to Director of engineering and Housing and those of his staff responsible for system operation and maintenance. Terminals not in the data processing center are under the supervision of a terminal area security officer at each remove location protecting them from unauthorized use. Access to information in the system is also cnntrolled by a system of assigned passwords for authorized users of terminals.

RETENTION AND DISPOSAL:

Data retained until updated or service of individual is terminated with earlier information erased. File dump printouts are retained 30 days; upon update, previous information is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army, Pulasky Building, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not this system of records contains information on them should inquire of the installation Director of Engineering and Housing where employed, furnishing full name, SSN, period of time involved, and signature.

RECORD ACCESS PROCEDURES:

To obtain inFormation in this system, indiviudals should write to the Army installation believed to have the record, furnishing the information identified in 'Notification procedures.'

CONTESTING RECORD PROCEDURES:

Army rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Enlistment, commission, or appointment documents which reflect base pay rate data for individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1511.01aDAEN

SYSTEM NAME:

1511.01 Army Housing Information Management System (HIMS)

SYSTEM LOCATION:

Office of the Chief of Engineers, Department of the Army, Washington, DC 20314, and Housing Managers at Army installations worldwide. Official

mailing addresses are in the Department of the Army Directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel, their dependents; Department of Defense or other key civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for on/off post housing containing such information as name, service/social security number (SSN) rank/grade and date, service date, organization of assignment, home address and telephone number; locator data; appropriate travel orders; records reflecting housing availability/assignment/termination; eligibility of civilians for loan to purchase housing; referral services; property inventories, hand receipts, and issue slips; cost control, job orders; survey data; reports of liaison with real estate boards, realtors, brokers and other Government agencies; other management reports regarding HIMS; complaints and investigations; and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 133 and 2674.

Department of Defense Instructions 1100.16, 4165.27, 4165.34, 4165.43, 4165.44, 4165.47 and 4165.51.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information relating to the management, operation, and control of the Army housing program; to provide necessary housing for military personnel, their dependents, and qualified civilian employees; to determine housing adequacy/suitability; to document cost data for alterations/repair of units; to establish rental rates; to provide guidance and referral service; to reflect liaison with real estate boards, brokers, and other Government agencies; to render reports; to investigate complaints and related matters.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, file cards, computer tapes, disks and printouts, and punched cards.

RETRIEVABILITY:

By individual's surname, facility name or number.

SAFEGUARDS:

Automated data are protected by physical security devices which include guards to the buildings, and limited access only to authorized personnel. Access to or update of information in the system is protected through a system of passwords, thereby preserving integrity of data handled. Paper records are maintained in areas accessible only to authorized personnel in buildings which either employ security guards or are locked when not in use.

RETENTION AND DISPOSAL:

Installation troop housing files: Destroyed after 3 years.

Installation housing project tenancy files: Destroyed 3 years after termination of quarters occupancy.

Cost control files: Destroyed 11 years after last entry.

Leasing/rental rate files: Destroyed after 10 years.

Housing referral service files: Destroyed after 5 years.

Off-post rental housing reports: Office performing Army-wide staff responsibility: Destroyed after 5 years. Other offices: Destroyed after 3 years.

Off-post housing complaints/investigations: Office performing Army-wide staff responsibility: Destroy 5 years after completion. Other offices: Destroy 2 years after completion.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from the Director of Industrial Operations, Office of the Chief of Engineers, or his counterpart in District/Division Offices providing housing service.

RECORD ACCESS PROCEDURES:

An individual's request may be addressed to the Director of Industrial Operations at the appropriate installation, and contain the name and address and last assignment location.

For personal visits, the individual should be able to provide acceptable identification such as valid driver's license or military identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determination are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

The individual, his/her personnel records, tenants/landlords and realty activities, financial institutions, and previous employers/commanders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1522.10aDAEN

SYSTEM NAME:

1522.10 Reservoir Permit Files

SYSTEM LOCATION:

United States Army Corps of Engineers Project Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person or persons applying for permits, permittees and persons having done unauthorized work at Corps water resource development projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for permits, permits and letters of comment from the general public.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 16 U.S.C., Section 460d; Title 31 U.S.C., Section 483a; Title 42 U.S.C., Sections 4321, 4331-4335, 4341-4347; Title 33 U.S.C., Section 1251 et seq; Executive Order 11752.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Serves as a basis for lakeshore management and public use activity control by the Resource Manager at appropriate project.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Project offices use paper records in file.

RETRIEVABILITY:

Name of applicant and permit number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Reservoir permits are destroyed 1 year after expiration of permit.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Recreation Resource Management Branch, Construction/Operations Division, Civil Works Directorate, Office, Chief of Engineers, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Individuals inquiring whether the system contains records pertaining to

them should write to Project Resource Manager at project concerned.

RECORD ACCESS PROCEDURES:

The Corps of Engineers project office is the place of record for these permits.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information in these files comes from the applicant and the Corps of Engineers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1522.15aDAEN

SYSTEM NAME:

l522.l5 General Permit Files

SYSTEM LOCATION:

Primary System: United States Army Corps Division and District Offices.

Secondary System: Office of the Chief of Engineers (OCE), Washington, DC 20314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person or persons applying for permits, permittees and persons having done unauthorized work in navigable waters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for permits, permits, written comments from the general public, state, local and Federal agencies and Corps of Engineers supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 9, l0 and l4, River and Harbor Act of March 3, l899;

Section 404, Federal Water Pollution Control Act Amendments of l972;

Section l03, Marine Protection, Research and Sanctuaries Act of l972.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To serve as basis for decision by Chief of Engineers or his designated representative in enforcing the regulatory program. Records may be referred to the Department of Justice for possible criminal prosecution.

Portions of records may be released to other appropriate Federal agencies to solicit views regarding the application, as required by Federal laws, such as the National Environmental Quality Act of 1969 and the Fish and Wildlife Coordination Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Applications for permits are kept until permit is issued, denied or withdrawn. Permits are kept for the life of the structure. Files on unauthorized activities are kept until case is resolved.

STORAGE:

District offices use different methods of storage (paper records in file folders, computer paper printouts, computer magnetic disks and microfilm).

RETRIEVABILITY:

District offices use different systems and therefore can retrieve information in a variety of ways. All Districts can retrieve information by name. Some Districts have as many as ten different parameters on which to extract information.

SAFEGUARDS:

All buildings where files are kept have security guards. Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Fill and bank protection files are permanent. Dock permit files are destroyed 2 years after removal of the structure. Dredging and dumping permit files are destroyed 2 years after revocation or expiration. General permit files are permanent in field offices and destroyed after 3 years in OCE. Rejected permit application files are destroyed l year after disapproval. Nonaction construction permit files are destroyed 2 years after expiration of permit.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Regulatory Functions Branch, Civil Works Directorate, Office, Chief of Engineers, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained by writing:

HQDA, Office of the Chief of Engineers
ATTN: DAEN-CWO-N
Washington, DC 203l4

Information may also be obtained by writing or visiting the nearest Corps of Engineers District office.

RECORD ACCESS PROCEDURES:

The location of nearest Corps of Engineers District Office can be determined by writing the SYSMANAGER. The District Offices are offices of record for these files.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information in these files comes from the applicant, local and state government, the general public and the following Federal agencies: Department of the Interior, Environmental Protection Agency, National Oceanic and Atmospheric Administration, Department of Justice, and Corps of Engineers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A1524.11DAEN

SYSTEM NAME:

l524.ll Violation Warning Files

SYSTEM LOCATION:

Decentralized Segments: All Corps of Engineers projects that issue Department of Defense (DD) 1805's (Violation Notice) or Corps of Engineers (ENG) Form 4381 (Warning Citation).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who, on lands administered by the Corps of Engineers, violates the provisions of Chapter III, Parts 313 or 327, of Title 36, Code of Federal Regulations which governs public use of water resource development projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the DD 1805 or ENG Form 4381, a copy of which was given the individual at the time of preparation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 234 of the Flood Control Act of 1970 (Public Law 91-611, 31 December l970, 84 Stat. l8l8).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Resources Manager: File used for reference in checking prior offenses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of violator.

SAFEGUARDS:

Files maintained in areas accessible only to authorized personnel assigned to the project.

RETENTION AND DISPOSAL:

Destroy after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army (HQDA), Forrestal Building, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief of Engineers
ATTN: DAEN-PM
Headquarters, Department of the Army
Forrestal Building
Washington, DC 20314
Telephone: Area Code 202/693-7303/4

RECORD ACCESS PROCEDURES:

Requests from individuals shall be addressed to: The project site that originated the violation/warning notice or to HQDA (DAEN-PM), Forrestal Building, Washington, DC 20314.

Written requests for information should contain the full name of the individual, current address and telephone number, and the serial number of the violation/warning notice.

For personal visits to project sites, the individual should be able to provide some acceptable identification, i.e., Driver's license, employing office's identification card, and give some verbal information that can verify the circumstances surrounding his case.

CONTESTING RECORD PROCEDURES:

The method of contesting the violation/warning is explained to each individual at time of issuance.

RECORD SOURCE CATEGORIES:

Documents are prepared by Corps of Engineer Enforcement personnel at the civil works sites.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DIRECTORY OF UNITED STATES ARMY,

ARMY AND AIR FORCE EXCHANGE SERVICE

AND FEDERAL ACQUISITION INSTITUTE ADDRESSES

This directory is published to enable users of record system notices to identify the location of such systems of records in order to request access to and amendment of records.

The Department of the Army also processes the record system notices of the Army and Air Force Exchange Service (AAFES) and the Federal Acquisition Institute (FAI) for publication in the FEDERAL REGISTER; therefore, the addresses of these organizations are included in this directory.

HEADQUARTERS, DEPARTMENT OF THE ARMY

The following elements of the Army constitute the Headquarters, Department of the Army and are located in Washington, DC area:

Office of the Secretary of the Army

Office of the Assistant Chief of Staff for Automation and Communications

Office of The Adjutant General

Office of the Chief, Army Reserve

Office of the Comptroller of the Army

Office of the Chief of Chaplains

Office of the Chief of Engineers

Office of the Chief of Staff

Office of The Inspector General

Office of The Judge Advocate General

Office of the Deputy Chief of Staff for Logistics

Office of the Deputy Chief of Staff for Research, Development and Acquisition

Office of the Assistant Chief of Staff for Intelligence

Office of the Chief, Military History

Office of the Deputy Chief of Staff for Operations and Plans

Office of the Chief, National Guard Bureau

Office of the Deputy Chief of Staff for Personnel

Office of The Surgeon General

Office of the Chief of Public Affairs

Army Board for Correction of Military Records

MAJOR COMMANDS

Commander US Army Materiel Development and Readiness Command 5001 Eisenhower Ave Alexandria, VA 22332

Commander US Army Military District of Washington Ft Lesley J. McNair 4th and P Sts, SW Washington, DC 20319

Commander US Army Criminal Investigation Command Nassif Bldg 5611 Columbia Pike Falls Church, VA 22041

Commander US Army Communications Command Ft Huachuca, AZ 85613

Commander US Army Health Services Command Ft Sam Houston, TX 78234

Commander US Army Forces Command Ft McPherson, GA 30330

Commander US Army Recruiting Command Ft Sheridan, IL 60037

Commander Military Traffic Management Command Washington, DC 20315

Commander US Army Training and Doctrine Command Ft Monroe, VA 23651

Commander US Army Intelligence and Security Command Arlington Hall Station 400 Arlington Blvd Arlington, VA 22212

Commander US Army Western Command Ft Shafter, HI 96823

Commander US Army Japan APO San Francisco 96343

Commander Eighth US Army APO San Francisco 96301

Commander in Chief US Army Europe and Seventh Army APO New York 09403

ARMY FIELD OPERATING AGENCIES, SUBORDINATE COMMANDS,

AND MAJOR INSTALLATIONS

ALABAMA

Commander US Army School/ Training Center and Ft McClellan Ft McClellan, AL 36201

Commander US Army Aviation Center, School and Ft Rucker Ft Rucker, AL 36362

Commander US Army Aeromedical Center Ft Rucker, AL 36362

Commander US Army Safety Center Ft Rucker, AL 36362

Commander US Army Missile and Munitions Center and School Redstone Arsenal, AL 35809

Commander US Army Missile Research and Development Command Redstone Arsenal, AL 35809

District Engineer US Army Engineer District, Mobile PO Box 2288 Mobile, AL 36628

Division Engineer US Army Engineer Division, Huntsville PO Box 1600, West Station Huntsville, AL 35807

ALASKA

Commander 172d Infantry Brigade Ft Richardson, AK 99505

Commander US Army Cold Region Test Center Ft Greely APO Seattle 98733

District Engineer US Army Engineer District, Alaska Anchorage, AK 99510

ARIZONA

Commander Ft Huachuca, AZ 85613

Commander US Army Intelligence Center and School Ft Huachuca, AZ 85613

Commander US Army Yuma Proving Ground Yuma, AZ 85364

ARKANSAS

Commander Ft Chaffee Ft Smith, AR 72902

Commander US Army Pine Bluff Arsenal Pine Bluff, AR 71601

District Engineer US Army Engineer District, Little Rock PO Box 867 Little Rock, AR 72203

CALIFORNIA

Commander 7th Infantry Division and Ft Ord Ft Ord, CA 93941

Commander Military Traffic Management Command, Western Area Oakland Army Base Oakland, CA 94626

Commander US Army Communications Command, Western Area Oakland Army Base Oakland, CA 94626

Commander Letterman Army Medical Center Presidio of San Francisco, CA 94129

Commander Sixth US Army Presidio of San Francisco, CA 94129

District Engineer US Army Engineer District, Los Angeles PO Box 2711 Los Angeles, CA 90053

District Engineer US Army Engineer District, Sacramento 650 Capital Mall Sacramento, CA 95814

District Engineer US Army Engineer District, San Francisco 211 Main Street San Francisco, CA 94105

Division Engineer US Army Engineer Division, South Pacific Room 1216 630 Sansome St San Francisco, CA 94111

COLORADO

Commander Fitzsimmons Army Medical Center Denver, CO 80240

Commander Rocky Mountain Arsenal Denver, CO 80240

Commander 4th Infantry Division and Ft Carson Ft Carson, CO 80913

DISTRICT OF COLUMBIA

Commander The Adjutant General Center Forrestal Bldg 1000 Independence Ave, SW Washington, DC 20314

Administrator US Army Civilian Appellate Review Agency Rm 8H-086, Forrestal Bldg 1000 Independence Ave, SW Washington, DC 20314

Commander Ft Lesley J. McNair 4th and P Sts, SW Washington, DC 20319

Commander US Army Command and Control Support Agency The Pentagon Washington, DC 20310

Commander US Army Management Systems Support Agency The Pentagon Washington, DC 20310

Commander Walter Reed Army Medical Center 6925 16th St, NW Washington, DC 20012

Commander US Army Physical Disability Agency 6925 16th St, NW Washington, DC 20012

FLORIDA

District Engineer US Army Engineer District, Jacksonville PO Box 4970 Jacksonville, FL 32201

GEORGIA

Commander US Army Infantry Center, School, and Ft Benning Ft Benning, GA 31905

Commander US Army Signal Center and Ft Gordon Ft Gordon, GA 30905

Commander Dwight David Eisenhower Army Medical Center Ft Gordon, GA 30905

Commander Ft McPherson, GA 30330

Commander 24th Infantry Division and Ft Stewart Hinesville, GA 31313

District Engineer US Army Engineer District, Savannah PO Box 889 Savannah, GA 31402

Division Engineer US Army Engineer Division, South Atlantic 510 Title Bldg 30 Pryor St, SW Atlanta, GA 30303

HAWAII

Commander Ft Shafter, HI 96823

Commander Tripler Army Medical Center Honolulu, HI 96823

Division Engineer US Army Engineer Division, Pacific Ocean Bldg 230 Ft Shafter, HI 96823

ILLINOIS

Commander Ft Sheridan, IL 60037

Commander US Army Military Enlistment Processing Command Ft Sheridan, IL 60037

Commander US Army Armament Materiel Readiness Command Rock Island Arsenal Rock Island, IL 61201

District Engineer US Army Engineer District, Chicago 219 S Dearborn St Chicago, IL 60604

District Engineer US Army Engineer District, Rock Island Clock Tower Bldg Rock Island, IL 61201

INDIANA

Commander US Army Administration Center and Ft Benjamin Harrison Ft Benjamin Harrison, IN 46216

Commander US Army Finance and Accounting Center Ft Benjamin Harrison, IN 46216

Commander US Army Institute of Administration Ft Benjamin Harrison, IN 46216

KANSAS

Commandant US Army Command and General Staff College Ft Leavenworth, KS 66027

Commander US Army Disciplinary Barracks Ft Leavenworth, KS 66027

Commander 1st Infantry Division and Ft Riley Ft Riley, KS 66442

KENTUCKY

Commander 101st Airborne Division and Ft Campbell Ft Campbell, KY 42223

Commander US Army Armor Center and School Ft Knox, KY 40121

Commander Lexington-Blue Grass Army Depot Lexington, KY 40507

District Engineer US Army Engineer District, Louisville PO Box 59 Louisville, KY 40201

LOUISIANA

Commander 5th Infantry Division and Ft Polk Ft Polk, LA 71459

District Engineer US Army Engineer District, New Orleans PO Box 60267 New Orleans, LA 70160

MARYLAND

Commander Edgewood Arsenal Aberdeen Proving Ground, MD 21005

Commander US Army Aberdeen Proving Ground Aberdeen Proving Ground, MD 21005

Commander US Army Environmental Hygiene Agency Aberdeen Proving Ground, MD 21005

Commander US Army Ordnance School and Center Aberdeen Proving Ground, MD 21005

Commander US Army Test and Evaluation Command Aberdeen Proving Ground, MD 21005

Commander Harry Diamond Laboratories 2800 Powder Mill Road Adelphi, MD 20783

Commander Ft Detrick Frederick, MD 21701

Commander US Army Medical Research and Development Command Ft Detrick Frederick, MD 21701

Commander Ft George G. Meade, MD 20755

Commander US Army Intelligence and Security Agency Ft George G. Meade, MD 20755

Commander Ft Ritchie, MD 21719

District Engineer US Army Engineer District, Baltimore PO Box 1715 Baltimore, MD 21203

MASSACHUSETTS

Commander Ft Devens, MA 01433

Commander US Army Security Agency Training Center and School Ft Devens, MA 01433

Commander US Army Natick Research and Development Command Natick, MA 10760

Division Engineer US Army Engineer Division, New England 424 Trapelo Road Waltham, MA 02154

MICHIGAN

Commander US Army Tank-Automotive Materiel Readiness Command Detroit Arsenal Warren, MI 48089

District Engineer US Army Engineer District, Detroit PO Box 1027 Detroit, MI 48231

MINNESOTA

District Engineer US Army Engineer District, St Paul 1135 US Post Office and Custom House St Paul, MN 55101

MISSISSIPPI

District Engineer US Army Engineer District, Vicksburg PO Box 60 Vicksburg, MS 39180

Division Engineer US Army Engineer Division, Lower Mississippi Valley PO Box 80 Vicksburg, MS 39180

MISSOURI

Commander US Army Engineer Training Center and Ft Leonard Wood Ft Leonard Wood, MO 65473

Commander Automated Logistics Management Systems Activity PO Box 1578 St Louis, MO 63188

Commander US Army Reserve Components Personnel and

Administration Center 9700 Page Blvd St Louis, MO 63132

District Engineer US Army Engineer District, Kansas City 700 Federal Bldg Kansas City, MO 64106

District Engineer US Army Engineer District, St Louis 210 N 12th St St Louis, MO 63101

NEBRASKA

District Engineer US Army Engineer District, Omaha 6014 US Post Office and Courthouse 215 N 17th St Omaha, NE 68102

Division Engineer US Army Engineer District, Missouri River PO Box 103, Downtown Station Omaha, NE 68101

NEW JERSEY

Commander Military Traffic Management Command, Eastern Area Bayonne, NJ 07002

Commander Pictinny Arsenal Dover, NJ 07801

Commander US Army Training Center and Ft Dix Ft Dix, NJ 08640

Commander US Army Communications Research and Development Command Ft Monmouth, NJ 07703

Commandant US Military Academy Preparatory School Ft Monmouth, NJ 07703

NEW MEXICO

Commander White Sands Missile Range, NM 88002

District Engineer US Army Engineer District, Albuquerque PO Box 1580 Albuquerque, NM 87103

NEW YORK

Commandant US Army Chaplain School Ft Wadsworth Rosebank, Staten Island, NY 10305

Superintendent US Military Academy West Point, NY 10996

District Engineer US Army Engineer District, Buffalo 1776 Niagara St Buffalo, NY 14207

District Engineer US Army Engineer District, New York 26 Federal Plaza New York, NY 10007

Division Engineer US Army Engineer Division, North Atlantic 90 Church St New York, NY 10007

NORTH CAROLINA

Commander XVIII Airborne and Ft Bragg Ft Bragg, NC 28308

Commander US Army Institute for Military Assistance Ft Bragg, NC 28308

District Engineer US Army Engineer District, Wilmington PO Box 1890 Wilmington, NC 28401

OHIO

Division Engineer US Army Engineer Division, Ohio River PO Box 1159 Cincinnati, OH 45201

OKLAHOMA

Commander US Army Field Artillery Center, School, and Ft Sill Ft Sill, OK 73503

District Engineer US Army Engineer District, Tulsa PO Box 61 Tulsa, OK 74102

OREGON

District Engineer US Army Engineer District, Portland PO Box 2946 Portland, OR 97208

Division Engineer US Army Engineer Division, North Pacific PO Box 2870 Portland, OR 97208

PENNSYLVANIA

Commandant US Army War College Carlisle Barracks, PA 17013

Commander Letterkenny Army Depot Chambersburg, PA 17201

Commander US Army International Logistics Command New Cumberland Army Depot New Cumberland, PA 17070

Commander US Army Support Activity, Philadelphia Philadelphia, PA 17101

Commander Tobyhanna Army Depot Tobyhanna, PA 18466

District Engineer US Army Engineer District, Philadelphia US Custom House 2d and Chestnut Sts Philadelphia, PA 19106

District Engineer US Army Engineer District, Pittsburgh Federal Bldg 1000 Liberty Ave Pittsburgh, PA 15222

SOUTH CAROLINA

Commander US Army Infantry Training Center and Ft Jackson Ft Jackson, SC 29209

District Engineer US Army Engineer District, Charleston PO Box 919 Charleston, SC 29402

TENNESSEE

District Engineer US Army Engineer District, Memphis 668 Clifford Davis Bldg Memphis, TN 38103

District Engineer US Army Engineer District, Nashville PO Box 1070 Nashville, TN 37202

TEXAS

Commander William Beaumont Army Medical Center El Paso, TX 79920

Commandant Health Services Academy, US Army Ft Sam Houston, TX 78234

Commander Brooke Army Medical Center Ft Sam Houston, TX 78234

Commander Fifth US Army Ft Sam Houston, TX 78234

Commander US Army Air Defense Center, School, and Ft Bliss Ft Bliss, TX 79916

Commander III Corps and Ft Hood Ft Hood, TX 76544

Chief US Army Health Information Systems and Boistatistical Agency Ft Sam Houston, TX 78234

Commander Red River Army Depot Texarkana, TX 75501

District Engineer US Army Engineer District, Fort Worth PO Box 17300 Ft Worth, TX 76102

District Engineer US Army Engineer District, Galveston PO Box 1229 Galveston, TX 77553

Division Engineer US Army Engineer Division, Southwestern Main Tower Bldg 1200 Main St Dallas, TX 75202

UTAH

Commander US Army Dugway Proving Ground Dugway, UT 84022

Commander Tooele Army Depot Tooele, UT 84074

VIRGINIA

Commander Cameron Station Alexandria, VA 22314

Chief US Army Civilian Personnel Center Hoffman Bldg II 200 Stovall St Alexandria, VA 22332

Commander US Army Military Personnel Center Hoffman Bldg II 200 Stovall St Alexandria, VA 22332

Commander US Army Research Institute for the Behavioral and Social Sciences 5001 Eisenhower Ave Alexandria, VA 22333

Commander Arlington Hall Station 400 Arlington Blvd Arlington, VA 22212

Commandant The Judge Advocate General's School, US Army Charlottesville, VA 22901

Commander US Army Audit Agency Nassif Bldg Falls Church, VA 22041

Commander US Army Computer Systems Support and Evaluation Agency Falls Church, VA 22041

Commander US Army Operational Test and Evaluation Agency 5600 Columbia Pike Falls Church, VA 22041

Commander US Army Engineer Center and Ft Belvoir Ft Belvoir, VA 22060

Commander US Army Computer Systems Command Ft Belvoir, VA 22060

Commander US Army Transportation Center, School and Ft Eustis Ft Eustis, VA 23604

Commander US Army Logistics Management Center Ft Lee, VA 23801

Commander US Army Quartermaster Center, School and Ft Lee Ft Lee, VA 23801

District Engineer US Army Engineer District, Norfolk 803 Front St Norfolk, VA 23510

Division Engineer US Army Engineer Division, Middle East (Rear) PO Box 2250 Winchester, VA 22601

WASHINGTON

Commander 9th Infantry Division and Ft Lewis Ft Lewis, WA 98433

Commander Madigan Army Medical Center Tacoma, WA 98431

District Engineer US Army Engineer District, Seattle PO Box C-3755 Seattle, WA 98124

District Engineer US Army Engineer District, Walla Walla Bldg 602 City-County Airport Walla Walla, WA 99362

WEST VIRGINIA

District Engineer US Army Engineer District, Huntington PO Box 2127 Huntington, WV 25721

WISCONSIN

Commander Ft McCoy Sparta, WI 54656

OVERSEAS

Commander in Chief US Southern Command US Army Element APO Miami 34003

Commander V Corps APO New York 09097

Commander VII Corps APO New York 09107

Commander 32d Army and Air Force Defense Command APO New York 09227

Commander US Army Berlin Brigade APO New York 09742

Commander US Army Medical Command, Europe APO New York 09403

Commander US Army Southern European Task Force APO New York 09168

Commander in Chief US European Command US Army Element APO New York 09128

Commander US Army Element SHAPE APO New York 09055

Division Engineer US Army Engineer Division, Europe APO New York 09757

Division Engineer US Army Engineer Division, Mediterranean APO New York 09019

Division Engineer US Army Engineer Division, Middle East APO New York 09038

Commander 4th US Army Missile Command APO San Francisco 96558

Commander I Corps APO San Francisco 96358

District Engineer US Army Engineer District, Far East APO San Francisco 96301

District Engineer US Army Engineer District, Japan APO San Francisco 96343

ARMY AND AIR FORCE EXCHANGE SERVICE

(AAFES)

HEADQUARTERS

Army and Air Force Exchange Service 3911 Walton Walker Blvd Dallas, TX 75222

CONTINENTAL UNITED STATES EXCHANGE REGIONS/AREA EXCHANGES/EXCHANGES

Alamo Exchange Region Army and Air Force Exchange Service Bldg 370 Ft Sam Houston, TX 78234

Southwest Area Exchange Ft Bliss, TX 79908

South Texas Area Exchange Lackland AFB, TX 78236

Central Texas Area Exchange
Ft Hood, TX 76544

Red River Area Exchange
Barksdale AFB, LA 71110

Capitol Exchange Region Army and Air Force Exchange Service Bldg 6
Cameron Station Alexandria, VA 22314

Mid-Atlantic Area Exchange
Ft Dix, NJ 08640

New England Area Exchange
Ft Devens, MA 01433

Tidewater Area Exchange
Langley AFB, VA 23665

Washington Area Exchange
Cameron Station
Alexandria, VA 22314

Azores Area Exchange
APO New York 09406

Golden Gate Exchange Region Army and Air Force Exchange Service Box 3553 San Francisco, CA 94119

Alaska Area Exchange
Pouch 6-550
Anchorage, AK 99502

Arizona Area Exchange
Davis-Monthan AFB, AZ 85707

Northern California Area Exchange
Mather AFB, CA 95655

Northwest Area Exchange
Ft Lewis, WA 98433

Southern California Area Exchange
Norton AFB, CA 92409

Central California Area Exchange
Ft Ord, CA 93941

Ohio Valley Exchange Region Army and Air Force Exchange Service Bldg 2501, Gate 1 Indiana Army Ammunition Plant Charlestown, IN 47111

Central Area Exchange
Ft Leonard Wood, MO 65473

Great Lakes Area Exchange
K. I. Sawyer AFB, MI 49843

Midwest Area Exchange
Wright-Patterson AFB, OH 45433

North Central Area Exchange
Offutt AFB, NE 68113

Rocky Mountain Area Exchange
Ft Carson, CO 80913

Southeast Exchange Region Army and Air Force Exchange Service 1280
Kershaw St Montgomery, AL 36108

West Georgia Area Exchange
Ft Benning, GA 31905

Blue Ridge Area Exchange
Ft Bragg, NC 28307

Piedmont Area Exchange
Ft Jackson, SC 29207

Florida Area Exchange
MacDill AFB, FL 33608

Panama Area Exchange
APO Miami 34009

Puerto Rico Exchange
Ft Buchanan, PR 00934

Gulf Coast Area Exchange
Eglin AFB, FL 32542

OVERSEAS AAFES

Headquarters Army and Air Force Exchange Service-Europe APO New York 09245

Frankfurt Area Exchange, Germany
APO New York 09757

Greece Area Exchange
APO New York 90253

Italy Area Exchange
APO New York 09168

Spain Area Exchange
APO New York 09283

United Kingdom Area Exchange
APO New York 09129

Turkey Area Exchange
APO New York 09224

Headquarters Army and Air Force Exchange Service-Pacific 919 Ala Moana Honolulu, HI 96814

Guam Area Exchange
APO San Francisco 96351

Hawaii Area Exchange
919 Ala Moana
Honolulu, HI 96814

Japan Area Exchange
APO San Francisco 96323

Korea Area Exchange
APO San Francisco 96301

Okinawa Area Exchange
APO San Francisco 96344

Philippines Area Exchange
APO San Francisco 96431

FEDERAL ACQUISITION INSTITUTE
Federal Acquisition Institute 5001 Eisenhower Ave Alexandria, VA 22333

DEFENSE MAPPING AGENCY

HOW SYSTEMS OF RECORDS ARE ARRANGED. The Defense Mapping Agency records are grouped by subject series. Each series has records about a specific activity or function to which a subject title and number is given. Systems or records are grouped in the same way. For example, a system of records on personnel security clearances may be found in Personnel Security Files - B0504-01 and one about equal employment opportunities may be found in Equal Employment Opportunity Reporting Files - B0605-01. These numbers are part of the system identifica- tion (ID) which precede the notices in the Federal Register. They

look like this: B0504-01 HQ,HT,A; B0605-01 HQ,HT,A,S,I. The letter B means Defense Mapping Agency. The first four digits (0504 and 0601) show that the records pertain to Personnel Security and Equal Employ- ment Opportunity respectively; and the last two are a further breakdown of the series. The letters that follow these numbers are internal management accounting devices only. Other systems of records which differ from these examples but have similar documents may also be found in the same series.

HOW TO USE THE INDEX GUIDE. The systems of records maintained by the Defense Mapping Agency are contained within the subject series that are listed below. This list identifies each series in the order in which it appears in this issuance. Use the list to identify subject areas of interest. Having done so, use the series number (for example 0504 for Personnel Security) to locate the systems of records grouping in which you are interested.

SUBJECT SERIES

SYSTEM IDENTIFICATION SERIES

Office Personnel
0102 Document Control
0104

Common Mission
0201

Inspection
0210

Historical
0228

Finance and Accounting
0302

Civilian Personnel Pay and Accounting
0303

General Legal
0401

Claims Investigating and Processing Documents
0402

Patent, Copyright Trademark and Proprietary Data
0403

Legislative and Congressional Liaison
0407

Informational Services
0408

Information Security
0502

Guard Protective Services
0503

Personnel Security
0504

Civilian Personnel Program
0001

Civilain Personnel Position and Pay
0002

Employment Application
0004

Equal Employment Opportunity
0005

Individual Civilian Personnel
0006

Civilian Personnel Action
0007

Civilian Personnel Training
0008

Promotion, Placement, and Career Management
0009

Civilian Personnel Welfare and Grievance
0010

Civilian Personnel Reduction-In-Force
0011

Labor Management Relations
0012

Awards Files
0013

Military Personnel Files
0014

Safety Management Program
0015

Medical and Health Program
0901

Training Schools and Curriculum
1001

Student Selection and Academic Records
1002

Individual Procurement Transactions
1202

General Supply Accounting
1205

Self Service Supply
1206

Maintenance
1208

Personnel Travel and Transportation
1211

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant

to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

B0102-01 HQHTASID

SYSTEM NAME:

102-01 Office General Personnel Files

SYSTEM LOCATION:

DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center(A), Defense Mapping School(S), Inter American Geodetic Survey(I), Office of Distribution Services (D). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of DMA Civilian and Military

CATEGORIES OF RECORDS IN THE SYSTEM:

Consist of copies of and papers relating to time and attendance reports, leave reports, overtime work, work attendance, holidays, athletic events, employee unions, medical services, training, duty assignments, emergency information and similar data on related subjects. List of individuals authorized to receive these services will also be included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12107, 12/28/78; Relating to the Civil Service Commission and Labor-Management in the Federal Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Supervisory personnel in their day-to-day personnel actions for; promotion, adverse actions, training and other related actions. File subject to civil service review.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary records. Destroy after l year or on discontinuance, whichever is first.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from DMA Directory

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to appropriate organization of address list.

Written requests for information should contain the full name of the individual current address and telephone number, social security number. Visits are limited to normal working hours.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from: System Manager.

RECORD SOURCE CATEGORIES:

Copies of papers relative to time and attendance reports, overtime work, work attendance, leave reports, holidays, athletic events, employee unions, medical services, training and related subjects.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0102-03 HQHTASI

SYSTEM NAME:

102-03 Office Personnel Locator Files

SYSTEM LOCATION:

DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center(A), Defense Mapping School(S), Inter American Geodetic Survey(I). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel currently employed or assigned at DMA

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting the name, address, telephone number, and similar data for each person.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12107, 12/28/78; Relating to the Civil Service Commission and Labor-Management in the Federal Service

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Supervisory Personnel - Used to record personal information and Military Career Progression and maintained on file to notify appropriate agencies and officials in case of emergencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary records. Destroy on separation or transfer of the individual or preparation of a new list.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from Above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual current address and telephone number, social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager

RECORD SOURCE CATEGORIES:

Information received from employee and other personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0102-08 HQHTASID

SYSTEM NAME:

102-08 Office Personnel Information Files

SYSTEM LOCATION:

DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center(A), Defense Mapping School(S), Inter American Geodetic Survey(I), Office of Distribution Services (D). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of DMA Civilian and Military

CATEGORIES OF RECORDS IN THE SYSTEM:

Supervisory copies of personnel matters that are duplicated in or which are not appropriate for inclusion in the Official Personnel Folder: for example, copies of papers relating to injuries, appreciation and commendation, training received, performance appraisals and assigned responsibilities or off-duty information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EO 12107, 12/28/78; Relating to the Civil Service Commission and Labor-Management in the Federal Service

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Supervisory personnel record used for performance ratings and similar uses, appreciation, commendation, career development and responsibilities of employees. Record may be subject to OPM inspection.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings and Facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are temporary, review at end of calendar year and destroy documents which have been superseded or are no longer applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from Above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual, current address and telephone number, social security number, and organizational element where employed. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, that is drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Information summarized from existing records and current entries by supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0210-06 HQHTASI

SYSTEM NAME:

210-06 Inspector General Investigative Files

SYSTEM LOCATION:

Office of the Inspector General - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), Inter American Geodetic Survey (I). - See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian assigned to, employed by or having reason to do official business with the Defense Mapping Agency or one of its employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative Files consist of written inquiries or investigative reports pertaining to complaints, possible violations or improper procedures pertaining to DMA personnel, procedures, policies or programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, Records Management by Federal Agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Inspector General and Command Officials - to analyze and evaluate the effectiveness and efficiency of DMA policies, programs and procedures.

Complaints, inquires or investigations are used to initiate proper corrective action if the allegation is proven to be true in fact.

Security - Personnel - Supervisors - Used as basis for corrective actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Files are considered official in nature and are made available only to the Inspector General and Command officials.

STORAGE:

Paper records are stored in file folders and secured in safe-file cabinets.

RETRIEVABILITY:

Alphabetically by last name or subject matter

SAFEGUARDS:

Building, facilities employ security guards and alarms. Records are maintained in areas accessible only to authorized personnel that are properly screened cleared and trained.

RETENTION AND DISPOSAL:

Files accumulated in the Office of the Inspector General as permanent. Cut off on completion of Investigation.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Headquarters, Defense Mapping Agency, Bldg 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the indivdual current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agency rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Inspector General Investigative reports are the written results of IG Inquiries or Investigation of written or oral allegations from complaints.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0210-07 HQHTASI

SYSTEM NAME:

210-07 Inspector General Complaint Files

SYSTEM LOCATION:

Office of the Inspector Generals - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), Inter American Geodetic Survey (I). - See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian assigned to, employed by or having reason to do official business with the Defense Mapping Agency or one of its employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains letters or memorandums received by the Defense Mapping Agency wherein someone has complained about DMA personnel, programs, policies and/or procedures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 3102 - Records management by Federal Agencies

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Inspector General and Command officials - As a basis to conduct an inquiry or investigation of the complaint and to initiate proper corrective action if justified.

Security, Personnel, Supervisors - as a basis for corrective action

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Files are considered official in nature and are made available only to the Inspector General and Command officials.

STORAGE:

Paper records are stored in file folders and secured in safe-file cabinets.

RETRIEVABILITY:

Alphabetically by last name of individual or by subject.

SAFEGUARDS:

Buildings, facilities located on guarded military installations. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary Record. Destroy one year after completion and close of case.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Headquarters Defense Mapping Agency, Bldg 56, U.S. Naval Observatory, Washington, D. C. 20305.

NOTIFICATION PROCEDURE:

Information may be obtained from System Manager.

RECORD ACCESS PROCEDURES:

Request from individual should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, etc., and some verbal information.

CONTESTING RECORD PROCEDURES:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Source of Inspector General Complaint files are letters or memorandums received by HQ DMA from military or civilian.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0228-04 HT

SYSTEM NAME:

AR 228-04 Historical Photographic Files

SYSTEM LOCATION:

Public Affairs office of DMAHTC - See DMA Directory for complete address.

Decentralized Segments - Records Holding Area, Records Management Division of DMAHTC

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commanding Officers; civilian employees (staff organization) VIP visitors; awards, suggestions, sports, retirement ceremonies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Photographs and negatives of

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 - Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Public Affairs Office - furnish copies of photographs to organizations that requested photographs to be taken

Records Holding Area - Researchers and Historians - To obtain the background information regarding events, ceremonies, awards, sports, retirements at DMATC for input to newspapers, magazine articles.

Release to News Media for Public Relations and Community Affairs Matters.

Organizers of testimonials, banquets and parties.

Supervisors - Recognize accomplishments and publications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Prints and negatives filed in cabinets.

RETRIEVABILITY:

Filed by name and/or event

SAFEGUARDS:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are Permanent. Records will be retired to Washington National Records Center on discontinuance of the installation.

SYSTEM MANAGER(S) AND ADDRESS:

DMA Hydrographic/Topographic Center, ATTN: Public Affairs Office, Room 152, Erskine Hall, 6500 Brookes Lane, Washington, D.C. 20315

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from System Manager

RECORD SOURCE CATEGORIES:

Photographs taken at awards ceremonies; Sporting events; retirement parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0228-10 HT

SYSTEM NAME:

AR 228-10 Installation Historical Files

SYSTEM LOCATION:

Public Affairs Office of DMAHTC - See DMA Directory for complete address.

Decentralized Segments - Records Management Division - Records Holding Area of DMAHTC

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have given speeches or written an article for a magazine or newspaper.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of Speeches and articles for magazine or newspapers

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 - Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Historian - To furnish background Information on the history of the installations.

Public Affairs Office and Records Management Division - to obtain up-to-date information on all speeches, articles for magazines and newspapers published or given by an individual of DMAHTC.

Released to News Media for Public Relations and Community Affairs.

Organizers of testimonials, banquets and supervisors to recognize accomplishments and publications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Files retrieved alphabetically by name of individual.

SAFEGUARDS:

Buildings, facilities employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

This is a permanent record. Retired from Records Holding Area.

SYSTEM MANAGER(S) AND ADDRESS:

DMA Hydrographic/Topographic Center, ATTN: Public Affairs Office, Room 152, Erskine Hall, 6500 Brookes Lane, Washington, D.C. 20315

NOTIFICATION PROCEDURE:

Information may be obtained from Above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Employee copies of speeches; newspapers; magazines, photographs and related publications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0302-21 HTA

SYSTEM NAME:

302-21 Record of Travel Payments

SYSTEM LOCATION:

DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center(A). Office of the Comptroller, Pay and Travel Branch. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee of Defense Mapping Agency reimbursed for Travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card file containing information used to reflect travel allowance payments made to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5707; Travel and subsistence Expenses-Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Cards used to reflect travel allowance payments made to employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are temporary. Cutoff on separation of employee, Inactive three years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Finance and Accounting Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual, current address and telephone number, and the travel number of visit, place visited and date on all correspondence received from this office. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Travel orders and vouchers

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0303-01 A

SYSTEM NAME:

303-01 Individual Pay Record Files

SYSTEM LOCATION:

DMA Aerospace Center(A). See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian pay record file contains magnetic tape. Created and updated by the use of time and attendance cards, address cards, savings bond forms, taxation documents, insurance documents, allotment documents, Standard Form 50.

Printout of Payroll

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of pay data and related information pertaining to DMA employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66a - Accounting and Auditing - Duties of Agency Heads; Information and Controls to be Covered

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personal data is collected for the purpose of establishing, maintaining and administering the employee's authorized pay and leave.

User of information is the Central Payroll Office and Civilian Personnel Directorate.

This information is used for the computation of bi-weekly earnings, pay deductions, and net pay due to the employee. The system further identifies rate of pay and authorized deductions as well as sick and annual leave accumulation, usage and balances. System further provides a master tape listing, civilian payroll master tape, and to the employee the system provides a bi-weekly leave and earnings statement and civilian employee paycheck.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Tapes are retained in tape library, and are updated each pay period.

Printouts maintained and retained in current files are (CFA) and are forwarded in annual blocks to the National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, MO 63118, 18 months after close of the calendar year or within 90 days after receipt of audit completion letter, whichever is first.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DMA Aerospace Center, ATTN: Comptroller See DMA Directory for complete address listing.

NOTIFICATION PROCEDURE:

Information may be obtained from Above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Time and attendance cards, savings bond forms and similar withholding requests of the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0303-02 HTA

SYSTEM NAME:

303-02 Compensation Data Request Files

SYSTEM LOCATION:

Finance Accounting of DMA Hydrographic/Topographic Center (HT) and Aerospace Center (A). See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees requesting compensation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence relating to Federal Employee Compensation claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 USC 1175

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To record documents and correspondence on employees who have been injured on the job, received treatment from a medical facility, and filed a claim for compensation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by employee last name.

SAFEGUARDS:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary record. Destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Finance and Accounting, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager

Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Requests from individuals for information, notice of determination and refusal of work offer. Request for claims of compensation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0303-03 HTA

SYSTEM NAME:

303-03 Individual Retirement Record Control Files

SYSTEM LOCATION:

Primary System - Office of Personnel Management (OPM), Retirement Bureau, Washington, D.C. 20315

Decentralized Segments - Personnel Office, DMA Hydrographic/Topographic Center and DMA Aerospace Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee of DMA who has retired from government service.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains employee's application for retirement from the Federal Service including documentation concerning physical disability retirement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12107, 12/28/78; Relating to the Civil Service Commission and Labor-Management in the Federal Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To take follow-up action or answer questions from the retiree, survivors, OPM, and health and life insurance carriers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary - Retain in active file. Destroy after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Application for retirement from Federal Service, and related documentation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0303-04 A

SYSTEM NAME:

303-04 Leave Record Files

SYSTEM LOCATION:

Primary System. Comptroller, DMA Aerospace Center. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees of DMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of official annual accumulation and use of employee's leave.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 USC 1175

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Director of Civilian Personnel to record employee requests for documentation.

Employee - reference for accumulation of leave.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes and printouts.

RETRIEVABILITY:

Files are by payroll block number, organization, and name.

SAFEGUARDS:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Final Leave Record - Temporary Record. Destroy 10 years after separation of individual.

Other Leave Record: Destroy after 4 years or 90 days after receipt of audit completion letter.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Time and attendance cards initialed by employee. Accumulation and use of leave.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0303-21 HTA

SYSTEM NAME:

303-21 Decedent Claim Files

SYSTEM LOCATION:

Personnel Office - DMA Hydrographic/Topographic Center (HT) and Aerospace Center (A). See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees of DMA Hydrographic/Topographic Center or DMA Aerospace Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Death separation - FE Form 6, SF 1153, SF 2800, and other allied papers and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 USC 1175

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of this file is to document the death of a career employee.

Users are: Personnel Office to maintain/ascertain that documents are in file for employees who have been separated due to death.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder.

RETRIEVABILITY:

Alphabetically by employee last name.

SAFEGUARDS:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary record. Destroyed after 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Copies of vouchers with supporting documents, letters/claims from decedents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0401-02 HQHTA

SYSTEM NAME:

401-02 Statements of Employment and Financial Interest and Ethics Act Files

SYSTEM LOCATION:

Office of the General Counsel, HQ DMA, Office of the Counsel, DMAHTC and DMAAC. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DD 1555 -Defense Mapping Agency civilian personnel classified at GS-13 or above, and military officers serving in the grade of 0-5 or above, whose duties require the exercise of judgment in making Government decisions in regard to monitoring grants or subsidies; contracting and procurement; auditing; or other activities having a significant economic impact on the interests of any non-Federal enterprise.

Special Government Employees of the Defense Mapping Agency serving as advisors or consultants.

SF 278 - DMA civilian personnel classified at GM-16 or above of the General Schedule prescribed by 5 U.S.C. Section 5332 and military officers serving in grades of 07 or above and the DMA designated Agency Ethics Official.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include SF 278's - Executive Personnel Financial Disclosure Report and DD 1555's - Confidential Statement of Employment and Financial Interests containing information as to outside employment, financial interests and creditors. Such forms are filed by individuals upon employment and renewed annually. Copies of the individual's current position description. Signed statements of the individual concerned stating that none of the interests listed constitute a conflict of interest with respect to the duties of his present position. Correspondence indicating review and the resolution of any conflicts disclosed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Part IV, Executive Order 11222, 'Prescribing Standards of Ethical Conduct for Government Officers and Employees' (as amended). Ethics in Government Act of 1978 (PL 95-521), 5 C.F.R. Section 734.603.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Individual's Supervisor (superior officer or official responsible for signing military evaluation reports or civilian performance ratings)-- to determine the existence of, and, if possible, to resolve, any real or apparent conflict between the personal financial interests of the individual concerned and the performance of his services for the Government.

Agency Legal Counsel--to (1) review the individual's statement and the supervisor's evaluation thereof for legal sufficiency, (2) to assist in the resolution of any conflicts disclosed in such statements, and (3) to maintain and safeguard the confidentiality of all such statements.

Directors of Defense Mapping Agency Components and Heads of Defense Mapping Agency Headquarters Major Staff Elements--for review, comment and appropriate action with respect to resolution of any real or apparent conflicts disclosed by the statement of an individual.

The Director, Defense Mapping Agency or the Staff Director of Personnel (as designee)--to review and take action on any conflicts not previously resolved.

Department of Justice--for possible use in investigation/prosecution of fraud or other violation of conflict of interest laws.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Buildings in which files maintained are not open to general public and are guarded on 24-hour basis. Records are maintained in combination safes and are accessible after completion of review only to Agency Counsel. Each submission and subsequent annual renewals are kept in individual, sealed

manila envelopes to prevent unauthorized disclosures.

RETENTION AND DISPOSAL:

These are temporary records. DD Form 1555 of each employee is maintained until his death, retirement or separation from the Defense Mapping Agency and for six (6) years thereafter at which time it is destroyed. SF 278 is retained six years from date of submission.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, DMA Headquarters, Building 56, US Naval Observatory, Washington, D.C. 20305.

NOTIFICATION PROCEDURE:

Information may be obtained from:

General Counsel, DMA Headquarters, Building 56, US Naval Observatory, Washington, DC. 20305

Counsel Defense Mapping Agency Hydrographic/Topographic Center, Washington, D.C. 20315

Counsel Defense Mapping Agency Aerospace Center, St. Louis Air Force Station, Missouri 63118

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: General Counsel, DMA Headquarters Building 56, U.S. Naval Observatory, Washington, D.C. 20305.

Written requests for information should contain the full name and current address and telephone number of the individual. Visits will be arranged through the General Counsel, Headquarters DMA.

For personal visits, the individual should be able to provide some acceptable identification, such as a drivers license or an employer's identification card, and be prepared to provide some verbal information that can be verified with his file.

CONTESTING RECORD PROCEDURES:

The Defense Mapping Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Statements and related documents are obtained from the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0401-03 HQHTA

SYSTEM NAME:

401-03 Legal Assistance Case Files

SYSTEM LOCATION:

Office of General Counsel, DMA . Headquarters (HQ), and Office of General Counsel DMA Hydrographic/ Topographic Center (HT), and Aerospace Center (A). See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel assigned to DMA who request legal assistance

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain legal opinions of the counsel regarding personal matters of an individual. Also copies of document prepared on behalf of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; - Records Management by Federal Agencies

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of General Counsel - for consultation with individual involved, and for reference and precedent value.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

This record is a temporary record. Records are destroyed one year after completion of the case. Selected opinions and correspondence withdrawn for use as precedent may be held until no longer required for reference.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: General Counsel, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Request from military individual for legal opinion on a personal matter, opinions of council and documents prepared by counsil.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0402-05 HQHTA

SYSTEM NAME:

402-05 Legal Claims File

SYSTEM LOCATION:

Primary System - Office of General Counsel, DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), and DMA Aerospace Center (A) - See DMA Directory for complete address listing.

Decentralized Segments - National Washington Record Center, GSA, 4205 Suitland Road, Suitland, Maryland 20409, Department of Army, Judge Advocate General, Pentagon, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DMA personnel having a claim against the Government for loss, damage, or destruction of personal property.

Any individual filing a tort claim against DMA for damages, loss or destruction of property and for personal injury or death resulting from negligence or wrongful act or omission of acts by DMA personnel and individuals against whom the Agency has legal claim.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's claims, related correspondence and processing papers, investigative reports, recommendations of the investigators and opinions of Counsel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; - Records Management by Federal Agencies
28 U.S.C., Section 2671-2680, Federal Torts Claims Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of Counsel - Preliminary investigation and legal opinions for recommendation to high authority for further disposition of claim and in the case of Agency claims, for attempted settlement and/or litigation.

National Washington Records Center - To store and maintain inactive records; The Department of Justice in event of Litigation or designated local government representatives who have delegated authority to investigate and/or settle claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee or by case name.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Approved claims and agency claims - 10 year record, COFF on final action, inactive for one year, transfer to records holding area, hold nine years and destroy. Disapproved claims and claims involving personal injury or a minor, COFF on final action, hold one year inactive, transfer to records holding area, hold one year and transfer to Washington National Records Center. Hold 23 years and destroy.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: General Counsel, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Related forms, correspondence, investigative reports and information gathered in anticipation of litigation, and opinions of Counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0407-03 HQHTASID

SYSTEM NAME:

407-03 Congressional Correspondence Files (Civilian Personnel-Congressional Inquiries)

SYSTEM LOCATION:

Personnel Offices - See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee who has written their Congressman or Senator regarding their employment with the Agency

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes employee's letter to Congressman or Senator, referral letter from Congressman's/Senator's Office to the Agency, documents related to the matter, Agency reply to Congressman/Senator

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 2954 - Information to Committee of Congress on Requests

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to investigate and attempt to resolve employee problems conveyed to their Congressman/Senator

Officials of the Congressman's/Senator's Office

Personnel Office

Supervisors –

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Temporary Record - destroy after five years

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Correspondence and Internal Memos originated by Employees, Congressman, Senator, Personnel Office and Supervisors

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0408-11 HQHTASI

SYSTEM NAME:

408-11 Biography Files

SYSTEM LOCATION:

Public Affairs Officer. See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All top management and other key personnel of DMA

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographies; photographs; newspaper clippings and related documents pertaining to leading military and civilian personalities

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 USC 3101 - Records Management by Federal Agencies

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Public Affairs Office - for release on public relations and community affairs matters

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Record is Permanent. Destroy two years after transfer, separation or death of the individual concerned

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Public Affairs Officer, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Biographical data furnished by individual

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0502-03 HQHTA

SYSTEM NAME:

502-03 Master Billet/Access Record

SYSTEM LOCATION:

Primary System - Special Security/ Activities Division, Department of Computer Services, DMA Hydrographic/Topographic Center. Decentralized segments - HQ DMA, DMA Aerospace Center. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DMA employees and contractor personnel who have been granted a security clearance or indoctrinated for access to Sensitive Compartmented Information (SCI) and all personnel being considered for DMA employment. In addition, employees of other government agencies are included for the period during which their security clearance or SCI access status is permanently certified to DMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may contain for an individual the following: name, rank/grade, military component or civilian status, social security number, SCI billet number and title, security clearance, SCI accesses authorized and held, date Background Investigation completed, date indoctrinated or debriefed, date and state of birth, DMA badge number and expiration date, and whether an authorized courier of SCI material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12356, National Security Information, 2 Apr 1982.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by DMA security personnel to identify and verify personnel granted security clearances or authorized access to SCI. Purpose of verification and identification is to control access to secure areas for use of classified information; for periodic reindoctrination (rebriefing) of employees for SCI access; for periodic security education and training; and for control and reissue of identification badges.

Information is also used to certify personnel SCI access status to other government agencies and to the Defense Intelligence Agency for updating the Security Management Information System.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system.

STORAGE:

Records are stored in computer memory core for retrieval through visual display terminals and line printers.

RETRIEVABILITY:

Files are retrieved by name and at least one other personal identifier, such as a date of birth, place of birth, social security number or military service number. Files may also be retrieved by billet number and/or DMA security badge number.

SAFEGUARDS:

Secured in alarmed vault in guarded building. Vault accessible only to properly cleared, authorized personnel. Transmission of system data between DMA Components is by Secure (encrypted) circuit.

RETENTION AND DISPOSAL:

Active records only are maintained. Records of personnel debriefed for SCI access are dumped on a debrief tape which is printed as an alphabetical listing cumulatively each month for one year, then the tape is erased. Old printed listing is destroyed when replaced by new printed listing (weekly).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Mapping Agency, ATTN: Special Security Office, Building 56, U.S. Naval Observatory, Washington, D.C., 20305

NOTIFICATION PROCEDURE:

Information may be obtained from Defense Mapping Agency, ATTN: Special Security Office, Building 56, U.S. Naval Observatory, Washington, D.C., 20305

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to above. Written requests for information should contain the full name of the individual, social security number, current address and telephone number. For personal visits, the individual should be able to furnish personal identification containing his/her full name, social security number, physical description, photograph, and signature.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Defense Mapping Agency, ATTN: Special Security Office, Building 56, U.S. Naval Observatory, Washington, D.C.

RECORD SOURCE CATEGORIES:

Information is supplied by the individual concerned through completion of the Personal History Statement DD398. The bases for billet entries are security clearance or access approval messages or correspondence from the Defense Intelligence Agency; bases for incumbent entries are indoctrination oaths executed by incumbents at time of indoctrination.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0502-03-2 HQHTASI

SYSTEM NAME:

502-03 Classified Material Access Files

SYSTEM LOCATION:

Primary System - Security Offices - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), and Inter American Geodetic Survey (I).

Decentralized Segments - Requesting offices at DMA and organizations requiring the access authorization. See DMA Directory for complete address listing.

DIA, JCS

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals authorized to have access to classified files

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting authorization to have access to classified material. They include forms containing individual's name, and signature, classification of files concerned, information desired, and signature of an official authorizing access.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12356, National Security Information, Apr 2, 1982.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Office - Check of authorized individuals for access to classified material and guard authorization.

Requesting DMA organizations - to gain approval for employees to have access to perform their duty.

Requiring DMA and other Agencies - to allow employees the right to use classified information.

DIA - to verify who has been granted authority to Special Security information.

JCS - to verify who has been granted authority to use JCS papers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

File alphabetically by last name or grade of individual requiring access

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary Record - Destroy on transfer, reassignment, or separation of the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Report of investigating agency that conducted the background investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0502-15 HQHTASI

SYSTEM NAME:

-502-15 Security Compromise Case Files

SYSTEM LOCATION:

Primary System - Security Offices - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), and Inter American Geodetic Survey (I). See DMA Directory for complete address listing

Decentralized Segments - Dept. of Justice and FBI on felonies cases.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DMA personnel security violation

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to investigations of alleged security violations, such as missing documents, unauthorized disclosure of information, unattended open security containers, documents not properly safeguarded and matters of a similar nature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12356, National Security Information, Apr 2, 1982.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Office - Conduct security investigations. Supervisors on a need to know basis and as a quick reference system on security violations.

Dept. of Justice and FBI - for advise on felony cases.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary Record - Destroy two years after completion of final corrective or disciplinary action, except that records of violations of a sufficiently serious nature to be classed as felonies are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from: System Manager.

RECORD SOURCE CATEGORIES:

Reporting organization or official

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0503-02 HTASI

SYSTEM NAME:

503-02 Security Identification Accountability Files

SYSTEM LOCATION:

Security Offices - DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), and Inter American Geodetic Survey (I). - See DMA Directory for complete address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Civilian employee

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the application, supporting materials and the number of the identification badges.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12356, National Security Information, 2 Apr 1982.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify persons to whom badges are issued.

Purpose - Maintain accountability for identification cards.

Users - Supervisor, Personnel and Security Offices

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records kept in file folders by No. also in desk type cabinet.

RETRIEVABILITY:

Filed Alphabetically by name.

SAFEGUARDS:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary Record-Transfer to Records Holding Area after last card or badge number entered has been accounted for. Hold for three years and destroy.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be address to system manager

Written requests for information should contain the full name of the individual, current address and telephone number and the case (Control) number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from System Manager

RECORD SOURCE CATEGORIES:

Individual's badge request, personnel forms and investigatory findings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0503-03 HTA

SYSTEM NAME:

503-03 Firearms Authorization Files

SYSTEM LOCATION:

DMA Hydrographic/Topographic Center (HT) and DMA Aerospace Center (A). See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Security guards that have been issued firearms and ammunitions

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents authorizing DMA civilian guards to carry firearms. Included are firearms authorization cards and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. 61; Arms and Ammunition issued to protect public property; reimbursement of Department of Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Collateral Security Division-Serves as a record for weapons serial numbers and firearms authorization cards issued to each Security Police.

Available to Federal and State local law enforcing agency as required by current laws and regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary Record. Destroy upon expiration of authorization.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list.

Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Weapon serial number, and authorization of issue authorization card issued.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0503-04 HQHTAI

SYSTEM NAME:

503-04 Parking Permit Control Files

SYSTEM LOCATION:

Security Offices of Components - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been issued parking Permits or cited for violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the allotment of parking spaces, recording of violations by holders of parking permits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. 797; Internal Security - Security Regulations and Orders; Penalty for Violation. and Delegations, Promulgation by President.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Offices - Issue of spaces and recording of violators.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records kept in file folders and desk type pull-out shelves.

RETRIEVABILITY:

Filed by name alphabetically

SAFEGUARDS:

Buildings and Facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary-Record. Destroy on Transfer or separation of parking permit holder, or when permit is superseded or revoked.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, Hq. & Components. See DMA Directory for complete address listing.

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address, and telephone number, and social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified on employment.

CONTESTING RECORD PROCEDURES:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Individuals requests for permits, copies of tickets issued.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0503-05 HQHTAI

SYSTEM NAME:

503-05 Vehicle Registration and Driver Record File

SYSTEM LOCATION:

DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), and Inter American Geodetic Survey (I). - See DMA Directory for complete address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person privileged to operate a motor vehicle on a military instal- lation and who has been involved in a chargeable traffic accident or whose commission of a moving traffic violation has been verified.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a record of issuance of decal and of all traffic offenses/ incidents and actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. 797; Internal Security - Security Regulations and Orders; Penalty for Violation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Office, to record all traffic offenses/incidents and action taken. State and Local Law Enforcement Agency for vehicle identifications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

8'x5' paper cards in card file cabinet

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

D Destroy one year after revocation or expiration.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, Hq. & Components. See DMA Directory for complete address listing.

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification and also some information that would verify his need to know.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Report of traffic violation from Security police.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0503-09 HQHTASI

SYSTEM NAME:

503-09 Key Accountability Files

SYSTEM LOCATION:

Security Office, DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), and Inter American Geodetic Survey (I). See DMA Directory for complete address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals with keys to a secure area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation relating to the issue, return and accountability for keys to secure areas.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12356, National Security Information, 2 Apr 1982.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Police - Periodic Inspections, reissuance of keys after locks have been changed.

Personnel - Reference checks on individuals with keys to secure areas.

Supervisors - Reference checks and daily use for information purposes.

OSD and DIA - Investigation of loss or destruction of secure area.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper Records in file folders

RETRIEVABILITY:

Filed Alphabetically by name

SAFEGUARDS:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary Record - Transfer to holding area, hold three (3) years then destroy.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should contain the full name of the individual, current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers' license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencies' rules for contesting contents and appealing initial determination s may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Individual's key requests, personnel forms and investigatory findings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0504-01 HQHTA

SYSTEM NAME:

504-01 Personnel Special Security Files

SYSTEM LOCATION:

Special Security/Activities Division - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A) - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DMA Military or civilian employees who have been assigned to positions that require access to Sensitive Compartmented Information (SCI).

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of Special Security Office (SSO) security indoctrination and termination oaths; clearance and access certification messages; SSO security violation investigative reports if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12356, National Security Information, Apr 2, 1982.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide central file repository for all SSO security forms pertaining to the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed alphabetically by last name of file subject.

SAFEGUARDS:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retained in active file during period subject is assigned to or employed by DMA, retained in inactive file for one year following reassignment or termination of employment, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

See Defense Mapping Agency, ATTN: Special Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from such sources as review of birth records; education records; credit and former employment records; interviews of named and developed references; check of local police and FBI files & check of subversive files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 522a (j) or (k), as applicable. For additional information, contact the Systems Manager.

B0504-01-2 HQHTASI

SYSTEM NAME:

504-01 Personnel Security Files

SYSTEM LOCATION:

Primary System - Security Office, DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), Inter American Geodetic Survey (I). See DMA Directory for complete address.

Decentralized Segments - Cross reference index cards (i.e., Badge Requests Cards, Identification Cards, Guard Desk Roladex Identification Cards) with extracts of information contained in primary files are maintained on file in Security Office of each DMA element.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those military, civilian, and industrial personnel who are assigned to, employed by DMA; whose official duties, responsibilities and/or contracts require that they have access to classified defense information which has been entrusted to or is under the Defense Mapping Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

File Contains individual's certificate of clearance indicating level of access individual is cleared for, date clearance was issued, type of investigation conducted, date investigation was completed and identification of agency that conducted the investigation. Additionally, contained in the file are; copy of Statement of Personal History (DD Form 398), individual's certification that he/she has read and understands both the Department of Defense and Agency security directives and instructions regarding the protection of classified defense information; individual certification that he/she understands responsibilities for protection of North Atlantic Treaty Organization (NATO), material to a lesser extent some files will contain individuals certification that he/she has been briefed for access to NATO Top Secret (COSMIC); NATO Top Secret Restricted Data (ATOMAL); Single Integrated Operational Plan (SIOP); Extremely Sensitive Information (ESI); Atomic Energy Commission, Restricted Data (RD); and Atomic Energy Commission, Critical Nuclear Weapons Design Information (CNWDI).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EO 12356, National Security Information, Apr 2, 1982.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DMA SO - This information is maintained as a means to insure that each and every individual assigned to, employed by or contracting with the HQ DMA has been cleared for the level of access to classified information that is necessary for accomplishment of his official duties. These records further insure that each individual is made aware of his responsibilities regarding the protection and safe guarding of any classified information entrusted to him.

Other Governmental Agencies - Information regarding any individual's clearance and level of access. This enables DMA personnel to conduct official business requiring security clearance, with other governmental agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Alphabetically by name of individual

SAFEGUARDS:

Buildings are located on guarded government installation with security guards and alarms. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are maintained in an active status only for the period of time that the individual is actually assigned to, employed by or contracting with DMA. When the individual terminates his association with DMA, the records are maintained in an inactive status for the period of one year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Individual's certificate of clearance originates in HQ DMA Special Security Office (SSO) based on notification of personnel investigation by either the Office of Personnel Management or the Defense Investigative Agency. Certification of clearance for military personnel will be certified by the individuals' parent service. Much of the routine information in these records such as name, date and place of birth, etc., is obtained during the individual's initial processing which is usually accomplished on his first duty day. Other information such as type of investigation, date of investigation, etc., is obtained from such investigating agencies as the OPM, Defense Investigative Service (DIS), etc. The records are updated as new information is received regarding the individual's clearance and access.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0504-01-3 HQHTA

SYSTEM NAME:

504-01 Personnel Security Investigative Files

SYSTEM LOCATION:

Primary System - Special Security Offices, DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A) - See DMA Directory for complete address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those military and civilian personnel who are assigned to or employed by the Defense Mapping Agency and whose duties require access to classified defense information and who have therefore been investigated under the provisions of Department of Defense regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of two parts, one part subject two exemption of 552a(K)(5) from review one part available for review. Part (I) Exempted consists of National Agency Checks with Written Inquiries (NACI); Background Investigations (BI) Special Background Investigations (SBI); Bring-up Investigations (BU). Part (2) Available for review consists of National Agency Checks (NAC).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EO 12356, National Security Information, Apr 2, 1982.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Defense Mapping Agency - to determine eligibility for access to classified defense information and to conduct continuing Security Program

Defense Intelligence Agency - to determine eligibility for access to Sensitive Compartmented Information, applicable to Special Security Office access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of file subject.

SAFEGUARDS:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retained in active file during period subject is assigned to or employed by DMA, retained in inactive file for one year following termination of subject's assignment or employment, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Special Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Investigations are originated based on applicant's application for employment Source of information are inquiries of birth, education, local police, federal police agency files, credit, neighborhood, personal references, etc.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 522a (j) or (k), as applicable. For additional information, contact the Systems Manager.

B0601-01 HQHTASI

SYSTEM NAME:

601-01 Civilian Personnel Program Reporting Files (Master File Printout)

SYSTEM LOCATION:

Personnel Offices. See DMA Directory for Complete Address Listing

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual employed by the Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains Name, Social Security Number, Date of Birth, Sex, Service Computation Date, Location, Job Title, Grade, Series, Step, Salary, Life Insurance, Health Benefits, Organization Code, Nature and Date of Last Action Tak en, Veteran's Preference, Retirement Deductions, Type of Appointment, Master Tapes, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12107, 12/28/78; Relating to the Civil Service Commission and Labor-Management in Federal Service

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide consolidated source of pertinent information on employees for internal requests for information and internal reports. Provides records of information transmitted to OPM Central Personnel Data File. Available to the Office of Personnel Management (OPM).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer Printout paper

RETRIEVABILITY:

By organization, grade level, alpha by name

SAFEGUARDS:

Buildings/facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary. Destroy after six months.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Digest of Information from existing Personnel Files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0601-01-2 HTA

SYSTEM NAME:

601-01 Civilian Personnel Program Reporting Files (Employee Retirement Record)

SYSTEM LOCATION:

Primary System - Personnel Office. See DMA Directory for complete address listing

Decentralized Segments - Department of Computer Services

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual employed by DMA Hydrographic/Topographic Center who is qualified for retirement

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains names of employees eligible for optional retirement within next five years. Contains name, job title, earliest retirement date, Date of Birth, Service Computation Date, Pay Plan, Grade, Step, Series, Organization Code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12107, 12/28/78; Relating to the Civil Service Commission and Labor-Management in the Federal Service

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Supervisory management planning purposes and personal benefit of individuals concerned- Available to the Office of Personnel Management (OPM).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printout and tape

RETRIEVABILITY:

By organization, alpha by last name

SAFEGUARDS:

Building facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Printout
Temporary - Destroy after five years
Tape - updated periodically

SYSTEM MANAGER(S) AND ADDRESS:

DMA Hydrographic/Topographic Center, ATTN: Personnel Office, Room 170, Erskine Hall, 6500 Brookes Lane, Washington, D.C. 20315

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Personnel Master File computer tape in Department of Computer Services

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0601-01-3 A

SYSTEM NAME:

601-01 Personnel Assistance Files

SYSTEM LOCATION:

DMAAC Civilian Personnel Office. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aerospace Center personnel discussions with the Personnel Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains memorandums for record concerning Planned Assistance Visits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 USC 1175

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the file is to record employee's visits to Personnel Office and discussions with Personnel Office personnel concerning their questions, advice, or complaints.

User is the Personnel Office staff.

User utilizes the information to keep records of employees' visits and have a record of discussions concerning employee questions, advice, or complaints.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers and memorandums.

RETRIEVABILITY:

Filed categorized by Directorates, Staff Agencies, and Departments, and then filed alphabetically by employee last name after that.

SAFEGUARDS:

Facility employs security guards. Records are locked in file cabinets by division secretary's desk when not in use. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary record. Destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

DMAAC Director of Civilian Personnel. See DMA Directory for complete address listing.

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager

Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Backup material on employee visits to Personnel Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0601-03 HQHTASI

SYSTEM NAME:

601-03 Personnel Data System - Civilian (PDS-C)

SYSTEM LOCATION:

Civilian Personnel Offices - See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DMA civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Civilian employment information including authorization for position, personnel data, suspense information; position control information; projected information and historical information; civilian education and training data; performance appraisal, ratings, evaluation of potential; civilian historical files covering job experinece, training and transactions; civilian awards information, merit promotion plan work files; career programs files for such functional areas as procurement, logistics, civilian personnel, etc., civilian separation and retirement data for reports and to determine eligibility; adverse and disciplinary data for statistical analysis and employee assistance; stand-along file, as for complaints, enrollee programs; extract files from which to produce statistical reports in hard copy, or for immediate access display on remote computer terminals; miscellaneous files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. Code 301 and 44 U.S. Code 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide automated system support to DMA officials at all levels from that part of the Office of Personnel Management (OPM) required personnel management and records keeping system that pertains to evaluation, authorization and position control, pay, position management, staffing skills inventory, career management, training, retirement, employee services, rights and benefits, merit promotions, demotions, reductions in force, complaints resolution, labor management relations, and the suspensing and processing of personnel actions; to provide for transmission of such records between employing activities within the Defense Mapping Agency; to provide reports to the OPM; to provide reports of military reserve status to other armed services for contingency planning; to obtain statistical data on the work force to fulfill internal and external report requirements and to provide DMA offices with information needed to plan for and evaluate manpower, budget and civilian personnel programs, to provide minority group designator codes to the OPM's automated data file, to provide the Office of the Assistant Secretary of Defense, Manpower Reserve Affairs and Logistics, with data to assess the effectiveness of the program for employment of women in executive level positions; to provide data to DMA officials to facilitate the assessment of the DMA Affirmative Action Plan for minorities and women; to obtain listings of employees by function or area for locator and inventory purposes; disclosed to officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation concerning personnel policies and practices and matters affecting working conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets, card files, computer magnetic tapes, disks or drums, computer paper printouts, microfiche.

RETRIEVABILITY:

Filed by name, Social Security Account Number (SSAN), other identification number or system identifier. The primary individual record identifier in APDS-C is SSAN. There is the added capability of selecting an individual's record or certain preformatted information by SSAN on an immediate basis using a teletype or cathode ray tube display device.

SAFEGUARDS:

Records are accessed by custodian(s) of the record system. Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets. Records are stored in safes. Records are stored in vaults. Records are stored in locked cabinets or rooms. Records are protected by guards. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Analog output products are retained in office files until superseded, obsolete, no longer needed for reference, or inactivated. They are then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Data stored digitally within system is retained only for the period required to satisty recurring processing requirements and/or historical requirements. The

Notification of Personnel Action, Standard Form 50, is disposed of as directed by the OPM, work files and records such as the employee career brief, position survey work sheet, retention register work sheet, alphabetic and social security account number locator files, and personnel and position control register are destroyed after use by tearing into pieces, shredding, macerating, or burning work sheets pertaining to qualification and retention registers are disposed of as directed by the OPM; transitory files such as pending files, and recovery files are destroyed after use by degaussing files and records retrieved through general retrieval systems are destroyed after use by tearing into pieces; shredding, pulping, macerating, or burning. The separated employee file retains employee information at time of separation for five years after which the employee's record is destroyed by degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to above.

Written requests for information should contain the full name of the individual, Social Security Number, current address and telephone number.

For personal visits, the individual should be able to furnish personal identification containing his/her full name, Social Security Number, physical description, photograph and signature.

CONTESTING RECORD PROCEDURES:

The Agency rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Digest of information from existing Personnel Files and management/ employee source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0602-06 A

SYSTEM NAME:

602-06 Differential and Allowance Files

SYSTEM LOCATION:

Civilian Personnel (POX), DMAAC, 2nd & Arsenal St., St. Louis, Mo. 63118

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aerospace Center civilian employees serving overseas; rated eligible for foreign post differential and allowance.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of DD Form 1351-2, memorandums and letters concerning differential and allowances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 USC 1175

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of file is to record documentation (memorandums and letters) of employee's eligibility for foreign post differential, foreign quarters, and post allowance.

Users of the information are the Personnel Office staff members.

User utilizes the file as a reference folder for future transactions of similar nature.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by employee last name.

SAFEGUARDS:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Files are retained and maintained in Current Files Area (CFA). Temporary Record - Destroyed upon separation of employee.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Civilian Personnel (POX). See DMA Directory.

NOTIFICATION PROCEDURE:

Information may be obtained from System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: See System Manager.

Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Foreign allowance application, grant, and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0604-03 HQHTASI

SYSTEM NAME:

604-03 Active Application Files (Applicant Supply Files)

SYSTEM LOCATION:

Primary System - DMA Personnel Offices. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual job applicants

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains rated applications for positions of Clerk-Typists or Clerk-Steno, test results

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12107, 12/28/78; Relating to the Civil Service Commission and Labor-Management in the Federal Service

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Personnel Office to fill position vacancies for Clerk-Typist and Clerk-Steno positions up to GS-4 level, exchange with other organizations, such as NIH, subject to periodical inspection by the Office of Personnel Management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and file cabinets

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary. Destroy after two years

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contests and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Applications and tests completed by job applicants

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0604-04 HTA

SYSTEM NAME:

604-04 Pending Application Files

SYSTEM LOCATION:

Civilian Personnel Offices - DMA Hydrographic/Topographic Center (HT) and DMA Aerospace Center (A) See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian personnel concerned.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of personnel applying for positions with DMA whose application is pending due to lack of qualifications, declining or not available for appointment. Applicants for whom there are adequate OPM registers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 USC 1175

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to document individual's consideration for appointment.

Personnel Office, concerned employees, employee representatives, and authorized inspectors of the Office of Personnel Management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by employee last name.

SAFEGUARDS:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary record. Destroy in CFA after 2 years or on receipt of OPM inspection report.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to System Manager

Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Applications from individuals concerned--qualification statements.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0605-01 HQHTASID

SYSTEM NAME:

605-01 Equal Employment Opportunity Reporting Files

SYSTEM LOCATION:

Primary System - Staff Offices, Department, Division and Branch Offices, All Components. See DMA Directory for complete address listing.

Decentralized Segment - Components and organizations of DMA

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees of DMA and Components

CATEGORIES OF RECORDS IN THE SYSTEM:

Social security number, statistical by organization/minority designation

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12106, 12/28/78; Transfer of Certain Equal Employment Enforcement Functions

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Equal Employment Opportunity Office only to identify minorities and for statistical purposes. Can be subject to submission to OPM for inspection or central EEO office - counselors investigators have access to files.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes, vertical file cards and computer paper printouts.

RETRIEVABILITY:

Social Security Number

SAFEGUARDS:

Information available only to Equal Employment Opportunity Office. Information kept in locked cabinets.

RETENTION AND DISPOSAL:

Destroy after five years.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Existing Personnel Records

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0605-03 HQHTASID

SYSTEM NAME:

605-03 Equal Employment Opportunity Complaint Case Files

SYSTEM LOCATION:

DMA and Component organizational EEO Office

see DMA Directory for complete Address Listing

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee who files a complaint of discrimination

CATEGORIES OF RECORDS IN THE SYSTEM:

All documents pertaining to specific complaints of discrimination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12106, 12/28/78; Transfer of Certain Equal Employment Enforcement Functions

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

EEO Office - to process complaints; counselors have access;

Personnel Office - to concur or non-concur with proposed disposition

Office of Counsel - formal investigation; Complainant's designated Representative

HQ DMA - to concur or non-concur with proposed decision

Office of Personnel Management - appeal from initial agency decision; Department of Justice in event of litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in folders in barred containers

RETRIEVABILITY:

By name of complainant

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Components - maintained until final decision

Temporary Record - destroyed after five years

HQ DMA - permanent

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Complaints, transmittal letters, investigative data and summaries, hearing transcripts, finding of fact statements, final disposition reports, acceptance statements, withdrawl notices, and similar or related documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0606-01 HQHTASI

SYSTEM NAME:

606-01 Official Personnel Folder Files

SYSTEM LOCATION:

Primary System - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), Inter American Geodetic Survey (I) - See DMA Directory for complete address listing.

Decentralized Segments - National Personnel Records Center, St. Louis, MO

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees

Indebtedness - Allegations of indebtedness made by creditors to Personnel Office requesting help

CATEGORIES OF RECORDS IN THE SYSTEM:

File contain documentation of all official personnel action taken on an employee regarding Federal service including verification of military service.

Indebtedness - copies of court judgements, responses to claim and counseling records

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12107, 12/28/78; Relating to the Civil Service Commission and Labor-Management in the Federal Service

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Office - serves as the official personnel record of an employee's Federal Service

Supervisory - Merit Promotion Plan

National Personnel Records Center, St. Louis, MO. - to give information to individuals concerned after retirement or separation from government service.

Any regulatory authority such as OPM

Indebtedness - counseling, possible use in court proceedings, supervisors and personnel for disciplinary actions

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Alphabetically by last name

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary Record - retained in active file until employee separates. Upon separation from Federal Service, file sent to National Personnel Records Center. Upon transfer to another Agency, file is sent to Agency's personnel office. Destroyed at NPRC after 75 years after date of birth.

Indebtedness - destroyed upon separation of individual.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager

RECORD SOURCE CATEGORIES:

Personnel forms completed by employee and Personnel Office regarding Federal employment.

Personnel Office - notification of personnel action, pay changes, change of address, change of health benefits and life insurance, letters of reprimand, verification of military service, educational transcripts. Documents generated by Civil Service Commission such as test scores, notices of ratings.

Indebtedness - official court judgements or court orders. Employees responses and creditors requests for help.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0606-02 HQHTASI

SYSTEM NAME:

606-02 Employee Service Record File

SYSTEM LOCATION:

Primary System - Personnel Office and each organizational field activity

Decentralized Segments - Records Holding Area, Records Management Division (For HT files only) - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual employed by HQ,HT,A,I

CATEGORIES OF RECORDS IN THE SYSTEM:

Card contains a summary of all personnel actions on SF-50's or pay change actions during employment of the individual concerned.

Log and disposition contains name, social security number, date of birth, when and where official Personnel Folder was sent from Personnel Office

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12107, 12/28/78, Relating to the Civil Service Commission and Labor-Management in the Federal Service

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel - Card index control of personnel actions on employees and organizational control, updated

Supervisory - Statistical Purposes

Log - used by Personnel to verify employee

Records Holding Area, Records Management Division - to furnish certain information (Permanent or Temporary; Salary; How long employed; Date of birth) to other Government agencies, commercial or credit organizations, verification of employment, reasons for leaving, birth date, date of employment, information to be given to FBI, OPM on dates of employment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card (SF 7) and Log Book

RETRIEVABILITY:

Card by organization, grade level, alphabetically by name. Log - by date

SAFEGUARDS:

Building/facility employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary Record. Card (SF 7) - COFF inactive files every five years. Transfer to Records Holding Area five years after cut off. Destroy in Records Holding Area after ten years. Log - retained in Personnel, destroyed after l5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from: System Manager.

RECORD SOURCE CATEGORIES:

Card Entries - Supervisory - SF 52 action, pay actions, performance appraisals

Personnel and OPM Automatic Pay Actions

Log - Personnel Clerk entries

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0606-03 HQHTA

SYSTEM NAME:

606-03 Expert and Consultant Data Files

SYSTEM LOCATION:

Personnel Offices - See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual employed as an expert or consultant with DMA

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment and education history, salary data, statement of duties or functions proposed for the expert/consultant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3101 - Authority for Employment

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of collecting the information is to evaluate the merits of proposed appointments of consultants/experts and to meet OPM requirements to maintain such records.

The information is used to obtain final approval by DMA/DOD on proposed appointments of experts/consultants.

Supervisors, Personnel, OSD officials, OPM.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary. Destroy 2 years after separation of employee.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Personnel actions recorded for supervisory records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0606-05 HQHTASI

SYSTEM NAME:

606-05 Adverse Action Files

SYSTEM LOCATION:

Personnel Offices DMA. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees who have had adverse action taken against them.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of notice of proposed adverse action, the material relied on by the Agency to support the reasons in that notice, any answer made by the employee and the notice of decision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 71, Federal Service Labor Management Relation Status

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain records on adverse actions for use in employee appeals or grievances and as documentation in further adverse actions against an employee, information from file could be used in appeal cases to the Office of Personnel Management, can be used by both counsel and union in cases of representation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

This is a temporary record. Destroy after 10 years unless employee appeals; in which case, transfer to File No. 610-03 (Appeals and Grievances)

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

All documents related to adverse actions, such as removal, suspension, furlough without pay, and reduction in rank or pay for cause other than reduction-in-force. Notices of proposed action, employee's reply, statement of witness, notice of decision, and similar documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0607-01 HQHTASI

SYSTEM NAME:

607-01 Personnel Locator Files (Alpha Listing)

SYSTEM LOCATION:

Primary Personnel Offices - See DMA Directory for complete listing.

Decentralized Segments - Computer Services - DMA Hydrographic/ Topographic Center (HT) and DMA Aerospace Center (A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian individual employed by DMA

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetical file contains name, job title, job number, social security number, date of birth, service computation date, pay plan, grade, step, series, organization code.

Social Security Listing - Contains social security number and name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7301 - Regulation of Conduct - Presidential Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Alpha listing - To locate employees by organization and job title and perform certain internal reports and internal requests for information within the Personnel Office within the Agency.

Social Security Number Listing - To locate an employee when social security number only is known. Used when working with error listings sent by the Office of Personnel Management Central Personnel Data File.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer Printout Paper

RETRIEVABILITY:

Alphabetically by last name
Social Security Number

SAFEGUARDS:

Building/Facility employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Alphabetical Listing - Temporary - Destroy after 6 months.

Social Security Number Listing

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Personnel Master File Computer Tape located in Department of Computer Services

Personnel Master File - Tab run

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0607-03 HQHTASI

SYSTEM NAME:

607-03 Chronological Journal Files

SYSTEM LOCATION:

Personnel Offices - DMA Hydrographic/Topographic Center (HT) and DMA Aerospace Center (A). See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee of the Agency who has a personnel action pertaining to him.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains all personnel actions for which an SF 50, Notification of Personnel Action is required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12107, 12/28/78, Relating to the Civil Service Commission and Labor-Management in the Federal Service

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Monthly strength reports - Internal, DoD and the Office of Personnel Management (OPM).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper file of SF 50 in file folders

RETRIEVABILITY:

By date, organization, alphabetical by name

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary. Destroy after 2 years in current files area

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial

determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Typed from SF 52, Request for Personnel Action from either management or the Personnel Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0608-06 HQHTASI

SYSTEM NAME:

608-06 Civilian Training Files

SYSTEM LOCATION:

Civilian Personnel Offices - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee receiving training in Government and non-government facilities

CATEGORIES OF RECORDS IN THE SYSTEM:

Central Personnel Data Reports; Career Plans for certain Executives and Managers, GS-13 and above; Documents reflecting nominations, enrollment, registration, records of training and related material; contract training in non-government and government facilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11348, - Providing for Further Training of Government Employees; 4/22/67

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Civilian Personnel Office - for reporting training

OPM for review

Supervisory Personnel - access to file for review

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Appropriate folder by name of individual, social security number and type of training

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Training reports files are destroyed after five years; contract files are destroyed 3 years after completion of training or upon expiration of obligated service agreement; all other training records are reviewed annually and the portion pertaining to individuals no longer employed with the Agency are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from System Manager

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Individuals, interagency - professional institutions

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0609-01 HQHTASI

SYSTEM NAME:

609-01 Referral and Selection Files

SYSTEM LOCATION:

Personnel Offices - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for positions

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains position vacancy announcements and records of persons applying, their ratings and the persons referred and selected for the vacancy

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12107, 12/28/78, Relating to the Civil Service Commission and Labor-Management in the Federal Service

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain a record of employees selected under the Civilian Personnel Office, Promotion Panel, EEO, Personnel, OPM

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Envelopes in file cabinets

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

B By vacancy announcement number

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Temporary - destroy after two years

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personnel visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Information is provided by employee, their supervisor, and the selecting official

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0609-07 HQHTAI

SYSTEM NAME:

609-07 Individual Overseas Employment Referral Files

SYSTEM LOCATION:

Personnel Offices - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A) - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual registered in the Overseas Employment Referral Program

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents on employees registered in Overseas Employment Referral Program. Includes application, name, skills, grade levels, locations, for which registered, offers received and action taken, correspondence with registrant, date dropped from system and reasons.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3101 - Authority for Employment

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Place employees in automated Overseas Employment Program

Any agency employing personnel overseas

Supervisors

Personnel Office

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Alphabetically by last name

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary - Destroy 2 years after individual is dropped from system.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Form completed by employee with advice of personnel representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0609-11 HQHTA

SYSTEM NAME:

609-11 Repromotion Eligibility Files

SYSTEM LOCATION:

Personnel Office - DMA Headquarters (HA) DMA Hydrographic/Topographic Center (HT) DMA Aerospace Center (A) - See DMA Directory for complete address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual demoted without personal cause and eligible for placement to former or higher grade.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains documents on employees demoted without personal cause and eligible for placement in former or higher grade. Included are lists or cards recording names, title, grade, and position for which employee meets minimum qualification requirements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3101 - Authority for Employment

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses and purposes - Personnel Office; Supervisors; Selecting Officials. Personnel Office to advise and assist supervisors and selecting officials in determining if a downgraded employee meets minimum qualification requirements for a vacant position. External users, uses and purposes - None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer printouts, or cardex files.

RETRIEVABILITY:

Filed alphabetically by job title, competitive level code, name of employee.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in locked containers in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary record. Destroy when employee is placed in former or higher grade.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual current address and telephone number, social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Information pertaining to individuals in the systems either supplied by the individual, or extracted from the official Personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0610-01 HQHTASI

SYSTEM NAME:

610-01 Hours of Work Files

SYSTEM LOCATION:

Personnel Offices - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who request change in hours of work.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains employees name, reason for desiring change in work hours, decisions to approve or disapprove.

Supervisors, Personnel Office, Office of Comptroller

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 730l - Regulation of Conduct - Presidential Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to show changes in hours of work of individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by name

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Destroy one year after no longer effective

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Individuals originating request review of approval or disapproval by supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0610-03 HQHTASID

SYSTEM NAME:

610-03 Appeals Files

SYSTEM LOCATION:

DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Inter American Geodetic Survey (I), Office of Distribution Services (D). - See DMA Directory for complete address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees who file an appeal to a removal, suspension for more than 30 days, furlough and reduction in rank or pay.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contain copies of; notice of proposed action, supporting evidence, employee reply, notice of decision, record of when a hearing is held

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11787 - Revoking Executive Order No. 10987, Relating to Agency Systems for Appeals from Adverse Actions 5 USC 7512, 7701

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintained for use in appeal proceedings.

Personnel Office

Employee Representative

Supervisors

Hearing Officer

Office of Personnel Management.

Equal Employment Opportunity

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and magnetic tapes

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Destroy in current files area after seven years unless appeal is still pending.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Supervisors, employee, witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0610-03-2 HQHTASID

SYSTEM NAME:

610-03 Grievance Files

SYSTEM LOCATION:

Civilian Personnel Offices - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees who have filed a grievance.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains correspondence relative to grievance, investigation report, decision by management at various steps of procedure, supporting evidence. Hearing record, Examiners Report, Grievance decision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. l302, 330l, 3302
Executive Order ll49l as amended

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To evaluate the merits of employee grievances and to make decisions on grievances

Personnel Office, Employee Representative, Supervisors Grievance Examiner, Office of Personnel Management, Equal Employment Opportunity Officer, Local Union Officials

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper Records in file folder - magnetic tape recording when a hearing is held

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary Record - destroy after seven years unless appeals are pending

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Supervisors, employee, witnesses and grievance examiners

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0611-01 HTAI

SYSTEM NAME:

611-01 Reduction in Force Card Files

SYSTEM LOCATION:

Civilian Personnel Offices - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees at Agency

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains reduction-in-force data; including name of employee, date, position, grade, last performance rating, competitive level code and similar information

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 3502; Order of Retention

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To construct retention register in event of reduction in force

Employees, Union Officials, Personnel, Supervisors

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper cards in card boxes

RETRIEVABILITY:

Alphabetically by job title, competitive level code, name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Temporary - destroy upon separation of employee or upon updating

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Official Personnel Folder and SF 7, Service Record Card

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0611-03 HTAI

SYSTEM NAME:

611-03 Retention Register Files

SYSTEM LOCATION:

Personnel Offices - See DMA Directory for complete address Listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees at Agency

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains retention groups of employees according to tenure, length of service, performance ratings and veterans preference

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 3502; order of Retention

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine ranking of employees in the event of reduction-in-force

Employees, Union officials, Personnel, Supervisors

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

By competitive level code - individual name

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Temporary - destroy after two years unless appeals are pending

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from System Manager

RECORD SOURCE CATEGORIES:

Reduction-in-Force Card Files - Official Personnel Folder - Service Record Card (SF 7)

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0612-01 HQHTAI

SYSTEM NAME:

612-01 Basic Labor Relations Files

SYSTEM LOCATION:

Personnel Offices - See DMA Directory for complete address listing

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian Employees who file grievances under negotiated grievance procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains correspondence relative to grievance, decisions by supervisors at various steps of procedure and report of arbitrator when abitration is requested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 71, Federal Service Labor-Management Relations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To resolve labor management disputes

Supervisors, Personnel Office, Union representatives, arbitrator, Federal Labor Relations Counsel, DoD.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper Records in file folders

RETRIEVABILITY:

Alphabetically by name

SAFEGUARDS:

Buildings or facility employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary Record. Destroyed after 7 years unless appeals are pending.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Supervisor, Labor Organizations, Employee, Arbitrator, Witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0613-05 HQHTASID

SYSTEM NAME:

613-05 Incentive Awards

SYSTEM LOCATION:

Civilian Personnel Offices - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees who have submitted a beneficial suggestion.

Civilian employees who have been recommended for an award.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents related to submitting, evaluating, and approving or disapproving each award; includes suggestion and performance awards

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Section 4502, 4503, 4504 and 4506; Incentive Awards

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a basis for awarding employees

Suggestions - save money, increase efficiency, improve morale

Statistical Reports containing number of awards, amount of money saved

Employees (originate). Supervisors or official who evaluate suggestions, Incentive Awards Boards, Personnel Office, Office of Personnel Management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed by Fiscal Year. Suggestion - sequential numerical code

Performance Awards - individuals name, alphabetical

SAFEGUARDS:

Stored in locked file cabinet

RETENTION AND DISPOSAL:

Temporary Record - destroy two years after final action

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Suggestions received from employees. Suggestion Evaluations and Performance awards received from supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0614-01 HT

SYSTEM NAME:

614-01 Official Records (Military) Files and Extracts

SYSTEM LOCATION:

Military Personnel Office, DMAHTC - See DMA Directory for complete address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military Personnel assigned to DMA

CATEGORIES OF RECORDS IN THE SYSTEM:

Navy-Documents as required by Bureau of Naval Personnel Manual (BUPERSMAN) NAVPERS 15791.B.

Army-Documents as required by Army Regulation 640.10

Enlisted and Officer personnel folders - co

Statement of Military History, Qualification Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Heads of major staff elements to determine the acceptability of an individual nominated by the parent service for a DMA Position.

For Review by appropriate DMA Officials responsible for the preparation of efficiency/fitness/effectiveness reports and award recommendations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Alphabetically by name of individual

SAFEGUARDS:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Permanent Record. Retained until departure of individual DMA, MPRJ handcarried to transfer point by individual upon separation from the service and subsequently retired to National Records Center (Military Records) 9700 Page Boulevard, St. Louis, MO 63132.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager

Written requests for information should contain the full name of the individual current address and telephone number, service number on all correspondence received from this office. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification cards, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual's Service Military Personnel Center, the individual's rating official within the DMA and the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0614-02 HTA

SYSTEM NAME:

614-02 Military Services Administrative Record Files

SYSTEM LOCATION:

Directorate of Administration, DMAAC; Military Personnel Division, DMAHTC. See DMA Directory for complete mailing address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military Personnel assigned to DMA Hydrographic/Topographic Center and DMA Aerospace Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains letters, memorandums, emergency data, and assignment actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 USC 1175

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of collecting the information is to maintain information to act as a liaison between individual, DMA, and Servicing CBPO's.

User of the collected information is the Commander, Military Personnel Division, and the individual.

User utilizes the collected information to have available information when needed on assigned military personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by employee last name.

SAFEGUARDS:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Destroy in accordance with parent service directives.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, DMAAC and Military Personnel Division, DMAHTC. See DMA Directory for complete address listing.

NOTIFICATION PROCEDURE:

Information may be obtained from System Manager

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Leave records, finance documents, transmittals, personnel rosters, physical examinations, personnel actions, locator cards, trip reports, copies of orders/ reassignments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0615-07 HQHTASI

SYSTEM NAME:

615-07 Safety Awards Files

SYSTEM LOCATION:

Logistic Offices. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any DMA Driver

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains list of the names of drivers who have received safe driver awards. All correspondence between the Safety Office and the National Safety Council

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4503 - Agency Awards

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Safety Office - used to document and present safe driver awards

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed alphabetically by name

SAFEGUARDS:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained

RETENTION AND DISPOSAL:

Temporary record, held for two years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Facilities Engineering and Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Driver record of the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0615-11 HQHTASID

SYSTEM NAME:

615-11 Accidental Injury/Death Reporting Records Files

SYSTEM LOCATION:

Safety Offices of DMA - See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DMA employees injured as a result of accident

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain necessary forms and records and reports of accident and injuries

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 USC 666 - Occupational Safety and Health Programs of Federal Agencies

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Safety Office - for reporting all injuries of persons assigned to DMA for preparation of statistical reports to other required activities

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Records is temporary-CUT OFF end of each year; Inactive one year; Transfer to Records Holding Area; Destroy after five years

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Facilities Engineering and Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above System Manager

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Information made available by the employee and the supervisor

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0901-04 HTA

SYSTEM NAME:

901-04 Civilian Employee Health Clinic Record

SYSTEM LOCATION:

Primary System - Civilian Employee Health Clinic - DMA Hydrographic/ Topographic Center (HT) and DMA Aerospace Center (A) - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual employed by DMA Hydrographic/Topographic Center (HT) and Aerospace Center (A) and any individual employed by other Government agencies housed in the DMAHTC/DMAAC complexes

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information on treatment of employee received at dispensary at HTC and AC

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 7901 - Health Service Programs; 5 U.S.C. 8103 - Compensation for Injuries - Medical Services and Initial Medical and Other Benefits

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Civilian Employee Health Clinics - to maintain medical records of individuals receiving treatment at the clinic for illness/injury while on duty

Family Doctor will have full access to the information

Supervisors may inquire to record of injury

POLICIES AND PRACTICES FOR STORING, RETREVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

5x8 card files in cabinet

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Hydrographic/Topographic Center - destroy 25 years after separation of individual, upon transfer of employee transfer to gaining organization

Aerospace Center - on transfer of individual, record is transferred to gaining organization. On separation record is returned to National Personnel Records Center (NPRC) with the individuals official Personnel Folder

SYSTEM MANAGER(S) AND ADDRESS:

DMA Hydrographic/Topographic Center, ATTN: Personnel Office, Room 132-A, Erskine Hall, 6500 Brookes Lane, Washington, D.C. 20315 See DMA Directory for complete address.

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Entry of information by attending nurse. Record of treatment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0901-06 HTAS

SYSTEM NAME:

901-06 Blood Donors Files

SYSTEM LOCATION:

Civilian Personnel Office - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees who have donated blood

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains cards with names, dates and amount of blood donated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Section 7901; Health Service Programs

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Uses are for awarding employees with certificates and pins.

Personnel Office, Supervisors, blood collectors

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

cards

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Destroy when employee is separated from Agency

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Information received from collecting Agency

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B0901-07 HQHTAI

SYSTEM NAME:

901-07 Alcoholism and Drug Abuse Files

SYSTEM LOCATION:

Civilian Personnel Offices - See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees who have contacted program counselor requesting assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains counseling interview notes, medical documents, therapy/ treatment referral notes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 USC 1175

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To help employees with alcohol or drug problems

Medical Officer - diagnose problem

Counselor - to give advise and management

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed chronologically by number; names deleted, but are known by counselor.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Temporary - destroy when no longer needed or upon separation of employee

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Employee interviews and medical reports

Employee or relatives

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B1001-09 S

SYSTEM NAME:

1001-09 School Reporting Files

SYSTEM LOCATION:

Defense Mapping School(S). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel and civilian personnel attending courses of instruction at DMS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment records, release of students, graduates, failure of students, class rosters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11348

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for military assignments, monitor career progression and changes of courses of instruction in the event it is recommended and required.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

CUTOFF at end of calendar year, held additional year, retired to Records Holding Area, held an additional year and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

DMA Defense Mapping School, ATTN: Office of Administration and Mission Support, Fort Belvoir, Virginia 22060

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual, current address and telephone number, social security number, dates of attendance and name of course.

For personal visits, the individual should be able to provide some acceptable identification, that is, military identification card, driver's license, proof of social security identification and give some verbal information that could be verified with individual's record.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Scheduled courses of instruction, class leaders, class instructors, academic division chiefs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B1001-11 S

SYSTEM NAME:

1001-11 Faculty Development Program Files

SYSTEM LOCATION:

Defense Mapping School(S). Staff Offices, Departments, Division and Branch offices, all Components. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Assigned military personnel and civilian employees at DMS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of record of qualifications, experience, effectiveness, and comparable information, evaluation forms, biographical data and similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. ll3484/22/67; Providing for the further Training of Government Employees

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by management for retention of potential instructors, assigned instructors and staff, selection of guest speakers, determining need for additional training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

CUTOFF end of year, held additional year current files area, transferred Records Holding Area, held additional two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

DMA Defense Mapping School, ATTN: Office of Administration and Mission Support, Fort Belvoir, Virginia 22060

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual, current address and telephone number, social security number, dates of assignment or employment and name of supervisor.

For personal visits, the individual should be able to provide some acceptable identification, that is, military identification card, driver's license, proof of social security identification, and give some verbal information that could be verified with individual's record.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Records initiated during course of instruction, by instructors, academic division and branch chiefs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B1002-02 S

SYSTEM NAME:

1002-02 School Faculty Board Review Files

SYSTEM LOCATION:

Defense Mapping School(S). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel attending courses of instruction at DMS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of class standing, ratings, classification and proficiency of students. Minutes of faculty board meetings and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. ll348 4/22/67; Providing for the Further Training of Government Employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to provide information on individual students, class standings, rating and proficiency. Available to Promotion Panels in the Office of Personnel Management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

CUTOFF at end of year, held one year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

DMA Defense Mapping School, ATTN: Office of Administration and Mission Support, Fort Belvoir, Virginia 22060

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual, current address and telephone number, social security number, dates of attendance and name of course of instruction.

For personal visits, the individual should be able to provide some acceptable identification, that is, military identification card, driver's license, proof of social security identification, and give some verbal information that could be verified with individual's record.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Faculty review board, instructors, chiefs of divisions and branches of courses of instruction and individual student.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B1002-06 S

SYSTEM NAME:

1002-06 Individual Academic Record Files

SYSTEM LOCATION:

Defense Mapping School(S). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel attending courses of instruction at DMS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of documents indicating course of attendance, length of each course, extent of completion of course, results thereof, aptitudes and personal qualities and documents relating to extension courses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11348, 4/22/67; Providing for the Further Training of Government Employees. 4/22/67; Providing for the Further Training of Government Employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for determining qualifications to base a determination on students potentiality and to revise students cirriculum.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Reference files CUTOFF end of course, held one year, then destroyed. Feeder information submitted to United States Army Engineer School Fort Belvoir, Virginia 22060 who has operational control of DMS and who retains SYSNAME for a longer retention period and disposition.

SYSTEM MANAGER(S) AND ADDRESS:

DMA Defense Mapping School, ATTN: Office of Administration and Mission Support, Fort Belvoir, Virginia 22060

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual, current address and telephone number, social security number, dates of attendance and name of course of instruction.

For personal visits, the individual should be able to provide some acceptable identification, that is, military identification card, driver's license, proof of social security identification, and give some verbal infor- mation that could be verified with individual's record.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from Systems Manager. the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individuals, class leaders, class instructors, academic divisions and branch chiefs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B1002-07 S

SYSTEM NAME:

1002-07 Collateral Individual Training Record Files

SYSTEM LOCATION:

Defense Mapping School(S). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel attending course of instruction at DMS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of training records of individuals and posted to basic individual academic training record files or long term records, absentee reports, delinquency reports, registration forms, examination papers and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11348, 4/22/67; Providing for the Further Training of Government Employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to record attendance at classes, progress of students, information for counselling individuals when required

and recommending specific remedial action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Destroyed on graduation or elimination of individual or on completion of course of instruction, whichever applies

SYSTEM MANAGER(S) AND ADDRESS:

DMA Defense Mapping School, ATTN: Office of Administration and Mission Support, Fort Belvoir, Virginia 22060

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, that is, military identification, driver's license, proof of social security identification and give some verbal information that could be verified with individual's record.

CONTESTING RECORD PROCEDURES:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Individual students, class leaders, class instructors, academic divisions and branch chiefs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B1202-17 HTA

SYSTEM NAME:

1202-17 Contracting Officer Designation Files

SYSTEM LOCATION:

Contracting Offices - DMA Hydrographic/Topographic Center (HT) and DMA Aerospace Center (A) - See DMA Directory for complete mailing address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employee designated Contracting Officer and Contracting Officer Representative at DMA

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting the designation and recission of Contracting Officers and Contracting Officers representative which includes the specific procurement authorities delegated

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 USC 3101 - Records Management by Federal Agencies

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Documents showing individual designated as contracting officers or Contracting Officers Representatives (COR).

Data includes limitations or restrictions on authority

Data includes background information on 'COR' for use in other contracts

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Temporary Record. Cut off upon recession or termination and placed in an inactive file area for one year. Transferred to Records Holding Area and held for five years and then destroyed

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Facilities Engineering and Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Certificate of Appointment and background information on education, DD Form 1539, and specific information on procurement authorities delegated

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B1205-05 HTA

SYSTEM NAME:

1205-05 Property Officer Designation Files

SYSTEM LOCATION:

Property Officers of DMAHTC and DMAAC - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees designated Property Officers who have property accounts for their organizations, and have been issued an account number.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms and/or memorandums designating property officers. Included are letters of appointment and revocation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 486; Management and Disposal of Government Property

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Memorandums or forms showing who or which individual is authorized custodian for equipment for the various organizations within the Agency. Name of individual grade and organization are shown on this document.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

By individual's account number and organization.

SAFEGUARDS:

Buildings, facility employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary Record - Destroyed in the active office two years after termination of appointment.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Facilities Engineering and Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Internal correspondence designating responsible property accounting individuals

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B1205-23 HTASID

SYSTEM NAME:

1205-23 Report of Survey Files

SYSTEM LOCATION:

DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), and Inter American Geodetic Survey (I), Office of Distribution Services (D). - See DMA Directory for complete address listing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DMA personnel that have loss, damage, or destroyed accountable Government property

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of reports that describe the circumstances concerning loss, damage or destruction of Government property

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 USC 486 - Management and Disposal of Federal Property - Policies, Regulation and Delegations; Promulgation by President

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Logistics Officer - determine responsibility and recommend appropriate action be taken as to pecuniary liability

Director final decision on payment

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book

RETRIEVABILITY:

Filed by assigned control number of individual.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Cutoff end of year, held one year, transferred Records Holding Area, held two years, then destroyed

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Facilities Engineering and Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Report of lost damaged or destroyed property

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B1206-02 HTA

SYSTEM NAME:

1206-02 Self Service Store Authorization Card Files

SYSTEM LOCATION:

Logistics Offices - DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A) - See DMA Directory for complete address

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DMA personnel authorized self-service store cards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards identifying individuals as authorized self-service store representatives, requests for issuance of cards, correspondence concerning lost and found cards and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 486; Management and Disposal of Federal Property.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Indicates individuals authorized to sign/receipt for supplies in a designated activity.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file and file cabinets

RETRIEVABILITY:

By account number and organization, alphabetical by last name

SAFEGUARDS:

Buildings and Facility employ security guards. Reports are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary Record. Held in active file until expiration of card or change of individual; held two years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Facilities Engineering and Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers' license, employing office's identification card, and give some verbal information that could be used to verify employment.

CONTESTING RECORD PROCEDURES:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Memorandums, cards, forms designating an individual authorization to sign for supplies received from the self-service store.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B1208-06 HTA

SYSTEM NAME:

1208-06 Motor Vehicle Operator's Permits and Qualifications Files

SYSTEM LOCATION:

Primary System - Motor Pool, DMA Hydrographic/Topographic Center (HT) and DMA Aerospace Center (A) - See DMA Directory for complete address

Decentralized Segments - Official Personnel Folder; Personnel Records (Civilian) Center - St. Louis, MO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DMA employees qualified and issued a motor vehicle operators permit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information on employee qualification record and cards and logs in regards to permits issued to individuals authorized to operate Government equipment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 491; Management and Disposal of Federal Property-Motor Vehicle Pools and Transportation Systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Motor Pool used as a record of scores on tests, such as: eye examinations, reaction examinations; and as a quick reference on an individual having a license to operate a Government Vehicle.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Rotary Card file and Log Book

RETRIEVABILITY:

ROTARY Card File - By last name of individual

Log Book - By number of permit

SAFEGUARDS:

Building, Facility employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary Record - Permit is a three year record - Destroyed in the Motor Pool

Permanent Record - Qualification Record - kept in active office until separation or transfer of individual concerned, then transferred to Personnel Office for incorporation into the Official Personnel Folder.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Facilities Engineering and Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers' license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agencies' rules for contesting contents and appealing initial determination may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Qualification records consisting of scores on tests.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B1211-03 HQHTAI

SYSTEM NAME:

1211-03 Passport Files

SYSTEM LOCATION:

Primary System - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Inter American Geodetic Survey (I) See DMA Directory for complete address

Decentralized Segment - State Department (Passports)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals traveling overseas on official government orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating passports and visas for DMA personnel, including their dependents. Included are requests and receipts for passports, transmittal letters, control cards, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; Records Management by Federal Agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by personnel travel in processing for travel orders.

Used by individuals of DMA and their dependents for travel purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders - paper records in locked cabinets.

RETRIEVABILITY:

By name of individual - Alphabetically

SAFEGUARDS:

Buildings, facility employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary Record - Held in active office until separation or transfer of individual.

Transferred to State Department upon transfer or separation of individual.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Administration Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers' license, employing office's identification card, and give some verbal information that could verify employment.

CONTESTING RECORD PROCEDURES:

The Agencies' rules for contesting contents and appealing initial determination should be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Requests and receipt for passports and visas.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

B1211-07 HQHTASDI

SYSTEM NAME:

1211-07 Individual Government Transportation Files

SYSTEM LOCATION:

Primary System - Travel Office - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A) - See DMA Directory for complete address listing.

Decentralized Segments - Records Management, Records Holding Areas

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DMA employees authorized government travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel orders and other pertinent correspondence and related documents, and copies of issued and canceled transportation requests, transportation certificates, MAC transportation authorizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; Records Management by Federal Agencies, 45 U.S.C. 5707 - Travel and Substance Expense Regulation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to officially designate Transportation Officer, Assistants and Agents. Used to record authorization for travel, issue orders, make travel arrangements and prepare vouchers for reimbursement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper Records in file folders

RETRIEVABILITY:

Alphabetical by name on individual folders or by TR number in case of group travel.

SAFEGUARDS:

Buildings, facility employ security guards. Records are maintained in locked cabinets and areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary Record. Travel Office holds for one year, transfers to Records Holding Area, held for three (3) years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Mapping Agency, ATTN: Administration Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address, and telephone number, social security number.

Personal visits - the individual should be able to provide some acceptable identification, that is, drivers' license, employing office's identification card, and give some verbal information that could verify employment.

CONTESTING RECORD PROCEDURES:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Folders contain various amounts of information on issued and cancelled transportation requests, transportation certificates, travel orders and related data on overseas employees, DMA employees and invitational orders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

DEFENSE MAPPING AGENCY OFFICIAL MAILING ADDRESSES

Headquarters, Defense Mapping Agency
Bldg 56, U.S. Naval Observatory
Washington, D.C. 20305

DEFENSE MAPPING AGENCY COMPONENT ACTIVITIES

DMA AEROSPACE ORGANIZATIONS

DMA Aerospace Center
St. Louis Air Force Station
Missouri 63125
DMA Aerospace Center
Kansas City Office
609 Hardesty Avenue
Kansas City, Missouri 64124

DMA HYDROGRAPHIC/ TOPOGRAPHIC ORGANIZATIONS

DMA Hydrographic/Topographic Center
Washington, D.C. 20315
DMA Hydrographic/Topographic Center
Louisville Office
600 Federal Place
Louisville, Kentucky 40202
DMA Hydrographic/Topographic Center
Providence Office
Brookside Avenue
West Warwick, Rhode Island 02893
DMA Hydrographic/Topographic Center
San Antonio Office
Building 4011
Ft. Sam Houston, Texas 78234
DMA Depository
Naval Support Activity Ft. Omaha
Omaha, Nebraska 68111
DMA Hydrographic/Topographic Center
Geodetic Survey Squadron
F.E. Warren AFB, Wyoming 82001
DMA Hydrographic/Topographic Center
Det. 1, Geodetic Survey Squadron
Vandenberg AFB, California 93437
DMA Hydrographic/Topographic Center
Det. 2, Geodetic Survey Squadron
P.O. Box 96
White Sands Missile Range
New Mexico 88002
DMA Hydrographic/Topographic Center
Det. 4, Geodetic Survey Squadron
Patrick AFB, Florida 32925

DMA OFFICE OF DISTRIBUTION SERVICES ORGANIZATIONS

DMA Office of Distribution Services
Washington, D.C. 20315
DMA Distribution Center
Clearfield, Utah 84016
DMA Distribution Center
5801 Tabor Avenue
Philadelphia, Pennsylvania 19120
DMA Office Norfolk
Bldg SP238, Naval Air Station
Norfolk, Virginia 23511
DMA Branch Office Jacksonville
Box 68, Naval Air Station
Jacksonville, Florida 32212
DMA Office San Diego
Bldg 654, Naval Air Station, North Island
San Diego, California 92135
DMA Branch Office Atsugi
Box 47
FPO Seattle 98767
DMA Branch Office Cubi Point
Box 59
FPO San Francisco 96654
DMA Branch Office Naples
Box 95
FPO New York 09520
DMA Office Europe
APO New York 09666
DMA Branch Office England
APO New York 09238
DMA Office Pacific
Bldg T-1710
Hickam AFB, Hawaii 96853

DEFENSE MAPPING SCHOOL

Defense Mapping School
Ft. Belvoir, Virginia 22060

INTER AMERICAN GEODETIC SURVEY

Inter American Geodetic Survey
APO Miami 34004

DEFENSE CRIMINAL INVESTIGATIVE SERVICE

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for

the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in.records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

CIS-01

SYSTEM NAME:

Privacy and Freedom of Information Act Requests.

SYSTEM LOCATION:

Defense Criminal Investigative Service (DCIS), Building 8, Room D490, Cameron Station, Alexandria, VA 22314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted requests under 5 USC or 5 USC 552a.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of all correspondence with requesters or pertainng to requests for information released or withheld; summaries, and logs of actions taken regarding requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 USC 133d, the Secretary of Defense has issued DoD Directive 5105.50, April 28, 1982, creating the Defense Criminal Investigative Service as a separate agency of the Department of Defense under his direction. This directive charges the Director, DCIS, with the responsibility of maintaining all necessary and appropriate records. See also 5 U.S.C. 552, the Freedom of Information Act and 5 U.S.C. 552a the Privacy Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained to permit responses to individual requests; to document actions taken for agency use in processing subsequent requests, appeals, or litigation; to provide a basis for reports required by the statutes and their implementing directives; and to correct or amend investigative or other records.

Records are used by DCIS personnel and action officers of other agencies when coordination or referral is necessary for the purposes listed above. DCIS case controllers may have access when release of information may have an impact on investigative activities, or where investigative activity is necessary to verify assertions of the requestor or to obtain permission for release of identified sources.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Retrieved by the name of the subject of the request.

SAFEGUARDS:

The records are maintained in security containers accessible only to personnel who have a need to know in the course of their official duties. A log entry is made and a file folder established upon receipt of each request.

RETENTION AND DISPOSAL:

Copies to key documents or summaries are retained for as long as released material is retained. Records are destroyed as classified waste.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director of Management System, DCIS, P.O. Box 9290, Alexandria, VA 22304.

NOTIFICATION PROCEDURE:

Request should be addressed to the System Manager. The full data involving any earlier request should be included. DCIS may be visited at Cameron Station between 9 am and 3 pm, Monday through Friday. A check of personal identification will be required of all

visitors making inquiry for personal records.

RECORD ACCESS PROCEDURES:

Access may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from requestors, from other federal agencies with collateral interest in the request, and from records which were the subject of requests.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

CIS-02

SYSTEM NAME:

Applicant Records.

SYSTEM LOCATION:

Defense Criminal Investigative Service (DCIS), Building 8, Room D490, Cameron Station, Alexandria, VA 22314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for position with the DCIS who have submitted paperwork directly to DCIS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Temporary record of applicants' stated interest in and qualifications for employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense has issued DoD Directive 5105.50, April 28, 1982, creating the Defense Criminal Investigative Service as a separate agency of the Department of Defense under his direction. This directive charges the Director, DCIS, with the responsibility of maintaining all necessary and appropriate records. See also the Federal Personnel Manual, Chapters 332 and 333.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to identify applicants and determine their eligibility for positions with DCIS. Information and records may be disclosed to other agencies for verification. DCIS supervisors with an established need for information and accredited investigators use in the information in the applicant process.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in files or looseleaf binders.

RETRIEVABILITY:

Records are filed alphabetically by last name of the applicant.

SAFEGUARDS:

Records are maintained in files accessible only to authorized personnel with clear need to know in the course of their official duties. The building is locked after duty hours and has security guards.

RETENTION AND DISPOSAL:

Records are temporary and are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director of Manager Systems, DCIS, P.O. Box 9290, Alexandria, VA 22304.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager. Written requests should contain the full name of the individual, the current address and telephone number. Visits are limited to the hours of 9 am to 3 pm during business days. Personal visits to Cameron Station office will require identification by some form of photographic identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Subject individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

CIS-03

SYSTEM NAME:

Personnel Locator Cards

SYSTEM LOCATION:

Defense Criminal Investigative Service (DCIS), Building 8, Room D490, Cameron Station, Alexandria, VA 22314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned or attached to DCIS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Locator cards reflecting names and locations of DCIS employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1974, 10 U.S.C. 133d, the Secretary of Defense has issued DoD Directive 5105.50, April 28, 1982, creating the Defense Criminal Investigative Service as a separate agency of the Department of Defense under his direction. This directive charges the Director, DCIS, with the responsibility of maintaining all necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to maintain a locator system of all personnel assigned to DCIS. Used by administrative personnel and supervisors in the HQ DCIS and field units to determine current assignement of DCIS personnel, to aid in distributing communications addressed to individuals; and to make and verify entries in required personnel rosters, directories, and listings subject to certain restrictions placed on the information by the individuals concerned.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in paper form.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Records are stored in security containers or locked file cabinets, accessible only to authorized personnel with a need to know the information in the course of their official duties.

RETENTION AND DISPOSAL:

Retained in the active file until departure of the individual, then they are placed in the inactive file and destroyed after one year.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director of Management System, DCIS, P.O. Box 9290, Alexandria, VA 22304

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Access to this system may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting and appealing determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The individual on whom the records pertain.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

CIS-04

SYSTEM NAME:

Case Control System

SYSTEM LOCATION:

Defense Criminal Investigative Service (DCIS), Building 8, Room D490, Cameron Station, Alexandria, VA 22314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person or activity the subject of an ongoing or recently completed DCIS investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file is composed of records of investigations which are being or have been conducted by DCIS. Records contain the name or other personal identifying information on the investigated individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense has issued DoD Directive 5105.50, April 28, 1982, creating the Defense Criminal Investigative Service as a separate agency of the Department of Defense under his direction. This directive charges the director, DCIS, with the responsibility of maintaining all necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file contains open and closed case listings used in case management, to produce statistical reports, and to control local aspects of the investigation.

Users are the DCIS case control officers, the Director, DCIS, and the DCIS Associate Director of Management Systems.

Used to determine the existence, location, and status of cases, to control workload and prepare statistical reports, and to inform federal agencies or requesters of investigations regarding the status of on-going investigations.

The system maintained by DCIS is part of the Defense Investigative Service system, identified as V5-04, 'Defense Case Control system (DCIS).'

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are retained in paper form.

RETRIEVABILITY:

Records are accessed through the case control number, military service number, Social Security Number, or by the name of the individual concerned.

SAFEGUARDS:

Files maintained in locked cabinets accessible only to those with a need to know in the course of official duties.

RETENTION AND DISPOSAL:

Records are retained for one year after case is closed and are disposed as classified waste.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director of Management System, DICS, P.O. Box 9290, Alexandria, VA 22304.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Requester should provide the full name of the subject company or individual, and all maiden or alias names under which the file may be maintained. Personal identifiers which should be included are date and place of birth, Social Security Number, and the last four digits of any former military service numbers.

The office at Cameron Station may be visited from 9 am to 3 pm, during normal workdays. Requesters should bring documentary proof of identity which contain photographs.

RECORD ACCESS PROCEDURES:

Contact the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are availible from the System Manager.

RECORD SOURCE CATEGORIES:

DCIS Case Control Centers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with subsection (j)(2) of the Act, certain information contained in this system of case control records may be exempted from the provisions of subsections (c)(3), (c)(4), (d), (e) (1), (e)(2), (e)(3), (e)(4)(G-H-I), (e)(5), (e)(8), (f), and (g). This exemption will allow DCIS to conduct effective investigations into alleged unlawful activity or crime conducive situations. (See DCIS Regulation 5400.11).

CIS-05

SYSTEM NAME:

Security Records

SYSTEM LOCATION:

Defense Criminal Investigative Service (DCIS), Building 8, Room D490, Cameron Station, Alexandria, VA 22314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current DCIS employees and former employees who have terminated in the past 12 months.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's certificate of security clearance, security briefing statement, SCI access records, certificates of clearance from other agencies, Defense Central Index of Investigations check results, summaries of advance information, debriefing statements, and similar related documents varying in certain cases. Sufficient individual identifying data to confirm identities is also contained in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense has issued DoD Directive 5105.50, April 28, 1982, creating the Defense Criminal Investigative Service as a separate agency of the Department of Defense under his direction. This directive charges the Director, DCIS, with the responsibility of maintaining all necessary and appropriate records. See also 'DoD Directive 5200.1, 'Department of Defense Information Security Program.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are used to provide a basis for granting security clearance and access to provide information as to degree of security clearances for individuals attending official activities of other offices concerning classified matters, and to provide security clearance

information to other governmental offices where change of employment is being considered.

In the event that records maintained in this system indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant Records in the system may be of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

A record from this system may be disclosed as a routine use to a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or other benefit.

Users include the Director, DCIS; the DCIS Security Officer, all supervisors but only for confirming clearance information; and security officials of other DoD elements or governmental agencies when required for clearance verification or preemployment consideration.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual files are established when first assigned to the DCIS. Clearance certificates are filed when received. Storage is by paper in file folders.

RETRIEVABILITY:

They are filed alphabetically by last name.

SAFEGUARDS:

Records are maintained in locked containers in areas accessible only to authorized personnel who have a need to know in the connection with their official duties.

RETENTION AND DISPOSAL:

Records are maintained for the period of time an individual is assigned to DCIS and for one year afterwards. Disposal is as classified waste.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, DCIS, P.O. BOX 9290, Alexandria, VA 22304.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Access to records may be obtained at any time. Requests should be addressed to Defense Criminal Investigative Service, P.O. Box 9290, Alexandria, VA 22304. Written requests for information should contain the full name of the individual, current address and telephone number. Visits to the Cameron Station Office are limited to the hours of 9 am to 3 pm, on duty days. For personal visits, a check of personal identification documents will be conducted.

CONTESTING RECORD PROCEDURES:

The DCIS rules for contesting record contents and appealing initial determinations may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Application and related forms are from the individual concerned. Summaries of information come from the background investigations of the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

CIS-06

SYSTEM NAME:

Investigative Files

SYSTEM LOCATION:

Defense Criminal Investigative Service (DCIS), a component of the Assistant to the Secretary of Defense (Review and Oversight) (ATSD(R&O)), Cameron Station, Alexandria, VA 22314, has primary control over the system.

Regional field offices, resident agencies, and various DCIS headquarters staff elements originate and have temporary control over portions of the records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DoD civilian personnel; members of the Armed Forces of the United States, reserve components, and National Guard units; DoD contractors; individuals residing on, having authorized official access to, or contracting or operating any business or other functions at any DoD installation or facility; and individuals not affiliated with the Department of Defense when their activities have directly threatened the functions, property or personnel of the Department of Defense, or they have threatened any other high ranking government personnel who are provided protective service mandated by the Secretary of Defense, or they have engaged in, or are alleged to engage in criminal acts on DoD installations or directed at the DoD, its personnel or property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official reports of Investigation (ROIs) including any attachments, prepared by DCIS or other DoD federal, state, or local official investigative activities;

DCIS Information Summary Reports (ISRs) which record unsolicited information of criminal nature received by DCIS concerning a person or incident which is of direct interest to other DoD Components or federal agencies;

Case control documents which are not included in the ROIs but which serve as the basis of investigation or which guide and facilitate investigative activities, including documents providing the data to open, direct, conduct, transfer and close cases;

DCIS file administration and management documents accounting for disclosure, control, and access to a file; and

Grand Jury information not contained in case files, agent notes, fingerprint cards, duplicate files at the local level and other miscellaneous documents supporting the criminal investigation file to include court documents and on occasion reports of administrative proceedings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense has issued DoD Directive 5105.50, April 28, 1982, creating the Defense Criminal Investigative Service (DCIS) as a separate agency of the Department of Defense under his direction. This directive charges the Director, DCIS, with the responsibility of maintaining all necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Criminal investigative information is collected at the request of appropriate DoD officials or agencies to identify offenders, to provide facts and evidence upon which to base prosecution, to effect corrective administrative action and to recover money and property which has been wrongfully appropriated. Information contained in ISRs is disseminated to interested DoD Components and other federal agencies. Criminal information is collected during reciprocal investigations conducted for other DoD and federal investigative elements (or in limited instances, for local or state law enforcement agencies)

for maintainance and use by the requesting activity.

Users of DCIS criminal investigative information include:

DCIS personnel in the course of their official duties, elements of the military departments designated by the departments and representatives of the Secretary of Defense the the Joint Chiefs of Staff; accredited federal criminal and civil law enforcement agencies; other accredited federal agencies conducting investigations to evaluate suitability for employment or access to classified information; congressional committees; and the Government Accounting Office.

DCIS investigative records are used: in criminal law enforcement investigations including statutory violations; counterintelligence, as well as counterespionage and counterterrorist activities and other security matters; to assist the appropriate agency charged with the responsibility for investigating or prosecuting violations of laws, rules, regulations or orders; to provide information in judicial or adjudicative proceedings including litigation or in accordance with a court order; to make statistical evaluations of DCIS investigative activities; to respond to Freedom of Information Act access requests; to determine loyalty, suitability, eligibility, and general trustworthiness of individuals for access to classified information and government facilities, for entry into, retention in and for personnel actions in the Armed Forces and for federal agencies in connection with hiring, retention, issuance of security clearance, or of other benefit by the requesting agency; to provide information pertinent to the protection of persons under the provisions of 18 U.S.C. 3056; to provide information in response to Inspector General, Equal Employment, or other complaint investigations and congressional inquiries; to obtain employment records, if necessary, from business enterprises; and to obtain information relevant to the on-going investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, on microfilm, and supplementary index cards.

RETRIEVABILITY:

Investigations are centrally retrievable through the Defense Investigative Service (DIS) Case Control System (DCCS), V5-04, or the Defense Central Index of Investigations (DCII), V5-02, record systems managed by DIS.

SAFEGUARDS:

All DCIS records are maintained and stored at Cameron Station, Alexandria, VA. They are maintained and stored in locked safes and are accessible only to authorized personnel who have a need to know in conjunction with their official duties. Recipients of investigative information are responsible for safeguarding the information while temporarily in their custody in accordance with guidelines provided by DCIS.

RETENTION AND DISPOSAL:

Retention of closed DCIS criminal investigative files is authorized for 25 years, except they may be offered to the National Archives after 15 years. Fraud Prevention surveys are maintained for 10 years. Generally, ISRs are retained only 60 days. Partial duplicate records are retained for one year. All files are destroyed as if they contain classified information.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director of Investigative Operations, DCIS, P.O. Box 9290, Alexandria, VA 22304.

NOTIFICATION PROCEDURE:

Requests should be addressed to the system manager. The full name, date, and place of birth and social security number of the subject individual, and any pertinent data concerning the topic of the criminal investigation are necessary for retrieval of information. The requester's signature should be notarized. More information may be required.

RECORD ACCESS PROCEDURES:

Access by mail may be obtained through the system Manager. Visitors may obtain access during the hours from 9 am to 3 pm at Building 8, Room D490, Cameron Station, Alexandria, VA. Visitors should be prepared to identify themselves with some identification media containing a recent photograph.

CONTESTING RECORD PROCEDURES:

DCIS rules for contesting and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Subjects and suspects of DCIS investigations.

Interview of witnesses, victims, and confidential sources.

All types of records and information maintained by all levels of government, private industry, and non-profit organizations.

Any other type of record deemed necessary to complete the DCIS criminal investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The parts of system of records which falls within the scope of 5 U.S.C. 552a(j)(2), are exempt from certain provisions of sections (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4) (H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of Title 5 of the United States Code. (See DCIS Regulation 5400.11).

OFFICE OF THE SECRETARY OF DEFENSE

HOW SYSTEMS OF RECORDS ARE ARRANGED. The Office of the Secretary of Defense (OSD), a Component of the Department of Defense, is located in the Pentagon. In providing immediate staff assistance and advice to the Secretary of Defense, independently organized and identified offices function in full coordination and cooperation. Therefore, the Office of the Secretary of Defense systems of records are not maintained or arranged by subject but established in functional areas of a particular responsible staff office. The Office of the Secretary of Defense includes the offices of the Under Secretaries of Defense, the Assistant Secretaries of Defense, the Assistants to the Secretary of Defense, the General Counsel, DoD, and such other staff offices as the Secretary of Defense establishes to assist him in carrying out his duties and responsibilities.

HOW TO USE THE INDEX GUIDE. To assist the reader in locating and reviewing the particular record system of interest, the various staff offices and the prefix letter symbols represented as part of the record system identification for that office are set forth below

OSD OFFICES

LETTER IDENTIFICATION

Office of the Assistant to the Secretary of Defense (Atomic Energy)
DAE

Office of the Defense Audit Service
DAS

Office of the Special Assistant to the Secretary and Deputy Secretary of Defense
DATSD

Office of the Assistant Secretary of Defense (Comptroller)
DCOMP

Office of the General Counsel, DoD
DGC

Office of the Assistant Secretary of Defense (Health Affairs)
DHA

Office of the Director, Information Operations and Reports
DIO&R

Office of the Assistant Secretary of Defense (International Security Affairs)
DISA

Office of the Assistant to the Secretary of Defense (Legislative Affairs)
DLA

Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics)
DMRA&L

Office of the Directorate for Health Services (OCHAMPUS), DoD
DOCHA

Office of the Assistant Secretary of Defense (Program Analysis and Evaluation)
DPA&E

Office of the Assistant Secretary of Defense (Public Affairs)
DPA

Office of the Commandant, Defense Systems Management College
DSMC

Office of the Director, Washington Headquarters Services
DWHS

Office of the Under Secretary of Defense for Policy
DUSDP

Office of the Under Secretary of Defense for Research and Engineering
DUSDRE

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of

the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

DAS 01

SYSTEM NAME:

Defense Audit Management Information System (DAS/MIS).

SYSTEM LOCATION:

Defense Audit Service, Audit Management Division (DAS-AM), Arlington, Virginia. The system utilizes the Computer Science Corporation's INFONET System, 1616 North Fort Myer Drive, Arlington, Virginia 22209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active personnel employed by the Defense Audit Service with history data including previous employees maintained for two years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data on the individual's current position, current employment status, travel, audit experience training, and the following specific personal data: name, Social Security Account Number (SSAN), date of birth (DOB), service computation date (SCD), career status, experience, address, assigned station, job series, clearance, education, and evaluation due date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, section 136(b), and Department of Defense Directive 5105.48, 'Defense Audit Service', October 14, 1976, conveys the authority for maintenance of a system of records to the Director of the Defense Audit Service in support of the DAS mission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Information is used as follows:

(1) Security Clearance notification alert; provided to all audited activities in advance of visits by DAS audit personnel. Information provided in Alert is name, SSAN, Office of Assignment, and the security clearance for each auditor.

(2) Time and Attendance Reporting; provided to DAS Main Office by 9 CONUS Regional Offices and 3 Overseas Regional Offices. Time and Attendance Reports and used by various managers to track Temporary Duty Travel Frequency and duration, to accrue manhour data on assigned audit projects, to categorize indirect time for end of year reporting to provide time and attendance data to the centralized payroll system at the Main Office. Information included in Time and Attendance Reports are SSAN, Name, Grade, Assigned Office, Hours Present for Duty, Annual Leave Hours, Sick Leave Hours, Other Leave Hours and Type, TDY Location, and TDY Duration.

(3) Planned Annual Leave Reporting, utilized by various managers for workload planning and travel scheduling. Information included is Name, Assigned Office, and dates of planned annual leave.

(4) Audit Status and Auditor Assignment Reporting; used by managers to control audits and auditors, and to maximize effectiveness of manpower resources. Included information is Audit Number, Audit Requestor Code, Title, Milestone Dates, Audit Cost Summary, Personnel Assigned/Release Dates, and Personnel Manhours Expended.

(5) As Required Personnel Reporting; used by the Staff Manager to determine training needs, promotional eligibility, education and background, professional organization participation, and performance evaluation. Information included is Name, Assigned Offices, Education, Professional Activities Training History (Course Title, Dates Attended), Performance Evaluation, Date of Birth, and Service Computation Data.

(6) Travel Reporting; used by managers to control Temporary Duty Travel, travel costs, and issuances of Blanket Travel Orders.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Active records are stored on immediate access disk and magnetic tape maintained within the computer center. Inactive records are maintained on magnetic tape within the computer center. Hard copy records are stored in file cabinets under the control of functional users.

RETRIEVABILITY:

Records are internally stored by employee SSAN and are selectively retrievable by all data elements as specified in the Categories of Records in the System.

SAFEGUARDS:

All records reside in a 'private library' which is not accessible by any other user. All system files are backed up upon creation and upon any update action. A 'Master ID' with unrestricted access to all records in the private library is available only to Main Office

MIS Management Personnel. A 'Subordinate ID' which has restricted access, only to pertinent records, is used by field offices. Password protection is afforded at the session and file level. All user ID's are protected by separate validation. Any attempt to circumvent the password validation initiates immediate 'log-off.' Physical control includes limiting password to only authorized personnel. Master ID is located in a secure environment, within the Main Office, and access to the terminal facility is restricted to MIS Management employees who work within the area. Access to records containing personal data is restricted to those who require the records in the performance of their official duties and to the individual who is subject of the record (or his authorized representative). Tape files are maintained in an environmentally secure vault area when not in use. Computer Science Corporation has been cleared to process personal data for Government agencies by General Services Administration on December 11, 1975.

RETENTION AND DISPOSAL:

Machine resident records are maintained for 2 years after they become inactive. All inactive records are afforded the same safeguards as active records and are maintained on magnetic tape within the computer center. Machine resident records are destroyed at the end of the 2 year period. Hard copy records are retained until the records are replaced or become obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Audit Service, Suite 1200, Commonwealth Building, 1300 Wilson Boulevard, Arlington, Va. 22209. Telephone: 202-697-9108.

NOTIFICATION PROCEDURE:

Written or personal request for information should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Procedures for gaining access by an employee/previous employee to his/her records may be obtained from the System Manager. Written request for information should contain the full name of the employee/past employee and Social Security Account Number. For personal visits, the employee should be able to identify himself/herself with Defense Audit Service Identification Card. Past employees should be able to identify himself/herself with Social Security Card and one other corroborating personal identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Official Personnel Folder and other personnel documents, activity supervisors, applications and forms completed by the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DATSD03

SYSTEM NAME:

Files of Personnel evaluated for Non-Career Employment in DoD.

SYSTEM LOCATION:

Primary Location - Air Force Data Services Center, Room 3A1066, The Pentagon Washington, D.C. 20330.

Hardcopy located at Office of the Assistant to the Secretary and Deputy Secretary of Defense, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and inactive employees/candidates employed/seeking non-career positions in DoD, including consultants and committee members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel files consist of resumes, forwarding correspondence between internal offices within DoD, transmittal correspondence from individuals, industry, other departments and agencies, and the Executive/Legislative Branch of the Federal government. Correspondence consists of requests for employment or recommendations of others for employment for non-career positions, and memoranda confirming telephonic queries.

Card files consist of DoD consultants or members of committees, home and business addresses, and approval dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 133.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL

Files are collected to evaluate qualifications of individuals seeking or who have been recommended for non-career positions within DoD. Records are used in searching for qualified candidates for forthcoming vacant positions. Files are reviewed by authorized personnel within the immediate Office of the Secretary of Defense. Files of individual cnadidates are sent to presidential personnel for clearance. Records are used to track consultancy or membership, home and business addresses, particular expertise, and entry/exit date.

EXTERNAL

See Office of the Secretary of Defense (OSD) blanket routine uses at the head of this component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards in card files, computer disks, and computer paper printouts.

RETRIEVABILITY:

Information accessed by last name of individual.

Individual user codes and passwords required to access information stored in computer.

SAFEGUARDS:

Building employs security guards. Sensitive manually stored data kept in locked cabinets or safes and may be accessed only by authorized personnel. Computer stored data is kept in a secure computer facility and may be accessed only by authorized, properly trained personnel who have access codes and passwords.

RETENTION AND DISPOSAL:

Active files are retained as long as an individual is employed within DoD. Inactive files are screened upon termination of employment with DoD to determine their retention value for possible future non-career employment, i.e., some files are destroyed upon termination of employment while other files may be retained for an indefinite period depending on the background and experience of individual.

SYSTEM MANAGER(S) AND ADDRESS:

Ms. Marybel Batjer, Office of the Assistant to the Secretary and the Deputy Secretary of Defense, Room 3E941, the Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Office of the Assistant to the Secretary and Deputy Secretary of Defense, Washington, D.C. 20301. Visits are limited to the Office of the Assistant

to the Secretary and Deputy Secretary of Defense.

Written requests for information should contain the full name of the individual and social security number.

For personal visits, the individual should be able to provide some acceptable identification, that is driver's license, building access identification card, etc.

RECORD ACCESS PROCEDURES:

Procedures for gaining access by an individual may be obtained from the following: Office of the Assistant to the Secretary and Deputy Secretary of Defense, Room 3E941, the Pentagon, Washington, D.C. 20301. Telephone: 202-697-7968.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Files are originated in the Office of the Assistant to the Secretary and Deputy Secretary of Defense, with information that has been referred by others or applicants for non-career positions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DGC 04

SYSTEM NAME:

Industrial Personnel Security Clearance Case Files.

SYSTEM LOCATION:

Primary System and Decentralized Segments-Active case files, Directorate for Industrial Security Clearance Review (DISCR), Office of the Assistant General Legal Counsel OAGC(LC), Office of the General Counsel (OGC), Department of Defense (DoD), Pentagon, Washington, D.C. 20301.

Inactive case files, U.S. Army Investigative Records Repository, Fort Meade, Maryland 20755.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government contractor employees whose industrial security clearance cases were referred to the OAGC(LC), DISCR, for adjudication under Executive Order 10865, as amended by Executive Order 5220.6; these cases pertain only to the individuals who cannot be granted clearance by the Defense Industrial Security Clearance Office (DISCO), Defense Investigative Service (DIS), Columbus, Ohio.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetical card index files for identification and location of case files within the DISCR.

Individual case files include general correspondence relating to case, investigative reports prepared by various investigative agencies conducting security clearance investigations, DISCO referral recommendation, determinations of the Screening Board, Examiners and the Appeal Board, DISCR, with implementing documents, including but not limited to, Statement of Reasons (SOR) issued to individual, his answer to the SOR, transcripts of hearings and exhibits.

DISCR case correspondence files maintained by case number, including case correspondence initiated by DISCR, with individuals, employers, attorneys, congressmen and investigative agencies.

Additionally, correspondence files include copies of Screening Board determinations and Appeal Board determinations from July 1967 to date in order to furnish an index and register of administrative detereminations under the Freedom of Information Act (FOIA), Pub. L. 93-502, Section 552.a(2)(C) OF Title 5, United States Code.

All final decisions in cases arising under DoD Directive 5220.6, since 1967, are published and indexed for public perusal. Names of applicants, witnesses, sources of information, etc., and identifying information, relative to those persons are deleted from these records to protect the privacy of persons involved.

DISCR Reader Files including DISCR-initiated correspondence, Screening Board determinations and Appeal Board determinations.

Decentralized Reader File segments of copies of Examiner's determinations and Appeal Board determinations to Department Counsel's Office and Screening Board, DISCR.

Chronological correspondence file of letters from assigned trial counsel to individual's attorneys or counsel, and other Federal offices for hearing arrangements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10865, 'Safeguarding Classified Information Within Industry,' dated February 20, 1960, as amended by Executive Order 10909, dated January 17, 1961; and DoD Directive 5220.6, 'Industrial Personnel Security Clearance Program' dated December 20, 1976.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose and use of this record system are to determine whether it is clearly consistent with the national interest to grant or continue an individual's access to classified information.

INTERNAL USERS, USES, AND PURPOSES

DISCO, DIS, initiates investigation at request of employer and may grant but not deny clearance.

OAGC(LC), DISCR, determines individual's eligibility for security clearance and notifies the individual, and DISCO, DIS, of final decision.

U.S. Army, JAG, US. Army, Claims Services, Ft. Meade, Maryland 20755 in cases where claims for reimbursement are requested by an applicant.

EXTERNAL USERS, USES, AND PURPOSES

Department of Justice in cases where individual seeks Federal court review of adverse administration determinations under the Industrial Security Clearance Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, vertical file cards.

RETRIEVABILITY:

Active files alphabetically by name or by case number.

Inactive files by individual's name, date and place of birth, and Social Security Number (SSN).

SAFEGUARDS:

Records are stored in security combination lock file containers accessible only to DISCR authorized personnel.

RETENTION AND DISPOSAL:

Destroyed 25 years after file is no longer active.

Primary alphabetical card index files are retained permanently in Central Office, DISCR, Alphabetical Index Cards for case control purposes in suboffices, i.e., Screening Board, Department Counsel's Office and Appeal Board are retained during active processing of cases and then destroyed.

All Reader Files are destroyed within 60 days of issue.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant General Legal Counsel AGC(LC), Directorate for Industrial

Security Clearance Review (DISCR), Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: OAGC(LC), DISCR, Room 3D282, Pentagon, Washington, D.C. 20301. Telephone: 202-697-8350.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to OAGC(LC), DISCR, Room 3D282, Pentagon, Washington, D.C. 20301.

Written requests should include the individual's full name, date and place of birth, Social Security Number (SSN), and notarized signature.

The records requested and available, subject to statutory exemptions, may be made available to the record subject for review at the following locations:

Directorate for Industrial Security Clearance Review (DISCR), Office of the General Counsel, DoD, Room 3D282, Pentagon, Washington, D.C. 20301.

Administrative Director, Eastern Hearing Office, DISCR, Office of the General Counsel, DoD, 26 Federal Plaza, Room 36-112, New York, New York 10007.

Adminstrative Director, Western Hearing Office, DISCR, Office of the General Counsel, DoD, 9920 S. LaCienega Blvd., Suite 1026, Inglewood, California 90301.

Administrative Director, Washington Hearing Office, DISCR, Office of the General Counsel, DoD, 710 Commonwealth Building, 1300 Wilson Blvd., Arlington, Virginia 22209.

Fees for copies must be borne by the record subject or his authorized representative requesting the review of the records.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Defense Investigative Service (DIS); Office of the Secretary of Defense (OSD); Defense Industrial Security Clearance Office (DISCO); U.S. Army Investigative Record Repository; record subject; attorneys or representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this record system may be exempt under 5 U.S.C. 552a(k)(5).

DGC 05

SYSTEM NAME:

Administrative Files on Active Psychiatric Consultants to Department of Defense (DOD).

SYSTEM LOCATION:

Directorate for Industrial Security Clearance Review (DISCR), Office of the Assistant General Legal Counsel, OAGC(LC), Office of the General Counsel, DoD.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Psychiatric consultants who have entered into agreement with the Department of Defense to conduct psychiatric examination of individuals applying for industrial security clearance for access to classified information required in the performance of their work for classified Government contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records filed alphabetically by last name of psychiatrist, consisting of correspondence concerning agreement to conduct psychiatric examinations requested by the Government; and initiation and confirmation of security clearance issued to psychiatrists.

Current list of active DoD psychiatric consultants.

Alphabetical card index file for identification and address of active psychiatric consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DoD Directive 5220.6, 'Industrial Personnel Security Clearance Program,' December 20, 1976; Executive Order 10865, February 20, 1960; and Executive Order 10909, January 17, 1961.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this system is to maintain a record of active psychiatric consultants available to conduct psychiatric examinations of individual applicants for industrial personnel security clearance in convenient geographical areas.

INTERNAL USERS, USES, AND PURPOSES

Psychiatric consultants having active professional service agreements with and having been granted security clearance by the Department of Defense (DoD) are used by DISCR, OAGC(LC), and Defense Industrial Security Clearance Office (DISCO), Defense Investigative Service (DIS), in processing requests for industrial personnel security clearance of individuals.

EXTERNAL USERS, USES, AND PURPOSES:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, vertical file cards.

RETRIEVABILITY:

Alphabetically by surname.

SAFEGUARDS:

Records are stored in security combination lock file cabinets accessible only to DISCR authorized personnel.

RETENTION AND DISPOSAL:

Destroy six months after agreement between consultant and DoD has been terminated.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant General Legal Counsel, AGC(LC), Directorate for Industrial Security Clearance Review, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: OAGC(LC), DISCR, Room 3D282, Pentagon, Washington, D.C. 20301. Telephone: 202-697-8350.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to OAGC(LC), DISCR, Room 3D282, Pentagon, Washington, D.C. 20301.

Written requests should include the individual's full name, date and place of birth, and notarized signature.

The records requested may be made available to individuals for review at the following location: DISCR, OAGC(LA), Room 3D282, Pentagon, Washington, D.C. 20301.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Copy of Letter of Consent (for security clearance), DISCO Form 560, and correspondence with individual psychiatrists.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DGC02

SYSTEM NAME:

Private Relief Legislation File

SYSTEM LOCATION:

Primary System - Office of the General Counsel, Office of the Secretary of Defense, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals for whom private relief legislation has been introduced in Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Private relief legislation files of the Office of the General Counsel, Office of the Secretary of Defense, contain the history of legislation concerns individuals and contains information about them.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S. Code, Section 133 and 137

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine use of the files is by the attorneys in the Office of the General Counsel, Office of the Secretary of Defense and personnel in the Department of Defense.

Purpose of the files is to produce working papers in development of a department position.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by name and bill number.

SAFEGUARDS:

Stored in metal filing cabinets where they are kept in a locked room.

RETENTION AND DISPOSAL:

Files are retained as long as there is an office interest in the legislation after which they are destroyed or retired to the Federal Records Center, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Legislative Reference Service, Office of the General Counsel, Office of the Secretary of Defense, Room 4A948, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Written request for information should be addressed to the SYSMANAGER, Director, Legislative Reference Service, Office of the General Counsel, Office of the Secretary of Defense, Room 4A948, Pentagon, Washington, D. C. 20301. Valid proof of identity is required.

RECORD ACCESS PROCEDURES:

Procedure for gaining access by an individual to his records may be obtained from the following:

Office of the Assistant General Counsel (Manpower, Health & Public Affairs)
Room 3E977
Pentagon
Washington, D. C. 20301
202-OX7-0657

CONTESTING RECORD PROCEDURES:

Office of the Assistant General Counsel (Manpower, Health & Public Affairs), Office of the Secretary of Defense, Room 3E977, Pentagon, Washington, D.C. 20301 may be contacted to obtain rules for contesting contents of records and appealing initial determinations.

RECORD SOURCE CATEGORIES:

Information contained in Private Relief Legislation files is obtained from various sources including correspondence with the Legislative Branch and inputs by the components of the Department of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DGC05

SYSTEM NAME:

Attorney and Summer Intern Position Applications

SYSTEM LOCATION:

Office of the Assistant General Counsel (Manpower & Health Affairs), Office of the Secretary of Defense, Room 3E999, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who applies to the Office of General Counsel of DoD for an attorney position or for a summer intern position.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of letters and any other documents submitted by applicants, such as resumes, SF-171s, and applicant writing samples, and also contains responses from the Office of the General Counsel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Sections 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL

To consider applicant qualifications for available positions in the Office of the General Counsel and the Defense Legal Services Agency.

EXTERNAL

To consider applicant qualifications for available positions in other employing authorities in the Department of Defense, when requested.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Documents filed chronologically in folders. Summer intern applicants filed alphabetically, with separate storage for first and second year students.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name card index indicating date in chronological file folder. Summer intern files retrievable by alphabetical file folders.

SAFEGUARDS:

Building employs security guards. Records are maintained in file cabinets to which office personnel grant access only to those with a need to know. Training and screening of office personnel regarding protection of sensitive legal files is applicable to the subject file.

RETENTION AND DISPOSAL:

Records are maintained for a one-year period. They are destroyed monthly. Summer intern applicant files are destroyed at the end of the summer.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant General Counsel (Manpower & Health Affairs), Office of the Secretary of Defense, Room 3E999, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant General Counsel (Manpower & Health Affairs), Office of the Secretary of Defense, Room 3E999, Pentagon, Washington, D.C. 20301. Telephone: 202-697-9341.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b (see also OSD Administrative Instruction Number 81).

RECORD SOURCE CATEGORIES:

Application and related forms from the individual applying for position.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DMRA&L 01.0

SYSTEM NAME:

Teacher Correspondence Files

SYSTEM LOCATION:

Teacher Recruitment Section, Staffing Branch, Office of Dependents Schools, Office of Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), Room 120, Hoffman building, 2461 Eisenhower Avenue, Alexandria, Va. 22331.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual with whom or about whom the Teacher Recruitment Section has correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains all correspondence received from and responses to individuals writing the Teacher Recruitment Section.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PL 86-91

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Teacher Recruitment Section - To maintain accurate record of correspondence with individuals making inquiry to Section, any individual records might be transferred to any component of the Department of Defense having a need to know in the performance of official business.

EXTERNAL USERS, USES, AND PURPOSES

Records may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in individual's file folder.

RETRIEVABILITY:

Filed alphabetically be either the last name of the correspondent or the last name of the employee/applicant the correspondence concerns.

SAFEGUARDS:

Building employs security guards, office locked during nonbusiness hours.

RETENTION AND DISPOSAL:

Files are retained for three years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Dependents Schools, Office of the Assistant Secretary of Defense (MRA&L), Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief, Teacher Recruitment Section, DoD
Office of Dependents Schools
Room 120, Hoffman Building
2461 Eisenhower Avenue
Alexandria, Virginia 22331
Telephone: 202-325-0885

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Teacher Recruitment Section, Office of Dependents Schools, Office of the Assistant Secretary of Defense (MRA&L), Pentagon, Washington, D. C. 20301.

Written requests for information should contain full name and address of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license or other identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Correspondence initiated by the individual or by others on his or her behalf and replies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DMRA&L 02.0

SYSTEM NAME:

Educator Application Files.

SYSTEM LOCATION:

Manual and automated records are maintained at the Teacher Recruitment Section, Personnel Division, Department of Defense Dependents Schools (DoDDS), Hoffman Building I, 2461 Eisenhower Avenue, Alexandria, Virginia 22331 and manual records at the six DoDDS regional personnel offices. A terminal is located in the Hoffman Building complex. Automated records are maintained at the main computer site which is operated by the Service Bureau Company (SBC) located in Columbus, Ohio.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective teachers applying for positions within the DoDDS system and current DoDDS teachers and educators applying for either interregional transfers or positions in the DoDDS Educator Career Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Prospective Teachers: Files contain all papers and forms relating to the individual's application for employment to include Personal Qualification Statement (SF 171), Supplemental Application of Employment with DoDDS (DS Form 5010), Professional Evaluation, DoDDS (DS Form 5011), DoDDS Application Index (DS Form 5012), interviewer's worksheets, official college transcripts, copy of teaching certificates, copy of birth certificate, and correspondence to or concerning the applicant.

Interregional Transfer Applicants: Files contain all papers and forms relating to the individual's application. A coded worksheet developed by the regional staff is provided to the central personnel office for processing (remainder of material retained at the region). Also included are miscellaneous worksheets and correspondence relating to the application.

Educator Career Program Applicants: Files contain all papers and forms relating to the individual's application to include: DoDDS Educator Career Program Application (DS Form 5080), DoDDS Assessment of Potential (DS Form 5081), DoDDS Educator Career Program Rating Sheet (DS Form 5082), and miscellaneous worksheets and correspondence relating to the application.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. Sections 902, 903 and 931.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Teacher Recruitment Section and Regional Offices: To determine qualifications and make selections of candidates for vacant positions within the DoDDS system (including new teachers, interregional transfers, and Educator Career Program positions), to review types of experience, educational background, evaluation of previous employers, professional credentials, interviewers' ratings.

Department of the Army, Air Force, and Navy Staff Agencies and Commands: To complete processing of hired individuals, to obtain Office of Personnel Management National Agency Check, medical examination, passports; to arrange transportation and shipment/storage of household goods; and to provide gaining Civilian Personnel Office necessary documentation for placing individual on rolls.

Any individual's records in a system of records might be transferred to any Component of the Department of Defense having a need to know in the performance of official business.

EXTERNAL USERS, USES, AND PURPOSES

The SBC which operates the automated system.

Records may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders are stored at the DoDDS personnel office or regional offices; some files are supported by automated files which are maintained on disks and/or tapes at the central computer site.

RETRIEVABILITY:

The manual files are filed alphabetically by name. The automated records are indexed by name or system assigned number (assigned chronologically upon input). Also, any comination of data in the automated file can be used to select individual records. Only authorized individuals (i.e., personnel staffing specialists) are provided user identification numbers and passwords to access the system via terminal.

SAFEGUARDS:

Paper records are maintained in files which are accessible only to authorized personnel.

A. Description of automated process. Current hardcopy records of information and disks are maintained in the DoDDS personnel office where access can be controlled. The office is locked after normal duty hours and building is secured by a private security force. Hardcopy records of interregional transfer applicants and a portion of the Career Educator applicants are maintained in the regional offices in locked cabinets and/or locked offices where access can be controlled and which are locked after normal duty hours. Approved special requests for data can be supported by ad hoc inquiry. Any combination of data can be used to select individual records for special processing.

B. Physical safeguards. A high-speed remote batch terminal, used for this system, is located in the DoDDS personnel office. The office is secured after normal duty hours to preclude unauthorized access. Access to the personnel terminal and all hardcopy records are controlled by office personnel. Access to automated data files by terminal is controlled by the use of a user ID and passwork system. The central computer site is owned and operated by the SBC which has a complex security system. The site is guarded 24 hours a day, year-round, and employs a system of electronic locks, alarm systems, closed-circuit television, and intercom devices to preclude access by unauthorized personnel. All visitors are registered, escorted, and accounted for at all times. SBC has a back-up power supply so that the system will remain on-line during power shortages. Back-up tapes are run daily, weekly, and monthly and stored in fireproof vaults. A second copy of monthly tapes is stored in an off-site vault with 24-hour security.

C. Remote terminal access. Access to the terminal is controlled by the use of user identification numbers and passwords. The passwords are initially assigned by SBC; however, the user is immediately instructed to change it to something only known to him/her. Only through a complex internal checking system, can authorized SBC personnel access the password in the event it is lost or forgotten by the user. The password can be changed as frequently as desired and is now changed every 6 months or upon the departure of employee which has knowledge of it.

D. Storage Media. Hardcopy files are stored in the personnel office or in regional offices. Disks used in the personnel office are also stored there. Data retained by SBC is on disks and magnetic tape.

E. Risk analysis. The main computer site is adequately secure for storage of personal information. SBC is bound to uphold all provisions of the Privacy Act in accordance with GSA contract procedures. The terminal is protected so that unauthorized access to information can be prevented.

RETENTION AND DISPOSAL:

Prospective Teachers: Records are retained for recruitment period (no more than 1 year). For nonselected applicants, portions are returned to applicant for future use and portions are destroyed unless the applicant has indicated a desire to reapply in which case portions of the file are retained until the next recruitment period. Records of selected applicants are forwarded to the Departments of the Army, Air Force, and Navy as appropriate for processing.

Interregional Transfer Applicants: File is retained for 1 year and destroyed.

Career Educator Program Applicants: Applications are retained for 2 years (unless updated by applicant) and destroyed.

Automated Records: Back-up tapes at SBC are erased every 6 months via complete overwriting. Archive tapes after release by user are degaussed. When released by user, all tapes used for data which are on disk are automatically reset to 0 before anyone may use the storage space. Disks used on the terminal in the personnel office are erased when no longer needed and reused (i.e. never leave the office and are never used by another system).

SYSTEM MANAGER(S) AND ADDRESS:

Ms. Marilee Sprenkle, Chief, Teacher Recruitment Section, Office of Dependents Schools, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, telepohone (202) 325-0885.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief, Teacher Recruitment
DoD Dependents Schools, Room 120
2461 Eisenhower Avenue
Alexandria, Virginia 22331
Telephone: (202) 325-0885

RECORD ACCESS PROCEDURES:

Requests from individuals for their own files should be sent to the address indicated in 'Notification Procedure' section, above. Written requests for

information should contain the full name and address of the individual and a notarized signature.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals concerned, currrent and past employers, and educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(5). (See 32 CFR 286b (OSD Admin. Inst. No. 81).

DMRA&L 03.0

SYSTEM NAME:

Employer Support File (PLEDGE).

SYSTEM LOCATION:

Primary Location: National Guard Computer Center, 5600 Columbia Pike, Falls Church, VA 22041.

Hardcopy roster located at: National Committee for Employer Support of the Guard and Reserve, Suite 206, 1735 N. Lynn St., Arlington, VA 22209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Company Name, Self-employed individuals, individuals heading companies bearing their names, the pledging officials representing various companies, or staff directors who have pledged to support the National Guard and Reserve Components.

Volunteer memebers of state and area employer support committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, geographic location, and size of pledging company.

Name, address of state committee members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the file is to assist in informing the public and encouraging employers to support the Guard and Reserve.

INTERNAL USERS, USES, AND PURPOSES

National Committee for Employer Support of the Guard and Reserve; used to answer inquiries from employees or prospective employees of companies concerning whether a company has pledged to support the Guard and Reserve; used by members of the state committees for employer support to assist Guard and Reserve members who are experiencing difficulties with companies that have pledged; used as a screening tool to prevent resolicitation of support from employers who have already pledged; used to supply state level organizations' lists of companies in states which have pledged; used to prepare speech and press release material mentioning companies that have pledged. Membership roster of state and area committees used for mailings, and routine business.

Any individual records in the system may be transferred to any component of the Department of Defense having a need-to-know in the performance of official business.

EXTERNAL USERS, USES, AND PURPOSES

Records may be disclosed to law enforcement or investigatory authorities for investigation and possible crimnal prosecution, and civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

Retrieved by company name, geographic location, or type of business.

Retrieved by state membership.

SAFEGUARDS:

Primary location is a TOP SECRET facility.

Hardcopy output is accessible to authorized personnel only during working hours; room is locked after hours and building has security guards.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, National Committee for Employer Support of the Guard and Reserve, Suite 206, 1735 N. Lynn St., Arlington, VA 22209.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Chairman, National Committee for Employer Support of the Guard and Reserve, Suite 206, 1735 N. Lynn St., Arlington, VA 22209 Telephone: 202/696-5303

RECORD ACCESS PROCEDURES:

Requests for information should be addressed to: Chairman, National Committee for Employer Support of the Guard and Reserve, Suite 206, 1735 N. Lynn St., Arlington, VA 22209.

Written requests should contain the name of the individual and/or employer, current mailing address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is supplied by employers who have pledged, from Dunn and Bradstreet, and from Census Data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DMRA&L 06.0

SYSTEM NAME:

Department of Defense Priority Placement Program (STOPPER LIST)

SYSTEM LOCATION:

Primary Location: Defense Electronics Supply Center, 1507 Wilmington Pike, Dayton, Ohio 45444

Decentralized locations: hard copy rosters/listing supplied every two weeks to all DoD Civilian Personnel Offices world-wide (approximately 500 locations) and to other personnel management activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Displaced career and career-conditional employees adversely affected by reductions-in-force or transfer of function; overseas non-displaced career and career-conditional employees being returned to the U.S. All individuals in file must voluntarily initiate entry into the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains summary of occupational experience, education, training, age, sex, height and weight,marital status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the file is to assist displaced employees and overseas returnees in securing employment.

DoD Civilian Personnel Offices - used to assist activities in filling vacant positions and in assisting displaced employees and overseas returnees in obtaining employment.

DoD Activities: short resume of individual's background used in assessing qualifications for vacant positions.

Office of the Deputy Assistant Secretary of Defense, Civilian Personnel Policy - used for statistical analyses of civilian personnel employment trends and patterns and for establishing policy and for planning purposes; informing individuals in system of non-government job opportunities.

Other Federal Agencies: used in filling vacant positions.

Any individual records contained in the system might be transferred to any component of the Department of Defense having the need to know in the performance of official business.

Any record may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape

RETRIEVABILITY:

Normally retrievable by occupation and grade.

SAFEGUARDS:

The primary location is identified as a secure area; access is through electrically controlled doors and cypher locks; tapes are stored in a vault when not in use.

RETENTION AND DISPOSAL:

Records of displaced employees are maintained in the system for one year.

Records of overseas returnees are entered six months prior to return and are maintained until individual is placed in job or leaves the government. Initial input for records is hard copy, which is destroyed after tape record is created.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Staffing Policies and Programs, Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy), Room 3D281, The Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from the Department of Defense Civilian Personnel Office where the individual registered to enter the system.

RECORD ACCESS PROCEDURES:

Written requests from individuals should be directed to the Department of Defense Civilian Personnel Office where the individual registered to enter the system and should include name and current mailing address and telephone number.

For personal visits, the individual should be able to present to the personnel office some acceptable identification, such as a driver's license or other ID card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

The individual must take action to place his record in the system; information entered into the record is provided by the individual in writing or through employment counseling; additional information is obtained from the individual's official personnel file (201 file).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DMRA&L 07.0

SYSTEM NAME:

Department of Defense Overseas Employment Program

SYSTEM LOCATION:

Defense Electronics Supply Center, 1507 Wilmington Pike, Dayton, Ohio 45444.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Career and career-conditional employees of the Federal Government and reinstatement eligible employees who desire overseas employment and voluntarily register.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains summary of occupational experience, education, training, age, sex, height and weight,marital status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the system is to provide an automated applicant supply system for use in filling overseas job vacancies.

Department of Defense activities - the system is utilized to fill overseas job vacancies.

Other Federal Agency - the system is utilized to fill overseas job vacancies.

Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) - used for statistical analyses for policy, planning, and guidance; for evaluation of the effectiveness of the program, and for monitoring of activity compliance with the program.

Any individual records contained in the system might be transferred to any component of the Department of Defense having the need to know in the performance of official business.

Any record may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Computer Tape.

RETRIEVABILITY:

Retrieval by occupational skill and grade.

SAFEGUARDS:

The location is identified as a secure area; access is through electrically controlled doors and cypher locks; tapes are stored in a vault when not in use.

RETENTION AND DISPOSAL:

Records remain in the system for one year or until the individual is placed in an overseas position; the individual is notified after eleven months that his registration is about to expire and is given the opportunity to re-register for another year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Staffing Policies and Programs, Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy), Room 3D281, The Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from the Department of Defense Civilian Personnel Office where the individual registered to enter the system.

RECORD ACCESS PROCEDURES:

Written requests from individuals should be directed to the Department of Defense Civilian Personnel Office where the individual registered to enter the system and should include name, current mailing address and telephone number.

For personal visits, the individual should be able to present to the personnel office some acceptable identification, such as driver's license or other ID card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information in the file is obtained from the individual, either in writing or through interviews with personnel counselors, and from his official personnel file (201 file).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DMRA&L 09.0

SYSTEM NAME:

Defense Equal Opportunity Management Institute.

SYSTEM LOCATION:

Primary Location - Bldg. 559(MU811) Patrick AFB, Fla. 32925.

Hard copy backup file for students in active status, and for former students, the location is Deputy Director for Special Programs, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current or former students at the Defense Equal Opportunity Management Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Life history summary, name, race, age, military organization, test and examination scores and forms, peer group and instructor ratings, advisor progress reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the file is to evaluate the progress of students enrolled at the Defense Equal Opportunity Management Institute and to create a permanent record of academic accomplishment.

INTERNAL USERS, USES, AND PURPOSES

The Defense Equal Opportunity Management Institute - Used by advisors in counseling students, to verify attendance and grades to colleges and universities; to select instructors; to make decisions to release students from the program.

Used by students to evaluate their programs.

Any individual records in the system may be transferred to any component of the Department of Defense having the need to know in the performance of official business.

EXTERNAL USERS, USES, AND PURPOSES

Records may be disclosed to law enforcement or investigatory authorities for investigations and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary file is magnetic computer tape. Backup files are paper records in file folders.

RETRIEVABILITY:

Files are sequenced alphabetically by last name by class.

SAFEGUARDS:

Primary location is a controlled access area. Backup files - storage is in locked file cabinets. Only authorized personnel have access to files.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Defense Equal Opportunity Management Institute
Patrick AFB, Fla. 32925
Telephone: 305-494-6976

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Director, Defense Equal Opportunity ManagementInstitute, Patrick AFB, Fla. 32925.

Written requests for information should contain the full name, current address and telephone number, and class of the individual.

For personal visits, the individual should be able to provide some acceptable identification, such as military ID card or driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, student peers, instructors, counselors, and examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DMRA&L 10.0

SYSTEM NAME:

Equal Opportunity Complaint File

SYSTEM LOCATION:

Office of the Deputy Assistant Secretary of Defense (Equal Opportunity), Room 3E319, The Pentagon, Washington, D.C. 20301

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has filed or had filed on his behalf a discrimination complaint.

CATEGORIES OF RECORDS IN THE SYSTEM:

The letter or document initiating complaint, directions to services on investigating complaint, services' investigatory report, and copies of response to complainant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the file is to cause action to be taken on discrimination complaints.

Office of the Deputy Assistant Secretary of Defense (Equal Opportunity) - used to answer queries concerning status or disposition of complaints, for assigning actions and reviewing actions on complaints, and for analyses of trends or patterns in discrimination complaints.

Records in the system may be transferred to any other Department of Defense component having the need to

know in the performance of official business.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder.

RETRIEVABILITY:

Filed by first letter of last name for service and year.

SAFEGUARDS:

Kept in file drawer; building has security guards.

RETENTION AND DISPOSAL:

Files are retained for one year in active status, one year in inactive status, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary of Defense (Equal Opportunity), Room 3E319, The Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Deputy for Plans and Policy
Office of the Deputy Assistant Secretary of Defense (Equal Opportunity)
Room 3E319
The Pentagon
Washington, D.C. 20301
Telephone: 202-695-0107

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Deputy for Plans and Policy, Office of the Deputy Assistant Secretary of Defense (Equal Opportunity), Room 3E319, The Pentagon, Washington, D.C. 20301.

Written requests for information should contain the full name of the individual, Service, current address, and telephone number.

For personal visits, the individual should be able to provide some acceptable identification such as a driver's license or other ID card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information contained in the file is obtained from the individual or someone acting on his behalf, from the Services' investigation of the complaints.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DMRA&L 15.0

SYSTEM NAME:

Reports of Defense Related Employment.

SYSTEM LOCATION:

Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired or former military officers in grades of major or lieutenant commander or above and former civilian officers and employees of the Department of Defense employed at or above the minimum salary of GS-13, who, during any of the first three years after termination of service or employment with the Department of Defense, are employed at fifteen thousand dollars or more per year by a Defense contractor who, during that year, was awarded contracts by the Department of Defense totaling ten million dollars. Also covered are current officers and employees of the Department of Defense employed at or above the minimum salary level of GS-13, who within the preceding three years were employed by such a Defense contractor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of report DD Form 1787 completed by individuals covered by the system and forwarded to the Department of Defense describing their employment with the Department of Defense and with the Defense contractor and a listing showing the names of individuals who submitted completed DD Form 1787.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system was established and is maintained as required by Public Law 91-121, section 410, approved November 19, 1969.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are available for public inspection in accordance with the specific terms of section 410(f) of Public Law 91-121. There is no limitation or restriction on use by the public of the information contained in the report.

Section 410 (d) of Public Law 91-121 requires the submission to the President of the Senate and Speaker of the House of Representatives by December 31 of each year of information in the reports submitted by individuals during the preceding Fiscal Year.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In metal file cabinet.

RETRIEVABILITY:

Alphabetical by name of individual.

SAFEGUARDS:

Maintained in unlocked file cabinet when not in use.

RETENTION AND DISPOSAL:

Retire to WNRC when three years old. Destroy when 10 years old.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Any individual who desires to know whether a report DD Form 1787 submitted by him is on file may address a letter inquiry to the SYSMANAGER, Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), Pentagon, Washington, D.C. 20301. Inasmuch as the reports are available for public inspection no proof of identity is required.

RECORD ACCESS PROCEDURES:

On request of any individual the reports on file are made available for inspection in the office of the SYSMANAGER, Room 3C980, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

The individual submitting the DD Form 1787.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DMRA&L 17.0

SYSTEM NAME:

DoD Teacher Back Pay Project.

SYSTEM LOCATION:

DoD Office of Dependents Schools, 2461 Eisenhower Avenue, Alexandria, Virginia 22331.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYETEM:

All former DoD Overseas Dependents School teachers who are paid under Public Law 89-391, dated April 14, 1966.

CATEGORIES OF RECORDS IN THE SYSTEM:

System is comprised of names, Social Security Numbers, and Dates of birth of former DoD overseas teachers, and information extracted from their Official Personnel Records which will effect computation of their retroactive pay; and current addresses of former teachers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Court Decision in the case called Virginia J. March et al, v. United States of America (Civil Action 3437-70, U.S. District Court, District of Columbia, June 30, 1975) on intent of Public Law 89-391, dated April 14, 1966.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Used by Office of Dependents Schools Back Pay Project workers to compute back pay as it applies to individual teacher; prepare necessary updating for individual's Official Personnel Record, life insurance entitlement where applicable; prepare reports to individual teachers, Treasury, Social Security, Office of Personnel Management, attorneys for the teachers, and General Accounting Office. Addresses will be made for mailing purposes.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Rountine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tapes, computer printouts.

RETRIEVABILITY:

Social Security Number (SSN) and name.

SAFEGUARDS:

All records are stored under strict control, maintained in spaces normally accessible only to authorized personnel, in cabinets in locked room

RETENTION AND DISPOSAL:

Records will be maintained in this office until all requirements of the judgment and will be destroyed when they are no longer useful.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DoD Office of Dependents Schools, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics).

NOTIFICATION PROCEDURE:

Requests by correspondnece should be addressed to Director, DoD Office of Dependents Schools, Attn: Back Pay Project, 2461 Eisenhower Avenue, Room 148, Alexandria, Va. 22331. Telephone: 202-325-0660. Letter should contain the full name and signature of the requester.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to same address as stated in the 'Notification procedure:', above.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Official Personnel Records obtained from Federal Records Center and other agencies currently employing individuals concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DMRA&L 19.0

SYSTEM NAME:

Automated Career Management System (ACMS) DD-M(AR)1456.

SYSTEM LOCATION:

Primary System--DoD Centralized Referral Activity, 1507 Wilmington Pike, Dayton, Ohio 45444.

Decentralized System--Defense ADP Resources Office, Cameron Station, Alexandria, Virginia 22314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department of Defense civilian career program employees GS-5 or higher and former employees; and DoD Senior Executive Service Candidates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, home and work addresses, Social Security Number (SSN), educational background, work experience, grade and salary, occupation, age, special qualifications, awards, military reserve status, and supervisory appraisals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Sections 301 and 302, which authorize Agency Heads to: establish civilian personnel management programs; maintain files and records necessary to operate such programs; and delegate civilian personnel management authorities to subordinate officials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system provides a list of eligible candidates qualified to fill position vacancies normally at GS-13 and higher grade levels and to provide information for program analyses and management.

INTERNAL USERS, USES, AND PURPOSES

All DoD Civilian Personnel Offices and the DoD Components serviced by these offices are required to submit job vacancies to designated occupation series against Automated Career Management System (ACMS), for the generation of a list with resumes of qualified candidates for consideration by a selection panel and others.

Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy)-Used for statistical analyses of civilian work force, and management and evaluation of specific employment programs within the Department of Defense.

Any individual records contained in the system may be transferred to any component of the Department of Defense having the need-to-know in the performance of official business.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Disc packs.

RETRIEVABILITY:

Retrievable by occupation, Social Security Number (SSN), name, specific skills, educational background, or training background.

SAFEGUARDS:

The location is identified as a secure area; access is through electrically controlled doors and cypher locks; disc

packs are stored in a vault when not in use.

RETENTION AND DISPOSAL:

Active records are maintained up to one year after termination of the individual's employment with the Department of Defense, or upon notification that the individual no longer is employed in a position for which registration is required. Inactive records of personnel are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Staffing and Career Management, Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy), Room 3D264, Pentagon, Washington, D.C. 20301. Telephone: 202-697-3402.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Written requests from individuals should be addressed to Director, Centralized Referral Activity, DoD-CRA-R, 1507 Wilmington Pike, Dayton, Ohio 45444.

For personal visits, the individual should be able to provide some acceptable form of identification, such as a driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Data are obtained from records subjects, from their official personnel folders, and from supervisory appraisals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DMRA&L 21.0

SYSTEM NAME:

Department of Defense Dependents Schools (DoDDS) Grievance Records.

SYSTEM LOCATION:

Office of Dependents Schools, 2461 Eisenhower Avenue, Room 120, Alexandria, Virginia 22331; six regional offices located in London, England; Wiesbaden, Germany; Karlsruhe, Germany; Madrid, Spain; Okinawa, Japan; and Panama; in principals' offices of DoDDS schools; and at the servicing civilian personnel offices at various military installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances in accordance with 5 USC 2302, and 5 USC 7121, or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to grievances filed by DoD Dependents Schools (DoDDS) employees under 5 USC 2302, and 5 USC 7121. These case files contain all documents related to the grievances, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendtions, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that DoDDS may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 2302, and 5 USC 7121.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

This information is used by the DoDDS in the creation and maintenance of records of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by reference.

EXTERNAL USERS, USES, AND PURPOSES

These records and information in these records are used:

a. To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee; the issuance of a security clearance; the conducting of a security of suitability investigation of an individual; the classifying of jobs; the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the Agency's decision on the matter.

d. To provide information to a congressional office from the record of a individual, in response to an inquiry from that congressional office, made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Services (General Services Administration) in records management inspections conducted under authority of 44 USC 2906.

g. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

h. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or adminsitrative proceeding.

i. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties, exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom the records are maintained, by case number, and by subject matter of the grievance.

SAFEGUARDS:

These records are maintained in locked metal file cabinets, with access

only to authorized DoDDS employees and servicing civilian personnel offices.

RETENTION AND DISPOSAL:

These records are disposed of not sooner than 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Mr. Paul Wolfe, Chief, Management Employee Relations Branch, Personnel Division, Office of Dependents Schools, 2461 Eisenhower Avenue, Room 120, Alexandria, Virginia 22331, telephone: 202-325-0690.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Request for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By the individual on whom the record is maintained.
b. By testimony of witnesses.
c. By Agency officials.
d. From related correspondence from organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DMRA&L 22.0

SYSTEM NAME:

DoD Dependent Children's School Program Files.

SYSTEM LOCATION:

Active Students - DoD operated overseas dependents schools, regional offices, and the Office of Dependents Schools (ODS), Alexandria, Virginia.

Former High School Students - Permanent records (high school transcripts) are retained at the school for 4 years subsequent to graduation, transfer, or termination, then forwarded to the regional office for 1 year where they are compiled and forwarded to the Washington National Records Center (WNRC) except Panama. Records for the Panama region are retired to the East Point, Georgia, Federal Archives Records Center (FARC).

Former Panama Canal College Students - Permanent records (college transcripts) are retained at the college for 10 years, then retired to East Point FARC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students in the DoD operated overseas dependent schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Enrollment files:

Documents relating to the admission, registration, and departure of dependent school students. Included are pupil enrollment applications, course preference, admission cards, drop cards, and similar or related documents.

B. Daily attendance register files:

Documents reflecting the daily attendance of pupils at dependent schools. Included are forms, printouts, bound registers and similar or related documents.

C. Elementary school academic records:

Documents reflecting the standardized achievement, mental ability, yearly grade average, attendance of each student and the teachers' comments. Included are forms, notes, and similar or related documents.

D. Elementary school report card files:

Documents reflecting grades, personality traits, and promotion or failure. Included are report cards and similar or related documents.

E. Elementary school teacher class register files:

Documents reflecting daily, weekly, semester, or annual scholastic grades and averages, absence and tardiness data.

F. Elementary school student files:

Documents pertaining to individual elementary school students. Included in each folder are reading and health records; individual education plans; intelligence quotient; achievement, aptitude, and similar test results; notes related to pupil's progress and characteristics; and similar matters used by counselors and successive teachers.

G. Secondary school absentee files:

Documents reflecting absence of students. Included are homeroom teachers' registers, secondary school daily attendance records of absentees reported by teachers, tardy slips for admission of students to classroom, transfer slips notifying teachers of new class or homeroom assignment, notices of change by school principal to teacher upon change of classroom, student applications for permission to be absent, student pass slips, and similar or related documents.

H. Secondary school academic record files:

Documents reflecting student grades and credits earned. Included are forms, notes, and similar or related documents.

I. Secondary school report card files:

Documents reflecting scholastic grades, personality traits, and promotion or failure. Included are report cards and related documents.

J. Secondary school teacher class register files:

Documents reflecting daily, weekly, semester, or annual scholastic marks and averages, absence and tardiness, and withdrawal data. Included are class registers and similar or related documents.

K. Secondary school class reporting files:

Documents reflecting teacher reports to principals and used as source documents for preparing secondary school academic record cards. Included are forms, correspondence, and similar or related documents.

L. Credit transfer certificate files:

Documents reflecting secondary school scholastic credits earned. Included are certificates and similar or related documents.

M. Secondary school student files:

Documents pertaining to individual secondary school students. Included in each folder are student health records; individual education plans; absence reports and correspondence with parents pertaining to absence; records of achievement and aptitude tests; notes concerning participation in extracurricular activities, hobbies, and other special interests or activities of the student; and miscellaneous memorandums used by student counselors.

N. College absence, withdrawal, and add files:

Student applications for permission to be absent from final exams. Student drop and add class records and administrative withdrawal letter.

O. College academic record files:

Documents reflecting student grades and credits earned. Included are forms, notes, and similar or related documents.

P. College report card files:

Documents reflecting scholastic grades and promotion or failure. Included are report cards and related documents.

Q. College teacher class register files:

Documents reflecting daily, weekly, semester, or annual scholastic marks and averages, absence and withdrawal data. Included are class registers and similar or related documents.

R. College class reporting files:

Documents reflecting teacher reports to Registrar and used as source documents for preparing college

transcripts. Included are forms, correspondence, and similar or related documents.

S. Credit transfer certificate files:

Documents reflecting college scholastic credits earned. Included are certificates and similar or related documents.

T. College students files:

Documents pertaining to individual college students. Included in each folder are absence reports, records of achievement, and aptitude tests.

U. Automated support files:

Automated data files are composed of records containing the following information (varies by regional system): student registration data-student identification number, student name, sex, grade level, bus number, date of enrollment, date of birth, course numbers and names, teacher, credit, grades received, dates of absences, and sponsor's name, status, rank, date of rotation, organization, location of unit, local address, emergency address and phone.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Recurring provisions of the DoD Appropriations Act and Department of Defense Directive 1342.6, 'Department of Defense Dependents' Schools,' dated October 17, 1978, with change 1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

A. Dependent children's school program files (general):

1. Records of students attending DoD operated overseas dependent schools are used by school officials, including teachers, to: (a) Determine the eligibility of children to attend these schools; (b) Schedule children for transportation; (c) Record daily and/or class attendance of students and date(s) of withdrawal; (d) Determine tuition paying students and record status of payments; (e) Determine students located in areas not serviced by dependents schools so that alternative arrangements for education can be made and payment made, as required; (f) Monitor special education services required by and received by the student; and (g) Used to develop and maintain reading and health records, including school related medical needs.

2. Records may also be released to other officials of the Department of Defense requiring information for operation of the Department (including defense investigative agencies) on a case-by-case basis in accordance with established policies and procedures.

B. Dependent children's school program files (elementary):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for elementary students by school personnel cited above.

2. Used in the following manner to record: (a) Teacher or standardized test data; (b) Attendance, absences, and/or tardiness of each student; (c) Recommendations for promotion or retention including teacher comments; (d) Daily, weekly, semester, or annual grades; and, (e) Notes related to the individual pupil's progress and learning characteristics useful to professional school personnel in counseling the student and in the determination of his/her proper placement.

C. Dependent children's school program files (secondary):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an education program for secondary students.

2. Documents are used by school personnel cited above in the following manner to: (a) Record teacher and/or standardized test data; (b) Record attendance, absences, and/or tardiness of each student; (c) Form the basis for a decision on a student request for permission to be absent from a class or classes; (d) Determine proper class or grade placement or graduation; (e) Determine scholastic grades and/or grade point average; (f) Form the basis for school recommendations for student financial aid for postsecondary education; (g) Form the basis for preparing the secondary school transcript; (h) Determine secondary school academic credits earned; and (i) Note special interest or hobbies of the student.

3. Used by DoD recruiting officials to determine eligibility for military service.

D. Dependent children's school program files (college):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for college students.

2. Documents are used by school personnel cited above in the following manner to: (a) Record teacher and/or standardized test data; (b) Record attendance and absences of each student; (c) Form the basis for a decision on a student request for permission to be absent from a class or classes; (d) Determine proper class or grade placement or graduation; (e) Determine scholastic grades and/or grade point average; (f) Form the basis for school recommendations for student financial aid for college education; (g) Form the basis for preparing the college transcript; and (h) Determine college academic credits earned.

3. Used by DoD recruiting officials to determine eligibility for military service.

E. Automated support. Automated support is used by school and regional officials (where applicable to:

1. Provide academic data to each student upon request, provide report cards, etc., at the end of each grading period, provide transcripts upon request, provide hard copy for manual files.

2. Provide academic data within the region and to ODS.

3. Used by DoD recruiting officials to determine eligibility for military service.

E. Automated support. Automated support is used by school and regional officials (where applicable) to:

1. Provide academic data to each student upon request, provide report cards, etc., at the end of each grading period, provide transcripts upon request, and provide hard copy for manual files.

2. Provide academic data within the region and to ODS.

3. Provide data within the Department of Defense on a need-to-know basis.

4. Provide data to other government agencies and Congress when a specific authorized need requires it.

EXTERNAL USERS, USES, AND PURPOSES

Documents of students attending the DoD overseas dependents schools may be used by authorized Federal representatives for employment purposes.

Academic data may be provided to other educational institutions and employers or prospective employers in accordance with current policies and procedures.

Student records and test results may be used by agencies contracted by DoDDS to evaluate various aspects of the system and student population. Contractors will be informed of their obligations under the Privacy Act in accordance with current policies and procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are paper records in file folders.

RETRIEVABILITY:

A. Elementary school academic records and secondary school and college academic records (transcripts) are filed alphabetically by school, school year, and last name of student.

B. Elementary, secondary, and college teacher class register files are filed by school, school year, and last name of teacher.

C. Remaining dependent school student files are filed by school, school year, and last name of student.

D. The automated files are indexed by a variety of data, depending upon the region and school involved (some have regionally assigned student identification numbers, others are by last name of student). Also, any combination of data in the file can be used to select individual records. Only authorized personnel have required information to access the systems or process jobs.

SAFEGUARDS:

Paper records are maintained in files accessible only to authorized personnel.

Automated records:

A. Description of the automated process. Current hard copy records of all information are kept in locked file cabinets in limited access school offices. Computer-produced student records and reports become an integral part of the manual system and are retained in limited access school offices and/or locked cabinets. Computer disks, tapes, etc., are maintained in limited access areas within the various computer centers, regional offices, and/or schools. Approved special requests for data can be supported by ad hoc inquiry. Any combination of data can be used to select individual records for special processing.

B. Physical safeguards. Computer facilities and remote terminals are located in schools and regional offices throughout the school system. Particular regional systems vary; however, the same basic safeguards are employed (in various combinations) in all the systems. Computer hardware disk cards and other materials are secured in locked facilities after normal duty hours or are maintained in secure military computer centers. During school hours, storage media is stored in areas where access can be monitored. On-line access is protected by combinations of the following various factors: (1) users must have file and/or disk names; (2) users must have possession or approval to gain possession of appropriate disk(s); and, (3) users must have specifically designed codes and/or keys to permit read/write operations.

C. Storage media. Hard copy files are stored in the school offices of each participating school and regional offices. Computer files are stored on magnetic tape and disks, as outlined above.

D. Risk Analysis. All personal information which is collected and/or maintained for this system is stored in locations adequately secure for such information. Administrative safeguards have been instituted to prevent access to information in the automated systems.

RETENTION AND DISPOSAL:

A. Enrollment files:

Maintained at the respective school for 1 year after graduation, withdrawal, transfer, or death of the student, then destroyed.

B. Daily attendance register files:

Destroyed after reviewing attendance registers for the next school year.

C. Elementary school academic records files:

When a student transfers to another school, this file is forwarded by mail to officials of the receiving school on request in accordance with current regulations, or destroyed at the school 5 years after graduation, death, or withdrawal of the student.

D. Elementary school report card files:

Released to parents or student at the end of the school year or on transfer of the student.

E. Elementary school teacher class register files:

Destroyed at the school concerned after 5 years.

F. Elementary school teacher class register files:

Destroyed at the school concerned after 5 years.

F. Elementary school student files: (1) When a student transfers to another school, the reading and health records are released to the parents or student (if over 18 years of age) for hand-carrying to the receiving school; and (2) Remaining documents pertaining to the students are forwarded by mail to the officials of the receiving school o r the parent/guardian on request in accordance with current regulations; if not requested, documents are destroyed at the school concerned 1 year after graduation, death, or withdrawal of the student.

G. Secondary school absentee files:

Destroyed at the school after 1 year.

H. Secondary school academic record files (high school transcripts): (1) Permanent file (2) When a student transfers to another DoD dependents school, this file (transcript) is forwarded by mail to officials of the receiving school on request; (3) When a student transfers to a non-DoD school, a copy of the transcript is forwarded to the receiving school on request in accordance with current regulations; (4) Files not forwarded to another DoD school are retained at the school concerned for 4 years, the regional office for 1 year and then retired to the WNRC (or East Point FARC if in the Panama region) for an additional 60 years.

I. Secondary school report card files:

Released to parents of student or student (if over 18 years of age) at the end of the school year or on transfer of student.

J. Secondary school teacher class register files:

Retained at the school concerned for 5 years and then destroyed.

K. Secondary school class reporting files:

Destroyed at the school after 1 year.

L. Credit transfer certificate files:

Destroyed at the school after 1 year.

M. Secondary school student files: (1) Retained at the school concerned for 2 years after graduation, death, or withdrawal of the student; (2) When a student transfers to another school: (a) A copy of the record may be released to the parents or student (if over 18 years of age) for hand-carrying to the receiving school; (b) An official copy of the record will be forwarded to the receiving school in accordance with current regulations upon request. (The original record is retained at the school.)

N. College absentee files:

Destroyed at the school after 1 year.

O. College academic record files (college transcripts): (1) Permanent file; (2) When a student transfers to another college or university, this file (transcript) is forwarded by mail to officials of the receiving school upon receipt of an authorized request; and (3) Original files (transcripts) are retained at the college for 10 years then retired to East Point FARC.

P. College report card files:

Released to student at the end of the semester or school year, or on transfer of student.

Q. College teacher class register files:

Retained at the school for 5 years and then destroyed.

R. College class reporting files:

Destroyed at the school after 1 year.

S. Credit transfer certificate files:

Destroyed at the school after 1 year.

T. College school student files: (1) Retained at the school for 2 years; (2) When a student transfers to another school: (a) A copy of the record may be released to the parents or student (if 18 years of age) for hand-carrying to the receiving school; and (b) An official copy of the record will be forwarded to the receiving school upon request pending receipt of authorized request. (The original record is retained at the school).

U. Automated files:

Automated files are normally retained for 1 year. However, this may vary as all information is documented in the

manual files and the information in automated form may be destroyed earlier or later than 1 year for various internal purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Dr. Anthony Cardinale, Director, Department of Defense Dependents Schools, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, telephone: 202/325-0188.

NOTIFICATION PROCEDURE:

Information may be obtained from officials of the school concerned or from the System Manager.

RECORD ACCESS PROCEDURES:

A. Written requests for information on the records system and for instructions concerning personal visits may be forwarded to the principal of the school within 4 years after graduation, transfer, withdrawal, or death of student.

B. The fifth year, the principal should be contacted for elementary records or the System Manager for secondary records.

C. Subsequently, all requests for secondary records may be forwarded to the Department of the Army, HQ DA (DAAG-AMR), Washington, D.C. 20310, except for information from schools in Panama. These requests should be sent to: Director, DoDDS-Panama, APO Miami 34002.

D. All requests for college records should be sent to the college for the first 10 years, then to the director, DoDDS-Panama, address above.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction 81.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals concerned and their parents/guardians, teachers, and school administrators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 01

SYSTEM NAME:

Health Benefits Files.

SYSTEM LOCATION:

Primary System--Beneficiary and Provider Relations Division (BR), OCHAMPUS, DoD, Aurora, Colorado 80045.

Decentralized Segment--Office of Appeals and Hearings (DCA), OCHAMPUS, DoD, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who seek health care under the Program for the Handicapped as CHAMPUS beneficiaries and/or extended hospitalization under the basic program as CHAMPUS/CHAMPVA beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original correspondence with individuals, medical statements, Congressional inquiries, medical treatment records, authorizations for care, case status sheets, memos for record, follow-up reports justifying extended care, correspondence with fiscal intermediaries and work-up sheets maintained by case workers, and appeals and hearings case files consisting of transcript and/or other documentation pertaining to reconsiderations or appeals of adverse determinations affecting an individual's benefits under CHAMPUS/CHAMPVA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101 11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code, Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

The Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) uses the information to determine the eligibility of an individual for health care under CHAMPUS/ CHAMPVA; to authorize payment of health care claims by CHAMPUS/CHAMPVA beneficiaries; to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

EXTERNAL USERS, USES, AND PURPOSES

Referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution; and referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administration responsibilities under CHAMPUS/CHAMPVA pursuant to Chapter 55, Title 10, United States Code and Section 613, Chapter 17, Title 38, United States Code.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hardcopy records in file folders. Automated records are maintained on magnetic tape and disc.

RETRIEVABILITY:

Retrievable numerically by case number (sponsor's Social Security Number), then alphabetically by letter assigned to each individual family member. Records are also retrievable by sponsor or beneficiary name. These records are also accessible through an automated index.

SAFEGUARDS:

Automated index is accessible only by authorized persons possessing user identification codes. Hardcopy records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Building is protected by Fitzsimons Army Medical Center (FAMC) security force.

RETENTION AND DISPOSAL:

Automated indexes are permanent. Hardcopy records are closed out at the end of the calendar year in which paid, or voided, as applicable; held 1 additional year at OCHAMPUS; and transferred to the Federal Records Center. The Federal Records Center will destroy the records after an additional 4 years retention.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Beneficiary and Provider Relations Division (BR), OCHAMPUS, DoD, Aurora, Colorado 80045. Telephone: 303-361-8220.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered

by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Records of Fiscal Intermediaries (FI), contractors, CHAMPUS advisors, all branches of the Uniformed Service, Congressional inquiries, private physicians, consultants, applicants and inauiries made by individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 02

SYSTEM NAME:

Medical Care Inquiry Files.

SYSTEM LOCATION:

Executive Office (DE), OCHAMPUS, DoD, Aurora, Colorado 80045.

Decentralized Segment - Office of Appeals and Hearings (DCA), OCHAMPUS, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who seek information concerning health care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) and the Civilian Health and Medical Program-Veterans' Administration (CHAMPVA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting inquiries received from private individuals and Congress for nonprivileged information on such matters as medical treatment received and eligibility for medical care under CHAMPUS/CHAMPVA. Included are notifications to individuals of approval or termination of treatment, and similar or related documents.

Records consist of individual inquiries from personnel concerning eligibility under CHAMPUS/ CHAMPVA and replies thereto; Congressional inquiries on behalf of constituents concerning eligibility under CHAMPUS/CHAMPVA and replies thereto; files notifying personnel of eligibility or termination of benefits under CHAMPUS/CHAMPVA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101 11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

The Office of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) uses the information to establish eligibility for health care under CHAMPUS/ CHAMPVA; to respond to an individual's inquiry concerning CHAMPUS/CHAMPVA; to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

EXTERNAL USERS, USES, AND PURPOSES

Referral to the Secretary of the Department of Health and Human Services and/or Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/ CHAMPVA pursuant to Chapter 55, Title 10, United States Code, and Section 613, Chapter 17, Title 38, United States Code; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy records in file folders.

RETRIEVABILITY:

Filed alphabetically by the last name of inquirer. These records are also accessible through an automated index by case number, sponsor's name and Social Security Number.

SAFEGUARDS:

Automated index is accessible only by authorized persons possessing user identification codes. Hard copy records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Building is protected by Fitzsimons Army Medical Center (FAMC) security force.

RETENTION AND DISPOSAL:

Automated indexes are permanent. Hard copy records are retained in active file until end of calendar year in which injury occurred, held 5 additional years in inactive files and then destroyed or permanently preserved in accordance with records disposal authority as dictated by subject matter.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Beneficiary and Provider Relations Division (BR), OCHAMPUS, DoD, Aurora, Colorado 80045. Telephone: 303-361-8220.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the full name of the individual, or his military sponsor, current address and telephone number, case number, if one has been assigned, and the office symbol on all correspondence received from this office.

For personal visits to examine records, the individual should be able to provide some acceptable identification such as a driver's license or other form of picture identification.

Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical records and, at the physician's discretion, inform the individual covered by the system of the contents of that medical record.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

CHAMPUS Fiscal Intermediaries (FI), individual members of the Congress of the United States, CHAMPUS advisors, all branches of the Uniformed Services, consultants, and all individuals who seek information concerning CHAMPUS/CHAMPVA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 03

SYSTEM NAME:

Health Benefits Preapproval Files.

SYSTEM LOCATION:

Primary System--Information Systems Division (IS), OCHAMPUS, DoD, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible beneficiaries of the Civilain Health and Medical Program of the Uniformed Services (CHAMPUS) who have been approved for medical care under the program for the handicapped and/or eligible beneficiaries of the Civilain Health and Medical Program-Veterans' Administration (CHAMPVA)/ Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) who have been approved for extended hospital care.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains an assigned case number, sponsor's name, Social Security Number, current address, military grade or rank and pay status, military branch of service and status; beneficiaries name, address, date of birth, sex, relationship to sponsor; the medical diagnosis code and the approved medical treatment code, the approved period of time, the number of units approved and the estimated unit of cost, providers of care codes and/or name and address of multi-providers, and appeals and hearing case files consisting of hearing transcripts and/or other documentation pertaining to reconsiderations and appeals of adverse determinations affecting an indivual's benefits under CHAMPUS/CHAMPVA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, parts 101 11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code, Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

OCHAMPUS Beneficiary and Provider Relations Division (BR)--For approval of medical care under the provisions of the Program for the Handicapped of CHAMPUS and/or approval for extended hospitilization; to control and review health care management plans for CHAMPUS/CHAMPVA beneficiaries approved for medical care by providers of service.

OCHAMPUS Program Evaluation Division (E)--For control and accomplishment of reviews of approvals; to coordinate subject matter clearances for Congressional committees and auditors.

The Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) uses the information for approval of health care under the Program for the Handicapped; for approval of extended hospital care; to control and review health care under CHAMPUS/CHAMPVA to respond to inquiries from Congressional offices made at the request of the individual.

EXTERNAL USERS, USES, AND PURPOSES

Referral to the Secretary of the Department of Health and Human Services and/or Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/ CHAMPVA pursuant to Chapter 55, Title 10, United States Code, and Section 613, Chapter 17, Title 38, United States Code; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape and disc.

RETRIEVABILITY:

Information is retrieved by assigned case number, sponsor's Social Security Number, sponsor's or beneficiary's name, classification of medical diagnosis or medical treatment codes or provider of service code or approval dates or geographical location.

SAFEGUARDS:

Records are maintained in areas which are manned 24 hours daily and are accessible to authorized personnel who are properly screened, cleared and trained. Records are maintained on magnetic tape and are accessible only through the medium of OCHAMPUS prepared computer programs resulting in a print-out of the data. Military policy provide 24-hour security.

RETENTION AND DISPOSAL:

Records are permanent. They are maintained on magnetic tape as individual annual files.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Systems Division (IS), OCHAMPUS, DoD, Aurora, Colorado 80045. Telephone: 303/ 361-8088.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Sponsor's/beneficiary's application, provider of medical care documentation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 04

SYSTEM NAME:

Legal Opinion Files.

SYSTEM LOCATION:

Office of General Counsel, OCHAMPUS, DoD, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subject of inquiries from the individual himself (herself), attorneys, fiscal administrators, hospital contractors, other Government agencies, divisions and officies OCHAMPUS and Congressional offices. Such inquiries involve such matters as medical treatment, eligibility for medical care under CHAMPUS/CHAMPVA, approval or termination of medical treatment, and similar or related matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inquiries received from private individuals, attorneys, fiscal administrators, hospital contractors, other Government agencies, divisions and offices of OCHAMPUS and Congress for nonprivileged information on such matters as medical treatment received, eligibility for medical care under CHAMPUS. Included are notifications to individuals for approval or termination of treatment and similar or related documents.

Files contain legal opinions; correspondence between (1) Fiscal Intermediaries, (2) CHAMPUS/CHAMPVA beneficiaries, (3) sponsors, (4) attorneys, (5) divisions and offices of OCHAMPUS, (6) other agencies, memoranda for the record and similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, code of Federal Regulations, Parts 101 11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, Unites States Code; Title 32; code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Office of General counsel maintains files of legal opinions rendered for use as precedent and for record purposes. These include responses to requests for legal opinion originating within the Office of General Counsel, other divisions and offices, OCHAMPUS, and other agencies of the Federal Government. Such records are maintained for research, precedent and historical purposes.

EXTERNAL USERS, USES, AND PURPOSES

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsbilities under CHAMPUS/CHAMPVA pursuant to chapter 55, Title 10, United States Code, and Seciton 613, Chapter 17, Title 38, United States Code; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by subject matter.

SAFEGUARDS:

Buildings are protected by military security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. Transfer to WNRC when superseded or obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

General counsel (DC), OCHAMPUS, DoD, Aurora, Colorado 80045. Telephone: 303/361-8506.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine reocrds, the individual should be able to provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Correspondence from persons, agencies and sources listed in Categories of Records and oral and written requests initiated by Office of General Counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 05

SYSTEM NAME:

Health Facilities Files.

SYSTEM LOCATION:

Beneficiary and Provider Relations Division (BR), OCHAMPUS, DoD, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All facilities who seek a provider number for payment for services or supplies provided to CHAMPUS beneficiaries. Beneficiaries who are the subject of policy or precedent decisions concerning administration of CHAMPUS/CHAMPVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original correspondence with an individual facility, state authorities and professional consultants; various evaluations, approvals and memos for the record, facility identification, and appeals and hearing case files consisting of hearing transcripts and/or other documentation pertaining to reconsideration or appeal of adverse determination of facility approval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Part 101 11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Beneficiary and Provider Relations Division to determine the eligibility of a facility as a source of care for CHAMPUS/CHAMPVA beneficiaries.

EXTERNAL USERS, USES, AND PURPOSES

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Title 10, United States Code, Chapter 55, and Title 38, United States Code, Section 613; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed numerically by state, then numerically by facility.

SAFEGUARDS:

Buildings are protected by military police security force. Records are maintianed in areas accessible only to authorized personnel who are properly cleared, screened and trained.

RETENTION AND DISPOSAL:

Close out at the end of the calendar year after completion of the final action and transfer to the Federal Records Center. The Federal Records Center will destroy after an additional 5 years retention.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Beneficiary and Provider Relations Division (BR), OCHAMPUS, DoD, Aurora, Colorado 80045. Telephone: 303-361-8220.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the correct name of the institution, street address, city, state, and full name of the requestor, requestor's current address and telephone number.

For personal visits to examine record, the individual should provide some acceptable identification such as driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Records of Fiscal Intermediaries (FI), contractors, CHAMPUS advisors, all branches of the Uniformed Service, Congressional inquiries, private physicians, consultants, facilities and research concerning the replies to inquiries made by individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 07

SYSTEM NAME:

Medical Claim History Files.

SYSTEM LOCATION:

Primary System--Information Systems Division (IS), OCHAMPUS, DoD, Aurora, Colorado 80045.

Decentralized Segment--Office of Appeals and Hearings (H), OCHAMPUS, DoD, Aurora, Colorado 80045; Office of Civilian Health and Medical Program of the Uniformed Services - Europe (OCHAMPUSEUR), APO New York 09102; Fiscal Intermediaries/Contractors under contract to OCHAMPUS. Each company listed below maintains claim files on beneficiaries in their respective geographical areas.

Mutual of Omaha Insurance Company, Mutual of Omaha Plaza, Omaha, NE 68175.

Blue Shield of California, P.O. Box 85240, 5353 Mission Center Road, San Diego, CA 92108.

Blue Shield of California, P.O. Box 85240, 5353 Mission Center Road, San Diego, CA 92108 (Dental).

Hawaii Medical Service Association, P.O. Box 860, Honolulu, HI 96808.

Blue Cross of Washington-Alaska, P.O. Box 77084, Seattle, WA 98177.

Blue Cross of Rhode Island, One Weybosset Hill, Providence, RI 02901.

Blue Cross/Blue Shield of Tennessee, 730 Chestnut Street, Chattanooga, TN 37402.

Blue Cross/Blue Shield of South Carolina, P.O. Box 6119, Columbia, SC 2960.

Wisconsin Physicians Service, P.O. Box 7927, Madison, WI 53707.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible beneficiaries of the Civilian Health and Medical Program of the Uniformed Services (dependents of active duty members of the Uniformed Services, retired members of the Uniformed Services and dependents of retired or deceased members of the Uniformed Services, eligible beneficiaries of the Civilain Health and Medical Program of the Veterans' Administration (spouse or child of a veteran who has a total disability, permanent in nature, resulting from a service connected disability or surviving spouse or child of a veteran who has died as a result of a service-connected disability) who received benefits under the provisions of the program.

All individuals who seek health care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) and the Civilian Health and Medical Program-Veterans' Administrtion (CHAMPVA).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains sponsor's Social Security Number, branch of service, status (active duty, retired or deceased), beneficiary's last name, initials, age, sex, relationship to sponsor, type of costs and date of medical care provided, provider of care identification, any record of claims, billings for medical, hospital or related services, application or approval forms which reflect diagnosis, treatment or medical conditions, family history files, or any other correspondence, memorandum or report reflecting these data with respect to any individual, which are acquired or utilized in the development and processing of CHAMPUS/CHAMPVA claims, and appeals and hearing case files consiting of hearing transcripts and/or other documentation pertaining to reconsiderations or appeals of adverse determinations of benefits under CHAMPUS/CHAMPVA, enrollment forms and screening cards required to conduct a demonstration of the cost effectiveness of prepaid health benefits plans as an alternative to the existing CHAMPUS program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101 11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

The Office of the Civilian Health and Medical Program of the Uniformed Services and CHAMPUS Fiscal Intermediaries use the information to control and process medical claims for payment; for control and approval of medical treatments and interface claims for payment; for control and approval of medical treatments and interface with providers of health care; to control and accomplish reviews of utilization; for review of claims related to possible third party liability cases and initiation of recovery actions; for referral to Peer Review Committees or similar professional review organizations to control and review providers of health

care; for disclosure to third party contacts without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning the individual's entitlement to benefits under CHAMPUS/CHAMPVA, the amount of benefit payments, any review of suspected abuse or fraud, or any concern for program integrity or quality appraisal; for the issuance of deductible certificates, to respond to inquiries from Congressional offices made at the request of the individual covered by the system, to conduct audits of fiscal intermediary processed claims to determine payment and occurrence accuracy of the fiscal intermediary's adjudication process; implementation of a prepaid health benefit demonstration to assess the relative advantages and disadvantages of offering a choice of health benefit plans to persons currently eligible for CHAMPUS.

EXTERNAL USERS, USES, AND PURPOSES

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administratin consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Title 10, United States Code, Chapter 55, and Title 38, United States Code, Section 613, and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution; and, referral to the Department of Justice for representation of the Secretary of Defense in civil actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated claim records are maintained on magnetic tape and disc. Manual claim support records (paper or microfiche) are maintained in files.

RETRIEVABILITY:

Information is retrieved by sponsor's Social Security Number (SSN), beneficiary's last name, classification of medical diagnosis or procedure codes or geographical location of care provided and selected utilization limits.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Decentralized automated segments within Fiscal Intermediary operations are accessible on line only to authorized persons possessing user identification codes. The automated portion of the Primary System is accessible only through the medium of OCHAMPUS prepared computer programs resulting in a print-out of the data. OCHAMPUS buildings are protected by military police security force.

RETENTION AND DISPOSAL:

Records maintained on magnetic tape are individual annual files and are permanent. Paper records comprising the decentralized segment of the files are closed out at the calendar year end in which paid, or voided, as applicable, held for 1 additional year and transferred to the Federal Records Center. Federal Records Centers will destroy after an additional 4 years retention.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Systems Division (IS), OCHAMPUS, DoD, Aurora, Colorado 80045. Telephone: 303 361-8086.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

CHAMPUS Medical Claims Forms, private physicians, hospitals, and other sources of care, individual beneficiaries, third party contacts verifying claims information, and consultants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 09

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

Personnel Office, Office of Civilian health and Medical Program of the Uniformed Services (OCHAMPUS), Department of Defense, Fitzsimons Army Medical Center, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances in accordance with 5 U.S.C. 2302, and 5 U.S.C. 7121. These case files contain all documents related to the grievances, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that OCHAMPUS may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302, and 5 U.S.C. 7121.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

This information is used by the office of CHAMPUS in the creation and maintenance of records of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by reference.

EXTERNAL USERS, USES, AND PURPOSES

These records and information in these records are used:

a. To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or other where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose informaiton to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the Agency's decision on the matter. . To provide information to a congressional office from the record of an individual, in response to an inquiry from that congressional office, made at the request of the individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Services (General Services Administration) in records management inspections conducted under authority of 44 U.S.C 2906.

g. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

h. To disclose in response to a request of discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To provide information of officials of labor organizations reorganized under the Civilian Service Reform Act when relevant and necessary to their duties, exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom the records are maintained.

SAFEGUARDS:

These records are maintained in locked metal file cabinets, with access only to authorized OCHAMPUS Personnel Office Employees.

RETENTION AND DISPOSAL:

These records are disposed of three years after closing of these cases. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Mr. James D. Netterfield, Personnel Office, Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, Colorado 80045, telephone: 303-361-8800.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Request for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By the individual on who the record is maintained.

b. By testimony of witnesses.

c. By Agency officials.

d. From related correspondence from organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DPA DCRJA 01

SYSTEM NAME:

Joint Civilian Orientation Conference Files

SYSTEM LOCATION:

Directorate for Community Relations, Office of the Assistant Secretary of Defense (Public Affairs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person nominated to participate in the Joint Civilian Orientation Conference

CATEGORIES OF RECORDS IN THE SYSTEM:

Nominating letters, biographical information and administrative processing papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 136

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide factual data to the Assistant Secretary of Defense and his immediate subordinates upon which to base a selection of participants representing the broadest possible cross-section of nominees, and to prevent administrative duplication.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

By name

SAFEGUARDS:

Records are maintained in locked file case and accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Name, address and title files are permanent. Nomination files are retained while nominations are active, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, D. C. 20301

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director for Community Relations
Office of the Assistant Secretary of Defense (Public Affairs)
Room 1E788, The Pentagon
Washington, D. C. 20301
Telephone: Area Code (202) 595-2113

RECORD ACCESS PROCEDURES:

Requests should be addressed to:

Office of the Assistant Secretary of Defense (Public Affairs)
The Pentagon
Washington, D. C. 20301

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, D. C. 20301

RECORD SOURCE CATEGORIES:

Secretary of Defense, Assistant Secretary of Defense, Chairman of the Joint Chiefs of Staff, Secretaries of the Military Departments, Military Service Chiefs, Commanders of Major Military Commands, Directors of Defense Agencies, former conference participants, and occasionally Members of Congress.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DPA DFOI.A 05

SYSTEM NAME:

Freedom of Information Program Case Files

SYSTEM LOCATION:

Primary system: Directorate for Freedom of Information and Security Review, Office of Assistant Secretary of Defense (Public Affairs)

Decentralized segments: Under Secretaries of Defense, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, or equivalent, the Organization of the Joint Chiefs of Staff, and other activities assigned to Office Secretary of Defense for administrative support.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who makes a request for records under the Freedom of Information Program to the Office of the Secretary of Defense, Organization of the Joint Chiefs of Staff, or activity assigned to Office Secretary of Defense for administrative support.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, firm, address of individual requester, identification of records requested, dates and summaries of action taken, and documents for establishing collectable fees and processing cost to the government.

Names, titles or positions of each person primarily responsible for an initial or final denial on appeal of a request for a record.

The results of any disciplinary proceeding, including an explanation of a decision not to discipline, that was initiated against an officer or employee because a court determined arbitrary of capricious action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Section 552, The Freedom of Information Act, as amended by Public Law 93-502.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Primary system and decentralized segments are used by officials in the locations described above to administratively control requests to insure compliance with Public Law 93-502, and to research historical data on release of records so as to facilitate conformity in subsequent actions.

Primary system used for development of annual report data required by Public Law 93-502 and to compute processing costs to the government, and other management data such as, but not limited to number of requests, type or category of records requested, average processing time, average cost to requester, percentage of denials, and number of denials by exemption.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic disks, computer paper printout, index file cards, and paper records in file folders.

RETRIEVABILITY:

Filed by request number and retrieval by name, subject material (to include dates) and request number using conventional indices.

SAFEGUARDS:

Paper records are maintained in security containers with access only to officials whose access is based on requirements of assigned duties. Computer access is by verification of Identification codes; one for search and another for maintenance.

RETENTION AND DISPOSAL:

Annual departmental reports are permanent records. All other reports and files, other than appeal and control files, may be destroyed two to five years after reply, depending on document status. Appeal files are destroyed four years after final determination, or three years after final adjudication, whichever is later. FOIA control files are destroyed five years after date of last entry. Official file copies of records are disposed of in accordance with approved departmental disposition instructions or with related FOIA request, whichever provides the later disposal date.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), the Pentagon, Washington, D. C. 20301

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Freedom of Information and Security Review, Office, Assistant Secretary of Defense (Public Affairs)
Room 2C757, the Pentagon
Washington, D. C. 20301
Telephone: 202-697-1180

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to:
Director, Freedom of Information and Security Review
Office, Assistant Secretary of Defense (Public Affairs)
Room 2C757, the Pentagon
Washington, D. C. 20301

Requests should include full name, address and affidavit or identification which is required for release of record. Personal visits are restricted to Room 2C757. Individual should be able to present acceptable identification; that is, driver's license or comparable identity card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Requests for records originating from citizens under the Freedom of Information Act and subsequent data provided by form and memorandum by officials who hold the requested records, act upon the request, or who are involved in legal action stemming from action taken.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DPA DSR.A 06

SYSTEM NAME:

Security Review Index File

SYSTEM LOCATION:

Directorate for Freedom of Information and Security Review, Office of Assistant Secretary of Defense (Public Affairs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense officials who present statements, testify, or who furnish information to the Congress of the United States.

Department of Defense officials and citizens of organizations outside the Defense Department who submit documents, such as but not limited to, speeches and articles, for clearance prior to public release.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, organization of individual submitting document for clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 136

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

System used by officials of the location office to identify and locate documents which are maintained in a separate classified file in order to facilitate research of historical data in previously processed documents to ensure conformity in subsequent actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index file cards in card file cabinets.

RETRIEVABILITY:

Filed by case number, name, source (Organization), and subject-numerical.

SAFEGUARDS:

Index file cards are maintained in security containers with access only to officials in accordance with assigned duties.

RETENTION AND DISPOSAL:

Records are permanent. Files are cut off at end of each calendar year. Cut off files are maintained in current files area.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, D. C. 20301

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Freedom of Information and Security Review
Office, Assistant Secretary of Defense (Public Affairs)
Room 2C757, Pentagon, Washington, D. C. 20301
Telephone: Area Code (202) 697-2023

Requests should include full name, organization, address and affidavit, or identification which is required for release of record. Personal visits are restricted to Room 2C757. Individual should be able to present acceptable identification; that is, driver's license or comparable identity card.

RECORD ACCESS PROCEDURES:

Requests should be addressed to:
Office of the Assistant Secretary of Defense (Public Affairs)
The Pentagon
Washington, D. C. 20301

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, D. C. 20301.

RECORD SOURCE CATEGORIES:

Requests for clearance of documents originating from officials, organizations, or individuals under Title 10, United States Code, Section 136.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DPA DSR.B 11

SYSTEM NAME:

Mandatory Declassification Review Files.

SYSTEM LOCATION:

Primary system - Directorate for Freedom of Information and Security Review, Office of Assistant Secretary of Defense (Public Affairs).

Decentralized segments - Under Secretaries of Defense, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, or equivalent, the Organization of the Joint Chiefs of Staff, and other activities assigned to the Office of the Secretary of Defense for administrative support.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person (or records repository) who makes a request to the Office of the Secretary of Defense or activities assigned to Office of the Secretary of Defense for administrative support for the Mandatory Declassification Review of Records under Executive Order 12065 (Sections 3-5). That aspect of the Executive Order pertaining to the systematic review of classified Defense documents is acted upon by the Records Administrator, Office of the Secretary of Defense, Room 5C315, Pentagon, Washington, D.C. 20301. Overall responsibility for the Department of Defense Information Security Program rests with the Deputy Under Secretary for Policy Review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, firm, address of requester, identification of records requested, dates and summaries of action taken, and documents for establishing collectable fees and processing costs to the Government.

Names, titles, or positions of each person primarily responsible for an initial or final denial on appeal of a request for declassification of a record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12065, 'National Security Information,' June 28, 1978, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Primary system and decentralized segments are used by officials in the locations described above to: (a) administratively control requests to ensure compliance with Executive Order 12065 and DoD Regulation 5200.1-R, 'Information Security Program Regulation,' December 1978; and (b) research historical data on release of records so as to facilitate conformity to subsequent actions.

Primary system is used also for developing annual report data required by Executive Order 12065, and other management data such as, but not limited to, number of requests; type of category of records requested; average processing time; average cost to requester; percentage of denials and number of denials by exemption; and for computing processing costs to the Government.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic disks, computer paper printouts, index file cards, and paper records in file folders.

RETRIEVABILITY:

Filed by request number and retrieved by name, subject material (including date), request number using

conventional indices, referring agency, or any combination of fields.

SAFEGUARDS:

Paper records are maintained in security containers with access only to officials whose access is based on requirements of assigned duties.

Computer access is by verification of identification code; one for search and another for maintenance.

RETENTION AND DISPOSAL:

Files that grant access to records are held in current status for two years after the end of the calendar year in which created, then destroyed.

Files pertaining to denials of requests are destroyed 5 years after final determination. Appeals are retained for 3 years after final determination.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Freedom of Information and Security Review Office, Assistant Secretary of Defense (Public Affairs), Room 2C757, Pentagon, Washington, D.C. 20301. Telephone: 202-697-1180.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above office and should include full name and address.

Personal visits are restricted to Room 2C757. Individuals should be able to present acceptable identificaiton, that is, driver's license or comparable identity card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No.81.

RECORD SOURCE CATEGORIES:

Requests for Mandatory Declassification Review and subsequent release of records originated from individuals under Executive Order 12065, and subsequent date provided by form and memorandum by officials who hold the requested records, act upon the request, or who are involved in legal action stemming from action taken.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DPA DXA.B 08

SYSTEM NAME:

Contact Files.

SYSTEM LOCATION:

Decentralized files in the Office of the Assistant Secretary of Defense (Public Affairs) and the offices of the American Forces Information Service and the directors for Defense Information, Community Relations, Freedom of Information and Security Review, Management, and Audiovisual Management Policy.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons with whom the official business of the Assistant Secretary of Defense (Public Affairs) is conducted.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, firms or agencies, addresses, and telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Used by officials in the Office of the Assistant Secretary of Defense (Public Affairs) to communicate with persons involved in the business of that office.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards and firm lists.

RETRIEVABILITY:

By individual, or firm or agency name.

SAFEGUARDS:

Files maintained in personal custody.

RETENTION AND DISPOSAL:

Indefinite. Files are retained so long as individuals are directly involved in the business of the Office of the Assistant Secretary of Defense (Public Affairs), then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Executive Assistant
Office of Assistant Secretary of Defense (Public Affairs)
Room 2E813, Pentagon
Washington, D.C. 20301
Telephone: 202-697-0792

RECORD ACCESS PROCEDURES:

Requests should be addressed to:
Office of the Assistant Secretary of Defense (Public Affairs)
Pentagon
Washington, D.C. 20301

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Published telephone directories, letterheads, and other published material containing the information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DPA DXA.C 09

SYSTEM NAME:

Public Correspondence Files

SYSTEM LOCATION:

Office of the Staff Assistant for Public Correspondence, Office of the Assistant Secretary of Defense (Public Affairs)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who writes to the Department of Defense requesting general information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters of Inquiry and replies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 136

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a record of answers to general inquiries submitted by the public.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files in paper folders

RETRIEVABILITY:
by name

SAFEGUARDS:
Access by authorized personnel only

RETENTION AND DISPOSAL:
Retained for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:
Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, D. C. 20301

NOTIFICATION PROCEDURE:
Information may be obtained from:
Staff Assistant for Public Correspondence
Office of the Assistant Secretary of Defense (Public Affairs)
Room 2D771, The Pentagon
Washington, D. C. 20301
Telephone: Area Code (202) 697-5737

RECORD ACCESS PROCEDURES:
Requests should be addressed to:
Office of the Assistant Secretary of Defense (Public Affairs)
The Pentagon
Washington, D. C. 20301

CONTESTING RECORD PROCEDURES:
The Agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, D. C. 20301.

RECORD SOURCE CATEGORIES:
Any individual inquiry and response thereto.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None

DPA DXA.D 10

SYSTEM NAME:
Privacy Act Request for Access Files

SYSTEM LOCATION:
Primary System-Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Washington, D. C. 20301.

Decentralized Segments-Offices of the Under Secretaries of Defense, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, or equivalent, the Organization of the Joint Chiefs of Staff, and other activities assigned to the Office of the Secretary of Defense for administrative support.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Any citizen who makes a request for access to records under the Privacy Act to the Office of the Secretary of Defense, Organization of the Joint Chiefs of Staff, or activity assigned to the Office of the Secretary of Defense for administrative support. Requests from the public for amendment of records, other questions concerning the Privacy Act, and matters pertaining to Privacy Act Program management are acted upon by the Records Administrator, Office of the Secretary of Defense, Room 5C315, Pentagon, Washington, D. C. 20301.

CATEGORIES OF RECORDS IN THE SYSTEM:
Name, firm, address, and other personal identifiers of the individual requester, identification of records requested, dates and summaries of action taken, and related documents associated with processing requests. In addition, names, titles or positions of each person primarily responsible for action on requests for records. Results of follow-on action, if any, to include request for review of refusal of the individual's request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
Title 5, U.S.C. 552a, the Privacy Act of 1974; Public Law 93-579.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Files are used by officials in the locations described above to control administratively requests to insure compliance with Public Law 93-579, and to research historical data for annual report statistics and other management information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Index file cards and paper records in file folders.

RETRIEVABILITY:
Filed chronologically by request number and retrieved by name and/or request number using conventional indices and cross-references.

SAFEGUARDS:
Records are maintained in security containers with access only to officials whose access is based on requirements of assigned duties.

RETENTION AND DISPOSAL:
Files are kept for five years after date of reply in denial cases which are not appealed. Appealed cases are kept 4 years after final determination or 3 years after final adjudication by the courts whichever is later. Where access is granted, files are destroyed after two years.

SYSTEM MANAGER(S) AND ADDRESS:
Assistant Secretary of Defense (Public Affairs), Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:
Information may be obtained from the Director, Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Room 2C757, Pentagon, Washington, D. C. 20301. Telephone: Area Code 202/697-1180.

RECORD ACCESS PROCEDURES:
Requests from individuals should be addressed to the office stated above and should include full name, address, and notarized signature. For personal visits, individuals should be able to present acceptable identification; that is, driver's license or comparable identity card.

CONTESTING RECORD PROCEDURES:
The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:
Requests for access to records--under the Privacy Act--originating from citizens, and subsequent data provided by officials who hold the requested records, act upon the request, and who are involved in the review of denials of the requests.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None

DPA&E 02

SYSTEM NAME:
Administrative Files for Office of the Director, Program Analysis and Evaluation.

SYSTEM LOCATION:
Office of the Director Program Analysis and Evaluation, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
All current and former military and civilian personnel employed by or assigned to PA&E since 1965.

Current and some past applicants or prospects for civilian or military jobs.

Some contractor personnel.

Other Department of Defense (DoD) or outside personnel currently or

previously assigned, or under consideration, to provide support or work with PA&E.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains individual application forms; biographical data; employment history; professional and military experience; schooling and academic records; performance effectiveness data; honors; awards and decorations; security forms; security clearances; security violations; publications; training and career development information; telephone rosters; certain financial interest and medical history data; information used to evaluate individuals for employment, promotion, reassignment, training, retention and awards; job descriptions; letters of commendation or appreciation; overtime pay records; travel orders; certain travel vouchers; bond and Combined Federal Campaign (CFC) data (current year only); and miscellaneous personnel and administrative data of like nature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

ODPA&E - To evaluate current and prospective employees; to locate former personnel and prospects; to analyze professional staff background; to make decisions on hiring, promotion, training, awards, or disciplinary actions; to make comparative analysis of personnel data such as turnover rates, awards, academic degrees, average age, travel, and overtime; to determine level of security access permissible; to evaluate conformance with standards of conduct rules; to evaluate contractor capabilities; to provide information on current or former personnel to authorized investigators and potential outside employers; to make campaign reports; to evaluate effectiveness of PA&E personnel operations; to input selected data to computer system; to perform computer analysis of the data; and to prepare reports, rosters and statistical data.

EXTERNAL USERS, USES AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.
Biography book.
Computer disks.
Computer paper printouts.
Microfiche.
Charts.

RETRIEVABILITY:

Information accessed by last name of individual.

Individual user codes and passwords required to access information stored in computer.

SAFEGUARDS:

Building employs security guards.

Sensitive manually stored data kept in a secure computer facility and may be accessed only by authorized personnel.

Computer stored data is kept in a secure computer facility and may be accessed only by authorized, properly trained personnel who have access codes and passwords.

RETENTION AND DISPOSAL:

Records on current and former personnel are permanent. Travel orders, overtime authorizations and similar fiscal records are kept for three years. Applicant files are screened about once a year and information outdated or no longer needed is destroyed. Campaign data for other than current year is destroyed annually.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Director, Program Analysis and Evaluation, Room 2D321, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
ODPA&E, Assistant for Management
Room 2D321
Pentagon
Washington, D.C. 20301
Telephone: 202-697-9289.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: ODPA&E, Assistant for Management, Room 2D321, Pentagon, Washington, D.C. 20301.

Written requests must contain full name and identification of the individual. Visitors may be required to provide identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R. Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Current and previous employers, instructors, associates and contacts; DoD civilian and military personnel offices; DoD security offices; DoD payroll, travel and fiscal offices; Office of Personnel Management; contractors; Air Force Data Services Center (AFDSC); PA&E personnel; educational institutions; and financial institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DSMC-01

SYSTEM NAME:

Defense Systems Management College (DSMC) Personnel Information Files

SYSTEM LOCATION:

Administration Division, Defense Systems Management College (DSMC), Ft. Belvoir, Va. 22060.

Systems Management Department, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel assigned or attached to the Defense Systems Management College.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data includes summary of occupational experience, education, training, security clearance, home address, home telephone number, dependent status, awards and decorations, promotion status, pay status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136, and Department of Defense Directive 5160.55, 'Defense Systems Management College,' January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Supervisory officials to obtain information on which to base decisions.

Assigned Personnel Management Technicians for accomplishment of records maintenance and personnel services to individuals assigned and attached.

For publication of biographical data booklets, personnel rosters, telephone directories, and organizational charts by the Administrative Officer.

Information from records contained in the system may be provided to any

component of the Department of Defense.

Disclosure to law enforcement or investigative authorities for investigations and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary files are paper records in file folders and punched cards.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Building is locked during nonbusiness hours.

File storage is in locked file cabinets. Only authorized personnel have access to files.

RETENTION AND DISPOSAL:

Files are retained for one year after individual transfers, separates or retires; then are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administration Division, Defense Systems Management College, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER. Telephone: 703-664-3118.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain the full name, current address of the individual.

For personal visits, the individual must provide acceptable identification, such as ID card or driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Data is obtained from the individual, from official personnel folders (201 Files), from Standard Form 171, and from supervisory officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DSMC-02

SYSTEM NAME:

Defense Systems Management College (DSMC) Student Files

SYSTEM LOCATION:

Office of the Registrar, Defense Systems Management College (DSMC), Building 202, Ft. Belvoir, Va. 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current, former, and nominated students of the Defense Systems Management College (DSMC).

CATEGORIES OF RECORDS IN THE SYSTEM:

Data includes name, dependent data, SSAN, career brief application form, security clearance, college transcripts, correspondence, DSMC grades, instructor and advisor evaluations, education reports, official orders, current address, and individual's photograph.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136, and Department of Defense Directive 5160.55, 'Defense Systems Management College,' January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the file is to provide for the administration of and a record of academic performance of current, former and nominated students.

Used by College officials to verify attendance and grades; to select instructors; to make decisions to admit students to programs and to release students from programs; to serve as basis for studies to determine improved criteria for selecting students; to develop statistics relating to duty assignments and qualifications.

Preparation by the Registrar of locator directories of current and former students which are disseminated to students, former students and other appropriate individuals and agencies for purpose of administration.

Preparation by College officials of student biographical booklets, student rosters, and press releases of student graduations.

Information contained may be reported to any agency of the Department of Defense having an official requirement for the information.

Records may be disclosed to law enforcement or investigatory authorities for investigations and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Files are sequenced alphabetically by last name by class and course. Locator cards are filed alphabetically in two categories: active students (by course) and former students.

SAFEGUARDS:

Records are maintained in locked cabinets, in an area accessible only to authorized personnel. Building is locked during non-business hours.

Only individuals designated as having a need for access to files by the System Manager are authorized access to information in the files.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE:

Information can be obtained from SYSMANAGER. Telephone: 703-664-3120

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain the full name, current address and telephone number, and course and class of individual.

For personal visits, the individual must provide acceptable identification, such as ID card or driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, supervisors, employers, instructors, advisors, examinations, and official military records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DSMC-03

SYSTEM NAME:

Defense Systems Management College (DSMC) Track Record System

SYSTEM LOCATION:

Primary Location - Computer Sciences Corporation, Information Network Division, 650 North Sepulveda Bouvelard, El Segundo, Ca. 90245.

Hard copy back-up files and punched card back-up files located in Acquisition Management Laboratory, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former students of the Defense Systems Management College (DSMC).

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain name, SSAN, marital status, sex, date of birth, nickname, professional society membership, spouse's name, children's names, accompanied status, years of service, promotion history, job or assignment history, current years of service, current assignment code, military or civilian occupational code, DSMC assignment status, security clearance, current business telephone numbers, retirement status, educational history, class at DSMC, Grade Point Average (GPA), functional course grades, graduation status, individual survey responses, awards and recognition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136, and Department of Defense Directive 5160.55, 'Defense Systems Management College,' January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purposes of the system are to assemble career information on current and former students of DSMC in order to provide data to enable DSMC to monitor utilization of former students; to enable DSMC to perform research to assist in refinement of student selection criteria; to provide a data base to research for the improvement of program management; to provide a system for generating student transcripts; and to provide a data base for the DSMC Mailing List System, student and graduate registers.

INTERNAL USERS, USES, AND PURPOSES

The Defense Systems Management College - Used in assessing incoming student experience and educational levels; to produce student registers; to monitor utilization of former students by DoD Components; to verify and consolidate measures of student performance, to produce student transcripts which may be required by former students in her/his later educational process; to perform research into the success of former students; to provide input into the DSMC Mailing List System in order to mail surveys, newsletters and other items of interest to former students including graduate registers; to perform research to improve program management.

EXTERNAL USERS, USES, AND PURPOSES

Individual records in a system of records might be transferred to any component of the Department of Defense (except GPA, functional course grades and individual survey responses).

Computer Sciences Corporation - mounts tapes and disc packs which contain files and operates the system; does not maintain the system.

Individual records of civilian industry students or former students might be transferred to the corporation sponsoring the individual (except GPA, functional course grades and individual survey responses).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary file is magnetic disc.

Back-up files are magnetic computer tape and punched cards.

Hard copy back-up files are paper records in file folders.

RETRIEVABILITY:

Files are sequenced by Social Security Account Number.

SAFEGUARDS:

Primary location is a controlled access area.

Operator personnel are screened and cleared in accordance with Government Services Administration contract procedures.

Access to magnetic disc and computer tapes requires computer phone number, user ID, password and project code which are only accessible to personnel authorized by the System Manager.

Back-up file storage is in a building which is locked during non-business hours and is located on a military installation.

Only individuals designated as having a need for access to files by the Systems Manager are authorized access to information in the files.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER. Telephone: 703-664-3120.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain the full name of the individual, SSAN, current address and telephone number.

For personal visits, the individual must contact the Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060, and provide acceptable identification, such as, military or other ID card, driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, employer, staff and faculty of DSMC, each DoD Component, and the Office of Personnel Management (OPM) (including their automated personnel systems

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DSMC-04

SYSTEM NAME:

Defense Systems Management Collge (DSMC) Academic Analysis System

SYSTEM LOCATION:

Primary Location-Office of the Commandant, Defense Systems Management College (DSMC), Ft. Belvoir, Va. 22060.

Back-up Data File-Acquisition Management Laboratory, Defense Systems Management College, Ft. Belvoir, Va. 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former Program Management Course (PMC) students

and participants in DSMC Cooperative Graduate Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, SSAN, sex, date of birth, service affiliation, affiliation status, years of service, promotion history, job or assignment history, current assignment code, military or civilian occupation code, educational history, class at DSMC, DSMC class standing, DSMC grade point average, DSMC functional course grades, graduation status, pre- and post-test scores, Miller Analogies Test scores, Graduate Record Exam scores, individual survey responses, and course enrollment data and course grades in DSMC Cooperative Graduate Programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136, and Department of Defense Directive 5160.55, 'Defense Systems Management College,' January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purposes of this system are: To provide a research data base for improvement of the PMC academic program and its integration with DSMC Cooperative Graduate Programs, to provide a research data base for evaluating the quality and performance of current and former PMC students as well as DSMC Cooperative Graduate Program participants, and to facilitate administration of DSMC Cooperative Graduate Programs.

INTERNAL USERS, USES, AND PURPOSES

DSMC officials designated by the Commandant-Used to determine areas for improvement of the PMC academic program and its integration with DSMC Cooperative Graduate Programs; used to evaluate the quality and performance of current and former PMC students as well as participants in DSMC Cooperative Graduate Programs; used to administer DSMC Cooperative Graduate Programs; used for monitoring participation in DSMC Cooperative Graduate Programs and for counseling PMC students regarding participation; used to furnish DSMC Cooperative Graduate Program enrollment data for PMC student academic evaluation reports.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary file is paper records in file folders.

Back-up data file is punched cards.

RETRIEVABILITY:

Filed by class alphabetically by last name of PMC student and participant in Cooperative Graduate Programs.

SAFEGUARDS:

Primary file is in a locked cabinet.

Back-up data file is in a building which is locked during nonbusiness hours and is located on a military installation.

Only individuals designated as having a need for access to files by the System Manager are authorized access to information in the files.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER. Telephone: 703-664-3120.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain the full name of the individual, SSAN, current address and telephone number.

For personal visits, the individual must contact the Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060, and provide some acceptable identification, such as military or other identification card, driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administration Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, staff and faculty of DSMC, each DOD Component and the Office of Personnel Management (OPM) (including their automated personnel systems), educational institutions and testing services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DSMC-05

SYSTEM NAME:

Biographical Record System

SYSTEM LOCATION:

Program Manager Biographies-Department of Research and Information, Defense Systems Management College.

Board of Visitor Biographies, Department of Administration, Defense Systems Management College.

Program Management Course Guest Lecturer Biographies-Department of Program Management, Defense Systems Management College.

Executive Course Guest Lecturer Biographies-Department of Executive Management, Defense Systems Management College.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key governmental officials.

Guest Lecturers at the Defense Systems Management College.

Present and past members of the Board of Visitors and Policy Guidance Council.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain official biographic data, such as: individual's position, title, current business affiliation, record of past experience and education, awards and honors, memberships, addresses, phone numbers, photographs, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136, and Department of Defense Directive 5160.55, 'Defense Systems Management College,' January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose is to provide information for selection and introduction of guest lecturers and to perform research.

INTERNAL USERS, USES, AND PURPOSES

Department of Administration-To develop statistical data on Department of Defense Program Management Offices; to present data to Policy Guidance Council to determine worthiness of nominees to serve on Board of Visitors.

Department of Program Management-To provide the credentials of guest

lecturer to the students prior to the presentation.

Department of Executive Management-To present the credentials of guest lecturer to the students prior to the presentation.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name, except program manager/deputy program manager files which are filed by organization titles.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Dean, Department of Research and Information, Defense Systems Management College, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER. Telephone: 703-664-5783.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain full name of the individual, current position and affiliation.

Visits are limited to the departments at the school where the information is filed. For personal visits, the individual must provide acceptable identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Key official data from official Governmental files.

Board of Visitors nominee data from Policy Guidance Council members, present Board of Visitors members, DSMC Commandant and 'Who's Who.'

Guest Lecturer data from guest lecturers themselves, from their offices, or from Agency Public Affairs Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DSMC-06

SYSTEM NAME:

Defense Systems Management College (DSMC) Mailing List

SYSTEM LOCATION:

Primary location-Publications Division, Defense Systems Management College, Fort Belvoir, Va. 22060

Hard copy back-up files and punched card back-up files located in Publications Division, Defense Systems Management College, Building 202, Fort Belvoir, Va. 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All former students of the Defense Systems Management College (DSMC); members of the DSMC Policy Guidance Council and Board of Visitors; program managers associated with defense systems acquisition programs; key acquisition managers throughout Department of Defense; former staff and faculty members of the DSMC and individuals desiring to be included in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, SSAN, Class at DSMC, job code, mailing address, rank or grade, position and professional title and affiliation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136, and Department of Defense Directive 5160.55, 'Defense Systems Management College,' January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the system is to provide a mailing list for distribution of newsletters, surveys, graduate registers and other information relating to acquisition management which is of interest to individuals included in the system.

INTERNAL USERS, USES, AND PURPOSES

DSMC - Used to disseminate newsletters, surveys, graduate registers and other information relating to acquisition management which is of interest to individuals on the DSMC mailing list; to prepare registers of former graduates; to prepare lists of Department of Defense Program Managers.

Any individual records in a system of records might be transferred to any component of the Department of Defense or other Government agency.

EXTERNAL USERS, USES, AND PURPOSES

Computer Science Corporation - Mounts tapes and disc packs which contain files and operates the system; does not maintain the system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary file is addressograph plates.

Hard copy back-up files are paper records in file folders.

RETRIEVABILITY:

Files are retrievable by name, SSN, class, job code and zip code.

SAFEGUARDS:

Primary location is a controlled access area.

Back-up file storage is in a building which is locked during non-business hours and is located on a military installation.

Only individuals designated as having a need for access to files by the Systems Manager are authorized access to information in the files.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Dean, Department of Research and Information, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER. Telephone: 703-664-5783.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain the full name of the individual, SSAN, current address and telephone number.

For personal visits, the individual must contact the Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060, and provide acceptable

identification, such as, military or other ID card, driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, employer, staff and faculty of DSMC, each DoD Component and the Office of Personnel Management (OPM) (including their automated personnel systems).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DUSDP 01

SYSTEM NAME:

DoD Motions for Discovery of Electronic Surveillance Files.

SYSTEM LOCATION:

Primary System-Counterintelligence and Investigative Programs for Policy, Room 3C290, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those individuals and/or organizations on which the Department of Justice has requested information upon which to base their reply to court-approved motions for discovery of electronic surveillance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Chronological listing for identification and location of files. Individual case files to include original and subsequent requests from the Department of Justice; file copy of memorandum to the DoD Components directing search of their records, indices, etc.; copies of DoD Components' responses to the Department of Justice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 28, United States Code, Section 516, 'Conduct of Litigation Reserved to Department of Justice'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Preparation of response to Department of Justice, as well as any subsequent inquiries from that office.

EXTERNAL USERS, USES, AND PURPOSES

Department of Justice's response to court-approved motion for discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by year by case name.

SAFEGUARDS:

Records are stored in security combination lock file containers accessible only by Counterintelligence and Investigative Programs Directorate personnel.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file until end of calendar year to which project is completed, held one additional year in inactive file and subsequently retired to Washington, D.C. 20301.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Counterintelligence and Investigative Programs, Office of the Deputy Under Secretary of Defense for Policy, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Office of the Director
Counterintelligence and Investigative Programs
Office of the Deputy Under Secretary of Defense for Policy
Room 3C290
Pentagon
Washington, D.C. 20301
Telephone: 202-697-9678.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to:
Director, Counterintelligence and Investigative Programs
Office of the Deputy under Secretary of Defense for Policy
Room 3C290
Pentagon
Washington, D.C. 20301.

Written requests for information should contain the full name of the individual, date and place of birth, Social Security Number (SSN), and notarized signature.

The records requested may be made available to individuals for review at the following location: Office of the Director, Counterintelligence and Investigative Programs, Office of the Deputy Under Secretary of Defense for Policy, Room 3C290, Pentagon, Washington, D.C. 20301.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Department of Justice formal written inquiries, and internal correspondence necessary to gather information to make replies to such inquiries.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DUSDP 02

SYSTEM NAME:

Special Personnel Security Cases.

SYSTEM LOCATION:

Security Plans and Programs Directorate, Office of the Deputy Under Secretary of Defense (Policy), ODUSD(P), Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals affiliated with the DoD, upon whom an investigation has been conducted by a Department of Defense (DoD) Component investigative organization authorized to conduct personnel security investigations; other investigative organizations of the Federal Government; or individuals who have been the subject of a DoD Component personnel security determination; or who have had access to DoD classified information, whenever the investigation, personnel security determination, or access involves unique circumstances having special significance with respect to DoD personnel security policy. Also, individuals for whom waivers have been granted from specific provisions of the industrial Security Regulation (5220.22-R) and/or Industrial Security Manual (5220.22-M).

CATEGORIES OF RECORDS IN THE SYSTEM:

Statements of personal history; investigative reports; adjudicative findings; intra-office memoranda; policy interpretations; memoranda recommending courses of action; legal opinions, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

This system will be used as a basis for Security Plans and Programs Directorate staff access to determine the need for overall personnel security policy revision or adjustment; to ensure that component personnel security determinations are consistent with DoD personnel security program policy; to assure that personnel security investigations conducted by the Defense Investigative Service (DIS), the National Security Agency (NSA), and the Military Departments are in compliance with DoD personnel security investigative policy; and to provide precedents for use in determining whether to grant waivers of the provisions of the Industrial Security Regulation and/or Industrial Security Manual.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are in file folders.

RETRIEVABILITY:

Records are filed alphabetically by last name of the subject of the investigation or personnel security determination having special significance with respect to DoD personnel security policy. Also, records are filed alphabetically by last name of the personnel for whom waivers have been granted under the Industrial Security Program.

SAFEGUARDS:

Records are stored in security combination lock file containers, and are accessible only by Security Plans and Programs personnel who are properly cleared and who are the official authorized users.

RETENTION AND DISPOSAL:

Routine investigations are destroyed 15 years after the date of the last action. Those involving significant incidents are destroyed 25 years after the date of the last action.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Security Plans and programs Directorate, Office of the Deputy Under Secretary of Defense (Policy), Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Office of the Deputy Under Secretary of Defense (Policy)
Security Plans and Programs Directorate
Room 3C277, Pentagon, Washington, D.C. 20301
Telephone: 202-697-3969

RECORD ACCESS PROCEDURES:

Requests from individual should be addressed to:
Office of the Deputy Under Secretary of Defense (Policy)
Security Plans and Programs Directorate
Room 3C277, Pentagon, Washington, D.C. 20301

Written requests for information should contain the full name of the individual, date and place of birth, Social Security Number (SSN), and notarized signature.

The records requested may be made available to individuals for review at the following location:
Security Plans and Programs Directorate, ODUSD (P)
Room 3C271, Pentagon
Washington, D.C. 20301

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is obtained from record subjects; Federal Bureau of Investigation; Office of the Secretary of Defense; Organization of the Joint Chiefs of Staff; DoD Defense Agencies; and the Military Departments, including investigative reports, inter and intra Department memoranda and letters, case analysis, memoranda for the record, and other correspondence related to the cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this record system may be exempt under 5 U.S.C. 552a(k)(5).

DUSDRE 02

SYSTEM NAME:

OUSDRE Personnel Administration Files

SYSTEM LOCATION:

Office of the Under Secretary of Defense for Research and Engineering (OUSDRE), Office Secretary of Defense, Room 3E1006, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees assigned to or considered for positions in OUSDRE including civilian and military personnel and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

These files contain position descriptions; biographical resumes, qualification statements, (SD 171, SD 173, SD 398, SF 181, etc.); Confidential Statement of Affiliations and Financial Interests, Department of Defense Personnel (DD Form 1555); requests for personnel actions (SD 52, 108); notification of Personal Action (SD 50); appointments affidavits (SF 61, 61B); award recommendations; appraisals and efficiency reports; time and attendance records (SF 1135); travel orders and vouchers; and security clearance information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 133

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These files are used primarily for internal personnel and administrative management. Specific uses include: Determining eligibility for appointment to positions; reviewing financial interest and background of individual applying for appointments; comparing individuals resumes with job requirements. Used to keep accounting of time worked; travel performed; orders issued awards given to personnel and security clearance granted. The information contained in these personnel files is used by the office manager, supervisory personnel and the Under Secretary of Defense for Research and Engineering in the management of his organization.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of the individual concerned.

SAFEGUARDS:

Building guards and locked file containers. Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are temporary in nature and are destroyed after individuals leave

employment of OUSDRE or are no longer under consideration for employment.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Assistant to USDRE, Office of the Secretary of Defense, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Personnel Assistant
Office of the Executive Assistant to USDRE
Room 3E1006, Pentagon
Washington, D. C. 20301
Telpehone: 202-695-6556

Written requests for information should contain the full name of the individual, current address, telephone number, and any other information which would help in identifying the desired information.

For personal visits, the individual must be able to provide acceptable identification, that is, driver's license, employing office's identification card, and give verbal information that could be vertified with his 'case folder'.

RECORD ACCESS PROCEDURES:

Request should be addressed to SYSMANAGER as shown above.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided by the Directorate for Personnel and Security, Security Division, Washington Headquarters Services, Department of Defense, individuals concerned, travel vouchers, security forms, travel orders, individual's supervisors, and time and attendance clerks.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DUSDRE 03

SYSTEM NAME:

Inventor's File, Office Under Secretary of Defense (Research and Engineering).

SYSTEM LOCATION:

Office of the Under Secretary of Defense for Research and Engineering (OUSDRE), Office, Secretary of Defense, Room 3E1006, Pentagon, Washington, D.C 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have submitted inventions, ideas, and proposals for consideration by Department of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

These files contain correspondence with individuals concerning their inventions, ideas, and proposals submitted to the Department of Defense; evaluations by Government employees of those inventions, ideas, and proposals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 133.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

The information in this file is primarily collected to give consideration to the inventions, ideas, and proposals submitted by the public. These files are used to reply to correspondence and inquiries from the public and other Government agencies. The information contained in these files is used by the staff of OUSDRE.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Building guards and locked file containers. Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Retained in active files for a period of three years and then transferred to the Washington National Records Center, Suitland, Maryland 20409.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Program Control and Administration, Office of the Secretary of Defense, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Program Control and Administration
Room 3E1031, Pentagon
Washington, D.C. 20301
Telephone: 202-697-4994.

Written requests for information should contain the full name of the individual, current address and telephone number and any other information which would help in identifying the desired information.

For personal visits, the individual must be able to provide acceptable identification, that is, driver's license, employing office's identification card, and give verbal information that could be verified with his 'case folder'.

RECORD ACCESS PROCEDURES:

Requests should be addressed to SYSMANAGER as shown above.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R. Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided by individuals who send their inventions, ideas, and proposals to the Department of Defense and Government employees who evaluate the inventions, ideas, and proposals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DUSDRE 04

SYSTEM NAME:

Requests for Two-Year Foreign Residence Waiver Files.

SYSTEM LOCATION:

Security Policy and Review Division-Office of the Director, Program Control and Administration, Office of the Under Secretary of Defense for Research and Engineering, Office of the Secretary of Defense.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any foreigner applying for a Waiver of Foreign Residency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain requests for waiver of foreign residency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 535).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Security Policy and Review Division-To evaluate requests for waivers.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building guards and locked file containers. Records are maintained in an area accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent. Retained in active file for ten years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Program Control and Administration, OUSDRE, Office of the Secretary of Defense, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Security Policy and Review Division
Room 3D1014
Pentagon
Washington, D.C. 20301
Telephone: 202-697-3459

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Under Secretary of Defense for Research and Engineering, Office of the Secretary of Defense, Pentagon, Washington, D.C. 20301.

Written requests for information should contain full name of individual, current address and telephone number and approximate date of waiver request.

For personal visits individual should be able to provide appropriate identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Application and related correspondence from sponsor and individual requesting waiver.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DWHS P01

SYSTEM NAME:

Senior Executive Service (SES) and Equivalent Executive Level Files.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is currently in, was recommended for, or has held an executive position in the Office of the Secretary of Defense (OSD), OSD field activities, the Organization of the Joint Chiefs of Staff, the U.S. Court of Military Appeals, the U.S. Mission to NATO, the NATO International Staff, the NATO Support Group, and the Defense Agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains both approved and disapproved cases. File also contains copy of individual's SF-171, position description, position evaluation statement, organization chart, Office of Personnel Management (OPM) Form 1390, SF-161, or 161A, correspondence, and other selected documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Records provide information necessary for carrying out the SES personnel and position management functions. The Office of Secretary of Defense (OSD), OSD field activities, the Organization of the Joint Chiefs of Staff (OJCS), the U.S. Court of Military Appeals (COMA), the U.S. Mission to NATO, the NATO International Staff, the NATO Support Group, and the Defense Agencies are part of routine use.

EXTERNAL USERS, USES, AND PURPOSES

The Office of Personnel Management (OPM) uses the information necessary for the OPM to carry out its Government-wide personnel functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders in metal file cabinets.

RETRIEVABILITY:

Filed by organization, and then alphabetically by name.

SAFEGUARDS:

Access is granted only to personnel and management officials having a need-to-know. Building employs guards. Records are maintained in an area accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Files maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Directorate for Personnel and Security
Washington Headquarters Services (WHS)
Room 3B347
Pentagon
Washington, D.C. 20301
Telephone: 202-697-4211.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

SF-171 from individual, other material obtained from personnel offices and statements from management officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DWHS P04

SYSTEM NAME:

Reduction-in-Force Case Files.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters

Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees serviced by Office of the Secretary of Defense (OSD) System Manager, who have been reached for reduction-in-force actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of retention registers, letters from management officials, letters prepared by Personnel to individual regarding type of action required, correspondence from individual concerned and other miscellaneous correspondence concerning the specific action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 1302, 3502

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

To maintain a case file on each reduction-in-force situation in serviced organizations for record purposes of the System Manager. Background information for the Merit System Promotion Board (MSPB) in case of appeal. Review by OSD management officials in cases of questions of qualifications. Armed Forces Information Service (AFIS), Court of Military Appeals (COMA), Defense Advanced Research Projects Agency (DARPA), Defense Security Assistance Agency (DSAA), Office of Dependents Education, Organization of the Joint Chiefs of Staff (OJCS), Tri-Service Medical Information System (TRIMIS), and Washington Headquarters Services (WHS), are part of routine users.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name. Destroy two years after case is closed.

SAFEGUARDS:

Building employs security guards. Records are maintained in file cabinets in areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Destroy two years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Adminsitrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Letters to individuals originated by Personnel, Retention Registers furnished by Personnel, correspondence from management officials, correspondence from individual concerned, correspondence from MSPB/OPM and correspondence from appeals examiner in case of an appeal.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DWHS P08

SYSTEM NAME:

Worker's Compensation-On-The-Job Injuries Report File

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees injured on the job.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing required injury reports which include name, SSN, DOB, telephone number, type of injury, address, and assigned activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 8101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Director for Personnel and Security, WHS, and Labor Department for purposes of determining eligibility for Worker's Compensation, statistical data regarding leave taken and to review cases being processed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

To provide assistance in submitting appropriate forms for injuries.

STORAGE:

Metal five drawer legal size file cabinet

RETRIEVABILITY:

Filed by name of employee with card index.

SAFEGUARDS:

Building patrolled by security guards. File is maintained in an area which is secured during non-working hours.

RETENTION AND DISPOSAL:

Files are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 2026973305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Civilian employees of the Office of the Secretary of Defense and Organization of the Joint Chiefs of Staff, and activities serviced by WHS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DWHS P09

SYSTEM NAME:

Computer Data Base.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees serviced by Directorate for Personnel and Security, WHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

The following data is stored in addition to that required by Office of Personnel Management (OPM), Position Number, Position Tenure, Organization Code, Building Code, Date of Last Within Grade Increase, Due Date for Within Grade Increase, Highest Grade Held, Date of Last Promotion, Expiration Date of Appointment (If applicable), Nine Month Appraisal Date (If applicable), Leave Category, Special Category, Type of Appointment, Date of Current Appointment, Marital Status, Legal Residence, Security Clearance and Health Benefits Status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EO 9830 and 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Personnel and Security Directorate - Date extracted as required by Office of Personnel Management for Central Personnel Data File. Certain fields used as required for statistical data. Stored data printed on personnel change forms to report a change in status, i.e., Standard Form 50, DA 2515. Extracts of data base used periodically to insure currency of files. Alphabetic locator to verify employment organization staffing summary.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

IBM Computer 370.

RETRIEVABILITY:

Files may be retrieved and sorted by any field in Data Base.

SAFEGUARDS:

Building has security guards. User of Data Base must have a 'user code' in order to be admitted access to computer room.

RETENTION AND DISPOSAL:

Records are permanent and current as long as the employee is employed.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Processing documents initiated by the Directorate for Personnel and Security and employee's Standard Form 171.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DWHS P12

SYSTEM NAME:

Executive Development Program and Training Files.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees applying for executive development and training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Optional Form 69 individual development plans, optional forms 37 and 170, DD form 1556, SD forms 446 and 447, Training Record Card File, SF-171, SF-59, which contain name, social security number, date of birth, home address, annual salary, and office and home telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Personnel and Security Directorate - To determine eligibility for specialized development programs and training assignments.

EXTERNAL USERS, USES, AND PURPOSES

The Office of Personnel Management (OPM) for information necessary for OPM to carry out its Government-wide personnel management functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

To ensure that complete records are maintained for program evaluation purposes.

STORAGE:

Metal five drawer legal size file cabinet without lock.

RETRIEVABILITY:

Filed by training program name and employee name.

SAFEGUARDS:

Building has security guards. File is maintained in an area which is secured during nonworking hours.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Securjty, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Employees submit application forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DWHS P14

SYSTEM NAME:

Blood Donor Files

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any blood donor with the Office of the Secretary of Defense, Organization of the Joint Chiefs of Staff, and activities serviced by WHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

File cards contain name, rank (if military), duty phone, home phone, duty activity and room number, blood type and dates of donations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Military Personnel Division-to determine eligibility for blood replacement. To provide source of contacts for emergency blood requirements. To determine eligibility for issuance of gallon donor certificates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Weekly screening of cards to determine if individual is eligible to donate blood.

STORAGE:

3x5 Cardex File.

RETRIEVABILITY:

Filed alphabetically by last name of donor.

SAFEGUARDS:

Building has security guards. File is maintained in an area accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent for the duration of the individual's participation as a blood donor.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 2026973305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Civilian Health Clinic-Pentagon and the individual blood donors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DWHS P17

SYSTEM NAME:

Assignment Folders

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel currently on duty with the Office of the Secretary of Defense, and activities serviced by WHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

File folders on each individual which contains all pertinent information on his nomination, selection, and duty tour within the Office of the Secretary of Defense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Military Personnel Division-to have a basic source folder of military personnel assigned which includes name, grade, social security number, service, previous duty station, schooling, duty title, duty activity, and other pertinent data relating to the individuals career and assignment with the Office of the Secretary of Defense, and activities serviced by WHS.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

To have a source document pertaining to personnel assigned to the Office of the Secretary of Defense. and activities serviced by WHS. To insure that a folder is initiated on all individuals upon acceptance for assignment to the Office of the Secretary of Defense, and activities serviced by WHS.

STORAGE:

Metal five drawer file cabinet with lock.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Building has security guards. Files are maintained in an area that is secured during non-working hours.

RETENTION AND DISPOSAL:

Records are retained for approximately six months after individual's departure then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided from nomination folder and actions initiated by the Office of the Secretary of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DWHS P18

SYSTEM NAME:

The Office of the Secretary of Defense Identification Badge Suspense Card System.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel assigned to the Office of the Secretary of Defense, and activities serviced by WHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

All military personnel who are eligible for the Office of the Secretary of Defense Identification Badge after being assigned on permanent duty with the Office of the Secretary of Defense, and activities serviced by WHS, for a period of one year. Data includes names, social security account number, the Office of the Secretary of Defense activity, grade, service, and dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 1125

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Military Personnel Division - To establish who is eligible for the Office of the Secretary of Defense Identification Badge after being assigned to an authorized space in the Office of the Secretary of Defense, and activities serviced by WHS.

EXTERNAL USERS, USES, AND PURPOSES

See the Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Issuance of the Office of the Secretary of Defense Identification Badges at end of each month for eligible personnel.

STORAGE:

3x5 Cardex File

RETRIEVABILITY:

Filed alphabetically by last name of recipient.

SAFEGUARDS:

Building has security guards. Office locked during nonworking hours.

RETENTION AND DISPOSAL:

Records are permanent. Maintained in the Military Personnel Division at all times.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Written or verbal inquiries.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DWHS P19

SYSTEM NAME:

General/Flag Officer Files

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All General/Flag Officers assigned to the Office of the Secretary of Defense, Organization of the Joint Chiefs of Staff, WHS, and Defense Agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Separate file on each General/Flag officer position in the Office of the Secretary of Defense and the Organization of the Joint Chiefs of Staff, WHS, and Defense Agencies. Each file contains information on the position (SD Form 37, Position Description), and information on the General or Flag Officer filling the position, to include all correspondence nominating him for the position and a summary of his military record, including prior assignments, awards, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

To provide a centralized file to incorporate all staffing and personnel correspondence dealing with General/Flag officer positions and incumbents in the Office of the Secretary of Defense, Organization of the Joint Chiefs of Staff, WHS, and Defense Agencies.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Maintain files and update as correspondence relating to the General/Flag officer position as it is received.

STORAGE:

Metal five-drawer file cabinet with lock.

RETRIEVABILITY:

Filed by organization and position.

SAFEGUARDS:

Building has security guards. File is maintained in an area that is secured during nonworking hours.

RETENTION AND DISPOSAL:

Manpower authorizations: transfer one year after no longer current to Washington National Records Center (WNRC). Destroy when forty years old.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

All documents relating to General/ Flag officers and/or their positions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DWHS P20

SYSTEM NAME:

Report of Personnel Assigned Outside of Department of Defense

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department of Defense personnel working in any organization outside the realm of the Department of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reflects personnel and assignment data in each Department of Defense personnel working outside the Department of Defense. This data includes name of individual, rank, social security number, service (GS rating if civilian), organization assigned to, and title of job. Also, included is the date of assignment and projected loss date of the individual concerned. The report also reflects in each case whether the position is reimbursable or non-reimbursable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Serves as a central Department of Defense record of what Department of Defense personnel are working outside the Department of Defense and for what organization.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

This report is updated quarterly, based on information obtained from the military departments.

STORAGE:

Metal five drawer file cabinet with lock.

RETRIEVABILITY:

Filed by month and year of report.

SAFEGUARDS:

Building has security guards. File is maintained in an area that is secured during non-working hours.

RETENTION AND DISPOSAL:

Records are permanent. Maintained in the Military Personnel Division at all times.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Quarterly reports received from the military departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DWHS P21

SYSTEM NAME:

Duty Status Cards

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel currently on duty with the Office of the Secretary of Defense and activities serviced by WHS, and all military personnel who have departed.

CATEGORIES OF RECORDS IN THE SYSTEM:

5x8 cards which include name, grade, social security number, service, duty title, duty activity, and other related information pertaining to the individual's duty assignment with the Office of the Secretary of Defense, and activities serviced by WHS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Military Personnel Division-Duty tour suspense, personnel requisition suspense, locator index of personnel who have departed and record of individual's duty status within the Office of the Secretary of Defense, and activities serviced by WHS and other related information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

To have a basic source document for military personnel. To insure that a status card is initiated on all military personnel (permanent and temporary) upon arrival to the Office of the Secretary of Defense, and activities serviced by WHS.

STORAGE:

Metal file cabinet.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Building has security guards. File is maintained in an area that is secured during non-working hours.

RETENTION AND DISPOSAL:

Records are permanent. Maintained in Military Personnel Division permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information provided by the nomination folder and from the individual being assigned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DWHS P22

SYSTEM NAME:

General/Flag Officer Roster

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All General and Flag Officers assigned to the Office of the Secretary of Defense, Organization of the Joint Chiefs of Staff and the Defense Agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains data on each General/Flag officer possition in the Office of the Secretary of Defense, Organization of the Joint Chiefs of Staff and the Defense Agencies. Position information included Organization and Title of Position, Authorized Grade and Service and Rotation sequence among the services. Information on the individual inlcudes: Name, rank, assigned grade and service, Social Security Number, date assigned, projected loss date and date of rank.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide centralized base for recording all General/Flag officer staffing changes in the Office of the Secretary of Defense, Organization of the Joint Chiefs of Staff and Defense Agencies with regard to: Requisitioning of personnel, notification of arrival and departure of personnel and changes in pertinent personnel data. To provide pertinent data for use in the Department of Defense wide General/Flag officer reduction program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Computer printout updated quarterly.

STORAGE:

Printouts filed in secured metal cabinets.

RETRIEVABILITY:

Filed by month and year of issue.

SAFEGUARDS:

Building has security guards. File is maintained in an area that is secured during nonworking hours.

RETENTION AND DISPOSAL:

Records are maintained for approximately two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Security, (WHS), Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

All personnel and assignment actions relating to General and Flag officer positions and personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DWHS P23

SYSTEM NAME:

Roster of Military Personnel.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel assigned to the Office of the Secretary of Defense, and activities serviced by WHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer printout reflects data in each position in the Office of the Secretary of Defense and activities serviced by WHS, and the individual filling it. Position information includes organization and title of position, authorized grade, authorized service and the military class code of the position. Information on the individual includes name, rank, social security number, date of rank, service, date assigned to the Office of the Secretary of Defense and activities serviced by WHS, and their projected loss date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES:

Military Personnel Division/Office of the Secretary of Defense and activities serviced by WHS/Defense Agencies/ and the Military Departments - To provide a base for recording all military personnel changes in the Office of the Secretary of Defense and activities serviced by WHS with regard to: requisitioning personnel, notification of their arrival, all changes in rank, dates of arrival and departure. For use by the Military Personnel Division to facilitate personnel records checks and various military staffing action.

EXTERNAL USERS, USES, AND PURPOSES:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Computer printout updated monthly-copies sent to Military Departments and all activities within the Office of the Secretary of Defense for information and manning purposes.

STORAGE:

Metal five drawer file cabinet with lock.

RETRIEVABILITY:

Filed by month and year of issue.

SAFEGUARDS:

Building has security guards. File is maintained in an area that is secured during nonworking hours.

RETENTION AND DISPOSAL:

Records are permanent. Maintained in the Military Personnel Division at all times.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 2030l. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individual should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 8l.

RECORD SOURCE CATEGORIES:

All personnel and assignment related actions initiated in/out of the Office of the Secretary of Defense and WHS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DWHS P25

SYSTEM NAME:

Overseas Staffing Files.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned to positions overseas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard For 171's, SF 1190's, travel orders, letters to Army Finance Office concerning pay, overseas quarters allowances, post differentials, etc., Standard Form 52, messages concerning the individual's return rights, home leave, etc., to and from overseas area.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Files are used as records of individuals employed in overseas positions located in Defense Advanced Research Projects Agency (DARPA), North Atlantic Treaty Organization (NATO), and U.S. Mission to NATO.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Applications and documents filed in folders by name and title of position.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by employee name.

SAFEGUARDS:

Building employs security guards. Records are maintained in file cabinets in areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Retained until individual returns to the United States, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

The individual, overseas staff office, other Federal Agency offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DWHS P26

SYSTEM NAME:

Protective Services File.

SYSTEM LOCATION:

Directorate for Space Management and Services, Washington Headquarters Services (WHS), Department of Defense, Room 3C345, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who initiates contact with the Secretary or Deputy Secretary of Defense in person, by United States mail, or telephonically who may possibly pose a threat to the personal safety of the Secretary or Deputy Secretary of Defense or other United States Government officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

File cards containing only data provided by the individual, which normally includes individual's name, address, type of communication, and a brief description of the message the individual intended to relay to the official or officials noted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Physical Security Branch, Security Division, Space Management and Services, WHS-To maintain a listing of those individuals who may pose a threat to the personal safety of the Secretary or Deputy Secretary of Defense.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of the Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Filed by name and by residence of the sender, caller or visitor.

STORAGE:

Vertical file cards.

RETRIEVABILITY:

By name and by residence of the sender, caller or visitor.

SAFEGUARDS:

Stored in metal file cabinets with locking devices and metal combination safes, depending on classification.

RETENTION AND DISPOSAL:

Records are maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Room

3C345, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

See Exemption.

RECORD ACCESS PROCEDURES:

See Exemption.

CONTESTING RECORD PROCEDURES:

See Exemption.

RECORD SOURCE CATEGORIES:

See Exemption.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 522a (j) or (k) as applicable. For additional information contact the System Manager.

DWHS P27

SYSTEM NAME:

Pentagon Building Pass Application File.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Security Division, Room 3C345, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Department of Defense military or civilian employee, any contractor sponsored by the Department of Defense, or other persons who have reason to enter the Pentagon for official Department of Defense business, and who therefore require an entry pass.

CATEGORIES OF RECORDS IN THE SYSTEM:

File cards containing name, sponsoring office of the Department of Defense and activities serviced by Washington Headquarters Services (WHS), sex, height, weight, date and place of birth are noted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Physical Security Divsion, Directorate for Space Management and Services, WHS -To maintain a listing of personnel who are authorized a DoD Pentagon Building Pass.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Filed by the individual's name.

STORAGE:

Vertical file cards.

RETRIEVABILITY:

By the individual's name.

SAFEGUARDS:

Secure room. Building has military security guards.

RETENTION AND DISPOSAL:

File cards are destroyed after termination of the individual's affiliation with the Department of Defense and activities serviced by WHS.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Physical Security Division, Directorate for Space Management and Services, Washington Headquarters Services (WHS), Department of Defense, Room 3C345, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Physical Security Division, Directorate for Space Management and Services, Washington Headquarters Services (WHS), Department of Defense, Room 3C345, Pentagon, Washington, D. C. 20301. Telephone: 202-695-5052.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

All data maintained in the system is received voluntarily from individual DoD Pentagon Building Pass applicants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DWHS P28

SYSTEM NAME:

The Office of the Secretary of Defense Clearance File.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Security Division, Room 3B278, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Office of the Secretary of Defense, its components and support organizations including the United States Court of Military Appeals and the United States Mission to NATO; experts and consultants serving with or without compensation; staff members of Congressional committees requiring access to classified information or material, employees of other agencies detailed to the Office of the Secretary of Defense, very important people selected to attend orientation conferences, USO and Red Cross applicants for overseas posts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background investigations, national agency checks, security clearance actions, security violations, and supporting documents, briefings and debriefings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

In order to implement the Executive Order 12065 and Executive Order 10450 within the Department of Defense, the Secretary of Defense has issued under the provisions of Title 5, United States Code, Section 301, Department of Defense Directive 5200.2 and Department of Defense Regulation 5200.2R. Department of Defense Regulation 5200.2R sets out the recordkeeping requirements needed to support the Departmental Personnel Security Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES AND PURPOSES

Security Division, Directorate for Personnel and Security, Washington Headquarters Services, to grant and maintain security clearances or access.

EXTERNAL USERS, USES AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy files are maintained in a secured area, and computer files are stored on magnetic tape and disk.

RETRIEVABILITY:

Active clearance files maintained alphabetically by last name of subject. Inactive clearance files serially numbered and indexed alphabetically.

SAFEGUARDS:

Files are maintained under the direct control of DoD Personnel in the Security Office during duty hours. Office is locked and guarded during non-duty hours. Computer media residents are stored in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

RETENTION AND DISPOSAL:

Records are permanent. Retained in active files until separation or end of requirement for security clearance. Held in waiting file for 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

See Exemption.

RECORD ACCESS PROCEDURES:

See Exemption.

CONTESTING RECORD PROCEDURES:

See Exemption.

RECORD SOURCE CATEGORIES:

See Exemption.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt from certain portions of the Privacy Act under the provisions of 5 U.S.C. 552a(k)(5). The Office of the Secretary of Defense rules are set forth at 32 CFR, Part 286b, and OSD Administrative Instruction No. 81.

DWHS P32

SYSTEM NAME:

Standards of Conduct Inquiry File

SYSTEM LOCATION:

Primary System-Office of the Director for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been alleged to have violated the Department of Defense Standards of Conduct or the conflict of interest statutes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files in the Office of the Director for Personnel and Security, WHS, which are used in the performance of the functions of the office. The files contain information about individuals in regard to allegations of violations of the Department of Defense Standards of Conduct or the conflicts of interest statutes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S. Code, Section 137/EO 11222

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine use of the files is by the professional personnel in the Office of the Director for Personnel and Security, WHS, and Office of the General Counsel, Office of the Secretary of Defense, Department of Justice and DoD Components. Purpose of the files is to provide information for professional personnel in the Office of the Director for Personnel and Security, WHS, and Office of General Counsel to resolve various standards of conduct problems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Stored in metal filing cabinets with locking devices and metal combination safes depending on classification.

RETENTION AND DISPOSAL:

Files are retained as long as there is official interest in the case; then destroyed or retired to the Federal Records Center, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Written request for information should be addressed to the System Manager, Director for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305. Valid proof of identity is required.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information contained in files is obtained from various sources including correspondence, press releases, investigations performed by the Department of Defense and other agencies and congressional committees, and other systems of records in the Department of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempt under the authority of (k)(2) and (5) of Title 5, U.S.C. Section 552a from subsections (c)(3) and (d) of that statute which would require the disclosure of: (a) investigatory material compiled for law enforcement purposes. However, if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or otherwise be eligible, as a result of the maintenance of such material, the material shall be provided to that individual, except to the extent that its disclosure would reveal the identity of a source who furnished information to the Government under an express promise or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, or; (b) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, or Federal contracts, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

At the time of the request for a record, a determination will be made

concerning whether a right, privilege, or benefit is denied or the specific information which would reveal the identity of a source.

DWHS P36

SYSTEM NAME:

Award records for military-Office of the Secretary of Defense (OSD) personnel.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel recommended for Defense medals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Master log, copy of approved award signed by the Secretary of Defense, which contains the name, grade, Social Security Number, duty title, duty activity and period of assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 1121; Executive Orders 11904 and 12019.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES AND PURPOSES

Military Personnel Division--To insure that certificate, citation, and medal are obtained and transmitted to the individual receiving the award.

EXTERNAL USERS, USES AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Metal five drawer legal size file cabinet with lock.

RETRIEVABILITY:

Filed by case number with a master log.

SAFEGUARDS:

Building has security guards. File is maintained in an area which is secured during nonworking hours.

RETENTION AND DISPOSAL:

OSD Award records are transferred to Washington National Records Center (WNRC) after three years, then destroyed when fifteen (15) years old. The appropriate Service files a record in the individual's personnel folder.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Directorate for Personnel and Security
Washington Headquarters Services (WHS)
Department of Defense
Room 3B347, Pentagon
Washington, D.C. 20301
Telephone: 202-697-5271

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Recommendations received from various Department of Defense related activities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DWHS P37

SYSTEM NAME:

Grievance and Unfair Labor Practices Records.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances in accordance with 5 U.S.C. 2302, and 5 U.S.C. 7121, or a negotiated procedure, to include E.O. 11491, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Office of the Secretary of Defense (OSD) employees under 5 U.S.C. 2302, and 5 U.S.C. 7121. These case files contain all documents related to the grievances, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that OSD may establish through negotiations with recognized labor organizations. Folder contains all information pertaining to a specific arbitration case or specific unfair labor practice complaint, including a manual roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302, and 5 U.S.C. 7121, and E.O. 11491.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

This information is used by the Office of the Secretary of Defense (OSD) in the creation and maintenance of records of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by reference.

EXTERNAL USERS, USES, AND PURPOSES

These records and information in these records are used:

a. To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee; the issuance of a

security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the Agency's decision on the matter.

d. To provide information to a Congressional office from the record of an individual, in response to an inquiry from that Congressional office, made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judical proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2906.

g. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

h. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties, exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

j. To provide information to the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

These records are retrieved by case subject, case number, and/or individual employee names.

SAFEGUARDS:

These records are maintained in locked metal file cabinets, to which only OSD authorized personnel have access.

RETENTION AND DISPOSAL:

Case files are permanently maintained. Other records are normally destroyed after supersession.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Request for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual on whom the record is maintained; by testimony of witnesses; by Agency officials, from related correspondence from organizations or persons; or from Arbitrator's Office, Office of the Assistant Secretary of Labor for Labor-Management Relations, Union Headquarters Officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DWHS P39

SYSTEM NAME:

Clerical Merit Promotion File.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Pentagon, Washington D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any applicant for employment who applies for a clerical position.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of SF-171's plus any attachments submitted by applicant, copies of supervisory appraisals, copies of Job Opportunity Announcement, original certificate of eligibles, rating sheet for all applicants, rating schedule or definition of 'best qualified' and copies of nonselection and not certified letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Personnel and Security Directorate - To provide a file containing information on persons who have expressed interest in being considered for clerical positions for organizations serviced. Armed Forces Information Service (AFIS), Court of Military Appeals (COMA), Defense Advanced Research Projects Agency (DARPA), Defense Security Assistance Agency (DSAA), Office of Dependents Education, Organization of the Joint Chiefs of Staff (OJCS), TriService Medical Information System (TRIMIS), and Washington Headquarters Services (WHS), are part of routine users.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Filed in folders by name, alphabetically.

STORAGE:

Paper records in file folders and on disks.

RETRIEVABILITY:

Filed by name, alphabetically.

SAFEGUARDS:

Building employs security guards. Records are maintained in file cabinet in areas accessible only to authorized personnel who are properly screened and trained. Computer access is in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

RETENTION AND DISPOSAL:

Records are maintained for a two-year period or Office of Personnel Management (OPM) inspection, whichever occurs earlier. Then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual applying for position, supervisory appraisals from current or previous employers, forms completed by persons whose names are given as a reference, ratings and correspondence from Directorate for Personnel and Security, WHS, and supervisory officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DWHS SPM002

SYSTEM NAME:

Pentagon and Federal Building 2 Carpool Locator.

SYSTEM LOCATION:

Primary System - Air Froce Data Services Center.

Decentralized Segments - DoD Parking Control Office, Directorate for Space Management and Services, Washington Headquarters Services, Department of Defense, Pentagon, Washington, D.C. 20301.

Office of the DoD Building Administrator, Directorate for Space Management and Services, Washington Headquarters Services, Department of Defense, Federal Building 2, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department of Defense (DoD) and other personnel who participate in Pentagon and Federal Building 2 carpools.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual, DoD Component Code, home address, working hours, Pentagon or Federal Building 2 office room number, office phone number, map coordinate of home address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system assigns and administers allocated carpool parking spaces at the Pentagon and Federal Building 2; and provides Pentagon and Federal Building 2 carpoolers with the names of potential prospects who live near him/her.

INTERNAL USERS, USES, AND PURPOSES

DoD Parking Control Office and the Office of the Building Administrator, Federal Building 2 - To assign and administer allocated carpool parking spaces at the Pentagon and Federal Building 2.

Air Force Data Services Center - To provide a printout to each individual in the system which lists other participants who live near him/her who are potential carpool prospects, and to provide a complete printout of all participants to the DoD Parking Control Office and the General Services Administration (GSA).

Individuals - To contact other participants on either his/her individual printout or area card, or the DoD Parking Control Office's complete printout to determine their interest in carpooling.

EXTERNAL USERS, USES, AND PURPOSES

General Services Administration - To carpool data in area-wide system when and if implemented.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes, disks and paper printouts for the Pentagon building carpools. Manual storage within self-help carpool locator board for Federal Building 2 participants.

RETRIEVABILITY:

Information is accessed and retrieved by name and home address map grid for Pentagon building participants. Information is manually accessed and retrieved from cards in map grids for Federal Building 2 participants.

SAFEGUARDS:

Pentagon - All participants have access to the data, which is under direct control of the DoD Parking Control Office. Office is locked and guarded. Computer media resident at the Air Force Data Services Center is stored in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

Federal Building 2 - All participants have access to the data. Building has security guards. System is maintained in an area secured during nonworking hours and within close view of security officers.

RETENTION AND DISPOSAL:

Data is retained only on active participants. Records of personnel removed from the Pentagon Carpool Locator shall be kept one to three months and then destroyed. Records of personnel removed from the Federal Building 2 carpool locator shall be destroyed upon removal.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Space Management and Services
Washington Headquarters Services
Department of Defense
Room 3C345, Pentagon
Washington, D.C. 20301
Telephone: 202-697-7241

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Room 3C345, Pentagon, Washington, D.C. 20301.

Written requests for information should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or DoD building pass.

The computer system has the facility to access all data stored in the data base. Central Parking Control has exclusive access to the data base and controls updating the files.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the

individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Carpool Locator Card (DD Form 2170).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DEFENSE ADVANCED RESEARCH PROJECT AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom,

maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

E DARPA 001

SYSTEM NAME:

Travel File.

SYSTEM LOCATION:

Administrative Services Office, Defense Advanced Research Projects Agency (DARPA), 1400 Wilson Boulevard, Arlington, VA 22209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DARPA employees, civilian and military. Selected government employees who visit DARPA on official business at DARPA's expense and certain nongovernment personnel traveling on Invitational Travel Orders for DARPA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Traveler's last name, first name, middle initial, office, division, travel dates, days, ticket cost, other cost, travel order number, destination, and status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Section 301; Department of Defense Directive 5105.41, 'Defense Advanced Research Projects Agency (DARPA)', June 8, 1978.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal management administrative and budgetary needs. Provides daily, weekly and monthly status reports to top management concerning status of travel funds.

INTERNAL USERS, USES, AND PURPOSES

Director and Deputy Directors, Assistant Directors, Staff Assistants, Project Officers, and Personnel and Administrative Officers, DARPA.

EXTERNAL USERS, USES, AND PURPOSES

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer paper printouts, paper records and correspondence in file folders, also, magnetic disc.

RETRIEVABILITY:

Accessed by last name, by office, or by any of the data files listed in Record Category.

SAFEGUARDS:

Paper copies are maintained in areas accessible only to authorized personnel. Building employs security guards. File access is available to authorized personnel who have been assigned system passwords.

RETENTION AND DISPOSAL:

Paper files will be destroyed by burning or pulping immediately after they have served their purposes or after 2 years, whichever occurs first. There are no plans to retire or destroy ADP files.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, DARPA, 1400 Wilson Boulevard, Arlington, VA 22209.

NOTIFICATION PROCEDURE:

Information may be obtained from Administrative Officer, DARPA, Room 607, Architect Building, 1400 Wilson Boulevard, Arlington, VA 22209, Telephone (202) 694-3032.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Administrative Officer, DARPA, Room 607, Architect

Requests from individuals should be addressed to Administrative Officer, DARPA, 1400 Wilson Boulevard, Arlington, VA 22209.

Written requests for information should contain the full name of the individual, the period for which the information is required and specific categories of information required.

For personal visits, the individual should be able to provide DoD Identification Card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

DARPA Special Orders (TDY, Invitational, PCS, etc.); Travel Vouchers as submitted by travelers and as returned by the local finance offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

NATIONAL SECURITY AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement

information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

GNSA01

SYSTEM NAME:

NSA/CSS Access, Authority and Release of Information File

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian employees, personnel under contract or appointment and military assignees.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may consist of authorizations to obtain keys; authorizations for access to specific sensitive information or areas; delegation of responsibility to authorize or request specific action, work projects or access; notification to report for duty in event of hazardous weather or other emergency; authorizations to officially release various types of communications; assignments to special activities; assignments as Agency representatives to department or other government committees, boards, task groups; assignments to special tasks in event of technical or national emergencies; assignments to duties as fire, safety, security officers, Combined Federal Campaign and blood donation workers; and assignments to other special or volunteer duties or activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 86-36, Public Law 88-290, 18 U.S.C. section 798, E.O. 12065.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this file is to provide a means to rapidly determine who may have access to information or keys; who is required to report for duty in special circumstances, who has been authorized to release official communications; who has been assigned additional special tasks, voluntary duties or other duties. The file and its segments are used by each authorized staff, line, contract and

field officer, employee or assignee to make determinations as noted in the purposes above. Where required, specific information from this file may be made available to appropriate investigatory authorities engaged in national security or criminal investigations or to national defense and intelligence authorities or other governmental entities with respect to specific assignments or when emergency action is required.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, paper cards in file boxes, magnetic tapes, disks and other computer storage media, computer listings, microfilm.

RETRIEVABILITY:

By name.

SAFEGUARDS:

For paper, computer listing, cards and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to authorized individuals only. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Where data elements are derived from the Personnel Security File-remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL:

Retained until individual is no longer authorized access or release authority or assigned to specific additional duties. Computer files are purged and updated to reflect current status.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individual for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES:

Applications and related forms requesting access, appointment or authorization, notifications of same, personnel records, personnel security records, and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1) and (k) (5). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA02

SYSTEM NAME:

NSA/CSS Applicants

SYSTEM LOCATION:

National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment with NSA/CSS.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains forms, documents and correspondence providing personal and qualifications information submitted by individual applicants, educational institutions, past employers, references. Records include processing items, status reports, test results, interview reports, reports of reviewing organizations and other related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 86-36, Public Law 88-290, E.O. 10450, and 5 U.S.C. and appropriate implementing Office of Personnel Management directives in the Federal Personnel Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this file is to support the recruitment, selection, hire and placement of applicants. The file is used to document applicant processing, as a basis for selection decisions by individual agency elements and the personnel organization, and such other related uses as required. The users of this file include those staff, line, contract and field officers and employees as authorized and appropriate. In addition, files may be made available to the Office of Personnel Management, Freedom of Information Act and Privacy Act authorities, Department of Defense and other governmental entities as required and appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper in file folders, cards in containers, logs, computer listings, computer magnetic tape, disks and other computer storage media, microfilm.

RETRIEVABILITY:

By name, social security number, and other appropriate data elements.

SAFEGUARDS:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to those individuals specifically authorized and granted access by the Deputy Director for Management Services. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only. Remote terminal inhibitions are in force with respect to access to computerized file or data relating to persons not assigned to the organization using a remote terminal. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL:

For applicants who are subsequently hired, records are transferred to Personnel File or destroyed as appropriate. For applicants not hired,

record are retained for a period not to exceed one year or until completion of legal proceedings involving issues pertaining to these records, whichever is later, unless employment requirements necessitate retention for a longer period.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES:

Applicant, educational institutions, references, former employers including other governmental entities, interviewing and reviewing individuals including possible gaining organization, security and medical authorities and other sources as relevant and appropriate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1) and (k) (5). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA03

SYSTEM NAME:

NSA/CSS Correspondence, Cases, Complaints, Visitors, Requests

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons calling or corresponding with NSA/CSS concerning congressional inquiries; job opportunities; Freedom of Information and Privacy Act requests; other information requests, suggestions or comments; registering complaints; requesting appropriate security clearance and permission to visit; requesting or requiring information relating to litigation or anticipated litigation; and employees or assignees registering complaints or requesting information with respect to Equal Employment Opportunities; requesting inquiry or investigation by the Inspector General; requesting advice, opinions, or assistance from the General Counsel or provided to the General Counsel with respect to conflict of interest issues.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains correspondence from and to individuals, documents and memoranda related to the response, written material developed during or in anticipation of litigation or investigation of inquiries, complaints or grievances, written material developed in response to a request for advice or opinion from an individual, written material required by law, executive order, and regulations with respect to Equal Employment Opportunity investigations, Inspector General investigations, judicial branch subpoenas, orders and related actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 86-36, Public Law 88-290, 5 U.S.C. section 552, Public Law 92-261, Public Law 93-259, Executive Order 10450, Executive Order 11222, Executive Order 11478, and Executive Order 12065.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this file is to provide a record of the official responses and determinations of NSA/CSS to various inquiries for information, complaints, official actions of other governmental agencies and branches. The users of these files are those staff, line, contract and field officers, employees and assignees delegated the responsibility to respond on behalf of the Director, NSA, to such inquiries and complaints. The files are used to carry out the purpose set forth above, to provide an information base to be used in responding to the various reporting requirements levied by the Public Laws and Executive Orders cited in the authorities section of this notice. Information in the file may be used to provide reports in summary or statistical form to the Department of Defense, Office of Personnel Management, Office of Equal Employment Opportunity, Congress and those committees or subcommittees of the Congress having jurisdiction over matters covered by individual reports. Certain files may be provided to the General Counsel, Department of Defense, the Department of Justice, other appropriate governmental agencies and the judical branch where litigation or anticipated civil or criminal litigation is involved or where sensitive national security investigations related to protection of intelligence sources or methods are involved.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name, case, or subject and within subject by name.

SAFEGUARDS:

Secure limited access facilities and within those facilities individual limited access offices. Files are stored in lockable containers and are only made available to individuals specifically authorized access or required to respond and individuals affected by actions taken or complaints received. Files related to sensitive investigations by the Equal Employment Opportunity Office, the Inspector General and General Counsel are additionally protected pursuant to appropriate statutes, executive orders or regulations and attorney-client privilege. In some cases records are sealed pursuant to sensitivity of subject matter or specific court order.

RETENTION AND DISPOSAL:

Records are retained on-site indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by

written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES:

Individual correspondence, written materials developed in response to inquiries from executive branch departments and agencies, judicial branch elements, Congress, Congressional committees, individual Congressmen, other government and private entities as appropriate, and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (2), (k) (4), and (k) (5). For additional information, see agency rules contained in 32 CFR Part 299a.

GNSA04

SYSTEM NAME:

NSA/CSS Cryptologic Reserve Mobilization Designee List

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Appropriate staff and line elements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inactive duty military reservists assigned to NSA/CSS mobilization positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record consists of a computer listing of NSA/CSS reserve mobilization requirements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 86-36 and Title 10, U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain Tables of Distribution on mobilization requirements by military service, military job code, billet title, number of billets, mobilization duty location, training sponsor, and any special clearance requirements of the billet, and to provide a system of identifying mobilization designees with billets for training assignments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer listings, computer magnetic tapes, disks and other computer storage media.

RETRIEVABILITY:

By name and mobilization designee requirements.

SAFEGUARDS:

Secure limited access facilities and within those facilities lockable containers. Records are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent. They are reviewed annually for changes in requirements. Superseded records are destroyed when no longer useful for reference purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES:

Individual's parent service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1) and (k) (5). For additional information see agency rules contained in 32 CFR 299a.

GNSA05

SYSTEM NAME:

NSA/CSS Equal Employment Opportunity Data

SYSTEM LOCATION:

National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian personnel and personnel under contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains civilian personal data and Agency organizational data to include job title, grade, date of birth, training, date of last promotion, educational attainments, social security number, time of service, personnel codes, organization assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92-261, Public Law 93-259, Public Law 86-36, Executive Order 11478, Chapter 713 of the Federal Personnel Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of this file is to ensure compliance with cited authorities with respect to equal employment opportunities. Users of the file are those staff, line, contract and field officers and employees specifically authorized by law, regulation, delegation of responsibility, and grant of access by the NSA Equal Employment Opportunity Director. The file is used to compile those studies, research, statistics and reports necessary to insure compliance with cited authorities. Reports, summaries and statistics may be made available to the Department of Defense, Office of Equal Employment Opportunity, Congress, Office of Personnel Management, Department of Justice and judicial branch elements as required by cited authorities, requested pursuant to those authorities or ordered by specific judicial branch order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, disk or other computer storage media, computer listings, paper in file folders.

RETRIEVABILITY:

By name, social security number, and specific subject matter data elements.

SAFEGUARDS:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure

limited access rooms and within those rooms lockable containers. Access to information is limited to those individuals specifically authorized and granted access by EEO Director. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Where data elements are derived from the Personnel System, remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secure, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL:

File is routinely updated and old data disposed of as required. Individual data is subject to retention and disposal requirements specified for records contained in the Personnel System.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Equal Employment Opportunity, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade,Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES:

Individuals themselves, organizational elements, personnel file, and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records and data elements in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (2), and (k) (4). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA06

SYSTEM NAME:

NSA/CSS Health, Medical and Safety Files

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Fort George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian employees, military assignees, applicants, retirees, building concessionaires, assigned GSA employees, certain contract employees, visitors requiring emergency treatment, in certain cases members of employees' families with prior approval of the employee, blood donors, designated Health and Safety Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may consist of completed medical questionnaires, results of physical examinations and laboratory tests, records of medical treatment and services, x-rays, notices of injury, forms and correspondence including exchanges with Department of Labor related to injury and subsequent claims, correspondence with personal physician, NSA/CSS Medical Center reports, safety reports, absence and attendance records, medical evaluations, fitness for duty reports, 'Log of Federal Occupational Injuries and Illnesses,' results of psychological assessment testing and interviews, psychiatric examination results and related reports, forms and notes, lists of blood donors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 86-36, and Federal Employees Compensation Act of September 7, 1916, as amended, 5 U.S.C. and Office of Personnel Management implementation thereof as contained in Federal Personnel Manual. In addition, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended (42 U.S.C. section 4582) and subchapter A of Chapter I, 42, CFR, Executive Order 11807, Executive Order 9397, 29 CFR 1960 and Department of Defense Instruction 1000.19.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine fitness for hiring, continued employment or assignment and reassignment; to process accident and compensation claims; correct hazardous conditions; determine eligibility for disability retirement; record names of blood donors. When required, specific information from these files may be made available to the Department of Labor in those cases involving compensation claims and, with the permission of the individual, to other medical personnel or the American Red Cross for additional examination, treatment, counseling or other medical purpose; Freedom of Information and Privacy Act authorities as appropriate; and to other governmental entities as required and appropriate. Alcohol abuse patient records used in accordance with cited statute and regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, magnetic tape, disk or other computer storage media, computer listings.

RETRIEVABILITY:

By name, social security number and specific subject matter data elements.

SAFEGUARDS:

Secure, limited access facilities and within these facilities lockable containers. Records are accessible only to authorized personnel. For machine records stored on magnetic tape, disk or other computer storage within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Remote terminals are secured, are available to authorized person only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of specific security offices at headquarters area locations.

RETENTION AND DISPOSAL:

Medical files and records on traumatic injury and occupational disease are transferred to official personnel folder upon separation; traumatic injury and occupational

disease correspondence on civilian employees and retirees is retained indefinitely. Applicant medical files are retained for no more than one year or until date designated to individual; files on military assignees are forwarded to parent service upon reassignment from NSA/CSS; all other medical case files are destroyed upon termination of association with NSA/CSS. Psychological files on applicants are retained for no more than one year or until date designated to individual; all other files are retained for four years after end of individual's association with NSA/CSS. Decentralized segments are either transferred with employee or assignee, or retained for a period after separation as appropriate but not to exceed three years and are then destroyed. Alcohol abuse patient records retained and disposed of pursuant to cited statute and regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Fort George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES:

Applicants, employees, assignees, official personnel folders, NSA Safety Officers and records, witnesses to accidents and injuries, medical and administrative personnel, blood donor personnel, members of employee's family with employee's permission and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (4), (k) (5) and (k) (6) and may also be subject to certain special access procedures established pursuant to 5 U.S.C., section 552a, subsection (f) (3). For additional information, see agency rules contained in 32 CFR Part 299a.

GNSA07

SYSTEM NAME:

NSA/CSS Motor Vehicles and Carpools

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each non-headquarters facility and field element as appropriate and required.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian employees, military assignees, other governmental employees or personnel under contract granted extended temporary or permanent access to an NSA/CSS facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may consist of machine-readable or regular paper cards, carpool or other transportation survey results, annotated machine listings, post motor vehicle violation reports, stolen vehicle reports, or other forms and correspondence related to parking privileges, transportation needs, local (parking lot) parking enforcement procedures, vehicle abuse and other related matters as appropriate and required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C., section 318a-b; 50 U.S.C. section 797; Title 4 CFR Part 232, Appendix B; and Title 41 CFR Part 101-20.111 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this file is to provide data necessary to enforce parking lot regulations, to assist employees with respect to vehicle abuse and stolen vehicles, provide carpool assistance, assure availability of adequate transportation and parking facilities and other related matters. The uses of the file are to verify vehicle ownership, determine allocation of parking privileges, ensure the maintenance of adequate and safe parking areas, develop statistics with respect to parking and transportation requirements, encourage formation of carpools or other multiple-user transportation arrangements, provide a directory of potential participants in carpools or other multiple-user transportation arrangements and other related uses as appropriate and required. The users of the file are those authorized line, staff, contract and field element officers and employees; any employee, assignee or other individual working at an NSA/CSS facility interested in forming or joining a carpool or other multiple-user transportation arrangement; local civil and military law enforcement personnel as required and appropriate. Statistical data or selected individual data limited to name, address and telephone number may be made available to commercial or private transportation entities where the individuals have indicated a desire to use or join a multiple-user transportation arrangement, supervisory and other reviewing authorities in cases of parking privilege abuses, and other related users as required and appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, machine-readable and other cards in appropriate containers, magnetic tape, disk or appropriate containers, magnetic tape, disk or other computer storage media, computer listings.

RETRIEVABILITY:

By name, motor vehicle identifier.

SAFEGUARDS:

For paper, cards and computer listings - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers as appropriate. Access is limited to authorized users. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only.

RETENTION AND DISPOSAL:

File is routinely updated and old data disposed of as required. Individual data is subject to retention and disposal requirements specified for records contained in the Personnel System.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy,

National Security Agency/Central Security Service, Ft. George G. Meade,. Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G.Meade, Md. 20755.

RECORD SOURCE CATEGORIES:

Data provided by individuals, authorities in charge of parking facilities, local civil and military law enforcement entities and other related sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records and data elements in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA08

SYSTEM NAME:

NSA/CSS Payroll and Claims

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian employees and applicants, military assignees, contractors, reemployed annuitants, personnel under contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may consist of records on time and attendance; overtime; shift and holiday work; absent without leave reports; payroll deductions, allotments and allowances; requests for leave; payments for travel performed in connection with permanent change of station, temporary duty, invitations, interviews, pre-employment interviews and initial entry on duty. Also included are Pay Adjustment Authorizations (DD Form 139) and Case Collection Vouchers (DD Form 1131) and, in connection with pay claims, waivers, requests for waivers, documents, correspondence, background data, recommendations and decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 86-36; 31 U.S.C., section 66a, 951-53; 50 U.S.C. App. section 2160; Titles 5 and 37 of the U.S.C.; Titles 2, 4, 5, and 6 GAO Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain effective control over and accountability for all funds; to provide accounting data to support the NSA/CSS budget request and control the execution of the budget; provide financial information required by the Office of Management and Budget; provide financial information for NSA/CSS management purposes; provide for the input of permanent change data and the output of such data as leave without pay, reconciliation of files, periodic step increases, mass pay changes and changes in leave categories; investigate, review, discuss and recommend and implement decisions on pay claims waivers. When required, specific information from this file may be made available to other governmental entities in connection with Social Security deductions, unemployment compensation claims, job-related injury and death benefits, tax audit and collections, and other related claims or actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; file cards; computer paper printouts; machine-readable cards; computer magnetic tapes, disks and other computer storage media.

RETRIEVABILITY:

By name, social security number.

SAFEGUARDS:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to authorized individuals. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL:

Records are reviewed annually and retired or destroyed as appropriate. Permanent records are retired to the St. Louis Federal Records Center after completion of audit. Computer records are purged and updated consistent with these retention policies.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES:

Forms, cards, requests and other documentation submitted by individuals, supervisors, claims officers, Personnel File data, Time, Attendance and Access File data, and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1) and (k) (2). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA09

SYSTEM NAME:

NSA/CSS Personnel File

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element and

supervisor as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees, personnel under contract, military assignees, dependents of NSA/CSS personnel assigned to field elements, individuals integrated into the cryptologic career development program, custodial and commercial services personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personnel papers and forms including but not limited to applications, transcripts, correspondence, notices of personnel action, performance appraisals, personnel summaries, professionalization documentation and correspondence, training forms, temporary duty, letters of reprimand, employee record card, special assignment documentation, letters of commendation, promotion documentation, field assignment preference, requests for transfers, permanent change of station, passport, transportation, official orders, awards, suggestions, pictures, complaints, separation, retirement, time utilization, scholarship/fellowship or other school appointments, military service, reserve status, military check in/out sheets, military orders, security appraisal, career battery and other test results, language capability, military personnel utilization survey, work experience, notes and memoranda on individual aspects of performance, productivity and suitability, information on individual eligibility to serve on various boards and committees, emergency loan records, other information relevant to personnel management, housing information where required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 86-36, 5 U.S.C. and certain implementing Office of Personnel Management regulations in the Federal Personnel Manual; 10 U.S.C., section 1124; 44 U.S.C., section 3101; 34 CFR 232, Appendix B; 41 CFR 101-20.111 and Executive Order 11222.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this file is to support the personnel management program; personnel training and career development; personnel planning, staffing and counseling; administration and personnel supervision; workforce study and analysis; manpower requirements studies; emergency loan program; and training curricula planning and research. The uses of the file are to implement the purposes cited and provide management at all levels with the documentation and tools necessary for effective personnel management and supervision. Information may also be used to verify present or former NSA/CSS employment to gaining employers or to financial institutions when individual has applied for credit. The users are those staff, line, contract and field officers, employees, and assignees authorized to maintain or have access to personnel data or some decentralized segment thereof. In addition, officers and employees of elements engaged in security and training, Freedom of Information or Privacy Act actions, Inspector General, General Counsel, Equal Employment Opportunity, audit or review, medical and psychological or other appropriate functions may be authorized access as required in the performance of their duties. Individual files or portions thereof may be made available to hearing examiners, the judicial branch, the Office of Personnel Management, the Department of Defense or other gaining government organization as required and appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, file cards, machine-readable cards, computer printouts, computer magnetic tapes, disks and other computer storage media, and microfilm.

RETRIEVABILITY:

By name, social security number and other items of relevant information.

SAFEGUARDS:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to those individuals authorized and responsible for personnel management or supervision. For records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only. Where data elements are derived from the Personnel File, remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required.

RETENTION AND DISPOSAL:

Primary System - Those forms, notices, reports and memoranda considered to be of permanent value or required by law or regulation to be preserved are retained for the period of employment or assignment and then forwarded to the gaining organization or retained indefinitely. If the action is separation or retirement, these items are forwarded to the Office of Personnel Management or retired to the Federal Records Center at St. Louis as appropriate. Those items considered to be relevant for a temporary period only are retained for that period and either transferred with the employee or assignee or destroyed either when they are no longer relevant or at time of separation or retirement. Computerized portion is purged and updated as appropriate. Personnel summary, training, testing and past activity segments retained permanently. All other portions deleted at end of tenure.

Decentralized System - Files are transferred to gaining organization or destroyed upon separation as appropriate. Computer listings of personnel assigned to an organization are destroyed upon receipt of updated listings.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES:

Forms used to collect and process individual for employment, access or assignment, forms and memoranda used to request personnel actions, training awards, professionalization, transfers, promotion, organization and supervisor reports and requests, educational institutions, references, Office of Personnel Management and other governmental entities as appropriate, and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (4), (k) (5), and (k) (6). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA10

SYSTEM NAME:

NSA/CSS Personnel Security File

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment with NSA/CSS; civilian employees; personnel under contract; military assignees; members of advisory groups; consultants; experts; other military personnel; federal employees; employees of contractors, and employees of services and other individuals who require access to NSA/CSS facilities or information.

CATEGORIES OF RECORDS IN THE SYSTEM:

File Folder - Photograph, fingerprint data, statement of personal history, agreements with respect to specific security processing procedures, security processing forms and records, investigative reports, incident and complaint reports, unsolicited information when relevant, reports by domestic law enforcement agencies when relevant, clearance data, access authorization, foreign travel data, security secrecy agreements, separation and retirement data and other information as required and relevant. Computer File - contains data elements representing a summary and index of the file folder data to include personal identifying data, relevant security processing data, clearance and access data, separation and retirement data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 88-290; Public Law 86-36; 18 U.S.C., section 798; 50 U.S.C., section 403 (d)(3); Executive Orders 10450, 10865 and 12065.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of this file is to insure compliance with cited authorities. Users of this file and its segments are limited to properly authorized staff, line, contract and field element officers, employees or assignees. The file is used to carry out the purpose cited and in determinations with respect to employment, access, assignment and reassignment, assignment to a board of appraisal or management promotion, foreign official and unofficial travel, and other personnel actions where security represents a relevant and valid element of the determination. In addition, files or portions thereof may be made available to the Defense Investigative Service, military investigative services, other appropriate entities, Department of Justice, governmental elements involved in National Agency checks, members and staff of the Defense Investigative Review Council as appropriate with their inspection authorities, Department of Defense General Counsel and Director of Central Intelligence and his General Counsel in the event of litigation or anticipated litigation with respect to unauthorized disclosures of classified intelligence or intelligence sources and methods and related court actions, other government agencies and private contractors requiring clearance status information and authorized to receive same, judicial branch elements pursuant to specific court orders or with respect to litigation, elements of the Department of Defense involved in administration of the Industrial Security Program, the Office of Personnel Management as required, and public law enforcement authorities when a specific breach of criminal statutes is involved. In addition, other government agencies or private contractors may be informed of information developed by NSA which bears on an assignee's or affiliate's status at the NSA with respect to security considerations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

A Magnetic tape, disk or other computer storage media, computer paper printouts, paper in file folders, microfilm.

RETRIEVABILITY:

By name or unique number assigned individual.

SAFEGUARDS:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to authorized individuals. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of specific security offices at headquarters area locations.

RETENTION AND DISPOSAL:

Files on individuals assigned, employed, or granted access to NSA/CSS information or facilities - retained for a minimum of 30 years after last security action reflected in the file, then destroyed. Files initiated on individuals requesting employment, assignment or access but never completed due to non-employment, non-assignment or withdrawal or denial of grant of access are destroyed within one year. Computer records are purged and updated consistent with these retention policies.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial

determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES:

Data provided by individual during employment and security processing; data provided by investigative service processing individual's background; data provided by references, educational institutions and other sources named by individual or developed during background investigation; unsolicited data from any source where relevant; data provided by the Office of Personnel Management and other agencies, departments, and governmental elements involved in the conduct of National Agency checks; the Federal Bureau of Investigation; data developed by appropriate governmental elements in the course of a national security investigation or investigation into alleged violations of criminal statutes related to unauthorized disclosures of intelligence or protection of intelligence sources and methods; documents furnished by agency element sponsoring individual for access to specific classified information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (2) and (k) (5). For additional information see agency rules contained in 32 CFR 299a.

GNSA11

SYSTEM NAME:

NSA/CSS Time, Attendance and Absence

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract, and field element as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian employees, personnel under contract and military assignees.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains request forms, time cards, authorization forms, notifications, locator cards and other correspondence or revisions thereof related to actions concerning time, attendance, absence, annual leave, sick leave, leave without pay, advance leave, administrative leave, exemplary use of leave, unauthorized leave and absences and other related matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 86-36; Public Law 88-290, section 113 of the Budget and Accounting Procedures Act of 1950, as amended; 31 U.S.C., section 66a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of these files is to provide a means of accounting for all time, attendances and absences of NSA/CSS civilian employees, contract employees and military assignees. The users of these files are those staff, line, contract and field officers, employees, and assignees authorized to account for or investigate employee time, attendance and absence. The files may be used to make performance, payroll, personnel and security determinations. Where required, specific information from these files may be made available to appropriate investigatory authorities engaged in national security or criminal investigations, hearing examiners and other authorized individuals with respect to grievances or adverse actions, and to those agencies identified in the NSA/CSS System of Records named 'Payroll and Claims' as necessary to document payroll actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, file cards, machine-readable cards, computer printouts, computer magnetic tapes, disks and other computer storage media, and microfilm.

RETRIEVABILITY:

May be retrieved by name and in some cases social security number.

SAFEGUARDS:

For paper, cards, printouts and microfilm - Secure limited-access facilities, within those facilities secure limited access rooms and within those rooms lockable containers as appropriate. Access by authorized individuals only. Current time cards are not secured with respect to individual employees within immediate working element. For machine-readable cards, computer magnetic tapes and disks and other computer storage media within the computer processing area additional secure limited-access facilities, specific processing requests from authorized persons only, specific authority to access stored cards, tapes or disk files.

RETENTION AND DISPOSAL:

Primary System - Records are reviewed annually and retired or destroyed as appropriate. Permanent records are retired to the St. Louis Federal Records Center after completion of audit. Computer records are purged and updated consistent with these retention policies.

Decentralized Segments - Records are temporary, are retained for the period the individual is assigned to an element, or disposed of as appropriate. Time cards and other appropriate forms for pay and leave purposes are forwarded each pay period to the payroll office.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade,Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES:

Time cards, request forms and related correspondence from individual employees and assignees, authorizations and notifications from authorizing officers, correspondence from supervisory personnel and investigating officers with respect to abuses of leave and attendance or unauthorized leave and absences, other records or reports related to either exemplary use of leave or abusive use of leave, and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA12

SYSTEM NAME:

NSA/CSS Training

SYSTEM LOCATION:

Primary System-National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments-Each staff, line, contract and field element as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS employees, personnel under contract, military assignees and other government employees, designees and military personnel as required and appropriate who attend courses or receive training by or under NSA/CSS sponsorship.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains forms, correspondence, memoranda, student and instructor surveys, requests and other information related to testing and training; tests and test results; test grades, course grades and other student and instructor evaluations; course and class rosters, rosters of individuals by specialty; attendance and time utilization reports for students and instructors; biographical sketches where required and appropriate; course and training histories; other course research and evaluation data; student disciplinary actions and complaints; waiver requests and responses; selected personal data including education level and scholastic achievements; course and training cost data where appropriate; reimbursement and service agreements where appropriate; and other records related to civilian and military training as required and appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Chapter 41, Executive Order 11348, Office of Personnel Management implementing directives as contained in the Federal Personnel Manual, Public Law 86-36.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this file is to provide documentation concerning military cryptolinguist resources and individual training, develop training requirements, refine training methods and techniques, provide individual career and training counseling. The users of this file are those staff, line, contract and field officers, employees and assignees as authorized and appropriate. In addition, portions of these files are incorporated in the Personnel File, are made available to management and supervisory personnel and to other governmental entities as required and appropriate. The file is used to carry out the purposes cited above, perform certain statistical analyses related to training and reports concerning training, and may be used to assist in the evaluation of an individual's performance, readiness for promotion, potential for career development, assignments requiring special qualifications, and other actions as appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, card files, binders, computer punch cards, computer listings, computer magnetic tapes, disks and other computer storage media, microfilm.

RETRIEVABILITY:

By name or social security number.

SAFEGUARDS:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers as appropriate. Access to information is limited to authorized individuals only. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only. Where data elements are derived from the Personnel System, remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secured, available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL:

Primary System - Records are reviewed annually and retained or destroyed as appropriate. Copies of items of significance with respect to the individual are included in the Personnel File and retention is in accordance with the retention policies for that system. Items used as the basis of statistical studies or other research efforts may be retained indefinitely. Computer listings and records are purged and updated as required and appropriate. Decentralized System - Records are reviewed annually and retained or destroyed as appropriate. Individual's file may be transferred to gaining organization if appropriate. Computer listings and records are purged and updated as required and appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft.

RECORD SOURCE CATEGORIES:

Individual, supervisors, training counselors, instructors and other training personnel; other governmental entities nominating individuals for training; other training and educational institutions; Personnel File, and other sources as required and appropriate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (5) and (k) (6). For additional information see agency rules contained in 32 CFR 299a.

GNSA13

SYSTEM NAME:

NSA/CSS Archival Records

SYSTEM LOCATION:

Primary System-National Security Agency/Central Security Service, FT. George G. Meade, Md. 20755.

Decentralized Segments-Each staff, line, contract and field element as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contributed to the cryptologic archives and individuals who are significant to the history of signals intelligence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include organizational files, correspondence, tape recorded interviews, forms, documents, reports, films, magnetic tapes, microfiche and other related items of cryptologic archival interest, most of which are 20 or more years old and have been adjudged to be permanent U.S. Government records not yet declassified.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 90-260, Public Law 81-754, Public Law 86-36, 5 U.S.C. section 552, Executive Order 12065 and Executive Order 12036.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To enable the historian to locate source materials; to permit systematic review of classified records; to facilitate access to retired records; and to provide a source from which response to public queries for NSA/CSS records can be more expeditiously handled and, if possible, declassified.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy, microforms, magnetic tape, magnetic disk and pictures.

RETRIEVABILITY:

Generally by subject matter as to that material furnished by an individual or about an individual significant to the history of cryptology, by name, or other unique identifier significant to the subject matter and the individual.

SAFEGUARDS:

Secure limited access facilities and within those facilities containers appropriate to the level of classification of particular records.

RETENTION AND DISPOSAL:

Records are permanent, are reviewed periodically for declassification, and copies of records declassified are transferred to the National Archives and Records Service of the General Services Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NSA.

NOTIFICATION PROCEDURE:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

4 Individual contributors and operational administrative files; other sources as appropriate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C., section 552a (k) (1) and (k) (4). For additional information, see agency rules contained in 32 CFR Part 299a.

DEFENSE NUCLEAR AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and

criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

HDNA 002

SYSTEM NAME:

DNA002 Employee Relations

SYSTEM LOCATION:

Civilian Personnel Office, Defense Nuclear Agency, Washington, D. C., 20305, Routing Symbol: PACV. Also at the following subordinate commands: Civilian Personnel Office, Bldg 2023A, Kirtland AFB, New Mexico, 87115; and Civilian Personnel Office, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, Bldg 42, located on the grounds of the National Naval Medical Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees paid from appropriated funds serving under career, career-conditional, temporary and excepted service appointments on whom discipline, grievances, and complaints records exist.

Discrimination complaints of civilian employees, paid from appropriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated positions. Management Operation Record system consisting of manual file maintained by immediate supervisors and high level managers concerning employee performance, capability, informal discipline, attendance, leave and tardiness, work assignments, and similar work related employee records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual files, maintained in paper folders, contain copies of documents and information pertaining to discipline, grievances, complaints, and appeals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 9830, Amending the Civil Service Rules and Providing for Federal Personnel Administration; 4 USC 1302, 3301, 3302; Executive Order 10577, Amending the Civil Service Rules and Authorizing a New Appointment System for the Competitive System. PL 92-261, The Equal Employment Opportunity Act of 1972; PL 93-259, Extension of Age Discrimination in Employment Act of 1967; 5 USC 7512; Executive Order 11491, Labor-Management Relations in the Federal Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials of the Defense Nuclear Agency in the performance of their official duties related to the management of civilian employees in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation.

Representatives of the United States Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of civilian personnel management programs or personnel actions, or such other matters under the jurisdiction of the Commission. Appeals officers and complaints examiners of the Federal Employee Appeals Authority for the purpose of conducting hearings in connection with employees' appeals from adverse actions and formal discrimination complaints. The Comptroller General or any of his authorized repre- sentatives, in the course of the performance of duties of the General Accounting Office relating to the civilian manpower management programs. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. The Senate or the House of Representatives of the United States or any member, committee

or subcommittee of joint committees on matters within their jurisdiction relating to the above programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in locked security containers accessible only to personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are destroyed upon separation of the employee from the agency or in accordance with appropriate record disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer, Defense Nuclear Agency, Washington, D. C., 20305, for Headquarters, Defense Nuclear Agency; Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, for Armed Forces Radiobiology Research Institute; Civilian Personnel Officer, Kirtland AFB, New Mexico, 87115, for Field Command, Defense Nuclear Agency.

NOTIFICATION PROCEDURE:

Information may be obtained from: Civilian Personnel Officer, Defense Nuclear Agency, Washington, D. C., 20305, Telephone: Area Code 202-325-7592 for Headquarters, Defense Nuclear Agency; Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, Telephone: Area Code 301-295-1047, for Armed Forces Radiobiology Research Institute; or Civilian Personnel Officer, Bldg 2023A, Kirtland AFB, New Mexico, 87115, Telephone: Area Code 505-264-9253, for Field Command, Defense Nuclear Agency. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

HDNA 003

SYSTEM NAME:

Labor Management Relations Records Systems

SYSTEM LOCATION:

Civilian Personnel Office, Defense Nuclear Agency, Washington, D. C., 20305, Routing Symbol: PACV. Also at the following subordinate commands: Civilian Personnel Office, Bldg 2023A, Kirtland AFB, New Mexico, 87115; and Civilian Personnel Office, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, Bldg 42, located on the grounds of the National Naval Medical Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees paid from appropriated and non-appropriated funds, who are involved in a grievance which has been referred to an arbitrator for resolution; union officials, union stewards; and representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual files, maintained in paper folders, filed by type of case and case number (not individual). Folder contains all information pertaining to a specific arbitration case of specific Unfair Labor Practice with whom Defense Nuclear Agency has dealings; subordinate elements maintain manual roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11491, as amended, 'Labor-Management Relations in the Federal Service.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Defense Nuclear Agency in the performance of their official duties related to the Labor-Management Relations Program, e.g., administration/implementation of arbitration awards, interpretation of the Executive Order through 3rd party case decisions; national consultation and other dealings with the recognized unions; Representatives of the U. S. Civil Service Commission on matters relating to the inspection, survey, audit, or evaluation of Civilian Personnel Management Programs; the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program; Officials and employees of other components of the Department of Defense in the performance of their official duties related to the administration of the Labor-Management Relations Program; a duly appointed hearing examiner or arbitrator for the purpose of conducting a hearing in connection with an employee's grievance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are stored in paper folders.

RETRIEVABILITY:

Manual records are retrieved by case subject, case number, and/or individual employee names.

SAFEGUARDS:

All manual files are accessible only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Case files are permanently maintained. Union official rosters are normally destroyed after a new roster has been established.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer, Defense Nuclear Agency, Washington, D. C., 20305, for Headquarters, Defense Nuclear Agency; Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, for Armed Forces Radiobiology Research Institute; Civilian Personnel Officer, Kirtland AFB, New Mexico, 87115, for Field Command, Defense Nuclear Agency.

NOTIFICATION PROCEDURE:

Information may be obtained from: Civilian Personnel Officer, Defense Nuclear Agency, Washington, D. C., 20305, Telephone: Area Code 202-325-7592 for Headquarters, Defense Nuclear Agency; Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, Telephone: Area Code 301-295-1047, for Armed Forces Radiobiology Research Institute; or Civilian Personnel Officer,

Bldg 2023A, Kirtland AFB, New Mexico, 87115, Telephone: Area Code 505-284-9253, for Field Command, Defense Nuclear Agency. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Civilian personnel offices; arbitrator's office; union headquarters offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

HDNA 412-14

SYSTEM NAME:

412-14 Biography Files

SYSTEM LOCATION:

Public Affairs Office, Defense Nuclear Agency, Washington, D. C., 20305, Routing Symbol: PAO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Senior military officers of the Army, Air Force, Navy and Marines who hold positions within the chain of command or heads of major headquarters within the services that may on occasion interface with Defense Nuclear Agency and/or its components. Civilians who are senior officials within the Department of Defense/Government agencies within the chain of command or department heads that may on occasion interface with Defense Nuclear Agency and/or its components.

CATEGORIES OF RECORDS IN THE SYSTEM:

Brief biographical data (sometimes including photographs), obtained on a voluntary basis with data approved by the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, 302 Public Law 89-554, 6 September 1966.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain current biographies on key Defense Nuclear Agency personnel for use in routine requests and news releases. To maintain current biographies on key DoD personnel, civilian contractors, or civilians with which the agency or its personnel come in contact in the completion of their mission. Releasable to media, individuals, businesses and any other public or private requester.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

All files are in GSA 4-drawer safes with combination locks. Building is under 24-hour GSA guard system. Records are maintained in office only accessible to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files are retained in active file until retirement, transfer, separation, or death of the individual concerned or on discontinuance of office at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Public Affairs Officer, Defense Nuclear Agency, Washington, D. C., 20305.

NOTIFICATION PROCEDURE:

Information may be obtained from Public Affairs Office, Defense Nuclear Agency, Washington, D. C., 20305, telephone 202-325-7091.

RECORD ACCESS PROCEDURES:

Records are open to the public upon demand. Written requests should be addressed to Defense Nuclear Agency, ATTN: Public Affairs Office, Washington, D. C., 20305. Written requests for information should contain the full name of the individual. Visits can be arranged by the Public Affairs Office.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Biographical data voluntarily submitted by individual personally.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

HDNA001

SYSTEM NAME:

Employee Assistance Program Case Record Systems

SYSTEM LOCATION:

Biomedical Effects Office, Occupational Health Unit, Defense Nuclear Agency, Washington, D.C. 20305. Also at the following subordinate commands: Civilian Personnel Office, Bldg. 2023A, Kirtland AFB, New Mexico 87115, and Civilian Personnel Office, Armed Forces Radiobiology Research Institute, Bethesda, Maryland 20014, Bldg. 42, located on the grounds of the National Naval Medical Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees in appropriated and non-appropriated fund activities who are referred by management for, or voluntarily request, counseling assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case records on employees which are maintained by counselors, supervisors, and civilian personnel offices and consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, emotional, or other job performance problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Office and Treatment Act of 1972, as amended by Public Law 93-282 (21 USC 1175); Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended by Public Law 93-282 (42 USC 4582); Subchapter A of Chapter I, Title 42, Code of Federal Regulations; Chapter 43 of Title 5 USC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the counselor in the execution of the counseling function as it applies to the individual employee. With specific written authority of the employee selected information may be provided to and used by other counselors or medical personnel research personnel, employers, representatives such as legal counsel, and to other agencies or individuals when disclosure is to the employee's benefit, such as for processing retirement applications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case records are stored in paper file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in locked security containers accessible only to personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are purged of identifying information within five years after termination of counseling or destroyed when they are no longer useful.

SYSTEM MANAGER(S) AND ADDRESS:

Occupational Health Nurse, Occupational Health Unit, Biomedical Effects Office, Defense Nuclear Agency, Washington, DC 20305, for Headquarters Defense Nuclear Agency: Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, for Armed Forces Radiobiology Research Institute; Civilian Personnel Officer, Kirtland AFB, New Mexico 87115, for Field Command, Defense Nuclear Agency.

NOTIFICATION PROCEDURE:

Information may be obtained from: Occupational Health Nurse, Occupational Health Unit, Biomedical Effects Office, Defense Nuclear Agency, Washington, DC 20305, Telephone: Area Code 202 325-7073 for Headquarters, Defense Nuclear Agency; Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, Maryland 20014, Telephone: Area Code 301 295-1047, for Armed Forces Radiobiology Research Institute; or Civilian Personnel Officer, Bldg. 2023A, Kirtland AFB, New Mexico 87115, Telephone: Area Code 505 264-9253, for Field Command, Defense Nuclear Agency. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Counselors, other officials, individuals or practitioners, and other agencies both in and outside of Government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

HDNA004

SYSTEM NAME:

Nuclear Weapons Accident Exercise Personnel Radiation Exposure Records System.

SYSTEM LOCATION:

Field Command, Defense Nuclear Agency (FCDNA), Kirtland AFB, NM 87115.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Department of Defense, Department of Energy, other government agencies, including state and local, contractor personnel, and visitors from foreign countries, who participate in planned exercises.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains following information on individuals (not all information is appropriate to all categories of individuals covered by the system and the system also contains data of a nonpersonal nature):

Name; Social Security Account Number; Date of Birth; Service; Grade/Rank; speciality code, job series or profession; experience with radioactive materials such as classification as 'radiation worker', use of film badge or other dosimetric device, respiratory protection equipment training and actual work in anticontamination clothing and respirators; awareness of radiation risks associated with exercise; previous radiation exposure; role in exercise; employer/organization mailing address and telephone; unit responsible for individual's radiation exposure records; time in exercise radiological control area; and external and internal radiation monitoring and/or dosimetry results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2013 and 2201 (Atomic Energy Act of 1954) and 10 C.F.R. Parts 10 and 20; 5 U.S.C. 7902 and 84 Stat. 1590 (Occupational Safety and Health Act of 1970) and 29 C.F.R. Subparts 1910.20 and 1910.96; Executive Order 12196, Feb 26, 1980, (Occupational Safety and Health Programs for Federal Employees).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL

Officials and employees of the Defense Nuclear Agency in the performance of their official duties related to determining and evaluating individual and exercise collective radiation doses and in reporting dosimetry results to individuals.

EXTERNAL

Officials and employees of other Department of Defense components, government contractors, other national, state, and local government organizations, and foreign governments, in the performance of their official duties related to evaluating and/or reporting and documenting radiation dosimetry data. Officials of government investigatory agencies in the performance of their official duties relating to enforcement of Federal rules and regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, discs, computer printouts and/or punched cards. Manual records are stroed in paper file folders, card files and/or paper rosters.

RETRIEVABILITY:

Records are normally retrieved by individual's last name or social security account number; records may also be retrieved by Service, organization/employee, dose results or other input data.

SAFEGUARDS:

The computer facility and terminals are located in restricted areas accessible only to authorized personnel and computer access is password protected. Manual records and computer printouts are available only to authroized persons with an official need to know. Buildings employ security guards and/or intrusion detection systems.

RETENTION AND DISPOSAL:

Computer memory is cleared at the end of each work day. Manual records will be retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115, ATTN: Radiological Safety Officer.

NOTIFICATION PROCEDURE:

Information may be obtained from Commander, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115, Telephone: area code (505) 844-6487.

RECORD ACCESS PROCEDURES:

Requests for information should be addressed to Commander, Field Command, Defense Nuclear Agency, ATTN: Radiological Safety Officer, Kirtland AFB, NM 87115. Written requests for information should contain the full name, home address, social security account number, and date of birth. For personal visits, the individual must be able to provide identification showing full name, date of birth and social security account number. Current employers may be furnished dosimetry data on employees. Upon request, future employers may be provided dosimetry data; however, the request must inclued signed authorization from the employee to release the information.

CONTESTING RECORD PROCEDURES:

Rules for contesting contents and appealing initial determinations are contained in DNA Instruction 5400.11 (32 CFR Part 291a). Additional information may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system of records is (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by a contractor or government dosimetry service, or (4) developed by radiation measurements at the exercise site.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

HDNA005

SYSTEM NAME:

MANPOWER/PERSONNEL MANAGEMENT SYSTEM

SYSTEM LOCATION:

Personnel Administraton Directorate
Defense Nuclear Agency
Washington DC 20305
Routing Symbol: OAPA

Also at the following subordinate commands:

Civilian Personnel Office
Bldg 2023A
Kirtland AFB, NM 87115

Civilian Personnel Office
Armed Forces Radiobiology Research Institute
Bethesda Maryland 20014
Bldg 42 located on the grounds of the National Naval Medical Center

Also supervisor maintained files at all three locations

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian, employed by DNA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains following information on all personnel assigned to DNA: Social Security Number; Agency; Employee Name; Birth Date; Veteran's Preference; Tenure Group; Service Computation Date; Federal Employees Group Life Insurance; Retirement Code; Nature of Action Code; Effective Date of Action; Position Number; Pay Plan; Occupation Code; Functional Classification Code; Grade; Step; Pay Basis; Salary; Supervisory Position; Location Code/ Duty Station; Position Occupied; Work Schedule; Pay Rate Determinant; Special Program Identification Code; Sex; Citizen Status; Date Entered Present Grade; Date Entered Present Step; Separation Date; Reason for Separation (Quit Code); Cost Center; Academic Discipline; Career Conditional Appointment Date (Conversion to Career); Education Level; Degree Date; Purpose of Training; Type of Training; Source of Training; Special Interest; Direct Cost; Indirect Cost; Date of Completion; On-Duty Hours; Off Duty Hours; JTD Paragraph Number; JTD Line Number; Competitive Level; Military Service Retirement Date; Uniformed Service; Service Commissioned (military); Service Pay Grade (rank); Agency Sub element Code; Submitting Office Number; Retired Military Code; Bureau; Unit Identification Code; Program Element Code; Civil Function Code; Guard/Reserve Technician; Appropriation Code; Active/ Inactive Strength Designation; Work Center Code; Projected Vacancy Date; Targeted Grade; Position Title; Date of Last Equivalent Increase; Fair Labor Standards Act Designator; Health Benefits Enrollment Code; Type and Date of Incentive Award; Personal Title of Employee; Civil Service or other Legal Authority; Employing Office Name; Date Probationary Period Begins; Performance Rating; Due Date for Future Action; Position Tenure; Leave Category; Average Grade by Command Element; Personnel Authorized; Projected Personnel Requirements; Special Experience Identifiers; Rotational Position Identification; Additional Duties; Office Titles; Manpower Track; Facility; Arm of Service; Branch of Service; Date of Rank; Primary/Alternate Specialty; Control Specialty; Last OER/EER; Basic Pay Entry Date; Basic Active Service Date; Date of Arrival; Projected Date of Departure; Security; Marital Status; Spouse's Name; Dependents; Address (Nr and Street, City, State, Zip Code); Phones (Home and Duty); Handicap Code; Minority Group Designator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5U.S.C. 301, 302, 4103, Pub. L. 89-554, September 6, 1966.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL

Assigned personnel in the agency will compile and consolidate reports relating to manpower authorizations/assigned strengths and monitor personnel actions and programs as required by management officials within the agency. Users include Headquarters, Field Command and AFRRI personnel.

Officials and employees of the Defense Nuclear Agency in the performance of their official duties related to the management of civilian and military employee programs, including the design, development, maintenance and operation of the manual and automated system of record keeping and reporting; screening and selection of candidates for centrally administered training programs or promotions; administration of grievances, appeals, complaints, or litigation involv ing equal opportunity or disclosure of records. Preparation and publication of personnel rosters to facilitate communications/contact for official, social or emergency purposes.

Officials and employees of other Department of Defense Components upon request in the perfor mance of their official duties related to the screening and selection of candidates for programs sponsored by their organization.

A duly appointed Hearing Examiner or Arbitrator for the purpose of conducting a hearing in connection with an employee's grievance involving disclosure of records or equal opportunity matters. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving the disclosure of records of the DNA training or employee development records system.

EXTERNAL

Representatives of the Office of Personnel Management/Merit Systems Protection Board on matters relating to the inspection, survey, audit or evaluation of the civilian programs or such other matters under the jurisdiction of the OPM.

The Comptroller General or any of his authorized representatives in the course of performance of duties of the General Accounting Office relating to civilian programs.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other agencies of the Executive Branch of government upon request in the performance of their official duties related to the screening and selection of candidates for programs sponsored by their organization.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, discs, computer printouts, and on punched cards. Manual records are stored in paper file folders, card file boxes, and paper rosters.

RETRIEVABILITY:

Automated records are retrieved by social security number. Manual Records are retrieved by employee's last name. Handicap Code and Minority Group Designators are available for access only by the Director and the EEO Officer.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

The computer facility and terminal are located in restricted areas accessible only to authorized personnel that are properly screened, cleared, and trained. Manual records and computer printouts are available only to authorized personnel having a need to know. Building employs security guards and is protected by intrusion alarm system.

RETENTION AND DISPOSAL:

Computer magnetic tapes are permanent. Manual records are maintained on a fiscal year basis and are retained for varying periods from 1 to 5 fiscal years after which they are destroyed in accordance with appropriate record disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel/Administration Directorate - Headquarters, Defense Nuclear Agency Washington, DC 20305 - Telephone: 202-325-7047.

NOTIFICATION PROCEDURE:

Information may be obtained from System Manager. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Requests should be addressed to System Manager. Written requests for information should contain the full name of individual. For personal visists, the individual should provide military or civilian identification card.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations are contained in DNA Instruction 5400.11 (32 CFR Part 291a). Additional information may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information extracted from military and civilian personnel records, Joint Manpower Program docu ment, security division, and voluntarily submitted by individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

HDNA006

SYSTEM NAME:

DNA Employees Occupational Health Program Records System

SYSTEM LOCATION:

Biomedical Effects Office, Occupational Health Unit, Defense Nuclear Agency, Washington, DC 20305, Routing Symbol BA/HU.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian employed by DNA and GSA employees assigned to the building

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a variety of records relating to an employee's participation in the DNA Occupa- tional Health Program. Information which may be included in this system are the employees name, SSN, date of birth, weight, height, blood pressure, medical history, blood type, nature of injury or complaint, type of treatment/medication received, immunizations, examination findings and laboratory findings, exposure to occupational hazards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901 et seq., Pub.L. 79-658.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Authorized medical personnel in connection with the performance of their official duties.

EXTERNAL USERS, USES, AND PURPOSES

The Office of Personnel Management Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

The Department of Labor in connection with a claim filed by an employee for compensation for a job-related injury or disease.

Disclosure may be made to a private medical physician from the record of an individual in response to an inquiry from the office of the physician made at the request of that individual.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where one of the parties is (a) the Agency, any component of the Agency, or any employee of the Agency in his or her official capacity; (b) the United States where the Agency determines that the claim, if successful is likely to directly affect the operations of the Agency or any of its components; or (c) any Agency employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Agency may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper file folders and card file boxes.

RETRIEVABILITY:

Records are manually retrieved either by last name or the terminal digit filing system.

SAFEGUARDS:

During the employment of the individual, medical records are maintained in files located in a secured room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained until the individual leaves the Agency. If they have no long term value, they are destroyed at this time. If they have continuing value, they may be combined with the Official Personnel Folder which is forwarded to the Federal Personnel Records Center or to the new employing agency, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Occupational Health Nurse, Biomedical Effects Office, Occupational Health Unit, Headquarters, Defense Nuclear Agency, Washington DC 20305, Telephone: 202-325-7073.

NOTIFICATION PROCEDURE:

Information may be obtained from System Manager. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Requests should be addressed to System Manager. Written request for information should con tain the full name of requester. For personal visits, the individual should provide military or civilian identification card.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations are contained in DNA Instruction 5400.11 (32 CFR Part 291a). Additional information may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by the medical officer or nurse providing treatment or medication, or (4) supplied by the individual's private physician.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

HDNA007

SYSTEM NAME:

Security Operations System

SYSTEM LOCATION:

Intelligence/Security Directorate (OAIS), Headquarters, Defense Nuclear Agency, Washington, D.C. 20305. Also at the following subordinate commands: Security Division (FCSS), Field Command Defense Nuclear Agency, Kirtland AFB, Albuquerque, New Mexico 87115; and Armed Forces Radiobiology Research Institute, Bethesda, Maryland 20014.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel assigned to, or employed by HQ, Defense Nuclear Agency (DNA), Field Command, Defense Nuclear Agency (FCDNA), and the Armed Forces Radiobiology Research Institute (AFRRI). Other U.S. Government personnel, U.S. Government contractors, foreign govern- ment representatives, and visitors from foreign countries.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains following information on individuals (not all information is appropriate to all categories of individuals covered by the system):

Name; Social Security Account Number; Date and Place of Birth; Height, Weight; Hair/Eye color Citizenship; Grade/Rank; Service; Organization; Security Clearance; Date of Clearance; Basis Special Accesses; Courier Authorization; Continuous Access Roster Expiration Date; Expiration Date; Badge Number; Contracting Officer's Representative; Contracting Officer's Organization Special Intelligence Access; Expiration Date; Agency; Billet Number; List of Badges/Passes Issued; List of Keys Issued; Conference Title; Conference Dates; Location. Department of Defense Form 398, 'Statement of Personal History;' Reports of Investigation; Security Incident Files Visit Requests; Conference Rosters; Clearance and Special Access Rosters; picture and identi- fication cards; correspondence concerning adjudication/passing of clearances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, 'Security Requirements for Government Employment,' 27 April 1953 as amended by Executive Orders 10491, 10531, 10548, 10550, 11605, and 11785. Executive Order 12065, 'National Security Information,' dated 28 June 1978. Section 21 of the Internal Security Act of 1950 (Pub.L. 831). Section 145 of the Atomic Energy Act of 1954, as amended by Pub.L. 83-703, 42 USC 2165.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Officials and employees of the DNA, FCDNA, and AFRRI in the performance of their official duties related to determining the eligibility of individuals for access to classified informa- tion.

Guard personnel assigned to the DNA, FCDNA and AFRRI in the performance of their official duties related to determining the eligibility of individuals for access to buildings, facilities, or conferences over which DNA has security responsibility.

EXTERNAL USERS, USES, AND PURPOSES

Officials and employees of other Department of Defense Components, U.S. Government contractors, and other U.S. Government organizations in the performance of their official duties related to the screening and selection of individuals for security clearances and/or special access authorizations; access to facilities; or attendance at conferences.

Officials of U.S. Government investigatory agencies in the performance of their official duties relating to law enforcement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, discs, computer printouts, and or punched cards. Manual records are stored in paper file folders, card files, and paper rosters.

RETRIEVABILITY:

Automated records are retrieved by individual's last name, conference title, and by type of badge issued. Manual records are retrieved by individual's last name, organization, or subject file.

SAFEGUARDS:

The computer facility and terminals are located in restricted areas accessible only to authorized personnel. Manual records and computer printouts are available only to authorized persons with an official need to know. Buildings employ security guards and/or intrusion detection systems.

RETENTION AND DISPOSAL:

Computer records on individuals are erased upon termination of an individual's affiliation with the DNA, FCDNA, or AFRRI. Personnel security files are destroyed within thirty days

from the date of termination of an individuals employment, assignment or affiliation with DNA, FCDNA or AFRRI. Manual records or conference attendees, visitors, and visit certifications to other agencies are maintained for two years and destroyed. Security incident files are retained for two years unless they concern compromise of classified information, in which case they may be retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Intelligence/Security Directorate, Defense Nuclear Agency, Washington, D.C. 20305, for DNA and AFRRI. Chief, Security Division, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Intelligence/Security Directorate, Defense Nuclear Agency, Washington, D.C. 20305, Telephone: Area Code (202) 325-7086 for DNA and AFRRI or Chief, Security Division, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115; Telephone: Area Code (505) 264-1423, for FCDNA.

RECORD ACCESS PROCEDURES:

Requests for information should be addressed to: Director, Intelligence/ Security Directorate, Defense Nuclear Agency, Washington, D.C. 20305, for DNA and AFRRI, or Chief, Security Division, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115 for FCDNA. Written requests for information should contain the full name, home address, social security number, date and place of birth. For personal visits, the individual must be able to provide identification showing full name, date and place of birth, and social security number.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations are contained in DNA Instruction 5400.11 (32 CFR Part 291a).

RECORD SOURCE CATEGORIES:

Information extracted from military and civilian personnel records, investigative files, and voluntarily submitted by individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Part of this system may be exempt under 5 U.S.C. 552a (k)(5) as applicable. The exemption rule for the system is contained in Title 32, Code of Federal Regulations, Part 291a, as amended.

HDNA609-02

SYSTEM NAME:

Personnel Radiation Exposure Records

SYSTEM LOCATION:

Decentralized system. Primary location: Safety Department, Bldg. 42, Rooms 1420 and 1422, Armed Forces Radiobiology Research Institute (AFRRI), Defense Nuclear Agency, Bethesda, Maryland 20014, on the grounds of the National Naval Medical Center. Other locations are rooms 3113 and 2147 of the AFRRI; and room 1418, Bldg. 364, Field Command, Defense Nuclear Agency (FCDNA), Kirtland Air Force Base, Albuquerque, New Mexico 87115; and Office of the Commander, Enewetak Atoll, Marshall Islands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees, contractors, visitors or anyone else who is known to enter the AFRRI building. At FCDNA, all DNA employees who work in a position, the duties of which might result in exposure to radiation. At Enewetak, all individuals who work or visit the Atoll other than transient air crews and air passengers who do not leave the aircraft. Uniformed Services University of the Health Sciences, all employees, students, visitors, contractors or anyone else known to enter a radiation environ ment at Uniform Service University of the Health Sciences (USUHS).

CATEGORIES OF RECORDS IN THE SYSTEM:

For employees at AFRRI, FCDNA, and USUHS file contains personal information con sisting of name, social security number, date of birth, current and previous radia tion exposure, history and places of employment and when exposures occurred. For others, at AFRRI, FCDNA and USUHS file contains name, social security number, date of birth, current employer, citizenship, and current exposure history. For all, at AFRRI, FCDNA and USUHS information on pregnancy and pacemaker. Enewetak files will contain personal information consisting of name, social security number, date of birth, current and previous radiation exposure history, areas visited or worked, dates of arrival and departure, and citizenship. At AFRRI, for current employees, information on date-on-board, assigned department, sex, date of departure, bio assay, grade/rank, work phone and room number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Atomic Energy Act of 1954, 42 USC 2013, Military Construction Appropriation Act of 1977 (P.L. 94-367) and DNA OPLAN 600-77, 'Cleanup of Enewetak Atoll'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL

To document the degree of exposure to radiation experienced by an individual; to measure quality of the radiation protection program. At AFRRI, name, grade/rank, department, room number and work phone will be used to print a current roster of personnel, for internal use in contacting personnel for official purposes.

EXTERNAL

To support legal or medical claims for or against the government; to provide exposure history to subsequent employers; to provide history to requesting individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

At AFRRI: 5' by 7' cards filed at reception desk, room 3113, 8' by 10 1/2' paper filed in rooms 1420 and 1422. Automated records are stored on magnetic tapes (for backup), disks in room 2436 and computer printouts in room 1422. At FCDNA, 8' by 10 1/2' papers are filed in a metal file cabinet in Bldg. 364. At Enewetak: 5' by 7' cards filed in a metal file cabinet in the Enewetak Commander's office.

RETRIEVABILITY:

Alphabetical by last name of individual. Automated records are selectable retrievable on all fields within the record.

SAFEGUARDS:

AFRRI - Kept in a controlled access building which is protected by an instrusion alarm system. Card, paper forms and printouts are further secured in a locked cabinet. These files, when placed on a computer system, are protected by a user identification code (UIC) and password. Access is restricted to only those persons appointed by the SYSMANAGER to whom he has given the 'UIC-Password' combination. The password is changed periodically by the SYSMANAGER.

FCDNA - Controlled access building which is protected by an intrusion alarm system.

Enewetak - Locked and secured in Enewetak Commander's office.

RETENTION AND DISPOSAL:

For employees - permanently. For visitors - retired after two years to record holding area for permanent retention. For foreign visitors, records are sent to State Depart ment for retention. All Enewetak records will be maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

AFRRI and USUHS - Chairman, Safety Department, Armed Forces Radiobiology Research Institute, Bethesda, MD 20014.

Field Command, DNA and Enewetak Atoll, MI - Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, Albuquerque, NM 87115.

NOTIFICATION PROCEDURE:

Requests should be addressed to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

AFRRI, FCDNA, and USUHS information voluntarily submitted by individual. Enewetak information is required to be submitted by individual. Additional information added as data is collected.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

HDNA609-03

SYSTEM NAME:

Personnel Exposed to Radiation from Atmospheric Nuclear Tests

SYSTEM LOCATION:

Biomedical Effects Office, Defense Nuclear Agency, Washington, DC 20305.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DoD and DoD affiliated personnel military and civilian, who participated in the United States Government atmospheric nuclear test programs in the Pacific and at the Nevada Test Site.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information consisting of name, rank, service number, social security number, last known or current address, dates of test participation, exposure data, and unit of assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Atomic Energy Act of 1954, 42 U.S.C. 2013 and Tasking Memorandum from Office of the Secretary of Defense to the Director, Defense Nuclear Agency dated 28 Jan 78, Subject: DoD Personnel Participation in Atmospheric Nuclear Weapons Testing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Defense Components-For the purpose of preparing histories of atmospheric nuclear test participation and for use in litigation between test participants or their representatives and the Department of Defense.

Defense Nuclear Agency Contractors-For the purpose of assisting DoD components in preparation of histories of atmospheric nuclear test participation and responding to the inquiries and concerns of individuals who may have participated in the test programs and/or their representatives.

National Research Council and the Center for Disease Control-For the limited purpose of conducting epidemiological studies of the effects of ionizing radiation from the atmospheric nuclear weapons tests on DoD participants in those tests.

Department of Energy-For the limited purpose of identifying AEC and AEC-contractor Personnel exposed to ionizing radiation during nuclear testing: and for conducting epidemiological Studies of radiation effects of individuals so identified; and for use in litigation between the DoD and any of the individuals so identified.

Department of Transportation-For the limited purpose of identifying DOT and DOT-affiliated personnel exposed to ionizing radiation during nuclear testing and for use in litigation between the DOT and any of the individuals so identified.

Veterans Administration-For use in litigation between the VA and individuals and/or their representatives who are alleging service-connected disabilities as a result of said exposure.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tape disks and printouts in secure computer facility.

RETRIEVABILITY:

Paper records in file folders and on computer magnetic tape disks and printouts are retrieved by name and SSAN.

SAFEGUARDS:

Paper records are filed in folders stored in locked security safes. Mag tapes stored in vault in the computer area.

RETENTION AND DISPOSAL:

Paper records are retained until information is transferred to magnetic tapes, then destroyed. Magnetic-tapes and disks are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant to the Director, Biomedical Effects, Defense Nuclear Agency, Washington, DC 20305.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

Requests from individuals should be addressed to the same address as stated in the notification section above.

RECORD SOURCE CATEGORIES:

From DNA Form 10, searches of DoD records by other DoD components, and from individuals voluntarily contacting DNA by phone or mail.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JOINT CHIEFS OF STAFF

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated -

otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

JOJCS001MILPERS

SYSTEM NAME:

OJCS Medals and Awards Files and Reports System; Microfilmed Historical Awards

SYSTEM LOCATION:

Military Personnel Branch, Personnel Division, Organization of the Joint Chiefs of Staff, The Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military officer/enlisted personnel, regular and reserve, who are serviced by the Organization of the Joint Chiefs of Staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains, but not limited to, recommendations and substantiating documents for awarding of the medals and awards; orders authorizing awards,

certificates of eligibility, memorandums for the record, vote sheets, status sheets, board memberships lists, criteria and analysis, agency historical file, reports, reclama actions, recommendations for foreign awards, special category and exception to policy, bulletins, miscellaneous correspondence, Decorations and Awards Board memorandums, memorandums and records and microfilmed historical awards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Chapter 5, Sections 141-143.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Secretary of the Decorations and Awards Board is the principal user. The system constitutes a ready file of documents from which information is retrieved to properly maintain the Awards Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Access to space is limited to personnel office personnel during nonworking hours via locked door. During working hours the space is occupied by personnel office personnel at all times.

RETENTION AND DISPOSAL:

Files are permanent. They are microfilmed and retained for historical purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Joint Staff, OJCS, The Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Secretary, Decorations and Awards Board
Organization of the Joint Chiefs of Staff
The Pentagon
Washington, D. C. 20301
Telephone: 202-695-4759

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Secretary, Decorations and Awards Board, Organization of the Joint Chiefs of Staff, The Pentagon, Washington, D. C. 20301.

Written requests for information should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification, that is, at least, his identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Source of information is obtained from agencies which are serviced by the Organization of the Joint Chiefs of Staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

JCJCS002MILPERS

SYSTEM NAME:

Military Personnel Files

SYSTEM LOCATION:

Military Personnel Branch, Personnel Division, Directorate of Administrative Services, Organization for the Joint Chiefs of Staff, The Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel assigned to, attached to or on temporary duty with the Organization of the Joint Chiefs of Staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain personal information which has been extracted from the individual's official Military Personnel File. Files contain information pertaining to, but not limited to, name, grade, service number, service job title, expected date of arrival for duty with the Organization of the Joint Chiefs of Staff, expected date of departure from the Organization of the Joint Chiefs of Staff.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Chapter 5, Sections 141-143.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Military Personnel Branch, Directorate of Administrative Services, Organization of the Joint Chiefs of Staff- To perform administrative functions required on individuals prior to their assignment to, during their assignment to, and after their assignment to the Organization of the Joint Chiefs of Staff. Uses include, but are not limited to, knowing when an individual will arrive, what agency they will be assigned to, who they will replace and when an individual will depart.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; paper card files; ringed binders.

RETRIEVABILITY:

Filed alphabetically by last name of individual, filed by agency; filed by requisition number.

SAFEGUARDS:

Building employs security guards. Records are stored in file cabinets. The room(s) are locked when unattended.

RETENTION AND DISPOSAL:

Files are retained in active file until individual departs the Organization of the Joint Chiefs of Staff. Upon departure, the individual's file is placed in the inactive file. The file is retained for approximately one year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Military Personnel Branch, Personnel Division, Directorate of Administrative Services, Organization of the Joint Chiefs of Staff.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief, Military Personnel Branch
Personnel Division
Directorate of Administrative Services
Organization of the Joint Chiefs of Staff
The Pentagon
Washington, D. C. 20301
Telephone: 202-697-3540

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: Chief, Military Personnel Branch, Organization of the Joint Chiefs of Staff, The Pentagon, Washington, D. C. 20301.

Written request for information should contain the full name of the individual, current address, and telephone number.

For personal visits, the individual should be able to provide some acceptable identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the

individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Source of information is the individual and the individual's Official Military Personnel File.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

JOJCS003SMB

SYSTEM NAME:

Directorate Administrative Services Management Information System (DASMIS)

SYSTEM LOCATION:

Staff Management Branch, Directorate of Administrative Services, Organization of Joint Chiefs of Staff, The Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals assigned to the OJCS; all persons with access into the OJCS restricted areas; personnel with SIOP clearances.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's security clearances, personal and office address, date of rank, date of birth, assignment and rotation dates, service, rank, grade, Social Security Account Number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Chapter 5, Sections 141-143.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Division-Perform all administrative functions as appropriate with respect to personnel assigned to the OJCS: monitor and process requests for manpower and organizational management services, perform organizational and manpower reviews for the OJCS.

Services Division-Develop and prepare financial planning data for the OJCS and carry out associated programming and fiscal functions, assign space and provide equipment, supplies and service support as may be required for the OJCS.

Security Division-Devise and implement personnel and physical security policies and provide for the security of the area occupied by the OJCS.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Disc, magnetic tape backup.

RETRIEVABILITY:

Record ID made up of billet number, record type and Social Security Account Number.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened and cleared, also access to data requires the proper user-ID and pass-word.

RETENTION AND DISPOSAL:

Personnel records are permanent. All records are maintained in an active file.

Security-OJCS records are permanent. Non-OJCS records are deleted upon termination/expiration of badges or passes.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Management Branch, Directorate of Administrative Services, Organization of the Joint Chiefs of Staff, The Pentagon, Washington, D. C. 20301.

National Military Command System Support Center, Defense Communications Agency, The Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Staff Management Branch, Directorate of Administrative Services, OJCS Room 1A724, The Pentagon Washington, D. C. 20301 Telephone: 202-695-0475

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Staff Management Branch, Directorate of Administrative Services, OJCS, The Pentagon, Washington D. C. 20301.

Written requests for information should contain the full name, rank and service and agency while assigned to the OJCS, plus Social Security Account Number.

For personal visits, the individual should be able to provide some acceptable identification, that is: driver's license, employing office identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is obtained from various OJCS, DoD, and Standard Forms from the respective Services; from distributed documents routed to all personnel effected.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

JOJCS004SECDIV

SYSTEM NAME:

Personnel Security File, Security Division, DAS

SYSTEM LOCATION:

Personnel Security Branch, Security Division, Directorate of Administrative Services, Organization of the Joint Chiefs of Staff, The Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel assigned to or employed by the OJCS who have been granted a security clearance; all individuals who are civilian applicants or military nominees for duty with OJCS; all persons who have been authorized a pass for access to the restricted areas of the OJCS.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's record of security clearances granted; security briefing and debriefing certificates; personal history statements; record card file of request for pass or badge; and other related security processing papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Chapter 5, Sections 141-143.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Division, DAS-To perform all administrative functions necessary to determine eligibility of personnel for security clearances, provide processing of all security clearances; processing and producing all passes and badges for personnel requiring access to OJCS restricted areas; devise and implement security policies and provide for the security of the OJCS areas.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; paper card files.

RETRIEVABILITY:

Filed alphabetically by individual's last name.

SAFEGUARDS:

Building employs security guards. Records are maintained in an alarmed vault accessible only to authorized Security Division personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained in active file until individual departs the OJCS at which time entire file is destroyed; card files are deleted upon termination/ expiration of pass or badge.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administrative Services, Organization of the Joint Chiefs of Staff.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Security Division, Directorate of Administrative Services, OJCS
Room 2E949, The Pentagon
Washington, D. C. 20301
Telephone: 202-695-0866

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Chief, Security Division, Directorate of Administrative Services, OJCS, Pentagon, Washington, D. C. 20301.

Written requests for information should contain the full name, rank, Service, Social Security Account Number of the individual, current address, telephone number and agency to which assigned in OJCS or if non-OJCS, identify current employer. Visits are limited to the Security Division, Directorate of Administrative Services, Organization of the Joint Chiefs of Staff, The Pentagon, Washington, D. C. 20301.

For personal visits, the requesting individual must provide acceptable proof of identity, such as full name, date and place of birth and some additional verbal information that can be verified by his 'case' record, such as parents' names, recent addresses, etc.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Personal History Statements and related security forms from the individual being considered for security clearances or passes; clearance verification correspondence; correspondence originating from the Defense Investigative and other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DEFENSE COMMUNICATIONS AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

KCIV.01

SYSTEM NAME:

Records Relating to DCA Transactions under the Privacy Act of 1974

SYSTEM LOCATION:

Each office of the Defense Communications Agency (DCA) worldwide which is required to submit information it maintains for each system of records maintained under the provisions of the Privacy Act of 1974 and records of information released or withheld under the Act.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel currently assigned to or employed by DCA. Also limited historical records on personnel previously assigned or employed by DCA.

CATEGORIES OF RECORDS IN THE SYSTEM:

All types of records which relate to release or withholding of data relating to the rights of the privacy of an individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PL 93-579, 'The Privacy Act of 1974'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Civilian Assistant to the Chief of Staff, Headquarters, DCA for periodic reporting under provisions of the Act.

Used by the Comptroller, Headquarters, DCA for budgeting and manpower allocation within the Agency.

Used by the Counsel, Headquarters, DCA in preparing for possible litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records kept in file cabinets or safes.

RETRIEVABILITY:

By name or SSAN.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Retained for at least 5 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Assistant to the Chief of Staff, Code 104, Headquarters, DCA

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Civilian Assistant to the Chief of Staff, Code 104, Headquarters, DCA. The full name and organizational assignment, of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Office of the Civilian Assistant to the Chief of Staff, DCA, Code 104, to obtain information on whether the system contains records pertaining to him or her. As proff of identity the requester should present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Civilian Assistant to the Chief of Staff for assistance. The mailing address is listed in the organizational directory of the DCA published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Accountings submitted by those DCA officials who are SYSMANAGERS of Record Systems reportable under the Privacy Act of 1974.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KDCE.01

SYSTEM NAME:

Visit notification/Clearance Verification Records NR501-11.

SYSTEM LOCATION:

Security Branch, Room 1A06, Defense Communications Engineering Center (DCEC), Code R121.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Same plus industrial contractors requiring admittance to the facility on official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Form listing the name, date and place of birth, SSAN, clearance status, and basis for that clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RCORDS MAINTAINED IN THE SYSTEM,INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify official visitors to defense installations and organizations responsible for work on Defense Department contracts and verify the level of classification to which each is authorized access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Destroyed one year after revocation of permit to enter premises.

STORAGE:

File folders.

RETRIEVABILITY:

By folder identified by contractor or individual's name.

SAFEGUARDS:

Building security guards. Records maintained in area accessible only to authorized personnel who are appropriately cleared and trained.

RETENTION AND DISPOSAL:

Records not permanent. Retained one year after revocation then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Security Branch, Defense Communications Engineering Center (DCEC),1860 Wiehle Avenue, Reston, Virginia 22090. The full name of the requesting individual will be required to determine if the system contains a record about him or her. the requester may visit the Security Branch, Defense Communications Engineering Center (DCEC) 1860 Wiehle Avenue, Reston, Virginia 22090, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or drivers's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Military and Civilian Personnel whose names appear on the form.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KDCE.02

SYSTEM NAME:

Parking Permit Control Files 501-07.

SYSTEM LOCATION:

Security Branch, Defense Communications Engineering Center (DCEC)) Code R121

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and Civilian personnel employed by the Defense Communications Engineering Center (DCEC) and Command and Control Technical Center (CCTC).

CATEGORIES OF RECORDS IN THE SYSTEM:

Owner's name and vehicle identification data and parking number assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property Management Regulations, Temporary Regulation D-47, dated 22 May 1974, issued by the General Services Administration (GSA).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To assign specific parking spaces to personnel so authorized; and to identify parked vehicles when circumstances so dictate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Destroyed upon departure of individual from employment with Defense Communications Engineering Center (DCEC) or Command and Control Technical Center (CCTC) or when no longer authorized to park.

STORAGE:

File folders

RETRIEVABILITY:

By parking number

SAFEGUARDS:

Building security guards, records maintained in area accessible only to authorized personnel who are appropriately cleared and trained.

RETENTION AND DISPOSAL:

Records are not permanent. Retained while individual is authorized reserved parking, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090 to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Military and Civilian personnel whose names appear on the form.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KDCE.03

SYSTEM NAME:

DA Form 727 Classified Container Information File 503-02

SYSTEM LOCATION:

Security Branch, Room 1A06, Defense Communications Engineering Center (DCEC), Code R121.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Classified container information listing the name, address, and telephone number of each person authorized access to the container.

CATEGORIES OF RECORDS IN THE SYSTEM:

This form records the name,grade,address, and home telephone numbers of the above individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify, locate and contact each person authorized access when the need arises.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Destroy when obsolete, i.e. when person departs, when combination changed, or when container no longer used.

STORAGE:

File folders

RETRIEVABILITY:

By capital property number

SAFEGUARDS:

Building security guards, records maintained in area accessible only to authorized personnel who are appropriately cleared and trained.

RETENTION AND DISPOSAL:

After becoming obsolete, file is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Military and Civilian Personnel whose names appear on the form.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KDEC.02

SYSTEM NAME:

Authorization to Sign for Classified Material List

SYSTEM LOCATION:

Administrative Division, Code D200, Defense Commercial Communications Office (DECCO), Scott Air Force Base, Illinois

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records Systems contains the names of DECCO personnel who are authorized to receive classified material from the Commander 375 Air Base Group, Scott Air Force Base, Illinois.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of retained copy of letter containing names and specimen signatures of DECCO personnel who are authorized to pick up classified material from the 375 Air Base Group, Scott Air Force Base, Illinois.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive order 10450, as amended

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Chief, Administrative Division, Code D210, DECCO to determine which DECCO personnel are authorized to pick up classified mail from the 375 Air Base Group.

Used by the Commander, 375 Air Base Group to verify that DECCO personnel who appear at the unit to pick up classified mail are authorized to do so.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed in a folder which is kept in a safe.

RETRIEVABILITY:

Information is retrieved by name.

SAFEGUARDS:

Records are maintained in a safe in an area which is accessible only to authoized personnel who are properly screened, cleared, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Records are not permanent. List is updated as personnel changes occur. The superseded list is then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, DECCO.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Administrative Division, Code D200, DECCO, Scott Air Force Base, Illinois. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Administrative Division, Code D200, DECCO, Scott Air Force Base, Illinois, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published inthe Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Activity's rules for access and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Names of the individuals in the system are furnished by the Chief, Administrative Division, DECCO.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KDEC.03

SYSTEM NAME:

Classified Material Receipt Authorization List

SYSTEM LOCATION:

Administrative Division, Code D200, Defense Commercial Communications Office (DECCO), Scott Air Force Base, Illinois.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records system contains names of DECCO personnel who are authorized to receive classified material upon delivery by mail room personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of name, social security number, and grade of individuals authorized to receipt for classified documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Chief, Administrative Division uses the list as a tracer to determine individuals who receive classified material.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in a locked safe.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Records are maintained in a safe in an area which is accessible only to authorized personnel who are properly screened, cleared, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Records are not permanent. List is updated as personnel changes occur. Superseded list is then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, DECCO.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Administrative Division, Code D200, DECCO. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Administrative Division, Code D200, DECCO, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Activity's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Names of individuals in the system are furnished by the Chief, Administrative Division, DECCO.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KDEC.04

SYSTEM NAME:

Authority to Review/Sign for Classified Messages at 1918 Communications Center

SYSTEM LOCATION:

Administrative Division, Code D210, Defense Commercial Communications Office (DECCO), Scott Air Force Base, Illinois.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records system contains the names of DECCO personnel who are authorized to review, sign for, and pick up classified messages in the Communications Center, 1918 Communications Squadron.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of a copy of a letter addressed to the Commander, 1918 Communications Squadron to show specimen signatures of DECCO personnel who are authorized to review, sign for, and pick up classified messages at that unit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Chief, Administrative Division, DECCO to determine which mail room personnel are authorized to review, sign for, and pick up classified messages.

Used by Commander, 1918 Communications Squadrom to verify that specific DECCO personnel who came to the Communications Center to pick up classified messages are authorized to do so.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed in a file folder which is kept in a safe.

RETRIEVABILITY:

Information is retrieved by name of individual.

SAFEGUARDS:

Records are maintained in a safe in an area which is accessible only to authorized personnel who are properly screened, cleared, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Records are not permanent. List is updated as required. The superseded list is then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, DECCO.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Administrative Division, Code D210, DECCO. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Administrative Division, Code D210, DECCO, for assistance. The mailing address is listed in the organizational directory of the

Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Activity's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Names of the individuals in the system are furnished by the Chief, Administrative Division, DECCO.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KDEC.05

SYSTEM NAME:

Access Listing to Classified Material (NATO)

SYSTEM LOCATION:

Administrative Division, Code D200, Defense Commercial Communications Office (DECCO), Scott Air Force Base, Illinois.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records system contains the names and specimen signatures of DECCO personnel who are authorized access to NATO documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of copy of letter sent to Code 240, Headquarters, A. Letter contains names and specimen signatures of DECCO personnel who are NATO control officers and alternates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11652

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Chief, Administrative Division to determine personnel who are authorized access to NATO documents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed in a folder which is kept in a safe.

RETRIEVABILITY:

Information is retrieved by name.

SAFEGUARDS:

Records are maintained in a restricted area which is accessible only to authorized personnel who are properly screened, cleared, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Records are not permanent. They are updated when changes in personnel occur, and the superseded list is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, DECCO.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Administrative Division, Code D200, DECCO, Scott Air Force Base, Illinois. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Administrative Division, Code D200, DECCO, Scott Air Force Base, Illinois, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Activity's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Names of individuals are furnished by the Chief, Administrative Division, DECCO.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KDEC.06

SYSTEM NAME:

Nominations/Enrollments for Training Courses

SYSTEM LOCATION:

Administrative Division, Defense Commercial Communications Office (DECCO), Code D220, Scott Air Force Base, Illinois.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records required on military and civilian members who enroll in government training courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record indicates personnel data and is not revealed to anyone other than individuals involved in obtaining or allocating classroom spaces.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. Code, Chapter 41 and Executive Order 11348

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by Chief, Administrative Division to enroll students who have been selected by operating officials to attend government training courses. Information includes name, social security number, office phone, home phone, home address, job title, grade, emergency phone, and emergency address, and name of individual to contact in case of emergency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept in a locked file cabinet.

RETRIEVABILITY:

Records are retrieved by name of trainee.

SAFEGUARDS:

Records are maintained in area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Records are retained five years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, DECCO, Code D210, Scott Air Force Base, Illinois.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Administrative Division, DECCO, Code D220, Scott Air Force Base, Illinois. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Administrative Division, DECCO, Code D220, Scott Air

Force Base, Illinois, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

DECCO's rules for access to records and for contesting their content and appealing initial determination by the individuals concerned are set forth in the Rules and Regulations Section of the Federal Personnel Manual.

RECORD SOURCE CATEGORIES:

Information provided by individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KDEC.07

SYSTEM NAME:

601-11 Duty Rosters

SYSTEM LOCATION:

Administrative Division, Defense Commercial Communications Office (DECCO), Code D210, Scott Air Force Base, Illinois

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

On a rotation basis all military and civilian Division Chiefs are on call after duty hours to take action on messages received at the 1918 Communications Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain names and telephone numbers of DECCO personnel on call for duty after regular work hours.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. code 133(b)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Listing is used to provide names and home telephone numbers of individuals who may be called after duty hours.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Rosters are locked in a file cabinet.

RETRIEVABILITY:

Records are retrieved by name of designated individuals.

SAFEGUARDS:

Records are stored in a locked file cabinet.

RETENTION AND DISPOSAL:

Records are retained two years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, Code D210, DECCO, Scott Air Force Base, Illinois.

NOTIFICATION PROCEDURE:

Records from individuals should be addressed to Chief, Administrative Division, Code D210, DECCO, Scott Air Force Base, Illinois. The full namee of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Chief, Administrative Division, Code D210, DECCO, Scott Air Force Base, Illinois, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Administrative Division, Code D210, DECCO, Scott Air Force Base, Illinois. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

DECCO's rules for access to records will be determined by the Legal Counsel on a case by case basis.

RECORD SOURCE CATEGORIES:

Obtained from personnel records retained in D210/D220.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KDEC.08

SYSTEM NAME:

101-06 Request and Authorization for Temporary Duty Travel

SYSTEM LOCATION:

Administrative Division, Code D210, Defense Commercial Communications Office (DECCO), Scott Air Force Base, Illinois.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian members who travel in performance of conducting DECCO business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Provides traveler's name, social security number, purpose, travel schedule, job title, days involved, cost, and fund citation to cover cost of travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133(b)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Copies are provided to the Accounting and Finance Officer, DECCO, Code D532, to substantiate payment of travel voucher on return to duty.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in a locked safe.

RETRIEVABILITY:

Records are retrieved by name of traveller.

SAFEGUARDS:

Records are stored in a locked file cabinet and records are accessible to Administrative Division personnel only.

RETENTION AND DISPOSAL:

Records are retained two years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, DECCO, Code D210, Scott Air Force Base, Illinois.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, DECCO, Code D210, Scott Air Force Base, Illinois. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Administrative Division, DECCO, Code D210, Scott Air Force Base, Illinois, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

DECCO's rules for access to records will be referred to the Legal Counsel on a case by case basis.

RECORD SOURCE CATEGORIES:

Provided by traveler.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KEUR.02

SYSTEM NAME:

DCA Form 605, Personnel Data Sheet.

SYSTEM LOCATION:

Management Support Division, Defense Communications Agency Europe (DCA-EUR), APO New York 09131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel assigned to DCA Europe.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of information on each individual including name, grade, SSAN, date and place of birth, permanent home address, marital and dependent status, passport number, rotation date, forwarding address, date of rank, PAFSC/MOS/NEC, date reported, SAFC/MOS/NEC, civilian and military education, BASD/TAFMSD, residence and duty phone numbers, and emergency addressee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.code 133(b)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintained for use by the Management Support Division as a reference file and routine or emergency locator file.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in file folders

RETRIEVABILITY:

Records filed alphabetically by last name of individuals.

SAFEGUARDS:

Records maintained in a locked container accessible to authorized personnel only. Military police are posted at entrance of the building.

RETENTION AND DISPOSAL:

Record maintained for one year after departure of individual then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Management Support Division, DCA Europe, APO New York 09131

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Management Support Division, DCA-Europe, APO New York 09131. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Management Support Division, DCA-Europe, APO New York 09131, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

All information is provided by the individual upon initial assignment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KEUR.03

SYSTEM NAME:

Incident Report File

SYSTEM LOCATION:

Management Support Division, Defense Communications Agency Europe (DCA-EUR), APO New York 09131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any personel(military or civilian) assigned to DCA Europe involved in a traffic, financial, criminal or other incident which is reported to the Commander DCA Europe for information or necessary action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of Reports of Investigation, Military Police Incident Reports, Traffic tickets,Letters of Notification of Dishonored checks, and correspondence or documents concerning other matters brought to the attention of the Commander DCA Europe relating to personnel assigned to this Command.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133(b)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintained as a reference file for use by the Commander DCA Europe to document required actions taken in response to reports and notification of incidents involving assigned personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Information is retrieved by name of the individual.

SAFEGUARDS:

Records are maintained in a locked security file container and may be accessed only by the Commander, Deputy Commander, Chief, Management Support Division, or other persons specifically designated by the Commander.

RETENTION AND DISPOSAL:

Records are maintained in an active file during the period of the individual's assignment to DCA Europe and destroyed on his or her departure.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, DCA Europe, APO New York 09131

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Management Support Division, DCA-Europe, APO New York 09131. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Management Support Division, DCA-Europe, APO New York 09131, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is obtained from reports, documents, and correspondence received from Civilian and Military Police Service Investigative Agencies, Military Exchange and Commissary systems, or any other agency or

individual that reports information of an incident nature to the Commander DCA Europe.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KEUR.04

SYSTEM NAME:

Security Clearance File

SYSTEM LOCATION:

Management Support Division, Defense Communications Agency Europe (DCA-EUR), APO New York 09131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel assigned to DCA Europe

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains roster by name and social security number which reflects the US and NATO security clearances held by DCA Europe personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained as a centralized reference document for verification of security clearances held by DCA Europe personnel.

Clearances are certified to other US government agencies as required

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Roster is stored in a locked file container.

RETRIEVABILITY:

Information is retrieved by name.

SAFEGUARDS:

Roster is maintained in a locked file container with access limited to authorized personnel only.

RETENTION AND DISPOSAL:

Records are maintained during the period of current employment with DCA EUR & noncurrent information is deleted from the file at the time of departure of individual.

SYSTEM MANAGER(S) AND ADDRESS:

Management Support Division, Code E200, DCA Europe, APO New York 09131

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Management Support Division, DCA-Europe, APO New York 09131. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Management Support Division, DCA-Europe, APO New York 09131, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records & for contesting contents & appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information maintained on the roster is obtained from the original clearance certification by HQ DCA and documents signed by the individual which acknowledge receipt of additional access.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KEUR.05

SYSTEM NAME:

Classified Container Information Forms

SYSTEM LOCATION:

Office of Security Officer, Headquarters, Defense Communications Agency Europe (DCA-EUR), APO New York 09131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been designated for access to the containers and who may be contacted for access in case of emergency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Retained copies of DA Forms 727, which contain name, home address, and phone number of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to maintain current designation of persons who may be contacted for access to the container.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms maintained in locked file cabinet.

RETRIEVABILITY:

Information is retrieved by name of individual.

SAFEGUARDS:

Containers are located in locked or controlled access areas. Military police are posted at entrance of the building.

RETENTION AND DISPOSAL:

Forms are renewed every six months or when any individual having access to the container departs, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, DCA Europe, APO NY 09131

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Management Support Division, DCA-Europe, APO New York 09131. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Management Support Division, DCA-Europe, APO New York 09131, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing intial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individuals designated by Division Supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KEUR.07

SYSTEM NAME:

Postal Directory File

SYSTEM LOCATION:

Management Support Division, Defense Communications Agency Europe (DCA-EUR), APO New York 09131, and Field Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals currently assigned to DCA Europe and those who departed within preceeding 12 months.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of change of address recorded on DA Form 3955 (change of address and directory record).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

U.S.A. Postal Manual, Chapter 1, Part 158.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Card files are maintained by the Commander APO 09131 Post Office, and the APO Mail Distribution Center for the Stuttgart, Germany area located at Wallace Barracks. Files are also maintained at Postal Facilities servingg the Field Offices: Worms - APO 09056, UK - APO 09378, Naples - FPO 09524, Athens - APO 09223.

Information is used by SYSMANAGER to direct mail delivery to the proper address.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in card file boxes in the mail room.

RETRIEVABILITY:

Information is retrieved by name of individual and organizational assignment.

SAFEGUARDS:

Records are maintained in rooms approved for the storage of US mail and are accessible only to authorized personnel. Military police are posted at the entrance of the building.

RETENTION AND DISPOSAL:

Records are maintained in an active file during period of current assignment to DCA Europe and for one year after departure, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Management Support Division, DCA Europe, APO New York 09131

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to SYSMANAGER.

RECORD ACCESS PROCEDURES:

Contact the Chief, Management Support Division, DCA-Europe, APO New York 09131, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is provided by individuals upon initial assignment to DCA Europe.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KEUR.08

SYSTEM NAME:

Travel Order and Voucher File

SYSTEM LOCATION:

Management Support Division, Defense Communications Agency Europe (DCA-EUR), APO New York 09131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel who perform official travel under orders issued by DCA Europe

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system consist of travel orders, transportation requests, commercial carrier transportation tickets, travel advance vouchers, records of travel claims and payments. Data in the system includes the individual's name, SSAN, home phone and address, and other pertinent travel information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133(b)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records maintained by SYSMANAGER for budget and accounting purposes to verify amounts actually spent for travel, and for control of an accountability for travel orders issued by DCA Europe.

Used by prosecution authorities in case of fraud.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in file folders.

RETRIEVABILITY:

Records filed sequentially by travel order number.

SAFEGUARDS:

Records maintained in locked file containers accessible only to authorized personnel. Military police are posted at building entrance during duty hours.

RETENTION AND DISPOSAL:

Records are maintained for two calender years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Management Support Division, DCA-Europe, APO New York 09131

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Management Support Division, Defense Communications Agency Europe, APO New York, 09131. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Management Support Division, DCA-Europe, APO New York 09131, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing determinations by the individual may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personal information is obtained from individual travelers and entered on the travel order form.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KEUR.09

SYSTEM NAME:

NONCOMBATANT Information Card, AEZ Form 6-106.

SYSTEM LOCATION:

Management Support Division, Defense Communications Agency, European Area, (DCA-EUR), APO New York 09131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) All legal dependents of United States Forces personnel

(2) United States civilian employees of DoD Agencies and their dependents

(3) Department of Defense or a military service department sponsored United States technical representatives

(4) Bonafide members of households of United States Forces personnel and of persons in (2) and (3) above

(5) United States personnel who are special invitees possessing current Department of Defense or a military service department invitational travel orders.

(6) Dependents of United States personnel assigned to United States elements of any North Atlantic Treaty Organization military headquarters or agency when common facilities are used and that the Secretary of Defense has authorized to receive United States support

(7) Other United States nongovernmental, nonmilitary individuals and agencies in oversea military commands for whom military logistical support is authorized in joint military regulations (e.g., USO, American Red Cross).

CATEGORIES OF RECORDS IN THE SYSTEM:

AEZ Form 6-106, Noncombatant Information Card. It contains information on the following:

Sponsor. Name, grade, date arrived in theater, data of return from overseas; SSAN; organization and duty section; occupation specialty; branch of service or agency; military post or base name and city location; building number; room number; duty phone; ZIP Code; and APO or FPO.

Noncombatant. Local residence street number and name and city; area; building number; apartment number; home phone; ZIP Code; date assigned; Continental United States residence street number and name or Post Office Box number; city; state or terriroty; and ZIP Code.

Vehicle. vehicle number(s) and make(s); year(s); and capacity.

Names of all noncombatants. for each: passport number; SSAN; relationship; month and year of birth; whether or not has an identification tag; immunization record; and if or if not a driver of vehicle.

Briefings. Briefing by supervisor to sponsor; warden to noncombatant; route reconnaissance; and noncombatant Evacuation Operations rehersal. For each of the above items, dates information given; by whom given; frequency of review items; date and signature of sponsor and supervisor for each of the items to authenticate that all above items reviewed as required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Chief, Management Support Division, to determine preparedness of noncombatants for evacuation, if required.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is recorded on 8 x 10 1/2 cardboard cards and filed in notebook binder.

RETRIEVABILITY:

Information is retrieved manually by name.

SAFEGUARDS:

Records are filed in file cabinet and maintained in a restricted area which is accessible only to authorized personnel who are required to be in the area where records are kept.

RETENTION AND DISPOSAL:

Records are not permanent. Records are updated as changes occur and destroyed on departure of the sponsor from DCA-Europe.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Support Division, DCA-Europe, APO New York 09131.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Chief, Management Support Division, DCA European Area, APO New York 09131. The full name of the requesting individual will be required to determine if the system contains a record of the requester. As proof of identity, the requester, if assigned to DCA European Area, must present a current DCA identification badge or current motor vehicle operator's license. If not assigned to the DCA European Area but still in the military service the requester must provide a current motor vehicle driver's license or Social Security Account Number. If no longer affiliated with the Department of Defense must provide Social Security Account Number.

RECORD ACCESS PROCEDURES:

Contact the Chief, Management Support Division, DCA European Area, APO New York 09131, for assistance.

CONTESTING RECORD PROCEDURES:

The DCA rules for access to records for contesting contents and appealing initial determination by the individual concerned are contained in DCAI 210-225-2 or in 32 CFRPart 287a.

RECORD SOURCE CATEGORIES:

Information is furnished by the individual concerned; or from official records provided by personnel offices of the 1141st US Air Force Special Activities Squadron; Headquarters, European Command, Army, Navy, Air Force and Marine Corps Elements; Stuttgart Area Civilian Personnel Office; and the US Finance and Accounting Office, Europe.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

KEUR.10

SYSTEM NAME:

Personnel File.

SYSTEM LOCATION:

Management Support Division, Defense Communications Agency, (DCA) European Area, APO New York 09131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel assigned to Headquarters, DCA European Area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of security clearance data (Air Force Form 47: Certificate of Eligibility and Record of Personnel Security Clearance, and DCA Form 548: Status of Clearance); record of requests for changes to assignment; job title and position (Air Force Form 2095: Assignment/Personnel Action, and Standard Form 52: Request for personnel action); leave data; special orders published by the DCA European Area pertaining to additional duties; and sponsorship information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S.C. 136(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Chief, Management Support Division, to verify security clearance status, initiate personnel actions such as effectiveness reports, changes in position, title or assignment; record of additional duties, and related routine personnel and administrative matters.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records filed in folder.

RETRIEVABILITY:

Information is retrieved by name.

SAFEGUARDS:

Records are maintained in a safe accessible only to personnel authorized in the performance of their official duties.

RETENTION AND DISPOSAL:

Records are maintained one year after departure of the individual from the DCA-European Area and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Support Division, DCA European Area, APO New York 09131.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Chief, Management Support Division, DCA European Area, APO New York 09131. The full name of the requesting individual will be required to determine if the system contains a record of the requester. As proof of identity, the requester, if assigned to DCA European Area, must present a current DCA identification badge or current motor vehicle driver's license or Social Security Account Number. If no longer affiliated with the Department of Defense must provide Social Security Account Number.

RECORD ACCESS PROCEDURES:

Contact the Chief, Management Support Division, DCA European Area, APO New York 09131, for assistance.

CONTESTING RECORD PROCEDURES:

The Defense Communications Agency rules for access to records for contesting contents and appealing initial determination by the individual concerned are contained in DCAI 210-225-2 or in 32 C.F.R. Part 287a.

RECORD SOURCE CATEGORIES:

Information is furnished by the individual concerned; or from official records provided by personnel offices of the 1141st US Air Force Special Activities Squadron; Headquarters, European Command, Army, Navy, Air Force and Marine Corps Elements; Stuttgart Area Civilian Personnel Office; and the US Finance and Accounting Office, Europe.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

KMIN.01

SYSTEM NAME:

Minority Identification File List

SYSTEM LOCATION:

Office of the Director of Equal Employment Opportunity, Headquarters, Defense Communications Agency (DCA), Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each civilian employee of DCA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name; social security number; grade and step; salary, job title; race or national origin; sex; DCA office code; and occupation code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual Chapter 713, Section 3-4(c) 'Use of Statistical Data; Agency Self-Evaluation.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used exclusively by the Director of Equal Employment Opportunity in studies and analyses that contribute affirmatively to achieving the objectives of the Equal Employment Opportunity Program. That is, the list is used to identify whether or not any bias patterns may exist in hiring, advancement, and training opportunities and also to provide information to the Civil Service Commission in affirmative action plans.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The record is stored in a locked file cabinet.

RETRIEVABILITY:

Retrieved by the grade, job title, race or sex of employees, and SSAN.

SAFEGUARDS:

Building employs security guards. List locked in file cabinet. Only the Director of Equal Employment Opportunity has access.

RETENTION AND DISPOSAL:

The record is destroyed annually.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Equal Employment Opportunity, Headquarters, DCA (ATTN: Code 107), Washington, D.C. 20305.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Director of Equal Employment Opportunity, Headquarters, DCA, Code 107. The individual's full name and organization will be required to determine if the system contains a record about him or her. The requester may visit the Office of Equal Employment Opportunity, Headquarters, DCA, Code 107, to obtain information on whether the system contains records pertaining to him or her. Proof of identity will be by presentation of current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Director of Equal Employment Opportunity, Headquarters, DCA, Code 107, for assistance in this regard. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personnel Processing Clerks and personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KNCS.01

SYSTEM NAME:

National Communications Systems Continuity of Operations Plan (NCS COOP).

SYSTEM LOCATION:

Office of the Manager National Communications Systems, 8th and South Court House Road, Arlington, Virginia 22204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the National Communications Systems Staff.

Selected individuals of the National Communications Systems/ Defense Communications Agency Operations Center (NCS DCAOC).

Selected telecommunications officials of the major and minor NCS Operating Agencies and selected personnel of Federal agencies in the Washington Metropolitan Area.

Selected key personnel of the commercial communications carriers, for example, American Telephone & Telegraph (AT&T) Company, Chesapeake & Potomac (C&P) Telephone Company, Western Union Telegraph Company, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a plan which provides the guidance and procedures for insuring the continuity of operations of the Office of the Manager, NCS, and the NCS/DCAOC in the event of enemy attack, periods of international crisis, tension, or national catastrophe. It provides a roster giving the office and residence phone numbers of personnel to contact as as emergency situation develops.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Presidential Memorandum, Subject: Establishment of the National Communications System, 21 August 1963.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of the Manager, NCS - To apprise individuals on the staff of their responsibilities and emergency relocation assignments in conditions of emergency.

Selected telecommunications officials of the NCS - Certain designated personnel of Office of Telecommunications Policy (OTP), Executive Office of the President, the Executive Agent of the NCS (who is the Secretary of Defense), the Department of State, Department of Defense, Federal Aviation Administration, General Services Administration, National Aeronautics and Space Administration, and the Central Intelligence Agency use this plan as their guidance for procedures to follow under conditions of emergency. Provides them the focal point for contacts and coordination on short notice.

Certain telecommunications officials of the Office of Telecommunications Policy, Executive Office of the President, the Executive Agent of the NCS (who is the Secretary of Defense), the Department of State, the Department of Defense, Federal Aviation Administration, General Services Administration, Central Intelligence Agency, Energy Research and Development Administration, the Department of Commerce and Department of the Interior. - To be informed of their responsibilities in the face of worsening emergency conditions and to know where to report.

Selected personnel of the following commercial carriers: AT&T Company, offices in New York and and Washington, D.C., C&P Telephone Company Headquarters, General Telephone and Electronics, International Telephone & Telegraph (IT&T) Corporation, offices in New York and Washington, D.C., Radio Corporation of America Company, offices in New York, San Francisco, California and Washington, D.C., Western Union International and Western Union. - To be knowledgeable of current telecommunications problems so that certain priorities for support and services can be coordinated with designated Federal officials.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

This is a classified plan filed in standard secure safes.

RETRIEVABILITY:

Filed by category of plan.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

This is a permanent plan. It will be an active file indefinitly and will be updated periodically by the Manager, NCS.

SYSTEM MANAGER(S) AND ADDRESS:

The Manager, National Communications System, Washington, D.C. 20305.

NOTIFICATION PROCEDURE:

Information may be obtained from the Office of NCS Plans and Operations, 8th and South Court House Road, Arlington, Virginia 22204.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Manager, National Communications System, Washington, D.C. 20305.

Written requests should contain the full name of the individual, current address and telphone number.

For personal visits, the individual should be able to provide some acceptable identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Informal coordination with representatives of the agencies concerned. Informal telephonic coordination with personnel of the common carriers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KNCS.02

SYSTEM NAME:

National Communications System (NCS) Plan for Emergencies and Major Disasters.

SYSTEM LOCATION:

Office of the Manager, National Communications System, 8th and South Court House Road, Arlington, Virginia 22204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal Disaster Assisstance Administration (FDAA) Regional Directors.

General Services Administration (GSA) Regional Emergency Communications Coordinators.

Selected members of the National Communications Sysytem Staff.

Defense Civil Preparedness Agency (DCPA) Regional Directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a plan which prescribes procedures for providing communication support in Presidentially declared emergency and major disaster operations. It provides the names, office and residence phone numbers of the key Federal personnel nationwide to contact and coordinate communications support in emergencies and major disasters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Presidential Memorandum, Subject: Establishment of the National Communications System, 21 August 1963.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of the Manager, NCS - To ensure that Federal agencies and certain telecommunications officials understand what their responsibilities and functions are in pre-disaster planning.

Regional representatives of FDAA, GSA, and DCPA - To know under which conditions of emergency they are to function and what roles they perform under each phase.

personnel assigned to States' Emergency Operations Center To know where the focal points are to contact for assistance.

Quasi-government agencies - (i.e., American National Red Cross) - To know where the focal points are to contact for assistance.

Major US telephone companies - To be informed on the plan and which regional representative will be contacting the telephone companies for assistance in conditions of disaster.

All Federal departments and agencies of the US Government in the Washington Metropolitan area - To be knowledgeable of the provisions made in the plan to assist their agencies located outside the Washington Metropolitan area.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The plan is filed in the office bookcases.

RETRIEVABILITY:

Filed by category of plan.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accesible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

This is a permanent plan. It will be an active file indefinitely and will be updated periodically by the Manager, NCS.

SYSTEM MANAGER(S) AND ADDRESS:

The Manager, National Communications System, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Information may be obtained from the Office of NCS Plans and Operations, 8th and South Court House Road, Arlington, Virginia 22204.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Manager, National Communications Systems, Washington, D.C. 20305.

Written requests should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Names of regional representatives, state officials, and Federal agency representatives secured through an Interagency Task Group established for the purpose of publishing the plan with this information. Information on major US telephone companies secured from an American Telephone & Telegraph Company Washington office representative.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KNCS.03

SYSTEM NAME:

National Communications System Emergency Action Group (NEAG)

SYSTEM LOCATION:

Office of the Manager, National Communications System (NCS), 8th and South Court House Road, Arlington, Virginia 22204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected communications officials of the major operating agencies of the National Communications System who are designed by name as members of an interagency telecommunications group (NEAG) which is convened under national communications emergencies.

Selected personnel on the National Communications System Staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains the objectives, membership and activation procedures for the National Communications System Emergency Action Group (NEAG) which is an on-call interagency telecommunications group whose purpose is to assist the Manager, NCS, in dealing with national communications emergencies. This NCS Instruction 45-1 lists the members of the group by name and gives the office and residence phone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Presidential Memorandum, Subject: Establishment of the National Communications System, 21 August 1963.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of the Manager, NCS, - To inform the NCS staff of its responsibilities under conditions of a worsening emergency and who to contact in the Federal agencies to keep them apprised.

Selected telecommunications officials of the Major Operating Agencies of the NCS which are: Department of State, Department of Defense, Federal Aviation Administration, General Services Administration, National Aeronautics and Space Administration, and the Central Intelligence Agency -- To be informed on the conditions of emergency under which the NEAG convenes and the total membership thereof for purposes of immediate coordination.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

This is a classified directive which is filed in standard secure safes.

RETRIEVABILITY:

Filed by category of plan.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

This is a permanent directive. It will be an active file indefinitely and will be up-dated periodically by the Manager, NCS.

SYSTEM MANAGER(S) AND ADDRESS:

The Manager, National Communications System, Washington, D.C. 20305.

NOTIFICATION PROCEDURE:

Information may be obtained from the Office of NCS Plans and Operations, 8th and South Court House Road, Arlington, Virginia 22204.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Manager, National Communications System, Washington, D.C. 20305.

Written requests should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Informal coordination with representatives of the NCS member agencies concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KPAC.01

SYSTEM NAME:

Classified Container Information Form DA 727

SYSTEM LOCATION:

Headquarters, Defense Communications Agency Pacific (DCA-PAC), APO San Francisco 96515

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any DCA-PAC employee who is responsible for the combination of a vault or container used for the storage of classified material.

CATEGORIES OF RECORDS IN THE SYSTEM:

DA Form 727 which contains name, address, and phone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to obtain the names of persons who have direct knowledge of the combination of a safe or vault.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in safe.

RETRIEVABILITY:

Filed numerically by divisions.

SAFEGUARDS:

Records are maintained in a locked vault.

RETENTION AND DISPOSAL:

Destroyed when obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Defense Communications Agency Pacific, APO San Francisco, California 96515.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Security Officer, Defense Communications Agency Pacific, APO San Francisco, California, 96515. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the Security Officer, DCA-PAC, APO San Francisco 96515, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Security Officer, DCA-PAC, APO San Francisco, California 96515. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency'S systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Security Officer, DCA-PAC, APO San Francisco, California 96515.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KPAC.02

SYSTEM NAME:

Authorization to sign for classified material lists.

SYSTEM LOCATION:

Primary Systems Management, Defense Communications Agency Pacific, (DCA-PAC), ATTN: P200, APO San Francisco, California 96515.

Decentralized Segments - Individual divisions of DCA-PAC

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of DCA-PAC authorized to receipt for, have custody of or access to classified material by level and type of classifiaction.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include lists of individuals authorized to receipt for or have access to classified material, appointing letters as primary and alternate custodians, control officers, etc., and other miscellaneous documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these files is used to determine who has authority to receipt for and maintain custody of classified material.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are paper records stored in file folders

RETRIEVABILITY:

Records are filed by the type of material the individual is authorized access.

SAFEGUARDS:

Records are stored in locked vault or with cópies maintained in locked file cabinets in the office of the division to which the file is applicable.

RETENTION AND DISPOSAL:

Records are maintained during the period the employee is authorized access to the particular material, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Defense Communications Agency Pacific, APO San Francisco, California 96515.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Security Officer, DCA-PAC, APO San Francisco, California 96515. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the

Security Officer, DCA-PAC, APO San Francisco, California, 96515, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification Badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Security Officer, DCA-PAC, APO San Francisco, California, 96515. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The DCA rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information obtained from the Army, Navy, Air Force, Civil Service Commission filess or security files of DCA Headquarters.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KPAC.03

SYSTEM NAME:

420-20 permanent change of station and temporary duty travel order file.

SYSTEM LOCATION:

Primary System, Management Support Division, Headquarters, Defense Communications Agency Pacific (DCA-PAC), APO San Francisco 96515

Decentralized segments: NCS PEARL Harbor, FPO San Francisco, California 96610; CCPD WBO, NAS Barbers Point, FPO San Francisco, California 96611, and appropriate offices of the Army, Navy, and Air Force.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those DCA-PAC personnel who are required to perform temporary travel and individuals who are transferred from this headquarters on permanent change of station orders issued by competent authority.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records would include copies of original travel order, travel claims and substantiating documents, i.e., receipts for car rental, air line tickets, travel requests, laundry services, lodging, records of advance travel payments and other miscellaneous vouchers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133 (b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Copies of temporary duty and permanent change of station orders issued by Headquarters, DCA-PAC are used by Chief, Management Support Division to obligate funds for payment of claims, obtain transportation requests and to account for the movement of assigned personnel. Permanent change of station orders are filed in order to forward mail.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name, social security number and/or order number.

SAFEGUARDS:

Records are stored in file cabinets in offices locked during non-duty hours.

RETENTION AND DISPOSAL:

Permanent change of station and temporary duty orders issued by Headquarters, DCA-PAC are temporary. They are retained in the active files for one year, held for three additional years, then destroyed. Permanent change of station orders issued by other commands/agencies are maintained for one year and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Support Division, P200, Headquarters, DCA-PAC

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Management Support Division, P200, Headquarters, DCA-PAC. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Management Support Division, P200, Headquarters, DCA-PAC, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Management Support Division, P200, Headquarters, DCA-PAC. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information supplied by Headquarters, DCA-PAC, Army, Navy or Air Force as appropriate plus individual travel claims filed in conjunction with a particular permanent change of station and temporaty duty movement.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KPAC.04

SYSTEM NAME:

Time and attendance cards and labor distribution cards

SYSTEM LOCATION:

Primary Systems Management, Naval Communications Station (NCS), Pearl Harbor, FPO San Francisco 96610

Decentralized segments - Individual Division of Defense Communications Agency Pacific (DCA-PAC).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees assigned to Headquarters, DCA-PAC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms included in this file are: NAVCOMPT FM 911A (REV 7-55) and Labor Distribution Card. 14ND NSC 5230/28 (9-69).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual Supplement 293-11, Subchapter 57-2

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these files is used to compute payrolls, compute the amount of annual/sick leave accumulated and used as set forth in Civil Service Regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper cards maintained in file folders.

RETRIEVABILITY:

Files individually identified by name and social security number.

SAFEGUARDS:

Records are stored in locked file cabinets located in offices locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are maintained during the period the employee is attached to DCA-PAC, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Support Division, Headquarters, DCA-PAC, APO San Francisco, California 96515.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Management Support Division, Headquarters, DCA-PAC. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Management Support Division, Headquarters, DCA-PAC, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Management Support Division, Headquarters, DCA-PAC. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Records prepared from individual's attendance (duty) compiled by Headquarters, DCA-PAC in accordance with Civil Service Commission Regulations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KPAC.05

SYSTEM NAME:

403-03 Injury Records

SYSTEM LOCATION:

Management Support Division, Headquarters, Defense Communications Agency Pacific (DCA-PAC), APO San Francisco, California 96515

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those DCA-PAC employees, both military and civilian, who sustain an injury in the performance of their duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records would include copies of investigative reports compiled by police, either military or civilian, statements from witnesses, medical records, insurance claims, and other miscellaneous documents relating to specific accident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133 (b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain records on industrial safety and make periodic reports to higher headquarters.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Retrieved by name and social security number.

SAFEGUARDS:

Records are stored in locked file cabinets.

RETENTION AND DISPOSAL:

Records are temporary. They are retained in active files for one year, held one additional year and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Support Division, Defense Communications Agency Pacific, APO San Francisco, California 96515.

NOTIFICATION PROCEDURE:

Request from individuals should be addressed to Chief, Management Support Division, DCA-PAC, APO San Francisco, California, 96515. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Management Support Division, DCA-PAC, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Management Support Division, DCA-PAC, APO San Francisco 96515. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information supplied by the individual, witnesses, investigative and medical agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KSPT.01

SYSTEM NAME:

Military Personnel Management/ Assignment Files

SYSTEM LOCATION:

Military Personnel and Training Branch, B120, National Military Command System Support Center (NMCSSC)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on military personnel of the Army, Air Force, Navy and Marine Corps currently assigned to the Defense Communications Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain qualification records, duty status, special orders, assignment actions, personnel action requests, and suspense items for individuals to update Military Personnel Record maintained by the Military Department's Personnel Office. The category of data maintaned is: personal identification, assignment history and eligibility, medical profile status and military and civilian education history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 3012, 6011, 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

NMCSSC uses this information to manage the military personnel assigned. The majority of the information is furnished by the Military Departments. This information is used: to determine acceptance/non-acceptance for

assignment to the NMCSSC, to determine qualifications for requirements peculiar to the NMCSSC, performance evaluations, position manning reports, strength accountability, data upon which to base individual requests for personnel actions, and biographical and statistical reports to top NMCSSC management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders and locked in filing cabinets.

RETRIEVABILITY:

Information is accessed and retrieved by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel that are properly screened, cleared, and their duties require them to be in the area where the records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are destroyed upon reassignment from this Agency.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Executive Support Office, Code B120, NMCSSC.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Commander, NMCSSC, B121B. The full name, rank, and social security number of the requesting individual will be required to determine if the system has a record about the individual. The requestor may visit the Military Personnel and Training Branch, B120, NMCSSC, to obtain information on whether the system contains records pertaining to the individual. As proof of identity the requestor will present his U.S. Armed Forces Identification Card.

RECORD ACCESS PROCEDURES:

Contact the Commander, NMCSSC. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's Systems Notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The NMCSSC's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Basic sources of data are the Military Departments: Army, Air Force and Navy. Qualification records furnished when the individual is nominated for assignment to the NMCSSC. The types of forms that are used as source data are: Army DA Form 2475-2 (Personnel Data-SIDPERS), DA Form 31 (Request and Authority for Leave), DA Form 2/2-1 (Qualification Record), PERSINCOM Form 260 fficers Record Brief), Special Orders; Air Force AF Form 47 (Personnel Security Certificate), AF Form 298-1 (Career Brief Officer), AF Form 1074 (Career Brief Enlisted), AF Form 173 (Career Counseling Record), AF Form 899 (Reassignment Orders), AF Form 152/988 (Leave Forms), AF Forms 2095/2096/2097/2098 (Personnel Actions Forms); Navy Career Brief Officers, NAVPERS 1070/602 (Dependency Application/ Record of Emergency Data), Orders, OPNAV Form 5521-429 (Certificate of Clearance); Marine Corps, Career Brief All services file letters, messages and general correspondence, DA Form 2496 (Disposition Form), relative to the individuals assigned to the NMCSSC

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KWHC.01

SYSTEM NAME:

Agency Training File System

SYSTEM LOCATION:

Primary System-Adjutant, Defense Communications Administrative Unit Address listed DoD Directory.

Decentralized Segements-Defense Communications Operations Unit, White House Communications Defense Communications Support Unit. Address listed in DoD Directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military employee undergoing formal, informal, on the job, or MOS training.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual training cards and information on training progress and testing during the course of instruction and application.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. Code Chapter 41.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide agency and individual training for job efficiency and advancement. Used to increase efficeincy and individual production. Qualify individuals in all occupations and details within agency. Meet service requirements for annual occupation testing. Instill confidence and motivation for self-improvement and enhance promotion potential. Establish clear path for increase in qualification throughout career development.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file during active career, retired to service transfer point on release from active duty.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit (DCAU),Building 94, Anacostia Naval Station, Washington, D.C. 20374.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Adjutant, DCAU, Anacostia Naval Station. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Adjutant, DCAU, Bldg 94, Anacostia Naval Station, Washington, D.C. 20374

Written requests for information should contain the full name of the individual, current address and telephone number and category information requested.

For personal visits, the individual should be able to provide some acceptable identification, that is driver's license, employee identification or military identification card.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Application and related forms from individual, performance tests, recommendations, service departments, written tests, previous commands and records custodians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KWHC.02

SYSTEM NAME:

Military Personnel Files System

SYSTEM LOCATION:

Primary System - Adjutant, Defense Communications Administrative Unit. Address listed DoD Directory.

Decentralized Segments - Defense Communications Operations Unit, White House Communications; Defense Communications Support Unit. Address listed in DoD Directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned or attached military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual's enlistment contract, MOS evaluation data, Serviceman Life Insurance Elections, Emergency Data, Record of Induction, Qualification Record, Oath of Office, Recommendation for Promotion, Medical Examination, Retirement Application, Correction of Records, Report of Transfer or Discharge, Review for Correction of Discharge, Language Proficiency, Police Records Check, Statement of Personal History, Application for ID Cards, Recommendations for Awards, Awards, Certificate of Security Clearance, Cryptographic Training and Experience Record, Defense National Agency Check Request, Oath of Enlistment, Certificate of Achievement, Reports of Change to Qualification Record, In/Out Processing Check Sheet, Installation Clearance Record, Hold Letters, Personnel Data Card, Assignment, Waiver of Enlistment, Enlisted Evaluation Report, Change in Reporting Official, Career Counseling Record, Training Upgrade, Passport Application, Letters of Recommendation and Appreciation, Commendation, Special Orders, TDY Orders, Personnel Action requests, Certificates of Appreciation and Commendation, Extension Certificates, Officer Evaluation Reports, Application for Appointment, Application for Active Duty, Application for Social Security Number, Suspension of Favorable Personnel Action, Sign In/Out Register, Morning Reports, Leave Request, Suspense File, Duty Roster.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 3012, 6011, 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide management and control of military personnel and monitor and assist in personnel actions affecting their entire career. Used to classify and reclassify personnel and monitor testing, assign and reassign personnel, process and assign overseas and Continental United States (CONUS), provide port call instructions, provide rosters, promotion and reduction, training schooling, special assignments, details, disciplinary action rotation, fix personnel authorization, determine authorizations, submit personnel requisitions, monitor utilization, identify personnel for elimination, proficiency testing, report promotion eligibles, process retirement, enlistments, branch transfers, extensions, curtailments, Awards, foreign service decorations, special correspondence, security clearance, photographs, appointment, emergency leave, report casualities, dependent travel, marriage, adoption, readiness files, travel clearance, passports, visa, service benifits, life insurance, voting, control of identification cards and tags, maintain historical record of service, strength, prepare rosters and reports for personnel information systems, process incoming and out going personnel, prepare personnel data cards, obtain security clearance. Transfer information to Department of the Army, Air Force, and Navy, Washington, D.C. 20310.

Disclosure to investigate Authorities on possible prosecution Action. Department of Service, Staff Agencies and commands, to coordinate and control and accomplish assigned mission of military personnel. Develop requirements and training of military personnel world-wide.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file during active career, retired to service transfer point on release from active duty.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit (DCAU), Building 94, Anacostia Naval Station, Washington, D.C. 20374.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Adjutant, DCAU, Anacostia Naval Station. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current Defense Communications Agency identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Adjutant, DCAU, Bldg 94, Anacostia Naval Station, Washington, D.C. 20374.

Written Request for information should contain the full name of the individual, current address and telephone number and category information requested.

For personal visits, the individual should be able to provide some acceptable identification, that is drivers license, employee identification or military identification card.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Application and related forms from the individuals, service departments, Defense investigative service, previous commands, Federal and State Agencies and records custodians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KWHC.03

SYSTEM NAME:

Personnel Locator File System

SYSTEM LOCATION:

Primary System-Adjutant, Defense Communications Administrative Unit. Address listed DoD Directory.

Decentralized Segements-Defense Communications Operations Unit, White House Communications, Defense Communications Support Unit. Address listed in DoD Directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned, attached or controlled personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual information categories of states, occupation, MOS, marital status, dependents, active service dates, separation, rank, home, telephone, duty title, station, home of record, unit, emergency contact and location, and rotation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provides individual and supervisors a purely internal management tool designed to be used when individuals do not have immediate access to military personnel files. Used for Emergency location and notification of personnel under unusual circumstances. Used in normal notification and forwarding of information, messages and mail. Used in event of loss of individual military records and in preparation of recommendations for promotion, awards, reduction, discipline and personnel actions. Used on leave approval, travel, enlistments, training and security clearances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained during individual assignment and destroyed upon transfer.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit (DCAU), Building 94, Anacostia Naval Station, Washington, D.C. 20374.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Adjutant, DCAU, Anacostia Naval Station. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Adjutant, DCAU, Building 94, Anacostia Naval Station, Washington, D.C. 20374.

Written requests for information should contain the full name of the individual, current address and telephone number and category information requested.

For personal visits, the individual should be able to provide some identification or military identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Military Personnel Files and individual submission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KWHC.04

SYSTEM NAME:

Military Financial File System.

SYSTEM LOCATION:

Primary System - Adjutant, Defense Communications Administrative Unit. Address listed DoD Directory.

Decentralized Segements - Defense Communications Operations Unit, White House Communications, Defense Communications Support Unit. Address listed in DoD Directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned or attached military personnel

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's military pay records, substantiating documents, such as certificates for deduction's and retained pay orders, records of travel and dislocation pay, record data folder, miscellaneous vouchers, leave records, witholding exemption certificate, civilian clothing voucher and various collection vouchers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain historical record of all pay. Administer military pay and allowance in a accurate and legal manner. Provide maximum benefits, provide input data, substantiate pay, process morning reports, provide pay allowances, provide income tax information, referrals to Department of Justice and DoD, prompt processing miscellaneous pay, post travel cards, audit leave record, process adjustments, notice of exemptions and levy, provide copys to individual, verify VA benefits, audits, re-emburse travel, maintain accuracy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file during active career, retired to service transfer point on release from active duty.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit (DCAU), Building 94, Anacostia Naval Station, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Adjutant, DCAU, Anacostia Naval Station. The full name of the requesting individual will be

required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Adjutant, DCAU, Bldg 94, Anacostia Naval Station, Washington, D.C. 20374.

Written requests for information should contain the full name of the individual, current address and telephone number and category information requested.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employee identification or military identification card.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determiations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual requesting pay action, service departments and command document, state and federal agencies and records custodians, birth certificates, marriage licenses, previous employees, and financial institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KWHC.05

SYSTEM NAME:

Personnel Information System

SYSTEM LOCATION:

Primary System - Adjutant, Defense Communications Administrative Unit. Address listed DoD Directory.

Decentralized Segements-Defense Communications Operations Unit, White House Communications, Defense Communications Support Unit. Address listed in DoD Directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned or attached personnel

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual information categories of procurement, positions, duty, hold, location, address, suspense actions, passports, separation, birthdays, service badges, medal eligibility, survivor benefits, promotion, photographs, physicals, projected loss, orders, MOS testing, information change, rotation, state, age dependents, travel and duty status change.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide verification and notification to individual on accuracy of military personnel file. Used to verify, correct and update procurement summaries, locator files, address, suspense items, passports, separation dates, service badge eligibility, medal eligibility, clothing allowance eligibility, survivor benefits, promotion eligibility, photograph and physical completion, personnel rosters, loss reports, referral to Justice Department and DoD, issuance of orders, MOS testing, notification change and new dependents. Used by individual to insure accuracy of Agency information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed by information category.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are destroyed after verification by individual and posting in military personnel files.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, D.c. 20374.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Adjutant, defense Communications Administrative unit, anacostia Naval Station. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Adutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, D.C. 20374.

Written requests for information should contain the full name of the individual, current address and telephone number and category of information requested.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employee identification or military identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determiations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Military Personnel File, application from individual, service departments, previous commands, Federal and State Agencies and record custodians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KWHC.06

SYSTEM NAME:

Personnel Security Files

SYSTEM LOCATION:

Primary System-Adjutant, Defense Communications Administrative Unit. Address listed DoD Directory.

Decentralized Segments-Defense Communications Operations Unit, White House Communications, Defense Communications Support Unit. Address listed in DoD Directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, DoD Civilian employees, and DoD Contractor Personnel nominated and approved for assignment to the White House Communications Agency (WHCA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual nominations for assignment to the WHCA. Files include retained copies of individuals' Statements of Personal History; periodic updates of statement of personal history data; individual building pass and identification security badge requirements; security briefing certificates; reports of involvements in accidents and incidents; retained copies of application for off-duty employment; notification of security clearance indoctrination/debriefing; notification of completion of spouse National Agency

Checks; individual certificates of clearances; personal interview results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Nomination files for assignment to WHCA are initiated to transmit completed background investigations to the following activities (in the order listed):

The Office of the Special Assistant to the Secretary and Deputy Secretary of Defense.

The Office of the Military Assistant to the President.

The Staff Assistant for Security, Office of the Counsel to the President;

Special Agent in Charge, Technical Security Division, United States Secret Service.

Nomination files are used to evaluate the background, character, and qualifications of persons for assignment to the agency.

Statements of Personal History, as well as the periodic update of personal history data, is used to furnish the Defense Communications Agency, the White House Office, and other Federal Agencies personal data on applicants for assignment or duty with the agency. Statements of Personal History serve as the basis for initiation of background investigations and assessing the eligibility of individual for special access programs.

Individual pass and security identification requirements records are collected to control or limit access of personnel to sensitive facilities.

Individual reports of involvements in accidents or incidents are used to monitor the security and security-related conduct of personnel who are assigned to a Presidential support activity and who have access to classified information.

Individual requests for approval of off-duty employment of active duty military personnel. The formal request documents that a determination has been made that the off-duty employment does not involve any conflict of interest.

Retained copies of notifications of the indoctrination of personnel for various security clearances and special access programs. Notifications are used to insure that only properly indoctrinated personnel are permitted access to these security clearances and programs.

Retained copies of correspondence advising the Commander, Naval Support Facility, Camp David, Maryland, of the completion of a National Agency Check on the spouses of WHCA personnel assigned to Camp David. Notifications are used as the basis for the preparation of access lists to Camp David.

Individual certificates of security clearances issued by the Defense Communications Agency. These certify that personnel assigned to the agency have met all requirements for access to classified material.

Interview notes dealing with the personal interview of individuals tentatively accepted for assignment to the White House Communications Agency, pending completion of the bakcground investigation. Notes are used to assess the overall qualifications of personnel tentatively selected for assignment to the agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active status during period of access and retired to records storage facility.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, D.C. 20374.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Adjutant, Defense Communications Administrative Unit (DCAU) Anacostia Naval Station. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requestor must present a current Defense Communications Agency (DCA) identification badge or driver's license. license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Adjutant, (DCAU),Bldg 94, Anacostia Naval Station, Washington, D.C. 20374

Written requests for information should contain the full name of the idividual, current address and telephone number and category information requested.

For personal visits, the individual should be able to provide some acceptable identification, that is driver's license, employee identification or military identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Statements of Personal History and related personal information forms and reports from each individual; Notification of personal (security) clearance from the Defense Communications Agency and other appropriate Federal Agencies; incident and accident reports from the investigating agency.

Card files are originated in the Security Office, White House Communications Agency, extracting pertinent information from the Statement of Personal History and related personal information forms which the individual provides.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

KWHC.07

SYSTEM NAME:

Agency Access/Pass File System

SYSTEM LOCATION:

Primary System - Adjutant, Defense Communications Administrative Unit. Address listed DoD Directory.

Decentralized Segments-Defense Communications Operations Unit, White House Communications, Defense Communications Support Unit. Address listed in DoD Directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Assigned and attached personnel, contractors, visitors and civilian employees, whose trustworthiness has been established (in accordance with appropriate regulations), who applies for and are granted access to classified records, sites, equipment, containers, or areas within agency's scope of responsibilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains registers for recording pertinent information on persons

authorized entry or access to classified records, sites, equipment, containers and areas.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to record names, signatures and identity of those authorized access.

Used to obtain and grant clearance or extension of clearance for access to classified information, equipment, sites or containers. Used to prevent unauthorized access or disclosure of classified material or information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed alphabetically by ast name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active status during period of access and retired to records holding facility.

SYSTEM MANAGER(S) AND ADDRESS:

adjutant, Defense Communications Administrative unit (DCAU) Bldg 94 Anacostia Naval Station, Washington, D.C. 20374

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Adjutant,(DCAU) Anacostia Naval Station. The full name of the rquesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requestor must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Adjutant (DCAU) Bldg 94, Anacostia Naval Station, Washington, D.C. 20374

Written requests for information should contain the full name of the individual, current address and telephone number and category of information requested.

For personal visits, the individual should be able to provide some acceptable identification, that is a driver's license, employee identification or military identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual requesting access, personnel security clearance from Defense Investigative Service, service staffs, commands and other Federal agencies. Records custodians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K105.01

SYSTEM NAME:

208.10 Confidential Statement of Employment and Financial Interest.

SYSTEM LOCATION:

Office of the Counsel, Headquarters, Defense Communications Agency (DCA), Code 105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those DCA military personnel, on duty, in the rank of Lieutenant Colonel, Commander, or above and those DCA civilian personnel, on duty, in the grade of GS-13 and above whose duties require them to exercise judgment in actions relating to contracting or procurement.

CATEGORIES OF RECORDS IN THE SYSTEM:

The completed DD Form 1555, 'Confidential Statement of Employment and Financial Interests - Department of Defense Personnel'; lists of those DCA employees who must fill out the form. The responsibility for determining the list of which employees must fill out the form is vested in: (1) the Director, DCA, for the Office of the Director; (2) the Deputy Directors, the Comptroller, and the Assistants to the Director for Administration and Personnel for their respective organizations; (3) the Chairman or Chief responsible individual for source selection boards, committees, etc., or bid or proposal evaluation groups, formally designated; and (5) the Chief of Staff, Headquarters, DCA, for any other positions not covered in (1) through (4) above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S. Code 208.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of Counsel, DCA. To assure that the applicable DCA personnel refrain from any private business or professional activity or refrain from having any direct or indirect financial interest which would put them in a position where there is a conflict between their private interest and the public interests of the United States, particularly those related to their duties and responsibilities as DCA personnel. And even though a technical conflict may not exist, the Counsel, DCA, must assure that DCA personnel avoid the appearance of such a conflict from a public confidence point of view. The resolution of a conflict or appearance of a conflict may be accomplished by one or more means, such as changes in assigned duties, divestment of a conflicting interest, disqualification for a particular assignment, disciplinary action, or criminal action. A DCA employee who falls within the applicable categories will have his OF8 (the covering form with his position description) stamped with the notation, 'Requires confidential statement of employment and financial interest . as required by DoD Directive 5500.7'.

DCA Management - To review where there is an unresolved conflict of interest and an adverse action is to be taken.

Department of Justice - To review where there is an unresolved conflict of interest and a criminal action is contemplated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Information is accessed and retrieved by name and organizational assignment.

SAFEGUARDS:

Building employs security guards. Records are stored in locked safe and are accessible only to the Office of Counsel, DCA.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained in an active file until end of fiscal year, then held one additional year in an inactive file and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, Code 105, Headquarters, DCA

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Counsel, DCA, Code 105. The full name and organizational assignment of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Office of Counsel, DCA, Code 105, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact Counsel, DCA, Code 105. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Completed DD Form 1555 supplied by the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K107.01

SYSTEM NAME:

Investigation of Complaint of Discrimination

SYSTEM LOCATION:

Office of the Director of Equal Employment Opportunity, Headquarters, Defense Communications Agency (DCA) (Code 107), Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of, or applicants for employment with, DCA who have filed formal, written complaints alleging that they had been discriminated against.

CATEGORIES OF RECORDS IN THE SYSTEM:

Signed affidavits; copies of personnel documents; copies of official personnel promotion records; report of investigator; EEO Counselor's report; inter-office memoranda; employee's complaint of discrimination; employee career appraisal reports; letters from complainant's representative.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Part 713, 'Equal Opportunity.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Director of Equal Employment Opportunity in making a recommendation to the Director, DCA regarding the formulation of a finding with regard to whether or not a complaining employee has been discriminated against.

The Director, DCA also examines the system in writing his decision.

Civil Service Commission's Appeal Review Board uses file if appeal is filed with the Board.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders in locked file cabinet.

RETRIEVABILITY:

Retrieved by the name of the complaining employee or applicant.

SAFEGUARDS:

Building employs security guards. Files locked in file cabinet. No one has direct access except for the Director, Equal Employment Opportunity.

RETENTION AND DISPOSAL:

Record is retained until three years after a final decision in the complaint involved and retired to the Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Equal Employment Opportunity, DCA (Code 107), Washington, D.C. 20305.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Director of Equal Employment Opportunity, Headquarters, DCA, Code 107. The individual's full name and organization will be required to determine if the system contains a record about him or her. The requester may visit the Office Equal Employment Opportunity, Headquarters, DCA, Code 107, to obtain information on whether the system contains records pertaining to him or her. Proof of identity will be by presentation of current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Director of Equal Employment Opportunity, Headquarters, DCA, Code 107, for assistance in this regard. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial Determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Previous employers and supervisory officials; present supervisor; present and previous co-workers; officials in personnel office; personnel records; payroll records; promotion files; and training and education records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K232.01

SYSTEM NAME:

Travel Orders Records System

SYSTEM LOCATION:

Services Branch, Code 232, and Travel Branch, Code 234, Headquarters, Defense Communications Agency (DCA). Decentralized Segments: Defense Communications Engineering Center Administrative Offices, Code R120; Defense Communications Operations Center, Allocations and Engineering Division, Code N230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those DCA military and civilian personnel who have performed official travel in connection with DCA business or employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system would cover authorized official travel for civilian, military, and contractor personnel and be comprised of travel orders, transportation requests, commercial carrier transportation and excess baggage tickets, travel advance vouchers, records of travel claims and payments, DD Form 1056, Authorization to Apply for a 'No Fee' Passport. Also supporting documentation including messages, correspondence, and coordination papers. Data in the system would include names, social security numbers, office assignments, rank/grade, DCA office code number, DCA telephone number, home addresses, transportation and per diem allowances and actual amounts paid, and itineries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by personnel in the Services Branch, Code 232, and personnel in the Travel Branch, Code 234, Headquarters, DCA, in maintaining appropriate and accountable records for individuals performing official travel on DCA business and to ensure individual travel advances are liquidated.

Eligible records are forwarded to the Department of Justice for possible prosecution for fraud.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by the name of the individual.

SAFEGUARDS:

Building employs security guards. Records are kept in security file (MP combination lock) and are accessible only to authorized personnel that are properly screened, cleared and their duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records maintained in the Travel Branch, Code 234 are not permanent. They are retained in active file until travel advances are liquidated and then transferred to completed files and held for one fiscal year and subsequently retired to the appropriate Washington National Records Center.

Records maintained in the Services Branch, Code 232, are retained for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Supply and Services Division, Code 230, Headquarters, DCA. Decentralized Segment - Chief, Management Services Office, Defense Communications Engineering Center, Code R120.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Supply and Services Division, Code 230, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the Services Branch, Code 232, Headquarters, DCA, to obtain information whether the system contains records pertaining to him or her for local travel. For other than local travel; the requester may visit the Travel Branch, Code 234, Headquarters, DCA, to obtain information on whether the system contains records pertaining to him or her. In either instance, as proof of identity, the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Supply and Services Division, Code 230, Headquarters, DCA. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Names and other personnel information on those individuals in the system are obtained/gathered from authorized and approved travel orders issued to the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K232.02

SYSTEM NAME:

Injury Record File

SYSTEM LOCATION:

Services Branch, Code 232, Headquarters, Defense Communications Agency (DCA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those DCA civilian employees who are treated for an occupational injury or illness by the Dispensary located on the Headquarters DCA Compound.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system are Injury Records, Civilian Employee Health Service (CEHS) Form CH-4 (Rev 10 Jun 64) which shows the date form was completed, name of employee injured, the Department, Agency, Branch, building, room and telephone numbers, date and time of injury, brief description of injury, disposition of case and the signature of the CEHS representative submitting the report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by personnel in the Services Branch, Code 232, Headquarters, DCA, to ensure that causes of occupational injuries or illnesses are corrected. Also serves as a tickler file to ensure that a more detailed report (Employees Compensation Forms CA 1 and 2) are due in from the employee.

After screening the CA 1 and 2, they are forwarded to the Civilian Personnel Division, Code 720, Headquarters, DCA, for file in official file folder.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in a 5' x 8' card file box.

RETRIEVABILITY:

Information is accessed and retrieved by the name of the individual

SAFEGUARDS:

Building employes security guards. Records are kept in security file (MP combination lock) and are accessible only to authorized personnel that are properly screened, cleared, and their duties require them to be in the area where records are maintained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Records are not permanent. They are retained for two years following the date of execution, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Supply and Services Division, Code 230, Headquarters, DCA.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Supply and Services Division, Code 230, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Services Branch, Code 232, Headquarters, DCA, to obtain information on whether the system contains records pertaining to him or her. As proof of identity, the requester must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Supply and Services Division, Code 230, Headquarters, DCA. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The CEHS Representative operating the Dispensary located on the Headquarters, DCA Compound.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K240.01

SYSTEM NAME:

Personnel Security Investigative Dossier File (PSIDF)

SYSTEM LOCATION:

Office of the Chief, Security and Intelligence Division, Code 330, Headquarters, Defense Communications Agency (DCA). Decentralized Sgement - Security Branch, Defense Communications Engineering Center. Director, Intelligence Security, Headquarters, Defense Nuclear Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file includes individual personnel security investigative dossiers on: U.S. military personnel who have been selected for assignment to, are now, or have been assigned to the DCA; U.S. Government civilian personnel who are being processed for employment, are now or have been employed by the DCA; U.S. military or civilian personnel who are being processed for, or have been granted, access to sensitive compartmented information (SCI) by the DCAat the request of their parent organization; industrial employees who are performing, expect to perform, or have performed duties under DCA SCI cognizance as a result of a U.S. Government contract; or personnel who are or have been, affiliated with the DCA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual personnel security investigative dossiers. Individual dossiers may contain submissions by the individual such as Statement of Personal History/ personnel security questionnaire, appropriate release statements and related personal documentation, i.e., educational diplomas, marriage and divorce records, etc.; information obtained as a result of a National Agency Check, investigative action and/or volunteer sources. Information may consist of acquisitions from listed or developed character references, co-workers, supervisors, present and past employers, financial or trade institutions, credit bureaus, personnel of the legal, medical, educational or religious professions, educational institutions, present and former neighbors, courts, U.S. federal, state or local agencies and departments; foreign law agencies, private investigative sources, active and retired U.S. military or civilian personnel records, interview of the individual, his spouse, relatives or associates, fingerprint identification check. This information normally covers the period of the individual's life for a fifteen year period immediately preceding the investigation or from the date of his eighteenth birthday. However, if derogatory information is developed or if the individual has a long tenure of U.S. Government service, the file may cover a greater period of time; information on the individual's spouse, relatives or associates; correspondence between the individual and DCA or other U.S. Government activity or correspondence related to the individual between his employer, organization of assignment and DCA (Code 240) or other U.S. Government activity; correspondence related to National Agency Checks, investigations, evaluations, clearance or special accesses for the individual; certificates of clearance, security determination or special access authorizations and terminations thereof; content, adjudicative and clearance action sheets; certificates of release or review of personnel security investigative dossiers; results of review of personnel and/or medical files; photographic likeness with identifying data such as name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is collected and used for the purposes of determining the suitability, eligibility or qualification of personnel previously defined for assignment, employment or qualification for access to various levels of U.S. Government classified and sensitive compartmented information and to certify clearances and accesses as required.

Counterintelligence and Security Division (DIA): The personnel security investigative dossier for each individual previously defined who has, or had, a valid requirement for access to compartmented intelligence information is reviewed to determine, for the responsible United states Intelligence Board Member, the individual's eligibility for such access.

Any component or official of the U.S. Government having established a need-to-know: Used as a basis for gaining access to classified information upon reassignment employment, etc..

Also released to law enforcement and investigatory authorities of the U.S. Government for conduct of official investigations

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, disks, microfiche, computer printouts, and/or punched cards. Manual records are stored in paper file folders, card files, and paper rosters.

RETRIEVABILITY:

Automated records are retrieved by individual's last name, social security number, conference title, and by type of badge issued. Manual records are retrieved by individual's last name.

SAFEGUARDS:

The computer facility and terminals are located in restricted areas accessible only to authorized personnel. Manual records and computer printouts are available only to authorized persons with an official need-to-know. Buildings employ security guards and/or intrusion detection systems.

RETENTION AND DISPOSAL:

Computer records on individuals are erased within one year from the date of termination of an individual's affiliation with the DCA. Personnel security files are generally destroyed upon termination of an individual's employment, assignment, or affiliation with DCA. Files which contain substantial security suitability information may be retained up to ten years. Manual records of conference attendees, visitors, and visit certifications to other agencies are maintained for two years and destroyed. Security incident files are retained for

two years unless they concern compromise of classified information, in which case they may be retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security and Intelligence Division, Code 330, Headquarters, Defense Communications Agency, Washington, D.C. 20305. Decentralized Segment - Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Security Division, Code 240, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Security Division, Code 240, Headquarters, DCA, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license. For the Decentralized Segment requests should be addressed to - Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

RECORD ACCESS PROCEDURES:

Contact the Chief, Security Division, Code 240, Headquarters, DCA. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's system notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is placed into the system by the SYSMANAGER after an individual has been nominated for assignment, employment or affiliation with the DCA as previously defined. Information may be obtained from the individual's submissions, listed or developed character references, co-workers, supervisors, present and past employers, financial or trade institutions, credit bureaus, personnel of the legal, medical, educational or religious professions, educational institutions, present and former neighbors, courts, U.S. federal, state or local law agencies/departments, active and retired U.S. military or civilian personnel records, interview of the individual, his spouse, relatives or associates, any component of the U.S. Government having an identifiable record on the individual or volunteer sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Investigative records compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, or access to classified information are exempt to the extent outlined in Subsection (k)(5) of the Privacy Act.

K240.02

SYSTEM NAME:

Sensitive Compartmented Info (SCI) Posn/Pers Accountability System

SYSTEM LOCATION:

Primary System--Office of the Chief, Security Division, Headquarters, Defense Communications Agency (DCA), Code 240.

Decentralized Segments--Office of the Chief, Computer Operations Division, Defense Communications Agency Operations Center (DCAOC).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who requires access to Special Intelligence (SI), Special Activities Office (SAO) information and/or Single Integrated Operational Plan--Extremely Sensitive Information (SIOP-ESI) in order to perform their duties are identified which includes: U.S. military personnel assigned to the DCA or certified to the DCA by their parent organization; U.S. Government civilian personnel employed by the DCA or certified to the DCA by their parent organization; U.S. military or civilian personnel who are being processed for access to SCI by the DCA at the request of their parent organization; industrial employees who are visiting DCA or performing duties under DCA cognizance as a result of a U.S. Government contract, or who are certified to the DCA as authorized representatives of industrial firms concerned with matters related to contractual, advisory or consultant support, or whose functions are such that visits to the DCA, or to facilities under DCA cognizance, are required.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the SI/SAO Billet Roster which is a compilation by name, military grade or civilian counterpart, military service or social security account number , position number and title and parent organization . The roster identifies those positions (billets) which have been approved for specific SI/SAO access and lists the incumbents of those billets with the categories of access for which they have been briefed; the SIOP-ESI Billet Roster which contains the same identifying elements described above but pertains exclusively to SIOP-ESI accesses; the Contractor Facility Control Record which lists all contractor facilities for which the Special Security Branch has security cognizance. Facilities are listed by name and location, with a separate section for each facility. Within each section the contractor employees assigned to that facility are listed by name, clearance and categories of SCI to which they are authorized access; the Special Security Control Card which is an alphabetical card file of all personnel previously defined listing the individual's name, date and place of birth, military service or social security account number, billet number, organization of assignment or employment, job title, the status of clearance and access actions, dates National Agency Checks were completed , dates Background Investigations were completed and identification of the agency which conducted them, record of clearances and special accesses granted and dates of briefings. The record also contains, if applicable, the name, date and place of birth and social security account number of the individual's spouse and indicates the date of completion of the required partial National Agency Check for compilation of all incoming and outgoing notifications of clearance and access status made in connection with visits of non-DCA personnel to DCA and visits of personnel previously identified to facilities which require request clearance/ access notification. Individuals are identified by name, grade, military service number or social security account number, position title, and the organization of assignment or employment. The clearance and categories of special access authorized are also listed; Billet Request Records which are a compilation of all requests for establishment of SCI billets received by the Special Security Branch. Proposed incumbents are normally identified by name, grade, position military service number or social security account number and organizational affiliation; Special Access Suspense Record which contains the names of individuals on whom actions are in progress; ADP Record consisting of ADP punch cards and magnetic tape as the input and storage media for publication of the SI/SAO

Billet Roster All information described above for the SI/SAO Billet Roster is included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Special Security Branch-Information is collected and used for management and control of access to SCI by personnel previously identified. Individuals are accounted for by name grade, military service number or social security account number, position and organization. Also used for the certification of SCI accesses for which an individual has been granted access.

Counterintelligence and Security Division and Systems Operations Division, Defense Intelligence Agency (DIA)-the SI/SAO Billet Roster, previously defined, is used for integration into the DIA Security Management Information System (SMIS)

Strategic Operations Division and Office of the Directorate of Administrative Services, the Joint Staff, Organization of the Joint Chiefs of Staff-the SIOP-ESI Billet Roster, previously defined, is used for integration into the master SIOP-ESI Billet Roster.

Any component of the U.S. Government having an official need-to-know: used to verify that an individual has been granted access to a specific category of SCI and verification of information contained in the record as previously defined.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes; visible file cards; computer paper printouts; paper record in three-ring binders; IBM cards; paper records in file folders.

RETRIEVABILITY:

Information on computer magnetic tapes retrieved by a unique ten digit billet number

Information on all other media retrieved by the unique ten digit billet number or by the individual's name.

SAFEGUARDS:

Records are maintained in safes and vaults and are routinely accessible only by personnel of the Office of the Chief, Security Division, Code 240, and by personnel of the Special Security Branch, Code 241, Headquarters, DCA.

RETENTION AND DISPOSAL:

Individual records are maintained from date of initial nomination for access to SCI until 3 years following the individual's debriefing, which is when the individual no longer has a need-to-know for SCI, then records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Special Security Branch, Code 241, Headquarters, DCA.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Security Division, Code 240, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Security Division, Code 240, Headquarters, DCA, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Security Division, Code 240, Headquarters, DCA. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is placed into the system by the SYSMANAGER after an individual is nominated for access to SCI by his organization or employer or after an individual has been certified to the DCA by his cognizant security officer as having such access. SYSMANAGER obtains required information from the nomination or certification document, individual's personnel/ employment records, forms submitted by the individual, formal briefing actions accomplished by personnel of the Special Security Branch, Code 241, Headquarters, DCA, and from information developed during the personnel security investigation conducted on the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K240.03

SYSTEM NAME:

Clearance Card File for Defense Communications Agency (DCA) Personnel

SYSTEM LOCATION:

Office of the Chief, Security Division, Code 240, Headquarters, Defense Communications Agency. Decentralized Segments: Security Branch, Defense Communications Engineering Center, Code R121; Defense Communications Operations Center, Allocations and Engineering Division, Code N230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file includes all DCA personnel requiring a security clearance. Since all positions in DCA are sensitive requiring at least a Secret clearance, all DCA military and civilian personnel world-wide are covered. The file also includes those persons previously assigned to or employed by DCA since 1962.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Clearance Card File is an alphabetical card file (5' x 8', DCA Form 136) of all personnel requiring a security clearance, listing the individual's name, service or social security account number, grade or rank, job title, date and place of birth, date entered on duty with DCA, and date departed DCA if applicable. The file also includes the date requested, date received, and indicated results of each check within the National Agency Check (NAC), and for Background Investigation (BI) requests. Dates interim and final security clearances were granted and some special accesses are indicated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended, Security Requirements for Government Employment, 27 April 1953.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by personnel of the Security Branch, Code 240, Headquarters, DCA, as a convenience or ready reference file to determine the security clearances and dates of issue for personnel assigned to or employed by DCA world-wide.

Information is available to the individual and to DCA supervisors of the individual to verify that the individual has the necessary security clearances for attendance at meetings and conferences where classified information is discussed. Also used to

certify security clearances of individuals in writing or telephonically for attendance at classified conferences at other U.S. Government agencies and at private industry organizations having an industrial clearance and generally engaged in classified contract work for DCA.

Information is disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

This is a manual system consisting of 5' x 8' card records maintained in two rotary file cabinets.

RETRIEVABILITY:

Information is retrieved by the individual's name.

SAFEGUARDS:

Records are maintained in two rotary file cabinets equipped with key locks. The file cabinets are locked during non-duty hours.

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel who are properly screened, their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Records have been maintained since 1962 for all DCA personnel presently or previously assigned or employed. Records are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Division, Code 240, Headquarters, Defense Communications Agency. Decentralized Segment - Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Security Division Code 240, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license. For the Decentralized Segment requests should be addressed to - Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

RECORD ACCESS PROCEDURES:

Contact the Chief, Security Division, Code 240, Headquarters, Defense Communications Agency, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing determinations by the individual may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is placed into the record system by the system manager after an individual is nominated for assignment to or employment by DCA. Information is obtained from National Agency Checks which may include: Federal Bureau of Investigation (FBI), Civil Service Commission (CSC), Department of State, Central Intelligence Agency (CIA), Immigration and Naturalization Service (I&N), Defense Intelligence Agency (DIA), Defense Investigative Service (DIS), investigative offices of the military Department (Army, Navy, Air Force), and the Credit Bureau Incorporated.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K240.04

SYSTEM NAME:

Identification Badge System

SYSTEM LOCATION:

Office of the Chief, Physical Security Branch, Security Division, Code 243, Headquarters, Defense Communications Agency (DCA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel assigned to Headquarters, DCA and collocated field activities.

Civilian contractors; civilian and military members of the U.S. Government whose official duties require frequent and continuing access to Headquarters, DCA and collocated field activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The DCA Permanent Badge, (DCA Form 21), issued to civilian and military personnel assigned to Headquarters, DCA and collocated field activities, contains a photograph of the individual with his or her surname, first name and middle initial, and a badge number. The badge is signed on the reverse side by the individual and countersigned by a representative of the Office of the Chief, Physical Security Branch (Code 243). A duplicate photograph is mounted on a 3' x 5' control card, containing the individual's name, grade or rank, badge number, office code and date of issue, and filed alphabetically.

The DCA Visitor Badge, (DCA Form 80 or 184), is issued to civilian contractors and U.S. Government civilian and military personnel, whose security clearance is on file with the Office of the Chief, Physical Security Branch, Code 243, Headquarters, DCA and who is sponsored by a Headquarters, DCA official. The badge contains a photograph of the individual with his surname, first name, middle initial, badge number, expiration date (not to exceed one year from date of issue) and is signed by the individual and countersigned by the issuing official of the Physical Security Branch (Code 243). Duplicate photographs are retained in an envelope and filed alphabetically, and are used for renewal of badges.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Physical Security Branch, DCA - The badge is issued to the individual as his means of identification to the DCA.

Individual retains the badge in his possession and must wear it while in the DCA buildings. The badge must be surrendered when invalid or when the individual no longer is assigned to or requires access to the DCA.

By DCA operating officials as a means of identification.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Control card or envelope containing duplicate photograph is filed in a locked container.

RETRIEVABILITY:

Control card or envelope containing duplicate photograph is filed alphabetically by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in an area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Badge and control card with extra photographs are destroyed upon termination of the individual's assignment to or need for access to the DCA.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Physical Security Branch, Code 243, Headquarters, DCA.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Security Division, Code 240, Headquarters, DCA. The full name of requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Security Division, Code 240, Headquarters, Defense Communications Agency, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing determinations by the individual may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

For DCA assigned personnel notification is received from the Office of the Chief, Personnel Security Division, Code 242, Security Division, Headquarters, DCA.

For civilian contractors and civilian or military personnel from other U.S. government agencies the notification is received from the Headquarters, DCA or collocated field activity sponsor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K240.05

SYSTEM NAME:

visitor Clearance File

SYSTEM LOCATION:

Office of the Chief Physical Security Branch, Security Division, Headquarters, Defense Communications Agency (DCA), Code 243.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian personnel cleared under the Defense Industrial Security Program and all civilian or military members of the U.S. Government cleared by their respective components for access to classified material, whose official duties require them to have access to classified information in the performance of contractural obligations, or participation in defense projects with the DCA, or whose functions, services, logistics support are required by the DCA or to facilities under the cognizance of the DCA.

CATEGORIES OF RECORDS IN THE SYSTEM:

This card records, as applicable, name, social security number, date of birth, place of birth, citizenship, alien registration number, clearance and date, authority, organization, persons or offices to be visited, date visit authorized of the individual requesting access to the DCA and classified information. All data is supplied in letter form by the Security Officer of the individual's company or organization. The file also includes a remarks section which is used to record the DCA's sponsor's request for a badge; badge number, if assigned; a file number cross-indexed to the letter; and disposition instructions. The file is updated as requested by the individual's organization or company, usually once annually.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Physical Security Branch, DCA - Information is collected and used for management use and control of access to classified information; daily certification of clearances to DCA project officers; certification of clearance on travel orders; request for DCA badges; certification of clearances to any US government agency or DoD component participating in DCA projects, or where the DCA is a participant in another agency or component project.

Department of Army, Military District of Washington - Identifying data (name, date and place of birth, sex, height, weight and organization) used on DoD and Pentagon Building passes (DD Form 1466 and 1467).

Joint Chiefs of Staff (JCS) - Identifying data (name, grade, height, weight, color of hair and eyes, date and place of birth, security clearance) used on JCS passes or badges and is submitted on JCS Form 8.

provost Marshal, Fort Ritchie, Md. - Identifying data (name, grade, rank, title, branch of service, social security number, date and place of birth, weight, height, color of hair and eyes, sex, organization or employer, security clearance) used on Fort Ritchie badges and is submitted on Fort Ritchie ACCN Form 19.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Visible file cards (5'x8') in rotary power file; correspondence in file folders, in safe.

RETRIEVABILITY:

Information on file cards filed alphabetically by name.

Correspondence filed with sequential number cross-indexed to file card.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

File cards are maintained indefinitely as long as recertification is received annually from the individual's organizational or company security officer. Inactive cards are removed and destroyed periodically, usually within six months from the expiration of the visit request.

Correspondence files are removed and destroyed annually and as replaced by new certification.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Physical Security Branch, Code 243, Headquarters, DCA.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Security Division, Code 240, Headquarters, DCA. The Full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Security Division, Code 240, Headquarters, Defense Communications Agency, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing determinations

by the individual may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

All information maintained on the individual is furnished by the Security Officer of the individual's organization, company, or institution.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K240.06

SYSTEM NAME:

Classified Container Information on Form (DA Form 727)

SYSTEM LOCATION:

Office of the Chief, Physical Security Branch, Code 243, Security Division, Headquarters, Defense Communications Agency (DCA). Decentralized Segment - Defense Communications Operations Center, Allocations and Engineering Division, Code N230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel assigned to Headquarters, DCA and collocated field activities who have been designated responsible officials of a classified container, or who are to be notified if the container is found open and unattended.

CATEGORIES OF RECORDS IN THE SYSTEM:

This form records the name, grade, address and telephone number of the above individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Physical Security Branch, DCA - Record, in duplicate, of each container used for storage of classified material and identifies individuals who have knowledge of the combination.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The original copy is posted on the outside of the container in the DCA office concerned; the carbon copy is attached to the outside of a sealed envelope which contains a smaller envelope containing the classified combination and is stored in an approved classified container in the Office of the Chief, Physical Security Branch, Code 243, Headquarters, DCA.

RETRIEVABILITY:

Filed numerically by container number.

SAFEGUARDS:

Building employs security guards. Carbon copy records are maintained in area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

This form is retained only as long as the information remains accurate, but not to exceed one year, at which time it is destroyed byburning. The original copy on the safe is removed, discarded and replaced by an updated copy.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Physical Security Branch, Code 243, Headquarters, DCA.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Security Division, name of staff element, Code 240, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Security Division, Code 240, Headquarters, Defense Communications Agency, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing determinations by the individual may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Names of the individuals in the system are submitted on the form which is completed by the DCA office concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K240.07

SYSTEM NAME:

Vehicle and Parking Registration Card

SYSTEM LOCATION:

Office of the Chief, Physical Security Branch, Security Division, Code 243, Headquarters, Defense Communications Agency (DCA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military personnel assigned to Headquarters, DCA and collocated field activities, and who register their vehicles for parking on base.

Civilian contractor personnel assigned desk space at Headquarters, DCA and who apply for parking privileges on base.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file records name, address, office code, office telephone number, social security account number (SSAN), make, year, body style, and color of vehicle, license plate number and state, insuring company and policy number, amount of liability insurance, expiration date of insurance policy carpool members and their address, place of employment and SSAN. The card also includes a certification statement signed and dated by the individual that he has read and understands the DCA Parking Regulations and attests to the accuracy of the information the individual provided. The amount of liability insurance is restricted to the term 'minimum required by the State of Virginia'. No dollar amounts are requested or required by the DCA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Physical Security Branch, DCA - Information is used to report to the GSA the total number of parking spaces and itemized to show the number used for Government-owned or leased vehicle parking; other official parking; visitor vehicle parking; employee parking; number of employee spaces assigned to physically handicapped employees; number and percentage of employee parking spaces assigned to executive personnel and persons assigned unusual hours; number of employee parking spaces used by carpools; and total number of persons using carpool spaces.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Visible file cards (5' x 8') in metal file cabinet.

RETRIEVABILITY:

Filed alphabetically by name and parking status, that is, Handicap Area, Carpool Area, Executive Area, and Open Area.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

File cards are maintained during the period of the incumbent's assignment, then removed and destroyed when asignment is terminated.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Physical Security Branch, Code 243, Headquarters, DCA.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Security Division, Code 240, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Security Division, Code 240, Headquarters, Defense Communications Agency, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing determinations by the individual may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Completed form filled out by individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K240.09

SYSTEM NAME:

Security Violation Case File

SYSTEM LOCATION:

Office of the Chief, Physical Security Branch, Security Division, Code 243, Headquarters, Defense Communications Agency (DCA). Decentralized Segments - Security Branch, Defense Communications Engineering Center, Code R121, and Physical Security Branch, Command and Control Technical Center (CCTC) Code C122.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel assigned to Headquarters, DCA and collocated field activities, who committed or contributed to a security violation involving classified defense information.

Civilian and military personnel assigned to Headquarters, DCA and collocated field activities, who discovered the violation, were witnesses in connection with the violation, or were interviewed to determine whether they were involved.

Civilian contractors under contractural obligation to the DCA and who were witnesses in connection with the violation, or were interviewed to determine whether they were involved.

Any individual in the civilian community, government employ, military or civilian, who reported a security violation, or who could furnish information relative to the violation, or who may have been involved in the violation.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains the results of an investigation involving classified defense information which has been compromised or subjected to compromise through loss, unauthorized disclosure, improper handling or transmission, or failure to safeguard. It contains the facts and circumstances surrounding the violation, the personnel involved, the findings, affixes responsibility, and recommendations for remedial, administrative or disciplinary actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Division, Headquarters, DCA - This file which consists of a Report of Security Violation, and an Investigation Officer's Report of Investigation, is used to determine the adequacy of the investigation, a review of the circumstances which led to the violation, and a review of the security policies and procedures established by the DCA and the office concerned with the aim of improving the procedures to preclude further violations. It is also used, when compromise cannot be precluded, to notify the original classification authority for the specific classificaton involved, and to request an impact statement on national security, and whether the information can be downgraded or declassified. A copy may also be furnished to an appropriate military service or government agency involved in prosecution proceedings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The correspondence is stored in case folders and secured in a safe.

RETRIEVABILITY:

Each case folder is filed in numerical sequence by calendar year and cross-referenced to an index sheet containing case number, code, date of violation and name(s) of individuals involved.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Case files that preclude compromise are considered administrative and destroyed upon departure of the individual.

Case files that reflect compromise are retained for two years then retired to the Federal Records Center for an additional eight years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Physical Security Branch, Code 243, Headquarters, DCA. Decentralized Segments - Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090, and Chief, Security Branch, CCTC, Code C122, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Security Division, Code 240, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license. For the Decentralized Segments requests should be addressed to - Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090 or Chief, Physical Security Branch, Command and Control Technical Center , Code C122, Washington, D. C. 20301.

RECORD ACCESS PROCEDURES:

Contact the Chief, Security Division, Code 240, Headquarters, Defense Communications Agency, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing determinations by the individual may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information developed by the Investigating Officer investigating the violation includes, interviews with the individual(s) involved in the violation; witnesses to or having knowledge of the violation; co-workers and supervisor; it may include sworn statements, depositions, photographs or sketches of the area or equipment involved in the violation; office security procedures or instructions; and, in some cases, a copy of the classified document involved.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K660.01

SYSTEM NAME:

303-41-42 Claims Files, Requests for Waiver of Pay and Allowances

SYSTEM LOCATION:

Office of Financial Services Division, Code 660, Headquarters, Defense Communications Agency (DCA), Washington, D.C. 20305.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees or former civilian employees of DCA who submit requests for waiver of claims of the US arising from erroneous overpymt of pay & allowances.

CATEGORIES OF RECORDS IN THE SYSTEM:

The initial request for waiver of claim. The report of investigation, including copies of all documentation, affidavits, statements, vouchers, and other papers containing information bearing on the case. A summary of the report of investigation and a register of requests for waiver. Correspondence with the General Accounting Office concerning claims waivers. Correspondence with the individual who submitted the waiver request. Decisions concerning waivers of the Comptroller, DCA or the Comptroller General of the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5.U.S.C. 5584 'Claims for Overpayment of Pay and Allowances, other than travel and transportation expenses and allowances and relocation expenses.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records residing in these files represent the history of a request for waiver of claim & the action taken thereon, including disposition. Used by Comptroller, DCA or Comptroller General of the United States to reach a decision concerning requests for waiver. Records are used to administer and process requests for waivers of claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The record is stored in a locked safe.

RETRIEVABILITY:

Retrieved by the name of the individual who submits a request for a waiver of claim.

SAFEGUARDS:

Records are stored in a locked safe. Access is limited to Code 660, DCA, the investigating officer if other than from Code 660, and the individual concerned, if he so desires, as well as the DCA Counsel, the Director and personnel of the Claims Division of the GAO.

RETENTION AND DISPOSAL:

Records are retained by Code 660, Hq DCA for 2 years, then retired to Federal Records Center for permanent storage.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Financial Services Division, Code 660, Headquarters, Defense Communications Agency, Washington, D.C. 20305

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Chief, Financial Services Division, Code 660, Headquarters, DCA, Washington, D.C. 20305. Individual must provide his full name and social security number to determine whether or not the system contains a record on him. For personal visits the individual must present proof of identity to include his full name and social security number as well as positive identification, such as identification card or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Financial Services Division, Code 660, Headquarters, Defense Communications Agency, Washington, D.C. 20305 for assistance.

CONTESTING RECORD PROCEDURES:

The Defense Communications Agency's rules for access to records and for contesting content and appealing initial determination by the individual concerned are promulgated in the Rules and Regulations section of the Federal Register.

RECORD SOURCE CATEGORIES:

Official Personnel Records of Individuals; Finance and Accounting Offices for financial records; individuals having knowledge concerning the subject of the claim, for statements and affidavits; and any other source from which pertinent information may be drawn.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.01

SYSTEM NAME:

Employee-Management Relations and Services Files

SYSTEM LOCATION:

Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCA civilian employees in the Washington Metropolitan Area who have a requirement for the employee-management service except the grievance file which is applicable to all DCA civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Blood donor program records, grievance file containing all documents realted to a grievance, reconsideration file containing all documents relating to a negative determination of within-grade salary increase and the request for reconsideration of the determination, DCA Form 169, Exit Interview

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Supplement 990-1, Book III, Part 531, Section 531.407 Work of an Acceptable Level of Competence, Part 771, Employee Grievances, Part 715, Subpart B. Voluntary Separations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Civilian Personnel Office staffs and supervisors of employees to process and record actions pertinent to employee-management relations and services.

Used by the Director/Vice Director and heads of major staff elements DCA Headquarters and Commanders of DCA field activities in the Washington Metropolitan Area to render decisions concerning individual employees and as a basis for future management action.

Used by Department of Defense and Civil Service Commission inspectors to review records for compliance with applicable Federal Personnel Manual policies.

Used by the Civil Service Commission to review agency records concerning grievances and negative determinations of within-grade salary increase.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records stored in file folders and card files.

RETRIEVABILITY:

Information is retrieved by name.

SAFEGUARDS:

Building employs security guards. Records are maintained by operating officials in area accessible only to authorized personnel who are properly screened and cleared and whose duties require them to bein the area where records are maintained. Files are locked in secure file cabinets during non-duty hours.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for two years and subsequently destroyed except for blood donor records which are retained until the employee terminates his/her employment with DCA and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720 Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Official personnel folder, individual employees, employee representatives, supervisors of employees, civilian personnel staff, hearing examiners reports and other reports of inverstigation, statements of witnesses and management representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.02

SYSTEM NAME:

Civilian Awards Program File

SYSTEM LOCATION:

Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCA civilian employees who merit special recognition for performance either within or outside the employee's job responsibilities and length of service to the Government. Suggestions from civilian and military personnel assigned to Defense Communications Agency, Department of Defense and other government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of minutes of DCA Awards Board meetings, action by approving officials, record of individuals receiving awards, DCA Form 89, Service Award Work Sheet and Record, suggestions and report of evaluation of suggestions, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapters 430 Performance Evaluation, 450 Incentive Awards, 531 Pay Under the General Schedule

Department of Defense Directive 5120.15 Department of Defense Incentive Awards Program; Assignment of responsibility.

Department of Defense Instruction 5120.16, Department of Defense Incentive Awards Program: Policies and Standards

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the civilian personnel office staff to process and record actions for individuals who merit special recognitions.

Used by suggestion evaluators in the Defense Communications Agency, Department of Defense and other government agencies to recommend adoption or non-adoption of suggestions.

Used by the Department of Defense and Civil Service Commission to process and approve nominations for awards.

Used by DCA Awards Boards to review nominations for awards and recommend approval/disapproval to the Director, DCA.

Used by the Director DCA to approve/disapprove recommendation for awards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name and type of award.

SAFEGUARDS:

Building employs security guards. Records are maintained in file cabinets

with a combination lock and are accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained in active file for two calendar years and subsequently destroyed except for minutes of Awards Boards which are retained for five years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors, Commanders and Chiefs of DCA field activities.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Primary System -Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Directors, Commanders and Chiefs of DCA field activities.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA.

Decentralized Segments - Contact the Director, Commander or Chief of the appropriate DCA field activity.

The official maining addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Official Personnel Folder, supervisors of employees, individuals submitting suggestions, evaluators of suggestions, DCA Awards Boards, civilian personnel office staff, Department of Defense, Civil Service Commission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.03

SYSTEM NAME:

Personnel Management Information System (PERMIS)

SYSTEM LOCATION:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters (HQ), Defense Communications Agency (DCA);

Decentralized Segments - DCA Field Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military personnel currently or formerly employed by or assigned to the DCA.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains personal information in several categories: biographical data (Name, SSAN, Sex, Minority Group Indicator, Birth Date, Marital Status, Number of Dependents, Number of Dependents Overseas, Sex of Dependents, Dependent Birth Date, Citizenship, Former Citizenship, Personal Title, blood type, RH Factor, date of last blood donation, quantity of blood donated to date); DcA employment(DCA Start Date, Recruitment Source, DCA Service Computation Date, Geographic Location, Submitting Office Number, DCA Area, Office Code, Badge Number, Salary, Appointment Type, Work Schedule, Pay Plan, Grade, Step, Date of Grade, Pay Determinant, Pay Basis, Date of Last Within-Grade, Highest Previous Grade, Special Program Identifier, Competitive Level, Tenure-Excepted, Reemployment Rights, Apportionment Code, Metropolitan Area Code, Security Clearance Level, Reemployed Employee Code, Retired Military Service and Component, Date of Military Retirement, Retirement Rank, Retirement Location, Retired Military Starting Civilian Grade, Retired Military Starting Civilian Position, Retired Military Starting Civilian Area, Reserve Status, Reserve Service, Reserve Rank, Reserve Title, Reserve Job Code, Reserve DCA Skill Code, Reserve Expected Separation Date, Mobilization Code, Position Code, Position Description Number, DCA Skill Code, Job Title, Career Field, Civilian Job Code, Function Code for Scientists and Engineers, Rotation Date, Not-to-Exceed Code, Not-to-Exceed Date, Nature of Action Code, Nature of Action Date, Performance Rating Date, Performance Rating Code, Supervisor Code, Trainee Code, Reason for Departure Code, Agency to Which Leave Record Sent, Date Leave Record Sent, Agency to Which Personnel File Sent, Job Opportunity Announcement Number, Military Requisition NUmber, Security Investigation Date); military service information (Date Entered Military Service, Service Component, Branch of Service, Date of Commission, Expected Separation Date, Primary Job Code, Secondary Job Code, Tertiary Job Code, Added Job Code, Source of Commission, Permanent Grade, Date of Permanent Grade, Special Qualifications Code, Special Career Program, General Test Score, Date of Proficiency Test, Proficiency Pay, Date of Last Physical, Date of Last Photo, Military Education Level, Military School Attended, Date Attended Military School, Rating Official, Military Performance Rating, Military Job Code, Temporary Grade, Office Assignment of Military Rater, Indorsing Official, Office Assignment of Military Indorser, MOS Prefix, MOS Suffix); civilian federal employment (Service Computation Date, Date Entered Federal Service, Veterans Preference, Reduction In Force Code, Tenure Group, Probation Start Date, Career Start Date, Leave Category, Handicap Code, Position Occupied Code); education (Education Level, University Attended, Academic Speciality, Year of Degree, Education Notes); experience information (Previous Employer, Previous Job Title, Previous DCA Skill Code, To-From Dates of Previous Employment); training and career appraisals (Type of Training, Purpose of Training, Source of Training, Training Facility, Course Number, Course Name, On Duty Training Hours, Off Duty Training Hours, Direct Training Costs, Indirect Training Costs, Date of Training, Training Status, Training Sponsor, Special Interest Training, Degree Program School, Type of Degree Program, Academic Speciality of Degree Program, Credits Remaining for Degree); (Date of Career Appraisal, Date of Career Training, Competence Rating, Quality of Work Rating, Written Work Rating, Oral Expression Rating, Cooperation Rating, Stability Rating, Supervision Rating, Career Development Job Title, Career Development Rotation Area, Career Development Rotation Office, Career Development Rotation Other Agency); awards and recognition (Type of Award, Date of Award, Amount of Award, Tangible Award, Intangible Award); benefits (Federal Employees Group Life Insurance Coverage; Federal Employees Health

Benefits Plan, Federal Employees Health Benefits Carrier, Retirement System); publications (Title, Related DCA Skill Code, Date of Publication, Place of Publication, Title of Periodical); professional societies (Nae of Society, Offices Held in Society, To-From Membership Date); union affiliation (Name of Union, Union Office Held, To-From Membership Date); locator information (Home Phone Number, Office Phone Number, DCA Building Number, Room Number).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DCA and DCA Field Activities - collect and maintain personal data for internal management purposes and to meet external report requirements. Data is used by the Director, DCA and those DCA officials to whom the Director has delegated authority to command, organize, direct, and manage the DCA and DCA Field Activities.

Civil Service Commission and Department of Defense - data is used for statistical and by name reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes/disks/drums and/or punched cards.

RETRIEVABILITY:

Retrieved by SSAN or random access.

SAFEGUARDS:

System is in areas accessible only to authorized personnel who are properly screened, cleared and trained. Building employs security guards to control access. Computer software restricts access by use of a series of passwords and levels of security codes for each data element.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in the active system during the individuals employment/assignment to DCA. Upon departure from DCA, individual records are transferred to a history file within DCA.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Plans and Analysis Division, Code 730, Office of the Assistant to the Director for Personnel, Hq DCA.

NOTIFICATION PROCEDURE:

Personnel currently assigned to/employed by Headquarters DCA or personnel formerly assigned to DCA and DCA Field Activities may obtain information from:

Assistant to the Director for Personnel
Defense Communications Agency
8th & S. Courthouse Road
Arlington, Va. 22204

Personnel currently assigned to/employed by DCA Field Activities may obtain information by contacting the Commander of their organization.

For personal visits, requests for information concerning an individual must contain name and SSAN. Proof of identity is either an employee ID card or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Assistant to the Director for Personnel for information concerning access to individual records. The official mailing address is in the Department of Defense directory in the apendix to the DCA systems notice.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the individual either verbally or in writing and from source documents found in individual Official Personnel Folders/Files or submitted by employee supervisors, personnel office employees, EEO officials, and security office employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.035

SYSTEM NAME:

602-11 Active Application Files (Applicant Supply Files)

SYSTEM LOCATION:

Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment with DCA organizations in the Washington Metropolitan Area for positions which the organizations have beenauthorized by the Civil Service Commission to make temporary or term appointments outside Civil Service Commission registers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of Standard Form 170, Application for Federal Employment, Standard Form 171, Personal Qualifications Statement, Standard Form 172 Supplemental Experience and Qualifications Statement, Qualifications evaluations of the applicants, positions for which application is made, opening date for acceptance of applications and date that recruitment for the position is closed, priority groupings, alphabetic index of applications on file, index to the eligible applicants by occupational area, priority group and grade, name of individual selected and date of selection for appointment, qualifications standard used, written record of the positive efforts made to recruit preference eligibles for any appointment of a non-preference eligible to a restricted position and correspondence relating to the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 333, Appendix A, Mechanics of the Applicant Supply System

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as prescribed by Civil Service Commission regulations

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, trained and their duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for two years or after receipt of a Civil Service Commission report of inspection of the agency's civilian personnel program, whichever occurs first, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individuals submitting applications for employment, civilian personnel office staff, selecting officials, Civil Service Commission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.04

SYSTEM NAME:

Priority Reassignment Eligibles File

SYSTEM LOCATION:

Civilian Personnel Division, Code 720, Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCA civilian employees who are assigned to DCA activities located at the Headquarters DCA compound and the Military Communications-Electronics Board whose positions have been declared excess to current or planned Joint Table of Distribution (JTD) authorizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a Reassignment List comprised of employees who are in positions which are not authorized by current or planned JTD's, positions for which the employee qualifies for reassignment and a record of the action taken for each employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 351, Reduction in Force

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by personnel in the Civilian Personnel Division, Headquarters, DCA to screen the Reassignment List to identify employees who are qualified for vacant positions and to maintain a record of action taken for each referred employee.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records filed in loose leaf folder.

RETRIEVABILITY:

Information is accessed and retrieved by name

SAFEGUARDS:

Building employs security guards. Records are maintained in area accessable only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained until the individual is reassigned to an authorized DCA JTD position or terminates his/her employment with DCA and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

NOTIFICATION PROCEDURE:

Requests should be addressed to the Chief, Civilian Personnel Division, Code 720, Headquarters, DCA. The individual's full name and office code to which assigned will be required to determine if the system contains a record about him or her. The requestor may visit the Civilian Personnel Division, Code 720, Headquarters, DCA to obtain information on whether the system contains records pertaining to him or her. As proof of identity, the requestor must present either a current DCA identication badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Civilian Personnel Division, Code 720, Headquarters, DCA. The official mailing address is in the Department of Defense directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

DCA Comptroller - Joint Table of Distribution; Qualifications Statement in the Official Personnel Folder as analyzed by a personnel specialist; and selecting officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.05

SYSTEM NAME:

Executive Level Position Files

SYSTEM LOCATION:

Civilian Personnel Division, Code 720, Headquarters, Defense Communications Agency (DCA)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DCA civilian employees assigned to an executive level position (GS-16,17,18 and 10 USC 1581 positions) and GS-15 employees proposed for the executive level position category.

CATEGORIES OF RECORDS IN THE SYSTEM:

Executive Level Position Files contain the names of the individuals, Official Position Description, Civil Service Commission Form 915 Notification of Executive Personnel Vacancy, Civil Service Commission Form 916 Request for Executive Personnel Action, Civil Service Commission Form 917 Request for Approval of Executive Selection, Standard Form 171 Personal Qualifications Statement and a record of correspondence pertinent to the established/proposed supergrade position. Executive Level Position Report contains the name of the individual assigned to an established or proposed executive level position, type of executive level authorization, and a summary of projected actions required to obtain Department of Defense and Civil Service Commission approval of executive level positions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual Chapter 305, Employment Under the Executive Assignment System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the staff of the Office of the Assistant to the Director for Personnel to compile supporting data for authorized and projected supergrades and to provide DCA management with a monthly report of the status of executive level positions.

Used by the Director, Vice-Director, Chief of Staff, Deputy Directors, Deputy Manager, National Communications System, Comptroller; Office of the Counsel, Assistant to the Director for Administration and Commanders, DCA Field Activities located in the Washington Metropolitan Area to determine executive level position needs of the Agency and to keep abreast of the status of current and projected executive level positions.

Used by the Department of Defense to review DCA requests for establishment of supergrade positions and approval of selections for executive level positions.

Used by the Civil Service Commission to approve/disapprove the agency request for classification of executive level positions and selection for executive level positions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper Records stored in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name, position title/ series/grade and organizational location.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, trained and their duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Chief, Civilian Personnel Division, Code 720, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the Civilian Personnel Division, Code 720, Headquarters, DCA to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Civilian Personnel Division, Code 720, Headquarters, DCA. The official mailing address in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Official Personnel Folder Files; DCA Joint Table of Distribution; correspondence originating in DCA staff organizations, Department of Defense and the Civil Service Commission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.06

SYSTEM NAME:

Report of Defense Related Employment

SYSTEM LOCATION:

Civilian Personnel Division, Code 720, Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of DCA who were previously employed by or performed services for defense prime contractor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Department of Defense Form 1787, Report of Defense Related Employment as Required by Public Law 91-121 and lists of civilian employees who were previously employed by or performed services for a defense prime contractor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 91-121, section 410.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Civilian Personnel Division staff to assure that applicable DCA civilian employees submit a completed DD Form 1787 to review information as submitted for the possibility of a violation of the law or Department of Defense Directive, and to transmit a composite listing by employee name and defense contractor together with completed DD Forms 1787 to the Assistant Secretary of Defense (Manpower and Reserve Affairs).

Used by the Assistant Secretary of Defense (Manpower and Reserve Affairs) to prepare and transmit reports to the President of the Senate and the Speaker of the House of Representatives.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Retrieved by employee name.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, trained and their duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are retained for two calendar years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA.

NOTIFICATION PROCEDURE:

Requests should be addressed to the Chief, Civilian Personnel Division, Code 720, Headquarters, DCA. The individual's full name and office code to which assigned will be required to determine if the system contains a record about him or her. The requestor may visit the Civilian Personnel Division, Code 720, Headquarters, DCA to obtain information on whether the system contains records pertaining to him or her. As proof of identity, the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Civilian Personnel Division, Code 720, Headquarters, DCA. The official mailing address is in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Individual employees submitting the DD Form 1787.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.07

SYSTEM NAME:

Employee Record File

SYSTEM LOCATION:

These cards are maintained by all supervisors of civilian employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of DCA organizations in the Washington Metropolitan Area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 7B, Employee Record Card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Supplement 293-31, Subchapter S7-2, Employee Record

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by operating officials as a source of data to initiate requests for personnel actions, to plan and schedule employee training to counsel employees on their performance, to establish a basis for proposing commendations or disciplinary actions and to carry out their personnel management responsibilities in general.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Vertical File Cards.

RETRIEVABILITY:

Information is accessed and retrieved by employee name.

SAFEGUARDS:

Building employs security guards. Records are maintained in area accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. Cards for employees who are moving within the Agency are sent to the new operating office; Cards of employees who terminate employment with DCA are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

NOTIFICATION PROCEDURE:

Requests should be addressed to the employee's supervisor. The individual's full name will be required to determine if the system contains a record about him or her.

RECORD ACCESS PROCEDURES:

The individual can contact his/her supervisor to gain access to the record. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Official Personnel Folder, individual employees, supervisors of employees, official personnel actions, civilian personnel staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.09

SYSTEM NAME:

603-02 Service Record Card Files

SYSTEM LOCATION:

Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

DecentralizeD Segments - DCA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees or former civilian employees of DCA organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains Standard Form 7, Service Record; Standard Form 7A, Service Record Continuation; and Standard Form 7D, Position Identification Strip

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Supplement 293-31, Subchapter S2, The Service Control File

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as prescribed by Civil Service Commission regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Vertical file cards in metal and cardboard containers.

RETRIEVABILITY:

Information is accessed and retrieved by name and organizational location.

SAFEGUARDS:

Recoreds are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them

to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained in an active file until the individuals terminate their employment with DCA; held for five additional years in an inactive file in DCA and then transferred to Washington National Records Center where they are held for an additional ten years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Primary Sistem - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's liense.

RECORD ACCESS PROCEDURES:

Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Official Personnel Folder Files

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.10

SYSTEM NAME:

603-08 Annual Classification Maintenance Review File

SYSTEM LOCATION:

Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the washington, dc, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCA civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a report of the annual classification maintenance review by individual employee, position description number, position title/ series/grade

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1310 of the Supplemental Appropriation Act, 1952 as amended (5 USC 3101, Note) Whitten Amendment

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Civilian Personnel organizations -- used to identify positions subject to the annual maintenance classification review and to take appropriate position classification action for positions which require adjustments.

Civilian employees and supervisors-- used to identify the need for each position and to certify the accuracy and completeness of each officially classified position.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Retrieved by employee name and position description number.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained in active file for two calendar years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to mine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the rquestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the Personnel Management Information System, Official Positon Descriptions, civilian employees and their supervisors, and civilian personnel employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.11

SYSTEM NAME:

602-18 Promotion Register and Record Files

SYSTEM LOCATION:

Primary System - Civilian Personnel Division, Code 720, Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Candidates who apply for job vacancies under the DCA Civilian Merit Promotion Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains the Job Opportunity Announcement; list of candidates; rating sheets; evaluation instrument; supervisory appraisals; DCA Form 237, Eligibility List; SF 171, Personal Qualifications Statements; DCA Form 326, Applicants Card Record; and other supporting documentation generated in the evaluation of candidates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 335, Promotion and Internal Placement

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Civilian Personnel Office staffs to prepare and issue Job Opportunity Announcements; evaluate candidates' qualifications and develop promotion certificates in coordination with promotion panels and supervisors, notify candidates of selection or nonselection, monitor the DCA Civilian Merit Promotion Program, and to otherwise complete and document merit promotion actions.

Used by supervisors and members of promotion panels to evaluate candidates, interview candidates and to notify the Civilian Personnel Office staffs when selections are made.

Used by Department of Defense and Civil Service Commission inspectors to review promotion actions for compliance with merit promotion policy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

information is accessed and retrieved by employee name and Job Opportunity Announcement Number.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained in active file for two calendar years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Communications Agency Directors of DCA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Communications Agency

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Communications Agency

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Job application from individuals, current and former supervisory appraisals, Official Personnel Folder, promotion panels and civilian personnel office staff, selecting officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.12

SYSTEM NAME:

602-10 Civil Service Certificate Files

SYSTEM LOCATION:

Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants who are eligible for competitive appointments from Civil Service Commission registers to positions in DCA organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of Standard Form 39, Request for Certification, Civil Service Commission Form 1844, Certificates of Eligibles, Civil Service Commission Form 2934, Statement of Reasons for Passing Over and Preference Eligible and Selecting a Nonpreference Eligible, Civil Service Commission Form 775, Authority to Examine and Appoint Under Open Examination, and related correspondence supporting the action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 332, Recruitment and Selection Through Comptetitive Examination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as prescribed by Civil Service Commission regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by position title and position description number.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for two calendar years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA.

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Civil Service Commission certificates of eligibles and reports of action taken on certificates of eligibles.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.13

SYSTEM NAME:

602-26 Retention Register Files (Reduction-in-Force)

SYSTEM LOCATION:

Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of organizations who compete during a Reduction-In-Force (RIF); civilian employees who receive a RIF notice and are eligible for registration in the Department of Defense Program for Stability of Civilian Employment and the Civil Service Commission Displaced Employee Program and the Reemployment Priority List.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of Retention Registers and Reduction-in-Force Notices, Civil Service Commission Displaced Employee Program Registration; Department of Defense Form 1817, Program for Stability of Civilian Employment Registration; Reemployment Priority List, Qualifications Appraisal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 351, Reduction-in-Force

Department of Defense Directive 1400.20, Program for Stability of Civilian Employment in the Department of Defense

Department of Defense Program for Stability of Civilian Employment Policies, Procedures and Programs Manual, DoD 1400.20-1-m.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as prescribed by Civil Service Commission and Department of Defense regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and computer printout of Retention Registers.

RETRIEVABILITY:

Information is accessed and retrieved by name.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for five years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA.

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contais records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the

appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Official Personnel Folder, computer printout of retention register, DCA management, individual employees and supervisors, civilian personnel office staff, official position description, Civil Service Commission, Department of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.15

SYSTEM NAME:

603-05 Chronological Journal Files

SYSTEM LOCATION:

Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees or former civilian employees of DCA organizations for whom a personnel action affecting their employment with DCA was processed within the last two calendar years.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of Standard Form 50, Notification of Personnel Action, Standard Form 50A, Notice of Short Term Employment and list forms used in lieu of Standard Form 50.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Supplement 230-31, Subchapter S3, The Chronological Journal File

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as prescribed by Civil Service Commission regulations

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records filed in three-ring binders.

RETRIEVABILITY:

Information is accessed and retrieved by name or type of personnel action.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for two calendar years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Official Personnel Folder Files, official position description, individual employees, supervisors of employees, civilian personnel staff members, and Civil Service Commission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.16

SYSTEM NAME:

Classification Appeals File

SYSTEM LOCATION:

Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of DCA who appeal a position classification action to the Agency; civilian employees who appeal a classification action to the Civil Service Commission and Agency appeals to the Civil Service Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official position description of the employee and the supervisor evaluation statements, organizational charts, employee/supervisor statements concerning completeness and accuracy of the position description and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 511, Classification Under the General Schedule; Chapter 532, Coordinated Federal Wage System

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the civilian personnel office staff to process classification appeals and render classification decisions; to advise employees of classification decisions; to submit information concerning employee and agency appeals to the Civil Service Commission; and as a reference

document for future classification actions.

Used by the Civil Service Commission to process classification appeals and to notify the agency and employees of classification decisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by employee name.

SAFEGUARDS:

Building employs security guards. Records are maintained in area accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are destroyed when obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA.

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area. .

NOTIFICATION PROCEDURE:

Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personne, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the rquesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the rquestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Civilian personnel office employees, DCA management officials appellant and their supervisors, and Civil Service Commission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K700.17

SYSTEM NAME:

603-01 Official Personnel Folder Files (Standard Form 66)

SYSTEM LOCATION:

Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of DCA organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 171 Personal Qualifications Statement Standard Form 172 Supplemental Experience and Qualifications Statement Standard Form 50 Notification of Personnel Action Standard Form 50A Notice of Short Term Employment Standard Form 52 Request for Personnel Action Standard Form 15 Claim for Veteran's Preference Standard Form 51 Request for Insurance Standard Form 176 Election, Declination, or Waiver of Life Insurance Coverage, FEGLI Standard Form 176A The Federal Employees Group Life Insurance Program Standard Form 54 Designation of Beneficiary, Group Life Insurance Standard Form 61 Appointment Affidavits Standard Form 61B Declaration of Appointee Standard Form 70 Proof of Residence Standard Form 78 Health Qualification Placement Record Standard Form 144 Prior Federal & Military Service Standard Form 2809 Health Benefits Registration Form Standard Form 2810 Notice of Change in Health Benefits Enrollment Standard From 39 Request for Certification Standard Form 39A Request for FSEE Certification Standard Form 59 Request for Approval of Noncompetitive Action Standard Form 75 Request for Preliminary Employment Data Standard Form 144 Statement of Prior Federal and Military Service Standard Form 161 Executive Inventory Record Standard Form 161A SF 161 Continuation Sheet DA Form 2515 Payroll Change Slip Standard Form 1126 Payroll Change Slip Standard Form 1152 Designation of Beneficiary, Unpaid Compensation of Deceased Employee CA1/CA-1&2 Notice of Injury of Occupational Disease DA2515 Notice of Within Grade/Pay Adjustment WA18, WA8 Direct Hire Authority Optional Form 8 Position Description DD Form 214 Armed Forces of the United States Report of Transfer or Discharge DD Form 1559/1917 Employee Career Appraisal (Test) DD Form 1617 Transportation Agreement - Overseas Employee DD Form 1618 Transportation Agreement - Transfer of DoD Civilian Employees to and within Continental ! United States CSC Form 2800A Proof of Selection for Career/ Career Conditional Appointment CSC Form 813 Request for Verification of Military Service DCA Form 89 Service Award Work Sheet & Record DCA Form 103 Notice of Performance Rating DCA Form 104 Recommendation for Outstanding Performance Rating DCA Form 222 Quality Salary Increase Recommendation and Approval DCA Form 105 Recommendation for Performance Award Records of Training Civil Service Commission Letters authorizing waivers and exceptions Official Letters of Commendation Debt Correspondence Official Disciplinary Actions Reduction-in-Force Letters

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Supplement 293-31, Subchapter S5, The Official Personnel Folder File.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as prescribed by Civil Service Commission Regulations and to provide data for the automated Defense Communications Agency Personnel Management Information System (PERMIS)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records stored in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name.

SAFEGUARDS:

Records are maintained in Lektriever with combination lock and are accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Temporary Records - Must be retained in the Official Personnel Folder (left side) for a minimum period of one year or until the employee transfers or separates, whichever occurs first, except that official letters of admonishment, warning, caution, reprimand, and similar disciplinary action papers may be removed at any time if it is decided later that the action was unwarranted. Otherwise, most temporary records may remain in an employee's personnel folder as long as he remains with the same agency, except that letters of caution, warning, admonishment, reprimand, and similar disciplinary action papers must not be kept in the folder longer than three years, unless the agency has received an exception from the Civil Service Commission.

Permanent Records - Personnel action reports and other documents filed on the right side of the folder are permanent records and 'travel' with the employee throughout his or her entire Federal career. Records are maintained in DCA until the individuals terminate their employment with DCA and subsequently are transferred to another government agency or if the employee is separated from the Federal service the records are transferred to the National Personnel Records Center (Civilian), St. Louis, Missouri.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA.

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Former government agencies with which the individual was employed, individual employees, supervisors of employees, official personnel actions, military service records, Civil Service Commission records, and information listed in the records category and civilian personnel staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K890.01

SYSTEM NAME:

Freedom of Information Act File (FOIA)

SYSTEM LOCATION:

Central - Office of Civilian Assistant to Chief of Staff, DCA, Code 104. Decentralized - DCA Field Activities World-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who request information under FOIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of (1) policy file which contains DoD Directive 5400.7, Availability to the Public of DoD Information, 14 February 1975; DCA Instruction 210-225-1, Availability to the Public of DCA Information 31 March 1975; USAF Regulation 12-30, Disclosure of Air Force Records to the Public, 19 February 1975; Department of Health, Education and Welfare, Public Information, contained in Federal Register Vol 38, Number 248, Part II, 24 December 1974; Commanders Digest, Vol 17, Number 8, Freedom of Information Actions, 18 February 1975; DoD Directive 5400.9, Publication of Proposed and Adopted Regulations Affecting the Public, 23 December 1974; and DCA Messages to Field Activities implementing the FOIA. (2) Log File which consists of a record of all written requests for information under the FOIA which have been processed within DCA since 1 January 1975. (3) Correspondence received in DCA relating to FOIA, including replies thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, as amended by P. L. 93-502, Freedom of Information Act.

DoD Directive 5400.7, 14 February 1975, Availability to the Public of DoD Information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For making available to the public the maximum amount of information concerning the operations and activities of DCA. DCA Management - to receive, process, and respond to requests for information under FOIA. DCA Counsel and Director, DCA - to review and deny requests for information under provisions of FOIA and to forward applicable correspondence to DoD when the denial may be contested or appealed.

DoD and Department of Justice - for review and in event of judicial action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The paper records in file folders.

RETRIEVABILITY:

Retrieved by the control number and the name of the individual who requested the information.

SAFEGUARDS:

Records are stored in a locked safe. Records pertaining to policy are permanent. Correspondence maintained for two years, then destroyed. Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

All records (except the Authorities which are permanent) are retained by Code 104, Headquarters, DCA, for two years. Logs are kept until reference need expires.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Assistant to the Chief of Staff, Headquarters, DCA, Code 104, Defense Communications Agency, Washington, D.C. 20305.

NOTIFICATION PROCEDURE:

Requests from individuals relating to information from DCA Headquarters or DCA Field Activities in the Washington Metropolitan area should be addressed to the Civilian Assistant to the Chief of Staff, Code 104, Headquarters, DCA, Washington, D.C. 20305. Requests from individuals relating to information from DCA Field Activities outside the Washington Metropolitan area should be addressed to the Commanders of those activities. Individual must provide his full name, a detailed description of the record desired. For personal visits, the individual must present proof of identity to include full name and social security number as well as positive identification, i.e., such as driver's license, etc., and fully identify record desired.

RECORD ACCESS PROCEDURES:

Contact Civilian Assistant to the Chief of Staff, Headquarters, DCA, Code 104. The mailing address is listed in the organization directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agencies' rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

From individuals concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

As specified by the requested record system.

K890.03

SYSTEM NAME:

Awards Case History File

SYSTEM LOCATION:

Military Personnel Division, Code 710, Hq, Defense Communications Agency (DCA). Decentralized Segment - Defense Communications Operations Center, Allocations and Engineering Division, Code N230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on military personnel of the Army, Air Force, Navy and Marine Corps, assigned to the Defense Communications Agency, that have been recommended for an award while assigned/received an award that was presented by the Director/Vice Director/or received a promotion and the ceremony was conducted by the Director/Vice Director.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain recommendation for an award, citation, memorandum and copy of ceremony announcement and the Director's brief sheet, biographical summary sheet and minutes of the awards board meetings. Categories of information are: Personnel identification and narrative justification for an award.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.Code 1121.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the DCA awards personnel to manage the awards program of this Agency.

Department of the Army uses to grant or deny service awards.

Department of the Navy uses to grant or deny service awards.

Department of the Air Force uses to grant or deny service awards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders and locked in filing cabinets.

RETRIEVABILITY:

Information is accessed and retrieved by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel that are properly screened, cleared, and their duties require them to be in the area where the records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are destroyed 2 years after individual has departed from this Agency/or upon approval of the award whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant to the Director for Personnel, Code 700, Headquarters, DCA.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Assistant to the Director for Personnel, Code 700, Hq, DCA. The full name, rank, and social security number of the requesting individual will be required to determine if the system has a record about the individual. The requester may visit the Military Personnel Division, Code 710, Hq, DCA to obtain information on whether the system contains records pertaining to the individual. As proof of identiy the requester will present his U.S. Armed Forces ID Card.

RECORD ACCESS PROCEDURES:

Contact the Assistant to the Director for Personnel, Code 700, Hq, DCA. The official mailing addresses are in the DoD Directory in the appendix to the Defense Communications Agency's Systems Notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Activity/Area Commanders, Deputy Directors, Vice Director, Director, Comptroller, Assistant to the Director for Administration and Assistant to the Director for Personnel, who submit recommendations for awards on individuals assigned to their activity. Source data documents are: DA Form 638, Recommendation for Award (Army), AF Form 642, Recommendation for Decoration (Air Force), NAVPERS Form 1650/6, Recommendation for Award (Navy). Letter recommendations following the format prescribed in DCAI 220-15-39.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K890.04

SYSTEM NAME:

Military Personnel Management/ Assignment Files

SYSTEM LOCATION:

Military Personnel Division, Code 710, Headquarters, Defense Communications Agency (DCA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on military personnel of the Army, Air Force, Navy and Marine Corps currently assigned to the Defense Communications Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain qualification records, duty status, special orders, assignment actions, personnel action requests, and suspense items for individuals to update Military Personnel Records maintained by the Military Department's Personnel Office. The category of data maintained is: personnel identification, assignment history and eligibility, medical profile status and military and civilian education history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 3012, 6011, 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DCA uses this information to manage the military personnel assigned. The majority of the information is furnished by the Military Departments. This information is used: to determine acceptance/non-acceptance for assignment to this Agency, to determine requisition base, to determine qualifications for requirements peculiar to the Agency, performance evaluations, position manning reports, strength accountability, data upon which to base individual requests for personnel actions, and biographical and statistical reports to top DCA management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders in filing cabinets.

RETRIEVABILITY:

Information is access and retrieved by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel that are properly screened, cleared, and their duties require them to be in the area where the records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are destroyed upon reassignment from DCA.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant to the Director for Personnel, Code 700, Headquarters, DCA.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Assistant to the Director for Personnel, Code 700, Headquarters, DCA. The full name, rank, and social security number of the requesting individual will be required to determine if the system has a record about the individual. The requester may visit the Military Personnel Division, Code 710, Hq, DCA to obtain information on whether the system contains records pertaining to the individual. As proof of identity the requester will present his U.S. Armed Forces Identification Card.

RECORD ACCESS PROCEDURES:

Contact the Assistant to the Director for Personnel, Code 700, Hq, DCA. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's Systems Notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Basic sources of data are the Military Departments: Army, Air Force and Navy. Qualification records furnished when the individual is nominated for assignment to the Agency. The types of forms that are used as source data are: Army DA Form 2475-2 (Personnel Data-SIDPERS), DA Form 31 (Request and Authority for Leave), DA Form 2/2-1 (Qualification Record), PERSINCOM Form 260 Officers Record Brief), Special Orders; Air Force AF Form 47 (Personnel Security Certificate), AF Form 298-1 (Career Brief Officer), AF Form 1074 (Career Brief Enlisted), AF Form 899 (Reassignment Orders), AF Form 152/988 (Leave Forms), AF Forms 2095/2096/2097/2098 (Personnel Actions Forms); Navy Career Brief Officers, NAVPERS 1070/602 (Dependency Application/Record of Emergency Data), Orders, OPNAV Form 5521-420 (Certificate of Clearance), NAVPERS 601-3 (Enlisted Classification Record), NAVPERS 601-4 (Navy Occupation and Training History), NAVPERS 601-9 (Enlisted Performance Record), NAVPERS Form 1616/18 (Performance Evaluation Report); Marine Corps, Career Brief. All services file letters, messages and general correspondence, DA Form 2490 (Disposition Form), relative to the individuals assigned to the Agency.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K890.05

SYSTEM NAME:

Overseas Rotation Program Files

SYSTEM LOCATION:

Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA).

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of DCA organizations in the Continental United States (CONUS) assigned to a position with a government organization outside the CONUS.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of Standard Form 30, Notification of Personnel Action; Standard Form 55, Notice of Conversion Privilege, Group Life Insurance; Standard Form 56, Agency Certification of Insurance Status; Standard Form 171, Personnel Qualifications Statement; Standard Form 172, Supplemental Experience and Qualifications Statement; Standard Form 2810, Notice of Change in Health Benefits Enrollment; DD Form 1617, Transportation Agreement-Overseas Employees; DA Form 2515, Payroll Change Slip; Statement of Agreement; Position Description; Request for Extension of Reemployment Rights; General correspondence pertaining to the overseas assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 301, Overseas Employment

Department of Defense Instruction 1404.3, Standardized Overseas Tours of Duty for United States Citizens Employees of the Department of Defense.

Department of Defense Instruction 1404.8, Rotation of Employees from Foreign Areas and the Canal Zone.

Department of Defense Directive 1400.6, Statement of Personnel Policy for Civilian Personnel of the Department of Defense in Overseas Areas.

Department of Defense Program for Stability of Civilian Employment Policies, Procedures and Programs Manual, DoD 1400.20-1-M.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the personnel office staff as a source document to resolve questions concerning overseas employees who have reemployment rights to DCA/CONUS activities, to determine placement rights and to process actions for the exercise of reemployment rights.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name and occupational location.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained until the employee exercises reemployment rights within the CONUS and are subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA.

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA.

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present either a current DCA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA.

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's system notice and should be referenced by the requester.

Decentralized Segments - Commander, DCA-Western Hemisphere, Building 6286, Fort Carson, Colorado 80913; Commander, Defense Commercial Communications Office, Scott Air Force Base, Illinois 62225.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained for the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Official personnel folder; individual employees; personnel office staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K890.06

SYSTEM NAME:

Card File for Forwarding Mail of Departed Personnel

SYSTEM LOCATION:

Correspondence and Mail Processing Branch, Code 212, Headquarters, Defense Communications Agency (DCA). Decentralized Segment - Defense Communications Engineering Center, Administrative Offices, Code R120.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records system contains the names of personnel who have been reassigned who had been receiving their mail through the correspondence and Mail Processing Branch, Code 212, Headquarters, DCA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card file consisting of individual's name and forwarding address for mail.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Post Office Department, USA, Postal Manual, Chapter 1, Part 158.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by personnel of the Correspondence and Mail Processing Branch, Code 212, Headquarters, DCA for forwarding mail to personnel of Headquarters, DCA; Headquarters, National Communications System; and the Defense Communications Agency Operations Center, who have departed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in a card file box.

RETRIEVABILITY:

Information is accessed and retrieved by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is alarmed and is accessible only to authorized personnel that are properly screened, cleared, and their duties require them to be in the area where the records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for one year after an individual's departure and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, Code 210, Headquarters, DCA. Decentralized Segment - Chief, Management Services Office, Defense Communications Engineering Center, R120.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Administrative Division, Code 210, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Correspondence and Mail Processing Branch, Code 212, Headquarters, DCA, to obtain information on whether the system contains records pertaining to

him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license. Decentralized Segment - Chief, Management Services Office, Defense Communications Engineering Center, R120.

RECORD ACCESS PROCEDURES:

Contact the Chief, Administrative Division, Code 210, Headquarters, DCA. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Names and addresses of individuals in the system are furnished by the individuals who have been reassigned who had been receiving their mail through the Correspondence and Mail Processing Branch, Code 212, Headquarters, DCA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

K890.07

SYSTEM NAME:

Education, Training, and Career Development Data System

SYSTEM LOCATION:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Communications Agency (DCA).

Decentralized Segments - DCA Field Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel currently or formerly assigned to or employed by the DCA.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains individual career development plans (for civilians only); education and training historical data; applications for training funded, sponsored, or arranged by DCA; evaluations (by the trainee) of education or training received; applications for programs for which candidates are competitively selected; for example senior military service schools and other long-term training; agreements to continue government service in return for training received; and supervisor evaluations of the results of training given to their employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 410 'Training'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by supervisors and by training specialists for career development planning and for determining appropriate training for individuals. Also used to determine an individual's eligibility for training and to justify education and training courses and their associated expenditures.

Used by managers in the DCA and by training specialists to determine agency training needs and the ability of specific courses to satisfy those needs. Also used to determine results and accomplishments of the DCA training programs (often presented in statistical form for this purpose).

Used by Career Development Specialists to prepare reports of training for the Civil Service Commission and for DoD.

Used by DCA procurement personnel and DCA legal staff as the basis for supporting or enforcing legal obligations, such as payment of tuition and fees, reimbursement of trainee's expenses, contractual obligations, or continued-service agreement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and punched cards.

RETRIEVABILITY:

Retrieved by name or SSAN

SAFEGUARDS:

System is in building which uses security guards to control access to the building. Only authorized personnel are allowed access to the building. Files are kept in standard drawer-type filing cabinets.

RETENTION AND DISPOSAL:

Individual records are maintained as long as the individual is employed by or assigned to the DCA. After a person leaves the DCA, his/her individual files are destroyed within one year of the departure.

Consolidated reports may be maintained for as long as five (5) years before they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant to the Director for Personnel, Code 700, Hq, DCA

NOTIFICATION PROCEDURE:

Personnel currently assigned to or employed by the DCA Headquarters or DCA Field Activities in the Washington Metropolitan Area, and all personnel formerly assigned to or employed by DCA Headquarters or any DCA Field Activity may obtain information from:

Assistant to the Director for Personnel
Defense Communications Agency
8th St. & South Court House Road
Arlington, Virginia 22204

Personnel currently assigned to or employed by DCA Field Activities outside the Washington Metropolitan Area may obtain information from the commander of their activity.

Requests for information must contain name, SSAN, DCA activity to which assigned, and dates employed by or assigned to DCA.

Proof of identity for those appearing in person is an employee's ID card, driver's license, passport, or similar identification which contains both the name and a photograph of the individual. Proof of identity for individuals not appearing in person will be a notorized statement certifying that the person requesting the information has been identified by the notary public by means of an employee ID card, driver's license, passport, or other identification containing both the name and a photograph of the individual.

RECORD ACCESS PROCEDURES:

Contact the Assistant to the Director for Personnel for information concerning access to individual records. The official mailing address is in the Department of Defense Directory, in the appendix to the DCA systems notice.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individual Official Personnel Folders/ Files or is supplied by the individual or by his/her supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

DCA STATION LIST DIRECTORY

ALASKA

DCA Alaska Field Office
Code N250
Elmendorf AFB, AK 99506
Defense Commercial Communications Office Alaska
Elmendorf AFB, AK 99506

CALIFORNIA

DCA Guam Field Office
Box 141, NAVCAMS WESTPAC
FPO San Francisco 96630
DCA Northwest Pacific Region
APO San Francisco 96328
DCA Korea Field Office
APO San Francisco 9630l
DCA Southwest Pacific Region
APO San Francisco 96274
DCA Los Angeles Field Office
Post Office Box 92960, Worldway Postal Center
Los Angeles, CA 90009

DISTRICT OF COLUMBIA

Command and Control Technical Center
Washington, D.C 20301
Headquarters Defense Communications Agency
Washington D.C. 20305
National Communications System/ Defense Communications Agency Operations Center
Washington D.C. 20305
White House Communications Agency
Washington D.C. 20500

HAWAII

DCA Pacific Area
Wheeler AFB, HI 96854
Defense Commercial Communications Office Pacific
Ft Shafter, HI 96858

ILLINOIS

DCAOC Allocation and Engineering Division
Code N230
Stop 850A
Scott AFB, IL 62225
Defense Commercial Communications Office
Scott AFB, IL 62225

NEW YORK

DCA Field Office Athens
APO New York 09223
DCA European Area
APO New York 09131
DCA Field Office Italy
Box 166
AFSOUTH NATO
FPO New York 09524
DCA Field Office United Kingdom
APO New York 09378
DCA Field Office Worms
APO New York 09056
Defense Commercial Communications Office Europe
APO New York 09130

VIRGINIA

Defense Communications Engineering Center
1860 Wiehle Avenue
Reston, VA 22090

WASHINGTON

DCA Okinawa Field Office
Box 959
FPO Seattle 98773

ADDENDUM TO DCA STATION LIST DIRECTORY

The Director, DCA is also the Manager, National Communications System (NCS), the Chairman, U.S. Military Communications Electronics Board (USMCEB), and the Director, Worldwide Military Command and Communications System (WWMCCS) Systems Engineering. To the extent that the Director, DCA performs these other functions, the records systems described herein pertain to and are available to employees of these organizations, and may be corrected by means of the same process described for DCA files systems, unless specified otherwise herein.

With the exception of personnel records for Navy officers assigned to DCA activities in the Washington metropolitan area, the official military personnel records of military personnel assigned to DCA are maintained by the parent department and that department has the only complete official copies of the military members personnel records file. Responsibility for the completeness and accuracy of these files is invested in the military department. While the DCA commander or office chief may assist the military members in obtaining access or making corrections, DCA does not have the authority either to grant access or make corrections. The documents maintained by DCA on military personnel are copies of records provided by the military departments during the nomination process, copies of personnel correspondence generated during the members tenure in DCA, promotion rosters furnished by the military departments, and copies of orders published by the departments. A few documents are maintained as a result of requirements imposed by the departments (leave forms for Army and Air Force personnel and SIDPERS for Army personnel).

In the case of Navy officers in the Washington area, DCA maintains the Navy Officers service records and can grant access and make corrections within the purview of NAVPERS 15791, Bureau of Naval Personnel Manual.

DEFENSE INTELLIGENCE AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as

may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

L DIA 0005

SYSTEM NAME:

Personnel Management Information System (PMIS)

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.D. 20301

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former military and civilian employees of DIA. Military and civilian personnel and their dependents

nominated for assignment to the Defense Attache System.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of personnel and directory data, security, education, training, financial health information, location, telephone and employment related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 creating the Defense Intelligence Agency as a separate agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by staff, administrative and operating officials to prepare individual administrative transactions; make decisions on the rights, benefits, entitlements and the utilization of individuals; provide a data source for the production of reports, statistical surveys, rosters, documentation and studies required for the orderly personnel administration within DIA. Information will be disclosed to such other Federal agencies, state and local governments, as may have a legitimate use for such information and which agree to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained. Information collected concerning home phone, address and emergency notification data is used to provide postal and locator service, to identify next-of-kin for emergency notification and as a source document to prepare recall and special rosters required for the Agency's day-to-day operation and emergency functions. At overseas locations information may be provided to host country, Department of State, Department of Justice, Department of Treasury and the Central Intelligence Agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated, maintained on magnetic tape and manual in paper files and cards and microfilms.

RETRIEVABILITY:

By name or social security account number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Paper files are destroyed when employment with the Agency ceases. Temporary microfilm records are destroyed when replaced within an updated film and magnetic tape files are retained indefinitely as permanent record. Directory Service files are destroyed one year after the individual departs the agency. Defense Attache System records are maintained for one year beyond the individual's tour completion date and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E-223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specific limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E-223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to CAO (PA 1974), Defense Ingelligence Agency, Washington, D.C., or personally delivered to room 3E-223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Agency officials and Ambassadors, employees, educational institutions, parent service of individuals and immediate supervisor on station and other Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

L DIA 0010

SYSTEM NAME:

Requests for Information

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who make requests to DIA for information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence from requester, and documents related to the receipt, processing and final disposition of the request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information for compiling reports required by public disclosure statutes and to assist the Department of Justice in preparation of the Agency's defense in any law suit arising under these statutes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual in paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Granted access: destroy 2 years after date of agency reply. Denied access, but no appeals by requester: destroy 5 years after date of agency reply. Contested records: destroy 4 years after final denial by agency, or 3 years after final adjudications by courts, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Technical Services and Support, Defense Intelligence Agency, Washington, D.C. 20301

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Individual requesters and agency officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

L DIA 0011

SYSTEM NAME:

Student Information Files

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former students of the Defense Intelligence School.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student's biographic data and administrative/academic documents related to the student's enrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to document, monitor, manage, and administer the student's performance at the School and to provide verification of training accomplished to federal agencies, military departments and educational institutions when requested.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated on magnetic disc and tape and manual in paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Registration cards are held 2 years and then retired to the Washington National Record Center. They are destroyed when 25 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, Defense Intelligence School, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with

respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Individual, parent service, educational institutions, previous employees and other federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

L DIA 0014

SYSTEM NAME:

Employee Grievance Files

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian employees of DIA who have submitted grievances in accordance with DIAR 22-12.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain all records and documents relating to grievances filed by Agency employees to include statements of witnesses, reports of inter views and hearings and examiner's findings, recommendations, decisions and related correspondence or exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used: to dis close information to any source from which additional information is requested in the course of processing a grievance to the extent neces sary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested; to another Federal agency or to a court when the Government is party to a judicial proceeding before the court; by the Agency in the production of summary descriptive statistics, analytical studies and training in support of the function for which the records are collected and main tained or for related work force studies; to officials of the Merit Systems Protection Board including the Office of the Special Counsel, or the Equal Employment Opportunity Commission when requested in per formance of their authorized duties; to disclose in response to a request for discovery or for appearance of a witness, information that is rele vant to the subject matter involved in a pending judicial or admini strative proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual in paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Record is destroyed 3 years after closing of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or per sonally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specific limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 2E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to ebe in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such addi tional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

By the individual, testimony of witnesses, Agency officials and from related correspondence from organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

L DIA 0015

SYSTEM NAME:

Biographic Sketch

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who interface with the DIA on a fee or non-fee basis.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains biographic data to include name, date and place of birth, educational background, lists of published works or notable achievements in the intelligence scientific or academic community, intelligence experience, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To establish an individual's bona fide as a noted authority in a specialized area for the pur- poses of utilizing that expertise to fill a gap in the Defense Intelligence Agency's resources. Information will be disclosed to such other federal agencies, state and local governments, as may have a legitimate use for such information and which agrees to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expecta- tions of use and disclosure under which the information was provided, collected or obtained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual in paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are destroyed when no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Technical and Services Support, Defense Intelligence Agency, Washington, D.C. 20301 ington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Individual, academic institutions or the individual's employer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

L DIA 0140

SYSTEM NAME:

Passports and Visas

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DIA personnel requiring passports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files containing passports and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To obtain and safekeep official passports until needed for travel and to obtain necessary visas from appropriate Embassies. Notify individuals to reapply when passports expire and to return passports to the Department of State upon departure of the individual from DIA.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual in paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Passports are returned to Department of State upon departure of the individual from DIA.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Technical Services and Support, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to

address indicated above or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Individual applicant and Department of State, Passport Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

L DIA 0209

SYSTEM NAME:

Litigation and Disposition Documentation.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files involving legal and administrative matters involving individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence or legal documentation relating to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used in connection with litigation by, disciplinary and administrative action against or in the disposition of claims and benefits of individuals both civilian and military. Will be provided to the Department of Justice, the Office of Personnel Management and various branches of the military services as may be necessary or required in the disposition of an individual case.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual in paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the General Counsel, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Other offices within the Defense Intelligence Agency and the Department of Defense, the individual involved and other departments and agencies of the Executive Branch.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

L DIA 0271

SYSTEM NAME:

Investigations and Complaints

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian and military personnel who filed a complaint acted upon by the Inspector General, DIA, or who were the subject of an Inspector General, DIA, investigation or inquiry.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the organization, planning and execution of internal/external investi- gations and records created as a result of investigations conducted by the Office of the Inspector General, including

reports of investigations, records of action taken and supporting papers. These files include investigations of both organizational elements and individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records. Executive Order 12036, United States Intelligence Activities, January 24, 1978. Executive Order 11652, Classification and Declassification of National Security Informa- tion and Material, March 8, 1972.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used as a basis for recommending actions to the Command Element and other DIA elements. Depending upon the nature of the information it may be passed to appropriate elements within the Department of Defense, the Department of State, Department of Justice, Central Intelligence Agency and to other appropriate government agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual in paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are held in current files for 5 years after completion and adjudicated of all actions. Retired to the Washington National Record Center . Investigations will be offered to the National Archives and complaints destroyed when 20 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General's Office, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Individuals interviewed in connection with an investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5. U.S.C., 552a, subsections k(2), k(5) or k(7). For additional information see agency rules contained in (32 CFR Part 292a).

L DIA 0335

SYSTEM NAME:

Alcohol and Drug Abuse Reporting Program

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee of the Defense Intelligency Agency (DIA) who has been diagnosed as an alcohol/drug abuser by a physician and subsequently enrolled in an alcohol/drug abuse treatment program. Former employees who were undergoing treatment at time of termination are retained in the file for two years and other former employees who were enrolled in a program less than two years before their termination may also be included.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains employee intake and follow-up records, initial interview forms, counselor observations and impressions of employee's behavior and rehabilitation progress, copies of medical consultation and procedures performed, results of bio-chemical urinalysis for drug abuse, and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, (10 U.S.C. 133d) the Secretary of Defense issued Department of Defense Directive 5105.21 creating DIA as a separate agency of the Department of Defense under his direction and herein charged the Director, DIA, with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Blanket 'routine uses' for DIA systems of records do not apply to this system of records.

Records concerning the identity, medical diagnosis, prognosis, or treatment of any person irrespective of whether or when the individual ceased treatment, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted regulated, or directly or indirectly assisted by any department or agency of the United States, are confidential and may be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175, (as

amended) and Title 42 U.S.C., Section 4582 (as amended). Therefore, the record in the system may be disclosed outside DIA;

To Government personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation;

To appropriate elements within the Department of State, Department of Justice and Office of Personnel Management when required for actions relative to the employees employment, access to classified material or areas;

To a court of competent jurisdiction upon authorization by an appropriate order. Any safeguards against unauthorized disclosure imposed by the court in its order shall be honored.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders. (manual).

RETRIEVABILITY:

By name and social security number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of this information and have a need for access in connection with their official duties.

RETENTION AND DISPOSAL:

Records are maintained in the Personnel Office, and destroyed two years after termination of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Personnel
Defense Intelligence Agency,
Washington, D.C. 20301

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E233, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Interviews, personal history statements, abstracts or copies of pertinent medical records, abstracts from personnel records, results of tests, physician's notes, observations from employee's behavior, related notes, papers, and from counselor and/or clinical director.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

L DIA 0435

SYSTEM NAME:

DIA Awards Files

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel recommended for an award while assigned to DIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains supporting documents for the awards nomination and the results of actions or recommendations of endorsing and approving officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to obtain the approval for the awarding of the decoration and for the compila- tion of required statistical data and may be provided to the Military Departments when appro- priate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual in paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

They are maintained for approximately 2 years within the Agency and then retired to the Washington National Record Center. They are destroyed when five years old.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally

delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Agency officials, parent service and personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

L DIA 0480

SYSTEM NAME:

Reserve Training Records

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military Reserve personnel who have performed active duty training with the DIA or cor- responded with the DIA regarding reserve matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contains correspondence with the reservist and documentation related to the reservist periods of active duty with DIA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by agency officials for the administrative, control and utilization of reservists and may be provided to the Military Departments when appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual in paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are destroyed 1 year after reservists becomes inactive.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Individual reservists requesting assignment and or active duty training, agency officials and parent service of reservists.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

L DIA 0590

SYSTEM NAME:

Defense Intelligence Special Career Automated System (DISCAS).

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DoD civilian positions and employee grades GS-05 and above in the GS-0132 intelligence series, scientific and technical series and other related professional series which are assigned to an organizational component performing an intelligence functions. Crypto- logic personnel and those enrolled in the National Security Agency (NSA) career system are excluded.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data on employment history, qualification and skills and performance appraisals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10

U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Defense Intelligence Special Career Automated System Activity (DISCASA) forwards inquiries to employees regarding their availability for specific position vacancies when requested by the DoD component. DISCASA furnishes referral listings of DoD eligibles to appropriate offi- cials and managers for particular vacancy selection. DISCASA periodically furnishes copies of individual employee records for review and update by employees or servicing civilian personnel offices. DISCASA will maintain files and records for historical or user research purposes such as annual reports for DoD components or management information furnished to appropriate DoD users.

POLICIES AND PRACTICES FOR STORING, RETRISVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated, maintained on magnetic tape and manual in paper files.

RETRIEVABILITY:

By name or social security account number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are temporary. They are retained until the employee concludes his DoD intelligence career at which time they are retired to an inactive file for 1 year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Vice Director for Attaches and Training, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Source data for DISCASA is provided by the employees, the employee's supervisor and the servicing civilian personnel office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

L DIA 0660

SYSTEM NAME:

Security Files

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military/civilian applicants and nominees to DIA; current and former DIA and Defense Attache System personnel; and other DoD-affiliated personnel under the security cognizance of DIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records associated with personnel security functions; nomination notices, statement of per- sonal history, indoctrination/debriefing statements, secrecy agreements, certificates of clearance, adjudication memoranda and supporting documentation and in-house investigations, security violations, identification badge records, retrieval indices, clearance status records, and access control records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To perform all administrative functions necessary to determine initial and continued eligi- bility for and control of access to classified information in DIA facilities and those elements mandated to the Director, DIA, for Sensitive Compartmented Information access. Information will be disclosed to such other federal agencies, state and local governments, as may have a legitimate use for such information and which agrees to apply appropriate safeguards to pro- tect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated on magnetic tape and manual in paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened,

cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Files on military and civilian applicants who are not assigned or hired by DIA are maintained up to 1 year and then destroyed. Personnel security dossiers are retained until the individual's association with DIA or access to SCI information ceases and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Security Services, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

By the individual, other federal agencies, firms contracted to the DoD and agency officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5. U.S.C., 552a, subsections k(2) and k(5). For additional information see agency rules contained in (32 CFR Part 292a).

L DIA 0740

SYSTEM NAME:

Attache Special Project (ASP) and Companion Channel Information System

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DIA personnel that are cleared for ASP material.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain CC Security Agreement, Personnel Data Sheet, Personal History Statement, ASP Security Agreement and Companion and ASP Security Termination Statements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority of Title 10, United States Code, Section 133d, the Secretary of Defense has established the Defense Intelligence Agency as a separate agency of the Department of Defense under his direction and charged the Director of Defense Intelligence Agency with the responsibility of maintaining necessary and appropriate records. (See Department of Defense Directive 5105.21).

ROUTINES USES OF RECORDS MAINTAINED IN THE SYETEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To perform all administrative functions necessary to determine initial and continued eligibility for and control of access to classified information in DIA facilities and those elements mandated to the Director, DIA, for ASP material and Companion Channel access. Information will be disclosed to such other Federal agencies, state and local governments, as may have a legitimate use for such information and which is consistent with the conditions of reasonable expectations of use and disclosure under which the information was provided, collected or obtained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets. They are accessible only to authorized personnel all of whom are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Files are retained until the individual's association with DIA ceases or access to ASP material and the Companion Channel ceases and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Vice Director for Collection Management, Defense Intelligence Agency, Washington, D. C. 20301.

NOTIFICATION PROCEDURE:

To determine whether this system of records contains information pertaining to yourself, you must submit a written request to: The Freedom of Information Office (RTS-1B), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth.

RECORD ACCESS PROCEDURES:

All requests for copies of your records must be in writing. Include in your request your full name, current address, telephone number and social security number or date of birth. Also, state that whatever cost is acceptable or acceptable up to a specified limit. Requests can be mailed to: RTS-1B, Defense Intelligence Agency, Washington, D.C. 20301.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the initial determination concerning his or her request, may file a request for administrative review of that determination. These requests must be in writing and should be filed within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide any additional material to

support his or her appeal. Requests can be mailed to: RTS-1B, Defense Intelligence Agency, Washington, D.C. 20301.

RECORD SOURCE CATEGORIES:

By the individual, other Federal agencies, firms contracted to the DoD and Agency officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C. 552a(k)(5). For additional information see Agency rules contained in 32 CFR Part 292a (DIA Regulation 12-12).

L DIA 0800

SYSTEM NAME:

Operation Record System

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in foreign intelligence and/or training activities conducted by the Department of Defense; who are of interest either because of their actual, apparent, or potential use.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records include operational, biographic, policy, management, training, and administrative matters related to the foreign intelligence activities of the Department of Defense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records. Executive Order 12036, United States Intelligence Activities, January 24, 1978.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information within the Department of Defense and other federal agencies for the conduct of foreign intelligence operations and to provide staff management over foreign intel- ligence training conducted by the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated on magnetic tapes and discs, microfilm and operture cards and manual in paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are retired to the Washington National Records Center upon completion of the project. Some will be offered to the National Archives when they are 40 years old and the rest destroyed. Temporary records are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Vice Director for Collection Management, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Other Department of Defense components, federal agencies, foreign sources, overt publication, and private citizens.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

L DIA 0813

SYSTEM NAME:

Bibliographic Data Index System

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have published works of general interest to the Agency, and individuals involved in foreign intelligence activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

An index of names of authors, title of published works, subject matter of writing and the location of source documents of open source literature and intelligence reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Serves as a traditional library reference service for open source literature and intelligence reports. Information is used by agency officials, other federal agencies and contract person- nel to do research on intelligence subjects related to foreign intelligence activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated on magnetic tape and disc.

RETRIEVABILITY:

By name

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Open source literature is destroyed once material is out dated. Intelligence reports are retained for 2 years and retired to the Washington National Record Center for retention. They will be offered to the National Archives when they are 40 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Technical Services and Support, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

DoD, other intelligence agencies, educational institutions, federal agencies, research institutions, foreign governments and open source literature.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

L DIA 1728

SYSTEM NAME:

DIA Prisoner of War Intelligence Analysis and Debriefing Files

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All U.S. personnel previously held prisoner of war (PW) or detained in Southeast Asia from 1961 to date and returned to U.S. control; and U.S. personnel released from detention in the People's Republic of China since 1970. All U.S. personnel considered missing in action (MIA) or killed in action (KIA) and bodies not recovered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Narrative of loss incident, identification data, casualty report; intelligence reports pos- sibly identifying subjects; portions of official debriefing; and/or debriefing summaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

As background for analytical purposes, the evaluation of intelligence reports pertaining to U.S. personnel PW/MIA; in preparation of special studies and appraisals; to provide responses to queries for PW intelligence from the JCS, OASD (ISA), the Department of State, Central Intelligence Agency, the Military Service, and other federal agencies with a need-to-know; to assist the military service intelligence and casualty offices in the determination of status of their personnel; to provide guidance to the Joint Casualty Resolution Center to assist in planning for the recovery of remains of U.S. personnel not accounted for.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated on magnetic tapes and manual in paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records will be retired to the Washington National Record Center upon disposition of all cases and will be destroyed 15 years subsequent.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director for Defense Intelligence, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name,

current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Parent military services; intelligence reports prepared by elements of the Defense Intelli- gence Agency, the military services and the Central Intelligence Agency; the Department of State; Foreign Broadcoast Information Service reports; newspapers; magazines; television and radio.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

UNITED STATES MARINE CORPS

HOW SYSTEMS OF RECORDS ARE ARRANGED. In the Marine Corps, records are categorized by subject series. Each series has assigned a subject title, a three-letter prefix and followed by a five-digit number. For Example, the systems of records containing pay data may be found in the Fiscal/Disbursing series (MFDOOOOX). The letter M stands for Marine Corps; the next two letters indicate that the records are pay related; and the following five digit number is a further breakdown of the series for identification purposes.

HOW TO USE THE INDEX GUIDE. The system of records maintained by the Marine Corps are contained within the subject series that are listed below. This list identified each series in the order they appear in this compilation. Use the list to identify subject areas of interest. Having done so, use the appropriate system identification series to locate the systems of records grouping in which you are interested.

SUBJECT SERIES

SYSTEM IDENTIFICATION SERIES

Aviation
MAAOOOOX

Fiscal/Disbursing (Matters relating to pay)
MFDOOOOX

Historical
MHDOOOOX

Installations and Logistics
MILOOOOX

Intelligence (Includes POW/MIS Files)
MINOOOOX

Judge Advocate/Legal Matters
MJAOOOOX

Miscellaneous (Admin Matters)
MMCOOOOX

Manpower/Personnel
MMNOOOOX

Training
MMTOOOOX

Reserve
MRSOOOOX

Telecommunications/Telephone Billing
MTEOOOOX

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the

information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

MAA00001

SYSTEM NAME:

Flight Readiness Evaluation Data System (FREDS)

SYSTEM LOCATION:

Primary System - The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Decentralized Segments - Marine Corps organizations having FREDS capability (or requirement or related information). Addresses are as shown in the Navy Standard Distribution List (OPNAV 09B3-107).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active Marine Corps Air Crewmembers (Naval Aviators/Naval Flight Officers and Enlisted Crewmembers)

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personal identifying information such as name, rank, social security number, organization etc., and specific information with regard to aviation qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps and Marine Corps command, activities and organizations - By officials and employees of the Marine Corps in the administration and management of Marine Corps Air Crewmember assets as required in the performance of official duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representative of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On magnetic tape

RETRIEVABILITY:

By social security number of the individual addressed

SAFEGUARDS:

Tapes are stored in limited access areas and handled by personnel that are properly trained in working with personal information.

RETENTION AND DISPOSAL:

File is maintained on individual as long as he is in an active flight status, information pertaining to individual so removed is erased from tape.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

NOTIFICATION PROCEDURE:

Information may be obtained from the individual command to which an individual is assigned for duty. Addresses of individual commands are as listed in the Navy Standard Distribution List (OPNAV PO9B3-107).

RECORD ACCESS PROCEDURES:

Written requests from individuals should be addressed to the Commanding Officer of the aviation unit to which they are assigned for duty. Addresses are shown in the Navy Standard Distribution List.

Personnel not permanently assigned to an aviation command may request information from the Commandant of the Marine Corps (Code AA), Headquarters, U S Marine Corps Washington, D C 20380.

Written requests should include name, and social security number.

For personal visits the individual should be able to provide personal identification, such as valid military identification card, drivers license, etc.

CONTESTING RECORD PROCEDURES:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

The primary source is the individual. However the individual's commanding officer or the commanding officer's designated individual fulfills certain criteria.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MAA00002

SYSTEM NAME:

Marine Corps Aircrew Performance/ Qualification Information

SYSTEM LOCATION:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps aeronautically designated personnel (Naval Aviators, Naval Flight Officers, and aircrew members) who have been the subject of medical qualification, flight pay entitlement, and/or Flight Status Selection Board (FSSB) correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains information on medical qualification, flight pay entitlements, and/or FSSB correspondence and the background data addressing such correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in the execution of their assigned duties with respect to the administration and management of Marine Corps aeronautically designated personnel.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is contained on paper records in file folders.

RETRIEVABILITY:

Information is retrieved alphabetically by the last name of the individual concerned.

SAFEGUARDS:

Building containing files employs 24 hour security guards. Offices containing files are locked after working hours and personnel handling records do so only on a 'need-to-know' basis. Such personnel are trained and screened for dependability. Material that could be considered 'career-sensitive' is retained in a safe.

RETENTION AND DISPOSAL:

Files are permanent. They are retained in active file until it is determined they are no longer required, then transferred to Marine Corps Central Files for historical deposit.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

NOTIFICATION PROCEDURE:

Information may be obtained from:
The Commandant of the Marine Corps
(Code AA)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/694-1391

RECORD ACCESS PROCEDURES:

Written requests from the individual should be addressed to the Commandant of the Marine Corps (Code AAZ), Headquarters, U S Marine Corps, Washington, D C 20380 and should contain the full name, social security number and signature.

For personal visits the individual should provide valid identification such as military identification card, Department of Defense building pass, drivers license, or other type identification that includes picture and signature. In the absence of such identification, the individual must provide sufficient data to insure that the individual is the subject of the inquiry.

CONTESTING RECORD PROCEDURES:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Information is obtained from official reports, boards, inquiries and requests. Information is also obtained from the review of Naval Aviator/Naval Flight Officer Reporting Management System (NANFORMS) data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MAA00003

SYSTEM NAME:

Naval Aviator/Naval Flight Officer Reporting Management System (NANFORMS)

SYSTEM LOCATION:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps Washington, D. C. 20380.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps aeronautically designated officer personnel (Naval Aviators, Naval Flight Officers and Officer Navigators)

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a summary of individual flight experience by fiscal year and type of aircraft in addition to rank, military occupation specialty and current duty assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organization - By officials and employees of the Marine Corps in connection with their assigned duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U. S. - By officials and employees of the Office of the attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U. S. - By the Senate or the House of Representatives of the U. S. or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U. S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored on magnetic tape

RETRIEVABILITY:

Information is retrieved by social security number.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly trained and screened.

RETENTION AND DISPOSAL:

Records are permanent. Older files are stored in Marine Corps Central Files System.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D. C. 20380.

NOTIFICATION PROCEDURE:

Information may be obtained from:
The Commandant of the Marine Corps
(Code AAZ)
Headquarters, U S Marine Corps
Washington, D. C. 20380
Telephone: Area Code 202/694-1391

RECORD ACCESS PROCEDURES:

Requests from individuals should contain the full name, social security number and signature of the individual.

For personal visits, the individual should be able to provide some valid personal identification such as military identification card, Department of Defense Building Pass, drivers license, etc. In the absence of the above identification, the individual will be asked to provide sufficient data to insure that he is the subject of the inquiry.

CONTESTING RECORD PROCEDURES:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Information contained in the records is obtained from the Department of the Navy-wide Individual Flight Activity Reporting System (IFARS) AND FROM THE Manpower Management System (MMS).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MFD00001

SYSTEM NAME:

Automated Leave and Pay System (ALPS)

SYSTEM LOCATION:

Primary System - The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Decentralized System - Major Marine Corps Commands

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

all Marine Corps Civilian Employees at Major Marine Corps Commands

CATEGORIES OF RECORDS IN THE SYSTEM:

Pay and Leave Records of Marine Corps Civilian Employees

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps; and Marine Corps commands, activities, and organizations - To administer and manage all pay and leave matters for individual civilian employees.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress

or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

The Internal Revenue Service - By officials and employees of the Internal Revenue Service in connection with such matters relating to their official duties.

State and local governmental agencies - By officials and employees of State and local governmental agencies in connection with such matters relating to their official duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tape or Disk

RETRIEVABILITY:

Employee Badge Number or SSN

SAFEGUARDS:

Restricted Access to Areas where Maintained

RETENTION AND DISPOSAL:

Permanent Files

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Code FD), Headquarters, U S Marine Corps, Washington, D C 20380

NOTIFICATION PROCEDURE:

Information may be obtained from the Marine Corps installation or activity at which the individual is employed.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the commanding officer at which the individual is employed. Addresses of Marine Corps installations, activities, and organizations are listed in the Navy Standard Distribution List (OPNAV P09B3-107). Written requests should contain full name, social security number or employee badge number, and signature of the individual concerned.

Personal visits may be made to the appropriate installation, activity or organization during the normal work week between the hours of 8:00AM-4:30PM. For personal visit the individual should be able to provide valid personal identification such as employee badge, drivers license, medicare card, etc.

CONTESTING RECORD PROCEDURES:

The Agency's Rules for Access to Records and for Contesting Contents and Appealing initial Determinations by the individual concerned may be obtained from the Sysmanager

RECORD SOURCE CATEGORIES:

Application and related forms provided by the employee in matters relating to his/her employment. Employment data to include time cards, standard pay increases, leave, etc. provided by the employer or its official representative. Data such as tax rates, employee benefit information etc. provided by appropriate federal, state or local governmental agencies or their designated representatives. Information from courts, and attorney having to do with employee wages entitlements and benefits.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MFD00002

SYSTEM NAME:

PRIMARY MANAGEMENT EFFORTS (PRIME)/OPERATIONS SUBSYSTEM

SYSTEM LOCATION:

Primary System - The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

Decentralized System - Major Marine Corps Commands

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps Civilian Employees and Selected Military Personnel at Major Marine Corps Commands

CATEGORIES OF RECORDS IN THE SYSTEM:

Labor Distribution Records

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in matters regarding their assigned duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tape or Disk

RETRIEVABILITY:

Employee Badge Number or social security number

SAFEGUARDS:

Restricted Access to Areas where Maintained

RETENTION AND DISPOSAL:

Permanent Record. Completely Deleted upon Termination of Employee

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

NOTIFICATION PROCEDURE:

Information may be obtained from:
The Commandant of the Marine Corps
(Code FD)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/694-1080

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to the individual's employing activity. Activity addresses are as shown in the Navy Standard Distribution List (OPNAV 09B3-107).

Written requests should contain the individual's full name, social security number, employee number (if applicable) and signature.

For personal visits, the individual should provide sufficient identification to insure the individual is the subject of the inquiry.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Employing activity of the individual

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MFD00003

SYSTEM NAME:

Joint Uniform Military Pay System/ Manpower Management System (JUMPS/MMS)

SYSTEM LOCATION:

Primary System - Marine Corps Central Design and Programming Activity, 1500 East 95th Street, Kansas City, Missouri 64131; Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197.

Decentralized Segments - There are nine Satellite/Command Data Processing Installations (SDPI/CDPI) which maintain files with similar records at the following locations: SDPI 02, Marine Corps Base, Camp Lejeune, NC 28542; SDPI 03, Marine Corps Base, Camp Pendleton, CA 92055; SDPI 06, FMF Pacific, FPO San Francisco, CA 96610; SDPI 09, Headquarters U S Marine Corps, Washington, D C 20380; SDPI 11, Marine Corps Recruit Depot, Parris Island, SC 29905; SDPI 15, Marine Corps Recruit Depot, San Diego, CA 92140; CDPI 17, Marine Corps Base, Quantico, VA 22134; SDPI 27, Marine Corps Base, Camp S. D. Butler, FPO Seattle, WA 98773; First Marine Brigade, FPO San Francisco, CA 96615; SDPI 16, Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps military personnel on active duty for 31 days or longer, certain civilians and other service personnel who have attended formal Marine Corps schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personnel and pay data which includes: Name, grade, SSN, date of birth, citizenship, marital status, home of record, dependents information, record of emergency data, enlistment contract or officer acceptance form identification, duty status, population group, sex, ethnic group, duty information, duty station/personnel assignment and unit information, security investi- gation, military pay record data such as information contained on the Leave and Earnings Statement which may include base pay/ allowances/allotments/bond authorization, health care coverage, special pay and bonus data, Federal and State Withholding/Income Tax Data, Federal Insurance Contributions Act, Withholding Data, Serviceman's Group Life Insurance Deductions, leave account, wage and tax summaries, separation document code, test scores/ information, language proficiency, military/civilian/off-duty education, training information, awards, combat tour information, aviation/pilot/flying time data, lineal precedence number, limited duty officer/warrant officer footnote, TAD data, power of attorney, moral code, conduct and proficiency marks, years in service, promotional data, weight control/military appearance data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 and 37, U S Code Section 5031 and 5201

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal:

Headquarters, U. S. Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in the performance of their assigned duties in matters relating to a Marine's automated personnel and/or pay record.

Department of Defense and its components - By officials and employees of the Department in the performance of their official duties.

External:

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

Federal, state and local government agencies - By officials and employees of federal, state and local government through official request for information with respect to law enforcement, investigatory procedures, criminal prosecution, civil court action and regulatory order.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency inititate criminal or civil action against an individual on behalf of the U. S. Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U. S. Marine Corps, by the U. S. Marine Corps, the Department of the Navy, or the Department of Defense.

Department of Health and Human Services (DHHS) - Disclosure of the name, rank or grade, and social security account number of each Marine Corps active duty military member to the Inspector General of DHHS for the specific purpose of comparison with appropriate rolls reflecting recipients of Aid to Families with Dependent Children (AFDC).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is recorded on magnetic records and discs, punch cards, computer printouts, microform, file folders, and other documents.

RETRIEVABILITY:

The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, and it can be converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Computerized and conventional indices are required to retrieve individual records from the system. Normally, all types of records

are retrieved by Social Security Number and name.

SAFEGUARDS:

Building management employs security guards; building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours but must sign in and out. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Access to personal information is limited to authorized personnel with a need-to-know. Access is restricted to specific applications programs, records, and files to which personnel have a specific and recorded need-to-know. Online data sets (both tape and disc) pertaining to personal information are password protected, areas are controlled and access lists are used. The files are also protected at a level appropriate to the type of information being processed.

RETENTION AND DISPOSAL:

Magnetic records are maintained on all military personnel and certain civilians while they are in service or employed by the service and for a period of 11 months after separation. Paper and film records are maintained for a period of 10 years after the final transaction, then they are destroyed. End calendar and fiscal year 'snapshots' of the MMS data base are maintained indefinitely in magnetic form at Headquarters, U. S. Marine Corps.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Codes FD/MP, Headquarters U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Requests from individuals for information concerning pay related matters should be addressed to the Commandant of the Marine Corps (Code FD). Requests from individuals for information concerning personnel matters should be addressed to the Commandant of the Marine Corps (Code MP).

Requesting individual must supply full name and Social Security Number.

The requester may visit the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197 to obtain information on whether the system contains records pertaining to him or her.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

RECORD ACCESS PROCEDURES:

Information on JUMPS may be obtained from the member's local disbursing officer. Information on MMS may be obtained from the member's immediate commanding officer. Requests for information from persons no longer in service should be signed by the person requesting the information. Dates of service, Social Security Number, and full name of requester should be printed or typed on the request. It should be sent to the Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Recruiting offices, disbursing offices, administrative offices, and the individual are the principle sources of the information contained in the JUMPS/MMS record for that person.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MFD00004

SYSTEM NAME:

Bond and Allotment (B&A) System

SYSTEM LOCATION:

Marine Corps Central Design and Programming Activity (MCCDPA), 1500 East 95th Street, Kansas City, Missouri 64131; Marine Corps Finance Center, Kansas City, Missouri 64197.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The allotment system contains all active allotments and limited (12 months) stop history for each active duty, retired, and Fleet Marine Corps Reserve (FMCR) member who authorized an allotment from his pay and allowances.

CATEGORIES OF RECORDS IN THE SYSTEM:

The allotment file contains allotments authorized by the Marines concerned, as provided under instructions issued by the Secretary of Defense.

The B&A automated system is made up of records which contain the following fields (data elements and data sets): Identification Number (Social Security Number (SSN)); Initials of Name (Last, First, Middle); Rank/Category; Last Name and Suffix; Last Pay Date; First Pay Date; Work Date; Amount; Term (in months); Account/Policy Number; Authority/Date/Remark; Bond Owner Name; Bond Owner SSN: Co-owner Beneficiary Flag; Co-owner or Beneficiary Name; Co-owner or Beneficiary SSN; Authority/Date/Remark; Name of Recipient; Street Address/Post Office Box; City and State/Country; Geographic Code (City, State/Country); Zip Code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 37, U S Code. The authority for continuing deduction for garnishment of pay is outlined in section 459 of Public Law 93-647.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the system is to provide for the payment of allotments and for the issuance, cancellation, of U S Treasury checks and savings bonds as authorized by appropriate directives. The data obtained from the system provides for the control and ultimate disposition of all treasury checks and savings bonds prepared. Allows for the collection of appropriate data, to render an accurate accounting of public funds expended or collected as required by the Navy Comptroller Manual. The allotment file is utilized by the Joint Uniform Military Pay System/Manpower Management System (JUMPS/MMS) and Retired Pay systems to calculate the monies due active duty, retired, and FMCR members of the U S Marine Corps.

The allotment class, dollar value, and allotee are displayed on the JUMPS Leave and Earnings Statement (LES) as issued. Copies of the LES are distributed as follows:

Original (white) - Disbursing Officer (DO) having custody of the Personal Financial Record.

Duplicate (yellow) - furnished the Marine concerned.

Triplicate (pink) - furnished the Commanding Officer (CO) for retention on the Marine's service record.

For permanent record retention purposes, one copy will be filed at the MCFC in microform.

The total dollar value of active allotments is furnished each retired and FMCR Marine each time a new statement of his account card is prepared.

Verification and/or information concerning a specific allotment may be released (as requested) to the following:

Marine concerned.

Marine's CO

Marine's DO

Recipient of the allotment.

Treasury Department.
Federal Reserve Bank.
Federal Bureau of Investigation.
Naval Audit Service.
General Accounting Office.
Postal Inspectors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is recorded on magnetic records, punch cards, computer printouts, microform, file folders, and other documents.

RETRIEVABILITY:

The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, and it can be converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Normally all types of records are retrieved by SSN and name.

SAFEGUARDS:

The Centralized Pay Division is locked during nonduty hours, as well as the building being under security guard protection. Files within the division are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Magnetic records are maintained by MCCDPA on all active allotments during the life of the allotment and for a period of 12 months after the allotment has been stopped. Paper and microform files relating to the Centralized Pay Division files are disposed of as directed by SECNAVINST P5212.53.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code FD), Headquarters, U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Individual requests for information should be addressed to the Marine Corps Finance Center, Centralized Pay Division (Code CPA), Kansas City, Missouri 64197.

Requests for information must contain member's SSN, name, military service number (if applicable), and any other pertinent data concerning the information desired.

A person may visit any Marine Corps disbursing office to find out if the system contains records pertaining to him or her.

For personal visits the requester must present a military identification card or copy of an Armed Forces of United States Report of Separation from Active Duty (DD Form 214 (MC)) for separated personnel.

RECORD ACCESS PROCEDURES:

Information may be obtained from the Marine Corps Finance Center, Centralized Pay Division (Code CPA), 1500 East 95th Street, Kansas City, Missouri 64197. Written Requests must contain name and SSN. For personal visits, valid personal identification is required.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by individual concerned may be obtained from the SYSMANAGER

Information pertaining to an individual who has active allotments is affected by unit diary input concerning name, or SSN changes, and to ensure allotments are stopped when a Marine is reported to be discharged or in a desertion status. Also, member's status codes are changed by unit diary or Retired Pay input when the Marine is transferred to the FMCR or Retired List.

RECORD SOURCE CATEGORIES:

The input of data from allotment/bond authorizations, other scannable documents, magnetic tapes received from the Satellite Data Processing Installations, and computer interfaces with the JUMPS/MMS and the Retired Pay systems are the principle sources of the information contained in the B&A automated system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MFD00005

SYSTEM NAME:

Retired Pay/Personnel System (RPPS)

SYSTEM LOCATION:

Marine Corps Central Design and Programming Activity, 1500 East 95th Street, Kansas City, Missouri 64131; Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pay account folders for retired Marine Corps members, Fleet Marine Corps Reservists (FMCR), and survivors of deceased retired and FMCR members, who are entitled to retired pay, retainer pay, and survivor annuities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The RPPS automated system of records contains the following fields (data elements and data sets): Retired/Retainer Date; Retainer Date; Pay Change; Information Status; Social Security Number (SSN) and Last, First, and Middle Initial (Key); Deletion Date; SSN: Retired Category Code; Member's Name; Pay Entry Base Date; Service for Pay; Active Service; Other Military Service Number (MSN); Prior MSN/SSN/Key; Rank Code; Race Code; Sex Code; Disability Percent; Heroism Pay; Pay Table Code; Recomputation Age; Retirement Laws; Functional Account Number; Ranks; Birthdates; Pay Delete/Suspense Code; Retired Serviceman's Family Protection Pay; Reserve Retirement Credit Points; Allotment Data; Withholding Tax Data; Wage and Tax Summaries; Gross Pay; Taxable Pay; Withholding Tax; Dependency Indemnity Compensation; Pension Act of 1944 (Veterans Administration (VA) Waiver); Pension Act of 1964 (Dual Compensation G1); Retired Serviceman's Family Protection Plan; Survivor Benefit Plan; Social Security; Scheduled Collections; Net Pay; Special Handling Code (Check Delivery); Accumulated Summaries; Home Mailing Address; Check Mailing Address; Pay Distribution; Last Change Posted; Date Member Eligible to Retire; Date Arrived Continental United States Without Dependents; Primary Military Occupational Specialty; Districts; Highest Rank Held Satisfactorily; Service Prior to 1 July 1949; Service After 1 July 1949; Active Duty After Transfer to Fleet/Retired Rolls; Date Next Physical Exam(Year and Month); VA Disease Codes; Department of Defense Disease Codes; Nearest Hospital (See Table 9); Personnel Accounting Separation - Designator; Earnings Statement Flag; Disability Pay; Change of Address Flag; Last Time Processed by Update-Extractor; SSN Validation; Remarks Area; One-Time Credit/Checkage; Scheduled Collection; Veterans Admin stration Claim Number; Tower Amendment Code; Premobilization Flag; Preassigned Monitored Command Code; Civil Reform Act of 1978 (PAYCAP).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U.S. Marine Corps, Marine Corps Finance Center, Marine Corps Central Design and Programming Activity - Records are used by officials and employees of the Marine Corps for computation of retired pay, retainer pay, survivor annuity accounts, audit of accounts, and to reply to

correspondence relating to retired pay. Information in the system is used to create printed reports, records, checks, microforms, and magnetic files. Under the Department of Treasury Direct Deposit Program, pay data compiled on magnetic tapes is delivered to the Federal Reserve Bank, Kansas City, Missouri. Pay data is then distributed to individual financial organizations through the Federal Reserve distribution system for direct deposit to the individual's bank account. Statistical data and reports, compiled from the system for management studies and statistical analyses, is used internally or as required by the Department of Defense or other government agencies. Some information is made available to authorized local, state, and Federal agencies.

The American Red Cross and Navy Relief Society - Records are used by officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is record on magnetic records, punch cards, computer printouts, microform, file folders, and other documents.

RETRIEVABILITY:

The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Normally all types of records are retrieved by SSN and name.

SAFEGUARDS:

Building management employees security guards; building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours, but must sign in and out.

RETENTION AND DISPOSAL:

Magnetic records are maintained on all persons who are eligible for retired pay, retainer pay, and survivor annuities while they are alive and for a period of 6 months after that person dies or ceases to be eligible. Paper and film records are maintained for a period of 10 years after the final transaction. Magnetic tapes delivered to the Federal Reserve Bank are returned to the Marine Corps Finance Center for disposition after direct deposits have been made to the account of the individual concerned.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code FD), Headquarters, U. S. Marine Corps, Washington, D. C. 20380.

NOTIFICATION PROCEDURE:

Requests from individuals for information should be referred to the SYSMANAGER.

Requesting individual must supply full name and SSN.

The requested may visit the Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197, to obtain information on whether the system contains records pertaining to him or her.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

RECORD ACCESS PROCEDURES:

Requests for information relative to the RPPS automated system should be signed by the person requesting the information. Dates of service, SSN, and full name of requester should be printed or typed on the request. The request should be sent to the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Documents and correspondence received from Headquarters, U.S. Marine Corps, the VA, the members, and changes in laws, etc. are the principle sources of information contained in the RPPS automated system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

MFD00007

SYSTEM NAME:

Examination Division Records System

SYSTEM LOCATION:

Marine Corps Finance Center, Examination Division, Kansas City, Missouri 64197

Federal Records Center, National Archives and Records Service, 2301 East Bannister Road, Kansas City, Missouri 64131

Washington National Records Center, Washington, D C 20409

National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marines serving on active duty, personnel on the Marine Corps Retired List, Fleet Marine Corps reservists, personnel discharged or separated from active duty, active and inactive Reserve personnel, deceased personnel, and Marine Corps disbursing officers concerning shortage of disbursing accounts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Unit Diaries - A chronological record of daily personnel events and history of active Marine Corps activities and organized Marine Corps Reserve Units.

Substantiating Vouchers - Supporting documents to substantiate pay adjustment items entered on military pay accounts.

Military Payrolls - An accounting and record of appropriated funds disbursed for military pay by name, social security number, amount of payment, and check number or signature of member for cash payments.

Financial Returns - Travel vouchers, collection vouchers, public vouchers for services other than personal, and civilian payrolls.

Military Pay Cases of Separated Personnel - A history of individual pay accounts from date of entry on active duty through date of separation, including, as appropriate, replies to congressional inquiries; correspondence in connection with requests for remission and/or waiver of indebtedness; individual claims for pay and allowances including claims for travel allowances and responses thereto; records of participation in the Uniformed Services Savings Deposit Program, including personnel declared to be in a missing-in-action status; information surrounding the circumstances of a former member separated in an overpaid status, thus being indebted to the United States Government; cases contain substantiating documents such as military pay records, leave and earnings statements, documents relating to Board for Correction of Naval Records, and other records and vouchers to substantiate responses to all inquiries and payment or disapproval of claims.

Annual Separations Listings - An annual record of separation showing social security number, initials, type of separation, and the effective date of

separation of Marines discharged, retired, transferred to the Fleet Marine Corps Reserve, and deceased.

Annual Reserve Tax Listings - A record showing income tax information of Class II Reserve personnel.

Microfilm of Annual Wage and Tax Information of Active Duty Personnel - Contains cumulative totals of taxable pay earned and taxes withheld, social security wages and taxes withheld.

Microfilm of Quarterly Social Security Wage Data - Contains social security number, name, and amount of wages reported to the Social Security Administration on a quarterly basis.

Microfilm of Master Allotment File - Contains information concerning the allotment status of active Marines, such as start and stop dates, allotment purpose codes, money amount of allotments, and name and address of allottee.

Microfiche and Microfilm of Field and Alpha Locators - A record of personnel data of Marines on active duty, listed numerically by social security number and alphabetically by name.

Microfiche of Marine Corps Officers Lineal List - A record of Marine Corps officers on active duty showing social security number, name, rank, date of rank, permanent rank, date of birth, date first commissioned, and pay entry base date.

Active Military Pay Cases - A file of each Marine on active duty containing military pay records opened semiannually prior to 1 July 1973 and related miscellaneous pay documents.

Reserve Personnel Military Pay Cases - A history of individual pay accounts of Class II and Class III Reserve personnel ordered to temporary active duty under individual duty orders, including pay accounts of personnel attending the Platoon Leaders class.

Centralized Automated Reserve Pay System (CAREPAY) - Files of pay data compiled by the Central Accounts Division in support of payments made to Class II reservists assigned to Organized Marine Corps Reserve units containing drill reports, unit diaries, promotion warrants, certificates for performance of hazardous duty, pay adjustment authorizations, active duty for training orders, pension certificates, token payment payrolls, adjustment and consolidated final settlement payrolls, and other miscellaneous documents to substantiate payments to Reserve personnel.

Uniformed Services Savings Deposit Accounts of Personnel Declared Missing In Action - A record of deposits and withdrawals of Marine Corps personnel in a missing-in-action status containing member's name, social security number, balance of deposits, and name and address of the designated beneficiary to whom monies are disbursed.

Federal Housing Administration (FHA) Files - Files contain social security number, name, FHA account number, due date of insurance premiums, and record of bills and payments.

U S Treasury Department, Internal Revenue Service Form 941c - A record effecting adjustment of social security wages, previously reported or nonreported, containing the member's name, social security number, military pay group, period covered, and the monetary amount of adjustment.

Marine Corps Disbursing Officers Shortage Accounts - File contains accountability of losses, letters, and vouchers pertaining thereto.

Indebtedness Cases - Files contain the debtor's name, social security number, current mailing address, the reason for indebtedness and correspondence relating thereto, personal financial information provided by the debtor, receipts of payments, control book, cash record, debt ledger, collection agent's ledger, collection vouchers, personal information provided by credit bureau reports, indebtedness record card, debt control card, accountability statements, complete military pay accounts, General Accounting Office inquiries, General Accounting Office Notices of Exception, legal notices pertaining to bankruptcy, tax certificates, and other miscellaneous substantiating records and vouchers relating to the indebtedness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Unit Diaries - Section 25, Title 6, General Accounting Office Manual; Marine Corps Order P7220.31; SECNAVINST P5212.5B

Annual Separation Listings - Standing operating procedures used for reference and research purposes.

Annual Reserve Tax Listings - Marine Corps Order 7220.17D; standing operating procedures.

Microfilm of Annual Wage and Tax Information of Active Duty Personnel - Standing operating procedures used for reference and research purposes.

Microfilm of Quarterly Social Security Wage Data - Standing operating procedures used for reference and research purposes.

Microfilm of Master Allotment File - Standing operating procedures used for reference and research purposes.

Microfiche and Microfilm of Field and Alpha Locators - Standing operating procedures used for reference and research purposes.

Microfiche of Marine Corps Officers Lineal List - Standing operating procedures used for reference and research purposes.

Active Military Pay Cases. Section 25, Title 6, General Accounting Office Manual; Military Pay Procedures Manual.

Reserve Personnel Military Pay Cases. Section 25, Title 6, General Accounting Office Manual; Military Pay Procedures Manual.

Centralized Automated Reserve Pay System (CAREPAY) - Section 25, Title 6, General Accounting Office Manual; Military Pay Procedures Manual, Marine Corps Order 7220.17D.

Uniformed Services Savings Deposit Accounts of Personnel Declared Missing in Action - Department of Defense Pay and Entitlements Manual.

Federal Housing Administration (FHA) Files - Department of Defense Directive 1338.4 of 20 July 1971 and SECNAVINST 1741.4D

U S Treasury Department, Internal Revenue Service Form 941c, Internal Revenue Service Code.

Marine Corps Disbursing Officers Shortage Accounts - Navy Comptroller Manual.

Indebtedness Cases - Federal Claims Collection Act of 1966, 80 Stat. 309.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are collected for the purpose of accounting for appropriated funds disbursed by authorized appointed agents; processing claims for and against the United States Government; auditing by the General Accounting Office; holding area for disbursing records until subsequent disposition of records is effected.

Military and civilian personnel assigned to, and employed by, the Marine Corps Finance Center in pursuance of official duties, and the General Accounting Office.

Accountability of appropriated funds; processing claims for and against the United States Government; processing requests for remission and/or waiver of indebtedness; pursuing collection action against former Marine Corps personnel who are indebted to the United States Government; processing wage and tax adjustments to the Internal Revenue Service and the Social Security Administration; investigating individual pay accounts and related documents to determine monies due claimant or to substantiate an indebtedness previously established in response to written and telephonic congressional inquiries received on behalf of active and former

members of the Marine Corps; administering the Federal Housing Administration and home mortgage insurance programs; administering the Uniformed Services Savings Deposit Program for missing in action personnel; extracting fiscal data for budgetary purposes and submitting fiscal reports to Headquarters, U S Marine Corps; extracting, reporting, and paying Federal income taxes and social security taxes to the Internal Revenue Service; extracting and reporting wages paid subject to social security tax to the Social Security Administration on an individual basis; processing and adjudicating travel claims, both individual and dependent travel; researching and collecting information incident to inquiries received from Federal Government agencies, State and county government and agencies, Department of the Navy and Marine Corps activities, other branches of the Armed Forces, and interested individual parties having authorized access to the records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Unit Diaries. Paper records in folders.

Substantiating Vouchers. Paper records in folders.

Military Payrolls. Paper records in folders.

Financial Returns. Paper records in folders.

Military Pay Cases of Separated Personnel. Paper records in folders.

Annual Separation Listings. Paper records in hardback binders.

Annual Reserve Tax Listings. Paper records in hardback binders.

Microfilm of Annual Wage and Tax Information of Active Duty Personnel. Reel type microfilm of 100 foot capacity.

Microfilm of Quarterly Social Security Wage Data. Reel type microfilm of 100 foot capacity.

Microfiche and Microfilm of Field and Alpha Locators. 4 by 6 inch microfiche sheets and reel type microfilm of 100 foot capacity.

Microfiche of Marine Corps Officers Lineal List. 4 by 6 inch microfiche sheets.

Active Military Pay Cases. Paper records in folders.

Centralized Automated Reserve Pay System (CAREPAY). Paper records in folders.

Uniformed Services Savings Deposit Accounts of Personnel Declared Missing In Action. Paper records in folders.

Federal Housing Administration (FHA) Files. Paper records in folders.

U S Treasury Department, Internal Revenue Service Forms 941c. Paper records in folders.

Indebtedness Cases. Paper records in folders and reel type microfilm of 100 foot capacity.

RETRIEVABILITY:

Unit Diaries. Filed by the reporting unit code number and month in which the diary was prepared.

Substantiating Vouchers. Filed by the fourth terminal digit of the member's social security number within the disbursing officer's symbol number and the month in which the pay change was effected.

Military Payrolls. Filed by the disbursing officer's voucher number, each payee identified by name and social security number.

Financial Returns. Filed by the disbursing officer's voucher number in the month in which payment was disbursed.

Military Pay Cases of Separated Personnel. Filed by the fourth terminal digit of the member's social security number.

Annual Separation Listings. A mechanized listing, in numerical sequence by the fourth terminal digit of the social security number, filed by the calendar year in which a member was separated from active duty.

Annual Reserve Tax Listings. A mechanized listing in alphabetical sequence and filed by the calendar year in which the wage data applies.

Microfilm of Annual Wage and Tax Information of Active Duty Personnel. A microfilm listing in numerical sequence by the first three digits of the social security number and filed by the calendar year in which the tax data applies.

Microfilm of Quarterly Social Security Wage Data. A microfilm listing in numerical sequence by the first three digits of the social security number and filed by the quarter within the calendar year in which the wages were earned.

Microfilm of Master Allotment File. A microfilm listing in numerical and alphabetical sequence and filed by the month in which the allotment data applies.

Microfiche and Microfilm of Field and Alpha Locators. Microfiche and reel microfilm in both numerical and alphabetical sequence and filed according to the effective date of issue.

Microfiche of Marine Corps Officers Lineal List. A microfiche listing in alphabetical and control number sequence according to rank, and filed according to the effective date of issue.

Active Military Pay Cases. Filed in numerical sequence by the fourth terminal digit of the member's social security number.

Reserve Personnel Military Pay Cases. Filed in numerical sequence by the fourth terminal digit of the member's social security number.

Centralized Automated Reserve Pay System (CAREPAY). Filed by the reporting unit code number and chronologically by the month in which the CAREPAY records were prepared.

Uniformed Services Savings Deposit Accounts of Personnel Declared Missing In Action. Filed alphabetically by the member's surname.

Federal Housing Administration (FHA) Files. Filed in numerical sequence by the Federal Housing Administration case number by due month and pay group; i.e., officers and enlisted.

U S Treasury Department, Internal Revenue Service Forms 941c. Filed by reporting period and applicable pay group.

Marine Corps Disbursing Officers Shortage Accounts. Filed by the disbursing officer's symbol number and name.

Indebtedness Cases. Filed in alphabetical sequence

SAFEGUARDS:

Federal Protective Security Guards. Records are maintained in areas not normally accessible to other than authorized personnel.

RETENTION AND DISPOSAL:

Unit Diaries. Retained in the Examination Division, Records Services Branch, for 18 months; then transferred to the Federal Records Center and destroyed after a total retention period of 4 years in accordance with General Accounting Office instructions.

Substantiating Vouchers. Retained in the JUMPS Division, Records and Files Branch, until microfilmed; then forwarded to the Examination Division, Records Services Branch, and retained for 18 months; then transferred to the Federal Records Center and destroyed after a total retention period of 10 years in accordance with General Accounting Office instructions.

Military Payrolls. Retained in the Examination Division, Financial Accounts Branch, for 1 month after receipt; then forwarded to the Records Services Branch and retained for 18 months; then transferred to the Federal Records Center and destroyed after a total retention period of 10 years in accordance with General Accounting Office instructions.

Financial Returns. Retained in the Examination Division, Financial Accounts Branch, for 1 month after

receipt; then forwarded to the Records Services Branch for a retention period of 4 months; then transferred to the Federal Records Center and destroyed after a total retention period of 10 years in accordance with General Accounting Office instructions.

Military Pay Cases of Separated Personnel. Retained in the Examination Division, Claims and Separations Branch, for 18 months following end of the calendar year in which the member was released from active duty, then released to the Records Services Branch for transfer to the Federal Records Center and destroyed after a total retention period of 10 years in accordance with General Accounting Office instructions.

Annual Separation Listings. Retained in the Examination Division, Records Services Branch, for 10 years or until such time as the corresponding military pay cases are destroyed.

Annual Reserve Tax Listings. Retained in the Examinations Division, Records Services Branch, until no longer useful; then destroyed.

Microfilm of Annual Wage and Tax Information of Active Duty Personnel. Retained in the Examination Division, Records Services Branch, until no longer useful; then destroyed.

Microfilm of Quarterly Social Security Wage Data. Retained in the Examination Division, Records Services Branch, indefinitely.

Microfilm of Master Allotment File. Retained in the Examination Division, Records Services Branch, until no longer useful; then destroyed.

Microfiche and Microfilm of Field and Alpha Locators. Retained in the Examination Division, Records Services Branch, indefinitely.

Microfiche of Marine Corps Officers Lineal List. Retained in the Examination Division, Records Services Branch, until new listing is received; then destroyed.

Active Military Pay Cases. Retained in the Examination Division, Pay Record Audit Branch, until such time as member is released from active duty; then released to the Claims and Separations Branch and ultimate transfer to the Federal Records Center.

Reserve Personnel Military Pay Cases. Retained in the Examination Division, Pay Record Audit Branch, for 3 fiscal years; then transferred to the Federal Records Center and destroyed after a total retention period of 10 years in accordance with General Accounting Office instructions.

Centralized Automated Reserve Pay System (CAREPAY). Retained in the Examination Division, Pay Record Audit Branch, for 3 fiscal years; then transferred to the Federal Records Center and destroyed after a total retention period of 10 years in accordance with General Accounting Office instructions.

Uniformed Services Savings Deposit Accounts of Personnel Declared Missing In Action. Retained in the Examination Division, General Audit Branch, until such time as the account is closed; then filed in the member's military pay case and held until the case is transferred to the Federal Records Center.

Federal Housing Administration (FHA) Files. Retained in the Examination Division, General Audit Branch, for 3 years following termination of the member's entitlement; then filed in the member's military pay case and held until the case is transferred to the Federal Records Center.

U S Treasury Department, Internal Revenue Service Forms 941c. Retained in the Examination Division, Financial Accounts Branch, for four years following the date the 941c was prepared; then destroyed.

Marine Corps Disbursing Officers Shortage Accounts. Retained in the Examination Division, Financial Accounts Branch, for two years after final settlement; then destroyed.

Indebtedness Cases. Retained in the Examination Division, Settlements Branch, until case is closed or declared uncollectible; then transfer the uncollectible cases to the General Accounting Office or to the member's service record book according to the disposition of each particular case. Record of Indebtedness cards are reduced to microfilm annually and retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code FDD).

Marine Corps Finance Center.

General Accounting Office.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commanding Officer
Marine Corps Finance Center
Examination Division
Kansas City, Missouri 64197
Telephone: Area Code 816-926-7853

Individual will be required to furnish name, social security number, duty status, and type of information or records required.

Same as notification.

Name, social security number, military identification card, or other appropriate identification.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Marine Corps activities having the responsibility of collecting data and preparing reports and documents; Headquarters U S Marine Corps; credit unions; credit bureaus; insurance companies; courts; and financial institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MFD00009

SYSTEM NAME:

Pay Vouchers for Marine Corps Junior Reserve Officer Training Course Instructors

SYSTEM LOCATION:

All Marine Corps District Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired Marines in the Marine Corps Junior Reserve Officer Training Course Instructor Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual name, rank, social security number, unit to which assigned, requests for payment of salaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Marine Corps Junior Reserve Officer Training Course Officer and administrative and fiscal personnel for evaluation and processing for payment.

Officials and employees of the Naval Service and General Accounting Office in the execution of their official duties in relation to inspections, investigations, legal action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in filing cabinets.

RETRIEVABILITY:

Alphabetically by last name, and school to which assigned.

SAFEGUARDS:

Access limited to Marine Corps Junior Reserve Officer Training Course, administrative and fiscal personnel required to process payment requests and payments. After working hours the office and building are locked. A guard is located in the general vicinity.

RETENTION AND DISPOSAL:

Files are retained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Marine Corps Junior Reserve Officer Training Course Officer Marine Corps Districts.

NOTIFICATION PROCEDURE:

Write or visit SYSMANAGER of Marine Corps District in which school is located. Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD-214 and drivers license.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Senior Marine Instructor of Marine Corps Junior Reserve Training Course unit of which instructor is a member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MFD00010

SYSTEM NAME:

Per Diem and Travel Payment System

SYSTEM LOCATION:

Primary System-Disbursing Offices, Marine Corps Posts and Stations

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps civilian and military personnel receiving travel advances or making settlement of travel claims to the local Disbursing Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Completed travel claims with documentation cross-referenced to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Marine Corps disbursing employees for cross-reference between individual and disbursement of funds for reimbursement in the performance of official travel.

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in matters regarding their assigned duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch Agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file.

RETRIEVABILITY:

Employee name, social security number or badge number.

SAFEGUARDS:

Card file is maintained and used by specific clerks within travel section of the Disbursing Office. After working hours, office is locked in a building with controlled access by armed guards.

RETENTION AND DISPOSAL:

Data is maintained until individual departs the area and all travel advances have been settled.

SYSTEM MANAGER(S) AND ADDRESS:

Disbursing Officer

NOTIFICATION PROCEDURE:

Information may be obtained from: Disbursing Offices, Marine Corps Posts and Stations

RECORD ACCESS PROCEDURES:

Signed written requests should contain the full name of the individual and social security number or badge number and addressed to the address listed under NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Travel orders and disbursing documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MHD00001

SYSTEM NAME:

Biographical Files

SYSTEM LOCATION:

Reference Section (Code HDR), History & Museums Division, Headquarters, U S Marine Corps, Washington, D C 20380 and all major Marine Corps commands and districts.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps General Officers and those Marines considered as being or having been newsworthy.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains biographical sketches, press releases and media clippings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps commands, activities and organizations By officials and employees in connection with their official duties.

Department of Defense and its Components - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal

representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Officer relating to the Marine Corps.

Historical researchers-to determine accuracy of facts and provide background for correspondence and studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, microfiche, and photographs.

RETRIEVABILITY:

Filed alphabetically by last name of subject.

SAFEGUARDS:

Building employs security guards. Files within a vault accessible only to authorized personnel who are screened and registered prior to being granted access.

RETENTION AND DISPOSAL:

Files are permanent

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

NOTIFICATION PROCEDURE:

Information may be obtained from:
The Commandant of the Marine Corps
(Code HD)
Headquarters, U S Marine Corps
Room 3129, Reference Section Head
Navy Annex (Federal Office Building
#2)
Washington, D C 20380
Telephone: Area Code 202/694-1481/
1473

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: The Commandant of the Marine Corps (Code HDR), Headquarters U S Marine Corps, Washington, D C 20380

Written requests for information should contain the full name of the individual.

For personal visits, the individual should be able to provide some-acceptable identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Newspapers, magazines, Marine Corps press releases and biographical sketches.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MHD00006

SYSTEM NAME:

Register/Lineal Lists

SYSTEM LOCATION:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20360

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Lists of all active duty and retired officers from 1800 to present.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bound volume of listings which include individual's name, rank.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Historical Researchers - To determine authority of dates, names and ranks of personnel.

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in the execution of their assigned duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representatives of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Bound volumes retained in library

RETRIEVABILITY:

Yearly volume listed alphabetically within ranks.

SAFEGUARDS:

Building employs security guards. Files within a vault accessible only to authorized personnel who are screened and registered prior to being granted access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Files are permanent

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

NOTIFICATION PROCEDURE:

Information may be obtained from:
The Commandant of the Marine Corps
(Code HD)
Headquarters, U S Marine Corps
Room 3129, Reference Section Head
Navy Annex
Washington, D C 20380
Telephone: Area Code 202/694-1481/
1473

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant of the Marine Corps (Code HDR), Headquarters, U S Marine Corps, Washington, D C 20380

Written requests for information should contain the full name of the individual.

For personal visits the individual should be able to provide some acceptable identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Internal Publication

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00001

SYSTEM NAME:

Assignment and Occupancy of Family Housing Records

SYSTEM LOCATION:

System is organizationally decentralized. Records are maintained at Marine Corps Installations with family housing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

File contains individual's application, assignment to and occupancy history of family housing. Records include, but are not limited to information from the Manpower Management System and the Joint Uniform Military Pay System.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's application and assignment to and occupancy history of family housing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Installation Family Housing Offices - To obtain information in order to determine type of quarters to which individual's are to be assigned; to make assignments and to personnel who are assigned to quarters.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on file cards.

RETRIEVABILITY:

Filed alphabetically by last name of housing occupant and in order of position on waiting list.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel; waiting lists are maintained for public inspection.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file during time that personnel is residing in quarters, retained in a quarters record jacket after termination of occupancy.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, (Code LF) Washington, D C 20380

NOTIFICATION PROCEDURE:

Information may be obtained from: The Commanding Officer of the Marine Corps Installation from which family housing has been requested, assigned or vacated. Mailing addresses are as shown in the Navy Standard Distribution List (OPNAV P09B3-107).

RECORD ACCESS PROCEDURES:

Requests for information from individuals should be addressed to the Commanding Officer of the Marine Corps installation(s) at which the individual applied for or occupied family housing. Such requests should include name, social security number, quarters number if known, and dates of period addressed in the inquiry. Installation addresses are as reported by the Navy Standard Distribution List.

Personal visits may be made to the installation in questions any normal work day between 8:00 AM-4:30 PM. For personal visits the individual should be able to provide valid personal identification

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Application from individual seeking family housing, Marine Corps Manpower Management System; Joint Uniform Military Pay System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

MIL00002

SYSTEM NAME:

Unaccompanied Personnel Housing Registration System

SYSTEM LOCATION:

Each Unaccompanied Officer Personnel/Staff Unaccompanied Enlisted Personnel Housing (UOPH/ Staff UEPH) assigned registration responsibilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel who are current and former residents of UOPH and Staff UEPH.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains personal identifying information, arrival/departure dates; type of orders; monetary allowance information; UOPH/Staff UEPH room identification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose is to provide adequate records for management of Bachelor housing. Used by office personnel to maintain a record of occupancy. By auditors to verify occupancy. By other military and DOD officials when required in the execution of their official duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper cards, file folders, status boards, etc.

RETRIEVABILITY:

Alphabetically by name and social security number.

SAFEGUARDS:

Stored in locked office during nonworking hours or when office is not manned. Access on a need to know basis only for official purposes.

RETENTION AND DISPOSAL:

Retained for four years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized. The local commander is responsible for management of UOPH and Staff UEPH.

NOTIFICATION PROCEDURE:

Requests shall be addressed to the SYSMANAGER Requestor must be able to provide appropriate identifying information.

RECORD ACCESS PROCEDURES:

Rules for access may be obtained from the SYSMANAGER

CONTESTING RECORD PROCEDURES:

Rules for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

UOPH/Staff UEPH office personnel and information from individual who fills out registration card.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00003

SYSTEM NAME:

Laundry Charge Accounts Records

SYSTEM LOCATION:

Marine Corps activities with laundry facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for Laundry charge accounts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, unit, social security number, quarters address and telephone number, date and ticket number of laundry service and amount charged.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Accounting purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In paper records in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in locked filing cabinets within locked offices of buildings. Records are accessible only to persons whose performance require it.

RETENTION AND DISPOSAL:

Five years and then destroy.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized. Laundry charge accounts managed under the Commanding General of each activity which has a laundry.

NOTIFICATION PROCEDURE:

Correspondence pertaining to records maintained by the laundry. Contact the Commanding General of the Marine Corps activity in question.

RECORD ACCESS PROCEDURES:

Information may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Individuals

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00004

SYSTEM NAME:

Personal Property Program

SYSTEM LOCATION:

All Marine Corps Bases and Federal Record Centers

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel having shipped or stored personal property or privately owned automobiles.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's applications for shipment and/or storage, related shipping documents and records of delivery and payment.

DD 619 (Statement of Accessorial Services Performed)
DD 828 (Motor Vehicle Shipment Application)
DD1100 (Household Goods Storage Record)
DD1101 (Household Goods Storage information)
DD1252 (Owner's U S Customs Declaration and Entry and Inspecting Officer's Certificate)
DD1299 (Application for shipment and/or storage of Personal Property)
DD1671 (Reweight of Household Goods)
DD1780 (Report of Carrier Services Personal Property Shipment)
DD1781 (Property Owners Report on Carriers Report)
DD1797 (Personal Property Counseling Checklist)
DD1799 (Member's report on Carrier Performance - Mobile Homes)
DD1800 (Mobile Home Shipment Inspection at Destination)
DD1841 (Schedule of Property Damages)
DD1842 (Claim for Personal Property against the United States)
DD1845 (Demand on Carrier/Contractor)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DOD Regulation 4500.34 'Personal Property Traffic Management Regulation'
JAG Manual

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Traffic Management Offices and applicable Finance Center for effecting, coordinating and payment of personal property shipment and storage.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of member.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly cleared and trained

RETENTION AND DISPOSAL:

Records on international shipments of household goods moved via freight forwarders are retained for 6 years after the period covered by the account and then destroyed. All other household goods records are destroyed when 3 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Installations and Logistics (ASD (I&L)) Washington, D C

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commandant of the Marine Corps
(Code LFS-2)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: 224-1067

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to Commandant of the Marine Corps (LFS-2), Headquarters, U S Marine Corps, Washington, D C 20380.

Written request for information should contain the full name of individual, SSN, current address and telephone number.

For personal visits, the individual should be able to provide acceptable identification and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Application and related forms from the individual requesting access; notification of personal clearance from the SYSMANAGER research note/ documents from records custodians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00005

SYSTEM NAME:

Passenger Transportation Program

SYSTEM LOCATION:

All Marine Corps Bases

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel and their dependents, DOD civilian employees and their dependents, and other individuals furnished transportation via commercial transportation resources and Department of Defense single manager transportation resources.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of passenger transportation procurement documents issued, copies of official travel orders supporting the issuances; applications for transportation of dependents, port call requests and confirmations; copies of endorsements to orders indicating transportation issuances; requests and authorizations for space available MAC transportation.

SF 1169 United States of America Transportation Request
DD 652 Uniformed Services Meal Ticket
DD 884 Application for Transportation for Dependents
DD 1287 Request for Commercial Transportation
DD 1341 Report of Commercial Carrier Passenger Service
DD 1482 Military Airlift Command (MAC) Transportation Authorization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

MCO P4600.14A (joint) Military Traffic Management Regulation (Promulgates policy and procedures applicable to performance of traffic management functions within the CONUS)

DOD 4515.13-R Air Transportation Eligibility (Policy and procedures applicable to movement via DOD owned and controlled airlift)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Traffic Management Offices and Applicable Finance Center for effecting coordination and payment of passenger transportation charges by commercial transportation and Military Airlift Command (MAC) resources.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Passenger Transportation Procurement documents filed by serial number preprinted on the documents.

Other documents filed in alphabetical order by last name of member.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly cleared and trained.

RETENTION AND DISPOSAL:

Copies of transportation procurement documents held by issuing office for period of 4 years, after which they are destroyed. Other records retained in active files until the end of the calender year in which transportation was effected and held additionally in inactive file for two years, then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Military Traffic Management Command, Washington, D C (Travel via commercial transportation within CONUS)

Commander, Military Airlift Command, Scott AFB, IL (International travel via DOD owned and controlled airlift)

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commandant of the Marine Corps
(Code LFS-2)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone 224-1781

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to Commandant of the Marine Corps, (Code LFS-2), Headquarters, U S Marine Corps, Washington, D C 20380

Written request for information should contain the full name of the individual, SSN, current address and telephone number.

For personal visits, the individual should be able to provide acceptable identification and give some verbal information relating to commercial transportation furnished or Military Airlift Command (MAC) transportation arrangements on a space required or space available basis.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individuals concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual requesting access; notification of personal clearance from the SYSMANAGER research notes/ documents from records custodians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00006

SYSTEM NAME:

Dealer's Record of Sale of Rifle or Pistol, State of California

SYSTEM LOCATION:

Each Marine Corps Activity in California

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized Marine Corps Exchange patrons who purchase a rifle or pistol from the Exchange.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual identifying information including height, weight, color of hair and eyes, if purchaser is a citizen, if the purchaser has been convicted of a felony, or if the purchaser is addicted to use of narcotics, the individual's occupation, and descent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Marine Corps Exchange personnel for record keeping purposes, one copy is sent to the State of California in Sacramento, California and to the local Sheriff's office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In paper records in file folders.

RETRIEVABILITY:

By name

SAFEGUARDS:

Records are maintained in locked filing cabinets within locked offices of buildings. Records are accessible only to authorized personnel only.

RETENTION AND DISPOSAL:

Records are maintained for five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized. System managed by local commanders.

NOTIFICATION PROCEDURE:

Correspondence pertaining to records maintained by local commands may be addressed to the Commanding Officer of the activity concerned.

RECORD ACCESS PROCEDURES:

Information may be obtained from the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Individuals

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00011

SYSTEM NAME:

MDSVEN Vendor Directory

SYSTEM LOCATION:

All Marine Corps commands which operate a Marine Corps Exchange.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All vendors' names and addresses actively engaged in business with the local exchange.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains vendor names and addresses; freight information, delivery and discount terms for remittance and payment

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U. S. Code 7601

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purchasing Activity - To obtain addresses for ordering, freight and delivery information, discount terms, etc.; required for entry on Purchase Orders

Accounting Activity - To obtain billing and remittance addresses

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mechanized print-outs and computer discettes

RETRIEVABILITY:

Filed in computer and/or discettes by permanently assigned 6 digit file numbers

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

RETENTION AND DISPOSAL:

Records are permanent; updated as necessary. Held until vendor is no longer actively engaged in business with Exchange, then record is eliminated and/or cleaned off diskette.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized system managed by local commanders. See Directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Correspondence pertaining to records maintained by local commands may be addressed to the Commanding Officer of the activity concerned.

RECORD ACCESS PROCEDURES:

Information may be obtained by contacting SYSMANAGER

Requests should contain the full name of the requester and the basis of the request.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained by contacting the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Notification from applicable vendors, correspondence and agreements originating between vendor and Exchange Procurement Activity.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00012

SYSTEM NAME:

Standard Licensing Procedures For Operators of Military Motor Vehicles

SYSTEM LOCATION:

All Marine Corps motor vehicle licensing facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and DOD civilian employees required to operate a government-owned/or controlled motor vehicle including nonappropriated fund vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain information on each - individual's driving experience, who applies for a Government Operators Permit to include traffic accidents involved in, any refusal, suspension or revocation of State Operator's License, all violations of traffic regulations (other than overtime parking) for which he has been found guilty, misrepresentation or failure to report these, and results of physical examinations.

DD Form 1360 - Operators Qualifications and Record of Licensing, Examination and Performance
NAVFAC 9-11240/10 - Application for Motor Vehicle Operators Permit
SF 47 - Physical Fitness Inquiry for Motor Vehicle Operators
NAVFAC 9-11240/11 - Checklist and Scoresheet for Road Test in Traffic
SF 46 - U S Government Motor Vehicle Operator's Identification Card
Dot Form HS 1047 - Request for Search of National Drivers Register
Dot Form 1054 - Report of Inquiry Searched

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Motor vehicles licensing procedures used to determine the qualification of personnel requesting motor vehicle operator's I D cards

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed in alphabetical order by last name of applicant

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel

RETENTION AND DISPOSAL:

Copies are normally held for 3 years and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Installations and Logistics, Headquarters, U S Marine Corps, Washington, D C

Decentralized system managed by local commands.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Headquarters, U S Marine Corps (Code LME)
Room 400
Commonwealth Building
Arlington, VA 22209
Telephone: Area Code 202/695-3460

Correspondence pertaining to records maintained by local commands may be addressed to the commanding officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Commandant of the Marine Corps (Code LME), Headquarters, U S Marine Corps, Washington, D C 20380; SYSMANAGER of activity concerned.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Individual information is taken from NAVMC 10964, Licensing application, civil authorities, Provost Marshal's office, service record, organization commanders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00013

SYSTEM NAME:

Individual Uniform Clothing Records

SYSTEM LOCATION:

All Marine Corps activities, but records limited to individuals having received clothing through that activity.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel of the Marine Corps, Marine Corps Reserve, Navy Corpsmen authorized to wear Marine Corps uniforms, candidates of officer procurement programs of the Marine Corps (including Marine option NROTC), former Marines authorized to purchase Marine Corps uniforms from Marine Corps clothing stocks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain listings of individual uniform clothing issued in-kind and clothing sold to individuals on a cash basis, mail-order basis or pay checkage basis.

NAVMC 604 - Individual Clothing Requisition and Issue Slip (Men's)
NAVMC 604b - Individual Clothing Requisition and Issue Slip (Women's)
NAVMC 604a - Transmittal of Clothing Issue Slips
NAVMC 10710 - Men's Individual Clothing Request
NAVMC 10711 - Women's Individual Clothing Request
NAVMC 631 - Individual Clothing Record (Men's)
NAVMC 631a - Individual Clothing Record (Women's)
DD Form 358 - Special Measurement Blank - Clothing - Men's
DD Form 1111 - Armed Forces Measurement Blank - Special Sized Clothing - Women's
DD Form 150 - Special Measurement Blank for Special Measurement/ Orthopedic Boots and Shoes
DD Form 1348 - DOD Single Line Item Requisition System Document (Manual)
SF 344 - GSA Multi-use Standard Requisitioning/Issue System Document
Naval messages/speedletters when used in lieu of routine MILSTRIP procedures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10113 of 24 February 1950

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To substantiate supply accounting records for clothing issued or sold from Marine Corps stocks to individuals, and when sales are made on a pay checkage basis, to substantiate pay checkage action under the Joint Uniform Military Pay System (JUMPS)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

May be filed for retrieval by either name or SSN, or when used as a substantiating document for issues/ sales at a retail clothing outlet, files are primarily in transaction document number sequence.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Three years when used to substantiate issues under the clothing Monetary Allowance System.

As required when used to substantiate financial/pay checkage transactions.

Until individual uniform clothing items issued in kind to members of the Marine Corps Reserve are recovered upon separation.

Three years following detachment from duty for which an issue of supplementary uniforms was authorized.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized system - managed by local command.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commandant of the Marine Corps (Code LMP)
Room 378
Commonwealth Building
Arlington, Virginia 22209
Telephone Area Code: 202/694-1775

Correspondence pertaining to records maintained by local commands may be addressed to the commanding officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

Information required from requester:
Full name

SSN
Military status
Current address
Specifics of information desired

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant of the Marine Corps (Code LMP), Headquarters, U S Marine Corps, Washington, D C 20380

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual information, Joint Uniform Military Pay System/ Manpower Management System (JUMPS/MMS).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00014

SYSTEM NAME:

Exchange Privilege Authorization Log

SYSTEM LOCATION:

Organized Marine Corps Reserve units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member of the Organized Marine Corps Reserve unit who becomes eligible for exchange privileges as a result of attending drills with that unit in accordance with current regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Log contains a list by name of individuals who are issued exchange privilege authorization letters. The list is maintained on a quarterly basis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Commanding Officer/ Inspector-Instructor of Reserve Units to keep a record of personnel who were authorized to use the exchange during each fiscal quarter. Exchange personnel - letters are utilized to verify authority of Reserve to utilize exchange services.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers bound log book on paper - letters issued to individual Reserves.

RETRIEVABILITY:

Alphabetically by last name for each fiscal quarter. Personnel who join during the quarter are added to the list as they become eligible for exchange privileges.

SAFEGUARDS:

The log is maintained in an area accessible only to authorized personnel. This area is locked during non-working hours.

After working hours the office and building are locked. A guard is located in the general vicinity.

RETENTION AND DISPOSAL:

The log will be destroyed one year from the end of the calendar year for which entries are made.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector-Instructor of Organized Marine Corps Reserve unit.

NOTIFICATION PROCEDURE:

Write or visit SYSMANAGER. Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD-214 and drivers license.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Monthly drill attendance records of Organized Marine Corps Reserve unit.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00015

SYSTEM NAME:

Housing Referral Services Records System

SYSTEM LOCATION:

All Marine Corps installations with housing referral offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel reporting to an installation who will be residing off base desirous of seeking off base housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information is collected on DD Form 1668 from all military personnel reporting to a housing referral office as pertains to name, grade, branch of service, organization and location, local address, housing needs, e.g. rental/sale, number of bedrooms, furnished/ unfurnished, price range, etc., number of dependents, male or female, and age. A list of housing referral services provided and identification of member of racial or ethnic minority groups. Individuals provided referral assistance must in turn provide notification of housing selection by use of DD Form 1670 which includes such information as type of housing selected, e.g., location, temporary/ permanent, rental/sale, cost, number of bedrooms, media through which housing was found, e.g., housing referral, realtor, newspaper, etc., and satisfaction with selection, e.g., too small, too far, discrimination encountered, and satisfaction with housing referral services provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral offices use data to assist and counsel individuals in locating suitable housing off base, used for follow-up purposes when written notification from individual is not provided as to ultimate location of housing, used for purposes of reporting statistics on field activity housing referral services, used to follow up on availability of rental unit subsequent to occupant's receipt of PCS orders, and follow up regarding tenant/ landlord complaints.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Housing files within the housing referral or housing office, used solely within the housing organization and protected by military installation's

security measures. Individual may upon request, have access to all such data.

RETENTION AND DISPOSAL:

Data is retained until individual's tour is completed and subsequently disposed of according to local records disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code LFF-3), Headquarters, U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Records are maintained by housing referral offices at the Marine Corps activity responsible for providing referral services for military personnel in the area. Individual may request access to records upon proof of identity (ID card).

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from installation family housing office.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00016

SYSTEM NAME:

Depot Maintenance Management Subsystem (DMMS)

SYSTEM LOCATION:

Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704
Marine Corps Logistics Support Base, Pacific, Barstow, California 92311

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military or civilian employee of USMC Depot Maintenance Activities

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains individual's Personal History File, Labor Distribution Reports, Time and Attendance Reports and Payroll Reports

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Marine Corps Logistics Support Bases - To provide payroll support and cost accounting
Congress of the United States
Naval Audit Service - To obtain audit trails for cost accounting
DOD Departments and agencies
USMC staff agencies and commands - To review cost accounting and financial management procedures, to monitor labor distribution
Federal, state, and local tax agencies
General Accounting Office
Treasury Department
Department of Justice

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and disks, computer paper printouts and microfiche.

RETRIEVABILITY:

Filed by employee badge number

SAFEGUARDS:

Buildings have security personnel. Records are maintained in areas accessible to authorized personnel that are properly screened.

RETENTION AND DISPOSAL:

Records are maintained until end of calendar year in which employee has worked. At the end of one year, the computer magnetic tapes and disks are erased and paper printouts are destroyed by shredding. Microfiche is destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code LMM), Headquarters, U S Marine Corps, Washington, D C 20380
Director, DMA, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia
Director, DMA, Marine Corps Logistics Support Base, Pacific, Barstow, California

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commandant of the Marine Corps (Code LMM), Headquarters, U S Marine Corps Washington, D C 20380
CG, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704
CG, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704 or Commanding General, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311.

Written requests for information should contain the full name of the individual, current address, telephone number.

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license, social security card, etc.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Automated system interfaces
Application and related forms from the individual requesting employment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00017

SYSTEM NAME:

Transportation Data Financial Management System (TDFMS)

SYSTEM LOCATION:

Commanding General (Code A470), Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps active duty, reserve, and retired personnel, federal Civil Service employees of the Marine Corps and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

The TDFMS Master Files consist of a complete automated record for all Marine Corps active duty, reserve and retired personnel, federal Civil Service employees of the Marine Corps and their dependents concerning the movement of household goods, personal effects and passenger or personnel transportation by rail, bus, air or other means involving expenditures of Marine Corps funds.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 37, U S Code/Title 10, U S Code and Marine Corps Orders within the 4600 Series.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps, Marine Corps activities for analysis and research for budget forecasting; audit, verification, certification of O&MMC, Stock Fund, Reserve, Procurement, MPMC.expenditure of Marine Corps funds; identifying movement of material by weight, commodity within areas by FY historical data of commodity movements, related cost, budget forecasting, validation, and special studies.

Marine Corps Supply Center to monitor and certify for payment transportation charges concerning the movement of personal property and personnel and to initiate collection/reimbursement action for cost incurred that exceeds entitlements.

Department of Defense and its components - By officials and employees of the Department in the performance of their offical duties.

The Attorney General of the U S - By officals and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch Agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - The Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the Files.

The Comptroller General of the U S - By the Comptroller or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and discs, computer printouts, microfiche and microfilm.

RETRIEVABILITY:

Information is accessed and retrieved by name, social security number, etc. Conventional and computerized indices are required to retrieve individual records from the system.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are maintained until statute of limitations has expired and/or litigation is concluded.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Code LFS), Headquarters, U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commanding General (Code A470)
Marine Corps Logistics Support Base, Atlantic
Albany, Georgia 31704
Telephone: Area Code 912/439-5674/5675/5676/5677

RECORD ACCESS PROCEDURES:

Written requests from individuals should be addressed to the address listed under the heading LOCATION.

Written requests for information should contain social security number, full name and current address, Government Bill of Lading number (if known), date of shipment or move of household goods.

For personal visits, the individual should be able to provide positive personal identification, such as valid military identification card, drivers license, etc.

CONTESTING RECORD PROCEDURES:

The rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Government and commercial carriers.
Installation Transportation Officers.
Authorized order writing activities.
Paying or disbursing officers.
Marine Corps Manpower Management System

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00018

SYSTEM NAME:

Organization Clothing Control File

SYSTEM LOCATION:

Depot Property Control Branch, Marine Corps Recruit Depots

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Drill Instructors, Marksmanship Instructors, Women Marine Special Subject Instructors and Band members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Combined Individual Clothing Requisition and Issue Slip NAVMC 604 Form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain records of organizational clothing issued to authorized personnel until items have been returned.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed alphabetically by last name of Marine concerned.

SAFEGUARDS:

Records are maintained in filing cabinet in a locked building.

RETENTION AND DISPOSAL:

Records are maintained until items of organizational clothing are returned.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding General, Marine Corps Recruit Depots

NOTIFICATION PROCEDURE:

Information may be obtained from:
Depot Supply Officer
Depot Service and Supply Department
Marine Corps Recruit Depot
Parris Island, South Carolina 29905 or
San Diego, California 92140

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Depot Supply Officer, Depot Services and Supply Department, Marine Corps Recruit Depot, Parris Island, SC 29905 or San Diego, CA 92140.

Written requests for information should contain the full name, social security number and current address of the individual concerned.

For personal visits, the individual should be able to provide a military identification card.

CONTESTING RECORD PROCEDURES:

The Depot's rules for access to records and for contesting contents and

appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Provided by the authorized individual's request NAVMC 604 to be issued items of Organizational Clothing.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00019

SYSTEM NAME:

Equipment and Weapons Receipt or Custody Files

SYSTEM LOCATION:

System is decentralized. Records are maintained at Marine Corps commands, organizations, or activities that issue said equipment or weapons.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

System contains name, rank, social security number, unit address, and date.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains name, rank, social security number, itemized list of equipment issued, date issued, and possibly unit and section/Department to which assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is used to identify individuals who have Government property in their possession.

Officials and employees of the Naval Service and General Accounting Office in the execution of their official duties in relation to inspections, investigations, legal action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in binder, file folder, box, vertical card file, or index cards.

RETRIEVABILITY:

Records are filed alphabetically by name.

SAFEGUARDS:

After working hours, the office and building are locked. A guard is located in the general vicinity.

RETENTION AND DISPOSAL:

These records are destroyed upon the return of the property listed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity.

NOTIFICATION PROCEDURE:

Write or visit SYSMANAGER Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD 214 and drivers license.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Information is entered by visual certification of property, issued and identification presented by individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00021

SYSTEM NAME:

Working Files, Division Supply Sections and Wing Supply Sections

SYSTEM LOCATION:

Division Supply Section, Regiments, Battalions, Separate Companies

Wing Supply Sections, Groups, Separate Squadrons

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel responsible for government property, reimbursing government for damages/loss of property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Equipment Custody Records (ECR) - This file contains the date, voucher number, remarks, quantity, signature, control number, description and unit.

Memorandum Receipt for Individual/ Garrison Equipment (IMR) - This file includes the name, grade, SSN, date, organization, signature and unit.

Memorandum Receipt for Individual Weapons and Accessories - This file includes the name, grade, SSN, organization, signature and unit.

Personal Effects Log - This file includes the date, name, SSN, grade and signature.

Letter of Appointment/Authorization - These files include the date, name, grade, SSN, description of duties/ authorizations and sample signature.

Voucher Files - Cash Collection - This file includes the name, grade, SSN, unit, description of sales and signature.

Voucher Files - Investigations - This file includes the name, grade, SSN of investigating officer and signature.

Investigation Log/File - This listing contains the investigation number, investigating officer, subject, serial number, date investigation received, date sent to unit for correction (if applicable), due date to be returned and remarks. File also contains a copy of the investigation.

Special Order Clothing - This file cincludes the name, rank, SSN, msg number, individual unit, and remarks regarding receipt of clothing.

Base Property Log - Contains a list of names of personnel who have lost and paid for government property.

Serialized Blank Forms Register - Contains a listing of personnel by name who issue/receive serialized blank forms.

Quarterly Inventory of Sets, Chests and Kits - Contains a file of inventories made on contents of sets, chests and kits including the name, rank and SSN of the individual inventorying property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Division Supply Section and Wing Supply Section - By officials in the execution of their assigned duties in reviewing proper maintenance and accountability of government property by units.

Regiments, Battalions, Separate Companies, Groups, Separate Squadrons - For supply/S-4 personnel to obtain information pertaining to personnel responsible for government property and/or administering supply functions.

Inspectors from higher headquarters (i.e., FMFPac: Inspecting General (IG) Team, FSMAO) - By officials in the execution of their assigned duties in reviewing proper maintenance and accountability of government property by units.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

ECR - Vertical file cards

IMR; Individual Weapons and Accessories, Special Clothing - card file

Personal Effects; Investigation; Base Property Log; Serialized Blank Forms Register-Log Book

Letters of Appointment/ Authorization; Voucher Files, investigations; Quarterly inventories of Sets, Chests and Kits - paper records in file folders.

RETRIEVABILITY:

ECR - files by unit or responsible officer

IMR; Individual Weapons and Accessories; Special Clothing - filed alphabetically by name

Personal Effects, Investigation Log; Letter of Appointment/Authorization; Voucher Files; Base Property Log; Serialized Blank Form Register; Quarterly Inventory of Sets, Chests and Kits - as it occurs by name.

SAFEGUARDS:

IMR; Individual Weapons and Accessories Records - maintained in secured area within armories accessible only to personnel authorized to be in the area.

ECR; Personal Effects Log; Letters of Authority; Voucher Files; Investigations; Special Clothing; Base Property Log; Serialized Blank Forms Register; Quarterly Inventory of Sets, Chests and Kits - Personnel within supply/S-4 sections authorized access, no special safeguard implemented.

RETENTION AND DISPOSAL:

ECR; IMR; Weapons Custody Records; Special Clothing retain until accountable balance is zero.

Personal Effects Log; Quarterly Inventory of Sets, Chests and Kits - one year.

Letters of Appointment/Authorization - five (5) years.

Voucher Files; Investigation Log; Base Property Log; Serialized Blank Forms Register - two years.

All files may be destroyed after being maintained the required timeframe.

Investigations - Two years after the end of the fiscal year in which the investigation was completed.

SYSTEM MANAGER(S) AND ADDRESS:

Division Supply Officers, Marine Corps Division; Wing Supply Officers, Marine Corps Aircraft Wings. See Directory of Department of the Navy Activities for mailing address.

NOTIFICATION PROCEDURE:

Apply to SYSMANAGER

RECORD ACCESS PROCEDURES:

Rules for access may be obtained from SYSMANAGER

Written requests for information should contain the full name, grade and SSN of the individual as well as the unit to which he is/was attached which would reflect information pertaining to him.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Individual and/or individual's SRB or OQR or other listing unit may have which contains required information.

Incoming messages for Special Order Clothing.

Base Locator.

Completed investigations submitted.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIL00022

SYSTEM NAME:

Delinquent Clothing Alteration List

SYSTEM LOCATION:

System is decentralized. Records are maintained at Marine Corps Commands, organizations, or activities that alter clothing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

List of personnel who have failed to pick up altered clothing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains an alphabetical listing of personnel who have failed to pick up clothing which has been altered for them.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Clothing Branch Officer in Charge to notify the respective Commanding Officers of personnel listed, that uniforms have been altered and need to be picked up.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards/File Folders

RETRIEVABILITY:

Alphabetical by unit assigned.

SAFEGUARDS:

After working hours, the office and building are locked. Guards are located in the general vicinity.

RETENTION AND DISPOSAL:

Maintained for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Clothing Officer of the activity concerned.

NOTIFICATION PROCEDURE:

Information may be obtained from the individual command to which an individual is assigned for duty. Addresses of individual commands are listed in the Navy Standard Distribution List (OPNAV P09B3-107).

RECORD ACCESS PROCEDURES:

Written requests from individuals should be addressed to the Commanding Officer of the activity concerned. Activity addresses are as reported in the Navy Standard Distribution List.

Written requests should include name and social security number.

Personal visits may be made to the installation in question.

CONTESTING RECORD PROCEDURES:

The Marine Corps rules for appealing may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Cards filled out by personnel when leaving clothing for alteration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MIN00001

SYSTEM NAME:

Personnel Security Eligibility and Access Information System

SYSTEM LOCATION:

Primary system - Headquarters, U S Marine Corps, Washington, D C 20380.

Secondary system - Local activity to which individual is assigned (See List of Marine Corps Activities, MCO P5400.6).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U S Marine Corps and Marine Corps Reserve, former members, applicants for enlistment or commissioning, Marine Corps civilian employees, and other persons whose status or position effects the security, order, or discipline of the Marine Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain reports of personnel security investigations, criminal investigations, counterintelligence investigations, correspondence, records and information pertinent to an individual's acceptance and retention, personnel security clearance and access, assignment to personnel reliability programs and other high risk or compartmented information programs requiring personnel quality control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the U S Marine Corps in the performance of their official duties related to personnel security eligibility and access.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office.

Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

State and local government agencies in the performance of their official duties.

Officials and employees of the Department of the Navy in the performance of their official duties.

Official employees of the Department of Defense in the performance of their official duties.

Officials and employees of other agencies of the Executive Branch of the government, upon request, in the performance of their official duties.

Senate or the House of Representatives of the United States or any committee or subcommittee thereof, requiring disclosure of the files or records of individuals covered by this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and index cards. Some information in contained in automated files or on computer tapes.

RETRIEVABILITY:

Filed alphabetically by last name of individual or by social security number.

SAFEGUARDS:

Stored in locked safes or cabinets. File areas are accessible only to authorized persons who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records and portions thereof vary in period of time retained. Records are retained and disposed of in accordance with Department regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

Decentralized system managed by local command.

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to Commandant of the Marine Corps (Attn: Privacy Act Coordinator), Headquarters, U S Marine Corps, Washington, D C 20380 or in accordance with the list of Marine Corps activities. The letter should contain full name, social security number, rank/rate/civilian status, address and notarized signature of the requester. The individual may visit Headquarters, U S Marine Corps, Arlington Annex (FOB #2), Washington, D. C. for assistance with records located in that building or any Marine Corps activity for access to locally maintained records. Prior written notification of personal visits are required to ensure that all parts of the records will be available at the time of the visit. Proof of identity will be required and will consist of a military identification card, driver's license or similar picture-bearing identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the U S Marine Corps, Departments of the Navy and Defense and other departments and agencies of the Executive Branch of government, and components thereof, in performance of their official duties and as specified by current instructions and regulations promulgated by competent authority. Civilian and military investigative reports. Federal, state and local court documents. Fingerprint cards. Official correspondence concerning individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5, U S Code 552 a(j) or (k), as applicable. For additional information contact the SYSMANAGER.

MIN00002

SYSTEM NAME:

POW/MIA Intelligence Analysis and Debrief Files

SYSTEM LOCATION:

Primary system - Headquarters, U. S. Marine Corps, Washington, D. C. 20380. Major Marine Corps commands maintain derivative files.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U. S. Marine Corps or Marine Corps Reserve either currently or previously held prisoner of war (POW), detained by hostile forces or declared missing in action (MIA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Narrative of loss incident; investigations regarding loss incident; casualty reports; intelligence reports possibly identifying subject; articles, statements, lists and photographs published in the world news media or broadcast over hostile public radio; portions of official debriefings or debriefing summaries; and analytical evaluation of information contained in file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S. Code 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the U. S. Marine Corps in the performance of their official duties related to POW/MIA's.

Officials and employees of the other services and Department of Defense in the performance of their official duties related to POW/MIA's.

Senate or the House of Representatives of the United States or any committees or subcommittees thereof, requiring disclosure of the files or records of individuals covered by this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; photographs, film and tape recordings.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Secured in GSA approved security containers within locked office spaces. Access is granted only to those authorized persons who are properly cleared and having a need-to-know.

RETENTION AND DISPOSAL:

Records maintained within Marine Corps Intelligence Division as long as individual's status remains POW/MIA. Record is retired to Marine Corps Historical Division 2 years after return to U. S. control or when status is changed to KIA/KIA-BNR.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Code INTC, Headquarters, U. S. Marine Corps, Washington, D. C. 20380.

NOTIFICATION PROCEDURE:

Apply to SYSMANAGER.

RECORD ACCESS PROCEDURES:

Rules for access may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Other records of the activity; investigators; witnesses; correspondents; intelligence reports from the services, Defense Intelligence Agency, Central Intelligence Agency, State Department and other government agencies; Foreign Broadcast Information Service; newspapers, magazines; television; radio; and movies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00001

SYSTEM NAME:

Business Complaint File

SYSTEM LOCATION:

Legal office or Office of the Staff Judge Advocate at all Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Businesses which have generated complaints by clients at Legal Assistance Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Affidavits of individuals involved in incidents which give rise to such complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Legal Assistance Officers to resolve problem locally or forwarded to the appropriate attorney general's office and/or Armed Forces Disciplinary Control Board as appropriate for settlement of complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Arranged by type business and alphabetically by name of business within types. Requires conventional indices for retrievability.

SAFEGUARDS:

Maintained in locked building.

RETENTION AND DISPOSAL:

Maintained locally so long as file is active, or two years if inactive. Not transferred. Destroyed by discard in military trash system.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Judge Advocate/legal officer of the local Marine Corps activity concerned.

NOTIFICATION PROCEDURE:

Requests for information should be addressed to the Systems Manager. Requester may also visit office. Military ID card or other suitable identification will be required.

RECORD ACCESS PROCEDURES:

Rules for access may be obtained from the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Individual complainants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00002

SYSTEM NAME:

General Correspondence Files for Legal Administration

SYSTEM LOCATION:

All Marine Corps activities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

File contains information on individuals who have appealed Article 15 punishment and traffic court rulings; have been referred to a court-martial (awaiting special or general court-martial); have been confined at a Correctional Facility in excess of 30 days; lawyers assigned to be on call for a given period; officers punished under Article 15, Uniform Code of Military Justice; individuals selected to sit as members of a court-martial. File covers individuals who have been recommended for administrative discharge whose cases have been reviewed by Staff Judge Advocate, individuals served with civil process, and other individuals (military and civilian) requesting assistance in legal related problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information relating to nonjudicial punishment appeals, the reason for the appeal and the response of the officer appealed; traffic court appeals; counsel assignments to individual referred to a court-martial; weekly case listings including type of offense, counsel assigned and dates pertaining to each case; excess 30 day pretrial confinement letters including the approval/disapproval by the CG for extending the period of confinement; duty lawyer roster; officers' punishments including offense, punishment and statement of desire to appeal or not; weekly docket list; and court-martial members questionnaire including age, duty assignment, summary of past duties, marital status, children, and matters pertaining to past schooling and assignments, name, rank and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U. S. Code 801, et. seq.; Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Marine Corps Staff Judge Advocate Offices - to prepare SJA's advice to officer appealed to in appeals of nonjudicial punishments; to monitor the fairness of traffic court proceedings; to determine which counsel is assigned to each court-martial case; to inform members of the command with a need to know the status of individual court-martial cases; to expedite cases where individuals have been confined in excess of 30 days; to provide a list of duty counsels for Base security organizations; to keep track of the status of pending cases; and to determine which persons selected to sit as members of a court-martial counsel may wish to challenge.

Marine Corps Commands - by officials and employees of the Marine Corps in the execution of their official duties.

Department of Defense and its Components - by officials and employees of the Department in the performance of their official duties.

The Attorney General of the U. S. - by officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - by officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - by the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files of the system.

The Comptroller General of the U.S. - by the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and card files.

RETRIEVABILITY:

Alphabetically

SAFEGUARDS:

Kept behind locked doors with security guard in building at night.

RETENTION AND DISPOSAL:

Most records are retained for two years. Duty lawyer rosters and weekly docket lists are retained for one year. All records are destroyed at the end of the retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity concerned. See Directory of Department of the Navy Mailing Addresses.

NOTIFICATION PROCEDURE:

Requests should be addressed to the SYSMANAGER. Requester should supply full name and social security number.

RECORD ACCESS PROCEDURES:

Requests for access should be addressed to the commanding officer of the activity concerned. Written requests for information should contain full name and grade of the individual.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individuals

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00003

SYSTEM NAME:

Magistrate Court Case Files

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians pending and tried by the assigned Federal magistrate for crimes committed on military reservation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports, complaints, summons and warrants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 18, U S Code 3041; Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Military Prosecutor for preparation of cases for trial by military prosecutor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name. Conventional indices are required for retrieval.

SAFEGUARDS:

Maintained in file cabinet in locked building.

RETENTION AND DISPOSAL:

Retained and destroyed in accordance with SECNAVINST 5212.5B.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

NOTIFICATION PROCEDURE:

Individual is personally served with a subpoena and is shown the file. Requires name for entry.

RECORD ACCESS PROCEDURES:

Contact SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Law enforcement reports, bad check transmittal letters from Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00004

SYSTEM NAME:

In Hands of Civil Authorities Case File

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel who are in hands of civil authorities or have charges pending against them by civil authorities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Civil court documents, advice to respondent, health statements/certificates, written agreement releasing the Marine to civilian authorities and

supporting documents pertaining to individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U S Code 814; Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U.S. Marine Corps, commands, activities and organizations - Files are used in the administrative processing of individuals in the hands of civil authorities. Such processing include reports of misconduct, discharge proceedings, notification to the individual's activity that he/she has been arrested by civilian authorities, the nature of the charges and notification to peace officers of the obligation to transport individuals to or from the military installation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual by calendar year in which processing is completed.

SAFEGUARDS:

Files are stored in filing cabinets accessible only to authorized personnel. Doors are locked and full-time security guards are employed after normal working hours.

RETENTION AND DISPOSAL:

On discharged personnel, record incorporated into administrative discharge file. Others retained for two years after completion of calendar year in which processed, then destroyed in accordance with the Navy and Marine Corps Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Judge Advocate or legal officer of the activity concerned.

NOTIFICATION PROCEDURE:

Requests should be addressed to the SYSMANAGER. Requester must be able to provide satisfactory identifying information.

RECORD ACCESS PROCEDURES:

Rules for access may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Warrant for arrest, service records, health records, civil court documents, law enforcement personnel and various DOD Agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00005

SYSTEM NAME:

Financial Assistance/Indebtedness/ Credit Inquiry Files

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marines identified as owing debts and/or having dependents requiring financial aid.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, rank, social security number, military occupational specialty, component, marital and dependency status and supporting documents pertaining to indebtedness, financial assistance and credit inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U. S. Code 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters Marine Corps, commands and activities - Used by Marine Corps personnel in the execution of their offical duties in processing correspondence relating to financial assistance, credit inquiry or indebtedness.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Records are retrieved by name and social security number of the individual concerned.

SAFEGUARDS:

File accessible only to authorized personnel in the execution of their official duties. Maintained in locked building with full time duty personnel present during non-working hours.

RETENTION AND DISPOSAL:

Retained for two years and disposed of in accordance with Navy Marine Corps Records Disposal Instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

NOTIFICATION PROCEDURE:

Requests should be addressed to the SYSMANAGER. Requester must be able to provide satisfactory identifying information.

RECORD ACCESS PROCEDURES:

Rules for access may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Previous and current commanders, private individuals and commercial creditors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00009

SYSTEM NAME:

Marine Corps Command Legal Files

SYSTEM LOCATION:

All Marine Corps commands whose commander or officer in charge has the authority to convene a special court-martial (See Title 10, U S Code 826 and List of Activities in the Directory of Department of the Navy Activities).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of the Department of Defense or guests who have visited Marine Corps installations who have allegedly committed criminal offenses aboard a military installation or whose conduct has been subject to investigation.

Any Marine or Navy service member who is the subject of the disciplinary action under the provisions of the Uniform Code of Military Justice (Title 10, U S Code 801) who has been the subject of administrative discharge action pursuant to the provisions of Marine Corps Order P1900.16); or who has been the subject of an investigation (JAG Manual investigations) convened pursuant to the provisions of the Uniform Code of Military Justice or the

Manual of the Judge Advocate General (JAG Instruction 5800.7) or any other type of investigation or inquiry.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of disciplinary proceedings, including courts-martial records and records of non-judicial punishments with supporting documents, military justice management information pre-post trial (e.g., courts-martial docketing logs, reports of cases tried, etc.), pre-disciplinary inquiries and investigations and documentation pertaining to post-hearing/trial review, clemency action, appellate leave or other personnel action related to or resulting from courts-martial, JAG Manual investigations pertaining to claims, line of duty misconduct determinations, command irregularities, and unusual incidents or accidents with supporting documentation and post-investigation review and actions. Inquiries made into incidents or situations which result in disbarment of an individual or firm from entry upon a military installation, referral to base traffic court or civilian, federal, state or local judicial or law enforcement authorities. Recommendations for administrative discharge with supporting documentation, including records of any hearing held and any review or other action taken with respect to the discharge recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301; Title 10, U S Code 801, et. seq.; Title 18, U S Code 382

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Serves as a command historical file

In the case of courts-martial records serves as a public record.

Serves as the basis for taking appropriate action with respect to incidents which have been investigated or have been the subject of disciplinary action.

Serves as a source of information for military, federal other law enforcement authorities for taking action.

Serves as a management system for the military justice activities.

Members of Congress, officials of the Department of Defense, civilian law enforcement officials, General Accounting Office, other federal state or local agencies in the execution of their official duties in relation to inspections, investigations, legal action and administrative action.

Serves as a source from which information is provided to host foreign country officials re criminal activities by American nationals in foreign countries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Files by name of service member involved or chronologically with cross-reference to individual involved.

SAFEGUARDS:

Records are kept in either locked cabinets or guarded or locked buildings.

RETENTION AND DISPOSAL:

Two years or as provided in the Manual of the Judge Advocate General (JAG Instruction 5800.7).

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the unit concerned. See Directory of Department of the Navy Activities for addresses. If unit not known, information may be obtained from Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Write or visit SYSMANAGER. If unit concerned cannot be determined, information may be sought from Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380. Provide full name, social security number and military status. Proof of identity may be established by military identification card or DD-214 and driver's license.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contest may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual concerned, witnesses to the incident in question or parties concerned therewith, officer investigating the incident, documents or items of real evidence, documents pertaining to the review, action or authorities charged with making a review or taking action.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00010

SYSTEM NAME:

Unit Punishment Book

SYSTEM LOCATION:

All U S Marine Corps and U S Marine Corps Reserve units, whose commander has nonjudicial punishment authority (See 10, U S Code 815)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any enlisted Marine who is charged with a violation of the Uniform Code of Military Justice.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, rank, social security number, military occupational specialty and unit of the individual, brief summary of the alleged offense including date, time and place. Acknowledgement of rights under Article 31, Uniform Code of Military Justice, and right to demand trial by Courts-Martial by the individual, record of specific punishment awarded or remarks as to disposition of charge. If punishment was awarded the individual will also acknowledge, in writing, his right to appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U S Code 815; Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral sheet for evaluation of conduct. To provide a command historical record of nonjudicial punishments. To complete statistics on disciplinary trends. Officials and employees of the Naval Service, Department of Defense, members of congress and General Accounting Office in the execution of their official duties in relation to inspections, investigations, legal action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in loose leaf binder.

RETRIEVABILITY:

Alphabetically by last name and by year.

SAFEGUARDS:

Access limited to those with a need-to-know. Records kept in a locked cabinet or in a room which is locked.

RETENTION AND DISPOSAL:

3 years, destroyed by burning at end of period.

SYSTEM MANAGER(S) AND ADDRESS:

Unit Commanders of U S Marine Corps or U S Marine Reserve units authorized to administer nonjudicial punishment.

NOTIFICATION PROCEDURE:

Write or visit SYSMANAGER If unit imposing punishment cannot be determined, information may be sought from Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380. Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD 214 and driver's license.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Verbal or written charge from individual subject to Uniform Code of Military Justice. Service record book of individual, Nonjudicial punishment hearing.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00012

SYSTEM NAME:

Individual Accounts of Mail Order Clothing (bill file)

SYSTEM LOCATION:

Clothing Section (MAU), Direct Support Stock Control Branch, Materiel Division, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

File pertains to all Marine Corps personnel, active, reserve and retired who have a requirement and are authorized clothing, textiles and other related supplies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record includes individual's name, rank, SSN, military address, bill number, dollar amount of the shipment, shipping date and zip code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

NAVCOMPT Manual, Part C, Collection and Reporting of Debts Due the United States.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Marine Corps Logistics Support Base, Atlantic, Albany, Georgia. To facilitate in a mechanized atmosphere the collection of information necessary to provide the capability of continued follow up on funds owed and due the U S Government through daily billing, cross referencing and processing of mail order clothing individual accounts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is stored on magnetic tapes and computer paper printouts.

RETRIEVABILITY:

Data can be retrieved by account number, name and social security number.

SAFEGUARDS:

Computer printouts and source documents are retained in a single office accessible only to authorized personnel. Employees are properly trained in safeguarding information of a personal nature.

RETENTION AND DISPOSAL:

Computer records are retained until the bills are satisfied. Computer printouts and source documents are retained for a period of five years. Destruction of records is by mutilation.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding General, Marine Corps Logistics Support Base, Atlantic Albany, Georgia 31704.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Clothing Section (MAU), Direct Support Stock Control Branch, Materiel Division
Marine Corps Logistics Support Base, Atlantic
Albany, Georgia 31704
Telephone: Area Code 912/439 5837

RECORD ACCESS PROCEDURES:

Written requests from individuals should be addressed to Clothing Section (MAU), Direct Stock Control Branch, Materiel Division, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records, contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Accounting records of the Clothing Section, Direct Support Stock Control Branch, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia, supplemented with information from the employing activity of the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00013

SYSTEM NAME:

Dishonored Personal Check Records and Withdrawal of Check Cashing Privileges Lists

SYSTEM LOCATION:

Each Appropriated and Non-Appropriated Fund Activity having authority to accept personal checks from authorized patrons. Located at Headquarters, U S Marine Corps and each major Marine Corps installation listed in MCO P5400.6G.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel, active and retired; their authorized dependents and dependents of deceased military retirees; Marine Corps Exchange employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

File Bulletins containing name, rank, social security number and expiration date of restriction of privileges and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301; Title 18, U S Code 13; Title 10, U S Code 801, et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose is to protect the activity from unnecessary losses and advise Commanders when a bad check offense has been committed by a patron. Used by Marine Corps employees tasked with verifying the information and authorized to cash checks as part of their official duties. Used also to notify Commanders of their personnel who have cashed bad checks. Used by Commanders to take action (administrative or criminal) deemed necessary in the exercise of their official responsibilities.

Information there from may be provided to federal, state or local law enforcement agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in Rolodex or other appropriate file in check cashing area. Published Bulletin is stored in directives system of organizations.

RETRIEVABILITY:

Alphabetical by name and social security number.

SAFEGUARDS:

Access limited. Secured in locked building during nonworking hours.

RETENTION AND DISPOSAL:

Destroyed when privileges are restored at the expiration of specified periods made known to the individual at the time privileges are revoked.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of activity concerned. See Directory of Department of the Navy Mailing Addresses.

NOTIFICATION PROCEDURE:

Inquire in person at the individual check cashing activity or to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Rules for access can be provided by the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Bad checks returned from the bank; notification from other Commands, Federal Bureau of Investigation, Naval Investigative Service or other state, local or Federal investigative agencies or Treasury Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00014

SYSTEM NAME:

File of Confidential Statements of Employment and Financial Interests

SYSTEM LOCATION:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Senior Marine Corps officers whose fitness reports are written by the Commandant of the Marine Corps and who are required to file confidential statements of 'Employment and Financial Interests' (DD Form 1555) in accordance with DOD Directive 5500.7 of 8 August 1967.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains copies of the 'Confidential Statements of Employment and Financial Interests' (DD Form 1555), reviews thereof, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The forms are reviewed in the office of the Director, Judge Advocate Division for conflict of interest and then are kept on file along with any correspondence generated thereby for the purpose of insuring that the information relating to potential conflict of interest on the part of senior Marine Corps officers is available to the Commandant of the Marine Corps or his designees, GAO, and federal law enforcement officials.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder.

RETRIEVABILITY:

Alphabetical

SAFEGUARDS:

The access to the files is limited. The files are kept in a locked safe during non business hours.

RETENTION AND DISPOSAL:

PerSecNav Disposal Manual

SYSTEM MANAGER(S) AND ADDRESS:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director Judge Advocate Division
Headquarters, U S Marine Corps (Code JA)
Washington, D C 20380
Telephone: Area Code 202/694-2737.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to: Commandant of the Marine Corps, Headquarters, U S Marine Corps (Code JA), Washington, D C 20380.

Written requests for information should contain the full name and grade of the individual concerned.

CONTESTING RECORD PROCEDURES:

The rules for contesting contests and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

DD Form 1555 submitted by individual concerned and correspondence from and to SYSMANAGER

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00016

SYSTEM NAME:

Judge Advocate Division 'D' Files

SYSTEM LOCATION:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps Judge Advocates currently on active duty, in a reserve capacity and those individuals who have been selected for accession into the Marine Corps as Judge Advocates or who are in the training cycle to become Judge Advocates.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains correspondence from the Judge Advocates and prospective Judge Advocates regarding requests for personnel actions such as transfer, school assignment, etc. Additionally, the file contains information pertaining to judge advocate qualifications such as schooling results, commendatory matter and derogatory matter which bears on the assignment and other personnel matters relating to judge advocates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The personnel of the Judge Advocate Division, officer and civilian alike as well as Marine Corps personnel responsible for assignment and other personnel actions respecting Judge advocates utilize the material contained in this file for the purpose of making

decisions with respect to personnel actions pertaining to judge advocates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Alphabetical

SAFEGUARDS:

Access is limited.

The records are kept in file cabinets within a locked room.

RETENTION AND DISPOSAL:

PerSecNavRecordsDisposalManual

SYSTEM MANAGER(S) AND ADDRESS:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Judge Advocate Division
Headquarters, U S Marine Corps (Code JA)
Washington, D C 20380
Telephone: Area Code 202/694-2737

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Director, Judge Advocate Division, Headquarters, U S Marine Corps (Code JA), Washington, D C 20380.

Written requests should contain the full name and grade of the individual.

CONTESTING RECORD PROCEDURES:

The agencies rules for contesting contents and appealing initial determinations by the individuals concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Individuals.

Service records of the individuals involved.

Staff Judge Advocates and Commanders of the individuals involved.

Schools from which the individuals have obtained their graduate or undergraduate degrees or currently in residence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00017

SYSTEM NAME:

Correspondence Branch, JA Division, HQMC Correspondence Control Files

SYSTEM LOCATION:

The Commandant of the Marine Corps (Code JAC), Headquarters, U S Marine Corps, Washington, D C 20380.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marines or former Marines who have been the subject of correspondence from a member of Congress, a high level official in the Federal executive branch, parents of such an individual, individual Marines or members of the general public which correspondence concerns legal matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the incoming correspondence, backup material used to respond to the correspondence, notes of the action officer and reply correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officers, enlisted men and civilian personnel of the Marine Corps and other DOD agencies who are interested in determining the history of and action taken with respect to a problem addressed in incoming correspondence category above.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Alphabetical by name of correspondent or name of Marine or former Marine who is the subject of the correspondence.

SAFEGUARDS:

Limited access on a need to know basis.

Maintained in a locked room.

RETENTION AND DISPOSAL:

PerSecNavRecordsDisposalManual

SYSTEM MANAGER(S) AND ADDRESS:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director, Judge Advocate Division
Headquarters, U S Marine Corps (Code JAC)
Washington, D C 20380
Telephone: Area Code 202/694-2737

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Director, Judge Advocate Division, Headquarters, U S Marine Corps (Code JAC), Washington, D C 20380.

Written requests for information should contain the full name and grade of the individual.

CONTESTING RECORD PROCEDURES:

The agencies rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Drafter of incoming correspondence.

Service records of the Marine concerning whom correspondence is written.

Information furnished from the command of the Marine concerned.

Information furnished from other involved Marine Commands or individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MJA00018

SYSTEM NAME:

Performance File

SYSTEM LOCATION:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The file pertains to all members of the Marine Corps on active duty or in a reserve status who are under investigation, indictment, or in the process of a criminal proceeding by military or civilian authorities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains information pertaining to civilian and military criminal matters including investigative reports, documents indicating court proceedings have begun and/or are in progress and post trial or investigative matters. Material is kept only until the procedure is finalized whether by conviction, acquittal, dismissal of the matter or by it's being dropped.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps personnel utilize this file in personnel management decisions. Such as determining the propriety of assignments, transfers of individuals or determining whether an individual who has been selected for promotion should be promoted or whether that promotion should be withheld during the pendency of the criminal proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Alphabetical

SAFEGUARDS:

Access is limited.

The file folders are stored in the file cabinets which are stored in a locked room during non business hours.

RETENTION AND DISPOSAL:

PerSecNavRecordsDisposalManual

SYSTEM MANAGER(S) AND ADDRESS:

The Director Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Director Judge Advocate Division
Headquarters, U S Marine Corps (Code JA)
Washington, D C 20380
Telephone: Area Code 202-694-2737

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Director Judge Advocate Division, Headquarters, U S Marine Corps (Code JA), Washington, D C 20380.

Written requests for information should contain the full name and grade of the individual.

CONTESTING RECORD PROCEDURES:

The agencies rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Investigative records of arrest from civilian law enforcement sources.

Records of indictment or conviction from civilian law enforcement or judicial agencies.

Records of appeallate and other post trial procedures received from civilian law enforcement and judicial agencies.

Records indicating apprehension or investigation by military authorities received from individuals command or other military agencies, law enforcement or command.

Records of court-martial, pre court-martial and post court-martial activities relating to the individual received from the individuals command.

Records of administrative eliminative processes conducted by military authorities received from the individual's command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMC00002

SYSTEM NAME:

Working Files, Inspection Division, Headquarters, U S Marine Corps

SYSTEM LOCATION:

Headquarters, U S Marine Corps, Washington, D C 20380

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U S Marine Corps and Marine Corps Reserve; former members of the Marine Corps and Marine Corps Reserve; retired and temporarily retired members of the Marine Corps and Marine Corps Reserve; and members of the Fleet Marine Corps Reserve.

Military personnel

Dependents of Marines and other family members with respect to matters pertaining to the individual Marine or former Marine.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information pertaining to identification, recruitment, enlistment, prior service, assignment, location addresses, promotions, reductions in rank, performance of duty, discipline, offenses and punishments under the Uniform Code of Military Justice, courts-martial, personal history, investigations, police and court records, civil arrests and convictions, official correspondence (includes internal Marine Corps and Department of the Navy correspondence, as well as correspondence with the Executive and Legislative branches of the federal government) and other correspondence (includes correspondence from Marines, their dependents and families, attorneys, doctors, educators, clergymen and members of the general public whether addressed directly to the Marine Corps or via third parties (president, congressmen, etc.))

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Inspection Division, Headquarters, U S Marine Corps. To facilitate and expedite responses to inquiries and correspondence from members of Congress, military personnel, and members of the general public. Such inquiries and correspondence routinely relate to allegations pertaining to request mast, maltreatment at Recruit Depots, and harassment.

Marine Corps commands. By officials and employees of the Marine Corps in the execution of their official duties as relates to the preparation of information upon which to base replies to members of Congress, Secretary of the Navy, relatives and members of the general public.

Department of Defense and its Components. By officials and employees of the Department in the performance of their official duties in connection with military personnel management.

Congress of the U S By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of the files of the system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files as represented by card files and file folders. Files are stored in five drawer filing cabinets.

RETRIEVABILITY:

Files are accessed and retrieved by the name and card file number.

SAFEGUARDS:

Building where files are stored and maintained employs 24 hour security guards. Records are further stored in areas of controlled access and handled by personnel with a need-to-know in the execution of their official duties.

RETENTION AND DISPOSAL:

Congressional, military and civilian inquiry files are retained three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S. Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Information may be obtained from:
The Commandant of the Marine Corps
(Code IGA)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/694-1324

RECORD ACCESS PROCEDURES:

Requests from individuals desiring information may be addressed to: The Commandant of the Marine Corps (Code IGA), Headquarters, U S Marine Corps, Washington, D C 20380. However, final determination as to whether any information will be released or made available will be controlled by the SYSMANAGER.

Written requests for information should contain the full name of the individual and his social security number or former military service number. The following information will also be helpful in locating some records: Military rank and occupational specialty, dates and places of service, and any special correspondence previously received or sent.

For personal visits, an individual may visit the Inspection Division, Headquarters, U S Marine Corps, Federal Building #2, Washington, D C 20380. However, final determination as to whether any information will be released or made available will be controlled by the SYSMANAGER.

For personal visits, the individual should be able to provide personal identification to include valid military or dependent identification card or two valid civilian items of identification, such as driver's license, social security card, medicare card, etc.

CONTESTING RECORD PROCEDURES:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the Commandant of the Marine Corps (Code IG), Headquarters, U S Marine Corps Washington, D C 20380.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the Marine Corps Manpower Management System; the Joint Uniform Military Pay System; Marine Corps Military Personnel Records to include the Service Record Book and Officer Qualification Record; Military Medical Records; Staff elements and subdivisions of Headquarters, U S Marine Corps; Marine Corps field commands, organizations and activities; other components of the Department of Defense; Agencies of Federal, State and local government; private citizens provided as character references by the individual; investigations related to disciplinary proceedings; and correspondence of private citizens addressed directly to the Marine Corps or via third parties such as members of Congress and other governmental agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMC00003

SYSTEM NAME:

Activity Check In/Check Out File

SYSTEM LOCATION:

May be located at any U S Marine Corps or U S Marine Corps Reserve activity.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the activity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Date reported and verification of check-in - check-out procedure.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Command, administrative and supply personnel to ensure individuals are appropriately entered with all unit records and as a safeguard against unit members being discharged or transferred without turning in property belonging to this unit or without being dropped from appropriate unit records.

Officials and employees of the Naval Service and General Accounting Office in the execution of their official duties in relation to inspections, investigations, legal action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On paper in files or on clipboard.

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

Access limited to activity personnel in the performance of their official duties.

After working hours the office and building are locked. A guard is located in the general vicinity.

RETENTION AND DISPOSAL:

Retained for 6 months after action has been completed.

SYSTEM MANAGER(S) AND ADDRESS:

Activity commander.

NOTIFICATION PROCEDURE:

Write or visit SYSMANAGER Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD-214 and driver's license.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Service records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMC00004

SYSTEM NAME:

Adjutant Services Section Discharge Working Files

SYSTEM LOCATION:

Adjutant Services Section, Marine Corps activities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members and former members of the Marine Corps and Marine Corps Reserve. Some information about dependents and other members of families or former families of Marine Corps personnel may be included in files pertaining to the Marine. Inquiries from the general public, whether addressed directly to Base or received via a third party, may be retained together with information obtained in the course of completing required action or in preparing a response.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain information pertaining to identification; prior service; location and addresses; prior and present marital status, dissolution of prior marriages, birth and death status, adoption of children, financial responsibility, child support, medical information, personal financial records, residence, basic allowance for quarters, leave and liberty, financial assistance, extensions of emergency leave, medical bills and determinations of dependency status as pertain to hardship discharges; investigative reports, prior and present

disciplinary status, financial responsibility, conduct and personal history, medical information, police reports, correction of naval records, veterans rights, benefits and privileges, preseparation counseling and civil readjustment as they pertain to unsuitability, unfitness and misconduct discharges; financial status, college acceptance and residence as they pertain to early separation to attend college or trade school; religious beliefs and practices pertaining to applications for conscientious objector status; official correspondence (includes correspondence with Marine Corps commands and organizations, other Armed Services, the White House, members of Congress, Department of Defense, and other agencies of federal, state and local governments); other correspondence (including correspondence from Marines, their families, attorneys, doctors, clergymen, administrators/executors/guardians of estates, American Red Cross and other welfare agencies and the general public, whether addressed directly to the Marine Corps or via third parties); internal routing and processing of discharge matters; and records of interviews and telephone conversations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To facilitate administration of programs concerning the discharge or separation of Marines; correction of naval records; veterans rights, benefits and privileges; support of dependents; personal affairs, welfare and family assistance; preseparation counseling and civil readjustment.

To facilitate preparation and maintain a record of discharge processing and other communications from staff sections within Base Headquarters; Marine Corps commands and organizations; other Armed Services; the White House, Members of Congress; Department of Defense; other agencies of federal, state and local governments; Marines, their families, attorneys, doctors, clergymen, administrators/executors/guardians of estates; American Red Cross, and other welfare agencies and the general public.

To provide a record of decisions and actions taken.

By officials and employees of the Marine Corps and Marine Corps Reserve in the performance of their official duties in the administration of programs relating to the discharge matters cited above.

By officials and employees of the Department of the Navy, Department of Defense, and other government agencies in the performance of their official duties related to discharge and separation processing.

By government agencies or private organizations under Government contract to perform analytical and historical research pertaining to discharges and separations.

By intelligence and other Government agencies assisting in the investigation of deserters and absentees.

By Marines, former Marines, their next of kin, or persons or organizations designated by them in writing for whatever purpose access to the record is desired.

Information obtained, developed, or processed by the Base Discharge Section in performing functions related to this record system may be entered into the Marine Corps Manpower Management System and the Marine Corps Military Personnel Records System.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files stored in filing cabinets, shelves, tables and desks.

RETRIEVABILITY:

Files are accessed and retrieved by individual. Identification of individual is by name and social security number.

SAFEGUARDS:

Building is located in base area with area guard. Outside and inside doors are locked after working hours and patrolled by Duty NCO. Access to information contained in the files is limited to officials and employees of Base Headquarters acting in their official capacity upon demonstration of a need-to-know.

RETENTION AND DISPOSAL:

Files are retained two years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of activity concerned. See Directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Correspondence pertaining to files maintained should be addressed to the Sysmanager

Correspondence should contain the full name, social security number and signature of the requester. The individual may visit the above location for review of files. Proof of identification may consist of the active, reserve, retired or dependent identification card, the Armed Forces Report of Transfer or Discharge (DD-214), discharge certificate, driver's license, social security card or by providing such other data sufficient to ensure the individual is the subject of the inquiry.

RECORD ACCESS PROCEDURES:

Information may be obtained from the Sysmanager.

CONTESTING RECORD PROCEDURES:

The section's rules for access to files and for contesting and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Marine Corps Manpower Management System

Joint Uniform Military Pay System

Marine Corps Military Personnel Records System

Marine Corps Deserter Inquiry File

Staff agencies and subdivisions of Headquarters, U S Marine Corps

Marine Corps commands and organizations

Other agencies of federal, state and local governments

Educational institutions

Medical reports and psychiatric evaluations

Financial institutions and other commercial enterprises

Civil courts and law enforcement agencies

Correspondence and telephone calls from private citizens initiated directly to the Marine Corps or via the U. S. Congress and other agencies

Investigative Reports

American Red Cross and similar welfare agencies

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

MMC00005

SYSTEM NAME:

Insurance Files

SYSTEM LOCATION:

Marine Corps Activities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Insurance salesman requesting authority to do business at Marine Corps Activities

CATEGORIES OF RECORDS IN THE SYSTEM:

A record of the certification of authority to solicit insurance, mutual funds, investment plans, and securities

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Insurance Officer to maintain control of insurance sales in accordance with SECNAVINST 1740. ; Provide reference to agents who have requested authority to do business at Marine Corps activities and the disposition of such requests including any information in support of denial of such authorizations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Files in alphabetical order by company name. Conventional indices are required for retrieval.

SAFEGUARDS:

Maintained in locked building.

RETENTION AND DISPOSAL:

Maintained as long as active. If inactive, disposed of after two years by discard into military trash system. Not transferred.

SYSTEM MANAGER(S) AND ADDRESS:

Local Commanding Officers

NOTIFICATION PROCEDURE:

Address requests to SYSMANAGER or visit the office; Military ID or other suitable identification is required.

RECORD ACCESS PROCEDURES:

An individual can call for an appointment with the activity insurance representative for personal assistance or forward a written request for the required information.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is supplied by the insurance companies and salesman involved.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMC00007

SYSTEM NAME:

Inspection of government property assigned to individual

SYSTEM LOCATION:

Organizational elements of the U.S. Marine Corps as listed in the Directory of Department of the Navy activities mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inspection of Government Property

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, badge number, and government property assigned to individual

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To show loss or deterioration of clothing and equipment

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File

RETRIEVABILITY:

Name

SAFEGUARDS:

Building locked at night - locked cabinet

RETENTION AND DISPOSAL:

Until separation

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See Directory of Department of the Navy activities mailing addresses.

NOTIFICATION PROCEDURE:

Information may be obtained from the Sysmanager

RECORD ACCESS PROCEDURES:

Written requests from the individual should be addressed to the Sysmanager.

Written requests for information should contain the full name of the individual and his social security number or former military service number. The following information will also be helpful in locating some records: Military rank and occupational specialty, dates and places of service, and any special correspondence previously received or sent.

For personal visits, the individual should be able to provide personal identification to include valid military or dependent identification card or two valid civilian items of identification such as driver's license, social security card, medicare card, etc.

CONTESTING RECORD PROCEDURES:

The Marine Corps rules for contesting contents and appealing initial determination may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Inspection of property and clothing

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMC00008

SYSTEM NAME:

Message Release/Pickup Authorization File

SYSTEM LOCATION:

Marine Corps activities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel authorized to release/pickup message traffic.

CATEGORIES OF RECORDS IN THE SYSTEM:

OPNAV Form 2160-5 (Message Release/Pickup Authorization)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To allow Comm Center personnel to determine who is authorized to release/pickup messages for the commands; used to compare specimen signature on card with the signature on the message to be released; used by Comm Center employees in the execution of their assigned duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards are filed in a card file within the Communication Center

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Located in a secure space within the Comm Center, which is manned on a 24-hour basis.

RETENTION AND DISPOSAL:

Retained until individual is replaced or authorization is revoked by proper authority; then destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Local commanding officers. See Directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Request information from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Rules for access may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Organizations, departments, sections authorized to release/pickup messages for the command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMC00009

SYSTEM NAME:

Narrative Biographical Data with Photos (NAVMC Form 10573)

SYSTEM LOCATION:

Primary System - Headquarters, U S Marine Corps, Washington, D C 20380. All Marine Corps commands and districts maintain derivative files.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps active duty, reserve, and retired general officers and active duty colonels who submit biographical data with photographs in accordance with existing directives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain standard biographical information as listed on NAVMC Form 10573 to include: personal identification, personal data, education background, military history, medals and decorations, combat, and chronology of Marine Corps service. A current photograph accompanies the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - To make routine news releases such as assignments and promotions; to provide background data in response to news media queries; to provide background information on the individual officer prior to speaking engagements or appearances at public events in which the officer is scheduled to appear; to provide internal release of information as required.

Department of Defense and its components - By officials and employees of the Department in the performance of their official duties.

Congress of the U S - By the Senate or the House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

News Media - To provide biographical information in response to query.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of officer.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Biographical information is maintained on all general officers while on active duty. When a general officer retires, the biographical data is retained for five years after the date of the individual officer's retirement and retained by the Historical Division (Code HD), Headquarters, U S Marine Corps, Washington, D C 20380.

Biographical files are maintained on colonels while on active duty. Upon retirement of the officer, colonel biographical files are retained by Historical Division (Code HD), Headquarters, U S Marine Corps, Washingotn, D C 20380.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380 or commander of unit hôlding file.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Commandant of the Marine Corps (Code PAC), Headquarters, U S Marine Corps, Washington, D C 20380.

Written requests to determine whether or not the system contains a record about an individual should contain the full name of the general officer or colonel concerned.

Visits are limited to Division of Information (Code PAC), Headquarters, U S Marine Corps, Washington, D C 20380.

For personal visits, the individual should be able to provide some acceptable identification, such as a military identification card, and give some verbal information that could be verified with his 'case' folder.

RECORD ACCESS PROCEDURES:

Information may be obtained from the Commandant of the Marine Corps and the commander of the unit holding the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Biographical data provided by the individual general/colonel and from personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00001

SYSTEM NAME:

Absentee Processing and Deserter Inquiry File

SYSTEM LOCATION:

Primary System - Absentee and Deserter Section, Manpower Plans and Policy Division, Manpower Department (Code MP), Headquarters, U. S. Marine Corps, Washington, D.C. 20380.

Decentralized Segments - U. S. Marine Corps commands to which the absentee

or deserter is assigned for duty or administration of official records. See the organizational elements of the U. S. Marine Corps as listed in the Director of the Department of the Navy Mailing Addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps Absentees and deserters; Marines in hands of civil authorities foreign and domestic; Marines who fail to comply with orders to new duty stations; suspected and convicted absentees and deserters who have returned to military control.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personal identification data, parent command, notations of arrests, nature and dispositions of crimanal charges, and other pertinent information which is necessary to monitor, control and identify absentees and deserters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTING USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal:

Headquarters, U. S. Marine Corps, Marine Corps commands, activities, and organizations - To coordinate the identification, apprehension and return of Marine absentees and deserters in accordance with current regulations. To record and monitor deserter/ absentee cases entered into the National Crime Information Center's Wanted Persons File; to monitor and assign absentees upon their return to military control; to ensure that absentees are formally charged in accordance with the Uniform Code of Military Justice prior to expiration of the Statute of Limitations; to monitor Marine absentees and deserters believed to be located in foreign countries; to monitor Marines who have failed to comply with permanent change of station (PCS) orders or orders to travel and report without escort; to insure correspondence pertaining to absentees and deserters received by the Marine Corps is processed in a timely manner; to insure that appropriate action is taken within the Manpower Management System to join or drop absentees to desertion; to provide periodic management reports concerning absentees and deserters as directed by higher authority.

External:

The Department of Defense - To coordinate with the other components of the Department of Defense as may be required to report, identify, apprehend and return Marine absentees and deserters to Marine Corps control.

Comptroller General of the U S - To respond to the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to Marine Corps Manpower Management Programs.

The Attorney General of the U S - To coordinate with the Attorney General or his authorized representatives in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice as carred out as the legal representative of the Executive Branch.

Civilian Law Enforcement Agencies - To coordinate with appropriate federal, state, and local law enforcement agencies as may be required to report, identify, apprehend and return Marine absentees and deserters to Marine Corps control.

Courts - To respond to court orders in connection with matters before a court.

Congress of the United States - To respond to inquiries of the Senate or the House of Representatives of the United States or any committee or subcommittee thereof or any joint committee or joint subcommittee of the Congress on matters within their jurisdiction as may be requested of the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tapes and disks, microform and file folders.

RETRIEVABILITY:

Records may be accessed by name and social security number.

SAFEGUARDS:

Building employs security guards. Computer terminals and records are located in areas acessible only to authorized personnel that are properly screened, cleared and trained. Use of terminals requires knowledge of passwords.

RETENTION AND DISPOSAL:

Records vary in the period of time retained. Records on magnetic tapes and disks are destroyed by erasing after disposition of the individual's case. Paper records are maintained only as long as necessary to transfer information to the official personnel record, then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Code MP), Headquarters, U S Marine Corps, Washington, D C 20380

NOTIFICATION PROCEDURE:

Information may be obtained from:
The Commandant of the Marine Corps
(Code MP)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/694-2027

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: The Commandant of the Marine Corps (Code MP), Headquarters, U S Marine Corps, Federal Office Building 2, Washington, D C 20380.

Written requests for information should contain the full name of the individual, date and place of birth, social security number and signature.

For personal visits, the individual should be able to provide military identification card, driver's license or other type of identification bearing picture or signature or by providing verbal data sufficient to insure that the individual is the subject of the inquiry.

CONTESTING RECORD PROCEDURES:

The rules for contesting contents and appealing initial determinations may be obtained from the Commandant of the Marine Corps (Code JA), Headquarters, U S Marine Corps, Washington, D C 20380

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the Marine Corps Military Personnel Records; from the individual's commanding officer, officer-in-charge, federal, state and local law enforcement agencies, lawyers, judges, Members of Congress, relatives of the individual and private citizens, the Veteran's Administration and the individuals themselves.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

MMN00002

SYSTEM NAME:

Listing of Retired Marine Corps Personnel

SYSTEM LOCATION:

The Commandant of the Marine Corps
Headquarters, U S Marine Corps
Washington, D C 20380

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All retired members of the Marine Corps, including those former Marines in the receipt of disability benefits from the Veteran's Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system is a microfiche listing derived from automated sources, depicting the retiree's name, Social Security Number, grade, mailing address and retirement component code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U S Code Section 5201

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Marine Corps - For making necessary identification of retired members in the performance of their official duties related to retirement and veterans affairs programs, benefits, entitlements, transportation, hospitalization, education, dependent affairs, etc.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly with the purview of said court.

Congress of the U S - By the Senate or House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Leatherneck Magazine and Marine Corps Gazette - For maintaining their mailing lists of subscribers to these semi-official, professional publications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Controlled distribution microfiche listing. Stock copies maintained in locked room.

RETRIEVABILITY:

Listings in alphabetical order, with officer personnel listed separate from enlisted personnel.

SAFEGUARDS:

Building employs security guards. Distribution is strictly controlled.

RETENTION AND DISPOSAL:

Destroyed upon being superceded by updated monthly listing.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to the Commandant of the Marine Corps (Code MS), Headquarters, U S Marine Corps, Washington, D C 20380. The letter should contain the full name, Social Security Number and signature of the requester.

The individual may visit Headquarters, U S Marine Corps, Columbia Pike & Arlington Ridge Road, Arlington, Virginia, Room 1206. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

RECORD ACCESS PROCEDURES:

Information may be obtained from:
Commandant of the Marine Corps
Headquarters, U S Marine Corps
Columbia Pike & Arlington Ridge Road
Arlington, Virginia 20380
Telephone Area Code 202/694-1043

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Staff agencies and subdivisions of Headquarters, U S Marine Corps
Veterans Administration

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00004

SYSTEM NAME:

Marine Corps Club Records

SYSTEM LOCATION:

Decentralized Segments - Records maintained by Marine Corps Clubs at organizational elements of the Marine Corps as listed in the Directory of the Department of the Navy Mailing Addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer personnel who elect officer club membership, staff noncommissioned officer personnel who elect staff noncommissioned officer club membership and patrons of consolidated package stores who purchase alcoholic beverages.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains nonstandardized, locally produced record listing name, grade, social security number, military address, duty telephone number and dependent information.

Alcoholic purchase records contain name, grade, social security number, and the alcoholic beverage purchased by type, name brand, and quantity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Marine Corps clubs and mess management personnel routinely use personal information for billing of customers and forwarding of club related informational material to its members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information of a personal nature is recorded and stored in cabinet drawers or other record keeping devices.

RETRIEVABILITY:

Is by name and/or social security number.

SAFEGUARDS:

Include normal security afforded unclassified file materials.

RETENTION AND DISPOSAL:

Data on club membership is retained as long as the member is active and disposed of when membership is terminated. Data on alcoholic purchases is retained for a period as specified by the local command, but in no case for a period in excess of two years from date of purchase.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized - The local commanding officer is responsible for the operation of clubs aboard his base/activity.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to the commanding officer of the activity having custody of the records.

RECORD ACCESS PROCEDURES:

Rules of access may be obtained from the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00005

SYSTEM NAME:

Marine Corps Education Program Applicant/Participant Information File

SYSTEM LOCATION:

Primary system - Headquarters, U S Marine Corps (Code OTTI), Washington, D C 20380.

Secondary system - Local activity or command to which individual is assigned (See list of activities in Navy Standard Distribution List OPNAV PO9B3-107).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps personnel who have submitted written applications for participation in full-time, tuition assistance, off-duty, PREP, or other voluntary education programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of individual's applications for participation in an education program; copies of correspondence between the Marine Corps, the individual and academic institutions involved; copies of academic transcripts; miscellaneous academic records and correspondence; test results; previous enrollments and disenrollments; and educational qualification data addressing the individual concerned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in matters relating to their assigned duties in connection with educational and vocational counseling, recommendation, evaluation, selection and assignment. Also in the management and control of various educational and vocational programs attended by Marine Corps personnel.

Department of Defense and it's Components - By officials and employees of the Department in the performance of their official duties.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Educational Institutions - By officials and employees of those educational institutions to which the individual applies or which the Marine Corps contracts with, to provide full-time, off-duty or other educational programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files as represented by card files, listings, log books, computer printouts, rosters and file folders stored in filing cabinets.

RETRIEVABILITY:

Filed alphabetically by last name; by educational institution, educational program or unit of assignment. Cross referenced by SSN

SAFEGUARDS:

Records are maintained in limited access working areas and are made available to persons other than the individual addressed only on a strict 'need-to-know' basis. After duty hours storage areas are locked.

RETENTION AND DISPOSAL:

Records are maintained a maximum of three years and then destroyed. In instances where individual completes a program in less than three years, with no incurred service obligation, records are destroyed on program completion or transfer of individual from command maintaining record.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

NOTIFICATION PROCEDURE:

Information may be obtained from:
Commandant of the Marine Corps
Headquarters, U S Marine Corps (Code OTTI)
Washington, D C 20380
Telephone: Area Code 202/694-2109

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the commander of the activity to which they are assigned for duty. Activity addresses are contained in the Navy Standard Distribution List (OPNAV PO9B3-107).

Requests from individuals who have made written application for the Special Education Program (SEP), Advanced Degree Program (ADP), Funded Legal Education Program (FLEP), College Degree Program (CDP), Marine Enlisted Commissioning Education Program (MECEP), Navy Enlisted Scientific Education Program (NESEP), Staff NCO Degree Completion Program (SNCODCP), or Marine Associate Degree Completion Program (MADCOP) should be addressed to the Commandant of the Marine Corps, Headquarters, U S Marine Corps (Code OTTI), Washington, D C 20380.

Written requests for information should contain name of the individual, current address and telephone number, and the academic program originally requested or in which participated.

For personal visits, the individual should provide personal identification.

CONTESTING RECORD PROCEDURES:

Rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Application and related documents including correspondence from the individual requesting an education program; correspondence originating in the Educational Services Branch or other Headquarters Marine Corps Staff Agencies; academic transcripts from educational institutions; and educational selection board results.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00006

SYSTEM NAME:

Marine Corps Military Personnel Records (OQR/SRB)

SYSTEM LOCATION:

PRIMARY SYSTEM - The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, D.C. 20380

Decentralized Segments - Custody of the commanding officer of the organization to which the Marine officer or enlisted individual is assigned for duty or administration of official records (OQR/SRB).

Decentralized Segments - National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Headquarters, U.S. Marine Corps official military personnel records on Marine officers consist of a copy of the appointment acceptance and record and all supporting documents furnished by the officer and generated by Marine Corps procurement procedures necessary to evaluate the individual for a commission in the Marine Corps or Marine Corps Reserve. The system comprises non-automated records reflecting information pertaining to a Marine officer's identification, personal history, marital and dependency status, education, aptitude testing, training, previous employment, records of civil offenses and arrests, appraisals of performance and potential, awards, duty assignments, military orders, security clearances, promotion warrants, official photographs, official correspondence, physical examinations, psychiatric evaluations, record of courts-martial, martial and other disciplinary matters, and other data needed in managing the officer personnel of the Marine Corps and Marine Corps Reserve.

Headquarters, U.S. Marine Corps official military personnel records on enlisted Marines consist of a duplicate enlistment contract or induction record and all supporting documents furnished by the enlisted Marine or generated by the Marine Corps recruiting procedures necessary to evaluate and approve the Marine for enlistment in the Marine Corps or Marine Corps Reserve. The system comprises non-automated records reflecting information pertaining to an enlisted Marine's identification, personal history, marital and dependency status, education, aptitude testing, training, previous employment, records of civil offenses and arrests, appraisals of performance and potential, awards, duty assignments, military orders, security clearances, promotion warrants, official photographs, official correspondence, physical examinations, psychiatric evaluations, record of courts-martial and other disciplinary matters, and other data needed in managing the enlisted personnel of the Marine Corps and Marine Corps Reserve.

Officer Qualification Record (OQR) is a field record of a Marine Officer which accompanies the officer throughout the various assignments of service with the Marine Corps or Marine Corps Reserve. Maintenance and custody of the OQR rests with the commanding officer of the organization to which the Marine officer is assigned for duty or administration of records. This record consists of the original appointment acceptance and record and non-automated records reflecting information pertaining to the officer's identification, marital and dependency status, education, aptitude testing, training, awards, chronological duty assignments, military orders and memoranda, security clearance, promotions, official photographs, official correspondence, prior separation documents (DD Form 214), leave and earnings statements, periodic print-outs of automated record contents, records of courts-martial and other disciplinary matters and any local orders or memoranda necessary for utilization of the Marine officer's background and experience in accomplishing the mission of the command.

Enlisted Service Record Book (SRB) is a field record of an enlisted Marine which accompanies the enlisted Marine throughout the various assignments of service with the Marine Corps or Marine Corps Reserve, maintenance and custody of the SRB rests with the commanding officer of the organization to which the enlisted Marine is assigned for duty or administration of records. This record consists of the original enlistment contract or record of induction and non-automated records furnished by the enlisted Marine or the recruiting procedures in effecting the enlistment or induction of the Marine. This record reflects information pertaining to the Marine's identification, marital and dependency status, education, aptitude testing, training, awards, chronological duty assignments, duty and conduct evaluations, seucrity clearance, promotions, official photographs, official correspondence, prior separation documents (DD Form 214), Leave and Earnings statements, periodic print-outs of automated record content, courts-martial and other disciplinary matters, any other local military orders or memoranda necessary for the utilization of the Marine's background and experience in accomplishing the mission of the command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Headquarters, U.S. Marine Corps, Official Military Personnel Records on Marine officers and enlisted are retained and maintained at Headquarters, U.S. Marine Corps, Washington, D.C. 20380 from acceptance/enlistment/ induction to complete severance from the Marine Corps and the Marine Corps Reserve by retirement or discharge.

OQR/SRB's are retained and maintained by the commanding officer of the Marine Corps or Marine Corps Reserve field command to which the Marine is assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Marine Corps and Marine Corps Reserve in the performance of their official duties relating to management of per sonnel resources; screening and Selection for promotion, training and educational programs; administration of appeals, grievances, discipline, litigations and investigations adjudication of claims, benefits and entitlements; administration and management of retirement and veterans affairs programs, and, the providing of requested information from the records to the Veterans Administration, Social Security Administration, Selective Service System, National Guard, Public Health Service (HEW), U.S. Coast Guard, Immigration and Naturalization Service, Treasury Department, Department of Labor, Department of State, General Accounting Office and State Bonus Bureaus in connection with such functions as processing and adjudication of claims, updating of records, administration of work programs, processing naturalization

proceedings and verification of eligibility and entitlement to various benefits and programs.

Officials and employees of other components of DoD in the performance of their official duties relating to screening and selection of members for interservice transfer; procedures for appeals for correction of service records; reviews of discharges from the service; physical evaluations; research analyses; litigations and investigations; clemency and awards reviews and evaluations.

By representatives of the Office of Personnel Management in connection with evaluation of prospective federal employees.

By court order in connection with matters before a federal, state or municipal court.

By the Comptroller General or his representatives in the course of the perfor mance of duties relating to decisions or procedures by the General Accounting Office on manpower management programs.

By agents of the Federal Bureau of Investigation, Secret Service and Office of Naval Intelligence in connection with matters under the jurisdiction of these investigative bodies upon presentation of credentials.

By private organization under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures.

By investigative, security and law enforcement agents of federal agencies who have submitted written requests for access to Marine Corps military personnel records with justification thereof as pertaining to the conduct of government business under their respective jurisdictions and providing the names of specified agents having a need for such access.

By state and county law enforcement bodies processing applications for employ ment, when applicants have given written authorization for access to respective military personnel records.

By officials and employees of the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132 acting as agent for Headquarters, U.S. Marine Corps in storage and processing of Marine Corps records maintained by that center.

By a Marine or former Marine or such individual(s) designated by him/her in writing for whatever purpose access to or release of their respective records is desired.

By the White House, Secretary of Defense, Secretary of the Navy, and members of Congress in response to inquiries regarding individual Marines.

To provide information to another agency or to an instrumentability of any governmental jurisdiction within or under the control of the United States which has been authroized by law to conduct law enforcement activities pursuant to a request that the agency or instrumentability initiate criminal or civil action against an individual on behalf of the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U.S. Marine Corps, by the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

By officials and employees of the American Red Cross and Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

By officials and employees of the Office of the Sergeant at Army of the U.S. House of Representatives in the performance of official duties related to the verification of Marine Corps service of Members of Congress. Access will be limited to those portions of the member's record required to verify service time, active and reserve.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies. State, local, and foreign (within Status of Force agreements) law enforcement agencies or their authorized representatives in connection with litigation of such agencies.

To the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committee on matters within their jurisdiction requiring disclosure of files.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file folders and on microfiche.

RETRIEVABILITY:

The records at Headquarters, U.S. Marine Corps (all active and reserve officer records, all temporary disability retired records, all active and organized reserve and Fleet Marine Corps reserve enlisted records of personnel joined/transferred to these components subsequent to 30 June 1974, all former Commandants all living retired officers (who served in a General Officer grade, records of all personnel separated/retired four months or less) are retrieved by social security number (SSN) and name. Except for OQR's and SRB's of participating members, all other categories of Marine Corps military personnel records are maintained at the National Personnel Records center, St. Louis, Missouri. Those retired to St. Louis prior to 1 January 1964 and/or those with military service numbers (MSN) below 1800000 are retrieved by MSN and name. All other Marine Corps records retired to St. Louis are accessed by MSN and/or SSN, name and are assigned a Registry Number. These records are retrieved by Registry Number.

SAFEGUARDS:

Buildings employs security guards, records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. Records maintained at Headquarters, U.S. Marine Corps are transferred to the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132 four months after separation, place ment on the Permanent Disability Retired List, retirement, retirement from Fleet Marine Corps Reserve, death of an officer who served in a General Officer grade and former Marines no longer considered of newsworth status.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U. S. Marine Corps, Washington, D.C. 20380

NOTIFICATION PROCEDURE:

Correspondence pertaining to records maintained by Headquarters, U.S. Marine Corps should be addressed to:

Commandant of the Marine Corps
(Code MS)
Headquarters, U.S. Marine Corps
Washington, D.C. 20380
Telephone: Area Code 202/694-1043

Correspondence pertaining to records maintained by National Personnel Records Center should be addressed to:

Director, National Personnel Records Center
9700 Page Boulevard
St. Louis, Missouri 63132
Telephone: Area Code 314/268-7155

Correspondence pertaining to OQR and SRB records maintained by the respective commanding officers should

be addressed to the command concerned as is shown in the Standard Navy Distribution List - Part 1 (OPNAV P09B3-107)

Correspondence should contain the full name, Social Security Number and signature of the requester. The individual may visit any of the above activities for review of records. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD Form 214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

RECORD ACCESS PROCEDURES:

Information may be obtained from:
Commandant of the Marine Corps
(Code MS)
Headquarters, U.S. Marine Corps
Columbia Pike & Arlington Ridge Road
Arlington, Virginia 20380
Telephone: Area Code 202/694-1043

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Staff agencies and subdivisions of Headquarters, U.S. Marine Corps
Marine Corps commands and organizations
Other agencies of federal, state, and local governments
Medical reports
Correspondence from financial and other commerical enterprises
Correspondence and records of educational institutions
Correspondence of private citizens addressed directly to the Marine Corps or via the U.S. Congress and other agencies
Investigations to determine suitability for enlistment, security clearances, and special assignments
Investigations related to disciplinary proceedings

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00009

SYSTEM NAME:

Military Police Information System (MILPINS)

SYSTEM LOCATION:

Decentralized segments - commands within area of jurisdiction.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files contain information concerning both military personnel and civilians who have come in contact with the Military Police as Victims, Suspects, or Witnesses to incidents, complaints reported to the Provost Marshal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident/Complaints reported to the Installation Provost Marshal and all subjects listed on Field Interviews/ Reports by the Military Police. Index cards containing name, social security number, address, offense charges, location of offense/incident, date, time, blotter entry number, military policy report number and disposition of case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapters 5, 6 and 7 of the Manual for Courts-Martial and Title 10, U S Code

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in connection with their assigned duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency or instrumentality initiate criminal or civil action against an individual on behalf of the U S Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U S Marine Corps, by the U S Marine Corps, the Department of the Navy, or the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and index cards in metal files.

RETRIEVABILITY:

Filed by full name or social security number (SSN)

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel that are properly screened, cleared and trained. Files can only be retrieved by the Director or Assistant Director, Automated Services Center by utilizing an assigned code number.

RETENTION AND DISPOSAL:

Two years and then purged

SYSTEM MANAGER(S) AND ADDRESS:

Installation Provost Marshal of activity concerned.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Installation Provost Marshal of activity concerned.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Provost Marshal of activity concerned.

Written requests for information should contain the full name of the individual, social security number, date and place of birth.

For visits, the individual should report to Provost Marshal of the respective installation.

CONTESTING RECORD PROCEDURES:

The rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Military Police Blotters and Field Interview Cards.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00010

SYSTEM NAME:

Personnel Services Working Files

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members and former members of the Marine Corps and Marine Corps Reserve; permanently and temporarily retired members of the Marine Corps and Marine Corps Reserve; members of the Fleet Marine Corps Reserve; Federal civil service employees of the Marine Corps; and dependents, survivors or appointed agents of the foregoing. Some information about dependents and other members of families or former families of Marine Corps personnel may be included in files pertaining to the Marine. Inquiries from the general public, whether addressed directly to HQMC or received via a third party, may be retained together with information obtained in the course of completing required action or in preparing a response.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain information pertaining to identification; prior service; location and addresses; decedent affairs; military honors at funerals; recovery of remains; casualty notification; condolence letters to next of kin; transportation, passports and visas for next of kin of casualties medically warranted overseas; missing persons; prisoners of war; reserve disability benefits; casualty statistics; certification of eligibility for award of Purple Heart Medal; death benefits and annuity payments; official reports of casualty; certification of life insurance coverage; investigative reports; travel of dependents; reports and death certificates substantiating casualty status; intelligence reports concerning missing and captured members; prior and present marital status; dissolution of prior marriages; birth, marriage and death certificates; adopting of children; financial responsibility; child support; claims of non-support; personal health and welfare reports; alien marriages; conduct and personal history as it pertains to marriage and its responsibilities; medical information; garnishment of pay; powers of attorney; personal financial records; police and fire reports; records of emergency data; medical care; use of exchanges, commissaries and theatres; recovery of invalid dependent identification and privilege cards; correction of naval records; defense related employment; veterans rights, benefits and privileges; awards, recommendations and/or issuances; Survivor Benefit Plan; preseparation counseling; civil readjustment; Retired Serviceman's Family Protection Plan; residence; basic allowance for quarters; leave and liberty; financial assistance; extensions of emergency leave; in service FHA mortgage insurance loans; reimbursement for damage to or loss of personal property; transportation of household goods; claims against the government; lost, damaged or abandoned property; medical bills; determinations of dependency status; claims against commercial carriers, insurers, and contractors; dependent identification and privilege cards; official correspondence (includes correspondence with Marine Corps commands and organizations, other Armed Services, the White House, members of Congress, Department of Defense, and other agencies of federal, state and local government); other correspondence (including correspondence from Marines, their families, attorneys, doctors, lawyers, clergymen, administrators/executors/ guardians of estates, American Red Cross and other welfare agencies and the general public, whether addressed directly to the Marine Corps or via third parties); internal routing and processing of personal affairs matters; and records of interviews and telephonic conversations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U. S. Code 1071-1087, 1441-1455, 1475-1488, 2771, 6148a, b, and d; Title 31, U. S. Code 240-243; Title 37, U. S. Code 401 and 551, et. seq.; Title 38, U. S. Code 765-770, 2021-2026; Title 42, U. S. Code 659; Title 50, U. S. Code 1436 and E O 11016; Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To facilitate administration of programs concerning the personal welfare of Marines and their dependents and/or survivors to include decedent affairs; casualty reporting and notification of next of kin; transportation of household goods; travel of dependents; missing and captured personnel; reserve disability benefits; casualty statistics; death benefits and annuity payments; official reports of casualty; determination of dependency status for the purpose of travel, basic allowance for quarters and Uniformed Services identification and Privilege Card entitlement; the granting of privileges for medical care, use of commissaries, exchanges and theatres; issuance and recovery of identification cards; correction of naval records; garnishment of pay; defense related employment; veterans rights, benefits and privileges; adjudication of claims against the government; support of dependents; personal affairs, welfare and family assistance; preseparation counseling and civil readjustment; display of recognition for individual accomplishments.

To facilitate preparation and maintain a record of responses to inquiries and other communications from staff sections within Headquarters, U. S. Marine Corps, Marine Corps commands and organizations, other Armed Services, the White House, members of Congress, Department of Defense, other agencies of federal, state and local governments; Marines, their families, attorneys, doctors, lawyers, clergymen, administrators/executors/ guardians of estates, American Red Cross, and other welfare agencies and the general public.

To provide a record of decisions and actions taken.

By officials and employees of the Marine Corps and Marine Corps Reserve in the performance of their official duties in the administration of programs relating to the personal affairs matters cited above.

By officials and employees of the Department of the Navy, Department of Defense, and other geovernment agencies in the performance of their official duties related to the determination of entitlement to compensations, annuities, government insurance, and other rights, benefits and privileges.

By government agencies or private organizations under government contract to perform analytical and historical research pertaining to casualties.

By intelligence and other government agencies assisting in the investigation of circumstances of casualty and in accounting for personnel who are deceased (body not recovered), missing, captured, or detained.

By Marines, former Marines, their next of kin (in cases of death only), or persons or organizations designated by them in writing for whatever purpose access to the record is desired.

Information obtained, developed, or processed in performing functions related to this record system may be entered into the Marine Corps Manpower Management System and the Marine Corps Military Personnel Records System.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, vertical strip files, microfiche and card files stored in filing cabinets, shelves, tables and desks.

RETRIEVABILITY:

Files are accessed and retrieved by subject matter and by individual. Identification of individual is by name or social security number.

SAFEGUARDS:

Building is located in controlled access area with security guards on 24 hour duty. Access to information contained in the files is limited to officials and employees of Headquarters, U. S. Marine Corps acting in their official capacity upon demonstration of a need-to-know basis. Records held by field activities are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained. Locked and/or guarded offices.

RETENTION AND DISPOSAL:

Files are retained for differing lengths of time, depending upon the purpose of the information contained therein. Death benefit data are retained for five years and then destroyed; records of emergency data are retained until the Marine's death or separation from active duty or the active reserves; Department of Defense Reports of Casualty are retained for such period as deemed necessary, and then transferred to the Historical Division, Headquarters, U. S. Marine Corps; casualty statistics and rosters, and statistical reports are retained for such period as deemed necessary and then transferred to Historical Division, Headquarters, U. S. Marine Corps or destroyed as deemed appropriate; missing and captured personnel data and unusual miscellaneous casualty topica data are retained for such period as deemed necessary and then destroyed; files concerning dependency determination are retained for one year and then destroyed; files concerning veterans rights, benefits and privileges are retained indefinitely or until the member and all eligible survivors are deceased; files concerning correction of naval records are destroyed upon completion of action; files regarding adjudication of claims against the government are retained for six months and then destroyed; files containing information which could be considered to be of a derogatory nature are disposed of as directed by competent authority; all other files are retained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U. S. Marine Corps, Washington, D C. 20380.

NOTIFICATION PROCEDURE:

Correspondence pertaining to files maintained should be addressed to:
Commandant of the Marine Corps
(Code MS)
Headquarters, U. S. Marine Corps
Washington, D C 20380
Telephone: Area Code 202-694-3143

Correspondence should contain the full name, social security number and signature of the requester. The individual may visit the above location for review of files. Proof of identification may consist of the active, reserve, retired or dependent identification card, the Armed Forces Report of Transfer or Discharge (DD-214), discharge certificate, driver's license, social security card, or by providing such other data sufficient to ensure the individual is the subject of the inquiry.

RECORD ACCESS PROCEDURES:

Information may be obtained from:
Commandant of the Marine Corps
(Code MS)
Henderson Hall, Building No. 4, Room 109A
Arlington, Virginia 22214
Telephone: Area Code 202-694-3143

CONTESTING RECORD PROCEDURES:

The agency's rules for access to files and for contesting and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Marine Corps Manpower Management System
Joint Uniform Military Pay System
Marine Corps Military Personnel Records System
Marine Corps Deserter Inquiry File
Staff agencies and subdivisions of Headquarters, U. S. Marine Corps
Marine Corps commands and organizations
Other agencies of federal, state, and local governments
Educational institutions
Medical reports and psychiatric evaluations
Financial institutions and other commercial enterprises
Civil courts and law enforcement agencies
Correspondence and telephone calls from private citizens initiated directly to the Marine Corps or via the U. S. Congress and other agencies.
Investigative reports
American Red Cross and similar welfare agencies
Veterans' Administration

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00011

SYSTEM NAME:

Source Data Automated Fitness Report System (SDAFRS)

SYSTEM LOCATION:

Personnel Management Division, Manpower Department, Headquarters, U S Marine Corps, Washington, D C 20380

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former, present and future U S Marine Corps active duty and organized Reserve Commissioned and Non-Commissioned Officers in the rank of Sergeant and above.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains automated records created through optical scan of Marine Corps Fitness Reports, which are evaluations of duties performed and the manner of such performance. Fitness reports represent a comprehensive portrayal of the professional qualifications, personal traits and characteristics and individual potential. Fitness reports include narrative comments, numerical grading and comparison with those peers rated by the commanding officer or other reporting senior of the individual addressed. Fitness reports contain personal identification such as name, rank, social security number, location and number of dependents, etc. in addition to individual evaluation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps - By officials and employees of the Marine Corps in the performance of their official duties related to the management of Marine Corps personnel through screening and selection of individuals for promotion, duty assignment, career counseling and the administration of the personnel management system.

Marine Corps Commands -To allow commanders to identify skills and

experience of Marines due to report for duty with the commands during the forthcoming fiscal year.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties in connection with military personnel management, appeals and litigations related thereto.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of Joint committee on matters within their jurisdiction requiring disclosure of the files of the fitness report system.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps Manpower Management System.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper original of fitness report is exposed to SDAFRS scanning and then transferred to the personnel file jacket of the individual concerned and stored within the Marine Corps Military Personnel Records Sysem.

Automated records are stored on magnetic tape

RETRIEVABILITY:

Paper original of fitness report is accessed by a combination of last name and social security number.

Automated records (magnetic tapes) are accessed by social security number.

SAFEGUARDS:

Building housing computer employs 24 hour security guards. Access to terminal is limited to authorized personnel on a need- to-know basis. Distribution of printouts of information from the system is restricted to authorized persons in the performance of their assigned duties and destroyed after use.

RETENTION AND DISPOSAL:

Records, both paper and tape, are permanent. Paper records are stored in the Marine Corps Military Personnel Records System. Tape records are removed from the active file to a historical file for retention according to appropriate magnetic record retention policies.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

NOTIFICATION PROCEDURE:

Information may be obtained from:
The Commandant of the Marine Corps
(Code MM)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/694-3122

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant of the Marine Corps (Code MM), Headquarters, U S Marine Corps, Washington, D. C. 20380

Written requests for information should contain the individual's name, social security number, signature and the dates covered by the report(s) in question.

Personal visits may be made to Manpower Department, Headquarters, U S Marine Corps, Federal Office Building #2, Washington, D C 20380. For personal visits the individual should be able to provide personal identification to include valid military identification or two valid civilian items of identification such as driver's license, social security card, medicare card, etc.

CONTESTING RECORD PROCEDURES:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the Commandant of the Marine Corps (Code M), Headquarters, U S Marine Corps, Washington, D C 20380

RECORD SOURCE CATEGORIES:

Each officer and noncommissioned officer in the rank of sergeant and above provides the personal information on the fitness report form. The form is then submitted to the commanding officer or immediate superior (reporting senior) for completion of the evaluation portion of the form and fowarding to Headquarters, U S Marine Corps, Washington, D C 20380

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00015

SYSTEM NAME:

Personnel Management Working Files

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U S Marine Corps and Marine Corps Reserve; former members of the Marine Corps and Marine Corps Reserve; retired and temporarily retired members of the Marine Corps and Marine Corps Reserve; members of the Fleet Marine Corps Reserve; and applicants for entry into the Marine Corps or Marine Corps Reserve.

Military personnel, federal employees, and dependents who apply through the Marine Corps for no-fee passports for official travel to countries requiring a passport.

Dependents of Marines and other family members with respect to matters pertaining to the individual Marine, former Marine or applicant.

Members of other services assigned to or serving with the Marine Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains informaton pertaining to identification, recruitment, enlistment, commissioning, prior service, reenlistment or extension of enlistment, lateral occupational movement, civilian employment, letters of reference, education, training, career counselling, religious preference as provided by the individual, qualifications, intelligence and aptitude testing, classification, assignment, location addresses, promotions, reductions in rank, proficiency, conduct, performance of duty, discipline, offenses and punishments under the Uniform Code of Military Conduct, courts-martial, personal history, investigations, security clearances, police and court records, civil arrests and convictions, birth and marriage certificates, divorce and other decrees, financial responsibility and letters of indebtedness, marital status, dependents, families' citizenships, passports and visas, travel and travel orders, leave records, transportation of dependents and household goods, pay records, claims against the government, decorations and awards, commendations, medical records to include psychiatric evaluations, disability proceedings, separation and retirement, official correspondence (includes internal Marine Corps and Department of the Navy correspondence, as well as correspondence with the Executive, Legislative, and Judicial Branches of

federal, state and local government) and other correspondence (includes correspondence from Marines, their dependents and families, attorneys, doctors, educators, clergymen and members of the general public whether addressed directly to the Marine Corps or via third parties, (president, congressmen, etc.), personnel who apply to express a grievance through personal interviews with the Commanding General via the chains of command as authorized by Article 1107.1, U S Navy Regulations (Request Mast), personal counselling.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps - To facilitate personnel management actions and decisions related to recruitment, enlistment, commissioning, testing, training, classification, assignment, transfer (including humanitarian), travel order issuance, passport application, promotion, reenlistment, retention on active duty, augmentation from reserve to regular status, recovery of absentees and deserters, investigations, correction of records, dependency status, disability proceedings, separation (including hardship discharge), transfer to the Fleet Marine Corps Reserve and retirement.

Marine Corps commands, organizations, districts, and units - By officials and employees of the Marine Corps in the execution of their official duties related to personnel management actions and decisions in support of pursuit of actions cited above. Such actions can include administration of requests, appeals, grievances, discipline and litigations; administration of benefits and entitlements; management and administration of retirement and veteran's affairs programs; responses to inquiries and correspondence; and the counseling of individual Marines regarding such matters as their performance records, career opportunites and personal concerns.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties in connection with military personnel management, appeals and litigations related thereto.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court orders pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files of the system.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps Manpower Management System.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency or instrumentality initiate criminal or civil action against an individual on behalf of the U S Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U S Marine Corps, by the U S Marine Corps, the Department of the Navy, or the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files as represented by card files, strip files, microfiche computer printouts from the Manpower Management System or the Joint Uniform Military Pay System and file folders. Files are stored in filing cabinets, on shelves and on tables in controlled access areas.

RETRIEVABILITY:

Files are accessed and retrieved by subject and by the name and social security number.

SAFEGUARDS:

In compliance with the specified requirements for security of FOUO material.

RETENTION AND DISPOSAL:

Files are retained for differing lengths of time, depending upon the purpose of the information contained therein. Promotion data is retained three years, then transferred to Historical Division, Headquarters, U S Marine Corps. Passport data is retained six years, then destroyed. Enlisted assignment data is retained two years, then destroyed. Certain officer assignment data is destroyed when the officer is released from active duty. Disability retirement data is retained two years from the date of removal of the individual from the Temporarily Disability Retirement List, then destroyed. Retirement correspondence is retained for one year following individual's retirement. Retirement files are retained until the individual's death. Personal counselling records are maintained one year, career counselling records are maintained within the individual's official records. All other files are retained three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Local commanding officer.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commandant of the Marine Corps (Code MM), Headquarters, U S Marine Corps, Washington, D C 20380, the current command, the last duty station, or applicable activity.

Additional information concerning personnel assigned to Occupational Field 55 (Band) may be obtained from the Commandant of the Marine Corps (Code MPC), Headquarters, U. S. Marine Corps, Washington, D. C. 20380 Telephone: Area Code 202/694-4154.

RECORD ACCESS PROCEDURES:

Requests from individual's may be addressed to the Commandant of the Marine Corps (Code MM), Headquarters, U S Marine Corps, Washington, D C , the current command or last duty station.

Written requests for information should contain the full name of the individual and his social security number or former military service number. The following information will also be helpful in locating some records: military rank and occupational specialty, dates and places of service, and any special correspondence previously received or sent.

For personal visits, the individual may visit the Personnel Management Division, Headquarters, U S Marine Corps, Federal Office Building #2, Washington, D C 20380 or Marine Corps commands and districts.

For personal visits, the individual should be able to provide personal identification to include valid military or dependent identification card or two valid civilian items of identification such

as driver's license, social security card, medicare card, etc.

CONTESTING RECORD PROCEDURES:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from Commandant of the the Marine Corps (Code M), Headquarters, U S Marine Corps, Washington, D C 20380

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the Marine Corps Manpower Management System; the Joint Uniform Military Pay System; Marine Corps Military Personnel Records to include the Service Record Book and Officer Qualification Record; Military Medical Records; Marine Corps Deserter Inquiry File; staff elements and subdivisions of Headquarters, U S Marine Corps; Marine Corps field commands, organizations, and activities; other components of the Department of Defense; agencies of federal, state, and local government, to include: civil courts and law enforcement, previous employers; financial institutions and commercial enterprises; educational institutions; private citizens provided as character references by the individual; investigations related to disciplinary proceedings; and correspondence of private citizens addressed directly to the Marine Corps or via third parties such as members of Congress and other governmental agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

MMN00014

SYSTEM NAME:

Work Measurement Labor Distribution Cards

SYSTEM LOCATION:

All Marine Corps activities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps employees, civilian, military and occasional summer hires funded by state and local programs

CATEGORIES OF RECORDS IN THE SYSTEM:

Labor distribution cards which have been prepared by either the concerned individual or the supervisor to record the number of hours worked, the number of units produced by the employee, the function of the employee during that time, and the job number of the job. Also, the system contains summarizations of said card and computer input and output relative to said card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U. S. Code 124; 133

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide an input data base for daily labor on all individuals assigned to work organizations designated as part of the work measurement labor distribution system or to provide a data base for systems implementation testing.

Work Section Supervisors - Compiled reports by individual are prepared for the work section supervisor who verifies that each of the assigned employees either reported the required number of hours or entered appropriate corrections.

Work Measurement System - Integrates the data by individual to prepare productivity reports, statistical costs and budget workload information which is used primarily for local reports and to provide data for manpower requirements programs, both locally and at Headquarters, U. S. Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Labor distribution cards are processed to capture the source data. The input cards are then filed in nonsequential order pending completion of the report cycle. Punch cards or their successor equivalent will be input into a computer program to prepare the work center list by individual.

Punch cards may be summarized on noncomputerized lists by individual. Such lists may be kept by the employees' supervisor.

RETRIEVABILITY:

The information identified by individual is available only from the lists maintained by the work center supervisor within one year of the work week in question.

SAFEGUARDS:

The alphabetical listings are maintained by each work center supervisor.

RETENTION AND DISPOSAL:

Lists are destroyed one year after the subject work week.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of activity.

NOTIFICATION PROCEDURE:

Information may be obtain from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Written requests from individuals should be addressed to the SYSMANAGER. Requests should include name of employee, work center number, and work week for which data is requested. Personal visits and telephone calls should be made directly to the employee's work center supervisor.

CONTESTING RECORD PROCEDURES:

The information on the list is only that which was submitted by the employee and should be corrected during the work month. After that time, the manhours are entered on local and Headquarters reports and no corrective action is possible.

RECORD SOURCE CATEGORIES:

No particular format required for request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

MMN00015

SYSTEM NAME:

Accident and Injury Reporting System

SYSTEM LOCATION:

Organizational elements of the U S Marine Corps as listed in the Directory of the Department of the Navy Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military or civilian employees who are involved in accidents which result in lost time, government or private property damage or destruction and personnel injury or death.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, social security number, type of accident, degree of injury, days lost, date of injury, date returned to work, date and time of death (if a fatality), and all other factors concerning such accidents and injuries.

Reports include consolidated accident injury report, accident injury report, and report of motor vehicle accident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Providing reporting information to higher headquarters in the computation of accident injury rates, consolidated accident report by separate category, motor vehicle accident-injury rates.

For utilization in the establishment of safety program, identification of unsafe working conditions and such other areas which prove a danger to personnel and/or property.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder, card files, punched cards, magnetic tape, and display boards

RETRIEVABILITY:

Name, SSN

SAFEGUARDS:

Access provided on a need-to-know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Five years - disposal per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

NOTIFICATION PROCEDURE:

Apply to SYSMANAGER.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual concerned, military police traffic accident investigation reports, accident injury reports, other records of the activity, witness, and other correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00017

SYSTEM NAME:

Armory Access and Individual Weapons Assignments

SYSTEM LOCATION:

Organizational elements of the U S Marine Corps as listed in the Directory of Department of the Navy Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel assigned government weapons.

All personnel authorized access to individual armories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records depict name of individual, type of weapon assigned, serial number of that weapon, accessories in the individual's possession, condition of the weapon and accessories, and individual's signature acknowledging receipt.

Name, rank, social security number of personnel authorized access to individual armories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Weapons accountability, management and control of all U S Government weapons/accessories issued to personnel.

Control of personnel authorized access to armory spaces in the official execution of their duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, cards, punched cards, magnetic tapes.

RETRIEVABILITY:

Records retained by name or weapons serial numbers.

SAFEGUARDS:

Access rosters and personnel weapons assignments are provided on a need-to-know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

As established by SYSMANAGER per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

NOTIFICATION PROCEDURE:

Apply to SYSMANAGER.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00018

SYSTEM NAME:

Base Security Incident Reporting System

SYSTEM LOCATION:

Organizational elements of the U S Marine Corps as listed in the Directory of the Department of the Navy Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual involved in or witnessing or reporting incidents requiring the attention of base security or law enforcement personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident/complaint reports; witness statements; stolen property reports; military police investigator's report; military police motor vehicle accident and injury report; military police alert cards; military police property custody forms, tags, and disposition of evidence letters; military police field interview cards; military police desk blotter; use of force reports; traffic violation records; driving record reports; traffic court files; citations to appear before U S Magistrate; criminal investigation reports; civil court case records; minor offense report; uniform violation report; narcotics reports; polygraphy examinations; letters of warning/eviction from base housing; letters of warning/barring from federal reservation; Armed Forces police reports; suspect photographic files; child abuse files; juvenile case files; valuable property receipt; vehicle impound files and vehicle towing reports; suspension of driving privileges and revocation letters; assignment to absentee/deserter escort duty; informant list; Master Crime index card; evidence record file; military police log/journal; breathalyzer report; criminal investigation file; and any other such report received by military police personnel in the official execution of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For law enforcement purposes by duly authorized personnel of the U S Marine Corps, Department of Defense and its related components, representatives of the U S Congress or any committee or sub-committee thereof on matters within their jurisdiction requiring disclosure of such files, or officials of federal investigative agencies in the performance of their official duties.

Provide evidence in uniform court of military justice and Title 18, U S Code 1382 proceedings and such related criminal investigations as are required.

Provide to local, state, and federal investigative agencies or court officials such information that properly falls within their purview requiring further investigation or court action.

Used by command legal personnel in the prosecution of military offenses and other administrative actions.

Support insurance claims and civil litigation.

Provide basis for revocation of base driving privileges.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, metal filing cabinets, magnetic tapes.

RETRIEVABILITY:

Name, Social security number, case number, organization

SAFEGUARDS:

Access provided on a need-to-know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

As established by SYSMANAGER per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

NOTIFICATION PROCEDURE:

Apply to SYSMANAGER.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5, U S Code 552 a (J) (2) as applicable, for additional information, contact the SYSMANGER.

M&N00019

SYSTEM NAME:

Drug/Alcohol Abuse Reporting Program

SYSTEM LOCATION:

Primary System - Headquarters, U. S. Marine Corps, Washington, D. C. 20380. Decentralized Segments - Navy Drug rehabilitation Centers, Navy and Marine Corps Counseling and Assistance Centers, Navy Regional Medical Centers, Navy Alcohol Rehabilitation Drydocks, Naval Health Research Center, Navy Correction centers and local activities to which an individual is assigned. (See Directory of Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel who have been tested for, identified, evaluated, apprehended, or rehabilitated for drug or alcohol abuse or who have been granted drug abuse exemption; or who are seeking assistance in drug or alcohol abuse programs.

All military personnel who have been granted drug abuse exemption.

All military personnel who are seeking assistance in drug or alcohol abuse programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Drug abuse identification/ rehabilitation statistical reports, alcohol abuse identification/rehabilitation statistical reports, grant of drug exemption report, request for disposition on drug dependent personnel, grant of exemption/ rehabilitation case file to include medical evaluations, counselor evaluations, monthly progress reports, alcoholism education roster, and such correspondence or messages sent or sent by SYSMANAGER pertaining to the individual concerned. Urinanalysis specimen control register and military police drug/alcohol related offense reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title V, P.L. 92-129; Section 413, P.L. 92-255.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Blanket 'routine uses' identified in the annual republication of Marine Corps systems or records in the Federal Register do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/ patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and disclosed only for the purposes and under the circum- stances expressly authorized in Title 21, U.S.C., Section 1175, as amended by 88 Stat. 137, and Title 42 U.S.C., Section 4582, as amended by 88 Stat. 131. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains.

To authorized personnel of the Marine Corps who in the official execution of their duties require such information in order to manage the drug/alcohol abuse programs.

Within the Armed Forces or within those components of the Veterans Administration furnishing health care to veterans or between such components and the Armed Forces.

To medical personnel outside the Armed Forces to the extent necessary to meet a bona fide medical emergency.

To Government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the prupose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefore. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tapes.

RETRIEVABILITY:

Name, social security number, case number. When names and social security numbers are removed, data is aggregated for use in research, management information, and planning.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Paper files are maintained for two years, then destroyed. Records stored on magnetic tapes are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, (Code MPH), Headquarters, U. S. Marine Corps, Washington, D. C. 20380.

NOTIFICATION PROCEDURE:

Written requests should be addressed to the Commandant of the Marine Corps (Code MPH), Headquarters, U. S. Marine Corps, Washington, D. C. 20380. Requests must contain full name, social security number, military status, address and signature of requester. (Those inquiring about records at Confinement Centers must have their signature notarized, if not confined at time of request.) Individuals may visit the Commandant of the Marine Corps, (Code MPH), located in the Arlington Annex (FOB-2), Columbia Pike and Arlington Ridge Road, Arlington, VA, for assistance with records at that location; individuals may also visit local activities concerned (See Directory of Department of the Navy Mailing Addresses). Individuals must provide proof of identification such as military identification card, driver's license, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

Rules for access may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER .

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, medical personnel, military police or other correspondences.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

MMN00020

SYSTEM NAME:

Pet Registration

SYSTEM LOCATION:

Organizational elements of the U S Marine Corps as listed in the Directory of Department of the Navy Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners of pets residing on Naval reservations.

Owners of pets in quarantine as the result of biting complaints

Owners of pets whose pet is subject of nuisance complaints

CATEGORIES OF RECORDS IN THE SYSTEM:

Owners name, social security number, address and description of pet, tag number, vaccination and registration information.

Record of complaints for vicious animals or bites.

Record of complaints for nuisance pets

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301; Departmental Regulations, Federal, State, and Local Regulations, as applicable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide for registration of pets to ensure appropriate innoculations in compliance with federal, state, and local laws.

Assist in the identification of rightful owners.

Identity dangerous pets and provide for quarantine of those animals suspected of biting.

Identify those pets which pose a nuisance to others and/or a health or safety hazard.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tapes.

RETRIEVABILITY:

Name, social security number, case number

SAFEGUARDS:

Access provided on a need-to-know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

As established by SYSMANAGER per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

NOTIFICATION PROCEDURE:

Apply to SYSMANAGER

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Veterinary records and statements provided by pet owners, bit victims, military police, animal shelter, hospital personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00021

SYSTEM NAME:

Weapons Registration

SYSTEM LOCATION:

Organizational elements of the U S Marine Corps as listed in the Directory of Department of the Navy Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals, military or civilian, registered firearms or other weapons with Provost Marshal.

All individuals who purchase a firearm or weapon at authorized exchange activities.

Any individual who resides in government quarters who possesses privately owned firearms.

CATEGORIES OF RECORDS IN THE SYSTEM:

Weapon registration cards, weapon permit cards, notification to commanding officers of failure to register a firearm purchased at authorized exchanges, exchange notification or firearm purchase. Such records showing name, rank, social security number, organization, physical

location of subject weapon, weapon description and such other identifiable items required to comply with all federal state, and local weapons registration ordinances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301; Departmental regulations; federal, state and local regulations as applicable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To assure proper control of all firearms/weapons introduced onboard Naval reservations and to monitor the purchase and disposition of firearms/ weapons onboard Naval reservations/ Marine Corps installations.

To provide local, state, and federal law enforcement officials information as required in their execution of official duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tapes.

RETRIEVABILITY:

Name, social security number, organization, caliber and gage of weapon

SAFEGUARDS:

Access provided on a need-to-know basis only. Locked and/or guarded offices.

RETENTION AND DISPOSAL:

As established by SYSMANAGER per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

NOTIFICATION PROCEDURE:

Apply to SYSMANAGER.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of activity, investigators, witnesses and correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00022

SYSTEM NAME:

Vehicle Control System

SYSTEM LOCATION:

Organizational elements of the U S Marine Corps as listed in the Directory of Department of the Navy Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals that have motor vehicles, boats, or trailers registered at a particular Naval installation on either a permanent or temporary basis.

All individuals who apply for a Government Motor Vehicle Operator's license.

All individuals who possess a Government Motor Vehicle Operator's license with authority to operate government motor vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains records of each individual who has registered a vehicle on the installation concerned to include decal data, insurance information, state of registration and identification. File also contains notations of traffic violations, citations, suspensions, applications for government vehicle operator's I.D. card, operator qualifications and record licensing examination and performance, record of failures to qualify for Government Motor Vehicle Operator's permit, record of government motor vehicle and other vehicle accidents, information on student driver training, and identification for parking control.

Records of traffic violations, citations and suspensions

For government motor vehicle operators: Application for vehicle operator's I D card: Operator qualifications and record of licensing examination and performance, record of failures Government Motor Vehicle Operator's permit, record of issue of SF-46, Record of Government Motor Vehicle accidents, standard Form 91 accident report, record of SF46 suspensions/ revocations, record of MOJT student driver's training.

Identification of parking control

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal:

Headquarters, U. S. Marine Corps commands, activities and organizations - for car pool locator service, vehicle registration, parking control, insurance information, verification and identification of vehicles. Records aon official government drivers relating to their ability to operate a motor vehicle are used to manage a safe and responsive motor transport organization. Certain information is used to conduct accident prevention programs, revoke or suspend government motor vehicle permits and in disciplinary proceedings.

To provide records on individual government drivers as it relates to their ability in operating a motor vehicle in order for official personnel to manage a safe and responsive motor transport organization. Such information used in conducting accident prevention programs, changing occupations and revoking or suspending government motor vehicle permits, disciplinary proceedings.

To assist federal, state, and local law enforcement agencies in the official execution of their duties when disclosure of such records is warranted.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tapes.

RETRIEVABILITY:

Name, social security number, case number, organization, decal number, state license plate number, vehicle description.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel. Areas are locked during nonduty hours and buildings are protected by security guards.

RETENTION AND DISPOSAL:

Records are maintained for one year after transfer or separation from the installation concerned. p aper records are then destroyed and records on magnetic tapes are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. written requests should contain full name and social security number. individuals visiting the installation concerned should provide proper identification such as military identification, driver's license or other suitable identification.

RECORD ACCESS PROCEDURES:

Requests for access should be addressed to the system manager. written requests should contain full name and social security number. 2individuals visiting the installation should provide proper identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

MMN00023

SYSTEM NAME:

Prisoner Records

SYSTEM LOCATION:

Organizational elements of the U S Marine Corps as listed in the Directory of Department of the Navy Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel who are confined in a detailed, adjudged or sentenced status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information contained in the Manpower Management System data base, personal history to include civilian and military legal status, confinement progress reports and medical related information. Such other records as: Prisoner Conduct Record, Prisoner Confinement and Release Order, Prisoner Request for Restoration or Clemency, Prisoner Waiver of Restoration or Clemency, Court Martial Progress Report, Prisoner Identification Badge, Prisoner Data Card, Work and Training Report, Mail and Visiting List, Segregation Data Card, Prisoner Refusal to Eat Report, Prisoner Initial Contact Sheet, Prisoner Personal History, Prisoner Spot Evaluation Report, Counselor Continuation Sheet, Disciplinary Report, Prisoner Request Form, Prisoner Request for Funds Form, Prisoner Request for Pastoral Counseling, Prisoner Visiting Officer Form, Telephone and/or Visit Authorization Form, Receipt for Deposit Form, Prisoner Credit Chit, Prisoner Identification Form, Clothing/Health and Comfort Inventory Form, Work Program Request, Library Card, Psychiatric Evaluation and Medical Reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal:

Headquarters, U. S. Marine Corps, Marine Corps Commands, activities, and organizations -

To provide an all inclusive file on each individual prisoner to assist facility staff personnel in the evaluation, assignment to programs, assignment of custodial classification, providing psychiatric and medical treatment, provide a proper mixture of individual and group counseling, in the preparation of the prisoner for offense free military service or to prepare him for his future adjustment to civilian life. Routinely used by local correctional personnel in the day-to-day management of prisoners within established programs, by medical personnel, local commanders and higher headquarters in the management and implementation of correctional programs.

Department of Defense and its components - By officials and employees of the Department of Defense in the performance of their official duties.

External:

Congress of the U S - By the Senate or House of Representatives of the U S or any committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tapes.

RETRIEVABILITY:

Name, social security number, case number, organization.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel. Areas are locked during nonduty hours and buildings are protected by secur'ty guards.

RETENTION AND DISPOSAL:

Records are maintained at varying lengths of time. Paper records are destroyed at the end of the appropriate retention period and magnetic tapes are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Written requests should contain full name and social security number. Individuals visiting the installation concerned should provide proper identification such as military identification, driver's license or other suitable identification.

RECORD ACCESS PROCEDURES:

Requests for access should be addressed to the system manager. Written requests should contain full name and social security number. Individuals visiting the installation concerned should provide proper identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

MMN00027

SYSTEM NAME:

Marine Corps Military Personnel Records Access Files

SYSTEM LOCATION:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officials and employees of the Department of Defense authorized to draw Marine Corps military personnel

records and, except for agents of Secret Service, Federal Bureau of Investigation and Naval Investigative Service which agents are granted access by presentation of credentials, all designated, justified and approved law enforcement/investigative personnel of other Federal agencies permitted access to Marine Corps military personnel records at Headquarters, U S Marine Corps only.

CATEGORIES OF RECORDS IN THE SYSTEM:

Authorization cards submitted by officials of HQMC and DOD granting individual authority to order Headquarters, U. S Marine Corps official military personnel records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of Headquarters, U S Marine Corps. For controlling, monitoring and for providing a ready reference to personnel authorized to draw and/or review Marine Corps military personnel records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Looseleaf Binder and Card Index Files

RETRIEVABILITY:

Alphabetical and by Agency

SAFEGUARDS:

Building employs security guards.

RETENTION AND DISPOSAL:

Destroyed upon cancellation of access authorization.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to the Commandant of the Marine Corps (Code MSRB), Headquarters, U S Marine Corps, Washington, D C 20380. The letter should contain the full name, social security number and signature of the requester.

The individual may visit Headquarters, U S Marine Corps, Washington, D C., Room 1206. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

RECORD ACCESS PROCEDURES:

Information may be obtained from:
Commandant of the Marine Corps
Headquarters, U S Marine Corps (Code MSRB)
Washington, D C 20380
Telephone Area Code 202/694-1043

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Staff agencies and subdivisions of Headquarters, U S Marine Corps.

Other staff agencies of the Department of Defense.

Law enforcement/investigative divisions of other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00032

SYSTEM NAME:

Personal History Card File

SYSTEM LOCATION:

Provost Marshal's Office, Marine Corps Base, Camp Lejeune, North Carolina 28542.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals, both military and civilian, employed aboard Marine Corps Base, Camp Lejeune, North Carolina.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal History Card (MCBul 12290). Contains personal identifying information and where employed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by officials and employees of Marine Corps and Navy Commands, activities, and organizations in connection with their assigned duties. To provide a rapid locator of employees at their work site for law enforcement purposes. Also used to issue Civilian Identification Cards to employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records filed in metal card trays.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in a secure area accessible only to authorized personnel. The File Room is under constant surveillance during working hours and is locked after working hours.

RETENTION AND DISPOSAL:

Records are retained until the card expires, then destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding General (Attn: Provost Marshal), Marine Corps Base, Camp Lejeune, North Carolina 28542.
Telephone: Area Code 919/451-2455.

NOTIFICATION PROCEDURE:

Inquiries by individuals will be answered upon satisfactory identification of the requester to the SYSMANAGER

RECORD ACCESS PROCEDURES:

Rules for access may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individuals concerned may be obtained from the SYSMANAGER .

RECORD SOURCE CATEGORIES:

Military and civilian personnel employed aboard Marine Corps Base, Camp Lejeune, North Carolina; Provost Marshal administrative personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00034

SYSTEM NAME:

Personnel Procurement Working Files

SYSTEM LOCATION:

Headquarters, U S Marine Corps
Personnel Procurement Branch,
Marine Corps Districts
Recruiting Stations
Officer Selection Offices
Organized Marine Corps Reserve units
U S Marine Corps recruiting substations

Inspector-Instructor staffs

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians and prior service individuals who are prospective applicants for enlistment in the Marine Corps, Marine Corps Reserve or a Marine Officer program, individuals on which a written waiver for enlistment has been requested; Platoon Leader Class Candidates receiving financial assistance while attending college; all individuals applying for various officer programs; Marine Corps Reserve enlistees who are serving on their 6 months active duty prior to return to Organized Marine Corps Reserve unit maintaining their record; Personnel enlisted in the Marine Corps Reserve assigned to a formal school upon enlistment; Secondary school students who participated in the Marine Corps Youth Physical Fitness meet held annually in Washington, D C , and the coach fielding each team; Any individual recommended for enlistment in the Marine Corps by a recruiting officer even though the applicant does not meet the enlistment requirements set forth in current guidance as set forth by the Commandant of the Marine Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

All files contain Name (Last, First, Middle, (maiden, if any), Jr., Sr.), social security number, home of record. Files relating specifically to enlistment or officer procurement contain citizenship, sex, race, ethnic group, present address, marital status, number of dependents, date of birth, religious preference, highest grade completed, selective service system data, foreign language and skill, driver's license information, mental and aptitude test results, medical examination result, delayed enlistment program information, accession data, educational experience, citizenship verification, history of prior military service, names of relatives to include date and place of birth, present address and citizenship, listing of commercial life insurance policies and number, relatives and alien friends living in foreign countries to include name and relationship, age, occupation, address and citizenship, all previous residences since 10th birthday, previous employment record to include company name and address, job title and supervisor's name, data concerning previous employment by foreign governments, prior membership in youth programs, history of foreign travel. Declarations from the individual concerning; previous rejection by the Armed Forces of the United States, conscientious objector status, previous deserter status, retired pay, disability allowance, or severence pay or a pension from the Government of the United States, status as an only child; understandings by the applicant; date of interview and name, organization, title of interviewer; history of prior use of drugs except as prescribed by a licensed physician; prior intentional sniffing of glue, hairspray or other chemical fumes; prior use, purchase, possession or sale of illegal or controlled drugs except as prescribed by a licensed physician; marital status and dependency; membership in groups for purpose of unlawful overthrow of the Government; history and record of involvement with police or judicial authorities; parental/guardian consent for enlistment; enlistment options; current income; whether own, buying, or renting present residence; outstanding debts to include total amounts and monthly payments; status of savings account and checking account; spouses' employment and monthly income; police checks; character references; record of prior service; court documents; marriage certificates; birth certificates; record of medical examination; record of medical history; medical consultations statement of personal history; divorce decrees; death certificates; photographs; high school diploma; college diploma; grade transcript; General Educational Development certificates of High School equivalency; sole surviving son statements; statement of understanding; wife's consent form; applications for General Educational Development certificates of High School equivalency. Files relating to Marine Corps Reserve personnel on active duty contain information pertaining to name, social security number, sex, unit of assignment, home of record, education, Armed Services Vocational Aptitude Battery Test scores, vision, military occupational specialty training information, Quota Serial Number, training authorized.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By officials and employees of the Marine Corps in the execution of their official duties with regard to personnel procurement and problems which develop as a result thereof; maintained to assist recruiters and Officer Selection Officers in contacting possible applicants for the Marine Corps.

Officials and employees of the Naval Service and General Accounting Office in the execution of their official duties in relation to inspections, investigations legal action.

Reserve Unit commander and administrative personnel, to monitor return of enlistee to unit and provide information on anticipated unit strength and status; To make available emergency data information.

Recruiting Station and Inspector-Instructor Staff Personnel in their assigned duties.

To provide Headquarters, U S Marine Corps information on those individuals attending the Marine Corps Youth Physical Fitness national championship.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder. Records are maintained in areas accessible only to authorized personnel.

RETRIEVABILITY:

Individuals listed in alphabetical order according to program.

SAFEGUARDS:

Access is limited to Reserve unit command, recruiting, and administrative personnel and law enforcement or Federal agents upon presentation of proper credentials.

After working hours the office and building are locked.

RETENTION AND DISPOSAL:

Maintained for two years or until prospect, applicant, candidate or reservist changes status.

SYSTEM MANAGER(S) AND ADDRESS:

Commander of unit holding file.

NOTIFICATION PROCEDURE:

Write or visit SYSMANAGER Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD-214 and driver's license.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the Individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

High School Lists, DD 214's, Prospect interviews/Referrals, Local

Newspapers, Youth Fitness programs, individual contacts, Marine Corps officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00035

SYSTEM NAME:

Truth Teller/Static Listings

SYSTEM LOCATION:

The Commandant of the Marine Corps
Headquarters, U S Marine Corps
Washington, D C 20380

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present and former members of the U S Marine Corps

CATEGORIES OF RECORDS IN THE SYSTEM:

The system comprises non-automated records of basic information (Name, Military Service Number/Social Security Number, Pay Entry Base Date, Home of Record (State and County) and Date of Birth) pertaining to all individuals who ever served in the U S Marine Corps.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U S Code Section 5201

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of Headquarters, U S Marine Corps for making necessary identification of members and former members of the U S Marine Corps in connection with official business and in response to inquiries received at the Headquarters.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folders, Binders and Microfilm Cartridges

RETRIEVABILITY:

Name, Military Service Number and Social Security Number

SAFEGUARDS:

Records maintained in locked room. Building employs security guards.

RETENTION AND DISPOSAL:

Permanent

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to the Commandant of the Marine Corps (Code MSRB), Headquarters, U S Marine Corps, Washington, D C 20380. The letter should contain the full name, social security number and signature of the requester.

The individual may visit Headquarters, U S Marine Corps, Columbia Pike and Arlington Ridge Road, Arlington, Virginia, room 1206. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

RECORD ACCESS PROCEDURES:

Information may be obtained from:
Commandant of the Marine Corps
(Code MSRB)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone Area Code 202/694-1043

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Enlistment and Officer Acceptance Contracts

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00036

SYSTEM NAME:

Identification Card Control

SYSTEM LOCATION:

All United States Marine Corps units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regular and Reserve Marines including retired and disability retired and their dependents who have been issued an Identification Card.

CATEGORIES OF RECORDS IN THE SYSTEM:

Log book contains name, rank, social security number, and card number, issue date, expiration date, signature of person card issued to and signature of issuing person.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain accountability for serialized Identification Cards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are kept in a log book.

RETRIEVABILITY:

By type card, chronologically by date also retrievable by name.

SAFEGUARDS:

The log books are stored in a locked container in a location which is locked after working hours. A guard is located in the general area.

RETENTION AND DISPOSAL:

Two years from date of closing entry.

SYSTEM MANAGER(S) AND ADDRESS:

Unit Commanders.

NOTIFICATION PROCEDURE:

Write or visit SYSMANAGER Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD 214 and driver's license.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Officers Qualification Record/Service Record Book of individual application for dependents priviledge card, correspondence from Headquarters, U S Marine Corps.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00037

SYSTEM NAME:

Library Patron File

SYSTEM LOCATION:

System is decentralized - maintained at Marine Corps commands, organizations and activities having libraries.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active, reserve and retired military personnel, their dependents, and others who are entitled to use and borrow material from Marine Corps libraries.

CATEGORIES OF RECORDS IN THE SYSTEM:

The library patron file may contain the following information pertinent to each individual: name; rank; social security number; organization and organization address and phone number; home address and home phone number; names and ages of dependents; title of materials borrowed; date borrowed; date due; date returned; and notation of monetary settlement if borrowed material was lost or damaged.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in connection with their assigned duties.

Department of Defense and it's Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card Files.

RETRIEVABILITY:

File alphabetically by last name of patron.

SAFEGUARDS:

Library is locked when not in use. Only authorized personnel have access to records during working hours.

RETENTION AND DISPOSAL:

Records are maintained for up to seven years, based on library usage. After retention period records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Information may be obtained from the library in question; addresses are as contained in the Navy Standard Distribution List (OPNAV PO9B3-107).

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the commander of the Marine Corps command, organization or activity that maintains the library in question.

Written requests for information should contain the full name of the individual, social security number, organization to which assigned when library facility utilized, and current address.

For personal visits the individual should be able to provide acceptable personal identification during normal hours of library operation.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Information is obtained from individual concerned, library director and library staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00038

SYSTEM NAME:

Amateur Radio Operator's File

SYSTEM LOCATION:

Marine Corps activities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All amateur radio operators who operate at Marine Corps activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, Federal Communications Center license number, operating frequency, type of equipment and home address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Communications Center personnel - To ensure proper radio management at Marine Corps activities

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3x5 card in metal file box.

RETRIEVABILITY:

Alphabetical

SAFEGUARDS:

Security area.

RETENTION AND DISPOSAL:

Destroyed upon departure from Marine Corps activity

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of activity concerned. See Directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Information may be obtained from: Commanding Officer of activity concerned.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Sysmanager.

Written requests for information should contain the full name and grade of the individual.

For personal visit, the individual should be able to provide valid personal identification such as an employee badge, driver's license, medicare card, etc.

CONTESTING RECORD PROCEDURES:

The Marine Corps rules for contesting and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00039

SYSTEM NAME:

Amateur/Citizen Band Radio Operation Request and Authorization File

SYSTEM LOCATION:

Communication Electronics Office, Marine Corps activities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel who desire to operate amateur/citizen band radios at Marine Corps installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

(Amateur/Citizen Band Radio Operation Request and Authorization Form).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provides authorization for personnel to operate amateur/citizen band radio and provides controls for the use of these radios. Used by requestor as authorization to operate. Used by CEO as record of authorization.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers filed in three-ring binder.

RETRIEVABILITY:

Numerically by card number.

SAFEGUARDS:

Located in a secure area that is manned on a 24-hour basis.

RETENTION AND DISPOSAL:

Retained for one (1) year and if not renewed, the form is destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of activity in question. See Directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Request information from SYSMANAGER

RECORD ACCESS PROCEDURES:

Rules for access may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual requester and Communication Electronics Officer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00040

SYSTEM NAME:

Individual Training Records/Files for Training Related Matters

SYSTEM LOCATION:

System is decentralized - maintained at all Marine Corps commands, organizations and activities, Regular and Reserve.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel assigned, attached to or serving with a Marine Corps command, activity or organization to include recruit training, formal military schools, operational units and training facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The individual training record may contain the following information pertinent to each individual: name, rank, social security number, age, sex, military occupational specialty or specialties, date joined unit, date of end of active service, date of birth, proficiency and conduct scores, physical fitness test scores, rifle and pistol qualification scores, gas mask size, blood type, leadership proficiency, military school and correspondence course records and results, special training qualifications, weight and physical characteristics, medical record extracts addressing weight control and physical fitness, human relations training experience, troop information exposure, general military subject test results, water survival qualification, instructor qualifications, specialized equipment qualification, personal counseling records, foreign language qualifications, inspection results, etc.

In the case of recruit training, special data as reflects remedial training, counseling, weakness or excellence, recruit questionnaires and reading evaluations may be included.

For personnel attending formal schools, evaluation information and data reflecting successful completion or termination for cause may be included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in connection with their assigned duties.

Department of Defense and it's Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, loose-leaf notebooks and card index files.

RETRIEVABILITY:

Files are retrievable by name and cross filed by social security number.

SAFEGUARDS:

Records are retained in controlled access areas and handled by trained and cleared personnel on a strict 'need-to-know' basis.

RETENTION AND DISPOSAL:

Files are retained during the period the individual is assigned to the activity maintaining the record. Upon transfer of the individual concerned, records are transferred with the individual or destroyed.

In the case of Drill instructor or Recruit records, records are maintained for four years after departure of individual, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Information may be obtained from the commander of the Marine Corps command, organization or activity to which the individual is assigned for duty or training.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the commander of the command, organization or activity to which assigned for duty or training. Addresses are as contained in the Navy Standard Distribution List (OPNAV PO9B3-107).

Written requests should contain name, rank, social security number and dates assigned to the activity addressed. In cases where individual attended a formal school, name of course and course number should be included if available.

Personal visits may be made to the activity in question any normal work day between 8:00 a.m. - 4:30 p.m. For personal visits individual should be able to provide valid personal identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Training performance, evaluations, on-the-job performance evaluations, individual and instructor evaluations, Individual Service Records, Manpower Management System, test and inspection results and training correspondence addressing individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00041

SYSTEM NAME:

Non-Appropriated Fund (NAF) Employee and Applicant Personnel Records

SYSTEM LOCATION:

Marine Corps commands employing NAF personnel

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel, to include off-duty military personnel, applying to or hired by Marine Corps commands which salaries are paid with NAF.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may contain any of the following documents and information on NAF employees - name, home address, home and office telephone number, social security number, employee application, personal history statement, reference data, education, work experience, photograph, work permit, union participation, date of birth, emergency contact information, employee number, military grade (if applicable), job description, job assignment, application for group insurance and retirement plans (or signed waiver), leave and pay data, performance reviews, reports of physical examinations, reports of accident/traffic violations, warning notices of excessive absence and tardiness, reports of grievances hearings/disciplinary action, record of court attendance, certified copy of completed military orders for any annual duty tours with recognized military Reserve organizations, security clearance data, bad debt notices, employment compensation documents, commendations and awards, separation information, and official correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Marine Corps commands - By officials and employees of respective commands in the execution of assigned duties pertaining to management and administration of NAF personnel resources to include employment acceptability, assignments, pay, promotion, performance evaluations, security, growth potential, leave, awards, benefits and entitlements, disciplinary and grievance proceedings, appeals, discrimination complaints, retirement, separation, terminations, physical evaluations and audits.

By court order in connection with matters before a federal, state or municipal court.

By agents of the Federal Bureau of Investigation, Secret Service and Naval Investigative Service in connection with matters under the jurisdication of these investigative bodies upon presentation of credentials.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and binders and magnetic tape.

RETRIEVABILITY:

Alphabetically and by social security number

SAFEGUARDS:

Respective commands employ one or more safeguards such as locked containers, locked rooms, locked buildings, access by authorized personnel only, and employment of security guards.

RETENTION AND DISPOSAL:

Records are maintained for period of employment plus two years. Records of employees transferring to another NAF activity are transferred to the new activity. Records of separated employees are transferred to the National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U. S. Marine Corps, Washington, D C. 20380.

NOTIFICATION PROCEDURE:

Information may be obtained from the command at which the individual is employed. Addresses are as listed in the Navy Standard Distribution List (OPNAV PO9B3-107).

RECORD ACCESS PROCEDURES:

Individuals may visit or request information by correspondence to the command as listed in the Navy Standard Distribution List (OPNAV PO9B3-107).

Written requests for information should contain the full name of the requester, his social security number and his signature.

For personal visits, the individual will be required to provide such proof of identification as his driver's license, his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD From 214) or such other data sufficient to insure that the individual is the subject of the inquiry.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee applications, personal interviews, former employers and supervisors, investigative and law enforcement agencies, originators of correspondence, employee references, schools, physicians and employing command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00042

SYSTEM NAME:

Marine Corps Locator Files

SYSTEM LOCATION:

System is decentralized - maintained at Marine Corps commands, organizations and activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A Locator File of Assigned Military and Civilian Personnel

CATEGORIES OF RECORDS IN THE SYSTEM:

Locator files may contain any of the following information on Officer, Enlisted and Civilian personnel assigned to respective commands, organizations and activities of the Marine Corps: name, rank/grade, date of rank, selection for promotion, social security number, billet title, lineal number, Table of Organization line number, home address and telephone number, office code, room number and telephone number, new mailing address of transferred personnel, prior mailing address of newly assigned personnel, marital status, name of spouse, names of children, name and address of next of kin, Military Occupational Specialty, date of birth, pay entry base date, expiration of active service date, home state, educational background, state where admitted to bar, identification badge number, payroll number, government vehicle drivers license date, rotation tour date, overseas control date, date reported to respective command, organization or activity, occupation address and telephone number for inactive reserves and security clearance data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Marine Corps Commands, Organizations and Activities - By officials and employees of respective commands, organizations and activities in the execution of assigned duties such as mail and employee directory services, social, official and semi-official functions, emergency recall functions, mail distribution, employee welfare functions, dissemination of information, ceremonial functions, and duty rosters.

Department of Defense and it's Components - By officials and employees of the Department in the performance of their official duties.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

U S Postal Service - By duly designated Postal Officials pertaining to matters properly within the purview of the U S Postal Service.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Books, cards, rosters, strip files, file folders, loose leaf binders, log books, embossed plates, microfilm/fiche or magnetic records and discs.

RETRIEVABILITY:

The data contained on magnetic records can be displayed on cathode-ray tubes, computer printed on paper, and converted to microform for information retrieval; the data in file folders and other documents is retrieved manually. Normally, all types of records are retrieved by Social Security Number and name.

SAFEGUARDS:

Marine Corps commands, organizations and activities employ one or more safeguards such as limited controlled distribution, employment of security guards, accessibility by authorized personnel only, locked containers, locked rooms or locked building.

RETENTION AND DISPOSAL:

Permanent. Updated as required.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Information may be obtained from the individual command, organization or activity to which individuals are assigned for duty. Addresses are as listed in the Navy Standard Distribution List (OPNAV PO9B3-107).

RECORD ACCESS PROCEDURES:

Individuals may visit or request information by correspondence to the individual command, organization or activity as listed in the Navy Standard Distribution List (OPNAV PO9B3-107).

Written requests for information should contain the full name of the requester, his Social Security Number and his signature.

For personal visits, the individual will be required to provide such proof of identification as his drivers license, his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD Form 214) or such other data sufficient to insure that the individual is the subject of the inquiry.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Service Record Book, Officer Qualification Record, Manpower Management System, Reserve Personnel Management Information System, Unit Diaries, Combined Lineal Lists of active duty and reserve commissioned and Warrant Officers, Tables of Organization, Official Orders, Civilian Personnel records, other Marine Corps activites, and individuals concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00043

SYSTEM NAME:

Marine Corps Recreation Property Records and Facilities

SYSTEM LOCATION:

Marine Corps activities maintaining recreation files.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized personnel to utilize special services facilities

CATEGORIES OF RECORDS IN THE SYSTEM:

Usage data records on each activity

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By management personnel to record usage.

Marine Corps activities and organization - By Marine Corps officials and employees in executing their assigned duties.

Department of Defense and its components - By officials and employees of the Department in the performance of their official duties.

Congress of the U. S. - By the Senate or the House of Representatives of the U. S. or any committee or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U. S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In paper records in file folders.

Card files and usage logs.

RETRIEVABILITY:

Alphabetical by name for property records.

By activity usage logs.

SAFEGUARDS:

Records are maintained in a metal file in the recreation property compound and athletic/recreation office. During non-operating hours, the activity is locked.

RETENTION AND DISPOSAL:

Usage logs are maintained for one to four years.

Until equipment is returned or recreation fund is reimbursed.

SYSTEM MANAGER(S) AND ADDRESS:

Local Commanding Officers. See Directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Local Commander

RECORD ACCESS PROCEDURES:

Information may be obtained from local Commander.

CONTESTING RECORD PROCEDURES:

The Marine Corps rules for contesting and appealing initial determinations may be obtained from the Sysmanager.

RECORD SOURCE CATEGORIES:

Individual activities, individuals, ID cards

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00044

SYSTEM NAME:

Equal Opportunity Information and Support System

SYSTEM LOCATION:

Commandant of the Marine Corps (Code MPH), Headquarters, U. S. Marine Corps, Washington, D. C. 20380 and all Marine Corps activities.

See organizational elements of the U. S. Marine Corps as listed in the Directory of the Department of the Navy Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps military personnel who submit complaints of discrimination and Marine Corps military personnel who are under formal or informal investigation as a result of complaints of discrimination.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records compiled pursuant to the processing of a complaint concerning discrimination, incident data, endorsements and recommendations, formal and informal investigations concerning aspects of equal opportunity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. section 2000e-16(b) and (c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the U. S. Marine Corps in the performance of their official duties related to equal opportunity matters.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to equal opportunity matters.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to equal opportunity matters.

The Senate or the House of Representatives of the United States or any committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files of Marine Corps military personnel. When required by Federal Statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and file folders.

RETRIEVABILITY:

Files are retrieved alphabetically by name of the complainant or by the name of the individual who is the subject of the complaint.

SAFEGUARDS:

Files are stored in filing cabinets. After normal working hours, rooms are locked. Building is located in controlled access area with security guards on 24 hour duty. Access to files is limited to officials and employees of Headquarters, U. S. Marine Corps acting in their official capacity on a need-to-know basis. Files held by field activities are maintained in areas accessible only to authorized personnel that are properly trained.

RETENTION AND DISPOSAL:

Records disposed of two years after administrative closing of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code MPH), Attn: Equal Opportunity Officer, Headquarters, U. S. Marine

Corps, Washington, D. C. 20380, telephone 202-694-2895.

NOTIFICATION PROCEDURE:

Correspondence pertaining to files maintained should be addressed to: Commandant of the Marine Corps (Code MPH), Headquarters, U. S. Marine Corps, Washington, D. C. 20380.

Written request for information should contain the individual's name, social security number, and signature.

Personal visits may be made to Headquarters, U. S. Marine Corps (Code MPH), Columbia Pike and Arlington Ridge Road, Arlington, Virginia 22214. Individuals should be able to provide personal identification to include valid military identification or two valid civilian items of identification such as driver's license, passport, credit cards, etc.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual are contained in SECNAVINST 5211.5A and 32 C.F.R. section 701.1 et. seq. Additional information may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other systems, investigations, witnesses and correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMN00045

SYSTEM NAME:

Automated Systematic Recruiting Support System (ASRSS)

SYSTEM LOCATION:

The system will be operated at each Recruiting Station, District Headquarters, and Marine Corps Recruit Depot within the Marine Corps. See organizational elements of the U. S. Marine Corps as listed in the Directory of the Department of the Navy Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps Regular and Reserve recruits.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information voluntarily provided by recruits as contained on the Application for Enlistment - Armed Forces of the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U. S. Code 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Marine Corps Recruiting Stations - Ensure that a member of the Delayed Entry Pool is shipped to Marine Corps Recruit Depot on the appropriate date. Ensure that recruits are not retained in the Delayed Entry Pool longer than the authorized period. Give proper credit, e.g., Meritorious Appointment to Private First Class, to recruits who have referred other enlistees to the Marine Corps. Keep track of recruits who successfully complete recruit training for subsequent assistance as recruiter aides while on recruit leave.

Marine Corps District Headquarters - Monitor the status of accessions by category, e.g., Mental Group; losses from the Delayed Entry Program recruiter performance by 'waiver code.'

Marine Corps Recruit Depot - Ensure that those recruits shipped from various recruiting stations and Armed Forces Examining and Entrance Stations (AFEES) arrive at the Marine Corps Recruit Depot on schedule. Trace recruiter malpractice allegations to the proper source.

Headquarters, U. S. Marine Corps - Monitor accessions by program option/guarantee. Match total accessions throughout the country to demographic data available through the Recruit Market Network. Track Reserve accessions by Reserve unit, Military Occupational Specialty (MOS), and availability for active service training. Respond to Congressional inquiries on individual cases in a timely, accurate manner.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The file will be stored via on-line magnetic disk with backup on magnetic tape. Backup audit trail record will be available at the point-of-entry.

RETRIEVABILITY:

Standard reports and ad hoc retrievals are generated from remote terminals using a data base management system. Additionally, updates and record browsing may be accomplished in the interactive mode through keying Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

'Hard copy' or paper output from the system is stored in locked containers.

System software contains user passwords to lock out unauthorized access.

Software contains partitions to limit access to appropriate organizational level.

RETENTION AND DISPOSAL:

On-line magnetic records will be maintained for one year after completion of recruit training. Records are then retired to a 'history file' where they will be retained for a period of four (4) years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Attn: Deputy Chief of Staff for Manpower), Headquarters, U. S. Marine Corps, Washington, D. C. 20380.

NOTIFICATION PROCEDURE:

Requests from individuals for information concerning their ASRSS records should be addressed to the Commandant of the Marine Corps (Code MPI-40), U. S. Marine Corps, Washington, D. C. 20380. Requesting individual should supply full name and Social Security Number.

The requester may also visit any Marine Corps Recruiting Station to determine whether ASRSS contains records pertaining to him or her. In order to personally visit a Recruiting Station and obtain information, individuals must present proper identification such as military identification, if a service member, driver's license, or some other suitable proof of identity.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The Recruiting Station, Marine Corps Recruit Depot, and the individual recruit are the sources of the information contained in the ASRSS record for that person.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS:

None

MMN00046

SYSTEM NAME:

Recruit Incident System

SYSTEM LOCATION:

Marine Corps Recruit Depot, Parris Island, South Carolina 29905 and Marine Corps Recruit Depot, San Diego, California 92140.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps military personnel who have violated recruit training standard operating procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying information consisting of name, grade, last four digits of social security number, unit, date of offense, source of allegation, type of action, date of action, type of abuse, charges and description of charges, and whether or not individual is relieved of duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S. Code 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Marine Corps Recruit Depots at Parris Island, South Carolina and San Diego, California to keep track of those drill instructors who abuse recruits, and to prepare monthly report to the Commandant of the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The file is stored in hard back binders and on magnetic tapes and discs.

RETRIEVABILITY:

Records retrieved by name or last four digits of social security number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel properly cleared and trained. Paper output from the system is stored in locked containers and building is locked during non-working hours. System software contains user passwords to lock out unauthorized access.

RETENTION AND DISPOSAL:

Information in hard back binders maintained three years from the recruit incident and then destroyed. Magnetic tape and disc data sets are maintained one year from the recruit incident and then tapes and discs are cleared of all information.

SYSTEM MANAGER(S) AND ADDRESS:

Depot Instructor, Marine Corps Recruit Depot, Parris Island, South Carolina 29905 and Depot Inspector, Marine Corps Recruit Depot, San Diego, California 92140.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual are contained in SECNAVINST 5211.5A and 32 C.F.R. section 701.1 et.seq. Additional information may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information obtained from courts-martial or office hours proceedings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

MMN00047

SYSTEM NAME:

Officer Slate System

SYSTEM LOCATION:

Officer Assignment Branch, Personnel Management Division, Headquarters U.S. Marine Corps (Code MMOA), Washington, D.C. 20380.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty officers and enlisted personnel selected for warrant officer whose active duty component code is ll thru l3, Cl thru C6; and CH.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Officer Slate File contains assignment data pertinent to each individual officer's future assignment and sufficient data relative to his present assignment to determine the billet to which the officer is assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031, Secretary of the Navy; responsibilities

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U.S. Marine Corps - Used by the officer assignment monitors to record data relative to an individual officers' present billet and future assignments. Monitors record assignment data such as estimated dates of arrival to future commands, and other pertinent information which will affect an officers' next duty assignment. This file is used to produce internal reports necessary to ensure that Marine Corps commands will be properly staffed with the officer grades and skills in the quantity required to perform their missions. This file is also utilized to extract the data necessary to issue Permanent Change of Station Orders (PCS Orders) on individual officers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic discs and back-up generations are stored on magnetic tape. Back-up tapes are maintained for approximately one week and then erased.

RETRIEVABILITY:

Records are accessed by social security number.

SAFEGUARDS:

a. Hard-wired terminals which operate on an on-line interactive mode support this system. System information is protected by the following software features: user account number; user identification number; password, and the file is in a 'restricted' status for use by the Officer Assignment Branch only.

b. Access to the building in which the terminals and computer system is located is protected by a security agency and requires positive identification for admission. Access to the terminals is under the control of authorized personnel during working hours. Office spaces in which the terminals are located are locked after working hours, and checked in the evening by the designated staff duty officer at Headquarters Marine Corps.

RETENTION AND DISPOSAL:

Records are retained for the period an officer is on active duty. Officers reporting to active duty are added to the file automatically and those officers being transferred to other than active duty status are deleted from the file automatically. This process occurs once each week to coincide with the updating of the Manpower Management System. Back-up generations are retained for approximately one week in the event a systems failure/error requires the file to be restored. After this time the back-up tape is erased.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps
(Code MMOA)
Headquarters Marine Corps
Washington, D.C. 20380
Telephone: (202) 694-3078

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager at the address indicated.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: The Commandant of the Marine Corps (Code MMOA) Headquarters U.S. Marine Corps, Federal Office Building 2, Washington, D.C. 20380.

Written requests for information should contain the full name of the individual, date and place of birth, social security number and signature.

For personal visits, the individual should be able to provide military identification to ensure that the individual is the subject of the inquiry.

An active duty officer may obtain future assignment data on himself by telephone by contacting his assignment monitor and providing sufficient information to properly identify himself to his assignment monitor.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the officer's command, the individual officer concerned, officer assignment monitor and the Manpower Management System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

MMT00001

SYSTEM NAME:

Dependent (Title 6) Schools Records System

SYSTEM LOCATION:

Dependent (Title 6) Schools located at Marine Corps installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students enrolled in Dependent (Title 6) Schools location at Marine Corps installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

System consists of individual student records, master schedule, student schedule, student class lists, student scheduling cards, etc. Information consists of student academic performance, attendance, discipline, activities, aptitude, health and emergency record data to properly administer and assist the student while enrolled in the particular school or school system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S. Code and Title 6 U.S. Code

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Dependent (Title 6) School and school systems in the execution of their assigned duties.

Marine Corps - By officials and employees of the Marine Corps in the execution of their assigned duties.

Other Federal Agencies - By officials and employees of other Federal Agencies in the execution of their assigned duties as such duties pertain to Dependent (Title 6) Schools.

State and Local Education Agencies - By officials and employees of state and local education agencies in the execution of their official duties as such duties pertain to Dependent (Title 6) Schools.

Courts - By officials and employees of local, state, and federal courts as dictated by court order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, machine workable cards, and other Data Processing mediums.

RETRIEVABILITY:

Information is retrieved by student name or student number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel and handled by personnel who have been cleared and trained in handling of personnel information.

RETENTION AND DISPOSAL:

Records are maintained during the period of student enrollment and for a period of up to three years after student departure from the rolls of the school. Records are then destroyed or retired to the Army Records Center, St Louis, Missouri.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent of the school system in which the particular student is enrolled.

NOTIFICATION PROCEDURE:

Information may be obtained from the particular school or school system in which the student is enrolled: Commanding General (Attn: Supt Depn Scol) Marine Corps Base, Quantico, Virginia 22134; Commanding General, (Attn: Supt Depn Scol), Marine Corps Base, Camp Lejeune, North Carolina 28542; Commanding Officer, (Attn: Supt Depn Scol), Marine Corps Air Station, Beaufort, South Carolina

RECORD ACCESS PROCEDURES:

The rules for access to records may be obtained from the appropriate Sysmanager.

CONTESTING RECORD PROCEDURES:

Rules for contesting the contents of records and appealing initial determinations by the individual concerned may be obtained from the appropriate Sysmanager.

RECORD SOURCE CATEGORIES:

Information is obtained from individual concerned, his teachers, administrators, and other professional health and educational personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MMT00002

SYSTEM NAME:

Marine Corps Institute Correspondence Training Records System

SYSTEM LOCATION:

Marine Corps Institute, Box 1775, Washington, D. C. 20013

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All enrollees in Marine Corps Institute correspondence courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain information for identifying enrollees, their addresses, their progress in the course of study, and the results of their final examinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U. S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U. S. Marine Corps and Marine Corps commands, activities, and

organizations for use by officials and employees of the Marine Corps in matters relating to their assigned duties.

Upon request and with the consent of the individual concerned, transcripts of course completions are provided to academic institutions for evaluation for academic credit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, microfiche, magnetic tape, and magnetic disks.

RETRIEVABILITY:

Name and SSN.

SAFEGUARDS:

Access provided on a need to know basis only. During non-working hours, the doors to the Institute are locked.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Student Services Officer, Marine Corps Institute, Marine Barracks, Box 1775, Washington, D. C. 20013

NOTIFICATION PROCEDURE:

Apply in writing to SYSMANAGER. Provide full name, social security number or service number, date of completion or enrollment, course number, and course title.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from enrollment applications and subsequent forms submitted by the enrollee, from the individual's commanding officer, from the Marine Corps Manpower Management System, and from Marine Corps Automated Services Center, Kansas City.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MRS00001

SYSTEM NAME:

Reserve Manpower Management and Pay System (REMMPS)

SYSTEM LOCATION:

Primary System - Marine Corps Central Design and Programming Activity, 1500 East Bannister Road, Kansas City, Missouri 64131

Decentralized Segments - Input to the system is limited to the unit diary submission of the Marine Corps Reserve unit to which the individual is assigned for administration. Output from the system is available at the following locations: Department of Defense, Headquarters, U S Marine Corps, 4th Marine Division, 4th Marine Aircraft Wing, Marine Corps Finance Center and the Marine Corps Reserve Support Center to which the individual is assigned. Addresses of each Distribution List (OPNAV-P09B3-107).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps Reservists in the Selected, Individual Ready, Standby, and Fleet Marine Corps Reserve categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the master personnel records to include personal identification, education, training, military occupational specialties, contractual agreements, pay and other data required for effective personnel management and administration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U S Code 301; Title 10, U.S. Code 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in the execution of their official duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is contained on magnetic tapes and disks.

RETRIEVABILITY:

Information is retrieved by social security number

SAFEGUARDS:

Records are maintained in facilities accessible only to authorized personnel that are properly screened, and trained.

RETENTION AND DISPOSAL:

Records are retained for six months after separation of the individual Marine reservist. After six months, records are destroyed except for an historical listing of separations which is recorded on microfiche for permanent retention at the Marine Corps Reserve Support Center, Kansas City, Missouri.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

NOTIFICATION PROCEDURE:

Information may be obtained from:
The Commandant of the Marine Corps
(Code RES)
Headquarters, U S Marine Corps
Federal Office Building #2
Washington, D C 20380
Telephone: Area Code 202/694-1842

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: The Commandant of the Marine Corps (Code RES), Headquarters, U S Marine Corps, Washington, D C. 20380

Written requests for information should contain the individual's full name, social security number and signature.

For personal visits, the individual should be able to provide some acceptable identification such as military identification card, driver's license or other type of identification bearing picture and signature to insure the individual is the subject of the inquiry.

CONTESTING RECORD PROCEDURES:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The individual having administrative responsibility for the Marine.

The Marine Corps Reserve Forces Administrative Activity.

Authorized personnel of Headquarters, U S Marine Corps.

Systems interface with active force joint uniform military pay system/ manpower management system.

Educational Institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

MTE00001

SYSTEM NAME:

Telephone Billing/Accounting File

SYSTEM LOCATION:

All Marine Corps activities maintaining telephone accounts.

CATEGORISS OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel, civilian contractors, concessions, and Marine Corps sponsored activities that are provided unofficial government telephone service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain name, social security number, grade, military address, telephone number assigned to individuals in the system, civilian contractor's business address and business telephone numbers, ledger of itemized telephone service charges and payments, receipted bills, requests for service, account number, addressograph plate, cash collection vouchers for telephone deposits, and routine correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S. Code

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system is used by Marine Corps activities to show amounts owed and paid for telephone service on a monthly basis. Information is also used by Marine Corps activities to provide telephone directory service for residents of government quarters to include printing and distribution of a quarters telephone directory and allow telephone operators/base locator to provide quarters telephone numbers upon request except for unlisted numbers. Other uses include management of telephone number assignments, and a listing of delinquent accounts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper cards are maintained in filing cabinets and KARDEX files or in file folders.

RETRIEVABILITY:

Information accessed and retrieved by name, address or telphone number.

SAFEGUARDS:

Records are maintained in an area accessible only to authorized personnel and are under constant supervision. The building is locked during non-working hours and someone is on duty 24 hours a day.

RETENTION AND DISPOSAL:

Records remain active until individual leaves the Marine Corps activity concerned. Records are then transferred to an inactive file for four years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of activity concerned. See Directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Information may be obtained from the individual command to which an individual is assigned for duty. Addresses of individual commands are listed in the Navy Standard Distribution List (OPNAV P09B-107).

RECORD ACCESS PROCEDURES:

Written requests from individuals should be addressed to the Commanding Officer of the activity concerned. Activity addresses are as reported in the Navy Standard Distribution List.

Written requests should include name and social security number and address.

For personal visits, the individual should be able to provide the proper military or civilian identification.

CONTESTING RECORD PROCEDURES:

The rules for access to records and for contesting contents and appealing initial determination by the individual may be obtained from the Sysmanager.

RECORD SOURCE CATEGORIES:

Application of the individual desiring telephone service in government housing aboard the activity.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

UNITED STATES NAVY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant

to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

N01001-1

SYSTEM NAME:

Roster, Naval Reserve Law Companies

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 62) Department of the Navy, 200 Stovall St., Alexandria, Va 22332

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Listing of law program officers in Naval districts having cognizance over Reserve affairs; listing of Naval Legal Service Offices; listing of the staff of the Director, Naval Reserve Law Programs; listing of Naval Reserve Law Company commanding officers; and listing of members of the law companies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Roster contains names and locations of personnel associated with Naval Reserve Law Programs; names of members of law companies, social security number, rank, home and office addresses, name of spouse, and telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 806

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The roster is issued for the purpose of facilitating and promoting liaison between Naval Reserve Law Companies, law program officers, the Director, Naval Reserve Law Programs, and his staff, and the Navy's legal assistance program. It is an essential publication for use by legal assistance officers throughout the Navy. It apprises Naval Reserve officers of the locations of Reserve units in order that they may participate in the reserve law programs. These rosters may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders

RETRIEVABILITY:

By names of members and location of Reserve units.

SAFEGUARDS:

Records are maintained under the control of authorized personnel during working hours; the office space in which the rosters are maintained is locked outside official working hours.

RETENTION AND DISPOSAL:

Rosters are retained for approximately two years and destroyed when a new edition is published.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law) Office of the Judge Advocate General Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager. Personal visits may be made to: Reserve Personnel Division Office of the Judge Advocate Room 9s05 Hoffman Bldg II 200 Stovall St. Alexandria, Va. 22332

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Information is received from Reserve officers who participate in the Naval Reserve Law Programs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01001-2

SYSTEM NAME:

Naval Reserve Law Program Officer Personnel Information

SYSTEM LOCATION:

Office of the Judge Advocate General (code 62), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants applying for appointment or transfer to Judge Advocate General's Corps of the Naval Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Furnishes information as to applicant's qualifications and intentions to affiliate in Naval Reserve Law Program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 806

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office use required for personnel management of Reserve Law Program. Use is required to assist in determining applicant's qualification for appointment in the Judge General's Corps. These files may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, stored in a file cabinet

RETRIEVABILITY:

By officer's name

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the: Office of the Judge Advocate General (Code 62), Department of the Navy, Room 9s05, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Written requests must be signed by the requesting individual, and for personal visits, the individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Judge Advocate General (Code 62), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is received from applicants who are applying for appointment in the Judge Advocate Generals' Corps or from reserve officers requesting transfer to the system manager.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01001-3

SYSTEM NAME:

Reserve Personnel History File

SYSTEM LOCATION:

Commander Naval Intelligence Command 4600 Silver Hill Road Washington, DC 20389

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and enlisted personnel of the Naval Reserve Intelligence Program and applicants for affiliation with the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information relating to the individual's residence history, education, professional qualifications, occupational history, foreign country travel and knowledge, foreign language capabilities, history of active military duty assignments and military reserve active duty training and background investigation information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended; 5 U.S.C. 301 Departmental Regulations; 10 U.S.C. 503 Department of the Navy 10 U.S.C. 6011 Departmental Regulations; 44 USC 3101, Records Management by Federal Agencies;

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Reserve Personnel History File is maintained for the purposes of determining qualifications for members of the Naval Reserve Intelligence Program and providing a personnel management device for career development programs, manpower and personnel requirements for program activities assignment of support projects of the reserve program, and mobilization planning requirements. This information may be provided to the department of Defense and components therof for research, analysis, evaluation and utilization of the information and for

such other matters as may be necessary to fulfill the responsibilities of the Department of Defense and the components therof. By other appropriate federal agencies who may require the information to fulfil such agencies' legal responsibilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized magnetic tapes; microform; some records may be maintained in file folders.

RETRIEVABILITY:

The file can be accessed for each file element or any combination therof

SAFEGUARDS:

GSA approved security containers located in controlled access spaces.

RETENTION AND DISPOSAL:

Records Disposal Manual, Secretary of the Navy Instruction 5212.5B.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command 4600 Silver Hill Road Washington, DC 20389

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the System Manager, giving full name, residence address and date and place of birth. A notarized statement may be required for identity verification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Reserve Personnel History File data submitted by the individual; background investigation reports from the Naval Investigative Service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01001-4

SYSTEM NAME:

Intelligence Reserve Personnel Management File

SYSTEM LOCATION:

Commander Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and enlisted personnel of the Naval Reserve Intelligence Program

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information relating to the individual's residence history, education, professional qualifications, occupational history, foreign country travel and knowledge, foreign language capabilities, history of active military duty assignments and military reserve active duty training, background investigation information, qualifications for active military duty assignments and military promotions,

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended; 5 U.S.C. 301, Departmental regulations; 10 U.S.C. 503, Department of the Navy; 10 U.S.C. 6011, Navy Regulations; 44 U.S.C. 3101, Records Management by federal agencies;

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These files are maintained for the purposes of determining qualifications for members of the Naval Reserve Intelligence Program and providing a personnel management device for career development programs, manpower and personnel requirements for program activities, assignment of support projects of the reserve program, and mobilization planning requirements. This information may be provided to the Department of Defense and components thereof for research, analysis, evaluation and utilization of the information and for such other matters as may be necessary to fulfill the responsibilities of the Department of Defense and the components thereof. By other appropriate federal agencies who may require the information to fulfill such agencies' legal responsibilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

GSA approved security containers located in controlled access spaces.

RETENTION AND DISPOSAL:

Records are retained indefinitely

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command 4600 Silver Hill Road, Washington, DC 20389

1 Information may be obtained by written request to the System Manager, giving full name, residence address and date and place of birth. A notarized statement may be required for identity verification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager

RECORD SOURCE CATEGORIES:

Reserve Personnel History File data submitted by the individual; correspondence regarding individual's military and civilian qualifications; letters from the Department of the Navy regarding promotions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01001-5

SYSTEM NAME:

MSC/NCSORG Reserve Personnel Record

SYSTEM LOCATION:

Commander, Military Sealift Command, Department of the Navy, Washington, D.C. 20390

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval Reserve personnel in the MSC/NCSORG Reserve Program

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, social security number, designator, date of birth, home address and phone, active duty training, correspondence courses, education, active military service, civilian employment experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in the system provides pertinent biographical information and data to be used by the program sponsor for the management, supervision and administration of the MSC/NCSORG program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data cards or similar record.

RETRIEVABILITY:

By name

SAFEGUARDS:

Records are kept within COMSC Naval Reserve Division Office. No one authorized access outside of Naval Reserve Division personnel. Building employs security guards.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Military Sealift Command. Department of the Navy. Washington, D.C. 20390

NOTIFICATION PROCEDURE:

Information may be obtained from System Manager. Written requests for information should contain full name of the individual, military grade or rate, and date of birth. For personal visits, the individual should be able to provide some acceptable means of identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Information is submitted by the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-1

SYSTEM NAME:

JAG Corps Officer Personnel Information

SYSTEM LOCATION:

Office of the Judge Advocate General (code 61), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Officers in the Judge Advocate General's Corps, Active Duty Officers in the Law Education and Excess Leave Programs

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, social security account number, USN/USNR, designator, rank, state bar membership and year admitted, wife's name, no. of dependents, lineal listing by year group, duty assignment, arrival and rotation dates, release date if applicable

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 806

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office use required for personnel management of Navy JAG Corps personnel as the Judge Advocate General is statutorily required to make recommendation on the assignment of all active duty JAG Corps officers. Use is required to determine qualification of an officer to receive a JAG Corps designation and to be certified as a trial or defense counsel. Use is further required to determine the rotation dates and release from active duty dates of JAG Corps officers as well as the date new officers will be available for duty. This information is then utilized to prepare JAG Corps strength plans for submission to OPNAV. Use is also required to obtain an officer's preference for duty assignment as well as eligibility for consideration for post-graduate education and overseas assignments. Certain of this information is promulgated to all active-duty JAG Corps officers in a semi-annual publication known as the Directory of Navy Judge Advocates. The information is promulgated for informational purposes so that officers can determine what positions (billets) might be available should they desire rotation. Additionally, the information may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer strips kept on a strip file (wheel) and paper records kept in a folder identified by the officer's name kept in file cabinets.

RETRIEVABILITY:

By officer's name, folders are filed alphabetically.

SAFEGUARDS:

Records are maintained in the Office of the Judge Advocate General personnel office under the control of authorized personnel during working hours; the office space in which the storage devices containing the records is locked outside official working hours.

RETENTION AND DISPOSAL:

Upon release from active duty, records are kept three years and then destroyed. Upon retirement from active duty, records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from: Judge Advocate General (code 61), Department of the Navy, Room 9s25, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332, Telephone: (202)325-9830

Written requests must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Judge Advocate General (code 61), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Personnel visits may be made to the JAG Personnel Office, Room 9s25, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information submitted by the officer upon his successful completion of law school and admission to the bar, orders to active duty and subsequent transfer orders, computer strips provided by the Bureau of Naval Personnel on all active duty officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01070-10

SYSTEM NAME:

Aviation Training Jacket

SYSTEM LOCATION:

The Aviation Training Jacket accompanies the individual student to each Naval Air Command as he progresses in the training program. Upon completion or termination of training, the Aviation Training Jacket is forwarded to the following command:
Chief of Naval Air Training
Naval Air Station
Corpus Christi, TX, 78419

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All naval aviators, naval flight officers, naval flight surgeons, aviation warrant officers, and precommissioning training for aviation maintenance duty and aviation intelligence officers. This includes records in the above categories for individuals who do not complete prescribed training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Aviation flight training, practical and academic grade scores, including pre-training aviation test battery scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, DEPARTMENTAL REGULATIONS

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Evaluation of individual training progress and evaluation of training systems including studies and statistical analysis of training matters within the Naval Air Training Command. Summaries of training provided to other Naval commands where further training is required. Academic transcripts provided to educational institutions upon individual request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in metal filing cabinets.

RETRIEVABILITY:

Name and date of designation, completion or termination of training.

SAFEGUARDS:

Access is restricted to the individual or those who maintain training records and those who are directly involved with the individual's training or evaluation. The file cabinets containing the jackets are in command areas under normal military 24 hour security measures.

RETENTION AND DISPOSAL:

Retained at the Chief of Naval Air Training headquarters for six months, then transferred to the Federal Records Center, East Point, GA. Retained for 75 years (SECNAVINST 5212.5B).

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419

NOTIFICATION PROCEDURE:

The individual is informed that the Aviation Training Jacket is being maintained and has ready access to it during training. After training, he can submit written request to the system manager listed above and must provide name, social security number or officer file number, and date of completion or termination of training. Personal vistors can provide proof of identity by military identification card, active or retired, or driver's license and some record of naval service.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Prior educational experience, flight grades, academic grades supporting flight training, physical fitness/survival/swimming proficiency, aviation physiology training and qualifications, and birth certificate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-11

SYSTEM NAME:

Flight Instruction Standardization and Training (FIST) Jacket

SYSTEM LOCATION:

The FIST jacket is located at the various Naval Air Training Commands where the individual may be assigned. The following command can be contacted to determine the location of any specific command. Chief of Naval Air Training Naval Air Station Corpus Christi, TX 78419

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All naval aviators and naval flight officers assigned to duty as instructors within the Naval Air Training Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

A record of flight instruction standardization and training required of naval aviators and naval flight officers assigned duty as instructors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Scheduling of training flights. Qualification and designation as a flight instructor. Initial qualification and re-designation in type aircraft to instruct. Used by Commanding Officers and training personnel of the command to which the individual is assigned. Administration of the FIST Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in metal file cabinets.

RETRIEVABILITY:

Name, rank, and social security number.

SAFEGUARDS:

Access is restricted to the individual, his commanding officer, or those involved in maintaining training records. The file cabinets containing the jackets are in command areas under normal military 24 hour security measures.

RETENTION AND DISPOSAL:

Jackets are retained in the individual's command until detachment, at which time it is given to the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419

NOTIFICATION PROCEDURE:

The individual is informed that the FIST jacket is being maintained, participates in its development and, additionally, is required to review the jacket with his instructor periodically.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting content and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Academic tests Flight performance evaluation Check flight evaluation Instructor's evaluation Command determinations Personal input

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-12

SYSTEM NAME:

Administrative Files System

SYSTEM LOCATION:

Naval Investigative Service (NIS) Headquarters PO Box 16230, Suitland, Md. 20746

Decentralized Segments - Naval Investigative Service Regional Offices (NISROs) retain duplicate copies of certain segments of the administrative files. Addresses of these offices are included in the directory of Department of the Navy mailing list.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present civilian, military and foreign national personnel assigned world-wide NIS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel Management System - an automated management information and statistical system containing all needed items of personnel information.

Special Agent Career Development Files - a compendium of Civil Service Performance Evaluation and Ratings and all correspondence unique to the NIS Special Agent, including annual physical examinations, which has a bearing on world-wide assignability, promotion and general career assessment.

Weapons Inventory File - an automated file containing the credential number, badge, weapons and handcuffs assigned to each NIS criminal investigator.

Personnel Security Clearance File - an automated file containing the classified material access level and date of last security clearance for assigned civilian and military personnel of NIS.

Personnel Utilization Data File - an automated file designed to provide statistical information regarding the manner by which available NIS manhours are expended in the execution of its assigned investigative and counterintelligence mission. The file is formed by the submission (monthly) of individual manhour diaries. All assigned personnel input to this system; their manhours are categorized by function.

Freedom of Information and Privacy Requests File. Records relating to requests for information pursuant to the Freedom of Information Act and the Privacy Act of 1974, and responses thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Personnel Management System is used in preparation of virtually all personnel documents and personnel statistical studies. It provides such information as the average grade, the total number and composition of personnel at each NIS component and the past assignments of personnel. It is used on a daily basis by personnel technicians and management level personnel in the formation and execution of staffing actions for the various NIS components, informal verification of employee's tenure and the compilation of necessary statistical studies.

Special Agent Career Development Files - The information in these files is used for within-agency decisions regarding reassignment, promotion, career training and long-range development. They form within-agency repository for both adverse and favorable documents regarding Special Agents. The files have a long-range fuction - that of forming the basis for law enforcement retirement service certification. Though part of the file is duplicated in the Official File maintained by the Civilian Personnel Office, the Special Agent Career Development file is considered priviledged information and its contents are not released outside NIS. Within NIS, the files are maintained and controlled exclusively within the Career Services Division, NIS Headquarters and by assigned personnel to that Division. The files are released for review only to senior management personnel of NIS.

Weapons Inventory File - used to identify and inventory credentials, weapons, badges and handcuffs issued to authorized NIS personnel.

Personnel Security Clearnace File - used to informally verify and authenticate security clearances issued to NIS personnel. The file has a daily working purpose of acting as a check sheet for the updating of security clearances. It further is the file referred to when the director, NIS, is required to certify th access level of certain assigned NIS personnel to other Navy commands as well as civilian contractors.

Personnel Utilization Data File - a statistical file from which an indepth analyses of manhour expenditures are surveyed. The file is highly automated and used exclusively within NIS. The various analyses drawn from the file are used to modify the staffing levels at various NIS components based on actual work level. It further provides a tool to NIS management to gauge the efficiency of all components by comparing their workload with the amount of manhours available.

The records in this system are referred, as appropriate to authorized governmental units, such as Office of Civilian Manpower Management and Civil Service Commission, making various personnel determinations, e.g., retirement, awards, disciplinary action; to law enforcement personnel conducting criminal or suitability investigations; to DoD components, other agencies or industrial firms requiring confirmation of security clearance level; to higher authority for statistical purposes; limited response to credit queries; and medical records to personal physicians.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Personnel Management System, Weapons Inventory File, Personnel Security Clearance File and the Personnel Utilization Data File are stored on magnetic tape in an automated system. The Personnel Management System is composed of visible file cards and computer paper printouts; the Personnel Security Clearance File is composed of computer paper printouts and associated Department of Defense security certification documents, the latter being filed in individual file folders; the Weapons Inventory File and the Personnel Utilization Data File are composed of computer paper printouts only.

The Special Agent Career Development files are composed exclusively of paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name only in the Special Agent Career Development File. The Weapons Inventory File is queried by either name only or by item number (i.e., badge, credential, weapon, handcuff serial number).

The Personnel Management System is accessed by name and SSAN; retrieval is by individual data characteristic such as GS-grade level, duty-station, special qualifications, language qualifications or it my be retrieved by name only or in conjuction with the SSAN.

The Personnel Utilization Data File is normally accessed and retrieved by location and functional category of employment (i.e., Special Agent, clerical, etc.). The capability exists, however, to retrieve by SSAN. The Personnel Security Classification File is a subordinate file to the Personnel Management System. Accession is by name and SSAN. Retrieval is accomplished by computer paper printout in both alphabetical and duty-station format.

SAFEGUARDS:

All files in this system are protected by limited, controlled access, safes, and locked cabinets and doors. Futher, visitor control and secure computer software measures (where applicable) are utilized.

RETENTION AND DISPOSAL:

Personnel indexed in the Personnel Management System and the Personnel Security Clearance File are deleted from the magnetic tape data storage upon termination of employment. Residual paper records are retained from two to five years.

Personnel indexed in the Weapons Inventory File are deleted at such time as assigned equipment is returned and accounted for. Residual paper printouts are destroyed at least semi-annually.

The Special Agent Career Development Files are semi-permanent and are retained, at least in essential skeletal format, indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Investigative Service, P.O. Box 16230, Suitland, Md. 20746

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager, above. Individuals submitting requests should provide their full name, date of birth, SSAN and dates of employment or assignment with NIS.

In the case of personal visits, individuals requesting access to files in this system will be required to present reasonable proof of identity to minimally include a drivers' license or similar document at least one of which must bear a current photograph and be able to provide (orally) some element of unique identifying data such as name of spouse or a past duty-station with NIS.

RECORD ACCESS PROCEDURES:

Access to files in this system may be gained by written notification or personal visit to the Naval Investigative Service Headquarters at the location specified above. Requests should be directed to the Information and Privacy Coordinator.

CONTESTING RECORD PROCEDURES:

The agency's rule for access to records and for contesting contents and appealing initial determinations by the inividual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

In the case of Personnel Management System and the Personnel Utilization Data System, the individual employee is the prime source of information both for initial access to the files as well as periodic update. The Personnel Security Clearance File information is obtained as a sub-file to the Personnel Management System. The information for the Weapons Inventory File is obtained from personnel charged with the issuance of various items inventoried therein (with verification by the personnel to whom the items are issued.)

Information for the Special Agent Career Development File is recieved from the individuals supervisors, from various Naval Commands and other Federal and State agencies with whom the Special Agent has had professional contact and from the individual himself. Also, this file contains copies of each physical examination required annually of assigned civilian Special Agents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01070-13

SYSTEM NAME:

Nuclear Program Interview and Screening

SYSTEM LOCATION:

Naval Sea System Command (Code 08), Washington, D.C. 20362

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel interviewed or considered for assignment or retention in the Naval Nuclear Power Program

CATEGORIES OF RECORDS IN THE SYSTEM:

Interview appropriation folder, interview chronology, interview index card, Navy Enlisted Nuclear Program Technical Screening Sheets, Nuclear Propulsion Officer Candidate Records

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determine eligibility for Naval Nuclear Power Program, maintaining statistical and accounting records, and other administrative uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, loose leaf binders, and index card box

RETRIEVABILITY:

Name, chronological, Navy rate (if applicable), Social Security Number, approximate date of screen

SAFEGUARDS:

Located in restricted area

RETENTION AND DISPOSAL:

Indefinitely

SYSTEM MANAGER(S) AND ADDRESS:

Naval Sea Systems Command (Code 08), Washington, D.C. 20362

NOTIFICATION PROCEDURE:

Contact System Manager; provide full name, Navy rate (if applicable), Social Security Number, Nuclear Power School Class or dates at attendance (if applicable) and proof thereof, dates of service or screening and proof thereof.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORY:

Individual; Bureau of Naval Personnel; U.S. Naval Academy; current and/or previous commands; Director, Division of Naval Reactors

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-14

SYSTEM NAME:

Next of Kin Information for Sea Trial Riders

SYSTEM LOCATION:

Naval Sea Systems Command Code 08 Washington, D.C. 20362

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals attending nuclear propulsion plant sea trials of Navy ships

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses of next of kin; name, Social Security Number and security clearance of individual

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain information necessary for individuals to attend nuclear propulsion plant sea trials; Associate Director for Surface Ships and staff

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3 x 5 index cards

RETRIEVABILITY:

Alphabeticly by name

SAFEGUARDS:

Locked in 3-way combination safe in a restricted area

RETENTION AND DISPOSAL:

Indefinitely

SYSTEM MANAGER(S) AND ADDRESS:

Naval Sea Systems Command Code 08 Washington, D.C. 20362

NOTIFICATION PROCEDURE:

Contact System Manager; Provide name and social security number and identify sea trials attended

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

From the individual

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-2

SYSTEM NAME:

Naval Attache Files

SYSTEM LOCATION:

Commander Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Navy and Marine Corps Officers nominated and/or assigned to duty in the Defense Attache System (DAS)

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains records concerning the service and personal history of officers nominated and/or assigned to duty in the DAS and their dependents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1974, as amended; 5 USC 301, Departmental regulations; 10 USC 503, Department of the Navy; 10 USC 6011, Navy Regulations; 44 USC 3101, Records Management by federal agencies; United States Navy Regulations, 1973 Executive Order 11652, Classification and declassification of National Security Information and Material

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By offices of the Navy, DOD and State to determine suitability of personnel for security clearances and assignment to the DAS.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files in folders stored in standard GSA safes.

RETRIEVABILITY:

By name of officer.

SAFEGUARDS:

Records are stored in a controlled access area and are accessible only to a very limited number of authorized personnel with proper security clearance and demonstrated need for access.

RETENTION AND DISPOSAL:

Records are opened on individuals when first nominated for attache duty, and retained until six months after completion of attache duty.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager, giving full name, residence address, and date and place of birth. A notarized statement may be required for identity verification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data is gained from the subjects of the file, BUPERS and Headquarters Marine Corps files of subject's fitness reports, DIS/NIS background, investigations and other sources who are familiar with the subject.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01070-3

SYSTEM NAME:

Navy Personnel Records System

SYSTEM LOCATION:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370; Naval Reserve Personnel Center, Naval Support Activity (East Bank), Bldg. 603, New Orleans, LA 70159; and local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses).

Secondary System-Department of the Navy Activities in the Chain of Command between the local activity and the Headquarters level (see Directory of the Department of the Navy Mailing Addresses); Federal Records Storage Centers; National Archives.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military personnel: officers, enlisted, active, inactive, reserve, fleet

reserve, retired, midshipmen, officer candidates, and Naval Reserve Officer Training Corps personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel Service Jackets and Service Records, correspondence and records in both automated and non-automated form concerning classification, assignment, distribution, promotion, advancement, performance, recruiting, retention, reenlistment, separation, training, education, morale, personal affairs, benefits, entitlements, discipline and administration of Navy military personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision, and administration of Navy military personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the manual and automated system of records.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's military manpower management program.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. State, local, and foreign (within Status of Forces agreements) law enforcement agencies or their authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of such agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of military personnel and the operation of personnel affairs and functions.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and administration of military personnel and the operation of personnel affairs and functions.

Officials and employees of the National Research Council in Cooperative Studies of the National History of Disease; of Prognosis and of Epidemology. Each study in which the records of members and former members of the Naval Service are used must be approved by the Chief of Naval Personnel.

Officials and employees of the Department of Health and Human Services, Veterans' Administration, and Selective Service Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by members and former members of the Navy. The Senate of the House of Representatives of the United States or any Committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel. Officials and employees of Navy Relief and the American Red Cross in the performance of their duties related to assistance of the members and their dependents and relatives.

Duly appointed Family Ombudsmen in the performance of their duties related to the assistance of the members and their families.

State and local agencies in performance of their official duties related to verification of status for determination of eligibility for Veterans' Bonuses and other benefits and entitlements.

Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary. Officials and employees of the Office of the Sergeant at Arms of the United States House of Representatives in the performance of official duties related to the verification of the active duty naval service of members of Congress.

Officials and employees of the Office of the Sergeant at Arms of the United States House of Representatives in the performance of official duties related to the verification of the active duty naval service of Members of Congress.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by social security account number and/or name.

Manual records may be retrieved by name, social security account number, enlisted service number, or officer file number.

SAFEGUARDS:

Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5, subj: Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Washington, D.C. 20370; Commanding Officers, Officers in Charge, and Heads of Department of the Navy activities as listed in the Directory of the Department of the Navy Mailing Addresses.

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander, Naval Military Personnel Command (ATTN: Privacy Act Coordinator), Navy Department, Washington, DC 20370. or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, designator, military status, address, and signature of the requestor.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex (FOB 2), Washington, D.C., for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally

maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; educational institutions; federal, state, and local court documents; civilian and military investigatory reports; general correspondence concerning the individual; official records of professional qualifications; Navy Relief and American Red Cross requests for verification of status.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k) (1) and (5), as applicable. For additional information contact the System Manager.

N01070-4

SYSTEM NAME:

NAVAL RESERVE SECURITY GROUP PERSONNEL RECORDS

SYSTEM LOCATION:

Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington D.C. 20390

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval Reserve Security Group Personnel

CATEGORIES OF RECORDS IN THE SYSTEM:

System comprises records reflecting information pertaining to reservist's ACDUTRA (Active Duty for Training); miscellaneous personnel actions, i.e., in-training status for change of rank/designator/rate; clearance certificate; congratulatory letters to officers upon promotion; history of past ACDUTRA performed; correspondance courses completed; old data cards and clearance eligibility letters

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 DEPARTMENTAL REGULATIONS

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reserve Personnel Support Branch - to verify: past active duty and ACDUTRA performed; currency of clearance status; mobilization assignment; civilian skills acquired

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper-records in file folders

RETRIEVABILITY:

Filed alphabetically by last name of reservist

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained

RETENTION AND DISPOSAL:

Records are retained in active file until reservist has fulfilled drilling obligation or upon discharge or transfer to stand-by reserve

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington D.C. 20390

NOTIFICATION PROCEDURE:

a. Send request to SYSMANAGER

b. Full name, DPOB, military status, SSAN (if you will voluntarily include it) or service number

c. Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington D.C., 20390, who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requestor

d. Scheduled visitors must be prepared to present adequate proof of identification - i.e., combination of full name, DPOB, parent(s) name, driver's license, medicare card, military I.D. card, if applicable

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager

RECORD SOURCE CATEGORIES:

District Officers for Naval Reserve Security Group Commanding Officers of Naval Reserve Security Group Divisions Commanding Officer, Naval Technical Training Center, Pensacola, FL

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01070-5

SYSTEM NAME:

Personnel Resources Information System for Management (PRISM)

SYSTEM LOCATION:

Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington, D. C. 20390

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Navy and Marine Corps personnel and Naval and Marine Corps Reserve personnel affiliated with the Naval Security Group. Also civilian personnel holding a NAVSECGRU clearance.

CATEGORIES OF RECORDS IN THE SYSTEM:

System comprises automated records reflecting information pertaining to the pesonnel identification, location, current duties, professional qualifications and experiences, education, rotation data, personal information (marital status, dependents, home of record) and career information (dates of expiration of enlistment, release from active duty and security clearance data)

AUTHORITY FOR MAINTERANCE OF THE SYSTEM:

5 USC 301 DEPARTMENTAL REGULATIONS

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Military and civilian personnel of the Naval Security Group Headquarters in the performance of their official duties relating to the planning and management of NAVSECGRU personnel resources. Regularly produced management reports are used to determine: adequacy of the personnel manning posture (quantitatively and qualitatively) at NAVSECGRU field activities; trends concerning levels of

various NAVSECGRU personnel skills; trends in enlistments, re-enlistments, training quotas, retirements; also, data base is often queried for one-time, non-routine information to satisfy priority requirements. Personnel of the Bureau of Naval Personnel use the system regularly to assist in meeting authorized NSG personnel requirements and identification of NSG training requirements. Civilian and Military officials of the National Security Agency use overall NAVSECGRU population distribution to assess adequacy of personnel levels and skills in meeting national cryptologic requirements. NAVSECGRU Area Directors in Atlantic, Pacific and European Commands in order to determine manning and skill posture within their respective theaters. Officials of NAVSECGRU field stations world-wide in order to determine numbers and skills of personnel ordered to report for duty. Officials of Naval Technical Center Pensacola Florida for purpose of mailing advancement examinations and other training materials.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tapes, discs, punched cards, microfiche and computer paper printouts.

RETRIEVABILITY:

Records are retrieved by name, social security number, skill codes, duty stations, career information (dates of enlistment, expected release), education, rating and paygrade.

SAFEGUARDS:

The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Computer magnetic tapes are erased three months after they are created. Punched cards are converted to magnetic tape and destroyed. Microfiche and paper printouts are retained 3 years or until superseded.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington, D.C. 20390

NOTIFICATION PROCEDURE:

Send request to SYSMANAGER. Full name, DPOB, military status, SSAN (if you will voluntarily include it) or service number.

Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington, D.C. 20390, who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requestor. Scheduled visitors must be prepared to present adequate proof of identification - i.e., combination of full name, DPOB, parent(s) name, driver's license, medicare card, military I.D. card, if applicable.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting content and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Chief of Naval Personnel MAPMIS (Manpower Management Information System) ADP file; Naval Security Group field sites; Naval Security Group Field Office Representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-6

SYSTEM NAME:

Employee Explosives Certification Program

SYSTEM LOCATION:

Organization elements of the Department of the Navy as listed in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel involved in the process or evolutions of explosives operations

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual certifying document and combined register of all employees certified

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To record the names of all employees and their qualifications to work in certain categories of explosives operations

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder, punched cards

RETRIEVABILITY:

SSN, Name

SAFEGUARDS:

Personnel escort required

RETENTION AND DISPOSAL:

Permanent, unless employee terminates or is no longer involved in explosives processes. Document returned to employee's department for routine disposal after deletion from program

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer or head of the organization in question. See directory of Department of Navy mailing addresses.

NOTIFICATION PROCEDURE:

Individuals may inspect personnel certifying documents at local activity to which individual assigned. Requesters must be escorted and provide identification for inspection of their personnel records.

RECORD ACCESS PROCEDURES:

The agency rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager

RECORD SOURCE CATEGORIES:

Personnel files, previous supervisors

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-7

SYSTEM NAME:

Resale System Military Management Information System

SYSTEM LOCATION:

Commander Navy Resale and Services Support Office 3rd Avenue and 29th Street Brooklyn, NY 11232

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past military officer and key enlisted personnel assigned to the Navy Resale System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Management Information System (including: Name; rank or rate; social security number; designation date of rank; date reported; rotation date; educational level; lineal number; dependency status) Card file on officers assigned (including: dates in navy resale system; location of assignments) Correspondence folder with Officer and senior enlisted personnel (containing: preference of assignment; biographical information; and orders)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5USC301 and 10USC5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Department of the Navy Personnel in the performance of their official duties related to determining recommended replacements for key military personnel; recommending actions to the officer, personnel division, Navy Systems Command; and keeping a record of orders and pertinent correspondence with individual personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained vary, but include: Magnetic tape; printed reports; card files and file folders.

RETRIEVABILITY:

Name: rank or rating; social security number

SAFEGUARDS:

Locked file cabinets; locked archives; supervised office spaces and supervised computer tape library which is accessable only through the computer center (entry to computer center is controlled by a combination lock known by authorized personnel only).

RETENTION AND DISPOSAL:

Navy exchange records retention standards are contained in the 'Disposal of Navy and Marine Corps Records, Part II Chapters 4 and 5 and/or the Navy Exchange Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Director, Office of Military Personnal (OMP) Navy Resale and Service Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry, the requester must provide full name, social security number and military duty status. At the time of a personal visit, the requester must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contestng contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

U.S. Navy Manpower Information System; the Bureau of Personnel Navy); the individual; the individual's superior officer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-8

SYSTEM NAME:

Correction Board Case Files System.

SYSTEM LOCATION:

Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370; decentralized segments located in the Naval Military Personnel Command, Headquarters, U.S. Marine Corps, and the individual military personnel record of the service member concerned.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member or former member of the U.S. Navy or Marine Corps who has applied for the correction of his/her naval record.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of file cards with basic information and computer records derived therefrom, case files containing records of board proceedings, material submitted for correction and supporting documentation, correspondence and transcripts of board formal hearings. The basic case information and computer records derived therefrom include the following: rank; social security number/service number; docket number; date application received; subject category; subject category description; examiner's initials; date examiner assigned; branch of service; board decision; date of board decision; date decision promised if interested members of Congress; date case forwarded to the Secretary of the Navy; lineal number of officer applicant; officer designated; date officer case forwarded to Naval Military Personnel Command/Commandant of the Marine Corps; date officer case returned from Naval Military Personnel Command/ Commandant of the Marine Corps; date advisory opinion requested; identity of advisor's organization; date advisory opinion received; date service record ordered; date medical record ordered; date court-martial record ordered; date confinement record order; date Navy Discharge Review Board record ordered; date other record ordered; date service record received; date medical record received; date court-martial record received; date confinement record received; date Navy Discharge Review Board record received; date other record received; number of Navy applications received; number of Marine Corps applications received; total number of Navy and Marine Corps applications received; percent of total to grand total; total number of Navy discharge cases; total number Marine Corps discharge cases; Navy grant count; Navy deny count; Navy modify count; Marine grant; Marine deny count; Marine modify count.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1552, Title 10 United States Code; Part 723 Title 32 Code of Federal Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal:

Board for Correction of Naval Records-To review applicant's naval record to determine the existence of alleged error or injustice and to recommend appropriate corrective action when warranted-to report its findings, conclusions and recommendations to the Secretary of the Navy in appropriate cases-to respond to

inquiries from applicants, their counsel and members of Congress.

Naval Military Personnel Command-To provide advisory opinions in case involving present and former Navy personnel, to correct records of present and former Navy personnel in accordance with approved Board decisions.

Bureau of Medicine and Surgery-To provide advisory opinions on medical matters.

Naval Council of Personnel Board/ Office of Naval Disability Evaluation-To provide advisory opinions on medical matters.

Headquarters, United States Marine Corps-To provide advisory opinions in cases involving present and former Marine Corps personnel, to correct records of present and former Marine Corps personnel in accordance with approved correction Board decisions.

Litigation Division, Office of the Judge Advocate General, Department of the Navy- To prepare legal briefs and answers to complaints against the Department of the Navy, etc.

External:

Department of Justice-to defend law suits instituted against the Department of the Navy in cases involving applications to the Board for Correction of Naval Records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained as paper and microfiche records in file folders, and manually retrieved file cards.

RETRIEVABILITY:

Records are filed alphabetically, by the last name of the applicant and are cross filed by docket number, and service or social security account numbers.

SAFEGUARDS:

Access to building is protected by uniformed security officers requiring positive identification; for admission after hours, records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

All file cards are permanently retained by the agency. Case files are permanent. They are retained in the active files for three years and then retired to the Washington National Records Center, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370.

NOTIFICATION PROCEDURE:

Information should be obtained from the systems manager. Requesting individuals should specify a full name, and social security account numbers or service numbers. Visitors should be able to provide proper identity, such as a drivers license. Written requests must be signed by a requester or his/her legal representative.

RECORD ACCESS PROCEDURES:

Information may be obtained from the Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370 by providing name, military status, branch of service and social security number. Current address and telephone numbers should be included. Personal visits may be made only to the Board for Correction of Naval Records, Arlington Annex, Columbia Pike and Southgate Road, Arlington, Virginia. For personal visits, identification will be required.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents of records and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

All official Naval records, Veteran's ADMINISTRATION AND POLICE AND LAW enforcement records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01070-9

SYSTEM NAME:

White House Support Program

SYSTEM LOCATION:

White House Liaison Office, Office of the Secretary of the Navy, Department of the Navy, Washington, DC 20350.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy and Marine Corps military and civilian personnel and contractor employees who have been nominated by their employing activities for assignment to Presidential support duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records, correspondence, and other documents and records in both automated and nonautomated form concerning classification, security clearances, assignment, training, and other qualifications relating to suitability for Presidential support duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy, other components of the Department of Defense, and Executive Office of the President in the performance of their official duties related to personnel administration and the evaluation and nomination of individuals for assignment to Presidential support duties; officials and employees of other federal agencies and offices, upon request, in the performance of their official duties related to the provision of Presidential support and protection; the Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. General use and purpose: To insure that only those individuals most suitably qualified are assigned to duty in Presidential support activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc drums, and on punched cards. Manual records may be stored in file folders, or microform.

RETRIEVABILITY:

Manual Records: By name if individual has been nominated and not yet approved. By OSD approval date if individual has been approved, and by employing activity removal date if an individual is removed from assignment for cause. Automated records may be retrieved by name, social security number, and control number.

SAFEGUARDS:

Records are afforded appropriate protection at all times, stored in locked rooms and locked file cabinets, and are accessible only to authorized personnel who have a definite need to know and who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps records.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Aide to the Secretary of the Navy, Navy Department, Washington, D.C. 20350

NOTIFICATION PROCEDURE:

Requests from individuals by correspondence should be addressed to the Office of the Administrative Aide to the Secretary of the Navy, Navy Department, Washington, D.C. 20350. Visits are limited to the Office of the Administrative Aide to the Secretary of the Navy. Written requests should contain the full name of the individual and his social security number. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy and other Department of Defense components; federal, state, and local court documents; civilian and military investigative reports; general correspondence concerning the individual; and federal and state agency records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(1), (2), (3) and (5), as applicable. For additional information, contact the System Manager.

N01080-1

SYSTEM NAME:

Enlisted Master File Automated System

SYSTEM LOCATION:

Bureau of Naval Personnel, Navy Department, Washington, D. C. 20370; Personnel Management Information Center, New Orleans, LA 70159; Naval Reserve Personnel Center, New Orleans, LA 70159

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy Enlisted Personnel: Active and Inactive

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer file contains data concerning enlisted assignment, planning, programming, accounting, promotions, career development, procurement, education, training, retirement, performance, security, personal data, qualifications, programming, and enlisted reserve drill data. The system also contains Activity Personnel Diaries, personnel accounting documents, Reserve Unit Drill reports and other personnel transaction documents necessary to maintain file accuracy and currency; and all computer extracts. microform, and printed reports therefrom.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to the Navy's military management program. of Navy enlisted personnel and the operation of personnel affairs and functions; the design, development; maintenance and operation of the automated system of records.

Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management, supervision, and administration of Navy enlisted personnel.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of Navy enlisted personnel and the operation of personnel affairs and functions.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and administration of Navy enlisted personnel and the operation of personnel affairs and functions. The Senate or the House of Representatives of the United States or any committee or subcommittee therof, on matters within their jurisdiction requiring disclosure of the files or records of Navy enlisted personnel.

Such civilian contractors and their employees as are or may be operating in accordance with an approved, official contract with the U. S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, disks, drums and on punched cards.

Printed reports and other related documents supporting the system are stored in authorized areas only.

RETRIEVABILITY:

Automated records are retrieved by Social Security Account Number.

SAFEGUARDS:

Within the computer center, controls have been established to desseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertant or unauthorized disclosure will result in harm, embarrassment, inconvience or unfairness to the individual, will be shredded. Computer files are kept in a secure, continuously manned area and are accessible only to authorized computer operators, programmers, enlisted managment, placement, and distributing personnel who are directed to respond to valid, official requests for data. These accesses are controlled and monitored by the Security System.

RETENTION AND DISPOSAL:

Automated records are retained in accordance with MAPMIS manual (periods range from 1 month to permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, D. C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence from active duty enlisted personnel shall be

addressed to : Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D. C. 20370; requests by correspondence from inactive duty and reserve personnel shall be addressed to: Commanding Officer, Naval Reserve Personnel Center (Attn: Privacy Act Coordinator), New Orleans, La 70159; request shall contain full name, social security account number, rank, status, and signature of requestor.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy and Department of Defense and Components thereof in performance of their office duties and as specified by current instructions and regulations promulgated by competent authority; educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01080-2

SYSTEM NAME:

Officer Master File Automated System

SYSTEM LOCATION:

Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370; Personnel Management Information Center, New Orleans, LA 70159; Naval Reserve Personnel Center, New Orleans, LA 70159

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Naval Officers; commissioned, warrant, active, inactive; officer candidates, and Naval Reserve Officer Training Corps personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer file contains data concerning officer assignment, planning, accounting, promotions, career development, procurement, education, training, retirement, performance, security, personal data, qualifications, programming, and Reserve Officer drill data. System also contains activity Personnel Diaries, personnel accounting documents, Reserve Unit Drill Reports and other personnel transaction documents necessary to maintain file accuracy and currency; and all computer file extracts, microform and printed reports therefrom.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision, and administration of Navy officer personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the automated system of records.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's military manpower management program. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executvie Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of Navy officer personnel and the operation of personnel affairs and functions.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and administration of Navy officer personnel and the operation of personnel affairs and functions. The Senate or the House of Representatives of the United States or any committee or subcommittee therof, on matters within their jurisdiction requiring disclosure of the files or records of Navy officer personnel.

Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated Records are stored on magnetic tapes, disks, drums and on punched cards. Printed reports and other paper documents supporting the system are stored in authorized personnel areas only.

RETRIEVABILITY:

Automated records are retrieved by Social Security Account number.

SAFEGUARDS:

Within the computer center, controls have been established to disseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertent or unauthorized disclosure that would result in harm, embarrasment, inconvenience or unfairness to the indiviual, will be shredded. Computer files are kept in a secure, continuously manned area and are distributing personnel who are directed to respond to valid, official request for data. These accesses are controlled and monitored by the Security System.

RETENTION AND DISPOSAL:

Records are retained in accordance with MAPMIS Manual (periods range from 1 month to permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Department of the Navy, Washington, D.C. 20370.

NOTIFICATION PROCEDURE:

Active duty Navy Officers/Officer Candidates shall request by correspondence addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator) Navy Department, Washington, D.C. 20370. Naval Reserve and retired officers shall request by correspondence from commanding officer, Naval Reserve Personnel Center, New Orleans, LA 70159. Requests shall contain full name, Social Security Account Number, rank, status, address and signature of the requestor.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual

concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense and components therof, in performance of their official duties and as specified by current Instructions and Regulation promulgated by competent authority; official records of professional qualifications; Educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01130-1

SYSTEM NAME:

Low Quality Recruiting Report

SYSTEM LOCATION:

Commander, Naval Recruiting Command 4015 Wilson Blvd Arlington, Va 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reports of enlisted performance

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of performance

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Navy Recruiting Command and the Chief of Naval Education and Training, Chief of Naval Technical Training, and the Recruit Training Center to evaluate the quality of recruits with a view towards improvement of recruitment and training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folder

RETRIEVABILITY:

Random filing by submitting activity

SAFEGUARDS:

Maintained in locked safe in controlled building

RETENTION AND DISPOSAL:

Two years

SYSTEM MANAGER(S) AND ADDRESS:

Commander Navy Recruiting Command

NOTIFICATION PROCEDURE:

By individual request upon presentation of letter or identification. Must provide program and name.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Service Record entries, Commanding Officers performance evaluations

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01131-1

SYSTEM NAME:

Officer Selection and Appointment System

SYSTEM LOCATION:

Primary System - Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203 Decentralized segments - Headquarters, Navy Recruiting Activities and subsidiary offices; Armed Forces Entrance and examining Centers; Bureau of Naval Personnel; Bureau of Medicine and Surgery; National Personnel Records Centers; Naval Reserve Units; Naval Education and Training Activities; NROTC Units; Naval Sea Systems Command Headquarters; Naval Intelligence Command and subsidiary activities; Department of Defense Medical Examination Review Board.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made application for direct appointment to commissioned grade in the Regualr Navy or Naval Reserve, applied for officer candidate program leading to commissioned status in the U.S. Naval Reserve, applied for a Navy/Marine Corps sponsored NROTC scholarship program or preparatory school program, applied for interservice transfer to Regular Navy or Naval Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records and correspondence in both automated and non-automated form concerning any applicant's personal history, education, professional qualifications, physical qualifications, mental aptitude, character and interview appraisals, National Agency Checks and certifications of background investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Sections governing authority to appoint officers. 10 USC Sections 591, 600, 716, 2107, 2122, 5579, 5600. Merchant Marine Act of 1930 (as amended); Executive Orders 9397, 10450, 11652; 5 USC 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their duties in managing and contributing to the recruitment of qualified men and women for officer programs in the regular and reserve components of the Navy.

Officials and employees of the Department of Defense in the performance of their official duties.

Officials and employees of the Department of Transportation in the performance of their official duties.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management of quality military recruitment.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies. Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

Officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

Such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape; paper records are stored in file folders.

RETRIEVABILITY:

Name and social security number applicant

SAFEGUARDS:

Records kept in file cabinets and offices locked after working hours. Based on requirements of user activity, some buildings have 24-hour security guards.

RETENTION AND DISPOSAL:

Application records maintained six months; after six months, summary sheets maintained for 5 years at National Record Storage Center. NROTC application records kept for current year only. Correspondence files maintained for two years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander Naval Recruiting Command (Attn: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, Va. 22203; or, Chief of Naval Reserve (Code 111C), New Orleans, Louisiana, 70146, or, to applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. Letter should contain full name, address, social security account number and signature.

The individual may visit Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Va. 22203. Proof of identification will consist of picture-bearing or other official identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Navy Recruiting personnel and employees processing application; Medical personnel conducting physical examination and private physicians providing consultations or patient history; character and employer references named by applicants; educational institutions, staff and faculty members; Selective Service Commission local state, and Federal law enforcement agencies; prior to current military service record; members of Congress; Commanding Officer of Naval Unit, if active duty; Department of Navy offices charged with personnel security clearance functions. Other officials and employees of the Department of the Navy, Department of Defense, and components thereof, in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (k)(1), (5), (6) and (7), as applicable. For additional information, contact the System Manager.

N01131-2

SYSTEM NAME:

U.S. Naval Academy Admissions Records

SYSTEM LOCATION:

U.S. Naval Academy, Leahy Hall, Annapolis, Maryland 21402.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All candidates for admission to the Naval Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Admissions records, including information on nominations and appointments, and candidate guidance files. Admissions files contain personal data, personal statements, transcripts from previous academic institutions, admission tests results, physical aptitude exam results, recommendation letters from school officials and others, interest inventory, extracurricular activities report, and report of officer interview. Nominations and appointments records consist of card files all Congressional Offices and who each congressman appointed; files of candidates nominated for the following academic year; status cards, indexed by nominating source, of all candidates appointed, admitted, and graduated or resigned prior to graduation. Similar files are separately kept on foreign candidates. Candidate guidance files consist of precandidate questionnaires concerning educational background, personal data, physical data, extracurricular activities and employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 6956, 6957, and 6958, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Nominations and admissions records, including pre-candidate questionnaires, are the starting point of records for all future midshipmen. They are used to keep track of all candidates nominated by Congress and other sources. All nominating sources have access to records. The Academy admissions department uses the records to determine qualification status for candidates. The records may also be used by various faculty department heads, and the Naval Academy Prep School.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are filed in folders or index boxes, and stored in file cabinets in the appropriate offices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Basic admissions records are retrieved by use of a six digit candidate number. Nominations and Appointment records are indexed either by candidate names or by nomination source. Candidate guidance questionnaires are stored by candidate names alphabetically.

SAFEGUARDS:

Visitor control and all files are kept in locked file cabinets and locked offices.

RETENTION AND DISPOSAL:

Admissions records of admitted candidates are kept by the Registrar's office after a candidate reports. Unsuccessful candidate files are kept for one year in locked file, then destroyed. Nomination and Appointment files vary in retention. All Congressional Office card files are kept for 10 years on the premises. Status cards of admittees are kept until graduation or resignation, and then transferred to the Academy archives and microfilmed. Nominations files are disposed of yearly through normal refuse removal methods. Candidate guidance files are destroyed after one year.

SYSTEM MANAGER(S) AND ADDRESS:

Admissions Officer, Office of the Dean of Admissions, U.S. Naval Academy, Annapolis, Maryland 21402.

NOTIFICATION PROCEDURE:

Written request may be made to the system manager.

RECORD ACCESS PROCEDURES:

Rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

Rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Educational institutions, nominating sources, individual candidates, school officials, personal statements, Blue and Gold officer interviews, and letters of recommendation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01133-1

SYSTEM NAME:

NAME/LEAD Processing System

SYSTEM LOCATION:

Primary System, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have responded to Navy advertising, requested their names not be used in future Navy advertising, students throughout the country who may be qualified for enlistment, first-term enlistees on active duty in the U. S. Navy, veterans, enlisted discharged personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated and non-automated form containing personal records and correspondence on both education, service, and Navy program information on potential Navy applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 5531; Section 133, 503, 504, 508, 510; 5 USC Sections 301, 302; 44 USC Sections 3101, 3702

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Navy recruiting officials and employees in the performance of their official duties in managing the recruitment of men and women for officer and enlisted programs in the regular and reserve components of the Navy.

The Comptroller General or any of his authorized representatives, upon request, in the course of performance of the duties of the general accounting office.

Officials and employees of the Department of Defense in the performance of their official duties.

Civilian contractors and their employees who manage automated and

Officials and employees of the Department of Transportation in the performance of their official duties. manual categories of records in accordance with an approved, official contract with the U. S. Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained on disks, magnetic tape or on punched cards in a limited access area.

Computer print outs are stored in locked filing cabinets or file folders

RETRIEVABILITY:

Information can be accessed by name, program and social security account number.

SAFEGUARDS:

Lists and files are handled with maximum security during processing and storage, and are accessible to routine users only and then only through a selected group of individuals charged with security of the lists. Files are stored in a limited access area and coded so that only several persons have both knowledge of the code and access to the files.

RETENTION AND DISPOSAL:

A record is maintained of all outgoing automated responses, and disposed of in accordance with Departmental Regulations.

Compiled lists and commercial purchased lists are maintained for certain period of time depending on the usefulness and currentness of the information, and disposed of in accordance with Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Recruiting Adverstising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

NOTIFICATION PROCEDURE:

Requests should be addressed to: Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wildon Boulevard, Arlington, Virginia 22203.

Requester is required to provide a full name, address, and signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Parents, influentials, friends and associates of the subject of the records and officials and employees of the Department of the Navy, Department of Defense, and the Veterans Administration in the performance of their official duties and as specified by current Instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01133-2

SYSTEM NAME:

Recruiting Enlisted Selection System

SYSTEM LOCATION:

Primary System - Commander Navy Recruiting Command Decentralized Segments - Navy Recruiting Area Commanders, Navy Recruiting District Headquarters, Navy Recruiting 'A' Stations, Navy Recruiting Branch Stations, AFEES.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records and corespondence pertaining to prospective applicants, applicants for regular and reserve enlisted programs, and any other individuals who have initiated correspondence pertaining to enlistment in the United States Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records and correspondence in both automated and non-automated form concerning personal history, education, professional qualifications, mental aptitude, physical qualifications, character and interview appraisals, National Agency Checks and certifications, service performance and congressional or special interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC Sections 133, 275, 503, 504, 508, 510, 672, 1071 - 1087, 1168, 1169, 1475 - 1480, 1553, 5031; 5 USC 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their duties in managing and contributing to the recruitment of qualified men and women for enlistment in the regular and reserve components of the Navy. The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management of quality military recruitment.

Officials and employees of the Department of Defense in the performance of official duties.

Officials and employees of the Department of Transportation in carrying out their official duties.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies. Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

Officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

Such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape; paper records are stored in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of subject

SAFEGUARDS:

Records are accesible only to authorized Navy recruiting personnel within and are handled with security procedures appropriate for documents classified 'For Offical Use Only'

RETENTION AND DISPOSAL:

Records are normally maintained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander Naval Recruiting Command (Attn: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203; or, Chief of Naval Reserve (Code 111C), New Orleans, Louisiana, 70146, or, to applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. Letter should contain full name, address, social security account number and signature.

The individual may visit Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203. Proof of identification will consist of picture-bearing or other official identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Navy Recruiting personnel and Administrative Staff; Medical Personnel conducting physical examinations and/or Private Physicians providing consultations or patient history; Character and Employer references; Educational institutions, Staff and Faculty members; Selective Service Commission; Local, State, and Federal Law enforcement agencies; prior or current military service records; Members of Congress.

Other officials and employees of the Department of the Navy, Department of Defense and components thereof, in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N01136-1

SYSTEM NAME:

Navy Recruiting Support System

SYSTEM LOCATION:

Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Aarlington, Virginia 22203

Decentralized Segments-Navy Recruiting Areas; Navy Recruiting Districts; Navy Recruiting 'A' Stations; Navy Recruiting Branch Stations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students who have taken the Armed Forces Vocational Aptitude Battery; Naval Reserve officers nominated by District Commanding Officers for a collateral duty assignment as Recruiting District Assistance Council Chairmen (RDAC); Enlisted Personnel selected by local Navy Recruiter for participation in local Navy Recruiting effort; Community leaders and individuals who provide assistance to Navy Recruiters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; Address; Pertinent family information; Pertinent military information; Professional and education affiliations and experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC Sections 133, 503, 504, 508, 510, 5031; 5 USC 301 Departmental Regulations; 44 USC Sections 3101, 3702.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide field recruiters with various vehicles of recruiting support; to familiarize Navy Recruiters with community leaders; to provide a thorough interface between the Navy and the community; to promote the Navy among the members of the civilian community; to provide educators with a measure of the vocational aptitude of their students through administration of the Armed Services Vocational Aptitude Battery; cultivate community awareness; to assign inactive Reserve officers to Recruiting support functions as Recruiting District Assistance Council Chairmen; to facilitate liaison with various business and social and education cultures in the community; obtain media support for the Navy

Recruiting Command; Assist the local recruiter in anyway the recruiter feels necessary; to generate prospective applicants for the United States Navy. Enlisted/Officer Navy Recruiters; Navy Recruiting District Commanding Officers; Navy Recruiting Area Commanders; Navy Recruiting Headquarters staff personnel; Naval Reserve Officers filling official recruiting support functions.

Officials and employees of the Department of the Navy in the performance of their duties in managing and contributing to the recruitment of qualified men and women for officer programs in the regular and reserve components of the Navy.

Officials and employees of the Department of Defense in carrying out their official duties.

Officials and employees of the Department of Transportation in carrying out their official duties.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management of quality military recruitment.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies. Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

Officials and employees of the Veterans Administration and Selective Service Adminitration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets and magnetic tape

RETRIEVABILITY:

Information can be accessed by name and social security number

SAFEGUARDS:

Lists and files are handled with discretion and accessible only to those personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained for the tenure of the individual involved or in the case of high school Armed Services Vocational Aptitude Battery lists for a maximum two-year period or until information is no longer useful for recruiting support.

Magnetic tapes are demagnetized; other manual files are shredded or burned when discarded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203 Telephone: 202/692-4795

Requester is required to supply full name, rank/rate (if applicable), address and social security number.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Subject of the information; Field Recruiters; Area Commanders/ District Commanding Officers; Chief of Naval Personnel; Chief of Naval Reserve; District Commandants; Chief of Naval Education and Training; Vocational Testing Group; Recruit Training Commands; Service Schools Commands and other officials and employees in the Department of the Navy and other components of the Department of Defense in the performance of their officials duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01211-1

SYSTEM NAME:

Naval Research Reserve Program Personnel Accounting System

SYSTEM LOCATION:

Office of Naval Research 800 North Quincy st. Arlington, VA 22217

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research reserve personnel, officer and enlisted

CATEGORIES OF RECORDS IN THE SYSTEM:

Military identification information, including Naval Officer Billet Codes, plus professional qualifications information, including education and occupation

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Mobiliazation plannng, active duty for training order endorsements, preparation of Quarterly Reserve Status Report on Readiness of Reserve for the Chief of Naval Research (CNR), Research Reserve Annual Report for CNR

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, printouts, printed forms (NAVSO 1080/2 and 1080/2A)

RETRIEVABILITY:

Name, rank, designator, NOBC's, education, major subject, First Navy qualification, first job function, reserve unit affiliation

SAFEGUARDS:

Records kept in controlled access building, controlled computer spaces, file cabinets in limited access offices

RETENTION AND DISPOSAL:

Physically destroyed annualy when new questionnaire forms are received

SYSTEM MANAGER(S) AND ADDRESS:

RESEARCH RESERVE COORDINATOR, CODE 725 OFFICE OF NAVAL RESEARCH ARLINGTON, VA 22217

NOTIFICATION PROCEDURE: WRITE TO SYSMANAGER, GIVING FULL NAME, RANK, SSN. VISIT OFFICE AT ABOVE ADDRESS, SHOWING NAVAL RESEARCH ID CARD.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Qualifications Questionnaire Naval Reserve Research Program, NAVSO form 1080/2

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01301-1

SYSTEM NAME:

Office of the Judge Advocate General, Reporting Questionnaire

SYSTEM LOCATION:

Office of the Judge Advocate General, (Code 61), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers reporting for duty in the Office of the Judge Advocate General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, SSAN, designator, rank, date of rank, branch of service, place and date of birth, dependents, wife's name, height, weight, eye and hair color, home address and telephone number, date reported, date detached, previous duty station and mode of travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 806

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To assist Judge Advocate General in assignment of officers within the Office of the Judge Advocate General and, until recently, this information was also used to assist Officers in obtaining identification cards for themselves and their dependents. These records may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records kept in a folder alphabetically, stored in a file cabinet.

RETRIEVABILITY:

By officer's name.

SAFEGUARDS:

Records are maintained in a file cabinet under the control of authorized personnel during working hours; and the office space in which the cabinet is located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are destroyed when the officer is transferred from the Office of the Judge Advocate General.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Written requests must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information submitted by the officer upon his reporting for duty in the Office of the Judge Advocate General.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01301-2

SYSTEM NAME:

Naval Officer Development and Distribution Support System

SYSTEM LOCATION:

Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Naval officers on active duty; all Naval Reserve officers requesting recall to active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and personnel records in both automated and non-automated form concerning classification, qualifications, assignment, placement, career development, education, training, recall, release from active duty and management of Naval officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations
10 USC 5504 Lineal List
10 USC 5708 Promotion Selection List

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to the classification, qualifications, assignment, placement, career development, education, training, recall and release of officer personnel in order to meet manpower allocations and requirements.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's military manpower allocations and requirements.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representive of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management and administration of Naval officer personnel in order to meet manpower allocations and requirements.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management and administration of Naval officer personnel in order to meet manpower allocations and requirements.

The Senate or the House of Representatives of the United States or any Committee or subcommittee therof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel.

Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U. S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetice tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by social security account number and/or name.

Manual records may be retrieved by name or social security account number.

SAFEGUARDS:

Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are generally maintained until superseded, or for a period of two years or until release from active duty and disposed of by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washingtonm, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator) Navy Department, Washington, D.C. 20370. The letter should contain full name, rank, social security account number, designator, address and signature.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB 2) Rm. 1066 Washington, D.C. for assistance. Advance notification is requested for personal visits. Proof of identification will consist of military identification card.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personnel Service jackets; records of the officer promotion system; officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current instructions and regulations promulgated by competent authority; education institutions; official records of professional qualifications; general correspondence concerning the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01306-1

SYSTEM NAME:

Enlisted Development and Distribution Support System

SYSTEM LOCATION:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370 Secondary System-Enlisted Personnel Management Center, New Orleans, Louisiana 70159 and Naval Reserve Personnel Center, Naval Support Activity (East Bank), Bldg. 603, New Orleans, Louisiana 70159

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy enlisted personnel: active, inactive, reserve, fleet reserve, and retired.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records in both automated and non-automated form concerning classification, assignment, distribution, advancement, performance, retention, reenlistment, separation, training, education, morale, personal affairs, benefits, entitlements, and administration of Navy military personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and emloyees of the Department of the Navy in the performance of their official duties to initiate, develop, implement, and carry out policies pertaining to enlisted personnel assignment, placement, retention, career enhancement and motivation, and other career related matters, in order to meet manpower allocations and requirements.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management and administration of Navy enlisted personnel in order to meet manpower allocations and requirements.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management and administration of Navy enlisted personnel in order to meet manpower allocations and requirements.

The Senate of the House of Representatives of the United States or any Committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel.

Such civilian contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums, and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by social security account number and/or name.

Manual records may be retrieved by name, social security account number, or enlisted service number.

SAFEGUARDS:

Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

The Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, for Training and Administration of Reserve personnel only, to Commanding Officer, (Attn: Privacy Act Coordinator) Naval Reserve Personnel Center, Naval Support Activity (East Bank), Bldg. 603, New Orleans, Louisiana 70159. The letter should contain full name, social security account number (and/or enlisted service number), rate, military status, and signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB 2), Rm. 1066, Washington, D.C. for assistance with records located in that building; or Training and Administration of Reserve personnel may visit the Commanding Officer (Privacy Act Coordinator), Naval Support Activity (East Bank), Bldg. 603, New Orleans, Louisiana 70159. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to ecords may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components therof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual; official records of professional qualifications; Navy Relief and American Red Cross requests for verification of status; Educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01420-1

SYSTEM NAME:

Officer Promotion System

SYSTEM LOCATION:

Bureau of Naval Personnel, Navy Department, Washington D.C. 20370; and Reporting Seniors (see Directory of the Department of the Navy Mailing Addresses); Federal Records Storage Centers; National Archives.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers on active duty; all reserve officers on inactive duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Fitness Report Jacket, Selection Board Jacket, Officer Summary Record. Promotion History Cards, and other records concerning fitness and qualifications of officers and related to promotion requirements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations
10 USC 543 Selection Boards
10 USC 33, 545, 549 Promotions

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to the selection of officers for promotion in the U.S. Navy.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's Officer Promotion System and records contained therin.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch Agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the Navy's Officer Promotion System and records contained therin.

Officials and employees of other Departments and Agencies of the Executive Branch of the Government, upon request, in the performance of their official duties related to the Navy's Officer Promotion System and the records contained therein.

The Senate or the House of Representatives of the United States or any committee or subcommittee therof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Naval Officers. Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tape, discs or on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by social security account number. Manual records may be retrieved by social security account number and/or officer file number, and name.

SAFEGUARDS:

Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or to Reporting Seniors (see Directory of the Department of the Navy Mailing Addresses). The letter should contain full name, social security account number, (or officer file number), rank, military status, address and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex,

(FOB#2), Rm. 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the Reporting Senior for records maintained by that individual. Proof of identification will consist of Military Identification Card.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, other Departments and Agencies of the Executive Branch of the Government, and components therof, in the performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; educational institutions; federal, state and local court documents; general correspondence concerning the individual;official records of professional qualifications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N01500-1

SYSTEM NAME:

Naval Educational Development Records.

SYSTEM LOCATION:

Chief of Naval Education and Training Naval Air Station Pensacola, FL 32508

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applications, participants, graduates and staff of officer acquisition. professional development, Navy Youth, dependents' education (Atlantic), and Non-Traditional Education Support programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, biographical information, student records and reports of performance, graduation, and disenrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Naval Educational Development staff members, selection boards, Bureau of Naval Personnel and Navy media for selection, student monitoring, and utilization of graduates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and punched cards.

RETRIEVABILITY:

Name and SSN

SAFEGUARDS:

Locked buildings and access only to authorized personnel.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual

SYSTEM MANAGER(S) AND ADDRESS:

Director of Naval Educational Development (See location section)

NOTIFICATION PROCEDURE:

By individual request upon presentation of letter of identification. Must provide program and name.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual applications, selection board proceedings, transcripts, and correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01500-2

SYSTEM NAME:

NAVSCOLS/TIS, USMC Training Supsys

SYSTEM LOCATION:

Schools and other training activities or similar organizational elements of the Department of the Navy and Marine Corps as listed in the directory of Department of Navy activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of present, former, and prospective students at Navy and Marine Corps schools and other training activities or associated educational institution of Navy sponsored programs; instructors, staff and support personnel; participants associated with activities of the Naval Education and Training Command, including the Navy Campus for Achievement and other training programs; tutorial and tutorial volunteer programs; dependents' schooling.

CATEGORIES OF RECORDS IN THE SYSTEM:

Schools and personnel training programs administration and evaluation records. Such records as basic identification records i.e., social security number, name, sex, date of birth, personnel records i.e., rank/rate/grade, branch of service, billet, expiration of active obligated service, professional records i.e., Navy enlisted classification, military occupational specialty for Marines, subspecialty codes, test scores, basic test battery scores, and Navy advancement test scores. Educational records i.e., education levels, service and civilian schools attended, degrees, majors, personnel assignment data, course achievement data, class grades, class standing, and attrition categories. Academic/training records, manual and mechanized, and other records of educational and professional accomplishment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Schools and training programs administration and evaluation. Student performance, progression and prediction; instructors performance; organizational and administrative control. Internal Navy users are Chief of Naval Personnel, Naval Education and Training Command Activities Staff Personnel and the Commandant of the Marine Corps and his designated officials in the performance of their duties relating to training/assignments. Type commanders; Health/Science Education Training Center; Cheif, Bureau of Medicine and Surgery; Commander Naval Recruiting Command, and to other Department of the Navy officials in the performance of personnel training functions. Information may be used to determine course and training demands, requirement, and achievements; analyze student groups or courses; provide

academic and performance evaluation in response to official inquiries; guidance and counseling of students; preparation of required reports, and for other training administration and planning purposes. Internal users are staff and faculty. Information is provided to officials of the Department of Defense on 'need-to-know' basis in the performance of their official duties; and for reporting to other government agencies, such as HEW. It may be provided to such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in microform or in file folders, card files, file drawers, cabinets, or other filing equipment. Automated records may be stored on magnetic tape, discs, punched cards, etc.

RETRIEVABILITY:

Social security number and name

SAFEGUARDS:

Access is provided on a 'need-to-know' basis and to authorized personnel only. Records are maintained in controlled access rooms or areas. Data is limited to personnel training associated information. Computer terminal access is controlled by terminal identification and the password or similar system. Terminal identification is positive and maintained by control points. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring are the responsibility of the functional managers. Information provided via batch processing is of a predetermined and rigidly formatted nature. Output is controlled by the functional managers who also control the distribution of output.

RETENTION AND DISPOSAL:

Records disposal manual.

SYSTEM MANAGER(S) AND ADDRESS:

The commanding officer of the activity in question. See the directory of Navy and Marine Corps activities mailing addresses.

NOTIFICATION PROCEDURE:

Apply to system manager. Requestor should provide his full name, social security number, military or civilian duty status, if applicable, and other data when appropriate, such as graduation date. Visitors should present drivers license, military or Navy civilian employment identification card, or other similar identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, schools and educational institutions, Chief of Naval Personnel, staff of Naval Education and Training Command and other activities and the Commandant of the Marine corps; instructor personnel; and commander, Naval Recruiting Command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01500-3

SYSTEM NAME:

Students awaiting legal, medical action account

SYSTEM LOCATION:

Naval Air Technical Training Center, Lakehurst, New Jersey 08733

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. The student locator card file contains specific data on all student personnel assigned to NATTCL, whether or not they successfully completed training. A dead file is maintained after the student is transferred.

B. The 'others' file is a list of all students on board that are not enrolled in class. Categories include: disciplinary, medical, and administrative (awaiting orders, port calls, passports, humanitarian requests, administrative discharge).

CATEGORIES OF RECORDS IN THE SYSTEM:

A. The student locator card file is composed of 4' x 6' cards on which the following is recorded: name, previous command, rate, branch of service, date of transfer, new duty station and command, estimated date of arrival, standard transfer order number, and rate upon departure.

B. The following information is included on students listed in the 'others' file: date of hold, type of hold, estimated period of hold, work assignment, parent command notification, date re-enrolled, availability submission (used to notify Chief of Naval Personnel of member's availability for transfer), date orders or discharge authorization received, date transferred, and remarks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A. The file is used routinely to verify date of departure; to determine, in conjunction with the next duty station, if member is an unauthorized absentee; to verify attendance and/or completion of training; to answer requests by parents who do not know the school or class which member is attending; for forwarding official correspondence.

B. This file is utilized to maintain accountability of all students not enrolled in class to ensure the appropriate administrative actions are completed in a timely manner ensuring minimum delay in the training pipeline. The file is utilized daily by the student control office and is routed periodically to the commanding officer via the personnel officer, administrative officer, and executive officer.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A. Index card drawer
B. File folders

RETRIEVABILITY:

A. Name
B. Name, rate, social security number

SAFEGUARDS:

A. Locked room
B. Maintained in locked room-accessibility is limited to the student control office personnel, personnel officer, administrative officer, legal officer, executive officer, and commanding officer.

RETENTION AND DISPOSAL:

A. Two years
B. Two years

SYSTEM MANAGER(S) AND ADDRESS:

A. Personnel office supervisor
B. Personnel office supervisor

NOTIFICATION PROCEDURE:

A. The file is available to members upon proper identiication.

B. The file does not contain information beneficial to the individual; however, with proper identification any student can review the form pertaining to himself. This may be accomplished by

presentation of Military I.D. card to a responsible petty officer in the student control office.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

A. Official documents such as orders, assignment directives, and service records.

B. Sources of information are: NATTCL schools, medical authorities, legal officer, transfer section of personnel office, drug exemption officer, NATTCL duty office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01500-4

SYSTEM NAME:

DODCI Student Record System

SYSTEM LOCATION:

Department of Defense Computer Institute, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students who have completed a course of instruction presented by the Department of Defense Computer Institute: primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local government agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetized card file of students who have attended DODCI courses. Record consists of name, military rank or rate, civilian grade, branch of service, DOD agency or activity and title of course attended. Also associated file of consolidated listing of students for each course offering arranged by DOD agency or activity and name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records maintained by DODCI registrar to respond to individuals requesting official verification of attendane to a specific course or response to students agency or activity requesting official record of training completed. Used to compile statistical data of student throughput, e.g., attendance by course, attendance by branch of service, composition of students by rank/rate/grade, branch of service, agency or activity. Statistical data is not compiled by name.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Alphabetic card file and file folders in file cabinet.

RETRIEVABILITY:

Name and course title.

SAFEGUARDS:

Maintained in administrative office which is locked after normal working hours, accessible only to authorized office staff and director or delegate on demand.

RETENTION AND DISPOSAL:

Individual cards by student name and consolidated listing of students are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

NOTIFICATION PROCEDURE:

By individual request upon presentation of letter or identification. Must provide course title and year of attendance.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concernd may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Enrollment and registration request for DOD management education and training program courses (DD Form 1556), and course listing of students review by course manager and individual students.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01500-5

SYSTEM NAME:

DODCI Student/Faculty/Senior Staff Biography System

SYSTEM LOCATION:

Department of the Defense Computer Institute, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All faculty members, senior staff members, and guest lecturers currently instructing or managing at the DODCI. All students who are attending or who have completed a course of instructions presented by the Department of Defense Computer Institute: primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local governments agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographic summary forms individually submitted upon request by each DODCI faculty member, senior staff member, guest lecturer, or student. Students record consists of name, rank or rate, civilian grade, organization and division, office phone number, current and previous job titles and positions, number of months with present job title, major duties of present job, formal education completed, objectives for attending DODCI course, computer-related and other technical training and experience, information on usage of computers in present position, influence and authority student has over design of computer-based systems including security and privacy aspects, extent involved in planning and design of teleprocessing systems. Faculuty/senior staff record consists of name, rank or rate, current and previous job titles and positions, former major duties, formal education completed, computer-related and other technical training experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in the student biographical summaries is restricted to internal use within DODCI. Used by course managers and functional department head to evaluate education level, computer related work experience, and general computer background of DODCI students. Establishes student qualifications to attend a requested course and if course objectives have satisfied personal objectives of students for attending course. Statistical summarization of information contained therein provides basis for modification and revision to course content. Also serves as vehicle to place student into appropriate laboratory and seminar group in courses requiring such a breakout.

Information on faculty/senior staff members contained in the biographical summaries is provided to students as an attachment to their student notebooks. Records are used to identify faculty and senior staff members, areas of data processing and information management expertise for consultation purposes and as an expertise peamble to the next scheduled lecturer.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in file cabinet.

RETRIEVABILITY:

By name for faculty/senior staff members. Course title and name for students.

SAFEGUARDS:

Maintained in scheduling office (for students) and in the reproduction shop (for faculty/members) which is locked after normal working hours, access controlled by system manager and accessible only to authorized faculty members, director of administration, and director or delegate on demand.

RETENTION AND DISPOSAL:

All completed individual student biographical summaries attending a specific course are retained in a file folder marked by course title and course date. Individual student biographical summaries are retained by course for two fiscal years preceeding the fiscal year in progress. All individual faculty and senior staff biographical summaries are retained in a master file folder until no longer providing services to DODCI. Master file is review periodically to maintain currency. Students receiving a course notebook can retain the included biographical records are well as the notebook.

SYSTEM MANAGER(S) AND ADDRESS:

Scheduling Officer, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

NOTIFICATION PROCEDURE:

Students by individual request upon presentation of letter of identification. Must provide course title and year of attendance.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Student biography forms are of DODCI origin and completed by each individual student. Forms are completed either the first day of the course or, in the case of certain specific courses, are mailed to the prospective student requesting return prior to commencement of the course.

Biographies are authorized by each faculty and senior staff member soon after arrival at DODCI. Guest lecturers are requested to voluntarily submit biographies for use in course notebooks. Contents is never changed, but in some cases selectively reduced in length so as not to exceed one page. Format and content are generated solely by DODCI member and are subjected only to editorial review.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01500-6

SYSTEM NAME:

DODCI Course Evaluation System

SYSTEM LOCATION:

Department of Defense Computer Institute, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students who have completed a course of instruction presented by the Department of Defense Computer Institute: primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local government agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual student evaluation of entire course and random sampling of specific lecture presentations. Includes objectives for attending course; statement concerning realization of personal objectives, numerical or qualitative rating of overall course, lab sessions and/or specific lectures; list of strengths and weaknesses of course; list of lecture subjects of particular benefit or of little use to student; list of lecture subjects which should be expanded or reduced in coverage; and list of topics not covered in course but should be included. Comments concerning course content, sequence, lecture presentation, teaching techniques, audio visual aids, physical facilities and administrative support are solicited and recorded. Categories are posed as questions with ample space to encourage written response of student opinion in a structured but non-restrictive format. These Course Evaluation Forms also contain hard core factual information, i.e., course title, course dates, student name, rank/rate/grade, branch of service, duty station or agency, and present job title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Use of the student evaluation forms and the information contained therein is restricted to internal use within DODCI. Used to evaluate course, lecture, teaching techniques and individual instructor effectiveness. Provides basis for modification and revision to course content and sequence and lecture content. Provides input to long range plan for course update, additions and revisions. Copy is provided to unit education offices upon request. Student evaluations of all attendees to a particular course are reviewed as a composite group by DODCI faculty members to determine problem areas, trends, and provides a continuous evaluation of course effectiveness.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in file cabinet.

RETRIEVABILITY:

Course Title and Student Name.

SAFEGUARDS:

Maintained in Scheduling Office which is locked after normal working hours, access controlled by Systems Manager and accessible only to authorized faculty members. Director of Administration, and Director or delegate on demand.

RETENTION AND DISPOSAL:

All completed individual evaluations of students attending a specific course are retained in a file folder marked by Course Title and Course Date. Individual student evaluation forms are retained by course for two fiscal years preceeding the fiscal year in progress.

SYSTEM MANAGER(S) AND ADDRESS:

Scheduling Officer, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

NOTIFICATION PROCEDURE:

By individual request upon presentation of letter or identification. Must provide course title and year of attendance.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Student Course Evaluation Forms are of DODCI origin and distributed in class and completed by each individual student.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01500-7

SYSTEM NAME:

DODCI Lecture-Instructor Inventory System.

SYSTEM LOCATION:

Department of Defense Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current DODCI instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Two disk files comprise the system of records. First master file contains instructor's name, functional group assignment code, projected date of departure; list of lectures instructor gives. Second master file contains lecture I.D., title, lecture primary, instructors giving the lecture. In addition to the items on disk, a manual file is maintained which is a record summary form containing the names of DODCI instructors and the number of lectures and/or laboratory hours they present in resident or on-site classes each quarter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provides the ability for functional managers to generate a list of instructors along with the associated lectures in which they are proficient or to specify a lecture title and determine which instructors are capable of presentation. This provides assistance in assigning instructors to course schedules, teams for on-site course presentations, determining lectures which are critical in flexibility of assignment, planning instructor assignments in the order of lecture priority. The Records Summary Form is used to evaluate the instructors' workloads and to assist in preparing the performance evaluation reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on magnetic disks in a computer data base. The Record Summary Form is maintained in paper copy in file cabinets.

RETRIEVABILITY:

Instructor's last name, lecture ID number, or functional group code.

SAFEGUARDS:

This system of records is maintained on magnetic disks in the computer operations center which is kept locked. Only the manager and assistant manager of the Computer Support office have access to the center during normal working hours and the security watch has access after hours. The mode of access to the computer-based system is via remote terminal and special passwords are required. Appropriate data base language commands (available only to authorized DODCI staff members) must be invoked to gain access to information in the system. Portions of the system can only be accessed by functional managers via controlled key work commands. An accounting log is maintained of all accesses to the system which contains identification of the user, log-on and off, station number, and date/time of last access.

RETENTION AND DISPOSAL:

The system data base is retained indefinitely. Revisions are in continuous process, e.g., instructors' names being added upon arrival and deleted on departure, lecture titles added or deleted as they are developed or discontinued, lecture presentation capability expanded or deleted as appropriate. The Record Summary Form is retained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Computer Support Office, DOD Computer Institute, Building 175, Washington, D.C. 20374 for records maintained on magnetic disks. The Scheduling/Reproduction Officer, for the Record Summary Form.

NOTIFICATION PROCEDURE:

DODCI faculty members are informed of existence and purpose of system. Individual instructors can request printout of information in system which pertains to them.

RECORD ACCESS PROCEDURES:

The Institutes rules for access to records may be obtained from the Systems Manager.

CONTESTING RECORD PROCEDURES:

The Institute's rules for contesting contents and appealing initial determinations by the individual concerned can be obtained from the Systems Manager.

RECORD SOURCE CATEGORIES:

DODCI functional managers maintain system and periodically revise data base by entering new data and deleting discontinued information. Additionally, the Systems Manager can enter information affecting printout format and contents. The information contained in the Instruction Hour Records forms are extracted from teaching schedules prepared on each course of instruction.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01500-9

SYSTEM NAME:

Personnel Data Base Application/ Student Instructor Performance Module

SYSTEM LOCATION:

Naval Education and Training Information Systems Activity Naval Air Station Pensacola, FL 32508

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students under instruction at Naval Air Training Command Activities Instructors at Naval Air Training Command Activities Staff and Base Support Personnel at Naval Air Training Command and Naval Air Training Command Activities

CATEGORIES OF RECORDS IN THE SYSTEM:

Basic Identification Records i.e., social security number, name, sex, date of birth. Personnel records i.e., rank/ rate/grade, Branch of Service, Billet, Expiration of Active Obligated Service. Professional records i.e., Navy Enlisted Classification, Subspecialty Code, Test Scores. Educational Records i.e., Education Levels, Service and Civilian Schools attended, Degrees, majors. Location Records i.e., Duty Stations, Home addresses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Student performance, progression and prediction Instructors Performance Organizational and Administrative Control Internal Navy Uses are Chief of Naval Personnel, Naval Air Training Command staff personnel, and NAVAIRTRACOM Activities staff personnel

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, magnetic tape, direct access storage devices and flat paper.

RETRIEVABILITY:

Social Security Number, Name

SAFEGUARDS:

Data on file is protected as follows. On-line access is controlled by terminal identification and a password system. Terminal Identification is positive and maintained by a single control point. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring are the responsibility of the functional managers. Information provided via batch processing is of a predetermined and rigidly formatted nature. Any output is controlled by the functional managers who also control the distribution of output.

RETENTION AND DISPOSAL:

Individual personal data is retained only for that period of time that an individual is assigned to or is supporting a training evolution or activity. Upon departure of an individual, personal data is deleted from the records. History records are not maintained.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Air Training Building ć1 Naval Air Station Corpus Christi, TX 78319

Records Holder:
Commanding Officer
Naval Education and Training
Information Systems Activity
Naval Air Station
Pensacola, FL 32508

NOTIFICATION PROCEDURE:

Individuals desiring information whether the system contains records pertaining to them should request that determination from the Records Holder listed under SYSMANAGER. The requester should provide his social security number, full name and present status, i.e., Military or Civilian. The office of the Records Holder listed under SYSMANAGER may be visited for this determination but the requester must present his social security card and military or Civilian identification card.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Chief of Naval Personnel, Naval Air Training Command Activities staff and Instructors personnel, Educational Institutions, Individuals

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01513-1

SYSTEM NAME:

Navy Recruiting Command Attrition Tracking System

SYSTEM LOCATION:

Primary System - Recruiting Data Systems,Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy Enlisted Personnel who attrite during Basic Recruit Training

CATEGORIES OF RECORDS IN THE SYSTEM:

File consists of records and correspondence pertaining to individuals discharged at Navy Recruit Training Centers. Records include personal and service information, education, physical and mental qualifications and circumstances surrounding discharge.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC Sections 133, 275, 503, 504, 508, 510, 5031; 5 USC 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their duties in managing and contributing to the components of the Navy.

Officials and employees of the Department of Defense in carrying out their official duties.

Officials and employees of the Department of Transportation in carrying out their official duties. carrying out their official duties.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management of quality military recruitment.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies. Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

Officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee on

matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

Such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U. S. Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual Records stored in file cabinets in a secure government building. Automated records are maintained on magnetic tape.

RETRIEVABILITY:

Info can be retrieved by Social Security Account Number, Navy Recruiting Area or District Recruit Training Center, Age, Education, Discharge Reason or Date of Discharge.

SAFEGUARDS:

Only authorized routine users are permitted access to the records. The Headquarters building in which the records are located has a 24-hour guard which prevents unauthorized access to the building.

RETENTION AND DISPOSAL:

Records are maintained at Headquarters, Navy Recruiting Command for five years, and then destroyed. Records at Area and District Headquarters are retained for one year before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Recruiting Data Systems, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203 Telephone: 202-692-4089

Written requests for information should contain the full name, social security account number and location where individual was recruited, and signature.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The Agency's for access to records may be obtained from System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Discharge Sections at Navy Recruit Training Commands Other officials and employees of the Department of the Navy, Department of Defense and components thereof, in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01531-1

SYSTEM NAME:

U.S. Naval Academy Midshipmen Performance Records.

SYSTEM LOCATION:

U.S. Naval Academy, Bancroft Hall, Annapolis, Maryland 21402.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval Academy Midshipmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance jackets contain midshipmen records relative to all facets of performance. Specifically, the jackets include: Performance aptitude evaluations, performance grades, personal history, autobiography, record of emergency data, aptitude history, review board records, medical excuse from duty forms, conduct records and grades, counseling and guidance interview sheets, academic grades, letters of commendation, and training records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 6962 and 10 U.S.C. 7088.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision, administration, and counseling of Naval Academy Midshipmen.

Parents and legal guardians of midshipmen in connection with the counseling of midshipmen who encounter academic, performance, or disciplinary difficulties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are kept in file folders in locked cabinents.

RETRIEVABILITY:

Records are kept alphabetically by Company and Class.

SAFEGUARDS:

Visitor control and files are kept in locked cabinets.

RETENTION AND DISPOSAL:

Performance records are kept by the Company Officer until graduation or separation from the Academy. The records are then retained in the Performance Office storage area until they are destroyed two years after the midshipman's class graduates.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, U.S. Naval Academy, Annapolis, Maryland 21402 and the Performance Officer, Office of the Commandant, U.S. Naval Academy, Annapolis, Maryland 21402.

NOTIFICATION PROCEDURE:

Written request may be made to the system manager.

RECORD ACCESS PROCEDURES:

Rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

Rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual midshipman, supervisors, midshipman personal history/ performance record, midshipman autobiography, Record of Emergency Data (NAVPERS 601-2), Statement of Personal History (DD-398), Aptitude History Record (Form 1610-105), Midshipmen Summary Sheets, Military Performance Board Results, Letters of Probation, Midshipmen Performance Evaluation Reports (Form 54A), Medical Reports, Clinical Psychologist Reports, Excused Squad Chits (Form 6320/20), Conduct Card (Form 1600/91C), Letters of Commendation, Counseling and Guidance Interview Records (Form 1230/98), Letters from Congressmen, parents, etc., and copies of replies thereto, and Record of Disclosure (Privacy Act).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01533-1

SYSTEM NAME:

NROTC Educational Development Records

SYSTEM LOCATION:

Chief of Naval Education and Training Naval Air Station Pensacola, FL 32508

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NROTC Scholarship Candidate Placement Records, NROTC Student Attrition Records, NROTC Student Jackets, Applications for NROTC Program, Commanding Officers and Executive Officers of NROTC units.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning students selected as principal and alternate candidates for NROTC scholarship. Contains name, SSN, address, telephone number, academic scores, medical qualification, race, and sex.

Reports of disenrollment, appointment to commissioned status, and non-selection as an applicant for the NROTC program.

Student records containing enlistment cntract, service agreement, officer candidate training application, evidence of citizenship, birth certificate, reports of medical qualification, aptitude for naval service evaluations, academic records, personal history information, report of security clearances granted, special request, and action of boards concerning these special request.

Application file consisting of officer candidate training request, service agreement, report of medical qualification, evidence of citizenship, personal history, interviewers' appraisal sheets, and academic records.

Officer Biography Sheet (NAVPERS 979)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Assignment of scholarship selectees to various NROTC hosted institutions.

Provides reference to individuals's attrition from the NROTC program.

Provides program manager with information to determine students eligibility for continuation in program and eventual commissioning as naval officer. Information also used by Chief of Naval Personnel, Commander Navy Recruiting Command and Commandant of the Marine Corps.

Determine applicants eligibility for enrollment in NROTC program.

Assistance in preparing Fitness Reports, award recommendations, TAD assignments in conjunction with summer training and preparing background information for Flag and high government official visits to the NROTC unit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, and notebook

RETRIEVABILITY:

Name, SSN, and NROTC unit.

SAFEGUARDS:

Secured room and building. Access to information to authorized personnel only.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

NROTC, CNET, NAS, Pensacola, FL.

NOTIFICATION PROCEDURE:

Call or write system manager listed above.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, CHNAVPERS, COMNAVCRUITCOM, and NROTC unit.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01572-1

SYSTEM NAME:

Reservists reporting for active duty for training, background questionnaires

SYSTEM LOCATION:

Office of the Judge Advocate General (code 62), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers reporting for duty in the Office of the Judge Advocate General

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, designator, rank, unit to which attached, law school attended, year admitted to practice and State or Territory where admitted, and employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 806

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To assist the Judge Advocate General in the assignment of officers. The files may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, stored in a file cabinet.

RETRIEVABILITY:

By officer's name.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the cabinets are located is locked outside of official working hours.

RETENTION AND DISPOSAL:

Records are retained for two months and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Written requests must be signed by the requesting individual. For personal visits, the individual should be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is received from Reserve officers who participate in the Naval Reserve Law Programs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01610-1

SYSTEM NAME:

Navy Personnel Evaluation System

SYSTEM LOCATION:

Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the U.S. Navy including Regular, Reserve, Active Duty, Inactive Duty, Fleet Reserve and Retired.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and investigatory material containing information pertinent to member's retention, assignment or separation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301. Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to personnel administration of Navy members; Officials and employees of the Department of Defense and its other components in the performance of their official duties related to personnel administration.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies;

The Secretary of Health, Education and Welfare, and the Director, Veterans Administration, and Director, Selective Service Administration and their officials and employees in connection with notification and assistance in obtaining benefits by members and former members;

Officials and employees of other Departments and agencies of the Executive Branch of government upon request, in the performance of their official duties related to personnel administration;

Such civilian contractors as are or may be operating in accordance with an approved, official contract with the U.S. Government; The Senate or the House of Representatives of the United States or any committees or subcommittees therof, requiring disclosure of the files or records of individuals covered by this system;

Officials and employees of the General Accounting Office upon request in the performance of their official duties relating to personnel administration. State and local government agencies in the performance of their official duties related to personnel administration. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and index cards. Some information from the paper records is automated.

RETRIEVABILITY:

Filed alphabetically by last name or by Social Security Account Number.

SAFEGUARDS:

Stored in locked safes and cabinets in buildings that employ security guards. File areas are accessible only to authorized persons who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are maintained as long as member has any affiliation with the Naval service and for five years thereafter and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370. The letter should contain full name, social security account number, rank/ rate/civilian status, address and notarized signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex, Washington, D.C. (FOB#2) Rm. 1066, for assistance with records located in that building. Prior written notification of personal visits is required to ensure that all parts of the record will be available at the time of the visit. Proof of identity will be required and will consist of a military identification card for persons having such cards and picture-bearing identification.

RECORD ACCESS PROCEDURES:

The agency's rule for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Civilian and military investigative reports; reports of federal and state civilian court actions and criminal proceedings; general correspondence concerning and individual; officials and employees of the Department of the Navy, Department of Defense and Components therof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N01640-1

SYSTEM NAME:

Individual Correctional Records

SYSTEM LOCATION:

United States Navy Brigs and United States Marine Corps Correctional Facilities. Official mailing addresses are in the Department of Defense Directory; and/or may be obtained from Naval Military Personnel Command, Washington, D.C. 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military member confined in a naval facility as a result of or pending trial by courts-martial; any member sentenced to three days bread and water or diminished rations; and any military member awarded correctional custody to be served in a correctional custody unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents related to the administration of individual prisoners in the Department of the Navy confinement and correctional custody facilities - courts martial orders; release orders; confinement orders; medical examiners' reports; requests and receipts for health and comfort supplies; reports and recommendations relative to disciplinary actions; clothing and equipment records; mail and visiting lists and records; personal history records; individual prisoner utilization records; requests for interview; initial interview; spot reports; prisoner identification records; parolee

agreements; inspection record of prisoner in segregation; personal funds records; valuables and property record; daily report of prisoners received and released; admission classification summary; social history; clemency recommendations and actions; parole recommendations and actions; restoration recommendations and actions; psychiatric, psychological, and sociological reports; certificate of parole; certificate of release from parole; requests to transfer prisoners; disciplinary action data cards showing name, grade, SSN, sex, education, sentence, offense(s), sentence computation, organization, ethnic group, discharge awarded, length of unauthorized absence, number and type of prior punishments, length of service, and type release; weekly status report (each member's legal status, offense charged, length of time confined). On tape, the same data as the disciplinary action data card, except name, computation of sentence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 951

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Commanding officers, officers-in-charge, and chief petty officers-in-charge of Navy brigs and Marine Corps correctional facilities and staff members: To determine initial custody classification; to determine when custody grade change is appropriate; to gauge member's adjustment to confinement or correctional custody; to identify areas of particular concern to prisoners and personnel in correctional custody; to determine work assignment; to determine educational needs; serves as the basis for correctional treatment; serves as a basis for recommendations for clemency, restoration, and parole.

Portions disclosed to Departments of Defense, Justice, and Naval staff agencies and commands; state and local criminal justice agencies established by law. Disclosure to law enforcement and investigative agencies is for investigation and possible criminal prosecution, civil court actions or regulatory order. Disclosure to confinement/correctional system agencies is for use in the administration of correctional programs to include custody classification; employment, training and educational assignments; treatment programs; clemency, restoration to duty, and parole actions; verifications concerning military offenders or military criminal records, employment records and social histories.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; on punch cards and computer tapes.

RETRIEVABILITY:

Paper records filed alphabetically by last name of prisoner. Information from computer tapes is retrieved using SSN of the individual.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Computer tape information at NMPC accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Logs and disciplinary action data cards are transferred to National Personnel Records Center, St. Louis, MO 63132 two years after release of prisoner. Other records are held at confinement facilities/correctional custody units for two years and destroyed. Transfer of a prisoner from one naval facility to another is not construed as a release. In such cases, the file accompanies the prisoner.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command (NMPC-84) Washington, D.C., 20370; Commandant of the Marine Corps (Code MPH) Washington. D.C., 20380.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military personnel records; military financial and medical records; military and civilian investigative and law enforcement agencies; courts-martial proceedings; records of non-judicial administrative proceedings; United States military commanders; staff members and cadre supply information relative to service member's conduct or duty performance; and other individuals or organizations which may supply information relevant to the purpose for which this system was designed.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 522a (j) (2) as applicable. For additional information, contact the System Manager.

N01710-1

SYSTEM NAME:

Special Membership Listing of the Organizational Recreation Association

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file records the name of all members who join the particular ship or activity recreation association. Also crossfiled by number of membership card.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record lists the names, internal codes, room and telephone numbers of each membership card and dates purchased.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To indicate income from sale of membership cards; to provide an audit trial for the auditors; and to confirm membership, upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSAN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concern, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01740-1

SYSTEM NAME:

Personal Services and Dependents Services Support System

SYSTEM LOCATION:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370; Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Room 967, Cleveland, Ohio 44199; local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses).

Secondary System-Department of the Navy Activities in the Chain of Command between the local activity and the Headquarters level (see Directory of the Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military personnel: officers, enlisted, active, inactive, reserve, fleet reserve, retired, midshipmen, officer candidates, Naval Reserve Officer Training Corps personnel, and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, forms, correspondence and supporting documents and other personnel records concerning entitlements, benefits, basic allowance for quarters, waiver of indebtedness, travel allowances, morale, and personal affairs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301. Departmental Regulations
10 USC 6161
10 USC 2774 as added by Public Law 92-453

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy and other components of the Department of Defense in the performance of their official duties related to the management, supervision, and administration of personal services, benefits and entitlements for Navy members and their dependents.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office related to management, supervision and administration of personal services, benefits and entitlements for Navy members and their dependents.

Officials and employees of the Veterans' Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by members and former members of the Navy.

The Senate or the House of Representatives of the United States or any Committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel and their dependents.

Officials and employees of Navy Relief and the American Red Cross in the performance of their duties related to assistance of the members, their dependents and relatives.

State and local agencies in performance of their official duties related to assistance of the members and their dependents.

Non-government agencies only to assist members and their dependents. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders.

RETRIEVABILITY:

Records may be retrieved by name, social security account number or enlisted service number/officer file number of member; or name of dependent.

SAFEGUARDS:

Computer and punched cards processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, military status, or name of the dependent, name of sponser, sponsor's social security account number, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB#2), Room 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy and the Department of Defense in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; educational institutions; federal, state, and local court documents; general correspondence relative to individual; officials and employees of Navy Relief, the American Red Cross, Veterans Administration and other agencies in the performance of their official duties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01740-2

SYSTEM NAME:

Federal Housing Administration Mortgage Insurance System

SYSTEM LOCATION:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy members who have home mortgages through FHA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payments made to FHA for insurance payments credited to members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system are used within the Navy Finance Center to calculate payments for FHA and to reconcile any discrepancies in accounts. Data may be provided to Finance Centers of the other services, and to the Department of the Treasury when address is needed for issuance of check.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders

RETRIEVABILITY:

Social security number and member's name

SAFEGUARDS:

Guards, personnel screening and requestor codes

RETENTION AND DISPOSAL:

Destroyed one year after death or discharge of member

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to members at above address. Information request must contain Navy member's full name and social security number. Requester may visit above address and must have military identification card or valid state driver's license and social security card as proof of identity.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

FHA, member, field disbursing officers

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01745-1

SYSTEM NAME:

Nonappropriated Fund Activity Information Support System

SYSTEM LOCATION:

Bureau of Naval Personnel, Navy Department, Washington, D. C. 20370; and local nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals authorized under current regulations to use Commissioned Officers Messes (open), Chief Petty Officer Messes, Petty Officer First and Second Class Messes, Enlisted Men's Clubs, Consolidated Package Stores, Special Services facilities, and other Non-Appropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, records, membership applications, membership and user listings of Nonappropriated Fund Activity facilities, accounts receivable records, bad check listings, investigatory reports involving abuse of facilities, required for management of Nonappropriated Fund Activities under the cognizance Chief of Naval Personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their duties related to the management, supervision and administration of Nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel. The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office related to the management, supervision, and administration of Nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of Nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representatives of the Executive Branch Agencies.

The Senate or the House of Representatives of the United States or any committees or sub committees thereof on matters within their jurisdiction requiring disclosure of the files or records of persons covered by this system.

Such Civilian Contractors and their employees as are or may be operating in

accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Primarily by Name, and/or Social Security Number/Membership Number.

SAFEGUARDS:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or Departmental Instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, D. C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, 20370; or to the Head of the local Nonappropriated Fund Activity concerned. The letter should contain full name, social security account number, status, address, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Washington, D. C. 20370 (Arlington Annex, FOB #2), Rm. 1066 for assistance with records located in that building; or the individual may visit the local activity concerned for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officals and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01754-1

SYSTEM NAME:

Navy Family Support Program

SYSTEM LOCATION:

Navy Family Service Centers located at various Naval and Marine Corps activities. A list of the proposed 78 Family Service Center Sites and anticipated implementation year is attached.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps service members and their families/dependents. In certain overseas locations civilian Navy and Marine Corps employees may be eligible for services. In certain CONUS locations, civilian Marine Corps employees may be eligible for services.

CATEGORIES OF RECORDS IN THE SYSTEM:

File could contain personal information such as name, social security number, home address, telephone number, marriage counseling information, parent-child relationship information, family relations, financial data, and developmental disability information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Family Service Centers in the performance of their duties related to counseling/servicing the member and/or dependent.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of member.

SAFEGUARDS:

Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly cleared and trained. Building/rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Records are retained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-152), Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Written requests may be addressed to the appropriate Naval/Marine Corps activity concerned (mailing addresses are listed in the Navy directory in the component system notice). Individuals should provide proof of identity, full name, rank, dates of counseling, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Form submitted by the individual applying for counseling/assistance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01770-1

SYSTEM NAME:

Decedent Affairs Records System

SYSTEM LOCATION:

Bureau of Medicine and Surgery (Code 73), 23d and E Sts, NW, Washington, D. C. 20372 Commandants of Naval Districts CO Naval Medical Treatment Facilities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Deceased individuals for whom the Department of the Navy is responsible

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports concerning casualty, status, transportation of remains, requests for special escorts and our responses, disposition instructions, acknowledgements to next of kin; pertinent data, medals and awards, preparation and identification of remains reports, escort orders and debriefing forms, death certificates, some autopsy reports, DD Forms 1300 (Reports of Casualty); correspondence pertaining thereto; and adjudication copies and paid vouchers and statistical data excerpted from decedent affairs files

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, US Code 103a and b; Title 10, Sections 1481-1488, US Code; Executive Orders 8557, 30 Sep 40 and 10209 of 1 Feb 51; 44 US Code 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

PURPOSE

To facilitate and monitor return of remains and associated benefits

CATEGORIES OF USERS

Department of Navy and families of decedents

SPECIFIC USES

Verification of eligibility for benefits; provision of information to families of decedents concerning identification, care and return of remains, causes of death and payment of allowances

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders Statistical data on magnetic tape

RETRIEVABILITY:

Filed alphabetically according to name of decedent by fiscal year of date of death -- Name, social security (or serial) number, date of death

SAFEGUARDS:

Locked building and guard during non-duty hours; personnel screening during duty hours

RETENTION AND DISPOSAL:

Permanent - Records are accumulated chronologically and filed alphabetically by fiscal year; held three years and retired to the Federal Records Center for permanent retention under control of this Bureau

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Bureau of Medicine and Surgery Commandants of Naval Districts Commanding Officers, Medical Treatment Facilities

NOTIFICATION PROCEDURE:

Address inquiries to the systems manager Inquiry must include name of decedent, military status at time of death, SSAN and/or service number, and date of death Requestor may visit Bureau of Medicine and Surgery (Code 73), 23d and E Streets, NW, Washington, D. C. 20372

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the systems manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Reports submitted by field commands and next of kin as required by regulations and directives pertaining to the decedent affairs program

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01770-2

SYSTEM NAME:

Casualty Information Support System

SYSTEM LOCATION:

Primary System-Chief of Naval Personnel, Navy Department, Washington, D.C. 20370 and local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses); Washington National Records Center, Suitland, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military personnel who are reported missing, missing in Action, Prisoner of War or otherwise detained by armed force; deceased in either an active or inactive duty status; reported ill/injured in either active duty, fleet reserve, or retired status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, reports, and records in both automated and non-automated form concerning circumstances of casualty, next-of-kin data, survivor benefit information, personal and service data, and casualty program data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in performance of their official duties related to casualty program management and responding to inquiries from survivors of Navy military personnel.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to Casualty Program Management.

Secretary of Health Education and Welfare and the Director of the Veterans Administration and their officials and employees in connection with eligibility, notification and assistance in obtaining benefits due.

The Senate or the House of Representatives of the United States or any committee or subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the casualty files of Navy members.

Nongovernment Agencies - To assist in settlement of member's affairs. The comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's Casualty and Survivor's Benefit Program.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the department of justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of state and local government agencies in connection with eligibiliy, notification and assistance in obtaining benefits due. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper files, microfiche or microfilm.

RETRIEVABILITY:

Records may be retrieved by name and/or social security account number.

SAFEGUARDS:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, trained, and cleared.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Files are retained and disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or in accordance with Department Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Chief of Naval Personnel, (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, military status, date of casualty and status at time of casualty, and signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB#2), RM 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, Public Health Service, Veterans Administration, and components thereof, in performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; casualty reports may also be received from state and local agencies, Hospitals and other agencies having knowledge of casualties to Navy personnel; general correspondence concerning member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01800-1

SYSTEM NAME:

Naval Home Resident Information System

SYSTEM LOCATION:

Primary System-Governor, U.S. Naval Home, 24th and Grays Ferry Avenue, Philadelphia Pennsylvania 19146 Secondary System-National Personnel Records Center, St. Louis, Missouri 63132

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Residents of the Naval Home (current, discharged and deceased).

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records concerning application for admission and supporting documents, personnel data, service data, personal affairs, administrative records covering period of residence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations
24 USC 17

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy, generally, and the Naval Home, specifically, in the performance of their official duties related to the management, supervision, and administration of the Naval Home.

The Comptroller General or any his authorized representatives, upon request, in the performance of duties of the General Accounting Office related to the management, supervision, and administration of the Naval Home.

Officials and employees of the Veterans Administration in the performance of their duties related to eligibility, notification and assistance in obtaining benefits by residents of the Naval Home.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records may be stored in paper file folders, and/or vertical card files.

RETRIEVABILITY:

Records may be retrieved by name.

SAFEGUARDS:

All file folders and cards of residents are locked in file cabinets and are available only to authorized persons having a need to know.

RETENTION AND DISPOSAL:

Records are maintained at Naval Home for life of Resident and for 10 years after death or discharge or Resident; thereafter, records are retained at the National Personnel Records Center, St. Louis, Missouri.

SYSTEM MANAGER(S) AND ADDRESS:

Governor, U.S. Naval Home, 24th and Grays Ferry Avenue, Philadelphia, Pa 19146.

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to : Governor, U.S. Naval Home, 24th and Grays Ferry Avenue, Philadelphia, Pa 19146. The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, and signature of requestor. The individual may visit the Governor, U.S. Naval Home for assistance with record located in that building. Proof of identification will consist of Military Identification Card.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and Veteran's Administration in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01810-1

SYSTEM NAME:

Directory of Retired Regular and Reserve Judge Advocates

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 61) Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired Officers of the Judge Advocate General's Corps

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, SSAN, Designator, address, rank, retirement date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 806

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To utilize/assign retired Judge Advocate Generals' Corps Officers to Official Navy Selection Boards involving Judge Advocate Generals' Corps Personnel and to facilitate location of lawyers throughout the world with naval experience, which may be utilized by the Naval Service. These records may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer paper printouts

RETRIEVABILITY:

Computer paper printouts requested from the Bureau of Naval Personnel. Retirees are shown alphabetically by rank.

SAFEGUARDS:

Records are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records not kept after person is deceased.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Written requests must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information received from records held by the Bureau of Naval Personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01850-1

SYSTEM NAME:

Determinations on Origins of Disabilities For Which Military Members Have Retired

SYSTEM LOCATION:

Office of the Judge Advocate General (code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired or former members of the Navy or Marine Corps who have been placed on the Temporary Disability Retired List or Permanent Disability Retired List and who have subsequently obtained or applied for Federal civilian employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests originated by individuals concerned or any federal agencies employing such individuals; Bureau of Medicine and Surgery historical narratives and opinions concerning the origins of disabilities of individuals on whom determinations have been requested; copies of Judge Advocate General determinations; and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3502(a), 6303(a), 8332(c);
5 U.S.C. 301;
44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used as the basis for determinations concerning the eligibility of individuals of the above-described category to certain benefits connected with Federal civilian employment available to those disabled in combat with enemies of the United States or having disabilities caused by instrumentalities of war during periods of war. Determinations are rendered, upon request, to any Federal agencies employing members who retired from the naval service for disability. The information may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are permanent and are retained indefinitely in the Office of the Judge Advocate General.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the System Manager stating the full name of the individual concerned and the approximate date on which relief was requested. Written request must be signed by the requesting individual. Visits may be made to: Civil Affairs Division (Code 12) Office of the Judge Advocate General Room 9n11, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332

Armed forces identification card or state driver's license is required for identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Employment information in the system is submitted by the individuals concerned or the Federal agencies employing them. Medical information in the system is obtained from the individuals' medical records, physical evaluation board records, and service records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01850-2

SYSTEM NAME:

Physical Disability Evaluation System Proceedings

SYSTEM LOCATION:

Director, Disability Evaluation System, Ballston Tower 2, 801 N. Randolph St., Arlington, Va. 22203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy and Marine Corps personnel who have been considered by a Physical Evaluation Board for separation or retirement by reason of physical disability (including those found fit for duty by such boards).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains medical board reports; statements of findings of physical evaluation boards; medical reports from Veterans Administration and civilian medical facilities; copies of military health records; copies of JAG Manual investigations; copies of prior actions/appellate actions/review taken in the case; transcripts of physical evaluation board hearings; rebuttals submitted by the member; intra and interagency correspondence concerning the case; correspondence from and to the member, members of Congress, attorneys, and other interested members; and documents concerning the appointment of trustees for mentally incompetent service members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1216

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of the Navy - Used by personnel in the performance of their official duties to determine fitness for duty or eligibility for separation or retirement due to physical disability of Navy and Marine Corps personnel, by establishing the existence of disability, the degree of disability, and the circumstances under which the disability was incurred, and to respond to official inquiries concerning the disability evaluation proceedings of particular service personnel.

Veterans Administration - To verify information of service connected disabilities in order to evaluate applications for veterans' benefits.

Office of the Judge Advocate General - Used by personnel in the performance of their official duties relating to legal review of disability evaluation proceedings; response to official inquiries concerning the disability evaluation proceedings of particular service personnel; to obtain information in order to initiate claims against third parties for recovery of medical expenses under the Medical Care Recovery Act (42 U.S.C. 2651-53); and to obtain information on personnel determined to be mentally incompetent to handle their own financial affairs, in order to appoint trustees to receive their retired pay. In addition, the information may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and microfiche, and in some files, plastic recording discs and cassettes.

RETRIEVABILITY:

Filed by year of initial disability proceeding, and alphabetically by name within that year. Veterans Administration To verify information of service connected disabilities in order to evaluate applications for veterans' benefits.

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours. Access during working hours is controlled by Board personnel and the office space in which the file cabinets and storage devices are located is locked after official working hours. The building in which the office is located employs security guards.

RETENTION AND DISPOSAL:

Records are permanent. They are retained by the Naval Council of Personnel Boards for six years. After that time, they are sent to the Washington National Center, 4205 Suitland Road, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 N. Randolph St., Arlington, Va. 22203.

NOTIFICATION PROCEDURE:

Information may be obtained from the Naval Council of Personnel Boards, Ballston Tower 2, 801 N. Randolph St., Arlington, Va. 22203.

Written requests for information should contain the full name of the individual, military grade or rate, and date of Disability Evaluation System action. Written requests must be signed by the requesting individual.

For personal visits, the individual should be able to provide some acceptable identification, such as a military identification card (active duty or retired) or a driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 N. Randolph St., Arlington, Va. 22203.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Military medical boards and medical facilities; Veterans Administration and civilian medical facilities; physical evaluation boards and other activities of the disability evaluation system, Naval Council of Personnel Boards, the Bureau of Medicine and Surgery; the Judge Advocate General; Navy and Marine Corps local command activities; other activities of the Department of Defense; and correspondence from private counsel and other interested persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01900-1

SYSTEM NAME:

Naval Discharge Review Board Proceedings.

SYSTEM LOCATION:

Naval Discharge Review Board, Room 914, Ballston Tower 2, 801 North Randolph Street, Arlington, Va. 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Navy and Marine Corps personnel who have submitted applications for review of discharge or dismissal pursuant to 10 USC 1553, or whose discharge or dismissal has been or is being reviewed by the Naval Discharge Review Board, on its own motion, or pursuant to an application by a deceased former member's next of kin.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains the former member's application for review of discharge or dismissal, any supporting documents submitted therewith, copies of correspondence between the former member or his counsel and the Naval Discharge Review Board and other correspondence concerning the case, and a summarized record of proceedings before the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 1553

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used in conjunction with the consideration of the former member's application for review of discharge or dismissal and any subsequent application by the member. The file is referred to in answering inquiries on behalf of or from the former member or counsel regarding the action taken in the former member's case. The file is referred to by the Board for Correction of Naval Records in conjunction with its review of any subsequent application by the former member for a correction of records relative to the former member's discharge or dismissal. The file is used by counsel for the former member, and by accredited representatives of veterans' organizations recognized by the Administrator of Veterans' Affairs under 38 U.S.C. 3402 and duly designated by the former member as his or her representative before the Naval Discharge Review Board.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; plastic recording disks and recording cassettes.

RETRIEVABILITY:

The records are filed by name, by social security number, and by service number.

SAFEGUARDS:

Files are kept within the Naval Discharge Review Board's administrative office. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

RETENTION AND DISPOSAL:

Files are permanent. They are retained in the Naval Discharge Review Board's administrative office for two years. After that time, they are sent to the Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, Department of the Naval, 801 North Randolph Street, Arlington, Va. 22203

NOTIFICATION PROCEDURE:

Information may be obtained from the Naval Discharge Review Board, Room 905, 801 North Randolph Street, Arlington, Va. 22203. Telephone 202/692-4991

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the files is obtained from the former member or those acting on the former member's behalf, from military personnel and medical records, and from records of law enforcement investigations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01900-2

SYSTEM NAME:

Navy Individual Service Review Board Proceedings (ISRB)

SYSTEM LOCATION:

Commander, Naval Military Personnel Command, Department of the Navy, Washington, DC 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for discharge from the United States Navy who claim membership in a group which has been determined to have performed active military service with the United States Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains the individual's application for discharge, supporting documentation, copies of correspondence between the individual and the Navy ISRB and other correspondence concerning the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 95-202

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used in conjunction with the consideration of the individual's application for discharge and any subsequent application by the individual. The file is used by the individual, the counsel for the individual, his/her designated representative, by those acting on behalf of the individual, and by the Navy ISRB.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and cross-referenced index cards.

RETRIEVABILITY:

The records are filed by name.

SAFEGUARDS:

The files are kept within the Naval Military Personnel Command offices. Access during business hours is controlled by Command personnel. Records not in use are maintained in a room which is locked during non-duty hours. The Command is secured at the close of business and the building is which the command is located has limited access controlled by security guards.

RETENTION AND DISPOSAL:

Applications which are approved will necessitate creation of a service record which is part of the Navy Personnel Records System. Remaining records are retained in the Naval Military Personnel Command for two years and then destroyed. Cross-referenced index cards are retained permanently in the Naval Military Personnel Command.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commander, Naval Military Personnel Command (NMPC-3), Department of the Navy, Washington, DC 20370.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in the files is obtained from the individual or those acting on the individual's behalf, from other military records and from the Department of Defense Civilian/Military Service Review Board.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N03461-1

SYSTEM NAME:

Summary debriefs of former Prisoners of War.

SYSTEM LOCATION:

Fleet Aviation Specialized Operational Training Group, Pacific Fleet, Naval Air Station, North Island, San Diego, California 92135

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Prisoners of War in Southeast Asia.

CATEGORIES OF RECORDS IN THE SYSTEM:

Synopsis of captivity experiences as summarized by debriefers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Background information on captivity experiences, resistance techniques, and survival aspects including indoctrination, interrogation, PW organization, communications, medical/isolation conditions and facilities for use in training program. Users are school instructors/managers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Need to know certification, locked room, limited access building with visitor control, GSA Approved Security Container.

RETENTION AND DISPOSAL:

Held indefinitely in support of training.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command, Naval Intelligence Command Headquarters, 2461 Eisenhower Avenue, Alexandria, Virginia 22331.

NOTIFICATION PROCEDURE:

Commanding Officer of military personnel submit visit request (OPNAV Form 5521-27) to Commanding Officer, Fleet Aviation Specialized Operational Training Group, Pacific Fleet; Naval Air Station, North Island, San Diego, California 92135. Civilian personnel submit request to System Manager.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Debriefing sessions with individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N03461-2

SYSTEM NAME:

POW/MIA captivity studies

SYSTEM LOCATION:

Naval Health Research Center, Center for Prisoner of War Studies, San Diego, California 92152

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files are maintained by Code on all military and civilian returned prisoners of war, and on the families of military POW/MIAs, civilian POWs and military KIAs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of intelligence debriefing material, microfilm and microfiche copies of medical records, X-rays, dental and somatotype photographs, newspaper clippings, individual and family research questionnaires.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are converted to group statistics and are used for research into the effects of the captivity experience on the man and his family and for recommending changes in training and improved health care delivery services, as well as for professional publications.

Professional Staff, Center for Prisoner of War Studies; Research Staff, Naval Aerospace Medical Institute, Pensacola, Florida; Research Staff, Brooke Army Medical Center, San Antonio, Texas.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files consist of file folders, magnetic and video tapes, key-punched IBM cards, computer tapes, microfiche and microfilm.

RETRIEVABILITY:

Files are retrieved by code number.

SAFEGUARDS:

Files are maintained by code in locked file cabinets within a vault with 24-hour sensor security. There is personal screening of all visitors, and building is in a classified area. Only professional research personnel with security clearance are given access to file codes.

RETENTION AND DISPOSAL:

The files will be maintained as long as there is an ongoing program of captivity research; with destruction of codes when files are closed.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Environment Stress Branch, CPWS

NOTIFICATION PROCEDURE:

Write: Director, Center for Prisoner of War Studies, Naval Health Research Center, San Diego, Ca. 92152, providing full name, military or civilian status, POW status, security clearance, and service affiliation.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System's manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

All information contained in files was obtained through personal interviews with returned POWs, families of POW/MIA/KIA/civilian POWs, through intelligence debriefings at time of repatriation, newspapers and periodicals, and from materials supplied by the Department of the Army (Office of the Surgeon General and Army Intelligence); Department of the Navy (Bureau of Medicine and Surgery and Naval Intelligence); and Marine Corps Headquarters.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N03501-1

SYSTEM NAME:

Fleet Ballistic Missile Submarine Demo and Shakedown Operation Crew Evaluation

SYSTEM LOCATION:

Director, Strategic Systems Projects (PM-1) Department of the Navy Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer and enlisted personnel in responsible positions within the Weapons and Navigation Department of both crews of a fleet ballistic missile submarine undergoing Demonstration and Shakedown Operations

CATEGORIES OF RECORDS IN THE SYSTEM:

Memorandum report to file

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Preparation of Certification for Deployment messages by Director, Strategic Systems Projects and Commander Submarine Group Six and development of follow-on training programs

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File holders

RETRIEVABILITY:

Ship and crew designators

SAFEGUARDS:

Access restricted to Assistant for Weapons System Operation and Evaluation staff, Strategic Systems Project Office and Commander Submarine Group Six staff. Vault storage.

RETENTION AND DISPOSAL:

Maintained for at least two years then destroyed by shredding

SYSTEM MANAGER(S) AND ADDRESS:

Director, Strategic Systems Projects Department of the Navy Washington, D.C. 20376

NOTIFICATION PROCEDURE:

All inquires should be directed to the Privacy Act Coordinator:

Deputy Director, Strategic Systems Projects
Department of the Navy
Washington, D.C. 20376

and should indicate full name, military status, time period and ship undergoing Demonstration and Shakedown Operations, and billet held.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Observation of Demonstration and Shakedown Operation team and questionnaire filled out by ship's personnel

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N03760-1

SYSTEM NAME:

Individual Flight Activity Report

SYSTEM LOCATION:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All aeronautically designated commissioned Navy and Marine Officers assigned as crew members in the operation of an aircraft in accordance with the direction of competent authority.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of each flight submitted by the custodian of the aircraft. Total flight activity survey reports and annual flight activity reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Flight activity data for specific individuals or categories of aviators is correlated with aircraft mishap data. This information is analyzed in order to determine the relationship between various categories and combinations of flight experience and accident involvement. Results of these studies are provided to all echelons within the Navy

and Marine Corps having responsibility for flight operations, pilot training and allocation of resources to and within the aviation program. An annual summary of flight activity by model aircraft is provided to each reporting individual for his verification and personnel records. Upon request, a detailed by flight report for a specified time frame is also provided. Records are also provided to Chief of Naval Personnel for promotional screening, detailing and compliance with minimum standards. Summaries of flight activity for Marine Corps personnel are provided to the Commandant of the Marine Corps. Records of specific pilots or categories of pilots are provided to contractors, if required, for projects either funded by or deemed potentially valuable to the Department of the Navy. When requested, records are provided to the General Accounting Office, to the Naval Audit Service and to offices or committees authorized by Congress to investigate certain phases of the Naval Aviation Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Any of the data elements such as pilot's social security number, model aircraft, squadron and specific flight experience may be used to retrieve individual records.

SAFEGUARDS:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information which are not included in the routine usage criteria must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Aviation Safety Programs, Naval Safety Center, NAS, Norfolk, VA 23511

NOTIFICATION PROCEDURE:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Aircraft reporting custodian, Navy and Marine Corps pilots.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N03810-1

SYSTEM NAME:

Naval Intelligence Management Information System (NIMIS)

SYSTEM LOCATION:

Commander Naval Intelligence Command, 4600 Silver Hill Road, Washington, D.C. 20389.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and federal employees of the Commander, Naval Intelligence Command and subordinate commands thereof.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a record of taskings to various components of the Office of Naval Intelligence and the Naval Intelligence Command, including a record of workhours expended on those tasks by each individual involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information derived from this system is used by the Office of Naval Intelligence and its components, for research analysis, developing and evaluating plans, policies, procedures, and related matters. The information is also used for the purpose of measuring intelligence production against budgeted programs and goals; for purposes of maintaining a record of intelligence taskings and projects assigned to the Office of Naval Intelligence and its components including the current status; for historical and statistical purposes; including use of summary data as the basis for various reports; and for such other matters as may be necessary to fulfill the responsibilities of ONI and components thereof; the Director of Central Intelligence; United States Foreign Intelligence Board; and other appropriate federal agencies requiring the information to fulfill legal responsibilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk with backup on magnetic tape. Maintained in controlled access areas.

RETRIEVABILITY:

Files are accessed and retrieved by a project number and/or by social security number or a locally assigned number.

SAFEGUARDS:

In compliance with the specified requirements for classified matter and are accessible to authorized personnel with proper security clearance and need for access.

RETENTION AND DISPOSAL:

Records are maintained by fiscal year and are destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389.

NOTIFICATION PROCEDURE:

A person can determine whether the system contains information pertaining to that individual by making a written request to the system manager. The written request should contain full name, social security number, current residence address and telephone number.

RECORD ACCESS PROCEDURES:

Written requests to the system manager requesting rules for access to records.

CONTESTING RECORD PROCEDURES:

The Office of Naval Intelligence rules for contesting contents and appealing determinations may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Workhour inputs are obtained from each individual on a weekly basis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N03834-1

SYSTEM NAME:

Special Intelligence Personnel Access File

SYSTEM LOCATION:

Commander Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military personnel of the Department of the Navy and contractors and consultants of the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records pertaining to the eligibility of Department of the Navy personnel (civilian,military, contractor and consultant) to be granted access to Special Intelligence which include documents of nomination, personal history statements, background investigation date and character, narrative memoranda of background investigation, eligibility documents for access to special intelligence, proof of indoctrination and debriefings as applicable and record of hazardous activity restrictions assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended; 5 U.S.C. 301, Departmental regulations; 10 U.S.C. 503, Department of the Navy; 10 U.S.C. 6011, Navy Regulations; 44 U.S.C. 3101, Records Management by federal agencies; Executive Order 11652, classification and declassification of National Security Information and Material.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Special Intelligence Personnel Access File is maintained for the purpose of permitting a determination of an individual's eligibility for access to Special Intelligence information. This information may be provided to the Department of Defense and all its components, the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, the Energy Research and Development Administration, the United States Treasury Department, the Department of State, and to any other Federal agency establishing a need to know for the performance of their assigned responsibilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Active files consist of paper records in file folders and computerized tapes. Inactive files are retained on microfiche.

RETRIEVABILITY:

Records are filed alphabetically by last name of the individual.

SAFEGUARDS:

GSA approved containers located in controlled access spaces.

RETENTION AND DISPOSAL:

Records are retained indefinitely. Inactive files are retained on microfiche.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command, 4600 Silver Hil Road, Washington, DC 20389.

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager, giving full name, residence address and date and place of birth. A notarized statement may be required for identity verification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal History Statement and related forms from the individual. Access forms and documents prepared by the system manager. Correspondence between system manager and activities requesting access status.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N04050-1

SYSTEM NAME:

Personal Property Program

SYSTEM LOCATION:

All Navy Personal Property Counseling and Shipping Offices and Federal Records Centers (mailing addresses are listed in the Navy directory in the appendix to the Component System Notice).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOD and other federal departmental military personnel and their dependents and civilian employees and their dependents having applied for and shipped and/or stored personal property, privately owned automobiles and mobile homes.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's applications for shipment and/or storage related shipping documents and records of delivery, payment, and inspection of personal property. Forms maintained include: DD 619 Statement of Accessorial Services Performed; DD 1100 Household Good Storage Record; SF 1103 U.S. Government Bill of Lading; DD 1252 U.S. Customs Declaration for Personal Property Shipments (Part I); DD 1252-1 U.S. Customs Declaration for Personal Property Shipments (Part II); DD 1299 Application for Shipment and/or Storage of Personal Property; DD 1671 Reweight of Personal Property; DD 1780 Report of Carrier Services Personal Property Shipment; DD 1781 Customer Satisfaction Report; DD 1797 Personal Property Counseling Checklist; DD 1799 Member's Report on Carrier Performance- Mobile Homes; DD 1800 Mobile Home Shipment Inspection at Destination; DD 1841 Government Inspection Report; DD 1842 Claim for Personal Property Against the United States; DD 1845 Schedule of Property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5724; DOD Regulation 4500.43; DOD Regulation 4500.34-R; 'personal Property Traffic Management Regulation;' JAG Manual; NAVSUP Publication 490; 'Transportation of Personal Property.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Navy Personal Property Shipping Offices applicable finance centers and the Navy Material Transportation Office for effecting, coordinating and payment of personal property shipment and storage.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of member.

SAFEGUARDS:

Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly cleared and trained. Buildings-rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Records are retained in Personal Property Office files for a period of four years, then forwarded to Federal Record Centers and/or General Accounting Office for indefinite retention.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Supply Systems Command (Code 05), Washington, D.C. 20376.

NOTIFICATION PROCEDURE:

Written requests may be addressed to the appropriate Navy personal property shipping office concerned (mailing addresses are listed in the Navy directory in the component system notice). Individuals should provide proof of identity, full name, rank, dates of shipment-storage, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the Commander, Naval Supply Systems Commands (Code 05), Washington, D.C. 20376.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents of records and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms submitted by the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N04060-1

SYSTEM NAME:

Navy and Marine Corps Exchange and Commissary Sales Control and Security Files

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as listed in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customers, employees, and guests at Navy and Marine Corps Exchanges and Commissaries, including individuals making large dollar volume purchases and contract purchases; individuals having requested adjustments or made claims; individuals having previously passed bad checks or been apprehended for shoplifting.

CATEGORIES OF RECORDS IN THE SYSTEM:

Sales and contract records; lists, logs, or card records of individuals; claims and adjustment records; large volume purchase records; mail orders, and customer special order records, customer list; correspondence; and abuser notification letters. Records of complaints and investigations of regulatory and criminal violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Sales control and prevention and detection of abuse of privileges. Determine responsibility when there are violations of regulations or criminal statutes. Information may be: Provided to local, state, or federal organizations, including the Naval Investigative Service and to the Federal Bureau of Investigation or foreign organizations for further investigation or prosecution; used by command legal personnel for prosecution of military offenses and other administrative action; provided to the Department of Justice in support of civil litigation; provided to officials of other federal agencies in connection with the performance of their official duties related to personnel administration.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tape, discs, drums, and punched cards. Manual records may be stored in file folders or microform, in file cabinets or other containers.

RETRIEVABILITY:

Automated and manual records may be retrieved by social security account number and/or name.

SAFEGUARDS:

Access is provided on a need-to-know basis, only. Automated records are located in restricted areas accessible only to authorized persons. Manual records and computer printouts are maintained in locked or controlled access areas.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST 5212.5B, Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to system manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals concerned, other records of the activity concerned, other records of activity investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a(j) or (k), as applicable. For additional information, contact the system manager.

N04065-1

SYSTEM NAME:

Bad Checks and Indebtedness Lists

SYSTEM LOCATION:

Commander, Navy Resale and Services Support Office, 3rd Ave. and 29th St., Brooklyn, NY 11232 (for all Navy Exchanges) Commissary Store operations as listed in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons of Navy exchanges and Commissary Stores who have passed checks which have proven bad; recruits who have open accounts wth Navy exchanges; patrons who have made C.O.D. mail order transactions and those patrons who make authorized charge or credit purchases where their accounts are maintained on the basis of an identifying particular such as name, social security number or service number.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bad Check System (including: Returned Check Ledger; Returned Check Report; copies of returned checks; bank advice relative to the returned check or checks; correspondence relative to attempt by the Navy exchange or Commissary Store to locate the patron and/or obtain payment; a printed report of names of those persons who have not made full restitution promptly, or who have had two or more checks returned through their own fault or negligence) Accounts Receivable Ledger, detailed by patron; COD Sales Ledger;

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 and 10 USC 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Department of the Navy's personnel in the performance of their official duties to record receipt of bad checks from patrons; to monitor and avoid undue losses because of continued passing of bad checks. This system also contains information regarding the correspondence issued in an effort to recover losses. A bad check list is locally and centrally. This information is issued to all cashiers, exchange and commissary officers. The Accounts Receivable ledgers are used to properly record credit sales and the payment of these accounts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained vary, but include: magnetic tape; printed reports; file folders; file cards;

RETRIEVABILITY:

Name and social security number

SAFEGUARDS:

Locked file cabinets; supervised office spaces; supervised computer tape library which is accessable only through the computer center (entry to the computer center is controlled by a combination lock known by authorized personnel only).

RETENTION AND DISPOSAL:

Navy exchange records retention standards are contained in the 'Disposal of Navy and Marine Corps Records, Part II, chapters 4 and 5 and/or the Navy Exchange Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Director, Treasury Division (TD) Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry the requester must provide full name, social security number, activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters mustprovide the following proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual; the bank involved and the activity sales records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04066-2

SYSTEM NAME:

Commercial Fidelity Bond Insurance Claims

SYSTEM LOCATION:

Commander, Navy Resale and Services Support Office, 3rd Ave. & 29th St. Brooklyn, NY 11232 (for all Navy Exchanges).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel assigned to Navy exchanges, who the duly constituted authority (usually a Board of Investigation appointed by the base Commanding Officer) has established to be guilty of a dishonest act which has resulted in a loss of money, securities or other property, real or personal, for which the exchange is legally liable.

CATEGORIES OF RECORDS IN THE SYSTEM:

Equipment Loss Reports, Cash and/or Merchandise Loss Reports from Navy exchanges, including correspondence relating to losses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5USC 301 and 10 USC 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Department of the Navy personnel in the performance of their duties, to provide information, as required, to the insurance carrier (fidelity Bond Underwriter) for appropriate coverage, as well as to render appropriate assistance in processing insurance claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained varies but includes file folders and ledgers.

RETRIEVABILITY:

Name, payroll number, service number, activity.

SAFEGUARDS:

Locked file cabinets; locked offices which when open are supervised by appropriate personnel; security guards.

RETENTION AND DISPOSAL:

Records are retained for three years after settlement and then retired to the

SYSTEM MANAGER(S) AND ADDRESS:

Federal Records Center, St. Louis, Mo.

Commander Navy Resale and Services Support Office 3rd Ave. and 29th St., Brooklyn, NY 11232

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry the requestor must provide full name, payroll or military service number and activity where they had their dealings. A list of other offices the requestor may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual; the insurance underwriter; audit reports; investigatory reports and/or activity loss records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04066-3

SYSTEM NAME:

Layaway Sales Records

SYSTEM LOCATION:

Commanda, Navy Resale and Services Support Office, 3rd ave. and 29th Street, Brooklyn, NY 11232 (for all Navy exchanges)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons of Navy exchanges who buy goods on a layaway

CATEGORIES OF RECORDS IN THE SYSTEM:

Layaway Tickets and layaway patron lists

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5USC301 and 10USC5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Department of the Navy personnel in the performance of their duties to record the selection of layaway merchandise, record payments, verify merchandise pick-up and perform sales audit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders include layaway tickets and layaway patron lists.

RETRIEVABILITY:

Name, address, service number or exchange permit number

SAFEGUARDS:

Locked file cabinets, supervised records space

RETENTION AND DISPOSAL:

Destroyed after two years per Navy Exchange Manual

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Director, Controller Division (CD) Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Individual record holders within the central system may be contacted through the central system record holder.

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry, the requester must provide full name, social security number, activity where layaway sales were transacted. A list of other offices the requester may visit will be provided after initial contact at the office listed above. At the time of personal visit,

RECORD ACCESS PROCEDURES:

requesters must provide proof of identity containing the requester's signature.

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04066-4

SYSTEM NAME:

Navy Lodge Records

SYSTEM LOCATION:

Commander, Navy Resale and Services Support Office, 3rd Ave. and 29th St., Brooklyn, NY 11232 (for all Navy Exchanges)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons and guests authorized lodging at a Navy exchange Navy Lodge.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reservation request; guest registration card; navy lodge guest folio.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 and 10 USC 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Department of the Navy personnel in the performance of their duties to: a record of reservations to insure orderly room assignment and avoid improper booking; record registration and payment of account; verify proper usage by eligible patrons; cash control; gathering of occupancy data; determine occupancy breakdown; rental and furnishings accountability.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained vary, but include: folio card; ledger; Guest Registration Cards; and local copies and reports of central system reports.

RETRIEVABILITY:

Name; service number; social security number

SAFEGUARDS:

Supervised offices; locked files

RETENTION AND DISPOSAL:

Navy exchange records retention standards are contained in the 'Disposal of Navy and Marine Corps Records, Part II, chapters 4 and 5 and the Navy Exchange Manual. Local reservation request forms are destroyed 1 month after the actual date of check-in.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Manager, Personalized Services (SMD4) Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Individual record holders within the central system may be contacted through the central system record holder.

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry the requester must provide full name, social security number, service number and location of the last Navy Lodge where they had dealings. A list of other offices the

requester may visit will be provided after initial contact is made with the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual patron and the charges he or she incurred during a visit at the Navy Lodge.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04350-1

SYSTEM NAME:

Contract Field Service File

SYSTEM LOCATION:

Commander Naval Electronic Systems Command Washington, D.C. 20360

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contractor representatives (engineers/technicians)

CATEGORIES OF RECORDS IN THE SYSTEM:

NAVELEX 4603 maintains a contractor field engineer file system by name and company. The only personal information contained in these files are security clearance information (degree, date cleared, by whom), date and place of birth, and social security number. Contract services requests and authorizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulation

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in the system is used for notifying ships, shipyards, supships, other Navy activities and some contractor plants of reporting engineers security information for tech assists. Internal users other than 4603 are cognizant engineers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

The files are filed by company and name.

SAFEGUARDS:

The files are located in a locked cabinet. When the cabinet is open, personnel is in the room at all times. Normally no other people have access to these files. The only ones that could have access based upon a need to know are the cognizant engineers and the contractor representatives may review their own personal jacket. ELEX 4603 personnel must remove records from cabinets.

RETENTION AND DISPOSAL:

The records are retained as long as the engineer is employed by the company, then the records are transferred to Archives for the standard retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Contract Services Coordinator, ELEX 4603

NOTIFICATION PROCEDURE:

Request must be made to system manager ELEX 4603. Requestor must provide full name, social security number and photo identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The source of information is from the contractor representatives (engineers/technicians) employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04385-1

SYSTEM NAME:

Investigatory (Fraud) System

SYSTEM LOCATION:

Chief of Naval Material (CNM), Navy Department, Washington, D.C. 20360

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals alleged, suspected, convicted, or otherwise involved in areas of possible criminal or administrative misconduct, including, but not limited to, fraud, theft of government property, conflict of interest, violation of the standards of conduct, or other violations of law or regulation pertaining to procurement, disposal and related matters within the cognizance of CNM.

Names of individuals involved in areas of possible criminal misconduct pertaining to procurement and related matters within the cognizance of CNM.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Administrative memoranda
2. Investigative reports and other investigative/intelligence information
3. Reports of disciplinary action taken
4. Card index file.
5. Public court records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Uses are to disseminate information on procurement fraud and related matters to the officials in the Department of the Navy to assure that they are notified in fraud cases. To request official investigations, audits, to respond to congressional inquiries and to request reports of final action taken. Internal users are subordinate officials to the CNM, CNO, SECNAV and ASN. Documents furnished to Department of Justice to be used in prosecutive actions. Reports are also used in connection with debarment/ suspension actions and require notification D/A, AF, DSA, GSA, Defense Nuclear Agency, MARCORPS and DCAA.

Referrals to NIS (law enforcement)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, magnetic tape/discs.

RETRIEVABILITY:

By subject name and SSN; by case name, case number, type of crime and other case fields.

SAFEGUARDS:

Access is limited to MAT 09G personnel. Files are stored in a locked cabinet. The area is sight controlled

during normal work hours and locked during non duty hours. Building access is controlled during non-duty hours by a Security Force, which also conducts roving patrols of the building. There is no possibility that the computer can be accessed from outside the controlled area.

RETENTION AND DISPOSAL:

Files are maintained within NAVMAT spaces for two years after final action is taken and subsequently stored indefinitely with the Federal Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Material Deputy Assistant Inspector General (Investigations) Crystal Plaza Bldg. 45, Rm 678 Washington D.C. 20360

NOTIFICATION PROCEDURE:

Written requests should be addressed to the system manager, giving full name, address, and either a social security number or date and place of birth. Written requests must be notarized. Individuals may visit the system manager between the hours of 0900-1500, Monday-Friday and must show proof of identity consisting of ID containing photograph.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agencies Rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals, investigative, judicial, and administrative reports, and complainants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k) (1); (2) and (5), as applicable. For additional information contact the System Manager.

N04410-1

SYSTEM NAME:

File of Records of Acquisition, Transfer and Disposal of Privately Owned Vehicles

SYSTEM LOCATION:

U.S. Naval Radio Station, FPO New York 09516

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Navy personnel stationed at U.S. Naval Radio Station, FPO New York 09516 who own a concession vehicle in the United Kingdom.

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for delivery of a motor vehicle without payment of duty, value added tax and car tax.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For information on type of car, engine no., license no., year of car, make of car, base assigned, organization, soc. sec. no., and paygrade.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders

RETRIEVABILITY:

Name

SAFEGUARDS:

Locked safe in Admin Office with a 24 hour security watch.

RETENTION AND DISPOSAL:

Records are maintaned as long as a person owns a concession vehicle in the United Kingdom. Records are burned as soon as vehicle is either shipped out of the U.K. or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, U.S. Naval Radio Station, FPO New York 09516 is overall policy official with the Administrative Officer, U.S. Naval Radio Station, FPO New York 09516 as the subordinate holder.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to U.S. Naval Radio Station, FPO New York 09516, giving full name and social security number. Visitors may come to the Administrative Office at the address given under SYSMANAGER and must have valid military I.D. or, if no longer in the military, have other valid identification such as a driver's license.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by theindividual concernd may be obtained from th system manager.

RECORD SOURCE CATEGORIES:

Applicable U.S. Serviceman

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04410-2

SYSTEM NAME:

Military and Civilian Employee Dependents Hurricane Shelter Assignment List

SYSTEM LOCATION:

Commanding Officer Naval Communication Station Key West Key West Florida 33040

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel and civilian employees and their dependents who apply for assignment to naval communication station shelter

CATEGORIES OF RECORDS IN THE SYSTEM:

Record lists names, addresses, and phone numbers of military/ civilian station personnel applying for shelter assignments for their families, together with names of dependent spouses, names and ages of dependent children, and whether or not requirement exists for station transportation to shelter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Disaster Preparedness Officer in determining shelter logistics requirements and by Shelter Officer in mustering assigned dependents in shelter in case of hurricane.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder

RETRIEVABILITY:

Name

SAFEGUARDS:

File maintained in locked cabinet by Disaster Preparedness Officer.

RETENTION AND DISPOSAL:

Maintained from May through April each year, disposed of by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Disaster Preparedness Officer Naval Communication Station Key West Key West Florida 33040

NOTIFICATION PROCEDURE:

Individual record entries are filled out by hand by station military/civilian sponsors desiring to register their families in command hurricane shelter. System contains no info other than entries provided by sponsors. Certified station sponsors may review/remove entry by phoning/visiting the Disaster Preparedness Officer, Naval Communications Station Key West.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

All entries to file are hand written forms filled in by military/civilian command sponsors requesting hurricane shelter for their families.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04410-3

SYSTEM NAME:

Duty Free Vehicle Log

SYSTEM LOCATION:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO New York 09515

Customs Officer, HMS Customs and Excise, Campbeltown, Argyll, Scotland

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals stationed aboard NAVWPNSFACDET Machrihanish who own vehicles purchased or imported into the United Kingdom duty free.

CATEGORIES OF RECORDS IN THE SYSTEM:

Single line entry on loose leafe pages listing: Name and rank/rate of individual; make, year and registration of vehicle; status (bought new in UK or imported) of vehicle; and date of purchase or importing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5USC301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To assist local customs officials to protect against the illegal transfer of duty-free vehicles to UK citizens.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder

RETRIEVABILITY:

Name

SAFEGUARDS:

The records are maintained in an office that is locked when not manned.

RETENTION AND DISPOSAL:

Pen and ink changes are made to records until complete page must be retyped. Old pages are then destroyed by shredding or burning. Retention period dependent upon number of changes occuring. Method of disposal by local customs official unknown.

SYSTEM MANAGER(S) AND ADDRESS:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO New York 09515

NOTIFICATION PROCEDURE:

Individuals wishing to learn if records concerning them are still retained may contact the System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is obtained from documents provided by the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N04410-4

SYSTEM NAME:

Record of Import and Export of Foreign Made Auto Vehicles into and out of Australia

SYSTEM LOCATION:

U.S. Naval Communication Station FPO San Francisco 96680

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Importers/exporters and purchasers of foreign made automobiles imported into Australia by U.S. personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of shipping and customs documents for automobiles imported into and exported from Australia.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Agreement between Australia and the United States of America concerning the status of United States forces in Australia and protocol to that agreement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Supply Officer: to determine shipping and wharf handling requirements. Legal Officer: to monitor sale and/or export of foreign made vehicles imported into Australia by the U.S. personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder.

RETRIEVABILITY:

Name.

SAFEGUARDS:

File cabinet, Entry by legal/personal property office personnel only.

RETENTION AND DISPOSAL:

Duration of customs to duty bond. Destruction through burning.

SYSTEM MANAGER(S) AND ADDRESS:

Legal officer and personal property supervisor.

NOTIFICATION PROCEDURE:

Individual initates record and may request information. Legal Officer, Personal Property Supervisor, U.S. Naval Communication Station. Information requested must provide: full name, official title, purpose of inquiry. Offices to be visited: Legal Office and Personal Property Office, U.S. Naval Communication Station. Proof of identity: visual recognition or identification card.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information supplied by individual, copy of purchase documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N04650-1

SYSTEM NAME:

Personnel Transportation System

SYSTEM LOCATION:

Military Traffic Office & East Coast Passenger Control Point, Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370.

District Passenger Transportation Office & West Coast Passenger Control Point, Headquarters, TWELFTH Naval District, Treasure Island, San Francisco, California 92132.

District Passenger Transportation Office & Alaskan Passenger Control Point, Naval Support Activity, Seattle, Washington 98115.

District Passenger Transportation Offices, all other Naval District Headquarters.

Overseas Area Travel Coordinators at U. S. Naval Activities, United Kingdom; U. S. Naval Activities, Spain; Headquarters, U. S. Fleet Air Mediterranean; U. S. Naval Support Activity, Naples, Italy; Headquarters, Middle East Force; U. S. Naval Station, Keflavik, Iceland; U. S. Naval Air Facility, Lajes, Azores; Naval Station, Argentina, Newfoundland; Naval Base, Guantanamo Bay, Cuba; Headquarters, TENTH Naval District; Headquarters, FIFTEENTH Naval District; Headquarters, U. S. Naval Forces, Mariannas; Headquarters, U. S. Naval Forces, Philippines; Headquarters, U. S. Naval Forces, Japan; and Naval Communication Station Harold E. Holt, Exmouth, Western Australia (See Directory of the Department of the Navy Mailing Addresses).

And local activities (See Directory of the Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy military personnel, midshipmen, retired Navy members, civilian employees of the Navy, dependents of the foregoing, and other civilians authorized through Navy commands to travel at Government expense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for travel and, where applicable, for passports and visas; requests for extension of 12-month limit on travel by retired member to home of record; supporting documents; correspondence, and approvals/disapprovals relating to the above records; travel arrangements in response to above applications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 USC 404 Travel & Transportation Allowances--General

5 USC 5701 et seq Travel, Transportation & Subsistence

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy, Department of Defense and components thereof in the performance of their official duties related to the determining of eligibility for transportation, the authorizing or denying of transportation, and otherwise managing the personnel transportation system.

Officials and employees of other departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the provision of transportation; diplomatic, official, and other no-cost passports; and visas to subject individuals.

Foreign embassies, legations, and consular offices--to determine eligibility for visas to respective countries, if visa is required.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the control of travel costs.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

The Senate or the House of Representatives of the United States or any committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of files or records of individuals covered by this system of records.

Commercial Carriers-providing transportation to individuals whose applications are processed through this system of records.

Such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U. S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums, and on punched cards. Manual records in file folders or file-card boxes, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by social security account number and/or name. Manual records are filed alphabetically by name of applicant; applications for dependents filed by name of sponsor.

SAFEGUARDS:

Records are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or in accordance with Departmental regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to the local activity where the request for transportation was initiated (see Directory of the Department of the Navy Mailing Addresses), and/or to intermediate activities (if applicable) (see Directory of the Department of the Navy Mailing Addresses, or to the Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370. The letter should contain full name, social security account number, address and signature of the requester. The individual may visit the activities and commands listed under LOCATION for assistance with the records maintained at the respective locations. Proof of identification will consist of Military Identification Card for persons having such cards. Others must present other positive personal identification, preferably picture-bearing.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, State Department and other agencies of the Executive Branch and components thereof, in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; foreign embassies, legations, and consular offices reporting approval/disapproval of visas; and carriers reporting on provision of transportation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05100-1

SYSTEM NAME:

Diving Log

SYSTEM LOCATION:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military and civilian employees of the Navy involved in diving or exposed to a hyperbaric environment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Diving Log Report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reports summarizing diving activity are furnished to the commanding officer for individuals attached to the unit and are used to monitor experience levels associated with types of dives, equipment usage and requalification requirements. Individual records are also used to evaluate the diving program at specific activities and to determine if manning level, experience and operational requirements are consistent with an effective safety program. Pertinent individual records or statistical summaries prepared by Naval Safety Center analysts are also provided to all echelons within the Navy having a responsibility for the diving program and to Chief of Naval Personnel, Comptroller of the Navy, General Accounting Office, Naval Audit Service or other activities having responsibility for the administration or control of personnel assignments and hazardous duty payments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Records may be selected based on any of the data elements contained in the file such as diver's social security number, organization unit, type of dive and equipment used.

SAFEGUARDS:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not directly related to the diving program must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Submarine Safety Programs, Naval Safety Center, NAS, Norfolk, VA 23511

NOTIFICATION PROCEDURE:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Commanding Officer of naval units conducting diving or hyperbaric exposure incident to diving.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05100-2

SYSTEM NAME:

Diving Accidents and Injuries

SYSTEM LOCATION:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA. 23511

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military and civilian employees of the Navy involved in an accident or who are injured while engaged in diving or exposed to a hyperbaric environment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Diving Accident/Injury Report. Personnel Casualty Report. JAG manual investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records of diving accidents and injuries are evaluated by Naval Safety Center analysts to determine existence of problem areas and to detect trends. The records are correlated with the diving log reports and used as a basis for recommending changes in operating procedure, equipment, decompression schedules and training requirements. Individual reports and compilations of accidents and injuries are routinely furnished to activities within the Navy having responsibility for diving safety. Reports are also furnished to Government or private research institutions engaged in studies relating to the prevention or treatment of diving injuries or the design and usage of underwater equipment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Any of the data elements such as diver's social security number, type of accident, depth and purpose of dive,

degree of injury and treatment provided are used to retrieve individual records.

SAFEGUARDS:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not directly related to diving safety must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Submarine Safety, Naval Safety Center, NAS, Norfolk, Va. 23511

NOTIFICATION PROCEDURE:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Commanding Officer of naval units conducting diving or hyperbaric exposure incident to diving. Office of the Judge Advocate General. Chief, Bureau of Medicine and Surgery.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05100-3

SYSTEM NAME:

Occupational Injury and Illness

SYSTEM LOCATION:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511 (Central) Subordinate Type Commands/ Ship/Naval Units

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy military personnel who sustain an injury or occupational illness and Navy civilian personnel who sustain an occupational illness or injury resulting in one or more days of lost time.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accidental Injury/Death Reports. Personnel Casualty Reports. Hospital Admission Reports. JAG manual investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Accidental injury records are used to compile a variety of statistical reports which are routinely published or prepared at the request of Navy forces afloat and shore activities. Individual injury reports are selected and reviewed by Naval Safety Center analysts in order to detect problem areas relating to operating procedure, training and equipment usage and malfunction. Results of these studies which may include individual injury reports are provided to commanding officers and to all echelons within the Navy having responsibility for the allocation of resources or the implementation of the Safety Program. Individual injury records are correlated with data contained in other personnel files in order to detect unfavorable trends within an activity and to recommend appropriate corrective measures. Individual records and statistical summaries are provided on request to all Government activities having a legitimate need for such information. Individual records and summary data are provided to contractors and research activities in connection with projects either funded by or deemed potentially valuable to the Department of the Navy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape. (Central location) File Folders/cardex (subordinate commands)

RETRIEVABILITY:

Any of the data elements such as social security number, command or unit identification code, degree of injury, location, equipment malfunction and cause factors are used to select individual records.

SAFEGUARDS:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not within the routine usage criteria must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Occupational Safety, Health and Support Programs, Naval Safety Center, NAS, Norfolk, VA 23511

NOTIFICATION PROCEDURE:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Commanding officers of Forces Afloat and Shore activities, Judge Advocate General and Chief, Bureau of Medicine and Surgery.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05100-4

SYSTEM NAME:

Motor Vehicle Accidents and Injuries

SYSTEM LOCATION:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511 Subordinate/Type Commands/Levels

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy military personnel regardless of duty status who are injured as a result of a motor vehicle accident or are the operator of one of the vehicles involved in such an accident. Navy military and civilian personnel who are involved in a Government motor vehicle accident or a private motor vehicle accident on Navy

property. Navy civilian employees who are injured in a motor vehicle accident during the course of their official duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Motor Vehicle Accident Report. Personnel Casualty and Death Report, Hospital Admission Reports and JAG manual investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Motor vehicle accident records are used to compile statistics which are given wide dissemination within the Navy. Compilations of motor vehicle accident records for particular commands, activities and units are furnished on request to assist in the development of an effective safety program at all levels within the Navy. Accident records of individuals assigned to specific units or records of individuals involved in multiple accidents are provided to commanding officers. Motor vehicle accident records are correlated with data contained in other accident/injury or training files. The significance of this data is evaluated by Naval Safety Center analysts and summary information, specific individual records or composite records provided to all echelons within the Navy having a responsibility for motor vehicle safety. Individual records and statistical summaries are provided on request to all Government activities having a legitimate need for such information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape. (Central location) File folders/cardex (subordinate commands)

RETRIEVABILITY:

Any of the data elements such as individual social security number, activity or unit identification, cause factors and degree of injury are used to retrieve individual records.

SAFEGUARDS:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information which are not included in the routine usage criteria must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL:

Magnetic tape files contain all available records and are never purged. Original documents are destroyed when no longer required. Reports are not transferred to a record center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Occupational Safety, Health, and Support Programs, Naval Safety Center, NAS, Norfolk, VA 23511

NOTIFICATION PROCEDURE:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Commanding officers of Forces Afloat and Shore activities, Judge Advocate General and Chief, Bureau of Medicine and Surgery.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05100-5

SYSTEM NAME:

Aviation Mishap Report

SYSTEM LOCATION:

Commander, Naval Safety Center, Naval Air Station, Norfolk, Virginia 23511.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All aeronautically designated individuals in a crew status who are involved in a naval avaiation mishap resulting in a cost of
50,000 or more.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, flight experience of involved individuals, and location, severity, cause factors and description of the accident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DOD Instruction 1000.19, dated 18 October 1979; subject: Mishap Investigative Reporting and Recordkeeping.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this file will be provided to all naval aviation activities and to the Department of Labor, Department of Commerce, Department of Transportation, and NASA, or contractors who request and have an official need for such information. Navy and other government activities will utilize these records in connection with safety, staffing, training, budgetary or administrative purposes associated with aviation. Contractors will be furnished information in connection with a federal contract. Uless required the identification of individuals will be deleted from reports provided to non-Navy activities. Although the identification of the individual will not be used to retrieve records in connection with Freedom of Information Act requests, reports may be compiled from this file using other search criteria and provided in response to such requests.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, disk storage packs, file folders and microfilm.

RETRIEVABILITY:

Name or social security number may be used for retrieval.

SAFEGUARDS:

Files are maintained within the data processing facility and a limited number of Naval Safety Center personnel have free access to this area. When the computer facility is not occupied, physical security is provided by the Naval Safety Center duty section and by periodic checks made by the base security patrol. A knowledge of the computer operating system is required to process the mechanized files.

RETENTION AND DISPOSAL:

Original source documents will normally be destroyed within 18 months after being processed. Microfilm copies of the source documents and the data files will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Records and Data Processing Department, Naval Safety Center, Naval Air Station, Norfolk, Virginia 23511.

NOTIFICATION PROCEDURE:

Individuals can determine the existence of records pertaining to them by contacting the System Manager. Full name and social security number must be provided.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The source of data for the file is the Aviation Mishop Report.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05101-1

SYSTEM NAME:

Safety Equipment Needs, Issues, Authorizations

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as listed in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel whose work requires them to wear, or are issued, protective clothing or equipment, including prescription safety lenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listings, cards, and other records of individuals requiring, authorized, or issued prescription or other safety equipment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By safety department personnel to determine who needs, is eligible, or has been authorized or issued prescription or other safety equipment for protection.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card index files, file folders in file drawers, or microform.

RETRIEVABILITY:

By name or date of authorization or issue.

SAFEGUARDS:

Controlled access space or locked rooms; personnel screening.

RETENTION AND DISPOSAL:

Secretary of the Navy Instruction 5212.5B, Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting access may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals to whom the records pertain.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05101-2

SYSTEM NAME:

Sight Conservation Program

SYSTEM LOCATION:

Director, Naval Research Laboratory, Washington, D.C. 20375

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees wearing glasses whose work requires the use of safety glasses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Eyewear prescriptions and pertinent information on special fitting requirements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records of eyewear prescriptions used by contract optometrist in connection with periodic examinations and by Safety Office personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Office door locked at night.

RETENTION AND DISPOSAL:

Retained as long as employee is on program. When he leaves NRL or changes job and does not qualify for program, his file is destroyed by tearing it up.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Safety Office, Naval Research Laboratory, Building 222, Room 188.

NOTIFICATION PROCEDURE:

Verbal request to system manager, with some proof of identity, such as driver's license or ID card.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Optometrist's measurements.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05120-1

SYSTEM NAME:

Bond Accounting

SYSTEM LOCATION:

Decentralized, maintained by Issuing Agents for Savings Bonds; a list is available from:
Commander
Navy Accounting and Finance Center
(NCF-123)
Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and Military Personnel of the Department of the Navy including contract employees who meet the requirement for ownership of savings bonds as outlined in Treasury

Department Circular No. 530 as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual application and related records - The Bond Record File - Master Bond Record Card Control Account - The Master Control Account - Activity Subcontrol Accounts - Refund Subcontrol - Transfer Journal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose: To issue U. S. Savings Bonds

User: Issuing Agents for Savings Bonds

Uses: Provide audit trail on Requisition, Control, and Issuing of Bonds -

Maintenance of accounts - Accounting for funds - Financial Reports and Returns - Miscellaneous provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Metal file cabinets equipped with a locking device - Paper records in metal filing cabinets - Microfilm.

RETRIEVABILITY:

Retrieved by name, social security number or payroll number. From the Federal Reserve Bank by numerical sequence by serial number shown on bond issued stub.

SAFEGUARDS:

Locked cabinets, with building or military base security. Access authorized to personnel engaged in payroll processing, disbursing, supervisory or management personnel, and auditors. Bond subscribers are authorized to receive information on their own records.

RETENTION AND DISPOSAL:

Records are maintained for one year. Records are then forwarded to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Navy Accounting and Finance Center (NCF-123) Washington, D.C. 20376 Procedures are prescribed in Comptroller of the Navy Manual (NAVSO P-1000). For decentralized locations where individuals may deal directly, addresses are available from the SYSMANAGER.

NOTIFICATION PROCEDURE:

Information may be obtained by contacting the Bond Issuing Office responsible for issuing bond if known. If unknown the inquiry should be submitted to Commander, Navy Accounting and Finance Center, NCF-123, Washington, D.C 20376. Requester should provide full name, social security number or payroll number, current address when requesting information. An individual is permitted to visit any Bond Issuing Agent Office for information and will be required to provide identification such as identification card (i.e., DOD Building Pass).

RECORD ACCESS PROCEDURES:

The Agency's rule for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Request for Bonds are filed by individuals who provide information on themselves. Other records are generated from the original request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05210-1

SYSTEM NAME:

Correspondence files

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These are files kept by subject, name of correspondent (Congressman, contractor, other member of public, etc.,) or name of recipient.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming and outgoing correspondence and related material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to 'follow-up' on previous correspondence, for reference purposes, to assure consistency of policy, and for other official Navy business.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSAN, Case Number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05238-1

SYSTEM NAME:

ADP Budget

SYSTEM LOCATION:

Director Naval Research Laboratory Washington, D.C. 20375

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of the Naval Research Laboratory who by the definitions contained in SECNAVINST 5238.1A of 15 Feb 1973 are reportable for purposes of Resource Accounting in Data Processing related activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, pay number, grade, step, salary related data, man-years of effort (either actual or projected) salary related data and changes in pay status (either actual or projected) which would affect salary costs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data is used by managers of computer oriented organizations to formulate Budgets for inclusion in the Automatic Data Processing Program Reporting System - Resource Accounting (Dept. of the Navy).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folders and magnetic disc

RETRIEVABILITY:

Pay number.

SAFEGUARDS:

Locked cabinets, personnel screening, (need to know) visitor controls, computer systems software including password protection.

RETENTION AND DISPOSAL:

Routinely discarded after three years.

SYSTEM MANAGER(S) AND ADDRESS:

ADP Coordinator, Code 4014 Director, Naval Research Laboratory, Washington, D. C. 20375

NOTIFICATION PROCEDURE:

A written request to the SYSMANAGER at the above address providing the individual's full name, current address and telephone numbers, dates of employment, organization code(s) and pertinent occupational series code. Determination of record may be made in the Research Program Office, Computation Center, or Office of Comptroller. A drivers license or other recognized form of identification bearing the individuals signature and current address will be required of visitors.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel records

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05300-1

SYSTEM NAME:

Organization Locator and Social Roster

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel attached to the activity; also may include military and civilian personnel of the Department of Defense and other government agencies; may also include family members and guests of military and civilian personnel; other invitees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual or mechanized records. Includes information such as names, addresses, telephone numbers; official titles or positions and organizations; invitations, acceptances, regrets, protocol, and other information associated with attendents at functions. Locator records of personnel attached to the organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For locating individuals on routine and emergency matters. Often used for mail distribution, for forwarding addresses, and as a recall list. Also, may be used as a social roster for social reference for various official and non-official functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape, and similar record formats.

RETRIEVABILITY:

Name, SSAN, number, organization, function.

SAFEGUARDS:

Access provided on a need to know basis.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to record may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, correspondents, directories and official publications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05300-2

SYSTEM NAME:

Administrative Personnel Management System

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy activities. Official mailing addresses are in the Navy's address directory in the appendix to the Navy Department's systems notices appearing in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian, (including former members and applicants for civilian employment), military and contract employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence/records concerning identification, location, routine and emergency assignments, functional responsibilities, clearance, educational and experience characteristics, travel, retention group, vehicle parking, disaster control, community relations, (blood donor, etc), employee recreation programs, grade and series or rank/rate,

retirement category, awards, property custody, personnel actions/dates, violations of rules, physical handicaps and health data, veterans preference, mutual aid association memberships, union memberships, qualifications, and other data needed for personnel, line and security management, as appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Official and employees of the Department of the Navy in the performance of their duties relating to the management, supervision and administration of all Navy civilian and military personnel such as preparing rosters/locators; contacting appropriate personnel in emergencies; training; determining clearance for access control; controlling the budget; travel claims; manpower and grades; maintaining statistics for minorities; employment; labor costing; watch bill preparation; projection of retirement losses; verifying employment to requesting banking; rental and credit organizations; name change location; checklist prior to leaving activity; payment of mutual aid benefits; and similar adminitrative uses requiring personnel data. Arbitrators and hearing examiners in civilian personnel matters relating to civilian grievances and appeals. Officials and employees of the Office of Personnel Management concerning information on civilian pay, leave, benefits, retirement deductions, and any other information necessary to carry out its legally authorized functions and studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape, magnetic disc.

RETRIEVABILITY:

Name, SSAN, Case number, organization.

SAFEGUARDS:

Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual, employment papers, other records of the organization, official personnel jackets, supervisors, official travel orders, educational institutions, applications, duty officer, investigators, opm officials, and/or members of the American Red Cross.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05300-4

SYSTEM NAME:

Personnel Management and Training Research Statistical Data System

SYSTEM LOCATION:

Commanding Officer
U. S. Navy Personnel Research and Development Center
San Diego, California 92152

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U. S. Navy and Marine Corps Personnel and applicants thereto: Active duty, reserve, prior service, dependents, retired, and Department of the Navy civilians from 1951 to present. (Only samples of data from each category are on file, depending on research study.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance, attitudinal, biographical, aptitude, vocational interest, demographic, physiological. Data in any file are limited, depending on purpose of the research study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The data are used solely by Navy Personnel Research and Development Center researchers who analyze them statistically to arrive at recommendations to management on such topics as: Comparison of different training methods, selection tests, equipment designs, or policies relating to improving race relations and decreasing drug abuse. In no case are the data used for other than statistical purposes; that is, the data are not used in making decisions affecting specific individuals as individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, magnetic disk, punched cards, and coding

RETRIEVABILITY:

Records are retrievable by name, social security number, or service/file numbers, but such identifying information is used only to permit collation of data for statistical analysis, and is not used for retrieval of individual records.

SAFEGUARDS:

Unauthorized access to records is controlled by: Security clearances for all Research Center and contractor personnel; physical security including a badge system for entry to the Center and a 24-hour guard maintained on a fenced compound; control of visitors; data bank users having special access codes; and, access limited to only designated personnel.

RETENTION AND DISPOSAL:

Records are destroyed five years after termination of a research project. They are maintained within the confines of the Research Center. Destruction is accomplished by degaussing magnetic tapes and disks, and punched cards are recycled.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Programs (Code 03PA)
U. S. Navy Personnel Research and Development Center
San Diego, California 92152

NOTIFICATION PROCEDURE:

Research Center files are organized by research study. To determine if Center files contain information concerning himself, an individual would have to specify time and place of participation in the research, unit to

which attached at the time, and descriptive information about the study so that appropriate data may be located. For further information, contact the System Manager.

Office to visit: Contact System Manager

Visitor Identification: System Manager will specify

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The source depends on purpose and nature of study: From the subjects themselves, educational institutions, supervisors, peers, instructors, spouses, and job sample tests.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05300-5

SYSTEM NAME:

Sys Cmd Accting/Monitoring of Projects (SCAMP)

SYSTEM LOCATION:

Navy Regional Data Automation Center (NARDAC), Washington Navy Yard, Building 196, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees, assigned military personnel, contractor personnel and those separated within the current five fiscal years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's social security number, date of birth, home address, home telephone number, education level, sex, race or ethnic group. Other types of records integrated with personnel records include: (a) status of travel orders during the previous fiscal year; (b) vehicle identification for parking control purposes; (c) privacy log containing a history of accesses made to any of the privacy protected data; (d) record of personnel actions issued; (e) training data extracted from the Individual Development Plan (IDP); (f) history of all promotions associated with employment at NARDAC; (g) listing of security accesses; (h) manpower costs for all personnel distributed by project and task; and (i) data relating to projects or endeavors that individuals have work on. This data deals with costs and milestone monitoring.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 42 U.S.C. 2000e et seq., 44 U.S.C. 3101, Federal Personnel Manuals 293, 294, 295, 713.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal uses: Officials and employees of the Naval Data Automation Command (NAVDAC) and NARDAC in the performance of their duties relating to personnel management, project monitoring, and financial management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk and on magnetic tape.

RETRIEVABILITY:

SCAMP users obtain information by means of either a query or a request for a standard report. Personnel data may be indexed by any data item although the primary search key is the badge number.

SAFEGUARDS:

Access to building is protected by uniformed guards requiring positive identification for admission. The computer room where data is physically stored is protected by a cypher lock. The system is protected by user account number and password sign-on, data base authority, set and item authority for list, add, delete and update.

RETENTION AND DISPOSAL:

An individual's Personnel Master Data Set record is retained in the data base as long as they are actively employed with the Command. The online personnel data set is purged of all records of separated personnel at the end of each fiscal year. Historical data may be kept for five years on separate tape files.

SYSTEM MANAGER(S) AND ADDRESS:

Department Head, Management Information Analysis Department (Code 20B) NARDAC, Building 157, Washington Navy Yard, Washington, D.C. 20374.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the system manager. Written requests should contain the full name and signature of the individual concerned and his/her social security number indicated on the letter. For personal visits, the individual should be able to provide some acceptable form of identification, i.e., driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies, from security agencies to which application for clearances have been made, and from agencies' various administrative departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05330-1

SYSTEM NAME:

Manhour Accounting System

SYSTEM LOCATION:

Naval Education and Training Information Systems Activity Naval Air Station Pensacola, FL 32508

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active military and civilian personnel assigned to maintenance activities in the Naval Education Training Command

CATEGORIES OF RECORDS IN THE SYSTEM:

One type record which contains the following: Assigned organization code Work center code Name Grade code Pay rate Social Security Number NEC/MOS Labor Code Type Transaction Labor Code Hours assigned

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Master roster listing Work center labor code Work center labor utilization Grade code utilization Internal Navy Users are Naval Education Training Command Activities

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, magnetic tape and flat paper

RETRIEVABILITY:

Organization code Social Security number Work Center

SAFEGUARDS:

Files are stored in a limited access area. Information provided via batch processing is of a predetermined and strictly formatted nature.

RETENTION AND DISPOSAL:

Individual personal data are retained only for that period of time that an individual is assigned to or is supporting a training evolution or activity. Upon departure of an individual, personal data are deleted from the records and history records are not maintained.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Air Training Building 1 Naval Air Station Corpus Christi, TX 78319

Records Holder:
Commanding Officer
Naval Education and Training
Information Systems Activity
Naval Air Station
Pensacola, FL 32508

NOTIFICATION PROCEDURE:

Individuals desiring information whether the system contains records pertaining to them should request that determination from the Records Holder listed under SYSMANAGER. The requester should provide his social security number and full name. The office of the Records Holder listed under SYSMANAGER may be visited for this determination but the requester must present his social security card and military identification card.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing intitial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Naval Air Training Command Activities and organizations

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05340-1

SYSTEM NAME:

Combined Federal Campaign/Navy Relief Society

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Extracts from payroll systems and administrative personnel management systems. Contributor cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10927

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Management of combined federal campaign fund drive of CFC records. Management of navy relief society fund drive of NRS records. Data released to respective campaign coordinators.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSAN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Records are maintained for one year or completion of next equivalent campaign and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Payroll files, administrative personnel files, contributors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05340-2

SYSTEM NAME:

Personal Commercial Affairs Solicitation Privilege File System

SYSTEM LOCATION:

Primary System-Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.

Secondary System-Local Navy Activities involved in the Personal Commercial Affairs Solicitation Privilege System (see Directory of the Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are authorized Personal Commercial Affairs Solicitation Authorization concerning solicitation privileges on board military installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records concerning letter of application for solicitation privileges, letters of accreditation, violation incident data, denial data, appeal data, and other supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to Commercial Affairs Solicitation matters.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to Commercial Affairs Solicitation matters.

The Senate or the House of Representatives of the United States or any committee or subcommittees on matters within their jurisdiction requiring disclosure of files of persons affected.

State and local agencies in performance of their official duties related to agent qualifications.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Private firms whose agents have been banned may request verification of the status of agents. When required by Federal statute, by Executive order , or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records may be stored in paper file folders.

RETRIEVABILITY:

Records are retrieved by name of agent or agency.

SAFEGUARDS:

Records are accessible only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Files are retained and disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security number of the applicant, firm represented, and dates or time period in question, and signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB#2), Rm 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity for access to records maintained locally. Proof of identification will consist of picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerning may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; State and local agencies in the performance of their official duties related to agent qualifications; investigatory records; general correspondence concerning individual agents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05350-1

SYSTEM NAME:

Navy Personnel Rehabilitation Support System

SYSTEM LOCATION:

Primary System-Naval Military Personnel Command, Navy Department, Washington, D.C. 20370;

Decentralized segments-Navy Drug Rehabilitation Centers, Navy Alcohol and Drug Information System Processing Office, Navy Alcohol Rehabilitation Centers, Naval Regional Medical Centers, Navy Counseling and Assistance Centers, Navy Alcohol Rehabilitation Drydocks, Naval Health Research Center, Navy Corrections Centers; and local activities to which an individual is assigned (see Directory of Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy personnel (officers and enlisted) who have been identified as drug or alcohol abusers, or who have undergone counseling and rehabilitation for drug or alcohol abuse in Navy Drug or Alcohol rehabilitation facilities; personnel who work part-time helping alcoholics; active duty navy recovered alcoholics who voluntarily help their commands develop alcoholism prevention programs; navy personnel convicted by court martial and sentenced to confinement; or who were in pre-trial confinement; spouses and significant others (this includes parents, live-togethers, and other non-spouses who play an important part in the alcoholic's/drug abuser's life) who have undergone counseling and rehabilitation in navy drug or alcohol rehabilitation centers, who themselves participate in counseling or treatment programs at such facilities and civilians authorized by the Secretary of the Navy for treatment at a military facility for rehablitation purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records in both automated and non-automated form concerning Interview appraisals, personnel, service, biographical, educational, evaluation and testing, performance, and drug and alcohol rehabilitation program data. Correspondence and records in both automated and non-automated form concerning those in confinement containing offense, legal, service, health, personal, evaluation and classification, discipline and conduct, work and training data, interview appraisals, inventories of confinement personnel management data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title V, Public Law 92-129; Section 413; Public Law 92-255

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Blanket 'routine uses' identified in the yearly recompilation do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C. Section 1175, as amended by 88 Stat. 137, and Title 42 U.S.C., Section 4582, as amended by 88 Stat. 131. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains.

Within the Armed Forces or within those components of the Veterans Administration furnishing health care to veterans or between such components and the Armed Forces.

To medical personnel outside the Armed Forces to the extent necessary to meet a bona fide medical emergency.

To Government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefore. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums or on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Manual records may be retrieved by name and social security number. Automated records may be retrieved by social security number. Computer programs associated with automated records maintained in this system allow for names and social security numbers to be removed while leaving other data elements intact. When the name and social security number is removed, data is aggregated for use in research, management information and planning.

SAFEGUARDS:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Manual records are maintained for two years and automated records are maintained indefinely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Written requests should be addressed to activity to which the individual received treatment or to the Chief of Naval Personnel, Navy Annex, Washington, D.C. 20370. Requests must contain full name, social security account number, military status, address and signature of requester. (Those inquiring about records at Confinement Centers must have their signature notarized, if not confined at the time of the request.) The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB-2) for assistance with records located in the Naval Military Personnal Command; the individual may also visit local activities concerned (see Directory of Department of the Navy mailing addresses). Proof identification will consist of military identification card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; notes and documents from Service Jackets and Records; federal, state and local court documents; general correspondence concerning the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05354-1

SYSTEM NAME:

Equal Opportunity Information and Support System

SYSTEM LOCATION:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, D. C. 20370; and local activity to which individual is attached (see Directory of the Department of the Navy Mailing Addresses).

Secondary System-Department of the Navy Activities in the Chain of Command between the local activity and the Headquarters level (see Directory of the Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy personnel who are involved in formal or informal investigations involving aspects of equal opportunity; and/or who have initiated, or were the subject of correspondence concerning aspects of equal opportunity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records concerning incident data, endorsements and recommedations, formal and informal investigations concerning aspects of equal opportunity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to equal opportunity matters.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to equal opportunity matters.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to equal opportunity matters.

The Senate or the House of Representatives of the United States or any Committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to

the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual concerned.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel on a need to know basis.

RETENTION AND DISPOSAL:

Records disposed of after two years in accordance with SECNAVINST P5212.5B, 'Disposal of Navy and Marine Corps Records'; or in accordance with Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Washington, D.C. 20370; or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number, rank/rate, military status, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FB#2), Rm. 1066 Washington D.C. for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; federal, state, and local court documents; military investigatory reports; general correspondence concerning individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05370-1

SYSTEM NAME:

Statements of Employment (Regular Retired Officers)

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center Anthony J Celebrezze, Federal Building, Cleveland, Ohio 44199 and Marine Corps Finance Center Kansas City, Missouri 64197

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy and Marine Corps Regular retired officers who have filed a Statement of Employment (DD Form 1357).

CATEGORIES OF RECORDS IN THE SYSTEM:

The information is typically contained in the individual's pay account file and occasionally accompanied by correspondence from, to, or concerning individuals in the above-stated category.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3326; 18 U.S.C. 207, 281, 283; 37 U.S.C. 801; 44 U.S.C. 3101; U.S. Const., Art. I, 9, CL. 8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information is used to determine whether the retiree has or may have a conflict of interest or is engaging in proscribed post-retirement employment activities. In some cases, the information is provided to the Judge Advocate General to serve as bases for advisory opinions on the legality and possible penal and civil consequences of post-retirement employment activities and related conflicts-of-interests and standards-of-conduct questions. In addition, the information may be furnished to other components of the Department of Defense, the U.S. General Accounting Office, Department of the Treasury, the Civil Service Commission, the Department of Justice, and other law enforcement and investigatory agencies in instances of suspected violations of pertinent laws or regulations, and the Department of Labor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

By name or social security number of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside of official working hours.

RETENTION AND DISPOSAL:

Records are maintained at the above-stated locations for up to two years after the death of the individual concerned, at which time they are transferred to the Federal Records Center, Mechanicsburg, Pennsylvania, in the case of Navy personnel, and to the Federal Records Center, Kansas City, Missouri in the case of Marine Corps personnel.

SYSTEM MANAGER(S) AND ADDRESS:

For Navy Regular retired officers:
Comptroller of the Navy
Navy Department
Washington, D.C. 20350

For Marine Corps Regular retired officers:
Commanding Officer
Marine Corps Finance Center
1500 East Bannister Road
Kansas City, Missouri 64197

NOTIFICATION PROCEDURE:

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e., full name and social security number); the written request must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager for Marine Corps and the Navy Finance Center for Navy.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager for Marine Corps and the Navy Finance Center for Navy.

RECORD SOURCE CATEGORIES:

The information is obtained from the individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05370-2

SYSTEM NAME:

Statements of Employment and Financial Interest

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as listed in the directory of Department of the Navy activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons filing DD 1555 or DD 1555-1

CATEGORIES OF RECORDS IN THE SYSTEM:

DD 1555 or DD 1555-1 and supplemental lists or reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations and E.O. 11222.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For supervisors and counselors to determine whether the employee has or may have a conflict of interest. For law enforcement and investigatory agencies, such as the Naval Investigative Service, Federal Bureau of Investigation, and Department of Justice, to handle violations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and card files.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Safe or locked file cabinet accessible to authorized personnel only.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer or head of the organization in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, his supervisor, and the counselor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05371-1

SYSTEM NAME:

Conflicts of interest and employment activities.

SYSTEM LOCATION:

Office of the Judge Advocate General (code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve, or retired military personnel and present and former civilian employees of the Navy or Marine Corps who, by reason of their own inquiries or inquiries or complaints of Department of the Navy or other Federal officials or other appropriate persons, have been the subject of correspondence with the Judge Advocate General concerning the legality of outside Federal, State, or private employment or financial interests, dual Federal employment, post-retirement employment, defense related employment, or foreign employment; acceptance of gifts, gratuities. or benefits from Government cntractors, foreign governments, or other sources, or other possible violations of Federal conflicts-of-interest or standards-of-conduct laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence from, to, or concerning, individuals of the above stated category regarding thier current, past, or prospective outside Federal, State, or private employment; defense-related employment; post-retirement employment; foreign employment; dual Federal employment; acceptance of gifts, gratuities, or benefits from Government contractors, foreign governments, or other questionable sources; or other possible violations of conflicts-of-interest or standards-of-conduct laws or regulations. Additionally, such records sometimes include copies of statements of employment submitted by retired military personnel to the Navy Finance Center and referred to the Judge Advocate General for review and further action, and copies of investigative reports concerning suspected violations of pertinent laws or regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3326, 5532; 10 U.S.C. 973, 974, 1032, 6223;

18 U.S.C. 202, 203, 205, 207, 209, 219, 281, 283;

37 U.S.C. 801;

U.S. Const., Art. I, 9, cl 8;

5 U.S.C. 301;

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used as the basis for advisory opinions on the legality of employment activities, financial interests, and the related conflicts-of-interest and standards-of-conduct questions described above. Information may be furnished to other components of the Department of Defense, the U.S. General Accounting Office, the Department of Justice, and the Civil Service Commission in instances of suspected violations of pertinent laws or regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Files are maintained in file cabinets under the immediate control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are permanent and are retained indefinitely in the Office of the Judge Advocate General. However, after five years, name indexes are destroyed, eliminating the capability for retrieval by the names of individuals. Thereafter, they are retrievable only by topical indexes arranged according to the legal issues involved.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va., 22332

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager stating the full name of the individual concerned. Written requests must be signed by the requesting individual. Visits may be made to: Civil Affairs Division (code 12), Office of the Judge Advocate General, Room 9n11, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Armed forces identification card or state driver's license is required for identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is furnished by the individual and is supplemented by correspondence from Federal officials; current, past, and prospective employers; other interested persons regarding possible conflicts of interest and employment activities; and by investigations pertaining to particular suspected violations. Additional information in the form of statements of employment is forwarded by officers of the Navy Finance Center to the Judge Advocate General for review and further action.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE.

N05512-1

SYSTEM NAME:

Vehicle Control System

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals that have vehicles registered at a particular Navy installation; and all individuals who apply for Government Motor Vehicle Operator's License.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetical file of each individual who have vehicles registered or who have applied for a Government Motor Vehicle Operator's License. Files kept by month, individual's name, date of birth, SSN, height, weight, hair and eye color, place of employment, driving record, license number, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a car pool locator, vehicle registration, parking control system, insurance verification system to verify issue of license when individual has lost his or her operator's card, and may be referred to by security or safety officials to determine individual's previous driving record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSAN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05520-1

SYSTEM NAME:

Personnel Security Eligibility information System

SYSTEM LOCATION:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370

Secondary System-local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U.S. Navy and Naval Reserve, former members, and applicants for enlistment or commissioning.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain reports of personnel security investigations, criminal investigations, and counterintelligence investigations, usually brief excerpts only; correspondence, records and information pertinent to an individual's eligibility for acceptance and retention, personnel security clearance, assignment to the Nuclear Weapon Personnel Reliability Program or other 'high risk' program requiring personnel quality control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to personnel security eligibility;

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to personnel security eligibility.

Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies;

State and Local government agencies in the performance of their official duties related to personnel security eligibility;

Officials and employees of the Department of Defense in the

performance of their duties related to personnel security eligibility;

Officials and employees of other agencies of the Executive Branch of the government, upon request, in the performance of their duties related to personnel security eligibility;

Senate or the House of Representatives of the United States or any committees or subcommittees thereof, requiring disclosure of the files or records of individuals covered by this system. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and index cards. Some information from the paper records is contained in an automated file.

RETRIEVABILITY:

Filed alphabetically by last name of individual. Automated files are by social security account number.

SAFEGUARDS:

Stored in locked safes and cabinets. File areas are accessible only to authorized persons who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records and portions thereof vary in period of time retained; records are retained and disposed of in accordance with Department Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to Chief of Naval Personnel, (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or in accordance with the Directory of the Department of the Navy Mailing Adresses (i.e., local activities). The letter should contain full name, social security account number, rank/rate/civilian status, address and notarized signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex, (FOB#2) Washington, D.C., Rm. 1066, for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Prior written notification of personal visits is required to ensure that all parts of the record will be available at the time of the visit. Proof of identify will be required and will consist of a military identification card for persons having such cards and picture-bearing identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing inital determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and other Departments and Agencies of the Executives Branch of government, and components thereof, in performance of their official duties and as specified by current instruction and regulations promulgated by competent authority; civilian and military investigative reports; federal state and local court doucments; fingerprint cards; official correspondence concerning individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05520-2

SYSTEM NAME:

Listing of Personnel - Sensitive Compartmented Information

SYSTEM LOCATION:

Director, Naval Research Laboratory, Washington, D. C. 20375

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals Indoctrinated for access to compartmented information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, affiliation, billet description, clearances authorized, clearances held, rank, Social Security Number, Background Investigation date, date of birth, place of birth, date of marriage, place of marriage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to determine authorization for access to compartmented information. Internal users are Branch Heads, Division Superintendents, Director and Associate Directors of Research and Special Security Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tape

RETRIEVABILITY:

Name, Social Security Number, affiliation, assigned billet number

SAFEGUARDS:

Three combination security container and/or vault.

RETENTION AND DISPOSAL:

Records maintained as long as individual authorized access; changed as changes occur.

Magnetic tape erased as required.

SYSTEM MANAGER(S) AND ADDRESS:

Special Security Officer, Naval Research Laboratory, Washington, D. C. 20375

NOTIFICATION PROCEDURE:

Letter to System Manager at above address giving full name, Social Security Number, and affiliation, or visit to NRL Special Security Office with NRL pass as identification

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

All information obtained from individuals and indoctrination documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05520-3

SYSTEM NAME:

Civilian Personnel Security Files

SYSTEM LOCATION:

Department of the Navy Staff, Headquarters and Field Activities employing civilians in sensitive and nonsensitive positions. Official mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Appropriated and nonappropriated fund employees, contractor employees and visitors requiring base or activity access, and applicants under consideration for employment within the employing activity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain records and information appropriate to the activities civilian employee security program and may include certificates of personnel security clearances and source documents which identify the appropriate investigative basis for clearance eligibility, security access information, copies of requests for investigation, personal history and qualifications statements and other information provided by the employee, signed security briefing and debriefing statements, exception documents, copies of letters of reprimand or suspension, memorandums between the personnel officer or other officers and the security manager, final and interim reports of investigations completed, correspondence concerning personnel security matters, records of security orientation, education and training provided employees, internal security information, records of security violations, and information from law enforcement agencies, former employers and supervisors, references and schools attended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450 (as amended), 'Security Requirements for Government employment' Internal Security Act 1950, 18 USC 1382, and Title 18 U.S. code, and E.O. 9397.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide an effective program to insure that the employment and retention in employment of any civilian officer or employee within the activity is clearly consistent with the interests of national security. To determine the investigative requirements for appointment and retention of civilian officers and employees. To provide information concerning the security clearance and degree of access granted each employee. To provide a basis by which an applicant or employee may be determined suitable for employment or retention in employment in sensitive or nonsensitive positions within the Federal civilain service. To provide a record of favorable security and suitability determinations made by the Navy Central Clearance Group, of favorable and unfavorable determinations made by the Secretary of the Navy and of suitability determinations made by the Office of Personnel Management and the activity. Users include officials and employees of the Department of the Navy in the performance of their official duties related to the Department of the Navy Civilian Personnel Security Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on file cards.

RETRIEVABILITY:

Name (last, first, middle), date of birth, and social security number.

SAFEGUARDS:

Safekeeping and storage in accordance with the Department of the Navy Information Security Program Regulation. OPNAV 5510.1f.

RETENTION AND DISPOSAL:

Records are retained during the employment of the employee at the activity, and during period applicants are being considered for employment, but may be disposed of at any time after serving their purpose. The records are disposed of upon separation (retirement, transfer, resignation, termination, etc.) of the employee. Disposal may be made by (1) return to the source from which received, if required, (2) forwarding to the Department of Defence activity to which an employee is transferred, or (3) destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officers of Heads of Department of the Navy Staff, Headquarters and field activities employing civilians.

NOTIFICATION PROCEDURE:

Request should be by correspondence addressed to the SYSMANAGER. The letter should contain the full name, date and place of birth, and social security number of the requester and his signature. Official mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register. The employee may visit the Security Manger's Office of the activity at which she or he is employed.

RECORD ACCESS PROCEDURES:

The agency's rules for access may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Investigation results and information provided by appropriate investigative agencies and the Naval Civilian Personnel Command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05520-4

SYSTEM NAME:

NIS Investigative Files System

SYSTEM LOCATION:

Primary System-NIS Records Management Division Administration Department, NIS Headquarters, P.O. Box 16230, Suitland Md. 20746

Decentralized Segments - Naval Investigative Service Regional Offices (NISROs) retain copies of certain segments of the investigative files, and related documentation for up to one year. Addresses of these offices are included in the directory of Department of the Navy mailing addresses. Naval Investigative Service Resident Agencies retain copies of investigative reports during pendency and for 90 days thereafter. They also retain evidence custody cards on persons from whom evidence was seized. The number and location of these Resident Agencies are subject to change in order to meet the requirements of the Department of the Navy. Current location may be obtained from Naval Investigative Service Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons in the following categories who require access to classified defense information prior to August 1972: Active and inactive members of the naval service, civilian personnel employed by the Department of the Navy (DoN), industrial and contractor personnel, civilian personnel being considered for sensitive positions, boards, conferences, etc., civilian personnel who worked or

resided overseas, Red Cross personnel. Civilian and military personnel accused, suspected or victims of felonious type offenses, or lesser offenses impacting on the good order, discipline, morale or security of the DoN. Civilian personnel seeking access to or seeking to conduct or operate any business or other function aboard a DoN installation, facility or ship. Civilian or military personnel involved in the loss, compromise or unauthorized disclosure of classified material/information. Civilian and military personnel who were of counterintelligence interest to the DoN.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in the system: Official Reports of Investigation (ROI) prepared by NIS or other federal, state, local or foreign law enforcement or investigative body on either hard copy or microfilm. NIS operations reports (NORs) and their predecessor NIS information reports (NIRs). NORs and NIRs document information received by NIS which is of interest to the naval services or other law enforcement or investigative bodies. The information may be of criminal, counterintelligence or general investigative interest.

General Administration Reports (GEN). Although no longer used as such, the Investigative Purpose of the GEN was to report the results of pre-employment inquiries on applicants for positions as special agents with NIS. The official ROI (above) is now used for this purpose.

Action, Lead Sheets (ALS's), investigative summaries, memoranda for the files and correspondence relating to specific cases and contained in the individual dossier.

Polygraph Data. A listing of persons who submitted to polygraph examination by NIS examiners. The data includes the examinee's name, location and results of the examination and the identity of the examiner.

Case Control and Management documents which serve as the basis for controlling and guiding the investigative activity.

Records identifying confidential sources and contacts with them.

Index to persons reported by 'Name Only'.

Wiretap Data Records. Automated listing of persons who were subjects of wiretapping or eavesdropping operations.

Case Control and Narcotics Data Records. Automated records used only for statistical purposes in accounting for productivity, manhours expenditures; various statistical data concerning narcotics usage and used solely for statistical purposes.

Modus Operandi Files.

Screening Board Reports. These reports set forth the results of oral examination of applicants for a position as a Special Agent with the NIS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301
44 U.S.C. 3101
47 U.S.C. 605

Executive Memorandum of 26 June 1939; Investigations of espionage, counterespionage and sabotage matters.

Executive Order 12036; United States Intelligence Activities; Secnavinst 5520.3, criminal and security investigations and related activities within the Dept of the Navy; DOD Dir 5210.8, policy on investigation and clearance of DOD Personnel for access to defense information; DOD Dir 5200.26, defense investigative program: DOD Dir 5200.27, acquisition of information concerning persons and organizations not affiliated with the Dept of Defense; and DOD Dir 5200.24, telephone interception and eavesdropping, and SECNAVINST 3820.2D, investigative and counterintelligence collection and retention guidelines pertaining to the DON.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in this system is (was) collected to meet the investigative, counterintelligence and security responsibilites of the DoN. This includes personnel security, internal security, criminal and other law enforcement matters all of which are essential to the effective operation of the department.

The records in this system are used to make determinations of; suitability for access or continued access to classified information, suitability for employment or assignment, suitability for access to military installations or industrial firms engaged in government projects/contracts, suitability for awards or similar benefits; referral to other law enforcement or investigatory authorities for law enforcement purposes; use in current law enforcement investigation of any type including applicants; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; insurance claims including workmens compensation; provide protective services under the DoD Distinguished Visitor Protection Program and to assist the U.S. Secret Service in meeting its responsibilities; Congressional interest including the General Accounting Office; respond to the Freedom of Information and Privacy Acts; use for public affairs or publicity purposes such as wanted persons, etc.; referral of matters under their cognizance to federal, state or local law enforcement authorities including criminal prosecution, civil court action or regulatory order; disclosure to federal intelligence/counterintelligence agencies of matters under their purview disclosure to foreign government organizations of criminal and counterintelligence information necessary for the prosecution of justice, or for mutual security and protection; advising higher authorities and naval commands of important developments impacting on security, good order or discipline; reporting of statistical data to naval commands and higher authority; disclosure to the National Archives; use by other investigative unit (federal, state or local) for whom the investigation was conducted; release to defense counsel, disclosure in course of acquiring the information, input into the Defense Central Index of Investigations; disclosure to victims of crimes to the extent necessary to pursue civil and criminal remedies.

Users of the records in this system include employees of the NIS who require access for operational, administrative or supervisory purposes; DoD criminal investigative, investigative and intelligence units; federal, state and local units engaged in criminal investigative, investigative and intelligence activities; federal regulatory agencies with investigative units, DOD components making suitability determinations; federal, state or local judicial or adjudicative bodies; Congressional bodies, including the General Accounting Office who require access within the scope of their jurisdiction for those authorized purposes enumerated above to the extent that those purposes are within the scope of their authority. Commercial insurance companies in those instances in which they have a legitimate interest in the results of the investigation, but only to that extent and provided an unwarranted invasion of privacy is not involved. Victims of crimes to the extent necessary to pursue civil and criminal remedies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, on cards and on microfilm. Automated records on magnetic tape.

RETRIEVABILITY:

NIS permanent files are filed by terminal digit number. In order to locate the file it is necessary to query the Defense Central Index of Investigations (DCII) computer using the name of the subject and at least one other personnel identifier such as date of birth, place of birth, social security number or military service number. Files may also be retrieved by a case control number assigned at the time the investigation is initiated. Copies of the files in the NISROs and Resident Agencies are retrieved by name.

SAFEGUARDS:

NIS investigative files (permanent and temporary) are maintained and stored in open shelves and filing cabinets located in secured areas accessible only to authorized personnel. Dated files are retired to the Washington National Records Center where retrieval is restricted to NIS authorized personnel.

RETENTION AND DISPOSAL:

Retention of completed NIS Investigative files on Personnel Security Investigations (PSI's) is authorized for 15 years unless adverse information is developed, in which case they may be retained for 25 years. PSI files on persons considered for affiliation with DOD will be destroyed within one year if the affiliation is not consummated. Special Agent applicant records are retained for one year if the applicant declines offer of employment and five years if the applicant is rejected for employment. Criminal files are retained for 25 years. Major investigations of a counterintelligence/security nature, of espionage or sabotage, may be retained permanently. Certain of the above records, when found to have possible historical value, may be offered to the National Archives for continued retention. Counterintelligence records on persons not affiliated with DOD must be destroyed within 90 days or one year under criteria set forth in DOD Directive 5200.27, unless retention is required by law or specifically approved by the Secretary of the Navy. Files retained in the NISO's and resident agencies are temporary and are destroyed after 90 days or one year, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

The Director, Naval Investigative Service has ultimate responsibility for all NIS file holdings. Management of NIS permanent files is the direct responsibility of the Head Administration Department. NISRO Commanding Officers are responsible for files retained in their NISRO subordinate Resident Agencies.

NOTIFICATION PROCEDURE:

All requests relative to the retention and/or releasability of NIS investigative files should be addressed to the Director, Naval Investigative Service, P.O. Box 16230, Suitland, Md. 20764. Requests must contain the full name of the individual and at least one additional personal identifier such as date and place of birth, social security number or military service number. Personal visits by requesters should be confined to the Naval Investigative Service headquarters at the above address. It should be borne in mind that the vagaries of the automated indexing system might preclude a same day response. Persons submitting written requests must properly establish their identity to the satisfaction of the NIS. Where a question exists a signed, notarized statement or other certified form of identification will be required. Individuals appearing in person may present proof of identification in the form of military ID card, valid driver's license, or other suitable form of identification bearing a photograph and signature. Attorneys or other persons acting on behalf of a subject of a record must provide a notarized authorization from the subject of the record.

RECORD ACCESS PROCEDURES:

Individuals may make inquiries relative to NIS records maintained on them thru the NIS Information and Privacy Coordinator Naval Investigative Service Headquarters, at the address specified in the previous paragraph.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

See EXEMPTION.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 A (J)(2) and (K)(1), (K)(3), (K)(4), (K)(5), and (K)(6) as applicable. For additional information, contact the System Manager.

N05521-1

SYSTEM NAME:

Access control system

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals considered or seeking consideration for access to space under the control of the Department of the Navy and any visitor (military, civilian, contractor) requiring access to a naval base/activity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Visit requests for permission to transact commercial business, visitor clearance data for individuals to visit a naval base/activity; barring lists and letters of exclusion, and badge/pass issuance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations and E.O. 9397.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintenance of all aspects of proper access control, replacement of lost badges, retrieval of passes upon separation, maintenance of visitor statistics and background information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSAN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual

concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05521-2

SYSTEM NAME:

Commonwealth Pass Application Form

SYSTEM LOCATION:

U.S. Naval Communciation Station FPO San Francisco 96680

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel requiring access to the Commonwealth property on which the Naval Communication Station is located.

CATEGORIES OF RECORDS IN THE SYSTEM:

Completed application forms for Commonwealth passes. Contains name, rank, organization, height, color of hair, color of eyes, date of birth and place of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Arrangements for the use and occupation by the United States Navy of Commonwealth land and for associated matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Issuance of passes for entry to Naval Communication Station.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Locked cabinet - limited access.

RETENTION AND DISPOSAL:

Duration of individual's stay in area. Destruction by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, U.S. Naval Communication Station.

NOTIFICATION PROCEDURE:

Individual initiates record and may request information. Security Officer, U.S. Naval Communicaton Station, information requester must provide: full name, official title, purpose of inquiry. Office to be visted: Security Office, U.S. Naval Communication Station. Proof of identity: visual recognition or identification card.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information supplied by individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05527-1

SYSTEM NAME:

Security Incident System

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in or witnessing incidents requiring the attention of base, station, or activity security personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident/complaint report, investigator's report, military magistrate's records, confinement records, traffic accident and violation records, traffic court file, citations to appear before U. S. Magistrate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Evidence in Uniform Court of Military Justice and Title 18 USC 1382 Proceedings; Criminal investigation; provided to state or federal law enforcement agencies including Naval Investigative Service, Defense Investigative Service, and Federal Bureau of Investigation for further criminal investigation or court action; used by command legal personnel for prosecution of military offenses and other administrative action; support of insurance claims and civil litigation, revocation of base, station, or activity driving privileges.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSAN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05527-2

SYSTEM NAME:

Security inspection and violation system

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in security violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Security violation reports, security inspection reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to identify problem areas in security indoctrination, alert command management officials to areas which present larger than normal security problems and identify personnel who are cited as responsible for non-compliance with procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSAN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05527-3

SYSTEM NAME:

Naval Educational Development

SYSTEM LOCATION:

Chief of Naval Education and Training Naval Air Station Pensacola, FL 32508

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Formal/Informal investigations, inquiries conducted as directed by CNET and higher authority

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigations, inquiries

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Results reported to requesting authority. Files are then stored until time for disposal in accordance with Records Disposal Instructions

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders

RETRIEVABILITY:

Name, grade, title, position

SAFEGUARDS:

Stowed in 3-tumbler safe; access to authorized personnel only

RETENTION AND DISPOSAL:

Per Records Disposal Instructions

SYSTEM MANAGER(S) AND ADDRESS:

Staff Inspector General and his immediate staff

NOTIFICATION PROCEDURE:

Information is available to individuals but is restricted to the extent that the source of the information is not revealed.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Multitude of sources as determined by the scope of the investigation, inquiry.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05527-4

SYSTEM NAME:

Naval Security Group Personnel Security/Access Files

SYSTEM LOCATION:

The central record system is located at:

Commander, Naval Security Group Command
3801 Nebraska Ave., N.W.,
Washington, D.C. 20390

Duplicates of portions of records may be held by other Naval and Marine Corps activities served by a Naval Security Group Special Security Officer. Records pertaining to Naval and Marine Corps military personnel who were considered but not selected for assignment to the Naval Security Group while undergoing recruit training are located at one of the following locations:

Resident in Charge
Naval Security Group Field Office
Marine Corp Recruit Depot
Parris Island, South Carolina 29905

Resident in Charge
Naval Security Group Field Office
Naval Administrative Command
Naval Training Center,
Great Lakes, Illinois 60088

Resident in Charge
Naval Security Group Field Office
Naval Training Center
San Diego, California 92133

Resident in Charge
Naval Security Group Field Office
Naval Training Center
Orlando, Florida 32813

Resident in Charge
Naval Security Group Field Office
Naval Technical Training Center, Corry Station
Pensacola, Florida 32511

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval and Marine Corps military and civilian personnel assigned to or employed by the Naval Security Group, including the Reserve components thereof, or who have been considered for such assignment or employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file may contain personal history information, investigative reports, security suitability reports, incident reports, and other data pertinent to determination of eligibility for access to

Sensitive Compartmented Information (SCI), including the decisions made in each case. The file also contains records of authorized access to classified information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450 Eisenhower Security Program

E.O. 12356 National Security Information

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is collected and used by SCI security personnel for the purposes of determining the individual's eligibility for access to SCI information, of maintaining a record of the degree(s) to which access to SCI has been authorized, and of determining the extent, if any, to which controls must be exercised to prevent the compromise of SCI through hostile foreign intelligence activity. Information may be disseminated outside the Department of the Navy to the National Security Agency, Defense Intelligence Agency, Army Security Agency, Air Force Security Service, Central Intelligence Agency, White House Communications Agency and/or the Defense Industrial Security Clearance Office for the purpose of determining the individual's eligibility for access to classified information under the user Agency's cognizance. Information may be disseminated to the Defense Investigative Service and Naval Investigative Service for the purpose of conducting investigations on which to base SCI eligibility decisions. The access record portion of the system may be made available to the Director of Central Intelligence to maintain an index of personnel who have been granted access to certain sensitive intelligence programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, microfilm, and magnetic tape.

RETRIEVABILITY:

By name and SSN.

SAFEGUARDS:

Approved security areas with alarms and guards. Access is limited to assigned personnel who have been found eligible for access to SCI and received specific instruction in the handling, security, and dissemination policy of information in the files.

RETENTION AND DISPOSAL:

Central record system retained for thirty years after last action. Records held at Naval Security Group Field Offices forwarded to central system after two years. Records retained in central record system and destroyed by burning, shredding, degaussing or chemical destruction at end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Security Group Command 3801 Nebraska Ave., N.W. Washington, D.C. 20390

NOTIFICATION PROCEDURE:

a. Send request to SYSMANAGER

b. Full name, date and place of birth, military status, social security number (if voluntarily included) or service number.

c. Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Ave., N.W., Washington, D.C. 20390 who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requester.

d. Scheduled visitors must be prepared to present adequate proof of identification-i.e.-combination of full name, date and place of birth, parent(s) name, drivers license, medicare card, military identification card if applicable.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

In addition to information furnished by the individual himself, files contain information furnished by federal investigative agencies, other SCI security organizations, and reports submitted by Naval Security Group Special Security Officer. Files also include administrative correspondence among associated personnel and security offices of the executive branch.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05527-5

SYSTEM NAME:

Navy Central Clearance Group (NCCG) Records

SYSTEM LOCATION:

Naval Civilian Personnel Command, (Code 23), Department of the Navy, 800 N. Quincy St., Arlington, VA. 22302.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Incumbent and former civilian employees in and applicants for sensitive and nonsensitive postions at Department of the Navy appropriated fund activities.

CATAGORIES OF RECORDS IN THE SYSTEM:

The records are comprised of (1) reports and other investigative material and information developed by investigations conducted by Federal investigative agencies pursuant to statute and executive order; (2) reports of arrest, criminal activity and theirdisposition, (3) results of the review of the reports by the NCCG, including the security or suitability determination made on the case; (4) copies of correspondence regarding the case and/or reflecting the determination made by the NCCG; and (5) an index file card on each case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) Executive Order 10450 (as amended), 'Security Requirements for Government Employment'. (2) 5 USC 7532, 'Suspension and Removal'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are maintained (1) to meet the statutory requirements of 5 USC 7532 and E.O. 10450 which require the establishment and maintenance of an effective program to insure that the employment and retention in employment of any civilian officer or employee within the Department is clearly consistent with the interest of the national security and which require adjudication and readjudication of the information as appropriate, and (2) to have the material furnished by the Office of Personnel Management, readily available for return to the OPM upon request. Upon receipt of investigative reports and security information on civilian employees and applicants, the NCCG reviews the material. The Naval Civilian Personnel Command, Personnel Security Branch then transmits the material to the employing activity with a letter or

stamped endorsement apprising the command of the security determination made by the NCCG. During the period that the reports and documents are at an activity, the material is under the custody of the activity's Security Manager. Following the review of the material by the activity's commanding officer or his designee, the material is (1) returned to the source from which received, if required, (2) retained until the employee is separated, or (3) destroyed if it is of no further value. If the employing activity determines that an adverse action aganst the employee is warranted based on information in the report, appropriate action in accordance with Civil Service Commission suitability procedures is initiated by the activity. In some cases the NCCG will make a suitability determination. Other users of the records may include members of Security Hearing Boards and officials and employees of the Department of the Navy in performance of their official duties related to the Department of the Navy Civilian Personnel Security Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders and on file cards

RETRIEVABILITY:

Name (last, first, middle) and date of birth.

SAFEGUARDS:

Records maintained in GSA approved security containers accessible only to authority employees of NCPC Security Branch who are properly screened and trained and who have proper security clearance.

RETENTION AND DISPOSAL:

Records with the exception of the index file card are retained in active file until end of third calendar year following last entry and then retired to the National Personnel Records Center, Suitland, Md. Index cards are retained in active file until destroyed. Records are destroyed in accordance with DOD NCI-330-76-1 of 3 May 1976.

SYSTEM MANAGER(S) AND ADDRESS:

The Director, Naval Civilian Personnel Command (NCPC), 800 N. Quincy St., Arlington, VA. 22203.

NOTIFICATION PROCEDURE:

Written requests should be addressed to the Director, Naval Civilian Personnel Command, (Code 23), Department of the Navy, 800 N Quincy St, Arlington, VA 22203. The letter should contain the full name, date and place of birth, and social security number of the requester and his signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Investigation results and information provided by appropriate investigative agencies of the Federal Government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05760-1

SYSTEM NAME:

Biographical and Service Record Sketches of Chaplains

SYSTEM LOCATION:

Office of the Chief of Chaplains, Department of the Navy, Washington, DC 20370

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy chaplains who have served on extended active duty at some time during the period 1778-1981 inclusive, and any future editions. It lists the names, years in which they were commissioned, and the ecclesiastical affiliations of all who held chaplaincy commissions during the period.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical and professional summary which includes individual's full name, denomination of faith group, date and place of birth, education, ordination, date of marriage and name of spouse, first names of children, prior professional experience, authorship, prior military service (including date of commission, date of rank at commisssioning, ships/stations, places and dates; and period spent, if any, in Inactive Reserve), date of augmentation (if applicable), promotion history, awards and decorations, conclusion of active duty (date of resignation, release from active duty, or retirement as applicable), post active duty career (retirees only), and distinctions which have made the chaplains career interesting or unusually significant (corroborative material suggested).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office of the Chief of Chaplains, the Chaplain Corps of the Navy, all U.S. Navy and Marine Corps commands, activities, and organizations, to provide background data in response to news media requests; to provide information on individual chaplains prior to public appearances in which they are scheduled to appear; to provide internal release of information as required.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in bound and published volumes. Source materials are in paper files.

RETRIEVABILITY:

Data is indexed alphabetically by individual names and made available upon written request.

SAFEGUARDS:

Files are locked after official working hours.

RETENTION AND DISPOSAL:

Forms and documents are destroyed after five years from the date of publication. The volumes are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chaplain Corps Historian, Office of the Chief of Chaplains, Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager or authorized representative upon written request signed by the listed individual. The full name of the individual should be given. Individuals making inquiry in person must present personal identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual

concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from returned questionnaires addressed to individual chaplains, supplemented by Officer Data Cards and historical research.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05800-1

SYSTEM NAME:

Legal Office Litigation/ Correspondence Files

SYSTEM LOCATION:

Commander, Puget Sound Naval Shipyard, Bremerton, WA 98314

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Criminal and civil plaintiffs/ defendants involved in litigation against or involving Puget Sound Naval Shipyard

CATEGORIES OF RECORDS IN THE SYSTEM:

Statements, affidavits, correspondence, briefs, petitions, court records involving litigation and related matters

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 28, USC; Executive Order 10561; 5 USC 301; 10 USC 801-940

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Preparation of correspondence, litigation material

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets

RETRIEVABILITY:

Case citation, name of individual

SAFEGUARDS:

Locked in executive spaces

RETENTION AND DISPOSAL:

Most are retained permanently, others disposed of in accordance with Defense Disposal Manual

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Puget Sound Naval Shipyard, Bremerton, WA 98314, or Legal Officer (Code 107), Puget Sound Naval Shipyard

NOTIFICATION PROCEDURE:

Direct inquiry to SYSMANAGER, providing name, rank/rate/shop or badge number and social security number

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager

RECORD SOURCE CATEGORIES:

Court records, personal interviews and statements, departmental records, State and Federal records, police reports and complaints, general correspondence

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05800-2

SYSTEM NAME:

Legal Records System

SYSTEM LOCATION:

Commanding Officer
Naval Regional Medical Center
San Diego, CA 92134

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients, visitors, staff and employees of Naval Regional Medical Center, San Diego, CA 92134.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident reports and in-house investigations; records of Commanding Officer's Nonjudicial Punishment and appeals thereof; files of litigation and potential litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; Federal Tort Claims Act; Medical Care Recovery Act; Article 15, UCMJ.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Some are protected by attorney-client relationship, and thus are not released without consent of client or used in any way other than original purpose. Incident reports used for internal administration of Medical Center (to correct errors and improve procedures) and to notify attorney of incidents having a potential for legal action. In-house investigations used to prepare for litigation. Records of NJP used in administering Article 15, UCMJ, punishment and for referral to Military Personnel System (for performance evaluation, administrative separation, etc.).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, forms, letters.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Available to staff of Staff Judge Advocate (three persons) on a 'need to know' basis only. Otherwise, maintained in locked cabinets and/or in locked rooms.

RETENTION AND DISPOSAL:

Retained as required; destroyed or moved to National Personnel Records Center, St. Louis, MO, as directed by Department Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Judge Advocate
Naval Regional Medical Center
San Diego, CA 92134

NOTIFICATION PROCEDURE:

Individuals can determine whether the system contains records pertaining to them by writing or visiting the System Manager and supplying full name, SSN, military status, approximate date of contact with system (if known).

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Investigative reports (as from JAG Manual investigations, Office of Naval Intelligence reports, Security System, etc.), Military Personnel System, medical records, personal interviews, personal observation, reported by persons witnessing or knowing of incidents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05801-1

SYSTEM NAME:

Legal Assistance Card Files

SYSTEM LOCATION:

Typically maintained at Naval Legal Service Offices, the Naval Legal Service Branch Offices, and any command with a legal assistance office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized military and civilian personnel and dependents who have sought legal assistance from a legal assistance office established within the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Legal assistance card files typically contain client identification information, e.g., name, address, duty station, telephone numbers, etc., client description of legal problem, attorney classification of problem, and attorney time expended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Manual of the Judge Advocate General, 1914; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Time-accounting data is extracted from the card files for preparation of periodic legal assistance statistical reports; legal assistance attorneys refer to the card files to ascertain previous progress achieved toward disposition of the case. There are no other uses. Internal users are limited to legal assistance attorneys and assigned clerical personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Pre-printed cards stored in file cabinets.

RETRIEVABILITY:

Filed alphabetically by name of client.

SAFEGUARDS:

Cards are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.

RETENTION AND DISPOSAL:

Two years after disposition of the case or until the closing of the legal assistance office, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e. full name, etc.); the written request must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Basic information contained in the card files is provided by the client; information concerning the ultimate disposition of the case and time expended by the attorney is provided by the attorney.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05802-1

SYSTEM NAME:

Fiduciary Affairs Records

SYSTEM LOCATION:

Office of the Judge Advocate General (code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty, fleet reserve, and retired members of the Navy and Marine Corps who have been medically determined to be mentally incapable of managing their financial affairs, their appointed or prospective trustees, and members' next-of-kin.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains proceedings of medical boards, documentation indicating the origin of the mental incapability, the name(s) and address(es) of the individual's next-of-kin, the disability retirement index, a copy of the interview(s) of prospective trustee(s), the appointment of the approved trustee, authority to pay the individual's retirement pay to the approved trustee, the instructions of duties and responsibilities to the trustee, annual trustee accounting reports, copy of the trustee's surety bond, a copy of the affidavit executed by the trustee to obtain the surety bond, miscellaneous correspondence relating to the trustee's duties and responsibilities, annual approvals of the trustee account, discharge(s) of trustee, release(s) of surety, periodic physical examinations, medical records, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 37 U.S.C. 601-604; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information is maintained for the purpose of providing non-judicial financial management of military pay and allowances payable to active duty, fleet reserve, and retired Navy and Marine Corps members for the period during which they are medically determined to be mentally incapable of managing their financial affairs. This information may be furnished to the Department of Justice when there is reason to suspect financial mismanagement and no satisfactory settlement with the surety can be reached, and may be furnished to the Veterans Administration in connection with programs administered by that agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY:

By name of the member or by name of the trustee.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Indefinitely; however, after the death of a member, his files are typically transferred to the Federal Records Center, Suitland, Maryland, 20409.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law) Office of the Judge Advocate General Department of the Navy 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e. full name); written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the. system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Components within the Department of the Navy, medical doctors, approved trustees, prospective trustees, surety companies, and Veterans Administration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05810-1

SYSTEM NAME:

Article 138 Complaint of Wrongs

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 13), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Complaints, three years old or older, are stored at the Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Navy and Marine Corps personnel who have submitted complaints of wrong pursuant to Article 138, UCMJ, which have been forwarded to the Secretary of the Navy for final review of the complaint and the proceedings had thereon.

CATEGORIES OF RECORDS IN THE SYSTEM:

The complaint and all proceedings had thereon.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Article 138, Uniform Code of Military Justice, (10 U.S.C. 938).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

No routine use after complaint is resolved.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Files are kept in alphabetical order according to last name of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located is locked outside office working hours.

RETENTION AND DISPOSAL:

Complaints are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Administrative Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name and the approximate date the complaint was submitted for review if known. Written requests must be signed by the requesting individual. Personal visits may be made to the Administrative Law Division, Office of the Judge Advocate General, Room 9N03, Hoffman Bldg II, 200 Stovall St, Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. armed forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The records are comprised of the following source materials: (1) complaint of wrongs; (2) results of examination into complaint of wrongs by the general court-martial authority; and (3) final review action by the Secretary of the Navy.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05810-2

SYSTEM NAME:

Military Justice correspondence file

SYSTEM LOCATION:

Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, retired, and discharged Navy and Marine Corps personnel who were the subject of military justice proceedings.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copy of incoming correspondence, all background material necessary to answer the correspondence and copies of letters replying to the correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Correspondence is kept in alphabetical order according to the last name of the individual who is the subject of the correspondence.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces' identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records of trial and correspondence from commands and agencies involved in the matter which is the subject of the correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE.

N05810-3

SYSTEM NAME:

Appellate Case Tracking System (ACTS)

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Navy, 200 Stoval Street, Alexandria, Virginia 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have their appellate case reviewed by the Navy-Marine Corps Court of Military Review and/or the Court of Military Appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Naval appellate case records; additional Navy appellate case information records; and historical Navy appellate case records. Files contain personal information such as name, rank, social security number, etc., and specific information with regard to the Navy appellate cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 866, 867, and 5031.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The officials and employees of the Department of the Navy in the performance of their official duties related to processing and final storage of Navy appellate cases. The system will also be used by the officials and employees of the Department of the Navy to provide management and statistical information to governmental, public, and private organizations and individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk, magnetic tape, and on hard copy forms.

RETRIEVABILITY:

ACTS users obtain information by means of a query or a request for a standard report. Data may be indexed by any data item although the primary search keys are the name, social security number of Navy-Marine Corps Court of Military Review docket number.

SAFEGUARDS:

Access to building is protected by uniformed guards requiring positive identification for admission after hours. The system is protected by the following software features: user account number and password sign-on, data base access authority, data set authority for add and delete, and data item authority for list and update.

RETENTION AND DISPOSAL:

An individual's record is retained on disk and will be available for on-line access for twenty-five years after the close of the individual's case. The record will be purged to magnetic tape after twenty-five years and will be utilized in a batch processing mode.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Claims Defense/ADP Programs, Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Virginia 22332.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual's record of trial and supporting documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05813-1

SYSTEM NAME:

Ethics file.

SYSTEM LOCATION:

Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military lawyers authorized to practice before a court-martial or Navy Court of Military Review and who by their personal or professional conduct have demonstrated that they are so lacking in competency, integrity or ethical or moral character as to be unacceptable as counsel before a court-martial or Navy Court of Military Review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation, correspondence, and court papers relating to the complaint brought against attorneys.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Manual of the Judge Advocate General, section 0142, and 5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

No routine use after file is closed. The information may be furnished to other Department of Defense components and State and Federal governmental organizations before they are closed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Files are kept in alphabetical order according to the last name of the attorney concerned.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of he Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Correspondence from military judges, staff judge advocates, judge advocates, and other military personnel; correspondence from the Judge Advocates General of other branches of the Armed Forces; investigative reports from Naval Investigative Service offices; correspondence and copies of court papers from civilian authorities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05813-2

SYSTEM NAME:

Court-Martial Case Report

SYSTEM LOCATION:

Chief, Navy-Marine Corps Trial Judiciary, Washington Navy Yard, Washington, D.C. 20374

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals having appeared before a special or general court-martial within the preceding two fiscal years.

CATEGORIES OF RECORDS IN THE SYSTEM:

The recording of the Article violation of the UCMJ, the plea, the finding, the sentence and other related information concerning the trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to formulate status reports provided to JAG when directed by him to do so.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders by circuit and fiscal year

RETRIEVABILITY:

By name or case number

SAFEGUARDS:

Personnel screening, visitor control

RETENTION AND DISPOSAL:

Two fiscal years. They are not moved to Record Centers but are disposed of after two fiscal years in the same manner as all other unclassified material, i.e., general destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Circuit Military Judge
ATLANTIC Judicial Circuit
Navy-Marine Corps Trial Judiciary
Washington Navy Yard
Washington, D.C. 20374

NOTIFICATION PROCEDURE:

Write to address listed under SYSMANAGER. Provide full name, branch of service, military status, where stationed when tried, and when tried

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager

RECORD SOURCE CATEGORIES:

Military Judge of respective individual's court-martial

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05813-3

SYSTEM NAME:

General Courts-martial Records of Trail.

SYSTEM LOCATION:

Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Records, three years old or older, are stored at the Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Navy and Marine Corps personnel tried by general court-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

General court-martial records of trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 865 and 5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Public Record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Files are kept by Navy court-martial number and each case is cross-referenced by an index card which is filed in alphabetical order according to the last name of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e., full name and date of trial of individual concerned). The written request must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Department of the Navy, Room 9s09, Hoffman Bldg, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Proceedings by a general court-martial.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05814-1

SYSTEM NAME:

Summary courts-martial and non-bad conduct discharge courts-martial--navy and marine corps

SYSTEM LOCATION:

Records are retained for two years after final action by appropriate officers having supervisory authority over shore activities. Records are retained for three months after final action by appropriate officers having supervisory authority over fleet activities, including Fleet Air Wings and Fleet Marine Forces. After the two years or three month retention period, as appropriate, the records are transferred to the National Personnel Records Center, GSA (Military Personnel Records), 9700 Page Boulevard, St. Louis, Missouri 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps enlisted personnel tried by summary courtmartial or by special court-martial which did not result in a bad conduct discharge.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary court-martial and non-bad conduct discharge special court-martial records of trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 865, 5 U.S.C. 301, and Executive Order No. 11476 of June 19, 1969, as amended by Executive Order No. 11835 of January 27, 1975, paragraph 94b (manual for courts-martial, 1969 (rev.))

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Public record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Type of court-martial, date, command which convened the court-martial, name of individual defendant, and command which completed the supervisory authority's action.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are retained for two years after final action by officers having supervisory authority over shore activities, and for three months by officers having supervisory authority over fleet activities. At the termination of the appropriate retention period, records are forwarded for storage to the National Personnel Records Center, GSA (Military Personnel Records), 9700 Page Boulevard, St. Louis, Missouri 63132. Records are destroyed 15 years after final action has been taken.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332., by written request including the full name of the individual concerned, the type of court-martial (summary or special), the name of the command which held the court-martial, and the date of the court-martial proceedings. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the

Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va., 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. armed forces identification cards, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Proceedings of summary courts-martial and special courts-martial which did not result in a bad conduct discharge.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05815-1

SYSTEM NAME:

Special courts-martial resulting in bad conduct discharges or concerning commissioned officers.

SYSTEM LOCATION:

Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall st., Alexandria, Va. 22332. Records, three years old or older, are stored at the Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel tried by special court-martial and awarded a bad conduct discharge, and all Navy and Marine Corps commissioned officers tried by special court-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Special court-martial which resulted in a bad conduct discharge, or involving commissioned officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 865, 5 U.S.C. 301 and Executive Order No. 11476 of June 19, 1969, as amended by Executive Order No. 11835 of January 27, 1975, paragraph 94b (manual for courts-martial, 1969 (rev.))

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Public Record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Files are kept by Navy court-martial number and each case is cross-referenced by an index card which is filed in alphabetical order according to the last name of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St, Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332, by written request stating full name, and date of trial of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. armed forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Special court-martial proceedings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE.

N05817-1

SYSTEM NAME:

Courts-martial Statistics.

SYSTEM LOCATION:

Magnetic tape held at Naval Command Systems Support Activity, Production Code 60.1, room 4002, building 196, Washington Navy Yard, Washington, D.C. 20360. Source document (NAVJAG 5813/1) held in Promulgation and Statistics Branch, Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel tried by general courts-martial and by special courts-martial when the special court-martial sentence as finally approved includes a punitive discharge.

CATEGORIES OF RECORDS IN THE SYSTEM:

Court-martial information on special courts-martial if sentence as finally approved includes a punitive discharge and all general courts-martial including name, social security number, pleas, convening authority action, supervisory authority action, and Court of Military Review action. Information available from 1970 to present only.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide statistical information on general and bad conduct discharge special courts-martial to governmental, public, and private organizations and individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and source documents (NAVJAG 5813/1) if file folders.

RETRIEVABILITY:

Name and social security number or Navy court-martial number.

SAFEGUARDS:

Tapes stored in secret vault. Without project code number, tape can neither be read nor added to. Only person who has code number is Project Code Officer. Source documents are filed in file cabinets which are located in an office which is under observation during working hours and is locked at night. The office is located in a secure building which is surrounded by a guarded fence. The building is guarded 24 hours a day, and admission is allowed only to personnel on official business and authorized visitors.

RETENTION AND DISPOSAL:

Idefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General. Department of the Navy, 200 Stovall St, Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name, date of trial (if known), date of discharge and type of discharge of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to: The Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals must be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Form NAVJAG (Navy Judge Advocate General) 5813/1.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05819-1

SYSTEM NAME:

Article 69 Petitions

SYSTEM LOCATION:

Office of the Judge Advocate General General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Petitions three years old or older are stored at the Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel who were tried by courts-martial which were not reviewed by the Navy Court of Military Review and when such service member has petitioned the Judge Advocate General pursuant to Article 69, Uniform Code of Military Justice, for review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual service member's petition together with all forwarding endorsements and copy of action taken by the Judge Advocate General with supporting memorandum.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Article 69, Uniform Code of Military Justice (10 USC 869).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Public record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are maintained in chronological calendar order with alphabetical cross-referencing system.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The records comprise the following source materials: (1) petitions for relief, (2) forwarding endorsements thereon by petitioner's commanding officer and convening/supervisory authorities of court-martial (above information is omitted if petitioner is former service member), and (3) action of the Judge Advocate General on petition.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05819-2

SYSTEM NAME:

Article 73 petitions for new trial.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel who submitted petitions for new trial to the Judge Advocate General within two years after approval of their court-martial sentence by the convening authority but after their case had been

reviewed by the Navy Court of Military Review or Court of Military Appeals, if appropriate.

CATEGORIES OF RECORDS IN THE SYSTEM:

The petition for new trial, the forwarding endorsements if the petition was submitted via the chain of command, and the action of the Judge Advocate General on the petition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Article 73, Uniform Code of Military Justice, (10 U.S.C. 873).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

No routine use after action taken on petition.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Files are kept in alphabetical order according to the last name of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel durng working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals should have the following items of identification: drivers license or military identification card.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The records are comprised of the following source materials: (1) petitions for new trial; (2) forwarding endorsements thereon by petitioner's commanding officer and convening/supervisory authorities of court-martial (above information is omitted if petitioner is former service member); and (3) action of the Judge Advocate General on petitions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05819-3

SYSTEM NAME:

Naval Clemency and Parole Board files

SYSTEM LOCATION:

Naval Clemency and Parole Board, Ballston Tower 2, 801 North Randolph Street, Arlington, Va. 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members or former members of the Navy or Marine Corps whose cases have been or are being considered by the Naval Clemency and Parole Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains individual applications for clemency or parole, reports and recommendations thereon indicating progress in confinement or while awaiting completion of appellate review if not confined, or on parole; correspondence between the individual or his counsel and the Naval Clemency and Parole Board or other Navy offices; other correspondence concerning the case; the court-martial order and staff Judge Advocate's review; and a summarized record of the proceedings of the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 874(a), 952-954

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used in conjunction with periodic review of the member's or former member's case to determine whether or not clemency or parole is warranted. The file is referred to in answering inquiries from the member or former member or their counsel. The file is referred to by the Naval Discharge Review Board and the Board for Correction of Naval Records in conjunction with their subsequent review of applications from members or former members. The file is also used by counsel in connection with representation of members or former members before the Naval Clemency and Parole Board.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Folders are filed by name and social security number or service number.

SAFEGUARDS:

Files are kept within the Naval Clemency and Parole Board administrative office. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

RETENTION AND DISPOSAL:

Files are permanent. They are retained in the Naval Clemency and Parole Board's administrative office until all portions of the sentence have been completed and the discharge has been executed. After that the folders are sent to Washington National Records Center, 4205 Suitland Road, Suitland, MD. 20409

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, Department of the Navy, 801 North Randolph Street, Arlington, Va. 22203

NOTIFICATION PROCEDURE:

Information may be obtained from the Naval Clemency and Parole Board, Room 905, Ballston Tower 2, 801 North Randolph Street, Arlington Va. 22203.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the file is obtained from the member or former member or from those acting in their behalf, from confinement facilities, from military commands and offices, from personnel service records and medical records, and from civilian law enforcement agencies or individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system may be exempt under 5 U.S.C. 552a(j) or (k), as applicable. For additional information contact the system manager.

N05820-1

SYSTEM NAME:

International Legal Hold Files

SYSTEM LOCATION:

U.S. Naval Legal Offices in a foreign country.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel, members of civilian component and their dependents who have had criminal charges lodged against them in a foreign country.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized summaries and card files containing copies of legal documents received and filed relative to the case, statements, affidavits, handwritten notes, and other miscellaneous data about the particular case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by foreign civilian attorneys in representing the accused, by the accused's military advisor in seeking an expeditious settlement of the case; by supervisory personnel in the performance of their official duties when monitoring the legal hold status of the individuals involved; and by authorized officials in the Department of Defense for required reports. reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape, file folders and file cards.

RETRIEVABILITY:

Files are retrieved by name and ssn.

SAFEGUARDS:

Only personnel in international law department are authorized access. Building is kept locked when not occupied.

RETENTION AND DISPOSAL:

For computerized and manual records-retain on tape until the final outcome of each case, whether it be by final adjudication or out of court settlement and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer or head of the organization in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Requester can write to the system manager giving name, rate and service number. Military ID or any standard ID showing applicant's photo shall be sufficient for personal visits.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Foreign judicial system, accused, attorneys representing accused, military legal advisor, Provost Marshal's office, subject's commanding officer, witnesses, and the complainant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05822-1

SYSTEM NAME:

Otsu Prision health and comfort items

SYSTEM LOCATION:

Commander Fleet Activities, FPO Seattle 98762

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been imprisoned under Japanese Law and Jurisdiction for various offenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of requests for, receipt of, and issues to of individuals imprisoned in Otsu Prison located in Yokosuka, Japan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for billing armed services, other than Navy and Marine Corps for items of health and comfort issued to their personnel imprisoned. Billing is prepared in accordance with existing interservice support agreements (ISSAS). Additionally, file used to answer complaints in instances where prisoners contend they are not supported properly.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder.

RETRIEVABILITY:

Alphabetically by surname. New individual files instituted with arrival of individual in prison. Previous files retrieved to semi-active for one year and thereafter destroyed without report.

SAFEGUARDS:

Files maintained in locked file cabinet in locked office.

RETENTION AND DISPOSAL:

Destroyed without report after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Fleet Activities, FPO Seattle 98762

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the SYSMANAGER listed above and provide, as a minimum, the following information: rank/ rate, full name, branch of service, social security number. Files maintained in logistics within command and requestors may visit this office for review of their files during normal working hours. Proof of identification limited to Armed Forces Identification Cards or Passports.

RECORD ACCESS PROCEDURES:

The agency's rule for access to record may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Prison Officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05830-1

SYSTEM NAME:

JAG Manual Investigative Records

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 21) Department of the Navy 200 Stovall St, Alexandria, Va 22332

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who participated in, who was involved in, who incurred an injury, disease, or death in, who was intoxicated (drugs or alcohol) during, before, or after, or who had an interest in any accident, incident, transaction, or situation involving or affecting the Department of the Navy, naval personnel, or any procedure, operation, material, or design involving the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain all documented evidence relevant to the item under investigation, together with an investigating officer's report, which makes findings of fact and expresses opinions and recommendations, the reviewing authority's actions which either approved or modified the investigating officer's report or returned the entire record for further investigation or remedial action to perfect the record, and, the results of hearings afforded persons who incurred injuries and diseases, to allow them to explain or rebut adverse information in the record. The Judge Advocate General's correspondence to locate and obtain required investigations is also included in the record. Some records contain only a field command's explanation as to why investigation is not required, together with documents pertinent to this lack of requirement. Some records contain only an accident, injury, or death report, prepared for the Department of the Navy by the Army, Air Force, Coast Guard, or other agency under reciprocal agreements, in situations where the Navy or Marine Corps could not conduct the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Requirement that enlisted men make up time lost due to misconduct or abuse of alcohol or drugs (10 U.S.C. 972(5)); retirement or separation for physical disability (10 U.S.C. 1201-1221); Executive Order 11476, Manual for Court-Martial, par. 133b; Uniform Code of Military Justice, 10 U.S.C. 815, 832, 869, 873, 935, 936, and 938-940; Military Claims Act (10 U.S.C. 2733); Foreign Claims Act (10 U.S.C. 3724, 2734a, 2734b); Emergency payment of claims (10 U.S.C. 2736); Non-scope claims (10 U.S.C. 2737); Duties of Secretary of the Navy (10 U.S.C. 5031); Duties of the Office of the Chief of Naval Operations (10 U.S.C. 5081-5082, 5085-5088); Duties of the Bureaus and Offices of the Department of the Navy and duties of the Judge Advocate General (10 U.S.C. 5131-5153); Duties of the Commandant of the Marine Corps (U.S.C. 5201); Reservist's disability and death benefits (10 U.S.C. 6148); Requirement of exemplary conduct (10 U.S.C. 5947); Promotion of accident and occupational safety by Secretary of the Navy (10 U.S.C. 7205); Admiralty claims (10 U.S.C. 7622-23); Public Vessels Act (46 U.S.C. 781-790); Suits in Admiralty Act (46 U.S.C. 741-752); Admiralty Extension Act (46 U.S.C. 740); Transportation Safety Act (49 U.S.C. 1901); Federal Tort Claims Act (28 U.S.C. 1346, 2671-2680); Financial liability of accountable officers (31 U.S.C. 82, 89-92); Military Personnel and Civilian Employee's Claims Act of 1964, as amended (31 U.S.C. 240243); Federal Claim Collection Acts (31 U.S.C. 71-75, 951-953); Forfeiture of pay for time lost due to incapacitation caused by alcohol or drug use (37 U.S.C. 802); Eligibility for certain veterans benefits (38 U.S.C. 105); Postal claims (39 U.S.C. 712); Medical Care Recovery Act (42 U.S.C. 2651-2653); General authority to maintain records (5 U.S.C. 301); Records management by agency heads (44 U.S.C. 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

JAG Manual Investigative Records are used internally within the Department of the Navy as bases for evaluating procedures operations, material, and designs with a view to improving the efficiency and safety of the Department of the Navy; determinations concerning status of personnel regarding disability benefits, entitlements to pay during periods of disability, severance pay, retirement pay, increases of pay for longevity, survivors' benefits, and involuntary extensions of enlistments, dates of expiration of active obligated service and accrual of annual leave; determinations concerning relief of accountable personnel from liability for losses of public funds or property; determinations pertaining to disciplinary or punitive action and evaluation of petitions, grievances, and complaints; adjudication, pursuit, or defense of claims for or against the Government; and public information releases. Records of such investigations are routinely furnished to the Veterans Administration for use in determinations concerning entitlements to veterans and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; to the Department of Justice for use in litigation involving the Government; to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters; to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems; to agencies of the Federal, State, or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions. Additionally, these records may be furnished to other components of the Department of Defense in connection with the above-stated purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents stapled together (with real evidence, if any, attached) in paper file folders and stored in metal file cabinets, on shelves, and in cardboard boxes.

RETRIEVABILITY:

Records are filed in calendar year groupings by surname of individual, bureau number of aircraft, name of ship, hull number of unnamed watercraft, or vehicle number of Government vehicles. Incidents are topically cross-referenced.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located are locked outside official working hours.

RETENTION AND DISPOSAL:

The records are retained permanently. All naval activities which prepare JAG Manual Investigative Records, or which are intermediate addresses, typically retain duplicate copies in local files for a two-year period.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law) Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Aexandria, Va. 22332

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager. The request must contain the following: (a) an adequate description of the individual about whom the record is retained (e.g., full name, date of birth, etc.); (b) the calendar year to be searched, and the approximate date of the incident which was the subject of the investigation; (c) a signed and notarized statement of the identity of the requester; (d) the present mailing address of the requester, including ZIP code; (e) the present day-time telephone number of the requester, including area code; (f) the request must be signed by the individual. No telephone inquiries will be processed.

RECORD ACCESS PROCEDURES:

Requests from individuals for access should be addressed to the system manager. The request must include a signed and notarized statement of identity. Personal visits may be made to: Office of the Judge Advocate General (code 21) Investigations Division Room 8s23 Hoffman Bldg II 200 Stovall Street Alexandria, Va 22332

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records of JAG Manual Investigations are compilations of evidence, information, and data concerning the circumstances of incidents, accidents, events, transactions, and situations, prepared by administrative fact-finding bodies for utilization by proper authorities in making determinations, decisions, or evaluations relating to the matters under investigation. Records may contain: (1) testimony or statements of individuals who are parties to the investigations, witnesses, and others having pertinent knowledge concerning matters under investigation; (2) documentary evidence, typically including records and reports of military or Federal, State, or foreign, civilian law-enforcement investigative, judicial, or corrections authorities; medical records and reports, investigations and accident and injury reports prepared by Federal, State, or foreign governmental agencies or other organizations or persons; court records and other public records; official logs and other official naval records; letters and correspondence; personnel, pay, and medical records; financial records, receipts, and cost estimates; publications, and other pertinent documents and writings; (3) pertinent real evidence; and (4) pertinent demonstrative evidence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05861-1

SYSTEM NAME:

Private Relief Legislation

SYSTEM LOCATION:

Office of Legislative Affairs
Department of the Navy
Pentagon, Room 5C831
Washington, D.C. 20350

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals concerning whom private legislation is introduced in the U.S. Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters to Congressional Committees, expressing the views of the department concerning the legislation and records necessary to prepare the letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

File maintained to prepare for Congress the position of the department concerning the legislation. Routine disclosures are made to Congress; interested Navy, Marine Corps and DOD Components; OMB; and other interested executive agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders

RETRIEVABILITY:

Name

SAFEGUARDS:

Access generally limited to personnel of the Office of Legislative Affairs. Stored in a locked office.

RETENTION AND DISPOSAL:

Retained for at least 6 years or as long as the legislation is active if more than 6 years and then moved to Federal Records Center, GSA Accession Section, Washington, D.C. 20409

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Legislative Affairs
Department of the Navy
Pentagon, Room 5C831
Washington, D.C. 20350

NOTIFICATION PROCEDURE:

System Manager; Full name, term and session of Congress when bill introduced, bill number, sponsor of bill (if available); Office of Legislative Affairs, Department of the Navy, Pentagon, Washington, D.C. Driver's license or similar substitute.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member of Congress; individual about whom file is maintained and individuals from whom he solicits information; other Navy, Marine Corps, and DOD components; OMB; and other interested executive agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05870-1

SYSTEM NAME:

Patent, Invention, Trademark, Copyright and Royalty Files

SYSTEM LOCATION:

Office of Naval Research, 800 North Quincy Street, Arlington, VA, 22217

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inventors and patent owners of inventions in which Government has an interest or which Department of the Navy has evaluated; copyright owners of works in which Government has an interest; and claimants or parties in administrative proceedings or litigation with the Government involving patents, copyrights or trademarks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invention disclosures; disposition of rights in inventions of Government employees; patent applications and patented files; patent licenses and assignments; patent secrecy orders; copyright licenses and assignments; patent and copyright royalty matters; administrative claims and litigation with the Government involving patents, copyrights and trademarks including private relief legislation involving these matters; and documents and correspondence relating to the foregoing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 5151

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Navy patent personnel to determine rights of the Government and employees in employee inventions; to file and prosecute patent applications; to publish invention disclosures for public information and defensive purposes; to provide evidence and record of Government interest in or under patents or applications for patents; to provide evidence and record of patent and copyright licensing and assignment; to determine action or recommended action regarding disposition of claims or litigation; and to recommend Government employee incentive awards. Used by other Navy/Marine Corps commands to determine Government interest in inventions; to permit utilization of inventions; and to support employee incentive awards. Used by U.S. Patent and Trademark Office to determine respective rights of the Government and employee-inventors; by the Commissioner of Patents and Trademarks, as well as Navy patent personnel, to administer Patent Secrecy responsibilities; by Federal Council for Science and Technology as a source of statistical data for an annual report on Government patent policy; by the General Accounting Office to conduct audits and perform other statutory functions. Information is transmitted to the U.S. Patent and Trademark Office and appropriate foreign government offices for prosecution of patent applications; the U.S. Patent and Trademark Office and the U.S. Copyright Office to evidence legal interests in patent and copyright licenses and assignments; the National Technical Information Service for publication of inventions available for licensing; non-governmental personnel (including contractors and prospective contractors) having an identified interest in particular inventions and Government rights therein, in infringement of particular patents or copyrights, or in allowance of royalties on contracts; and the Congress in the form of reports on particular bills for private relief and reports of action on Congressional and constituent requests. Government agencies involved in claims or litigation, including the Department of Justice, have access to prosecute and defend cases. All Government agencies have access to license records. Parties involved in particular licensing arrangements have access to specific files involved.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files.

RETRIEVABILITY:

Subject matter; Navy patent case number; name of inventor, patentee, copyright owner, claimant or correspondent.

SAFEGUARDS:

Maintained in safes and file cabinets in controlled spaces accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Maintained indefinitely but records are transferred to Federal Records Center two years after completed action on case to which record relates.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief for Patents, Code 300, Office of Naval Research, Arlington, VA, 22217

NOTIFICATION PROCEDURE:

Direct information requests to system manager.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual inventor, patent or copyright owner, claimant, licensor or licensee, or from U.S. Patent and Trademark Office, or from U.S. Copyright Office. Information on Government employee-inventors or copyright owners may be obtained from Government personnel records and from Government supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05880-1

SYSTEM NAME:

Federal Tort Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General, Offices of the Commandants of the Naval Districts, Naval Legal Service Offices, all overseas commands with a Navy Judge Advocate General Corps Officer or a Marine Corps judge advocate attached, and the Federal Records Center, Suitland, Maryland. Local commands with which claims under the Federal Tort Claims Act are initially filed typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Defense Directory in the appendix to this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individuals who have filed claims against the Navy under the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs drawings, legal memoranda, opinions of experts, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act (28 U.S.C. 1346(b), 2671-2680); 32 C.F.R. 750.30-750.49; 5 U.S.C. 301; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The files are used to evaluate claims for purposes of adjudication and litigation. The files are used by contractors in those cases in which they indemnify the United States. The files are provided to the Department of Justice to defend suits brought against the United States and may be furnished to other components of the Department of Defense. The files or portions thereof may be furnished to the claimant or his authorized representative, and for those claims for which payment is determined proper, the files or portions thereof may be provided to the Congress, the Department of Treasury, the Office of Management and Budget, and the General Accounting Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY:

Filed alphabetically by name of claimant.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General Department of the Navy, 200 Stovall St., Alexandria, Va., 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files include the following: x-rays and medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and municipal police agencies; reports of circumstances of incidents from operators of Government vehicles and equipment; witnesses; correspondence from claimants and their attorneys and insurance companies, state insurance commissions, United States Attorneys, and various other Government agencies with information concerning the claim.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05880-2

SYSTEM NAME:

Admiralty Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General; Office of the Commander-in-Chief, United States Naval Forces, Europe; Office of the Commander, Sixth Fleet; and the Federal Records Center, Suitland, Maryland. Local commands with which claims under the Public Vessels Act and the Suits in Admiralty Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of the Navy directory of mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have asserted claims or instituted suits under the Public Vessels Act and Suits in Admiralty Act against the Department of the Navy in the name of the United States and all individuals who have instituted suits against third parties who have impleaded the Department of the Navy in the name of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs, drawings, legal memoranda, opinions of experts, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Admiralty Claims Act (10 U.S.C. 7622); 5 U.S.C. 301; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy use these files in the performance of their official duties related to the administrative evaluation and settlement of admiralty claims asserted against the Navy. Additionally, these files are provided to the Department of Justice to defend civil maritime suits brought against the United States. Finally, these files may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets or other storage devices

RETRIEVABILITY:

Filed alphabetically by name of claimant

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.

RETENTION AND DISPOSAL:

Records are retained in active files until each claim is settled or litigation resulting therefrom has been concluded. Thereafter, the files are maintained within the office for two years and then retired to the Federal Records Center, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files include the following: x-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports; witnesses; and correspondence from claimants and their representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05890-1

SYSTEM NAME:

Automated Claims Information System (ACIS)

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Va 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims against the Department of the Navy under the Federal Tort Claims Act, the Foreign Claims Act, Military Claims Act, the 'Nonscope' Claims Act, Legislative Reorganization Act, or Military and Civilian Employees' Claims Act. All individuals who have filed claims with the U.S. Postal Service for loss or damage to mailed matter, and which claims have been paid by the U.S. Postal Service and thereafter forwarded for reimbursement by the Department of the Navy pursuant to 39 U.S.C. 712. All individuals who have asserted claims or instituted suits under the Public Vessels Act and Suits in Admiralty Act against the Department of the Navy in the name of the United States and all individuals who have instituted suits against third parties who have impleaded the Department of the Navy in the name of the United States. All individuals against whom the Navy has claims sounding in tort, and all individuals who are in the military or are dependents of military members and have been provided medical care by a Naval medical facility for injuries resulting from such tortious conduct. All common carriers against whom recovery has been sought by the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, social security number, office processing the claim, dollar amount of claim, dollar amount paid, type of claim, type of property damage, type of personal injury, date of incident that caused the claim, date the claim was presented to the Navy, date payment was made or claim was closed, amount claimed against individual, amount received from individual, location of incident, and government bill of lading (if applicable).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act (28 U.S.C. 1346(b), 2671-2680); 32 CFR 750.30-750.49; Medical Care Recovery Act(42 U.S.C. 2651-53); Federal Claims Collection Act (31 U.S.C. 951-53); 32 CFR 757.1-757.21; Foreign Claims Act (10 U.S.C. 2734); 32 CFR 753.1-753.29; Military Claims Act (10 U.S.C. 2733); 32 CFR 750.50-750.59; 'Nonscope' Claims Act (10 U.S.C. 2737); 32CFR 750.60-750.69; Military and Civilian Employees Claims Act (31 U.S.C. 240-243); 32 CFR 751.0-751.3; Legislative Reorganization Act (10 U.S.C. 1552); Admiralty Claims Act (10 U.S.C. 7622); 39 U.S.C. 712; 5 U.S.C. 30; 5 U.S.C. 301; 44 U.S.C. 3101; and 31 U.S.C. 231.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The officials and employees of the Department of the Navy in the performance of their official duties related to monitoring the current status of the Navy claims program. The officials and employees of the Military Traffic Management Command in the performance of their official duties related to the management of the Department of Defense personal property movement and storage program. The system will be used to report contingent liability to the government accounting office to satisfy requirements of the GAO Policy and Procedures Manual. The cognizant U.S. Attorney and/or officials and employees of the Department of Justice who are charged with responsibility for either initiating civil actions or defending civil actions arising under the aforementioned claims statutes, and for prosecuting civil or criminal cases under the False Claims Act (31 U.S.C. 231).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk, magnetic tape, and hard copy forms.

RETRIEVABILITY:

ACIS users obtain information by means of either a query or a request for a standard report. Data may be indexed by any data item although the primary search keys are the name or social security number.

SAFEGUARDS:

Access to building is protected by uniformed guards requiring positive identification for admission after hours. The system is protected by the following software features; user account number and password sign-on, data base authority, set and item authority for list, add, delete and update.

RETENTION AND DISPOSAL:

An individual's record is retained on disk and will be available for on-line access for three years after the close of the individual's claim. The record will be transferred to magnetic tape after three years and will be utilized in a batch processing mode. After ten years, the record will be erased from the tape.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Claims Defense Program, Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Va 22332.

NOTIFICATION PROCEDURE:

Information should be obtained from the System MANAGER. Requesting individual should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies and from offices processing claims.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05890-2

SYSTEM NAME:

Affirmative Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General, Offices of the Commandants of the Naval districts; Naval Legal Service Offices, and Branch Offices of the Officers in Charge of U.S. Sending State Offices; overseas commands with a Navy or Marine Corps judge advocate attached; the Federal Records Center, Suitland, Maryland; and such other offices of officers as may be designated by the Judge Advocate General. Official mailing addresses of these locations are included in the Department of Defense Directory in the appendix of this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals against whom the Navy has claims sounding in tort, and all individuals who are in the military or are dependents of military members and have been provided medical care by a Naval medical facility for injuries resulting from such tortious conduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files contain reports of injuries to individuals entitled to care at Navy expense, reports of damage to Navy property, x-rays, medical and dental records of treatment, and statements of charges therefor, military and municipal police and individual's reports of accidents, investigative reports, correspondence, legal research, and opinions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Medical Care Recovery Act (42 U.S.C. 2651-53); Federal Claims Collection Act (31 U.S.C. 951-53); 32 C.F.R. 757.1-757.21; 5 U.S.C. 301; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used to futher efforts to collect such claims without litigation, for preparing litigation reports to the Department of Justice, and for use in civil litigation by the Department of Justice. In addition, the files may be furnished to insurance companies to support claims by documenting injuries or diseases for which treatment was provided at Government expense and to civilian attorneys representing the injured parties and the Government's interests. Finally, the files may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder stored in file cabinets or other storage device.

RETRIEVABILITY:

Filed alphabetically by name of the individual.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rule for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in these files includes: military and local police reports, line of duty investigations, commercial credit and asset reports, questionnaires completed by accident victims, x-rays, medical and dental records of treatment and statements of charges therefor from civilian and military doctors and medical facilities; correspondence; and witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05890-3

SYSTEM NAME:

Foreign Claim Files

SYSTEM LOCATION:

Office of the Judge Advocate General; United States Sending State Office for Italy; United States Sending State Office for Australia; Naval Missions (including the office of the naval section of military missions); Military Assistance Advisory Groups (including the Offices of Chiefs, Naval Section, Military Assistance Advisory Groups); Office of the Naval Advisory to Argentina; naval attaches; any command which has appointed a Foreign Claims Commission; and the Federal Records Center, Suitland, Maryland. Local commands, with which claims under the Foreign Claims Act are initially filed and which do not have or choose to appoint a Foreign Claims Commission, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Defense directory in the appendix to this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims against the Department of the Navy under the Foreign Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as foreign police investigations, etc.), photographs, drawings, legal

memoranda, opinions of experts, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Foreign Claims Act (10 U.S.C. 2734); 32 C.F.R. 753.1-753.29; 5 U.S.C. 301; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The files are used to adjudicate claims and to evaluate and decide reconsiderations of denials of claims. The files may be furnished to other components of the Department of Defense and the Department of Justice to defend unauthorized suits brought against the United States under the Foreign Claims Act. In addition, the files or portions thereof may be furnished to the claimant or his authorized representative. For those claims for which payment is determined proper, the files or portions thereof may be provided to Congress, the Department of Treasury, the Office of Management and Budget, and the General Accounting Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY:

Filed alphabetically by name of claimant.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition cf the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va., 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files includes: x-rays, medical records, and dental records; investigative reports from military and foreign police agencies; reports of circumstances of incidents from operators of Government vehicles and equipment; witnesses; correspondence from claimants, their attorneys, and insurance companies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05090-4

SYSTEM NAME:

Military Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General, Offices of the Commandants of the Naval Districts, Naval Legal Service Offices and Branch Offices, overseas commands with a Navy or Marine Corps judge advocate attached, and the Federal Records Center, Suitland, Maryland. Local commands, with which claims under the Military Claims Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Defense directory in the appendix of this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims under the Military Claims Act against the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs, drawings, legal memoranda, opinions of experts, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Military Claims Act (10 U.S.C. 2733); 32 C.F.R. 750.50-750.59; 5 U.S.C. 301; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The files are used to evaluate claims for purposes of adjudication. The files are also used by contractors in those cases in which they indemnify the Government. The files may be furnished to other components of the Department of Defense, and to the Department of Justice to defend unauthorized suits brought against the United States under the military claims act. Additionally, the files or portions thereof may be furnished to the claimant or his authorized representative. For those claims for which payment is determined proper, the files or portions thereof may be provided to the Congress, the Department of Treasury, the Office of Management and Budget, and the General Accounting Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets or other storage devices

RETRIEVABILITY:

Filed alphabetically by name of claimant

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (civil law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rule for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files include the following: x-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and municipal police agencies; reports of circumstances of incidents from operators of Government vehicles and equipment; witnesses; correspondence from claimants, their attorneys, insurance companies, state commissions, United States Attorneys, and various other Government agencies with information concerning the claim.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05890-5

SYSTEM NAME:

Nonscope Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General, Naval Legal Service Offices, and Branch Offices, overseas commands with a Navy or Marine Corps judge advocate attached, and the Federal Records Center, Suitland, Maryland. Local commands, with which claims under the 'Nonscope' Claims Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Navy directory of mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims under the 'Nonscope' Claims Act against the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports, photographs, drawings, opinions of experts, legal memoranda, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

'Nonscope' Claims Act (10 U.S.C. 2737); 32 C.F.R. 750.60-750.69; 5 U.S.C. 301; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH UEES:

The files are used to evaluate claims for purposes of adjudication. The files are provided to the Department of Justice to defend unauthorized suits brought against the United States under the 'Nonscope' Claims Act. In addition, files or portions thereof may be furnished to the claimant or his authorized representative and to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets or other storage devices

RETRIEVABILITY:

Filed alphabetically by name of claimant

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files include the following: x-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and municipal police agencies; reports of circumstances of incidents from operators of Government vehicles; witnesses; correspondence from claimants, their attorneys, insurance companies, state insurance commissions, United States Attorneys, and various other Government agencies with information concerning the claim; commercial credit and asset reports; and questionnaires completed by accident victims.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05890-6

SYSTEM NAME:

Military Personnel and Civilian Employees' Claims

SYSTEM LOCATION:

Offices of the Judge Advocate General; Naval Legal Service Offices;

offices of the Commandants of the Naval Districts; Naval Legal Service Branch Offices; the Federal Records Center, Suitland, Maryland; naval activities where there are officers specifically designated by the Judge Advocate General to adjudicate personnel claims. Official mailing addresses of these locations are included in the Department of the Navy Directory of mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims against the Department of the Navy under the Military Personnel and Civilian Employees' Claims Act and all common carriers against whom recovery has been sought by the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, copies of order, copies of insurance policies, Government bills of lading, copies of Powers of Attorney, estimates of loss or damage, inventories, demands on carriers for reimbursement, correspondence, and legal memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Military Personnel and Civilian Employees' Claims Act (31 U.S.C. 240-243); 32 C.F.R. 751.0-751.30; 5 U.S.C. 301; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The files are used to evaluate claims for purposes of adjudication, reimbursement for the Department of the Navy from common carriers, warehousemen, contractors, or insurers who are responsible for loss or damage to personal property of individual claimants. Additionally, the files are provided to the Department of Justice to defend unauthorized suits against the United States under the Military Personnel and Civilian Employees' Claims Act. Finally, the files may be furnished to the claimant or his authorized representative and to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY:

Filed alphabetically by name of claimant and name of common carrier, warehousemen, contractors, and insurers.

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which file cabinets and storage devices are located is locked outside of working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically Files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the file is initially provided by the claimant and witnesses, after which the personal property divisions contribute investigative reports. The carrier may contribute information, and in some cases an investigative report is furnished by a military member's command or by an investigative agency. Adjudicated amounts allowed for the claim are provided by the adjudicating authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05890-7

SYSTEM NAME:

U.S. Postal Service Indemnity Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General (code 15), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332 and the Federal Records Center, Suitland, Md. 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have filed claims with the U. S. Postal Service for loss or damage to mailed matter, and which claims have been paid by the U. S. Postal Service and thereafter forwarded for reimbursement by the Department of the Navy pursuant to 39 U.S.C. 712.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files may contain claims, substantiating documents, Navy investigative reports (and allied reports such as U. S. Postal Service investigative reports, legal memoranda, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 712; 5 U.S.C. 30; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The files are used to evaluate requests for reimbursement by the U. S. Postal Service for payment on claims for loss or damage to mailed matter. The files may be furnished to other components of the Department of Defense and the Department of Justice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY:

Filed alphabetically by name of claimant.

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working

hours; the office space in which the file cabinets and storage devices are located is locked outside of working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify only their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address, and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The information in U. S. Postal Service Indemnity Claims Files may consist of claims filed, substantiating documents, Navy investigative reports, (and allied reports such as U. S. Postal Service investigative reports), legal memoranda, and correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05890-8

SYSTEM NAME:

NAVSEA RADIATION INJURY CLAIM RECORDS

SYSTEM LOCATION:

Naval Sea Systems Command Code 08 Washington, D.C. 20362

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals employed by the Navy and Navy contractors who have alleged radiation injury from radiation exposure associated with Naval Nuclear Propulsion plants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Excerpts from personnel medical records, Navy field organization and Navy contractor work histories and Navy and Labor Department correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Technical evaluation of radiation injury compensation claims by NAVSEA RADIOLOGICAL CONTROL MANAGERS.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folders

RETRIEVABILITY:

Alphabetical by name

SAFEGUARDS:

Locked in safe and specific permission of custodian

RETENTION AND DISPOSAL:

Indefinitely

SYSTEM MANAGER(S) AND ADDRESS:

Naval Sea Systems Command Code 08 Washington, D.C. 20362

NOTIFICATION PROCEDURE:

Contact System Manager; Provide name, organization where employed at time of alleged injury and supporting evidence.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Personnel medical records and Navy and contractor work histories.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05891-1

SYSTEM NAME:

Litigation Case File

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All those individuals who have brought suit against, or have been involved in litigation with the United States or its offcers or employees concerning matters related to the Department of the Navy, in the Federal Civil Court System, excepting those cases arising, in admiralty, or patent, under the Federal Tort Claims Act, and all matters under the responsibility of the General Counsel's Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

All pleadings, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation and related materials involved in representing the United States Navy and Marine Corps in the Federal Court System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 5148, and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The collected information is used to defend the Department of the NAVY IN CIVIL suits filed against it in the Federal Court System. Routine users of the information, in addition to the Litigation Division, Office of the Judge Advocate General of the Navy, are the Department of Justice and the United States Attorneys offices assigned to the particular case.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrievable by last name of the litigant.

SAFEGUARDS:

Records are maintained in file cabinets accessible only to persons responsible for servicing the record system in performing their official duties.

RETENTION AND DISPOSAL:

Retained in office files for two years, then retired to Washington National Records Center, Washington, D.C. 20409; detroy 10 years after final action, on the case.

SYSTEM MANAGER(S) AND ADDRESS:

Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager.

RECORD ACCESS PROCEDURES:

Access is not permitted to this system. See 5 U.S.C.C 552a (d) (5).

CONTESTING RECORD PROCEDURES:

The Navy's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Navy Military Personnel Records Center, St. Louise; Department of Justice, opposing counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N06150-1

SYSTEM NAME:

Medical Department Professional/ Technical Personnel Development

SYSTEM LOCATION:

Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; individual's duty station or reserve unit (mailing addresses are listed in the Navy directory in the appendix to the Component System Notice); Military Sealift Command, Navy Department, Washington, D.C. 20390; National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132; National Personnel Records Center, 111 Winnebago St., St. Louis, Missouri 63118; Bureau of Medicine and Surgery managed education and training activities (mailing addresses are listed in the Navy directory in the appendix to the Component System Notice); various colleges and universities affiliated with BUMED managed education and training activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy (military and civilian) health care personnel; applicants to student status in Navy Aerospace Medicine, Navy Aerospace Physiology and Navy Aerospace Experimental Psychology; Navy (military and civilian) personnel qualified as divers or involved in other professional/specialty/technical training; Navy (military and civilian) personnel exposed to occupational/ environmental hazards; distinguished/ noted civilian physicians in capacity of lecturer/consultant.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and demographic data; education, training, professional, specialty, and technical accomplishments/qualifications; credentialing programs; surgical and surgical support team personnel listings; assignments history, projected rotation date, projected release from active duty date, active duty obligation, officer preference card, and variable incentive pay/continuation pay selection data; Hospital Corps education and training history and grades received, commanding officer's performance evaluation, and recommendations; periodic and total lifetime accumulated exposure to occupational/environmental hazards; curricula vitae of civilian consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S.C.; 5 U.S.C. 301; Title 10, CFR Part 20, Standards for Protection Against Radiation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Military and civilian employees of BUMED and BUMED managed education and training and command activities in the performance of their official duties related to procurement, assignments, professional/specialty/ technical training, credentialing, promotion, and all other aspects of health care personnel management; career development; evaluation of candidates for position of lecturer/ consultant; mobilization, planning, and verfication of reserve service; surgical team contingency planning; management of physical standards; maintenance of safe occupational/environmental protection standards; and to maintain information of adverse actions or revocations of health care providers' clinical credentials for dissemination to the various federal and state licensure boards, professional regulating bodies, and appropriate military and civilian organizations and activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records stored on disc, tape, punched cards, and machine listings. Manual records stored in card files and folders in filing cabinets.

RETRIEVABILITY:

Manual records retrieved by full name, SSN, file numbers, program title or locator card. Automated records retrieved by key to any data field.

SAFEGUARDS:

Records maintained in monitored or controlled access rooms or areas; public access to the records is not permitted; computer hardware is located in supervised areas; access is controlled by password or other user code system; utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in the performance of their duties. Buildings/rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Medical Department personnel professional development and training records; Headquarters, BUMED records-retained at BUMED for duration of member's service, then retired to NPRC, St. Louis for 10 year retention; BUMED field activities-retained 5 years, then destroyed.

Radiation exposure records; personnel exceeding exposure limits-retained at BUMED 50 years, then destroyed; all others-retained 5 years, then destroyed.

Surgical support team records; Headquarters, BUMED-destroyed upon termination of active duty service; BUMED field activities-destroyed upon termination of duty at the Medical Department facility.

Curricula vitae of lecturers/ consultants-destroyed upon termination of status at the Medical Department facility.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132; Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118; commanding officers of naval activities, ships and stations.

NOTIFICATION PROCEDURE:

Offices where requester may visit to obtain information of records pertaining

to the individual; Potomac Annex, 23rd and E Street, N.W., Washington, D.C.; Navy medical centers and hospitals; other Navy health care facilities; and BUMED managed education and training facilities.

The individual should present proof of identification such as an I.D. card, drivers license, or other type of identification bearing signature and photograph.

Written requests may be addressed as follows:

Active duty Navy members or civilian employees presently working for the Navy should address requests to the commanding officer of the facility or ship where they are stationed or employed. Mailing addresses are in the Department of Defense directory in the appendix to the Component's Systems Notices.

Former members of the Navy should address requests to Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132.

Former civilian employees of the navy should address requests to Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Mo. 63118.

All written requests should contain full name, rank, SSN, file number (if any), and designator.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Military Headquarters, offices and commands; education institutions at training hospitals; boards, colleges and associations of professional licensure and medical specialties; personnel records; information submitted by the individual; automated system interface.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N06150-2

SYSTEM NAME:

Health Care Treatment Record System

SYSTEM LOCATION:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps Personnel. Retained at the individual's duty station or reserve unit. (Mailing addresses are listed in the Navy Directory in the appendix in the component system notice.) Bureau of Naval Personnel, Navy Department Washington, DC; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Lousiana 70149; Headquarters Marine Corps, Navy Department, Washington, DC 20380; Marine Corps Reserve Forces Administrative Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri 64131; National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Inpatient treatment records for active duty military, dependents, retired military and dependents, civilian employees, VA beneficiaries and humanitarian. Naval Regional Medical Centers and Naval Hospitals; National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Outpatient treatment records for dependents of active duty military, retired military and their dependents, civilian employees, VA beneficiaries and humanitarian. Naval Regional Medical Centers and Naval Hospitals, and Clinics (Dispensaries); National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118; National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Subsidiary record files of the health care treatment record system are located at Naval Medical Data Services Center, Bethesda, Maryland; Regional Data Service Centers; Naval Environmental Health Center, Norfolk, Virginia; and other approved locations for conducting research studies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy, Marine Corps, other military personnel, dependents, retired military personnel and dependents, civilian employees, VA beneficiaries and humanitarian.

CATEGORIES OF RECORDS IN THE SYSTEM:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps: system is made up of records pertaining to the member or former member's medical history; physical, dental and mental examinations; consultation; innoculations; outpatient treatment, including laboratory and x-ray reports; report of medical boards; summaries of periods of hospitalization, dental evaluation and treatment, reports of exposure to environmental and radiation hazards, results of special diagnostics and clinical studies; recommendations regarding requests for waivers of established physical standards.

Inpatient and outpatient treatment records: file contains a multiplicity of prescribed forms documenting health evaluations, medical/dental care and treatment for any health or medical condition or problem provided an eligible individual on an outpatient and/or inpatient status. The records contain history and physical examinations or health evaluation, reports of exposure to ionizing radiation, consultation reports and medical care and treatment provided, including procedures utilized such as surgery, drugs, dietary, x-ray laboratory, nursing notes, physical therapy and other specialty care applicable to the medical diagnosis or conditions found. The records also contain patients demographic data, family health history data, length of inpatient stay, disease nomenclature, discharge summary of inpatient care. Documentation of health history, diagnosis, care and treatment provided and the recording thereof conform with the standards prescribed by the joint commission on accreditation of hospital. In addition to, and based on individual medical record files, there are subsidiary records such as registers of patients; patient health care, medical board and death statistics; environmental health data; operating room schedules, tumor registers; appointment registers; sick call and treatment logs; x-ray files; laboratory files and logs; pharmacy records; EKG's; EEG's; neuropsychiatric evaluations; physical therapy records; other patient evaluation records, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 5131 (as amended), 10 USC 5132, 44 USC 3101, 5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy (and members of the National Red Cross in Navy Health Care Facilities) in the performance of their official duties relating to the health and medical treatment of those categories of individuals covered by this record system; determining physical qualifications and suitability of candidates for various programs; personnel assignment; adjudicating claims and appeals before the council of personnel boards, and the Board for Correction of Naval Records; rendering opinions regarding members' physical fitness for continued naval service; litigation involving medical care provided those categories of individuals

covered by this record system; performance of research studies and compilation of statistical data; implementing preventive medicine, dentistry, and communicable disease control programs. Officials and employees of other components of the Department of Defense in the performance of their official duties relating to determining the physical qualifications of applicants; in providing medical care to those categories of individual covered by this record system; and in the conduct of analyses and research studies.

Officials and employees of the Veterans Administration in the performance of their official duties relating to the adjudication of veterans claims and in providing medical care to members of the Naval Service. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the executive branch agencies.

Officials and employees of other departments and agencies of the Executive Branch of Government upon request in the performance of their official duties related to review of the physical qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies. Private organizations (including education institution) and individuals for authorized health research in the interest of the Federal Government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies. Parent activities releasing such records shall maintain a list of all such research organizations and records released thereto.

Officials and employees of the National Research Council in cooperative studies of the National History of Disease; of prognosis and of epidemiology. Each study in which the records of members and former members of the Naval Service are used must be approved by the Surgeon General of the Navy.

Officials and employees of local and state governments and agencies in the performance of their official duties pursuant to the laws and regulations governing and local control of communicable diseases, preventive medicine and safety programs, child abuse and other public health and welfare programs. Authorized surveying bodies for professional certification and accreditations.

When required by federal statute, by executive order, or by treaty, medical record information will be disclosed to the individual, organization, or government agency, as necessary. Drug/Alcohol and Family Advocacy Information maintained in connection with Abuse Prevention Programs shall be disclosed only in accordance with the applicable statues, 21 U.S.C. 1175, 42 U.S.C. 4582, and 5 U.S.C. 552.

Records will not be further released by routine users with prior approval of the SYSMANAGER.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps:

Records are stored in file folders, microform, on magnetic tape, punched cards, machine listings, discs, and other computerized or machine readable media.

Inpatient and outpatient treament records. These records originate at any Navy Medical Treatment Facility where the individual comes for medical care and treatment. The inpatient treatment records are retained for 2 years from date of last treatment at the activity and then sent to the National Personnel Records Center, St. Louis, Missouri. Outpatient treatment records are transferred for continuity of care and treatment to other medical activities upon change of station by the service member. Outpatient files, upon 2 years from date of last treatment are transferred to the National Personnel Records Center.

Inpatient and outpatient treatment records are maintained in mechanized lists, file folders, microform, and on magnetic tape, discs, punched cards, and other computerized or machine readable media. Inpatient treatment records are filed numerically by hospital register numbers. The alphabetical patient register serves as the locator media. Outpatient treatment records are filed by the Military Member's SSN with an alphabetical card or mechanized list or other record as the locator media. Medical x-rays are filed by a sequential numbering system in manual or mechanized format with an alphabetical name locator.

RETRIEVABILITY:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps Members.

Records retired to the National Personnel Records Center, St. Louis, Missouri, prior to 1971 are retrieved by name and service or file number. After that date, records are retrieved by name and social security number. Records retired to the National Personnel Records Center, St. Louis, Missouri prior to 1971 are retrieved by name and service or file number, after that date records are retrieved by name and social security number.

Inpatient and outpatient treatment records.

Records are retrieved by manual or automated locator media (alpha name cards, logs, listings, tapes, etc.).

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specific monitored or controlled access rooms or areas; public access is not permitted. Computer terminals are located in supervised areas; access is controlled by password or other user code system; utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in providing further medical care or in support of administrative/clerical functions. Records are controlled by a charge-out system to clinical and other authorized personnel.

RETENTION AND DISPOSAL:

Health care treatment records are retained, retired, and disposed of in accordance with SECNAVINST 5212.5 series, disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; Commanding Officers, Naval Activities, Ships, and Stations, Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 64131.

Inpatient and outpatient treatment records: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; Commanding Officer, Naval Medical Centers and Hospitals or activities having Clinics; Director, National Personnel Records Center, St. Louis, Missouri 63118.

NOTIFICATION PROCEDURE:

Service medical (health and dental) records for active duty and reserve; Navy and Marine Corps Members;

Requests for information from active duty Navy and Marine Corps personnel and drilling members of the Navy and Marine Corps Reserves should be addressed to the individual's commanding officer. Official mailing

addresses are in the Department of Defense Directory in the appendix to the component's system notice. Inactive Naval Reservists should address requests for information to the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana 70149. Marine Reservist's should address request for information to Marine Corps Reserve Forces Administrative Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri 64131.

Former members who have no further reserve or active duty obligations should address requests for information to director, National Personnel Records Center (Navy Reference Branch), 9700 Page Boulevard, St. Louis, Missouri 63132.

All written requests should contain the full name and social security, account number of the individual, his signature, and in those cases where his period of service ended before 1971, his service or file number. In requesting records for personnel who served before 1964, information provided to the National Personnel Records Center should also include date and place of birth and dates of periods of active Naval service. Active duty Navy and Marine Corps personnel including drilling members of the reserves may visit the medical department of the activity to which attached. Inactive Naval Reservists whose tour of active duty ended after 1 July 1972 may visit the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans,Louisiana. Marine Reservists whose tour of active duty ended after 1 July 1972 and who have a continual reserve obligation may visit the Marine Corps Reserve Forces Administration Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri. Former members with no further obligation and reservists whose tour of active duty ended prior to 1 July 1972 may visit the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri. Proof of identification in the case of active duty, retired and reserve personnel will consist of the Armed Forces of the U.S. Identification Card or by other types of identification bearing picture and signature. Former members may provide drivers license or other types of identification bearing picture and signature.

Inpatient and outpatient treatment records:

(Care/treatment-within 2 years) Commanding Officer of the Naval Regional Medical Center or hospital where the individual was treated.

(More than 2 years) Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118 or Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132.

Provide the following data: full name, service number, status, or SSN of sponsor, date(s) of treatment or period of hospitalization, address at time of medical treament, if known.

Office where requster may visit to obtain information of records pertaining to the individual.

Regional Medical Center or Hospital
Chief, Patient Affairs Service
Chief, Outpatient Service
Officer-in-charge other Navy Medical Facility

Full name, date and place of birth, ID card or drivers license, or other identification to sufficiently identify the individual with the medical records held by the treatment facility must be presented.

RECORD ACCESS PROCEDURES:

Sysmanager - service medical (health and dental) records for active duty and reserve, Navy and Marine Corps; requests from individuals should be addressed to Chief, Bureau of Medicine and Surgery, (Code 3111), Navy Department, Washington, DC 20372.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerning may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Reports from attending and previous physicians and other medical personnel regarding the results of physical, dental and mental examinations, treatment, evaluation, consultation, laboratory, x-ray and special studies conducted to provide health care to the individual or to determine the individuals physical and dental qualification.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N06150-3

SYSTEM NAME:

Naval Health Research Center Data File

SYSTEM LOCATION:

Naval Health Research Center, San Diego, California 92152

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine personnel on active duty since 1960 to date. Civilians taking part in Operation Deep Freeze, 1964 to date.

CATEGORIES OF RECORDS IN THE SYSTEM:

Extracts of information from official medical and personnel records as well as information dealing with biographical, attitudes, and questions relating to health patterns during active service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Users are military and civilian research personnel of this command. Inquiries are answered from the Bureau of Medicine and Surgery and The Naval Medical Research and Development Command, as well as other medical research activities in the Department of Navy relative to the types and frequency of illnesses in Navy and Marine Corps personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Principal medium is magnetic tape with file and punch card back-up as required.

RETRIEVABILITY:

Retrievability is by Social Security number or service number as appropriate for military and former military personnel. Civilians are by name only.

SAFEGUARDS:

Access to Information on magnetic tape is restricted to authorized personnel only by means of a password.

RETENTION AND DISPOSAL:

Since the information in this file is used to study longitudinal health patterns, and as a basis for comparison of changes in health patterns over long periods of time, they are most carefully maintained. As information is transferred from research forms to magnetic tape, those forms and the punch cards resulting from them are destroyed as the need for maintenance of a back-up capability no longer exists. The spaces occupied by this command are in military compounds with limited access and established security patrols.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Programming Branch, Naval Health Research Center, San Diego, California 92152.

NOTIFICATION PROCEDURE:

Navy and Marine Corps personnel and former serving members must provide a social security number or service number as appropriate, give the branch of service, and years of active duty. Civilians in Operation Deep Freeze must identify themselves by full name and the year in which they wintered over.

RECORD ACCESS PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is derived from (a) Medical Treatment Record Systems, including medical, dental, health records, inpatient treatment records and outpatient treatment records, (b) Personnel Records System and Personnel Rehabilitation Support System, (c) Enlisted Master File, (d) information provided by the members themselves on a volunteer basis in response to specific research questionnairs and forms, and (e) information provided by the members' peers and superiors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N06310-1

SYSTEM NAME:

Personal injury and illness reports on civilian and govt-service seaman employed on MSC ships

SYSTEM LOCATION:

Office of the Judge Advocate General (code 11), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Injured civilian seamen and government service seamen employed by the Military Sealift Command or its contract operators for service on board MSC ships.

CATEGORIES OF RECORDS IN THE SYSTEM:

System consists of preliminary personal injury and illness reports on civilian seamen and government service seamen employed by the Military Sealift Command or its contract operators.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Admiralty Claims Act (10 U.S.C. 7622); 5 U.S.C. 301; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in their performance of their official duties related to the administrative evaluation and settlement of subsequently submitted admiralty claims asserted against the Navy. Additionally, these reports may later be provided to the Department of Justice for defense of civil maritime Suits brought against the United States. Finally, these reports may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets

RETRIEVABILITY:

Filed by name of injured seaman listed under each particular MSC ship by date of injury.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Reports are maintained in personal injury report file folders for a period of two years from the date of particular injury or illness and are, thereafter, destroyed at the local office level.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Masters of Military Sealift Command ships; witnesses; medical and dental forms; and investigative reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N06320-1

SYSTEM NAME:

Uncollectible Accounts

SYSTEM LOCATION:

Primary System - Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D. C. 20372. Decentralized Segments - Naval Hospitals and Medical Centers which provide services or perform work giving rise to such accounts receivable. (Mailing addresses are listed in the directory of Department of the Navy mailing addressesin the Appendix to the Component System Notice.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual incurring indebtedness to the United States by receiving health care treatment or examination services funded by the Navy Medical Department. Coverage also includes sponsors and other persons responsible for the debts of such persons.

CATEGORIES OF RECORDS IN THE SYSTEM:

The types of records in the system include Request for Recovery of CHAMPUS Funds (CHAMPUS Form 11); letter reports of uncollectible accounts receivable; substantiating documents such as Supplies and/or Services provided by Civilian Hospitals (DA Form 1863-1), Services and/or Supplies provided by Civilian Sources (except Hospitals) (DA Form 1863-2), Explanation of Benefits forms, physicians' and hospitals' statements of services and charges, payment receipts, admission documents, and correspondence relating to collection

attempts or attempts to ascertain elligibility status or patient category; records of payments received; records of transmittal of accounts to investigative organizations, the Department of Justice, and/or the General Accounting Office; and records suspending or terminating collection action or effecting compromise settlement agreements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 USC 191-195, 227, and 952 (also known as the Federal Claims Collection Act of 1966); 10 USC 1078-179; and 37 USC 702, 705, and 1007.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system is collected to facilitate the recovery of amounts owed the United States. Users of the information includes field and bureau collection agents. The information is used to determine amounts owed, methods to be employed to effect recovery, and whether or not the claim can be compromised or collection action thereon terminated or suspended. In rare and exceptional cases an account file is referred to the Navy Investigative Service Office, the Department of Justice, or the General Accounting Office. Any individual records in the system might be transferred to any component of the DOD.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and reading files. Index cards (3'x5').

RETRIEVABILITY:

Filed alphabetically by last name of debtor within the fiscal year in which indebtedness was incurred. Summary records filed by medical treatment facility.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly screened and trained.

RETENTION AND DISPOSAL:

Records are retained in active file until collection action has been completed, compromised, suspended, or terminated. They are held in inactive file until statute of limitations has run and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D. C. 20372 and Commanding Officers of Medical Treatment Facilities under the Command of the Chief, Bureau of Medicine and Surgery.

NOTIFICATION PROCEDURE:

Information may be obtained from the Chief, Bureau of Medicine and Surgery. Requests should provide the full name of the debtor, the military or dependency status of the debtor, and the location and approximate dates of treatment or examination. The requestor may visit the Comptroller, Bureau of Medicine and Surgery, 23rd and 'E' Streets, N. W., Washington, D. C. to obtain information on whether or not the system contains records pertaining to him or her. A valid driver's license and/or military ID card will be considered adequate proof of identity.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appearling initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Medical Treatment Facilities providing services which resulted in indebtedness to the United States, OCHAMPUS Denver, U. S. Postal Service, Military Locator Services, State Departments of Motor Vehicles, any component of the DOD, the Department of Justice, the General Accounting Office, retail credit associations, financial institutions, current or previous employers, educational institutions, trade associations, automated system interfaces, local law enforcement agencies, the Department of Health, Education, and Welfare, the Internal Revenue Service, and the Civil Service Commission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N06320-2

SYSTEM NAME:

Family Advocacy Program System

SYSTEM LOCATION:

Central Registry—Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D. C. 20372. Individual Case Files -- Naval Regional Medical Centers, naval hospitals and clinics (formerly dispensaries), and duty stations of the military sponsors. (Mailing addresses of duty stations are listed in the DOD directory in the Appendix to the Component System Notice.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All beneficiaries entitled to care at Navy medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities, and all persons suspected of abusing or neglecting such beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records of suspected and confirmed cases of family member abuse or neglect, also, investigative reports, correspondence, family advocacy committee reports, follow-up and evaluative reports, and any other supportive data assembled relevant to individual family advocacy program files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 5132, and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees duties relating to health and medical treatment of members and former members of the uniformed services, civilians, and dependents receiving medical care under Navy auspices; determining qualifications and suitability of Navy and Marine Corps personnel for various programs, duty assignments, and fitness for continued military service; and performance of research studies of compilation of statistical data.

Officials and employees of other components of the Department of Defense and other Departments and agencies and the Executive Branch of government, in the performance of their official duties relating to the coordination of family advocacy programs, medical care, and researchconcerning family member abuse and neglect.

The Attorney General of the United States or his authorized representatives, in connection with litigation or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Federal, state or local government agencies when it is deemed appropriate to utilize civilian resources in the counseling and treatment of individuals or families involved in abuse or neglect or when it is deemed appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement.

Authorized officials and employees of the National Academy of Sciences, and private organizations and individuals for authorized health research in the interest of the federal government and the public; and authorized surveying bodies for professional certification and accreditation. government and the public; and authorized surveying bodies for professional certification and accreditation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in file folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Records are retrieved through indices and cross indices of all individuals and relevant incident data. Types of indices used include, but are not limited to: names, social security numbers, and types of incidents.

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Public access is not permitted. Records are accessible only to authorized personnel who are properly screened and trained, and on a need-to-know basis, only.

Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Family advocacy case records are maintained at the activity having cognizance of the case for a period of 5 years and are then destroyed. Central registry records are permanently retained under the control of the Bureau of Medicine and Surgery.

SYSTEM MANAGER(S) AND ADDRESS:

Central Registery -- Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372, -- and commanding officers of medical treatment facilities under the command of the Chief, Bureau of Medicine and Surgery, where the treatment and reporting occurred.

NOTIFICATION PROCEDURE:

Informational requests should be directed to the cognizant system manager(s). Requests should contain the full name of the individual and social security number of the military or civilian sponsor or guardian, date and place of treament, and alleged reporting of incident. The requester may visit the office of the Chief, Bureau of Medicine and Surgery, 23rd and 'E' Streets, N.W., Washington, D.C. and the commading officers of the individual medical treatment facilities to obtain information on whether or not the system contains records pertaining to hime or her. Armed Forces I.D. card or other type of identification bearing the picture and signature of the requested will be considered adequate proof of identity.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Reports from physicians and othe medical department personnel regarding the results of physical, dental, mental, and other examinations, treatment, evaluation, consultation, laboratory, x-ray, and special studies; reports and information from other sources, including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Part of this system may be exempt under 5 U.S.C. 552a(k) (2) and (5), as applicable. For additional information, contact the system manager(s).

N06320-3

SYSTEM NAME:

BUMED Quality Assurance/Risk Management

SYSTEM LOCATION:

Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372; health care treatment facilities. (Mailing address are listed in the DOD directory in the Appendix to the Component System Notice.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients, staff, visitors, contractors, and other personnel who converge upon Naval medical treatment care, or health related ancillary or support services consistent with institutional purposes. Such individuals may be noted in organized review of care provided, reviews of injuries or mishaps sustained, or be governed by stipulations under which care may be rendered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident reports; follow-up reports; letters, memos, and other correspondence or supportive statements; statistical reports; and committee minutes; and credentialing program documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Department Regulations; 10 U.S.C. 5132.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system will be utilized by military and civilian employees of BUMED- command activities, and Headquarters, BUMED in the performance of their official duties related to the Navy Medical Department's Quality Assurance/Risk Management Program. Records in the system will be used to review the quality and appropriateness of care provided; investigate, analyze, and report accidents, injuries, and other incidents; to identify health care providers with known or suspected problems; and to maintain information of adverse actions or revocations of health care providers' clinical credentials for dissemination to the various federal and state licensure boards, professional regulating bodies, and appropriate military and civilian organizations and facilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on hard copy forms in filing cabinets.

RETRIEVABILITY:

Records are retrieved by full name of patient, SSN of sponsor, date of incident, or other alpha/numeric identifier.

SAFEGUARDS:

Files are monitored during normal working hours by authorized personnel and the room or the files are locked at all other times.

RETENTION AND DISPOSAL:

Records are retained for 3 years after the year in which created and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372. Commanding Officers or officers in charge of Navy Medical Department health care treatment facilities. (Mailing addresses are listed in the DOD directory in the appendix to the Component System Notice.)

NOTIFICATION PROCEDURE:

Requests should be addressed to Chief, Bureau of Medicine and Surgery or commanding officers or officers in charge at the addresses indicated, above. Requests should contain the full name, SSN, and signature of the individual. The individual may also visit BUMED or the health care treatment facility. Visitors must possess proof of identification such as ID card, drivers license, or other identification showing name and a recent photograph of the individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Incident reports relating to patients, staff, and other personnel documenting accidents, injuries, and other incidents, together with supportive correspondence and statements including statistical displays and summaries.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N06470-1

SYSTEM NAME:

USN/USMC Nuclear Test Personnel Review Program.

SYSTEM LOCATION:

Primary Navy System exists at the Project Manager's Office, Navy Nuclear Test Personnel Review, Room 756, Commonwealth Building, 1300 Wilson Boulevard, Arlington, VA. 22209. Automated segments exist at Navy Regional Data Automation Center, Washington Navy Yard, Washington, D.C. 20374 and J. A. Young corporation, 205 South Whiting Street, Alexandria, VA 22304. The entire Marine Corps systems exists at the Project Coordinator's Office, Marine Corps Nuclear Test Personnel Review, Records Branch, Personnel Services Division, Headquarters Marine Corps, Washington, D.C. 20380. Extracts of individualized records of both Navy and Marine Corps reside at Headquarters, Defense Nuclear Agency, Washington, D.C. 20305.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps military and civilian personnel and/or contractor personnel in support of the Navy and Marine Corps who may have been exposed to radiation as the direct result of government sponsored atmospheric nuclear detonations occurring between 1945 and 1962.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank/grade, service number, social secuity account number, current or last know address, dates of test partcipation, radiation exposure (if any) & dose data, Navy and Marine Corps unit/office of assignment at time of exposure, current medical status, next-of-kin data, and extracts of service medical data such as CBC's, bioassay data and radiation sickness sequellae.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U. S. C. 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Navy to identify personnel who either were exposed to or participated in the atmospheric nuclear detonation program and to collect radiation exposure information so as to determine appropriate government-provided medical treatment, and to answer inquires.

By the Veterans Administration to process/adjudicate claims in which service-connected disabilities resulting from radiation exposure are alleged.

By the Department of Defense components-For the purpose of preparing histories of atmospheric nuclear test participation and for use in litigation between test participants or their representatives and the Department of Defense.

By the Defense Nuclear Agency Contractors-For the purpose of assisting DOD components in preparation of histories of atmospheric nuclear test participation, to reconstruct individual dosimetry data based on research and application of mathematical factors and responding to the inquiries and concerns of individuals who may have participated in the test programs and/or their representatives.

By the National Research Council and the Center for Disease Control-For the limited purpose of conducting epidemiological studies of the effects of ionizing radiation from the atmospheric nuclear weapons tests on DOD participants in those test.

By the Department of Energy-For the limited purpose of identifying AEC and AEC-contractor personnel exposed to ionizing radiation during nuclear testing and for conducting epidemiological studies of radiation effects of individuals so identified; and for use in litigation between the DOD and any of the individuals so identified.

By the Department of Transportation-For the limited purpose of identifying DOT and DOT-affilicated personnel exposed to ionizing radiation during nuclear testing and for use in litigation between the DOT and any of the individuals so identified.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes, disks, and computer printouts.

RETRIEVABILITY:

By individual's name and/or service number/SSAN, or listed in conjunction with a unit (ship, air squadron, etc.) associated with atmospheric nuclear testing.

SAFEGUARDS:

Access is limited to properly clear personnel having need for the information in the performance of official duties. Paper records are maintained in an office which is locked during non-working hours. The building in which both offices are located maintains continuous security guard surveillance during non-working hours. Magnetic tapes and disks are stored in secured computer areas, access to which is controlled by password.

RETENTION AND DISPOSAL:

Paper records are retained after data is transferred to magnetic tapes. Personnel and health records are retained by the National Personnel Records Center, St. Louis, Missouri. Other paper records will be retired to Naval and Marine Corps Historical Offices after completion of Nuclear Test Personnel Review effort. Magnetic tapes and disks are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Program Manager, Navy Nuclear Test Personnel Review, Room 756, Commonwealth Building, 1300 Wilson Boulevard, Arlington, VA 22209 and Project Coordinator, Marine Corps Nuclear Test Personnel Review, Commandant of the Marine Corps, (MSRB-60), Washington, D.C. 20380.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information pertinent to them shall either write or visit the system manager. Signed letters or proper identification are required.

RECORD ACCESS PROCEDURES:

Individuals may access records pertaining to them by furnishing full name and SSAN and/or service number. Additional information such as unit to which assigned at time or radiation exposure as well as place and approximate dates of exposure expedite recovery of desired records.

CONTESTING RECORD PROCEDURES:

The agencies' rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the respective system manager.

RECORD SOURCE CATEGORIES:

From the individual; Navy and Marine Corps organizational, personnel, and medical records; the Veterans Administration, Department of Enery, Defense Nuclear Agency & other military departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05530-1

SYSTEM NAME:

Blood Donor Program Files

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel donating blood or seeking replacement of blood.

CATEGORIES OF RECORDS IN THE SYSTEM:

Blood donation records. Blood replacement requirement records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Emergency blood request by blood type, recognition and identification of donors, and replacement of blood provided to cover individuals. Records are available to American Red Cross.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSAN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

American Red Cross, blood donors, hospitals, persons seeking replacement of blood.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07210-1

SYSTEM NAME:

Losses of Public Funds File

SYSTEM LOCATION:

Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Disbursing personnel who are entrusted with public funds and who incur losses of the public funds entrusted to them.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetized folders containing reports of losses of public funds, reports of investigations into losses of public funds, requests for relief of liability for losses of public funds and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 USC 95a, 82a-1, and 82a-2

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintaining documentation relative to losses of public funds by accountable disbursing personnel. Used by the following individuals for the purpose of processing documentation relative to losses of public funds: Commanding Officer, Executive Director; Director, Functional Systems Department; Director, General Systems Division and other specified individuals within the General Systems Division. Inform individuals of their rights to repay losses or to submit requests for relief of liability; maintain records of investigations conducted; approval of requests for relief of liability for losses of less than

500;recommendations to the Secretary of the Navy on all denials and all losses of

500 or more; and control over liquidation of losses by relief or by collection action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and control log

RETRIEVABILITY:

Name of accountable disbursing individual in whose custody the public funds were entrusted when the losses occured.

SAFEGUARDS:

Maintained in General Services approved Class 3, Security Cabinet equipped with a Type II, three tumbler combination look accessible only to authorized individuals.

RETENTION AND DISPOSAL:

Transferred to Federal Records one year following liquidation of the loss.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376

NOTIFICATION PROCEDURE:

Correspondence only

RECORD ACCESS PROCEDURES:

The agency's rule for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rule for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Messages, letters, and reports of investigations into losses of public funds received from: accountable disbursing personnel, commanding officers of Navy and Marine Corps activities at which disbursing offices are located, officers appointed to conduct Judge Advocate General Manual investigations, Commanding Officer, Naval Investigative Service, Commandant of the Marine Corps, and Secretary of the Navy.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07220-1

SYSTEM NAME:

Armed Forces Health Professional Scholarship System

SYSTEM LOCATION:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFHSP students until graduation

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel and entitlement data necessary for pay computation

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92-426

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Preparation of checks, leave and earnings statements, and financial reports. Data may be released to various government agencies such as to the Department of the Treasury, Social Security Administration, and Veterans Administration when needed to provide payment or service to member. To the American Red Cross, Navy Relief Society and U.S.O. for personal assistance to the member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and file folders

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Social security account number and member name

SAFEGUARDS:

Guards, personnel screening, and requestor codes

RETENTION AND DISPOSAL:

Destroyed ten years after member's graduation

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Office Building Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to system manager at above address. Information request must contain Navy member's full name, military status, and social security number. Requestor may visit above address and must have military identification card or valid state driver's license and social security card as positive proof of identity.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing Officer, Reserve members, BUPERS, and BUMED

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07220-2

SYSTEM NAME:

Retired Pay System

SYSTEM LOCATION:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former members of the Navy and Reservists receiving Retired or Retainer Pay; Survivors of members or reservists requesting Survivor Benefit Plan, Retired Serviceman's Family Protection Plan or Minimum Income Widow payments; Individuals eligible for National Oceanic and Atmospheric Administration retirement payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual retired pay and annuity pay records, statements of service, retirement orders, survivor benefit plan elections, w-4 and w-2 data, allotment data, death certificates, applications for annuities, correspondence from or to the member or annuitant or third parties relating to an individual account, documentation of mass change, e.g., cost of living increase, due to legislative change.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC Subtitle C

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system are used by officials and employees, military and civilian, of the Department of the Navy or the Department of Defense in the performance of their official duties relating to the computation of retirement and annuity payments and to investigate and reconcile any underpayments, overpayments or claims.

Data in this system is used for fiscal reports and the extraction and compilation of statistical analyses and reports for management studies for use internally or externally required by Department of Defense, Department of Labor, Department of Commerce or by other government agencies. Records may be released to the Comptroller General of any of this authorized representatives in the course of the performance of duties of the Comptroller General; the General Accounting Office for audits and determinations relating to military pay entitlements expenditures and accounting procedures; the Department of Treasury in connection with check or Electronic Fund Transfer (EFT) payment issuance; the Veterans Administration in regard to Disability and Severance Pay; the Social Security Administration for FICA Wage reporting; the Internal Revenue Service and state and local taxing authorities for computing or resolving tax liability; the Federal Reserve Banks for the distribution of payments made through the Direct Deposit System, to financial

organizations or their processing agents authorized by individuals to receive and deposit payments in their accouunts, and federal, state, or local government agencies when payments received through the Retired Pay system impact payments or benefits issued by those agencies. To designated beneficiaries of deceased member. To the American Red Cross, Navy Relief Society, or U.S.O. personnel for assistance to the member or annuitant.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, and disc files, microfilm and file folders.

RETRIEVABILITY:

Social security number and member's name

SAFEGUARDS:

The on-line system contains the following safeguards: a. Physical access to CRT data entry terminals is under supervisory control. b. Access to central computer mainframe, other peripheral equipment and tape and disc storage is strictly controlled. Individuals must sign in and be authorized admittance before access. c. Individual user identification codes and passwords are used to control access to automated records. d. Reports are issued that are used to help monitor individuals accessing the system. Access to microfiche and microfiche readers and the respective data are maintained by supervisory control. During non-working hours, offices where records are stored are locked.

RETENTION AND DISPOSAL:

Records are retained for ten years after death of retiree or annuitant then shipped to a Federal Records storage facility. NOAA accounts are dropped upon retiree's death.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to system manager at above address. Information request must contain Navy member's full name and social security number.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Field disbursing offices, Navy Military Personnel Command, Navy Reserve Personnel Center, individual members, annuitants, financial organizations, designated guardians and conservators of retirees or annuitants, Veterans Administration, Social Security Administration, Office of Personnel Management, Internal Revenue Service, and federal, state, and local courts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07220-3

SYSTEM NAME:

Reserve Pay System

SYSTEM LOCATION:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active reservists drilling in pay units

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance entitlements, monthly and yearly pay, and personnel data needed for pay computation and issuance

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code Chapter 11

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used within the Navy Finance Center by military pay adjudicators for the purposes of issuing checks and earning statements, investigating claims and overpayments, and for preparation of financial reports. Data contained in records may be released to BUPERS, various field activities, and other Department of Defense activities to assist these activities to update, verify, or correct their records; the Internal Revenue Service and state or local tax authorities for use in computing or resolving member's tax liability; the Social Security Administration to determine member's coverage under that program; the Department of the Treasury for issuance of checks; the Veterans' Administration or to the Navy Family Allowance Activity, when needed to process cases in the courts upon court order; the designated beneficiaries of deceased members. To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and file folders

RETRIEVABILITY:

Social security number and name

SAFEGUARDS:

Guards, personnel screening, requestor codes

RETENTION AND DISPOSAL:

Microfilm record kept indefinitely in safekeeping

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to system manager at above address. Information request must contain Navy member's full name and social security number.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing Officers, individual members, BUPERS, and IRS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07220-4

SYSTEM NAME:

Naval Reserve Officer Training Corps Pay System

SYSTEM LOCATION:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NROTC students until time of commissioning

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel and entitlement data necessary for computation of pay entitlements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U. S. Code, Chapter 103 and Public Law 88-647.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are used within the Navy Finance Center by military pay adjudicators for the purposes of issuing checks and earnings statements, investigating claims and overpayments, and for preparation of financial reports. Data contained in records may be released to BUPERS, various field activities and other Department of Defense activities to assist these activities to update, verify, or correct their records, or process cases; to the Internal Revenue Service and state or local tax authorities for their use in computing or resolving member's tax liability; to the Social Security Administration to determine member's coverage under that program; to the Department of the Treasury when needed for issuance of check; to the Veteran's Administration or to the Navy Family Allowance Activity, to process cases; to the courts upon court order; to the designated beneficiaries of deceased members, etc. To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and file folders

RETRIEVABILITY:

Social Security account number and member name

SAFEGUARDS:

Guards, personnel screening, requestor codes

RETENTION AND DISPOSAL:

Original shipped to safekeeping for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to system manager at above address. Information request must contain Navy member's full name, military status, and social security account number. Requestor may visit above address and must have military identification card or valid state driver's license and social security card as positive proof of identity.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing Officer, Member, BUPERS, CNETO, and IRS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07220-5

SYSTEM NAME:

Joint Uniform Military Pay System (JUMPS)

SYSTEM LOCATION:

(Decentralized) Navy and Marine Corps disbursing offices, i.e., Personnel Support Activities, Personnel Support Detachments, Disbursing Officers Afloat, and the Navy Finance Center. Specific activities are identified in Appendix B of Volume IV, Navy Comptroller Manual and addresses are contained in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy Personnel on active duty and individual recipients of allotments of Navy Personnel (active duty and retired)

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Leave and Earnings Statements, Personnel Financial Records, substantiating documentation submitted via OCR documents, tape input or direct on-line CRT entry which authorized credits and deductions of pay entitlements and withholding of Federal income tax, Federal Insurance Contribution act (FICA) payments, and Servicemen's Group Life Insurance, state and local taxes, or other deductions. Other records include Internal Revenue Form w-2's, money lists, pay receipts, check and distribution lists, allotment authorizations and associated files, absentee and deserter lists, miscellaneous correspondence requesting or providing pay information, Commanding Office Leave Lists and microfilm and microfiche records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Titles 10 and 37 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system are used by officials and employees, military and civilian, of the Department of the Navy or the Department of Defense in the performance of their official duties relating to the maintenance and distribution of Leave and Earnings Statements and the determination and audit of pay entitlements or deductions, computing, paying, and reporting payments, determining budgets and appropriation requirements, commencing and terminating allotments, determining amounts subject to fines, forfeitures or detentions of pay in connection with non-judicial punishment and courts martial and distribution of payments.

Data from this system may also be provided to the Comptroller General or any of his authorized representatives in the course of the performance of duties of the Comptroller General or the General Accounting Office in the audit and determinations relating to military pay entitlements expenditures and accounting procedures; the Department of the Treasury in connection with check of Electronic Fund Transfer (EFT) payment issuance; the Veterans Administration in regard to Disability and Severance Pay and Educational benefits; the Social Security Administration for FICA Wage reporting; Internal Revenue Service and state and local taxing authorities for computing or resolving tax liability; the Federal Reserve Banks for the distribution of payments made through the Direct Deposit System, to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts, and federal, state, or local government agencies when payments received through the JUMPS system impact payments or benefits issued by those agencies or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget. To the American Red Cross, Navy Relief Society, or U.S.O. for personal service to the member or allotment recipient.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Personal Financial Records containing Leave and Earnings Statements, which are paper records, are stored in wooden or metal boxes or cabinets. Copies of Leave and Earnings Statements and supporting documents are stored in file folders and cabinets or on micro-film or microfiche. Automated records are stored on magnetic tapes, discs and punched cards.

RETRIEVABILITY:

Automated records are retrieved by Social Security Number and name. Documents are retrieved by ssn or by an assigned internal document control number.

SAFEGUARDS:

Outside of normal working hours Personal Financial Records with Leave and Earnings Statements are secured in safes, vaults or locked cabinets. Substantiating documents and microfilmed records are retained in unlocked cabinets. During non-working hours, offices where the above-mentioned records are stored are locked.

The safeguards in the on-line automated system include the following controls: a. Physical access to CRT data entry terminals is under supervisory control. b. Access to central computer main frame, other peripheral equipment and tape and disc storage is strictly controlled. Individuals must sign in and be authorized admittance before access. c. Individual user identification codes and passwords are used to control access to automated records. d. Reports are issued that are used to help monitor the system to determine individuals who are accessing data.

Access to microfiche and microfiche readers and the respective data are maintained by supervisory control.

RETENTION AND DISPOSAL:

Personal financial records containing the twelve most recent leave and earning statements are retained by the Personnel Support Detachment or disbursing office servicing the Command to which the member is assigned. Copies of originating documents are retained by the local command for one year after submission and then destroyed. A central automated file is maintained for all active duty Navy personnel at the Navy Finance Center, Cleveland. Following a member's separation or retirement from the Navy, the member's Personal Financial Record is forwarded to the central site-Navy Finance Center, Cleveland, where it is retained for approximately two months pending individual claims and is then forwarded to the Federal Records Center. The member's Master Pay Account is retained at the central site for six months following a member's separation or retirement at which time it is purged from the computer file, microfilmed, and forwarded to the Federal Records Center. Substantiating documents are microfilmed and retained at the central cite for one year and then forwarded to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Navy, Chief of Naval Personnel, Commander Navy Accounting and Finance Center, Commanding Officer Navy Finance Center.

NOTIFICATION PROCEDURE:

Individuals can be informed of any records maintained within the system by identifying themselves to the Personnel Support Detachment servicing that Command. The member may identify himself by presenting his military identification card. Former members may request information from the Navy Finance Center, Cleveland.

RECORD ACCESS PROCEDURES:

Individuals, properly identified, may request any information pertaining to their pay from their Personnel Support Detachment. If the requested information is not avilable locally, the disbursing officer will obtain the information from other sources, i.e. member's previous duty stations or the Navy Finance Center, Cleveland.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by individuals concerned may be obtained from the SYSMANGER.

RECORD SOURCE CATEGORIES:

Local Personnel Support Detachments and other disbursing and personnel offices, the Veterans Administration, the Navy Military Personnel Command, various taxing agencies, individual members and recipients of allotments and various Navy procedures and entitlements manuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07220-6

SYSTEM NAME:

Midshipman Pay System

SYSTEM LOCATION:

Primary - Superintendent, Naval Academy, Annapolis, MD 21402; decentralized segments - Commanding Officer, Navy Regional Finance Center, Washington, D.C. 20371, Commanding Officer, Navy Finance Center, Cleveland, OH 44199, and Chief of Naval Personnel (Code H-13), Navy Department, Washington, D.C. 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Midshipmen of the U.S. Naval Academy, Annapolis, Maryland.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains automatic data processing pay accounts of all Naval Academy Midshipmen. Document flow is controlled by use of a Midshipmen Payroll Change form. Controls over the system are maintained by use of a Midshipmen Payroll Control Register. Input source documents include (1) letter authority from the Superintendent to the Midshipmen Pay Offices to open the pay (2) documents to substantiate credits of advances for initial clothing and equipment issues, commuted rations, refunds for clothing turn-in, and discharge payments (3) letters from the Commandant of Midshipmen to the Midshipmen Pay Officer containing listings of names and amounts to the checked for personnel services (4) documents to substantiate checkages for liquidation of clothing and equipment advances, store bills of midshipmen subscriptions to magazines, musical concerts, etc., and (5) required deductions for Federal Tax and FICA Tax. Output documents include printouts of (1) Midshipmen Monthly Pay Accounts (2) Midshipmen Debit and Credit Explanation Register and (3) Midshipmen Yearly Pay Account. Payroll money lists which substantiate payments made and travel payment vouchers are also in files. Monthly financial returns are submitted to the Navy Regional Finance Center, Washington, D.C. for consolidation with the accounts of that office and are then forwarded to the Navy Finance Center Cleveland, Ohio in accordance with procedures prescribed in NAVCOMPT Manual, par. 048080. Copies, of the financial returns are therefore, on file in these offices. In addition, copies of documents supporting Federal Income and FICA Taxes withheld are forwarded to the Chief of Naval Personnel (Code H-13).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act Amendments of 1949 (10 U.S.C. 5060).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose - To accurately and efficiently maintain the pay accounts of Naval Academy Midshipmen. Category of users - Midshipmen Pay Officers Navy Regional Finance Center, Washington, D.C., Navy Finance Center, Cleveland, Ohio, Chief of Naval Personnel, Internal Revenue Service, and Social Security Administration. Specific uses - To pay and account for payments and collections of Naval Academy Midshipmen which are charged to the annual appropriation Military Personnel, Navy and administered by the chief of naval personnel. To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Midshipmen Pay Office - Computer print-outs. ADP Office - Computer magnetic tapes.

RETRIEVABILITY:

Retrieved by Alfa Codes assigned to each midshipmen.

SAFEGUARDS:

Only Midshipmen Disbursing Office personnel are authorized access to records of that office. Only the computer operations are authorized access to the computer tapes. The computer area is restricted and computer tapes are locked in fireproof safes when not in use.

RETENTION AND DISPOSAL:

Pay information on the computer tapes is retained for 30 days and the tapes are then reused. Tapes containing Federal Income Tax and FICA Tax information are retained for 1 year until the required reports are rendered. The tapes are then reused. Retained copies of Midshipmen Pay Office forms are disposed of as follows: 1. Midshipmen Payroll Control Register - retain for 2 years and destroy. 2. Midshipmen Payroll Change - retain for 6 months and destroy. 3. Midshipmen Monthly Pay Account - retain for 4 years, from admission of each class through month following its graduation and destroy. 4. Midshipmen Debit and Credit Explanation Register - same as 3, above. 5. Midshipmen Yearly Pay Account - same as 3, above. Other disbursing records and financial returns are retained 4 years follow period covered by the account and transferred to the Federal Records Center in accordance with SECNAV Instruction P5212.5b.

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy and procedurs - Comptroller of the Navy; primary - Superintendent, Naval Academy; decentralized segments - Commanding Officer, Navy Regional Finance Center, Washington, D.C., Commanding Officer, Navy Finance Center, Cleveland, Ohio and Chief of Naval Personnel (Code H-13) Washington, D.C.

NOTIFICATION PROCEDURE:

Individuals can be informed of any records maintained in the system by identifying themselves to Midshipmen Pay Office. Members must present his identification card to obtain requested information.

RECORD ACCESS PROCEDURES:

Midshipmen are issued a monthly earnings statement. All information concerning credits and checkages of pay and allowances are contained in the statement. Additional required information relative to miscellaneous changes reflected on the statement may be obtained from the individual Academy activity which reported the changes to the Midshipmen Pay Office upon presentation of his identification card.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individuals concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Members service record on file in the Midshipmen Personnel Office and those documents contained in RECORD-CATEGORY, above.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07220-7

SYSTEM NAME:

Travel Pay System

SYSTEM LOCATION:

Decentralized, maintained by Navy disbursing offices; a list is available from:

Commander
Navy Accounting and Finance Center (NCF-3)
Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person, government or private, who submits a request for payment of a travel advance or travel claim to a Navy disbursing office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Public vouchers; substantiating documents such as travel orders and expense receipts; card file or log book utilized to control receipt and disposition of travel claims; suspense files, pay adjustment authorizations, and payroll checkages utilized for control and follow-up on travel advances; and correspondence relating thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose: To reimburse travelers for travel expenses and to record, account, and report for government funds. User: Navy disbursing offices. Uses: Provide an historic file and audit trail for travel payments made by the Navy; provide a means to respond to inquiries from travelers on status of claims; control travel advances to insure liquidation; provide a means to record, account, and report travel expenditures; provide a means for collection in cases of overadvances; provide disclosure to law enforcement or investigatory authorities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; index cards or log books.

RETRIEVABILITY:

Retrieved by disbursing office voucher number for paid advances and claims; retrieved by name for card index file or log book. Information in disbursing office voucher file can be retrieved by name through search process if travel dates and/or travel claim submission date is known.

SAFEGUARDS:

Locked cabinets or rooms, with building or military base security. Access authorized to personnel engaged in travel claim processing, supervisory or management personnel, and inspectors, auditors, investigators. Travelers are authorized access to their own travel records; fund administrators are authorized access to records pertaining to their own funds.

RETENTION AND DISPOSAL:

Records are maintained for four years. Records may be moved to a regional Federal Records Center depending on local storage capability. No standard means for destruction exists.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Defense Per Diem, Travel, and Transportation Allowance Committee prescribes regulations in the Joint Travel Regulations; records maintained are prescribed by the Comptroller of the Navy in its Manual (NAVSO P-1000); a list of Navy disbursing offices is maintained by the Commander, Navy Accounting and Finance Center (NCF-3), Washington, D.C. 20376.

NOTIFICATION PROCEDURE:

If the individual is a traveler and knows the location of the Navy disbursing office processing his/her travel claim, direct contact with that office is sufficient. If unknown, or the inquirer is not a traveler, the inquiry should be submitted to the Commander, Navy Accounting and Finance Center, address above. Requestor should provide full name, social security number, whether military or civilian, and, if possible, disbursing office voucher number, dates of travel, and date and location of travel claim or travel advance submission. An individual is permitted to visit any Navy disbursing office to which he/she has submitted an advance or claim. Military identification card or civilian identification such as driver's license is sufficient.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Travel advances and travel claims are filed by individuals who provide information on themselves. Supporting documentation is obtained from employing commands, service providers (e.g., taxis for receipts), and Navy disbursing offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07230-1

SYSTEM NAME:

Navy Standard Civilian Payroll System (NAVSCIPS)

SYSTEM LOCATION:

Decentralized, maintained by 72 Navy and 1 Marine Corps civilian payroll offices; a list is available from:
Commander
Navy Accounting and Finance Center (NAFC-42)
Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees who are employed by Navy and Marine Corps Activities and are paid from appropriated funds

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual civilian pay records, retirement records and leave records, applications for leave; overtime authorizations; substantiating documents such as personnel action forms effecting new appointments, separations, promotions, demotions, and deduction changes; Internal Revenue Service Form W-4; State and City tax information; authorizations for deductions, i.e., savings bonds, group life insurance, health benefits, overpayments, indebtedness to the Government; court orders for garnishment of wages for child support and alimony payments; allotments, i.e., union dues, charity contributions, savings allotments, special allotments for overseas employees; tax levies; claims; award payments; special pay; allowances and differentials, and case files which contain requests for waiver of erroneous payment of pay for civilian employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5301, Pay Rates and Systems, Pay Comparability System Policy

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose: To pay Navy and Marine Corps civilian employees, maintain leave and retirement records and to record, report and account for government expenditures for personal services.

User: Navy and Marine Corps civilian payroll offices

Uses: Provides a means of paying, recording and accounting for government expenditures for personal services of Navy and Marine Corps civilian employees; provides time and attendance information to individual employees and management; provides audit trails for GAO, Navy Area Audit, and internal audit procedures; provides federal, state, and city tax information to appropriate authorities; provides retirement information and monies to CSC for computation fo annunities; provides other data to CSC as required for special studies. To the Treasury Department in connection with check issuance, the Veterans Administration in regard to Disability or Severance Pay Entitlement, the Social Security Administration for FICA and FITW wage reporting, state and local tax authorities for computing or resolving tax liability. To state employment agencies which require wage information to determine eligibility for unemployment compensation benefits of former employees.

To provide to financial organizations lists of those employees who make deposits and the amount of the deposit to each financial organization. To provide officials of labor organizations recognized under Executive Order 11491, as amended, with information as to the identity of employees contributing dues each pay period and the amount of dues withheld from each contributor. To provide information to the General Accounting Office on those requests for waiver of overpayments of pay which are forwarded to them for adjudication.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, disc, microfilm/microfiche and punched cards. Manual records on manual card files and in file folders.

RETRIEVABILITY:

By name, social security number, or locally assigned identification number.

SAFEGUARDS:

Locked fireproof cabinets for retirement records. Metal cabinets for manual payroll and leave records within locked rooms. The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to personnel engaged in payroll processing, auditors, investigative officials and management personnel.

RETENTION AND DISPOSAL:

Payroll records are maintained on-site for 6 years, then shipped to Federal

Record Center where they are retained for 56 years.

Leave Records - same as above, except held by Federal Record Center for 10 years.

Retirement Registers - same as above, except are destroyed rather than sent to Federal Record Center. Retirement records are maintained until employee separates; if he goes to another Navy or Marine Corps activity, retirement records are sent to that activity; if he goes to another agency or separates, sent to OPM.

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy and procedure for the Civilian Payroll System are established by the Commander, Navy Accounting and Finance Center, Washington, D.C. 20376. A list of the system managers by payroll activity is available from Navy Accounting and Finance Center (NAFC-42).

NOTIFICATION PROCEDURE:

Civilian employees can directly contact the system manager of his payroll activity. If unknown, the inquiry should be submitted to the Commander, Navy Accounting and Finance Center, address above. Requestor should provide full name, social security number, identification number, if applicable, activity where employed and information desired. An individual can visit his payroll office on any matter concerning his pay.

RECORD ACCESS PROCEDURES:

Employees have access to their individual pay, leave and retirement records. The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Standard Form 50's (Personnel actions), time and attendance records, applications for leave and overtime authorizations, retirement records, federal state and tax forms, deduction authorizations, allotment authorizations, court orders for garnishment of wages for child support and alimony payments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07240-1

SYSTEM NAME:

Commercial Invoice Payments History System

SYSTEM LOCATION:

Decentralized, maintained by Navy disbursing offices; a list is available from:

Commander
Navy Accounting and Finance Center (NCF-5)
Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, government or private, who submits a request for payment to Navy disbursing offices for goods and/or services rendered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Public vouchers; substantiating documents such as invoices, receipt documents, inspection reports, procurement instruments, contract index files, assignment documents, machine listings, government bills of lading, transportation requests, meal tickets; magnetic tape, disk files, roll microfilm, microfiche; and related correspondence files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Department Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose: To provide a record of all disbursements made on commercial invoices by Navy disbursing offices. User: Navy disbursing offices. Uses: Provides an audit trail of commercial invoice payments made by the Navy; provides a means to respond to inquiries from individuals on status of invoices and contracts; provides a means of detecting and precluding duplicate payments; provides disclosure to law enforcement and investigatory authorities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes; roll microfilm, microfiche.

RETRIEVABILITY:

Retrieved by disbursing office voucher number for paid invoices; retrieved by procurement instrument identification number for contractors by contract index cards; retrieved by name of individual from machine listings. Information in disbursing office voucher file and microfilm/microfiche can be retrieved by name through search process if billing/submission date is known.

SAFEGUARDS:

Locked cabinets or rooms, with building or military base security. Access authorized to designated personnel engaged in commercial invoice processing, supervisory or management personnel, and inspectors, auditors, investigators. Individuals are authorized access to their own payment history file; fund administrators are authorized access to records pertaining to their own funds.

RETENTION AND DISPOSAL:

Records are maintained for four years. Records may be moved to a regional Federal Records Center depending on local storage capability. No standard means for destruction exists.

SYSTEM MANAGER(S) AND ADDRESS:

Commercial invoice payment history requirements are prescribed by the Comptroller of the Navy in its Manual (NAVSO P-1000); a list of Navy disbursing offices authorized to pay invoices can be obtained from the Commander, Navy Accounting and Finance Center (NCF-5), Washington D.C. 20376.

NOTIFICATION PROCEDURE:

If the individual knows the location of the Navy disbursing office holding his/her invoice payment history, direct contact with that office is sufficient. If location is unknown, the inquiry should be directed to the Commander, Navy Accounting and Finance Center, address above. Inquirer should provide full name, social security number, whether military or civilain, contract or purchase order number and, if possible, disbursing office voucher number, invoice date, number and amount. An individual is permitted to visit any Navy disbursing office to which he/she has submitted an invoice for payment. Identification should include military identification card, civilian identification such as driver's license and company or agency affiliation. Access to classified contracts requires confirmation of security clearance and need to know.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Commercial invoices are filed by individuals who provide information on themselves. Supporting documentation is obtained from employing company, material/service providers and receivers and Navy disbursing offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07300-1

SYSTEM NAME:

Relief of Accountable Personnel From Liability For Losses of Public Funds

SYSTEM LOCATION:

Office of the Judge Advocate General (code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Accountable Navy and Marine Corps military and civilian disbursing personnel and collection agents who request relief from liability for losses of public funds in their custody.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of requests submitted by individuals of the above-stated category for grant of relief from liability, together with information voluntarily furnished by the affected individuals concerning the circumstances of losses of funds in their custody, and additional information derived from investigatory and audit reports and comments of forwarding endorsers concerning circumstances of losses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 95a., 82a-1, 82a-2;
5 U.S.C. 301
44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used as the basis for determinations within the Department of the Navy and the U.S. General Accounting Office as to whether the circumstances of particular losses of public funds warrant granting accountable individuals' requests for relief from liability. This information may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

By name of individual requesting relief.

SAFEGUARDS:

Files are maintained in file cabinets under the control of personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are permanent and are retained indefinitely in the Office of the Judge Advocate General. However, after three years, name indexes are destroyed, eliminating the capability for retrieval by the names of individuals. Thereafter, they are retrievable only by topical indexes arranged according to the legal issues involved.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager stating the full name of the individual concerned and the approximate date on which relief was requested. Written requests must be signed by the requesting individual. visits may be made to: Civil Affairs Division (code 12), Office of the Judge Advocate General, Room 9n11, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Armed forces identification card or state driver's license is required for identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is furnished partly by the individual requesting relief, and is supplemented by reports of Department of the Navy audits and investigations pertaining to the particular losses of funds involved. Additional amplifying information is typically furnished by officers forwarding requests to the Secretary of the Navy.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE.

N07300-2

SYSTEM NAME:

Resource Accounting and Project Tracking System (RAPTS)

SYSTEM LOCATION:

Navy Fleet Material Support Office, P. O. Box 2010, Mechanicsburg, Pennsylvania 17055.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All currently employed civilian and military personnel of the Navy Fleet Material Support Office. May include private contractors who work on Navy Fleet Material Support Office projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, social security number, pay number, grade, step, job title, job series, military or civilian designator, organizational code, leave schedule, hourly rate of pay, civilian position description number, pay plan, veteran preference, service computation date, supervisory designator, tenure group, exemption code, target grade.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The officials and employees of the Department of the Navy in the performance of their official duties related to monitoring the current status of projects under development at the Navy Fleet Material Support Office. The system will be used to report project status and labor charges against functional cost accounts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk, magnetic tape and hard copy forms.

RETRIEVABILITY:

RAPTS users obtain information by means of query or standard batch reports. Data may be indexed by any data items with entry keys using

employee organization, sort key and employee initials.

SAFEGUARDS:

Access to computer room after hours is controlled by card key and pass number locking device. The system is protected by the following software feature: password sign-on.

RETENTION AND DISPOSAL:

All active records are stored on random access files. Once a project is complete, all data for that project is moved to a history file which is maintained on magnetic tape. Project record data is maintained for three years in the history file. After three years the project record will be erased.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Fleet Material Support Office, P. O. Box 2010, Mechanicsburg, Pennsylvania 17055.

NOTIFICATION PROCEDURE:

Information should be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the civilian personnel files of the Consolidated Civilian Personnel Office, Mechanicsburg, Pennsylvania and from the individual to whom it applies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N07320-1

SYSTEM NAME:

Property Accountability Records

SYSTEM LOCATION:

At all activities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Department of the Navy employee (military or civilian) receiving government property for which he must sign a receipt.

CATEGORIES OF RECORDS IN THE SYSTEM:

The receipts maintained are any of the following: logbooks, property passes, custody chits, charge tickets, sign out cards, tool tickets, sign out forms, photographs, charge cards, or any other statement of individual accountability for receipt of government property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The receipts will be used normally and properly to identify individuals to whom government property has been issued. Internal use of the receipts will generally be by the local official accountable for control of government property. Receipts so maintained may be referred to law enforcement authorities as appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The receipts may be maintained in any of the following formats: logbooks, property passes, custody chits, charge tickets, sign out cards, tool tickets, sign out forms, photographs, charge out cards or any other statement of individual accountability for receipt of government property.

RETRIEVABILITY:

Retrievability may be by any of the following: name, badge number, tool number, property serial number, or any other locally determined method of property receipt accountability.

SAFEGUARDS:

The receipts are unclassified.

RETENTION AND DISPOSAL:

Retention of receipts for property is at the discretion of the local activity responsible for the property being issued.

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy official: no designated official. The system manager is the commanding officer or officer in charge of the activity where the property accountability records are maintained.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether system records contain information pertaining to them may do so by making application to the commanding officer or officer in charge of the activity where the receipts are located. Individuals making application must have a Department of the Navy approved identification card.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is collected directly from the subject individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07401-1

SYSTEM NAME:

Bingo Winners

SYSTEM LOCATION:

Decentralized, maintained at Navy and Marine Corps stateside and overseas bases, where bingo is authorized and played. Inquiries should be addressed to the local activity or to the:

Chief of Naval Personnel (Pers-7)
—Bureau of Naval Personnel
Washington, D.C. 20370 (for naval activities); and the
Commandant of the Marine Corps (MSMS)
Washington, D.C. 20380 (for Marine Corps activities).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual U.S. citizens 18 years of age and older who are paid monies/prizes of 1,200 or more for one-time winnings associated with bingo.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bingo payout control sheet indicating individual name, grade, SSAN, duty station, dates and amounts of bingo monies paid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031; Section 6041, Internal Revenue Code; BUPERSINST 1710 series; Manual for Messes Ashore, NAVPERS 15951; MCO P-1745.15 series; and NAVSO P-3520.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To account for and control monies and items of merchandise paid to

individual winners of bingo games and as a basis for IRS Forms W-2G and 5754, reporting on individuals whose one-time winnings are

1,200 or more.

USER: Navy and Marine Corps shore activities where bingos have been authorized by the Chief of Naval Personnel or the Commandant of the Marine Corps.

USES: Provides a means of paying, recording, accounting for, reporting, and controlling expenditures and merchandise inventories associated with bingo games.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in file cabinets located in a secure area.

RETRIEVABILITY:

Individual control sheets. Individual IRS Form W-2G by name and SSAN.

SAFEGUARDS:

Records are kept in occupied rooms which are locked during non-working hours.

RETENTION AND DISPOSAL:

Records are maintained on site for 3 years and then shipped to the Federal Records Center in accordance with SECNAVINST 5212.5 series.

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy and procedures for the bingo operations are contained in NAVSO P-3520, BUPERINST 1710 series and MCO P-1746.15 series. A list of system managers by activity is available from the Chief of Naval Personnel (Pers-7) for Navy managers and the Commandant of the Marine Corps (MSMS) for Marine Corps managers.

NOTIFICATION PROCEDURE:

Individuals are notified via IRS Form W-2G if their one-time bingo winnings are

1,200 or more. An individual can contact the applicable systems manager on matters concerning their bingo winnings.

RECORD ACCESS PROCEDURES:

Individuals have access to information applicable to their individual bingo winnings. Officials such as the IRS have access to information applicable to all bingo winners. Access is through the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Bingo payout control sheets.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07430-1

SYSTEM NAME:

Accounts Receivable System

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been paid more funds by the Department of the Navy than to which they were legally entitled.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation which established overpayment status, financial status affidavit, payment record, credit reference, and miscellaneous correspondence to and from the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

80 Stat 308 and 88 Stat 393, Federal Claims Collection Act of 1966 (P.L. 89-508)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records will be used to determine record payment plan and to determine whether debt should be compromised, suspended or collection action terminated. If payment is not made and circumstances warrant, records may be released to the General Accounting Office and the Department of Justice for collection action. Data on individuals with delinquent accounts may be given to credit bureaus in accordance with the General Accounting Office regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, magnetic tape, disc, microfiche

RETRIEVABILITY:

Social security number and individual's name

SAFEGUARDS:

Personnel screening, requester codes

RETENTION AND DISPOSAL:

Files of accounts which are paid in full will be maintained for 3 years after final payment. Other files will be maintained for 6 years after termination of collection action.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to the system manager at the above address. Information request must contain individual's full name and should include the Social Security number.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing officers, credit bureaus, the individual, Internal Revenue Service, Postmasters, Veterans Administration, Bureau of Motor Vehicles.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07431-1

SYSTEM NAME:

Savings Deposit

SYSTEM LOCATION:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy members still declared missing in action in the Vietnam conflict.

CATEGORIES OF RECORDS IN THE SYSTEM:

Members records reflecting account balances

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 89-538

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system are used for crediting of interest and clearing of account upon termination. Records will be furnished to Navy Family Allowance Activity and other Department of Defense agencies servicing families of persons still having active accounts; to the Internal Revenue Service upon termination of account.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and file folders

RETRIEVABILITY:

Social security number and member name

SAFEGUARDS:

Guards, personnel screening, and specific requestor codes

RETENTION AND DISPOSAL:

Upon closing of account, records are shipped to FRC and destroyed after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to system manager at above address. Only the member or executor or benificiary of estate will be provided information. Individual's name and social security number are required. Persons wishing to view records in person must report to the Navy Family Allowance Activity, Room 967, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's initial request, adjudicators in Central Accounts Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07600-1

SYSTEM NAME:

NIF RDT&E Standard Automated Financial Systems (STAFS)

SYSTEM LOCATION:

Naval Industrial Fund Research, Development, Test and Evaluation Activities (NIF RDT&E): (1) Naval Air Development Center (NADC), Warminster, Pennsylvania; (2) Naval Coastal Center (NCSC), Panama City, Florida; (3) Naval Surface Weapons Center (NSWC), Dahlgren, Virginia; (4) David W. Taylor Naval Ship Research and Development Center (DTNRDC), Bethesda, Maryland; (5) Naval Ocean Systems Center (NOSC), San Diego, California; (6) Naval Underwater Systems Center (NUSC), Newport, Rhode Island; (7) Naval Weapons Center (NWC), China Lake, California; (8) Naval Air Engineering Center (NAEC), Lakehurst, New Jersey; (9) Naval Air Propulsion Center (NAPC), Trenton, New Jersey; (10) Naval Air Test Center (NATC), Patuxent River, Maryland; (11) Pacific Missile Test Center (PMTC), Pt. Mugu, California; (12) Civil Engineering Laboratory (CEL), Pt. Hueneme, California; and (13) Naval Research Laboratory (NRL), Washington, DC. Offical mailing addresses are in the Navy's Address Directory in the appendix to the Navy Department's systems notices appearing in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of present, former, and prospective military personnel assigned to, and civilian personnel employed by the 13 activities listed above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel, payroll, travel and locator records, and work history for billing for services provided to other naval activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C 2208, Title IV

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Employees of the Department of the Navy in the performance of their duties relating to the preparation of rosters and locators, contact with appropriate personnel in emergencies, continuity of operations planning and execution, determination of clearance for access control, budget and manpower control, minority and occupation statistics, labor costing, customer billing, watch bill preparation, civilian grade control, and similar administrative uses requiring personnel information, reimbuse travelers for travel expenses, historic files and audit trail for payments made by the Navy, respond to inquiries from travels on status of claims, control travel advances, pay, record and account for government expenditures for personal services of Navy employees, time and attendance information, federal, state and city tax information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, magnetic tape, magnetic disc.

RETRIEVABILITY:

By name, SSN, organization, job order, values and ranges of values, other relationships defined by the system manager.

SAFEGUARDS:

Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Records are retained locally for two years, shipped to remote storage for four years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to system manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals concerned, other records of the activity concerned, other records of activity supervisors, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N08370-1

SYSTEM NAME:

Weapons Registration

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals registering firearms or other weapons with station security officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Weapon registration records, weapon permit records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To assure proper control of weapons on Naval installations and to monitor and control purchase and disposition of weapons.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSAN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N09593-1

SYSTEM NAME:

Naval Environmental Training System (NETS)

SYSTEM LOCATION:

Naval Energy and Environmental Support Activity/Facilities Support Office (NEESA/FACSO), Naval Construction Battalion Center, Port Hueneme, California 93043.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy sewage treatment operators, and water treatment operators.

CATEGORIES OF RECORDS IN THE SYSTEM:

The NETS contains both data on treatment plants and treatment plant operations. Data includes social security number, name, treatment plant number and location, operators grade/rank, certification level, level of education, job experience (past and present), job title and number of years in direct responsible charge for the treatment plant(s). Additional data covers operator training, such as course number, title, content, location, total course hours, and date completed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12088 of 13 October 1978

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to monitoring the current status of Navy water/wastewater treatment plants and its operators. The system will only be used within the Department of the Navy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disks, tapes and hard copy forms.

RETRIEVABILITY:

Users obtain information by means of a request via the NEESA Office, Port Hueneme, California.

SAFEGUARDS:

Access to the Construction Battalion Center is restricted at all times. The system is protected by the following software features: password sign-on, set and item authority for list, add, delete and update.

RETENTION AND DISPOSAL:

All data on a particular individual is maintained until he/she retires, dies or changes career. Data is updated every year. Records are retained on magnetic tapes. Records are erased from the tape during system updates if applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Facilities Engineering Command, (Code 112), 200 Stovall Street, Alexandria, Virginia 22332.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Data collected from each individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N10140-1

SYSTEM NAME:

Ration Card, Luxury Permit Record Cards.

SYSTEM LOCATION:

Commander, U.S. Naval Activities, United Kingdom, Box 60, FPO NY 09510

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer, Enlisted and civilian component personnel

CATEGORIES OF RECORDS IN THE SYSTEM:

Ration Card/Luxury Permit holders are entered on a 5'X8' color coded cards, which are contained in boxes and maintained alphabetically. Ration Cards/Luxury Permit are registered in log, showing name of individual and number of Ration Card/Luxury Permit issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purposes of the maintenance of records are (1) to establish strict control over persons entitled to acquire tax-free ration items; (2) to ensure entitled personnel do not obtain more than one ration card/luxury permit, and (3) for the purposes of inspection by officers of Her Majesty's Commissioners of Customs and Excise, United Kingdom, with whom Ration Card and Luxury Permits program was originally negotiated by the U.S. military authorities. Access to records is available to accredited members of the Naval Investigative Service Office upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All Ration Card/Luxury Permit records maintained on 5'X8' cards filed and listed in numerical order in logs.

RETRIEVABILITY:

Name

SAFEGUARDS:

Records held in file cabinets in space maintained by Enlisted Personnel Office during working hours and locked after working hours.

RETENTION AND DISPOSAL:

All records maintained for duration of tour of personnel concerned. Thereafter destroyed when ration card/luxury card destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Naval Activities, United Kingdom, Box 60, FPO NY 09510

NOTIFICATION PROCEDURE:

Personnel presenting a valid military identification card or Department of Defense identification card at this office, can obtain viewing of all records pertaining to themselves. No procedures exist for providing this type of information by mail, nor is it normally required by individuals.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Not applicable

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N10140-2

SYSTEM NAME:

Privately-owned Tax-free Vehicle Record Cards. Tax-free Gasoline Record Cards.

SYSTEM LOCATION:

Commander, U. S. Naval Activities, UK, FPO NEW YORK 09510

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers, enlisted and civilian component personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Privately-owned tax/free vehicles and owners are entered on type-written 8' x 5' white cards, which are contained in boxes and maintained alphabetically. Gasoline coupon records are maintained on individually-completed green 8' x 5' cards (3AF fORM 43) and filed alphabetically.i.d. windscreen stickers registered in log, showing name of individual and sticker number allocated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purposes of the maintenance of records are (1) to establish strict control over persons entitled to acquire tax-free vehicles; (2) to ensure entitled personnel do not obtain gasoline coupons in excess of their entitlement, and (3) for purposes of inspection by officers of Her Majesty's Commissioners of Customs and Excise, United Kingdon, with whom the tax free vehicle and gasoline program was originally negotiated by the U. S. military authorities. Access to records is available to accredited members of the Naval Investigative Services Office upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All vehicle and gasoline records maintained on 8' by 5' cards. I. D. Stickers listed numerically in register.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Records held in file cabinets in space maintained by Law Center personnel when unsecured and locked when not so monitored.

RETENTION AND DISPOSAL:

All records maintained for duration of tour of personnel concerned. Thereafter destroyed when vehicle shipped out of the country or scrapped. Gas coupon records destroyed upon turn-in of unused coupons on departure of personnel.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U. S. Naval Activities, UK (Staff Judge Advocate)

NOTIFICATION PROCEDURE:

Individuals presenting a valid military identification card or Department of Defense identification at the Office of the Staff Judge Advocate, U. S. Naval Activities, U. K., can obtain viewing of all records pertaining to themselves. No procedures exist for providing this type of information by mail, nor is it normally required by individuals.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application by member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N10140-3

SYSTEM NAME:

Individual Merchandise Control Record

SYSTEM LOCATION:

Merchandise Control Offices:
U. S.Naval Station, Subic Bay, RP
U. S.Naval Air Station, Cubi Point, RP
U. S. Naval Communications Station Philippines, San Miguel, RP, and 3D Combat Support Group, Clark Air Base, RP.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual records are maintained on each person issued a ration card for purchasing purposes at the various bases in the Philippines.

CATEGORIES OF RECORDS IN THE SYSTEM:

Purchases of individuals while attached for duty and authorized to buy items during their tenure in the Philippines.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Military Bases Agreement and subsequent exchange of notes between the Governments of the United States of America and the Republic of the Philippines.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Department of the Navy personnel in their duties related to: monitoring the purchases of individuals to insure they are not over expending their purchase limitations or abusing their tax-free privileges afforded them, plus, identify any possible blackmarketeering.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders

RETRIEVABILITY:

Name

SAFEGUARDS:

Only authorized employees allowed access to files, locked cabinets.

RETENTION AND DISPOSAL:

If no violations during tour - destroyed immediately upon detachment; if minor violations - destroyed after three months of detachment; if permanent revocation of privileges invoked - record kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Merchandise Control Officers, U.S.Naval Station, Subic Bay; U.S.Naval Air Station, Cubi Point; U.S. Naval Communcations Station Phil, San Miguel, RP, and 3D Combat Support Group, Clark Air Base, RP.

NOTIFICATION PROCEDURE:

Individual must fill out merchandise control information form upon requesting a ration card be issued. Info provided merchandise control officers. Requester must provide merchandise control officer with his name, rank/rate/GS rating, marital status, number of dependents, age of dependents, name of parent command attached to in the Phillipines, social security number, name of dependents; individual can visit merchandise control office applicable to their command for record maintenance. Military ID card required.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Personal data of individual and dependents

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N10140-4

SYSTEM NAME:

USAREUR/USAFE Ration Card

SYSTEM LOCATION:

U.S. Naval Radio Station, FPO New York 09516.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USN personnel and their dependent wives and children over 18 years of age, who are stationed at U.S. Naval Radio Station, FPO New York 09516.

CATEGORIES OF RECORDS IN THE SYSTEM:

File sheet with members name, rate, serial no., and organization assigned. Also if member is single or married.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reference as to who is holding a ration card.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Locked safe in Admin Office and a 24 hour security watch.

RETENTION AND DISPOSAL:

Records are maintained as long as member retains ration card. After transfer records are burned.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, U.S. Naval Radio Station, FPO New York 09516 is overall policy official with the Administrative Officer, U.S. Naval Radio Station, FPO New York 09516 as the subordinate holder.

NOTIFICATION PROCEDURE:

Inquiries sould be addressed to U.S. Naval Radio Station, FPO New York 09516, giving full name and social security number, and personal visitors must have valid military I.D. or, if no longer in the military, have other valid identification such as a driver's license. Visitors may come to the Administrative Office at the address given under SYSMANAGER.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Applicable U.S. Serviceman.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N10140-6

SYSTEM NAME:

Gasoline Ration System

SYSTEM LOCATION:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO New York 09515

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel stationed aboard NAVWPNSFACDET Machrihanish who own private vehicles and wish to purchase Navy Exchange Gasoline.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record on each individual contains information on: vehicle description; dates of vehicle insurance, inspection and tax; United Kingdom address of individual and amount of gasoline allowed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by Transportation Officer to allocate ration coupons to authorized pesonnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards in holder.

RETRIEVABILITY:

Name

SAFEGUARDS:

Locked in combination safe in an office which is locked when unmanned. Only Transportation Officer knows combination to safe.

RETENTION AND DISPOSAL:

Records are destroyed by shredding or burning approximately one year after transfer of individual.

SYSTEM MANAGER(S) AND ADDRESS:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO New York 09515

NOTIFICATION PROCEDURE:

Individuals wishing to ascertain if records concerning them are still retained may contact the System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information concerning vehicles, insurance, inspection and tax is copied from the appropriate document as provided by the individual. Other information is received from the individual directly.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N10140-7

SYSTEM NAME:

Application for U.S. Navy Ration Permit

SYSTEM LOCATION:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO New York 09515

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel stationed at NAVWPNSFACDET Machrihanish desiring to utilize U.S. Navy Exchanges in the United Kingdom.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record includes: Name, rank/rate, SSN, date of birth (if under 18), and marital status of serviceman; location, name, relationship, date of birth (if under 18) and ID card number of dependents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5USC301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to prepare ration cards used in U.S. Military Exchanges in the U.K. and to maintain a record in case of loss of those cards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards in file box.

RETRIEVABILITY:

Name

SAFEGUARDS:

Maintained in an office that is locked when unmanned.

RETENTION AND DISPOSAL:

Cards are destroyed by shredding or burning upon transfer of serviceman.

SYSTEM MANAGER(S) AND ADDRESS:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO New York 09515

NOTIFICATION PROCEDURE:

Records are held only on personnel currently stationed at NAVAVNWPNSFAC Machrihanish who can enquire at the Administrative Office concerning the records.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The information is provided by the serviceman.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N10570-1

SYSTEM NAME:

Pet Registration

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners of pets residing on Naval property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Owner's name and pet tag.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide for registration of pets to ensure appropriate innoculations and assist in the identification of rightful owners.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSAN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Veterinary records and statements provided by pet owners.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N11012-1

SYSTEM NAME:

Navy Personnel Billeting System (NPBS)

SYSTEM LOCATION:

Navy Regional Data Automation Center, San Diego (NARDAC), Naval Air, Station, North Island, San Diego, California 92135.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All bachelor military (officers and enlisted) and bachelor civilian personnel requesting berthing currently or in the future at a command where this system is installed may be covered by this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's social security number, name, duty station, forwarding address and home address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy responsible for the management of a BEQ/BOQ complex. The system is used for reporting status of berthing availability, furniture and maintenance associated with a BEQ/BOQ complex.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk, magnetic tape, and hard copy reports.

RETRIEVABILITY:

Name and/or SSN.

SAFEGUARDS:

Access to computer room, software and storage media requires special positive identification clear through security department. System access from remote terminals is controlled by codes used site ID's.

RETENTION AND DISPOSAL:

An individual's reservation record is maintained on disk for six months and is then system deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Regional Data Automation Center, Requirements Analysis and Design Division, Code 41, Building 334, Naval Air Station, North Island, San Diego, California 92135.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies in the form of navy messages and/or travel orders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N11101-1

SYSTEM NAME:

Family Housing Assignment Application System

SYSTEM LOCATION:

All Navy activities with family housing assets.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel eligible for or interested in occupying Navy family housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

All applicants for family housing provide information to housing office at next duty assignment pertaining to personal data, e.g., name, address, rank/rate, social security number/service number, length of service, time remaining on active duty, data of rank, etc.; dependency data, e.g., total number in family, spouse, age and sex of dependents, etc.; and other pertinent housing information, e.g., last assignment, months involuntarily separated, special health problems, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All Navy family housing offices use data to determine individual's eligibility for family housing and notification for subsequent assignment to family housing or granting a waiver to allow occupancy of private housing. Data is used to determine and list individual's name on appropriate housing waiting list.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folders

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Housing files within the housing office, used solely within the housing organization and protected by military installation's security measures. Individual may, upon request, have access to housing application form.

RETENTION AND DISPOSAL:

Data is retained until termination of housing occupancy and subsequently disposed of according to local records disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Bureau of Naval Personnel, PERS-71, 1000 North Glebè Road, Arlington, Virginia 20370

NOTIFICATION PROCEDURE:

Records are maintained by housing office at the Navy activity responsible for management of assets from data specifically provided by individual on DD Form 1646, Application for and Assignment to Military Family Housing. Individual may request access to such data upon proof of identity (ID card).

RECORD ACCESS PROCEDURES:

The agency's rules for access t records may be obtained from installation family housing office.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N11101-2

SYSTEM NAME:

Family Housing Requirements Survey Record System

SYSTEM LOCATION:

Military installations with family housing offices

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer and enlisted personnel and only key and essential civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Non-individual oriented input documents that reflect local housing assets; family housing survey questionnaires indicating family size, individual preference for housing, housing cost, and indication as to suitability of housing for need of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Department Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to determine the housing requirement for the location to support proposed family housing construction, leasing, mobile home spaces and other military construction programs submitted for OSD support and Congressional approval.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and file folders

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Housing files used solely within housing office; tape files used solely within data processing system; and protected by the military installation's security measures.

RETENTION AND DISPOSAL:

Held three years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy official: Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, Virginia 22332. Subordinate record holders of questionnaires: family housing office at military installation.

NOTIFICATION PROCEDURE:

Contact housing office of installation at which individual was assigned when the individual completed the family housing questionnaire.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the installaton family housing office.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N11101-3

SYSTEM NAME:

Family Housing Mock Utility Billing System

SYSTEM LOCATION:

Ten test sites: Pacific Missile Test Center, Point Mugu, California; Construction Battalions Center, Port Huememe, California; Public Works Center, Great Lakes, Illinois; Marine Corps Development and Education Command, Quantico, Virginia; Fort Eustis, Virginia; Fort Gordon, Georgia; Marine Corps Air Station, Beaufort, South Carolina; Little Rock Air Force Base, Arkansas; Cannon Air Force Base, New Mexico; Yuma Proving Grounds, Arizona; Central Processing Site: Harry Diamond Laboratories, White Oak, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and Civilian personnel occupying housing units selected at the ten test sites.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system is to produce mock utility bills and management reports on the usage of gas, fuel oil, electricity, steam, propane, and hot water heat for a representative cross section of approximately 10,000 military family housing units. Information as to name, address, rank/rate, number of dependents, house phone number, account number and utility consumption will be maintained for a 15 month period.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 95-82 (Military Construction Authorization Act, 1978); 5 U. S. C. 301 Department Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to determine the feasibility of metering utility consumption in military family housing. Officials and employees of the Department of the Navy, Department of Defense and components thereof in the performance of their official duties related to the measuring of energy consumption in military family housing units. The Senate or the House of Representatives of the United States or any committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of files or records of individuals covered by this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Magnetic tape, disk, punched card, and file folders.

STORAGE:

Account number

RETRIEVABILITY:

Housing files are used solely within housing office; magnetic tape, punched card, and disk files used solely within the security measures.

SAFEGUARDS:

Held 5 years and destroyed by authority SECNAVINST P5212.5B, para. 11300.

RETENTION AND DISPOSAL:

Naval Facilities Engineering Command 200 Stovall Street Alexandria, Va 22332

SYSTEM MANAGER(S) AND ADDRESS:

Records are maintained by the housing office at the service activities participating in the test. Individual may request access to such data upon presenting proof of identity (ID) card.

NOTIFICATION PROCEDURE:

The agency's rules for access to records may be obtained from the installation family housing office.

RECORD ACCESS PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

Data collected from each individual and utility consumption data obtained from monthly meter readings.

RECORD SOURCE CATEGORIES:

None

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N11101-4

SYSTEM NAME:

Station Housing Records

SYSTEM LOCATION:

All Navy installations with housing inventories and/or housing management responsibilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel desiring housing or temporary lodging, and eligible DOD civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All records and data collected and maintained regarding individual housing or lodging needs; occupancy; furnishings inventory; housing condition reports; assignment and termination of housing; damage assessment; occupant and landlord relations and complaints; maintenance and repairs; waiting lists; inspections; quarters cost data; Congressional and Inspector General inquiries and responses; Servicemen's Mortgage Insurance Premiums payments; individual cost data for establishing and maintaining housing allowances; eligibility for homeowners' assistance; and entitlement for basic allowances for quarters (BAQ).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information secured, maintained, and essential for over-all operation and maintenance of the Navy housing program and servicing of personnel eligible for Navy family housing, temporary lodging, or services.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files; microform; or, if automated, on punched cards, magnetic tape, etc.

RETRIEVABILITY:

By individual's name or building and unit number.

SAFEGUARDS:

Housing files within the housing office, used solely with the housing organization and offices providing support to housing office, and protected by military installation's security measures. Individual may, upon request, have access to such data.

RETENTION AND DISPOSAL:

Retained in office files until termination of occupancy, obsolete, no longer needed for reference, or disposal of associated housing unit(s).

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate Navy installation responsible for Navy housing inventory or housing support.

NOTIFICATION PROCEDURE:

Records are maintained by housing office at Navy installation responsible for management of assets or providing housing support. Individual may request access to such data upon proof of identity (ID card).

RECORD ACCESS PROCEDURES:

Installation rules for access to records may be obtained from installation housing office.

CONTESTING RECORD PROCEDURES:

The installation rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation system manager.

RECORD SOURCE CATEGORIES:

Data reported by or collected from occupants of housing or personnel provided housing support.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N11103-1

SYSTEM NAME:

Housing Referral Services Record System

SYSTEM LOCATION:

All Navy installations with housing referral offices

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel reporting to an installation who will be residing off-base desirous of seeking off-base housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information is collected on DD Form 1668 from all military personnel reporting to a housing referral office as pertains to name, grade, branch of service, organization and location, local address; housing need, e.g., rental/sale, number of bedrooms, furnished/unfurnished, price range, etc.; number of dependents, male or female, and age; a list of housing referral services provided; and identification of member of racial or ethnic minority groups. Individuals provided referral assistance must in turn provide notification of housing selection by use of DD Form 1670 which includes such information as type of housing selected, e.g., location, temporary/permanent, rental/sale, cost, number of bedrooms; media through which housing was found, e.g., housing referral, realtor, newspaper, etc.; and satisfaction with selection, e.g., too small, too far; discrimination encountered; and satisfaction with housing referral services provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Department Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral offices use data to assist and counsel individuals in locating suitable housing off-base, used for follow-up purposes when written notification from individual is not provided as to ultimate location of housing; used for purposes of reporting statistics on field activity housing referral services; used to follow-up on availability of rental unit subsequent to occupant's receipt of PCS orders; and follow-up regarding tenant/landlord complaints.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folders

RETRIEVABILITY:

By individual's name

SAFEGUARDS:

Housing files within the housing referral or housing office, used solely within the housing organization and protected by military installation's security measures. Individual may upon request, have access to all such data.

RETENTION AND DISPOSAL:

Data is retained until individual's tour is completed and subsequently disposed of according to local records disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Facilities Engineering Command (Code 08), 200 Stovall Street, Alexandria, Virginia 22332

NOTIFICATION PROCEDURE:

Records are maintained by housing referral offices at the Navy activity responsible for providing referral services for military personnel in the area. Individual may request access to records upon proof of identify (ID card).

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from installation family housing office.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N12290-1

SYSTEM NAME:

Record System for Civilian Employees of Nonappropriated Fund (NAF) Activities

SYSTEM LOCATION:

Primary System-Bureau of Naval Personnel, Washington, D.C. 20370; and local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses); National Personnel Records Center, St. Louis, Missouri 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of Nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records pertaining to performance, employment, pay, classification, security clearance, personnel actions, medical, insurance, retirement, tax withholding information, exemptions, unemployment compensation, employee profile, education, benefits, discipline and administration of nonappropriated fund civilian personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Department Regulations
Public Law 92-392
Fair Labor Standards Act, as amended

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision and administration of nonappropriated fund civilian personnel.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of nonappropriated fund civilian personnel.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch Agencies.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to management, supervision and administration of Nonappropriated Fund civilian personnel.

The Senate or the House of Representatives of the United States or any committee or subcommittee thereof, on matters within their jurisdiction requiring disclosure of the files or records of Nonappropriated Fund civilian personnel. Such civilian contractors and their employees are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche, or microfilm.

RETRIEVABILITY:

Records may be retrieved by name, social security account number and/or activity number.

SAFEGUARDS:

Computer and punched card progessing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5b, subj: Disposal of Navy and Marine Corps Records, or Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Department of the Navy, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Chief of Naval Personnel, (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, in accordance with the Directory of the

Department of the Navy Mailing Addresses (i.e., local activities).

The letter should contain full name, social security number, activity at which employed, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB#2), Rm 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy and Department of Defense in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; previous employers; educational institutions; employment agencies; civilian and military investigative reports; general correspondence concerning individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N12290-2

SYSTEM NAME:

Models for Organizational Design and Staffing (MODS)

SYSTEM LOCATION:

Chief of Naval Operations (OP-16), and Navy Department Staff, Headquarters, and field activities employing civilians; also at contractor facilities; mailing addresses are provided in the Navy Department directory published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy civilian employees paid from appropriated funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated and manual files contain information on individual's proficiencies and knowledges as reported in self-evaluation questionnaires vouchered by the supervisor, as well as data on the requirements of specific jobs submitted by the supervisor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to testing the operational usefulness of a staffing. Officials and employees of the Office of Personnel Management in the performance of staffing. Officials and employees of the Civil Service Commission in the performance of their official duties related to evaluation of civilian manpower programs. University of Texas faculty and students working under a contract relating to MODS to monitor progress of research study. Carnegie-Mellon University faculty and students working under Navy contract relating to MODS to assist in research project.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tape and drum, and optical scanner forms and computer printouts.

RETRIEVABILITY:

Accessed by social security number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained so long as personnel continue to work at same activity.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350 or Manpower Management, Department of the Navy, Washington, D.C. 20390 or to the head of the Navy activity at which the individual is or was employed. Written requests for information must contain full name of individual, current verbal information that could be verified

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

First-line supervisors and personnel automated data system (PADS).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N12300-1

SYSTEM NAME:

Employee Assistance Program Case Record System

SYSTEM LOCATION:

Chief of Naval Operations (Code 14), Department of the Navy and Designated Contractors; Navy Civilian Personnel Command (NCPC), NCPC Field Division; and navy staff, Headquarters and Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees in appropriated and non-appropriated fund activities who are referred by management for, or voluntarily request, counseling assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

System is comprised of case records on employees who are patients (counselees) which are maintained by individual counselors and consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, emotional, or other personal problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Office and Treatment Act of 1972, as amended by Public Law 93-282 (21 U.S.C. 1175); Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended by Public Law 93-282 (42 U.S.C. 4582); Subchapter A of Chapter I, Title 42, Code of Federal Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Navy counselor in the execution of his counseling function as it applies to the individual patient (counselee). With specific, written authority of the patient, selected information may be provided to and used by other counselors or medical personnel, research personnel, employers, patient representatives such as legal counsel, and to other agencies or individuals when disclosure is to the patient's benefit, such as for processing retirement applications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case records are stored in paper file folders.

RETRIEVABILITY:

By employee name or by locally assigned identifying number.

SAFEGUARDS:

All records are stored under strict control. They are maintained in spaces normally accessible only to authorized persons, normally in locked cabinets.

RETENTION AND DISPOSAL:

Records are purged of patient identifying information within five years after termination of counseling.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), and employee assistance program Administrators at Department of the Navy Staff, headquarters and field activity levels.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to the Chief of Naval Operations (OP-14) or to the appropriate employee assistance program administrator. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Counselors; other officials, individuals or practitioners; and other agencies both in and outside of Government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N12593-1

SYSTEM NAME:

Living Quarters and Lodging Allowance

SYSTEM LOCATION:

Overseas organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Appropriated and non-appropriated fund U.S. civilian employees eligible for allowance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, grade, address, rent and utility expenses, living quarters and lodging allowance, and name of family and/or members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive order number 10903 of 9 January 1961, executive order number 10970 of 27 October 1961, executive order number 10853 of 27 November 1959, and executive order number 10982 of 25 December 1961, as implemented by State Department regulation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by civilian personnel office to record employee's living quarters or temporary lodging allowance entitlement. Other users include Naval Supply Depot Payroll Office, the employing office, disbursing office; Commander, Fleet Activities FPO Seattle 98762; and the U.S. Department of State.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

File folders maintained by surname.

SAFEGUARDS:

Personnel screening and visitor control.

RETENTION AND DISPOSAL:

Files retained for a period of two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Overseas commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

A copy of living quarters allowance is provided to each employee.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N12711-1

SYSTEM NAME:

Labor Management Relations Records System

SYSTEM LOCATION:

Chief of Naval Operations (Code 14), Department of the Navy and Designated Contractors; Navy Civilian Personnel Command (NCPC), NCPC Field Division; and navy staff, headquarters and field activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy civilian employees paid from appropriated and non-appropriated funds, who are involved in a grievance which has been referred to an arbitrator for resolution; Navy civilian employees involved in the filing of an Unfair Labor practice complaint which has been referred to the Federal Labor Relations Authority; union officials; union stewards; and representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records comprise: Manual files, maintained in paper folders, manually filed by type of case and case number (not individual). Folder contains all information pertaining to a specific arbitration case or specific Unfair Labor

Practice with whom Navy has dealings; field activities maintain manual roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 7101-7135

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to the Labor-Management Relations Program, e.g.: administration/implementations of arbitration awards; interpretation of P.L. 95-454 through 3rd party case decisions; national consultation and other dealings with recognized unions, representatives of the Office of Personnel Management on matters relating to the inspection, survey, audit, or evaluation of Navy Civilian Personnel Management Programs. The Comptroller General or any of his authorized representatives, in the course of the peformace of duties of the General Accounting Office relating to the Navy's Labor Management Relations Program. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the administration of the Labor- Management Relations Program. A duly appointed hearing examiner or arbitrator for the purpose of conducting a hearing in connection with an employee's grievance. An arbritrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are stored in paper folders.

RETRIEVABILITY:

Manual records are retrieved by case subject, case number, and/or individual employee names.

SAFEGUARDS:

All manual files are accessible only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Case files are permanently maintained. Union official rosters are normally destroyed after a new roster has been established.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), Department of the Navy, Washington, D. C. 20390.

NOTIFICATION PROCEDURE:

Request by corresponent should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D. C. 20390; field activities.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appeaing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Navy civilian personnel offices; arbitrator's office; office of the Assistant Secretary of Labor for Labor-Management Relations; union headquarters offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N12771-1

SYSTEM NAME:

Employee Grievances, Discrimination Complaints, and Adverse Action Appeals.

SYSTEM LOCATION:

Employee Appeals Review Board Ballston Tower 2 801 N. Randolph St. Arlington, Va. 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and present civilian employees of the Department of the Navy, and applicants for employment with the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The case files contain background material on the act or situation complained of; the results of any investigation including affidavits and depositions; records of personnel actions involved; transcripts of hearings held; Examiners' reports of findings and recommended actions; advisory memoranda from CNO, BUPERS, DOD, SYSCOMS; SECNAV decisions; reports of actions taken by local activities; comments by EARB or local activities on appeals made to EEOC; EEOC decisions, Court decisions, Comptroller General decisions. Brief summaries of case files are maintained on index cards

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Sections 1301, 3301, 3302, 7151-7154, 7301, and 7701

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information is used by the EARB to adjudicate cases. SYSCOMS, CNO and NCPC are internal users for informational/implementational purposes. EEOC is the other Government agency using this information. Pursuant to 5 U.S.C. 552a(b)(9), committees or subcommittees of either House of Congress are furnished the above information upon request. Individual members acting on behalf of the individual involved are supplied with copies of decisions and other appropriate background material. Grievants and appellants are furnished SECNAV decisions, with copies to their representatives. EEO complainants are furnished SECNAV decisions, with copies of the hearing transcripts and Examiners' reports; complainants' representatives are provided copies of SECNAV decisions and Examiners' reports. Activities involved are provided with copies of SECNAV decisions on grievances and appeals. Activities involved in EEO complaints are provided copies of SECNAV decisions, hearing transcripts, and Examiners' reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and index cards.

RETRIEVABILITY:

Name

SAFEGUARDS:

Classified material kept in locked safe. Other materials are kept in file cabinets within the EARB Administrative Offices. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employees security guards.

RETENTION AND DISPOSAL:

Case files maintained for one year and sent to the Washington National Records Center, 4205 Suitland Rd, Suitland, Md. 20409; and maintained for four years. EEOC decisions and index cards are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 N. Randolph St., Arlington, VA 22203.

NOTIFICATION PROCEDURE:

Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 N. Randolph St., Arlington, VA 22203. Must provide full name, employing office, and appropriate identification card.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information in the file is obtained from former and present civilian employees of the DON, applicants for employment with the DON, employing activities, EEOC, NCPC.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N12771-2

SYSTEM NAME:

Employee Relations Including Discipline, Employee Grievances, Complaints, etc.

SYSTEM LOCATION:

Chief of Naval Operations (OP-14), Naval Civilian Personnel Command (NCPC), NCPC Fields Divisions, Navy and Navy Staff Headquarters and Field Activities employing civilians, Commandant of the Marine Corps (Codes MPC-30/HQSG), and Marine Corps Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps civilian employees, paid from appropriated funds serving under career, career-conditional, temporary and excepted service appointments on whom discipline, grievances, and complaints records exist. discrimination complaints of Navy and Marine Corps civilian employees, paid from approrpriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated positions. appeals of Navy and Marine Corps civilian employees paid from appropriated funds. Filipino employee appeal case files ('Filipinos who are lawfully admitted residents.') Cases reviewed by CINCPAC under Filipino Employment Policy Instructions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual files, maintained in paper folders, contain copies of documents and information pertaining to discipline, grievances, complaints, and appeals. Management operation record system consisting of manual file maintained by immedicate supervisors and high level managers concerning employee performance, capability, informal discipline, attendance, leave and tardiness, work assignments, and similar work related employee records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 9830, Amending the Civil Service Rules and Providing for federal personnel administration, amended by Executor Order 10577 and Executive Order 12106; Executive Order 12107; 5 USC 1205,1206,1302,3301,3302,7105,7512, relevant portions of the Civil Service Reform Act, P.L. 95-454; 42 U.S.C. Sec 2000e-116 et seq.; Equal Employment Opportunity Act of 1972, P.L. 93-259, amendment to the Fair Labor Standards Act, 29 U.S.C. Sec 201, et seq.; Age Discrimination and Employment Act, 29 U.S.C. Sec 633a; the Rehabilitation Act of 1978 as amended, 29 USC 791,794a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials of the Department of the Navy in the performance of their official duties related to the management of civilian employees in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation. Representatives of the United States Office of Personnel Management on matters relating to the inspection, survey, audit or evaluation of Navy and Marine Corps civilian personnel management programs or personnel actions, or such other matters under the jurisdiction of the Office of Personnel Management. Appeals officers and complaints examiners of the Merit Systems Protection Board and Equal Employment Opportunity Commission for the purpose of conducting hearings in connection with employees appeals from adverse actions and formal discrimination complaints. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs. The Attorney General of the United States or his authorized representatves in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. The Senate or the House of Representatives of the United States or any member, committee or subcommittee of joint committees on matters within their jurisdiction relating to the above programs. The records may also be used to disclose information to any source from which additional information is requested in the course of processing a grievance or appeal to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested. The records may also be used to disclose information to a federal agency in response to it's request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary. The records may be used by the National Archives and Records Service (General Services Administration) in records management inspection conducted under authority of 5 U.S.C. 2904 and 2906. The records may be used to disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in the pending judicial or administrative proceeding. The records may also be used to provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are stored in paper folders.

RETRIEVABILITY:

Manual records are filed by last name.

SAFEGUARDS:

All records are stored under strict control, and are available only to

authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Manual records are destroyed upon separation of the employee from the activity, or in accordance with appropriate record disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350. For the Marine Corps civilian personnel, the Commandant of the Marine Corps (Code M), HQS, US Marine Corps (Arlington Annex), Washington, DC 20380

NOTIFICATION PROCEDURE:

Request of correspondence should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350, or the Commandant of the Marine Corps (Code M), HQS, US Marine Corps (Arlington Annex), Washington, DC 20380, commanding officers or heads of navy staff hqs and field activities. The letter should contain the full name, social security number, and signature of the requester. The individual may visit the Chief of Naval Operations (OP-14), of the Navy or USMC activity at which he or she is employed.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N12930-1

SYSTEM NAME:

Industrial Relations Personnel Records

SYSTEM LOCATION:

Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, N.Y. 10305 (Central Offices for all Navy Exchanges). Personnel records of employees of the central office and in the Navy Resale System activities employing Civilians paid from non-appropriated funds.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian Employees, former civilian employees and applicants for employment with the Navy Resale and Services Support Office and Navy Exchanges located worldwide. Employee categories paid from non-appropriated funds are: regular full time, regular part-time, temporary full time, temporary part-time and intermittent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel jackets, including but not limited to: Personnel Information Questionnaire, Personnel Action; Certification of Medical Examination; Indoctrination Checklist; Designation of beneficiary; death benefit; leave records; report of accident; notice of excessive absence and tardiness and warnings; disciplinary actions; certified record of court attendance; certified copy of completed military orders for any annual duty tours with recognized reserve organizations; employee job description; tuition assistance records; examination papers and tests, if any; evidence of date of birth, where required; official letters of commendation; cash register overage/shortage records; report of hearings and recommendations relative to employee grievances; official work performance rating; designation of beneficiary for unpaid compensation; reference check records; applicant files; employee profiles; personnel security information (including copies of NSA and NIS reports); travel requests,travel allowance and claims record; transportation agreements; employee affidavit; privilege card application, work assignments, work performance capability, counseling records, work-related records, training records including courses, type and completion dates; and related data.

Labor and Employee Relations Records include: Notices of excessive absence, tardiness and warnings; disciplinary actions; unsatisfactory work performance evaluations; grievances, appeals, complaint and appeal records; reports of potential grievances and appeals; congressional correspondence; investigative reports and summaries of personnel administrative actions; data relating to Quality Salary Increase, Superior Accomplishment Recognition Awards, Beneficial Suggestions and similar awards; and personnel listings of the aforementioned services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 and 10 USC 5031.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a basis by which an employee or an applicant may be determined to be suitable for employment, transfer, promotion or retention in employment; for verification of employment; to provide a record of travel performed and verification that the employees receive proper renumeration for the travel performed; to insure employees received timely consideration in the processing of work/appraisals and salary increases; for recognition of accomplishments and contributions by employees, and in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation. Also used by representatives of the United States Office of Personnel Management (OPM) on personnel matters under the jurisdiction of OPM; used by appeals officers and complaints examiners of the Equal Employment Oppurtunity Commission for the purpose of conducting hearings in connection with employees' appeals from adverse actions and formal discrimination complaints; used by the Comptroller General or any of his authorized representatives in the course of performance of duties of the General Accounting Office relating to Navy's civilian management programs; used by the Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

The records may be used to disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose of the request and identify the type of information requested. The records may also be used to disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary. The records may be used by the National Archives and Records Service (GSA) in records management

inspection conducted under authority of 44 USC 2904 and 2906. The records may be used to disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in pending judicial or administrative proceeding. The records may also be used to provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained vary, but include: file folders; magnetic tapes; disks; punch cards; rolodex files; cardex files; ledgers; and printed reports.

RETRIEVABILITY:

Name and/or social security number; employee payroll number.

SAFEGUARDS:

Locked desks in supervisor's office and also locked cabinets in locked offices supervised by appropriate personnel; supervised computer tape library which is accessible only through the Computer Center (entry to the computer center is controlled by a combination lock known by authorized personnel only; security guards.

RETENTION AND DISPOSAL:

Current employee records remain on file at the appropriate personnel offices; records on former employees are retained for one year and then forwarded to the Federal Records Center, St. Louis, Mo. for retention of permanent papers and destruction of temporary papers. Applicant files are retained for one year. Navy Exchange records retention standards are contained in the Disposal of Navy and Marine Corps Records Part II, chapters 3 and 5 in the Navy Exchange Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official Commander Navy Resale and Services Support Office Fort Wadsworth Staten Island, N.Y. 10305

Record Holder Manager, Recruitment and Employment (IRD3) Navy Resale and Services Support Office Fort Wadsworth Staten Island, N.Y. 10305

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office Fort Wadsworth Staten Island, N.Y. 10305

In initial inquiry, the requester must provide full name, social security number, activity where last employed or where last application for employment was filed. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requester must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; current and previous supervisors/employers; other records of the activity concerned; counseling records and comparable papers; educational institutions; applicants; applicant's previous employees; current and previous associates of the employee named by the employee as references; other records of activity investigators; witnesses; correspondents; investigative results and information provided by appropriate investigative agencies of the Federal Government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N12930-2

SYSTEM NAME:

Area Coordinator Information and Operation Files

SYSTEM LOCATION:

Chief of Naval Operations (Code 16), Department of the Navy and Designated Contractors; Navy Civilian Personnel Command (NCPC), NCPC Field Division; and navy staff, headquarters, and field activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees, paid from appropriated and non-appropriated funds, military personnel or private citizens affected by or involved in action of area coordination significance, and speakers, specialists and other interested participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

System is composed of but not limited to records compiled in accordance with regulations, correspondence regarding status of EEO investigations, index file of program administration and interested participants including ad hocs, summaries compiled for budget administration, biographies of speakers or of key officials obtained from individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. 301, Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management of civilian employees or of special programs. Representatives of the Office of Personnel Management on matters relating to the inspection, survey, audit or evaluation of Navy civilian pesonnel management programs, or personnel actions, or such other matters under the jurisdiction of OPM. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management of special programs or subject. Officials and employees of other Departments and agencies of the Executive Branch of government upon request in the performance of their official duties related to the special programs or subject. A duly appointed Hearing Examiner or Arbitrator (an employee of another Federal agency) for the purpose of conducting a hearing in connection with an employee's grievance. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's

grievance. The Senate or the House of Representatives of the United States or any member. Committee or sub-committee thereof, any joint committee to Congress or sub-committee of joint committees on matters within their jurisdiction requiring disclosure of the files or records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper file folders, list finders, index cards, or logs or other indexing systems.

RETRIEVABILITY:

Records are retrieved by subject matter, or by name.

SAFEGUARDS:

Records are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained for varying lengths of time as required by local regulations; some records may be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14); and the heads of Navy Staff, Headquarters, and field activities employing civilians. Addresses are provided in the Department of the Navy directory published in the Federal Register.

NOTIFICATION PROCEDURE:

Requests by correspondence or in person should be made to the Chief of Naval Operations (OP-14), or to the head of the nearest Navy activity or to the Navy activity with which the individual is employed or serves as a contact point or participates with in matters relating to the program of his interest. Correspondence should contain the full name, social security number and signature of the requestor. For personal visits, proof of identification will consist of a Department of Defense or Navy building pass or identification badge or drivers license or other types of identification bearing his signature or picture or by providing information which may be verified against the record. Addresses of these activities are in the directory of Department of the Navy mailing addresses.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Navy Civilian Personnel Offices and their representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N12950-1

SYSTEM NAME:

Career Development Program for Communicators

SYSTEM LOCATION:

Commander Naval Telecommunications Command Naval Telecommunications Command (NAVTELCOM) Headquarters 4401 Massachusetts Avenue, N.W. Washington, D.C. 20390

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy civilian employees of NAVTELCOM in GS-393 series

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaire completed by employees giving name, duty, work and education experience, birth date, grade level, telephone number (work)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By system managers of NAVTELCOM for implementing and managing the Career Development Program, Navy Office of Civilian Manpower Management similarly; Defense Department similarly; Civil Service Commission similarly;

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Name

SAFEGUARDS:

Safes and vaults

RETENTION AND DISPOSAL:

Records destroyed by burning upon separation of employee

SYSTEM MANAGER(S) AND ADDRESS:

Commander Naval Telecommunications Command 4401 Massachusetts Avenue, N.W. Washington, D.C. 20390 Civilian Manpower Coordinator, NAVTELCOM, same address

NOTIFICATION PROCEDURE:

Provide name to Civilian Manpower Coordinator, address above, Room 138, with routine ID card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Questionnaire completed by employee

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N12950-3

SYSTEM NAME:

Payroll and Employee Benefits Records

SYSTEM LOCATION:

Commander, Navy Resale and Services Support Office, 3rd Ave. and 29th St., Brooklyn, NY 11232 (for all Navy Exchanges) Commissory Store Operations as listed in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and former civilian employees with the Navy Resale and Services Support Office and Navy Exchanges located world-wide. (Payroll and benefits information) Civilian employees and former civilian employees of Coast Guard exchanges, clubs and messes and US Navy civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Distribution reports; tax reports; leave accrual reports; earnings records cards, payroll registers; insurance records and reports regarding property damage, personal injury or death, group life, disability, medical and retirement plan; payroll savings authorization; record of payroll savings; overtime authorization;

Treasury Department tax withholding exemption certificate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 and 10 USC 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Department of the Navy personnel in the performance of their duties as follows: to calculate pay; prepare checks for distrubition; prepare deducation registers; leave records; to submit federal and state tax reports; to record contributions to benefit plans; to process all insurance claims; to provide information as required to the insurance carriers and U.S. Department of Labor, Bureau of Employees Compensation; to calculate retirement benefits upon request of employees;

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained vary, but include: Magnetic tape files; card files; file folders; ledgers; and printed reports.

RETRIEVABILITY:

Name and/or social security number; employee job number; employee payroll number.

SAFEGUARDS:

Locked file cabinets; safes; locked offices which are supervised by appropriate personnel, when open; security guards; supervised computer tape library which is accessable only through the computer center (entry to computer center is controlled by a combination lock known by authorized personnel only).

RETENTION AND DISPOSAL:

Navy exchange records retention standards are contained in the 'Disposal of Navy and Marine Corps Records, Part II, Chapters 4 and 5.' and/or the Navy Exchange Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Risk Manager Navy Resale and Services Support Office 3rd Ave and 29th St Brooklyn, Ny. 11232

Individual record holders within the central system may be contacted through the central system record holder.

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny 11232

In the initial inquiry the requester must provide full name, social security number, activity where last employed. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proofof identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The employee of former employee; payroll department; the employee's supervisor and the employee's physician or insurance carrier's physician.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N12950-4

SYSTEM NAME:

Naval Audit Personnel Development System

SYSTEM LOCATION:

Naval Audit Service Headquarters, P.O. Box 1206, Falls Church, Virginia, 22041

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel employed by the Naval Audit Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee audit experience and historical career development data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Audit task assignment and future career development; forecasting talent requirements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape

RETRIEVABILITY:

Name, SSN

SAFEGUARDS:

Computer System Software; code word access.

RETENTION AND DISPOSAL:

Records retained until employee retires, is deceased, or leaves Audit Service for other employment; record is then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Audit Service is overall policy official; Director, Education and Training Division has direct control; Naval Audit Service HQ, Falls Church, Va 22041

NOTIFICATION PROCEDURE:

Apply to System Manager

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned. Standard civilian personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N12950-5

SYSTEM NAME:

Navy Automated Civilian Manpower Information System (NACMIS)

SYSTEM LOCATION:

Chief of Naval Operations (Code 16), Department of the Navy and Designated Contractors; Navy Civilian Personnel Command (NCPC), NCPC Field Divisions; and the Navy Regional Data Automation Center (NARDAC) and its designated contractors. The addresses of the activities are furnished in the Department of the Navy Directory published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of the Navy civilian employees paid from appropriated funds and Navy military personnel included in the automated training record segment of NACMIS.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system comprises automated and non-automated records describing and identifying the employee (e.g., name, social security account number, sex, birth date, minority designator, citizenship, physical handicap code); the position occupied and the employee's qualifications; salary and salary basis; employee's status in relation to the position occupied and the organization to which assigned; tickler dates for impending changes in status; education and training records; previous military status; functional code; previous employment record; performance appraisal and other data needed for screening and selection of an employee; referral records; professional licenses and publications; and reason for position change or other action affecting the employee. The records are those found in the three modules of NACMIS which are: Training Information Management System (TIMS), Personnel Automated Data System (PADS); and Local Automated Personnel Information System (LAPIS).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 2951, Reports; 5 USC 301, Departmental Regulations; 5 USC 4103, Establishment of Training Programs; 5 USC 4118, Training; 5 USC 4115, Collection of Training Information; Executive Order 9397, Numbering System for Federal Accounts Relating to Individual Persons; Public Law 92-261, The Equal Employment Opportunity Act of 1972.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in performance of their official duties related to the management and administration of the Department's civilian personnel and civilian manpower planning programs and in the design, development, maintenance and operation of the automated system of records; employees and officials of the Department of Defense where there exists a need-to-know in the performance of their official duties; employees and officials of the Office of Personnel Management (OPM) in the performance of their official duties. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of Executive Branch agencies. Officials and employees of other departments and agencies of the Executive Branch of government upon request in the performance of their official duties related to the screening and selection of candidates for vacant positions. Representatives of the United States Department of Labor on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice training programs or on other such matters under the jurisdiction of the Labor Department. Representatives of the Veterans Administration on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice and on-the-job training program. The Computer Systems Group Contractor (or other such contractor) and its employees for the purpose of card punch recording of data from employee personnel actions and training documents, or data collection forms and other documents. Employees and officials of the Naval Command Systems Support Activity and their designated contractors for the purpose of systems support. A duly appointed hearing examiner or arbitrator (an employee of another Federal agency) for the purpose of conducting a hearing in connection with an employee's grievance. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving the disclosure of records. The Senate or the House of Representatives of the United States or any committee or sub-committee thereof, any joint committee of Congress or sub-committee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of the Department's civilian personnel and manpower management program. An appointed complaints examiner for the purpose of conducting a hearing in connection with an employee's formal Equal Employment Opportunity (EEO) complaint. Officials and employees of schools and other institutions engaged to provide training. Employee unions when unions are authorized to canvas employees or at the time of a union election. Designated contractors of the Department of the Navy in performance of their duties with respect to equipment and system design, development, test and maintenance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape, disc, drum and punched cards and computer printouts. Manual records are stored in paper file folders.

RETRIEVABILITY:

Information is retrieved by Social Security Account Number (SSAN), name, or by specific employee characteristics such as date of birth, grade, occupation, employing organization, tickler dates; a combination of data elements contained in the Training Information Management System (TIMS), on apprentice program master files; academic specialty or education level. Specific sub-groups of employees may be identified through the use of computerized indices. Manual records are retrieved by name.

SAFEGUARDS:

The computer facility and terminal are accessible only to authorized persons that have been properly screened, cleared and trained. Manual and automated records and computer printouts are available only to authorized personnel having a need-to-know. In the case of EEO data, output from the Chief of Naval Operations (OP-16) is authorized only by the Department of the Navy Director of Equal Employment Opportunity or his Deputy. Output from the activity minority census files must be authorized in writing by either the head of the activity or the activity's deputy EEO officer.

RETENTION AND DISPOSAL:

For TIMS and the apprentice programs the computer magnetic tapes are permanent. Manual records are maintained on a fiscal year basis and are retained for varying periods from 1 to 5 fiscal years. For the Department of the Navy's centrally-administered programs, files on selected candidates are maintained for 5 years (from date selection process is completed). Records of non-selected candidates are retained only for that period of time sufficient to permit appropriate review (usually less than 60 days). For PADS, computer magnetic tapes are retained permanently. Magnetic discs are erased after use. Computer printouts are destroyed after 3 months. Input documents (NAVSO12280/11) are destroyed after data is converted to machine readable form. Input punch cards are retained for 2 weeks. For career management computer magnetic

tapes and discs are erased 5 years after they are created; manual records are destroyed 2 years after the employee has been dropped from the career inventory. Manual records are destroyed upon separation of the employee from the activity. For LAPIS, records are maintained in an active status until a separation action on an employee is completed. Historical records for LAPIS are maintained for a maximum of 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), Department of the Navy and the commanding officers of the employee's activity.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the SYSMANAGER or to the civilian personnel officer under his cognizance. Requests must be accompanied by the individual's full name, social security number and name of employing activity. Requesters may visit the civilian personnel office of the naval activity covered by the system to obtain information. In such case proof of identity will consist of full name, social security account number and a third positive identification such as driver's license, Navy building pass or identification badge, birth certificate, Medicare card, etc. Address of the activity is furnished in the Department of the Navy directory of mailing addresses published in the Federal Register.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Categories of sources of records in the system are: the civilian personnel office of the employing activity; the payroll office; the security office of the employing activity; line managers, other designated officials and supervisors; the employee and persons named by the employee as references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N12950-6

SYSTEM NAME:

Computer Assisted Manpower Analyses System (CAMAS)

SYSTEM LOCATION:

Chief of Naval Operations (Op-14), NDS, headquarters, and field activities employing civilians; mailing addresses are provided in the Navy Department directory published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy civilian employees paid from appropriated funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain records from the Personnel Automated Data System (PADS) which contain job related data including individual identification, location information, and salary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy and contractor personnel in the performance of their official duties related to aggregate manpower planning, including calculating transition rates, forecasting number of retirements, and running models to determine the extent to which projected manpower requirements can be met.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tape and disc.

RETRIEVABILITY:

Accessed by social security number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20390.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350. Written requests for information must contain full name of the individual, current address and telephone number, and birth date and social security number.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel Automated Data System (PADS)

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DIRECTORY OF DEPARTMENT OF THE NAVY MAILING ADDRESSES

Assistance in obtaining any Navy mailing address not included in the following directory may be obtained from:

Chief of Naval Operations
(Op-09B1)
Navy Department
Washington DC 20350

Such assistance concerning any Marine Corps address may be obtained from:

Commandant of The Marine Corps
(Code M)
Washington DC 20380

ALASKA

Commanding Officer
Naval Arctic Research Laboratory
Barrow AK 99723

ARIZONA

Commanding Officer
Marine Corps Air Station
Yuma Arizona 85364

CALIFORNIA

Director
Navy Office of Information
Los Angeles Branch
11000 Wilshire Blvd Rm 10201
Los Angeles CA 90024

Commanding Officer

Naval Regional Medical Center
7500 Carson Street
Long Beach CA 90822
Commanding Officer
Naval Regional Dental Center
Long Beach CA 90822
Commanding Officer
Naval Legal Service Office
Naval Station
Long Beach CA 90822
Commanding Officer
Office of Naval Research
Branch Office
1030 East Green St
Pasadena CA 91106
Officer in Charge
Marine Corps Reserve Center
2727 Paloma St
Pasadena CA 91107
Commanding General
I Marine Amphibious Force FMF
Camp Pendleton CA 92055
Commanding General
Marine Corps Base
Camp Pendleton CA 92055
Commanding Officer
Naval Regional Dental Center
Camp Pendleton CA 92055
Commanding Officer
Naval Regional Medical Center
Camp Pendleton CA 92055
Commanding General
1st Marine Division FMF
Camp Pendleton CA 92055
Commanding General
4th Marine Division FMF
US Marine Corps Reserve
Camp Pendleton CA 92055
Director
Naval Audit Service
Western Region
1220 Pacific Highway
San Diego CA 92132
Commander
Naval Base
San Diego CA 92132
Commander
Naval Base San Francisco
Naval Base
San Diego CA 92132
Commander
Fleet Accounting And Disbursing
Center
U.S. Pacific Fleet
San Diego CA 92132
Commanding Officer
Naval Education and
Training Support Center Pacific
Fleet Station Post Office Bldg
San Diego CA 92132
Commander
Naval Reserve Readiness Command
Region Nineteen
960 North Harbor Drive
San Diego CA 92132
Commanding Officer
Navy Manpower and Material
Analysis Center
Pacific
San Diego CA 92132
Commanding Officer
Human Resource Management Center,
San Diego
Naval Training Center
San Diego, CA 92133
Commanding Officer
Naval Regional Medical Center
San Diego CA 92134
Commanding Officer
Naval Air Station
North Island
San Diego CA 92135
Commanding Officer
Navy Regional Data Automation
Center
Naval Air Station
North Island
San Diego CA 92135
Commander Naval Air Force
US Pacific Fleet
Naval Air Station North Island
San Diego CA 92135
Commanding Officer
Naval Alcohol Rehabilitation Center
Naval Station
San Diego CA 92136
Commanding Officer
Naval Legal Service Office
Naval Station
San Diego CA 92136
Commanding Officer
Naval Regional Dental Center
San Diego CA 92136
Commanding Officer
Naval Station
San Diego Calif 92136
Director
Navy Public Affairs Center
San Diego
Box 125 Naval Station
San Diego CA 92136
Commanding General
Marine Corps Recruit Depot
San Diego CA 92140
Commanding Officer
Naval Air Station
Miramar
San Diego CA 92145
Commanding Officer
Naval Drug Rehabilitation Center
Naval Air Station, Miramar
San Diego CA 92145
Commander Training Command
US Pacific Fleet
San Diego CA 92147
Commander
Naval Ocean Systems Center
San Diego CA 92152
Commanding Officer
Navy Personnel Research and
Development Center
San Diego CA 92152
Commander Amphibious Group
Eastern Pacific
Naval Amphibious Base Coronado
San Diego CA 92155
Commanding Officer
Naval Amphibious Base Coronado
San Diego CA 92155
Commander
Naval Surface Force
US Pacific Fleet
San Diego CA 92155
Director, Western Field Division
Naval Civilian Personnel Command
Western Field Division
880 Front St
San Diego CA 92188
Commanding General
Force Troops
Fleet Marine Force Pacific
Marine Corps Base
Twentynine Palms CA 92278
Commanding General
Marine Corps Base
Twentynine Palms CA 92278
Commanding General
Marine Corps Logistics Base
Barstow CA 92311
Commander
Marine Corps Air Bases Western Area
Marine Corps Air Station
El Toro, Santa Ana CA 92709
Commanding General
Marine Corps Air Station El Toro
Santa Ana CA 92709
Commanding General
Marine Aircraft Wing 46
Marine Corps Air Station El Toro
Santa Ana CA 92709
Commanding Officer
Marine Corps Air Station
(Helicopter)
Santa Ana CA 92710
Commanding Officer
Naval Air Station
Point Mugu CA 93042
Commander
Naval Weapons Center
China Lake CA 93555
Director
Defense Resources Management
Education Center
Naval Postgraduate School
Monterey, CA 93940
Commanding Officer
Fleet Numerical Oceanography Center
Monterey CA 93940
Director
Manpower Research and Data
Analysis
Center
Naval Postgraduate School
Monterey, CA 93940
Superintendent
Naval Postgraduate School
Monterey CA 93940
Commanding Officer
Naval Air Station
Moffett Field CA 94035
Director
Navy Office of Information
San Francisco Branch
San Francisco CA 94130
Director
12th Marine Corps District

Naval Support Activity, Treasure Island
San Francisco CA 94130
Commanding Officer
Naval Legal Service Office
Naval Support Activity Treasure Is
Treasure Island
San Francisco CA 94130
Commanding Officer
Naval Regional Dental Center
San Francisco CA 94130
Commander
Naval Reserve Readiness Command Region Twenty Bldg 1 NAVSUPPACT
Treasure Island
San Francisco CA 94130
Commanding Offier
Naval Air Station
Alameda Calif 94501
Commanding Officer
Navy Regional Data Automation Center
San Francisco
Naval Air Station
Alameda CA 94501
Commanding Officer
Naval Support Activity Mare Island
Vallejo CA 94592
Officer in Charge
Naval Biosciences Laboratory
Naval Supply Center
Oakland CA 94625
Commanding Officer
Naval Regional Medical Center
Oakland CA 94627
Officer in Charge
Marine Corps Reserve Training Center
Naval Communications Station
Rough and Ready Island
Stockton CA 95203

CONNECTICUT

Commanding Officer
Regional Accounting and Disbursing Center
Groton CT 06340
Commanding Officer
Naval Security Group Activity
Box 99
Naval Submarine Base New London
Groton CT 06340
Commanding Officer
Naval Submarine Medical Center
Naval Submarine Base New London
Groton CT 06340

DISTRICT OF COLUMBIA

Director
Marine Corps Institute
Marine Barracks
Washington DC 20003
Comptroller of the Navy
Navy Department
Washington DC 20350
Chief of Information
Navy Department
Washington DC 20350
Secretary of the Navy
Navy Department
Washington DC 20350
Chief of Legislative Affairs
Navy Department
Washington DC 20350
Under Secretary of the Navy
Navy Department
Washington DC 20350
Chief of Naval Operations
Department of the Navy
Washington DC 20350
Asst Secretary of the Navy (Financial Management)
Navy Department
Washington DC 20350
Asst Secretary of the Navy (Manpower & Reserve Affairs)
Navy Department
Washington DC 20350
Asst Secretary of the Navy (Research, Engineering and Systems)
Navy Department
Washington DC 20350
Commander
Opnav Support Activity
Washington DC 20350
Commander
Naval Electronic Systems Command
Naval Electronic Systems Command Headquarters
Washington DC 20360
General Counsel
Navy Department
Washington DC 20360
Chief of Naval Material
Navy Department
Washington DC 20360
Director
National Capital Region Facilities and Services Staff
Room 516 Crystal Plaza ¢6
Washington DC 20360
Commander
Naval Air Systems Command
Naval Air Systems Command Headquarters
Washington DC 20361
Commander
Naval Sea Systems Command
Naval Sea Systems Command Headquarters
Washington DC 20362
Commander
Naval Supply Systems Command
Naval Supply Systems Command Headquarters
Washington DC 20376
Recorder
Board for Corrections of Naval Records
Navy Department
Washington DC 20370
Senior Member
Board of Decorations and Medals
Arlington Annex Room 3028
Navy Department
Washington DC 20370
Chief of Naval Personnel
Navy Department
Washington DC 20370
Commander
Naval Military Personnel Command
Navy Department
Washington DC 20370
Chief
Bureau of Medicine and Surgery
Navy Department
Washington DC 20372
President
Board of Inspection and Survey
Navy Department
Washington DC 20372
Director Consolidated Civilian Personnel Office
Bldg 200 Washington Navy Yard
Washington DC 20374
Director
Department of Defense Computer Institute
Washington Navy Yard
Washinton DC 20374
Director
Field Support Activity
Washington Navy Yard
Washington, DC 20374
Commandant
Naval District Washington
Washington Navy Yard
Washington DC 20374
Director
Naval Historical Center
Washington Navy Yard
Washington DC 20374
Commanding Officer
Naval Legal Service Office
Washington Navy Yard
Washington DC 20374
Commander
Naval Reserve Readiness Command Region Six
Washington Navy Yard
Washington DC 20374
Officer in Charge
Navy-Marine Corps Appellate Review Activity
Office of Judge Advocate General
Washington Navy Yard
Washington DC 20374
Officer in Charge
Navy Band
Washington Navy Yard
Washington DC 20374
Commander
Naval Data Automation Command
Washington Navy Yard
Washington DC 20374
Director
Navy Automatic Data Processing Selection Office
Washington Navy Yard
Washington DC 20374
Commanding Officer
Navy Regional Data Automation

Center Washington
Washington Navy Yard
Washington DC 20374
Chief
Navy-Marine Corps Trail Judicary
Washington Navy Yard
Washington DC 20374
Commanding Officer
Naval Research Laboratory
Washington DC 20375
Commander
Navy Accounting and Finance Center
Navy Department
Washington DC 20376
Commandant of the Marine Corps
Navy Department
Washington DC 20380
Commander
Naval Intelligence Command
4600 Silver Hill Road
Washington DC 20389
Commanding Officer
Naval Air Facility
Washington D C 20390
Superintendent
Naval Observatory
34th and Massachusetts Ave NW
Washington DC 20390
Commanding Officer
Naval Security Station
3801 Nebraska Ave NW
Washington DC 20390
Commander
Naval Telecommunications Command
4401 Massachusetts Ave N W
Washington DC 20390

FLORIDA

Commanding Officer
Regional Accounting and Disbursing Center
Jacksonville FL 32212
Commanding Officer
Navy Regional Data Automation Center Jacksonville
Naval Air Station
Jacksonville FL 32212
Commanding Officer
Naval Alcohol Rehabilitation Center
Naval Air Station
Jacksonville, FL 32212
Commander
Naval Base
Jacksonville FL 32212
Commanding Officer
Naval Legal Service Office
Naval Air Station
Jacksonville FL 32212
Commanding Officer
Naval Regional Dental Center
Jacksonville, FL 32212
Commander
Naval Reserve Readiness Command Region Eight
Bldg 90 Naval AR Station
Jacksonville FL 32212
Commanding Officer
Naval Regional Medical Center
Jacksonville FL 32214
Commanding Officer
Naval Coastal Systems Laboratory
Panama City FL 32407
Chief of Naval Education and Training
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Aerospace Medical Institute
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Education and Training Financial Information Processing Center
Naval Air Station
Pensacola, FL 32508
Commanding Officer
Management Information and Instructional Systems Activity
Pensacola FL 32508
Commanding Officer
Personnel Support Activity
Pensacola FL 32508
Commanding Officer
Navy Regional Data Automation Center
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Legal Service Office
Naval Air Station
Pensacola, FL 32508
Commanding Officer
Naval Regional Dental Center
Pensacola, FL 32508
Director
Defense Activity for Non-Tradition Education Support
Pensacola FL 32509
Commanding Officer
Naval Education and Training Program Development Center
Pensacola FL 32509
Commanding Officer
Naval Aerospace and Regional Medical Center
Pensacola FL 32512
Commanding Officer
Naval Regional Dental Center
Orlando FL 32813
Commanding Officer
Naval Regional Medical Center
Orlando FL 32813
Commanding Officer
Naval Training Equipment Center
Orlando FL 32813
Commanding Officer
Naval Security Group Activity
Homestead FL 33039
Commanding Officer
Naval Regional Medical Clinic
Key West FL 33040

GEORGIA

Commanding Officer
Naval Air Station Atlanta
Marietta GA 30060
Director
6th Marine Corps District
75 Piedmont Ave NE
Atlanta GA 30303
Director
Navy Office of Information
Atlanta Branch
1459 Peachtree St Suite 300
Atlanta GA 30309
Commanding General
Marine Corps Logistics Base Atlantic
Albany GA 31704

HAWAII

Commander in Chief
US Pacific Fleet
Pearl Harbor HI 96860
Commander
Third Fleet
Pearl Harbor HI 96860
Commander
Naval Base Hawaii
Pearl Harbor HI 96860
Commander
Fleet Intelligence Center Pacific
Pearl Harbor HI 96860
Commanding Officer
Human Resources Management Center
Pearl Harbor
Pearl Harbor HI 96860
Commander Submarine Force
US Pacific Fleet
Pearl Harbor HI 96860
Commander
Naval Logistics Command
US Pacific Fleet
Pearl Harbor HI 96860
Commanding Officer
Naval Regional Dental Center
Pearl Harbor HI 96860
Commanding Officer
Navy Regional Medical Center
Pearl Harbor HI 96860
Commanding Officer
Naval Western Oceanography Center
Box 113
Pearl Harbor HI 96860
Commanding Officer
Navy Data Automation Facility
Pearl Harbor HI 96860
Director, Pacific Field Div
Naval Civilian Personnel Command
Pacific Field Division
Box 119
Pearl Harbor HI 96860
Commanding Officer
Naval Legal Service Office
Pearl Harbor HI 96860
Commanding General
Fleet Marine Force, Pacific

Camp H.M.Smith, HI 96861
Commanding Officer
Marine Corps Air Station
Kaneohe Bay HI 96863

ILLINOIS

Commanding Officer
Naval Air Station
Glenview IL 60026
Commander
Naval Base
Building 1
Great Lakes IL 60088
Commanding Officer
Naval Legal Service Office
Naval Training Center
Great Lakes IL 60088
Commanding Officer
Naval Regional Dental Center
Great Lakes IL 60088
Commanding Officer
Naval Regional Medical Center
Great Lakes IL 60088
Commander
Naval Reserve Readiness Command
Region Thirteen
Bldg 1 Naval Training Center
Great Lakes IL 60088
Commander
Navy Regional Finance Center
Great Lakes IL 60088
Director
Navy Office of Information
Chicago Branch
536 South Clark St Room 252
Chicago IL 60605
Commanding Officer
Office of Naval Research
Branch Office
536 S Clark St
Chicago IL 60605

KANSAS

Director
9th Marine Corps District
10000 West 25th Street
Shawnee Mission KS 66204
Commander
Naval Reserve Readiness Command
Region 18
Industrial Airport KS 66031

LOUISIANA

Commanding Officer
Naval Air Station
New Orleans LA 70146
Commanding Officer
Naval Regional Medical Center
New Orleans LA 70146
Commander
Naval Reserve Readiness Command
Region Ten
Bldg 11 Naval Support Activity
New Orleans LA 70146
Director
8th Marine Corps District
New Orleans LA 70146
Commanding Officer
Personnel Support Activity
Bldg 123
New Orleans LA 70146
Director
Naval Air Logistics Office
4400 Dauphne Street
New Orleans LA 70146
Commanding Officer
Navy Regional Data Automation
Center
New Orleans
New Orleans LA 70146
Commanding Officer
Naval Support Activity
New Orleans LA 70146
Chief of Naval Reserve
New Orleans LA 70146
Commanding Officer
Naval Reserve Personnel Center
New Orleans LA 70149
Commanding Officer
Enlisted Personnel
Management Center
New Orleans LA 70159

MARYLAND

Commanding Officer
National Naval Dental Center
Bethesda MD 20014
Commanding Officer
National Naval Medical Center
Bethesda MD 20014
Commanding Officer
Naval Health Sciences Education and
Training Command
National Naval Medical Center
Bethesda, MD 20014
Commanding Officer
Naval Medical Data Service Center
National Naval Medical Center
Bethesda MD 20014
Director
Naval Investigative Service
P.O. Box 16230
Suitland MD 20023
Commander
David W. Taylor Naval Ship Research
and Development Center
Bethesda, MD 20084
Commander
Naval Polar Oceonography Center
Suitland MD 20390
Officer in Charge
Navy Special Services
Administrative Activity
Patuxent River MD 20670
Commanding Officer
Naval Security Group Activity
Fort George G Meade MD 20755
Superintendent
Naval Academy
Annapolis MD 21402
Commanding Officer
Naval Station
Annapolis MD 21402

MASSACHUSETTS

Director
Navy Office of Information
Boston Branch
575 Technology Square 8th Floor
Cambridge MA 02139
Commanding Officer
Naval Air Station
South Weymouth MA 02190
Commanding Officer
Office of Naval Research
Eastern/Central Regional Office
Boston MA 02210

MICHIGAN

Commanding Officer
Naval Air Facility Detroit
MT Clemens MI 48043

MINNESOTA

Commander Naval Reserve
Readiness Command Region Sixteen
Bldg 715
Minn-St Paul International Airport
Minneapolis MN 55450

MISSISSIPPI

Commanding Officer
Naval Air Station
Meridian MS 39301
Governor
Naval Home
01800 East Beach Blvd
Gulfport MS 39501
Commander
Naval Oceonography Command
NSTL Station
Bay St Louis MS 39520
Commanding Officer
Naval Ocean Research and
Development Activity
National Space Technology Labs
Bay St Louis MS 39520
Commanding Officer
Naval Oceonographic Office
NTSL Station
Bay St Louis MS 39520

MISSOURI

Director
Marine Corps Automated
Services Center
1500 E Bannister Rd
Kansas City MO 64131

Director
Marine Corps Reserve Forces
Administrative Center
1500 East Bannister Road
Kansas City MO 64131
Commanding Officer
Marine Corps Finance Center
Kansas City MO 64197

NEVADA

Commanding Officer
Naval Air Station
Fallon NV 89406

NEW JERSEY

Director
Naval Audit Service Northeast Region
Central Camden Parkade Bldg 215
30 North 5th Street
Camden NJ 08102

NEW YORK

Director
Navy Office of Information
New York Branch
663 Fifth Ave 3rd Floor
New York NY 10022
Counsel New York Branch
Office of the General Counsel
Department of the Navy
3rd Ave and 29th St
Brooklyn NY 11232
Officer in Charge
Navy Motion Picture Service
Bldg 311 Flushing Ave
Brooklyn NY 11251
Director
1st Marine Corps District
605 Stewart Ave
Garden City
Long Island NY 11533
Commander
Naval Reserve Readiness Command
Region Two Bldg 1
Scotia NY 12302

NORTH CAROLINA

Commander
Marine Corps Air Bases Eastern Area
Marine Corps Air Station
Cherry Point NC 28533
Commanding General
Marine Corps Air Station
Cherry Point NC 28533
Commanding General
2nd Marine Aircraft Wing
Marine Corps Air Station
Cherry Point NC 28533
Commanding Officer
Marine Corps Air Station
(Helicopter)
New River
Jacksonville N C 28540
Commanding General
Force Troops Atlantic
2D Force Service Support Group FMF
Camp Lejeune NC 28542
Commanding General
Marine Corps Base
Camp Lejeune NC 28542
Commanding Officer
Naval Regional Dental Center
Camp Lejeune NC 28542
Commanding Officer
Naval Regional Medical Center
Camp Lejeune NC 28542
Commanding General
2nd Marine Division FMF
Camp Lejeune NC 28542

OHIO

Director
Navy Family Allowance Activity
Anthony J. Celebrezze Federal Bldg.
1240 East 9th Street
Cleveland OH 44199
Commanding Officer
Navy Finance Center
Anthony J Celebrezze Federal Bldg
Cleveland OH 44199
Commander
Naval Reserve Readiness Command
Region Five Bldg 1033 USAAP
Ravenna OH 44266

PENNSYLVANIA

Commander
Naval Air Development Center
Warminster PA 18974
Commanding Officer
Naval Air Station
Willow Grove PA 19090
Commanding Officer
Naval Air Reserve Anti-Submarine
Warfare Training Center
Naval Air Station
Willow Grove PA 19090
Commander
Naval Base
Philadelphia PA 19112
Commander
Naval Base Boston
Philadelphia PA 19112
Commander
Naval Base New York
Philadelphia PA 19112
Commanding Officer
Naval Legal Service Office
Naval Base
Philadelphia PA 19112
Commanding Officer
Naval Regional Dental Center
Philadelphia, PA 19112
Commander
Naval Reserve Readiness Command
Region Four Bldg 662 Naval Base
Philadelphia PA 19112
Director Northern Field Div
Naval Civilian Personnel Command
Northern Field Division
Bldg 75-3 Naval Base
Philadelphia PA 19112
Director
4th Marine Corps District
Bldg 75 Naval Base
Philadelphia PA 19112
Commanding Officer
Naval Medical Material Support
Command
3500 South Broad St
Philadelphia PA 19145
Commanding Officer
Naval Regional Medical Center
17th St and Pattison Ave
Philadephia PA 19145

PUERTO RICO AND VIRGIN ISLANDS

Commanding Officer
Camp Garcia
Fleet Marine Force Atlantic
Vieques PR 00765

RHODE ISLAND

Commander
Naval Education and Training Center
Newport RI 02840
Commanding Officer
Naval Data Automation Facility,
Newport
Bldg 11 Naval Education and Training
Center
Newport RI 02840
Commanding Officer
Naval Legal Service Office
Naval Education and Training Center
Newport RI 02840
Commanding Officer
Naval Regional Dental Center
Newport RI 02840
Commanding Officer
Naval Regional Medical Center
Newport RI 02840
Commander
Naval Reserve Readiness Command
Region One Bldg 344
Naval Education and Training Center
Newport RI 02840
Commanding Officer
Naval Underwater Systems Center
Newport RI 02840
President
Naval War College
Newport RI 02840

SOUTH CAROLINA

Commander
Naval Base
Charleston SC 29408

Commanding Officer
Naval Legal Service Office
Naval Base
Charleston SC 29408
Commanding Officer
Naval Regional Dental Center
Charleston SC 29408
Commanding Officer
Naval Regional Medical Center
Charleston SC 29408
Commander
Naval Reserve Readiness Command
Region Seven
Naval Base
Charleston SC 29408
Commanding Officer
Naval Security Group Activity
Naval Base
Charleston SC 29408
Commanding Officer
Polaris Missile Facility
Atlantic
Charleston SC 29408
Commanding Officer
Marine Corps Air Station
Beaufort SC 29902
Commanding General
Marine Corps Recruit Depot
Parris Island SC 29905
Commanding Officer
Naval Regional Dental Center
Parris Island SC 29905

TENNESSEE

Commander
Naval Reserve Readiness Command
Region Nine
Bldg E34 Naval Air Station Memphis
Millington TN 38045
Commanding Officer
Naval Legal Service Office
Naval Air Station Memphis
Millington TN 38054
Commanding Officer
Naval Regional Medical Center
Memphis
Millington TN 38054
Chief of Naval
Technical Training
Naval Air Station
Memphis
Millington TN 38054

TEXAS

Director
Navy Office of Information
Dallas Branch Main Tower Bldg
1200 Main St Suite 230
Dallas TX 75202
Commanding Officer
Naval Air Station
Dallas TX 75211
Commander
Naval Reserve Readiness Command
Region Eleven
Bldg 11 Naval Air Station
Dallas TX 75211
Commanding Officer
Naval Air Station
Chase Field
Beeville TX 78102
Commanding Officer
Naval Air Station
Corpus Christi TX 78419
Chief of Naval Air Training
Naval Air Station
Corpus Christi TX 78419
Commanding Officer
Naval Legal Service Office
Naval Air Station
Corpus Christi TX 78419

VIRGINIA

Auditor General of the Navy P.O. Box
1206 Falls Church VA 22041
Director
Naval Audit Service Capital Region
PO Box 1206
Falls Church VA 22041
Director
Naval Audit Service Headquarters
PO Box 1206
Falls Church VA 22041
Commanding General
Marine Corp Development
and Education Command
Quantico VA 22134
Commanding Officer
Marine Security Guard Battalion
State Department
Quantico VA 22134
Commanding Officer
Human Resource Management Center
Washington
1000 North Glebe Road
Arlington VA 22201
Director
Naval Civilian Personnel Command
Department of the Navy
800 N. Quincy St
Arlington VA 22203
Director
Naval Council of Personnel Boards
801 N. Randolph St
Arlington VA 22203
Commander
Navy Recruiting Command
4015 Wilson Boulevard
Arlington VA 22203
Commanding Officer
Headquarters Battalion
Headquarters US Marine Corps
Henderson Hall
Arlington VA 22214
Commanding Officer
Marine Security Guard Battalion
Headquarters (State Department)
US Marine Corps Henderson Hall
Arlington VA 22214
Chief of Naval Research
800 North Quincy St
Arlington VA 22217
Commander
Naval Legal Service
Department of the Navy
200 Stovall Street
Alexandria VA 22332
Judge Advocate General
Navy Department
200 Stovall Street
Alexandria VA 22332
Commander
Naval Facilities Engineering
Command NAVFACENGCOM Hdqtrs
200 Stovall Street
Alexandria VA 22332
Commander
Naval Surface Weapons Center
Dahlgren VA 22448
Commanding Officer
Naval Security Group Activity
Northwest
Chesapeake VA 23322
Director
Naval Audit Service Southeast Region
5701 Thurston Ave
Virginia Beach VA 23455
Commanding Officer
Human Resource Management Center,
Norfolk
5621-23 Tidewater Drive
Norfolk, VA 23509
Commanding Officer
Atlantic Command Operations Support
Facility
Naval Station
Norfolk VA 23511
Commanding Officer
Camp Elmore
Marine Corps
Norfolk VA 23511
Commanding Officer
Naval Eastern Oceanography Center
Mcadie Bldg
Naval Air Station
Norfolk VA 23511
Commanding Officer
Fleet Accounting and Disbursing
Center U S Atlantic Fleet
Building 132 Naval Station
Norfolk VA 23511
Director
Fleet Home Town News Center
Norfolk VA 23511
Commanding Officer
Fleet Intellience Center
Europe and Atlantic
Norfolk VA 23511
Commanding General
Fleet Marine Force Atlantic/
Commanding General Fleet Marine
Force Europe (Designate)
Norfolk VA 23511
Commanding Officer
Naval Administrative Command
Armed Forces Staff College
Norfolk VA 23511
Commanding Officer
Naval Air Station
Norfolk VA 23511

Commanding Officer
Naval Alcohol Rehabilitation Center
Building J-50
Naval Station
Norfolk VA 23511
Commander
Naval Base
Norfolk VA 23511
Commanding Officer
Naval Education and Training
Support Center, Atlantic
Bldg Z-86, Naval Station
Norfolk VA 23511
Commanding Officer
Naval Legal Service Office
Naval Base
Norfolk VA 23511
Commanding Officer
Naval Regional Dental Center
Norfolk VA 23511
Commander
Naval Safety Center
Naval Air Station
Norfolk VA 23511
Commander
Naval Surface Force
US Atlantic Fleet
Norfolk VA 23511
Commanding Officer
Navy Manpower and Material
Analysis Center
Atlantic
Commander
Oceanographic System Atlantic
Box 100
Norfolk VA 23511
Director Southern Field Division
Naval Civilian Personnel Command
Southern Field Division
Norfolk VA 23511
Commanding Officer
Navy Regional Data Automation
Center
Norfolk
Norfolk VA 23511
Commander
Submarine Force
US Atlantic Fleet
Norfolk VA 23511
Commander in Chief
US Atlantic Fleet
Norfolk VA 23511
Commander Naval Air Force
US Atlantic Fleet
Norfolk VA 23511
Commander Training Command
US Atlantic Fleet
Norfolk VA 23511
Commanding Officer
Naval Ophthalmic Support and
Training Activity
Yorktown, VA 23690

WASHINGTON

Officer in Charge
Marine Corps Reserve Training Center
Naval Air Station
Seattle WA 98115
Commanding Officer
Naval Legal Service Office
Seattle WA 98115
Commander
Naval Reserve Readiness Command
Region Twenty-Two Bldg 9
Naval Support Activity
Seattle WA 98115
Commanding Officer
Naval Support Activity
Seattle WA 98115
Commanding Officer
Naval Regional Dental Center
Bremerton, WA 98314
Commanding Officer
Naval Regional Medical Center
Bremerton WA 98314
Commanding Officer
Strategic Weapons Facility, Pacific
Silverdale, WA 98383
Officer in Charge
Marine Corps Reserve Training Center
1702 Tahoma Avenue
Yakima WA 98920

APO/FPO ADDRESSES

Commanding Officer
US Naval Air Facility
Chief
Navy Technical Assistance Field
Team Box 2501
APO New York 09205
Commanding Officer
US Naval Security Group Activity
APO New York 09240
Commanding Officer
TUSLOG Detachment 28
APO New York 09324
Commander
US Naval Forces Azores
APO New York 09406
Commanding Officer
US Naval Air Facility
APO New York 09406
Commanding Officer
US Naval Security Group Activity
APO New York 09406
Commanding Officer
US Naval Security Group Activity
APO New York 09458
Commander
Amphibious Group 2
FPO New York 09501
Commander
Antisubmarine Warfare Force
US Sixth Fleet
FPO New York 09501
Commander
Attack Carrier Striking Force
Sixth Fleet
FPO New York 09501
Commander
Middle East Force
FPO New York 09501
Commander
Second Fleet
FPO New York 09501
Commander
Sixth Fleet
FPO New York 09501
Commander
South Atlantic Force
US Atlantic Fleet
FPO New York 09501
Commander in Chief
US Naval Forces Europe
FPO New York 09510
US Commander
Eastern Atlantic
FPO New York 09510
Counsel
European Branch
Office of the General Counsel
Department of the Navy
FPO New York 09510
Commanding Officer
Fleet Operations Control Center
US Naval Forces Europe/US
Eastern Atlantic Box 12
FPO New York 09510
Commanding Officer
Human Resource Management Center
Box 23
FPO New York 09510
Commanding Officer
Marine Barracks
US Naval Activities
FPO New York 09510
Commanding Officer
Office of Naval Research
Branch Office Box 39
FPO New York 09510
Commander
US Naval Activities United Kingdom
FPO New York 09510
Commanding Officer
US Naval Aviation
Weapons Facility
FPO New York 09511
Commanding Officer
US Communication Station
FPO New York 09512
Commanding Officer
US Naval Security Group
Activity
FPO New York 09518
Commanding Officer
U S Naval Facility
FPO New York 09519
Commander
Fleet Air Mediterranean
FPO New York 09521
Commanding Officer
US Naval Legal Service Office
US Naval Support Activity
FPO New York 09521
Commanding Officer
US Naval Regional Medical Center
PO Box 19
FPO New York 09521
Commanding Officer
US Naval Support Activity
FPO New York 09521
Commanding Officer

U.S. Naval Regional Dental Center
FPO New York 09521
Commanding Officer
US Naval Air Facility
FPO New York 09523
Commanding Officer
U S Naval Communication Station
FPO New York 09525
Commander
US Naval Activities Spain
FPO New York 09540
Commanding Officer
US Naval Communication Station
FPO New York 09540
Commanding Officer
US Naval Hospital
FPO New York 09540
Commanding Officer
US Naval Station
FPO New York 09540
Commanding Officer
U S Naval Communication Station
FPO New York 09542
Commander
Antilles Defense Command
FPO New York 09551
Commanding Officer
Atlantic Fleet Weapons Training Facility
FPO New York 09551
Commander
Fleet Air Caribbean
FPO New York 09551
Commander
US Naval Base
FPO New York 09551
Commanding Officer
US Naval Hospital
FPO New York 09551
Commanding Officer
US Naval Station
FPO New York 09551
Commanding Officer
U.S. Naval Regional Dental Center
FPO New York 09551
Commanding Officer
U S Naval Communication Station
FPO New York 09554
Commanding Officer
US Naval Security Group Activity
FPO New York 09555
Commanding Officer
US Naval Air Station
FPO New York 09560
Commander
Fleet Air Keflavik
FPO New York 09571
Commander
Iceland Defense Force
Box 1
FPO New York 09571
Commanding Officer
Naval Security Group Activity
FPO New York 09571
Commanding Officer
US Naval Communication Station Box
FPO New York 09571
Commander
US Naval Forces Iceland
FPO New York 09571
Commanding Officer
US Naval Station
FPO New York 09571
Commanding Officer
US Naval Communication Station
FPO New York 09580
Commanding Officer
US Naval Security Group Activity
Box 5028
FPO New York 09584
Commanding Officer
U S Naval Station
FPO New York 09585
Commanding Officer
U S Naval Station
FPO New York 09593
Commanding Officer
US Naval Air Station
FPO New York 09593
Commander
US Naval Base
Box 34
FPO New York 09593
Commanding Officer
US Naval Hospital
FPO New York 09593
Commanding Officer
US Naval Security Group Activity
Commanding Officer
US Naval Security Group Activity
US Naval Base Box 41
FPO New York 09593
Commanding Officer
US Naval Security Group Activity
APO San Francisco 96210
Commanding Officer
Headquarters Support Activity
Box 25
APO San Francisco 96263
Commanding Officer
US Naval Hospital
Box 4
APO San Francisco 96263
Commander
US Taiwan Defense Command
APO San Francisco 96263
Commanding Officer
U S Naval Security Group Activity
APO San Francisco 96274
Commander
U S Forces Korea
APO San Francisco 96301
Commander
US Naval Forces Korea
APO San Francisco 96301
Commander
US Forces Japan
APO San Francisco 96328
Commanding Officer
US Naval Security Group Activity
Torii Station
APO San Francisco 96331
Commander
Amphibious Group 1
FPO San Francisco 96601
Commander
Carrier Striking Force
Seventh Fleet
FPO San Francisco 96601
Commander
Cruiser Destroyer Force
Seventh Fleet
FPO San Francisco 96601
Commander
Seventh Fleet
FPO San Francisco 96601
Commander Amphibious Force
Seventh Fleet
FPO San Francisco 96601
Commander
US Naval Support Force Antarctica
FPO San Francisco 96601
Commanding General
III Marine Amphibious Force FMF
FPO San Francisco 96602
Commanding General
1st Marine Aircraft Wing
FPO San Francisco 96602
Commanding General
3D Marine Division FMF
FPO San Francisco 96602
Commanding Officer
Camp H M Smith US Marine Corps
FPO San Francisco CA 96610
Commanding Officer
Fleet Intelligence Center Pacific
FPO San Francisco 96610
Commanding General
Fleet Marine Force Pacific
FPO San Francisco 96610
Commanding Officer
Human Resource Management Center
FPO San Francisco 96610
Commander
Marine Corps Base Pacific
FPO San Francisco 96610
Officer in Charge
Naval Air Logistic Control Office
Pacific CINCPACFLT Box 3
FPO San Francisco 96610
Commander
Naval Base
Box 110
FPO San Francisco 96610
Commanding Officer
Naval Investigative Service Office
Pacific Box 76
FPO San Francisco 96610
Commanding Officer
Naval Legal Service Office
Box 124
FPO San Francisco 96610
Commander
Naval Logistics Command
US Pacific Fleet
FPO San Francisco 96610
Commanding Officer
Naval Regional Dental Center
Box 111
FPO San Francisco 96610

Commanding Officer
Naval Regional Medical Clinic
Hawaii, Box 121
FPO San Francisco 96610
Commanding Officer
Naval Station
FPO San Francisco 96610
Commanding Officer
Naval Submarine Base
FPO San Francisco 96610
Commanding Officer
Naval Submarine Training
Center Pacific
FPO San Francisco 96610
Officer in Charge
Navy Finance Office
FPO San Francisco 96610
Commander
Submarine Force
US Pacific Fleet
FPO San Francisco 96610
Commander
Third Fleet
FPO San Francisco 96610
Commander in Chief
US Pacific Fleet
FPO San Francisco 96610
Commanding Officer
Naval Air Station
Barbers Point
FPO San Francisco 96611
Commanding Officer
Marine Corps Air Station
FPO San Francisco 96615
Commander
US Naval Base
FPO San Francisco 96630
Commander
US Naval Forces Marianas
FPO San Francisco 96630
Commanding Officer
US Naval Legal Service Office
COMNAVMARIANAS
FPO San Francisco 96630
Commanding Officer
US Naval Regional Medical Center
FPO San Francisco 96630
Commanding Officer
US Naval Station
FPO San Francisco 96630
Commanding Officer
U.S. Naval Regional Dental Center
FPO San Francisco 96630
Commanding Officer
US Naval Air Station
FPO San Francisco 96637
Commanding Officer
U S Naval Regional Medical Center
FPO San Francisco 96651
Commander
US Naval Forces Philippines
Box 30
FPO San Francisco 96651
Commanding Officer
US Naval Legal Service Office
US Naval Base
FPO San Francisco 96651
Commanding Officer
US Naval Station
FPO San Francisco 96651
Commanding Officer
U.S. Naval Regional Dental Center
FPO San Francisco 96651
Commanding Officer
US Naval Air Station
FPO San Francisco 96654
Commanding Officer
US Naval Communication
Station
FPO San Francisco 96656
Commanding Officer
US Naval Communication
Station
FPO San Francisco 96680
Commanding Officer
US Naval Communication Station
FPO San Francisco 96685
Commanding Officer
Naval Security Group Activity
APO Seattle 98742
Commander
Fleet Activities
FPO Seattle 98762
Commanding Officer
US Naval Communication
Station Box 3
FPO Seattle 98762
Commander
US Naval Forces Japan
FPO Seattle 98762
Commanding Officer
US Naval Legal Service Office
COMNAVFORJAPAN
FPO Seattle 98762
Commanding Officer
Marine Corps Air Station
FPO Seattle 98764
Commanding Officer
US Naval Regional Dental Center
FPO Seattle 98765
Commanding Officer
US Naval Regional Medical Center
FPO Seattle 98765
Commander Fleet Air
Western Pacific
FPO Seattle 98767
Commander
Fleet Activities/US Naval Air
Facility
FPO Seattle 98770
Commanding Officer
US Marine Corps Air Station
(Helicopter)
FPO Seattle 98772
Commanding General
Marine Corps Base
Camp Smedley D Butler
FPO Seattle 98773
Commanding Officer
Naval Security Group Activity
FPO Seattle 98777
Commanding Officer
U S Naval Regional Medical Center
FPO Seattle 98778
Commanding Officer
USNaval Station
FPO Seattle 98791

DEFENSE CONTRACT AUDIT AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

RDCAA 152.13

SYSTEM NAME:

152.13 Notifications of Visits

SYSTEM LOCATION:

Security Officer, Defense Contract Audit Agency (DCAA), Headquarters, DCAA, and, Security Control Officers of DCAA Regional and Field Audit Offices, whose addresses are in the DoD directory in the appendix to DCAA'S SYSTEMS notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DCAA personnel with security clearance who are required to visit defense contractors or other Federal agencies on official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence or forms indicating security clearance information on DCAA employees and notifications of visits by DCAA personnel to Office of Secretary of Defense, DoD components, other Federal agencies, and DoD contractors either on a one-time or recurring basis. Correspondence may include employees social security number, date and place of birth, official title and other related data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 USC 2904, 3102; 5 USC 7531 through 7533, Executive Order 10450, 'Security Requirements for Government Employees,' as amended; Executive Order 11652, 'Classification and Declassification of National Security Information and Material.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Officer, Headquarters, DCAA and Regional and Field Audit Office Security Control Officers - To advise security officers of defense contractors, Offices of the Secretary of Defense, DoD components, andother Federal agencies of the security clearance status of DCAA personnel who are assigned to or may be visiting their offices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed in numerical order based on file number, then by subject, then alphabetically by last name of individual at DCAA Regional and Field

Audit Offices. Filed in numerical order based on file number, then by organizational activity (DCAA Headquarters or field activities), then alphabetically by last name of individual in Headquarters, DCAA. Official copies in official personnel folders are filed alphabetically by last name of employee.

SAFEGUARDS:

Records are accessible only to authorized personnel who are properly cleared and trained and who require access in connection with their official duties. Records are stored in locked filing cabinets after normal business hours and are stored only in buildings protected by guard force systems after normal business hours.

RETENTION AND DISPOSAL:

Records are destroyed upon expiration of notification. Unexpired notifications are updated annually, and retained in current files; prior year notifications are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, DCAA and Security Control Officers of the Regional and Field Audit Offices, DCAA.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, VA 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name of the individual, current address and telephone number and current business address. Visits are limited to those offices (Headquarters and 6 regional offices) listed in the DoD directory in the appendix to DCAA's system notice.

For personal visits, the individual should be able to provide some acceptable identification, that is drivers license or employing offices' identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Director of Personnel, Headquarters, DCAA; Chiefs of Personnel Divisions, DCAA Regional Offices; Regional Security Control Officers, DCAA Regional Offices; Heads of Field Audit Offices, DCAA, from application and security forms submitted by individuals prior to employment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 152.17

SYSTEM NAME:

152.17 Security Status Master List

SYSTEM LOCATION:

Security Officer, Defense Contract Audit Agency (DCAA), HQ, DCAA

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for employment with DCAA; all DCAA U.S. citizen employees; all DCAA non-U.S. citizen employees assigned to sensitive positions; all military personnel assigned, detailed, or attached to DCAA who are assigned to sensitive positions; all persons hired on a contractual basis by, or serving in an advisory capacity to DCAA, who require access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains type of investigation, date completed, file number, agency which conducted investigation, security clearance data information, name, social security number, date and place of birth, organizational assignment, dates interim and final clearance issued, position sensitivity and related data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44USC 2904, 3102; 5 USC 7531 through 7533; Executive Order 10450, 'Security Requirements for Government Employees,' as amended; Executive Order 11652, 'Classification and Declassification of National Security Information and Material'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Officer, DCAA-Serves as a ready reference on security clearance status of DCAA personnel, sensitivity of positions concerned, and scope of investigations completed on individuals concerned.

Other uses include disclosure to DoD components, DoD contractors and other Federal agencies to furnish security clearance data on DCAA employees who may be assigned to or visiting a contractor facility or applying for employment with another Federal agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card File

RETRIEVABILITY:

Cards filed alphabetically by last name of individual concerned for all DCAA regional personnel. Separate file maintained alphabetically by last name of individual concerned for DCAA Headquarters elements.

SAFEGUARDS:

Cards are accessible only to those authorized personnel required to prepare, process, and type necessary documents; and answer authorized inquiries for information contained therein. Cards are stored in locked filing cabinets after normal business hours and are stored in a locked room and building which is protected by a guard force system after normal business hours.

RETENTION AND DISPOSAL:

These cards are destroyed two years after an individual is separated from the Agency.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, DCAA, Headquarters, DCAA, Cameron Station, Alexandria, VA 22314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, VA 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name of the individual, current address and telephone number and current business address. Visits are limited to DCAA Security Office, Headquarters, DCAA, Cameron Station, Alexandria, VA 22314.

For personal visits, the individual should be able to provide acceptable identification, that is, driver's license or employing offices' identification card.

CONTESTING RECORD PROCEDURES:

The Agency rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Security Officer, Headquarters, DCAA; Director of Personnel, Headquarters, DCAA; Chiefs of Personnel Divisions, DCAA regional offices; Regional Security Control Officers, DCAA Regional Offices; Chiefs of DCAA Field Audit Offices; and reports of investigation conducted by Federal investigative agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 152.2

SYSTEM NAME:

152.2 Personnel Security Data Files

SYSTEM LOCATION:

Primary System - Security Officer, Defense Contract Audit Agency (DCAA), Headquarters, DCAA.

Decentralized Segments - Director of Personnel, DCAA; Chiefs of Personnel Divisions, DCAA Regional Offices; Regional Security Control Officers, DCAA Regional Offices; Chiefs of DCAA Field Audit Offices, whose addresses are in the DoD directory in the appendix to DCAA's system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for employment with DCAA; all DCAA U.S. citizen employees; all DCAA non-US citizen employees assigned to sensitive positions; all military personnel assigned, detailed, or attached to DCAA who are assigned to sensitive positions; all persons hired on a contractual basis by, or serving in an advisory capacity to DCAA, who require access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of individuals' employment applications, security investigative questionnaires; requests for and approvals or disapprovals of emergency appointment authority; requests for investigation or security clearance; interim and final security clearance certificates; security briefing and debriefing certificates; and orders assigning security control duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 USC 2904, 3102; 5 USC 7531 through 7533; Executive Order 10450, 'Security Requirements for Government Employees,' as amended; Section 6, Executive Order 11652, 'Classification and Declassification of National Security Information and Material'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Officer, DCAA-To provide a basis for requesting appropriate pre-appointment and post-appointment investigations concerning suitability, eligibility and qualifications for employment and retention in the Federal Service, employment and retention in sensitive positions, and access to classified information; to permit determinations to be made that employment or retention in sensitive positions is clearly consistent with the interests of national security; to authorize and record access by individuals to specific levels of classified information; to furnish notice of security clearance and access authorizations to appropriate DCAA activities, other Department of Defense (DoD) components, other Federal agencies, and DoD contractors requiring such information; to record the appropriate briefing and debriefing of persons prior to and after their access to various levels and categories of classified information; to record the assignment of specific security control duties to Agency personnel; and to provide a basis for the periodic updating of personnel security questionnaires, updating of personnel security investigations and readjudication for retention in sensitive positions.

Director of Personnel, DCAA and Chiefs of Personnel Division, DCAA regional offices-To coordinate and take appropriate personnel action on determinations concerning suitability for Federal employment and employment or retention in sensitive positions; to record such determinations, with related documents in official personnel folders; and to prepare and transmit requests for appropriate investigations.

Regional Security Control Officers, DCAA-To permit initial security review of applicants for sensitive positions; to prepare and transmit appropriate requests for investigations and requests for security clearances; to record, maintain and disseminate, as appropriate, notices of security clearances and access determinations.

Chiefs of DCAA field audit offices-To prepare and transmit requests for appropriate security investigations; to maintain a record of employee's security clearance and access authorizations; to maintain a record of the security briefing and debriefing of employees; to maintain a record of the assignment of security control duties to employees.

Other routine uses could include disclosure to officials of the Office of the Secretary of Defense, other DoD components, and other Federal agencies, for investigative purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Folders are filed in numerical order based on file number, then by organizational element (DCAA Headquarters or DCAA field activities) and then alphabetically by last name of individual concerned.

SAFEGUARDS:

Records are accessible only to authorized personnel who are properly cleared and trained and who require access in connection with their official duties. Records are stored in locked filing cabinets after normal business hours and are stored only in buildings protected by guard force systems after normal business hours.

RETENTION AND DISPOSAL:

Records pertaining to Federal employees, military personnel, and persons furnishing services to DCAA on a contract basis are destroyed upon separation of employees, transfer of military personnel from DCAA, and upon termination of the contracts of contractor personnel. Records pertaining to applicants are destroyed within one year of receipt of the application if an appointment to the Agency is not made.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, DCAA, Headquarters, DCAA, Cameron Station, Alexandria, VA 22314.

Chiefs, Personnel Divisions, DCAA Regional Offices; DCAA Regional Security Control Officers, Chiefs of DCAA Field Audit Offices; and the Director of Personnel, DCAA, whose addresses are in the DoD Directory in the appendix to DCAA's systems notices.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria VA 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name of the individual, current address and telephone number and current business address. Visits are limited to those offices (Headquarters and 6 regional offices) listed in the DoD Directory in the appendix to DCAA systems notices.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or employing offices' identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Security Officer, Headquarters, DCAA; Director of Personnel, Headquarters, DCAA; Chiefs of Personnel Divisions, DCAA Regional Offices; Regional Security Control Officers, DCAA Regional Offices; Chiefs of DCAA Field Audit Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 152.3

SYSTEM NAME:

152.3 Reports of Personnel Security Investigations

SYSTEM LOCATION:

Primary System-Security Officer, Defense Contract Audit Agency (DCAA), Headquarters, DCAA.

Decentralized Segments-Regional Security Control Officers of DCAA Regions whose addresses are in the DoD directory in the appendix to DCAA's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for employment with DCAA; all DCAA U.S. citizen employees; all DCAA non-U.S. citizen employees assigned to sensitive positions; all military personnel assigned, detailed, or attached to DCAA who are assigned to sensitive positions; all persons hired on a contractual basis by, or serving in an advisory capacity to DCAA, who require access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains non-record copies of classified or unclassified investigations or summaries or extracts of the results of investigations conducted to determine suitability, eligibility or qualifications for Federal civilian employment, military service, or access to classified information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 USC 2904, 3102; 5 USC 7531 through 7533; Executive Order 10450, 'Security Requirements for Government Employees,' as amended; Executive Order 11652, 'Classification and Declassification of National Security Information and Material.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Officer, DCAA - To permit a final determination to be made that the subject of investigation is suitable, eligible, and qualified for Federal civilian employment, employment or retention in a sensitive position, or access to classified information.

Regional Security Control Officers, DCAA - To review the results of pre-employment National Agency Checks conducted by the Civil Service Commission, recommend appointment or non-appointment action on the basis of such Agency Checks, and transmit results of such Agency checks to the Security Officer, DCAA, for further investigations and clearance actions.

Routine uses may include disclosure to Agency management officials and employees who are required to take action on reports, disclosure to officials of the Office of the Secretary of Defense, disclosure to the security officials of other DoD components, disclosure to accredited representatives of law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and microfiche in file folders.

RETRIEVABILITY:

Folders are filed in numerical order based on file number, then by organizational element (DCAA Headquarters or DCAA field activities) and then alphabetically by name of individual concerned.

SAFEGUARDS:

When not in use, records are stored in combination lock file cabinets authorized for the storage of classified information, which are locked after normal business hours. Combinations are known only by authorized personnel. The offices housing these file cabinets are locked after normal business hours, and the buildings concerned are under security guard protective measures after normal business hours. During normal business hours the records are either under constant surveillance of security personnel or the containers housing them are kept locked. Access to the records is limited to personnel who are properly screened, cleared, trained and have an authenticated need for access to accomplish a routine use of the record. Classified records are protected in accordance with the provisions of Executive Order 11652 as implemented by DoD Regulation 5200.1-R.

RETENTION AND DISPOSAL:

Record copies are maintained by the investigative agency which conducted the investigation and are retained in accordance with the retention standards of those agencies. Non-record copies furnished to DCAA are disposed of in accordance with instructions furnished by the investigative agency concerned. These instructions require that the records be returned to the investigative agency concerned or be destroyed upon separation of the subject of investigation, and permit earlier return or destruction when no longer needed for reference purposes. Records on applicants not appointed are destroyed within one year after declination of appointment or non-appointment determination.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, DCAA, Cameron Station, Alexandria, VA 22314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, Va 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Action on requests from individuals for access is the responsibility of the investigating agency which prepared and which maintains the record copy of the report of investigation. Individuals who are aware of the identity of the investigative agency concerned may

apply directly to that agency. Individuals not aware of the identity of the investigative agency concerned should address requests to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, Va 22314, who will route the request to the appropriate investigative agency.

Written requests for information should contain the full name of the individual, current address and telephone number, and current business address. Visits are limited to those offices (headquarters and 6 regional offices) listed in the DoD directory in the appendix to DCAA systems notices.

For personal visits, the individual should be able to provide some acceptable identification, that is drivers's license or employing office's identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing inital determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, Va 22314.

RECORD SOURCE CATEGORIES:

Investigative, intelligence, counter-intelligence, regulatory, and law enforcement agencies which provide reports pertaining to the suitability, eligibility, or qualifications of individuals for Federal employment, military service, assignment to sensitive positions, or access to classified information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 152.4

SYSTEM NAME:

152.4 Personnel Security Adjudication File

SYSTEM LOCATION:

Security Officer, Defense Contract Audit Agency (DCAA), Headquarters, DCAA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCAA personnel and applicants for DCAA employment on whom appropriate investigations have been completed and concerning whom a formal security or suitability determination must be made in connection with their employment or their access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may contain classified or unclassified summaries or extracts of reports of investigation; internal Agency memorandums and correspondence furnishing analyses of results of investigation in so far as their relationship to the criteria contained in Executive Order 10450, in the Federal Personnel Manual, and in Department of Defense directives and DCAA regulations; comments and recommendations of the DCAA Central Clearance Group to the Director, DCAA; and determinations by the Director, DCAA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 USC 2904, 3102; 5 USC 7531 through 7533; Executive Order 10450, 'Security Requirements for Government Employees,' as amended; and, Executive Order 11652, 'Classification and Declassification of National Security Information and Material'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To furnish summaries of pertinent investigative data, analyses of the relationship between such data and security/suitability standards, and recommended determinations and courses of action to the DCAA Central Clearance Group and the Director, DCAA, for the purpose of adjudication of personnel security cases and reaching security/suitability determinations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed in numerical order based on file number, then by organizational activity (DCAA Headquarters or field activities), then alphabetically by last name of individual.

SAFEGUARDS:

When not in use, records are stored in combination lock file cabinets authorized for the storage of classified information, which are locked after normal business hours. Combinations are known only by the Security Officer, DCAA, and personnel under his supervision. The office housing these file cabinets is locked after normal business hours, and the building concerned is under security guard protective measures after normal business hours. During normal business hours the records are either under constant surveillance of security personnel or the containers housing them are kept locked. Access to the records is limited to personnel who are properly screened, cleared, trained and have an authenticated need for access to accomplish a routine use of the record. Classified records are protected in accordance with the provisions of Executive Order 11652 as implemented by DoD Regulation 5200.1-R, 'Information Security Program Regulation'.

RETENTION AND DISPOSAL:

Where no adverse action is taken, records are destroyed upon completion of final security and suitability determinations. Where adverse action is taken, records are destroyed two years after the individual concerned is separated from the Agency, or in the case of applicants, within one year after a non-appointment determination is made.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, Defense Contract Audit Agency, Building 4, Cameron Station, Alexandria, VA 22314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, VA 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Records Administrator, Defense Contract Audit Agency, Cameron Station, Bldg. 4, Room 4A320, Alexandria, VA 22314.

Written requests for information should contain the full name of the individual, current address and telephone number and current business address. Visits are limited to those offices (Headquarters and 6 regional offices) listed in the DoD Directory in the appendix to DCAA systems notices.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or employing office's identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314

RECORD SOURCE CATEGORIES:

Reports of investigations conducted in connection with employment or access to classified information; advisory data

prepared by members of DCAA Central Clearance Group.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 152.5

SYSTEM NAME:

152.5 Notification of Security Determinations

SYSTEM LOCATION:

Primary System-Security Officer, Defense Contract Audit Agency (DCAA), Headquarters, DCAA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCAA personnel and applicants for DCAA employment on whom specific security or suitability action must be taken.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may contain a summary of pertinent security or suitability information; the results of security determinations approved by the Director, DCAA; and directed or recommended actions to be taken at DCAA Regional Office or Field Audit Office level.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 USC 2904, 3102; 5 USC 7531 through 7533; Executive Order 10450, 'Security Requirements for Government Employees,' as amended and Executive Order 11652, 'Classification and Declassification of National Security Information and Material.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To permit required actions of a suitability or a security nature to be taken by appropriate Agency officials at DCAA Regional Office and Field Audit Office level, including regional managers, heads of field audit offices, security control officers, and chiefs of regional personnel divisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Folders are filed in numerical order based on file number, then by organizational element (DCAA Headquarters or DCAA field activities) and then alphabetically by name of individual concerned.

SAFEGUARDS:

Records are accessible only to authorized personnel who are properly cleared and trained and who require access in connection with their official duties. Records are stored in locked filing cabinets after normal business hours and are stored only in buildings protected by guard force systems after normal business hours.

RETENTION AND DISPOSAL:

Destruction is directed individually in each case upon completion of final security or suitability actions or automatically upon non-appointment of applicants or separation of employees, whichever is earlier.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, DCAA, Cameron Station, Alexandria, VA 22314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, VA 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name of the individual, current address and telephone number and current business address. Visits are limited to those offices (Headquarters and 6 regional offices) listed in the DoD directory in the appendix to DCAA systems notices.

For personal visits, the individual should be able to provide some acceptable identification, that is driver's license or employing office's identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Results of investigations received from Federal agencies and recommendations for action from appropriate DCAA Headquarters staff elements.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 152.6

SYSTEM NAME:

152.6 Regional Security Clearance Request Files

SYSTEM LOCATION:

Primary System-Security Control Officers of DCAA Regional and Field Audit Offices and Chiefs of Personnel Divisions, DCAA Regional Offices, whose addresses are in the DoD directory in the appendix to DCAA's system notices.

Decentralized Segment-Security Officer, Defense Contract Audit Agency, Headquarters, DCAA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for employment with DCAA; all DCAA U.S. citizen employees; all DCAA non-U.S. citizen employees assigned to sensitive positions; all military personnel assigned, detailed, or attached to DCAA who are assigned to sensitive positions; all persons hired on a contractual basis by, or serving in an advisory capacity to DCAA, who require access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain personnel security data forms submitted by employees and applicants and required in the processing of security investigations; requests for various types of security clearance actions; requests for appointment of employees to security control duties; copies of notices of proposed appointments; and requests for and approvals/disapprovals of changes of sensitivity of positions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 USC 2904, 3102; 5 USC 7531 through 7533, Executive Order 10450, 'Security Requirements for Government Employees,' as amended; Executive Order 11652, 'Classification and Declassification of National Security Information and Material.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Control Officers of DCAA Field Audit Offices - To obtain necessary data to process personnel security investigations from employees and applicants for forwarding to Chiefs of Regional Personnel Divisions or Regional Security Control Officers, as appropriate.

Chiefs of Personnel Divisions, DCAA Regional Offices and Director of Personnel, Headquarters, DCAA - To

obtain and transmit necessary data required to process requests for personnel security investigations on applicants and employees for forwarding to Regional Security Control Officer and/or Security Officer, DCAA, as appropriate.

Regional Security Control Officers - To screen, review and process requirements for all personnel security actions and to transmit requests for investigations to the Security Officer, DCAA or appropriate Federal investigative agency as required.

Security Officer, Headquarters, DCAA - To review and request appropriate security investigation from Federal investigative agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual concerned in subject file.

SAFEGUARDS:

Records are accessible only to those authorized personnel required to prepare, review, process, and type necessary documents. Records are stored in locked filing cabinets after normal business hours and are stored in locked rooms and buildings or buildings that are protected by a guard force system after normal business hours.

RETENTION AND DISPOSAL:

These are transitory files at DCAA Regional and Field Audit Office level and are maintained only during processing and pending final action on requests; upon receipt of final action taken on request, files are destroyed. Segments of the system held by the Security Officer, DCAA are destroyed upon separation of the employee or within one year after non-appointment of an applicant.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, DCAA, Cameron Station, Alexandria, VA 22314.

Chiefs, Personnel Divisions, DCAA Regional Offices; DCAA Regional Security Control Offices; Chiefs of DCAA Field Audit Offices, whose addresses are in the DoD directory in the appendix to DCAA's system notices.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, VA 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name of the individual, current address and telephone number, and current business address. Visits are limited to those offices (Headquarters and 6 Regional Offices) listed in the DoD directory in the appendix to DCAA system notices.

In personal visits, the individual should be able to provide acceptable identification, that is driver's license or employing offices' identification card.

CONTESTING RECORD PROCEDURES:

The Agency rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Chiefs of Personnel Divisions, DCAA Regional Offices; Regional Security Control Officers, DCAA Regional Offices; Chiefs of DCAA field audit offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 152.7

SYSTEM NAME:

152.7 Clearance Certification

SYSTEM LOCATION:

Primary System-Security Officer, Defense Contract Audit Agency (DCAA), Headquarters, DCAA and Regional Security Control Officers of DCAA Regional Offices, whose addresses are in the DoD directory in the appendix to DCAA's system notices.

Decentralized Segments-Director of Personnel, Defense Contract Audit Agency (DCAA), Headquarters, DCAA; Chiefs of Personnel Divisions, DCAA Regional Offices; and Security Control Officers of DCAA Field Audit Offices, whose addresses are in the DoD directory in the appendix to DCAA's system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DCAA personnel who require access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain interim and final security clearance certificates attesting to type of investigation conducted and degree of access to classified information which is authorized.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 USC 2904, 3102; 5 USC 7531 through 7533, Executive Order 10450, 'Security Requirements for Government Employees,' as amended; Executive Order 11652, 'Classification and Declassification of National Security Information and Material.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Security Officer, DCAA, Security Control Officers of DCAA Regional and Field Audit Offices-To authorize DCAA employees in sensitive positions access to specific levels of classified information; and to furnish notice of security clearance and access authorizations to appropriate DCAA activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual concerned within subject file.

SAFEGUARDS:

Records are accessible only to those authorized personnel required to act upon a request for access to classified defense information. Records are stored in locked filing cabinets after normal business hours and stored in locked rooms or buildings that are protected by a guard force system after normal business hours.

RETENTION AND DISPOSAL:

Files pertaining to Federal employees, military personnel, and persons furnishing services to DCAA on a contract basis are destroyed upon separation of employees, transfer of military personnel from DCAA, and upon termination of contractor personnel. Files of individuals transferring within DCAA are transferred to security control office of gaining element for maintanence.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, DCAA, Headquarters, DCAA, Cameron Station, Alexandria, VA 22314.

Regional Security Control Officers in DCAA Regional Offices whose addresses are in the DoD directory in the appendix to DCAA's system notice.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, VA 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name of the individual, current address and telephone number and current business address. Visits are limited to those offices (Headquarters and 6 regional offices) listed in the DoD directory in the appendix to DCAA's system notice.

For personal visits, the individual should be able to provide some acceptable identification, that is drivers's license or employing offices' identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Security Officer, DCAA; Regional Security Control Officers, DCAA Regional Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 160.5

SYSTEM NAME:

160.5 Travel Orders

SYSTEM LOCATION:

All DCAA offices whose addresses are listed in the DoD directory in the appendix to DCAA's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee of DCAA performing any official travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's orders directing or authorizing any official travel to be performed including approval for transportation of automobiles, documents relating to dependents travel, bills of lading, vouchers, contracts, and other documents relating to the specific travel order.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901, et.seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office staff responsible for initiating, effecting or implementing government travel, servicing Accounting and Finance offices, and GAO.

Other routine uses could include disclosure to other Department of Defense components, the Civil Service Commission, the Department of Justice, or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

By fiscal year, by name, alphabetically

May be filed in numerical sequence, by travel order number.

SAFEGUARDS:

Under staff supervision during duty hours; buildings are locked and/or guarded by security guards during non-duty hours.

RETENTION AND DISPOSAL:

Destroy after 4 years

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Resources, Headquarters, DCAA

Regional Managers, DCAA

Chiefs of Field Audit Offices, DCAA

Official addresses are in the Department of Defense directory in the appendix to DCAA's systems notices.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to SYSMANAGER of office concerned.

Written requests should contain the full name, address, and telephone number of the individual. Visits are limited to those offices listed in the Department of Defense directory in the appendix to DCAA's systems notices.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employee identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, Va 22314.

RECORD SOURCE CATEGORIES:

Administrative offices; Personnel offices; servicing payroll offices; employee

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 240.1 2

SYSTEM NAME:

240.1 Cross Reference Index to Legal Opinions

SYSTEM LOCATION:

Office of Counsel, Headquarters, DCAA

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records which have been referred to the Counsel for review for legal sufficiency. Records may be filed by name of individual or subject matter.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card index which identifies legal opinions and directs the staff to subject or name files of legal opinions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901, et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of Counsel as an index to the files of legal opinions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Three by five cards in file boxes

RETRIEVABILITY:

Filed alphabetically by subject or name of individual or corporation

SAFEGUARDS:

Under legal staff supervision during duty hours; buildings are guarded by security guards during nonduty hours.

RETENTION AND DISPOSAL:

Index cards are destroyed when obsolete, superseded or no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, Headquarters, DCAA

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, VA 22314
Telephone: Area Code 202 274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314

Written requests for information should contain the full name of the individual, current address and telephone number. Visits are limited to the Records Administrator, Building 4, Room 4A320, Cameron Station, Alexandria, VA.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or some other form of identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Building 4, Room 4A320, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Documents contained in the legal opinion case files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 240.2

SYSTEM NAME:

240.2 Statements of Employment and Financial Interest

SYSTEM LOCATION:

Office of Counsel, Headquarters, DCAA

Supervisors of all DCAA auditor employees, GS-13 and above. Offices listed in DoD directory in appendix to DCAA's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information obtained from all DCAA auditor personnel in grades GS-13 and above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Department of Defense Forms 1555 and 1555-1, Confidential Statement of Employment and Financial Interest

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11222 dated May 8, 1965.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data is collected for purpose of assuring compliance with conflict of interest laws and regulations.

Irregularities may be divulged to other DoD components and Department of Justice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Alphabetically by last name of employee

SAFEGUARDS:

Stored in locked tumbler safe during nonduty hours; only the staff of the DCAA Counsel is permitted access during duty hours.

RETENTION AND DISPOSAL:

Counsel, DCAA-These records are destroyed two years after termination of employment with DCAA.

Supervisors-These files are destroyed upon transfer or separation of the employee

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, Headquarters, DCAA

NOTIFICATION PROCEDURE:

Information may be obtained from:
Counsel
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A175
Alexandria, VA 22314
Telephone: Area Code 202/274/7321

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Counsel, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314

Written requests for information should contain the full name of the individual, current address and telephone number. Visits are limited to the Office of Counsel, Building 4, Room 4A175, Cameron Station, Alexandria, VA.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or employment identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

NONE

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 240.3

SYSTEM NAME:

240.3 Legal Opinions

SYSTEM LOCATION:

Office of Counsel, Headquarters, DCAA

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any DCAA employee who files a complaint with regard to personnel problems that requires a legal opinion for resolution.

CATEGORIES OF RECORDS IN THE SYSTEM:

Fraud-Files contain interoffice memorandums, citations used in determining legal opinion, in some cases copies of investigations (FBI), copies of Agency determinations.

EEO-Files contain initial appeal, copies of interoffice memorandums, testimony at EEO hearings, copy of Agency determination. Citations used in determining legal opinions.

Adverse Actions-Files contain interoffice memorandums, citations used in determining legal opinion, Agency determination.

Grievances-Files contain correspondence relating to DCAA employees filing grievances regarding leave, removals, resignations, suspensions, disciplinary actions, travel, citations used in determining legal opinion, Agency determinations.

Awards-Files contain correspondence relating to DCAA employee awards, suggestion evaluations, citations used for legal determination, Agency determination.

Security Violations-Files contain interoffice correspondence relating to DCAA employee security violations, citations used in determinations, Agency determination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Records Act 1950 (44 USC 2904, 3102, 3309), Records Disposal Act 44 USC 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of Counsel-Determine legal sufficiency.

Assistant Director, Resources-Legal opinion considered in final determinations.

Executive Officer-Legal opinion considered in final determination.

Other DoD components-Referral for investigations, determinations.

Department of Justice-Referral for possible criminal prosecution of fraud.

Disclosure to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Primary filing system is by subject; within subjects, files are alphabetical by subject, corporation, name of individual.

SAFEGUARDS:

Under staff supervision during duty hours; security guards are provided during nonduty hours.

RETENTION AND DISPOSAL:

These files are for permanent retention. They are retained in active files for five years and retired to Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, Headquarters, DCAA, Cameron Station, Alexandria, VA. 22314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency,
Cameron Station
Alexandria, VA 22314
Telephone: Area Code 202/274/7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests from individuals for information should contain the full name of the individual, current address and telephone number. Visits are limited to Records Administrator, Building 4, Room 4A320, Cameron Station, Alexandria, VA 22314.

For personal visits, the individual should be able to provide some acceptable identification that is, driver's license, employing office's identification card, and give some verbal information that could be verified with 'case' folder.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Building 4, Room 4A320, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Correspondence from individual's supervisor, DCAA employees, former employers, between DCAA staff members, and between DCAA and other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 240.5

SYSTEM NAME:

240.5 Standards of Conduct, Conflict of Interest

SYSTEM LOCATION:

Office of Counsel, Headquarters, DCAA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any DCAA employee who has accepted gratuities from contractors or who has business, professional or financial interests that would indicate a conflict between their private interests and those related to their duties and responsibilities as DCAA personnel. Any DCAA employee who is a member or officer of an organization that is incompatible with their official government position, using public office for private gain, or affecting adversely the confidence of the public in the integrity of the Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Office of Counsel-Files contain documents and background material on any apparent conflict of interest or acceptance of gratuities by DCAA personnel. Correspondence may involve interoffice memorandums, correspondence between former DCAA employees and Headquarters staff members, citations used in legal determinations and Agency determinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11222 dated May 8, 1965.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of Counsel-Determine legal sufficiency.

Assistant Director, Resources-Legal opinion considered in final determination.

Other DoD components-Referral for investigation, determination.

Department of Justice-Referral for possible criminal prosecution or fraud.

Disclosure to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Primary filing system is by subject, within subject, files are alphabetical by subject, corporation, name of individual.

SAFEGUARDS:

Under staff supervision during duty hours; buildings have security guards during nonduty hours.

RETENTION AND DISPOSAL:

These files are for permanent retention. They are retained in active files for five years and retired to Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, Headquarters, DCAA, Cameron Station, Alexandria, Va. 22314

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, VA. 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests from individuals for information should contain the full name of the individual, current address and telephone number. Visits are limited to Records Administrator, Room 4A320, Cameron Station, Alexandria, VA 22314.

For personal visits the individual should be able to provide some acceptable identification that is, driver's license, employing office's identification card, and give some verbal information that could be verified with 'case' folder.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Room 4A320, Cameron Station, Alexandria, VA 22314

RECORD SOURCE CATEGORIES:

Correspondence from individual's supervisor, DCAA employees, former employees, between DCAA staff members, and between DCAA and other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 260.4

SYSTEM NAME:

260.4 White House Correspondence

SYSTEM LOCATION:

Primary System-Executive Office, Headquarters, DCAA;

Decentralized Segments-DCAA Regional Offices and Field Audit Offices; Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has written to the President or a member of his staff about a matter under the purview of the Defense Contract Audit Agency if the letter was referred by the White House for information or reply.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence from the individual, the referral letter from the White House, the reply made by DCAA either to the individual or to the White House, and any backup material developed in the process of preparing the reply.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 United States Code 301; 10 United States Code 133; 44 United States Code 2901, et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office staff responsible for preparing the reply or for providing information on which to base a reply.

Other routine uses could include disclosure to other Department of Defense components, other Federal agencies, the Department of Justice or law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

These records are filed chronologically under the subject 'White House Correspondence,' and may be indexed by subject of the correspondence and name of writer.

SAFEGUARDS:

Files are under staff supervision during duty hours; buildings are locked and/or guarded by security guards during non-duty hours.

RETENTION AND DISPOSAL:

Files maintained by the Executive Office are for permanent retention. They are retained in active files for five years and retired to Washington National Records Center.

Files maintained by other offices are retained in active files for one year, then retired to a Federal Records Center for destruction after four years.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, DCAA, Executive Officer
Regional Managers, DCAA
Chiefs of Field Audit Offices
Official addresses are in the Department of Defense directory in the appendix to DCAA's systems notices.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Executive Officer
Defense Contract Audit Agency, Bldg. 4, Room 4C346
Alexandria, VA 22314
Telephone: Area Code 202/274-7319

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Executive Officer, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name of the individual, and the current address and telephone number. Visits are limited to the Executive Office, Cameron Station, Alexandria, VA 22314.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Correspondence originating in the White House, in the staff offices of the Defense Contract Audit Agency, and other Federal agencies; notes and documents collected in the process of formulating a reply.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 260.5

SYSTEM NAME:

260.5 Congressional Committee Correspondence

SYSTEM LOCATION:

Primary System-Executive Office, Headquarters, DCAA;

Decentralized Segments-DCAA Regional Offices and Field Audit Offices; Official addresses are in the Department of Defense directory in the appendix to DCAA's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual Member of a Congressional Committee or a staff member of the Committee who has written to DCAA about a matter under the purview of DCAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence from the Committee member or staff member, the reply made by DCAA and any backup material developed in the process of preparing reply.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 United States Code 301; 10 United States Code 133; 44 United States Code 2901; et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office staff responsible for preparing the reply or for providing information on which to base a reply.

Other routine uses could include disclosure to other Department of Defense components, other Federal agencies, the Department of Justice or law enforcement or investigatory authorities for investigation and

possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

These records are filed chronologically under the subject 'Committee Correspondence' and may be indexed by subject of the correspondence and the name of the Committee or the individual.

SAFEGUARDS:

Files are under staff supervision during duty hours; buildings are locked and/or guarded by security guards during non-duty hours.

RETENTION AND DISPOSAL:

Files maintained by the Executive Office are for permanent retention. They are retained in active files for five years and retired to the Washington National Records Center.

Files maintained by other offices are retained in active files for one year, then retired to a Federal Records Center for destruction after four years.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, DCAA, Executive Officer
Regional Managers, DCAA
Chiefs of Field Audit Offices
Official addresses are in the Department of Defense directory in the appendix to DCAA's systems notices.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Executive Officer
Defense Contract Audit Agency, Bldg. 4, Room 4C346
Alexandria, VA 22314
Telephone: Area Code 202/274-7319

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Executive Officer, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name of the individual, and the current address and telephone number. Visits are limited to the Executive Office, Cameron Station, Alexandria, Va

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Correspondence originating in the Congressional Committee, in the staff offices of the Defense Contract Audit Agency, and other Federal agencies; notes and documents collected in the process of formulating a reply.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 260.6

SYSTEM NAME:

260.6 Congressional Correspondence

SYSTEM LOCATION:

Primary System-Executive Office, Headquarters, DCAA

Decentralized Segments-DCAA Regional Offices and Field Audit Offices. Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has written to a Member of Congress concerning employment information or assistance in obtaining employment that was referred to DCAA for reply by the Congressman.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of the correspondence from the individual if forwarded by the Member, copies of the referral letter from the Member, the reply made by DCAA to either the individual or the Member, and any backup material developed in the process of preparing the reply.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 United States Code 301; 10 United States Code 133; 44 United States Code 2901; et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office staff responsible for preparing the reply or for providing information on which to base a reply.

Other routine uses could include disclosure to other Department of Defense components or other Federal agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

These records are filed chronologically under the subject 'Congressional Correspondence,' and may be indexed by Congressman's name and include subject of letter and name of individual, if known.

SAFEGUARDS:

Files are under staff supervision during duty hours; buildings are locked and/or guarded by security guards during non-duty hours.

RETENTION AND DISPOSAL:

These files are retained in current files for one year, then retired to a Federal Records Center for destruction after four years.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, DCAA, Executive Officer
Regional Managers, DCAA
Chiefs of Field Audit Offices
Official addresses are in the Department of Defense directory in the appendix to DCAA's systems notice.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Executive Officer
Defense Contract Audit Agency, Bldg. 4, Room 4C346
Alexandria, VA 22314
Telephone: Area Code 202/274-7319

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Executive Officer, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name of the individual, and the current address and telephone number. Visits are limited to the Executive Office, Cameron Station, Alexandria, VA 22314.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Correspondence originating in the Congress, in the staff offices of DCAA and other Federal agencies; notes and documents collected in the process of formulating a reply.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 311.3

SYSTEM NAME:

311.3 Applicant Supply File Index

SYSTEM LOCATION:

Personnel Office of Headquarters, DCAA and each region maintaining an applicant supply file.

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notice

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for employment at the respective organizational elements at which the application is retained.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card index showing location of applitions which are filed elsewhere by job category and date of receipt.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901; Appendix A, Chapter 333, Federal Personnel Manual

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify and locate the applications on file

Used by the staff of the Personnel office to quickly locate applications in the applicant supply file; maintain inventory of applicant supply file.

Other routine uses could include disclosure to other Department of Defense components, the Civil Service Commission, the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The index is a card file maintained in a file box

RETRIEVABILITY:

Filed by name, alphabetically

SAFEGUARDS:

Under control of Personnel office staff during duty hours; building or office area locked during nonduty hours.

RETENTION AND DISPOSAL:

Destroyed when application to which it pertains is removed from applicant supply file.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Headquarters, DCAA; Personnel offices at regional headquarters; addresses in Agency directory.

NOTIFICATION PROCEDURE:

Requests for information should be sent or made to the SYSMANAGER of the office to which the application was submitted.

Written requests must include the individuals' full name, current address, and telephone number.

Individual may visit office of the SYSMANAGER

For personal visits, individuals must be able to furnish positive identification.

RECORD ACCESS PROCEDURES:

Individuals may obtain information on access to records by communicating with the SYSMANAGER where application was submitted.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Information comes from the application submitted by the individual. EXEMPTIONS NONE

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 311.4

SYSTEM NAME:

311.4 Applicant correspondence

SYSTEM LOCATION:

At those regions maintaining alphabetical file of correspondence with applicants.

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's system's notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made application for or inquiry concerning employment

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence between the applicant or inquirier and the regional Personnel office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5USC 301; 10 USC 133; 44 USC 2901; Chapter 333, Federal Personnel Manual

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The record is used to provide continuity in corresponding with individuals regarding employment; to maintain complete package in conjunction with applicant supply file; for use in following up on applicants.

May be used by Personnel office staff for responding to correspondence or applications; for following up on applicants; as part of referral to management officials for consideration of the applicant.

Management officials who consider the applicants for employment.

Other routine uses could include disclosure to other Department of Defense components, the Civil Service Commission, the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folder

RETRIEVABILITY:

Filed alphabetically by name

SAFEGUARDS:

Under control of Personnel office staff during duty hours; building locked during nonduty hours

RETENTION AND DISPOSAL:

Destroyed when application to which it pertains is removed from applicant supply file

SYSTEM MANAGER(S) AND ADDRESS:

Personnel officer of regions maintaining such file

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's system's notice.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER of the region to which application or inquiry has been submitted.

Written requests must include the individuals' full name, current address, and telephone number

Individual may visit the Personnel office of the region to which application or inquiry was submitted.

For personal visits, individual must be able to furnish positive identification.

RECORD ACCESS PROCEDURES:

Individual may obtain information on access to records by communicating with the SYSMANAGER where application or inquiry was submitted.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Correspondence from applicants and response thereto

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 315.10

SYSTEM NAME:

315.10 Executive Development Program

SYSTEM LOCATION:

Personnel Division, HQ DCAA; Personnel Office, Regions

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notice

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCAA Auditor employees, GS-13 and above who have been approved as participants in the DCAA Executive Development Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence regarding nomination and selection for Executive Development Program; Assessment of Promotion Potential; Assessment for Specific Positions; Auditor Performance Evaluation; Availability Statement; SF-171; DCAAF 1435-1, DCAA Executive Development Program; Executive Development Plan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901; Fderal Personnel Manual, Chapter 412

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information collected to determine employee qualification for participation in EDP; consider for promotion, developmental or mission-requirement reassignment; monitor training and development; record stated availability.

Personnel staff members; members, Career Management Board, Executive Manpower Resources Board; involved management officials.

Personnel Staff: Receipt, filing; preparation of submission to Executive Manpower Resources Board; rating and ranking; surveys nomination for training; Career Management Board/Executive Manpower Resources Board: Consideration of individual for the program; promotion, reassignment; review of training plan; progress. Involved management officials: evaluating, assessing, nominating, considering for assignment, reassignment, promotion, recognition.

Other routine uses could include disclosure to other Department of Defense components, the Civil Service Commission, the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, Civil court action or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

By name, Alphabetically

SAFEGUARDS:

Files under surveillance of Personnel Office staff during duty hours; building secure and guarded during nonduty hours.

RETENTION AND DISPOSAL:

Retained in Executive Development Program file during individuals retention in the Program. Transferred to Official Personnel Folder upon release from program. Destroyed upon separation from Agency.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Executive Manpower Resources Board, HQ DCAA

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER

Written requests should contain individual's full name, current address, telephone number, and office of assignment.

Individuals may visit the office of the SYSMANAGER.

For personal visit, individual must furnish positive identification.

RECORD ACCESS PROCEDURES:

Individuals may obtain information on access to records by communicating with the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314

RECORD SOURCE CATEGORIES:

Individual
Regional Manager
Supervisor
EMRB, Chairman
Director

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 315.11

SYSTEM NAME:

315.11 Career Files

SYSTEM LOCATION:

Headquarters, DCAA, Personnel Division; Personnel Division, each regional headquarters.

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's system notice

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of DCAA:

At Headquarters, DCAA, GS-12 and above

At regional headquarters, all employees of the respective regions

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of Performance Evaluations, Assessments of Promotion Potential; SF 171, Employee Qualification Record; Individual Employee Inventory Record; Experience Resume; Records of Training; copies of letters of commendation and appreciation; Official Performance Ratings; Report of Professional Activities; Auditor Progress Report; Auditors' Availability Statement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901; Federal Personnel Manual, Chapter 335

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide the Executive Manpower Resources Board, Career Management Boards, and management officials with necessary career progression and development information to make decisions on personnel actions regarding the individual

Material in the Career Files is made available to members of the Executive Manpower Resources Board, Career Management Board, and management officials involved in making personnel action decisions regarding the individual employee.

The material is used in connection with developing training plans for employees, rating and ranking for promotion, determining career development reassignments; as a basis for recognition.

Other routine uses would include disclosure to other Department of Defense components, the Civil Service Commission, the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed: At Headquarters, DCAA, by region, by grade, auditor, administrative, alphabetically; At regions: by grade, alphabetically; by FAO, by grade, auditor, administrative, alphabetically.

SAFEGUARDS:

Stored in file cabinets under constant surveillance of Personnel Office Staff during duty hours; cabinet locked during nonduty hours; buildings locked and guarded during nonduty hours.

RETENTION AND DISPOSAL:

Files are retained during tenure of the employee concerned.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Headquarters, DCAA

Chief, Personnel Divisions, all regions, DCAA

Official mailing addresses are in the Department of Defense directory in the Appendix to DCAA's system's notice.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER of the respective region.

Written requests for information should contain individual's full name, current address, telephone number, General Service grade, and office of assignment.

For personal visits, individual must furnish positive identification.

Requestor may visit the servicing personnel office to determine whether the system contains information pertaining to him/her. Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's system's notice.

Individual may visit any DCAA personnel office which provides personnel services to the individual or to the personnel office, Headquarters, DCAA, if GS-12 or above.

RECORD ACCESS PROCEDURES:

Individuals may obtain information on access to records by communicating with the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314

RECORD SOURCE CATEGORIES:

Former and present supervisory personnel; individual concerned; personnel office; Defense Contract Audit Institute; Automatic Data Processing-Personnel Inventory Systems; persons writing commendations and favorable communications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 322.7

SYSTEM NAME:

322.7 Students and Instructors

SYSTEM LOCATION:

All DCAA offices. Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has been a student or instructor for any training courses sponsored by DCAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to applications and selections of students and guest instructors for DCAA-sponsored training courses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901, et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office staff providing the training, or offices involved in the review process of training sponsored by DCAA.

Other routine uses could include disclosure to other Department of Defense components, the Civil Service Commission, the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

These records are filed by course title, then by name of individual participants.

SAFEGUARDS:

Files are under staff supervision during duty hours; buildings are locked and/or guarded by security guards during non-duty hours.

RETENTION AND DISPOSAL:

These files are destroyed after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Resources, Headquarters, DCAA

Assistant Director, Operations and Professional Development, Headquarters, DCAA

Regional Managers, DCAA

Chiefs, Field Audit Offices, DCAA

Manager, Defense Contract Audit Institute, Memphis, Tennessee

Official addresses are in the Department of Defense directory in the appendix to DCAA's systems notices.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGERS.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to SYSMANAGER of office concerned.

Written requests should contain the full name, address, and telephone number of the individual. Visits are limited to those offices listed in the Department of Defense directory in the appendix to DCAA's systems notices.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employee identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Correspondence originating in any DCAA office sponsoring training courses, from students and instructors of courses.

SYSTEMS EXEMPTED FROM CERTAIN PHOVISIONS OF THE ACT:

None

RDCAA 347.2

SYSTEM NAME:

347.2 Labor Management Relations Case Files

SYSTEM LOCATION:

Personnel Division, Headquarters, DCAA and regional Personnel Offices

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's system's notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who are involved in grievances or other administrative proceedings and are represented by recognized unions having negotiated agreements with DCAA.

Employees involved in the filing of an Unfair Labor Practice (ULP) complaint which has been referred to the Assistant Secretary for Labor-Management Relations.

Designated union officials, stewards, and representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files contain all information pertaining to a specific proceeding or ULP including correspondence, statements, exhibits, and decisions.

Personnel Division, Headquarters, DCAA and regional Personnel Offices maintain lists of local union officials, stewards, and representatives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11491, as amended, 'Labor-Management Relations in the Federal Service.'

ROUTINES USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data is used by DCAA officials to whom authority has been delegated to direct, manage, and implement the provisions of E.O. 11491, as amended, 'Labor-Management Relations in the Federal Service.'

Other routine users could include officials of other DoD components, representatives of other Executive Branch Departments and Agencies, and duly appointed examiners or arbitrators who are charged with program responsibilities under E.O. 11491, as amended, 'Labor-Management Relations in the Federal Service.'

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders or case jackets.

RETRIEVABILITY:

Records are retrieved by case subject, case number, or individual employee name.

SAFEGUARDS:

Records are under the surveillance of Personnel Office staff during duty hours. During nonduty hours, records are secured in locked file cabinets or combination safes.

RETENTION AND DISPOSAL:

Case files destroyed 5 years after supersession, obsolescence or final adjustment.

Lists of union officials, stewards, and representatives are normally destroyed after a new roster has been established.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, HQ DCAA

Personnel Officer of each region

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notices.

NOTIFICATION PROCEDURE:

Requests for information should be made to the region in which the case originated.

Written requests should contain individual's full name, current address, telephone number and office of assignment.

Individuals may visit the personnel office of the region in which the case originated.

For personal visits, individual must furnish positive identification.

Information will be at the Personnel Office of the Region in which the case originated or HQ,DCAA.

RECORD ACCESS PROCEDURES:

Individuals may obtain information on access to records by communicating in writing or personally with the SYSMANAGER or Personnel Officer of the Region of record.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314

RECORD SOURCE CATEGORIES:

DCAA Personnel Offices; Office of the Assistant Secretary of Labor for Labor-Management Relations; individual employees; union officials, stewards, and representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 358.1

SYSTEM NAME:

358.1 General EEO Files

SYSTEM LOCATION:

Primary System-office of EEO Counselors throughout DCAA Official Mailing addresses are in the DoD Directory in the Appendice to the DCAA Systems Notices

Decentralized Segments-Office of EEO Officer, HQ, DCAA; Office of Counsel, HQ, DCAA; Regional EEO Officer in Region where complaint arose

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee of DCAA who has contacted an EEO Counselor regarding any form of discrimination against them by any organizational level of DCAA

CATEGORIES OF RECORDS IN THE SYSTEM:

CSC Form 894, Complaint of Discrimination in the Federal Government; affivadits; EEO Counselor's Report; correspondence between Counselor and local offices of DCAA

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EEO Act of 1962 as implemented by CSC Federal Personnel Manual Chapter 713

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

EEO Counselor; Regional EEO Officer; EEO Officer, HQ, DCAA; Counsel, HQ,

DCAA; may be disclosed to any component of DoD, Department of Justice and CSC

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed alphabetically by last name of complainant

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Destroy after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

EEO Counselor concerned; Regional EEO Officer; EEO Officer, HQ, DCAA

NOTIFICATION PROCEDURE:

Information may be obtained from:
EEO Officer
HQ, DCAA
Room 4C346
Cameron Station
Alexandria, Virginia 22314
Telephone: 202-274-7319

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: EEO Officer, DCAA, Cameron Station, Alexandria, VA 22314

Written requests for information should contain the full name of the individual, current address and telephone number, present or former DCAA office.

Visits are limited to EEO Office, Headquarters, DCAA, Room 4C346, Cameron Station, Alexandria, VA 22314

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from EEO Officer, HQ, DCAA, Cameron Station, Alexandria, VA 22314

RECORD SOURCE CATEGORIES:

Letters from complainant; affivadits of supervisors and others knowledgeable of circumstances surrounding complaint; other correspondence relative to complaint.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 358.21

SYSTEM NAME:

358.21 EEO Complaints Resolved by DCAA

SYSTEM LOCATION:

Primary System-Office of EEO Officer, HQ, DCAA Official Mailing addresses are in the DoD Directory in the Appendice to the DCAA Systems Notices

Decentralized Segments-Office of Counsel, HQ, DCAA; Regional EEO Officer in Region where complaint arose

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee of DCAA who has brought an EEO complaint against any organizational level of DCAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

CSC Form 894, Complaint of Discrimination in the Federal Government; Affivadits; EEO Counselor's report; Investigator's Report; transcript and other documents relating to the hearing; correspondence between all echelons of DCAA concerning this complaint; inter and intra agency correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EEO Act of 1962; US Civil Service Commission Federal Personnel Manual Chapter 713

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Director, DCAA; EEO Officer, HQ, DCAA; Counsel, HQ, DCAA; Dir. of personnel, HQ, DCAA, Regional Manager in Region of Complaint; may be disclosed to any component of DoD, Department of Justice, and Civil Service Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of complainant.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Destroy 7 years after final adjustment. Records are retained in active file until end of calendar year in which complaint was settled, held one additional year in inactive file and subsequently retired to Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

EEO Officer, HQ, DCAA; Cameron Station, Alexandria, VA. 22314

NOTIFICATION PROCEDURE:

Information may be obtained from:
EEO Officer
HQ, DCAA
Room 4C346
Cameron Station
Alexandria, Virginia 22314
Telephone: 202-274-7319

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: EEO Officer, DCAA, Cameron Station, Alexandria, VA 22314

Written requests for information should contain the full name of the individual, current address and telephone number, present or former DCAA office.

Visits are limited to EEO Office, Headquarters, DCAA, Room 4C346, Cameron Station, Alexandria, VA 22314

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from EEO Officer, HQ, DCAA, Cameron Station, Alexandria, VA 22314

RECORD SOURCE CATEGORIES:

Letters from complainant; affivadits of supervisors and others knowledgeable of circumstances surrounding complaint; correspondence between all echelons of DCAA concerning the complaint; interagency and intraagency correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 358.22

SYSTEM NAME:

358.22 EEO Cases resolved by CSC.

SYSTEM LOCATION:

Primary System-Office of EEO Officer, HQ, DCAA Official Mailing addresses are in the DoD Directory in the

Appendice to the DCAA Systems Notices

Decentralized Segments-Office of Counsel, HQ, DCAA; Regional EEO Officer in Region where complaint arose

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee of DCAA who has brought an EEO complaint against any organizational level of DCAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

CSC Form 894, Complaint of Discrimination in the Federal Government; Affivadits; EEO Counselor's report; Investigator's Report; transcript and other documents relating to the hearing; correspondence between all echelons of DCAA concerning this complaint; inter and intra agency correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EEO Act of 1962; US Civil Service Commission Federal Personnel Manual Chapter 713

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Director, DCAA; EEO Officer, HQ, DCAA; Counsel, HQ, DCAA; Dir. of Personnel, HQ, DCAA, Regional Manager in Region of Complaint; may be disclosed to any component of DoD, Department of Justice, and Civil Service Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of complainant.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

According to USCSC records schedule

SYSTEM MANAGER(S) AND ADDRESS:

EEO Officer, HQ, DCAA; Cameron Station, Alexandria, VA. 22314

NOTIFICATION PROCEDURE:

Information may be obtained from:
EEO Officer
HQ, DCAA
Room 4C346
Cameron Station
Alexandria, Virginia 22314
Telephone: 202-274-7319

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: EEO Officer, DCAA, Cameron Station, Alexandria, VA 22314

Written requests for information should contain the full name of the individual, current address and telephone number, present or former DCAA office.

Visits are limited to EEO Office, Headquarters, DCAA, Room 4C346, Cameron Station, Alexandria, VA 22314

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from EEO Officer, HQ, DCAA, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Letters from complainant; affivadits of supervisors and others knowledgeable of circumstances surrounding complaint; correspondence between all echelons of DCAA concerning the complaint; interagency and intraagency correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 358.23

SYSTEM NAME:

358.23 Other copies of EEO Complaint Case files

SYSTEM LOCATION:

Primary System-Office of EEO Officer, HQ, DCAA Official Mailing addresses are in the DoD Directory in the Appendice to the DCAA Systems Notices

Decentralized Segments-Office of Counsel, HQ, DCAA; Regional EEO Officer in Region where complaint arose

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee of DCAA who has brought an EEO complaint against any organizational level of DCAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

CSC Form 894, Complaint of Discrimination in the Federal Government; Affivadits; EEO Counselor's report; Investigator's Report; transcript and other documents relating to the hearing; correspondence between all echelons of DCAA concerning this complaint; inter and intra agency correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EEO Act of 1962; US Civil Service Commission Federal Personnel Manual Chapter 713 Director, DCAA; EEO Officer, HQ, DCAA; Counsel, HQ, DCAA;

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Dir. of Personnel, HQ, DCAA, Regional Manager in Region of Complaint; may be disclosed to any component of DoD, Department of Justice, and Civil Service Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of complainant.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Destroy after 1 year

SYSTEM MANAGER(S) AND ADDRESS:

EEO Officer, HQ, DCAA; Cameron Station, Alexandria, Va. 22314

NOTIFICATION PROCEDURE:

Information may be obtained from:
EEO Officer
HQ, DCAA
Room 4C346
Cameron Station
Alexandria, Virginia 22314
Telephone: 202-274-7319

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: EEO Officer, DCAA, Cameron Station, Alexandria, VA 22314

Written requests for information should contain the full name of the individual, current address and telephone number, present or former DCAA office.

Visits are limited to EEO Office, Headquarters, DCAA, Room 4C346, Cameron Station, Alexandria, VA 22314

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from EEO Officer, HQ, DCAA, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Letters from complainant; affivadits of supervisors and others knowledgeable of circumstances surrounding complaint; correspondence between all echelons of DCAA concerning the complaint; interagency and intraagency correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 358.24

SYSTEM NAME:

358.24 EEO Background Documents not included in case files.

SYSTEM LOCATION:

Primary System-Office of EEO Officer, HQ, DCAA Official Mailing addresses are in the DoD Directory in the Appendice to the DCAA Systems Notices

Decentralized Segments-Office of Counsel, HQ, DCAA; Regional EEO Officer in Region where complaint arose

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee of DCAA who has brought an EEO complaint against any organizational level of DCAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

CSC Form 894, Complaint of Discrimination in the Federal Government; Affivadits; EEO Counselor's report; Investigator's Report; transcript and other documents relating to the hearing; correspondence between all echelons of DCAA cocerning this complaint; inter and intra agency correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EEO Act of 1962; US Civil Service Commission Federal Personnel Manual Chapter 713

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Director, DCAA; EEO Officer, HQ, DCAA; Counsel, HQ, DCAA; Dir. of Personnel, HQ, DCAA, Regional Manager in Region of Complaint; may be disclosed to any component of DoD, Department of Justice, and Civil Service Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of complainant.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Destroy 3 years after final adjustment

SYSTEM MANAGER(S) AND ADDRESS:

EEO Officer, HQ, DCAA; Cameron Station, Alexandria, Va. 22314

NOTIFICATION PROCEDURE:

Information may be obtained from:
EEO Officer
HQ, DCAA
Room 4C346
Cameron Station
Alexandria, Virginia 22314
Telephone: 202-274-7319

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: EEO Officer, DCAA, Cameron Station, Alexandria, VA 22314

Written requests for information should contain the full name of the individual, current address and telephone number, present or former DCAA office.

Visits are limited to EEO Office, Headquarters, DCAA, Room 4C346, Cameron Station, Alexandria, VA 22314

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from EEO Officer, HQ, DCAA, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Letters from complainant; affivadits of supervisors and others knowledgeable of circumstances surrounding complaint; correspondence between all echelons of DCAA concerning the complaint; interagency and intraagency correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 358.3

SYSTEM NAME:

358.3 Grievance & Appeal Files

SYSTEM LOCATION:

Grievances by HQ employees; Personnel Division, HQ DCAA.

Grievance by field employees; Personnel Division of region of origin.

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have filed formal grievances pursuant to Chapter 58, DCAAM 1400.1.

CATEGORIES OF RECORDS IN THE SYSTEM:

The written grievance; assignment of examiner; statements of witnesses; written summary of interviews; written summary of group meetings; transcript of hearing if one held; correspondence relating to the grievance and conduct of the inquiry; exhibits; evidence; transmittal; decision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901;Part 771, Civil Service Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the grievance & appeal file is to record the grievance or appeal, the nature and scope of inquiry into the matter being aggrieved or appealed and treatment accorded the matter by management.

Users are the grievant and grievant's representative; the Examiner; the Regional Manager; Personnel Office staff; the Assistant Director, Resources; the Director; Counsel; administrative staff involved in typing and processing the grievance.

The employee and representative are furnished a copy of the file for review and comment before decision.

The Examiner compiles the file and makes a Report of Findings and Recommendations based on the file.

The Regional Manager, when the deciding official, reviews the file to reach a decision.

Personnel Office staff may review the file to prepare a brief or write a decision for the deciding official; The Assistant Director, Resources may review the file as program manager.

The Director may review the file as deciding official.

Administrative staff members are involved in the physical handling and processing of the grievance such as typing, copying, transmitting.

Counsel may review file in making legal determinations.

Other routine uses could include disclosure to other Department of Defense components, the Civil Service Commission, the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records stored in tyable jackets in file cabinets or open shelf files.

RETRIEVABILITY:

Grievance files are filed by name alphabetically.

SAFEGUARDS:

Grievance files are under surveillance of Personnel Office staff during duty hours. During nonduty hours, the building is locked and under guard.

RETENTION AND DISPOSAL:

Each case file is retained in current files for 7 years after the case is closed, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, HQ DCAA;
Personnel Officer of each region;
Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notices.

NOTIFICATION PROCEDURE:

Requests for information should be made to the region in which the grievance originated.

Written requests should contain individual's full name, current address, telephone number and office of assignment.

Individuals may visit the personnel office of the region in which the grievance was filed.

For personal visits, individual must furnish positive identification.

Information will be at the Personnel Office of the Region in which the grievance originated or HQ, DCAA.

RECORD ACCESS PROCEDURES:

Individuals may obtain information on access to records by communicating in writing or personally with the SYSMANAGER or Personnel Officer of the Region of record.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Grievant;
Witnesses;
Exhibits furnished in evidence by grievant and witnesses;
Grievance examiner;
Persons interviewed by the Examiner, other than witnesses.
Deciding official (decision).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 371.1

SYSTEM NAME:

371.1 Name Files

SYSTEM LOCATION:

Office, Director of Personnel, HQ DCAA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of DCAA on whom copies of communications, favorable or unfavorable, have been received.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence concerning the employee performance and conduct; warning notices to the employee; reports and records of counseling; copies of disciplinary action correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901 et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file serves as a repository of material furnished by field activities for information of the HQ staff. It is retained to provide continuity of knowledge and understanding of long term matters which may develop into adverse actions.

Personnel Office staff
Employee concerned
Management personnel with need to know
Director
Deputy Director
Assistant Director, Resources
Assistant Director, Operations & Professional Development
Executive Officer
Counsel
DCAA Mangement personnel with need-to-know;

The Personnel Staff for maintaining the files; advising management on appropriate actions and taking of actions.

The employee concerned, to be aware of matter and act on the knowledge.

Management personnel in evaluating information; initiating actions.

Director in order to be aware of those matters which could affect the agency; initiate action.

Deputy Director to be aware of matters which could affect other agency; initiate action in absence of Director.

Assistant Director, Resources, to be aware of matters which could affect the agency; initiate actions on the matter; advise Deputy Director and Director.

Assistant Director, Operations & Professional Development, to be aware of matters which could affect the agency; initiate actions; advise the Deputy Director and Director.

Other routine use could include disclosure to other Department of Defense components, the Civil Service Commission, the Department of Justice, or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Name files are paper records stored in file folders.

RETRIEVABILITY:

Name files are filed alphabetically.

SAFEGUARDS:

Files are under surveillance of Personnel Office staff during duty hours. Building is locked and guarded during nonduty hours.

RETENTION AND DISPOSAL:

Files are retained for a period of 2 years after separation from the Agency.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, HQ DCAA, Cameron Station, Alexandria, VA 22314.

NOTIFICATION PROCEDURE:

Requests for information should be sent to the SYSMANAGER.

Written requests must include the individuals full name, current address, telephone number and office of assignment.

Individual may visit the SYSMANAGER.

For personal visits, individual must furnish positive identification.

Information will be at the Office, Director of Personnel, HQ DCAA, Cameron Station, Alexandria, VA 22314.

RECORD ACCESS PROCEDURES:

Individual may obtain information on access to records by communicating in writing or personally with the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Supervisory, management personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 371.13

SYSTEM NAME:

371.13 Official Personnel Folders

SYSTEM LOCATION:

Office, Director of Personnel, HQ DCAA

Personnel Office, all regions

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's system's notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each civilian employee of DCAA

CATEGORIES OF RECORDS IN THE SYSTEM:

Notifications of Personnel Actions; appointment documentation; oath of office; application; payroll change slips; Official Performance Ratings; records of training; Letters of Commendation; Records of awards and recognition; health benefit and insurance registration and changes to position descriptions; Notice of Ratings; Service computation; designation of beneficiary; certificate of security clearance; SF-52s; performance evaluations; report of medical examination; employment inquiries; correspondence related to all the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901; Federal Personnel Manual, Chapter 296-31

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are used to determine employee's qualifications, eligibilities and as a repository for those documents and records pertaining to the employee's career, position, salary and benefits.

Files are used by the Personnel Office staff to initiate, effect and/or record personnel actions; pay actions; determine qualifications; determine eligibility; as basis for counseling the employee regarding rights entitlements.

May be used by management officials and boards in considering employees for assignment, promotion, training, adverse actions.

May be used by Office of Council in advising management on legal aspects of matters involving the employee.

Other routine uses could include disclosure to other Department of Defense components, other Federal departments and agencies, the Civil ervice Commission, the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records bound in file folder

RETRIEVABILITY:

Filed by name

SAFEGUARDS:

Under constant surveillance of Personnel Office staff during duty hours; stored in locked cabinet in locked and guarded building during nonduty hours.

RETENTION AND DISPOSAL:

Retained during tenure of the employee; disposed of in accordance with FPM, Chapter 296.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, HQ DCAA

Personnel Offices at each region

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notice.

NOTIFICATION PROCEDURE:

Requests for information should be addressed to SYSMANAGER

Written requests for information must contain individual's full name, current address, telephone number, GS grade and office of assignment.

Individuals may visit the personnel office which provides personnel service to them.

For personal visits, individual must furnish proper credentials and above information orally.

RECORD ACCESS PROCEDURES:

A personal or written request to the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Employee; Personnel Offices; former and present supervisory personnel; payroll servicing offices; Civil Service Commission; training and education institutions; individuals who submit communications concerning the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 371.2

SYSTEM NAME:

371.2 Supervisor Personnel Records

SYSTEM LOCATION:

Each Field Audit Office and each staff office at regional headquarters and HQ DCAA

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notice

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each employee, except the supervisor, assigned to the organizational element.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information relative to the individual employee; personnel actions in progress; copies of position descriptions; copies of performance evaluations, assessments of promotion potential, progress reports; copies of correspondence and communications relative the employee; record of duty assignments; record of leave status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901; Federal Personnel Manual, Chapter 295

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by supervisors as reference or reminder of past actions; as basis for initiating personnel actions on the employee; rotation of duty assignments;

for consideration of employees separated for military service for absentee personnel actions; monitor leave use

Used by the Supervisory auditor of the employee concerned for the above stated purposes.

Used by the Field Audit Office chief for the above purposes.

Used by administrative personnel for maintenance, clearance of obsolete material, extraction of statistical data, status checks.

Other routine uses could include disclosure to other Department of Defense components, the Civil Service Commission, the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed by name, alphabetically

SAFEGUARDS:

Under control of office staffs during duty hours. Work area or cabinet locked during nonduty hours.

RETENTION AND DISPOSAL:

Review annually; destroy material which has been superseded or is no longer applicable; destroy entire file 1 year after transfer or separation of the employee.

SYSTEM MANAGER(S) AND ADDRESS:

Each Field Audit Office and each staff office at regional headquarters and HQ DCAA addresses are in the DOD Directory in the appendix to DCAA's systems notice.

NOTIFICATION PROCEDURE:

Requests for information should be sent or made to the SYSMANAGER of that organizational element to which the individual is assigned.

Written requests must include the individuals' full name, current address, telephone number and office of assignment.

Individual may visit the office of the SYSMANAGER.

For personal visits, individual must furnish positive identification.

RECORD ACCESS PROCEDURES:

Individuals may obtain information on access to records by communicating with their current supervisor.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314

RECORD SOURCE CATEGORIES:

Supervisors

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 371.5

SYSTEM NAME:

371.5 Locator Records

SYSTEM LOCATION:

Office, Director of Personnel, HQ DCAA, Cameron Station, Alexandria, VA 22314. Regional Offices and Field Audit Offices whose addresses are in the DoD directory in the appendix to DCAA's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees of DCAA

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, office room number, telephone, office symbol, home address, home telephone number, date prepared, spouse's name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901, et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Ready reference of employee home address and telephone number

Copy furnished to Office of Director and Deputy Director for business, social and protocol purposes.

Copy furnished the travel offices which use it to:

Furnish home telephone number to air carrier when booking flights for the individual;

Estimating local travel costs from home address;

Dispatching staff cars to individual's home;

Planning group travel.

Copy remains in Personnel Office for use in responding to inquiries regarding employees home address, telephone number.

Other routine use could include disclosure to other Department of Defense components, the Civil Service Commission, the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3x5 card, stored in index card box.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Under control of office staff during duty hours. Building locked and/or guarded during nonduty hours.

RETENTION AND DISPOSAL:

Retained until separation of employee, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, HQ DCAA, Cameron Station, Alexandria, VA 22314.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

Written requests for information must include individual's full name, current address, telephone number and office of assignment.

Individual may visit the Office of the SYSMANAGER

For personal visit, individual must furnish positive identification.

RECORD ACCESS PROCEDURES:

A personal or written request to the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Employee

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 371.7

SYSTEM NAME:

371.7 Service Record File

SYSTEM LOCATION:

Office, Director of Personnel, HQ DCAA

Personnel Office, each region

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each civilian employee of each respective appointing office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Current information regarding the individual employment status, chronology of personnel actions showing nature, date, position title, series grade, salary, organization, date of birth, Social Security number, retention subgroup, service computation date, date next Within Grade Increase due, leave category emergency addressee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901; et seq. Federal Personnel Manual Chapter 295

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a ready reference on actions taken during the employee's tenure with the appointing office; to basic information for periodic actions and frequent reference; position control.

Used by Personnel office staff in carrying out routine personnel functions; to determine various items of information concerning individuals in accomplishing routine functions; schedule periodic actions such as within grade increases, length of service awards.

May be used by management officials for above purposes with respect to subordinates.

Other routine uses could include disclosure to other Department of Defense components, the Civil Service Commission, the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Double 5x8 cards, filed in Kardex file.

RETRIEVABILITY:

Filed by organizational element, grade and name.

SAFEGUARDS:

Under surveillance of Personnel Office staff during duty hours; locked Kardex file in locked and guarded building during nonduty hours.

RETENTION AND DISPOSAL:

Placed in inactive file upon separation of employee.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, HQ DCAA
Personnel Officer at each region
Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notice.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER where employed or formerly employed.

Written requests for information must include individual's full name, current address, telephone number and office of assignment.

Individuals may visit the Personnel Office of the region in which employed or formerly employed.

For personal visits, individual must furnish positive identification.

RECORD ACCESS PROCEDURES:

A personal or written request to the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314

RECORD SOURCE CATEGORIES:

Former and present employees; Official Personnel Folder; personnel actions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 371.8

SYSTEM NAME:

371.8 Inactive Service Records

SYSTEM LOCATION:

Office, Director of Personnel, HQ DCAA
Personnel Office, each region
Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each former civilian employee of each respective appointing office

CATEGORIES OF RECORDS IN THE SYSTEM:

Information regarding the individual's status during employment; chronology of personnel action taken; date of birth; SSN; retention subgroup; Service Computation Date; leave category; forwarding address; date and reason for separation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 295; 44 USC 2901 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Personnel Office staff to respond to inquirees regarding former employees; reuse in cases of reemployment of the individual.

Other routine uses could include disclosure to other Department of Defense components, the Civil Service Commission, other Federal departments or agencies, the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Double 5x8 cards, filed in file box.

RETRIEVABILITY:

Filed by name

SAFEGUARDS:

Under surveillance of Personnel Office staff during duty hours. Building locked and guarded during nonduty hours.

RETENTION AND DISPOSAL:

Retained for 3 years after separation of individual, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director or Personnel, HQ DCAA
Personnel Officer at each region.
Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notice.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANAGER where formerly employed.

Written request for information must include individual's full name, current address, telephone number and office of former assignment.

Individual may visit the Personnel Office of the region in which formerly employed.

For personal visits, individual must furnish positive identification.

RECORD ACCESS PROCEDURES:

A personal or written request to the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Individual concerned: Official Personnel Folder; personnel actions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 440.2

SYSTEM NAME:

440.2 Time and Attendance Reports

SYSTEM LOCATION:

Primary System-Information Systems and Services Branch, Headquarters, DCAA.

Decentralized Segments-DCAA Regional Offices and Field Audit Offices. Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees of the Defense Contract Audit Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a copy of individual's time and attendance report and other papers necessary for the submission of time and attendance reports and collecting of pay from the non-DCAA payroll office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 United States Code 301; 10 United States Code 133; 44 United States Code 2901; et. seq.; 31 United States Code 66a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Supervisors of employees review and certify accuracy of reports.

Reports are furnished to the appropriate Finance and Accounting office, which is another Department of Defense component.

Other routine uses could include disclosure to the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Files are under staff supervision during duty hours; buildings are locked and/or guarded by security guards during non-duty hours.

RETENTION AND DISPOSAL:

These records are destroyed six months after end of pay period to which applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Resources, Headquarters, DCAA

Regional Managers, DCAA

Chiefs of Field Audit Offices

Official addresses are in the Department of Defense directory in the appendix to DCAA's systems notices.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, VA 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name, address, telephone number of the individual and the employee payroll number.

Visits are limited to those offices listed in the Department of Defense directory in the appendix to DCAA's systems notices.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employee identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Time and Attendance reports are completed by the time and attendance clerk.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 502.6

SYSTEM NAME:

502.6 Freedom of Information Administrative Appeals

SYSTEM LOCATION:

Office of Counsel, Headquarters, DCAA:

Office of Assistant Director, Resources, Headquarters, DCAA

Office of Records Administrator, Information Systems and Services Branch, Headquarters, DCAA,

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who appeals an initial denial of information by the Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Office of Counsel-File contains all documents created in the process of responding to administrative appeal for the release of information initially denied, including a copy of the letter from the appellant, all pertinent background data concerning the information denied, interoffice and interagency correspondence concerning the information denied, a copy of the appeal decision, and documents pertaining to civil action in the event of suit.

Office of Assistant Director, Resources-File contains a copy of the letter from the appellant, pertinent background information concerning the information initially denied, interoffice and interagency correspondence concerning the information denied, and a copy of the appeal decision.

Office of the Records Administrator-File contains a copy of the letter from the appellant and a copy of the appeal decision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of Counsel-To determine legal sufficiency of information denial and response to the appellant.

Office of Assistant Director, Resources-To make appellate decision.

Office of Records Administrator-To prepare report to Congress of Freedom of Information Activity.

Disclosed to Department of Justice in event of civil action.

Disclosed to DoD in event of civil action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Office of Counsel-Filed alphabetically by last name of appellant.

Office of Assistant Director, Resources-Filed alphabetically by last name of appellant.

Office of Records Administrator-Filed chronologically.

SAFEGUARDS:

During duty hours, records are under the supervision of the staffs of the three offices; security guards are provided.

RETENTION AND DISPOSAL:

Office of Counsel-These files retained in the Office of Counsel and destroyed 10 years after final action.

Office of Assistant Director, Resources-These files are destroyed two years after final action.

Office of Records Administrator. These files are destroyed three years after report to Congress.

SYSTEM MANAGER(S) AND ADDRESS:

Records Administrator, Headquarters, DCAA, Cameron Station, Alexandria, VA. 22314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, Va. 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name of the individual, current address and telephone number. Visits are limited to the Records Administrator, Building 4, Room 4A320, Cameron Station, Alexandria, VA.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or some other form of identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Building 4, Room 4A320, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Correspondence and other communications from the individual appealing the determination; correspondence between DCAA staff members concerning the availability of the information; correspondence between DCAA and other Federal agencies concerning the availability of the information; workpapers and drafts of replies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 503.5

SYSTEM NAME:

503.5 Privacy Act Administrative Appeals

SYSTEM LOCATION:

Office of Counsel, Headquarters, DCAA;

Office of Assistant Director, Resources, Headquarters, DCAA;

Office of Records Administrator, Information Systems and Services Branch, Headquarters, DCAA

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who appeals an initial denial of information by DCAA under the Privacy Act of 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Office of Counsel - File contains all documents created in the process of responding to administrative appeal for the release of information initially denied, including a copy of the letter from the appellant, all pertinent background data concerning the information denied, a copy of the appeal decision, and documents pertaining to civil action in the event of suit.

Office of Assistant Director, Resources - File contains a copy of the letter from the appellant, pertinent background information concerning the information initially denied, interoffice and interagency correspondence concerning the information denied, and a copy of the appeal decision.

Office of Records Administrator - File contains a copy of the letter from the appellant and a copy of the appeal decision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 552(a)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Office of Counsel - To determine legal sufficiency of information denied and response to appellant.

Office of Assistant Director, Resources - To make appellate decision.

Office of Records Administrator - To maintain statistics for annual report to Congress on the number of records which were exempted and the reasons for the exemptions, and such other information as indicates efforts to fully administer this Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Office of Counsel-Filed alphabetically by last name of appellant;

Office of Assistant Director, Resources - Filed alphabetically by last name of appellant;

Office of Records Administrator - Filed chronologically.

SAFEGUARDS:

Under staff supervision during duty hours; buildings provide security guards during nonduty hours.

RETENTION AND DISPOSAL:

Retention periods have not been determined and approved by the National Archives and Records Service of the General Services Administration. All files will be retained until this determination is made.

SYSTEM MANAGER(S) AND ADDRESS:

Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, VA 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name of the individual, current address and telephone number. Visits are limited to the Records Administrator, Building 4, Room 4A320, Cameron Station, Alexandria, VA 22314.

For personal visits, the individual should be able to provide some acceptable identification, that is driver's license, and give some verbal

information that could be verified with 'case' folder.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Correspondence and other communications from the individual appealing the determination; correspondence between DCAA staff members concerning the availability of the information; correspondence between DCAA and other Federal agencies concerning the availability of the information; work papers and drafts of replies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

RDCAA 575.4

SYSTEM NAME:

575.4 Postal Directory

SYSTEM LOCATION:

Personnel Offices at Headquarters and Regional Offices;

Mail Rooms in all DCAA offices;

Official mailing addresses are in the Department of Defense directory in the appendix to DCAA's systems notices;

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former civilian employees of DCAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records utilized in mail rooms and personnel offices, used as a locator system, to facilitate delivery of mail to individuals, such as locator cards; copies of assignment or transfer orders; and similar records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 United States Code 301; 10 United States Code 133; 44 United States Code 2901, et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To deliver mail to individuals.

Other routine uses could include disclosure to other Department of Defense components, the Department of Justice or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Files are under staff supervision during duty hours; buildings are locked and/or guarded by security guards during non-duty hours.

RETENTION AND DISPOSAL:

Records at each location are to be destroyed six months after departure of employee.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director Resources, Headquarters, DCAA;

Regional Managers, DCAA;

Chiefs of Field Audit Offices;

Addresses are listed in the Department of Defense directory in the appendix to DCAA's systems notices.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, Va. 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Records Administrator Defense Contract Audit Agency, Cameron Station, Alexandria, Va 22314.

Written requests for information should contain the full name, address, and telephone number and the official address of the individual. Visits are limited to those offices listed in the Department of Defense directory in the appendix to DCAA's systems notices.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employee identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, Va 22314.

RECORD SOURCE CATEGORIES:

Correspondence originating in DCAA offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 590.8

SYSTEM NAME:

590.8 DCAA Management Information System (MIS)

SYSTEM LOCATION:

Information Systems and Services Branch, Management Division, Headquarters, DCAA; Financial and Administrative Services Divisions, DCAA regional offices; field audit offices, respective DCAA regions whose addresses are in Department of Defense Directory in the appendix to DCAA's systems notices; Computer Sciences Corporation, 815 Commerce Drive, Oak Brook, Illinois 60521, which maintains systems data under contract with General Services Administration.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information Systems and Services Branch, Headquarters, DCAA, all current civilian employees of DCAA; and former employees who were on Agency rolls any time after system implementation on 1 July 1974.

Financial and Administrative Servies Divisions, DCAA regional offices; all current civilian employees of respective DCAA regions and former employees who were on regional rolls any time after system implementation on 1 July 1974.

Field Audit Offices, DCAA; all current civilian employees of respective field audit offices and former employees who were assigned to office any time after system implementation on 1 July 1974.

Computer Sciences Corporation; all current civilian employees of DCAA and former employees who were on Agency rolls any time after system implimentation on 1 July 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual employees are identified in system by social security account number recorded on input document, Employee Monthly Activity Report, Card 50. This record contains unique number of direct and indirect work assignments and the number of hours expended on each during reporting month. This is the only record in system directly associated with employee. However, individual data can be related to following additional data stored in system: (i) profile of contractors for which Agency has audit congnizance; (ii) inventory of contracts which are active and require audit effort during current fiscal year; (iii) inventory of

direct audit and indirect assignments with descriptive data to which effort will be charaged during current fiscal year or to which effort has been charged in previous fiscal years; (iv) audit determinations on assignments completed; and (v) information related to disposition of completed audit assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901, et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information Systems and Services Branch, Headquarters, DCAA: To produce statistical reports reflecting Agency-wide audit planning, programming, and performance, which are used by Headquarters, DCAA, management offfcials to evaluate and analyze audit operations.

Financial and Administrative Services Divisions, DCAA regional offices: To update data files and obtain statistical reports reflecting region-wide audit planning, programming, and performance, which are used by regional office management officials to evaluate, analyze, and control regional audit operations.

Field Audit Offices, DCAA: To submit update input data and obtain statistical reports related to planning, programming, and performance of audit assignments for the purpose of evaluating, analyzing, and controlling assignments of the office.

Computer Sciences Corporation: To maintain data and computer operating systems necessary to permit DCAA personnel to process data, maintain system, and produce required output reports. Computer Sciences Corporation does not obtain outputs from system and does not directly access stored data.

Other routine uses could include disclosure to antoher DoD component, Federal agency, the Department of Justice, or to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Input paper documents are stored in file folders and/or file cabinets; information converted to automated form for storage in system is stored on magnetic tape and/or disks; output reports on computer printout paper are stored in file cabinets, specialized file containers, or library shelving.

RETRIEVABILITY:

Individual records are retrieved by social security acount number; other statistical data are retrived by unique organizational code assigned to each element of DCAA down to field audit suboffice level.

SAFEGUARDS:

Access to computerized data requires knowledge and use of series of systems identification codes and passwords which must be entered in proper sequence before access to system is premitted. Access to computerized data is restricted to system analysts, programmers, and management analysts assigned to Headquarters, DCAA and regional offices. Regional offices can access only data pertaining to organizations and individuals within their respective region.

Access to printed output reports is controlled by systems analysts and management analysts assigned to Headquarters, DCAA and regional offices who determine type of report to be distributed to requesting management officials.

RETENTION AND DISPOSAL:

Paper input documents and output printputs are retained for reference purpose until superseded by subsequent reports or until no longer required for data validation; normally held for no longer than two years at which time they are destroyed.

Data converted to automated form and stored in computer system are maintained on magnetic tape for period of ten years after which data are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Systems and Services Branch, Headquarters, DCAA, Cameron Station, Alexandria, Virginia 22314.

NOTIFICATION PROCEDURE:

Information may be obtained form:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, Virginia 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, Virginia 22314.

Written requests for information should contain the full name, address, and telephone number and the official address of the individual. Visits are limited to those offices listed in the Department of Defense directory in the appendix to DCAA's systems notice.

For personal visits, the individual should be able to provide some acceptable identification, that is, drives's license, employee identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial deteminations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, Virginia 22314.

RECORD SOURCE CATEGORIES:

Information in system, other than data directly related to individual employees, is obtained by field audit office supervisors from audit reports and workpapers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

RDCAA 590.9

SYSTEM NAME:

590.9 DCAA Automated Personnel Inventory System (APIS)

SYSTEM LOCATION:

Information System and Services Branch, Management Division, Headquarters, DCAA; Personnel Division, Headquarters, DCAA; Personnel Divisions, Regional Offices, whose addresses are in Department of Defense directory in the appendix to DCAA's systems notices; Computer Sciences Corporation, 815 Commerce Drive, Oak Brook, Illinois 60521, which maintains system data under contract with General Services Administration.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information Systems and Services Branch, Headquarters, DCAA and Computer Sciences Corporation-active applicants for employment with DCAA, all current civilian employees of DCAA, and former employees who were on Agency rolls any time after system implementation on 1 January 1969.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual employees are identified in the system by social security account number. Current and historical records contain the following types of data: Data related to positions employee has occupied in the Agency such as grade, occupational series, title, organizational location, salary and step, competitive

area and level, geographical location, supervisory designation; data related to employees status and tenure in the Federal civil service including veterans preference, competitive status, service computation date, tenure group; data personal to the employee such as birth date, physical and mental handicap code, and minority group designation code; benefits data such as enrollment in Federal employee life and health insurance and retirement programs; education and training data such as educational level, training accomplishment and requirements; career management data such as assessments of employee potential for advancement and evaluations of past performance; awards and recognition data such as performance and suggestion awards received; and professional qualifications data including certification as a Certified Public Accountant or membership in recognized professional societies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301; 10 USC 133; 44 USC 2901, et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is collected, stored, and retrieved by Headquarters, DCAA, and DCAA Regional Offices to meet personnel and manpower management information requirements in support of program operations, evaluation and analysis activities, and for satisfying external and internal reporting requirements. Data is used by the Director, DCAA and those officials to whom authority has been delegated to direct, manage, and operate the Agency. Designated automated data processing vendors with whom the Agency may contract are authorized to maintain and enhance data and computer operating systems necessary for DCAA personnel to process data, maintain and enhance the system, and produce required outputs. Vendors neither obtain output from the system nor access stored data for other than validated, approved test procedures. Other routine uses could include disclosure to another DoD component, the United States Civil Service Commission, the Department of Justice or to law enforcement or investigative authorities for investigation and possible criminal prosecution, civil court uses, and regulatory policy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Input paper documents are stored in file folders and/or file cabinets. Information converted to automated form for storage in system is stored on magnetic tape and/or disks. Output reports on computer printout paper are stored in file cabinets, specialized file containers, or library shelving. Individual employee output reports are filed in folders retained with official personnel records and/or career files.

RETRIEVABILITY:

Records and/or reports pertaining to an individual employee or applicant are retrieved by social security account number or random access.

SAFEGUARDS:

Access to computerized data requires knowledge and use of series of system identification code and passwords which must be entered in proper sequence to gain access to data in system. Access to computerized data is restricted to systems analysts and programmers assigned to Headquarters, DCAA. Regional personnel do not have access to automated data base and can access system only for the purpose of obtaining output reports previously formatted by Headquarters, DCAA, personnel.

Output reports are retained in personnel offices or other authorized Headquarters, regional, or field audit offices. Access to reports is controlled by assigned personnel during duty hours. After duty hours, reports are retained in locked offices or in buildings controlled by security personnel or alarm systems.

RETENTION AND DISPOSAL:

Records in the data base are permanent; however, paper input documents and output printouts are retained for reference purposes only until superseded or no longer required for data validation.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information System and Services Branch, Headquarters, DCAA, Cameron Station, Alexandria, VA 22314.

NOTIFICATION PROCEDURE:

Information may be obtained from:
Records Administrator
Defense Contract Audit Agency
Cameron Station, Bldg. 4, Room 4A320
Alexandria, VA 22314
Telephone: Area Code 202/274-7285

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

Written requests for information should contain the full name, address, and telephone number and the official address of the individual. Visits are limited to the Information Systems and Services Branch, HQ, DCAA, Cameron Station, Bldg. 4, Room 4B363, Alexandria, VA 22314.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or employee identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314.

RECORD SOURCE CATEGORIES:

Basic personnel and position information is obtained from documents prepared by personnel offices in accordance with regulations prescribed by U.S. Civil Service Commission.

Assessment of employee's potential and evaluation of performance are obtained from documents completed by employee's supervisors.

Training data are obtained from employee's supervisors, Agency training facilities, and documents prepared by employee's personnel office.

All other information is obtained from questionnaires or other documents completed by employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DEFENSE CONTRACT AUDIT AGENCY OFFICES

(Alphabetically by State and City)

California

DCAA LOS ANGELES REGIONAL OFFICE
2500 Wilshire Blvd Suit 1270
Los Angeles CA 90057

DCAA SAN FRANCISCO REGIONAL OFFICE
450 Golden Ave
Box 36116
San Francisco CA 94102

Georgia

DCAA ATLANTA REGIONAL OFFICE
805 Walker St
PO Box 1498
Marietta GA 30061

Illinois

DCAA CHICAGO REGIONAL OFFICE
527 LaSalle St Rm 652
Chicago IL 60605

Massachusetts

DCAA BOSTON REGIONAL OFFICE
424 Trapelo Rd
Waltham MA 02154

Pennsylvania

DCAA PHILADELPHIA REGIONAL OFFICE
1421 Cherry St
Philadelphia PA 19102

Tennessee

DEFENSE CONTRACT AUDIT INSTITUTE
Admin Bldg 3rd Fl Defense Depot
Memphis TN 38114

Virginia

DCAA HEADQUARTERS
Cameron Station Rm 4A320
Alexandria VA 22314

DEFENSE LOGISTICS AGENCY

HOW SYSTEMS OF RECORDS ARE ARRANGED. Defense Logistics Agency records are arranged by major functional categories. Systems of records notices are grouped similarly. For example, a system of records on personnel security clearances may be found in the 153 series and about military personnel in the 322 series. These numbers are part of the system identification which precedes the notices in the Federal Register and look like this: S322.01 DLA-K. The letter S means Defense Logistics Agency. The first digit represents the primary functional area, the next two digits represents the sub-functional category of the primary functional area and the last two digits represents the numerical listing within that category. The suffix letters are internal management accounting devices.

HOW TO USE THE INDEX GUIDE. As an aid in locating a particular system of records, first determine the numerical series by functional area as listed below. This list identifies each series in the order in which it appears in this issuance. Having done so, use the series number to locate the systems of records in which you are interested.

SUBJECT SERIES

SYSTEM IDENTIFICATION SERIES

100
Administration

200
Planning and Management

300
Personnel

400
Finance

600
Transportation

800
Procurement

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of

Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

S111.11DCRA-AA

SYSTEM NAME:

Atlanta Personnel Data Bank System.

SYSTEM LOCATION:

Primary System - Office of Civilian Personnel, Employment and Management Assistance Division (DCRA-EE), Defense Contract Adminstration Services Region (DCASR) Atlanta. Decentralized Systems - Birmingham District Civilian Personnel Office and Orlando District Civilian Personnel Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian Personnel currently employed by the DCASR Atlanta.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data on current position occupied by employee, data on employee's current employment status with DLA, training data, and selected personal data, including: social security account number (SSAN), name, sex, date of birth, age, physical handicap, Government insurance, veteran's preference, military reserve status, retired military status, education, and whether individual passed the Federal Service Entrance Examination or Professional and Administrative Career Examination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U. S. C.,Sec. 301, 302, E.O.10561.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used as follows: Personnel Alert Register - As suspense list for Performance Appraisals, Step Increases, Career Status, Save Pay, and Leave Category Change. Accepted/ Rejected Transaction List - Used to check and make correction to the monthly input to the data system. Retention Register - Maintained on current basis reflecting each competitive level affected by a reduction-in-force. Rotation Schedule - Maintains current status of employees occupying positions which require continuous contact with contractors. Notification of Pay Change - Standard Form (SF) 1126 used for processing pay changes. A copy of the SF 1126 is sent to the Payroll Office for use in processing the pay change. Input Cards for Headquarters Defense Logistics Agency (DLA) Automated Civilian Personnel Data Bank System - Used to transmit data input to the Headquarters DLA Automated Civilian Personnel Data Bank System, which system uses the data to prepare reports required by the Executive, Legislative and Judicial Branches of the government, and to provide information to officals of the Defense Logistics Agency for effective personnel administration. All segments of the system, except as noted above, are used in the Office of Civilian Personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer paper printouts filed in binders and stored in file cabinet except for Notification of Pay Changes, distributed as required and Input Cards and magnetic tape which are stored in the Computer Room at DCASR Atlanta.

RETRIEVABILITY:

Filed by title of System Component and/or alphabetically by last name of employee. Records on magnetic tape retrieved by SSAN.

SAFEGUARDS:

Magnetic tapes are maintained in a tape library which are accessible only to authorized personnel. Computer personnel who process the reports are appropriately cleared.

Paper records are maintained in files in the Civilian Personnel Office in areas accessible only to Civilian Personnel Office employees. During non-duty hours, the Civilian Personnel Office is locked.

RETENTION AND DISPOSAL:

Records are maintained for three months after which they are destroyed (updated reports are furnished monthly) except as follows: Notification of Pay Changes become a permanent record in the Official Personnel Folder and Retention Register is destroyed after two years unless an appeal is pending.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer, DCASR Atlanta.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Employee need only to supply full name and organization.

RECORD ACCESS PROCEDURES:

Written or personal requests are to be directed to the Office of Civilian Personnel, DCASR Atlanta. Requesting individual should be able to certify to his/her identity. Official mailing address is contained in the Department of Defense Directory in the appendix to the DLA systems notice.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Official Personnel Folder and other personnel documents, activity supervisors, applications and forms completed by the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S111.11DCRT-E

SYSTEM NAME:

111.11 Defense Contract Administration Services Region (DCASR) Dallas Personnel Data Bank

SYSTEM LOCATION:

Office of Systems and Financial Management (DCRT-F), DCASR Dallas.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current civilian employees of DCASR Dallas. Records are also maintained on individuals who have left the employment of DCASR Dallas but are deleted in no more than 12 months from the time the individual leaves.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the following information on each individual: Social Security number; nature of action taken; effective date of action; name; sex; date of birth; veterans' preference; tenure group; service computation date; physical handicap code; group life insurance coverage information; retirement system coverage; reserve status; education; eligibility for health benefits; information on whether the individual has passed the Federal Service Entrance Examination; type of appointment; organizational functional code; quit code; employing activity code; whether the individual is retired military; title, pay plan, series, grade, step of current position; a code identifying whether the individual is a supervisor; organizational code; work schedule; salary; location code; pay rate determinent; academic discipline, educational level, and year degree attained; submitting office number; for ex-military, information on the service, the component, and the military pay grade; a code as to whether the individual is a manager or not; for retired military only-date of retirement from the military; position number; due date for next within grade increase; competitive level and competitive area for reduction- in-force purposes; information as to whether veterans' preference is applicable for reduction-in-force; date of last Outstanding Performance Rating; dates of last position change and last promotion; information on mandatory career courses and other training received; and information on performance awards and other recognition received.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5U.S.C., Sec. 301, 302, 2951, 2952, 2954, E.O. 10561. Provides the Management Information System required of Federal agencies in Federal Personnel Manual (FPM) Chapter 250, Subchapter 1-4. Provides a means of automating the production of pay change notifications and reduction-in-force information required by FPM Chapter 293

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in the system is collected to provide recurring and one-time reports to DCASR management to use for manpower planning purposes and for such related purposes as Upward Mobility and Equal Employment Opportunity. The system is also used to provide information to the individual on certain records maintained on him/her in the system. The users of the system are limited to current DCASR employees; DCASR operating management; and Defense Logistics Agency (DLA) management. Employees use the information in the system to determine current benefits accruing to them from Federal employment and similar purposes. Operating management uses the system to track the performance of personnel programs and to do effective manpower planning. The Civilian Personnel Office uses the system to obtain in an automated form reports or other documents already provided in a manual form.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in the storage are maintained on magnetic discs and/or magnetic tape. Printouts are stored in file drawers.

RETRIEVABILITY:

Records may be retrieved from the system by matching any elements of data in any record. Normally records are retrieved by name, social security number, organizational code, position identifiers.

SAFEGUARDS:

The system can be accessed only by programs prepared by the Office of Systems and Financial Management and access to the computer room is tightly controlled. Printouts are stored in locked file drawers in the Office of Civilian Personnel.

RETENTION AND DISPOSAL:

Tapes used to create the current tape are erased after 90 days. Printouts are destroyed when superseded by an updated printout.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer, DCASR Dallas.

NOTIFICATION PROCEDURE:

Individuals can determine whether the system contains records pertaining to them by contacting the SYSMANAGER. Official mailing address is contained in the Department of Defense directory in the appendix to the DLA systems notice. Current employees of the DCASR should furnish full name and social security number. Former employees of the DCASR should furnish full name, social security number and title, series and grade of the last position held at the DCASR.

For personal visits, current employees of the DCASR need only identify themselves verbally; former DCASR employees need to present some form of appropriate identification such as a valid driver's license.

RECORD ACCESS PROCEDURES:

Individuals may be notified how to gain access to any record by contacting the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

All information in the system is taken from documents which are filed in the employee's official personnel folder.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S111.11DDTC-R

SYSTEM NAME:

111.11 Civilian Personnel Data Bank

SYSTEM LOCATION:

Office of Civilian Personnel, Defense Depot Tracy

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees currently serviced by Defense Depot Tracy Civilian Personnel Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data on current position occupied by employee; data on employee's current employment status with DLA, training data, and selected personal data, including: social security account number, name, sex, date of birth, physical handicap, Government insurance, veteran's preference, military reserve status, retired military status, education, and whether individual passed the Federal Service Entrance Examination or Professional and Administrative Career Examination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Sec. 301, 302, E.O. 10561, and E.O. 9397.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained in support of the Civilian Personnel System in accordance with the Federal Personnel Manual. Information is used by Civilian Personnel Office staff and employees' supervisors as a locator file of all employees, to insure personnel actions are taken on timely and accurate basis, to prepare one-time statistical reports as required, to establish seniority rosters to identify employees for changes to prime shifts, to establish retention registers for reduction-in-force and position vacancies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer paper printouts, magnetic tape.

RETRIEVABILITY:

Information identifiable to an individual is accessed by social security account number (SSAN).

SAFEGUARDS:

Magnetic tapes are kept in the computer room which is itself a security container with locked door and access limited to persons appropriately cleared and identified. Tapes are stored in a tape library when not used in processing. Computer personnel who process these reports are appropriately cleared. Printouts are kept in locked storage cabinets.

RETENTION AND DISPOSAL:

Computer listings destroyed by burning or shredding when superseded or after one month, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer, Defense Depot Tracy.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to SYSMANAGER. Official mailing address is contained in the Department of Defense directory in the appendix to the Defense Logistics Agency systems notice.

RECORD ACCESS PROGEDURES:

Requests should be addressed to the SYSMANAGER, and must contain full name and SSAN. Written requests must contain a return address. For personal visits, the individual should be able to provide some acceptable identification, such as employing office identification card.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Civilian Personnel Office staff, official personnel folder.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S111.11DLA-K

SYSTEM NAME:

111.11 Rotation of Employees From Foreign Areas and the Canal Zone

SYSTEM LOCATION:

Staffing and Employee Relations Division, Staff Director, Civilian Personnel, Headquarters Defense Logistics Agency (HQ DLA), Cameron Station, Alexandria, VA. 22314

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees of DLA who have requested extension of tour of duty in Canal Zone and foreign areas beyond five years, or for whom management has made such a request.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include requests for extension of duty in Canal Zone and foreign areas, request letters, statements as to need or justification and, when management initiates request, statement of employee's consent. Statement of approval or disapproval by the Staff Director, Civilian Personnel, HQ DLA, or his Deputy and comments by the staff elements as appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC Sec. 1586; Department of Defense Instruction 1404.8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used in determining whether extension of employee's overseas tour of duty beyond five years should be approved or disapproved. Information is used by HQ DLA Office of Civilian Personnel and management officials concerned with the extension.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by employee's last name.

SAFEGUARDS:

Records are maintained in locked filing cabinets in areas accessible only to Agency personnel.

RETENTION AND DISPOSAL:

Records are retained in active file until end of calendar year and held one to three additional years in inactive file and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Civilian Personnel, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA. 22314

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name.

RECORD ACCESS PROCEDURES:

Official mailing address is in Department of Defense Directory in the appendix to the Defense Logistics Agency systems notice. Written requests for information should be addressed to the SYSMANAGER and contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or employing office identification card, and give some verbal information which could be verified with his records.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee's supervisors, civilian personnel offices and government officials or other parties having an interest in the employee's assignment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S111.11DLA-KP

SYSTEM NAME:

111.11 Bye-Bye Retirement System

SYSTEM LOCATION:

System may exist at Decentrilized DLA Primary Level Field Activities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

System may contain information about Civilian Personnel of DLA Primary Level Field Activities (PLFAs) who are eligible for retirement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Printout statement indicating estimated retirement annuity for employee. Information includes name of employee, service computation date, birth date, current salary and date began and accumulated sick leave hours.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.Code, Sec 8331-8348, Civil Service Retirement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained for the purpose of supplying employees who are eligible for retirement with decision information. Information is used by the Civilian Personnel Office to counsel employees who are eligible to retire. Information is used by computer programmers for programming and reprogramming purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual paper printout are stored in corresponding employee's Official Personnel Folder. Information may also be maintained in a Mark III remote time-sharing computer system.

RETRIEVABILITY:

Filed by alphabetical order within individual PLFA files. PLFA listings filed in single computer file and retrieved by file name.

SAFEGUARDS:

Records are maintained in locked file area and in locked computer terminal room. System access codes are restricted to Agency officials with a need for the information.

RETENTION AND DISPOSAL:

Records are destroyed after retirement of employee.

SYSTEM MANAGER(S) AND ADDRESS:

PLFA Civilian Personnel Officers. Official mailing addresses are in the DLA appendix to the DoD systems of records notices.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Employee need only supply full name and organization location.

RECORD ACCESS PROCEDURES:

Employee may visit the Personnel Office and review his Official Personnel Folder. Employee should be able to certify to his identity.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information furnished by the Office of Civilian Personnel and extracted from the employee's Official Personnel Folder. Accumulated sick leave hours are obtained from the payroll office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S111.11DLA-KS

SYSTEM NAME:

111.11 Official Records for Host Enrollee Programs

SYSTEM LOCATION:

Geographically and organizationally decentralized to the Defense Logistics Agency (DLA) primary level field activities (PLFA) which act as hosts for individuals sponsored by local, state and federal agencies who seek work experience and training with DLA activities with or without DLA participation relative to compensation and reimbursement.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants and selectees of Host Enrollee Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various forms and records pertaining to the selection and other administrative information originating during the tenure and after the separation of the selected individuals in the Host Enrollee Program of the DLA PLFA. Normally such records as time and attendance, training records, periodic evaluations, data on enrollee designee for emergency contact, work site location of enrollee, official address, telephone number, etc., are maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Rehabilitation Act of 1973, Emergency Jobs and Unemployment Assistance Act of 1974 (P. L. 93-567), Comprehensive Employment and Training Act (CETA) (P. L. 93-203).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information is collected and maintained to assist personnel and management officials to administer a uniform program of work and training experience to enrollees and to make a proper evaluation of the enrollees and the respective Host Enrollee Program. The use of the records are restricted to

official personnel for administrative purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file storage.

RETRIEVABILITY:

Filed alphabetically by employee name under particular type of Host Enrollee Program.

SAFEGUARDS:

Maintained in locked filing cabinets. Direct access to the files is limited to civilian personnel office employees and to supervisors and others who are identified as having a specific and legitimate need.

RETENTION AND DISPOSAL:

Records are maintained for the duration of the enrollee's program assignment. They are held for two years after separation from the program and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officers (CPOs) of DLA Primary Level Field Activities.

NOTIFICATION PROCEDURE:

Requests for information from former enrollee about himself or herself should be forwarded to the SYSMANAGER at the PLFA where the enrollment occurred. Individuals currently enrolled in the Host Enrollee Program may obtain information direct from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Enrollees should contact the designated SYSMANAGER. Written requests should include requestor's full name, job title and name of program enrolled or formerly enrolled and job title held. For personal visits employees should be able to provide some acceptable identification.

CONTESTING RECORD PROCEDURES:

The SYSMANAGER will provide the agency's and/or activity's rules for contesting contents of records and appeal rights.

RECORD SOURCE CATEGORIES:

Information contained in records of enrollees is obtained from employee, program sponsor, educational institutions, supervisors and others who contribute to the work and training experience of the enrollee while registered in the respective Host Enrollee Program of the activity.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

S111.11DLA-XA

SYSTEM NAME:

111.11 Personnel Roster/Locator Files

SYSTEM LOCATION:

Headquarters Defense Logistics Agency (DLA) and all field activities where maintained.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and military personnel for the DLA activity where records are maintained.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system may contain name, organizational assignment, office and home telephone number, home address, grade/rank, military branch of service and date of rank, position title, job series, and spouse's name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To notify DLA personnel of the arrival of visitors, to plan social functions, to recall personnel to duty station when required, for use in emergency notification, and to perform relevant functions/requirements/actions consistant with managerial functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, card files and some on magnetic tape or disk.

RETRIEVABILITY:

Alphabetically by name, by organization, or grade/rank.

SAFEGUARDS:

Records are accessible only to authorized DLA personnel.

RETENTION AND DISPOSAL:

Records are destroyed upon termination/departure of DLA personnel or upon preparation of new locator cards/rosters.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of HQ DLA principal staff elements and Heads of DLA field activities which maintain locator/roster files.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name, name of DLA activity and specific office at which employed.

RECORD ACCESS PROCEDURES:

Official mailing address of SYSMANAGER are in the DoD Directory in the appendix to the DLA system notice. Request should contain full name, current address and telephone number of the individual. For personal visits, the individual should be able to provide some acceptable identification; that is, drivers license, or DLA identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual, upon assignment to DLA, and when changes occur.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S120.05DLA-K

SYSTEM NAME:

120.05 Schedule and Record of Overtime Assignment and Request

SYSTEM LOCATION:

First line supervisor or other supervisory levels in each organizational unit where a formalized overtime record is maintained. The record is not maintained by all supervisors but only by those who need such a record or where such a record is required by negotiated labor agreements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee in those organizational segments where formalized overtime records are kept may be covered.

CATEGORIES OF RECORDS IN THE SYSTEM:

A roster of civilian personnel in the organizational segment, schedules of proposed overtime, dates overtime was offered, record of whether employee accepted the overtime, hours and dates worked, amount of work produced during the overtime hours, and other information directly related to overtime usage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Sec. 301,302, and 5542. Overtime rates; computation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by the supervisor to assign overtime on an equitable, or rotational basis and to plan and schedule overtime as needed. It may also be used to determine the most productive of overtime workers. May be shown to employee representatives; such as unions, to demonstrate nature and equity of the system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or file index cards.

RETRIEVABILITY:

Filed or listed by employee name within individual organizational segments.

SAFEGUARDS:

Records are maintained in file cabinets under the supervisor's control.

RETENTION AND DISPOSAL:

Records are destroyed after one year from the last date of overtime usage.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Civilian Personnel of the appropriate Defense Logistics Agency (DLA) Primary Level Field Activity.

NOTIFICATION PROCEDURE:

Individuals may determine whether or not there is an overtime record pertaining to them by request to their immediate supervisor or to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Written request for assistance in obtaining access to information should be directed to the SYSMANAGER. Official mailing address is in the Department of Defense directory in the appendix to the DLA systems notice. For personal visits to the SYSMANAGER, individual should be able to provide some acceptable identification such as office identification card or driver's license. However, inquiries will normally be made to the immediate supervisor by personal visit.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The individual supervisors and others involved in the management of overtime in the activity.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S120.05DLA-KP

SYSTEM NAME:

120.05 Supervisors' Records and Reports of Employee Attendance and Leave.

SYSTEM LOCATION:

This system is decentralized by organization and geography to the supervisory level at all Defense Logistics Agency (DLA) field activities and Headquarters DLA. All records described are not necessarily maintained by all supervisors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Defense Logistics Agency, and former such employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Schedule of planned leave, record of sick and annual leave and other types of leave taken, record of tardiness, absence without leave, leave without pay, administrative leave, and other absences of types of leave. In some cases the record may also contain notation of time actually present, time on temporary duty (TDY), and time on special assignments or temporary assignments. Record may be kept by the hour, day, week, pay period, quarter, or year. While records maintained in accordance with this notice are all 'hard copy' or manual in nature, some of the records may be produced by automated data processing as printouts from automated payroll and leave accounting systems described under other notices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 63, Title 5 United States Code; Leave.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data is used by supervisors and by civilian personnel office staff for the following purposes: Monitoring sick leave use and detecting patterns of attendance and sick leave usage which may be indications of problems in the use of leave or which should be discussed with the employee. Scheduling annual leave in an organized, fair and planned way. Identifying employees who may be congratulated for accumulation of sick leave or limited use of sick leave. Preparing statistical reports on leave use and attendance matters and for statistical evaluation and analysis of leave usage patterns. Posting daily leave usage onto time and attendance reports or records and answering employee questions on leave charges.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or binders or file index cards.

RETRIEVABILITY:

By employee name within organizational segments, or chronologically by some time period.

SAFEGUARDS:

Any part of the records containing any personal or potentially sensistive data are maintained in locked filing cabinets or supervisors' locked desks.

RETENTION AND DISPOSAL:

Records are kept for one year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer at each DLA Primary Level Field Activity.

NOTIFICATION PROCEDURE:

Employees who wish to determine what leave records are being maintained at supervisory or personnel office level should address their inquiries to their immediate supervisors or to the primary level field activity office of civilian personnel.

RECORD ACCESS PROCEDURES:

Personal requests for record content should be made to the immediate supervisor or to SYSMANAGER. Written request for assistance in obtaining access should be directed to the SYSMANAGER, and should contain the full name and organizational location of the employee. Official mailing addresses of the SYSMANAGER are in the Department of Defense directory in the appendix to the DLA systems notice. For personal visits to SYSMANAGER, the individual should provide some acceptable identification, such as activity identification card or driver's license.

CONTESTING RECORD PROCEDURES:

The agency rules for contesting contents and appealing initial

determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Payroll office and payroll records, including automated payroll systems, employee's supervisors, timekeepers, time and attendance clerks, leave slips (Standard Form 71 or equivalent).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S150.20DLA-T

SYSTEM NAME:

150.20 Security Violations Files

SYSTEM LOCATION:

Primary System - Reports of the more serious security violations involving information or material classified in the interests of national defense: Command Security Office, Headquarters, Defense Logistics Agency (HQ DLA). Decentralized segments - Above files plus all other reports of security violations: DLA Primary Level Field Activities (PLFAs)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel currently or formerly employed by or assigned to DLA, employees of Department of Defense (DOD) contractor facilities, and other persons who may be involved in security violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of informal and formal administrative inquiries, investigations, statements of witnesses, photographs, and related papers regarding security violations pertaining to DLA activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11652 which pertains to the protection of information and material classified in the interests of national defense. DOD Directive 5200.1-R.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in the system is used by Security Officers in HQ DLA and PLFA's for the following:

Determining the suitability of DLA personnel involved in security violations to have continued access to classified information;

Evaluating the safeguards established within DLA to protect classified information and material; and

Referring violations involving Atomic Energy information and those in which espionage is suspected to the Justice Department as required should contain the full name, current address and telephone number of the individual and must be accompanied by a notorized statement attesting to by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name of any individual held to be responsible for the violation.

SAFEGUARDS:

As a minimum, records are stored in locked containers whenever authorized DLA personnel are not present to control access to them. Any of these files containing classified documents are maintained in security containers approved by HQ DLA for storage of classified information.

RETENTION AND DISPOSAL:

Normally, records are retained in the active file two years after all aspects of the case are closed and then destroyed. Reports concerning violations of a sufficiently serious nature to be considered felonies are retained for two years in the active file and then held eight years in the inactive files and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Command Security Officer, HQ DLA; Security Officers,DLA Primary Level Field Activities.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individuals must provide their full names and the identity of DLA activity at which the violation occurred as well as the date of its occurrence.

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGER are in the DOD Directory in the appendix to the DLA systems notice. Written requests for information the identity of the requestor and containing the following: 'I understand that knowingly and willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to 5,000 dollars under the provisions of the Privacy Act of 1974'. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified with his file. If the requestor cannot present suitable evidence of identification a notorized statement similar to that described above may be required.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials appointed to conduct administrative inquiries, informal or formal investigations as well as reports from DOD or other federal investigative agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C. 552a (k) (2) as applicable. Agency rules pertaining to this exemption are set forth in Appendix C of 32 CFR Part 1286 and DLA Regulation 5400.21. For additional information, contact the System Manager.

S153.01 DLA-T

SYSTEM NAME:

153.01 Personnel Security Files

SYSTEM LOCATION:

Primary System - Investigatory records containing unfavorable information requiring clearance action by the Defense Logistics Agency (DLA) Central Clearance Group (CCG) and records pertaining to persons involved in highly sensitive projects: Command Security Office, Command Security Officer, Headquarters Defense Logistics Agency (HQ DLA).

Decentralized segments - above files plus all other investigatory records: Security Officer, DLA Primary Level Field Activities (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees and military personnel who have been the Subject of a National Agency Check (NAC); a Background Investigation (BI); or Special Background Investigation (SBI) pertaining to their qualifications for access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigations conducted by the Civil Service Commission (CSC), the Federal Bureau of Investigation (FBI), the Defense Investigative Service (DIS), the investigative units of the

Army, Navy and Air Force, and other Federal investigative organizations. Also, evidence of security clearances and access to classified information granted to individuals and certifications of security briefings and debriefings signed by individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order (E.O.) 10450, as amended, which was issued by virtue of the authority vested in the President by Section 7532 of Title 5, United States Code and other statutes enumerated in E.O. 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The investigatory reports are used by appropriate Security Officers and Commanders or other designated officials as a basis for determining a person's eligibility for access to information classified in the interests of national defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Reports are filed alphabetically by name, date and place of birth. No indices are used to retrieve individual records from the system.

SAFEGUARDS:

As a minimum, records are stored in locked containers whenever authorized DLA personnel are not present to control access to them. Any of these files containing classified documents are maintained in security containers approved by HQ DLA for storage of classified information.

RETENTION AND DISPOSAL:

Reports are retained as long as the person is employed or assigned to DLA. After the person leaves DLA, the reports are placed in an inactive file, retained for two years, and then destroyed or returned to the agency which conducted the investigation.

SYSTEM MANAGER(S) AND ADDRESS:

Command Security Officer, HQ DLA; Security Officers of Primary Level Field Activities.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGERS.

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGERS are in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, date and place of birth, current address and telephone number of the requestor. For personal visits, the requestor must be able to provide some acceptable identification (i.e., driver's license, parent's name, identification card, date and place of birth, dates and place(s) of employment with DLA, if applicable). Written requests must be accompanied by a notarized statement attesting to the requestor's identity and containing the following: 'I understand that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to 5,000 dollars under the provisions of the Privacy Act of 1974.'

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Reports of investigations conducted by the CSC, FBI, DIS, investigative units of the Army, Navy, and Air Force, as well as other Federal investigative organizations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C. 552a (k) (2) as applicable. Agency rules pertaining to this exemption are set forth in Appendix C of 32 CFR Part 1286 and DLA Regulation 5400.21. For additional information, contact the System Manager.

S153.20 DLA-T

SYSTEM NAME:

153.20 Personnel Security Clearance Status - CAPSTONE

SYSTEM LOCATION:

Primary System-Central computer programs and files maintained at the Defense Logistics Agency Administrative Support Center (DASC) provide a central index for information regarding the personnel security clearance status of civilian employees and military personnel within DLA. Ready reference listings are furnished by DASC to Defense Logistics Agency Primary Level Field Activities (PLFAs) and to Primary Staff Elements (PSEs) at HQ DLA concerning personnel under their jurisdiction.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DLA civilian and military personnel who have been granted a security clearance for access to information classified in the interests of national security.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer listings both alphabetically in the form of a Master Capstone File (MASCAP) and by organization in the form of a Records of Access Authorization and Eligibility (RACEL). These listings provide the unit Security Officer with complete personnel security data on the entire unit work force and the Head of each PLFA and HQ PSE a roster reflecting each individual who has been authorized access, as well as the level of access, to classified information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order (E.O.) 10450, as amended, which was issued by virtue of the authority vested in the President by Section 7532 of Title 5, United States Code and other statutes enumerated in E.O. 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by Security Officers at all levels as well as other appropriate supervisors to determine whether or not DLA civilian employees or military personnel have been cleared for and/or granted access to classified information; and, if so, the level of such clearance or access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape; computer print-out.

RETRIEVABILITY:

Identities of persons whose names are contained in the system are listed in the MASCAP and RACEL alphabetically. All data in the system about each person is set forth next to the person's name.

SAFEGUARDS:

As a minimum, records are stored in locked containers whenever authorized DLA personnel are not present to control access to them. Any of these files containing classified documents are

maintained in security containers approved by HQ DLA for storage of classified information.

RETENTION AND DISPOSAL:

New MASCAP and RACEL listings are published monthly and old listings are destroyed as soon as the new lists are verified but in no case beyond 90 days.

SYSTEM MANAGER(S) AND ADDRESS:

Security Office, DASC and Security Officers of all PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGERS.

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGERS are in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, such as, driver's license, employing office identification card, and give some verbal information that could be verified with his file.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGERS.

RECORD SOURCE CATEGORIES:

Certificates of clearance and/or record of personnel security investigation which are completed during a review of reports of investigation conducted by the Civil Service Commission, the Federal Bureau of Investigation, the Defense Investigative Service, and investigative units of the Army, Navy, and Air Force, as well as other Federal investigative organizations. Also, personnel security files maintained on individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S160.50 DLA-T

SYSTEM NAME:

160.50 Criminal Incidents/ Investigations file

SYSTEM LOCATION:

Primary System - case files on all incidents of known or suspected criminal activity or other serious incidents which may arouse local or national news media or Congressional interest: Command Security Office, Headquarters Defense Logistics Agency (HQ DLA). Decentralized segments - above files plus incidents of minor nature: HQDLA principal staff elements, DLA Primary Level Field Activities (PLFA)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel of DLA, contractor employees, and other persons who committed or are suspected of having committed a felony or misdemeanor on DLA controlled activities or facilities; or outside of those areas,in cases where DLA is or may be a party of interest.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of Investigation, messages, statements of witness, subjects and victims, photographs, laboratory reports and other related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21, Internal Security Act of 1950 (Public Law 831, 81st Congress) DOD Instruction 5200.22, Reporting of Security and Criminal Violations, and Memorandum Deputy Secretary of Defense dated 7 May 1974, which assigned to the Director of DLA the responsibility for identifying all DLA activities requiring criminal investigative support and crime prevention surveys, provide control coordination of such investigation and surveys, and to ensure optimum investigative support and mutual exchange of relevant information between participating agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained for the purpose of monitoring the progress of investigations, identification of crime conducive condition, crime and loss prevention, and preparation of statistical data required by higher authority. Information may be referred to local, state, or federal law enforcement agencies when the information indicates a violation of local, state, or federal laws. Information is used by: DLA Security personnel - to monitor progress of cases, develop non-personal statistical data on crime and loss incidence; crime and loss prevention and to enable planning of required criminal investigative support for the future. DLA counsel - review of cases and determination of proper legal action. DLA supervisors and managers - to determine actions required to correct the causes of losses, and to take appropriate action against DLA employees in cases of their involvement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, photographs, laboratory reports in file folders, bound logs and card index files.

RETRIEVABILITY:

Filed chronologically by DLA case number and cross indexed in a log and card index file. Indexed either by name of the individual or firm involved, when such are known, if not by DLA activity or facility having primary interest in the case.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Records are maintained in areas accessible only to DLA security personnel.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after submittal or receipt of a final report in each case or when no longer needed, which ever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Command Security Officer, DLA; Heads of PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGERS are in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified with the file.

CONTESTING RECORD PROCEDURES:

DLA's rules for contesting contents as well as appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Reports of investigation by DLA Security Officers, Federal, State and Local law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C. 552a (k) (2) as applicable. Agency rules pertaining to this exemption are set forth in Appendix C of 32 CFR Part 1286 and DLA Regulation 5400.21. For additional information, contact the System Manager.

S161.20DLA-T

SYSTEM NAME:

161.20 Visitors and Vehicle Temporary Passes and Permits File

SYSTEM LOCATION:

Decentralized: Documents and records relating to issue, surrender, withdrawal of temporary visitor and vehicle passes and permits: Heads of Defense Logistics Agency (DLA) Primary Level Field Activities (PLFA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons requiring temporary access to DLA activities and facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, surrendered passes, permits, and related papers relating to temporary visitor and vehicle passes or permits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21 of the Internal Security Act 1950 (Public Law 831, 81st Congress) and Department of Defense Directives 5200.8 and 5105.22 which assign to the Director, DLA the responsibility for protection of property and facilities under his control.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained to provide adequate controls on movement of vehicles and persons on DLA activities and facilities. Information is used by DLA Security personnel: To ensure that only authorized persons and vehicles enter DLA activities and facilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, applications, surrendered passes and permits. Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name and by expiration date.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroy 6 months after expiration date.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officers at PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide his full name and identity of DLA activity to which access was granted; and if individual is or was a DLA employee, identity of employing DLA activity.

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGERS are in the DoD Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone number of the individual. For personal visits, the individual should be able to provide some acceptable identification, such as, driver's license, employing office identification card, and give some verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

DLA's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGERS.

RECORD SOURCE CATEGORIES:

Individuals applying for passes or permits and Security Office personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S161.25DLA-T

SYSTEM NAME:

161.25 Individual Access Files

SYSTEM LOCATION:

Decentralized: Documents relating to the request for authorization, issue, receipt, surrender, withdrawal and accountability pertaining to identification, badges, cards and passes: Heads of Primary Level Field Activities (PLFAs) of the Defense Logistics Agency (DLA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA civilian and military personnel, contractor employees, and other individuals granted or denied access to DLA activities and installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms, photographs, letters of debarment, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21 of the Internal Security Act 1950 (Public Law 831, 81st Congress) and Department of Defense (DoD) Directives 5200.8 and 5105.22 which assign to the Director, DLA the responsibility for protection of property and facilities under his control.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained and used by DLA and DoD security personnel and General Service Administration Protective Service personnel to adequately control access to, and movement on DLA activities and facilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and index cards.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized DLA personnel.

RETENTION AND DISPOSAL:

Records are destroyed 1 year after termination or transfer of person granted access, except that individual badges, photographs or passes will be destroyed upon revocation, cancellation, or expiration. Records relating to persons barred from a facility will be destroyed 5 years after the person is notified he is barred from an activity or installation.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officers of PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the appropriate SYSMANAGER.

RECORD ACCESS PROCEDURES:

Official mailing addresses of SYSMANAGERS are in the DoD Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal

visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

DLA's rules for contesting contents of records and appealing initial determinations regarding access may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individuals applying for identification badge, card, or pass, security personnel, and Commanders who bar persons from access to their activities or installations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S161.30DLA-T

SYSTEM NAME:

161.30 Motor Vehicle Registration Files

SYSTEM LOCATION:

Decentralized: Documents and records relating to permanent registration of private vehicles to include commercial vehicles: Defense Logistics Agency (DLA) Primary Level Field Activities (PLFA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA civilian and military personnel, contractor employees, vendors, and other persons requiring use of private vehicles on DLA activities or facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYETEM:

National Highway Safety Act of 1966 and National Highway Safety Program Standards, which direct such programs as vehicle traffic supervision, periodic motor vehicle inspections, pedestrian safety, police traffic services and records, accident investigation and reporting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained to provide adequate controls on movement of privately owned motor vehicles on DLA activities and facilities, consistent with safety and applicable traffic regulations.

Information is used by DLA Security personnel to ensure that only authorized vehicles enter DLA facilities and activities and that those vehicles carry required liability insurance. Also, to plan for additions or reductions in parking requirements and to be able to identify vehicles and their owners by decal number in the event of emergency or traffic problems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, application cards, and on some activities logs containing accountability for decals.

RETRIEVABILITY:

Filed alphabetically by last name and cross-referenced by decal number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA security personnel.

RETENTION AND DISPOSAL:

Destroy upon normal expiration or 3 years after revocation of registration.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFAs which are responsible for the installation on which they are located.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and name of DLA activity at which registration occurred; or if individual is or was a DLA employee, name of employing activity is also required.

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGERS are in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

DLA rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information provided by the applicant and DLA security personnel

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S161.40DLA-T

SYSTEM NAME:

161.40 Vehicle Accident Investigation Files

SYSTEM LOCATION:

Decentralized: Reports, sketches, photographs, alcohol test reports, and related papers concerning traffic accident investigations: Heads of Defense Logistics Agency (DLA) Primary Level Field Activities (PLFA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person involved in a vehicle traffic accident on property controlled by DLA or operating a DLA vehicle.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports, sketches, photographs, medical reports and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Highway Safety Act of 1966 and National Highway Safety Program Standards, which direct such programs as vehicle traffic supervision, periodic motor vehicle inspections, pedestrian safety, police traffic services and records, accident investigation and reporting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained for purposes of accident - cause identification and to formulate accident prevention programs for improvement in traffic patterns and for preparation of statistical reports required by higher authority.

Information is used by:

Security Officers and DLA Police: To determine actions required to correct the cause of the accident.

Safety Officers: (In cases involving personal injury.) To provide verification in processing workmen's compensation cases.

Claims Officers: To determine validity of claims against U.S. Government, when such are filed by a person involved in an accident. Federal Law Enforcement Agencies: (In cases involving fatalities or serious hit and run accidents.) To investigate, identify suspects, and to determine if criminality or criminal negligence was involved.

Medical personnel both government and non-government to make medical determinations about individuals involved in accidents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders. photographs.

RETRIEVABILITY:

Filed alphabetically by last name of person involved, when known, or by victims name or by police report number in unsolved hit and run cases.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroy after 2 years, except that documentation pertinent to claims will be maintained for 10 years after final settlement.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFAs who are responsible for the DLA installation or vehicle involved.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and name of DLA activity at which accident occurred; or if individual is or was a DLA employee. name of employing activity is also required.

RECORD ACCESS PROCEDURES:

Official mailing addresses of The SYSMANAGER are in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

DLA's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

DLA, Department of Defense, General Services Administration Police, Federal Law Enforcement Agencies, Medical facilities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S161.50DLA-T

SYSTEM NAME:

161.50 Traffic Violations File

SYSTEM LOCATION:

Decentralized: Documents relating to traffic citations for moving and non-moving violations, withdrawal of driving privileges and related papers: Defense Logistics Agency (DLA) Primary Level Field Activities (PLFA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who commit a traffic violation on DLA controlled property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Traffic tickets, documents relating to withdrawal of driving privileges, and reports of corrective or disciplinary action taken.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Highway Safety Act of 1966 and National Highway Safety Program Standards, which direct such programs as vehicle traffic supervision, periodic motor vehicle inspections, pedestrian safety, police traffic services and records, accident investigation and reporting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained to identify traffic offenders, to enforce applicable traffic regulations and to promote safety. Information is used by:

DLA Security Officers DLA and DoD To identify traffic violations, to enforce applicable traffic regulations, to promote safety and to initiate corrective or disciplinary action against the offenders.

DLA supervisors and managers - to take corrective or disciplinary action against offenders under their supervision.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, ticket books, card index files.

RETRIEVABILITY:

Filed alphabetically by last name of the offender, and cross-indexed by ticket number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFA's which have responsibility for managing traffic on the installation.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and name of DLA activity at which violation occurred; or if individual is or was a DLA employee, name of employing activity is also required..

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGER are in the DoD Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

DLA, DoD Security Police and traffic offenders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S161.60DLA-T

SYSTEM NAME:

161.60 Seizure and Disposition of Property Records

SYSTEM LOCATION:

Decentralized - Documents pertaining to acquisition, storage and disposition of contraband and physical evidence: Defense Logistics Agency (DLA), Primary Level Field Activities (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person identified on DLA controlled property, as being in possession of contraband or physical evidence connected with criminal offense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Receipts, chain of custody documents, release, and disposition or destruction certificates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21 of the Internal Security Act 1950 (Public Law 831, 81st Congress) and Department of Defense (DoD) Directives 5200.8 and 5105.22 which assign to the Director, DLA the responsibility for protection of property and facilities under his control.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained and used by DLA security personnel to provide accountability for confiscated contraband and acquired physical evidence. To maintain chain of custody on evidence for presentation in court in cases requiring criminal prosecution. Information will be provided to local, state, and federal law enforcement agencies and courts of competent jurisdiction when criminal action is being taken.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and property logs.

RETRIEVABILITY:

Filed by property log number, and last name, if a person has been identified in the particular case; by incident number if property was found on the premises or recovered from a crime scene.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroy 3 years after final action on or disposition of the property and responsibility therefore has been appropriately terminated.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFAs who are responsible for investigating suspected criminal acts.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGER are in the DoD Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

DLA's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individuals involved, security personnel, local, state and Federal Law Enforcement Agencies and DoD investigative agencies providing support to DLA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S161.70DLA-T

SYSTEM NAME:

161.70 Firearms Registration Records

SYSTEM LOCATION:

Decentralized - Firearms registration forms: Defense Logistics Agency (DLA). Primary Level Field Activities (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel having privately owned firearms and occupying quarters on DLA controlled activities or facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Firearms registration forms, and other documents relating to registration of privately owned firearms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21 of the Internal Security Act 1950 (Public Law 831, 81st Congress) and Department of Defense DoD Directives 5200.8 and 5105.22 which assign to the Director, DLA the responsibility for protection of property and facilities under his control.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by DLA Security personnel to ensure proper maintenance and safekeeping of privately owned weapons by personnel residing on DLA controlled premises. Records are also used to identify the owner of a particular weapon by DoD security personnel, local, state, and federal law enforcement agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of the owner of the firearm.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroy 6 months after cancellation of registration or departure of the registrant from the jurisdiction of the registering activity.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFAs who are responsible for base housing on a DLA installation.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and identity of DLA installation upon which he resided.

RECORD ACCESS PROCEDURES:

Official mailing addresses of SYSMANAGER are in the DoD Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

DLA's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Persons registering firearms, and DLA security personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S162.60DLA-T

SYSTEM NAME:

162.60 Police Force Records

SYSTEM LOCATION:

Decentralized - Documents relating to the operation and use of security police:

Defense Logistics Agency (DLA) Primary Level Field Activities (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA Security Police personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to operation and use of police, security clearances, weapons qualification, training, uniforms, weapons, shift assignments and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21 of the Internal Security Act 1950 (Public Law 831, 81st Congress) and Department of Defense (DoD) Directives 5200.8 and 5105.22 which assign to the Director, DLA the responsibility for protection of property and facilities under his control.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained and used by DLA Security Officers and Police Supervisors to maintain control of property, weapons and ammunition; to ensure proper training; to develop schedules and procedures to improve efficiency. Records are used to determine if an individual is qualified in the use of firearms and if he has a security clearance which would authorize him to handle classified information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, weapon cards, and property receipts.

RETRIEVABILITY:

Filed in alphabetical order by name.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA security supervisory personnel.

RETENTION AND DISPOSAL:

Destroy after 5 years or when superseded or obsolete, as applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFAs who are responsible for the operation of base or facility security forces.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGERS are in the DoD Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

DLA's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

DLA Security Officers and Security Police personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S214.10DCRN-MA

SYSTEM NAME:

214.10 Emergency Transportation of Essential Personnel

SYSTEM LOCATION:

Plans and Analysis Division, Office of Planning and Management, Defense Contract Administration Services Region, New York (DCASR, N.Y.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Essential civilian and military personnel assigned to Headquarters DCASR, N.Y. and HQ Defense Contract Administration Services District, New York (DCASD, N.Y.) who would require transportation to their duty station in the event of a disruption of public transportation in New York City caused by any reason.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data pertaining to designated essential personnel which includes: full name, organization of assignment, home address, Postal Zone Improvement Plan (ZIP) Code, home and office telephone numbers, indication of ownership of a private vehicle, indication of possession of a valid State drivers license, indication of possession of a valid United States (US) government drivers license, indication of whether an individual would or would not drive their privately owned vehicle in a car pool, indication whether an individual would or would not drive a US government vehicle in a car pool, indication of individual's normal means of transportation to their duty station.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11490, Assigning Emergency Preparedness Functions to Federal Departments and Agencies, directs departments and agencies of the Federal Government to develop such plans as may be necessary to assure that it will be able to perform its essential functions in any emergency. Department of Defense Directive 3020.26 directs Department of Defense (DoD) components to 'prepare a Continuity of Operations Plan (COOP) in implementation of this directive.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The data is maintained and used for the purpose of determining, in a transportation disruption situation, how to accommodate essential personnel assigned to HQ DCASR-NY, and HQ DCASD-NY as concerns supplying them, or directing them to sources of transportation which will enable them to report to their duty station for the purpose of conducting essential agency business.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is on computer magnetic tape.

RETRIEVABILITY:

Data is retrieved by entering User number, program name, and identification number assigned each designated essential individual. Computerized indices are utilized.

SAFEGUARDS:

Records can only be accessed by agency personnel.

RETENTION AND DISPOSAL:

Records are destroyed when obsolete, superseded or no longer required for planning or emergency purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Plans and Analysis Division, Office of Planning and Management, DCASR-NY

NOTIFICATION PROCEDURE:

Written or personnel requests for information may be directed to the SYSMANAGER. Individual must provide full name and organization assignment.

RECORD ACCESS PROCEDURES:

Official mailing address is in the DoD Directory in the appendix to the DLA systems notice.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual's supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S214.20DLA-L

SYSTEM NAME:

214.20 Emergency Assignment and Training Records

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency (DLA) and all DLA field activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present DLA civilian/military personnel who have volunteered for, or been designated to perform, some duty or assignment in time of emergency that is not regularly included in their present duties. Former personnel who have recently left the activity may also be included to the extent that the records have not yet been purged of their names.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individuals' names, grades, Social Security Number, home address, organizational locations, titles, office and residential phone numbers, training as pertaining to emergency duties, authority to operate Government vehicles, emergency assignment, agreement to perform emergency duties, and similar information related to the emergency assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C., 402 through 405, National Security Act of 1947; 50 U.S.C., App. 2251, Federal Civil Defense Act of 1950; E.O. 10952, Assigning Civil Defense Responsibilities to the Secretary of Defense, E.O. 11490, Assigning Emergency Preparedness Functions to Federal Departments and Agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are used by the management and supervisory personnel of DLA in the day-to-day planning and management of emergency actions. These include emergency recall rosters, the war and emergency support plan, staffing of fallout shelters, physical security of the post or other premises, and similar purposes. The use might involve emergencies of both a civil or military nature, in time of peace or war, and would also include natural as well as man-made disasters.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and card files.

RETRIEVABILITY:

Accessed by organization, type of emergency assignment, or individual name.

SAFEGUARDS:

Maintained in areas accessible only to authorized DLA management and staff, and afforded appropriate protection at all times.

RETENTION AND DISPOSAL:

Continuous updating/purging to reflect current information.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Command and Control Division, HQ,DLA; and commanders, DLA Primary Level Field Activities and subordinate field activities.

NOTIFICATION PROCEDURE:

Written or personal requests should be directed to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individuals should contact SYSMANAGER. Official mailing addresses are in the DoD directory in the appendix to the DLA systems notice. Written requests should include the requestor's full name, job title and name of organization where employed or formerly employed. For personal visits, employee should be able to provide some acceptable identification such as driver's license or employee identification badge.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from the employee, official personnel records, and present and former supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

S233.10DLA-K

SYSTEM NAME:

233.10 Work Assignment, Performance and Productivity Records and Reporting Systems

SYSTEM LOCATION:

Immediate supervisor and other appropriate supervisory and management levels within the individual primary level field activities of the Defense Logistics Agency (DLA) or of the DLA Headquarters. Some or all of the records listed may or may not be kept by any particular supervisor or at any particular organizational level.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of organizational segments for which such records are kept or former such employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Descriptions of individual assignments, target dates, progress against targets, hours expended against particular assignments or categories of assignments, cost accounting codes and similar workload data, including such matters as number of contracts or projects assigned and description of assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 33, Title 5, United States Code, 5 U.S.C. 301,302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information is used by the employee's immediate supervisor and other appropriate management officials to record and make reports on individual work assignments and the amount of effort devoted to each assignment. The information is used to schedule work, make progress reports and supervise and control workload. It is used to assure that workload is equitably assigned and to determine which employees have performed which categories of assignment in order to determine the experience for assignment of new work or for resolving problems, such as those related to a particular item or a particular contract. The data may also be used to evaluate individual and group performance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or binders and file index cards.

RETRIEVABILITY:

Retrievable by employee's name, although records may be filed chronologically or by type of assignment.

SAFEGUARDS:

Records are maintained in file cabinets and are accessible to authorized agency personnel only.

RETENTION AND DISPOSAL:

Records are retained so long as the employee is engaged in the same work in the same organizational segment, but, in no case, longer than 5 years. Records are destroyed when employees leave the job or the organizational unit, or 5 years have elapsed.

SYSTEM MANAGER(S) AND ADDRESS:

The Commander, DLA Primary Level Field Activities.

NOTIFICATION PROCEDURE:

Individual inquiries as to what work assignment records are maintained regarding a given person should be directed to the immediate or second line supervisor.

RECORD ACCESS PROCEDURES:

Personal or written requests for the content of the record should be addressed to the first or second line supervisor. Written requests for information may, however, be addressed to the SYSMANAGER and should identify the employee by name and organizational segment. Official mailing addresses of the SYSMANAGER, are in the Department of Defense directory in the appendix to the DLA systems notice. For personal visits to the SYSMANAGER, the individual should provide some acceptable identification, such as activity identification card or driver's license.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee's supervisors or team leaders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S233.20DLA-Z

SYSTEM NAME:

233.20 Data Processing Project Control Assignment

SYSTEM LOCATION:

System may exist at all Defense Logistics Agency (DLA) Primary Level Field Activities (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system may contain information pertaining to all civilian personnel assigned to or performing duties in a DLA data processing organization.

CATEGORIES OF RECORDS IN THE SYSTEM:

The basic records within the system contain information on the work performed by personnel. This may include total number of hours worked on a project with an expected completion date. On operational projects, personnel time may be accumulated to show the amount of time spent on a particular project. This information can be for a specific incident, week or month. Also data on equipment usage and volume of production.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to thr suthority contained in Title 10, United States Code Section 133, the Sectary of Defense has issued Dod directive 5105.22 (32CFR) establishing the Defense Logistics Agency (DLA) as a separate agency of the Department of Defense under his direction and therein has charged the Director, DLA, with the responsibility for the maintenance of necessary ad appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These reports are used for the internal management of the Automated Data Processing (ADP) Divisions' resources, both for personnel and equipment usage. They are used to evaluate progress on uncompleted projects, work accomplished on an accumulated basis and may be used in forecasting the capability for acceptance for additional work projects, and in evaluating individual job performance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The basic updated data is contained on computer reading-storage media and printouts.

RETRIEVABILITY:

Information may be retrieved by employee number, name, day and work project.

SAFEGUARDS:

Records are filed in an area accessible only by DLA personnel.

RETENTION AND DISPOSAL:

Retain five years or when obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Data Processing, DLA PLFAs; Commander, DLA Systems Automation Center.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and the month or months in which the individual engaged in data processing work. Official mailing addresses are contained in the Department of Defense directory in the appendix to the DLA systems notice.

RECORD ACCESS PROCEDURES:

Individual may contact SYSMANAGER for access procedure.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individuals assigned to the data processing organization.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S243.30DLA-K

SYSTEM NAME:

243.30 Complaints

SYSTEM LOCATION:

Staff Director, Civilian Personnel, Headquarters Defense Logistics Agency (HQ DLA), and primary level field activities (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA Civilian and military personnel, and former personnel, contractor employees, union spokesmen, and other individuals and organizations who have presented complaints to the President, Members of Congress, Secretary of Defense, Director of Defense Logistics Agency (DLA), or other offical which have been referred to Staff Director of Civilian Personnel, Headquarters DLA, for response, action or information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files concern complaints to the President, Members of Congress, Secretary of Defense, Director of Defense Logistics Agency and Staff Director for Civilian Personnel, Headquarters Defense Logistics Agency. These include letters, telegrams, reports, statements of witnesses, input from staff elements and field activities, and related and supporting papers regarding specific complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5U.S.C. 552; E.O. 11491; Department of Defense Directive 5400.4, 20 February 1971 and titled: Provision of Information to Congress; and Department of Defense Directive 5105.22, titled: Defense Logistics Agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose: Information is collected in order to base reply to complaint and to determine need for, and course of action to be taken regarding complaint.

Information is used by: Agency Director and staff, field Commanders, Managers and supervisors in replying to additional inquiries and for bringing to attention of higher level Management, when appropriate.

Information is used by complainant for his own purpose. Information is furnished to individuals or organizations who wrote to DLA on behalf of the complainant and who use it to respond to the complainant, or for other related purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and a log book.

RETRIEVABILITY:

Complaints to the President and Members of Congress are filed alphabetically by last name of individual or employee or by DLA activity name. Employee group complaints are filed under the activity where originated. Union or Civil Rights organization complaints, complaints to the Secretary of Defense and to the Director of DLA are filed under complaints in one folder, or by activity name.

Individuals can be located within activity files.

SAFEGUARDS:

Records are maintained in locked filing cabinets in areas accessible only to Agency personnel.

RETENTION AND DISPOSAL:

Records are retained in active file until end of calendar year and held one to three additional years in inactive file and subsequently retired to Federal Records Center. After a total of ten years records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Civilian Personnel, HQ DLA, and Civilian Personnel Officers, PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name, the name of any DLA activity involved, and general nature of complaint individual believes to be filed in this system.

RECORD ACCESS PROCEDURES:

Written requests for information should be addressed to the SYSMANAGER and contain the full name, current address and telephone number of the individual, and the general nature of complaint individual believes to be filed in this system. For personal visits, individual should also be able to provide some acceptable identification, that is, drivers license, work identification card, and give some verbal information that could be verified with his case folder.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee's supervisors, civilian personnel office of employee's activity, U.S. Civil Service Commission, Agency staff elements, other Federal Agencies, DLA activities or other parties that may have information pertinent to specific complaint, or an interest in the complaint.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S252.50 DLA-G

SYSTEM NAME:

252.50 Claims & Litigation, other than Contractual

SYSTEM LOCATION:

Primary System--Case files on claims or potential claims against the Government, law suits and potential law suits arising from the non-contractual operation of the Defense Logistics Agency (DLA); Office of Counsel, Headquarters, DLA. Decentralized segments--corresponding files at Offices of Counsel, DLA Field Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, groups of employees, members of the general public and public interest organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters from individuals and/or other attorneys, Agency or other investigative reports, witness statements, complaints, pleadings and other court documents, litigation reports, working papers and drafts; documentary and physical evidence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These files are created and maintained pursuant to the direction of the Attorney General of the United States under the authority contained in Chapter 31, Title 28, of the United States Code, The Attorney General.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used in settlement of claims or lawsuits. Information is used in the defense and prosecution of law suits involving DLA.

Information is used by Government attorneys in this Agency, individual claimants or litigants or their representatives, the Department of Defense, the Department of Justice, and other Executive agencies as appropriate and the General Accounting Office in the conduct of litigation and administrative settlement of claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and/or card index files.

RETRIEVABILITY:

Filed alphabetically by the name of the litigant and/or by year.

SAFEGUARDS:

Records are maintained in areas accessible only to Agency personnel.

RETENTION AND DISPOSAL:

Files are destroyed ten years after final disposition of claim.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, Headquarters, DLA; Counsel, DLA Field Activities

NOTIFICATION PROCEDURE:

Written requests for information shall be directed to the SYSMANAGER. Request must contain name of litigant, year of incident, and should contain court case number in order to insure proper retrieval in those situations where a single litigant has more than one case with the Agency.

RECORD ACCESS PROCEDURES:

Official mailing addresses are in the DoD Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Agency investigation and legal discovery under the Federal Rules of Civil Procedure.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S253.10 DLA-G

SYSTEM NAME:

253.10 Invention Disclosures

SYSTEM LOCATION:

Files of Patent Counsel, Defense Logistics Agency, DLA-G

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and military personnel assigned to DLA who have submitted invention disclosures to DLA-G

CATEGORIES OF RECORDS IN THE SYSTEM:

Files documenting invention disclosures and investigation as to patentability thereof.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10096, Jan. 23, 1950 as amended by E.O. 10930, Mar. 24, 1961 Defense Logistics Procurement Regulation, 9-000.50.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by DLA Patent Counsel for determinations regarding acquisition of patents and rights of inventors. Information may be referred to other Government agencies or to non-Government personnel (including contractors or prospective contractors) having an identified interest in a particular invention and the Government's rights therein.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card index files.

RETRIEVABILITY:

Filed by names of inventors.

SAFEGUARDS:

Accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroyed 26 years after file is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, DLA-G.

NOTIFICATION PROCEDURE:

Direct information requests to SYSMANAGER.

RECORD ACCESS PROCEDURES:

Official mailing address of the SYSMANAGER IS Office of Counsel, Defense Logistics Agency. Written requests should include full name, current address and telephone numbers of requestor. For personal visits, each individual shall provide acceptable identification, e.g., driver's license or identification card.

CONTESTING RECORD PROCEDURES:

This Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

DLA Patent Counsel's investigation of published and unpublished records and files both within and without the Government, consultation with Government and non-Government personnel, information from other Government agencies and information submitted by Government officials or other persons having a direct interest in the subject matter of the file.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S253.30DLA-G I

SYSTEM NAME:

253.30 Royalties

SYSTEM LOCATION:

Files of Patent Counsel, Defense Logistics Agency DLA-G

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms to whom patent royalties are paid by Defense Logistics Agency contractors

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports from DLA procurement centers of patent royalties submitted pursuant to Armed Services Procurement Regulation under Report (ASPR) forwarded to Defnse Logistics Agency Headquarters, Office of Council for approval, and included in pricing of respective contracts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 2304(g) DLPR 9-110 ASPR 9-110;

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Review by DLA Patent Counsel for approval of royalties on continuing basis. Information may be referred to other Government agencies or to non-Government personnel (including contractors or prospective contractors) having an identified interest in the allowance of royalties on DLA contracts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card index files.

RETRIEVABILITY:

Filed by patent number. From numbers, names of inventors and patent owners are retrievable.

SAFEGUARDS:

Accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroyed after 26 years.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, DLA-G.

NOTIFICATION PROCEDURE:

Direct information requests to SYSMANAGER.

RECORD ACCESS PROCEDURES:

Official mailing address of the SYSMANAGER IS Office of Counsel, Defense Logistics Agency. Written requests should include full name, current address and telephone numbers of requestor. For personal visits, each individual shall provide acceptable identification, e.g., driver's license or identification card.

CONTESTING RECORD PROCEDURES:

This Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

DLA Patent Counsel's investigation of published and unpublished records and files both within and without the Government, consultation with Government and non-Government personnel, information from other Government agencies and information submitted by Government officials or other persons having a direct interest in the subject matter of the file.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S253.30DLA-G 2

SYSTEM NAME:

253.30 Patent Licenses and Assignments

SYSTEM LOCATION:

Files of Patent Counsel, Defense Logistics Agency (DLA), DLA-G.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms which have granted patent licenses or assignments to DLA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files including patent license and assignment agreements and accounting records indicating basis for Government payment of royalties during life of agreements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 2386 Armed Services Procurement Regulation (ASPR) 9, Part 4; Defense Logistics Procurement Regulation (DLPR) 9-401.50

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by DLA Patent Counsel for acquisition and administration of patent license and assignment agreements. Information may be referred to other Government agencies or to non-Government personnel (including contractors or prospective contractors) having an identified interest in the potential or actual infringement of particular patents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card index files.

RETRIEVABILITY:

Filed by name of individual or firm granting rights.

SAFEGUARDS:

Accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroyed 26 years after file is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, DLA-G.

NOTIFICATION PROCEDURE:

Direct information requests to SYSMANAGER.

RECORD ACCESS PROCEDURES:

Official mailing address of the Sysmanager is Office of Counsel, Defense Logistics Agency. Written requests should include full name, current address and telephone numbers of requestor. For personal visits, each individual shall provide acceptable identification, e.g., driver's license or identification card.

CONTESTING RECORD PROCEDURES:

This Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

DLA Patent Counsel's investigation of published and unpublished records and files both within and without the Government, consultation with Government and non-Government personnel, information from other Government agencies and information submitted by Government officials or other persons having a direct interest in the subject matter of the file.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S253.40DLA-G

SYSTEM NAME:

253.40 Patent Infringement.

SYSTEM LOCATION:

Files of Patent Counsel, Defense Logistics Agency, DLA-G

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms involved in potential or actual claims or litigation against Government for infringement of patents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative files relating to patentability and enforceability of asserted patents and procurement of accused items.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.Code 2386; U.S.Code 2356; 28 U.S.Code 520; 28 U.S.Code 1498; 35 U.S.Code 181-188; and 35 U.S.Code 286. Armed Services Procurement Regulation (ASPR)9, Part 4; Defense Logistics Procurement Regulation (DLPR) 9-401.50.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by DLA Patent Counsel for action, determinations or recommendations regarding disposition of claims or litigation by DLA, Military Departments or Department of Justice. Information may be referred to other Government agencies or to non-Government personnel (including contractors or prospective contractors) having an identified interest in the potential or actual infringement of particular patents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper Records in file folders and card index files.

RETRIEVABILITY:

Filed by name of claimant or litigant.

SAFEGUARDS:

Accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroyed 26 years after file is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, DLA-G.

NOTIFICATION PROCEDURE:

Direct information requests to Sysmanager.

RECORD ACCESS PROCEDURES:

Official mailing address of the SYSMANAGER IS Office of Counsel, Defense Logistics Agency. Written requests should include full name, current address and telephone numbers of requestor. For personal visits, each individual shall provide acceptable identification, e.g., driver's license or identification card.

CONTESTING RECORD PROCEDURES:

This Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

DLA Patent Counsel's investigation of published and unpublished records and files both within and without the Government, consultation with Government and non-Government personnel, information from other Government agencies and information submitted by Government officials or other persons having a direct interest in the subject matter of the file.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S255.01 DLA-G

SYSTEM NAME:

255.01 Fraud & Irregularities

SYSTEM LOCATION:

Primary System--Case files on actual or suspected fraud, criminal conduct and antitrust violations which arise from procurement, or the disposal of surplus property, or the administration of contracts by any operation of the Defense Logistics Agency (DLA): OFFICE OF Counsel, Headquarters, DLA. Decentralized segments--corresponding files at Offices of Counsel for field activities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual or group of individuals or other entity, involved in or suspected of being involved in any fraud, criminal conduct or antitrust violation relating to DLA procurement, property disposal or contract administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports, complaints, pleadings and other court documents, litigation reports, working papers, documentary and physical evidence, contractor suspensions and debarments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These files are created and maintained pursuant to the direction of the Attorney General of the United States under the authority contained in Chapters 31 and 32, Title 28, of the United States Code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used in the investigation and prosecution of criminal or civil actions involving fraud, criminal conduct and antitrust violations and is used in determinations to suspend or debar individuals or other entities from DLA procurements and sales.

Information may be referred to and used by Federal investigators and Government attorneys in this Agency, the Department of Defense, the Department of Justice, and other Executive agencies as appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card index files.

RETRIEVABILITY:

Filed alphabetically by the name of the subject individual or other entity.

SAFEGUARDS:

Records are maintained in areas accessible only to Agency personnel.

RETENTION AND DISPOSAL:

Records are destroyed ten years after all aspects of the case are closed.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, Headquarters, DLA; DLA Field Activity Counsels

NOTIFICATION PROCEDURE:

Written requests for information shall be directed to the SYSMANAGER. Requests must contain name of subject and sufficient identification of the incident in order to insure correct retrieval.

RECORD ACCESS PROCEDURES:

Official mailing addresses are in the DoD Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the Sysmanager.

RECORD SOURCE CATEGORIES:

Federal, State and local investigative agencies; other federal agencies; DLA employees; and individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S257.10 DLA-G

SYSTEM NAME:

257.10 Standards of Conduct

SYSTEM LOCATION:

Decentralized system--Office of Counsel, Headquarters, Defense Logistics Agency, DLA-G, Standard of Conduct Certification for personnel of Headquarters Counsel's Office, investigated incidents of violation of standards of conduct by Headquarters, DLA employees, reports by DLA field activities of violations of standards of conduct and Statements of Employment and Financial Interests (DD 1555) on Headquarters, DLA employees and Commanders, Deputy Commanders, and Counsels of Primary Level Field Activities (PLFAs). Other DD 1555s required in the PLFA and initial reports of violations of standards of conduct on PLFA employees are maintained at the DLA Field Activity Office of Counsel Standard of Conduct Certifications are maintained in each Headquarters and PLFA Primary Staff Elements

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Includes DLA employees, General Schedule 13s and above, and Lieutenant Colonel, Commander and above, involved in approving awards for contracts or contractor audits (Defense Logistics Agency Regulation 5500.1, Standards of Conduct Regulations) or any employee of DLA involved in potential violation of standards of conduct, e.g., acceptance of gratuities, conflict of interests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes semi-annual certification that Standard of Conduct Regulations have been read, may include DD Form 1555s or allegation of a violation of standards of conduct, investigatory reports by the Government, recommendations and determinations as to whether a violation of the standards of conduct occurred and what sanction may be appropriate and/or was imposed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11222 prescribing standards of ethical conduct for Government officers and employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by Counsel's Office in making determinations to preclude Government employees involved in procurement or contractor audit decisions from making determinations in areas where such decisions might be or appear to be in conflict with personal interests. Information is used by Counsel's Office for the purpose of determining if DLA personnel are observing the highest standards of business ethics. Records may be referred to the Department of Justice for possible use in prosecution action or forwarded to Director, DLA or DLA Field Activity Commanders for appropriate action

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Records are retrievable by surname of employee or by date.

SAFEGUARDS:

Records are retained in areas accessible only to authorized personnel in Office of Counsel or others as determined by Counsel, DLA. DD Forms 1555 are retained in locked file cabinets.

RETENTION AND DISPOSAL:

Incidents of violation of standards of conduct, indefinitely; DD 1555s, until employee leaves employment of DLA.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Counsel, Headquarters, Defense Logistics Agency DLA-G; Counsel, PLFA.

NOTIFICATION PROCEDURE:

Requests for information should be addressed to the SYSMANAGER. Individual requesting information should state name, subject matter of information requested, and date of form or (alleged) violation.

RECORD ACCESS PROCEDURES:

SYSMANAGER can provide assistance. Official mailing address is in the DoD Directory in the appendix to the DLA Systems Notice.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individuals, other employees, and non-employees having knowledge of the alleged violation of the standards of conduct.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S259.05DLA-G

SYSTEM NAME:

259.05 Legal Assistance

SYSTEM LOCATION:

Decentralized System at Office of Counsel, Headquarters, Defense Logistics Agency, and at Primary Level Field Activites (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized military personnel and dependants who have requested legal assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Wills, Powers of Attorney and other legal documents prepared in response to requests for legal advice. Also background information supplied by requester to prepare the documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, 302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Documents are used to provide copies for individuals requesting the assistance, their representative or where otherwise appropiate members of their immediate families. Documents may also be used as models or examples for preparing future documents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and/or card files.

RETRIEVABILITY:

Filed by surname of requester.

SAFEGUARDS:

Attorney operating folders are kept in a file cabinet or other storage devises accessible only to authorized personnel of the Office of Counsel or as determined by Counsel.

RETENTION AND DISPOSAL:

Destroy 2 years after completion of case, except documents withdrawn for use as precedents may by held by topics until no longer required for references purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Counsel, Defense Logistics Agency, DLA-G, and Offices of Counsel, PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and, if appropriate, date assistance was requested.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records by the individual concerned may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and applealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual requesting Assistance Systems exempted from certain provisions of the Act: None.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S270.10DLA-K

SYSTEM NAME:

270.10Request for Assistance and Information

SYSTEM LOCATION:

Staff Director, Civilian Personnel, Headquarters Defense Logistics Agency (HQ DLA), and primary level field activities (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel, former employees, contractor employees, attorneys, and other individuals or organizations who have requested assistance and information from the President, Members of Congress, Secretary of Defense, Director of Defense Logistics Agency (DLA) or other officals, which have been referred to the Staff Director, Civilian Personnel, Headquarters DLA, for response, action or information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files include requests for assistance and information to the

President, Members of Congress, Secretary of Defense, Director of Defense Logistics Agency and Staff Director for Civilian Personnel, HQ DLA These include letters, responses, reports statements and papers related to basic request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 552, Public Information Department of Defense Directive 5400.4, 20 Februrary 1971 and titled: Provisions of Information to Congress and Department of Defense Directive 5105.22, titled: Defense Logistics Agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose: Information is maintained for replying to additional inquiries and as background of action.

Information is used by: Agency Director and his staff, field Commanders, managers and supervisors for determining areas needing additional emphasis or corrective action to clarify misunderstandings, adjust inadequacies, and solve or prevent problems. Members of Congress, U. S. Civil Service Commission, and other Federal Agencies, attorneys, Civil Rights organizations, and parties involved in Veteran's benefits and training and other matters affecting DLA employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and log book.

RETRIEVABILITY:

Alphabetically by last name of individual involved with or requesting information and assistance, or by DLA field activity name, when requests are from groups.

SAFEGUARDS:

Records are maintained in locked filing cabinets in areas accessible only to Agency personnel.

RETENTION AND DISPOSAL:

Records are retained in active file until end of calendar year, held one to three additional years in an inactive file, and subsequently are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Civilian Personnel, HQ DLA; Civilian Personnel Officers, PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name, the name of any DLA activity that is involved, and the general nature of the request for assistance or information individual believes may be filed in this system.

RECORD ACCESS PROCEDURES:

Written requests for information should be addressed to the SYSMANAGER and contain the full name, current address and telephone number of the individual, the name of any DLA activity involved, and the general nature of the request for assistance or information individual believes may be filed in this system. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, work identification card, and give some verbal information that could be verified with his case folder.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee's supervisors, civilian personnel office of employee's activity, U. S. Civil Service Commission, Federal Agencies involved and other persons or organizations that could assist in final solution of the matter.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S270.30DLA-B

SYSTEM NAME:

270.30 Biography File

SYSTEM LOCATION:

Office of the Special Assistant for Public Affairs, Headquarters Defense Logistics Agency (DLA) and Primary Level Field Activities (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel currently and formerly assigned to DLA and other persons affiliated with DLA and the Department of Defense (DoD).

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information provided by the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C, Sec 301, 302

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained as background material for news and feature articles covering activities, assignments, retirements, and reassignments of key DLA commanders and executives, annual visits or other activities by persons affiliated with DLA or DoD. Information is used by DLA public affairs personnel to prepare news and feature articles with the knowledge and consent of the individual concerned.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and/or card index file.

RETRIEVABILITY:

Filed alphabetically by last name

SAFEGUARDS:

Records are maintained in an area accessible only to DLA Public Affairs Office personnel.

RETENTION AND DISPOSAL:

Files are retained in current files area and destroyed 2 years after retirement, transfer or death of DLA personnel or termination of affiliation with DLA or DoD by other persons.

SYSTEM MANAGER(S) AND ADDRESS:

Special Assistant for Public Affairs, DLA and Public Affairs Officers, PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and employing activity.

RECORD ACCESS PROCEDURES:

Official mailing addresses of SYSMANAGER are in the Department of Defense Directory in the appendix to the DLA systems notice. Written request for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is driver's license, or employing office identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individuals concerned on a strictly volunteer basis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

5322.10DLA-LZ

SYSTEM NAME:

322.10 Defense Manpower Data Center Data Base.

SYSTEM LOCATION:

Primary location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D. C. 20330.

U. S. Army Management Systems Support Agency, Room BD672, The Pentagon, Washington, D. C. 20310.

National Military Command Systems Support Center, Room BE685, The Pentagon, Washington, D. C. 20331.

Back-up files maintained at two offices of the Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor, 550 Camino El Estero, Monterey, CA 93940.

Selected historic files are maintained at Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D. C. pursuant to court order in IBM anti-trust case. These files will be withdrawn from current location when legally permissible.

Decentralized segments - military personnel centers of the services; selected civilian contractors with research contracts in manpower area; other Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and enlisted personnel who served on active duty from July 1, 1968 and later; or who have been a member of a reserve component since July 1975; or are retired military; participants in Project 100,000 and Project Transition and the evaluation control groups for these programs; all individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examinating Station from July 1, 1970, and later; DoD civilian employees or civilian employees separated since January 1, 1971; all veterans who have utilized Vietnam-era or GI Bill education and training entitlements, who visited a State Employment Service office since July 1, 1971, or who participated in a Department of Labor special training program since July 1, 1971; all individuals who ever participated in an educational program sponsored by the U. S. Armed Forces Institute, all individuals who participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969, individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the Department of Health and Human Services, National Longitudinal Survey. INDIVIDUALS RESPONDING TO Recruiting Advertisements since January 1978 survivors of retired military personnel who are eligible for or currently receiving disability payments or disability income compensation from the Veterans Administration; surviving spouses of active or retired deceased military personnel; 100 disabled veterans and their survivors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Service Number, Selective Service Number, Social Security Account Number, demographic information such as hometown, age, sex, race, and educational level; civilian occupational information, military personnel information such as rank, length of service, military occupation; aptitude scores, post-service education, training, and employment information for veterans; participation in various in-service education and training programs, military hospitalization records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the system of records is to provide a longitudinal statistical analysis capability for assessing military manpower trends and evaluation programs impacting on military personnel, potential enlistees, and veterans and to provide a single central facility within the Department of Defense for the identification of current and former DoD civilian and military personnel and their conditions of Service.

Defense Manpower Data Center - used to analyze accession patterns and trends, promotion and occupation patterns and trends, loss patterns and trends, qualification rates, effectiveness of recruiting programs, participation in education and training programs, force characteristics, post-service experiences of veterans, evaluation of military special pays and bonuses; evaluation of special programs affecting military personnel; to select sample population for surveys; to provide statistical data to OMB, GAO, the Military Services, DoD civilian contractors, educational institutions and other Federal agencies.

Personnel Research and Personnel Management activities of the Military Services - uses are same as those specified above.

Veterans Administration, Management Sciences Staff, Reports and Statistics Service, Office of the Comptroller - used to select sample for surveys asking veterans about the use of veterans benefits and satisfaction with VA services, and to validate eligibility for VA benefits.

Office of Research and Statistics, Social Security Administration - used for statistical analyses of impact of military service and use of GI Bill benefits on long term earning.

DoD Civilian Contractors - used by contractors performing research on manpower problems for statistical analyses.

Aggregate data and/or individual records in the record system may be transferred to other Federal agencies having legitimate use for such information and applying appropriate safeguards to protect data so provided.

Records may be disclosed to the Office Personnel Management (OPM) concerning pay, benefits, retirement deductions; and other information necessary for the OPM to carry out its Government-wide personnel management functions.

Any record contained in the system of records may be transferred to any other component of the Department of Defense having the need-to-know in the performance of official business.

Name and address information of former military personnel obtained from the Veterans Administration or the Military Department may be released to a number of DoD Components for use in attempting to recruit and reenlist prior service personnel through direct contact methods. These components are as follows: U. S. Army Recruiting Command; U. S. Armed Forces Command; Navy Recruiting Command; Chief of Naval Personnel; Chief of Naval Reserve; U. S. Air Force Recruiting Service; U. S. Air Force Tactical Air Command; Headquarters Air Force Reserve; National Guard Bureau; Headquarters, U. S. Marine Corps; District Directors, U. S. Marine Corps; Commanding General 4th Marine Division; Commanding General, 4th Marine Air Wing; Commandant, U. S. Coast Guard.

Information on the name, rank, social security accounting number, duty

station, birth date, retirement date, and retirement annuity may be disclosed to the Department of Health and Human Services or the Department of Education for the following purposes:

To the Dpartment of Education (DoE), FOR THE PURPOSE OF identifying individuals who appear to be in default on their guaranteed student loans so as to permit the DoE to take action, where appropriate, to accelerate recoveries of defaulted loans.

To the Bureau of Supplemental Security Income, Social Security Administration, DHHS, in order to verify and adjust as necessary payments made to active and retired military members under the Supplemental Security Income Program.

To the Office of the Inspector General, DHHS, for the purpose of identifying and investigating DoD employees (military and civilian) who may be improperly receiving funds under the Aid for Families of Dependent Children program.

To the Office of Child Support Enforcement Department of Health and Human Services, pursuant to PL93-647, for the purpose of assisting state child support enforcement offices in locating absent parents in order to establish and/or enforce child support obligations.

To the Director of the Selective Service System for use in wartime or emergency mobilization and for mobilization planning.

To the Veterans Administration for analysis of the costs to the individual of military service connected disabilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

To disclose information contained in the Defense Manpower Data Center Base including the name, social security number, date of birth, sex, annualized salary rate, service computation date, retirement status, rank, military service, unit identification code, duty address or (for military retirees) mailing address of all active, reserve, or retired military personnel to agencies participating in the 'Federal Employee Receiving Government Assistance' Matching Project conducted by the President's Council on Integrity and Efficiency to help eliminate fraud and abuse in the benefit program administered by agencies within the Federal government and to collect debts and overpayment owed to the Federal government.'

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Magnetic computer tape.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Retrievable by name, SSAN, age, occupation, or any other data element contained in system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Primary location - at W. R. Church Computer Center, tapes are stored in a locked cage in machine room, which is a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At back-up locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected with cypher locks, buildings are locked after hours, and only properly cleared and authorized personnel have access.

The Air Force Data Services Center, the U. S. Army Management Systems Support Agency, and the National Command Systems Support Center are all TOP SECRET facilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Files constitute a historical data base and are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Chief, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940. Telephone: Area Code 408/646-2951.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Deputy Chief, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

Written requests for information should contain the full name, Social Security Account Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license, or military or other ID card.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The Military Services, the Veterans Administration, the Department of Education, Department of Health and Human Services, from individuals via survey questionnaires, the Department of Labor, the Civil Service Commission. EXEMPTED None.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S322.15 DLA-M

SYSTEM NAME:

322.15 Information Military Personnel Records

SYSTEM LOCATION:

Staff Director, Military Personnel, HQ Defense Logistics Agency (DLA), (DLA-M) Heads of Primary Level Field Activities (PLFAs)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and reserve personnel assigned to DLA

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident reports, general and special orders, leave slips, qualification records, applications for ID Cards, security clearance, and miscellaneous correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 501 et seq. Personnel, 5USC 302(b) (1)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the records is to accumulate documents relating to the military member while assigned to DLA. The records are used by the Staff Director and his staff and heads of PLFAs and their staff for notification of assignments, career briefs, assignment orders, promotion data, personal data, awards and decorations, training data, recommendations for disciplinary action, review procedures instituted to control incidents, and advising the Director of incidents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Retained in file folders

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Locked in file cabinets within areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Retained during individuals assignment to DLA and destroyed within 1 year of departure.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Military Personnel, HQ DLA and Heads of PLFAs

NOTIFICATION PROCEDURE:

The requestor should send a by name request to Staff Director, Military Personnel, HQ DLA and both SYSMANAGER if assigned to a PLFA. The requestor may visit the office of either or both SYSMANAGER's with appropriate identification

RECORD ACCESS PROCEDURES:

Contact the SYSMANAGER. Official mailing addresses are in the DoD Directory in the appendix to the DLA systems notice.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Special orders, service records, in/out processing documents, and computer listings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S322.20DLA-LZ

SYSTEM NAME:

Reenlistment Eligible File (RECRUIT).

SYSTEM LOCATION:

Primary location: W. R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93940.

Back-up file: Department of Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314.

Back-up file: Department of Defense Manpower Data Center, 5450 Camino El Estero, Monterey, CA 93940.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former enlisted personnel of the military services who separated from active duty durint the immediately preceding forty-eight months.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security Account Number, Name, Service, Date of Birth and Date of Separation

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U. S. C. 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the system is to assist recruiters in reenlisting prior-service personnel.

Department of Defense Manpower Data Center, used to provide to recruiters in the military service and the Coast Guard information on individuals eligible for immediate reenlistment; for statistical analyses of prior-service reenlistment trends and of demographic characteristics of applicants for reenlistment; such analyses may require merging with other record systems.

Any individual records contained in the system might be transferred to any component of the Department of Defense having a need to know in the performance of official business.

Any record may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Most recent thirty-six months separation stored on magnetic disc; full forty-eight months stored on magnetic tape.

RETRIEVABILITY:

Retrievable by Social Security Account Number.

SAFEGUARDS:

DISC File is protected by password access and hard-wire system.

Alexandria, Virginia location has tape storage areas in locked room accessible only to authorized personnel; building is locked after hours.

Monterey, California location has tape storage area in locked room accessible only to authorized personnel; building is locked after hours.

Recruiters making telephone inquiries must have valid recruiter identification and call back number.

RETENTION AND DISPOSAL:

Records more than forty-eight months old are purged from the system.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, On-Line Systems Division, Defense Manpower Data Center, 550 Camino El Estero, Monterey, California 93940.

NOTIFICATION PROCEDURE:

Information may be obtained from: Manager, RECRUIT System, Defense Manpower Data Center, 550 Camino El Estero, Monterey, California 93940. Telephone: Area Code 408/375-4131.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to : Manager, RECRUIT System, Defense Manpower Data Center, 550 Camino El Estero, Monterey, California 93940.

Written request for information should contain the full name, current address, telephone number, Social Security Account Number, and date of separation of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSTEM MANAGER.

RECORD SOURCE CATEGORIES:

The data contained in the system are obtained from the Army, Navy, Air Force, Marine Corps, and Coast Guard.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

S322.35 DLA-M

SYSTEM NAME:

322.35 Officer/Enlisted Evaluation Report File and File Summary

SYSTEM LOCATION:

Staff Director, Military Personnel, HQ Defense Logistics Agency (DLA) (DLA-M)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel currently assigned to the Defense Logistics Agency (DLA)

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the name, social security number, grade, date of rank, unit of assignment, duty title, career specialty, appraisal of performance, estimate of potential value to the service, and promotion potential.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 501 et seq. Personnel; 5 USC 302 (b)(1), DoD Directive 5105.22(IX)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the file is to insure that continuous and consistent performance appraisals are prepared for each member. The files and summary are used by the Staff Director, Military Personnel and his staff to review consistency of performance, reliability of information, compliance with parent service terminology and regulations, prejudicial comments, grammar, misleading statements, accuracy of word picture, question abrupt changes in rating, observe trends, establish suspense dates, and statistical data.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and disc, computer printouts, and evaluation reports.

RETRIEVABILITY:

Alphabetically by last name by officer and enlisted personnel.

SAFEGUARDS:

Maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

The records are destroyed within one year after member departs from DLA

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Military Personnel, HQ DLA

NOTIFICATION PROCEDURE:

Written requests to the SYSMANAGER will contain the full name, social security number, and address. The requestor may visit the SYSMANAGER'S office and present the appropriate military identification card.

RECORD ACCESS PROCEDURES:

Contact the SYSMANAGER. Official mailing addresses are in the DoD Directory in the appendix to the DLA systems notice. Written requests will include a notarized statement attesting to the requestor's identity and the statement that 'I understand that knowingly or willingly seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to 5,000 dollars under the provisions of the Privacy Act of 1974.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Officer/Enlisted Evaluation Report

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S322.35DLA-LZ

SYSTEM NAME:

322.35 Survey Data Base.

SYSTEM LOCATION:

Primary location: W. R. Church Computer Center: Naval Postgraduate School, Monterey, CA 93940.

Decentralized locations for back-up files: Department of Defense, Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor, 550 Camino El Estero, Monterey, CA 93940.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who were selected at random for survey administration and who completed survey forms. Survey data is collected on a periodic basis. Current data were collected at selected Armed Forces Entrance and Examining Stations (AFEES), during September 1974, May 1975, or since January 1975; additional data were collected by Gilbert Youth Organization (civilian contractor) in nation-wide surveys during May or November 1973, or May or November 1974 and is part of the survey program of the recruiting market research program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security Account Number, and responses to survey items dealing with attitudes toward the military.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U. S. C. 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the file is to sample attitudes toward enlistment in the military and determine reasons for enlistment decisions.

Manpower Data Center: Used to analyze trends in enlistment motivation, attitudes toward military service, attractiveness of various enlistment incentives; survey files are linked with military personnel inventory, gain and loss files to statistically relate survey data to later advancement, attritions, and reenlistment patterns.

Any individual record in the system may be transferred to any component of the Department of Defense having the need to know in the performance of official business.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Computer Tape.

RETRIEVABILITY:

Records can be retrieved by Service of accession, period of survey, race, sex, education level, or Social Security Account Number.

SAFEGUARDS:

Tapes stored at the primary location are kept in a locked storage cage in a controlled access area; tapes stored at the back-up locations are kept in locked storage areas in buildings which are locked after hours.

RETENTION AND DISPOSAL:

Records are permanent. Survey answer sheets which are opscanned to create tape are destroyed after tape is created.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Defense Manpower Data Center, 300 N. Washington st., Alexandria, VA 22314.

NOTIFICATION PROCEDURE:

Information may be obtained from Chief, Defense Manpower Data Center, 300 N. Washington St., 7th Floor, ALEXANDRIA, VA 22314. Telephone: Area Code 703/325-0490.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Chief, Defense Manpower Data Center, 300 N. Washington St., Alexandria, VA 22314.

Written requests for information should contain the full name, Social Security Account Number, and current 301address and telephone number of the individual. In addition, the approximate date and location where the survey was completed should be provided.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license or military or other ID card.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSTEM MANAGER.

RECORD SOURCE CATEGORIES:

The survey information is provided by the individual; additional data which are linked to survey data as described in the routine uses section, are obtained from the military services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

S322.45 DLA-M

SYSTEM NAME:

322.45 Military Personnel Data Bank System

SYSTEM LOCATION:

Staff Director, Military Personnel, HQ Defense Logistics Agency (DLA) (DLA-M) Heads of Primary Level Field Activities (PLFAs)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel currently assigned to the Defense Logistics Agency (DLA) and history records of those individuals previously assigned.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of information contained in the system are organization, position, identification grade, service specialty, position title, special requirements, education requirements, geographic location, name, service, temporary date of rank, social security number, duty specialty, permanent grade, permanent date of rank, date assigned, date of rotation, remarks, primary specialty, job related experience, civilian education, military school, skill courses, date of birth, retirement date, separation or expiration of enlistment, and aero rating.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 501 et. Seg., Personnel 5 USC S 302(B)(1)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the file is to insure effective personnel/ career management for DLA and DLA military personnel. The printouts are used by the Staff Director and Deputy Staff Director, Military Personnel, the Chief and Assistant Chief, Assignments and Reserve Affairs Division and Staff Specialists of the Division. An extract printout of the specific PLFA is used by the Commander and his personal staff. The data bank is used to prepare the alphabetical roster, rotation roster, colonel roster, listings of specialty codes, service listings, functional listing, and advanced degree listing. These documents are used to accurately report data on the individual and position to which he is assigned, requisition replacements, select assigned personnel for higher level positions, provide assigned strength figures for OSD, and assist individual military personnel in their career management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and disc, and computer paper printouts.

RETRIEVABILITY:

Alphabetically by last name in Alpha Roster. This roster contains coded identification that indicates where the individual is assigned.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Printouts are held for one year and then retired to Federal Records Center. The computer tapes are held for three years and five years and the degaussed.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Military Personnel, HQ DLA

NOTIFICATION PROCEDURE:

The name of the requestor should be sent to the SYSMANAGER. The requestor may visit the Office of the SYSMANAGER, and present the appropriate military ID Card.

RECORD ACCESS PROCEDURES:

Contact the SYSMANAGER. Official mailing addresses are in the DoD Directory in the appendix to the DLA systems notice.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Military Personnel records and Position Distribution Report

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S322.50DLA-LZ

SYSTEM NAME:

DoD Health Services Enrollment/ Eligibility System (DERRS).

SYSTEM LOCATION:

Primary location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Decentralized segments - two eligibility centers to be maintained and operated by contractors (Monterey, CA and Alexandria, VA) and the Processing Center for Automation of DD 1172 Forms in Santa Barbara, CA.

Back-up files maintained at the Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Armed Forces personnel and their dependents, retired Armed Forces personnel and their dependents, surviving dependents of deceased active duty or retired personnel; Coast Guard personnel and their dependents; Public Health Service (PHS) personnel (Commissioned Corps) and their dependents; and National Oceanic and Atmospheric Administration (NOAA) employees (Commissioned Corps) and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains beneficiary's name, Service or Social Security Number of sponsor, enrollment number, relationship of beneficiary to sponsor, residence address of beneficiary (includes zip code), date of birth of beneficiary, sex of beneficiary, branch of service of sponsor, dates of eligibility, marital status and dates of beneficiary, number of dependents of sponsor, primary unit duty location of sponsor, race and ethnic origin of beneficiary, occupation of beneficiary, rank/pay grade of sponsor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter IV, Title 10, United States Code, Section 136; 1969 Pub. L 91-121, section 404(A)(2), 'Establishment of the Assistant Secretary of Defense for Health Affairs; the Presidentially Commissioned Department of Defense, Department of Health, Education and Welfare, Office of Management and Budget Report of the Health Care Study (completed December 1975)': Memorandum, 'Establishment of DoD Health Council', dated December 28, 1976, and the DoD Appropriations Bill for FY 1976.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes: Offices of the Surgeons General of the Army, Navy and Air Force for determinations of eligibilty to receive health care benefits from the Uniformed Health Services Delivery System.

Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), for determination of eligibility to receive health care benefits and to receive reimbursement for health care services claimed under CHAMPUS.

Office of the Assistant Secretary of Defense (Health Affairs) and the Offices of Surgeons General of the Army, Navy and Air Force, for the conduct of a health care studies and research on a longitudinal basis, and for planning, management and allocation of medical resources.

Offices of the Surgeons General of the Army, Navy and Air Force, and OCHAMPUS for dissemination of health care information.

External users, uses, and purposes: Department of Health, Education and Welfare; Veterans Adminstration; Federal Preparedness Agency and Commerce Department for the conduct of health care studies and for the planning and allocation of medical resources. The data will include summary data on ages, sex, residence, and other demographic parameters.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tapes and discs housed in a controlled computer media library.

RETRIEVABILITY:

Records about individuals are retrieved by an algorithm to be determined by contractor which uses name, enrollment number, Social Security Number, date of birth, rank and duty location as possible inputs. Retrievals are made on a summary basis by geographic characteristics and location and demographic characteristics. Information about individuals will not be distinguishable in such summary retrievals. Retrievals for the purposes of generating address lists for direct mail distribution of health care information may be made using selection criteria based on geographic and deomgraphic keys.

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas shall be restricted to those personnel with a valid requirement and authorization to enter. Physical entry shall be resticted by the use of locks, guards, administrative procedures(e.g., fire protection regulations). Exits used solely for emergency situations shall be secured to prevent unauthorized intrusion.

Personal data stored at a separate location for backup purposes shall be protected at least comparable to the protection provided at the primary location.

Requirements for protection of information are binding on contractors or their representative and are subject to the following minimum standards:

Restrict access to personal information to those who require the records in the performance of their official duties, and to the individual who is the subject of the record or authorized representative. Access to personal information shall be restricted by the use of passwords which are changed periodically.

Insure that all whose official duties require access to, or processing and maintenance of, personal information are trained in the proper safeguarding and use of such information.

RETENTION AND DISPOSAL:

Computerized records on an individual are maintained as long as the individual is legally eligible to receive health care benefits from the Uniformed Health Sciences Delivery System. The records are maintained for two (2) years after termination of eligibility.

Records may be disposed of or destroyed only in accordance with DoD Component record management regulations which conform to the controlling disposition of such material as set forth in 44 U.S.C. 3301-3314. Non-record material containing personal information and other material of similar temporary nature, shall be destroyed as soon as its intended purpose has been served under procedures established by the Head of the DoD Component consistent with the following requirement. Such material shall be destroyed by tearing, burning, melting, chemical deposition, pulping, pulverizing, shredding, or mutilation sufficient to preclude recognition or reconstruction of the information.

SYSTEM MANAGER(S) AND ADDRESS:

Project Manager, DEERS, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940.

NOTIFICATION PROCEDURE:

Information may be obtained from: Project Manager, DEERS, Defense Manpower Data Center, 550 Camino El Estero, Monterey CA 93940.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Project Manager, DEERS, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940, (408) 646-2951.

Written requests for the information should contain full name of individual and sponsor if applicable and other attributes required by previously mentioned search algorithm.

For personal visits the individual should be able to provide a data element required to satisfy the previously mentioned algorithm.

Identification should be corroborated with a driver's license or other positive identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Personnel and financial pay systems of the Military Departments, the Coast Guard, the Public Health Service, the National Oceanic and Atmospheric Administration and other Federal Agencies having employees eligible for military medical care.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S322.65DLA-LZ

SYSTEM NAME:

Retired Personnel Master File.

SYSTEM LOCATION:

Primary location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D. C. 20330.

U. S. Army Management Systems Support Agency, Room BD972, The Pentagon, Washington, D. C. 20310.

National Military Command Systems Support Center, Room BE685, The Pentagon, Washington, D. C. 20331.

Back-up files maintained at two offices of the Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor,

550 Camino El Estero, Monterey, CA 93940.

Selected historic files are maintained at Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D. C. pursuant to court order in IBM anti-trust case. These files will be withdrawn from current location when legally permissible.

Decentralized segments - military personnel and finance centers of the services; selected civilian contractors with research contracts in manpower area; other Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All retired military personnel and survivor beneficiaries, and reservists drawing retainer pay.

CATEGORIES OF RECORDS IN THE SYSTEM:

SSAN, birth date, retirement date, pay grade at retirement, amount of retired, survivor, or retainer pay, type of retirement, date of death (in cases of survivor beneficiary records), pension and benefits system elected, Service, years of active service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Defense Manpower Data Center, used for statistical purposes in estimating retired pay budgets, future retired pay budgets, future retired populations, trends in retirement rates, costs or increases in retired pay; answer Congressional inquiries. U. S. Civil Service Commission to identify accurately retired military personnel who are Federal civilian employees; any individual record in the system may be transferred to any component of the Department of Defense having need to know in performance of official business. Used for determining eligibility for military medical care and other benefits provided by the Department of Defense to retired personnel and survivors. Records may be disclosed to the Director, Selective Service System for use in wartime or emergency mobilization planning. Records may be disclosed to Department of Defense Components or to other Federal Agencies in order to identify individuals employed as Federal civilians who may be mobilized in the event of a national emergency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Records can be retrieved by SSAN, Service, age, etc.

SAFEGUARDS:

Primary location - at W. R. Church Compter Center, tapes are stored in a locked cage in machine room, which is a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At back-up locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected with cyper locks, buildings are locked after hours, and only properly cleared and authorized personnel have access.

The Air Force Data Services Center, the U. S. Army Management Systems Support Agency, and the National Command Systems Support Center are all TOP SECRET facilities.

RETENTION AND DISPOSAL:

Files constitute a historical data base and are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief, Defense Manpower Data Center, (DMDC), 550 Camino El Estero, Monterey CA 93940.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Chief, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940. Telephone (408) 646-2951.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Deputy Chief, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940. Written requests for information should contain the full name, SSAN, and current address and telephone number of the requester. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or military or other ID card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286 b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

The information is obtained from the Military Departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S322.70 DLA-M

SYSTEM NAME:

322.70 Reserve Affairs

SYSTEM LOCATION:

Staff Director, Military Personnel, HQ Defense Logistics Agency (DLA) (DLA-M)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Ready Reserve (Army, Air Force and Navy) personnel assigned to DLA Mobilization Designation (Mob Des) positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual reference/control card name, grade, SSAN, Service, career specialty, position title, date of birth, commission date, promotion date, release date, security clearance education, home address, & civilian occupation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 501et seq. Personnel 5 USC 302 (b)(1), DoD Directive 5105.22 (IX).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the card is to have information readily available in the day to day operation of the Reserve Mobilization program. It is used by the Staff Director, his Deputy and the Reserve personnel specialists. Data is used in preparation of personnel actions such as reassignments, classification actions, promotions; scheduling and verifying active duty and inactive duty training

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Vertical card files

RETRIEVABILITY:

Alphabetically by last name

SAFEGUARDS:

Maintained in area accessible only to authorized personnel

RETENTION AND DISPOSAL:

Destroyed one year after individual departs DLA

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Military Personnel, HQ DLA

NOTIFICATION PROCEDURE:

The name of the requestor should be sent to the above SYSMANAGER. The requestor may visit the office of the SYSMANAGER and present the appropriate military ID Card.

RECORD ACCESS PROCEDURES:

Contact the SYSMANAGER. Official mailing addresses are in the DoD Directory in the appendix to the DLA systems notice

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Data processing output from the Military Services

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S322.70DLA-LZ

SYSTEM NAME:

Reserve Components Common Personnel Data System (RCCPDS)

SYSTEM LOCATION:

Primary location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D. C. 20330.

U. S. Army Management Systems Support Agency, Room BD972, The Pentagon, Washington, D. C. 20310.

National Military Command Systems Support Center, Room BE685, The Pentagon, Washington, D. C. 20331.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual currently and formerly a member of any Reserve or National Guard component, as defined in 10 USC 261, and retired reservists.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's Social Security Account Number, component and other demographic and personal information such as race, sex, rank, age and length of service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 275/10 USC 136

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the file is to generate official statistics concerning Reserve Forces' strength, gains, losses and characteristics of the force.

Internal/External users, uses and purposes:

Office of the Deputy Assistant Secretary of Defense (Reserve Affairs) - used to generate and disseminate official statistics. Individual records are used to provide aggregate statistical data.

Defense Manpower Date Center - used to analyze accession patterns and trends, promotion and occupation patterns and trends, loss patterns and trends, qualification rates, effectiveness of recruiting programs, participation in education and training programs, force characteristics, evaluation of military special pays and bonuses; evaluation of special programs affecting military personnel; to select sample population for surveys; to provide statistical data to OMB, GAO, the Military Services, DoD civilian contractors, educational institutions and other Federal agencies.

Personnel Research and Personnel Management activities of the Military Services - uses are same as those specified above.

DoD Civilian Contractors - used by contractors performing research on manpower problems for statistical analyses.

Aggregate data and/or individual records in the record system may be transferred to other Federal agencies having legitimate use for such information and applying appropriate safeguards to protect data so provided.

Records may be disclosed to the Office of Personnel Management concerning pay, benefits, retirement deductions and identification of Federal Civilian employees who are subject to mobilization in the event of a national emergency.

Any record contained in the system of records may be transferred to any other component of the Department of Defense having the need-to-know in the performance of official business.

Records may be disclosed to the Director, Selective Service System upon official request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

Records are retrievable by component, rank, age, sex, location or other attribute including Social Security Account Number.

SAFEGUARDS:

The primary location is a controlled area. Magnetic computer tapes are stored in a locked cage in machine room, which is a controlled access area. Tapes can be physically accessed only by authorized computer center personnel and can be mounted for processing only if the appropriate security code is provided.

RETENTION AND DISPOSAL:

Inventory files are current; quarterly history files for the master and transaction files are maintained on a permanent basis.

SYSTEM MANAGER(S) AND ADDRESS:

Special Assistant for Reserve Component Systems and Analysis Defense Manpower Data Center 300 N. Washington Street Alexandria, VA 22314

NOTIFICATION PROCEDURE:

Information may be obtained from: Special Assistant for Reserve Component Systems and Analysis Defense Manpower Data Center 300 N. Washington Street Alexandria, VA 22314 Telephone: 202-325-0530

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the intended use of the information together with the full name, Social Security Account Number, component and current address and telephone number of the individual.

For personal visits the individual should be able to provide some acceptable identification such as driver's license or military or other identification cards.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Data records are obtained from the seven Reserve components.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S330.15 DPSC-G

SYSTEM NAME:

330.15 Authorization File

SYSTEM LOCATION:

Office of Counsel (DPSC-G) Defense Personnel Support Center Bldg. 12, Wing g 2800 South 20th Street Philadelphia, PA 19101

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian personnel in the Office of Counsel, DPSC, who have ahd or currently have authorization to act in an officially appointed capacity.

CATEGORIES OF RECORDS IN THE SYSTEM:

DD Form 577, copies of special orders appointing individuals in various capacities, requests for special orders, letters and correspondence re various appointments of office personnel, DCTSC Form 1322, 'Delegation of Authority', DPSC directives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 125 DoD Directive 5105.22

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained for purposes of determining which office personnel have had or currently have authorization to act in an officially appointed capacity. Information is used solely by office managers to insure that delegations of authority are properly handled and to maintain records in which capacity one or more office personnel are empowered to act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed chronologically

SAFEGUARDS:

Records are maintained in a locked file drawer and are accessible only to office personnel.

RETENTION AND DISPOSAL:

Records are maintained indefinitely and are reviewed annually to determine if the oldest records are still necessary.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Counsel, DPSC, Philadelphia, PA

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name, Social Security Account Number and dates of employment at Office of Counsel, DPSC. Individual may visit Office of Counsel, DPSC, to obtain information on whether the system contains records pertaining to that individual.

RECORD ACCESS PROCEDURES:

Access may be had through the Office of Counsel, DPSC. Written requests for information should contain the full name, current address and telephone number of the individual. For personal visits, the individual should provide some acceptable identification, i.e., drivers license, employee identification card, etc.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Military personnel, Associate Counsel, DPSC, personnel in Office of Counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S330.50DPSC

SYSTEM NAME:

330.50 Defense Personnel Support Center (DPSC) Civilian Personnel File

SYSTEM LOCATION:

Office of Civilian Personnel, Management Assistance and Liaison Division, DPSC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current civilian personnel serviced by DPSC except those working for the Defense Subsistence Regions, the Subsistence Laboratory or the Orthopedic Footwear Clinic.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Account Number (SSAN), sex, year of birth, veterans' status, retention grouping, service computation date, type of appointment, title, job number, supervisory status, service code, series, grade, competitive level code, organization, activity, Julian date, nature of action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Sec. 301, 302, E.O. 10561 and E.O. 9397.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This listing is used only by the DPSC Office of Civilian Personnel. Information is used for maintenance and update of retention registers and for one-time management information reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, computer paper printouts stored in filing cabinet.

RETRIEVABILITY:

Individual information is accessed by SSAN.

SAFEGUARDS:

Magnetic tape is kept in a tape library which is accessible only to authorized personnel. Computer personnel who process the reports are appropriately cleared.

Computer paper records are maintained in areas accessible only to Office of Civilian Personnel employees. Personnel Office is in building which is under security guard surveillance during non-duty hours.

RETENTION AND DISPOSAL:

A new listing is prepared monthly; the previous one is destroyed at that time.

Magnetic tape records are kept for 60 days, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Assistance and Liaison Division, Office of Civilian Personnel, DPSC.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER and must contain full name and SSAN. Official mailing address is in the Department of Defense directory in the appendix to the DLA systems notice.

RECORD ACCESS PROCEDURES:

Assistance may be obtained from the SYSMANAGER.

Written requests for information should contain the full name, current address and telephone number of the individual. For personal visits, the

individual should be able to provide some acceptable identification, such as driver's license, employing office identification card, and give some verbal information that could be verified by examining the individual's entry on the listing.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Standard Form 50's (Notification of Personnel Action) and annual position classification surveys.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S330.60DCRT-E-Z

SYSTEM NAME:

330.60 Dallas Internal Personnel Management Information System (DIPMIS)

SYSTEM LOCATION:

Office of Civilian Personnel (DCRT-E), Defense Contract Administration Services Region (DCASR) Dallas.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCASR Dallas Civilian Personnel who have been hired, separated or had an internal position change since 1 July 1973.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains a code for the type of personnel action; the name of the individual; the type of appointment on which the individual is serving; the month and year of the action; the series and grade from which the individual moved; the series and grade to which the individual moved; the year of birth; the organizations from which and to which the individual moved; the length of time taken to process the action in the Civilian Personnel Office; the number of months which the individual worked for DCASR Dallas (for separation actions only); and the supervisor's evaluation of the employee's overall effectiveness (for separation actions only).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Sec. 301, 302, E.O. 10561, FPM Chapter 250, Subchapter 1-4.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this system is to provide operating management with reliable summary data on which to base manpower planning. A secondary purpose is to provide information for related planning purposes such as Upward Mobility, Equal Employment Opportunity (EEO) and Labor Management Relations.

Some information is provided from the file (normally in highly summarized form) to authorized external investigators such as grievance examiners, EEO complaint investigators, DLA Inspector General Teams.

Internal DCASR Dallas management uses this information to forecast type and number of hires; to evaluate staffing performance by the Civilian Personnel Office; to gather historical data such as number and kinds of promotions or reassignments and internal movements of the clerical workforce. Users external to DCASR Dallas receive information from it which is directly related to such purposes as the resolution of EEO complaints or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in the GE Mark III time-shared computer system, presumably on magnetic discs. Records for the second fiscal year preceding the current one are transferred to paper tape and stored in the DCASR Dallas Office of Civilian Personnel.

RETRIEVABILITY:

Information in the system may be retrieved using any data element contained in the system. While it is possible to retrieve all of the information on a specific individual, this is not normally done. Information identifiable to a specific individual is accessed by name.

SAFEGUARDS:

Records can be accessed only by individuals who know the files structure and are familiar with the software required. In addition, access to the system requires use of an access code and password known only to selected individuals in the Office of Civilian Personnel.

RETENTION AND DISPOSAL:

Records are retained in computer memory for no more than 24 months. Records from the second previous fiscal year and earlier are transferred to paper tape and stored in the Civilian Personnel Office. Records are destroyed when they pertain to the sixth previous fiscal year.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer, Office of Civilian Personnel, DCASR Dallas.

NOTIFICATION PROCEDURE:

Individuals who desire to know if the system contains information on them should contact the SYSMANAGER, and should provide last name, dates of employment with DCASR Dalls, title, series and grade of current (or last) position held. An individual may visit the Office of Civilian Personnel to obtain information on whether the system contains records pertaining to that person. For personal visits, a current employee of the DCASR need only verbally identify himself or herself. Former employees need to provide positive identification (such as a driver's license) and the last Standard Form 50 (Notification of Personnel Action) from their employment at the DCASR.

RECORD ACCESS PROCEDURES:

Individuals may determine how to gain access to records by contacting the Civilian Personnel Officer, DCASR Dallas at the mailing address listed in the Department of Defense Directory in the appendix to the DLA system of records notice.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

All information in the system is taken from the employee's official personnel folder except that the appraisal of the value of employees separating from DCASR Dallas is provided by the immediate supervisor of the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S332.01DLA-KS

SYSTEM NAME:

332.01 Employment Inquiries

SYSTEM LOCATION:

Staffing and Employee Relations Division, Staff Director, Civilian Personnel, Headquarters, Defense Logistics Agency (HQ DLA); primary level field activities (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA civilian and military personnel, contractor employees, and other individuals or organizations on behalf of individuals who have forwarded

employment inquiries to Members of Congress, Secretary of Defense, Director of Defense Logistics Agency (DLA), Staff Director for Civilian Personnel, or other official.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files include employment inquiries to Members of Congress, Secretary of Defense, Director of Defense Logistics Agency and Staff Director for Civilian Personnel, Headquarters Defense Logistics Agency and others which have been referred to Staff Director Civilian Personnel for response, action or information. These include statements of qualifications, letters, photographs, letters of appreciation and recommendation, certificates, ratings, eligibility forms and related papers concerning employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. Code, Sec. 301, 302, and E.O. 10561; Department of Defense Directive 5400.4 20 February 1971 and titled: Provisions of Information to Congress and Department of Defense Directive 5105.22, titled: Defense Logistics Agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose: Information is maintained for purposes of replying to additional inquiries and follow up action.

Information is used by: Civilian personnel offices and other appropriate officials of DLA in order to determine qualifications and for giving proper consideration in the filling of vacancies. The civilian personnel office, when hiring applicant, uses information as part of the employee's permanent record. Members of Congress and other individuals or organizations who wrote to DLA on behalf of an individual and who use it to respond to the individual, or for other related purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and log book.

RETRIEVABILITY:

Filed alphabetically by last name of individual submitting employment inquiry.

SAFEGUARDS:

Records are maintained in locked file cabinets in areas accessible only to Agency personnel.

RETENTION AND DISPOSAL:

Records are retained in active file until end of calendar year and held one to three additional years in inactive file and subsequently retired to Federal Records Center. After a total of ten years records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Civilian Personnel, HQ DLA; Civilian Personnel Officers, PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name.

RECORD ACCESS PROCEDURES:

Official mailing address of the SYSMANAGER is in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should be addressed to SYSMANAGER and contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, work identification card, and give some verbal information that could be verified with his case folder.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

No additional sources of information other than provided by individual involved, and other correspondence relating to the employment inquiry.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S333.10 DLA-G

SYSTEM NAME:

333.10 Attorney Personal Information and Applicant Files

SYSTEM LOCATION:

Primary System--Office of Counsel, Headquarters, Defense Logistics Agency, DLA-G, holds personal information records of all DLA attorneys and applicants for DLA legal positions.

Decentralized segments--Office of Counsel, Primary Level Field Activities (PLFAs) hold personnel records for resident attorneys and applicants for positions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A11 DLA attorneys, former DLA attorneys, and applicants for DLA legal positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cover letters, resumes, and Forms 171 submitted by applicants and replies thereto, and records of promotions, courses completed, position descriptions, performance appraisals, Forms 171, personnel actions, educational transcripts, recommendations and personal data of DLA attorneys.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 3101, General Authority to Employ, Executive Order 10577, Civil Service Regulation, Section 213.3102(d) and (e), 10 USC 137.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Applications are used for filling positions in all DLA legal offices. Attorney information folders are maintained for review incident to personnel actions including promotions performance appraisals, reassignments, etc. and as a general performance and experience record. Parts of these folders may be submitted to other agencies considering the attorney for employment. Information may be used in answering inquiries from Individuals, Congressmen or other Government agencies or for verification of employment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by surname of attorney or applicant

SAFEGUARDS:

Attorney information folders are kept in a safe; applications are kept in file cabinets accessible only to authorized personnel of the Office of Counsel or as determined by Counsel.

RETENTION AND DISPOSAL:

Applications are kept for two years from receipt. Attorney information folders are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Counsel, Defense Logistics Agency DLA-G, and Offices of Counsel, PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and, if appropriate, date application was submitted.

RECORD ACCESS PROCEDURES:

SYSMANAGER. Official mailing address is in the DoD Directory in the Appendix to the DLA Systems Notices.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Applicants, employees, co-employees, outside references, supervisors, and personnel offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S335.01DLA-K

SYSTEM NAME:

335.01 Training and Employee Development Record Systems

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency (DLA) and Primary Level Field Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees, U.S. citizens and foreign national direct hires receiving training supported by the Federal Government, paid from appropriated funds. Department of Defense military personnel may be included in the automated training information system, and non-appropriated fund personnel may be included in some of the installation manual records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated and non-automated records are maintained reflecting information pertaining to the employees' identification, social secutiry number, occupational status (series, grade level and supervisory status) course identification, course length, category and purpose of training received, date on which training was completed, associated costs, pre-post test results, et al. Input documents for the systems include, but are not limited to completed automated forms, training reports, authorization and record, key punched cards. The manual files are maintained in paper folders containing employees' registration and/or record of training documents. Apprentice, on-the-job training program, and similar trainee intake program manual and automated records are maintained, reflecting information pertaining to subject employee's identification, date of birth, entrance date of program, dates and nature of personnel actions which occurred during fiscal year, student progress, and statistical data which effects the numbers of apprentices in training as of a given date. At Headquarters level, nomination forms and documents (non-automated) for centrally-administered education and training programs are maintained. The manual files contain the candidate's nomination documents, training request, enrollment and registration and other documents related to training. Manual files are maintained at installations regarding courses conducted on their premises, or for which they sponsor, listing such things as completion dates and course participants. Additionally, manual files are typically found at the field activities containing information regarding an employee's supervisory status, an indication as to whether or not he/she has participated in supervisory training. Files are often maintained regarding an employee's certification/recertification or demonstrated proficiency in one or more skills areas; an activity-wide annual training plan should also be maintained, as well as individual training plans. Files are also maintained regarding professional licenses held by installation personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4103, 4118, AND 4115.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of Defense components in the performance of their official duties related to the management of the Defense components civilian employee training programs, the design, development, maintenance and operation of the manual and automated system of record keeping and reporting; the screening and selection of candidates for centrally administrated programs; and administration of grievance, appeals, complaints and litigation involving the disclosure of records of the training programs. Representatives of the United States Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of Defense components civilian training programs, or such other matters under the jurisdiction of the Commission. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Defense components civilian training programs. The Attorney General of the United States or his authorized repre- sentatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other Departments and agencies of the Executive Branch of Government upon request in the performance of their official duties related to the screening and selection of candidates for programs sponsored by their organization. Representatives of the United States Department of Labor on matters relating to the inspection, survey, audit or evaluation of the Defense components apprentice training programs or on other such matters under the jurisdiction of the Labor Department. Representatives of the Veterans Administration on matters relating to the inspection, survey, audit or evaluation of the Defense components apprentice and on-the-job training programs. The Computer-systems group contractor (or other such contractor) and its employees for the purpose of card punch recording of data from employee training documents. A duly appointed hearing examiner or arbitrator for the purpose of conducting a hearing in connection with an employee's grievance involving the disclosure of the records of the Defense Department's components training programs. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving the disclosure of the records of the Defense component's training and employee development record system.

The Senate or the House of Representatives of the United States or any committee or sub-committee thereof, any joint committee of Congress or sub-committee, or joint committees on matters within their jurisdiction requiring disclosure of the files or records of the Defense Department's civilian training program.

Representatives of educational institutions which have been awarded contracts to conduct training for Defense components create and maintain individual training records of those who attend.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, drums, computer printouts, and on punched cards. Manual records are stored in paper file folders.

RETRIEVABILITY:

Automated records are retrieved by SSN and name, or by one, or a combination of data elements contained in the program master files. Manual records are retrieved by employee last name, by course control information, or by training program title.

SAFEGUARDS:

The computer facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to authorized personnel having a need-to-know.

RETENTION AND DISPOSAL:

Manual records are maintained on a fiscal year basis and are retained for varying periods from one to five fiscal years. For centrally administered programs, files on selected candidates are maintained for five years (from date selection process is completed). Records of non-selected candidates are retained only for that period of time sufficient to permit appropriate review (usually less than 60 days). Some installation records are maintained for varying periods.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian personnel officer or comparable official of the Civilian Personnel Office servicing the activity/installation.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to the Civilian Personnel Officer servicing the headquarters of field activities employing civilians. The letter should contain the full name of the requestor and his signature. Proof of identification will consist of a Department of Defense component building pass or identification badge, or driver's license, or by other types of identification bearing an employee picture and signature.

RECORD ACCESS PROCEDURES:

Above procedure for notification apply.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting the contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Civilian personnel offices; current previous supervisors of employees (when appraisals of performance/potential are used).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S335.80DLA-Q

SYSTEM NAME:

335.80 Quality Assurance Staff Development Program

SYSTEM LOCATION:

The primary system of records is maintained in the Defense Contract Administration Services (DCAS) Quality Assurance Staff Development Office (DQADO), Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA, 22314. A secondary decentralized system of training records is maintained in the DCAS Region Quality Assurance Directorate, DCAS District, or DCAS Office where the staff development trainee is assigned.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each trainee in the DCAS Quality Assurance Staff Development Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel qualifications statement; Individual Training Plans (ITP); records of training requested, received, waived, and planned for each trainee; informal training evaluations of each on-the-job training assignment; quarterly trainee progress reports and evaluations; budgeted and actual cost of training; records and evaluations of special projects performed by trainees; trainee correspondence related to ITPs; records and reports of trainee attendance and leave, including records of sick, annual and other types of leave taken and other absences; time in special or temporary duty assignments; official correspondence related to a trainee's attendance and leave; and promotion and target position data. While records maintained are currently manual in nature, some records may be produced by automated data processing systems described in other notices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 41, Title 5, U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data is used by the DQADO program staff and DCAS training program managers for scheduling of training, determining progress of trainees and eligibility for promotion in the program and graduation from the program, determining when a trainee requires special attention; data on leave and attendance is used for pay purposes. Defense Logistics Agency managers and supervisors in the quality assurance function use the records to determine adequacy of training and appropriate assignments for trainees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of trainee.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are maintained for one year following graduation of the trainee, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

DCAS Quality Assurance Staff Development Office, ATTN: DQADO-S, Headquarters Defense Logistics Agency (DLA)

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name. Official mailing address is in the Department of Defense directory in the appendix to the DLA systems notice.

RECORD ACCESS PROCEDURES:

Written or personal requests for information should be directed to the SYSMANAGER. No identification is required for personal visits. For written requests, identity of requester will be verified by comparing signature with signature in record.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents of records may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual quality assurance staff development trainees, Government training school personnel and records, the program managers and supervisors, and other Agency officials directly involved in trainee's progress in the program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S336.10 DCRS-F

SYSTEM NAME:

336.10 Personnel Cost Forecast System

SYSTEM LOCATION:

Budget Function, Budget and Management Support Division, Office of Systems and Financial Management, Defense Contract Administration Services Region (DCASR) St. Louis.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former civilian personnel assigned to DCASR St. Louis.

CATEGORIES OF RECORDS IN THE SYSTEM:

Master employee record showing grade, date of next step increase, assignment code, and in some instances, hourly rate. Personnel Cost Forecast listing shows assignment and projected salary for each GS salaried employee by month. Identity is by social security number. Manual subsidiary records are kept by employee showing date entered on duty, date departed, promotion date, and incentive awards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC Chap. 53, Pay Rates and Systems, 10 USC 136

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is used to project basic pay costs in the budget development and execution stages at DCASR St. Louis. Statistical records are maintained for at least three prior years to develop promotion trends, attrition rates, average grades of employees leaving, and average grade of new hires.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Listings are stored in binders. Other data is maintained on 13 column work paper.

RETRIEVABILITY:

Master file is in alphabetical sequence and controlled by social security number. The Personnel Forecast listings are generated, one at branch level and the other by cost code. Both control on social security number.

SAFEGUARDS:

Records are maintained in budget area and are restricted to personnel performing budget duties.

RETENTION AND DISPOSAL:

Mechanized listings are retained for current year plus one prior year. Manual records are retained for current year plus three prior years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Systems and Financial Management, DCASR St. Louis.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER or to the senior budget analyst, Budget and Management Support Division, Office of Systems and Financial Management, DCASR St. Louis.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the SYSMANAGER. Written requests should contain full name, current address, telephone, and social security number of individual. For personal visits, individuals should be able to provide some acceptable identification that can be verified with the files; such as identification badge or driver's license. Official mailing addresses are in the Department of Defense directory in the appendix to the DLA system of record notices.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personnel actions generated by the Office of Civilian Personnel, DCASR St. Louis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S336.60DLA-KM

SYSTEM NAME:

336.60 Position Classification Appeals

SYSTEM LOCATION:

Headquarters Defense Logistics Agency (DLA) for only those cases requiring Headquarters decision, and at DLA Primary Level Field Activities (PLFAs) for others.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DoD employees serviced by a DLA Civilian Personnel Office who have filed classification or job grading appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files relating to individual or group classification appeals consisting of the written appeal, complete identification of the position, position organization chart, functional statement, comprehensive evaluation statement which has been reviewed by the individual or group submitting the appeal (the appellant), efforts to resolve locally, recommended action and any supplemental information pertinent to the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. Code SS 5112, 5113; FPM Chapter 511, Subchapter 6.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information is used during decision making on (adjudication) classification appeals to HQ DLA or the Civil Service Commission (CSC) by DLA employees. Personnel specialists at the DLA PLFA will furnish file to appropriate CSC Regional Office when a DLA employee appeals directly to the CSC; use classification appeal decisions to initiate appopriate personnel actions; may also use this file as a reference for classification precedent in classifying other similar DLA PLFA positions.

CSC officials use this file to adjudicate the classification appeal when DLA employees appeal the classification of their position to CSC.

Personnel specialists at DLA HQ use this file to adjudicate the classification appeal when a DLA employee appeals the classification of his position to Headquarters; may also use this file as a reference for classification precedent in classifying other DLA PLFA positions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Accessed by classification series, appellant's name and organization.

SAFEGUARDS:

Made available to appellant, DLA personnel specialists concerned and CSC. Precedent decisions when issued by DLA HQ exculde appellant's name and personal data. Maintained in locked containers.

RETENTION AND DISPOSAL:

Placed in inactive file after final decision and completion of any resultant action. Headquarters precedent-setting decision cases, excluding personal data, are filed with Classification Standards and kept until superseded. The DLA PLFA inactive file is cut off at the end of the calendar year, held 5 years in current files areas, then destroyed. Headquarters files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Civilian Personnel, HQ DLA; DLA PLFA Civilian Personnel Officers.

NOTIFICATION PROCEDURE:

Requests may be directed to the appropriate PLFA Civilian Personnel Officer or to Staff Director, Civilian Personnel, HQ DLA. The employee or former employee must provide full name, DLA organizational element in which employed at time of appeal, position description number and, if requesting in person, must present activity identification badge or other suitable identification.

RECORD ACCESS PROCEDURES:

Assistance may be obtained from SYSMANAGER. Official mailing addresses are in the DoD directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should provide full name, organizational element at time of appeal, position description number and activity identification badge or other suitable identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Appellant, cognizant Office of Civilian Personnel, supervisors, HQ DLA Personnel Office staff and CSC officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S337.01DLA-K

SYSTEM NAME:

337.01 Labor Management Relations Records Systems

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency (HQ DLA) and Primary Level Field Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees who are involved in a grievance which has been referred to an arbitrator for resolution; civilian employees involved in the filing of an Unfair Labor Practice complaint which has been referred to the Assistant Secretary of Labor Management Relations; union officials; union stewards; and representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Folder contains all information pertaining to a specific arbitration case or specific Unfair Labor Practice with whom Department of Defense has dealings; field activities maintain roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EO 11491 as amended Labor-Management Relations in the Federal Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of Defense (to include Army, Navy, Air Force, and other DoD agencies) in the performance of their official duties related to the Labor-Management Relations Program, e.g. administration/implementation of arbitration awards, interpretation of the Executive Order through third party case decisions; national consulation and other dealings with the recognized unions.

Representatives of the U.S. Civil Service Commission on matters relating to the inspection, survey, audit, or evaluation of Civilian Personnel Management Programs.

The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program.

Officials and employees of ther components of the Department of Defense in the performance of their official duties related to the administration of the Labor-Management Relations Program. A duly appointed hearing examiner or arbitrator for the purpose of conducting a hearing in connection with an employee's grievance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files, maintained in paper folders.

RETRIEVABILITY:

Manual records are retrieved by case subject, case numbers, and/or individual employee names.

SAFEGUARDS:

All individually indentifiable files are accessible only to authorized personnel having a need-to-know.

RETENTION AND DISPOSAL:

Case files retained for ten years. Union official rosters are normally destroyed after a new roster has been established.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the activity/installation.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to: Civilian Personnel Officer of activity/installation. The letter should contain the full name, and signature of the requester. The individual may visit the Department of Defense activity at which he or she is employed.

RECORD ACCESS PROCEDURES:

Procedures for notification shown above apply. In addition, requester must be able to provide some suitable type of identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Servicing Civilian Personnel Offices, arbitrator's office, Office of Assistant Secretary of Labor for Labor-Management Relations, union headquarters office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S337.25DLA-K

SYSTEM NAME:

337.25 Employee Relations under Negotiated Grievence Procedures

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency (HQ DLA) and Primary Level Field Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense civilian employee whom discipline, grievence, and complaints records exist. Discrimination complaints of civilian employees, applicants for employment and former employees in appropriated and non-appropriated positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual files, maintained in paper folders, contain copies of documents and information pertaining to discipline, grievences, complaints, and appeals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EO 9830, Amending the Civil Service Rules and providing for Federal Personnel Administration; 4 U.S.C. 1302, 3301, 3302; EO 10577, Amending the Civil Service Rules and Authorizing a New Appointment System for the Competitive System; P.L. 92-261, Equal Employment Opportunity Act of 1972; P.L. 93-259, Extension of Age Discrimination in Employment Act of 1967; 5 U.S.C. 7512, EO 11491, Labor-Management Relations in the Federal Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials of the Department of Defense (to include Army, Navy, Air Force or other DoD agencies) in the performance of their official duties related to the management of civilian employees in the processing, administration, and adjudication of discipline, grievance, complaints, appeals, litigation, and program evaluation. Representatives of the United States Civil Service Commission on matters relating to the inspection, survey, audit on evaluation of civilian personnel management programs or personnel actions, or such other matters under the jurisdiction of the Commission. Appeals authority for the purpose of conducting hearings in connection with employees' appeals from adverse actions and formal discrimination complaints.

The Comptroler General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the civilian manpower management programs.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

The Senate or the House of Representatives of the United States or any member, committee or subcommittee or joint committees on matters within their jurisdiction relating to the above programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are stored in paper folders.

RETRIEVABILITY:

Manual records are filed by last name.

SAFEGUARDS:

All records are stored under strict control and are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Manual records destroyed after five years.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the Department of Defense activity/installation.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to: Civilian Personnel Office of activity/installation. The letter should contain the full name, and signature of the requester and the type of record sought. The individual may visit the activity at which he or she is employed.

RECORD ACCESS PROCEDURES:

Above procedures for notification apply. In addition, requester must provide some suitable type of identification.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents, and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S339.10DLA-K

SYSTEM NAME:

339.10 Headquarters Defense Logistics Agency (HQ DLA) Automated Civilian Personnel Data Bank Sys

SYSTEM LOCATION:

Office of Civilian Personnel, DLA Administrative Support Center (DASC-Z), Cameron Station, Alexandria, VA 22314

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U. S. Citizen civilian employees of the DLA who are paid from appropriated funds, and former such employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data on current position occupied by employee, data on employee's current employment status with DLA, training data, and selected personal data including: social security account number; name; sex; minority group designation; date of birth; physical handicap; Government insurance; veteran's preference; Military Reserve Status; Retired Military Status; education; and whether individual passed the Federal Service Entrance Examination or Professional and Administrative Career Examination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U. S. Code, Sec. 301, 302, and 2951, 2952, 2954. E.O. 10561, E.O. 9397, and Federal Personnel Manual Chapters 250 and 291

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purposes of this system are to prepare reports required by the Executive, Legislative and Judicial Branches of government, and to provide information to officials of DLA for effective personnel administration.

Information is used: To provide management data for use of HQ DLA and Field officials. For transfer of current data to the Civil Service Commission on a monthly basis for inclusion in their Central Personnel Data File.

For disclosures to members or committees of Congress with a stated valid need for the information in the performance of their official duties. To furnish or publish information on the DLA Civilian workforce to Federal Agencies, the Congress, or courts of law,

and other Freedom of Information Releases.

To provide information in litigation and other administrative review processes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and disc, computer paper printouts, microfiche.

RETRIEVABILITY:

Records identified to a specific civilian employee are accessed and retrieved by social security account number.

SAFEGUARDS:

Paper printouts or microfiche records which contain only statistical information are released to responsible persons whose stated needs are not in violation of Federal Statute.

Paper printouts or microfiche records which contain individually identifiable information are releasable only under conditions authorized by Federal Statute.

Records are secured in appropriate storage and/or file cabinets when not under the control of Personnel Office officials during duty hours.

During non-duty hours, records are secured in either locked storage and/or file cabinets. The area in which the records are secured is protected by a building security guard system.

Individually identifiable personnel documents will either be hand- carried or will be transmitted in envelopes addressed to a specific office or individual and marked to be opened by addressee only.

Magnetic tape and disc are kept in the computer room which is itself a security container with locked door and access limited to persons appropriately cleared and identified. Tapes and disc packs are stored in a tape library when not used in processing and are logged in and out only to cleared personnel with an official need. Tapes are transmitted to the Civil Service Commission by mail or courier. Reports with individual data are closely controlled. Personnel who process these reports are appropriately cleared and maintain continuous observation of reports during all processing phases. Reports are kept under appropriate physical safeguards when not being processed or used.

An individual requesting information in records must identify self and his relationship to the individual upon whom the record information is being requested.

An individual other than the individual of record must specify what information is requested and the purpose for which it would be used if disclosed. The SYSMANAGER or his delegated assistant determines if request is reasonable and consistent with provisions of the Freedom of Information Act and the Privacy Act of 1974.

Physical access, that is the ability to obtain the record, is limited to:

Personnel Office officials
Civil Service Commission officials
Data processing officials
Supervisors for those records which they are authorized to maintain

RETENTION AND DISPOSAL:

Printouts or microfiche reports are considered as working papers to support particular projects, inquiries, studies or administrative need. They will be retained until the purpose for which generated has been met. They will then be destroyed by shredding or burning.

Data maintained on magnetic tape or disc are to be retained for five years. They will then be degaussed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Civilian Personnel Division, DASC, Cameron Station, Alexandria, VA 22314

NOTIFICATION PROCEDURE:

Information may be obtained from:
Chief, Civilian Personnel Division
DASC-Z, Room 4D690
Cameron Station
Alexandria, VA 22314

Requestor must provide last name, first name, middle initial, and social security account number. If request is by mail, requestor must also furnish current address.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to:
Chief, Civilian Personnel Division
DASC-Z, Room 4D690
Cameron Station
Alexandria, VA 22314

Requests for information must be in writing and contain last name, first name, middle initial, social security account number, date of birth, current address, phone number where individual may be reached during the day, and a signed statement certifying that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to 5,000 dollars. Complete records are maintained only on magnetic tapes or discs and are not available for access by personal visits.

CONTESTING RECORD PROCEDURES:

The agency's rule for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Input from employees of civilian personnel offices and Equal Employment Opportunity Officers who obtain information from: the Official Personnel Folder and other personnel documents, personal contact with individual concerned, applications and forms completed by the individual; and input from interface with the DLA Automated Payroll, Cost and Personnel System (APCAPS).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S339.50DLA-K

SYSTEM NAME:

339.50 Supervisors' Personnel Records

SYSTEM LOCATION:

Office of supervisor or manager having supervision over the individual employee, at each Defense Logistics Agency, (DLA) activity.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA civilian employees, full time and part time, paid from appropriated or nonappropriated funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of supervisors who are geographically accessible to their employees' Official Personnel Folders may contain Standard Forms 7A and 7B (Employee Record Card and continuation); Supervisor's copy of position description, performance evaluations, other evaluations for official purposes (such as promotion or for application for other positions); supervisor's notations of employee successes or short comings, for use in developing performance evaluations, for counseling employees and for basing disciplinary actions; records of training requested, scheduled or taken; printouts from automated personnel systems providing supervisors with day-to-day operating level information concerning their employees; letters, documents, notations or other information maintained only temporarily by the supervisor regarding an individual employee during the time some particular action relating to the employee is being planned or taken. Information in these records will be the

minimum essential to effective supervision. An operating or work personnel folder may be maintained by operating officials in field offices geographically remote from the personnel office, or by personnel or administrative offices of field installations that do not have full delegated personnel management authority (and their official personnel folders are maintained by higher echelon in another city or geographic location). In addition to the contents listed above, such records may contain information on employee experience, education, special qualifications and skills and conduct.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302; E.O. 10561; FPM Supplement 293-31, Subchapters 7 and 8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Supervisors, managers and other officials of the DLA in carrying out their official duties for supervision and counseling of civilian employees and the administration of employee evaluation, discipline and training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records in file folders or in card files. Records in this system will be kept at only one organizational level and not duplicated in other organizational levels.

RETRIEVABILITY:

By employee name or by organizational segment or, in some cases, by name within subject matter, such as training.

SAFEGUARDS:

All records are maintained under the strict control of the supervisor or other management official and are accessible only to authorized persons. They are retained in locked cabinets or in supervisors' locked desk drawers or in a secured room or area.

RETENTION AND DISPOSAL:

Records are maintained during the employee's tenure with the particular supervisor or organization and, after purging, are transferred to the employee's subsequent supervisor if in the same DLA activity. When an employee leaves the activity through transfer or other separation the records will be sent to the personnel office for comparison with the official personnel folder. The personnel office will screen the records to ensure that no documents are included which should be permanently filed in the official personnel folder and then destroy the remainder. Documents which are purged from the official personnel folder during employment are also purged from supervisor's records.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer servicing the DLA activity involved.

NOTIFICATION PROCEDURE:

Requests for information will normally be addressed to the employee's immediate supervisor or to a higher level supervisor. Request by correspondence should be addressed to the Civilian Personnel Officer of the particular activity where the individual is employed or was formerly employed. Mailing addresses are provided in the Department of Defense component directory published in the Federal Register. The letter should contain the full name of the requestor and his signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records by the individual concerned may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The data is gathered from the individual employee, the employee's present and former supervisors at various levels, from official personnel folders and other personnel documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S339.50DSAO-S

SYSTEM NAME:

S339.50 DSAC, Staff Information File

SYSTEM LOCATION:

DLA, Data Systems Automation Office, P.O. Box 1605, Columbus, Ohio 43216.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DSAC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel type information concerning each staff member, including name, home address, grade, sex, job class, position title, home and office telephone numbers, birth date, service computation date, subsidiary cost code, office symbol, position code, supervisory code, employee account number, Minority Group Designator War Emergency Support Plan assignment, and AUTOVON approval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in Title 10, United States Code Section 133, the Secretary of Defense has issued DoD Directive 5105.22 (32 CFR 359) establishing the Defense Logistics Agency as a separate agency of the Department of Defense under his direction and therein has charged the agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained to provide readily accessible data about staff which are required for day-to-day operations and which would be impractical to organize and use on a manual basis or from other records. Information is used by officials of the DSAC and the Defense Construction Supply Center (DCSC): As a reference report to determine or verify data concerning each staff member in the process of day-to-day operations; to provide the Operations Control Center the capability to contact individuals during non-duty hours for providing assistance to system users; to determine staff members eligible for retirement in the next five years and develop plans as necessary for replacement of personnel who could retire; to provide a complete list by organization assignment and to identify location of each staff member, account for vacancies and encumbered positions and determine progress toward average grade level goal(s); for accounting purposes in submitting jobs to the computer center; to provide a list of the identifying numbers assigned to each staff position for use in various personnel actions; to provide a list of subsidiary cost codes assigned to each individual, to determine that correct code is assigned, for use on various personnel actions; to assign parking spaces; to identify individuals assigned responsibility under the War Emergency Support Plan (WESP); to identify individuals eligible to authorize AUTOVON calls during non-duty hours; to verify and/or modify the Profile Data Analysis Report concerning minority

and female employees; and to produce a telephone list for DSAO staff use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Magnetic disk storage media and hard copy printouts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Individual information is retrievable by Individual information is retrieved by Employee Account Number.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Information is disclosed only to agency officials on a need-to-know basis.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Reports are destroyed when superseded by new reports.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, DLA Systems Automation Center, P.O. Box P1605; Columbus, Ohio 43216.

NOTIFICATION PROCEDURE:

Requests should be addressed to the SYSMANAGER. Individual must provide full name and Employee Account number. Personal visits may be made to the Office of Planning & Management. DSAC. Individual must provide identification card/badge or other Federal Government-issued identification.

RECORD ACCESS PROCEDURES:

Procedures same as for notification.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual personnel actions, DCSC Name and Address Change Notice, and other similar documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S352.10DLA-K

SYSTEM NAME:

352.10 Nominations for Awards

SYSTEM LOCATION:

Agency officials to evaluate contributions (approve or disapprove award). other nominations for honorary and cash awards. Organizational elements of HQ DLA and PLFAs: Files on nominations for awards initiated or evaluated within the organizational element.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian personnel assigned to DLA who are nominated for Defense, (OSD), other Government activities, and private organizations; cash awards which exceed 1,000 dollars based on tangible benfits, 500 dollars based on intangible benefits or 1,500 dollars based on a combination of tangible and intangible benefits and various awards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Justifications submitted in support of award nominations, evaluation statements, photographs when required by the sponsoring organization, minutes of DLA Recognition and Awards Board meetings, registers of cases, and reports submitted to Office of the Secretary of Defense and Civil Service Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4501-4506, 10 U.S.C. 1124, Chapter 451 of the Federal Personnel Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained in support of action taken on contributions and award nominations and for preparation of statistical and narrative reports required by Office of the Secretary of Defense and Civil Service Information is used by: Commission. Headquarters Defense Logistics Agency (HQ DLA): Nominations for DLA Primary Level Field Activities (PLFA): Above files plus all Training and Incentives Division, Staff Director, Civilian Personnel, honorary awards sponsored by DLA, Office of the Secretary of Members of DLA Recognition and Awards Board - to evaluate contributions requiring approval of the Director, DLA. Members of other Federal activities and members of Private Organizations - to evaluate nominations for awards sponsored by them for which DLA personnel are nominated. Officials of other DoD Components and other Government activities - to evaluate for possible adoption and use contributions made by DLA personnel that concern the operation of their functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, card index files, and registers in notebooks.

RETRIEVABILITY:

Award nominations may be filed alphabetically by nominee's name or by award title, in personnel offices. Filed by type of award or suggestion in organizational elements of HQ DLA and PLFAs.

SAFEGUARDS:

Maintained in locked containers in areas accessible only to Agency personnel.

RETENTION AND DISPOSAL:

Nominations for Awards - files are closed upon completion of the action, cut-off at the end of the fiscal year, held for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Incentives Awards Administrator, Chief, Training and Incentives Division, Staff Director, Civilian Personnel, HQ DLA; Civilian Personnel Officers of DLA PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and type of award for which nominated, and activity at which nomination was submitted.

RECORD ACCESS PROCEDURES:

Requests for assistance should be directed to the SYSMANAGER. Official mailing addresses are in the DoD Directory in the appendix to the DLA systems notice. Individual must provide full name and type of award for which nominated and activity at which nomination was submitted.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

DLA supervisors and managers who initiate and evaluate nominations, members of DLA Recognition and Awards Board.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S355.02 DCIDO

SYSTEM NAME:

DLA-Intern Records.

SYSTEM LOCATION:

Defense Logistics Agency (DLA) Centralized Intern Develop- ment Office (DCIDO-X), Defense Construction Supply Center, 3900 E. Broad Street, Columbus, Ohio 43215; and DLA Civilian Personnel Management Support Office (DCMO), Defense Construction Supply Center, 3990 E. Broad Street, Columbus, Ohio 43215.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former DCIDO interns.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system contain personal and training (formal and on-the-job) data on all interns (past and present) employed by DCIDO. These records contain the name, Social Security Number, name of program, date of birth, sex, minority group designator, entrance on duty, address, recruitment location, education, activity assigned, target position, date of completion of DCIDO training, reasons for non-completion/effective date, formal training received, completion date, on-the-job training received, and completion date

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4103, 4115, and 4118.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain training records and demographics on all interns employed by DCIDO; to provide information to DLA regarding EEO progress and for effective personnel management and administration. Records the training each intern has received to insure training objectives are being met as required in the Program of Instruction. Also used by staff personnel to evaluate program and individual intern progress.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated files are stored on magnetic tapes/disks. Manual files are stored on 5 x 8 index cards in file cabinets and computer print outs.

RETRIEVABILITY:

Automated records are retrieved by name, social security number, and career intern training program. Manual records are retrieved by employee name and career intern training program.

SAFEGUARDS:

Records are maintained in an area that is accessible to office personnel only. Records are retained in locked cabinets and computer fail-safe system soft-ware. Records will be available only to authorized personnel on a need-to-know basis in connection with their official duties. Magnetic tapes or disks are stored in a tape library when not used in processing

RETENTION AND DISPOSAL:

Manual records are retained for current year plus nine prior years. Mechanized listings are retained for one year and then are destroyed by shredding or burning. Tapes and/or disks are retained until no longer needed for reference or ten years, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DLA Centralized Intern DEVELOPMENT Office, 3900 E. Broad Street, Columbus, Ohio 43215.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be obtained from the System Manager. Individual must provide full name, social security number and career program.

RECORD ACCESS PROCEDURES:

Assistance may be obtained from Administrative Officer, DCIDO, 3900 E. Broad Street, Columbus, Ohio 43215. Written requests or personal visits, individual must provide full name and signature, current address, social security number and career program. Specific proof of identification is not normally required.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Civilian Personnel; Chiefs, Career Intern Training Programs, information provided by personnel; OJT supervisors and training instructors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

S370.20DLA-WH

SYSTEM NAME:

370.20 Individual Accident Case Files

SYSTEM LOCATION:

Primary System - Case files on disabling work (lost time) injuries, property damage accidents (100 dollars or more), and motor vehicle accidents with a disabling work injury or property damage exceeding 100 dollars: Office of Installation Services and Environmental Protection, Headquarters, Defense Logistics Agency (HQ DLA). decentralized segments - Above files plus all other injuries and accidents: HQ DLA principal staff elements, DLA Primary Level Field Activities (PLFAS), secondary and third level field activities, where incidents occurred..

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel, contractor employees, and other personnel who are injured on the premises of DLA or performing assignment incident to DLA operations. Also may include individuals involved in accidental damage to vehicles equipment, and property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports, statements of witnesses, photographs and related papers, including summarized information maintained for the purpose of identifying accident repeaters and safety award recipients, regarding accidents incident to DLA operations, pertaining to injuries to individuals or accidents involving motor vehicles and other equipment or structural property damage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 651, Et.seq. 'The occupational safety and health act of 1970 (OSHA);' Executive order 12196, 'Occupational Safety and Health Programs for Federal employees.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained to identify cause of accident, to formulate accident prevention programs, to identify individual involved in repeated accidents, to present safety awards to individuals and to prepare statistical reports as required.

Information is used by:

Agency supervisors and managers - to determine actions required to correct the causes of the accidents.

Safety offices - to insure actions proposed by supervisors and managers are adequate to prevent future accidents, to identify accident repeaters and safety award recipients, to provide verification that accidents have

occurred when processing workmen's compensation cases, to prepare statistical reports, accident summaries, and accident prevention information for inclusion in Agency internal publications.

Security personnel - to determine accident causes, and to formulate possible changes in activity rules of conduct.

Government and Non-Government Medical personnel - to make medical determinations about individuals involved in accidents.

Facilities engineers and maintenance personnel - to formulate future installation facilities and equipment plans and budgets and to change operating procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card index files and automated record files.

RETRIEVABILITY:

Filed by organizational activity and/or alphabetically by last name of injured person or principal person involved in accident, when known.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA Safety and Health personnel.

RETENTION AND DISPOSAL:

Records are destroyed ten years after the case is closed. They are retained in active file until end of calendar year in which case is closed, held one to three additional years in inactive file and subsequently retired to Federal Records Center, held for the remaining years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Office of Installation Services and Environmental Protection, DLA; Safety Officers, DLA Primary Level Field Activities.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and name of DLA activity at which incident occurred; or if individual is or was a DLA employee, name of employing activity is also required.

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGER are in the DoD Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual and a signed statement asserting his or her identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to 5,000 dollars. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employment identification card, and give some verbal information that could be verified from the case folder.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee's supervisors, medical units, DLA protective service, civilian police, fire department, investigating officer, or witness to accident.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

S380.01DLA-K

SYSTEM NAME:

380.01 Employee Assistance Program Case Record Systems

SYSTEM LOCATION:

Headquarters Defense Logistics Agency (HQ DLA) and Primary Level Field Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees in appropriated and non-appropriated fund activities who are referred by management for, or voluntarily request, counseling assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Systems are comprised of case records on employees which are maintained by counselors, supervisors, civilian personnel offices and social action offices and consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, emotional, or other job performance problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Office and Treatment Act of 1972, as amended by Public Law 93-282 (21 U.S.C. 1175); Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended by Public Law 93-282 (42 U.S.C. 4582); Subchapter A of Chapter I, Title 42, Code of Federal Regulations; Chapter 43 of Title 5, U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the counselor in the execution of his/her counseling function as it applies to the individual employee, selected information may be provided to and used by other counselors or medical personnel, research personnel, employers, representatives such as legal counsel, and to other agencies or individuals when disclosure is to the employee's benefit, such as for processing retirement applications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case records are stored in paper file folders.

RETRIEVABILITY:

By employer name or by locally assigned identifying number.

SAFEGUARDS:

All records are stored under strict control. They are maintained in spaces normally accessible only to authorized persons, normally in locked cabinets.

RETENTION AND DISPOSAL:

Records are purged of identifying information within five years after termination of counseling or destroyed when they are no longer useful.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the activity/installation.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to servicing civilian personnel office or to the appropriate Employer Assistance Program administrator at the activity. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Counselors, other officials, individuals or practitioners, and other agencies both in and outside of Government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S380.20DLA-K

SYSTEM NAME:

380.20 Civilian Medical Case Files

SYSTEM LOCATION:

Geographically decentralized to Defense Logistics Agency (DLA) primary level field activities (PLFA), secondary and third level field activities where records are maintained.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and other personnel who are provided medical support at DLA activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health record case files on periodic medical reports, injury reports, dispensary treatment records, allergy history, immunization records, and medical correspondence. Reports of dispensary treatments, reports from private physicians of health units, records of immunizations and allergies, records of health related work assignment restrictions. This system excludes records required by the Civil Service Commission, that is it excludes pre-employment physical examinations, Health Qualification Placement Records, disablilty retirement examinations, and fitness for duty examinations which become a part of the Official Personnel Folders (Standard Form 66) upon separation, but which may be maintained separately from the folder prior to separation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Section 7901, Health Service Programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained in support of the medical treatment and preventative health programs. Medical and health personnel use the records to prescribe treatment, identify health problems, and interpose health related restrictions of work activities. They provide necessary information to Agency supervisors and managers to alleviate health related problems on the job and to insure compliance with health related restrictions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card index files, magnetic tape and disk, computer paper printout, microfiche.

RETRIEVABILITY:

Filed alphabetically by last name of person in the unit.

SAFEGUARDS:

Records are maintained in locked cabinets or in secured rooms. Access is limited to the health unit staff.

RETENTION AND DISPOSAL:

New files are set up each year. Records from previous years related to an individual are brought forward when that individual is treated again. Records are destroyed six years after date of last papers in file.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Civilian Personnel, DLA primary level field activities.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Written requests shall include a signed employee statement authorizing release of record material.

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGER are in the DoD Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual and a signed statement asserting his or her identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to 5,000 dollars. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Physicians, medical technicians, administrative personnel engaged in medical treatment or health programs at agency, contract or private facilities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S390.01DLA-KS

SYSTEM NAME:

390.01 Grievance Examiners and Equal Employment Opportunity Investigators Program

SYSTEM LOCATION:

Staffing and Employee Relations Division, Staff Director Civilian personnel, Headquarters Defense Logistics Agency (HQ DLA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and Civilian employees of Defense Logistics Agency (DLA), or former employees, who have been nominated by Commanders of Primary Level Field Activities (PLFAs), to serve as DLA grievance examiners and EEO investigators; and have been approved by HQ DLA are listed by name on regional rosters as available for serving in those areas. Also retired Federal civilian employees and others approved by HQ DLA as grievance examiners and EEO investigators for the Agency and available to serve under a non-personal services contract are listed by name on regional rosters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include regional rosters of approved investigators/examiners of grievances and Equal Employment Opportunity (EEO) complaints which are available to Commanders of Defense Logistics Agency Primary Level Field Activities.

Agency regional rosters, letters of nomination and approval, position descriptions, certificates of training, personal qualifications statement, Standard Form 171 (SF-171), and related correspondence and papers pertinent to Agency grievance examiners and EEO investigators program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 1302, 3301 & 3302, 3105. EO. 11478, as amended

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose: Information is maintained for purposes of establishing Agency grievance examiners and EEO investigators program and insuring the availability of quality personnel on short notice.

Information is used by: Civilian Personnel officials of HQ DLA and other involved DLA HQ and field officials to select and supervise grievance examiners and EEO investigators as required.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name within regional area.

SAFEGUARDS:

Records are maintained in locked file cabinets in areas accessible only to Agency personnel.

RETENTION AND DISPOSAL:

Records are retained in active file on current basis. New approvals are added continuously and deletions or withdrawals are held one to three years in inactive file and subsequently retired to Federal Records Center. Records are destroyed after a total of ten years.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Civilian Personnel, DLA.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and, if a current DLA employee, name of DLA activity at which employed.

RECORD ACCESS PROCEDURES:

Official mailing address is in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should be addressed to the SYSMANAGER and contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified with the Agency folder.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

DLA PLFA Commanders, DLA civilian personnel office staffs, other DLA officials and others who may be able to recommend or provide information on potential or present candidates for this work.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S390.05 DCRB-M

SYSTEM NAME:

S390.05 Boston Equal Employment Opportunity (EEO) Skills Bank.

SYSTEM LOCATION:

Equal Employment Office, Defense Contract Administration Services Region (DCASR), Boston.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel presently employed by DCASR, Boston and referrals from other agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual skills records, including name of individual, present position, present grade and length of time in grade, occupational skills, educational background, types of jobs presently for which qualified, areas of job interest (future), geographic work areas where individual is willing to locate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11478. EEO in the Federal Government and EEO Act of 1972 (Pub. L.92-261) amending the Civil Rights Act of 1964.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this system is to assure that qualified employees are informed of upward mobility opportunities. Information is used as a means of referral of candidates when specific organizational elements make requests so that candidates may be alerted to be sure necessary background materials are in files; as a means of referral of candidates to other Federal and public agencies when specific inquiries are made: as a means for notifying possible candidates of training courses in present or anticipated fields. Data relative to outstanding referrals from other agencies as well as walk-in applicants may be added to the system for referral purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes and computer printouts stored in file cabinet.

RETRIEVABILITY:

Information is retrieved by grade, occupational skills, present job qualifications, job avocation, and location (entered by category code), and therein alphabetically by name.

SAFEGUARDS:

Magnetic tapes are maintained in tape library which are accessible only to authorized personnel. Computer Personnel who process reports are appropriately cleared. Paper records are maintained in files in the Equal Opportunity Office in file cabinets, which are locked during non-duty hours.

RETENTION AND DISPOSAL:

Records on current employees will be destroyed upon employee's separation. Records on outside referrals will be retained for one year after which they will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

EEO Officer, DCASR, Boston.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. For personal visits, positive identification such as a DLA identification card, driver's license, social security number or any identification containing a picture of the requestor must be presented. Written requests must contain full name, and social security number or date of birth.

RECORD ACCESS PROCEDURES:

Written or personal requests directed to the EEO Officer, DCASR, Boston.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Forms filled out by individual employees and applicants. Participation in Skills Bank is voluntary. Data will be updated at the request of the individual candidate or applicant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S431.15DLA-C

SYSTEM NAME:

431.15 Travel Record

SYSTEM LOCATION:

Records are maintained at all Defense Logistics Agency (DLA) C,ENTERS, Depots, and Defense Contract Administration Service Regions (DCASRs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees, civilian and military, who perform travel, Temporary Duty (TDY) or Permanent Change of Station (PCS) for DLA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of copies of request and authorization for TDY travel of DoD personnel, request and authorization for DoD civilian permanent duty travel, travel voucher, travel voucher or subvoucher, claim for reimbursement for expenditures on official business and record of travel payments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

cHAPTER 5F, Title 5 United States Code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used by the Accounting and Finance Officer to administer his disbursing and accounting duties for government travel performed by both military and civilian employees under his administrative control. Data is also used by Counsel to determine that expenses of the sale or purchase of the residence for a PCS are reasonable and customary to the locality of the transaction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

A Paper records in file folders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

B By name and social security number.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

C Records are maintained in an area that is accessible to office personnel only.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

D Records of military personnel are maintained until separation or transfer of the military members. Records of civilian personnel are destroyed one year after termination of their employment.

SYSTEM MANAGER(S) AND ADDRESS:

Accounting and Finance Officer at each PLFA.

NOTIFICATION PROCEDURE:

Request for information can be addressed to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Written requests for information must contain the full name and social security number of the employee. Employees making a personal request must present identification; i.e., employee badge, drivers license, etc. Official mailing addresses are in the Department of Defense directory in the appendix to the DLA system of record notices.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Request for travel forms, travel vouchers, claims for reimbursement.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S434.15DLA-C

SYSTEM NAME:

434.15 Automated Payroll Cost and Personnel System (APCAPS)

SYSTEM LOCATION:

Records maintained at Defense Logistics Agency (DLA) Centers, Depots and Defense Contract Administration Service Regions (DCASRs)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian and military personnel who have been paid or costed by APCAPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained in manual and mechanical files for all data which affect an employee's pay, deductions, employer contributions, leave, retirement, position status, or cost accumulation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, DoD Dir 5105.22

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used in preparing payrolls, cost and manpower reports.

Information is used by: Agency supervisors and managers - to determine leave usage, manpower allocations and labor distribution. Supervisors and managers of agencies and activities other than DLA who receive payroll/cost accounting support from APCAPS - to determine leave usage, manpower allocations, labor distributions and costs.

Payroll office - to compute and control payroll and allocate labor costs.

Personnel office - to determine leave usage and changes that affect an employee's pay.

Security office - to determine location of employees.

Disbursing office - to determine the distribution of checks and bonds.

Financial Institutions - to determine disposition of net pay or allotments of pay.

Treasury Department - to determine registration of bonds and federal tax allocation.

Unions, charities, and insurance organizations - to determine participation in these organizations.

Office of Personnel Management - to determine status of employee and for disposition of retirement records.

State and local taxing authorities - to determine tax liability.

Non-government organizations - to verify employment and credit data furnished to financial institutions by the employee.

Bureau of Employment Compensation - to process employee disability claims.

State employment offices - to submit data for unemployment compensation.

Local courts - to determine the withholding of pay for garnishment of wages.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilm, magnetic tape, disc pack, computer paper printouts, vertical file cards, paper records in file folders.

RETRIEVABILITY:

Hardcopy documents are filed by payroll block and/or alphabetically by last name. Data stored on mechanized storage devices are retrieved by SSAN.

SAFEGUARDS:

Access to mechanical records is limited to authorized DLA data systems personnel. All other records are maintained in areas accessible only to agency personnel.

RETENTION AND DISPOSAL:

Retention of data varies from 1 to 3 days for mechanical working files up to an employee's total length of service with an activity for permanent payroll information.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, DLA.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the Chief, Payroll Branch, Accounting and Finance Division, Office of Comptroller at each DLA Center and depot.

RECORD ACCESS PROCEDURES:

Written requests must contain full name and social security account number of the employee. Employees making a personal request must present identification. Official mailing addresses are in the Department of Defense directory in the appendix to the DLA system of record notices.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee's supervisors, civilian personnel office, military personnel office, financial institutions, local courts, military services or other government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

S434.15DLA-KP

SYSTEM NAME:

434.15 Automated Payroll, Cost and Personnel System (APCAPS) Personnel Subsystem

SYSTEM LOCATION:

Offices of Civilian Personnel at:
Defense Construction Supply Center (DCSC)
Defense Electronics Supply Center (DESC)
Defense General Supply Center (DGSC)
Defense Personnel Support Center (DPSC)
Defense Property Disposal Service (DPDS)
Defense Depot Memphis (DDMT)
Defense Depot Ogden (DDOU)
Defense Depot Tracy (DDTC)
Defense Depot Mechanicsburg (DDMP)
Defense Logistics Agency Administrative Support Center (DASC)
Defense Contract Administration Services Region (DCASR), Atlanta
Defense Contract Administration Services Region (DCASR), Boston
Defense Contract Administration Services Region (DCASR), Chicago
DEFENSE Contract Administration Services Region (DCASR), Cleveland
Defense Contract Administration Services Region (DCASR), Dallas
Defense Contract Administration Services Region (DCASR), Los Angeles
Defense Contract Administration Services Region (DCASR), New York
Defense Contract Administration Services Region (DCASR), Philadelphia
Defense Contract Administration Services Region (DCASR), St. Louis

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defense Logistics Agency (DLA) civilian employees serviced by Offices of Civilian Personnel at the activities listed under LOCATION and other Department of Defense civilian employees who are both serviced by the Offices of Civilian Personnel and paid by the activities listed under LOCATION.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee data segment of APCAPS data bank, including data being manually collected prior to implementation of the automated record system. For the civilian personnel segment of APCAPS, the employee data segment of the APCAPS data bank contains, for civilian employees, current personnel data on employment status and selected personal data, such as Social Security Number (SSN), name, sex, minority group designator, date of birth, age, physical handicap, Government insurance, military reserve status, retired military status, education, whether individual passed the Federal Service Entrance Examination or the Professional and Administrative Career Examination, status preceding employment with DLA, U.S. citizenship, and veterans preference.

Position data segment of APCAPS data bank. For the civilian personnel segment of APCAPS, the position data segment of the APCAPS data bank contains position data pertinent to established positions, both those positions occupied by a civilian employee as well as those not so occupied.

Personnel history file. The personnel history file contains a profile of selected civilian employee personnel data as of the most recent transaction processed against it, as well as a chronological extract of all prior transactions processed on the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Sec. 301, 302; EO 10561; Federal Personnel Manual, Chapters 290 and 293.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purposes of the system are to affect Federal personnel actions, maintain the Federal personnel service control system, fulfill Federal personnel reporting requirements, and provide information to officials of DLA for effective personnel management and personnel administration.

Prospective employees. For employment determination purposes.

Credit firms. For verification of data for credit determination purposes.

Taxing authorities. For tax administration purposes.

Officials of the Executive Branch. For performance of official duties.

Officials of the Legislative Branch. For performance of official duties.

Officials of the Judicial Branch. For performance of official duties.

Hospitals, medical offices and institutions. For medical/hospital administration purposes.

Executor or administrator of the estate of a deceased employee, former employee, or annuitant, or next-of-kin. For estate settlement purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes or discs. Computer paper printouts. Paper records in file folders.

RETRIEVABILITY:

Information identified to a specific civilian employee is accessed and retrieved by Social Security Number.

SAFEGUARDS:

Records are either secured in locked storage and/or file cabinets or under the constant observation of personnel office

officials during duty hours. During non-duty hours, records are either secured in locked storage and/or file cabinets; the records file area is locked, and/or the building in which the records are stored is protected by building security guard. If the records area is not protected by security guard, all records must be locked. Individually identifiable personnel documents will either be handcarried or will be transmitted in envelopes addressed to a specific office or individual and marked to be opened by addressee only. Magnetic tapes and discs are kept in the computer room which is itself a security container with locked door and access limited to persons appropriately cleared and identified. Tapes and disc packs are stored in a tape library when not used in processing, and are logged in and out only to cleared personnel with an official need. Reports with individual data are closely controlled. Computer personnel who process these reports are appropriately cleared and maintain continuous observation of reports during all processing phases. Indivudual requesting information must identify himself/herself and his/her relationship to the individual upon whom the record information is being requested. Individual other than the individual of record must specify what information is requested and the purpose for which it would be used if disclosed. Personnel office official determines if request is reasonable and consistent with provisions of the Freedom of Information Act and the Privacy Act of 1974. In order to prevent unauthorized modification of records contents, original records documents may only be reviewed in the presence of a witness designated by the Personnel Office.

Physical access, that is the ability to obtain the record, is limited to:.

Personnel office officials

Office of Personnel Management Officials.

Data processing officials

Supervisors for those records for which they are authorized to maintain.

Responsible officials are granted temporary custody of an original record in order to monitor the review of the record by the individual to whom it pertains, when the individual is geographically remote from the personnel office.

RETENTION AND DISPOSAL:

Records which are filed in the Official Personnel Folder (OPF) are retained in the personnel office until the employee leaves the agency. At that time the permanent portion of the OPF is transferred to the gaining Federal agency and temporary OPF records are destroyed by shredding or burning. Copies of records which are furnished to the employee concerned, may be retained at his or her discretion. Copies of records authorized to be maintained by supervisors or other operating offices are destroyed by shredding or burning when the employee leaves the agency. Operating records maintained within the Civilian Personnel Office may be retained up to three years, as needed. At that time, or sooner, they may be destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Civilian Personnel, HQ DLA and Directors of Civilian Personnel at DCSC, DPDS, DESC, DGSC, DPSC, DDMT, DDOU, DDTC, DDMP, DASC, DCASR Atlanta, DCASR, Boston, DCASR Chicago, DCASR Los Angeles, DCASR New York, DCASR Cleveland, DCASR Dallas, DCASR Philadelphia, or DCASR St. Louis.

NOTIFICATION PROCEDURE:

Written or personal requests may be directed to the SYSMANAGER at the activity where the record is maintained. Individual must provide name (last, first, middle initial) and SSN in order to determine whether or not the system contains a record about him/her. If a written request, individual must provide a return address. For personal visits, the individual should be able to provide some acceptable identification, such as employing office identifiaction card.

RECORD ACCESS PROCEDURES:

Written requests are required. The request is to contain the name of the individual (last, first, middle initial), SSN, return mailing address, telephone number where individual can be reached during the day, and a signed statement certifying that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to 5,000 dollars. Complete records are maintained only on magnetic tapes or discs and are not available for access by personal visits.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Agency supervisors and administrative personnel, medical officials, previous Federal employers, U.S. Office of Personnel Management. applications and forms completed by individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S434.87DLA-C

SYSTEM NAME:

434.87 Debt Records for Individuals

SYSTEM LOCATION:

Primary System: - Accounting and Finance Division, Finance Systems Branch, Headquarters, Defense Logistics Agency (HQ DLA). Secondary System: DLA Primary Level Field Activies (PLFAs)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, including members of the general public, current and former civilian employees and military personnel, who are indebted to the Defense Logistics Agency (DLA). Also, included are individuals indebted to other Federal agencies for which DLA has assumed collection responsi- bility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative reports with supporting documentation of individual's financial condition, such as pay grade, salary, or financial documents furnished by individual; personnel actions and requests from the individuals for waiver of indebtedness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 951-953 (Federal Claims Collection Act of 1966; Public Law 89-616; Public Law 92-453.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to collect monies owed the U. S. Government. Information is maintained to support case files; financial statements provide an understanding of individuals' financial condition with respect to request for deferment of payments. If debtors do not enter into satisfactory payment arrangements or demonstrate a legitimate dispute within a specific period, the debt will be reported to a commerical credit bureau. When debts are uncollectable, case files are forwarded to the U. S. General Accounting Office, Department of Justice, or a United States Attorney for further collection action. Information could be provided to other Federal activities in cases where an individual may be employed outside of DLA and such Federal activity is assisting DLA in its collection efforts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Paper records in file folders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Filed alphabetically by name.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Files are located in the Finance Systems Branch, Accounting and Finance Division, Office of the Comptroller, HQ DLA. Access is limited to personnel of the Division except in those instances where other personnel may have an official requirement for the files, such as, counsel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Records are destroyed ten years after all aspects of the case are closed. Collected in full claims are retained for six months and then destroyed. Claims terminated, compromised or waived are retained for three years and subsequently retired to Federal Records Center, held for remaining years and destroyed. Claims settled by U. S. General Accounting Office, retained one year after settlement and retired to Federal Records Center, held for remaining years and retired.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Finance Systems Branch, Accounting and Finance Division, Office of Comptroller, HQ DLA.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Official mailing address is in the DoD Directory in the appendix to the DLA systems notice. Written requests from individuals should contain their full name, current address and telephone number. For personal visits, the individual should be able to provide acceptable identification, such as an employee badge or driver's license, etc.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Records will be obtained from Primary Level Field Activities (disbursing offices and/or personnel officer) in the form of copies of official government documents. Records will also be obtained from other Federal Agencies, financial institutions, members of the general public and from the individual concerned. Accuracy of such records will be verified, as necessary, by requesting sworn or notarized statements, matching the various records and by comparison with official government records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S491.10 DLA-M

SYSTEM NAME:

491.10 Nonappropriated Fund (NAF) Membership Records

SYSTEM LOCATION:

Officers Open Messes at Defense Construction Supply Center (DCSC), Defense Electronics Supply Center (DESC), Defense General Supply Center (DGSC), Defense Personnel Support Center (DPSC), Defense Depot Ogden (DDOU), Defense Depot Tracy (DDTC), Golf Club at Defense Depot Memphis (DDMT)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the NAF

CATEGORIES OF RECORDS IN THE SYSTEM:

The record contains the member's name, rank, social security number, spouse's name, birthdate, and home/office telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC Secs. 301, 302

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The record is maintained to have a current file of membership in the activity. The records are used by the manager of the fund to determine eligibility for membership, mailing NAF activity notices, billing for dues, indicating payment or non-payment of dues, social functions, and membership card number. The record could be used by the Council to terminate membership for nonpayment of dues.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files. The records may also be automated.

RETRIEVABILITY:

Filed alphabetically by last name

SAFEGUARDS:

Maintained in areas accessible only to authorized personnel

RETENTION AND DISPOSAL:

Destroy one year after member departs

SYSTEM MANAGER(S) AND ADDRESS:

The manager of the NAF at DCSC, DESC, DGSC, DPSC, DDMT, DDOU, DDTC

NOTIFICATION PROCEDURE:

Contact the SYSMANAGER by signing a request for the data or personal visit with identification.

RECORD ACCESS PROCEDURES:

Contact the SYSMANAGER. Official mailing addresses of SYSMANAGER are in the DoD Directory in the appendix to the DLA systems notice.

CONTESTING RECORD PROCEDURES:

The rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Assignment orders, ID Card, financial records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S493.10DLA-K

SYSTEM NAME:

493.10 Official Personnel Folders for Non-Appropriated Fund Employees

SYSTEM LOCATION:

Geographically and organizationally decentralized to the Defense Logistics Agency (DLA) primary level field activities which employ non-appropriated fund employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of non-appropriated fund (NAF) activities of DLA and former such employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various forms and records pertaining to the selection and appointment of NAF employees, personnel actions and other records originating during an employee's service and records pertaining to the employee's separation, classification, training, adverse or disciplinary actions, and other employment related forms and documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Sec. 301,302, 10 U.S.C. Sec. 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information is collected and maintained to provide personnel officials and supervisory officials with information on which to base employment decisions affecting employees. It also provides a record of the employee's employment. The use of the record is restricted to official personnel administration uses and for answering inquiries from credit sources or other outside sources when appropriate and requested.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by employee name.

SAFEGUARDS:

Maintained in locked filing cabinets. Direct access to the files is limited to civilian personnel office employees and to supervisors and others who are identified as having a specific and legitimate need.

RETENTION AND DISPOSAL:

Folders are maintained for the duration of the employee's employment. They are retired to the National Personnel Records Center (civilian), 11 Winnebago Street, St. Louis, Missouri 63118, 30 days after separation, except as follows:

Off-duty U. S. Military personnel, destroy 2 years after termination of employment.

Non-U. S. citizens residing outside of Continental United States (CONUS), Alaska, or Hawaii but working within CONUS, Alaska, and Hawaii, destroy 3 years after separation.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officers (CPOs) of DLA Primary Level Field Activities (PLFAs) where there are NAF employees.

NOTIFICATION PROCEDURE:

Request for information from an employee about himself or herself should be forwarded to the SYSMANAGER at the PLFA where the employment occurred, and contain requestor's full name and location of organization where employed. The requestor may visit the Office of Civilian Personnel of the appropriate field activity to obtain information on whether the system contains records pertaining to him or her.

RECORD ACCESS PROCEDURES:

Individuals should contact the SYSMANAGER. Official mailing addresses are in the DoD Directory in the appendix to the DLA systems notice. Written requests should include requestor's full name, job title and name of organization where employed. For personal visits employee should be able to provide some acceptable identification such as driver's license or employee identification badge.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information contained in the folder is obtained from the employee's previous employer, educational institution, trade associations, references and others who would have knowledge of the employee's skills or employment characteristics and papers originating with the activity during the employee's work history.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S672.70DLA-X

SYSTEM NAME:

672.70 Dependents Travel

SYSTEM LOCATION:

Transportation Officer or Civilian Personnel Officer (CPO) at Primary Level Field Activities (PLFA)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Dependents of civilian personnel authorized travel to new duty station.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to arrangements for movements of dependents such as applications for transportation, and authorizations to obtain passports, and port calls.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 5724 5 USC 5724, Relocation expenses of employees transferred or reemployed

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained and used by Agency personnel to ensure completion of pre-travel arrangements, satisfactory conclusion of travel to new duty stations and for preparation of statistical reports. Non-government personnel-applications for visas are forwarded to appropriate foreign country Embassies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed numerically by Travel Order (TO) number

SAFEGUARDS:

Records are maintained in areas accessible only to Agency personnel

RETENTION AND DISPOSAL:

Records are destroyed after two years

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Administration, Defense Logistics Agency and Transportation Officer or CPO, PLFA

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to SYSMANAGER. Individual must provide full name, TO number, and name of DLA activity from which travel was initiated.

RECORD ACCESS PROCEDURES:

Official mailing addresses of SYSMANAGER are in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address, travel orders numbers, and telephone numbers of the individual. For personal visits, the individual should be able to provide copy of travel orders and some

acceptable identification, such as driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual employee concerned and servicing civilian personnel officer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S690.01DISC-W

SYSTEM NAME:

Car Pool Program in Participants File.

SYSTEM LOCATION:

Primary System--Tapes are maintained in Office of Data Systems (DISC-A), Defense Industrial Supply Center, 700 Robbins Ave., Philadelphia, PA 19111. Paper records are maintained in the Office of the Comptroller (DISC-C), Directorate of Supply Operations (DISC-O), Directorate of Contracting and Production (DISC-P), and directorate of Technical Operations (DISC-S).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military employees of DISC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information consisting of name, rank/grade, home address, organizational code, office telephone number and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 USC 486(c); CFR 101-20.117; DoD Directive 4170.10, Energy Conservation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To collect and maintain data from personnel for the purpose of forming car pools. Data collected is used to coordinate geographic locations of employees of employees' home addresses, to facilitate the establishment of car pools by computer car pool matching against grid/map, and to comply with the Energy Conservation Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, tapes, computer printouts.

RETRIEVABILITY:

Retrieved from tape records by individual's Social Security Number. Computerized indices are used to retrieve individual records from the system. Paper records are retrieved by individual's name.

SAFEGUARDS:

Records are accessible only to authorized personnel and are maintained in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Records are destroyed upon preparation of new lists compiled from update data collected from personnel.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Data Systems (DISC-A), Defense Industrial Supply Center, Philadelphia, Pennsylvania 10111, telephone 215-697-2700.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individuals must provide full name, and specific office in which employed.

RECORD ACCESS PROCEDURES:

Requests should contain full name, current address and telephone number of the individual. For personal visits, the individual should be able to provide some personal identification, e.g., drivers license, DLA identification card etc.

CONTESTING RECORD PROCEDURES:

Rules for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual, upon applying for car pool matching, and when changes occur.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE.

S690.10DLA-W

SYSTEM NAME:

690.10 Individual Vehicle Operators File

SYSTEM LOCATION:

Decentralized: At all Primary Level Field Activities (PLFAs) which issue vehicle operator's Identification Cards (I.D.): Heads of PLFAs.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons for whom Defense Logistics Agency (DLA) has issued permits to operate motor vehicles or equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for identification cards which may include personal data and the following: State and number of currently valid license; list of arrests or summonses for violation of motor vehicle laws (excluding parking violations) and convictions, if any; suspensions or revocations of his state license or identification card within the past five years; and any motor vehicle accidents within the past five years. Standard Form 47 and other related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, as amended (40 USC 471); Federal Personnel Manual, Chapter 930.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are maintained and used by DLA officials to determine an individual's qualifications and fitness to operate government vehicles and/or equipment. Referral to local, state, and federal law enforcement agencies and courts for use during investigations and court proceedings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name and social security number.

SAFEGUARDS:

Records are accessible only to DLA officials.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after the individual's termination or transfer or after cancellation of authorization.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and name of DLA

activity at which licensing occurred; or if individual is or was a DLA employee, name of employing activity is also required.

RECORD ACCESS PROCEDURES:

Official mailing addresses of SYSMANAGERS are in the DoD Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

State driver's licenses, Standard Forms 47 and 48, court records, supervisors, and related documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S810.50 DLA-P-1

SYSTEM NAME:

810.50 Contracting Officer Files

SYSTEM LOCATION:

Director of Procurement, Headquarters Defense Logistics Agency (HQ DLA), and Heads of DLA Primary Level Field Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Present and Former Contracting Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

DLA Headquarters - Contracting Officer Certificate of Appointments; Contracting Officer Appointment Documentation Sheet (contains information on education, training and experience). Field Activities - Resumes, references and records of training necessary to support the appointment of each contracting officer. Summary of each Contracting Officer's proficiency and evaluation of performance for the twelve (12) months preceding supplied by the employing procurement division. Comments and recommendations of the Contracting Officer Review Board on continuing the warrants of each reviewed Contracting Officer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 2302, Armed Services Procurement Regulation 1-405-2(b) and Defense Logistics Procurement Regulation 1-405.2(b). The Office of each appointing authority shall maintain a file containing all documents (such as resumes, references, and records of training) necessary to support the appointment of each contracting officer.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DLA Headquarters - Provide a current profile of contracting officers. Field Activities - Necessary to maintain an active, centralized control over the issuance of Contracting Officer warrants. This file serves as the source for historical information on each Contracting Officer which is essential for annual reviews of performance. It is also a registry for the quantity of warrants and their distribution. The information is used by the members of the Contracting Officer Review Board, at activities where they exist, to perform their function of advising and recommending to the Commander the issuance or termination of warrants.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, and loose leaf binders.

RETRIEVABILITY:

Filed by organizational activity and alphabetically by last name of Contracting Officer. Chronological actions by Contracting Officer Review Board are filed in separate folders.

SAFEGUARDS:

Records are maintained in an area accessible only to Office of Procurement Policy Personnel

RETENTION AND DISPOSAL:

Documents relating to and reflecting the designation of Contracting OFFICERS AND TERMINATIONS OF SUCH DESIGNATIONS (Designating Office - Destroy 6 years after termination of appointment. Others - Destroy upon termination of appointment.)

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Directorate of Procurement DLA and Heads of PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and name of DLA activity at which employed.

RECORD ACCESS PROCEDURES:

Official mailing address of SYSMANAGER are in the DoD Directory in the appendix to the DLA systems notice. Requests should contain the full name, current address and telephone number of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is driver's licence, or DLA identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee's supervisors, Contracting Officer Review Board.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S850.10DLA-Q 1

SYSTEM NAME:

850.10 Quality Assurance Activity Certification Report

SYSTEM LOCATION:

Primary System - Computer tape in the library of each Defence Contract Administration Services Region (DCASR). Decentralized segments - Print-outs of all or part of this record may be maintained by the DCASR Quality Assurance Directorate, Defense Contract Administration Services District (DCAS), Defense Contract Administration Services Office (DCASO) where individual is assigned. The official mailing addresses of the organization cited are contained in the Department of Defense Directory in the Appendix to the Defense Logistics Agency system of records notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applies to all DCASR QA personnel involved in Procurement Quality Assurance (PQA) functions at each DCASR

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains name, grade and step, organization assigment, type of position, length of service information, certifications awarded, technical courses completed, courses for which the individual has been nominated and special qualifications as appropriate.

The file is created and maintained during the employee tenure in DCASR

Quality Assurance and is deleted when his employment is terminated or upon transfer to another government agency. Changes are made as courses are completed or specific goals are met requiring a file update.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, USC 4103

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained for purposes of determining training requirements, training costs, qualifications for certification in various commodity fields and records of those certified in various commodity fields. The information is used by the first line supervisor in determining the need for training consistent with the individuals past experience and the current goals or needs of the DCASR organization.

The DCASR Training Coordinator uses the information in summary form to justify the need and priority for training.

Individual data is used only at the DCASR.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape in the computer tape library.

RETRIEVABILITY:

Filed by person code assigned to each individual.

SAFEGUARDS:

Records are maintained in areas accessible only to DCASR personnel.

RETENTION AND DISPOSAL:

Records are destroyed after two years.

SYSTEM MANAGER(S) AND ADDRESS:

DCAS Quality Assurance Staff Development Office (DQADO)

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and person code if known.

RECORD ACCESS PROCEDURES:

Official mailing addresses are in the DoD directory in the Appendix to the DLA systems notice. Written requests for information should contain the full name, person code and telephone number of the individual. For personal visits the individual should have their DLA identification card. The system provides a report of data by individual. A copy of the report is available to the individual through his supervisor. When a change/ update has been made to the computer file, an updated version of the individual file is distributed to the individual, the appropriate supervisor and the training coordinator.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned by be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employees supervisor, college and technical school staffs for course contents and government training school personnel and record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S850.10DLA-Q 2

SYSTEM NAME:

850.10 Monthly Quality Assurance Activity Report by Person

SYSTEM LOCATION:

Primary System - Computer tape in the tape library of each Defense Contract Administration Services Region (DCASR). Decentralized segments - print-outs of all or part of this record may be maintained by the DCASR Quality Assurance Directorate, Defense Contract Administration Services District (DCASD), Defense Contract Administration Services Office (DCASO), where individual is assigned. The official mailing addresses of the organization cited are contained in the Department of Defense Directory in the Appendix to the Defense Logistics Agency system of records notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Quality Assurance personnel performing PQA functions at contractor facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of hours devoted by an individual person performing Procurement Quality Assurance (PQA) functions in the contractor's plant. Record may include specific categories of effort in PQA as well as count of actions, contract count and dollar value of contracts received, completed and shipments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, USC 4103

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information is used by the first line supervisor to determine how direct labor (individual) effort is distributed for the purpose of evaluating mission effectiveness and performance. The individual data is used only within the DCASR and its subordinate activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape in the computer tape library, printed copies in the DCASR, District, DCASO offices.

RETRIEVABILITY:

Printed reports may be filed by person code under the Division, Branch and Section to which facilities or personnel are assigned.

SAFEGUARDS:

Records are maintained in areas accessible only to DCASR personnel.

RETENTION AND DISPOSAL:

Destroy records after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Plans and Systems Mgmt Division (DLA-QR)

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name, person code, Division and Branch assigment.

RECORD ACCESS PROCEDURES:

Official mailing addresses are in the DoD directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, person code and telephone number of the individual. For personal visits the individual should have his/her DLA identification card.

The system provides for a monthly report in summary form by individual of all data/information reported during the month. The individual normally receives a copy of this data through supervisory channels.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

The source of the data/information is the individual. No other source is used.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

S866.15DPSC

SYSTEM NAME:

866.15 Manufacturing Payroll System; Weekly Piece Work

SYSTEM LOCATION:

Defense Personnel Support Center (DPSC), Philadelphia, Pa.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian personnel who have been paid by the manufacturing payroll system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained for all data which affect an employee's pay, deductions, employer contributions, leave and retirement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC Ch. 53, Pay Rates & Systems, 10 USC 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained for purposes of affecting the weekly pay. INFORMATION IS USED BY Agency supervisors and managers - to determine leave usage, manpower allocations and labor distribution. Payroll office - to compute and control payroll. Personnel office - to determine leave usage and changes that affect an employee's pay. Security office - to determine location of employees. Disbursing office - to determine the distribution of checks and bonds. Financial Institutions - to determine disposition of net pay or allotments of pay. Treasury Department - to determine registration of bonds and federal tax allocation. Unions, charities, and insurance organizations - to determine participation in these organizations. Civil Service Commission - to determine status of employee and for disposition of retirement records. State and local taxing authorities - to determine tax liability. Non-government organizations - to verify employment and credit data furnished to financial institutions by employee. Bureau of Employment Compensation - to process employee disability claims. State employment offices - to submit data for unemployment compensation. Local courts - to determine disposition of pay withheld for garnishment of wages.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, disc pack, computer paper printouts, paper records in file folders.

RETRIEVABILITY:

Records are maintained in alphabetical and employee number order.

SAFEGUARDS:

Access to mechanical records is limited to authorized DPSC data systems personnel. All other records are maintained in areas accessible only to office personnel.

RETENTION AND DISPOSAL:

Records are retained 18 months to 3 years after their active termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Accounting and Finance Division, Office of Comptroller DPSC.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Written requests must contain the full name and social security number of the employee. Employees making a personal request must present identification; i.e., employee badge, driver's license, etc. Official mailing addresses are in the Department of Defense directory in the appendix to the DLA system of record notices.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee's supervisors, civilian personnel offices, financial institutions, local courts, other government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DEFENSE LOGISTICS AGENCY OFFICIAL MAILING ADDRESSES

Headquarters, Defense Logistics Agency
Cameron Station, Alexandria, Virginia 22314

Special Assistant for Congressional Affairs
Special Assistant for Public Affairs
Inspector General
Counsel
Assistant Director, Plans, Programs, and Systems
Comptroller
Command Security Officer
Staff Director, Administration
Staff Director, Civilian Personnel
Staff Director, Installations and Services
Staff Director, Management Review
Staff Director, Military Personnel
Staff Director, Small and Disadvantaged Business Utilization
Executive Director, Procurement
Executive Director, Supply Operations
Executive Director, Technical and Logistics Services
Executive Director, Contract Administration
Executive Director, Industrial Security
Executive Director, Production
Executive Director, Quality Assurance

DEFENSE LOGISTICS AGENCY PRIMARY LEVEL FIELD ACTIVITIES (Alphabetically by State)

CALIFORNIA

Defense Contract Administration Services Region, Los Angeles
11099 South La Cienega Blvd.
Los Angeles, California 90045

Defense Depot Tracy
S. Chrisman Road
Tracy, California 95376

GEORGIA

Defense Contract Adminstration Service Region, Atlanta
805 Walker Street
Marietta, Georgia 30060

ILLINOIS

Defense Contract Administretion Services Region, Chicago
O'Hare International Airport
6400 North Mannheim Road
P.O. Box 66475
Chicago Illinois 60666

MASSACHUSETTS

Defense Contract Administration Services Region, Boston
666 Summer Street, Boston, Massachusetts 02210

MICHIGAN

Defense Logistics Service Center
Federal Center
Battle Creek, Michigan 49016

Defense Property Disposal Service
Federal Center

Battle Creek, Michigan 49016

MISSOURI

Defense Contract Administration Services Region, St. Louis
1136 Washington Avenue
St. Louis, Missouri 63101

NEW YORK

Defense Contract Administration Services Region, New York
60 Hudson Street
New York, New York 10013

OHIO

Defense Contract Administration Services Region, Cleveland
Anthony J. Celebrezze Federal Building
1240 East Ninth Street
Cleveland Ohio 44199
Defense Construction Supply Center
Columbus, Ohio 43215
Defense Industrial Security Clearance Office
P.O. Box 2499
Columbus, Ohio 43216
Defense Logistics Agency Systems Automation Center
P.O. Box 1605
Columbus, Ohio 43216
Defense Electronics Supply Center
1507 Wilmington Pike, Dayton, Ohio 45444
Defense Automatic Addressing System Office
Gentile Air Force Station
Dayton, Ohio 45444

PENNSYLVANIA

Defense Depot Mechanicsburg
Mechanicsburg, Pennsylvania 17055
Defense Contract Administration Services Region, Philadelphia
P.O. Box 7478
Philadelphia, Pennsylvania 19101
Defense Industrial Supply Center
700 Robbins Avenue
Philadelphia, Pennsylvania 19111
Defense Personnel Support Center
2800 South 20th Street
Philiadephia, Pennsylvania 19101

TENNESSEE

Defense Depot Memphis
2163 Airways Boulevard
Memphis, Tennessee 38114
Defense Industrial Plant Equipment Center
Memphis, Tennessee 38114

TEXAS

Defense Contract Administration Services Region, Dallas
500 South Ervay Street
Dallas, Texas 75201

UTAH

Defense Depot Ogden
Ogden, Utah 84407

VIRGINIA

Defense Documentation Center
Cameron Station
Alexandria, Virginia 22314
Defense Fuel Supply Center
Cameron Station
Alexandria, Virginia 22314
Defense Logistics Agency Administrative Support Center
Cameron Station
Alexandria, Virginia 22314
Defense General Supply Center
Richmond, Virgina 23297

DEFENSE INVESTIGATIVE SERVICE

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August

22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

V1-01

SYSTEM NAME:

V1-01 Privacy and Freedom of Information Request Records

SYSTEM LOCATION:

Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted or were the subjects of requests under 5 U.S.C. 552 and 552a.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of all correspondence with requesters or pertaining to requests for information released or withheld; summaries, and logs of actions taken regarding requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations

5 U.S.C. 552 as amended by P. L. 93-502, Freedom of Information Act.

5 U.S.C. 552a (P.L. 93-579) Privacy Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purposes for which information is maintained:

To permit responses to individual requests.

To document actions taken for agency use in subsequent requests, appeals, or litigation.

To provide a basis for reports required by the laws and implementing directives.

To correct or amend investigative or other records. Categories of Users and specific uses are: DIS Assistant for Information, action officers, legal and appeal officials for the uses described above.

Action officers of other agencies when coordination or referral is necessary for the purposes listed above.

DIS investigative control personnel when the release of information may have an impact on investigative activities, or where investigative activity is necessary to verify assertions of the requester, or obtain permission for release of identification of sources.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Information is retrieved by the name of the subject of the request.

SAFEGUARDS:

Records are maintained in security containers and only personnel who have a need to know the information are permitted access.

RETENTION AND DISPOSAL:

A log entry is made and a file folder established upon the receipt of each request. Copies or summaries of key documents are retained for as long as released material is retained.

SYSTEM MANAGER(S) AND ADDRESS:

The DIS Assistant for Information at the address listed under location.

NOTIFICATION PROCEDURE:

Requests should be addressed to the SYSMANAGER. The full and the approximate date of earlier requests are necessary for retrieval of information. Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324 may be visited by personnel making inquiries regarding this system. A check of personal identification will be required of all visitors making inquiries for personal records.

RECORD ACCESS PROCEDURES:

Access may be obtained through the SYSMANAGER at the address previously listed.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from requesters, from other federal agencies with collateral interest in a request, and from records which were the subject of requests.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Information in this system may identify all or portions of records previously withheld in accordance with the exemptions of 5 U.S.C. 552(b) or 5 U.S.C. 552a(j) or (k). Any such exemptions will continue on requests of this system submitted under the same law.

V1-02

SYSTEM NAME:

V1-02 DIS Personnel Locator System

SYSTEM LOCATION:

Primary System--Administrative Division, Director of Management and Resources, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Decentralized Segments - Field units including centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel assigned or attached to DIS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Primary system contains DISHQ Form 4, DIS Locator Card. Field unit decentralized segments include DISHQ Form 4 or optional documents reflecting the required information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, DoD Directive 5105.42, and DIS Regulation 1-10.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purposes:

Records are used to maintain a locator system of all personnel assigned to the Defense Investigative Service.

Users:

Records are used by administrative personnel and supervisors in headquarters and field units.

Uses:

To determine current assignment of DIS personnel.

As an aid in distributing communications addressed to individuals.

To make and to verify entries in required personnel rosters, directories, and listings subject to certain restrictions placed on the information by the individuals concerned.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Filed in security containers or locked file cabinets, accessible only to authorized personnel that clearly have a need to know the information.

RETENTION AND DISPOSAL:

Records remain in the active file until departure of the individual, when they are placed in the inactive file and destroyed after one year.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from the primary system by contacting the SYSMANAGER. Information regarding decentralized segments may be obtained from the field unit maintaining portions of these records.

RECORD ACCESS PROCEDURES:

Access to any records maintained as a part of this system may be obtained from the DISHQ or field unit maintaining them.

CONTESTING RECORD PROCEDURES:

While not considered applicable, DIS rules are described in DISR 28-4.

RECORD SOURCE CATEGORIES:

Only the individual on whom records are maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

V2-01

SYSTEM NAME:

V2-01 Inspector General Complaints

SYSTEM LOCATION:

Inspector General, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present civilian employees of the DIS and military personnel currently or formerly assigned to DIS for duty who have made a complaint, or requested assistance from the Inspector General, or whose complaint or request has been referred to the Inspector General for action, assistance or information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents which have been provided by individual complainants in support of their requests, or which have been provided by others in support of, or in rebuttal to, these requests, such as: letters of reprimand, personal financial statements, medical records, promotion board actions, travel orders, personnel computer printouts, medical bills from civilian sources, accident reports, reports of survey, records of personnel actions, evaluation reports, efficiency reports, test results, courtesy letters, letters of appreciation or commendation, screening board actions, leave and earnings statements, movement orders for household goods.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5USC301

DoD Dir 5105.42 (paragraph III B5, part VI), Charter for the Defense Investigative Service

DoD Dir 5200.26 (paragraph 5C2), Defense Investigative Program

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose for which information in the system is collected is the resolution of a complaint, the redress of a problem or to provide assistance.

The users are: members of Congress, DIS management officials, various service IG offices, various military personnel offices, boards, and record management offices.

The specific uses are: to correct records; take or recommend disciplinary action; reevaluate or rescind previous actions or decisions; conduct or recommend formal investigations or inquiries; provide assistance or guidelines in following prescribed procedures for specific problems; and to provide advice on how to obtain exception to policy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed by name

SAFEGUARDS:

Building employs security guards. Files are contained in a locked file safe and accessible only to the IG staff. Information from this record system is made available to other officials only on a need to know basis.

RETENTION AND DISPOSAL:

Destroyed after two years by pulping.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from: Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Written requests for information should contain the full name of the individual, current address and telephone number, and the identity of the DIS element with which affiliated. Visits are limited to the Information and Legal Affairs Office.

For personal visits, a check of personal identification will be required.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Assistant for Information at the above listed address.

RECORD SOURCE CATEGORIES:

DIS personnel office, consolidated civilian personnel offices, DIS comptroller, military personnel offices, military finance offices, military medical record repositories, DIS Investigative Files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V4-01

SYSTEM NAME:

V4-01 Civilian Employee Personnel Records

SYSTEM LOCATION:

Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203 , and Civilian Personnel Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of the Defense Investigative Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Permanent and temporary records pertaining to the individual's employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10561
FPM Supplement 990-1, Book III, Parts 293 and 294
FPM Chapter 295
5USC301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USES

Individual's employment history; disclosure for verification of personnel information; details of employee qualifications; eligibility for proposed personnel actions or new employment.

USERS

Personnel specialists
Personnel clerks

DIS supervisors with a clear need for the information.

Accredited investigators with a clear need for the information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, or 5 X 8 cards in card file drawers

RETRIEVABILITY:

Filed alphabetically by last name of employee

SAFEGUARDS:

Buildings employ security guards. Records are maintained in locked file cabinets, accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are both permanent and temporary. Permanent records are transferred to the National Personnel Records Center when no longer required by the agency. Temporary records are destroyed when the file leaves the agency, or when utility of the record is no longer significant.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324 and Chief, Civilian Personnel Branch, P. O. Box 1211, Baltimore, MD 21203.

NOTIFICATION PROCEDURE:

Information may be obtained from: SYSMANAGERS

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: SYSMANAGERS

Written requests for information should contain the full name of the requesting individual, current address and telephone number, if known, and the name of the individual that appears on the desired file. Visits are limited to: SYSMANAGERS offices

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license or building pass.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the In5ormation and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

RECORD SOURCE CATEGORIES:

Previous employers, references, supervisors, U.S. Veterans Administration, U.S. Civil Service Commission, DIS Civilian Personnel Office, DIS Security Officer, other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V4-02

SYSTEM NAME:

V4-02 Optional Personnel Management Records (OPMR)

SYSTEM LOCATION:

Primary System--Director of Personnel and Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324 and Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203.

Decentralized Segments - Partial records are maintained at staff directorates, district headquarters, operational centers and field offices. (See DoD appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel assigned or attached to DIS and those

being considered for assignment or employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains records which may include working documents, copies of correspondence and forms processed in anticipation of, or during, tour of duty with DIS that relate to assignment, security clearance, promotion, duty status, training, special duty, retirement, separation, reenlistment, performance appraisals, matters pertaining to military specialty qualification, manner of performance, morale and discipline, special personnel management and assignment factors and other personnel actions that affect the individual or his assignment with DIS. Qualification records, leave and financial documents, and award recommendations are also among the items that may be included in the records. Decentralized portions also contain emergency notification and locator information, security clearance data, individual workload and productivity measurement records (e.g., DIS Form 45) not necessarily retained by DISHQ Personnel Division activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10561, 5 USC 301, DOD Directive 5105.42, Charter for the Defense Investigative Service (DIS), and other DIS, DOD and CSC directives on records maintenance and disposition

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

PURPOSES

Records are used in fulfilling military and civilian personnel management responsibilities in both field elements and DIS headquarters.

USERS

Records are used by directors, commanders and supervisors at the Field Office, District and DIS headquarters level.

Primary users are the Director of Personnel, the Civilian and Military Personnel Officers and their staffs, and the Director, DIS.

USES

To serve as basis for recommendations for employment, selection, assignment, promotion, awards, training, relief and disciplinary actions.

To record appraisals of performance and performance ratings.

To record reenlistment, retirement, separation and relief from active duty or employment.

To record information on qualifications, schooling, training, experience and career programs affecting personnel actions.

To record morale and disciplinary actions.

To document completed actions, as basis for responding to inquiries, and for use in substantiating and processing subsequent related personnel actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records

RETRIEVABILITY:

Filed alphabetically by last name

SAFEGUARDS:

Records filed in security containers or locked file cabinets, accessible only to authorized personnel that clearly have a need to know the information.

RETENTION AND DISPOSAL:

Documents in each record are retained for one calendar year following year in which individual departed DIS and then destroyed, unless earlier destruction is prescribed. Manhour documents (DIS Form 45) are maintained for four months only.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from: SYSMANAGER

RECORD ACCESS PROCEDURES:

Access to partial decentralized segments may be obtained from District/Field Office headquarters. Requests from an individual for information pertaining to himself from the centralized repository should be addressed to the SYSMANAGER at the above address.

Written requests for information should contain the full name of the individual, current address and telephone number, grade, SSN, unit and period of assignment with DIS. Visits should be made to the SYSMANAGER.

For personal visits, a check of personal identification will be required.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, 1900 Half St., S. W., Washington, D. C. 20324.

RECORD SOURCE CATEGORIES:

Sources of information other than from the individual are servicing Civilian Personnel Offices (CPO), the Military Departments and the individual's commander or supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V4-04

SYSTEM NAME:

V4-04 Civilian Applicant Records

SYSTEM LOCATION:

Civilian Personnel Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for positions with the Defense Investigative Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Temporary record of applicants' stated interest in and/or qualifications for employemnt.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Chapter 333
FPM Chapter 332
5USC301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USES

Identification of applicants, and determination of eligibility for positions with DIS disclosure to other agencies for verification.

USERS

Personnel specialists of DIS and the CSC

Personnel clerks

Supervisors with a clear need for this information

Accredited investigators.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in files, looseleaf binders

Paper files of 3 X 5 cards.

RETRIEVABILITY:

Filed by type of position for which the applicant applied, or

Filed alphabetically by last name of applicant, or

Filed numerically by Sequential Control Number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in files, accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are temporary, and are destroyed in accordance with DIS Records Disposition Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.and Chief, Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203.

NOTIFICATION PROCEDURE:

Information may be obtained from: SYSMANAGERS

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: SYSMANAGERS

Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired file. Visits are limited to: SYSMANAGERS offices.

For personal visits, the individual should be able to provide some acceptable identification, eg., driver's license or building pass.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

RECORD SOURCE CATEGORIES:

Civilian Personnel Officers
Personnel clerks
Civilian personnel specialists
U.S. Civil Service Commission.
Subject Individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V4-05

SYSTEM NAME:

V4-05 Military Personnel Management Information System (MILPERS)

SYSTEM LOCATION:

Director of Personnel and Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel currently assigned or attached to DIS and those projected for assignment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains computer records consisting of: (a) Identification Data on the individual; (b) Assignment Data; (c) Duty Information; (d) Basic Personnel Data; (e) Personal Data; (f) Agent qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DOD Directive 5105.42, Charter for the Defense Investigative Service.
5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Managers in DIS: To monitor manning posture of DIS elements, statistical reporting, to respond to requests for personnel data from internal DIS, DOD and Congressional sources, determine qualification and eligibility for specific assignments, training or reassignments within DIS, locator reference, strength accountability, verification of manually prepared personnel actions.

Administrative Personnel in DIS: To prepare personnel actions, i.e., award recommendations, retirement applications, etc., as locator reference file, mail routing, for input of data to central file to produce consolidated reports for DISHQ staff elements.

Commanders/Supervisors in DIS: To monitor manning situation for unit under jurisdiction, determine qualification of personnel for special duty assignment or duty in selected areas, meet administrative reporting requirements.

DIS Security Officer: To monitor gains and losses to insure currency of files and security briefing/debriefing, determining periodic revalidation requirements, respond to queries concerning security clearance or access information.

DIS Headquarters Staff: To make decisions on policy and procedural matters, determine agent qualifications, security access, and complete administrative actions.

In the event that records maintained in this system indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, or the granting of benefits by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tape and paper output in folders or binders

RETRIEVABILITY:

Filed by Social Security Number (SSN)

SAFEGUARDS:

Magnetic tape storage is within a secured area accessible only to authorized personnel.

Paper products are secured in cabinets and only personnel with a need to know are granted access to these documents.

RETENTION AND DISPOSAL:

Magnetic tape records are retained on active file until individual's departure from DIS and then on historical file for 3 years. After 3 years, erased from computer file and output reports reflecting personnel data on the individual destroyed by shredding or chemical decomposition. Paper products are retained for one year following the departure of the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel (D0150), Defense Investigative Service, 1000 Independence Ave. S.W., Washington, DC 20314

NOTIFICATION PROCEDURE:

Information may be obtained from: SYSMANAGER

RECORD ACCESS PROCEDURES:

Access to partial decentralized segments may be obtained from

District/Field Office headquarters. Requests from an individual for information pertaining to himself from the centralized repository should be addressed to the SYSMANAGER at the above address.

Written requests for information should contain the full name of the individual, current address and telephone number, grade, SSN, unit and period of assignment with DIS. Visits should be made to the office of the SYSMANAGER

For personal visits, a check of personal identification will be required.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

RECORD SOURCE CATEGORIES:

Sources of information other than from the individual are Military Departments and the individual's commander or supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V4-06

SYSTEM NAME:

V4-06 Civilian Personnel Management Information System (CPMIS)

SYSTEM LOCATION:

Primary System-Information Services Division, Personnel Investigations Center, P.O. Box 1211, Baltimore, MD 21203

Decentralized Segments-Civilian Personnel Division and various DIS Headquarters elements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of the DIS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consisting of identification and employment data, special qualifications, racial and ethnic identification and other information found in the Official Personnel Record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code
Section 301 (Agency Regulations)
Section 1302 (regulations)
Section 2951 (reports to the commission)
Section 4118 (training)
Section 4308 (performance rating)
Section 4506 (incentive awards)
Section 5113, 5115, and 5338 (classification)
Section 6311 (leave)
Section 8334(f), 8342(b), 8343(a), and 8347 (retirement)
Section 8716 (life insurance)
Section 8913 (health insurance)
Civil Service Rules, sections 7.2, 5.1, 5.2 and 5.3
Executive Order 10561, September 13, 1954
Executive Order 9830, section 01.2(e) and (f), February 24, 1947 as amended
Executive Order 10800, section 2(d), January 15, 1959
Executive Order 10988, section 14, January 17, 1962
Executive Order 11222, section 405, May 8, 1965
Executive Order 11246, section 104, September 24, 1965 as amended
DOD Directive 5105.42, Charter for the Defense Investigative Service
Federal Personnel Manual (Chapter 713)
Federal Personnel Manual Letter 298-10

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL
Uses
OPM, DOD and internal reports on employment characteristics of civilian employees. For statistical computations submitted to OPM.
The identification of personnel with selected characteristics or special qualifications.
Users
Personnel Specialists, Clerks and EEO Program Officials.
DIS OPM Managers and Supervisors with a need to know.
EXTERNAL
NONE

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tape and paper output in folders or binders.

RETRIEVABILITY:

Filed by date of listing, organization of assignment, name or Social Security Number (SSN), or race/ethnic background.

SAFEGUARDS:

Magnetic tape storage is within a secured area accessible only to authorized personnel.

Paper products are secured in cabinets and only personnel with a need to know are granted access to these documents. personnel with access are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Magnetic tape records and paper products of this system are retained until individual's departure from DIS and then on historical file for 1 year

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from: SYSMANAGER

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: sysmanager

Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired listing. Visits are limited to SYSMANAGER or Civilian Personnel Branch, Bldg. 320, Fort Holabird, Baltimore Maryland

For personal visits, a check of personal identification will be required

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service,

Notifications of Personnel Action, SF-50 and 50a, Payroll Change 1900 Half St., S. W., Washington, D. C. 20324.

RECORD SOURCE CATEGORIES:

Notices, SF1126, Personnel Qualifications Statements, SF-171, certificates of training, and the individual concerned

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V4-07

SYSTEM NAME:

V4-07 Adverse Actions, Grievance Files and Administrative Appeals

SYSTEM LOCATION:

Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203 and Civilian Personnel Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Affected civilian employees of the Defense Investigative Service

CATEGORIES OF RECORDS IN THE SYSTEM:

Notifications of Personnel Actions

Findings of inquiry into allegations of grievance or complaints

AUTHORITY FOR MAINTERANCE OF THE SYSTEM:

FPM Chapter 751

FPM Chapter 752 and 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USES

Consideration by examiner and appellate levels of the specifics of each case within and outside of DIS.

In preparing the instant case and subsequent cases for consideration.

USERS

Personnel Specialists and clerks.

DIS and U.S. Civil Service Commission appellate personnel.

Management staff of DIS with a clearly demonstrable need to know specifics of the case.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Filed alphabetically with the Official Personnel Folder

Filed by functional code in personnel office files

SAFEGUARDS:

Buildings employ security guards. Records are maintained in file cabinets, accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are both permanent and temporary. Permanent records are filed in the Official Personnel Folder. Temporary records are destroyed when the individual leaves DIS, or they are no longer needed. Individual records may be retained indefinitely in subjective reference files.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324 and Chief, Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203.

NOTIFICATION PROCEDURE:

Information may be obtained from: SYSMANAGERS

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: SYSMANAGERS

Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired file. Visits are limited to SYSMANAGERS offices.

For personal visits, a check of personal identification will be required.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records, contesting contents, and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

RECORD SOURCE CATEGORIES:

Supervisors, complainants, investigators, appropriate law enforcement agencies, servicing civilian personnel offices, appellate agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V4-08

SYSTEM NAME:

V4-08 EEO Complaints

SYSTEM LOCATION:

Primary System Director of Personnel and Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324 and Civilian Personnel Branch, Defense Investigative Service, P.O. Box 1211, Baltimore, MD 21203

Decentralized Segments - at Districts, DIS Headquarters and Centers by EEO Counselors

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in complaints and DIS civilian employees who have been officially counselled.

CATEGORIES OF RECORDS IN THE SYSTEM:

Temporary records pertaining to the individual's complaint of discrimination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM 713

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USES

To determine effectiveness of EEO Program.

To determine validity of and trends in complaints.

As a basis for corrective action if a finding of discrimination is made.

USERS

EEO officials

Personnel Specialists and clerks

EEO Counselors at Headquarters, Centers and Districts

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Alphabetically by last name of complainant

SAFEGUARDS:

Records are maintained in locked file cabinets accessible only by authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are temporary and destroyed within two years following the resolution of the complainant. Primary system records may be retained in subjective reference files.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from: SYSMANAGERS

RECORD ACCESS PROCEDURES:

Requests from individuals for access to centralized records should be addressed to Defense Investigative Service, Director of Personnel and Security, 1900 Half St., S. W., Washington, D. C. 20324.

Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired file. Visits are limited to Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

For personal visits, a check of personal identification will be required.

Access to decentralized segments (counselling records) by individuals concerned may be obtained locally.

CONTESTING RECORD PROCEDURES:

DIS rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from In5ormation and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

RECORD SOURCE CATEGORIES:

Civilian employees of this agency

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V4-09

SYSTEM NAME:

V4-09 Merit Promotion Plan Records

SYSTEM LOCATION:

Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203 and Civilian Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians who have applied for certain vacancies within the Defense Investigative Service

CATEGORIES OF RECORDS IN THE SYSTEM:

Temporary records pertaining to the individual's consideration for promotion

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Chapter 335

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USES

To identify eligible candidates for specific promotion opportunities.

USERS

Personnel specialists and clerks of this agency.

Supervisors of this agency with interest in the particular promotion action

Accredited investigators with a clear need for the information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Appraisals filed alphabetically by employees last name

Promotion panel computations filed by announcement number

SAFEGUARDS:

Buildings employ security guards. Records are maintained in locked cabinets, accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are destroyed two years after the effective date of the establishment of the promotion register

SYSTEM MANAGER(S) AND ADDRESS:

Chief Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324 and Civilian Personnel Branch, P. O. Box 1211, Baltimore, MD 21203.

NOTIFICATION PROCEDURE:

Information may be obtained from: SYSMANAGERS

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: SYSMANAGERS

Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired file. Visits are limited to SYSMANAGES offices.

For personal visits, a check of personal identification will be required.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

RECORD SOURCE CATEGORIES:

Evaluation of ranking panel members, supervisory appraisals, appraisal of potential by supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V4-10

SYSTEM NAME:

V4-10 Incentive Awards

SYSTEM LOCATION:

Civilian Personnel Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel of the Defense Investigative Service or persons outside of DIS making suggestions relating to DIS functions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Temporary records relating to proposed awards and suggestions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

FPM Chapter 451

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USES

Records are used to provide basis for recommending action on proposed awards including but not limited to awards for length of service, quality step increases, sustained superior performance, special act and service, meritorious and exceptional service, outstanding performance, and similar awards.

USERS

Executive Secretary, Incentive Awards Committee, and committee members and coordinators of suggestions.

Personnel specialists and clerks

Accredited investigators of the U. S. Civil Service Commission

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

Suggestions filed by number.

Award actions are filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Records are maintained in file cabinets, accessible only to authorized personnel that are properly trained, cleared and screened.

RETENTION AND DISPOSAL:

Records are temporary and are destroyed when no longer required for a maximum of two years.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from: SYSMANAGERS

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: SYSMANAGERS

Written requests for information should contain the full name of the

individual, current address and telephone number, and the name of the individual that appears on the desired file. Visits are limited to SYSMANAGERS offices.

For personal visits a check of personal documents will be required.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

RECORD SOURCE CATEGORIES:

Reports of evaluating officials, committee determinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V5-01

SYSTEM NAME:

V5-01 Investigative Files System

SYSTEM LOCATION:

Defense Investigative Service, Investigative Files Division, P. O. Box 1211, Baltimore, MD 21203 has primary control over the system and is responsible for the maintenance of completed investigative records. DIS operational centers; Regional Offices; Field Offices; Resident Agencies and various DIS headquarters staff elements which originate and have temporary control over portions of records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel who are on active duty; applicants for enlistment or appointment members of Reserve units; National Guardsmen; DoD civilian personnel who are paid from appropriated funds; industrial or contractor personnel who are working in private industry in firms which have contracts involving access to classified DoD information or installations; Red Cross personnel and personnel paid from nonappropriated funds who have DoD affiliation; ROTC cadets; former military personnel; individuals residing on, having authorized official access to, or conducting or operating any business or other functions at any DoD installation or facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official Reports of Investigations (ROI's) prepared by DIS or other DoD, Federal, state or local official investigative activities.

DIS Information Summary Reports (ISR's) which records unsolicited information received by DIS concerning a person or incident which is of direct interest to other DoD components or Federal agencies.

Attachments to ROI's or ISR's including exhibits, subject or interviewee statements, police records, medical records, fingerprint cards, credit bureau reports, employment records, education records, release statements, summaries of or extracts from other similar records or reports.

Case control and management documents which are not reports of investigation, but that serve as the basis for investigation, or which serve to guide and facilitate investigative activity, including documents providing the data to open and conduct the case; documents, initiated by the subject; and documents used in case management and control.

DIS file administration and management documents accounting for the disclosure, control and access to a file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301 of 5 U.S.C. Departmental Regulations

Section 310 of 44 U.S.C. Records Management

Sections 2, 3, 4, 5, 6, 8 and 9, Executive Order 10450, Security Requirements for Government Employment.

Section 6(A), Executive Order 11652, Classification and Declassification of National Security Information and Material.

DoD Directive 5105.42, Charter for the Defense Investigative Service.

DoD Directive 5200.2b, Department of Defense Information Security Program.

Section IV A and B, DoD Directive 5200.27, Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense.

Section V A 2., DoD Instruction 5210.25, Security Acceptability of American National Red Cross Employees at Department of Defense Installations and Activities.

Encl 3, paragraphs b 2 and 3, DoD Directive 5210.41, Security Criteria and Standards for Protecting Nuclear Weapons.

Section III, DoD Directive 5210.45, Personnel Security in the National Security Agency.

Section VII, DoD Directive 5210.55, Selection of Department of Defense Military and Civilian Personnel for Assignment to Presidential Support Activities.

Section IV, C, DoD Directive 5220.6, Industrial Personnel Security Clearance Program.

Section V B, DoD Instruction 5220.28, Application of Special Eligibility and Clearance Requirements in the SIOP-ESI Program for Contractor Employees.

Section 1 (a) and 2, Executive Order 10865, Safeguarding Classified Information Within Industry.

Section III, DoD Instruction 5030.34, Agreement between the Department of Defense concerning Protection of the President and Other Officials.

Paragraph 10, Director of Central Intelligence Directive No. 1/14, Uniform Personnel Security Standards and Practices Governing Access to Sensitive Compartmented Information C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To insure that the acceptance or retention of persons to sensitive DoD positions, or granting individuals access to classified information, including those employed in defense industry, is clearly consistent with national security;

For maintenance and use by the requesting activity when collected during reciprocal investigations conducted for other DoD and federal investigative elements;

For dissemination to appropriate federal agencies or other DoD components when information regarding personnel security matters is reported by ISR; and

To furnish orally or by letter criminal information which is received by DIS personnel in the course of their duties which is of direct interest to local law enforcement agencies.

Users of DIS investigative information are:

DIS personnel in the course of their official duties.

Other accredited DOD investigative components, DOD agencies, elements of the Military Departments designated by the departments and representatives of the Secretary of Defense and the Joint Chiefs of Staff.

Accredited Federal criminal and civil law enforcement and intelligence agencies.

State and local official criminal law enforcement agencies.

Other accredited federal agencies conducting investigations to evaluate suitability for employment or access to classified information.

Congressional committees and the Government Accounting Office.

Specific uses of DIS investigative records are:

To determine the loyalty, suitability, eligibility, and general trustworthiness of individuals for access to Defense information and facilities.

To determine the eligibility and suitability of individuals for entry into and retention in the Armed Forces.

To provide information pertinent to the protection of persons under the provisions of 18 U.S.C. 3056.

For use in criminal law enforcement investigations including statutory violations, counterintelligence, as well as counterespionage and other security matters.

In the event that records maintained in this system indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To provide information in judicial or adjudicative proceedings including litigation, or in accordance with a court order.

To make statistical evaluations of DIS investigative activities.

To respond to Freedom of Information and Privacy Act access requests.

To provide information in response to Inspector General, and EEO or other complaint investigations and Congressional inquiries.

To determine the eligibility and suitability of an individual for personnel actions in the Armed Forces of the United States, as deemed appropriate.

A record such as identification data, from this system of records may be disclosed as a routine use to a federal, state local or foreign agency maintaining relevant information or to business enterprises to obtain employment records if necessary to obtain information relevant to an assigned investigation.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To transfer information from this record system to other DoD components.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, microfilm, magnetic tape or supplementary index cards.

RETRIEVABILITY:

Investigations are centrally retrievable through the DIS Case Control System (DCCS) or the Defense Central Index of Investigations (DCII) systems described separately.

SAFEGUARDS:

Completed investigative records are maintained and stored in power files, open shelves and filing cabinets which are housed in secured areas accessible only to authorized personnel who are properly screened and have a need to know. Information contained on magnetic tape is secured in the same manner as the DCII, described separately. Recipients of investigative information are responsible for safeguarding information within the guidelines provided by DIS.

RETENTION AND DISPOSAL:

Retention of closed DIS investigative files is authorized for 15 years maximum, except as follows: (1) Files which have resulted in adverse action against an individual will be retained 25 years, (2) Files developed on persons who are being considered for affiliation with the Department of Defense will be destroyed within one year if the affiliation is not completed. In cases involving a pre-appointment investigation, if the appointment is not made due to information developed by investigation, the file will be retained 25 years. If the appointment is not made for some other reasons not related to the investigation, the file will be destroyed within one year; (3) Information within the purview of the Department of Defense Directive 5200.27, 'Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense', is destroyed within 90 days after acquisition by DIS unless its retention is required by law or unless its retention has been specifically authorized by the Secretary of Defense or his designee.

Reciprocal investigations are retained for only 60 days.

Partial duplicate records of personnel security investigations are retained for 60 days by DIS field elements.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Investigations Center, P.O. Box 1211, Baltimore, MD 20203.

NOTIFICATION PROCEDURE:

Requests should be addressed to the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324. The full name, date and place of birth, and social security account number are necessary for retrieval of information. A notarized statement verifying the identity of requesters is required. The Office of Information and Legal Affairs, address above, may be visited by personnel making inquiries regarding this system. A check of personal identification will be required of all visitors making such inquiries.

RECORD ACCESS PROCEDURES:

Access may be obtained through the Office of Information and Legal Affairs the address listed above.

CONTESTING RECORD PROCEDURES:

DIS rules for contesting and appealing initial determinations may be obtained from the Office of Information and Legal Affairs at the address listed above

RECORD SOURCE CATEGORIES:

Subjects of investigations.

Records of other DoD activities and components.

Federal, state, county and municipal records.

Employment Records of private business and industrial firms.

Educational and disciplinary records of schools, colleges, universities, technical and trade schools.

Hospital, clinic and other medical records.

Records of commercial enterprises such as real estate agencies, credit bureaus, loan companies, credit unions, banks and other financial institutions which maintain credit information on individuals.

The interview of individuals who are thought to have knowledge of the subject's background and activities.

The interview of witnesses, victims and confidential sources.

The interview of any individuals deemed necessary to complete the DIS investigation.

Miscellaneous directories, rosters and correspondence.

Any other type of record deemed necessary to complete the DIS investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The portions of this system of records which fall within the scope of 5 U.S.C. 552 a (k) (2), (k) (3), and (k) (5) may be exempt from the provisions of subsections 5 U.S.C. 552a(c)(3), (d), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f). See 32 CFR 298a.14 for the DIS exemption rules.

V5-02

SYSTEM NAME:

V5-02 Defense Central Index of Investigations (DCII)

SYSTEM LOCATION:

Central Facility:

Information Services Division, Personnel Investigations Center, PO Box 1211, Baltimore, Maryland 21203.

Remote Terminal Locations:

Crime Records Directorate, US Army Criminal Investigations Command, 2301 Chesapeake Avenue, Baltimore, Maryland 21222 Air Force of Special Investigations, Bolling AFB, Washington, D. C. 20332.

Naval Investigative Service Headquarters, Hoffman Building #1, 2461 Eisenhower Avenue, ATTN: Code 30, Alexandria, Virginia 22331

Defense Industrial Security Clearance Office, P. O. Box 2499, Columbus, Ohio 43216 (DISCO)

US Army Investigative Records Repository, Building 4452, Fort Meade Maryland 20755 . DIS Personnel Investigations Center, P. O. Box 1211, Baltimore, MD 21203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person described as a subject, a victim, or a cross-reference in an investigation completed by or for a DOD investigative organization when that investigation is retained by the organization and the name is submitted for central indexing.

CATEGORIES OF RECORDS IN THE SYSTEM:

DCII MASTER INDEX

Composed of locator references to investigations conducted by or for DOD investigative organizations and retained by them. Index records contain the name and other personal identifying information on individuals who were indexed.

FILE TRACING

Reference to an investigation maintained by one of the investigative records repositories. It identifies the individual by name and personal identifiers, the custodian of the file, the year indexed and the number used by the repository to locate the file.

OPEN CASE TRACING

A record input by either Army investigative activities or DIS reflecting the existence of an investigation in progress. It identifies the subject individual by name and personal identifiers, the location of the open investigation, the year indexed and the number used to locate the investigative file.

NAC PENDING TRACING

Record of a National Agency Check (NAC) investigation in progress. It identifies the subject individual by name, personal identifiers, the case number, the category of the requester of the NAC, and the type of NAC being run.

NAC HISTORY TRACING

A record of completed favorable, or incomplete, national agency checks. It identifies the individual by name and personal identifiers, the date the NAC was completed and the agencies that were checked.

DCII NAME ONLY INDEX (NOI)

Composed of names of persons who are referenced but not fully identified in investigative files. A Name Only Index record identifies the individual by name and lists the custodian agency of the file, year indexed and the number used by the repository to locate the file. Positive identification is impossible from the index and may well be impossible from the case file itself. DIS has placed no records in this index.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental Regulations

44U.S.C. 3101 Records Management

Memorandum, Secretary of Defense, May 27, 1965

Memorandum, Secretary of Defense, December 3, 1965, subject: Establishment of a Central Index of DOD Investigations.

DOD Directive No. 5105.42, April 18, 1972, subject: Charter for Defense Investigative Service (DIS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

File tracing information is collected and maintained in the DCII so that authorized users may determine the existence and location of DOD investigative records.

NAC history information is maintained for authorized users in granting clearances, access to defense installations, entry into military service or employment in sensitive civilian positions.

Categories of users:

Components listed under the LOCATION caption are the principal users and (with the exception of DISCO) the file custodians. Listed terminal holders (with the exception of DISCO) may release general DCII information to users of their investigative records or listed in their investigative records systems descriptions in this register.

It should be noted that information contained in the system is regarded as the property of the submitting activities. DIS can neither monitor, nor assume responsibility for the propriety or accuracy of the data in the system, other than that portion belonging to DIS.

Transfer of information from this records system to other DOD components is a routine intra-agency use under the provisions of 5 U.S.C. 552a3(b)(1). The use of the DCII by terminal holders to advise requesters of the possible location of information, where there is no disclosure of personal information from the DCII, does not require an accounting.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Master Index data is maintained in direct access storage devices, disk and data cell. It is also contained on magnetic tape for continuity of operations purposes to permit processing at alternate locations in the event of computer failure.

Name Only Index data is maintained on magnetic tape and microfiche. Each contributor is provided his portion on a quarterly basis.

RETRIEVABILITY:

Master Index records are accessed through name and at least one personal identifier (PID). Personal identifiers are: date of birth, place of birth, social security number and the last four (4) digits of military service number. Inquiries may enter the system in card form or by being keyed in at remote terminals. A non-standard retrieval capability also exists which permits retrieval without PID, or on parts of a name, and produces references to all individuals by that name. It should be noted that in many cases, the subject's SSAN is necessary to make a positive identification.

Name Only Index records are accessed through the name or some portion thereof. Records are retrieved based on an exact match with the name submitted. Inquiries may enter the system only in card form.

SAFEGUARDS:

Generalized validation is provided in batch retrieval through program edits to prevent unauthorized access.

User terminals with access to the Master Index are located in controlled access areas. Access to the system is limited to specified time of the day. Terminals are connected via dedicated data circuits which prevent access from standard dial-up telephones.

Activities must be a part of DOD and accredited on the basis of authorized requirements before a new terminal is established or before batch requests will be honored and processed. Terminal holders, and organizations authorized access by other means, are responsible for insuring that individuals and organizations to whom they disclose index information have appropriate authority and need to know.

The computer room is located within a building controlled by security personnel at all times. Identification badges are required for entrance. Access to the computer room is controlled by a combination lock on the entrance. Critical backup files are stored in locked fireproof data safes.

RETENTION AND DISPOSAL:

Retained for as long as files are retained. When the record repository disposes of the file, they are responsible to delete all index tracings pertaining thereto, in accordance with established procedures. Processing of a deletion transaction flags the computer record which precludes it being given out thereafter. Such flagged records are eliminated from the system during periodic file restructuring procedures.

Open Case Tracings. Retained for as long as the investigation is open. When the investigation is completed, the contributor replaces the open case tracing with a file tracing as described above.

NAC History Tracings. Retained for a period of four (4) years from the date of completion and then automatically deleted unless specific action is sooner taken to delete the record. Should a subsequent favorable NAC be completed, the entering of a new history record will delete the first history record.

NAC Pending Tracings. Retained until completion of the NAC at which time they are replaced by a NAC History or file tracing, unless sooner deleted by the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from: Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Information Required: Full name and all maiden and alias names under which files may be maintained and personal identifiers listed under RETRIEVABILITY. Note, Social Security Account Numbers may be necessary for positive identification of certain records.

Office Which May be Visited: Information an5 Legal Affairs Office, 1900 Half St., S. W., Washington, D. C. 20324.

Proof of Identity: Check of personal documents.

RECORD ACCESS PROCEDURES:

Access may be obtained through the Information Office at the address previously listed.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records, contesting contents and appealing initial determinations by the subject individual may be obtained from the Assistant for Information, at the above address.

RECORD SOURCE CATEGORIES:

DOD investigative organizations listed under the LOCATION caption, excluding DISCO, and additionally:

Defense Supply Agency, ATTN: DSAH-T Cameron Station, Alexandria, Virginia 22314.

Director of Security, National Security Agency, ATTN: M-552 Fort Meade, Maryland 20755

Assistant Chief of Staff of Intelligence, Department of the Army, ATTN: Counterintelligence Division, Washington, D. C. 20315 (ACSI)

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with Subsection 3(j)(2) of the Act, certain references from criminal law enforcement components contained in this system of index records may be exempted from the provisions of subsections (c)(3), (c)(4), (d) and (e)(8). this exemption will allow the contributing components to conduct effective investigations into alleged unlawful activity or crime conductive situations and use the DCII without jeopardizing such investigations. Knowledge of investigations by criminal law enforcement components would enable suspects and subjects to take actions to prevent detection of criminal activities, conceal evidence or to escape prosecution. It could also lead to intimidation of or harm to informants, witnesses, sources and their families. information from this system will be withheld only to the extent that its release would interfere with such investigations.

V5-03

SYSTEM NAME:

V5-03 National Agency Check (NAC) Case Control System (NCCS)

SYSTEM LOCATION:

Information Services Division (D0830) Personnel Investigations Center, P.O. Box 1211, Baltimore, Maryland 21203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person the subject of an active or recently completed National Agency Check conducted by DIS.

CATEGORIES OF RECORDS IN THE SYSTEM:

NCCS MASTER FILE

Composed of records of NAC's which are being conducted for DOD activities. Records contain the name and other personal identifying information, the type of NAC, requester category, and case number.

NCCS HISTORY FILE

Consists of records of completed NAC's. Records contain the name and other personal identifying information, the type of NAC, requester category, case number and date closed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation

44 U.S.C. 3101, Records Management

DOD Dir 5210.8, 15 February 1962, Policy on Investigation and Clearance of DOD Personnel for Access to Classified Defense Information.

DOD Directive 5105.42, 18 April 1972, Charter for the Defense Investigative Service (DIS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

PURPOSES FOR WHICH COLLECTED

The NCCS Master File records are retained to aid in case management and for the production of statistical reports.

The NCCS History File is used to obtain case management data and statistical reports.

CATEGORIES OF USERS

DIS Case Control Centers and the Defense Industrial Security Clearance Office

SPECIFIC USES

To determine the existence, location and status of the case file.

Control of workload and prepare statistical reports.

AUTOMATED INTERFACES

The Defense Central Index of Investigations (DCII) System as described separately in this notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NCCS Master File is maintained on magnetic tape.

RETRIEVABILITY:

Records may be accessed through name or case control number. Queries may enter the system in either card or tape form or indirectly through the DCII.

SAFEGUARDS:

As described in the DCII system description, this notice.

RETENTION AND DISPOSAL:

Monthly history tapes are retained for two years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from: Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

INFORMATION REQUIRED

Full name and all maiden or alias names under which files may be maintained.

Personal Identifiers which include date and place of birth, social security number, and last four digits of military service number.

OFFICES WHICH MAY BE VISITED

Information and Legal Affairs Office, 1900 Half St., S. W., Washington, D. C. 20324.

PROOF OF IDENTITY

Routine check of personal documents.

RECORD ACCESS PROCEDURES:

Information Office at above address.

CONTESTING RECORD PROCEDURES:

. The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Assistant for Information at the address listed above.

RECORD SOURCE CATEGORIES:

DIS Case Control Centers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V5-04

SYSTEM NAME:

V5-04 Defense Case Control System (DCCS)

SYSTEM LOCATION:

Information Services Division, (D0830), Personnel Investigation Center, P.O. Box 1211, Baltimore, Maryland 21203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person or activity the subject of an ongoing or recently completed Defense Investigative Service (DIS) investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

The DCCS Master file is composed of records of investigations which are being or have been conducted for DOD activities. personal identifying information on individuals who have been investigated. Records contain the name and other personal identifying information on individuals who are investigated.

The DCCS History File consists of records of investigations that have been closed. Records contain the name and other

The DCCS Investigative Assignment File (IAF) consists of records of leads assigned to DIS field elements for those investigations in progress as reflected in the DCCS Master file. Records contain the name, social security number, case control number, the investigative leads assigned and their status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations

44 U.S.C. 3101, Records Management

DOD Directive No. 5105.42, April 18, 1972, Charter for the Defense Investigative Service (DIS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

PURPOSES

The DCCS Master File contains open cases and cases closed during the prior 15 days to aid in case management and for the production of statistical reports.

The DCCS History File contains a record of all closed cases to obtain case management data and statistical reports.

The DCCS assignment files are used by DIS field elements to control local aspects of the investigation.

CATEGORIES OF USERS

DIS case control centers and field elements.

The Defense Industrial Security Clearance Office

SPECIFIC USES

To determine the existence, location and status of the cases.

To control workload and prepare statistical reports.

To inform federal agencies or requesters of investigations regarding the status of on-going cases.

AUTOMATED INTERFACES

The DCII System as described separately in this notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The DCCS Master File in Direct Access Storage Devices (DASD). A copy of the Master File is also contained on magnetic tape for continuity of operations to permit processing at alternate locations in the event of computer failure.

The DCCS History File is contained in magnetic tape.

DCCS Investigative Assignment Files are retained in paper form.

RETRIEVABILITY:

Master and History File Records are accessed primarily through the case control number. Records can also be accessed through Military Service Number or Social Security Number. Queries may enter the system in card form and from magnetic tape or indirectly through the DCII.

Lead assignment (IAF) data is retrievable by name of individual or case control number.

SAFEGUARDS:

For the Master and History Files as described in the DCII system description, this notice.

IAF documents.

RETENTION AND DISPOSAL:

Monthly history tapes are retained for two years. IAF records are retained one year after completion of field leads.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from: Information and Legal Affairs Office, Defense Investigative Service, Washington, D. C. 20324.

INFORMATION REQUIRED:

Full name and all maiden or alias names under which files may be maintained.

Personal Identifiers which include date and place of birgh, social security

number, and last four digits of military service number.

OFFICES WHICH MAY BE VISITED Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

PROOF OF IDENTITY:

Routine check of personal documents.

RECORD ACCESS PROCEDURES:

Information Office, at above address.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Assistant for Information.

RECORD SOURCE CATEGORIES:

DIS Case Control Centers

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with Subsection 3(j)(2) of the Act, certain references contained in this system of case control records may be exempted from the provisions of subsections (c)(3), (c)(4), (d) and (e)(8). This exemption will allow the DIS Special Cases Division, a criminal law enforcement component, to conduct effective investigations into alleged unlawful activity or crime conductive situations and use the DCCS without jeapordizing such investigations. Knowledge of the investigations of the Special Cases Divisions could enable subjects to take actions to prevent detection of criminal activitites, conceal evidence, or to escape prosecution. It could also lead to intimidation of or harm to sources, informants, witnesses and their families. Information from this system will be withheld only to the extent that its release would interfere with such investigations.

V5-05

SYSTEM NAME:

V5-05 Subject and Reference Locator Records.

SYSTEM LOCATION:

A decentralized system maintained by Defense Investigative Service field units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel and civilian employees of the Department of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel, locator, assignment rosters and housing records furnished by Army, Navy, Air Force and Marine Corps posts, bases and stations in the U.S. and Puerto Rico and retained for periods longer than they are retained by originating activities. Examples of such records are Army Locator/ Organizational Rosters (A0102.03a DAAG) and Army Housing Files(A1511.01aDAPE).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133, E.O. 10450, E.O. 10865, DoD Directive 5105.42.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are maintained by DIS investigative elements for use in locating supervisors, coworkers and character references of subjects of DIS investigations and to identify or verify the locations and assignments of subjects when this information cannot be obtained through other local sources. Information from this system may be provided to law enforcement agencies for the same purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper listings in files or binders, computer products, microfiche, index cards.

RETRIEVABILITY:

By name and other identifying data.

SAFEGUARDS:

Maintained in locked cabinets or locked rooms and only DIS personnel have access.

RETENTION AND DISPOSAL:

Records are retained for a maximum of five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Requests should be addressed to Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324. The full name, date and place of birth, social security account number, military service numbers are required and the name and location of the post, base, or station and periods of assignment or employment so that a thorough search can be conducted. A notarized statement verifying the identity of requesters is required. Information and Legal Affairs Office, Defense Investigative Service, Washington, D. C. 20324 may be visited by personnel making inquiries regarding this system. A check of personal identification will be required of all visitors making such inquiries.

RECORD ACCESS PROCEDURES:

Access may be obtained through the Information Office at the address listed above.

CONTESTING RECORD PROCEDURES:

DIS rules for access to records and for contesting and appealing initial determinations are contained in 32 CFR Part 298a and DIS Regulation 28-4.

RECORD SOURCE CATEGORIES:

Military personnel offices, training schools and housing offices for installations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

V6-01

SYSTEM NAME:

V6-01 Personnel Security Files

SYSTEM LOCATION:

Primary System-- Defense Investigative Service, Security Division, 1900 Half St., S. W., Washington, D. C. 20324.

Decentralized System - Partial records are maintained at working locations as a part of the Optional Personnel Management Record System described separately in this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Every DIS employee, civilian and military, without exception.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's Certificate of Security Clearance, Security Briefing Statement, Certificates of Clearance from other Services, Defense Central Investigations Index (DCII) check results, summaries of adverse information, debriefing statements, and similar related documents varying in certain cases. Sufficient individual identifying data to confirm identities is also contained in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Requesting agency, to the extent that the information is relevant and 5 U.S.C. 301 (Departmental Regulations) and DoD Directive 5210.7, Department of Defense Civilian Applicant and Employee Security Program and DoD Directive 5210.8, Policy on Investigations and Clearances of DoD Personnel for Access to Classified Defense Information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Uses

Files are to provide a basis for granting security clearances.

Files are also used to provide information of security clearances for individuals attending official activities of other offices on classified matters.

They also are used to provide security clearances information to other governmental offices where change of employment is being considered.

In the event that records maintained in this system indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as employment records, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or other benefit.

Users

Director of Personnel and his office.

DIS Security officer and his office.

All Supervisors, Commanders, and Office Chiefs, but only for confirming clearance level information.

Security officials of other DoD elements or governmental agencies when required for clearance verification or pre-employment consideration. consideration.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Individual files are established when an application for employment or assignment to the DIS is first received. As an investigation is completed and adjudicated, a clearance certificate is filed. If the file is unfavorable and the individual is not accepted, the file is placed in the 'dead' file section and retained for one year.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

For the primary system building employs security guards (Federal Protective Service). Records are maintained in locked containers in areas accessible only to authorized personnel who have a need to know.

RETENTION AND DISPOSAL:

Records are maintained for the period of time an individual is assigned to the DIS and for one year afterwards. Disposal is as classified waste.

SYSTEM MANAGER(S) AND ADDRESS:

Security Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Information regarding the primary system may be obtained from: Security Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

RECORD ACCESS PROCEDURES:

Access to the decentralized records may be obtained at any time. Requests for access to the primary system from individuals should be addressed to: Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Written requests for information should contain the full name of the individual, current address and telephone number. Visits are limited to Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

For personal visits, a check of peronal documents will be conducted.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Assistant for Information Office at the above address.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual, summaries of information from background investigations of the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V6-02

SYSTEM NAME:

V6-02 Special Compartmented Intelligence (SCI) Access file.

SYSTEM LOCATION:

Security Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DIS personnel who have been granted Special Access to SCI information.

CATEGORIES OF RECORDS IN THE SYSTEM:

A roster is maintained of personnel holding access clearances and a certificate of clearance for each such individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DIAM 50-1 (C).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USES

The SCI Access File is used to determine who in DIS has an SCI clearance.

Data is used also to monitor the program within DIS.

USERS

DIS Security Officer, and his office.

Chief, DIS Special Investigations Center, to determine SCI clearance for assignment of investigative duties entailing access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

All data is maintained in one file folder. The roster is provided by DIA. Copies of clearance certificates are maintained for each individual having the special access. When a person is taken off this access and has been debriefed, this is noted in the file.

STORAGE:

Paper records in file folder.

RETRIEVABILITY:

Roster is in alphabetical order; clearances are filed in chronological order.

SAFEGUARDS:

Files are maintained in an authorized security container within a locked room. The Federal Protective Service controls entrance to the building.

RETENTION AND DISPOSAL:

Records are maintained for the period that the individual is granted the special access and then for one year thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Division (D0146), Defence Investigation Service, 1000

Independence Ave. S.W., Washington, DC 20314

NOTIFICATION PROCEDURE:

Information may be obtained from: SYSMANAGER: Security Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Information and Legal Affairs Office, 1900 Half St., S. W., Washington, D. C. 20324.

Written requests for information should contain the full name of the individual, current address and telephone number. Visits are limited to Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the Assistant for Information, at the above listed address

RECORD SOURCE CATEGORIES:

Personnel Security File on the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

V7-01

SYSTEM NAME:

Enrollment, Registration and Course Completion Record.

SYSTEM LOCATION:

Defense Industrial Security Institute (DISI) Richmond, Virginia 23297

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are scheduled or who have attended courses of instruction offered by the institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information may include individual's name and other personal identifying and administrative data pertaining to attendance at the Institute to include employer, course completion, and other similar data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U. S. C. 301.

DoD Directive 5015.2, 17 September, 1980.

DoD Directive 5106.42 (Charter for Defense Investigative Service).

Executive Order 10865, 20 February 1960.

Executive Order 10909, 7 December 1960.

Defense Investigative Service Regulation 28-1, 1 August 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to prepare class rosters and provide basic administrative information on attendees. Institute personnel are the primary users.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on index cards and computer diskettes.

RETRIEVABILITY:

Records are filed alphabetically by last name.

SAFEGUARDS:

Records are maintained in file cabinets in a locked room, in areas accessible only to authorized personnel who have a need to know.

RETENTION AND DISPOSAL:

Records are retained for ten (10) years.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Industrial Security, Defense Investigative Service, 1900 Half St., S.W., Washington, DC 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from : SYSMANAGER.

RECORD ACCESS PROCEDURES:

Access to records may be obtained through the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324, either by mail or personal visit.

For written requests, full name and social security account number are required, and the request must be accompanied by a notarized statement verifying the identity of the requester.

Personal visits should be made to the Information office at the above address. A check of personal identification will be required of all visitors making such inquiries.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting records may be obtained from the Chief, Office of Information and Legal Affairs, at the above address.

RECORD SOURCE CATEGORIES:

The employee, the employer and the Defense Industrial Security Institute.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

V7-02

SYSTEM NAME:

Guest/Instructor Identification Records.

SYSTEM LOCATION:

Defense Industrial Security Institute (DISI) Richmond, Virginia 23297

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Guest speakers and regularly assigned instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, position, biographical data and other background information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DoD Directive 5105.42 (Charter for Defense Investigative Service).

Executive Order 10865, 20 February 1960.

Executive Order 10909, 7 December 1960.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Introduction of speakers and instructors. Institute personnel are the primary users.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are located in file folders or index cards.

RETRIEVABILITY:

Records are filed alphabetically by last name.

SAFEGUARDS:

Records are maintained in file cabinets within a locked room, in areas accessible only to authorized personnel who have a need to know.

RETENTION AND DISPOSAL:

Records are reviewed annually with obsolete records destroyed by burning or other means which preclude reconstruction.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Industrial Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from: SYSMANAGER

RECORD ACCESS PROCEDURES:

Access to records may be obtained through the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324, either by mail or personal visit.

For written requests, full name and social security account number are neccessary for retrieval of information, and the request must be accompanied by a notarized statement verifying the identity of the requester.

Personal visits should be made to the Information office at the above address. A check of personal identification will be required of all visitors making such inquiries.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the Chief, Office of Information and Legal Affairs, at the above address.

RECORD SOURCE CATEGORIES:

The information is provided by the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

V8-01

SYSTEM NAME:

Industrial Personnel Security Clearance File.

SYSTEM LOCATION:

Defense Industrial Security Clearance Office, P. O. Box 2499, Columbus, Ohio 43216.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and major stockholders of Goevernment contractors of other DoD-affiliated personnel who have been issued, now possess, are in , or have been in process for personnel security clearances, eligibility determinations, security assurances or NATO clearance documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

The automated portion may include: individual's name and other personal identifying information; date and level of security clearance granted; date and type of investigation and investigatory agency; file or case number and location; sequential record of actions; and other information necessary to facilitate the security clearance process.

The manual portion may include: the clearance application, copy of the investigation, record of clearance, foreign clearance and travel information; clearance processing information, adverse information, and other internal and external correspondence and administration memoranda relative to the clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DoD Directive 5015.2, 17 September 1980.

DoD Directive 5105.42 (Charter for Defense Investigative Service).

DoD Directive 5200.8, 15 February 1962.

Executive Order 10865, 20 February 1960.

Executive Order 10909, 7 December 1966.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose for which collected:

Records serve as a central repository on the eligibility determination of industrial personnel for access to classified information. The file serves as an administrative record, current record and repository for clearance related reports and information.

Categories of users:

DoD and government contractor employees involved in the personnel clearance process, and authorized Federal government agencies with a need to know.

Specific uses:

Record of authorizations for contractors to grant access to classified information providing the proper clearance level and need to know exists.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained in computer disc packs, magnetic tapes, and associated data processing files. Manual records are on microfiche, index cards, and hard copy paper records maintained in file folders.

RETRIEVABILITY:

Records are accessed by Social Security Number, manual records may also be accessed by name.

SAFEGUARDS:

Specific codes are required to access the automated records. Manual records are housed in a secured area accessible only to properly screened individuals who have the need to know.

RETENTION AND DISPOSAL:

Retention is based on the circumstances of the particular record Automated records are retained 25 months following clearance termination. Retention of manual records is authorized for one year from the date of last clearance action for cases which are not referred for adjudication, or for five years from date of last clearance action for cases which are referred for adjudication.

Destruction is accomplished by degaussing, burning, or other means which preclude reconstruction.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Industrial Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from: SYSMANAGER

RECORD ACCESS PROCEDURES:

Access to records may be obtained through the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half St., S. W., Washington, DC 20324, either in person or by mail. For written requests, full name, date and place of birth, and social security account number are necessary for retrieval of information. More information may be required. A notarized statement verifying the identity of requester is required.

Personal visits should be made to the information office at the above address. A check of personal identification will be required of all visitors making such inquiries.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the Chief, Office of Information and Legal Affairs, at the above address.

RECORD SOURCE CATEGORIES:

Categories of sources of records.

Subjects of investigations.

Records of other DoD activities and components.

Federal, state, county, and municipal records.

Employment Records of private business and industrial firms.

Educational and disciplinary records of schools, colleges, universities, technical, and trade schools.

Hospital, clinic and other medical records.

Records of commercial enterprises such as real estate agencies, credit bureaus, loan companies, credit unions, banks and other financial institutions

which maintain credit information on individuals, transportation companies, (airlines, railroad, etc.)

The interview of individuals who are thought to have knowledge of the subject's background and activities.

The interview of witnesses, victims and confidential sources.

The interview of any individuals deemed necessary to complete the DIS investigation.

Miscellaneous directories, rosters and correspondence.

Any other type of record deemed necessary to complete the DIS investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the provisions of 5 U. S. C. 552a(k)(5), of the Privacy Act of 1974, information contained in the records which would reveal the identity of the source who furnished information to the Government under an implied or expressed premise of confidentiality, is exempt from disclosure. This exemption will allow the collection of information from sources who would otherwise be unwilling to provide necessary information.

UNIFORMED SERVICES UNIVERSITY OF HEALTH SCIENCES

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

WUSU01

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Personnel files.

SYSTEM LOCATION:

A central personnel record file will be maintained at USUHS Civilian Personnel/ Manpower Directorate, 4301 Jones Bridge Road, Bethesda, MD 20014. Copies of 171's and curriculum vitae's of applicants and employees will be maintained in the Civilian Personnel/ Manpower Directorate by the Dean of the School of Medicine, and by the Department Chairperson, having a need for the information. Limited hardcopy information files are maintained at the USUHS military personnel office. A supplemental file consisting of summary data on each civilian employee will be stored in the computer at Bolling Air Force Base (AFB), Washington, D.C. 20332; for military personnel assigned to USUHS: at Walter Reed Army Medical Center (WRAMC) military personnel office, Parklawn Bldg., Rockville, MD 20850. Home phone numbers of key personnel will be provided to other key personnel, and those of students to other students on a need-to-know basis, and only with the express permission of the individual concerned, for an emergency call system. Biographical information on students to be maintained in the Commandant's office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on all personnel assigned to USUHS full-time and part-time.

CATEGORIES OF RECORDS IN THE SYSTEM:

The type of information which will be maintained on employees is as follows: Identity and demographic information (e.g., Social Security Number (SSN), name, sex, address, birth date, minority status, etc.); Academic and experience background data consisting of: (1) Schools attended; (2) Degrees earned; (3) Work experience, awards, etc.; (4) Letters of reference, performance evaluation, etc.; (5) Time and attendance cards; and (6) Biographical data file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

The System will be used for documenting the work experience of applicants and USUHS personnel and for notification of key personnel in case of emergency during nonworking hours. Biographical data file will be used for providing background information on USUHS students to lecturers.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Material stored in file folders at USUHS, supported by automated copies of pertinent data of each employee's folder which are maintained on magnetic tape and disk at USUHS Civilian Personnel/Manpower Directorate, Bethesda, MD 20014.

RETRIEVABILITY:

The system will be indexed by name and Social Security Number (SSN). Also, any combination of data in the file can be used to select individual data. Only Civilian Personnel/Manpower Directorate personnel will be provided with the password that allows access to the data, and those individuals are authorized access to all data in the file. Records will be available to: the individual concerned; employees of USUHS on a need-to-know basis; other agencies of the Government to satisfy requests for routine reports.

SAFEGUARDS:

The files will be maintained in securable file cabinets located in a limited access area at the University. The computer hardware, disks, tapes and other material are secured in locked cabinets in a controlled and guarded area. Access is via controlled dial-in and is password controlled.

Passwords are changed semiannually, or upon the departure of any person knowing the password.

The automated system is operated by USUHS Civilian Personnel/Manpower Directorate personnel and only those personnel will be given the password and user identification information needed to access the computer system. These persons are authorized access to all fields in the data base. While the file is primarily indexed on Social Security Numbers (SSN), and name, any combination of fields and data within fields can be used to select individual records.

RETENTION AND DISPOSAL:

Indefinite files that are retained while the individual is employed and then retired.

SYSTEM MANAGER(S) AND ADDRESS:

The personnel officer of the University will be the custodian of this file (business address: 4301 Jones Bridge Road, Bethesda, MD 20014, telephone: 202-295-3080).

NOTIFICATION PROCEDURE:

Inquiries regarding the personnel files should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Information on the procedures for gaining access to and contesting records will be furnished each employee by the Personnel Office upon entry on duty with USUHS.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information contained in the file is furnished by the employee, supervisors and references supplied by the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

WUSU02

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Payroll System.

SYSTEM LOCATION:

Central files are maintained at Bolling Air Force Base Accounting and Finance Office, Civilian Pay Branch. Satellite file maintained at USUHS Administrative Offices at 4301 Jones Bridge Road, Bethesda, Maryland 20014.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian personnel paid by the USUHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information contained in the system includes: Name, SSAN, Pay Grade, Number of Withholding Exemptions, Gross and Net Pay, Other Earnings and Leave Information (including Time and Attendance Records).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

The system will produce data for budget purposes and as backup information for audits.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information will be stored as computer printout.

RETRIEVABILITY:

The system will be indexed by name.

SAFEGUARDS:

The information will be available for personnel in the Civilain Personnel/ Manpower Directorate of the USUHS or other personnel who have demonstrated need to know, e.g., auditors, Congress, etc. The material will be stored in metal file containers.

RETENTION AND DISPOSAL:

The records will be maintained for one year and then destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

The responsible official in the USUHS for the Civilian Pay System is the Director of Civilian Personnel Manpower, 4301 Jones Bridge Road, Bethesda, Maryland 20014. Telephone: 202-295-3379.

NOTIFICATION PROCEDURE:

Any inquiries should be directed to the Civilian Personnel/Manpower Directorate at the above address.

RECORD ACCESS PROCEDURES:

Information may be accessed in person at the above address. Requests for change to the information must be made in writing at the above address.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Computerized pay records from Bolling Air Force Base Accounting and Finance Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

WUSU03

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Student Record System.

SYSTEM LOCATION:

The file will be maintained in the Registrar's Office, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

Supplemental files consisting of student evaluation forms, grades, and course examinations pertaining to their department will be maintained in each department by departmental chairmen, as well as in the Registrar's Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on all students who martriculate to the University.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grade reports and instructor evaluations of performance/ achievement; transcripts summarizing by course title, grade, and credit hours; records of awards, honors or distinctions earned by students; and data carried forward from the Applicant File System, which includes records containing personal data, e.g., name, rank, Social Security Number (SSN), undergraduate school, academic degree(s), current addresses, course grades, and grade point average from undergraduate work and other information as furnished by nonGovernment agencies such as the American Medical College Admission Service which certifies all information prior to being submitted to the University.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92-426, Chapter 104, Section 2114.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

The system will be used for: recording internships, residencies, type of assignment and other career performance data on USUHS graduates; providing academic data to each student upon request, e.g., transcripts, individual course grades, grade point average, etc.; providing academic data within the Uniformed Services University of the Health Sciences for official use only purposes; and providing data to the respective Surgeons General when a specific and authorized need requires it.

EXTERNAL USERS, USES, AND PURPOSES

Academic data may be provided to other educational institutions upon the written request of a student.

For other external uses, see Uniformed Services University of the Health Sciences (USUHS) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records infile folders are stored at USUHS, supported by automated copies of subsets of each student's folder, which are maintained on magnetic tape and disk at the Air Force Data Services Center (AFDSC) in the Pentagon, Washington, D.C.

RETRIEVABILITY:

The system will be indexed by name and Social Security Number (SSN). Also any combination of data in the file can be used to select individual records. Only personnel in the Office of the Registrar will be provided with the password that allows access to the data, and those individuals are authorized access to all data in the file.

SAFEGUARDS:

Current hardcopy records, prior to processing for computer storage are retained in a safe located in a limited access area at the University. The initial source of automated data on each student is transferred directly from the admission system, WUSU04, when each new class is admitted. Only data for enrolled students is transferred. Teaching facility, instructor, course, and grade information are entered by Registrar personnel as they are received. Transcripts, Course Rosters, and Grade reports are produced at the terminal upon request by the Registrar's personnel. Approved special requests for data can be supported by ad hoc inquiry. Any combinations of data can be used to select individual records for special processing.

The computer facility is operated by the Air Force Data Services Center, the Pentagon, Washington, D.C. The computer hardware, disks, tapes and other materials are secured in an alarmed controlled and guarded area. Access is via access list, escort, or controlled dial-in to the unclassified computers, located in the center. Dial-in access for all system users is password controlled.

All access to AFDSC computers is via user identification and sign-on password, whether from a hardwired terminal or dial-in terminal. Computer software ensures that only properly identified users can access the Privacy Act files on this system. Passwords are changed semiannually, or upon the departure of any person knowing the password.

Hardcopy files are stored at the University, and computer files are stored on magnetic tape and disc at the Air Force Data Services Center in the Pentagon, Washington, D.C. The remote terminal retains no data.

The automated system is operated by Data Base Management System. In addition to the sign-on password, this system allows a user to access only those specific files authoried that user. Only Registrar personnel will be given the password and identification information needed to access the fields in the data base. while the file is primarily indexed on Social Security Number (SSN), and name, any combination of fields and data within fields can be used to select individual records.

RETENTION AND DISPOSAL:

Records will be maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

The Registrar, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

NOTIFICATION PROCEDURE:

Information may be obtained from: Registrar, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014. Telephone: 202-295-3197.

RECORD ACCESS PROCEDURES:

Requests to review individual student's records may be made by telephone or visit to the Registrar's Office, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

Written requests should include name, Social Security Number (SSN), and dates attended.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is furnished by instructor personnel; the individual concerned; the National Board of Medical Examiners; and the Applicant File System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

WUSU04

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Applicant Record System.

SYSTEM LOCATION:

A central applicant record file will be maintained at the USUHS Admission Office, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

A Supplemental file consisting of summary data on each applicant to be derived from data collected in the central file, will be stored on magnetic tape and maintained at the Pentagon Computer Center, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on all individuals applying for admission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identity and demographic information (e.g., SSAN, name, sex, minority status, address, birth date, citizenship, etc.); Academic and aptitudinal background data consisting of: (1) Schools attended, (2) Degrees earned, (3) GPA for college and graduate work, (4) course hours completed in college and graduate school, (5) Medical College admission test scores and percentiles; information regarding work experience, socioeconomic background, hobbies, extracurricular involvements in college, community/service activities, honors, and awards achieved, and professional and/or societal contributions; Letters of reference; biographies; personal statements (autobiographical in nature); service preference statement; interview evaluations; test results and personality inventory scores on instruments used to assess noncognitive potential and aptitude; official college transcripts and health data. Unsolicited information provided by applicants will also normally be retained when such information pertains to the matters described above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92-426, Ch 104, Section 2114.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

The system will be used for selecting students to USUHS, and conducting studies of the selection process.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and magnetic tape.

RETRIEVABILITY:

The central file will be indexed by name. The computer file will be sequenced by SSAN, with data retrievable by any single or combination of variables stored, e.g., sex minority status, ranking by academic performance, ranking by test achievement, state of residence, college attended, etc.

SAFEGUARDS:

All material will be maintained in metal rotary files in a securable office; the satellite file on disks, securely stored at the Pentagon Computer Center.

RETENTION AND DISPOSAL:

Records of applicants who matriculate to the school will be converted to students records and maintained permanently. Records of applicants who do not matriculate will be retained for five years and then destroyed by burning. Portions of the record may be retained on magnetic tape for longer periods.

SYSTEM MANAGER(S) AND ADDRESS:

The USUHS officer who will be responsible for the Applicant Record System is the Assistant Dean for Academic Support (business address: 4301 Jones Bridge Road, Bethesda, Maryland 20014).

NOTIFICATION PROCEDURE:

Inquiries regarding the system should be directed to the Assistant Dean for Academic Support, 4301 Jones Bridge Road, Bethesda, Maryland 20014. Telephone: 202-295-3101.

RECORD ACCESS PROCEDURES:

Request for access for an individual's file should be made by either writing or calling the Assistant Dean for Academic Support.

For written requests the information should contain the full name of the individual, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

The bulk of the information in the system will be furnished by the applicants. It will be either prepared by them personally, or submitted by other individuals/agencies in their behalf at their (the applicants') specific request. The remaining elements of the systems, the data not furnished by the applicants, will consist of evaluative records prepared and developed by admissions personnel based on interviews, school administered tests, and analysis of applicant records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

WUSU05

SYSTEM NAME:

USUHS Graduate and Continuing Medical Student Records

SYSTEM LOCATION:

Office of the Assistant Dean for Graduate and Continuing Education, Uniformed Services University of the Health Sciences, (USUHS), 4301 Jones Bridge Road, Bethesda, Maryland 20814. Supplementary files, consisting of student evaluation forms, grades, and course examinations pertaining to their department, are maintained in each USUHS department by departmental chairpersons.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on all students who apply for or matriculate in the Graduate Education and Continuing Medical Education programs at the University.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grade reports and instructor evaluations of performance/achievement; educational records listed by course title, grade, and credit hours; records of awards, honors, or distinctions earned by students; and data carried forward from the application, which includes records containing personal data, e.g., name, rank, social security number (SSN), undergraduate school, academic degree, current addresses, course grades, and grade point average from undergraduate work; letters of recommendation; and other information as furnished by non-government agencies such as the Educational Testing Service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 2114.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

The system is used for: record types of assignment, program participation, and other student performance data and participation in continuing education programs; provide academic data to each student upon request (such as, individual course grades and grade point averages); provide academic data within the USUHS for official purposes; and provide data to the respective Department of Defense component Surgeon Generals when a specific and authorized need exists.

EXTERNAL USERS, USES, AND PURPOSES

Academic data may be provided to other educational institutions upon the written request of a student. Also see blanket routine uses at the beginning of the USUHS listing of system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders are stored at Uniformed Services University of the Health Sciences (USUHS). These are supported by automated copies of subsets of each student's folder, which are maintained on magnetic tapes and disks at the Office of Computer Operations, USUHS, Bethesda, Maryland 20814.

RETRIEVABILITY:

The system is indexed by name and social security number (SSN). Also, any combination of data in the file can be used to select individual records. Only personnel in the Office of the Assistant Dean for Graduate and Continuing Education, USUHS, with an official need for the data are provided with the password that allows access.

SAFEGUARDS:

The files are maintained in secured file cabinets located in a limited access area of the University. The computer hardware, disks, tapes and other materials are secured in locked cabinets in a controlled and guarded area. Computer access is via controlled dial-in and is password controlled. Passwords are changed semiannually, or upon the departure of any person knowing the password.

The automated system is operated by Office of Computer Operations, USUHS, and only personnel with an official need to know are given the password and user identification information needed to access the computer system. While the file is primarily indexed by social security number (SSN) and name, any combination of fields and data can be used to select individual records.

RETENTION AND DISPOSAL:

Records on disenrolled and nonselected individuals are maintained for three years. Records on matriculated students will be maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Dean for Graduate and Continuing Education, USUHS, 4301

Jones Bridge Road, Bethesda, Maryland 20814.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Dean for Graduate and Continuing Education, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20814. Telephone: 202/295-3106.

RECORD ACCESS PROCEDURES:

Requests to review individual students' records should be made in writing to the Office of the Assistant Dean for Graduate and Continuing Education, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20814. Written requests must include name, social security number and dates of attenndance or application.

CONTESTING RECORD PROCEDURES:

The rules for access to records and for contesting contents and appealing initial determination by the individual concerned are contained in 32 CFR 286b (See also OSD Administrative Instruction Number 81).

RECORD SOURCE CATEGORIES:

Information is furnished by the individual concerned; instructor personnel; the Graduate Records Examination; the applicant for admission and registration material for continuing medical education courses; the applicable department; the USUHS Graduate Committee; and the Office of the Assistant Dean for Graduate and Continuing Education, USUSH.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

WUSU06

SYSTEM NAME:

USUHS Family Practice Medical Records

SYSTEM LOCATION:

Student Health Clinic, Uniformed Services University of the Health Sciences (USUSH), 4301 Jones Bridge Road, Bethesda, Maryland 20814.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on medical students, military retirees, military active duty personnel and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical charts, results of laboratory tests, physical examinations, patients' medical histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Secitons 133, 1071 through 1087, 2114, 5031, and 8012 and Executive Order 9397.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

Physicians and nurses use the medical charts in the diagnosis and treatment of patients. Medical charts contain results of laboratory tests, medical examinations, and patients' medical histories. Medical Clerks file, retrieve and keep the records up to date by adding new material, when appropriate.

EXTERNAL USERS, USES, AND PURPOSES

Files are retained until departure of patient; the record is then given to the patient.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Medical records are stored in folders.

RETRIEVABILITY:

Medical records are filed by Social Security Number.

SAFEGUARDS:

Records are maintained in metal files cabinets which are kept locked when not in use. The cabinets are stored in a controlled area.

RETENTION AND DISPOSAL:

Files are retained until departure of patient; and then are given to the patient.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Department of Family Practice, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20814.

NOTIFICATION PROCEDURE:

Records are maintained only on individuals who seek treatment. Contact system manager for notification procedures.

RECORD ACCESS PROCEDURES:

Information as to exact access procedures may be obtained from the System Manager. The rules for record access are in accordance with Air Force Regulation 168-4, 'Administration of Medical Activities, patient Administration,' Chapter 12, 'Outpatient Records.'

CONTESTING RECORD PROCEDURES:

The rules for contesting may be obtained from the System Manager. The rules are in accordance with Air Force Regulation 168-4, Chapter 12.

RECORD SOURCE CATEGORIES:

Patients, doctors, other medical professionals and test results.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

WUSU07

SYSTEM NAME:

USUHS Grievance Records.

SYSTEM LOCATION:

Civilian Personnel/Manpower Directorate, Uniformed Services University of the Health Sciences (USUHS), Department of Defense, Bethesda, Maryland 20814.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances in accordance with Title 5, United States Code Section 2302 and 7121.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by USUHS employees under 5 U.S.C. Section 2302 and 5 U.S.C. Section 7121. These case files contain all documents related to the alleged grievance, including statements of witnesses, reports of interviews and hearings, examiners findings and recommendations, a copy of the original and final decisions, and related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code Sections 2302 and 7121.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES

This information is used by the USUHS in the creation and maintenance of records of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained and for related work force studies. While published statistics and studies no not contain individual identifiers, in some instances the selection of elements is such that individuals could be identified by reference.

EXTERNAL USERS, USES, AND PURPOSES

These records and information in these records are used:

To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when there are indications of a violation or potential violation of civil law, criminal law or regulation.

To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the Agency's decision on the matter.

To provide information to a Congressional office from the record of an individual, in response to a Congressional inquiry made at the request of that individual.

To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding.

By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of Title 44 United States Code Section 2906.

To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority; and the Equal Employment Opportunity Commission, when requested in conjunction with their official activities.

To disclose in response to a discovery motion or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties, exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders.

RETRIEVABILITY:

Records are retrieved by the names of the individual about whom the records are maintained.

SAFEGUARDS:

Records are maintained in locked file cabinets, with access restricted to authorized USUHS employees who have a demonstrated need-to-know.

RETENTION AND DISPOSAL:

Records are disposed of three years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Civilian Personnel/ Manpower, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20814, Telephone: 202/295-3195.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Information to access procedures may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination by the individual concerned are contained in 32 CFR 286b (See also OSD Administrative Instruction No. 81).

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from:

The individual about whom the record is maintained.

Testimony of witnesses.

Agency officials, and

Related correspondence from organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

[FR Doc. 83-12048 Filed 6-3-83; 8:45 am]
BILLING CODE 3810-01-M

years
l is by

s, 4301
aryland

rom the

res may
nager.

ng

FR 286b

ecords

record

48
ISS
1
0
9
JE
6
1983
UMI

VOL
48
ISS
1
10
JE
7
1983
UMI

United
Govern
Printing
SUPERINTE
OF DOCUM
Washington

OFFICIAL B
Penalty for

Federal Reg
(ISSN 0097

6-7-83
Vol. 48 No. 110

federal register

Tuesday
June 7, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS
Penalty for private use $300

Federal Register
(ISSN 0097-6326)

A FR SERIA300S NOV 83 R DIR
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

U.S.MAIL
Postage and Fees Paid
U S Government Printing Office
375
:OND CLASS NEWSPAPER

VOL
48
ISS
1
1
0
JE
7
1983
UMI

6-7-83
Vol. 48
Pages

6-7-83
Vol. 48 No. 110
Pages 26279-26442

federal register

Tuesday
June 7, 1983

Selected Subjects

Aged
Equal Employment Opportunity Commission

Animal Drugs
Food and Drug Administration

Biologics
Food and Drug Administration

Buses
Interstate Commerce Commission

Child Support
Personnel Management Office

Commodity Futures
Commodity Futures Trading Commission

Exports
International Trade Administration

Food Additives
Food and Drug Administration

Organization and Functions (Government Agencies)
Food and Drug Administration

Political Committees and Parties
Federal Election Commission

Travel and Transportation Expenses
Animal and Plant Health Inspection Service

Veterans
Employment and Training Administration

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Co

26322
26294
26323
26321
26322
26304
26322
26322
26322
26430
26378
26377
26378
26378

Contents

Federal Register

Vol. 48, No. 110

Tuesday, June 7, 1983

Agriculture Department
See Animal and Plant Health Inspection Service; Forest Service, Soil Conservation Service.

Air Force Department
NOTICES
Meetings:
26322 Scientific Advisory Board (2 documents)

Animal and Plant Health Inspection Service
RULES
Overtime services relating to imports and exports:
26294 Commuted traveltime allowances

Bonneville Power Administration
NOTICES
Environmental statements; availability, etc.:
26323 Garrison-Spokane Project, Mont. and Wash.

Civil Aeronautics Board
NOTICES
26321 Certificates of public convenience and necessity and foreign air carrier permits; weekly applications
Hearings, etc.:
26322 Frontier Flying Service; fitness investigation

Commerce Department
See International Trade Administration; Patent and Trademark Office.

Commodity Futures Trading Commission
RULES
Futures commission merchants:
26304 Mandatory membership in registered futures association
NOTICES
26322 Agency forms submitted to OMB for review

Defense Department
See also Air Force Department
NOTICES
26322 Agency forms submitted to OMB review
Meetings:
26322 DIA Advisory Committee

Employment and Training Administration
PROPOSED RULES
26430 Job Training Partnership Act programs; implementation
NOTICES
Adjustment assistance:
26378 Industrial Fabricating & Engineering Co.
26377 Johns-Manville Sales Corp. et al.
26378 National Steel Corp.
26378 Labor surplus area classifications; annual list; additions

Energy Department
See also Bonneville Power Administration; Energy Research Office; Federal Energy Regulatory Commission.
PROPOSED RULES
26440 Nuclear waste repositories, site recommendations, guidelines; redraft availability and extension of time

Energy Research Office
NOTICES
26328 Energy research instrumentation program, guidelines; inquiry
Meetings:
26331 High Energy Physics Advisory Panel

Environmental Protection Agency
NOTICES
26356 Agency forms submitted to OMB for review

Equal Employment Opportunity Commission
RULES
Age discrimination in employment:
26434 Health insurance benefits for employees age 65 to 69; coverage under group health plans

Federal Election Commission
RULES
Contribution and expenditure limitations and prohibitions:
26296 Transfer of funds; collecting agents and joint fundraising

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
26332 Alabama Power Co.
26336 Alabama-Tennessee Natural Gas Co.
26336, 26337 Algonquin Gas Transmission Co. (2 documents)
26337 Bonneville Power Administration
26342 Eastern Shore Natural Gas Co.
26342 El Paso Natural Gas Co.
26349 Kansas Power & Light Co. (2 documents)
26352 Kentucky Utilities Co.
26352 Louisiana-Nevada Transit Co.
26352 Miami Power Corp.
26352 Minnesota Power & Light Co.
26333 Montana-Dakota Utilities Co.
26333, 26353 Montana Power Co. (2 documents)
26353 New England Power Co.
26334, 26353 Northern Natural Gas Co. (2 documents)
26334 Ohio Edison Co.
26354 Puget Sound Power & Light Co.
26336 Sea Robin Pipeline Co. et al.
26354 Shar-Alan Oil Co.
26354 Tennessee Natural Gas Lines, Inc.
26355 Transcontinental Gas Pipe Line Corp.
26355 Valero Transmission Co.
26343 Hydroelectric applications (Watkins, Paul F., et al.)
Natural gas companies:
26332 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend (Damson Oil Corp.)

Natural Gas Policy Act:
26424 Jurisdictional agency determinations

Federal Maritime Commission
NOTICES
26387 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Applications, etc.:
26358 Ameribanc, Inc.
26359 American Bancorp, Inc., et al.
26360 City National Bancshares, Inc.
26359 City National Bancshares Corp. et al.
26360 First University Corp.
26360 Long-Term Credit Bank of Japan, Ltd.
26361 Mercantile Bancorporation, Inc.
26361 Merchantile Texas Corp.
Bank holding companies; proposed de novo nonbank activities:
26356 Barclays Bank PLC et al.
Committees; establishment, renewals, terminations, etc.:
26357 Consumer Advisory Council; nomination for membership solicitation
26387 Meetings; Sunshine Act (2 documents)

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
26313 Estradiol
Biological products:
26313 Licensing of biological establishments; inspection frequency
Food additives:
26312 Polymers; ethylene/4-methyl-pentene-1 copolymers
Organization and authority delegations:
26311 Copying and verification of records and reports; credentials required for access
PROPOSED RULES
Food for human consumption:
26319 Corn, whole kernel; quick frozen; standards establishment, advance notice; correction
NOTICES
Animal drugs; feeds, and related products:
26363 Tran-Q plus Terramycin Premix; approval withdrawn; correction
Color additive petitions:
26363 Wilsa, Inc.; correction
Committees; establishment, renewals, terminations, etc.:
26362 Anesthetic and Life Support Drugs Advisory Committee et al.; request for nominations for voting members
Food for human consumption:
26361 Tuna, canned, in water seasoned with vegetable oil; deviation from identity standards; temporary permit for market testing
Meetings:
26363 Advisory committees, panels, etc.

Forest Service
NOTICES
Environmental statements; availability, etc.:
26323 Garrison-Spokane Project, Mont. and Wash.

Health and Human Services Department
See also Food and Drug Administration; National Institutes of Health; Public Health Service.
NOTICES
26390 Privacy Act; systems of records; annual publication

Indian Affairs Bureau
NOTICES
Judgment funds; plan for use and distribution:
26364 Yankton Sioux Tribe

Interior Department
See also Indian Affairs Bureau; National Park Service.

International Trade Administration
RULES
Export licensing:
26303 Foreign merchandise from foreign trade zone; application form 7513

International Trade Commission
NOTICES
26387 Meetings; Sunshine Act

Interstate Commerce Commission
RULES
Practice and procedure:
26317 Securities regulations; elimination and modification
NOTICES
Motor carriers:
26372 Finance applications
26373 Permanent authority applications
Motor carriers; control, purchases, and tariff filing exemptions, etc.:
26372 Byrne, James P., et al.
26371 Cressler Trucking, Inc., et al.
Rail carriers; contract tariff exemptions:
26376 Norfolk & Western Railway Co.
Railroad operation, acquisition, construction, etc.:
26376 Anheuser-Busche Co., Inc., et al.

Labor Department
See also Employment and Training Administration.
NOTICES
26379 Agency forms submitted to OMB for review

Land Management Bureau
RULES
26314 Planning, programming, budgeting; land use planning; extension of time
Public land orders:
26315 New Mexico
PROPOSED RULES
Oil and gas leasing:
26320 Standard oil and gas stipulations; form revision publication; extension of comments
NOTICES
Alaska native claims selection; applications, etc.:
26364 Doyon, Ltd.
26365 K'oyitl'ots'ina, Ltd.
Coal leases, exploration licenses, etc.:
26364 Colorado; correction
Environmental statements; availability, etc.:
26323 Garrison-Spokane Project, Mont. and Wash.

Management and Budget Office
NOTICES
26384 Administering audits of local governments and special purpose districts; Circulars A–102 and A–87

National Aeronautics and Space Administration
NOTICES
Meetings:
26379 Space Applications Advisory Committee
26379 Wage Committee
Senior Executive Service:
26380 Bonus awards schedule
26380 Performance Review Board; membership

National Institutes of Health
NOTICES
Meetings:
26364 Radioepidemiological Tables Development Ad Hoc Working Group

National Park Service
PROPOSED RULES
26319 Alaska National Park System Units; closures to snowmachines, motorboats, motor vessels, and aircraft; extension of time and meetings
NOTICES
Historic Places National Register; pending nominations:
26366 Idaho et al.
Meetings:
26365 Canaveral National Seashore Advisory Commission
26371 North Country National Scenic Trail Advisory Council
World heritage properties list:
26369 U.S. nominations, potential and indicative inventory of potential future nominations; inquiry

National Transportation Safety Board
NOTICES
26387 Meetings; Sunshine Act

Nuclear Regulatory Commission
RULES
26295 Radioactive wastes; licensing requirements for land disposal; availability
NOTICES
Applications, etc.:
26380 Consumers Power Co.
26381 Duke Power Co.
26382 Niagara Mohawk Power Corp.
26383 Southern California Edison Co. et al.
Environmental statements; availability, etc.:
26381 Kerr-McGee Chemical Corp.

Patent and Trademark Office
PROPOSED RULES
Patent cases:
26319 Foreign filing license procedures; revision; correction

Personnel Management Office
RULES
26279 Child support or alimony payment, garnishment orders; disability payments disbursed by Veterans Administration

Postal Rate Commission
NOTICES
26380 Visits to facilities

Public Health Service
NOTICES
National toxicology program:
26364 Cancer bioassay reports; L-Ascorbic acid and diallyl phthalate

Securities and Exchange Commission
NOTICES
26387 Meetings; Sunshine Act

Small Business Administration
NOTICES
Applications, etc.:
26385 Carbon Capital Corp.
26385 Security Finance & Investment Corp.
Small business investment companies:
26386 Maximum annual cost of money; Federal Financing Bank rate

Soil Conservation Service
NOTICES
Watershed projects; deauthorization of funds:
26321 North Concordia Watershed, La.

Treasury Department
NOTICES
Notes, Treasury:
26386 J–1988 series

Separate Parts In This Issue

Part II
26390 Department of Health and Human Services, Office of the Secretary

Part III
26424 Department of Energy, Federal Energy Regulatory Commission

Part IV
26430 Department of Labor, Employment and Training Administration and Office of the Assistant Secretary for Veterans' Employment and Training

Part V
26434 Equal Employment Opportunity Commission

Part VI
26440 Department of Energy

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
September 15, 1916
(Revoked in part by PLO 6392)....26315
September 30, 1916
(Revoked in part by PLO 6392)....26315
May 21, 1920
(Revoked in part by PLO 6392)....26315

5 CFR
581....26279

7 CFR
354....26294

10 CFR
20....26295
61....26295
Proposed Rules:
960....26440

11 CFR
Ch. I....26296

15 CFR
386....26303

17 CFR
170....26304

20 CFR
Proposed Rules:
635....26430

21 CFR
5....26311
177....26312
522....26313
600....26313
Proposed Rules:
158....26319

29 CFR
1625....26434

36 CFR
Proposed Rules:
13....26319

37 CFR
Proposed Rules:
1....26319
5....26319

43 CFR
1600....26314
Public Land Orders:
6392....26315
Proposed Rules:
3000....26320
3100....26320

49 CFR
1175....26317
1176....26317

Rules and Regulations

Federal Register
Vol. 48. No. 110
Tuesday, June 7, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 581

Processing Garnishment Orders for Child Support and/or Alimony

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management revises its regulations concerning the processing of garnishment orders for child support and/or alimony. The revision clarifies the provision concerning the garnishment of payments disbursed by the Veterans Administration as compensation for a service-connected disability. The revision expressly provides that agencies will not be required to ascertain whether the court or other authority which issued the garnishment order had obtained personal jurisdiction over the obligor prior to its issuance of the order. In addition, Appendix A has been updated to include information concerning designated agents that OPM has received since December 30, 1980. There are also certain technical and typographical corrections.

EFFECTIVE DATE: July 7, 1983.

FOR FURTHER INFORMATION CONTACT: Murray M. Meeker, (202) 632–7600.

SUPPLEMENTARY INFORMATION: Proposed regulations were published in the **Federal Register** on January 7, 1983 (48 FR 811–812). A correction was published in the **Federal Register** on January 18, 1983 (48 FR 2130).

Analysis of Comments

The proposed regulations provided a 30-day period of public comment, during which time OPM received five written comments and several oral comments. The majority of the comments concerned the typographical error that appeared in 5 CFR 581.103(c)(4)(iv), but two commenters requested additional information concerning the substantive revision that was proposed for this section. As was explained in the Summary that preceded the proposed rule, the revision was suggested by the Veterans Administration to prevent possible misinterpretations in connection with the garnishment of disability compensation payments disbursed by the VA. OPM was advised that conflicting interpretations occurred when an individual waived all of his or her military retirement pay in order to receive VA compensation. In at least one instance, a court permitted the garnishment of disability compensation payments, notwithstanding the statutory provision that such payments are only subject to garnishment where the former member of the Armed Forces is *in receipt* of military retirement pay after having only *waived a portion* of his or her retirement pay. 42 U.S.C. 662(f)(2). The regulations now clarify that where the former member has waived the entire amount of his or her military retirement pay and is, therefore, no longer in receipt of retirement pay, that individual's disability compensation is *not* subject to garnishment.

Two Federal agencies submitted comments concerning the amendment to 5 CFR 581.305(f) which states that when a governmental entity receives legal process that appears to conform to the laws of the jurisdiction from which it was issued, the entity shall not be required to ascertain whether the authority which issued the legal process had obtained personal jurisdiction over the obligor. The amendment is consistent with the position that the Government has taken in litigation concerning this issue.

One commenter expressed the opinion that where an employee obligor dies, the checks for pay and allowances that were not received prior to the death should be subject to garnishment. In response to this suggestion we have amended the final rule to provide for the garnishment of several of the amounts listed in 5 U.S.C. 5581.

Noting that the proposed rule was intended to correct typographical errors, one individual commented that §§ 581.202(b) and 581.203(b) contained typographical errors. This final rule corrects those errors.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have significant economic impact on a substantial number of small entities because it applies only to the garnishment of remuneration for employment paid by the Federal Government.

List of Subjects in 5 CFR Part 581

Alimony, Child welfare, Government employees, Wages.

U.S. Office of Personnel Management.
Donald J. Devine,
Director.

Accordingly, OPM is amending 5 CFR Part 581 as set out below:

PART 581—PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

1. In § 581.102, paragraph (f)(1)(ii) is revised to read as follows:

§ 581.102 Definitions.

* * * * *

(f) * * *

(1) * * *

(ii) A court of competent jurisdiction in any foreign country with which the United States has entered into an agreement that requires the United States to honor such process; or

* * * * *

2. In § 581.103, paragraphs (a)(23) (i)–(v) are added and paragraph (c)(4)(iv) is revised to read as follows:

§ 581.103 Moneys which are subject to garnishment.

(a) * * *

(23) Moneys due on account of the services of a deceased employee obligor, including: (i) Overtime or premium pay;

(ii) Amounts due as refunds of pay deductions for United States savings bonds;

(ii) Payments for accumulated and current accrued annual or vacation leave as provided for in section 5581 of title 5 of the United States Code;

(iv) Retroactive pay as provided for in section 5344(a)(2) of title 5 of the United States Code; and

(v) Amounts of checks drawn for moneys due which were not delivered by the governmental entity to the employee obligor prior to the employee obligor's death or which were not negotiated and returned to the governmental entity because of the death of the employee obligor, except those moneys due as set forth in § 581.104(i).

* * * * *

(c) * * *

(4) * * *

(iv) Any payments by the Veterans Administration as compensation for a service-connected disability or death, except any compensation paid by the Veterans Administration to a former member of the Armed Forces who is in receipt of retired or retainer pay if such former member has waived a portion of his/her retired pay in order to receive such compensation. In this case, only that part of the Veterans Administration payment which is in lieu of the waived retired/retainer pay is subject to garnishment. Payments of disability compensation by the Veterans Administration to an individual whose entitlement to disability compensation is greater than his/her entitlement to retired pay, and who has waived all of his/her retired pay in favor of disability compensation, are not subject to garnishment or other attachment under this part.

3. In § 581.104, the introductory text of paragraph (h) is revised, paragraphs (h)(2)(xiii) and (h)(2)(xiv) are revised, and paragraph (h)(2)(xv) and paragraph (i) are added to read as follows:

§ 581.104 Moneys which are not subject to garnishment.

* * * * *

(h) Reimbursement for expenses incurred by an individual in connection with his/her employment, or allowances in lieu thereof, and other payments and allowances, including, but not limited to:

* * * * *

(2) * * *

(xiii) Clothing allowances for enlisted personnel;

(xiv) Uniform allowances; and

(xv) Personal money allowances for General and Flag officers, and for the Surgeon General of the United States.

* * * * *

(i) Moneys due a deceased employee obligor where the amounts are:

(1) Reimbursement for expenses incurred by the deceased employee in connection with his/her employment, or allowances in lieu thereof, including: (i) Per diem instead of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses in connection therewith;

(ii) Allowances on change of official station;

(iii) Quarters allowances; and

(iv) Cost-of-living allowances (COLA), when applicable as a result of the deceased employee obligor's having been in a foreign area or stationed outside of the continental United States or in Alaska.

(2) Amounts due for payment of cash awards for employees' suggestions.

4. In § 581.105, paragraph (f) is revised to read as follows:

§ 581.105 Exclusions.

* * * * *

(f) Are deducted as normal life insurance premiums from salary or other remuneration for employment, not including amounts deducted for supplementary coverage. Both Servicemen's Group Life Insurance and "Basic Life" Federal Employees' Group Life Insurance premiums are considered to be normal life insurance premiums; all optional Federal Employees' Group Life Insurance premiums and life insurance premiums paid for by allotment, such as National Service Life Insurance, are considered to be supplementary.

5. In § 581.202, paragraph (b) is revised to read as follows:

§ 581.202 Service of process.

* * * * *

(b) Service of legal process brought for the enforcement of an obligation to provide child support and/or alimony shall be accomplished by certified or registered mail, return receipt requested, or by personal service upon the appropriate agent designated in Appendix A to this part, or if no agent has been designated for the governmental entity having payment responsibility for the moneys involved, then upon the head of that governmental entity. The designated agent shall note the date and time of receipt on the legal process. The governmental entity shall make every reasonable effort to facilitate proper service of process on its designated agent(s). If legal process is not directed to any particular official within the entity, or if it is addressed to the wrong individual, the recipient shall, nonetheless, forward the legal process to the designated agent. However, valid service is not accomplished until the legal process is received in the office of the designated agent.

* * * * *

6. In § 581.203, paragraph (b) is revised to read as follows:

§ 581.203 Information minimally required to accompany legal process.

* * * * *

(b) If the information submitted is not sufficient to identify the obligor, the legal process shall be returned directly to the court, or other authority, with an explanation of the deficiency. However, prior to returning the legal process, if there is sufficient time, an attempt should be made to inform the party who caused the legal process to be served, or the party's representative, that it will not be honored unless adequate identifying information is supplied.

7. Section 581.301 is revised to read as follows:

§ 581.301 Suspension of payment.

Upon proper service of legal process, together with all supplementary documents and information as required by §§ 581.202 and 581.203, the head of the governmental entity, or his/her designee, shall identify the obligor to whom that governmental entity holds moneys due and payable as remuneration for employment and shall suspend, i.e., withhold, payment of such moneys for the amount necessary to permit compliance with the legal process in accordance with this part.

8. In § 581.304, paragraph (a) is revised to read as follows:

§ 581.304 Nonliability for disclosure.

(a) No Federal employee whose duties include responding to interrogatories pursuant to § 581.303(b), shall be subject to any disciplinary action or civil or criminal liability or penalty for any disclosure of information made by him/her in connection with the carrying out of any duties pertaining directly or indirectly to answering such interrogatories.

* * * * *

9. In § 581.305, paragraph (a)(6) is revised and paragraph (f) is added to read as follows:

§ 581.305 Honoring legal process.

(a) * * *

(6) Where notice is received that the obligor has appealed either the legal process or the underlying alimony and/or child support order, payment of moneys subject to the legal process shall be suspended until the governmental entity is ordered by the court, or other authority, to resume payments. However, no suspension action shall be taken where the applicable law of the jurisdiction wherein the appeal is filed requires compliance with the legal

process while an appeal is pending. Where the legal process has been issued by a court in the District of Columbia, a motion to quash shall be deemed equivalent to an appeal.

* * * * *

(f) If a governmental entity receives legal process which, on its face, appears to conform to the laws of the jurisdiction from which it was issued, the entity shall not be required to ascertain whether the authority which issued the legal process had obtained personal jurisdiction over the obligor.

10. In § 581.306, paragraph (a) is revised to read as follows:

§ 581.306 Lack of moneys due from, or payable by, a governmental entity served with legal process.

(a) When legal process is served on a governmental entity, and the individual identified in the legal process as the obligor is found not to be entitled to moneys (the entitlement to which is based upon remuneration for employment) due from, or payable by, the governmental entity, the entity shall follow the procedures set forth in the legal process for that contingency or, if no procedures are set forth therein, shall return the legal process to the court, or other authority from which it was issued, and advise the court, or other authority, that no moneys, the entitlement to which is based upon remuneration for employment, are due from, or payable by, the governmental entity to the named individual.

* * * * *

11. In § 581.402, paragraphs (a) and (b) are revised to read as folows:

§ 581.402 Maximum garnishment limitations.

* * * * *

(a) Fifty (50) percent of the obligor's aggregate disposable earnings for any workweek, where the obligor asserts by affidavit, or by other acceptable evidence, that he/she is supporting a spouse and/or dependent child, other than the former spouse and/or child for whose support such order is issued, except that an additional five (5) percent will apply if it appears on the face of the legal process, or from other evidence submitted in accordance with § 581.202(d), that such earnings are to enforce a support order for a period which is twelve (12) weeks prior to that workweek. An obligor shall be considered to be supporting a spouse and/or dependent child only if the obligor provides over half of the spouse's and/or dependent child's support.

(b) Sixty (60) percent of the obligor's aggregate disposable earnings for any workweek, where the obligor fails to assert by affidavit or establishes by other acceptable evidence, that he/she is supporting a spouse and/or dependent child, other than a former spouse and/or child with respect to whose support such order is issued, except that an additional five (5) percent will apply if it appears on the face of the legal process, or from other evidence submitted in accordance with § 581.202(d), that such earnings are to enforce a support order for a period which is twelve (12) weeks prior to that workweek.

* * * * *

12. Appendix A to Part 581 is revised to read as follows:

Appendix A—List of Agents Designated To Accept Legal Process

(This appendix lists the agents designated to accept legal process for the executive branch of the United States, the United States Postal Service, the Postal Rate Commission, the District of Columbia, American Samoa, Guam, the Virgin Islands, and the Smithsonian Institution).

I. Departments

Department of Agriculture

General Counsel, Department of Agriculture, 14th & Independence Ave., S.W., Washington, D.C. 20250; (202) 447–3351

Department of Commerce

1. For employee obligors in the Office of the Secretary, Economic Development Administration, Domestic and International Business Administration, Bureau of Economic Analysis, Office of Minority Business Enterprise, National Fire Prevention and Control Administration, United States Travel Service, Office of Regional Economic Coordination, Appalachian Regional Commission, and Regional Action Planning Commissions: Director, Finance Operations Division, Department of Commerce, Room 6830–A, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (202) 377–2227

2. *Bureau of the Census:* Chief, Finance Division, FOB #3, Room 1731, Washington, D.C. 20233; (301) 763–5654

3. *National Oceanic and Atmospheric Administration:* Chief, Finance Division, National Oceanic and Atmospheric Administration, Building AD–5, Room 300, 6010 Executive Boulevard, Rockville, MD 20852; (301) 443–8795

4. *Patent and Trademark Office:* Director, Office of Finance, Patent and Trademark Office, Room 2–6D–07, Crystal Plaza, Washington, D.C. 20231; (703) 557–3761

5. *National Bureau of Standards, National Technical Information Service, and Office of Telecommunications:* Chief, Financial Management Division, National Bureau of Standards, Room A–831, Administration Building, Washington, D.C. 20234, (301) 921–2807

6. *Maritime Administration:* Chief, Division of Accounts, Office of Financial Management, Maritime Administration, Room 3090, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; (202) 377–4704

7. In cases where the name of the operating unit in the Department of Commerce cannot be ascertained: Chief, Accounting Standards Division, Office of the Secretary, Room 6800, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; (202) 377–4407

Department of Defense

Army

a. Civilian Personnel of the Army employed in Germany: Commander, U.S. Army Finance and Accounting Center, Europe, Attention: AEUTCF–CPF, APO New York 09102; Telephone: Schwetzingen, Germany 06202–808333

b. Nonappropriated fund civilian employees of the Army Post Exchanges: Army and Air Force Exchange Service, Attention: GC–G, Dallas, Texas 75222; (214) 330–2174

c. Department of the Army personnel, active and retired, not included in a. or b.: Commander, Army Finance and Accounting Center, Attention: FINCL–G, Indianapolis, IN 46249; (317) 542–4284

Navy

Director, Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199; (216) 522–5301

Marine Corps

Commanding Officer, Marine Corps Finance Center (Code AA), Kansas City, MO 64197; (816) 926–7103

Air Force

1. Active duty, reserve, Air National Guard (ANG), retired military members and civilian employees of appropriated fund activities: Commander, Air Force Accounting and Finance Center, Attention: JA, Denver, CO 80279; (303) 370–7524

2. Non-appropriated fund civilian employees of base exchanges: Army and Air Force Exchange Service, Attention: GC–G, Dallas, TX 75222; (214) 330–2174

3. Civilian employees of all other Air Force nonappropriated fund activities: AFMPC/JA, Attention: NAF Law Division, Randolph AFB, TX 78150; (512) 652–6691

Defense Communications Agency

General Counsel or Deputy General Counsel, Office of the General Counsel (Code 105), Defense Communications Agency, Washington, D.C. 20305; (202) 692–2000

Defense Contract Audit Agency

Director of Personnel, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314; (202) 274–7325

Defense Logistics Agency

Accounting & Finance Officer (DCSC–CA), Defense Construction Supply Center, Columbus, OH 43215; (614) 236–3161

Accounting & Finance Officer (DESC–CA), Defense Electronics Supply Center, 1507 Wilmington Pike, Dayton, OH 45444; (513) 295–6415

Command Security Officer, Defense General Supply Center, Richmond, VA 23297; (804) 275–4751

Accounting & Finance Officer (DPSC–ZA), Defense Personnel Support Center, 2800 South 20th Street, Philadelphia, PA 19101; (215) 952–2741
Accounting & Finance Officer (DDMP–BD), Defense Depot Mechanicsburg, Mechanicsburg, PA 17055; (717) 790–2992
Accounting & Finance Officer (DDMT–FD), Defense Depot Memphis, 2163 Airways Boulevard, Memphis, TN 38114; (901) 744–5541
Accounting & Finance Officer (DDOU–RF), Defense Depot Ogden, Ogden, UT 84407; (801) 399–7358
Accounting & Finance Officer (DDTC–GD), Defense Depot Tracy, S. Chrisman Road, Tracy, CA 95376; (209) 835–9316
Accounting & Finance Officer (DASC–F), Cameron Station, Alexandria, VA 22314; (202) 274–6108
Accounting & Finance Officer (DCRA–FA), Defense Contract Administration Services Region, Atlanta, 805 Walker Street, Marietta, GA 30060; (404) 424–9304
Accounting & Finance Officer (DCPB–FA), Defense Contract Administration Services Region, Boston, 666 Summer Street, Boston, MA 02210; (617) 542–8893
Accounting & Finance Officer (DCRI–FA), Defense Contract Administration Services Region, Chicago, O'Hare International Airport, 6400 North Mannheim Road, P.O. Box 66475, Chicago, IL 60666; (312) 694–2245
Accounting & Finance Officer (DCRO–FA), Defense Contract Administration Services Region, Cleveland, Anthony J. Celebrezze Federal Building, 1240 East Ninth Street, Cleveland, OH 44199; (216) 552–5490
Accounting & Finance Center Officer (DCRT–FA), Defense Contract Administration Services Region, Dallas, 500 South Ervay Street, Dallas, TX 75201; (214) 670–1350
Accounting & Finance Officer (DCRL–FA), Defense Contract Administration Services Region, Los Angeles, 11099 South La Cienega Boulevard, Los Angeles, CA 90045; (213) 643–2210
Accounting & Finance Center (DCRN–FA), Defense Contract Administration Services Region, New York, 60 Hudson Street, New York, NY 10013; (212) 374–9408
Accounting & Finance Officer (DCRS–FA), Defense Contract Administration Services Region, St. Louis, 1136 Washington Avenue, St. Louis, MO 63101; (314) 263–65101

Defense Mapping Agency

1. For employee obligors in the Defense Mapping School, DMA Inter American Geodetic Survey, DMA Office of Distribution Services, and the Headquarters: General Counsel, Defense Mapping Agency, Building 56, U.S. Naval Observatory, Washington, D.C. 20305; (202) 254–4431

2. For employee obligors in the DMA Aerospace Center: Counsel, DMA Aerospace Center, St. Louis Air Force Station, St. Louis, MO 63118; (314) 263–4501

3. For employee obligors in DMA Hydrographic/Topographic Center: Counsel, DMA Hydrographic/Topographic Center, Washington, D.C. 20315; (202) 227–2268

Defense Nuclear Agency

1. For employees of Field Command located at Kirtland AFB, New Mexico: Commander, Air Force Accounting and Finance Center, ATTN: Staff Judge Advocate, Denver, CO 80279

2. For all other employees: General Counsel, Defense Nuclear Agency, Washington, D.C. 20305; (703) 325–7681

Uniformed Services University of the Health Sciences

Director, Personnel/Manpower, Civilian Personnel, 4301 Jones Bridge Road, Bethesda, MD 20014; (202) 295–3080

With respect to other civilian employees of Department of Defense agencies, or other employing activities within the Department of Defense or the Military Departments, the Director of the agency or activity shall assist by receiving and forwarding process to the designated agent in the appropriate disbursing office.

Department of Education

Assistant General Counsel, Division of Business and Administrative Law, Room 4091, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C. 20202; (202) 755–1106

Department of Energy

Power Administrations

1. Alaska Power Administration: Administrator, Alaska Power Administration, Department of Energy, P.O. Box 50, Juneau, AK 99802; (907) 586–7405

2. Bonneville Power Administration: Chief, Payroll Branch (DJJ), Bonneville Power Administration, Department of Energy, 1002 N.E. Holladay Street, Portland, OR 97208; (503) 230–5145

3. Southeastern Power Administration: Director, Washington Financial Services Division (CR–46), Mail Station C–212, Department of Energy, Washington, D.C. 20545; (301) 353–5316

4. Southwestern Power Administration: Chief Counsel, Southwestern Power Administration, Department of Energy, P.O. Box Drawer 1619, Tulsa, OK 74101; (918) 581–7426

5. Western Area Power Administration: General Counsel, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401; (303) 231–1529

Field Offices

1. Albuquerque Operations Office and Richland Operations Office (includes Fast Flux Test Facility Project Office): Chief Counsel, Albuquerque Operations Office, Department of Energy, P.O. Box 5400, Albuquerque, NM 87115; (505) 264–7265

2. Chicago Operations Office and Oak Ridge Operations Office (includes Clinch River Breeder Reactor Project Office and the Technical Information Center: Chief Counsel, Oak Ridge Operations Office, Department of Energy, P.O. Box E, Oak Ridge, TN 37830; (615) 693–7153

3. Grand Junction Office, Nevada Operations Office, and San Francisco Operations Office: Chief, Collection Disbursement and Funds Branch, Nevada Operations Office, Department of Energy, P.O. Box 14100, Las Vegas, NV 89114; (702) 734–3166

4. Idaho Operations Office: Chief, General and Fund Accounting Branch, Idaho Operations Office, Department of Energy, 550 Second Street, Idaho Falls, ID 43201; (208) 526–1588

5. Savannah River Operations Office: Director, Finance Division, Savannah River Operations Office, Department of Energy, P.O. Box A, Aiken, SC 29801; (803) 725–2681

6. Pittsburgh Naval Reactors Office, Schenectady Naval Reactors Office, Washington Headquarters, and all other organizations: Director, Washington Financial Services Division (CR–46), Mail Station C–212, Department of Energy, Washington, D.C. 20545; (301) 353–5316

Department of Health and Human Services

1. For the garnishment of the remuneration of employees of the Department of Health and Human Services: Garnishment Agent, Office of General Counsel, Room 5362–North Building, 330 Independence Ave., S.W., Washington, D.C. 20201; (202) 472–3109

2. For the garnishment of benefits under Title II of the Social Security Act, legal process may be served on the office manager at any Social Security District or Branch Office. The addresses and telephone numbers of Social Security District and Branch Offices may be found in the local telephone directory.

Department of Housing and Urban Development

Chief, Operations Branch, Personnel Systems and Payroll Division, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 2132, Washington, D.C. 20410; (202) 755–8906

Department of the Interior

Secretarial Offices; Office of Territorial Affairs; Office of Water Research and Technology; Commission of Fine Arts; Delaware River Basin Commission; and Susquehanna River Basin Commission: Chief, Division of Fiscal Services, Department of the Interior, 18 & C Streets, N.W., Room 5261, Washington, D.C. 20240; (202) 343–5207

Bureau of Mines

Chief, Branch of Finance, Bureau of Mines, Department of the Interior, Denver Federal Center, Bldg. 20, Rm. D–2038, Denver, CO 80225; (303) 234–2354

Fish and Wildlife Service

Chief, Division of Financial and Management Systems, Fish and Wildlife Service, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240; (202) 343–8991

Geological Survey

Chief, Branch of Financial Management, MS 270, Geological Survey, Department of the Interior, 12201 Sunrise Valley Drive, Reston, VA 22092; (802) 860–6181

Heritage Conservation and Recreation Service

Chief, Division of Personnel and Management, Heritage Conservation and Recreation Service, Department of the Interior, Pension Building, 440 G Street, N.W., Washington, D.C. 20243; (202) 343–4275

National Park Service

a. For employees of the National Capital Region: Chief, Division of Finance, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242; (202) 426–6664

b. For employees of the North Atlantic Region: Chief, Division of Finance, North Atlantic Region, National Park Service, 15 State Street, Boston, Massachusetts 02109; (617) 223–1173

c. For employees of the Mid-Atlantic Region: Chief, Division of Finance, Mid-Atlantic Region, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106; (218) 597–7067

d. For employees of the Southeast Region: Chief, Division of Finance, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303; (404) 242–3694

e. For employees of the Midwest Region: Chief, Division of Finance, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102; (402) 864–3450

f. For employees of the Southwest Region: Chief, Division of Finance, Southwest Region, National Park Service, Old Santa Fe Trail, P.O. Box 728, Santa Fe, New Mexico 87501; (505) 476–1662

g. For employees of the Rocky Mountain Region: Chief, Division of Finance, Rocky Mountain Region, National Park Service, 645–655 Parfet Avenue, Denver, Colorado 80215; (303) 234–4530

h. For employees of the Western Region: Chief, Division of Finance, Western Region, National Park Service, 450 Golden Gate Avenue, P.O. Box 36036, San Francisco, California 94102; (415) 556–0937

i. For employees of the Pacific Northwest and Alaska Regions: Chief, Division of Finance, Pacific Northwest and Alaska Regions, National Park Service, 601 Fourth and Pike Building, Seattle, Washington 98101; (206) 399–6522

j. For all other employees of the National Park Service or where the garnishor is not certain as to which region the legal process should be sent: Chief, Division of Finance, National Park Service, Department of the Interior, 1100 L Street, N.W., Washington, D.C. 20005; (202) 523–5150

Water and Power Resources Service (formerly Bureau of Reclamation)

Chief, Division of Personnel and Management, Water and Power Resources Service, Department of the Interior, 18th & C Streets, NW, Washington, D.C. 20240; (202) 343–4626

Bureau of Indian Affairs

Chief, Branch of Employee Data and Compensation, Bureau of Indian Affairs, Department of the Interior, 500 Gold Avenue, S.W., Albuquerque, NM 87103; (505) 766–2936

Office of Surface Mining Reclamation and Enforcement

Chief, Budget and Financial Management Division, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, 1951 Constitution Avenue, NW, Washington, D.C. 20245; (202) 343–4926

Bureau of Land Management

Chief, Division of Finance, Bureau of Land Management, Department of the Interior, 18th & C Streets, NW, Room 3559, Washington, D.C. 20240; (202) 343–3607

Department of Justice

1. For all employees, except employees of the Federal Bureau of Investigation: Assistant Director, Employee Data Service, Systems Operations Staff, Justice Management Division, Department of Justice, P.O. Box 2922, Washington, D.C. 20013; (202) 633–4442

2. For employees of the Federal Bureau of Investigation: Personnel Officer, FBI Headquarters, Department of Justice, J. Edgar Hoover Building, Room 6052, Washington, D.C. 20535; (202) 324–4981

Department of Labor

1. Payments to employees of the Department of Labor: Director, Office of Accounting, Room N1309, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; (202) 523–8314

2. Process relating to moneys due and payable by the United States under the Longshoremen's Act should be directed to the: Associate Director for Longshore and Harbor Workers' Compensation, Room C–3520, Deparment of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; (202) 523–8721

3. Process relating to benefits payable under the Federal Employees' Compensation Act should be directed to the appropriate district office of the Office of Workers' Compensation Programs.

District No. 1

Deputy Commissioner, Office of Workers' Compensation Programs, Room 1800, John F. Kennedy Building, Government Center, Boston, MA 12203; (617) 223–7655
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

District No. 2

Deputy Commissioner, Office of Workers' Compensation Programs, 1515 Broadway (at West 44th), New York, NY 10036; (212) 399–5501
New Jersey, New York, Puerto Rico, and the Virgin Islands

District No. 3

Deputy Commissioner, Office of Workers' Compensation Programs, Gateway Building, Room 2150, 3535 Market Street, Philadelphia, PA 19104; (215) 596–1160
Delaware, Pennsylvania, and West Virginia

District No. 6

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 400 West Bay Street, Box 35048, Jacksonville, FL 32202; (904) 791–3426
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

District No. 7

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130; (504) 589–6135
Arkansas and Louisiana

District No. 9

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 1240 East 9th Street, Room 867, Cleveland, OH 44199; (216) 522–3803
Indiana, Michigan, and Ohio

District No. 10

Deputy Commissioner, Office of Workers' Compensation Programs, 230 S. Dearborn Street, 8th Floor, Chicago, IL 60604; (312) 353–5650
Illinois, Minnesota, and Wisconsin

District No. 11

Deputy Commissioner, Office of Workers' Compensation Programs, 1010 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106; (816) 374–2723

District No. 12

Deputy Commissioner, Office of Workers' Compensation Programs, Drawer 3656, Federal Building, 1961 Stout Street, Denver, CO 80202; (303) 837–5402
Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming

District No. 13

Deputy Commissioner, Office of Workers' Compensation Programs, 450 Golden Gate Avenue, Box 36022, San Francisco, CA 94102; (415) 556–6183
Arizona, California, and Nevada

District No. 14

Deputy Commissioner, Office of Workers' Compensation Programs, 4010 Federal Office Building, 909 First Avenue, Seattle, WA 98174; (206) 442–5521
Alaska, Idaho, Oregon, and Washington

District No. 15

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 300 Ala Moana Boulevard, Room 5108, Box 50209, Honolulu, HI 96850; (808) 546–8336
All land and water areas west of the continents of North and South America to 60 degrees east longitude (excluding Iran)

District No. 16

Deputy Commissioner, Office of Workers' Compensation Programs, 555 Griffin Square Building, Room 100, Griffin and Young Streets, Dallas, TX 75201; (214) 767–4712
Arkansas, Louisiana, New Mexico, Oklahoma, and Texas

District No. 17

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 1371 Peachtree Street, NE, Room 331, Atlanta, GA 30309; (404) 881–7566
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

District No. 25

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 800 11th Street, N.W., Room 405, Washington, D.C. 20211; (202) 724–0713
District of Columbia, Maryland, and Virginia

4. Process relating to claims arising out of the places set forth below and process

seeking to attach Federal Employees' Compensation Act benefits payable to employees of the Department of Labor should be directed to the:

Associate Director for Federal Employees' Compensation, Room S3229, 200 Constitution Avenue, N.W., Washington, D.C. 20210; (202) 523–7552

Canada, Mexico, Central and South America, and all land and water areas east of the continents of North and South America to 60 degrees east longitude (including Iran but excluding Puerto Rico and the Virgin Islands)

Department of State

Executive Director (L/EX), Office of the Legal Adviser, Department of State, 22nd and C Streets, N.W., Room 5425, Washington, D.C. 20520; (202) 632–0460

Agency for International Development

Chief, Employee Relations Branch, Agency for International Development, SER/PM/PS/ER, Room 100–D, State Annex 2, Washington, D.C. 20523; (202) 632–2954

Department of Transportation

Office of the Secretary, General Counsel, 400 7th Street, SW, Washington, D.C. 20590; (202) 426–4702

United States Coast Guard, Chief Counsel, 2100 2nd Street, SW, Washington, D.C. 20593; (202) 426–1616

Federal Aviation Administration

1. Headquarters (Washington, D.C.) and overseas employees: Chief Counsel, 800 Independence Avenue, S.W., Washington, D.C., 20591; (202) 426–3773

2. Central Region (Nebraska, Kansas, Iowa, and Missouri): Regional Counsel, ACE–7, 601 E. 12th Street, Kansas City, Missouri 64106; (816) 374–5446

3. Alaska Region: Regional Counsel, AAL–7, 701 C Street, Box 14, Anchorage, Alaska 99513; (907) 271–5269

4. Pacific-Asia Region: Regional Counsel, APC–7, P.O. Box 50109, Honolulu, Hawaii 96850; (808) 546–5621

5. Eastern Region (New York, Pennsylvania, New Jersey, West Virginia, Maryland, Delaware and Virginia): Regional Counsel, AEA–7, Federal Building, JFK International Airport, Jamaica, New York 11430; (212) 995–2814

6. Great Lakes Region (Minnesota, Wisconsin, Michigan, Illinois, Indiana and Ohio): Regional Counsel, AGL–7, 2300 East Devon, Des Plaines, Illinois 60018; (312) 694–4500, ext. 311

7. Northeast Region (Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island): Regional Counsel, ANE–7, 12 New England Executive Park, Burlington, Massachusetts 01803; (617) 273–7384

8. Northwest Region (Washington, Oregon and Idaho): Regional Counsel, ANW–7, FAA Building, 9010 E. Marginal Way South, King County International Airport (Boeing Field), Seattle, Washington 98108; (206) 767–2670

9. Rocky Mountain Region (Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado): Regional Counsel, ARM–7, 10455 East 25th Avenue, Aurora, Colorado 80010; (303) 837–4846

10. Southern Region (Kentucky, North Carolina, Tennessee, Mississippi, Alabama, Georgia, South Carolina, Florida, Puerto Rico, Republic of Panama and the Virgin Islands): Regional Counsel, ASO–7, P.O. Box 20636, Atlanta, Georgia 30320; (404) 763–7204

11. Southwest Region (Arkansas, Louisiana, Oklahoma, Texas, and New Mexico): Regional Counsel, ASO–7, P.O. Box 1689, Fort Worth, Texas 76101; (213) 536–6270

12. Mike Monroney Aeronautical Center: Center Counsel, AAC–7, P.O. Box 25082, Oklahoma City, Oklahoma 73103; (405) 686–2296

13. FAA Technical Center: Central Region, ACT–7, Atlantic City, New Jersey 08405; (604) 641–8200, ext. 3805

Federal Highway Administration

Chief Counsel, 400 7th Street, S.W., Washington, D.C. 20590; (202) 426–0740

Federal Railroad Administration

1. For all employees, except those of the Alaska Railroad: Chief Counsel, 400 7th Street, S.W., Washington, D.C. 20590; (202) 426–0767

2. For employees of the Alaska Railroad: Personnel Officer, Chief, Employment Section, The Alaska Railroad, RAR–14, Pouch 7–2111, Anchorage, Alaska 99510; (907) 265–2436

Maritime Administration

Chief, Division of Accounting Operations, Room 4429, 400 7th Street, SW, Washington, D.C. 20590

National Highway Traffic Safety Administration

Chief Counsel, 400 7th Street, SW, Washington, D.C. 20590; (202) 426–9511

Urban Mass Transportation Administration

Chief Counsel, 400 7th Street, SW, Washington, D.C. 20590; (202) 426–4063

St. Lawrence Seaway Development Corporation

General Counsel, P.O. Box 520, Massena, New York 13662; (315) 764–0271

Research and Special Programs Administration

Chief Counsel, 400 7th Street, S.W., Washington, D.C. 20590; (202) 755–4972

Department of the Treasury

1. *Office of the Secretary:* General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220; (202) 566–2093

2. *Office of Revenue Sharing:* Chief Counsel, Fifteenth Floor, 2401 E Street, N.W., Washington, D.C. 20226; (202) 634–5182

3. *Office of Foreign Assets Control:* Chief Counsel, Room 401, 1331 G Street, N.W., Washington, D.C. 20220; (202) 376–0236

4. *U.S. Savings Bonds Division:* Assistant General Counsel (AL), Room 1410, Main Treasury Building, 1500 Pennsylvania Avenue., N.W., Washington, D.C. 20220; (202) 566–3484

5. *Bureau of Government Financial Operations:* Legal Counsel, Treasury Annex Number 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226; (202) 566–7534

6. *Internal Revenue Service:* Director, General Legal Services Division, Office of Chief Counsel, 1111 Constitution Avenue., N.W., Washington, D.C. 20224; (202) 566–3488

7. *Bureau of Alcohol, Tobacco & Firearms:* Chief Counsel, Room 5526, Federal Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226; (202) 566–7772

8. *Bureau of Public Debt:* Chief Counsel, Room 309, Washington Building, Washington, D.C. 20226; (202) 376–0244

9. *Secret Service:* Legal Counsel, Room 842, 1800 G Street, N.W., Washington, D.C. 20223; (202) 535–5771

10. *Bureau of Engraving & Printing:* Legal Counsel, Room 109M, 14th & C Streets, N.W., Washington, D.C. 20228; (202) 447–1425

11. *Office of the Comptroller of the Currency:* Director, Litigation, Office of Chief Counsel, Fifth Floor, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219; (202) 447–1893

12. *Bureau of the Mint:* Legal Counsel, Room 1033, 501 13th Street, N.W., Washington, D.C. 20220; (202) 376–0565

13. *Federal Law Enforcement Training Center:* Legal Counsel, Building 94, Glynco, GA 31520; (912) 267–2441

14. *Customs Service:* (a) Headquarters (Washington, D.C.) and overseas employees:

Assistant Chief Counsel of Customs, (Hearings and Claims), 1301 Constitution Ave., N.W., Washington, D.C. 20229; (202) 566–2482

(b) For employees not located at headquarters or overseas, service of process may be made upon the Regional Counsel of Customs in whose region the obligor is employed, as listed below:

Region I, Regional Counsel of Customs, Suite 1739, 100 Summer Street, Boston, MA 02110; (617) 223–0075

Region II, Regional Counsel of Customs, Room 732, 6 World Trade Center, New York, NY 10048; (212) 466–4562

Region III, Regional Counsel of Customs, 40 S. Gay Street, Baltimore, MD 21202; (301) 962–4119

Region IV, Regional Counsel of Customs, 99 S.E. 5th Street, Miami, FL 33131; (305) 350–4321

Region V, Regional Counsel of Customs, Suite 2422, 1440 Canal Street, New Orleans, LA 70112; (504) 589–6961

Region VI, Regional Counsel of Customs, Suite 1220, 500 Dallas Avenue, Houston, TX 77002; (713) 226–4887

Region VII, Regional Counsel of Customs, 300 N. Los Angeles Street, Los Angeles, CA 90053; (213) 688–5936

Region VIII, Regional Counsel of Customs, Suite 1000, 211 Main Street, San Francisco, CA 94105; (415) 556–3873

Region IX, Regional Counsel of Customs, Suite 1417, 55 E. Monroe Street, Chicago, IL 60603; (312) 533–7860

II. Agencies

[Unless otherwise indicated below, all agencies of the executive branch shall be subject to service of legal process brought for the enforcement of an individual's obligation to provide child support and/or make alimony payments where such service is sent

by certified or registered mail, return receipt requested, or by personal service, upon the head of the agency.]

Central Intelligence Agency

Director of Personnel Policy, Planning, and Management, Central Intelligence Agency, Washington, D.C. 20505
or
Chief, Special Activities Staff, Office of Personnel Policy Planning, and Management, Central Intelligence Agency, Washington, D.C. 20505; (703) 351–3452

Civil Aeronautics Board

General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5233
or
Director, Office of Human Resources, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–6140

Commission on Civil Rights

Solicitor, Commission on Civil Rights, Room 710, 1121 Vermont Avenue, N.W., Washington, D.C. 20425; (202) 254–3070

Commodity Futures Trading Commission

Director of Personnel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581; (202) 254–3275

Consumer Product Safety Commission

General Counsel, 5401 Westbard Avenue, Washington, D.C. 20207; (301) 492–6980

Export-Import Bank of the United States

General Counsel, Export-Import Bank of the United States, Room 947, 811 Vermont Avenue, N.W., Washington, D.C. 20571 (Stop No. 292); (202) 566–8334

Farm Credit Administration

Director or Assistant Director, Administrative Division, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578; (202) 755–4394

Federal Deposit Insurance Corporation

Counsel, Federal Deposit Insurance Corporation, Room 4105B, 550 17th Street, N.W., Washington, D.C. 20429; (202) 389–4261

Federal Election Commission

Assistant Staff Director, Administration Division, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; (202) 523–4112

Federal Home Loan Bank Board

Director, Administration Division, Office of the General Counsel, Federal Home Loan Bank Board, 3rd Floor, 1700 G Street, N.W., Washington, D.C. 20552; (202) 377–6462

Federal Labor Relations Authority

Director of Personnel, Federal Labor Relations Authority, Room 225, 500 C Street, S.W., Washington, D.C. 20424; (202) 382–0751

Federal Maritime Commission

Director of Personnel or Deputy Director of Personnel, Federal Maritime Commission, 1100 L Street, N.W., Room 11213, Washington, D.C. 20573; (202) 523–5773

Federal Mediation and Conciliation Service

General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C. 20427; (202) 653–5209

General Services Administration

1. Region 1 (Maine, Vermont, New Hampshire, Massachusetts, Connecticut): Regional Counsel, John W. McCormack Post Office & Courthouse, Boston, MA 02109; (617) 223–2621

2. Region 2 (New York, New Jersey, Puerto Rico, the Virgin Islands): Regional Counsel, 26 Federal Plaza, New York, NY 10007; (212) 264–8306

3. Region 3 (Pennsylvania, West Virginia, Maryland, Virginia, less the greater metropolitan area of Washington, D.C.): Regional Counsel, Ninth and Market Streets, Philadelphia, PA 19107; (215) 597–1319

4. Region 4 (Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida): Regional Counsel, R. B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, S.W., Atlanta, GA 30303; (404) 881–3006

5. Region 5 (Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio): Regional Counsel, 230 South Dearborn Street, Chicago, IL 60604; (312) 353–5392

6. Region 6 (Nebraska, Iowa, Kansas, Missouri): Regional Counsel, 1500 E. Bannister Road, Kansas City, MO 64131; (816) 926–7213

7. Region 7 (New Mexico, Texas, Oklahoma, Arkansas, Louisiana): Regional Counsel, 819 Taylor Street, Forth Worth, TX 76102; (817) 334–2325

8. Region 8 (Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado): Regional Counsel, Building 41—Denver Federal Center, Denver, CO 80225; (303) 234–3813

9. Region 9 (California, Nevada, Arizona, Hawaii, Guam): Regional Counsel, 525 Market Street, San Francisco, CA 94105; (415) 556–3065

10. Region 10 (Washington, Oregon, Idaho, Alaska): Regional Counsel, GSA Center, Auburn, Washington 98002; (206) 883–6500, ext. 225

11. Greater metropolitan area of Washington, D.C. (includes parts of Maryland and Virginia): Regional Counsel, 7th & D Streets, N.W., Washington, D.C. 20407; (202) 472–1009

International Communication Agency

General Counsel, International Communication Agency, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20547; (202) 724–9563

Interstate Commerce Commission

Chief, Budget and Fiscal Office, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423

Merit Systems Protection Board

Director, Office of Administration, Merit Systems Protection Board, Room 912, 1120 Vermont Avenue, N.W., Washington, D.C. 20419; (202) 653–6931

National Aeronautics and Space Administration

NASA Headquarters

Assistant General Counsel for Litigation, 400 Maryland Avenue, S.W., Washington, D.C. 20546; (202) 755–3920

NASA Field Installations

Chief Counsel, Ames Research Center, Moffett Field, CA 94035; (415) 965–5103
Chief Counsel, Dryden Flight Research Center, Edwards, CA 93520; (805) 258–3787
Chief Counsel, Goddard Space Flight Center, Greenbelt, MD 20771; (301) 344–8887
Chief Counsel, Johnson Space Center, Houston, TX 77058; (713) 483–3021
Chief Counsel, Kennedy Space Center, Kennedy Space Center, FL 32899; (305) 867–2550
Chief Counsel, Langley Research Center and Wallops Flight Center, Hampton, VA 23665; (804) 827–3397
Chief Counsel, Lewis Research Center, Cleveland, OH 44135; (216) 433–6411
Chief Counsel, Marshall Space Flight Center, Marshall Space Flight Center, AL 35812; (205) 453–2440
Chief Counsel, National Space Technology Laboratories, NSTL Station, MS 39529; (601) 688–2164

National Capital Planning Commission

Administrative Officer, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576; (202) 724–0170

National Credit Union Administration

Director, Division of Personnel, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456; (202) 357–1156

National Endowment for the Humanities

General Counsel, National Endowment for the Humanities, Washington, D.C. 20506; (202) 724–0367

National Labor Relations Board

Finance Officer, National Labor Relations Board, 1717 Pennsylvania Avenue, N.W., Room 1300, Washington, D.C. 20570; (202) 254–9307

National Mediation Board

Administrative Officer, National Mediation Board, Washington, D.C. 20572; (202) 523–5950

National Railroad Adjustment Board

Staff Director/Grievances, National Railroad Adjustment Board, 202 S. State Street, Chicago, IL 60604

National Science Foundation

General Counsel, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550; (202) 634–4236

Nuclear Regulatory Commission

Controller, Nuclear Regulatory Commission, Washington, D.C. 20555; (301) 492–7521

National Transportation Safety Board

Chief, Personnel and Training Division, National Transportation Safety Board, 800

Independence Avenue, S.W., Washington, D.C. 20594, ATTN: AD–30; (202) 472–6166

Office of Personnel Management

1. Payments to OPM employees: General Counsel, Office of Personnel Management, Room 5H30, 1900 E Street, N.W., Washington, D.C. 20415; (202) 254–6586

2. Payments of retirement benefits under the Civil Service Retirement System: Associate Director for Compensation Office of Personnel Management Allotment Section, P.O. Box 17, Washington, D.C. 20044; (202) 632–9677

Panama Canal Commission

Director, Office of Executive Administration, Panama Canal Commission, APO Miami 34011; 52–3519

Pension Benefit Guaranty Corporation

General Counsel or Deputy General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254–4864

Railroad Retirement Board

General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611; (312) 751–4589

Selective Service System

General Counsel, Selective Service System, 600 E Street, N.W., Washington, D.C. 20435; (202) 724–0433

Small Business Administration

[District Directors are designated to accept legal process for their respective districts as set forth in 13 CFR 101.3–1.]

District Director, Boston District Office, 150 Causeway Street, Boston, MA 02114; (617) 223–2100

District Director, Augusta District Office, 40 Western Avenue, Augusta, ME 04330; (207) 622–6171

District Director, Concord District Office, 55 Pleasant Street, Concord, NH 03301; (603) 224–4041

District Director, Hartford District Office, One Financial Plaza, Hartford CT 06106; (203) 244–3600

District Director, Montpelier District Office, 87 State Street, Montpelier, VT 05602; (802) 229–0538

District Director, Providence District Office, 57 Eddy Street, Providence, RI 02903; (401) 528–4580

District Director, New York District Office, 26 Federal Plaza, New York, NY 10007; (212) 264–4355

District Director, Hato Rey District Office, Chardon & Bolivia Streets, Hato Rey, PR 00918; (809) 753–4572

District Director, Newark District Office, 970 Broad Street, Newark, NJ 07102; (201) 645–2434

District Director, Syracuse District Office, 100 South Clinton Street, Syracuse, NY 13260; (315) 423–5383

District Director, Philadelphia District Office, 231 St. Asaphs Road, Bala Cynwyd, PA 19004; (215) 597–3311

District Director, Baltimore District Office, 8600 LaSalle Road, Towson, MD 21204; (301) 962–4392

District Director, Clarksburg District Office, 109 North 3rd Street, Clarksburg, WV 26301; (304) 623–5631

District Director, Pittsburgh District Office, 1000 Liberty Avenue, Pittsburgh, PA 15222; (412) 644–2780

District Director, Richmond District Office, 400 North 8th Street, Richmond, VA 23240; (804) 782–2617

District Director, Washington, District Office, 1030 15th Street, NW, Washington, D.C. 20417; (202) 655–4000

District Director, Atlanta District Office, 1720 Peachtree Street, NW, Atlanta, GA 30309; (404) 881–4325

District Director, Birmingham District Office, 908 South 20th Street, Birmingham, AL 35205; (205) 254–1344

District Director, Charlotte District Office, 230 S. Tryon Street, Charlotte, NC 28202; (704) 371–6111

District Director, Columbia District Office, 1835 Asembly Street, Columbia, SC 29201; (803) 765–5376

Jackson District Office, 100 West Capitol Street, Jackson, MS 39201; (601) 969–4371

District Director, Jacksonville District Office, 400 West Bay Street, Jacksonville, FL 32202; (904) 791–3782

District Director, Louisville District Office, 600 Federal Place, Louisville, KY 40201; (502) 582–5971

District Director, Miami District Office, 2222 Ponce De Leon Blvd., Coral Gables, FL 33134; (305) 350–5521

District Director, Nashville District Office, 404 James Robertson Parkway, Nashville, TN 37219; (615) 251–5881

District Director, Chicago District Office, 219 South Dearborn Street, Chicago, IL 60604; (312) 353–4528

District Director, Cleveland District Office, 1240 East 9th Street, Cleveland, OH 44199; (216) 522–4180

District Director, Columbus District Office, 85 Marconi Boulevard, Columbus, OH 43215; (614) 469–6860

District Director, Detroit District, 477 Michigan Avenue, Detroit, MI 48226; (313) 226–6075

District Director, Indianapolis District Office, 575 N. Pennsylvania Street, Indianapolis, IN 46204; (317) 269–7272

District Director, Madison District Office, 212 E. Washington Avenue, Madison, WI 53703; (608) 264–5261

District Director, Minneapolis District Office, 12 South 6th Street, Minneapolis, MN 55402; (612) 725–2362

District Director, Dallas District Office, 1100 Commerce Street, Dallas, TX 75242; (214) 767–0605

District Director, Albuquerque District Office, 5000 Marble Avenue, NE, Albuquerque, NM 87110; (505) 766–3430

District Director, Houston District Office, 500 Dallas Street, Houston, TX 77002; (713) 226–4341

District Director, Little Rock District Office, 611 Gaines Street, Little Rock, AR 72201; (501) 378–5871

District Director, Lubbock District Office, 1205 Texas Avenue, Lubbock, TX 79401; (806) 762–7466

District Director, Lower Rio Grande Valley District Office, 222 East Van Buren Street, Harlingen, TX 78550; (512) 423–4534

District Director, New Orleans District Office, 1001 Howard Avenue, New Orleans, LA 70113; (504) 589–6685

District Director, Oklahoma City District Office, 200 N.W. 5th Street, Oklahoma City, OK 73102; (405) 231–4301

District Director, San Antonio District Office, 727 East Durango Street, San Antonio, TX 78206; (512) 229–6250

District Director, Kansas City District Office, 1150 Grande Avenue, Kansas City, MO 64106; (816) 374–3416

District Director, Des Moines District Office, 210 Walnut Street, Des Moines, IA 50309; (515) 284–4422

District Director, Omaha District Office, 19th & Farnum Street, Omaha, NE 68102; (404) 221–4691

District Director, St. Louis District Office, One Mercantile Center, St. Louis, MO 63101; (314) 425–4191

District Director, Wichita District Office, 110 East Waterman Street, Wichita, KS 67202; (316) 267–6571

District Director, Denver District Office, 721 19th Street, Denver, CO 80202; (303) 837–2607

District Director, Casper District Office, 100 East B Street, Casper, WY 82602; (307) 265–5266

District Director, Fargo District Office, 657 2nd Avenue, North, Fargo, ND 58108; (701) 237–5771

District Director, Helena District Office, 301 South Park Avenue, Helena, MT 59601; (406) 449–5381

District Director, Salt Lake City District Office, 125 South State Street, Salt Lake City, UT 84138; (314) 425–5800

District Director, Sioux Falls District Office, 101 South Main Avenue, Sioux Falls, ND 57102; (605) 336–2980

District Director, San Francisco District Office, 211 Main Street, San Francisco, CA 94105; (415) 556–7490

District Director, Honolulu District Office, 300 Ala Moana, Honolulu, HI 96850; (808) 546–8950

District Director, Los Angeles District Office, 350 S. Figueroa Street, Los Angeles, CA 90071; (213) 688–2956

District Director, Phoenix District Office, 3030 North Central Avenue, Phoenix, AZ 85012; (602) 261–3611

District Director, San Diego District Office, 880 Front Street, San Diego, CA 92188; (714) 293–5440

District Director, Seattle District Office, 915 Second Avenue, Seattle, WA 98174; (206) 442–5534

District Director, Las Vegas District Office, 301 E. Stewart, Las Vegas, NV 89101; (702) 385–6611

District Director, Anchorage District Office, 1016 West 6th Avenue, Anchorage, AK 99501; (907) 271–4022

District Director, Boise District Office, 1005 Main Street, Boise, ID 83701; (208) 384–1096

District Director, Portland District Office, 1220 S.W. Third Avenue, Portland, OR 97204; (503) 221–2682

District Director, Spokane District Office, West 920 Riverside Avenue, Spokane, WA 99210; (509) 456–5310

Tennessee Valley Authority

1. Payments to TVA employees: Chairman, Board of Directors, Tennessee Valley Authority, 400 Commerce Avenue, Knoxville, TN 37902; (615) 632–2101

2. Payments of retirement benefits under the TVA Retirement System: Chairman, Board of Directors, TVA Retirement System, 400 Commerce Avenue, Knoxville, TN 37902; (615) 632–2904

Veterans Administration

The fiscal officer at each VA facility shall be the designated agent for VA employee obligors at that facility. When a facility at which an individual is employed does not have a fiscal officer, the address and telephone number listed is for the fiscal officer servicing such a facility. In those limited cases where a portion of VA service-connected benefits may be subject to garnishment, service of process, unless otherwise indicated below, should be made at the regional office nearest the veteran obligor's permanent residence.

Alabama

Fiscal Officer, Birmingham Medical Center, 700 South 19th Street, Birmingham, AL 35233; (205) 933–8101
Mobile Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 215 Perry Hill Road, Montgomery, AL 36109; (205) 272–4670 ext. 204
National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Gulfport, MS 39501; (601) 863–1972 ext. 225
Fiscal Officer, Montgomery Regional Office, 474 South Court Street, Montgomery, AL 36104; (205) 832–7172
Fiscal Officer, Montgomery Medical Center, 215 Perry Hill Road, Montgomery, AL 36109; (205) 272–4670 ext. 204
Fiscal Officer, Tuscaloosa Medical Center, Tuscaloosa, AL 35401; (205) 553–3760
Fiscal Officer, Tuskegee Medical Center, Tuskegee, AL 36083; (205) 727–0550 ext. 0622

Alaska

Fiscal Officer, Anchorage Regional Office—Outpatient Clinic, Old Federal Bldg. & Post Office, 605 West 4th Avenue, Anchorage, AK 99501; (907) 271–4562
Juneau VA Office
Send to: Fiscal Officer, VA Regional Office, Old Federal Bldg. & Post Office, 605 West 4th Avenue, Anchorage, AK 99501; (907) 271–4562
Sitka National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 4435 Beacon Avenue, South, Seattle, WA 98108; (206) 762–1016 ext. 286

Arizona

Fiscal Officer, Phoenix Regional Office, 3225 North Central Avenue, Phoenix, AZ 85102; (602) 241–2735
Fiscal Officer, Phoenix Medical Center, Seventh St. & Indian School Rd., Phoenix, AZ 85012; (602) 277–5551
Fiscal Officer, Prescott Medical Center, Prescott, AZ 86313; (602) 445–4860 ext. 264
Prescott National Cemetery Area Office
Send to: Fiscal Officer, VA Center, Prescott, AZ 86313; (602) 445–4860 ext. 264
Fiscal Officer, Tucson Medical Center, Tucson, AZ 85723; (602) 792–1450 ext. 710

Arkansas

Fayetteville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701; (501) 443–4301
Fiscal Officer, Fayetteville Medical Center, Fayetteville, AR 72701; (501) 443–4301
Fort Smith National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701; (501) 443–4301
Fiscal Officer, Little Rock Regional Office, 1200 W. 3d Street, Little Rock, AR 72201; (501) 378–5142
Fiscal Officer, Little Rock Medical Center, 300 Roosevelt Road, Little Rock, AR 72206; (501) 372–8361 ext. 781
Bell Supply Depot, Send to: Fiscal Officer, VA Supply Depot, P.O. Box 27, Hines, IL 60141; (312) 681–6800
Fiscal Officer, Fresno Medical Center, 2615 East Clinton Avenue, Fresno, CA 94703; (209) 225–6100
Fiscal Officer, Livermore Medical Center, Livermore, CA 94550; (415) 447–2560 ext. 317
Fiscal Officer, Loma Linda Medical Center, 11201 Benton Street, Loma Linda, CA 92357; (714) 825–7084 ext. 2550/2551
Fiscal Officer, Long Beach Medical Center, 5901 East Seventh Street, Long Beach, CA 90822; (213) 498–1313 ext. 2101
Fiscal Officer, Los Angeles Regional Office, Federal Bldg., 11000 Wilshire Blvd., Los Angeles, CA 90024; (213) 824–7565

Jurisdiction over the following counties in California: Inyo, Kern, Los Angeles, Orange, San Bernardino, San Luis Obispo, Santa Barbara and Ventura.

Los Angeles Data Processing Center
Send to: Fiscal Officer, VA Regional Office, Federal Bldg., 11000 Wilshire Blvd., Los Angeles, CA 90024; (213) 824–7565
Fiscal Officer, Los Angeles Medical Center, Los Angeles (Brentwood), CA 90073; (213) 478–3478
Fiscal Officer, Los Angeles Medical Center, Los Angeles (Wadsworth), CA 90073; (213) 478–3478
Fiscal Officer, Los Angeles Outpatient Clinic, 425 South Hill Street, Los Angeles, CA 90013; (213) 688–3870
Los Angeles Field Office of Audit
Send to: Fiscal Officer, VA Medical Center, Los Angeles (Wadsworth), CA 90073; (213) 478–3478
Los Angeles National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Los Angeles (Brentwood), CA 90073; (213) 478–3478
Fiscal Officer, Martinez Medical Center, 150 Muir Rd., Martinez, CA 94553; (415) 228–6000 ext. 235
Fiscal Officer, Palo Alto Medical Center, 3801 Miranda Avenue, Palo Alto, CA 94304; (415) 493–5000 ext. 5643
Riverside National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Los Angeles (Wadsworth), CA 90073; (213) 478–3478
San Bruno National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 4150 Clement Street, San Bruno, CA 94121; (415) 221–4810 ext. 315/316
Fiscal Officer, San Diego Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161; (714) 453–7500 ext. 3351
San Diego National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161; (714) 453–7500 ext. 3351
San Diego Outpatient Clinic
Send to: VA Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161; (714) 453–7500 ext. 3351
Fiscal Officer, San Diego Regional Office, 2022 Camino Del Rio North, San Diego, CA 92108; (714) 293–5703

Jurisdiction over the following counties in California: Imperial, Riverside and San Diego

San Francisco National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 4150 Clement Street, San Francisco, CA 94121; (415) 221–4810 ex. 315/316
Fiscal Officer, San Francisco Regional Office, 211 Main Street, San Francisco, CA 94105; (415) 556–0483

Jurisdiction over all counties in California except Inyo, Kern, Los Angeles, Orange, San Bernardino, San Luis Obispo, Santa Barbara, Ventura, Imperial, Riverside, San Diego, Alpine, Lassen, Modoc and Mono.

Fiscal Officer, San Francisco Medical Center, 4150 Clement Street, San Francisco, CA 94121; (415) 221–4810 ext. 315/316
Fiscal Officer, Sepulveda Medical Center, 16111 Plummer Street, Sepulveda, CA 91343; (213) 891–2377

Colorado

Fiscal Officer, Denver Regional Office, Denver Federal Center, Bldg. 20, Denver CO 80225; (303) 234–3920
Fiscal Officer, Denver Medical Center, 1055 Clermont Street, Denver, CO 80220; (303) 399–8020
Denver National Cemetary Area Office
Send to: Fiscal Officer, VA Medical Center, 1055 Clermont Street, Denver, CO 80220; (303) 399–8020
Fort Logan National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1055 Clermont Street, Denver, CO 80220; (303) 399–8020
Fort Lyon National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Fort Lyon, CO 81038; (303) 456–1260
Fiscal Officer, Fort Lyon Medical Center, Fort Lyon, CO 81038; (303) 456–1260
Fiscal Officer, Grand Junction Medical Center, Grand Junction, CO 81501; (303) 242–0731

Connecticut

Fiscal Officer, Hartford Regional Office, 450 Main Street, Hartford, CT 06103; (203) 244–3217
Fiscal Officer, Newington Medical Center, 555 Willard Avenue, Newington, CT 06111; (203) 666–6951 ext 370
Fiscal Officer, West Haven Medical Center, West Spring Street, West Haven, CT 06516; (203) 932–5711 ext. 271

Delaware

Fiscal Officer, Wilmington Medical and Regional Office Center, 1601 Kirkwood

Highway, Wilmington, DE 19805; (302) 994–2511

District of Columbia

Finance Division Chief (047B2), Washington Central Office, Room C–50, 810 Vermont Avenue NW., Washington, D.C. 20420; (202) 389–3001
Washington Data Processing Center
Send to: Finance Division Chief (047B2), VA Central Office, Room C–50, 810 Vermont Avenue, NW, Washington, D.C. 20420; (202) 389–3001
Washington Veterans Canteen Service Field Office
Send to: Finance Division Chief (047B2), VA Central Office, Room C–50, 810 Vermont Avenue, NW., Washington, D.C. 20420; (202) 389–3901
Fiscal Officer, Washington Regional Office, 941 North Capitol Street NE., Washington, D.C. 20421; (202) 275–1349
Jurisdiction over all foreign countries or overseas areas except Mexico, American Samoa, Guam, Midway, Wake, the Trust Territory of the Pacific Islands, the Virgin Islands and the Philippines. Also, jurisdiction over Prince George's and Montgomery Counties in Maryland; Fairfax and Arlington Counties and the cities of Alexandria, Fairfax and Falls Church in Virginia.
Fiscal Officer, Washington Medical Center, 50 Irving Street NW., Washington, D.C. 20422; (202) 389–7593

Florida

Fiscal Officer, Bay Pines Medical Center, National Cemetery Area Office, Bay Pines, FL 33504; (813) 391–9844 ext. 584
Fiscal Officer, Gainesville Medical Center, Archer Road, Gainesville, FL 32602; (904) 376–1611 ext. 6685
Jacksonville Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Archer Road, Gainesville, FL 32602; (904) 376–1611 ext. 6685
Jacksonville VA Office
Send to: Fiscal Officer, VA Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731; (813) 893–3227
Fiscal Officer, Lake City Medical Center, Lake City, FL 32055; (904) 752–1400
Miami VA Office
Send to: Fiscal Officer, VA Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731; (813) 893–3227
Fiscal Officer, Miami Medical Center, 1201 Northwest 16th St., Miami, FL 33125; (305) 324–4455
Orlando Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 1300 North 30th Street, Tampa, FL 33612; (813) 971–4500
Riviera Beach Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 1201 Northwest 16th St., Miami, FL 33125; (305) 324–4455
Pensacola National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Gulfport, MS 39501; (601) 863–1972 ext. 225
St. Augustine National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Archer Road, Gainesville, FL 32602; (904) 376–1611 ext. 6685
Fiscal Officer, St. Petersburg Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731; (813) 893–3227
Fiscal Officer, Tampa Medical Center, 13000 North 30th Street, Tampa, FL 33612; (813) 971–4500

Georgia

Fiscal Officer, Atlanta Regional Office, 730 Peachtree Street NE., Atlanta, GA 30308; (404) 881–3381
Atlanta Veterans Canteen Service Field Office
Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033; (404) 321–6111
Atlanta National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road; Decatur, GA 30033; (404) 321–6111
Atlanta Field Office of Audit
Send to: Fiscal Officer, VA Regional Office, 730 Peachtree Street NE., Atlantic, GA 30308; (404) 881–3381
Fiscal Officer, Augusta Medical Center, Augusta, GA 30904; (404) 733–4471 ext. 675–676
Fiscal Officer, Decatur Medical Center, 1670 Clairmont Road, Decatur, GA 30033; (404) 321–6111
Fiscal Officer, Dublin Medical Center, Dublin, GA 31021; (912) 272–1210 ext. 373
Marietta National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033; (404) 321–6111

Hawaii

Fiscal Officer, Honolulu Regional Office, P.O. Box 50188, Honolulu, HI 96850; (808) 546–2100
Jurisdiction over Islands of American Samoa, Guam, Wake, Midway and Trust Territory of the Pacific Islands
Honolulu National Cemetery Area Office
Send to: Fiscal Officer, VA Regional Office, P.O. Box 50188, Honolulu, HI 96850; (808) 546–2100

Idaho

Fiscal Officer, Boise Medical Center, Fifth and Fort Street, Boise, ID 83702; (208) 336–5100 ext. 315
Fiscal Officer, Boise Regional Office, Federal Bldg. & U.S. Courthouse, 550 West Fort St., Box 044, Boise, ID 334–1009

Illinois

Alton National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125; (314) 894–4631
AMF O'Hare Field Office of Audit
Send to: Fiscal Officer, VA Medical Center, Hines, IL 60141; (312) 343–7200 ext. 2481
Fiscal Officer, Chicago Regional Office, 536 South Clark Street, Chicago, IL 60680; (312) 353–4025
Fiscal Officer, Chicago Medical Center, 333 East Huron St. (Lakeside), Chicago, IL 60611; (312) 943–6600
Fiscal Officer, Chicago Medical Center, 820 South Damen Avenue (West Side), Chicago, IL 60680; (312) 666–6500 ext. 281
Fiscal Officer, Danville Medical Center, Danville, IL 61832; (217) 442–8000
Danville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Danville, IL 61832; (217) 442–8000
Fiscal Officer, Hines Medical Center, Hines, IL 60141; (312) 343–7200 ext. 2481
Hines Marketing Center
Send to: Fiscal Officer, VA Supply Depot, P.O. Box 27, Hines, IL 60141; (312) 681–6800
Fiscal Officer, Hines Supply Depot, P.O. Box 27, Hines, IL 60141; (312) 681–6800
Fiscal Officer, Hines Data Processing Center, P.O. Box 66303, AMF-O'Hare, Hines, IL 60666; (312) 681–6650
Fiscal Officer, Marion Medical Center, Marion, IL 62959; (618) 997–5311
Mound City National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Marion, IL 62959; (618) 997–5311
Fiscal Officer, North Chicago Medical Center, North Chicago, IL 60064; (312) 689–1900
Quincy National Cemetery Area Office
Sent to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240; (319) 338–0581 ext. 304
Rock Island National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240; (319) 338–0581 ext. 304
Springfield National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Danville, IL 61832; (217) 442–8000

Indiana

Evansville Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Marion, Il 62959; (618) 997–5311
Fiscal Officer, Fort Wayne Medical Center, 1600 Randalia Drive, Fort Wayne, IN 46805; (219) 743–5431
Fiscal Officer, Indianapolis Regional Office 575 North Pennsylvania St., Indianapolis, IN 46204; (317) 269–7840
Fiscal Officer, Indianapolis Medical Center, 1481 West 10th Street, Indianapolis, IN 46202; (317) 635–7401 ext. 2293
Indianapolis National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1481 West 10th Street, Indianapolis, IN 46202; (317) 635–7401 ext. 2293
Fiscal Officer, Marion Medical Center, Marion, IN 46952; (317) 674–3321 ext. 211
Marion National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Marion, IN 46952; (317) 674–3321 ext 211
New Albany National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40202; (502) 895–3401

Iowa

Fiscal Officer, Des Moines Regional Office, 210 Walnut Street, Des Moines, IA 50309; (515) 284–4220
Fiscal Officer, Des Moines Medical Center, 30th & Euclid Avenue, Des Moines, IA 50310; (515) 255–2173
Fiscal Officer, Iowa City Medical Center, Iowa City, IA 52240, (319) 338–0581 ext. 304
Keokuk National Cemetery Area Office,
Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240, (319) 338–0581 ext. 304
Fiscal Officer, Knoxville, Medical Center, Knoxville, KY 50138; (515) 842–3101 ext. 241

Kansas

Ft. Leavenworth National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center, Leavenworth, KS 66048; (913) 682–2000 ext. 214

Ft. Scott National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Leavenworth, KS 66048; (913) 682–2000 ext. 214

Kansas

Leavenworth National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Leavenworth, KS 66048; (913) 682–2000 ext. 214

Fiscal Officer, Leavenworth Medical Center, Leavenworth, KS 66048; (913) 682–2000 ext. 214

Fiscal Officer, Topeka Medical Center, 2200 Gage Blvd. Topeka, KS 66622; (913) 272–3111 ext. 521

Fiscal Officer, Wichita Medical Center, 5500 East Kellogg, Wichita, KS 67218; (316) 685–2221 ext. 256

Wichita Regional Office
Send to: VA Medical Center, 5500 East Kellogg, Wichita, KS 67211; (316) 685–2221 ext. 256

Process for VA service-connected benefits should also be sent to the Wichita Medical Center, rather than to the Wichita Regional Office.

Kentucky

Danville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507, (606) 223–4511

Lebanon National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507; (606) 233–4511

Lexington National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507; (606) 233–4511

Fiscal Officer, Lexington Medical Center, Lexington, KY 40507; (606) 233–4511

Fiscal Officer, Louisville Regional Office, 600 Federal Place, Louisville, KY 40202; (502) 582–6462

Fiscal Officer, Louisville Medical Center, 800 Zorn Avenue, Lousville, KY 40202; (502) 895–3401

Louisville National Cemetery Area Office (Zachary Taylor)
Send to: Fiscal Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40202; (502) 895–3401

Louisville National Cemetery Area Office (Cave Hill)
Send to: Fiscal Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40202; (502) 895–3401

Nancy National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507; (606) 233–4511

Nicholasville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507; (606) 233–4511

Perryville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507; (606) 233–4511

Louisiana

Fiscal Officer, Alexandria Medical Center, Alexandria, LA 71303; (318) 442–0251

Baton Rouge National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1601 Perdido Street, New Orleans, LA 70146; (504) 568–0811

Fiscal Officer, New Orleans Regional Office, 701 Loyola Avenue, New Orleans, LA 70113; (504) 589–6604

Fiscal Officer, New Orleans Medical Center, 1601 Perdido St., New Orleans, LA 70146; (504) 568–0811

Pineville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Alexandria, LA 71301, (318) 442–0251

Fiscal Officer, Shreveport Medical Center, 510 East Stoner Avenue, Shreveport, LA 71130; (318) 221–8411 ext. 722

Shreveport VA Office
Send to: Fiscal Officer, VA Regional Office, 701 Loyola Avenue, New Orleans, LA 70113; (504) 589–6604

Port Hudson (Zachary) National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1601 Perdido St., New Orleans, LA 70146; (504) 568–0811

Maine

Portland VA Office
Send to: Fiscal Officer, VA Center, Togus, ME 04330; (207) 623–8411

Fiscal Officer, Togus Medical & Regional Office Center, Togus, ME 04330; (207) 623–8411

Togus National Cemetery Area Office
Send to: Fiscal Officer, VA Center, Togus, ME 04330; (207) 623–8411

Maryland

Annapolis National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218; (301) 467–9932 ext. 5281/5282

Fiscal Officer, Baltimore Regional Office, Federal Bldg., 31 Hopkins Plaza, Baltimore, MD 21201; (301) 962–4410

Jurisdiction does not include Prince Georges and Montgomery Counties which are included under the Washington, D.C. Regional Office.

Baltimore Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218; (301) 467–9932 ext. 5281/5282

Fiscal Officer, Baltimore Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218; (301) 467–9932 ext. 5281/5282

Baltimore National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218; (301) 467–9932 ext. 5281/5282

Baltimore National Cemetery Area Office (Loudon Park)
Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218; (301) 467–9932 ext. 5281/5282

Fiscal Officer, Fort Howard Medical Center, Fort Howard, MD 21052; (301) 447–1800 ext. 328

Hyattsville Field Office of Audit
Send to: Finance Division Chief (047B2), VA Central Office, Room C–50, 810 Vermont Avenue NW., Washington, D.C. 20420; (202) 389–3971

Fiscal Officer, Perry Point Medical Center, Perry Point, MD 21902; (301) 642–2411 ext. 313

Massachusetts

Fiscal Officer, Bedford Medical Center, 200 Springs Road, Bedford, MA 01730; (617) 275–7500

Fiscal Officer, Boston Regional Office, John Kennedy Bldg., Government Center, Boston, MA 02203; (617) 223–3034

Jurisdiction over certain towns in Bristol and Plymouth Counties and the counties of Barnstable, Dukes and Nantucket is allocated to the Providence, Rhode Island Regional Office.

Boston Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, 150 South Huntington Avenue, Boston, MA 02130; (617) 232–9500 ext. 427/420

Fiscal Officer, Boston Medical Center, 150 South Huntington Avenue, Boston, MA 02130; (617) 232–9500 ext. 427–420

Bourne National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Brockton, MA 02401; (617) 583–4500 ext. 286

Fiscal Officer, Brockton Medical Center, Brockton, MA 02401; (617) 583–4500 ext. 286

Lowell Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 150 South Huntington Avenue, Boston, MA 02130; (617) 322–9500 ext. 427/420

New Bedford Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Providence, RI 02908; (401) 273–7100

Fiscal Officer, Northampton Medical Center, Northampton, MA 01060; (413) 584–4040

Springfield Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Northampton, MA 01060; (413) 584–4040

Springfield VA Office
Send to: Fiscal Officer, VA Regional Office, John Kennedy Bldg., Government Center, Boston, MA 02203; (617) 223–3034

Fiscal Officer, West Roxbury Medical Center, 1400 Veterans of Foreign Wars Parkway, West Roxbury, MA 02132; (617) 323–7700 ext. 5650

Worcester Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 1400 Veterans of Foreign Wars Parkway, West Roxbury, MA 02132; (617) 323–7700 ext. 5650

Michigan

Fiscal Officer, Allen Park Medical Center, Allen Park, MI 48101; (313) 562–8000 ext. 535

Fiscal Officer, Ann Arbor Medical Center, 2215 Fuller Road, Ann Arbor, MI 48105; (313) 769–7100 ext. 288/280

Fiscal Officer, Battle Creek Medical Center, Battle Creek, MI 49016; (616) 966–5600 ext. 3586

Grand Rapids Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Battle Creek, MI 49016; (616) 966–5600 ext. 3506

Fiscal Officer, Detroit Regional Office, 477 Michigan Avenue, Detroit, MI 48226; (313) 226–4190

Fiscal Officer, Iron Mountain Medical Center, Iron Mountain, MI 49801; (906) 774–3300 ext. 301

Fiscal Officer, Saginaw Medical Center, 1500 Weiss Street, Saginaw, MI 48602; (517) 793–2340 ext. 270

Minnesota

Fiscal Officer, Minneapolis Medical Center, 54th & 48th Avenue, South, Minneapolis, MN 55417; (612) 725–6767 ext. 6311

Fiscal Officer, St. Cloud Medical Center, St. Cloud, MN 56301; (612) 252–1600 ext. 411
Fiscal Officer, St. Paul Center (Regional Office), Federal Bldg., Ft. Snelling, St. Paul, MN 55111; (612) 725–4075

Jurisdiction over the counties of Becker, Beltrami, Clay, Clearwater, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau and Wilkin is allocated to the Fargo, North Dakota Center.

St. Paul National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 54th & 48th Avenue, South, Minneapolis, MN 55417; (612) 725–6767 ext. 6311
St. Paul Data Processing Center
Send to: Fiscal Officer, VA Center, Federal Bldg., Ft. Snelling, St. Paul, MN 55111; (612) 725–4075
St. Paul Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, 54th & 48th Avenue, South, Minneapolis MN 55417; (612) 725–6767 ext. 6311

Mississippi

Biloxi National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Biloxi, MS 39531; (601) 863–1972 ext. 225
Fiscal Officer, Biloxi Medical Center, Biloxi, MS 39531, (601) 863–1972 ext. 225
Corinth National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104; (901) 523–8990
Fiscal Officer, Gulfport Medical Center, Gulfport, MS 39601; (601) 863–1972 ext. 225
Fiscal Officer, Jackson Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS 39216; (601) 362–4471 ext. 1471
Jackson Regional Office
Send to: VA Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS 39216; (601) 362–4471 ext. 1471

Process for VA service-connected benefits should also be sent to the Jackson Medical Center, rather than to the Jackson Regional Office.

Natchez National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS 39216; (601) 362–4471 ext. 1471

Missouri

Fiscal Officer, Columbia Medical Center, 800 Stadium Road, Columbia, MO 65201; (314) 443–2511
Jefferson City National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 800 Stadium Road, Columbia, MO 65201; (314) 443–2511
Fiscal Officer, Kansas City Medical Center, 4801 Linwood Blvd., Kansas City, MO 64128; (816) 861–4700
Fiscal Officer, Poplar Bluff Medical Center, Poplar Bluff, MO 63901; (314) 686–4151
St. Louis National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125; (314) 894–4631
Fiscal Officer, St. Louis Regional Office, 1520 Market Street, St. Louis, MO 63103; (314) 435–5112
St. Louis Veterans Canteen Service Field Office
Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125; (314) 894–4631
Fiscal Officer, St. Louis Medical Center, St. Louis, MO 63125; (314) 894–4631
St. Louis Records Processing Center
Send to: Fiscal Officer, VA Regional Office, 1520 Market Street, St. Louis, MO 63103; (314) 425–5112
Springfield National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701; (501) 443–4301

Montana

Fiscal Officer, Fort Harrison Medical & Regional Office Center, Fort Harrison, MT 59636; (406) 442–6410 ext. 329/326
Fiscal Officer, Miles City Medical Center, Miles City, MT 59301; (406) 232–3060

Nebraska

Fiscal Officer, Grand Island Medical Center, Grand Island, NE 68801; (308) 382–3660 ext. 244
Fiscal Officer, Lincoln Regional Office, 100 Centennial Mall North, Lincoln, NE 68508; (402) 471–5041
Fiscal Officer, Lincoln Medical Center, 600 South 70th Street, Lincoln, NE 68510; (402) 489–3802 ext. 332
Maxwell National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Grand Island, NE 68801; (308) 382–3660 ext. 244
Fiscal Officer, Omaha Medical Center, 4101 Woolworth Avenue, Omaha, NE 68105; (402) 346–8800

Nevada

Las Vegas Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, 1000 Locust Street, Reno, NV 89520; (702) 786–7200 ext. 244
Fiscal Officer, Reno Regional Office, 1201 Terminal Way, Reno, NV 89520; (702) 784–5537

Jurisdiction over the following counties in California: Alpine, Lassen, Modoc and Mono.

Fiscal Officer, Reno Medical Center, 1000 Locust Street, Reno, Nevada 89520; (702) 786–7200 ext. 244
Henderson Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, 1000 Locust Street, Reno, NV 89520; (702) 786–7200 ext. 244

New Hampshire

Fiscal Officer, Manchester Regional Office, 275 Chestnut Street, Manchester, NH 03103; (603) 666–7636
Fiscal Officer, Manchester Medical Center, 718 Smyth Road, Manchester, NH 03104; (603) 624–4366

New Jersey

Beverly National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104; (215) 382–2400 ext. 291/292
Fiscal Officer, East Orange Medical Center, Tremont Avenue & So. Center St., East Orange, NJ 07019; (201) 676–1000 ext. 525
Fiscal Officer, Lyons Medical Center, Lyons, NJ 07939; (201) 647–0180 ext. 372
Newark Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, Tremont Avenue & So. Center St., East Orange, NJ 07019 (201) 676–1000 ext 525
Fiscal Officer, Newark Regional Office, 20 Washington Place, Newark, NJ 07102; (201) 645–3508
Salem National Cemetery Area Office
Send to: Fiscal Officer, VA Center, 1601 Kirkwood Highway, Wilmington, DE 19805; (302) 994–2511
Fiscal Officer, Somerville Supply Depot, Somerville, NJ 08876; (201) 725–2540

New Mexico

Fiscal Officer, Albuquerque Regional Office, 500 Gold Avenue SW., Albuquerque, NM 87102; (505) 766–2204
Fiscal Officer, Albuquerque Medical Center, 2100 Ridgecrest Drive SE., Albuquerque, NM 87108; (505) 265–1711
Ft. Bayard National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 2100 Ridgecrest Drive SE., Albuquerque, NM 87108; (505) 265–1711
Santa Fe National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 2100 Ridgecrest Drive SE., Albuquerque, NM 87108, (505) 265–1711

New York

Fiscal Officer, Albany Medical Center, Albany, NY 12206; (518) 462–3311 ext. 355
Albany VA Office
Send to: Fiscal Officer, VA Regional Office, 252 Seventh Avenue, New York, NY 10001; (212) 620–6293
Fiscal Officer, Batavia Medical Center, Batavia, NY 14020; (716) 343–7500 ext. 215
Fiscal Officer, Bath Medical Center, Bath, NY 14810; (607) 776–2111
Bath National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Bath, NY 14810, (607) 776–2111
Fiscal Officer, Bronx Medical Center, 130 West Kingsbridge Road, Bronx, NY 10468; (212) 584–9000
Fiscal Officer, Brooklyn Medical Center, 800 Poly Place, Brooklyn, NY 11209; (212) 836–6600
Brooklyn National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 800 Poly Place, Brooklyn, NY 11209; (212) 836–6600
Brooklyn Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, 800 Poly Place, Brooklyn NY 11209; (212) 836–6600
Fiscal Officer, Buffalo Regional Office, 111 West Huron Street, Buffalo, NY 14202; (716) 846–5251

Jurisdiction over all counties in New York not listed under the New York Regional Office.

Fiscal Officer, Buffalo Medical Center, 3495 Bailey Avenue, Buffalo, NY 14215; (716) 834–9200
Calverton National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Northport, NY 11768; (516) 261–4400 ext. 2462/2463
Fiscal Officer, Canandaigua Medical Center, Canandaigua, NY 14424; (716) 394–2000 ext. 330
Fiscal Officer, Castle Point Medical Center, Castle Point, NY 12511; (914) 831–2000 ext. 322
Elmira National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Bath, NY 14810; (607) 776–2111

Farmingdale National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Northport, NY 11768; (516) 261–4400 ext. 2462/2463
Fiscal Officer, Montrose Medical Center, Montrose, NY 10548; (914) 737–4400 ext. 463
Fiscal Officer, New York Regional Office, 252 Seventh Avenue at 24th Street, New York, NY 10001; (212) 620–6293

Jurisdiction over the following counties in New York: Albany, Bronx, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Kings, Montgomery, Nassau, New York, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington and Westchester.

New York Prosthetics Center
Send to: Fiscal Officer, VA Regional Office, 252 Seventh Avenue, New York, NY 10001; (212) 620–6293
New York Veterans Canteen Service Field Office
Send to: Fiscal Officer, VA Medical Center, First Avenue at East 24th Street, New York, NY 10010; (212) 686–7500
Fiscal Officer, New York Medical Center, First Avenue at East 24th Street, New York, NY 10010; (212) 686–7500
New York Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, First Avenue at East 24th Street, New York, NY 10010; (212) 686–7500
Fiscal Officer, Northport Medical Center, Northport, NY 11768; (516) 261–4400 ext. 2462/2463
Rochester VA Office
Send to: Fiscal Officer, VA Regional Office, 111 West Huron Street, Buffalo, NY 14202; (716) 846–5251
Rochester Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Batavia, NY 14020; (716) 343–7500 ext. 215
Fiscal Officer, Syracuse Medical Center, Irving Avenue & University Place, Syracuse, NY 13210; (315) 476–7461
Syracuse VA Office
Send to: Fiscal Officer, VA Regional Office, 111 West Huron Street, Buffalo, NY 14202; (716) 846–5251

North Carolina

Fiscal Officer, Asheville Medical Center, Asheville, NC 28805; (704) 298–7911 ext. 374
Fiscal Officer, Durham Medical Center, 508 Fulton Street, Durham, NC 27705; (919) 286–0411 ext. 6480
Fiscal Officer, Fayetteville Medical Center, 2300 Ramsey Street, Fayetteville, NC 28301; (919) 488–2120
New Bern National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 2300 Ramsey Street, Fayetteville, NC 28301; (919) 488–2120
Raleigh National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 508 Fulton Street, Durham, NC 27705; (919) 286–0411 ext. 6469
Fiscal Officer, Salisbury Medical Center, Salisbury, NC 28144; (704) 636–2351
Salisbury National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Salisbury, NC 28144; (704) 636–2351
Wilmington National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center 2300 Ramsey Street, Wilmington, NC 28301; (919) 488–2120
Fiscal Officer, Winston-Salem Regional Office, 251 North Main Street, Winston-Salem, NC 27102; (919) 761–3513
Winston-Salem Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, Salisbury, NC 28144; (704) 636–2351

North Dakota

Fiscal Officer, Fargo Medical and Regional Office Center, 21st & Elm, Fargo, ND 58102; (701) 232–3241 ext. 249

See the listing under the St. Paul, Minnesota Center for the names of the counties in Minnesota which come under the jurisdiction of the Fargo, North Dakota Center.

Ohio

Fiscal Officer, Chillicothe Medical Center 17273 State Route 104, Chillicothe, OH 45601; (614) 773–1141 ext. 203
Fiscal Officer, Cincinnati Medical Center, 3200 Vine Street, Cincinnati, OH 45220; (513) 559–5040 ext. 4113
Cincinnati VA Office
Send to: Fiscal Officer, VA Regional Office, 1240 East Ninth Street, Cleveland, OH 44199; (216) 522–3540
Fiscal Officer, Cleveland Regional Office, 1240 East Ninth Street, Cleveland, OH 44199; (216) 522–3540
Fiscal Officer, Cleveland Medical Center, 10710 East Boulevard, Cleveland, OH 44106; (216) 526–3030 ext. 521
Fiscal Officer, Columbus Outpatient Clinic, 456 Clinic Drive, Columbus, OH 43210; (614) [illegible]
Columbus VA Office
Send to: Fiscal Officer, VA Regional Office, 1240 East Ninth Street, Cleveland, OH 44199; (216) 522–3540
Fiscal Officer, Dayton Medical Center, Dayton, OH 45428; (513) 268–6511 ext. 356
Dayton National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Dayton, OH 45428; (513) 268–6511 ext. 358

Oklahoma

Fort Gibson National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Memorial Station, Honor Heights Drive, Muskogee, OK 74401; (918) 683–3261 ext. 392
Fiscal Officer, Muskogee Regional Office, 125 South Main Street, Muskogee, OK 74401; (918) 687–2520
Fiscal Officer, Muskogee Medical Center, Memorial Station, Honor Heights Drive, Muskogee, OK 74401; (918) 683–3261 ext. 392
Fiscal Officer, Oklahoma City Medical Center, 921 Northeast 13th Street, Oklahoma City, OK 73104; (405) 272–9876 ext. 500
Oklahoma City VA Office
Send to: Fiscal Officer, VA Regional Office, 125 South Main Street, Muskogee, OK 74401; (918) 687–2520

Oregon

Portland National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97201; (503) 222–9221 ext. 377
Fiscal Officer, Portland Regional Office, 1220 SW 3rd Avenue, Portland, OR 97204; (503) 221–3040
Fiscal Officer, Portland Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97201; (503) 222–9221 ext. 377
Portland Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97201; (503) 222–9221 ext. 377
Fiscal Officer, Roseburg Medical Center, Roseburg, OR 97470; (503) 672–4411
Roseburg National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Roseburg, OR 97470; (503) 672–4411
Fiscal Officer, White City Domiciliary, White City, OR 97501; (503) 826–2111 ext. 241
White City National Cemetery Area Office
Send to: Fiscal Officer, VA Domiciliary, White City, OR 97501; (503) 826–2111 ext. 241

Pennsylvania

Fiscal Officer, Altoona Medical Center, Altoona, PA 16603; (814) 943–8164
Annville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Lebanon, PA 17042; (717) 272–6621 ext. 229
Fiscal Officer, Butler Medical Center, Butler, PA 16001; (412) 287–4781
Fiscal Officer, Coatesville Medical Center, Coatesville, PA 19320; (215) 384–7711 ext. 342
Fiscal Officer, Erie Medical Center, 135 East 38th Street, Erie, PA 16501; (814) 868–8661
Harrisburg Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Lebanon, PA 17042; (717) 272–6621 ext. 229
Fiscal Officer, Lebanon Medical Center, Lebanon, PA 17042; (717) 272–6621 ext. 229
Fiscal Officer, Philadelphia Center (Regional Office), P.O. Box 8079, Philadelphia, PA 19101; (215) 951–5321

Jurisdiction over the following counties in Pennsylvania: Adams, Berks, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York.

Philadelphia Data Processing Center
Send to: Fiscal Officer, VA Center, P.O. Box 8079, Philadelphia, PA 19101; (215) 951–5321
Philadelphia National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104; (215) 382–2400 ext. 291/292
Philadelphia Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104; (215) 382–2400 ext. 291/292
Fiscal Officer, Philadelphia Medical Center, University & Woodland Avenues, Philadelphia, PA 19104; (215) 382–2400 ext. 291/292
Fiscal Officer, Pittsburgh Regional Office, 1000 Liberty Avenue, Pittsburgh, PA 15222; (412) 644–0640

Jurisdiction over all of the counties in Pennsylvania that are not listed under the Philadelphia Center (Regional Office) and jurisdiction over the following counties in West Virginia: Brooke, Hancock, Marshall and Ohio.

Fiscal Officer, Pittsburgh Medical Center, Highland Drive, Pittsburgh, PA 15206; (412) 363–4900 ext. 235

Fiscal Officer, Pittsburgh Medical Center, University Drive C, Pittsburgh, PA 15240; (412) 683–3000 ext. 652/675

Pittsburgh Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, University Drive C, Pittsburgh, PA 15240; (412) 683–3000 ext. 652/675

Fiscal Officer, Wilkes-Barre Medical Center, 1111 East End Blvd., Wilkes-Barre, PA 18711; (717) 824–3521 ext. 247

Philippines

1. Manila Regional Office—Outpatient Clinic
2. Manila Medical and Regional Office Center

For either of the above, send to: Director, U.S. Veterans Adminstration, APO, San Francisco, CA 96528; 59–80–11 Local 2574

Puerto Rico

Bayamon National Cemetery Area Office
Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936; (809) 763–0275

Hato Rey Medical and Regional Office Center
Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936; (809) 763–0275

Mayaguez Outpatient Clinic Substation
Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936; (809) 763–0275

Ponce Outpatient Clinic Substation
Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936; (809) 763–0275

Rio Piedras Medical and Regional Office Center
Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936; (809) 763–0275

Rhode Island

Fiscal Officer, Providence Regional Office, 321 South Main Street, Providence, RI 02903; (401) 528–4480

Jurisdiction over the following towns and counties in Massachusetts: All towns in Bristol County except Mansfield and Easton, the towns of Lakeville, Middleboro, Carver, Rochester, Mattapoisett, Marion, and Wareham in Plymouth County; and the counties of Dukes, Nantucket and Barnstable.

Fiscal Officer, Providence Medical Center, Davis Park, Providence, RI 02908; (401) 273–7100

South Carolina

Beaufort National Cemetary Area Office
Send to: Fiscal Officer, VA Medical Center, 109 Bee Street, Charleston, SC 29403; (803) 577–5011 ext. 222

Fiscal Officer, Charleston Medical Center, 109 Bee Street, Charleston, SC 29403; (803) 577–5011 ext. 222

Fiscal Officer, Columbia Regional Office, 1801 Assembly Street, Columbia, SC 29201; (803) 765–5210

Fiscal Officer, Columbia Medical Center, Columbia, SC 29201; (803) 776–4000 ext. 149

Florence National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Columbia, SC 29201; (803) 776–4000 ext. 149

Greenville Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Columbia, SC 29201; (803) 776–4000 ext. 149

South Dakota

Fort Meade National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Fort Meade, SD 57741; (605) 347–2511 ext. 272

Fort Meade Medical Center
Send to: Fiscal Officer, VA Medical Center, Fort Meade, SD 57741; (605) 347–2511 ext. 272

Hot Springs National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Hot Springs, SD 57747; (605) 745–4101 ext. 246

Fiscal Officer, Hot Springs Medical Center, Hot Springs, SD 57747; (605) 745–4101 ext. 246

Fiscal Officer, Sioux Falls Medical Center, 2501 West 22nd St., Sioux Falls, SD 57101; (605) 336–3230 ext. 201

Sioux Falls Regional Office
Send to: VA Medical Center, 2501 West 22nd St., Sioux Falls, SD 57101; (605) 336–3230 ext. 201

Process for VA service-connected benefits should also be sent to the Sioux Falls Medical Center, rather than to the Sioux Falls Regional Office.

Sturgis National Cemetery Area Office,
Send to: Fiscal Officer, VA Medical Center, Fort Meade, SD 57741; (605) 347–2511 ext. 272

Tennessee

Chattanooga Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 1310 24th Avenue, South, Nashville, TN 37203; (615) 327–4651 ext. 553

Chattanooga National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Murfreesboro, TN 37130; (615) 893–1360 ext. 340

Knoxville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Mountain Home, IN 37684; (615) 926–1171

Knoxville Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 1320 24th Avenue, South, Knoxville, TN 37203; (615) 327–4651 ext. 553

Madison National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1320 24th Avenue, South, Nashville, TN 37203; (615) 327–4651 ext. 553

Fiscal Officer, Memphis Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104; (901) 523–8990

Memphis National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104; (901) 523–8990

Fiscal Officer, Mountain Home Medical Center, Mountain Home, TN 37684; (615) 926–1171

Mountain Home National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Mountain Home, TN 37684; (615) 926–1171

Fiscal Officer, Murfreesboro Medical Center, Murfreesboro, TN 37130; (615) 893–1360 ext. 340

Fiscal Officer, Nashville Regional Office, 110 Ninth Avenue, South, Nashville, TN 37203; (615) 251–5352

Fiscal Officer, Medical Center, 1310 24th Avenue, South, Nashville, TN 37203; (615) 327–4751 ext. 553

Texas

Fiscal Officer, Amarillo Medical Center, 6010 Amarillo Blvd., W., Amarillo, TX 79106; (806) 355–9703 ext. 216

Fiscal Officer, Austin Data Processing Center, 1615 East Woodward Street, Austin, TX 78772; (512) 397–7366

Beaumont Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77211; (713) 795–4411

Fiscal Officer, Big Spring Medical Center, Big Spring, TX 79720; (915) 263–7361 ext. 327

Fiscal Officer, Bonham Medical Center, Bonham, TX 75418; (214) 583–2111

Corpus Christi Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284; (512) 696–9660 ext. 6301

Fiscal Officer, Dallas Medical Center, 4500 South Lancaster Road, Dallas, TX 75216; (214) 376–5451

Dallas VA Office
Send to: Fiscal Officer, VA Regional Office, 1400 North Valley Mills Drive, Waco, TX 76710; (817) 756–6511 ext. 635

Fiscal Officer, El Paso Outpatient Clinic 5919 Brook Hollow Drive, El Paso, TX 79925; (915) 543–7960/7961

Fort Bliss National Cemetery Area Office
Send to: Fiscal Officer, VA Outpatient Clinic, 5919 Brook Hollow Drive, El Paso, TX 79925; (915) 543–7960/7961

Fiscal Officer, Houston Regional Office, 2515 Murworth Drive, Houston, TX 77054; (713) 220–4105

Jurisdiction over the country of Mexico and the following counties in Texas: Angelina, Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Blanco, Brazoria, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Crockett, DeWitt, Dimmitt, Duval, Edwards, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, LaSalle, Lavaca, Liberty, Live Oak, McCulloch, McMullen, Mason, Matagorda, Maverick, Medina, Menard, Montgomery, Necogdoches, Newton, Nueces, Orange, Pecos, Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Schleicher, Shelby, Starr, Sutton, Terrell, Trinity, Tyler, Ulvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Zapata and Zavala.

Fiscal Officer, Houston Medical Center, 2002 Holcombe Blvd., Houston, TX 77211; (713) 795–4411

Houston National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77211; (713) 795–4411

Fiscal Officer, Kerrville Medical Center, Kerrville, TX 78028; (512) 896–2020 ext. 215

Kerrville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Kerrville, TX 78028; (512) 896–2020 ext. 215

Lubbock VA Office
Send to: Fiscal Officer, VA Regional Office, 1400 North Valley Mills Drive, Waco, TX 76710; (817) 756–6511 ext. 635
Fiscal Officer, Lubbock Outpatient Clinic, 1205 Texas Avenue, Lubbock, TX 79401; (806) 762–7209
Fiscal Officer, Marlin Medical Center, Marlin, TX 76661; (817) 883–3511 ext. 224
McAllen Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284; (512) 696–9660 ext. 6301
Fiscal Officer, San Antonio Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284; (512) 696–9660 ext. 6301
San Antonio VA Office
Send to: Fiscal Officer, VA Regional Office, 2515 Murworth Drive, Houston, TX 77054; (713) 226–4185
San Antonio National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284; (512) 696–9660 ext. 6301
San Antonio National Cemetery Area Office (Fort Sam Houston)
Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284; (512) 696–9660 ext. 6301
Fiscal Officer, Temple Medical Center, Temple, TX 76501; (817) 778–4811
Fiscal Officer, Waco Regional Office, 1400 North Valley Mills Drive, Waco, TX 76710; (817) 756–6511 ext. 635
Jurisdiction over all counties in Texas not listed under the Houston Regional Office.
Fiscal Officer, Waco Medical Center, Memorial Drive, Waco, TX 76703; (817) 752–6581
Waco Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, Memorial Drive, Waco, TX 76703; (817) 752–6581

Utah

Fiscal Officer, Salt Lake City Regional Office, 125 South State Street, Salt Lake City, Utah 84138; (801) 525–5945
Fiscal Officer, Salt Lake City Medical Center, 500 Foothill Blvd., Salt Lake City, Utah 84148; (801) 582–1565/1520

Vermont

Fiscal Officer, White River Junction Medical and Regional Office Center, White River Junction, Vermont 05001; (802) 295–9363

Virginia

Alexandria National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 50 Irving Street NW., Washington, D.C. 20422; (202) 389–7593
Culpeper National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Martinsburg, WV 25401; (304) 263–0811 ext. 280
Danville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Salem, VA 24153; (703) 982–2463
Hopewell National Cemetery Area Office
Send to: Fiscal Officer VA Medical Center 1201 Broad Rock Road, Richmond, VA 23249; (804) 231–9011 ext. 205
Leesburg National Cemetery Area Office
Send to: Fiscal Officer VA Medical Center, 50 Irving Street NW., Washington, D.C. 20422; (202) 389–7593
Mechanicsville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249; (804) 231–9011 ext. 205
Fiscal Officer, Hampton Medical Center, Hampton, VA 23667; (804) 722–9961
Hampton National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Hampton, VA 23667; (804) 722–9961
Quantico National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 50 Irving Street, NW., Washington, D.C. 20422; (202) 389–7593
Fiscal Officer, Richmond Medical Center, 1201 Broad Rock Road, Richmond, VA 23249; (804) 231–9011 ext. 205
Richmond National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249; (804) 231–9011 ext. 205
Fiscal Officer, Roanoke Regional Office, 210 Franklin Road, SW., Roanoke, VA 24011; (703) 982–6116
Jurisdiction over Fairfax and Arlington Counties and the cities of Alexandria, Fairfax, and Falls Church is allocated to the Washington, D.C. Regional Office.
Fiscal Officer, Salem Medical Center, Salem, VA 24153; (703) 982–2463
Sandston National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249; (804) 231–9011 ext. 205
Staunton National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Salem, VA 24135; (703) 982–2463
Winchester National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Martinsburg, WV 25401; (304) 263–0811 ext. 280

Washington

Fiscal Officer, American Lake Medical Center, Tacoma, WA 98493; (206) 582–8440 ext. 303
Fiscal Officer, Seattle Regional Office, 915 Second Avenue, Seattle, WA 98174; (206) 442–5025
Fiscal Officer, Seattle Medical Center, 4435 Beacon Avenue, South, Seattle, WA 98108; (206) 762–1016 ext. 286
Seattle Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, 4435 Beacon Avenue, South, Seattle, WA 98108; (206) 762–1016 ext. 286
Fiscal Officer, Spokane Medical Center, North 4815 Assembly Street, Spokane, WA 99208; (509) 328–4521
Fiscal Officer, Vancouver Medical Center, Vancouver, WA 98661; (206) 696–4061 ext. 331
Fiscal Officer, Walla Walla Medical Center, 77 Wainwright Drive, Walla Walla, WA 99362; (509) 525–5200

West Virginia

Fiscal Officer, Beckley Medical Center, 200 Veterans Avenue, Beckley, WV 25801; (304) 255–2121
Fiscal Officer, Clarksburg Medical Center, Clarksburg, WV 26301; (304) 623–3461 ext. 335
Grafton National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Clarksburg, WV 26301; (304) 623–3461 ext. 335
Fiscal Officer, Huntington Regional Office, 502 Eighth Street, Huntington, WV 25701; (304) 529–5477
Jurisdiction over the counties of Brooke, Hancock, Marshall and Ohio is allocated to the Pittsburgh, Pennsylvania Regional Office.
Fiscal Officer, Huntington Medical Center, 1540 Spring Valley Drive, Huntington, WV 25704; (304) 429–6741 ext. 327
Fiscal Officer, Martinsburg Medical Center, Martinsburg, WV 25401; (304) 263–0811 ext. 280
Wheeling Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, University Drive C, Pittsburgh, PA 15240; (412) 363–4900 ext. 235

Wisconsin

Fiscal Officer, Madison Medical Center, 2500 Overlook Terrace, Madison, WI 53705; (608) 256–1901 ext. 381
Fiscal Officer, Milwaukee Regional Office, 342 North Water Street, Milwaukee, WI 53202; (414) 291–1201
Fiscal Officer, Tomah Medical Center, Tomah, WI 54660; (608) 372–3971 ext. 204
Fiscal Officer, Wood Medical Center, 5000 West National Avenue, Wood, WI 53193; (414) 384–2000 ext. 2591
Wood National Cemetery Area Office
Send to: Fiscal Office, VA Medical Center, 5000 West National Avenue, Wood, WI 53193; (414) 384–2000 ext. 2591

Wyoming

Fiscal Officer, Cheyenne Medical & Regional Office Center, 2360 East Pershing Blvd., Cheyenne, WY 82001; (307) 778–7550 ext. 351
Fiscal Officer, Sheridan Medical Center, Sheridan, WY 82801; (307) 672–3473.

III The United States Postal Service and the Postal Rate Commission

United States Postal Service

Service of process may be made on the postmaster or head of the installation where the employee works. However, if the installation where the employee works cannot be determined, service of process may be made on the appropriate Regional Counsel. The geographic areas served by the Regional Counsels and their addresses are as follows:

Regional Counsel, Northeast Region, U.S. Postal Service, 1633 Broadway, New York, NY 10099; (212) 974–8531

Serving: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, northern New Jersey (ZIP codes beginning with 070–079 and 088–089), New York (ZIP codes beginning with 090–096 and 100–129), and the Carribean Islands.

Regional Counsel, Eastern Region, U.S. Postal Service, 1845 Walnut Street, P.O. Box 8601, Philadelphia, PA 19101; (215) 597–9715

Serving: The District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, southern New Jersey (ZIP codes beginning with 080–087) and New York (ZIP codes beginning with 130–149)

Regional Counsel, Southern Region, U.S. Postal Service, 1407 Union Avenue, Memphis, TN 38166; (901) 534–4411

Serving: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee and Texas

Regional Counsel, Central Region, U.S. Postal Service, 433 Van Buren Street, Chicago, IL 60699; (212) 886–3175

Serving: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin

Regional Counsel, Western Region, U.S. Postal Service, 850 Cherry Avenue, San Bruno, CA 94099; (415) 876–9225

Serving: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and the Pacific Islands including the Trust Territory

Processing of garnishments will be substantially expedited by serving the postmaster or installation head rather than the Regional Counsel.

Postal Rate Commission

Chief Administrative Officer, Postal Rate Commission, 2000 L Street NW., Washington, D.C. 20268; (202) 254–3880

IV. The District of Columbia, American Samoa, Guam, and the Virgin Islands

The District of Columbia

Assistant City Administrator for Financial Management, The District Building, Room 412, 14th and Pennsylvania Avenue, NW., Washington, D.C. 20004; (202) 727–6979

American Samoa

Director of Administrative Service, American Samoa Government, Pago Pago, American Samoa 96799; (684) 633–4155

Guam

Attorney General, P.O. Box DA, Agana, Guam 96910; 472–6841 (Country Code 671)

The Virgin Islands

Attorney General, P.O. Box 280, St. Thomas, VI 00801; (809) 774–1163

V. Instrumentality

Smithsonian Institution

For service of process in garnishment proceedings for child support and/or alimony of present Smithsonian Institution employees:

General Counsel, The Smithsonian Institution, Room 408, 1000 Jefferson Drive, SW., Washington, D.C. 20560; (202) 381–5065

For service of process in garnishment proceedings for child support and/or alimony involving retirement annuities of former trust fund employees of the Smithsonian Institution:

General Counsel, Teachers Insurance and Annuity Association of America, College Retirement Equity Fund (TIAA/CREF), 730 Third Avenue, New York, NY 10017; (212) 490–9000.

(42 U.S.C. 659, 661–662; 15 U.S.C. 1673; E.O. 12105)

[FR Doc. 83–14943 Filed 6–6–83; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

[Docket No. 83–324]

Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. These amendments change established commuted traveltime periods to reflect changes in the time necessarily spent in reporting to and returning from the place at which an employee of Plant Protection and Quarantine performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such changes depend upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: June 7, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Reynolds, Coordinator, National Administrative Planning Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 614 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7250.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final action has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. Bert W. Hawkins, Administrator, Animal and Plant Health Inspection Service, has made this determination because commuted traveltime allowances are strictly a function of where the APHIS employee lives in relation to the place overtime or holiday duty is performed. As employees are transferred or change their residence or as the place of inspection changes, the number of hours of commuted traveltime allowed may change. These amendments merely reflect such changes and serve to notify the public of the new allowed hours.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

List of Subjects in 7 CFR Part 354

Agricultural commodities, Exports, Government employees, Imports, Plants (agriculture), Quarantine, Transportation.

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing in 7 CFR 354.2, prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding entries for Barksdale AFB, Shreveport, and England AFB, Alexandria, in Louisiana, and Ft. Hood in Texas, in appropriate alphabetical sequence to read as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

(In hours)

Location covered	Served from	Metropolitan area	
		Within	Outside
* * * * * * *			
Louisiana:			
Barksdale AFB, Shreveport	Natchitoches		3
England AFB, Alexandria	Natchitoches		2
* * * * * * *			
Texas:			
Ft. Hood	College Station		5
Ft. Hood	Waco		3
* * * * * * *			

(64 Stat. 561 (7 U.S.C. 2260))

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Done at Washington, D.C., this 2d day of June 1983.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83-15129 Filed 6-6-83; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20 and 61

Low-Level Waste Licensing Branch Technical Position Papers on Radioactive Waste Classification and Waste Form; Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Rule-related notice.

SUMMARY: The NRC Low-Level Waste Licensing Branch, Division of Waste Management, has published technical position papers on radioactive waste classification and waste form. The technical position papers provide guidance to licensees regarding methods NRC staff consider acceptable for implementing the waste classification and waste form requirements in 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste." The waste classification technical position paper describes overall procedures acceptable to NRC regulatory staff which may be used by licensees to determine the presence and concentrations of listed radionuclides. This technical position paper also provides guidance on the types of information which should be included in shipment manifests accompanying waste shipments to near-surface disposal facilities. The waste form technical position paper provides guidance to waste generators on test methods and results for waste forms meeting waste stability requirements. This technical position paper includes guidance on processing of waste into an acceptable stable form, designing acceptable high-integrity containers, packaging cartridge filters, and minimizing radiation effects on organic ion-exchange resins. The two technical position papers have been published in advance of formal regulatory guides, and should be useful to licensees in developing quality control programs to determine compliance with waste classification and waste form requirements as called for in the codified regulations.

ADDRESS: Copies of the technical position papers are available from Nancy Still, Licensing Process and Integration Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Mail Stop SS-623), telephone (301) 427-4087.

FOR FURTHER INFORMATION CONTACT: Low-Level Waste Licensing Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Mail Stop SS-623), Attn: Paul H. Lohaus (301) 427-4500, G. W. Roles (301) 427-4593, or Timothy C. Johnson (301) 427-4697.

SUPPLEMENTARY INFORMATION: By **Federal Register** Notice dated December 27, 1982 (47 FR 57446), NRC amended its regulations to provide specific requirements for licensing facilities for the land disposal of low-level radioactive waste. The majority of these requirements are contained in a new Part 61 to Title 10 of the Code of Federal Regulations (10 CFR Part 61) entitled "Licensing Requirements for Land Disposal of Radioactive Waste." Some additional requirements governing waste generator activities such as certification and use of shipping manifests were concurrently published as a new § 20.311 of Part 20 ("Standards for Protection Against Radiation"). Other minor modifications, mostly of a procedural or administrative nature, were made to other parts of the Commission's regulations.

As noted in the December 27 **Federal Register** Notice, the effective date of 10 CFR Part 20, § 20.311 is December 27, 1983, while the effective date of 10 CFR Part 61 and all other amendments is January 26, 1983. Section 20.311 requires that any licensee who transfers radioactive waste to a land disposal facility or to a licensed waste collector or processor must classify the waste according to § 61.55 ("Waste Classification") of 10 CFR Part 61. Licensed waste processors who treat or repackage radioactive waste for disposal into a land disposal facility must also classify their waste according to § 61.55. This section of Part 61 defines radioactive waste suitable for disposal as falling into one of three classes (Class A, Class B, or Class C), and waste is determined to fall into one of the classes by comparison to limiting concentrations of some particular listed radionuclides. All classes of waste must meet certain minimum requirements while Class B and Class C waste must meet additional structural stability requirements as set forth in § 61.56 ("Waste Characteristics"). Section 20.311 also requires that waste generators record on shipment manifests a description of the transferred waste as well as a certification that the waste is properly classified and that the manifest is filled out correctly.

NRC staff recognizes that the new requirements may result in some modifications to existing licensee waste management practices, and furthermore believes that it will be useful to licensees to begin planning for implementation of the new requirements well in advance of the December 27, 1983 effective date. At this time NRC is preparing regulatory guides on both waste form and waste classification. To provide immediate guidance to licensees, however, the NRC Low-Level Waste Licensing Branch has prepared technical position papers on waste classification and waste form. Preparation and publication of these technical position papers are part of NRC staff's continuing efforts to work with vendors and individual licensees on acceptable procedures and processes for meeting the Part 61 requirements.

The waste classification technical position paper describes overall procedures acceptable to NRC staff which may be used by licensees to determine the presence and concentrations of the radionuclides listed in § 61.55, and thereby classifying waste for near-surface disposal. The technical position paper also provides guidance on the types of information which should be included in shipment manifests accompanying waste shipments to near-surface disposal facilities.

The technical position paper on waste form provides guidance to waste generators on test methods and results acceptable to NRC staff for implementing the 10 CFR Part 61 waste form requirements. It can be used as an acceptable approach for demonstrating compliance with the 10 CFR Part 61 waste structural stability criteria. This technical position paper includes guidance on processing of waste into an acceptable stable form, designing acceptable high-intergrity containers, packaging cartridge filters, and minimizing radiation effects on organic ion-exchange resins.

Previous draft versions of both technical position papers have been made available to interested members of the public. Comments received on these drafts have been considered during preparation of the technical position papers referenced by this Notice. Further public comment on these technical position papers is welcomed, and any such comment received will be considered as part of development of the waste form and waste classification regulatory guides. Comments on the technical position papers may be forwarded to Leo B. Higginbotham, Chief, Low-Level Waste Licensing Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Mail Stop SS–623).

Copies of the waste form and waste classification technical position papers are being furnished to all NRC licensees. In addition, copies of the technical position papers are being furnished to all Agreement States for distribution to their licensees.

Dated at Silver Springs, Maryland, this 6th day of May 1983.

For the Nuclear Regulatory Commission.

Leo B. Higginbotham,

Chief, Low-Level Waste Licensing Branch, Division of Waste Management.

[FR Doc. 83–14861 Filed 6–6–83; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL ELECTION COMMISSION

11 CFR Ch. I

Transfer of Funds; Collecting Agents, Joint Fundraising

AGENCY: Federal Election Commission.

ACTION: Transmittal of Regulations to Congress.

SUMMARY: FEC regulations at 11 CFR Part 102 have been revised and transmitted to Congress pursuant to 2 U.S.C. 438(d). These regulations govern transfers of funds between specified committees and establish procedures for joint fundraising by political committees. They also contain provisions which clarify the status of unregistered organizations that collect and transfer contributions on behalf of a connected separate segregated fund. Such unregistered organizations, termed "collecting agents", are distinguished from participants in a joint fundraiser. Further information on the revised regulations is provided in the supplementary information which follows.

EFFECTIVE DATE: Further action, including the announcement of an effective date, will be taken by the Commission after these regulations have been before the Congress 30 legislative days in accordance with 2 U.S.C. 438(d).

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street, NW, Washington, D.C. 20463, (202) 523–4143 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The revised regulations on joint fundraising and collecting agents are based upon public comment received in response to the Commission's Notice of Proposed Rulemaking (46 FR 48074; September 30, 1981). The title of current 11 CFR 102.6 has been changed to "Transfers of Funds; Collecting Agents" and corresponding revisions have been made to that section. In addition, a new section entitled "Joint Fundraising By Committees Other Than Separate Segregated Funds" has been included in the regulations, designated as 11 CFR 102.17. This section was designated as section 102.7 in the Commission's Notice of Proposed Rulemaking; however, it has been added as the last section in Part 102 to avoid changing the numerous citations throughout the Commission's regulations to current §§ 102.7 through 102.16.

2 U.S.C. 438(d) requires that any rule or regulation prescribed by the Commission to implement Title 2, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. If neither House of Congress disapproves of the regulations within 30 legislative days of their transmittal, the Commission may prescribe the regulations in question. The following regulations were transmitted to Congress on June 2, 1983.

Explanation and Justification for 11 CFR 102.6 and 102.17

Section 102.6 Transfers of Funds; Collecting Agents

Section 102.6(a) Transfers of Funds; Registration and Reporting Required.

Following current section 102.6(a), subsections (a)(1)(i) and (a)(1)(ii) state that party committees of the same political party and affiliated committees may make unlimited transfers of funds. 2 U.S.C. §§ 441a(a)(4) and 441a(a)(5). Subsection (a)(1)(iii) incorporates 2 U.S.C. 441a(a)(5)(A) into the regulations by stating that participants in a joint fundraising activity conducted under § 102.17 may transfer joint fundraising proceeds without limit so long as no participant receives more than its allocated share of the funds raised. Subsection (a)(1)(iv) clarifies that transfers may only be made from funds which are permissible under the Act.

Subsection (a)(2) generally follows the provisions of current § 102.6(a) to state that transfers of funds count against the reporting thresholds and may trigger political committee status under the Act. Hence, an unregistered committee which makes or receives transfers for the purpose of influencing a federal election may be subject to the registration and reporting requirements of the Act.

Section 102.6(b) Fundraising by Collecting Agents; No Reporting Required.

This is a new section in the regulations which clarifies the application of the Act to fundraising on behalf of separate segregated funds. *See* Advisory Opinions 1982–61, 1982–55, 1982–11, 1981–4, 1979–19, 1978–98, and 1978–42. Subsection (b)(1) describes a collecting agent as an organization or committee that collects and transmits contributions to one or more separate segregated funds which are related to it. Generally, the collecting agent is an organization which is eligible to establish and administer a separate segregated fund under 11 CFR 114.5 such as a corporation or labor organization. *See* 11 CFR 100.6. Under this section, a collecting agent may be any of several types of entities. It may be a registered or unregistered affiliated committee or connected organization of the separate segregated fund. A collecting agent may also be a parent or subsidiary of the connected organization of a separate segregated fund. Moreover, a local, national or international union may act as a collecting agent for a separate segregated fund of any federation with which the union is affiliated.

The inclusion of this section is also intended to permit an unregistered organization to collect contributions on behalf of a connected separate segregated fund without triggering

political committee status under the Act. Transfers made by a collecting agent to a separate segregated fund in accordance with the requirements of subsection (c) do not trigger reporting requirements under the Act. Thus, subsection (b)(2) provides that unregistered organizations, such as a State PAC, union local or corporate subsidiary, which act as collecting agents following the procedures under subsection (c) need not register and report under the Act. This is consistent with the legislative history of the 1979 Amendments which indicates that Congress did not intend that reporting be required in this narrow circumstance. *See e.g.* 125 Cong. Rec. S19099 (daily ed. December 18, 1979) (statement of Sen. Pell) and 125 Cong. Rec. H12365 (daily ed December 20, 1979) (statements of Rep. Thompson and Rep. Frenzel).

Subsection (b)(3) specifies that neither commercial fundraising firms nor individuals who collect contributions for separate segregated funds will be considered collecting agents under this section. Rather, commercial fundraising firms will be considered the agent of the separate segregated fund or collecting agent. All persons who collect contributions are subject to the requirements of 11 CFR 102.8 and the provisions of 11 CFR Part 110.

Subsection (b)(4) clarifies that separate segregated funds are not required to utilize a collecting agent. While this section provides for the use of a collecting agent to solicit contributions, it does not prevent a separate segregated fund from soliciting and collecting contributions on its own.

Section 102.6(c) Procedures for Collecting Agents

This section describes the procedures to be followed by a collecting agent in soliciting and collecting contributions on behalf of a separate segregated fund. Subsection (c)(1) makes it clear that the separate segregated fund is responsible for the acts of the collecting agent and for ensuring that the recordkeeping, reporting and transmittal requirements of the Act are met. Inclusion of this provision is intended to encourage separate segregated funds to ensure that those collecting contributions on their behalf follow the Act and regulations.

Subsection (c)(2) provides that a solicitation for voluntary contributions to a separate segregated fund may be included in a bill for membership dues or other fees or in a solicitation for contributions to the collecting agent itself. *See* Advisory Opinions 1979–19 and 1978–42. Such solicitations may only be made to the solicitable class of the parent organization under 11 CFR Part 114, such as a corporation's stockholders and executive and administrative personnel, and must meet the requirements for a proper solicitation under 11 CFR 114.5. *See e.g. Federal Election Commission v. National Right To Work Committee*, — U.S. —, 103 S.Ct. 552 (Dec. 13, 1982). Subsection (c)(2)(i) states that the collecting agent may pay any or all of the costs of transmitting contributions as such payments are considered part of the establishment, administration and solicitation expenses permitted under 2 U.S.C. 441b(b)(2)(C). A provision has also been included in subsection (c)(2)(ii) which permits a collecting agent to reimburse its separate segregated fund for administrative expenses within 30 days after the separate segregated fund pays the expense if the expense could have been paid directly by the collecting agent under 2 U.S.C. 441b(b)(2)(C). A corresponding provision has been included in 11 CFR 114.5. It should be noted that an unregistered committee that is not a connected organization may trigger the registration and reporting requirements of the Act by making reimbursements under this section.

Subsection (c)(3) provides that a contributor may combine payment of dues or other fees with a contribution to the separate segregated fund in a single check. However, that subsection requires that the check be drawn on the contributor's personal checking account or on a non-repayable corporate drawing account of the individual contributor. *See also,* Advisory Opinions 1978–98, 1979–19 and 1978–42. Subsection (c)(3) also contains a provision which permits an employer to send a check to a union which includes payment of union dues or other employee deductions (such as vacation fund payments) and voluntary contributions from its employees to the union's separate segregated fund. Subsection (c)(3), thus, provides for combined payment of employee political contributions and other fees by an employer to a union or its agent. *See* Advisory Opinions 1982–55, 1982–11, 1981–4, and 1978–98. Contributions which may be so combined must be collected pursuant to a payroll deduction plan and are considered direct contributions from the individual employees.

One comment received by the Commission questioned the status of certain employee benefit plans, such as ERISA plans, under section 102.6. Under such plans, participants may designate a portion of the funds deposited with the plan on their behalf by their employer to be contributed to a separate segregated fund, such as their union PAC. The comment raised the issue of whether certain fiduciaries, such as ERISA plan administrators, should be considered collecting agents under this section. These fiduciaries, however, are considered agents of the plan's sponsor. As the sponsor is the employer or the union of the plan participants, a plan administrator or fiduciary is acting on behalf of a collecting agent. The Commission, therefore, found no need to refer specifically to this situation in the regulations.

Moreover, no special provision is needed to govern the timing of the transmittal of such contributions to the separate segregated fund. A contribution by the plan participant to the separate segregated fund results only when the participant designates a sum in writing to be contributed to the separate, segregated fund and that sum can be disbursed under the plan agreement, since that is the point at which the participant acquires the right to such funds. For example, under a vacation fund plan, vacation benefits are paid out at specified times of the year. Payments to third parties, such as separate segregated funds, may only be made at the same time that disbursements are made to plan beneficiaries under the plan agreement. *See* ERISA Interpretive Bulletin 78–1 (43 FR 68565 (December 15, 1978)). Under these circumstances, the time for transmitting a contribution to the separate segregated fund under § 102.6(c)(4) would not begin to run until the date on which disbursements can be made to the beneficiary.

Subsection (c)(4) clarifies that collecting agents must follow the requirements of 11 CFR 102.8 regarding the time for transmittal of contributions. Therefore, contributions of $50 or less collected by a collecting agent must be given to the separate segregated fund within 30 days after receipt. Contributions in excess of $50 must be forwarded to the separate segregated fund within 10 days of receipt.

This subsection also sets forth methods for transmitting contributions to a separate segregated fund. Pursuant to subsection (c)(4)(i), checks made out to the separate segregated fund must be transmitted by the collecting agent directly to the fund within the appropriate time period. Subsection (c)(4)(ii) establishes several options for transmittal of contributions in other forms. First, as under current § 102.6(b)(1), the collecting agent may choose to set up a transmittal account solely for the deposit and transmittal of funds collected on behalf of a separate segregated fund under subsection

(c)(4)(ii)(A). Funds deposited into this account are subject to the prohibitions and limitations of the Act. If an expenditure is made from funds in this account, other than a transfer of funds to an affiliated committee, the account will be considered a depository of the recipient committee and all activity of that account must be reported.

Alternatively, the collecting agent may deposit contributions collected into its own treasury account under subsection (c)(4)(ii)(B). If the collecting agent selects this method, it must keep separate records of all receipts and deposits which represent contributions to the separate segregated fund and make separate deposits of all cash contributions. *See e.g.* Advisory Opinion 1978–42.

Another method, stated in subsection (c)(4)(ii)(C), follows current § 102.6(b)(3). This subsection provides that the collecting agent may deposit contributions into an account maintained for State and local election activity. Under this option, the collecting agent must also keep separate records of all receipts and deposits which represent contributions to the separate segregated fund.

In addition to the other methods for transmitting contributions, subsection (c)(4)(ii)(D), permits the collecting agent to transmit cash contributions to the separate segregated fund in the form of money orders or cashiers checks. This provision generally follows current § 102.6(b)(2), although it is now limited to cash contributions.

Subsection (c)(5) requires that the collecting agent comply with the requirements of 11 CFR 102.8 in transmitting contributor information to a separate segregated fund. However, as under current § 102.6(b)(3), if contributions of $50 or less are received at a mass collection, the collecting agent must keep a record of the date, the total amount collected, and the name of the function at which the collection was made.

Finally, subsections (c)(6) and (c)(7) specify the recordkeeping and reporting responsibilities of collecting agents and separate segregated funds under this section. Pursuant to subsection (c)(6), a collecting agent is required to retain records of all contribution deposits and transmittals for three years and to make these records available to the Commission upon request. Similarly, the separate segregated fund must keep a record of all transmittals of contributions received from the collecting agent. It is not necessary that the separate segregated fund report contributions received from a collecting agent as transfers-in. Rather, under subsection (c)(7), the separate segregated fund is required to report each contribution received through the collecting agent as a contribution received from the original contributor as required by 11 CFR 104.3(a).

Section 102.17 Joint Fundraising By Committees Other Than Separate Segregated Funds.

(a) General. This subsection sets forth the basic rules for conducting joint fundraising activities. *See* Advisory Opinions 1979–75, 1979–35, 1979–12, 1979–6, 1977–61, 1977–23, 1977–14 and 1977–8. Subsection (a)(1)(i) states the general permission allowing political committees to engage in joint fundraising with other political committees or with unregistered committees or organizations. This subsection requires that the joint fundraising participants have a fundraising representative. The participants have the option of either establishing a separate political committee or selecting a participating political committee to act as the fundraising representative. Regardless of which method the participants select, the fundraising representative must be a reporting political committee under the Act and will be considered an authorized committee of each participating Federal candidate consistent with 2 U.S.C. 432(e)(3)(A)(ii). *See also* 11 CFR 102.13(c)(1). The participants may hire a commercial fundraising firm or other type of agent to assist in conducting the joint fundraiser. However, subsection (a)(1)(ii) makes it clear that participants hiring a commercial firm are still required to select or establish a fundraising representative.

Subsection (a)(2) describes the entities which may engage in joint fundraising and states that the procedures at subsection (c) govern all joint fundraising activities conducted under this section. The Commission notes that if all of the participants in a fundraising activity are party committees of the same political party, the participants will not have to adhere to the requirements of this section even though an agreement may have been reached as to the allocation of proceeds before the fundraiser takes place. Since the party committees could decide, after the fundraising was concluded, to transfer any amount of the proceeds among themselvces pursuant to 2 U.S.C. 441a(a)(4), the fact that an allocation formula had been previously agreed to would not trigger the joint fundraising requirements to provide notice of the recipients of the funds or to allocate contributions according to the prearranged formula, However, the party committees would have to follow the notice requirements of 11 CFR 102.5 if the activity is conducted in connection with both Federal and non-federal elections. In addition, if no notice is given regarding the intended allocation of contributions, the contributions received would count toward the contributor's limit for the party committee sponsoring the event, i.e., the national committee or State committee running the fundraiser.

Subsection (a)(3) distinguishes a joint fundraising representative conducting a joint fundraising activity from an unregistered organization acting as a collecting agent under 11 CFR 102.6(b). It also clarifies that the provisions of this section are inapplicable to a separate segregated fund or an unregistered organization operating as a collecting agent under § 102.6(b)

Section 102.17(b) Fundraising Representatives.

This section reiterates that participants in a joint fundraising activity must either establish a separate political committee or select a participating political committee to act as fundraising representative. In either case, the fundraising representative must be a political committee under 11 CFR 100.5. This section also describes the fundraising representative's responsibilities in conducting the joint fundraising activity. Specifically, the fundraising representative is responsible for collecting contributions, paying the costs of the fundraising effort, and disbursing the net proceeds to each participant.

Subsection (b)(3) specifies the amounts which may be advanced by each participant for start-up costs of the fundraiser. To avoid an in-kind contribution, subsection (b)(3)(i) provides that a participant may advance an amount in proportion to the allocation formula agreed upon under subsection (c)(1). A participant may advance more than its proportionate share of the fundraising costs under subsection (b)(3)(ii). However, the amount in excess of the proportionate share may not exceed the amount the participant could legally contribute to the other participants. Subsection (b)(3)(iii) provides that if all the joint fundraising participants are affiliated committees or party committees of the same political party, unlimited amounts may be advanced for fundraising costs since transfers among such committees are unlimited. *See* 11 CFR 110.3; 2 U.S.C. 441a(a)(4) and 441a(a)(5).

Section 102.17(c) Joint Fundraising Procedures.

This section sets forth the procedures for conducting joint fundraising activities. The first requirement, stated in subsection (c)(1), is that all the participants must enter into a written agreement which identifies the fundraising representative and states the formula for allocating the fundraising proceeds and expenses. The participants should make this agreement prior to engaging in any fundraising activity. The fundraising representative is required to retain this agreement for three years and make it available to the Commission upon request.

Furthermore, in addition to the disclaimer notice required by 11 CFR 110.11, subsection (c)(2) requires that each solicitation for contributions to a joint fundraiser contain a fundraising notice informing contributors of specific details of the fundraising activity. Subsections (c)(2)(i) (A) through (D) require that the fundraising notice contain the names of the participating committees, regardless of whether they are registered political committees; the allocation formula; a statement informing contributors that they may designate their contribution for a particular participant or participants; and a statement that the allocation formula may change if the contributor makes a contribution which exceeds the amount he or she could give to any participant. Subsection (c)(2)(ii) provides for special notices in two situations. For example, under subsection (c)(2)(ii)(A), if the participants are engaging in the joint fundraiser only to pay outstanding debts, the fundraising solicitation must state that the allocation formula may change if a participant receives enough funds to pay its debts. Subsection (c)(2)(ii)(B) requires that if any of the participants can lawfully receive contributions from sources prohibited under the Act, such as a State or local committee that can receive corporate contributions, the solicitations must state that any such contributions received will be given only to participants that can receive them.

Under the Commission's regulations, an agent or other person who receives a contribution on behalf of a political committee is required to forward that contribution to the committee treasurer within 10 or 30 days of receipt. 11 CFR 102.8. The contribution must then be deposited within 10 days in a designated committee depository. However, the Commission recognizes that, in the context of a joint fundraising event, it is common for the fundraising representative to receive contributions over an extended time period and retain them until all funds are received to ensure payment of expenses and proper distribution of proceeds.

Subsection (c)(3) is intended to address the aforementioned situation and resolve any possible conflict between the Commission's regulations and actual joint fundraising practices. Pursuant to subsection (c)(3)(i), the participants or joint fundraising representative are required to establish a separate account for the receipt and disbursement of joint fundraising proceeds. Under subsection (c)(3)(ii), contributions must be deposited into the separate account by the fundraising representative within 10 days of receipt as required by 11 CFR 103.3. The fundraising representative is not required, however, to distribute the proceeds to the participants until all contributions have been received and all expenses paid. Since each participating political committee must designate this account as an additional depository pursuant to subsection (c)(3)(i), such retention would not conflict with the Commission's regulations. Only funds permissible under the Act may be deposited into this joint fundraising account. If a participant can accept funds prohibited as to other participants under the Act, the fundraising representative or the participants may either establish another account for such contributions or transfer them directly to the participants that can accept them.

Furthermore, subsection (c)(3)(iii) requires that the fundraising representative report contributions in the reporting period in which they are received. This subsection also clarifies that, although distribution of proceeds may be delayed until expenses are paid, for contribution reporting and limitation purposes the date of receipt of a contribution by a participating political committee is the date that the contribution is received by the fundraising representative. Participating political committees are not required to report joint fundraising proceeds, however, until they receive the funds from the fundraising representative.

Moreover, subsection (c)(4) describes the recordkeeping responsibilities of the fundraising representative and participating committees. Under section (c)(4)(i), the fundraising representative and the participants are required to screen the contributions received to ensure that they are neither prohibited under the Act nor in excess of the contribution limitations. Participants must make their contributor records available to the fundraising representative to facilitate its screening of contributions. Subsection (c)(4)(ii) requires the fundraising representative to collect and retain contributor information in accordance with 11 CFR 102.8 and to forward such information to participating political committees. If necessary, the fundraising representative should also keep a record of the total amount of prohibited contributions received and of transfers of these contributions to any participants that may accept them. Furthermore, fundraising disbursement records required under 11 CFR 102.9 must be kept by the fundraising representative for three years pursuant to subsection (c)(4)(iii). That subsection also provides that commercial fundraising firms or agents must forward contributor information to the fundraising representative.

Subsection (c)(5) permits a contributor to make a donation to a joint fundraiser up to the total amount which he or she could give to all the participants subject to the contribution limitations of 2 U.S.C. 441a(a)(1). Hence, if five Federal candidates participated in a joint fundraiser and agreed to share proceeds equally, an individual could contribute up to $5,000, less any amount which had been previously contributed to any of the participants by that individual.

Subsection (c)(6) prescribes the manner in which gross proceeds from the joint fundraiser are to be allocated among the participants. Generally, as provided in subsection (c)(6)(i), the fundraising representative must allocate the proceeds according to the formula stated in the fundraising agreement. Changes in the agreed upon allocation formula are limited to two factual situations under this subsection. Excess funds may only be reallocated after distribution according to the preestablished formula has extinguished the debts of one or more participants or if distribution under the formula would result in a violation of the contribution limitations. Reallocation in either of these circumstances must be based on the remaining participants' proportionate shares under the allocation formula. If reallocation results in a contributor's exceeding the contribution limitations, the fundraising representative must return the amount of the contribution which exceeds the limit to the contributor pursuant to subsection (c)(6)(i). Since the participants are required to notify contributors before a contribution is made that reallocation may occur, there is no need to inform them of the results of such reallocation. Under subsection (c)(6)(ii), designated or earmarked

contributions which exceed the contributor's limit to the particular participant may not be reallocated without the written consent of the contributor. Subsection (c)(6)(iii) provides that prohibited contributions need not be distributed according to the allocation formula in the fundraising agreement if any participant may legally accept them.

Subsection (c)(7) governs the allocation of expenses and distribution of net proceeds. This subsection establishes different methods for calculating each participant's share of expenses and net proceeds based upon whether the participants were previously affiliated committees or are party committees of the same political party. For instance, subsection (c)(7)(i)(A) provides that if the participants are not affiliated committees or party committees of the same political party, the fundraising representative, after allocating gross proceeds, should calculate each participant's share of expenses based on the percentage of the total receipts each participant has been allocated. Prohibited contributions need not be included in the total receipts for the purpose of allocating expenses. Thus, under this subsection, the fundraising representative must subtract a participant's share of expenses from the amount it was allocated from gross proceeds to determine the amount of net proceeds each participant will receive. If each participant pays its own share of expenses calculated pursuant to this section, no contribution in-kind from one or more of the participants occurs. A participant may pay the expenses of another participant, but subsection (c)(7)(i)(B) points out that such payments are subject to the contribution limits of 11 CFR Part 110. Any funds advanced by one participant on behalf of another to pay the initial costs of the fundraising activity will also count against the contribution limits as provided under subsection (b)(3).

By contrast, since the Act permits unlimited transfers between committees which are affiliated or party committees of the same political party, no in-kind contribution results if one committee pays all expenses of a fundraising event. Thus, under subsection (c)(7)(ii) expenses need not be allocated if the participants are affiliated committees or are related party committees. This subsection also clarifies, however, that payment of such expenses by an unregistered Committee or organization on behalf of an affiliated political committee or related party political committee may trigger the registration and reporting requirements under the Act.

Two additional points should be noted. First, under subsection (c)(7)(i) "committees of the same political party" refers only to party committees and not to candidates of the same political party. Also, regardless of whether the participants are affiliated committees or party committees of the same political party, pursuant to subsection (c)(7)(iii), the fundraising representative may pay expenses from gross proceeds.

Finally, subsection (c)(8) explains when and how receipts and disbursements must be reported by the fundraising representative and participating political committees. Under subsection (c)(8)(i)(A), the fundraising representative is required to report all contributions in the reporting period in which they are received on FEC Schedule A, with a clear indication that these contributions represent joint fundraising proceeds. If any prohibited contributions are received during the reporting period, the fundraising representative should report the total amount of such contributions as a memo entry on Schedule A. Subsection (c)(8)(i)(B) provides that, after the distribution of net proceeds, each participant must report the amount it receives as a transfer-in from the joint fundraising representative. Each committee should also file a memo Schedule A containing an itemization of its share of gross receipts as contributions from the original contributors as required under 11 CFR 104.3(a). Pursuant to subsection (c)(8)(ii), the fundraising representative must report all disbursements in the reporting period in which they are made.

List of Subjects in 11 CFR Part 102

Campaign funds, Political candidates, Political committees and parties, Reporting requirements.

11 CFR Chapter I is amended as follows:

PART 102—[AMENDED]

In Part 102, § 102.6 is revised to read as follows:

§ 102.6 Transfers of funds; collecting agents.

(a) *Transfers of Funds; Registration and Reporting Required.* (1) *Who May Make Transfers Under This Section.*

(i) Transfers of funds may be made without limit on amount between affiliated committees whether or not they are political committees under 11 CFR 100.5.

(ii) Transfers of funds may be made without limit on amount between or among a national party committee, a State party committee and/or any subordinate party committee whether or not they are political committees under 11 CFR 100.5 and whether or not such committees are affiliated.

(iii) Transfers of joint fundraising proceeds may be made without limit on amount between organizations or committees participating in the joint fundraising activity provided that no participating committee or organization governed by 11 CFR 102.17 received more than its allocated share of the funds raised.

(iv) Transfers under subsections (i) through (iii) shall be made only from funds which are permissible under the Act. See 11 CFR Parts 110, 114 and 115.

(2) *When Registration and Reporting Required.* Except as provided in 11 CFR 102.6(b), organizations or committees making transfers under 11 CFR 102.6(a)(1) shall count such transfers against the reporting thresholds of the Act for determining whether an organization or committee is a political committee under 11 CFR 100.5.

(b) *Fundraising by Collecting Agents; No Reporting Required.* (1) *Definition of Collecting Agent.* A collecting agent is an organization or committee that collects and transmits contributions to one or more separate segregated funds to which the collecting agent is related. A collecting agent may be either:

(i) A committee, whether or not it is a political committee as defined in 11 CFR 100.5, affiliated with the separate segregated fund under 11 CFR 110.3; or

(ii) The connected organization of the separate segregated fund as defined in 11 CFR 100.6; or

(iii) A parent, subsidiary, branch, division, department, or local unit of the connected organization of the separate segregated fund; or

(iv) A local, national or international union collecting contributions on behalf of the separate segregated fund of any federation with which the local, national or international union is affiliated. *See* 11 CFR 114.1(e).

(2) *Collecting Agent Not Required To Report.* A collecting agent that is an unregistered organization and that follows the procedures of 11 CFR 102.6(c) is not required to register and report as a political committee under 11 CFR Parts 102 and 104, provided that the organization does not engage in other activities such as making contributions or expenditures for the purpose of influencing federal elections.

(3) *Who Is Not a Collecting Agent.* (i) *Commercial Fundraising Firm.* A separate segregated fund or a collecting agent may hire a commercial fundraising

firm to assist in fundraising; however, the commercial fundraising firm shall not be considered as a collecting agent for the purpose of this section. Rather, the commercial fundraising firm shall be considered to be the agent of the separate segregated fund or collecting agent.

(ii) *Individuals.* An individual who collects contributions for a separate segregated fund shall not be considered a collecting agent for the purpose of this section. Individuals who collect contributions are subject to the requirements of 11 CFR 102.8 and the provisions of 11 CFR Part 110.

(4) *Separate Segregated Fund May Collect Contributions.* Nothing in this section shall preclude a separate segregated fund from soliciting and collecting contributions on its own behalf.

(c) *Procedures for Collecting Agents.* (1) *Separate Segregated Fund Responsible for Acts of Collecting Agent.* The separate segregated fund shall be responsible for ensuring that the recordkeeping, reporting and transmittal requirements of this section are met.

(2) *Solicitation for Contributions.* A collecting agent may include a solicitation for voluntary contributions to a separate segregated fund in a bill for membership dues or other payments such as conference registration fees or a solicitation for contributions to the collecting agent. The collecting agent may only solicit contributions from those persons permitted to be solicited under 11 CFR Part 114. The solicitation for contributions must meet all of the requirements for proper solicitations under 11 CFR 114.5.

(i) The collecting agent may pay any or all of the costs incurred in soliciting and transmitting contributions to the separate segregated fund.

(ii) If the separate segregated fund pays any solicitation or other administrative expense from its own account, which expense could be paid for as an administrative expense by the collecting agent, the collecting agent may reimburse the separate segregated fund no later than 30 calendar days after the expense was paid by the separate segregated fund.

(3) *Checks Combining Contributions with Other Payments.* A contributor may write a check that represents both a contribution and payment of dues or other fees. The check must be drawn on the contributor's personal checking account or on a non-repayable corporate drawing account of the individual contributor. Under a payroll deduction plan, an employer may write a check on behalf of its employees to a union or its agent, which check represents a combined payment of voluntary contributions to the union's separate segregated fund and union dues or other employee deductions.

(4) *Transmittal of Contributions.* The full amount of each contribution collected by a collecting agent on behalf of a separate segregated fund shall be transmitted to that fund within 10 or 30 days as required by 11 CFR 102.8.

(i) Checks made payable to the separate segregated fund shall be transmitted by the collecting agent directly to the separate segregated fund in accordance with 11 CFR 102.8.

(ii) To transfer all other contributions, a collecting agent shall either:

(A) Establish a transmittal account to be used solely for the deposit and transmittal of funds collected on behalf of the separate segregated fund. Funds deposited into this account are subject to the prohibitions and limitations of the Act. If any expenditure is made from the account, other than a transfer of funds to an affiliated committee, the account shall be considered a depository of the recipient committee and all activity of that account shall be reported; or

(B) Deposit the contributions collected into the collecting agent's treasury account. The collecting agent shall keep separate records of all receipts and deposits that represent contributions to the separate segregated fund and, in the case of cash contributions, the collecting agent shall make separate deposits of such funds; or

(C) Deposit the contributions collected into an account otherwise established solely for State or local election activity. The collecting agent shall keep separate records of all receipts and deposits that represent contributions to the separate segregated fund; or

(D) In the case of cash contributions, transmit the contributions to the separate segregated fund in the form of money orders or cashier's checks.

(5) *Contributor Information.* The collecting agent shall comply with the requirements of 11 CFR 102.8 regarding transmittal of contributions and contributor information to the separate segregated fund, except that if contributions of $50 or less are received at a mass collection, a record shall be kept of the date, the total amount collected, and the name of the function at which the collection was made.

(6) *Retention of Records.* The collecting agent shall retain all records of contribution deposits and transmittals under this section for a period of three years and shall make these records available to the Commission on request. The separate segregated fund shall keep a record of all transmittals of contributions received from collecting agents under this section, and shall retain these records for a period of three years.

(7) *Reporting of Funds Received Through Collecting Agents.* A separate segregated fund receiving contributions collected by a collecting agent shall report the full amount of each contribution received as a contribution from the original contributor to the extent required by 11 CFR 104.3(a).

New § 102.17 is added as follows:

§ 102.17 Joint fundraising by committees other than separate segregated funds.

(a) *General.* (1)(i) Political committees may engage in joint fundraising with other political committees or with unregistered committees or organizations. The participants in a joint fundraising effort under this section shall either establish a separate committee or select a participating committee, to act as fundraising representative for all participants. The fundraising representative shall be a reporting political committee and an authorized committee of each candidate for federal office participating in the joint fundraising activity.

(ii) The participants may hire a commercial fundraising firm or other agent to assist in conducting the joint fundraising activity. In that case, however, the fundraising representative shall still be responsible for ensuring that the recordkeeping and reporting requirements set forth in this section are met.

(2) The procedures in 11 CFR 102.17(c) will govern all joint fundraising activity conducted under this section. The participants in joint fundraising activity may include political party committees (whether or not they are political committees under 11 CFR 100.5), candidate committees, multicandidate committees, and unregistered organizations which do not qualify as collecting agents under 11 CFR 102.6(b).

(3) A fundraising representative conducting joint fundraising under this section is distinguished from an unregistered organization acting as a collecting agent under 11 CFR 102.6(b). If a separate segregated fund or an unregistered organization qualifies and acts as a collecting agent under 11 CFR 102.6(b), the provisions of 11 CFR 102.17 will not apply to that fundraising activity.

(b) *Fundraising Representatives.* (1) *Separate Fundraising Committee as Fundraising Representative.* Participating committees may establish a separate political committee to act as fundraising representative for all participants. This separate committee

shall be a reporting political committee and shall collect contributions, pay fundraising costs from gross proceeds and from funds advanced by participants, and disburse net proceeds to each participant.

(2) *Participating Committee as Fundraising Representative.* All participating committees may select one participant to act as fundraising representative for all participants. The fundraising representative must be a political committee as defined in 11 CFR 100.5. The fundraising representative and any other participating committees may collect contributions; however, all contributions received by other participants shall be forwarded to the fundraising representative as required by 11 CFR 102.8. The fundraising representative shall pay fundraising costs from gross proceeds and from funds advanced by participants and shall disburse net proceeds to each participant.

(3) *Funds Advanced For Fundraising Costs.* (i) Except as provided in 11 CFR 102.17(b) (3)(ii) and (iii), the amount of funds advanced by each participant for fundraising costs shall be in proportion to the allocation formula agreed upon under 11 CFR 102.17 (c)(1).

(ii) A participant may advance more than its proportionate share of the fundraising costs, however, the amount advanced which is in excess of the participant's proportionate share shall not exceed the amount that participant could legally contribute to the remaining participants. *See* 11 CFR 102.12(c)(2) and Part 110.

(iii) If all the participants are affiliated under 11 CFR 110.3 or if the participants are all party committees of the same political party, there is no limit on the amount a participant may advance for fundraising costs on behalf of the other participants.

(c) *Joint Fundraising Procedures.* The requirements of 11 CFR 102.17(c)(1) through (8) shall govern joint fundraising activity conducted under this section.

(1) *Written Agreement.* The participants in a joint fundraising activity shall enter into a written agreement, whether or not all participants are political committees under 11 CFR 100.5. The written agreement shall identify the fundraising representative and shall state a formula for the allocation of fundraising proceeds. The participants shall also use the formula to allocate the expenses incurred for the fundraising activity. The fundraising representative shall retain the written agreement for a period of three years and shall make it available to the Commission on request.

(2) *Fundraising Notice.* In addition to any notice required under 11 CFR 110.11, a joint fundraising notice shall be included with every solicitation for contributions.

(i) This notice shall include the following information:

(A) The names of all committees participating in the joint fundraising activity whether or not such committees are political committees under 11 CFR 100.5; and

(B) The allocation formula to be used for distributing joint fundraising proceeds; and

(C) A statement informing contributors that, notwithstanding the stated allocation formula, they may designate their contributions for a particular participant or participants; and

(D) A statement informing contributors that the allocation formula may change if a contributor makes a contribution which would exceed the amount that contributor may give to any participant.

(ii) In the following situations, the notice shall include the following additional information:

(A) If one or more participants engage in the joint fundraising activity solely to satisfy outstanding debts, a statement informing contributors that the allocation formula may change if a participant receives sufficient funds to pay its outstanding debts; and

(B) If one or more participants can lawfully accept contributions that are prohibited under the Act, a statement informing contributors that contributions from prohibited sources will be distributed only to those participants that can accept them.

(3) *Separate Depository Account.* (i) The participants or the fundraising representative shall establish a separate depository account to be used solely for the receipt and disbursement of the joint fundraising proceeds. All contributions deposited into the separate depository account must be permissible under the Act. Each political committee shall amend its Statement of Organization to reflect the account as an additional depository. If one or more participants can lawfully accept contributions that are prohibited under the Act, the participants may either establish a second depository account for contributions received from prohibited sources or they may forward such contributions directly to the nonfederal participants.

(ii) The fundraising representative shall deposit all joint fundraising proceeds in the separate depository account within ten days of receipt as required by 11 CFR 103.3. The fundraising representative may delay distribution of the fundraising proceeds to the participants until all contributions are received and all expenses are paid.

(iii) For contribution reporting and limitation purposes, the date of receipt of a contribution by a participating political committee is the date that the contribution is received by the fundraising representative. The fundraising representative shall report contributions in the reporting period in which they are received. Participating political committees shall report joint fundraising proceeds in accordance with 11 CFR 102.17(c)(8) when such funds are received from the fundraising representative.

(4) *Recordkeeping Requirements.* (i) The fundraising representative and participating committees shall screen all contributions received to insure that the prohibitions and limitations of 11 CFR Parts 110 and 114 are observed. Participating political committees shall make their contributor records available to the fundraising representative to enable the fundraising representative to carry out its duty to screen contributions.

(ii) The fundraising representative shall collect and retain contributor information with regard to gross proceeds as required under 11 CFR 102.8 and shall also forward such information to participating political committees. The fundraising representative shall also keep a record of the total amount of contributions received from prohibited sources, if any, and of all transfers of prohibited contributions to participants that can accept them.

(iii) The fundraising representative shall retain the records required under 11 CFR 102.9 regarding fundraising disbursements for a period of three years. Commercial fundraising firms or agents shall forward such information to the fundraising representative.

(5) *Contribution limitations.* Except to the extent that the contributor has previously contributed to any of the participants, a contributor may make a contribution to the joint fundraising effort which contribution represents the total amount that the contributor could contribute to all of the participants under the applicable limits of 11 CFR 110.1 and 110.2.

(6) *Allocation of Gross Proceeds.* (i) The fundraising representative shall allocate proceeds according to the formula stated in the fundraising agreement. If distribution according to the allocation formula extinguishes the debts of one or more participants and results in a surplus for those participants or if distribution under the formula results in a violation of the contribution limits of 11 CFR 110.1(a), the fundraising representative may reallocate the exess funds. Reallocation shall be based upon the remaining participants' proportionate shares under the allocation formula. If reallocation results in a violation of a contributor's limit under 11 CFR 110.1, the fundraising representative shall return to the contributor the amount of the contribution that exceeds the limit.

(ii) Designated contributions which exceed the contributor's limit to the designated participant under 11 CFR Part 110 may not be reallocated by the fundraising representative absent the written permission of the contributor.

(iii) If any participants can lawfully accept contributions from sources prohibited under the Act, any such contributions that are received are not required to be distributed according to the allocation formula.

(7) *Allocation of Expenses and Distribution of Net Proceeds.* (i) If participating committees are not affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity and are not committees of the same political party;

(A) After gross contributions are allocated among the participants under 11 CFR 102.17(c)(6), the fundraising representative shall calculate each participant's share of expenses based on the percentage of the total receipts each participant had been allocated. If contributions from sources prohibited under the Act have been received and distributed under 11 CFR 102.17(c)(6)(iii), those contributions need not be included in the total receipts for the purpose of allocating expenses under this section. To calculate each participant's net proceeds, the fundraising representative shall subtract the participant's share of expenses from the amount that participant has been allocated from gross proceeds.

(B) A participant may only pay expenses on behalf of another participant subject to the contribution limits of 11 CFR Part 110.

(ii) If participating committees are affilated as defined in 11 CFR 110.3 prior to the joint fundraising activity or if participants are party committees of the same political party, expenses need not be allocated among those participants. Payment of such expenses by an unregistered committee or organization on behalf of an affiliated political committee may cause the unregistered organization to become a political committee.

(iii) Payment of expenses may be made from gross proceeds by the fundraising representative.

(8) *Reporting of Receipts and Disbursements.* (i) *Reporting Receipts.*

(A) The fundraising representative shall report all funds received in the reporting period in which they are received. The fundraising representative shall report the total amount of contributions received from prohibited sources during the reporting period, if any, as a memo entry. Each Schedule A filed by the fundraising representative under this section shall clearly indicate that the contributions reported on that schedule represent joint fundraising proceeds.

(B) After distribution of net proceeds, each participating political committee shall report its share of net proceeds received as a transfer-in from the fundraising representative. Each participating political committee shall also file a memo Schedule A itemizing its share of gross receipts as contributions from original contributors to the extent required under 11 CFR 104.3(a).

(ii) *Reporting Disbursements.* The fundraising representative shall report all disbursements in the reporting period in which they are made.

PART 114—[AMENDED]

11 CFR Part 114 is amended by adding new § 114.5(b)(3) as follows:

§ 114.5 Separate segregated funds.

* * * * *

(b) * * *

(3) If the separate segregated fund pays any solicitation or other administrative expense from its own account, which expense could be paid for as an administrative expense by the collecting agent, the collecting agent may reimburse the separate segregated fund no later than 30 calendar days after the expense was paid by the separate segregated fund.

* * * * *

Dated: June 2, 1983.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83-15192 Filed 6-6-83; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 386

[Docket No. 30512-85]

Foreign Merchandise Exported From a Foreign Trade Zone; Commerce Form 7513 Not Applicable

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends Part 386 of the Export Administration Regulations by removing a reference to the applicability of Commerce Form 7513 for documentation of exports of foreign merchandise from a Foreign Trade Zone. This change is made in order to conform the Regulations with the Foreign Trade Statistics Regulations of the Bureau of the Census. Exporters must now submit Commerce Form 7525–V (Shipper's Export Declaration) when exporting foreign merchandise from Foreign Trade Zones.

EFFECTIVE DATE: This rule is effective June 7, 1983. Although there is no formal comment period, public comments on this rule are welcome.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–4811).

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal

comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Part 386

Exports.

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

PART 386—[AMENDED]

Paragraph (p)(1)(ii) of § 386.3 is revised, a paragraph (p)(2) is added, and the current paragraph (p)(2) is redesignated as (p)(3), reading as follows:

§ 386.3 Shipper's export declaration

* * * * *

(p) Declaration for shipments moving in-transit. (1) * * *

(ii) Foreign merchandise exported from a General Order Warehouse. Shipments in bond transiting the United States by means of any carrier other than a vessel may be cleared for export without presenting a Form 7513, unless a validated license is required for the export.

(2) Exports from Foreign Trade Zones. Commerce Form 7513 is not acceptable for any exports from Foreign Trade Zones. Such shipments require the filing of the Shipper's Export Declaration (Form 7525–V), with the applicable zone number reported on the Document.

(3) *Additional information.* * * *

* * * * *

(Secs. 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.;* Executive Order No. 12214 (45 FR 29783, May 6, 1980))

Dated: May 9, 1983.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83-15191 Filed 6-6-83; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 170

Registered Futures Associations; Mandatory Membership

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is adopting a rule which will require all futures commission merchants ("FCMs") that must be registered with the Commission to become members of a registered futures association ("RFA"). The Commission finds that adoption of such a rule will further the purposes of the Commodity Exchange Act ("Act") and, in particular, is necessary and appropriate to achieve the objectives of sections 17(m), 17(p) and 17(q) of the Act to implement comprehensive self-regulatory programs as soon as practicable. The Commission has determined that adoption of § 170.15 of its rules will greatly assist the Commission in the regulation of FCMs and other RFA members.

EFFECTIVE DATE: August 8, 1983.

FOR FURTHER INFORMATION CONTACT: Karen Matteson, Attorney Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Telephone (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

On November 15, 1982, the National Futures Association ("NFA") submitted a "Petition for Issuance of [a Commission] Rule" (§ 170.15) which would require each person who must be registered with the Commission as an FCM to become and remain a member of at least one futures association registered pursuant to section 17 of the Act and Part 170 of the Commission's regulations.[1] NFA asserts that it is essential for all FCMs to be members of an RFA in order to ensure that industry self-regulation by RFAs is effective. Noting Congress' directive that NFA—currently the only RFA—fully implement its self-regulatory program within two and one-half years[2] and the Commission's expectation that NFA assume certain regulatory functions as soon as possible, NFA asserts that because it does not have jurisdiction over nonmembers, the Commission must require RFA membership of all FCMs for such regulations to be effective. NFA states that "in the absence of a Commission rule mandating RFA membership, the now small number of FCM non-RFA members may grow and present a substantial impediment to achieving the self-regulatory goals of Section 17 of the Act as defined by Congress and the Commission."[3]

On November 24, 1982, the Commission published a notice in the **Federal Register** setting forth proposed Commission rule 170.15, summarizing NFA's arguments in favor of the proposed rule, and requesting comment on the proposed rule.[4] The Commission also requested comment on whether such a rule should be extended to apply to all FCMs registered with the Commission, whether or not they are required to be registered.[5] In addition, the Commission requested suggestions as to any alternatives that would effectively accomplish the same purposes or otherwise address adequately those regulatory problems arising from the refusal of registered persons to join an RFA. The Commission solicited public comment on the proposed rule and the related questions for a period of sixty days.

Of the 50 comments received, 48 favored Commission promulgation of the proposed rule. Those in favor include FCMs, contract markets, commodity pool operators, commodity trading advisors, industry trade associations, banks, former Commissioners of this agency, public members of NFA's Board of Directors and NFA itself.[6] Only two commentators' letters opposed adoption of § 170.15—the Antitrust Division of the United States department of Justice ("Antitrust Division"), and a money management consultant.[7] The Antitrust Division set forth three basic objections: (1) That the proposed rule is of questionable constitutionality; (2) that the Commission lacks authority under the Act to adopt the proposed rule; and (3) that the Commission is compelled to employ other less anticompetitive regulatory alternatives pursuant to section 15 of the Act, since the proposed rule would have serious anticompetitive consequences.

The Commission has considered NFA's reasons for seeking the rule, the legislative history underlying section 17

---

[1] Letter to the Commission's Secretariat from Robert K. Wilmouth, President, NFA; hereinafter the "NFA Petition."

[2] Section 17(q) of the Act, as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, section 233, 96 Stat. 2294 (1983), requires NFA to satisfy that requirement "as soon as practicable but not later than September 30, 1985." Other RFAs would be subject to the same implementation requirements within two and one-half years from the date of their registration by the Commission.

[3] NFA Petition at 3.

[4] 47 FR 53031.

[5] FCMs are required to register with the Commission under section 4d of the Act if they solicit or accept orders from customers for the purchase or sale of futures contracts. Some entities register with the Commission as FCMs even though they are not handling any customer business at the time of registration either because they anticipate doing such business for an occasional client or because they want to be able to initiate such business in the future without waiting for a registration application to be processed.

[6] NFA submitted two comment letters, dated January 21, and February 10, 1983. Its first letter analyzed the need for § 170.15, while the second letter responded to comments by the Antitrust Division of the United States Department of Justice.

[7] This commentator opposed the proposed regulation largely on grounds similar to those raised by the Antitrust Division and discussed herein.

of the Act, the evolution of NFA as a self-regulatory organization, and the comments of all interested persons concerning proposed § 170.15. The Commission has evaluated the concerns raised by the Antitrust Division regarding the constitutionality of proposed § 170.15 and the Commission's authority under the Act to adopt § 170.15. In light of these considerations, the Commission has determined under section 8a(5) of the Act that adoption of § 170.15 is reasonably necessary to effectuate the purposes of the Act and, in particular, to provide a means for assuring that the purposes of sections 17(m), 17(p) and 17(q) of the Act are achieved. In reaching this conclusion, the Commission has determined, in accordance with section 15 of the Act, that the purposes and objectives served by the adoption of § 170.15 outweigh anticompetitive effects which may result from the rule. In this regard, the Commission has taken into consideration the public interest to be protected by the antitrust laws, and has endeavored to take the least anticompetitive means of achieving the Act's objectives. Thus, the Commission believes that adoption of § 170.15 will facilitate the implementation of industry self-regulation, further augment protection of the public, and further assist in the application of uniform compliance standards for the industry.

II. Purposes and Objectives of the Rule

Section 8a(5) of the Act authorizes the Commission to promulgate such rules as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of the Act. Comprehensive and effective self-regulation and the avoidance of duplicative regulation are purposes which are inherent in the policies underlying sections 17 (m), (p) and (q) of the Act. The evolution of section 17 of the Act, culminating in the adoption of sections 17 (p) and (q) in the Futures Trading Act of 1982, consistently demonstrates the legislative intent concerning these regulatory objectives and the need for Commission rulemaking to effectuate those objectives.

From the time of its original enactment of section 17 of the Act, authorizing the creation of futures associations, Congress has consistently recognized that the ability of a self-regulatory organization to attract and retain its membership clearly would be essential to such an organization's effectiveness in monitoring and enforcing compliance by members with the organization's regulatory requirements. Unlike trade associations or other nonregulatory group enterprises, whose primary function is the promotion of the membership's mutual self-interests, NFA and other RFAs are charged by Congress with explicit self-regulatory obligations which they must perform with respect to their memberships. Moreover, unlike contract markets, securities exchanges, or the National Association of Securities Dealers ("NASDA"), RFAs do not have the advantage of direct financial, promotional or other benefits such as trading privileges in unique futures contracts or exchange-listed securities to offer either prospective or existing members.[8] Accordingly, the question of how an RFA could successfully operate as a viable membership organization has been addressed at length by Congress in adopting and thereafter amending section 17 of the Act and more recently by the Commission in considering NFA's application for registration under that section of the Act.

During the Congressional deliberations which culminated in the Commodity Futures Trading Act of 1974,[9] a consistent theme of the legislative hearings was a concern that the existing self-regulatory framework no longer adequately served the broad public interests involved in the nation's rapidly expanding futures markets.[10] As a result, the Commission was created and armed with broad oversight and enforcement powers to regulate these markets. In addition, the 1974 amendments brought three classes of commodity professionals under the Commission's regulation for the first time: Commodity Trading Advisors ("CTAs"), Commodity Pool Operators ("CPOs"), and Associated Persons ("APs") of FCMs. Unlike floor brokers and FCMs, most of which were also contract market members and thus subject to self-regulatory oversight of an exchange, the three newly regulated categories of industry participants had not been subject to any self-regulatory oversight.

In addition to these new registration requirements, the 1974 Act also specifically empowered the Commission to impose regulatory requirements on those industry participants that were not contract market members.[11] Congress also envisioned that the Commission's increased regulatory responsibilities would be supplemented by self-regulation to be provided by registered futures associations under Title III of the Act.[12]

In early 1977, NFA's organizing committee presented to the Commission an outline proposal for an RFA in order to facilitate and encourage discussion of certain issues involved in registering futures associations. After the Commission held a public meeting in which the proposal was discussed, Commission staff and NFA representatives conducted further discussions concerning the informal proposal, as reflected in public correspondence between NFA and the Commission. At an open meeting on June 7, 1977, the Commission, recognizing that a formal registration application had not been filed, approved as a matter of policy the concept of "uniform required membership" as proposed by the NFA organizing committee.[13] NFA submitted a revised version of its draft articles of incorporation on July 20, 1977, along with a revised "Points of Agreement" setting forth the organizing committee's intent.[14]

The Antitrust Division subsequently commented on the informal proposal, expressing its opinion that NFA's mandatory membership requirement, in particular, would be an unconstitutional delegation of agency authority and was not the least anticompetitive means available to the Commission to achieve the objectives of the Act.[15] Although NFA's organizers responded to the Antitrust Division's comments,[16] the NFA draft application was not formally submitted to the Commission and, accordingly, the Commission deferred

---

[8] For example, while the NASD does not list securities for trading in the same sense that a stock exchange or contract market lists securities or is designated to trade futures contracts, NASD membership is necessary for access to the NASDAQ trading system as a market maker. *See* NASD Bylaws, Art. XVI, Schedule D, §IC (CCH) ¶1653A.

[9] Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93-463, 88 Stat. 1389 *et seq.* (1974).

[10] *See, e.g.*, H.R. Rep. No. 975, 93d Cong., 2d Sess. 44-48 (1974); and S. Rep. No. 1131, 93d Cong., 2d Sess. 18-19.

[11] Section 8a(8) of the Act, 7 U.S.C. 12a(8) (1976).

[12] 7 U.S.C. 21 (1976).

[13] The Commission policy established in 1977 was stated "in the abstract," and was applicable to any applicant futures association. Nevertheless, this policy was intended to be a basis for the proposed NFA structure, subject to the Commission's "continuing powers and processes . . . in further structuring and implementing" NFA's proposal. *See* CFTC Press Release No. 297-77, June 7, 1977; and official minutes of the open Commission meeting held on June 7, 1977.

[14] Letter from Philip F. Johnson, then Counsel for the NFA organizing committee, to Richard E. Nathan, then Acting General Counsel, dated July 20, 1977.

[15] *See In the Matter of the National Futures Association;* Comments of October 7, 1977, from the Antitrust Division to the Commission.

[16] Response of the National Futures Association to Objections to its Preliminary Proposal, January 31, 1978.

any further consideration of the NFA's draft proposal.

The concerns which the Antitrust Division raised were addressed explicitly by Congress in 1978. During the Commission's 1978 reauthorization hearings, subcommittees of both the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry heard testimony from many witnesses expressing their opinion that a futures association should be created.[17] The House Committee commented that:

> [u]se of the authority of this amendment would be completely discretionary with the Commission. The committee was persuaded that such discretion may be useful to the Commission if it should decide that such a provision is necessary for an effective self-regulation program and is otherwise in the interest of the objectives of section 17.[18]

The Conference Committee of the Senate and House agreed. Congress therefore adopted section 17(m) of the Act, which expressly allows the Commission to approve rules of a futures association that would make membership in at least one futures association mandatory for persons eligible for membership.

Efforts to organize an RFA resumed and, in March of 1981, a formal application for registration of NFA was submitted to the Commission. Pursuant to section 17(a) of the Act, NFA also sought approval of its Bylaws, which included a provision (Bylaw 1101) designed to prohibit NFA members from doing any customer business with firms which are not members of an RFA.[19] In granting NFA's registration, the Commission also approved Bylaw 1101.[20] While Bylaw 1101 may provide a strong incentive for NFA membership through the expectation that industry participants would seek to join NFA in order to do business with other NFA members, Bylaw 1101 cannot independently ensure uniform industry-wide membership in an RFA.[21]

In commencing implementation of its regulatory programs and planning the development of further regulatory initiatives, NFA has become concerned that various Commission registrants may seek to avoid the industry self-regulation scheme envisioned in section 17. Thus, without mandatory membership in NFA or another RFA, effective implementation of the programs required by section 17 and NFA's self-regulatory programs could be seriously impeded. NFA cannot impose and enforce standards upon industry professionals that have not subjected themselves to NFA's jurisdiction or which could terminate NFA jurisdiction at their discretion solely by voluntarily terminating their NFA membership. Bylaw 1101 operating in conjunction with § 170.15, however, would assure essentially complete NFA membership from the universe of commodity professionals: registered FCMs, commodity pool operators, commodity trading advisors, and introducing brokers ("IBs").[22]

Moreover, with the 1982 amendments, Congress has directed that each FRA implement a comprehensive program to impose training standards and proficiency testing for persons involved in the solicitation of transactions subject to the provisions of the Act and for any other person for which an RFA has registration responsibilities.[23] Although contract markets have the ability to prescribe their own standards of training and proficiency for persons who solicit or accept orders for execution on those contract markets and some contract markets have adopted such guidelines, the contract markets would not have jurisdiction over a large number of commodity professionals (*e.g.*, most CPOs, CTAs, IBs and their associated persons) which typically are not contract market members. Further, with eleven futures exchanges designated as contract markets, there is a greater potential for subjecting industry participants to overlapping, if not conflicting, requirements.

Unless industry-wide training, testing, and sales practice requirements can be adopted by an RFA capable of enforcing those standards against all industry participants, certain market participants may operate under lower standards than those imposed by an RFA, at a risk to the public. The Commission belives that mandatory membership in an RFA which carries out the objectives set forth in section 17 of the Act might allay such potential difficulties by assuring that persons soliciting business on all contract markets are within the jurisdiction of an RFA and thus subject to the same comprehensive training standards and proficiency testing requirements.[24]

The Commission believes that not only is mandatory membership essential to an effective industry-wide self-regulatory program but also that an equally compelling basis for adoption of § 170.15 is that without such mandatory membership, it would be necessary for the Commission to continue to maintain extensive (and expensive) direct regulation over those Commission registrants that are not subject to any self-regulatory jurisdiction. The Commission would have to continue to conduct financial, compliance and sales practice audits of FCMs, CPOs, CTAs and IBs that do not join NFA. The need to maintain these extensive programs for the comparatively small number of persons likely to remain subject solely

---

[17] *See Hearings on H.R. 10285 Before the Subcommittee on Conservation and Credit of the House Committee on Agriculture*, 95th Cong., 2d Sess. (pp. VIII–IX for summary of testimony) (1978); *Hearings on the Reauthorization of the Commodity Futures Trading Commission Before the Subcommittee on Agricultural Research and General Legislation of the Senate Committee on Agriculture, Nutrition, and Forestry*, 95th Cong., 2d Sess. pt. II at 12, 13, 26, 27, 29, 30, 47, 48, 50, 51, 66, 116, 119, 121, 122, 136, 137, 186, 190 and 191 (1978).

[18] H.R. Rep. No. 1181, 95th Cong., 2d Sess. 20 (1978).

[19] NFA Bylaw 1101 provides that: No Member may carry an account, accept an order or handle a transaction, in commodity futures contracts, for or on behalf of any non-Member of NFA, or suspended Member, that is required to be registered with the Commission as an FCM, Commodity Pool Operator or Commodity Trading Advisor, or that is an Agent, and that is acting in respect to the account, order or transaction for a customer, a commodity pool or participant therein, a client of a commodity trading advisor, or any other person, unless (a) such non-Member of NFA is a member of another futures association registered with the Commission under Section 17 of the Act, or is exempted from this prohibition by Board resolution, or (b) such suspended Member is exempted from this prohibition by the Appeals Committee.

[20] Order Granting Registration and Approving Rules of the National Futures Association at 77 (September 22, 1981) (hereinafter cited as "Registration Order").

[21] Bylaw 1101 does not prevent non-RFA member FCMs from doing business with other Non-FRA member firms. Before the Commission granted its registration, NFA indicated that it intended to urge all contract markets to require their own members to join NFA (or any RFA), thus assisting the goal of industry-wide membership. Registration Order at 76, n.220. To date no contract market has proposed such a requirement, however.

[22] Because only registered FCMs may be members of the clearing corporations of contract markets, any CPO or CTA which seeks to execute futures orders for customers must clear such trades through an FCM. Thus, the combined effect of § 170.15 and Bylaw 1101 will be to require all CPOs and CTAs to become RFA members, since FCMs, which will be required by § 170.15 to become RFA members, are prohibited by Bylaw 1101 from transacting futures related business with non-RFA member CPOs or CTAs. The Commission expects NFA to amend Bylaw 1101 to include IBs as well as CPOs, CTAs, and FCMs.

[23] Section 17 (p)(1) of the Act, as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 233, 96 Stat. 2321 (1983).

[24] In this connection, the Commission previously had taken action to implement a competency examination program by proposing a rule which would have made compulsory a written proficiency examination for all new applicants for registration as associated persons. *See* 46 FR 20679 (April 6, 1981). The Commission deferred action on this proposal, however, based on comments from the public, with which the Commission generally concurred, that a CFTC testing requirement would be redundant in view of the stated intention of NFA to institute its own testing program shortly.

to the Commission's direct regulation would be inefficient and duplicative of the self-regulatory functions for which NFA is responsible.[26]

The Commission has specifically examined the Securities and Exchange Commission's ("SEC") experience with its SECO Broker-Dealer Program, under which broker-dealers who are not NASD members are regulated directly by the SEC. When it considered the SEC's experience in conjunction with review of NFA's application for registration, the Commission concluded that a program of direct Commission regulation of non-RFA members pursuant to sections 17(d) and 17(e) of the Act,[28] would be difficult to administer, and that the Commission lacked sufficient resources to devote to such direct regulation.[27] In this regard, the Commission continues to believe that the experience of the SEC in administering its SECO broker-dealer registration program and the conclusions of the recent study of that program are particularly instructive. In his February 15, 1983 testimony before the Subcommittee on Telecommunications, Consumer Protection, and Finance of the House Committee on Energy and Commerce on behalf of the SEC in favor of H.R. 562, SEC Chairman John S. R. Shad favored elimination of the SECO program through adoption of a requirement that all broker-dealers join a self-regulatory organization.[28] Chairman Shad testified as to the results of a comprehensive management study of the SECO program, which concluded that that program is unnecessarily costly and diverts the SEC's limited resources away from areas of major concern in order to duplicate the functions of the NASD. In addition, the study projected that greater expenditures would be required in the future to ensure that SECO firms are regulated as stringently as NASD firms. Finally, Chairman Shad testified that self-regulatory organizations are better able than the SEC to maintain ethical standards for the industry and to peform certain oversight functions. The Commission believes that the SEC's bases for recommending elimination of its SECO program to Congress further support the Commission's decision to adopt § 170.15.

In light of all of these considerations, the Commission believes that its rulemaking authority provides the most effective means of fulfilling the purposes and objectives of the Act discussed above. In this regard, the Commission observes that the Congressional conferees reporting on the self-regulatory requirements imposed upon RFAs by the Futures Trading Act of 1982 expressed their expectation that the Commission will exercise its rulemaking authority "and *adopt such rules* * * * as it deems to be necessary or appropriate *to insure that persons eligible for membership* in a registered futures association *become and remain members of at least one such association*" [emphasis added].[29] Consistent with that expectation, the Commission has determined to exercise its general rulemaking authority under section 8a(5) of the Act to fulfill the objectives of sections 17(m), 17(p) and 17(q) of the Act by adopting § 170.15.

III. Analysis of Comments Opposing Adoption of § 170.15

The Antitrust Division has questioned both the Commission's authority to adopt this rule and the appropriateness under certain sections of the Act, particularly section 15, of adopting a compulsory RFA membership requirement. The Commission has given careful consideration to the views expressed by the Antitrust Division, and has concluded that the Commission has the authority to adopt § 170.15.[30]

A. Constitutionality of Proposed Rule

1. *Due Process.* The Antitrust Division expresses concern that proposed § 170.15, by requiring a person to become a member and be subject to the discipline of a private self-regulatory organization in order to do business, may be inconsistent with the due process clause of the fifth amendment to the Constitution.[31] In this regard, the Antitrust Division discusses two cases involving compulsory payment of union dues,[32] and one case involving compulsory bar membership.[33] In each of these cases, however, the Supreme Court upheld compulsory membership in a private organization.[34]

In addition, courts have specifically upheld the authority of self-regulatory organizations to exercise disciplinary authority over their members in situations where a federal regulatory agency also had authority to initiate such actions. In *R. H. Johnson & Co. v. SEC*, a broker-dealer sought review of an order of the NASD which expelled the company from NASD membership on the basis that the NASD was unconstitutionally delegated the SEC's authority to discipline securities broker-dealers. The Second Circuit upheld the NADS's disciplinary authority based on the existence of statutory provisions which establish (1) the SEC's authority, according to "reasonably fixed statutory standards" to approve or disapprove NASD rules, and (2) the SEC's authority to review any NASD disciplinary action.[35] The Third and Ninth Circuits

---

[26] New Sections 17(p) (2) and (3) require NFA to have comprehensive programs to audit the financial and sales practices of its members and their associated persons. Futures Trading Act of 1982, Pub. L. No. 97-444, Section 233, 96 Stat. 2322 (1983).

[28] Section 17(d) of the Act provides that: In addition to the fees and charges authorized by section 8a(4) of this Act, each person registered under this Act, who is not a member of a futures association registered pursuant to this section, shall pay to the Commission such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed by the Commission because such person is not a member of a registered futures association. The Commission shall establish such additional fees and charges by rules and regulations.

Section 17(e) provides that: Any person registered under this Act, who is not a member of a futures association registered pursuant to this section, in addition to the other requirements and obligations of this Act and the regulations thereunder shall be subject to such other rules and regulations as the Commission may find necessary to protect the public interest and promote just and equitable principles of trade.

[27] Order at 34–37. The Commission's conclusions in this regard were supported by specific comments and analysis submitted by Douglas Scarff, Director of the SEC's Division of Market Regulation, which has administrative and direct regulatory responsibilities for SECO broker-dealers.

[29] *See* pp. 89–92 of Chairman Shed's February 15 testimony.

[29] H.R. Rep. No. 964, 97th Cong., 2d Sess. 50 (1982).

[30] The Commission also notes that the Antitrust Division's statement that the Commission's authority to impose mandatory RFA membership is limited solely to the approval of RFA rules is inconsistent with the Antitrust Division's statement made in March, 1982 that:

In 1978, * * * 17(m) of the Act * * * was amended to permit the CFTC to require membership in an RFA if the CFTC determined that mandatory membership was 'necessary or appropriate' to the purposes and objectives of the Act * * *. The Antitrust Division * * * concludes that section 17 should be modified to preclude an industry-wide, mandatory membership RFA * * *.

Report to Congress by the Comptroller General, Commodity Futures Regulation—Current Status and Unresolved Problems 321 & 325 (July 15, 1982) (letter of March 5, 1982 to Mr. William J. Anderson from William F. Baxter, Asst. Attorney General). The Division's letter acknowledged statutory defeat of its mandatory membership views and sought a legislative "rehearing" by asserting that NFA would not contribute to effective and efficient self-regulation. *Id.* at 319. Congress was not persuaded and, in fact, strengthened its commitment to NFA in 1982. *See* discussion of 1982 legislative history, § II *supra*.

[31] Antitrust Division comments at 11. The fifth amendment to the Constitution provides that: No person shall be * * * deprived of life, liberty, or property, without due process of law * * *.

[33] *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977); *Railway Employes' Department v. Hanson*, 351 U.S. 225 (1956).

[33] *Lathrop v. Donohue*, 367 U.S. 820 (1961).

[34] The Antitrust Division itself states that the applicable case law in this area is less than compelling. Thus, in summarizing its argument, the Division recognizes that "[t]hese cases do not hold that the proposed [NFA] regulation is necessarily unconstitutional." Antitrust Division comments at 14.

[35] 196 F.2d 690, 695 (2d Cir. 1952), *cert. denied* 344 U.S. 855 (1952).

also have upheld the delegation of disciplinary authority to the NADS, citing *R. H. Johnson & Co.*[36]

Section 17(h) of the Commodity Exchange Act provides that if any RFA takes disciplinary action against any of its members, or denies admission to association membership, the association's action is subject to review by the Commission, either upon application of the person disciplined or denied membership, or upon the Commission's own motion. Section 17(i) sets forth procedural guidelines and standards of review applicable to Commission review of disciplinary actions by RFAs. Sections 17(j) and 17(k) of the Act set forth the Commission's authority and applicable procedures for approving, disapproving, abrogating, altering or supplementing association rules. These statutory provisions authorizing the CFTC to override RFA membership or disciplinary determinations and to approve, disapprove or amend association rules are virtually identical to the statutory provisions cited in the cases above upholding exercise of the NASD's disciplinary authority under SEC oversight, and as such would appear to set forth equally adequate standards upon which to uphold a delegation of disciplinary authority to the NFA.

Furthermore, sections 17(b)(8) and 71(b)(9) outline the procedures the RFA itself must follow in proceeding against members and applicants, including the contents of notice to the member or applicant. Commission rule 170.6 requires that an RFA must demonstrate that in disciplining its members, proceedings will be conducted "in a manner consistent with the fundamental elements of due process" and that the RFA will "impose discipline which is fair and has a reasonable basis in fact." In addition, Section 17(b)(5) of the Act requires that an RFA's rules ensure fair representation of RFA members in the adoption of any association rule, which includes disciplinary rules. Finally, as noted above, the rules and procedures by which any RFA conducts disciplinary or membership denial proceedings are subject to prior Commission approval under section 17(j) of the Act. Hence, the Antitrust Division's concern that compulsory RFA membership may deny due process is more than adequately addressed by the safeguards set forth in section 17 regarding RFA disciplinary procedures, Commission review of RFA proceedings, Commission review of proposed RFA rules, and fair representation of members in the RFA rulemaking and disciplinary processes.

2. *Freedom of Association.* The Antitrust Division never expressly cites the first amendment to the Constitution in its comments, but the three cases it introduces to support its concern that promulgation of § 170.15 may violate the due process clause all raise potential first amendment issues.[37] As explained *supra*, however, the Supreme Court upheld compulsory membership in each of the two union shop cases and the state bar case cited by the Antitrust Division. The Commission's examination of the first amendment analysis which is typically employed by the Court indicates that compulsory RFA membership likewise would be upheld under first amendment scrutiny.

For example, in *Abood* v. *Detroit Board of Education* the Supreme Court held that, although compelling employees to financially support their collective bargaining representative has an impact on the employees' first amendment right of freedom of association "such interference as exists is constitutionally justified by the legislative assessment of the important contribution of the union shop to the system of labor relations established by Congress."[38] Thus, the Supreme Court balanced the degree of infringement of the employees' first amendment rights against the state's interest in requiring payment of union dues. The Supreme Court has employed a similar balancing test in other cases. For example, in *Buckley* v. *Valeo*, the Court examined whether the provisions of the Federal Election Campaign Act of 1971 limiting contributions by individuals and groups to candidates and campaign committees to $1000 were constitutional.[39] The Court determined that the governmental interest in preventing corruption and the appearance of corruption of the Federal elections process was sufficient to overcome any first amendment freedom of association objections to the $1000 contribution limitation.[40]

Thus, in determining whether Commission promulgation of § 170.15 would be constitutional, several factors must be weighed. The right to freely associate, the degree of infringement of that right which would result from adoption of § 170.15, the government's interest in promulgating § 170.15, and whether § 170.15 is a sufficiently narrow means by which to achieve the government's objective, are all relevant factors. The Commission believes that its adoption of § 170.15 reflects a legitimate means of achieving a strong governmental interest in protecting participants in the commodity futures and options markets and does not abridge the constitutional rights of professional market participants.

In this regard, recognition of the Commission's interest in adopting § 170.15 is important. It is clear that requiring membership in an RFA with disciplinary power *does* directly further, and indeed is essential to, the governmental interests expressed in the Commodity Exchange Act and its legislative history in developing an industry self-regulatory system which is adequate to protect the public. The close relationship between requiring membership in an organization with disciplinary powers and achievement of the government's interest in effective self-regulation strongly favors the constitutionality of § 170.15.

The final issue is whether § 170.15 is drafted in a sufficiently narrow fashion consistent with achieving the Act's objectives. The Commission previously has examined the alternative of employing sections 17 (d) and (e) to regulate those who choose not to join an RFA, however, and determined that the cost of such dual regulation would be prohibitive.[41] Moreover, it is unclear that, even if the costs of direct regulation could be justified, this Commission would have available adequate resources to assure comprehensive and effective regulation of the non-RFA member community. Thus, the enhancement of first amendment rights which might be gained by an alternative to § 170.15 would not be sufficiently significant to merit choosing the costly, and perhaps ineffective, alternatives to § 170.15 available to the Commission under sections 17 (d) and (e) of the Act.

---

[36] *Todd & Co. v. SEC*, 557 F.2d 1008, 1012 (3rd Cir. 1977); *Sorrell v. SEC*, 679 F.2d 1323, 1325–26 (9th Cir. 1982). It should be noted that the Third Circuit particularly stressed that the SEC must make *de novo* findings, and must independently decide whether there was a violation and what the penalty should be. *Id.*

[37] The first amendment provides that: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[38] 431 U.S. at 222.

[39] 424 U.S. 1 (1976).

[40] In framing the test which it applied, the Court stated that: Neither the right to associate nor the right to participate in political activities is absolute * * *. Even a " 'significant interference' with protected rights of political association" may be sustained if the state demonstrates a sufficiently important interest and employs means closely drawn to avoid unnecessary abridgment of associational freedoms. *Id.* at 25.

[41] Registration Order at 37. *See also* nn. 25–26 and accompanying text, *supra*.

B. Statutory Authority To Promulgate Rule

The Commodity Exchange Act provides the Commission with very broad rulemaking authority, enchanced by specific legislative direction in a number of particular areas.[43] Section 8a(5) of the Act authorizes the Commission:

> To make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of this Act.

The courts have generally allowed federal agencies broad discretion under general rulemaking provisions similar to section 8a(5) to promulgate rules which the agencies deem reasonably related to the purposes of the relevant legislation. For example, in *Mourning v. Family Publications Services, Inc.*[44] the Supreme Court upheld a Federal Reserve Board regulation promulgated pursuant to section 105 of the Truth in Lending Act, which is worded similarly to section 8a(5) of the Commodity Exchange Act:

> The Board shall prescribe regulations to carry out the purposes of [the Act]. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of [the Act]; to prevent circumvention of evasion thereof, or to effectuate compliance therewith.

The regulation promulgated pursuant to this general rulemaking authority set forth circumstances under which sellers who regularly extended credit had to make certain disclosures to customers. Under the regulation, disclosure was required if a finance charge was to be imposed or if payments were to be made in more than four installments. The provision requiring disclosure if payment could be made in more than four installments was challenged. The basis for the challenge was that section 121 of the Truth in Lending Act required only that disclosure be made when there was to be a finance charge. Thus, the regulation was alleged to be "inconsistent" with the statute. The Court disagreed:

> Where the empowering provision of a statute states simply that the agency may "make * * * such rules and regulations as may be necessary to carry out the provisions of this Act" we have held that the validity of a regulation promulgated thereunder will be sustained so long as it is "reasonably related to the purposes of the enabling legislation." [45]

Because the purpose of the challenged provision was to prevent concealment of the finance charge in the price of a product bought in installments, and Congress was clearly aware that such concealment was a means of evading the statute, the regulation was held "reasonably related" to the statute's objective.[46]

The Antitrust Division's argument that section 17(m) provides the exclusive means for achieving compulsory RFA membership is analogous to the argument made by the respondent in *Mourning*. The respondent argued that the regulation was inconsistent with the statute because the statute only required disclosure when a finance charge was imposed, and that this implied a congressional intent to preclude the Board from imposing disclosure requirements on transactions not involving finance charges. The Court responded that:

> To accept respondent's argument would undermine the flexibility sought in vesting broad rulemaking authority in an administrative agency.[46]

Further, while section 8a(5) itself provides sufficient statutory authority for promulgating § 170.15, section 17(m) and its legislative history support the exercise of that authority by providing evidence that the result of a regulation such as § 170.15, compulsory membership, is "reasonably related" to the purposes of the Act.[47]

The Antitrust Division also believes that sections 17(d) and (e) are somehow relevant because they were not repealed when section 17(m) was enacted. The continued existence of sections 17(d) and (e) merely signifies however, that Congress decide to allow the Commission to make the final determination whether to compel RFA membership, or to adopt a program similar to the SECO Broker-Dealer program. As discussed *supra*, the Commission has weighed these alternatives and cannot find that exercise of its authority under sections 17(d) and (e) would achieve as effective results as the adoption of § 170.15.

The Antitrust Division also questions whether recent legislative history which acknowledges Congressional awareness of NFA's petition for adoption of § 170.15 and states that "the conferees recognize that, under the Act, the Commission has authority to adopt such a rule," can be employed as authority to adopt such a rule. The conferees also stated, however, that:

> The conferees understand that the Act gives the Commission authority to adopt rules relating to membership in a registered futures association in order to effectuate fully the specific policies underlying section 17(m) of the Act.[48]

Thus, the conferees recognize that section 17(m) illustrates one of the purposes or policies of the Act which Commission rulemaking under section 8a(5) of the Act may further.

Nonetheless, the Antitrust Division asserts that Congress' statements in 1982 cannot be used to ascertain the intent of Congress in enacting section 17(m). Clearly, however, the 1982 Conference Report is relevant to explaining new section 17(q).[49] If, as the Report implies, Congress intended section 17(q) to give the Commission, in conjunction with its general rulemaking power, the authority to adopt the proposed rule, then unquestionably the

---

[43] The Antitrust Division questions whether a provision such as § 170.15 can be adopted without explicit statutory authority. Although the Antitrust Division notes the possibility, citing *Railway Employees' Dept.* v. *Hanson* for support, we do not find *Hanson* to instruct that the use of government compulsion to force membership in a private organization requires explicit statutory authority. *See* Antitrust Division comments at 6 n.12.

[44] 411 U.S. 356 (1973).

[45] *Id.* at 369 (citations omitted).

[46] It was deemed irrelevant that some means other than the regulation at issue may have been a preferable method of dealing with the problem. *Id.* at 371.

[47] *Id.* at 372. The Court cites *American Trucking Associations v. United States*, 344 U.S. 298, 309–10 (1953). In *American Trucking Associations*, the Court stated that it did not view it as "a reasonable canon of interpretation that the draftsmen of acts delegating agency powers as a practical and realistic matter, can or do include specific consideration of every evil sought to be corrected. * * * [which is] precisely one of the reasons why regulatory agencies * * * are created." Other cases upholding regulations promulgated pursuant to broad rulemaking authority include *National Association of Pharmaceutical Manufacturers v. FDA*, 637 F.2d 877 (2d Cir. 1981); and *National Petroleum Refiners Association v. FTC*, 482 F.2d 672 (D.C. Cir. 1973), *cert. denied* 415 U.S. 951 (1974). *See also* 2 K. Davis, Administrative Law Treatise section 7:8 (2d Ed. 1979 & Supp. 1982).

[48] The Antitrust Division argues that SEC's request for specific authority in 1963 to make NASD membership mandatory illustrates a similar requirement that the Commission must obtain authority specifically authorizing the Commission to employ its own regulation to achieve RFA membership. The Division cites SEC failure to obtain such authority from Congress and Congress' choice to allow the SEC to implement its SECO Broker-Dealer program as evidence of the need for specific authority. This is of dubious relevance, however, because the Securities Acts Amendments of 1964 and 1975 contain no provision similar to section 17(m). Section 17(m) indicates that Congress has clearly *not* rejected, and in fact has endorsed, compulsory RFA membership.

[49] H.R. Rep. No. 964, 97th Cong., 2d Sess. 50 (1982).

[50] *See* H.R. Rep. No. 964, 97th Cong., 2d Sess. 49–50 (1982):

> The conferees are also aware that unless all persons covered by the regulatory program of a futures association join an association, the self-regulatory purposes of section 17 * * * will not be fulfilled and, in particular, the goal of new section 17(q) may be impossible to achieve.

Commission has statutory authority to adopt the proposed rule. Therefore, interpreting the Conference Report in conjunction with sections 17(m), 17(q), and the Commission's general rulemaking power under section 8a(5), the Commission has statutory authority to promulgate the proposed rule.

C. Section 15 Analysis of Proposed § 170.15

Section 15 of the Act requires the Commission to:

> Take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of this Act, as well as the policies and purposes of this Act, in issuing any order or adopting any Commission rule or regulation, or in requiring or approving any bylaw, rule, or regulation of a contract market or registered futures association established pursuant to section 17 of this Act.

In reviewing the reasons set forth by NFA and other commentators for adopting § 170.15 [50] and in analyzing the objectives, policies and purposes of the Act which § 170.15 would achieve, the Commission gave careful consideration to the potential anticompetitive effects which the rule might have. As noted *supra*, the Commission believes, however, that considerable public policy objectives will be served by § 170.15 and that furtherance of those objectives will outweigh the potential anticompetitive effects which the rule might have.

The Antitrust Division presents several basic reasons why compelling RFA membership may be anticompetitive. First, NFA is the only RFA currently registered and in operation and as such, could impose barriers to entry through fees or other membership requirements. In addition to its oversight of NFA rules and disciplinary actions, however, the Commission has responsibility under section 17(b)(6) of the Act and regulation 170.4 for ensuring that dues and fees are allocated equitably and structured in a manner that does not constitute a barrier to entry into the industry. No such dues or fees may be assessed without the opportunity for prior Commission review. Similarly, NFA membership criteria must be reviewed by the Commission before they may take effect.

The Antitrust Division also suggests that compulsory RFA membership will facilitate collusive behavior and the exchange of information among competitors. The Division does not explain why, however, such behavior would result if RFA membership were compelled. It would seem that those industry participants bent on violating the antitrust laws would have no need to be compelled to join an industry-wide organization before exercising any collusive tendencies which may be present among them. The Commission notes that NFA by its very nature is composed of widely diverse segments of the futures industry whose interests are not necessarily parallel. This very diversity, the representation of these interests on the NFA Board and the Executive Committee, as well as the Commission's oversight authority serve as restraints on the ability of any segment of the commodities industry using NFA as a means of furthering that segment's self interests in an unlawful manner.

The Antitrust Division also notes that NFA could restrict advertising of its members, with anticompetitive results. However, the regulation of members' advertising is a regulatory function compelled by sections 17(p) and 17(q) of the act (NFA is required to establish minimum standards governing the sales practices of its members) and any advertising restrictions would have to be submitted to the Commission for review pursuant to section 17(j) of the Act. The Division's fourth argument, that NFA will impose industry standardization and impede innovation, falls for the same reason. The Commission carefully scrutinizes all proposed NFA rules for their anticompetitive effects. Moreover, rules which ensure prevention of fraud and misinformation are, in many respects, *pro*competitive because such rules help to ensure that information disseminated to customers will be the correct information necessary to the functioning of a competitive market, with all participants competing within an equal regulatory framework.

IV. Expansion of Scope of § 170.15

In its original **Federal Register** Notice setting forth NFA's proposal, the Commission solicited comment on whether § 170.15 should be extended to apply to all FCMs registered with the Commission, or merely those FCMs which are required by statute to be so registered.[51] Of the comments the Commission received, three addressed this issue. One commentator asserted that all FCMs registered with the Commission should be required to belong to an RFA because such FCMs will otherwise reap the benefits of NFA's existence without having any membership responsibilities. The commentator felt, however, that registered FCMs which are not required to be registered should not necessarily have to be full NFA members, but could be conferred "Associate" membership status instead. A second commentator asserted that it is inappropriate to compel membership of those FCMs which do not deal with the public because the regulatory function of RFAs is directed towards dealing with the public and the contract markets. Finally, NFA itself commented that mandatory RFA membership for those FCMs which do not deal with customers is unnecessary, but that such a regulatory requirement would achieve some regulatory efficiency by shifting the financial surveillance function of such FCMs from the Commission to an RFA and by facilitating customer protection should such an FCM begin to deal with customers.

The Commission has determined not to extend the scope of § 170.15 beyond mandatory RFA membership for those FCMs statutorily required to register with the Commission. At this time, it does not appear that expanding the scope of §170.15 to cover all FCMs registered with the Commission is necessary to ensure the effectiveness of NEA's self-regulatory program. The Commission may, however, consider in the future whether any new circumstances or experiences with §170.15 as currently adopted suggest that an expansion of the scope of § 170.15 is necessary.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act [52] requires each Federal agency to consider, in the course of proposing and promulgating substantive rules, the effect of those rules on small entities. The Commission has defined "small entities" for purposes of the Regulatory Flexibility Act as not including

---

[50] Comments by NFA; the Futures Industry Association; Merrill Lynch Commodities, Inc.; Dunn & Hargitt; and the Commodities Corporation explicitly concluded that a balancing of the public interest and the antitrust objections to the regulation compel adoption of § 170.15. Several other commentators stated that it would be difficult or impossible for NFA to achieve Congress' objective in creating FRAs and in promulgating section 17(m) unless § 170.15 were adopted. Comments of William Bagley; Warren Lebeck; Rosenman, Collin, Freund, Lewis & Cohen; Warburg Paribas Becker, A. G. Becker; Mary Petrie; George Booth & Associates; National Association of Futures Trading Advisors; Kidder, Peabody & Co.; the Chicago Mercantile Exchange; Illinois Cooperative Futures Co.; Harris Trust & Savings Bank; the Minneapolis Grain Exchange; John V. Rainbolt; Filler, Weiner, Zaner & Associates; Dean Witter Reynolds, Inc.; and Johnson, Matthey & Wallace, Inc.

[51] FR 53031–32. Only those FCMs which do business with customers are required to register with the Commission.

[52] 5 U.S.C. 601 *et. seq.*

registered FCMs.[53] Regulation 170.15 governs registered FCMs only. CPOs, CTAs, and IBs will be affected, however, in that NFA's Bylaw 1101 prohibits NFA members from transacting futures business with nonmembers. Therefore CPOs, CTAs, and IBs will have to join NFA in order to clear trades through FCMs.[54] The Commission has determined that CPOs, like FCMs, are not "small entities" within the meaning of the Regulatory Flexibility Act.[55] In its Proposed Rules governing registration of IBs, the Commission proposed that IBs also not be considered "small entities" for purposes of the Regulatory Flexibility Act in future rulemakings.[56] Although CTAs may be considered "small entities" under the Regulatory Flexibility Act, The Commission has concluded that § 170.15 will not have a significant economic impact on a substantial number of small entities because most CTAs are now members of NFA, and because the primary economic effect of the combination of § 170.15 and NFA Bylaw 1101 will be to require CTAs to pay reasonable dues to NFA. The Commission notes that absent membership in NFA or another RFA, FCMs, CPOs, CTAs and IBs each would be subject to direct Commission regulation in lieu of self-regulation by an RFA and that costs attendant to membership in an RFA are likely to be less than the costs of direct Commission regulation pursuant to section 17(d) of the Act. For these reasons, the Acting Chairman, on behalf of the Commission, certifies that § 170.15 will not have a significant economic impact on a substantial number of small entities.

VI. Modification of Language of § 170.15

The Commission has determined to modify slightly the language of the proposed rule solely for the purpose of clarity. The language of the final rule continues to require each FCM to be a member of a registered futures association which provides for the membership of such FCM unless no such futures association is registered with the Commission. The amended language is not intended to alter the substantive meaning of § 170.15 as proposed.[57]

[53] 47 FR 18618, 18619 (April 30, 1982).

[54] *See* discussion in n. 22, *supra*.

[55] 47 FR 18618, 18619–20 (April 30, 1982).

[56] 48 FR 14933, 14955–56 (April 6, 1983). Even assuming that the Commission determines that IBs may be considered to be small entities in future rulemakings, the primary economic effect of § 170.15 will be to require IBs to pay dues to NFA. This is not an economic effect of "major significance."

[57] The Commission anticipates that should a situation arise where it became necessary for the Commission to suspend or revoke the registration of an RFA, the Commission would address any questions of FCM compliance with §170.15 arising from such a suspension or revocation in the Commission order effecting such suspension or revocation.

List of Subjects in 17 CFR Part 170

Authorities delegations (Government agencies), Commodity futures, Registered futures associations.

For the reasons set forth in this notice, Part 170 of Title 17 of the Code of Federal Regulations is amended by adding a new Subpart C and §170.15 to read as follows:

PART 170—[AMENDED]

Subpart C—Membership in a Registered Futures Association

§170.15 Futures commission merchants.

Each person required to register as a futures commission merchant must become and remain a member of at least one futures association which is registered under section 17 of the Act and which provides for the membership therein of such futures commission merchant, unless no such futures association is so registered.

(Secs. 8a(5) and 17 of the Commodity Exchange Act, 7 U.S.C. 12a and 21 as amended, 92 Stat. 876 (1978))

Issued by the Commission on June 2, 1983, in Washington, D.C.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-15162 Filed 6-6-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Enforcement Activities

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority for enforcement activities of FDA credential holders. This amendment redefines the types of records and reports for which special credentials (FDA Form 200c) are required to have access for purposes of copying and verification. That requirement is being modified to provide that special credentials are required only to have access to those records and reports compiled and maintained in the course of research on drugs (human and animal) and devices.

EFFECTIVE DATE: June 7, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: Section 5.35(b)(2) (21 CFR 5.35(b)(2)) specifies that special credentials are required by FDA officers and employees to request and to have access to and copy and verify certain types of records and reports. That requirement is being modified to provide that special credentials are required only to have access to those records and reports compiled and maintained in the course of research on drugs (human and animal) and devices. Records and reports in other than research activities may be obtained by agency personnel with standard credentials. The delegation is also being revised to delete the reference to "authority to request." This phrase is a meaningless and thus confusing restriction which was never intended to denote anything different from the authority for access.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended in § 5.35 by revising paragraph (b)(2) to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.35 Enforcement activities.

* * * * *

(b) * * *

(2) As officers and employees having the authority to have access to and to copy and verify records and reports required to be compiled and maintained in the course of research on drugs (human and animal) and devices required by sections 505(i), 507(d)(3), 512(j), and 520(g) of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Effective date. This regulation shall become effective June 7, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: 31, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-15115 Filed 6-6-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 177

[Docket No. 80F-0359]

Indirect Food Additives; Polymers; Ethylene/4-Methylpentene-1 Copolymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for an increase in the weight-percent of units derived from 4-methylpentene-1 in ethylene/4-methylpentene-1 copolymers intended for food-contact applications. This action responds to a petition filed by Mitsui Petrochemical Industries, Ltd.

DATES: Effective June 7, 1983; objections by July 7, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 17, 1980 (45 FR 69044), FDA announced that a food additive petition (FAP 0B3521) had been filed by Mitsui Petrochemical Industries, Ltd., proposing that § 177.1520 (21 CFR 177.1520) be amended to provide for an increase in the weight-percent units derived from 4-methylpentene-1 in ethylene/4-methylpentene-1 copolymers intended for food-contact applications.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive is safe and that the food additive regulations should be amended as set forth below.

In accordance with § 177.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 177 is amended by revising § 177.1520(a)(3)(i) and (c)3.2 to read as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.1520 Olefin polymers.

* * * * *

(a) * * *

(3) * * *

(i) Two or more of the 1-alkenes having 2 to 8 carbon atoms. Such olefin basic copolymers contain not less than 96 weight-percent of polymer units derived from ethylene and/or propylene, except that:

(*a*) Olefin basic copolymers manufactured by the catalytic copolymerization of ethylene and hexene-1 or ethylene and octene-1 shall contain not less than 90 weight-percent of polymer units derived from ethylene;

(*b*) Olefin basic copolymers manufactured by the catalytic copolymerization of ethylene and 4-methylpentene-1 shall contain not less than 89 weight-percent of polymer units derived from ethylene; and

(*c*) Olefin basic copolymers manufactured by the catalytic copolymerization of two or more of the monomers ethylene, propylene, butene-1, 2-methylpropene-1, and 2,4,4-trimethylpentene-1 shall contain not less than 85 weight-percent of polymer units derived from ethylene and/or propylene; or

* * * * *

(c) * * *

Olefin polymers	Density	Melting point (MP) or softening point (SP) (Degrees Centigrade	Maximum extractable fraction (expressed as percent by weight of polymer) in *n*-hexane at specified temperatures	Maximum soluble fraction (expressed as percent by weight of polymer) in xylene at specified temperatures
* * *	*	*	* * *	
3.2 Olefin copolymers described in paragraph (a)(3)(i) of this section for use in articles used for packing or holding food during cooking; except that olefin copolymers containing 89-95 percent ethylene with the remainder being 4-methylpentene-1 contacting food types III, IVA, V, VIIA, and IX identified in § 176.170(c) of this chapter, table 1, shall not exceed 0.051 mm (0.002 in.) in thickness when used under conditions of use A and shall not exceed 0.102 mm (0.004 in.) in thickness when used under conditions of use B, C, D, E, and H described in § 176.170(c) of this chapter, table 2.	0.85-1.00		2.6 percent at 50° C.	Da.
* * *	*	*	* * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 7, 1983, submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the hearing of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 7, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: May 25, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-15025 Filed 6-6-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Estradiol

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Products Co. providing for revised labeling for use of an estradiol ear implant for increased rate of weight gain and improved feed efficiency in steers.

EFFECTIVE DATE: June 7, 1983.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV–214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3183.

SUPPLEMENTARY INFORMATION: Elanco Products Co., a Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46206, filed supplemental NADA 118–123 providing for revised labeling for use of an ear implant containing 24 or 45 milligrams of estradiol for increased rate of weight gain in suckling and pastured growing steers, and for improved feed efficiency and increased rate of weight gain in confined steers. Elanco revised the labeling to state that existing implants need not be removed before reimplanting and that no additional effectiveness can be expected from reimplanting in less than 200 days. Existing data demonstrate that edible tissues from animals treated with two implants at the same time do not contain drug residues that exceed levels considered safe for human consumption. Labeling revisions also included instructions for inserting a second implant and cautions concerning increased sexual activity of animals after implantation. These changes do not change the basic safety and effectiveness data that support use of the product. The supplemental NADA is approved and the regulations are amended accordingly.

Approval of this supplement did not require additional safety or effectiveness data or information. Therefore, a freedom of information (FOI) summary as described in 21 CFR 514.11(e)(2)(ii) is not required for approval of this supplement.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.840 by revising paragraph (c)(3) to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.840 Estradiol.

* * * * *

(c) * * *

(3) *Limitations.* For subcutaneous ear implantation in steers only. A second implant may be used if desired. No additional effectiveness may be expected from reimplanting in less than 200 days for the 24-milligram implant or 400 days for the 45-milligram implant. Increased sexual activity (bulling, riding, and excitability) has been reported in implanted steers.

Effective date. June 7, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 25, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-15287 Filed 6-6-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 600

[Docket No. 82N-0138]

Biological Products; Inspection Frequency of All Licensed Biological Establishments and Their Additional Location(s)

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations by changing the required minimum frequency of inspections for all licensed biological establishments and their additional location(s) from at least once every year to at least once every 2 years. This action will provide: (1) Flexibility for the agency to reduce the inspection burden on a specific portion of the regulated industry; (2) greater flexibility for the agency in managing its resources; and (3) uniformity in the frequency of inspection of establishments subject to registration requirements for drugs and certain devices, including those that also are biological products.

EFFECTIVE DATE: July 7, 1983.

FOR FURTHER INFORMATION CONTACT: Rada Proehl, National Center for Drugs and Biologics (HFN–813), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 30, 1982 (47 FR 32953), FDA proposed to amend § 600.21 (21 CFR 600.21) to change the required minimum frequency of inspections for all licensed biological establishments and their additional location(s) from at least once every year to at least once every 2 years.

Biological products in interstate commerce are primarily regulated under

the Public Health Service Act (42 U.S.C. 262). Section 351(c) of the Public Health Service Act authorizes the agency to inspect establishments that manufacture biological products. The frequency of such inspections is prescribed in regulations issued under authority of the Public Health Service Act. Specifically, § 600.21 requires that "An inspection of each licensed establishment shall be made at least once each year."

All biological products are also drugs or devices within the meaning of section 201 (g) or (h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321 (g) or (h)). Therefore, in addition to regulation under the Public Service Act, biological product establishments and their additional location(s) are also subject to the provisions of the Federal Food, Drug, and Cosmetic Act, whether or not the establishments or products are licensed. Section 510 of the act (21 U.S.C. 360) requires that any establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or device be registered with FDA. Section 510(h) of the act requires that every establishment registered with FDA be subject to inspection under section 704 of the act (21 U.S.C. 374) and that every establishment be inspected at least once in each 2-year period beginning with the date of registration. Accordingly, biological product establishments are now required to be inspected more frequently than other drug and device establishments, i.e., at least once every year as a minimum, rather than at least once every 2 years. As stated in the preamble of the proposal, the agency believes that the same flexibility for inspection frequency that is provided for all nonbiological drugs and devices should be extended to biological drugs and devices.

Interested persons were given until September 28, 1982, to file written comments. FDA received six letters of comment on the proposal. All six letters fully supported the proposal and the reasons cited in the preamble for the proposed change. After reviewing these comments, the agency has decided to issue this final rule thus making consistent the minimum required frequency of inspection for biological product establishments and other drug and device establishments. This action will (1) reduce the inspection burden on biological product manufacturers when, in the judgment of the agency, such action is warranted; (2) facilitate efficient management of the agency's resources; and (3) provide a uniform minimum requirement concerning inspection frequency of all drugs and devices. The agency further emphasizes that it will take advantage of its new flexibility to conduct less frequent inspections of biological product establishments only when an establishment's compliance rate has been consistently high and when, in the judgment of the agency, less frequent inspections will have no adverse effect on donor safety or on the manufacture of safe, pure, and potent biological products.

The agency has examined the economic consequences of this rule and has determined that it does not require either regulatory impact analysis, as specified in Executive Order 12291, or a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). Specifically, the rule will reduce the minimum required frequency of inspection of licensed biological establishments and their additional location(s) from at least once every year to at least once every 2 years. Reducing the required minimum frequency of inspection will not change the standards to which these licensed manufacturers of biological products must adhere, but is likely to reduce the frequency of inspection of such licensed manufacturers. This possible reduction in the frequency of inspections should, if anything, reduce the costs associated with inspections. The rule is not a major rule under Executive Order 12291, and the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this final rule is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subject in 21 CFR Part 600

Biologics.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 510, 701, 704, 52 Stat. 1040–1042 as amended, 1055–1056 as amended, 67 Stat. 477 as amended, 76 Stat. 794–795 as amended (21 U.S.C. 321, 360, 371, 374)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), Part 600 is amended in § 600.21 by revising the third sentence, to read as follows:

PART 600—BIOLOGICAL PRODUCTS: GENERAL

§ 600.21 Time of inspection.

* * * An inspection of each licensed establishment and its additional location(s) shall be made at least once every 2 years * * *.

Effective date. This regulation becomes effective July 7, 1983.

(Secs. 201, 510, 701, 704, 52 Stat. 1040–1042 as amended, 1055–1056 as amended, 67 Stat. 477 as amended, 76 Stat. 794–795 as amended (21 U.S.C. 321, 360, 371, 374); sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Mark Novitch,

Acting Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

Dated: May 19, 1983.

[FR Doc. 83–15028 Filed 6–6–83; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1600

Planning, Programming, Budgeting; Extension of Comment Period on Final Rulemaking

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of Comment Period on Final Rulemaking.

SUMMARY: The final rulemaking on the Bureau of Land Management's Land Use Planning process which was published in the **Federal Register** on May 5, 1983 (48 FR 20364), provided a 30-day comment period for public comment on the final rulemaking. As a result of public requests that the comment period be extended, notice is hereby given that the comment period is extended to July 5, 1983.

DATE: Comments should be submitted by July 5, 1983. Comments received or postmarked after that date may not be considered.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT:
David C. Williams, (202) 653–8842.

Garrey E. Carruthers,
Secretary of the Interior.
June 2, 1983.

[FR Doc. 83–15282 Filed 6–6–83; 8:45 am]
BILLING CODE 4310–84–M

43 CFR Public Land Order 6392

[NM–39993]

New Mexico; Powersite Restoration 772, Partial Revocation of Powersite Reserves 548, 549 and 740, Powersite Cancellation 358, Partial Revocation of Waterpower Designation No. 1 and Powersite Classifications 360, 371 and 393

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This action partially revokes three Executive Orders and four Secretarial orders as they affect 63,849.03 acres withdrawn for powersite purposes in Rio Arriba and Taos Counties. This action will restore the lands to surface entry; however, 6,142.01 acres will contain a reservation subject to provisions of Section 24 of the Federal Power Act. The lands have been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: July 6, 1983.

FOR FURTHER INFORMATION CONTACT:
Miguel M. Martinez, New Mexico State Office, 505–988–6654.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and Section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. 818, and pursuant to the determination of the Federal Energy Regulatory Commission in DA–80, New Mexico, it is ordered as follows:

1. Secretarial Order of August 7, 1916, creating Waterpower Designation No. 1, as construed by Interpretations 70, 96, 125, 188, 210, 222, 281, 291, 312, 324, 348, 366 and 367, and Orders of Modification 320, 349 and 372; Executive Order of September 15, 1916, creating Powersite Reserve No. 548, as construed by Interpretation 10, 98, 125, 188, 210, 281, 291, 324 and 348; Executive Order of September 15, 1916, creating Powersite Reserve No. 549, as construed by Interpretation 98; Executive Order of May 21, 1920, creating Powersite Reserve No. 740, as construed by Interpretations 11 and 324; and Secretarial Orders of August 18, 1944, October 31, 1944 and October 28, 1949, creating Powersite Classification Nos. 360, 371 and 393, respectively, are hereby revoked insofar as they affect the following described lands:

New Mexico Principal Meridian

T. 22 N., R. 7 E.,
- Sec. 1, SW¼SW¼;
- Sec. 11, lot 1;
- Sec. 12, SW¼NE¼, W½ and SE¼;
- Sec. 13;
- Sec. 23, lots 1, 2, 5, 6 and 7;
- Sec. 24, lot 1, NE¼, N½NW¼, SE¼NW¼, E½SW¼, N½SE¼ and SW¼SE¼;
- Sec. 25, lots 1, 2, 3, 6, 7, 9 and 10;
- Sec. 35, lots 3, 4 and 5.

T. 24 N., R. 7 E.,
- Sec. 1, SW¼SW¼;
- Sec. 11, lots 13 and 15;
- Sec. 12, SW¼NE¼, NW¼ and S½;
- Sec. 13, lots 3 and 4, NE¼, NE¼NW¼, SE¼SW¼ and SE¼;
- Sec. 14, lot 7;
- Sec. 24, NE¼, E½NW¼, E½SW¼ and W½SE¼;
- Sec. 25, NE¼NW¼, S½NW¼, SW¼ and W½SE¼;
- Sec. 26, E½SE¼;
- Sec. 25, lots 1 to 4, inclusive and E½NE¼.

T. 22 N., R. 8 E.,
- Sec. 3, lot 5;
- Sec. 4, lots 5 to 17, inclusive;
- Sec. 5, lots 12, 13, 14, 19 and 20;
- Sec. 8, lots 1 and 2, lots 7 to 10, inclusive, and lots 14, 15 and 16;
- Sec. 9, lots 1 to 4, inclusive;
- Sec. 17, lots 1, 2 and 3, and lots 5 to 12, inclusive;
- Sec. 18, lots 11 to 16, inclusive;
- Sec. 19, lots 5 to 13, inclusive.

T. 23 N., R. 8 E.,
- Sec. 1, lots 4 to 7, inclusive;
- Sec. 11, lots 6, 11, 12, 13, and 20;
- Sec. 12, lots 1 to 5, inclusive;
- Sec. 14, lots 8, 15, 16, and 23;
- Sec. 23, lot 1 (now lot 6), lot 2 (now lots 8 and 9), lot 3 (now lot 10), lot 4 (now lot 11);
- Sec. 24, lot 3, (now lot 7), lot 4 (now lot 8);
- Sec. 25, lot 3 (now lot 6);
- Sec. 26, lot 5 (now lots 14 and 15), lot 6 (now lot 16), lot 10 (now lot 22), lot 11 (now lot 23), SW¼NW¼ (now lot 17);
- Sec. 27, E½SE¼;
- Sec. 34, lot 8 (now lot 16), lot 9 (now lot 19), lot 10 (now lot 18), lot 11 (now lot 17), lot 12 (now lots 23 and 24), N½NE¼ (now lots 13 and 14), SW¼NE¼ (now lot 15), SE¼NW¼, N½SW¼ (now lots 20 and 21), and SW¼SW¼ (now lot 22);
- Sec. 35, lot 1 (now lot 10), lot 2 (now lot 18), lot 3 (now lot 17), lot 6 (now lot 21), lot 8 (now lot 20), SE¼NE¼ (now lot 22).

T. 24 N., R. 8 E.,
- Sec. 1, lots 5, 6, 11, 12, 13, and 18;
- Sec. 12, lots 3, 10, 11 and 18;
- Sec. 13, lot 6, lots 10 to 14, inclusive, and lots 16 and 17;
- Sec. 23, lots 11, 12, 13 and 18;
- Sec. 24, lots 4 to 5, and NW¼SE¼;
- Sec. 25, lots 4, 5 and 6;
- Sec. 26, lots 5, 10, 11 and 16;
- Sec. 35, lots 5, 10, 11 and 16.

T. 19 N., R. 10 E.,
- Sec. 19, lot 8 and SE¼SE¼;
- Sec. 20, S½S½;
- Sec. 21, lots 5 to 8, inclusive, NE¼SW¼, S½SW¼, and W½SE¼;
- Sec. 22, S½S½;
- Sec. 28, SW¼NW¼, and S½;
- Sec. 27;
- Sec. 28, lots 1 to 8, inclusive, W½, W½E½;
- Sec. 29, N½, SW¼, and W½SE¼;
- Sec. 30, lots 9, 14, 17, and 18, and E½E½;
- Sec. 34, N½NE¼;
- Sec. 35, N½N½.

T. 20 N., R. 10 E.,
- Sec. 3, lots 3, 4, 5, and 12, and SW¼;
- Sec. 4, lots 1 to 10, inclusive, and E½SE¼;
- Sec. 5, lots 1 to 5, inclusive;
- Sec. 6, lots 7, 8 and 9, lots 11 to 14, inclusive, and lot 17;
- Sec. 7, lot 1, (now lots 13 and 14), lots 2 to 5, inclusive, lot 8, SW¼NE¼, NE¼NW¼, and E½SE¼;
- Sec. 8, lots 1, 2, and 3;
- Sec. 9, lots 1 to 5, inclusive, lot 9, NE¼NE¼, and S½NE¼;
- Sec. 10, lots 1 to 6, inclusive, and E½NE¼;
- Sec. 11, N½N½, and SW¼NW¼;
- Sec. 12, N½;
- Sec. 17, lots 1 to 7, inclusive, SW¼NW¼, and NW¼SW¼;
- Sec. 18, lot 1, NE¼NE¼, S½NE¼, and NE¼SE¼;
- Sec. 25, SW¼NW¼, NW¼SW¼, and S½S½;
- Sec. 26, N½;
- Sec. 27, lots 1 and 2, NE¼, SE¼NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
- Sec. 34, NW¼NE¼, S½NE¼, NE¼NW¼, and N½SE¼;
- Sec. 35, NW¼SW¼, and S½SW¼.

T. 22 N., R. 10 E.,
- Sec. 1, N½;
- Sec. 2, NE¼NE¼.

T. 23 N., R. 10 E.,
- Sec. 1, NE¼SE¼, SW¼SE¼, and SE¼SE¼ (now lots 5 and 6);
- Sec. 11, lots 1 to 4, inclusive, SE¼NE¼, NE¼SW¼, and SW¼SW¼;
- Sec. 12, lots 1 to 5, inclusive, lots 6 (includes NE¼SW¼) and 7, SE¼NE¼, NE¼NW¼, SW¼SW¼, and NW¼SE¼;
- Sec. 14, lots 1 to 4, inclusive, NE¼NE¼, and SE¼NW¼;
- Sec. 15, lots 1 to 9, inclusive, NW¼NE¼, SW¼NW¼, NE¼SE¼, and SW¼SE¼;
- Sec. 16, lots 3, N½S½, and SW¼SW¼;
- Sec. 17, S½S½ (now lots 4 to 7, inclusive);
- Sec. 19, lots 1 to 11, inclusive, and SE¼SE¼;
- Sec. 20, lots 2 to 7, inclusive, S½SW¼, and SE¼;
- Sec. 21, lots 3 and 4, and S½;
- Sec. 22, lots 1 and 2, W½NE¼, SE¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
- Sec. 25, SW¼SW¼;
- Sec. 26, lots 1 to 4, inclusive, NW¼NW¼, S½NW¼, N½SE¼, and SE¼SE¼;
- Sec. 27, lots 3 to 11, inclusive, lots 15 to 19, inclusive, lot 19A, lots 20 to 31, inclusive, lots 33 and 34, and N½N½;
- Sec. 28, lots 1 to 6, inclusive, lot 7 (now lots 66 and 67), lot 8 (now lots 17, 19, 26, 41, 46 and 58), lots 9 to 13, inclusive, and SW¼SE¼;
- Sec. 29, lots 1 to 6, inclusive, SW¼NW¼, and N½SW¼;
- Sec. 30, NE¼ and NE¼SE¼;

Sec. 33, NE¼NE¼;
Sec. 34, N½N½;
Sec. 35, lots 1 to 7, inclusive, SW¼NW¼, NE¼SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 36, lots 1 to 4, inclusive, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, SW¼SW¼, and SE¼.

T. 20 N., R. 11 E.,
Sec. 7, N½, and N½S½;
Sec. 8, S½N½, N½SW¼, and SE¼;
Sec. 9, SW¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
All land of the United States in unsurveyed Secs. 14 to 17, inclusive, and Secs. 20 to 28, inclusive, which, when surveyed, shall be included within legal subdivisions situated in whole or in part within ½ mile of Rio Chiquito (Rio Medio on General Land Office survey of portion of T. 20 N., R. 11 E., accepted July 31, 1917).

T. 22 N., R. 11 E.,
Sec. 5, lots 1 to 4, inclusive, NW¼NE¼, S½NE¼, NW¼, and N½S½;
Sec. 6, lots 1 to 4, inclusive, N½, and N½S½.

T. 23 N., R. 11 E.,
Sec. 5, lots 2, 3, and 4, and SW¼NW¼;
Sec. 6, lots 1 to 11, inclusive, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 7, NW¼NW¼;
Sec. 28, S½S½;
Sec. 31, S½S½ and NE¼SE¼;
Sec. 34, lot 6.

T. 24 N., R. 11 E.,
Sec. 1, lot 1;
Sec. 2, lots 1, 2, 5, 6, and 7, SW¼NE¼, SE¼SW¼, and W½SE¼;
Sec. 10, lots 1 to 4, inclusive, NE¼NE¼, and SE¼SW¼;
Sec. 11, lots 1 to 4, inclusive;
Sec. 15, lots 1 to 7, inclusive; S½NE¼, and SE¼SW¼;
Sec. 16, lots 1 and 2, SE¼NE¼, and SW¼SE¼;
Sec. 20, SE¼SE¼;
Sec. 21, lots 1 to 10, inclusive, SE¼NW¼, NW¼SW¼, and E½SE¼;
Sec. 22, W½NW¼;
Sec. 28, lots 1 and 2, NW¼NE¼, NE¼NW¼, and W½SW¼;
Sec. 29, lots 1, 5, 6, 8 and 9, and NW¼NE¼;
Sec. 31, SE¼SE¼;
Sec. 32, lots 1 to 8, inclusive, SE¼NW¼, NW¼SW¼, and S½SE¼;
Sec. 33, lots 3 and 7.

T. 25 N., R. 11 E.,
Sec. 1, lots 1 to 4, inclusive, and lot 8;
Sec. 12, lots 1, 6, 7, and 8;
Sec. 13, lots 1 to 4, inclusive;
Sec. 23, SE¼SE¼;
Sec. 24, lots 1 to 4, inclusive;
Sec. 25, lots 1 to 4, inclusive;
Sec. 26, E½NE¼;
Sec. 35, lots 1 and 3, and NE¼SE¼;
Sec. 36, lots 1 and 2.

T. 26 N., R. 11 E.,
Sec. 1, lots 1, 2, 5, 6 and 7, and NE¼SW¼;
Sec. 12, lots 1 to 4, inclusive;
Sec. 13, lots 1 and 2;
Sec. 14, lots 1 and 2, and S½NE¼;
Sec. 23, lots 1 to 4, inclusive, and W½E½;
Sec. 24, lot 1;
Sec. 25, lots 5 to 8, inclusive;
Sec. 26, E½E½;
Sec. 35, lots 1 and 2;
Sec. 36, lots 5 to 8, inclusive.

T. 27 N., R. 11 E.,
Sec. 36, lots 5, 6 and 7.

T. 31 N., R. 11 E.,
Sec. 1, lot 5;
Sec. 11, lot 6;
Sec. 12, lot 6;
Sec. 14, NE¼NE¼;
Sec. 23, NW¼NE¼;
Sec. 24, NW¼NW¼;
Sec. 25, SW¼NE¼, NE¼NW¼, NW¼SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 26, E½NE¼;
Sec. 36, NE¼NE¼.

T. 32 N., R. 11 E.,
Sec. 24, lots 6 and 9;
Sec. 25, E½W½;
Sec. 36, NE¼SW¼.

T. 21 N., R. 12 E.,
Sec. 1, lots 1, 2, and 3, SE¼SW¼, and S½SE¼;
Sec. 12, E½, and E½W½;
Sec. 13, E½.

T. 22 N., R. 12 E.,
Sec. 1, lots 1 to 4, inclusive.

T. 23 N., R. 12 E.,
Sec. 27, lot 8;
Sec. 34, lot 1 (now lot 4), lot 2 (now lot 5), lot 3 (now lots 6 and 7), and N½NE¼;
Sec. 35, lot 1 (now lots 10, 15 and 16), lots 2 to 4, inclusive, lot 5 (now lot 12), lot 6, NW¼NE¼, and NE¼NW¼;
Sec. 36, lot 1 (now lot 6), lot 2 and lot 3 (now lot 7), SE¼NW¼ and SW¼SE¼.

T. 27 N., R. 12 E.,
Sec. 5, W½NE¼, W½, and W½SE¼;
Sec. 7, E½NE¼ and SE¼;
Sec. 8, NW¼NE¼ and W½;
Sec. 17, W½NW¼;
Sec. 18, E½, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 19, W½NE¼, W½, NW¼SE¼, and S½SE¼;
Sec. 30, NE¼NE¼, W½NE¼, W½, and W½SE¼;
Sec. 31, lots 1 to 4, inclusive, and N½NW¼.

T. 28 N., R. 12 E.,
Sec. 5, S½NW¼, SW¼, NW¼SE¼, and S½SE¼;
Sec. 6, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 7, NE¼NE¼;
Sec. 8;
Sec. 17, N½, SW¼, and NW¼SE¼;
Sec. 18, E½SE¼;
Sec. 19, E½NE¼, and SE¼;
Sec. 20, W½NW¼, and NW¼SW¼;
Sec. 29, N½NE¼, SW¼NE¼, and W½;
Sec. 30, E½;
Sec. 31, NE¼, N½SE¼, and SE¼SE¼;
Sec. 32, W½, and SE¼;
Sec. 33, SW¼.

T. 29 N., R. 12 E.,
Sec. 5, lot 4, SW¼NW¼, and SW¼;
Sec. 6, lot 1;
Sec. 8, lots 1, 2, 4, 6 and 8, NW¼NE¼, NE¼NW¼, SE¼SW¼, and E½SE¼;
Sec. 17, lot 1, lot 3 (was part of NW¼SE¼) lots 5 and 8, NE¼NE¼ (now lot 6), and SE¼SW¼;
Sec. 20, lots 6 (was part of SW¼NE¼) and 7 (was part of NW¼SE¼);
Sec. 29, NE¼SW¼;
Sec. 31, E½, SE¼NW¼, and E½SW¼;
Sec. 32, NW¼NW¼.

T. 30 N., R. 12 E.,
Sec. 6, lot 7, NE¼NE¼ (now lot 1), NW¼NE¼ (now lot 2), S½NE¼, NW¼NW¼ (now lot 4), NW¼SW¼ (now lot 6), and W½SE¼;
Sec. 7, lots 1 and 2, NW¼NE¼, SE¼SW¼, and NE¼SE¼;
Sec. 18, SW¼NE¼, and W½SE¼;
Sec. 19, lot 4, E½SW¼, and W½SE¼;
Sec. 29, NE¼NW¼;
Sec. 30, S½SE¼;
Sec. 31, NE¼, N½SE¼, and SE¼SE¼;
Sec. 32, W½NW¼, and W½SE¼.

T. 31 N., R. 12 E.,
Sec. 31, NW¼NW¼ (now lot 1), and SW¼NW¼ (now lot 2).

T. 21 N., R. 13 E.,
All land of the United States which, when surveyed, shall be included within the legal subdivisions situated in whole or in part within ½ mile of Santa Barbara Creek.

T. 22 N., R. 13 E.,
Sec. 3, SW¼SW¼;
Sec. 4, lots 1, 2 and 3, and SE¼SE¼;
Sec. 5, lots 1, 2 and 3, NE¼SW¼, SW¼SW¼, and N½SE¼;
Sec. 6, lots 1 to 5, inclusive, SW¼NE¼, and E½SE¼;
Sec. 7, lot 1;
Sec. 8, lot 1;
Sec. 9, lot 1 (now part of HES 317);
Sec. 10, lots 1 to 4, inclusive, SW¼NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 13, SW¼SW¼;
Sec. 14, lots 1 to 4, inclusive, W½NW¼, and N½S½;
Sec. 15, lots 1, 2 and 3;
Sec. 23, lot 1;
Sec. 24, lots 1 to 4, inclusive, NW¼NE¼, SE¼NE¼, and E½SE¼;
Sec. 25, lot 1.

T. 26 N., R. 13 E.,
All land of the United States which, when surveyed, shall be included within legal subdivisions situated in whole or in part within 1 mile of Rio Lucero.

T. 27 N., R. 13 E.,
Sec. 12, S½SW¼ and SE¼;
Sec. 13;
Sec. 14, NE¼ and S½;
Sec. 22, NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 23, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 24, N½NE¼, and NW¼;
Sec. 26, NW¼;
Sec. 27, N½, SW¼, and N½SE¼;
Sec. 28, E½;
Sec. 33, N½NE¼.

T. 22 N., R. 14 E.,
Sec. 29, lot 6 and lot 7 (now lots 9 and 10);
Sec. 30, lots 1 to 5, inclusive, W½NE¼, and NE¼NW¼;
Sec. 31, lot 1 (now lots 5 and 6, E½NE¼NE¼NE¼, SE¼NE¼NE¼), lot 2 (now lots 7 to 10, inclusive, E½E½SE¼NE¼), lots 3 and 4;
Sec. 32, lots 2 and 3, lot 6 (now lots 9 and 10, W½SW¼NW¼SW¼), and lot 7.

T. 26 N., R. 14 E.,
All land of the United States which, when surveyed, shall be included within legal subdivisions situated in whole or in part within ½ mile of Rio Lucero.

T. 27 N., R. 14 E.,
All land of the United States which, when surveyed, shall be included within legal subdivisions situated in whole or in part within ½ mile of Rio Hondo.

The areas described contain approximately 57,707.02 acres in Rio Arriba and Taos Counties.

2. As provided in Paragraph 1, the various orders are hereby revoked, excepting a reservation subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. 818, insofar as they affect the following described lands:

New Mexico Principal Meridian

T. 23 N., R. 11 E.,
Sec. 27, lots 7 and 8, and S½SW¼;
Sec. 33, N½, and NW¼SW¼;
Sec. 34, lot 5, N½NW¼, and SW¼NW¼.
T. 31 N., R. 11 E.,
Sec. 1, lots 4 and 6;
Sec. 2, lots 7, 8 and 9;
Sec. 11, lots 2 to 5, inclusive, lots 7 and 8;
Sec. 14, W½NE¼, SE¼NE¼, and SE¼;
Sec. 23, E½E½;
Sec. 24, SW¼NW¼, and W½SW¼;
Sec. 25, W½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼.
T. 32 N., R. 11 E.,
Sec. 24, lots 5 and 10;
Sec. 25, lots 5 to 8, inclusive;
Sec. 36, lots 5 to 9, inclusive.
T. 29 N., R. 12 E.,
Sec. 4, SW¼SW¼;
Sec. 5, NW¼NE¼ (now lot 2), SW¼NE¼, NE¼NW¼ (now lot 3), SE¼NW¼, and SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, N½NW¼, S½NW¼ (now lots 3 to 6, inclusive), and SW¼;
Sec. 16, NE¼NW¼ (now lot 1), and NW¼NW¼ (now lot 2);
Sec. 17, lot 9 (was part of NW¼SE¼), SE¼NE¼ (now lot 7), NE¼SE¼, SW¼SE¼ (now lot 4), and SE¼SE¼ (now lot 10);
Sec. 20, lot 2 (was part of SW¼NE¼), lot 3 (was part of NW¼SE¼), NW¼NE¼ (now lot 1), E½W½, and SW¼SW¼;
Sec. 29, NW¼, and W½SW¼;
Sec. 30, E½SE¼.
T. 30 N., R. 12 E.,
Sec. 6, NE¼NW¼ (now lot 3), SW¼NW¼ (now lot 5), SE¼NW¼, and E½SW¼;
Sec. 7, E½NW¼, SW¼NE¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 17, W½W½;
Sec. 18, E½E½, and NW¼NE¼;
Sec. 19, E½E½;
Sec. 20, W½W½;
Sec. 28, SW¼SW¼;
Sec. 29, W½W½, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 30, NE¼, and NE¼SE¼;
Sec. 32, NE¼, E½NW¼, and SW¼;
Sec. 33, W½NW¼.
T. 31 N., R. 12 E.,
Sec. 30, SW¼SW¼ (now lot 4), and SE¼SW¼;
Sec. 31, NW¼NE¼, E½NW¼, NE¼SW¼, NW¼SW¼ (now lot 3), SW¼SW¼ (now lot 4), SE¼SW¼, and NW¼SE¼.

The areas described contain approximately 6,142.01 acres in Taos County.

3. The State of New Mexico has waived its preference right of application for highway right-of-way or material sites as provided by Section 24 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

4. At 8:00 a.m. on July 6, 1983, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:00 a.m. on July 6, 1983, shall be considered as simultaneouly filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to the filing of applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Chief, Lands Unit, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 31, 1983.
[FR Doc. 83-15167 Filed 6-6-83; 8:45 am]
BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1175 and 1176

[Ex Parte No. 429]

Elimination and Modification of Certain Securities Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rules and application requirements and issuance of final policy statement.

SUMMARY: The Commission has adopted, with one exception,[1] its proposal to eliminate certain securities regulations and modify others.

The proposal as adopted (1) removes as unnecessary the regulations in Part 1176 (formerly 1114), and provides for processing on an *ad hoc* basis any future application for authority to modify the financial structure of a railroad, and (2) relieves motor carriers of the regulations in Part 1175 (formerly 1115), and the offering circular requirement to form OP–F–200 in light of Section 19 of the Bus Regulatory Reform Act of 1982 (Pub. L. No. 97–261), and eliminates restrictions on motor carriers imposed in past proceedings in connection with the issuance of securities, and the assumption of obligations and liability with respect to securities, except with respect to public offerings already authorized but not yet fully implemented. Restrictions imposed by the Commission on motor carriers in past proceedings in connection with the issuance of securities or the assumption of an obligation and liability with respect to the securities of another have no continuing merit considering termination of the Commission's jurisdiction as to future securities issuances. By removing all prior restrictions in this one action, the filing of numerous petitions for relief from past conditions will be avoided, thus resulting in a savings to the motor carriers as well as to the Commission.

EFFECTIVE DATE: July 7, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245, or John J. Mattras, (202) 275–7677.

SUPPLEMENTARY INFORMATION: The policy statement providing that any future application for authority to modify the financial structure of a railroad will be processed on a case-by-case basis is adopted as proposed at 48 FR 44518, October 7, 1982. Form OP–F–200, Item 7, is amended by eliminating the need for circulars in connection with public offerings of securities by motor carriers.

Additional information is contained in the Commission's full decision. To purchase a copy of the decision write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Environmental and Energy Considerations

We adopt our preliminary finding in our notice of proposed rulemaking that this action will not have any significant impact on the quality of the human environment or the conservation of energy resources. No comments have been submitted on any matter indicating that a contrary position is warranted.

Regulatory Flexibility Analysis

We affirm our previous determination that this proceeding will not have a significant impact on a substantial number of small entities, and that this action will further the general regulatory goal of eliminating unneeded regulations.

[1] Part 1113, proposed to be removed by this proceeding was previously removed at 47 FR 49547, November 1, 1982.

List of Subjects

49 CFR Part 1175

Administrative practice and procedure, Motor carriers, Railroads, Reporting and recordkeeping requirements, Securities.

49 CFR Part 1176

Administrative practice and procedure, Railroads, Securities.

(5 U.S.C. 553 and 49 U.S.C. 10321 and 11161)

Decided: May 24, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1175 [AMENDED]

1. 49 CFR Part 1175, *Issuance of Securities, Assumption of Obligations, and Filing of Certificates and Reports,* will be amended by revising §§1175.2, 1175.3, 1175.5, 1175.6, 1175.7, and 1175.10 to read as follows:

§ 1175.2 Application form.

All carriers and other persons subject to 49 U.S.C. 11301, making application for authority to (a) nominally or actually issue securities, (b) sell, pledge, repledge, or otherwise dispose of securities nominally issued or assumed or nominally outstanding, or (c) assume any obligation or liability as lessor, lessee, guarantor, endorser, surety or otherwise in respect of the securities of any other person, natural or artificial, actually outstanding, shall make such application substantially in the form of application designated Form OP–F–200.

1175.3 Definitions.

(a) "Carrier" means a rail or sleeping car carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under Subchapter 1 of Chapter 105 of title 49 of the United States Code (except a street, suburban, or interurban electric railroad system of transportation, and a corporation organized to provide transportation by rail carriers subject to the Subchapter).

(b) The term "holding company" means a person which is not a rail carrier but which is authorized by a decision entered under 49 U.S.C. 11343 to control a carrier or carriers and, as provided in 49 U.S.C. 11348, is to be considered a carrier subject to 49 U.S.C. 11301.

(c) The term "securities" is used herein as it is defined in 49 U.S.C. 11301.

§ 1175.5 Disposal of pledged or treasury securities.

(a) Certificates of notification required by 49 U.S.C. 11301(c) to be filed with the Commission within 10 days after the sale, pledge, repledge, or other disposition of securities previously pledged or held unencumbered in the treasury of the carrier, shall be filed substantially in the form designated as Form OP–F–220.

(b) As used in 49 U.S.C. 11301(c), securities described as "pledged or held unencumbered in the treasury of the carrier" are securities previously nominally issued, or reacquired and held in the treasury of the carrier, except securities held by trustee in sinking or other funds. [32 FR 20101, Dec. 20, 1967, as amended at 39 FR 35367, Oct. 1, 1974]

§ 1175.6 Issuance of short-term notes.

(a) A carrier issuing notes referred to in 49 U.S.C. 11301(b)(2) shall file a certificate of notification on Form OP–F–230 with the Commission within 10 days of their issuance.

(b) Short term notes may be issued without authorization as specified in 49 U.S.C. 11301(b)(2).

(c) Removed and reserved.

§ 1175.7 Reports of securities issued or obligations assumed.

(a) Within 30 days after the initial date of issue of any security or assumption of any obligation or liability authorized, a report showing the issue or assumption shall be filed with the Commission on Form OP–F–240, as revised. An interim report shall be made concurrently with any subsequent application for authority filed under 49 U.S.C. 11301, showing the action previously taken, and any balance previously authorized but not disposed of, in the same form; otherwise no interim report is required. A final report shall be made upon completion of the issue or assumption, and may be made in lieu of the initial report within the 30-day period following the initial action.

§ 1175.10 Applications for authority to sell securities without competitive bidding.

(a) Special application for exemption from the competitive bidding requirement shall be made in the form designated as Form OP–F–210 only when it is not practical to include the request for exemption in an application filed in Form OP–F 200 pursuant to the instructions (§§ 1175.1–1175.3) respecting applications filed under 49 U.S.C. 11301.

(b) The requirement that, with certain specified exceptions, all classes of railroad securities other than equipment, issued under authority granted pursuant to the provisions of 49 U.S.C. 11301 be offered for sale at competitive bidding, or its equivalent, set forth in the Commission's report in Ex Parte 158, *In Re Competitive Bidding in the Sale of Securities,* 257 I.C.C. 129 (1944), and modified by findings in *Atlantic Coast Line R. Co. Competitive Bidding Exemption,* 282 I.C.C. 513 (1952), and further modified by supplemental report in Ex Parte 158, *Ibid.,* 307 I.C.C. 1 (1958) with respect to securities issued or proposed to be issued incident to a loan guaranteed under the provisions of part V of the Act, is published in an appendix to this section.

PART 1176—[REMOVED]

2. 49 CFR Part 1176 *Changes in Securities or Instruments and Filing Certificates and Reports,* is removed.

[FR Doc. 83-15147 Filed 6-6-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 110
Tuesday, June 7, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 158

[Docket No. 83N-0106]

Quick Frozen Whole Kernel Corn; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

Correction

In FR Doc. 83-11462, beginning on page 19396, in the issue of Friday, April 29, 1983, the Docket No. should read as it appears above.

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

National Park System Units in Alaska

AGENCY: National Park Service, Interior.

ACTION: Extension of comment period, notice of additional public meetings.

SUMMARY: On April 6, 1983, the National Park Service published in the **Federal Register** (48 FR 14978) a proposed regulation for the permanent closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve, and Katmai National Park and Preserve, to snowmachines motorboats, motor vessels and aircraft use. In response to a number of requests for additional time and opportunity to comment on the proposed closures, the National Park Service is extending the comment period from June 6, 1983 to August 6, 1983. Additionally notice is hereby given of seven additional public meetings to discuss and receive public comment on the proposed closures.

DATE: Written comments, suggestions or objections will be accepted until August 6, 1983. See **SUPPLEMENTARY INFORMATION** for the dates and addresses of the meetings.

ADDRESS: Comments should be directed to: Regional Director, Alaska Region, National Park Service, 540 West 5th Avenue, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT:
Robert Cunningham, Superintendent, Denali National Park and Preserve, McKinley Park, Alaska 99755, (907) 683-2294
Superintendent, Glacier Bay National Park and Preserve, P.O. Box 1089, Juneau, Alaska 99802, (907) 586-7137
David Morris, Superintendent, Katmai National Park and Preserve, P.O. Box 7, King Salmon, Alaska 99613, (907) 246-3305.

SUPPLEMENTARY INFORMATION: Pursuant to the Alaska National Interest Lands Conservation Act (Pub. L. 96-487, 94 Stat. 2371) and its implementing regulations, 36 CFR 13.30, the National Park Service published on April 6, 1983, in the **Federal Register** (48 FR 14978), a proposed regulation for the permanent closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve and Katmai National Park and Preserve, all in Alaska. The closures are intended to prohibit uses detrimental to the resources of the three units, and would restrict the use of one or more of the following: snowmachines, motorboats, motor vessels, aircraft, motor vehicles, all-terrain vehicles, and foot traffic. The April 6, 1983, notice stated that comments on the proposal were to be submitted by June 6, 1983.

The National Park Service has received a number of requests from the Alaska Congressional Delegation, the Governor of Alaska, the Alaska Land Use Council, and citizens and organizations to provide additional opportunities for the submission of public comments. The Service recognizes its responsibility to afford the public every reasonable opportunity to participate in the rulemaking process. The National Park Service also realizes that delays leading up to the April 6 publication of the notice of proposed rulemaking shortened the time available for some interested citizens to prepare for public hearings.

Consequently, the National Park Service is by publication of this notice, extending the comment period from June 6, 1983, to August 6, 1983. The Service will also conduct seven additional public hearings. The schedule of hearings is listed according to affected park unit (hearings in Anchorage and Fairbanks will consider closures in all three areas), and reads as follows:

Glacier Bay National Park and Preserve

July 6, Anchorage Alaska, National Park Service, Regional Office, 540 W. 5th Avenue, 7:00 p.m.
July 7, Fairbanks, Alaska, 201 1st Avenue, 7:00 p.m.
July 7, Juneau, Alaska, Egan Room, New Centennial Hall, 7:00 p.m.
July 9, Gustavus, Alaska, Gustavus School, 1:00 p.m.

Denali National Park and Preserve

July 6, Anchorage, Alaska, National Park Service Regional Office, 540 W. 5th Avenue, 7:00 p.m.
July 7, Fairbanks, Alaska, 201 1st Avenue, 7:00 p.m.
July 21, Healy, Alaska, Tri-Valley Community Center, 7:00 p.m.

Katmai National Park and Preserve

July 6, Anchorage, Alaska, National Park Service, Regional Office, 540 W. 5th Avenue, 7:00 p.m.
July 7, Fairbanks, Alaska 201 1st Avenue, 7:00 p.m.
July 27, King Salmon, Alaska, ComSer Fac, 7:30 p.m.
July 28, Naknek, Alaska, Borough Building, 7:30 p.m.

Dated: June 2, 1983.

G. Ray Arnett,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc 83-15313 Filed 6-6-83; 8:45 am]
BILLING CODE 4310-70-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 5

[Docket No. 30422-64]

Revision of Foreign Filing License Procedure; Correction

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Proposed rule: correction.

SUMMARY: This document corrects an inadvertent omission of the time, 9:00 a.m., for the hearing scheduled for July 20, 1983, in the notice of proposed

rulemaking published in 48 FR 23144 on Monday, May 23, 1983, relating to foreign filing license procedure. The paragraph captioned **DATES** is corrected to read as follows:

"Comments must be submitted on or before July 20, 1983; a public hearing will be held July 20, 1983, beginning at 9:00 a.m.; requests to present oral testimony should be received prior to July 13, 1983."

FOR FURTHER INFORMATION CONTACT: Kenneth L. Cage by telephone at (703) 557–2877 or by mail to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Dated: June 2, 1983.

Donald J. Quigg,

Acting Commissioner of Patents and Trademarks.

[FR. Doc. 83–15104 Filed 6–6–83; 8:45 am]

BILLING CODE 3510–16–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3000 and 3100

Proposed Oil and Gas Lease Form Revision

AGENCY: Bureau of Land Management, Interior.

ACTION: 30-Day Extension of Comment Period.

SUMMARY: On April 27, 1983, the Bureau of Land Management published in the **Federal Register** (48 FR 19040) a proposed multipurpose oil and gas lease form that would replace several existing lease forms used in the Federal onshore competitive and noncompetitive oil and gas leasing programs. This notice advises the public that the comment period has been extended an additional 30 days.

DATE: Comments on the revised multipurpose oil and gas lease form should now be submitted by June 27, 1983. Comments received or postmarked after the above date may not be considered in the final decisionmaking process.

ADDRESS: Comments should be submitted to: Director (620), Bureau of Land Management, 1800 C Street, N.W. Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Karl F. Duscher, (202) 343–7753, or Jeffrey F. Zabler, (202) 343–7722.

Arnold E. Petty,

Acting Associate Director.

[FR Doc. 83–15116 Filed 6–6–83; 8:45 am]

BILLING CODE 4310–84–M

Notices

Federal Register
Vol. 48, No. 110
Tuesday, June 7, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

North Concordia Watershed, Louisiana; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Deauthorization of Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the North Concordia Watershed project, Concordia and Catahoula Parishes, Louisiana, effective on May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Harry S. Rucker, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone (318) 473–7751.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A–95 regarding State and local clearing house review of Federal and federally assisted programs and projects is applicable.)

Dated: May 25, 1983.

Harry S. Rucker,
State Conservationist.

[FR Doc. 83–15011 Filed 6–6–83; 8:45 am]
BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended May 27, 1983

Subpart Q Applications (See 14 CFR 302.1701 et seq.)

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, A tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
May 23, 1983	41505	American Central Airlines, Inc., c/o Terry L. Hudik 2720 Airport Boulevard, Waterloo, Iowa 50701. Application of American Central Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate and overseas scheduled air transportation of persons, property, and mail: Between any point in any State in the United States of the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 20, 1983.
May 23, 1983	41506	Beras Airways, Inc., c/o Richard J. Lipari, 600 Bloomfield Ave. Bloomfield, New Jersey 07003. Application of Beras Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authority to engage in charter and scheduled air transportation of passengers, property and mail to the following domestic markets: (a) Atlantic City, New Jersey and Atlanta, Georgia (b) Atlantic City, New Jersey and Boston, Massachusetts (c) Atlantic City, New Jersey and New York—La Guardia Conforming Applications, Motions to Modify Scope and Answers may be filed by June 20, 1983.
May 26, 1983	41509	Florida Express, Inc., c/o Gerry Lewenberg, Van Ness, Feldman, Sutcliffe, Curtis & Lewenberg, A Professional Corporation, 1050 Thomas Jefferson St., N.W., Seventh Floor, Washington, D.C. 20007. Application of Florida Express, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity to provide scheduled air transportation of passengers and property at the following points: Miami, Ft. Lauderdale, Tampa, Orlando, Jacksonville, New Orleans, Tallahassee, Memphis, Norfolk, Richmond. Conforming Applications, Motion to Modify Scope, and Answers may be filed by June 20, 1983.
May 27, 1983	41512	McClain Airlines Incorporated, c/o Stephen D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036. Application of McClain Airlines Incorporated pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in the scheduled interstate air transportation of passengers, property, and mail between and among all points within the United States. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 24, 1983.
May 24, 1983	40935	Ports of Call Travel Club (Inc.), c/o H. Shepherd Lippincott, 2009 North Fourteenth Street, Suite 706, Arlington, Virginia 22201. Amended Application of Ports of Call Travel Club (Inc.) for public convenience and necessity authorizing interstate and overseas charter air transportation. Answers may be filed by June 21, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83–15309 Filed 6–6–83; 8:45 am]
BILLING CODE 6320–01–M

[Docket No. 41044]

Frontier Flying Service Fitness Investigation; Notice of Change of Time of Hearing

Notice is hereby given that the hearing in the above-entitled matter assigned to be held on June 7, 1983, at 10:00 a.m. (local time), is changed to 9:30 a.m. (local time), in Court Room 1, Lower Level, 2120 L Street, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., June 1, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-15208 Filed 6-6-83; 8:45 am]

BILLING CODE 6320-01-M

COMMODITY FUTURES TRADING COMMISSION

Proposed Collections of Information

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed Collections of Information.

SUMMARY: In compliance with the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Commodity Futures Trading Commission has submitted to the Office of Management and Budget a request for renewal of clearance for OMB Control No. 3038-0003, which is entitled, "Regulations Permitting the Grant, Offer and Sale of Dealer Options." These proposed rules appeared in the **Federal Register** on April 27, 1981, 46 FR 23469, and were assigned a control number and expiration date by OMB on July 14, 1981. OMB clearance is due to expire on June 30, 1983.

ADDRESSES: Interested members of the public may obtain a complete copy of these information collection proposals by contacting Joseph G. Salazar at (202) 254-8735. Persons wishing to comment on the Paperwork Reduction Act implications of these proposals are asked to send a copy of their comments to Mr. Salazar at the Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, and to the OMB Desk Officer for the agency, Suzann Evinger, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph G. Salazar, 202-254-8735.

Issued by the Commission on June 1, 1983, in Washington, D.C.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-15153 Filed 6-6-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

May 27 1983.

The USAF Scientific Advisory Board Space Division Advisory Group will meet at Los Angeles Air Force Station, Los Angeles, CA on June 28-29, 1983. The purpose of the meeting will be to discuss selected Air Force Space programs. The meeting will convene at 1:00 p.m. to 5:00 p.m. on June 28 and from 8:00 a.m. to 12:00 noon on June 29.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-15156 Filed 6-6-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

May 27, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on Advanced Tactical Fighter Technology, Aircraft Panel, will meet in Room 5D982, the Pentagon, Washington, DC, on July 7-8, 1983. The purpose of the meeting will be to review advanced controls technologies and automated combat systems. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697-4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc 83-15159 Filed 6-6-83; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of the DIA Advisory Committee has been scheduled as follows: Thursday and Friday, 14-15 July 1983, Denver, Colorado.

The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

June 2, 1983.

[FR Doc. 83-15154 Filed 6-6-83; 8:45 am]

BILLING CODE 3810-01-M

Publication Information Collection Requirement—Request Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following request for the colletion of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Revision

Youth Attitude Tracking Study (YATS); Youth Attitude Tracking Study II (YATS II)

Used to determine and evaluate knowledge of, and attitudes and

motivations toward military Service of young adults (16–29 years of age). Generates cross-sectional time series data on propensity to serve and on other key issues for trend analyses. Used by DoD and Services to develop recruiting strategies and incentive programs including different bonus levels, various types of education assistance, and other enlistment options.

Survey has been revised to increase coverage to the 22 to 29 year old male Non-Prior Service recruiting market and to young adults temporarily residing in group quarters without personal telephones (e.g., in college dormitories, fraternity and sorority bonuses, rooming houses, etc.). YATS II also combines items from Reserve Components Attitude Study (RCAS) concerning attitudes and propensity toward enlisting in National Guard and Reserve Components of the Military Services. YATS II restricts itself to the Non-Prior Service market while RCAS (renamed Veterans Attitude Tracking Study, VATS) surveys the Prior Service market. Thus, the two surveys (YATS and RCAS) have been restructured to reflect Non-Prior Service (YATS II)/Prior Service (VATS) dichotomy.

Target population: 16 to 21 year old males and females and 22 to 29 year old males who are not beyond their second year of college and who have not previously served nor are currently serving in the Military.

Revision requires additional 3500 respondents over 1982 level to ensure acceptable levels of statistical precision: 10,700 respondents and 50 pretest burden hours, for a total of 5400 burden hours.

Forward Comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. John V. Wenderoth, DOD Clearance Officer, DIOR, Washington Headquarters Service (WHS), Room 1C514, Pentagon, Washington, DC 20301, telephone (202) 694–0187.

A copy of the information collection request may be obtained from Mr. Robert L. Newhart, OASD MRA7L(PI), Room 3C800, Pentagon, Washington, DC 20301, telephone (202) 965–0643. This survey is under contract.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

June 2, 1982.

[FR Doc. 83–15155 Filed 6–6–83; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Record of Decision for the Bonneville Power Administration; Garrison-Spokane 500-kV Transmission Project

AGENCIES: Bonneville Power Administration (BPA), DOE; Forest Service (FS), USDA; and Bureau of Land Management (BLM), Interior.

ACTION: Record of Decision.

DECISION SUMMARY: The Federal agencies have selected the Taft South Route for the Garrison-Spokane Project. This route selection modifies the 1979 corridor decision with respect to transmission line location from Garrison west.

The Federal agencies have adopted the mitigation measures listed in the final Garrison-Spokane 500-kV Transmission Project Environmental Impact Statement (EIS) as "Part of the Proposal." Also included as mitigation for the Taft South route are the following: realining the route south of Maxville (generally following the "AB" routing); adjusting the crossing at Rock Creek about 1300 feet to the north and lowering the conductor wire sag; and determining tower type, placement, and spacing, in consultation with local residents of the Miller Creek area. The State of Montana is continuing to study the Rock Creek and Miller Creek crossings. Their findings will be considered and may be adopted as part of the site-specific measures in the cooperative Federal-State project mitigation/monitoring plan, in the BPA-FS Project Plan, and in project construction specifications. It is the intent of the Federal agencies to prepare a mitigation plan jointly with the State of Montana within a 45-day period following the signing of this Record of Decision. Additional mitigation measures are also prescribed for Maxville, Rock Creek, and Miller Creek, as well as for the St. Regis, Lookout Pass/Mullan, Hayden Creek, and Rathdrum/Pleasant Prairie areas. These will reflect a cooperative interagency effort and will be completed after this Record of Decision. General mitigation measures adopted are summarized below.

The FS and BLM have decided to issue right-of -way permits authorizing the project where it crosses Federal lands.

BPA will proceed with land and right-of-way acquisition, construction, and subsequent operation and maintenance of the proposed facilities on the Taft South route.

SUPPLEMENTARY INFORMATION:

Background:

The Bonneville Power Administration proposed to build a 500-kVB transmission line from Garrison, Montana, to Spokane, Washington. The Forest Service and the Bureau of Land Management proposed to grant right-of-way across their respective public lands for that transmission project. This is the record of the Federal agencies' decisions on those actions.

The need for Colstrip power was decided in July 1976, when the State of Montana granted a Certificate of Environmental Compatibility and Public Need for Colstrip Generating Units 3 and 4. That need is not a subject of this Record of Decision.

In a Record of Decision for the crossing of Federal lands, dated September 21, 1979, the BLM and the Forest Service jointly approved a two-mile-wide transmission line corridor from Colstrip, Montana, to Hot Springs, Montana. Bonneville Power Administration concurred with this decision, stating that it would build a double-circuit 500-kV transmission line in the designated corridor. The line would start at the interconnection, near Townsend, with the facilities built by Montana Power Company; it would extend to a new 500-kV substation in the vicinity of Garrison, Montana, and continue on BPA's existing vacant right-of-way through the Clark Fork Valley to the Missoula area. From there, it would go on to interconnect with the existing Federal grid, either by continuing along the existing corridor to the present Hot Springs Substation, or by proceeding along a new corridor to a new substation near Plains, Montana.

In response to public concerns, including those of the State of Montana, deviations from the designated corridor in the Boulder and Deer Lodge area were evaluated in an EIS Supplement prepared cooperatively by BLM, FS, and BPA, with BLM as lead agency. The Record of Decision adopting alternative locations between Townsend and Garrison, Montana, was then issued on August 18, 1981.

Also at that time, BPA studies identified a new potential route between Garrison Substation and a substation that could be build near Taft, Montana. The Washington Water Power Company

also identified new increasing needs for transmission reinforcement in north Idaho. These technical factors, plus public concerns over developing a line in the federally approved corridor in the Clark Fork Valley, prompted BPA to consider other routing alternatives between Garrison Substation and the main grid of the Federal Columbia River Power System.

Together, the BPA, FS, and BLM completed a route study and both draft and final EIS's for a 500-kV transmission line between Garrison Substation and Bell Substation near Spokane, Washington.[1] The State of Montana also participated in the study process by conducting an independent, parallel review of the project and by working cooperatively to develop mitigation and monitoring plans.

The draft EIS, issued in March 1982, was followed by the final EIS, filed with the Environmental Protection Agency on March 15, 1983. The draft EIS identified the Taft Plan and, in particular, the Taft South Route as the alternative of least environmental impact. The final EIS also concluded that the Taft Plan had the least environmental impact and that it was preferred. Also included in each EIS was an evaluation of the reinforcing of the Washington Water Power transmission system in north Idaho. A separate Record of Decision is being prepared for this independent action.

The draft EIS, issued in march 1982, was followed by the final EIS, filed with the Environmental Proctection Agency on March 15, 1983. The draft EIS identified the Taft Plan and, in particular, the Taft South Route as the alternative of least environmental impact. The final EIS also concluded that the Taft Plan had the least environmental impact and that it was preferred. Also included in each EIS was an evaluation of the reinforcing of the Washington Water Power transmission system in north Idaho. A separate Record of Decision is being prepared for this independent action.

Alternatives and Decision Rationale: Within the framework of three electrical plans-of-service (the Hot Springs, Plains, and Taft Plans), numerous route alternatives were considered. The alternative of No Action was also considered. The decisions were based on the factors of purpose and need, environmental effects, cost considerations, engineering performance, and public concerns.

The alternatives are presented below in order of preference.

[1] In this study, the "routes" meant tentative line locations within a broader corridor. Impacts were evaluated along these routes.

(I) *Alternative C—Talf Plan (Selected Alternative):* On the Taft South route, a 500-kV double-circuit line proceeds southwest from Garrison Substation, across the Fling Creek Valley near Maxville, then northwest across the Sapphire Mountains south of Missoula. It crosses the Bitterroot and Clark Fork Rivers, then heads west near St. Regis to a new 10-acre substation at Taft. The double-circuit portion of the route is 157 miles long. A single-circuit 500-kV line leaves Taft Substation, and enters Idaho near Mullan. It continues through the Coeur d'Alene Mountains, then emerges onto Rathdrum Prairie near Coeur d'Alene, where it joins an existing corridor and continues into Bell Substation at Spokane. The single-circuit portion is 101 miles long. Additional terminal equipment will be installed at Garrison and Bell Substations. The overall cost of this plan is $244 million. This is the environmentally preferred route location.

In selecting the Taft Plan, the agencies considered tradeoffs among the factors discussed below. Review documents used in making this decision included: the *Garrison-Spokane 500-kV Transmission Project Environmental Impact Statement* (Draft anf Final) (available from the BPA Transmission Coordination Office, 1620 Regent, P.O. Box 4327, Missoula, MT 59806); the Montana State DNRC draft and final reports on *Preferred and Alternate Routes: BPA 500-Kilovolt Line From Garrison-West* (available from DNRC Offices, 32 South Ewing, Helena, MT 59620); and the Montana Board of Natural Resources and Conservation recommendations (May 6, 1983). Based on a series of route comparisons made by an interagency, interdisciplinary team (BPA, FS, BLM, Montana DNRC), the agencies decided that the lesser effects of the Taft Plan, particularly on the people-related resources emphasized during public review, outweighed its relative disadvantages in terms of higher cost and greater effects on certain natural resources.

(A) *Taft South route:* This route was selected as the best overall route location. The decision factors considered were:

(1) Overall, this route would minimize environmental impact.[2] The Taft South route would have the least impact on social and economic resources, developed land, future residential development, agriculture, recreation, and visual resources. Although effects on certain natural systems would be higher, the interagency team analysis concluded that these effects generally could be more readily reduced or avoided by mitigation than could social or land use impacts.

(2) The overriding public concern about the effects of transmission lines was to avoid impacts on people and people-related concerns. The Taft South route best meets this concern.

(3) The Taft South route encounters about the same number of environmentally sensitive areas as do the other plans. The Taft South route offers more opportunities to avoid or mitigate effects in such areas than the other plans do. The major sensitive areas encountered by this route are Maxville, Rock Creek, Miller Creek, St. Regis, Lookout Pass/Mullan, Hayden Creek, and Rathdrum/Pleasant Prairie.

(4) Along the Taft South route, mitigation strategies and alternatives were examined at each of these sensitive areas. Measures adopted to reduce or avoid adverse effects are listed under Mitigation. Because of the complexity of issues involved, the decision factors for Maxville, Rock Creek, and Miller Creek are discussed below.

(a) *Maxville:* The Federal agencies and the State of Montana have continued to work with local residents to mitigate those impacts of the proposed route (called Route "A") related to social concern and proximity to people. Numerous route variations between the original proposed route and an area three miles south of Maxville were examined. These were narrowed down to two principal route adjustments: one just north of Maxville (called "AA") and another, and its variation, well to the south (called "AB" and "AB Modified"). A route was selected which generally follows the AB option south of Maxville (and including a site-specific adjustment near Boulder Creek) until it crosses Highway 10A; from the highway west, the route will proceed north and west to rejoin the original route as soon as is practicable. This adjustment reduces social effects and is located farther from developed land uses. The exact location of this adjustment will be worked out to minimize access road construction while still avoiding proximity to residences.

(b) *Rock Creek:* In response to Montana State Aeronautics Division concerns about foul weather aviation

[2] The term "environment" has been used in the project analysis to include its natural, physical, social, and economic aspects, as required by the National Environmental Policy Act (NEPA) under 40 CFR Part 1508.14.

hazards from the proposed line crossing, several alternate crossings were examined between the mouth of Rock Creek and a point several miles up the valley. A proposal to adjust the original crossing about 1300 feet north and lower the sag of the conductor wires was adopted because it meets the aeronautical requirements; minimizes land use, soils, water, and fisheries effects; and provides the least visually intrusive option available through the most heavily used part of the drainage. No other alternative meets all these criteria.

(c) *Miller Creek:* A number of routing variations have been examined. The selected routing is south of Miller Creek along the base of a broad hill. Because of expressed public concern and the potential for high visual impact, tower designs and placement, as well as their spacing, will be coordinated with area residents.

(5) From a technical standpoint, the Taft Plan would reliably integrate electric power supplied by the Colstrip generating units in eastern Montana. Constructing transmission facilities for this plan would allow the Bonneville Power Administration to provide necessary reinforcement to the interconnected regional power system.

(6) This alternative would have the highest total cost, about $20 million more then the lowest-cost Hot Springs Plan.

(B) *Taft North route:* This route was the second-best overall route location. It follows a more northerly course along the Clark Fork River between Garrison Substation and Missoula. This alternative offers a lower-impact option for forestry and for cultural and aquatic resources, but would affect more residences and recreational viewers. It is close to the Taft South route in overall impact. It was not selected because of the emphasis in the project area on avoiding impacts on people and because the impacts would be more difficult to mitigate.

(II) *Alternative B—Plains Plan:* A 500-kV double-circuit line would extend west from Garrison Substation to a new 12-acre substation near Plains, Montana, where these circuits would intersect with existing lines. From there, a 500-kV single-circuit line would be built to Bell Substation. The double-circuit portion is about 153 miles long, and the single-circuit portion is about 111 miles long, for a total of 264 miles. Terminal equipment would be added at Garrison and Bell Substations. Overall cost would be $229 million.

The Plains Plan was the second-best plan. The primary reason for not selecting this plan was that it would affect a greater number of people and offer fewer options for mitigation, particularly in major environmentally sensitive areas. Also, the relatively more severe impact on people are not offset by substantially lower effects on other resources.

(III) *Alternative A—Hot Spring Plan:* A 500-kV double-circuit transmission line would extend from Garrison Substation to Hot Springs Substation and beyond through the Clark Fork Valley to Thompson Falls, a total distance of 57 miles. From Thompson Falls to Bell Substation, 111 miles would be designed for single-circuit construction. The line would be 268 miles long altogether. Substation terminal equipment would be added at Garrison, Hot Springs, and Bell Substations. Estimated overall cost is $225 million.

The Hot Springs Plan was the least-preferred alternative. Even the best route for this plan would create more social, land-use, and other people-related effects than routes of the other plans. The impacts would be slightly counter-balanced by lesser effects on natural resources.

(IV) *No Action Alternative:* Under the No Action alternative, the Colstrip transmission system would be built to Garrison Substation, but the regional transmission system would not be reinforced, and 500-kV transmission facilities would not be built from Garrison west.

The No Action alternative was not selected because it does not meet the purposes and needs to which BPA is responding: that is, to integrate and transmit additional electric power from the Colstrip generating units and to reinforce the regional power system to insure adequate electrical reliability and electrical stability.

Mitigation: Many environmental considerations that have been applied in siting the line can be termed best resource management practices. These considerations are an integral part of the siting and mitigation process. However, they are not repeated here as mitigation measures. Only those actions necessary to reduce residual impacts that cannot otherwise be avoided are included.

The following means of mitigating environmental impacts of the project are adopted. The involved Federal and State agencies are jointly identifying site-specific mitigation measures to incorporate into the cooperative mitigation plan and the Project Plan. Adopting these mitigation measures insures that all practicable means have been used to protect the environment from harm; it also insures that the agencies will follow their respective mandates for land management as set forth in law, regulation, and policy.

(I) *General measures adopted:* Certain mitigation measures listed in the final EIS are standard BPA, FS, and BLM policy. These policies address such things as interference to radio, television, and communication facilities and by audible noise; weed control; restoration and compensation for damage in agricultural areas; protection of wildlife habitat and hunting opportunity; herbicide use; erosion control at stream crossings; protection of cultural resources (procedures for which are also spelled out in 36 CFR 800 and in standard construction specifications); planning for access roads; and coordination of clearing.

Other measures listed in the final EIS are part of BPA's standard construction specifications (Part 1, Chapter 4; Part 2, Chapters 2 and 3; and Part 3, Chapter 1). Those measures covered by standard specifications involve burning of debris; dust control; construction shutdowns to prevent excessive erosion; and cultural resource protection.

Other general measures adopted are to: minimize right-of-way clearing consistent with safe, reliable operation of the line; control access road development; control soil erosion and sedimentation; coordinate both clearing and tower and road locations; schedule construction as necessary to avoid sensitive wildlife habitat and poor soil conditions; otherwise reduce or avoid effects on wildlife or their habitat and impacts on hunting opportunity; avoid effects on honeybees; reduce Visual intrusion; and reduce disturbance of desirable vegetation.

Other measures considered in the final EIS and adopted are:

(A) In areas where WWP and BPA construction are parallel, the tower design, spacing, right-of-way clearing, and access road requirements of the two lines will be coordinated to reduce potential impacts.

(B) Where the right-of-way is near areas with potential for future residential development, BPA will work with city/county planning agencies to establish local policies for reducing future land use conflicts along the right-of-way, especially those that would preclude parallel construction of future lines within existing right-of-way.

(C) BPA will work with landowners to maintain and repair cattle guards, fences, and gates affected by BPA maintenance activity on access roads.

(D) Before the start of construction (at least 30 days if possible), BPA representatives and the construction contractor will meet with officials of

affected communities and with local business representatives to discuss the size and timing of predicted temporary increases in population, provisions for housing workers, and possible demands on local services. This action is intended to reduce community concerns about construction period impacts and to allow time to prepare for stresses on local services.

(II) *Measures adopted in specific areas:* This discussion details resources that could be affected and measures adopted to reduce those effects for certain sensitive areas. Similar measures will be used in other areas as required. The cooperative Federal/State effort on centerline mitigation and monitoring has been established and will continue. This effort is focusing on: identifying additional sites which require specific mitigation (such as managing road closures or reducing amounts of access); adjusting centerline, tower, or access road locations to effect mitigation; and planning monitoring programs to determine the effectiveness of the measures.

(A) Maxville/Flint Creek, Montana

(1) *Potential Effects.* Proximity to people and developed residential lands;

Interference with agricultural practices; loss of agricultural production; proximity to livestock;

Visual intrusion on residents and travelers on Highway 10–A and on scenic landscape.

Reduction of big game (elk) habitat security.

(2) *Adopted Mitigation.* Select routing south of Maxville (generally "AB") to reduce concerns for social and land use impact;

Closely coordinate centerline and tower locations with local residents to avoid residential, agricultural, and grazing land;

Minimize clearing/top trees as necessary at highway crossing to reduce visual effects;

Institute a road use management program to reduce effects on big game;

Use nonspecular conductor wires and darkened towers to reduce visual effects.

(B) Rock Creek, Montana

(1) *Potential Effects.* Conflicts with recreational use of nationally renowned fishing stream and developed recreation sites;

Disturbance of prime fishery resources and bald eagle habitat;

Disturbance of sideslopes sensitive to scarring, erosion/sedimentation;

Conflict with emergency foul-weather flyway.

(2) *Adopted Mitigation.* Limit clearing and/or top trees on valley bottom or on lower or middle slopes to reduce effects on recreational, fish, wildlife, and soils resources;

No access road construction on valley bottom or lower slopes to reduce effects on those resources;

Locate towers high on the side slopes to reduce effects on those resources;

Darken towers and use nonspecular conductor wires to reduce visual effects;

Use long span; use special conductor wire sag to reduce visual effects of cleared right-of-way;

Use marker balls and no overhead groundwires to reduce flyway conflict [3];

Assist Montana State Aeronautics Division in updating state aeronautic charts to show the transmission line location.

(C) Lolo/Miller Creek/Blue Mountain, Montana

(1) *Potential Effects.* Proximity to people and established and proposed residential subdivisions;

Visual effects on highway travelers and developed areas;

Disturbance of unstable soils;

Disturbance of fishery resources and bald eagle habitat.

(2) *Adopted Mitigation.* Adjust location near Cahoot Creek and Deadman Gulch to avoid residential areas and to reduce visual effects;

Use tubular steel towers or darkened lattice towers and use nonspecular conductor wires to reduce visual effects;

Selectively clear; minimize access road construction and overall ground disturbance to reduce visual effects and disturbance of wildlife and fisheries habitat and of soil;

Avoid undercutting steep slopes to minimize soils disturbance;

Top trees at river and highway crossings to reduce visual effects;

Raise tower heights near Deadman Gulch to reduce clearing to reduce visual effects.

(D) St. Regis, Montana

(1) *Potential Effects.* Proximity to people, towns and undeveloped subdivisions;

Intrusion on major planned community park;

Soil and vegetation disturbance on steep slopes, particularly at Clark Fork River crossing;

Visual effects on Highway 461 travelers.

(2) *Adopted Mitigation.* Select the Tamarack Creek alternative alignment to avoid developed areas and a planned park;

Reduce clearing and road construction at the Clark Fork River crossing;

Use nonspecular conductor wires and darkened towers to reduce visual effects.

(E) Lookout Pass, Montana/Mullan, Idaho

(1) *Potential Effects.* Visual intrusion at Lookout Pass and recreation sites and to travelers on I–90;

Visual degradation of highly scenic landscape;

Taft Substation site (effects on water resources, soils).

(2) *Adopted Mitigation.* Clear selectively to reduce visual effects;

Use darkened towers or improved appearance towers and use nonspecular conductor to reduce visual effects;

Adjust Taft Substation site location and design; reconfigure access road system to avoid effects on water resources and soils;

Use special erosion control measures on Taft Substation road system to avoid effects on water resources, fisheries habitat, and soils.

(F) Hayden Creek, Idaho

(1) *Potential Effects.* Conflicts with use of general recreation area and intensive recreation use sites;

Disturbance of fishery resources;

Intrusion on prehistoric camps;

Conflict with forest management plans;

Potential to compound existing erosion and water quality problems;

Visual effects on residents and Highway 95 travelers.

(2) *Adopted Mitigation.* Adjust location out of Hayden Creek drainage to avoid all the above problems;

Use darkened or tubular steel towers and nonspecular conductor wires to reduce visual effects;

Reduce clearing; top trees (as necessary) in vicinity of Highway 95 crossing to minimize visual effects.

(G) Rathdrum Prairie/Pleasant Prairie, Idaho-Washington

(1) *Potential Effects.* Proximity of transmission right-of-way to developed and developing areas;

Conflict with agricultural land;

Intrusion on upland sandpiper habitat.

(2) *Adopted Mitigation.* Use nonspecular conductor and treated towers to reduce visual effects on developed areas;

Place towers to minimize disturbance to farming practices;

[3] Measures to reduce visual intrusion and those to avoid airway hazards may be in direct conflict.

Coordinate timing of construction to avoid disturbance of upland sandpiper habitat;

Limit numbers of towers; do not build permanent access through upland sandpiper habitat.

(III) *Mitigation Not Adopted:* The following measures, listed in the final EIS as "Not Included in the Proposal," have not been adopted:

(A) Helicopter Construction: Construction of parts of the BPA 500–kV transmission line solely by helicopter has not been adopted because the weight of the tower structures exceeds helicopter lifting capacity, particularly at the moderately high (4000–6000+ feet) elevation along the route. Certain phases of construction—such as stringing of sock line—may be done by helicopter.

(B) Underground Construction: Undergrounding of any portion of the transmission line has not been adopted because the following factors heavily outweigh potential mitigation results (which would principally be used to reduce visual impact): Uncertain reliability due to present technological limitational; the risk of a prolonged outage of a major transmission intertie; the significantly increased cost; geologic instability; the risk of negatively affecting steambed hydraulics; the risk of cable damage, resulting in oil spill pollution; possible tradeoffs for impacts on other resources such as residential and agricultural land uses. In summary, the agencies concluded that it is not reasonable to incur the added cost of underground transmission systems in the face of the uncertainly whether systems would meet reliability criteria or would alleviate impacts as intended.

Monitoring and Enforcement: The involved agencies will insure that mitigation measures identified in the final EIS, and adopted in this Record of Decision, are included in the construction contract specifications. The Federal land management agencies will assign project coordinators and field representatives to work with BPA construction coordinators and field representatives on Federal lands. The BPA inspectors who monitor the project will be responsible for insuring that the measures agreed to in this Record of Decision and subsequent Project Plan, right-of-way permit, and BPA construction contract specifications are carried out. BPA will work with the affected States to establish and enforce mitigation measures on State and private lands. The monthly report from the BPA Division of Construction will identify mitigation measures that have been initiated and/or completed as specified in the project contract.

A designated archeologist will be present when digging is being done at cultural sites identified in the contract specifications, at the request of the appropriate land managing agency. The construction contractor will notify BPA one week before beginning work in these areas.

Integration With Other Requirements: The Taft South route crosses portions of five Roadless Area Review and Evaluation (RARE) II inventory areas in Montana (Nos. 424, 790, 791, 795, and 800) and one in Idaho (No. 139). All six of these areas were designated as "nonwilderness" in the Forest Service's RARE II process. As a result of a recent decision by the Court of Appeals for the 9th Circuit regarding the status of RARE II areas in California [*California* v. *Block*, 690 F. 2d 753 (9th Cir. 1982)], the Forest Service will reevaluate all RARE II areas nationwide through the Forest Service forest planning process. Meanwhile, the Forest Service will continue with its land management of these areas, in keeping with their nonwilderness designation under the RARE II process.

Under requirements of the intergovernmental Coordination Act, BPA has notified the Washington, Idaho, and Montana State Clearinghouses of the project by sending them the draft and final EIS's. The Garrison-Spokane Project is consistent and compatible with State and local development plans to the extent possible. Copies of this Record of Decision will be sent to State clearinghouses for notification of the decisions that have been made.

The following historic properties in the study area have been listed on the *National Register of Historic Places* and may be affected by having the project within view:

DeBorgia Schoolhouse—Mineral County, Montana; in DeBorgia,

Murray Courthouse—Shoshone County, Idaho; in Murray,

John C. Feehan House—Shoshone County, Idaho; in Murray,

United States Forest Service Remount Depot (Ninemile Ranger Station)—Missoula County, Montana; northwest of Huson,

Traveler's Rest—Missoula County, Montana; in Lolo.

Other properties listed on or eligible for the *Nation Register* may be susceptible to visual intrusion from the transmission line. However, such intrusion would not be likely to affect adversely the qualities for which the properties are listed or are eligible for inclusion. This is because the properties were recognized for their historical significance or their architectural qualities and integrity, not specifically for the quality of their settings.

Numerous prehistoric sites listed in the Montana State Inventory, and presumed to be eligible for the *National Register*, may be affected by the project. Field evaluations and determinations of eligibility will be made of all sites along the proposed route before construction begins. A memorandum of agreement is being concluded among BPA, the appropriate State Historic Preservation Officer, the FS, the BLM, and the Advisory Council on Historic Preservation; it stipulates mitigation measures to be carried out should any sites be found eligible.

The U.S. Fish and Wildlife Service (USFWS) provided biological opinions on this project in connection with the bald eagle, grizzly bear, gray wolf, and peregrine falcon. These opinions concluded that the project would have "no effect" on these species or their habitats. BPA will send a copy of this Record of Decision to USFWS, informing them of our decision and that the decision complies with the recommendations made in the opinions.

Between 1 and 6 acres of Prime farmland could be occupied by tower bases, thus converting it to other uses. Because the transmission line route must cross or parallel certain valleys where Prime farmland is concentrated, there is no practicable alternative to such conversion. Various measures listed under Mitigation will be used on Prime farmland to minimize the amount taken out of production. These measures basically involve coordination of tower locations with the landowners.

Under requirements of the Clean Air Act, BPA will secure necessary State air quality and open burning permits.

In accordance with the requirements of the Federal Clean Water Act, BPA will obtain necessary State water quality and pollution discharge permits.

Implementation: The following provisions must be met before construction can proceed:

(I) Right-of-way permits across Federal land (Federal Land Policy and Management Act of 1976) will be issued by the FS and BLM. The right-of-way permit granted by the FS will include, by reference, a Project Plan which will specify mitigation measures required to protect the environment of National Forest System lands. The BLM right-of-way permit will include similar stipulations for BLM land.

(II) On National Forest System lands only, this decision is subject to a formal administrative review process, pursuant to 36 CFR 211.18. Under this process, any notice of appeal must be filed

within 45 days from the date of this Record of Decision. Right-of-way permits will be issued following the appeal period.

FOR FURTHER INFORMATION CONTACT: George Eskridge, District Manager, Bonneville Power Administration, 800 Kensington, Missoula, Montana 59801; telephone (406) 329–3860.

Copies of this Record of Decision are being sent to agencies, organizations, and individuals who commented on the EIS.

Each Federal decisionmaker, by signing an original copy of this Record of Decision, is making a decision to the extent of the agency's jurisdiction.

Dated: May 23, 1983.

Tom Coston,

Regional Forester, Northern Region, USDA Forest Service.

Dated: May 23, 1983.

Michael J. Penfold,

State Director, Montana, USDI Bureau of Land Mangement.

Dated: May 23, 1983.

Peter T. Johnson,

Administrator, Bonneville Power Administration.

[FR Doc. 83–15103 Filed 6–6–83; 8:45 am]
BILLING CODE 6450–01–M

Office of Energy Research

Proposed Fiscal Year 1984; Energy Research Instrumentation Program

AGENCY: Department of Energy.

ACTION: Solicitation of comments on proposed program announcement.

SUMMARY: Prior to developing the eligibility requirements and other limitations for its Energy Research Instrumentation Program, the Office of Energy Research is seeking comments on the preliminary program guidelines given below. This program will be initiated in FY 1984, subject to the availability of funds. This program is responsive to the overall national concern about the shortage of state-of-the-art instrumentation available to universities and colleges. The program will support about 30 instrumentation projects ranging from about $100,000 to about $500,000. Eligible institutions will be limited to colleges and universities with demonstrated capabilities to carry out significant energy research in at least one of the selected areas of emphasis.

DATE: Comments must be filed by July 7, 1983.

ADDRESS: Address comments to the Division of University and Industry Programs (ER–44), Department of Energy, 1000 Independence Avenue, S.W., Room 3F–077, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Dr. Israel Warshaw, Division of University and Industry Programs, Office of Field Operations Management, Office of Energy Research Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone Number: (202) 252–6641.

SUPPLEMENTARY INFORMATION:

Background

Subject to the availability of funds in FY 1984, the Department of Energy plans to initiate a new program intended to help reduce the shortage of state-of-the-art instrumentation required for energy-related research in universities and colleges. This program is part of an interagency effort to help decrease the overall shortage, estimated to exceed one billion dollars, of research equipment in universities. Before developing the final program announcement, the Department of Energy is seeking comments on the overall concept and related guidelines which are proposed in this notice. Written comments from interested parties should be sent to the address given in the **ADDRESS** heading, above.

The overall objective of this program is to assist universities and colleges in strenthening their capabilities to conduct long-range research in specific energy research and development areas of interest to DOE through the acquisition of specialized research instrumentation. An ancillary objective of this program is to ensure that graduate students are trained in the use of state-of-the-art equipment. Therefore, the number of graduate students associated with energy research projects which will benefit from this equipment is of particular interest to the Department. The FY 1984 congressional budget request for this program is $6,000,000. It is expected that about 30 grant awards will be made, typically ranging from about $100,000 to about $500,000.

Authority for the Energy Research Instrumentation Program is contained in Section 31 (a) and (b) of the Atomic Energy Act of 1954 (42 U.S.C. 2051, Pub. L. 83–703), Section 209 of the Department of Energy Organization Act of 1977 (42 U.S.C. 7139, Pub. L. 95–91).

Areas of Interest

In the formal program announcement, the Department of Energy will identify specific research areas of interest for which instrumentation support will be considered.

While the equipment requested may be suitable for use for research on other energy-related topics, the need for the equipment must be justified in terms of its value and ability to enhance the institution's capabilities in one or more of the selected areas.

Instrumentation Summary

The program will be intended to assist those institutions with demonstrated capability in designated research areas to obtain the larger instruments (items costing about $100,000 and more) which are required on-campus to strengthen research on the designated areas.

The Department is concerned that the equipment provided through this program should be available for a reasonable life span. Thus, the DOE will be interested not only in how the institution will utilize the funds which the Department provides, but also how the institution plans to meet other related costs (e.g., installation, operation and maintenance, etc.). In addition, the Department will be interested in the institution's plans for obtaining the funds needed to replace this equipment after it becomes "obsolete."

Small research instruments (costing less than about $100,000) that are more likely to be used independently rather than as part of an integrated, campus-based research facility will not be eligible for consideration in this program.

General purpose computing equipment is not eligible under this program. However, laboratory computers and associated peripherals dedicated for use in connection with the instrument(s) requested or for use with existing research instruments in any of the designated areas will be considered.

Eligibility and Limitations

Parties eligible to receive funds under this program will be limited to universities and colleges which have received a minimum of $300,000 during the past two years from DOE for research in at least one of the selected areas for which the equipment will be used. There are two reasons for requiring these minimum eligibility criteria. First, in view of the limited funds available for this program relative to the total need of energy-related research instrumentation, the Department's commitment in FY 1984 will be to help strengthen and expand the research and graduate education capabilities of those university research groups who are already well established and contributing to the Department's longer-range research needs and missions. Universities seeking to

participate in this program must demonstrate their current capabilities to carry out major research programs of direct relevance to the research supported by the Department. Second, types of instrumentation to be supported through this program are complex, are at the state-of-the-art in instrumentation development, and will cost in excess of $100,000. Effective utilization of the full capabilities of these instruments for advanced energy research in a university environment requires significant numbers of scientists, students, and support personnel. DOE believes that only those university research groups with large, on-going scientific research programs will be able to take full advantage of the capabilities of such instrumentation to enhance and expand their energy research programs. Accordingly, DOE has determined that the $300,000 minimum funding level during the past two years is a realistic measure of research capabilities in, and commitment to, one or more of the selected areas for which instrumentation support is requested.

Available Funds

$6,000,000 is included in the Department's FY 1984 congressional budget request for this program. Approximately 30 grants are expected to be awarded; the size of each grant will vary and may range from about $100,000 to about $500,000. This estimate does not bind the Department of Energy to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations. The number of awards to any institution will be limited with most institutions receiving only one grant. However, if a university or college demonstrates unusual scientific merit in a number of the designated areas, DOE may award more than one grant to that institution.

DOE intends to continue this program in FY 1985. If prior to the release of the final program announcement it appears that in FY 1985 the program's eligibility requirements, designated research areas and evaluation criteria will be similar to those for FY 1984, the program announcement may include a statement which will permit universities to request that their proposals, which were received but not funded in fiscal 1984, be retained by DOE and reevaluated along with any new proposals received in response to the FY 1985 program announcement. Such a provision would decrease the amount of effort required of universities to submit proposals for the FY 1985 research instrumentation program.

Invitation to Comment

Interested persons are invited to submit written comments and recommendations regarding the proposed program announcement. Comments and recommendations should be sent to the address given in the ADDRESS heading, above. All comments received on or before July 7, 1983, will be considered in the development of the final program announcement. Comments are specifically invited on: the overall proposed approach of the program; the specific objectives of the program; the proposed minimum eligibility criteria; the evaluation criteria; the page limit of the proposal relative to the information required; the dollar range of the awards.

All comments submitted in response to the proposed program announcement will be available for public inspection, during and after the comment period, in Room 3F-071, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday of each week except Federal holidays.

Issued in Washington, D.C. on June 1, 1983.

(Catalog of Federal Domestic Assistance No. 81.077, Energy Research Instrumentation Program)

Alvin W. Trivelpiece,

Director, Office of Energy Research.

The program announcement is proposed to read as follows:

Energy Research Instrumentation Program

Table of Contents

I. Program Description
II. Designated Research Areas
III. Proposal Preparation and Format
IV. Estimated Cost and Budget
V. Method of Selection and Evaluation Criteria
VI. Submission of Proposals
VII. Other Information

I. Program Description

A. Background

The Department of Energy (DOE) announces a new program initiative intended to help alleviate the national shortage of state-of-the-art instrumentation in universities and colleges with major, energy-related research programs. The overall objective of this program is to assist these institutions in strengthening their capabilities to conduct long-range research in specific research and development areas of interest to DOE through the acquisition of specialized research instrumentation. In FY 1984, the Department plans to award approximately $6,000,000 through this program. It is expected that approximately 30 grant awards will be made, ranging from about $100,000 to about $500,000. The program is primarily intended to assist those institutions with demonstrated capability in designated research areas (See Section II) to obtain the larger instruments, items costing about $100,000 or more, which they require on campus to strengthen their research on these areas. DOE will consider funding instruments such as scanning electron microscopes, nuclear magnetic resonance spectrometers, ion microprobes, laser diagnostic systems, etc. This special program is complementary to and does not replace the Department's efforts to provide funds for equipment required on an individual research project supported through the cognizant research programs. Requests for such instrumentation should continue to be included in research proposals which are submitted to DOE's basic and technology research programs.

The Department expects that the equipment provided through this program should be available for a reasonable life span. Thus DOE will be interested not only in how the institution will utilize the funds which the Department provides, but also the institution's plans for meeting related costs such as might be incurred in installing, operating and maintaining the equipment during its effective life span. The institution's plans for meeting these costs and for obtaining the funds required to replace the equipment after it becomes "obsolete" should be discussed in the proposal.

An ancillary objective of this program is to ensure that graduate students are trained in the use of state-of-the-art equipment. Therefore, the number of graduate students associated with energy research projects which will utilize this equipment is of interest to DOE.

B. Eligibility and Limitations

Participation in the Energy Research Instrumentation (ERI) Program is limited to U.S. universities and colleges which are currently conducting research in one or more of the areas to be listed in Section II of the program announcement, and which, during the past two years, have received a minimum of $300,000 from DOE for research in one of the designated areas for which the equipment is requested.

Small research instruments (less than about $100,000 each) will not be eligible for consideration in this program. As noted above, funds for such instruments should continue to be included in

proposals to the Department's cognizant research programs.

General purpose computing equipment is not eligible under this program. However, laboratory computers and associated peripherals dedicated for use in connection with the instrument(s) requested or for use with existing research instruments in any of the designated areas will be considered.

II. Designated Research Areas

A. Eligible Areas of Interest

During FY 1984, DOE's Energy Research Instrumentation (ERI) Program will be concerned primarily with capital equipment needed for research in a limited number of designated energy areas. [The eligible designated research areas will be listed and defined in the program announcement.]

While the equipment requested will be equally suitable and may be used for research on other energy-related topics, the need for the instrument(s) must be justified in terms of its value and ability to enhance the institution's capabilities in one or more of the designated areas.

III. Proposal Preparation and Format

A. Objective

The principal objective of a proposal to DOE under this program is to demonstrate the potential impact of the requested equipment, indicating how it will:

1. Enhance the technical excellence of the institution's research programs in the designate area(s), and

2. Increase the institution's ability to conduct more advanced research in this area(s).

Furthermore, the proposal should demonstrate that the institution's current and/or recent research projects in this area(s):

1. Are of the highest scientific merit;

2. Are contributing to the nation's need for knowledge and data on these topics; and

3. Are contributing to the training of advanced students.

B. Proposal Format

Each proposal submitted to the ERI Program must be signed by the president of the institution or his/her designated officer and submitted by the institution. The proposal should not exceed 30 pages in length, including: resumes, attachments, photographs, tables, illustrations, lists, etc. The proposal should be typed double-spaced on one side of 8½ inch by 11 inch paper and the pages should be numbered consecutively. To facilitate orderly review, the proposals should include the information and be written in the order indicated below.

1. *Cover Sheet:* Photocopy and complete the form in Appendix A as page 1 of each copy of the proposal.

2. *Summary:* This should be a concise description of the proposal, not more than one double-spaced typewritten page long. It should include a brief description of the equipment which will be purchased or fabricated, some comments on the applicable research programs, the impact of the equipment on the institution's research programs in the applicable areas, and indicate the institution's plans for sharing the costs in addition to the amount requested from DOE.

3. *Narrative:*

a. *Technical merit and accomplishments of the institution's research programs in the applicable energy areas, the institution's commitment to energy research in the designated areas, and the potential for expanding/improving these programs with the acquisition of the requested equipment:* This section should discuss the applicable research programs requiring the equipment and should be aimed at persuading reviewers that the institution "historically" has had strong research programs in the designated areas and that the number and quality of such programs are likely to increase in the future. Briefly describe the overall objectives of these programs. Discuss some specific projects, including the title, name of the sponsor, and the amount of funds involved. On another page list all of the institution's research projects in the applicable designated areas during the last five years (including title, sponsor, total funds awarded, the period involved and the approximate number of graduate students associated with each project). Also, list the major accomplishments of the institution's applicable research projects during the last five years.

How do these programs relate to the institution's view of its principal responsibilities in energy research? Discuss the institution's efforts to strengthen research in the applicable designated areas, such as authorizing additional faculty positions, providing institution or state funding for graduate student support, equipment or facilities, or "seed funding," etc. in these areas. Indicate how the institution has fostered the growth of the applicable research areas and its commitment to do so in the future.

Briefly describe the equipment requested and indicate the estimated cost. It is not necessary to describe the operation of the equipment unless it is likely to be unknown to researchers in the applicable field(s). Discuss the need for the equipment and its expected impact on the institution's ability to develop and carry out more effective energy research programs in the designated areas.

b. *The qualifications of the faculty associated with the applicable research areas and the degree of faculty experience with similar equipment:* Briefly discuss the overall experience and capabilities of the faculty to conduct research in the applicable areas. Provide vitae (a maximum of one page per person) for the principal faculty members associated with the research areas described in the proposal.

Briefly discuss the extent to which the faculty whose research projects are described in this proposal have used this or similar equipment on or off campus in recent years.

c. *Institution's plans for sharing the costs, ensuring the operation and maintenance of the equipment, and replacing the equipment at a future date:* The level of cost-sharing will be a factor in the evaluation of the proposals. No specific fraction of cost-sharing is required, but institutions are encouraged to seek funds from all available sources. Although none of the program funds may be used to modify buildings or facilities, such costs as well as other current and future costs which the institution indicates it will provide will be considered as "cost-sharing." Estimate the useable life span of the equipment and discuss the institution's plans for ensuring its continued availability during this period, including some comments on the institution's equipment repair facilities and personnel. If similar equipment is located at the institution or nearby (within 50 to 100 miles), why is the requested equipment required? Describe the institution's plans for obtaining the funds needed to replace this equipment.

d. *Institution's experience in utilizing and sharing other major research equipment and its plans for making the requested equipment available to faculty in other institutions:* Briefly describe some of the major research instruments which are available on campus, particularly those which might be used by faculty and students involved in the applicable energy research programs. What were the sources of funds for these instruments? How has the university ensured their continued operation and maintenance? Are they available to and have they been used by researchers at nearby educational institutions?

Describe the institution's plans for sharing the requested equipment with researchers at nearby universities.

C. Information

For further information about this announcement or to obtain copies of the application, contact: [contracting officer to be designated when announcement is released].

IV. Estimated Cost and Budget

A. Budget Information

A proposed budget should be submitted, detailing the estimated purchase cost of the equipment, as well as installation, operation and maintenance costs *for a period of five years*. The anticipated sources of funds for each category should be indicated. Use the Budget Form provided in Appendix A and append any necessary explanations.

B. Budget Page Comments

If the institution provides the funds for related costs, such as shipping, installation, operation and maintenance costs for the first five years, etc., it may claim credit for them as "cost-sharing."

C. Availability of Funds

Awards under this program will be subject to the appropriation of funds in fiscal year 1984.

D. Cost Principles

The cost principles contained in OMB Circular A–21, "Cost Principles Applicable to Grants, Contracts and Other Agreements with Institutions of Higher Education," will apply to this program.

V. Method of Selection and Evaluation Criteria

A. Introduction

Proposals will be screened first for their relevance to the chosen designated research areas. Those found to be relevant will then be evaluated using the criteria listed in Section V.B. Technical evaluations will be obtained from government and non-government scientists and engineers familiar with the fields of research. Final decisions will be made by the DOE based upon these criteria and consideration of other factors, including possible duplication of similar equipment, research and program balance, and geographic distribution of the awards as geographic distribution is important to achieving program purposes. In the evaluation and handling of a proposal, every effort will be made to protect the confidentiality of the proposal. DOE is under no obligation to pay for any costs associated with the preparation or submission of applications if an award is not made. DOE reserves the right to fund, in whole or in part, any, all, or none of the applications submitted in response to the solicitation. All proposers will be notified in writing of the acceptance or rejection of their proposals. After the comprehensive evaluation has been completed, unsuccessful proposals will be retained by DOE for a period of one year. Proposers may request in writing for copies of the evaluations of their proposal.

B. Evaluation Criteria

The criteria to be used in the review and evaluation of ERI proposals are as follows in declining order of importance. The value of the first criterion will be approximately equal to the total value of the remaining criteria. The subcriteria under each criterion are equal in importance.

1. *Merit/Accomplishments.*

a. Technical merit and accomplishments of the institution's research programs in one or more of the designated energy areas and any other factors which will demonstrate the institution's commitment to energy research in these areas, and

b. The potential for expanding/improving these programs with the acquisition of the requested equipment.

2. *Faculty Qualifications/Experience.*

a. The qualifications of the faculty associated with the applicable research areas; and

b. The degree of faculty experience with similar equipment.

3. *Cost Sharing.*

a. Institution's plans for sharing the costs;

b. The reasonableness of proposed costs compared to anticipated benefits;

c. The institution's financial plans for ensuring the operation and maintenance of the equipment; and

d. Plans for financing as necessary the replacement of the equipment at a future date.

4. *Research Equipment.*

a. Institution's experience in utilizing and sharing its other major research equipment; and

b. Its plans for making the requested equipment available to faculty in other institutions.

VI. Submission of Proposals

A. Address and Number of Copies

One signed original and nine copies of the proposal are to be submitted to: [office to be designated].

B. Number of Proposals Per Institution

Each institution may submit a maximum of three proposals. For this competition, the individual campuses of state systems are considered as separate institutions.

C. Closing Date for Receipt of Proposals

To be eligible, proposals must be received by the Department of Energy by 5:00 p.m. *Month x, 1983* or postmarked by midnight, *Month x, 1983*.

D. Late Proposal Provisions

[The program announcement will include the standard DOE statement regarding the late submission of proposals.]

VII. Other Information

A. Reports

A report which briefly describes the status and use of the equipment, new research projects which have been undertaken as a result of the equipment being available, financial data on operation and maintenance expenses provided by the institution, etc. will be required annually for the five years following installation of the equipment. Five copies be submitted to: [to be designated].

B. Awards

As noted above, the Department anticipates approximately 30 grants awards ranging from about $100,000 to about $500,000. The number of awards to any institution will be limited, with most institutions receiving only one. However, if a university or college demonstrates unusual scientific merit in a number of the designated areas, DOE may award more than one grant to that institution. The awards will be announced on or before April 15, 1984.

C. Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number for this program is 81.077.

[FR Doc. 83-15102 Filed 6-6-83; 8:45 am]
BILLING CODE 6450-01-M

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: High Energy Physics Advisory Panel (HEPAP).

Date and Time: Wednesday, June 29, 1983—9:00 a.m.–6:00 p.m. Thursday, June 30, 1983—9:00 a.m.–4:00 p.m.

Place: U.S. Department of Energy, 19901 Germantown Road, Room A–410, Germantown, Maryland.

Contact: Dr. P. K. Williams, Secretary, High Energy Physics Advisory Panel, U.S. Department of Energy, ER–221, Washington, DC 20545, Telephone: 301/353–4829.

Purpose of panel: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda

—Presentation and Discussion of the Report of the 1983 Subpanel on New Facilities and its transmittal to DOE.

—Discussion of FY 1983 and FY 1984 Budgets for DOE High Energy Physics and NSF Elementary Particle Physics.

—Discussion of a Possible Subpanel for Review of U.S. Experiments at Foreign Facilities.

—Discussion of U.S. Non-Accelerator Experiments.

—Discussion of International Collaborations and Bilateral Cooperative Agreements.

—Discussion of New U.S. Representative to IUPAP Commission on Particles and Fields.

—Public Comment (10-minute rule).

Public Participation: This meeting is open to the public. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Panel will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact P. K. Williams at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on June 2, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83–15101 Filed 6–6–83; 8:45 am]

BILLING CODE 64–60–M

Federal Energy Regulatory Commission

[Docket No. CI83–233–000]

Natural Gas Companies; Damson Oil Corp. (Successor to Damson Exploration Corp.); Application for Abandonment of Service

June 1, 1983.

Take notice that the Applicant listed herein has filed an application pursuant to Section 7 of the Natural Gas Act for authorization to abandon service as described herein, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 10, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protestants filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protests parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on the application in the event no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
CI83–233–000, B, May 6, 1983	Damson Oil Corporation (Successor to Damson Exploration Corporation), Damson Oil Tower, 396 West Greens Road, P.O. Box 431, Houston, Texas 77210.	Texas Gas Transmission Corporation, Wyandotte Field, St. Mary Parish, Louisiana.	(1)	

[1] Uneconomical.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 83–15133 Filed 6–6–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EC83–14–000]

Alabama Power Co.; Filing

June 1, 1983.

The filing Company submits the following:

Take notice that on April 18, 1983, Alabama Power Company (Alabama Power) filed an application, pursuant to Section 203 of the Federal Power Act, for approval of the sale of certain of its facilities to the Utilities Board of the City of Sylacauga, Alabama (Utilities Board).

The facilities are located in and around the City of Sylacauga, Talladega County, Alabama. The total purchase price of the facilities to be sold and conveyed is $237,950.

Alabama Power states that the transaction would result in a reduction in the Utilities Board's electrical demand which in turn would result in a reduction in their purchased power cost.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15132 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-254-000]

Montana-Dakota Utilities Co.; Petition

June 1, 1983.

Take notice that on May 13, 1983, Phillips Petroleum Company (Petitioner), 1258 Adams Building, Bartlesville, Oklahoma 74004 filed in Docket No. CP83-254-000 a petition pursuant to § 385.207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for an order declaring, for the purposes of Montana-Dakota Utilities Co.'s (MDU) proposed storage and transportation service and gas sales, that the term "delivery" be determined to be the time of actual sales of the natural gas in question, or, in the alternative, pursuant to Sections 104(b)(2), 109(b)(2) and 502(c) of the Natural Gas Policy Act of 1978 (NGPA) for an adjustment providing rate relief equal to the difference between the price applicable to the month of initial delivery to MDU for storage and the actual sale price, so that Paragraph 2(2) of MDU's tariff may operate in accordance with its terms, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that on March 29, 1983, MDU filed an application in Docket No. CP83-254-000 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the storage of natural gas on behalf of certain of MDU's suppliers and the incidental transportation of such gas pursuant to MDU's proposed Rate Schedule S-2. Petitioner states that MDU's proposal contemplates that MDU would, in lieu of currently purchasing certain gas volumes delivered to it by its casinghead and residue gas suppliers, place those volumes in storage on behalf of those suppliers for subsequent sale either to MDU or to other purchasers as market conditions warrant. Petitioner states further that it is expected that suppliers would waive the right to immediate sale of and payment for the gas placed in storage. It is stated that the proposed tariff for MDU's storage service for suppliers (Rate Schedule S-2, *pro forma* Sheet No. A) provides in paragraph 2(2) that "If Seller elects to purchase gas under Section 2(1)(a) of this rate schedule, the price for the storage volume purchased by Seller during any month shall be the price in effect for the month when such purchase occurs, as determined under the applicable gas purchase agreement, or, if such agreement is no longer in effect, the prevailing market price for casinghead and residue gas purchased by Seller during such month."

Petitioner comments that MDU proposes that the price applicable to gas stored when ultimately sold would be the price applicable during the month of actual sale following storage rather than the price applicable to the month of initial production and delivery to MDU for injection into storage. Petitioner refers, however, to Section 2(22) of the NGPA which defines "deliver" to mean "the physical delivery from the Seller." Petitioner alleges that producer-suppliers agreeing to MDU's storage and transportation service proposal are waiving a clear right to receipt of current income in exchange for considerable market risk and potentially lengthy delays in the actual sale of the natural gas stored by MDU on their behalf. Petitioner maintains further that any requirement that an historical month be used would also be very difficult to administer and enforce perhaps years later and that producers and residue gas suppliers would also have little incentive to continue allowing injection of gas into storage if ultimate sales of the gas are to be made at historical prices. Accordingly, Petitioner urges that declaratory or rate relief be granted so that MDU's tariff may operate in accordance with its terms.

The procedures applicable to the conduct of the adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure.

Any person desiring to participate in an adjustment proceeding or in a proceeding on a declaratory order must file a motion to intervene in accordance with the provisions of Subpart K or Subpart B, respectively, of the Commission's Rules of Practice and Procedure. All motions to intervene or protests must be filed within 15 days after publication of this notice in the **Federal Register**.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15134 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-438-000]

Montana Power Co.; Order Accepting for Filing and Suspending Rates, Noting Intervention, Denying Request for Deficiency Letter, and Establishing Hearing Procedures

Issued: May 31, 1983.

On March 31, 1983 as completed on April 15, 1983, Montana Power Company (Montana), submitted for filing a proposed increase in rates for firm power service to Big Horn Electric Cooperative and Central Montana Electric Generation and Transmission Cooperative, Inc. (Central).[1] The rates would increase revenues from these customers by approximately $1 million (21.2%) based on a calendar year 1981 test period. Montana has proposed an "effective date" of June 1, 1983, but also requests a one month deferral until July 1, 1983, consistent with a settlement agreement in Montana's prior rate case in Docket No. ER81-282-000.[2]

Notice of Montana's filing was published in the **Federal Register**, with responses due by April 20, 1983. On that date, Central filed a motion to intervene, protest, and request for issuance of a deficiency letter or suspension. Central first requests that the Commission find Montana's filing deficient and withhold a filing date until the alleged deficiencies are remedied. Central lists a number of perceived failures to supply all of the data required by 18 CFR 35.13, as well as inconsistencies in the filing which have purportedly hindered Central's analysis. Alternatively, Central requests a five month suspension, alleging an excessive return on equity, overstated cash working capital allowance, and excessive fuel costs for coal purchased from Montana's subsidiary, Western Energy Company. Central also cites the alleged inconsistencies in Montana's filing in this context.

On May 11, 1983, Montana filed a response to Central's pleading, denying all allegations and submitting additional data. Montana asserts, however, that

[1] The proposed rates are designated as follows: *Montana Power Company*—(1) Supplement No. 11 to Rate Schedule FPC No. 39 (Supersedes Supplement No. 10), Central; (2) Supplement No. 6 to Rate Schedule FPC No. 40 (Supersedes Supplement No. 5), Big Horn.

[2] The settlement which was approved by letter order dated September 16, 1981, provided that in its next wholesale rate filing, Montana would propose an effective date no sooner than 60 days after filing and would expressly request a one month suspension from that date.

the added material is for informational purposes only and that its original submittal was in substantial compliance with our regulations.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motion to intervene serves to make Central a party to this proceeding.

Central's request for a deficiency letter will be denied. Contrary to Central's assertions, the Commission finds that Montana's filing, as originally submitted, substantially complied with the requirements of § 35.13 of our regulations.[3]

Our preliminary review of Montana's filing and Central's pleading indicates that the rates proposed by Montana have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. In the instant proceeding, our examination suggests that the proposed rates may not result in excessive revenues. However, as noted above, Montana has requested a suspension of one month in accordance with its earlier settlement agreement. As a result, we shall suspend Montana's proposed rates to become effective, subject to refund, on July 1, 1983.

The Commission Orders:

(A) Central's request for issuance of a deficiency letter and deferral of a filing date pending additional submittals is hereby denied.

(B) Montana's proposed rates are hereby accepted for filing and suspended for one month, to become effective, subject to refund, on July 1, 1983.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Montana's rates.

(E) The Commission staff shall serve top sheets in this proceeding on or before June 10, 1983.

(F) A presiding administrative law judge, to be designated by the Chief Administrative law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15137 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[3] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F. 2d 1341 (D.C Cir. 1971).

[Docket No. CP83-319-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Request Under Blanket Authorization

June 1, 1983.

Take notice that on May 12, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-319-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northern proposes to abandon and remove certain measurement and branchline facilities located in Wayne County, Nebraska, under the authorization issued in Docket No. CP82-401-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is asserted that Northern has been advised by Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), that the measuring station identified as the Wayne, Nebraska, Town Border Station No. 2 is no longer needed. It is further stated that the town border station provided service to the Wayne Rendering Company which is no longer in operation.

Northern, therefore, proposes to abandon the town border station and approximately 0.5 mill of 2-inch branchline. It is asserted that right-of-way grantors are served from the 2-inch branchline proposed to be abandoned but the Peoples would continue to provide service to such right-of-way grantors through an extension of its Wayne, Nebraska, distribution facilities. Consequently, it is asserted, there would be no termination of service as a result of the abandonment.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to §157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15135 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-425-000]

Ohio Edison Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Motion To Reject, Directing Summary Disposition, and Establishing Hearing and Price Squeeze Procedures

May 31, 1983.

On March 30, 1983, Ohio Edison Company (Edison) tendered for filing increased rates for firm power service to 21 municipal wholesale customers (Cities).[1] The proposed rates would increase revenues by approximately $3,488,000 (6.22%) for the calendar year 1983 test period. Edison requests an effective date of June 1, 1983, for the proposed rates.

Notice of Edison's filing was published in the Federal Register,[2] with comments due on or before April 27, 1983. A timely protest and motion to intervene was filed by the Cities on April 21, 1983. The Cities request (1) rejection in whole or in part of Edison's submittal or, in the alternative, a five month suspension of the proposed rates,

[1] *See* Attachment for customers and rate schedule designations.

[2] 48 FR 15687.

(2) initiation of a hearing, and (3) establishment of a phased price squeeze proceeding. In support of their request for rejection, the Cities state that Edison's submittal lacks sufficient explanation and workpapers to support adjustments relating to the proposed South Georgia method[3] of correcting an alleged deficiency in accumulated deferred income taxes, nuclear fuel disposal costs, and Edison's continued use of a two-step energy charge. The Cities also specifically request rejection of a tax adjustment clause which Edison has continued to include in its filed rates. In support of their alternative request for a five month suspension, the Cities raise numerous cost of service issues.[4] In addition, the Cities allege price squeeze. On May 6, 1983, Edison filed an answer opposing the Cities' request for rejection of its submittal in whole or in part or, in the alternative, maximum suspension of the proposed rate increase.

Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motion to intervene serves to make the Cities parties to this proceeding.

As noted, the Cities request rejection of the instant submittal because of a purported lack of workpapers and sufficient explanation to support certain elements of the filing. In addition, the Cities challenge Edison's two-step energy rate, arguing that it unduly penalizes customers with low load factors. The Commission finds that Edison's submittal substantially complies with our filing regulations.[5] Further, matters involving the design of Edison's energy charge will be more appropriately resolved on the basis of an evidentiary record. Accordingly, the Cities' motion to reject Edison's filing will be denied.

We also note that the Cities have requested summary rejection of Edison's tax adjustment clause,[6] contending that the tax clause (1) does not appear to encompass changes in the income tax rates, (2) is not triggered by decreases in taxes; and (3) provides for a surcharge to correct a purported undercollection of gross receipts taxes for a period of time which is outside the Period II test year. We believe that these challenges present questions of law or fact more appropriately resolved following a hearing. We note, however, that consistent with established Commission practice, implementation of the tax adjustment clause by Edison will require a timely rate change filing under 18 CFR 35.13. *See e.g., Arkansas Power & Light Company,* Docket No. ER83–297–000, 23 FERC ¶61,004 (1983).

Contrary to Commission precedent, Edison has failed to synchronize the test year interest expense used in its income tax calculation with the interest portion of the requested rate of return. In *Gulf States Utilities Company,* Docket No. ER82–375–000, 20 FERC ¶61,039 (1982), we summarily directed the company to compute the long-term debt cost component of the interest expense tax deduction as the product of its allocated rate base and the weighted cost of long-term debt. Edison will be directed to synchronize the interest expense in its compliance cost of service and rates at the conclusion of this proceeding.

Our preliminary examination of Edison's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

The Commission explained its suspension policy in *West Texas Utilities Company,* Docket No. ER82–23–000, 18 FERC ¶61,189 (1982). There we stated that, where preliminary examination indicates that proposed rates may be unjust and unreasonable but may not produce substantially excessive revenues, as defined in *West Texas,* we would ordinarily suspend the rates for one day. In the case at hand, our preliminary review suggests that the proposed rates may not yield substantially excessive revenues. As a result, we shall suspend the rates for one day from sixty days after filing, to become effective, subject to refund, on June 2, 1983.

With respect to the Cities' price squeeze concerns, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power & Light Company,* Docket No. ER79–339–000, 8 FERC ¶ 61,131 (1979).

The Commission orders:

(A) The Cities' motions to reject Edison's entire filing or, in the alternative, Edison's tax adjustment clause are hereby denied.

(B) Edison's calculation of the interest expense deduction for income tax purposes is rejected. In its compliance cost of service and rates at the conclusion of this proceeding, Edison shall compute the long-term debt cost component of the interest expense tax deduction as the product of Edison's allocated rate base and the weighted cost of long-term debt.

(C) Edison's proposed rates are hereby accepted for filing and suspended for one day, to become effective on June 2, 1983, subject to refund.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of Edison's rates.

(E) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

---

[3] *See, e.g., National Gas Pipeline of America,* 13 FERC ¶61,286 (December 23, 1980).

[4] The Cities challenge Edison's: (1) Accrual of AFUDC on pollution control CWIP included in rate base; (2) use of an excessive AFUDC rate; (3) inclusion in plant-in-service of Edison's West Lorain generating unit which was taken out of service in January, 1983; (4) failure to adopt a negative or zero allowance for cash working capital; (5) failure to reduce rate base for (a) deferred Quarto coal costs, (b) amounts collected for spent nuclear fuel, (c) accumulated deferred income taxes, and (d) accumulated deferred income tax credits; (6) treatment of proceeds of "Safe Harbor" sales of tax benefits; (7) failure to adjust capital structure to reflect gains on reacquired debt; (8) claimed amount of O&M expenses, A&G expenses, nuclear fuel disposal costs, depreciation expense, and amortization of abandoned plant costs; (9) calculation of income tax expense; (10) stated level of short-term sales revenues; (11) failure to synchronize interest expense; and (12) use of an allegedly excessive rate of return on common equity and projected cost of long-term debt.

[5] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC,* 450 F. 2d 1341 (D.C. Cir. 1971).

[6] The proposed tax adjustment clause incorporates recent changes in rates which were implemented subject to refund by Edison's filing in Docket No. ER83–21–000.

(G) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Ohio Edison Company, Docket No. ER83-425-000, Rate Schedule Designations

Designation	Other party
(1) 5th Revised Sheet Nos. 18-21 to FPC Electric Tariff, Original Volume No. 1 (Supersedes 4th Revised Sheet Nos. 18-21 and Original Sheet Nos. 22-24).	Tariff customers.
(2) Supplement No. 8 to Rate Schedule FPC No. 140 (Supersedes Supplement Nos. 6 and 7).	City of Oberlin.

Tariff Customers: Cities of Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls, Galion, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Newton Falls, Niles, Prospect, Seville, South Vienna, Wadsworth, Wellington.

[FR Doc. 83-15136 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP70-224-004 and Docket No. CP77-326-004

Sea Robin Pipeline Co. and Columbia Gulf Transmission Co.; Petition To Amend

June 1, 1983.

Take notice that on May 5, 1983, Sea Robin Pipeline Company, P.O. Box 1478, Houston, Texas 77001, and Columbia Gulf Transmission Company, P.O. Box 638 Houston, Texas 77001, filed in Docket Nos. CP70-224-004 and CP77-236-004, a joint petition and amend the orders issued January 22, 1980, and August 5, 1977,[1] as amended, in Docket Nos. CP70-224 and CP77-326 respectively, pursuant to Section 7(c) of the Natural Gas Act so as to authorize a reduction in the daily contract demand level of gas to be transported by Petitioners, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is asserted that Sea Robin would reduce the contract demand it provides for Columbia Gulf in Docket No. CP70-224 under Rate Schedule X-3 from up to 85,000 Mcf per day to 30,000 Mcf per day and that Columbia Gulf would reduce the contract demand it provides for Sea Robin in Docket No. CP77-326 under Rate Schedule X-35 from up to 100,000 Mcf per day to 45,000 Mcf per day effective October 15, 1982, and 15,000 Mcf per day effective January 1, 1983.

The proposed reductions are pursuant to the October 15, 1982, amendment of Sea Robin's October 19, 1979, and Columbia Gulf's March 15, 1977, transportation agreements, it is asserted.

Such reduction is necessitated, it is stated, because of a reduction in deliverability of gas available in the offshore Louisiana area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15138 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-1-001]

Alabama-Tennessee Natural Gas Co.; Notice of Revised PGA Rate Adjustment

June 2, 1983.

Take notice that on May 20, 1983, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama, 35631, tendered for filing Substitute Fortieth Revised Sheet No. 3-A as part of its FPC Gas Tariff, Third Revised Volume No. 1. This tariff sheet is proposed to become effective May 1, 1983, and Alabama-Tennessee requests that there be granted any necessary waivers of the Commission's Regulations to accomplish this proposed effective date.

Alabama-Tennessee states that the purpose of the revised tariff sheet is to adjust Alabama-Tennessee's SG-1 rate as a result of the correction made to the Base Tariff Rate in Alabama-Tennessee's filing on May 19, 1983, in Docket No. RP83-65-000.

Substitute Fortieth Revised Sheet No. 3-A provides for the following rates:

Rate schedule	Rates after current adjustment
G-1:	
Demand	$6.05
Commodity	371.92
SG-1: Commodity	416.12
I-1: Commodity	391.78

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further pleading. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15176 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-67-000]

Algonquin Gas Transmission Co.; Rate Schedule SNG-1 Revision for Inceased Operating Flexibility

June 2, 1983.

Take notice that Algonquin Gas Transmission Company ("Alguonquin Gas") on May 17, 1983, tendered for

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1.), it was transferred to the Commission.

filing the following fifteen (15) revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Nineteenth Revised Sheet No. 10–A
Fourth Revised Sheet No. 19
Second Revised Sheet No. 19–A
Sixth Revised Sheet No. 20
Sixth Revised Sheet No. 20–A
Eighth Revised Sheet No. 20–B
Sixth Revised Sheet No. 20–C
First Revised Sheet No. 20–C.1
Fourth Revised Sheet No. 20–D
Third Revised Sheet No. 20–E
Third Revised Sheet No. 20–F
Fourth Revised Sheet No. 20–G
Third Revised Sheet No. 20–H
First Revised Sheet No. 20–H.1
Third Revised Sheet No. 20–H.2

Algonquin Gas states that such revised tariff sheets reflect revisions to Rate Schedule SNG–1, made at the request of its customers purchasing gas under that Rate Schedule, to increase the presenlty effective operating flexibility. This expanding operating flexibility reflects a continuation of the evolution of such operating adjustments to meet, more closely, the needs of its customes under changing operating and supply conditions.

Algonquin Gas further states that a copy of this filing is being mailed to each affected party and interest state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protest should be filed on or before June 13, 1983. Protest will be considered by the Commission in determining the apporpriate action to be taken but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are avaiable for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15177 Filed 6–6–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP83–88–000]

Algonquin Gas Transmission Co.; Filing of Rate Schedule I–2

June 2, 1983.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on May 17, 1983, tendered for filing the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Rate Schedule I–2

—Original Sheet No. 22–A
—Original Sheet No. 22–B
—Original Sheet No. 22–C

General Terms and Conditions

—Second Revised Sheet No. 122
—First Revised Sheet No. 138

Algonquin Gas states that the five tariff sheets provide for the establishing of Rate Schedule I–2 for the sale of surplus gas. Algonquin Gas further states that Texas Eastern Transmission Corporation ("Texas Eastern") has an existing Rate Schedule I–D for the sale of surplus gas. In the event that Texas Eastern makes gas available under its Rate Schedule I–D, Algonquin Gas states that its customers are interested in purchasing such gas, and Rate Schedule I–2 provides the basis for such purchase.

Algonquin Gas states that the tariff sheets are proposed to be effective as of June 17, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18CPR 385.211, 385.214). All such motions or protests should be filed on or before June 13, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding, Any person wishing to become a party must file a motion to intervene. Copies at this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15178 Filed 6–6–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EF80–2011–011 (Remand)]

Department of Energy, Bonneville Power Administration; Order Confirming and Approving System Rates on a Final Basis

Issued: June 1, 1983.

Before the Commission for confirmation and approval, or disapproval, are the Bonneville Power Administration's (BPA or Bonneville) 1980 system wholesale power rates. Our review of these rates arises under legislation in effect prior to enactment of the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. 839e (1980).

On December 3, 1979, the Assistant Secretary for Resource Applications (AS/RA) of the United States Department of Energy submitted to the Commission for consideration BPA's wholesale power rate schedules, the general rate schedule provisions setting forth the terms and conditions of service under the rate schedules, and special contract rates and rate schedule provisions.[1] On November 21, 1980, the Commission remanded Bonneville's rates and rate schedules without prejudice.[2] In its Remand Order, the Commission found that the record, as submitted, did not provide the requisite support to permit the Commission to confirm that the standards set forth in the Bonneville Project Act of 1937[3] and the Flood Control Act of 1944[4] had been met. The Commission therefore could not determine, based on the data and information submitted, whether Bonneville's rate schedules had been drawn:

1. Having regard to the recovery of the cost of generation and transmission of such electric energy;

2. So as to encourage the most widespread use of Bonneville power;

3. To provide the lowest possible rates to consumers consistent with sound business principles; and

4. In a manner which protects the interests of the United States in amortizing its investments in the projects within a reasonable period.[5]

Since the record failed to provide the requisite support, the Commission remanded the record without prejudice in order to provide the Bonneville Administrator and the AS/RA with an additional opportunity to demonstrate that the statutory criteria had been satisfied. The Commission's Remand Order specifically delineated those areas where the record had been found to be deficient.

On July 10, 1981, the Bonneville Administrator, acting by and through the Assistant Secretary for Conservation and Renewable Energy (AS/CE) filed a response to the Commission's Remand Order. Upon review however, the Commission found that Bonneville's response on remand contained

---

[1] The rates were placed in effect on an interim basis on December 20, 1979 by order of the AS/RA pursuant to authority delegated by the Secretary of Energy under Delegation Order No. 0204–33.

[2] *U.S. Secretary of Energy, Bonneville Power Administration*, "Order Remanding Rates Without Prejudice," Docket No. EF80–2011–000, 12 FERC ¶ 61,155 (Remand Order).

[3] 16 U.S.C. 832.

[4] 16 U.S.C. 825s.

[5] 16 U.S.C. 832, 825s.

insufficient technical information or data responsive to the Commission's specific inquiries into the rationale used by Bonneville for designing its various classes. The Commission was particularly concerned with the lack of explanation for the differing cost-revenue relationships developed by Bonneville for the H–6, F–7, and IF–2 rate schedules. The Commission also noted that Bonneville had failed to provide the rationale for the elimination of its former practice of providing discounts to wholesale firm customers based upon delivery voltage.

Rather than reject Bonneville's rates, the Commission, in a September 1, 1982 order,[6] directed that an informal conference be held in order to provide Bonneville with a final opportunity to demonstrate that a rational basis existed for its proposed rate schedules. In that order the Commission also disposed of other isses raised by the parties.

On October 19–20, 1982, members of the Commission's staff met with representatives of Bonneville and the parties in Seattle, Washington. At the conference Bonneville provided the Commission staff and attending parties with a seventeen page memorandum purporting to respond to the Commission's order. Additionally, Bonneville was given an unlimited opportunity to address the various issues of concern at the conference, with the attending parties being provided an opportunity to respond. BPA was also called upon to respond to specific questions by the Commission staff.

The following is a summary of Bonneville's response at the conference as well as our findings based upon Bonneville's response.

H–6 Rate Schedule

Bonneville's H–6 rate schedule incorporates a share-the-savings rate for the sale of non-firm energy. The rate schedule also provides for a fixed floor rate which is triggered whenever BPA is in an imminent spill condition.[7] The H–6 rate provision for thermal displacement is priced at 50 percent of the buyer's decremental costs if the buyer purchases the power for use on his system or at 33 percent of the ultimate purchasers' displaced costs if the power is purchases for resale by any Pacific Northwest utility. Revenues under this schedule were estimated to yield $89.2 million in excess of costs allocated by Bonneville for providing this service.

In our September 1, 1982 order, Bonneville was directed to provide:

> The rationale for the development of the H–6 Rate Schedule for Wholesale non-firm energy which was expected to yield an estimated $89.2 million annually in excess of BPA's costs for providing this service; also, how this rate schedule, which applies to one-way sales to other public utilities, comports with the statutory standard of providing the lowest possible rates to consumers consistent with sound business principles.

In responding to this inquiry, Bonneville set forth a number of justifications for using a share-the-savings approach for H–6 non-firm sales. BPA first states that it had two objectives when it fashioned the H–6 rate schedule: (1) to allow BPA the flexibility to react to market and water conditions to permit maximum displacement of thermal resources both inside and outside the Pacific Northwest (PNW); and (2) to create an equitable sharing of benefits from nonfirm energy sales between utilities in the northwest and southwest while complying with Pub. L. 88–552.[8] BPA states that:

> A share-the-savings approach appeared to promote both objectives. The H–6 rate provided operators of NOrthwest thermal plants with sufficient economic incentives to purchase nonfirm energy from BPA while continuing to operate their low-cost thermal plants and use the output from these resources to displace relatively higher-cost Southwest oil-fired thermal.

The response further noted that Bonneville had followed the standard practice of allocating all of its costs to firm power users in its Cost of service Analysis and that no costs other than intertie costs were allocated to non-firm energy sales. Bonneville thus concluded that the $89.2 million was not in excess of BPA's costs of providing service because no attempt had been made to allocate costs to this service.

BPA also states that it was encouraged by the General Accounting Office to adopt a share-the-savings concept for pricing its non-firm energy and that this constitutes justification for the H–6 rate. Additionally, BPA argues that the split-savings type methodology employed by BPA in the H–6 rate schedule has been accepted by the Commission for other power marketing authorities besides Bonneville as well as for investor-owned utilities. Finally, BPA argues that the theory of "joint product pricing" (here, firm and non-firm energy) supports the use of a share-the-savings rate.

In addition to the above explanation, BPA provided data showing the results of its actual sales and revenues under the H–6 rate schedules. BPA's data show that the northwest customers received non-firm energy at an average rate of 7.2 mills/kWh during the locked-in period while, during the same period, the southwest customers received non-firm energy at an average rate of 7.1 mills/kWh. BPA also provided data showing that individual sales were made in the southwest at rates in excess of those for firm service with at least one sale reported at a level of 20 mills/kWh. This information also showed, however, that on the average, no individual customer paid more for non-firm service than the rate charged by Bonneville for firm service.

Upon review of its submittal, we find that Bonneville's response does not explain why one-way sales of a lesser quality product, non-firm energy, should be higher priced than higher quality firm power service sold within the region. The practice of using the income from sales outside the region to offset revenue requirements for sales within the region would appear to require BPA to underprice services within the region, thus providing a price preference between regional and non-regional sales which has no basis in the applicable statutes.

BPA states that the H–6 rate design allows BPA the flexibility to react to market and water conditions to permit non-firm displacement of thermal resources both inside and outside the PNW. This objective was stated by BPA in its original submittal as a justification for its H–6 rate design. BPA, however, has not explained why a variable rate is required in order to achieve this objective. On the contrary, it appears that a fixed rate would better achieve this objective since the fixed non-firm energy rate would still be less than the customer's displaced higher cost thermal generation and would therefore serve the policy objective of encouraging displacement of thermal generation. Indeed, the fixed rate on many occasions may be even less than the variable rate.

BPA noted at the conference that its customers many times withhold their request for non-firm energy until BPA is

---

[6] *U.S. Secretary of Energy, Bonneville Power Administration,* Docket No. EF80–2011–001, "Order Scheduling Informal Conference, Denying Motion, Granting Interventions, And Establishing Procedures," 20 FERC ¶ 61,291 (September 1, 1982).

[7] The majority of Bonneville's non-firm energy sales under this contract occur in spring and early summer when the Federal Columbia River Power System Reservoirs are filling and the potential loss of energy sales through spilling water is possible. Because system water supply is greater than that required for generation to meet its demands during these periods, the rate at which Bonneville sells non-firm energy is reduced to the floor rate in an effort to sell its excess hydro power that would otherwise be lost through spilling.

[8] Pacific Northwest Consumer Power Preference act, 16 U.S.C. 837.

in a spill condition so as to qualify for the floor rate for non-firm sales. The customers would not be able to do this, however, were all non-firm sales to be priced at a fixed rate. Although this contention is proffered in support of the share-the-savings rate, it is arguable that BPA's non-firm customers would purchase power on a more consistent basis under a fixed, cost-based rate since there would be no tangible benefit to the customers to withhold requests and create a spill condition. BPA's argument that its H–6 rate schedule permits maximum displacement of thermal resources is thus an unsupported proposition which would not specifically justify the need for a non-cost-based variable rate.

BPA also has not shown that a variable rate is needed to provide an equitable sharing of benefits between utilities in the northwest and the southwest. As noted earlier, non-firm power sold directly by BPA to the southwest customers is priced at 50% of the southwest customer's decremental costs while non-firm power sold by BPA to a northwest utility for resale to southwest customers is priced at 33% of the southwest customer's decremental costs. BPA states that the H–6 rate provides operators of northwest thermal plants with an economic incentive to purchase non-firm energy from BPA while continuing to operate low-cost thermal plants and use the output from these resources to displace higher cost southwest oil-fired thermal power. BPA does not state why it cannot make these types of sales directly to the PSW customers without providing a pricing stimulent of a lower rate to the northwest customers who then act as middlemen for southwest sales. BPA also does not state why a fixed, cost-based rate which is less than the purchaser's avoided cost would not similarly provide a sufficient economic incentive for the PSW customers to displace their higher cost thermal resources and at the same time eliminate the H–6 rate revenue subsidy to the PNW customers.

Underlying BPA's "equitable sharing" argument appears to be the assumption that for BPA to price its non-firm energy on a cost basis would require it to charge no more than the energy costs associated with its hydro sales. These costs were approximately 6.57 mills/kWh during the locked-in period. To charge this rate, BPA argues, would result in an unacceptable shift in system cost responsibilities to the northwest customers who are already in a very difficult economic condition. Therefore, a share-the-savings approach must be used to reflect an equitable sharing of the benefits of the inexpensive hydro. This argument assumes that the only allowable costs upon which the H–6 rate can be based are BPA's variable hydro costs and some intertie costs.

To the contrary, Bonneville's underlying assumption that only system hydro costs are incurred to serve non-firm customers appears to have no reasonable basis. Bonneville's operational realities are such that it purchases energy at a higher cost than its own generation costs in order to serve its customers' needs, including the needs of its non-firm customers. Based upon its operational realities, we find that it may be a sound business practice for BPA to offer this energy at a price up to that of its most expensive operating or stored energy. Additionally, in calculating the cost of the non-firm energy it would be reasonable to include the allocated costs of any future power resources which are currently being incurred and are intended to benefit Bonneville's non-firm customers. These costs would include all allocated energy costs (be they fixed or variable), and portions of conservation costs, hydro capacity used almost solely for non-firm power production, etc. Had Bonneville in fact developed an average cost-based rate for non-firm power, including both stored thermal energy costs and hydro power costs, including some reasonably assigned capacity costs, it could have collected a fixed, average cost rate for the locked-in period which was higher than the average rate actually charged by BPA based upon its share-the-savings approach.

We find that a cost-based rate, developed along lines similar to those outlined above, would justify the average rate actually charged by BPA for non-firm service in this case. Thus, despite the fact that Bonneville's H-6 rate schedule was not designed in a manner that would permit the Commisson to "understand the logic of the allocation of cost and revenue requirements among the various rate schedules,"[9] it would appear from the operating statistics for the period during which this schedule was in use that the H-6 rate has produced reasonable results inasmuch as Bonneville's average charge under the schedule was less than the rate charged for higher quality firm service.

The Commission believes that a fixed rate which is less than the purchasing utility's decremental costs would provide an equitable sharing of the benefits of non-firm sales between the northwest and southwest customers and would permit the maximum displacement of more expensive thermal resources both inside and outside Pacific Northwest. In fact, a fixed rate for all non-firm energy would probably have encouraged greater use of the most efficient resources since there would no longer be any tangible benefit to the non-firm customers in delaying purchases until BPA is in a spill condition in order to obtain the lower floor rate under the H-6 rate schedule. Nevertheless, the share-the-savings concept did achieve similar results in this case. Accordingly, in light of the fact that BPA's H-6 rate has provided benefits to both the southwest customers and the northwest customers, and in light of the fact that the rate did not produce an average unit energy cost in excess of the higher quality firm service rates, the Commission finds that Bonneville's H-6 rate should be confirmed and approved.

[9] Remand Order, *supra*, 12 FERC ¶ 61,155, 61,339.

F–7 Rate Schedule

The F–7 firm capacity rate schedule is for the sale of peaking capacity. This schedule separately identifies rates for seasonal and annual capacity and is based on an avoided cost concept. The F-7 rate schedule includes a provision for replacement by the capacity user of energy accompanying the previous delivery of capacity to the capacity user. The rate schedule also includes a penalty charge for capacity usage in excess of six hours per day. The purported reason for this charge is to encourage capacity purchasers to limit their use of the system during specific periods. In our September 1, 1982 order, Bonneville was asked to provide:

> The rationale for use of a customer avoided cost concept in developing the F-7 Rate Schedule for Wholesale Firm Capacity which was expected to result in annual revenues which were $2.3 million in excess of costs; how the avoided cost concept comports with statutory standards and how a penalty charge for extended capacity used longer than 6 hours will achieve the effect proffered as the basis for the rate design.

Responding to the Commission's inquiries into the use of an avoided cost approach to seasonal capacity service, Bonneville states that it made a series of adjustments to a cost-based rate which would have otherwise resulted in an inordinately low seasonal capacity rate had it not then revised this rate upward in the final adjustment by a method which used value-of-service principles. Bonneville further defends the F-7 rate by arguing that Bonneville is not required to use cost-of-service as the basis for its rates.

Regarding the use of a penalty charge for extended capacity use, Bonneville states that it "believed that a substantial financial disincentive would cause firm capacity customers to think twice before requesting sustained peaking service from BPA." Bonneville found that it was necessary to restrict use of its peaking services for extended periods of time under this schedule to avoid jeopardizing Bonneville's ability to meet its firm power requirements and to avoid the return at night of more energy provided with its capacity sales during the day than could be effectively utilized by the BPA system. As proof of these operating difficulties, Bonneville refers to various memoranda developed by its staff which address both of these problems and which indicate that sales under the previously approved rate schedules, which did not contain limits on use of the service offered, where responsible in part for BPA's operating difficulties. Bonneville also provided data which show that the sustained use of Bonneville's peaking capacity was limited in duration to the non-penalty use period provided in the F–7 Rate Schedule except for one instance where one customer inadvertently exceeded the limit and paid a penalty.

Bonneville's response on the use of value-based pricing in the formulation of the F–7 Seasonal Rate continues to be insufficient to persuade us that such a method is justified in this rate. Such methodology, in our opinion, violates the criterion that Bonneville's rates be drawn to provide the lowest possible rates to consumers consistent with sound business principles. The justifications provided by Bonneville which include a need to "better reflect the incremental cost relationships both between capacity and energy and between the seasons," and to send "price signals to its customers" are unsubstantiated. Value-based pricing, as the term has been used by Bonneville, has little rational basis in that it was selected for application only when the value to the purchaser (or in the case of a share-the-savings rate, half the value to the purchaser) resulted in a price which fit the seller's preconceived notion of what should be changed. Bonneville, which has obviously been in a substantially surplus capacity situation for several years, has failed to demonstrate that any net benefit could potentially result to the system from the adjustment made.

We find that other justifications presented by BPA, however, support the $9.73 per kilowatt-seasonal charge. Bonneville has provided information that shows, for example, that simply adding together its equalized demand costs and intertie expenses would produce a rate similar to the proposed rate. The information provided by Bonneville would further lead to the conclusion that a cost-based seasonal capacity rate, based strictly on Bonneville's cost of firm service, which excludes the $89 million revenue credit from its non-firm H–6 sales, would be higher than BPA's actual charge.

Bonneville's determination of the need, conditions, and amount of its penalty clause was made without the benefit of rigorous studies to evaluate the assumptions underlying its use. Bonneville states that all relevant studies used in the preparation of its rate schedules are now on the record. No adequate studies, however, have been submitted which relate to the level of the penalty included in this schedule. No study, for example, has ever been supplied (or apparently performed) which would demonstrate that Bonneville's hydroelectric system would suffer any significant loss of system reliability should unencumbered F–7 capacity sales of expected timing and duration occur. Nor were adequate studies performed by Bonneville to quantify the annual cost of lost energy or peaking capacity in the summer season.

Reasonable judgement calls by Bonneville, however, may occasionally be necessary on issues such as the F–7 penalty clause to avoid studies of dubious benefit or of prohibitive length. The omission of detailed studies by BPA in this instance should not, therefore, directly lead us to reject Bonneville's proposed penalty charge. Particularly in cases where the matter proves to be inconsequential, we may nevertheless approve a specific rate provision. In this case, the issue has become inconsequential since this provision has been replaced in the subsequent Bonneville rate case (Docket No. EF81–2011–000) by another methodology and no significant amounts (only $13,050) were collected under the penalty provision.

In light of our analysis, the Commission will confirm the F–7 rate schedule. We would admonish Bonneville, however, to base future F–7 rates on demonstrable or reasonably approximated costs, to avoid assumptions leading to the undercollection of costs, and to reflect any capacity surplus in rates and in other aspects of its operations.

IF–2 Rate Schedule

Bonneville's proposed IF–2 rate schedule, which is for sales of industrial firm power, includes an adjustment which entitles the purchaser to a credit if the customer load is restricted by Bonneville during the operating year.[10] Under the IF–2 rate, Bonneville can restrict one quarter of the Direct Service Industrial customers' (DSIs) total contract demand at any time, for any reason (first quartile restrictions). The second quarter of the customers' contract demands can also be curtailed to the extent necessary to minimize restrictions of firm power as a result of system stability problems, forced outages, or delays in operation of new generation (second quartile restrictions). Bonneville has the right to interrupt the IF–2 load for other reasons as well. The amount that Bonneville compensates a DSI when load is restricted is called the availability credit. We have asked Bonneville to explain:

> The extent to which the IF–2 Rate Schedule for Industrial Firm Power, which provides an "availability credit" for interruptible service, was set at a level which reflects an appropriate sharing of benefits of these sales between the system firm and the system interruptible customer classes.

Under the IF–2 rate schedule, BPA would provide a credit to the DSIs based on the cost to the DSIs of replacing energy estimated to be restricted by Bonneville. The credit purportedly reflects the fact that the quality of service to industrial customers under this schedule in inferior to the service provided to Bonneville's non-DSI firm customers. BPA's ability to restrict first and second quartile capacity was expected to allow the DSI load to provide capacity reserves for Bonneville's system. The probem arises due to the fact that the reserves were projected to be called upon infrequently since they would be required only when loads are near or above the annual peak and/or some failure occurs on BPA's system. During the locked-in period the actual availability of IF–2 power was approximatley 91 percent. Additionally, *the DSI loads were never curtailed beyond the first quartile.* Moreover, the Federal Columbia River Project System has been operating in a substantial capacity surplus condition for some time. Nonetheless, BPA places a value on the annual replacement cost of the DSI's capacity restrictions of $5 million. The total annual replacement cost of energy restrictions was projected to be $27.3 million. Hence, BPA estimated that the total availability credits would be $32.3 million per year.

To justify its rate design, BPA states that the availability credit was designed

[10] Under this rate schedule, the customer's load is defined as its demand on Bonneville's system.

to equal BPA's total cost of replacing the power associated with DSI restrictions. The revenue deficiency caused by the availability credit was spread among all firm power classes. Of the projected $32 million deficiency resulting from the credits, BPA states that $12 million was allocated to the DSIs, beause the lower three quartiles of their load was firm, and the other firm power classes were allocated the remaining $20 million. BPA states that the above treatment reflects an appropriate sharing of the benefits of interruptible sales and therefore satisfies the statutory requirements.

Our central concern involves the quantification of the value of the reserve provided by the interruptible loads. Bonneville has failed to provide the Commission with any studies that would establish a reasonable value for the reserve credit, and apparently no studies are available. In light of the capacity surplus situation existing on the BPA system and the infrequency of interruptions to the DSI customers, we have serious doubt as to whether the credit level can be justified. However, it appears from our overall review of the firm rates, that BPA may be under-collecting its cost of service from its other firm customers. In light of this factor, we believe there is no remedy in this docket to correct the noted rate schedule deficiencies since there is no group of customers which would qualify for a refund for the payment of excessive rates as a result of the IF-2 schedule.

In conclusion, the Commission finds that BPA has not supported its availability credit level in the IF-2 rate schedule. In light of the fact that there is no remedy available at this point to correct the deficiency given our limited statutory authority, we shall accept the IF-2 rate schedule with the admonishment that any future availability credit formulation should be improved to establish a supportable credit, accompanied by sufficient technical data that would support Bonneville's quantification of the credit.

Transformation Charge

BPA was asked to provide the rationale for elimination of its former practice of providing discounts to wholesale firm customers based on voltage of service in light of the fact that some of BPA's customers had allegedly relied upon this practice and had purchased their own transformation facilities. BPA's 1974 wholesale power rates had included a transformation charge in the EC-6, EC-7, and F-6 rates. This charge was added to the basic monthly demand charge for firm power. Customers with their own transformation facilities were excluded from these charges, and in essence received a "credit" or discount from their rates. In fiscal year 1978, BPA states that it recovered $22 million from the charge. The transformation charge was eliminated from the rates in this docket and succeeding cases after being in effect for a five-year period, 1974-1979. During this period approximately 55 substations were constructed or purchased by Bonneville's customers. Bonneville states that, of those 55 substations, 14 can be identified as having possibly been built or purchased in reliance upon BPA's transformation charge. BPA has responded to the Commission's concerns by citing to a program which it has initiated and is maintaining to mitigate any net adverse impact that can be substantiated for individual customers. BPA informed our staff at the conference that, under this program, the Administrator has already decided to purchase West Burley Substation and to purchase the customer's transformer installed at Boardman Substation. The cost to BPA for these two facilities will be $1 million. BPA states that other negotiations are taking place. If the expenses for all 14 substations were "mitigated," the expected cost to BPA would be $7 million.

In our September 1, 1982 order, we did not question BPA's justification for discontinuing the practice of providing discounts based upon voltage of service. Rather, we sought to ascertain whether those customers who had relied upon BPA's past practice and had purchased or constructed their own transformation facilities were equitably treated. Thus, reinstatement of the charge has neither been sought nor desired by the Commission as a means of answering its concerns on this issue.

It appears that BPA has undertaken action under a program that would respond satisfactorily to our concerns for equitable treatment. There are, however, a number of difficulties in implementing this program. Substations are acquired by customers for numerous reasons. As a result, problems could potentially arise where there is disagreement between BPA and a customer as to whether the customer had in fact incured financial harm by relying upon BPA's past practice of providing a transformation discount, or instead had acquired the facilities for some other reason.

At the present time, the Commission is unaware of any disputes that have arisen with respect to application of the "net adverse impact" or "financial harm" standards being used by BPA in order to ensure equitable treatment for customers who relied upon BPA's past practice in purchasing or constructing their own substations. Accordingly, the Commission believes that BPA's attempt to mitigate any financial harm caused by elimination of the transformation charge provides a satisfactory response to the Commission's concerns and would support a finding that the various rate schedules have been designed, with respect to the transformation charge, in a manner consistent with the applicable statutory standards.

Conclusion

In conclusion, we find that Bonneville's response to our September 1, 1982, order has been less than completed and we further note that the Commission's difficulties in obtaining information from Bonneville has been a major cause of delay in this proceeding. Bonneville has failed to demonstrate that implementation of a value-of-service approach for H-6 sales is needed or even desirable. Bonneville has also provided the Commission with less than a complete response with regard to the F-7 and IF-2 rate schedules. Despite the fact that the Commission remanded these rates to Bonneville on one occasion and ordered an informal conference to resolve these matters on another, Bonneville has failed to adequately respond to this situation within the context of this docket.

For the reasons set forth in the body of this order, however, we find that the results produced by Bonneville's rates would not require a refund since no customer was subject to a net overcharge. In light of these circumstances, and the Commission's limited remedial authority, we shall confirm and approve Bonneville's 1980 wholesale power rates on a final basis.

We would observe that this is the last case to be reviewed by the Commission under the statutory framework in existence prior to passage of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), 16 U.S.C. 839e (December 5, 1980). Subsequent review by the Commission will determine whether problems such as those arising under the H-6 rate will be more fully and quickly addressed by Bonneville within the scope of the new Regional Act.

The Commission orders:

(A) Bonneville's wholesale power rate schedules, General Rate Schedule Provisions, special contract rates and rate schedule provisions are hereby confirmed and approved on a final basis, effective December 20, 1979.

(B) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15179 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-32-001]

Eastern Shore Natural Gas Co.; Notice of Tariff Filing

June 2, 1983.

Take notice that on May 16, 1983, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing the following revised tariff sheets for inclusion in its FERC Gas Tariff:

Revised Twenty-Third Revised Sheet No. 5
Revised Twenty-Third Revised Sheet No. 6
Revised Twenty-Third Revised Sheet No. 10
Revised Twenty-Third Revised Sheet No. 11
Revised Twenty-Third Revised Sheet No. 12

The proposed effective date for the above referenced tariff sheets is June 16, 1983.

On December 16, 1982, Eastern Shore filed for a general rate increase under Section 4(e) of the Natural Gas Act. The Commission on January 14, 1983 accepted for filing and suspended the proposed tariff sheets until June 16, 1983.

Eastern Shore states that the purpose of the revised tariff sheets is to reflect various purchased gas adjustments which have occurrred subsequent to the Company's filing of new base tariff rates on December 16, 1982.

Copies of this filing have been mailed to each of Eastern Shore's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C., 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15180 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-305-000]

El Paso Natural Gas Co.; Notice of Application

June 2, 1983.

Take notice that on May 3, 1983, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP83-305-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline replacement facilities and for permission and approval to abandon a segment of its Permian—San Juan Crossover line and loopline located in McKinley County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that during the routine evaluation of its pipeline facilities it discovered that the class location of a segment of its Permian—Juan Crossover line and loopline extending from approximately milepost 366.46 to milepost 367.92 in McKinley County, New Mexico, had changed from Class 2 to Class 3. This change, it is asserted, was precipitated by the introduction of a mobile home park in proximity to said pipelines in McKinley County. Pursuant to the minimum federal safety standard provisions embodied in *Transportation of Natural Gas and Other Gas by Pipeline: Minimum Federal Safety Standards* (49 CFR 192), whenever an increase in population density indicates a change in class location, the operator must conduct a study to determine, among other things, whether or not the hoop stress corresponding to the established maximum allowable operating pressure (MAOP) of the affected segment of the pipeline is commensurate with the new class location. Basesd upon the results of this study, the operator has 18 months from the change in class location to confirm that the segment may be safely operated at the existing MAOP or reduce the MAOP accordingly.

Applicant further states that since the Permian—San Juan Crossover line and loopline consists of approximately 400 miles of intergrated pipeline, Applicant does not believe that it is operationally desirable to alter the throughout capacity of the affected pipeline segments by reducing the existing MAOP.

Therefore, Applicant proposes to remove and salvage the existing segment consisting of two 30-inch O.D. X 0.335-inch w.t., Grade X-52 pipelines and replace such pipelines with a single 36-inch O.D. X 0.469-inch., Grade X-65 pipeline. The application states that under the existing operating paremeters the replacement of that dual 30-inch O.D. pipelinies with a single 36-inch O.D. pipleline results in equivalent throughtout volume even though the pressure drops over the new segment is slightly higher than for the lines proposed to be abandoned by replacement. Additionally, no disruption in service to Applicant's existing customers would occur as a result of the proposed abandonment and replacement activities, it is stated.

The totlal cost of the proposed construction is estimated to be $1,552,071 which cost would be financed by internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commision by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee in this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further

notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15161 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EL83-17-000, et al.]

Hydroelectric Applications (Paul F. Watkins, et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: Declaration of Intent.

b. Project No: EL83-17-000.

c. Date Filed: April 12, 1983.

d. Aplicant: Paul F. Watkins.

e. Name of Project: Watkins.

f. Location: Gooding County, Idaho; Billingsley Creed.

g. Filed Pursuant to: Section 23(b) of the Federal Power Act, 16 U.S.C. 817(b).

h. Contact Person: Paul Watkins, Route 1, Box 412, Hagerman, Idaho 83332.

i. Comment Date: August 1, 1983.

j. Description of Project: The proposed project has two small developments—the first consisting of a water wheel placed in Billingsley Creek at an elevation of 2805 feet connected to a 10kW generator on the creek bank, and the second consisting of an intake, an 8-inch-diameter, 70-foof-long pipe and a 10-kW generator.

A Declaration of Intention requests that the Commission commence an investigation to determine if it has jurisdiction over the project.

k. Purpose of Project: The power generated by the project would be used by the Applicant.

l. This notice also consists of the following standard paragraphs: B, C.

2a. Type of Application: Amendment of License.

b. Project No: 2088-009.

c. Date Filed: February 15, 1983.

d. Applicant: Oroville-Wyandotte Irrigation District.

e. Name of project: South Fork Power Project.

f. Location: On the South Fork Feather River, near Forbestown, in Butte County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Haskel A. McInturf, President, Oroville-Wyandotte Irrigation District, P.O. Box 229, Oroville, California 95965.

i. Comment Date: July 14, 1983.

j. Description of Project: Applicant proposes to add the Ponderosa No. 1 Development to the South Fork Power Project. The proposed development would utilize the existing Ponderosa Dam and would consist of: (1) a bifurcation in the Ponderosa Tunnel outlet portal with an 80-inch diameter branch leading to a second bifurcation; (2) a bifurcation in the 80-inch diameter branch with a 69-inch diameter branch leading to a 250-foot-long steel penstock and the second branch sealed for future development; (3) a powerhouse, located approximately 200 feet from the toe of the dam, containing a single turbine-generator unit with a rated capacity of 2.2 MW and an average annual generation of 6.65 GWh; (4) a switchyard; and (5) approximately 1,700 feet of 115-kV transmission line. Project power would be sold to a utility.

k. This notice also consists of the following standard paragraphs: A2, B, C, D1.

3a. Type of Application: License (under 5 MW).

b. Project No: 2838-001.

c. Date Filed: October 28, 1982.

d. Applicant: Tow town of Brookline, Vermont, et al.

e. Name of Project: Townshend Dam.

f. Location: On the West River, in Windham County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Shawn M. Donovan, DuBois & King, Inc., P.O. Box 339, Randolph, Vermont 05060.

i. Comment Date: August 4, 1983.

j. Description of Project: The proposed project would utilize the Corps of Engineers Townshend Flood Control Dam and Recreation Pool and would consist of: (1) a trash rack and intake portal; (2) a penstock consisting of a 730-foot-long unlined rock tunnel with an internal diameter of 11 feet and with its last 50 feet lined with steel; (3) a gate shaft and control gate; (4) a powerhouse measuring 41 feet wide, 707 feet long and 40 feet high and containing one 200-kW and one 2.85-MW turbine/generator unit, each operating under an average head of 24.4 feet; (5) a gate hoist; (6) a tailrace; (7) a 46-kV transmission line 1.3 miles long; and (8) appurtenant facilities.

A total of 1,010 acres of U.S. land would be utilized by the project. This application for license was filed during the term of the Applicant's permit for Project No. 2838.

k. Purpose of Project: The average annual ageneration of 7,180,000 kWh would be sold to the West River Basin Energy Authority.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

4a. Type of Application: Application for License (under 5MW).

b. Project No: 2872-001.

c. Date Filed: January 31, 1983.

d. Applicant: The Town of Springfield, Vermont.

e. Name of Project: North Springfield Project.

f. Location: At the U.S. Army Corps of Engineers' North Springfield Flood Control Project, on the Black River in Windsor County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Michael J. Valuk, Town Manager, 96 Main Street, Springfield, Vermont 05156.

i. Comment Date: August 4, 1983.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' North Springfield Dam and would consist of: (1) a short 11-foot diameter penstock to be connected to the outlet works; (2) a powerhouse with a 1,000 kW unit; (3) a tailrace; (4) a 740-foot long transmission line; (5) provisions for the future installation of a second generating unit; and (6) other appurtenances. Applicant estimates an average annual generation of 3,507,000 kWh.

This application was filed during the term of Applicant's preliminary permit for Project No. 2872.

k. Purpose of Project: Project energy would be either delivered to the Town's proposed distribution system or other arrangements for sale of the power would be made by the Applicant.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

5. Type of Application: Exemption (Under 5 MW).

b. Project No: 3547-002.

c. Date Filed: March 1, 1983.

d. Applicant: The City of Easton, Pennsylvania and the Commonwealth of Pennsylvania Department of Environmental Resources.

e. Name of Project: Chain Dam Project.

f. Location: On Lehigh River in Northampton County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Philip B. Mitman, Mayor, City Hall, 650 Ferry Street, Easton, Pennsylvania 18042 and Nicholas DeBenedictis, Acting Secretary, Commonwealth of Pennsylvania, Department of Environmental Resources, P.O. Box 1467, Harrisburg, Pennsylvania 17120.

i. Comment Date: July 8, 1983.

j. Description of Project: The proposed project would consist of two developments as follows: (A) The Canal Development which would include: (1) the Lehigh Canal with entrance control gates and lock guards about 150 feet upstream from the south abutment of the Chain Dam; (2) 3 submersible turbine-generator units with a total installed capacity of 900 kW and a switchyard, to be installed in precast concrete chambers at the canal bank, about 2.4 miles downstream from the lock guards; (3) a 100-foot-long tailrace to return the water to the river; and (4) a ¼-mile-long transmission line.

(B) The North Abutment Development which would consist of: (5) the 700-foot-long and 20-foot-high concrete Chain Dam; (6) a reservoir with a storage capacity of 1,400 acre-feet; (7) a 175-foot-long by 50-foot-wide forebay at the north abutment of the dam; (8) a new powerhouse with 2 turbine-generator units with an installed capacity of 1,500 kW; (9) a switchyard; (10) a short tailrace; (11) a 1.2-mile-long transmission line; (12) fish passage facilities; and (13) other appurtenances. Applicants estimate a total average annual generation of 16,100,000 kWh.

k. Purpose of Project: Project energy would be used by the City of Easton for municipal purposes or sold to a local public utility.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

6a. Type of Application: License (under 5 MW).

b. Project No: 3633–003.

c. Date Filed: March 31, 1983.

d. Applicant: Alternative Energy Associates.

e. Name of Project: Brighton Dam Project.

f. Location: Patuxent River, near Ashton, in Montgomery and Howard Counties, Maryland.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. James A. Federline, Jr., Alternative Energy Associates, 20 West Diamond Avenue, Gaithersburg, Maryland 20760.

i. Comment Date: July 29, 1983.

j. Description of Project: The proposed project would consist of: (1) the existing Brighton Dam, owned by the Washington Suburban Sanitary Commission, 80 feet high and 995 feet long including a 260–foot spillway; (2) the Tridelphia Reservoir having a surface area of 800 acres and a gross storage of 18,850 acre feet at an elevation of 365 feet m.s.l.; (3) an intake tower housing two 30-inch penstocks; (4) an existing powerhouse on the southern bank housing two pumps operating as turbines, rated at 240 kW each and operating under an average head of 54 feet; (5) an enlarged tailrace; (6) a new short transmission line rated at 15 kV; and (7) appurtenant facilities.

k. Purpose of Project: The average annual generation of 2,685,000 kWh would be sold to the Baltimore Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

7a. Type of Application: License (Under 5 MW).

b. Project No: 4586–001.

c. Date Filed: February 28, 1983.

d. Applicant: Dennis V. McGrew, Thomas M. McMaster, and Kenneth R. Koch.

e. Name of Project: Ruth Creek.

f. Location: On Ruth Creek, near Glacier, in Whatcom County, Washington, on U.S. lands in Mt. Baker National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Thomas R. Childs, McGrew and Associates, c/o Western Power, Inc., P.O. Box 5663, Bellingham, Washington 98227.

i. Comment Date: July 28, 1983.

j. Description of Project: The proposed project would consist of: (1) an 8-foot-high, 50-foot-long concrete diversion structure at elevation 3,045 feet; (2) a 5,280-foot-long, 36-inch-diameter steel penstock; (3) a powerhouse containing one generating unit rated at 3.5 MW at elevation 2,145 feet; (4) a 50-foot-long tailrace; and (5) a 6.8-mile-long, 55–kV transmission line. The average annual energy generation is estimated to be 15 million kWh.

k. Purpose of Project: The energy generated by the project would be sold to Puget Sound Power and Light Company.

l. This notice also consists of the following standard paragraphs: A2, B, C, D1.

a. Type of Application: License (under 5 MW).

b. Project No: 4597–001.

c. Date Filed: April 11, 1983.

d. Applicant: Weber-Box Elder Conservation District.

e. Name of Project: Pine View Hydro Project.

f. Location: On the Ogden River in Weber County, Utah.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Edward H. Southwick, General Manager, Weber-Box Elder Conservation District, 1483 Wall Avenue, Ogden, Utah 84404

i. Comment Date: August 4, 1983.

j. Description of Project: The proposed project would utilize the Bureau of Reclamation's Pine View Dam and Reservoir, operated and maintained by the Ogeden River Water Users' Association, and would consist of: (1) a 72-inch steel penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing two turbine-generator units rated at 900 kW each for a total rated capacity of 1,800 kW; (3) a tailrace having entrance facilities to an existing downstream pipeline and returning surplus flow to the Ogden River apporoximately 400 feet downstream of the dam; (4) a new transmission line connecting to a nearby 12.5-kV line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 8,800,000 kWh. Project energy would be used by the Applicant to operate irrigation pumps, and excess energy would be sold to the Weber Basin Water Conservancy District and to a utility or municipality. This application for license was filed during the term of the Applicant's preliminary permit for Project No. 4597.

k. This notice also consists of the following standard paragraphs: A2, B, C and D1.

a. Type of Application: Preliminary Permit.

b. Project No: 6992–000.

c. Date Filed: January 10, 1983.

d. Applicant: The Town of Skykomish, Washington.

e. Name of project: Pressentin Creek Project.

f. Location: On Pressentin Creek, near Hamilton, within Snoqualmie—Mt. Baker National Forest, in Skagit County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: The Mayor, Town of Skykomish, P.O. Box 308 Skykomish, Washington 98288.

i. Comment Date: July 11, 1983.

j. Competing Application: Project No. 6666 Date Filed: 9/1/82.

k. Description of Project: The proposed run-of-the-river project would consist of: (1) five 36-inch-wide concrete diversion structures on Pessentin Creek and its tributaries; (2) a 12,000-foot-long, 36-inch-diameter pipeline/penstock; (3) a powerhouse with a total installed capacity of 3.19 MW; and (4) a 6-mile-long, 115-kV transmission line. The

Applicant estimates that the average annual energy production of 13.98 GWh would be sold to local utilities.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 30-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of $100,000.

l. This notice also consists of the following standard paragraphs: A3, B, C, and D2.

a. Type of Application: Preliminary Permit.

b. Project No: 7051–000.

c. Date Filed: February 2, 1983, revised on April 5, 1983.

d. Applicant: Beaver Power Group II, Ltd.

e. Name of Project: Dock Street Dam Hydro Facility.

f. Location: On the Susquehanna River, in Dauphin County, in Harrisburg, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: B. Ryland Wiggs, Esquire, Suite 207, 2285 Schoenersville Road, Bethlehem, Pennsylvania 18018.

i. Comment Date: July 28, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing concrete dam, 8 feet high and 3,100 feet long; (2) a reservoir with normal water surfact elevation at approximately 294 feet USGS; (3) a proposed headrace channel; (4) a proposed powerhouse, housing 26 tubular turbine/generators with a total rated capacity of 20,300 kW; (5) a proposed 6,600-volt transmission line approximately 500 feet in length with a switchyard; and (6) appurtenant facilities. Applicant estimates that the average annual energy generation would be 106,697,000 kWh.

k. Purpose of Project: The Applicant anticipates that power will be sold to the Pennsylvania Power and Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a priod of 36 months during which time it would prepare studies of the hydraulic, construction, ecomomic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the Studies under the permit would be $750,000.

11a. Type of Application: Preliminary Permit.

b. Project No.: 7070–000.

c. Date Filed: February 10, 1983, revised on April 5, 1983.

d. Applicant: Beaver Power Group V, Ltd.

e. Name of Project: Sunbury Project.

f. Location: On the Susquehanna River, in Snyder County, near Selinsgrove, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: B. Ryland Wiggs, Esquire, Suite 207, 2285 Schoenersville Road, Bethlehem, Pennsylvania.

i. Comment Date: August 1, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing fabridam, approximately 2,000 feet in length and 8 feet in height; (2) a reservoir with normal water surface elevation at approximately 428 feet USGS; (3) a proposed power inlet facility; (4) a proposed powerhouse with headworks to accommodate the housing of 21 tubular turbine/generators with a total rated capacity of 14,200 kW; (5) direct discharge to the river from the powerhouse is proposed; (6) a proposed 66,000-volt transmission line approximately 400 feet in length, extending from a proposed switchyard; and (7) appurtenant facilities. Applicant estimates that the average annual energy generation would be 74,635,200 kWh.

k. Purpose of Project: The applicant anticipates that power will be sold to the Pennsylvania Power and Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $750,000.

12a. Type of Application: Preliminary Permit.

b. Project No.: 7110–000.

c. Date Filed: February 28, 1983.

d. Applicant: Mr. Richard R. Gresham, P.O. Box 52, Kellogg, Idaho 83837.

e. Name of Project: NG Boulder Creek #4.

f. Location: On Boulder Creek in Shoshone County, Idaho within the Coeur D'Alene National Forest near the Town of Mullan.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Richard R. Gresham, P.O. Box 52, Kellogg, Idaho 83837.

i. Comment Date: July 28, 1983.

j. Description of Project: The proposed project would consist of: (1) a 2.9-foot-high, 16-foot-long diversion structure at elevation 4,200 feet; (2) a 12-inch-diameter, 4,100-foot-long penstock; (3) a powerhouse containing two generating units with a total rated capacity of 185 kW, operating under a head of 700 feet; (4) a tailrace; and (5) a 1,100-foot-long underground cable tying into an existing Citizens Utility Company transmission line. The average annual energy output would be 1,100,000 kWh.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a 24 month permit to study the feasibility of constructing and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these studies is $13,000.

k. Purpose of Project: Project power will be sold to Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

13a. Type of Application: Exemption for Small Hydorelectric Power Project of 5 MW or Less Capacity.

b. Project No.: 7120–000.

c. Date Filed: March 3, 1983.

d. Applicant: Stewart Ranches, Inc.

e. Name of Project: Kekawaka Creek.

f. Location: Trinity County, California; Kekawaka Creek.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408 (16 U.S.C. 2705 and 2708, *as amended*).

h. Contact Person: Mr. Chad Roberts, Oscar Larson & Associates, P.O. Box 3806, Eureka, California 95501.

i. Comment Date: July 11, 1983.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high diversion structure at stream bed elevation 1524 feet above msl; (2) a 36-inch diameter, 18,000-foot-long steel penstock; (3) a powerhouse with a total installed capacity of 4,950 kW; and (4) a 10.3-mile-long, 60-kV transmission line connecting with Pacific Gas and Electric Company's (PG&E) Fort Seward substation.

k. Purpose of Project: The estimated annual output of 14.2 million kWh produced by the proposed project would be sold to the PG&E.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

14a. Type of Application: Preliminary Permit.

b. Project No.: 7145–000.

c. Date Filed: March 15, 1983.

d. Applicant: Hellsgate Associates.

e. Name of Project: Hellsgate Hydroelectric Project.

f. Location: On the Colorado River, in Garfield County, Colorado, near Glenwood Springs, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Scott M. Balcomb, Delaney & Balcomb, P.C., Attorneys at Law, P.O. Drawer 790, Glenwood Springs, CO 81602.

i. Comment Date: July 28, 1983.

j. Description of Project: The proposed project would consist of: (1) a proposed concrete gravity dam, approximately 250 feet long and 25 feet high; (2) a reservoir covering 43 acres and containing about 425 acre-feet of storage, and proposed normal maximum surface elevation at 5,620 feet USGS datum; (3) a proposed powerhouse would be an integral part of the dam structure, and would contain two turbines having a total rated capacity of 2,000 kW; (4) a proposed intake channel with trashracks contiguous to the powerhouse; (5) a proposed tailrace channel; (6) proposed 25,000-volt transmission facilities; and (7) appurtenant facilities. Applicant estimates that the average annual energy generation would be 30,000,000 kWh. Project would utilize Federal lands managed by the Bureau of Land Management.

k. Purpose of Project: The Applicant anticipates that the power will be sold to: (a) Glenwood Springs Electric System, (b) Public Service Company of Colorado, and (c) Colorado Ute Electric Association.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 30 months, during which time it would prepare studies of the hydraulic, construction, economic environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $1,200,000.

15a. Type of Application: License (5MW or Less).

b. Project No.: 7191–000.

c. Date Filed: April 1, 1983.

d. Applicant: Orofino Falls Hydro Limited Partnership.

e. Name of Project: Orofino Falls Hydro.

f. Location: On Orofino Creek in Clearwater County, Idaho.

g. Filed Pursuant to: Federal Power Act, (16 U.S.C. 791(a)–825(r)).

h. Contact Person: David B. Ward, P.C., Farmer, McQuinn, Flood, Bechtel & Ward, 1000 Potomac Street, Suite 402 Washington, D.C., 20007.

i. Comment Date: August 8, 1983.

j. Description of Project: The proposed project would consist of: (1) a 6-foot-high, 70-foot-long reinforced concrete diversion structure at elevation 1520 feet; (2) a 6-foot-deep, 6,200-foot-long concrete flume; (3) a steel surge tank; (4) a 5-foot-diameter, 700-foot-long steel penstock; (5) a reinforced concrete powerhouse at elevation 1292 feet containing two identical turbine-generators with a total rated capacity of 4.2 MW and an average annual output of 14.5 GWh; and (6) a 3-mile-long, 34.5-kV transmission line. The estimated cost of the project is $4,980,000.

k. This notice also consists of the following standard paragraphs: A2, B, C and D1.

16a. Type of Application: Preliminary Permit.

b. Project No.: 7196–000.

c. Date Filed: April 6, 1983.

d. Applicant: DDK & L Corporation.

e. Name of Project: Warm Springs Creek Water Power.

f. Location: On Warm Springs Creek within Umpqua National Forest, Douglas County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Donald A. Beets, c/o DDK & L Corporation, P.O. Box 1338, Umatilla, Oregon 97882.

i. Comment Date: July 28, 1983.

j. Description of Project: The proposed project would consist of: (1) an 8-foot-high diversion structure at elevation 3,825 feet; (2) a 48-inch-diameter, 6,930-foot-long, and a 42-inch-diameter, 2,250-foot-long conduit; (3) a powerhouse at elevation 3,320 feet containing a generating unit with a rated capacity of 3 MW; and (4) a 13.8-kV, 200-foot-long powerline. The Applicant estimates a 12.04-GWh average annual energy production. The Applicant has requested a 36-month permit in which to do feasibility studies and prepare a license application at a cost of $3,000,00.

k. Purpose of Project: Power would be sold to local utilities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

17a. Type of Application: Preliminary Permit.

b. Project No: 7215–000.

c. Date Filed: April 11, 1983.

d. Applicant: WP, Incorporated.

e. Name of Project: South Prairie Creek Waterpower Project.

f. Location: on South Prairie Creek, Pierce County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Gary W. Tripp, 821 East Thomas Street, Seattle, Washington 98102.

i. Comment Date: July 2, 1983.

j. Description of Project: The proposed project would consist of: (1) a 15-foot-high existing diversion structure at an elevation of 1,426 feet MSL; (2) a 5.5-foot-diameter, 7,600-foot-long penstock; (3) a 10-foot-diameter, 40-foot-high surge tank; (4) a 57-inch-diameter, 4,300-foot-long penstock; (5) a powerhouse at an elevation of 1,000 feet MSL, containing a generating unit with a rated capacity of 5 MW; and (6) a 1.6-mile-long, 115-kV transmission line. The Applicant estimates a 19,750,000 kWh average annual energy production. The Applicant has requested a 36-month permit in which to do feasibility studies and prepare a license application at a cost of $100,000.00.

k. Purpose of Project: Power would be sold to local utilities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.

18a. Type of Application: Preliminary Permit.

b. Project No: 7229–000.

c. Date Filed: April 18, 1983.

d. Applicant: The Grisdale Hill Company.

e. Name of Project: Bartlett Power.

f. Location: On the Salmon River in Clackamas County, Oregon, within Mt. Hood National Forest.

g. Filed Pursuant to: Federal Power Act (16 U.S.C. 791(a)–825(r)).

h. Contact Person: Ms. Joy Leong, Morrision and Foerster, 1920 N Street, N.W., Washington, D.C. 20036.

i. Comment Date: July 29, 1983.

j. Description of Project: The proposed project would consist of: (1) a 10-foot-high diversion structure at elevation 2560 feet; (2) and 18,000-foot-long low pressure conveyance, either a concrete lined, open channel or a 5-foot-diameter pipeline; (3) a surge tank at elevation 2525 feet; (4) a 54-inch-diamenter, 1700-foot-long penstock; (5) a powerhouse at elevation 1750 feet containing a turbine generator with a capacity of 10 MW and an average annual output of 37.8 GWH; and (6) a 7.5-mile-long transmission line

connecting to an existing Portland General Electric Company line.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks as 24-month preliminary permit to conduct investigations and secure data to ascertain project feasibility and to prepare an application for license. The estimated cost of these activities is $125,000.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

19a. Type of Application: Preliminary Permit.

b. Project No: 7231–000.

c. Date Filed: April 18, 1983.

d. Applicant: Aero Construction, Inc.

e. Name of Project: Claiborne Lock and Dam.

f. Location: On the Alabama River in Monroe County, Alabama.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Ralph L. Laukhuff, Jr., Forte and Tablada, Inc., P.O. Box 64844, Batan Rouge, Louisiana 70896.

i. Comment Date: July 25, 1983.

j. Description of Project: The proposed project would utilize the existing Army Corps of Engineers' Claiborne Lock and Dam and consist of: (1) A proposed powerhouse which will contain an installed generating capacity of 9 MW; and (2) appurtenant facilities. The Applicant estimates the average annual energy generation to be 42 GWh.

k. Purpose of Project: Aero Construction, Inc. plans to market the hydrolectric power to the Alabama Power and Light Company, the Southern Pine Electrical Cooperative, or other local utilities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is $20,000.

n. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

20a. Type of Application: Preliminary Permit.

b. Project No.: 7239–000.

c. Date Filed: April 21, 1983.

d. Applicant: Waterfall Electric/Al Peters.

e. Name of Project: South Fork Project.

f. Location: On South Fork John Day River, near Dayville, in Grant County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Al Peters, 3182 SE Timberlake Drive, Hillsboro, Oregon 97123.

i. Comment Date: August 2, 1983.

j. Description of Project: The proposed run-of-river project would consist of: (1) a 5-foot-high, 40-foot-long concrete diversion structure at elevation 3600 feet; (2) a 1000-foot-long, 6-foot-diameter penstock; and (3) a powerhouse containing a single turbine-generator unit with a rated capacity of 1,100 kW and an average annual generation of 3.0 GWh. Project power would be sold to Central Electric Cooperative or Pacific Power & Light Company. The project would be located entirely on Bureau of Land Management lands.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project and estimates the cost of the studies $5,000–$10,000.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.

21a. Type of Application: Preliminary Permit.

b. Project No.: 7242–000.

c. Date Filed: April 22, 1983.

d. Applicant: Television Communications, Inc.

e. Name of Project: Kanaka.

f. Location: Bute County, Idaho; Sucker Run Creek.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Richard D. Spight, Television Communications, Inc., P.O. Box 629, Orinda, California 94563.

i. Comment Date: August 8, 1983.

j. Description of Project: The proposed project would consist of: (1) a 4-foot-high diversion dam at elevation 1494 feet; (2) a 30-inch-diameter, 4,280-foot-long pipe; (3) a powerhouse with a total installed capacity of 670 kW; (4) an 840-foot-long, 11–kV transmission line connecting with an existing transmission line serving Applicant's property.

A preliminary permit does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project.

k. Purpose of Project: The estimated 1.97 million kWh generated by the project would be sold to an area utility company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.

22a. Type of Application: Preliminary Permit.

b. Project No.: 7249–000.

c. Date Filed: April 28, 1983.

d. Applicant: China Flat Company.

e. Name of Project: Hawkins Creek Power Project.

f. Location: On Hawkins Creek in Trinity County, near the towns of Willow Creek and Slayer, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Albert E. Hodgson, Chairman, China Flat Company, P.O. Box 269, Willow Creek, CA 95573.

i. Comment Date: August 1, 1983.

j. Description of Project: The proposed project would consist of: (1) a 4-foot-high by 40-foot-long diversion structure on the Hawkins Creek at elevation 2,000 feet msl; (2) a 6,000-foot-long, 24-inch-diameter low pressure conduit; (3) a 1,000-foot-long, 18-inch diameter penstock; (4) a powerhouse to contain one or a combination of impulse-type, turbine-generating units with a total rated capacity of 210 kW; and (5) a 2,000-foot-long, 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company line. The powerhouse would operate under a head of 500 feet producing about 1.9 million kWh annually. The project would be located within the Six Rivers National Forest.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. Applicant estimates that the feasibility studies conducted under the permit would cost about $15,000.

k. Purpose of Project: The Applicant proposes to sell the project power to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specific comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in the project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33 (a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, exemption or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate). Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

Preliminary Permits

A4a. Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30-days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Exemption applications (5 MW or less capacity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency (ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be

included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: June 2, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15170 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-520-000]

Kansas Power & Light Co.; Notice of Filing

June 2, 1983.

The filing Company submits the following:

Take notice that Kansas Power and Light Company and Midwest Energy, Inc., on May 23, 1983 tendered for filing proposed changes in its Federal Energy Regulatory Commission Electric Service Tariff No. 123.

Schedule H—Participation Power Service provides for the purchase of Participation Power by Midwest Energy, Inc. for the period June 1, 1983 through September 30, 1983.

Kansas Power and Light Company proposes an effective date of June 1, 1983.

Copies of the filing were served upon the Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15182 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-416-000]

Kansas Power & Light Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Motions To Reject, Ordering Summary Disposition In Part, and Establishing Hearing and Price Squeeze Procedures

Issued: June 2, 1983.

On March 29, 1983, as completed on April 6, 1983, Kansas Power & Light Company (KP&L) tendered for filing increased rates for wholesale service to 17 rural electric cooperative customers and to 38 municipal customers of KP&L located in the State of Kansas.[1] The proposed rates would increase jurisdictional revenues by approximately $10.9 million (29.7%) based on the twelve month period ending June 30, 1984. In addition, KP&L has submitted unexecuted contracts applicable to 16 cooperative customers to supersede existing contracts which expired by their own terms on May 16, 1983. The company states that service will be rendered under the existing contracts until the new filings become effective. KP&L requests an effective date on June 1, 1983, for its proposed rate changes.

Notice of the filing was published in the **Federal Register**, with comments due on or before April 21, 1983. A timely notice of intervention was filed by the Kansas State Corporation Commission. Timely motions to intervene were submitted by 14 of KP&L's cooperative customers [2] that are members of the Kansas Electric Power Cooperative, Inc. (KEPCO); the Kaw Valley Electric Cooperative Company, Inc., Nemaha-Marshall Electric Cooperative Association, Inc., and Doniphan Electric Cooperative Association, Inc. (Cooperatives); and the Kansas municipal customers of KP&L (Municipals).[3] Additional comments were filed on behalf of the City of Elwood, Kansas, which is also represented as one of the Municipals.

KEPCO requests a five month suspension of KP&L's rates on the basis of various cost of service and rate of return issues.[4] In addition, KEPCO requests that the Commission summarily eliminate certain tariff provisions claimed to be anticompetitive [5] and

---

[1] *See* Attachment A for rate schedule designations and affected customers.

[2] The KEPCO members include Ark Valley Electric Cooperative Association, Inc.; Brown-Atchison Cooperative Association, Inc.; Butler Rural Electric Cooperative Association, Inc.; C. & W. Rural Electric Cooperative Association, Inc.; Coffey County Rural Electric Cooperative Association, Inc.; D.S. & O. Rural Electric Cooperative Association, Inc.; Flint Hills Rural Electric Cooperative Association, Inc.; Leavenworth-Jefferson Electric Cooperative, Inc.; Lyon County Electric Cooperative Inc.; Ninnescah Rural Electric Cooperative Association, Inc.; P. R. & W. Electric Cooperative Association, Inc.; Smoky Hill Electric Cooperative Association, Inc.; Smoky Valley Electric Cooperative Association, Inc.; and Twin Valley Electric Cooperative, Inc.

[3] The municipal customers include the Cities of Scranton, Wathena, Netawaka, Muscotah, Severance, Altamont, Marion, Enterprise, Chapman, Eudora, DeSoto, Axtell, Robinson, Hillsboro, St. Marys, Vermillion, Alma, Centralia, Elwood, Troy, Toronto, Morrill, Horton, Lindsborg, Seneca, Waterville, Clay Center, Wamego, Sabetha, Minneapolis, Sterling, Holton, Larned, Ellinwood, Stafford, Osage City, St. John, and Herington, Kansas.

[4] The issues include the proposed rate of return on common equity; the proposed demand allocation; the allowance for cash working capital; interest synchronization; the inclusion of allowances for fuel expense take-or-pay contracts; adjustments to operation and maintenance expenses; and a claimed deferred tax deficiency.

[5] KEPCO cites contractual provisions that prohibit certain inter-interconnections, provide for discontinuation of service upon the nonpayment of a bill, limit service at existing delivery points to a specified capacity, and require establishment of all new delivery points adjacent to KP&L's facilities at a minimum voltage.

establish phased priced squeeze procedures. The Cooperatives generally support KEPCO's pleading. They also request a maximum suspension of KP&L's rates on the grounds that the proposed rates are excessive.

The Municipals request rejection of KP&L's filing, arguing that the company has failed to comply with section 35.13 of the Commission's regulations. In particular, the Municipals claim that the filing fails to support KP&L's revised depreciation rates as well as other elements of the company's cost of service. The Municipals also request rejection of the proposed fuel adjustment clause, since it includes estimated costs subject to a true-up mechanism and since the true-up computation is purportedly erroneous. In addition, the Municipals raise other cost of service issues,[6] and allege rate discrimination and price squeeze. If their request for rejection is denied, they request summary disposition of the tariff and cost of service issues discussed in their pleading and a five month suspension of KP&L's rates. Finally, the Municipals seek an investigation of KP&L's existing rates and tariff conditions, pursuant to section 206 of the Federal Power Act, claiming that they are unjust, unreasonable, and unduly discriminatory.[7]

KP&L responded to the intervenors' pleadings by answer filed on May 6, 1983. The company opposes the requests for rejection, summary disposition, or maximum suspension. KP&L also requests that the Commission defer proceedings on the price squeeze questions raised by the intervenors pending a determination as to cost of service, capitalization, and rate of return.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed notice and motions to intervene serve to make the Kansas Commission, KEPCO, the Cooperatives, and the Municipals parties to this proceeding.

As noted, the Municipals seek rejection of KP&L's filing, in part, on the grounds that the company had inadequately supported its proposed depreciation rates. However, KP&L satisfied the filing requirements of section 35.13(h)(10) of the Commission's regulations by its April 6, 1983 supplemental filing, which provides a depreciation study in support of the revised rates. While the Municipals also challenge the adequacy of the support for other aspects of KP&L's filing, we find that the submittal, as completed on April 6, substantially complies with the Commission's filing requirements. Consequently, the motion to reject will be denied.[8]

Similarly, the Municipals' request to reject KP&L's proposed fuel adjustment clause will be denied. We note that KP&L's fuel clause design, which attempts to synchronize fuel expenses and fuel revenues, is not barred by section 35.14 of the Commission's regulations and that similar clauses have been accepted by the Commission in the past.[9] Although the proposed fuel adjustment clause will not be rejected, however, the company's true-up computations and the derivation of its estimates should be evaluated during the coures of the hearing in this docket.

Summary disposition as to the rate schedule provisions objected to by KEPCO as unduly restrictive is also inappropriate. In each instance, we believe that the challenged contract provisions present questions of law or fact which should be resolved following an evidentiary hearing. We note, however, with respect to the rate schedule provision purporting to permit discontinuation of service in the event of nonpayment, that termination of service cannot be accomplished absent a timely filing, pursuant to section 35.15 of the Commission' regulations.

Having reviewed KP&L's filing and the pleadings, we find that summary disposition is warranted as to only one issue. KP&L has failed to synchronize the test year interest expense used in its income tax calculation with the interest portion of the claimed rate of return. Consistent with established Commission precedent,[10] KP&L will be ordered to file revised rates which reflect an interest deduction for tax purposes as the product of the weighted cost of long-term debt and the allocated rate base.

Our preliminary review indicates that the rates proposed by KP&L have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept KP&L's rates for filing, as modified by summary disposition, and we shall suspend the rates as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. Our examination suggests that the proposed rates, as modified by summary disposition with respect to interest synchronization, may not yield substantially excessive revenues. Accordingly, we shall suspend the rates for one day, from 60 days after completion of the filing, to become effective on June 7, 1983, subject to refund.

In accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339, 8 FERC ¶ 61,131 (1979), we shall phase the price squeeze issue raised by the intervenors.

The Commission orders:

(A) The Municipals' motion to reject KP&L's filing, in whole or in part, is hereby denied.

(B) Summary disposition is hereby ordered as noted in the body of this order, with respect to synchronization of interest expense for tax purposes. Within thirty (30) days of the date of this order, KP&L shall refile its rates and supporting cost data to reflect this determination.

(C) All other motions for summary disposition are hereby denied.

(D) KP&L's proposed rates are hereby accepted for filing, as modified by summary disposition, and are suspended for one day, to become effective on June 7, 1983, subject to refund.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of KP&L's rates.

(F) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding

[6] The other cost of service issues include, *inter alia*, the proposed rate of return on common equity, calculation of cash working capital, and the proposed demand allocation.

[7] As evident in Ordering Paragraph (E) below, the hearing in this docket is being initiated pursuant to both sections 205 and 206 of the Act.

[8] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

[9] *See, e.g., West Texas Utilities Company*, Docket Nos. ER83-77-000 and ER82-708-000, 21 FERC ¶ 61,337 (1982).

[10] *See, e.g., Gulf States Utilities Company*, Docket No. ER82-375-000, 20 FERC ¶ 61,039 (1982).

to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown.

The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

KANSAS POWER & LIGHT COMPANY, DOCKET NO. ER83-418-000

[Rate Schedule Designations]

Designation	Other party	Description
(1) Supplement No. 2 to Rate Schedule FERC No. 212 (Supersedes Supplement No. 1).	City of Scranton	WSM-83.
(2) Supplement No. 9 to Rate Schedule FERC No. 147 (Supersedes Supplement No. 8).	City of Wathena	WSM-83.
(3) Supplement No. 9 to Rate Schedule FERC No. 166 (Supersedes Supplement No. 8).	City of Netawaka	WSM-83.
(4) Supplement No. 9 to Rate Schedule FERC No. 167 (Supersedes Supplement No. 8).	City of Muscotah	WSM-83.
(5) Supplement No. 9 to Rate Schedule FERC No. 171 (Supersedes Supplement No. 8).	City of Severance	WSM-83.
(6) Supplement No. 9 to Rate Schedule FERC No. 172 (Supersedes Supplement No. 8).	City of Altamont	WSM-83.
(7) Supplement No. 9 to Rate Schedule FERC No. 173 (Supersedes Supplement No. 8).	City of Marion	WSM-83.
(8) Supplement No. 8 to Rate Schedule FERC No. 175 (Supersedes Supplement No. 7).	City of Enterprise	WSM-83.
(9) Supplement No. 8 to Rate Schedule FERC No. 176 (Supersedes Supplement No. 7).	City of Chapman	WSM-83.
(10) Supplement No. 9 to Rate Schedule FERC No. 178 (Supersedes Supplement No. 8).	City of Eudora	WSM-83.
(11) Supplement No. 8 to Rate Schedule FERC No. 179 (Supersedes Supplement No. 7).	City of Desoto	WSM-83.
(12) Supplement No. 8 to Rate Schedule FERC No. 180 (Supersedes Supplement No. 7).	City of Axtell	WSM-83.
(13) Supplement No. 8 to Rate Schedule FERC No. 181 (Supersedes Supplement No. 7).	City of Robinson	WSM-83.
(14) Supplement No. 2 to Rate Schedule FERC No. 205 (Supersedes Supplement No. 1).	City of Horton	WSM-83.
(15) Supplement No. 9 to Rate Schedule FERC No. 183 (Supersedes Supplement No. 8).	City of Clay Center.	WTU-83.
(16) Supplement No. 10 to Rate Schedule FERC No. 184 (Supersedes Supplement No. 9).	City of Wamego	WTU-83.
(17) Supplement No. 10 to Rate Schedule FERC No. 186 (Supersedes Supplement No. 9).	City of Sabetha	WTU-83.
(18) Supplement No. 3 to Rate Schedule FERC No. 211 (Supersedes Supplement No. 2).	City of Minneapolis.	WTU-83.
(19) Supplement No. 9 to Rate Schedule FERC No. 187 (Supersedes Supplement No. 8).	City of Sterling	WTU-83.
(20) Supplement No. 8 to Rate Schedule FERC No. 188 (Supersedes Supplement No. 7).	City of Hillsboro	WSM-83.
(21) Supplement No. 10 to Rate Schedule FERC No. 189 (Supersedes Supplement No. 9).	City of Holton	WTU-83.
(22) Supplement No. 9 to Rate Schedule FERC No. 191 (Supersedes Supplement No. 8).	City of Lamed	WTU-83.
(23) Supplement No. 9 to Rate Schedule FERC No. 192 (Supersedes Supplement No. 8).	City of Ellinwood	WTU-83.
(24) Supplement No. 9 to Rate Schedule FERC No. 193 (Supersedes Supplement No. 8).	City of Stafford	WTU-83.
(25) Supplement No. 9 to Rate Schedule FERC No. 194 (Supersedes Supplement No. 8).	City of Osage City.	WTU-83.
(26) Supplement No. 8 to Rate Schedule FERC No. 195 (Supersedes Supplement No. 7).	City of St. Marys	WSM-83.
(27) Supplement No. 7 to Rate Schedule FERC No. 196 (Supersedes Supplement No. 6).	City of Vermillion	WSM-83.
(28) Supplement No. 7 to Rate Schedule FERC No. 197 (Supersedes Supplement No. 6).	City of Alma	WSM-83.
(29) Supplement No. 7 to Rate Schedule FERC No. 198 (Supersedes Supplement No. 6).	City of Centralia	WSM-83.
(30) Supplement No. 2 to Rate Schedule FERC No. 207 (Supersedes Supplement No. 1).	City of Lindsborg	WSM-83.
(31) Supplement No. 7 to Rate Schedule FERC No. 200 (Supersedes Supplement No. 6).	City of Elwood	WSM-83.
(32) Supplement No. 7 to Rate Schedule FERC No. 201 (Supersedes Supplement No. 6).	City of Troy	WSM-83.
(33) Supplement No. 6 to Rate Schedule FERC No. 202 (Supersedes Supplement No. 7).	City of St. Johns	WTU-83.
(34) Supplement No. 4 to Rate Schedule FERC No. 203 (Supersedes Supplement No. 3).	City of Toronto	WSM-83.
(35) Supplement No. 4 to Rate Schedule FERC No. 204 (Supersedes Supplement No. 3).	City of Morrill	WSM-83.
(36) Supplement No. 2 to Rate Schedule FERC No. 208 (Supersedes Supplement No. 1).	City of Seneca	WSM-83.
(37) Supplement No. 2 to Rate Schedule FERC No. 210 (Supersedes Supplement No. 1).	City of Waterville	WSM-83.
(38) Supplement No. 2 to Rate Schedule FERC No. 209 (Supersedes Supplement No. 1).	City of Hennington	WTU-83.

KANSAS POWER & LIGHT COMPANY, DOCKET No. ER83-418-000—Continued

[Rate Schedule Designations]

Designation	Other party	Description
(39) Rate Schedule FERC No. 213 (Supersedes the following rate schedules as supplemented: Rate Schedules FERC Nos. 148, 149, 150, 151, 152, 153, 155, 157, 158, 160, 162, 163 and 164).	Ark Valley ECA, Brown-Atchison ECA, Butler RECA, The C&W ECA, Coffey County RECA, DS and O ECA, Flint Hills Rural ECA, Leavenworth-Jefferson, Lyon County EC, Rennecott Rural ECA, Smoky Hill ECA, Smoky Valley EC and Twin Valley (the above cooperatives are members of KEPCO).	Contract.
(40) Supplement No. 1 to Rate Schedule FERC No. 213.	....do....	RCW-83.
(41) Rate Schedule FERC No. 214 (Supersedes Rate Schedule FERC No. 154, as supplemented).	Doniphan....	Contract.
(42) Supplement No. 1 to Rate Schedule FERC No. 214.	....do....	RCW-83.
(43) Supplement No. 218 (Supersedes Rate Schedule FERC No. 156, as supplemented).	Kaw Valley ECC....	Contract
(44) Supplement No. 1 to Rate Schedule FERC No. 215.	....do....	RCW-83.
(45) Rate Schedule FERC No. 216 (Supersedes Rate Schedule FERC No. 159, as supplemented).	Nemaha-Marshall ECA.	Contract
(46) Supplement No. 1 to Rate Schedule FERC No. 216.	....do....	RCW-83
(47) Supplement No. 10 to Rate Schedule FERC No. 161 (Supersedes Supplement No. 9).	P.R. and W ECA....	RCW-83

[FR Doc. 83-15183 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-673-001]

Kentucky Utilities Co.; Notice of Refund Report

June 2, 1983.

The filing Company submits the following:

Take notice that on April 12, 1983, Kentucky Utilities Company submitted for filing a refund report pursuant to the Commission's order issued December 1, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 13, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15184 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-54-001]

Louisiana-Nevada Transit Co.; Proposed Changes in FERC Gas Tariff

June 2, 1983.

Take notice that on May 9, 1983, Louisiana-Nevada Transit Company (Louisiana-Nevada) tendered for filing proposed changes in its FERC Gas Tariff Volume I. The proposed changes are to reflect changes in purchased gas cost as provided in Louisiana-Nevada's Purchase Gas Adjustment Clause applicable to its Rate Schedule No. G-1 and X-2. The change provides for a total adjustment of 18.85¢ per Mcf including a deferred gas cost adjustment of (1.67)¢ per Mcf, to amortize a deferred balance, and a cumulative cost of gas adjustment of 20.52¢ per Mcf.

Copies of the filing were served upon Louisiana-Nevada's jurisdictional customer and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426,, in accordance with Rules 211 and 214 of the Commission Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15185 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-522-000]

Miami Power Corp.; Notice of Filing

June 2, 1983.

The filing Company submits the following:

Take notice that on May 23, 1983, the Miami Power Corporation (Miami) tendered for filing a proposed change in its FERC Electric Service Tariff, Volume No. 3. The proposed change would increase revenues from service by $773 annually based on the 12 months ended December 31, 1982. The proposed change represents only an increase of the rate of return component in the cost of service formula utilized to calculate the monthly rental charge for transmitting electric energy for The Cincinnati Gas & Electric Company (CG&E). This change had been agreed to by Miami and CG&E as evidenced by an Agreement executed and dated May 20, 1983. Miami indicates that this rate schedule supersedes that contained in the Agreement between Miami and CG&E dated March 20, 1979.

Miami proposes an effective date of August 1, 1983.

Copies of this filing were served upon CG&E and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15186 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-764-004]

Minnesota Power & Light Co.; Notice of Compliance Filing

June 2, 1983.

The Filing Company submits the following:

Take notice that on May 16, 1983, Minnesota Power & Light Company submitted for filing a rate schedule supplement in compliance with the Commission's order issued April 14, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory

Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 14, 1983. Comments will be considered by the Commission of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15187 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-518-000]

The Montana Power Co.; Notice of Filing

June 2, 1983.

The filing Company submits the following:

Take notice that The Montana Power Company (MPC) on May 19, 1983, tendered for filing Third Revised Sheet No. 4, Third Revised Sheet No. 5, Third Revised Sheet No. 6 Fifth Revised Sheet No. 9, and Fifth Revised Sheet No. 10 of FERC Electric Tariff 2nd Revised Volume No. 1 of The Montana Power Company.

MPC's letter of transmittal states that Rate M-1.3—*Energy from Thermal Resources* is being revised to permit the sale of energy at lower prices than the current tariff permits. Rate M-1.5—*Share-Savings* is being revised to permit MPC to calculate its incremental costs at the time of the share-savings transaction, using the best available data. MPC's Index on Purchasers is being revised to show the addition of the City of Santa Clara.

MPC requests an effective date of January 1, 1983 and therefore requests a waiver of the Commission's notice requirements

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15186 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-170-000]

New England Power Co.; Notice of Refund Report

June 2, 1983.

The filing Company submits the following:

Take notice that on May 20, 1983, New England Power Company submitted for filing a refund report in compliance with the Commission's order issued April 5, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 14, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15189 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-131-001]

Northern Natural Gas Co.; Division of InterNorth, Inc., Notice of Amendment

June 2, 1983.

Take notice that on May 5, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-131-001 an amendment to its pending application filed December 16, 1982, in Docket No. CP83-131-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize Applicant to construct and operate certain pipeline and appurtenant facilities in the offshore Texas area and to render firm transportation service of up to 45,000 Mcf per day for Amoco Gas Company (Amoco Gas), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on December 16, 1982, it filed an application in Docket No. CP83-131-000 for authorization to construct and operate approximately 3 miles of 24-inch pipeline extending from the producer's platform in Matagorda Island Area Block 624, offshore Texas, to an interconnection with the proposed Seagull Shoreline System (SSS). Applicant notes that the proposed facilities were designed to transport the 32.5 percent gas of reserves underlying Matagorda Island Area Block 624 which Applicant has contracted to purchase from Mesa Petroleum Company (Mesa) as well as the remaining 76.5 percent of reserves attributable Matagorda Island Area Block 624 which are presently undedicated.

Applicant states that Amoco Gas has contracted to purchase 50 percent of the gas reserves underlying Matagorda Island Area Block 623 and is negotiating to purchase an additional 31 percent interest in the block. It is further stated that Applicant and Amoco Gas have executed a gas transportation and facilities agreement whereby Applicant would transport for Amoco Gas on a firm basis up to 45,000 Mcf per day of Matagorda Island Area Block 623 reserves and additional quantities on a best-efforts basis. Applicant proposes to charge Amoco Gas a monthly demand charge of $43,642 for transportation of quantities up to the maximum daily quantity of 45,000 Mcf per day and 3.19 cents per Mcf for quantities in excess of the maximum daily quantity.

To transport gas reserves dedicated to it in Matagorda Island Area Block 624, reserves dedicated to Amoco Gas in Matagorda Island Area Block 623, as well as reserves in the vicinity which may be dedicated to others in the future, Applicant now proposes to construct and operate approximately 3.5 miles of 24-inch pipeline from the "B" platform in Matagorda Island Area Block 623 to the SSS and 0.42 mile of 10-inch pipeline to connect Mesa's platform in Matagorda Island Area Block 624 to the "B" platform in Matagorda Island Area Block 623. Applicant proposes to commence construction of the facilities by the late summer of 1983 to coincide with the beginning of production in Matagorda Island Area Blocks 623 and 624. Applicant states that the 24-inch facilities would be designed with a maximum capacity of 320,000 Mcf per day.

Applicant estimates that the proposed facilities would cost $6,282,300. Such cost, it is asserted, would be financed from Applicant's funds on hand.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a

party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15190 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-521-000]

Puget Sound Power & Light Co.; Filing

June 2, 1983.

The filing Company submits the following:

Take notice that on May 23, 1983, Puget Sound Power & Light Company (Puget) tendered for filing under its Electric Tariff Original Volume No. 3, Service Agreements with the City of Burbank, the City of Glendale and Public Utility District No. 1 of Chelan County, each dated as of September 13, 1982. In general, the Service Agreements make service under the referenced tariff available to the customers with whom the agreements were made.

Puget requests an effective date of August 22, 1982, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon each of said customers.

Any person desiring to be heard or to protect said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15171 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA83-15-000]

Shar-Alan Oil Co.; Application for Adjustment

Issued: June 2, 1983.

On May 13, 1983, Shar-Alan Oil Company (Shar-Alan), 4101 East Louisiana Avenue, Denver, Colorado 80222, filed an "Application for an Adjustment" under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432, (Supp. V 1982), and 18 CFR 385.1101-385.1117 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure.

An adjustment of § 273.204, and any other applicable Commission regulation, is sought so that Shar-Alan may collect retroactively, subject to the agreement of its purchasers, the difference between the maximum lawful price for its new, onshore production wells under section 103 [1] of the NGPA and the otherwise applicable NGPA rate. The request for an adjustment encompasses 24 wells completed in the Sooner Trend of Oklahoma from which deliveries were commenced during the period of May 1980 through June 1981. Each well is similar in that the appropriate filings were not filed until after deliveries were commenced. Thus, retroactive collection of the section 103 rate from the date deliveries were initiated are not allowed for the period before the appropriate filings were filed with the jurisdictional agency, as provided in § 273.204 of the Commission's regulations, unless an adjustment is granted under section 502(c) of the NGPA.

Shar-Alan contends that the application of § 273.204, which prohibits Shar-Alan from making retroactive collections for the period from the date of deliveries to the filing of an application for a well category eligibility determination under NGPA Title I, constitutes an inequity and special hardship under section 502(c) of the NGPA. Further, Shar-Alan asserts that a remedy in the form of an adjustment is within the Commission's discretion, can be allowed consistently with the interests of its purchasers, and the policy objectives of the NGPA.

The inequities asserted arise out of the extenuating circumstances that revolve around the employee whom Shar-Alan charged with the responsibility to make timely applications for NGPA well category determinations. This employee, since deceased, was allegedly suffering from mental dysfunctions due to a malignant brain tumor during the time period at issue. During this time, the employee failed to complete or file the appropriate filings which would allow Shar-Alan to collect the applicable maximum lawful price from the date of initial deliveries. Although Shar-Alan was aware of the fact that the employee had a terminal illness, it was not aware of the employee's mental incapacity caused by that illness. Shar-Alan contends that only after the fact did it become aware of these failings.

Shar-Alan calculated that its loss in revenues totals $209,417.36. Shar-Alan asserts that it will incur special hardship if unable to make retroactive collections. Allegedly, the financial viability of this small non-public producer is uniquely dependent upon the full recovery of revenues available. Shar-Alan urges that the Commission's denial of retroactive collections under § 273.204 of its regulations in this situation would be "an inequity in the administration of the NGPA pricing provisions."

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of Part 385 of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance within the provisions of such Subpart K. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15172 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[1] Three purchasers of gas from 19 of the subject wells, Phillips Petroleum Company, Conoco, Inc., and Delhi Gas Pipeline Corporation have stated that they have no objection to the collection of the section 103 price. A fourth purchaser, although no objection has been expressed, has not agreed to pay such prices.

[Docket No. TA83-2-2-10-000]

Tennessee Natural Gas Lines, Inc. Proposed Changes in FERC Gas Tariff

June 2, 1983.

Take notice that on May 18, 1983, Tennessee Natural Gas Lines, Inc. (TNGL) tendered for filing both Forty-second Revised Sheet No. PGA-1 and Appendix A to First Revised Volume No. 1 of its FERC Gas Tariff to be effective May 1, 1983.

TNGL states that the sole purpose of this filing is to reflect in its rates the reduced rates of its sole supplier Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., which will become effective on May 1, 1983.

TNGL states that copies of the filing were served upon its jurisdictional customer, the interested state regulatory commission, its non-jurisdictional customers estimated to be billed for NGPA incremental pricing surcharges, and are available for public inspection at TNGL's offices in Nashville, Tennessee.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15173 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-385-002]

Transcontinental Gas Pipe Line Corp.; Amendment

June 2, 1983.

Take notice that on May 2, 1983, Trancontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-385-002 an amendment to its application filed in Docket No. CP82-385-000 pursuant to Section 7(c) of the Natural Gas Act so to reflect modifications to its proposal to construct certain pipeline and appurtenant facilities to receive and transport natural gas to be imported from Canada, resulting from a reduction in import quantities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that the amendment reflects modifications to the proposed facilities resulting from a reduction in the quantity of natural gas allowed by the National Energy Board to be exported from Canada. Applicant now proposes to expand the capacity of its Leidy Line and certain of its market area facilities so as to effecuate delivery to Applicant's customers of 315,000 Mcf per day of Canadian natural gas to be imported for its system supply, and 300,000 Mcf per day of Canadian natural gas available from storage facilities owned by third parties located in Michigan and Ontario.

Applicant indicates that both the quantities purchased for system supply and the storage service would be transported through the proposed Niagara Interstate Pipeline System to a proposed interconnection with Applicant's existing Leidy Line at the Leidy Storage Field near Tamarack, Pennsylvania.

Applicant states that the proposed looping and compression facilities on the Leidy Storage Field near Tamarack, Pennsylvania, to a point of interconnection with market area facilitieis near Centerville, New Jersey, would increase the capacity of such facilities from current level of 970,269 Mcf per day to 1,583,813 Mcf per day thereby providing the increased capacity required to effectuate delivery of the 615,000 Mcf per day of new gas supplies. Applicant proposes the following expansion of its Leidy Line:

(1) Construct 36.42 miles of 30-inch pipeline loop from Leidy Storage Field (Leidy Milepost 194.04) to Station 520;

(2) Construct 60.6 miles of 36-inch pipeline loop from Leidy Milepost 129.51 to Station 515;

(3) Construct 42.78 miles of 36-inch pipeline loop from Leidy Milepost 42.78 to Station 505;

(4) Install an additional 3,900 horsepower of compression at Station 520; and

(5) Construct the Algonquin-Centerville Meter Station at Milepost 0.99.

Applicant proposes the following construction on market area facilities in Pennsylvania and New Jersey:

(1) Construct 20.5 miles of 24-inch pipeline looping the 16-inch and 12-inch Trenton-Wodbury Lateral from Milepost 16.33 to the Mt. Laurel meter station;

(2) Construct 3.98 miles of 16-inch pipeline loop of the 16-inch and 8-inch Oreland and Ashmead Road Laterals between the Oreland meter station and the Ashmead Road meter station;

(3) Construct 2.74 miles of 10-inch pipeline loop of the 6-inch Trenton Lateral from Milepost 4.79 to the Trenton meter station;

(4) Construct 18.05 miles of 36-inch pipeline loop from Milepost 1807.52 to Milepost 1825.57 on the Caldwell Loop; and

(5) Construct 3.62 miles of 12-inch pipeline loop of the 14-inch and 8-inch Camden Lateral from Milepost 5.95 to the Camden meter station.

Applicant states that the estimated cost of the proposed facilities would be $281,000,000 which would be financed initially by short-term loans and funds on hand with permanent financing to be undertaken as part of an overall long-term program at a later date.

Any person desiring to be head or to make any protest with reference to said amendment should on or before June 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15174 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-112-001]

Valero Transmission Co.; Petition To Amend

June 2, 1983.

Take notice that on April 28, 1982, Valero Transmission Company (Petitioner), P.O. Box 500, San Antonio, Texas 78292, filed in Docket No. CP83-112-001 a petition to amend the order issued March 4, 1983, in Docket No. CP83-112-000 pursuant to § 284.127 of the Commission's Regulations and Section 311(a)(2) of the Natural Gas Policy Act of 1978 so as to authorize the transportation of additional volumes of natural gas for El Paso Natural Gas Company (El Paso), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is asserted that by order issued March 4, 1983, Petitioner was authorized to transport up to 25,000 Mcf of gas per day for El Paso. Petitioner proposes herein to transport up to 31,250 Mcf of gas per day which volume El Paso has agreed to purchase from Valero Interstate Transmission Company provided the average daily quantity transported each year does not exceed 25,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the

appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15175 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2377-4]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers, Office of Standards and Regulations, Information Management Section (PM-223), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Agency Forms Cleared by OMB Between May 12 and 19, 1983

EPA ID 0818, Hazardous Waste Industry Studies, was cleared on May 18 (OMB #2000-0396).

EPA ID 0941, Form for Requesting Samples, was cleared on May 12 (OMB #2000-0139).

The following three collections were approved on an expedited basis to avoid unnecessary delays in procurements, contracts, and purchase orders:

EPA ID 1037, Oral and Written Purchase Orders, was cleared on May 19 (OMB #2030-0007).

EPA ID 1038, Procurement Solicitations (RFPS & IFSB), was cleared on May 19 (OMB #2030-0006).

EPA ID 1039, Technical Financial Progress Reports Submitted in Accordance with Contract Requirements, was cleared on May 19 (OMB #2030-0005).

Comments on all parts of this notice should be sent to: David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), 401 M Street, S.W., Washington, D.C. 20460, and Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, N.W., Washington, D.C. 20503.

Dated: May 27, 1983.

John Warren,

Acting Chief, Statistical Policy Staff.

[FR Doc. 83-15142 Filed 6-6-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities; Barclays Bank PLC, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, *Barclays Bank International Limited*, each a bank holding company whose principal office is in London, England (consumer finance and insurance activities; Syracuse, New York): To engage through their subsidiaries, BarclaysAmericanCorporation ("BAC"), BarclaysAmerican/Financial, Inc. ("BAF") and BarclaysAmerican/-Retail Services Inc. ("BARS"), in making direct consumer loans, including loans secured by real estate, and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning); and acting as agent for the sale of related credit life and credit accident and health insurance. Because Barclays and its subsidiaries, BAC, BAF and BARS, were engaged in insurance activities in New York before May 1, 1982, the insurance restrictions of the Garn- St Germain Depository Institutions Act of 1982 do not apply to this office relocation. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. These activities would be conducted from an office of BAF and BARS located in Syracuse, New York, serving customers in Syracuse and surrounding areas in New York. This notification is for the relocation of an existing office in Syracuse, New York. Comments on this application must be received not later than July 1, 1983.

2. *Manufacturers Hanover Corporation*, New York, New York (relocation of office and expansion of service area; South Carolina): To continue to hold the shares of Finance One of South Carolina, Inc. ("Finance One") after Finance One engages in the activities of making or acquiring loans and other extensions of credit, secured or unsecured, such as would be made or acquired by a finance company under South Carolina law; and offering credit related life insurance, credit accident and health insurance, and credit related property insurance in Florence, South Carolina. Finance One presently engages in these activities in Darlington, South Carolina. The application is only to continue to hold the shares of Finance One after Finance One engages in these activities at a different location servicing an expanded service area; the application does not involve the commencement of any new activities at the new location. The office will service customers in Darlington, Marlboro, Lee, Chesterfield, Florence, Dillon, Marion,

Williamsburg, Clarendon, and Sumter Counties. Comments on this application must be received not later than July 1, 1983.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Northwestern Financial Corporation,* North Wilkesboro, North Carolina (originating and servicing mortgage loans; Brunswick and New Hanover Counties, North Carolina): To engage through its subsidiary, Northwestern Mortgage Corporation, in making, acquiring, and servicing first mortgage loans such as would be made by a mortgage banking company from an office to be located in Carolina Beach, North Carolina, serving the counties of Brunswick and New Hanover, North Carolina. Comments on this application must be received not later than July 1, 1983.

2. *South Carolina National Corporation,* Columbia, South Carolina (financing and insurance activities; South Carolina): To engage through its subsidiary, Provident Financial Corporation, in providing consumer finance activities including the extension of direct loans to consumers, the discount of retail and installment notes or contracts, servicing loans and other extensions of credit for the account of others, and acting as agent for sales of life, accident and health, and property casualty insurace directly related to its extensions of credit. Property and casualty insurance will be offered pursuant to section 601 (A) (B) and (D) (i) of the Garn-St Germain Depository Institutions Act. Such activities will be conducted at an office in Clinton, North Carolina, serving the town of Clinton and the surrounding area. Comments on this application must be received not later than July 1, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Citizens Bancorporation,* Sheboygan, Wisconsin (management consulting and data processing activities; Wisconsin and Michigan): To engage through its subsidiary, Citizens Management Services Corporation in providing management consulting advice to nonaffiliated and non-bank depository institutions; and providing data processing and data transmission services, data bases or facilities for the internal operations of the holding company or its subsidiaries, and for others. These activities would be conducted from an office in Green Bay, Wisconsin, serving the entire State of Wisconsin and the upper peninsula of Michigan. Comments on this application must be received not later than June 21, 1983.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First City Bancorporation of Texas, Inc.,* Houston, Texas (financing activities; Dallas-Fort Worth area and north Texas): To continue to engage through its subsidiary, First City Financial Corporation in making and acquiring loans and other extensions of credit such as would be made by a commercial finance company. These activities would be conducted from an office in Dallas, Texas serving the Dallas—Forth Worth area and northern Texas. Comments on this application must be received not later than June 21, 1983.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation, San Francisco, California (consumer and commercial financing and servicing activites; all fifty (50) states and the District of Columbia): To engage through a de novo* office of its indirect subsidiary, BA Business Credit Corporation, Irving, Texas in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, and servicing loans and other extensions or credit. No credit-related insurace will be offered in connection with these activities which will include, but not be limited to, making consumer installment loans and commercial loans to businesses which may be unsecured, or secured by personal assets, residential and commercial real estate. These activities will be conducted from a *de novo* office in Irving, Texas, serving all fifty (50) states and the District of Columbia. Comments on this application must be received not later than June 28, 1983.

2. *BankAmerica Corporation,* San Francisco, California (financing, servicing, and insurance activities; New York): To engage, through its indirect subsidiary, FinanceAmerica Credit Corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. The aforementioned types of credit-related insurance are permissible under Section 4(c)(8)(A) of the Bank Holding Company Act of 1956, as amended by the Garn-St Germain Depository Institutions Act of 1982. Credit-related property insurance will not be offered. These activities will be conducted from two existing offices of another indirect subsidiary, BA FinanceAmerica Corporation, located in North Syracuse and Valley Stream, New York, each serving the entire State of New York. Comments on this application must be received not later then June 29,1983.

3. *Central Pacific Corporation,* Bakersfield, California (finance activities; Western United States): To engage, through its subsidiary, CPC Financial Corporation, in commercial finance activities, including the extension of secured and unsecured construction loans, working capital loans, and project loans in connection with real property development. These activities would be conducted from an office in Bakersfield, California, serving the states of California, Oregan, Washington, Idaho, Nevada, Arizona, Utah, Colorado, Wyoming, New Mexico, and Texas. Comments on this application must be received not later than July 1, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15107 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council; Solicitation of Nominations for Membership

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Solicitation of nominations for membership on the Board's Consumer Advisory Council.

SUMMARY: The Board is asking the public to nominate qualified individuals for eight appointments to its Consumer Advisory Council. Nominations should include the name, address, and telephone number of the nominee, together with information about past and present positions held, special knowledge, interests, and experience related to consumer credit or other financial services. It is contemplated that the Board will announce its selection of new members by mid-November.

DATE: Nominations should be received by August 5, 1983.

ADDRESS: Nominations should be mailed to Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, Board of Governors of the

Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: Ann Marie Bray, Staff Assistant, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452–2412.

SUPPLEMENTARY INFORMATION: The Consumer Advisory Council was established by the Congress in 1976 to advise the Board on the exercise of its duties under the Consumer Credit Protection Act and on other consumer-related matters. The Council by law represents the interests both of consumers and of the financial community. Members serve three-year terms that are staggered to provide the Council with continuity.

Eight new members will be selected this fall, to replace members whose terms expire on December 31, 1983. The Board is particularly interested in candidates who are familiar with issues in the area of consumer credit and other financial services. In making the new appointments, the Board also will seek to complement the qualifications of continuing Council members in terms of affiliation and geographic representation. Each year the nominations have numbered in the hundreds. With only eight vacancies, this means that many highly qualified and interested individuals will not have the opportunity to serve and that not every interested group can be represented.

The Council meets three times a year for approximately a day and a half. Council members are paid $100 for each day spent attending or traveling to and from meetings.

Nominations should be submitted in writing to Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and must be received no later than August 5, 1983. Nominations should include the name, address and telephone number of the nominee, past and present positions held, and special knowledge, interests, or experience relating to consumer financial matters. This information will be made available for public inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information. The Board expects to announce its selection of new members by mid-November.

The names and affiliations of current Council members (and the expiration date of their term of office) follow:

Chairman

Susan Pierson DeWitt, U.S. Trustee for the Northern District of Illinois, Chicago, Illinois, December 31, 1983

Vice Chairman

William J. O'Connor, Jr., Partner, Phillips, Lytle, Hitchcock, Blaine & Huber, Buffalo, New York, December 31, 1983

Arthur F. Bouton, President, American Association of Retired Persons, Little Rock, Arkansas, December 31, 1983

James G. Boyle, Attorney at Law, Austin, Texas, December 31, 1985

Gerald R. Christensen, President and Chairman of the Board, First Federal Savings and Loan Association, Salt Lake City, Utah, December 31, 1984

Thomas L. Clark, Jr., Deputy Superintendent of Banks, New York State Banking Department, New York, New York, December 31, 1985

Jean A. Crockett, Ph.D., Professor of Finance, Wharton Graduate School, University of Pennsylvania, Philadelphia, Pennsylvania, December 31, 1985

Joseph N. Cugini, President & General Manager, Westerly Community Credit Union, Westerly, Rhode Island, December 31, 1983

Meredith Fernstrom, Senior Vice President, Office of Public Responsibility, American Express Company, New York, New York, December 31, 1984

Allen J. Fishbein, Director, Neighborhood Revitalization Project, Center for Community Change, Washington, D.C., December 31, 1984

E. C. A. Forsberg, Sr., President and Chief Executive Officer, Gulf Finance Corporation, Atlanta, Georgia, December 31, 1984

Luther R. Gatling, President, Budget & Credit Counseling Service, New York, New York, December 31, 1983

Richard F. Halliburton, Deputy Director, Legal Aid of Western Missouri, Kansas City, Missouri, December 31, 1985

Charles C. Holt, Ph.D., Professor of Management, University of Texas at Austin, Austin, Texas, December 31, 1985

George S. Irvin, President, George Irvin Chevrolet, Denver, Colorado, December 31, 1983

Harry N. Jackson, Vice President, Credit, Dayton Hudson Corporation, Minneapolis, Minnesota, December 31, 1984

Kenneth V. Larkin, Executive Vice President, Bank of America, N.T. and S.A., San Francisco, California, December 31, 1985

Timothy D. Marrinan, Assistant Vice President and Associate General Counsel, First Bank System, Inc., Minneapolis, Minnesota, December 31, 1985

Stanley L. Mularz, President, Trans Union Credit Information Company, Chicago, Illinois, December 31, 1983

Willard P. Ogburn, Deputy Director, National Consumer Law Center, Boston, Massachusetts, December 31, 1984

Elva Quijano, Vice President and Executive Professional Officer, Republic Bank of San Antonio, San Antonio, Texas, December 31, 1985

Janet J. Rathe, Executive Committee Member, Oregon Consumer League, Portland, Oregon, December 31, 1984

Janet M. Scacciotti, President and Chief Executive Officer, Guild Loan and Investment Company, Providence, Rhode Island, December 31, 1985

Glenda G. Sloane, Director, Housing and Community Development, Center for National Policy Review, Catholic University School of Law, Washington, D.C., December 31, 1985

Henry J. Sommer, Supervising Attorney, Community Legal Services, Inc., Philadelphia, Pennsylvania, December 31, 1985

Nancy Z. Spillman, Chair, Business Administration Department and Professor of Economics, Los Angeles Trade Technical College, Los Angeles, California, December 31, 1983

Winnie F. Taylor, Associate Professor of Law, Holland Law Center, University of Florida, Gainesville, Flordia, December 31, 1985

Michael M. Van Buskirk, Community Development Officer, Banc One Corporation, Columbus, Ohio, December 31, 1985

Clinton Warne, President, Consumers League of Ohio, Cleveland, Ohio, December 31, 1984

Frederick T. Weimer, General Assistant to the Vice President and General Credit Manager, Sears, Roebuck and Co., Chicago, Illinois, December 31, 1984

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15108 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

Ameribanc, Inc.; Merger of Bank Holding Companies

Ameribanc, Inc., St. Joseph, Missouri, has applied for the Board's approval under Section 3(a)(5) of the Bank Holding Company Act (12 U.S.C.

1842(a)(5)) to merge with Manufacturers Bancorp, Inc., St. Louis, Missouri and thereby acquire Manufacturers Bank & Trust Company of St. Louis, St. Louis, Missouri and First National Bank of Franklin County, Union, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Ameribanc, Inc., St. Joseph, Missouri, has also applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) to engage in the sale of insurance related to extensions of credit made by the banks. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Bank or Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 30, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15105 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; American Bancorp, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *American Bancorp, Inc.*, Opelousas, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of American Bank and Trust Company, Opelousas, Louisiana. Comments on this application must be received not later than June 29, 1983.

2. *NBG Holding Company*, Atlanta, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of The National Bank of Georgia, Atlanta, Georgia. Comments on this application must be received not later than June 29, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Bridgeview Bancorp, Inc.*, Bridgeview, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Bridgeview Bank and Trust Company, Bridgeview, Illinois. Comments on this application must be received not later than June 29, 1983.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Cherokee Bancshares, Inc.*, St. Paul, Minnesota; to become a bank holding company by acquiring 80.3 percent of the voting shares of Cherokee State Bank of St. Paul, St. Paul, Minnesota. Comments on this application must be received not later than June 29, 1983.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *D.C. Bancorp*, Dove Creek, Colorado; to become a bank holding company by acquiring 88.67 percent of the voting shares of Dove Creek State Bank, Dove Creek, Colorado. Comments on this application must be received not later than June 29, 1983.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Bancorporation, Inc.*, Dallas, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of The National Bank of Texas at Fort Worth, Fort Worth, Texas; Weatherford Bancshares, Inc., Weatherford, Texas; and The First National Bank of Weatherford, Weatherford, Texas. Comments on this application must be received not later than June 29, 1983.

2. *Worth Corporation, Inc.*, Fort Worth, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Lake Worth National Bank, Fort Worth, Texas. Comments on this application must be received not later than June 29, 1983.

F. **Board of Governors of the Federal Reserve System,** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Miles-Bowen Bancshares*, Bowen, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Bowen State Bank, Bowen, Illinois. This application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank of Chicago. Comments on this application must be received not later than June 29, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15100 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; City National Bancshares Corporation, et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *City National Bancshares Corporation*, Newark, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of City National Bank of New

Jersey, Newark, New Jersey. Comments on this application must be received not later than July 1, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. **Spartan Bankcorp, Inc.**, East Lansing, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of the successor by consolidation to East Lansing State Bank, East Lansing, Michigan. Comments on this application must be received not later than June 28, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15110 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

City National Bancshares, Inc.; Formation of Bank Holding Company

City National Bancshares, Inc., Greeley, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The City National Bank, Greeley, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

City National Bancshares, Inc., Greeley Nebraska, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the assets of McQuillan Insurance Agency, Greeley, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency business in a community with a population of less than 5,000 persons. These activities would be performed from offices of Applicant's subsidiary in Greeley, Nebraska, and the geographic area to be served is an area within 25 miles of Greeley, Nebraska. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be expected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than June 30, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15108 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed Acquisition of First University Service Corporation

First University Corporation, Houston, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b), (c), for permission to acquire voting shares of First University Service Corporation, Houston, Texas.

Applicant states that the proposed subsidiary would engage in the activities of a trust company, including acting as trustee and fiduciary agent in connection with various church bond issues, and other trust activities complementary to banking. These activities would be performed from offices of Applicant's subsidiary in Houston, Texas, and the geographic area to be served are the United States (with respect to acting as trustee and fiscal agent for various church bond issues), and Houston, Texas (with respect to other trust activities complementary to banking). Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by apporval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 29, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15111 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

Long-Term Credit Bank of Japan, Limited; Proposed Acquisition of LTCB Trust Company

The Long-Term Credit Bank of Japan, Limited, Tokyo, Japan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of LTCB Trust Company, New York, New York.

Applicant states that the proposed subsidiary would engage in the following activities: (1) Fiduciary, agency or custodial services; (2) investment of financial advisory services including portfolio advice, statistical forecasting and industry studies; and (3) data processing services such as reporting and record-keeping as an incident to the above mentioned activities. These activities would be performed from offices of Applicant's subsidiary in New York, New York. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce

benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than June 30, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15112 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by a Bank Holding Company; Mercantile Bancorporation, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weiss, Vice President) 411 Locust Street, St. Louis, Missouri 61366:

1. *Mercantile Bancorporation, Inc.*, St. Louis, Missouri; to acquire 100 percent of the voting shares or assets of Wright County Bank, Hartville, Missouri. Comments on this application must be received not later than June 23, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15113 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

Mercantile Texas Corporation; Acquisition of Bank

Mercantile Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with First-Wichita Bancshares, Inc., Wichita Falls, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 30, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, inditifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15114 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83P-0156]

Canned Tuna in Water Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a temporary permit has been issued to Ralston Purina Co., St. Louis, MO, to market test canned tuna in water seasoned with vegetable oil. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 12 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than September 6, 1983.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Ralston Purina Co.

The permit covers limited interstate marketing tests of canned tuna in water. The test product deviates from the standard of identity for canned tuna, 21 CFR 161.190, because (1) it will be seasoned with soybean oil or partially hydrogenated soybean oil at levels of 1.6 percent of the water capacity of the can and (2) it will contain xanthan gum as an emulsifying and suspending agent. The test product meets all requirements of § 161.190, with the exception of these deviations. The permit provides for the temporary marketing of 750,000 cases containing forty-eight 6½ ounce cans each of the test product. The test product will be distributed throughout the United States.

The test product is to be manufactured at the Ralston Purina Co. Seafood Division plant located in San Diego, CA.

The principal display panel of the label states the product's name, which includes the fact that the food is packed in water and seasoned with oil. Each of the ingredients used in the food, including the appropriate name of the soybean oil and the emulsifying and suspending agent xanthan gum, is stated on the label as required by the applicable sections of 21 CFR Part 101. This permit is effective for 12 months beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than September 6, 1983.

Dated: May 31, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-15123 Filed 6-6-83; 8:45 am]

BILLING CODE 4160-01-M

Request for Nominations for Voting Members on Public Advisory Committees

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on certain advisory committees in the National Center for Drugs and Biologics. Nominations will be accepted for current vacancies and vacancies that will or may occur on the committees during the next 12 months.

FDA has a special interest in assuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and therefore extends particular encouragement to nominations for appropriately qualified female, minority, and handicapped candidates. Final selection from among qualified candidates for each vacancy will be determined by the expertise required to meet specific agency needs and in a manner to ensure appropriate balance of membership.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for receipt of nominations.

ADDRESS: All nominations for membership except for consumer-nominated members must be sent to: Joseph Price (HFN–6), National Center for Drugs and Biologics, Food and Drug Administraion 5600 Fishers Lane, Rockville, MD. 20857.

Nominations for consumer-nominated positions must be sent to: Naomi Kulakow (HFE–40), Office of Consumer Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Price, at the address given above (301–443–4090). Naomi Kulakow, at the address given above (301–433–5006).

SUPPLEMENTARY INFORMATION: FDA request nominations of members for the following 16 advisory committees for vacancies listed below. Individuals should have expertise in the activity of the committee.

1. Anesthetic and Life Support Drugs Advisory Committee; four vacancies occurring June 30, 1984, including the consumer-nominated member.

2. Anti-Ineffective Drugs Advisory Committee; three vacancies occurring November 30, 1983, including the consumer-nominated member;

3. Arthritis Advisory Committee; two vacancies occurring September 30, 1984.

4. Cardiovascular and Renal Drugs Advisory Committee; two vacancies occurring June 30, 1983.

5. Dermatologic Drugs Advisory Committee; three vacancies occurring August 31, 1984.

6. Endocrinologic and Metabolic Drugs Advisory Committee; one vacancy occurring June 30, 1983.

7. Fertility and Maternal Health Drugs Advisory Committee; three vacancies occurring June 30, 1984, including the consumer-nominated member.

8. Gastrointestinal Drugs Advisory Committee; four vacancies occurring June 30, 1984, including the consumer-nominated member.

9. Oncologic Drugs Advisory Committee; three vacancies occurring June 30, 1984, including the consumer-nominated member.

10. Peripheral and Central Nervous System Drugs Advisory Committee; two vacancies occurring January 31, 1984.

11. Psychopharmacologic Drugs Advisory Committee; four vacancies occurring June 30, 1984.

12. Pulmonary-Allergy Drugs Advisory Committee; three vacancies occurring June 30, 1984.

13. Radiopharmaceutical Drugs Advisory Committee; three vacancies occurring June 30, 1984.

The functions of the 13 committees listed above are to review and evaluate available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the area of medical specialties indicated by the title of the committee and to make appropriate recommendations to the Commissioner of Food and Drugs.

14. Drug Abuse Advisory Committee; three vacancies occurring June 30, 1984, including the consumer-nominated member.

The functions of the Drug Abuse Advisory Committee are to: (1) Advise the Commissioner regarding the scientific and medical evaluation of all information gathered by both the Department of Health and Human Services (HHS) and the Department of Justice regarding the safety, efficacy, and abuse potential for drugs or other substances and (2) recommend actions to be taken by HHS regarding the marketing, investigation, and control of such drugs or other substances.

15. Blood Products Advisory Committee; three vacancies occurring September 30, 1984.

16. Vaccines and Related Biological Products Advisory Committee; three vacancies occurring January 31, 1984.

The functions of the two committees listed above are to review and evaluate available data concerning the safety, effectiveness, and appropriate use of blood and products derived from blood and serum and vaccines and other immunological products intended for use in the diagnosis, prevention, or treatment of human diseases, and make appropriate recommendations to the Commissioner of Food and Drugs.

Criteria for Members

Persons nominated for membership on the above named committees must have adequately diversified experience appropriate to the work of the committee in such fields as anesthesiology, surgery, infectious diseases, rheumatology, cardiology, dermatology, enocrinology, obstetrics and gynecology, gastroenterology, oncology, neurology, psychiatry, nuclear medicine, internal medicine, epidemiology, statistics, hematology, immunology, blood banking, virology, bacteriology, allergy, pediatrics, microbiology, and biochemistry, or other appropriate areas of expertise.

The specialized training and experience necessary to qualify the nominee as an expert suitable for appointment is subject to review, but may include experience in medical practice, teaching, research, and/or public service relevant to the field of activity of the committee. The term of office is ordinarily 4 years.

Criteria for Consumer-Nominated Members

FDA currently attempts to place on each of the committees described above one voting member who is nominated by consumer organizations. These members are recommended by a consortium of nine consumer organizations which has the responsibility for screening, interviewing, and recommending consumer-nominated candidates with appropriate scientific credentials. Candidates are sought who are aware of the consumer impact of committee issues, but who also possess enough technical background to understand and contribute to the committee's work. This would involve, for example, understanding of research design, benefit/risk, and the legal requirements for safety and efficacy of the products under review, and considerations regarding individual products. The agency notes, however, that for some advisory committees, it may require such nominees to meet the same technical qualifications and specialized training required of other expert members of the committee. The term of office for these members is 4 years. Nominations for all committees listed above are invited for consideration for

membership as openings become available.

Nomination Procedure

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees. Nominations shall specify the committee for which the nominee is recommended. Nominations shall state that the nominee is aware of the nomination, is willing to serve as member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by FDA to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts in order to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: June 1, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–15124 Filed 6–2–83; 12:25 pm]

BILLING CODE 4160–01–M

Pfizer Inc.; Tran-Q Plus Terramycin Premix; Withdrawal of Approval of NADA

Correction

In FR Doc. 83–13113, beginning on page 22213 in the issue of Tuesday, May 17, 1983, make the following correction.

On page 22214, first column, third line of the second complete paragraph, "(21 U.S.C. 350b(e)))" should read "(21 U.S.C. 360b(e)))."

BILLING CODE 1505–01–M

[Docket No. 83C–0130]

Wilsa, Inc.; Filing of Color Additive Petition

Correction

In FR Doc. 83–12998 appearing on page 22212 in the issue of Tuesday, May 17, 1983, make the following correction.

On page 22212, first column, fifth line of the "Supplementary Information" paragraph, "(CP 3C0166)" should read "(CAP 3C0166)".

BILLING CODE 1505–01–M

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–996 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Drug Abuse Advisory Committee

Date, time, and place. June 22, 9 a.m., Conference Rm. C, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Rd., Bethesda, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Frederick J. Abramek, National Center for Drugs and Biologica (HFN–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–433–4020.

General function of the committee. The committee advises the Commissioner of Food and Drugs regarding the scientific and medical evaluation of all information gathered by the Department of Health and Human Services and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances and recommends actions to be taken by the Department of Health and Human Services with regard to marketing, investigation, and control of such drugs or other substances.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss Nicorette® Gum (NDA 18–612); review of the pivotal clinical studies supporting efficacy of Nicorette® Gum as an adjunct to smoking cessation.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: June 2, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–15291 Filed 6–7–83; 8:45 am]

BILLING CODE 4160–01–M

National Institutes of Health

Ad Hoc Working Group To Develop Radioepidemiological Tables; Meeting

Notice is hereby given of the meeting of this Ad Hoc Working Group To Develop Radioepidemiological Tables, June 23, 1983, in Building 31, Room 8A–28, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 10:00 a.m. to approximately 5:00 p.m. to develop radioepidemiological tables in response to Public Law 97–414. Attendance by the public will be limited to space available.

For additional program information, summaries of the meeting and roster of the Committee members, contact Dr. Victor H. Zeve, Landow Building, Room 4A20, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6111.

Dated: May 31, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83–15157 Filed 6–6–83; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Availability of Carcinogenesis Reports on L-Ascorbic Acid and Diallyl Phthalate

The HHS' National Toxicology Program today announces the availability of Technical Reports on L-Ascorbic acid (Vitamin C), a natural ingredient in fresh fruits and vegetables, and diallyl phthalate, a widely-used crosslinking agent for unsaturated polyesters and as a plasticizer.

L-Ascorbic acid was given in the diets to F344/N rats and B6C3F$_1$ mice (0, 25,000, 50,000 ppm) for 103 weeks. Under these conditions, L-ascorbic acid was not carcinogenic for male and female F344/N rats or for male and female B6C3F$_1$ mice.

Diallyl phthalate was administered to B6C3F$_1$ mice in corn oil by gavage (0, 150, 300 mg/kg) five days a week for 103 weeks. Under these conditions, the development of chronic inflammation and hyperplasia in the forestomach in both male and femal B6C3F$_1$ mice was considered to be related to the administration of diallyl phthalate. The development of squamous cell papillomas of the forestomach may also have been related to chemical administration, but the available data are insufficient to indicate a clear cause and effect relationship. An increase in the incidence of male mice with lymphomas was observed, but this increase was considered only to be equivocally related to diallyl phthalate administration.

The results of this bioassay therefore do not indicate that diallyl phthalate is carcinogenic in B6C3F$_1$ mice, although a maximum tolerated dose may not have been achieved. Carcinogenesis studies of diallyl phthalate in Fischer F344/N rats using doses of 0, 50, and 100 mg/kg body weight are currently underway as part of the National Toxicology Program.

Copies of these reports—*Carcinogenesis Bioassay of L-Ascorbic Acid (Vitamin C) in F344/N Rats and B6C3F$_1$ Mice (Feed Study)* (T.R. 247) and *Carcinogenesis Bioassay of Diallyl Phthalate in B6C3F$_1$ Mice (Gavage Study)* (T.R. 242)—are available without charge by writing to: NTP Public Information Office, M.D. B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541–3991. FTS: 629–3991.

Dated: May 23, 1983.

David P. Rall,

Director.

[FR Doc. 83–15156 Filed 6–6–83; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Yankton Sioux Tribe; Plan for the Use and Distribution of Yankton Sioux Tribe Judgment Funds in Dockets 342–70 and 343–70 Before the United States Court of Claims

May 24, 1983.

This notice is published in exercise of authority delegated by the Secretary of the Interior of the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on April 5, 1982, in satisfaction of the award granted to theYankton Sioux Tribe in United States Court of Claims Dockets 342–70 and 343–70. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated December 22, 1982, and was received (as recorded in the Congressional Record) by the House of Representatives on January 6, 1983, and by the Senate on January 27, 1983. The plan became effective on April 22, 1983, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

The funds appropriated on April 5, 1982, in satisfaction of the award granted to the Yankton Sioux Tribe in Dockets 342–70 and 343–70 before the U.S. Court of Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be invested by the Secretary of the Interior. The principal, and all interest and investment income accrued, shall be utilized by the tribal governing body for general tribal, including emergency, needs, under the provisions of administrative guidelines developed by the Yankton Sioux Business and Claims Committee and approved by the Secretary. None of the funds shall be made available for per capita payments.

None of the funds made available under this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under the Social Security Act."

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83–15141 Filed 6–6–83; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[C–34886]

Coal Lease Offering by Sealed Bid

Correction

In FR Doc. 83–13422, beginning on page 22643 in the issue of Thursday, May 19, 1983, the fourth line of the land description in column one of page 22644 should have read, "Sec. 30, W½NW¼ NE¼, SE¼NW¼NE¼,".

BILLING CODE 1505–01–M

[F–19155–1]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to Doyon, Limited for approximately 200,692 acres. The lands involved are within the Kateel River Meridian, Alaska:

T. 2 N., R. 10 E.	T. 6 N., R. 12 E.
T. 4 N., R. 10 E.	T. 3 N., R. 13 E.
T. 6 N., R. 10 E.	T. 5 N., R. 13 E.
T. 3 N., R. 11 E.	T. 2 N., R. 14 E.
T. 5 N., R. 11 E.	T. 4 N., R. 14 E.
T. 2 N., R. 12 E.	

The decision to issue conveyance will

be published once a week, for four (4) consecutive weeks, in the TUNDRA TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable effforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until July 7, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701.

B. LaVelle Black,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-15160 Filed 6-6-83; 8:45 am]

BILLING CODE 4310-84-M

[F-14868-A, F-14868-B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611, (1976) (ANCSA)), will be issued to K'oyitl'ots'ina, Limited for approximately 105,965 acres. The lands involved are within:

Kateel River Meridian, Alaska (Unsurveyed)

T. 5 N., R. 10 E.	T. 3 N., R. 12 E.
T. 2 N., R. 11 E.	T. 4 N., R. 12 E.
T. 3 N., R. 11 E.	T. 5 N., R. 12 E.
T. 4 N., R. 11 E.	T. 6 N., R. 12 E.
T. 5 N., R. 11 E.	T. 3 N., R. 13 E.
T. 6 N., R. 11 E.	T. 4 N., R. 13 E.
T. 2 N., R. 12 E.	T. 5 N., R. 13 E.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the TUNDRA TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR, Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filling an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipts requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until July 7, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

K'oyitl'ost'ina, Limited, 1514 Cushman Street, Room 206, Fairbanks, Alaska 99701

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701

B. LaVelle Black,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-15161 Filed 6-6-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Canaveral National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Canaveral National Seashore Advisory Commission will be held at 2:00 p.m. on Thursday, June 23, 1983, in the Titusville City Hall, Council Chambers, 555 S. Washington Avenue (U.S. 1), Titusville, Florida.

The purpose of the Canaveral National Seashore Advisory Commission is to consult and advise with the Secretary of the Interior or his designee on matters of planning, development and operation of the Canaveral National Seashore. The agenda will include: preservation of the ElDora House; update on offshore oil exploration, and North End development proposal.

The members of the Advisory Commission are as follows:

Mr. James Reinman, Chairman
Mr. James Powell
Mr. Ney C. Landrum

Ms. Doris Leeper
Mr. Sion Faulk
Mr. Peter E. Cardiff
Mr. T. C. Wilder

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the commission a written statement concerning the matter to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements, may contact Donald Guiton, Superintendent, Canaveral National Seashore, Post Office Box 2538, Titusville, Florida 32780, Telephone 305/867–4675. Minutes of the meeting will be available at Park Headquarters for public inspection approximately 4 weeks after the meeting.

Dated: May 26, 1983.

Robert M. Baker,

Regional Director, Southeast Region.

[FR Doc. 83–15126 Filed 6–6–83; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 27, 1983. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 22, 1983.

Carol D. Shull,

Chief of Registration, National Register.

IDAHO

Bannock County

Pocatello, *Hyde, William A. House*, 429 N. 7th St.

INDIANA

Henry County

New Castle, *Grose, Gen. William, House*, 614 S. 14th St.

Monroe County

Bloomington, *Illinois Central Railroad Freight Depot*, 301 N. Morton St.

St. Joseph County

South Bend, *Lawton, Chauncey N., House*, 405 W. Wayne St.

Wabash County

Wabash, *First Christian Church*, 110 W. Hill St.

IOWA

Scott County

Davenport, *Adler, E.P., House (Davenport MRA)*, 2104 Main St.
Davenport, *American Commercial and Savings Bank (Davenport MRA), 201–209 W. 3rd St.*
Davenport, *American Telephone & Telegraph Co. Bldg. (Davenport MRA)* 529 Main St.
Davenport, *Argyle Flats (Davenport MRA)*, 732 Brady St.
Davenport, *Ballard, John W., House (Davenport MRA)*, 205 W. 16th St.
Davenport, *Benton, Richard, House (Davenport MRA)*, 2204 and 2210 W. 3rd St.
Davenport, *Berg, Henry, Building (Davenport MRA)*, 246 W.3rd St.
Davenport, *Bethel AME Church (Davenport MRA)* 325 W. 11th St.
Davenport, *Blackhawk Hotel (Davenport MRA)*, 309 Perry St.
Davenport, *Boyle, John R., House (Davenport MRA)* 406 E. 6th St.
Davenport, *Brammer Grocery Store (Davenport MRA)*, 1649 W. 3rd St.
Davenport, *Bridge Avenue Historic District (Davenport MRA)*, Bridge Ave. from River Dr. to 9th St.
Davenport, *Bryan, Alden, House (Davenport MRA)*, 2236 W. 3rd St.
Davenport, *Buchanan School (Davenport MRA)*, 2104 W. 6th St.
Davenport, *Building at 1119–1121 W. Third Street (Davenport MRA)*, 1119–1121 W. 3rd St.
Davenport, *Building at 202 W. Third Street (Davenport MRA)*, 202 W. 3rd St.
Davenport, *Building at 813–815 W. Second Street (Davenport MRA)*, 813–815 W. 2nd St.
Davenport, *Burmeister, Chris, Meat Market (Davenport MRA)*, 1354 W. 3rd St.
Davenport, *Burrows, J. M. D., House (Davenport MRA)*, 1533 Clay St.
Davenport, *Calvary Baptist Church/First Baptist Church (Davenport MRA)*, 1401 Perry St.
Davenport, *Cambria Place/St. Katherine's School (Davenport MRA)*, 901 Tremont St.
Davenport, *Carr, William V., House (Davenport MRA)*, 1531 W. 3rd St.
Davenport, *Central Office Building (Davenport MRA)*, 230 W. 3rd. St.
Davenport, *Christy, Robert, House (Davenport MRA)*, 2224 E. 12th St.
Davenport, *City Market (Davenport MRA)*, 120 W. 5th St.
Davenport, *Claussen, William, House (Davenport MRA)*, 2215 W. 2nd St.
Davenport, *Clifton-Metropolitan Hotel (Davenport MRA)*, 130 W. River Dr.
Davenport, *College Square Historic District (Davenport MRA)*, Roughly bounded by Brady, Main, Harrison, 11th, and 15th Sts.
Davenport, *Cook, Clarissa C., Library/Blue Ribbon News Bldg. (Davenport MRA)*, 528 Brady St.
Davenport, *Cook, Clarissa, Home for the Friendless (Davenport MRA)*, 2223 W. 1st St.
Davenport, *Cork Hill Historic District (Davenport MRA)*, Perry, Pershing, Iowa, 11th, 12th, and 13th Sts.
Davenport, *Cottage at 1514 and 1516 W. Second Street (Davenport MRA)*, 1514–1516 W. 2nd St.
Davenport, *Currier House (Davenport MRA)*, 1421 Grand Ave.
Davenport, *Davenport Hotel (Davenport MRA)*, 324 Main St.
Davenport, *Davenport Water Co. Pumping Station #2 (Davenport MRA)*, 1416 Ripley St.
Davenport, *Democrat Building (Davenport MRA)*, 407–411 Brady St.
Davenport, *Dillon Memorial (Davenport MRA)*, S. Main St.
Davenport, *Dils-Downer House (Davenport MRA)*, 1020 E. 15th St.
Davenport, *Donahue Building (Davenport MRA)*, 114 W. 3rd St.
Davenport, *East 14th Street Historic District (Davenport MRA)*, 14th St. from Pershing to Arlington Ave.
Davenport, *East Davenport Turnverein Hall (Davenport MRA)*, 2113 E. 11th St.
Davenport, *Edinger, Edward, House (Davenport MRA)*, 1018 W. 9th St.
Davenport, *Ewert, Ferdinand, Building (Davenport MRA)*, 1107 W. 2nd St.
Davenport, *Ferner, Matthias, Building (Davenport MRA)*, 212 Main St.
Davenport, *Ficke Block (Davenport MRA)*, 307–309 Harrison St.
Davenport, *Finch, Fred, House (Davenport MRA)*, 719 Main St.
Davenport, *First Bible Missionary Church (Davenport MRA)*, 2202 W. 4th St.
Davenport, *First National Bank Building (Davenport MRA)*, 201 W. 2nd St.
Davenport, *First Presbyterian Church (Davenport MRA)*, 316 E. Kirkwood Blvd.
Davenport, *Fisher, Lewis M., House (Davenport MRA)*, 1003 Arlington Ave.
Davenport, *Forrest Block (Davenport MRA)*, 401 Brady St.
Davenport, *French, Alice, House (Davenport MRA)*, 321 E. 10th St.
Davenport, *Gabbert, William, House (Davenport MRA)*, 1210 Tremont St.
Davenport, *Gannon, M.V., House (Davenport MRA)*, 631 Farnham St.
Davenport, *Gaspard, D. Julius, House (Davenport MRA)*, 510 W. 10½ St.
Davenport, *Germania-Miller/Standard Hotel (Davenport MRA)*, 712 W. 2nd St.
Davenport, *Glaspell, Isaac, House (Davenport MRA)*, 621 LeClaire St.
Davenport, *Goering, Jacob, House (Davenport MRA)*, 721 Harrison St.
Davenport, *Goodrich, William T., House (Davenport MRA)*, 1156 E. 15th St.
Davenport, *Government Phoenix Bridge (Davenport MRA)*, LeClaire St. and Mississippi River.
Davenport, *Grant, W.T., Company Building (Davenport MRA)*, 226 W. 2nd St.
Davenport, *Hamburg Historic District (Davenport MRA)*, Roughly bounded by 5th, Vine, Ripley, and 9½ Sts.
Davenport, *Hauschild's Hall (Davenport MRA)*, 1136 W. 3rd St.
Davenport, *Hebert, Louis, House (Davenport MRA)*, 914 Farnan St.
Davenport, *Heinz, Bonaventura, House (first) (Davenport MRA)*, 1128 W. 5th St.
Davenport, *Heinz, Bonaventura, House (second) (Davenport MRA)*, 1130 W. 5th St.
Davenport, *Henne, Robert, House (Davenport MRA)*, 1445 W. 3rd St.

Davenport, *Hibernia Hall (Davenport MRA)*, 421 Brady St.
Davenport, *Hoersch, John, House (Davenport MRA)*, 716 Vine St.
Davenport, *Hoffman Building (Davenport MRA)*, 510 W. 2nd St.
Davenport, *Hoffman, Samuel, Jr., House (Davenport MRA)*, 2108 W. 3rd St.
Davenport, *Hose Station No. 1 (Davenport MRA)*, 117 Perry St.
Davenport, *Hose Station No. 4 (Davenport MRA)*, 2301 E. 11th St.
Davenport, *Hose Station No. 6 (Davenport MRA)*, 1410 Marquette St.
Davenport, *House at 1646 W. Second Street (Davenport MRA)*, 1646 W. 2nd St.
Davenport, *House at 2123 W. Second Street (Davenport MRA)*, 2123 W. 2nd St.
Davenport, *House at 318–332 Marquette Street (Davenport MRA)*, 318–332 Marquette St.
Davenport, *House at 919 Oneida Street (Davenport MRA)*, 919 Onedia St.
Davenport, *Iowa Reform Building (Davenport MRA)*, 526 W. 2nd St.
Davenport, *Jansen, Theodore, House (Davenport MRA)*, 922 Myrtle St.
Davenport, *Kahl Building (Davenport MRA)*, 326 W. 3rd St.
Davenport, *Kahl, Henry, House (Davenport MRA)*, 1101 W. 9th St.
Davenport, *Kimball-Stevenson House (Davenport MRA)*, 116 E. 6th St.
Davenport, *Klindt, George, House (Davenport MRA)*, 902 Marquette St.
Davenport, *Koenig Building (Davenport MRA)*, 619 W. 2nd St.
Davenport, *Koester, Nicholas, Building (Davenport MRA)*, 1353 W. 3rd St.
Davenport, *Kuhnen, Nicholas J., House (Davenport MRA)*, 702 Perry St.
Davenport, *Lange, Rudolph, House (Davenport MRA)*, 1805 E. 12th St.
Davenport, *Lend-A-Hand Club (Davenport MRA)*, 105 S. Main St.
Davenport, *Lerch, Gustov C., House (Davenport MRA)*, 2222 W. 4th St.
Davenport, *Lippincott, John, House (Davenport MRA)*, 2122 W. 3rd St.
Davenport, *Littig Brothers/Mengel & Klindt/ Eagle Brewery (Davenport MRA)*, 1235 W. 5th St.
Davenport, *Mallet, Joseph, House (Davenport MRA)*, 415 E. 10th St.
Davenport, *Martzahn, August F., House (Davenport MRA)*, 2303 W. 3rd St.
Davenport, *McBride-Hickey House (Davenport MRA)*, 701 Iowa St.
Davenport, *McKinney House (Davenport MRA)*, 512 E. 8th St.
Davenport, *McManus House (Davenport MRA)*, 2320 Telegraph Rd.
Davenport, *Meisner Drug Store (Davenport MRA)*, 1115 W. 3rd St.
Davenport, *Miller Building (Davenport MRA)*, 724 Harrison St.
Davenport, *Miller, F.H., House (Davenport MRA)*, 1527 Brady St.
Davenport, *Miller, Severin, House (Davenport MRA)*, 2200 Telegraph Rd.
Davenport, *Motie, Joseph, House (Davenport MRA)*, 421 E. 10th St.
Davenport, *Mueller Lumber Company (Davenport MRA)*, 501 W. 2nd St.
Davenport, *Newcome, Daniel T., Double House (Davenport MRA)*, 722–724 Brady St.
Davenport, *Newhall, Lucian, House (Davenport MRA)*, 526 Iowa St.
Davenport, *Nichols, Oscar, House (Davenport MRA)*, 1013 Tremont St.
Davenport, *Ochs Building (Davenport MRA)*, 214 Main St.
Davenport, *Ockershausen, Henry, House (Davenport MRA)*, 1024 Charlotte St.
Davenport, *Old City Hall (Davenport MRA)*, 514 Brady St.
Davenport, *Pahl, Henry, House (Davenport MRA)*, 1946 W. 3rd St.
Davenport, *Paulsen, Peter J., House (Davenport MRA)*, 705 Main St.
Davenport, *Paustian, Henry, House (Davenport MRA)*, 1226 W. 6th St.
Davenport, *Pennern, Henry P., House (Davenport MRA)*, 1332 W. 4th St.
Davenport, *Peters' Barber Shop (Davenport MRA)*, 1352 W. 3rd St.
Davenport, *Petersen's, J.H.C., Sons Store (Davenport MRA)*, 123–131 W. 2nd St.
Davenport, *Petersen's, J.H.C., Sons Wholesale Building (Davenport MRA)*, 122–124 W. River Dr.
Davenport, *Petersen, W.D., Memorial Music Pavilion (Davenport MRA)*, Beiderbecke Dr.
Davenport, *Pierce School #13 (Davenport MRA)*, 2212 E. 12th St.
Davenport, *Potter-Williams House (Davenport MRA)*, 427 E. 7th St.
Davenport, *Price, Hiram,/Henry Vollmer House (Davenport MRA)*, 723 Brady St.
Davenport, *Prien Building (Davenport MRA)*, 506–508 W. 2nd St.
Davenport, *Raible, F.J. House (Davenport MRA)*, 1537 W. 3rd St.
Davenport, *Ranzow-Sander House (Davenport MRA)*, 2128 W. 3rd St.
Davenport, *Raphael, Jacob, Building (Davenport MRA)*, 628–630 Harrison St.
Davenport, *Renwick Building (Davenport MRA)*, 322 Brady St.
Davenport, *Renwick House (Davenport MRA)*, 1429 Brady St.
Davenport, *Renwick, William, House (Davenport MRA)*, 901 Tremont St.
Davenport, *Riepe Drug Store/G. Ott Block (Davenport MRA)*, 403 W. 2nd St.
Davenport, *Roslyn Flats (Davenport MRA)*, 739 Perry St.
Davenport, *Sacred Heart Convent (Davenport MRA)*, 419 E. 11th St.
Davenport, *Sacred Heart Rectory (Davenport MRA)*, 422 E. 10th St.
Davenport, *Sacred Heart Roman Catholic Church (Davenport MRA)*, 406 E. 10th St.
Davenport, *Saengerfest Halle (Davenport MRA)*, 1012 W. 4th St.
Davenport, *Schauder Hotel (Davenport MRA)*, 126 W. River Dr.
Davenport, *Schebler, Richard, House (Davenport MRA)*, 1217 W. 7th St.
Davenport, *Schick's Express and Transfer Co. (Davenport MRA)*, 118–120 W. River Dr.
Davenport, *Schmidt Block (Davenport MRA)*, 115 E. 3rd St.
Davenport, *Schmidt, F. Jacob, House (Davenport MRA)*, 2143 and 2147 W. 5th St.
Davenport, *Schricker, John C., House (Davenport MRA)*, 1446 Clay St.
Davenport, *Schroeder Bros. Meat Market (Davenport MRA)*, 2146 W. 3rd St.
Davenport, *Schroeder and Brandt Grocery Store (Davenport MRA)*, 1401–1403 W. 3rd St.
Davenport, *Scott County Jail (Davenport MRA)*, 428 Ripley St.
Davenport, *Sharon, Fred B., House (Davenport MRA)*, 728 Farnan St.
Davenport, *Shields Woolen Mill (Davenport MRA)*, 1235 E. River Dr.
Davenport, *Simpson, Charles S., House (Davenport MRA)*, 1503 Farnan St.
Davenport, *Sitz, Rudolph H., Building (Davenport MRA)*, 2202 W. 3rd St.
Davenport, *Smith, Alvord L., House (Davenport MRA)*, 2318 W. 3rd St.
Davenport, *Smith, Henry H.-J.H. Murphy House (Davenport MRA)*, 512 E. 6th St.
Davenport, *Smith, William G., House (Davenport MRA)*, 1002 Bridge St.
Davenport, *St. Anthony's Catholic Church (Davenport MRA)*, 407 Main St.
Davenport, *St. Anthony's Rectory (Davenport MRA)*, 417 Main St.
Davenport, *St. Anthony's School (Davenport MRA)*, 407 Main St.
Davenport, *St. John's Methodist Church (Davenport MRA)*, 1325–1329 Brady St.
Davenport, *St. Joseph's Catholic Church (Davenport MRA)*, W. 6th and Marquette Sts.
Davenport, *St. Katherine's Hall School for Girls (Davenport MRA)*, 901 Tremont St.
Davenport, *St. Katherine's Hall: Chapel (Davenport MRA)*, 901 Tremont St.
Davenport, *St. Katherine's Hall: Classroom/ Dorm Bldg. (Davenport MRA)*, 901 Tremont St.
Davenport, *St. Katherine's Hall: Classroom/ Gymnasium (Davenport MRA)*, 901 Tremont St.
Davenport, *St. Luke's Hospital (Davenport MRA)*, 121 W. 8th St.
Davenport, *St. Mary's Convent (Davenport MRA)*, 519 Fillmore St.
Davenport, *St. Mary's Parish School (Davenport MRA)*, 525 Fillmore St.
Davenport, *St. Mary's Rectory (Davenport MRA)*, 516 Fillmore St.
Davenport, *St. Mary's Roman Catholic Church (Davenport MRA)*, 522 Fillmore St.
Davenport, *St. Paul's English Lutheran Church (Davenport MRA)*, 1402 Main St.
Davenport, *Stewart, J. W., House (Davenport MRA)*, 212 E. 6th St.
Davenport, *Swan, George B., House (Davenport MRA)*, 909 Farnan St.
Davenport, *Swedish Baptist Church (Davenport MRA)*, 700 E. 6th St.
Davenport, *Taylor School (Davenport MRA)*, 1400 Warren St.
Davenport, *Templeton, I. Edward, House (Davenport MRA)*, 1315 Perry St.
Davenport, *Tevoet, Lambert, House (Davenport MRA)*, 2017 W. 2nd St.
Davenport, *Union Electric Telephone & Telegraph (Davenport MRA)*, 602 Harrison St.
Davenport, *Union Savings Bank and Trust (Davenport MRA)*, 229 Brady St.
Davenport, *Union Station and Burlington Freight House (Davenport MRA)*, 120 S. Harrison St.
Davenport, *Walsh Flats/Langworth Building (Davenport MRA)*, 320–330 W. 4th St.

Davenport, *Walter-Gimbel House (Davenport MRA)*, 1232 W. 6th St.
Davenport, *Warner Apartment Building (Davenport MRA)*, 414–416 E. 6th St.
Davenport, *West Third Street Historic District (Davenport MRA)*, Roughly 3rd St. between Ripley and Myrtle Sts.
Davenport, *Worley, Philip, House (Davenport MRA)*, 425 Brady St.
Davenport, *Wupperman Block/I.O.O.F. Hall (Davenport MRA)*, 508–512 Brady St.
Davenport, *Young, Col. Joseph, Block (Davenport MRA)*, 502 Brady St.
Davenport, *Zoeller Bros-Independent Malting Co. (Davenport MRA)*, 1801 W. 3rd St.

LOUISIANA

Franklin Parish

Gilbert vicinity, *Chennault House*, LA 15 S. of Gilbert

MASSACHUSETTS

Bristol County

Fall River *Corky Row Historic District (Fall River MRA)*, Roughly bounded by Plymouth Ave. I–195, and 2nd St.

Essex County

Gloucester, *Annisquam Bridge*,
Haverhill, *Primrose Street Schoolhouse*, 71 Primrose St.
North Andover, *Stevens, Abiel, House*, 280 Salem St.

Hampden County

Chicopee, *Ames Manufacturing Company*, 5–7 Springfield St.

Middlesex County

Arlington, *Calvary Methodist Church*, 300 Massachusetts Ave.
Arlington, *Greek Orthodox Church*, 735 Massachusetts Ave.
Arlington, *Pleasant Street Congregational Church*, 75 Pleasant St.
Natick, *John Eliot Historic District*, Union, Eliot, Pleasant, and Auburn Sts.

Norfolk County

Quincy, *Adams Building*, 1342–1268 Hancock St.; 1–9 Temple St.
Quincy, *Quincy School*, 94 Newbury Ave.

Suffolk County

Boston, *Codman Square District*, Norfolk, Talbot, Epping, Lithgow, Centre, and Moultrie Sts.

Worcester County

Milford, *Thom Block*, 83–89 Main St.
Templeton, *Templeton Common Historic District*, Athol, Gardner, Hubbardston, Dudley, Wellington, and South Rds.
Westminster, *Westminster Village-Academy Hill Historic District*, Bacon, Adams, Main, Dawley, Academy Hill, Leominster, and Pleasant Sts.
Westminster, *Wood-Levi, Ezra, Warner Place*, 165 Depot Rd.

MICHIGAN

Wayne County

Detroit, *Maccabees Building*, 5057 Woodward Ave.

MISSOURI

St. Louis (Independent City), May Company Department Store Building, 509–23 Washington Ave.

NEBRASKA

Nemaha County

Brownville vicinity, *Bennett, John W., House*, Off NE 67

NEW HAMPSHIRE

Belknap County

Tilton, *Tilton Downtown Historic District*, Roughly Main St. between Central and Bridge Sts.

Carroll County

Wakefield, *Wakefield House*, NH 153

NORTH CAROLINA

Buncombe County

Asheville, *Bryan, William Jennings, House*, 107 Evelyn Pl.
Asheville, *Oteen Veterans Administration Hospital Historic District*, U.S. 70 at jct. with SR 2002

Cleveland County

Shelby, *Central Shelby Historic District*, Roughly Washington St. from Gidney to Sumter; Graham and Warren St. to Morgan; and Marion St. from Washington to Thompson St.

Cumberland County

Fayetteville vicinity, *Gully Mill (Fayetteville MRA)*, S.R. 1839
Fayetteville, *Atlantic Coast Line Railroad Station (Fayetteville MRA)*, 472 Hay St.
Fayetteville, *Barge's Tavern (Fayetteville MRA)*, 519 Ramsey St.
Fayetteville, *Camp Ground Methodist Church (Fayetteville MRA)*, Camp Ground Rd.
Fayetteville, *Cape Fear and Yadkin Valley Railway Passenger Depot (Fayetteville MRA)*, 148 Maxwell St.
Fayetteville, *Carolina Theater (Fayetteville MRA)*, 443 Hay St.
Fayetteville, *Davis, John, House (Fayetteville MRA)*, 910 Arsenal Ave.
Fayetteville, *Evans Metropolitan A M E Zion Church (Fayetteville MRA)*, 301 N. Cool Spring St.
Fayetteville, *Fayetteville Ice and Manufacturing Company: Plant and Engineer's House (Fayetteville MRA)*, 436 Rowan St. and 438 Rowan St.
Fayetteville, *Fayetteville Mutual Insurance Company Building (Fayetteville MRA)*, 320 Hay St.
Fayetteville, *First Baptist Church (Fayetteville MRA)*, 200 Old St.
Fayetteville, *Hay Street Methodist Church (Fayetteville MRA)*, Hay St. at Ray and Old Sts.
Fayetteville, *Holt-Harrison House (Fayetteville MRA)*, 806 Hay St.
Fayetteville, *M & O Chevrolet Company (Fayetteville MRA)*, 412 W. Russell St.
Fayetteville, *Mallett House (Fayetteville MRA)*, 2720 Florence Dr.
Fayetteville, *Market House Square District (Fayetteville MRA)*, Hay, Person, Green, and Gillespie Sts.
Fayetteville, *McCall-House (Fayetteville MRA)*, 822 Arsenal Ave.
Fayetteville, *McDiarmid, William, House (Fayetteville MRA)*, 330 Dick St.
Fayetteville, *McLean, Henry, House (Fayetteville MRA)*, 1006 Hay St.
Fayetteville, *Oates, John A. House (Fayetteville MRA)*, 406 St. James Sq.
Fayetteville, *Patterson, John E., House (Fayetteville MRA)*, 445 Moore St.
Fayetteville, *Phoenix Masonic Lodge No. 8 (Fayetteville MRA)*, 221 Mason St.
Fayetteville, *Poe, Edgar Allan, House (Fayetteville MRA)*, 206 Bradford Ave.
Fayetteville, *Prince Charles Hotel (Fayetteville MRA)*, 430 Hay St.
Fayetteville, *Strange, Robert, Country House (Fayetteville MRA)*, 309 Kirkland Dr.
Fayetteville, *Taylor-Utley House (Fayetteville MRA)*, 916 Hay St.
Fayetteville, *U.S. Post Office (Fayetteville MRA)*, 301 Hay St.
Fayetteville, *Waddill's Store (Fayetteville MRA)*, 220 Hay St.

Davidson County

Lexington, *Holt, Dr William Rainey, House*, 408 S. Main

Transylvania County

Brevard, *Breese, William, Jr., House*, 401 E. Main St.

PUERTO RICO

Humacao County

Naguabo vicinity, *Villa Del Mar*, P R 3

San Juan County

Bayamon, *Puerto Rico National Cemetery*, P R 168
San Juan, *Casa de Espana*, Ponce de Leon Ave.

TEXAS

Fayette County

Fayetteville, *Zapp Building*, Fayette and Washington Sts.

Travis County

Austin, *Hofheintz-Reissig Store*, 600 E. 3rd St.

The 15-day commenting period for the following properties nominated to the National Register of Historic Places is being waived in order to assist in the properties' preservation. Expeditious listing of these properties will insure that a project to develop the educational and interpretive potential of each site may proceed under the provisions of the Emergency Jobs Act of 1983 (P.L. 98.8).

ARIZONA

Navajo County

Homolovi II

RHODE ISLAND

Washington County

North Kingstown vicinity, Lischio Site, RI–1000

[FR Doc. 83–15127 Filed 6–6–83; 8:45 am]
BILLING CODE 4310–70–M

Potential 1983 U.S. World Heritage Nominations; Possible Additions to U.S. Indicative Inventory of Potential Future Nominations

AGENCY: National Park Service, Interior.

ACTION: Notice and request for public comment.

SUMMARY: On February 23, 1983, the Department of the Interior, through the National Park Service, set forth in a public notice the process and schedule that will be used in calendar year 1983 to identify and prepare U.S. nominations to the World Heritage List (48 FR 7640). In addition, the February 23 notice identified the criteria and requirements that U.S. properties must satisfy before nomination for World Heritage status, and solicited public comments and suggestions regarding cultural and natural properties that should be considered as potential U.S. nominations this year. This notice announces and invites comment on the four cultural and seven natural properties described below that have been identified as potential 1983 U.S. World Heritage nominations.

In addition, responses to the February 23 notice identified properties which are not presently included on the Indicative Inventory of Potential Future Nominations to the World Heritage List, normally a prerequisite to be considered for nomination. This notice also describes one such area which the Panel proposes for further study in this regard and invites comment on its possible addition to the Indicative Inventory.

DATES: Written comments or recommendations regarding any property listed herein as a potential 1983 U.S. World Heritage nomination or on possible additions to the Indicative Inventory must be received within 30 days after publication of this notice to ensure full consideration. The final list of proposed 1983 nominations will be selected from among the potential nominations, and will be published in the **Federal Register** by July 1, 1983. A draft nomination document will be prepared for any property selected as a proposed nomination. In November 1983, the Federal Interagency Panel for World Heritage will review the accuracy and completeness of the draft 1983 nomination(s) and will make recommendations to the Assistant Secretary of the Interior for Fish and Wildlife and Parks. The Assistant Secretary subsequently transmits any approved nomination(s) on behalf of the United States to the United Nations Educational, Scientific, and Cultural Organization through the Department of State, by December 15 for evaluation by the World Heritage Committee in a process that could lead to inscription on the World Heritage List by fall 1984. Notice of transmittal of U.S. nominations will be published in the **Federal Register.**

Final decisions with regard to possible additions to the Indicative Inventory will be based upon comments received and upon further study and will be announced in the final **Federal Register** notice, as outlined above, of this year's procedure.

ADDRESS: Written comments or recommendations should be sent to the Director, National Park Service U.S. Department of the Interior, Washington, D.C. 20240. Attention: World Heritage Convention–773.

FOR FURTHER INFORMATION CONTACT: Mr. David G. Wright, Associate Director, Planning and Development, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, telephone: (202/343–6741).

SUPPLEMENTARY INFORMATION: The Convention Concerning Protection of the World Cultural and Natural Heritage, now ratified by the United States and 66 other countries, has established a system of international cooperation through which cultural and natural properties of outstanding universal value to mankind may be recognized and protected. The Convention seeks to put into place an orderly approach for coordinated and consistent heritage resource protection and enhancement throughout the world.

Participating nations identify and nominate their sites for inclusion on the World Heritage List, which currently includes 136 cultural and natural properties. The World Heritage Committee judges all nominations against established criteria. Under the Convention, each participating nation assumes responsibility for taking appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, and rehabilitation of World Heritage properties situated within its borders.

In the United States, the Department of the Interior is responsible for directing and coordinating U.S. participation in the World Heritage Convention. The Department implements its responsibilities under the Convention in accordance with the statutory mandate contained in Title IV of the National Historic Preservation Act Amendments of 1980 (P.L. 96–515; 16 U.S.C. 470a–1, a–2). On May 27, 1982, the Interior Department published in the **Federal Register** the policies and procedures which it uses to carry out this legislative mandate (47 FR 23392). The rules contain additional information on the convention and its implementation in the United States, and identify the specific requirements that U.S. properties must satisfy before they can be nominated for World Heritage status, i.e., the property must have previously been determined to be of national significance, its owner must concur in writing to its nomination, and its nomination must include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment.

The Federal Interagency Panel for World Heritage assists the Department in implementing the Convention by making recommendations on U.S. World Heritage policy, procedures, and nominations. The Panel is chaired by the Assistant Secretary for Fish and Wildlife and Parks, and includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; National Oceanic and Atmospheric Administration, Department of Commerce; and the Department of State.

Potential 1983 U.S. World Heritage Nominations

The Department of the Interior, through the National Park Service, has identified the following four cultural and seven natural properties as potential 1983 U.S. nominations to the World Heritage List. With one exception, each of these properties is included on the Indicative Inventory of potential future U.S. World Heritage nominations, published in the **Federal Register** on May 6, 1982 (47 FR 19648). The exception, Wright Brothers National Memorial, was formally nominated by the United States in 1980, but it was subsequently withdrawn. A brief description is provided for each property, along with the World Heritage criteria that it appears to satisfy. The final list of proposed 1983 U.S. nominations to the World Heritage List will be selected from among the potential nominations included herein. Identification of a property as a potential 1983 nomination does not confer World Heritage status on it. A draft nomination document will be prepared for each property that is ultimately selected as a proposed 1983 nomination. The Department encourages all interested parties to comment and

make recommendations on the potential nominations, as these comments and additional evaluation will serve as the basis for identifying proposed 1983 nominations.

The following cultural properties, arranged alphabetically by theme, and natural properties, arranged alphabetically by natural region, have been identified as potential 1983 U.S. World Heritage nominations:

I. Cultural Properties

Engineering

Brooklyn Bridge, New York. (40°42'N., 73°57 W.) Built by John A. and Washington A. Roebling, the Brooklyn Bridge was one of the world's first wire cable suspension bridges. The technical problems faced in its construction were solved by solutions that established precedents in bridge building. The cables themselves are supported by two massive Gothic pylons, each with two pointed arches. The main span is 1595 feet. *Criteria:* (iv) an outstanding example of a type of structure which illustrates a significant stage in history.

Hawaiian

PU'UHONUA O HONAUNAU National Historical Park, Hawaii. (19°25'N., 155°55 W.) This area (formerly known as City of Refuge National Historical Park) includes sacred ground, where vanquished Hawaiian warriors, noncombatants and kapu breakers were granted refuge from secular authority. Prehistoric housesites, royal fishponds, and spectacular shore scenery are features of the park. *Criteria:* (v) an outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change.

International Affairs

Statue of Liberty National Monument, New Jersey-New York. (40°37 N., 74°03W.) French historian Edouard Laboulaye suggested the presentation of this statue to the United States, commemorating the alliance of France and the United States during the American revolution. The copper colossus was designed by Frederic Auguste Bartholdi and erected according to plans by Gustave Eiffel. *Criteria:* (i) a unique artistic achievement and (iv) an outstanding example of a type of structure which illustrates a significant stage in history.

Science and Industry

Wright Brothers National Memorial/ First Powered Flight, Kitty Hawk, North Carolina. This site is directly and tangibly associated with the event of the flight of the world's first powered and controlled airplane, which was completed by Wilbur and Orville Wright on December 17, 1903. This event revolutionized travel patterns and modes of warfare throughout the world. The invention of the airplane has changed the course of human history, as the pace and scope of life has quickened and human endeavor broadened. *Criteria*: (vi) Directly and tangibly associated with an event of outstanding universal significance. As noted, Wright Brothers National Memorial was previously nominated in 1980 and subsequently withdrawn; it is now being considered for possible renomination. Initial study on possible renomination will focus on the desirability of a closer integration of the site nomination with natural and environmental characteristics which were requisite combination for the first powered flight.

II. Natural Properties

Cascade Range

Crater Lake National Park, Oregon. (42°55' N., 122°06' W.) This unique, deep blue lake lies at the center of Mount Mazama, an ancient volcanic peak that collapsed centuries ago. The lake is bounded by multicolored lava walls extending 500 to 2,000 feet above the lake's waters. *Criteria*: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Mount Rainier National Park, Washington. (46°52' N., 121°41' W.) Mount Rainier National Park includes the greatest single-peak glacial system in the U.S., radiating from the summit and slopes of an ancient volcano. Dense forests and subalpine meadows here are characteristics of the Cascade Range. *Criteria*: (ii) An outstanding example of significant geological processes and biological evolution; and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

North Cascades National Park, Washington. (48°40' N., 121°15' W.) The tall, jagged peaks of the North Cascades intercept moisture-laden winds off the Pacific Ocean, which produce glaciers, waterfalls, and ice falls in this wild alpine region where plant and animal communities thrive in mountain valleys. *Criteria*: (ii) An oustanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Chihuahuan Desert

Carlsbad Caverns National Park, New Mexico/*Guadalupe Mountains National Park*, Texas. Rising abruptly from the surrounding desert, the mountain mass known as the Guadalupe Escarpment located within Guadalupe Mountains National Park contains portions of the world's most extensive and significant Permian limestone fossil reef. A tremendous earth fault and unusual flora and fauna are also found here. Carlsbad Caverns National Park, another portion of the Guadalupe Escarpment, includes the largest underground chambers yet discovered, and has many magnificient and curious cave formations, including an array of speleothems. *Criteria*: (i) An outstanding example illustrating a major stage of the earth's evolutionary history, (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Pacific Mountain System

Katmai National Park, Alaska. (58°30' N., 155°20' W.) This area's interior wilderness includes the Valley of 10,000 Smokes, the result of the 1917 volcanic eruption of Mt. Katmai. The eruption produced countless fumaroles, a few of which are still active. *Criteria*: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena and formations.

Sierra Nevada

Sequoia/Kings Canyon National Parks, California. (35°40' N., 118°30' W.) A combination of two adjoining national parks, this tract includes Mount Whitney, the tallest mountain in the United States outside of Alaska, Mineral King Valley, and two enormous canyons of the Kings River. Groves of giant sequoia, the world's largest living things, are found here. This area has been designated a Biosphere Reserve. *Criteria*: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena and areas of exceptional natural beauty.

Yosemite National Park, California. (37°50' N., 119°30' W.) Granite peaks and domes rise high above broad meadows in the heart of the Sierra Nevada, along with groves of sequoias and related tree species. Mountains, lakes, and waterfalls, including five of the world's ten highest, are found here. *Criteria*: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative

natural phenomena, formations, and areas of exceptional natural beauty.

Possible Additions to U.S. Indicative Inventory

Of the sites suggested for consideration this year which are not presently included on the U.S. Indicative Inventory, the Federal Interagency Panel regarded Haleakala National Park in Hawaii as a priority for further study and consideration. It was felt that its addition to the Inventory would provide excellent opportunities for subsequent consideration of a combined nomination including Haleakala and other protected natural zones in the region as a comprehensive coverage of the Hawaiian biota. The integrity and significance of such an integrated nomination would be enhanced from an international heritage perspective.

On the Panel's recommendation, therefore, the Department announces this proposed action and invites comment and suggestions. The proposed addition to the Indicative Inventory would include the following section.

II. Natural Properties

Hawaiian Islands

Haleakala National Park, Hawaii. With an elevation range from sea level to 3000 m, the park has a great variety of habitats. Alpine deserts, subalpine shrubland, dry forests, subalpine grassland, bogs, rainforests, and coastal vegetation all occur within a linear distance of 25 km. Of international botanical significance, over 95 percent of the species, and 20 percent of the genera of flowering plants are found nowhere else on earth. *Criteria:* (i) An outstanding example representing major stages of the earth's evolutionary history, (ii) outstanding example representing ongoing biological evolution, and (iii) contains superlative natural beauty.

Dated: May 23, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-15125 Filed 6-6-83; 8:45 am]

BILLING CODE 4310-70-M

North Country National Scenic Trail Advisory Council Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the North Country National Scenic Trail Advisory Council will be held June 23–24, 1983, beginning at 8:30 a.m. at Stouffer's Cincinnati Towers Hotel, 141 West Sixth Street, Cincinnati, Ohio.

The council was originally established on November 28, 1980, pursuant to provisions of the National Trails System Act, 82 Stat. 919, 16 U.S.C. 1244, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the North Country National Scenic Trail.

Matters to be discussed at the meeting will include strategies for implementing the comprehensive management plan for the North Country National Scenic Trail and the status of development and management of the trail in each state.

The meeting will be open to the public. Interested persons may submit written statements to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Thomas L. Gilbert, Division of Recreation Resources, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone (402) 221–3371 (FTS 864–3371). Minutes of the meeting will be available for public inspection at the Midwest Regional Office 3 weeks after the meeting.

Dated: May 26, 1983.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 83-15128 Filed 6-6-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Approved Exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on July 7, 1983. Petitions for reconsideration must be filed by June 27, 1983. Petitions for stay must be filed by June 17, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Agatha L. Mergenovich,

Secretary.

[No. MC–F–15104]

Cressler Trucking, Inc.—Purchase Exemption—Spector Red Ball, Inc. (Debtor-In-Possession)

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioners' representative, J. Raymond Chesney, 3177 Irving Blvd., P.O. Box 47407, Dallas, TX 75247, and Lawrence E. Lindeman, P.C., 4660 Kenmore Avenue, Suite 1203, Alexandria, VA 22304.

Pleadings should refer to No. MC–F–15104.

Decided: May 25, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Cressler Trucking, Inc. of a portion (as set forth in the appendix) of the operating rights of Spector Red Ball, Inc.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC–F–15136]

Steil Transport, Inc.—Purchase Exemption—Sawyer Transport, Inc., (Nathan Yorke, Trustee-In-Bankruptcy)

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative, Carl L. Steiner, 135 South LaSalle Street, Chicago, IL 60603.

Pleading should refer to No. MC–F–15136.

Decided: May 25, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343, the purchase by Steel Transport, Inc. (Steel) (No. MC–153552), and in turn Kenneth R. Paulan, who controls Steel, of portions of the Sub–No. 668X certificate and underlying authorities thereto of Sawyer Transport, Inc. (Nathan Yorke, Trustee-in-bankruptcy) (No. MC–123407). The portions of the Sub-No. 668X certificate and corresponding underlying authorities (in

parentheses) are listed as follows: paragraphs 1a, 1b, 1c, and 1d (base certificate), and paragraphs 44 (Sub-No. 84), 45 (Sub-No. 92), 72 (Sub-No. 136), 89 (Sub-No. 173), 92 (Sub-No. 181), 144 (Sub-No. 286), 176 (Sub-No. 343), 215 (Sub-No. 427), 266 (Sub-No. 506F), and 291 (Sub-No. 556F).

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC–F–15128]

Royal Lines, Inc. Purchase Exemption—Universe Company, Inc.—and Irving L. Johnson—Control Exemption—Royal Lines, Inc.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114.

Comments should refer to No. MC–F–15159.

Decided: May 31, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement or prior review and approval under 49 U.S.C. 11343(a), the purchase by Royal Lines, Inc., of that portion of the operating rights of Universe Company, Inc. set forth in Certificate No. MC–136816 (Sub-Nos. 3, 10X (paragraph 3), 11, 13, 14, and 15) which collectively authorize the irregular-route transportation of meats, food and related products and building materials from and to various points located primarily east of the Mississippi River. Additionally under 49 U.S.C. 11343(e), the Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(5), the acquisition of control by Irving L. Johnson, who owns 100 percent of the Universe Company, Inc., of Royal Lines, Inc.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commission Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC–F–15131]

Stephen A. Lawrence, Alton S. Lawrence, Jay A. Lawrence and E. Ross Flowers—Control Exemption—T-Line, Inc.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Robert L. Cope, Suite 501, 1730 M Street, N.W., Washington, DC 20036.

Pleadings should refer to No. MC–F–15131.

Decided: May 26, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirements of prior review and approval under 49 U.S.C. 11343(a)(5) the acquisition of control of T-Line, Inc., by Stephen A. Lawrence, Alton S., Lawrence, Jay A. Lawrence and E. Ross Flowers.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[FR Doc. 83–15146 Filed 6–6–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Proposed Exemptions

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: June 1, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[OP4F–336]

James P. Byrne—Control Exemption—Murrell Enterprises, Inc.

MC–F–15241. James P. Byrne, seeks an exemption from the requirement of prior regulatory approval for his acquisition of control of Murrell Enterprises, Inc., a non-carrier, which in turn controls Earl C. Smith, Inc. (MC–80498) and Magra, Inc., when the latter institutes operations as a motor common carrier.

Send Comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative: Elaine M. Conway, Sullivan & Associate, Ltd., 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601.

Comments should refer to No. MC–F–15241.

[FR Doc. 83–15144 Filed 6–6–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision-Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 4 at (202) 275-7669.

Volume No. OP4-FC-335

MC-FC-81448. By decision of May 26, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JAT ENTERPRISES, INC., Glen Morgan, WV, of Permit No. MC-155086, issued May 17, 1982, to RICHMOND TRUCKING, INC. (TRUMAN L. SAYRE, TRUSTEE IN BANKRUPTCY), Glen Morgan, WV, authorizing the transportation of mining equipment, and machinery, between points in the U.S., under continuing contract(s) with A. L. Lee Corporation, of Lester, WV, Fan Systems, Inc., of Beckley WV, R&F Machinery Company, of Glen White, WV, CWS, Inc., of Beckley, WV, The Dosco Corporation of Beckley, WV, and Simmons Mine Supply, of Mabscott, WV. An application for temporary authority has been filed. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526 for applicants (304) 562-3460.

[FR Doc. 83-15143 Filed 6-6-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202) 275-5223.

Volume No. OP3-244

Decided: May 26, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF 694, filed May 16, 1983. Applicant: ALLIMODE FORWARDING, INC., 565 Old Eastlake Rd., Tarpon Springs, FL 33589. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006, (202) 833-8884. As a freight forwarder, in connection with the transportation of *used household goods, unaccompanied baggage,* and *used automobiles,* between points in the U.S.

MC 2934 (Sub-151), filed May 9, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875-1142. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with K Mart Corporation, of Troy, MI.

MC 15735 (Sub-83), filed May 12, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue (P.O. Box 4403), Broadview, IL 60153. Representative: Martin T. Boratyn, P.O. Box 4403, Chicago, IL 60680, (312) 681-6377.

Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Northern Telecom, Inc., of Minnetonka, MN.

MC 39085 (Sub-9), filed May 9, 1983. Applicant: WESTLAND FREIGHT LINES, INC., 2727 East Vernon Ave., Los Angeles, CA 90068. Representative: S. S. Eisen, 7510 193rd St., Flushing, NY 11366, (212) 465–8063. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 72495 (Sub-28), filed May 9, 1983. Applicant: DON SWART TRUCKING, INC., Box 49, Route No. 2, Wellsburg, WV 26070. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *coal and coal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Consolidation Coal Company, of Pittsburgh, PA.

MC 99535 (Sub-8), filed May 9, 1983. Applicant: STEVEN FREIGHT SERVICE CO., INC., 16 Sturtevant St., Somerville, MA 02145. Representative: Robert L. Cope, Suite 501, 1730 M St., N.W., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Proctor and Gamble Company, and its subsidiaries, of New York, NY.

MC 109724 (Sub-12), filed May 11, 1983. Applicant: PAUL J. SCHMIT, d.b.a. PAUL J. SCHMIT TRUCKING, 1480 North Springdale Road, Waukesha, WI 53186. Representative: William P. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 140334 (Sub-15), filed May 9, 1983. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with American Hoechst Corporation, of Spartanburg, SC.

MC 141215 (Sub-6), filed May 11, 1983. Applicant: HICKS CORNERS TRUCKING, INC., Route 2, Hwy 18, Dodgeville, WI 53533. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting *such commodities* as are dealt in by mail order catalogue stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Lands' End Yacht Stores, Inc., of Dodgeville, WI.

MC 145925 (Sub-8), filed May 17, 1983. Applicant: TRANS CONTINENTAL LEASING, LTD., 8920 Pershall Rd., Hazelwood, MO 63042. Representative: Robert M. O'Donnell, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI). Condition: the person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), or submit an affidavit stating why Commission approval is unnecessary, or submit a petition of exemption to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 147885 (Sub-2), filed May 13, 1983. Applicant: MANUEL & AMY VEGA, d.b.a. VEGA CONSTRUCTION & TRUCKING 514 So. 4th St., P.O. Box 1630, Elko, NV 89801. Representative: Manuel Vega (same address as applicant), (702) 738–5381. Transporting (1) *ores and minerals*, (2) *clay, concrete, glass or stone products*, and (3) *machinery*, between points in Elko, Eureka, Humboldt, Lander and White Pine Counties, NV.

MC 149215 (Sub-2), filed May 10, 1983. Applicant: RAYMOND SNELL, d.b.a. SNELL & SONS, 5025 Ursula Way, Denver, CO 80239. Representative: Raymond Snell (same address as applicant), (303) 373–1283. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except HI).

MC 159384 (Sub-1), filed May 9, 1983. Applicant: DAVID KURK, INC., P.O. Box 112, Eitzen, MN 55931. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *Chemicals and related products*, between points in IA and MN, on the one hand, and, on the other, points in IA, MN, MO, NE, ND, SD, and WI.

MC 159505 (Sub-1) filed May 11, 1983. Applicant: KRT ENTERPRISES, INC., 4611 St. Johns Ave., Jacksonville, FL 32210. Representative: Kenneth R. Thomas, 3742 Ponce De Leon Ave., Jacksonville, FL 32217, (904) 731–2684. Transporting *food and related products*, between points in Orange County, FL, on the one hand, and, on the other, points in GA, SC, and NC, under continuing contract(s) with Meyers Bakery of Orlando, FL.

MC 167524, filed May 16, 1983. Applicant: JACK FANKHANEL, d.b.a. FANKHANEL OIL COMPANY, Sabin, MN 56580. Representative: Richard P. Anderson, Federal Square, 112 Roberts St., P.O. Box 2581, Fargo, ND 58108, (701) 235–3300. Transporting *petroleum products*, between points in ND and MN.

MC 167935, filed May 9, 1983. Applicant: SCHWEINFURTH TRANSFER, INC., P.O. Box 2622, Iowa City, IA 52244. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Procter & Gamble Company, and its subsidiaries, of Cincinnati, OH, and H.P. Smith Paper Co., of Iowa City, IA.

MC 167945 filed May 9, 1983. Applicant: KENNETH TIMMONS, d.b.a. KENNETH TIMMONS TRUCKING COMPANY, P.O. Box 54, Fyffe, AL 35971. Representative: John W. Cooper, P.O. Box 162, Mentone, AL 35984, (205) 634–4885. Transporting *floor covering materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with Mohawk International, d.b.a. International Supply Company, Inc., and its subsidiaries and divisions, of Portland, OR.

MC 167964 filed May 11, 1983. Applicant: BATS, INC., 1783 Forest Avenue, Des Plaines, IL 60018. Representative: Irwin D. Rozner, 134 North LaSalle Street, Chicago, IL 60602, (312) 782–6937. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with Brokerage and Transportation Sales, Inc., of Rosemont, IL.

MC 168085, filed May 16, 1983. Applicant: P. D. Q. TRANSPORTATION, INC., Box 313 Highway 45 West, Humboldt, TN 38343. Representative: Edward G. Grogan, 20th Fl. First TN Bldg., Memphis, TN 38103, (901) 526–2000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TN, on the one

hand, and, or the other, points in the U.S. (except AK and HI).

MC 168094, filed May 17, 1983. Applicant: MAJORS CEMENTING COMPANY, INC., 1340 Roberts Ln., P.O. Box 5332, Bakersfield, CA 93308. Representative: Forrest R. Majors (same address as applicant), (805) 393–3055. Transporting *oilfield equipment,* between points in TX, OK, and WY, on the one hand, and, on the other, points in CA.

For the following, please direct status calls to Team 2 at 202–275–7293.

Volume No. OP2–250

Decided: May 26, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF 692, filed May 11, 1983. Applicant: ABACUS FORWARDING, INC., 2203 40th St. W., Bradenton, FL 33505. Representative: Alan F. Wohlstetter, 1700 K St., NW., Ste. 301, Washington, DC 20006, (202) 833–8884. As a *freight forwarder,* in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles,* between points in the U.S.

FF 693, filed May 13, 1983. Applicant: SUM FORWARDING, 1520 W. 11th St., Long Beach, CA 90813. Representative: Claude W. Gunn (same address as applicant), (213) 437–0091. As a *freight forwarder,* in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles,* between points in the U.S.

MC 263 (Sub-246), filed May 12, 1983. Applicant: GARRETT FREIGHTLINES, INC., P.O. Box 4048, 2055 Garrett Way, Pocatello, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave., 26th FL., Detroit, MI 48226 (313) 496–3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with FMC Corporation, of Lexington, KY.

MC 8873 (Sub-2), filed May 18, 1983. Applicant: CATALANO BROS., INC., 69 Clinton St., Chelsea, MA 02150. Representative: David Catalano (same address as applicant) (617) 889–2923. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with United States Gypsum Company, of Chicago, IL, and its wholly-owned subsidiaries.

MC 27903 (Sub-24), filed May 12, 1983. Applicant: CHARLES W. KARPER, INC., 40 Industrial Dr., P.O. Box H, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101 (717) 236–9318. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers and container ends, between points in Frederick County, VA, on the one hand, and, on the other, points in PA, MD, WV, NJ, and DE.

MC 30513 (Sub-17), filed May 11, 1983. Applicant: NORTH STATE MOTOR LINES, INC., P.O. Box 4106, Rocky Mount, NC 27801. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203 Alexandria, VA 22304 (703) 751–2441. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 59892 (Sub-2), filed May 18, 1983. Applicant: TOUPIN RIGGING COMPANY, INC., 955 Broadway, P.O. Box 28, Dracut, MA 01826. Representative: Joseph M. Klements, 89 State St., Boston, MA 02109 (617) 523–0800. Transporting *machinery, equipment, and metal products,* between points in MA, ME, NH, VT, CT, RI, NY, NJ, PA, and OH.

MC 64932 (Sub-622), filed May 20, 1983. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, IL 60473. Representative: Carl L. Steiner, 135 South LaSalle St., Suite 2106, Chicago, IL 60603, 312–236–9375. Transporting *general commodities* (except classes A and B explosives and household goods) between points in the U.S. (except AK and HI), under continuing contract(s) with Shell Oil Company, of Houston, TX.

MC 80443 (Sub-53), filed May 12, 1983. Applicant: OVERNITE EXPRESS, INC., P.O. Box 250, Newport, MN 55055. Representative: Samuel Rubenstein, P.O. Box 5 Minneapolis, MN 55440 (612) 542–1121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with S–R–F–T–C Brokers, of Minneapolis, MN.

MC 107002 (Sub-597), filed May 16, 1983. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205 (601) 948–5711. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Ensco Incorporated, of Little Rock, AR, (2) Reichhold Chemicals, Incorporated, of Pensacola, FL, (3) Leaf River Forest Products, Inc., of New Augusta, MS, (4) Hunt Process Corp.—Southern, of Ridgeland, MS, (5) Kimberly Clark Corporation, of Coosa Pines, AL, (6) Scott Paper Company, of Mobile, AL, (7) Vulcan Materials Company, of Birmingham, AL, (8) Tosco Corporation, (9) T & T Chemical Company, and (10) Macmillan Petroleum (Arkansas) Inc., all of El Dorado, AR and (11) Degussa Corporation, of Theodore, AL.

MC 144672 (Sub-30), filed May 20, 1983. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Ave., P.O. Box 26189 Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant) 513–277–8933. (Transporting *general commodities* except classes A and B explosives and household goods and commodities in bulk), between points in the U.S. (except HI.)

MC 159453 (Sub-1), filed May 12, 1983. Applicant: H. D. PERINE d.b.a. PERINE ENTERPRISES, 1617 Celia, Wichita Falls, TX 76302. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202, 316–265–2834. Transporting *food and related products* and *such commodities* as are dealt in or used by retail and chain stores, between points in AL, AR AZ, CA, CO, FL, GA, ID, KS, KY, LA, MO, MS, MT, NM, NV, OK, OR, TX, UT, WA, and WY.

MC 166003, filed May 13, 1983. Applicant: JOHN'S MOBILE HOME SERVICE, INC., 2771 Lincoln Highway East-Rte. 30, Ronks, PA 17572. Representative: J. Bruce Walter, P.O. Box 1146, 410 North 3rd St., Harrisburg, PA 17108, 717–233–5731. Transporting *mobile homes and modular homes,* between points in PA, and those in Cecil County, MD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166023, filed May 13, 1983. Applicant: FOUR CORNERS TRANSPORTATION, INC., Star Rt. 1, Box 3, Waterflow, NM 87421. Representative: Gerald K. Gimmel, 444 N. Frederick Ave., Suite 200, Gaithersburg, MD 20877, 301–840–8565. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Hershey Foods Corporation, its divisions Hershey Chocolate Company and H.B. Reese Candy Co., and its subsidiaries Cory Food Services, Inc., Cory Coffee Service, division of Cory Food Services, Inc., San Giorgo-Skinner Macaroni, Inc., and Y & S Candies, Inc., of Hershey, PA.

MC 168072, filed May 16, 1983. Applicant: LEACH TRUCKING COMPANY, INC., P.O. Box 187, Allerton, IA 50008. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501–521–8121. Transporting *general commodities* (except classes A and B explosives, household good, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with M & K Brokerage, Inc., of Allerton, IA.

MC 168073, filed May 16, 1983. Applicant: ABELA TRUCKING, INC., 785 N. Spruce Ave., Rialto, CA 92376. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. 805–872–1106. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of food and related products, between points in CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NM, NV, OR, UT, WA, WY, and TX.

MC 168083, filed May 13, 1983. Applicant: JOHN BORDIERE d.b.a. BORDIERE TRANSPORTATION, 30 Bank St., New Britain, CT 06051. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, 413–781–8205. Transporting *transportation equipment*, between points in the U.S., on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S., and Canada.

MC 168102, filed May 16, 1983. Applicant: DONALD C. TIMM d.b.a. TIMMLINE BUILDING PRODUCTS, INC., 2741 Highway 93 South, Kalispell, MT 59901. Representative: Donald C. Timm (same address as applicant) 406–755–5645. Transporting *lumber and wood products and log homes*, between points in MT, on the one hand, and, on the other, points in CA, OR, and WA.

[FR Doc. 83–15150 Filed 6–6–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30095]

Rail Carriers; Anheuser-Busch Companies, Inc., et al.—Control Exemption—C-Trans, Inc., Busch Industrial Products Corporation and Williamsburg Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts the acquisition of control over C-Trans, Inc., Busch Industrial Products Corporation, and Williamsburg Transport, Inc., by Anheuser-Busch Companies, Inc., Campbell Taggert, Inc., and Merico, Inc.; and Manufacturers Railway Company, from the requirements of prior approval under 49 U.S.C. 11343. The petition for exemption from filing Form M is denied.

DATES: This exemption will be effective on July 7, 1983. Petitions for reconsideration must be filed by June 27, 1983, and petitions for stay must be filed by June 17, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: William H. Borghescuri, Jr., 1150 17th St., NW., Suite 1000, Washington, DC 20036

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (D.C. Metropolitan Area) or toll free (800) 424–5403.

Decided: May 20, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Chairman Taylor dissented in part with a separate expression.

Agatha L. Mergenovich,

Secretary.

Chairman Taylor, dissenting in part:

I find extremely disturbing the majority's reliance on Section 11343(e) as a vehicle to grant the petition in this case. There is nothing persuasive in the record to justify the use of this Section as a basis for granting the sought exemption. There is, however, much in the record to recommend against such use.

In the first place, Section 11343(e), as Section 21 of the Bus Regulatory Reform Act, was not the product of the House Committee that oversees the Commission's rail matters. Significantly, the House Committee involved was the one that has jurisdiction over the Commission's motor carrier affairs. Clearly, no one who considered the legislation gave any thought whatsoever to the notion that this exemption would be used to exempt rail carrier transactions from the agency's regulation. Not the ICC which proposed the exemption, and not the Congress which enacted it. The majority, therefore, creates by fiat what Congress neither contemplated nor sanctioned.

An even more troubling aspect of the majority's decision is the scope of the exemption that now applies to rail carriers. Secton 21 of the Bus Act also amended 49 U.S.C. 11341(a) to provide that a carrier participating in a transaction exempted under Sections 11341 to 11351 is exempt: "from the *antitrust laws* and from all other law, including State and municipal law, as necessary to let that person carry out the transaction." (Emphasis added)

Accordingly, the majority has conferred anti-trust immunity on any rail carrier that can meet the terms of Section 11343(e)—a result that was surely not intended by Congress and one that may well produce embarrassingly anti-competitive effects.

[FR Doc. 83–15148 Filed 6–6–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be constitued to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

*Note.—Tariff Supplements advancing contracts' effective date shall refer to this decision for authority.

Sub-No.	Name of railroad, contract No. and specifics	Review Board [1]	Decided date
944	Norfolk and Western Railway Company Exemption for Contract Tariff ICC-NW-C-0071 (Soybean Meal).	(A)	06-01-83
943	Norfolk and Western Railway Company Exemption for Contract Tariff ICC-NW-C-7026 (Bituminous Coal).	(B)	06-01-83

[1](A) The Review Board, Members Parker, Joyce, and Fortier. (B) The Review Board, Members Joyce, Krock, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15145 Filed 6-6-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Johns-Manville Sales Corp., et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determination regarding eligibility to apply for adjustment assistance issued during the period May 23, 1983–May 27, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an apropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increase of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,710; Johns-Manville Sales Corp., Waukegan, IL

TA-W-13,745; Revere Cooper & Brass, Inc., Revere Div., Rome, NY

TA-W-13,736; United States Steel Corp., Trenton Plant, Fairless Works, Trenton, NJ

TA-W-13,807; Joslyn Stainless Steel, Fort Wayne, IN

TA-W-13,801; Patro Knitting Co., Inc., Burlington, NJ

TA-W-13,760; American Lace Mills, Inc., Hackensack, NJ

TA-W-13,892; Lebanon Steel Foundry, Lebanon, PA

TA-W-13,754; L.C.D. Fashions, Inc., Kearny, NJ

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-13,986; Westinghouse Elevator Co., Randolph, NJ

TA-W-13,935; Exploration Logging, Inc., Sacramento, CA

TA-W-13,925; Main Woods, Livermore Falls, ME

TA-W-13,806; Climax Molybdenum Co., Climax, CO

TA-W-14,159; Climax, Molybdenum Co., Empire, CO

Affirmative Determination

TA-W-13,738; Anchor Hocking Corp., Plant #90, Clarksburg, WV

A certification was issued covering all workers separated on or after January 1, 1982.

TA-W-13,897; Wadell Equipment Co., Inc., Edison, NJ

A certification was issued covering all workers of the firm engaged in employment related to the production of automatic and numerically controlled chucking machines who became separated on or after January 1, 1982.

TA-W-14,532; Birmingham Southern Railroad Co., Fairfield, AL

A certification was issued covering all workers separated on or after February 7, 1982.

TA-W-13,905; Roane Limited, Rockwood, TN

A certification was issued covering all workers separated on or after October 20, 1981.

TA-W-13,767; Kingston Dress Co., Fayeteville, TN

A certification was issued covering all workers of the firm separated on or after August 24, 1981.

TA-W-13,844; U.S. Steel Corp., Oilwell Supply Div., Garland Works, Garland, TX

A certification was issued in response to a petition received on October 4, 1982 covering all workers separated on or after January 1, 1982.

TA-W-13,749; Butler Garment Co. (A Plant Facility of Bobbie Brooks Div., Bobbie Brooks, Inc.), Butler, PA

A certification was issued covering all workers separated on or after November 29, 1981 and before January 1, 1983.

TA-W-13,858; Cyclops Corp., Tex-Tube Div., Houston, TX

A certification was issued covering all workers of the firm engaged in employment related to the production of carbon steel pipe, tubing and structural shapes who became separated on or after January 1, 1982.

TA-W-13,683; Bethlehem Steel Corp., Seattle Plant, Seattle, WA

A certification was issued covering all workers engaged in employment related to the production of bars and barsize shapes (other than reinforcing bars), structural shapes, plate, industrial fasteners and basic and semi-finished steel separated on or after July 27, 1981.

TA-W-13,831; Sibley Machine & Foundry Corp., Machine Div., South Bend, IN

A certification was issued covering all workers of the firm separated on or after February 21, 1982.

TA-W-13,832; Sibley Machine & Foundry Corp., Foundry Div., South Bend, IN

A certification was issued covering all workers of the firm separated on or after February 21, 1982.

TA-W-13,909; D.N. Pariso Industrial Glove Co, Knox, IN

A certification was issued covering all workers separated on or after September 27, 1981.

TA-W-13,910; Indiana Fabrics, Knox, IN

A certification was issued covering all workers separated on or after September 27, 1981.

I hereby certify that the aforementioned determinations were issued during the period May 23, 1983—May 27, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D. Street, N.W., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 31, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-15204 Filed 6-6-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,947]

Industrial Fabricating and Engineering Co., Howell, New Jersey; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 8, 1982 in response to a worker petition received on November 4, 1982 which was filed by the Company official on October 29, 1982 on behalf of workers and former workers producing pressure vessels and accessories at Industrial Fabrication and Engineering Company, Howell, New Jersey.

The petitioner, Mr. William W. Seiber, owner of Industrial Fabrication and Engineering Company, Howell, New Jersey requested withdrawal of petition TA-W-13,947 in a letter dated April 29, 1983. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this May 31, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-15200 Filed 6-6-83; 8:45 am]

BILLING CODE 4510-30-M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the annual list are effective on June 1, 1983.

SUMMARY: The purpose of this notice is to announce changes to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: James W. Higgins, United States Employment Service (Attention: TEEPA) 601 D Street, N.W., Washington, D.C. 20213. Telephone: 202-376-6700.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Procurement Regulations Temporary Regulation 57 (41 CFR Chapter 1, Appendix), issued by the General Services Administration on January 15, 1981 (46 FR 3519), implements Executive Order 12260. Executive agencies should refer to Temporary Regulation 57 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on June 4, 1982 (47 FR 24474).

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(b) (48 FR 15615, April 12, 1983) and are added to the annual list of labor surplus areas, effective June 1, 1983. The following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, D.C. on May 25, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

Additions to the Annual List of Labor Surplus Areas

June 1, 1983

Labor Surplus Area	*Civil Jurisdiction Included*
Alabama	
Crenshaw County	Crenshaw County
Michigan	
Menominee County	Menominee County
Ohio	
Balance of Butler County	Butler County less Hamilton City
Preble County	Preble County
Utah	
San Juan County	San Juan County
West Virginia	
Ohio County	Ohio County
Wisconsin	
Douglas County	Douglas County

[FR Doc. 83-15201 Filed 6-6-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,544]

National Steel Corp.; Weirton Steel Division, Weirton, West Virginia; Negative Determination on Reconsideration

On April 14, 1983, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of National Steel Corporation's Weirton Steel Division at Weirton, West Virginia. This determination was published in the **Federal Register** on April 22, 1983 (48 FR 17,419).

The union in its application for reconsideration claims that the Department's denial notice was based specifically upon import and sales data that were combined in such a manner as to nullify what were absolute and relative increases in imports of similar products during the relevant time period. The union also claims that (1) the Department did not report on customer purchases of imported hot rolled steel and galvanized and weirzin steel in 1981 and that (2) the customer purchase information for cold rolled steel and tin plate in 1981 should commence with the April 1, 1981 date as stated in the worker petition and not on January 1, 1981.

For all products produced at the Weirton Steel Division the Department's original determination was based on the results of a customer survey which revealed that increased imports of like of directly competitive products were not an important factor contributing to declines in sales or production and to the unemployment of workers. The Department's decision did not turn on the question of whether or not imports had increased; therefore, the question of an appropriate base period as raised by the petitioners with respect to increased imports does not enter into the decision.

In the customer survey it was found for all products that customers that

imported while reducing purchases from the Weirton Steel Division did not account for important amounts of the decline in sales of the division's products.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of National Steel Corporation's Weirton Steel Division, Weirton, West Virginia.

Signed at Washington, D.C. this 31st day of May 1983.

Robert A. Schaerfl,

Director, Office of Program Management, UIS.

[FR Doc. 83-15199 Filed 6-6-83; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directd to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension (Burden Change)

Employment Standards Administration
Notice of Termination, Suspension, Reduction, or Increase in Benefit Payment
CM-908
On occasion
Business or other for-profit; small businesses or organizations
15,000 respondents; 3,000 hours

Once the coal mine operator has begun to pay benefits, the Department of Labor must be notified of any changes in the amount of benefits paid. The CM-908 allows DOL to monitor all benefit payments made to beneficiaries by coal mine operators.

Signed at Washington, D.C. this 2d day of June, 1983.

Paul E. Larson,

Department Clearance Officer.

[FR Doc. 83-15208 Filed 6-6-83; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-53]

NASA Advisory Council (NAC), Space Applications Advisory Committee (SAAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Applications Advisory Committee.

DATE: June 22, 1983, 8:30 a.m. to 5:00 p.m.; June 23, 1983, 8:30 a.m. to 3:00 p.m.

ADDRESS: National Aeronautics and Space Administration, Room B226-A, 600 Independence Avenue SW, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Dr. William P. Raney, Code E, National Aeronautics and Space Administration, Washington, D.C. 20546 (202/755-4826).

SUPPLEMENTARY INFORMATION: The NAC Space Applications Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space Appications programs. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Committee members and other participants). Topics under discussion at this meeting will include discussion of the role of the Space Applications Advisory Committee, and an overview of the Office of Space Science and Applications.

Type of meeting: Open.

Agenda

June 22, 1983—8:30 a.m.—Introduction. Announcements, Meeting Logistics.

Other Administrative Matters.

9:00 a.m.—NASA Applications Program—Perspective.

10:30 a.m.—Overview of Office of Space Science and Applications Programs.

5:00 p.m.—Adjourn.

June 23, 1983—8:30 a.m.—Overview of Office of Space Science and Applications Programs (continued).

1:00 p.m.—Arrangements for next meeting, assignment, general discussion, meeting summary.

3:00 p.m.—Adjourn.

Ann P. Bradley,

Acting Associate Administrator for Management, Office of Management.

May 31, 1983.

[FR Doc. 83-15118 Filed 6-6-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 83-54]

NASA Wage Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub.

L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Wage Committee.

DATE: June 30, 1983, 1:30 p.m. to 2:30 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 5092, Federal Building 6, 400 Maryland Avenue SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah C. Green, Code NPC–28, National Aerounautics and Space Administration, Washington, DC 20546 (202/755–3732).

SUPPLEMENTARY INFORMATION: The Committee's primary responsibility is to consider and make recommendations to the NASA Director of Personnel Programs Division on all matters involved in the development and authorization of a Wage Schedule for the Cleveland, Ohio, wage area, pursuant to Pub. L. 92–392. The Committee, Chaired by Mr. William Dey, consists of 6 members. During this meeting the Committee will consider wage data, local reports, recommendations, statistical analyses and proposed wage schedules reviewed therefrom. Discussions of these matters in a public session would consitute release of confidential commercial and financial information obtained from private industry. Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(4), it has been determined that this meeting will be entirely closed to the public. However, members of the public who may wish to do so, are invited to submit material in writing to the Chairperson concerning matters felt to be deserving of the Committee's attention.

Type of Meeting: Closed.

Purpose of Meeting: The NASA Wage Committee will recommend to the NASA Wage Fixing Authority the proposed wage schedule to be adopted.

Ann P. Bradley,

Acting Associate Administrator for Management.

May 27, 1983.

[FR Doc. 83–15119 Filed 6–6–83; 8:45 am]

BILLING CODE 7515–01–M

[Notice 83–55]

Intent To Pay Senior Executive Service Performance Awards

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Pay Senior Executive Service Performance Awards.

SUMMARY: The National Aeronautics and Space Administration will give performance awards to career members of the Senior Executive Service (SES) as authorized under 5 U.S.C. 5384. The awards will be paid no earlier than July 1, 1983.

ADDRESS: Executive Personnel Management Program, NPD–31, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Philip D. Waller, telephone 202–755–8825.

James M. Beggs,

Administrator.

May 27, 1983.

[FR Doc. 83–15121 Filed 6–6–83; 8:45 am]

BILLING CODE 7510–01–M

[Notice 83–56]

Performance Review Board; Senior Executive Service

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Amendment.

SUMMARY: The Civil Service Reform Act (4314(c)(4)) requires that appointments of individual members to a Performance Review Board be published in the **Federal Register**. NASA's membership list appeared in the **Federal Register** as NASA Notice 82–18, 47 FR 12887, March 25, 1982.

This Notice amends that membership list by reappointing John E. O'Brien, whose term expired July 1982. Mr. O'Brien's new term will expire July 1985. John M. Klineberg is appointed to replace Richard H. Petersen, whose term expires July 1983. Mr. Klineberg's term will expire July 1986.

EFFECTIVE DATE: May 1, 1983.

ADDRESS: Executive Personnel Management Program, NPD–31, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Philip D. Waller, telephone 202–755–8825.

James M. Beggs,

Administrator.

May 27, 1983.

[FR Doc. 83–15122 Filed 6–6–83; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–329A, 330A]

Consumers Power Co.; Finding of no Significant Antitrust Changes and Time for Filing of Requests for Reevaluation

The Director of Nuclear Reactor Regulation has made an initial finding in accordance with Section 105c(2) of the Atomic Energy Act of 1954, as amended, that no significant (antitrust) changes in the licensee's activities or proposed activities have occurred subsequent to the previous contruction permit reviews of Midland Units 1 and 2 by the Attorney General and the Commission. The finding is as follows:

"Section 105c(2) of the Atomic Energy Act of 1954, as amended, provides for an antitrust review of an application for an operating license, if the Commission determines that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review. The Commission has delegated the authority to make the 'significant change' determination with respect to nuclear reactors to the Director, Office of Nuclear Reactor Regulation.

"The licensee, Consumers Power Co., was issued construction permits on December 15, 1972 for Units 1 and 2 of the Midland Plant. Based upon examination of events since issuance of the Midland Nuclear Generating Station construction permits to the licensee, the staffs of the Office of Nuclear Reactor Regulation and the Office of the Executive Legal Director, hereafter referred to as the 'staff' have jointly concluded, after consulting with the Department of Justice, that the changes that have occurred since the antitrust construction permit review are not 'significant' in an antitrust context to require a second formal antitrust review at the operating license stage of the application for licenses. Staff has concluded that those changes which have occurred either are not reasonably attributable to the licensee or do not have antitrust implications that would likely warrant some Commission remedy. In reaching this conclusion, the staff considered the structure of the electric utility industry in Michigan, the events relevant to the Midland construction permit antitrust review, and the events that have occurred subsequent to that review.

"The conclusion of the staff's analysis is as follows:

'The activities of Consumers Power subsequent to the construction permit antitrust review have been focused on implementing the license conditions attached to the Midland construction permits.

'Municipal and cooperative electric utilities in Michigan are coordinating their planning and operations with Consumers Power and have purchased ownership interests in some of the company's generation and transmission facilities. In addition, Consumers Power has filed transmission and wholesale service tariffs for similar service to any electric utility located in Consumers Power's service area. Under these agreements, Consumers Power provides firm bulk power at wholesale, emergency power, economy energy, and short term capacity and energy.

'Thus, the changes in the applicant's activities since the completion of the Midland construction permit antitrust review do not have any antitrust implications and, therefore, do not require a further, formal

antitrust review at the operating license stage.

"Based on the staff's analysis, it is my finding that a formal operating license antitrust review of the licensee with respect to the Midland Nuclear Generating Station, Units 1 and 2 is not required."

Signed on April 23, 1983, by Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

Any person whose interest may be affected pursuant to this initial determination may file with full particulars a request for reevaluation with the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 by (30 days). Requests for a reevaluation of the no significant changes determination shall be accepted after the date when the Director's finding becomes final but before the issuance of the OL only if they contain new information, such as information about facts or events of antitrust significance that have occurred since that date, or information that could not reasonably have been submitted prior to that date.

For the Nuclear Regulatory Commission.

Wm. H. Regan, Jr.,

Chief Site Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 83-15197 Filed 6-6-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-2061]

Kerr-McGee Chemical Corp.; Opportunity for a Hearing; Availability of Final Environmental Statement for the Rare Earths Facility, West Chicago, Du Page County, Illinois

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Final Environmental Statement (FES) prepared by the Commission's Office of Nuclear Material Safety and Safeguards, related to the decommissioning of Kerr-McGee Chemical Corporation's Rare Earths Facility located in West Chicago, Illinois, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555. The FES is also available for inspection at the Commission's Local Public Document Room in the West Chicago Public Library, 332 E. Washington Street, West Chicago, Illinois 60185. The FES is being provided to the State Clearinghouse, Bureau of the Budget, Lincoln Tower Plaza, 524 S. Second Street, Springfield, Illinois 62706. The FES is also being sent to the Metropolitan Clearinghouse, Northeastern Illinois Planning Commission, 400 West Madison Street, Chicago, Illinois 60606. Requests for copies of the Final Environmental Statement (identified as NUREG-0904) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Division of Technical Information and Document Control.

The licensee's stabilization plan and subsequent documents are also available for public inspection at the above-designated locations. Notice of the availability of the applicant's stabilization plan and the Commission's intent to prepare a FES was published in the **Federal Register** on December 13, 1979 (44 FR 72246). The notice of availability of the Draft Environmental Statement (DES) for the Kerr-McGee Rare Earths Facility and request for comments from interested persons was published in the **Federal Register** on May 20, 1982 (47 FR 21943). The comments received from federal, state and local agencies and interested members of the public and the NRC staff's responses to these comments have been included as an appendix to the FES.

Kerr-McGee's proposed decommissioning and stabilization plan involves demolition of the existing buildings, removal of building rubble and contaminated soil to an adjacent disposal site, and stabilization of building rubble, contaminated soil, ore tailings and ore residues on the adjacent disposal site. The Kerr-McGee proposed plan and alternatives to the plan are discussed in the FES. The NRC staff alternative of choice is stabilization and storage of the waste onsite on the same area proposed by Kerr-McGee for disposal, with future reevaluation of the options of onsite disposal or removal to another site at a time when an established offsite disposal site becomes available. The NRC staff believes that the wastes can be stored onsite in a safe and environmentally sound manner. Both the NRC alternative and the KM proposal would utilize similar engineering plans to contain the wastes.

Notice of Opportunity for a Hearing

By July 11, 1983, the licensee may file a request for a hearing; and, by the same date, any person whose interest may be affected by this proceeding may file a request for a hearing, in the form of a petition to the Commission, with respect to the licensing actions recommended in the FES for decommissioning of the Kerr-McGee Rare Earths facility. A petition for a hearing must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the specific issues or aspects of the proceeding as to which a hearing is desired. A petition must specify with particularity the facts on which the petitioner relies as to both his interest and with regard to each issue or aspect of the proceeding on which a hearing is requested. Petitions stating issues relating only to matters outside the Commission's jurisdiction will be denied.

Petitions must be filed in accordance with this Federal Register Notice, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service, Branch, by July 11, 1983. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036 attorney for the licensee.

All petitions will be acted upon by the Commission or by the Commission's designee. Petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions. In the event no request for a hearing or petition for a hearing is filed by July 11, 1983, the NRC staff may, upon satisfactory completion of all safety evaluations and without further prior notice, issue a license amendment implementing the NRC staff's alternative of choice.

Dated at Silver Springs, Maryland, this 27th day of May, 1983.

For the Nuclear Regulatory Commission.

R. G. Page,

Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 83-15198 Filed 6-6-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-370]

McGuire Nuclear Station, Unit No. 2; Issuance of Amendment to Facility Operating License

On March 3, 1983, the U.S. Nuclear Regulatory Commission (the Commission) issued Facility Operating License No. NPF-17 to the Duke Power Company (the licensee) authorizing operation of the McGuire Nuclear Station, Unit 2, (the facility) at reactor core power levels not in excess of 3411 megawatts thermal in accordance with the provisions of the License, the Technical Specifications and the Environmental Protection Plan with a

condition limiting operation to five percent of full power (170 megawatts thermal).

The Commission has now issued Amendment No. 2 to Facility Operating License No. NPF–17 which authorizes operation of the McGuire Nuclear Station, Unit 2, at reactor core power levels not in excess of 3411 megawatts thermal in accordance with the provisions of the amended license. As part of this authorization, the amendment also changes the license conditions related to environmental qualification of equipment and hydrogen control measures and adds a license condition requiring testing of reactor trip breakers. The amendment is effective as of the date of issuance.

The McGuire Nuclear Station, Unit 2, is a pressurized water reactor located in Mecklenburg County, North Carolina, approximately 17 miles northwest of Charlotte, North Carolina.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the amended license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on October 7, 1974 (39 FR 36037). The increase in power level authorized by this amendment and the conditions contained therein are encompassed by that prior notice.

The Commission has determined that the issuance of this amendment will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details in respect to this action, see (1) Amendment No. 2 to License NPF–17; (2) the Commission's Safety Evaluation Report, dated March 1978 (NUREG–0422), and Supplements 1 through 7; (3) the Final Safety Analysis Report and Amendments thereto; (4) the Final Environmental Statement, dated April 1976 (NUREG–0063) and supplements thereto; (5) the Intitial Decisions of the Atomic Safety and Licensing Board, dated April 18, 1979; and May 26, 1981, the Decision of the Atomic Safety and Licensing Appeal Board dated March 30, 1982, and the Commission's Memorandum dated July 27, 1982.

These items are available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of Amendment No. 2 to Facility Operating License NPF–17 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements (NUREG–0422) and the Final Environmental Statement and its Supplements (NUREG–0063) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders may call 301–492–9530.

Dated at Bethesda, Maryland, this 27th day of May 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83–15194 Filed 6–6–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–220]

Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station, Unit No. 1); Exemption

I

Niagara Mohawk Power Corporation (the licensee) is the holder of Facility Operating License No. DPR–63 (the license) which authorizes operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) at steady state reactor power level not in excess of 1850 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Oswego County, New York. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission.

II

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.1 of Appendix E requires each licensee to conduct an emergency preparedness exercise annually. The last annual exercise at Nine Mile Point was held on September 16, 1981.

On December 23, 1982 an exemption was granted which required that the next emergency preparedness exercise at the Nine Mile Point Nuclear Station, Unit No. 1 be conducted anytime during the twelve month period prior to achieving five percent of rated power at the completion of the current extended maintenance outage. An exercise scheduling meeting held on October 27, 1982 among representatives of the U.S. Nuclear Regulatory Commission, the Federal Emergency Management Agency (FEMA), Niagara Mohawk New York State and Oswego County officials established September 28, 1982 for the next annual emergency preparedness exercise for Nine Mile Point 1. However, the licensee expects to achieve/exceed five percent of rated power operation and to be on line prior to the scheduled annual exercise. By letter dated March 9, 1983, the licensee requested a revised exemption from the schedular requirements of Section IV.F.1 of Appendix E.

The licensee states that within recent months, discussions with New York State and FEMA confirmed that September 28, 1983 continued to be a mutually acceptable date and earlier proposed dates would interfere with other facilities' exercises, and therefore would be unacceptable. Accordingly, the licensee requested an additional exemption which extends the December 23, 1982 exemption so that the Nine Mile Point Annual Emergency Plan Exercise may be conducted during the week of September 28, 1983.

The licensee had committed to continual training of personnel to ensure that the Nine Mile Point Emergency Plan would remain fully functional during the period of the delay in performing the emergency preparedness exercise. Therefore, allowing Nine Mile Point Unit 1 to exceed five percent of rated power operation before conducting the next annual exercise will not adversely affect the overall state of emergency preparedness at the Nine Mile Point, Unit No. 1 Station. Additionally, the James A. Fitzpatrick Nuclear Power Plant, which is adjacent to the Nine Mile plant, successfully conducted a full-scale exercise on August 11, 1982, thus providing assurance regarding the capability of State and local officials to respond to an emergency.

Based on the above, we conclude that the licensee's request to conduct the next emergency preparedness exercise after the Nine Mile plant exceeds five percent of rated power is reasonable and that granting the request will not

adversely affect the state of emergency preparedness at Nine Mile Point. We conclude, therefore, that the licensee's request for an additional exemption should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letters of August 20 and October 6, 1982, as revised by letter dated March 9, 1983, as discussed above, is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The revised exemption is hereby granted as follows:

In order to allow for offsite agencies' schedular constraints, the next emergency preparedness exercise at the Nine Mile Point Nuclear Station, Unit No. 1 shall be conducted during the week of September 28, 1983. This exercise shall include appropriate participation by the State and local authorities.

The NRC staff has determined that the granting of this additional Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 27th day of May 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-15196 Filed 6-6-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-361]

Southern California Edison Co., et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-10, issued to Southern California Edison Company, San Diego Gas & Electric Company, the City of Riverside, California and the City of Anaheim, California (the licensees), for operation of the San Onofre Nuclear Generating Station, Unit 2 located in San Diego County, California.

The amendment would grant temporary exceptions to the facility Technical Specifications (which presently require immediate corrective action to return at least one reactor coolant loop to operation) to permit natural circulation tests to be performed during the startup test program with no reactor coolant loops in operation in accordance with the licensees' application for amendment dated January 6, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility or a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission's proposed determination is based on its finding that the natural circulation tests will be conducted using operating procedures that provide compensatory measures that maintain a commensurate level of safety as the Technical Specifications that the proposed amendment would temporarily relax. Such compensatory measures include termination of the test and restoration of at least one reactor coolant loop to operation in the event of abnormal system parameters.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By July 7, 1983, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any persons whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to

present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to George W. Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attn.: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111, attorneys for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment and the licensees' submittal of April 15, 1982, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington D.C., and at the San Clemente Library, 242 Avenida Del Mar, San Clemente, California.

Dated at Bethesda, Maryland, this 31st day of May, 1983.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-15196 Filed 6-6-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Federal Agencies Responsible for Administering Audits of Local Governments and Special Purpose Districts

AGENCY: Office of Management and Budget.

ACTION: Notice.

Last year Director Stockman wrote to the heads of executive departments and agencies and 300 of the largest cities and counties to identify the Federal agencies which would be responsible for overseeing implementation of the "single audit" provisions of Circular A–102. "Uniform requirements for grants to State and local governments". At the same time, he advised executive departments and agencies and appropriate professional organizations of the methodology to be used by smaller units of local government, school districts and special districts in identifying their cognizant agencies. The recent large increase in the number of local Government units undertaking single audits and thereby needing to establish contact with a cognizant agency, necessitates a dissemination of the methodology to a wider audience.

The purpose of this notice is to help local governments and other localities that have not been assigned a Federal cognizant agency identify the Federal cognizant agency that will be responsible for administering the single audit.

Cities, counties and towns that have not been notified of a cognizant agency assignment are assigned to the department or agency that is responsible for negotiating their indirect cost rates under Circular A–87. "Cost principles for grants to State and local governments," if one has been assigned, as listed in the February 28, 1980 Federal Register (pages 13396–13408). Cities, counties and towns not assigned a Federal agency directly or under Circular A–87 are assigned to the Federal agency that provides the greatest amount of grant funds.

School districts [1] are assigned to the Department of Education, except for those in Arkansas, Georgia, Maryland, Minnesota, Oregon, Utah, and Puerto Rico. School districts in those States and Puerto Rico are assigned to the Department of Agriculture.

Special purpose districts are assigned as follows:

Housing Agencies—Dept of Housing & Urban Development
Transit Agencies—Dept of Transportation
Planning & Development Districts—Dept of Commerce
Airport Authorities—Dept of Transportation
Port Authorities—Dept of Transportation
Sewer & Water Districts—Environmental Protection Agency
All Other—Agency providing most grant funds

FOR FURTHER INFORMATION CONTACT: Palmer A. Marcantonio, Management Reform Division, Office of Management and Budget, Washington, D.C. 20503, Telephone: 202–395–3657.

Local government or other localities desiring information about a specific cognizant assignment should contact the

[1] The special relationship between State departments of education and local education agencies will result in Federal Agencies generally working through State departments of education in fulfilling their cognizant audit responsibilities.

Federal Inspector General staff of the regional office closest to them.

Harold I. Steinberg,

Associate Director for Management, Office of Management and Budget.

[FR Doc. 83-15169 Filed 6-6-83; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

Visit to Merrifield, VA Facility

June 2, 1983

Notice is hereby given that a member of the Commission staff will be visiting the Sectional Center Facility, Merrifield, Virginia, on Tuesday, June 7, 1983, for the purpose of observing and gaining knowledge in mail handling procedures. A report of the visit will be on file in the Commission's Docket Room.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 83-15165 Filed 6-6-83; 8:45 am]

BILLING CODE 7715-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 03/03-5164]

Carbon Capital Corp.; Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Carbon Capital Corporation (CCC), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1983).

The officers, directors, and stockholder of CCC are as follows:

Name and address	Title and relationship	Ownership (percent)
Roger H. Stevens, 4N262, Rte. 31, St. Charles, Ill. 60174.	President and Director	
James W. Miller, 1551 Bridge Road, Charleston, W. Va. 25301.	Vice President, Treasurer, and Director.	
Beverly S. Foltz, 3N522 Balkan Dr., St. Charles, Ill. 60174.	Secretary and Director	
Logan Resources, Inc., 2 Hale Street, Charleston, W. Va. 25301.	Parent Company	100

Roger H. Stevens is president and sole stockholder of Logan Resources, Inc. The company owns several businesses in West Virginia related to the coal industry.

CCC, a West Virginia corporation, with its principal place of business located at 2 Hale Street, Charleston, West Virginia 25301, will begin operations with $500,000 of private capital derived from the sale of common stock to Logan Resources, Inc.

CCC will conduct its activities principally in the State of West Virginia.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Charleston, West Virginia.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 31, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-15206 Filed 6-6-83; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 03/03-5158]

Security Finance and Investment Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. et seq.), has been filed by Security Financial and Investment Corporation (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102(1983).

The officers, directors and stockholders of the Applicant are as follows:

Kenneth K. Chung, 7201 Dulany Drive, McLean, Virginia 22101, Board Chairman—3.57 percent stockholder

Gus Levathes, 5316 Moorland Lane, Bethesda, Maryland 20814, Executive Vice President, General Manager, Director

Han Y. Cho, 3706 Chanel Road, Annandale, Virginia 22003, President, Director—5.37 percent stockholder

Jang H. Jung, 6719 Eordcrest Road, Baltimore, Maryland 21237, Vice President, Director—4.46 percent stockholder

Baik S. Park, 4025 Webster Court, Annandale, Virginia 22003, Secretary—4.46 percent stockholder

Sung Y. Choi, 4852 Killebrew Drive, Annandale, Virginia 22003, Treasurer—3.57 percent stockholder

Walter I. Park, 10217 Lawyers Road, Vienna, Virginia 22180, Director—8.93 percent stockholder

20 other stockholders owning less than 10 percent individually—69.64 percent

The Applicant, a Maryland corporation with its principal place of business at 8757 Georgia Avenue, Suite 504, Silver Spring, Maryland 20910, will begin operations with $550,000 of paid-in capital and paid-in surplus derived from the sale of 5,600 shares of common stock.

The Applicant will conduct its activities primarily in the State of Maryland.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contempleted under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Silver Spring, Maryland.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 31, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-15207 Filed 6-6-83; 8:45 am]

BILLING CODE 8025-01-M

Small Business Investment Co.; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulations governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State Usury ceilings, and to its forfeiture and penalty provisons.

Effective June 1, 1983, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is *10.755%* per annum.

Dated: June 1, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-15206 Filed 6-6-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

June 2, 1983.

[Supplement to Dept. Circular Public Debt Series—No. 16-83]

Notes Designated Series J-1988; Interest Rate

The Secretary announced on June 1, 1983, that the interest rate on the notes designated Series J-1988, described in Department Circular—Public Debt Series—No. 16-83 dated May 19, 1983, will be 10½ percent. Interest on the notes will be payable at the rate of 10½ percent per annum.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-15193 Filed 6-6-83; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 110
Tuesday, June 7, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Maritime Commission	1
Federal Reserve System	2, 3
International Trade Commission	4
National Transportation Safety Board	5
Securities and Exchange Commission	6

1

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 25047, June 3, 1983.

PREVIOUS ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., June 8, 1983.

CHANGE IN THE MEETING: Addition of the following item to the open session:

4. Agreement No. 131–265: Modification of the Pacific Cruise Conference Agreement to increase the geographic scope of the conference and minimum service requirements for members.

[S–806–83 Filed 6–3–83; 2:56 pm]
BILLING CODE 6703–01–M

2

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 9:30 a.m., Monday, June 13, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed amendments to the Board's capital adequacy guidelines.
2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: June 3, 1983.

James McAfee,

Associate Secretary of the Board.

[S–807–83 Filed 6–3–83; 3:13 pm]
BILLING CODE 6210–01–M

3

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: Approximately 11 a.m., Monday, June 13, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne. Assistant to the Board (202) 452–3204

Dated: June 3, 1983.

James McAfee,

Associated Secretary of the Board.

[S–808–83 Filed 6–6–83; 3:13 pm]
BILLING CODE 6210–01–M

4

INTERNATIONAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 23965, May 27, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Monday, June 6, 1983.

CHANGES IN THE MEETING: Amendment to item No. 5 which should read as follows:

5. Investigations 701–TA–201 (Preliminary) and 731–TA–133 (Preliminary) (Forged Undercarriage Components from Italy)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–805–83 Filed 6–3–83; 2:55 pm]
BILLING CODE 7020–02–M

5

NATIONAL TRANSPORTATION SAFETY BOARD
[NM–83–12]

TIME AND DATE: 9 a.m., Tuesday, June 14, 1983.

PLACE: Conference Room 8ABC, Eighth Floor, 800 Independence Ave., SW., Washington, D.C. 20594.

STATUS: The first two items will be open to the public; the remaining items will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report*—Derailment of Illinois Central Gulf Railroad Freight Train Extra 9629 East, Livingston, Louisiana, September 28, 1982, and Recommendations.
2. *Railroad Accident Report*—Side Collision of Two Missouri Pacific Railroad Company Freight Trains at Glaise Junction, near Possum Grape, Arkansa, October 3, 1982, and Recommendations.
3. *Opinion and Order*—Petition of Meade, Dkt. SM–2898; disposition of the Administrator's appeal.
4. *Opinion and Order*—Administrator v. Smith, Dkt. SE–5569; disposition of respondent's interlocutory appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382–6525.

June 3, 1983.

[S–804–83 Filed 6–3–83; 12:10 pm]
BILLING CODE 6916–58–M

6

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of June 6, 1983, at 450 5th Street, NW., Washington, D.C.

An open meeting will be held on Thursday, June 9, 1983, at 11 a.m. in Room 1C30, to discuss the following items.

1. Consideration of the adoption of rules designed, among other things, to provide minimum standards for registered transfer agents in the preparation and maintenance of accurate securityholder records and the safeguarding of funds and securities. In addition, consideration of whether to issue a release proposing amendments that would establish a minimum transfer turnaround

performance standard for certain exempt transfer agents that transfer depository-eligible securities and would require registered transfer agents to respond to inquiries from securityholders respecting dividend and interest payment claims. For further information, please contact Jonathan Kallman at (202) 272–2775.

2. Consideration of whether to repropose for comment Rule 415 under the Securities Act of 1933. Rule 415 relates to the registration of securities to be offered and sold on a delayed or continuous basis. The Rule is effective until December 31, 1983. For further information, please contact Steven L. Molinari at (202) 272–2589.

Commissioner Evans, as duty officer, voted to consider the items listed for the open meeting.

At times changes in Commision priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Michael Lefever at (202) 272–2468.

June 2, 1983.

[S–808–83 Filed 6–3–83; 11:24 am]

BILLING CODE 8010–01–M

federal register

Tuesday
June 7, 1983

Part II

Department of Health and Human Services

Office of the Secretary

Privacy Act of 1974; Systems of Records, Table of Contents/Index for the Annual Republication

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act of 1974; Systems of Records, Table of Contents/Index for the Annual Republication

AGENCY: Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of the Assistant Secretary for Public Affairs (OASPA).

ACTION: Publication of the Table of Contents/Index for the Department's annual republication of notices of systems of records.

SUMMARY: On October 13, 1982, the Department made its annual republication of notices of systems of records to meet the requirements of 5 U.S.C. 552a(e)(4). In order to assist the public, the Department publishes a consolidated lists of systems numbers, names, and **Federal Register** (*FR*) page numbers for the October 13 issue, as well as a subject/key word index.

SUPPLEMENTARY INFORMATION: The **Federal Register** publication for our notices is Volume 47, No. 198, Book 2 of 3 and 3 of 3, Pages 45402–45856. This document included more than 400 notices of systems of records for the following organizations of the Department:

- Executive Secretariat (ES).
- Office for Civil Rights (OCR).
- Office of Child Support Enforcement (OCSE).
- Office of Consumer Affairs (OCA).
- Office of the Assistant Secretary for Legislation (OASL).
- Office of the Assistant Secretary for Management and Budget (OASMB).
- Office of the Assistant Secretary for Personnel Administration (OASPER).

Office of the Assistant Secretary for Planning and Evaluation (OASP&E).

- Office of the Assistant Secretary for Public Affairs (OASPA).
- Office of the General Counsel (OGC).
- Office of the Inspector General (OIG).
- Region I, Administrative Support Center (ASC).
- Region IX, Office of the Regional Director (ORD).
- Office of Human Development Services (OHDS).
- Health Care Financing Administration (HCFA).
- Social Security Administration (SSA).
- Office of the Assistant Secretary for Health (OASH).
- Health Resources Administration (HRA).
- Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA).
- National Institutes of Health (NIH).
- Centers for Disease Control (CDC).
- Health Services Administration (HSA).
- Food and Drug Administration (FDA).

In order to inform the public of the Privacy Act restrictions on the disclosure of records contained in systems of records, we have set forth the "Conditions of Disoclosure" section of the Privacy Act (October 13 issue *FR* page 45516).

In addition we have set forth the following sections of the Department's Privacy Act Regulation 45 CFR Part 5b (October 13 issue *FR* 45514–45516):

5b.5 Notification of or access to records

5b.6 Special procedures for notification of or access to medical records

5b.7 Procedures for correction or amendment of records, and

5b.10 Parents and guardians

This will assist an individual by giving him or her the following information:

- How to find out if HHS has a record about him or her, and how to get a copy of that record.
- Special procedures for finding out about medical records.
- Special procedures for finding out about his or her child's medical records.
- Correcting mistakes in his or her record.
- Special procedures pertaining to parents and guardians of minors and incompetent persons.

An individual should consult the Department's systems notices to determine which systems of records are likely to contain records pertaining to him or her, to whom his or her requests should be addressed, and the degree of specificity with which he or she should make these requests. An individual's requests should then be addressed to the appropriate Department officials listed in the systems notices. In order to expedite his or her request, an individual should write on the envelope and the letter the words "Privacy Act Request."

The format for the Table of Contents/Index is as follows: Agency, System Number, System Name, Agency Initials and October 13, 1982 *FR* Page Number.

The subject/key word index has the following format: Subject, System Number, System Name, Agency Initials and October 13, 1982 *FR* Page Number.

Dated: May 12, 1983.

Claire del Real,

Acting Assistant Secretary for Public Affairs.

TABLE OF CONTENTS/INDEX

System Number/System Name/FR Page Number

Executive Secretariat (ES)

09–90–0037—Secretariat Correspondence Control System HHS/OS/ES, p. 45535

09–90–0038—Secretary's Official Files, HHS/OS/ES, p. 45536

09–90–0080—Secretary's Advisory Committee Candidate Files, HHS/OS/ES, p. 45536

Office for Civil Rights (OCR)

09–90–0050—Case Information Management System, HHS/OS/OCR, p. 45539,

09/90–0051—Complaint Files and Log, HHS/OS/OCR, p. 45539

Office of Child Support Enforcement (OCSE)

09–90–0074—Federal Parent Locator System, HHS/OCSE, p. 45547

Office of Consumer Affairs (OCA)

09–90–0041—Consumer Mailing Lists, HHS/OS/OCA, p. 45537

09–90–0046—Consumer Complaint Correspondence System, HHS/OS/OCA, p. 45538

Office of the Assistant Secretary For Legislation (OASL)

09–90–0027—Congressional Correspondence Unit, HHS/OS/ASL, p. 45531

09–90–0072—Congressional Grants Notification Unit, HHS/OS/ASL, p. 45532

Office of the Assistant Secretary for Management and Budget (OASMB)

*09–90–0001—Telephone Directory/Locator System, HHS/OS/OASMB/OMAS, p. 45517

*09–90–0005—Safety Management Information System (HHS Accident, Injury and Illness Reporting System), HHS/OS/OASMB/OFE/OSOH, p. 45518

*09–90–0023—Departmental Parking Control Policy and Records System, HHS/OS/OASMB/OFE, p. 45520

*09–90–0025—Accounting Records of Payments to Individuals from Agency and Regional Financial Management and Disbursing Offices, HHS/OS/OASMB/1, p. 45521

*Systems are Department-wide with Office of the Secretary policy guidance but with local operational control.

09-90-0025—Central Registry of Individuals Doing Business with HHS, HHS/OS/OASMB/2, p. 45523

Office of the Assistant Secretary for Personnel Administration (OASPER)

*09-90-0006—Applicants for Employment Records, HHS/OS/OASPER, p. 45743
*09-90-0007—Complaints and Inquiries Records—Micellaneous, HHS/OS/OASPER, p. 45746
*09-90-0008—Conflict of Interest Records, HHS/OS/OASPER, p. 45747
*09-90-0009—Discrimination Complaint Records, HHS/OS/OASPER, p. 45748
*09-90-0010—Employee Counseling Service Program Records, HHS/OS/OASPER, p. 45750
*09-90-0011—Employee Appraisal Program Records, HHS/OS/OASPER, p. 45751
*09-90-0012—Executive Development Records, HHS/OS/OASPER, p. 45753
*09-90-0013—Federal Employees Occupational Health Program Records, HHS/OS/OASPER, p. 45754
*09-90-0014—Grievances Filed Under Part 771 of 5 CFR, HHS/OS/OASPER, p. 45755
*09-90-0015—Grievances Filed Under Procedures Established by Labor-Management Negotiations, HHS/OS/OASPER, p. 45756
*09-90-0016—HHS Motor Vehicle Operator Records, HHS/OS/OASPER, p. 45758
*09-90-0017—Pay, Leave and Attendance Records, HHS/OS/OASPER, p. 45759
*09-90-0018—Personnel Records in Operating Offices, HHS/OS/OASPER, p. 45761
*09-90-0019—Special Employment Program Records, HHS/OS/OASPER, p. 45763
*09-90-0020—Suitability for Employment Records, HHS/OS/OASPER, p. 45764
*09-90-0021—Training Management Information System, HHS/OS/OASPER, p. 45766
*09-90-0022—Volunteer EEO Support Personnel Records, HHS/OS/OASPER, p. 45767
*09-90-0036—Employee Suggestion Program Records, HHS/OS/OASPER, p. 45768
*09-90-0059—Federal Advisory Committee Membership Files, HHS/OS/OASPER, p. 45769
*09-90-0069—Unfair Labor Practice Records, HHS/OS/OASPER, p. 45770
*09-90-0095—Management Information System Efficiency Report (MISER), HHS/OS/OASPER/OPSI&OCAM, p. 45771

Office of the Assistant Secretary for Planning and Evaluation (OASPE)

09-90-0082—Pennhurst Longitudinal Study (also called the Longitudinal Study of the Court Ordered Deinstitutionalization of Pennhurst), HHS/OS/OASPE, p. 45548
09-90-0086—Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/OASPE, p. 45550
09-90-0087—Recipient Survey for Monthly Reporting and Retrospective Accounting Study, HHS/OS/OASPE, p. 45551
09-90-0088—National Long-Term Care Channeling Demonstration (NLTCCD), HHS/OS/OASPE, p. 45552
09-90-0089—National Long-Term Care Survey, HHS/OS/OASPE, p. 45554
09-90-0090—Recipient Survey of Alternative Approaches to Financing Day Care for AFDC Children, HHS/OS/OASPE, p. 45556

Office of the Assistant Secretary For Public Affairs (OASPA)

*09-90-0028—Biographies and Photographs of HHS Officials, HHS/OS/OASPA, p. 45533
*09-90-0058—Freedom of Information Case Files and Correspondence Control Index, HHS/OS/OASPA, p. 45534

Office of the General Counsel (OGC)

09-90-0062—Administrative Claims, HHS/OS/OGC, p. 45540
09-90-0064—Litigation Files, Administrative Complaints, and Adverse Personnel Actions, HHS/OS/OGC, p. 45542
09-90-0065—Conflict of Interest-Standards of Conduct Records, HHS/OS/OGC, p. 45543
09-90-0066—OGC-Attorney Applicant Files, HHS/OS/OGC, p. 45544
09-90-0067—Invention Reports Submitted to the Department of Health and Human Services by its Employees, Grantees, Fellowship Recipients, and Contractors, HHS/OS/OGC, p. 45545
09-90-0068—Federal Private Relief Legislation, HHS/OS/OGC, p. 45546
09-90-0071—Social Security Code Cards, HHS/OS/OGC, p. 45546

Office of the Inspector General (OIG)

09-90-0002—Investigatory Material Compiled for Security and Suitability Purposes, HHS/OS/OIG, p. 45524
09-90-0003—Investigative Files of the Inspector General, HHS/OS/OIG, p. 45525
09-90-0078—SSI/OPM Temporary Matching File, HHS/OS/OIG, p. 45527
09-90-0079—Welfare Fraud Detection File, HHS/OS/OIG, p. 45528
09-90-0101—Health Care Program Violations, HHS/OS/OIG, p. 45529
09-90-0102—Federal Personnel/HHS or HHS Funded Benefit and Loan Program Temporary Matching File, HHS/OS/OIG, p. 45530

Region I—Administrative Support Center (ASC)

09-80-0075—MBTA Prepaid Pass Program Participants, HHS/R01/ARD, p. 45557

Region IX—Office of the Regional Director (ORD)

09-90-1101—Optional Form 55 Cards Issuance Log, HHS/OS/RIX/ORD/DAS, p. 45557

Office of Human Development Services (OHDS)

09-80-0002—Developmental Disabilities Complaints and Correspondence File, HHS/OHDS/ADD, p. 45402
09-80-0009—ACYF Mailing List, HHS/OHDS/ACYF, p. 45403
09-80-0020—HDS Publications Distribution Mailing List, HHS/OHDS/OPA, p. 45403
09-80-0022—Longitudinal Evaluation of the National Nutrition Program for the Elderly, HHS/OHDS/AoR, p. 45404

Health Care Financing Administration (HCFA)

09-70-0001—Medicare Second Surgical Opinion Experiments, HHS/HCFA/ORD, p. 45694
09-70-0004—Durable Medical Equipment Experiments, HHS/HCFA/ORD, p. 45695
09-70-0005—Medicare Bill Files (Statistics), HHS/HCFA/BDMS, p. 45690
09-70-0006—Medicare Enrollment Records (Statistics), HHS/HCFA/BDMS, p. 45697
09-70-0007—Health Insurance Enrollment Statistics, General Enrollment Period, p. 45698
09-70-0008—Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics), HHS/HCFA/BDMS, p. 45698
09-70-0010—Current Medicare Survey (Statistics), HHS/HCFA/ORD, p. 45699
09-70-0011—Evaluation of the Impact of Surgical Screening Based Upon Union Member Utilization of the Pre-Surgical Consultant Benefits (Statistics), HHS/HCFA/ORD, p. 45700
09-70-0013—Annual 5 Percent Summary File of Services Reimbursed Under the Medicare Program (Statistics), HHS/HCFA/BDMS, p. 45701
09-70-0014—Survey of Physicians, Administrative and Practice Costs and Medicaid Participation, HHS/HCFA/ORD, p. 45701

09–70–0015—Ambulatory Surgery Research Project, HHS/HCFA/ORD, p. 45702
09–70–0017—Health Insurance Benefit and Actuarial Sample Control System, HHS/HCFA/BDMS, p. 45703
09–70–0018—Actuarial Health Insurance and Supplementary Medical Insurance (Medicare), HHS/HCFA/BDMS, p. 45703
09–70–0019—Actuarial Sample Hospital Stay Record Stay, HHS/HCFA/BDMS, p. 45704
09–70–0020—Actuarial Sample of Suplementary Medical Insurance Payments, HHS/HCFA/BDMS, p. 45705
09–70–0021—Health Maintenance Organization Prospective Reimbursement Demonstation, HHS/HCFA/ORD, p. 45706
09–70–0022—Municipal Health Services Program, HHS/HCFA/ORD, p. 45706
09–70–0023—Evaluation of Home Dialysis Aide Demonstration, HHS/HCFA/ORD, p. 45708
09–70–0024—Medicare/Medicaid Hospice Demonstration, HHS/HCFA/ORD, p. 45710
09–70–0025—Evaluation of the Long-Term Home Health Care Program, HHS/HCFA/ORD, p. 45713
09–70–0026—Study of the Comparative Effectiveness of State Approaches to Regulation of Medicare Supplemental Policies: Medigap, HHS/HCFA/ORD, p. 45714
09–70–0027—Evaluation of HMO Capitation Demonstration, HHS/HCFA/ORD, p. 45715
09–70–0028—Study of the Social, Ethical and Economic Consequences of Medicare Coverage of Heart Transplants, HHS/HCFA/ORD, p. 45716
09–70–0501—Carrier Medicare Claims Records, HHS/HCFA/BPO, p. 45717
09–70–0502—Health Insurance Master Record, HHS/HCFA/BPO, p. 45719
09–70–0503—Intermediary Medicare Claims Records, HHS/HCFA/BPO, p. 45720
09–70–0504—Beneficiary Part A and B Uncollectible Overpayments Files, HHS/HCFA/BPO, p. 45722
09–70–0505—Supplemental Medical Insurance Accounting Collection and Enrollment System, HHS/HCFA/BPO, p. 45723
09–70–0506—Group Health Plan System, HHS/HCFA/BPO, p. 45724
09–70–0507—Health Insurance Utilization Microfilm, HHS/HCFA/BPO, p. 45724
09–70–0508—Reconsideration and Hearing Case Files (Part A) Hospital Insurance Program, HHS/HCFA/BPO, p. 45725
09–70–0509—Medicare Beneficiary Correspondence Files, HHS/HCFA/BPO, p. 45726
09–70–0510—Alphabetical Name Filed (folder) of Health Insurance Program Consultants, HHS/HCFA/BPO, p. 45727
09–70–0512—Review and Fair Hearing Case Files—Supplementary Medical Insurance Program, HHS/HCFA/BPO, p. 45727
09–70–0513—Explanation of Medicare Benefit Records, HHS/HCFA/BPO, p. 45728
09–70–0516—Medicare Physician Supplier Master File, HHS/HCFA/BPO, p. 45729
09–70–0517—Physician/Supplier 1099 File (Statement for Recipients of Medical and Health Care Payments), HHS/HCFA/BPO, p. 45730
09–70–0518—Medicare Clinic Physician/Supplier Master File, HHS/HCFA/BPO, p. 45730
09–70–0520—End Stage Renal Disease (ESRD) Program Management and Medical Information (Registry), HHS/HCFA/BPO, p. 45731
09–70–0521—Medicare Beneficiary Claims for Emergency Services, HHS/HCFA/BPO, p. 45732
09–70–0522—Billing and Collection Master Record System, HHS/HCFA/BPO, p. 45733
09–70–1504—Physical Therapists Proficiency Answer Sheets and Test Results (Medicare), HHS/HCFA/HSAB, p. 45734
09–70–1505—Psychiatric Technician Proficiency Answer Sheets and Test Results (Medicare), HHS/HCFA/HSAB, p. 45735
09–70–1507—Waivered Licensed Practical Nurse Proficiency Exam Sheets and Test Results (Medicare), HHS/HCFA/HSAB, p. 45736
09–70–1509—Complaint Files on Nursing Homes, HHS/HCFA/HSQB/DLTC, p. 45736
09–70–1510—Professional Qualification Files, HHS/HCFA/HSQB, p. 45737
09–70–2002—HCFA Program Integrity/Program Validation Case Files, HHS/HCFA/BQC, p. 45739

Social Security Administration (SSA)

09–60–0001—Commissioner's Correspondence File, HHS/SSA/OC, p. 45590
09–60–0002—Automated Controlled Correspondence Extraction System, HHS/SSA/OGA, p. 45591
09–60–0003—Hearing File and Attorney Fee file, HHS/SSA/OHA, p. 45592
09–60–0004—Appeals File, HHS/SSA/OHA, p. 45593
09–60–0005—Hearing Office Files, HHS/SSA/OHA, p. 45594
09–60–0006—Storage of Hearing Records: Tape Cassettes and Audiographs Discs, HHS/SSA/OHA, p. 45595
09–60–0008—Administrative Law Judge's Docket, HHS/SSA/OHA, p. 45596
09–60–0009—Hearings and Appeals Case Control System, HHS/SSA/OHA, p. 45597
09–60–0012—Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Advisors, and Medical Consultants, p. 45597
09–60–0013—Records of Usage of Medical Advisors, Medical Consultants and Vocational Experts, HHS/SSA/OHA, p. 45598
09–60–0014—Curriculum Vitae and Professional Qualifications of Medical Officers and Medical Advisors and Medical Consultants and Resume of Vocational Experts, HHS/SSA/OHA, p. 45599
09–60–0015—List of Physicians Utilized as Readers of Black Lung X-Ray Films, HHS/SSA/OHA, p. 45600
09–60–0017—Personnel Research and Merit Promotion Tests Records, HHS/SSA/OMBP, p. 45601
09–60–0031—Employee Production and Accuracy Records, HHS/SSA/OMBP, p. 45602
09–60–0032—Employee Indebtedness Counseling System, HHS/SSA/OMBP, p. 45603
09–60–0033—Request for Review of Proposed Contracts with Experts and Consultants, HHS/SSA/OMBP, p. 45604
09–60–0037—General Criminal Investigations Files, HHS/SSA/OMBP, p. 45605
09–60–0038—Employee Identification Card Files, HHS/SSA/OMBP, p. 45605
09–60–0040—Quality Review System, HHS/SSA/OA, p. 45606
09–60–0042—Quality Review Casefile, HHS/SSA/OA, p. 45607
09–60–0044—Disability Determination Service Processing File, HHS/SSA/ODP, p. 45609
09–60–0045—Black Lung Payment System, HHS/SSA/OURV, p. 45610
09–60–0046—Consultative Physician's File, HHS/SSA/ODP, p. 45611
09–60–0047—Critical Case Processing Time, HHS/SSA/OOPP, p. 45612
09–60–0050—Completed Determination Record—Continuing Disability Determinations, HHS/SSA/OOPP, p. 45612
09–60–0052—Disposition of Vocational Rehabilitation Report to Social Security Administration, HHS/SSA/ODP, p. 45613
09–60–0053—Reimbursement from Trust Fund for Vocational Rehabilitation Services, HHS/SSA/ODP, p. 45614
09–60–0056—Vocational Rehabilitation Savings Calculation, HHS/SSA/ODP, p. 45615

09-60-0057—Quality Evaluation Data Records, HHS/SSA/OA, p. 45615
09-60-0058—Master Files of Social Security Number Holders, HHS/SSA/OEER, p. 45616
09-60-059—Earnings Recording and Self-Employment Income System, HHS/SSA/OEER, p. 41618
09-60-0063—Resource Accounting and Project Management System, HHS/SSA/OS, p. 45620
09-60-0066—Claims Development Record, HHS/SSA/OFO, p. 45621
09-60-0075—Congressional Bills File, HHS/SSA/OP, p. 45621
09-60-0077—Congressional Inquiry File, HHS/SSA/OFO, p. 45622
09-60-0078—Public Inquiry Correspondence File, HHS/SSA/OFO, p. 45623
09-60-0089—Claims Folder System, HHS/SSA/OOPP, p. 45623
09-60-0090—Master Beneficiary Record (MBR), HHS/SSA/OURV, p. 45626
09-60-0091—Social Security Administration Claims Control System, HHS/SSA/OURV, p. 45628
09-60-0092—Automated Control System for Case Folders, HHS/SSA/OURV, p. 45629
09-60-0094—Recovery Accounting for Overpayments, HHS/SSA/OURV, p. 45630
09-60-0095—Health Insurance Overpayment Ledger Cards, HHS/SSA/OURV, p. 45631
09-60-0097—Program Integrity Case Files, HHS/SSA/OA, p. 45632
09-60-0102—Fee Ledger System for Representatives, HHS/SSA/OIP, p. 45634
09-60-0103—Supplemental Security Income Record, HHS/SSA/OURV, p. 45635
09-60-0110—Supplemental Security Income File of Refunds, HHS/SSA/OURV, p. 45636
09-60-0111—Debit Voucher File (Supplemental Security Income), HHS/SSA/OURV, p. 45637
09-60-0117—Age at First Payment of Retirement Insurance Benefits, HHS/SSA/OACT, p. 45638
09-60-0118—Non-Contributory Military Service Reimbursement System, HHS/SSA/OP, p. 45638
09-60-0119—Special Age 72 Benefit Trust Fund Transfer Project, HHS/SSA/OP, p. 45639
09-60-0128—Retirement, Survivors and Disability Insurance Claims, HHS/SSA/OA, p. 45640
09-60-0129—Adjudication of Supplemental Security Income Policy Analysis Review, HHS/SSA/OA, p. 45640
09-60-0148—Matches of Internal Revenue Service and Social Security Administration Data with Census Survey Data (Joint Social Security Administration/Census Statistics Development Project), HHS/SSA/OP, p. 45641
09-60-0149—Matches of Internal Revenue Service and Social Security Administration Data (Joint Social Security Administration/Treasury Department Office of Tax Analysis, Statistics Development Project), HHS/SSA/OP, p. 45642
09-60-0159—Continuous Work History Sample (Statistics), HHS/SSA/OP, p. 45643
09-60-0184—Hearing Office Master Calendar, HHS/SSA/OHA, p. 45644
09-60-0186—SSA Litigation Tracking System, HHS/SSA/OR, p. 45645
09-60-0196—Disability Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45646
09-60-0198—Extramural Research Administrative File, HHS/SSA/OP, p. 45647
09-60-0199—Extramural Surveys (Statistics), HHS/SSA/OP, p. 45648
09-60-0200—Retirement and Survivors Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45649
09-60-0202—Old Age, Survivors and Disability Beneficiary and Worker Records and Extracts (Statistics), HHS/SSA/OP, p. 45650
09-60-0203—Supplemental Security Income (SSI) Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45651
09-60-0208—Repatriate Records System, HHS/SSA/OFA, p. 45652
09-60-0209—Readership Surveys of Office of Research and Statistics (ORS) Publications (Statistics), HHS/SSA/OP, p. 45653
09-60-0210—Record of Individuals Authorized Entry to Secured Automated Data Processing (ADP) Areas, HHS/SSA/OS, p. 45653
09-60-0212—Supplemental Security Income Operational Quality Maintenance System, HHS/SSA/OA, p. 45654
09-60-0213—Quality Review of Hearing Process, HHS/SSA/OHA, p. 45655
09-60-0214—Personal Identification Number File, HHS/SSA/OA, p. 45656
09-60-0216—Indochinese Refugee, Financial Assistance System, HHS/SSA/ORR, p. 45657
09-60-0217—Cuban Refugee Registration Records, HHS/SSA/ORR, p. 45658

Office of the Assistant Secretary for Health (OASH)

09-37-0001—Office of the Assistant Secretary for Health Correspondence Control System, HHS/OASH/OM, p. 45675
09-37-0002—PHS Commissioned Officer Personnel Data System, HHS/OASH/OM, p. 45676
09-37-0003—PHS Commissioned Corps Medical Records, HHS/OASH/OM, p. 45677
09-37-0004—PHS Commissioned Corps Training Files, HHS/OASH/OM, p. 45679
09-37-0005—PHS Commissioned Corps Board Proceedings, HHS/OASH/OM, p. 45680
09-37-0006—PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation, and Disciplinary Files, HHS/OASH/OM, p. 45681
09-37-0007—PHS Commissioned Corps General Personnel Records, HHS/OASH/OM, p. 45682
09-37-0008—PHS Commissioned Corps Unofficial Personnel Files and other Station Files, HHS/OASH/OM, p. 45684
09-37-0009—Applied Statistics Training Institute Applicants and Students, HHS/OASH/OHRST, p. 45685
09-37-0010—Health and Demographic Surveys Conducted in Probability Samples of the U.S. Population, HHS/OASH/OHRST, p. 45685
09-37-0011—Health Manpower Inventories and Surveys, HHS/OASH/OHRST, p. 45687
09-37-0012—Vital Statistics for Births, Deaths, Fetal Deaths, Marriage and Divorces Occurring in the United States During Each Year, HHS/OASH/OHRST, p. 45688
09-37-0013—Health Resources Utilization Statistics, HHS/OASH/OHRST, p. 45689
09-37-0014—Curriculum Vitae of Consultants to the National Center for Health Statistics, HHS/OASH/OHRST, p. 45690
09-37-0015—National Center for Health Services Research Grants Records System, HHS/OASH/OHRST, p. 45691

Health Resources Administration (HRA)

09-35-0005—Cycle II Dentist Survey, HHS/HAR/BHPr, p. 45405
09-35-0009—Chattanooga Incremental Care Program, HHS/HAR/BHPr, p. 45406
09-35-0013—Indo-China Refugee Physicians and Medical Students, HHS/HAR/BHPr, p. 45407
09-35-0014—National Research Service Awards, HHS/HAR/BHPr, p. 45407
09-35-0016—Professional Nurse Traineeships, HHS/HAR/BHPr, p. 45408
09-35-0027—Consultants for Office of Health Resources Opportunity, HHS/HRA/OHRO, p. 45409

09–35–0044—Health Professions Planning and Evaluation, HHS/HRA/OA, p. 45409
09–35–0045—Nurse Practitioner Traineeships, HHS/HAR/BHPr, p. 45410

Alcohol, Drug Abuse and Mental Health Administration (ADAMHA)

09–30–0002—Statistical Research Data on Adolescent Runaways in Prince Georges County, MD, 1962–65, HHS/ADAMHA/NIMH, p. 45427
09–30–0003—Medical Records Files of Patients Seen in Therapy in Programs of the Mental Health Study Center, HHS/ADAMHA/NIMH, p. 45428
09–30–0004—Intramural Research Program Records of Research Performed on In- and Out-patients with Various Types of Mental Illness, HHS/ADAMHA/NIMH, p. 45428
09–30–0005—Saint Elizabeths Hospital Research Subjects Data Record, HHS/ADAMHA/NIMH, p. 45430
09–30–0006—Saint Elizabeths Hospital Medical Support Program File System, HHS/ADAMHA/NIMH, p. 45431
09–35–0007—Saint Elizabeths Hospital Clinical Support Services Record System, HHS/ADAMHA/NIMH, p. 45432
09–30–0008—Saint Elizabeths Hospital Social Services Record System, HHS/ADAMHA/NIMH, p. 45433
09–30–0009—Saint Elizabeths Hospital Multidisciplinary Raw Data Consultation Files, HHS/ADAMHA/NIMH, p. 45436
09–30–0010—Saint Elizabeths Hospital Juvenile Education Monitoring System, HHS/ADAMHA/NIMH, p. 45437
09–30–0011—Saint Elizabeths Hospital Emergency Psychiatric Service Non-Admission File System, HHS/ADAMHA/NIMH, p. 45438
09–30–0012—Saint Elizabeths Hospital Pre-Service Education Records, HHS/ADAMHA/NIMH, p. 45439
09–30–0013—Saint Elizabeths Hospital Training Videotape Records, HHS/ADAMHA/NIMH, p. 45439
09–30–0014—Saint Elizabeths Hospital Financial System, HHS/ADAMHA/NIMH, p. 45440
09–30–0015—Saint Elizabeths Hospital General Security System, HHS/ADAMHA/NIMH, p. 45441
09–30–0016—Saint Elizabeths Hospital Patients' Personal Property Record System, HHS/ADAMHA/NIMH, p. 45442
09–30–0017—Saint Elizabeths Hospital Legal Office Record System, HHS/ADAMHA/NIMH, p. 45443
09–30–0018—Saint Elizabeths Hospital Area D Community Mental Health Center Citizens Advisory Group Records, HHS/ADAMHA/NIMH, p. 45444
09–30–0019—Saint Elizabeths Hospital Court-Ordered Forensic Investigatory Materials Files, HHS/ADAMHA/NIMH, p. 45445
09–30–0020—Administrative Records on Civilly Committed Drug Abusers Under the Narcotic Addict Rehabilitation Act, HHS/ADAMHA/NIDA, p. 45446
09–30–0021—Patient Medical Records on PHS Beneficiaries 1935–1974 and Civilly Committed Narcotic Addicts 1967–1974 Treated at PHS Hospitals, HHS/ADAMHA/NIDA, p. 45446
09–30–0022—National Institute on Drug Abuse, Addiction Research Center, Federal Prisoner and Non-Prisoner Patient Files, HHS/ADAMHA/NIDA, p. 45447
09–30–0023—Records of Contracts Awarded to Individuals, HHS/ADAMHA/OA, p. 45448
09–30–0024—Saint Elizabeths Hospital General Administrative Record System, HHS/ADAMHA/NIMH, p. 45449
09–30–0026—Saint Elizabeths Hospital Research Project Record, HHS/ADAMHA/NIMH, p. 45450
09–30–0027—Grants: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships, Clinical Training, Community Services, Cooperative Agreements, HHS/ADAMHA/OA, p. 45451
09–30–0028—Saint Elizabeths Hospital General Medical/Clinical Records System and Related Indexes, HHS/ADAMHA/NIMH, p. 45453
09–30–0029—Record of Guest Workers, HHS/ADAMHA/OA, p. 45455
09–30–0030—Record of Visiting Fellows, HHS/ADAMHA/OA, p. 45455
09–30–0031—Saint Elizabeths Hospital Biometrics System, HHS/ADAMHA/NIMH, p. 45456
09–30–0033—Correspondence Files, HHS/ADAMHA/OA, p. 45457
09–30–0034—Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA, p. 45458
09–30–0035—Three Mile Island Mental Health Survey, Respondent Records, HHS/ADAMHA/NIMH, p. 45459
09–30–0036—Mental Health Epidemiologic and Biometric Research Data, HHS/ADAMHA/NIMH, p. 45460
09–30–0037—Psychotherapy of Opiate-Dependent Individuals, HHS/ADAMHA/NIMH, p. 45462
09–30–0038—Subjects/Participants in Pharmacokinetic Studies on Drugs of Abuse, HHS/ADAMHA/NIDA, p. 45463
09–30–0039—Drug Abuse Treatment Outcome Prospective Study, HHS/ADAMHA/NIDA, p. 45464
09–30–0041—Subject-Participants in a Drug Abuse Research Study on Naltrexane, HHS/ADAMHA/NIDA, p. 45466
09–30–0045—Respondents in a Validity/Reliability Study of Self-Reported Drinking, HHS/ADAMHA/NIAAA, p. 45467

National Institutes of Health (NIH)

09–25–0001—Clinical Research: Patient Records, HHS/NIH/NHLBI, p. 45775
09–25–0002—Clinical Research: Patient Phonocardiogram Records, HHS/NIH/NHLBI, p. 45776
09–25–0003—Administration: Authorized Radionuclide Users File, HHS/NIH/ORS, p. 45776
09–25–0004—Administration: Registry of Individuals Exposed to Chemical Carcinogens, HHS/NIH/ORS, p. 45777
09–25–0005—Administration: Library Circulation and User I.D. File, HHS/NIH/OD, p. 45778
09–25–0007—Administration: NIH Safety Shoes and Safety Glasses Insurance Program, HHS/NIH/ORS, p. 45778
09–25–0008—Administration: Radiation Workers Monitoring, HHS/NIH/ORS, p. 45779
09–25–0009—Clinical Research: Radiotherapy Patient File, HHS/NIH/ORS, p. 45780
09–25–0010—Research Resources: Registry of Individuals Potentially Exposed to Microbial Agents, HHS/NIH/NCI, p. 45781
09–25–0011—Clinical Research: Blood Donor Records, HHS/NIH/CC, p. 45781
09–25–0012—Clinical Research: Candidate Normal Volunteer Records, HHS/NIH/CC, p. 45782
09–25–0013—Clinical Research: Preadmission Medical Records, HHS/NIH/CC, p. 45783
09–25–0014—Clinical Research: Student Records, HHS/NIH/CC, p. 45784
09–25–0015—Clinical Research: Collaborative Clinical Epilepsy Research, HHS/NIH/NINCDS, p. 45784
09–25–0016—Clinical Research: Collaborative Perinatal Project, HHS/NIH/NINCDS, p. 45785
09–25–0019—Clinical Research: Genetic Counseling, HHS/NIH/NINCDS, p. 45786
09–25–0020—Clinical Research: Genetics of Neurological Disorders, HHS/NIH/NINCDS, p. 45787
09–25–0021—Clinical Research: Guam Patient/Control Registry, HHS/NIH/NINCDS, p. 45788

09-25-0026—Clinical Research: Nervous System Studies, HHS/NIH/NINCDS, p. 45789
09-25-0028—Clinical Research: Patient Medical Histories, HHS/NIH/NINCDS, p. 45789
09-25-0031—Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System, HHS/NIH/NINCDS, p. 45790
09-25-0033—International Activities: Fellowships Awarded by Foreign Organizations, HHS/NIH/FIC, p. 45791
09-25-0034—International Activities: Scholars Program HHS/NIH/FIC, p. 45792
09-25-0035—International Activities: International Health Exchange Programs Participants, HHS/NIH/FIC, p. 45793
09-25-0036—Grants: IMPAC (Grant/Contract Information), HHS/NIH/DRG, p. 45793
09-25-0037—Clinical Research: Gerontology Research Center Longitudinal Aging Study, HHS/NIH/NIA, p. 45795
09-25-0038—Clinical Research: Patient Data, HHS/NIH/NIADDK, p. 45795
09-25-0039—Clinical Research: Diabetes Mellitus Research Study of Southwestern American Indians, HHS/NIH/NIADDK, p. 45796
09-25-0040—Clinical Research: Southwestern American Indian Patient Data, HHS/NIH/NIADDK, p. 45797
09-25-0041—Research Resources: Scientist Requesting Hormone Distribution, HHS/NIH/NIADDK, p. 45798
09-25-0042—Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR, p. 45799
09-25-0043—Clinical Research: Phoryngeal Development Patients, HHS/NIH/NIDR, p. 45800
09-25-0044—Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR, p. 45801
09-25-0046—Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID, p. 45802
09-25-0048—Clinical Research: Serology-Epidemiology Parasite Research, HHS/NIH/NIAID, p. 45803
09-25-0049—Clinical Research: Atanta Federal Prison Malaria Research Projects, HHS/NIH/NIAID, p. 45803
09-25-0051—Grants: NIH Fellowship Payroll, HHS/NIH/DFM p. 45804
09-25-0053—Clinical Research: Vision Studies, HHS/NIH/NEI, p. 45805
09-25-0054—Administration: Property Accounting, HHS/NIH/ORS, p. 45806
09-25-0057—Clinical Research: Burkitt's Lymphoma Registry, HHS/NIH/NCI p. 45807
09-25-0060—Clinical Research: Division of Cancer Treatment Clinical Investigations, HHS/NIH/NCI, p. 45808
09-25-0064—Clinical Research: Japanese Hawaiian Cancer Studies, HHS/NIH/NCI, p. 45809
09-25-0067—Clinical Research: National Cancer Incidence Surveys, HHS/NIH/NCI, p. 45809
09-25-0068—Clinical Research: National Cancer Institute/American Cancer Society National Breast Cancer Screening of Antihypertensives, HHS/NIH/NCI, p. 45810
09-25-0069—NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI, p. 45811
09-25-0074—Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials, HHS/NIH/NCI, p. 45812
09-25-0075—Administration: Principal Investigators Submitting Proposals for Protection from Research Risks, HHS/NIH/OD, p. 45813
09-25-0077—Clinical Research: Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI, p. 45814
09-25-0078—Administration: Consultant File, HHS/NIH/NHLBI, p. 45815
09-25-0084—Administration: Curriculum Vitae of Scientists, Consultants and Board and Commission Members, HHS/NIH/NIADDK, p. 45815
09-25-0087—Administration: Employees and Consultants, HHS/NIH/NIAID, p. 45816
09-25-0088—Clinical Research: Researchers Using H-2 Soluble Antigen and H-2 Antiserum, HHS/NIH/NIAID, p. 45817
09-25-0089—Clinical Research: HLA Antiserum and Tray Users, HHS/NIH/NAID, p. 45817
09-25-0091—Administration: General Files on Employees, Donors and Correspondence, HHS/NIH/NEI, p. 45818
09-25-0093—Administration: Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI, p. 45819
09-25-0096—Contracts; National Cancer Institute Contract Management System Principal Investigators, Project Officers and Contract Specialists, HHS/NIH/NCI, p. 45820
09-25-0099—Clinical Research: Patient Medical Records, HHS/NIH/CC, p. 45820
09-25-0100—Clinical Research: Neuropharmacology Studies, HHS/NIH/NINCDS, p. 45822
09-25-0102—Administration: Grants Associates Program Working Files, HHS/NIH/DRG, p. 45822
09-25-0105—Administration: Health Records of Employees, Visiting Scientists, Fellows, Contractors and Relatives of Inpatients, HHS/NIH/OD, p. 45823
09-25-0106—Administration: Executive Secretariat Correspondence Records, HHS/NIH/OD, p. 45824
09-25-0108—Personnel: Guest Workers/Visiting Fellows/Student Scientist/Scientists Emeriti, HHS/NIH/DPM, p. 45825
09-25-0112—Grants: Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD, p. 45825
09-25-0115—Administration: Curricula Vitae of Consultants and Investigators, HHS/NIH/NIAID, p. 45828
09-25-0116—Contracts: Medical Consultants Under Professional Services Contracts, HHS/NIH/NIAID, p. 45829
09-25-0117—International Activities: US-Japan Program Panel Members, HHS/NIH/NIAID, p. 45829
09-25-0118—Contracts: Professional Services Contractors, HHS/NIH/NIAID, p. 45830
09-25-0121—International Activities: Senior International Fellowships Program, HHS/NIH/FIC, p. 45830
09-25-0123—Clinical Research: Clinical Trials Dealing with Fertility—Regulating Methods, HHS/NIH/NICHD, p. 45831
09-25-0124—Administration: Pharmacology Research Associates, HHS/NIH/NIGMS, p. 45832
09-25-0126—Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI, p. 45833
09-25-0127—Clinical Research: Clinical Trials Dealing with Phototherapy for Neonatal Hyperbilirubinemia, HHS/NIH/NICHD, p. 45834
09-25-0128—Clinical Research: Neural Prosthesis and Biomedical Engineering Studies, HHS/NIH/NINCDS, p. 45835
09-25-0129—Clinical Research: Clinical Research Studies Dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NINCDS, p. 45836
09-25-0130—Clinical Research: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45837
09-25-0131—Clinical Research: Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45838
09-25-0133—Clinical Research: Kidney Transplant Histocompatibility Study (KTHS), HHS/NIH/NIAID, p. 45839
09-25-0134—Clinical Research: Epidemiology Studies, National

Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45840
09–25–0135—Grants: PROPHET Sytem Applicants Research Prospectuses, HHS/NIH/DRR, p. 45842
09–25–0138—Biomedical Research: Studies of Possible Influence on Cognitive and Emotional Development of Children, HHS/NIH/NICHD, p. 45843
09–25–0140—International Activities: Scientific Visitors at the National Institutes of Health, HHS/NIH/FIC, p. 45844
09–25–0141—Patient and Donor Records in the Blood Component Support Program for the Division of Cancer Treatment, HHS/NIH/NCI, p. 45845
09–25–0142—Clinical Research: Records of Subjects in Intramural Research, Epidemiology Demography and Biometry Studies on Aging, HHS/NIH/NIA, p. 45846
09–25–0143—Biomedical Research: Records of Subjects in Clinical Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID, p. 45847
09–25–0147—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI, p. 45849
09–25–0148—Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS, p. 45850
09–25–0149—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS, p. 45852
09–25–0150—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45853
09–25–0151—Administration: Alert Records Concerning Investigations or Determinations of Misconduct by Current or Potential Recipients of Funds for Biomedical Research, HHS/NIH/OD, p. 45855

Centers for Disease Control (CDC)

09–20–0000—Cooperative Mycoses Study, HHS/CDC/OCD, p. 45470
09–20–0001—Certified Interpreting Physician Files, HHS/CDC/NIOSH, p. 45471
09–20–0027—Radiation Exposure Records for NIOSH Employee, HHS/CDC/NIOSH, p. 45472
09–20–0055—Research/Demonstration, and Training Grants and Cooperative Agreements Application Files, HHS/CDC/NIOSH, p. 45473
09–20–0059—Division of Training Mailing List, HHS/CDC/NIOSH, p. 45474
09–20–0083—Diagnostic Methods for Identification of Occupational Diseases through Biopsy and/or Autopsy Specimens, HHS/CDC/NIOSH, p. 45474
09–20–0086—Surveillance of Persons on Isoniazid Prevention Treatment for Tuberculosis, HHS/CDC/CPS, p. 45476
09–20–0087—Surveillance of Inadvertant Vaccination During Pregnancy, HHS/CDC/CPS, p. 45477
09–20–0088—Subacute Sclerosing Panencephalitis Surveillance, HHS/CDC/CPS, p. 45478
09–20–0089—Studies of Treatment of Tuberculosis and other Mycobacterioses, HHS/CDC/CPS, p. 45478
09–20–0090—Studies of Testing for Tuberculosis and other Mycobacterioses, HHS/CDC/CPS, p. 45480
09–20–0093—Tuberculosis Preventive Therapy Studies, HHS/CDC/CPC, p. 45480
09–20–0094—Studies of Drug Resistant Tuberculosis Cases/Contracts, HHS/CDC/CPS, p. 45481
09–20–0095—Varicelo Zoster Immune Globulin Records on High Risk Immunosuppressed Children Exposed to Chickenpox, HHS/CDC/CPS, p. 45482
09–20–0096—Tuskegee Study of Untreated Syphilis Medical Care Program, HHS/CDC/CPS, p. 45483
09–20–0097—Studies of the Effects of BCG Vaccinations for Tuberculosis, HHS/CDC/CPS, p. 45484
09–20–0098—Congenital Rubella Registry, HHS/CDC/CPS, p. 45486
09–20–0102—Alien Mental Waiver Program, HHS/CDC/CPS, p. 45486
09–20–0103—Alien Tuberculosis Follow-up Program, HHS/CDC/CPS, p. 45487
09–20–0106—Specimen Handling for Testing and Related Data, HHS/CDC/CID, p. 45488
09–20–0107—Dengue and Research Studies, HHS/CDC/CID, p. 45489
09–20–0112—CDC Exchange Visitor and Guest Researcher Records, HHS/CDC/OAM, p. 45491
09–20–0113—Epidemic Investigation Case Records, HHS/CDC/CID, p. 45491
09–20–0117—Medical and Test Record Results of Individuals Involved in NIOSH Laboratory Studies, HHS/CDC/NIOSH, p. 45492
09–20–0118—Study at Work-Sites Where Agents Suspected of Being Occupational Hazards Exist, HHS/CDC/NIOSH, p. 45493
09–20–0136—Epidemiologic Studies and Surveillance of Disease Problems, HHS/CDC/CID, p. 45494
09–20–0137—Passport File, HHS/CDC/FMO, p. 45496
09–20–0138—Epidemic Intelligence Service Officers Files, HHS/CDC/EPO, p. 45496
09–20–0147—Occupational Health Epidemiological Studies, HHS/CDC/NIOSH, p. 45497
09–20–0148—Results of Occupational Hearing Studies, HHS/CDC/NIOSH, p. 45499
09–20–0149—General Industry Morbidity Studies, HHS/CDC/NIOSH, p. 45500
09–20–0150—Morbidity Studies in Coal Mining Activities, HHS/CDC/NIOSH, p. 45501
09–20–0151—Mortality Studies in Coal Mining Activities, HHS/CDC/NIOSH, p. 45502
09–20–0152—Mortality Studies in Non-Coal Mining Activities, HHS/CDC/NIOSH, p. 45504
09–20–0153—General Industry Mortality Studies, HHS/CDC/NIOSH, p. 45505
09–20–0154—Medical and Laboratory Studies, HHS/CDC/NIOSH, p. 45507
09–20–0155—Morbidity Studies in Metal and Non-Metal Mining Activities, HHS/CDC/CDC/NIOSH, p. 45508
09–20–0156—Cytotechnologist Proficiency Answer Sheets and Test Results (Medicare), HHS/CDC/LIPO, p. 45509
09–20–0157—Clinical Laboratory Technologists Proficiency Answer Sheets and Test Results (Medicare), HHS/CDC/LIPO, p. 45510
09–20–0158—Independent Laboratory Directors Proficiency Answer Sheets and Exam Results (Medicare), HHS/CDC/LIPO, p. 45511
09–20–0159—Records of Subjects in Certification, Testing and Safety Studies of Personal Protective Devices for Hazardous Work Environments, HHS/CDC/NIOSH, p. 45512
09–20–0160—Records of Subjects in Health Education Studies, HHS/CDC/CHPE, p. 45513

Health Services Administration (HSA)

09–15–0001—Division of Federal Employee, Occupational Health, Health and Counseling Records, HHS/HSA/BMS, p. 45560
09–15–0002—Record of Patients' Personal Valuables and Monies, HHS/HSA/BMS, p. 45561
09–15–0003—Contract Physicians and Consultants, HHS/HSA/BMS, p. 45562
09–15–0004—Federal Employee Occupational Health Data System, HHS/HSA/BMS, p. 45562

09–15–0007—Patients Medical Record System PHS Hospital/Clinics, HHS/HSA/BMS, p. 45563
09–15–0008—Emergency Non-PHS Treatment Authorization File, HHS/HAS/BMS, p. 45566
09–15–0018—Unofficial Vital Records System, HHS/HSA/IHS, p. 45566
09–15–0019—Health and Medical Records Systems, HHS/HSA/IHS, p. 45567
09–15–0022—Accounts Receivable, HHS/HSA/BMS, p. 45573
09–15–0026—Medical Fellowships and Educational Loans, HHS/HSDA/OA, p. 45573
09–15–0027—National Health Service Corps (NHSC) and Indian Health Services (IHS) Pre-Application Recruitment and Provider File, HHS/HSA/BHPDS 45574
09–15–0028—PHS Clinical Affiliation Trainee Records, HHS/HSA/BMS, p. 45575
09–15–0029—PHS Beneficiary-Contract Medical/Health Care Records, HHS/HSA/BMS, p. 45576
09–15–0036—Health Professions Preparatory Scholarship Program for Indians and Health Professions Scholarship Program Record System, HHS/HSA/IHS, p. 45577
09–15–0037—Public Health Service Scholarship and National Health Service Corps Scholarship Program, HHS/HSA/BHPDS, p. 45579
09–15–0038—Disability Claims of the Nursing Student, HHS/HSA/BHPDS, p. 45580
09–15–0039—Disability Claims in the Health Professions Student Loan Program, HHS/HSA/BHPDS, p. 45581
09–15–0040—Health Professions Student Loan Repayment Program, HHS/HSA/BHPDS, p. 45582
09–15–0041—Health Professions Student Loan Cancellation, HHS/HSA/BHPDS, p. 45584
09–15–0042—Physician Shortage Area Scholarship Program, HHS/HSA/BHPDS, p. 45585
09–15–0043—Cuban Loan Program, HHS/HSA/BHPDS, 45586
09–15–0044—Health Education Assistant Loan Program (HEAL) Loan Control Master File, HHS/HSA/BHPDS, p. 45586

Food and Drug Administration (FDA)

09–10–0002—Regulated Industry Employee Enforcement Records, HHS/FD/ACMO, p. 45412
09–10–0003—FDA Credential Holder File, HHS/FDA/EDRO, p. 45415
09–10–0004—Communications (Oral and Written) with the Public, HHS/FDA/ACMO, p. 45415
09–10–0005—State Food and Drug Official File, HHS/FDA/EDRO, p. 45416
09–10–0007—Science Advisor Research Associate Program (SARAP), HHS/FDA/EDRO, p. 45417
09–10–0008—Radiation Protection Program Personnel Monitoring System, HHS/FDA/BRH, p. 45418
09–10–0009—Special Studies and Surveys on FDA Regulated Products, HHS/FDA/ACMO, p. 45418
09–10–0010—Bioresearch Monitoring Information System, HHS/FDA/BD, p. 45419
09–10–0011—Certified Retort Operators, HHS/FDA/BF, p. 45420
09–10–0012—Association of Offical Analytical Chemists (AOAC) Member File, HHS/FDA/AOAC, p. 45421
09–10–0013—Employee Conduct Investigative Records, HHS/FDA/ACMO, p. 45422
09–10–0015—Blood Donors for Tissue Typing Sera and Cell Analysis and Related Research, HHS/FDA/NCDB/OB, p. 45423
09–10–0017—Epidemiological Research Studies of the Bureau of Radiological Health, HHS/FDA/BRH, p. 45423
09–10–0018—Employee Identification Card Information Records, HHS/FDA/ACMO, p. 45425

SUBJECT/KEY WORD INDEX

System Number/System Name/FR Page Number

Accounting

09–15–0022—Accounts Receivable, HSS/HSA/BMS, p. 45573
09–30–0014—Saint Elizabeths Hospital Financial System, HHS/ADAMHA/NIMH, p. 45440
09–60–0063—Resource Accounting and Project Management System, HHS/SSA/OS, p. 45620
09–70–0504—Beneficiary Part A and B Uncollectible Overpayment Files, HHS/HCFA/BPO, p. 45722
09–70–0517—Physician/Supplier 1099 File (Statement for Recipients of Medical and Health Care Payment), HHS/HCFA/BPO, p. 45730
09–70–0522—Billing and Collection Master Record System, HHS/HCFA/BPO, p. 45733
*09–90–0024—Accounting Records of Payments to Individuals from Agency and Regional Financial Management and Disbursing Offices, HHS/OS/OASMB/1, p. 45521

Administration on Aging

09–80–0022—Longitudinal Evaluation of the National Nutrition Program for the Elderly, HHS/OHDS/AoA, p. 45404

Administrative Law Judges

09–60–0006—Administrative Law Judge's Docket, HHS/SSA/OHA, p. 45596
09–60–0213—Quality Review of Hearing Process, HHS/SSA/OHA, p. 45655

Administrative Practices and Procedures

09–30–0024—Saint Elizabeths Hospital General Administrative Record System, HHS/ADAMHA/NIMH, p. 45449
09–60–0003—Hearing File and Attorney Fee File, HHS/SSA/OHA, p. 45592
09–70–0520—End Stage Renal Disease (ESRD) Program Management and Medical Information System (Registry), HHS/HCFA/BPO, p. 45731

Adults

09–25–0044—Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR, p. 45801

Advisors

09–60–0012—Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Advisors, and Medical Consultants, HHS/SSA/OHA, p. 45597
09–60–0013—Records of Usage of Medical Advisors, Medical Consultants and Vocational Experts, HHS/SSA/OHA, p. 45598
09–60–0014—Curriculum Vitae and Professional Qualifications of Medical Officers and Medical Advisors and Medical Consultants and Resume of Vocational Experts, HHS/SSA/OHA, p. 45599

Advisory Committees

09–25–0036—Grants: IMPAC (Grant/Contract Information), HHS/NIH/DRG, p. 45793
09–25–0084—Administration: Curricula Vitae of Scientists, Consultants, and Board and Commission Members, HHS/NIH/NIADDK, p. 45815
09–30–0018—Saint Elizabeths Hospital Area D Community Mental Health Center Citizens Advisory Group Records, HHS/ADAMHA/NIMH, p. 45444
*09–90–0059—Federal Advisory Committee Membership Files, HHS/OS/OASPER, p. 45769
09–90–0008—Secretary's Advisory Committee Candidate Files, HHS/OS/ES, p. 45536

Aged

09–25–0037—Clinical Research: Gerontology Research Center Longitudinal Aging Study, HHS/NIH/NIA, p. 45795
09–25–0142—Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA, p. 45846
09–60–0202—Old Age, Survivors and Disability Beneficiary and Worker Records and Extracts (Statistics), HHS/SSA/OP, p. 45650

09-70-0010—Current Medicare Survey (Statistics), HHS/HCFA/ORD, p. 45599
09-80-0022—Longitudinal Evaluation of the National Nutrition Program for the Elderly HHS/OHDS/AoA, p. 45404
09-90-0088—National Long-Term Care Channeling Demonstration (NLTCCD), HHS/OS/OASPE, p. 45552
09-90-0089—National Long-Term Care Survey, HHS/OS/OASPE, p. 45554

Alcohol

09-30-0045—Respondents in a Validity/Reliability Study of Self-Reported Drinking, HHS/ADAMHA/NIAAA, p. 45467

Alcoholism

*09-90-0010—Employee Counseling Service Program Records, HHS/OS/OASPER, p. 45750

Aliens

09-20-0102—Alien Mental/Waiver Program, HHS/CDC/CPS, p. 45486
09-20-0103—Alien Tuberculosis Follow-up Program, HHS/CDC/CPS, p. 45487

Analytical Chemists

09-10-0012—Association of Official Analytical Chemists (AOAC) Member File, HHS/FDA/AOAC, p. 45421

Appeals

09-60-0004—Appeals File, HHS/SSA/OHA, p. 45593
09-60-0009—Hearings and Appeals Case Control System, HHS/SSA/OHA, p. 45597
09-60-0184—Hearing Office Master Calendar, HHS/SSA/OHA, p. 45644

Applicants

09-10-0007—Science Advisor Research Associate Program (SARAP), HHS/FDA/EDRO, p. 45417
09-15-0027—National Health Service Corps (HHSC) and Indian Health Services (IHS) Pre-Application Recruitment and Provider File, HHS/HSA/BHPDS, p. 45574
09-15-0037—Public Health Service Scholarship and National Health Service Corps Scholarship Program, HHS/HSA/BHPDS, p. 45579
09-37-0009—Applied Statistics Training Institute Applicants and Students, HHS/OASH/OHRST, p. 45685
09-60-0040—Quality Review System, HHS/SSA/OA p. 45606
09-60-0042—Quality Review Casefile, HHS/SSA/OA, p. 45607
09-60-0057—Quality Evaluation Data Records, HHS/SSA/OA, p. 45615
09-60-0066—Claims Development Record, HHS/SSA/OFQ, p. 45621
09-60-0089—Claims Folders System, HHS/SSA/OOPP, p. 45623
09-60-0103—Supplemental Security Income Record, HHS/SSA/OURV, p. 45635
09-60-0212—Supplemental Security Income Operational Quality Maintenance System, HHS/SSA/OA p. 45654
*09-90-0006—Applicants for Employment Records, HHS/OS/OASPER, p. 45743
*09-90-0020—Suitability for Employment Records, HHS/OS/OASPER, p. 45764
09-90-0066—OGC—Attorney Applicant file, HHS/OS/OGC, p. 45544

Appraisal

*09-90-0011—Employee Appraisal Program Records, HHS/OS/OASPER, p. 45751.

Archives and Records

09-90-0036—Secretary's Official Files, HHS/SOS/ES, p.45536

Assistance

09-60-0216—Indochina Refugee, Refugee Financial Assistance System, HHS/SSA/ORR, p. 45657
09-60-0217—Cuban Refugee Registration Records, HHS/SSA/ORR, p. 45658.
09-90-0087—Recipient Survey for Monthly Reporting and Retrospective Accounting Study, HHS/OS/ASPE, p. 45551

Atlanta

09-25-0049—Clinical Research: Atlanta Federal Prison Malaria Research Projects, HHS/NIH/NIAID, p. 45803

Attendance

*09-90-0017—Pay, Leave and Attendance Records, HHS/OS/OASPER, p. 45759

Authors

09-25-0093—Administration: Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI, p. 45819

Beneficiaries

09-30-0021—Patient Medical Records on PHS Beneficiaries 1935–1974 and Civilly Committed Narcotic Addicts 1967–1974 Treated at PHS Hospitals, HHS/ADAMHA/NIDA, p. 45446
09-60-0040—Quality Review System, HHS/SSA/OA, p. 45606
09-60-0042—Quality Review Casefile, HHS/SSA/OA, p. 45607
09-60-0052—Disposition of Vocational Rehabilitation Report to Social Security Administration, HHS/SSA/ODP p. 45613
09-60-0066—Claims Development Record, HHS/SSA/OFO, p. 45621
09-60-0089—Claims Folders System, HHS/SSA/OOPP, p. 45623
09-60-0090—Master Beneficiary Record (MBR), HHS/SSA/OURV, p. 45626
09-60-0094—Recovery Accounting for Overpayments, HHS/SSA/OURV, p. 45630
09-60-0117—Age at First Payment of Retirement Insurance Benefits, HHS/SSA/OACT, p. 45638
09-60-0118—Non-Contributory Military Service Reimbursement System, HHS/SSA/OP, p. 45638
09-60-0202—Old Age, Survivors and Disability Beneficiary and Worker Records and Extracts (Statistics), HHS/SSA/OP, p. 45650
09-60-0203—Supplemental Security Income (SSI) Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45651
09-70-0008—Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics), HHS/HCFA/BDMS, p. 45698
09-70-0022—Municipal Health Services Program, HHS/HCFA/ORD, p. 45706
09-70-0501—Carrier Medicare Claims Records, HHS/HCFA/BPO, p. 45717
09-70-0502—Health Insurance Master Record, HHS/HCFA/BPO, p. 45719
09-70-0503—Intermediary Medicare Claims Records, HHS/HCFA/BPO, p. 45720
09-70-0504—Beneficiary Part A and B Uncollectible Overpayment Files, HHS/HCFA/BPO, p. 45722
09-70-0506—Group Health Plan System, HHS/HCFA/BPO, p. 45724
09-70-0509—Medicare Beneficiary Correspondence Files, HHS/HCFA/BPO, p. 45726

Benefit Payments

09-60-0090—Master Beneficiary Record (MBR), HHS/SSA/OURV, p. 45626

Benefits

09-60-0045—Black Lung Payment System, HHS/SSA/OURV, p. 45610
09-60-0047—Critical Case Processing Time, HHS/SSA/OOPP, p. 45612
09-60-0050—Completed Determination Record—Continuing Disability Determinations, HHS/SSA/OOPP, p. 45612
09-60-0056—Vocational Rehabilitation Savings Calculation, HHS/SSA/ODP, p. 45615
09-60-0057—Quality Evaluation Data Records, HHS/SSA/OA, p. 45615
09-60-0119—Special Age 72 Benefit Trust Fund Transfer Project, HHS/SSA/OP, p. 45639
09-60-0129—Adjudication of Supplemental Security Income Policy Analysis Review, HHS/SSA/OA, p. 45640

09–70–0005—Medicare Bill Files (Statistics), HHS/HCFA/BDMS, p. 45696
09–70–0006—Medicare Enrollment Records (Statistics), HHS/HCFA/BDMS, p. 45697
09–70–0017—Health Insurance Benefit and Actuarial Sample Control System, HHS/HCFA/BDMS, p. 45703
09–70–0018—Actuarial Health Insurance and Supplementary Medical Insurance (Medicare), HHS/HCFA/BDMS, p. 45703
09–70–0019—Actuarial Sample Hospital Stay Record Study, HHS/HCFA/BDMS, p. 45704
09–70–0020—Actuarial Sample of Supplementary Medical Insurance Payments, HHS/HCFA/BDMS, p. 45705
09–70–0506—Group Health Plan System, HHS/HCFA/BPO, p. 45724
09–70–0507—Health Insurance Utilization Microfilm, HHS/HCFA/BPO, p. 45724
09–70–0513—Explanation of Medicare Benefit Records, HHS/HCFA/BPO, p. 45728
09–90–0086—Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/OASPE, p. 45550
09–90–0102—Federal Personnel/HHS or HHS Funded Benefit and Loan Program Temporary Matching File, HHS/OS/OIG, p. 45530

Biographies

09–90–0028—Biographies and Photographs and HHS Officials, HHS/OS/OASPA, p. 45533

Biologics

09–20–0087—Surveillance of Inadvertent Vaccination During Pregnancy, HHS/CDC/CPS, p. 45477
09–20–0088—Subacute Sclerosing Panencephalitis Surveillance, HHS/CDC/CPS, p. 45478
09–25–0031—Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System, HHS/NIH/NINCDS, p. 45790
09–25–0048—Clinical Research: Serology-Epidemiology Parasite Research, HHS/NIH/NIAID, p. 45803

Biomedical

09–25–0148—Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS, p. 45850

Biometrics

09–25–0126—Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NINCDS, p. 45833
09–25–0142—Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA p. 45846
09–25–0143—Biomedical Research: Records of Subjects in Clinical Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID, p. 45847
09–30–0031—Saint Elizabeths Hospital Biometrics System, HHS/ADAMHA/NIMH, p. 45456
09–30–0036—Mental Health Epidemiologic and Biometric Research Data, HHS/ADAMHA/NIMH, p. 45480

Births

09–15–0018—Unofficial Vital Records System, HHS/HSA/IHS, p. 45566
09–37–0012—Vital Statistics for Births, Deaths, Fetal Deaths, Marriage and Divorces Occurring in the United States During Each Year, HHS/OASH/OHRST p. 45688

Black Lung Disease

09–60–0015—List of Physicians Utilized as Readers of Black Lung X-Ray Films, HHS/SSA/OHA, p. 45600
09–60–0045—Black Lung Payment System, HHS/SSA/OURV, p. 45610

Bladder Cancer

09–25–0074—Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials, HHS/NIH/NCI, p. 45812

Blood

09–25–0048—Clinical Research: Serology-Epidemiology Parasite Research, HHS/NIH/NIAID, p. 45803
09–25–0126—Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI, p. 45833
09–25–0141—Patient and Donor Records in the Blood Component Support Program for the Division of Cancer Treatment, HHS/NIH/NCI, p. 45845

Blood Donors

09–10–0015—Blood Donors for Tissue Typing Sera and Cell Analysis and Related Research, HHS/FDA/NCDB/OB, p. 45423
09–25–0011—Clinical Research: Blood Donor Records, HHS/NIH/CC, p. 45781

Breast Cancer

09–25–0068—Clinical Research: National Cancer Institute/American Cancer Society National Breast Cancer Screening of Antihypertensives, HHS/NIH/NCI, p. 45810

Burkitt's Lymphoma

09–25–0057—Clinical Research: Burkitt's Lymphoma Registry, HHS/NIH/NCI, p. 45807

Business and Industry

09–10–0002—Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO, p. 45412
09–90–0025—Central Registry of Individuals Doing Business with HHS, HHS/OS/OASMB/2, p. 45523

Cancer

09–25–0010—Research Resources: Registry of Individuals Potentially Exposed to Microbial Agents, HHS/NIH/NCI, p. 45781
09–25–0060—Clinical Research: Division of Cancer Treatment Clinical Investigations, HHS/NIH/NCI, p. 45808
09–25–0064—Clinical Research Japanese Hawaiian Cancer Studies, HHS/NIH/NCI, p. 45809
09–25–0067—Clinical Research: Nation Cancer Incidence Surveys, HHS/NIH/NCI, p. 45809
09–25–0068—Clinical Research: National Cancer Institute/American Cancer society National Breast Cancer Screening of Antihypertensives, HHS/NIH/NCI, p. 45810
09–25–0069—NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI, p. 45811
09–25–0077—Clincial Research: Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI, p. 45814
09–25–0093—Administration: Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI, p. 45819
09–25–0096—Contracts: National Cancer Institute Contract Management System Principal Investigators, Project Officers and Contract Specialists, HHS/NIH/NCI, p. 45820
09–25–0118—Contracts: Professional Services Contractors, HHS/NIH/NIAID, p. 45830
09–25–0130—Clinical Research: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45837
09–25–0131—Clinical Research: Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45838
09–25–0141—Patient and Donor Records in the Blood Component Support Program for the Division of Cancer Treatment, HHS/NIH/NCI, p. 45845

Capitation

09–70–0027—Evaluation of HMO Capitation Demonstration, HHS/HCFA/ORD, p. 45715

Carcinogens

09–20–0149—General Industry Morbidity Studies, HHS/CDC/NIOSH, p. 45500
09–25–0004—Administration: Registry of Individuals Exposed to Chemical Carcinogens, HHS/NIH/ORS, p. 45777

Caregivers

09–90–0089—National Long-Term Care Survey, HHS/OS/OASPE, p. 45554

Case Locator

09–60–0092—Automated Control System for Case Folders, HHS/SSA/OURV, p. 45629
09–60–0186—SSA Litigation Tracking System, HHS/SSA/OR, p. 45645

Cases

09–60–0009—Hearings and Appeals Case Control System, HHS/SSA/OHA, p. 45597
09–60–0042—Quality Review Casefile, HHS/SSA/OA, p. 45607
09–60–0092—Automated Control System for Case Folders, HHS/SSA/OURV, p. 45629
09–60–0097—Program Integrity Case Files, HHS/SSA/OA, p. 45632
09–60–0184—Hearing Office Master Calendar, HHS/SSA/OHA, p. 45644
09–60–0213—Quality Review of Hearing Process, HHS/SSA/OHA, p. 45655
09–70–0508—Reconsideration and Hearing Case Files (Part A) Hospital Insurance Program, HHS/HCFA/BPO, p. 45725
09–70–0512—Review and Fair Hearing Case Files-Supplementary Medical Insurance Program, HHS/HCFA/BPO, p. 45727
09–70–2002—HCFA Program Integrity/Program Validation Cases Files, HHS/HCFA/BQC, p. 45739
09–90–0050—Case Information Management System, HHS/OS/OCR, p. 45539

Case Controls

09–60–0009—Hearings and Appeals Case Control System, HHS/SSA/OHA, p. 45597
09–60–0091—Social Security Administration Claims Control System, HHS/SSA/OURV, p. 45628

Citizenship and Naturalization

09–60–0206—Repatriate Records System, HHS/SSA/OFA, p. 45652

Civil Rights

09–90–0009—Discrimination Complaints Records, HHS/OS/OASPER, p. 45748
09–90–0050—Case Information Management System, HHS/OS/OCR, p. 45539
09–90–0051—Complaint Files and Log, HHS/OS/OCR, p. 45539

Claims

09–60–0003—Hearing File and Attorney Fee File, HHS/SSA/OHA, p. 45592
09–60–0004—Appeals File, HHS/SSA/OHA, p. 45593
09–60–0005—Hearing Office Files, HHS/SSA/OHA, p. 45594
09–60–0006—Storage of Hearing Records: Tape Cassettes and Audiograph Discs, HHS/SSA/OHA, p. 45595
09–60–0008—Administrative Law Judge's Docket, HHS/SSA/OHA, p. 45596
09–60–0009—Hearings and Appeals Case Control System, HHS/SSA/OHA, p. 45597
09–60–0044—Disability Determination Service Processing File, HHS/SSA/ODP, p. 45609
09–60–0046—Consultative Physician's File, HHS/SSA/ODP, p. 45611
09–60–0047—Critical Case Processing Time, HHS/SSA/OOPP, p. 45612
09–60–0050—Completed Determination Record-Continuing Disability Determinations, HHS/SSA/OOPP, p. 45612
09–60–0066—Claims Development Record, HHS/SSA/OFO, p. 45621
09–60–0089—Claims Folder System, HHS/SSA/OOPP, p. 45623
09–60–0091—Social Security Administration Claims Control System, HHS/SSA/OURV, p. 45628
09–60–0092—Automated Control System for Case Folders, HHS/SSA/OURV, p. 45629
09–60–0102—Fee Ledger System for Representatives, HHS/SSA/OIP, p. 45634
09–60–0128—Retirement, Survivors and Disability Insurance Claims, HHS/SSA/OA, p. 45640
09–70–0501—Carrier Medicare Claims Records, HHS/HCFA/BPO, p. 45717
09–70–0503—Intermediary Medicare Claims Records, HHS/HCFA/BPO, p. 45720
09–70–0521—Medicare Beneficiary Claims for Emergency Services, HHS/HCFA/BPO, 45732
09–90–0062—Administrative Claims, HHS/OS/OGC, p. 45540
09–90–0071—Social Security Code Cards, HHS/OS/OGC, p. 45546

Clinical Laboratory Technologists

09–20–0157—Clinical Laboratory Technologists Proficiency Answer Sheets and Test Results (Medicare), HHS/CDC/LIPO, p. 45510

Clinics

09–70–0022—Municipal Health Services Program, HHS/HCFA/ORD, p. 45706

Collections

09–70–0505—Supplemental Medical Insurance Accounting Collection and Enrollment System, HHS/HCFA/BPO, p. 45723

Commissioned Officers

09–37–0002—PHS Commissioned Officer Personnel Data System, HHS/OASH/OM, p. 45676
09–37–0003—PHS Commissioned Corps Medical Records, HHS/OASH/OM, p. 45677
09–37–0004—PHS Commissioned Corps Training Files, HHS/OASH/OM, p. 45670
09–37–0005—PHS Commissioned Corps Board Proceedings, HHS/OASH/OM, p. 45680
09–37–0006—PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation, and Disciplinary Files, HHS/OASH/OM, p. 45681
09–37–0007—PHS Commissioned Corps General Personnel Records, HHS/OASH/OM, p. 45682
09–37–0008—PHS Commissioned Corps Unofficial Personnel Files and Other Station Files, HHS/OASH/OM, p. 45684

Community Care

09–90–0088—National Long-Term Care Channeling Demonstration (NLTCCD), HHS/OS/ASPE, p. 45552

Complaints

09–37–0006—PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation, and Disciplinary Files, HHS/OASH/OM, p. 45681
09–70–1509—Complaint Files on Nursing Homes, HHS/HCFA/HSQB/DLTC, p. 45736
09–80–0002—Developmental Disabilities Complaints and Correspondence File, HHS/HDS/ADD, p. 45402
*09–90–0007—Complaints and Inquiries Records—Miscellaneous, HHS/OS/OASPER, p. 45748
*09–90–0009—Discrimination Complaints Records, HHS/OS/ASPER, p. 45748
*09–90–0014—Grievances Filed Under Part 771 of 5 CFR, HHS/OS/OASPER, p. 45755
*09–90–0015—Grievances Filed Under Procedures Established by Labor-Management Negotiations, HHS/OS/OASPER, p. 45756

09–90–0046—Consumer Complaint Correspondence System, HHS/OS/OCA, p. 45538
09–90–0050—Case Information Management System, HHS/OS/OCR, p. 45539
09–90–0051—Complaint Files and Log, HHS/OS/OCR, p. 45539
09–90–0064—Litigation Files, Administrative Complaints, and Adverse Personnel Actions, HHS/OS/OGC, p. 45542
*09–90–0095—Management Information System Efficiency Report (Miser), HHS/OS/OASPER/OPSI&OCAM, p. 45771

Computer Matching

09–60–0148—Matches of Internal Revenue Service and Social Security Administration Data with Census Survey Data (Joint Social Security Administration/Census Statistics Development Project), HHS/SSA/OP, p. 45641
09–60–0149—Matches of Internal Revenue Service and Social Security Administration Data (Joint Social Security Administration/Treasury Department Office of Tax Analysis, Statistics Development Project), HHS/SSA/OP, p. 45642
09–90–0102—Federal Personnel/HHS or HHS Funded Benefit and Loan Program Temporary Matching File, HHS/OS/OIG, p. 45530

Computer Technology

09–25–0135—Grants: PROPHET System Applicants Research Prospectuses, HHS/NIH/DRR, p. 45842
09–60–0063—Resource Accounting and Project Management System, HHS/SSA/OS, p. 45620
09–60–0210—Record of Individuals Authorized Entry to Secured Automated Data Processing (ADP) Areas, HHS/SSA/OS, p. 45653

Conflict of Interest

*09–90–0008—Conflict of Interest Records, HHS/OS/OASPER, p. 45747
09–90–0065—Conflict of Interest-Standards of Conduct Records, HHS/OS/OGC, p. 45543

Congress

09–60–0075—Congressional Bills File, HHS/SSA/OP, p. 45621
09–60–0077—Congressional Inquiry File, HHS/SSA/OFO, p. 45622
09–90–0027—Congressional Correspondence Unit, HHS/OS/ASL, p. 45531
09–90–0072—Congressional Grants Notification Unit, HHS/OS/ASL, p. 45532

Consultants

09–15–0003—Contract Physicians and Consultants, HHS/HSA/BMS, p. 45562
09–25–0078—Administration: Consultant File, HHS/NIH/NHLBI, p. 45815
09–25–0084—Administration: Curriculum Vitae of Scientists, Consultants, and Board and Commission Members, HHS/NIH/NIADDK, p. 45815
09–25–0087—Administration: Employees and Consultants, HHS/NIH/NIAID, p. 45816
09–25–0115—Administration: Curricula Vitae of Consultants and Investigators, HHS/NIH/NIAID, p. 45828
09–25–0116—Contracts: Medical Consultants Under Professional Services Contracts, HHS/NIH/NIAID, p. 45829
09–35–0027—Consultants for Office for Health Resources Opportunity, HHS/HRA/OHRO, p. 45409
09–37–0014—Curriculum Vitae of Consultants to the National Center for Health Statistics, HHS/OASH/CHRST, p. 45690
09–60–0012—Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Advisors and Medical Consultants, HHS/SSA/OHA, p. 45597
09–60–0013—Records of Usage of Medical Advisors, Medical Consultants and Vacational Experts, HHS/SSA/OHA, p. 45598
09–60–0014—Curriculum Vitae and Professional Qualifications of Medical Officers and Medical Advisors and Medical Consultants and Resume of Vocational Experts, HHS/SSA/OHA, p. 45599
09–60–0033—Request for Review of Proposed Centracts with Experts and Consultants, HHS/SSA/OMBP, p. 45604
09–60–0046—Consultative Physician's File, HHS/SSA/ODP, p. 45611
09–70–0510—Alphabetical Name File (folder) of Health Insurance Program Consultants, HHS/HCFA/BPO, p. 45727

Consumer

09–90–0041—Consumer Mailing Lists, HHS/OS/OCA, p. 45537
09–90–0046—Consumer Complaint Correspondence System; HHS/OS/OCA, p. 45538

Consumer Protection

09–60–0032—Employee Indebtedness Counseling System, HHS/SSA/OMBP, p. 45603
09–90–0046—Consumer Complaint Correspondence System, HHS/OS/OCA, p. 45538

Contracts

09–15–0003—Contract Physicians and Consultants, HHS/HSA/BMS, p. 45562
09–15–0029—PHS Beneficiary—Contract Medical/Health Care Records, HHS/HSA/BMS, p. 45576
09–25–0036—Grants: IMPAC (Grant/Contract Information), HHS/NIH/DRG, p. 45793
09–25–0096—Contracts: National Cancer Institute Contract Management System Principal Investigators, Project *Officers and Contract Specialists, HHS/NIH/NCI, p. 45820
09–25–0018—Contracts: Professional Services Contractors, HHS/NIH/NIAID, p. 45830
09–25–0148—Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS, p. 45850
09–30–0023—Records of Contracts Awarded to Individuals, HHS/ADAMHA/OA, p. 45448
09–60–0033—Request for Review of Proposed Contracts with Experts and Consultants, HHS/SSA/OMBP, p. 45604
09–60–0198—Extramural Research Administrative File, HHS/SSA/OP, p. 45647

Correspondence

09–10–0004—Communications (Oral and Written) with the Public, HHS/FDA/ACMO, p. 45415
09–25–0091—Administration: General Files on Employees, Donors and Correspondence, HHS/NIH/NEI, p. 45818
09–25–0106—Administration: Executive Secretariat Correspondence Records, HHS/NIH/OD, p. 45824
09–30–0033—Correspondence Files, HHS/ADAMHA/OA, P. 45457
09–37–0001—Office of the Assistant Secretary for Health Correspondence Control System, HHS/OASH/OM, P. 45675
09–60–0001—Commissioner's Correspondence File, HHS/SSA/OC, P. 45590
09–60–0002—Automated Controlled Correspondence Extraction System, HHS/SSA/OGA, P. 45591
09–60–0077—Congressional Inquiry File, HHS/SSA/OFO, P. 45622
09–60–0078—Public Inquiry Correspondence File, HHS/SSA/OFO, P. 45623
09–70–0509—Medical Beneficiary Correspondence File, HHS/HCFA/BPO, P. 45726
09–80–0002—Developmental Disabilities Complaints and Correspondence File, HHS/OHDS/ADD, P. 45402

09–90–0027—Congressional Correspondence Unit, HHS/OS/ASL, P. 45531
09–90–0037—Secretariat Correspondence Control System, HHS/OS/ES, P. 45535
09–90–0046—Consumer Complaint Correspondence System, HHS/OS/OCA, P. 45538
09–90–0051—Complaint Files and Log, HHS/OS/OCR, P. 45539
* 09–90–0058—Freedom of Information Case Files and Correspondence Control Index, HHS/OS/ASPA, P. 45534
09–90–0072—Congressional Grants Notification Unit, HHS/OS/ASL, P. 45532

Costs

09–70–0014—Survey of Physicians', Administrative and Practice Costs and Medicaid Participation, HHS/HCFA/ORD, P. 45701

Counseling

09–25–0019—Clinical Research: Genetic Counseling, HHS/NIH/NINCDS, P. 45780
* 09–90–0022—Volunteer EEO Support Personnel Records HHS/OS/OASPER, P. 45787

Courts

09–30–0019—Saint Elizabeths Hospital Court-ordered Forensic Investigatory Materials Files, HHS/ADAMHA/NIMH, P. 45445

Credentials

09–10–0003—FDA Credential Holder File, HHS/FDA/EDRO, P. 45415

Credit

09–60–0032—Employee Indebtedness Counseling System, HHS/SSSA/OMBP, P. 45603
09–60–0111—Debit Voucher File (Supplementary Security Income), HHS/SSA/OURV, P. 45637

Cubans

09–60–0217, Cuban Refugee Registration Records, HHS/SSA/ORR, P. 45658

Cultural Exchange Programs

09–25–0035—International Activities: International Health Exchange Programs Participants, HHS/NIH/FIC, P. 45793

Cytotechnologists

09–20–0156—Cytotechnologist Proficiency Answer Sheets and Test Results (Medicare), HHS/CDC/LIPO, P. 45509

Day Care

09–90–0090—Recipients Survey of Alternative Approaches to Financing Day Care for AFDC Children, HHS/OS/OASPE, P. 45556

Deaths

09–37–0012—Vital Statistics for Births, Deaths, Fetal Deaths, Marriage and Divorces Occurring in the United States During Each Year, HHS/OASH/OHRST, p. 45688

Deinstitutionalization

09–90–0082—Pennhurst Longitudinal Study (also called the Longitudinal Study of the Court Ordered Deinstitutionalization of Pennhurst), HHS/OS/OASPE, p. 45548

Demography

09–25–0142—Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA, p. 45846
09–37–0010—Health and Demographic Surveys Conducted in Probability Samples of the U.S. Population, HHS/OASH/OHRST, p. 45685

Demonstration

09–70–0021—Health Maintenance Organization Prospective Reimbursement Demonstration, HHS/HCFA/ORD, p. 45706
09–70–0023—Evaluation of Home Dialysis Aide Demonstration, HHS/HCFA/ORD, p. 45708
09–70–0024—Medicare/Medicaid Hospice Demonstration, HHS/HCFA/ORD, p. 45710
09–90–0086—Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/OASPE, p. 45550
09–90–0088—National Long-Term Care Channeling Demonstration (NLTCCD), HHS/OS/OASPE, p. 45552

Dengue

09–90–0107—Dengue and Research Studies, HHS/CDC/CID, p. 45489

Denials

09–60–0129—Adjudication of Supplemental Security Income Policy Analysis Review, HHS/SSA/OA, p. 45640

Dental Care

09–35–0009—Chattanooga Incremental Care Program, HHS/HRA/BHPr, p. 45406

Dental Health

09–25–0042—Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR, p. 45799
09–35–0009—Chattanooga Incremental Care Program, HHS/HRA/BHPr, p. 45406

Dentists

09–35–0005—Cycle II Dentist Survey, HHS/HRA/BHPr, p. 45405

Department

*09–90–0011—Employee Appraisal Program Records, HHS/OS/OASPER, p. 45751
09–90–0062—Administrative Claims, HHS/OS/OGC, p. 45540

Developmental Disabilities

09–80–0002—Developmental Disabilities Complaints and Correspondence File, HHS/OHDS/ADD, p. 45402

Diabetes Mellitus

09–25–0039—Clinical Research: Diabetes Mellitus Research Study of Southwestern American Indians, HHS/NIH/NIADDK, p. 45796

Diagnosis

09–20–0083—Diagnostic Methods for Identification of Occupational Diseases through Biopsy and/or Autopsy Specimens, HHS/CDC/NIOSH, p. 45474

Dialysis

09–70–0023—Evaluation of Home Dialysis Aide Demonstration, HHS/HCFA/ORD, p. 45708

Disability

09–15–0038—Disability Claims of the Nursing Student Loan Program, HHS/HSA/BHPDS, p. 45580
09–15–0039—Disability Claims in the Health Professions Student Loan Program, HHS/HSA/BHPDS, p. 45581
09–60–0044—Disability Determination Service Processing File, HHS/SSA/ODP, p. 45609
09–60–0046—Consultative Physician's File, HHS/SSA/ODP, p. 45611
09–60–0047—Critical Case Processing Time, HHS/SSA/OOPP, p. 45612
09–60–0050—Completed Determination Record—Continuing Disability Determinations, HHS/SSA, p. 45612
09–60–0052—Disposition of Vocational Rehabilitation Report to Social Security Administration, HHS/SSA/ODP, p. 45613
09–60–0056—Vocational Rehabilitation Savings Calculation, HHS/SSA/ODP p. 45615
09–60–0111—Debit Voucher File (Supplemental Security Income), HHS/SSA/OURV, p. 45637
09–60–0128—Retirement, Survivors and Disability Insurance Claims, HHS/SSA/OA, p. 45640
09–60–0196—Disability Studies, Surveys, Records and extracts (Statistics), HHS/SSA/OP, p. 45646

09–60–0202—Old Age, Survivors and Disability Beneficiary and Worker Records and extracts (Statistics), HHS/SSA/OP, p. 45650
09–70–0010—Current Medicare Survey (Statistics), HHS/HCFA/ORD, p. 45699

Diseases

09–20–0000—Cooperative Mycoses Study, HHS/CDC/OCD, p. 45470
09–20–0136—Epidemiologic Studies and Surveillance of Disease Problems, HHS/CDC/CID, p. 45494
09–25–0143—Biomedical Research: Records of Subjects in Clinical Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID, p. 45847

Divorces

09–37–0012—Vital Statistics for Births, Deaths, Fetal Deaths, Marriage and Divorces Occurring in the United States During Each Year, HHS/OASH/OHRST, p. 45688

Doctors

09–35–0013—Indo-China Refugee Physicians and Medical Students, HHS/HRA/BHPr, p. 45407

Donors

09–25–0091—Administration: General Files on Employees, Donors and Correspondence, HHS/NIH/NEI, p. 45818
09–25–0133—Clinical Research: Kidney Transplant Histocompatibility Study (KTHS), HHS/NIH/NIAID, p. 45839
09–25–0141—Patient and Donor Records in the Blood Component Support Program for the Division of Cancer Treatment, HHS/NIH/NCI, p. 45845

Drug Abuse

09–30–0020—Administrative Recores on Civilly Committed Drug Abusers Under the Narcotic Addict Rehabilitation Act, HHS/ADAMHA/NIDA, p. 45446
09–30–0021—Patient Medical Records on PHS Beneficiaries 1935–1974 and Civilly Committed Narcotic Addicts 1967–1974 Treated at PHS Hospitals, HHS/ADAMHA/NIDA, p. 45446
09–30–0022—National Institute on Drug Abuse, Addiction Research Center, Federal Prisoner and Non-Prisoner Patient Files, HHS/ADAMHA/NIDA, p. 45447
09–30–0034—Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA, p. 45450
09–30–0038—Subjects—Participants in Pharmocakinetic Studies on Drug Abuse, HHS/ADAMHA/NIDA, p. 45463
09–30–0039—Drug Abuse Treatment Outcome Prospective Study, HHS/ADAMHA/NIDA, p. 45464
09–30–0041—Subject—Participants in a Drug Abuse Research Study on Naltrexone, HHS/ADAMHA/NIDA, p. 45466
*09–90–0010—Employee Counseling Service Program Records, HHS/OS/OASPER, p. 45750

Drugs

09–10–0010—Bioresearch Monitoring Information System, HHS/FDA/BD, p. 45410

Education

09–15–0026—Medical Fellowships and Educational Loans, HHS/HSA/OA, p. 45573
09–15–0036—Health Professions Preparatory Scholarship Program for Indians and Health Professions Scholarship Program Record System, HHS/HSA/IHS, p. 45577
09–15–0044—Health Education Assistant Loan Program (HEAL) Loan Control Master File, HHS/HSA/BHPDS, p. 45566
09–20–0160—Records of Subjects in Health Education Studies, HHS/CDC/CHPE, p. 45513
09–25–0033—International Activities: Fellowships Awarded by Foreign Organizations, HHS/NIH/FIC, p. 45791
09–25–0034—International Activities: Scholars Program, HHS/NIH/FIC, p. 45792
09–30–0010—Saint Elizabeths Hospital Juvenile Education Monitoring System, HHS/ADAMHA/NIMH, p. 45437
09–30–0012—Saint Elizabeths Hospital Pre-Service Education Records, HHS/ADAMHA/NIMH, p. 45439
09–30–0027—Grants: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships, Clinical Training, Community Services, Cooperative Agreements, HHS/ADAMHA/OA, p. 45451

Eligibility

09–60–0044—Disability Determination Service Processing File, HHS/SSA/ODP, p. 45609
09–60–0089—Claims Folders System, HHS/SSA/OOPP, p. 45623
09–70–0502—Health Insurance Master Record, HHS/HCFA/BPO, p. 45719

Emergency Medical Services

09–15–0008—Emergency Non-PHS Treatment Authorization File, HHS/HSA/BMS, p. 45566
09–30–0011—Saint Elizabeths Hospital Emergency Psychiatric Service Non-Admission File System, HHS/ADAMHA/NIMH, p. 45438
09–70–0521—Medicare Beneficiary Claims for Emergency Services, HHS/HCFA/BPO, p. 45732

Employment

09–90–0002—Investigatory Material Complied for Security and Suitability Purposes, HHS/OS/OIG, p. 45524
*09–90–0006—Applicants for Employment Records, HHS/OS/OASPER, p. 45743
*09–90–0007—Complaints and Inquiries Records—Miscellaneous, HHS/OS/OASPER, p. 45746
*09–90–0012—Executive Development Records, HHS/OS/OASPER, p. 45753
*09–90–0019—Special Employment Program Records, HHS/OS/OASPER, p. 45763
*09–90–0020—Suitability for Employment Records, HHS/OS/OASPER, p. 45764
09–90–0066—OGC—Attorney Applicant Flies, HHS/OS/OGC, p. 45544

End Stage Renal Disease

09–70–0520—End Stage Renal Disease (ESRD) Program Management and Medical Information System (Registry), HHS/HCFA/BPO, p. 45731

Energy

09–90–0075—MBTA Prepaid Pass Program Participants, HHS/ROI/ARD, p. 45557

Enforcement

09–10–0002—Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO, p. 45412
09–10–0003—FDA Credential Holder File, HHS/FDA/EDRO, p. 45415

Enrollments

09–70–0505—Supplemental Medical Insurance Accounting Collection and Enrollment System, HHS/HCFA/BPO, p. 45723

Environment

09–25–0130—Clinical Research: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45837
09–25–0134—Clinical Research: Epidemiology Studies, National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45840

Epidemics

09–20–0113—Epidemic Investigation Case Records, HHS/CDC/CID, p. 45491

09–20–0138—Epidemic Intelligence Service Officers Files, HHS/CDC/EPO, p. 45496

Epidemiology

09–10–0017—Epidemiological Research Studies of the Bureau of Radiological Health, HHS/FDA/BRH, p. 45423
09–20–0136—Epidemiologic Studies and Surveillance of Disease Problems, HHS/CDC/CID, p. 45494
09–20–0147—Occupational Health Epidemiological Studies, HHS/CDC/NIOSH, p. 45497
09–25–0048—Clinical Research: Serology-Epidemiology Parasite Research, HHS/NIH/NIAID, p. 45803
09–25–0126—Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI, p. 45833
09–25–0130—Clinical Research: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45837
09–25–0131—Clinical Research: Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45838
09–25–0134—Clinical Research: Epidemiology Studies, National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45840
09–25–0142—Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA, p. 45846
09–25–0143—Biomedical Research: Records of Subjects in Clinical Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID, p. 45847
09–25–0148—Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS, p. 45850
09–30–0036—Mental Health Epidemiologic and Biometric Research Data, HHS/ADAMHA/NIMH, p. 45480

Epilepsy

09–25–0015—Clinical Research: Collaborative Clinical Epilepsy Research, HHS/NIH/NINCDS, p. 45784

Equal Employment Opportunity

*09–90–0009—Discrimination Complaints Records, HHS/OS/OASPER, p. 45748
*09–90–0022—Volunteer EEO Support Personnel Records, HHS/OS/OASPER, p. 45767

Evaluation

09–25–0147—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung, and Blood Institute, HHS/NIH/NHLBI, p. 45849
09–25–0149—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS, p. 45852
09–25–0150—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45853
09–60–0057—Quality Evaluation Data Records, HHS/SSA/OA, p. 45615
09–70–0011—Evaluation of the Impact of Surgical Screening Based Upon Union Member Utilization of the Pre-Surgical Consultant Benefits (Statistics), HHS/HCFA/ORD, p. 45700
09–70–0022—Municipal Health Services Program, HHS/HCFA/ORD, p. 45706
09–70–0023—Evaluation of Home Dialysis Aide Demonstration, HHS/HCFA/ORD, p. 45708
09–70–0025—Evaluation of the Long-Term Home Health Care Program, HHS/HCFA/ORD, p. 45713
09–70–0027—Evaluation of MHO Capitatian Demonstration, HHS/HCFA/ORD, p. 45715
09–80–0022—Longitudinal Evaluation of the National Nutrition Program for the Elderly, HHS/OHDS/AoA, p. 45404
09–90–0086, Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS-OASPE, p. 45550
09–90–0087—Recipient Survey for Monthly Reporting and Retrospective Accounting Study, HHS/OS/OASPE, p. 45551
09/90/0088—National Long-Term Care Channeling Demonstration (NLTCCD), HHS/OS/OASPE, p. 45552

Experiments

09–70–0001–Medicare Second Surgical Opinion Experiments, HHS/HCFA/ORD, p. 45694 -
09–70–0004—Durable Medical Equipment Experiments, HHS/HCFA/ORD, p. 45695

Experts

09–60–0012—Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Advisors, and Medical Consultants, HHS/SSA/OHA, p. 45597
09–60–0014—Curriculum Vitae and Professional Qualifications of Medical Officers and Medical Advisors and Medical Consultants and Resume of Vocational Experts, HHS/SSA/OHA, p. 45599
09–60–0033—Request for Review of Proposed Contracts with Experts and Consultants, HHS/SSA/OMBP, p. 45504

Exposure

09–25–0004—Administration: Registry of Individuals Exposed to Chemical Carcinogens, AHS/NIH/ORS, p. 45777
09–25–0010—Research Resources: Registry of Individuals Potentially Exposed to Microbial Agents, HHS/NIH/NCI, p. 45781

Eyes

09–25–0053—Clinical Research: Vision Studies, HHS/NIH/NEI, p. 45805

Fertility

09–25–0123—Clinical Research: Clinical Trials Dealing with Fertility-Regulating Methods, HHS/NIH/NICHD, p. 45381

Financing

09–90–0086—Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/OASPE, p. 45550
09–90–0090—Recipient Survey of Alternative Approaches to Financing Day Care for AFDC Children, HHS/OS/OASPE, p. 45556

Footware

09–25–0007—Administration: NIH Safety Shoes and Safety Glasses Insurance Program, HHS/NIH/ORS, p. 45778

Forensic

09–30–0019—Saint Elizabeths Hospital Court-Ordered Forensic Investigatory Materials Files, HHS/ADAMHA/NIMH, p. 45445

Fraud

09–60–0097—Program Integrity Case Files, HHS/SSA/OA, p. 45682
09–70–2002—HCFA Program Integrity/Program Validation Case Files, HHS/HCFA/BQC, p. 45739
09–90–0079—Welfare Fraud Detection File, HHS/OS/OIG, p. 45528
09–90–0101—Health Care Program Violations, HHS/OS/OIG, p. 45529

Freedom of Information

*09–90–0058—Freedom of Information Case Files and Correspondence Control Index, HHS/OS/OASPA, p. 45534

Fungus Infections

09–20–0000—Cooperative Mycoses Study, HHS/CDC/OCD, p. 45470

Genetic Diseases

09–25–0019—Clinical Research: Genetic Counseling, HHS/NIH/NINCDS, p. 45786

09–25–0020—Clinical Research: Genetics of Neurological Disorders, HHS/NIH/NINCDS, p. 45787

Georgia

09–25–0049—Clinical Research: Atlanta Federal Prison Malaria Research Projects, HHS/NIH/NIAID, p. 45808

Glasses

09–25–0007—Administration: NIH Safety Shoes and Safety Glasses Insurance Program, HHS/NIH/ORS, p. 45778

Government Contracts

09–90–0025—Central Registry of Individuals Doing Business with HHS, HHS/OS/OASMB/2, p. 45523

Government Employees

09–10–0003—FDA Credential Holder File, HHS/FDA/EDRO, p. 45415
09–10–0013—Employee Conduct Investigative Records, HHS/FDA/ACMO, p. 45422
09–10–0018—Employee Identification Card Information Record, HHS/FDA/ACMO, p. 45425
09–15–0001—Division of Federal Employee, Occupational Health, Health and Counseling Records, HHS/HSA/BMS, p. 45560
09–15–0004—Federal Employee Occupational Health Data System, HHS/HSA/BMS, p. 45562
09–20–0027—Radiation Exposure Records for NIOSH Employees, HHS/CDC/NIOSH, p. 45472
09–20–0137—Passport File, HHS/CDC/FMO, p. 45496
09–25–0005—Administration: Library Circulation and User I.D. File, HHS/NIH/OD, p. 45778
09–25–0007—Administration: NIH Safety Shoes and Safety Glasses Insurance Program, HHS/NIH/ORS, p. 45778
09–25–0008—Administration: Radiation Workers Monitoring, HHS/NIH/ORS, p. 45779
09–25–0046—Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID, p. 45802
09–25–0054—Administration: Property Accounting, HHS/NIH/ORS, p. 45806
09–25–0087—Administration: Employees and Consultants, HHS/NIH/NIAID, p. 45816
09–25–0091—Administration: General Files on Employees, Donors and Correspondence, HHS/NIH/NEI, p. 45818
09–25–0105—Administration: Health Records of Employees, Visiting Scientists, Fellows, Contractors and Relatives of Inpatients, HHS/NIH/OD, p. 45823
09–37–0002—PHS Commissioned Officer Personnel Data System, HHS/OASH/OM, p. 45676
09–60–0017—Personnel Research and Merit Promotion Test Records, HHS/SSA/OMBP, p. 45601
09–60–0031—Employee Production and Accuracy Records, HHS/SSA/OMBP, p. 45602
09–60–0032—Employee Indebtedness Counseling System, HHS/SSA/OMBP, p. 45603
09–60–0038—Employee Identification Card Files, HHS/SSA/OMBP, p. 45605
09–60–0063—Resource Accounting and Project Management System, HHS/SSA/OS, p. 45520
09–60–0210—Record of Individuals Authorized Entry to Secured Automated Data Processing (ADP) Areas, HHS/SSA/OS, p. 45653
09–60–0214—Personal Identification Number File, HHS/SSA/OA, p. 45656
*09–90–0001—Telephone Directory/Locator System, HHS/OS/OASMB/OMAS, p. 45517
*09–90–0007—Complaints and Inquiries Records—Miscellaneous, HHS/OS/OASPER, p. 45746
*09–90–0008—Conflict of Interest Records, HHS/OS/OASPER, p. 45747
*09–90–0010—Employee Counseling Service Program Records, HHS/OS/OASPER, p. 45750
*09–90–0011—Employee Appraisal Program Records, HHS/OS/OASPER, p. 45751
*09–90–0012—Executive Development Records HHS/OS/OASPER, p. 45753
*09–90–0013—Federal Employees Occupational Health Program Records, HHS/OS/OASPER, p. 45754
*09–90–0016—HHS Motor Vehicle Operator Records, HHS/OS/OASPER, p. 45758
*09–90–0018—Personnel Records in Operating Offices, HHS/OS/OASPER, 45701
*09–90–0028—Biographies and Photographs of HHS Officials, HHS/OS/OASPA, 45533
*09–90–0036—Employee Suggestion Program Records, HHS/OS/OASPER, p. 45768
*09–90–0069—Unfair Labor Practice Records, HHS/OS/OASPER, p. 45770
09–90–0075—MBTA Prepaid Pass Program Participants, HHS/RO1/ARD, p. 45557
09–90–0078—SSI/OPM Temporary Matching Field, HHS/OS/OIG, p. 45527
09–90–0102—Federal Personnel/HHS or HHS Funded Benefit and Loan Program Temporary Matching File, HHS/OS/OIG, p. 45530
09–90–1101—Optional Form 55 Cards Issuance Log, HHS/OS/RIX/ORD/DAS, p. 45557

Government Procurement

09–90–0025—Central Registry of Individuals Doing Business with HHS, HHS/OS/OASMB/2, p. 45523

Grant Programs

09–25–0034—International Activities: Scholars Program, HHS/NIH/FIC, p. 45792
09–25–0035—International Activities: International Health Exchange Programs Participants, HHS/NIH/FIC, p. 45793
09–90–0072—Congressional Grants Notification Unit, HHS/OS/ASL, p. 45532

Grants

09–20–0055—Research/Demonstration, and Training Grants, and Cooperative Agreements Application Files, HHS/CDC/NIOSH, p. 45473
09–25–0036—Grants: IMPAC (Grant/Contract Information), HHS/NIH/DRG, p. 45793
09–25–0051—Grants: NIH Fellowship Payroll, HHS/NIH/DFM, p. 45804
09–25–0112—Grants: Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD, p. 45825
09–25–0135—Grants: PROPHET System Applicants Research Prospectuses, HHS/NIH/DRR, p. 45842
09–25–0147—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI, p. 45849
09–25–0149—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS, p. 45852
09–25–0150—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45853
09–30–0027—Grants: Research, Research Training, Rsearch Scientist Development, Education Demonstration, Fellowships, Clinical Training, Community Services, Cooperative Agreements, HHS/ADAMHA/OA, p. 45451
09–35–0014—National Research Service Awards, HHS/HRA/BHPr, p. 45407
09–35–0016—Professional Nurse Traineeship, HHS/HRA/BHPr, p. 45406
09–35–0045—Nurse Practitioner Traineeships, HHS/HRA/BHPr, p. 45410
09–37–0015—National Center for Health Services Research Grants Records

System, HHS/OASH/OHRST, p. 45691
09–60–0198—Extramural Rsearch Administrative File, HHS/SSA/OP, p. 45647
09–80–0009—ACYF Mailing List, HHS/OHDS/ACYF, p. 45403

Grants Administration

09–25–0102—Administration: Grants Associates Program Working Files, HHS/NIH/DRG, p. 45822
09–25–0124—Administration: Pharmacology Research Associates, HHS/NIH/NIGMS, p. 45832

Grievance

*09–90–0095—Management Information System Efficiency Report (Miser), HHS/OS/OASPER/OPSI & OCAM, p. 45771

Group Plans

09–70–0506—Group Health Plan System, HHS/HCFA/BPO, p. 45724

Guam

09–25–0021—Clinical Research: Guam Patient/Control Registry, HHS/NIH/NINCDS, p. 45788

Handicapped

09–90–0089—National Long-Term Care Survey, HHS/OC/OASPE, p. 45554

Hawaiian

09–25–0064—Clinical Research: Japanese Hawaiian Cancer Studies, HHS/NIH/NCI, p. 45809

Head Start

09–80–0009—ACYF Mailing List, HHS/OHDS/ACYF, p. 45403

Health

09–15–0044—Health Education Assistant Loan Program (HEAL) Loan Control Master File, HHS/HSA/BHPDS, p. 45586
09–20–0160—Records of Subjects in Health Education Studies, HHS/CDC/CHPE, p. 45513
09–37–0011—Health Manpower Inventories and Surveys, HHS/OASH/OHRST, p. 45687

Health Care

09–35–0044—Health Professions Planning and Evaluation, HHS/HRA/OA, p. 45409
09–37–0013—Health Resources Utilization Statistics, HHS/OASH/OHRST, p. 45689
09–70–0010—Current Medicare Survey (Statistics), HHS/HCFA/ORD, p. 45699
09–90–0101—Health Care Program Violations, HHS/OS/OIG, p. 45529

Health Education

09–35–0044—Health Professions Planning and Evaluation, HHS/HRA/OA, p. 45409

Health Facilities

09–70–0015—Ambulatory Surgery Research Project, HHS/HCFA/ORD, p. 45702
09–70–0516—Medicare Physician Supplier Master File, HHS/HCFA/BPO, p. 45729
09–70–0518—Medicare Clinic Physician Supplier Master File, HHS/HCFA/BPO, p. 45730

Health Insurance

09–70–0001—Medicare Second Surgical Opinion Experiments, HHS/HCFA/ORD, p. 45694
09–70–0004—Durable Medical Equipment Experiments, HHS/HCFA/ORD, p. 45695
09–70–0005—Medicare Bill Files (Statistics), HHS/HCFA/BDMS, p. 45696
09–70–0006—Medicare Enrollment Records (Statistics), HHS/HCFA/BDMS, p. 45697
09–70–0007—Health Insurance Enrollment Statistics, General Enrollment Period, HHS/HCFA/BDMS, p. 45698
09–70–0008—Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics), HHS/HCFA/BDMS, p. 45698
09–70–0013—Annual 5 Percent Summary File of Services Reimbursed Under the Medicare Program (Statistics), HHS/HCFA/BDMS, p. 45701
09–70–0017—Health Insurance Benefit and Actuarial Sample Control System, HHS/HCFA/BDMS, p. 45703
09–70–0018—Actuarial Health Insurance and Supplementary Medical Insurance (Medicare), HHS/HCFA/BDMS, p. 45703
09–70–0019—Actuarial Sample Hospital Stay Record Study, HHS/HCFA/BDMS, p. 45704
09–70–0020—Actuarial Sample of Supplementary Medical Insurance Payments, HHS/HCFA/BDMS, p. 45705
09–70–0021—Health Maintenance Organization Prospective Reimbursement Demonstration, HHS/HCFA/ORD, p. 45706
09–70–0022—Municipal Health Services Program, HHS/HCFA/ORD, p. 45706
09–70–0024—Medicare/Medicaid Hospice Demonstration, HHS/HCFA/ORD, p. 45710
09–70–0026—Study of the Comparative Effectiveness of State Approaches to Regulation of Medicare Supplemental Policies: Medigap, HHS/HCFA/ORD, p. 45714
09–70–0027—Evaluation of HMO Capitation Demonstration, HHS/HCFA/ORD, p. 45715
09–70–0028—Study of the Social, Ethical and Economic Consequences of Medicare Coverage of Heart Transplants, HHS/HCFA/ORD, p. 45716
09–70–0501—Carrier Medicare Claims Records, HHS/HCFA/BPO, p. 45717
09–70–0502—Health Insurance Master Record, HHS/HCFA/BPO, p. 45719
09–70–0503—Intermediary Medicare Claims Records, HHS/HCFA/BPO, p. 45720
09–70–0505—Supplemental Medical Insurance Accounting Collection and Enrollment System, HHS/HCFA/BPO, p. 45723
09–70–0506—Group Health Plan System, HHS/HCFA/BPO, p. 45724
09–70–0507—Health Insurance Utilization Microfilm, HHS/HCFA/BPO, p. 45724
09–70–0509—Medicare Beneficiary Correspondence Files, HHS/HCFA/BPO, p. 45726
09–70–0510—Alphabetical Name File (folder) of Health Insurance Program Consultants, HHS/HCFA/BPO, p. 45727
09–70–0512—Review and Fair Hearing Case Files—Supplementary Medical Insurance Program, HHS/HCFA/BPO, p. 45727
09–70–0513—Explanation of Medicare Benefit Records, HHS/HCFA/BPO, p. 45728
09–70–0516—Medicare Physician Supplier Master File, HHS/HCFA/BPO, p. 45729
09–70–0518—Medicare Clinic Physician Supplier Master File, HHS/HCFA/BPO, p. 45730
09–70–0521—Medicare Beneficiary Claims for Emergency Services, HHS/HCFA/BPO, p. 45732
09–70–0522—Billing and Collection Master Record System, HHS/HCFA/BPO, p. 45733
09–70–1509—Camplaint Files on Nursing Homes, HHS/HCFA/HSQB/DLTC, p. 45736
09–70–1510—Professional Qualification Files, HHS/HCFA/HSQB, p. 45737
09–70–2002—HCFA Program Integrity/Program Validation Case Files, HHS/HCFA/BQC, p. 45739
09–90–0086—Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/OASPE, p. 45550

Health Maintenance Organization

09–70–0021—Health Maintenance Organization Prospective Reimbursement Demonstration, HHS/HCFA/ORD, p. 45706

Health Professions

09–15–0003—Contract Physicians and Consultants, HHS/HSA/BMS, p. 45562
09–15–0039—Disability Claims in the Health Professions Student Loan Program, HHS/HSA/BHPDS, p. 45581
09–15–0040—Health Professions Student Loan Repayment Program, HHS/HSA/BHPDS, p. 45582
09–15–0041—Health Professions Student Loan Cancellation, HHS/HSA/BHPDS, p. 45584
09–15–0042—Physician Shortage Area Scholarship Program, HHS/HSA/BHPDS, p. 45585
09–15–0043—Cuban Loan Program, HHS/HSA/BHPDS, p. 45586
09–20–0001—Certified Interpreting Physician Files, HHS/CDC/NIOSH, p. 45471
09–25–0010—Research Resources: Registry of Individuals Potentially Exposed to Microbial Agents, HHS/NIH/NCI, p. 45781
09–25–0033—International Activities: Fellowships Awarded by Foreign Organizations, HHS/NIH/FIC, p. 45791
09–25–0034—International Activities: Scholars Program, HHS/NIH/FIC, p. 45792
09–25–0035—International Activities: International Health Exchange Programs Participants, HHS/NIH/FIC, p. 45793
09–25–0051—Grants: NIH Fellowship Payroll, HHS/NIH/DFM, p. 45804
09–25–0087—Administration: Employees and Consultants, HHS/NIH/NIAID, p. 45816
09–25–0102—Administration: Grants Associates Program Working Files, HHS/NIH/DRG, p. 45822
09–25–0108—Personnel: Guest Workers/Visiting Fellows/Student Scientist/Scientists Emeriti, HHS/NIH/DPM, p. 45825
09–25–0112—Grants: Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD, p. 45825
09–25–0115—Administration: Curricula Vitae of Consultants and Investigators, HHS/NIH/NIAID, p. 45828
09–25–0116—Contracts: Medical Consultants Under Professional Services Contracts, HHS/NIH/NIAID, p. 45829
09–25–0117—International Activities: U.S.-Japanese Program Panel Members, HHS/NIH/NIAID, p. 45829
09–25–0121—International Activities: Senior International Fellowships Program, HHS/NIH/FIC, p. 45830
09–25–0124—Administration: Pharmacology Research Associates, HHS/NIH/NIGMS, p. 45832
09–25–0140—International Activities: Scientific Visitors at the National Institutes of Health, HHS/NIH/FIC, p. 45844
09–25–0147—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI, p. 45849
09–25–0149—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS, p. 45852
09–25–0150—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45853
09–30–0012—Saint Elizabeths Hospital Pre-Service Education Records, HHS/ADAMHA/NIMH, p. 45439
09–30–0030—Record of Visiting Fellows, HHS/ADAMHA/OA, p. 45455
09–35–0013—Indo-China Refugee Physicians and Medical Students, HHS/HRA/BHPr, p. 45407
09–35–0014—National Research Service Awards, HHS/HRA/BHPr, p. 45407
09–35–0016—Professional Nurse Traineeships, HHS/HRA/BHPr, p. 45408
09–35–0044—Health Professions Planning and Evaluation, HHS/HRA/OA, p. 45409
09–37–0011—Health Manpower Inventories and Surveys, HHS/OASH/OHRST, p. 45687
09–60–0012—Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Advisors and Medical Consultants, HHS/SSA/OHA, p. 45597
09–60–0013—Records of Usage of Medical Advisors, Medical Consultants and Vocational Experts, HHS/SSA/OHA, p. 45598
09–60–0014—Curriculum Vitae and Professional Qualifications of Medical Officers and Medical Advisors and Medical Consultants and Resume of Vocational Experts, HHS/SSA/OHA, p. 45599
09–60–0015—List of Physicians Utilized as Readers of Black Lung X-Ray Films, HHS/SSA/OHA, p. 45600
09–60–0046—Consultative Physician's File, HHS/SSA/ODP, p. 45611
09–70–0014—Survey of Physician's Administrative and Practice Costs and Medicaid Participation, HHS/HCFA/ORD, p. 45701
09–70–0516—Medicare Physician Supplier Master File, HHS/HCFA/BPO, p. 45729
09–70–0517—Physician/Supplier 1099 File (Statement for Recipients of Medical and Health Care Payments), HHS/HCFA/BPO, p. 45730
09–70–0518—Medicare Clinic Physician Supplier Master File, HHS/HCFA/BPO, p. 45730
09–70–1510—Professional Qualification Files, HHS/HCFA/HSQB, p. 45737

Health Records

09–15–0001—Division of Federal Employee, Occupational Health, Health and Counseling Records, HHS/HSA/BMS, p. 45560
09–15–0004—Federal Employee Occupational Health Data System, HHS/HSA/BMS, p. 45562
09–15–0007—Patients Medical Record System PHS Hospitals/Clinics, HHS/HSA/BMS, p. 45563
09–15–0019—Health and Medical Records Systems, HHS/HSA/IHS, p. 45567
09–15–0029—PHS Beneficiary—Contract Medical/Health Care Records, HHS/HSA/BMS, p. 45576
09–25–0001—Clinical Research: Patient Records, HHS/NIH/NHLBI, p. 45775
09–25–0013—Clinical Research: Preadmission Medical Records, HHS/NIH/CC, p. 45783
09–25–0015—Clinical Research: Collaborative Clinical Epilepsy Research, HHS/NIH/NINCDS, p. 45784
09–25–0016—Clinical Research: Collaborative Perinatal Project, HHS/NIH/NINCDS, p. 45785
09–25–0019—Clinical Research: Genetic Counseling, HHS/NIH/NINCDS, p. 45788
09–25–0021—Clinical Research: Guam Patient/Control Registry, HHS/NIH/NINCDS, p. 45788
09–25–0026—Clinical Research: Nervous System Studies, HHS/NIH/NINCDS, p. 45789
09–25–0028—Clinical Research: Patient Medical Histories, HHS/NIH/NINCDS, p. 45789
09–25–0031—Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System, HHS/NIH/NINCDS p. 45790
09–25–0037—Clinical Research: Gerontology Research Center Longitudinal Aging Study, HHS/NIH/NIA, p. 45795
09–25–0038—Clinical Research: Patient Data, HHS/NIH/NIADDK, p. 45795
09–25–0040—Clinical Research: Southwestern American Indian Patient Data, HHS/NIH/NIADDK, p. 45797
09–25–0042—Clinical Research: National Insitute of Dental Research Patient Records, HHS/NIH/NIDR, p. 45799
09–25–0043—Clinical Research: Phrayngeal Development Patients, HHS/NIH/NIDR, p. 45800

09–25–0048—Clinical Research: Serology-Epidemiology Parasite Research, HHS/NIH/NIAID, p. 45803
09–25–0049—Clinical Research: Atlanta Federal Prision Malaria Research Projects, HHS/NIH/NIAID, p. 45803
09–25–0053—Clinical Research: Vision Studies, HHS/NIH/NEI, p. 45805
09–25–0057—Clinical Research: Burkitt's Lymphoma Registry, HHS/NIH/NCI, p. 45807
09–25–0060—Clinical Research: Division of Cancer Treatment Clinical Investigations, HHS/NIH/NCI, p. 45808
09–25–0064—Clinical Research: Japanese Hawaiin Cancer Studies, HHS/NIH/NCI, p. 45809
09–25–0067—Clinical Research: National Cancer Incidence Surveys, HHS/NIH/NCI, p. 45809
09–25–0068—Clinical Research: National Cancer Institute/American Cancer Society National Breast Cancer Screening of Antihypertensives, HHS/NIH/NCI, p. 45810
09–25–0069—NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI, p. 45811
09–25–0074—Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials, HHS/NIH/NCI, p. 45812
09–25–0077—Clinical Research: Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI, p. 45814
09–25–0099—Clinical Research: Patient Medical Records, HHS/NIH/CC, p. 45820
09–25–0100—Clinical Research: Neuropharmacology Studies, HHS/NIH/NINCDS, p. 45822
09–25–0105—Administration: Health Records of Employees, Visiting Scientists, Fellows, Contractors and Relatives of Inpatients, HHS/NIH/OD, p. 45823
09–25–0123—Clinical Research: Clinical Trials Dealing with Fertility-Regulating Methods, HHS/NIH/NICHD, p. 45831
09–25–0126—Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI, p. 45833
09–25–0127—Clinical Research: Clinical Trials Dealing with Phototherapy for Neonatal Hyperbilirubinemia, HHS/NIH/NICHD, p. 45834
09–25–0128—Clinical Research: Neural Prosthesis and Biomedical Engineering Studies, HHS/NIH/NINCDS, p. 45835
09–25–0129—Clinical Research: Clinical Research Studies Dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NINCDS, p. 45836
09–25–0130—Clinical Research: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45837
09–25–0131—Clinical Research: Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45838
09–25–0133—Clinical Research: Kidney Transplant Histocompatibility Study (KTHS), HHS/NIH/NIAID, p. 45839
09–25–0134—Clinical Research: Epidemiology Studies, National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45840
09–25–0138—Biomedical Research: Studies of Possible Influence on Cognitive and Emotional Development of Children, HHS/NIH/NICHD, p. 45843
09–25–0142—Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA, p. 45846
09–30–0003—Medical Record Files of Patients Seen in Therapy in Programs of the Mental Health Study Center, HHS/ADAMHA/NIMH, p. 45428
09–30–0007—Saint Elizabeths Hospital Clinical Support Services Record System, HHS/ADAMHA/NIMH, p. 45432
09–30–0008—Saint Elizabeths Hospital Social Services Record System, HHS/ADAMHA/NIMH, p. 45433
09–30–0009—Saint Elizabeths Hospital Multidisciplinary Raw Data Consultation Files, HHS/ADAMHA/NIMH, p. 45436
09–30–0021—Patient Medical Records on PHS Beneficiaries 1935–1974 and Civilly Committed Narcotic Addicts 1967–1974 Treated at PHS Hospitals, HHS/ADAMHA/NIDA, p. 45446
09–30–0028—Saint Elizabeths Hospital General Medical/Clinical Records System and Related Indexes, HHS/ADAMHA/NIMH, p. 45453
09–37–0003—PHS Commissioned Corps Medical Records, HHS/OASH/OM, p. 45677
*09–90–0010—Employee Counseling Service Program Records, HHS/OS/OASPER, p. 45750
*09–90–0013—Federal Employees Occupational Health Program Records, HHS/OS/OASPER, p. 45754

Health Resources

09–35–0027—Consultants for Office of Health Resources Opportunity, HHS/HRA/OHRO, p. 45409
09–35–0044—Health Professions Planning and Evaluation, HHS/HRA/OA, p. 45409
09–37–0013—Health Resources Utilization Statistics, HHS/OASH/OHRST, p. 45689

Health Statistics

09–37–0009—Applied Statistics Training Institute Applicants and Students, HHS/OASH/OHRST, p. 45685
09–37–0010—Health and Demographic Surveys Conducted in Probability Samples of the U.S. Population, HHS/OASH/OHRST, p. 45685
09–37–0011—Health Manpower Inventories and Surveys, HHS/OASH/OHRST, p. 45687
09–37–0012—Vital Statistics for Births, Deaths, Fetal Deaths, Marriage and Divorces Occurring in the United States During Each Year, HHS/OASH/OHRST, p. 45688
09–37–0013—Health Resources Utilization Statistics HHS/OASH/OHRST, p. 45689
09–37–0014—Curriculum Vitae of Consultants to the National Center for Health Statistics, HHS/OASH/OHRST, p. 45690

Hearing

09–20–00148—Results of Occupational Hearing Studies, HHS/CDC/NIOSH, p. 45499
09–25–0129—Clinical Research: Clinical Research Studies Dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NINCDS, p. 45836

Hearings

09–70–0508—Reconsideration and Hearing Case files (Part A) Hospital Insurance Program, HHS/HCFA/BPO, p. 45725
09–70–0512—Review and Fair Hearing Case Files—Supplementary Medical Insurance Program, HHS/HCFA/BPO, p. 45727

Heart Diseases

09–25–0126—Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI, p. 45833

Heart Transplants

09–70–0028—Study of the Social, Ethical and Economic Consequences of Medicare Coverage of Heart Transplants, HHS/HCFA/ORD, p. 45716

Hepatitis

09–25–0046—Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID, p. 45802

Home Care

09–70–0023—Evaluation of Home Dialysis Aide Demonstration, HHS/HCFA/ORD, p. 45708

09–70–0025—Evaluation of the Long-Term Home Health Care Program, HHS/HCFA/ORD, p. 45713

Hormones

09–25–0041—Research Resources: Scientists Requesting Hormone Distribution, HHS/NIH/NIADDK, p. 45798

Hospice

09–70–0024—Medicare/Medicaid · Hospice Demonstration, HHS/HCFA/ORD, p. 45710

Hospital Insurance

09–70–0508—Reconsideration and Hearing Case Files (Part A) Hospital Insurance Program, HHS/HCFA/BPO, p. 45725

Hospitals

09–15–0002—Record of Patients' Valuables and Monies, HHS/HSA/BMS, p. 45561
09–15–0007—Patients Medical Record System PHS Hospitals/Clinics, HHS/HSA/BMS, p. 45563
09–70–0015—Ambulatory Surgery Research Project, HHS/HCFA/ORD, p. 45702
09–70–0019—Actuarial Sample Hospital Stay Record Study, HHS/HCFA/BDMS, p. 45704

Human Development Services

09–80–0020—HDS Publications Distribution Mailing List, HHS/OHDS/OPA, p. 45403

Human Subjects

09–25–0069—NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI, p. 45811
09–25–0075—Administration: Principal Investigators Submitting Proposals for Protection from Research Risks, HHS/NIH/OD, p. 45813

Identification

09–90–1101—Optional Form 55 Cards Issuance Log, HHS/OS/RIX/ORD/DAS, p. 45557

Immigration

09–20–0102—Alien Mental Waiver Program, HHS/CDC/CPS, p. 45486
09–20–0103—Alien Tuberculosis Follow-up Program, HHS/CDC/CPS, p. 45487

Immune

09–20–0095—Varicelo Zoster Immune Globulin Records on High Risk Immunosuppressed Children Exposed to Chickenpox, HHS/CDC/CPS, p. 45482

Immunization

09–20–0087—Surveillance of Inadvertent Vaccination During Pregnancy, HHS/CDC/CPS, p. 45477
09–20–0097—Studies of the Effects of BCG Vaccinations for Tuberculosis, HHS/CDC/CPS, p. 45484

Immunology

09–25–0089—Clinical Research: HLA Antiserum and Tray Users, HHS/NIH/NIAID, p. 45817

Income

09–60–0059—Earnings Recording and Self-Employment Income System, HHS/SSA/OEER, p. 41618
09–60–0149—Matches of Internal Revenue Service and Social Security Administration Data (Joint Social Security Administration/Treasury Department Office of Tax Analysis, Statistics Development Project), HHS/SSA/OP, p. 45642
09–90–0078—SSI/OPM Temporary Matching File, HHS/OS/OIG, p. 45527

Independent Laboratory Directors

09–20–0158—Independent Laboratory Directors Proficiency Answer Sheets and Exam Results (Medicare), HHS/CDC/LIPO, p. 45511

Indians

09–15–0018—Unofficial Vital Records System, HHS/HSA/IHS, p. 45566
09–15–0019—Health and Medical Records Systems, HHS/HSA/IHS, p. 45507
09–15–0036—Health Professions Preparatory Scholarship Program for Indians and Health Professions Scholarship Program Record System, HHS/HSA/IHS, p. 45577
09–25–0039—Clinical Research: Diabetes Mellitus Research Study of Southwestern American Indians, HHS/NIH/NIADDK, p. 45796
09–25–0040—Clinical Research: Southwestern American Indian Patient Data, HHS/NIH/NIADDK, p. 45797

Indochinese

09–35–0013—Indo-China Refugee Physicians and Medical Students, HHS/HRA/BHPr, p. 45407
09–60–0216—Indo-China Refugee, Refugee Financial Assistance System, HHS/SSA/ORR, p. 45657

Infants and Children

09–20–0095—Varicelo Zoster Immune Globulin Records on High Risk Immunosuppressed Children Exposed to Chickenpox, HHS/CDC/CPS, p. 45482
09–25–0016—Clinical Research: Collaborative Perinatal Project, HHS/NIH/NINCDS, p. 45785
09–25–0044—Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR, p. 45801
09–25–0127—Clinical Research: Clinical Trials Dealing with Phototherapy for Neonatal Hyperbilirubinemia, HHS/NIH/NICHD, p. 45834
09–25–0138—Biomedical Research: Studies of Possible Influence on Cognitive and Emotional Development of Children, HHS/NIH/NICHD, p. 45843
09–35–0009—Chattanooga Incremental Care Program, HHS/HRA/BHPr, p. 45406
09–90–0090—Recipient Survey of Alternative Approaches to Financing Day Care for AFDC Children, HHS/OS/OASPE, p. 45556

Insurance

09–25–0007—Administration: NIH Safety Shoes and Safety Glasses Insurance Program, HHS/NIH/ORS, p. 45778
09–60–0117—Age at First Payment of Retirement Insurance Benefits, HHS/SSA/OACT, p. 45638
09–60–0128—Retirement, Survivors and Disability Insurance Claims, HHS/SSA/OA, p. 45640

Intergovernmental Relations

09–10–0005—State Food and Drug Official File, HHS/FDA/EDRO, p. 45416

International Organizations

09–25–0033—International Activities: Fellowships Awarded by Foreign Organizations, HHS/NIH/FIC, p. 45791
09–25–0034—International Activities: Scholars Program, HHS/NIH/FIC, p. 45792
09–25–0035—International Activities: International Health Exchange Programs Participants, HHS/NIH/FIC, p. 45793
09–25–0117—International Activities: U.S-Japan Program Panel Members, HHS/NIH/NIAID, p. 45829
09–25–0121—International Activities: Senior International Fellowships Program, HHS/NIH/FIC, p. 45930
09–25–0140—International Activities: Scientific Visitors at the National Institutes of Health, HHS/NIH/FIC, p. 45844

Interpreting

09–20–0001—Certified Interpreting Physician Files, HHS/CDC/NIOSH, p. 45471

Inventions and Patents

09–90–0067—Invention Reports Submitted to the Department of Health and Human Services by its Employees, Grantees, Fellowships Recipients, and Contractors, HHS/OS/OGC, p. 45545

Investigations

09–10–0010—Bioresearch Monitoring Information System, HHS/FDA/BD, p. 45419
09–10–0013—Employee Conduct Investigative Records, HHS/FDA/ACMO, p. 45422
09–20–0113—Epidemic Investigation Case Records, HHS/CDC/CID, p. 45491
09–20–0138—Epidemic Intelligence Service Officers Files, HHS/CDC/EPO, p. 45496
09–25–0060—Clinical Research: Division of Cancer Treatment Clinical Investigations, HHS/NIH/NCI, p. 45808
09–25–0151—Administration: Alert Records Concerning Investigations or Determinations of Misconduct by Current or Potential Recipients of Funds for Biomedical Research, HHS/NIH/OD, p. 45855
09–30–0019—Saint Elizabeths Hospital Court-Ordered Forensic Investigatory Materials Files, HHS/ADAMHA/NIMH, p. 45445
09–60–0037—General Criminal Investigations Files, HHS/SSA/OMBP, p. 45605
09–60–0097—Program Integrity Case Files, HHS/SSA/OA, p. 45632
09–70–2002—HCFA Program Integrity/Program Validation Case Files, HHS/HCFA/BQC, p. 45739
09–90–0002—Investigatory Material Compiled for Security and Suitability Purposes, HHS/OS/OIG, p. 45524
09–90–0003—Investigative Files of the Inspector General, HHS/OS/OIG, p. 45525
*09–90–0007—Complaints and Inquiries Records-Miscellaneous, HHS/OS/OASPER, p. 45746
*09–90–0009—Discrimination Complaints Records, HHS/OS/OASPER, p. 45748
*09–90–0014—Grievances Filed Under Part 771 of 5 CFR, HHS/OS/OASPER, p. 45755
*09–90–0015—Grievances Filed Under Procedures Established by Labor-Management Negotiations, HHS/OS/ASPER, p. 45756
09–90–0050—Case Information Management System, HHS/OS/OCR, p. 45539
09–90–0051—Complaint Files and Log, HHS/OS/OCR, p. 45539
09–90–0078—SSI/OPM Temporary Matching File, HHS/OS/OIG, p. 45527
09–90–0079—Welfare Fraud Detection File, HHS/OS/OIG, p. 45528

Isoniazid

09–20–0086—Surveillance of Persons on Isoniazid Prevention Treatment for Tuberculosis, HHS/CDC/CPS, p. 45470

Japan

09–25–0117—International Activities: U.S.-Japan Program Panel Members, HHS/NIH/NIAID, p. 45829

Japanese

09–25–0064—Clinical Research: Japanese Hawaiian Cancer Studies, HHS/NIH/NCI, p. 45809

Kidney Diseases

09–25–0133—Clinical Research: Kidney Transplant Histocompatibility Study (KTHS), HHS/NIH/NIAID, p. 45839
09–70–0520—End Stage Renal Disease (ESRD) Program Management and Medical Information System (Registry), HHS/HCFA/BPO, p. 45731

Labor Management Relations

*09–90–0015—Grievances Filed Under Procedures Established by Labor-Management Negotiations, HHS/OS/OASPER, p. 45756
*09–90–0069—Unfair Labor Practice Records, HHS/OS/OASPER, p. 45770

Labor Unions

09–07–0011—Evaluation of the Impact of Surgical Screening Based Upon Union Member Utilization of the Pre-Surgical Consultant Benefits Statistics, HHS/HCFA/ORD, p. 45700
*09–90–0069—Unfair Labor Practice Records, HHS/OS/ASPER, p. 45770

Laboratories

09–25–0046—Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID, p. 45802
09–30–0017—Saint Elizabeths Hospital Legal Office Record System, HHS/ADAMHA/NIMH, p. 45443
09–90–0071—Social Security Code Cards, HHS/OS/OGC, p. 45546

Lawyers

09–60–0003—Hearing File and Attorney Fee File, HHS/SSA/OHA, p. 45592
09–60–0102—Fee Ledger System for Representatives, HHS/SSA/OIP, p. 45634
09–90–0066—OGC—Attorney Applicant Files, HHS/OS/OGC, p. 45544

Leave

*09–90–0017—Pay, Leave and Attendance Records, HHS/OS/OASPER, p. 45759

Legislation

09–90–0068—Federal Private Relief Legislation, HHS/OS/OGC, p. 45546

Libraries

09–25–005—Administration: Library Circulation and User I.D. File, HHS/NIH/OD, p. 45778

Licensed Practical Nurse

09–70–1507—Waivered Licensed Practical Nurse Proficiency Exam Answer Sheets and Test Results (Medicare), HHS/HCFA/HSQB, p. 45736

Litigation

09–60–0186—SSA Litigation Tracking System, HHS/SSA/OR, p. 45645
09–90–0064—Litigation Files, Administrative Complaints, and Adverse Personnel Actions, HHS/OS/OGC, p. 45542

Loan Programs

09–15–0026—Medical Fellowships and Educational Loans, HHS/HSA/OA, p. 45573
09–15–0038—Disability Claims of the Nursing Student Loan Program, HHS/HSA/BHPDS, p. 45580
09–15–0039—Disability Claims in the Health Professions Student Loan Program, HHS/HSA/BHPDS, p. 45581
09–15–0040—Health Professions Student Loan Repayment Program, HHS/HSA/BHPDS, p. 45582
09–15–0041—Health Professions Student Loan Cancellation, HHS/HSA/BHPDS, p. 45584
09–15–0043—Cuban Loan Program, HHS/HSA/BHPDS, p. 45586
09–15–0044—Health Education Assistant Loan Program (HEAL) Loan Control Master File, HHS/HSA/BHPDS, p. 45586
09–90–0102—Federal Personnel/HHS or HHS Funded Benefit and Loan Program Temporary Matching File, HHS/OS/OIG, p. 45530

Locator

09–60–0092—Automated Control System for Case Folders, HHS/SSA/OURV, p. 45629
09–60–0186—SSA Litigation Tracking System, HHS/SSA/OR, p. 45645
*09–90–0001—Telephone Directory/Locator System, HHS/OS/ASMB/OMAS, p. 45517
09–90–0074—Federal Parent Locator System, HHS/OCSE, p. 45547

Long-Term Care

09–70–0025—Evaluation of the Long-Term Home Health Care Program, HHS/HCFA/ORD, p. 45713
09–90–0088—National Long-Term Care Channeling Demonstration (NLTCCD), HHS/OS/OASPE, p. 45552
09–90–0089—National Long-Term Care Survey, HHS/OS/OASPE, p. 45554

Longitudinal Evaluation

09–80–0022—Longitudinal Evaluation of the National Nutrition Program for the Elderly, HHS/OHDS/AoA, p. 45404

Lung Diseases

09–25–0126—Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI, p. 45833

Mailing Lists

09–20–0059—Division of Training Mailing List, HHS/CDC/NIOSH, p. 45474
09–80–0009—ACYF Mailing List, HHS/OHDS/ACYF, p. 45403
09–80–0020—HDS Publications Distribution Mailing List, HHS/OHDS/OPA, p. 45403
09–90–0041—Consumer Mailing Lists, HHS/OS/OCA, p. 45537

Mainstream

09–90–0082—Pennhurst Longitudinal Study (also called the Longitudinal Study of the Court Ordered Deinstitutionalization of Pennhurst), HHS/OS/OASPE, p. 45548

Malaria

09–25–0049—Clinical Research: Atlanta Federal Prison Malaria Research Projects, HHS/NIH/NIAID, p. 45803

Manpower

09–15–0027—National Health Service Corps (NHSC) and Indian Health Services (IHS) Pre-Application Recruitment and Provider File, HHS/HSA/BHPDS, p. 45574
09–37–0011—Health Manpower Inventories and Surveys, HHS/OASH/OHRST, p. 45687

Marriages

09–37–0012—Vital Statistics for Births, Deaths, Fetal Deaths, Marriage and Divorces Occurring in the United States During Each Year, HHS/OASH/OHRST, p. 45688

Maryland

09–30–0002—Statistical Research Data on Adolescent Runaways in Prince Georges County, MD, 1962–1965, HHS/ADAMHA/NIMH, p. 45427

Medicaid

09–70–0014—Survey of Physicians', Administrative and Practice Costs and Medicaid Participation, HHS/HCFA/ORD, p. 45701
09–70–0022—Municipal Health Services Program, HHS/HCFA/ORD, p. 45706
09–70–0024—Medicare/Medicaid Hospice Demonstration, HHS/HCFA/ORD, p. 45710
09–70–1509—Complaint Files on Nursing Homes, HHS/HCFA/HSQB/DLTC, p. 45736
09–70–1510—Professional Qualification Files HHS/HCFA/HSQB, p. 45737
09–70–2002—HCFA Program Integrity/Program Validation Case Files, HHS/HCFA/BQC, p. 45739

Medical Devices

09–70–0004—Durable Medical Equipment Experiments, HHS/HCFA/ORD, p. 45695

Medical Research

09–25–0001—Clinical Research: Patient Records, HHS/NIH/NHLBI, p. 45775
09–25–0002—Clinical Research: Patient Phonocardiogram Records, HHS/NIH/NHLBI, p. 45776
09–25–0003—Administration: Authorized Radionuclide Users File, HHS/NIH/ORS, p. 45776
09–25–0004—Administration: Registry of Individuals Exposed to Chemical Carcinogens, HHS/NIH/ORS, p. 45777
09–25–0009—Clinical Research: Radiotherapy Patient File, HHS/NIH/ORS, p. 45780
09–25–0010—Research Resources: Registry of Individuals Potentially Exposed to Microbiol Agents, HHS/NIH/NCI, p. 45781
09–25–0011—Clinical Research: Blood Donor Records, HHS/NIH/CC, p. 45781
09–25–0012—Clinical Research: Candidate Normal Volunteer Records, HHS/NIH/CC, p. 45782
09–25–0013—Clinical Research: Preadmission Medical Records, HHS/NIH/CC, p. 45783
09–25–0014—Clinical Research: Student Records, HHS/NIH/CC, p. 45784
09–25–0015—Clinical Research: Collaborative Clinical Epilepsy Research, HHS/NIH/NINCDS, p. 45784
09–25–00016—Clinical Research: Collaborative Perinatal Project, HHS/NIH/NINCDS, p. 45785
09–25–0019—Clinical Research: Genetic Counseling, HHS/NIH/NINCDS, p. 45786
09–25–0020—Clinical Research: Genetics of Neurological Disorders, HHS/NIH/NINCDS, p. 45787
09–25–0021—Clinical Research: Guam Patient/Control Registry, HHS/NIH/NINCDS, p. 45788
09–25–0026—Clinical Research: Nervous System Studies, HHS/NIH/NINCDS, p. 45789
09–25–0028—Clinical Research: Patient Medical Histories, HHS/NIH/NINCDS, p. 45789
09–25–0031—Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System, HHS/NIH/NINCDS, p. 45790
09–25–0034—International Activities: Scholars Program, HHS/NIH/FIC, p. 45792
09–25–0035—International Activities: International Health Exchange Program Participants, HHS/NIH/FIC, p. 45793
09–25–0036—Grants: IMPAC (Grant/Contract Information), HHS/NIH/DRG, p. 45793
09–25–0037—Clinical Research: Gerontology Research /Center Longitudinal Aging Study, HHS/NIH/NIA, p. 45795
09–25–0038—Clinical Research; Patient Data, HHS/NIH/NIADDK, p. 45795
09–25–0039—Clinical Research: Diabetes Millitus Research Study of Southwestern American Indians, HHS/NIH/NIADDK, p. 45796
09–25–0040—Clinical Research: Southwestern American Indian Patient Data, HHS/NIH/NIADDK, p. 45797
09–25–0041—Research Resources: Scientists Requesting Hormone Distribution, HHS/NIH/NIADDK, p. 45798
09–25–0042—Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR, p. 45799
09–25–0043—Clinical Research: Pharyngeal Development Patients, HHS/NIH/NIDR, p. 45800
09–25–0044—Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR, p. 45801
09–25–0046—Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID, p. 45802
09–25–0048—Clinical Research: Serology-Epidemiology Parasite Research, HHS/NIH/NIAID, p. 45803
09–25–0053—Clinical Research: Vision Studies, HHS/NIH/NEI, p. 45805
09–25–0057—Clinical Research: Burkitt's Lymphoma Registry, HHS/NIH/NCI, p. 45807
09–25–0060—Clinical Research: Division of Cancer Treatment Clinical Investigations, HHS/NIH/NCI, p. 45808
09–25–0064—Clinical Research: Japanese Hawaiian Cancer Studies, HHS/NIH/NCI, p. 45809
09–25–0067—Clinical Research: National Cancer Incidence Surveys, HHS/NIH/NCI, p. 45809
09–25–0068—Clinical Research: National Cancer Institute/American Cancer Society National Breast Cancer Screening of Antihypertensives, HHS/NIH/NCI, p. 45810
09–25–0069—NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI, p. 45811
09–25–0074—Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials, HHS/NIH/NCI, p. 45812
09–25–0075—Administration: Principal Investigators Submitting Proposals for

Protection from Research Risks, HHS/NIH/OD, p. 45813
09–25–0077—Clinical Research: Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI, p. 45814
09–25–0088—Clinical Research: Researchers Using H–2 Soluble Antigen and H–2 Antiserum, HHS/NIH/NIAID, p. 45817
09–25–0089—Clinical Research: HLA Antiserum and Tray Users, HHS/NIH/NIAID, p. 45817
09–25–0093—Administration: Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI, p. 45819
09–25–0096—Contracts: National Cancer Institute Contract Management System Principal Investigators, Project Officers and Contract Specialists, HHS/NIH/NCI, p. 45820
09–25–0099—Clinical Research: Patient Medical Records, HHS/NIH/CC, p. 45820
09–25–0108—Personnel: Guest Workers/Visiting Fellows/Student Scientist/Scientists Emeriti, HHS/NIH/DPM, p. 45825
09–25–0112—Grants: Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD, p. 45825
09–25–0015—Administration: Curricula Vitae of Consultants and Investigators, HHS/NIH/NIAID, p. 45828
09–25–0116—Contracts: Medical Consultants Under Professional Services Contracts, HHS/NIH/NIAID, p. 45829
09–25–0117—International Activities: U.S.-Japan Program Panel Members, HHS/NIH/NIAID, p. 45829
09–25–0121—International Activities: Senior International Fellowships Program, HHS/NIH/FIC, p. 45830
09–25–0126—Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI, p. 45833
09–25–0127—Clinical Research: Clinical Trials Dealing with Phototherapy for Neonatal Hyperbilirubinemia, HHS/NIH/NICHD, p. 45834
09–25–0128—Clinical Research: Neural Prosthesis and Biomedical Engineering Studies, HHS/NIH/NINCDS, p. 45835
09–25–0130—Clinical Research: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45837
09–25–0131—Clinical Research: Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45838
09–25–0133—Clinical Research: Kidney Transplant Histocompatibility Study (KTHS), HHS/NIH/NIAID, p. 45839
09–25–0134—Clinical Research: Epidemiology Studies, National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45840
09–25–0138—Biomedical Research: Studies of Possible Influence on Cognitive and Emotional Development of Children, HHS/NIH/NICHD, p. 45843
09–25–0142—Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA, p. 45846
09–25–0143—Biomedical Research: Records of Subjects in Clinical Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID, p. 45847
09–25–0151—Administration: Alert Records Concerning Investigations or Determinations of Misconduct by Current or Potential Recipients of Funds for Biomedical Research, HHS/NIH/OD, p. 45855

Medical Students

09–35–0013—Indo-China Refugee Physicians and Medical Students, HHS/HRA/BHPr, p. 45407

Medicare

09–60–0095—Health Insurance Overpayment Ledger Cards, HHS/SSA/OURV, p. 45631
09–70–0001—Medicare Second Surgical Opinion Experiments, HHS/HCFA/ORD, p. 45694
09–70–0004—Durable Medical Equipment Experiments, HHS/HCFA/ORD, p. 45695
09–70–0005—Medicare Bill Files (Statistics), HHS/HCFA/BDMS, p. 45696
09–70–0006—Medicare Enrollment Records (Statistics), HHS/HCFA/BDMS, p. 45697
09–70–0008—Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics), HHS/HCFA/BDMS, p. 45698
09–70–0010—Current Medicare Survey (Statistics), HHS/HCFA/ORD, p. 45699
09–70–0013—Annual 5 Percent Summary File of Services Reimbursed Under the Medicare Program (Statistics), HHS/HCFA/BDMS, p. 45701
09–70–0017—Health Insurance Benefit and Actuarial Sample Control System, HHS/HCFA/BDMS, p. 45703
09–70–0018—Actuarial Health Insurance and Supplementary Medical Insurance (Medicare), HHS/HCFA/BDMS, p. 45703
09–70–0020—Actuarial Sample of Supplementary Medical Insurance Payments, HHS/HCFA/BDMS, p. 45705
09–70–0021—Health Maintenance Organization Prospective Reimbursement Demonstration, HHS/HCFA/ORD, p. 45706
09–70–0022—Municipal Health Services Program, HHS/HCFA/ORD, p. 45706
09–70–0024—Medicare/Medicaid Hospice Demonstration, HHS/HCFA/ORD, p. 45710
09–70–0026—Study of the Comparative Effectiveness of State Approaches to Regulation of Medicare Supplemental Policies: Medigap, HHS/HCFA/ORD, p. 45714
09–70–0027—Evaluation of HMO Capitation Demonstration, HHS/HCFA/ORD, p. 45715
09–70–0028—Study of the Social, Ethical and Economic Consequences of Medicare Coverage of Heart Transplants, HHS/HCFA/ORD, p. 45716
09–70–0501—Carrier Medicare Claims Records, HHS/HCFA/BPO, p. 45717
09–70–0502—Health Insurance Master Record, HHS/HCFA/BPO, p. 45719
09–70–0503—Intermediary Medicare Claims Records, HHS/HCFA/BPO, p. 45720
09–70–0507—Health Insurance Utilization Microfilm, HHS/HCFA/BPO, p. 45724
09–70–0509—Medicare Beneficiary Correspondence Files, HHS/HCFA/BPO, p. 45726
09–70–0513—Explanation of Medicare Benefit Records, HHS/HCFA/BPO, p. 45728
09–70–0516—Medicare Physician Supplier Master File, HHS/HCFA/BPO, p. 45729
09–70–0518—Medicare Clinic Physician Supplier Master File; HHS/HCFA/BPO, p. 45730
09–70–0521—Medicare Beneficiary Claims for Emergency Services, HHS/HCFA/BPO, p. 45732
09–70–0522—Billing and Collection Master Record System, HHS/HCFA/BPO, p. 45733
09–70–1509—Complaint Files an Nursing Homes, HHS/HCFA/HSQB/DLTC, p. 45735
09–70–1510—Professional Qualification Files, HHS/HCFA/HSQB, p. 45737
09–70–2002—HCFA Program Integrity/Program Validation Case Files, HHS/HCFA/BQC, p. 45739
09–90–0086—Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/OASPE, p. 45550

Medigap

09–70–0026—Study of the Comparative Effectiveness of State Approaches to Regulation of Medicare Supplemental Policies: Medigap, HHS/HCFA/ORD, p. 45714

Mental Health

09–20–0102—Alien Mental Waiver Program, HHS/CDC/CPS, p. 45486
09–30–0003—Medical Record Files of Patients Seen in Therapy in Programs of the Mental Health Study Center, HHS/ADAMHA/NIMH, p. 45426
09–30–0004—Intramural Research Program Records of Research Performed on In- and Out-patients with Various Types of Mental Illness, HHS/ADAMHA/NIMH, p. 45428
09–30–0018—Saint Elizabeths Hospital Area D Community Mental Health Center Citizens, Advisory Group Records, HHS/ADAMHA/NIMH, p. 45444
09–30–0030—Record of Visiting Fellows, HHS/ADAMHA/OA, p. 45455
09–30–0035—Three Mile Island Mental Health Survey, Respondent Records, HHS/ADAMHA/NIMH, p. 45459
09–30–0036—Mental Health Epidemiologic and Biometric Research Data, HHS/ADAMHA/NIMH, p. 45460
09–30–0037—Psychotherapy of Opiate—Dependent Individuals, HHS/ADAMHA/NIMH, p. 45462
*09–90–0010—Employee Counseling Service Program Records, HHS/OS/ASPER, p. 45750
09–90–0086—Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/OASPE, p. 45550

Mental Retardation

09–90–0082—Pennhurst Longitudinal Study (also called the Longitudinal Study of the Court Order Deinstitutionalization of Pennhurst); HHS/OS/OASPE, p. 45548

Microbial Agents

09–25–0010—Research Resources: Registry of Individuals Potentially Exposed to Microbial Agents, HHS/NIH/NCI, p. 45781

Military Personnel

09–60–0118—Non-Contributory Military Service Reinbursement System, HHS/SSA/OP, p. 45638

Mines

09–20–0150—Morbidity Studies in Coal Mining Activities, HHS/CDC/NIOSH, p. 45501
09–20–0151—Mortality Studies in Coal Mining Activities, HHS/CDC/NIOSH, p. 45502
09–20–0152—Mortality Studies in Non-Coal Mining Activities, HHS/CDC/NIOSH, p. 45504
09–20–0155—Morbidity Studies in Metal and Non-Metal Mining Activities, HHS/CDC/NIOSH, p. 45508

Morbidity

09–20–0149—General Industry Morbidity Studies, HHS/CDC/NIOSH, p. 45500
09–20–0150—Morbidity Studies in Coal Mining Activities, HHS/CDC/NIOSH, p. 45501
09–20–0155—Morbidity Studies in Metal and Non-Metal Mining Activities, HHS/CDC/NIOSH, p. 45508

Mortality

09–20–0151—Mortality Studies in Coal Mining Activities, HHS/CDC/NIOSH, p. 45502
09–20–0152—Mortality Studies in Non-Coal Mining Activities, HHS/CDC/NIOSH, p. 45504
09–20–0153—General Industry Mortality Studies, HHS/CDC/NIOSH, p. 45505

Motor Vehicles

*09–90–0016—HHS Motor Vehicle Operator Records, HHS/OS/OASPER, p. 45758

Mouth

09–25–0043—Clinical Research: Phoryngeal Development Patients, HHS/NIH/NIDR, p. 45800

Municipal

09–70–0022—Municipal Health Services Program, HHS/HCFA/ORD, p. 45706

Mycrobacterial Diseases

09–20–0089—Studies of Treatment of Tuberculosis and other Mycobacterioses, HHS/CDC/CPS, p. 45478
09–20–0090—Studies of Testing for Tuberculosis and other Mycobacterioses, HHS/CDC/CPS, p. 45480

Naltrexone

09–30–0041—Subject: Participants in a Drug Abuse Research Study in Naltrexone, HHS/ADAMHA/NIDA, p. 45466

Neural Prostheses

09–25–0128—Clinical Research: Neural Prosthesis and Biomedical Engineering Studies, HHS/NIH/NINCDS, p. 45835

Nervous System

09–25–0028—Clinical Research: Nervous System Studies, HHS/NIH/NINCDS, p. 45789
09–25–0031—Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System, HHS/NIH/NINCDS, p. 45790

Neurology

09–25–0020—Clinical Research: Genetics of Neurological Disorders, HHS/NIH/NINCDS, p. 45787
09–25–0128—Clinical Research: Neural Prosthesis and Biomedical Engineering Studies, HHS/NIH/NINCDS, p. 45835

Neuropharmacology

09–25–0100—Clinical Research: Neurophormacology Studies, HHS/NIH/NINCDS, p. 45822

Normalization

09–90–0082—Pennhurst Longitudinal Study (also called the Longitudinal Study of the Court Ordered Deinstitutionalization of Pennhurst), HHS/OS/OASPE, p. 45548

Number

09–60–0058—Master Files of Social Security Number Holders, HHS/SSA/OEER, p. 45616

Nurse Practitioners

09–35–0045—Nurse Practitioner Traineeships, HHS/HRA/BHPr, p. 45410

Nurses

09–15–0038—Disability Claims of the Nursing Student Loan Program, HHS/HSA/BHPDS, p. 45580
09–35–0014—National Research Service Awards, HHS/HRA/BHPr, p. 45407
09–35–0016—Professional Nurse Traineeships, HHS/HRA/BHPr, p. 45408
09–35–0045—Nurse Practitioner Traineeships, HHS/HRA/BHPr, p. 45410

Nursing Homes

09–70–1509—Complaint Files on Nursing Homes, HHS/HCEA/HSQB/DLTC, p. 45736

Nutrition

09–80–0022—Longitudinal Evaluation of the National Nutrition Program for the Elderly, HHS/OHDS/AoA, p. 45404

Occupational Safety and Health

09–20–0055—Research/Demonstration, and Training Grants, and Cooperative Agreements Application Files, HHS/CDC/NIOSH, p. 45473
09–20–0083—Diagnostic Methods for Identification of Occupational Diseases through Biopsy and/or Autopsy Specimens, HHS/CDC/NIOSH, p. 45474
09–20–0117—Medical and Test Record Results of Individuals Involved in NIOSH Laboratory Studies, HHS/CDC/NIOSH, p. 45492
09–20–0118—Study at Work-Sites Where Agents Suspected of Being Occupational Hazards Exist, HHS/CDC/NIOSH, p. 45493

09–20–0147—Occupational Health Epidemiological Studies, HHS/CDC/NIOSH, p. 45497
09–20–0148—Results of Occupational Hearing Studies, HHS/CDC/NIOSH, p. 45499
09–20–0149—General Industry Morbidity Studies, HHS/CDC/NIOSH, p. 45500
09–20–0153—General Industry Mortality Studies, HHS/CDC/NIOSH, p. 45505
*09–90–0005—Safety Management Information System (HHS Accident, Injury and Illness Reporting System), HHS/OS/OASMB/OFE/OSOH, p. 45518
*09–90–0013—Federal Employees Occupational Health Progam Records, HHS/OS/OASPER, p. 45754

Overpayments

09–60–0094—Recovery Accounting for Overpayments, HHS/SSA/OURV, p. 45630
09–60–0095—Health Insurance Overpayment Ledger Cords, HHS/SSA/OURV, p. 45631
09–60–0103—Supplemental Security Income Record, HHS/SSA/OURV, p. 45635
09–60–0110—Supplemental Security Income File of Refunds, HHS/SSA/OURV, p. 45636
09–70–0504—Beneficiary Parts A and B Uncollectible Overpayments Files, HHS/HCFA/BPO, p. 45722

Panencephalitis

09–20–0088—Subacute Sclerosing Panencephalitis Surveillance, HHS/CDC/CPS, p. 45478

Parasites

09–25–0048—Clinical Research: Serology-Epidemiology Parasite Research, HHS/NIH/NIAID, p. 45803

Parents

09–90–0074—Federal Parent Locator System, HHS/OCSE, p. 45547

Parking

*09–90–0023—Departmental Parking Control Policy and Records System, HHS/OS/OASMB/OFE, p. 45520

Passports and Visas

09–20–0137—Passport File, HHS/CDC/FMO, p. 45496

Patients

09–15–0002—Record of Patients' Personal Valuables and Monies, HHS/HSA/BMS, p. 45561
09–15–0007—Patients Medical Record System PHS Hospitals/Clinics, HHS/HSA/BMS, p. 45563
09–15–0022—Accounts Receivable, HHS/HSA/BMS, p. 45573
09–25–0001—Clinical Research: Patient Records, HHS/NIH/NHLBI, p. 45775
09–25–0002—Clinical Research: Patient Phonocardiogram Records, HHS/NIH/NHLBI, p. 45776
09–25–0003—Administration: Authorized Radionuclide Users File, HHS/NIH/ORS, p. 45776
09–25–0009—Clinical Research: Radiotherapy Patient File, HHS/NIH/ORS, p. 45780
09–25–0015—Clinical Research: Collaborative Clinical Epilepsy Research, HHS/NIH/NINCDS, p. 45784
09–25–0020—Clinical Research: Genetics of Neurological Disorders, HHS/NIH/NINCDS, p. 45787
09–25–0021—Clinical Research: Guam Patient/Control Registry, HHS/NIH/NINCDS, p. 45788
09–25–0026—Clinical Research: Nervous System Studies, HHS/NIH/NINCDS, p. 45789
09–25–0028—Clinical Research: Patient Medical Histories, HHS/NIH/NINCDS, p. 45789
09–25–0031—Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System, HHS/NIH/NINCDS, p. 45790
09–25–0038—Clinical Research: Patient Data, HHS/NIH/NIADDK, p. 45795
09–25–0040—Clinical Research: Southwestern American Indian Patient Data, HHS/NIH/NIADDK, p. 45797
09–25–0041—Research Resources: Scientists Requesting Hormone Distribution, HHS/NIH/NIADDK, p. 45798
09–25–0042—Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR, p. 45799
09–25–0043—Clinical Research: Pharyngeal Development Patients, HHS/NIH/NIDR, p. 45800
09–25–0046—Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID, p. 45802
09–25–0053—Clinical Research: Vision Studies, HHS/NIH/NEI, p. 45805
09–25–0057—Clinical Research: Burkitt's Lymphomo Registry, HHS/NIH/NCI, p. 45807
09–25–0060—Clinical Research: Division of Cancer Treatment Clinical Investigations, HHS/NIH/NCI, p. 45808
09–25–0069—NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI, p. 45811
09–25–0074—Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials, HHS/NIH/NCI, p. 45812
09–25–0077—Clinical Research: Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI, p. 45814
09–25–0099—Clinical Research: Patient Medical Records, HHS/NIH/CC, p. 45820
09–25–0100—Clinical Research: Neurophormacology Studies, HHS/NIH/NINCDS, p. 45822
09–25–0123—Clinical Research: Clinical Trials Dealing with Fertility-Regulating Methods, HHS/NIH/NICHD, p. 45831
09–25–0126—Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biomteric Studies, HHS/NIH/NHLBI, p. 45833
09–25–0127—Clinical Research: Clinical Triols Dealing with Phototherapy for Neonatal Hyperbilirubinemia, HHS/NIH/NICHD, p. 45834
09–25–0128—Clinical Research: Neural Prosthesis and Biomdical Engineering Studies, HHS/NIH/NINCDS, p. 45835
09–25–0129—Clinical Research: Clinical Research Studies Dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NINCDS, p. 45836
09–25–0130—Clinical Research: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45837
09–25–0131—Clinical Research: Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI, p. 45838
09–25–0133—Clinical Research: Kidney Transplant Histocompatibility Study (KTHS), HHS/NIH/NIAID, p. 45839
09–25–0134—Clinical Research: Epidemiology Studies, National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45840
09–25–0141—Patient and Donor Records in the Blood Component Support Program for the Division of Cancer Treatment, HHS/NIH/NCI, p. 45845
09–25–0142—Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA, p. 45846
09–25–0143—Biomedical Research: Records of Subjects in Clinical Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID, p. 45847
09–25–0147—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI, p. 45849
09–25–0148—Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurologicial and Communicative Disorders and Stroke, HHS/NIH/NINCDS, p. 45850

09-25-0149—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS, p. 45852
09-25-0150—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45853
09-30-0006—Saint Elizabeths Hospital Medical Support Program File System, HHS/ADAMHA/NIMH, p. 45431
09-30-0007—Saint Elizabeths Hospital Clinical Support Services Record System, HHS/ADAMHA/NIMH, p. 45432
09-30-0016—Saint Elizabeths Hospital Patients' Personal Property Record System, HHS/ADAMHA/NIMH, p. 45442
09-30-0020—Administrative Records on Civilly Committed Drug Abusers Under the Narcotic Addict Rehabilitation Act, HHS/ADAMHA/NIDA, p. 45446
09-30-0028—Saint Elizabeths Hospital General Medical/Clinical Records System and Related Indexes HHS/ADAMHA/NIMH, p. 45453

Payments

09-15-0040—Health Professions Student Loan Repayment Program, HHS/HSA/BHPDS, p. 45582
09-60-0103—Supplemental Security Income Record, HHS/SSA/OURV, p. 45635
09-70-0517—Physician/Supplier 1099 File (Statement for Recipients of Medical and Health Care Payments), HHS/HCFA/BPO, p. 45730
*09-90-0024—Accounting Records of Payments to Individuals from Agency and Regional Financial Management and Disbursing Offices, HHS/OS/OASMB/1, p. 45521

Pennhurst

09-90-0082—Pennhurst Longitudinal Study (also called the Longitudinal Study of the Court Ordered Deinstitutionalization of Pennhurst), HHS/OS/OASPE, p. 45548

Pennsylvania

09-30-0035—Three Mile Island Mental Health Survey, Respondent Records, HHS/ADAMHA/NIMH, p. 45459

Perinatal

09-25-0016—Clinical Research: Collaborative Perinatal Project, HHS/NIH/NICDS, p. 45785

Personnel

09-20-0138—Epidemic Intelligence Service Officers Files, HHS/CDC/EPO, p. 45498
09-25-0108—Personnel: Guest Workers/Visiting Fellows/Student Scientist/Scientists Emeriti, HHS/NIH/DPM, p. 45825
09-37-0005—PHS Commissioned Corps Board Proceedings, HHS/OASH/OM, p. 45680
09-60-0017—Personnel Research and Merit Promotion Test Records, HHS/SSA/OMBP, p. 45601
*09-90-0020—Suitability for Employment Records, HHS/OS/OASPER, p. 45764
09-90-0064—Litigation Files, Administrative Complaints, and Adverse Personnel Actions, HHS/OS/OGC, p. 45542
09-90-0078—SSI/OPM Temporary Matching File, HHS/OS/OIG, p. 45527
09-90-0095—Management Information System Efficiency Report (Miser), HHS/OS/OASPER/OPSI&OCAM, p. 45771

Personnel Records

09-37-0002—PHS Commissioned Officer Personnel Data System, HHS/OASH/OM, p. 45676
09-37-0006—PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation, and Disciplinary Files, HHS/OASH/OM, p. 45681
09-37-0007—PHS Commissioned Corps General Personnel Records, HHS/OASH/OM, p. 45682
09-37-0008—PHS Commissioned Corps Unofficial Personnel Files and Other Station Files HHS/OASH/OM, p. 45684
09-90-0002—Investigatory Material Compiled for Security and Suitability Purposes, HHS/OS/OIG, p. 45524
*09-90-0006—Applicants for Employment Records, HHS/OS/OASPER, p. 45743
*09-90-0007—Camplaints and Inquires Records, Miscellaneous, HHS/OS/OASPER, p. 45746
*09-90-0008—Conflict of Interest Records, HHS/OS/OASPER, p. 45747
*09-90-0009—Discrimination Complaints Records, HHS/OS/OASPER, p. 45748
*09-90-0010—Employee Counseling Service Program Records, HHS/OS/OASPER, p. 45750
*09-90-0011—Employee Appraisal Program Records, HHS/OS/OASPER, p. 45751
*09-90-0012—Executive Development Records, HHS/OS/OASPER, p. 45753
*09-90-0013—Federal Employees Occupational Health Program Records, HHS/OS/OASPER, p. 45754
*09-90-0014—Grievances Filed Under Part 771 of 5 CFR, HHS/OS/OASPER, p. 45755
*09-90-0015—Grievances Filed Under Procedures Established by Labor-Management Negotiations, HHS/OS/OASPER, p. 45756
*09-90-0016—HHS Motor Vehicle Operator Records, HHS/OS/OASPER, p. 45758
*09-90-0017—Pay, Leave and Attendance Records, HHS/OS/OASPER, p. 45759
*09-90-0018—Personnel Records in Operating Offices, HHS/OS/OASPER, p. 45761
*09-90-0019—Special Employment Program Records, HHS/OS/OASPER, p. 45763
*09-90-0020—Suitability for Employment Records, HHS/OS/OASPER, p. 45764
*09-90-0021—Training Management Information System, HHS/OS/OASPER, p. 45766
*09-90-0022—Volunteer EEO Support Personnel Records, HHS/OS/OASPER, p. 45767
*09-90-0036—Employee Syggestion Program Records, HHS/OS/OASPER, p. 45768
*09-90-0059—Federal Advisory Committee Membership Files, HHS/OS/OASPER, p. 45769
*09-90-0069—Unfair Labor Practice Records, HHS/OS/OASPER, p. 45770

Pharmacology

09-25-0124—Administration: Pharmacology Research Associates, HHS/NIH/NIGMS, p. 45832

Phonocardiogram

09-25-002—Clinical Research: Patient Phonocardiogram Records, HHS/NIH/NHLBI p. 45776

Photographs

*09-90-0028—Biographies and Photographs of HHS Officials, HHS/OS/OASPA, p. 45533

Phototherapy

09-25-0127—Clinical Research: Clinical Trials Dealing with Phototherapy for Neonatal Hyperbilirubinemio, HHS/NIH/NICHD, p. 45834

Physical Therapists

09-70-1504—Physical Therapists Proficiency Answer Sheets and Test Results (Medicare), HHS/HCFA/HSQB, p. 45734

Practices

09-70-0014—Survey of Physicians', Administrative and Practice Costs and Medicaid Participation, HHS/HCFA/ORD, p. 45701

Pregnancies

09–20–0087—Surveillance of Inadvertent Vaccination During Pregnancy, HHS/CDC/CPS, p. 45477
09–25–0016—Clinical Research: Collaborative Perinatal Project, HHS/NIH/NINCDS, p. 45785

Prince Georges County, MD

09–30–0002—Statistical Research Data on Adolescent Runways in Prince Georges County, MD, 1962–65, HHS/ADAMHA/NIMH, p. 45427

Prisoners

09–25–0049—Clinical Research: Atlanta Federal Prison Malaria Research Project, HHS/NIH/NIAID, p. 45803
09–30–0022—National Institute on Drug Abuse, Addiction Research Center, Federal Prisoner and Non-Prisoner Patient Files, HHS/ADAMHA/NIDA, p. 45447

Program

09–25–0149—Records of Participants in programs and Respondents in Surveys used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS, p. 45852
09–25–0150—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45853

Property

09–25–0054—Administration: Property Accounting, HHS/NIH/ORS, p. 45806
09–30–0016—Saint Elizabeths Hospital Patients' Personal Property Record Sustem, HHS/ADAMHA/NIMH, p. 45442

Prostate Cancer

09–25–0074—Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials, HHS/NIH/NCI, p. 45812

Psychiatric Technicians

09–70–1505—Psychiatric Technician Proficiency Answer Sheets and Test Results (Medicare), HHS/HCFA/HSQB, p. 45735

Public Health Service

09–30–0021—Patient Medical Records on PHS Beneficiaries 1935–1974 and Civilly Committed Narcotic Addicts 1967–1974 Treated at PHS Hospitals, HHS/ADAMHA/NIDA, p. 45446

Publications

09–60–0209—Readership Surveys of Office of Research and Statistics (ORS) Publications (Statistics), HHS/SSA/OP, p. 45653
09–60–0020—HDS Publications Distribution Mailing List, HHS/OHDS/OPA, p. 45403

Quality Review

09–60–0040—Quality Review System, HHS/SSA/OA, p. 45606
09–60–0042—Quality Review Casefile, HHS/SSA/OA, p. 45607

Radiation Protection

09–10–0008—Radiation Protection Program Personnel Monitoring System, HHS/FDA/BRH, p. 45418
09–20–0027—Radiation Exposure Records for NIOSH Employees, HHS/CDC/NIOSH, p. 45472
09–25–0008—Administration: Radiation Workers Monitoring, HHS/NIH/ORS, p. 45779

Radioactive Materials

09–10–0008—Radiation Protection Program Personnel Monitoring System, HHS/FDA/BRH, p. 45418
09–10–0017—Epidemiological Research Studies of the Bureau of Radiological Health, HHS/FDA/BRH, p. 45423
09–25–0003—Administration: Authorized Radionuclide Users File, HHS/NIH/ORS, p. 45776
09–25–0009—Clinical Research: Radiotherapy Patient File, HHS/NIH/ORS, p. 45780

Reagents

09–25–0088—Clinical Research: Researchers Using H–2 Soluble Antigen and H–2 Antiserum, HHS/NIH/NIAID, p. 45817

Recipients

09–60–0212—Supplemental Security Income Operational Quality Maintenance System, HHS/SSA/OA, p. 45654
09–90–0087—Recipient Survey for Monthly Reporting and Retrospective Accounting Study, HHS/OS/OASPE, p. 45551

Reconsiderations

09–70–0508—Reconsideration and Hearing Case Files (Part A) Hospital Insurance Program, HHS/HCFA/BPO, p. 45725

Refugees

09–35–0013—Indo-China Refugee Physicians and Medical Students, HHS/HRA/BHPr, p. 45407
09–60–0216—Indochina Refugee, Refugee Financial Assistance System, HHS/SSA/ORR, p. 45657
09–60–0217—Cuban Refugee Registration Records, HHS/SSA/ORR, p. 45658

Registry

09–20–0098—Congressional Rubella Registry, HHS/CDC/CPS, p. 45486
09–25–0057—Clinical Research: Burkitt's Lymphoma Registry, HHS/NIH/NIC, p. 45807

Regulated

09–10–0002—Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO, p. 45412
09–10–0009—Special Studies and Surveys on FDA Regulated Products, HHS/FDS/ACMO, p. 45418

Rehabilitation

09–60–0052—Disposition of Vocational Rehabilitation Report to Social Security Administration, HHS/SSA/ODP, p. 45613
09–60–0053—Reimbursement from Trust Fund for Vocational Rehabilition Service, HHS/SAA/ODP, p. 45614
09–60–0056—Vocational Rehabilitation Savings Calculation, HHS/SSA/ODP, p. 45615

Reimbursements

09–60–0053—Reimbursement from Trust Fund for Vocational Rehabilitation Services, HHS/SSA/ODF, p. 45614
09–70–0013—Annual 5 Percent Summary File of Services Reimbursed Under the Medicare Program (Statistics), HHS/HCFA/BDMS, p. 45701
09–70–0021—Health Maintenance Organization Prospective Reimbursement Demonstration, HHS/HCFA/ORD, p. 45706
09–70–0022—Municipal Health Services Program, HHS/HCFA/ORD, p. 45706
09–70–0501—Carrier Medicare Claims Records, HHS/HCFA/BPO, p. 45717
09–70–0503—Intermediary Medicare Claims Records, HHS/HCFA/BPO, p. 45720

Research

09–10–0007—Science Advisor Research Associate Program (SARAP), HHS/FDA/EDRO, p. 45417
09–10–0015—Blood Donors for Tissue Typing Sera and Cell Analysis and Related Research, HHS/FDA/NCDB/OB, p. 45423
09–10–0017—Epidemiological Research Studies of the Bureau of Radiological Health, HHS/FDA/BRH, p. 45423
09–20–0055—Research/Demonstration, and Training Grants, and Cooperative Agreements Application Files, HHS/CDC/NIOSH, p. 45473
09–20–0107—Dengue and Research Studies, HHS/CDC/CID, p. 45489
09–25–0033—International Activities: Fellowships Awarded by Foreign Organizations, HHS/NIH/FIC, p. 45791
09–25–0049—Clinical Research: Atlanta Federal Prison Malaria Research Project, HHS/NIH/NIAID, p. 45803

09–25–0069—NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI, p. 45811
09–25–0075—Administration: Principal Investigators Submitting Proposals for Protection from Research Risks, HHS/NIH/OD, p. 45813
09–25–0100—Clinical Research: Neuropharmacology Studies, HHS/NIH/NINCDS, p. 45822
09–25–0123—Clinical Research: Clinical Trials Dealing with Fertility—Regulating Methods, HHS/NIH/NICHD, p. 45831
09–25–0124, Administration: Pharmacology Research Associates, HHS/NIH/NIGMS p. 45832
09–25–0129—Clinical Research: Clinical Research Studies Dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NINCDS, p. 45836
09–25–0135—Grants: Prophet System Applicants Research Prospectuses, HHS/NIH/DRR, p. 45842
09–25–0147—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI, p. 45849
09–25–0148—Contracted and Contract-Related Research: Records and Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS, p. 45850
09–25–0149—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS, p. 45852
09–25–0150—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45853
09–25–0151—Administration: Alert Records Concerning Investigations or Determinations of Misconduct by Current or Potential Recipients of Funds for Biomedical Research, HHS/NIH/OD, p. 45855
09–30–0004—Intramural Research Program Records of Research Performed on in- and Out-patients with Various Types of Mental Illness, HHS/ADAMHA/NIMH, p. 45428
09–30–0005—Saint Elizabeths Hospital Research Subjects Data Record, HHS/ADAMHA/NIMH, p. 45430
09–30–0022—National Institute on Drug Abuse, Addiction Research Center, Federal Prisoner and Non-Prisoner Patient Files, HHS/ADAMHA/NIDA, p. 45447
09–30–0026—Saint Elizabeths Hospital Research Project Record, HHS/ADAMHA/NIMH, p. 45450
09–30–0027—Grants: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships, Clinical Training, Community Services, Cooperative Agreement, HHS/ADAMHA/OA, p. 45451
09–30–0029—Record of Guest Workers, HHS/ADAMHA/OA, p. 45455
09–30–0036—Mental Health Epidemiologic and Biometric Research Data, HHS/ADAMHA/NIMH, p. 45460
09–30–0037—Psychotherapy of Opiate—Dependent Individuals, HHS/ADAMHA/NIMH, p. 45462
09–30–0038—Subjects—Participants in Pharmacokinetic Studies on Drugs of Abuse, HHS/ADAMHA/NIDA, p. 45463
09–30–0039—Drug Abuse Treatment Outcome Prospective Study, HHS/ADAMHA/NIDA, p. 45464
09–30–0041—Subject—Participants in a Drug Abuse Research Study on Naltrexone, HHS/ADAMHA/NIDA, p. 45466
09–30–0045—Respondents in a Validity/Reliability Study of Self-Reported Drinking, HHS/ADAMHA/NIAAA, p. 45467
09–35–0014—National Research Service Awards, HHS/HRA/BHPr, p. 45407
09–37–0015—National Center for Health Services Research Grants Records System, HHS/OASH/OHRST, p. 45691
09–60–0017—Personnel Research and Merit Promotion Test Records HHS/SSA/OMBP, p. 45601
09–60–0198—Extramural Research Administration File, HHS/SSA/OP, p. 45647
09–70–0015—Ambulatory Surgery Research Project, HHS/HCFA/ORD, p. 45702

Respiratory Diseases

09–20–0149—General Industry Morbidity Studies, HHS/CDC/NIOSH, p. 45500
09–20–0154—Medical and Laboratory Studies, HHS/CDC/NIOSH, p. 45507

Retirement

09–60–0117—Age at First Payment of Retirement Insurance Benefits, HHS/SSA/OACT, p. 45630
09–60–0128—Retirement, Survivors and Disability Insurance Claims, HHS/SSA/OA, p. 45640
09–60–0200—Retirement and Survivors Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45649

Retort Operators

09–10–0011—Certified Retort Operators, HHS/FDA/BF, p. 45420

Review

09–70–0512—Review and Fair Hearing Case Files—Supplementary Medical Insurance Program, HHS/HCFA/BPO, p. 45727

Risks

09–25–0075—Administration: Principal Investigators Submitting Proposals for Protection from Research Risks, HHS/NIH/OD, p. 45813

Rubella

09–20–0098—Congenital Rubella Registry, HHS/CDC/CPS, p. 45486

Runaways

09–30–0002—Statistical Research Data on Adolescent Runaways in Prince Georges County, MD, 1962–65, HHS/ADAMHA/NIMH, p. 45427

Safety

09–20–0159—Records of Subjects in Certification, Testing and Safety Studies of Personal Protective Devices for Hazardous Work Environments, HHS/CDC/NIOSH, p. 45512
09–25–0007—Administration: NIH Safety Shoes and Safety Glasses Insurance Program, HHS/NIH/ORS, p. 45778
*09–90–0005—Safety Management Information System (HHS Accident, Injury and Illness Reporting System), HHS/OS/ASMB/OFE/OSOH, p. 45518

Saint Elizabeths Hospital

09–30–0005–Saint Elizabeths Hospital Research Subjects Data Record, HHS/ADAMHA/NIMH, p. 45430
09–30–0006—Saint Elizabeths Hospital Medical Support Program File System, HHS/ADAMHA/NIMH, p. 45431
09–30–0007—Saint Elizabeths Hospital Clinical Support Services Record System, HHS/ADAMHA/NIMH, p. 45432
09–30–0008—Saint Elizabeths Hospital Social Services Record System, HHS/ADAMHA/NIMH, p. 45433
09–30–0009—Saint Elizabeths Hospital Multidisciplinary Raw Data Consultation Files, HHS/ADAMHA/NIMH, p. 45436
09–30–0010—Saint Elizabeths Hospital Juvenile Education Monitoring System, HHS/ADAMHA/NIMH, p. 45437
09–30–0011—Saint Elizabeths Hospital Emergency Psychiatric Service Non-Admission File System, HHS/ADAMHA/NIMH, p. 45438
09–30–0012—Saint Elizabeths Hospital Pre-Service Education Records, HHS/ADAMHA/NIMH, p. 45439

09–30–0013—Saint Elizabeths Hospital Training Videotape Records, HHS/ADAMHA/NIMH, p. 45439
09–30–0014—Saint Elizabeths Hospital Financial System, HHS/ADAMHA/NIMH, p. 45440
09–30–0015—Saint Elizabeths Hospital General Security System, HHS/ADAMHA/NIMH, p. 45441
09–30–0016—Saint Elizabeths Hospital Patients' Personal Property Record System, HHS/ADAMHA/NIMH, p. 45442
09–30–0017—Saint Elizabeths Hospital Legal Office Record System, HHS/ADAMHA/NIMH, p. 45443
09–30–0018—Saint Elizabeths Hospital Area D Community Mental Health Center Citizens Advisory Group Records, HHS/ADAMHA/NIMH, p. 45444
09–30–0019—Saint Elizabeths Hospital Court-Ordered Forensic Investigatory Materials Files, HHS/ADAMHA/NIMH, p. 45445
09–30–0024—Saint Elizabeths Hospital General Administrative Record System, HHS/ADAMHA/NIMH, p. 45449
09–30–0026—Saint Elizabeths Hospital Research Project Record, HHS/ADAMHA/NIMH, p. 45450
09–30–0028—Saint Elizabeths Hospital General Medical-Clinical Records System and Related Indexes, HHS/ADAMHA/NIMH, p. 45453
09–30–0031—Saint Elizabeths Hospital Biometrics System, HHS/ADAMHA/NIMH, p. 45456

Sample

09–70–0017—Health Insurance Benefit and Actuarial Sample Control System, HHS/HCFA/BDMS, p. 45703
09–70–0018—Actuarial Health Insurance and Supplementary Medical Insurance (Medicare), HHS/HCFA/BDMS, p. 45703
09–70–0019—Actuarial Sample Hospital Stay Record Study, HHS/HCFA/BDMS, p. 45704
09–70–0020—Actuarial Sample of Supplementary Medical Insurance Payments, HHS/HCFA/BDMS, p. 45705

Scholarships and Fellowships

09–15–0026—Medical Fellowships and Educational Loans, HHS/HSA/OA, p. 45573
09–15–0036—Health Professions Preparatory Scholarship Program for Indians and Health Professions Scholarship Program Record System, HHS/HSA/IHS, p. 45577
09–15–0037—Public Health Service Scholarships and National Health Service Corps Scholarship Programs, HHS/HSA/BHPDS, p. 45579
09–15–0042—Physician Shortage Area Scholarship Program, HHS/HSA/BHPDS, p. 45585
09–25–0033—International Activities: Fellowships Awarded by Foreign Organizations, HHS/NIH/FIC, p. 45791
09–25–0034—International Activities: Scholars Program, HHS/NIH/FIC, p. 45792
09–25–0036—Grants: IMPAC (Grant/Contract Information), HHS/NIH/DRG, p. 45793
09–25–0051—Grants: NIH Fellowship Payroll, HHS/NIH/DFM, p. 45804
09–25–0121—International Activities: Senior International Fellowships Program, HHS/NIH/FIC, p. 45830

Scientists

09–10–0012—Association of Official Analytical Chemists (AOAC) Member File, HHS/FDA/AOAC, p. 45421
09–20–0112—CDC Exchange Visitor and Guest Researcher Records, HHS/CDC/OAM, p. 45491
09–25–0010—Research Resources: Registry of Individuals Potentially Exposed to Microbial Agents, HHS/NIH/NCI, p. 45781
09–25–0041—Research Resources: Scientists Requesting Hormone Distribution, HHS/NIH/NIADDK, p. 45798
09–25–0051—Grants: NIH Fellowship Payroll, HHS/NIH/DFM, p. 45804
09–25–0075—Administration: Principal Investigators Submitting Proposals for Protection from Research Risks, HHS/NIH/OD, p. 45813
09–25–0084—Administration: Curriculum Vitae of Scientists, Consultants and Board and Commission Members, HHS/NIH/NIADDK, p. 45815
09–25–0087—Administration: Employees and Consultants, HHS/NIH/NIAID, p. 45816
09–25–0088—Clinical Research: Researchers Using H–2 Soluble Antigen and H–2 Antiserum, HHS/NIH/NIAID, p. 45817
09–25–0089—Clinical Research: HLA Antiserum and Tray Users, HHS/NIH/NIAID, p. 45817
09–25–0093—Administration: Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI, p. 45819
09–25–0096—Contracts: National Cancer Institute Contract Management System Principal Investigators, Project Officers and Contract Specialists, HHS/NIH/NCI, p. 45820
09–25–0102—Administration: Grants Associates Program Working Files, HHS/NIH/DRG, p. 45822
09–25–0108—Personnel: Guest Workers/Visiting Fellows/Student Scientist/Scientists Emeriti, HHS/NIH/DPM, p. 45825
09–25–0112—Grants: Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD, p. 45825
09–25–0115—Administration: Curricula Vitae of Consultants and Investigators, HHS/NIH/NIAID, p. 45828
09–25–0116—Contracts: Medical Consultants Under Professional Services Contracts, HHS/NIH/NIAID, p. 45829
09–25–0117—International Activities: US-Japan Program Panel Members, HHS/NIH/NIAID, p. 45829
09–25–0121—International Activities: Senior International Fellowships Program, HHS/NIH/FIC, p. 45830
09–25–0124—Administration: Pharmacology Research Associates, HHS/NIH/NIGMS, p. 45832
09–25–0135—Grants: PROPHET System Applicants Research Prospectuses, HHS/NIH/DRR, p. 45842
09–25–0140—International Activities: Scientific Visitors at the National Institutes of Health, HHS/NIH/FIC, p. 45844
09–25–0147—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI, p. 45849
09–25–0149—Records of Participants in Programs and Respondents in Surveys Used To Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS, p. 45852
09–25–0150—Records of Participants in Programs and Respondents in Surveys Used To Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45853
09–25–0151—Administration: Alert Records Concerning Investigations or Determinations of Misconduct by Current or Potential Recipients of Funds or Biomedical Research, HHS/NIH/OD, p. 45855

Second Opinions

09–70–0001—Medicare Second Surgical Opinion Experiments, HHS/HCFA/ORD, p. 45694

Secretary

09–90–0037—Secretariat Correspondence Control Systems HHS/OS/ES, p. 45535
09–90–0038—Secretary's Official Files, HHS/OS/ES, p. 45536
09–90–0060—Secretary's Advisory Committee Candidate Files, HHS/OS/ES, p. 45536

Security

09–60–0214—Personal Identification Number File, HHS/SSA/OA, p. 45656

Security Measures

09–30–0015—Saint Elizabeths Hospital General Security System, HHS/ADAMHA/NIMH, p. 45441
09–60–0038—Employee Identification Card Files, HHS/SSA/OMBP, p. 45605
09–60–0210—Record of Individuals Authorized Entry to Secured Automated Data Processing (ADP) Areas, HHS/SSA/OS, p. 45653
09–90–0002—Investigatory Material Compiled for Security and Suitability Purposes, HHS/OS/OIG, p. 45524

Senior Executive Service

09–90–0012—Executive Development Records, HHS/OS/OASPER, p. 45753

Social Security

09–60–0058—Master Files of Social Security Number Holders, HHS/SSA/OEER, p. 45616
09–60–0059—Earnings Recording and Self-Emloyment Income System HHS/SSA/OEER, p. 45618
09–90–0071—Social Security Code Cards, HHS/OS/OGC, p. 45546

Social Services

09–30–0008—Saint Elizabeths Hospital Social Services Record System, HHS/ADAMHA/NIMH, p. 45433

Specimens

09–20–0083—Diagnostic Methods for Identification of Occupational Diseases through Biopsy and/or Autopsy Specimens, HHS/CDC/NIOSH, p. 45474
09–20–0106—Specimen Handling for Testing and Related Data, HHS/CDC/CID, p. 45488
09–25–0077—Clinical Research: Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI, p. 45814

Speech

09–25–0129—Clinical Research: Clinical Research Studies Dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NINCDS, p. 45836

Standards of Conduct

09–90–0065—Conflict of Interest-Standards of Conduct Records, HHS/OS/OGC, p. 45543

State Officials

09–10–0003—FDA Credential Holder File, HHS/FDA/EDRO, p. 45415
09–10–0005—State Food and Drug Official File, HHS/FDA/EDRO, p. 45416

State Regulations

09–70–0026—Study of the Comparative Effectiveness of State Approaches to Regulation of Medicare Supplemental Policies: Medigap, HHS/HCFA/ORD, p. 45714

Statistics

09–30–0002—Statistical Research Data on Adolescent Runaways in Prince Georges County, MD, 1962–65 HHS/ADAMHA/NIMH, p. 45427
09–37–0009—Applied Statistics Training Institute Applicants and Students, HHS/OASH/OHRST, p. 45685
09–37–0010—Health and Demographic Surveys Conducted in Probability Samples of the U.S. Population, HHS/OASH/OHRST, p. 45685
09–37–0012—Vital Statistics for Births, Deaths, Fetal Deaths, Marriage and Divorces Occurring in the United States During Each Year, HHS/OASH/OHRST, p. 45688
09–37–0013—Health Resources Utilization Statistics, HHS/OASH/OHRST, p. 45689
09–37–0014—Curriculum Vitae of Consultants to the National Center for Health Statistics HHS/OASH/OHRST, p. 45690
09–60–0047—Critical Case Processing Time, HHS/SSA/OOPP, p. 45612
09–60–0102—Fee Ledger System for Representatives, HHS/SSA/OIP, p. 45634
09–60–0148—Matches of Internal Revenue Service and Social Security Administration Data with Census Survey Data (Joint Social Security Administration/Census Statistics Development Project), HHS/SSA/OP, p. 45641
09–60–0149—Matches of Internal Revenue Service and Social Security Administration, Data (Joint Social Security Administration/Treasury Department Office of Tax Analysis, Statistics Development Project), HHS/SSA/OP, p. 45642
09–60–0159—Continuous Work History Sample (Statistics), HHS/SSA/OP, p. 45643
09–60–0196—Disability Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45646
09–60–0199—Extramural Surveys (Statistics), HHS/SSA/OP, p. 45648
09–60–0200—Retirement and Survivors Studies, Surveys, Records and Extracts (Statistics) HHS/SSA/OP, p. 45649
09–70–0005—Medicare Bill Files (Statistics), HHS/HCFA/BDMS, p. 45696
09–70–0006—Medicare Enrollment Records (Statistics), HHS/HCFA/BDMS, p. 45697
09–90–0007—Health Insurance Enrollment Statistics, General Enrollment Period, HHS/HCFA/BDMS, p. 45698
09–70–0008—Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics), HHS/HCFA/BDMS, p. 45698
09–70–0011—Evaluation of the Impact of Surgical Screening Based Upon Union Member Utilization of the Pre-Surgical Consultant Benefits (Statistics), HHS/HCFA/ORD, p. 45700
09–70–0013—Annual 5 Percent Summary File of Services Reimbursed Under the Medicare Program (Statistics), HHS/HCFA/BDMS, p. 45701

Students

09–15–0038—Disability Claims of the Nursing Student Loan Program, HHS/HSA/BHPDS, p. 45580
09–15–0039—Disability Claims in the Health Professions Student Loan Program, HHS/HSA/BHPDS, p. 45581
09–15–0040—Health Professions Student Loan Repayment Program, HHS/HSA/BHPDS, p. 45582
09–15–0041—Health Professions Student Loan Cancellation, HHS/HSA/BHPDS, p. 45584
09–15–0042—Physician Shortage Area Scholarship Program, HHS/HSA/BHPDS, p. 45585
09–15–0043—Cuban Loan Program, HHS/HSA/BHPDS, p. 45586
09–15–0044—Health Education Assistant Loan Program (HEAL) Loan Control Master File, HHS/HSA/BHPDS, p. 45588
09–25–0014—Clinical Research: Student Records, HHS/NIH/CC, p. 45784
09–37–0009—Applied Statistics Training Institute Applicants and Students, HHS/OASH/OHRST, p. 45685

Studies

09–10–0009—Special Studies and Surveys on FDA Regulated Products, HHS/FDA/ACMO, p. 45418
09–10–0010—Bioresearch Monitoring Information System, HHS/FDA/BD, p. 45419
09–20–0000—Cooperative Mycoses Study, HHS/CDC/OCD, p. 45470
09–20–0089—Studies of Treatment of Tuberculosis and other Mycobacterioses, HHS/CDC/CPS, p. 45476
09–20–0093—Tuberculosis Preventive Therapy Studies, HHS/CDC/CPS, p. 45480
09–20–0094—Studies of Drug Resistant Tuberculosis Cases/Contracts, HHS/CDC/CPS, p. 45481
09–20–0097—Studies of the effects of BCG Vaccinations for Tuberculosis, HHS/CDC/CPS, p. 45484

09-20-0117—Medical and Test Record Results of Individuals Involved in NIOSH Laboratory Studies, HHS/CDC/NIOSH, p. 45492
09-20-0136—Epidemiologic Studies and Surveillance of Disease Problems, HHS/CDC/CID, p. 45494
09-20-0147—Occupational Health Epidemiological Studies, HHS/CDC/NIOSH, p. 45497
09-20-0150—Morbidity Studies in Coal Mining Activities, HHS/CDC/NIOSH, p. 45501
09-20-0151—Mortality Studies in Coal Mining Activities, HHS/CDC/NIOSH, p. 45502
09-20-0152—Mortality Studies in Non-Coal Mining Activities, HHS/CDC/NIOSH, p. 45504
09-20-0153—General Industry Mortality Studies, HHS/CDC/NIOSH, p. 45505
09-20-0154—Medical and Laboratory Studies, HHS/CDC/NIOSH, p. 45507
09-20-0155—Morbidity Studies in Metal and Non-Metal Mining Activities, HHS/CDC/NIOSH, p. 45508
09-60-0117—Age at First Payment of Retirement Insurance Benefits, HHS/SSA/OACT, p. 45638
09-60-0118—Non-Contributory Military Service Reimbursement System, HHS/SSA/OP, p. 45638
09-60-0119—Special Age 72 Benefit Trust Fund Transfer Project, HHS/SSA/OP, p. 45639
09-60-0128—Retirement, Survivors and Disability Insurance Claims, HHS/SSA/OA, p. 45640
09-60-0129—Adjudication of Supplemental Security Income Policy Analysis Review, HHS/SSA/OA, p. 45640
09-60-0196—Disability Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45646
09-60-0200—Retirement and Survivors Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45649
09-60-0203—Supplemental Security Income (SSI) Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45651
09-60-0213—Quality Review of Hearing Process, HHS/SSA/OHA, p. 45655
09-70-0028—Study of the Social, Ethical and Economic Consequences of Medicare Coverage of Heart Transplants, HHS/HCFA/ORD, p. 45716

Suggestions

*09-90-0036—Employee Suggestion Program Records, HHS/OS/OASPER, p. 45768

Supplemental Security Income

09-60-0103—Supplemental Security Income Record, HHS/SSA/OURV, p. 45635
09-60-0110—Supplemental Security Income File of Refunds, HHS/SSA/OURV, p. 45636
09-60-0111—Debit Voucher File (Supplemental Security Income), HHS/SSA/OURV, p. 45637
09-60-0129—Adjudication of Supplemental Security Income Policy Analysis Review, HHS/SSA/OA, p. 45640
09-60-0203—Supplemental Security Income (SSI) Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45651
09-60-0212—Supplemental Security Income Operational Quality Maintenance System, HHS/SSA/OA, p. 45654
09-90-0078—SSI/OPM Temporary Matching File, HHS/OS/OIG, p. 45527

Surgery

09-25-0002—Clinical Research: Patient Phonocardiogram Records, HHS/NIH/NHLBI, p. 45776
09-70-0001—Medicare Second Surgical Opinion Experiments, HHS/HCFA/ORD, p. 45694
09-70-0011—Evaluation of the Impact of Surgical Screening Based Upon Union Member Utilization of the Pre-Surgical Consultant Benefits (Statistics), HHS/HCFA/ORD, p. 45700
09-70-0015—Ambulatory Surgery Research Project, HHS/HCFA/ORD, p. 45702

Surveillance

09-20-0086—Surveillance of Persons on Isoniozid Prevention Treatment for Tuberculosis, HHS/CDC/CPS, p. 45476
09-20-0087—Surveillance of Inadvertent Vaccination During Pregnancy, HHS/CDC/CPS, p. 45477
09-20-0088—Subacute Sclerosing Panencephalitis Surveillance, HHS/CDC/CPS, p. 45478
09-20-0136—Epidemiologic Studies and Surveillance of Disease Problem, HHS/CDC/CID, p. 45494

Surveys

09-10-0009—Special Studies and Surveys on FDA Regulated Products, HHS/FDA/ACMO, p. 45418
09-25-0067—Clinical Research: National Cancer Incidence Surveys, HHS/NIH/NCI, p. 45809
09-25-0147—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI, p. 45849
09-25-0149—Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS, p. 45852
09-25-0150—Records of Participants in Programs and Respondents in Surveys to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45853
09-30-0035—Three Mile Island Mental Health Survey, Respondent Records, HHS/ADAMHA/NIMH, p. 45459
09-37-0010—Health and Demographic Surveys Conducted in Probability Samples of the U.S. Population, HHS/OASH/OHRST, p. 45685
09-37-0011—Health Manpower Inventories and Surveys, HHS/OASH/OHRST, p. 45687
09-60-0196—Disability Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45646
09-60-0199—Extramural Surveys (Statistics), HHS/SSA/OP, p. 45648
09-60-0200—Retirement and Survivors, Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45649
09-60-0203—Supplemental Security Income (SSI) Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45651
09-60-0209—Readership Surveys of Office of Research and Statistics (ORS) Publications (Statistics), HHS/SSA/OP, p. 45653
09-70-0010—Current Medicare Survey (Statistics), HHS/HCFA/ORD, p. 45699
09-70-0014—Survey of Physicians', Administrative and Practice Costs and Medicaid Participation, HHS/HCFA/ORD, p. 45701
09-90-0089—National Long-Term Care Survey, HHS/OS/OASPE, p. 45554
09-90-0090—Recipient Survey of Alternative Approaches to Financing Day Care for AFDC Children, HHS/OS/OASPE, p. 45556

Survivors

09-60-0128—Retirement, Survivors and Disability Insurance Claims, HHS/SSA/OA, p. 45640
09-60-0200—Retirement and Survivors Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP, p. 45649
09-60-0202—Old Age, Survivors and Disability Beneficiary and Worker Records and Extracts (Statistics), HHS/SSA/OP, p. 45650

System Reporting

09-90-0087—Recipient Survey for Monthly Reporting and Retrospective Accounting Study, HHS/OS/OASPE, p. 45551

Telephone

*09–90–0001—Telephone Directory/Locator System, HHS/OS/ASMB/OMAS, p. 45517

Testing

09–20–0090—Studies of Treatment of Tuberculosis and other Mycobacterioses, HHS/CDC/CPS, p. 45480

09–20–0106—Specimen Handling for Testing and Related Data, HHS/CDC/CID, p. 45488

09–20–0519—Records of Subjects in Certification, Testing and Safety Studies of Personal Protective Devices for Hazardous Work Environments, HHS/CDC/NIOSH, p. 45512

09–25–0044—Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR, p. 45801

Tests

09–20–0117—Medical and Test Record Results of Individuals Involved in NIOSH Laboratory Studies, HHS/CDC/NIOSH, p. 45492

09–20–0156—Cytotechnologist Proficiency Answer Sheets and Test Results (Medicare), HHS/CDC/LIPO, p. 45509

09–20–0157—Clinical Laboratory Technologists Proficiency Answer Sheets and Test Results (Medicare), HHS/CDC/LIPO, p. 45510

09–20–0158—Independent Laboratory Directors Proficiency Answer Sheets and Exam Results (Medicare), HHS/CDC/LIPO, p. 45511

09–20–0017—Personnel Research and Merit Promotion Test Records, HHS/SSA/OMBP, p. 45601

09–70–1504—Physical Therapists Proficiency Answer Sheets and Test Results (Medicare), HHS/HCFA/HSQB, p. 45734

09–70–1505—Psychiatric Technician Proficiency Answer Sheets and Test Results (Medicare), HHS/HCFA/HSQB, p. 45735

09–70–1507—Waivered Licensed Practical Nurse Proficiency Exam Answer Sheets and Test Results (Medicare), HHS/HCFA/HSQB, p. 45736

09–70–1510—Professional Qualification Files, HHS/HCFA/HSQB, p. 45737

Therapy

09–20–0093—Tuberculosis Preventive Therapy Studies, HHS/CDC-CPS, p. 45480

09–25–0009—Clinical Research: Radiotherapy Patient File, HHS/NIH/ORS, p. 45780

09–30–0003—Medical Record Files of Patients Seen in Therapy in Programs of the Mental Health Study Center, HHS/ADAMHA/NIMH, p. 45428

09–30–0037—Psychotherapy of Opiate-Dependent Individuals, HHS/ADAMHA/NIMH, p. 45462

Three Mile Island

09–30–0035—Three Mile Island Mental Health Survey, Respondent Records, HHS/ADAMHA/NIMH, p. 45459

Training

09–15–0028—PHS Clinical Affiliation Trainee Records, HHS/HSA/BMS, p. 45575

09–20–0055—Research/Demonstration, and Training Grants, and Cooperative Agreements Application Files, HHS/CDC/NIOSH, p. 45473

09–25–0059—Division of Training Mailing List, HHS/CDC/NIOSH, p. 45474

09–25–0014—Clinical Research: Student Records, HHS/NIH/CC, p. 45784

09–25–0102—Administration: Grants Associates Program Working Files, HHS/NIH/DRG, p. 45822

09–25–0112—Grants: Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD, p. 45825

09–30–0012—Saint Elizabeths Hospital Pre-Service Education Records, HHS/ADAMHA/NIMH, p. 45439

09–30–0013—Saint Elizabeths Hospital Training Videotape Records, HHS/ADAMHA/NIMH, p. 45439

09–30–0027—Grants: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships, Clinical Training, Community Services, Cooperative Agreements, HHS/ADAMHA/OA, p. 45451

09–30–0030—Record of Visiting Fellows, HHS/ADAMHA/OA, p. 45455

09–30–0034—Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA, p. 45458

09–35–0016—Professional Nurse Traineeships, HHS/HRA/BHPR, p. 45408

09–35–0044—Health Professions Planning and Evaluation, HHS/HRA/OA, p. 45409

09–35–0045—Nurse Practitioner Traineeships, HHS/HRA/BHPr, p. 45410

09–37–0004—PHS Commissioned Corps Training Files, HHS/OASH/OM, p. 45670

09–37–0009—Applied Statistics Training Institute Applicants and Students, HHS/OASH/OHRST, p. 45685

*09–90–0021—Training Management Information System, HHS/OS/OASPER, p. 45766

Transplants

09–25–0133—Clinical Research: Kidney Transplant Histocompatibility Study (KTHS), HHS/NIH/NIAID, p. 45839

Treatment

09–15–0008—Emergency Non-PHS Treatment Authorization File, HHS/HSA/BMS, p. 45566

09–20–0094—Studies of Drug Resistant Tuberculosis Cases/Contracts, HHS/CDC/CPS, p. 45481

09–25–0060—Clinical Research: Division of Cancer Treatment Clinical Investigation, HHS/NIH/NCI, p. 45808

09–30–0039—Drug Abuse Treatment Outcome Prospective Study, HHS/ADAMHA/NIDA, p. 45464

Tropical Diseases

09–20–0107—Dengue and Research Studies, HHS/CDC/CID, p. 45489

Trust Fund

09–60–0053—Reimbursement from Trust Fund for Vocational Rehabilitation Services, HHS/SSA/ODP, p. 45614

09–60–0119—Special Age 72 Benefit Trust Fund Transfer Project, HHS/SSA/OP, p. 45639

Tuberculosis

09–20–0086—Surveillance of Persons on Isoniozid Prevention Treatment for Tuberculosis, HHS/CDC/CPS, p. 45476

09–20–0089—Studies of Treatment of Tuberculosis and other Mycobacterioses, HHS/CDC/CPS, p. 45478

09–20–0090—Studies of Testing for Tuberculosis and other Mycobacterioses, HHS/CDC/CPS, p. 45480

09–20–0093—Tuberculosis Preventive Therapy Studies, HHS/CDC/CPS, p. 45480

09–20–0094—Studies of Drug Resistant Tuberculosis Cases/Contracts, HHS/CDC/CPS, p. 45481

09–20–0097—Studies of the Effects of BCG Vaccinations for Tuberculosis, HHS/CDC/CPS, p. 45484

09–20–0103—Alien Tuberculosis Follow-up Program, HHS/CDC/CPS, p. 45487

Tuskegee

09–20–0096—Tuskegee Study of Untreated Syphilis Medical Care Program, HHS/CDC/CPS, p. 45483

Utilization

09–70–0006—Medicare Enrollment Records (Statistics), HHS/HCFA/BDMS, p. 45697

09–70–0008—Supplementary Medical Sample Bill Summary File of Medicare

Utilization (Statistics), HHS/HCFA/BDMS, p. 45698
09–70–0507—Health Insurance Utilization Microfilm, HHS/HCFA/BPO, p. 45724

Veneral Diseases

09–20–0096—Tuskegee Study of Untreated Syphilis Medical Care Program, HHS/CDC/CPS, p. 45483

Veterans

09–25–0074—Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials, HHS/NIH/NCI, p. 45812

Viral Respiratory Diseases

09–25–0046—Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID, p. 45802

Vital Statistics

09–37–0012—Vital Statistics for Births, Deaths, Fetal Deaths, Marriage and Divorces Occurring in the United States During Each Year, HHS/OASH/OHRST, p. 45688

Volunteers

09–10–0015—Blood Donors for Tissue Typing Sera and Cell Analysis and Related Research, HHS/FDA/NCDB/OB, p. 45423
09–25–0012—Clinical Research: Candidate Normal Volunteer Records, HHS/NIH/CC, p. 45782
09–25–0031—Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System, HHS/NIH/NINCDS, p. 45790
09–25–0126—Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI, p. 45833
09–25–0134—Clinical Research: Epidemiology Studies, National Institutes of Environmental Health Sciences, HHS/NIH/NIEHS, p. 45840
09–30–0029—Record of Guest Workers, HHS/ADAMHA/OA, p. 45455
09–90–0022—Volunteer EEO Support Personnel Records, HHS/OS/OASPER, p. 45767

Wages

09–90–0017—Pay, Leave and Attendance Records, HHS/OS/OASPER, p. 45759

Welfare

09–90–0068—Federal Private Relief Legislation, HHS/OS/OGC, p. 45546
09–90–0079—Welfare Fraud Detection File, HHS/OS/OIG, p. 45528
09–90–0087—Recipient Survey for Monthly Reporting and Retrospective Accounting Study, HHS/OS/OASPE, p. 45551

Women

09–25–0016—Clinical Research: Collaborative Perinatal Project, HHS/NIH/NINCDS, p. 45785
09–25–0068—Clinical Research: Cancer Institute/American Cancer Society National Breast Cancer Screening of Antihypertensives, HHS/NIH/NCI, p. 45810

Work Place

09–20–0118—Study of Work-Site Where Agents Suspected of Being Occupational Hazards Exist, HHS/CDC/NIOSH, p. 45493
09–20–0159—Records of Subjects in Certification, Testing and Safety Studies of Personal Protective Devices for Hazardous Work Environments, HHS/CDC/NIOSH, p. 45512
09–60–0031—Employee Production and Accuracy Records, HHS/SSA/OMBP, p. 45602

X-Rays

09–20–0001—Certified Interpreting Physician Files, HHS/CDC/NIOSH, p. 45471
09–20–0027—Radiation Exposure Records for NIOSH Employees, HHS/CDC/NIOSH, p. 45472
09–60–0015—List of Physicians Utilized as Readers of Black Lung X-Ray Films, HHS/SSA/OHA, p. 45600

Youth

09–30–0010—Saint Elizabeths Hospital Juvenile Education Monitoring System, HHS/ADAMHA/NIMH, p. 45437

[FR Doc. 83–14910 Filed 6–6–83; 8:45 am]
BILLING CODE 4150–04–M

federal register

Tuesday
June 7, 1983

Part III

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 906]

Determinations By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 1, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102.3: New well (1000 Ft rule)
102.4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 906
ISSUED JUNE 1, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ACTION PETROLEUM INC				RECEIVED: 05/10/83		JA: OH			
8336494		3415522308		103	107-TF	GRABER #1	FREEDOM	50.0	
-ALLEGHENY PRODUCERS INC				RECEIVED: 05/10/83		JA: OH			
8336495		3412725738		101		HOWDYSHELL #2	CLAYTON	14.0	NATIONAL GAS & OI
-APPALACHIAN EXPLORATION INC				RECEIVED: 05/10/83		JA: OH			
[illegible]		3415321263		107-TF		B HOUSTON #1	BATH	36.5	YANKEE RESOURCES
8336502		3415321315		107-TF		DULWORTH UNIT #1	COPLEY	18.3	YANKEE RESOURCES
8336498		3415321076		107-TF		E BOUGHTON #2	COPLEY	91.3	YANKEE RESOURCES
8336501		3415321295		107-TF		GILBERT UNIT #1	BATH	36.5	YANKEE RESOURCES
8336497		3415320805		107-TF		J BENDER UNIT #1	COPLEY	91.3	YANKEE RESOURCES
[illegible]		3410322979		107-TF		KOHLER UNIT #1	WADSWORTH	9.1	YANKEE RESOURCES
8336499		3415321260		107-TF		W BURSE UNIT #3	COPLEY	127.8	YANKEE RESOURCES
-ATWOOD RESOURCES INC				RECEIVED: 05/10/83		JA: OH			
[illegible]		3415723791		103	107-TF	BICHSEL #1	NEW PHILADELPHIA	15.0	
8336504		3407523734		107-TF		DAN R J MILLER #1	CLARK	15.0	
8336503		3403124833		103	107-TF	EMIL CROFT #1	CLARK	15.0	
-BAKERWELL INC				RECEIVED: 05/10/83		JA: OH			
[illegible]		3415723838		101		I HUNT #2	WASHINGTON	14.6	EAST OHIO GAS CO
-BLACK RUN DEVELOPMENT CO				RECEIVED: 05/10/83		JA: OH			
8336507		3411926612		101		K KILPATRICK #1	LICKING	7.3	NATIONAL GAS & OI
-BUCKEYE CRUDE EXPLORATION INC				RECEIVED: 05/10/83		JA: OH			
8336508		3416923293		103	107-TF	SCHLABACH #1	CLINTON	13.5	EAST OHIO GAS CO
-CAVENDISH PETROLEUM OF OHIO INC				RECEIVED: 05/10/83		JA: OH			
[illegible]		3411926476		103	107-TF	OHIO POWER 14-A	MEIGS	116.0	TEXAS EASTERN TRA
8336510		3411926481		103	107-TF	OHIO POWER 17A	MEIGS	54.0	TEXAS EASTERN TRA
-CLYDE M FORAKER JR				RECEIVED: 05/10/83		JA: OH			
8336512		3411926542		107-TF		COLUMBIA CEMENT CORP #2	EAST FULTONHAM	0.0	NATIONAL GAS & OI
8336513		3411926543		107-TF		COLUMBIA CEMENT CORP #3	EAST FULTONHAM	0.0	NATIONAL GAS & OI
8336514		3411926544		107-TF		COLUMBIA CEMENT CORP #4	EAST FULTONHAM	0.0	NATIONAL GAS & OI
8336515		3411926545		107-TF		COLUMBIA CEMENT CORP #5	EAST FULTONHAM	0.0	NATIONAL GAS & OI
8336511		3411926541		107-TF		COLUMBIA CEMENT CORP 1	EAST FULTONHAM	0.0	NATIONAL GAS & OI
-CMC ENERGY INC				RECEIVED: 05/10/83		JA: OH			
8336516		3416923253		107-TF		BOWERS #1	PLAIN	30.0	COLUMBIA GAS TRAN
8336517		3416923254		107-TF		[illegible] #2	PLAIN	30.0	COLUMBIA GAS TRAN
-COASTAL PETROLEUM CORP				RECEIVED: 05/10/83		JA: OH			
[illegible]		3410323169		107-TF		BRAMLEY #3	SHARON	9.0	EAST OHIO GAS CO
8336519		3410323143		107-TF		GARGUS-NELSON-CONNER #1	SHARON	9.0	EAST OHIO GAS CO
8336521		3415321033		107-TF		HOMER DAYS #3	COPLEY	9.0	EAST OHIO GAS CO
8336518		3410323141		107-TF		VANKE #1	SHARON	9.0	EAST OHIO GAS CO
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED: 05/10/83		JA: OH			
833652B		3407322110	D	107-TF		CRACE #4	STARR	3.5	COLUMBIA GAS TRAN
833652A		3407322110		103		CRACE #4	STARR	3.5	COLUMBIA GAS TRAN
-DAVID SHAFER OIL PRODUCERS INC				RECEIVED: 05/10/83		JA: OH			
8336525		3415321313		107-TF		SCHWAGER #1	RICHFIELD	7.5	EAST OHIO GAS CO
8336524		3415321312		107-TF		SCHWAGER #2	RICHFIELD	7.5	EAST OHIO GAS CO
8336523		3415321303		107-TF		STONER LAND CO UNIT #2	BATH	7.5	EAST OHIO GAS CO

[illegible] CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DELRAY DRILLING INC				RECEIVED:	05/10/83	JA: OH			
8336527		3412725679		107-TF		A DOYLE #2	MADISON	25.0	NATIONAL GAS & OI
8336526		3408925760		103	107-TF	PAXSON #23	PIKE	0.0	COLUMBIA GAS TRAN
-EDCO DRILLING & PRODUCING INC				RECEIVED:	05/10/83	JA: OH			
8336528		3403529600		103	107-TF	CABALA UNIT #1E	NEWBURG	18.0	
8336529		3403521173		103	107-TF	JOHNSTON #2J	INDEPENDENCE	18.0	
-ENERGY DEVELOPMENT CORP				RECEIVED:	05/10/83	JA: OH			
8336530		3400722146		103	107-TF	MAROLT UNIT #1	NEW LYME	17.0	
-ENVIROGAS INC				RECEIVED:	05/10/83	JA: OH			
8336531		3400922527		103	107-TF	DRYDOCK COAL #11TR	TRIMBLE	27.3	
8336532		3400922719		103	107-TF	DRYDOCK COAL #49D	DOVER	18.2	
8336533		3400922736		103	107-TF	DRYDOCK COAL #51D	DOVER	18.2	
-GASEARCH INC				RECEIVED:	05/10/83	JA: OH			
8336534		3415522328		103	107-TF	ISAACS #1	MESOPOTAMIA	20.0	AMERICAN ENERGY S
-GREENLAND PARTNERSHIP-82-2				RECEIVED:	05/10/83	JA: OH			
8336535		3407322733		107-TF		GROVES #2	STARR	20.0	COLUMBIA GAS TRAN
-HATFIELD JOHN J				RECEIVED:	05/10/83	JA: OH			
8336538		3410323355		103	107-TF	ZIEBEL-WILCOX #1	SHARON	9.0	
-HOPEWELL OIL AND GAS DEVELOPMENT			CO	RECEIVED:	05/10/83	JA: OH			
8336536		3412725852	D	107-TF		DAVID LEWIS #1 (CLAYTON)	CLAYTON	10.0	NATIONAL GAS & OI
-J O B INC				RECEIVED:	05/10/83	JA: OH			
8336537		3416727416		103		KRIS MAR #4 PW-137	WARREN	4.0	RIVER GAS CO
-K & T OIL & GAS CO INC				RECEIVED:	05/10/83	JA: OH			
8336540		3415321157		103	107-TF	BASOM #3	TWINSBURG	60.0	YANKEE RESOURCES
8336541		3415321159		103	107-TF	BASOM GREENE #1	TWINSBURG	50.0	YANKEE RESOURCES
8336543		3415321316		103	107-TF	G T #1	TWINSBURG	8.0	YANKEE RESOURCES
8336544		3415321317		103	107-TF	G T #2	TWINSBURG	0.0	YANKEE RESOURCES
8336545		3415321318		103	107-TF	G T #3	TWINSBURG	45.0	YANKEE RESOURCES
8336546		3415321319		103	107-TF	G T #4	TWINSBURG	35.0	YANKEE RESOURCES
8336542		3415321211		103	107-TF	SUNRISE #1	TWINSBURG	8.0	YANKEE RESOURCES
-KENOIL				RECEIVED:	05/10/83	JA: OH			
8336539		3416923484		107-TF		C J MAIRS #1	PLAIN	3.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED:	05/10/83	JA: OH			
8336553		3412725808		107-TF		HAZELTON #5	SALT LICK	10.0	
-LEADER EQUITIES INC				RECEIVED:	05/10/83	JA: OH			
8336547A		3411926555		103		CROWN #2	LICKING	13.0	
8336547B		3411926555	D	107-TF		CROWN #2	LICKING	13.0	
8336548		3411926581		103	107-TF	CUNNINGHAM #1	CASS	14.0	
-LESLIE OIL AND GAS CO INC				RECEIVED:	05/10/83	JA: OH			
8336549		3410322234		107-TF		WAKEFIELD #1	SPENCER	20.0	COLUMBIA GAS TRAN
8336551		3410322696		107-TF		WAKEFIELD #2	CHATHAM	20.0	COLUMBIA GAS TRAN
8336550		3410322307		107-TF		WAKEFIELD UNIT #1	SPENCER	20.0	COLUMBIA GAS TRAN
-LEVENGOOD OIL & GAS US INC				RECEIVED:	05/10/83	JA: OH			
8336552		3407524024		103	107-TF	FRED SMITH #2	CLARK	15.0	COLUMBIA GAS TRAN
-M B OPERATING CO INC				RECEIVED:	05/10/83	JA: OH			
8336570		3415123771		103		A PIERCE #1	BETHLEHEM	5.5	
8336560		3415123653		103		BACHTEL UNIT #2	CANTON	3.8	
8336573		3415723801		103		CARLING UNIT #1	SANDY	11.0	
8336556		3415123547		103		CITY OF CANTON #1	PIKE	15.5	EAST OHIO GAS CO
8336557		3415123548		103		CITY OF CANTON #2	PIKE	15.5	EAST OHIO GAS CO
8336558		3415123549		103		CITY OF CANTON #3	PIKE	15.5	EAST OHIO GAS CO
8336569		3415123770		103		CZECH #1	OSHABURG	3.8	
8336559		3415123612		103		F J R UNIT #1	CANTON	36.5	
8336561		3415123697		103		FIERSTOS #1-A	JACKSON	36.5	
8336571		3415123778		103		HAAG UNIT #1	PIKE	10.0	
8336568		3415123766		103		HUMBERT #1	PLAIN	12.8	REPUBLIC STEEL CO
8336563		3415123748		103		HUTTO #1	NIMISHILLEN	3.5	
8336555		3401921596		103		MCMAHON #1	ORANGE	3.5	
8336572		3415123808		103		OAKWOOD SQUARE #1	PLAIN	7.5	
8336562		3415123744		103		SISLER #1	LAWRENCE	14.5	
8336567		3415123757		103		STARK CO COMMISSIONERS #2	BETHLEHEM	9.3	
8336565		3415123753		103		STEFFY UNIT #2	MARLBORO	7.5	
8336566		3415123755		103		STEGNER #2	NIMISHILLEN	3.7	
8336564		3415123752		103		WOLFE #6	NIMISHILLEN	3.5	
-MARK RESOURCES CORP				RECEIVED:	05/10/83	JA: OH			
8336554		3400722186		103		KENNEDY #1	KINGSVILLE	30.0	
-NATIONAL ENERGY EXPLORATIONS INC				RECEIVED:	05/10/83	JA: OH			
8336574		3411926052		103		MASSENGILL #2	LICKING	15.0	NATIONAL GAS & OI
-NOBLE OIL CORP				RECEIVED:	05/10/83	JA: OH			
8336576		3413322998		107-TF		HERRON #1	DEERFIELD	20.0	GENERAL ELECTRIC
8336575		3413322993		107-TF		MANN-BROKAW UNIT #2	PALMYRA	20.0	GENERAL ELECTRIC
-O E D CO				RECEIVED:	05/10/83	JA: OH			
8336577		3407322203		107-TF		C L POSTON HEIRS #10	WARD	7.3	
-PETRONICS OIL & GAS CORP				RECEIVED:	05/10/83	JA: OH			
8336580		3416727234		103		ARTHUR B SIMONS #1	GRANDVIEW	15.0	
8336581		3416727235		103		KA & KJ BEAVER D BEAVER #1	GRANDVIEW	15.0	
8336579		3416727233		103		KA & KJ BEAVER-D-BEAVER #2	GRANDVIEW	15.0	
8336578		3416727188		103		ROBERT SHAPLEY #1	GRANDVIEW	15.0	
-POI ENERGY INC				RECEIVED:	05/10/83	JA: OH			
8336584		3400721590		103	107-TF	HARROFF #1	HOME	28.0	
8336586		3413322849		103	107-TF	HUMPHREY #1	STREETSBORO	36.0	
8336582		3400722070		103	107-TF	KAMPF-MECKLEY-SIRRINE #1	HOME	36.0	EAST OHIO GAS CO
8336583		3400722123		103	107-TF	PARKER #2	ORWELL	45.0	EAST OHIO GAS CO
8336585		3405520439		103	107-TF	SEA WORLD ETAL #4	BAINBRIDGE	44.0	
-RALCO INC				RECEIVED:	05/10/83	JA: OH			
8336587		3415321291		103	107-TF	5-M ASSOC #1	RICHFIELD	20.0	
-ROBERT W ORR JR				RECEIVED:	05/10/83	JA: OH			
8336588		3405923432		103	107-TF	MARVIN & ALICE ORR #1	BYESVILLE	0.0	
-SANTA FE DRILLING CO INC				RECEIVED:	05/10/83	JA: OH			
8336589		3416724341		107-DW		DUNMOR FARMS #1	FEARING	50.0	
-SHONGUM OIL & GAS CORP				RECEIVED:	05/10/83	JA: OH			
8336590		3410323263		107-TF		JACK TUREK #1	MONTVILLE	12.0	YANKEE RESOURCES
8336591		3410323274		107-TF		JACK TUREK #2	MONTVILLE	12.0	YANKEE RESOURCES
8336592		3410323290		107-TF		WHITEHOUSE #2	MONTVILLE	12.0	YANKEE RESOURCES
-SMITH SHAFER SMITH (A PARTNERSHIP)				RECEIVED:	05/10/83	JA: OH			
8336593		3416923365		107-TF		JACKSON #1	CHESTER	7.5	COLUMBIA GAS TRAN
-SPARTA ENERGY CORP				RECEIVED:	05/10/83	JA: OH			
8336595		3400721631		103	107-TF	E & M WILLIAMS #1	JEFFERSON	20.0	OHIO GAS CO
8336596		3400721634		103	107-TF	E & M WILLIAMS #2	JEFFERSON	20.0	OHIO GAS CO
8336594		3400721615		103	107-TF	J OTTO #1	JEFFERSON	20.0	OHIO GAS CO
8336597		3400721822		103	107-TF	V LUKEY #1	LENOX	15.0	OHIO GAS CO
8336598		3400721823		103	107-TF	V LUKEY #2	LENOX	15.0	OHIO GAS CO
-TEXACO INC				RECEIVED:	05/10/83	JA: OH			
8336599		3411523084		107-TF		C R PHILLIS UNIT #2	HACKNEY	0.0	TEXAS EASTERN TRA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
[illegible]		3411523009		107-TF		MURRAY-GANNON UNIT #2	MACKNEY POOL	518.3	TEXAS EASTERN TRA
8336600		3411523005		107-TF		RALPH MORETZ UNIT #2	MACKNEY POOL	0.0	TEXAS EASTERN TRA
-UNIVERSAL EXPLORATION				RECEIVED:	05/10/83	JA: OH			
8336602		3410322793		107-TF		MARY KOLLERT JOHN SWIGART #6	WADSWORTH	50.0	YANKEE RESOURCES
-VICTOR MCKENZIE				RECEIVED:	05/10/83	JA: OH			
8336604B		3412725871	D	107-TF		FLOYD DENISON #1	HOPEWELL	4.0	
8336604A		3412725871		103		FLOYD DENISON #1	HOPEWELL	4.0	
8336603		3411926570		103	107-TF	KENDRA BROWN #1	HOPEWELL	6.0	
-VICTOR PETROLEUM CORP				RECEIVED:	05/10/83	JA: OH			
8336605		3407523489		103	107-TF	RABER/STUTZMAN #1	CLARK FIELD	30.0	
-WILLIAM E STOCKER				RECEIVED:	05/10/83	JA: OH			
8336606		3415723455		107-TF		STOCKER SAND & GRAVEL CO #4	PERRY	3.0	REPUBLIC STEEL CO
TENNESSEE OIL & GAS BOARD									
-B & W OIL CO				RECEIVED:	05/09/83	JA: TN			
8336400	A-2463	4112921091		102-2		ALBINA S PLOCH #1	DOUGLAS BRANCH	10.0	EAST TENNESSEE NA
8336395	A-2447	4112921115		102-4		HUGH LEACH #1	GLADES EAST	32.0	EAST TENNESSEE NA
8336397	A-2404	4112920455		103		O C DUNCAN #1	SUNBRIGHT	10.0	INTRASTATE ENERGY
8336396	A-2405	4112921155		103		O C DUNCAN #2	SUNBRIGHT	10.0	INTRASTATE ENERGY
-B-J INC				RECEIVED:	05/09/83	JA: TN			
8336399	A-2429	4112921266		102-4		IRVIN BROWN JDE-II #1	UNKNOWN	95.2	INTRASTATE ENERGY
8336398	A-2401	4112921163		102-4		ROBERT ANDERSON #2		71.9	INTRASTATE ENERGY
8336401	A-2465	4112920865		102-4		TINCH-BROWN "TALLMAN-602.1 ACRE #1	INDIAN CREEK	201.8	INTRASTATE ENERGY
-CATOOSA EXPLORATION CORP				RECEIVED:	05/09/83	JA: TN			
8336461	A-2446	4104920240		102-4		ARNOLD COLDITZ #3	BIG BRANCH	3.5	FENTRESS GAS TRAN
8336463	A-2438	4104920241		102-4		ARNOLD COLDITZ ETAL #4	BIG BRANCH	3.5	FENTRESS GAS TRAN
8336469	A-2381	4104921882		102-2		E H HALL #5		2.0	FENTRESS GAS TRAN
8336465	A-2436	4104920305		102-4		GORDON KOGER-COLDITZ BROS UNIT #1	BIG BRANCH	3.0	FENTRESS GAS TRAN
8336464	A-2437	4104920149		102-4		GUY WILLIAM #C-1	BIG BRANCH	2.0	FENTRESS GAS TRAN
8336462	A-2439	4104920148		102-4		GUY WILLIAMS #B-1	BIG BRANCH	2.0	FENTRESS GAS TRAN
8336467	A-2434	4104920488		102-4		R G BURNETT #1	BIG BRANCH	3.2	FENTRESS GAS TRAN
8336468	A-2433	4104920489		102-4		ROBERT T BEATY #1	BIG BRANCH	1.8	FENTRESS GAS TRAN
8336466	A-2435	4104920385		102-4		WALTER GERNT #1	BIG BRANCH	2.2	FENTRESS GAS TRAN
-COMMERCE OIL CO				RECEIVED:	05/09/83	JA: TN			
8336403	A-2466	4112920644		102-2		BOBBY YORK 1A (8)		21.9	GAS LINES OF TENN
8336408	A-2342	4104920200		102-2		GARY ROGERS #10		7.5	FENTRESS GAS TRAN
8336460	A-2341	4104920212		102-2		GARY ROGERS #9		21.9	FENTRESS GAS TRAN
8336405	A-2402	4112921195		102-2		SMITH-DUNCAN #2		36.5	B & W OIL CO
8336404	A-2406	4112921196		102-2		SMITH-DUNCAN #3		43.8	B & W OIL CO
8336406	A-2403	4112921270		102-2		SMITH-DUNCAN #4 (353)		32.9	B & W OIL CO
-CONTINENTAL ENERGY CORP				RECEIVED:	05/09/83	JA: TN			
8336407	A-2365	4115121002		102-4		ONEIDA WOODS #9		40.0	INTRASTATE ENERGY
-DAVID CROOKS				RECEIVED:	05/09/83	JA: TN			
8336402	A-2366	4104920186		102-4		BESSTT DAIRY FARM #1	SHIRLY	50.0	INTRASTATE ENERGY
-DELOY MILLER				RECEIVED:	05/09/83	JA: TN			
8336443	A-2364	4112921077		102-2		DORTCH #1	DAN BRANCH	0.5	GAS LINES OF TENN
8336442	A-2343	4112921177		102-2		HIWASSEE #2	DAN BRANCH	0.9	GAS LINES OF TENN
8336441	A-2345	4112921176		102-2		HIWASSEE #4	DAN BRANCH	0.9	GAS LINES OF TENN
8336440	A-2340	4104920460		102-2		RAY #1		78.0	EAST TENNESSEE NA
-DICK HYDE				RECEIVED:	05/09/83	JA: TN			
8336689	A-2460	4112921182		103		MAE SCOTT/WINFIELD KELLEY #1	UNKNOWN	20.0	INTRASTATE ENERGY
-DIXIE OIL CO & PETROLEUM DEVELOPMEN				RECEIVED:	05/09/83	JA: TN			
8336474	A-2400	4112920255		102-4		BITTNER UNIT #1	BURRVILLE	6.0	TENNESSEE GAS PIP
8336456	A-2396	4112920229		102-4		BITTNER-SCOTT UNIT #1	BURRVILLE	7.0	TENNESSEE GAS PIP
8336478	A-2389	4112920187		102-4		CLOVIS COOPER JR #1	BURRVILLE	18.0	TENNESSEE GAS PIP
8336458	A-2398	4112920213		102-4		COOPER-SCOTT #2	BURRVILLE	2.0	TENNESSEE GAS PIP
8336479	A-2388	4112920185		102-4		COOPER-SCOTT UNIT #1	BURRVILLE	13.0	TENNESSEE GAS PIP
8336475	A-2392	4112920180		102-4		COOPER-SMARSH #1	BURRVILLE	16.0	TENNESSEE GAS PIP
8336448	A-2349	4112920212		102-4		CROMWELL-PHILLIPS #1	BURRVILLE	29.7	TENNESSEE GAS PIP
8336451	A-2352	4112920247		102-4		DAVIDSON #1	BURRVILLE	3.7	TENNESSEE GAS PIP
8336471	A-2395	4112920114		102-4		DAVIDSON-DAVIDSON-STARR #1	BURRVILLE	10.0	TENNESSEE GAS PIP
8336481	A-2386	4112920124		102-4		DAVIDSON-MASON UNIT #1	BURRVILLE	12.0	TENNESSEE GAS PIP
8336450	A-2351	4112920117		102-4		G E MCGRATH #1	BURRVILLE	37.4	TENNESSEE GAS PIP
8336449	A-2350	4112920171		102-4		G E MCGRATH #2	BURRVILLE	0.9	TENNESSEE GAS PIP
8336452	A-2353	4112920211		102-4		HURST-ECHOLS #1	BURRVILLE	92.3	TENNESSEE GAS PIP
8336447	A-2348	4112920093		102-4		MANTOOTH-PEMBERTON-GALLOWAY #1	BURRVILLE	0.9	TENNESSEE GAS PIP
8336477	A-2390	4112920192		102-4		MARGARET SCOTT #2	BURRVILLE	14.0	TENNESSEE GAS PIP
8336459	A-2399	4112920257		102-4		MARGARET SCOTT #5	BURRVILLE	17.0	TENNESSEE GAS PIP
8336454	A-2355	4112920196		102-4		PHIFER-LARUE #1	BURRVILLE	0.9	TENNESSEE GAS PIP
8336457	A-2397	4112920152		102-4		RAYMOND MASON #1-D	BURRVILLE	16.0	TENNESSEE GAS PIP
8336473	A-2393	4112920172		102-4		RAYMOND MASON UNIT #1	BURRVILLE	14.0	TENNESSEE GAS PIP
8336453	A-2354	4112920177		102-4		SCOTT-ASHLEY #1	BURRVILLE	3.7	TENNESSEE GAS PIP
8336476	A-2391	4112920208		102-4		SCOTT-COOPER UNIT #1	BURRVILLE	14.0	TENNESSEE GAS PIP
8336472	A-2394	4112920148		102-4		STARR-DAVIDSON-STATE #1	BURRVILLE	8.0	TENNESSEE GAS PIP
8336482	A-2385	4112920096		102-4		STARR-GREER UNIT #1	BURRVILLE	10.0	TENNESSEE GAS PIP
8336480	A-2387	4112920125		102-4		STARR-MASON-DAVIDSON UNIT #1	BURRVILLE	15.0	TENNESSEE GAS PIP
-DIXIE-SHAMROCK OIL & GAS INC				RECEIVED:	05/09/83	JA: TN			
8336470	A-2454	4104921087		102-2		GERNT-HARDEMAN/WILLIAMS #1	HURRICANE RIDGE	55.0	TENNESSEE GAS PIP
8336455	A-2358	4104921073		102-2		TINCH-GERNT #3	STOCKTON SW	14.5	TENNESSEE GAS PIP
-GLEN A WRIGHT				RECEIVED:	05/09/83	JA: TN			
8336394	A-2371	4112921471		102-4		NATIONAL SECURITY INSURANCE CO #1	WILDCAT	0.1	INTRASTATE ENERGY
-HICKORY CREEK DEVELOPMENT CORP				RECEIVED:	02/28/83	JA: TN			
8336483	A-2375	4103120072		102-2		LLOYD BOWDEN UNIT #2	HICKORY CREEK	75.0	EAST TENNESSEE NA
-HICKORY CREEK DEVELOPMENT CORP				RECEIVED:	05/09/83	JA: TN			
8336484	A-2376	4103120074		102-2		BUFORD BROWN UNIT #1	HICKORY CREEK	75.0	EAST TENNESSEE NA
8336485	A-2377	4103120071		102-2		CLYDE WOOTEN UNIT #2	HICKORY CREEK	75.0	EAST TENNESSEE NA
8336410	A-2373	4103120076		102-2		E H SPEARS #2	HICKORY CREEK	75.0	EAST TENNESSEE NA
8336488	A-2380	4103120060		102-2		GRADY FREEZE UNIT #1	HICKORY CREEK	75.0	EAST TENNESSEE NA
8336409	A-2374	4103120075		102-2		T G BLACKBURN UNIT #1	HICKORY CREEK	75.0	EAST TENNESSEE NA
8336486	A-2378	4103120073		102-2		W E CROWLEY UNIT #1	HICKORY CREEK	75.0	EAST TENNESSEE NA
8336487	A-2379	4103120066		102-2		W H COOK UNIT #1	HICKORY CREEK	75.0	EAST TENNESSEE NA
-JIM'S PIPE & SUPPLY INC				RECEIVED:	05/09/83	JA: TN			
8336493	A-2459	4112921278		102-4		ROBERT ANDERSON #4		748.2	INTRASTATE ENERGY
-JOHNSON ENERGY INC				RECEIVED:	05/09/83	JA: TN			
8336491	A-2367	4104921070		102-2		M V HALL #2B		20.0	FENTRESS GAS TRAN
8336492	A-2431	4104921091		102-2		M V HALL #4		5.0	FENTRESS GAS TRAN
8336490	A-2368	4104921071		102-2		TEDDY GARRETT #2		3.0	FENTRESS GAS TRAN
-KENTENTEX DRILLING PROGRAM #1				RECEIVED:	05/09/83	JA: TN			
8336445	A-2362	4115121007		103		LAY-KENTENTEX #2	ONEIDA WEST	0.2	INTERSTATE ENERGY
8336444	A-2363	4115121029		103		LAY-KENTENTEX #3	ONEIDA WEST	0.2	INTERESTATE ENERG
8336446	A-2361	4115121046		103		LAY-KENTENTEX #4	ONEIDA WEST	0.2	INTERSTATE ENERGY
-MATHIS CLEM				RECEIVED:	05/09/83	JA: TN			
8336439	A-2270	4103520135		102-2		ROSE #1		30.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-NATIONS RESOURCE OF ENERGY INC				RECEIVED:	05/09/83	JA: TN			
8336391	A-2333	4115121033		102-2		PEMBERTON-BAKER-STONECIP ER #1		2.0	
-PARMA PETROLEUM CORP				RECEIVED:	05/09/83	JA: TN			
8336438	A-2332	4104920658		102-2		ROBERT CHAMBERS #1	SHIRELY	100.0	INTRASTATE ENERGY
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	05/09/83	JA: TN			
8336437	A-2356	4112920245		102-4		MARTIN-MORGAN-FROGGE UNIT #1	RUGBY	203.6	INTRASTATE ENERGY
-RAINBOW EXPLORATION LTD				RECEIVED:	05/09/83	JA: TN			
8336430	A-2372	4115121020		102-2		PEMBERTON-BAKER AR #1	GUM BRANCH	18.2	INTRASTATE ENERGY
-RATLIFF FARMS INC				RECEIVED:	05/09/83	JA: TN			
8336429	A-2432	4112920575		102-4		L E YOUNG #1 PERMIT #2798	INDIAN CREEK	912.5	INTRASTATE ENERGY
-RED FEATHER GAS & OIL INC				RECEIVED:	05/09/83	JA: TN			
8336431	A-2344	4104921035		102-2		CARSON HULL B 5		474.5	INTRASTATE ENERGY
8336432	A-2346	4104921034		102-2		CARSON HULL B-6		273.3	INTRASTATE ENERGY
-RED GAS & OIL INC				RECEIVED:	05/09/83	JA: TN			
8336434	A-2370	4112921254		102-2		CONWAY JOHNSON #1R		27.5	
-RICHARD R ROGERS OPERATING				RECEIVED:	05/09/83	JA: TN			
8336435	A-2359	4112921264		103		BILLY G GARRETT UNIT #1		80.3	INTRASTATE ENERGY
8336436	A-2360	4112921223		103		HENDREN HEIRS #1	UNKNOWN	94.9	INTRASTATE ENERGY
-RRR OPERATING				RECEIVED:	05/09/83	JA: TN			
8336433	A-2357	4112921197		103		BILLY G GARRETT #4A		438.0	INTRASTATE ENERGY
-SOLDNER BILL SEBASTIN				RECEIVED:	05/09/83	JA: TN			
8336376	A-2369	4112920460		102-2		ROBERT ANDERSON #1		3.0	
-SONIC PETROLEUM INC				RECEIVED:	05/09/83	JA: TN			
8336375	A-2456	4112920566		108		JIMMY YOUNG #1	PLEASANT RIDGE	3.5	INTRASTATE ENERGY
8336392	A-2455	4112920567		108		JIMMY YOUNG #2	PLEASANT RIDGE	3.5	INTRASTATE ENERGY
8336373	A-2457	4112920578		108		JIMMY YOUNG #3	PLEASANT RIDGE	3.5	INTRASTATE ENERGY
8336374	A-2458	4112920586		108		JIMMY YOUNG #4	PLEASANT RIDGE	3.5	INTRASTATE ENERGY
-SRI DRILLING CO				RECEIVED:	05/09/83	JA: TN			
8336387	A-2289	4112930709		108		G C PEMBERTON - #1A	PLEASANT RIDGE	10.0	EAST TENNESSEE NA
8336386	A-2286	4112920976		108		G C PEMBERTON - RALPH PEMBERTON #3	PLEASANT RIDGE	10.0	EAST TENNESSEE NA
8336379	A-2273	4112921035		108		G C PEMBERTON #10A	PLEASANT RIDGE	7.2	EAST TENNESSEE GA
8336384	A-2284	4112921036		108		G C PEMBERTON #11-A	PLEASANT RIDGE	10.0	EAST TENNESSEE NA
8336380	A-2279	4112920991		108		G C PEMBERTON #2-A	PLEASANT RIDGE	11.0	EAST TENNESSEE NA
8336382	A-2283	4112920997		108		G C PEMBERTON #3-A	PLEASANT RIDGE	16.0	EAST TENNESSEE NA
8336388	A-2281	4112921015		108		G C PEMBERTON #7-A	PLEASANT RIDGE	15.0	EAST TENNESSEE NA
8336381	A-2274	4112921024		108		G C PEMBERTON #9-A	PLEASANT RIDGE	24.0	EAST TENNESSEE NA
8336378	A-2441	4112921153		102-4		NAIDU BHARAM #1	PLEASANT RIDGE	65.0	EAST TENNESSEE NA
8336385	A-2285	4112920659		108		PEMBERTON-NORTHRUP #1	PLEASANT RIDGE	11.0	EAST TENNESSEE NA
8336383	A-2282	4112920688		108		RALPH PEMBERTON #1	PLEASANT RIDGE	28.0	EAST TENNESSEE NA
8336377	A-2442	4112921164		102-4		TULASI BHARAM #1	PLEASANT RIDGE	30.0	EAST TENNESSEE NA
-TARTAN OIL COMPANY				RECEIVED:	05/09/83	JA: TN			
8336393	A-2174	4112920902		108		JAMES SILVEY #1-A (PERMIT #4158)	SUNBRIGHT	2.3	INTRASTATE ENERGY
-TENDEX INC				RECEIVED:	05/09/83	JA: TN			
8336390	A-2382	4112920728		102-2		THOMAS & WANDA BURNETT #4		2.0	
-TENNESSEE GAS & OIL CO INC				RECEIVED:	05/09/83	JA: TN			
8336389	A-2383	4112921171		102-2		L MEISTER #1	DAN BRANCH	0.5	GAS LINES OF TENN
-TOWNER PETROLEUM CO				RECEIVED:	05/09/83	JA: TN			
8336423	A-2453	4115120408		102-2		BLAIR-HORDE 3 (#6)	BENDIX SPUR	3.6	
8336414	A-2420	4112920837		103		F-34 PEMBERTON	COON HOLLOW	1.0	
8336425	A-2451	4115120391		102-2		HICKS-FOX 1 (#6)	GUM BRANCH	11.0	
8336428	A-2450	4115120420		102-2		PEMBERTON #14	GUM BRANCH	7.0	
8336427	A-2448	4112920468		103		PEMBERTON D-1	UNION HILL	3.6	
8336416	A-2422	4112920739		103		PEMBERTON F-20	COON HOLLOW	15.0	
8336419	A-2425	4112920735		103		PEMBERTON F-24	COON HOLLOW	6.0	
8336421	A-2427	4112920770		103		PEMBERTON F-27	COON HOLLOW	5.0	
8336413	A-2419	4112920784		103		PEMBERTON F-30	COON HOLLOW	10.0	
8336420	A-2426	4112920795		103		PEMBERTON F-32	COON HOLLOW	9.0	
8336417	A-2423	4112920716		103		PEMBERTON G C (#F-15)	COON HOLLOW	5.0	
8336412	A-2418	4112920682		103		PEMBERTON G C (#F-9)	COON HOLLOW	5.0	
8336418	A-2424	4112920740		103		PEMBERTON G C #(F-21)	COON HOLLOW	8.0	
8336422	A-2428	4112920491		103		PEMBERTON G C #C-4	UNION HILL	3.6	
8336411	A-2417	4112920715		103		PEMBERTON G C #F-14	COON HOLLOW	10.0	
8336415	A-2421	4112920741		103		PEMBERTON G C #F-22	COON HOLLOW	7.0	
8336424	A-2452	4115120433		102-2		PEMBERTON/RAY #1	ROBINS	5.0	
8336426	A-2449	4115120446		102-2		PEMBERTON/RAY #2	ROBBINS	4.0	

[FR Doc. 83-15131 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-C

OL
48
ISS
1
1
0
JE
7
1983
MI

federal register

Tuesday
June 7, 1983

Part IV

Department of Labor

Employment and Training Administration

Office of the Assistant Secretary for Veterans' Employment and Training

Implementation Regulations for Veterans' Employment Programe Under Title IV, Part C, of the Job Training Partnership Act

DEPARTMENT OF LABOR

Employment and Training Administration

Office of the Assistant Secretary for Veterans' Employment and Training

20 CFR Part 635

Implementation Regulations for Veterans' Employment Programs Under Title IV, Part C, of the Job Training Partnership Act

AGENCY: Assistant Secretary for Veterans' Employment and Training, Labor.

ACTION: Proposed rule.

SUMMARY: This document proposes rules regarding the implementation of Veterans' Employment Programs under Title IV, Part C, of the Job Training Partnership Act. The purpose of this publication is to request comments on these proposed rules so that final regulations may be published to allow for the timely planning and implementation of Veterans' Employment Programs by October 1, 1983.

DATES: Comments must be submitted on or before July 7, 1983.

ADDRESSES: Comments should be addressed to William C. Plowden, Jr., Assistant Secretary for Veterans' Employment and Training, 200 Constitution Avenue, N.W., Washington, D.C. 20210, *Attn:* Joseph Juarez, Director, Office of Policy, Planning and Legislation.

FOR FURTHER INFORMATION CONTACT: Joseph Juarez, Telephone: (202) 523–9110.

SUPPLEMENTARY INFORMATION:

On October 13, 1982, President Reagan signed into law the Job Training Partnership Act (JTPA), Pub. L. 97–300, which replaces the Comprehensive Employment and Training Act (CETA). Title IV, Part C, of the new statute provides for programs to meet the employment and training needs of service-connected disabled veterans, veterans of the Vietnam era, and veterans who are recently separated from military service. The statute directs that programs supported under this part be administered by the Secretary through the Assistant Secretary for Veterans' Employment and Training (ASVET). The statute further directs that the ASVET shall be responsible for the awarding of grants and the distribution of funds under this part as well as taking steps to ensure these programs are effectively coordinated with veterans activities and programs under other provisions of law.

In accordance with the general direction of the statute regarding Veterans' Employment Programs, these proposed rules are intended to provide further guidance for the proper administration and development of such programs. The proposed regulations include:

A. Definitions of the three categories of veterans identified in the Act.

B. Provision for the distribution of funds available for development of programs under this part.

C. Eligibility criteria for funds, which includes a requirement for a state to match the amount of the grant being sought under this part with funds from other sources.

D. A description of the application for funding and the review and approval processes.

E. Reference to allowable activities described in the Act.

F. A provision for the monitoring and oversight responsibilities to be conducted by the ASVET through the Regional and State Directors for Veterans' Employment and Training.

This proposed rule allows for the allocation of at least 80 percent of the funds available under this Part to the various States. Applications for funds will be accepted from Governors and/or Service delivery Area (SDA) designated administrative entities. The funding allocations are based on each State's proportionate share derived from the formula in Title 38, U.S.C. Chapter 41, Section 2003(a)(2) for the distribution of personnel under the Disabled Veteran Outreach Program (DVOP), except that no State shall be eligible for less than $50,000.

Proposed amounts to be allocated are:

State	Amount
Alabama	$104,000
Alaska	50,000
Arizona	87,000
Arkansas	69,000
California	782,000
Colorado	104,000
Connecticut	100,000
Delaware	50,000
District of Columbia	90,000
Florida	319,000
Georgia	170,000
Hawaii	50,000
Idaho	50,000
Illinois	318,000
Indiana	173,000
Iowa	87,000
Kansas	73,000
Kentucky	100,000
Louisiana	104,000
Maine	50,000
Maryland	148,000
Massachusetts	218,000
Michigan	284,000
Minnesota	145,000
Mississippi	55,000
Missouri	163,000
Montana	50,000
Nebraska	50,000
Nevada	50,000
New Hampshire	50,000
New Jersey	239,000
New Mexico	50,000
New York	492,000
North Carolina	163,000
North Dakota	50,000
Ohio	347,000
Oklahoma	104,000
Oregon	93,000
Pennsylvania	392,000
Puerto Rico	50,000
Rhode Island	50,000
South Carolina	81,000
South Dakota	50,000
Tennessee	132,000
Texas	420,000
Utah	50,000
Vermont	50,000
Virginia	170,000
Washington	156,000
West Virginia	52,000
Wisconsin	145,000
Wyoming	50,000

Performance standards for Veterans' Employment Programs under this part will be developed and issued in conjunction with each grant and/or contract instrument.

Classifications: These proposed regulations are procedural in character and give direction for implementing Veterans' Employment Programs under Part C, Title IV, of the Job Training Partnership Act. Therefore, these rules are not classified as "major" under Executive Order 12291 on Federal Regulations, and no regulatory impact analysis is required.

Regulatory Flexibility Act: The Department has determined that these rules will have no "significant economic impact" upon a substantial number of small entities "within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. 96–354, 91 State. 1164 (5 U.S.C. 605(b))". The vast majority of recipients of Federal funds under this regulation are the Governor's of the several States and/or the designated administrative entities of Service Delivery Areas generally with over 200,000 population.

List of Subjects in 20 CFR Part 635

Employment, Grant programs—labor, Labor, Veterans, Manpower training programs.

Accordingly, a new Part 635 of Chapter V of Title 20 of the Code of Federal Regulations is proposed to read as follows:

PART 635—VETERANS' EMPLOYMENT PROGRAMS UNDER TITLE IV, PART C OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—General Provisions

Sec.

635.1 Scope and purpose.
635.2 Program administration.

Sec.
635.3 Participant eligiblity.

Subpart B—Program Funding

635.11 Availability of funds.
635.12 Eligibility for funds.
635.13 Application for funding.
635.14 Review of application for funding.
635.15 Approval of funding request.

Subpart C—Program Design and Management

635.21 General.
635.22 Allowable activities.
635.23 Program management and performance standards.
635.24 Recordkeeping and reporting requirements.
635.25 Monitoring and oversight.

Authority: Job Training Partnership Act, Section 169, (29 U.S.C. 1501 et seq., Pub. L. 97–300, 96 Stat. 1322), unless otherwise noted.

Subpart A—General Provisions

§ 635.1 Scope and purpose.

This Part contains the regulations governing Veterans' Employment Programs as authorized under Title IV, Part C of the Act. These programs are to be designed to meet the employment and training needs of service-connected disabled veterans, veterans of the Vietnam era, and veterans who are recently separated from military service. Program administration and participant eligibility are included in this Subpart. Planning and application for funding are set forth in Subpart B of this Part. Program design, management and reporting are covered in Subpart C.

§ 635.2 Program administration.

(a) Programs supported under this Part will be administered by the Secretary through the Assistant Secretary for Veterans' Employment and Training (ASVET).

(b) All programs and activities supported under this Part will be coordinated, to the maximum extent feasible, with other programs and activities under this Act, the Wagner-Peyser Act, Title 38 of the United States Code, and other employment and training programs at the State and local level.

§ 635.3 Participant eligibility.

(a) Eligibility for participation in programs supported under this Part shall be determined pursuant to Section 441(a)(1) of the Act.

(b) For the purpose of this Part, the following definitions apply:

(1) "Service-connected disabled veteran" means the same as "disabled veteran" at Section 4(27)(B) of the Act.

(2) "Veteran of the Vietnam era" means an eligible veteran any part of whose active military service was during the Vietnam era (i.e., August 5, 1964–May 7, 1975).

(3) "Veterans who are recently separated from military service" shall mean any person on active military duty who first applies for participation in programs under this part within three months before separation or an eligible veteran who applies within twelve months after separation from military service.

Subpart B—Program Funding

§ 635.11 Availability of funds.

(a) Funds administered pursuant to Section 441 of the Act are authorized in accordance with the formula described at Section 3(a)(3)(A) of the Act.

(b) Not more than 20 percent of the funds available under this Part may be set aside by the Secretary for research and development activities, demonstration projects, providing technical assistance and training, or to support other veterans employment and training efforts as deemed appropriate.

(c) At least 80 percent of the funds under this Part will be made available consistent with the formula contained in Title 38, U.S.C., Chapter 41 Section 2003 (A) (2), except that no State shall be eligible for less than $50,000.

(1) Funds available under this paragraph may be distributed by the Secretary, through grant or contract, to the various States and/or designated Service Delivery Area administrative entities.

(2) Preliminary planning estimates will be published annually.

(d) The Secretary may reallot funds identified for distribution upon determination that no acceptable grant application has been received from a State or designated administrative entity for a Service Delivery Area within the State by December 31, 1983.

§ 635.12 Eligibility for funds.

(a) Programs supported under this Part will comply with the provisions of Section 441(a)(2) of the Act.

(b) The Department will not favorably consider an application for funding from any applicant which has failed to satisfy any major condition in a current or previous contract or grant with the Department, or has failed Departmental conditions relating to the resolution of a final finding and determination, including repayment of debts.

(c) For a State to be considered for grants under § 635.11(c) of this Part the State must demonstrate that it will expend or provide in-kind services from public or private sources an amount at least equal to the grant being sought for the proposed veterans employment program(s).

§ 635.13 Application for funding.

(a) Applications for funding under § 635.11(c) of this Part shall include, at a minimum, the following:

(1) Standard Form 424, Application for Federal Assistance;

(2) A completed comprehensive needs assessment of the Service delivery area or State to be served;

(3) A description of proposed program(s) and associated funding plans, including identification of matching funds or in-kind services; and

(4) Identification of the service provider(s) considered but not selected;

(b) Completed applications will be submitted by the Governor and/or designated Service Delivery Area administrative entity to the State Director for Veterans' Employment for comment and transmittal to the Secretary in accordance with grant planning instructions.

(c) Applications for funding under § 635.11(b) of this Part should be submitted in response to program specific Requests for Proposals (RFP's). All proposals and requests for information under this section should be submitted to: Director, Office of Procurement, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–1521–FPB, Washington, D.C. 20210.

§ 635.14 Review of application for funding.

The Secretary will review and make a determination on all funding requests submitted under this Part. Rating criteria will include but not be limited to the provisions of §§ 635.12 and 635 13. Preference in selection will be given to proposals which clearly demonstrate plans to utilize local resources from other sources for the proposed program(s).

§ 635.15 Approval of funding requests.

(a) The Secretary, pursuant to section 441(b) of the Act, will be responsible for the approval, awarding and distribution of funds under this Part.

(b) An applicant whose grant application is not selected by the Department for funding under this Part shall be notified in writing.

(c) Any applicant whose grant application is denied by the Department may request administrative review as provided in § 629.57. The provisions of § 629.56 do not apply under this Part.

Subpart C—Program Design and Management

§ 635.21 General.

The requirements of 41 CFR Part 29–70 implementing OMB Circular Nos. A–102

and A–110 apply to all grants and agreements under this Part.

§ 635.22 Allowable activities.

Programs supported under this Part shall comply with the provisions of section 441(a)(3) of the Act.

§ 635.23 Program management and performance standards.

Each recipient of funds under this Part will be required to adhere to grant or contract provisions governing accountability, fiscal control and management, and specific program performance standards as established by the Secretary.

§ 635.24 Recordkeeping and reporting requirements.

(a) Required recordkeeping and reports shall be in accordance with Section 165 of the Act and with the provisions contained in each grant and contract instrument.

(b) Grant and contract recipients from time to time may be required to prepare and submit additional reports which may be required by the Congress.

§ 635.25 Monitoring and oversight.

(a) The Secretary, through the Assistant Secretary for Veterans' Employment and Training is responsible for the monitoring and oversight of veterans employment and training programs under the Act. Regional Directors for Veterans' Employment and Training and the State Director for Veterans' Employment and Training in each state shall have access to all records necessary for program monitoring and oversight.

(b) The audit provisions contained in § 629.42 of the regulations shall apply to funds granted to Governors under this Part.

(c) Private Industry Councils or other designated administrative entities in Service Delivery Areas receiving funds under this Part shall arrange for audits to be conducted in accordance with the provisions of § 629.42.

(d) The provisions of § 629.44 regarding sanctions for violations for the Act apply for all grants and agreements under this Part.

Signed at Washington, D.C., this 2d day of June 1983.

Raymond J. Donovan,

Secretary of Labor.

William C. Plowden, Jr.,

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 83–15233 Filed 6–6–83; 8:45 am]

BILLING CODE 4510–30–M

federal register

Tuesday
June 7, 1983

Part V

Equal Employment Opportunity Commission

Substantive Regulations on Health Insurance Benefits for Employees Age 65 to 69; Interim Rule With Comment Period

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR PART 1625

Substantive Regulations on Health Insurance Benefits for Employees Age 65 to 69

AGENCY: Equal Employment Opportunity Commission.

ACTION: Interim rule with comment period.

SUMMARY: Pursuant to Reorganization Plan No. 1 of 1978, responsibility and authority for enforcement of the Age Discrimination in Employment Act of 1967 (ADEA) was transferred from the Department of Labor to the Equal Employment Opportunity Commission. The transfer became effective and the Commission assumed enforcement of the Act on July 1, 1979.

The Commission published proposed interpretations of the ADEA on November 30, 1979 (44 FR 68858), and final interpretations on September 29, 1981 (46 FR 47724). Neither the proposed nor final interpretations, however, specifically addressed issues regarding employee benefit plans. Many of those issues were addressed by the Department of Labor in an Interpretative Bulletin on Employee Benefit Plans which was published on May 25, 1979. (*See* 44 FR 30648.) That bulletin was continued in effect by the Commission pending the completion of an exhaustive review. (*See* 44 FR 37974; June 29, 1979.) While that bulletin remains in effect, the Commission recognizes that those provisions dealing with allowable health insurance benefit offsets for Medicare payments are generally no longer applicable to employees aged 65 through 69. The inapplicability of those Medicare provisions is a direct consequence of the recent passage of the Tax Equity and Fiscal Responsibilty Act of 1982 (TEFRA). The TEFRA amendment to the ADEA significantly alters an employer's obligations regarding the maintenance of group health insurance plans for active employees aged 65 through 69. The Commission publishes the following interim regulations implementing the new requirements. Upon receipt and review of all public comments, the Commission will publish final regulations.

DATE: Effective date: June 7, 1983.

Comments must be received on or before August 8, 1983.

ADDRESS: Send comments, in quadruplicate, to Treva McCall, Executive Secretariat, EEOC, Room 5215, 2401, E Street, N.W., Washington, D.C. 20506. A copy of all public comments will be available for inspection and copying at the Commission's Second Floor Library at 2401 E Street, N.W., Washington, D.C. between the hours of 9 and 4:30, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: John Pagano at (202) 634–6592 or Christopher Mackaronis at (202) 634–6690.

SUPPLEMENTARY INFORMATION: On May 25, 1979, the Department of Labor published a comprehensive interpretative bulletin dealing with the requirements of Section 4(f)(2) of the ADEA, 29 U.S.C. 623(f)(2), with respect to virtually all forms of employee benefit plans. *See* 29 CFR 860.120; 44 FR 30648. The cornerstone of that Interpretative Bulletin was the principle that an employer must provide equal benefits or must expend equal cost on behalf of benefits for employees of all ages. Significantly, however, the Interpretative Bulletin permitted employers to take into account various benefits provided by the Federal Government in determining their benefit obligations of older employees.

More specifically, an employer was permitted by the interpretative bulletin to offset health care benefits provided by Medicare in determining its own responsibilities. *See* generally 29 CFR 860.120(f)(1)(ii). The bulletin permitted employers either to "carve out" those benefits provided by Medicare or to take advantage of Medicare availability through the use of a "supplemental" approach. Under the "carve out" option, an employer could discount those health care benefits actually provided by Medicare in determining its own benefit obligations. An employer utilizing the "supplemental" approach would attempt to estimate those benefits which would be provided by Medicare and then obtain supplemental health care coverage to provide benefits which Medicare was not expected to pay. *See* 44 FR 30654. Under either approach, the combination of Medicare and employer provided health care benefits would be expected to provide benefits as favorable as those provided to younger employees at a cost to the employer which was almost always less than the cost for comparable benefits for younger employees.

The status quo regarding health care benefits for workers aged 65 through 69 has been altered by recent congressional passage of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA"). TEFRA, a far reaching bill designed to reduce federal expenditures and lower the federal deficit, through the enactment of Section 116(a) added a new Section 4(g) to the ADEA, 29 U.S.C. 623(g), which reads the follows:

> (g)(1) For purposes of this section, any employer must provide that any employee aged 65 through 69 shall be entitled to coverage under any group health plan offered to such employees under the same conditions as any employee under age 65.
>
> (2) For purposes of paragraph (1), the term "group health plan" has the meaning given to such term in section 162(i)(2) of the Internal Revenue Code of 1974.

As a result, those provisions of the Interpretative Bulletin dealing with Medicare offsets for employees aged 65 through 69 are no longer applicable in most instances. All covered employers must now make available primary health insurance benefits for employees aged 65 through 69. While the wording of Section 4(g) is quite explicit, it does not address a multitude of practical questions which arise as a consequence of the shift or primary responsibility for health insurance benefits for employees aged 65 through 69. Indeed, the legislative history to Section 4(g) directs the Commission to promulgate regulations implementing the new statutory provision in a manner which will not allow employers to defeat its central purpose, namely, the reduction in Medicare expenditures for the working aged. *See* S. Rept. 97–530, 97th Cong., 2d Sess., pp. 414–415. That primary purpose of the legislation was succinctly stated by Senator Dole when he said, "Our top priority, of course, was to reduce the deficit in compliance with our reconciliation instruction." 128 Cong. Rec. S. 8645 (daily ed. July 19, 1982).

Since the passage of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) the Commission has received numerous questions and comments regarding the implementation of Section 4(g) of the ADEA, many of which have raised important issues. The most prominent of these issues are listed below and are followed with a brief discussion of the Commission's interim regulations and the accompanying rationale for those positions. Comments addressing these issues should be as specific as possible and where appropriate should include specific actuarial or cost data relevant to the issues presented.

1. Who is covered by Section 4(g) of the ADEA?

Section 11(b) of the ADEA defines an employer as "a person engaged in an industry affecting commerce who has twenty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. . . ." Employers who meet that definitional

standard are subject to the requirements of the new Section 4(g). For the purposes of that determination, no distinction should be drawn between full-time and part-time employees. Generally speaking, employers who would be covered by Section 4(g) by virtue of the maintenance of a "group health plan" as defined in Section 162(i)(2) of the Internal Revenue Code will similarly be covered if the maintenance of such a plan is accomplished indirectly through an agent of the employer. The Commission recognizes that it would be anomalous to hold that employers maintaining group health plans are subject to the requirements of Section 4(g) while those who do so in cooperation with union representation or other agents are not. For that reason, group health plans as defined by Section 4(g)(2) which are maintained or administered by Taft-Hartley trusts are also covered under Section 4(g) as agents of those participating employers. Such an interpretation is consistent with the overall intent of Section 4(g) to relieve Medicare of the responsibility of providing primary health insurance coverage for the working elderly. Employers in multi-employers trusts who do not meet the definitional standards set forth in Section 11(b) of the Act are not covered by the provisions of Section 4(g). Group health plans maintained exclusively by labor organizations in their representational capacity and not as an employer which receive no employer contributions are not subject to the provisions of the new section. Similarly, employee pay-all plans are not covered by Section 4(g), even if they are made available through a covered employer.

2. Which employees are covered by Section 4(g)?

Any employee aged 65 through 69 who is working for an employer subject to Section 4(g) is covered by the provisions of the new section. The Commission is cognizant of the fact that questions may arise as to the exact dates on which an employee becomes subject to the provisions of Section 4(g). In that regard, the Commission notes that while the ADEA amendment is silent on that issue, the complementary amendments to Section 1862(b) of the Social Security Act indicate that individuals will be covered "for the period beginning with the month in which such individual becomes entitled to benefits . . . and ending with the month in which such individual attains the age of 70." 42 U.S.C. 1862(b)(3)(A)(iii). While an identical interpretation under the ADEA would be preferable, the Commission is limited in its authority by the specific age limitations set forth in Section 12(a) of the Act, 29 U.S.C. 631(a). For that reason, any employees aged 65 through 69 are subject to Section 4(g) from the month in which they attain age 65 through the day on which they attain age 70.

The question already has arisen whether employees between the ages of 65 and 70 who have no basic Medicare eligibility are similarly covered by the provisions of Section 4(g). In some instances, employees of state or local governments, covered employees under the ADEA, *see* 29 U.S.C. 630(b), may lack Medicare eligibility. However, neither the wording of Section 4(g) nor the accompanying legislative history condition the requirements of that section on Medicare eligibility. For that reason, the Commission interprets the new Section 4(g) to apply to all employees aged 65 through 69 who are working for employers covered under the ADEA.

Similarly, a question has arisen as to coverage under Section 4(g) of employees who at the attainment of age 65 are temporarily disabled and elect to continue the receipt of disability rather than retirement pay. The position has consistently been that an employer need not make simultaneous payment of long term disability and pension benefits. *See* 29 CFR 860.120(f)(1)(iv)(B)(6). This position was predicated on the belief that disability recipients are more akin to active employees than retirees. Consistent with this approach, the Commission's proposed regulations include disability recipients as those employees entitled to health insurance coverage under the same conditions as any employee under age 65. Where an employer's group health plan provides for differential health care benefits for disabled younger workers, those same terms and conditions may be applied to the older disability recipient.

The issue has also been presented concerning an employer's obligations to employees aged 65 through 69 who are at present not actively employed but who are receiving health care benefits by virtue of extended coverage under an employer's health plan. In such a situation, the Commission will look to all the facts and circumstances to determine whether an employment situation still exists. Employees engaged in seasonal work who retain seniority rights and other indicia of a continuing employment relationship will in all likelihood fall within the meaning and spirit of Section 4(g). On the other hand, employees gratuitously provided extended coverage after the termination of employment status were not intended to fall within the scope of Section 4(g). Their status would be most like that of a retiree.

Retirees are not embraced by the term employee and are, therefore, not covered by the literal wording of the new section.

Finally, concern has already been expressed over the applicability of Section 4(g) to part-time employees. In the case of part-time employees aged 65 through 69, Section 4(g) requires that employers make available to those individuals health insurance coverage under the same conditions that coverage is made available to younger part-time employees. Employers who provide differential health care benefits for part-time employees may continue to do so as long as the coverage provided to younger part-time employees is made available to part-time employees aged 65 through 69 on a primary basis. Employers who, for legitimate non-discriminatory business reasons, do not provide health insurance coverage to part-time employees are not obligated to make health insurance benefits available to older part-time employees.

3. Can an employee retain Medicare as the primary provider of its health insurance benefits?

Employees have the right to retain Medicare as primary coverage. S. Rept. 97–530, 97th Cong., 2d Sess, p. 414. Any employer health care plans which provide benefits for items and services covered to any extent by Medicare Part A and/or Medicare Part B will be deemed primary plans of the employer. All such plans must be made available to employees aged 65 through 69. The Commission's regulations require that all employees covered by Section 4(g) be provided the opportunity to elect in writing coverage under any one of the employer's primary health insurance plans. In offering this option, an employer must notify each eligible employee in writing of the specific benefits available under the employer's health care plan or plans and the extent to which those benefits can be anticipated to be supplemented by Medicare coverage. All eligible employees similarly should be notified of the consequences of rejecting employer-provided primary coverage and apprised of any employer-provided benefits that will still be available if the employee chooses to have primary coverage through Medicare. The Commission's intent in this regard is to ensure that all eligible employees are sufficiently informed of the consequences of the election to enable them to exercise a meaningful choice. The following interim regulations allow

a "reasonable" period of time for employers to provide eligible employees with a written election and to implement the necessary administrative changes. The Commission will interpret that "reasonable period of time" to be no longer than 90 days after publication of these interim regulations. For employees rejecting the employer's primary coverage, the existing employer coverage must not be discontinued until the actual date on which the employee becomes entitled to Medicare benefits. Absent that requirement employees could be subject to a lapse in health insurance coverage. In the event that an eligible employee attains age 65 after January 1, 1983, and before an election has been offered, the employee must continue to receive primary coverage under the employer's plan until and if the employee elects to the contrary. In providing for an employee's written election, each employer must necessarily inform each eligible employee of the need to apply for Medicare and provide any necessary assistance for making an application for benefits. This is consistent with earlier positions taken by both the Commission and the Department of Labor. *See* 44 FR 30654 (May 25, 1979).

Finally, the Commission's interim regulations require that employees aged 65 through 69 be provided the same opportunities as younger workers to alter their health insurance coverage. If an employer's plan provides for semi-annual review by the employees, that same periodic review must now be afforded employees aged 65 through 69.

4. What type of health insurance coverage is required by Section 4(g)?

The plain language of Section 4(g) requires that employees "aged 65 through 69 shall be entitled to coverage under any group health plan offered to such employees under the same conditions as any employee under age 65." The Commission, therefore, interprets Section 4(g) to require equality of benefits and not just the equalization of cost. Indeed, to require only equal cost while at the same time removing Medicare from the position of primary insuror could have resulted in a drastic overall reduction in health benefits for most employees, a result contrary to the legislative history in that it would induce employees to reject the employer's plan in favor of Medicare. Moreover, congressional use of the word "conditions" evidences an intent to use that word as a term of art as it is commonly used in federal employment discrimination statutes. The Commission attributes to the word "conditions" the same meaning which it has in Section 4(a) of the Act. Under either section, equality of "conditions" can only be viewed from the perspective of the recipient. For all these reasons, the Commission's proposed regulations require that employers provide employees aged 65 through 69 with the same health plan coverage that is provided to younger workers.

(a) Non-contributory plans. For employers who maintain a non-contributory group health plan, employees aged 65 through 69 must be offered the same benefits which the plan provides to its younger workers. If the plan traditionally has made no distinction between benefits available to employees at different ages based on increased costs for older workers, it cannot now do so. Any such reduction would be considered an impermissible wage rate reduction intended to reduce the overall cost of compliance with the requirements of Section 4(g). If the plan traditionally has reduced health care benefits in accordance with the provisions of 29 CFR 860.120, the employer's coverage for employees aged 65 through 69 must be under the same conditions as the most favorable health care benefits provided to any younger individuals or groups.

In many instances, an employer previously may have offered a selection of several non-contributory group health plans to employees under the age of 65 with a special "carve-out" or "supplemental" plan for those Medicare eligible employees. As a consequence of Section 4(g), the Commission's regulations require that all employer plans offered to employees under age 65 must be offered to employees aged 65 through 69 under the same conditions, that is, with the same benefit levels.

(b) Contributory plans.

Congress was fully apprised of the financial ramifications of Section 4(g) of the ADEA. As Senator Dole said in his prefatory remarks "[o]ur top priority, of course, was to reduce the [federal] deficit in compliance with our reconciliation instruction." 120 Cong. Rec., S. 8645 (July 19, 1982). In so doing, Congress targeted the Medicare program for cost reductions. While not eliminating overall health care benefits for Medicare recipients, Section 4(g) of the ADEA attempts to shift the burden of providing those benefits from Medicare to employers. The savings to the Government will be substantial. The clear intent and the inevitable result of such a shift, however, is an increase in cost to employers providing health insurance coverage. Nothing in the legislative history suggests that employees aged 65 through 69 should bear this increased cost and the Commission is loathe to fashion a regulation to that effect absent a clear and specific congressional mandate. For these reasons, and based primarily on the literal wording of Section 4(g) and its expressed congressional purpose, the Commission's interim regulations require that an employer must offer any contributory plans to all eligible employees at the same contribution level that they are offered to younger employees. Contribution levels for all plan participants may be increased to reflect the increased costs of health insurance resulting from Section 4(g). Such increases, however, must be distributed equally to all plan participants and may not exceed the employees' proportionate share of the overall cost increases, as determined by existing contribution levels.

5. Are spouses covered by the requirements of Section 4(g)?

For all employees aged 65 through 69 an employer is obligated to provide the employee with health insurance coverage "under the same conditions as any employee under age 65." If the employer's health insurance coverage provides benefits for the spouses of employees of younger workers, it must provide similar benefit coverage for the spouses of employees aged 65 through 69. Conversely, if the employer's group health plan provides no coverage for spouses, the employer has no obligation to do so for workers aged 65 through 69.

The Commission notes that the Health Care Financing Administration has published regulations implementing Section 116(b) of TEFRA. Those regulations govern Medicare payments for employees age 65 through 69 and their spouses age 65 through 69. The HCFA regulations make Medicare the secondary payor for both the employee and his/her spouse where employer plan benefits are available. The Commission does not believe that the regulations conflict in their treatment of spouses and notes language in the Report of the Senate Committee on Finance (S. Rept. No. 97-494, July 12, 1982) that accompanied TEFRA indicating a congressional intent that Medicare be secondary for both employees and their spouses age 65 through 69.

6. What employer conduct is prohibited by Section 4(g)?

The clear purpose behind the enactment of Section 4(g) was to relieve Medicare of the burden of primary health care coverage for employees aged 65 through 69. In so doing, Congress made clear its intent that "an employee will have the option of rejecting the plan

offered by the employer, thereby, retaining Medicare as primary coverage." S. Rept. 97–530, 97th Cong. 2d Sess., p. 414. Congress feared, however, that employers attempting to minimize the cost ramifications of Section 4(g) would offer incentives or plan alternatives designed to induce employees to elect Medicare coverage. In specific response to that concern, the Senate Conference Report reflects congressional understanding that the Commission:

> Will promulgate regulations to prevent employers from offering a group health insurance plan or option which is designed to circumvent this provision in an attempt to induce employees to reject the employer general health benefit plan offered to other employees under the age of 65.
>
> S. Rept. 97–530, 97th, Cong., 2d Sess., 414–415.

Based on that explicit legislative mandate, the Commission's interim regulations prohibit an employer from offering certain types of health care options. First, an employer may no longer offer a plan whose terms limit its coverage to items or expenses not fully reimbursed by Medicare such as deductibles or expenses beyond Medicare limits. Plans of that nature were previously recognized as either "carve-out" or "supplemental" plans and were expressly designed to operate in tandem with Medicare to provide a comprehensive package of health care benefits. To permit their continuation would be to encourage reliance on Medicare as primary coverage for workers aged 65 through 69, a result directly contrary to the purposes of Section 4(g). *See* 128 Cong. Rec. S. 10902 (Aug. 19, 1982) (remarks of Sen. Dole).

In accordance with the standards set forth in response to question 4, employers will not be permitted to require greater employee contributions to contributory group health plans than are required of younger employees. Employers may continue to offer a broad range of benefit plans, commonly referred to as "cafeteria style" benefits, so long as the plans offered do not run afoul of the general principles stated earlier. Employers may continue to offer or may introduce for the first time group health plans intended to provide primary health insurance coverage as long as those plans are offered to all employees regardless of age. Each group health plan which is offered to younger employees must also be made available to employees aged 65 through 69 at no additional cost.

Employers may implement new health care alternatives so long as they are not designed to encourage employees to elect Medicare as primary coverage. An employer may not eliminate formerly offered group health plans and replace them with plans providing a benefit package which is less favorable to the employee. Employers may, on the other hand, continue to offer or introduce for the first time group health plans which are intended to provide benefit coverage for those health care services wholly uncovered by Medicare, i.e. outpatient prescription drugs. *See* 128 Cong. Rec. S. 10902 (Aug. 19, 1982). If available, these plans must be offered to all employees regardless of age. In addition, an employer may voluntarily contribute to Medicare Part B premiums for any employees.

As a consequence of Sectrion 4(g) and these implementing regulations, employers may no longer rely on the Medicare offset provisions contained in 29 CFR 860.120(f)(1)(ii) *et seq.* Entities unaffected by the provisions of section 4(g), such as labor organizations, may continue to rely on those provisions to the extent they are applicable.

Impact Analysis—Section 116(a) of Pub. L. 97–248, the Tax Equity and Fiscal Responsibility Act of 1982, requires employers to provide health insurance coverage to all employees aged 65 through 69 under the same conditions as insurance provided to younger employees. Although this change will result in an annual economic effect of over $100 million, that effect is a direct result of the statutory changes enacted by Congress and not these regulations implementing those statutory changes. These regulations, therefore, do not have an "annual effect" on the economy of $100 million or more as those terms are used in Executive Order 12291. For that reason, these regulations are not a "major rule," and a regulatory impact analysis is not required by Executive Order 12291.

Similarly, the Commission certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this interim rule will not result in a significant economic impact on a substantial number of small entities. The economic impact on employers covered by the ADEA will be a direct result of congressional enactment of Section 4(g), 29 U.S.C. 623(g), and not of these implementing regulations. Moreover, employers with less then twenty employees are not covered either by Section 4(g) or the implementing regulations. For these reasons, a regulatory flexibility analysis is not required.

These interim regulations have been formally coordinated with the Health Care Financing Admininstration pursuant to Executive Order 12067. Section 4(g) of the ADEA became effective on January 1, 1983. The Commission finds, pursuant to 5 U.S.C. 553(b)(3)(B), that the effective date of Section 4(g) and the critical need for public guidance require that these rules be published on an interim basis pending receipt and review of public comments. To do otherwise would prolong a period of uncertainty for employers, employees, and health care administrators well beyond the effective date of Section 4(g) which could subject employers to unnecessary liability under the Act and employees to unfavorable health care alternatives.

List of Subjects in 29 CFR Part 1625

Advertising, Aged, Employee benefit plan, Equal employment opportunity, Retirement.

Accordingly, pursuant to the substantive rule-making authority granted to it by Section 9 of ADEA, the Commission publishes the following interim substantive regulations regarding the implementation of Section 4(g) of the ADEA, 29 U.S.C. 623(g).

PART 1625—[AMENDED]

Part 1625 is amended as follows:

1. A Subpart A is added consisting of existing §§ 1625.1–1625.13. The heading for Subpart A reads as follows:

Subpart A—Interpretations

2. A Subpart B consisting of § 1625.20 is added to read as follows:

Subpart B—Substantive Regulations

§ 1625.20 Employer obligations under Section 4(g) of the Act.

(a) *Employee Coverage under Section 4(g) of the Act.*—(1) Employees aged 65 through 69, including disabled employees, shall be entitled to coverage under any group health plan(s) offered to employees under age 65 under the same terms and conditions. The standard of compliance with this requirement shall be one of benefit equivalence.

(2) Any employees encompassed by paragraph (a)(1) of this section shall be entitled to spousal coverage under any group health plan offered to such employees under the same terms and conditions as any employee under age 65. The standard of compliance with this requirement shall be one of equality of treatment with similarly situated younger employees. In the event that the employer's plan does not provide for spousal coverage the employer need not do so for employees aged 65 through 69.

(3) Employees aged 65 through 69 are covered by the requirements of Section

4(g) of the Act from the month in which they attain age 65 through the day on which they attain age 70.

(4) Retirees are not covered by the provisions of Section 4(g) of the Act.

(b) *Employer coverage under Section 4(g) of the Act.*—(1) Any employers who meet the standards for coverage set forth in Section 11(b) of the Act are subject to the requirements of Section 4(g) of the Act and the regulations of this part. As to persons other than employers subject to the Act, the provisions of 29 CFR 860.120 shall continue to apply.

(2) Any employer meeting the standards for coverage set forth in paragraph (b)(1) of this section who provides health insurance coverage to its employees either in cooperation with a labor organization or indirectly through an agent of the employer is covered by the provisions of Section 4(g) of the Act.

(c) *Election of primary health care coverage.*—(1) Each employee aged 65 through 69 must be offered the opportunity to elect in writing coverage under any group health plan offered by its employer. Every employer must communicate to each eligible employee in writing prior to the time of election in specific terms and conditions of all available health insurance plans. Every employer must notify each eligible employee that if the employer's plan(s) covers any of the same items and services covered by Medicare, the employer plan(s) is primary for those services and Medicare pays secondary benefits. Every employer must inform all eligible employees of the consequences of choosing any employer health plan and the extent to which benefits available under an employer plan can be anticipated to be supplemented by Medicare coverage. Similarly, eligible employees must be informed of the consequences of not choosing an employer plan(s). Every employer must also inform eligible employees that if the employer's plan(s) covers only non-Medicare covered items and services, such as dental care and prescription drugs, the employer plan(s) is liable for those non-Medicare covered items and services and Medicare is liable for Medicare-covered items and services such as hospitalization. Every employer should attempt to inform each eligible employee of the need to apply for Medicare coverage. Where the employer previously paid or contributed toward the Medicare Part B premium payment, the employer must notify each eligible employee if and under what circumstances it intends to discontinue Medicare Part B contributions. Such a notice should specifically inform each eligible employee of the penalty resulting from a lapse in Medicare Part B coverage.

(i) The election described in paragraph (c)(1) of this section above must be offered to all eligible employees and implemented within 90 days following the date of publication of these regulations.

(ii) An employer's existing health plan coverage must continue in effect until an election is made and implemented or until an earlier date as requested by the employee.

(iii) Employees aged 65 through 69 who were not eligible by reason of age for the election described in paragraph (c)(1) of this section at the time it was offered must be informed of the options specified in paragraph (c)(1) of this section at least 30 days prior to their first day of eligibility.

(iv) Employees aged 65 through 69 must be afforded the same opportunities to change their primary health insurance coverage as are offered to younger employees.

(2) [Reserved].

(d) *Employer contributions.*—Contributory Plans. An employer must offer to all employees aged 65 through 69, at no additional cost, the same plan or plans that are offered to younger employees.

(e) *Group Health Care Plans Designed to Supplement Medicare.*—(1) An employer may no longer offer to an employee aged 65 through 69 a group health plan whose terms make it a secondary payor to Medicare for services covered under either Medicare Part A or Medicare Part B.

(2) An employer who offers to its employees a health benefits plan covering only non-Medicare covered items and services shall offer such a plan to all employees through age 69 on an equal basis.

(3) An employer may not offer inducements to employees age 65 through 69 to elect not to be covered by an employer plan.

(f) *Construction.*—(1) The Commission will strictly enforce the provisions of these rules to ensure that no employee aged 65 through 69 suffers a discriminatory reduction in health care benefits as a result of the enactment of Section 4(g) of the Act.

(2) Violations of these rules will be deemed willful and will subject an employer to liquidated damages as provided by the provisions of Section 7(b) of the ADEA.

(3) Health care benefits provided under this section may not be included by an employer under a "benefit package" approach.

(4) An employer is prohibited from making benefit reductions in violation of section 4(a)(3) of the ADEA. Signed at Washington, D.C. this 24th day of May, 1983.

For The Commission

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 83-15202 Filed 6-6-83; 8:45 am]

BILLING CODE 6570-06-M

federal register

Tuesday
June 7, 1983

Part VI

Department of Energy

Proposed General Guidelines for Recommendation of Sites for Nuclear Waste Repositories; Availability of Documents and Announcement of Public Comment Period

DEPAR

10 CFR

[Docke

Nuclea
Propos
Recom
Waste
Docum
Public

AGENC
Project

ACTION
Task F
Guideli
Respon
Annou
Period.

SUMMA
(DOE) a
invites
on, two
propos
recomm
waste r
Federal
FR 567(
Februa
28, 1983
the Feb
7, 1983.
task for
reposit
propos
receive
subseq
propos
"Comm
addres
receive

DOE
additio
guideli
agencie
utilize t
guideli
receive
redraft
the task
Docume
The cor
docume
for app
time ind
with St
During
additio
public f
Althoug
of the g
Respon
propose

DEPARTMENT OF ENERGY

10 CFR Part 960

[Docket No. NE-RM-83-2]

Nuclear Waste Policy Act of 1982; Proposed General Guidelines for Recommendation of Sites for Nuclear Waste Repositories; Availability of Documents and Announcement of Public Comment Period

AGENCY: Nuclear Waste Policy Act Project Office, Department of Energy.

ACTION: Notice of Availability of DOE, Task Force Redraft of Proposed Guidelines and Draft "Comment Response Document," and Announcement of Public Comment Period.

SUMMARY: The Department of Energy, (DOE) announces the availability of, and invites public review of and comment on, two documents pertaining to the proposed general guidelines for the recommendation of sites for nuclear waste repositories that appeared in the **Federal Register** on February 7, 1983 (48 FR 5670, February 7, 1983, 48 FR 6549, February 14, 1983, 48 FR 8289, February 28, 1983). The public comment period on the February 7 proposal closed on April 7, 1983. At that time DOE assembled a task force of experts in nuclear waste repository sciences to review the proposed guidelines and the comments received. This task force has subsequently developed a redraft of the proposed guidlines and a draft "Comment Response Document" that addresses the individual comments received.

DOE is currently entering into additional consultations on the guidelines with States and Federal agencies. These consultations will utilize the February 7 proposed guidelines, the public comments received on them, and the task force redraft of the proposed guidlines, and the task force draft "Comment Response Document" as a basis for discussion. The consultation period on these documents has begun and will extend for approximately 30 days during which time individual meetings will be held with States and Federal agencies. During this period, DOE is making these additional documents available to the public for review and comment. Although neither the task force redraft of the guidlines nor the draft "Comment Response Document" represent a DOE proposal as such, they constitute an alternative to the February 7 proposal which DOE will consider.

Copies of the task force redraft of the proposed guidelines have been distributed to those persons on the original mailing lists for the February 7 proposed guidelines and to those persons who submitted oral or written comments to DOE pursuant to the **Federal Register** notices cited above. By direct mailing, this document is also being provided to approximately 4,000 individuals on a mailing list compiled from public inquiries, to persons who provided oral comments at recent hearings on proposed site nominations, and to 160 public libraries generally used to provide information on the DOE repository program.

DATES: Public comments on the task force redraft and draft "Comment Response Document" should be submitted to DOE no later than July 7, 1983 to ensure full consideration. Late comments will be considered to the extent possible.

ADDRESSES: Written comments should be sent to Critz H. George, DOE Director, Guidelines Task Force, c/o Weston, Inc., 2301 Research Boulevard, 3rd floor, Rockville, Maryland 20850. Any information or data considered by the person furnishing it to be confidential must be so identified. The DOE reserves the right to determine the confidential status of information or data and to treat it accordingly.

Copies of the task force redraft of the proposed guidelines, the task force draft "Comment Response Document," and all written comments received thereon, will be available for public inspection the DOE Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Individual copies of the task force redraft of the proposed guidelines or the task force draft "Comment Response Document" may be obtained by writing or calling: Jerome Leszkiewicz, Weston, Inc., 2301 Research Boulevard, 3rd floor, Rockville, Maryland 20850, (301)963-6819. Please indicate the document(s) being requested on the outside of the envelope. The document(s) will be sent out by first class mail no later than the first working day following receipt of the request.

FOR FURTHER INFORMATION CONTACT: Carol Hanlon, Geologic Repository, Nuclear Waste Policy Act Project Office, U.S. Department of Energy, S-10, Washington, D.C. 20545, Telephone: (301) 353-5630 or 963-6812.

SUPPLEMENTARY INFORMATION: On January 7, 1983, the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425) was signed into law. The Act establishes a process and schedule for the development of nuclear waste repositories. A required part of this process is the development of general guidelines for the recommendation of sites for repositories. Proposed guidelines which are to consist for repositories. Proposed guidelines which are to consist of a new Part 960 of Chapter III of Title 10 of the Code of Federal Regulations were published in the **Federal Register** on February 7, 1983 (48 FR 5670). Subsequent **Federal Register** notices pertaining to public hearings and public comment were published on February 14 and 28, 1983 (48 FR 6549, 48 FR 8289). The public comment period announced by these notices closed on April 7, 1983.

Pursuant to the development of final guidelines, DOE assembled a task force of experts in nuclear waste repository sciences to review both written and oral comments which had been submitted to DOE. From this review the task force has developed the two documents which are the subject of this notice.

Material presented in the documents represents the views of those individuals on the task force. The documents do not represent a DOE proposal in lieu of the February 7 proposal and DOE does not endorse their contents. These documents will be used in the additional consultation with State and Federal agencies and will be considered by DOE as an alternative to the guidelines proposed February 7, 1983 in the development of the final guidelines.

In developing the draft final guidelines for Nuclear Regulatory Commission concurrence (required by Section 112 of the Nuclear Waste Policy Act) DOE will consider all comments received on both the guidelines proposed February 7, the task force redraft of the guidelines, and the task force draft "Comment Response Document."

Issued at Washington, D.C. on June 3, 1983.

Robert L. Morgan,

Project Director, Nuclear Waste Policy Act Project Office.

[FR Doc. 83-15367 Filed 6-6-83; 10:47 am]

BILLING CODE 6450-01-M

VOL
48
ISS
1
1
0
JE
7
1983
UMI

Rea

INFORM
PUBLIC
Code of
CFR Uni
General
Incorpora
Printing
Federal
Correctio
Daily Iss
General
Privacy A
Public In
Schedulin
Laws
Indexes
Law num
Slip law
Presiden
Executive
Public Pa
Weekly C
United S
SERVICE
Agency s
Automati
Library
Magnetic
volume
Public In
Special P
Subscript
Subscript
TTY for

FEDERA
24311-24
24653-24
24855-25
25169-26
26279-26

Reader Aids

Federal Register

Vol. 48, No. 110

Tuesday, June 7, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual	523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

24311-24652.....1
24653-24854.....2
24855-25168.....3
25169-26278.....6
26279-26442.....7

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
September 15, 1916
(Revoked in part by PLO 6392).....26315
September 30, 1916
(Revoked in part by PLO 6392).....26315
May 21, 1920
(Revoked in part by PLO 6392).....26315
Proclamations:
5066.....24855

5 CFR

213.....24857
581.....26279

7 CFR

68.....24857
319.....24311
354.....26294
910.....24859
915.....24860
916.....24653
932.....24311
944.....24860
959.....25169
1033.....24861
1036.....24863
1139.....24864
Proposed Rules:
51.....24723
1007.....24391
1046.....24905
1207.....24724

9 CFR

92.....24866
318.....24314

10 CFR

20.....26295
25.....24318
61.....26295
95.....24318
Proposed Rules:
50.....24391
960.....26440

11 CFR

Ch. I.....26296

12 CFR

Proposed Rules:
7.....24913
614.....25210

14 CFR

71.....25169, 25170
95.....24654
252.....24866
389.....24323
Proposed Rules:
39.....25210
121.....25211
139.....25211
159.....25215
221.....24916
252.....24918
291.....24922
377.....24923

15 CFR

369.....24323
371.....25171
373.....25174
376.....25171
379.....25171
386.....25171, 26303
399.....25171, 25174

16 CFR

423.....24866
453.....25174
Proposed Rules:
13.....24724
457.....25218

17 CFR

170.....26304
200.....24663
240.....24663
249.....24663
270.....25175
Proposed Rules:
12.....25218
240.....24725, 24728
270.....25220

18 CFR

2.....24323, 24356
35.....24323
271.....25177-25179
Proposed Rules:
271.....24730-24732, 25223

19 CFR

101.....25180
177.....25180
Proposed Rules:
177.....25224

20 CFR

Proposed Rules:
632.....24392
633.....24392
634.....24392
635.....26430
684.....24392

21 CFR

5.....26311

131.....24868
175.....24869
177.....26312
178.....24869
510.....24870, 24871
520.....24871
522.....26313
540.....24872, 24873
558.....24871
600.....26313
895.....25126, 25137

Proposed Rules:
158.....26319
341.....24925

23 CFR

Ch. I.....24852, 25181

24 CFR

111.....24361
1800.....24873

25 CFR

Proposed Rules:
700.....24734

26 CFR

601.....24668

Proposed Rules:
1.....24736, 25224, 25228

27 CFR

21.....24672
212.....24672

Proposed Rules:
9.....24737

28 CFR

0.....25183
540.....24622
550.....24623
551.....24623

Proposed Rules:
547.....24626
570.....24626
571.....24626

29 CFR

260.....24873
784.....24638
785.....24638
816.....24638
817.....24638
818.....24638
916.....24874
944.....24876
946.....25184
1625.....26434

Proposed Rules:
901.....24739
913.....24741
936.....24928
942.....25229
948.....24393

32 CFR

806b.....24878

33 CFR

100.....25186
165.....25187

Proposed Rules:
162.....25231

34 CFR

682.....24584

36 CFR

222.....25187

Proposed Rules:
13.....26319

37 CFR

Proposed Rules:
1.....26319
5.....26319

40 CFR

52.....24362, 24689
180.....24364, 24365, 24689
716.....24366

Proposed Rules:
Ch. I.....24930
65.....24930
81.....24393
86.....24932
180.....24394, 24396
271.....25236
403.....24933
405.....24742
406.....24742
407.....24742
408.....24742
409.....24742
411.....24742
412.....24742
422.....24742
424.....24742
426.....24742
429.....24742
430.....24742
431.....24742
432.....24742
433.....24742
440.....24742
610.....24397

41 CFR

Ch. 7.....25188
101-29.....25196
101-45.....24878
101-47.....24879, 25199
105-53.....25200

42 CFR

57.....25064
66.....24879

Proposed Rules:
57.....25071, 25072

43 CFR

1600.....26314
3200.....24367
3210.....24367
3220.....24367
3240.....24367
3250.....3240

Public Land Orders:
6391.....25205
6392.....26315

Proposed Rules:
3000.....26320
3100.....26320

44 CFR

64.....24369
67.....24370

Proposed Rules:
67.....24743

47 CFR

0.....24383
1.....24884
73.....24383, 24898
74.....24383
95.....24884

Proposed Rules:
2.....24945
22.....24945
73.....24945, 24949
74.....24945
94.....24950
96.....24953
97.....24954

49 CFR

192.....25206
195.....25206
571.....24690, 24717, 25209
1033.....24386
1039.....24900
1153.....24386
1162.....24388
1175.....26317
1176.....26317
1307.....24388

Proposed Rules:
Ch. X.....24397
173.....25236
179.....25236
571.....24751, 25237

50 CFR

260.....24901
371.....24902
424.....24718, 24903
611.....24719

Proposed Rules:
611.....25238
674.....24751
675.....25238

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing June 1, 1983

VOL
48
ISS
1
1
0
JE
7
1983
UMI

Just Released

Code of Federal Regulations

Revised as of April 1, 1983

Quantity	Volume	Price	Amount
_____	Title 21—Food and Drugs (Parts 200 to 299) (Stock No. 022-003-95155-5)	$4.75	$_____
_____	Title 21—Food and Drugs (Parts 800 to 1299) (Stock No. 022-003-95159-8)	6.00	_____
_____	Title 21—Food and Drugs (Part 1300 to End) (Stock No. 022-003-95160-1)	5.00	_____
		Total Order	**$**_____

A cumulative checklist of CFR issuances for 1982-83 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____ Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐-☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the Code of Federal Regulations publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

ount

ch

C. 20402

w.

Charges

OL
48
ISS
1
1
0
J E
7
1983
UMI

VOL

48

ISS

1
1
1

J E

8

1983

UMI

6-8-83
Vol. 48

United S
Governm
Printing

SUPERINTE
OF DOCUME
Washington, D

OFFICIAL BU
Penalty for p

Federal Reg
(ISSN 0097-6

6-8-83
Vol. 48 No. 111

federal register

Wednesday
June 8, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

A FR SERIA300S NOV 83 R DIR
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

U.S.MAIL
Postage and Fees Paid
U S Government Printing Office
375

)ND CLASS NEWSPAPER

VOL
48
ISS
1
1
1
JE
8
1983
UMI

6-8-83
Vol. 48
Pages

6-8-83
Vol. 48 No. 111
Pages 26443-26584

federal register

Wednesday
June 8, 1983

Selected Subjects

Administrative Practice and Procedure
Interstate Commerce Commission

Banks, Banking
Federal Reserve System

Cable Television
Federal Communications Commission

Endangered and Threatened Wildlife
Fish and Wildlife Service

Exports
International Trade Administration

Government Procurement
General Services Administration

Hunting
Fish and Wildlife Service

Milk Marketing Orders
Agricultural Marketing Service

Organization and Functions (Government Agencies)
Defense Department
Interstate Commerce Commission

Pesticides and Pests
Environmental Protection Agency

Radio
Federal Communications Commission

Radio Broadcasting
Federal Communications Commission

Television Broadcasting
Federal Communications Commission

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Con

26443
26445
26490
26555
26555
26555
26490
26490
26491
26491
26582
26508
26509
26509
26527
26451

Contents

Federal Register
Vol. 48, No. 111
Wednesday, June 8, 1983

The President
PROCLAMATIONS
26443 Captive Nations Week (Proc. 5067)

Executive Agencies

Agricultural Marketing Service
PROPOSED RULES
Milk marketing orders:
26445 Puget Sound, Wash., and Inland Empire

Agriculture Department
See also Agricultural Marketing Service.
NOTICES
26490 Agency forms submitted to OMB for review

Arts and Humanities, National Foundation
NOTICES
Meetings:
26555 Inter-Arts Advisory Panel
26555 Theater Advisory Panel (2 documents)
26555 Visual Arts Advisory Panel

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
26490 Indiana
26490 Maine
26491 Missouri
26491 Wisconsin
NOTICES
26582 Meetings; Sunshine Act

Commerce Department
See Foreign-Trade Zones Board; International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
NOTICES
Committees; establishment, renewals, terminations, etc.:
26508 Agricultural Options Advisory Committee
Contract market proposals:
26509 Chicago Board of Trade, broker compensation on per-contract basis, etc.; extension of time
Meetings:
26509 Agricultural Options Advisory Committee

Conservation and Renewable Energy Office
NOTICES
Consumer products; petitions for waiver of test procedures:
26527 Hydrotherm, Inc.; furnaces

Defense Department
See also Engineers Corps.
RULES
Organization, functions, and authority delegations:
26451 Uniformed Services University of Health Science; Board of Regents procedures, etc.

Economic Regulatory Administration
NOTICES
Natural gas; fuel oil displacement certification applications:
26520 Appleton Papers, Inc.
26520 Bethlehem Steel Corp.
26521 Central Hudson Gas & Electric Corp.
26521 Crompton & Knowles Corp.
26522 Easton Hospital
26521 Erie, Pa.
26522 F & M Schaefer Brewing Co.
26522 Franklin & Marshall College
26523 General Electric Co.
26523 Harrisburg Hospital
26523 Interstate Intercorr Corp.
26524 ITT Grinnell Corp. (2 documents)
26524 North American Refractories Co.
26526 Sure Fit Products Co.
26526 Talbott Knitting Mills
26526 United States Steel Corp.
26527 Zausner Foods Corp.
Natural gas exportation or importation petitions:
26525 Texas Eastern Transmission Corp.
Remedial orders:
26520 Tyson Producing Co., Inc.

Education Department
NOTICES
26516 Agency forms submitted to OMB for review
Grants; availability, etc.:
26510 College housing program
26519 College work-study program; cooperative education supplemental funds program
26513 Discretionary grant programs
Grantback arrangements; award of funds:
26511 North Dakota
26517 Higher Education Act programs; reauthorization; inquiry and hearings

Energy Department
See also Conservation and Renewable Energy Office; Economic Regulatory Administration; Energy Research Office; Hearings and Appeals Office, Energy Department; Southeastern Power Administration.
NOTICES
Committees; establishment, renewals, terminations, etc.:
26520 Alternative Means of Financing and Managing Radioactive Waste Facilities Advisory Panel

Energy Research Office
NOTICES
Meetings:
26528, 26529 Energy Research Advisory Board (3 documents)

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
26509 Shotgun Cove, Whittier, Alaska

Environmental Protection Agency
RULES
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
26452 Cross-linked polyurea-type encapsulating polymer (alachlor)
Pesticide programs:
26451 Conditional registration; notification to Agriculture Secretary
NOTICES
Meetings:
26535 Administrator's Toxic Substances Advisory Committee
Pesticide, food, and feed additive petitions:
26536 Mobay Chemical Co.
26535 3M Co.

Federal Communications Commission
RULES
Radio services, special:
26455 Amateur service; editorial amendments, etc.
Radio stations; table of assignments:
26453 California
PROPOSED RULES
Frequency allocations and radio treaty matters:
26461 Fixed services; Government and nongovernment usage; and public air-ground telephone system; extension of time
Radio stations; table of assignments:
26471 Michigan
26465 Minnesota
Television broadcasting:
26472 Cable television systems; fairness doctrine and political cablecasting requirements
Television stations; table of assignments:
26462, 26463 Arkansas (2 documents)
26464 California
26470 North Carolina
26467, 26468 Tennessee (2 documents)
26469 Washington
NOTICES
26536 Agency forms submitted to OMB for review
Hearings, etc.:
26536 GTE Mobilnet of San Jose, Inc., et al., correction
26537 Santee Cooper Broadcasting Co. of Hilton Head, Inc., et al.
Meetings:
26537 Radio Broadcasting Advisory Committee
26537 Telecommunications Industry Advisory Group (2 documents)

Federal Home Loan Bank Board
NOTICES
26582 Meetings; Sunshine Act (2 documents)

Federal Procurement Policy Office
NOTICES
26556 Government Patent Policy, implementation; inquiry

Federal Reserve System
RULES
International banking operations (Regulation K):
26445 Export trading companies

Fish and Wildlife Service
RULES
Migratory bird hunting:
26457 Waterfowl hunting; zones for required nontoxic shot
PROPOSED RULES
Endangered and threatened species:
26488 Kentucky cave shrimp; comment period reopened and hearing

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
26491 Missouri
26491, 26492 Ohio (2 Documents)

General Services Administration
RULES
Procurement:
26453 Contract cost principles on defense of fraud proceedings

Health and Human Services Department
See National Institutes of Health; Public Health Service.

Hearings and Appeals Office, Energy Department
NOTICES
Remedial orders:
26529, 26530 Objections filed (2 documents)

Interior Department
See Fish and Wildlife Service; Land Management Bureau; Minerals Management Service.

International Trade Administration
RULES
Export licensing:
26450 Commodity control list; inorganic chemicals
26449 Shipments exempt from shipper's export declarations; interim
NOTICES
Antidumping:
26492 Bicycle tires and tubes from Korea
26495 Calcium pantothenate from Japan
26506 Carbon steel wire rod from Tobago and Trinidad; postponement
26498 Large power transformers from Japan
26507 Portland hydraulic cement from Australia; postponement
26507 Portland hydraulic cement from Japan; postponement
26504 Printed vinyl film from Argentina
26505 Printed vinyl film from Brazil
26496 Steel pipes and tubes from Japan
26505 Synthetic methionine from Japan

International Trade Commission
NOTICES
26539 Agency forms submitted to OMB for review
Import investigations:
26539 Canape makers
26539 Copper-clad stainless steel cookware
26540 CT scanner and gamma camera medical diagnostic imaging apparatus

26540 Hand-operating, gas operated welding, cutting, and heating equipment and component parts
26541 Radar detectors and accompanying owner's manuals
26541 Salmon gill fish netting of manmade fibers from Japan
26542 Self-stripping electrical tap connectors
26543 Vertical milling machines and parts, attachments, and accessories
26541 Motorcycles, heavyweight; quarterly and annual reports providing certain information
26543 Nonpowered handtools; trends in international trade

Interstate Commerce Commission
RULES
Organization, functions, and authority delegations:
26456 Review Boards reorganization
PROPOSED RULES
Practice and procedure:
26485 Motor carriers; exemption of transactions
NOTICES
Motor carriers:
26545 Finance applications
26552, 26553 Permanent authority applications (2 documents)
26546 Permanent authority applications; restriction removals
26547 Temporary authority applications
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
26552 Canadian Pacific Ltd. et al.
26544 Claxton Transport, Inc., et al.
26546 Hoosier Express, Inc., et al.
26544 Mushroom Transportation Co., Inc., et al.
Railroad operation, acquisition, construction, etc.:
26554 Angelina & Neches River Railroad Co.

Justice Department
See also Parole Commission
NOTICES
Pollution control; consent judgments:
26554 Energy Cooperative, Inc.

Land Management Bureau
PROPOSED RULES
Recreation management:
26461 Use authorizations; extension of time
NOTICES
Meetings:
26538 Susanville District Advisory Council
Sale of public lands:
26538 Idaho; correction
26538 Utah; rescheduled

Management and Budget Office
See Federal Procurement Policy Office.

Minerals Management Service
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
26539 Exxon Co., U.S.A.

National Institutes of Health
NOTICES
Meetings:
26538 Cancer Institute, National; Clinical Trials Committee; cancellation

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
26508 Gulf of Mexico Fishery Management Council

Pacific Northwest Electric Power and Conservation Planning Council
NOTICES
Meetings:
26561 Fish Propagation Panel

Parole Commission
NOTICES
26582 Meetings; Sunshine Act

Postal Rate Commission
NOTICES
Post office closing; petitions for appeal:
26561 Baxter, Calif.

Postal Service
NOTICES
26582 Meetings; Sunshine Act

Public Health Service
NOTICES
National toxicology program:
26538 Cancer bioassay reports; ziram

Securities and Exchange Commission
PROPOSED RULES
Investment companies:
26445 Examinations; utilization of private entities and imposition of fees; advance notice; extension of time
NOTICES
Hearings, etc.:
26562 Acacia Fund Corp.
26563 Aggressive Growth Shares, Inc., et al.
26565 Bayerische Landesbank Girozentrale
26567 Capital Realty Investors—II Limited Partnership et al.
26568 Carnegie Tax Free Income Trust
26569 Colorado Investment Clubs, Inc.
26570 Connecticut Yankee Atomic Power Co.
26580 Diamond International Corp.
26571 Memphis & Shelby County Medical Society Investment Retirement Trust
26571 New England Electric System et al.
26572 Norwest Mortgage, Inc.
26573 Penn Series Funds, Inc.
26574 United States Mutual Real Estate Investment Trust et al.
26582, 26583 Meetings; Sunshine Act (2 documents)

Self-regulatory organizations; proposed rule changes:
26576 Boston Stock Exchange, Inc.
26576 Municipal Securities Rulemaking Board
26576–26578 National Association of Securities Dealers, Inc. (3 documents)
26579 New York Stock Exchange, Inc.
26572 Pacific Stock Exchange, Inc.

Southeastern Power Administration
NOTICES
Power rates:
26530 Cumberland Basin Project
26533 Laurel Project

Treasury Department
NOTICES
26580 Agency forms submitted to OMB for review

United States Information Agency
NOTICES
Meetings:
26580 Public Diplomacy, U.S. Advisory Commission

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
5067 26443

7 CFR
Proposed Rules:
1123 26460
1125 26460

12 CFR
211 26445

15 CFR
386 26449
399 26450

17 CFR
Proposed Rules:
270 26460

32 CFR
242b 26451

40 CFR
162 26451
180 26452

41 CFR
1-15 26453

43 CFR
Proposed Rules:
8370 26461

47 CFR
73 26453
97 26455
Proposed Rules:
2 26461
73 (9 documents) 26462–26471
76 26472

49 CFR
1011 26456
Proposed Rules:
1186 26485

50 CFR
20 26457
Proposed Rules:
17 26488

Federal Register
Vol. 48, No. 111
Wednesday, June 8, 1983

Presidential Documents

Title 3—

The President

Proclamation 5067 of June 6, 1983

Captive Nations Week, 1983

By the President of the United States of America

A Proclamation

Twenty-five years ago, the United Nations Declaration of Human Rights proclaimed that "all human beings are born free and equal in dignity and rights." This reaffirmed an eternal truth that Thomas Jefferson in 1776 wrote into our own Declaration of Independence. Another great thinker, Edmund Burke, observed simply that "the cause of Freedom is the cause of God." Some twenty-five centuries before, the prophet Isaiah admonished the world "To bind up the broken-hearted, to proclaim liberty to the captives."

Free people, if they are to remain free, must defend the liberty of others. As the custodians of a democratic tradition firmly established on this continent more than two centuries ago, Americans are deeply committed to the goal of representative government everywhere.

Each year, the United States reaffirms its commitment to the cause of liberty during Captive Nations Week, by reminding all those who are forced to live under the domination of foreign military power and alien ideology that the United States supports their aspirations for freedom, independence and national self-determination.

The Congress, by a joint resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to proclaim the third week in July as Captive Nations Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning July 17, 1983, as Captive Nations Week. I invite the people of the United States to observe this week with appropriate ceremonies and activities and to reaffirm their dedication to the ideals of freedom, which unite us and inspire others.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th. day of June, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-15469
Filed 6-6-83; 4:47 pm]
Billing code 3195-01-M

VOL
48
ISS
1
1
1
JE
8
1983
UMI

Rule

This sect
contains
general a
of which
the Code
published
U.S.C. 15
The Code
by the Su
Prices of
first FEDE
month.

FEDERA

12 CFR P

[Docket N

Internatio
Export Tr

AGENCY: F
Federal R

ACTION: F

SUMMARY
Act (Pub.
amended
Act of 195
companie
Agreemen
banks to i
companie
and interp
establishi
review of
providing
intends to

EFFECTIVE

FOR FURTH
Nancy Jac
Counsel (2
O'Day, Se
Legal Divi
Associate
James Kell
Banking A
Division o
Regulation
Federal Re

SUPPLEME
October 8,
Company
enacted in
statute is t
facilitating
of export t
expansion
generally.
as the Ban
("BESA"),
Holding Co

Rules and Regulations

Federal Register
Vol. 48, No. 111
Wednesday, June 8, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Docket No. R-0045]

International Banking Operations; Export Trading Companies

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Bank Export Services Act (Pub. L. 97-290, Title II (1982)) amended the Bank Holding Company Act of 1956 to permit bank holding companies, their subsidiary Edge or Agreement corporations, and bankers' banks to invest in export trading companies. The regulation implements and interprets this provision by establishing procedures for prior Board review of these investments and providing guidance on how the Board intends to administer the statute.

EFFECTIVE DATE: July 8, 1983.

FOR FURTHER INFORMATION CONTACT: Nancy Jacklin, Assistant General Counsel (202/452-3428), or Kathleen O'Day, Senior Attorney (202/452-3786), Legal Division; or Frederick R. Dahl, Associate Director (202/452-2726), or James Keller, Manager, International Banking Applications (202/452-2523), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: On October 8, 1982, the Export Trading Company Act of 1982 ("ETC Act") was enacted into law. The purpose of the statute is to encourage U.S. exports by facilitating the formation and operation of export trading companies and the expansion of export trade services generally. Title II of the ETC Act, known as the Bank Export Services Act ("BESA"), amends section 4 of the Bank Holding Company Act ("BHC Act") to permit bank holding companies to invest in export trading companies subject to certain limitations and after prior Board review. The Board's regulations, which were published for public comment on January 17, 1983, were framed to achieve two objectives set forth in the BESA: to facilitate the export of goods and services produced in the United States by allowing for meaningful and effective participation of bank holding companies in the financing and development of export trading companies, and to help avoid adverse effects on the subsidiary banks of the bank holding companies involved.

The Board received 23 public comments on the proposed regulations as well as comments from 10 Reserve Banks. The commenters focussed primarily on the following issues: the definition of an export trading company, the application of preferential lending restrictions, the applicability of the collateral requirements of section 23A of the Federal Reserve Act to extensions of credit by a bank to an affiliated export trading company, and the establishment of general consent procedures. In light of the comments received, the Board has adopted several revisions in the draft regulations.

Definition of Export Trading Company

In the comments received on the draft regulations, several commenters took the view that the definition of "export trading company" in the draft regulations improperly limited the range of activities that are permissible under the BESA. This definition was included in the draft regulations to clarify ambiguities in the language of the BESA and to further Congressional intent. The issue raised is whether Congress intended through the BESA to authorize banking organizations only to invest in a company that provides services to facilitate trade in goods and services produced by others, or whether Congress intended to grant the much broader authority to invest in any service company that principally provides its own services to non-residents. That is, is any company that is a service company but which deals with foreign residents to be considered an "export trading company"? Such an interpretation of the statute has potentially broad implications for the separation of banking and commerce, substantially increasing the activities in which a bank holding company can engage both in the United States and abroad.

The language and purposes of the BESA, and its legislative history as a whole, provide sufficient support for the interpretation reflected in the definition of "export trading company" contained in the regulations. Throughout the hearings and subsequent Congressional actions on the export trading company legislation, there is no evidence of Congressional consideration of the significant question whether bank holding company investment was needed in U.S. service industries in order *to develop those industries* for an export market. Rather, the common thread throughout consideration of the legislation is that banking organization investment was thought to be needed in what are commonly regarded as export trading companies—companies that serve as intermediaries for producers and suppliers of goods and services in the foreign marketing and sale of their products by providing a range of export trade services. Banking organization involvement was considered particularly helpful in that the overseas networks of many such organizations could provide a basic existing infrastructure for carrying out that intermediation role.

Thus, the services that may be provided by an export trading company under the regulations are those types of services listed in the definition of "export trade services" in the statute, *where the services are provided in connection with trade in goods and services produced by others*. Consistent with the regulation the export trading company could, *inter alia*, provide transportation insurance, or product liability insurance abroad, for goods in international trade; travel insurance related to international transportation services provided by others; consulting services promoting or facilitating trade transactions; marketing goods or services produced by others, including brokering insurance on risks located abroad; and warehousing services for products in international trade.

The Board finds that the definition of "export trading company" contained in the regulation is consistent with the purposes of the Act and does not hinder the effective operation of export trading companies in which bank holding companies may invest. The alternative

statutory interpretation favored by some of the commenters does not appear to be consistent with Congressional intent and would authorize bank holding company investments in business concerns never contemplated by the Congress in its consideration of the legislation. Accordingly, the Board retained in the final regulations the definition of "export trading company" as it appeared in the draft regulations.

Under the definition of "export trading company" in the regulations, an export trading company would be able to engage, in addition to its primary business of exporting, in activities related to importing, third party and barter trade up to half of its business. In determining whether goods are produced in the United States, reference may be made to the definitions used in preparing the Shipper's Export Declaration (a Department of Commerce form) for domestic merchandise exports from the United States. In determining whether services are "produced in the United States," for purposes of the BESA, reference may be made generally to the concepts applied by the Department of Commerce in compiling the U.S. balance of payments accounts as to services exports, following the general rule that services performed by U.S. residents for non-U.S. residents would be considered covered by the term. "United States" for this purpose has the same meaning as that in Section 103(a)(6) of the Export Trading Company Act (15 U.S.C. 4002).

A number of the comments focussed on aspects of the requirement that "more than half" of the export trading company's annual revenues must be derived from exports or facilitating exports. Some considered the test too high. One commenter considered the required percentage of export activity contained in the draft regulations to be too low. In addition, many commenters recommended that the percentage of export-related revenues be assessed over a period of time longer than the one-year period originally provided for in the regulation.

The Board believes that the test that more than half an export trading company's revenues should be export-related is consistent with the purposes of the BESA, and is not so rigid as to make profitable operation of an export trading company impracticable. However, in order to allow for increased flexibility for an export trading company to adapt to unforeseen changes in market conditions, the Board decided to liberalize the time period for meeting the test. The regulation adopted provides that an export trading company must meet the test on a biannual rather than on an annual basis. The biannual test will be measured by consecutive two-year periods rather than by a two-year moving average. The Board expects that where the requirement is not met, the export trading company will indicate the reasons for noncompliance and develop and implement an adequate plan for meeting the requirement.

The definition of "revenues" was also the subject of some discussion by the commenters. The draft regulations defined revenues as gross revenues of the export trading company. The Board is in agreement with those comments that pointed out that use of "gross revenues" as the measurement for qualification of an export trading company could have unintended and somewhat arbitrary results, depending upon the activities of a particular export trading company. For example, the revenues generated by an export trading company's buying and selling of goods on a "gross revenues" basis would necessarily have a much greater weight in determining whether an export trading company meets the "principally" test than revenues generated by that export trading company's provision of services on a fee basis. For example, a company that primarily facilitates imports but also does some exporting nonetheless could qualify as an export trading company. The converse also would be true. Consequently, the Board decided that "revenues" should be defined in the regulations to include *net* sales revenues from the trading of goods by the export trading company for its own account (*i.e.*, the gross revenues received from the sale of goods less the expenditures made for the goods), and *gross* revenues derived from all other activities of the export trading company.

Another question that arose regarding the revenues test was how to treat revenues from third party trade or from countertrade. Some of the comments recommended that third party trade revenues not be included in the calculation of an export trading company's revenues for purposes of determining whether more than half the export trading company's business is U.S. export-related, nor that revenues from U.S. imports or third party trade *in a countertrade transaction* be so counted. The first proposal was based on the reasoning that third party trade should not be limited in the same manner that import activities are limited because they do not "reduce" demand for U.S. products in the same way. However, this could mean that an "export trading company" could be a company principally engaged in third party trade, which clearly is not the intent of the BESA. The argument was made, as to countertrade, that the importing or third party transaction may be the only way that a U.S. product can be exported and so the revenues derived from the importing or third party trade component of countertrade transactions should not be counted in the revenues test. However, Congress appears to have intended that these activities should be conducted where necessary or useful in the conduct of an export trading company's primary business of exporting, so that the revenues generated by the non-exporting activities should not exceed the export trading company's export revenues. Therefore, the Board adopted no changes in the regulation on these points.

Investments and Extensions of Credit

A. Limits on Amounts

The BESA authorizes banking organizations, as described above, to invest in export trading companies subject to certain prudential limits on aggregate financial exposure of each organization in this new activity. The regulations include the statutory limitations on investment, *i.e.*, a bank holding company, Edge or agreement corporation or bankers' bank may invest a total of five per cent of its consolidated capital and surplus in export trading companies. An Edge or Agreement corporation not engaged in banking (*i.e.*, deposit-taking in the United States from unaffiliated persons) may invest a total of up to 25 per cent of its consolidated capital and surplus in export trading companies. Reinvested dividends by the investor and retained earnings of the export trading company are not considered an "investment" in determining compliance with the investment limitation.

The legislation also contains certain restrictions on extensions of credit by banking organizations to affiliated export trading companies and their customers. The draft regulation limited the amount of credit that an investor could extend, directly or indirectly, to its affiliated export trading company *or export trading companies* to 10 per cent of the investor's consolidated capital and surplus. This provision elicited several comments, most of which objected to applying the 10 per cent limit on an aggregate basis to loans to all export trading companies in which a bank holding company invests. The Board believes that aggregate extensions of credit to all export trading companies in which the bank holding

company invests is the only reasonable interpretation of this provision. The contrary interpretation would make this prudential limit meaningless since a bank holding company could easily choose to conduct its export trading company activities through an unlimited number of small, *e.g.*, single service, companies and effectively avoid the statutory limitation. This limitation does not appear to pose any immediate problems. In any event, the Board must report to Congress by October 8, 1984, on its experience under the BESA. Should it develop that banking organization involvement in export trading companies may be unduly hampered by such a lending limitation, the Board will consider making appropriate recommendations for modifications in the legislation.

B. Section 23A of the Federal Reserve Act ("FRA")

A major area of comment involving extensions of credit was the applicability of the collateral requirements of section 23A of the FRA to covered transactions between a bank holding company's subsidiary bank and an affiliated export trading company. Most of the comments received from the industry recommend that the Board exempt all bank extensions of credit to an export trading company affiliate from section 23A's collateral requirements. Some of the reasons given for this position are: that it is virtually impossible to collateralize the financing of export services; that in the start-up phase an export trading company would probably not have the capital against which to borrow; and that the export trading companies of small or regional bank holding companies with limited access to financing in the commercial paper market would be competitively disadvantaged.

On May 9, the Board acted on the first notification by a bank holding company under the BESA in which the bank holding company requested a waiver in certain circumstances from the collateral requirements of section 23A. The Board waived the section 23A collateral requirements in the following transactions: where the bank provides a letter of credit for the account of its affiliated export trading company or advances funds for the purchase of goods for the resale of which the export trading company has a firm order from a bona fide customer, and where the bank has a security interest in the goods or proceeds from the sale of the goods at least equal in value to the letter of credit or advance. The Board concluded that, with this waiver, the export trading company could finance, through its affiliated bank, the purchase of goods in which it is trading without creating an undue risk to the bank.

The Board believes that the granting of the limited waiver should address many of the concerns raised in the public comments on the section 23A issue. With such a waiver, the major export trading company activities requiring substantial amounts of financing could in fact be financed by the affiliated bank, and this method could be used by large or small bank holding companies alike. The Board accordingly adopted a regulation incorporating this type of waiver. The Board may grant additional waivers from the section 23A collateral requirements based on specific requests.

C. Preferential Lending

In addition to limiting the financial risk to affiliated banks by limiting the investor's financial exposure in export trading companies, the legislation contains a further provision specifically intended to mitigate potential conflicts of interests and associated risks where a banking organization is linked with a commercial venture. A bank holding company or its subsidiary may extend credit to an affiliated export trading company or its customers on terms no more favorable than those afforded similar borrowers in similar circumstances. The proposed regulation provided that the term "customer" includes affiliates of the customer in order to prevent potential evasions of the purpose of this statutory provision.

The proposed regulation also applied the foregoing limitation on preferential lending to extensions of credit by a bank holding company to a co-investor with at least a 10 percent interest in an export trading company or to affiliates of the co-investor. The Board is concerned that joint ventures, particularly between banking and nonbanking organizations, create a serious potential for conflicts of interest and concentration of economic resources. However, the Board recognizes that the legislation specifically authorizes joint ventures both between banking organizations and between banking and nonbanking organizations. The limitations contained in the regulations on preferential lending, which are designed to reduce potential conflicts of interest and unsound banking practices that might result from joint venture export trading companies, do not in any way affect the ability of the bank holding company or its affiliated banks to offer to the esport trading company, its oustomers, or a co-investor any rate that is based on the established creditworthiness of the borrower. Rather, the provision merely incorporates principles of soumd banking practice.

The Reserve Banks' comments express the view that since all preferential lending is undesirable, the prohibition should apply to all transactions and the reference to a 10 percent minimum interest of a co-investor should be deleted. Although the Board agrees that all preferential lending is undesirable, the Board nonetheless believes that a 10 percent minimum interest in an export trading company is a reasonable threshhold for closer scrutiny of transactions and the regulatory requirement need not be changed.

Several commenters considered the preferential lending restrictions as inordinately burdensome from an administrative standpoint. In light of these comments, the Board determined that affiliate of an export trading company's customers need not be included in the preferential lending prohibition in the regulation. Of course, if it were to become apparent that the prohibition on preferential lending was being evaded through loans to an affiliate of an export trading company's customer, appropriate enforcement action could be taken at that time.

In response to one comment concerning possible problems with extraterritorial application of the regulations where a foreign banking organization subject to the BESA invests in an export trading company, the Board notes that the preferential lending restrictions apply only to U.S. activities of foreign banks.

Notification Procedures

Commenters suggested various criteria as a basis for allowing general consent procedures. The Reserve Banks generally were opposed to adoption of general consent procedures at this time. The Board concluded that on balance the establishment of such procedures would be premature until more experience with bank involvement in export trading companies is obtained, and the Board intends to reconsider this issue after some reasonable experience has been gained in the export trading company notification process, no later than one year from the effective date of these regulations.

The Board has deleted the reference in the regulations to the information required in notifications under the BESA. In considering the pending and completed notices to date, identification of activities by Standard Industrial Classification has been found to be unnecessary. Further, the use of the

Subpart A, Regulation K checklist for Proposed Investments (Attachment E to Board Form F.R. K–1) has been a suitable vehicle for obtaining needed information. The Board also deleted the activity "freight forwarding" from the list of activities for which a subsequent notification to the Board is required if the activity was not included in the bank holding company investor's original notice. Upon closer review of the activity, it was determined that the potential risks associated with that activity should not necessitate the subsequent notice requirement.

Finally, a significant issue in connection with notifications of proposed investments in export trading companies was presented to the Board with the proposed regulations. It was noted that the proposed leveraging ratios of export trading companies should be carefully examined in connection with notifications and in subsequent supervision of the bank holding companies. This is especially true where the company is engaged in trading and where the bank holding company's investment in the export trading company is significant. Capital adequacy is a critical determinant of financial strength of the export trading company and its ability to withstand unexpected adverse developments so as not to affect the financial resources of the parent holding company or the safety and soundness of affiliated banks. Capital adequacy of the export trading company also serves to assure competitive equality of bank-affiliated companies with companies that do not have the benefit of bank affiliation. Accordingly, the Board will consider the capital adequacy of an export trading company as an important factor to be taken into account in determining whether to disapprove a proposed bank holding company investment. The Board will consider adopting industry-wide capital standards generally for bank-affiliated export trading companies based on the Board's further experience with specific notifications of proposed investments (*e.g.*, after considering approximately a dozen such notices but no later than one year after adoption of these regulations). In the interim, banking organizations considering investments in export trading companies will be able to obtain guidance regarding the Board's policies on capital adequacy for export trading companies in the context of Board actions on individual notices.

Bank holding company investment in export trading companies also raises the need to review the adequacy of the capital of the parent organization. Where a bank holding company seeks to expand its activities and operations through an export trading company, the Board will, in evaluating the proposed investment, also address the capital adequacy of the holding company.

The foregoing discussion constitutes the analysis required by the Regulatory Flexibility Act (5 U.S.C. 604).

List of Subjects in 12 CFR Part 211

Banks, banking, Federal Reserve System, Foreign Banking, Investments, Reporting and recordkeeping requirements.

Pursuant to its authority under section 5 of the Bank Holding Company Act (12 U.S.C. 1844), the Board proposes to amend 12 CFR Part 211 by adding a new Subpart C, reading as follows:

PART 211—INTERNATIONAL BANKING OPERATIONS

* * * * *

Subpart C—Export Trading Companies

Sec.
211.31 Authority, purpose and scope.
211.32 Definitions.
211.33 Investments and extensions of credit.
211.34 Procedures for filing and processing notices.

Authority: Federal Reserve Act (12 U.S.C. 221 *et seq.*); Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841, *et seq.*); the International Banking Act of 1978 (Pub. L. 95–369; 92 Stat. 607; 12 U.S.C. 3101 *et seq.*); and the Bank Export Services Act (Title II, Pub. L. 97–290, 96 Stat. 1235 (1982)).

* * * * *

Subpart C—Export Trading Companies

§ 211.31 Authority, purpose and scope.

(a) *Authority.* This Subpart is issued by the Board of Governors of the Federal Reserve System ("Board") under the authority of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841 *et seq.*) ("BHC Act") and the Bank Export Services Act (Title II, Pub. L. 97–290, 96 Stat. 1235 (1982)) ("BESA").

(b) *Purpose and scope.* This Subpart is in furtherance of the purposes of the BHC Act and the BESA, the latter statute being designed to increase U.S. exports by encouraging investments and participation in export trading companies by bank holding companies and the specified investors. The provisions of this Subpart apply to: (1) Bank holding companies as defined in section 2 of the BHC Act (12 U.S.C. 1841(a)); (2) Edge and Agreement corporations, as described in § 211.1(b) of this Part, that are subsidiaries of bank holding companies but are not subsidiaries of banks; (3) bankers' banks as described in section 4(c)(14)(F)(iii) of the BHC Act (12 U.S.C. 1843(c)(14)(F)(iii)); and (4) foreign banking organizations as defined in § 211.23(a)(2) of this Part. These entities are hereinafter referred to as "eligible investors."

§ 211.32 Definitions.

The definitions of § 211.2 in Subpart A apply to this Subpart subject to the following:

(a) "Export trading company" means a company that is exclusively engaged in activities related to international trade and, by engaging in one or more export trade services, derives more than one-half its revenues in each consecutive two-year period from the export of, or from facilitating the export of, goods and services produced in the United States by persons other than the export trading company or its subsidiaries. For purposes of this subsection, revenues shall include net sales revenues from exporting, importing, or third party trade in goods by the export trading company for its own account and gross revenues derived from all other activities of the export trading company.

(b) The terms "bank," "company" and "subsidiary" have the same meanings as those contained in section 2 of the BHC Act (12 U.S.C. 1841).

§ 211.33 Investments and extensions of credit.

(a) *Amount of Investments.* In accordance with the procedures of § 211.34 of this Subpart, an eligible investor may invest no more than five per cent of its consolidated capital and surplus in one or more export trading companies, except that an Edge or Agreement corporation not engaged in banking may invest as much as 25 per cent of its consolidated capital and surplus but no more than five per cent of the consolidated capital and surplus of its parent bank holding company.

(b) *Extensions of credit.*

(1) *Amount.* An eligible investor in an export trading company or companies may extend credit directly or indirectly to the export trading company or companies in a total amount that at no time exceeds 10 per cent of the investor's consolidated capital and surplus.

(2) *Terms.* An eligible investor in an export trading company may not extend credit directly or indirectly to the export trading company or any of its customers or to any other investor holding 10 per cent or more of the shares of the export trading company on terms more favorable than those afforded similar borrowers in similar circumstances, and such extensions of credit shall not involve more than the normal risk of

repayment or present other unfavorable features. For the purposes of this provision, an investor in an export trading company includes any affiliate of the investor.

(3) *Collateral requirements.* Covered transactions between a bank and an affiliated export trading company in which a bank holding company has invested pursuant to this Subpart are subject to the collateral requirements of section 23A of the Federal Reserve Act (12 U.S.C. 371c), except where a bank issues a letter of credit or advances funds to an affiliated export trading company solely to finance the purchase of goods for which:

(i) The export trading company has a bona fide contract for the subsequent sale of the goods; and

(ii) The bank has a security interest in the goods or in the proceeds from their sale at least equal in value to the letter of credit or the advance.

§ 211.34 Procedures for filing and processing notices.

(a) *Filing notice.*—(1) *Prior notice of investment.* An eligible investor shall give the Board 60 days' prior written notice of any investment in an export trading company.

(2) *Subsequent notice.* An eligible investor shall give the Board 60 days' prior written notice of changes in the activities of an export trading company that is a subsidiary of the investor if the export trading company expands its activities beyond those described in the initial notice to include: (1) Taking title to goods; (ii) product research and design; (iii) product modification; or (iv) activities not specifically covered by the list of services contained in section 4(c)(14)(F)(ii) of the BHC Act. Such an expansion of activities shall be regarded as a proposed investment under this Subpart.

(b) *Time period for Board action.* (1) A proposed investment that has not been disapproved by the Board may be made 60 days after the Reserve Bank accepts the notice for processing. A proposed investment may be made before the expiration of the 60-day period if the Board notifies the investor in writing of its intention not to disapprove the investment.

(2) The Board may extend the 60-day period for an additional 30 days if the Board determines that the investor has not furnished all necessary information or that any material information furnished is substantially inaccurate. The Board may disapprove an investment if the necessary information is provided within a time insufficient to allow the Board reasonably to consider the information received.

(3) Within three days of a decision to disapprove an investment, the Board shall notify the investor in writing and state the reasons for the disapproval.

By order of the Board of Governors, June 2, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-15161 Filed 6-7-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 386

[Docket No. 30518-92]

Amendment to Procedure for Shipments Exempt From Shipper's Export Declarations

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: The general export clearance provisions (§ 386.1) of the *Export Administration Regulations* are revised to require freight forwarders *only,* who are exempt from individual Shipper's Export Declaration (SED) filing requirements because they are authorized to report monthly, to include general license symbols or validated license numbers and expiration dates on bills of lading or other loading documents. This revision removes this requirement for exporters, because the Office of Export Administration and Office of Export Enforcement approve an exporter before authority is granted to use the SED monthly reporting procedure, and carriers because they will continue to receive SEDs or annotated loading documents and make them available for inspection with the cargo as required.

EFFECTIVE DATE: June 8, 1983. This rule may be further revised in light of any comments received. Comments must be received by August 8, 1983.

ADDRESSES: Written comments (five copies when possible) should be sent to: Richard J. Isadore, Director, Operations Division, P.O. Box 273, Office of Export Administration, Washington, D.C. 20044.

The public record concerning these regulations may be inspected at the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION:

Substance of Regulations

To reduce export paperwork requirements, the monthly SED procedure was first announced by the Bureau of the Census on August 3, 1968 (33 FR 11076) and further expanded on October 5, 1981 (46 FR 48960). This procedure permits exporters carriers, forwarders, or brokers to obtain authorization to file a monthly report of exports in lieu of individual Shipper's Export Declarations.

On October 21, 1982 (47 FR 46845), OEA revised the monthly SED procedure to require that the Export Administration general license symbol or validated license number and expiration date be included on the bill of lading, air waybill, house air waybill, or other loading document so that ITA and and Customs officials can ensure that the exporter has a current and applicable general or validated license. This rule now amends that requirement so that where formerly exporters, forwarders, carriers, or brokers were asked to supply the information described above, now only forwarders or brokers who are authorized to transmit SED information directly to the Census Bureau monthly, and thus be exempt from the individual SED filing requirement, must supply it.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act") this rule is exempt from the public participation in rulemaking procedures of the Administration Procedure Act. However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations. These regulations may be revised before the end of the comment period. Accordingly, interested persons who desire to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

2. This rule will result in a slight reduction in the paperwork burden on the public under the Paperwork

Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C app. 601 *et seq.).*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981) "Federal Regulation."

The period for submission of comments will close August 8, 1983. All comments received before the close of the comment period will be considered by the Department in the development of final regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001B, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer at the above address or by calling (202) 377–3031.

List of Subjects in 15 CFR Part 386

Exports.

PART 386—[AMENDED]

Accordingly, the *Export Aministration Regulations,* Part 386 (15 CFR Part 386 *et seq.)* are amended to revise § 386.1(c)(2), the introductory paragraph, and (d)(2) as follows:

§ 386.1 General export clearance requirements.

* * * * *

(c) * * *

(2) *Exceptions from Shipper's Export Declarations.* All parties exempt from filing a Shipper's Export Declaration are required by the Bureau of the Census *Foreign Trade Statistics Regulations,* 15 CFR 30.50, to make a statement on the bill of lading, air waybill, or other loading document describing the basis for the exemption and referencing the specific section of the *Foreign Trade Statistics Regulations* where the exemption is provided. If the exemption is based on value and destination, no reference to the specific section containing the exemption need be made. All forwarders or brokers exempt from filing an individual Shipper's Export Declaration in accordance with monthly reporting procedures (FTSR 15 CFR 30.39) on behalf of exporters not otherwise exempted from the filing requirement must also include on the bill of lading, air waybill (including house air waybill), or other loading document, in those instances when a license is required, the Export Administration general license symbol or validated license number and expiration date. This requirement applies to any bill of lading or other loading document, including one issued by a consolidator (indirect carrier) for an export included in a consolidated shipment. However, this requirement does not apply to a "master" bill of lading or other loading document issued by a carrier to cover a consolidated shipment. The bill of lading or other loading document shall be available for inspection along with the goods or data prior to lading on the carrier. A Declaration is not required for:

* * * * *

(d) * * *

(2) *Shipments for which individual Declarations are not required.* When an export to a foreign country is made in transit through Canada, and the shipment is one for which an individual Shipper's Export Declaration is *not* required because: (i) The forwarder or broker is authorized to report export information to Census by means other than an individual Shipper's Export Declaration, or (ii) the shipment qualifies for a specific exemption (listed in Subpart D of the Census Bureau *Foreign Trade Statistics Regulations*), the forwarder or broker must include license information on his bill of lading or other loading document as directed in § 386.1(c)(2). The properly annotated bill of lading or other loading document, along with the license authorization, when required, shall be displayed to the Canadian Customs authorities at the Canadian port of entry and a copy provided, if requested by the Canadian authorities.

(Sec. 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.;* Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: May 16, 1983.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83–15382 Filed 6–7–83; 8:45 am]

BILLING CODE 3510–25–M

---

15 CFR Part 399

[Docket No. 30520–93]

CCL Amendments: Inorganic Chemicals

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Office of Export Administration maintains the Commodity Control List (CCL) which includes all commodities controlled for export by the U.S. Department of Commerce. This rule amends CCL Entry 4778B by deleting references in that Entry to provisions of General License *GLV,* a license that does not apply to the export of inorganic chemicals described in Entry 4778B of the CCL.

DATE: Effective June 8, 1983.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff (Telephone: (202) 377–4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls

on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Part 399

Exports.

PART 399—[AMENDED]

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

ECCN 4778B—[Amended]

ECCN 4778B of the Commodity Control List (Supplement No. 1 to § 399.1) is amended by revising in the "List of Inorganic Chemnicals . . ." the phrase "§§ 371.16 and 371.5(d)" to read "§ 371.16" and by revising the phrase "General Licenses *G–NNR* and *GLV*" to read "General License *G–NNR*."

(Secs. 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. section 2401 *et seq.*; E.O. No. 12214 (45 FR 29783, May 6, 1980))

Dated: May 16, 1983.

John K. Boldock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83–15383 Filed 6–7–83; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 242b

General Procedures and Delegations of the Board of Regents of the Uniformed Services University of the Health Sciences

AGENCY: Uniformed Services University of the Health Sciences, Department of Defense.

ACTION: Final rule.

SUMMARY: This document amends the General Procedures and Delegations of the Uniformed Services University of the Health Sciences to change the structure of the Administrative Affairs and Education Affairs Committees of the Board of Regents.

EFFECTIVE DATE: May 26, 1983.

ADDRESS: General Counsel, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

FOR FURTHER INFORMATION CONTACT: Merel P. Glaubiger, General Counsel, 202/295–3028.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–36169 published in the **Federal Register** on December 20, 1977 (42 FR 63775) the Uniformed Services University of the Health Sciences published General Procedures and Delegations of the Board of Regents of the Uniformed Services University of the Health Sciences. This was amended in FR Doc. 78–28367 published in the **Federal Register** on October 10, 1978 (43 FR 46531) to alter the number and responsibilities of officers reporting to the Dean of the University (President), in FR Doc. 81–6774 published in the **Federal Register** on March 23, 1981 (46 FR 18024) to realign certain functions of officers reporting to the Dean of the University (President), and in FR Doc. 82–15200 published in the **Federal Register** on June 4, 1982 (47 FR 25297) to add one officer reporting to the Dean (President) of the University. The purpose of this amendment is to change the structure of the Administrative Affairs and Educational Affairs Committees.

Because this rule relates solely to matters of University organization and procedure, notice of proposed rulemaking and public participation in the rulemaking are not required by Part 296 of this title.

List of Subjects in 32 CFR Part 242b

Medical and dental schools, Uniformed Services.

PART 242b—GENERAL PROCEDURES AND DELEGATIONS OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Accordingly, pursuant to the Uniformed Services Health Professions Revitalization Act, Section 552 of Title 5 of the United States Code, and § 242b.6(a) of this Title, the Board of Regents of the Uniformed Services, University of the Health Sciences, amends Par 242b of this title by amending § 242b.6 by removing § 242b.6(a)(2), amending § 242b.6(a)(3), renumbering § 242b.6(a)(3) and (4) to § 242b.6(a)(2) and (3), and amending § 242b.6(g) and (h) as follows:

§ 242b.6 Committees.

(a) *Standing committees.* (1) * * *

(2) The committees shall meet at the call of the Committee Chairman.

(3) Permanent minutes of all meetings shall be kept, and shall be open for inspection to all Regents.

* * * * *

(g) Educational Affairs Committee. This Committee shall make recommendations to the Board on academic matters referred to the Committee by the Chairman of the Board, including the administration of student and faculty academic affairs.

(h) Administrative Affairs Committee. This Committee shall make recommendations to the Board on all budget and other matters relating to the fiscal and general business management of the University, on the planning for and general development of the University, and on construction, maintenance and repair of the buildings, grounds and utilities of the University, referred to the Committee by the Chairman of the Board.

Dated: June 3, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 83–15393 Filed 6–7–83; 8:45 am]

BILLING CODE 3810–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 162

[OPP–250044; PH–FRL 2378–1]

Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; Notification to the Secretary of Agriculture of a Final Regulation on Conditional Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule related notice.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a final regulation to govern the conditional registration of pesticide products which are identical or substantially similar to those currently registered, and the conditional registration of new uses of existing pesticides by the Agency. This action is required by section 25(a)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Jean M. Frane, Registration Division

(TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1114C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–0592).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(B) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any final regulation at least 30 days prior to signing it for publication in the **Federal Register**. If the Secretary comments in writing regarding the final regulation within 15 days after receiving it, the Administrator shall issue for publication in the **Federal Register**, with the final regulation, the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within 15 days after receiving the final regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime after the 15-day period.

As required by FIFRA section 25(a)(3), a copy of this final regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(Sec. 25, Pub. L. 92–516, 86 Stat. 973 as amended; (7 U.S.C. 136 et seq.))

Dated: May 31, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83–15284 Filed 6–7–83; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 180

[PP 2F2681/R566; PH-Frl 2375–1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities Cross-linked Polyurea-Type Encapsulating Polymer (Alachlor)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the cross-linked polyurea-type encapsulating polymer formed by reacting polymethylene polyphenyl-isocyanate and hexamethylene diamine when used for encapsulating alachlor for use on certain raw agricultural commodities. This regulation was requested in a petition submitted by the Monsanto Company.

EFFECTIVE DATE: Effective on June 8, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Environmental Protection Agency, Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of April 6, 1983 (48 FR 15002) which announced that the Monsanto Company, 1101 17th St., NW., Washington, D.C. 20036, had submitted pesticide petition 2F2681 to EPA. The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of an exemption from the requirement of a tolerance for residues of the cross-linked polyurea-type polymer formed by reacting polymethylene polyphenylisocyanate (PAPI) with 1,6-hexamethylenediamine (HMDA) as the cross-linked reactant when used for encapsulating alahlor (2-chloro-*N*-(2,6-diethylphenyl)-*N*-(methoxymethyl) acetamide for use on the crops dry beans, lima beans, peas, potatoes, and soybeans before formation of edible portions of the crop.

There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevent material have been evaluated. Based on the information submitted, the Agency has concluded that the close structural similarity of the polymer to the presently cleared polymers, PAPI with toluene diisocyanate as the cross-linked reactant (cleared under 40 CFR 180.1039) and PAPI mixed with sebacoyl chloride and a mixture of ethylenediamine and diethylenetriamine (cleared under 40 CFR 180.1028), indicates that there is no expection of signficant toxicity that could be associated with the encapsulating polymer (PAPI with HMDA as reactant).

There are no other data required for this exemption. No residues are expected from the encapsulating material since the use involves application before edible parts of the crops are formed.

There are no regulatory actions pending against the encapsulating material (polyurea-type polymer) and no rebuttable presumption against registration (RPAR) criteria have been exceeded. Since there are no residues of the encapsulating material expected in the subject crops, regulatory action is not anticipated in the case of the exemption. Therefore, no analytical method is required. Since no detectable residues are expected in the crops from the use, residues are not expected in meat, milk, poultry, or eggs.

The encapsulating material is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 23, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended by adding a new § 180.1082 to read as follows:

§ 180.1082 Cross-linked polyurea-type encapsulating polymer (Alachlor); exemption from the requirement of a tolerance.

The cross-linked polyurea-type encapsulating polymer formed by the reaction of polymethylene polyphenylisocyanate and

hexamethylene diamine is exempted from the requirement of a tolerance when used as an inert capsulating material for formulations of alachlor (2-chloro-*N*-(2,6-diethylphenyl)-*N*-(methoxymethyl) acetamide) for use on the crops dry beans, lima beans, peas, potatoes, and soybeans, when applied to the soil before edible portions of the crops form.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

[FR Doc. 83-14737 Filed 6-7-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1-15

[FPR Amdt. 231]

Contract Cost Principles and Procedures; Cost Principle on Defense of Fraud Proceedings

AGENCY: General Services Administration

ACTION: Final rule.

SUMMARY: This amendment adds a new cost principle dealing with the cost of defense of fraud proceedings to the cost principles for contracts with commercial organizations. This cost principle is based on a cost principle recently incorporated in the Defense Acquisition Regulation. The intended effect is to make unallowable all costs incurred in defense of criminal or civil fraud proceedings or administrative proceedings, such as those leading to suspension or debarment, when the action brought by the Government results in a conviction or judgment against the contractor, a decision to debar or suspend, or is resolved by consent or compromise.

EFFECTIVE DATE: July 7, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Frank T. Van Lierde, Office of Federal Acquisition & Regulatory Policy, Office of Acquisition Policy (202-523-4768).

SUPPLEMENTARY INFORMATION:

List of Subjects in 41 CFR Part 1-15

Cost principles, Government procurement.

PART 1-15—[AMENDED]

The table of contents for Part 1-15 is amended to add one entry under Subpart 1-15.2 as follows:

Sec.

* * * * *

1-15.205-53 Defense of fraud proceedings.

Subpart 1-15.2—Contracts With Commercial Organizations

Section 1-15.205-53 is added to read as follows:

§ 1-15.205-53 Defense of fraud proceedings.

(a) Costs incurred in connection with defense of any: (1) Criminal or civil investigation, grand jury proceeding or prosecution, (2) civil litigation, or (3) suspension, debarment or other administrative proceedings, or any combination of the foregoing brought by the Government against a contractor, its agent, or employee, are unallowable when the charges, which are the subject of the investigation, proceedings, or prosecution, involve fraud on the part of the contractor, its agent, or employee, as defined in paragraph (b) of this section, and result in conviction (including conviction entered on a plea of nolo contendere), judgment against the contractor, its agent, or employee, decision to debar or suspend, or are resolved by consent or compromise.

(b) Fraud, as used in this section, includes: (1) Acts of fraud or corruption or attempts to defraud the Government or to corrupt its agents, (2) acts which constitute a cause for debarment or suspension under § 1-1.605-2(a) and § 1-1.606-2(a), and (3) acts which violate the False Claims Act, 31 U.S.C. sections 3729-3731, or the Anti-Kickback Act, 41 U.S.C. sections 51 and 54.

(c) Costs, as used in this section, include, but are not limited to, administrative and clerical expenses; the costs of legal services performed by in-house or private counsel; the costs of the services of accountants, consultants, or others retained by the contractor to assist it; the salaries and wages of employees, officers, and directors; and any of the foregoing costs incurred prior to the commencement of the formal judicial or administrative proceedings that bear a direct relationship to the proceedings.

(d) In circumstances where the charges of fraud are resolved by consent or compromise, the parties may agree as to the extent of allowability of such costs as part of such resolution.

(e) Costs which may be unallowable under paragraph (a) through (d) of this section shall be differentiated and accounted for by the contractor so as to be separately identifiable. During the pendency of any proceeding or investigation covered by paragraph (a) of this section, the contracting officer should generally withhold payment of such costs. However, the contracting officer may in appropriate circumstances provide for conditional payment upon provision of adequate security, or other adequate assurance, and agreement by the contractor to repay all unallowable costs, plus interest, if a conviction or judgment is rendered against it.

Note.—See FPR Temporary Regulation 65 (45 FR 43092, October 4, 1982) for FPR references dealing with debarment and suspension in paragraph (b)(2) of § 1-15.205-53.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: May 31, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-15328 Filed 6-7-83; 8:45 am]

BILLING CODE 6820-61-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-697; RM-4171]

Noncommercial Educational FM Stations in Ojai and Santa Barbara, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the Table of Channel Assignments under the U.S.-Mexico FM Broadcast Agreement by assigning Channel 208A to Ojai, California, in response to a petition filed by Eugene G. White, Jr. and denies a counterproposal filed by Radio Broadcast Project Coordinators, La Casa de la Raza, to assign Channel 208A to Santa Barbara, California. The assignment could provide a first noncommercial educational service to Ojai.

DATE: Effective July 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of an amendment of § 73.504(a), Table of Assignments, Noncommercial Educational FM Stations (Ojai and Santa Barbara,[1] California); BC Docket No. 82-697, RM-4171.

[1] This community has been added to the caption.

Adopted: April 29, 1983.
Released: May 16, 1983.
By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making* (47 FR 45057, published October 13, 1982) proposing to amend the Table of Channel Assignments under the U.S.A.-Mexico FM Broadcast Agreement, § 73.504(a) of the Commission's Rules, by assigning Channel 208A to Ojai, California, in response to a petition for rule making filed by Eugene G. White, Jr. ("petitioner"). The purpose of this proposal is to provide Ojai with a first noncommercial educational FM broadcast service. Petitioner states that he will operate the proposed station as a non-profit, noncommercial, community-oriented Christian religious broadcast facility. Comments and a counterproposal were filed by Radio Broadcast Project Coordinators. La Casa de la Raza ("Project Coordinators"). Petitioner filed reply comments. In the *Notice*, we observed that the proposal required the concurrence of the Mexican government. That concurrence has been obtained.

2. Project Coordinators requests the assignment of Channel 208A to Santa Barbara, California, stating that this would result in noncommercial broadcast service to a greater population than would a grant of petitioner's request. According to Project Coordinators, only two noncommercial educational FM stations serve the Santa Barbara area, with Station KCSB–FM serving primarily the student body of the University of California-Santa Barbara and Station KSCA (FM) operating as a satellite facility for the University of Southern California. Project Coordinators indicates that a typical Ojai transmitter location could reach only a limited audience. Project Coordinators states, without elaboration, that a grant of its request "would be more compatible and consistent with principles instituted under the U.S.-Mexico Treaty" than would a grant of petitioner's request. It asserts that the Ojai area is served by seven radio stations, including FM Station KOVA in Ojai, and that all address local issues. This is contrasted to Santa Barbara, whose non-commercial audience, it is claimed, is only partially served by KCSB–FM and (in the future) by KSCA. According to Project Coordinators, it intends to create programs and to manage the proposed station so as to reach the underserved minority and Hispanic populations of Santa Barbara. Project Coordinators claims that its intention to promote community-oriented broadcasts to a large population would best serve the public interest.

3. Petitioner indicates that Project Coordinators' comments having been received by the Commission on November 29, 1982, after the cut-off date of November 22, should not be considered. However petitioner states that if the counterproposal is accepted, then Ojai should be favored. In this regard the petitioner asserts that Santa Barbara is well served by radio stations and that, although Ojai does receive radio service, he intends to provide a different format specifically attuned to local community needs. Petitioner argues that Santa Barbara, being large, is best suited for service by a Class B station. As for Ojai's population being smaller, petitioner alleges that there is no minimum population requirement for allocation of a frequency and that his proposed transmitter location on a nearby mountain top would not result in a limited signal, as described by Project Coordinators.

4. Responding to petitioner's objection to its apparent late filing, Project Coordinators asserts that, on November 21, 1982, it mailed its response from a local post office and was assured that its mailing would be received at the Commission on November 22. To support this claim, Project Coordinators proffers a copy of an express mail receipt.

5. Subsequently, Project Coordinators submitted a letter, dated January 27, 1983 by which it purports to make up for a "deficiency" in its earlier filing by stating its intention to apply for a license if a frequency is allocated to Santa Barbara.

6. Initially, we note that, although Project Coordinators' comments were received after the cut-off date, those comments will, nevertheless, be considered. It appears that Project Coordinators made a good faith effort to file a timely response to the *Notice* and has provided evidence to that effect. For purposes of this proceeding, the evidence that Project Coordinators submitted its comments to a post office on November 21 and requested express mail service is sufficient for acceptance.

7. The Commission's policy regarding the priorities for resolving conflicting requests for FM channels is contained in *Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982). This proceeding did not specifically refer to § 73.504(a) nor did it address matters uniquely related to the allocation of noncommercial educational frequencies. We have been unable to find a similar case in which a comparison of communities was undertaken under § 73.504(a). Thus we have not developed specific criteria for the allocation of noncommercial educational channels. Furthermore, neither party has cited precedent regarding the criteria to be used. Rather, each argues for their own proposal based on the programming each intends to provide. However since the scope of this proceeding is limited to the assignment of a channel to a community to be made available for application to any interested person, we cannot be guided by particular programming proposals. Reliance on such matters would be unjustifiable at this stage, because we do not know the identity of all potential applicants. As an allocations matter, we generally favor a first local service whether it be FM (§ 73.202(b)), TV (§ 73.606(b)) or AM (§ 73.37). The allocation of noncommercial educational channels has been treated in the same manner procedurally and substantively for drop-in assignments. The comparative priorities for allocations are well established in Table of Assignment cases and we see no reason to depart from the established priorities for the noncommercial educational FM service. Thus, we believe the approporiate criteria to be used are the priorities set forth in *Revision of FM Assignment Policies and Procedures, supra.* Pursuant to that policy, communities lacking a first noncommercial educational channel would obtain a priority. Such is the case with Ojai while Santa Barbara has two non-commercial educational channels assigned.[1] Thus, in the absence of any overriding considerations, priority should be given to Ojai for the assignment of Channel 208A.

8. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, it is ordered, That effective July 15, 1983, the Table of Channel Assignments under the U.S.A.-Mexico FM Broadcast Agreement (§ 73.504(a) of the Commission's Rules (is amended as follows for the communities listed:

City	Channel No.
Ojai, Calif.	208A

9. It is further ordered, That the counterproposal of Project Coordinators is denied.

[1] Channels 204B and 220B.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning this proceeding, contact Joel Rosenberg, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–15224 Filed 6–7–83; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 97

[FCC 83–247]

Amateur Radio Service; Amendment of the Commission's Rules Pursuant to the Commission's Regulatory Review Program

AGENCY: Federal Communications Commission.

ACTION: Final rules (Order).

SUMMARY: The rule amendments promulgated by this Order are either a deletion of an unnecessary rule, an editorial modification or revision of a rule for clarification, an amendment to relieve a restriction, or a codification of a provision of the Communications Act of 1934, as amended. The subject rules have been reviewed as part of the Commission's ongoing effort to identify and revise rules which are outdated, confusing, ambiguous or place an unnecessary burden on the public. The rule amendments being ordered here are in furtherance of that objective and are sufficiently minor in scope to be considered comprehensively by this action without recourse to prior notice and comment procedures.

EFFECTIVE DATE: June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Special Services Division, (202) 632–4964.

List of Subjects in 47 CFR Part 97

Radio.

Order

In the matter of an amendment of Part 97 of the Commission's Rules Pursuant to the Commission's Regulatory Review Program.

Adopted: May 20, 1983.
Released: June 1, 1983.

By the Commission: Commissioner Fogarty not participating; Commissioner Sharp absent.

1. Pursuant to the Commission's Regulatory Review program, the rules addressed herein are being amended or deleted, as appropriate, in order to eliminate unnecessary restrictions and rules, codify requirements of the Communications Act of 1934, as amended, or make editorial corrections necessary for simplification or clarification of the rules. The affected rule sections are Sections 97.13, 97.32, 97.61, 97.69, 97.81, 97.84, 97.99 and 97.173.

2. We are deleting § 97.32(f), which currently prohibits the renewal of Interim Amateur Permits, since renewals may be justified in circumstances where there is an extraordinary delay in the issuance of permanent amateur operator and station licenses.

3. We are revising § 97.13(c) and § 97.13(d) to correct an omission in order that amateur operator license renewal applicants may submit a photocopy of their license in place of the original document. We are deleting § 97.69(a)(3), and revising §§ 97.61(e), 97.69(a)(2) and 97.69(b)(3) in order to rectify certain unintentional inconsistencies in our recent Order authorizing the use of the digital code "AMTOR" on Amateur Radio Service frequencies below 50 MHz.[1] We are revising § 97.99 to delete the reference to the obsolete Form 452–C. We are also revising § 97.173(d) to change the incorrect reference to § 97.41 to the correct reference, § 97.42.

4. We are adding a new paragraph to § 97.81 which codifies into the rules the existing requirements of the Communications Act of 1934, as amended, that specify that the Commission has the "* * * authority to inspect all radio installations * * * which are subject to the provisions of any Act, treaty, or convention * * *".[2] This amendment also codifies longstanding Commission policy in that the authority to inspect amateur radio stations is a general condition of grant of all amateur licenses.

5. Finally, we are revising § 97.84 to allow station identification for amateur stations to be made by video when specific transmission standards are used, or, under some circumstances, by using certain common digital codes. This will relieve a number of burdens amateur operators have faced when required to identify "packet radio" transmissions, television transmissions where audio cannot be practically transmitted on the same operating frequencies, and transmissions where international third party traffic is exchanged and identification of the station being communicated with is required.[3]

6. We are dispensing with the prior notice and comment procedure provisions of the Administrative Procedure Act (APA) in this proceeding since the subject rule changes are either interpretative (§§ 97.13, 97.69, 97.81, 97.99) or relate to agency procedure (§ 97.32), or since it is unlikely that any objections would be received in view of the obvious benefits which are being conferred and we, therefore, find it unnecessary (§§ 97.61, 97.69, 97.84, 97.99).[4] The APA's effective date requirements are also not applicable to these rule amendments because they either relieve a restriction, or are interpretative.[5] Certain rule changes also addressed merely make editorial corrections and the APA, therefore, does not apply (§ 97.173).

7. Inasmuch as general notice of proposed rule making is not required, the Regulatory Flexibility Act of 1980 does not apply.

8. Accordingly, it is ordered That, effective June 15, 1983, Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, IS AMENDED as set forth in the attached Appendix. This action is taken pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Further information on this matter may be obtained by contacting: Maurice J. DePont, (202) 632–4964, Federal Communications Commission, Private Radio Bureau, Washington, D.C. 20554.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 97—[AMENDED]

Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, is amended as follows:

1. In § 97.13, paragraphs (c) and (d) are revised to read as follows:

§ 97.13 Renewal or modification of operator license.

* * * * *

(c) Application for renewal and/or modification of an amateur operator license shall be submitted on FCC Form

---

[1] 48 FR 7457 (February 22, 1983).

[2] See Section 303(n) of the Communications Act of 1934, as amended.

[3] Article 25, § 5 of the International Radio Regulations (Geneva, 1979) permits identification signals in the form of, among others, "a telegraph code compatible with conventional printing equipment." Furthermore, the television emissions which we are authorizing to be identified by video are those which can only take place on frequencies where international propagation is unlikely.

[4] See 5 U.S.C. 553(b)(3).

[5] See 5 U.S.C. 553(d).

610 and shall be accompanied by the applicant's license or a photocopy thereof. Application for renewal of unexpired licenses must be made during the license term and should be filed within 90 days, but not later than 30 days, prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of an unexpired license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(d) If a license is allowed to expire, application for renewal may be made during a period of grace of five years after the expiration date. During this five-year period of grace, an expired license is not valid. A license renewed during the grace period will be dated currently and will not be backdated to the date of its expiration. Application for renewal shall be submitted on FCC Form 610 and shall be accompanied by the applicant's license or a photocopy thereof.

§ 97.32 [Amended]

2. In § 97.32, paragraph (f) is removed in its entirety.

§ 97.61 [Amended]

3. In § 97.61, the parenthetical phrase in paragraph (e) is revised to read as follows:

* * * * *

(e) * * *

(when type F1 or A2J emissions are employed in these bands, the radio or audio frequency shift, as appropriate, shall not exceed 1000 Hz)

4. In § 97.69, paragraph (a)(3) is removed in its entirety and paragraphs (a)(2) and (b)(3) are revised to read as follows:

§ 97.69 Digital communications.

* * * * *

(a) * * *

(2) When type A2, F1 or F2 emissions are used on frequencies below 50 MHz, the radio or audio frequency shift (the difference between the frequency for the "mark" signal and that for the "space" signal), as appropriate, shall not exceed 1000 Hz. When these emissions are used on frequencies above 50 MHz, the frequency shift, in hertz, shall not exceed the sending speed, in baud, of the transmission, or 1000 Hz, whichever is greater.

(b) * * *

(3) The International Radio Consultative Committee (CCIR) Recommendations 476–2 and 476–3 (commonly known as AMTOR); provided that the code, baud rate and emission timing shall conform to the specifications of CCIR 476–2 (1978) or CCIR 476–3 (1982), Mode A or Mode B.

* * * * *

5. Section 97.81 is revised to read as follows:

§ 97.81 Authorized apparatus.

(a) An amateur station license authorizes the use, under control of the licensee, of all transmitting apparatus at the fixed location specified in the station license which is operated on any frequency or frequencies allocated to the Amateur Radio Service, and, in addition, authorizes the use, under control of the licensee, of portable and mobile transmitting apparatus operated at other locations.

(b) The apparatus authorized for use by paragraph (a) of this section shall be available for inspection upon request by an authorized Commission representative.

6. In § 97.84, paragraph (g) is revised to read as follows:

§ 97.84 Station identification.

* * * * *

(g) The identification required by this section shall be given on each frequency being utilized for transmission and shall be made in one of the following manners:

(1) By telegraphy using the international Morse code (if this identification is made by an automatic device used only for identification, the code speed shall not exceed 20 words per minute);

(2) By telephony using the English language (the Commission encourages the use of a nationally or internationally recognized standard phonetic alphabet as an aid for correct telephone identification);

(3) By telegraphy using any code authorized by § 97.69(b), when the particular code is used for transmission of all or part of the communication or when the communication is transmitted in any digital code on frequencies above 50 MHz; or

(4) By video using readily legible characters when A5 emissions are used, the monochrome portions of which conform, at a minimum, to the monochrome transmission standards of § 73.682(a)(6) through § 73.682(a)(13), inclusive (with the exception of § 73.682(a)(9)(iii) and § 73.682(a)(9)(iv)).

* * * * *

7. In § 97.99, the introductory paragraph is revised to read as follows:

§ 97.99 Stations used only for radio control of remote model crafts and vehicles.

An amateur radio station in radio control operation with a mean output power not exceeding one watt may, when used for the control of a remote model craft or vehicle, be operated under the special provisions of this section, provided that a writing indicating the station call sign and the licensee's name and address is affixed to the transmitter.

* * * * *

8. In § 97.173, paragraph (d) is revised to read as follows:

§ 97.173 Application for RACES station license.

* * * * *

(d) If the application is for a RACES station to be in any special manner covered by § 97.42, those showings specified for non-RACES stations shall also be submitted.

[FR Doc. 83–15226 Filed 6–7–83; 8:45 am]
BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1011

Reorganization of Review Boards

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: In this notice the Commission announces that the three Review Boards in the Office of Proceedings have been merged into one Review Board. The merger of the Review Boards is indicated by a decline in the workload assigned to these boards. 49 CFR 1011.6 is revised to reflect this change.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Lee Alexander (202) 275–7513.

SUPPLEMENTARY INFORMATION: The Office of Proceedings currently utilizes three employee boards of general jurisdiction to decide operating rights, rates, and finance proceedings. Each Review Board consists of a Chairman and two members.

These boards have been merged into one Review Board consisting of one Chairman and six members. Decisions will be made by panels made up of three board members. The Chairman is responsible for assigning board members to panels and for assigning cases to the panels. The vote of at least two of the three Review Board members

assigned as a panel constitutes a quorum.

In the absence of the Board Chairman, the member senior in total length of service as a member of the Board is Acting Chairman. In the event of equal seniority in service as a Board member, the senior member in service with the Commission will be the Acting Chairman.

The current list of Review Board members is as follows:

Robert P. Carleton, Chairman
William J. Dowell, Member
Roger N. Fortier, Member
Paul R. Joyce, Member
Richard M. Krock, Member
William E. C. Parker, Member
Vernon A. Williams, Member

49 CFR 1011.6(e) is being amended as set forth in the Appendix to reflect the change to one Review Board.

Since this rule affects internal Commission procedures only, it is issued in final form and public comment is not required.

The revision set forth in the Appendix is adopted.

This action does not affect significantly the quality of the human environment or conservation of energy resources.

List of Subjects in 49 CFR Part 1011

Administrative practice and procedure; Authority delegations (Government agencies); Organization and functions (Government agencies).

(5 U.S.C. 553 and 49 U.S.C. 10301)

Dated: June 1, 1983.

By the Commission, Chairman Taylor.

Agatha L. Mergenovich,

Secretary.

Appendix

§ 1011.6 [Amended]

49 CFR 1011.6(e) is amended by revising the heading of the paragraph "Review Boards" to read "Review Board."

[FR Doc. 83-15357 Filed 6-7-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Amendment to Regulations Describing Zones in Which Non-Toxic Shot Is Required for Waterfowl Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule amends descriptions of certain zones in which non-toxic shot is required for waterfowl hunting. When eaten by waterfowl, spent lead pellets may have a toxic effect. The only approved non-toxic shot available at this time is steel shot. Zone descriptions for Florida, Michigan, Illinois, and Texas are amended.

EFFECTIVE DATE: September 1, 1983.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Office of Migratory Bird Management, Fish and Wildlife Service, Washington, D.C. 20240 (202–254–3207).

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

Approriated funds for the Department of the Interior for fiscal year 1983 were restricted in their use by the following provision:

> No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation.

States wishing to amend the descriptions of non-toxic shot zones, published in the **Federal Register** on August 13, 1981, (46 FR 40879–84), were asked to notify the Service of any such proposed changes no later than twelve months prior to the anticipated implementation of such changes. In 1982 four States requested that the Service propose amendments prior to the hunting seasons commencing in 1983. These States were Florida, Michigan, Illinois, and Texas. Florida, Illinois, and Texas requested that additional areas be included in the regulation, while Michigan requested withdrawal of certain zones which were previously designated an non-toxic shot areas.

On January 13, 1983, the Service proposed for public comment (48 FR 1525–27) amendments to § 20.108 as requested by Florida, Illinois, Michigan, and Texas. Comments on the proposed amendments were accepted until February 25, 1983.

In summary the proposed amendments were as follows:

Michigan—Redescribed zones throughout the State in order to more accurately reflect areas where lead shot ingestion by waterfowl is a problem. The new descriptions represent a 23 percent reduction in the area previously covered by non-toxic shot zones in Michigan. Approximately half of the State's waterfowl harvest will occur in non-toxic shot zones as proposed for 1983.

Illinois—Rend Lake was proposed as a non-toxic shot zone.

Florida—Lake Ponte Vedra north of the Guana Dam, Occidental Wildlife Management Areas, and IMC Wildlife Management Area were proposed.

Texas—Seven southeast Texas counties and portions of five mid-coast counties were proposed. This area includes 47 percent of the waterfowl hunting activity in Texas.

Summary of Public Comment and Service Responses:

Five letters containing comments on the proposal were received between January 13, 1983, and February 25, 1983. Two letters were from individuals, two were from private organizations, and one from a State Wildlife agency. Both individuals live in Florida, and one provided comment in support of the proposal for Florida while the other expressed the view that the proposed additions were unnecessary. A letter from the Executive Director of the Sportsmen's Clubs of Texas, Inc. supported the proposal for Texas. A letter from the Director, Fisheries and Wildlife Division, National Wildlife Federation supported the proposed amendments for all four States.

A letter from the Florida Game and Fresh Water Fish Commission requested that the boundary proposed for the Occidental Wildlife Management Area and the current boundary for the Lake Okeechobee zone would be more accurately described as follows:

Occidental Wildlife Management Area—all of the Occidental phosphate mine pits east of SR 137, Black Still Road and Christie Tower Road; west of SR 135; south of SR 6 and north of White Springs, all located in Township 1 north; Range 15 and 16 east and Township 1 south, Ranges 15 and 16 east in Hamilton County.

Lake Okeechobee—the area lying lakeward of, and bounded by, the Lake Okeechobee levee, by the State Road 78, Kissimmee River bridge, and by State Road 78 from its intersections with the Lake Okeechobee levee at points near Lakeport and the Old Sportsmen's Village site.

Neither of the above changes are substantive. Their purpose is to provide more accurate boundary descriptions.

Based upon the comments received, the Service concludes that the proposed amendments for all four States and the requested wording changes suggested by the Florida Game and Fresh Water Fish Commission should be incorporated into § 20.108.

Other information: Regulations regarding use of non-toxic shot on some National Wildlife Refuges are published separately along with other regulations for these refuges.

This rule will not result in the collection of information from, or place recordkeeping requirements on, the public, under the Paperwork Reduction Act of 1980. In accordance with Executive Order 12291, it has been determined that this rule is not a major rule. However, the potential effects of this rule on certain individual consumers and businesses will continue to be monitored. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.) it was determined that this rule, if implemented without adequate warning, could result in ammunition supplies for which there is no local demand. It is believed that adequate notice has been provided. Therefore, it was determined that the rule will not have a significant economic effect on a substantial number of small entities. A copy of the analysis relating to these decisions, *Determination of Effects of Proposed Amendment to Steel Shot Rules for 1983*, can be obtained from the U.S. Fish and Wildlife Service (MBMO), Washington, D.C. 20240. An Environmental Impact Statement on the steel shot program was signed in 1976. In addition, Environmental Assessments were prepared on various aspects of the steel shot program in 1977 through 1980. Copies of these documents can be obtained from the U.S. Fish and Wildlife Service (MBMO), Washington, D.C. 20240.

This final rule was authored by John P. Rogers, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202/254–3207.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

Accordingly, 50 CFR, Chapter I, Subchapter B, Subpart K, is amended by removing, adding or replacing non-toxic shot zone descriptions as indicated in the following:

§ 20.108 [Amended]

Florida—Remove all words following Alachua County; and replace with: the area lying lakeward of, and bounded by the Lake Okeechobee levee, by the State Road 78, Kissimmee River bridge, and by State Road 78 from its intersections with the Lake Okeechobee levee at points near Lakeport and the Old Sportsman's Village site; all of the Occidental phosphate mine pits east of SR 137, Black Still Road and Christie Tower Road, west of SR 135, south of SR 6 and north of White Springs (all located in Township 1 north, Ranges 15 and 16 east, and Township 1 south, Ranges 15 and 16 east, in Hamilton County).

Illinois—Remove all words following Union County Public Hunting Area, and replace with: Horseshoe Lake, Rend Lake and related subimpoundments and all adjacent lands managed by the U.S. Army Corps of Engineers and the Illinois Department of Conservation.

Michigan—Remove the present wording and replace with the following:

Michigan

A. Eastern Upper Peninsula

1. That area of Chippewa County encompassed by a line from the tip of Conely's Point (Section 4, T44N R2E) southeasterly to the tip of Winter Point (Section 14, T44N R2E) to the tip of Rocky Point (Section 25,T44N R2E); then south on Rocky Point Road and west on Gogomain Road to the Town of Pickford; north on M–129 to the junction with 15-Mile Road (Section 19,T45N R1E); to the Village of Neebish; then south on the paved road from Neebish (Scenic Drive) to the point of beginning at Conley's Point.

2. The waters of Potagannissing Flooding on Drummond Island.

B. Houghton Lake

That area of water and land encompassing Houghton Lake, Roscommon County, described by road boundaries as follows: south of Meads Landing Road, County 300 and County 100; west of M–18; north of M–55; and east of US–27.

C. Saginaw Bay

1. That area of Arenac, Bay, Tuscola, and Huron counties south of US–23; east of M–13; north of M–25; south of Cresent Beach Road (Caseville Township, Huron County); and southwest of a line from the tip of Sand Point (Section 11, T17N R9E, Huron County) to Point Lookout (Section 13, T19N R7E, Arenac County) and Shore Road (Sims Township, Arenac County).

2. On all lands and waters within the posted boundaries of the following State or Federal management areas.

a. Crow Island State Game Area—Bay and Saginaw counties.

b. Shiawassee River State Game Area—Saginaw County.

c. Shiawassee National Wildlife Refuge—Saginaw County.

D. Southeastern Michigan

1. That area of Jackson County (north of I–94 and east of M–106); Ingham County (east of M–106/M–52 and south of M–36); Livingston County (south of M–36, east of M–155, and south of M–59); Oakland County (south of M–59, west of US–24 (Telegraph Road), north of I–96, and west of I–275); Wayne County (west of I–275 and north of M–14); Washtenaw County (north of M–14 and I–94); and St. Clair, Macomb, Wayne and Monroe counties east of I–94 and I–75 including the U.S. waters of the St. Clair River, Lake St. Clair, and Detroit River, and Lake Erie.

2. On all lands and waters within the posted boundaries of the U.S. Fish and Wildlife Service Schlee Waterfowl Production Area located in Section 6, T3S R2E of Grass Lake Township, Jackson County.

E. Southwestern Michigan

1. Muskegon, Ottawa, Allegan and Kalamazoo counties, including Lake Michigan lakeward for one-half mile from the shore. All county boundary waters and lakes partially within a non-toxic shot zone are totally included.

2. All lands and waters within the posted boundary of the Muskegon County Wastewater System, Muskegon County.

Texas—Remove the present wording and replace with the following:

Texas

That area lying within boundaries beginning at the Louisiana State line, thence westward along IH 10 to the junction of U.S. Highway 90 and IH 10 to Beaumont, thence westward along U.S. 90 to its junction with IH 610 in Houston, thence north and west along IH 610 to its junction with U.S. Highway 290 in Houston, thence westward along U.S. Highway 290 to its junction with State Highway 159 in Hempstead, thence southwestward along State Highway 159 to its junction with State Highway 36 in Bellville, thence eastward along State Highway 36 to its junction with FM 2429, thence southward along FM 2429 to its junction with FM 949, thence southwestward along FM 949 to its junction with IH 10, thence westward along IH 10 to its junction with U.S. Highway 77 at Schulenburg, thence southward along U.S. Highway 77 to its junction with the U.S.-Mexico international boundary at Brownsville, thence eastward along the U.S.-Mexico

international boundary to the Gulf of Mexico, thence east and seaward to the three marine league limit, thence northeastward along the three marine league limit to the Louisiana State line, thence northward along the Texas-Louisiana State line to its junction with IH 10.

Dated: May 3, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-15329 Filed 6-7-83; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 48, No. 111
Wednesday, June 8, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1125 and 1133

[Docket Nos. AO-226-A29 and AO-275-A22]

Milk in the Puget Sound, Washington, and Inland Empire Marketing Areas; Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rule.

SUMMARY: This notice extends the time for filing exceptions to a recommended decision concerning a proposed merger of the Puget Sound and Inland Empire Federal milk orders. Counsel for the Producers Base Committee requested additional time to complete an analysis of the decision.

DATE: Exceptions now are due on or before July 5, 1983.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued June 11, 1981; published June 16, 1981 (46 FR 31424).

Notice of Postponement of Hearing: Issued June 30, 1981; published July 6, 1981 (46 FR 34805).

Notice of Rescheduling of Hearing: Issued July 23, 1981; published July 28 1981 (46 FR 34805).

Notice of Proposed Suspension: Issued November 6, 1981; published November 12, 1981 (46 FR 55707).

Suspension Order: Issued December 7, 1981; published December 10, 1981 (46 FR 60412).

Recommended Decision: Issued April 28, 1983; published May 4, 1983 (48 FR 20058).

Notice is hereby given that the time for filing exceptions to the above listed recommended decision is hereby extended to July 5, 1983.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

List of Subjects in 7 CFR Parts 1125 and 1133

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on June 2, 1983.

Kenneth Latcholia,

Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-15339 Filed 6-7-83; 8:45 am]

BILLING CODE 3410-02-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-13288; S7-960]

Concept of Utilizing Private Entities in Investment Company Examinations and Imposing Examination Fees

AGENCY: Securities and Exchange Commission.

ACTION: Extension of time for comment.

SUMMARY: The Securities and Exchange Commission announced today that it has extended until June 24, 1983 the date by which comments on Investment Company Act Release No. 13044 (February 23, 1983) [March 1, 1983; 48 FR 8485] must be submitted. The Commission has received a request that the comment period be extended and believes that an extension of time until June 24, 1983 will be beneficial since it will result in the receipt of additional useful comments. The release originally had a comment period ending on May 24, 1983.

DATE: Comments must be received on or before June 24, 1983.

ADDRESS: Comments should be submmitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549 (Reference to File No. S7-960). All comments will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Puretz, (202) 272-2048, Office of Regulatory Policy, Division of Investment Management.

SUPPLEMENTARY INFORMATION: In Investment Company Act Release No. 13044, the Commission announced that it is considering the advisability of proposing rules that would contemplate the involvement of private entities in the routine examination of investment companies and the imposition of examination fees. The major goal of such an action would be to supplement the Commission's present investment company examination program. The release discussed certain alternatives for accomplishing these purposes and requested general comment as to whether any of the alternative approaches, or some other alternative, should be pursued further. The release also requested specific comment with respect to certain issues involved in the implementation of those alternatives. The comments received will be considered in connection with the development of any rulemaking proposals or legislative recommendations.

The Commission has received a request that the comment period be extended. In view of such request and in order to receive the benefit of comments from the greatest number of interested persons, the Commission has extended the comment period for Investment Company Act Release No. 13044 until June 24, 1983.

By the Commission.
June 1, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-15306 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8370

Use Authorization; Amendment to Proposed Rulemaking Amending Regulations on Special Recreation Permits, Other Than on Developed Recreation Sites

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment to proposed rulemaking.

SUMMARY: The proposed rulemaking amending 43 CFR Subpart 8372—Special Recreation Permits, Other Than on Developed Recreation Sites—was published in the **Federal Register** on May 6, 1983 (48 FR 20630). Due to an error in the assembling of a large percentage of the **Federal Register** publication of May 6, 1983, the notice was republished on May 18, 1983 (48 FR 22462). Because of this error and republication, the Department of the Interior has extended the comment period on the proposed rulemaking from June 30, 1983, to July 18, 1983. As a result of this change in the comment period, the dates that appear in the final paragraph at the bottom of page 20630, continuing on page 20631 of the **Federal Register** of May 6, 1983, and on pages 22462 and 22463 of the **Federal Register** of May 18, 1983, are incorrect and that paragraph is amended by this notice.

The proposed rulemaking is amended by:

1. Changing the comment date from June 30, 1983, to July 18, 1983.

2. Revising the paragraph on pages 20630 and 20631 of the May 6, 1983, **Federal Register** and pages 22462 and 22463 of the May 18, 1983, **Federal Register** to read:

"This proposed rulemaking is being published to coordinate with the public consideration of the Proposed Special Recreation Permit Policy of the Bureau of Land Management, which was published in the **Federal Register** on April 8, 1983 (48 FR 15275). Copies of this proposed policy document may be obtained by calling the telephone number listed above. The deadline for submitting comments on the proposed policy statement is June 30, 1983, and on this proposed rulemaking is July 18, 1983."

DATE: Comments should be submitted by June 30, 1983, on the proposed Special Recreation Permit Policy and by July 18, 1983, on the proposed rulemaking amending 43 CFR Subpart 8372—Special Recreation Permits, Other Than on Developed Recreation Sites.

ADDRESS: Comments on the proposed Special Recreation Permit Policy should be be sent to: Director (341), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments on the proposed rulemaking should be sent to: Director (140), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Bruce R. Brown (202) 343–9353; or Robert I. Conquergood (202) 343–9353.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 2, 1983.

[FR Doc. 83–15281 Filed 6–7–83; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 2

[General Dockets Nos. 82–243 and 83–30]

Frequency Allocation; Extension of Comment Period

AGENCY: Federal Communications Commission.

ACTION: Proposed rule: extension of comment period.

SUMMARY: The Federal Communications Commission grants Motions for extension of time for filing comments in General Dockets 82–243 and 83–30. The Commission was responding to requests from Airfone, Inc., and the Land Mobile Communications Council. In taking this action, the Commission made the comment periods identical to those of a companion rulemaking, Gen. Docket 83–26.

DATES: Comments must be received on or before July 15, 1983. Reply comments must be received on or before September 6, 1983.

ADDRESS: Federal Communication Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Mr. Melvin Murray, Office of Science and Technology, 2025 "M" Street, NW. Washington, D.C. 20554; (202) 653–8168, or Mr. Rodney Small; (202) 653–8169.

Order

In the matter of an amendment of Part 2 of the Commission's Rules to Provide for an Allocation of 6 MHz to the Government and the nongovernment for Fixed Service Usage; Gen. Docket No. 82–243.

In the matter of an amendment of the Commission's Rules to Allocate Sectrum for, and to Establish Other Rules and Policies Pertaining to the Use of Radio in Establishing a Public Air-Ground Telephone System; Gen. Docket No. 83–30, RM–3524, RM–3695; (3–23–83; 48 FR 12267).

Adopted: May 20, 1983.

Released: May 31, 1983.

By the Office of Science and Technology.

1. On January 20, 1983, the Commission adopted *Notices of Proposed Rulemaking* in the above captioned proceedings and in Docket 83–26 (Creation of an Additional Personal Radio Service). Because of the inter-relationship of these proceedings, the Commission imposed common comments and reply comment dates of June 10, 1983 and July 11, 1983, respectively.

2. On April 26, 1983, Airfone, Inc., filed a request for extension of time to file comments in Docket 83–30. On May 23, 1983, the Land Mobile Communications Council (LMCC) filed a similar request in Docket 82–243 as well as in Docket 83–30.[1]

3. By order released May 18, 1983, pursuant to a request by the Personal Radio Steering Group (PRSG), the Commission extended the time for filing comments and reply comments in Docket 83–26 to July 15, 1983, and September 6, 1983, respectively. This action was taken to permit at least reply comments to be filed after a two day seminar on the subject in Wichita, Kansas on July 29, 1983.

4. Because of the Commission's interest in treating the three proceedings together and in order to give the public the opportunity to file comments at the same time, we will grant the petitions of LMCC and Airfone, Inc., to extend the time for filing comments and reply comments to the same dates as in the above captioned dockets.

5. Accordingly, it is ordered that pursuant to Section 4(i), 302 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 302 and 303 and pursuant to § 0.241(d) of the Commission's Rules, the *Motion of the Land Mobile Commissions Council for an Extension of Time* and the *Motion for Extension of Time* filed by Airfone, Inc. in these proceedings are granted to the extent discussed above.

6. It is further ordered, that pursuant to the authorities cited above the *request by the Land Mobile Communications Council to terminate Docket 82–243 or to provide appropriate alternative relief* is dismissed as moot.

[1] In a related filing, on May 16, 1983, LMCC requested that because the National Telecommunications Information Administration (NTIA) was conducting a study of its various spectrum needs, the Commission either terminate Docket 82–243 or at least defer the comment date until after any study is completed. It is the Commission's understanding that NTIA itself intends to file comments in the proceedings.

7. For further information about these proceedings contact Melvin Murray (202) 653–8168 or Rodney Small (202) 653–8169, Office of Science and Technology, FCC, Washington, D.C. 20554.

Federal Communications Commission.

Marjorie S. Reed,

Deputy Chief Scientist for Policy.

[FR Doc. 83–15225 Filed 6–7–83; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 83–466; RM–4365]

TV Broadcast Station in El Dorado, Arkansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action solicits comments on a proposed substitution of UHF Television Channel 43 for Channel 18 in EL Dorado, Arkansas, as requested by Great Southern TV Broadcasting to remedy a shortspacing problem with its pending application for a new UHF television station on Channel 33 in Bossier City, Louisiana.

DATES: Comments must be filed on or before July 1, 1983, and reply comments on or before July 18, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Mass Media Bureau (202) 632–5414.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (El Dorado, Arkansas); MM Docket No. 83–466 RM–4365.

Adopted: April 26, 1983.
Released: May 17, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making by Great Southern TV Broadcasting ("Southern") requesting the substitution of UHF Television Channel 43 for Channel 18 in El Dorado, Arkansas. Southern has a pending application (File No. BPCT 820909 KQ) for operation of a new station of Bossier City, Louisiana, on Channel 33.[1] The application involves a short spacing of 7.7 miles to Channel 18 at El Dorado. CMM, Inc. ("CMM") has recently filed an application for a construction permit on Channel 18 (File No. BPCT 830301KK). The spacing requirement between the channels in question (33 and 18) is 75 miles. See § 73.698 of the Commission's Rules.

2. Southern has submitted with its above-referenced application a request for waiver of the minimum spacing requirement. Southern asserts that if the Commission regards the short spacing to El Dorado as a significant problem, the best alternative solution would be to substitute a channel in El Dorado that eliminates the short spacing, *i.e.*, Channel 43 for Channel 18. Also, Southern alleges that the channel substitution would afford any future applicant on Channel 18 in El Dorado a wider selection of transmitter sites.[2] Southern states that each of the other six mutually exclusive applications for operation on Channel 33, Shreveport, would lessen the area in which a site could be selected for operation on Channel 18 in El Dorado. Southern states that the same kind of channel substitution requested here was granted by the Commission in *Clarksdale and Greenville, Mississippi and Birmingham, Alabama*, Docket No. 21389; RM–2852 (43 FR 1502) (1977).

3. The pendency of CMM's application for operation on Channel 18 in El Dorado raises our concern about Southern's proposed substitution of channels. Southern has alleged that the substitution of channels would allow for more site flexibility at El Dorado. However, Southern was unaware, at that time, of the pending application for Channel 18. Therefore, there appears to be no need to offer prospective applicants a greater area of site flexibility. Southern has offered no other public interest reasons for the substitution. We note that the other six applicants for Channel 33 were able to propose sites that were non short spaced to Channel 18 at El Dorado. We believe that the best procedure at this time is to seek comments on the Southern proposal and, specifically, whether CMM has an objection to operating on Channel 43 instead of Channel 18. As an alternative, Channel 18 could remain at El Dorado with a 7.7 mile site restriction. This would necessitate CMM, Inc. moving its proposed site location. Accordingly, we solicit comments on the following proposed amendment of the TV Table of Assignments, § 73.606(b) of the Rules:

	Channel No.	
	Present	Proposed
El Dorado, Ark.	10–, 18–, and +30.	10–, +30, and 43–.

4. It is ordered, That the Secretary shall send a copy of this *Notice of Proposed Rule Making* by Certified Mail, Return Receipt Requested, to: CMM, Inc., 215 Lantana Road, Crossville, Tennessee, 38555.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 1, 1983, and reply comments on or before July 18, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632–5414. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes

[1] The channel is assigned to Shreveport, Louisiana, and applied for at Bossier City, in accordance with § 73.607(b) of our Rules. The section was deleted effective February 17, 1983 (48 FR 12094), but applications on file as of that date are processed under the old rule).

[2] The allegation was made before CMM filed its application for operation on Channel 18 in El Dorado and specified a site near the reference coordinates for El Dorado.

an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-15221 Filed 6-7-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-472; RM-4331]

TV Broadcast Station in Little Rock, Arkansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a fifth commercial television assignment to Little Rock, Arkansas, in response to a petition filed by Millard V. Oakley.

DATE: Comments must be filed on or before June 27, 1983, and reply comments on or before July 12, 1983.

ADDRESS: Federal Communications Commission.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73.

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Little Rock, Arkansas): MM Docket No. 83-472 RM-4331.

Adopted: May 2, 1983.
Released: May 12, 1983

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed on January 3, 1983, by Millard V. Oakley proposing the assignment of UHF television Channel 42 to Little Rock, Arkansas. Petitioner stated that he or an entity of which he is a part, will apply for the channel, if assigned.

2. Little Rock (population 158,461)[1] is the seat of Pulaski County (population 340,613) and the state capital. Little Rock is currently assigned commercial Channels 4, 7—, 11, and 16—, and noncommercial Channels °2— and °36.

3. In support of his request, petitioner submitted population data for the city and county. Petitioner also submitted 1981 spendable income and retail sales statistics.

4. We believe that the petitioner's proposal warrants consideration. The proposed assignment meets all spacing requirements and could provide for a fifth local commercial television station at Little Rock. In view of the above, comments are invited on the proposal to amend the Television Table of Assignments, with regard to the following community:

City	Channel No.	
	Present	Proposed
Little Rock, Arkansas	°2—, 4, 7— 11, 16—, and °36.	°2— 4, 7—, 11, 16—, °36, and 42.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 27, 1983, and reply comments on or before July 12, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, It is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–15218 Filed 6–7–83; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 83–471; RM–4372]

TV Broadcast Station in Paradise, Calif.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 46 to Paradise, Calif., as its first television assignment, in response to a petition filed by William M. Holdinghausen.

DATES: Comments must be filed on or before June 27, 1983, and reply comments on or before July 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Paradise, Calif.); MM Docket No. 83–471 RM–4372.

Adopted: May 2, 1983.
Released: May 12, 1983.

1. The Commission herein considers a petition for rule making filed February 3, 1983, by William M. Holdinghausen ("petitioner"), seeking the assignment of UHF Television Channel 46 to Paradise, Calif., as its first television assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria.

2. Paradise (population 22,571),[1] in Butte County (population 143,851) is located in northern California, approximately 250 kilometers (150 miles) northeast of San Francisco, Calif.

3. In view of the fact that Paradise could receive its first local television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Paradise, Calif.		46

4. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 27, 1983, and reply comments on or before July 12, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.002(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4,303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the commission's Rules and Regulations, an orignal and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83–15217 Filed 6–7–83; 8:45 am]
BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 83–465; RM–4258; RM–4316]

FM Broadcast Stations in Nisswa, Browerville, and Pequot Lakes, Minnesota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of a Class A channel to Browerville, Minnesota, or a Class C assignment to Nisswa, Minnesota, in response to petitions filed by Elden Stielstra and by Midwest Radio Company, respectively. In the alternative, a Class A channel is proposed for each community. We are also proposing the reassignment of Channel 261A from Nisswa, Minnesota to Pequot Lakes, Minnesota to reflect its actual use there. The proposed assignments could provide a first local aural service at each community.

DATES: Comments must be filed on or before June 30, 1983, and reply comments on or before July 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Nisswa, Browerville, and Pequot Lakes, Minnesota); MM Docket No. 83–465, RM–4258, RM–4316.

Adopted: April 26, 1983.
Released: May 16, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers two separate petitions for rule making. The first was filed by Midwest Radio Company ("Midwest"), on November 19, 1982, proposing the assignment of Class C Channel 227 to Nisswa, Minnesota. The second petition was filed by Elden Stielstra ("Stielstra") on December 22,

1982, proposing to assign Channel 228A to Browerville, Minnesota. The proposals could provide a first local aural service to either Nisswa or Browerville.[1] Since the distance between Nisswa and Browerville is 40 miles, instead of the required 105 miles, these proposals are considered mutually exclusive. Both petitioners stated their intent to apply for the channel, if assigned to their requested community.

2. In support of his proposal, Stielstra asserts that Browerville (population 693),[2] in Todd County (population 24,991), is located approximately 25 miles from Alexandria and Little Falls, Minnesota. It has neither a daily newspaper nor an FM station. Nisswa (population 1,407) is located in Crow Wing County (population 41,722), approximately 40 miles northeast of Browerville. It had no local FM service.

3. Since there are no other Class A channels available to Browerville and no other Class C channels available to Nisswa, we shall provide each proponent an opportunity to further demonstrate in comments to the *Notice* why its community should receive the assignment. In this regard, the parties should be guided by our recent action in *Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982).

4. The assignment of Channel 228A to Browerville would require a site restriction of approximately 2.3 miles northeast of the city. A Channel 227 assignment to Nisswa would require a site restriction of 1.8 miles north of the city. Both restrictions are necessary to avoid short spacing to Station KBMO-FM, Benson, Minnesota.

5. As an alternative, we are proposing a Class A assignment to Nisswa (Channel 224A). Our staff had determined that Channel 224A can be assigned to Nisswa in compliance with the minimum distance separation requirements, without a site restriction. This alternative does not conflict with the requested assignment of Channel 228A to Browerville, enabling both cities to obtain a first local aural service.

6. The proposed assignments of Channel 228A to Browerville and either Channel 224A or Channel 227 to Nisswa, require coordination with the Canadian Government, since both cities are within 320 kilometers (200 miles) of the U.S.-Canadian Border.

[1] Nisswa is currently assigned Channel 261A. However, that channel is being used by Station KTIG, Pequot Lakes, Minnesota (under Section 73.203(b) of the Commission's Rules). Thus, in connection with a Nisswa assignment, we are proposing to reassign Channel 261A to Pequot Lakes, to reflect its actual use in that community.

[2] Population figures are taken from the 1980 U.S. Census, Advance Reports.

7. Accordingly, we propose the following alternate revisions in the FM Table of Assignments (§ 73.202(b) of the Rules) with respect to the communities listed below:

City	Channel No.	
	Present	Proposed
Alternative I		
Browerville, Minn.	———	228A
Alternative II		
Nisswa, Minn.	261A	227
Pequot Lakes, Minn.		261A
Alternative III		
Browerville, Minn.		228A
Nisswa, Minn.	261A	224A
Pequot Lakes, Minn.		261A

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before June 30, 1983, and reply comments on or before July 15, 1983, and are advised to read the Appendix for the proper procedures.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do noot apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioer constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48n Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) wil be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments, and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-15220 Filed 6-7-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-467; RM-4333]

TV Broadcast Station in McMinnville, Tenn.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 33 to McMinnville, Tennessee, as its first television assignment, in response to a petition filed by Peggy Ann Rothchild.

DATES: Comments must be filed on or before June 27, 1983 and reply comments on or before July 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (McMinnville, Tennessee); MM Docket No. 83-467 RM-4333.

By the Chief, Policy and Rules Division.

Adopted: April 20, 1983.

Released: May 13, 1983.

1. The Commission herein considers a petition for rule making filed January 6, 1983, by Peggy Ann Rothchild ("Petitioner"), seeking the assignment of UHF Television Channel 33 to McMinnville, Tennessee, as its first television assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

2. A site restriction of 4.3 miles west of McMinnville is required in order to avoid short spacing to Station WUNF-TV (Channel *33) is Asheville, North Carolina.

3. McMinnville (population 10,683),[1] seat of Warren County (population 32,653), is located approximately 108 kilometers (68 miles) southeast of Nashville, Tennessee.

4. In view of the fact that McMinnville could receive its first local television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules), with respect to the following city:

City	Channel No.	
	Present	Proposed
McMinnville, Tenn.		33+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 27, 1983, and reply comments on or before July 12, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 to not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.002(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an orignal and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-15218 Filed 6-7-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-470; RM-4299]

TV Broadcast Station in Nashville, Tennessee; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 58 to Nashville, Tennessee, as its eighth television assignment in response to a petition filed by David Allen Crabtree.

DATES: Comments must be filed on or before June 27, 1983, and reply comments on or before July 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Nashville, Tennessee); MM Docket No. 83-470, RM-4299.

Adopted: May 2, 1983.
Released: May 13, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 6, 1983, by David Allen Crabtree ("petitioner"), seeking the assignment of UHF Television Channel 58 to Nashville, Tennessee, as its eighth television assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

2. A site restriction of 1.2 miles southeast of Nashville is required to avoid short spacing to a construction permit on Channel 51 in Hopkinsville, Kentucky.

3. Nashville (population 455,651),[1] seat of Davidson County (population 477,811) and capital of the State of Tennessee, is located in the north central part of the state.

4. In view of the fact that Nashville could receive its eighth local television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b)) of the Commission's Rules, with respect to the following city:

City	Channel No.	
	Present	Proposed
Nashville, Tennessee	2-, 4+, 5, *8+, 17+, 30+ and *42.	2-, 4+, 5, *8+, 17+, 30+ *42, and 58.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 27, 1983, and reply comments on or before July 12, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606 (b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Anend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rule and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-15216 Filed 6-7-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-473; RM-4383]

TV Broadcast Station in Rochester, Washington; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 25 to Rochester, Washington, in response to a petition filed by The Daily Chronicle, Inc. The proposed assignment could provide for a first television service to Rochester.

DATES: Comments must be filed on or before June 30, 1983, and reply comments on or before July 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.606(b), Table of Assignments TV Broadcast Stations (Rochester, Washington); MM Docket No. 83-473, RM-4383.

Adopted: April 28, 1983.
Released: May 16, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making, filed on February 16, 1983, by The Daily Chronicle, Inc. ("petitioner"), proposing the assignment of UHF Television Channel 25 to Rochester, Washington. Petitioner stated that it or an entity, of which it is a part, will apply for the channel, if assigned.

2. Rochester (population 300),[1] in Thurston County (population 124,264),[2] is located in western Washington, approximately 96 kilometers (60 miles) southwest of Seattle. Rochester is currently without local television service.

3. We believe that the petitioner's proposal warrants consideration. The proposed assignment meets all spacing requirements and could provide for a first local television service at Rochester. Accordingly, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Rochester, Washington		25+

4. The Commission's authority to institute rule making proceedings, showings required, cut-off porcedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note. A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 30, 1983, and reply comments on or before July 15, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are

---

[1] City population figure is provided by the petitioner.

[2] County population figure is taken from the 1980 U.S. Census Advance Report.

prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.24(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-15219 Filed 6-7-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-469; RM-4295]

TV Broadcast Station in Belmont, North Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 46 to Belmont, North Carolina, as its first television assignment in response to a petition filed by Harry C. Powell, Jr.

DATES: Comments must be filed on or before June 27, 1983, and reply comments on or before July 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Belmont, North Carolina); MM Docket No. 83-469 Rm-4296.

Adopted: May 2, 1983.
Released: May 13, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 3, 1983, by Harry C. Powell, Jr. ("petitioner"), seeking the assignment of UHF Television Channel 46 to Belmont, North Carolina, as its first UHF television assignment. The channel can be assigned with a site restriction of 5.8 miles west of Belmont to avoid short spacing to WTVI (Channel *42) in Charlotte, North Carolina.

2. Belmont (population 4,607),[1] in Gaston County (population 162,568), is located approximately 24 kilometers (15 miles) west of Charlotte, North Carolina.

3. Petitioner submitted information in support of the proposal and expressed his desire to apply for the channel, if assigned.

4. In view of the fact that Belmont could receive its first television broadcast service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Belmont, North Carolina		46

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 27, 1983, and reply comments on or before July 12,

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commissions's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the puplic should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision of this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-15222 Filed 6-7-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-468; RM-4392]

FM Broadcast Station in Negaunee, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C FM Channel 277 to Negaunee, Michigan, as its first FM assignment in response to a petition filed by Edward F. Anglin.

DATES: Comments must be filed on or before June 27, 1983, and reply comments on or before July 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Negaunee, Michigan), MM Docket No. 83–468, RM–4392.

Adopted: May 2, 1983.
Released: May 13, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 22, 1983, by Edward F. Anglin ("petitioner") seeking the assignment of Class C FM Channel 277 to Negaunee, Michigan, as its first FM assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. A site restriction of 0.7 miles south of Negaunee is required to avoid short-spacing to Channel 276 in Marathon, Ontario, Canada.

2. Since the proposed assignment of Channel 277 to Negaunee, Michigan, is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian clearance must be obtained.

3. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Negaunee, Michigan, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the

Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Negaunee, Michigan		277

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 27, 1983, and reply comments on or before July 12, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignmnent, § 73.202(b) of the Commission' Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concening this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Roderick K. Porter

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if its is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in intial comments, so that parties may comment on them in reply comments. They will not be condisered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effet will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-15223 Filed 6-7-83; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 76

[MM Docket No. 83-331; RM-3676; FCC 83-130]

Amendment of the Commission's Rules Concerning the Fairness Doctrine and Political Cablecasting Requirements for Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Sections 76.205 and 76.209 of the Commission's Rules and Regulations require cable television operators to comply with Fairness Doctrine and political cablecasting obligations when they engage in origination cablecasting. The Commission is instituting a notice of proposed rulemaking concerning the applicability of the Fairness Doctrine (47 CFR 76.209) and the political cablecasting obligations (47 CFR 76.205) to cable television systems to determine whether these rules and policies can be improved or streamlined.

DATE: Comments are due by July 25, 1983 and replies by August 25, 1983.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Stephen A. Bailey, Mass Media Bureau (202) 632–7793.

SUPPLEMENTARY INFORMATION: Sections 76.205 and 76.209 of the Commission's rules and regulations require cable television operators to comply with Fairness Doctrine and political cablecasting obligations when they engage in origination cablecasting.

List of Subjects in 47 CFR Part 76

Administrative practice and procedure, Cable television, Fairness doctrine, Political candidates.

Notice of Proposed Rule Making

In the matter of amendment of Part 76, Subpart G of the Commission's rules and regulations concerning the fairness doctrine and political cablecasting requirements for cable television systems; MM Docket No. 83–331, RM–3676.

Adopted: March 31, 1983.
Released: May 25, 1983.

By the Commission: Commissioners Fogarty, Rivera and Dawson concurring in the result: Commissioner Sharp concurring and issuing a statement.

Table of Contents

I. Introduction
II. Development and History of Rules
  A. General Description of Policies
  B. Commission Rules and Regulations
  C. Statutory Overview
III. Previous Research and Studies
IV. Case Law Developments
V. Change in the Cable Industry and Communications Sector in General
VI. NTIA Petition
VII. Rule Making Proposals
  A. Alternative Approaches
  B. Scope of Application
  C. Partial or Complete Eliminations
  D. Scope of Newspaper Exemption
VIII. General Conclusion
IX. Statutory Basis
X. Rule Making Procedures

I. Introduction

1. Notice is hereby given of proposed rule making concerning §§ 76.205 and 76.209 of the Commission's Rules and Regulations (47 CFR 76.205 and 76.209) which make cable television system operators subject to certain obligations relative to political telecasts and to Fairness Doctrine obligations.

2. The provisions of these rules, particularly those that are concerned with the requirement that candidates for public office receive equal cablecast opportunities,[1] are based on Section 315 of the Communications Act, as amended (47 U.S.C. 315). Although the equal opportunities requirements are statutory, the development of detailed policies for applying these requirements has been left to agency discretion. Moreover, although the Fairness Doctrine has been sometimes construed as a statutory requirement applicable to radio and television broadcast stations, it is not clear, as explained in greater detail below, that it is a statutorily-imposed one for cable television. The Commission has recently concluded that the requirements of the Fairness Doctrine and equal opportunities rules are generally unnecessary in view of the many sources of information now available to the public and are counterproductive in achieving their stated objectives due to the negative incentives inherent in their operation. While we await positive Congressional action on these recommendations, we will continue to apply those obligations imposed by statute on cable systems. In the meantime, however, it is important in our own administration of these policies to apply them in the least intrusive, most effective, and most constitutionally supportable manner possible, consistent with our assigned Congressional mandate. Toward this end, we believe there is room for improvement in the manner in which these policies can be applied in the cable television filed. In this proceeding, we seek to explore those alternatives and, in addition, to develop a record that will be useful to the Congress.

3. The principal proposal we are making is to afford the cable system operator greater flexibility in the methods available for achieving compliance with the obligations of these rules. In particular, we propose to make it clear that the availability of cablecast opportunities on channels specifically set aside for the presentation of programming not under the control of the system operator will generally satisfy the obligations imposed by these rules. In our estimation, it is paricularly important in the context of multi-channel cable operations to develop some means of applying these rules that do not force the system operator to enforce his own editorial judgment over the content of all nonbroadcast channels on the system. We also explore the question of whether it is statutorily permissible and consistent with good public policy to exclude totally from the governance of these rules certain types of programming. For example, we have never applied these rules to broadcast signals carried by cable systems and we believe that the same basis for exemption may exist for not applying these rules to certain types of cable network programming. We also explore the question of whether certain aspects of the Fairness Doctrine can be eliminated without undermining its overall purposes or without disservice to the public. In addition, as discussed below, we have for a considerable time taken the position that these requirements are not applicable to the distribution of newspapers in facsimile edition. With new developments occurring in the "electronic print" filed at a rapid pace, we believe it is appropriate to consider expansion of the existing exemption in this area. Finally, we also consider the whole question of the necessity for and manner of applying the Fairness Doctrine to cablecast programming.

4. Our decision to institute rule making on this subject stems from a number of considerations. First, significant changes have occurred within the cable television industry as well as in the communications sector of our economy since these policies were first applied to cable television. Second, we note that these policies and rules have been the subject of considerable discussion in government reports, academic literature, and other publications. Third, we have received a petition for rule making from the National Telecommunications and Information Administration of the Department of Commerce of the United States (NTIA) which recommends that the Commission exempt cable systems which maintain public access channels from Fairness Doctrine obligations Fourth, and of special import, several court decisions in cable or cable-related areas have raised questions, directly or indirectly, concerning whether cable systems should be immune from program content regulation, as are newspapers, under the First Amendment. Finally, although this proceeding takes existing statutory requirements as a given, it should be noted that on September 17, 1981, we adopted a package of legislative proposals for Congressional consideration, which included, among other things a proposal to repeal Section 315 of the Communications Act. This proposal, if enacted by Congress would eliminate this agency's authority to impose fairness and equal time obligations on broadcast licensees and cable operators, and thereby accord the electronic media similar protections enjoyed by the print media under the

[1] That requirement is often referred to as the "equal time" rule even though Section 315 of the Communications Act does not specifically require "equal time" but rather, under appropriate circumstances, the provision of "equal opportunities." Unless we indicate otherwise, the use of such terms as "equal time," "equal opportunities," or "equal political opportunities" in this document shall refer to provisions in Section 315 that require equal telecasting opportunities for candidates for public office.

First Amendment. Congressional enactment of these legislative measures would not only remove the basis for our imposing such obligations on broadcast licensees but would also eliminate whatever vestige of authority we might have had to impose these requirements on cable systems by statute or under the "reasonably ancillary to broadcasting" standard. Before we detail our reasons for recommending revision of the existing requirements as well as possible elimination of certain nonstatutory provisions in the rules, we shall briefly explain the origin and history of the Fairness Doctrine and political broadcasting rules as they pertain to cable television.

II. Development and History of Rules

A. General Discription of Policies

5. The Fairness Doctrine, as it has been applied to radio and television broadcasting, imposes a two part duty on broadcasters under the public interest standard.[2] First, broadcast licensees are required to devote a reasonable percentage of time to the coverage of controversial issues of public importance.[3] Second, they must afford reasonable opportunity for the presentation of contrasting points of view.[4] A subsidiary part of the Fairness Doctrine, which is oftentimes referred to as the personal attack rule, requires that a broadcast licensee provide an opportunity for individuals or groups to respond to attacks upon their honesty, character, integrity, or other like personal qualities made during the presentation of views on a controversial issue of public importance.[5] The responsibilities which arise under the Fairness Doctrine can not be delegated [6] nor can such obligations be met "merely through the adoption of a general policy of not refusing to broadcast opposing views where a demand is made of the station for boradcast time."[7] Under the doctrine, every broadcast licensee is required to "use his facilities to enlighten the public about the critical issues it faces."[8] The doctrine, as applied to broadcasting, evolved under the public interest standard of the Communications Act [9] and, at least with respect to the political editorializing and personal attack aspects of the doctrine, has been upheld by the U.S. Supreme Court as valid exercises of regulation which do not abridge First Amendment rights of broadcasters.[10]

6. Under Section 315 of the Communications Act, the Commission also has responsibility for administering policies that are intended to assure equal broadcast opportunities to candidates for public office. Section 315 of the Act requires that a licensee who permits the use of his facilities to a legally qualified candidate for public office provide equal opportunities to opposing candidates seeking the same office.[11] Under this section, however, appearances by candidates on bona fide newscasts, news interviews, news documentaries as well as on-the-spot coverage of bona fide news events are not deemed uses and, accordingly, are exempt from the equal opportunities requirement.[12] This section also restricts the charges which can be made by broadcast licensees for the use of broadcast facilities by candidates for public office. Section 315(c) of the Act makes these provisions applicable to cable systems by including "community antenna television system(s)" and the operators thereof within the terms "broadcasting station" and "station licensee" for purposes of that section.[13]

B. Commission Rules and Regulations

7. Even though Section 315 now specifically refers to cable television, the equal time rules and Fairness Doctrine were first applied by the Commission to cable without benefit of explicit statutory authority. In *First Report and Order in Docket 18397*, FCC 69–1170, 20 FCC 2d 201 (1969), these broadcast-oriented policies were first applied to cable systems engaged in program origination. Therein, the Commission found that cable television, with its multi-channel technology, had the potential to further promote broadcast-oriented objectives "by increasing the number of outlets for community self-expression and augmenting the public's choice of programs and types of services,"[14] and, accordingly, adopted a rule designed to make use of this potential by requiring cable systems serving 3,500 or more subscribers to operate to a significant extent as a local outlet by cablecasting and having facilities available for local production and presentation of programs.[15] The rationalization provided for imposition of the fairness and equal time obligations on cable originated programs was that cable systems which engaged in program origination and the carriage of broadcast signals "should comport with these important cardinal policies of the Communications Act, which are so important to the American political system and an informed electorate."[16] In addition, the

---

[2] For a general discussion of the Fairness Doctrine, *see Editorializing by Broadcast Licensees*, 13 FCC 1246 (1948); *Fairness Report Regarding Handling of Public Issues*, FCC 74–732, 48 FCC 2d 1 (1974); *Memorandum Opinion and Order on Reconsideration of the Fairness Report*, FCC 76–265, 58 FCC 2d 691 (1976).

[3] 48 FCC 2d at 7. Since the Commission deleted the mandatory origination rules for cable systems, *see Report and Order in Docket 19988*, 49 FCC 2d 1090 (1976), it has never sought enforcement of this aspect of the Fairness Doctrine on cable systems.

[4] *Id.*

[5] *Report on Personal Attack and Political Editorializing Rules*, FCC 67–795, 8 FCC 2d 721 (1967). *See*, in this connection, RM–3730 filed by the National Association of Broadcasters on August 14, 1980, requesting review of the personal attack and political editorializing rules applicable to broadcasters (§§ 73.1920 and 73.1930).

[6] 48 FCC 2d at 10; *Report on Editorializing*, 13 FCC at 1248.

[7] 48 FCC at 13; *Report on Editorializing*, 13 FCC at 1251.

[8] 48 FCC 2d at 7 n. 8.

[9] *See Act of September 14, 1959*, section 1, 73 Stat. 556, Pub. L. 86–274, amending 47 U.S.C. 315(a).

[10] *See Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367 (1969).

[11] *See Licensee Responsibility as to Political Broadcasts*, FCC 68–1070, 15 FCC 2d 94 (1968); also *Use of Broadcast and Cablecast Facilities by Candidates for Public Office*, FCC 72–231, 34 FCC 2d 510 (1972).

[12] *See also Aspen Institute*, FCC 75–1090, 55 FCC 2d 697 (1977), *affirmed sub nom. Chisholm et al. v. FCC*, 538 F. 2d 349 (D.C. Cir. 1976), *cert. denied* 429 U.S. 1042 (1976).

[13] Section 315(c) of the Act provides as follows: For purposes of this section—(1) the term "broadcasting station" includes a community antenna television system; and (2) the term "licensee" and "station licensee" when used with respect to a community antenna television system mean the operator of such system.

[14] 20 FCC 2d at 202.

[15] *Id.* at 208–209. There the Commission stated:

> In view of the importance of an informed electorate and speech concerning public affairs to self-government, the "right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences", and a CATV system's monopoly position over cable access to the subscriber's premises, we think that CATV operators have an obligation analogous to that of the broadcasters "to give suitable time and attention to matters of great public concern" and also to have the equipment needed for origination by others. *Red Lion Broadcasting Co. v. Federal Communications Commission*, 395 U.S. 367, 389–394. The commission is not powerless to insist that CATV do so as a condition for the use of broadcast signals, and certainly for the use of microwave radio frequencies in the conduct of its business.

The mandatory program origination rule was subsequently challenged by cable interests but nevertheless upheld by the Supreme Court in *United States v. Midwest Video Corp.*, 406 U.S. 649 (1972) (*Midwest Video I*), as a valid exercise of the Commission's board authority under the Communications Act. The Court, however, expressly declined to rule on other aspects of the Commission's report including the fairness and equal time rules but stated instead that ". . . we, of course, intimate no view on their validity." *Id.* at 652 n.4. The Commission subsequently repealed the mandatory origination rule in *Report and Order in Docket 19988, supra*, on the basis that the rule would not likely be "the most effective means of fostering local expression programming."

[16] 20 FCC 2d at 219. Included among the rules was a sponsorship identification rquirement which paralleled Section 73.654 of the Commission's Rules concerning announcement of sponsored programs. The present sponsorship identification requirements

Commission added that cable systems should not be allowed "to place broadcast signals in a setting of inequality, unfairness, and hidden sponsorship which would destroy the signals' integrity and defeat the purposes of the obligations imposed on broadcasters in the public interest." [17] The Commission rejected contentions that the regulations in some way impaired or abridged First Amendment rights by stating that "no one has a First Amendment right to provide broadcast signals in a manner contrary to the public interest" and that it is "immaterial that the scarcity of frequencies rationale underlying the First Amendment rulings in the broadcast field does not apply directly to the cable technology." [18] The scope of these requirements were further clarified by the Commission in *Memorandum Opinion and Order in Docket 18397*, FCC 70-377, 23 FCC 2d 825, 829-830 (1970), which held that these requirements were meant to cover ordinary cablecasting, not the distribution or dissemination of newspapers by cable and that the Commission had "no intention of regulating the print medium when it is distributed in facsimile by cable." [19] The Commission's basis for jurisdiction in adopting these rules did not stem at the time from any express statutory authority under the Communications Act but rather from the "reasonably ancillary to television broadcasting" standard first articulated by the Supreme Court in *United States* v. *Southwestern Cable Co.*, 392 U.S. 157 (1968). [20]

8. When the Commission determined in 1969 that cable operators should be subject to fairness and equal time requirements, it made the rules applicable to all "programming distributed on a CATV system which has been originated by the CATV operator or by another entity, exclusive of broadcast signals on the system," even though a cable operator might not have control over all the cable channels on which cable originations appeared. [21] However, the Commission subsequently made clear its intent that the rules should only "apply to programs originated by others than the CATV operator, when presented [on] the channel or channels *controlled* by the CATV operator." (emphasis added). [22]

9. The Commission retained these requirements in the *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 143 (1972). In this report, the Commission also adopted new rules that required new cable systems in the major television markets to provide access channels on a free or leased basis for use by outside parties. These channels were generally to be made available on a first-come, first-served non-discriminatory basis without the cable system operator having a general power of censorship over the programming submitted for distribution. [23] The Commission did not apply the fairness and equal time obligations to these access channels because

> The access requirements we are imposing differ considerably in scope and purpose from our origination requirement of Section 76.201. Because of the system operator's control over programming of originated material, it was necessary to impose such obligations as are involved in the "equal time" and "fairness" doctrines. Such requirements are not being imposed on use of the access channels because these channels are free of operator control and access is guaranteed. But they do remain in effect for deisgnated origination cablecasting channels. Should a cablecast by a canidate for political office on the origination channel prompt the necessity for providing equal time to an opponent, it must be provided on the origination channel. In this situation, the opponent's appearance on an access channel will not suffice. Similarly, should a controversial originated program raise a "fairness" issue, any countering views must also be presented on the origination channel. [24]

10. The cable television access rules were revised in the Commission's *Report and Order in Docket 20508*, FCC 76-313, 59 FCC 2d 294 (1976), to require only those cable systems serving 3,500 or more subscribers to provide access channels and facilities. The exemption from fairness and equal time requirements was not changed. However, the Supreme Court subsequently found that these access channel and facilities requirements exceeded the Commission's authority. [25] The Commission deleted the provisions in question in order to conform its rules with the Supreme Court's decision and, in so doing, stated that it would continue its previous policy of not applying the fairness and equal opportunities requirements to access-type programming provided, however, that "the channels in which such programming is presented themselves have inherent in their functioning access of a type which makes possible equal opportunities for political candidates and time for the provisions of programming covering all sides of controversial issues of public importance." [26] In the same order, the Commission indicated that it would follow a case-by-case approach concerning what types of channels of an access nature would be deemed to meet these requirements. [27]

C. Statutory Overview

11. In the same year that the Commission advised Congress of new major cable regulatory proposals, [28] which in large measure later became the *Cable Television Report and Order*, Congress amended the Communications Act in the *Federal Election Campaign Act of 1971*, Pub. L. 92-225, 86 Stat. 3(1972). The equal opportunities requirements of Section 315 were made directly applicable to "community antenna television system[s]" in subsection (f) through inclusion of that term within the definition of "broadcasting station". [29] The legislative history of this Act, however, suggests that expansion of Section 315 to cover cable television occurred without the benefit of extended consideration or discussion of the issue. The hearings and associated committee and conference reports appear to have focused almost entirely on campaign

---

applicable to cable systems are embodied in Section 76.221 of the Rules.

[17] *Id.* at 220-221. Our statutory authority over interstate communication by wire or radio necessarily encompasses power to prohibit CATV systems from carrying broadcast signals in conjunction with CATV origination that does not afford equal time to political candidates or present both sides of controversial issues of public importance or reveal program sponsorship. The CATV operator may conduct his origination in such fashion if he chooses to do so on a system carrying no broadcast signals. But we cannot permit the carriage of broadcast signals under circumstances so patently contrary to the public interest.

[18] *Id.* at 221-222.

[19] 23 FCC 2d at 829-830.

[20] *See First Report and Order in Docket 18397, supra*, at 221-222.

[21] *See* former §§ 76.1101(j), 76.1113, and 76.1115, *First Report and Order in Docket 18397, supra*, at 223 (Appendix).

[22] *Memorandum Opinion and Order in Docket 18397, supra*, at 830 n. 9.

[23] *See* former § 76.251(a) of the Rules, *Cable Television Report and Order, supra*, at 243-245 (Appendix A).

[24] 36 FCC 2d 196-7.

[25] *FCC v. Midwest Video Corp.*, 440 U.S. 689 (1979) (*Midwest Video II*).

[26] *Order in Docket 20508*, FCC 80-606, 83 FCC 2d 147 (1980).

[27] *Id.*

[28] *Cable Television Proposals*, 31 FCC 2d 115(1971).

[29] The *Federal Election Campaign Act of 1971* also applied Section 312(a)(7) of the Communications Act to cable systems. Title I of the 1971 Act amended the existing Section 312 by adding a new subsection (a)(7) which in essence guaranteed candidates for Federal elective office reasonable access on broadcast stations and, by cross-referencing to Section 315(f), included cable systems within the definition of broadcast station. See *Use of Broadcast and Cablecast Facilities by Candidates for Public Office*, 34 FCC 2d 510 at n. 2(1972). As a result of Congressional enactment of the *Federal Election Campaign Act Amendments of 1974*, Pub. L. 93-443, 88 Stat. 1263 (1974), however, Title I of the 1971 Act was repealed.

expenditure limitations. Although all communications media expenditures were limited by the new law, different limits applied to broadcast and non-broadcast enterprises and, in this regard, "community antenna television system(s)", under the new statute, were treated as being on the broadcast side of the dividing line. Although the Commission's own initiative in applying the Fairness Doctrine and equal opportunities rules to cable television had been brought to Congressional attention during the preceding year,[30] there is virtually no other discussion in the public record concerning these issues.

12. Moreover, although it appears from a reading of the statute that Congress intended to apply the equal political opportunities principle to cable television, Congressional intent is not clear with respect to the application of the Fairness Doctrine. While it has generally been assumed that the Fairness Doctrine was statutorily approved by Congress as a result of the 1959 amendments to the statue,[31] the obligations which the 1959 amendments sanctioned as permissible, if not mandatory, for broadcasting, did not then apply to cable television. Thus, it is uncertain whether Congress, in amending Section 315 to include cable television in the definition of "broadcasting station" for purposes of the equal time requirements, also intended to subject cable systems to statutorily-imposed Fairness Doctrine obligations.

III. Previous Research and Studies

13. The application of these policies to cable television also had been the subject of considerable discussion from both the private and governmental sectors. For example, the Communications Law Committee Section on Science and Technology of the American Bar Association recommended after a study of the issues involved "[t]hat no fairness or equal opportunities responsibilities be imposed upon cable television systems where access channel capacity exists."[32] Similarly, the Cabinet Committee on Cable Communications in its *Cable, Report to the President* (1974), urged:

> The programming, information or other services provided over cable should not be subject to administrative regulation of content * * *[33]

A more recent Congressional staff study, discussing the subject, says:

> rather than automatically incorporating concepts developed for the regulation of the broadcaster as a public trustee using scarce spectrum space, the FCC should have found that cable, with its channel abundance calls for different treatment. We therefore recommend the elimination of the fairness doctrine and equal opportunity obligations for all nonbroadcast cable operations. (footnote omitted.)[34]

14. The common thread which appears to underlie support for, at a minimum, repeal of the Fairness Doctrine, and, theoretically, would also lead to opposition to equal time obligations imposed on cable systems, is that cable systems do not occupy radio frequency spectrum space—an allegedly scarce resource—in the same manner as broadcasters and have an abundance of channel capacity subject only to economic constraints, not the physical limitations which exist in the broadcast area.

15. This scarcity of frequencies rationale might be considered to provide a basis for the different treatment accorded broadcasters under the First Amendment but, as stated by many commentators who have written on this subject, it is an inadequate basis for imposition of such requirements on cable systems. Although under the rationale applied to broadcasting, courts have recognized a First Amendment right in the general listening and viewing public that is considered to have priority over the competing First Amendment rights of broadcasters, the courts have been reluctant to apply the same rationale to other media. While the Supreme Court upheld the political editorializing and personal attack aspects of the Commission's Fairness Doctrine in the *Red Lion* case on the basis of scarcity of over-the-air radio frequencies, it has declined to apply similar type regulations to other media. Those who argue in opposition to the application of the Fairness Doctrine to cable television generally maintain that the scarcity rationale is inapplicable to cable television because cable systems do not make direct use of the electromagnetic radio spectrum and, unlike television broadcasters, are communications systems with abundant channel capacity.[35]

16. The Commission has been asked on several occasions to consider either revision or elimination of the Fairness

---

[30] FCC Chairman Dean Burch, however, gave some testimony in June, 1970, on this subject:

> The Commission has recently issued rules which in effect make the requirements of Section 315 applicable to cable systems. The Commission has stated its view that it has ample authority to do so. Since the Congress is now considering revisions of Section 315 we believe it appropriate to bring these actions to the Subcommittee's attention.

Political Broadcasting, 1970: Hearings on H.R. 13721 and Related Bills Before the Subcommittee on Communications and Power, No. 91-57, 91st Cong., 2d Sess. at 13.

[31] Section 1 of the *Act of September 14, 1959, supra*, among other things, added the following language to Section 315:

> Nothing in the foregoing shall be construed as relieving broadcasters in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

There has been some authority that the above amendment codified the Fairness Doctrine into statutory law. *See, e.g., Brandywine-Main Line Radio, Inc.*, 24 FCC 2d 18 (1970), *affirmed* 473 F. 2d 16, 37–44 (D.C. Cir. 1972), *cert. denied*, 412 U.S. 922 (1973); *but see Public Interest Research Group v. FCC*, 522 F. 2d 1060 (1st Cir. 1975), *Straus Communications, Inc. v. FCC*, 530 F. 2d 1001(D.C. Cir. 1976), as well as Manelli, *Legislative History of the Fairness Doctrine*, Staff Study for the Committee on Interstate and Foreign Commerce, 90th Cong., 1st Sess. 21–22 (1968), all of which suggest that Congress merely gave statutory recognition to the Commission's adoption of the Fairness Doctrine and that the doctrine was not codified.

[32] "Electronic Journalism and First Amendment Problems," Recommendations of Communications Law Committee Section on Science and Technology, American Bar Association, 29 *Fed. Com. B. J. 1, 3 (1976)*.

[33] At 37–38. It further stated: Administrative regulation of broadcast programs has been sanctioned by the Supreme Court on the grounds that it assists in achievement of First Admendment goals under conditions of vertical integration and a scarcity of broadcast frequencies. But with no use of public airwaves, with a large number of channels, and with implementation of a separations policy, there is no need to resort to governmentally-imposed approximations in the cable medium. Under such conditions, use of the Fairness Doctrine, the equal time rule, and other forms of program content control to regulate what the audience can or must see and hear would simply be an end in itself—an unconscionable choice for a free society.

[34] *Cable Television: Promise Versus Regulatory Performance* at 72, Staf of House Communications Subcommittee, 94th Cong., 2d Sess. (Subcommittee Print 1976). For other commentary on the subject, *see* Barrow, Roscoe ., "The Fairness Doctrine: A Double Standard for Electronic Print Media," 26 *Hastings L. .* 659 (1975); *Report on Cable Television and Cable Telecommunications in New York City*, (Friendly Report), The Mayor's Advisory Task Force on CATV and Telecommunications (1968); Simmons, Steven J., "The Fairness Doctrine and Cable TV," 11 *Harv. j. Legis.* 629 (1974); Collins, Tom A., "The Future of Cable Communications and the Fairness Codtrine," 24 *Cath. Univ. L. Rev.* 833 (1975); Schmidt, Benno C., Jr., *Freedom of the Press v. Public Access*, Aspen Institute Program on Communications and Society (New York: Praeger Publishers), 1976; and Price, Monroe E., "Requiem for the Wired Nation: Cable Rulemaking at the FCC," 61 *Va. L. Rev.* 541 (1975).[304]

[35] Of particular interest, the Supreme Court in the *Red Lion* case declined to decide the question of "whether, *quite apart from scarcity of frequencies, technological or economic*, Congress does not abridge freedom of speech or press by legislation directly or indirectly multiplying the voices and views presented to the public through tine sharing, fairness doctrines, or other devices which limit or dissipate the power of those who sit astride the channels of communication with the general public. *Cf. Citizen Publishing Co. v. United States*, 394 U.S. 131 (1969)." 395 U.S. at 400 n. 28 (emphasis added). That question, however, might well have been decided in *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 214 (1974), discussed in paras. 19 *et seq., infra*.

Doctrine and equal opportunity rules applicable to cable television. In *Report and Order in Docket 19988, supra,* it concluded that the mandatory program origination rule should be deleted but nevertheless declined to repeal the associated fairness and equal opportunities rules. Upon reconsideration, the Commission indicated that the changing of these requirements is "an important issue requiring careful consideration after the widest possible comment" but that "the context in which it has been presented in this proceeding has not afforded us the benefit of the wide range of views we might otherwise expect." *Memorandum Opinion and Order in Docket 19988,* 53 FCC 2d 1104, 1105. We stated that it would be "unwise to decide such a significant issue upon so sparse a record" and concluded that "it should be dealt with in a separate proceeding where both interested parties and the Commission can focus upon it." *Id.*

17. In 1975, the Commission received a formal request to commence rule making on the question of allowing cable systems to satisfy all of the obligations under the fairness and equal time rules through the provison of appropriate access channels and facilities. At the time of the request, the Commission had cable access rules which required certain cable systems to provide public and certain other designated access channels on a first-come first-served basis and to have available access facilities including studios. *See* former Sections 76.251–257 of the Commission's Rules. The petitioners of this request believed that these changes would be appropriate in view of the fact that cable systems did not use spectrum space and had potentially high channel capacity. The Commission responded by stating that "[f]airness and equal time through access is premised upon an abundance of available unused channel capacity readily available on demand for leased or pulic access use with audiences comparable to those of origination programming." *Fairness Doctrine and Equal Time Rules Re CATV,* 62 FCC 2d 61, 62 (1976). The Commission denied the petition, however, observing that "[t]his situation might be present in a mature cable television industry but does not exist today" but held open the possibility of re-examining the question of elimination of these requirements "at a future time upon a showing of changes within the cable industry consistent with this opinion." *Id.*

IV. Case Law Developments

18. In addition to the concerns in writings and reports from the private and govenmental sectors, judicial case law that has evolved since these policies were first applied to cable television casts some doubt on the constitutionality and overall wisdom of retaining these requirements in their present form, if at all. These developments suggest further reason why fairness and equal time principles should be reexamined in their cable television application.

19. We note, at the outset, that the Surpreme Court has cautioned against "freez[ing] a necessarily dynamic process into a constitutional holding." *CBS v. Democratic National Committee,* 412 U.S. 94, 132 (1973), and, for this reason alone, we are wary of casting in a rigid mold rules and regulations which are intertwined with constitutional considerations and which apply to an area of communications which generally is subject to dynamic technological change. Of special import for purposes of this proceeding is the Supreme Court's statement in *Red Lion Broadcasting, supra,* at 386, that "differences in the characteristics of news media justify differences in the First Amendment standards applied to them. *Joseph Burstyn, Inc. v. Wilson,* 343 U.S. 495, 503 (1952)." This suggests, if not dictates, the necessity of determining whether the differences between broadcasting and other media including cable television compel the application of different regulatory policies where First Amendment principles are involved. On this point, the Supreme Court's response has been that broadcasting and the print media are indeed subject to differing constitutional standards due to the differing natures of the two media. For example, while the Supreme Court upheld as constitutionally valid the political editorializing as well as the personal attack aspects[36] of the Fairness Doctrine imposed on broadcasters,[37] it invalidated a state statute which created a right of reply to press criticism of political candidates in *Miami Herald Publishing Co. v. Tornillo, supra*

20. In the former case the Court found that the Commission's application of the Fairness Doctrine did not have a chilling effect upon free speech but instead enhanced the First Amendment interests of viewers and listeners. In the latter case, however, it concluded that the right of reply statute as applied to the print media could in its operation have an inhibiting effect on the editorial discretion exercised by newspaper publishers. The critical difference between *Red Lion* and *Miami Herald* appears to hinge on the Supreme Court's view that broadcasting involves the use of a scarce public resource while newspapers do not.[38]

21. Of special note, two court decisions that expressly deal with cable television have seized upon the differences between cable television and broadcasting as a possible basis for according cable television differing treatment under the First Amendment. In *Home Box Office, Inc. v. FCC,* 567 F. 2d 9, 45 (D.C. Cir. 1977), *cert. denied,* 434 U.S. 829 (1977), a case which invalidated restrictions on subscription cablecasting originations, the United States Court of Appeals for the District of Columbia stated:

> The First Amendment theory espoused in *National Broadcasting Co.* and reaffirmed in *Red Lion Broadcasting Co.* cannot be directly applied to cable television service since an essential precondition of that theory—physical interference and scarcity requiring an umpiring role for government—is absent. (footnote omitted).

There, the court, in making reference to the *Miami Herald* newspaper right of reply case, observed that "scarcity which is the result solely of economic conditions is apparently insufficient to justify even limited intrusion into the First Amendment right of the conventional press" and surmised that "there is nothing in the record to suggest a constitutional distinction between cable television and newspapers on this point." (footnote omitted). *Id.* at 46. Similar views were given in *Midwest Video Corp. v. FCC,* 571 F. 2d 1025 (8th Cir. 1978), a case in which the United States Court of Appeals for the Eighth Circuit held that the Commission's cable television access rules exceeded the agency's statutory authority under the Communications Act.[39]

---

[36] In upholding these aspects of the Fairness Doctrine, the Court added that "[i]n terms of constitutional principle, and as enforced sharing of a scarce resource, the personal attack and political editorial rules are indistinguishable from the equal-time provision of section 315." 395 U.S. at 391.

[37] The Court did state, however, that "broadcasting is clearly a medium affected by a First Amendment interest. *United States v. Paramount Pictures, Inc.,* 334 U.S. 131, 166 (1948)." *Red Lion Broadcasting, supra,* at 386.

[38] This view was most recently reiterated in *CBS, Inc. v. FCC,* 453 U.S. 367 (1981), where the Supreme Court, in upholding the Commission's interpretation and application of Section 312(a)(7) of the Act, stated that "[a] licensed broadcaster is 'granted the free and exclusive use of a limited and valuable part of the public domain; when he accepts that franchise it is burdened by enforcable public obligations.' *Office of Communication of the United Church of Christ v. FCC,* 123 U.S. App. D.C. 328, 337, 359 F. 3d 994, 1003 (1966).

[39] The court, however, declined to rest its decision on its discussion of the constitutional questions

22. In both cases, the courts indicated that cablecasting is an activity that comes under the protective mantle of the First Amendment.[40] In both cases, the courts also intimated that no nexus appeared to exist between cablecasting and broadcast retransmission activities that would justify restrictions or incursions on the cablecast activities, of cable operators.[41] They also rejected the notion that the Commission in some sense owns the broadcast spectrum and therefore can condition use of broadcast signals or the programs on such signals upon compliance with restrictions in such other areas as cablecasting or access.[42] They further indicated that since no direct use of a scarce resource in the federal domain is involved in cable television operations, no governmental privilege in general attaches to the operations of cable television operator.[43]

23. In view of the opinions expressed in both *Home Box Office* and *Midwest Video* to the effect that the scarcity rationale is not directly applicable to cable television and cablecasting is a protected activity under the First Amendment, it would seem that the reasoning which sustained the restrictions on broadcasting in *Red Lion* in the form of Fairness Doctrine obligations might not suffice to sustain application of similar regulations in the cable television area.[44] These cases further suggests difficulty in finding a nexus between broadcast retransmission and cablecasting that would support restrictions on the activities of cablecasters from either a jurisdictional or constitutional viewpoint. In sum, these cases raise serious questons whether the initial reasons for promulgation of these rules would withstand constitutional challenge if they were to come under judicial scrutiny today.

V. Change in the Cable Industry and Communications Sector in General

24. Changes in technology in cable television and related industries also are, in our opinion, germane to the question of continuance or alteration of the rules under review here. As noted in the FCC staff report submitted to Senator Goldwater entitled *Cable Television and the Political Broadcasting Laws: The 1980 Election Experience and Proposals for Change* (January 1981),[45] while the majority of cable systems now in existence have relatively limited channel capacities, new systems being constructed today will have significant channel capacity in the order of 35, 50, or 100 cable channels.[46] In addition, many existing systems with small channel capacities are already in the process of being rebuilt with significantly greater channel capacities and with the potential to provide many additional new program and information services. In some instances, this is being done on a voluntary basis by cable operators in an effort to meet present or anticipated marketplace demands. In other instances, it is being undertaken by cable operators in response to pressure exerted upon them by local franchising authorities or community officials who believe that some degree of parity in service and channel capacity between new systems being built today and existing systems presently serving their communities not an unreasonable expectation. In other related communications fields, there are advances being made which have the potential for increasing the number of communication outlets available to the public.

25. We believe that these trends toward systems of increased channel capacity reflect a change in the industry from one which, from its inception, predominantly relied on broadcast signal retransmission for its existence, to one which is increasingly turning to nonbroadcast program and information sources and services. In our estimation, satellite technology has played a major role in this transformation. As a result of satellite technology, cable systems and their subscribers have access to an extremely rich and divergent mix of program and information services. For example, there are already 24-hour news services, ethnic, youth, and adult-oriented program channels. There are in operation or under development, religious program channels, political affairs channel, all weather, all sports, health channels, channels of foreign language programming, of cultural programming, women's programming, and regionally oriented satellite networks. In addition, many new program or information services are in the developmental stage and will be added to the existing list of cable satellite networks that now provide diversified information and programming to the public. Consequently, it would appear that the "scarcity, which in turn, generated a need for government supervision to ensure a robust marketplace of ideas"[47] in the broadcast area would seem to have even less relevance that it might ever have had to cable television.

26. Moreover, the abundance of channel capacity on cable television also provides increased opportunities for new degrees of diversity of programming and information originated at the local level. Such abundance presents new access opportunities to communities and their citizenry. While we no longer have the authority to compel cable operators to provide access channels and services under the *Midwest Video II* decision, we note that many cable operators are nevertheless providing access channels and services (either voluntarily or pursuant to state or local laws) for use by the general public, by educational institutions and authorities, and by local governments—a result we had sought under the aegis of our cable television access regulations. We would expect these trends to continue and to contribute further toward diversity in the

---

raised since their resolution was not essential in resolving the case. 571. F. 2d at 1052. Similarly, in affirming the lower court's decision, the Supreme Court rested its decision on statutory grounds and declined to comment on the constitutional question "save to acknowledge that it is not frivolous." *Midwest Video II, supra*, at 709 n. 19.

[40] *See Home Box Office, supra*, at 49–50 and *Midwest Video Corp., supra*, at 1054. In this rule making proceeding, the cablecast activities of cable operators and others are the subject of the restrictions under review.

[41] *See, e.g.*, in *Home Box Office*, 567 F.2d at 45 n. 80, where the court stated that "on the record before us there is no evidence that cablecasting and signal retransmission are not completely separate and distinct activities;" or in *Midwest Video*, 571 F. 2d at 1054, where the court stated that "[i]f there be any arguable relationship between cablecasting and retransmission, it would appear far too tenuous and uncertain to warrant a cavalier overriding of First Amendment rights present in cablecasting.

[42] *See Home Box Office, Inc., supra*, at 45 n. 80. The *Midwest Video* opinion is laced with statements to that effect. "The Commission does not 'own' broadcast programs, and may not lawfully condition their transmission on compliance with any and every rule it may devise." *Id.* at 1043. "[W]e reject the argument [that]the Commission] may so condition broadcast retransmission which has not even the nexus to cablecasting that highways may have to trucking." *Id.* at 1052.

[43] For example, the *Midwest Video* court stated that "[i]n retransmitting broadcast programs, cable systems use no 'limited and valuable part,' or any other part of the federal public domain." *Id.* at 1043.

[44] The same considerations would appear to apply at least on the surface to the imposition of equal time on cable operators since the fairness and equal time requirements appear to stand on essentially the same constitutional footing. See n. 30, *infra*.

[45] A copy of the report will be included in this docket and will be made available for comment by interested persons.

[46] *See, e.g., Cablevision Magazine* at 78 (July 20, 1981) which reported prospective cable television applicants for New York City franchises proposing cable systems with over 100 cable channels.

[47] *Leflore Broadcasting Company et al. v. FCC*, 636 F. 2d 454, 457 (D.C. Cir. 1980). If, as the court stated in that case, "[t]he rationale most frequently advanced for varying the First Amendment treatment of newspapers and broadcast stations-the relative scarcity of broadcast frequencies—is increasingly open to dispute, "(footnote omitted), we would expect that the application of the scarcity principle to cable television would generate even greater debate and controversy.

marketplace of ideas and toward fostering "uninhibited, robust, and wide-open" debate on public issues in the community. *See Cable Television Report and Order, supra,* at 194.

27. We are also witnessing the development of new electronic means to distribute newspaper, magazine, and other similar type information into consumers' homes. Already in existence on some cable systems are services such as teletext and videotex whereby alphanumeric and/or graphic information is transmitted via cable television to cable subscribers. In some instances, the newspaper or magazine information might be transmitted in facsimile to the cable subscriber whereas in other instances the textual information and material might be arranged or edited by a cable operator or other cablecaster and then made available for distribution or transmission on the cable system to subscribers. These developments would seem to suggest the need to reexamine the distinction in treatment between the print and electronic video media as these services continue to converge.[28]

VI. NTIA Petition

28. Also pending before us is a petition for rule making (RM–3676) from NTIA which requests that we alter these policies to allow "access" channels to operate as a complete substitute for compliance with the Fairness Doctrine. NTIA argues that the Fairness Doctrine stems from scarcity considerations in the broadcast field and should not apply to a multi-channel enterprise when it provides a public access channel. It maintains that with the modern cable system in the range of 20–30 channels and the next generation of systems serving urban areas and having double or more that channel capacity, the problem of scarcity vis-a-vis providing a public access channel on a voluntary basis has diminished. Furthermore, NTIA argues that there is no statutory requirement for fairness since the legislative history of the *Federal Election Campaign Act of 1971, supra,* does not indicate any Congressional intention to apply the doctrine to cable but rather to impose campaign expenditure limitations on broadcast and nonbroadcast media alike. Moreover, the NTIA petition states that even if a statutory requirement of fairness exists with respect to cable television, the Commission has considerable discretion in implementing such a requirement and, accordingly, is not precluded from adopting the rule changes which it proposes. In sum, NTIA requests that the Commission: (1) Propose to exempt from the Fairness Doctrine cable systems that have a public access channel; (2) inquire whether there should be any limitations or definitions as to what constitutes access; and (3) address any other legal or policy issues raised. In its opinion, the Commission should promptly initiate a rule making proceeding and should not delay be making this proceeding a general forum for in-depth consideration of all issues that may arise in the cable field.

29. Cable News Network (CNN) and the National Cable Television Association (NCTA) were the only parties to offer comment on the petition. CNN supports the petition but believes that Commission rule making in this area should include repeal of the applicability of the Fairness Doctrine to all system-originated programming whether or not the cable system operator provides a public access channel. In light of the absence of technological scarcity and the increasing number of available programming alternatives, it maintains that no constitutional basis exists for applying the Fairness Doctrine to cable television.

30. NCTA opposes the petition for the very same reason that CNN expresses reservations about it, that is, that the petition only recommends elimination of the Fairness Doctrine to cable systems with public access channels. In addition, NCTA also believes that the petition does not fully address the First Amendment ramifications of the application of this doctrine to cable. According to NCTA, the presence or absence of a public access channel is irrevlevant to the constitutional implications of the doctrine. In its opinion, cable television may properly be referred to as an "electronic newspaper" and the cable operator as a "video publisher." NCTA argues that cable technology undercuts the "scarcity" rationale and, accordingly, a different regulatory framework from that imposed upon broadcasters is dictated. NCTA maintains that the government cannot condition cable program originations on the provision of a public access channel because access requirements are of dubious constitutionality in light of *Midwest Video II, supra.*

VIII. Rule Making Proposals

31. As the preceding sections suggest, the application of these requirements to cable television is fraught with practical, theoretical, and constitutional difficulties. We ae especially concerned that the requirements in their present form, if challenged today, might not withstand constitutional scrutiny by the courts in vew of the Supreme Court's decision in *Miami Herald* and in light of dicta in both the *Home Box Office* and *Midwest Video* cases.[29] Despite these concerns, we recognize that our ability to alter certain of these requirements is constrained by statute. Under these circumstances, our task it to devise rules and policies that will avoid, to the extent possible, constitutional confrontation yet at the same time fulfill the statutory mandate imposed by Congress. With these considerations in mind, we hereby request comment on all aspects of the rules, the need for them, their practical effect on cable operators and cablecasters and on the public in general, and on whether these rules can or should be retained, modified, or eliminated.

A. Alternative Approaches

32. We are particularly interested in whether some of the infirmities which might now exist in the rules can be avoided by altering the manner in which they are administered. NTIA has proffered one such alternative for consideration. Under this proposal, cable systems providing a public access channel available for use by outside parties on an uncensored first-come, first-served basis, would be regarded as having satisfied all of the fairness and equal time obligations imposed on them by statute and the rules.[30] This would

---

[28] As reported in one newspaper article, the "[l]ines between newspapers and cable broadcast operations are likely to be less clear than they may have been between daily newspapers and related television stations in the past." See "Washington Post Plans Local Cable TV Project," *The Washington Post* (December 29, 1981).

[29] *See also* the dissenting opinion of Judge Markey in *Community Communications Company, Inc. v. City of Boulder, Colorado, et al.*, 630 F. 2d 704, 710–714 (10th Cir. 1980), *rev'd* 50 U.S.L.W. 4144 (January 13, 1982). We recognize, however, that First Amendment issues in the cable area are complex and susceptible to oversimplification. We note, for example, that the involvement of local government in the franching of cable systems and the *de facto* exclusivity of these agreements might arguable bring into play the "state action" doctrine and require that some type of access and, in particular, political access, be afforded. *Cf. Marsh v. Alabama*, 326 U.S. 501 (1946) and *Public Utilities Commission v. Pollack*, 343 U.S. 451 (1952). In addition, to the extent cable systems are regarded as "bottleneck" facilities, commercial access might e required under the antitrust laws. *U.S. v. Terminal Railroad Association*, 224 U.S. 383 (1912), notwithstanding arguments that to do so would violate the First Amendment. *See Associated Press v. U.S.*, 326 U.S. 1, 20 (1945).

[30] NTIA offers little guidance or insight concerning what type of public access or public access channel would under its proposal satisfy a cable operator's obligations. Instead, it recommends inquiry on whether any limitations or definitions

represent a departure from previous policy whereby we generally considered each channel individually in reviewing compliance with the fairness and equal time requirements. The positive attributes of this approach would be: access as an alternative would be far less intrusive into the editorial functions of cable operators and cablecasters than would strict application of fairness and equal time to cable originations; it could possibly remove whatever disincentive might exist for not presenting controversial programming and therefore have less of a chilling effect on speech; and an access alternative might be better suited for fostering public debate and diversity of opinion especially in view of the fact that access is uncensored and the operator is not forced to exercise editorial control over all the cable channels.

33. A number of difficulties with the existing rules which this, or other alternatives, might help to eliminate or mitigate are worth reviewing in some detail. First, one of the primary arguments against equal time and fairness type requirements has been that, although intended to assure that the public is better informed on issues of public importance and of issues relating to electoral choices, the rules can have a contrary "chilling" effect on the coverage of these issues—creating their own set of incentives for the avoidance of controversy and for limiting the exposure that is given to candidates for political office. While arguments continue as to the degree of such effects in the *broadcast* context, there are a number of reasons which suggest that these counterproductive incentives may be even stronger in the cable context. Broadcasters, under the Fairness Doctrine, under Section 312(a) of the Act, and as a consequence of the comparative licensing and renewal process, are not free to react to troublesome problems under these rules by simply refusing to participate in the coverage of controversial issues or of candidates for elective office. The federal regulagory structure applicable to the cable television industry, however, has generally not been interpreted as imposing such obligations, so that if onerous obligations are associated with content control requirements, a viable option might be for the system operator simply to refuse to participate in the coverage of such matters. Alternative types of rules, such as those suggested by NTIA, would have the advantage of separating the system operator's obligations for "equal time" or fairness from a consideration of the operator's own programming. Thus, the operator would not have to temper its programming with a view toward the avoidance of legal entanglements. Balance of fairness in coverage would be created through the opportunity for uncensored access.

34. A second set of problems, which this alternative might ease or eliminate, relates to the program distribution modes that now predominate in the cable television industry. In the main, cable systems perform in a largely passive mode in distributing nonbroadcast programming. While some programming is produced locally, the vast majority of cable distributed nonbroadcast programming is produced and packaged elsewhere and distributed for cable system use over the facilities of space satellites and regional microwave interconnection systems. A large number of systems distributing this programming are small systems that lack any local origination capacity. And while other systems have programming capacity, they may nevertheless find it awkward to make additional time available because that would require the deletion of other programming. For these reasons, severe technical difficulties and practical problems may be associated with the obligation of the local cable system operator (the responsible party under the rules) to make equal opportunities available for candidates or to assure balance in the coverage of controversial issues of public importance. In some respects this pattern is not that dissimilar to that which prevails between the major television networks and their affiliated stations but, in other respects, the situation is different. For a variety of historical reasons, it generally has been possible for the Commission to enforce these policies in the broadcast context directly through the networks.[51] In the broadcast field, it is to the network that, as a practical matter, affected parties look for political broadcast time or time responsive to issues of fairness and balance in programming. It is not at all clear that this pattern could be followed in the cable context where neither the program suppliers nor distributors are Commission licensees. The ability to seek enforcement through the television networks substantially reduces the burden of compliance on individual television licensees and also lessens the administrative burden of enforcement by the Commission. These same practical problems in obtaining compliance might not be capable of similar resolution in the cable context because our limited cabled jurisdiction might preclude compliance through cable networks. However, by permitting response time to be made available on the other channels, governmental involement in this area of program content might be reduced significantly.

35. There are additional practical problems that bear upon NTIA's proposed alternative and relate to the types of programming services which cable systems distribute. While the rules in the broadcast context are not format specific, they are clearly based on a system of broadcasting which is supported by commercial advertising and which consists mainly of entertainment programming interrupted by occasional newscasts or public affairs programs. However, new program formats especially for the video channels of cable systems have developed and they have created a host of potential disputes under the content control rules. Several examples may help to illustrate the point. First, questions arise as to whether some of the existing cable program services might fit entirely within exemptions to the equal opportunities requirements of Section 315. The Cable Satellite Public Affairs Network (C–SPAN), for example, devotes a considerable amount of time to coverage of the proceedings of the U.S. House of Representatives and, as a consequence, this results in appearances by many elected officials who, as incumbents, are candidates for reelection or, as aspirants for higher office, are candidates for different elective offices. But for the fact that the equal time requirements do not, as a consequence of specific exemptions in Section 315, apply to "on-the-spot coverage of bona fide news events," to a "bona fide news documentary," etc., challengers could well claim the right to equal time." The Cable News Network is a distributor of news programming, some of which consists of commentary and more indepth news analysis. Its carriage would, presumable, subject the cable operator to the requirements of the Fairness Doctrine and the equal time rules. With respect to the latter, however, it might be claimed that the entire channel of programming comes within the exemption accorded to "bona

should be adopted to resolve questions concerning what constitutes access. We agree and therefore request comment on what threshold public access standards would be suitable for adoption under this approach.

[51] *See, e.g., CBS, Inc. v. FCC*, 629 F. 2d 1, 25–27 (D.C. Cir. 1980), *aff'd 453 U.S. 367 (1981) (The Carter/Mondale Presidential Committee proceeding)* (Section 312(a)(7) imposes "an obligation to provide access not just upon individual stations but upon those who, by practice and contractual relationship, control the best practical means of efficiently acquiring national access—to wit, the networks").

fide newscast[s]." [52] To further illustrate differences in program modes between cable and conventional broadcasting, much of the satellite distributed programming consists of pay television, programming. Especially where such programming is distributed with a separate charge for each program, it is not clear that application of either fairness or equal time requirements would be meaningful since, for example, minor party candidates would not likely attract any audience whatsoever for their responses. Thus, it can be seen that, in the cable context (as well as increasingly in the broadcasting context), new types of programming formats are likely to play havoc with prior precedents. We accordingly seek comment on the best manner of application of the rules in these new areas.

36. Another important consideration weighing in favor of a change in policy, relates to the "anti-diversity" effects of the existing rules. The motivating principles in this area of the law, generallly traced back to the First Amendment to the Constitution, emphasize the societal interest in a diversity of points of view.[53] In the broadcast realm each broadcaster perrforms as an editor [54] and is charged with responsibility for virtually all programming that is transmitted.[55] While there are real questions as to the efficacy of the various policies applied to create this debate over issues in the broadcast realm, it is apparent that the existence of a variety of different "editors" or control points is vital to creating any semblance of public debate.

37. The application of fairness and equal time policies in their present form to multichannel cable television system operators, however, runs directly counter to this objective to the extent it *forces* the system operator to assume legal responsibility and hence editorial control over all of the many channels of programming that may be distributed.[56] However, by permitting the system operator, on a voluntary basis, to satisfy all obligations under the equal time and fairness rules by simply making additional channel time available to outside parties, this control concentrating aspect of the rules would be significantly diluted.

38. We do not mean to suggest, however, that there would not be difficulties with the NTIA alternative. Questions remain as to what the practical consequences of such a policy would be and as to whether this is an option available to us under existing law and precedent. With respect to the first point, it is apparent that were our only objective to provide all candidates for public office and all points of view on controversial issues with an equal audience, that this alternative would not be a satisfactory one. A beneficial aspect of this alternative would be that video access would be uncensored and uninhibited, but each programmer would be individually responsible for attracting an audience. In considering whether this makes the NTIA alternative an acceptable one, it is important to emphasize that we do not view these requirements to be attempts to guarantee absolute equality of exposure to ideas or candidates in what is after all intended to be a somewhat rough and tumble marketplace for the presentation of competing viewpoints. Under the First Amendment, the media generally participate in this process without any superintendance at all, save from the readers and viewers they must attract and serve. Although the Commission has emphasized that the availability of audience is a factor that must be considered in determining whether "equal opportunities" have been provided under Section 315 [57] and fairness granted,[58] we do not believe insurmountable problems would be created if periods of equal audience *potential* were made available with the responsibility for the size of the *actual* audience left with the party responsible for the program. In light of the general expansion of the video outlets that is taking place, the differences between broadcast and cable economics (i.e. audience in the cable context may be an unknown factor given the present state of the audience surveying art), and the constitutional considerations that suggest the desirability of limiting our intrusion into content control areas, we believe this alternative may be a desirable one.[59] However, we ask for specific comment on the details of how such a change in policy might be implemented and how it would function as a practical matter.

39. The question of whether an alternative mechanism for enforcing these rules either as suggested by NTIA or through judging the output of all cable channels to determine compliance can be squared with statutory requirements has two parts—whether such alternatives would comply with the requirements of Section 315 and whether they are forbidden to the Commission under the Supreme Court's *Midwest Video II* decision. With respect to the first point, as long as it is clear that the Commission's purpose is to further rather than undercut the stated objective of the law, we believe the courts would

---

[52] Some of the considerations that enter into whether a particular program is exempt under one of the news-type categories might arguably apply in determining whether an entire channel or program format ought to be exempt. For example, the Commission in rulings on whether a program is exempt as a "bona fide news interview" from equal time obligations has considered such factors as: (1) Whether it is regularly scheduled; (2) how long it has been broadcast; (3) whether the broadcaster produces and controls the program; (4) whether the broadcaster's decision on the format, content and participants are based on his reasonable good faith journalistic judgment rather than on an intention to advance the candidacy of a particular person; and (5) whether selection of persons to be interviewed and topics to be discussed are based on their newsworthiness. *See Law of Political Broadcasting and Cablecasting*, FCC 78–523, 69 FCC 2d 2209, 2210 (1978); *Lar Daly*, 40 FCC 314 (1960) ("Today" program exempt); *Multimedia Program Productions, Inc.*, 80 FCC 2d 217 (1980) ("Phil Donahue Show" held not exempt); *Socialist Workers Party*, FCC 77–440, 65 FCC 2d 229 (1976) ("Tomorrow" is not a news interview program).

[53] *See, e.g., United States v. Associated Press*, 52 F. Supp. 362, 372 (S.D.N.Y. 1943) ("right conclusions are more likely to be gathered out of a mulititude of tongues, than through any kind of authoritative selection"), *aff'd* 326 U.S. 1 (1945); *see also New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964) (Supreme Court's recognition that underlying the First Amendment is a "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open").

[54] For a discussion of the concept of broadcasting as editor, *see Columbia Broadcast System v. Democratic National Committee*, 412 U.S. 94, 124 (1973). In noting the editorial responsibilities of broadcasters, the Supreme Court stated: "For better or worse, editing is what editors are for; and editing is the selection and choice of material."

[55] *See e.g., 1960 Commission En Banc Programming Inquiry*, FCC 60–970, 44 FCC 2303, 2311–12 (1960); *In re Licensee Responsibility to Review Records Before Their Broadcast*, FCC 71–205, 28 FCC 2d 409 (1971); *Public Notice re Foreign Language Programs*, 9 RR 2d 1901 (1967); *Licensee Responsibility to Exercise Adequate Control Over Foreign Language Programs*, FCC 73–289, 39 FCC 2d 1037, 1039 (1973); and *Cosmopolitan Broadcasting Corporation v. FCC*, 581 F. 2d 917 (D.C. Cir. 1978) (court held Commission justified in concluding that the licensee had failed to retain responsibility for programming and had failed to retain familiarity over foreign language programming).

[56] In the extreme, these requirements could force cable operators to have translators on hand in order to ensure that the operator's obligations were met with respect to channel carriage of foreign language programming as well as a bank of editors to oversee the system's output on the multiple channels of programming.

[57] *Socialist Workers Party*, 40 FCC 2d 286 (1962) ("Factors such as the size of the potential audience because of the appearance of the first candidate on an established or popular program should obviously be considered by the parties in reaching a satisfactory and equitable adjustment of the problem").

[58] *Committee for Fair Broadcasting*, 25 FCC 2d 283, 293 (1970) ("[I]t is patently unreasonable for a licensee consistently to present one side in prime time and to relegate the contrasting viewpoint to periods outside prime time").

[59] The Supreme Court's opinion in *Columbia Broadcasting Company v. Democratic National Committee*, 412 U.S. 94, 125 (1973) is perhaps on point here when it states that "[c]alculated risks of abuse are taken in order to preserve higher values."

provide us with considerable leeway in view of the changes in the telecommunications world that have occured since Section 315 was applied to "community antenna television." For example, just as the totality of a station's programming is judged in ascertaining compliance with the Fairness Doctrine, similarly, an approach which looks to the totality of channels including access on the cable system in the community might similarly comprise the criteria for satisfaction of Fairness Doctrine obligations. In the broadcast context we have previously held that access can supplement but cannot operate as a surrogate for the broadcaster's public interest obligations under the Fairness Doctrine and, accordingly, we rejected this approach for broadcasting. *Report and Order in BC Docket 78–60,* FCC 79–706, 74 FCC 2d 163 (1979), *recons. denied,* FCC 82–185, 89 FCC 2d 916 (1982). In that report, we stated that "it appears questionable whether the Commission could act to offer a comprehensive mandatory access plan as a substitute for the present system of compliance with the Fairness Doctrine" but added that even if we were to adopt a voluntary system of access as proposed, "we would first need to evaluate the plan's viability by weighing 'the nature and scope of issued coverage actually achieved under the current system of fairness doctrine implementation.'" *Id.* at 170 *quoting from National Citizens Committee for Broadcasting v. FCC,* 567 F. 2d 1095 (D.C. Cir. 1977), *cert. denied,* 436 U.S. 775 (1978). Although we concluded that the access system proposed therein contained imperfections that made it an unsuitable alternative in the broadcast context, we did not address whether similar criteria for a workable access system could be achieved in a cable television context.[60] In addition, because cable television is a medium "not subject to the finite technological limitations of time that confromt a broadcaster," see *Miami Herald, supra,* the technological differences between the broadcast and cable media might provide the basis for employing a different regulatory approach in the cable television area.

40. The second matter concerning our authority to adopt these alternatives turns on an interpretation of Section 3(h) of the Communications Act as it has been applied to cable television. The Commission's 1972 cable television rules required larger cable television systems to make some channel time available to outside parties for use on either a free or leased basis. The Commission justified these rules and rested its authority to adopt them on the proposition that they would further the effectuation of broadcast policies set forth in Title III of the Communications Act.[61] On appeal from a later revision of these rules,[62] the Supreme Court held that they exceeded the Commission's authority because cable was being regulated in a manner ancilliary to the Commission's regulation of broadcasting and the application of rules of this type to broadcasters was specifically forbidden to the Commission under Section 3(h). These obligations were found to be "common carrier" in nature and Section 3(h) states ". . . a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier."[63]

41. Since this decision applied to mandatory access and the alternative under consideration here would be entirely voluntary on the part of the system operator, it would not appear to be directly precluded by the *Midwest II* decision. The question could nevertheless be raised so at whether setting up access channels as the price for escaping another potentially onerous set of rules might be regarded as merely an indirect method of mandating access—an *ultra vires* condition. This argument, however, would seem to be inapplicable to those systems that are subject to access requirements by virtue of local municipal requirements. Moreover, while we are aware of the views expressed by NCTA in response to the NTIA petition, *see* para. 30 *supra,* we are not persuaded that the legal obstacles are insurmountable if the policy objectives are found to be desirable. An approach which both eases the burden and is completely voluntary in natrure, however, we believe should be found acceptable. We seek specific comment on this point, however, and on what guidelines, if any, should be adopted in the event that we should conclude that such an approach is a feasible and pratical alternative to the present administration and enforcement of these obligations.

B. Scope of Application

42. Whether existing rules are maintained or some alternative version is adopted, questions arise as to what types of channels or programs should be subject to these rules. Although Section 315 by its terms applies to "community antenna television system[s]," the rules interpreting Section 315 as well as the Fairness Doctrine rules (Sections 76.205 and 76.209) apply only to "origination cablecasting." This term is defined (by Section 76.5(w)) as "[p]rogramming (exclusive of broadcast signals) carried on a cable television system over one or more channels and subject to the exclusive control of the cable operator." Neither broadcast signals nor access channel programming were subjected to the requirements of these provisions because fairness and equal time obligations were thought to be applied to these either through their applications to the originating broadcast station or through applications of the first-come, first-served requirements of access channels.

43. Although as indicated earlier, the legislative intent behind those amendments that broadened Section 315's scope to cover cable television operations is not revealing, it would seem to be relatively clear that the perception at the time was that cable system operators would be programming one or more channels as *local* program originators. Such channels would perform for a single community or neighborhood the same functions as broadcasters perform for a larger service area. Given this perception, it might be possible to interpret the nature as generally not applying to cable distributed programming over which the system operator retains no practical day-to-day editorial control. Such an interpretation would vastly simpify the application of these rules. We are therefore interested in comment on this interpretation.

C. Partial or Complete Elimination of Rules

44. Because Section 315 is statutorily applicable to cable television, we are not in a position to eliminate all of the rules in this area on our own. However, it may be possible to eliminate particular parts of the requirements that are agency, rather than Congressional, creations. Because of our constitutional concerns relating to the rules we generally believe the rules should be applied in the most cautious and abridged possible version. Although the courts have not squarely decided the issue, some have assumed that the

[60] The criteria we considered as possibly acceptable on the broadcast side consisted of the following elements: (1) Licensee discretion must be preserved; (2) no right of access should accrue to particular persons or groups; (3) important issues should not escape timely public discussion; and (4) the government should not be drawn into programming decisions. 74 FCC 2d at 172. These may not necessarily have to be the same for cable television since cable possesses certain characteristics setting it apart from television broadcasting.

[61] *See Cable Television Report and Order,* at 193.

[62] *Report and Order in Docket 20508, supra.*

[63] Section 3 of the *Communications Act, as amended* (47 U.S.C. § 153).

Fairness Doctrine in its application to broadcasting was codified by Section 315.[84] The Fairness Doctrine was created in a series of agency decisions dating back to the Federal Radio Commission and the *Great Lakes Broadcasting* case.[85] It had no specific legislative content until Section 315 of the Communications Act was amended in 1959. The amendment made at that time states: "Nothing in the foregoing sentence [creating certain exceptions to the general equal opportunities requirements] shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."[86] Even if this is assumed to have codified the doctrine for broadcasters, it is not clear that it must be interpreted as also codifying the doctrine in the cable context. There were no such public interest obligations imposed on cable operators in 1959, so that if this language is read as simply elevating existing requirements from regulatory to statutory stature, then the absence of such requirements in the cable context would have resulted in their not being codified. Accordingly, we seek comment on our authority to eliminate Fairness Doctrine obligations in the cable context entirely or, alternatively, on whether certain aspects of the doctrine can be eliminated without disservice to the public.

45. Even if we were to find that the Fairness Doctrine is not specially imposed under Section 315, we would still have to have a determination as to whether its elimination, without repeal of the equal time requirements, would be consistent with the general statutory scheme. We are cognizant of the fact that in some respect there may be a mutual interdependency between the fairness and equal time rules. In *Red Lion*, the Supreme Court stated that "the objectives of § 315 themselves could be readily circumvented but for the complementary Fairness Doctrine ratified by Congress." 395 U.S. at 382. The equal time requirements apply only to appearances (uses) by candidates themselves. But "quasi-equal time" type rights have been applied to other political programs through the fairness rules under the so-called "Zapple" doctrine.[87] Thus, it is possible that even if we find that these requirements are no longer needed to serve the public interest, Congressional intent and purpose in adopting Section 315, and, in particular, in making the equal time provisions applicable to cable operators, might be frustrated or defeated absent retention of at least parts of the Fairness Doctrine.

D. Scope of Newspaper Exemption

46. We have previously indicated our intention not to regulate the distribution of newspapers in facsimile on cable systems in our *Memorandum Opinion and Order in Docket 18397, supra*, at 829–830. One commentator, while lauding this exemption from the rules, has stated:

> This exception is surely sound. If a newspaper is delivered via facsimile reproduction over a cable system, rather than by a newsboy, the difference in delivery mechanism hardly seems an appropriate basis for a fundamental change in legal status * * * Where does the electronic dissemination of printed matter, which is not subject to the Fairness Doctrine, end, and where do the normal types of television programming, which are covered by the Fairness Doctrine, begin? * * * The distinction between print media and cable television is hard to identify once it is conceded that, in disseminating newspapers or books in facsimile or teletype form, cable television is to be treated as a print medium not subject to the traditional regime of broadcast regulation.[88]

We agree that the differences between the print media and electronic video media are becoming more difficult, if not impossible, to discern,[89] particularly wih the development of technologies such as teletext and videotex.[90] Indeed, in another action adopted this day, we declined to apply fairness and equal time rules to teletext services provided by television broadcast stations. *Report and Order in BC Docket 81–741, supra.* We have no desire nor, in our estimation, do we have constitutional or statutory authority to regulate printed material when it is transmitted to video screens and, for this reason, we believe that the present exemption limited to facsimile reproduction of newspapers, should be extended. We believe that the exemption should include the transmission of textual information transmitted on cable systems whether the information constitutes a reproduction of a newspaper's content or is textual matter originated, edited, or rearranged by a cable operator or cablecaster and we question whether such information ought to lose its exemption status when combined with

---

[84] *See* note 31 *supra*. We have expressed the view, however, that Congress merely ratified this agency's promulgation of the Fairness Doctrine. *See Report and Order in BC Docket 81–741*, FCC 83– , FCC 2d——— (adopted March 31, 1983).

[85] *See Great Lakes Broadcasting Co.*, 3 F.R.C. Annual Rep. 32 (1929), *rev'd on other grounds* 37 F. 2d 993 (D.C. Cir. 1930), *cert. denied* 281 U.S. 706 (1930).

[86] *See Act of September 14, supra.*

[87] *See Nicholas Zapple*, FCC 70–508, 23 FCC 2d 707 (1970). The Commission held in "Zapple" that when a licensee provides time with or without charge during an election campaign to a candidate's supporters or spokespersons who urge the candidate's election, discuss campaign issues, or criticize an opponent, then the licensee must afford comparable time to the supporters or spokespersons of opponents. The Commission considers such broadcasts to be in "the political area" and, by applying to them the Fairness Doctrine in a way that approximates the same result as the equal opportunities requirements for appearances by candidates themselves, the Commission essentially treats them as "quasi-equal opportunities" situations.

[88] Schmidt, Benno C., Jr., *Freedom of the Press vs. Public Access* at 214–216.

[89] Scholars have many times expressed difficulty in finding rational differences between the treatment of some electronic media as per *Red Lion* and that of the print media as most recently reconfirmed in *Miami Herald*. The present difference in treatment between these two media appears to be based on a continued perception of the marketplace that existed at a certain time when the differences in the media might have reasonably justified the legal differences between them. An examination of the present marketplace, of the changes in the media, and of their present characteristics would appear, however, to undercut the historical basis for disparate treatment. As technological advances proceed, continued justification based primarily on previous historical treatment will in the long run prove to be self-defeating since conceivably it could lead to program content regulation of all media subject to distribution by electronic means.

[90] Teletext and videotex are services that have the technical capability to distribute alphanumeric and/or graphic information for display on a television receiver or computer terminal. The term "teletext" is generally used to describe broadcast-type systems that superimpose alphanumeric and/or graphic information on a broadcast signal, usually on its vertical blanking interval, for reception by individuals having a special receiver decoder. In addition to approximately a dozen current or planned broadcast station teletext experiments, there are a number of other teletext publishing experiments in various developmental stages including the proposed utilization of a full satellite transponder by Time, Inc. for a national news and information service, and local experiments undertaken by Dow Jones (The News-Times-Danbury, Connecticut) and The Courier Journal (Louisville, Kentucky). *See generally*, Arlen Communications, Inc., *International Videotex Teletext News*, (Washington, D.C.).

Videotex is a related service that can provide interactive (two-way) capability and is thus able to offer more extended capabilities than teletext. Several videotex experiments presently being conducted exhibit these greater flexibilities—two-way interactive service, a large data base, and the capability of transmitting via a switched public telephone network, cable television system, satellite, or a combination of these delivery modes. Such experiments include "Telemax" (Times Mirror Videotext Services and Informart of Canada), "Prestel" (British Telecom and Logica, Inc.), and "Viewtron" (Knight-Ridder Newspapers' Viewdata Corp. and AT&T). *See generally*, Alan Cole-Ford, ed., *Electronic Publisher*, Paul Kaga Associates, Inc. (Carmel, California).

other forms of visual or aurual information that traditionally has not been exempt. In sum, we believe that attempts to draw distinctions between the various new forms of news media[71] will lead to quixotic results. We therefore seek comment on whether extension of the present exemption can be achieved without undermining the present validity of the fairness or equal time requirements. In proposing to extend the exemption beyond its present boundaries, we ask interested persons to provide us with information concerning how we can fulfill our statutory obligations in this area without at the same time infringing on the rights which is enjoyed by the print media under the First Amendment.

VIII. General Conclusion

47. We have attempted to set forth some of the difficulties from a constitutional standpoint and from an administrative standpoint if the fairness and equal time requirements are maintained in their present form. We have proposed modification of the existing rules and policies that will hopefully lead to the formulation of policies and rules that appropriately balance the rights and interests of cable operators with those of the general public, without violating either the spirit or the letter of the existing Congressional mandate. In our estimation, this can best be done both: (1) By maximizing the number of communications outlets to the public through increased competition in the marketplace and (2) by minimizing to the extent possible government involvement over the content of the speech in its various forms on such outlets.

[71] We also note that in the midst of the newly developing electronic techniques and the challenges they present to traditional publishers is the increasing participation of newspaper interests in all forms of electronic communication. For example, on the cable side, most of the "electronic publishers" are newspaper publishers who, through joint venture or lease, are engaged in programming one or more cable television channels to provide local news and advertisements. In addition, there are approximately 80 newspapers now providing "cablenews" channels on systems serving more than one million subscribers. *See Electronic Publisher, supra.* Aslo, according to one survey, at least 21 of the newspapers, as well as half of the 15 or more newspapers programming cablenews channels on a part-time basis, deliver some video programming in combination with news and advertising text. *See* American Newspaper Publishers Association, "Newpaper-Cable TV Services—Current Activities in Channel Leasing and Other Local Service Ventures," March 1982. The video programming offered is primarily local material, including advertising, newscasts, public affairs shows, and local sports and features. In addition, some newspapers are using outside programming sources such as CNN.

IX. Statutory basis

48. Authority for the rule making proposed herein is contained in Sections 1, 2, 3, 4(i) and (j), 301, 303, 307, 308, 309, 315 and 403 of the Communications Act of 1934, as amended.

X. Rule Making Procedures

49. All interested persons are invited to file written comments on or before July 25, 1983, and reply comments on or before August 25, 1983.

50. Regulatory Flexibility Act of 1980 Initial Analysis.

I. Reason for Action: This proceeding has been initiated to examine whether alternative methods of compliance by cable operators with the fairness and equal time doctrines can be implemented by the Commission as well as whether any aspects of these or related doctrines can be eliminated from a public interest standpoint. Case law developments and change in the cable television industry and communications sector in general suggest that certain of the program content policies, rules and regulations applicable to cable television may no longer be necessary and should be either modified or eliminated.

II. Objectives: The Commission seeks comments on alternative approaches to satisfying the fairness and equal time doctrines as well as whether any aspects of these or related policies should be modified or eliminated.

III. Legal Basis: Action proposed is in furtherance of 4(i) and (j), and 303(r) of the Communications Act of 1934, as amended, which authorizes the Commission to make such rules and regulations, not inconsistent with law, as may be necessary in the execution of its functions, with the additional view of the public welfare.

IV. Description, Potential Impact and Number of Small Entities Affected: The approximately 5,200 cable television systems now in existence would be affected by actions taken in this rule making proceeding. Cable operators' obligations in terms of review of program content on their system's channels could prove to be less burdensome if the proposal to satisfy fairness and equal time responsibilities by making available a public access channel is adopted. To the extent that some of these obligations are not statutorily imposed and can be eliminated, the rule making could provide relief to all cable systems. To the extent that some of the obligations are statutorily imposed on all cable systems, the rule making could not be used as a vehicle to provide special relief to smaller cable systems.

V. Recording, Record Keeping and Other Compliance: The proposed rule making might lessen present record keeping requirements imposed on cable operators under these policies.

VI. Federal Rules which Overlap, Duplicate, or Conflict with this Rules: None.

VII. Any Significant Alternatives Minimizing Impact on Small Entities and Consistent with Stated Objectives: None.

VIII. Conclusions: The Commission seeks to eliminate unnecessary rules and regulations applicable to those it regulates and, in the course of its review of its cable television rules and regulations, believes that fairness, equal time and associated policies, rules and regulations should be either modified or eliminated on the basis that case law developments and change in the cable industry and communications sector in general suggest less of a need for the application of these program content regulations to cable television and, accordingly, it seeks comments on alternative approaches to the present rules and regulations as well as whether any of the existing requirements can be eliminated.

51. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and five copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comments may file an additional six copies. Members of the general public who wish to express their interest by participating informally in the rulemaking proceeding may do so by submitting one copy of the comments specifying the docket number MM Docket 83-331 of the proceeding.

52. All filings made in this proceeding will be made available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

53. Further information concerning this proceeding may be obtained from Stephen A. Bailey, Mass Media Bureau, (202) 632-7793. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts presented to the Commission in proceedings such as this one will be disclosed in the public docket file.

54. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other

than comments officially filed at the Commission or oral presentations requested by the Commission. If a member of the public does wish to comment on the merits of this proceeding in this manner, he or she should follow the Commission's procedures governing *ex parte* contacts in informal rule making. A summary of these procedures is available from the Consumer Assistance Office, (202) 632–7000, Federal Communications Commission, Washington, D.C. 20554.

55. In view of the foregoing the petition for rule making filed by the National Telecommunications and Information Administration (RM–3676) is granted.

(Secs. 4, 303,, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

William J. Tricarico,
Secretary.

Separate Statement of Commissioner Stephen A. Sharp

Re: Fairness Doctrine and Political Cablecasting Obligations of Cable System Operators

I concur in the issuance of this NPRM to the extent that its proposals arguably are within the Commission's statutory authority.

I disagree with the majority's view, however, that the so-called Fairness Doctrine might not apply to cable systems. After more than a dozen years of experience with Section 315 of the Communications Act, I cannot subscribe to the analysis in paragraph 12 and the suggestions which flow from it.

In 1959 Congress recognized in Section 315 of the Act "the obligation * * * under this Act * * * to afford reasonable opportunity for the discussion of conflicting views on issues of public importance." This language gave specific recognition to an obligation now known as the Fairness Doctrine, which previously had been derived from the more general "public interest" standard of the Act. In 1971, Congress again amended Section 315 to impose all of its obligations, as written and interpreted at the time, on cablecasting.

Thus the only means to remove these obligations on cable systems are to repeal Section 315 and to specify that no such obligations inhere in the public interest standards of the Act, or to challenge its constitutionality.

In view of these constraints, I see no purpose in asking whether *the Commission* should eliminate these obligations.

In this context, my oath as Commissioner and my express commitments to enforce the so-called Fairness Doctrine fully pending congressional action must override my unequivocal and well-known opposition to this form of government censorship. I look forward to the day when the Doctrine and Sections 312(a)(7) and 315 are repealed.

[FR Doc. 83–15213 Filed 6–7–83; 8:45 am]
BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1186

[Ex Parte No. 55; Sub-No. 57]

Exemption of Transactions Under 49 U.S.C. 11343

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption and rulemaking.

SUMMARY: The Commission is proposing to exempt, under 49 U.S.C. 11343(e), motor finance transactions subject to regulation under 49 U.S.C. 11343(a)(1)–(5), between motor carriers of property and between motor carriers and noncarriers. The Commission is also proposing procedural requirements for processing transactions proposed for the class exemption and for processing complaints filed by employees alleging they are or will be adversely affected by a transaction. Our recent experience in processing individual motor finance exemption petitions clearly demonstrates that the existing regulatory scheme has been a significant impediment to the realization of public benefits which can derive from motor carrier finance transactions. A further reduction in regulation, through adoption of this class exemption, would appear to make possible further benefits to the industry and the public and relieve the Commission of the need to scrutinize such transactions on an individual basis.

DATES: Comments must be submitted by July 8, 1983. The Commission does not intend to grant extensions of the filing deadline. It intends to serve its final decision within 60 days of receipt of comments.

ADDRESS: Send comments (an original and 10 copies) to: Ex Parte No. 55 (Sub-No. 57), Room 2203, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977, or Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION:

Background

The exemption authority. Section 21(b) of the Bus Regulatory Reform Act of 1982 (Bus Act), Pub. L. 97–261, enacted September 20, 1982, amended 49 U.S.C. 11343 by adding a new subsection (e). This new subsection authorizes the Commission to exempt various motor transactions arising under Section 11343 from certain provisions of the Act. Section 11343(e) provides:

(1) Notwithstanding any provisions of this title, the Interstate Commerce Commission, in a matter related to a motor carrier of property providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, may exempt a *person, class of persons, transaction, or class of transactions from the merger, consolidation and acquisition of control provisions of this subchapter* if the Commission finds that—(A) the application of such provisions is not necessary to carry out the transportation policy of section 10101 of this title; and (B) either (i) the transaction is of limited scope, or (ii) the application of the provisions of this subchapter is not needed to protect shippers from the abuse of market power.

(2) At least 60 days before any transaction exempt under this subsection from the merger, consolidation, and acquisition of control provisions of this subchapter may take effect, each carrier intending to participate in such transaction shall file with the Commission a notice of its intention to participate in such transaction and shall give public notice of such intention. The Commission shall prescribe the information to be contained in such notice, including the nature and scope of the transaction.

(3) The Commission, on its own initiative or on complaint, may revoke an exemption granted under this subsection to the extent it specifies, when it finds that application of the provisions of this section to the person, class of persons, or transportation is necessary to carry out the transportation policy of section 10101 of this title.

(4) If the Commission, on its own initiative, finds that employees of any carrier intending to participate in a transaction exempt under this subsection from the merger, consolidation, and acquisition of control provisions of this subchapter are or will be adversely affected by such transaction or if employees of such carrier adversely affected by such transaction file a complaint concerning such transaction with the Commission, the Commission shall revoke such exemption to the extent the Commission deems necessary to review and address the adverse effects on such employees. (Italic added.)

Present exemption procedures. In Ex Parte No. 400, (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (1982), we adopted procedures to exempt from the requirement of prior review and approval individual transactions which would ordinarily be subject to the

procedural and substantive filing requirements of 49 U.S.C. 11343, 11344, and 11345a. In processing individual petitions we have permitted parties to seek exemption from those transactions described in section 11343(a)(1)–(5), *i.e.*, mergers, consolidations, acquisitions of contorl or continuance in control, leases, and purchases. In addition, parties have been permitted to seek temporary authority to merge under 49 U.S.C. 11349, and directly related applications, such as finance gateway applications and applications to convert a certificate of registration to a certificate of public convenience and necessity, have also been considered.

The individual exemption procedures have met with wide public acceptance. Since adoption of the procedures on November 19, 1982, approximately 200 petitions for exemption have been filed.[1] Opposition to the granting of these petitions has been negligible and, accordingly, the Commission is examining whether the public interest warrants scrutiny of motor finance transactions on an individual basis. Our experience in proceeding individual petitions, weighed in light of the statutory criteria of section 11343(e), has led us to conclude that we should next consider a class exemption for transactions among motor carriers of property and between motor carriers of property and noncarriers. The proposal here would implement such an exemption.

Discussion and Conclusions

Statutory criteria

a. *The national transportation policy.* In order to grant an exemption from regulation of the class of transactions described above, we must first determine whether continued regulation is necessary to carry out the national transportation policy (NTP). The NTP, set forth at 49 U.S.C. 10101, embraces a number of objectives which Congress intended for us to consider in carrying out our regulatory mandate. A central theme of the NTP is that we regulate with the goal of promoting competitive and efficient transportation in order to meet diverse shipping needs and to allow carriers to use equipment, energy, and other resources productively and profitably.

Motor finance transactions permit carriers to realize greater operating and financial economies and to compete more effectively for traffic in the less restrictive regulatory environment initiated by the Motor Carrier Act of 1980, P.L. 96–296, 94 Stat. 793 (1980) (MCA). For instance, motor carrier consolidations help to reduce carrier costs by permitting better load distribution and balancing of operations, improving data processing functions, reducing insurance costs, and providing carriers with better access to capital markets. Operating efficiencies can then be translated into lower costs to shippers and better service. Further, tax advantages, such as reporting on a consolidated basis, frequently may be realized as a result of motor finance transactions. Acquisition transactions often provide a lower risk method of entry into new geographic or commodity markets than does licensing. Motor finance transactions typically produce significant public benefits, such as single-line hauls, faster transit time, and lower damage claims. Finally, consolidation and acquisition transactions may enable carriers to offer the shipping public previously unavailable price and service options.

Our recent experience in processing individual motor finance exemption petitions clearly demonstrate that the existing regulatory scheme has been a significant impediment to the realization of public benefits which can derive from motor carrier finance transactions. In additon to a $700 filing fee, the compilation of an extensive application (including comprehensive traffic abstracts) was required prior to the Bus Act. The dramatic increase in motor finance filings since adoption of the Ex Parte No. 400 (Sub-No. 1) procedures is clear evidence that a significant regulatory barrier previously existed. A further reduction in regulation, through adoption of this class exemption, would appear to make possible further benefits to the industry and the public and relieve the Commission of the need to scrutinize such transactions on an individual basis.

B. *Limited scope of the class exemption.* We must also find the matter to be either limited in scope or regulation of it unnecessary to protect shippers from an abuse of market power. While we tentatively intend to rely on the second criterion, a limited scope analysis may also be possible. While there are potentially a large number of exempt transactions, the class of transactions could be viewed as limited in scope based on an analysis of their impact vis-a-vis the much larger and diverse structure of the national transportation market. The revenues of individual carriers of whatever size are relatively small, and the amount of traffic each transports is likewise quite limited. The industry is sufficiently fragmented that even the totality of transactions within this exempted class is unlikely to have appreciable national transportation effects. We thus welcome comments on the "limited scope" criteria as well as the "abuse of market power" alternative.

C. *Abuse of market power.* We conclude on a preliminary basis that application of the detailed regulatory scrutiny which would be required in the absence of the proposed class exemption is not necessary to protect shippers from an abuse of market power. The competitive atmosphere which has existed since the enactment of the MCA ensures that numerous carriers are able to compete for all traffic. Even where large carriers and noncarriers participate in motor finance transactions, it is highly unlikley that competition will be reduced to a degree harmful to shippers.

At present, many carriers hold or may easily obtain nationwide authority and vigorously compete for traffic in national or regional markets. A carrier (or noncarrier) which acquires control of another carrier may capture all or a significant share of the acquired carrier's traffic base, but that incremental share is typically quite small. In any case, there is no reason to assume that this market can be retained absent competitive pricing and service. Unless the acquiring party continues to provide the desired mix of price and service options, the public will turn to available competitive alternatives in short order. Because of the relative ease in obtaining operating authority since enactment of the MCA, carriers have obvious incentives to meet the needs of the marketplace.

It has been our experience that motor finance transactions are more likely to benefit shippers than to harm them. For instance, many of the recent exemptions processed individually involved the purchase of authority of bankrupt carriers which might otherwise have become dormant. Sale of the authority to an operating carrier has provided shippers in such instances with the continuation of a competitive alternative. In numerous other individual exemption proceedings, petitioners have demonstrated other benefits to the public, including improved efficiency, greater service capability, and heightened responsiveness to shipper concerns. Almost all of these cases have been unopposed. *No proposal has been*

[1] A number of petitions have been filed under the Ex Parte No. 400 (Sub-No. 1) procedures in conjunction with transactions that are beyond the scope of that decision. For instance, a number of petitions have been filed requesting exemption for the transfer of authority to a noncarrier. This proposal should eliminate much of the regulatory confusion

objected to by affected shippers. The granting of a class exemption will thus have an overall beneficial impact on shippers by reducing regulaory costs and facilitating transactions which will enable carriers to provide shippers with better service.

There are very good reasons why shippers are unconcerned about motor carrier merger and consolidation. The motor carrier industry is naturally competitive. It is not a capital intensive industry, and start-up costs are quite low. Perhaps equally important, there do not appear to be significant economies of scale in trucking. Thus the small compete quite effectively with the large.

Events of the last three years demonstrate that reduction in trucking regulation does not produce market concentration. There are considerably more carriers today than there were before passage of the MCA. Furthermore, some of the largest firms are having the greatest difficulty surviving in the new competitive environment, while many newly-founded, small firms are thriving. We see little reason to continue this agency's individual examination of merger related motor transactions.

We invite comments on our analysis of the competitive nature of the industry and on our proposal to include all motor carriers of property rather than attempting some artificial division of carriers.

The withdrawal of our oversight of motor carrier mergers may be of some concern to the other agencies of government with responsibilities in this area. We therefore particularly invite comment on these issues from the Federal Trade Commission and the Departments of Justice and Transportation.

Procedures for use of the exemption

To implement the class exemption, we propose that the parties to a transaction file a Notice of Exemption containing the information described in the attached appendix. In addition, revised certificates or permits would be submitted.[2]

Section 11343(e)(2) states that at least 60 days before any exempted transaction may take effect, carriers intending to participate in the transaction shall file a notice with the Commission and shall give "public notice of such intention." We propose to satisfy this notice requirement by publishing a summary of the Notice of Exemption in the **Federal Register.**[3] The notice would be prepared by the parties and reviewed by us for accuracy.

If the exempted transaction involves issuance of revised operating authorities, the parties will be expected to inform the Commission when they have consummated. Compliance with 49 U.S.C. 10927 (insurance), 10761–62 (tariffs), and 10330 (process agents), and the corresponding regulations at 49 CFR 1043, 1308–1310, and 1044, respectively, would continue to be required for exempt transactions.

Section 11343(e)(4) provides that employees of carriers participating in exempt transactions who are adversely affected by the transaction may file a complaint, and that the Commission shall revoke an exemption to the extent necessary to review and address the adverse effects on employees. The statute sets no time limit on filing complaints. Therefore, we propose to accept complaints filed any time on or after the date that a corresponding Notice of Exemption is filed.

Severance pay is the most common form of motor employee protection, and since eligibility for severance pay is generally based on an employee's status upon consummation of a transaction, revoking an exemption will not appear to be necessary. However, complainants may specifically request revocation or suspension of an exemption, demonstrating why this relief is necessary. In cases involving complaints of employees where we do not suspend or revoke the exemption, carriers that decide to consummate a transaction before the complaints are resolved would do so at their own risk. We propose that complaints by employees be served by them on the applicants, be filed with the Commission, and contain the docket number of the corresponding exemption proceeding. Following receipt of any replies, we would issue a decision on the record. If necessary, we would request additional evidence to fashion a remedy.

We propose to amend our rules by adding a new section to the Code of Federal Regulations, 49 CFR Part 1186, as set forth in the appendix.

Regulatory Flexibility Analysis. The proposal will exempt a class of finance transactions. The impact on small carriers, which are estimated to exceed 20,000, can only be beneficial. They will be relieved of the need to file either a lengthy application form or an individual exemption petition under the procedures established in Ex Parte No. 400 (Sub-No. 1).

There is no filing fee for a class exemption, and the information required by the proposed rules has been reduced to the minimal level consistent with our regulatory responsibilities. This should reduce small carrier needs for expert assistance, speed the regulatory process, and promote operational changes that enhance competition among carriers.

We are of the opinion that this proposal will indirectly benefit shippers and small communities because it will free carriers from regulatory burdens that hamper implementation of business decisions. Accordingly, we do not expect that the proposed rules, if adopted, will have a significant adverse economic impact upon a substantial number of small entities. We welcome comments on this issue.

Energy and Environmental Considerations. We conclude preliminarily that this action will not significantly affect either the quality of the human environment or consumption of energy resources. Comments are also welcome on these issues.

List of Subjects in 49 CFR Part 1186

Administrative practice and procedure, Employee complaints.

Authority: 49 U.S.C. 10321 and 11343(e) and 5 U.S.C. 553.

Decided: June 1, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Chairman Taylor concurred in part and dissented in part with a separate expression.

Agatha L. Mergenovich,

Secretary.

Chairman Taylor, concurring in part, dissenting in part:

I agree with the majority to the extent that I believe some action implementing a class exemption of motor carrier finance transactions is warranted. However, the proposed class exemption should not be extended to transactions involving solely Class I motor carriers. Based on current filings, imposing such a limitation would still leave included within the exemption over 94 percent of all motor carrier finance transactions.

In 1982, while Congress was considering the Bus Regulatory Reform Act, I suggested and the Commission proposed the elimination of our jurisdiction over motor carrier finance transactions. More specifically, in a letter to Congress dated June 8, 1982, the

[2] Because directly related applications (e.g., see 49 U.S.C. 10922 and 10923) are not covered by the § 11343(e) exemption, we must continue to handle them separately. Parties who would use this class exemption are advised to coordinate these activities.

[3] The notices will ultimately be placed in the proposed *ICC Register* if it is adopted by the Commission in Ex Parte No. 103, *Procedures for Providing Notice of Applications Filed Pursuant to 49 U.S.C. 10922, 10923, 10924, 10926, 10928, and 10929 in Lieu of* **Federal Register** Notice, 47 FR 42916 (September 29, 1982).

Commission endorsed this elimination by stating:

> In our view, other governmental bodies have sufficient jurisdiction to protect the public interest. Additionally, in view of liberalized motor carrier entry, the number of merger proposals has substantially declined and continued regulation by the Commission of merger, control and acquisition transactions does not appear necessary.

Subsequently, in lieu of eliminating the Commission's jurisdiction, Congress enacted an exemption procedure for motor carrier finance transactions. In so doing, Congress retained antitrust immunity for all such transactions found deserving of an exemption. With this in mind, the Commission, in its above-mentioned June 8th letter, set forth its intentions regarding the exemption alternative by declaring:

> We do not anticipate the exemption would be used in major transactions involving possible anticompetitive effects.

The majority now circumvents the foregoing pledge by reasoning that no motor carrier finance transaction can have anticompetitive effects because of eased entry and the fragmented structure of the motor carrier industry. While this may well be true for the vast majority of motor carrier finance transactions, I would not make such an *a priori* assumption for transactions involving solely Class I motor carriers.

The Commission has had only six months' experience under the present exemption procedures in Ex Parte No. 400 (Sub–No. 1), but on an annualized basis, the number of finance transactions has already increased by over 200 percent. Hereafter, as a result of the unlimited Rule proposed by the majority, none of these transactions will be subject to the antitrust laws. This antitrust consideration, when viewed in light of the strengthing economic recovery, the apparent increasing popularity of acquisitions to secure market entry, and the still substantial economic power of certain class I motor carriers, has led me to conclude that for the time being, financial transactions involving only Class I motor carriers should be handled on an individual basis rather than by the class exemption procedure. However, the exception I now support should definitely be reassessed in due course when more experience has been gained from handling Class I finance transactions on an individual basis.

Appendix

In order to implement the class exemption, we propose to add the following new Part 1186 to Title 49 of the Code of Federal Regulations to read as follows:

PART 1186—EXEMPTION OF CERTAIN TRANSACTIONS UNDER 49 U.S.C 11343

Sec.
1186.1 Scope of exemption.
1186.2 Notice of exemption.
1186.3 Attachments.
1186.4 Temporary authority.
1186.5 Filing fees.
1186.6 Publication of summary notice.
1186.7 Effective date of exemption.
1186.8 Employee complaints.

Authority: 49 U.S.C 10321 and 11343(e) and 5 U.S.C. 553.

§ 1186.1 Scope of exemption.

Any transaction under 49 U.S.C. 11343(a)(1)–(5) among motor carriers of property or between them and noncarriers is exempt from the requirements of 49 U.S.C 11343, 11344, and 11345a.

§ 1186.2 Notice of exemption.

To qualify for an exemption under § 1186.1, the participants in the transaction must file a joint Notice of Exemption with the Commission. The Notice of Exemption shall contain the following information:

(a) Names and addresses of the carriers involved;

(b) A brief, but specific description of the nature of the transaction; and

(c) Certification of the accuracy of the contents of the notice by, and signatures of, the persons who control the carriers involved in the transaction.

§ 1186.3 Attachments.

Attachments to the Notice of Exemption filed with the Commission should include:

(a) A short summary of the transaction to be published as a notice to the public; and

(b) If appropriate, draft certificates and permits reflecting the operating rights authorized to be acquired, retained, or issued.

§ 1186.4 Temporary authority.

Parties may simultaneously request temporary authority during the pendency of the exemption proceeding by submitting Form OP–F–46 in accordance with the regulations prescribed at 49 CFR 1183.4. The fee will be the same as that contained at 49 CFR 1002.2.

§ 1186.5 Filing fees.

No filing fee is required to file a Notice of Exemption.

§ 1186.6 Publication of summary notice.

The Commission will publish the summary of the Notice of Exemption describing the nature and scope of the transaction.

§ 1186.7 Effective date of exemption.

When a Notice of Exemption is filed, exemption shall be effective 60 days after a summary of the Notice of Exemption is published in the **Federal Register** except that, where relevant, consummation is contingent upon Commission approval of directly related applications involving conversion of certificates of registration

§ 1186.8 Employee complaints.

(a) Employees that have been or may be adversely affected by an exempt transaction or transaction proposed for exemption may file a complaint with the Commission any time after the Notice of Exemption is filed. (b) Complaints shall contain the following information:

(1) The docket number of the corresponding Notice of Exemption (if available at the time) and the names of the participants in the transaction;

(2) Names of the employees alleged to be affected by the transaction and the nature and scope of harm;

(3) A request for specific relief (requests for relief in the alternative are acceptable);

(4) An explanation as to why the particular relief sought is the appropriate remedy for the particular harm suffered; and

(5) (Optional) A request for suspension or revocation of the exemption, accompanied by information showing why suspension or revocation of exemption is necessary.

[FR Doc. 83–15315 Filed 6–7–83; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearing and Reopening of Comment Period on the Proposed Endangered Status and Critical Habitat for the Kentucky Cave Shrimp

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public hearing and reopening of comment period on proposed rule.

SUMMARY: Notice is given that a public hearing will be held and the comment

period reopened on a proposal of Endangered status and Critical Habitat for the Kentucky cave shrimp. This public hearing and comment period are to allow comment from government officials and the public.

DATES: The public hearing will be held at the Community Building, Mammoth Cave National Park, Kentucky, at 7:00 p.m. on June 28, 1983. The comment period is reopened effective with the publication of this notice and closes on July 7, 1983.

ADDRESSES: The Community Building is in the vicinity of the Visitor's Center, Mammoth Cave National Park, Kentucky. Comments should be addressed to the Regional Director, U.S. Fish and Wildlife Service, The Richard B. Russell Federal Buiding, 75 Spring Street, S.W., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Biggins, U.S. Fish and Wildlife Service, Plateau Building, Room A–5, 50 South French Broad Avenue, Asheville, North Carolina 28801 (704/258–2850), or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION: A proposal of Endangered status and Critical Habitat for the Kentucky cave shrimp (*Palaemonias ganteri*) was published in the **Federal Register** (45 FR 68975–68977) on October 17, 1980. A public meeting on that proposal was held in Bowling Green, Kentucky, on December 10, 1980. Since that time, the National Park Service has been carrying out studies of the distribution, status, and life history of the Kentucky cave shrimp.

The U.S. Fish and Wildlife Service will hold a public hearing on the proposed Endangered status and Critical Habitat for the Kentucky cave shrimp at 7:00 p.m. on June 28, 1983, in the Community Building, which is in the vicinity of the Visitor's Center, at Mammoth Cave National Park, Edmonson County, Kentucky. The Service is also reopening the comment period, effective with the publication of this notice, on the proposal. The reopened comment period will close on July 7, 1983. This hearing and reopoening of the comment period are intended to allow additional comment on the proposal.

The primary author of this notice is Steven M. Chambers, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture), Wildlife.

Dated: June 3, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83–16316 Filed 6–7–83; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 48, No. 111
Wednesday, June 8, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

June 3, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Department Clearance Officer, USDA, OIRM, Room 108–W Admin. Bldg., Washington, D.C. 20250, (202) 447–6201

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

New

• Agricultural Marketing Service
RRegulations for Inspection and Certification of Quality of Agricultural and Vegetable Seeds Under the Agricultural Marketing Act of 1946
On occasion
Individuals or households, state or local governments, businesses or other for profit and small businesses or organizations: 1,365 responses; 1,365 hours; not applicable under 3504(h)
Donald Ator (202) 447–9340

• Food and Nutrition Service
Agreement Between School Food Authority and USDA (FNS–67)—Application for Participation (FNS–66)
FNS–66 and FNS–67
Annually
Non-profit institutions: 1,615 responses; 1,653 hours; not applicable under 3504(h)
J. A. MacDonald (703) 756–3600

Revised

• Agricultural Marketing Service
Regulations—7 CFR, Part 29, Subpart F and Subpart G (Reporting and Recordkeeping)
Individuals or households, farms and small businesses or organizations: 305 responses; 192 hours; not applicable under 3504(h)
Lionel Edwards (202) 447–2567

Extension

• Agricultural Marketing Service
Regulations (Other than Rules of Practice) Under the Perishable Agricultural Commodities Act, 1930—Reporting and Recordkeeping
FV 211 and FV 231
Annually
Individuals or households, farms, and small businesses or organizations: 16,350 responses; 1,217 hours; not applicable under 3504(h)
M. D. Price (202) 447–4180

• Federal Crop Insurance Corporation
Claim for Citrus Indemnity
FCIC–63
On occasion
Individuals or households and farms: 3,904 responses; 1,952 hours; not applicable under 3504(h)
Peter Cole (202) 447–3325

Reinstatement

• Food and Nutrition Service
Annual Report of Revenue
FNS–13
Annually
State or local governments: 57 responses; 4,560 hours; not applicable under 3504(h)
Alan Rich (703) 756–3100

Marshall L. Dantzler,
Acting Department Clearance Officer.

[FR Doc. 83–15299 Filed 6–7–83; 8:45 am]
BILLING CODE 3410–01–M

CIVIL RIGHTS COMMISSION

Indiana Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 1 p.m. and will end at 10 p.m., on June 23, 1983, at City Hall, Third and Lincoln Street, Council Chamber, Bloomington, Indiana. The purposes of this meeting are to approve previous Advisory Committee minutes; discuss status of block grant project; review housing discrimination draft statement; and discuss new business.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Dr. Joseph J. Russell, 4165 Gran Haven Drive, Bloomington, Indiana 47401; (812) 337–9632; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604; (312) 252–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 2, 1983.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 83–15237 Filed 6–7–83; 8:45 am]
BILLING CODE 6335–01–M

Maine Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 6 p.m. and will end at 9 p.m., on June 22, 1983 at Johnson Point (Elinor Multer's residence) Orrs Island, Maine. The purposes of this meeting are to discuss the block grant study, and the Maine Civil Rights bill.

Persons desiring additional information or planning a presentation to the Committee, should contact the chairperson, Ms. Lois G. Reckitt, 38 Myrtle Avenue, South Portland, Maine 04106; (207) 775–1451; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110; (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 2, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–15235 Filed 6–7–83; 8:45 am]

BILLING CODE 6335–01–M

Missouri Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Missouri Advisory Committee to the Commission will convene at 7 p.m. and will end at 9 p.m., on June 20, 1983, at 91 Waterman Place, St. Louis, Missouri; the Committee will also convene at 9 a.m. and will end at 3 p.m., on June 21, 1983, at the Old Post Office, 9th and Olive, Room 304, St. Louis, Missouri. The purposes of this meeting are to orientate new members; and to develop program plans for FY 84.

Persons desiring additional information or planning a presentation to the Committee, should contact the chairperson, Ms. Frankie M. Freeman, 91 Waterman Place, St. Louis, Missouri 63112; (314) 621–6108; or the Central States Regional Office, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106; (816) 758–5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 2, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–15236 Filed 6–7–83; 8:45 am]

BILLING CODE 6335–01–M

Wisconsin Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 5 p.m. and will end at 9 p.m., on June 29, 1983, at the Capitol Building, 314 North West, Madison, Wisconsin. The purposes of this meeting are to prioritize future projects; and discuss followup on past projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Herbert M. Hill, 2127 Van Hise Avenue, Madison, Wisconsin 53705; (608) 263–1642; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604; (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 2, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–15234 Filed 6–7–83; 8:45 a.m.]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 19–83]

Proposed Foreign-Trade Zone—St. Louis County; Missouri Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the St. Louis County Port Authority, a political subdivision of the State of Missouri, requesting authority to establish a general-purpose foreign-trade zone in St. Louis County, Missouri, adjacent to the St. Louis Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 25, 1983. The applicant is authorized to make this proposal under Section 351.388 of the Revised Statutes of Missouri, 1978.

The propose zone covers 180,000 square feet within an underground warehouse facility, located on the west bank of the Mississippi River, 5000 Bussen Road, St. Louis County, some 8 miles south of downtown St. Louis. This facility, with some 1 million square feet of space, can accommodate a variety of warehousing and manipulation activities. It is owned and operated by Bussen Underground Warehouse Corporation, which will also operate the zone project.

The application contains evidence of the need for zone procedures in St. Louis County. Several firms have expressed an interest in using the zone for the warehouse/distribution of products such as electronic parts and products, instruments, uniforms and footwear.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; William L. Duncan, District Director, U.S. Customs Service, 120 S. Central Avenue, St. Louis, MO 63105; and Colonel Gary D. Beech, District Engineer, U.S. Army Engineer District St. Louis, 210 Tucker Blvd. North, St. Louis, MO 63101.

As part of its investigation, the examiners committee will hold a public hearing on June 29, 1983 beginning at 9:00 A.M., in the County Council Chambers of the St. Louis County Government Center, 41 Central, Clayton, Missouri.

Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377–2862) by June 23. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through July 29, 1983.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, Suite 400, 120 South Central Avenue, St. Louis, MO 63105

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, NW., Washington, D.C. 20230

Dated: May 31, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc 83–15312 Filed 6–7–83; 8:45 am]

BILLING CODE 3510–25–M

[Docket No. 17–83]

Proposed Foreign-Trade Zone—Dayton, Ohio; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Dayton Foreign-Trade Zone, Inc., a non-profit Ohio corporation affiliated with the City of Dayton, Montgomery County and the Dayton Area Chamber of Commerce, requesting authority to establish a general-purpose foreign-trade zone in Dayton, Ohio, within the Dayton Customs port of entry. The application

was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 24, 1983. The applicant is authorized to make this proposal under Section 1743.11 of the Ohio Revised Code.

The proposed zone will cover 452 acres at the Dayton International Airport, a city-owned commercial, industrial and transportation complex totalling some 3200 acres. A 52,000 square foot general-purpose building, currently under construction at 10300 Freight Drive, will be used for initial zone activity. Steve Ellis Realty has been designated as zone developer and operator.

The application contains evidence of the need for zone procedures in the Dayton area. A number of firms have indicated an interest in using the zone for warehousing/distribution, inspection and repair of products, such as machinery and tooling, welding system components, vehicle components, appliances, heaters, gaskets, rope, laboratory equipment, instruments, electronic components and equipment, switches, medical products and sugar.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; John F. Nelson, District Director, U.S. Customs Service, (6th Floor), 55 Erieview Plaza, Cleveland, Ohio 44114; and Colonel Charles E. Eastburn, District Engineer, U.S. Army Engineer District Louisville, P.O. Box 59, Louisville, KY 40201.

As part of its investigation, the examiners committee will hold a public hearing on June 28, 1983, beginning at 8:30 A.M., in Conference Room A of the Dayton Marriott Hotel, 1414 South Patterson Blvd., Dayton, Ohio.

Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377–2862) by June 22. Instead of an oral presentation, written statements may be submitted, in accordance with the Board's regulations, to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through July 29, 1983.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, Dayton International Airport, International Arrivals Building, Vandalia, OH 45377

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, NW., Washington, D.C. 20230

Dated: May 31, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-15310 Filed 6-7-83; 8:45 am]

BILLING CODE 3510-25-M

[Docket No. 18–83]

Proposed Foreign-Trade Zone—Clinton County, Ohio, Adjacent to the Dayton Customs Port of Entry; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Airborne FTZ, Inc., a private Ohio corporation and a subsidiary of Airborne Freight Corporation, requesting authority to establish a general-purpose foreign-trade zone in Clinton County, Ohio, adjacent to the Dayton Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 24, 1983. The applicant's authority to make this proposal under Section 1743.11 of the Ohio Revised Code is being reviewed as part of the overall review of the proposal, and the FTZ Act, Section 1(f) (19 U.S.C. 81a(f).

The proposed zone will cover 1.1 acres within the Airborne Air Park, a 490-acre industrial park and airport complex at the former Clinton County Air Force Base near Wilmington, Ohio, some 30 miles southeast of Dayton. An existing hanger/warehouse is available for initial zone activity. The complex is owned and operated by Airborne Freight Corporation.

The application contains evidence of the need for zone services in Wilmington, Ohio area; but, will be reviewed with the proposed zone at Dayton International Airport in mind. Several firms have expressed an interest in using the proposed zone for air freight related warehousing/distribution activity, involving a variety of products including steel, manufacturing equipment, and lift truck parts.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr., (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; John F. Nelson, District Director, U.S. Customs Service, (6th Floor) 55 Erieview Plaza, Cleveland, Ohio 44114; and Colonel Charles E. Eastburn, District Engineer, U.S. Army Engineer District Louisville, P.O. Box 59, Louisville, KY 40201.

As part of its investigation, the examiners committee will hold a public hearing on June 28, 1983, beginning at 10:00 A.M. (immediately following the hearing on Docket No. 17–83 concerning a proposed zone at the Dayton International Airport) in Conference Room A of the Dayton Marriott Hotel, 1414 South Patterson Blvd., Dayton, Ohio.

Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377–2862) by June 22. Instead of an oral presentation, written statements may be submitted, in accordance with the Board's regulations, to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through July 29, 1983.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, Dayton International Airport, International Arrivals Building, Vandalia, OH 45377

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, NW., Washington, D.C. 20230

Dated: May 31, 1983.

John J. Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-15311 Filed 6-7-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

[A-580-073]

Bicycle Tires and Tubes From Korea; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On July 9, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on bicycle tires and tubes from Korea. The review covers the six known exporters of this merchandise to the United States and generally the period from April 1, 1980 through March 31, 1981.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. The petitioner requested a hearing which was held on September 28, 1982. After analysis of the comments received, we have made no changes in the final results from those contained in our preliminary results of review.

EFFECTIVE DATE: June 8, 1983.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–3003/5496.

SUPPLEMENTARY INFORMATION:

Background

On April 13, 1979, the Treasury Department published in the **Federal Register** (44 FR 22051–2) a dumping finding with respect to bicycle tires and tubes from Korea. On July 9, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 29866–7) the preliminary results of its last administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

The imports covered by the review are shipments of bicycle tires and tubes from Korea. The term "bicycle tires and tubes" means pneumatic bicycle tires and tubes, of rubber or plastics, whether such tires and tubes are sold together as units or separately. Bicycle tires and tubes are currently classifiable under items 772.4800 and 772.5700 of the Tariff Schedules of the United States Annotated.

The review covers the six known exporters of Korean bicycle tires and tubes to the United States. For five of the firms the review covers the period April 1, 1980 thorugh March 31, 1981. For Dae Woo Industrial Co., Ltd., the review covers the period April 1, 1978 through March 31, 1981.

Analysis of Comments Received

Interested parites were given an opportunity to submit oral or written comments on our preliminary results. The petitioner, Carlisle Tire and Rubber Co., requested a hearing which was conducted by the Department on September 28, 1982.

Comment 1: Carlisle argues that the Department improperly allowed adjustments to home market prices in computing foreign market value. The statutory definition of foreign market value authorizes the making of adjustments for differences in circumstances of sale of the articles being compared if the Department establishes a causal connection between the amount of the claimed differences in circumstances of sale and the amount of the differences between U.S. and home market prices. In light of the express showing called for in section 773(a)(4) of the Tariff Act of 1930 ("the Tariff Act"), the Department cannot simply assume that price differentials are the cumulative result of an assorted collection of differences in costs.

Department's Position: All adjustments were made in accordance with § 353.15(d) of the Commerce Regulations, which states that reasonable allowances will be made for the costs to the seller of any differences in circumstances of sale. This regulation is consistent with section 773(a)(4) of the Tariff Act, which states that an allowance will be made for any price difference "wholly or partly" due to differences in circumstances of sale. The Department concludes that the differences in cost constitute a reasonable indication of the differences in price.

Comment 2: In computing the home market prices for five of the firms, the Department allowed adjustments for inland freight charges. For Dae Woo, the Department further adjusted the home market price for differences in the costs of packing for home market transactions and export transactions. Carlisle argues that the statute does not permit such costs to be excluded from home market prices.

Department's Position: In making a fair and equitable comparison the Department believes it is necessary to reduce the United States price and foreign market value being compared to comparable terms.

In its simplest form, the calculation will ordinarily be made by taking the ex-factory price for both the sale to the U.S. and for home consumption. In adjusting foreign market value, pursuant to section 773(a)(4) of the Tariff Act, for differences in circumstances of sale to permit a fair comparison on comparable terms, the Department followed a long-standing administrative practice with regard to inland freight costs and packing cost differences, and relied on verified amounts contained in the administrative record.

Comment 3: For several Korean manufacturers the Department made adjustments to the foreign market value equal to the amount of certain after-sale rebates. The Department further allowed an adjustment for bonuses claimed by Hung-A Industrial Co., Ltd. For certain firms the rebate was detemined on a quarterly basis, and for others on a monthly basis. Hung-A made bonus payments at the end of the calendar year based on the volume of purchases made by the buyer in the course of that year.

Carlisle contends that the buyer in the home market would not know on the transaction dates whether or not there was any entitlement to a rebate or a bonus. There was no material evidence of any contractual right on that date to enforce the payment of any particular amount as a rebate or a bonus. Therefore, the petitioner argues that the rebates and bonuses, since they were approximated, were improperly allocated to individual sales and, moreover, are not allowable adjustments since they are not directly related to the sales under consideration. The mere fact that the merchandise was eligible for possible rebates at some future date, and that buyers subsequently received rebates, is not relevant.

Department's Position: The allowed adjustments for rebates and bonuses are quantifiable and directly related to the sales under consideration. Rebate and bonus liabilities were incurred by virtue of sales of bicycle tires and tubes during the periods covered. Thus, the payment of end-of-period rebates and bonuses, and the amounts of those payments, were directly dependent on the sale or non-sale of such tires and tubes. Additionally, the actual total rebate and bonus amounts used to arrive at per-unit rebate figures were verified by the Department. The per-unit figures do not represent approximations or estimates, but reasonable allocations of actual costs.

Comment 4: The petitioner argues that the Department improperly used the rebate rate developed for calendar year 1980 to make an allowance for the first quarter of 1981.

Department's Position: As explained at the hearing, the Department did not allow an adjustment for home market rebates in the first quarter of 1981.

Comment 5: The Department allowed adjustments for certain advertising expenses in calculating home market prices. Carlisle contends that the adjustments for advertising were too large because the advertising materials submitted in support of the claims

included institutional advertising and advertising that was directed toward more than one product.

Multiple-product and institutional advertising expenses are indirect selling expenses, and not assumptions of a buyer's expenses in reselling the merchandise. Therefore, they are not permissible adjustments for differences in circumstances of sale.

Under the law and the regulations the burden is on a respondent to prove entitlement to any adjustment claimed. Carlisle submits that where, as here, a respondent overstates its claim, that firm fails to prove entitlement and there is no duty on the Department to do the work of estimating the amount of the allowance. The verification report for three of the companies noted the failure of respondents to submit adequately disaggregated information on advertising. The Department nonetheless "estimated" the allowable percentage of the total claimed advertising expense.

Department's Position: Section 353.15 of the Commerce Regulations provides that "reasonable allowances will be made" for circumstances of sale which cause the seller to incur direct costs in connection with the sales of the product in question. In this case the Department verified all advertising costs and disallowed those associated with institutional advertising. The Department allocated multiple-product advertising on the basis of space and accepted in its entirety the cost of advertising exclusively for bicycle tires and tubes. The Department believes that product advertising by the manufacturer in newspapers and general public magazines (as opposed to trade journals) is directly related to the sale of that product to the ultimate customer. The Department does not consider it necessary for a firm to mention individual distributor's names in product advertising to the general public for such advertising to be directly related to the sales in question. The Department can accept claimed expenses, in full or in part, allow a reasonable allocation of the claimed expenses, or disallow them in their entirety.

Comment 6: The Department concluded that promissory notes in Korea are only available for a maximum of ninety days. Certain respondents claimed credit costs for up to five months.

Carlisle claims that, since these respondents considerably overstated the amount of credit costs attributable to their sales in the home market, the claims should be disallowed in their entirety. It is improper for the Department to calculate the appropriate partial amounts for adjustment.

Department's Position: The Department maintains that its allowance of differences in credit costs is in accordance with § 353.15(d) of the Commerce Regulations. The Department can allow claimed adjustments in whole or in part, or reject them completely. Therefore, the Department acted within its authority in allowing the claimed adjustments in part.

Comment 7: The petitioner asserts that, in determining the United States price for Dae Yung, Hung-A, Shin Hung Rubber Co., Ltd., and Kukje (ICC) Corp., the Department made improper additions for customs duties, defense taxes, and value-added taxes incurred on raw materials and rebated by reason of exportation of the merchandise. The petitioner argues that, in the absence of any verified evidence that these taxes were in fact included in the home market prices, the Department cannot add rebates of such taxes to U.S. price.

Department's Position: The Department verified the actual total amount of rebated taxes used to arrive at per unit figures, and the taxes paid on raw materials used to produce bicycle tires and tubes for sale in the home market and the U.S. market.

The Department has discretion whether or not to verify specific data during the course of a verification. There is sufficient evidence in the responses that such taxes were included in the home market prices.

Comment 8: Korea Inoue Kasei, Co., Ltd. did not sell such or similar merchandise in the home market. Carlisle claims that the Department should not have limited its inquiry to examination of third-country sales and should have considered the use of constructed value. Further, because of the close geographic proximity of Canada to the U.S. market, the fact that prices in Canada are at or below those in the United States may merely confirm that the foreign producer is dumping in both markets.

Department's Position: The legislative history of the Trade Agreements Act states that "third country prices will normally still be preferred over constructed value if presented in a timely manner and if adequate to establish foreign market value" (S. Rep. No. 249, 96th Cong. 1st Sess. 95–96 (1979)). The Department also acted in accordance with section 353.4 of the Commerce Regulations, which states that "foreign market value based on sales to third countries will be preferred to foreign market value based on constructed value if adequate information is available * * * within the time required". In this case, sufficient third-country sales information was provided by the respondent, was verified by the Department, and was adequate to establish foreign market value.

Final Results of the Review

After analysis of the comments received, the final results of our review are the same as those presented in our preliminary results of review, and we determine that the following weighted-average margins exist:

Exporter	Time period	Margin (percent)
Dae Yung Commercial Co., Ltd.	04/01/80 to 03/31/81.	0
Hung-A Industrial Co., Ltd	04/01/80 to 03/31/81.	0
Korea Inoue Kasei Co., Ltd	04/01/80 to 03/31/81.	0.15
Shin Hung Rubber Co., Ltd	04/01/80 to 03/31/81.	0.37
Dae Woo Industrial Co., Ltd	04/01/78 to 03/31/80.	[illegible]
	04/01/80 to 03/31/81.	[1] 2.32
Kukje (ICC) (Corp.	04/01/80 to 03/31/81.	0

[1] No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the periods of review. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the most recent of the above margins for each firm shall be required on all shipments of Korean bicycle tires and tubes from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Becasue the weighted-average margins for Korea Inoue Kasei Co., Ltd. and Shin Hung Rubber Co., Ltd. are less than 0.5 percent and, therefore, *de minimis* for deposit purposes, the Department waives the deposit requirement for these firms. For any shipment from a new exporter not covered in this or the prior review, whose first shipment occurred after March 31, 1981 and who is unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the current review period, that is, 2.32 percent. These deposit requirements, and the waivers for Korea Inoue Kasei Co., Ltd. and Shin Hung Rubber Co., Ltd., shall remain in effect

until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

May 31, 1983.

[FR Doc. 83-15295 Filed 6-7-83; 8:45 am]

BILLING CODE 3510-25-M

[A-588-049]

Calcium Pantothenate From Japan; Preliminary Results of Administrative Review on Antidumping Finding and Tentative Determination To Revoke in Part

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination to Revoke in Part.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on calcium pantothenate from Japan. The review covers the 22 known manufacturers and/or exporters and 17 of the 19 known third-country resellers of this merchandise to the United States currently covered by the finding, generally for the period January 1, 1981 through December 31, 1981. The review indicates the existence of dumping margins in particular periods for certain firms.

As as result of this review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of the sales during the individual periods of review.

Where company-supplied information was inadequate or firms failed to respond to our questionnaire, we used the best information available for assessment and estimated antidumping duty cash deposit rates.

The Department has also tentatively determined to revoke the finding with respect to Alps Pharmaceutical Ind. Co., Ltd. and Helm Japan, Ltd.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 8, 1983.

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Background

On May 28, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 23506-7) the final results of its last administrative review of the antidumping finding on calcium pantothenate from Japan (39 FR 2066, January 17, 1974) and announced its intent to conduct its next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of calcium pantothenate, a member of the B-complex vitamin family, which is produced in two grades: D-Cal Pan (USP Grade, which is used for human nutrition in the form of multi-vitamin tablets) and DL-Cal Pan (Feed Grade, which is used as food supplement for swine and poultry). Both grades of calcium pantothenate are currently classifiable under item number 437.8225 of the Tariff Schedules of the United States Annotated.

The review covers the 22 known Japanese manufacturers and/or exporters and 17 of the 19 known third-country resellers of Japanese calcium pantothenate to the United States currently covered by the finding. The review generally covers the period January 1, 1981 through December 31, 1981.

Two third-country resellers, Karl O. Helm AG (W. Germany) and Kompanie Ultramar Sievers & Co. GmbH (W. Germany), will be covered in a subsequent review.

Twenty-eight exporters or resellers did not export Japanese calcium pantothenate to the U.S. during the review period. The estimated antidumping duty cash deposit rates for these firms will be based on the most recent information for each firm. Three exporters, Amik Italia SRL (Italy), Chemeta BV (Netherlands), and Vitafor S.A. (Belgium), failed to respond to our questionnaire. For these non-responsive firms we used the best information available to determine the assessment and estimated antidumping duty cash deposit rates. The best information available is the fair value rate.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based either on the packed price to unrelated purchasers in the United States or to unrelated Japanese trading companies for export to the United States, as appropriate. Where applicable, deductions were made for ocean freight, insurance, United States and foreign inland freight, brokerage, duty handling charges, postage, and shipping charges in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, where sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. For comparison with sales to the United States by third-country resellers we used the resellers' price to purchasers in their domestic markets, or for export to countries other than the United States when there were insufficient quantities of such or similar merchandise sold in their domestic markets. Adjustments were made, where applicable, for foreign inland freight, ocean freight, insurance, duty, interest, handling, brokerage, credit costs, commissions to unrelated parties, and differences in packing costs. No other adjustmens were claimed or allowed.

Preliminary Results of the Review and Tentative Determination To Revoke in Part

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

	Time period	Margin (percent)
MANUFACTURER/EXPORTER		
Agropol Limited	1/1/81 to 12/31/81	[illegible]
Alps Pharmaceutical Ind. Co.	do	[illegible]
Byron Chemical Co	do	[illegible]
Eisai Co., Ltd.	do	[illegible]
First Enterprise Inc	do	[illegible]
Helm Japan, Ltd	do	[illegible]
Ichi Maru Co., Ltd	do	[illegible]
Isho Incorporation	do	[illegible]
Iwaki & Co	do	[illegible]
Kamisagi Chemical Co, Ltd	do	[illegible]
Kamiyama Corp	do	[illegible]
Kanematsu-Gosho, Ltd	do	[illegible]

	Time period	Margin (percent)
Marubeni Corp	do	[illegible]
Manzen Chemicals Co	do	[illegible]9.57
Mitsui & Co	do	[illegible]16.87
Nagase & Co	do	[illegible]0
Nippon Roche, K.K	do	[illegible]0
Sankei Pharmaceutical Co	do	[illegible]16.87
Sankyo Company	do	[illegible]3.98
Toho Bussan Co	do	[illegible]16.87
Toyo Menka Kaisha	do	[illegible]1.87
Yamanouchi Pharmaceutical Co., Ltd	do	[illegible]0
THIRD-COUNTRY RESELLER (COUNTRY)		
Amik Italia SRL (Italy)	1/1/81 to 12/31/81.	[illegible].06
Agripharm, Ltd. (W. Germany)	do	[illegible]0
Blembel Gebruder (W. Germany)	do	[illegible]0
[illegible] Medicines & Pharmaceutical GmbH (W. Germany).	4/1/81 to 12/31/81.	0
Chemeta BV (Netherlands)	1/1/81 to 12/31/81.	3.98
Chemical & Feeds, Ltd. U.K.	do	[illegible]16.87
Deutsche-Norwegische Vitamin Gesellschaft GmbH (W. Germany).	do	0
H.G. u C. Blau (W. Germany)	do	0.16
J.H.C. Schmidt (W. Germany)	1/1/81 to 12/31/81.	0
Lenk Chemicals Corp. (Nether[illegible])	do	[illegible]16.87
M. Gurvey & Berry Co., Inc., [Canada]	do	[illegible].00
Marsing & Co., Ltd. (Denmark)	do	[illegible]16.87
Peak Int'l Products BV (Holland)	7/1/81 to 12/31/81	[illegible]0
Siemagluss A.G. (Switzerland)	1/1/81 to 12/31/81.	[illegible]16.87
Siemagluss & Sohn (W. Germany)	do	[illegible]16.87
R.W. Unwin & Co., Ltd. (U.K.)	1/1/82 to 6/30/82	0
Vitafor S.A. (Belgium)	1/1/81 to 12/31/81.	3.98

[illegible] No shipments during the period.

The Department has also concluded that all sales by Alps Pharmaceutical Ind. Co., Ltd. and Helm Japan Ltd. to the United States were made at not less than fair value or had *de minimis* margins for at least a two-year period. As provided for in § 353.54(e) of the Commerce Regulations, both firms have agreed in writing to an immediate suspension of liquidation and reinstatement of the finding as an order if circumstances develop which indicate that Japanese calcium pantothenate manufactured and exported to the United States by Alps and Helm is being sold by them at less than fair value.

Therefore, we tentatively determine to revoke the finding on calcium pantothenate from Japan with regard to Alps Pharmaceutical Ind. Co., Ltd. and Helm Japan Ltd. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise manufactured and exported by Alps and Helm, Japan, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results and tentative determination to revoke in part within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department shall issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the margins calculated above shall be required on all shipments of Japanese calcium pantothenate from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. The Department waives the deposit requirements for Alps Pharmaceutical Ind. Co., Isho Incorporation, and H.G.u C Blau since the margins for these firms are *de minimis* for deposit purposes. For any shipment from a new exporter not covered in this or prior reviews, whose first shipments occurred after the most recent period reviewed and who is unrelated to any reviewed firm, a cash deposit shall be required for future entries at the rate of 3.98 percent. These deposit requirements and waivers shall remain in effect until publication of the final results of the next administrative review.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

June 1, 1983.

[FR Doc. 83-15298 Filed 6-7-83; 8:45 am]

BILLING CODE 3510-25-M

[A-588-006]

Certain Steel Pipes and Tubes From Japan; Early Determination of Antidumping Duty

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Early Determination of Antidumping Duty.

SUMMARY: The Department of Commerce has conducted an early determination of the antidumping duty to be assessed upon imports of certain steel pipes and tubes from Japan entered, or withdrawn from warehouse, for consumption from August 18, 1982 through February 24, 1983. The determination will also be the basis for the deposit of estimated antidumping duties on future entries of such merchandise.

EFFECTIVE DATE: June 8, 1983.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3003/5498.

SUPPLEMENTARY INFORMATION:

Background

On March 1, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 8522) an antidumping duty order on certain steel pipes and tubes from Japan. In accordance with the order, Customs officers were directed to require a cash deposit of estimated antidumping duties on the merchandise pending liquidation.

On March 2, 1983, Sumitomo Metal Industries, Ltd., one of the four known exporters of Japanese pipes and tubes, requested that the Department waive the cash deposit requirement and make an early determination of antidumping duty. On April 20, 1983, we announced in the **Federal Register** (48 FR 16928) that, in accordance with section 736(c) of the Tariff Act of 1930 ("the Tariff Act"), we were satisfied that we would be able to determine foreign market value and United States price, for all entries by Sumitomo from the date of our preliminary affirmative determination to the date of the International Trade Commission's final determination, within 90 days after the date of publication of the order. We waived the cash deposit of estimated antidumping duties pending the early determination of duty.

Scope of the Determination

Imports covered by the determination are shipments of seamless heat-resisting

pipes and tubes, and seamless stainless pipes and tubes, currently classifiable under items 610.5205, 610.5209, 610.5229, 610.5230, and 610.5234 of the Tariff Schedules of the United States Annotated.

We investigated all imports of those Japanese steel pipes and tubes, manufactured by Sumitomo Metal Industries, Ltd., and entered, or withdrawn from warehouse, for consumption during the period August 18, 1982 through February 24, 1983.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was base on the f.o.b. packed price to an unrelated Japanese trading company. We deducted foreign inland freight and a commission to the unrelated Japanese trading company. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such of similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the packed, delivered price with adjustments for differences in credit costs, inland freight, a commission to an unrelated party, and differences in packing costs. We made a further adjustment for differences in the physical characteristics of the merchandise, in accordance with section 353.16 of the Commerce Regulations. Certain claimed adjustments for differences in packing costs were disallowed because Sumitomo could not quantify the claimed differences. No other adjustments were claimed or allowed.

Analysis of Comment Received

We gave interested parties an opportunity to submit written and oral comments. The petitioner, Babcock and Wilcox, and Sumitomo submitted written comments.

Comments 1: Babcock and Wilcox argued that the non-confidential summary of Sumitomo's submission was inadequate because 1) the wall thicknesses and diameters for each comparison between U.S. sales and home market sales did not correspond exactly, 2) within manufacturing runs U.S. specifications varied unduly from those common in the trade, and 3) exchange rates were omitted. Babcock and Wilcox contended that it was impossible to determine if the proper home market sales had been chosen for comparison because of the inadequate non-confidential summary.

Department's Position: We determined that Sumitomo's non-confidential summary was inadequate. At our request, Sumitomo submitted a revised, timely, and adequate non-confidential summary.

Comment 2: Babcock and Wilcox questioned the small size of individual entries, multiplicity of "work order numbers" relating to contracts and individual shipments, and whether each work order represented a separate manufacturing run.

Department's Position: We verified that a "work order number" is simply an internal administrative "flag" used by Sumitomo to indicate a discrete customer specification. These "work order numbers" are not used for manufacturing run control.

Comment 3: Babcock and Wilcox alleged that Sumitomo sold substantial quantities of pipes and tubes in the home market at below the cost of production. Babcock and Wilcox expressed its concern that, because of the compressed nature of our proceeding, the Department would be unable to re-investigate that allegation, nor to determine whether Sumitomo's U.S. subsidiary sold to unrelated U.S. purchasers below its acquisition cost.

Department's Position: During the fair value investigation the Department found that insufficient quantities of pipes and tubes were sold below the cost of production to warrant further investigation of that allegation. Babcock and Wilcox failed to provide new or additional evidence to support that allegation. Accordingly, we did not further investigate it.

Comment 4: Babcock and Wilcox contended that, since Sumitomo Metal Industries is related to Sumitomo Corporation, the trading company handling its U.S. export sales, arms-length pricing would not occur, and the price between Sumitomo Metal Industries and Sumitomo Corporation should not be used to establish United States price.

Department's Position: During the fair value investigation the Department determined that a relationship, as defined for antidumping purposes, did not exist. We have no new or different evidence indicating that the respective ownership interests have changed.

Comment 5: Babcock and Wilcox questioned certain data submitted by Sumitomo concerning sales prices for large diameter cold-finished pipe. Moreover, Babcock and Wilcox contended that hot-finished pipe may have been sold for export as cold-finished pipe, thereby overstating its true value.

Department's Position: During our verification of Sumitomo's submission we selected various sales, including a sale of large diameter cold-finished pipe. We verified the type of finish, traced the payments, and found no discrepancies.

Comment 6: Babcock and Wilcox noted that the total quantity of sales reported by Sumitomo was substantially less than the volumes reflected in Commerce/Census statistics.

Department's Position: Census data do not disaggregate importations by exporter. Our records indicate that Sumitomo reported all its shipments during the period.

Comment 7: Babcock and Wilcox noted that, during the verification of data submitted by Sumitomo, the Department questioned Sumitomo's claim for adjustments for differences in packing costs, that actual packing costs could not be calculated, and that the type of packing used in any specific sale could not be determined. Given these difficulties, Babcock and Wilcox argued that Commerce should review such claims, particularly in instances where Sumitomo claimed that home market packing costs exceed those for the U.S. market.

Conversely, Sumitomo questioned statements made by the verifying officer concerning packing costs, protesting that the Department had previously accepted its methodology of calculating average packing costs. In addition, Sumitomo clarified the fact that, although most merchandise would have a similar type of packing, this does not necessarily imply similar packing costs.

Department's Position: Sumitomo was unable to demonstrate, either in its submission or at the verification, that packing costs differed between the U.S. and the home market. It could provide no information on the type of packing used for a specific item or sale. Before we will consider an adjustment for differences in packing costs a firm must show different packing costs for each market by tracing the calculations to an actual sale in each market. Where Sumitomo claimed that home market packing costs exceeded U.S. packing costs, we disallowed the adjustment. Where U.S. packing costs were greater, and any adjustment would result in an upward adjustment to foreign market value, we made the adjustment.

Comment 8: Babcock and Wilcox referred to a portion of our verification report that states "the submitted data on credit costs (exhibited) some minor inaccuracies." Babcock and Wilcox urged the Department to further examine

Sumitomo's claimed financing cost differential.

Department's Position: In our verification we found that Sumitomo used an incorrect commercial exchange rate in calculating the benefit of financing export sales, and also imputed an overly high interest rate to such financing. In addition, Sumitomo claimed only a 90-day credit period for home market sales, whereas accounts were usually held for longer periods. All three errors worked to Sumitomo's disadvantage; that is, Sumitomo did not claim as much of an adjustment as its records show it could have claimed. We allowed only the claimed amounts.

Comment 9: Babcock and Wilcox argued that, because our verification noted rounding errors in the calculation of manufacturing cost differentials, the requested downward adjustments to the foreign market value should be rejected.

Department's Position: In our verification report we noted the existence of such errors; however, those errors did not form a pattern advantageous to Sumitomo. We verified the claimed adjustments and are satisfied that they are warranted.

Results of Early Determination

As a result of our comparison of United States price to foreign market value, we determine that the weighted-average margin for all merchandise manufactured by Sumitomo and entered during the period August 18, 1982 through February 24, 1983, is 0.14 percent.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all shipments manufactured by Sumitomo entered, or withdrawn from warehouse, for consumption from August 18, 1982 through February 24, 1983. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Since the weighted-average margin for Sumitomo Metal Industries, Ltd. is less than 0.5 percent and, therefore, *de minimis* for cash deposit purposes, the Department shall waive the requirement for cash deposit of estimated antidumping duties provided for by § 353.48(b) of the Commerce Regulations.

No cash deposit of estimated antidumping duties shall be required on future entries of this merchandise for any shipment from a new exporter not covered by this determination or during the fair value investigation, whose first shipments occurred after February 24, 1983. This requirement and waiver shall remain in effect until publication of the final results of the first administrative review. The Department intends to conduct its first administrative review by the end of March 1985.

This notice is published pursuant to section 736(c)(3) of the Tariff Act (19 U.S.C. 1673(e)) and § 353.49 of the Commerce Regulations (19 CFR 353.49).

May 31, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-15298 Filed 6-7-83; 8:45 am]

BILLING CODE 3510-25-M

[A-588-032]

Large Power Transformers From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On December 8, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on large power transformers from Japan. The review covers the three known exporters of the merchandise to the United States, Fuji Electric Co., Ltd., Hitachi Ltd., and Tokyo Shibaura Electric Co., Ltd., and certain unappraised entries during varying time periods through June 30, 1980.

Interested parties were given an opportunity to submit written comments or request a hearing on the preliminary results. At the request of the petitioner and the three respondents, the Department held a hearing on February 1 and 2, 1982.

After our consideration of comments received, we have changed the margins for two of the exporters from those presented in the preliminary results of review.

EFFECTIVE DATE: June 8, 1983.

FOR FURTHER INFORMATION CONTACT: Harry A. Patrick or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5253.

SUPPLEMENTARY INFORMATION:

Background

On June 14, 1972, a dumping finding with respect to large power transformers from Japan was published in the **Federal Register** as Treasury Decision 72-162 (37 FR 11773). On December 8, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 60046) the preliminary results of its first administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of large power transformers ("transformers") that is, all types of transformers rated 10,000 KVA (kilovolt-amperes) or above, by whatever name designated, used in the generation, transmission, distribution, and utilization of electric power.

The term "transformers" includes, but is not limited to, shunt reactors, autotransformers, rectifier transformers, and power rectifier transformers. Not included are combination rectifier-transformer units, commonly known as rectiformers, if the entire integrated assembly is imported in the same shipment and entered on the same entry, and the assembly has been ordered and invoiced as a unit, without a separate price for the transformer portion of the assembly. Transformers covered by this finding are currently classifiable under items 682.0765 and 682.0775 of the Tariff Schedules of the United States Annotated.

The Department knows of three exporters of Japanese large power transformers to the United States: Fuji Electric Co., Ltd. ("Fuji"), Hitachi, Ltd., and Tokyo Shibaura Electric Co., Ltd. ("Toshiba").

The review covers the three exporters and certain sales not covered by prior appraisement instructions ("master lists"), during varying time periods through June 30, 1980. There is one unit reported for which we have not completed our analysis and we know of six unreported units sold during these periods which we will cover in a subsequent administrative review. The Treasury Department reviewed all entries made prior to September 26, 1975.

Analysis of Comments Received

Interested parties were invited to comment on the preliminary results. The petitioner, Westinghouse Electric Corp. ("Westinghouse"), and the respondents, Fuji, Hitachi, and Toshiba, requested a hearing which was held on February 1 and 2, 1982. Comments 1 through 13 are general comments on issues that are applicable to two or more of the firms. The remaining comments are on technical issues pertaining to particular sales covered in this review.

(1) *Comment:* Westinghouse argues that Hitachi did not report its U.S. sales

of shunt reactors, one category of transformers covered by the finding. Westinghouse argues that the Department previously ruled that shunt reactors are within the scope of the finding and that we should not allow the respondents to argue further that such units should not be included. Hitachi's failure to provide appropriate data in a timely manner should result in assessment using the best information available.

Department's Position: We consider this finding to include all transformers rated at 10,000 KVA or above. Shunt reactors, autotransformers, rectifier transformers, and power rectifier transformers are examples of equipment included in the scope of the finding.

The Department did not cover Hitachi's shunt reactors in the current review because, with the Department's permission, Hitachi provided data on equivalent home market units late in the review. Hitachi's shunt reactors will be considered in a subsequent review.

(2) *Comment:* Westinghouse argues that Fuji did not report its U.S. sales of rectifier transformers, another category of transformers covered by the finding. It contends that the previous Treasury Department ruling that rectifier-transformer units are not within the scope of the finding does not apply to the type of rectifier transformer manufactured by Fuji, known as a close coupled S-Former. Westinghouse claims that the Treasury ruling is limited to excluding a transformer which is truly integrated with the rectifier component in such a manner that it becomes a single, direct coupled, integrated product, while the close coupled S-Former consists of a rectifier and transformer manufactured separately, not physically integrated as a single component, and only joined together by a short cable.

Fuji contends that the Treasury decision to exclude rectifier-transformer units does not distinguish between the close coupled S-Former and the direct coupled units. Further, Fuji points out that, based on the Treasury decision, its close coupled S-Former have been previously imported and liquidated as not within the scope of the finding.

Department's Position: Merchandise referred to as "rectiformers", such as the direct coupled S-Former, is not within the scope of the finding. These units, which contain both rectifier and transformer functions, have such a degree of manufactured integration that the Department considers them one inseparable amalgam. We maintain that the 1978 Treasury decision only pertains to rectiformers that have achieved that degree of manufactured integration.

We believe that Customs field offices may have misinterpreted the 1978 Treasury decision and liquidated entries of close coupled S-Former units without regard to the antidumping finding.

Units such as the close coupled S-Former do not meet the Department's benchmark of manufactured integration.

We consider individual elements in the 1978 decision, such as the absence of separate pricing, to be persuasive but not dispositive factors in determining whether or not certain merchandise is covered by this finding. All of the elements of the 1978 decision, including the benchmark of manufactured integration, must be met.

As a general rule we will not base a scope decision for a finding solely on the presence or absence of separate pricing. To do so could result in merchandise being excluded from the scope based merely on a self-serving unitary pricing practice by a respondent.

The Department will provide respondents with an opportunity to furnish separate pricing data. If respondents fail to provide data which the Department considers acceptable, the Department will use the best information otherwise available to determine the appropriate U.S. price and/or foreign market value.

(3) *Comment:* Westinghouse proposed the following method for the Department's selection in future reviews of the most similar home market transformer for comparison to each U.S. unit:

1. A respondent would furnish to the Department a list of all home market sales during a period of review, with the following non-confidential technical information on each unit:

a. KVA rating
b. Voltages/Basic impulse level
c. Frequency
d. Phase
e. Type of cooling
f. Type/Number of windings
g. Type of tap changer
h. Impedance
i. Losses

2. The Department would furnish the complete home market sales listing to other interested parties for comment.

3. After review of comments from any interested party, the Department would select the three home market sales which it deems most similar, in terms of physical and technical characteristics, to the U.S. unit in question.

4. The respondent would then submit to the Department detailed specifications for each of the three selected sales, along with any unusual circumstance-of-sale information. The resondent would furnish non-confidential versions to other interested parties.

5. All interested parties would then be permitted to propose the most suitable sale for comparison with each U.S. sale.

6. The Department would then select from the three units the home market sale it deems most similar to the U.S. sale and verify the data for that sale.

Department's Position: The Department has already adopted this proposal for the next review, with two exceptions. The Department will consider possible adjustments to the foreign market value for differences in circumstances of sale only after selection of the most similar home market unit and will verify when necessary.

(4) *Comment:* Westinghouse argues that, since contractual practices in Japanese transformer sales may differ substantially from those in U.S. sales, the Department should define the date of sale in the home market as the date upon which both parties agree in writing to supply a transformer. Westinghouse asserts that this home market letter of intent date is equivalent to the U.S. formal contract date, and that use of the date of agreement to manufacture a home market unit will permit price-to-price comparisons of contemporaneously produced transformers. On the other hand, Hitachi contends we should use the home market formal contract date as the date of sale, since the letter of intent contains only an estimate of cost that does not set a specific price.

Department's Position: The Department agrees with Westinghouse that in this case the date of such a letter of intent is the date of sale in the home market since the manufacturer begins production on the basis of such a letter. While normally we use for date of sale the date when the final price is set, our emphasis upon parallel production periods for price comparison purposes is justified here because of the uniqueness of the product.

(5) *Comment:* Hitachi argues that for comparison purposes the Department should never use home market sales which post-date the U.S. sale. Only those which are contemporaneous with or pre-date the U.S. sale date should be considered. Westinghouse argues that the Department must select the most comparable home market unit sold within a reasonable period of time, regardless of whether the home market sale date occurs before or after the U.S. sale date.

Department's Position: The Department disagrees with Hitachi's argument because, as a general principle

of contemporaniety, the Department does use later home market sales, and because of the uniqueness of the product. Here we are unusually concerned with selecting a model for comparison that is technically most similar to the U.S. model. Where there was a time gap between production of the home market unit and the U.S. unit that resulted in a significant escalation in costs for the later unit produced, we have made adjustments based on the Bank of Japan Wholesale Price Index (see Comment 30).

(6) *Comment:* Alsthom-Atlantique, S.A. ("Alsthom"), a French producer of large power transformers, contests the Department's use of the Westinghouse Price List ("Westinghouse List"). Alsthom argues that price lists, such as the Westinghouse List, have no lawful function in the appraisement of this merchandise. It contends that, where wide physical differences exist between home market and U.S. transformers, the statute provides for the use of constructed value, and that no basis exists for the Department to stray from the statute and its regulations.

Department's Position: We have determined that the merchandise being compared is "such or similar" merchandise within the meaning of the Act. However, due to the complexity of large transformer design, and the fact that each transformer is individually designed to the specifications of individual customers, it is necesary for the Department to establish a reasonable, uniform methodology by which differences in physical characteristics of the transformers being compared can quantified. To the extent possible, the Department has quantified differences in physical characteristics of the compared models pricing the components of the models using the Westinghouse List, routinely used as standard manual in the industry for determination and analysis of transformer pricing. The Department uses the Westinghouse List, where appropriate, to derive a theoretical price for each of the compared models. While the Westinghouse List does not account for every possible difference in merchandise and other adjustments are computed as appropriate, the parties to this proceeding agree that this methodology is reasonable to arrive at a foreign market value adjusted for differences in merchandise. It is the Department's position that we are acting in accord with the statute and regulations in this proceeding. However, we recognize that the methodology applied here is, as necessitated by circumstances, peculiar to these proceedings and will not necessarily be applied in other proceedings.

(7) *Comment:* In the preliminary results we proposed to change the basis of calculation for quantification of physical differences in merchandise from the 1968 to the 1975 Westinghouse List. Hitachi Ltd. had no objections, provided that the 1975 List be used prospectively and with sufficient notice to permit use of the newer list in preparing its bids.

Department's Position: The Department is deferring a decision on whether to shift to the 1975 Westinghouse List.

(8) *Comment:* The three respondents argue that the Department should allow an adjustment to the foreign market value for the expense of lifetime warranties. They contend that, though the Westinghouse List has no provisions for comparable extended warranties, such warranties are a common business practice in Japan. The respondents argue that their claims for 5 percent adjustments are reasonable, considering the petitioner's practice, described in the Westinghouse List, of charging 1 percent for extending its normal one-year warranty for an additional year. Westinghouse argues that the home market lifetime warranty is not a contractual obligation, and that Westinghouse and other manufacturers incur post-warranty expenses voluntarily to maintain good customer relations.

Department's Position: There is a difference in warranty coverage between the two markets; this is not a difference in physical characteristics that can be adjusted for under the Westinghouse List. The respondents adequately demonstrated that they furnished extended warranty coverage for a number of home market sales and that they did not furnish such coverage on their U.S. sales. The Department usually bases such an adjustment on actual quantifiable cost differences between warranty expenses incurred in each market. In the instant case, although the amount of the warranty adjustment cannot be quantified precisely, there is overwhelming qualitative evidence that warranty coverage is greater in the home market and that this difference in coverage has an effect on the home market price. Therefore, we maintain that the claimed adjustment of 5 percent for a lifetime home market warranty is reasonable in light of Westinghouse's own policy and the respondents' experiences.

(9) *Comment:* Hitachi and Toshiba argue that the Department improperly denied their claimed adjustments for one of two series of technical tests. Hitachi contends the first series (factory tests) is performed for the engineering staff of the producer, and the second series (witness tests) is performed several weeks later for the customer. Hitachi and Toshiba argue that performing both sets of test involve an elaborate and costly procedure. Both sets represent expenses necessarily incurred in home market sales and adjustment is warranted for this difference in selling expenses. Westinghouse argues that the initial testing is undertaken for the manufacturer's own benefit prior to the acceptance test. The double set of tests is at the manufacturer's option and not contractually required.

Department's Position: While we acknowledge a difference in testing procedures, we see no basis for an adjustment for the first series of test since that series is analogous to normal quality control. We are allowing adjustment for one series of tests.

(10) *Comment:* Westinghouse argues that the 5 percent adjustment to foreign market value for an earthquake (seismic) reinforcement expense claimed by Hitachi and Fuji is unwarranted. Westinghouse believes that Toshiba's approach of adjusting for limited actual cost of additional seismic reinforcement, an addition to the price amounting to less than 1 percent, is warranted.

Hatachi and Fuji contend that this adjustment is justified because of the stringent level for seismic shock resistance during actual operation specified for a home market transformer. Further, the respondents argue that the amount of this adjustment should be computed based on the ex-factory price of the home market transformer, not on the basis of the Westinghouse List "base price."

Department's Position: Although there is a difference of opinion between U.S. and Japanese engineers as to what special features are needed for earthquake resistance, the special features actually furnished have been documented, and an adjustment of 5 percent for the additional costs of the provisions furnished is appropriate. Since the Westinghouse List is used to quantify differences in the merchandise sold in both markets, it is appropriate to calculate this adjustment as a percentage of the Westinghouse List price, rather than as percentage of the ex-factory price.

(11) *Comment:* Westinghouse argues that two changes to the Department's calculation concerning the sound level of the customer B transformer sold by Toshiba are required. The second of the

changes also pertains to Hitachi's home market customer A unit. First, following Westinghouse List Rule 25, the standard sound level for the customer B transformer is 89 decibels, not 91 decibels as used by the Department. Accordingly, a 21 percent addition, rather that the 23 percent used by the Department, is warranted. Second, to the extent that part of the sound reduction was accomplished as part of the installation work at the site, the cost of that portion of the sound reduction would be included in the already-deducted installation costs. Westinghouse suggests that only the amount of sound level reduction achieved through work done at the factory should be used in applying Rule 25.

Toshiba claims that Westinghouse's first assertion is based on an incorrect use of Rule 25 in calculating the decibel level of the two-winding KVA equivalent to the three winding customer B unit and that, in accord with footnote 2 of Rule 25, the standard sound level for the two-winding KVA equivalent is 91 decibels. Toshiba concurs with Westinghouse's suggestion concerning its second argument, since the Department verified that the full specified sound reduction was achieved at the factory. Hitachi also states that all of its claimed audio suppression was accomplished at the factory.

Department's Position: We agree with Westinghouse that a proper reading of Westinghouse List Rule 25 calls for a standard sound level of 89 decibels. Accordingly, we have made a 21 percent adjustment. The Department used the audio level achieved at the plant as the basis for the adjustment for both Toshiba and Hitachi home market sales.

(12) *Comment:* In the preliminary results, the Department made no adjustment for credit differences for Fuji or Hitachi. Westinghouse argues that the Department should make an upward adjustment of home market prices for differing credit terms for Fuji and Hitachi units based on data verified by the Department. Westinghouse alleges that the verification materials, in conflict with the responses, suggest that some pre-shipping payment arrangement was involved in the home market sales. Fuji and Hitachi contend that there was no partial or complete payment prior to shipment and that their claimed downward adjustments already reflected offsets for credit costs on the U.S. sales.

Department's Position: The Department has checked actual payment dates for both markets for all sales and has found that for Fuji and Hitachi there was in no instance any prepayment. We also examined the claimed downward adjustments and are satisfied that the adjustments are warranted.

(13) *Comment:* The three respondents argue that the Department erred in applying the 5 percent sea packing rule in the Westinghouse List, since the Department had already made the normal packing adjustment.

Department's Position: The Department agrees and has recalculated its results to adjust only for the normal packing cost differences.

Toshiba Sale to Bonneville Power Authority ("BPA")

Westinghouse's Comments

(14) *Comment:* The Toshiba home market sales to Chubu EPA and Kansai EPC are technically more similar units for comparison than the customer B transformer selected by the Department for comparison with the two BPA units. However, Westinghouse accepts the Department's selection if we make the following changes: (1) the customer B unit must be priced using a 1550 BIL (basic impulse level) rather than a 1675 BIL, and (2) the unusually large circumstance-of-sale adjustment for the inland transportation and installation costs of the customer B transformer must be properly accounted for by deducting from the home market price *only the cost* to Toshiba subsidiaries of performing the transportation and installation.

Department's Position: We do not agree that the two home market transformers claimed by Westinghouse are more similar to the BPA units, since the units cited by Westinghouse are equipped with load voltage regulators rather than the load tap changers used in the BPA and customer B units. The unusual nature and amount of the inland transportation and installation expenses incurred in the customer B sale does not affect the nature or extent of physical and technical similarity between the customer B and BPA transformers.

We have modified our deduction for inland freight and installation costs to reflect only the actual cost incurred by Toshiba subsidiaries (see Comment 17). Further, we have used 1550 BIL for the customer B unit (see Comment 15).

(15) *Comment:* In calculating the transformer "base price," the Department should use the nominal BIL of the high voltage winding ordered and tested; that is, 1300 KV for the BPA units and 1550 KV for the customer B unit. Westinghouse argues that the Department's use of a 1675 KV BIL for the home market unit, based on Toshiba's claim that this transformer was required to meet a special 750 KV low-frequency test to ground (LFTG), which is standard for a 1675 KV BIL unit, is unjustified. Westinghouse asserts that the BIL level is internationally recognized as a fundamental criterion for pricing large power transformers, and that designing a transformer for a higher than standard LFTG level is not nearly as costly as designing for a higher BIL. If the Department persists in recognizing the higher BIL on the home market transformer, Westinghouse claims we must also use a higher BIL on the U.S. units, since a higher LFTG was also specified for them.

Conversely, Toshiba argues that the BIL and LFTG tests are closely interrelated and both must be considered in pricing a transformer. Toshiba argues that the LFTG for the customer B transformer was the critical test, and, therefore, that unit must be rated under the Westinghouse List at the higher BIL of 1675 KV, even though the specification did not require the transformer to be tested at the higher BIL. Toshiba argues that the LFTG test required a design with increased insulation thickness and increased distance between the windings and the surrounding components, enlarging the entire transformer, and resulting in a major expense. Toshiba further argues that the special LFTG specified for the U.S. sale was less stringent than the LFTG test on the customer B transformer. As a result, the U.S. units should not receive the higher BIL rating suggested by Westinghouse.

Department Position: The Department has reduced the BIL for the Toshiba home market transformer to 1550 KV and recalculated the price. Customer B required a BIL 1550 KV and the Westinghouse List clearly requires pricing to be based on the BIL of the high voltage winding when the BIL is specified. Accordingly, the Department will not modify the fundamental comparison procedure of the Westinghouse List to account for higher than normal low-frequency test to ground specifications.

(16) *Comment:* The tertiary winding BIL for the home market unit, which was specified and tested at 350 KV, warrants a 7 percent adjustment rather than the 16 percent adjustment (for 650 KV) selected by the Department. Toshiba claims that the 16 percent adjustment is warranted, since the tertiary winding in this core type transformer is located very close to the core, and, therefore, the higher voltage in the winding must be moved farther from the core. This in turn requires the entire transformer to be enlarged to meet a 650 KV tertiary

winding test. Conversely, Westinghouse argues that the higher voltage can be handled easily and routinely. The manufacturer can design the transformer to avoid the higher voltage and the 7 percent allowance from the Westinghouse List is clearly appropriate.

Department's Position: The determination of the appropriate BIL should be based on the insulation thickness and clearances actually provided. Absent documentation from Toshiba that the tertiary winding was actually insulated for a BIL of 650 KV, there is no basis for increasing the BIL above the specified value of 350 KV.

(17) *Comment:* The transportation and installation adjustments for Toshiba's customer B unit must be based upon the actual cost incurred by Toshiba's subsidiaries, and not upon the price paid by Toshiba to the subsidiaries. Toshiba argues that, because the functions performed by the subsidiaries would have been more costly if performed completely by unrelated firms, the claimed adjustment is reasonable.

Department's Position: We agree with Westinghouse. Even if the subsidiaries perform the functions themselves, we do not find it appropriate to adjust for a subsidiary's overhead expenses or profit.

(18) *Comment:* It is inappropriate to allow the 5 percent adjustment for the Schnabel tank configuration on the customer B transformer, since the cost of a standard-design tank is already encompassed in the Westinghouse List. While Toshiba agrees that the 5 percent adjustment should not be made, it argues that we should allow some adjustment for the added expense of the special construction of the Schnabel tank.

Department's Position: The Department agrees with Westinghouse and Toshiba that the 5 percent adjustment is not appropriate. However, the Schnabel tank design costs a great deal more to make than the standard-design tank designated in the Westinghouse List. Toshiba furnished satisfactory evidence of the differences in the costs of production for the home market unit incurred through the special steel used and the additional fabrication expenses. Accordingly, we made an adjustment for these additional expenses.

(19) *Comment:* The commission paid by Toshiba to Mitsui, which is an expense that must be deducted from the U.S. price calculation, is not a selling commission. Therefore, indirect selling expenses in the home market cannot be used to offset this U.S. expense. Even if the Mitsui payment were a selling commission, as was the payment to the Electric Transmission Company, neither should be offset, because Toshiba did not provide a sufficiently disaggregated explanation of the expenses included in the proposed offset.

Department's Position: Toshiba sold this transformer to BPA through Mitsui, because Mitsui possessed the licenses necessary to consummate this sale. Therefore, this was a necessary selling expense for Toshiba if the sale was to be completed. We disagree with Westinghouse with regard to disaggregation. We consider it appropriate to base our offset on the indirect selling expenses of Toshiba's Heavy Apparatus Group. We believe that, if the selling expenses of Toshiba are not broken down to a lower accounting unit than the Heavy Apparatus Group and if this is in accordance with the generally accepted accounting principles in Japan, this accounting unit can form the initial basis for allocation of indirect selling expenses. We verified these expenses.

Toshiba's Comments

(20) *Comment:* The Department erred in deducting the engineering service installation expense from the price of the U.S. transformer, since the cost of that additional service was not included in the basic contract amount.

Department's Position: We agree and have adjusted our calculations accordingly.

(21) *Comment:* The Department's adjustment for an efficiency factor is unfair, since none of the parties to the proceeding had prior knowledge of the possibility of such an adjustment. Toshiba argues that, since the Westinghouse List does not include an adjustment for efficiency, Toshiba had no opportunity to consider the factor when pricing the transformers for sale in either market. Toshiba claims a 1971 Westinghouse letter on the subject indicated that the efficiency factor should not be applied in this proceeding, that it was never contemplated, and that it would not be necessary or appropriate. If the Department does determine that an efficiency adjustment is appropriate, Toshiba maintains it was incorrectly applied, in that the installation adjustment (see Comment 17) should be deducted from the efficiency adjustment.

Department's Position: The Department maintains that the efficiency factor is a common measure within the industry for evaluating transformers, and that appropriate adjustments for that factor should be made. A U.S. Customs Service letter to the three Japanese respondents in February 1971 first raised the prospect of efficiency adjustments. The Department agrees with Toshiba that the installation costs should not be considered in calculating the efficiency adjustment.

(22) *Comment:* The Department failed to make appropriate adjustments for differences in painting, accessories, and bushing components included in the home market transformer.

Department's Position: We agree and we have made appropriate recalculations.

(23) *Comment:* The Department should use Toshiba's actual verified cost of marine insurance rather than the amount shown on Customs entry documents.

Department's Position: We agree and have made the adjustment based on the actual marine insurance premium charged.

Certain other issues concerning the BPA sale by Toshiba were raised after publication of the preliminary results, concerning load tap changers, long bushings, tertiary current transformers, the BIL of winding, and certain mathematical errors. With the agreement on the issues by both parties, the Department has adjusted its calculations accordingly.

Fuji Sales to Dow Chemical Corporation

Westinghouse's Comments

(24) *Comment:* Two units sold in the home market by Fuji, the Hokoriku and one Kawasaki transformer, are more similar for comparison with the two Dow Chemical transformers than the customer A unit selected by the Department.

Department's Position: The Department resolved the confusion among the parties about the Kawasaki Steel transformers after receiving the posthearing briefs. The customer A unit is in fact the Kawasaki Steel transformer sold in July 1976 and recommended by Westinghouse for comparison purposes.

(25) *Comment:* Rule 3 of the Westinghouse List requires a multiplier (to the basic pricing KVA) of 1.18 for the 32 degrees centigrade maximum cooling water specified by Dow Chemical rather than the 1.08 factor used by the Department. Westinghouse contends that Fuji's argument for a 1.08 multiplier, based on an average water temperature derived from an American National Standards Institute (ANSI) standard, is incorrect since this ANSI standard is not a rule and, further, average cooling water temperature cannot be deduced from the maximum temperature.

Fuji claims that Westinghouse incorrectly uses a maximum temperature specification in a chart in the Westinghouse List which references average temperatures.

Department's Position: The Westinghouse List assigns a heating multiplier corresponding to the specific temperature rise or ambient temperature listed. The Dow specification calls for a 32 degrees maximum temperature. Without further clarification, a transformer manufacturer would have to design for 32 degrees centigrade as the average temperature. Inasmuch as the Westinghouse List shows a multiplier of 1.18 for an average water temperature of 31 degrees to 35 degrees centigrade, the Department has used the 1.18 multiplier.

(26) *Comment:* The transformers sold to Dow Chemcial require copper-nickel tubing for the heat exchangers and this extra cost should be taken into account. Based on an estimate obtained from an outside supplier in the U.S. at the time Westinghouse bid on this sale, Westinghouse argues that a $5000 cost premium over the standard tubing is appropriate. Fuji argues that, if an adjustment is appropriate, the Westinghouse quotation is not reasonable. Fuji claims the actual difference was $450.

Department's Position: The Department recognizes that the extra tubing constitutes a difference in the merchandise not accountable for under the Westinghouse List. We recalculated the results using the actual cost difference realized by Fuji.

Hitachi Sale to City of Seattle

Westinghouse's Comments

(27) *Comment:* The Department's calculations overstate the comparative price for the Hitachi home market unit by basing the unit price on a self-cooled (OA) design, rated at 150 MVA, which does not require oil pumps or fans. While the customer A unit does not have a fan it uses oil pumps which increase the equivalent rating by 33 percent. Accordingly, Westinghouse argues that, based on the Westinghouse List, the customer A list price should be computed as a transformer rated at 112.5 MVA with OA cooling, plus 5 percent for supplemental cooling.

On the other hand, Hitachi points out that the transformer does not use any cooling fans. Hitachi designed this transformer with the radiator mounted above the transformer tank because of space constraints, and the higher elevation inhibits the natural oil circulation necessary for OA cooling. Hitachi argues that there is only a *de minimis* difference in efficiency between OA type cooling and the customer A unit cooling.

Department's Position: Because of the physical arrangement of the cooling system, the apparent lack of self-cooling, and the inefficient heat exchange without the use of radiator fans, the Department has priced this transformer as a 150 MVA rated OA transformer. We believe the cost of the oil pumps and the remote location of the radiator will approximately compensate for the small reduction in the size of the core and coils for the forced oil cooling.

(28) *Comment:* The Department should not allow an adjustment for Hitachi's claimed shorter manufacturing and delivery period for the sale to customer A. Further, the 35 percent labor rate used as an adjustment factor by Hitachi is unrealistically high.

Department's Position: The Department does not consider this type of adjustment appropriate without corroborating information in the contract provisions and detailed analysis demonstrating the cost difference between the actual manufacturing time for this sale and the "normal" manufacturing period. Since contracts and supporting documents provided at the verification do not indicate that Hitachi incurred any additional costs for the shorter manufacturing period associated with this sale, the Department has disallowed the claimed adjustment.

(29) *Comment:* The invoice amount of the Hitachi transformers sold to the City of Seattle was $5,000 lower than the amount used by the Department as the starting point for the U.S. price calculation.

Department's Position: The Department agrees that the verified costs from the original contract did not reflect a subsequent change that deleted a $5,000 freight charge. We have adjusted our calculations using the invoice amount.

Hitachi's Comments

(30) *Comment:* The Department should use the Bank of Japan Wholesale Price Index ("price index") for transformers rather than the Japanese Statistical Yearbook as the basis for adjusting home market prices for inflation. Further, the adjustment should be applied only when the contract dates are more than one year apart. Westinghouse contends the inflation adjustment should be based on the increase in raw materials' costs to the Japanese manufacturers rather than the finished product prices. If the price index is used, the Department should determine whether export prices are included in the price index, and determine the physical characteristics of the transformers in the index.

Department's Position: Because of the unique nature of the merchandise (i.e., large unit values for individual transformers and the paucity of sales), the Department chose to expand its period for determining contemporaneous sales. In order to compensate for this expansion, we consider an adjustment for inflation to be appropriate. Our adjustment for inflation is based on price factors, not cost.

Whereas the Japanese Statistical Yearbook index is more general, being for all electrical machinery, the price index is more specific, being only for transformers and is, therefore, a better gauge of how inflation affected transformer prices. Therefore, the Department has adopted the price index and we have adjusted our calculations accordingly. The price index does exclude export prices and identifies transformers by their MVA.

(31) *Comment:* The Department incorrectly applied the Westinghouse List Rule 21 on the tertiary winding percent adjustment for the City of Seattle transformers. Hitachi argues that we should have selected the 0 percent adjustment from the primary table in the rule, rather than the 12 percent adjustment from the supplementary table. The Rule 21 footnote correlates 110 KV BIL with 11–15.75 KV voltage listed in the primary table and, since the 110 KV BIL is clearly referenced, the primary table adjustment is the appropriate one to use.

Department's Position: The Westinghouse List Rule 21 footnote indicates that the 11 KV winding voltage range is normally used with the 110 KV BIL listed in the primary table, and that the supplementary table is applicable only when a lower than normal voltage range is used. The City of Seattle transformers' tertiary winding of 2.5 KV has a lower than normal voltage and is so identified in the supplementary table. Accordingly, we maintain that the selected 12 percent adjustment is correct.

(32) *Comment:* The Department's use of the Westinghouse List rule 2C–A for the tertiary winding price for the City of Seattle transformers was incorrect. Hitachi argues that we should have used Rule 2C–B since the transformers have a continuous rating of only 0.05 percent of the primary winding, not 35 percent, as Rule 2C–A requires.

Department's Position: The 75,000 KVA name plate specifies the tertiary capacity for stabilization rating as 26,250 KVA (35 percent of the largest winding) and an auxiliary power

continuous rating of 35 KVA (0.047 percent of the largest winding). The tertiary stabilization winding requires more expensive conductors in order to protect the system under fault conditions. The Westinghouse List Rule 2C–A does not apply only when the winding (for pricing purposes) is less than 35 percent of the KVA of the largest winding. Accordingly, we maintain that the pricing from the Westinghouse List Rule 2C–A is appropriate.

Hitachi Sale to New Jersey Department of Transportation

Westinghouse's Comments

(33) *Comment:* The Department's comparison of the home market customer B unit to the unit sold to the New Jersey Department of Transportation ("NJ DOT") is appropriate only if proper calculations of the impedance on the U.S. sale are made and if the Department receives full information on the contract terms on the NJ DOT sale.

Department's Position: We agree and have recalculated the impedance on the NJ DOT units (See Comment 34). Further, we received full information on the contract terms.

(34) *Comment:* The adjustment of 23 percent derived from the Westinghouse List Rule 12 table B for a special impedance on the NJ DOT unit is too low and requires further extrapolation from the Westinghouse List table. The correct adjustment is 29 percent.

Hitachi objects to the extrapolation methodology urged by Westinghouse because such a huge adjustment based on extrapolation beyond the relevant chart would permit limitless arbitrary action

Department's Position: The Department agrees with Westinghouse that further extrapolation beyond the range of the chart is required since the special impedance specified involved a substantial cost. We have made the extrapolation and used 29 percent.

(35) *Comment:* Westinghouse requests that the Department confirm the deduction of a $12,000 penalty for the late delivery of the unit sold to the NJ DOT. Westinghouse agrees with such an adjustment.

Department's Position: We deducted the $12,000 penalty for late delivery.

Final Results of the Review

Based on our analysis of the comments received, we have made corrections for certain errors and adjusted the margins for two of the three firms:

Manufacturer	Period	Margin (percent)
Fuji Electric Co., Ltd	September 26, 1975–June 1980.	0
Hitachi, Ltd.	October 1979–June 1980.	10.63
Tokyo Shibaura Electric Co., Ltd.	September 12, 1977–June 1980.	8.66

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchases dates during the time periods involved.

Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each firm directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of Japanese large power transformers from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any shipment from a new exporter not covered in this review, whose first shipments occurred after the most recent period reviewed and who is unrelated to any reviewed firm, a cash deposit of 10.63 percent shall be required for future entries. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review immediately after publication of this notice.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

David K. Diebold,

Acting Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.

June 2, 1983.

[FR Doc. 83–15282 Filed 6–7–83; 8:45 am]

BILLING CODE 3510–25–M

[A–357–042]

Printed Vinyl Film From Argentina; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on printed vinyl film from Argentina. The review covers the only known manufacturer and/or exporter of this merchandise to the United States, Plavinil Argentina S.A.I.C., and the period August 1, 1981 through July 31, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined not to require a cash deposit of estimated antidumping duties on future entries. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 8, 1983.

FOR FURTHER INFORMATION CONTACT: Michael R. Cox or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–3003/5496.

SUPPLEMENTARY INFORMATION:

Background

On January 15, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 2390) the final results of its last administrative review of the antidumping finding on printed vinyl film from Argentina (38 FR 22794, August 24, 1973) and announced its intent to conduct the next administrative review by the end of August 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of printed vinyl film, also known as printed polyvinyl chloride sheeting, currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated.

The review covers the one known manufacturer and/or exporter of Argentinean printed vinyl film to the United States, Plavinil Argentina S.A.I.C., and the period August 1, 1981 through July 31, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Preliminary Results of the Review

Since there have been no shipments of Argentinean printed vinyl film to the United States for over nine years, we preliminarily determine not to require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on any shipments of Argentinean printed vinyl film entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the fina results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

May 25, 1983.

[FR Doc. 83-15294 Filed 6-7-83; 8:45 am]
BILLING CODE 3510-25-M

[A-351-043]

Printed Vinyl Film From Brazil; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on printed vinyl film from Brazil. The review covers the two known manufacturers and/or exporters of this merchandise to the United States and the period August 1, 1981 through July 31, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require cash deposits of estimated antidumping duties on future entries equal to the margins calculated on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 8, 1983.

FOR FURTHER INFORMATION CONTACT: Michael R. Cox or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 377-3003/5496.

SUPPLEMENTARY INFORMATION:

Background

On January 15, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 2391) the final results of its last administrative review of the antidumping finding on printed vinyl film from Brazil (38 FR 22794, August 24, 1973) and announced its intent to conduct the next administrative review by the end of August 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has not conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of printed vinyl film, also known as printed polyvinyl chloride sheeting, currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated.

The review covers the two known manufacturers and/or exporters of Brazilian printed vinyl film to the United States and the period August 1, 1981 through July 31, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 52 percent and zero percent of the entered value shall be required on all shipments of Brazilian printed vinyl from Plasticos Plavinil, S.A. and Vulcan Material Plastico, S.A., respectively, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. For any shipment from a new exporter not covered in this or prior reviews, whose first shipments occurred after July 31, 1982, and who is unrelated to any covered firm, a cash deposit of 52 percent shall be required on future entries. These deposits requirements shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

May 25, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration

[FR Doc. 83-15297 Filed 6-7-83; 8:45 am]
BILLING CODE 3510-25-M

[A-588-041]

Synthetic Methionine From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on synthetic methionine from Japan. The review covers the 30 known manufacturers, exporters, and third-country resellers of this merchandise to the United States and the period July 1, 1981 through June 30, 1982. The review indicates the existence of dumping margins for one firm during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each shipment during the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 8, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia McClenahan or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–5255.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 20465–66) the final results of its last administrative review of the antidumping finding on synthetic methionine from Japan (38 FR 18392, July 10, 1973) and announced its intent to begin immediately the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of synthetic methionine, other than synthetic L methionine. Synthetic methionine is an amino acid produced in two grades, DL methionine national formula grade (used for research and pharmaceutical purposes), and DL methionine feed grade (used as a feed addititive). Both grades of synthetic methionine are currently classifiable under item 425.0420 of the Tariff Schedules of the United States Annotated.

The review covers the 30 known manufacturers, exporters, and third-country resellers of Japanese synthetic DL methionine to the United States and the period July 1, 1981 through June 30, 1982.

Twenty-nine firms did not export synthetic methionine to the United States during the period of review. The estimated antidumping duty cash deposit rate for those firms shall be the most recent rate for each firm. One firm, Ajinomoto Co., Ltd., failed to respond to our questionnaire. For this non-responsive firm we will use the best information available for assessment and estimated antidumping duty cash deposit purposes. The best information available is the fair value rate.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following margins exist for the period July 1, 1981 through June 30, 1982:

Manufacturer/exporter	Margin (percent)
Ajinomoto Co. Ltd	[illegible]
Alps Pharmaceutical Co	[1] 22.54
Amano Pharmaceutical Co	[illegible]
Chugai Boyeki Co	[1] 0
Daito Bussan Co	[1] 0
Heim Japan, Ltd	[2] 11.14
Inuiu Yakuhin Kogyo	[1] 0
Isho Corporation	[illegible]
Iwaki & Co	[1] 1.69
Koyo Mercantile Co., Ltd	[1] 0
Kyowa Hakko Kogyo Co	[1] 29.10
Maruberni Corp	[1] 48
Nippon Kayaku	[1] 48
Nippon Soda Co., Ltd./Mitsui & Co	[1] 8.83
K. Sakai & Co., Ltd	[1] 0
Sumitomo Chemical	[1] 0
Third-Country Resellers (Country)	
Atlantic Trading Co. (Canada)	[1] 0
H. J. Baker & Brothers (W. Germany)	[1] 0
Chemical & Feeds Ltd. (United Kingdom)	[1] 48
Chemo Dondorff (W. Germany)	[illegible]
Deutsch-Norwegische GmbH (W. Germany)	[1] 22.53
Fortamix Chemicals (Canada)	[1] 21.66
Karl O. Helm (W. Germany)	[1] 2.86
Hoffman LaRoche (Canada)	[1] 0
Instal Corp. (France)	[1] 6.25
Mitsui & Co. (Belgium)	[1] 0
Mitsui & Co. (United Kingdom)	[1] 0
Nutrikem Limited (United Kingdom)	[1] 0
Seimagluss & Sohn (W. Germany)	[illegible]
R. W. Unwin & Co. (United Kingdom)	[1] 0

[1] No shipments during the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries with purchase dates during the time period. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of Japanese synthetic methionine from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. For any shipment from a new exporter not covered in this or prior reviews, whose first shipments occurred after June 30, 1982, and who is unrelated to any reviewed firm, a cash deposit of 29.10 percent shall be required for future entries. This is the highest rate for a responding firm with shipments during the most recent period in which shipment occurred. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This administrative and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

May 24, 1983.

[FR Doc. 83–15296 Filed 6–7–83; 8:45 am]

BILLING CODE 3510-25-M

Antidumping; Postponement of Final Determination and Hearing; Carbon Steel Wire Rod From Trinidad and Tobago

AGENCY: International Trade Administration; Department of Commerce.

ACTION: Notice of Postponement of Final Antidumping Determination and Postponement of Hearing: Carbon Steel Wire Rod from Trinidad and Tobago.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from the Iron and Steel Company of Trinidad and Tobago (ISCOTT) that the final determination be postponed until not later than 135 days after the date of the preliminary determination, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)); and, that the Department has determined to postpone its final determination as to whether sales of carbon steel wire rod from Trinidad and Tobago have occurred at less than fair value, until not later than August 2, 1983.

The hearing originally scheduled for May 20, 1983, at 2:00 p.m., in Conference Room D has been postponed. The new hearing date is June 23, 1983, at 2:00 p.m., in Conference Room 3092. The prehearing briefs will be due on June 15, 1983.

ISCOTT is qualified to make this request since it is the exporter who accounts for one hundered percent of the merchandise which is the subject of the investigation. We have determined that additional time is necessary to afford ISCOTT the opportunity to assemble factual information to substantiate claimed adjustments which the Department rejected in its preliminary determination.

EFFECTIVE DATE: June 8, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Jr. or Mary Jenkins, Office of Investigations, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, Telephone (202) 377–4929 or 4136.

SUPPLEMENTARY INFORMATION: On October 20, 1982, the Department of Commerce published a notice in the **Federal Register** (47 FR 47453) that it was initiating under section 732(b) of the the Act (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether carbon steel wire rod from Trinidad and Tobago is being, or is likely to be, sold at less than fair value. the Department published an affirmative preliminary determination on May 4, 1983 (48 FR 20109). The notice stated that if this investigation proceeded normally we would make a final determination by July 12, 1983. Section 735(a)(2) of the Act provides that the Department of Commerce may postpone its final determination concerning sales at less than fair value if an exporter who accounts for a significant proportion of the merchandise which is the subject of the investigation requests an extension after an affirmative preliminary determination.

Accordingly, the Department will issue a final determination in this case not later than August 2, 1983.

This notice is published pursuant to section 735(d) of the Act.

Dated: June 6, 1983.

David K. Diebold,

Acting Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–15359 Filed 6–7–83; 8:45 am]

BILLING CODE 3510–25–M

Antidumping; Postponement of Final Determination; Portland Hydraulic Cement From Japan

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Postponement of Final Antidumping Determination: Portland Hydraulic Cement from Japan.

SUMMARY: This notice informs the public that the Department of Commerce has received a request from Nihon Cement Company, Ltd. (Nihon) that the final determination in the antidumping investigation of portland hydraulic cement from Japan be postponed until not later than 135 days after the date of the preliminary determination, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)) and in § 353.44(b) of the Department of Commerce Regulations (19 CFR 353.44(b)), and that the Department will postpone its final determination as to whether sales of portland hydraulic cement from Japan have occurred at less than fair value until not later than September 6, 1983.

The request for a hearing originally scheduled for May 25, 1983, was withdrawn. If requested by July 5, 1983, the Department will hold a hearing on July 28, 1983, at 10 a.m. in Room B841. The prehearing briefs will be due on July 21, 1983. All written views should be filed in accordance with 19 CFR 353.46, within 7 days of this hearing date to the Deputy Assistant Secretary for Import Administration in at least 10 copies.

Nihon is qualified to make this request since it is an exporter which accounts for thirty-eight percent of the merchandise subject to this investigation. The additional time is necessary to enable Nihon to prepare a response to additional questions from the Department and for Nihon's recently retained counsel to review the data and information submitted by Nihon to date.

EFFECTIVE DATE: June 8, 1983.

FOR FURTHER INFORMATION CONTACT: Terry Link, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377–0189.

SUPPLEMENTARY INFORMATION: On October 19, 1982, the Department of Commerce published a notice in the **Federal Register** (47 FR 46558) that it was initiating under section 732(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether portland hydraulic cement from Japan is being, or is likely to be, sold at less than fair value. The Department published an affirmative preliminary determination on April 29, 1983 (48 FR 19447). The notice stated that if this investigation proceeded normally we would make a final determination by July 5, 1983. Section 735(a)(2) of the Act provides that the Department of Commerce may postpone its final determination concerning sales at less than fair value if an exporter who accounts for a significant proportion of the merchandise which is the subject of the investigation requests an extension after an affirmative preliminary determination.

Accordingly, the Department will issue a final determination in this case not later than September 6, 1983.

This notice is published pursuant to sections 735(d) of the Act.

Dated: June 1, 1983.

David K. Diebold,

Acting Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–15360 Filed 6–7–83; 8:45 am]

BILLING CODE 3510–25–M

Antidumping; Postponement of Final Determination; Portland Hydraulic Cement From Australia

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Postponement of Final Antidumping Determination; Portland Hydraulic Cement from Australia.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from Adelaide Brighton Cement, Ltd. (ABC) that the final determination in the antidumping investigation of portland hydraulic cement from Australia be postponed until not later than 135 days after the date of the preliminary determination, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)) and in § 353.44(b) of the Department of Commerce Regulations (19 CFR 353.44(b)), and that the Department will postpone its final determination as to whether sales of portland hydraulic cement from Australia have occurred at less than fair value until not later than September 6, 1983.

No request for a hearing was received for the hearing originally scheduled for May 26, 1983. If requested by July 5, 1983, the Department will hold a hearing on July 26, 1983, at 10 a.m. in Room B841. The prehearing briefs will be due on July 19, 1983. All written views should be filed in accordance with 19 CFR 353.46, within 7 days of this hearing date to the Deputy Assistant Secretary for Import Administration in at least 10 copies.

ABC is qualified to make this request since it is an exporter which accounts for one hundred percent of the exports to the United States of the merchandise subject to this investigation. The additional time is necessary to enable ABC to gather additional data in support of level of trade issues raised in this investigation.

EFFECTIVE DATE: June 8, 1983.

FOR FURTHER INFORMATION CONTACT: Terry Link, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW.,

Washington, D.C. 20230; telephone (202) 377–0189.

SUPPLEMENTARY INFORMATION: On October 19, 1982, the Department of Commerce published a notice in the **Federal Register** (47 FR 46557) that it was initiating under section 732(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether portland hydraulic cement from Australia is being, or is likely to be, sold at less than fair value. The Department published an affirmative preliminary determination on April 29, 1983 (48 FR 19449). The notice stated that if this investigation proceeded normally we would make a final determination by July 5, 1983. Section 735(a)(2) of the Act provides that the Department of Commerce may postpone its final determination concerning sales at less than fair value if an exporter who accounts for a significant proportion of the merchandise which is the subject of the investigation requests an extension after an affirmative preliminary determination.

Accordingly, the Department will issue a final determination in this case not later than September 6, 1983.

This notice is published pursuant to section 735(d) of the Act.

Dated: June 1, 1983.

David N. Dieborp,

Acting Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–15361 Filed 6–7–83; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; the Ad Hoc Shrimp/Stone Crab Advisory Subpanel Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council, established Section 302 of the Magnuson Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will convene an Ad Hoc Shrimp/Stone Crab advisory subpanel meeting to review the following:

1. Gear modification which could be reasonably implemented to reduce entanglement for the next season.

2. Panel member suggestions for zoning to reduce conflict next season.

DATE: The meeting will be convened at 9 a.m., and will adjourn at approximately 4 p.m. June 27, 1983.

ADDRESS: The meeting will take place in Room 127–128 of the Administration Building of the Pasco/Hernando Community College, 3125 U.S. Highway 98, Brooksville, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa, Florida 33609, Telephone: (813) 228–2815.

Dated: June 3, 1983.

Joe P. Clem,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83–15337 Filed 6–7–83; 8:45 am]

BILLING CODE 3510–22–M

COMMODITY FUTURES TRADING COMMISSION

Establishment of the Commodity Futures Trading Commission Agricultural Options Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Noitice of establishment of advisory committee.

SUMMARY: The Commodity Futures Trading Commission has determined to establish a "Commodity Futures Trading Commission Agricultural Options Advisory Committee." As required by Section 9(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, 9(a)(2) and 41 CFR 101–6.1007, the Commission has consulted with the Committee Management Secretariat of the General Services Administration and the Commission certifies that creation of this advisory committee is necessary and in the public interest in connection with the performance of duties imposed on the Commission by the Commodity Exchange Act ("Act"), 7 U.S.C. 1 et seq., as amended. This notice is published pursuant to Section 9(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 9(a)(2) and 41 CFR 101–6.1015.

FOR FURTHER INFORMATION CONTACT: Charles O. Conrad, Commodity Futures Trading Commission, 2033 K street, N.W. Washington, D.C. 20581; (202) 254–7446.

SUPPLEMENTARY INFORMATION: The Trading of options on domestic agricultural commodities has been unlawful since 1936.[1] Recent amendments to the Commodity Exchange Act, however, have modified that prohibition to authorize the Commission to establish a pilot program for such trading.[2]

As a first step in carrying out Congress' intent and determining whether, and, if so, under what conditions, to establish such a pilot program, the Commission published an advance notice of proposed rulemaking in the **Federal Register** to solicit public comments on trading of agricultural options and the structure of a potential agricultural options pilot program. 48 FR 6129 (Feb. 10, 1983). In addition, the Commission solicited the views of producers and other agri-businessmen through a series of informal meetings chaired by Commissioner Kalo A. Hineman held throughout the country during the month of March 1983. The Commission received valuable information from these meetings and in response to its advance notice of proposed rulemaking. As a result of these preliminary communications, the Commission has recognized a continuing and serious need to receive practical advice and policy suggestions from representatives of interested and affected persons during all phases of the development and implementation of any agricultural options programs which the Commission might adopt.

In response to this need, the Commission has determined to establish a "Commodity Futures Trading Commission Agricultural Options Advisory Committee." The objectives and scope of activities of this Committee shall be to conduct public meetings and submit reports and recommendations on policy alternatives and practical considerations involved in the development of an agricultural options pilot program pursuant to Section 4c(c) of the Commodity Exchange Act, 7 U.S.C. 6c(c) as amended, including the following:

(1) The commercial uses of agricultural options,

(2) The merits of options on physicals and options on futures,

(3) The merits of limiting exchange participation to boards of trade currently designated as contract markets for futures contracts which draw on the same deliverable supply as the proposed option,

(4) Methods for limiting the number of options contracts which may be traded,

[1] Commodity Exchage Act of 1936, ch. 545, Section 4c(B), 49 Stat. 1491 (1936) (codified at 7 U.S.C. 6c(B) (Supp. V. 1981)).

[2] Futures Trading Act of 1982, Pub. L. No. 97–444, Section 208(3), 96 Stat. 2294 (1983) (to be codified at 7 U.S.C. 6c(c)).

(5) The merits of prohibiting options trading on any particular domestic agricultural commodities,

(6) Minimum standards for granting options,

(7) Customer protection standards,

(8) The experience under the Commodity Futures Trading Commission's existing options program and its application to agricultural options.

Commissioner Kalo A. Hineman will serve as Chairman and Designated Federal Official of this Advisory Committee. The advisory committee will have as members persons from the following interest groups: representatives of general farm organizations, national commodity organizations, agricultural lenders, farm cooperatives, grain marketing groups and agricultural economists. The Commission believes that there is a special need for the advice and expertise of representatives of these interest groups since the Commission has had no prior experience with agricultural options. The Commission believes that the background and experience which the representatives of these interest groups will provide the Commission is an important prerequisite to developing a beneficial marketing tool for farmers and the agricultural industry and will be of significant importance in considering appropriate regulatory measures to implement the requirements of the Commodity Exchange Act, as amended.

Issued in Washington, D.C. on June 2, 1983, by the Commission.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 83-15246 Filed 6-7-83; 8:45 am]

BILLING CODE 6351-01-M

Contract Market Rules; Proposed Disapproval; Chicago Board of Trade; Notice of Hearing and Extensions of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of hearing and extension of comment period.

SUMMARY: On January 25, 1983, the Commodity Futures Trading Commission ("Commission") published in the **Federal Register** a Notice of Proposed Disapproval of Contract Market Rules setting forth proposed grounds for Commission disapproval of proposed Chicago Board of Trade ("CBT") Rules 353 and 354. 48 FR 3395. Proposed Rule 353 would require that any person who executes trades for others on the Exchange be compensated on a per contract basis, and would prohibit compensation on a salaried basis. Proposed Rule 354 would restrict those individuals who do not have a substantial equity interest in a membership to executing trades for their personal accounts only. The comment period, which was to expire March 28, 1983, was extended through April 11, 1983. 48 FR 13477. The Commission has determined to allow the CBT to orally present arguments in favor of Commission approval of CBT Rules 353 and 354 in an open Commission meeting scheduled for June 14, 1983, and to reopen the comment period at that time for a period of two weeks.

DATES: The open Commission meeting will be held June 14, 1983 at 10:00 a.m. The comment period will be reopened on June 15 and will close June 30, 1983.

ADDRESS: The public meeting will be held at the Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 in the Commission meeting room on the 5th floor. Comments should be submitted to the Secretariat of the Commission at the above address.

FOR FURTHER INFORMATION CONTACT: Karen Matteson, Attorney Advisor, Division of Trading and Markets, at the above address. Telephone: (202) 254-8955.

Issued in Washington, D.C. on June 3, 1983 by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-15330 Filed 6-7-83; 8:45 am]

BILLING CODE 6351-01-M

Agricultural Options Advisory Committee; Meeting

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a) and 41 CFR 101-6.1015(b), that the Commodity Futures Trading Commission's Agricultural Options Advisory Committee will conduct a public meeting in the Fifth Floor Hearing Room at the Commission's Washington, D.C., headquarters located at Room 532, 2033 K Street, NW., Washington, D.C. 20581, on June 23, 1983, beginning at 9:00 a.m. and lasting until 5:00 p.m. The agenda will consist of:

1. Welcoming Remarks by Susan M. Phillips, Acting Chairman, CFTC;
2. Introduction of Committee Members and Discussion of Goals of Committee by Kalo Hineman, Chairman of the Advisory Committee and Commissioner, CFTC;
3. Discussion of Timetable for Implementation of Agricultural Options Pilot Program Regulations;
4. Review of Regulatory Experience with Current (Non-Agricultural) Options Pilot Program;
5. Review and Discussion of Comments in Response to Commission's Initial Request for Public Comment on Agricultural Options Issues. *See* 48 FR 6129 (Feb. 10, 1983).

The purpose of this meeting is to solicit the views of the Committee on the above-listed agenda matters. The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of receiving advice and recommendations on agricultural options issues. The purposes and objectives of the Advisory Committee are more fully set forth in a notice published elsewhere in today's issue.

The meeting is open to the public. The Chairman of the Advisory Committee, Commissioner Kalo A. Hineman, is empowered to conduct the meeting in a fashion that will, in his judgment, faciliate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: The Commodity Futures Trading Commission Agricultural Options Advisory Committee c/o Charles O. Conrad, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, before the meeting. Members of the public who wish to make oral statements should also inform Mr. Conrad in writing at the latter address at least three business days before the meeting. Reasonable provision will be made, if time permits for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, D.C., on June 3, 1983.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 83-15300 Filed 6-7-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Preparation of Detailed Project Report and DEIS (Draft Environmental Impact Statement) for a Small Boat Harbor in Shotgun Cove near Whittier, Alaska; Notice of Intent.

Agency: U.S. Army Engineer District, Alaska, DOD.

Action: Notice of Intent to Prepare a Detailed Project Report and DEIS.

Summary: 1. Additional facilities are needed to alleviate overcrowded conditions in the Whittier Small Boat Harbor. Expansion of the harbor is not practical as wave heights

and excessive depths seaward of the existing breakwater would make a breakwater cost prohibitive. Sites for a small boat harbor in Shotgun Cove near Whittier, Alaska, will be evaluated to fill this need.

2. Two alternative sites in Shotgun Cove will be considered in detail. Each site would provide approximately 20 acres of protected mooring and maneuvering space. Floating breakwaters constructed of concrete and expanded polystyrene foam units would be used at either site. Site A on the northwestern shore near the mouth of Shotgun Cove would require dredging and disposal of approximately 49,000 cubic yards of material. Site B on the southwestern side of Shotgun Cove near the head of the cove would require dredging and disposal of approximately 55,000 cubic yards of material. A no action alternative also will be considered.

3.a. A Reconnaissance Report was completed in 1979 and agency coordination initiated. Scoping of the DEIS will include continued coordination with interested local, State and Federal agencies and other interested parties. Scoping meetings are not planned at this time. Interested parties are urged to participate actively in the scoping process by submitting their concerns to the Alaska District as soon as possible.

b. Anticipated subjects to be addressed include, but are not limited to: Alternatives, socio-economic impacts, cultural resources, land use, water quality, marine flora and fauna, endangered species, aesthetics, and measures to minimize adverse impacts.

4. The DEIS is expected to be available for public and agency review in September 1984.

Address: Questions about the proposed action and the DEIS can be answered by: William D. Lloyd, Chief, Environmental Resources Section, U.S. Army Engineer District, Alaska, Pouch 898, Anchorage, Alaska 99506.

Dated: May 31, 1983.

Neil E. Seling,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-15240 Filed 6-7-83; 8:45 am]

BILLING CODE 3710-HL-M

DEPARTMENT OF EDUCATION

College Housing Program; Applications Are Invited for New Projects Under the College Housing Program for Fiscal Year 1983

Authority for this program is contained under Title IV of the Housing Act of 1950, 64 Stat. 48,77; Pub. L. 81–475; 12 U.S.C. 1749–1749d, and under Section 306 of the Department of Education Organization Act (Pub. L. 96–88).

Under this program, the Secretary is authorized to award low-interest loans to assist eligible institutions: (1) In providing housing and other educational facilities for student and faculty members, and (2) in conserving energy, and reducing related operating costs.

Closing Date For Transmittal of Applications: Applications for awards must be mailed (post-marked) or hand delivered by July 20, 1983.

Application Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Attention: 84.142, College Facilities Branch, 400 Maryland Avenue, S.W. (ROB–3, Room 3717), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a date postmark. Before relying on this method, an applicant should check with its local post office.

Applications Delivered By Hand: An application that is hand-delivered must be taken to the U.S. Department of Education, College Facilities Branch, Room 3717, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily except Saturday, Sunday, or Federal holidays. Applications that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: The College Housing Program provides low-interest 3 percent long-term loans to postsecondary educational institutions for the construction, rehabilitation or acquisition of student and faculty housing and related facilities and for conserving energy and reducing related operating costs. The maximum loan amount under this program is $3,500,000 and the minimum loan amount is $100,000.

Regulations for this program were published in the **Federal Register** on May 20, 1982, 47 FR 22020–22027. The regulations specify selection criteria for the two types of loans available under this program. All applications are ranked according to the criteria contained in § 614.31 and § 614.32 of the program regulations.

Available funds: There is authorized $40,000,000 or the amount of income less expenses, whichever is less, to be made available for new College Housing Loan commitments in fiscal year 1983. Twenty-five percent of the available funds will be apportioned for energy conservation loans and seventy-five percent of the available funds will be apportioned for housing loans. However, the President has proposed to the Congress supplemental appropriations language that would remove the authority to make new loans under this program for Fiscal Year 1983.

Application Forms: Application forms and program information packages are available.

Application packages will not automatically be mailed to all institutions of higher education. Copies may be obtained by writing to the College Facilities Branch, U.S. Department of Education, 400 Maryland Avenue, S.W., (ROB–3, Room 3717), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

Applicable Regulations: The regulations applicable to this program are—

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.170–75.173 (Clearinghouse Procedures); 75.600–75.615 (Construction); 34 CFR 77.1 (Definitions); and 34 CFR Part 74 Subpart P; and

(b) The final regulations governing the College Housing Program, (34 CFR Part 614) published in the **Federal Register** on May 20, 1982, 47 FR 22020–22027.

Special Procedures: On or before the deadline for submitting its application to the Secretary, the applicant shall submit a copy of its application, with a letter asking for comment, to the State and areawide clearinghouses established in compliance with the Office of Management and Budget Circular A–95. The applicant shall also submit a copy of its application to the appropriate State agency for postsecondary education. Comments, if any, are to be addressed to the College Facilities Branch, U.S. Department of Education, 400 Maryland Avenue, S.W., (ROB–3, Room 3717), Washington, D.C. 20202. Comments must be received within 20 days after the deadline date if they are

to be considered. The applicant shall attach to its application to the Secretary a copy of its letter requesting the State and areawide clearinghouses to comment on the application.

Further Information: For further information contact Charles I. Griffith, Chief, College Facilities Branch, Department of Education, 400 Maryland Avenue, S.W. (ROB–3, Room 3717), Washington, D.C. 20202. Telephone: (202) 245–3253.

(12 U.S.C. 1749–1749d)

(Catalog of Federal Domestic Assistance No. 84–142, College Housing Program)

Dated: June 3, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83–15245 Filed 6–7–83; 8:45 am]

BILLING CODE 4000–01–M

Intent To Repay to the North Dakota State Department of Public Instruction Funds Recovered as a Result of Final Audit Determinations

AGENCY: Education Department.

ACTION: Notice of intent to award grantback funds.

SUMMARY: Notice is given that, under Section 456 of the General Education Provisions Act (GEPA), the U.S. Secretary of Education intends to repay under a grantback arrangement to the North Dakota State Department of Public Instruction (SEA) an amount equal to 75 percent of the funds the U.S. Department of Education (Department) has recovered as a result of a Repayment Agreement discharging the outstanding claim arising from separate final audit determinations issued by the Deputy Commissioner for Elementary and Secondary Education (now Assistant Secretary for Elementary and Secondary Education). This notice describes the SEA's plan, submitted on behalf of six local educational agencies (LEAs), for the use of the repaid funds and the terms and conditions under which the Secretary intends to make these funds available.

DATE: All written comments must be received on or before July 8, 1983.

EFFECTIVE DATE: All written comments should be submitted to Dr. Thomas W. Fagan, Director, Division of Grants, Policy, and Administration, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3616, ROB–3), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas W. Fagan. Telephone: (202) 245–9877

SUPPLEMENTARY INFORMATION:

A. Background

On June 30, 1978 and September 20, 1978, the Deputy Commissioner for Elementary and Secondary Education issued separate final audit determinations against the North Dakota State Department of Public Instruction finding that the SEA had improperly spent $117,030 in funds provided under Title I of the Elementary and Secondary Education Act of 1965 (Title I) during fiscal year 1974. The final audit determinations were based upon a Department of Health, Education, and Welfare Audit Agency audit of the administration of programs funded under Title I in North Dakota for the period of July 1, 1969 through August 15, 1973. These determinations resulted from the auditors' findings that seven school districts in North Dakota had violated applicable provisions of the Title I statute and regulations by: supplanting State and local funds with Title I funds; using Title I funds for general services to the entire school population; and failing to provide comparable services.

The SEA challenged the Deputy Commissioner's (now Assistant Secretary) determinations in applications for review filed with the Title I Audit Hearing Board (now Education Appeal Board (EAB)) on September 26, 1978 and October 12, 1978, under the authority in Section 452(b) of GEPA (20 U.S.C. 1234a(b)). A prehearing conference was conducted before a panel of the EAB on October 15, 1980, at which time counsel for the Assistant Secretary and counsel for the SEA agreed to a briefing schedule. Subsequent to the submission of both parties' briefs, the Assistant Secretary dismissed minor claims against two school districts in the amount of $1,635. The Assistant Secretary later agreed, based on additional evidence presented by the SEA, to dismiss a comparability claim against one school district in the amount of $27,975. These adjustments reduced the amount in controversy to $87,420.

By letter dated September 21, 1981, the parties notified the EAB Panel that the SEA intended to discharge the entire amount of the outstanding claim in its Title I audit appeal through a Repayment Agreement. Although the Repayment Agreement provided that the SEA would discharge its debt through a schedule of three installment payments during a period ending September 30, 1983, the SEA, by transmittal dated March 11, 1982, made one lump sum payment to the Department of Education on behalf of six school districts in the amount of $87,420—the entire amount owed under the Repayment Agreement.

In June 1982, the parties filed with the EAB a joint motion to dismiss the SEA's Title I audit appeal. By memorandum dated June 10, 1982, the EAB Panel issued a dismissal of the appeal.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA (20 U.S.C. 1234(a)) provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for that program and may arrange to repay to the LEA affected by that determination, an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this "grantback" arrangement if the Secretary determines that—

(1) The practices and procedures of the LEA that resulted in the audit determination have been corrected, and the LEA is in all other respects in compliance with the requirements of the applicable program;

(2) The SEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the applicable program, and, to the extent possible, benefits the population that was affected by the misexpenditures that resulted in the audit exception; and

(3) The funds to be awarded under the grantback arrangement, if used in accordance with the SEA's plan, would serve to achieve the purposes of the program under which the funds were originally granted.

C. Request for Repayment of Funds Awarded Under a Grantback Arrangement

By letter dated May 12, 1982 (revised March 1983), the SEA formally requested repayment of $85,565 under a grantback arrangement. The SEA proposes to use the funds to be repaid under the grantback arrangement to meet the special educational needs of educationally deprived children in programs administered by LEAs under Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Chapter 1), even though the final audit determinations against the SEA resulted from improper expenditures of Title I funds. Chapter 1 supersedes Title I. Therefore, the SEA's proposal reflects the requirements in Chapter 1—a program that is designed to serve educationally deprived children in low-income areas. The SEA proposes that the funds will be returned to the six

LEAs that were found to have violated the applicable Title I requirements. In the same document, the SEA provides assurances that the practices and procedures of the LEAs that resulted in the audit determinations have been corrected. In applications filed by the LEAs for use of Chapter 1 funds in the 1983–84 school year, each LEA provided a detailed budget for the expenditure of the funds to be awarded under the grantback arrangement. By these applications each LEA provides an assurance that the LEA is in all other respects in compliance with the requirements of the Chapter 1 program.

D. Plan for Use of Funds Awarded Under a Grantback Arrangement

In accordance with Section 456(a)(2) of GEPA, the SEA submitted a plan for its proposed use of the funds that would be repaid to it under the grantback arrangement. The SEA's plan demonstrates that each LEA consulted with parents and teachers in designing the programs for which funds are sought under the grantback arrangement. According to its plan, the SEA intends to use the grantback funds in fiscal year 1984 to operate Chapter 1 programs in six LEAs.

IN the Bismarck Public Schools, the LEA proposes to use the $5,985 grantback award to supplement the salary of a reading specialist in the reading program which serves 240 Chapter 1 students in grades one through six.

In the Dunseith School District No. 1, the LEA proposes to use the grantback award of $3,095 to pay the salary of a teacher's aide who will provide reading and mathematics instruction to 24 Chapter 1 students in grades seven through twelve.

In the Fargo Independent School District No. 1, the LEA proposes to use the grantback award of $18,774 to fund the salary and related expenses of a teacher who will provide reading and mathematics instruction to 65 Chapter 1 students in grades nine through twelve.

In the Grand Forks Public School District No. 1, the LEA proposes to use the grantback award of $1,765 to purchase instructional supplies and materials for the language arts and mathematics program for 314 Chapter 1 students in grades one through twelve.

In the Mandan Public School District No. 1, the LEA plans to use the grantback award of $4,226 to fund a portion of the salary of a basic skills teacher employed in a reading program which would serve 207 Chapter 1 students in grades one through eight.

In the Minot Public School District No. 1, the LEA proposes to use the grantback award of $31,720 to fund the salary and related expenses of a reading teacher employed in a reading program that will serve 20 Chapter 1 students in grades one through four.

E. The Secretary's Determinations

Based upon a thorough review of the SEA's request for the repayment of funds under Section 456 of GEPA, the SEA's discharge of its payment obligation to the Department on March 11, 1982, the SEA's assurances described in part C of this notice, and the SEA's plan and budget, the Secretary makes the following determinations.

(1) The LEAs have corrected the practices and procedures that resulted in the final audit determinations, and the LEAs are in all other respects in compliance with the requirements of the Chapter 1 program;

(2) The SEA has submitted a plan for the use of the funds to be awarded under the grantback arrangement that meets the requirements of the Chapter 1 program and, to the extent possible, benefits the Chapter 1 children who were affected by the misexpenditures that resulted in the audit exceptions; and

(3) The funds to be awarded under the grantback arrangement, if used in accordance with the SEA's plan, would serve to achieve the purposes of the Chapter 1 program.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action.

F. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement

Section 456(d) of GEPA requires, at least thirty days prior to entering into an arrangement to award funds under a grantback, that the Secretary publish in the **Federal Register** a notice of his intent to do so, and the terms and conditions under which the payment will be made.

In accordance with this requirement, notice is given that the Secretary intends to make available under a grantback arrangement to the SEA an amount equal to 75 percent of the funds the Department recovered as a result of the Deputy Commissioner's final audit determinations. The Secretary bases his intention to enter into a grantback arrangement under Section 456 of GEPA on the following factors: His determinations outlined in part E of this notice, the timely payment by the SEA of all funds owned to the Department as a result of the Repayment Agreement, and the cooperative efforts of the SEA and the LEAs to resolve this matter.

G. Terms and Conditions Under Which Payment Under the Grantback Arrangement Will Be Made

Section 456(b) of GEPA provides that any payments made under a grantback arrangement shall be subject to the terms and conditions that the Secretary deems necessary to accomplish the purpose of the affected program. The SEA agrees to comply with the following terms and conditions under which payment under the grantback arrangement will be made:

(1) The SEA will spend the funds awarded under the grantback in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plan that the SEA submitted and any amendments to that plan that are approved by the Secretary; and

(c) The budget that was submitted with the plan and any amendments to the budget that are approved by the Secretary.

(2) In accordance with the SEA's plan, all funds received under the grantback arrangement will be obligated no later, than August 31, 1984.

(3) The SEA, on behalf of the LEAs, must, not later then January 1, 1985, submit a report to the Secretary which indicates that the funds awarded under the grantback have been spent in accordance with the SEA's proposed plan and budget.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

Invitation To Comment

The Secretary invites public comments on this notice of intent to award funds under a grantback arrangement to the North Dakota State Department of Public Instruction on behalf of the Bismarck Public Schools, Dunseith School District No. 1, Fargo Independent School District No. 1, Grand Forks Public School District No. 1, Mandan Public School District No. 1, and Minot Public School District No. 1. Interested persons may send written comments to Dr. Thomas W. Fagan at the address at the beginning of this notice. All comments must be received on or before July 8, 1983.

Dated: June 1, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-15307 Filed 6-7-83; 8:45 am]

BILLING CODE 4000-01-M

Discretionary Grant Programs Under the Rehabilitation of 1973, as Amended; Application Notice Establishing Closing Dates for Transmittal of Fiscal Year 1983 Applications

ACTION: Application notice establishing closing dates for transmittal of fiscal year 1983 applications.

SUMMARY: The purpose of this application notice is to inform potential applicants of fiscal and programmatic information and closing dates for transmittal of applications for new projects under certain grant programs awarded by the Department of Education under Titles I, III, and VI of the Rehabilitation Act of 1973, as amended.

Organization of Notice

This notice covers certain discretionary grant programs administered by the Rehabilitation Services Administration within the Department of Education in which there is expected to be competition for new projects in Fiscal Year 1983.

This notice contains two parts. Part I includes, in chronological order, the list of all closing dates covered by this notice. Part II consists of the individual application announcements for each program. These announcements are in the same order as the closing dates listed in Part I.

The budget estimates in the individual application notices are based on the Fiscal Year 1983 Second Continuing Resolution (Pub. L. 97–377).

Instructions for Transmittal of Applications

Applicants should note specifically the instructions for the transmittal of applications included below:

Transmittal of Applications: Applications for all projects must be mailed or hand delivered on or before the closing date given in the individual program announcements included in this document.

Applications Delivered by Mail: Applications for new projects must be addressed to the Department of Education Application Control Center, Attention: (Appropriate CFDA No.), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following: (1) a legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant for a new award will be notified that its application will not be considered.

Application Delivered by Hand: Applications for new projects must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

An application for a new project that is hand-delivered will not be accepted by the Application Control Center after 4:30 p.m. on the closing date.

Special Procedure Affecting the Projects With Industry and Centers for Independent Living Programs

The Fiscal Year 1983 Second Continuing Resolution provides that projects which were funded under the Projects with Industry program (84.128B) and the Centers for Independent Living program (84.132) in Fiscal Year 1981 will be funded in Fiscal Year 1983. There will be no competition for Fiscal Year 1983 funds under the terms of the Continuing Resolution. Application forms and program information packages have been mailed to those previous grantees who are eligible to apply.

The Jobs Bill which was enacted as Pub. L. 98–8 on March 24, 1983, includes a supplemental appropriation of $5,000,000 for the Projects with Industry program. This amount is in addition to those funds previously made available under the Continuing Resolution. This notice includes an announcement of the availability of funds for which a national competition for new projects will be conducted. Any eligible applicant may submit an application for Fiscal Year 1983 Jobs Bill funds.

PART I.—PROGRAMS LISTED IN CHRONOLOGICAL ORDER

CFDA No.	Program	Closing date
84.128F	Client Assistance Projects (New Projects).	July 25, 1983.

PART I.—PROGRAMS LISTED IN CHRONOLOGICAL ORDER—Continued

CFDA No.	Program	Closing date
84.128J	Projects for Initiating Special Recreation Programs for Handicapped Individuals (New Projects).	Do.
84.128L	Projects with Industry (Jobs Bill) (New Projects).	Do.
84.129A	Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (New Projects).	July 29, 1983.
84.129G	Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects (New Projects).	Do.

Part II—Application Announcements for Each Program

84.128F—Client Assistance Projects

Closing Date: July 25, 1983—New Projects.

Authority for this program is contained in Section 112 of the Rehabilitation Act of 1973, as amended.

(29 U.S.C. 732)

Awards are made under this program to State vocational rehabilitation agencies.

The purpose of this program is to provide counselors to inform and advise all clients and client applicants in a project area of all available benefits and their rights in seeking these benefits under the Rehabilitation Act of 1973, as amended.

Special Procedures: Every applicant for new awards is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires an applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A–95, but did not receive any clearinghouse comments.

Available Funds: The total amount of funds awarded under this grant program for Fiscal Year 1982 was $942,000. The total amount of funds available for Client Assistance Projects in Fiscal Year 1983 is $1,734,000. These funds will be available only for new projects. An

estimated 29 projects will be awarded with the average grant totalling approximately $60,000. These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

It is expected that new projects funded under this program in Fiscal Year 1983 will be limited to one year of support.

Application Forms: Application forms and program information packages are available and may be obtained by writing to the Division of Special Projects, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competitions.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Client Assistance Projects program (34 CFR Parts 369 and 370); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: Fred C. Windbeck, Jr., Associate Commissioner for Developmental Programs, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3038, Mary E. Switzer Building, Washington, D.C. 20202. Telephone: (202) 245–0537.

84.128J—Projects for Initiating Special Recreation Programs for Handicapped Individuals

Closing Date: July 25, 1983—New Projects.

Authority for this program is contained in Section 316 of the Rehabilitation Act of 1983, as amended.

(29 U.S.C. 777(f))

Awards are made under this program to States and public and other nonprofit agencies and organizations.

The purpose of this program is to support projects which initiate programs of recreational services for handicapped individuals.

Special Procedures: Every applicant for new awards is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires an applicant to give the clearinghouse sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A–95 but did not receive any clearinghouse comments.

Available Funds: The total amount of funds awarded under this grant program for Fiscal Year 1982 was $1,884,000. The total amount of funds available for Projects for Initiating Special Recreation Programs for Handicapped Individuals in Fiscal Year 1983 is $1,000,000. These funds will be available only for new projects. An estimated 13 grants will be awards with an average grant totalling about $75,000. These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

It is expected that new projects funded under this program in Fiscal Year 1983 will be limited to one year of support.

Application Forms: Application forms and program information packages are available and may be obtained by writing to the Division of Special Projects, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competitions.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing Projects for Initiating Special Recreation Programs for Handicapped Individuals (34 CFR Parts 369 and 378); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: Fred C. Windbeck, Jr., Associate Commissioner for Developmental Programs, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3038, Mary E. Switzer Building, Washington, D.C. 20202. Telephone: (202) 245–0537.

84.128L—Projects With Industry (Jobs Bill)

Closing Date: July 25, 1983—New Projects.

Authority for this progrqm is contained in Section 621 of the Rehabilitation Act of 1973, as amended.

(29 U.S.C. 795g)

Cooperative agreements are made under this program with employers and profit-making and nonprofit organizations, including any industrial, business or commercial enterprise; labor organization; community trade associations; rehabilitation facility; or any other agency or organization with the capacity to arrange, coordinate or conduct training and other employment programs and provide supportive services and assistance to handicapped individuals in a realistic work setting. State vocational rehabilitation agencies are not eligible to apply for funds under this program.

The purpose of this program is to provide handicaped individuals with training, employment, and supportive services and assistance within business, industry or other realistic work settings in order to prepare them for competitive employment and permit them to maintain their employment.

Special Procedures: Every applicant for new awards is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires the applicant to

give the clearinghouse(s) sufficient time for review, consultation, and comments on the application

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A–95 but did not receive any clearinghouse comments.

Available Funds: The total amount of funds available under this program in Fiscal Year 1982 was $7,510,000. The total amount available for Fiscal Year 1983 is $13,000,000 including $5,000,000 appropriated under the Jobs Bill for the support of new projects. An estimated 20 new projects will be awarded with an average project totalling $250,000. These estimates do not bind the Department Education to a specific number of cooperative agreements or to the amount of any cooperative agreement unless that amount is otherwise specified by statute or regulations.

Subject to the conditions set forth in EDGAR regarding continuation of multi-year projects, it is expected that new projects funded under this program in Fiscal Year 1983 will receive continuation support for up to two additional budget periods.

In accordance with Section 101(c) of the Jobs Bill (Pub. L. 98–8), all applicants for project support under this Notice must provide an assurance that they will, to the extent practicable, utilize these funds in a manner which maximizes immediate creation of new employment opportunities for disabled individuals who were unemployed at least fifteen of the twenty-six weeks immediately preceding the date of enactment of the Job Bills, March 24, 1983.

The Secretary encourages applications for trade associations, industrial foundations and labor unions or consortia of such organizations for the support of projects of national scope which cover a wide area of service and demonstrate linkages with major industries.

The Secretary also encourages applications for the support of projects which demonstrate home-based employment opportunities for severely disabled individuals as well as applications for training and employment in the electronic data processing industry.

Application Forms: Application forms and program information packages are available and may be obtained by writing to the Director, Division of Special Projects, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions and forms included in the program information package. The program information is intended to aid the applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competitions.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Projects with Industry program (34 CFR Parts 369 and 379); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: Fred C. Windbeck, Jr., Associate Commissioner for Developmental Programs, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3038, Mary E. Switzer Building, Washington, D.C. 20202. Telephone: (202) 245–0537.

84.128A—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals

Closing Date: July 29, 1983—New Projects.

Authority for this program is contained in section 311(a)(1) of The Rehabilitation Act of 1973, as amended.

(29 U.S.C. 777a(a)(1)

Awards are made under this program to States and public and other nonprofit agencies and organizations.

The purpose of this program is to support projects designed to expand or otherwise improve vocational rehabilitation services for severely handicapped individuals.

Special Procedures: Every applicant for new awards is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the Clearinghouse(s) in its State. OMB Circular A–95 requires the Applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of part I of OMB Circular A–95 but did not receive any clearinghouse comments.

Available Funds: The total amount of funds awarded under this grant program in Fiscal Year 1982 (excluding spinal cord injury projects) was $4,014,455. The total amount of funds available for Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals in Fiscal Year 1983 is $3,159,000 including $1,659,000 for new projects. An estimated 15 new projects will be awarded at an average project cost of $124,000. These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Subject to the conditions set forth in EDGAR regarding continuation of multi-year projects, it is expected that new projects funded under this program in Fiscal Year 1983 will receive continuation support for up to two additional budget periods.

In Fiscal Year 1983 applicants for new awards are encouraged to submit applications with a single disability focus which demonstrate effective ways to use computers or other technological aids in the rehabilitation of persons severely disabled by any of the following disabilities:

(a) Arthritis;
(b) Blindness;
(c) Cerebral Palsy;
(d) Deafness;
(e) Epilepsy;
(f) Heart Disease;
(g) Mental Illness;
(h) Mental Retardation;
(i) Multiple Sclerosis;
(j) Learning Disability.

The Secretary also encourages the submittal of applications for the support of projects that demonstrate specialized rehabilitation service programs for homebased severely handicapped individuals.

Application Forms: Application forms and program information packages are available and may be obtained by writing to the Division of Special Projects, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competitions.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: The following regulations are applicable to this program:

(a) Regulations governing Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (34 CFR parts 369 and 373); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78).

Further Information: Fred C. Windbeck, Jr., Associate Commissioner for Developmental Programs, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue, S.W., Room 3038, Mary E. Switzer Building, Washington, D.C. 20202. Telephone: (202) 245–0537.

84.128C—Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects

Closing Date: July 29, 1983—New Projects.

Authority for this program is contained in Section 312 of the Rehabilitation Act of 1973, as amended.

(29 U.S.C. 777(b))

Awards are made under this program to State vocational rehabilitation agencies or local agencies administering a vocational rehabilitation program under written agreements with State agencies.

The purpose of this program is to support projects for providing vocational rehabilitation services to handicapped migratory agricultural workers or handicapped seasonal farmworkers.

Special Procedures: Every applicant for new awards is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires an applicant to give the clearinghouse(s) sufficient time for review, consultation, and comment on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A–95, but did not receive clearinghouse comments.

Available Funds: The total amount of funds awarded under this program for Fiscal Year 1982 was $951,000. The total amount of funds available for Handicapped Migratory Agricultural and Seasonal Farmworkers Vocational Rehabilitation Service Projects in Fiscal Year 1983 is $951,000 including $741,000 for new projects. An estimated 7 projects will be awarded with the average grant totalling $106,000. These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

It is expected that new projects funded under this program in Fiscal Year 1983 will be limited to one year of support.

Application Forms: Application forms and program information packages are available and may be obtained by writing to the Division of Special Projects, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Application must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The program information is intended to aid applicants applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competitions.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Migratory Agricultural and Seasonal Farmworkers Vocational Rehabilitation Service Projects program (34 CFR Parts 369 and 375); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: Fred C. Windbeck, Jr., Associate Commissioner for Development Programs, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue, S.W., Room 3038, Mary E. Switzer Building, Washington, D.C. 20202. Telephone: (202) 245–0537.

(Catalog of Federal Domestic Assistance No. 84.128 Rehabilitation Service Projects)

Dated: June 2, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83–15152 Filed 6–7–83; 8:45 am]

BILLING CODE 4000–01–M

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act.

DATE: Interested persons are invited to submit comments on or before July 8, 1983

ADDRESSEES: Written comments or requests should be addressed to Richard Sheppard, Office of Management and Budget, 726 Jackson Place, N.W., Room 3208 New Executive Office Building, Washington, D.C. 20503 and/or Margaret Webster, Department of Education, 400 Maryland Avenue, S.W., Room 4047, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: William Wooten, (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The requirements for public consultation may be amended or waived by OMB to the extent that the public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform the statutory obligations. The Deputy Under Secretary for Management publishes this notice containing proposed information requests prior to the submission of these requests to the

Office of Management and Budget. Public comment is invited and copies of the requests may be obtained from the addressees named above.

Dated: June 2, 1983.

Charles L. Heatherly,

Deputy Under Secretary for Management.

Office of Bilingual Education and Minority Languages Affairs

Reinstatement

Application for Grants under Bilingual Education
ED 4561
Annual
State or local governments/non-profit institutions
Responses: 750; Burden hours: 30,000
One form submitted for approval

Abstract: Form is used by applicants for new awards under Title VII of the Elementary and Secondary Education Act, as amended. The Act authorizes the award of grants to State and local educational agencies, institutions of higher education, and non-profit private organizations that meet the conditions of the Act and governing regulations.

[FR Doc. 83-15240 Filed 6-7-83; 8:45 am]
BILLING CODE 4000-01-M

Public Hearings and Request for Public Comment on the Reauthorization of the Higher Education Act of 1965

AGENCY: Department of Education.

ACTION: Notice of public hearings and request for public comment on the reauthorization of the Higher Education Act of 1965.

SUMMARY: The Secretary of Education announces public hearings and invites written comments from the public regarding the reauthorization of the Higher Education Act of 1965.

DATES: Written comments must be submitted on or before July 15, 1983. Public hearings are scheduled for the following dates:

June 27 and 28, 1983—Tampa, Florida
June 29 and 30, 1983—Charlotte, North Carolina
June 30 and July 1, 1983—Amherst, Massachusetts
July 7 and 8, 1983—Kansas City, Missouri
July 7 and 8, 1983—Indianapolis, Indiana
July 14 and 15, 1983—Mission Viejo, California

ADDRESSES: Written comments should be addressed to: Dr. Edward Elmendorf, Assistant Secretary for Postsecondary Education, c/o the Office of Legislation and Public Affairs, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3153, Washington, D.C. 20202.

Public hearings will be held in the following cities on the dates shown:

Tampa—June 27 and 28, 1983; Florida Mental Health Institute Auditorium, University of South Florida, 13301 North 30th Street, Tampa, Florida;
Charlotte—June 29 and 30, 1983; McKnight Auditorium, Cone Center, University of North Carolina at Charlotte, Highway 49 North, Charlotte, North Carolina;
Amherst—June 30 and July 1; Converse Hall, Amherst College, Route 9 and College Street, Amherst, Massachusetts;
Kansas City—July 7 and 8, 1983; Ball Room, Hilton Inn-Airport, 8801 Northwest 112th Street, Kansas City, Missouri;
Indianapolis—July 7 and 8, 1983; Lecture Hall, Room 102, Indiana University-Purdue University at Indianapolis, 325 Agnes Street, Indianapolis, Indiana;
Mission Viejo—July 14 and 15, 1983; Performing Arts Theatre, Saddleback Community College, 28000 Marguerite Parkway, Mission Viejo, California.

FOR FURTHER INFORMATION CONTACT: Dr. Edward Elmendorf at 202/245-9274, or Mr. Louie Mathis or Mr. Duncan Helmrich at 202/245-8564.

SUPPLEMENTARY INFORMATION: The Secretary is requesting public comment on the reauthorization of the Higher Education Act of 1965 as amended, specifically on Titles III, IV, VI, VII, VIII, IX, X, XI, XII, and XIII.

Need for Reauthorization

The authorization for most programs of the Higher Education Act of 1965, as amended, expires September 30, 1985. In order to contribute in a timely manner to the congressional reauthorization discussions, the Secretary is beginning a review of higher education programs at this time.

The Secretary intends to submit the Department's proposal to reauthorize the Higher Education Act in conjunction with the President's fiscal Year 1985 Budget, in January 1984. To ensure an opportunity for public participation, the Secretary invites public comments on this reauthorization effort.

Objectives of the Reauthorization

The objectives of the Department's reauthorization effort include:

- Achieving excellence and quality in education.
- Promoting federalism.
- Reemphasizing family/student choice and responsibility.
- Continuing broad access to postsecondary education.
- Strengthening education for work.
- Improving the efficiency and cost effectiveness of the use of resources.
- Serving special student populations.

The Secretary has formed a Reauthorization Task Force whose goals are to review the current authorities and delivery systems under the Higher Education Act, evaluate suggested modifications in and alternatives to these programs and systems, and recommend reauthorization options to the Secretary. The Task Force includes representatives from the following units of the Department of Education: the Office of Planning, Budget, and Evaluation; the Office of Postsecondary Education; the Office of Legislation and Public Affairs; the Office of Management; the Office of General Counsel; and the Office of Inspection General.

How the Information Will Be Used

Before making its recommendations to the Secretary, the Reauthorization Task Force will examine proposed modifications and alternatives to assess their effects on current programs and systems, and the students who receive the benefits and services. The proposals will then be evaluated in relation to the goals of the Higher Education Act and the above noted objectives of the reauthorization efforts.

Issues for Public Comment

The Secretary solicits comments and suggestions regarding reauthorization of the Higher Education Act in three major program areas: student loans; student grants/work-study; and institutional and/higher education and on the other Higher Education Act programs. Comments are especially invited on such issues as the following:

Student Loan Issues

- What is the appropriate role of students and their families and governments at the local, State, and Federal levels in the financing of higher education?
- Are the current student loan programs adequately serving the appropriate population most effectively, most equitably, and most cost-effectively?
- Should the student loan programs be consolidated by returning all National Direct Student Loan (NDSL) institutional revolving funds to the Treasury and relying entirely on the Guaranteed Student Loan program (GSL)?
- Should a major new student loan program, such as one using an income-contingent or IRS based repayment

system, be established as either a supplement to or a replacement of the current Guaranteed Student Loan (GSL) and National Direct Student Loan (NDSL) programs.

• Should the commercial and State/nonprofit agency marketplace be relied on to provide needed student loan capital and the current federally-funded sutdent loan programs be eliminated?

• Assuming the current Guaranteed Student Loan and National Direct Student Loan programs are continued—

(1) How might the availability of loan capital be expanded—by raising limits (what levels?), using Federal borrowing in support of new NDSL capital ("alternative financing"), raising lender incentives, instituting administrative improvements, or by other means?

(2) How might student's opportunities to consolidate their loan debts and reduce their repayment burden be improved and/or expanded while at the same time minimizing Federal cost exposure?

(3) How might we reduce the level of Federal interest subsidization—increased origination fees, increased borrower interest obligation during repayment and/or in-school periods, or other means?

Student Grants/Work-Study Issues

• What is the appropriate "mix" of aid (grants, loans, and work) for students from different income strata, for students attending different cost institutions, for graduate and professional students?.

• Are current family contribution expecttaions reasonable, would educational savings plans, more effective parent-loan programs and/or tuition tax-credits be of material assistance to parents in meeting expected family contribution?

• Should the Pell Grant program be modified to take into account a presumed minimum self-help amount? If so, how?

• How might the Pell Grant eligibility criteria be simplified and impoved to avoid misreporting and award errors?

• How might the Work-Study program be modified to stimulate private sector employment opportunities?

• Should funding for the campus-based programs be consolidated or the transferability of funds otherwise broadened?

• Should the campus-based and Pell Grant programs be combined into one campus-based delivery program?

• How might the campus-based programs' state allotment formulas and hold harmless rules be simplified and their equity be improved?

• Should a single need analysis system and a single cost of attendance policy for all title IV aid programs, as provided in the 1980 amendments, be implemented? In what ways should the components of current need analysis systems be revised?

• Should academic "merit" (past achievement) and/or academic performance (current achievement) become criteria for the award of some or all types of Federal student aid? If so, how?

Institutional Aid/Higher Education Program Issues

• How should the goal of excellence in education be reinforced through Federal higher education programs?

• What is the Federal role in promoting academic excellence in postsecondary institutions? Is this a regulatory role? A leadership role—leadership through competitive incentive programs? A research role?

• What role should the Federal government play, if any, in fulfilling the recommendations of the National Commission on Excellence in Education for higher standards of teacher education?

• What is the appropriate Federal role for supporting math and science education in postsecondary institutions? How should the current Minority Institutions Science Imporvement program, Fund for the Improvement of Postsecondary Education program, and Graduate programs be modified to meet areas of critical national need such as mathematics and science?

• What is the appropriate role of the Federal Government in fostering excellence in international education and foreign language studies?

• Should a national program for exceptional high school students be established to help prepare them for higher education in areas of critical national need?

• Should the National Graduate Fellowship program be limited, or modified, to include fields of study determined to be of critical national need?

• What is the appropriate Federal role for serving the non-financial needs of students from disadvantaged backgrounds? Should the current Special Programs for Students from Disadvantaged Backgounds be consolidated or modified? If so, how?

• Should the Federal Government provide assistance through institutional aid programs, or should limited Federal resources be concentrated on student aid only?

• Should the institutional aid/higher education programs be consolidated into a block grant? If so, which authorities should be included? Should the block grant be made to States or to institutions? What allocation formula should be used?

• Should the Title III institutional aid programs be restructured, e.g., by simplifying/tightening the eligibility criteria and/or by including an endowment program? If so, how?

• Should the College Housing Loan Program and the Higher Education Facilities Loans and Insurance program be consolidated? Should authority be provided under a consolidated program or the current Higher Education Facilities Loan and Insurance program to assist institutions to construct/improve their science and mathematics facilities?

The Secretary encourages interested parties to submit written comments on these program areas and issues to the Department's Reauthorization Task Force at the Washington address provided in this notice, or to appear at one of the public hearings. The Secretary encourages that those attending the hearings provide a written copy of their comments and be prepared to answer specific questions on their proposals. Written comments should be submitted no later than July 15, 1983 to the contact person named in this notice.

Format for Comments

The hearings and request for comments are designed to elicit the views of interested parties on how the current higher education programs can be improved to meet: (1) The goals of the Act and (2) the objectives of the reauthorization effort as stated in this notice.

The Secretary requests that each respondent identify his or her role in higher education and the perspective from which he or she views the postsecondary education system—either as a representative of an association, agency, school (private or public, two-year, four-year, etc.), financial institution, or as a lender, parent, student, or private citizen. In proposing modifications or alternatives, respondents may want to address the main elements of each program or group of programs. These elements include, but are not limited to:

- Program goals and activities.
- Students and-or institutions served.
- Eligibility criteria.
- Delivery system mechanisms.
- Budgetary impact and cost analysis.

The Secretary urges each commenter to be specific regarding his or her proposals and include, if possible, the data requirements, timing, procedures,

technology, delegation of responsibility, and actual legislative language that the commenter proposes for the improved or redesigned program.

Dated: June 2, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-15343 Filed 6-7-83; 8:45 am]

BILLING CODE 4000-01-M

Supplemental Funds Program for Cooperative Education; Application Notice for New Awards for Fiscal Year 1983

Applications are invited for the award of certain unused College Work-Study Program funds for the support of programs of Cooperative Education.

Authority for this program is contained in section 442(d) of the Higher Education Act of 1965, as amended by section 433 of Pub. L. 96-374.

(42 U.S.C. 2752(d))

Closing Date for Transmittal of Applications—Applications for supplemental funds for the support of programs of Cooperative Education must be mailed or hand-delivered by August 15, 1983.

Applications Delivered by Mail—An application sent by mail must be addressed to the U.S. Department of Education, Office of Postsecondary Education, Division of Institutional and State Incentive Programs, Cooperative Education Branch, Attention: 84.055E, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly proved a dated postmark. Before relying on ths method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first-class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered By Hand— An application that is hand-delivered must be taken to the Cooperative Education Branch, U.S. Department of Education (Room 3053, ROB-3), 7th and D Streets, S.W., Washington, D.C.

The Cooperative Education Branch will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information—Eligible applicants must provide the application information required in 34 CFR 636.20 of the regulations for the Supplemental Funds Program for Cooperative Education.

Before calculating the number of students, applicants should review the definitions found in 34 CFR 636.4, for the terms "assisted" and "full-time equivalent students" and in 34 CFR 631.3, for the definition of Cooperative Education.

Available Funds—Section 442(d) of Title IV-C of the Higher Education act of 1965, as amended, requires the Secretary to give preference in reallotting the first 50 percent of unused College Work-Study Program funds as supplemental funds to eligible institutions of higher education for use in initiating, improving, and expanding programs of Cooperative Education administered in accordance with the regulations implementing Title VIII of the Act.

The Secretary, however, will not have the report of the unused College work-Study Program funds available for reallotment until mid-August.

Except as noted below, each eligible institution of higher education submitting an application will receive a proportinate share of the available funds based on the ratio of the number of full-time and full-time-equivalent students assisted under its program of cooperative education between the period July 1, 1982, through June 30, 1983, to the number of those types of students assisted in programs of cooperative education in all eligible institutions applying for the available funds.

Using the above-mentioned formula, the Secretary will not issue a grant to an eligible institution if the institution will receive a grant of less than $500.

These funds must be reallotted on or before September 30, 1983.

Application Forms—Application forms and program information packages are expected to be mailed to institutions of higher education by July 1, 1983. They may also be obtained after that date from the Cooperative Education Branch, U.S. Department of Education (Room 3053, Regional Office Building 3), 7th and D Streets, S.W., Washington, D.C. 20202. Telephone: (202) 245-2140.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary suggests that the narrative statements of the application not exceed one page in length. The Secretary further suggests that only the information required by the application form be submitted.

Applicable Regulations—The following regulations apply to projects supported with supplemental funds:

(a) Regulations governing the Supplemental Funds Program for Cooperative Education (34 CFR Part 636);

(b) Regulations governing the Cooperative Education Program (34 CFR Parts 631 and 632);

(c) Regulations governing the College Work-Study Program (34 CFR Part 675); and

(d) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78). (These parts were previously codified as 45 CFR Parts 74, 100a, 100c and 100d respectively.)

Further Information—For further information contact the Cooperative Education Branch, Division of Institutional and State Incentive Programs, Office of Institutional Support Programs, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 3053, ROB-3), Washington, D.C. 20202. Telephone: (202) 245-2146.

(20 U.S.C. 1133, 42 U.S.C. 2752(d))

(Catalog of Federal Domestic Assistance Number 84.055E, Supplemental Funds Program for Cooperative Education)

Dated: June 2, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-15344 Filed 6-7-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Determination To Establish Department of Energy Advisory Panel on Alternative Means of Financing and Managing Radioactive Waste Facilities

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), I hereby certify that the establishment of the Advisory Panel on Alternative Means of Financing and Managing Radioactive Waste Facilities is in the public interest in connection with the performance of duties imposed on the Department of Energy by law.

This determination follows consultation with the Committee Management Secretariat of the General Services Administration pursuant to Section 101–6.1007 of the Interim Rule on Advisory Committee Management.

The purpose of this panel is to advise the Secretary of Energy on the advantages and disadvantages of alternative means of financing, constructing, operating, and managing all civilian radioactive waste management facilities, including the feasibility of establishing a private corporation for such purpose.

Further information concerning this panel can be obtained from Gloria Decker on (202) 252–8990.

Dated: June 2, 1983.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 83–15240 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Tyson Producing Company, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Tyson Producing Company, Inc., at P.O. Box 16448, Jackson, Mississippi 39206. This Proposed Remedial Order charges Tyson with pricing violations in the amount of $91,108.69 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR 212, Subpart D during the period September 1973 through July 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Manager, Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7407. Within fifteen (15) days of publication of this Notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas on the 20th day of May, 1983.

Ben L. Limos,

Director, Dallas Field Office, Economic Regulatory Administration.

[FR Doc. 83–15325 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–062]

Appleton Papers, Inc.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, Appleton Papers, Inc. (APPLETON), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 482,000 Mcf of natural gas which is expected to displace the use of approximately 3,400,000 gallons of No. 6 fuel oil (0.3 percent sulfur) per year at its manufacturing facility in Camp Hill, Pennsylvania.

The eligible seller of the natural gas in Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25214, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewd APPLETON's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that APPLETON's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 100 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15282 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–025]

Bethlehem Steel Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On April 15, 1983, Bethlehem Steel Corporation (BETHLEHEM), 8th & Eaton Avenue, Bethlehem, Pennsylvania 18106, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of approximately 30,000 Mcf of natural gas per day which is expected to displace the use of approximately 206.760 gallons of No. 6 fuel oil (1.0 percent sulfur) per day at its Sparrows Point Plant in Sparrows Point, Maryland.

The eligible sellers of the natural gas are the Enhanced Recovery Equipment Company, 25660 Saunders Road, Lake Forest, Illinois 60045; Mewborne Oil Company, P.O. Box 7698, Tyler, Texas 75711; and Exxon Company, U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by the Columbia Gas Transportation Corportation, 1700 MacCorkle Ave., S. E., Charleston, West Virginia 25314; Columbia Gulf Transmission Company, 3805 W. Alabama Avenue, Houston Texas 77027; Panhandle Eastern Pipeline Company, P.O. Box 1348, Kansas City, Missouri 64141; and Baltimore Gas & Electric Company, P.O. Box 1475, Baltimore, Maryland 21203.

Notice of that application was published in the **Federal Register** (48 FR 22352, May 18, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of application. No comments were received.

The ERA has carefully reviewed Bethlehem's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Bethlehem's application

satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-15397 Filed 6-7-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-010]

Central Hudson Gas & Electric Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On April 4, 1983, Central Hudson Gas & Electric Corporation (CHGE), 284 South Avenue, Poughkeepsie, New York 12601, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 2,000,000 Mcf per year of natural gas which is expected to displace the use of approximately 302,000 barrels of No. 6 fuel oil (1.0 percent sulfur) per year at its Danskammer Point Steam Electric Generation Station (Units 1 and 2) in Newburgh, New York.

The eligible seller of the natural gas is New York State Electric & Gas Corporation, 4500 Vestal Parkway East, Binghampton, New York 13902. The gas will be transported by Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001; CHGE will serve as its own local distributor.

Notice of that application was published in the **Federal Register** (48 FR 22353, May 18, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed CHGE's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that CHGE's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-15271 Filed 6-7-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-101]

The City of Erie, Pennsylvania; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

The City of Erie, Pennsylvania (ERIE), 80 Wayne St, Erie, Pa. 16507, filed an application on May 17, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Erie Wastewater Treatment Plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, ERIE indicates that the volume of natural gas for which it requests certification is approximately 1,000 Mcf per day. This volume is estimated to displace the use of approximately 7,300 gallons of No. 6 fuel oil (1.0 percent sulfur) per day.

The eligible seller is J & L Oil & Gas Corporation, Newell Road, Dunkirk, N.Y. 14048. The gas will be transported interstate by National Fuel Gas Supply Corporation, 308 Seneca St., Oil City, Pennsylvania 16301; and by National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, N.Y. 14203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10 calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to ERIE and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on May 27, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-15272 Filed 6-7-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-049]

Crompton & Knowles Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, Crompton & Knowles Corporation, Dyes and Chemicals Division (C & K), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 146,000 Mcf of natural gas which is expected to displace the use of approxmately 979,450 gallons of No. 6 fuel oil (2.0–2.8 percent sulfur) per year at its manufacturing facilities in Reading and Gibraltar, Pennsylvania.

The eligible seller of the natural gas is Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity

for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed C & K's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that C & K's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 100 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15281 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–058]

Easton Hospital; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, Easton Hospital (E. HOSP), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 32,850 Mcf of natural gas which is expected to displace the use of approximately 245,000 gallons of No. 2 fuel oil (0.2 percent sulfur) per year at its hospital facility in Easton, Pennsylvania.

The eligible seller of the natural gas is Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S. E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed E. HOSP's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that E. HOSP's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15284 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–050]

The F & M Schaefer Brewing Company; Notice of Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, The F & M Schaefer Brewing Company, Lehigh Valley Brewery (SCHAEFER), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 81,120 Mcf of natural gas which is expected to displace the use of approximately 685,360 gallons of No. 5 fuel oil (0.5 percent sulfur) per year at its facility in Allentown, Pennsylvania.

The eligible seller of the natural gas is Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S. E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed SCHAEFER's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that SCHAEFER's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15280 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–059]

Franklin and Marshall College; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, Franklin and Marshall College (F&M COL), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 85,000 Mcf of natural gas which is expected to displace the use of approximately 613,000 gallons of No. 2 fuel oil (1.0 percent sulfur) per year at its college facility in Lancaster, Pennsylvania.

The eligible seller of the natural gas is Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the

date of publication. No comments were received.

The ERA has carefully reviewed F&M COL's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that F&M COL's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therfore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15255 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–053]

General Electric Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, General Electric Company, Housewares and Audio Business Division (GE), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 90,000 Mcf of natural gas which is expected to displace the use of approximately 614,970 gallons of No. 6 fuel oil (2.0 percent sulfur) per year at its manufacturing facility in Allentown, Pennsylvania.

The eligible seller of the natural gas in Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and UGI Corporation (GAS Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewd GE's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that GE's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15256 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–052]

Harrisburg Hospital; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, Harrisburg Hospital (H. HOSP), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 54,750 Mcf of natural gas which is expected to displace the use of approximately 405,150 gallons of No. 2 fuel oil (0.5 percent sulfur) per year at its hospital facility in Harrisburg, Pennsylvania.

The eligible seller of the natural gas is Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed H. HOSP's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that H. HOSP's application satisfies the criteria enumbered in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, inlcuding a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 31 1983.

James W. Workman,

Director, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 83–15258 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–056]

Interstate Intercorr Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, Interstate Intercorr Corporation (INTERCORR), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 277,785 Mcf of natural gas which is expected to displace the use of approximately 2,000,000 gallons of No. 4 fuel oil (0.2 percent sulfur) per year at its manufacturing facility in Reading, Pennsylvania.

The eligible seller of the natural gas is Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed INTERCORR's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that INTERCORR's application satisfies the criterias enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15253 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–054]

ITT Grinnell Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, ITT Grinnell Corporation (ITT), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 255,500 Mcf of natural gas which is expected to displace the use of approximately 2,000,000 gallons of No. 2 fuel oil (0.1 percent sulfur) per year at its manufacturing facility in Columbia, Pennsylvania.

The eligible seller of the natural gas is Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed ITT's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that ITT's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15257 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–110]

ITT Grinnell Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

ITT Grinnel Corporation (GRINNELL), 1411 Lancaster Avenue, Columbia, Pennsylvania 17512 files an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Columbia, Pennsylvania, plant pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, GRINNELL indicated that the volume of natural gas for which it requests certification is approximately 255,500 Mcf per year. This volume is estimated to displace the use of approximately 2,000,000 gallons of No. 2 fuel oil (1.0 percent sulfur) per year.

The eligible seller is Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, W. Virginia 25314, and UGI Corporation (Gas Utility Division), 255 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washigton, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Grinnell and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 1, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15270 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–055]

North American Refractories Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, North American Refractories Company (NARC), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 182,500 Mcf of natural gas which is expected to displace the use of approximately 1,300,000 gallons of No. 2 fuel oil (0.2 percent sulfur) per year at its manufacturing facility in Womelsdorf, Pennsylvania.

The eligible seller of the natural gas is Exxon-USA, P.O. Box 2180, Houston,

Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed NARC's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that NARC's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15285 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 82–97–NG]

Texas Eastern Transmission Corp.; Amended Application To Import Natural Gas From Canada

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Amended Application to Import Natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of the receipt on May 17, 1983, of an amendment to the application previously filed by the Texas Eastern Transmission Corporation (Texas Eastern) for authorization to import up to 100,000 Mcf per day of natural gas from Canada beginning November 1, 1985, or as soon thereafter as possible, for fourteen (14) years from date of first delivery. The amendment reduces the term of the authorization requested to twelve (12) years and the volumes sought to 50,000 Mcf of natural gas per day for nine (9) years with declining volumes over the remaining three (3) years of the authorization applied for.

The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on July 8, 1983.

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Department of Energy, Forrestal Building, Room GA–007, RG–43, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9482

Michael T. Skinker (Officer of General Counsel, Natural Gas and Mineral Leasing, U.S. Department of Energy, Forrestal Building, Room 6E–042, Washington, D.C. 20585, (202) 252–6667

SUPPLEMENTARY INFORMATION: On July 16, 1982, Texas Eastern filed an application with ERA for authorization to import up to 100,000 Mcf per day of Canadian natural gas, and additional daily volumes on a best efforts basis not to exceed ten (10) percent to the maximum daily volumes. As more fully described in the notice issued by ERA on Texas Eastern's original application (47 FR 39715, September 9, 1982), the imported volumes are to be purchased from TransCanada PipeLines Limited (TransCanada) beginning on November 1, 1985, or as soon thereafter as possible, for fourteen (14) years from date of first delivery pursuant to a Gas Purchase Contract to be executed between Texas Eastern and TransCanada.

The amendment to Texas Eastern's application requests authorization to import natural gas from Canada for a twelve (12) year perid plus a one year make-up period from November 1, 1997, to October 31, 1998. Under the make-up provision, quantities of gas paid for but not taken can be made up at a daily rate of 50,000 Mcf, subject to the availability of capacity and deliverability. Make-up quantities are limited to the actual quantities of gas paid for but not taken under the terms of the sales contract or 18,300 MMcf, whichever is less.

The primary term of the authorization commences November 1, 1985, or date of first delivery, in accordance with the following schedule (corresponds to the volumes which the Canadian National Energy Board authorized TransCanada to export to Texas Eastern by a decision issued January 27, 1983):

	Daily (Mcf) [1]	Annual (MMcf) [1]
Nov. 1, 1985 to Oct. 31, 1994	50,000	18,300
Nov. 1, 1994 to Oct. 31, 1995	37,500	13,725
Nov. 1, 1995 to Oct. 31, 1996	25,000	9,150
Nov. 1, 1996 to Oct. 31, 1997	12,500	4,575

[1] Approximate equivalent volumes. The actual volumes which TransCanada is authorized to export are stated in metric standards.

A daily tolerance of two percent is allowed to accommodate temporary operating conditions. The total quantity requested to be imported during the term of the authorization is 192,150 MMcf.

Texas Eastern asserts that the Gas Purchase Contract to be executed with TransCanada will be amended to change the date for obtaining required regulatory authorizations from May 1, 1983, to November 1, 1983. Texas Eastern further asserts that the reduced volumes of imported gas will be transported from the import point near Niagara Falls, Ontario, to its pipeline facilities near Tamarack, Pennsylvania, via the Niagara Interstate Pipeline System (NIPS) rather than through the proposed Trans-Niagara Pipeline as stated in its original application. Texas Eastern notes that it has filed an amended application with the Federal Energy Regulatory Commission, in Docket No. CP83–170–001, with respect to modification of NIPS to accommodate the natural gas to be imported from TransCanada.

The price for the imported natural gas will be the reduced border price of U.S. $4.40 per MMBtu.

Other Information: Any person wishing to become a party to the proceeding, and thus to participate as a party in any conference or hearing which might be convened must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified by the regulations that were in effect on October 1, 1977, in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Division. Economic Regulatory Administration, Room GA–007, RG–43, Forrestal Building, 1000 Independence Avenue, S. W., Washington, D.C. 20585. All protests and petitions to intervene

must be filed not later than 4:30 p.m., July 8, 1983.

A hearing will not be held unless a motion is made by a party or person seeking intervention and granted by the ERA, or if the ERA on its own motion believes that a hearing is necessary or required. A person filing a motion must demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, the ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of the amendment to Texas Eastern's application is available for inspection and copying in the Natural Gas Division Docket Room, located in Room GA–007, Forrestal Building, 1000 Independence Avenue, S. W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., June 2, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15289 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–051]

Sure Fit Products Co. Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, Sure Fit Products Company (SFP), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 23,725 Mcf of natural gas which is expected to displace the use of approximately 156,000 gallons of No. 6 fuel oil (2.0 percent sulfur) per year at its manufacturing facility in Bethlehem, Pennsylvania.

The eligible seller of the natural gas is Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The EPA has carefully reviewed SFP's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that SFP's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal Holidays.

Issued in Washington, D.C., May 31, 1983.

James W. Workman,

Director Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15259 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–057]

Talbott Knitting Mills; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, Talbott Knitting Mills (TALBOTT), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 73,000 Mcf of natural gas which is expected to displace the use of approximately 503,700 gallons of No. 6 fuel oil (0.2 percent sulfur) per year at its manufacturing facility in Reading, Pennsylvania.

The eligible seller of the natural gas in Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed TALBOTT's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that TALBOTT's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15254 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–082]

United States Steel Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 10, 1983, United States Steel Corporation (USS), 600 Grant Street, Pittsburgh, Pennsylvania 15230, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR 595, an application for certification of an eligible use of approximately 37,200 Mcf per day of natural gas as its Fairless Works Steel manufacturing facility in Fairless Hills, Pennsylvania. This volume of gas is expected to displace the use of approximately 5,907 barrels per day of No. 6 fuel oil (1.0 percent sulfur) at the above facility.

The eligible sellers of the natural gas are Texaco, U.S.A., P.O. Box 52332, Houston, Texas 77002; Exxon Company, U.S.A., P.O. Box 2180, Houston, Texas 77001; Oil & Gas Corporation, 2700 Fidelity Union Tower, Dallas, Texas 75201; and Delhi Gas Pipeline Corporation, Fidelity Union Tower, Dallas, Texas 75201. The gas will be transported by Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251; Ozark Gas Pipeline Corporation, P.O. Box 566, Route 5, Fort Smith, Arkansas 72901; and Natural Gas Pipeline Company of America, 122 South Michigan Avenue, Chicago, Illinois 60603. The local distributor will be Philadelphia Electric

Company, P.O. Box 8699, 2301 Market Street, Philadelphia, Pennsylvania 19101.

Notice of that application was published in the **Federal Register** (48 FR 22785, May 20, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed USS's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that USS's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 83–15208 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–060]

Zausner Foods Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, Zausner Foods Corporation (ZAUSNER), filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR 595, an application for certification of an eligible use of approximately 65,000 Mcf of natural gas which is expected to displace the use of approximately 450,000 gallons of No. 6 fuel oil (2.3 percent sulfur) per year at its manufacturing facility in New Holland, Pennsylvania.

The eligible sellers of the natural gas Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed ZAUSNER'S application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that ZAUSNER'S application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 31, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15209 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

Office of Conservation and Renewable Energy

[Case No. F–009]

Energy Conservation Program for Consumer Products; Petition for Waiver of Furnace Test Procedures From Hydrotherm, Inc.

AGENCY: Department of Energy.

SUMMARY: Today's notice publishes a "Petition for Waiver" from Hydrotherm, Inc. (Hydrotherm), requesting a waiver from the existing Department of Energy (DOE) test procedures for furnaces.

The petition requests DOE to grant relief from the furnace test procedure requirements relating to determination of annual fuel utilization efficiency (AFUE). Specifically, the petitioner requests the use of an alternate test procdeure developed by the National Bureau of Standards in lieu of DOE's currently prescribed procedures. DOE is soliciting comments, date, and information respecting the petition.

DATE: DOE will accept comments, data, and information not later than July 8, 1983.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Case No. F–009, Mail Stop CE–113.1, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy Mail Station CE–113.1, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–33, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–9513.

SUPPLEMENTARY INFORMATION:

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95–619, 92 Stat. 3266, which requires DOE to prescribed standardized test procedures to measure the energy consumption of certain consumer products including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

DOE has amended the prescribed test procedures by adding 10 CFR § 430.27, Petitions for Waiver to allow the Assistant Secretary for Conservation and Renewable Energy temporarily to waive test procedures for a particular basic model. 45 FR 64108 (September 26, 1980). Waivers may be granted when one or more design characteristics of a basic model either prevent testing of the basic model according to the prescribed test procedures or lead to results so unrepresentative of the model's true energy consumption as to provide materially inaccurate comparative data.

Hydrotherm submitted a petition which contends that when the existing DOE test procedures are applied to its boiler with stepmodulating (variable firing rate) controls the result is materially inaccurate comparative data. The Hydortherm petition seks a waiver from DOE test method basing efficiency determinations on a single firing rate. Additionally, Hydrotherm requests the

use of test method prepared by the National Bureau of Standards (NBS) in lieu of the existing DOE test procedures, specifically the test method outlined in NBSIR–82–2497 entitled *A Test Method and Calculation Procedure for Determining Annual Efficiency for Vented Household Heaters and Furnace Equipped with Modulating—Type Controls*, dated May 1982. This report is available through the National Technical Information Service, Springfield, VA 22161.

Briefly, the NBS method requires that efficiency tests be conducted at reduced and maximum firing rates. The results of these tests along with typical derived values from a bin analysis of weather data allow for the determination of the hours of operation in each mode and consequently a weighted annual efficiency is obtained. These test methods and calculation procedures are based on and are an extension to the current DOE test procedures for the simple-stage type of thermostat control of central furnaces.

Pursuant to paragraph (b) of 10 CFR 430.27, DOE is hereby publishing the "Petition for Waiver" in its entirety. The petition contains no confidential information. DOE solicits comments, data, and information respecting the petition.

Issued in Washington, D.C., June 1, 1983.

Howard S. Coleman,

Principal Deputy Assistant Secretary, Conservation and Renewable Energy.

March 8, 1983.

Joseph J. Tribble, Assistant Secretary, Conservation and Renewable Energy, Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, DC

Re: Petition for Waiver

Dear Sir: This is a petition by Hydrotherm, Inc. for waiver from the test procedure specified in Appendix N to Subpart B contained in 10 CFR Part 43, for determining the relative energy efficiency of furnaces.

Petitioner is a manufacturer of hydronic heating equipment, and is preparing to introduce a cast iron boiler product with step modulating controls which will operate at dual firing rates. However, as presently formulated, the test procedure specified in Appendix N contemplates the use of only a single firing rate in the test calculations. Applying this test to Petitioner's prototype boiler gives results which differ by as much as two or three percentage points depending on which firing rate is used in the calculations. In either case, the results are unrepresentative of the true energy consumption characteristics of Petitioner's boiler and, therefore, provide materially inaccurate comparative data. Faced with this dilemma, Petitioner requests that, until such time as a test procedure appropriate to furnaces which operate at multiple firing rates is issued by the Department of Energy, it be permitted to use as an alternate test procedure the test procedure prepared for the Department of Energy by the National Bureau of Standards entitled, "A Test Method and Calculation Procedure for Determining Annual Efficiency for Vented Household Heaters and Furnaces Equipped with Modulating-Type Controls", a copy of which is attached hereto as Exhibit A.[1] To Petitioner's knowledge, there are no other manufacturers of a boiler incorporating a similar design.

Sincerely,

Hydrotherm, Inc.

John J. Cleary,

Ass't. Secretary and Corporate Counsel.

[FR Doc. 83–15283 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Energy Research Advisory Board, Light Water Reactor Safety R&D Panel; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following meeting.

Name: Light Water Reactor R&D Panel of the Energy Research Advisory Board (ERAB).

Date and time: June 29–30, 1983 from 9 am to 5 pm.

Place: Institute of Nuclear Power Operations, Room, 1336, 1100 Circle 75 Parkway, Atlanta, Georgia 30339.

Contact: Charles E. Cathey, U.S. Department of Energy, Office of Energy Research (ER–6), 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252–8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda:

- Discussion of draft final report
- Public comment (10 minute rule)

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Charles Cathey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on June 2, 1983.

J. Ronald Young,

Director of Management.

[FR Doc. 83–15251 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

Energy Research Advisory Board, Materials R&D Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Commitee Act (Public Law 92–463), 86 Stat. 770), notice is hereby given of the following meeting:

Name: Materials R&D Panel of the Energy Research Advisory Board (ERAB).

Date and Time: June 27–28, 1983 from 8 am to 4 pm.

Place: U.S. Department of Energy, 100 Independence Avenue SW., Room 4A–110, Washington, DC. 20585.

Contact: William Woodward, U.S. Department of Energy, Office of Energy Research (ER–6), 100 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252–8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

- Discussion of Initial Working Outline for Draft Report on DOE's Materials R&D Programs
- Reports on laboratory visits
- Public comment (10 minute rule)

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact William Woodward at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–

[1] The National Bureau of Standards report is not attached hereto. It is available from the National Technical Information Service, Springfield, VA 22166.

190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on June 2, 1983.

J. Ronald Young,

Director of Management.

[FR Doc. 83-15250 Filed 6-7-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Research Advisory Board, University Programs Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: University Programs Panel of the Energy Research Advisory Board (ERAB).

Date and Time: June 23, 1983 from 9 am to 5 pm.

Place: U.S. Department of Energy, 1000 Independence Avenue SW., Room 4A-110, Washington, DC 20585.

Contact: Joan Snodderly, U.S. Department of Energy, Office of Energy Research (ER-6), 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252-8933.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda:

- Discussion of draft final report on DOE's University Support Programs
- Public comment (10 minute rule)

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Joan Snodderly at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on June 2, 1983.

J. Ronald Young,

Director of Management.

[FR Doc. 83-15252 Filed 6-7-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed; Period of March 21 Through April 1, 1983

During the period of March 21 through April 1, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: June 1, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

AD Energy, Inc., Oklahoma City, Oklahoma, HRO-0142, crude oil

On April 1, 1983, AD Energy, Inc. and Allen L. Dwight, 12700 St. Andrews, Oklahoma City, Oklahoma 73120 filed a Notice of Objection to a Proposed Remedial Order which the DOE Dallas Office of the Economic Regulatory Administration issued to the firm on February 18, 1983. In the PRO, the Dallas Office found that during the period May 1979 to December 1980, AD Energy resold crude oil at prices in excess of those permitted by 10 CFR Parts 210 and 212, Subparts F and L. According to the PRO, the AD Energy violation resulted in $1,804,574.81 of overcharges.

Allegheny Petroleum Corporation and Gerome R. Smith, Houston, Texas; HRO-0138, crude oil

On March 29, 1983, Allegheny Petroleum Corporation (Allegheny) and Gerome R. Smith (Smith), 14760 Memorial Drive, Suite 307, Houston, Texas 77069 filed a Notice of Objection to a Proposed Remedial Order which the DOE Houston Office of the Economic Regulatory Administration issued to them on February 11, 1983. In the PRO, the Houston Office found that during the period August to December, 1980, Allegheny and Smith violated the crude oil pricing regulations at 10 CFR §§ 212.186 and 210.62(c). According to the PRO, the Allegheny and Smith violation resulted in $344,199.23 of overcharges.

Echo Drilling, Inc., Zanesville, Ohio; HRO-0140, crude oil

On March 31, 1983, Echo Drilling, Inc., 526 Shinnick Street, Zanesville, Ohio 43701 filed a Notice of Objection to a Proposed Remedial Order which the DOE Tulsa Office of the Economic Regulatory Administration issued to the firm on November 5, 1982. In the PRO, the Tulsa Office found that during the period November 1973 to January 1981, Echo Drilling violated crude oil pricing regulations at 10 CFR §§ 212.10, 212.93, and 212.183. According to the PRO, the Echo Drilling violation resulted in $354,450.18 of overcharges.

Hudson Oil Co., Kansas City, Missouri; HRO-0141, crude oil

On April 1, 1983, Hudson Oil Co., Box 907, Kansas City, Missouri 76102 filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel of the Ecomomic Regulatory Administration issued to the firm on February 28, 1983. In the PRO, the Office of Special Counsel found that during the period August 1980 to December 1980, the company improperly reported the purchase of upper tier and lower tier crude oil as uncontrolled oil, improperly certified oil as upper tier, and failed to file Refiners Monthly reports. According to the PRO, the Hudson Oil Co. violation resulted in $1,189,983.78 of overcharges.

The Parade Company, Shreveport Louisiana; HRO-0137, NGL'S, propane

On March 28, 1983, The Parade Company, 1307 Petroleum Tower, Shreveport, Louisiana, filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel of the Economy Regulatory Administration, issued to the firm on February 11, 1983. In the PRO, the Office of Special Counsel found that during the period February 1975 through December 1980 The Parade Company charged prices for natural gas liquids and propane which exceeded the prices permitted by the applicable regulations. According to the PRO, The Parade Company violation resulted in $1,716,465.25 of overcharges.

Strasburger Enterprises, Temple, Texas; HRO-0139, motor gasoline

On March 31, 1983, Straburger Enterprises, Inc., 4 North Third Street, Temple, Texas 76501 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast District Office of Enforcement issued to the firm on September 21, 1982. In the PRO the Southeast District found that during the period January 1, 1979 through September 30, 1979, Strasburger sold motor gasoline at prices in excess of its maximum lawful selling prices computed in accordance with the price regulations set forth at 10 CFR § 212.93. According to the PRO, the

Strasburger violation resulted in $1,469,954.34 of overcharges.

[FR Doc. 83-15327 Filed 6-7-83; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Order Filed; Week of May 2 Through May 6, 1983

During the week of May 2 through May 6, 1983, the notice of objection to the proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: June 1, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Hideca Petroleum Corporation, Houston, Texas; HRO-0150, crude oil

On May 5, 1983, Hideca Petroleum Corporation, One Riverway, Suite 2480, Houston, Texas 77056, filed a Notice of Objection to an Amended Proposed Remedial Order which the Houston Office of the DOE Economic Regulatory Administration issued to the firm on April 8, 1983. The Amended PRO finds that during the period October 1978 through November 1979, Hideca charged prices in excess of its actual purchase prices without performing any service or other function traditionally associated with the resale of crude oil, in violation of 10 CFR Sections 205.202, 210.62(c), and 212.186, resulting in overcharges of $7,847,940.48. In addition, the PRO alleges that during the months of March, April, May, September, and October of 1979, Hideca resold crude oil at a monthly average markup in excess of the applicable permissable average markup in violation of 10 CFR Section 212.183, resulting in overcharges of $1,138,627.00. Finally, the PRO finds that during the months of January, March, June, and December of 1980, Hideca resold crude oil at a monthly average markup in excess of the applicable permissable average markup in violation of 10 CFR Section 212.183, resulting in overcharges of $6,510,712.00. The PRO therefore concludes that Hideca should refund overcharges of $14,358,652.48, plus interest.

[FR Doc. 83-15328 Filed 6-7-83; 8:45 am]

BILLING CODE 6450-01-M

Southeastern Power Administration

Order Confirming and Approving Power Rates on an Interim Basis

AGENCY: Department of Energy, Southeastern Power Administration (SEPA).

ACTION: Notice of Approval on an Interim Basis of Cumberland Basin Projects' Rates.

SUMMARY: On May 31, 1983, the Assistant Secretary for Conservation and Renewable Energy confirmed and approved, on an interim basis, two replacement rate schedules, CR-1-E and CR-2-E, for Cumberland Basin Projects' power. The rates were approved on an interim basis through June 30, 1984, and are subject to confirmation and approval by the Federal Energy Regulatory Commission on a final basis.

DATES: Approval of rates on an interim basis is effective on July 1, 1983.

FOR FURTHER INFORMATION CONTACT:

Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635

John J. DiNucci, Office of Power Marketing Coordination, Department of Energy, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission by order issued February 27, 1981, in Docket No. EF79-3021 confirmed and approved Wholesale Power Rate Schedules CR-1-D and CR-2-D through June 30, 1983. Rate Sechedule CR-1-E replaces CR-1-D and Rate Schedule CR-2-E replaces CR-2-D.

Issued in Washington, D.C., on May 31, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Assistant Secretary for Conservation and Renewable Energy

May 31, 1983.

In the Matter of: Southeastern Power Administration—Cumberland Basin Projects's Power Rates; Order Confirming and Approving Power Rates on an Interim Basis; Rate Order No. SEPA-16.

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95-91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southeastern Power Administration (SEPA) were transferred to and vested in the Secretary of Energy. By Delegation No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204-33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary for Conservation and Renewable Energy.

Background

Power from the Cumberland Basin Projects is presently sold under Wholesale Power Rate Schedules CR-1-D and CR-2-D confirmed and approved through June 30, 1983. These rate schedules were approved by the Federal Energy Regulatory Commission on February 27, 1981, for a period beginning July 1, 1978, and ending June 30, 1983.

Public Notice and Comment

Opportunities for public review and comment on revised Rate Schedules CR-1-E and CR-2-E, proposed for use during the period July 1, 1983, through June 30, 1984, were announced by Notice published in the **Federal Register** on March 24, 1983, and all customers were notified by mail. A Public Information and Comment Forum was held in Nashville, Tennessee, on April 26, 1983, and written comments were invited by the Notice through May 13, 1983. No oral or written comments were reviewed.

Discussion

System Repayment

An examination of SEPA's system power repayment study, prepared in March 1983, for the Cumberland Basin Projects, reveals that with an annual revenue increase of $2,415,00 over the

current revenues shown in a previous March 1983 SEPA repayment study, all system power costs are paid within their repayment life. Additionally, it appears that Rate Schedules CR–1–E and CR–2–E are designed so as to produce revenue adequate to recover on a timely basis all system power costs.

Rate Design

Because the rates are expected to be in effect for only a one-year period and since the existing rate forms were designed specifically to dovetail into the continuing sales pattern, it was decided that the current rate forms would be maintained. The proposed rate schedules were drawn on the basis of increasing all rates by an identical 13 percent.

Environmental Impact

SEPA has reviewed the possible environmental impacts of the rate adjustment under consideration and has concluded with Departmental concurrence that, because the increased rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, the proposed action is not a major Federal action for which preparation of an Environmental Impact Statement is required.

Availability of Information

Information regarding these rates including studies, and other supporting materials is available for public review in the offices of Southeastern Power Administration, Samuel Elbert Building, Elberton, Georgia 30635, and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission

The rates hereinafter confirmed and approved on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis for a period beginning July 1, 1983, and ending no later than June 30, 1984.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective July 1, 1983, attached Wholesale Power Rate Schedules CR–1–E and CR–2–E. The rate schedules shall remain in effect on an interim basis through June 30, 1984, unless such period is extended or until the FERC confirms and approves them or substitute rate schedules on a final basis.

Issued in Washington, D.C., this 31st day of May 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Southeastern Power Administration—Wholesale Power Rate Schedule CR-1-E

Availability

This rate schedule shall be available to the Tennessee, Valley Authority (hereinafter called TVA).

Applicability

This rate schedule shall be applicable to electric power and energy generated at the Dale Hollow, Center Hill, Wolf Creek, Old Hickory, Cheatham, Barkley, J. Percy Priest, and Cordell Hull Projects (all of such projects being hereafter called collectively the "Cumberland Projects") and sold under contract between the Department of Energy and TVA.

Character of Service

The electric power and accompanying energy sold hereunder will be three-phase alternating current at a frequency of approximately 60 Hertz at the outgoing terminals of the Cumberland Projects' switchyards.

Rates

The payments to the Department of Energy by TVA hereunder for availability of capacity and deliveries of energy from the Cumberland Projects are estimated to produce over a period of years an average annual payment of $20,840,000 which amount is hereinafter referred to as the "Basic Annual Charge."

The Basic Annual Charge shall be the applicable annual charge for each year (ending June 30) in which the average unregulated flow of water into Wolf Creek Reservoir as determined hereinafter is between 8,500 and 9,250 c.f.s. To determine the applicable annual charge in other years, the basic Annual Charge shall be adjusted in accordance with variations in said flow of water as follows: For each 750 c.f.s. or fraction thereof by which said flow of water for the year is greater than 9,250 c.f.s., the applicable annual charge shall be greater by $680,000; for each 500 c.f.s. or fraction thereof by which said flow of water for the year is less than 8,500 c.f.s., the applicable annual charge shall be less by $750,000; provide, that the applicable annual charge for any year shall be not less than $17,840,000 nor more than $23,560,000.

Wholesale Power Rate Schedule CR-1-E

Unless otherwise mutually agreed, the annual unregulated flow of water into the Wolf Creek Reservoir will be established from a consideration of the unadjusted discharge registered at Rowena Gauging Station as determined by the U.S. Geological Survey, adjusted for changes in storage at all reservoirs upstream from said station, in accordance with capacity ratings by the owners thereof, and for other possible factors which may be mutually agreed upon by the parties.

TVA shall pay the applicable annual charge to Energy in monthly installments as follows:

A. For each of the months July through December, the monthly installment payment shall be $1,573,000.

B. For the month of January and for each succeeding month through June, the installment payment for each month shall be the amount computed for that month as follows:

1. The estimated applicable annual charge will first be computed using an estimated average flow for the year determined by combining the inflow from the beginning of the fiscal year through the month for which the installment is being computed with the minimum probable inflow for the remainder of the fiscal year as listed in Table I below opposite the month for which said payment is being computed.

2. The installment payment will then be determined by taking the difference between the estimated applicable annual charge for the fiscal year as determined under I. and the total of the installment payments for the preceding months in that fiscal year and multiplying said difference by the percentage listed in Table II opposite the month for which the installment payment is being computed.

Month	Table I (Second-foot days)	Table II (Percentage)
January	800,000	20
February	700,000	35
March	2,461,000	55
April	50,000	40
May	7,800	50
June	0	100

Wholesale Power Rate Schedule CR-1-E

C. In the event that the total of the monthly installment payments for any fiscal year exceeds the applicable annual charge for that fiscal year, the

excess shall be credited against the monthly installment payments for the succeeding fiscal year.

Credits for Retained Power

The applicable annual charge shall be adjusted as follows to compensate for the retention of Peaking Power, Stanby Power, and "special" emergency Standby Power and the transfer of retained power and energy for sale by the Administrator of Southeastern Power Administration to Other Customers. For each Supply Year, beginning November 1, the applicable charges shall be reduced by:

a. $20.20 per kw of Peaking Power Base Amount retained by Administrator.

b. $5.49 per kw of the Contract Standby Demand of the Administrator's first Other Customer, plus $3.66 per kw of the sum of the Contract Standby Demands of the second and third Other Customers. For purposes hereof, such "first" Other Customer shall be the one with the largest Contract Standby Demand.

c. 7.2 cents per calendar day (or fraction thereof) per kw of emergency Standby Power used in November, April, May, June, September, and October of each Supply Year, and 11.2 per calendar day (or fraction thereof) per kw of the emergency Standby Power used during any other period of the year.

d. 3.68 mills per kwh of energy associated with the Peaking Power Base Amount and of the energy scheduled with the use of maintenance Standby Power.

e. 6.01 mills per kwh of energy scheduled with the use of emergency Standby Power.

f. $28.80 per kilowatt of the maximum amount, if any, by which the capacity used by the Other Customers exceeds the amount of the Cumberland Capacity to which the Administrator is entitled. For purposes of this subsection, the Administrator shall be entitled at any time to the sum of the following:

(1) The total of Peaking Power retained by the Administrator for use at that time by all of the Other Customers, and

(2) If the Administrator at that time is delivering Standby Power to any Other Customers, the Contract Standby Demand of that Customer and any amount that is being retained as "special" emergency Standby Power at that time.

Notwithstanding the foregoing, insofar as such excess consists of excess emergency Standby Power takings, the reduction provided for in this subsection f. shall not apply to the first 100 mw for the first 24 hours of the first four occasions of the emergency excess takings in any Supply Year caused by outages of generating units of the Aministrator's Other Customers occuring simultaneously with scheduled outages or other emergency outages.

g. 6.01 mills per kwh of the energy taken in any hour in excess of the amount of energy to which the Administrator is entitled.

During each month of a Supply Year, the monthly installments due shall be reduced by one-twelfth of the sum of the amounts of the annual reductions computed under a. and b. above, and by the sum of the amounts of the reductions computed under c, d, e, f, and g above for the month.

Service Interruption

When delivery of power to TVA is interrupted or reduced due to failure of facilities at any of the Cumberland Projects and whenever such interruption of reduction results in a loss for a continuous period of more than 31 days of installed capacity (name plate) in excess of 50 megawatts or loss of an entire project, the payments to be made by TVA for the months in which such interruption affects the delivery of power shall be adjusted; provided, however, that no monthly bill will be adjusted until there is a net cumulative monetary credit due TVA. Monthly adjustments will be determined as follows:

a. Adjustments for changes in energy deliveries will be determined by multiplying the change in energy determined by the Administrator to have resulted from the interruption or reduction by 3.57 mills per kilowatt-hour.

b. Adjustments for installed capacity losses for each month in which the interruption or reduction occurs for more than half the hours in the month will be determined by multiplying the name plate capacity determined by the Administrator to have been lost as a result of the interruption or the reduction by $1.02 per kilowatt.

July 1, 1983

Wholesale Power Rate Schedule CR-2-E

Availability

This rate schedule shall be available to the Big Rivers Electric Corporation; Indiana Statewide Rural Electric Cooperative, Incorporated, Hoosier Energy Division; Southern Illinois Power Cooperative; and East Kentucky Power Cooperative (hereinafter individually called Customer; collectively, Customers).

Applicability

This rate schedule shall be applicable to Peaking Power, Standby Power, and "special" emergency Standby Power, together with accompanying energy generated at the Dale Hollow, Center Hill, Wolf Creek, Cheatham, Old Hickory, Barkley, J. Percy Priest, and Cordell Hull Projects (all of such projects being hereinafter called collectively the "Cumberland Projects") and sold in wholesale quantities.

Character of Service

The electric capacity and energy supplied hereunder will be three-phased alternating current at a frequency of 60 cycles per second and shall be delivered at nominal voltages of 13,800 volts and 161,000 volts to the transmission systems of the Big Rivers Electric Corporation and the East Kentucky Power Cooperative. The points of delivery to the Big Rivers EC transmission system will be one at 13,800 volts and two at 161,000 volts in the vicinity of the Barkley Dam Power Plant and another point of delivery at 161,000 volts from the TVA transmission system in the vicinity of Paradise, Kentucky. The point of delivery for East Kentucky PC will be at the 161,000 volt bus of the Wolf Creek Power Plant. Other points of delivery may be as agreed upon.

Monthly Rate

The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge

$18.96 per Supply Year for each kilowatt of the Contract Peaking Demand, payable $1.58 per billing month.

$4.61 per Supply Year for each kilowatt of the Contract Standby Demand, payable in equal monthly installment payments of one-twelfth of the annual charge.

$0.072 per calendar day (or fraction thereof) per kw of Standby Power delivered for emergency purposes in November, April, May, June, September, and October of each Supply Year, and $0.112 per calendar day (or fraction thereof) per kilowatt of the Standby Power delivered for emergency purposes during any other period of the year.

Whenever a Customer's use of standby capacity for emergency outage is reduced during a day because of emergency outage of another or other Customers, the Customer first using emergency standby capacity shall pay the daily use charge to the extent of his maximum usage. Other Customers shall pay a daily use charge that day only to the extent that they cause a higher maximum to be established.

A Supply Year is a year beginning November 1.

Energy Charge

4.75 mills per kilowatt-hour for all Peaking Energy.

3.68 mills per kilowatt-hour for all maintenance Standby Energy.

6.01 mills per kilowatt-hour for all emergency Standby Energy.

"Special" Emergency Standby Power

"Special" emergency Standby Power from the Cumberland capacity can be made available by the Government to any particular Customer for periods of not less than one week. Any such amounts of power so made available and bought by said Customer shall be at rates as agreed upon by the operating representatives of the parties prior to commencing delivery.

Billing Month

The billing month of power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Conditions of Service

The Standby Capacity and Peaking Capacity and the associated Standby Energy and Peaking Energy sold to Customers under this rate schedule shall come exclusively from capacity and energy available from the Cumberland Projects and retained by the Administrator. Standby Capacity shall be used by Customers only to replace loss of generation on their systems because of maintenance and/or emergency outages of their generating equipment. Maintenance outages shall be a matter of coordination between the Government and the Customers.

The rates and charges for Standby Capacity purchased are predicated upon the purchase of such capacity by three customers.

Each Customer is prohibited from using in any Supply Year and Standby Capacity and Peaking Capacity in excess of the capacity to which it is entitled. Should the power used by any individual Customer exceed the capacity to which it is entitled in any sixty (60) consecutive minute period in any Supply Year, such Customer shall pay the Government $28.80 per kilowatt of the largest such excess occuring during that year through the current billing period. Notwithstanding the foregoing, insofar as such excess consists of emergency Standby Power takings by a Customer caused by outages of generating units of any of the three Customers occurring simultaneously with scheduled outages or other emergency outages, the payment provided herein shall not apply to the first 100 mw for the first 24 hours of the first four occasions of the emergency takings in any Supply Year; provided, that the first four occasions provided herein are a total for the three Customers and will be applied to the first four excess emergency takings by the Customers in the order of their occurrence. Each Customer shall also pay the Government 6.01 mills per kilowatt-hour for Standby Energy taken in any hour in excess of the amount of energy to which such Customer is entitled.

The terminal equipment required for delivery of power at the Barkley switchyard will be furnished by the Government, and the terminal equipment required at any other point of delivery agreed upon with Big Rivers will be furnished by Big Rivers. The costs of the terminal equipment required for delivery of power at the Wolf Creek Power Plant to East Kentucky shall be borne by the Government.

Unless otherwise agreed, the interconnected electric systems of the Customers and the system of TVA shall be operated in parallel and such Customers shall not interconnect their respective systems with other power systems that are normally operated in parallel with TVA's system.

Service Interruption

When capacity made available and sold under this rate schedule is reduced or interrupted for sixty (60) minutes or longer and such reduction or interruption is not due to conditions on the individual Customer's system, (a) the monthly demand charge for Standby Capacity for the billing month shall be reduced for billing purposes for each hour (the nearest number of whole hours) that such capacity is reduced or interrupted, by an amount equal to one-twelfth of the annual charge divided by the number of hours in the billing month times the reduction, in kilowatts, of such capacity, (b) the monthly charge for Peaking Capacity for the billing month shall be reduced for billing purposes, for each hour (the nearest number of whole hours) that such capacity is reduced or interrupted, by an amount equal to $1.58 divided by the number of hours in the billing month times the reduction, in kilowatts, of such capacity, and (c) the amount of Peaking Energy which such Customer had scheduled but did not receive on the day or days of interruption may be rescheduled and taken by such Customer not later than the close of the then current Supply Year.

Dated: July 1, 1983.

[FR Doc. 83-15323 Filed 6-7-83; 8:45 am]

BILLING CODE 6450-01-M

Order Confirming and Approving Power Rates on an Interim Basis

AGENCY: Department of Energy, Southeastern Power Administration (SEPA).

ACTION: Notice of Approval on an Interim Basis of Laurel Project's Rates.

SUMMARY: On May 31, 1983, the Assistant Secretary for Conservation and Renewable Energy confirmed and approved, on an interim basis, replacement rate schedule, LP-1-A for Laurel Project's power. The rates were approved on an interim basis through June 30, 1984, and are subject to confirmation and approval by the Federal Energy Regulatory Commission on a final basis.

DATE: Approval of rates on an interim basis is effective on July 1, 1983.

FOR FURTHER INFORMATION CONTACT:

Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635

John J. DiNucci, Office of Power Marketing Coordination, Department of Energy, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461

SUPPLEMENTARY INFORMATION: The Federal Power Commission by Order issued October 25, 1979, in Docket No. EF79-3052 confirmed and approved Wholesale Power Rate Schedule LP-1 through June 30, 1983. Rate Schedule LP-1-A replaces LP-1.

Issued in Washington, D.C., May 31, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

May 31, 1983.

Assistant Secretary for Conservation and Renewable Energy

In the Matter of: Southeastern Power Administration Laurel Project's Power Rates, Rate Order No. SEPA-17; Order confirming and Approving Power Rates on an Interim Basis.

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95-91, the function of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southeastern Power Administration (SEPA) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for

Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204–33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary for Conservation and Renewable Energy.

Background

Power from the Laurel Project is presently sold under Wholesale Power Rate Schedule LP–1 confirmed and approved through June 30, 1983.

Public Notice and Comment

Opportunities for public review and comment on revised Rate Schedule LP–1–A, proposed for use during the period July 1, 1983, through June 30, 1984, were announced by Notice published in the **Federal Register** on March 24, 1983, and all customers were notified by mail. A Public Information and Comment Forum was held in Nashville, Tennessee, on April 26, 1983, and written comments were invited by the Notice through May 13, 1983. No oral or written comments were received.

Discussion

System Repayment

An examination of SEPA's system power repayment study, prepared in March 1983, for the Laurel Project, reveals that with an annual revenue increase of $223,000 over the revenues shown in its previously referenced current repayment study dated March 1983, all system power costs are paid within their repayment life. Additionally, it appears that Rate Schedule LP–1–A is designed so as to produce revenue adequate to recover on a timely basis all system power costs.

Rate Design

In Rate Schedule LP–1–A charges are divided between capacity and energy. The capacity charge has been increased by $0.21 per kilowatt of monthly demand to a rate of $1.58 per kilowatt per month which amounts to a 15 percent increase. The energy rate has been increased by .69 mills per kilowatt-hour to a rate of 4.89 mills per kilowatt-hour which amounts to a 16 percent increase.

Environmental Impact

SEPA has reviewed the possible environmental impact of the rate adjustment under consideration and has concluded with Departmental concurrence that, because the increased rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, the proposed action is not a major Federal action for which preparation of an Environmental Impact Statement is required.

Availability of Information

Information regarding these rates including studies, and other supporting materials is available for public review in the offices of Southeastern Power Administration, Samuel Elbert Building, Elberton, Georgia 30635, and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission

The rates hereinafter confirmed and approved on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis for a period beginning July 1, 1983, and ending no later than June 30, 1984.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective July 1, 1983, attached Wholesale Power Rate Schedule LP–1–A. The rate schedule shall remain in effect on an interim basis through June 30, 1984, and unless such period is extended or until the FERC confirms and approves it or a substitute rate schedule on a final basis.

Issued in Washington, D.C., this 31st day of May 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Southeastern Power Administration—Wholesale Power Rate Schedule LP–1–A

Availability

This rate schedule shall be available to East Kentucky Power Cooperative, Incorporated (hereinafter called Customer).

Applicability

This rate schedule shall be applicable to power generated at the Laurel Project, in excess of requirements for operation of the Project, and sold under contract between the Department of Energy and the Customer.

Character of Service

The electric capacity and energy supplied hereunder will be three-phase alternating current at a frequency of 60 cycles per second and shall be delivered at the interconnection of the Customer's 161,000 volt transmission line and the 161,000 volt bus at the Project's power plant.

Monthly Rate

The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge

$1.58 per kilowatt for all dependable capacity made available.

Energy Charge

4.89 mills per kilowatt-hour for all energy.

Billing Month

Bills for power sold under this schedule shall be rendered on a calendar month basis.

Late Payment Charge

If the Customer fails to pay any bill when due, an interest charge of two percent (2%) of the amount unpaid shall be added thereto as liquidated damages; and thereafter, as further liquidated damages, an interest charge of one percent (1%) of the principal sum unpaid shall be added for each thirty (30) day period occurring after the original due date that said bill remains unpaid.

Service Interruption

The charge for capacity made available to the Customer shall, in case of interruption or reduction due to conditions on the Government system not arranged for and agreed to in advance, be reduced in accordance with the following formula:

$$\text{Number of kilowatts unavailable for at least 12 hours in any calendar day} \times \frac{\$1.58}{\text{Number of days in billing month}}$$

Effective: July 1, 1983.

[FR Doc. 83–15324 Filed 6–7–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[PF-327; PH-FRL #2374-8]

Certain Companies; Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number (PF-327) and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues where required, is given in each petition.

Initial Petitions

1. *PP 3F2868.* Medical Products Division/3M, 3M Center, St. Paul, MN 55144. Proposes amending 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for the residues of the chemicals polymethylene, polyphenyl, isocynate and tetranethylanepentamine in shellwall encapsulating material. The proposed analytical method for determining residues is gas chromatography. (PM-21, Henry Jacoby, 703-557-1900).

2. *PP 3F2865.* BASF Wyandotte Corp., 100 Cherry Hill Rd., P.O. Box 181, Parsippany, NJ 07054. Proposes amending 40 CFR 180.355 by establishing tolerances for the combined residues of the herbicide bentazon (3-isopropyl-1-*H*-2,1,3-benzothiadazin-4-(3*H*)-one-2,2-dioxide) and its 6- and 8-hydroxy metabolites in or on the commodities sorghum; fodder and grain at 0.05 ppm, and forage at 0.20 ppm. The proposed analytical method for determining residues is gas chromatography using a flame photometric detector in the sulfur specific mode (394 nm). (PM-25, Robert Taylor, 703-557-1800).

3. *PP 3F2873.* Mobay Chemical Corp., P.O. Box 4913, Hawthorn Rd., Kansas City, MO 64120. Proposes amending 40 CFR 180.332 by increasing the established tolerance for the combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one and its triazinone metabolites in or on the commodities corn; fodder and forage +03.0 ppm. The proposed analytical method for determining residues is gas chromatography using an electron capture detector. (PM-25, Robert Taylor, 703-557-1800).

4. *PP 3F2874.* Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285. Proposes amending 40 CFR 180.304 by establishing tolerances for residues of the herbicide oryzalin (3,5-dinitro-N^4,N^4-dipropylsulfanilamide) in or on the raw agricultural commodities barley and wheat grain at 0.05 ppm. The proposed analytical method for determining residues is gas chromatography using an electron capture detector. (PM-25, Robert Taylor, 703-557-1800).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 346))

Dated: May 23, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-14736 Filed 6-7-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-00042; TBH-FRL 2378-5]

Administrator's Toxic Substances Advisory Committee; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Administrator's Toxic Substances Advisory Committee (ATSAC) will convene to discuss activities of the Office of Toxic Substances including a brief program update, rulemaking for inadvertent generation of PCBs, asbestos in public buildings, and a conclusion of biotechnology discussions. The meeting will be open to the public.

DATE: The meeting will take place on Tuesday, June 28, 1983, at 9:00 a.m. and adjourn by 3:00 p.m.

ADDRESS: The meeting will be held in: Rm. M-3908, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT:

Marylouise Uhlig, Designated Federal Official, Administrator's Toxic Substances Advisory Committee (TS-788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-637, 401 M St. SW., Washington, D.C. 20460, (202-382-2906), or

Laura W. Cross, Executive Secretary, Administrator's Toxic Substances Advisory Committee (TS-788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-637, 401 M St. SW., Washington, D.C. 20460, (202-382-2922).

SUPPLEMENTARY INFORMATION: The ATSAC agenda will begin with opening remarks by Don Clay, Acting Assistant Administrator for Pesticides and Toxic Substances. At 9:30 a.m., an update on program activities of the last three months will be provided by staff from the Office of Toxic Substances (OTS). During the morning session, representatives from OTS will report on the offices' activities and viewpoints regarding the inadvertent generation of PCBs. The Agency has requested that the ATSAC review a proposal submitted jointly by the Environmental Defense Fund, the National Resource Defense Council, and the Chemical Manufacturers Association for regulating the inadvertent generation of PCBs. The OTS staff will also discuss its asbestos in public buildings survey and seek ATSAC comments on approaches to reducing any risks.

In the afternoon session, representatives from OTS and ATSAC will discuss biotechnology issues and ATSAC will conclude its discussion of biotechnolgy at that time. The ATSAC committee will also discuss the possible establishment of subcommittees to cover areas of concern under TSCA.

The meeting will be open to the public, and time will be set aside for public comments in each area of discussion. Any member of the public wishing to present an oral or written statement relating to the Committee's work should contact the ATSAC staff at the address or phone numbers listed above.

Dated: June 2, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-15283 Filed 6-7-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-331; PH-FRL 2377-6]

Mobay Chemical Co.; Feed Additive Petition; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Mobay Chemical Corp. submitted feed additive petition 6H5149 proposing the establishment of tolerances for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl) (1-methylethyl)phosphoramidate and its cholinesterase-inhibiting metabolites in or on certain raw agricultural commodities. Mobay has amended the petition.

ADDRESS: Written comments to: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 229, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of October 19, 1976 (41 FR 46020) which announced that Mobay Chemical Corp., PO Box 4913, Hawthorn Rd., Kansas City, MO 64120, had submitted feed additive petition 6H5149 to the Agency proposing to amend 21 CFR 561.232 by establishing a regulation permitting the use of the nematocide ethyl 3-methyl-4-(methylthio)phenyl) (1-methylethyl)phosphoramidate with a tolerance limitation of 1.0 part per million (ppm) for residues of the pesticide and its cholinesterase-inhibiting metabolites in pineapple bran and cannery waste resulting from the pesticide's application to the growing crop. Mobay Chemical Corp. subsequently amended the petition (48 FR 11162, March 16, 1983) by:

(1) Adding the metabolites ethyl 3-methyl-4-(methylsulfinyl)-phenyl (1-methylethyl)phosphoramidate and ethyl 3-methyl-4-(methylsulfonyl)phenyl (1-methylethyl)phosphoramidate.

(2) Deleting pineapple bran and cannery waste at 1.0 ppm and establishing a regulation for pineapple bran at 3.0 ppm.

Mobay Chemical Corp. has amended the petition for the second time proposing the tolerance limitation for pineapple bran be revised from 3.0 ppm to 10.0 ppm.

(Sec. 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348)).

Dated: May 27, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-15285 Filed 6-7-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

On May 26, 1983, the Federal Communications Commission submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of this submission are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632-7513. Persons wishing to comment on this information collection should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503; (202) 395-7231.

Title: Renewal Notice and Certification in the Private Operational Fixed Microwave Radio Service.

Form No.: FCC 402-R.

Action: New.

Respondents: Businesses, non-profit institutions, State or local governments eligible to hold a radio station authorization in the Private Operational Fixed Microwave Radio Service.

Estimated Annual Burden: 2,250 Responses; 2,250 Hours.

This proposed new form is a computer-generated renewal notice which will be sent to licensees 90 days prior to expiration. If no changes or additions to the technical data are necessary, the licensee need only sign and return the form to FCC in lieu of completing FCC Form 402 in its entirety.

William J. Tricarico,

Secretary, Federal Communications Commission.

May 31, 1983.

[FR Doc. 83-15232 Filed 6-7-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. 26058-CL-P-(5)-82 etc.]

GTE Mobilnet of San Jose, Inc.; et al., Applications; Errata

In re applications of GTE Mobilnet of San Jose, Inc., File No. 26058-CL-P-(5)-82; Advanced Mobile Phone Service, Inc., File No. 26025-CL-P-(3)-82; For a construction permit to establish a new cellular system operating on frequency block B in the Domestic Public Cellular Radio Telecommunications Service to serve the San Jose, California, Standard Metropolitan Statistical Area (SMSA).

In re applications of McCaw Communications of San Jose, Inc., CC Docket No. 83-476, File No. 26120-CL-P-(6)-82; Cellular Mobile Systems of California, Inc., File No. 26192-CL-P-(7)-92; Cellular Network, Inc., File No. 26087-CL-P-(5)-82; Intrastate Radio Telephone, Inc. of San Francisco, File No. 26125-CL-P-(5)-82; California Celcom Communications Corporation File No. 26154-CL-P-(5)-82; For a construction permit to establish a new cellular system operating on frequency block A in the Domestic Public Cellular Radio Telecommunications Service to serve the San Jose, California, Standard Metropolitan Statistical Area, errata.

Released: May 27, 1983.

By the Common Carrier Bureau.

1. The Memorandum Opinion and Order in the above-entitled matter, CC Docket No. 83-476, released May 6, 1983, published in the **Federal Register** May 13, 1983, 48 FR 21647, is corrected as indicated below:

(a) Paragraph 36 is revised to include the full citation to the Los Angeles Wireline Order:

Advanced Mobile Phone Service, Inc. (Los Angeles Wireline Order), FCC 83-124, Mimeo 32991, released April 26, 1983.

(b) Paragraph 44(b) is revised to indicate that Cellular Network, Inc., proposes cellular systems in two markets, rather than four:

(b) To determine whether Cellular Network Inc., and its parent Pagenet have equity funding available from the Golder, Thoma Fund of $1.7 million for San Jose and $5 million for San Francisco, as well as a loan from the Continental Illinois National Bank of $5 million for San Jose and $15 million for San Francisco, and is financially qualified to construct and operate for one year its two proposed cellular systems.

William F. Adler,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 83-15227 Filed 6-7-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-158, File No BPH-810722AA, etc.]

Santee Cooper Broadcasting Co. of Hilton Head, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues; Erratum

In re Applications of Santee Cooper Broadcasting Company of Hilton Head, Inc., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 290 feet, MM Docket No. 83-158, File No. BPH-810722AA, Suncoast Television Corporation, Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 284 feet, MM Docket No. 83-159, File No. BPH-811028AI; Ocean Broadcasting, Inc., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 275 feet, MM Docket No. 83-160, File No. BPH-820128AQ; Women's Broadcasting Coalition, Inc., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 298 feet, MM Docket No. 83-161, File No. BPH-820128AT; Heritage Broadcasting Corporation, Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 312 feet, MM Docket No. 83-162, File No. BPH-820129AJ; Island Communications, Inc., Hilton Head Island, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 300 feet, MM Docket No. 83-163, File No. BPH-820129AQ; Jesse N. Williams, Jr., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 300 feet, MM Docket No. 83-164, File No. BPH-820129AR;Tradewinds Broadcasting, Ltd., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 300 feet,MM Docket No. 83-165, File No. BPH-820129AS; Port Royal Broadcasting, Inc., Bluffton, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 300 feet, MM Docket No. 83-166, File No. BPH-820129AT; Plantation Broadcasting Corporation, Bluffton, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 300 feet, MM Docket No. 83-167, File No. BPH-820129AW; Tantamount Communications Company, Ltd., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 286 feet, MM Docket No. 83-168, File No. BPH-820129BA; WBSL Inc., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 296 feet, MM Docket No. 83-169, File No. BPH-820129BC; Constance J. Wodlinger, Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 285 feet, MM Docket No. 83-170, File No. BPH-820129BD; Suncoast Radio-South Carolina Corp., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 300 feet, MM Docket No. 83-171, File No. BPH-820129BL; Charles A. Brooks, Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 280 feet, MM Docket No. 83-172, File No. BPH-820129BS; Reginald Taylor and G. Troy, Mattox a.b.a. Calibogue Sound, Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 300 feet, MM Docket No. 83-173, File No. BPH-820129BT (3-15-83; 48 FR 10918); erratum.

Released: May 23, 1983.

1. In the above-captioned Order, the community of license for Tradewinds Broadcasting, Ltd. is hereby changed from Hilton Head Island to Bluffton, South Carolina.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-15229 Filed 6-7-83; 8:45 am]

BILLING CODE 6712-01-M

Radio Advisory Committee Meets

June 29, 1983.

The next meeting of the Advisory Committee on Radio Broadcasting has been scheduled at 9:30 a.m., Wednesday June 29, 1983, in Room 330, 1200 19th Street, NW., Washington, D.C.

The Committee will consider recommendations to the FCC concerning:

—The development of a new bilateral agreement between the United States and Canada on AM broadcasting which will implement the Final Acts of the 1981 Rio de Janeiro Conference on AM broadcasting in Region 2 and supersede the North American Regional Broadcasting Agreement (NARBA).

—The development of similar revisions to the U.S. Mexican AM Radio Broadcasting Agreement; and

—Other Business.

The meetings of the Committee are public, and are open for participation by all interested persons. The meeting scheduled for June 29, 1983 may, if the participants so decide, be recessed for resumption at such other time and place as they may designate.

For further information please contact the Committee Chairman, Louis C. Stephens or in his absence Jonathan David at FCC Headquarters, (202) 632-7792.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-15231 Filed 6-7-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group, Plant Accounts Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Plant Accounts Subcommittee scheduled to meet on Wednesday and Thursday, June 22 and 23, 1983. The meeting will begin on June 22 at 9:30 a.m. in the offices of AT&T, Conference Room D located at 1120 20th Street, N.W., Washington, D.C., and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Review of Minutes of Previous Meeting
III. Report by Subcommittee Members
IV. Discussion of Definitions of Plant Accounts
V. Further Assignments
VI. Other Business
VII. Presentation of Oral Statements
VIII. Adjournment

With prior approval of Subcommittee Chairman Gyles Norwood, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Norwood (202/887-3266) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-15230 Filed 6-7-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group, Separations and Costing Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Separations and Costing Subcommittee scheduled for Monday, June 20 and Tuesday, June 21, 1983. The meeting will begin at 10:00 a.m. in the offices of ITT WorldCom, 67 Broad Street, 27th Floor,

New York, New York and will be open to the public. The agenda is as follows:

I. Review of Minutes of Previous Meeting
II. General Administrative Matters
III. Consideration of Data Item List—(To be circulated/mailed to other subcommittee members no later than June 10, 1983)
IV. Other Business
V. Presentation of Oral Statements
VI. Adjournment

With prior approval of Subcommittee Chairman Eric Leighton, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Leighton (518/462–2030) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–15229 Filed 6–7–83; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Trials Committee; Cancellation of Meeting

Notice of the meeting of the Clinical Trials Committee, National Cancer Institute, National Institutes of Health, June 13–14, 1983, published in the **Federal Register** on May 10, 1983, (48 FR 20995) is hereby cancelled. For further information, please contact Dr. Richard A. Rhoden, Executive Secretary, National Cancer Institute, Westwood Building, Room 803, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7030).

Dated: June 2, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83–15302 Filed 6–7–83; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Toxicology Program; Availability of Carcinogenesis Report on Ziram

The HHS's National Toxicology Program today announces the availability of the technical report on ziram, a contact fungicide and a rubber vulcanization accelerator.

Ziram was fed in the diets to F344/N rats at 0, 300, and 600 ppm and to $B6C3F_1$ mice at 0, 600, and 1,200 ppm for 103 weeks. Under the conditions of these carcinogenesis studies, ziram was carcinogenic for male F344/N rats, causing increased incidences of C-cell carcinomas of the thyroid gland. Ziram was not carcinogenic for either female F344/N rats or for male $B6C3F_1$ mice. Increased incidences of alveolar/bronchiolar adenomas or carcinomas occurred in female $B6C3F_1$ mice. However, the interpretation of this increase in lung tumors is complicated by an intercurrent Sendai virus infection.

Copies of this report—*Carcinogenesis Bioassay of Ziram in F344/N Rats and $B6C3F_1$ Mice (Feed Study)* (T.R. 238)—are available without charge by writing to: NTP Public Information Office, M.D. B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541–3991. FTS: 629–3991.

Dated: May 26, 1983.

David P. Rall,

Director.

[FR Doc. 83–15301 Filed 6–7–83; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[I–20087]

Realty Action; Competitive Sale of Public Lands; Cassia County, Idaho; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I–20087, Competitive Sale of Public Lands In Cassia County, Idaho; Correction.

SUMMARY: This document corrects the patent reservations that were published May 12, 1983 (48 FR 21380).

FOR FURTHER INFORMATION CONTACT: Nick James Cozakos, District Manager, (208) 678–5514.

The May 12, 1983 (48 FR 21380) publication notice incorrectly listed the patent reservations as:

1. Ditches and Canals.
2. Oil and Gas and Geothermal rights.
3. Oil and Gas Lease I–18032.

These reservations are corrected to read:

1. A right-of-way for ditches or canals constructed by the authority of the United States under the Act of August 30, 1890, 26 Stat 391; 43 U.S.C. 945.
2. All minerals will be reserved to the United States as required by Sec. 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.
3. All valid existing rights and reservations of record.

Dated: May 27, 1983.

Nick James Cozakos,

District Manager.

[FR Doc. 83–15332 Filed 6–7–83; 8:45 am]

BILLING CODE 4310–84–M

District Advisory Council; Susanville, California; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 (FLPMA) that a meeting of the Susanville District Advisory Council will be held on June 23 and 24, 1983.

The meeting will begin at 1:00 p.m. on June 23, in the Conference Room of the Bureau of Land Management, Susanville District Office, 705 Hall Street, Susanville, California.

The Agenda for the meeting will include:

1. Asset Management
2. Cooperative Management Agreements
3. Alturas Resource Management Plan

The meeting is open to the public and time will be provided for public comment.

Summary minutes of the Council meeting will be maintained in the District Office and will be available for public inspection and reproduction within 30 days following the meeting.

C. Rex Cleary,

District Manager.

[FR Doc. 83–15334 Filed 6–7–83; 8:45 am]

BILLING CODE 4310–84–M

[U–47297]

Salt Lake District, Utah; Reschedule of Sale of Public Land

AGENCY: Bureau of Land Management, Salt Lake District, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the sale of public land in Rich County, Utah that was published as a Notice of Realty Action on October 28, 1982 in 47 FR 47939 and postponed in 48 FR 522 is hereby rescheduled for July 12, 1983 at 10 a.m. at the Bureau of Land Management offices at 2370 South 2300 West, Salt Lake City, Utah.

The sale will be held in accordance with the terms, conditions and instructions contained in the original notice.

Further information can be obtained by writting or calling the Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119 (phone 524–5348).

C. Wayne Richards,

Bear River Resource Area, Area Manager.

[FR Doc. 83-15333 Filed 6-7-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Protection Plan describing the activities it proposes to conduct on Lease OCS 016, Block 31, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 1, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-15331 Filed 6-7-83; 8:45 am]

BILLING CODE 4310-MR-M

IINTERNATIONAL TRADE COMMISSION

Agency Form Submitted for OMB Review

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commission has submitted a proposal for the collection of information to the Office of Management and Budget for review.

PURPOSE OF INFORMATION COLLECTION: The proposed information collection is for use by the Commission in connection with investigation No. 332–158, The Effects of Foreign Product Counterfeiting on U.S. Industry, instituted under the authority of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)).

SUMMARY OF PROPOSALS:

(1) Number of forms submitted: One.

(2) Title of form: The Effects of Foreign Product Counterfeiting on U.S. Industry—Questionnaire for U.S. Producers.

(3) Type of request: New.

(4) Frequency of use: Nonrecurring.

(5) Description of respondents: Firms manufacturing products in the United States that have been subject to foreign counterfeiting.

(6) Estimated number of respondents: 250.

(7) Estimated total number of hours to complete the forms: 5500.

(8) Information obtained from the form that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

(9) Section 3504(h) of Pub. L. 96–511 does not apply.

ADDITIONAL INFORMATION OR COMMENT: Copies of the proposed form and supporting documents may be obtained from Charles Ervin, the USITC agency clearance officer (tel. no. 202–523–4463). Comments about the proposals should be directed to the Office of Information and Regulatory Affairs of OMB. Attention: Desk Officer for U.S. International Trade Commission. If you anticipate commenting on a form but find that time to prepare comments will prevent your from submitting them promptly you should advise OMB of your intent as soon as possible. Copies of any comments should be provided to Charles Ervin (United States International Trade Commission, 701, E Street, NW., Washington, D.C. 20436).

By order of the Commission.

Issued: June 3, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-15340 Filed 6-7-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–146]

Canape Makers; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on June 21, 1983, in the Waterfront Center, Room 201, 1010 Wisconsin Avenue, NW., Washington, D.C., and the hearing on temporary relief and permanent relief will commence immediately thereafter.

The purpose of the prehearng conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the **Federal Register.**

Issued: June 3, 1983.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 83-15355 Filed 6-7-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–141]

Copper-Clad Stainless Steel Cookware; Joinder of Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination (Order No. 5) to amend the complaint and the notice of investigation by joining Hanover House Industries, Inc., as a party in the above-captioned investigation. Notice is further given that the Commission has ordered that the complaint be served on Hanover House Industries, Inc., and that Hanover House Industries, Inc., respond thereto within twenty (20) days.

Authority: Sections 335 and 337 of the Tariff Act of 1930 (19 U.S.C. 1335 and 1337) and §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983; to be codified at 19 CFR 210.53(c) and (h).

SUPPLEMENTARY INFORMATION: On April 22, 1983, complainant Revere Copper and Brass Inc. filed a motion (Motion No. 141–3) to amend the complaint and notice of investigation by joining Hanover House Industires, Inc., as a party respondent. Hanover had been

named in the original complaint jointly with Horn & Hardart Co., Inc., and it has been found during discovery that they are distinct corporate entities. The motion was unopposed. On May 6, 1983, the presiding officer issued an initial determination granting Motion No. 141–3. Under § 210.54(a) of the Commission's rules, the deadline for filing petitions for review of the initial determination expired on May 16, 1983. No petitions for review were filed. No comments were received from other Government agencies.

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0250.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: May 31, 1983.

[FR Doc. 83–15353 Filed 6–7–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–123]

CT Scanner and Gamma Camera Medical Diagnostic Imaging Apparatus; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation with prejudice.

SUPPLEMENTARY INFORMATION: This investigation was instituted to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation or sale of certain CT scanners alleged to infringe U.S. Letters Patent 4,220,860 and certain gamma cameras alleged to infringe U.S. Letters Patent 4,151,416. (*See* 47 FR 24232, June 3, 1982). On March 4, 1983, the presiding office recommended that the Commission issue a final determination that there is no violation in this case by reason of the invalidity of the '860 patent and noninfringement of the '416 patent, and because the respondents' acts have neither the effect of substantially injuring nor the tendency to substantially injure the relevant domestic industries.

On April 8, 1983, complainant Technicare Corp. moved to withdraw its complaint and terminate the investigation in favor of resolving the patent disputes between the parties in pending civil litigation (Motion No. 123–21C). On April 15, 1983, the respondents, Elscint Ltd. and Elscint, Inc., filed an alternate motion to terminate (Motion No. 123–23C). The respondents opposed the Technicare's motion, but argued that, if the investigation would be terminated on the basis of that motion, the Commission should approve the presiding officer's recommended determination and issue a final determination of no violation. Respondents' alternate motion to terminate also requested that the Commission terminate the investigation with prejudice against subsequent complaints filed by Technicare against the respondents or third parties based on infringement of the patents at issue in this investigation.

On June 1, 1983, the Commission voted to grant complainant's Motion No. 123–21C, to grant respondents, Motion No. 123–23C in part, and to deny Motion No. 123–23C in part. The Commission accordingly has terminated the investigation with prejudice, but did not adopt the presiding officer's recommended determination or issue a final Commission determination as to whether the respondents have violated section 337. Moreover, Technicare has been barred from filing a second section 337 complaint against Elscint Ltd. and Elscint, Inc. on the basis of either of the patents at issue in this investigation. In terminating the investigation with prejudice, however, the Commission could entertain complaints to institute section 337 proceedings against third parties based on a sufficient demonstration of changed circumstances by the complainant.

Copies of the motions, the responses, the Commission's Action and Order, and any other documents on the public record of the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., room 56, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel (telephone 202–523–0350).

By order of the Commission.

Issued: June 3, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–15346 Filed 6–7–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–132]

Hand-Operated, Gas Operated Welding, Cutting, and Heating Equipment and Component Parts Thereof; Commission Decision Not To Review Initial Determination Terminating the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination to terminate the above-captioned investigation as to the two remaining respondents, I Ling Co., Ltd. and Van Dreser & Hawkins, Inc. Accordingly, as of May 31, 1983, the initial determination will become the Commission's determination with respect to this matter.

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 337) and in §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982; to be codified at 19 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: This investigation was instituted on September 29, 1982, pursuant to section 337 of the Tariff Act of 1930. *See* 47 FR 44172 (October 6, 1982).

On April 28, 1983, complainant Victor Equipment Co. moved to terminate the investigation as to the two remaining respondents, I Ling Co., Ltd. (Motion No. 132–38) and Van Dreser & Hawkins, Inc. (Motion No. 132–39).

The presiding officer issued an initial determination granting Motions Nos. 132–38 and 132–39 on April 28, 1983 (Order No. 32). No party petitioned for review of the initial determination, and no comments were filed by Government agencies or interested members of the public.

Having examined the record in this investigation, including Motion Nos. 132–38 and 132–39, the papers filed in connection therewith, and the initial determination of the presiding officer, the Commission finds no grounds for review of the initial determination.

The Commission has been reviewing an initial determination of the presiding officer denying complainant's request for temporary relief. (47 FR 11189 (Mar. 16, 1983)). In view of the termination of

the investigation, the initial determination of the presiding officer denying complainant's request for temporary relief is vacated as moot.

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0359.

By order of the Commission.

Issued: May 31, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–15354 Filed 6–7–83; 8:45 am]

BILLING CODE 7020–02–M

[332–164]

Quarterly and Annual Reports Providing Certain Information on Heavyweight Motorcycles

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under the authority of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) to establish a permanent docket for the quarterly and annual reports concerning heavyweight motorcycles required by Presidental Proclamation 5050 of April 15, 1983.

EFFECTIVE DATE: June 2, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Jim McElroy or Ms. Deborah Ladomirak, Machinery and Equipment Division, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436 (telephone: 202–523–0258, 202–523–0131, respectively).

SUPPLEMENTARY INFORMATION: Presidental Proclamation 5050, issued April 15, 1983 (48 FR 16639), following receipt by the President of an affirmative determination and recommendation of import relief by the Commission under section 201 of the Trade Act of 1974 (19 U.S.C. 2251), provides import relief in the form of a tariff-rate quota system with respect to motorcycles having engines with total piston displacement over 700 cubic centimeters, provided for in item 692.50 of the Tariff Schedules of the United States.

Annex I (a)(1) of Proclamation 5050 modified subpart A, part 2 of the Appendix to the Tariff Schedules of the United States in pertinent part as follows:

(b) The USITC shall conduct surveys with repect to the motorcycles subject to temporary duty increases as follows:

(1) *Quarterly.*—Surveys by calendar quarter to obtain monthly data on U.S. production, U.S. producers' sales, shipments and inventories, U.S. importer's sales and inventories, imports for consumption, dealer's inventories, U.S. exports, employment, employee-hours, wages, prices, and apparent U.S. consumption. The initial survey shall cover the last quarter of 1982 and the first and second quarters of 1983; the last such survey shall cover the quarter which ends not less than 60 days prior to the termination of the import relief. The results of these surveys shall be published within 60 days of the end of the quarter.

(2) *Annually.*—Annual surveys to obtain from domestic producers data by calendar quarter on profits, unfilled orders, and inventories, annual data on capital expenditures and capacity, and a summary on an annual basis of action taken to adjust to imports and of progress in the adjustment program; and to obtain from importers data by calendar quarter on prices, unfilled orders, and inventories. The initial survey shall cover calendar year 1983, and subsequent surveys shall cover calendar years beginning with 1984. The results of each survey shall be published by the end of the first quarter of each year thereafter so long as the import relief is in effect.

By the order of the Commission.

Issued: June 2, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–15350 Filed 6–7–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–149]

Radar Detectors and Accompanying Owner's Manuals

Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: June 3, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83–15356 Filed 6–7–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 751–TA–7]

Salmon Gill Fish Netting of Manmade Fibers From Japan

Determination

On the basis of the record [1] developed in this investigation, the Commission determines [2] that an industry in the United States would be materially injured, by reason of imports of salmon gill fish netting of manmade fibers from Japan covered by antidumping order T.D. 72–158, if the order were to be modified or revoked.

Background

On April 18, 1972, the Commission determined that an industry in the United States was injured within the meaning of the Antidumping Act, 1921, by reason of imports of fish netting of manmade fibers from Japan determined by the Secretary of Treasury to be sold or likely to be sold at less than fair value (investigation No. AA1921–85). On June 1, 1972, the Department of Treasury issued a finding of dumping, T.D. 72–158, and published notice thereof in the **Federal Register**, 37 FR 11560.

On July 28, 1981, the Commission received a request to review its determination in *Fish Nets and Netting of Manmade Fibers from Japan,* Inv. No. AA1921–85, T.C. Pub. No. 477 (1972). On October 14, 1981, the Commission determined that there were sufficient changed circumstances to warrant review of that determination and it instituted investigation No. 751–TA–5, *Salmon Gill Fish Netting of Manmade Fibers from Japan,* USITC Pub. 1234 (1982).[3]

On March 31, 1982, the Commission determined in investigation No. 751–TA–5 that the establishment of an industry in the United States would be materially retarded by reason of imports of salmon gill fish netting of manmade fibers from Japan covered by antidumping order T.D. 72–158, if the order were to be modified or revoked. The Commission's determination was supported by the

---

[1] The "record" is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (47 FR 6190, February 10, 1982).

[2] Commissioner Stern dissenting.

[3] Commissioner Haggart did not participate.

finding that although domestic production of salmon gill fish netting was so insignificant that there was no established industry in the United States, Nylon Net Co. of Memphis, Tenn., one of the largest domestic producers of fish netting, had made substantial investments in the development of a marketable salmon gill fish netting. An important part of Nylon Net's plans was the projected development of a nylon yarn by Firestone Fibers & Textile Co., at its Hopewell, Va. plant, which would permit Nylon Net to produce netting that would be competitive with imported Japanese netting. Nylon Net's ability to enter the salmon gill fish netting market apparently depended on the successful development of this nylon yarn.

On November 24, 1982, following receipt of information that Firestone Fibers & Textile Co. expected to cease production of nylon at its Hopewell, Va. plant, the Commission requested comments regarding the institution of a new section 751(b) review investigation. On the basis of the comments filed, the Commission, on January 25, 1983, determined that sufficient changed circumstances existed to warrant the review of its determination in *Fish Nets and Netting of Manmade Fibers from Japan*. Therefore, the Commission instituted investigation No. 751–TA–7 to determine whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded if the antidumping order (T.D. 72–158) regarding fish netting of manmade fibers from Japan were to be modified or revoked to exclude salmon gill fish netting of manmade fibers.

Notice of the institution of the investigation and of the public hearing to be held in connection therewith was published in the **Federal Register** on February 2, 1983. A public hearing was held on Wednesday, April 27, 1983, in Washington, D.C. All interested persons were afforded an opportunity to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on June 1, 1983. A public version of the Commission's report, *Salmon Gill Fish Netting of Manmade Fibers from Japan* (investigation No. 751–TA–7, USITC Publication 1387, 1983), contains the views of the Commission and information developed during the investigation.

By order of the Commission.

Issued: June 1, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–15351 Filed 6–7–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–150]

Self-Stripping Electrical Tap Connectors; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 6, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, Minnesota 55133. An amendment to the complaint was filed on May 19, 1983. The complaint, as amended, alleges unfair methods of competition and unfair acts in the importation of certain self-stripping electrical tap connectors into the United States, or in their sale, by reason of alleged infringement of claims 1, 3, 4, 5, 6, and 7 of the U.S. Letters Patent 3,388,370. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 2, 1983, *ordered that:*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain self-stripping electrical tap connectors into the United States, or in their sale, by reason of infringement of U.S. Letters Patent 3,388,370, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purposed of the investigation so instituted the following are hereby named as parties upn which this notice of investigation shall be served:

(a) The complainant is: Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, Minnesota 55133.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Chieftain-Uniworld Corporation, 30 Sagamore Hill Drive, Port Washington, New York 11050

Allen Group, Inc., 534 Broad Hollow Road, Melville, New York 11747

Allison Corporation 630 West Mount Pleasant Avenue, Livingston, New Jersey 07039

Blazer International Corporation, 3800 North Acorn, Chicago, Illinois 60606

L & S (Taiwan) Allied Co. Ltd., P.O. Box 36–621, Taipei, Taiwan

Burda Enterprises, Inc., P.O. Box 3557, Taipei, 3rd Floor, 226, Section 3, Jen-Al Road, Taipei, Taiwan 106

Lumiaction Co. Ltd, P.O. Box 59479, Taipei (100), 9th Floor, No. 219, Chang Chun Road, Taipei, Taiwan

(c) Ralph Elsas-Patrick, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 125, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection

during official business hours (8:45 a.m to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Ralph Elsas-Patrick, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0440.

By order of the Commission.

Issued: June 3, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–15347 Filed 6–7–83; 8:45 am]

BILLING CODE 7020–02–M

[332–163]

Trends in International Trade in Nonpowered Handtools

AGENCY: United States international Trade Commission.

ACTION: At the request of the Committee on Ways and Means, U.S. House of Representatives, the Commission has instituted investigation No. 332–163 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of assessing trends in international trade in nonpowered handtools and conditions of competition between domestic and foreign handtool producers.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. James Brandon, Minerals and Metals Division, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202–532–5437.

Background

The Committee's request was dated May 12, 1983. In accordance with the Committee's request, the Commission's study will cover all nonpowered handtools, including wrenches, pliers, screwdrivers, striking and struck tools (e.g., hammers, sledges, punches, and chisels), C-clamps, vises, hand-held automotive tools (e.g., body and fender tools, wheel and gear pullers, and valve tools), and metal cutting snips and shears (including bolt cutters). The investigation will not cover interchangeable tools (e.g., dies and drilling bits) or powered handtools.

The Commission will collect and compile data on production, imports, exports, marketing and pricing practices, and other factors affecting the U.S. industry and conditions of competition between U.S. and foreign handtools. The study will develop this information for the handtool industry as a whole and for selected product groupings.

The Commission expects to complete its study by February 3, 1984.

Public Hearing

A public hearing in connection with this investigation will be held in the Commission Hearing Room, 701 E Street, NW., Washington, D.C., 20436, beginning at 10:00 a.m. on November 9, 1983. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, U.S. International Trade Commission, 701 E Street, NW, Washington, D.C. 20436, no later than noon, November 2, 1983.

Written Submissions

In lieu of, or in addition to, appearances at the public hearing, interested parties are invited to submit written statements concerning the investigation by November 2, 1983. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: June 1, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–15352 Filed 6–7–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–133]

Vertical Milling Machines and Parts, Attachments, and Accessories Thereto; Commission Decision Not To Review Initial Determinations and Issuance of Consent Orders Terminating the Investigation With Respect to Two Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determinations (Order Nos. 18 and 19) granting joint motions by complainant, respondents, and the Commission investigative attorney to terminate the above-captioned investigation with respect to respondents Kanematsu-Gosho (U.S.A.) Inc. and Deka Machine Sales Corp. based on a consent order agreements. Furthermore, after considering the effect of these consent order agreements upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States and U.S. consumers, the Commission has determined to issue the consent orders terminating the above-referenced investigation with respect to Kanematsu-Gosho (U.S.A.) Inc., and Deka Machine Sales Corp.

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.53(c), 210.53(h), 211.20, and 211.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.53 (c) and (h) and 211.20 and 211.21).

SUPPLEMENTARY INFORMATION: On May 3, 1983, the presiding officer issued two initial determinations granting the joint motions of complainant Textron, Inc., respondents, Kanematsu-Gosho (U.S.A.), Inc. and Deka Machine Sales Corp., and the Commission investigative attorney to terminate the investigation with respect to these two respondents on the basis of consent order agreements. Under § 210.54(b) of the Commission's rules, the deadline for filing petitions for review expired on May 13, and May 16, 1983 respectively. No petitions were filed.

The Commission has determined not to review these initial determinations and issue the consent orders which provide the basis for termination of the investigation with respect to Kanematsu-Gosho (U.S.A.), Inc., and Deka Machine Sales Corp.

Both consent orders allow the respective respondents to continue importing and selling vertical milling machines that do not infringe Textron's alleged common law trademark rights. The proposed consent orders identify machines that do not violate the order. Thus, available alternatives to the Textron machine do exist. Furthermore, the provisions regarding other alleged unfair acts will not adversely affect the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles or the U.S. consumer. Deka Machine Sales Corp. and Kanematsu-Gosho (U.S.A.) Inc. can sell and advertise their products through other permissible means.

Copies of the Commission's action and order, and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Catherine R. Field, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0375.

By order of the Commission.

Issued: June 2, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–15340 Filed 6–7–83; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 53303 (November 24, 1982).

DATES: The exemptions will be effective on July 8, 1983. Petitions for reconsideration must be filed by June 28, 1983. Petitions for stay must be filed by June 20, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave. NW., Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: June 1, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[No. MC–F–15105]

Claxton Transport, Inc.—Purchase Exemption—Martin Transfer & Storage, Inc.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative: Roland K. Koline, Ross & Hardies, One IMB Plaza, Suite 3100, Chicago, IL 60611.

Pleadings should refer to No. MC–F–15105.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Claxton Transport, Inc. (MC–146251) of those operating rights of Martin Transfer & Storage, Inc. (MC–147157) found in its Sub-No. 3 certificate.

[No. MC–F–15135]

Anderson Trucking Service, Inc.,—Purchase Exemption—Haupt Contract Carriers, Inc.

ADDRESSES: Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative: Robert D. Gisvold, 1600 TCF Tower, 121 S. Eighth St., Minneapolis, MN 55402.

Pleadings should refer to No. MC–F–15135.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval 49 U.S.C. 11343(a)(2), the purchase by Anderson Trucking Service, Inc. (MC–95876) of all of the operating rights of Haupt Contract Carriers, Inc. (MC–126346 and 149497).

[No. MC–F–15149]

Hayward Trucking, Inc.—Purchase Exemption—Sawyer Transport, Inc., (Nathan Yorke, Trustee-In-Bankruptcy)

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative: Carl L. Steiner, 135 South, LaSalle St., Chicago, IL 60603.

Pleadings should refer to No. MC–F–15149.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Hayward Trucking, Inc. of a portion of the operating rights of Sawyer Transport, Inc., i.e., Certificates No. MC–123407 Sub-Nos. 668X (paragraphs 70 and 114), 134 (paragraph 3), and 231, authorizing generally the transportation of farm products, between points in the United States.

[FR Doc. 83–15275 Filed 6–7–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Approved Exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on July 8, 1983. Petitions for reconsideration must be filed by June 28, 1983. Petitions for stay must be filed by June 20, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[No. MC–F–15110]

Mushroom Transportation Company, Inc.—Continuance in Control Exemption—Trux Enterprises, Inc.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative: A. David Millner, P.O. Box Y—7 Becker Farm Road, Roseland, NJ 07068.

Pleadings should refer to No. MC–F–15110.

Decided: May 26, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval in 49 U.S.C. 11343(a)(3) the continuance in control of Trux Enterprises, Inc. (MC–166002) by Mushroom Transportation Company, Inc. (MC–65580).

[No. MC–F–15124]

Coats Freight Ways, Inc.—Purchase Exemption—Grand Island Express, Inc.

ADDRESSES: Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative: Jack L. Shultz, Nelson & Harding, P.O. Box 82028, Lincoln, NE 68501–2028.

Pleadings should refer to No. MC–F–15124.

Decided: June 1, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Coats Freight Ways Inc. (MC–133229) of those operating rights of Grand Island Express, Inc. (MC–135283) found in its Sub-No. 75 certificate.

[No. MC–F–15070]

Robin Express Transfer, Inc.—Purchase Exemption—Drum Transportation Company

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101.

Pleadings should refer to No. MC–15070.

Decided: June 1, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(e), the purchase by Robin Express Transfer, Inc. of the operating authority of Drum Transportation Company (No. MC–135381).

[No. MC–F–15176]

Ronald L. Marquardt, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-In-Bankruptcy)

ADDRESSES: Send pleading to: Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative: David E. Wishney, P.O. Box 837, Boise, ID 83701.

Pleadings should refer to No. MC–F–15176.

Decided; June 1, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Ronald L. Marquardt, Inc., of the portion of the operating rights of Shoemaker Trucking Company contained in No. MC–138875 [Sub-Nos. 276 and 283, and Subparagraph (7) of paragraph (1), and subparagraph (8) of paragraph (7) of Sub-No. 312X], which authorizes the transportation of (1) building materials and lumber and wood products, between points in Wisconsin, on the one hand, and, on the other, points in California, Oregon, and Washington, and (2) building materials, lumber and wood products, and metal products, between points in Iowa, on the one hand, and, on the other, points in Idaho.

[No. MC–F–15182]

M.C. Bunch, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-In-Bankruptcy)

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative: David F. Wishney, P.O. Box 837, Boise, ID 83701.

Pleadings should refer to No. MC–F–15182.

Decided: June 1, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by M. C. Bunch, Inc. of that portion of the operating rights of Shoemaker Trucking Company set forth in Certificate No. MC–138875 (Sub-No. 312X), part 35, authorizing the irregular-route transportation of metal products, machinery, clay, concrete, glass or stone products, and rubber and plastic products, between points in AR, on the one hand, and, on the other, points in AZ, CA, CO, ID, OR, UT, WA, WI, WY, MI, MN, MT, NC, ND, OH, PA, SC, SD, VA, and WV, together with its underlying Sub-Nos. 187F and 251F.

[FR Doc. 83–15276 Filed 6–7–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Decision-Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Review Boards, Carleton, Parker, Joyce.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–251

MC–FC–81367. By decision of June 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1161, the Review Board approved the Transfer to MILK PRODUCERS MARKETING COMPANY, of Lawrence, KS, of Certificates No. MC–134182 Sub-Nos. 41X (coincidental with consummation, the underlying authority in Certificates No. MC–134182 and Sub-Nos. 7, 8, 9, 10, 11, 21, 23, 30, 32, 34, 35, 36, 38, and 40, will be cancelled), and 43, issued July 13 and October 9, 1981, respectively, and Permit No. MC–134182 Sub-No. 42, issued October 2, 1981, to ALLIED TRANSPORTATION SERVICES, INC.,

of North Kansas City, MO, authorizing the transportation, (I) as a common carrier, over irregular routes, of (A) food and related products, between named points in MO, KS, NJ, OH, or OK, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, CT, DE, FL, GA, IA, IL, IN, KY, KS, LA, MA, ME, MD, MI, MN, MO, MS, MT, NC, NE, ND, NH, NJ, NM, NY, OK, OH, OR, PA, RI, SC, SD, TN, TX, VA, VT, WA, WI, WV, WY, or DC; and (B)(1) frozen prepared foods and frozen poultry when transported in the same vehicle with frozen prepared foods, from named counties in MO, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, (2) meats, meat products, and meat byproducts and articles distributed by meat-packing houses (with exceptions), (a) from Emporia, KS, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, restricted to traffic originating at the facilities of Iowa Beef Processors, (b) from the facilities of Missouri Beef Packers, Inc., at or near Holton, KS, to points in CT, DE, PA, NJ, NH, NY, VA, WV, AND DC, (c) from the facilities of Dubuque Packing Co., at or near Mankato, KS, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and DC, and (d) from the facilities of Seitz Foods, at St. Joseph, MO, to Philadelphia, PA, (3) frozen foods, from the facilities of Banquet Foods Corporation, at Wellston, OH, to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, PA, RI, VT, VA, WV, WI, and DC, (4) frozen batters, from Tulsa, OK, to points in CT, IN, MD, MA, NJ, NY, OH, PA, RI, VA, and WV, (5) fruit juices, fruit punches, and fruit flavored drinks (except frozen beverages), from the facilities of Milk Producers Marketing Company, dba All Star Beverage, at Lawrence, KS, to points in AR, CO, MO, MT, NE, NM, ND, OK, SD, and WY, restricted to traffic originating at the named origin, and (6) beverages, not frozen (except in bulk), from the facilities of All-Star Beverage, at Lawrence, KS, to the facilities of Hi-Port Industries, at Highland, TX; and (II) as a contract carrier, over irregular routes, of food and related products, between points in the U.S., under continuing contract(s) with (a) Iowa Beef Processors, Inc., of Dakota City, NE, and (b) Campbell Soup Company, of Camden, NJ. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068, (816) 781-6000.

Note.—The territories under parts (I)(B) (1), (2) (b), (c), and (d), and (3) above are subject to originating at or destined to restrictions.

[FR Doc. 83-15273 Filed 6-7-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP5-264]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 26, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 5, at (202) 275-7289.

MC 150999 (Sub-6X), filed May 13, 1983. Applicant: GENE F. LACAEYSE, d.b.a., G.F. LACAEYSE TRANSPORT, R.R. #2, Box 110, Montezuma, IA 50171. Representative: Larry D. Knoxa 600 Hubbell Bldg., Des Moines, IA 50309, 515-244-2329. Applicant seeks to remove restrictions in Wenger Truck Line, Inc.'s MC-109818 (Sub-Nos. 25F, 44F, 50F, 95X(1) and 95X(3) [acquisition approved in MC-F-15077] certificates to (1) eliminate commodity restrictions "except in bulk, in tank vehicles", "except in bulk," "except chemicals and commodities in bulk" in Sub-Nos. 25F and 44F; (2) authorize radial authority to replace existing one-way authority in Sub-Nos. 25F, 44F, and 50F; (3) broaden the commodity description from malt beverages and scrap materials for recycling (Sub-25F) and bananas (Sub-50F) to "food and related products and waste or scrap materials" and "food and related products"; and (4) replace authority to serve named points to county-wide authority, Clinton County, IA and Whiteside County, IL, for Clinton, IA; Scott and Muscatine Counties, IA and Rock Island County, IL, for Davenport, IA (Sub-44F); Hillsborough and Pinellas Counties, FL, for Tampa, FL (Sub-50); and Marion, Hancock, Hamilton, Boone, Hendricks, Morgan, Johnson, and Shelby Counties, IN for Indianapolis, IN.

[FR Doc. 83-15279 Filed 6-7-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Proposed Exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: June 1, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

Volume No. OP4-F-338

[No. MC-F-15275]

Hoosier Express, Inc.—Purchase Exemption—Sam Young, Inc.

Hoosier Express, Inc. (Hoosier Express), a newly formed Delaware Corporation and Sam Young, Inc. (Sam Young) (Certificate No. MC-146753 and Permit No. MC-143917) seek an exemption from the requirement of prior regulatory approval for the purchase by Hoosier Express of a portion of Sam

Young authority in Certificate No. MC–146753 Sub-Nos. 1F, 2F, 4F, 5F, 7F, 8F, 9F, 10F, 11F, 12F, 13, 14, 15F, 16F, 17, 18X, 19, 20, 21X, 22, 23, 24, and 25. These certificates collectively authorize the transportation of general commodities in the Midwest and of specific commodities throughout the country. Mr. Sam Young also seeks approval of common control of the two carriers through the transaction.

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative: E. Stephen Heisley, 1919 Pennsylvania Avenue, N.W., Suite 500, Washington, D.C. 20006, (202) 828–5015.

Comments should refer to No. MC–F–15275.

Volume No. OP5–F–267

[No. MC–F–15283]

Colorado-Denver/Warehouse-Delivery, Inc.—Purchase Exemption—Rawhide Express, Inc. (Harley Swink, Trustee)

Colorado-Denver/Warehouse-Delivery, Inc. (Colorado), of Denver, CO, and Rawhide Express, Inc. (Rawhide), of Albuquerque, NM, seek an exemption from the requirement under section 11343 of prior regulatory approval for the purchase by Colorado of the operating rights of Rawhide in No. MC–155078 (Sub-No. 1), authorizing the transportation of general commodities (except classes A and B explosives, household goods, and commodities in bulk), between Albuquerque, NM, on the one hand, and, on the other, those points in New Mexico on and north of Interstate Hwy 40.

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioners' representatives: Transferee: Russell R. Sage, Esq., Suite 304, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Transferor: Harley Swink, 5301 Central N.E., Suite 805, Albuquerque, NM 87108.

Comments should refer to No. MC–F–15283.

[FR Doc. 83–15274 Filed 6–7–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

The following applications were filed in Region 2. Send protests to: ICC Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 168158 (Sub-2–1TA), filed May 23, 1983. Applicant: BAY TRUCKING, INC., P.O. Box 438, Millersville, MD 21108. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Contract: Irregular: *Cement, in bags and in bulk,* between points in MD, PA, NJ, DE, WV, VA, and DC, for 270 days, under continuing contract(s) with Atlantic Cement Co., Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Atlantic Cement Co., Inc., P.O. Box 30, Stamford, CT 06904.

MC 157054 (Sub-II–1TA), filed May 23, 1983. Applicant: WILLIAM J. BROWN TRUCKING, INC., R.D. #2, Valencia, PA 16059. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Coal and coal products* from points in Columbiana County, OH to points in Beaver County, PA. An underlying ETA seeks 120 days authority. Supporting shipper(s): Rochez Bros., Inc., P.O. Box 177, E Pittsburgh, PA 15114.

MC 168143 (Sub-II–1TA), filed May 18, 1983. Applicant: BURCHILL INTERNATIONAL TRANSPORT, INC., P.O. Box 68, Mansfield, PA 16933. Representative: Richard M. Ochroch, 316 South 16th Street, Philadelphia, PA 19102. *Such commodities as are dealt in or used in the assembly of motor vehicles* between Baltimore, MD, on the one hand, and, on the other, points in CT, DE, IN, MA, MI, NJ, NY, OH, and PA. An underlying ETA seeks 120 days authority. Supporting shipper: General Motors Corporation, Baltimore, MD.

MC 168228 (Sub-II–1TA), filed May 24, 1983. Applicant: DOWNS BROTHERS HAULING, INC., 2541 E. Castor Ave., Philadelpha, PA 19134. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *General commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between Philadelphia, PA and New York, NY, on the one hand, and, on the other, points in DE, NJ and PA. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are five support statements attached to this application which may be examined at the Philadelphia regional office.

MC 145282 (Sub-II–9TA), filed May 12, 1983. Applicant: FALCON TRANSPORT, INC., P.O. Box K, Bird-in-Hand, PA 17505. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043. *Commodities in bulk,* between points in DE, MD, NJ, NY, PA, and VA. An underlying ETA seeks 120 days authority. Supporting shipper(s): Agway, Inc., 333 Butternut Dr., Dewitt, NY; Transitro, Inc., 4511 N. Himes Ave., Tampa, FL 33624.

MC 149111 (Sub-II–5 TA), filed May 25, 1983. Applicant: GENERAL COMMODITIES WAREHOUSE & DISTRIBUTING CO., INC., 1200 Lebanon Rd., West Mifflin, PA 15122. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Contract, irregular: *General commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI) under continuing contract with Coast to Coast Shippers' Association, Inc., of Blawnox, PA. Supporting shippers: Coast to Coast Shippers' Association, Inc., 101 Kappa Dr., RIDC Park, Blawnox, PA 15238.

MC 168232 (Sub-II–1 TA), filed May 25, 1983. APPLICANT: HIGHWAY HAULERS, LTD., P.O. Box 77, Shermansdale, Pa. 17090. Representative: Rick Deardorff (same as applicant). *Food products,* between points in PA, NJ, NY, OH, DE, MD, VA,

CT, MA, WI, RI, ME, VT, NH, WV, NC, SC, IN, IL, MI, MO, KS, KY, and DC for 270 days. Supporting shipper(s): John K. Curry and Sons, 338 N. Railroad Street, Palmyra, Pa. 17078, El Captitan Products, 341 E. Liberty Street, Lancaster, Pa.

MC 1745 (Sub-II–1TA), filed May 12, 1983. Applicant: INTERSTATE VAN LINES, INC., 5801 Rolling Rd., West Springfield, VA 22152. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006. Contact, irregular: *Household goods, as defined by the Commission,* between points in the U.S. (except AK and HI), under continuing contract(s) with MCI Telecommunications Corp. An underlying ETA seeks 120 days authority. Supporting shipper(s): MCI Telecommunications Corp., 701 S. 12th St., Arlington, VA 22204.

MC 51004 (Sub-II–1TA), filed May 12, 1983. Applicant: PAUL H. LISKEY, Route 1, Box 67–H, Kearneysville, WV 25430. Representative: Daniel B. Johnson, 4304 East-West Highway Bethesda, MD 20814. *Such commodities as are used or dealt in by wholesale and retail distributors of petroleum and petroleum products,* between Baltimore, MD, and Fairfax County, VA, on the one hand, and, on the other, Jefferson and Berkeley Counties, WV. An underlying ETA seeks 120 days authority. Supporting shipper: Kable Oil Company, Inc., P.O. Box 157, Charles Town, WV 25414.

MC 159283 (Sub-II–3TA), filed May 20 1983. Applicant: W. L. LOGAN TRUCKING COMPANY, 3224 Navarre Rd., S.W., Canton, OH 44706. Representative: Stephen L. Oliver, 275 E. State St., Columbus, OH 43215. *Building materials,* between GA, NC and SC on the one hand, and, on the other, points in OH, PA, and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Empire Wholesale Lumber Company, P.O. Box 249, Akron, OH 44309.

MC 163465 (Sub-II–1TA), filed May, 25, 1983. Applicant: MARION EXPRESS, INC., 2079 Canaan Township Road, Edison, OH 43320. Representative: Edward G. Bazelon, 135 South LaSalle Street, Chicago, IL 60603. Contract—Irregular *Printing paper and office and stationery supplies,* from Chicago, IL and points in its commercial zone, to Columbus and Cincinnati, OH and Indianapolis, IN, and points in their respective commercial zones, under contract with Arvey Paper & Supplies Co., a division of Arvey Corporation, 3349 West Addison Street, Chicago, IL 60618 for 270 days. Supporting shipper: Arvey Paper & Supplies, Co., a division of Arvey Corporation, 3349 West Addison Street, Chicago, IL 60618.

MC 107012 (Sub-II–303TA), filed May 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *Household goods* between points in the U.S. under continuing contract(s) with FMC Corporation of Chicago, IL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: FMC Corporation, 200 East Randolph Drive, Chicago, IL 60601.

MC 107012 (Sub-II–304TA), filed May 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *Household goods* between points in the U.S. under continuing contract(s) with Missouri-Kansas-Texas Railroad Company of Dallas, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Missouri-Kansas-Texas Railroad Company, 701 Commerce Street, Dallas, TX 75202.

MC 107012 (Sub-II–305TA), filed May 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *Household goods* between points in the U.S., under continuing contract(s) with Lerner Stores Corporation, of New York, NY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lerner Stores Corporation, 460 West 33rd Street, New York, NY 10001.

MC 107012 (Sub-II–306TA), filed May 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *Household goods* between points in the U.S., under continuing contract(s) with Lennox Industries, Inc., of Dallas, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lennox Industries, P.O. Box 400450, Dallas, TX 75240.

MC 107012 (Sub-II–307TA), filed May 25, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *Household goods* between points in the U.S. under continuing contract(s) with ITT Grinnell Corporation, Providence, RI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: ITT Grinnell Corporation, 260 W. Exchange, Providence, RI 02904.

MC 112210 (Sub-II–1TA), filed May 25, 1983. Applicant: ROBERT G. OWEN TRUCKING, INC., 49 Ohio St., Navarre, OH 44662. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. Such commodities as are dealt in or used by wholesale grocers between points in Stark County, OH, on the one hand, and, on the other, Coloma, MI, Meadville, PA, Winchester, VA, Ft. Wayne, IN, Hershey, PA, North East, PA, Sebewaing, MI, Camp Hill, PA and Parsons, WV for 270 days. Supporting shipper: McLain Grocery Company, 4676 Erie Ext., Massillon, OH.

MC 167547 (Sub-II–1TA), filed May 18, 1983. Applicant: THE PALMERI MOTORCOACH CORPORATION, P.O. Box 45, Martins Creek, PA 18063. Representative: D. Mark Thomas, 212 Locust St., P.O. Box 999, Harrisburg, PA 17108. *Passengers, in charter and special operations,* beginning and ending in points in PA, NJ, and NY and extending to points in the U.S. (except AK & HI). An underlying ETA seeks 120 days authority. Supporting shipper(s): There are six support statements attached to this application which may be examined at the Philadelphia Regional Office.

MC 168142 (Sub-II–1TA), filed May 18, 1983. Applicant: Danny Thomas, d.b.a. THOMAS FARMS, 4105 N. Detroit Ave., Toledo, OH 43612. Representative: Lyman F. Spitzer, 1000 Jackson, Toledo, OH 43624. Contract irregular: *Ferrous and nonferrous scrap metals* between points in OH, MI, IN, PA, WI, St. Louis, MO; Louisville, KY; Louisport, KY; Chicago, IL; Davenport, IA; Ravenswood, WV; and Jackson, TN for 270 days under continuing contract(s) with Kripke-Tuschman Industries, Inc. of Toledo, OH. An underlying ETA seeks 120 days authority. Supporting shipper(s): Kripke-Tuschman Industries, Inc., 2453 Hill Ave., Toledo, OH 43607.

MC 168038 (Sub-II–1TA), filed May 12, 1983. Applicant: PINE TRUCKING & LEASING t.a. WHALE TRANSPORT, 11424 Pulaski Highway, Whitemarsh, MD 21162. Representative: James A. Pine, Jr. (same as above). Contract, irregular; *Motorcycles, Motorcycle Accessories and Honda, Yamaha and Kawaski Generators,* between points in PA, NJ, DE, MD, VA, and DC under continuing contract(s) with Nationwide Cycles, Inc., Baltimore, MD; Norm's Cycles, Baltimore, MD; Pete's Cycles, Baltimore, MD; and Cycle City, Inc., Baltimore, MD for 270 days. Supporting shippers: Nationwide Cycles, Joppa Road, Baltimore, MD 21204; Norm's

Cycles, Northpoint Road, Baltimore, MD; Pete's Cycles, 6910 Harford Road, Baltimore, MD 21234; Cycle City, Inc., Baltimore, MD.

The following applications were filed in Region 4: Send protests to: ICC Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 113855 (Sub-4–13TA), filed May 23, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55903. Representative: Thomas J. Van Osdel, 15 Broadway—Suite 502 Fargo, ND 58102. *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI), under a continuing contract(s) with Ecodyne Graver Water Division of Ecodyne Corporation of Union N.J. Supporting shipper: Ecodyne Graver Water Division of Ecodyne Corporation, 2720 U.S. Highway 22, Union, NJ 07083.

MC 146302 (Sub-4–1TA), filed May 20, 1983. Applicant: ROBERT KOLBECK d.b.a. KOLBECK TRUCKING, 3977 County Highway J, North, Schofield, WI 54476. Representative: Nancy J. Johnson, Attorney, 103 East Washington Street, Box 218, Crandon, WI 54520. (1) *Foodstuffs, paper and paper products;* and (2) *Materials, equipment and supplies* used in the manufacture and/or distribution of the commodities named in (1) above between Manawa, Madison and points in Wood County, WI on the one hand, and, on the other hand, points in NJ, NY and PA. Supporting shipper: Interstate Shippers' Association, E 5851 Sunrise Road, Wausau, WI 54401.

MC 146848 (Sub-4–2TA), filed May 19, 1983. Applicant: B&Z TRUCKING COMPANY, INC., Route 3, Markesan, WI 53946. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Expanded polystryrene packaging materials* between Markesan, WI, on the one hand, and on the other hand, points in PA. Authority sought for 270 days. Underling ETA seek 120 days authority. Supporting shipper: Robin II, Inc., 251 East John Street, Markesan, WI 53946.

MC 157760 filed May 20, 1983. Applicant: PROFESSIONAL COACH DELIVERIES, INC., Box 18, Carrington, ND 58421. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53701. *Buses,* in driveaway movements, between points in Marin County, CA, on the one hand, and points in Shelby County, IN, on the other hand. Supporting shipper: Golden Gate Bridge, Highway and Transportation District, 1011 Anderson Dr., San Rafael, CA 94901.

MC 163722 (Sub-4–1TA), service date May 23, 1983. Applicant: C.M.R., INC., 5865 Burgis S.E., Kentwood, MI 49508. Representative: Richard W. Stiles, 5865 Burgis S.E., Kentwood, MI 49508. Contract, irregular: *General commodities (except classes A and B explosives, household goods, and commodities in bulk)* between points in the United States under contract to Country Roads, Inc. of Belding, MI. Supporting shipper: Country Roads, Inc., 11225 Bridge St., Belding, MI 48809.

MC 163844 (Sub-4–2TA), filed May 20, 1983. Applicant: CLOVERLEAF TRANSPORTATION, INC., 8801 S. 78th Avenue, Bridgeview, Illinois 60455. Representative: Richard M. Keltner (same address as applicant). *Paint product as described under that heading in the NMFC; buffing, cleaning and polishing compounds: petroleum distillate; plastic materials, other than expanded; and, deodorants or disinfectants, other than medicinal,* between points in IL and IN on the one hand, and, on the other, point in AR, CA, CO, CT, DE, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, and WI. Supporting shippers: Atlas Coatings, Ltd., 1049 Republic Drive, Addison, IL 60101 and Foremost-McKesson, Inc., 643 E. 138th Street, Dolton, IL 60419.

MC 168113 (Sub-4–2TA), filed May 23, 1983. Applicant: C.M.W. TRANSPORT CO., INC., 951 West North Street, Kendallville, IN 46793. Representative: Andrew K. Light, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. *Contract, irregular: Salt, except in bulk,* from Chicago, IL; Hutchinson and Lyons, KS; Akron, Cincinnati and Rittman, OH; and St. Clair County, MI, to Decatur, IN. Restricted to continuing contract(s) with Central Soya, 1200 North Second Street, Decatur, IN 46733. An underling ETA seeks 120 days authority.

MC 168202 (Sub-4–1TA), filed May 20, 1983. Applicant: BERNARD J. YOUNG, d.b.a. SUPERIOR MOBILE HOME TRANSIT, 130 Pin Oak Drive, Coopersville, MI 49404.Representative: D. Richard Black, Jr., 513 Baldwin Drive, P.O. Box 256, Jenison, MI 49428. *New and used mobile homes,* supplies, equipment, used in the manufacture and distribution thereof between points in MI, IN, OH. Supporting shipper: Rochester Homes, Inc., East Lucas Street, P.O. Box 587, Rochester, IN.

MC 168219 (Sub-4–1TA), filed May 23, 1983. Applicant: SKYWAYS DELIVERY SERVICE, INC., P.O. Box 43, Rogers, MN 55347. Representative: Gerald Ziebarth (same address as applicant). Transporting *metal products, building materials, and machinery* between points in MN on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: There are twelve supporting shippers.

MC 15735 (Sub-4–98TA), filed May 25, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 26th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household goods* between points in the U.S. (except AK and HI) under a continuing contract with Sanders Associates, Inc., and its subsidiaries of Nashua, NH. Supporting shipper: Sanders Associates, Inc., Daniel Webster Highway, South, Nashua, NH 03061.

MC 15735 (Sub-4–99TA), filed May 25, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household goods,* between points in the U.S. under a continuing contract(s) with Sun Company, Inc., and its subsidiaries at Philadelphia, Pa. Supporting shipper: Sun Company, Inc., P.O. Box 7399, Philadelphia, PA 19104.

MC 15735 (Sub-4–100TA), filed May 15, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. Contract irregular: Household Goods between points in the U.S. (except AK and HI) under a continuing contract(s) with Geo. A. Hormel & Co. and its subsidiaries of Austin, MN. Supporting shipper: Geo. A. Hormel & Co., 501 16th Ave., N.E., Austin, MN 55912.

MC 15735 (Sub-4–101TA), filed May 25, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household goods* between points in the U.S. (except AK and HI) under a continuing contract(s) with FMC Corporation and its subsidiaries. Supporting shipper: FMC Corporation, 200 E. Randolph Drive, Chicago, IL 60601.

MC 15735 (Sub-4–102TA), filed May 25, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household goods,* between points in the U.S. (except AK and HI) under continuing contract(s) with Western Auto Supply Co., Inc. and its subsidiaries. Supporting shipper: Western Auto Supply Co., Inc.,

2127 Grand Ave., Kansas City, MO 64108.

MC 114019 (Sub-4–1TA), filed May 24, 1983. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 5501 West 79th Street, Burbank, IL 60459. Representative: Arnold L. Burke, 180 N. LaSalle St.—Rm. 3520, Chicago, IL 60601, (312) 332–5106. Contract, irregular, *General Commodities* (except Classes A and B explosives, household goods and commodities in bulk), between all points in the United States (except AK and HI), under continuing contract(s) with Coast-to-Coast Shippers' Association, Inc., Cheswick, PA.

MC 115242 (Sub-4–4TA), filed May 25, 1983. Applicant: DONALD MOORE, 403 South State St., Prairie du Chien, WI 53821. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703. (1) *General commodities* (except classes A and B explosives, household goods, and commodities in bulk) between Prairie du Chien, WI, on the one hand, and, on the other, points in IA, IL, MN, and WI; and (2) *malt beverages* from St. Paul, MN to Dubuque, IA and its commercial zone, and, on return, empty containers, for 270 days. Applicant intends to interline with rail carriers under (1). Supporting shippers: ITOFCA, Inc., P.O. Box 27171, Golden Valley, MN 55427 and Dubuque Beverage, Inc., 1270 East 12th Street, Dubuque, IA 52001.

MC 127550 (Sub-4–6TA), filed May 25, 1983. Applicant: BOSCH TRUCKING COMPANY, INC., 5600 So. Washington St., Bartonville, IL 61607. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *General commodities,* (except commodities in bulk, Class A and B explosives and household goods), between points in the U.S. (except AK and HI). Restricted to traffic moving under continuing contract(s) with Montgomery Ward and Company, Inc. Supporting shipper: Montgomery Ward and Company, Inc., Chicago, IL.

MC 142437 (Sub-4–1TA), filed May 24, 1983. Applicant: ROBERT E. ARONDELLI, ROBERT E. ARONDELLI, JR., d.b.a. ARONDELLI TRUCKING SERVICE, Box 92, Christopher, IL 62822. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Lumber,* from points in AL, AR, GA, LA and MS to points in IL on and South of Highway I–70. Restricted to traffic moving under continuing contracts, with Lloyd Allen Wholesale. An underlying E/T/A seeks 120 days authority. Supporting shipper: Lloyd Allen, d/b/a/ Lloyd Allen Wholesale, Box 534, Sesser, IL.

MC 150556 (Sub-4–1TA), filed May 25, 1983. Applicant: KLOTH TRUCK & EQUIPMENT CO., P.O. Box 234, Sparta, IL 62286. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Liquid asphalt and emulsified liquid asphalt,* from points in Lyon County, KY to points in IL on and South of Interstate Highway 70. Supporting shipper: Kloth Excavating & Hauling Contractor, #2 Northtown Center, Sparta, IL 62286.

MC 150589 (Sub-4–5TA), filed May 25, 1983. Applicant: J & K TRANSPORTATION COMPANY, INC., 1600 Industrial, Dearborn, MI 48120. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 482–2400. *Contract;* irregular; *Plastic containers* between points in Monroe, Washtenaw and Wayne Counties, MI, on the one hand, and, on the other, points in IL, IN, KY, MN and OH under continuing contract(s) with Hoover Universal, Incorporated, of Ann Arbor, MI. Supporting shipper: Hoover Universal, Incorporated, 845 Victors Way, Ann Arbor, MI 48104.

MC 159711 (Sub-4–2TA), filed May 25, 1983. Applicant: FISCHER TRUCK & BUS SERVICE, INC., P.O. Box 622, Fenwood, WI 54331. Representative: Nancy J. Johnson, Attorney, 103 East Washington Street, Box 218, Crandon, WI 54520. (1) *Cheese* from Medford, Marathon, and Knapp, WI to Albuquerque, NM; San Antonio, Houston and El Paso, TX; and Phoenix and Tucson, AZ; and (2) *Paper and paper products* from Park Falls, WI to Orlando and Gainsville, FL. Supporting shippers: Knapp Creamery, Knapp, WI 54749; Milkhouse Cheese, 9119 S. Gessner, Houston, TX 77074; Atkins Paper Co., 460 W. Grant, Orlando, FL 32809.

MC 167115 (Sub-4–1TA), filed May 25, 1983. Applicant: T. J.'s TRUCKING, INC., 10709 S. 49 Mile Road, Cadillac, MI 49601. Representative: Paul M. Ross, Attorney, 3104 S. Cedar Street, Lansing, MI 48910, (517) 394–4220. *Contract* irregular: *Transporting beer in cans, barrels, and bottles (full and empty) and rubber gaskets, mouldings, and rubber products* between points in MI, MN, WI, IN, IL, OH, MO, AK, KY, OK, LA, on the one hand, and, on the other, between points in the United States (except AK and HI) under continuing contracts with Lake Country Distributing, Inc., of Cadillac, MI; Jack and Bill Wicksall Distributors, Inc., of Traverse City, MI; Manton Industries, Inc., of Manton, MI; and Cadillac Moulded Rubber, Inc., of Cadillac, MI.

MC 168248 (Sub-4–1TA), filed May 24, 1983. Applicant: SALTO ENTERPRISES, INC., Route 6, Box 26G, Alexandria, MN 56308. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, NM 55424, (612) 927–8855. *Machinery* between Alexandria, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Heartland Components, Inc., div. Illinois Tool Works, 1601 36th Avenue, Alexandria, MN 56308.

MC 168249 (Sub-4–1TA), filed May 24, 1983. Applicant: ELGIN TRANSPORT, INC., Box 86, Elgin, MN 55931. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. *Food and related products,* between points in the U.S. (except AK and HI), for 270 days. Supporting shipper(s): Associated Milk Producers, Inc., POB 455, New Ulm, MN 56073; Lakeside Packing Co., 508 J. St., Manitowoc, WI 54220.

MC 168279 (Sub-4–1TA), filed May 25, 1983. Applicant: Victor Campbell, Juan Campbell and Victor Campbell, Jr., d.b.a. CAMPBELL TRUCKING COMPANY, 1060 E. Moore road, Saginaw, MI 48601. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 482–2400. Transporting *fertilizer and fertilizer ingredients* from Toledo, OH and its commercial zone to various points in MI. An underlying ETA seeks 120-day authority. Supporting shipper: The Pillsbury Company, Edible Protein Division, P.O. Box 2069, Saginaw, MI 48605.

MC 168280 (Sub-4–1TA), filed May 25, 1983. Applicant: JAMES K. KOZACEK d.b.a. AUTOMOTIVE UNLIMITED, 333 Ogden Avenue, Downers Grove, IL 60515. Representative: Anthony E. Young, Ltd., 29 South LaSalle Street, Suite 350, Chicago, IL 60603, (312) 782–8880. *Contract carrier:* irregular routes: *Motor vehicles,* between the facilities of Classic Motors, located at Westmont, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contracts with Classic Motors of Westmont, IL. Supporting shipper: Classic Motors, 233 West Ogden Avenue, Westmont, IL 60559.

MC 168281 (Sub-4–1TA), filed May 25, 1983. Applicant: BAUNOCH TRUCKING, INC., 3127 West Woodland Drive, Port Huron, MI 48060. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 482–2400. *Contract;* Irregular; *Pork products* from Chicago, IL and its commercial zone to various points in Wayne and St. Clair Counties,

MI under continuing contract(s) with Smith Meat Packing Incorporated, of Lathrup Village, MI. Supporting shipper: Smith Meat Packing Incorporated, 27427 Sunset Boulevard, Lathrup Village, MI 48076.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 16831 (Sub-5–2TA), filed May 25, 1983. Applicant: MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Avenue, Des Moines, IA 50317. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Clay products,* from points in Dallas and Wapello Counties, IA, to points in IL, IN, MN, MO, and WI. Supporting shipper: Midland Brick Company, Redfield, IA.

MC 112713 (Sub-5–40TA), filed May 27, 1983. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207, Representative: William F. Martin, Jr., P.O. Box 7270, Overland Park, KS 66207. Contract; Irregular. *General commodities (except Classes A and B explosives, household goods, commodities in bulk and hazardous wastes),* between points in the U.S. under continuing contract with General Mills, Inc. of Minneapolis, MN, and its wholly-owned subsidiaries, GM Products Corp. of DE, GM Restaurant Group, Inc. of FL, CPG Products Corp. of DE, Pioneer Products. Inc. of DE, Empire Textiles Corp. of DE. Foot Joy of MA, Casa Gallardo, Inc. of MO, York Steak House System, Inc. of OH, Eddie Bauer, Inc. of DE, Lee Ward Creative Crafts, Inc. of DE, The Talbots, Inc. of MA, Wallpapers to Go, Inc. of CA, and Wild West Stores, Inc. of DE.

MC 142215 (Sub-5–3TA), filed May 26, 1983. Applicant: DUKE TRANSPORTATION, INC., Route 3, Box 29–A, Scott, LA 70583. Representative: Colleen McDaniel, P.O. Box 3959, Lafayette, LA 70502. *Machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof,* between points in LA, MS, AL, GA, and FL. Supporting shipper(s): 7.

MC 142802 (Sub-5–1TA), filed May 27, 1983. Applicant: W. C. BRILEY, d.b.a. BRILEY TRANSPORT, 1621 Old Ballinger Rd., San Angelo, TX 79603. Representative: Patrick C. Long, P.O. Box 2307, Austin, TX 78768. *Hides, skins and pelts* between points in TX on the one hand, and on the other points in the U.S. (except AK and HI). Supporting shipper: Custom Skin, Inc., San Angelo, TX.

MC 145285 (Sub-5–1TA), filed May 25, 1983. Applicant: CLICK DELIVERY SERVICE, INC., 3710 Robertson, Metairie, LA 70004. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *General Commodities (except classes A and B explosives, household goods or bulk commodities)* between New Orleans, LA and its commercial zone on the one hand, and, on the other, points in LA, MS, AR and TX. Restricted to shipments for the accounts of Dal-Ton Shippers Association, Inc.; The Gillette Company or Drum Top Atlanta Shippers Association. Supporting shipper(s): The Gillette Company, Boston, MA; Drum Top Atlanta Shippers Association, Smyrna, GA; Dal-Ton Shippers Association, Inc., Dallas, TX.

MC 153034 (Sub-5–2TA), filed May 27, 1983. Applicant: L.C.W. TRANSPORTATION SERVICE, INC., 119 E. Chevez, Edinburg, TX 78539. Representative: D.R. Beller, P.O. Box 482, Franklin, TN 37064. Contract, irregular; *Paper and paper products* between Ashtown, AR and Houston, TX on the one hand, and, on the other, points in TX under continuing contract(s) with Century Paper, Inc., McAllen, TX.

MC 153334 (Sub-5–3 TA), filed May 26, 1983. Applicant: THE JOHN STONE COMPANY, INC. d.b.a. Southwestern Express, 9335 Ronda Lane, Houston, TX 77074. Representative: Jim Lambert (same address as above). *Oil Field Equipment and Supplies in one ton trucks in hot shot service* from Harris, Montgomery, Bazoria, Galveston and Fort Bend Counties, TX to points in LA, OK, NM, and MS. Supporting shipper(s): Ingersoll-Rand Co., Houston, TX, The John Stone Co., Houston, TX, Vector Cable Co., Sugar Land, TX.

MC 161957 (Sub-5–3 TA), filed May 25, 1983. Applicant: EXPRESS TRANSPORTATION CO., INC., 1230 W 17th St., Houston, TX 77270. Representative: Mick Graeber, P.O. Box 70611, Houston, TX 77270. *Carport and related materials and supplies* between points in OK on the one hand, and , on the other, points in GA and TX. Supporting shipper(s): Monroe Schneider Asso. (Texas) Inc., Irving, TX 75062; Carpet Specialties, Arlington, TX 70611.

MC 166268 (Sub-5–1TA), filed May 25, 1983. Applicant: DOYLE ROGERS, d.b.a. DOYLE ROGERS TRUCKING, P.O. Box 247, Rayville, LA 71269. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Cotton gin materials and supplies, lumber and wood products, metal products, prefabricated metal building and components, and insulation materials,* between points in AL, AR, AZ, FL, GA, LA, MS, NM, NV, OK, TN and TX. Supporting shipper(s): Modern Wrap, Inc., Monroe, LA, Bamburg Steel Building, Inc., W. Monroe, LA, Reed & Sons Hardwood, Inc., Monroe, LA.

MC 166296 (Sub-5–1TA), filed May 27, 1983. Applicant: T & M TRANSPORTATION, INC., 16 Central Avenue, Kansas City, KS 64118. Representative: Tom B. Kretsinger, Jr., 20 E. Franklin, Liberty, MO 64068. *Food, food stuffs and related products in bulk,* between points and places in the Kansas City, KS/MO Commercial Zone on the one hand, and, on the other, points in IL, MI, KS, OK and TX. Supporting shippers: Shade Foods, Inc., Overland Park, KS; Corn Products/Unit of CPC North America, North Kansas City, MO.

MC 166314 (Sub-5–1TA), filed May 27, 1983.Applicant: CCC EXPRESS, INC., 2905 N. 32nd Street, Fort Smith, AR 72903. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. *General Commodities, except Classes A & B Explosives, Household goods, and commodities in bulk,* between points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MO, MS, NE, OH, OK, TN and TX. Supporting shippers: 11.

MC 166315 (Sub-5–1TA), filed May 27, 1983. Applicant: L & J CONSOLIDATED ENTERPRISES, INC., Route 7, Box 219A, Harrison, AR 72601. Representative: Jay C. Miner, Box 313, Harrison, AR 72601. *Flooring* from points in AR, MS, TN and VA to points in the U.S. (except HI and AK). Supporting shippers: Harris Manufacturing Company, Johnson City, TN and Memphis Hardwood Flooring Company, Memphis, TN.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15280 Filed 6-7-83; 8:45 am]

BILLING CODE 7035-01-M

[MC-F-15296][1]

Canadian Pacific Limited and Canadian Pacific Express & Transport, Ltd.—Control Exemption—River Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Canadian Pacific Limited (CP) and Canadian Pacific Express & Transport, Ltd. (CPET) seek an exemption from the prior approval requirements of 49 U.S.C. 11343 *et seq.* for their acquisition of common control of River Transport, Inc. (River). CPET, a motor carrier domiciled in Canada, holds authority from this Commission to conduct operations in the United States. It controls Smith Transport (U.S.) Limited and Smith Transport (International) Limited, which also are Canadian domiciled motor carriers holding authority from this Commission to operate in the United States. CPET, in turn, is controlled by CP, a Canadian holding company and railroad, which also controls the Soo Line Railroad Company.

CPET has agreed to purchase the capital stock of Tighnabruaich Holdings Limited, which controls Moffatt Bros. Limited and which owns Bowness Transport Limited, which, in turn, controls River. All are engaged in various transportation activities in Canada. In addition, River conducts operations as a motor carrier in the United States under Certificates Nos. MC–117087 and MC–117087 (Sub-No. 2). These authorize the transportation of certain foods between Boston and Worcester, MA, on the one hand, and, on the other, the port of entry on the United States-Canadian boundary at or near Calais, ME.

DATE: Comments must be received by June 23, 1983.

ADDRESSES: Send comments referring to MC–F–15296 to: (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423; (2) Petitioner's representative: Harry J. Jordan, Suite 200, 1090 Vermont Avenue, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Louis E. Gaitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: CP and CPET seek the exemption pursuant to 49 U.S.C. 11343(e) and the Commission's regulations set forth in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

A copy of the petition for exemption may be obtained from petitioner's representative or it may be inspected at the Washington, DC offices of the Interstate Commerce Commission during normal business hours.

Decided: June 1, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15278 Filed 6-7-83; 8:45 am]

BILLING CODE 7035-01-M

[1] This proceeding was orginially asigned Finance Docket No. 30115.

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The Following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 40 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.000.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the sevice proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make and additional peliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 5 at (202) 275-7289.

Volume NO. OP5-266

Decided May 27, 1983.

By the Commission, Review Board Members Krock, Joyce, and Dowell.

MC 154368 (Sub-2), filed April 20, 1983, previously noticed in **Federal Register** issue of May 16, 1983.Applicant: TRUC-WAY, INC., P.O. BOX 8, Collingswood, NJ 08108.Representative: James H. Sweeney, P.O. Box 9023 Lester, PA 19113, (215) 365-5141. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with (1) Ocean Spray Cranberries, Inc., of Bordentown, NJ; (2) Sun Diamond Growers of California, of San Ramon, CA; (3) Stokely-Van Camp, Inc., of Indianapolis, IN; and (4) Perloff Bros., Inc., trading as Tartan Foods, Inc., of Philadelphia, PA.

Note:—This republication adds shipper number (4) which was previously omitted from the May 16, 1983 issue.

MC 167898, filed May 9, 1983. Applicant: EVERGREEN TRANSPORTATION SERVICES, INC., 6623 N.E. 82nd Ave., Portland, OR 97220. Representative: Gene Bowman (same address as applicant), 503-255-4236. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Graphic Arts Center and Ranier Brokers, both of Portland, OR.

MC 168139, filed May 16, 1983. Applicant: DAVID & CHRISTINE HOCKIN, d.b.a. A. & A. BERGMAN, P.O. Box 741, Caseville, MI 48725. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685-0801, (616) 941-5313. Transporting (1) *food and related products* between points in MI, on the one hand, and, on the other, points in IL, IN, and OH, and (2) *ores and minerals and metal products,* between points in MI, on the one hand, and, on the other, points in IN, IL, OH, and NY.

For the following please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-201

Decided: June 2, 1983.

By the Commission, Review Board Members Fortier, Williams, and Dowell.

MC 40971 (Sub-7), filed May 24, 1983. Applicant: UTAH-WYOMING FREIGHT LINES, INC., 2818 West 2700 South, Salt Lake City, UT 84119. Representative: William S. Richards P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between points in WA, OR, CA, NV, AZ, UT, NM, ID, WY, MT and CO, (2) between points in WA, OR, CA, NV, AZ, UT, NM, ID, WY, MT, and CO, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC-121467.

MC 121841 (Sub-1), filed May 23, 1983. Applicant: RAM TRUCKING, INC., P.O. Box 1109, Davis, CA 95601. Representative: Daniel W. Baker, 100 Pine St., Suite 2550, San Francisco, CA 94111, (415) 986-1414. Transporting *food and related products,* between points in CA.

MC 151401 (Sub-7), filed May 26, 1983. Applicant: TRI-SERVICE, INC. P.O. Box 1419, West Chester, PA 19380. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814, (301) 654-2240. Transporting *such commodities* as are dealt in or used by manufacturers of metal and metal products, between those points in the U.S. in and east of WI, IA, MO, AR and LA.

MC 157240 (Sub-1), filed May 23, 1983. Applicant: KOTTKE TRUCKING, INC., P.O. Box 206, Buffalo Lake, MN 55314. Representative: Robert D. Gisvold, 121 South 8th Street, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *Rubber and plastic products,* between points in Hennepin and Ramsey Counties, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161980 (Sub-2), filed May 23, 1983. Applicant: TERS, INC., d.b.a. TRANSPORT ELECTIC, P.O. Box 2286, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763-9555. Transporting *such commodities* as are dealt in or used by meat packing houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Val-Agri, Inc., of Wichita, KS.

MC 168290, filed May 26, 1983. Applicant: FRANCES & MERLIN COHUN, a partnership, d.b.a. F & M TRUCKING, 825 JoAnn St. Marshfield, MO 65706. Representative: Merlin E. Cohun (same address as applicant), (417) 468-5920. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI)

[FR Doc. 83-15321 Filed 6-7-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquires to Team Five at 202–275–7289.

Volume No. OP5–265

Decided: May 27, 1983.

By the Commission, Review Board Members Parker, Chandler, and Fortier.

MC 168138, filed May 18, 1983. Applicant: ASSURED FREIGHT HAULERS, 317 Butterworth St., P.O. Box 10624, Jefferson, LA 70181. Representative: G.H. Knapp, Jr., 3113 Haring Rd., Metairie, LA 70002, 504–454–5080. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–200

Decided: June 2, 1983.

By the Commission, Review Board Members Fortier, Williams, and Dowell.

MC 168200, filed May 20, 1983. Applicant: CANARY CHARTERS, INC., 8922 Shaver Road, P.O. Box 181, Portage, MI 49081. Representative: Robert J. Haithwaite (same address as applicant), (616) 323–2467. Transporting *passengers,* in charter and special operations, beginning and ending at Portage, MI, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 168240, filed May 24, 1983. Applicant: BRATT INTERNATIONAL, INC., 33 S. Gay Street, Suite 202, Baltimore, MD 21202. Representative: Thomas W. Bratt (same address as applicant), (301) 685–0955. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 168260, filed May 23, 1983. Applicant: DOLORES WEIGLE, 4377 Pionono Ave., Macon, GA 31206. Representative: K. Edward Wolcott, Atlanta Gas Light Towers, Suite 1200, 235 Peachtree St., N.E., Atlanta, GA 30303, (404) 522–2322. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

[FR Doc. 83–15322 Filed 6–7–83; 8:45 am]
BILLING CODE 7035–01–M

[Finance Docket No. 30179]

Angelina and Neches River Railroad Co.; Exemption From 49 U.S.C. 11343

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 11343 the purchase by Angelina and Neches River Railroad Company of 1.21 miles of railroad extending from milepost 634.43 to milepost 635.64 near Lufkin, TX from St. Louis Southwestern Railway Company of Texas.

DATES: This exemption will be effective on June 8, 1983.

Petitions to reopen must be filed by June 28, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30179 to: (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423; (2) Petitioner's representative: Peter A. Greene, 1920 N Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Decided: May 31, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre would impose no deadline for consummation of the exempted transaction.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–15277 Filed 6–7–83; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Proposed Consent Decree In Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 17, 1983, a proposed Consent Decree in *United States of America* v. *Energy Cooperative, Inc.,* Civil No. H–80–119, was lodged with the United States District Court for the Northern District of Indiana.

The Consent Decree represents settlement of the claims of the United States by imposing upon defendant certain operating and personnel training requirements to insure proper operation of defendant's wastewater treatment plant. The Consent Decree also provides for stipulated penalties for failure to comply with its requirements.

The Consent Decree has also been submitted to the United States Bankruptcy Court for the Northern District of Illinois in Case No. 81 B 05811, in which defendant has filed for Chapter XI reorganization. Approval of

the Bankruptcy Court will be sought before the Consent Decree is entered by the District Court.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice written comments related to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States of America* v. *Energy Cooperative, Inc.*, D. J. Ref. No. 90–5–11–1227.

The proposed consent decree may be examined at the Office of the United States Attorney, 312 Federal Building, 507 State Street, Hammond, Indiana 46320, at the Region V Office of Regional Counsel of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1521, Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83–15241 Filed 6–7–83; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Arts; Inter-Arts Advisory Panel (Challenge Section); Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Challenge Section) to the National Council on the Arts will be held on June 27, 1983, from 9:00 a.m.–5:30 p.m. of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506. (Room 730)

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants, In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83–15320 Filed 6–7–83; 8:45 a.m.]

BILLING CODE 7537–01–M

National Council on the Arts; Theater Advisory Panel (Fellowships for Playwrights/Translators); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Fellowships for Playwrights/Translators) to the National Council on the Arts will be held on June 24, 1983, from 9:00 a.m.–5:30 p.m. in Room 715 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on June 24, 1983, from 4:30 p.m.–5:30 p.m. for General Policy Discussion.

The remaining sessions of this meeting on June 24, 1983, from 9:00 a.m.–4:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

June 3, 1983.

[FR Doc. 83–15319 Filed 6–7–83; 8:45 am]

BILLING CODE 7537–01–M

National Council on the Arts; Theater Advisory Panel (Overview Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Overview Section) to the National Council on the Arts will be held on June 25–26, 1983, from 9:00 a.m.–5:30 p.m. in Room 715 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., D.C. 20506.

A portion of this meeting will be open to the public on June 26, 1983, from 9:00 a.m.–5:30 p.m. to discuss Policy and Guidelines.

The remaining sessions of this meeting on June 25, 1983, from 9:00 a.m.–5:30 p.m: are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682,5433.

June 3, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83–15317 Filed 6–7–83; 8:45 am]

BILLING CODE 7537–01–M

National Council on the Arts; Visual Arts Advisory Panel (Conceptual Performance II Section: Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Conceptual Performance II Section) to the National Council on the Arts will be held on June 28–30, 1983, from 9:00 a.m.–5:30 p.m. in Room 716–718 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National

Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

June 8, 1983.

[FR Doc. 83-15318 Filed 6-7-83; 8:45 am]

BILLING CODE 7537-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Two Proposals for Implementation of President Reagan's February 18, 1983 Memorandum on Government Patent Policy

AGENCY: Office of Management and Budget.

ACTION: Notice for comment.

SUMMARY: The purpose of this notice is to solicit the views of Federal agencies and the private sector on two different approaches to the implementation of President Reagan's February 18, 1983 Memorandum on Government Patent Policy. The first approach is contained in the Federal Procurement Regulation, Temporary Regulation 69 published in the **Federal Register** by the General Services Administration on April 15, 1983 and reprinted in this notice. The second approach is an amendment to OMB Circular A-124 Patents—Small Business Firms and Non-profit Organizations, proposed by the Department of Commerce, also printed in this notice. The Office of Federal Procurement Policy requests the views of all interested parties on these two approaches prior to a decision on the need for further policy direction as a result of the President's memorandum.

DATES: Comments are due on or before August 8, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Maraist, Office of Federal Procurement Policy, OMB, (202-395-3300).

SUPPLEMENTARY INFORMATION:

a. On February 18, 1983 President Reagan issued a patent policy memorandum stating:

> To the extent permitted by law, agency policy with respect to the disposition of any invention made in the performance of a federally-funded research and development contract, grant or cooperative agreement award shall be the same or substantially the same as applied to small business firms and nonprofit organizations under Chapter 38 of Title 35 of the United States Code.
>
> In awards not subject to Chapter 38 of Title 35 of the United States Code, any of the rights of the Government or obligations of the performer described in 35 U.S.C. 202-204 may be waived or omitted if the agency determines (1) that the interests of the United States and the general public will be better served thereby as, for example, where this is necessary to obtain a uniquely or highly qualified performer; or (2) that the award involves co-sponsored, cost sharing, or joint venture research and development, and the performer, co-sponsor or joint venturer is making substantial contribution of funds, facilities or equipment to the work performed under the award.
>
> In addition, agencies should protect the confidentiality of invention disclosure, patent applications and utilization reports required in performance or in consequence of awards to the extent permitted by 35 U.S.C. 205 or other applicable laws.

b. OMB Circular A-124 was issued February 10, 1982 and published in the **Federal Register** of February 19, 1982 at 47 FR 7556 to implement the patent policy set forth in Chapter 38 of Title 35 of the U.S. Code (Pub. L. 96-517), for small business firms and non-profit organizations. At issue is whether the procedures and the clause in A-124 are appropriate for all other organizations.

c. The FPR Temporary Regulation 69, which follows, was developed on the assumption that the current A-124 procedures and clause are not appropriate for all Federal R&D contract performers:

Note.—GSA Federal Procurement Regulations Temporary Regulation 69 was orginally published in the **Federal Register** of April 15, 1983 at 48 FR 16254.

BILLING CODE 3110-01-M

Federal Procurement Regulations
Temporary Regulation 69

Federal Procurement Regulations

Temporary Regulation 69

April 5, 1983

To: Heads of Federal Agencies

Subject: Patents

1. Purpose. This temporary regulation implements President Reagan's February 18, 1983, Memorandum on Government Patent Policy.

2. Effective date. This regulation is effective April 5, 1983, but may be observed earlier.

3. Expiration date. This regulation expires April 5, 1985.

4. Background.

a. On February 18, 1983, President Reagan issued a Memorandum to the Heads of Executive Departments and Agencies that established a new Government Patent Policy. The new policy replaces the 1971 Presidential Patent Policy Statement that formed the basis for the patent rights clauses of the Federal Procurement Regulations (FPR) in section 1-9.107. Accordingly, interim instructions are necessary pending a full modification of FPR sections 1-9.107-1 through 1-9.107-6.

b. The primary thrust of President Reagan's Memorandum is that, to the extent permitted by law, agency patent policy concerning the disposition of rights to inventions made under federally funded research and development contracts, grants, and cooperative agreements shall be the same or substantially the same as applied to small business firms and nonprofit organizations under Chapter 38 of Title 35 of the U.S. Code (P.L. 96-517). As a result, the new Patent Policy Memorandum provides recipients of Government contracts, grants, and cooperative agreements for the performance of research and development activities with a first option to retain title to inventions made under such arrangments, except in those situations provided for in 35 U.S.C. 202(a).

c. The Presidential Memorandum also provides that where an agency makes certain determinations, the rights of the Government or obligations of the recipient of the research and development contract, grant, or cooperative agreement, set forth in 35 U.S.C. 202-204, may be waived or omitted. These interim instructions do not specifically implement this provision of the Presidential Memorandum inasmuch as implementation should be undertaken through the normal FPR deviation procedures.

5. Explanation of changes. The policies and procedures in Subpart 1-9.1 are modified by the instructions in this temporary regulation.

a. The patent rights clause in contracts with small business firms and nonprofit organizations shall be in accordance with OMB Circular A-124.

b. Each contract with other than a small business firm or nonprofit organization that has as a purpose the performance of experimental, developmental, or research work, and is to be performed in the United States, its possessions, or Puerto Rico, shall contain the patent rights clause at FPR section 1-9.107-5(b) unless it is determined in accordance with paragraph c.(1) of this regulation that the patent rights clause of section 1-9.107-5(a) is appropriate, with both clauses modified in accordance with paragraph 5.(e) of this regulation.

c. (1) A contract, with other than a small business firm or nonprofit organization, may contain the patent rights clause at FPR section 1-9.107-5(a):

(a) when the contract is for the operation of a Government-owned reseach or production facility; or

(b) in exceptional circumstances when it is determined by the Agency that restriction or elimination of the contractor's right to retain title will better promote the policy and objectives of the Presidential Memorandum of Government Patent Policy of February 18, 1983; or

(c) when it is determined by a Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counter-intelligence activities that the restriction or elimination of the contractor's right to retain title is necessary to protect the security of such activities.

(2) When it is determined in accordance with paragraph 7(a) of OMB Circular A-124 that alternative provisions are appropriate in a contract with a small business firm or nonprofit organization, the patent rights clause at FPR section 1-9.107-5(a) may be used in the contract,

d. For arrangements other than contracts, such as grants and cooperative agreements, with other than small business firms or nonprofit organizations, it is recommended that the patent rights clause of OMB Circular A-124 or FPR section 1-9.107-5(b), as appropriate, be used in cooperative agreements.

e. In using the clause at either FPR section 1-9.107-5(b) or section 1-9.107-5(a), the following modifications are to be made:

(1) To ensure proper flow-down of the applicable patent rights clause, subparagraph (j)(2) should be rewritten as follows:

"(2) Unless otherwise authorized or directed by the Government Contracting Officer in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental, or research work,

the Contractor shall include this patent rights clause modified to identify the

subcontract is the conduct of experimental, developmental, or research work,

the Contractor shall include this patent rights clause modified to identify the parties in a subcontract with other than a small business firm or nonprofit organization; or the patent rights clause of OMB Circular A-124 modified to identify the parties in any subcontract with a small business form or nonprofit organization. In event of refusal by a subcontractor to accept the proffered clause, the Contractor:"

(2) The following should be substituted for subparagraph (c)(i):

"(i) Hereby grants to the Government a nonexclusive, nontransferrable, paid-up license to make, use, and sell each subject invention throughout the world by or on behalf of the Government of the United States."

(END OF FPR TEMP. REG. 69)

BILLING CODE 3110-01-C

d. The second approach is represented by the following Department of Commerce proposed amendment to OMB Circular A–124 which would extend it to all recipients of Federal R&D grants, contracts and cooperative agreements:

OMB Circular No. A–124 Transmittal Memorandum 1

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Extension of Circular No. A–124 Provisions to All Recipients of Federal Research and Development Funding

1. Purpose

This Transmittal Memorandum provides policies, procedures and guidelines for the extension of the Circular provisions to all recipients of Federal research and development grants, contracts, and cooperative agreements.

2. Background

Circular No. A–124 implements Chapter 38 of Title 35 of the U.S. Code (Pub. L. 96–517), an Act that gives small businesses and non-profit organizations the right to own inventions they produce while performing under Federal research and development funding. Early experience with the Act, particularly by universities, indicates that the goal of greater private sector development and use of these inventions is being achieved.

On February 18, 1983, the President issued a memorandum to the heads of agencies of Government Patent Policy. A copy of the memorandum and its accompanying Fact Sheet is attached. The memorandum requires agencies to apply the policies of 35 U.S.C. 38 to all other Federal R&D recipients, in addition to small business and non-profit organizations.

3. Policy and Scope

The Presidential Memorandum indicates:

"To the extent permitted by law, agency policy with respect to the disposition of any invention made in the performance of a federally funded research and development contract, grant, or cooperative agreement shall be the same or substantially the same as applied to small busines firms and nonprofit organizations under Chapter 38 of Title 35 of the United States Code".

Except as noted below, agencies shall apply the provisions of this Circular, including the standard patent clause (Attachment A) to all research and development contracts, grants and cooperative agreements awarded, extended, or renewed after————. In addition, agencies are encouraged to extend the Circular provisions to current R&D performers.

Agencies are specifically advised that Chapter 38 and this Circular should be considered as consistent with statutes whose criteria for disposition of federally funded inventions is limited to a provision of the kind that requires inventions or patents to be made available to the public.

4. Exceptions

All provisions of the Circular which apply to both small business firms and nonprofit organizations shall apply to all other recipients of research and development contracts, grants, and cooperative agreement with the following exceptions:

a. The Circular specifies effective dates of July 1, 1981 and March 1, 1982 for application to small business firms and nonprofit organizations. This extension to all other classes of R&D recipients takes effect on————and no earlier dates are relevant.

b. Any rights of the Government or obligations of the performer described in 35 U.S.C. 202–204 may be waived or omitted in awards to other than small business firms or nonprofit organizations if the agency determines (i) that the interests of the United States and the general public will be better served thereby as, for example, where this is necessary to obtain a uniquely or highly qualified performer, or (ii) that the award involves cosponsored, cost shared, or joint venture research and development and the performer, cosponsor or joint venturer is making a substantial contribution of funds, facilities or equipment to the work performed under the award.

c. The following exception, which shall apply to recipients other than small business firms and nonprofit organizations is added to Part 7a of the Circular:

(4) When a statute does not permit the terms and conditions of the standard clause, agencies shall make the minimum changes necessary to comply with the statutes, using whatever latitude or discretion is allow by the statute to achieve maximum possible consistency with the standard clause.

d. Part 7b(1) of the Circular requires a copy of a justification for exceptional circumstance determinations to be sent to the Comptroller General and the Chief Counsel for Advocacy of the Small Business Administration. For awards to other than small business firms or nonprofit organizations, the determination is required, but copies need not be sent to the Comptroller General, or the Small Business Administration.

e. For organizations other than small business firms and nonprofit organizations the right of the Government described in 35 U.S.C. 202–204 will be supplemented by an appropriate safeguard to be developed by the Department of Justice against anti-competitive retentions of title. The safefuard to be developed is incorporated into this Transmittal Memorandum by reference and will be exercised in accordance with the procedures established in Part 13 of the Circular.

f. Notwithstanding Part 17 of the Circular and Part b. of the standard patent clause (Attachment A), this Transmittal Memorandum does not take precedence over existing regulations, but agencies shall implement it by the effective date through appropriate administrative or regulatory actions.

g. Part i of the standard patent rights clause dealing with preference for United States industry does not apply to recipients other than small business firms and nonprofit organizations.

h. In applying the exceptional circumstances provision of Part 7a(2) of the Circular, agencies should interpret the statutory objective at 35 U.S.C. 200 relating to the promotion of free competition as encompassing inventions of all recipients of Federal R&D funding.

5. In extending the provisions of the Circular for small business firms and nonprofit organizations to all other recipients of R&D funding, agencies shall obtain approval from the Administrator, Office of Federal Procurement Policy, before making additional exceptions. Requests for exception approvals should include the reason why an exception is requested, the language the agency proposes to substitute for language in the Circular or standard patent clause, and an explanation of what will happen if the exception is not made.

6. Lead Agency Designation

The designation of the Department of Commerce as lead agency to assist the Office of Federal Procurement Policy is extended to include this Transmittal Memorandum.

7. Inquiries

All questions or inquiries should be submitted to . . .

(END OF PROPOSED A–124 AMENDMENT)

e. Some of the more significant differences between the patent rights clauses used under each approach are the following:

1. The Patent Rights Clause of OMB Circular A–124 requires a contractor, after a subject invention has been disclosed in writing by the inventor(s) to contractor personnel responsible for the administration of patent matters, to: (i) disclose the invention to the contracting officer within 2 months, (ii) elect whether or not to retain title to any such invention by notifying the contracting officer within 12 months of disclosure to the contractor, and (iii) file its initial patent application on the elected invention within 2 years after the election.

2. The Retention by the Contractor Clause of the FPR for use in contracts with other than small business firms and nonprofit organizations imposes a different time period for disclosure and election to retain title. This time period (6 months) starts to run from the time an invention is either conceived or first actually reduced to practice rather than when an invention is disclosed to contractor personnel responsible for patent matters. The contractor has an additional 6 months from the date of disclosure and election to file a U.S. patent application.

3. The FRP clause requires that a contractor establish and maintain active and effective procedures to assure that subject inventions are promptly identified and timely disclosed. The A–124 clause does not include such a requirement.

4. The FPR clause includes coverage authorizing the examination of a contractor's records and the withholding of payment of assure compliance with the requirements of the clause. The A–124 clause does not include such coverage.

f. Agencies and interested parties are invited to comment on these two alternatives. Comments should be forwarded to William Maraist, Office of Federal Procurement Policy, OMB, 726 Jackson Place, Washington, DC 20503 on or before July 29, 1983. Mr. Maraist may be contacted by phone on 202–395–3300.

LeRoy J. Haugh,

Associate Administrator for Policy Development.

[FR Doc. 83–15027 Filed 6–7–83; 8:45 am]

BILLING CODE 3110–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Fish Propagation Panel; Meeting Notice

AGENCY: Fish Propagation Panel of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest and Conservation Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- Approval of minutes
- Progress report on prioritization of Section 704 program measures
- Status report on reprogramming
- Status report on proposals for anadromous fish goals
- Status report on projects funded for FY 1983 and requests for proposals
- Status report on activities of the Salmon and Steelhead Advisory Commission
- Joint session with Fish and Wildlife Committee
- Other business
- Public comments

Status: Open.

SUMMARY: Northwest Power Planning Council hereby announces a forthcoming meeting of its Fish Propagation Panel.

DATE: June 15, 1983. 9:30 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 S.W. Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Curt Marshall, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 83–15342 Filed 6–7–83; 8:45 am]

BILLING CODE 0000–00–M

POSTAL RATE COMMISSION

[Docket No. A83–22; Order No. 501]

Baxter, California 95704, Mr. John C. Mullaney II, et al. Petitioners; Notice and Order of Filing of Appeal

Issued: June 2, 1983.

On May 25, 1983, the Commission received a petition from Mr. John L. Mullaney II of Baxter, California, and eighteen others (hereinafter "Petitioners") concerning the alleged United States Postal Service (hereinafter "Postal Service" or "Service") intent to consolidate the Baxter, California post office. The petitioners contend that the Postal Service failed to consider the effect on the community and the level of service to be provided, in its proposal to consolidate this post office.

The Act requires that the Service provide the affected community with at least 60 days notice prior to issuance of its Final Decision in order to "* * * ensure that such persons will have an opportunity to express their views."[1] The petitioner does not mention whether this notice was provided. The Petitioner did, however, provide a copy of the Final Determination, which he used to reference the various specific points of his complaint. As such, his complaint will be considered as a petition for review pursuant to 404(b) of the Postal Reorganization Act (hereinafter Act).

Applicable Law in This Proceeding—The Postal Reorganization Act states:

> The Postal Service shall provides a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[2]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close or consolidate post offices. The effect on the community is also a mandatory consideration under Section 404(b)(2)(A) of the Act.

Upon preliminary inspection, the petitioners appear to raise the following issues of law:

1. Is the Postal Service's proposed closing of this post office consistent with the "maximum degree of effective and regular postal services" standard of Section 404(c)(2)(C)?

2. Has the Postal Service adequately considered the effect of this proposed consolidation on the Baxter, California community, as is required by 404(c)(2)(A)?

3. Has the Postal Service incorrectly calculated the economic savings from this consolidation under Section 404(c)(2)(D)?

Other issues of law may become apparent when the Commission has had an opportunity to examine the determination made by the Postal Service. Such additional issues may emerge during Commission review of the Service's determination. Conversely, the determination may be found to resolve adequately upon the issues described above.

[1] 39 U.S.C. 404(b)(1).
[2] 39 U.S.C. 101(b).

Commission Procedure in This Docket

In view of the statutory requirements, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by Section 404(c)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the Determination and record pursuant to Section 113 of the rules of practice [3] make the request by order specifying the issues to be addressed. When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on Petitioner by the Service.

In addition, the Commission's rules of practice require the Postal Service to file the administration record of the case within 15 days after the date on which the petition for review is filed with the Commission.[4]

In briefing the case, or in filing any motion to dismiss for want to prosecution, in appropriate circumstances, the Service may incorporate by reference all or any portion of a legal memorandum pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission Section 404(b) cases, and none is being appointed.[5]

The Commmission orders:

(A) The petition from John L. Mullaney II, *et al.*, shall be construed as a petition for review pursuant to Section 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Acting Secretary of the Commission shall publish this Notice and Order in the **Federal Register**.

(C) The Postal Service shall file the administrative record in this case on or before June 9, 1983, pursuant to the Commission's rules of practice (39 CFR 3001.112(a)).

By the Commission.

Cyril J. Pittack,

Acting Secretary.

[3] 39 CFR 3001.113.

[4] CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[5] In the Matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

APPENDIX

[Docket No. A83-22, Baxter, California 95704]

May 25, 1983	Filing of Petition.
June 2, 1983	Notice and Order of Filing of Appeal.
June 9, 1983	Filing of Record by Postal Service (*See* 39 CFR 3001.113(a)).
June 16, 1983	Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).
June 24, 1983	Petitioners' Initial Brief (*See* 39 CFR 3001.115(a)).
July 8, 1983	Postal Service Answering Brief (*See* 39 CFR 3001.115(b)).
July 27, 1983	(1) Petitioners' Reply Brief should Petitioners choose to file one (*See* 39 CFR 3001.115(c)). (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its decretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.
Sept. 22, 1983	Expiration of 120-day decisional schedule (*See* 39 U.S.C. 404(b)(5)).

[FR Doc. 83-15239 Filed 6-7-83; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13293; 812-5420]

Acacia Fund Corp.; Filing of an Application

June 1, 1983.

Notice is hereby given that Acacia Fund Corporation ("Applicant"), 51 Louisiana Avenue, NW., Washington, D.C. 20001, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on January 3, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder as to the provisions to which the exemption applies.

Organized as a Maryland corporation, Applicant declares that it will operate as a "series fund" as defined by Rule 18f-2 under the Act. Applicant states that, initially, it will have two investment portfolios ("Funds"), but it may create additional portfolios in the future. Applicant designed each existing Fund as an investment vehicle for investors desiring a diversified portfolio of money market instruments. Applicant seeks, as its investment objective, preservation of capital, liquidity, and the maximum current income available from high quality, money market instruments. While both Funds have the same investment objective, they have different investment policies, as described below.

The Acacia Cash Management Fund ("Cash Fund"), Applicant states, invests solely in: (1) Certificates of deposit and other obligations of major banks and savings and loan associations, including U.S. dollar-denominated certificates of foreign branches of U.S banks and U.S. branches of foreign banks; (2) prime commercial paper and high grade, short-term, corporate obligations; and (3) obligations issued or guaranteed by the U.S. Treasury or by agencies and instrumentalities of the U.S. Government. The Cash Fund may purchase such securities subject to repurchase agreeements with recognized dealers and banks determined to present minimal credit risks by Applicant's investment adviser. Applicant will fully collateralize such repurchase agreements at all times. Applicant may also purchase documented discount notes, variable amount master demand notes, variable amount floating rate notes, when-issued securities, and securities subject to reverse repurchase agreements.

The Acacia Government Securities Fund, Applicant states, will invest exclusively in obligations issued or guaranteed by the U.S. Treasury; obligations issued or guaranteed by an agency or instrumentality of the U.S. Government; and any of the above instruments purchased subject to repurchase agreeements with recognized dealers and banks.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, or from any rule or regulation thereunder, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states it must price its portfolio securities at amortized cost to meet the needs and expectations of potential investors and to offer its shareholders relative stability of principal and a steady flow of income at competitive rates. Applicant's directors have concluded that it would be in their

shareholders' best interests to use amortized cost valuation to maintain a constant $1.00 share value. Applicant contends that amortized cost valuation, absent unusual circumstances, represents the fair value of the Funds' portfolio securities. Applicant submits that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly agrees that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors undertakes—as a particular responsibility within its overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize each Fund's net asset value per share, as computed for the purposes of distribution, redemption, and repurchase, at $1.00 per share.

2. Included among the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the current net asset value per share for each Fund as determined by using available market quotations from each Fund's $1.00 amortized cost price per share, and the maintenance of records of such review. To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value. Such quotations or estimates may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of instruments published by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share of either of Applicant's Funds exceeds ½ of 1%, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from the amortized cost price per share of either of Applicant's Funds may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity for each Fund appropriate to its objective of maintaining a stable net asset value per share; provided, however, that it will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which the board of directors determines present minimal credit risks and which are of "high quality" as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement indicating whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 23, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83–15386 Filed 6–7–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 13289; 812–5467]

Aggressive Growth Shares, Inc. et al.

June 1, 1983.

Notice is hereby given that Aggressive Growth Shares, Inc., Bullock Fund, Ltd., Bullock Tax-Free Shares, Inc., Canadian Fund, Inc., Dividend Shares, Inc., High Income Shares Inc., Monthly Income Shares, Inc. and Nation-Wide Securities Company, Inc. ("Funds"), each of which is registered as an open-end investment company under the Investment Company Act of 1940 ("Act") and Calvin Bullock, Ltd. ("Bullock") (collectively, "Applicants") One Wall Street, New York, NY 10005, filed an application on March 3, 1983, and amendments thereto on April 15 and April 20, 1983, for an order pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 22(d) of the Act in connection with Applicants' proposed program of marketing shares of the Funds to American Indians through their tribal councils or affiliated organizations, and applying the reduced sales charges currently in effect for the Funds for quantity purchases of

aggregated orders for such shares. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable sections and rules.

According to the application, Bullock is the principal underwriter for each of the Funds and for Money Shares, Inc., a registered open-end investment company, and maintains a continuous public offering of the shares of each of the Funds at their respective net asset values, plus a sales charge, and of Money Shares at net asset value, without a sales charge. As stated in the prospectuses of each of the Funds, purchasers of shares of that Fund may obtain reduced sales charges by aggregating purchases of such shares within a 13 month period (provided such purchases total at least $10,000) and shares owned, if any, valued at the current offering price, of other investment companies within the Calvin Bullock Group of purposes of determining the size of the purchase and applicable reduced sales charge. Applicants represent that Bullock was recently approached by financial representatives of an Indian Tribal Council in connection with its program of savings and investments with respect to income earned by the Tribal Council, its employees and Indian members of the related Indian Colony. Applicants further state that important considerations in the view of such financial representatives for recommendation to their Tribal Council of the Funds as appropriate investment vehicles were the diversification of risk, availability of systematic investment plans and ease of investment. In addition, Applicants represent that these financial representatives believed that the availability of quantity discounts on large single purchases, on accumulated purchases and on letters of intent were attractive benefits of investing in the funds of a single mutual fund sponsor, such as Bullock.

Applicant represents that in order to encourage action among the United States Indian population, Congress enacted the Indian Reorganization Act of 1934 ("Reorganization Act") which, in effect, provided that the United States Government would grant Indian Tribal Councils corporate status if they adopted a constitution with an elective form of government. Applicants further state that under the Reorganization Act, although Indian ancestries (even if only one fourth) had to be traced back to tribal census rolls taken in 1934, membership in an Indian Colony was not limited to Indians of a specific ethnic tribe, and may also include Indians living both on and off the reservation. Applicants further represent that once Indian Colonies reached Tribal Council status, they were able to engage in various economic activities and programs to achieve the objective of the Reorganization Act, mainly to foster social and economic growth to establish economic and financial self-sufficiency within the United States Indian population. In addition to income-producing ventures, Applicants assert that such programs usually include a program of savings and investment whereby an Indian Tribal Council, through a designated individual, studies and recommends to their Indian Colony various products that will fulfill the savings and investment needs of that Indian Colony. Applicants further state that the designated individual may also arrange classroom presentations by various sales representatives, and secure sales literature and sales materials to be made available to the other members. Moreover, the designated individual will also determine eligibility to participate in, and to collect payments for, investments in the savings and investment programs and, in the case of the Funds, to transmit such payments on a monthly basis.

According to the application, there are 23 Indian Tribal Councils in the State of Nevada and over 200 Councils in the United States. Applicants propose to apply the reduced sales charges currently in effect for the Funds to quantity purchases representing the aggregation of orders of each such Indian Tribal Council, employees of each Council whose investments would otherwise qualify for reduced sales charges pursuant to Rule 22d-1(f) under the Act, and Indian members of related Indian Colonies provided: (i) Each member is eligible to be covered by programs of his Tribal Council pursuant to its constitution; (ii) remittances from the member are made to the Tribal Council, which in turn aggregates all such remittances, its own and those of its employees for transmission to the Fund's transfer agent; and (iii) investments made by each member are made pursuant to an investment or savings program adopted and administered by the Tribal Council and in which the Tribal Council participates in its individual capacity.

Applicants concede that the aggregation of orders by an Indian Tribal Council, its employees and the Indian members of the related Indian Colony (notwithstanding the very considerable economies of scale involved in the sales marketing effort) for purposes of obtaining reduced sales charges is not permitted under Rule 22d-1, adopted by the commission under Section 22(d) of the Act. Thus, Applicants request an order, exempting them from Section 22(d) of the Act pursuant to Section 6(c) of the Act which provides, in pertinent part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants believe that Indian Tribal Councils, their employees and Indian member of the related Indian Colony present attractive sales opportunities because the investment decisions made by Tribal Councils individually and on behalf of their employees and the Indian members of the related Indian Colonies are made by financial representatives or advisers to the Councils, and consequently that the relative amount of sales efforts and processing costs are substantially less per account than would be the case if Bullock were to solicit individual Indian members of an Indian Colony. For example, in the case of the one Indian Tribal Council which has determined to invest in shares of the Funds, Applicants assert that the savings and investment needs of that Indian Colony were assessed by its financial consultant and upon the recommendation of a registered securities broker, appropriate presentations were made by Bullock to that Tribal Council, its employees and members of the Indian Colony covered by that Tribal Council. Applicants represent that this presentation was made to the Indian Colony as a group and represents a minimum of sales effort on the part of Bullock compared to the effort that would otherwise have been required to make separate presentations to each of the individuals in the Indian Colony.

In addition, Applicants state that all investments by each individual Tribal Council will be submitted at one time with one payment supported by a list stating the investor's name, account number and amount to be invested. According to the application submissions by a Tribal Council will represent remittances from that Tribal Council, its eligible employees and individual Indians eligible to be covered

by the Tribal Council pursuant to its constitution. Thus, Applicants argue that minimum effort is required by Bullock to process such investments, which are then remitted directly to the Fund's transfer agent for investment in already established systematic voluntary payment plans. Applicants submit that these economies of scale are similar in nature and amount to those on which the exemptions in Rule 22d–1 are premised: multiple accounts may in effect be established for the selling and processing costs associated with a single large account.

Moreover, Applicants believe that generic relief is appropriate, as opposed to an exemption relating solely to the single Indian Tribal Council which has to date indicated its interest in making investments in shares of the Funds, because Bullock and the Funds believe that the pattern established in that case will be similar to most other similar sales efforts: a financial adviser or consultant will on behalf of a Tribal Council select and interview several sponsors of "families of funds" and recommend to the Council a single such sponsor because of the convenience of sales charge reductions and diversification within the family of investment alternatives; group presentations will be made; and purchases of shares will be made by single Tribal Council checks, the solicitation and collection of individual remittances being outside the scope of the distributor's responsibility.

Applicants represent that any Indian Tribal Council wishing to introduce the Funds as part of its savings and investment program will periodically notify its employees and Tribal Council members of the availability of shares of the Fund and offer to make available to such employees and Tribal Colonial members, prospectuses of each of the Funds being offered, and that it will do so (a) by notices placed in employees' paycheck envelopes (as to employees only), (b) by notices placed on bulletin boards at the Tribal Council offices or other central locations where they will be seen by the Tribal Colony members or (c) by other similar means. Applicants further assert that any expenses incurred in connection with the notices would ordinarily be incurred by the Tribal Council.

According to the application, the notices will generally describe the investment program being offered, which in the case of a Fund would include a general description of the Fund and its investment objectives, and will set forth in detail the procedures for making an investment in the investment program, including the names and addresses of the persons designated to provide additional information and to administer any particular investment program on behalf of the Tribal Council. Applicants further represent that Bullock will make prospectuses of each of the Funds included in any investment progam available to the designated persons for distribution to persons who make inquiries. In addition, Bullock will comply with the prospectus delivery requirements of the Securities Act of 1933 and the rules thereunder with respect to actual sales of Fund shares. Applicants state that Bullock would ordinarily expect to satisfy such prospectus delivery requirements by including a prospectus with a confirmation of the initial sale shares to a separate account.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 22, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-15379 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13287; (812-5510)]

Bayerische Landesbank Girozentrale; Filing of Application

May 31, 1983.

Notice is hereby given that Bayerische Landesbank Girozentrale ("Applicant") 111 East 50th Street, New York, New York 10022, filed an application on March 28, 1983, and an amendment thereto on May 16, 1983, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting the Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is the 41st largest bank in the free world and the 7th largest in the Federal Republic of Germany. At December 31, 1982, Applicant had total assets of $39,805,000,000 (assuming an exchange rate of US $1.00=DM 2.3765) and total deposits and bonds of $33,408,000,000. Applicant states that it was created in 1972 by merger of the Bavarian state financial institution (Landesbodenkreditanstalt) and the central bank (Bayerische Gemeindebank) for the local full-service banks (Sparkassen) in Bavaria. Applicant has a single branch in Germany, in Nuremberg, a subsidiary in Luxembourg, and branches in London, Singapore and New York City. The main office of Applicant is located at Brienner Strasse 20, 8000 Munich 2, Federal Republic of Germany. Applicant states that all its liabilities are fully guaranteed by the State of Bavaria.

According to the application, Applicant provides all services normal for commercial banks, and also acts as bank for the State of Bavaria and the Sparkassen. As the bank of the State of Bavaria Applicant states it is responsible for public sector financing, management of state bond issues, treasury functions and state development functions, and as central bank for the Sparkassen, it acts as a clearing house. The Applicant accepts deposits both in Deutsche Marks and foreign currency, buys and sells foreign currency, effects funds transfers and in general provides those banking and financial services which German banks are permitted by law to provide. The terms of Applicant's loans range from short-term to long-term, and many are made to finance housing, municipal development and capital investment and construction projects.

Applicant states that, at December 31, 1982, Applicant's investment securities amounted to $1,486,000,000, which constituted 3.7% of Applicant's assets. As of such date, Applicant's total loans (including deposits with other banks) amounted to $32,691,000,000, representing 82% of assets. Interest income from such loans accounted for 85% of the total income of the Applicant for the period ended December 31, 1982.

Applicant represents that it is extensively regulated by German banking authorities, which regulation includes inspection by the Federal Banking Supervisory Office in Berlin (in cooperation with the Deutsche

Bundesbank) and the Ministries of Finance and Internal Affairs of the State of Bavaria. In addition, Applicant states that German banking legislation contains certain liquidity and capital requirements and lending limits. The State of Bavaria owns 50% of the stock of Applicant; the 115 Sparkassen in Bavaria own the remaining 50%.

According to the application, Applicant proposes to issue and sell prime quality commercial paper notes ("Notes") to commercial paper dealers in the United States which will then reoffer the Notes as principals in minimum denominations of $100,000 to institutional investors and other entities and individuals who normally purchase commercial paper or to sell Notes directly in private placements to institutional investors. Applicant states that its purpose for making this offering in the United States is to obtain an additional source of supply of United States dollars. Applicant represents that the Notes will rank *pari passu* among themselves and equally with all other unsecured and unsubordinated indebtedness of Applicant, including Applicant's deposit liabilities. The Notes will be sold without registration under the Securities Act of 1933 ("1933 Act"), in reliance upon a "no action" letter from the Commission and an opinion of Applicant's United States counsel that the offering will qualify for the exemption from the registration requirements of the 1933 Act pursuant to Section 3(a)(2) thereof. Applicant will not proceed with its proposed offering until it has received such "no action" and opinion letters.

Applicant further represents that the proposed issue of securities and all future public issues of securities of Applicant in the United States shall have received, prior to issuance, one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization; provided, however, that no such rating shall be required to be obtained if in the opinion of Applicant's United States counsel, such counsel having taken into account for the purpose thereof the doctrine of "integration" referred to in Rule 502 under the 1933 Act and various releases and relevant no-action letters made public by the Commission, an exemption from registration is available under Section 4(2) of the 1933 Act. Applicant undertakes to ensure that the dealers will provide each offeree who has indicated an interest in the Notes, and prior to any sale of the Notes to such offeree, with a memorandum which (i) describes the business of Applicant, (ii) contains the most recent publicly available fiscal year-end audited balance sheet and income statement of Applicant and (iii) describes the material differences, if any, between the accounting principles applied by Applicant in the preparation of such financial statements and generally accepted accounting principles applied by United States banks. Applicant represents that such memorandum will be at least as comprehensive as those customarily used in commercial paper offerings in the United States. Such memorandum will be updated periodically to reflect material changes in Applicant's financial status.

Applicant further represents that it may offer other debt securities but not shares of capital stock for sale in the United States and that any future offerings of its securities in the United States will be made only pursuant to a registration statement under the 1933 Act or pursuant to an applicable exemption from registration under such Act, and on the basis of disclosure documents appropriate for such registration or exemption, as the case may be. In no event will such disclosure documents be less comprehensive than is customary for United States offerings of similar debt securities. Applicant undertakes to ensure that any such disclosure documents will be provided to each offeree who has indicated an interest in the securities then being offered, prior to any sale of such securities to such offeree, except that in the case of an offering made pursuant to a registration statement under the 1933 Act, such disclosure documents will be provided to such persons and in such manner as may be required by such Act and the rules and regulations thereunder. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with its undertakings regarding disclosure documents.

Applicant represents that, because it is licensed to conduct business through its federal branch in New York City, Applicant is subject to service of process in any action based on the Notes and instituted in any State or Federal court in the City and State of New York by the holder of any Notes. Applicant further represents that Applicant will expressly accept the jurisdiction of any State or Federal court in the City and State of New York in respect of any such action and that such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes have been paid. Applicant represents that it will similarly consent to jurisdiction and will, if it closes its branch in New York City, appoint an agent for service of process in suits arising from any future offerings of securities that it may make in the United States.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting Applicant from all provisions of the Act. Applicant asserts that it is a major commercial bank subject to extensive regulation by German and United States banking authorities and as such it is significantly different from the type of institutions that Congress intended the Act to regulate. Accordingly, Applicant contends that granting an exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 23, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15375 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13295; (812-5485)]

Capital Realty Investors—II Limited Partnership, et al; Filing of an Application

June 1, 1983.

Notice is hereby given that Capital Realty Investors—II Limited Partnership (the "Partnership"), a Maryland limited partnership, and its general partners, C.R.I., Inc. (the "Managing General Partner"), William B. Dockser, Martin C. Schwartzberg, and H. William Willoughby ("General Partners" and, together with the Partnership, collectively referred to hereinafter as "Applicants") One Central Plaza, 11300 Rockville Pike, Rockville, Maryland 20852, filed an application on March 9, 1983, and an amendment thereto on April 5, 1983, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting them from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Partnership was formed under the State of Maryland's Revised Uniform Limited Partnership Act on March 23, 1983, as a vehicle for equity investment in government-assisted rental housing in accordance with the policies and objectives of Title IX of the Housing and Urban development Act of 1968 ("Title IX"). Applicants further state that the Partnership will operate as a "two-tier" entity, i.e., the Partnership, as a limited partner, will invest in other limited partnerships ("Local Partnerships") which in turn, will own or lease and will operate apartment complexes which receive or will be receiving one or more forms of government assistance and which may or may not be classified as "low income housing" under the Internal Revenue Code of 1954 and which is in accordance with the purposes and criteria of Investment Company Act Release No. 8456 (August 9, 1974). Applicants also state that the Partnership may invest in certain Local Partnerships which will own or lease conventional (non-government-assisted) apartment complexes, but that such conventional apartment complexes will not represent a significant portion of the Partnership's investments.

Applicants represent that the Partnership is organized as a limited partnership because that form of organization is the only one that provides investors (the "Limited Partners") with both liability limited to their capital investments and the ability to claim on their individual tax return the deductions, losses, credits, and other tax items that originate from the Partnership's interests in the Local Partnerships. Applicants further represent that counsel is rendering its opinion that the Partnership will be treated as a partnership for Federal income tax purposes.

The application states that the Partnership's objectives are to preserve and protect the Partnership's capital; provide, during the early years of the Partnership's operations, current tax benefits to investors in the form of tax losses; provide capital appreciation through appreciation in value of the Partnership's investments and equity buildup through periodic payments on the indebtedness upon the apartment complexes; provide, on a current basis and to the extent available, limited cash distributions from rental operations; and provide cash distributions from sale or refinancing of the Partnership's investments.

Applicants state that on January 20, 1983, the Partnership filed a registration statement under the Securities Act of 1933, pursuant to which the Partnership intends to offer publicly 15,000 Units of limited partnership interest ("Units") at $1,000 per unit. It is asserted that Merrill Lynch, Pierce, Fenner & Smith, Incorporated ("Merrill Lynch"), Dean Witter Reynolds, Inc. ("Dean Witter"), and other selected broker-dealers will act as selling agents for the offering of Units. Applicants represent that the Partnership will have between a minimum of $2,175,000 and a maximum of $13,350,000 available for investment from the proceeds of this offering. It is asserted that, from the amount available for investment, the Partnership will pay certain acquisition expenses and fees to the Managing general Partner and its affiliates and establish a reserve for working capital, and that the remainder of the amount available for investment will be invested in Local Partnerships.

Applicants state that, because it is anticipated that the Partnership will register the Units pursuant to Section 12 of the Securities Exchange Act of 1934 ("Exchange Act"), the Partnership expects to file with the Commission, pursuant to Section 15(d) of the Exchange Act, all required current reports on Forms 10-K, 10-Q, and 8-K as well as any other reports required by such Act. Applicants further state that the Partnership will distribute to the Limited Partners certain reports concerning its business and operation.

According to the application, the Limited Partnership Agreement ("Partnership Agreement") will provide that the Partnership will be controlled by the General Partners and that the Limited Partners, consistent with their limited liability status, will not be entitled to participate in the control of the business of the Partnership or otherwise affect their limited liability. The application states, however, that Limited Partners may, by unanimous vote, elect to dissolve the Partnership and Limited Partners owning a majority of Partnership interests may, in addition, amend the Partnership Agreement, remove any General Partner, and elect a replacement for any General Partner who has been removed. The application further states that, under the Partnership Agreement, each Limited Partner is entitled to review all books and records of the Partnership at any and all reasonable times.

Applicants represent that none of the fees or other kinds of compensation to be paid to the General Partners and their affiliates during the various phases of the organization and operation of the Partnership were negotiated at arms-length. It is asserted, however, that all such compensation is fair and on terms no less favorable to the Partnership than would be the case if such arrangements had been made with independent third parties. It is also asserted that such compensation will meet all applicable guidelines necessary to permit the Units to be offered and sold in the various states which prescribe such guidelines, including without limitation, the statement of policy adopted by the North American Securities Administrators Association, Inc., with respect to real estate programs.

The application states that any of the net proceeds of the offering which the Partnership has not invested or committed to investment in Local Partnerships within 24 months from the date of the Prospectus, except for amounts utilized to pay operating expenses and amounts set aside for reserves, will be returned by the Partnership to the Limited Partners without a reduction for any fees. The application also states that the Partnership will invest any net proceeds not immediately utilized to acquire Local Partnership interests or for other Partnership purposes (such as the establishment of a reserve equal to 2% of the Gross Proceeds), in United States

government securities, including treasury bills, other United States government guaranteed obligations, certificates of deposit or bank time deposits, or tax-exempt notes or bonds with maturities not exceeding one year. The application further states that it is likely that the Partnership will hold temporary investments for more than one year. It is also asserted, however, that the Partnership will own and hold these securities on a temporary basis pending full investment in Local Partnership interests, and it is the Partnership's intention to be engaged primarily, as soon as is reasonably possible, in a business other than that of investing, reinvesting, owning, or holding any of these temporary investments. It is asserted that the Partnership does not intend to trade in temporary investments and will not speculate in any of the temporary securities.

Section 6(c) of the Act provides, as herein pertinent, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from the provisions of the Act and the rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Without conceding that the Partnership is an investment company as defined in the Act, Applicants request that the Partnership be exempted from all the provisions of the Act pursuant to Section 6(c) of the Act. In support of this request, Applicants assert that such exemption is both necessary and appropriate in the public interest and would be consistent with the protection of investors and the purposes and policies underlying the Act. Applicants assert that investment in low and moderate income housing in accordance with the national policy expressed in Title IX is not economically suitable for private investors without the tax and organizational advantages of the limited partnership structure. Applicants further assert that the limited partnership form of organization is incompatible with the operational framework of the Act. Applicants state that a limited partnership would be unable to function in the manner contemplated by the Partnership if it is deemed to be an investment company under the Act. In addition, Applicants maintain that application of the Act would discourage two-tier limited partnership arrangements and thus eliminate the best available means of attracting private equity capital into government-assisted housing and frustrate national policy.

Applicants represent that the contemplated arrangement of the Partnership is not susceptible to abuses of the sort that the Act was designed to remedy. Applicants assert that the Units will be sold only to relatively sophisticated investors who have special qualifications. Applicants assert that any subscriptions for Units of limited partnersip interest must be approved by Merrill Lynch or Dean Witter, as the case may be, which approval shall be conditioned upon representations as to the suitability of the investment for each subscriber. According to the application, each subscriber will represent that he has either (a) a net worth (exclusive of home, furnishings, and automobiles) of at least $50,000 and estimates that he will have an annual gross income of at least $50,000, or (b) a net worth (exclusive of home, furnishings, and automobiles) of at least $150,000 or is purchasing in a fiduciary capacity for a person or entity having such net worth and annual gross income as set forth in clause (a) or such net worth as set forth in clause (b). In addition, Applicants represent that the Partnership Agreement and Prospectus contain numerous provisions designed to insure fair dealing by the General Partners with the Limited Partners. Applicants contend that the suitability standards, requirements for fair dealing provided by the Partnership's governing instruments, and pertinent governmental regulations imposed on each Local Partnership by various federal, state, and local agencies provide protection to investors comparable to and in some respects greater than that provided by the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 23, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15367 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13292 (812-5470)]

Carnegie Tax Free Income Trust; Filing of Application

June 1, 1983.

Notice is herby given that Carnegie Tax Free Income Trust ("Applicant"), 1331 Euclid Avenue, Cleveland, Ohio 44115, an open-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on March 4, 1983, and amendments thereto on April 8 and April 20, 1983, requesting an order of the Commission amending in the manner described below an earlier order of the Commission dated August 10, 1983 (Investment Company Act Release No. 12591). The prior order, pursuant to Section 6(c) of the Act, exempted Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit, inter alia, Applicant to acquire variable rate demand obligations where the demand feature is provided for in the financing documents pursuant to which such obligations are issued and to consider the maturity of such obligations as the longer of the notice period required before Applicant would be entitled to prepayment on the obligation or the period remaining until the obligation's next interest rate adjustment. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the provisions from which as exemption is being sought.

Applicant states that its investment limitations permit it to purchase variable rate demand municipal obligations when the demand feature is provided for in the financing documents pursuant to which the obligations are issued. Applicant states further that, at a special meeting of its shareholders held May 4, 1983, it submitted to its shareholders a proposal to amend its investment limitations to expand the types of variable rate demand municipal obligations which Applicant may

purchase. According to the application, such additional variable rate demand municipal obligations are identical in all material respects to those variable rate demand municipal obligations which Applicant is currently permitted to purchase except that the demand is provided through contract with the seller ("Contract Demand") instead of by the issuer at the time of issuance.

Applicant proposes to acquire such obligations in negotiated transactions with financial institutions. Applicant states that the obligations would have the following features: (1) each obligation would have an interest rate determined by a prescribed formula and adjusted at periodic intervals not to exceed one year; (2) Applicant could at any time demand prepayment of the unpaid principal balance plus accrued interest thereon and would be entitled to prepayment within a prescribed notice period not to exceed seven calendar days, however, Applicant intends to exercise its right to demand prepayment of unpaid principal plus accrued interest only (a) upon the occurrence of material defaults under the financing documents, including failure to pay principal or interest when due, (b) as needed to provide liquidity, or (c) to maintain portfolio quality; (3) absent an earlier exercise by Applicant of its prepayment privileges, the principal under each obligation would be payable on a date exceeding one year from the date of purchase by Applicant; (4) each such obligation purchased by Applicant would be determined, under procedures prescribed by Applicant's Board of Directors (the "Board"), to present minimal credit risks and would be rated by a major rating service within its two highest rating categories or, if not rated, would be determined by the Board to be comparable to tax-exempt securities which are of "high quality" (i.e., within the two highest ratings assigned by any major rating service); and (5) the right of Applicant to receive payment of principal and interest on demand would always be supported by an irrevocable letter of credit or comparable guaranty provided by a financial institution having outstanding debt which meets certain credit criteria. Applicant indicates that it would have the right to draw on the letter of credit or otherwise receive payment pursuant to a guaranty for all or any part of Applicant's right to receive payment of principal or interest on the underlying obligation. Applicant undertakes to monitor the credit of the backing financial institutions and will dispose of any obligation when, due to an adverse change in the credit supporting the obligation, Applicant's Board or any rating service concludes that the obligation is no longer of "high quality".

Applicant proposes to acquire variable rate obligations secured by Contract Demands and to consider the maturity of such obligations as the longer of the notice period required before Applicant would be entitled to prepayment on the obligation or the period remaining until the obligation's next interest rate adjustment. Applicant represents that the acquisition and valuation of variable rate obligations subject to Contract Demands will be preformed in accordance with the provisions of proposed Rule 2a–7 under the Act.

Applicant believes that the expansion of the available supply of municipal obligations to it, together with the freedom of Applicant to negotiate, itself, with financial institutions for the purchase of variable rate obligations subject to Contract Demands, will permit Applicant to obtain more representative yields than are obtainable from fixed-rate, short-term, tax-exempt securities. In this regard, it has been Applicant's experience that variable rate demand obligations which Applicant is currently permitted to purchase frequently have favorable yields, but are often either unavailable or not purchasable in the principal amount desired by Applicant.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 23, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–15366 Filed 6–7–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 13294 (812–5464)]

Colorado Investment Clubs, Inc.; Filing of Application

June 1, 1983.

Notice is hereby given that Colorado Investment Clubs, Inc. ("Applicant"), 1325 South Colorado Boulevard, Denver, Colorado 80222, a corporation organized under the laws of Colorado, filed an application on February 28, 1983, and an amendment thereto on April 18, 1983, pursuant to Section 6(d) of the Investment Company Act of 1940 (the "Act"), for an order of the Commission exempting Applicant from the provisions of Sections 7, 8(b), 14, 20(a), 23(c), 24(d), 30(a), 30(b), 30(f) and 32(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the provisions from which an exemption is being sought.

Applicant's shareholders, directors and officers consist exclusively of the principals of MONY Associates, Inc., Denver, Colorado, which is the Denver agency of the Mutual Life Insurance Company of New York. Applicant states that it proposes to establish as many as 36 investment clubs during the next 12 months and that, each month, three separate and distinct investment clubs will be established. Applicant states that it is the intention of its principals to introduce investors to the insurance products offered by their agencies. An investor, who may be any member of the general public residing in Colorado, may choose to join one or more of the three monthly clubs. Applicant states that the three clubs will require either a $25, $50, or $100 per month subscription charge for the first six months and that the securities purchased by the club requiring a $600 annual investment will be more speculative than those purchased by the other clubs. Each investor will receive a certificate upon completing his subscription obligation evidencing the extent of his investment and every certificate will be redeemed exactly one year from the date of investment. Applicant represents that (1) each club will be completely segregated from every other club, (2) funds received from investors in one club cannot be co-mingled with funds from other clubs, and (3) the profits of one club will not be used to offset losses generated by another club.

Applicant intends to invest in publicly traded equity securities, primarily in regional over-the-counter stocks, as well as equity securities listed on regional and national exchanges. Applicant

states that a high percentage of the investors' subscriptions will be placed in speculative issues, such as start-up oil and gas ventures. Applicant intends to provide an investor the opportunity to obtain a diversified investment in speculative securities without making a large outlay in capital. Applicant states that it does not intend to reap a profit from the investment made in the investment clubs. Applicant states further that it will posses the sole discretion with respect to the initial securities purchased by the club, as well as with subsequent trades. Applicant represents that securities will be placed only upon the recommendation and advice of an experienced nationally recognized NASD-licensed broker.

Applicant asserts that it will not offer or accept total subscriptions to all investment clubs in excess of $100,000. Applicant further asserts that every subscriber will be required to represent to Applicant that: (1) on the date of subscription he is a resident of the State of Colorado, and (2) the purchase is made solely as an individual investment with no intention to resell. Applicant states that each certificate will bear a restrictive legend placing all prospective transferees on notice that the certificate is unregistered. Applicant represents that it will furnish to each prospective investor, at no cost, a disclosure document, which will disclose to such investor at least all of the information required to be submitted by an investment company in Part I and Part II of Form N–2.

Applicant consents to any order granting the requested exemption being subject to the following conditions: (1) Applicant and other persons in their transactions and relations with Applicant shall be subject to all provisions of the Act from which Applicant is not specifically exempted as though Applicant were a registered investment company, and (2) Applicant shall at all times maintain its classification as a closed-end company as defined in Section 5(a)(2) of the Act. Applicant further represents that the requested exemption is not contrary to the public interest or inconsistent with the protection of investors.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 23, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who requests a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83–15364 Filed 6–7–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 29962 (70–6873)]

Connecticut Yankee Atomic Power Co.; Proposed Borrowing Under a Eurodollar Line of Credit; Order Granting Exception From Competitive Bidding

June 3, 1983.

Connecticut Yankee Atomic Power Company (the "Company"), P.O. Box 270, Hartford, Connecticut 06010, a subsidiary of Northeast Utilities ("NU") and New England Electric System ("NEES"), registered holding companies, has filed with this Commission an application-declaration pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

The Company is owner of a 600,000 KW nuclear electric generating plant which has been in commercial operation since 1968. Outstanding shares of the Company's common stock are owned by ten companies (the "Sponsors"), including NEES and NU.

The Company requests authority to borrow under a proposed $40 million Eurodollar Credit Facility (the "Facility"), the specific terms of which would be negotiated. The Company has requested an exception pursuant to subparagraph 50(a)(5) from the competitive bidding requirements of Rule 50(b) under the Act. The Company proposes to retain an experienced investment banking firm to act as agent to negotiate the terms of the borrowings. To acquire these services, the Company proposes to solicit agency proposals from two or more firms. It is stated that such services are necessary in this case in order to obtain a line of credit which would not require that Sponsors guarantee the obligations of the Company. In the past, the Company has not been successful in arranging financings without Sponsor guarantees, and it is therefore represented that the proposed Facility, if available at all, is one which can be arranged only with the assistance of an experienced investment banking firm which would then negotiate the specific terms of the Facility.

It is proposed that the Facility would be for a term of four years. Borrowings up to $40 million would be permitted, on a revolving basis, with varying maturities, none of which would exceed the expiration date of the Facility. The interest rate for the Facility would be set with reference to the London Inter-Bank Offered Rate ("LIBOR") for one, three or six-month periods. It is proposed that borrowings would bear interest at a rate no greater than ⅝ of 1% above LIBOR during the first two years of the Facility and ¾ of 1% above LIBOR in the last two years. The Company would be obligated to pay a commitment fee on the unused portion of the Facility at a rate not to exceed ⅜ of 1% during the first two years and ½ of 1% iin the last two years. It is expected that a cancellation fee no greater than ¼ of 1% of the Facility amount would be payable during the first year and that the Company would pay an agent bank's fee of approximately $6,000 per annum plus any out-of-pocket expenses. It is also anticipated that the Company would be required to pay its agent's out-of-pocket expenses and, in the event a Facility is successfully negotiated and signed, a management and participation fee equal to approximately ¾ of 1% of the Facility amount.

Borrowings under the proposed arrangement are expected to result in lower borrowing costs than could be achieved under the Company's present domestic borrowing arrangements or under any new alternative domestic borrowing arrangements. The Facility would also benefit the Company by providing an alternate and additional source of financing for its working capital needs and to meet its requirements for construction expenditures, fuel financing and debt repayment.

It appears that the application-declaration, insofar as it relates to the proposed exception from competitive bidding should be granted and permitted to become effective forthwith.

It is ordered, therefore, that the application-declaration, insofar as it relates to the proposed exception from competitive bidding be, and it hereby is, granted and permitted to become effective forthwith pursuant to Rule 50(a)(5).

The application-declaration and any amendments therto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 28, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed, or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15370 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13301 (811-1315)]

Memphis and Shelby County Medical Society Investment Retirement Trust; Filing of Application

June 3, 1983.

Notice is hereby given that Memphis & Shelby County Medical Society Investment Retirement Trust ("Applicant"), c/o Dunlap Cannon, Jr., 1905 Sterick Building, Memphis, TN 38103, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 20, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant's Trust Committee voted unanimously at a special meeting held on October 13, 1982, to recommend to Applicant's shareholders that Applicant cease its operations and liquidate its assets as of November 29, 1982, or as soon thereafter as such could be accomplished. On November 29, 1982, the holders of 335,974 of the 397,055 of Applicant's shares then outstanding, voted in favor of the liquidation. Beginning November 29, 1982, distributions were made in cash to all of the then outstanding shareholders. The application further represents that there are no securityholders of Applicant at the present time as there has been a complete liquidation of all units. Finally, Applicant states that it is not now engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 23, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15377 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22961 (70-6874)]

New England Electric System and New England Power Co.; Proposed Issuance and Sale at Competitive Bidding of Preferred Stock and of General and Refunding Mortgage Bonds; Issuance and Pledge of First Mortgage Bonds; Capital Contributions to Subsidiary; Request for Exception From Competitive Bidding

June 2, 1983.

New England Electric System ("NEES"), a registered holding company, and one of its electric utility subsidiaries, New England Power Company ("NEP"), 25 Research Drive, Westborough, Massachusetts 01581, have filed an application-declaration and an amendment thereto with this Commission pursuant to Sections 6(a), 7, 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42, 45, 50(a)(2), and 50(a)(5) promulgated thereunder.

NEP has requested authorization to implement a general financing plan during the period July 1, 1983, to December 31, 1984, including:

(i) Capital contributions from NEES to NEP in an aggregate amount not exceeding $100 million;

(ii) The issue and sale by NEP of one or more series of additional preferred stock in an aggregate par value not exceeding $75 million;

(iii) The issue and sale by NEP of one or more series of General and Refunding Mortgage Bonds in an aggregate principal amount not exceeding $100 million; and

(iv) The issue and pledge by NEP of several series of First Mortgage Bonds in the aggregate not exceeding $165 million.

It is stated that the financing plan has been developed to provide flexibility in terms of the types of securities to be issued and the timing of their issuance. It is intended that the plan provide NEP with the ability to respond rapidly to changing market conditions. The proposed capital contributions and issues of securities are separate transactions, not contingent one upon another, the authorization for which, if granted, would be effective until December 31, 1984.

The capital stock of NEP includes a Dividend Series Preferred ($100 par value) and a Preferred Stock—Cumulative ($25 par value). NEP proposes to issue and sell one or more issues of either class of preferred stock not to exceed an aggregate par value of $75 million (hereinafter, the "Additional Preferred Stock"). The Additional Preferred Stock may be sold at competitive bidding through the public invitation of sealed, written bids, or NEP may also employ alternative competitive bidding procedures in accordance with the Commission's statement of policy (HCAR No. 22623, September 2, 1982) authorizing the use of such procedures in lieu of the procedures prescribed by Rule 50(b). However, NEP indicates that if market conditions make competitive bidding impractical or undesirable, NEP may seek a supplemental order authorizing either private placement or negotiation with underwriters.

NEP proposes to issue the Additional Preferred Stock with either a fixed dividend rate (which shall be a multiple of .04 of 1%) or an adjustable dividend rate for any particular series. Dividend rates and price to NEP (which shall not be less than 98% nor more than 102.75% of par) will be determined by competitive bidding. If the option of an adjustable dividend rate is selected, the initial dividend rate will be determined by NEP with subsequent dividend rates computed at a fixed percentage rate, established by the competitive bidding process, above or below the Applicable Rate, subject to maximum and minimum rates of 14% and 5%, respectively. The difference between the maximum and munimum rates established for a series will be approximately 500 basis points. The Applicable Rate for any dividend period would be the highest of (i) the Three-month Treasury Bill Rate, (ii) the Ten Year Constant Maturity Rate on U.S. Treasury securities and (iii) the Twenty Year Constant Maturity Rate on U.S. Treasury securities, for such dividend period. If the dividend rate or maximum dividend rate specified exceeds 14% per annum, further orders of state commissions exercising jurisdiction may be necessary.

The Additional Preferred Stock will be subject to a five-year prohibition against redemption through the issuance of securities at a lesser effective interest or dividend cost to NEP. A particular series may include provisions for a mandatory sinking fund. Specific provisions have not as yet been determined although NEP has requested the flexibility to issue any series with the most advantageous terms and conditions available, including a mandatory sinking fund not to exceed 20% per year beginning in the sixth year after issuance.

NEP also proposes to issue and sell one or more new series of its General and Refunding Mortgage Bonds not to exceed $100 million principal amount ("Additional G&R Bonds"). The Additional G&R Bonds will mature in not more than 30 years after the date they are issued. The exact maturity date will be fixed prior to the date of the sale of each series.

The additional G&R Bonds will be issued under NEP's General and Refunding Mortgage Indenture as amended and supplemented (collectively, the "G&R Indenture"). All bonds heretofore and hereinafter issued under the G&R Indenture are secured by a mortgage lien on substantially all the properties then owned and, to the extent permitted by law, thereafter acquired by NEP, subject to the lien of its First Mortgage Indenture, liens permitted by the G&R Indenture, and property excepted in the G&R Indenture. All bonds issued under the G&R Indenture are further secured by First Mortgage Bonds which NEP is obligated to issue and pledge with the trustee under the G&R Indenture.

Except with respect to bonds issued in connection with financing pollution control facilities, as set forth below, the Additional G&R Bonds will be sold at competitive bidding in the same manner and subject to the same qualifications as previously specified for the Additional Preferred Stock. The terms and conditions of competitive bidding will provide that each bid shall specify the interest rate (a multiple of ⅛ of 1%) and the price (not less than 98% nor more than 101¾% of the principal amount), exclusive of accrued interest, if any, for each series of Additional G&R Bonds. If the interest rate specified exceeds 15% per annum, further orders of state commissions exercising jurisdiction may be necessary. During the first five years of their term, these Additional G&R Bonds may not be redeemed at general redemption prices through refunding operations at a lesser effective interest cost to NEP.

Approximately $25 million aggregate principal amount of the Additional G&R Bonds would be issued to finance NEP's share of pollution control facilities at Seabrook Generating Units I and II. The Industrial Development Authority of the State of New Hampshire (NHIDA) will issue tax-exempt pollution control revenue bonds and, pursuant to a loan agreement executed with NEP, transfer the proceeds from such issue to NEP. In connection therewith, NEP would contemporaneously issue a corresponding amount of Additional G&R Bonds to the NHIDA to secure payment of, the principal of, and premium, if any, and interest on, the pollution control revenue bonds issued on NEP's behalf. The pollution control revenue bonds would be sold by the NHIDA through arrangements negotiated with underwriters and will mature in not more than 30 years. NEP would not be a party to the negotiated underwriting agreement but those agreements will provide that the terms of the pollution control revenue bonds and their sale shall be acceptable to NEP. Once the terms of the pollution control revenue bonds are approved by the NHIDA, the price, interest rate, sinking fund, and redemption provisions of the Additional G&R Bonds would be fixed so as to conform with the pollution control revenue bonds. If the interest rate of Additional G&R Bonds issued to support pollution control revenue bonds exceeds 12½% per annum, further orders of state commissions may be necessary.

NEP has requested an exception from the competitive requirements of Rule 50 under the Act with respect to the issue of Additional G&R Bonds in connection with the execution of one or more loan agreements with the NHIDA. NEP states that competitive bidding is not appropriate or necessary in connection with these transactions because (1) governmental authorities issuing pollution control revenue bonds can adequately protect the public interest, (2) there are no competitors comparable to such governmental authority to submit alternative bids, and (3) the bonds will not be sold to the public and will serve only as a means to make payments to NHIDA in accordance with the proposed loan agreement.

The G&R Indenture requires that First Mortgage Bonds be issued by NEP and pledged with the trustee under the G&R Indenture as additional security for all G&R Bonds. The issue and pledge of bonds is to occur upon (1) the execution, delivery, and authentication of G&R Bonds; (2) the withdrawal of cash that had been deposited with the G&R Trustee to secure G&R bonds; and (3) the cancellation of First Mortgage Bonds that had been pledged to the G&R Trustee. The principal amount of additional First Mortgage Bonds to be issued to the G&R Trustee (hereinafter, the "Pledged Bonds") is the lesser of (a) the aggregate amount of all G&R bonds outstanding; or (b) the maximum amount of First Mortgage Bonds which can be issued, less a reserve for sinking and improvement fund requirements.

NEP further proposes, first, to issue several series of First Mortgage Bonds in aggregate principal amount not exceeding $100 million as additional security in connection with the issue and sale of the Additional G&R Bonds. Because of restrictive provisions in the First Mortgage Indenture concerning the types of property against which NEP may issue First Mortgage Bonds, there are currently more G&R Bonds outstanding from previously approved series than there are Pledged Bonds. NEP also proposed, therefore, to reduce or eliminate this shortfall, through issues of Series V and Series W First Mortgage Bonds as Pledged Bonds in aggregate principal amounts of $30 million and $35 million, respectively, during the eighteen-month period of the financing plan.

Only Pledged Bonds may now be issued under the First Mortgage Indenture and no new First Mortgage

Bonds will be issued to the public. The provisions of the First Mortgage Indenture remain in full force, however, and, as the First Mortgage Bonds now outstanding mature or are redeemed, publicly held First Mortgage Bonds will represent a decreasing share of the security afforded by the lien of the First Mortgage Indenture. Upon the retirement of all publicly held First Mortgage Bonds, the First Mortgage Indenture will be discharged and the G&R Bonds will become first mortgage bonds.

The relationship of the total principal amount of Pledged Bonds to G&R Bonds will continue to vary from time to time depending on the ability of NEP to issue Pledged Bonds. As additional property becomes available, NEP will need to be able to pledge additional bonds. There will be no proceeds from the issue and pledge of the Pledged Bonds. Accordingly, the issuance of the Pledged Bonds will not affect the capitalization of NEP. The additional Pledged Bonds will be registered in the name of the G&R Trustee. As long as NEP is not in default under its G&R Indenture, the principal, interest, and premium, if any, on any Pledged Bonds need not be paid to the G&R Trustee. To the extent payments are made on the Pledged Bonds, the amount due from NEP to the holders of the G&R Bonds will be reduced to preclude any double recovery.

NEP will apply the proceeds from the proposed financings for corporate purposes including the payment of short-term borrowings incurred for uncapitalized additions and improvements to plant and property, and other uncapitalized expenditures. The proceeds may also be applied to the cost of, or the reimbursement of the treasury for, such expenditures.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 27, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact of law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the Application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15372 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-680]

Norwest Mortgage, Inc. (Formerly Banco Mortgage Company) as Seller and Servicer; Application and Opportunity for Hearing

June 1, 1983.

Notice is hereby given that Norwest Mortgage, Inc. ("Applicant", formerly known as Banco Mortgage Company) has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from certain reporting requirements under Section 13 of the 1934 Act and from operation of Section 16 of the 1934 Act.

The application states in part:

In the absence of an exemption, Applicant would be required to file reports adhering to all the item requirements of Forms 10-K, 10-Q and 8-K under the 1934 Act.

Applicant believes that the exemptive order requested by it is appropriate in that Form 10-Q and certain items of Form 10-K under the 1934 Act are inapplicable to its pass-through mortgage pool arrangement, and the requirements of Section 16 of the 1934 Act are inapplicable to holders of its mortgage pass-through certificates.

For a more detailed statement of the information presented, all persons are referred to said application, which is on file at the Offices of the Commission in the Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549.

Notice is further given that any interested persons not later than June 27, 1983 may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15380 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19838; (SR-PSE-83-8)]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

June 2, 1983.

The Pacific Stock Exchange, Inc. ("PSE"), 618 South Spring Street, Los Angeles, California 90014, submitted on March 4, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend Article V, Section I of its constitution to provide that the number of authorized memberships in the Exchange be set at 516. The constitutional amendment repeals the authority given to the Board of Governors in the Options Funding Plan of 1975 to issue additional memberships.[1] In addition, the amendment requires a majority vote of both the PSE membership and the Board of Governors before the sale or lease of additional memberships can be authorized, rather than permitting the Board to issue additional memberships without membership approval.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19607, March 16, 1983) and by

[1] Until October 1975, the PSE constitution authorized the Exchange to issue only 220 memberships. At that time, PSE members approved the issuance of up to 522 additional memberships, primarily to make possible the funding of the initial costs of the commencement of options trading on the Exchange. In its filing with the Commission, the PSE has stated that as a result of the Options Funding Plan of 1975 and subsequent transactions, including rights offerings approved by the PSE Board of Governors in March 1981 and February 1983, 742 memberships were authorized of which 484 are presently outstanding. According to the PSE, an additional 32 memberships could be created pursuant to the most recent rights offering. *See* Securities Exchange Act Release No. 19630, March 24, 1983; 48 FR 15068, April 6, 1983 (File No. SR-PSE-83-7).

publication in the **Federal Register** (48 FR 17666, April 25, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder. The proposed rule change does not violate the limitations contained in Section 6(c)(4) of the Act [3] in that the PSE's authorization of 742 memberships was principally in connection with the Options Funding Plan of 1975, which was completed without the need to issue a substantial number of the authorized memberships. The primary effect of the proposal is to require membership approval of further increases in membership, rather than permitting the Board to issue additional memberships without membership approval.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15368 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13296; (812-5538)]

Penn Series Funds, Inc.; Filing of an Application

June 1, 1983.

Notice is hereby given that Penn Series Funds, Inc. ("Applicant"), Independence Square, Philadelphia, Pennsylvania 19172, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 3, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value the portfolio securities of the Penn Series Money Market Fund using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemption applies.

Applicant, a Maryland corporation, will be the successor to Penn Mutual Equity Fund, Inc., a Delaware corporation, pursuant to a reorganization approved by shareholders of both corporations. Applicant initially plans to offer two classes of shares, the Penn Series Equity Fund and the Penn Series Money Market Fund (the ""Money Market Fund"). The Money Market Fund seeks to preserve shareholder capital, maintain liquidity, and achieve the highest possible level of current income consistent therewith by investment in high quality, money market instruments. Such money market instruments include obligations issued by the U.S. Government, its agencies or instrumentalities, bankers' acceptances, certificates of deposit (including variable rate certificates of deposit), variable amount master demand notes, commercial paper and other short-term, corporate debt instruments, reverse repurchase agreements, and repurchase agreements. Securities subject to repurchase agreements will be fully collateralized in accordance with Investment Company Act Release No. 10666. Applicant will sell its shares only to the Penn Mutual Life Insurance Company and its subsidiaries for their separate and general accounts.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, or from any rule or regulation thereunder, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant submits that the amortized cost method of valuation will enable it to maintain the stable net asset value and steady income which concern investors. By valuing its securities at amortized cost and declaring dividends daily, Applicant asserts that it can expect its net asset value to remain constant in the absence of unusal market conditions. Applicant contends that potential shareholders are not concerned with theoretical differences that might occur between the yield achieved through market pricing and the yield computed on the basis of amortized cost for instruments Applicant expects to hold until maturity. Prior to adopting the amortized cost method of valuation, Applicant's board of directors will determine in good faith that, absent unusual or extraordinary circumstances, the amortized cost method of valuing securities will reflect the fair value of such securities. Applicant believes that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly agrees that the following conditions may be imposed in any order of the Commission granting the exemption requested:

1. In supervising the Money Market Fund's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors of Applicant undertakes—as a particular responsibility within its overall duty of care owed to the Money Market Fund's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the investment objectives of the Money Market Fund, to stabilize the net asset value per share of the Money Market Fund, as computed for the purpose of distribution, redemption, and repurchase, at $1.00 per share.

2. Included among the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the Money Market Fund's $1.00 amortized cost price per share, and the maintenance of records of such review.[4]

(b) In the event such deviation from the Money Market Fund's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the

---

[3] Section 6(c)(4) of the Act provides, among other things, that a national securities exchange may limit the number of members of the exchange, provided, however, that no exchange shall have authority to decrease the number of memberships below such number in effect on May 1, 1975, or the date such exchange was registered with the Commission, whichever is later. By providing that the number of Exchange memberships be set at 516, the Exchange will not decrease the number of authorized memberships below the 220 memberships authorized as of May 1, 1975. The Commission notes that, after completion of the Exchange's most recent rights offerings (SR-PSE-83-7), the PSE should reach its limit of 516 authorized memberships.

[4] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of instruments published by reputable sources.

board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes that the extent of any deviation from the Money Market Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity of the Money Market Fund; reducing or withholding dividends; utilizing a net asset value per share as determined by using available market quotations; or reducing the number of shares outstanding by requesting shareholders to contribute to capital shares of the Money Market Fund.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share of the Money Market Fund; provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity greater than one year (although instruments subject to repurchase agreements may bear longer maturities),[2] nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[3]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which, as determined by the board of directors, present minimal credit risks, and which are of "high quality" as determined by any major rating service, or, in the case of any instruments that are not rated, of comparable quality, as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement indicating whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any such action was taken, Applicant will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 23, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15374 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[2] Applicant may purchase, for the Money Market Fund, variable rate demand notes which have maturities of more than one year, provided the Money Market Fund is entitled to the payment of principal and accrued interest upon not more than seven days' notice. The rate of interest on such notes is to be adjusted automatically at intervals which normally do not exceed thirty-one days but may extend up to one year. Each variable rate demand note purchased by Applicant would be determined under procedures prescribed by Applicant's board of trustees to present minimal credit risks and will be rated "high quality" at the time of purchase (i.e., within the two highest ratings assigned by any major rating service) or, if unrated, will be determined by Applicant's investment adviser to be of comparable quality, and thereafter the quality of such notes will be monitored by Applicant. In computing its dollar-weighted average portfolio maturity, Applicant states that it will consider the maturity of such notes as the longer of the notice period required before Applicant is entitled to prepayment under the note, or the period remaining until the note's next interest rate adjustment. In connection with such variable rate demand notes purchased by the Money Market Fund, Applicant's board of directors (or Applicant's investment adviser to the extent permitted by Rule 2a–7 under the Act as proposed or as ultimately adopted) will: (i) determine that whenever a new interest rate on a variable rate demand note is established it will then cause the note to have a current market value which approximates its par value; (ii) determine no less frequently than quarterly that variable rate demand notes held by the Money Market Fund are of "high quality"; and (iii) cause the Money Market Fund, absent extenuating circumstances, to dispose of any variable rate note as soon as practicable should the quality of the note fall below "high quality." In addition, the issuer's obligation to pay the principal of a variable rate demand note purchased by the Applicant will be supported by an irrevocable, unconditional bank letter of credit where necessary to ensure that the note is of "high quality" (i.e., in all cases where the Applicant's board of directors and investment adviser cannot determine that a note is of "high quality" without a letter of credit).

[3] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[File No. 81-679]

United States Mutual Real Estate Investment Trust and Detroit Bond & Mortgage Investment Co.; Application

June 1, 1983.

Notice is hereby given that United States Mutual Real Estate Investment Trust, as sponsor and Detroit Bond & Mortgage Investment Co., as Servicer (the "Applicants"), under a Pooling and Servicing Agreement providing for the issuance of Land Contract Pass-Through Certificates have filed an application for an exemptive order pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for exemption from certain reporting requirements under Section 13 and from the operation of Section 16 of that Act.

The Applicants state, in part:

In the absence of an exemption, the Applicants would be required to file reports adhering to all of the items and instructional requirements of Forms 10–K, 10–Q and 8–K, and may be required to file reports pursuant to Section 16 of the 1934 Act.

Applicants believe that the exemptive order is appropriate in view of the fact that Form 10–Q and certain items of Form 10–K and the instructions thereto, as well as Section 16, are inapplicable to the pass-through-type land contract pool arragement.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the office of the Commission at 450 Fifth Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than June 27, 1983 submit to the Commission

in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549 and should briefly state the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact or law raised by the application which he wishes to controvert. Any time after said date, an order granting the application may be issued by the Commission upon request or upon the Commission's own motion.

Persons who request a hearing or advice as to whether a hearing is ordered will receive a notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15370 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19845; File No. SR-BSE-83-4]

Boston Stock Exchange, Inc.; Filing and Immediate Effectiveness of Proposed Rule Change

June 3, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 31, 1983, the Boston Stock Exchange, Inc. ("BSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. the Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends Article XIII, Section 1 of the BSE Constitution to increase the fee of members admitted by transfer from $250 to $500. The BSE states in its filing that the purpose for the increase in the membership transfer fee is to raise additional revenue by charging a more realistic amount as it relates to the current cost of membership. The Exchange also noted that there has been no change in the transfer fee since December 29, 1975. According to the BSE, the statutory basis for the proposed rule change is Section 6(b)(4) of the Act which permits the rules of the Exchange to provide for equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-BSE-83-4.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15378 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19831; (SR-MSRB-83-3)]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

The Municipal Securities Rulemaking Board ("MSRB") 1150 Connecticut Avenue, N.W., Washington, D.C. 20036, submitted on March 29, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to exempt from the disclosure requirements contained in subsections (d), (g)(ii), and (h)(ii) of MSRB Rule G-11 any note syndicate formed to distribute municipal securities that mature in less than two years ("qualified note syndicate"). Under the proposed rule change, qualified note syndicates will no longer be require to disclose the identity of customers placing group orders or the allocation of securities to customers who placed group orders. In addition, such syndicates also would be exempted from the requirement that at or before final settlement, there be delivery of a summary statement showing the aggregate par values and prices of all securities sold. The MSRB has concluded that the aforementioned requirements are not necessary or beneficial in qualified note syndicates and are unduly burdensome.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 19699, April 25, 1983) and by publication in the **Federal Register** (48 FR 19967, May 3, 1983). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15373 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19832; File No. SR-NASD-83-11]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Clarification of the NASD's Interpretation on Free-Riding and Withholding

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 25, 1983 the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change

as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the terms of Substance of the Proposed Rule Change

This rule change substitutes the phrase "secondary market whenever such secondary market begins" for the word "immediately" and the phrase "immediately after the distribution process is commenced" wherever they appear in the Board of Governors' Interpretation on Free-Riding and Withholding and its Introduction thereto.

II. Self-Regulatory Organization's Statements, Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Board of Governors' Interpretation on Free-Riding and Withholding and its Introduction thereto address the obligation of the Association's members to make a bona fide public distribution at the public offering price of new issues which trade at a premium in the initial secondary market and establish guidelines with respect to such activity.

The proposed amendments are intended to clarify the application of the Interpretation with respect to new issues where there is a delay in the completion of the initial distribution but which rise to a premium in the aftermarket. The Association has always applied the Free-Riding Interpretation to such delayed distributions, but the Commission has suggested that the Association consider amending its language in order to clear up any doubt as to the Interpretation's application. The Association is thus acting upon the Commission's recommendation as contained in its Opinion *In the Matter of Lowell H. Listrom & Company, Inc.*, Sec. Exch. Act Rel. No. 19414 (January 10, 1983) and Order Denying Petitions for Rehearing, March 22, 1983. The Association is proposing this rule on a temporary basis to expire at the end of sixty days in order to allow the Commission to publish it for comment before approving it as a final rule.

Statutory Basis—The proposed rule change is consistent with the provisions of Section 15A (b)(6) and (b)(8) of the Act in that the amendments are intended to aid members in preventing allocations of new issues which may constitute violations of the Rules of Fair Practice.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe the amendments impose any burden on competition not necessary or appropriate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments on the proposed change were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule changes have been approved on an accelerated basis pursuant to Section 19(b)(2)(B) of the Securities Exchanges Act of 1934 for 60 days.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C 552, will be available for inspection and copying in the Commission's public Reference Section, 450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 31, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-15307 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19833; File No. SR-NASD-83-12]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Clarification of the NASD's Interpretation on Free-Riding and Withholding

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 26, 1983 the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the terms of Substance of the Proposed Rule Change

This rule change substitutes the phrase "secondary market whenever such secondary market begins" for the word "immediately" and the phrase "immediately after the distribution process is commenced" wherever they appear in the Board of Governors' Interpretation on Free-Riding and Withholding and its Introduction thereto.

II. Self-Regulatory Organization's Statements, Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Board of Governors' Interpretation on Free-Riding and Witholding and its Introduction thereto address the obligation of the Association's members to make a bona fide public distribution at the public offering price of new issues which trade at a premium in the initial secondary market and establish guidelines with respect to such activity.

The proposed amendments are intended to clarify the application of the Interpretation with respect to new issues where there is a delay in the completion of the initial distribution but which rise to a premium in the aftermarket. The Association has always applied the Free-Riding Interpretation to such delayed distributions, but the Commission has suggested that the Association consider amending its language in order to clear up any doubt as to the Interpretation's application. The Association is thus acting upon the Commission's recommendation as contained in its Opinion *In the Matter of Lowell H. Listrom & Company, Inc.*, Sec. Exch. Act Rel. No. 19414 (January 10, 1983) and Order Denying Petitions for Rehearing, March 22, 1983.

Statutory Basis—The proposed rule change is consistent with the provisions of Section 15A (b)(6) and (b)(8) of the Act in that the amendments are intended to aid members in preventing allocations of new issues which may constitute violations of the Rules of Fair Practice.

B. Self-Regulatory Organization's Statement of Burden on Competition

The NASD does not believe the amendments impose any burden on competition not necessary or appropriate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments on the proposed change were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's public Reference Section, 450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication. For the Commission by the Divison of Market Regulation, pursuant to delegated authority.

Dated: May 31, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-15306 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19843; (SR-NASD-80-29)]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

June 2, 1983.

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, N.W., Washington, D.C. 20006, submitted on December 31, 1980, copies of a proposed rule change and an amendment thereto on March 15, 1983, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to amend the provisions of Schedule E of its By-Laws which prescribes restrictions on a member underwriting or participating in a public distribution of its own securities or those of an affiliate ("Schedule E Offering"). The amended proposed rule change deletes or modifies many of the restrictions on Schedule E Offerings currently in the rule. Among those provisions deleted from the rule are the various holding periods and transfer restrictions pertaining to an offering by a member of its own securities and the requirement that an offering by a member of its own securities be limited to three times the member's net worth. The amended rule also would end the prohibition against a member offering more then 25% of the equity interests of all its shareholders in an initial Schedule E Offering or in a Schedule E Offering with no active, bona fide independent market. A member which engages in a Schedule E Offering also will no longer be required to have been engaged in the investment banking or securities industry for the previous five years.

In addition, the amended proposed rule change would delete the requirement that an offering by a member of its own securities be completed within 60 days, but would require a member offering its own securities to disclose in the registration statement a date by which the offering is reasonably expected to be completed and the terms upon which the offering proceeds will be released from escrow. The NASD believes that investors should be informed about the factors which affect the escrow of offering proceeds. The proposed rule change also would require that only one independent underwriter, rather than two as currently required by Schedule E, recommend the offering price of securities in a Schedule E Offering, participate in the preparation of the offering materials and conduct the due diligence investigation. The NASD states that the requirement of two independent underwriters may result in an unnecessary duplication of efforts and poses a costly impediment to the capital raising efforts of broker-dealers.

The NASD states that many of the provisions contained in Schedule E no longer serve a valid regulatory purpose or unjustifiably impeded the capital raising efforts of broker-dealers. Schedule E originally was adopted in 1973 to permit self-underwriting by members subject to a number of restrictions designed to address concerns about both the inherent conflicts of interests in Schedule E Offerings and the fear that lack of investor and market experience with broker-dealer securities could lead to customer overreaching in these offerings. The NASD believes that these potential problems have not

materialized and that Schedule E unfairly places offering restrictions on members to which other issuers are not subject. Furthermore, the NASD believes that Schedule E restrictions have impeded access by members to the capital markets. The NASD believes that the proposed rule change will continue to protect public investors while facilitating the access of its members to new capital markets.

The NASD also decided that certain provisions of Schedule E initially deleted by the proposed rule change are necessary for the protection of investors and should be retained in Schedule E. These provisions include the ten percent threshold level of securities ownership or control for establishing an affiliate relationship; the requirement that the securities of a Schedule E Offering be rated Baa or better by Moody's rating service or Bbb or better by Standard & Poor's in order to be exempt from Schedule E; and the requirement that a member offering its own securities send to its investors or shareholders a quarterly statement of its operations and an annual independently audited financial statement.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 17488, January 26, 1981) and by publication in the **Federal Register** (46 FR 11077, February 5, 1981). Notice of the proposed amendment was given in Securities Exchange Act Release No. 19689 (April 19, 1983) and by publication in the **Federal Register** (48 FR 17667, April 25, 1983). No comments were received with respect to the proposed rule change or the proposed amendment.

The Commission find that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

George A Fitzsimmons,

Secretary.

[FR Doc. 83-15371 Filed 6-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19839; (SR-NYSE-80-16)]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

June 2, 1983.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street New York, NY 10005, submitted on April 16, 1980, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to modify NYSE Rules 109, 110, and 112 as they apply to NYSE Competitive Traders (formerly referred to under Exchange rules as Registered Traders). On January 5, 1983, the NYSE filed an amendment which would modify the original proposal as to NYSE Rules 110 and 116.

Rule 109

Rule 109, which prohibits a member from accepting "stops" in any account where the member has an interest, would be rescinded in its entirety and the use of "stops" in such cases would be governed solely by Section 11(a) of the Act, the rules thereunder, and NYSE rules dealing with a member's proprietary trading.[1]

The NYSE has stated to the Commission the following with respect to the effect of the repeal of Rule 109 on a Registered Competitive Market Maker's ("RCMM") ability to deal for his own accoun t: (i) NYSE Rule 107 greatly restricts the RCMM's ability to utilize "stops" and limits the RCMM's ability to effect proprietary transactions by purchasing at the offer or selling at the bid. Under Rule 107, an RCMM in most cases would be able to accept a "stop" only when the guaranteed or "stop" price represents a stablizing tick; (ii) RCMM's would be able to accept a "stop" on a destablizing tick only when the RCMM is purchasing to cover a "short" position at a loss or selling "long" at a loss; and (iii) RCMM's would also be required to meet the requirements of NYSE Rule 116, which governs "stopping stock." [2]

Rule 110

The Exchange in the original filing of April 16, 1980 had proposed to remove Section (2) of Rule 110 which states that Competitive Traders shall not effect purchases or sales for their own accounts except in a reasonable and orderly manner and shall not be conspicuous in the market. According to the Exchange, the proposed removal of this proscriptive language was designed to eliminate vague and duplicative language in light of Section (1) of the Rule and .10 of the Supplementary Material which contain specific restrictions against a Competitive Trader dominating the market. The Exchange, by the amendment of January 5, 1983, proposed to retain this section. The reasons for the amendment are as follows: (i) the repeal of Section (2) might be construed as an easing of a Competitive Trader's obligation to effect transactions in an orderly manner; and (ii) the proscription in Section (2) against being conspicuous in the market is not entirely duplicative of the "dominating" prohibition contained in other parts of Rule 110.

Rule 112

Paragraph (b) of Rule 112 would be modified to state that a member may not act as both a Competitive Trader and a floor broker in the same stock in the same trading session.

Paragraph (d) of Rule 112, which provides that 75 percent of a Competitive Trader's transactions must be stabilizing transactions (purchases on "minus" or "zero" ticks or sales on "plus" or "zero plus" ticks), would be modified. The modifications would exempt from the calculations (i) non-stabilizing purchases effected as part of the initial sale of a newly listed security; and (ii) non-stabilizing transactions effected to liquidate a position which had been acquired as a result of a Floor Official's express invitation to participate in a difficult market situation.

Paragraph .21 of Rule 112, which governs a Competitive Trader's ability to compete with quotations made on the floor by odd-lot dealers, would be rescinded since specialists have assumed the responsibilities once held by odd-lot dealers.

Paragraph .25 of Rule 112, which allows a Competitive Trader to acquire stock via a "stop" if all off-floor bids at the price in question are filled, would be rescinded and the use of a "stop" in such cases would be governed solely by Section 11(a) of the Act, the rules thereunder, and NYSE rules governing proprietary trading.[3]

Paragraph .26 of Rule 112, which requires specialists upon request to provide Competitive Traders with information concerning the previous

---

[1] NYSE Rule 90(c) prohibits an order for the account of any NYSE member or member organization subject to Section 11(a)(1)(G) of the Act and Rule 11a-1-1(T) thereunder from obtaining priority over, parity with, or precedence based on order size over any order for the account of a nonmember. *See also* NYSE Rule 108.

[2] *See* letter from Santo Famularo, Director, Market Surveillance, NYSE, to Michael Cline, Branch of Exchange Regulation, SEC, dated August 11, 1981.

[3] *See* NYSE Rules 90(c) and 108.

transactions of other Competitive Traders, would be rescinded.

Paragraph .30 of the Rule 112, which requires Competitive Traders to submit daily trading reports to the NYSE in duplicate, would be amended to require only a single copy of the trading reports. Certain additional modifications to Paragraph .30 of a "housekeeping" nature would be made to reflect changes of names, addresses, and telephone numbers within the NYSE's departments.

Paragraph .40(B) of Rules 112 would be rescinded as no longer necessary. It provides that any transaction for a member's account that is initiated off the trading floor by any member who is not a Competitive Trader and who was on the floor during the same day must be reported weekly to the NYSE on its Form 82–*O*. The same information would continue to be available to the Exchange on its Form 82–P, pursuant to Rule 112.10, but such forms would be submitted only if specifically requested by the Exchange.

Rule 116

Rule 116.30 prohibits a specialist from stopping stock against the book or for his own account at a price at which he holds an order capable of execution, unless one of four specified exceptions applies. The Exchange proposed by the amendment of January 5, 1983 to remove 116.30(3), the exception which permits a specialist to stop stock "when the specialist does not have an executable order at the stop price," since, according to the Exchange, this exception is clearly implied within the language in paragraph 116.30. The NYSE also proposed to amend Rule 116.30(4), the exception which applies in certain situations when a broker makes an unsolicited request for a "stop", in order to update the text of the rule and to reflect the proposed removal of Rule 109, by expanding the term "broker" to include a member acting on behalf of a proprietary account as well as a member acting on behalf of a public customer's account.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 16800, May 12, 1980) and by publication in the **Federal Register** (45 FR 32463, May 16, 1980). Notice of the amendment of January 5, 1983 together with its terms of substance was given by the issuance of a second Commission release (Securities Exchange Act Release No. 19440 (January 19, 1983) and by publication in the **Federal Register** (48 FR 3900, January 27, 1983). No comments were received with respect to the original rule filing or the amendment.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83–15308 Filed 6–7–83; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–0378]

Diamond International Corp., Application To Withdraw From Listing and Registration

June 1, 1983.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the New York Stock Exchange, Inc. ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Diamond International Corporation ("Company"), 8.35% Sinking Fund Debentures (due 9–1–2006), has determined to withdraw its debentures from listing and registration on the NYSE because trading in the debentures has been sporadic. In addition, the Company feels that there will be no significant trading in the stock because of the small number of holders and the small principal amount of debentures held by individuals. Finally, the Company has determined that the continued costs and expenses of listing the debentures is no longer justified. The NYSE has posed no objection to this matter.

Any interested person may, on or before June 22, 1983, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83–15304 Filed 6–7–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

On June 3, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub.L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street NW., Washington, D.C. 20220.

Internal Revenue Service

OMB No. 1545–0242
Form No. 6197
Title: Fuel Economy Tax
OMB No. 1545–0662
Form No. W–3 S&L
Title: Transmittal of Income and Tax Statements for State and Local Governmental Employees

OMB Reviewer: Norman Frumkin, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Cathy Thomas,

Acting Departmental Reports Management Officer.

June 3, 1983.

[FR Doc. 83–15338 Filed 6–7–83; 8:45 am]

BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy

A meeting of the U.S. Advisory Commission on Public Diplomacy will

be held from 9:45 AM to 1 PM on Wednesday, June 15, 1983, in Room 800, 400 C Street, SW., Washington, D.C. Commission business and subjects relating to the preparation of the Commission's annual report will be considered.

Since space is limited, please call Elizabeth Fahl, (202) 485–2468, if you are interested in attending the meeting.

Dated: June 3, 1983.

Charles Canestro,

Management Plans and Analysis Staff.

[FR Doc. 83–15358 Filed 6–7–83; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 111
Wednesday, June 8, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Rights Commission	1
Federal Home Loan Bank Board	2, 3
Parole Commission	4
Postal Service	5
Securities and Exchange Commission	6, 7

1

COMMISSION ON CIVIL RIGHTS

PLACE: Room 512, 1121 Vermont Avenue NW., Washington, D.C.

DATE AND TIME: Monday, June 13, 1983, 10:30 a.m.–12 noon; 1:45–4 p.m.; Tuesday June 14, 10 a.m.

STATUS OF MEETING: Open to public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Review of the Report, *Accommodating the Spectrum of Individual Abilities.*
IV. Review of Statement on Presidential Appointments.
V. Review of Statement on the Administration's FY 1984 Education Budget.
VI. State Advisory Committee Interim Appointment:
A. New Jersey
VII. State Advisory Committee Recharters:
A. Arizona;
B. Kansas;
C. Nevada;
D. Oklahoma;
E. West Virginia; and
F. Wyoming.
VIII. Action re: Pennsylvania Advisory Committee Report Entitled *Doing Time: A Study of Prison Conditions at U.S. Penitentiary, Lewisburg, Pennsylvania.*
IX. Action re: Alaska Advisory Committee Report entitled *Bringing an Industry into the 80's: Affirmative Action in Seafood Processing.*
X. Kentucky Advisory Committee Report Entitled *Fair Housing in Louisville: The Community Development Block Grant Program.*
XI. Civil Rights Developments in the Midwestern Region.
XII. Staff Director's Report:
A. Status of Funds;
B. Personnel Report; and
C. Office Directors' Reports.
Tuesday, June 14, 10 a.m.
Press Conference to Release Title IX Statement.

PERSON TO CONTACT FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division (202) 254–6697.

[S–813–83 Filed 6–6–83; 12:27 pm]
BILLING CODE 6335–01–M

2

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, June 9, 1983

PLACE: Board room, sixth floor, 1700 G. Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6970).

MATTERS TO BE CONSIDERED: Voluntary Assisted-Merger Program; Delegation of Authority:

Information Disclosure Requirements In Connection With Conversions From the Mutual to the Stock Form of Organization, Filings Under The Securities Exchange Act of 1934, the Issuance of Mutual Capital Certificates, Debt Securities, and Retail Repurchase Agreements.

[No. 41, June 3, 1983]

[S–809–73 Filed 6–3–83; 4:07 pm]
BILLING CODE 6720–01–M

3

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, Page No. None at this time. Date Published—None at this time.

PLACE: Board Room, sixth floor, 1700 G. Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202) 377–6970).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the bank board meeting scheduled Thurday, June 9, 1983. at 10 a.m.:

Information Disclosure Requirements In Connection With Conversions From the Mutual to the Stock Form of Organization, Filings Under the Securities Exchange Act of 1934, the Issuance of Mutual Capital Certificates, Debt Securities, and Retail Repurchase Agreements.

[No. 42, June 6, 1983]

[S–811–83 Filed 6–6–83; 10:47 am]
BILLING CODE 6720–01–M

4

PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters)

[3P0401]

TIME AND DATE: 10 a.m., Thursday, June 16, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5987.

[S–814–83 Filed 6–6–83; 2:17 pm]
BILLING CODE 4410–01–M

5

POSTAL SERVICE

Board of Governors

Amendment to Notice of a Meeting

"FEDERAL REGISTER" CITATIONS OF PREVIOUS ANNOUNCEMENTS: 48 FR 24830, June 2, 1983; 48 FR 25302, June 6, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 1:30 p.m., June 13, 1983.

CHANGE: Meeting time changed to 1 p.m.

CONTACT PERSON FOR MORE INFORMATION: David F. Harris (202) 245–3734.

David F. Harris,
Secretary.

Paul J. Kemp,
Alternate Liaison Officer for the U.S. Postal Service.

[S–815–83 Filed 6–6–83; 2:17 pm]
BILLING CODE 7710–12–M

6

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 23966, May 27, 1983.

STATUS: Closed meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, May 23, 1983.

CHANGE IN THE MEETING: Additional items. The following additional items were considered at a closed meeting scheduled for Tuesday, June 1, 1983, at 10 a.m.:

Personnel matters

Commissioner Evans, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Steve Boehm at (202) 272–2467.

June 3, 1983.

[S–812–83 Filed 6–6–83; 12:09 pm]

BILLING CODE 8010–01–M

7

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 13, 1983, at 450 5th Street, NW., Washington, D.C.

An open meeting will be held on Thursday, June 16, 1983, at 2:30 p.m. in Room 1C30, followed by a closed meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Commissioner Evans, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Thursday, June 16, 1983, at 2:30 p.m., will be:

Consideration of whether to allow, or under what conditions to allow, the use of letters of credit: (1) As "cover," in lieu of margin, when establishing short options positions in foreign currency or stock index options; (2) as collateral for secured demand notes made by subordinated lenders contributing capital to broker-dealers; and (3) as margin deposits required by the Options Clearing Corporation for certain aggregate short or exercised options positions of participants. For further information, please contact Thomas V. Sjoblom at (202) 272–7379.

The subject matter of the closed meeting scheduled for Thursday, June 16, 1983, following the 2:30 p.m. open meeting, will be:

Access to investigative files by Federal, State, or Self-regulatory authorities.
Formal orders of investigation.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive actions.
Opinion.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

June 3, 1983.

[S–810–83 Filed 6–7–83; 8:45 am]

BILLING CODE 8010–01–M

COL
48
ISS
1
1
1
JE
8
1983
UMI

Rea

INFORM
PUBLIC
Code of
CFR Uni
General
Incorpora
Printing
Federal
Correctio
Daily Iss
General
Privacy
Public In
Schedulin
Laws
Indexes
Law num
Slip law
Presiden
Executive
Public Pa
Weekly
United S
SERVICE
Agency
Automat
Library
Magnetic
volume
Public In
Special
Subscript
Subscript
TTY for

FEDERA

24311-24
24653-24
24855-25
25169-26
26279-26
26443-26

Reader Aids

Federal Register

Vol. 48, No. 111

Wednesday, June 8, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

24311-24652.....1
24653-24854.....2
24855-25168.....3
25169-26278.....6
26279-26442.....7
26443-26584.....8

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
September 15, 1916 (Revoked in part by PLO 6392).....26315
September 30, 1916 (Revoked in part by PLO 6392).....26315
May 21, 1920 (Revoked in part by PLO 6392).....26315
Proclamations:
5066.....24855
5067.....26443

5 CFR

213.....24857
581.....26279

7 CFR

68.....24857
319.....24311
354.....26294
910.....24859
915.....24860
916.....24653
932.....24311
944.....24860
959.....25169
1033.....24861
1036.....24863
1139.....24864
Proposed Rules:
51.....24723
1007.....24391
1046.....24905
1123.....26460
1125.....26460
1207.....24724

9 CFR

92.....24866
318.....24314

10 CFR

20.....26295
25.....24318
61.....26295
95.....24318
Proposed Rules:
50.....24391
960.....26440

11 CFR

102.....26300
114.....26303

12 CFR

211.....26445
Proposed Rules:
7.....24913
614.....25210

14 CFR

71.....25169, 25170
95.....24654
252.....24866
389.....24323
Proposed Rules:
39.....25210
121.....25211
139.....25211
159.....25215
221.....24916
252.....24918
291.....24922
377.....24923

15 CFR

369.....24323
371.....25171
373.....25174
376.....25171
379.....25171
386.....25171, 26303, 26449
399.....25171, 25174, 26450

16 CFR

423.....24868
453.....25174
Proposed Rules:
13.....24724
457.....25218

17 CFR

170.....26304
200.....24663
240.....24663
249.....24663
270.....25175
Proposed Rules:
12.....25218
240.....24725, 24728
270.....25220, 26460

18 CFR

2.....24323, 24358
35.....24323
271.....25177-25179
Proposed Rules:
271.....24730-24732, 25223

19 CFR

101.....25180
177.....25180
Proposed Rules:
177.....25224

20 CFR

Proposed Rules:
632.....24392
693.....24392

634.....24392
635.....26430
684.....24392

21 CFR

5.....26311
131.....24868
175.....24869
177.....26312
178.....24869
510.....24870, 24871
520.....24871
522.....26313
540.....24872, 24873
558.....24871
600.....26313
895.....25126, 25137

Proposed Rules:

158.....26319
341.....24925

23 CFR

Ch. I.....24852, 25181

24 CFR

111.....24361
1800.....24873

25 CFR

Proposed Rules:

700.....24734

26 CFR

601.....24668

Proposed Rules:

1.....24736, 25224, 25228

27 CFR

21.....24672
212.....24672

Proposed Rules:

9.....24737

28 CFR

0.....25183
540.....24622
550.....24623
551.....24623

Proposed Rules:

547.....24626
570.....24626
571.....24626

30 CFR

260.....24873
784.....24638
785.....24638
816.....24638
817.....24638
818.....24638
916.....24874
944.....24876
946.....25184
1625.....26434

Proposed Rules:

901.....24739
913.....24741
936.....24928
942.....25229
948.....24393

32 CFR

242b.....26451
806b.....24878

33 CFR

100.....25186
165.....25187

Proposed Rules:

162.....25231

34 CFR

682.....24584

36 CFR

222.....25187

Proposed Rules:

13.....26319

37 CFR

Proposed Rules:

1.....26319
5.....26319

40 CFR

52.....24362, 24689
162.....26451
180.....24364, 24365, 24689, 26452
716.....24366

Proposed Rules:

Ch. I.....24930
65.....24930
81.....24393
86.....24932
180.....24394, 24396
271.....25236
403.....24933
405.....24742
406.....24742
407.....24742
408.....24742
409.....24742
411.....24742
412.....24742
422.....24742
424.....24742
426.....24742
429.....24742
430.....24742
431.....24742
432.....24742
433.....24742
440.....24742
610.....24397

41 CFR

Ch. 7.....25188
1-15.....26453
101-29.....25196
101-45.....24878
101-47.....24879, 25199
105-53.....25200

42 CFR

57.....25064
66.....24879

Proposed Rules:

57.....25071, 25072

43 CFR

1600.....26314
3200.....24367
3210.....24367
3220.....24367
3240.....24367
3250.....3240

Public Land Orders:

6391.....25205
6392.....26315

Proposed Rules:

3000.....26320
3100.....26320
8370.....26485

44 CFR

64.....24369
67.....24370

Proposed Rules:

67.....24743

47 CFR

0.....24383
1.....24884
73.....24383, 24898, 26453
74.....24383
95.....24884
97.....26455

Proposed Rules:

2.....24945, 26461
22.....24945
73.....24945, 24949, 26462-26471
74.....24945
76.....26472
94.....24950
96.....24953
97.....24954

49 CFR

192.....25206
195.....25206
571.....24690, 24717, 25209
1011.....26456
1033.....24386
1039.....24900
1153.....24386
1162.....24388
1175.....26317
1176.....26317
1307.....24388

Proposed Rules:

Ch. X.....24397
173.....25236
179.....25236
571.....24751, 25237
1186.....26485

50 CFR

20.....26457
260.....24901
371.....24902
424.....24718, 24903
611.....24719

Proposed Rules:

17.....26488
611.....25238
674.....24751
675.....25238

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 1, 1983

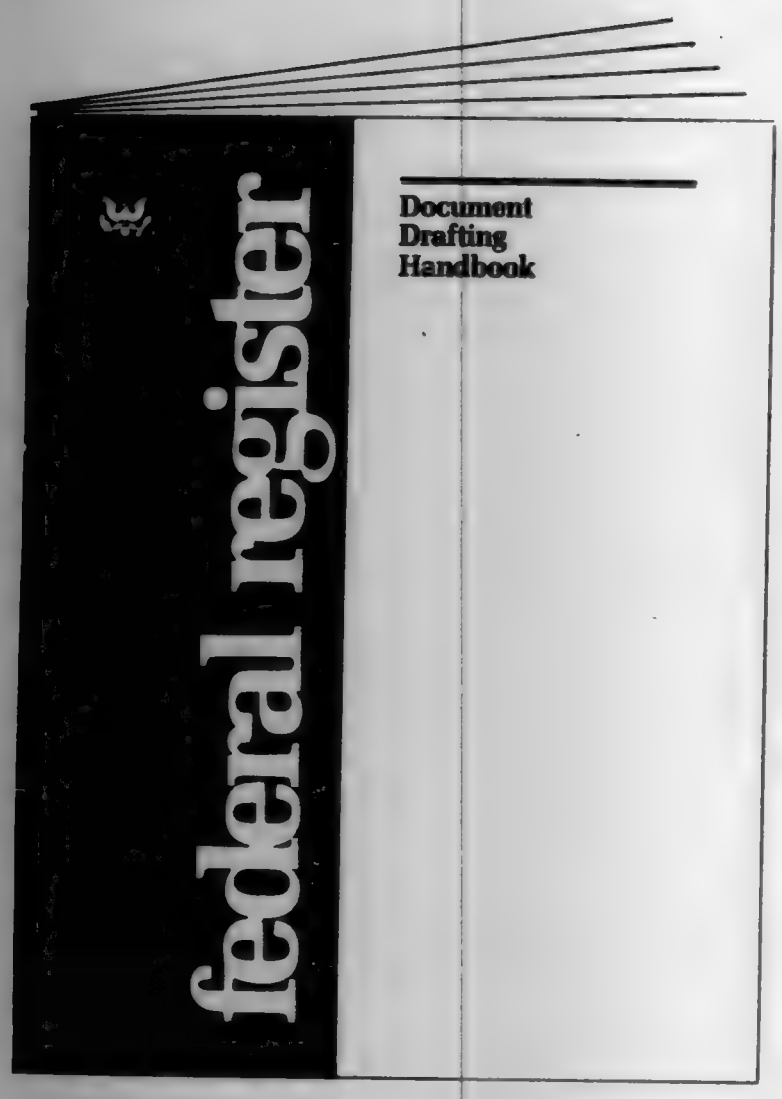

Federal Register Document Drafting Handbook

A Handbook for Regulation Drafters

This handbook is designed to help Federal agencies prepare documents for publication in the Federal Register. The updated requirements in the handbook reflect recent changes in regulatory development procedures, document format, and printing technology.

Price $5.00

Order Form

Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐–☐

Order No._____

MasterCard and VISA accepted.

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me ____ copies of the DOCUMENT DRAFTING HANDBOOK at $5.00 per copy. Stock No. 022-001-00088-4.

PLEASE PRINT OR TYPE

Company or Personal Name

Additional address/attention line

Street address

City State ZIP Code

(or Country)

For Office Use Only

Quantity		Charges
_____	Publications	_____
_____	Subscription	_____
	Special Shipping Charges	_____
	International Handling	_____
	Special Charges	_____
	OPNR	_____
_____	UPNS	
_____	Balance Due	
_____	Discount	
_____	Refund	

er

ederal

he
ok

02

002

WO
4 8
ISS
1
1
2
J E
9
1983
UMI

6-9-83
Vol. 48

United
Govern
Printing
SUPERINTE
OF DOCUM
Washington

OFFICIAL B
Penalty for

Federal Reg
(ISSN 0097-

6-9-83
Vol. 48 No. 112

federal register

Thursday
June 9, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

A FR SERIA300S NOV 83 R DIR
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

U.S.MAIL
Postage and Fees Paid
U S Government Printing Office
375
COND CLASS NEWSPAPER

6-9-83
Vol. 48
Pages

48 FR 25611
1983

6-9-83
Vol. 48 No. 112
Pages 26585-26750

federal register

Thursday
June 9, 1983

Selected Subjects

Air Pollution Control
Environmental Protection Agency
Aircraft
Federal Aviation Administration
Bridges
Coast Guard
Claims
Veterans Administration
Classified Information
Federal Home Loan Bank Board
Coal Mining
Surface Mining Reclamation and Enforcement Office
Communications Common Carriers
Federal Communications Commission
Defense Communications
Federal Communications Commission
Drugs
Food and Drug Administration
Endangered and Threatened Wildlife
Fish and Wildlife Service
Fishing Vessels
National Oceanic and Atmospheric Administration
Flood Insurance
Federal Emergency Management Agency
Fuel Economy
Environmental Protection Agency
CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

Law Enforcement
Forest Service 26585

Marine Safety
Coast Guard

Marketing Agreements and Orders
Agricultural Marketing Service 26587

Packaging and Containers
Research and Special Programs Administration

Radio
Federal Communications Commission 26596

Radio Broadcasting
Federal Communications Commission 26654 26654

Securities
Federal Reserve System 26602

Trade Practices
Federal Trade Commission 26601 26601 26602 26600 26599

Con

26625 26631 26694 26664 26664 26664 26627

Contents

Federal Register
Vol. 48, No. 112
Thursday, June 9, 1983

The President
ADMINISTRATIVE ORDERS
26585 Trade Act of 1974, continuation of waiver authority (Presidential Determination No. 83–7 of June 3, 1983)

Executive Agencies

Agricultural Marketing Service
RULES
26587 Lemons grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Forest Service.

Civil Aeronautics Board
RULES
Charters:
26596 Liability limits and defenses; waiver of Warsaw Convention and adoption of Montreal Agreement; correction
NOTICES
Hearings, etc.:
26654 Airspur Helicopters, Inc.; fitness investigation
26654 Unicorn Air, Ltd.; fitness investigation

Coast Guard
RULES
Drawbridge operations:
26602 Florida
Regattas and marine parades; safety of life:
26601 B & T Icebreaker Regatta
26601 Duluth Harbor Fireworks
26602 Great Kennebec River Whatever Race
26600 International Freedom Festival Air and Water Show
26599 Lake St. Clair Offshore Racing Association's 3rd Annual Southshore Classic
PROPOSED RULES
Drawbridge operations:
26625 Louisiana
26631 Offshore supply vessels; extension of comment period

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
NOTICES
26694 Meetings; Sunshine Act (6 documents)

Energy Department
See also Federal Energy Regulatory Commission.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
26664 European Atomic Energy Community and Austria
26654 European Atomic Energy Community and Indonesia
Meetings:
26664 National Petroleum Council

Environmental Protection Agency
PROPOSED RULES
Air programs:
26627 Noncompliance penalties, assessment and collection; interpretation and policy
Motor vehicle fuel economy:
26698 Labeling and data submission requirements
Pesticide chemicals in or on raw agricultural commodities; tolerances and examptions, etc.:
26629 N—(Mercaptomethyl)phthalimide *S- (O, O-*dimethyl phosphorodithioate; correction
NOTICES
Pesticide registration, cancellation, etc.:
26665 BASF Wyandotte Corp. et al.; correction
Pesticides; temporary tolerances:
26665 Triforine; correction
Toxic and hazardous substances control:
26665 Premanufacture notification requirements; test marketing exemption approvals

Fair Housing and Equal Opportunity, Office of Assistant Secretary
NOTICES
Grants; availability, etc.:
26674 Fair housing assistance program; correction

Federal Aviation Administration
RULES
Airworthiness directives:
26590 Bendix
26592 Boeing
26593 McDonnell Douglas
26596 Jet routes and VOR Federal airways
26594, 26595 Transition areas (2 documents)
26594 VOR Federal Airways
PROPOSED RULES
Airworthiness standards:
26623 Airplanes, small; review program
NOTICES
26687 Exemption petitions; summary and disposition
Organization and functions:
26687 Miami, Fla.; Airports District Office relocation

Federal Communications Commission
RULES
Radio broadcasting:
26608 Subsidiary Communications Authorization (SCA); operating restrictions on public broadcasting stations removed
Radio services, special:
26606 Amateur service; elimination of logging requirements
26617 Land mobil services, private; cooperative use and multiple licensing of stations
PROPOSED RULES
Common carrier services:
26632 MTS and WATS market structure
Radio services, special:
26647 Amateur services; civil emergencies; additional frequency assignments
NOTICES
Meetings:
26666 National Industry Advisory Committee
26666 Rulemaking proceedings, filed, granted, denied, etc.; petitions

Federal Deposit Insurance Corporation
NOTICES
26693–26695 Meetings; Sunshine Act (4 documents)

Federal Election Commission
NOTICES
26695 Meetings; Sunshine Act

Federal Emergency Management Agency
RULES
Flood insurance; special hazard areas:
26605 Florida
PROPOSED RULES
Flood elevation determinations:
26630 Missouri et al.
26629 Pennsylvania; correction
26629 Wisconsin; correction
NOTICES
Disaster and emergency areas:
26667 California
26667 Mississippi
26667 Utah

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
26660 Alabama-Tennessee Natural Gas Co. (2 documents)
26661 Algonquin Gas Transmission Co.
26662 Cincinnati Gas & Electric Co.
26662 Consolidated Gas Supply Corp.
26661 Dayton Power & Light Co.
26662 Distrigas Corp. et al.
26663 El Paso Natural Gas Co.
26663 Florida Gas Transmission Co.
26663 Florida Power & Light Co.
26664 Granite State Gas Transmission, Inc.

Federal Highway Administration
NOTICES
26688 Highway engineering and construction funds; quality assurance study

Federal Home Loan Bank Board
RULES
26590 National security information

Federal Maritime Commission
NOTICES
26667 Agreements filed, etc.
26695 Meetings; Sunshine Act

Federal Reserve System
RULES
26589 Credit by brokers and dealers (Regulation T); correction
26587 OTC margin stocks; list (Regulations G, T, U, and X)
NOTICES
Applications, etc.:
26668 InterFirst Corp. et al.
26668 Raleigh Bankshares, Inc., et al.
Bank holding companies; proposed de novo nonbank activities:
26669 United National Bancorporation

Federal Trade Commission
RULES
Prohibited trade practices:
26597 Allied Corp.
26597 E. & J. Gallo Winery
NOTICES
26670 Premerger notification waiting periods; early terminations

Fish and Wildlife Service
PROPOSED RULES
Endangered Species Convention:
26651 American ginseng

Food and Drug Administration
PROPOSED RULES
Human drugs:
26720 Antibiotic, and biologic drugs; investigational applications and progress monitoring

Forest Service
RULES
26603 Law enforcement support activity; expedited investigations in cost-effective manner

Health and Human Services Department
See also Food and Drug Administration; Public Health Service.
RULES
Procurement:
26605 Negotiation and award; selection of offerors; correction

Historic Preservation, Advisory Council
NOTICES
26654 Meetings

Housing and Urban Development Department
See also Fair Housing and Equal Opportunity, Office of Assistant Secretary.
NOTICES
26674, 26675 Agency forms submitted to OMB for review (2 documents)
Authority delegations:
26674 Boston Regional Office; financing and refinancing of housing

Interior Department
See Fish and Wildlife Service; Land Management Bureau; Reclamation Bureau; Surface Mining Reclamation and Enforcement Office.

International Trade Administration
NOTICES
Countervailing duties:
26654 Bicycle tires and tubes from Korea; revocation
26655 Bicycle tires and tubes from Taiwan; revocation
26655 Leather wearing apparel from Colombia
Scientific articles; duty free entry:
26656 Mount Sinai Medical Center
26656 Rensselaer Polytechnic Institute
26657 Rowland Institute for Science, Inc., et al.
26658 St. Mary's Medical Center
26658 University of Illinois at Chicago
26658 U.S. Army Natick Research & Development Laboratories et al.

Interstate Commerce Commission
NOTICES
Motor carriers:
26678 Finance applications
26679, 26680 Permanent authority applications (2 documents)
Rail carriers; contract tariff exemptions:
26684 Burlington Northern Railroad Co.

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
26678 Tooele Planning Area, Utah
Exchange of public lands for private land:
26677 California; correction
Recreation use permit systems:
26675 California Desert District, Calif.
Sale of public lands:
26676 Montana (2 documents)

National Credit Union Administration
NOTICES
26695 Meetings; Sunshine Act (2 documents)

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
26689 Middlekauff, Inc.

National Oceanic and Atmospheric Administration
RULES
Financial aid to fisheries:
26621 Fisheries loan fund procedures; emergency loans availability and open season for applications
PROPOSED RULES
Fishery conservation and management:
26653 Ocean salmon off coasts of Calif., Oreg., and Wash.

National Transportation Safety Board
NOTICES
26684 Accident reports, safety recommendations, and responses, etc.; availability

Peace Corps
NOTICES
Meetings:
26686 Advisory Council

Public Health Service
NOTICES
26670, 26672 Privacy Act; systems of records (2 documents)

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
26678 Santa Margarita Project, Calif.

Research and Special Programs Administration
PROPOSED RULES
Hazardous materials:
26650 Matches, shipping requirements
NOTICES
Hazardous materials:
26689, 26691 Applications; exemptions, renewals, etc. (2 documents)

Saint Lawrence Seaway Development Corporation
NOTICES
Meetings:
26692 Advisory Board

Securities and Exchange Commission
PROPOSED RULES
Financial statements (Regulation S–X):
26623 Oil and gas producers; full cost accounting practices; comment period reopened

State Department
NOTICES
26687 Agency forms submitted to OMB for review
Fishing permits, applications:
26687 Japan, Portugal, and Spain

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission; various States:
26624 Virginia

Textile Agreements Implementation Committee
NOTICES
Cotton, wool, or manmade textiles:
26659 Philippines
Textile consultation; review of trade:
26659 Hong Kong

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration.
PROPOSED RULES
26649 Relocation assistance and land acquisition for Federal and federally assisted programs; uniform cost-effective policies and procedures; extension of time

Veterans Administration
PROPOSED RULES
Medical benefits:
26627 Unauthorized medical services
NOTICES
26692 Agency forms submitted to OMB for review
Senior Executive Service:
26692 Performance Review Board; membership

Separate Parts in This Issue

Part II
26698 Environmental Protection Agency

Part III
26720 Department of Health and Human Services, Food and Drug Administration

Federal Register Thesaurus

A revised edition of the Federal Register Thesaurus of Indexing Terms will be printed in the **Federal Register** of Thursday, June 16, 1983 as Part II. Federal agencies wishing to order multiple copies from the Government Printing Office may do so by submitting a completed Standard Form 1 (SF–1) by noon Wednesday, June 15, 1983, to: Planning Services Division, Government Printing Office.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Administrative Orders:
Presidential Determinations:
No. 83-7 of June 3, 1983 26585

7 CFR
910 26587

12 CFR
207 26587
220 (2 documents) 26587, 26509
221 26587
224 26587
505c 26590

14 CFR
39 (3 documents) 26590–26593
71 (4 documents) 26594–26596
75 26596
204 26596
Proposed Rules:
23 26623

16 CFR
13 (2 documents) 26597

17 CFR
Proposed Rules:
210 26623

21 CFR
Proposed Rules:
312 26720

30 CFR
Proposed Rules:
946 26624

33 CFR
100 (5 documents) 26599–26602
117 26602
Proposed Rules:
117 26625

36 CFR
262 26603

38 CFR
Proposed Rules:
17 26627

40 CFR
Proposed Rules:
66 26627
67 26627
180 26629
600 26698

41 CFR
3–3 26605

44 CFR
65 26605
Proposed Rules:
67 (3 documents) 26629, 26630

46 CFR
Proposed Rules:
125 26631
126 26631
127 26631
128 26631
129 26631
130 26631
131 26631
132 26631
133 26631
134 26631
135 26631
136 26631

47 CFR
0 26606
73 26608
90 26617
97 26606
Proposed Rules:
69 26632
97 26647

49 CFR
Proposed Rules:
25 26649
172 26650
173 26650

50 CFR
250 26621
Proposed Rules:
23 26651
661 26653

Federal Register
Vol. 48, No. 112
Thursday, June 9, 1983

Presidential Documents

Title 3—

The President

Presidential Determination No. 83–7 of June 3, 1983

Determination Under Subsection 402(d)(5) of the Trade Act of 1974—Continuation of Waiver Authority

Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978) (hereinafter "the Act"), I determine, pursuant to subsection 402(d)(5) of the Act, that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waivers applicable to the Hungarian People's Republic, the People's Republic of China and the Socialist Republic of Romania will substantially promote the objectives of section 402 of the Act.

This determination shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, June 3, 1983.

[FR Doc. 83–15632
Filed 6–7–83; 3:29 pm]
Billing code 3195–01–M

UMI
48
ISS
1
1
2
J E
9
1983

Rul

This se
contains
general
of whic
the Co
publishe
U.S.C.
The Co
by the
Prices
first FE
month.

DEPAR

Agricul

7 CFR

[Lemon

Lemon
Arizona

AGENCY
USDA.

ACTION:

SUMMA
quantity
that ma
during t
Such ac
orderly
the peri
confron

DATES:
June 4, 1

FOR FUR
William
F&V, AM
20250, te

SUPPLEM
final rul
Secretar
Executiv
designat
T. Manle
Agricult
certified
significa
substant
This acti
orderly
Arizona
producer
affect co
handlers

This fi
Marketin
CFR Part
the hand
Californi

Rules and Regulations

Federal Register
Vol. 48, No. 112
Thursday, June 9, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 413, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases the quantity of California-Arizona lemons that may be shipped to the fresh market during the period May 29–June 4, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

DATES: Effective for the period May 29–June 4, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met by telephone on June 2, 1983, to consider the current and prospective conditions of supply and demand and recommended an increase in quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportuntiy to present information and views on the amendment during the telephone meeting, and it relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

1. Section 910.613 Lemon Regulation 413 (48 FR 23805) is revised to read as follows:

§ 910.613 Lemon Regulation 413.

The quantity of lemons grown in California and Arizona which may be handled during the period May 29, 1983, through June 4, 1983, is established at 310,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1983.

Charles R. Brader,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-15425 Filed 6-8-83; 8:45 am]
BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221, and 224

[Regs. G, T, U and X]

Securities Credit Transactions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The List of OTC Margin Stocks[1] is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to margin requirements under certain Federal Reserve regulations. The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List effective July 26, 1982 and the Supplements to that List, effective October 18, 1982, and February 22, 1983, and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: June 20, 1983.

FOR FURTHER INFORMATION CONTACT: Jamie Lenoci, Financial Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202–452–2781.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of OTC Margin Stocks. A copy of the complete List incorporating these additions and deletions is also on file at the Office of the Federal Register. This complete List supersedes the last complete List published on July 26, 1982 and includes amendments to that List, effective October 18, 1982 and February 22, 1983 (see 47 FR 30719, July 15, 1982, 47 FR 44241, October 7, 1982, and 48 FR 6094, February 10, 1983). The List, as amended, includes those stocks that the

[1] Filed as part of the original document.

Board of Governors has found meet the criteria specified by the Board and thus have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant incorporating such stocks within the requirements of Regulations G, T, U, and X or are being added pursuant to § 220.2(e)(4) of Regulation T which states that the Board may add any stock to the List "if in the judgement of the Board, such action is necessary or appropriate in the public interest." It should be noted that the company, Figgie International Holdings Inc., will become a publicly-held company as a result of a reincorporation merger in which the current public company, Figgie International Inc., will change its domicile to the State of Delaware. The common stock of Figgie International Inc., is now traded on the New York, Pacific and Midwest stock exchanges. The addition to the List of the common stock of Figgie International Holdings Inc., will become effective on or about July 18, when and if the merger is consummated and simultaneous with the commencement of trading in NASDAQ. Copies of the complete up-to-date List may be obtained from any Federal Reserve Bank.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion on the List specified in 12 CFR 207.5 (d) and (e), 220.8 (h) and (i), and 221.4 (d) and (3). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible. The Board has responded to a request by the public and allowed a two-week delay before the List is effective.

List of Subjects

12 CFR Parts 207 and 221

Banks, banking, Credit, Federal Reserve System, Margin, Margin requirements, Reporting requirements, Securities.

12 CFR Part 220

Banks, banking, Brokers, Credit, Federal Reserve System, Margin, Margin requirements, Investments, Reporting requirements, Securities.

12 CFR Part 224

Banks, banking, Borrowers, Credit, Federal Reserve System, Margin, Margin requirements, Reporting requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78g and 78w) and in accordance with § 207.2(f)(2) of Regulation G, § 220.2(e)(2) of Regulation T, and § 221.3(d)(2) of Regulation U, there is set forth below a listing of additions to and deletions from the Board's List:

Additions to the List

AB Fortia
American Depositary Receipts for non-restricted B shares (par value Skr 10)
AFP Imaging Corporation
$.01 par common
ACME General Corporation
No par common
Alaska Mutual Bank
$1.00 par common
Altos Computer Systems
No par common
Amerford International Corporation
$.05 par common
Andersen Group, Inc.
No par common
Apollo Computer Inc.
$.02 par common
Berkshire Hathaway Inc.
$5.00 par common
Bio-Response, Inc.
$.004 par common
Boonton Electronics Corporation
$.10 par common
CPI Corp.
$.40 par common
Concept, Inc.
Warrants (expire 07–29–83)
Coopervision, Inc.
$.10 par common
Crownamerica, Inc.
No par common
Designatronics Inc.
$.04 par common
Diasonics, Inc.
No par common
Digital Switch Corporation
Warrants (expire 07–29–84)
Dorchester Hugoton, Ltd.
Depositary Receipts for Units of Limited Partnership Interest
Dynamics Research Corporation
$.10 par common
Educational Computer Corporation
$.10 par common
Erickson Gold Mines Ltd.
$.01 par common
Exchange International Corporation
$1.00 par common
Family Entertainment Centers, Inc.
No par common
Faraday Laboratories, Inc.
$.01 par common
Fidelity Federal Savings and Loan Association (California)
$.01 par common
Figgie International Holdings Inc.
$.10 par common
First City Financial Corporation (New Mexico)
$3.00 par common
First Eastern Corp. (Pennsylvania)
$10.00 par common
First Jersey National Corporation
$1.00 par cumulative convertible preferred
First Midwest Corporation
$1.00 par common
First Valley Corporation
$1.00 par common
Fortune Systems Corporation
$.01 par common
Genetic Systems Corporation
$.01 par common
Class A Warrants (expire 06–03–83)
Genex Corporation
$.05 par common
Gerber Systems Technology, Inc.
$.02 par common
Gibson-Homans Company, The
No par common
Golden Enterprises, Inc.
$.66–2/3 par common
Gott Corporation
No par common
Great Outdoor American Adventure, Inc., The
No par common
Hathaway Corporation
No par common
Helen of Troy Corporation
$.10 par common
Intecom, Inc.
No par common
Intercontinental Dynamics Corporation
$.10 par common
Jiffy Industries, Inc.
$.01 par common
Langly Corporation
$1.00 par common
Larsen Company, The
$1.00 par common
Lee Data Corporation
$.05 par common
Lorimar
No par common
Magma Power Company
$.10 par common
Megadata Corporation
$.01 par common
Merrimac Industries, Inc.
$.50 par common
Methode Electronics, Inc.
Class A, $.50 par common
Midwestern Fuel Systems, Inc.
$.08 par common
National Controls, Inc.
$1.00 par common
National Technical Systems
$.10 par common

Nature's Bounty, Inc.
$.002 par common
North Fork Bancorporation, Inc.
$5.00 par common
Nova Real Estate Investment Trust, The
No par shares of beneficial interest
Novar Electronics Corporation
No par common
Ohio Bancorp
$10.00 par common
On-Line Software International, Inc.
$.01 par common
Pancho's Mexican Buffet, Inc.
$.10 par common
Peoples Banking Corporation
$5.00 par common
Peoples Restaurants, Inc.
$1.00 par common
Price Communications Corporation
$.01 par common
Putnam Trust Company of Greenwich
$5.00 par common
Quantum Corporation
No par common
Quest Medical, Inc.
$.05 par common
Warrants (expire 04-30-84)
Repco Incorporated
$1.00 par common
Royal Business Group, Inc.
$1.00 par common
Royal Resources Corporation
$.01 par common
Ryan's Family Steak Houses, Inc.
$1.00 par common
Sandwich Chef, Inc.
$.05 par common
Scientific, Inc.
$.50 par common
Sega Enterprises, Inc.
$1.00 par common
Sizzler Restaurants International, Inc.
No par common
Summa Medical Corporation
$.01 par common
Sunrise Savings & Loan Association of Florida
Class A, $.01 par common
Warrants (expire 09-30-85)
Super Sky International, Inc.
$.10 par common
Syscon Corporation
$.05 par common
Systems & Computer Technology Corporation
$.01 par common
Tano Corporation
$.05 par common
Technology Incorporated
No par common
Televideo System, Inc.
$.01 par common
Tera Corporation
No par common
Texon Energy Corporation
$.20 par common
Tinsley Laboratories, Inc.
$.16⅔ par common
UST Corp.
$.625 par common
VLSI Technology, Inc.
No par common
Versa Technologies, Inc.
$.10 par common
Vicorp Restaurants, Inc.
$.05 par common
Waters Instruments, Inc.
$.10 par common

Deletions From List

Stocks Removed for Failing Continued Listing Requirements

American Appraisal Associates, Inc.
$1.00 par common
American Medical Affiliates, Inc.
$.10 par common
American Resources Management Corporation
$.50 par common
Atlantic Oil Corporation
$.01 par common
Chemical Leaman Corporation
$2.50 par common
Clinical Sciences Inc.
$.01 par common
Eastern Air Lines, Inc.
Warrants (expires 06-01-87)
Excel Energy Corporation
$.01 par common
Guardian Packaging Corporation
$.34 par common
Jacobson Stores Inc.
$1.00 par common
Kinder-Care Learning Centers, Inc.
7½ % convertible subordinated debentures
Leisure Dynamics, Inc.
$1.00 par common
Magnuson Computer Systems, Inc.
No par common
Nucorp Energy Inc.
No par common
Raypak, Inc.
$.15 par common
Sterling Pipe & Supply Company
$.01 par common
Struthers Oil & Gas Corporation
$.10 par common
Western Preferred Corporation
$.20 par common
Westport Company, The
No par shares of beneficial interest

Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition

Amfesco Industries Inc.
$.10 par common
Amicon Corporation
$.33⅓ par common
BSN Corporation
$.01 par common
Beverage Management, Inc.
$.10 par common
Brass-Craft Manufacturing Company
$1.00 par common
Buckbee-Mears Company
$.10 par common
CS, Inc.
$.01 par common
Chemineer, Inc.
No par common
First Boston, Inc.
$1.66⅔ par capital
Girard Company, The
$.50 par common
Great American Banks, Inc.
$1.00 par common
Home Federal Savings and Loan Association of Palm Beach
$.01 par common
Instrumentation Laboratory, Inc.
$1.00 par common
Muse Air Corporation
$.10 par common
National Central Financial Corporation
$5.00 par common
Nationwide Corporation
Class A, $2.50 par common
Olympia Brewing Company
$10.00 par common
Pacesetter Finacial Corporation
$10.00 par common
Pay'n Pak Stores, Inc.
$.10 par common
Prairie Producing Company
$.01 par common
Spang Industries Inc.
$1.00 par common
Telesphere International, Inc.
$.01 par common
Unimation, Inc.
$.10 par common
Valleylab, Inc.
No par common

By order of the Board of Governors of the Federal Reserver System acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)). June 1, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-15364 Filed 6-6-83; 8:49 am]
BILLING CODE 6210-01-M

---

12 CFR Part 220

[Docket No. R-0389]

Credit By Brokers and Dealers; Complete Revision and Simplification of Regulation T; Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendments.

SUMMARY: The Board is making technical amendments to its final rule on Regulation T (Credit by Brokers and Dealers) published at 48 FR 23161, May 24, 1983. This action is necessary to

correct three typographical errors consisting of one letter and two numbers in section 12 of the regulation.

FOR FURTHER INFORMATION CONTACT: Robert Lord or Douglas Blass, Attorneys, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551; (202) 452-2781.

SUPPLEMENTARY INFORMATION: Section 12 of the final rule in 12 CFR 220 (48 FR 23161, 23170, May 24, 1983) is corrected as follows:

Section 220.12(a) (48 FR 23170) is corrected by changing the letter "(f)" to "(e)".

Section 220.12(b)(4)(i) (48 FR 23170) is corrected by changing the number "(6)" to "(5)". The correct cross-reference is "paragraph (b)(5)".

Section 220.12(b)(6) (48 FR 23170) is corrected by changing the number "(4)" to "(3)". The correct cross-reference is "paragraph (b)(3)".

Board of Governors of the Federal Reserve System, June 2, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-15390 Filed 6-8-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 505c

[No. 83-318]

Classified Information; Mandatory Review Requests

Dated: June 3, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is re-publishing its regulations pertaining to the handling of classified information, and revising the time period for agency action on mandatory review requests. Publication of this material is required by Executive Order No. 12356.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Lynnae M. Henderson, Chief, Building Management Section, Administration Office, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552 (202-377-6229).

SUPPLEMENTARY INFORMATION: Executive Order No. 12356, 47 FR 27836 (1982), established revised policy for the classification, safeguarding, and declassification of national security information, i.e., information classified Top Secret, Secret, or Confidential. Under that Order, each agency that handles such information must establish procedures regarding such handling and publish them in the **Federal Register.** In accordance with that requirement the Board is re-publishing Part 505c of its General Regulations (12 CFR Part 505c) to provide such information, and is taking this opportunity to revise § 505c.3, regarding the time period for agency actions on declassification requests, in conformance with the Information Security Oversight Office's implementing directive for Executive Order No. 12356, § 2001.32 (June 25, 1982).

The Board finds that notice and public procedure are unnecessary under 12 CFR 508.11 and 5 U.S.C. 553(b) because the regulation concerns internal agency procedures, and that publication of the regulation for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to effective date is unnecessary for the same reason.

List of Subjects in 12 CFR 505c

Classified information.

Accordingly, the Board hereby amends Part 505c, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

Revise Part 505c as follows:

PART 505c—NATIONAL SECURITY INFORMATION

Sec.

505c. 1 Purpose and scope.
505c. 2 Policy.
505c. 3 Administration of program.
505c. 4 Procedures.

Authority: Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); E.O. 12356, 47 FR 27836 (1982); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48, Comp. p. 1071.

§ 505c.1 Purpose and scope.

(a) This Part is issued by the Board pursuant to the requirement of Subpart E of Executive Order No. 12356, 47 FR 27839 (1982) ("the Order"), that unclassified regulations that establish information security policy and unclassified guidelines for systematic declassification review, which affect the public, be published in the **Federal Register.**

(b) This Part covers all information and material handled by the Board that is owned by, produced for or by, or under the control of, the United States Government, has been determined pursuant to the Order or prior Orders to require protection against unauthorized disclosure, and is so designated. Such material is referred to in this Part as classified information.

§ 505c.2 Policy.

It is the Board's policy to act in accordance with the Order with respect to all classified information.

§ 505c.3 Administration of program.

The Director, Office of Administration ("Director"), shall: (a) Implement and oversee the Board's information security program; (b) receive questions, suggestions, and complaints regarding it; (c) make changes to it as he deems advisable; (d) ensure that it is at all times consistent with the Order; (e) receive requests for declassification regardless of the origin of any such request, ensuring that requests are acted upon promptly and a final determination as to declassification is made within one year from the date or receipt except in unusual circumstances; and (f) ensure that requests submitted under the Freedom of Information Act are handled in accordance with that Act.

§ 505c.4 Mandatory review procedure.

The Director shall process requests for mandatory review for declassification. The Director shall not refuse to confirm the existence or non-existence of a document requested under the Freedom of Information Act or the Mandatory Review Provision of the Order, unless the fact of its existence or non-existence would itself be classified under the Order.

(E.O. 12356, 47 FR 27876 (1982))

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-15485 Filed 6-8-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-ANE-35; Amdt. 39-4658]

Airworthiness Directives; Bendix Engine Products Division S-20, S-200, S-1200, D-2000, and D-3000 Series Magnetos

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: Emergency airworthiness directive (AD) 82-20-01 was issued September 17, 1982, and made effective immediately upon receipt by the operators and owners of certain Bendix magnetos of the above noted series. This AD requires inspection in accordance

with instructions specified herein, and if defective (soft material), the impulse coupling or cam assembly must be replaced. The AD is needed to detect and replace impulse coupling flyweights which were improperly heat treated resulting in rapid wear and failure.

DATES: Effective June 14, 1983, to all persons except those persons to whom it was made immediately effective by priority mail, issued September 17, 1982. Comments on the rule must be received on or before July 14, 1983.

ADDRESSES: The applicable service bulletin may be obtained from Bendix Engine Products, Sidney, New York 13838.

A copy of the applicable service bulletin [1] is contained in the Rules Docket in the Office of the Regional Counsel, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and in the New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

FOR FURTHER INFORMATION CONTACT: Mr. I. Mankuta, ANE-174, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone: (516) 791-7421.

SUPPLEMENTARY INFORMATION: There have been two incidents in which engine stoppage occurred due to failure of the impulse coupling (less than 200 hours operating time). It was found that the impulse coupling flyweights had been improperly heat treated (soft) and had worn rapidly and jammed. It is believed this damaged the engine accessory drive resulting in engine failure.

Since it was found that immediate corrective action was required, and notice of public procedure was impracticable and contrary to the public interest, good cause existed for making the AD effective immediately to all known U.S. operators and owners of aircraft with Bendix magnetos by individual priority mail letters dated September 17, 1982. (Emergency AD 82-20-01 issued September 17, 1982, specified 18-28 ft. lb. torque upon reassembly of the castellated nut securing the impulse coupling to the drive shaft. This AD specifies 15-25-ft.lb. torque. If compliance has already been accomplished based on AD 82-20-01, it is not necessary to retorque to 15-25 ft. lb.) These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

The FAA determined that this regulation only involves approximately 3,800 defective couplings (based on an estimated 2 percent defects in 190,000 impulse couplings in service). At a labor cost of $22/hour, and allowing 1½ hours for the replacement, the total labor cost would be $125,400. Material cost at $35/coupling add $133,000. Additional allowances for travel (to maintenance facilities), publication cost of bulletins, and shipping costs indicates a total industry cost of approximately $400,000.

Request for Comments on the Rule

Although this action is in the form of a final rule which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. Send comments to Federal Aviation Administration, Office of Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

List of Subjects in 14 CFR Part 39

Aircraft, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR Part 39) is amended by adding the following new AD:

Bendix: Applies to Bendix Engine Products Division magnetos with type designations listed below:

Compliance required within the next 10 hours of engine operation unless already accomplished for all affected impulse couplings having less than 300 operating hours. (Compliance with this AD is not required for magneto impulse couplings having more than 300 operating hours.)

S4LN-21/S4RN-21, S6LN-21/S6RN-21, S6LN-23/S6RN-23, S6LN-25/S6RN-25—Except Bendix Red Label magnetos above Serial Nos. B-001171 or A297043.

S4LN-1225/S4RN-1225, S4LN-1227/S4RN-1227, S6LN-1225/S6RN-1225, S6LN-1227/S6RN-1227—Except Bendix Red Label magnetos above Serial Nos. B-001162 or A297043.

S4LN-200 P/N 10-163005-7—Except Bendix Red Label magnetos above Serial Nos. B-001732 or A297043.

D4LN-2021/D4RN-2021, D4LN-2031/D4RN-2031, D4LN-2021/D4RN-2021, D6LN-2021/D6RN-2021, D4LN-2031/D4RN-2031, D6LN-2031/D6RN-2031—Except Bendix Red Label magnetos above Serial Nos. 35550.

D4LN-3000/D6RN-3000—Except Bendix Red Label magnetos above Serial Nos. B-000249 or 5806.

All Blue Label impulse coupled magnetos of the above types—Except Serial Nos. 8238001 and above.

To prevent failure of impulse coupling due to improperly heat treated (soft) flyweights resulting in engine damage or failure, accomplish the following: (Ref. Bendix Service Bulletin No. 823 dated September 1982.)

Note.—The magneto should be removed from the engine only to the extent necessary to perform the inspection described herein. Depending on the engine application, it may not be necessary to remove the harness from the magneto for the inspection procedure.

Note.—All magnetos with the impulse coupling recessed into the magneto flange must have the impulse coupling removed from the magneto to perform the inspection. This is a bench operation and will require the magneto to be completely removed from the engine and the harness removed from the magneto.

Note.—Whenever an impulse coupling is removed from a magneto, it must be removed following the manufacturer's published procedures, paying strict attention to notes and conditions. Upon reassembly, the castellated nut securing the impulse coupling to the drive shaft must be torqued to 15-25 ft. lb. (Emergency AD 82-20-01 issued September 7, 1982, specified 18-28 ft. lb. torque. If compliance has already been accomplished based on AD 82-20-01, it is not necessary to retorque to 15-25 ft. lb.) The cotter pin, Bendix PN 10-80751-18 removed during disassembly, must be discarded and replaced.

1. Remove the magneto from the engine in accordance with the engine/aircraft manufacturer's published instructions.

2. Place the magneto in a suitable work stand with the impulse coupling facing up.

3. Use finger pressure to push inward on the toe (See Figure 1) of each flyweight so that the flyweight heel protrudes outward.

4. Using a fine #1, double cut, ½-inch wide file at least 5/32-inch thick, pass the file across the heel of the flyweight attempting to remove material (See Figure 1). If the flyweight has been properly heat treated, the file will "glide" smoothly over the heel of the flyweight, removing no material. If the flyweight is not properly heat treated (soft), the file will not "glide" easily across the surface of the flyweight heel, and material will be removed.

[1] Bulletin filed as a part of original document.

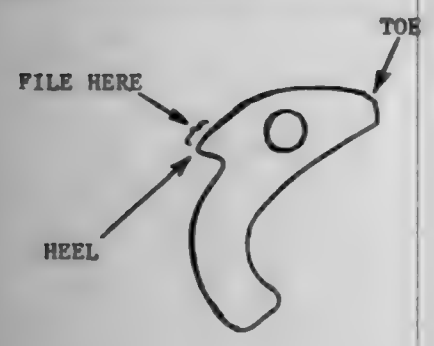

FIGURE 1

5. If an improperly heat treated (soft) flyweight is found, immediately remove and replace the cam assembly and/or the impulse coupling assembly with an assembly meeting the requirements of this AD, following procedures in the magneto overhaul instructions, and paying strict attention to notes and cautions.

6. Inspect the impulse coupling stop pins for wear and replace as necessary.

7. After flyweights have been identified, stop pins inspected, and the impulse coupling reinstalled on the magneto (if removed), identify the magneto by stamping a 1/16-inch letter "F" in the upper right corner of the identification plate to indicate that this AD and Bendix Service Bulletin No. 623 have been complied with.

8. Reinstall the magneto on the engine following the manufacturer's published procedures.

9. Make an appropriate engine logbook entry, recording magneto serial number to indicate that this AD and Bendix Service Bulletin No. 623 have been complied with.

10. Inspect all spare impulse coupling assemblies, cam assemblies, and magnetos following the same procedures described in Steps 3 and 4 of this AD. If both flyweights are found acceptable, identify the cam assembly by applying yellow dyken or yellow lacquer to the heel of each flyweight. Stamp "F" on data plate as described in Step 7.

11. An equivalent method of compliance with this AD may be used if approved by the Manager, New York Aircraft Certification Office, Federal Aviation Administration, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

This amendment becomes effective June 14, 1983 as to all persons except those to whom it was made immediately effective by priority mail, issued September 19, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.89 Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined for the reasons stated in "SUPPLEMENTARY INFORMATION" that this regulation is not considered to be major under Executive Order 12291 or significant under the criteria of DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A regulatory evaluation has been prepared and placed in the regulatory docket. A copy may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Burlington, Massachusetts, on May 28, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc.83-15341 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 83-NM-41-AD; Amdt. 39-4659]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing Airworthiness Directive applicable to Boeing Model 747 series airplanes which requires inspection and replacement of the floor beams located over the main landing gear wheel wells. Recent service experience indicates that the AD is not adequate to detect cracks that have been found in floor beams on airplanes with less than 5000 landings and that the 175 landing visual inspection repetitive interval is not adequate to prevent the occurrence of cracking in two adjacent beams. Since cracking of the floor beams could lead to rapid decompression, a new AD is being issued to lower the threshold and reduce the inspection interval.

DATES: Effective June 20, 1983. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information also may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Schrader, Airframe Branch, ANM-120S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2516. Mailing Address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: AD 81-13-03 (Amdt. No. 39-4138; 46 FR 31873) as amended by (Amdt. No. 39-4485; 47 FR 49957), superseded AD 78-04-04 and AD 78-09-08, to combine inspections of floor beams into one AD and to properly account for earlier cracking. Service experience has shown that the thresholds and some repetitive intervals are inadequate. A 30" chord crack and full depth web crack was found on an aircraft which had accumulated 2534 landings. Two cases of adjacent beam web cracks were reported during the required 175 landing repetitive visual inspection. Another adjacent beam web failure was found within 349 landings after an eddy current inspection.

The current 5000 landing threshold and the repetitive inspections of 175 landings visual and 350 landings eddy current are inadequate to prevent the occurrence of full depth cracks in two adjacent floor beams.

Since this condition is likely to exist or develop on other 747 airplanes of the same type design, this amendment supersedes AD 81-13-03 (Amdt. No. 39-4485; 47 FR 49957) to require inspections at an earlier landing threshold of 2000 landings and repetitive inspections at 125 landings for certain areas of the floor beams. Further, since a situation exists for the Boeing Model 747 that requires immediate adoption of this regulation, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to those Model 747 series airplanes certificated in all categories listed in Service Bulletin 747-53-2224, Revision 3, or later FAA approved revisions. To prevent failure of the floor beams and webs, accomplish the following:

A. Visually inspect, or as an alternate, inspect using eddy current inspection techniques, the longitudinal floor beams in the areas noted in the appropriate table of Section III of Boeing Service Bulletin 747-53-2224, Revision 3, or later FAA approved revisions, unless previously accomplished. The inspections are to commence prior to the accumulation of one-half the number of cycles specified in the "Repeat Inspection Interval Cycles" column in the appropriate table in Section III of the service bulletin after the effective date of this AD for airplanes which have accumulated more than the number of cycles listed in the "Inspection

Threshold Cycles" column of the table, or prior to accumulating the inspection threshold number of cycles, whichever is later. Inspections are to be repeated at intervals not to exceed those specified in the table.

B. Webs or chords found cracked are to be repaired or replaced prior to further flight in accordance with the instructions of Section III of Boeing Service Bulletin 747–53–2224, Revision 3, or later FAA approved revisions, or repair of damaged structure may be deferred as noted therein.

C. Complete modification of the floor beam webs and chords in accordance with the terminating action procedures described in Boeing Service Bulletins 747–53–2224, Revision 3; 747–53–2176, Revision 4; and 747–53–2183, Revision 2; or later FAA approved revisions, constitutes terminating action for this AD.

D. After accomplishing each inspection, repairs, or the terminating modification, apply organic corrosion inhibitor (BMS 3–23) or equal to all exposed floor beams and pressure web structures as required.

E. For purposes of complying with this AD, subject to acceptance by the assigned FAA Principal Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time in service by the operator's fleet average from takeoff to landing for the airplane type. Only pressurized flights need be considered when establishing number of landings on the airplane.

F. Upon request of the operator, an FAA Principal Maintenance Inspector, subject to prior approval by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the inspection interval, if the request contains substantiating data to justify the increase for that operator.

G. Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations to operate airplanes to a base for the accomplishment of the inspections and/or modifications required by the AD.

H. Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

I. This amendment supersedes Airworthiness Directive (AD) 81–13–03; Amdt. No. 39–4138; (46 FR 31873), as amended by Amdt. No. 39–4485; (47 FR 49957).

All persons affected by this directive who have not already received the appropriate service bulletins from the manufacturer may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington 98124. These documents also may be examined at FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective June 20, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in the aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington, on May 31, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83–15466 Filed 6–8–83; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 83–NM–50–AD; Amdt. 39–4660]

Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes With Operable Galley Lifts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) applicable to certain McDonnell Douglas Model DC–10 series airplanes which requires modification of the galley lift electrical interlock system. This amendment is required because a spring assembly, required by the existing AD did not retain the proper design tolerances to assure proper interlock switch operation. For those who have yet to comply with the existing AD no additional burden is imposed. Anyone who has complied with the existing AD will be required to replace the existing spring assembly. The compliance time is being extended to account for parts availability.

DATES: Effective June 15, 1983. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). This information also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Gilbert L. Thompson, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548–2831.

SUPPLEMENTARY INFORMATION: Airworthiness Directive AD 82–27–11, Amendment 39–4530 (48 FR 1935, dated January 17, 1983), applicable to McDonnell Douglas Model DC–10 series airplanes with operable galley lifts, requires modification of the galley lift electrical interlock system. After issuance of Amendment 39–4530 McDonnell Douglas found, upon initial installation of the galley lift modifications required by Paragraph (b) therein, that the material from which P/Ns AWJ 7445–1 or AWJ 7445–501 spring assemblies were constructed deformed under heat treatment. As a result of this deformation, the required tolerances on galley lift interlock switch actuation were not being maintained. This amendment requires installation of spring assemblies constructed from a material which retains its required tolerances assuring proper interlock switch actuation.

Amendment 39–4530 requires compliance with the modifications therein specified by June 15, 1983. Since the proper operation of the galley lift interlock switches depends upon installation of spring assemblies exhibiting correct design tolerances, an urgent need exists to amend AD 82–27–11. For those who have yet to comply with Amendment 39–4530, no additional burden is imposed. However, those who have complied will be required to accomplish the additional task of replacing the original spring assembly. This is estimated to take 1.5 manhours. This amendment provides for an extension of original compliance time to account for parts availability. As a result, this amendment is considered to have minimal economic impact.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation regulations (14 CFR 39.13) is amended by amending AD 82-27-11, Amendment 39-4530 (48 FR 1935, dated January 17, 1983), by amending the compliance period to read "Compliance required by January 30, 1984, unless already accomplished," and revising paragraph B to read as follows:

B. Replace the plunger type interlock switch actuators with leaf spring actuators, install structural protection for the interlock switches, and install additional warning placards as outlined in the Accomplishment Instructions of McDonnell Douglas DC-10 Service Bulletin 25-307, Revision 1, dated March 25, 1983, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note.—Airplanes modified in accordance with Service Bulletin 25-307 dated May 5, 1982, require rework.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This amendment becomes effective June 15, 1983.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.— The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington, on May 31, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-15466 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-ASO-17]

Alteration of Transition Area, Beaufort, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment increases the size of the Beaufort, South Carolina, transition area to accommodate Instrument Flight Rule (IFR) operations at Beaufort County Airport. This action will lower the base of controlled airspace from 1,200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure, based on the Beaufort MCAS Airport Surveillance Radar system, has been developed to serve the airport and the additional controlled airspace is required for protection of IFR aeronautical activities.

EFFECTIVE DATE: 0901 G.m.t., August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, April 14, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the Beaufort, South Carolina, transition area. This alteration will provide controlled airspace for aircraft executing a new instrument approach procedure to Beaufort County Airport (48 FR 16064). The operating status of the airport is changed from VFR to IFR. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received in response to the circularization. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Beaufort, South Carolina, transition area, by lowering the base of controlled airspace in the vicinity to Beaufort County Airport from 1,200 to 700 feet above the surface.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., August 4, 1983, as follows:

Beaufort MCAS, SC [Revised]

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Beaufort MCAS (Latitude 32°28'53" N.; Longitude 80°43'10" W.); within 5 miles each side of Beaufort TACAN 037° radial extending from the 8.5-mile radius area to 9 miles northeast of the TACAN; within a 6-mile radius of Beaufort County Airport (Latitude 32°24'45" N.; Longitude 80°38'00" W.), excluding that portion that coincides with the Hilton Head transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia on June 1, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-15467 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-AWA-4]

Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of several VOR Federal airways in the vicinity of Montpelier, VT, VORTAC. The Montpelier VORTAC has been relocated approximately 9 miles southeast of the present location. This action amends the descriptions of all airways affected by the relocation.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On March 17, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of VOR Federal Airways V-72, V-104, and V-447 (48 FR 11285). The Montpelier VORTAC is being relocated to lat. 44°05'08" N., long. 72°26'59" W., which is approximately 9 miles southeast of the present location. This action amends the descriptions of the affected airways. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the descriptions of several VOR Federal airways in the vicinity of the Montpelier, VT, VORTAC. The Montpelier VORTAC has been relocated approximately 9 miles southeast of the present location. This action amends the descriptions of all airways affected by the relocation.

List of Subjects in 14 CFR Part 71

VOR federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., August 4, 1983, as follows:

V-72 [Amended]

By removing all the words after the word "Lebanon, NH."

V-104 [Amended]

By removing all after the words "Bangor, ME." and substituting the words "The airspace within Canada is excluded."

V-447 [Amended]

By removing the words "From Cambridge, NY, via INT Montpelier 020° and Sherbrooke, PQ, Canada, 217° radials; Sherbrooke." and substituting for them the words "From Cambridge, NY, via INT Cambridge 025° and Montpelier 221° radials; Montpelier; to Sherbrooke, PQ, Canada."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 2, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-15342 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-ASO-23]

Alteration of Transition Area, Manning, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Manning, South Carolina, transition area by raising the base of controlled airspace in an area between the Clarendon County Airport and the Vance VORTAC from 700 to 1,200 feet above the surface. The instrument approach procedure which previously established the requirement for the 700-foot transition area arrival extension has been canceled, thus negating the need for the airspace.

DATES: Effective date: 0901 G.m.t., August 4, 1983.

Comments must be received on or before July 3, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves raising the floor of controlled airspace and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to raise the floor of controlled airspace in an area southwest of Clarendon County Airport as there is no existing requirement for a 700-foot transition area arrival extension. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need to raise the base of controlled airspace from 700 to 1200 feet above the surface. The change relieves a restriction and is so minor I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Manning, South Carolina, transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., August 4, 1983, to read as follows:

Mannng Clarendon County Airport, SC— [Revised]

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Clarendon County Airport (Lat. 33°35'13" N., Long. 80°12'32" W.); within 3 miles each side of the 201° bearing from Manning RBN (Lat. 33°35'18" N., Long. 80°12'20" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on May 27, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-15343 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Parts 71 and 75

[Airspace Docket No. 83-AWA-5]

Alteration of Airways and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes segments of VOR Federal Airways V-510 and V-90 and Jet Route No. J-85 to accommodate traffic flows within the terminal and en route environment.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Boyd Archer, Airspace Regulations and Obstructions Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On April 11, 1983, the FAA proposed to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to revoke VOR Federal Airways V-90 between Litchfield, MI, and Windsor, ON, Canada, and V-510 between Lansing, MI, and Salem, MI; and Jet Route No. J-85 between Salem, MI, and Dryer, OH (48 FR 15483). Changes in traffic flows within the terminal and en route environment and limited utilization justify cancellation of these airway and jet route segments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, these amendments are the same as those proposed in the notice. Sections 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

These amendments to Parts 71 and 75 of the Federal Aviation Regulations revoke segments of VOR Federal Airways V-510 and V-90 and Jet Route No. J-85 to accommodate traffic flows within the terminal and en route environment.

List of Subjects in 14 CFR Parts 71 and 75

Airways, Jet routes.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, § 71.123 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) are amended, effective 0901 G.m.t., August 4, 1983, as follows:

1. V-90 [Revised]

From Windsor, ON, Canada, via INT Windsor 083° and Dunkirk, NY, 266° radials; Dunkirk. The airspace within Canada is excluded.

2. V-510 [Amended]

After the words "Lansing, MI" delete the words "; INT Lansing 091° and Salem, MI, 308° radials; Salem".

J-85 [Amended]

After the word "DRYER" delete the words "; to Salem, MI".

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 2, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-15340 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 204

[Economic Reg. Amdt. No. 6 to Part 204; Docket 40734; ER-1326]

Data To Support Fitness Determinations; Erratum

AGENCY: Civil Aeronautics Board.

ACTION: Erratum.

SUMMARY: This erratum notice corrects a typographical error in the information submission requirements for fitness proceedings to refer correctly to the CAB's rules on compliance with the Montreal Agreement for carrier liability limits.

FOR FURTHER INFORMATION CONTACT: Joseph A. Brooks, Office of the General Counsel, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5442.

SUPPLEMENTARY INFORMATION: In ER-1236 (48 FR 8048, February 25, 1983) a new § 204.7(r) was added to 14 CFR Part 204 (Data to Support Fitness Determinations), requiring submission of a signed counterpart to the Montreal Agreement with respect to liability limits for aircraft accidents, as part of a carrier's fitness proceeding. The amended section erroneously made reference to Part 202. The correct reference is Part 203, which contains the

Board's new rules concerning that Agreement.

PART 204—[AMENDED]

Section 204.7(r) should read as follows:

§ 204.7 Commuter carriers serving an eligible point but not providing essential air services or applying for certificate authority.

* * * * *

(r) A signed counterpart of CAB Agreement 18900 (CAB Form 263 or CAB Form 298–A (Rev.)), as required by Part 203 of this chapter. Those forms can be obtained from the Publications Services Division, Civil Aeronautics Board, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

Dated: June 6, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–15484 Filed 6–8–83; 8:45 am]

BILLING CODE 6320–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C–3109]

Allied Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires Allied Corporation (Allied), a Morristown, N.J. producer and seller of three high-purity acids, among other things, to divest Hi-Pure Chemicals, Inc. (Hi-Pure) within 15 months from the effective date of the order. Hi-Pure, acquired from Fisher Scientific Company (Fisher), has to be divested absolutely and in good faith as a visable business concern to a Commission-approved purchaser. Further, Allied is required to grant Hi-Pure's acquirer a ten-year royalty-free nonexclusive license to all patents owned or applied for by Fisher which are used by Hi-Pure in the manufacturing or packaging of any of the three high-purity acids. Additionally, the company is barred for a period of ten years from acquiring any business entity engaged in the manufacturing or packaging of high-purity acids, without prior Commission approval.

DATE: Complaint and order issued May 17, 1983.*

FOR FURTHER INFORMATION CONTACT: FTC/CS–1, Charles Corddry, Washington, D.C. 20580. (202) 724–1269.

SUPPLEMENTARY INFORMATION: On Thursday, Dec. 9, 1982, there was published in the **Federal Register**, 47 FR 55398, a proposed consent agreement with analysis In the Matter of Allied Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; 13.5–20 Federal Trade Commission Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–43 Grant license(s).

List of Subjects in 16 CFR Part 13

High-purity acids.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended (15 U.S.C. 45, 18))

Emily H. Rock,

Secretary.

[FR Doc. 83–15482 Filed 6–8–83; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 13

[Docket No. C–2836]

E. & J. Gallo Winery; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: This order reopens the proceeding and vacates in its entirety the order issued on Aug. 26, 1976 (October 26, 1976; 41 FR 46847). The order, which was due to expire by its terms on Aug. 26, 1986, prohibited respondent from engaging in exclusionary marketing practices.

DATE: Consent Order issued August 26, 1976. Modifying Order issued May 18, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580. (202) 634–4604.

SUPPLEMENTARY INFORMATION: In the Matter of E. & J. Gallo Winery, a corporation. Codification appearing at 41 FR 46847 is deleted.

List of Subjects in 16 CFR Part 13

Trade practices, Wine.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45))

The Order Reopening and Setting Aside Order Issued on August 26, 1976 is as follows:

Before Federal Trade Commission, Commissioners: James C. Miller III, Chairman, David A. Clanton, Michael Pertschuk, Patricia P. Bailey, George W. Douglas. In the matter of E. & J. GALLO WINERY, a corporation, Docket No. C–2836. Order Reopening and Setting Aside Order

Issued on August 26, 1976.

On September 23, 1982, respondent E. & J. Gallo Winery ("Gallo") filed a Petition requesting that the Commission reopen the proceeding in Docket No. C–2836 and set aside the Order. Absent Commission action, the order would expire by its terms on August 26, 1986. The Petition was placed on the public record pursuant to § 2.51 of the Commission's Rules of Practice, 16 CFR 2.51. Four timely comments were received requesting that the Commission deny Gallo's Petition. Thereafter, in response to requests of various parties, the Commission allowed further opportunity for comment upon all matters, including information released only after the first comment period had closed. Five comments have been received in the latest comment period which expired on April 29, 1983. Although Rule 2.51 and Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b), require that the Commission decide petitions to reopen within 120 days of filing Gallo has voluntarily waived this deadline.

The complaint and Consent Order in this matter were issued in 1976. They were based on the belief that Gallo had a dominant position in the sale and distribution of wine in the United States and had used its market power to lessen or restrain competition in violation of Section 5 of the Federal Trade Commission Act. After the complaint and Consent Order in this matter were issued, the Commission issued decisions

* Copies of the Complaint and the Decision and Order filed with the original document.

in *Coca-Cola Bottling Co.*, 93 F.T.C. 110 (1979), and *Heublein, Inc.*, 96 F.T.C. 385 (1980), concerning the domestic wine market. The records in these cases predated the factual information which gave rise to the complaint in Gallo.

The complaint and resulting consent order against Gallo reflected the Commission's concern that the domestic wine market in the mid-1970's was sufficiently concentrated to warrant close scrutiny, particularly since Gallo was then, as now, the market leader. Morever, the Commission was concerned that Gallo may have used its dominant market position to establish and maintain exclusive dealing practices with its distributors. The Commission also believed, as evidenced by the allegations in the complaint, that: wine sales were either declining or at least stabilizing; there were no new entrants at the manufacturing level; Gallo's market share was increasing while concentration of domestic wine supply was rising; and entry barriers were substantial, in part, because of the perceived difficulty of obtaining access to distribution at the wholesale level.

In its Petition, Gallo argues that the structure of the wine market has changed, with concentration declining, demand increasing, significant new entry and low entry barriers. (Petition at 9–17). Gallo also asserts that the Commission's decision in *Coca-Cola* undercuts the rationale of the consent, especially with respect to whether distribution barriers are high at the wholesale level. (Petition at 17–19). In addition, Gallo claims that the consensual vertical practices prohibited by the Order are now analyzed under a rule of reason by the courts and the Commission and are almost always found to be procompetitive or neutral. *See, e.g., Continental T.V. Inc.* v. *GTE Sylvania, Inc.*, 433 U.S. 36 (1977); *In re Beltone Electronic Corp.*, 100 F.T.C. 68 (1982). Gallo contends that the Order hinders it from developing effective distribution programs that will promote interbrand competition. (Petition at 20–21).

The principal thrust of the comments filed in opposition to the Petition is that Gallo will engage in exclusive dealing to the detriment of competition if the Order is vacated in its entirety. (*See, e.g.*, November 5, 1982 Comment of Albert Kramer, Esquire, Cohn and Marks, on behalf of anonymous distributor; November 5, 1982 and January 6, 1983 Comment of Howry & Simon on behalf of *Heublein;* November 5, 1982 Comment of Michael J. Keady, Esquire, on behalf of an unnamed winery. *See also, e.g.*, April 28, 1983 Comments of Wine and Spirits Wholesalers of America, Inc.; April 29, 1983 Additional Comments of the Wine Spectrum.) These commenters contend that Gallo has the market power to impose exclusive dealing on distributors and that such action would raise entry barriers by restricting supplier access to wholesale distributors.

The Commission's decisions in *Coca-Cola* and *Heublein* paint a somewhat different picture of the wine market than is implicit in the Gallo complaint and consent order. Rather than describing a market with stable or declining demand and increasing concentration, these decisions reveal that the market was experiencing rapid growth during the periods in question. In addition, concentration was at moderate levels and increasing only slightly, if at all. Of even greater import, the Commission in *Heublein* noted that considerable entry had occurred and a large number of potential entrants existed who were capable of entering or expanding into the wine business. 96 F.T.C. at 590–91. While not specifically addressing the extent of entry barriers, the Commission's analysis indicates that potential entrants, particularly those in the spirits and beverage business, face no major obstacles to entering the wine market. In discussing the issue of supplier leverage vis-a-vis distributors, the Commission concluded that no significant potential for leverage existed—distributors appeared capable of resisting supplier pressure aimed at forcing dealers to carry a particular brand or line of products. 96 F.T.C. at 599. To be sure, the decision in *Heublein* did not specifically address the issue of exclusive dealing, nor did it suggest that all non-price vertical restraints in the wine market are legal, but it clearly casts doubt on the continued validity of the market assumptions that underlie the Gallo Order.

Apart from evidence presented concerning the competitive state of the wine market, the Petition also makes a strong case for eliminating many of the Order's prohibitions. The Order strictly limits the financial information Gallo can obtain from its distributors as well as any financial assistance that it may seek to provide to wholesalers. In addition, the Order places undefined limits on the extent to which Gallo may restrict the extra-territorial sales of its distributors. Finally, the Order prohibits any kind to tying or requirements arrangement and limits Gallo's ability to influence distributor inventory practices. These restrictions go far beyond concerns about exclusive dealing and the financial limitations, in particular, are highly regulatory in nature. (September 16, 1982 letter from Professor Lawrence A. Sullivan to Jack Owens, Vice President and General Counsel for Gallo.) The information submitted indicates that other wine suppliers use a variety of devices, including brand dedication requirements, to induce distributors to provide more effective promotional services. Although Gallo is permitted under Section II(2)(3) of the Order to terminate dealers for cause, the broad scope of the Order's prohibitions appears to hinder unnecessarily Gallo's ability to utilize many of the marketing devices that are freely employed by its competitors. The fact that some competitors utilize a practice does not, of course, make that practice lawful for all firms, irrespective of their market power. But the conditions in the wine market make it unlikely that competitive injury would result if Gallo were allowed greater flexibility in devising effective distribution programs. Thus, the Commission finds no reason to continue these provisions of the Order.

A closer question is raised by Paragraph I(3)(2) of the consent order, which prohibits exclusive dealing, and is the principal focus of the objecting commenters' concerns. After careful consideration of all comments submitted, the Commission has concluded that this portion of the Order, as well, should be set aside. We believe that the factual considerations identified by Gallo in its petition, and by the Commission in the *Coca Cola* and *Heublein* decisions, indicate that Paragraph I(3)(2) is not necessary or reasonably related to the prevention of competitive harm, and thus can only operate to chill procompetitive conduct by Gallo (*e.g.*, brand dedication efforts) that is open to its competitors. A blanket prohibition upon exclusive dealing is not necessary under all the facts presented, because Gallo's widespread resort to exclusive dealing arrangements would likely be thwarted by the competitive structure of the wine industry, while such resort to exclusive dealing as Gallo might attempt is unlikely to foreclose competitors from needed distributional outlets.

In reaching our conclusion, we do not suggest that use of exclusive distribution arrangements would be lawful in this market under every conceivable market scenario. That would remain to be determined on a case by case basis under the rule of reason. We conclude simply that under all the particular circumstances of this case the likelihood of competitive harm is sufficiently remote that it is in the public interest to

vacate the blanket prohibition on exclusive dealing contained in the order.

Therefore, it is ordered that the order of August 26, 1976 in this matter be, and it hereby is, set aside.

By direction of the Commission. Commissioner Bailey dissenting. Commissioner Pertschuk did not participate.

Issued: May 18, 1983.

Emily H. Rock,

Secretary.

Dissenting Statement of Commissioner Patricia P. Bailey

E. & J. Gallo Winery

May 19, 1983.

I oppose the Commission's decision to grant in full Gallo's petition to reopen and to vacate a 1976 consent order because of my concern about potential anticompetitive exclusive dealing in the wine industry. I support much of the relief requested by Gallo, except for that order provision barring efforts by Gallo to condition continued distribution of its wines on the exclusion of competing brands. I do believe that some relaxation of even this order provision is justified, in order to permit reasonable and non-discriminatory minimal performance standards on the part of wholesalers of Gallo products. These might include brand dedication efforts, such as some kind of volume sales requirements, forms of promotion and store display, inventory level standards, and assurances of dealer financial stability.

I am concerned by the public record comments received from participants in the wine industry who object to our vacating the exclusive dealing aspect of the Gallo petition. They have argued that vacating the entire order is unjustified because even the existing proscriptions permit Gallo to impose legitimate reasonable brand dedication requirements on wholesalers. They believe that exclusive dealing is potentially a genuine problem because of Gallo's role as the wine industry's "dominant" firm. They have argued that Gallo's inherent market power stems not just from its national market share (in excess of 25%), but from its market share edge over all other competitors. Gallo's market share in some geographic areas may even exceed its position nationwide. Gallo is larger than its next several rivals combined, has maintained this share by capturing more market growth than have its competitors, and throughout has remained the firm with the most desirable "full-line" offering of wine products. The thrust of all these arguments is that Gallo may have the ability to force wholesalers in at least some major markets to decide between carrying Gallo products, which may account for a fourth of sales or more, and the products of other major competitors. Gallo apparently engages even now in exclusive dealing in eleven major markets through wholesalers controlled by Gallo or Gallo executives.

To counter these concerns, the argument is made that barriers to entry into wine wholesaling are so low that any Gallo efforts at exclusive dealing will only cause new wholesaling outlets to appear and carry the lines ousted from wholesalers electing Gallo-only distribution. While it is true that there are few technical obstacles to entry into wine wholesaling, it also appears to be the case that this business is characterized by high volume/low margin sales, with only a half-dozen or fewer incumbent wholesalers serving most urban markets. Most markets, being saturated, may be unattractive to new distributors of the size needed to ensure profitability.

Finally, Gallo has argued that the order places it at a competitive disadvantage because the order inhibits its distributional efficiency. Given Gallo's steady and longterm role as the largest and most successful of the nation's wine distributors, and its success in exploiting market growth so as to retain its overall market share, I do not see how Gallo has demonstrated that the Commission's order has hampered the success of its marketing practices.

The Commission has also taken notice of its decisions in the *Heublein* and *Coca-Cola of New York* Section 7 wine merger matters as creating a "special circumstance" justifying application of the facts of those cases to the Gallo petition. Those merger cases did not focus on exclusive dealing, or the acts, practices and market position of the Gallo wine firm, or even, in detail, the subject of wine wholesale distribution. They do not compel the granting of the Gallo petition, particularly with regard to any specific Gallo decision that might be made to require wholesalers to exclude competing brands in Gallo's favor.

Respondent bears the burden of proof that altering any part of an FTC order is justified. With respect to exclusive dealing, I believe Gallo has failed to meet this burden, even though the Commission retains the right to sue Gallo in the future if any of its actions amount to violations of the antitrust laws under a rule of reason analysis. The course of action that I proposed as a substitute for the Commission's decision would have permitted Gallo all the relief it seeks, except with respect to a single course of action, which Gallo neither proves it needs nor states that it intends, yet which was a vital part of the original FTC settlement that respondent agreed to in 1976.

My fear is that the vacation of the Commission's order encourages exclusive dealing by Gallo in at least some large and important markets, and that such a signal in the marketplace is an ominous portent for product distribution in other industries.[1]

[FR Doc. 83-15459 Filed 6-8-83; 8:45 am]

BILLING CODE 6750-01-M

[1] See, for instance, a discussion of efforts to establish exclusive distributorship in the beer industry, *National Journal*, April 2, 1983, p. 1.

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 09-83-13]

Special Local Regulations; LSCORA Downriver Offshore Classic

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the LSCORA Downriver Offshore Classic. This event will be held on July 30, 1983 from 10:00 AM (EDT) until 2:00 PM with a rain date of July 31, 1983. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective on July 30, 1983 and terminate on July 31, 1983.

FOR FURTHER INFORMATION CONTACT: MSTC Bruce Graham, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations. Following normal rule making procedures is unnecessary as per 5 U.S.C. 553(b)(3)(B). This has been an annual event for many years and no negative comments have been received concerning the holding of the event in the past.

Drafting Information

The drafters of this regulation are MSTC Bruce Graham, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The Lake St. Clair Offshore Racing Association's 3rd Annual Southshore Classic will be conducted on the Detroit River on July 30, 1983. This event will have an estimated 20-30 high performance ocean racers which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (Officer-in-Charge, U.S. Coast Guard Station, Belle Isle, MI).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

PART 100—[AMENDED]

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–0913 to read as follows:

§ 100.35–0913 Special local regulations.

(a) *Regulated Area.* That portion of the Detroit River in U.S. waters north of a line from Hickory Island to Celeron Island to Horse Island up to a line extending from Pt. Hennepin to Grassy Island to Mud Island, then along the north side of the Ecorse Channel to Mud Island Junction Lighted Buoy (LLNR 974) thence due west to shore. Also, the Fighting Island Channel from the Mud Island Junction Lighted Buoy (LLNR 974) south to where the course leaves the channel at approximately 44 degrees 11.2 minutes North, thence on a bearing of 206 degrees true and 200 yards wide to a point at 42 degrees 10.65 minutes North, thence on a bearing of 160 degrees true to the International Boundary. The Livingstone Channel from 42 degrees 08 minutes North to 42 degrees 06.5 minutes North. Also, from the International Boundary at 42 degrees 04 minutes North northwest on a bearing of 312 degrees true 200 yards wide to the previously mentioned line from Hickory Island to Celeron Island to Horse Island.

(b) *Special Local Regulations.* (1) The above area will be closed to recreational vessel navigation or anchorage from 10:00 AM (EDT) until 2:00 PM, or until the completion of the race.

(2) No vessel shall anchor in or around the main shipping channel of the Detroit River, Trenton Channel, nor shall any spectator craft interfere with the free passage of commercial traffic in the main fairways of the Detroit River.

(3) Recreational vessels desiring to transit the restricted area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants in the event or vessels of the patrol, in the performance of their assigned duties.

(4) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(5) This section is effective from 10:00 AM (EDT) on 30 July 1983 until 2:00 PM on 31 July 1983.

(46 U.S.C 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35.)

Dated May 24, 1983.

Henry H. Bell,

U.S. Coast Guard.

[FR Doc. 83–15483 Filed 6–8–83; 8:45 am]

BILLING CODE 4910–14–M

---

33 CFR Part 100

[CGD 09–83–08]

Special Local Regulations; International Freedom Festival Air and Water Show

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the International Freedom Festival Air and Water Show. This event will be held on the Detroit River on July 2 and 3, 1983. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on July 2, 1983 and terminate on July 3, 1983.

FOR FURTHER INFORMATION CONTACT: MSTC Bruce Graham, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522–4420.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations. Following normal rule making procedures is unnecessary as per 5 U.S.C. 553 (b)(3)(B). This has been an annual event for many years and no negative comments have been received concerning the holding of the event in the past.

Drafting Information:

The drafters of this regulation are MSTC Bruce Graham, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations.

The International Freedom Festival Air and Water Show will be conducted on the Detroit River on July 2 and 3, 1983. This event wil have a variety of water activities and air events which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Group Detroit, MI).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

PART 100—[AMENDED]

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–0908 to read as follows:

§ 100.35–0908 Special local regulations.

(a) *Regulated Area.* That portion of the Detroit River which lies between 083 degrees 01.9 minutes West, and 083 degrees 03 minutes West, from the international boundary to the U.S. shoreline.

(b) *Special Local Regulations.* (1) The above area will be closed to navigation or anchorage by vessels less than 65 feet in length from 5:30 P.M. (local time) until 8:30 P.M. on 2 and 3 July 1983.

(2) No vessel shall anchor in or around the main shipping channel of the Detroit River within U.S. waters nor shall any spectator craft impair the free passage of any commercial vessel in the main fairways of the Detroit River.

(3) Vessels desiring to transit the restricted area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants in the event or vessels of the patrol, in the performance of their assigned duties.

(4) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

[46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: May 24, 1983.

Henry M. Bell,

U.S. Const Guard.

[FR Doc. 83–15494 Filed 6–8–83; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 100

[CGD 09-83-12]

Special Local Regulations: B&T Icebreaker Regatta

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the B&T Icebreaker Regatta. This event will be held on the Niagara River on June 25 and 26, 1983. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective on June 25, 1983 and terminate on June 26, 1983.

FOR FURTHER INFORMATION CONTACT: MSTC Bruce Graham, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations. Following normal rule making procedures is unnecessary as per 5 U.S.C. 553 (b)(3)(B). This has been an annual event for many years and no negative comments have been received concerning the holding of the event in the past.

Drafting Information

The drafters of this regulation are MSTC Bruce Graham, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The B&T Icebreaker Regatta will be conducted on the Niagara River, Tonawanda Channel, on June 25 and 26, 1983. This event will have an estimated 50 hydroplanes which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Group Buffalo, NY).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35-0912 to read as follows:

§ 100.35-0912 Special local regulations.

(a) *Regulated Area.* That portion of the east branch of the Niagara River, Tonawanda Channel, from the overhead cable, 1300 yards northeast of the South Grand Island Bridge, to an east-west line through Tonawanda Channel Buoy 35 (LLP 29).

(b) *Special Local Regulations.* (1) The above area will be restricted to vessel navigation or anchorage from 1200 (local time) until 1900 on June 25 and 26, 1983.

(2) The patrol of a portion of Niagara River will be under the direction of a designated Coast Guard Patrol Commander who is empowered to forbid and control movement of vessels in the area before, during, and after the events for such time as he finds it necessary for the safe and orderly conduct of the events.

(3) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for faiure to comply, or both.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35.)

Dated: May 24, 1983.

Henry H. Bell,

U.S. Coast Guard.

[FR Doc. 83-15495 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD 09-83-10]

Special Local Regulations; Duluth Harbor Fireworks

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for Duluth Harbor Fireworks. This event will be held on July 4, 1983 at Duluth Harbor. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective and terminate on July 4, 1983.

FOR FURTHER INFORMATION CONTACT: MSTC Bruce Graham, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations. Following normal rule making procedures is unnecessary as per 5 U.S.C. 553(b)(3)(B). This has been an annual event for many years and no negative comments have been received concerning the holding of the event in the past.

Drafting Information

The drafters of this regulation are MSTC Bruce Graham, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The Duluth fireworks display will be conducted in Duluth Harbor on July 4, 1983. This event will have falling ash and debris and an unusually large concentration of spectator boats which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Station, Duluth, MN).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35-0910 to read as follows:

§ 100.35-0910 Special local regulations.

(a) *Regulated Area.* That portion of Duluth Harbor Basin Northern Section bounded on the south by a line drawn on a bearing of 087 degrees true from the Cargill Pier through Duluth Basin Lighted Buoy 5 (LLNR 1813) to the opposite shore and on the north by the Duluth Aerial Bridge.

(b) *Special Local Regulations.* (1) The above portion of Duluth Harbor, Lake Superior will be closed to commercial vessel navigation or anchorage from 7:30 p.m. (local time) until 11:00 p.m. on 4 July 1983.

(2) The following portions of Duluth Harbor Basin Northern Section will be closed to all traffic from 7:30 p.m. until 11:00 p.m. on 4 July 1983.

(i) Within 300 yards of position 46 degrees 46 minutes 43 seconds North and 092 degrees 06 minutes 03 seconds West.

(3) Vessels desiring to transit the restricted area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants in the event or

vessels of the patrol, in the performance of their assigned duties.

(4) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35.)

Dated: May 24, 1983.

Henry H. Bell,

U.S. Coast Guard.

[FR Doc. 83-15498 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Part 100

[CGD1 83-01]

Marine Parade; the Great Kennebec River Whatever Race

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is restricting the navigation of vessels not involved as participants or safety patrols on the Kennebec River during the 1983 Great Kennebec River Whatever Race on July 3, 1983. The purpose of this regulation is to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: July 3, 1983, 6:00 A.M. to 6:00 P.M.

FOR FURTHER INFORMATION CONTACT: LT M. J. Chaplain, USCG, Chief, Boating Standards/Affairs Branch (bc), Room 1102, First Coast Guard District, 150 Causeway Street, Boston, MA 02114, (617) 223-3607.

SUPPLEMENTARY INFORMATION: On March 17, 1983, the Coast Guard published a notice of proposed rule making in the **Federal Register** for this regulation (48 FR 11300). Additionally, Public Notification of the Notice of Proposed Rulemaking was forwarded to newspapers in Sagadahoc and Kennebec Counties, Maine, for publication. Interested persons were requested to submit comments. No comments were received.

Drafting Information

The drafters of this regulation are LT M. J. Chaplain, USCG, project officer, First Coast Guard District Boating Standards/Affairs Branch and LCDR S. C. Ploszaj, project attorney, First Coast Guard District Legal Office.

Discussion of Comments

No comments have been received. Accordingly, this final rule is published with no changes to the proposed regulation having been made.

Economic Assessment and Certification

This regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the restriction to navigation is for only a short period of time, and only affects a small portion of the river. Additionally, since this regulation supports an area promotional activity sponsored by the Kennebec Valley Chamber of Commerce, an increase in area business due to this marine parade is anticipated. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding § 100.35-1-01 to read as follows:

§ 100.35-1-01 The Great Kennebec River Whatever Race, Regatta.

(a) Regulated Area: Kennebec River, bank to bank, between the State of Maine Route 126 Highway Bridge connecting Randolph, Maine, and Gardner, Maine, and the U.S. Route 201-202 Highway Bridge at Augusta, Maine.

(b) Effective Period: 6:00 am, July 3, 1983 until 6:00 pm, July 3, 1983 or completion of the Great Kennebec River Whatever Race, whichever is earlier.

(c) Special Local Regulations: Vessels not participating in, or operating as a safety patrol in support of, the Great Kennebec River Whatever Race shall:

(1) Observe a maximum speed limit of five (5) mph or "No Wake Speed", whichever is less.

(2) Be alert for disabled craft and persons falling overboard.

(3) Exercise extreme caution when operating in the area of this marine parade.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46; and 33 CFR 100.35)

Dated: May 26, 1983.

C. E. Robbins,

RADM, USCG, First Coast Guard District.

[FR Doc. 83-15499 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Part 117

[CGD 08-83-01]

Drawbridge Operation Regulations; Bayou Chico, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Florida Department of Transportation and the Pensacola Urbanized Area Metropolitan Planning Organization, the Coast Guard is changing the regulation governing the State Highway 292 (Barrancas Avenue) bascule span bridge across Bayou Chico, mile 0.3, Pensacola, Escambia County, Florida. The bridge provides a vertical clearance of 14.5 feet at the center of the closed span during mean low water and now opens on signal at any time for any vessel.

The change will require that the draw continue to open on signal from all vessels but will not need to open for pleasure vessels Monday through Friday excluding holidays, from 6:00 A.M. to 8:00 A.M., 11:00 A.M. to 1:00 P.M., and 3:00 P.M. to 6:00 P.M. Exceptions to this restriction for pleasure vessels will be for the draw to open (a) on the hour and half-hour if these vessels are waiting to pass (b) when at least five of that type are waiting to pass or (c) in case of an emergency or when they are seeking refuge from severe storms. Moreover, pleasure vessels will be able to pass through the draw while it is opened for non-pleasure vessels. This action is being taken to relieve overland traffic congestion during the peak morning, noon and afternoon vehicular traffic periods, while still providing for the reasonable needs of pleasure vessels.

EFFECTIVE DATE: This amendment is effective on July 11, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130 — (504) 589-2965.

SUPPLEMENTARY INFORMATION: On 28 February 1983, the Coast Guard

published a proposed rule (48 FR 8302) concerning this amendment. The Eighth Coast Guard District also published this proposal as a Public Notice dated 28 February 1983. Interested persons were given until 14 April 1983 to submit comments.

Drafting Information

The principal persons involved in drafting this rule are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of Comments

Twenty-nine comments were received in support of the change. Nineteen were from individuals, six from local civic or employee groups with extensive membership (one as high as 30,000 members), two from local governing bodies, and one each from a federal legislator and federal agency.

No comments were received from owners whose vessels or marinas are located downstream of the bridge. However, five comments were received in opposition to the change from four owners of individual pleasure vessels and one owner of a marina, whose vessels and marina are located upstream of the bridge. There are about 150 pleasure vessels berthed in four marinas above the bridge.

The five in opposition addressed five areas of concern in varying degree: (1) Vehicular congestion caused more by commercial than pleasure vessels (2) congestion and safety of the waterway (3) side effect on vehicular operations (4) loss of business (5) alternative vehicular routing. These areas of concern are discussed below.

During the peak vehicular traffic periods, Monday through Firday, 6:00 A.M. to 8:00 A.M., 11:00 A.M. to 1:00 P.M. and 3:00 P.M. to 6:00 P.M., the daily average number of bridge openings for pleasure vessels has been running at 0.16, 1.34 and 2.86, respectively. Except for the morning peak period, those openings exceed those for commercial vessels by a comfortable margin. Thus, limiting the openings for pleasure vessels during the peak traffic periods should have a salutary effect on traffic flow over the bridge. The daily average number of vehicles crossing the bridge has been running at 2721, 2498 and 4753 during the three peak traffic periods, respectively.

It is possible for waiting vessels to cause waterway congestion and safety hazards, although there is no reason to believe that this will occur in the instant case. There should be little waiting traffic, during the closure periods, given the passage through the bridge of pleasure vessels on the scheduled hour and half-hour openings and incidental to the openings for non-pleasure vessels, and with the tendency of mariners to time their arrivals to coincide with the scheduled openings based on our experience with other closures. Moreover, there is room for waiting vessels on both sides of the bridge—near the right descending bank upstream and at or near the confluence of Bayou Chico with Pensacola Bay downstream.

Traffic through the bridge has been averaging just over one vessel per opening. This is not expected to necessarily increase during the closure periods for pleasure vessels, considering the scheduled openings at half-hour intervals for these vessels and their use of openings made for commercial vessels. Nor is it expected that the situation would ever materialize, except in unique cases, where at least five sailboats would accumulate for passage within a half-hour interval. However, should the occasion arise where the programmed bridge opening is longer than with a random opening to pass waiting vessels, with a corresponding increased delay to vehicular operations, the motoring public has expressed a willingness to accept this side effect on those occasions in exchange for the programmed bridge operation.

The closure restrictions are not considered significant enough to cause pleasure boat owners to discontinue mooring or seeking service upstream of the bridge. There should be little inconvenience to pleasure boat owners in transiting the bridge site. No loss of business is anticipated.

There are two crossings of Bayou Chico, one on Barrancas Avenue where the subject bridge is located and the other on Navy Boulevard located upstream. These routes are not so much alternatives to each other as they are complementary. Both carry an average daily traffic of about 21,000 vehicles, with the Barrancas Avenue route being 3.5 miles long and the Navy Boulevard route being 4.17 miles long. Considering these factors, there is no incentive for motorists presently using the Barrancas Avenue route to shift to Navy Boulevard as an alternative.

To facilitate vessel movement and to minimize the opening time to pass waiting traffic, a sound signal will be given at least five minutes in advance of a scheduled opening. This notice will allow waiting vessels to make preparations to be underway as soon as the bridge is opened.

Economic Assessment and Certification

This final regulation has been reviewed under provisions of Executive Order 12291 and has been determined not to be a major rule. It is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedure for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). An economic evaluation has not been conducted since the impact is expected to be minimal for the reasons discussed above. In accordance with section 605(d) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.245(i)(11) to read as follows:

§ 117.245 Bayou Chico, mile 0.1, Pensacola, Florida.

* * * * *

(i) * * *

(ii) The draw shall open on signal but need not open for pleasure vessels from 6:00 A.M. to 8:00 A.M., 11:00 A.M. to 1:00 P.M. and 3:00 P.M. to 6:00 P.M., Monday through Friday excluding holidays, except (i) on the hour and half-hour (ii) when at least five such vessels are waiting to pass or (iii) in emergencies or severe storms. The draw when otherwise opened for other vessels may be used by pleasure vessels.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3))

Dated: May 27, 1983.

J. M. Fournier,

Acting Captain, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 83-15475 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 262

Law Enforcement Support Activity

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This rule incorporates existing Forest Service procedure and direction on the purchase of information and evidence in investigating violations of laws and regulations related to administration of the Forest Service.

Previously, Forest Service officials have had to refer to the text of Comptroller General Decision No. B–172259, dated April 29, 1971, for this direction. Codification of this direction with related rules on law enforcement support activities will provide an easy-to-locate reference for both Forest Service personnel and National Forest users. In addition, the rule retitles Part 262 and reorganizes and recodifies existing material in Part 262.

EFFECTIVE DATE: July 11, 1983.

FOR FURTHER INFORMATION CONTACT: Wayne Wilson, Fiscal and Accounting Management Staff, USDA-Forest Service, P.O. Box 2417, Washington, DC 20013, (703) 235–8094.

SUPPLEMENTARY INFORMATION: Certain acts and behavior of persons using National Forest System lands or other lands under the care, custody, control, or otherwise administered by the Forest Service, are deemed felony and misdemeanor violations as set forth in Title 16, Conservation, and Title 18, Crimes and Criminal Procedures, of the United States Code. Unacceptable behavior may include: Theft and destruction of archaeological resources; destruction of Government property; theft of timber; and setting fire to timber, brush, or grass. When these acts occur, it is generally necessary to conduct an investigation to obtain information and evidence to apprehend and charge those responsible. Investigative procedures can include the purchase of information and evidence when all other investigative means have been exhausted. This procedure has been accepted by Forest Service line and staff personnel as a standard operating procedure to expedite investigations in a cost-effective manner.

The Forest Service has been operating under the Comptroller General Decision, No. B–172259, dated April 29, 1971, as the basis of using appropriated funds for the purchase of information and evidence which furthers the investigation of violations of laws and regulations relating to the administration of the National Forests. However, Forest Service managers have difficulty in locating and referencing this decision for the purpose of informing other Forest Service personnel and National Forest users of operating procedures and have recommended that this direction be codified with related material in 36 CFR Part 262.

The final rule incorporates in Part 262 the direction of the Comptroller General's decision, sets forth the amounts that may be paid for information and evidence, and specifies the officials who may authorize payments. This rule does not contain penalties for noncompliance. The rule will allow designated Forest Service personnel to purchase information and evidence within monetary constraints with oversight by certain line officers. Provisions are incorporated in the rule to monitor expenditures and to account for all information and evidence purchased.

The inclusion of regulations prescribing payment for information and evidence necessitates reorganizing and recodifying existing material in 36 CFR Part 262, Rewards and Impoundments. However, changes are not made in the existing rules. The title of Part 262 also is being changed to more appropriately reflect the material now contained in this Part.

In accordance with exceptions to rulemaking procedures in 5 U.S.C. 553 and Department of Agriculture policy (36 FR 13804), it has been determined that advance notice and request for comments are unnecessary. This rule incorporates a long-standing operating procedure authorized by a Comptroller General decision and is an interpretative rule of existing policy and law.

This action has been reviewed pursuant to Executive Order 12291, and it has been determined that this action is an administrative and procedural matter which is exempt from the requirements of the Executive order. In addition, the Assistant Secretary of Agriculture for Natural Resources and the Environment has determined that this action will not have a significant economic impact on small entities and does not directly affect the private sector. The rule will have no effect on competition, employment, investment productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 36 CFR Part 262

Law enforcement, National forests, Penalties, Seizures and forfeitures.

For the reasons set forth in the preamble, Part 262 of Chapter II of Title 36, Code of Federal Regulations is amended as follows:

1. The title and table of contents of 36 CFR Part 262 are revised to read as follows:

PART 262—LAW ENFORCEMENT SUPPORT ACTIVITIES

Subpart A—Rewards and Payments

Sec.

262.1 Rewards in connection with fire or property prosecution.
262.2 Purchase of information in furtherance of investigations.
262.3 Purchase of evidence in furtherance of investigations.
262.4 Audit of expenditures.
262.5 Disposal of purchased property.

Subpart B—Impoundments and Removals

262.10 Impoundment and disposal of unauthorized livestock.
262.11 Impounding of dogs.
262.12 Impounding of personal property.
262.13 Removal of obstructions.

Authority: 30 Stat. 35, as amended (16 U.S.C. 551); sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526 as amended (7 U.S.C. 1011(f)); 58 Stat. 736 (16 U.S.C. 559(a)), unless otherwise noted.

2. 36 CFR 262.2, 262.3, 262.4, and 262.5 are redesignated as 36 CFR 262.10, 262.11, 262.12, and 262.13 respectively.

3 New §§ 262.2, 262.3, 262.4, and 262.5, are added to read as follows:

Subpart A—Rewards and Payments

* * * * *

§ 262.2 Purchase of information in furtherance of investigations.

(a) *Approval of Payments.* Payments for purchase of information to further investigations of felonies and misdemeanors related to Forest Service administration are authorized for each transaction as follows:

(1) Criminal investigators in the GS–1811 series and such other personnel as the Chief of the Forest Service or a Regional Forester may designate, may, without prior approval, pay up to but not exceeding $200 for the purchase of information under this section.

(2) For payments of amounts over $200 but not exceeding $500, advance approval of the Forest Supervisor is required.

(3) For payments of amounts over $500 but not exceeding $2,500, advance approval of the Regional Forester is required.

(4) For payments of amounts over $2,500, advance approval of the Chief of the Forest Service is required.

(5) For purchase of information to further investigations within a Regional Office, Forest and Range Experiment Station, State and Private Forestry Area Office, or the National Office, payments in excess of $200 must be approved in advance by the Chief of the Forest Service or by such other personnel as the Chief may designate.

(b) *Limitations.* Purchase of information under this section is restricted to furthering investigations of felony and misdemeanor violations. Payment for information to further investigations of petty offenses as

classified in Title 18, U.S. Code, Section 1, are not authorized under this section.

§ 262.3 Purchase of evidence in furtherance of investigations.

(a) *Approval of Payments.* Payments for purchase of evidence to further investigations of felonies and misdemeanors related to Forest Service administration are authorized for each transaction as follows:

(1) Criminal investigators in the GS–1811 series and such other personnel as the Chief of the Forest Service or a Regional Forester may designate, may, without prior approval, pay up to but not exceeding $400 for the purchase of evidence under this section.

(2) For payments of amounts over $400 but not exceeding $1,000, advance approval of the Forest Supervisor is required.

(3) For payments of amounts over $1,000 but not exceeding $5,000, advance approval of the Regional Forester is required.

(4) For payments of amounts over $5,000, advance approval of the Chief of the Forest Service is required.

(5) For purchase of information to further investigations within a Regional Office, Forest and Range Experiment Station, State and Private Forestry Area Office, or the National Office, payments in excess of $400 must be approved in advance by the Chief of the Forest Service or by such other personnel as the Chief may designate.

(b) *Limitations.* Purchase of evidence under this section is restricted to furthering investigations of felony and misdemeanor violations. Payment for evidence to further investigations of petty offenses as classified in Title 18, U.S. Code, Section 1, are not authorized under this section.

§ 262.4 Audit of expenditures.

The Chief of the Forest Service shall, through appropriate directives to agency personnel, assure the accountability of all funds spent in carrying out the provisions of this subpart and safeguard the identity of those wishing to remain anonymous.

§ 262.5 Disposal of purchased property.

All evidence purchased under the authority of this subpart shall be maintained in accordance with all laws, regulations, and rules applicable to the care, custody, and control of evidence. Evidence purchased under this subpart shall be disposed of in accordance with laws, regulation, rules, and Forest Service policy applicable to the disposal of evidence.

Douglas W. MacCleery,

Deputy Assistant Secretary for Natural Resources and Environment.

June 3, 1983.

[FR Doc. 83–15487 Filed 6–8–83; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

41 CFR Part 3–3

Selection of Offerors for Negotiation and Award; Correction

AGENCY: Department of Health and Human Services.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on the selection of offerors for negotiation and award that appeared at page 20904 in the Federal Register of Tuesday, May 10, 1983 (48 FR 20904). This action is necessary to correct typographical errors in cross references, a section number, and the text of one sentence.

FOR FURTHER INFORMATION CONTACT: Norman Audi, Division of Procurement Policy, (202) 245–6154.

Dated: June 2, 1983.

Henry G. Kirschenmann, Jr.,

Deputy Assistant Secretary for Procurement, Assistance, and Logistics.

The following corrections are made in FR Doc. 83–12448 appearing on 20904 in the issue of May 10, 1983:

1. On page 20906, under § 3–3.5107–6(a), the cross reference "(see § 3–1.353(f))" is corrected to read "(see § 3–1.353(e))".

2. On page 20907, under § 3–3.5109(a), the cross reference "3–3.807.2" is corrected to read "3–3.807–2".

3. On page 20909, the section number "§ 3–3.5515" is changed to read "§ 3–3.5115".

4. On page 20909, under § 3–3.5515, (corrected to read § 3–3.5115 in 3. above), the second sentence "However, awards should be made for research and development capabilities that exceed those needed for the successful performance of the particular project" is corrected to read "However, awards should not be made for research and development capabilities that exceed those needed for the successful performance of the particular project".

[FR Doc. 83–15428 Filed 6–8–83; 8:45 am]

BILLING CODE 3110–12–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–6531]

Identification and Mapping of Special Flood Hazard Areas; Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Associate Director, State and Local Programs and Support reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the Community, listed in the fourth column of the table.

Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed

conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 65.4.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains:

State and county	Location	Date and name of newspaper where notice was published	Chief Executive officer of community	Effective date of modified flood insurance rate map	New community by No.
Florida: Broward County	(T) Davie	*Hollywood Sun—Tatler:* October 29, 1982; November 5, 1982.	Honorable Scott Cowan, Mayor, Town of Davie, 6591 S. W. 45th Street, Davie, Florida 33314.	Nov. 5, 1982	120035B

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128: Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 20, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15442 Filed 6-8-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 97

[PR Docket No. 82-726; FCC 83-249]

Elimination of Logging Requirements in the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rules (report and order).

SUMMARY: This Report and Order amends the Amateur Radio Service Rules, Part 97, to eliminate requirements that station licensees maintain detailed logs of station operation. It delegates authority to the Engineers-in-Charge of Commission field facilities to require individual station licensees to maintain a station record of third-party traffic. It places the implied operational requirements in the rule section to which they applied. This requirement that amateur radio stations maintain logs is being eliminated because it no longer serves a regulatory function and it will relieve licensees of an unnecessary paperwork burden.

DATE: Effective June 9, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James C. McGrath, Private Radio Bureau, Washington, D.C. 20554; (202) 632–4964.

List of Subjects

47 CFR Part 0

Commission organization, Organization and functions (government agencies).

47 CFR Part 97

Radio.

Report and Order; Proceeding Terminated

In the matter of elimination of logging requirements in the Amateur Radio Service; PR Docket No. 82–726.

Adopted: May 26, 1983.
Released: June 6, 1983.

By the Commission: Commissioner Fogarty not participating; Commissioner Sharp absent.

1. On October 21, 1982, the Commission adopted a Notice of Proposed Rule Making in PR Docket 82–726 (47 FR 50726, November 9, 1982). The Commission, on its own initiative, proposed to remove station log requirements from the Amateur Radio Service Rules. The present rules require each amateur radio station to maintain such a log and to include in it a variety of information regarding station activity, operators, facilities and communications.[1] The Notice also proposed to remove the implied operational requirements from the logging rules and place them in the rule sections to which they apply. It was proposed to let individual licensees determine how they wished to document the identity of control operators other than the station licensee. Finally, the Commission proposed to allow licensees to keep those few records that it would still require—that is, certain technical documentation regarding repeater operation, auxiliary operation and operations by remote control—in any form which could be made readily available to the Commission. Comments were invited regarding the desirability of delegating authority to the Engineers-in-Charge (EIC's) of Commission field facilities to require individual station licensees in the future to maintain a log with certain items of information that are currently required.

2. As part of our regulatory review program we examined the necessity and usefulness of these station log requirements. We found no Commission need for a record of routine station activity. The requirements for noting various aspects of routine station

[1] There are over 413,000 amateur radio operators licensed by the FCC.

operation were intended to provide the Commission with a means to verify when the station was in operation and whether communications from the station were of a permissible nature. The Commission has rarely used this information from the log, preferring to rely instead on monitoring data it has collected.

3. Comments were received from over a dozen individuals and organizations representing a cross-section of the amateur radio community. The majority of the comments favored the proposed action. The Northern Virginia FM Association, Inc. (NVFMA) said, "Prior simplification of logging requirements in the Amateur Radio Service has had no apparent harmful effect on either compliance or enforcement of the substantive regulations". NVFMA also said, "The logging of third-party traffic transmitted by the users of the Association's repeaters has created a continuing heavy burden on the licensees and users of the repeaters". Those commenting who were in disagreement with the Commission's position, that keeping a station log no longer served a useful purpose, said that a station log created a record of station operation that was of value to the station licensee. However, licensees are always free to voluntarily keep records of whatever information they find to be of value.

4. The American Radio Relay League (ARRL), while agreeing generally with the Commission's proposals said that the current requirement for a specific notation of international third-party traffic should be retained in the regulations. The ARRL said "(T)he same would insure operator awareness of the international treaty requirements and permit the Commission to establish deviation from international third-party message limitations should such deviation occur." We believe there is no Commission need for station records of routine international third-party traffic. Self-regulation as it exists in the amateur community would eliminate any continued unintentional deviation from international treaty requirements. As to willful violations, we will retain logging requirements on a case-by-case basis through the EIC's.

5. The majority of those commenting on the proposal to delegate authority to the EIC's to require individual licensees to maintain a station log, were in favor of the proposal. They said they favored regulations that serve to enhance the efficient and lawful operations of stations in the Amateur Radio Service. The ARRL said they were supportive of the Commission's desire to investigate matters locally through Commission Field Offices. Accordingly, we will adopt a rule giving EIC's authority to require logs on a case-by-case basis as the conditions warrant.

6. We conclude it is in the public interest to remove the rules requiring stations in the Amateur Radio Service to maintain station logs. As we stated in the NPRM this will result in elimination of most of the record keeping burden placed on amateur radio operators. We estimate a savings to the public of over 300,000 paperwork burden hours annually. In addition, the considerable expense of tape-recording third-party transmissions will be eliminated for those operators who have satisfied the logging requirements in this manner.[2] We are also removing the implied operational requirements from the logging rules and placing them in the rule sections to which they apply. Also, we are allowing the licensees to keep those few records which we still require in any form which can be made readily available to the Commission. In order to provide a record of station operations for enforcement purposes, we are delegating authority to the EIC's to require individual station licensees to maintain a record of station operations.[3]

7. Nothing in this Order shall prevent station licensees from maintaining a station log in the current manner or from including in it any information they desire to keep.

8. The Secretary is hereby directed to forward a copy of this Report and Order to the Office of Management and Budget (Director, Office of Information and Regulatory Affairs) and to the Chief Counsel for Advocacy of the Small Business Administration. The Secretary shall also cause a copy of this Report and Order to be published in the **Federal Register.**

9. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding since this proposal would simply eliminate certain individual record-keeping requirements for amateur radio operators. These proposals are either insignificant in effect or deregulatory. Consequently, there would be no economic impact on small businesses, small organizations or small governmental jurisdictions.

[2] The ARRL estimates a $200.00 equipment cost, for tape-recording third-party transmissions, for most of the estimated 7000–9000 amateur stations in repeater operation.

[3] We are changing the wording in § 97.79(b) from that proposed in the Notice of Proposed Rule Making in this proceeding to conform to the changes in this Section that were made in PR Docket No. 81-823, 47 FR 50702, November 9, 1982.

10. In view of the foregoing, it is further ordered, effective on the date of publication of this Order in the **Federal Register,** Parts 0 and 97 of the Commission's Rules and Regulations, 47 CFR Parts 0 and 97, are amended as set forth in the attached Appendix. This action is taken pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.SC. 154(i) and 303.

11. It is further ordered, That this proceeding is terminated.

12. Further information on this matter may be obtained by contacting James D. McGrath, (202) 632–4964, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 0 and 97 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 0—COMMISSION ORGANIZATION

A.1. Section 0.314 is amended by adding new paragraph (x) as follows:

§ 0.314 Additional authority delegated.

* * * * *

(x) When deemed necessary by the Engineer-in-Charge of a Commission field facility to assure compliance with the Rules, a station licensee shall maintain a record of such operating and maintenance records as may be necessary to resolve conditions of interference or deficient technical operation.

PART 97—AMATEUR RADIO SERVICE

B.1. In § 97.79, paragraph (b) is revised to read as follows:

§ 97.79 Control operator requirements.

* * * * *

(b) Every amateur radio station, when in operation, shall have a control operator. The control operator shall be present at a control point of the station, except when the station is operated under automatic control. (Automatic control is only permitted where specifically authorized by the rules of this part.) The control operator may be the station licensee, if a licensed amateur radio operator, or may be another amateur radio operator with the required class of license and designated by the station licensee. The control operator shall also be responsible,

together with the station licensee, for the proper operation of the station. (For purposes of enforcement of the rules of this part, the FCC will presume that the station licensee is, at all times, the control operator of the station, unless documentation exists to the contrary.)

* * * * *

2. In § 97.85, a new paragraph (g) is added to read as follows:

§ 97.85 Repeater operation.

* * * * *

(g) Each station in repeater operation transmitting with an effective radiated power greater than 100 watts on frequencies between 29.5 and 420 MHz, or 400 watts on frequencies between 420 and 1215 MHz, shall have the following information included in the station records during any period of operation:

(1) The location of the station transmitting antenna marked upon a topographic map having contour intervals and having a scale of 1:250,000 (indexes and ordering information for suitable maps are available from the U.S. Geological Survey, Washington, D.C. 20242, or from the Federal Center, Denver, CO 80255);

(2) The transmitting antenna height above average terrain (see Appendix 5);

(3) The effective radiated power in the horizontal plane for the main lobe of antenna pattern, calculated for the maximum transmitter output power which occurs during operation;

(4) The maximum output power which occurs during operations;

(5) The loss in the transmission line between the transmitter and the antenna (including devices such as duplexers, cavities or circulators), expressed in decibels; and

(6) The relative gain in the horizontal plane of the transmitting antenna.

3. In § 97.88, papragraph (a) is revised, and new paragraphs (f) and (g) are added to read as follows:

§ 97.88 Operation of a station by remote control.

* * * * *

(a) A photocopy of the license for the remotely controlled station shall be posted in a conspicuous place at the station location.

* * * * *

(f) The station records shall include during any period of operation:

(1) The names, addresses, and call signs of all persons authorized by the station licensee to be control operators; and

(2) A functional block diagram of the control link and a technical explanation sufficient to describe its operation.

(g) Each remotely controlled station shall be protected against unauthorized station operation, whether caused by activation of the control link, or otherwise.

4. Section 97.90 is added to read as follows:

§ 97.90 System network diagram required.

When a station has one or more associated stations, that is, stations in repeater or auxiliary operation, a system network diagram (see § 97.3(v)) shall be included in the station records during any period of operation.

5. Section 97.92 is added to read as follows:

§ 97.92 Record of operations.

When deemed necessary by the Engineer-in-Charge (EIC) of a Commission field facility to assure compliance with the rules of this part, a station licensee shall maintain a record of station operations containing such items of information as the EIC may require under Section 0.314(x).

§ 97.99 [Amended]

6. In § 97.99, paragraph (c) is removed.

§ 97.103 Undesignated heading. [Removed]

7. Section 97.103 and the undesignated heading "Logs" which precedes § 97.103 are removed in their entirety.

§ 97.105 [Removed]

8. Section 97.105 is removed.

§ 97.417 [Amended]

9. In § 97.417, papragraph (d) is removed.

[FR Doc. 83-15412 Filed 6-8-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 82-1; FCC 83-155]

Radio Broadcast Services; Amendment of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action, initiated on the Commission's own motion, revises § 73.593 of the Commission's Rules to permit noncommercial educational FM stations to use their subcarrier capacity for remunerative purposes. This will enable these stations to obtain funds that are needed for their support. If a station engages in remunerative use of its subcarrier capacity, it must ensure that such use is not detrimental to the provision of existing or potential radio reading services for the blind or otherwise inconsistent with its public broadcasting responsibilities.

DATE: Effective July 5, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Jonathan David, Mass Media Bureau (202) 632-7792.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.593 of the Commission's rules, BC Docket No. 82-1.

Adopted: April 7, 1983.
Released: June 3, 1983.

By the Commission: Commissioner Fogarty absent.

I. Introduction

1. The Commission has before it the *Notice of Proposed Rule Making* in this proceeding (47 FR 2384, published January 15, 1982).[1] In the *Notice* we proposed to amend the provisions of § 73.593 of the Commission's Rules which govern the use of Subsidiary Communications Authorization ("SCA") by noncommercial educational FM stations.[2]

2. Section 73.593 of the Commission's Rules permits noncommercial educational FM stations to conduct subcarrier operations, but it places a limit on the subcarrier service these stations can provide. Unlike commercial FM stations, these stations are not permitted to use their subcarrier capacity for remunerative purposes. Instead, they are limited to noncommercial uses in furtherance of the station's overall educational purpose. In issuing the *Notice*, the Commission questioned whether it was appropriate to maintain these limitations, particularly in light of recent amendments to the Communications Act.[3] Section 399B of the

[1] In addition, we have before us the comments and reply comments submitted in response to the *Notice of Proposed Rule Making* in BC Docket No. 82-536 (47 FR 46118 (1982)) which explores a wide range of subcarrier issues affecting both commercial and noncommercial educational FM stations. Because of the overlapping nature of the issues in these two proceedings, insofar as public radio stations are concerned, the Commission earlier decided to act on both *Notices* simultaneously. To the extent that the comments in BC Docket No. 82-536 bear upon the issues in this proceeding, they are considered and resolved herein. The balance of the issues in 82-536 are addressed in a companion *Report and Order* adopted today.

[2] These stations also are referred to as public radio stations. The two terms are used interchangably herein.

[3] Public Broadcasting Amendments Act of 1981 (Pub. L. 97-35) (hereinafter the "1981 Amendments").

Communications Act, which was added as part of the 1981 Amendments, gave public broadcasters the authority to use their facilities for remunerative purposes.[4] The legislative history of the provision clearly reflects Congress' expectation that public stations do more to provide their own support in view of anticipated reductions in the level of government funding for such stations. Thus, the Commission inaugurated this proceeding to consider whether the subcarrier capacity of these stations could be used to obtain additional funds. Some background about subcarriers will help put the current proposal in context.

3. In addition to the programming FM stations present on their main channel, all FM stations have the capacity to program one or more subcarriers on a multiplex basis. One of these subcarriers may be used to provide the second signal needed for stereo operation. Conventional FM sets can receive the main channel and if they are so designed, the stereo channel as well. However, these sets are unable to receive other subcarrier signals that can be heard only on special receivers. In addition to the stereo signal, FM stations have one other subcarrier channel available for use.[5]

4. In conducting subcarrier operations, commercial and noncommercial FM stations are subject to the same engineering standards. Likewise, both are allowed to conduct subcarrier operations themselves or to contract with another party to act on their behalf. Moreover, in both instances, the required subcarrier receivers are made available by the party conducting the subcarrier operation. However, there are differences between commercial and noncommercial stations with respect to how they may use their subcarriers. In the case of commercial FM stations, the subcarrier operation can be run on profit making basis, with the subscriber paying a substantial monthly fee. Public radio stations, on the other hand, can only use the subcarrier for an educational purpose. In addition, they are limited by the provisions of Section 73.593 of the Commission's Rules to conducting subcarrier operations on a non-profit basis. Although this Section does allow public broadcasters to charge fees for providing instructional material to subscribers,[6] these fees are not permitted to exceed the cost of providing this service.[7]

5. Because of the current restrictions, only a small portion of noncommercial stations actually offer subcarrier service of any kind. For those that do, radio reading services for the blind represents the most frequent use.[8] By way of contrast, § 73.293 of the Commission's Rules gives commercial FM stations much greater latitude in the use of their subcarriers. They are allowed to use them commercially to present a wide variety of "broadcast like" material. The most frequent of these uses is the transmission of background music for stores and offices. In addition, in BC Docket No. 81–352, the Commission made it possible for commercial stations to use their subcarriers for utility load management, a non-broadcast use.[9] Moreover, in BC Docket No. 82–536 the Commission proposed, and is today adopting, a substantial expansion in the range of permissible broadcast and non-broadcast uses for commercial station subcarriers. These changes are clearly important for public broadcasters as well, because in this proceeding we proposed to allow public broadcasters the same flexibility in using their subcarriers as is accorded commercial FM stations.

II. The Comments

6. A large number of comments and reply comments was filed in response to the *Notice*.[10] Comments in support of the Commisson's proposal were filed by public broadcasting licensees and organizations and by companies interested in making use of the subcarrier capacity of public stations. Comments in opposition to the Commission's proposal were filed by radio reading services and by organizations representing the blind. In addition to these comments on the issues directly raised by the *Notice*, many of the supporting and opposing comments urged an expansion of the FM baseband so that each station could have an additional subcarrier channel. Although they approach this point from different perspectives, both sides agree that making an additional subcarrier channel available to each station could help respond to the various demands for subcarrier use, including reading services. Furthermore, comments directed to the impact and implications for public broadcasting of the availability of two subcarrier channels were filed by public radio station and radio reading service interests in BC Docket No. 82–536, where we explicitly proposed expansion of the FM baseband. These comments, as well as those filed here which urged and anticipated making an additional subchannel available, will be considered below.[11]

A. Comments in Support of the Proposal

7. *Public Radio Stations Need to Provide More of Their Own Support*—Virtually all of the comments in favor of the proposal assert that public radio stations need to use their subcarrier capacity as a fund raising mechanism to help replace previously available federal funds. For example, National Public Radio ("NPR") asserts that the federal contribution to public broadcasting of $172 million for fiscal year 1982 is being reduced to $137 million for fiscal year 1983. For fiscal years 1984, 1985 and 1986, the federal contribution may be no higher than $130 million each year. NPR insists that these sums fall far short of public broadcasting needs. Taking the effects of inflation into account, it states that public broadcasters will be hard pressed unless alternative funding sources are developed. This view is repeated in various other comments which assert a similar general need for additional funds. Some areas, such as Alaska, are said to be in even greater need. According to the Alaska Public Broadcasting Commission ("APBC"), the problem is particularly acute there because the communities are so small. APBC asserts that this means there are fewer local sources of funds. Consequently, APBC states that the typical Alaskan station is able to raise only 10 percent of its support locally, only about one-third of the national average.

8. *Remunerative Subcarrier Use Can Contribute to Station Support*—Virtually

[4] The only restriction in 399B was that these remunerative uses could not interfere with a station's public telecommunications function.

[5] A station operating monaurally thus has two channels available for subcarrier use. Most stations, however, operate stereophonically. In either case, we are here referring to full-service channels which could be used for broadcast-like purposes. The non-broadcast uses authorized in BC Docket No. 82–536 do not need as much bandwidth, so that more than two channels of operation could be conducted, depending on the nature of the services involved. However, the discussion here regarding number of channels refers to full-service channels.

[6] Section 73.593 specifies that charges can be made only for instructional material presented by or in conjunction with a bona fide educational institution or which is directed to the special needs of its particular subcarrier audience.

[7] In calculating these costs, § 73.593(a)(1)(iii) allows a station to include appropriate portions of its general overhead and operational costs.

[8] Radio reading services serve all who are unable to use written material, including those who are unable to hold written material, those who suffer from reading difficulties, such as dislexia, as well as persons who are blind.

[9] *Report and Order*, 47 FR 1388 (January 13, 1982).

[10] These comments and replies are listed in Appendix B hereto.

[11] A detailed summary of the comments and reply comments filed in BC Docket No. 82–536 addressing public telecommunications issues is attached hereto as Apprendix C.

all of the public broadcast comments make general reference to the revenue generating opportunities that the subcarrier could provide, but most do not provide specific information. There were exceptions, such as the licensee of public radio Station KLYT(FM) which notes that two groups have already approached it about leasing its subcarrier capacity. One of these groups proposes to use the subcarrier for stock market reports, while the other would transmit background music. Support for the proposal also comes from MUZAK and Bonneville International, two companies already involved in using subcarriers on commercial stations. They assert that there is sufficient demand to support use of subcarriers on public radio stations, and they think this expansion can help ensure the availability of low cost, high quality subcarrier facilities. In fact, without this expansion, they think the number of available subcarrier channels will not be sufficient to accommodate the specialized programming and other subcarrier uses that are being developed. Given this demand, they are convinced that there is a substantial revenue potential that can be used by public radio stations in the same way commercial FM stations did in their early days when revenues were inadequate to support main channel station operation. Overall, they believe that these revenues would make an important contribution to supporting the principal noncommercial services being provided by stations on their main channels.[12]

9. *Remunerative Subcarrier Use Reflects the Will of Congress*—According to supporters of the proposal, Congress has called upon public broadcasters to provide more of their own support and at the same time has given them the means to do so. In particular, they point to the statutory provisions in Section 399B(b)(1) of the Communications Act which allow public broadcasters to engage in entrepreneurial activities through the "offering of services, facilities, or products" in exchange for remuneration.[13] As they read this language, Congress intended the Commission to authorize public stations to use their facilities creatively to earn extra revenues. On this basis, they assert that the present Commission prohibition on remunerative subcarrier use is inconsistent with the intent of Congress. According to these parties, leasing a subchannel for commercial purposes, as the Commission proposes to allow, is an "offering of a facility" as contemplated under the 1981 Amendments. Likewise, they assert that transmission of special programming by the licensee to subscribers is an example of an "offering of a service" under the 1981 Amendments. Although the supporting comments acknowledge that Congress stipulated certain limits on the remunerative activities of public broadcasters, they insist that these restrictions do not apply here. Instead, they see such restrictions only as precluding the broadcast or transmission of advertisements or other actions that would subvert the noncommercial nature of the service offered on the main channel.

10. *Prohibition on Remunerative Subcarrier Use Is Out of Date*—Several parties, including the Corporation for Public Broadcasting, question the continued need for public radio subcarrier restrictions, even if funding were not so pressing an issue. According to this view, such restrictions were an outgrowth of an entirely different time when public stations offered only a narrow range of educational programming. In their view, it was appropriate then to require the subcarrier to be used for the same limited purposes. Now, these parties point out, the service provided by noncommercial stations has greatly expanded as educational broadcasting has evolved into general public broadcasting. They note, however, that there has been no equivalent change in the definition of the types of material that can be offered on a subcarrier. This leads them to believe that the present restriction is out of date and that the permissible uses should be expanded so that public radio stations can provide a wider range of subcarrier service. They believe that such an expansion also would be consistent with the Commission's action which allowed greater fund raising activities and on-air acknowledgments by public stations.[14]

11. *Remunerative Subcarrier Use Would Benefit the Public*—The Ohio Educational Broadcasting Network Commission asserts that allowing remunerative subcarrier use would permit public radio stations to provide an even wider range of services than they currently offer. It notes that many public radio stations have been forced to narrow the content of their broadcast offerings and have found it necessary to follow more rigidly "formatted" program schedules in order to attract an audience that can be persuaded to contribute to the support of preferred programming. This, it states, is the case because presenting a broader range of programming fare makes it harder to attract a loyal audience that can be relied on to provide substantial contributions. Although Ohio Network accepts the fact that this approach may have yielded greater contributions, it asserts that this has meant that public radio stations have not been able to present a broader variety of programs designed to appeal to appeal to differing segments of their audiences. It believes that revenues from remunerative subcarrier uses could provide support for main channel operations and could make it possible to use subcarriers to provide service to smaller audience groups with specialized interests. Other parties make similar observations about the possibilities for providing new and varied types of programs. Pacific Lutheran University, for example, mentions specialized course offerings, services for professional groups and programs directed to the legal, health care and law enforcement communities. They and several others mention that the subcarrier could be used to present important agricultural material. However, as all these parties agree, unless the Commission eliminates the present restrictions, public stations will not be able to present this material.

12. The Alaska Public Broadcasting Commission addresses the unique needs of Alaska. In particular, APBC notes that Alaska principally consists of small isolated communities that cannot support commercial stations. Instead, they must rely on service from public stations. In fact, APBC states that public broadcasting provides the principal service to virtually all of these communities, unlike the merely supplemental service provided by public stations in the lower 48 states. Among other things, this means that if these communities are to benefit from the types of service that can be offered on a subcarrier, such as utility load management, it must be done through use of the subcarrier of public stations.

13. *Impact on the Blind of Deregulating Subcarrier Use*—Supporters of remunerative subcarrier

[12] Because the proceeding in BC Docket No. 82-536 had not yet begun when these comments were filed, the parties here focused on a narrower range of possible subcarrier uses than that proposed in the 82-536 proceeding. However, the comments filed there reiterate and expand upon the observations made here about the contribution subcarriers could make to public radio station support.

[13] In addition, Congress created a Temporary Commission on Alternative Financing for Public Telecommunications to study various sources of funding. Recently, the Temporary Commission reported its findings and recommendations to the Congress. One such recommendation was that the Commission authorize public stations to use their subcarrier capacity for remunerative purposes.

[14] *Second Report and Order* in Docket No. 21130, 86 F.C.C. 2d 141 (1981).

use assert that the Commission should not refuse to authorize it because of fears about its impact on the blind. They do not believe that the proposed rule change necessarily would lead to displacing radio reading services, even if there is only one subcarrier channel available per station.[15] Rather, they assert that the likely impact has been greatly exaggerated. They expect a number of radio reading services to continue in operation much as before. Indeed, NPR indicates that a poll of its member stations providing radio reading services revealed that not one intended to reduce, much less eliminate, these services if subcarrier uses were deregulated.[16] NPR also notes its intention to provide incentives to its member stations to continue providing radio reading services both by offering such stations $500 per month to support these operations and by fashioning its commercial subcarrier ventures with public radio stations in a manner calculated to avoid adverse impact on radio reading services. Even for other reading services that may be affected, parties favoring subcarrier deregulation think time sharing is a feasible answer because many commercial subcarrier users do not need full-time use of their channels. Overall, they contend that the effect of any displacement would be less than the opponents assert because material for the blind can be, and in fact is, provided through means other than use of a subcarrier. For example, they refer to the distribution of recorded material through the Library of Congress and the circulation of audio tapes from various sources.

B. Opposition Comments

14. *Radio Reading Services Would Be Displaced*—The principal concern over the proposed rule is the impact it would have on the radio reading services which use subcarriers.[17] The opposition comments express the belief that if commercial subcarrier users become eligible to employ public radio station subcarriers, such users would be able to outbid radio reading services for subcarrier channel capacity. Under current restrictions, this is not a problem because commercial uses are precluded, thereby protecting the position of non-profit users like radio reading services. The reading service comments stress how dependent radio reading services are on contributions and volunteers and assert they are in no position to pay increased costs for subcarrier use. Moreover, in many cases they are said to lack the funds necessary to provide receivers for all those in need of them. As a result, blind people in many areas have to be put on a waiting list before funds are made available to provide a subcarrier receiver. While the reading services acknowledge that those who can afford to purchase their own receiver are able to avoid this delay, they state that this is of no help to those who lack the resources for such purchases. Further, they assert that this situation could only get worse if the Commission allowed remunerative subcarrier uses.

15. The American Foundation for the Blind ("Foundation") undertook an overall study of radio reading services. It was able to obtain data on 81 of the 113 operations being conducted. Of these 81, 47 were not being charged for use of the subcarrier channel. This group included 19 operations conducted by public radio stations themselves, as well as 28 others which were conducted by other entities. For those that did have a monthly charge, the Foundation found that the charges were as follows:

$1 to $249	3
$250 to $499	11
$500 to $749	14
$750 to $1,000	4
Over $1,000	1

16. By way of contrast, fees for commercial uses are said to average $2,000–$3,000 per month, an amount that can rise to $3,000—$5,000 per month in a major market. Overall, the commercial rates are said to average 5 times the rate paid by the radio reading services. According to the Foundation, the radio reading services are in no position to accept such an increase. Just as public broadcast funding has been reduced, organizations for the blind are said to be facing reductions in funding from local, state and federal sources. Private funding is also becoming scarce, apparently because of increasing demands on private contributors. Thus, even without having to face commercial competition, we are told that three radio reading services were forced off the air for lack of funds and others will be unless they are protected from the impact of commercial competition.

17. *Subcarriers Are Needed To Deliver Reading Service Material*—While the reading service comments acknowledge the possibility that other means could be used to deliver some material, they insist that subcarriers continue to be needed for such things as reading job vacancies listed in the newspaper or informing the audience about products available at a sale price in stores that day. Principally, they state that the reading of material in daily newspapers could not be replaced. According to the Chicagoland Radio Reading Service ("CRRS"), the Chicago operation devotes 3 hours and 45 minutes to reading the *Chicago Tribune* and *Sun-Times* each morning.[18]

18. According to the opposition comments, radio reading services provide a vital service to the 125,000 persons that are now served. In their view, this service needs to be continued and expanded to serve the almost three million additional individuals in need of reading services.[19] The Association of Radio Reading Services notes that an active effort is underway to extend service to those in need, with operations being planned in 45 additional locations. They and the other opponents fear that this process would be halted if the Commission's proposal is adopted, because organizations such as theirs, which have to depend on contributions, cannot bid effectively against commercial interests.

19. *The Proposal is Contrary to National Policy on the Handicapped*—The opponents assert that the proposal should not be adopted because it is contrary to the thrust of Commission policy which is designed to accommodate the needs of the handicapped wherever possible. In this

---

[15] They assert that there would be even less likelihood of displacement if the Commission enlarges the FM baseband and thereby permits an additional subcarrier operation at 92 kHz. In this regard, some of the apporters would open both channels to remunerative use, while others would rely on the second channel to provide radio reading service. Some of the comments support reservation of a channel for radio reading service use, but they express a preference for reserving the channel at 92 kHz rather than the channel at 67 kHz. This point is discussed further below.

[16] Greater Washington Educational Television Association, Alaska Public Broadcasting Commission, the University of Texas at Austin, Ohio Educational Broadcasting Network Commission, KMCR-FM, WVOL-FM and various other noncommercial educational station licensees reflect a similar commitment to continued radio reading services in their comments in BC Docket No. 82-5-36.

[17] Although a majority of these services use subcarriers on noncommercial stations, an appreciable number utilize other means of delivery, including commercial FM station subcarriers, public station main channel facilities or even cable television channels.

[18] This is repeated each evening. In addition, the Chicago reading service reads from the *New York Times, Wall Street Journal, Chicago Defender* and other publications. All together, the Chicago operation is on the air 24 hours daily Monday through Friday, from 6:00 a.m. Saturday to 2:00 a.m. Sunday and from 6:00 a.m. to 11:00 p.m. Sunday. Because most radio reading services did not provide program schedules, it is not clear whether this is at all typical.

[19] In addition to the blind, other groups of reading impaired persons are said to derive important benefits from radio reading services.

connection, CRIS makes reference to closed captioning to serve the hearing impaired, the inquiry into telecommunications services for the deaf, the expectation that news bulletins concerning public safety will be displayed on television screens and other actions designed to make communications services available to all. These are seen as reflecting a national policy of giving full consideration to the needs of the handicapped, concerns which are said to have been reflected in the 1981 Amendments Act. In particular, the Commission is referred to language in the conference Committee Report on the 1981 Amendments as follows:

> The Conferees, however, take note of the concerns that certain responsibilities public broadcasting does have, such as to the blind, cannot, in every instance, be met through the delivery of public television and radio stations alone, and hope that the Corporation (CPB) will give continuing attention to this issue.

In addition, the Foundation quotes from the House Report language which indicates that "* * * the particular needs of all persons, be they minorities, women, handicapped or otherwise must be served." The Foundation acknowledges that this language occurs in connection with a discussion of CPB. Nonetheless, it insists that its use reflects an overall policy that transcends its apparently exclusive application to CPB. According to the opponents, Congress intended for pubic broadcasting to continue to play an important role in serving the needs of the print handicapped. However, in their view the proposed change would lead to a decrease in the availability of subcarriers for radio reading services without providing a substitute method for delivering these services.

20. The Association of Radio Reading Services ("ARRS") argues that it would be improper to deregulate subcarrier use as proposed without taking measures to protect the blind. According to ARRS, the Commission is required to ensure that its public station licensees observe their special statutory duty to accommodate the needs of the handicapped wherever possible. This duty, ARRS contends, arises essentially from Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as interpreted by the decision in *Gottfried* v. *FCC*, 65 F. 2d 297 (D.C. Cir. 1981)[20]

21. *The 1981 Amendments Preclude Adoption of the Proposal*—The opponents dispute the view that Section 399B of the Act, which authorized remunerative activities by public stations, provided grounds on which the Commission could base the action proposed. According to the oponents, when Congress allowed a public broadcast station "to engage in the offering of services, facilities, or products in exchange for remuneration," it also specified that this activity was not to "interfere with the provision of public telecommunications services by such station." In their view, the term "public telecommunications services" means the entire range of noncommercial educational and cultural radio and television programs and related noncommercial instructional or informational material provided by such stations. They insist that Congress intended to preclude activities that undermined these purposes. They assert that there is no indication that Congress was concerned only with protecting the program offerings on the main channel. Rather, the opponents believe that Congressional concern extended to the other public telecommunications services being offered by these stations, including radio reading services. As they see it, if the intent were only to protect the main channel, the statute would not have referred to the use of "certain" facilities rather than all facilities. Thus, they do not read the 1981 Amendments to require or even suggest that there should be a curtailment of existing services, such as those now provided to the blind on subcarriers. In fact, they point to a rule adopted by NTIA to define when remunerative uses "interfere" with providing public telecommunications services. Under this rule, stations are allowed to use their facilities for remunerative purposes only when they are not needed for public telecommunications purposes.

C. Comments Relating to the Availability of Two Subchannels

22. Various parties address, both here and in BC Docket No. 82–536, the issue of expanding the FM baseband in order to make available an additional subcarrier channel. Nearly all of these parties support such expansion, but they differ considerably on how the two subchannels should be used—particularly with respect to whether one of the two subchannels should be reserved for public telecommunications services as a means of ensuring these services' continued viability.

23. NPR supports expansion of the FM baseband to 99 kHz. It contends this would make operation of a second subcarrier service feasible [21] and would avert any necessary conflict between commercial and noncommercial users because there would be a channel for each to use. NPR opposes, however, explicit reservation of a channel for specific uses. The Association of California Public Radio Stations ("ACPRS") argues that the Communications Act precludes the Commission from reserving even a portion of a station's capacity for a specific use and that, in any event, such reservation would represent poor public policy since it would substitute the government's value judgments for more efficient marketplace forces in determining subcarrier uses. Other public broadcast licensees also oppose reservation of one of two subcarrier channels for public telecommunication services, pointing out that such reservation would raise difficulties in defining these services and would result in inefficient use of the spectrum.

24. The Corporation for Public Broadcasting asserts, on the other hand, that reservation is necessary to assure that commercial subcarrier ventures do not interfere with the continued provision of public telecommunications services. CPB would, however, permit remunerative uses of the reserved channel on a temporary waiver basis if doing so is shown not to interfere with any existing or anticipated public telecommunications uses. Moreover, some public broadcasters did support setting aside a new 92 kHz channel for noncommercial educational use so that continued operation of radio reading services could be assured.

25. The West Virginia Educational Broadcasting Authority ("WVEBA") does not believe it is necessary to reserve a subcarrier channel for radio reading services use. WVEBA suggests instead that the Commission authorize a three year trial period during which unrestricted remunerative subcarrier use would be permitted. The Commission then would evaluate public broadcasters' performance in this area to determine whether further action was warranted to ensure the continued availability of radio reading services.

26. Although reading services support the proposed creation of a new 92 kHz channel, they believe that the existing 67

[20] The Supreme Court's subsequent decision, however, reversing the holding in *Gottfried* undermines ARRS' contention in this regard. *See Community Television of Southern California* v. *Gottfried*, 51 U.S.L.W. 4134 (decided February 22, 1983).

[21] These parties focus on operation at 92 kHz. Station WETA in Washington, D.C. conducted tests which lead it to conclude that such an expansion is feasible and that a second subchannel could be operated at 92 kHz without causing deleterious effects. However, as the *Report and Order* in BC Docket No. 82–536 points out, the opportunities for additional use of a station's subcarrier capacity are not limited to 92 kHz.

kHz channel should be reserved for radio reading services and other present users. Their preference for this channel stems from the fact that all of their investment is in equipment designed for use at 67 kHz. They assert that moving to 92 kHz would require substantial expenditures which they are in no position to undertake. Therefore, they do not believe that their needs would be fully addressed, even if access to a new 92 kHz channel were assured.[22]

III. Discussion

27. The comments in this proceeding and in BC Docket No. 82–536 have helped to focus the issues which require resolution in deciding whether it is in the public interest to authorize remunerative subcarrier use by public radio stations. Essentially, the Commission must determine whether such uses could make a valuable contribution to public stations' support, whether such uses are consistent with applicable statutory provisions, and how remunerative subcarrier activities can be conducted in accord with these stations' continued provision of radio reading services.

28. Before turning to these issues, we need to consider the implications of the actions taken today in BC Docket No. 82–536 for the issues in this proceeding. As a result of our decision in BC Docket No. 82–536 to broaden the FM baseband, public radio stations are no longer limited to a single subcarrier channel. Instead, each station will be able to conduct two subcarrier operations. Because of the sequence of events, the comments in this proceeding that addressed the consequences of having only one subcarrier channel available are no longer pertinent now that a second subcarrier channel has been authorized. However, comments remain here that anticipated our action in BC Docket No. 82–536 and dealt with its implications. Basically, these comments raise two issues. First, they express the preference of the radio reading services to continue to operate on 67 kHz even though a second subcarrier channel is made available. Most of this concern focuses on the cost of changing to a new channel.[23] NPR's substantial offer of assistance in offsetting such changeover costs, however, should meet this concern.[24] Thus, we see no reason to restrict licensee discretion in determining which subcarrier channel should be used in providing radio reading services. Second, they pose the fundamental question of how best to harmonize public stations' response to demands for both remunerative and radio reading service uses of their subcarrier channels. This question, of course, remains relevant whether one or two subcarrier channels are authorized and we will consider it below.

29. *Public Radio's Need for Expanded Subcarrier Authority.* Over the years public broadcasting has obtained its support from three major sources: governmental funding, underwriting and individual contributions. As the record amply demonstrates, new sources of funds need to be developed to replace the funds being cut from federal sources. In fact, the pressure to develop these new sources of funds is heightened because state and local funds are also being cut. Obviously, remunerative use of the subcarrier is not the only outlet for obtaining these funds. Many other steps can be and in fact are being taken, but subcarriers could provide an important boost to this effort.

30. In a major market, for example, traditional remunerative use of a subcarrier could yield as much as $5,000 per month or $60,000 per year. In a smaller market, the revenue potential would be lower, but often the budget is lower as well. Some of the new subcarrier uses authorized in BC Docket No. 82–536 have considerable revenue potential, perhaps greater than traditional uses. Either way, it is clear that remunerative use of the subcarrier can provide substantial support to the station and can be expected to contribute to improving and extending the station's service.

31. The comments clearly reflect a substantial demand for remunerative use of these subcarriers. This demand is not merely theoretical; public radio licensees already have been approached by prospective users.[25] In addition, National Public Radio is engaged in extensive planning for nationwide use of these channels for information delivery. Further, corporations already involved in subcarrier operations on commercial stations have expressed interest in using the capacity of public radio stations. Moreover, in some parts of the country (especially in Alaska), public radio stations are the only local stations that could be used to respond to the demand for subcarrier service. Thus, unless the current restrictions are deleted, there would be no way to provide the benefits that can be offered by using the subcarrier, including utility load management.

32. *Statutory Consistency and Policy Concerns.* Having concluded that there is a demand for remunerative subcarrier use that could make a valuable contribution to public radio service, we must consider whether such use is consistent with applicable statutory requirements and advisable as a matter of public policy. In this regard, there is considerable disagreement among the parties concerning the meaning of the 1981 Amendments. One side focuses on the language authorizing the use of facilities and the offering of services for remuneration. To them, this language means that the new provisions allow—perhaps even require—the Commission to authorize remunerative subcarrier uses. The other side emphasizes the statutory limitation that these activities must not interfere with the provision of public telecommunications service by the station. They stress Congressional expressions of support for service to the handicapped.

33. It is clear that the 1981 Amendments, and Section 399B in particular, are intended to authorize a range of remunerative endeavors in which public broadcasters could engage as a means of generating the additional income needed to offset declining federal support.[26] In enacting these

[22] In this regard, it is important to point out that the Commission received submissions from National Public Radio on the use of the 92 kHz channel by radio reading services. In these submissions, NPR agreed to reimburse radio reading services for the cost of changing from their present 67 kHz channel of operation to the new channel. NPR offered $3 million, if necessary, for this purpose, although it doubted that the full amount would be needed. As noted earlier, NPR also has offered $500 monthly to support radio reading services on eligible stations. CPB argues that the NPR assurances of support for the continuation of radio reading services do not satisfy the requirements of Section 399B. According to CPB, the NPR offer applies only in localities where an NPR-sponsored commercial subcarrier venture is conducted. In addition, CPB does not believe that the $500 that NPR would pay monthly to a station is sufficient to ensure the continuation of radio reading services.

[23] Reference was also made to technical distinctions between subcarrier channels. We recognize that the frequency of a subcarrier is one of the factors that determines the utility of a subcarrier channel. However, given the many choices of modulation and other system characteristics that may be employed in providing subcarrier service, we do not believe that this particular factor is of decisional significance in this proceeding.

[24] We note that NPR's offer would reach 90% of existing radio reading service subscribers and could encompass all such subscribers. In any event, if a public radio station, in pursuing its commercial subcarrier goals, elects to change the subcarrier channel available to existing radio reading services, it would be ultimately responsible for the costs of such relocation, including the costs of modifying the subcarrier receivers used by the handicapped listeners of such radio reading services.

[25] These early expressions are particularly striking because they came before the Commission proposed expanding the range of possible SCA uses

[26] For example, the House Committee on Energy and Commerce noted in its Report on the 1981 Amendments that "public stations must be free to generate substantial sums of additional revenue from the pursuit of commercial activities if the nation's public broadcasting system is to survive . . ."

amendments, it is also clear that Congress intended that such endeavors should not result in a diminution of public telecommunications services provided by noncommercial broadcasters.[27] However, neither the express language nor the legislative history of Section 399B specifically addresses remunerative uses of ancillary capacity such as subcarriers. Therefore, the determination as to whether such uses are or should be permitted and, if so, what constraints on such uses might be appropriate, would appear to be a matter committed to our discretion. Nevertheless, in making this determination, we believe that the provisions of Section 399B offer useful, if not dispositive, guidance.

34. Given the broad nature of the language in Section 399B permitting the offering of "services, facilities, or products" on a for-profit basis, the plain intent of Congress to encourage public broadcasters' ability to generate self-supporting income and the clear capacity of commercial subcarrier use to help meet the demonstrated need of public radio stations for such income, we are convinced that, generically, remunerative use of subcarriers is not only consistent with the requirements and authorizations of the 1981 Amendments, but advisable as a matter of policy as well. Accordingly, we shall authorize public radio stations to engage in the same range of remunerative activities on their subcarriers as do commercial stations.[28] They shall be subject, as well, to the same technical standards as commercial stations.[29]

35. However, we also conclude that public radio stations subject to Section 399B that use subcarriers for remunerative activities must ensure that neither existing nor potential radio reading services for the blind are diminished in quantity or quality by the pursuit of commercial subcarrier undertakings. This public interest duty derives from Section 309 of the Communications Act, as instructed by the specific goals for public broadcasting stations set forth in Section 399B. Thus, we believe that a station utilizing one of its subcarriers for commercial purposes would be obliged to accommodate radio reading services on its other subchannel or to ensure the availability of alternative subchannel capacity for such services. We are confident that public broadcasters are cognizant of the importance of these services[30] and that they are well able to determine, and will determine, appropriate means by which to guarantee the compatability of their commercial and noncommercial ventures. We shall, therefore, leave to each licensee's discretion the decision as to how best to accommodate such uses. The availability, of course, of a second subcarrier channel, afforded by our action today in BC Docket No. 82-536, enhances the ability of licensees to make this accommodation. Among the alternatives which licensees might consider are, for example: (1) Reservation of one of the two available subcarrier channels for radio reading services; (2) a demand-based priority or preference system for such uses on one of the available channels [31]; or, (3) a guarantor approach, where the licensee undertakes to make available a suitable channel for such services on another market station. We stress that these approaches are not intended to be all inclusive. We are firmly convinced that this flexible approach will permit public broadcasters to maximize the benefits of remunerative subcarrier uses while ensuring that radio reading services will continue to be made available.

36. Licensees are not required to provide a subcarrier service of any kind nor must they bear the fixed or operating costs of a radio reading service should they provide one.[32] We emphasize the first point to make it clear that stations not using their subcarrier capacity for any purpose cannot be forced to do so. The new rules address only the situation where the licensee decides it does want to use this capacity. Once it has elected to use its subcarriers, the new rules would not permit the licensee to pursue its remunerative aims to the detriment of radio reading services. We believe that public radio licensees can be relied upon to meet this obligation. Thus, we do not see the desire to obtain revenues from subcarrier use as reflecting on licensees' commitment to public

---

[27] Section 399B(c) specifically provides that "[a]ny such (remunerative) offering by a public broadcast station shall not interfere with the provision of public telecommunication services by such station." In this regard, the Committee Report notes that "the intent of this provision is that the use of facilities for other than public telecommunications services should not impair the quantity or quality of the services that would be expected of public broadcast stations had this modification of law not occurred."

[28] We are not persuaded that remunerative subcarrier use is precluded by the cited language in the Conference Committee Report regarding service to the blind. The Report does no more than express a hope that the Corporation for Public Broadcasting will give attention to the provision of such service by means other than public radio and television stations. Likewise, the language regarding serving the handicapped, quoted from the House Report, refers to CPB's obligations. Here, too, the language does no more than urge consideration of service to the handicapped by CPB. We do not believe that the language in the Conference Committee Report or the House Report can reasonably be read to refer to subcarrier obligations of public stations. Similarly, the apparently broader interpretation of the work "interfere" taken from the regulations of the National Telecommunications and Information Administration is not relevant here. It deals with whether facilities obtained under a federal grant can be diverted to commercial purposes to the detriment of a station's public broadcasting obligations. No such factors are involved in our decision in this proceeding.

[29] In this connection, §§ 73.594 and 73.595 of the Rules are being deleted in our action today in BC Docket No. 82-536. Public stations will now be governed by Sections 73.293 through 73.295.

[30] In this regard, we note specifically the comments of NPR and others which reflect a particular sensitivity to the need for, and the apparent commitment of, public stations to continue to provide radio reading services.

[31] The preemptible nature of any service which might be rendered on a subchannel subject to a demand-based preference for radio reading services clearly reduces the commercial value of that subchannel because of the uncertainty which it introduces. CPB recognized this fact in connection with its reservation proposal and suggested that this uncertainty could be cured by a Commission-administered waiver process. Under this approach, reservation could be waived for the remaining period of a station's license term upon a showing that no existing or known potential radio reading services would be disadvantaged thereby. Once the initial waiver lapsed, it could be renewed for another fixed period upon the licensee making a similar showing. CPB considered this temporary, renewable waiver procedure to be the best method of maximizing the commercial utility of noncommercial stations' subcarrier capacity while avoiding untoward effects on radio reading services. We agree that this procedure might permit noncommercial stations to extract additional commercial value from reserved subchannels. We do not believe, however, that such a procedure is advisable. To permit, in effect, both subchannels to be obligated for commercial use on a non-preemptible basis for substantial periods of time would not protect adequately, in our view, the public interest in ensuring the provision of radio reading services to the widest possible audience in need of such services. Our decision herein affords public radio stations substantial commercial possibilities. One full-service subcarrier channel will be available for unrestricted commercial use and preemptible commercial service can be provided on the remaining subchannel. Moreover, we do not intend that preemption of an existing commercial use must be immediate. Rather, we would consider it reasonable for a station, faced with a proper request for subcarrier capacity by radio reading services, to take up to one year to arrange termination of ongoing services and to provide the requested capacity. This should improve the saleability of preemptible subchannels by removing the threat of unduly abrupt displacement of commercial users of these subchannels. Further, of course, dedicated commercial use of both subcarrier channels would be permitted provided the station involved can ensure the availability of subchannel capacity for radio reading services by some other means. We believe that these arrangements best balance the need of public radio stations for access to income-generating activities with our concern for the continued provision and growth of radio reading services.

[32] Conversely, public radio stations providing radio reading services would be expected to do so on a not-for-profit basis. To do otherwise would be inconsistent with their duty to avoid adverse effects on radio reading services as a consequence of their commercial use of subcarrier capacity.

broadcasting's traditional pursuits. Rather, it simply reflects the vital need to provide support for public stations. We believe that the method chosen can respond to this need while assuring that stations will continue to provide radio reading services. In so doing we have responded to both of the underlying concerns of Section 399B and have done so in a way that balances the obligations undertaken in exchange for the benefits received.

37. Although spectrum efficiency was given little attention in the comments, the current restrictions have an important impact in this area. Currently, few stations use their subcarrier capacity, so this sizable potential for reaching specialized radio audiences and for other non-broadcast purposes is left virtually unused. The principal reasons for this are the limits on the kinds of material that can be offered, combined with the prohibition on operating on a profit making basis. Our action herein removing these restrictions should encourage stations to explore many new uses and thereby more effectively utilize their spectrum resources.

38. Accordingly, it is ordered That, § 73.593 of the Commission's Rules is amended effective July 5, 1983, as set forth in the attached appendix.

39. Authority for this action is contained in Sections 4(1), 303 and 399B of the Communications Act of 1934, as amended.

40. *Regulatory Flexibility Analysis*

I. Need For and Purpose of the Rule

The Commission has concluded that the present limitations of § 73.593 on the use of a noncommercial educational FM station's subcarrier can be removed. The relaxation is based on the conclusion that these stations need to use these subcarrier channels for remunerative purposes barred by the present rule.

II. Summary of Issues Raised by Public Comment in Response to the Initial Regulatory Flexibility Analysis, Commission Assessment, and Changes Made as a Result

A. Issues Raised

1. Parties representing public broadcast stations and organizations favored the proposal as a way of providing more of their own financial support.

2. Parties representing radio reading services for the blind opposed the proposal, fearing that such services would be displaced by commercial parties able to outbid them.

3. Several parties favored expansion of the FM baseband to accommodate an additional subcarrier channel, with radio reading services supporting the reservation of one channel for noncommercial educational uses including radio reading services. This issue is being resolved in another proceeding.

B. Assessment

The Commission concluded that the current restrictions were wasteful of spectrum space and also interfered with the need of public radio stations to generate more of their own financial support.

C. Changes Made as a Result

The Commission did not find the arguments against relieving the restrictions on subcarrier use to be persuasive. It did not agree that radio reading services necessarily would be displaced or that there should be a reservation of an subcarrier channel for such use if the FM baseband is expanded. Other means are available to provide services to the blind, which in any event would be allowed to continue to use subcarriers as they now do.

III. Significant Alternatives Considered and Rejected

Other than the expansion of the baseband, and issue resolved in BC Docket No. 82–536, no significant alternatives were raised. Our reasons for acting on those issues properly before the Commission in this proceeding are described above.

41. It is further ordered, That this proceeding is terminated.

42. For further information concerning this proceeding, contact Jonathan David, Mass Media Bureau (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 73—[AMENDED]

1. Section 73.593 is revised to read as follows:

§ 73.593 Subsidiary communications services.

The licensee of a noncommercial educational FM station is not required to use its subcarrier capacity, but if it chooses to do so, it is governed by §§ 73.293 through 73.295 of the Commission's Rules regarding the types of permissible subcarrier uses and the manner in which subcarrier operations shall be conducted; *Provided,* however, that remunerative use of a station's subcarrier capacity shall not be detrimental to the provision of existing or potential radio reading services for the blind or otherwise inconsistent with its public broadcasting responsibilities.

Appendix B

Comments

Alaska Public Broadcasting Commission
American Council of the Blind
American Foundation for the Blind
Arkansas Radio Reading Service for the Blind, Inc.
Association of Radio Reading Services
Bonneville International Corporation
Robert E. Brooking
Capital Area Vocational Center
Central Piedmont Community College Radio Reading Service
Chicagoland Radio Information Services, Inc.
Christian Broadcasting Academy, Inc.
Cleveland Radio Reading Service
Corporation for Public Broadcasting
Erie County Branch, Pennsylvania Association for the Blind
Fort Wayne Bible College
General Broadcasting Company, Inc.
Gopher State Blind Associates
Greater Washington Educational Telecommunications Association, Inc.
Illinois Farm Bureau
Joint Comments (KQED, Inc., *et al.*)
Michigan State University (WKAR)
Minnesota Radio Talking Book Network
MUZAK, Division of Teleprompter Corp.
National Association of Public Television Stations
National Federation of Community Broadcasters
National Public Radio
National Radio Broadcasters Association
North Texas Radio Reading Service
Ohio Educational Broadcasting Network Commission
Pacific Lutheran University
Public Radio, Inc.
Radio Information Center for the Blind
Rocky Mountain Public Radio
Radio Reading Service of the Lackawanna Branch, Pennsylvania Association for the Blind
St. Cloud State University
Union College
United Blind of Minnesota, Inc.
University of Kansas Audio-Reader Network
University of Texas at Austin
Vedette Energy Research, Inc.
WBHM's Radio Reading Service, Birmingham, Alabama
Wisconsin Radio Reading Service
York County Blind Center

Reply Comments

American Foundation for the Blind
Association of Radio Reading Services
Corporation for Public Broadcasting
Minnesota Talking Book Network
MUZAK, Division of Teleprompter Corp.
National Public Radio

Appendix C

The following summarizes comments and reply comments filed in BC Docket No. 82–536 which address public telecommunications issues relevant to and resolved in this proceeding.

1. *Public Telecommunication Services*—An issue that resulted in substantial comment concerned the impact that authorizing non-broadcast services on subcarriers would have on current users, specifically, the radio reading services for the visually impaired. Several parties representing radio reading services filed comments requesting that, if the new services were permitted, some protection should be accorded existing users.[33] The Association of Radio Reading Services (ARRS) is concerned that adoption of the proposed rules without making explicit changes to protect and foster radio reading services would have an adverse impact upon the blind and persons similarly afflicted. To avoid this situation, which ARRS argues would be illegal for the Commission to allow, it offers several suggestions. It first recommends adoption of the proposed rules insofar as they would allow the use of a second subcarrier by noncommercial FM stations. One of the two subcarriers of these stations could then be reserved for nonprofit educational use in a manner not inconsistent with the purpose and operation of the station's main channel. ARRS further asks that the subcarrier at 67 kHz be reserved for their service since noncommercial programming is now being offered on that subchannel. Thus, it states, adverse financial and disruptive operational effects on organizations such as itself would be minimized. ARRS asserts that a volunteer nonprofit organization, such as itself, cannot outbid commercial users for subcarrier frequencies. It believes, therefore, that such competition would result in a loss of service to the blind and other handicapped people. According to ARRS, the Commission and all noncommercial public broadcasting licensees have a statutory duty to accommodate the needs of the handicapped whenever possible and to take affirmative action when necessary to ensure that these needs are met. It states that these legal obligations stem from Sections 307 and 309 of the Communications Act (47 U.S.C. 307, 309); Section 399B of the Communications Act (47 U.S.C. 399B); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as interpreted by the Court of Appeals in *Gottfried* v. *F.C.C.*, 65 F.2d 297 (1981). ARRS claims that the only way the Commission can legally accomplish its goal of allowing public broadcasters to use their subcarrier frequencies for remunerative purposes is to expand the frequency band of subcarriers to 99 kHz and reserve the existing 67 kHz subcarrier for noncommercial use. Several of the radio reading services endorsed ARRS' comments.

2. On the other side of the issue, public broadcast licensees generally favor the proposals for non-broadcast uses of subcarriers. The Association of California Public Radio Stations (ACPRS) states its belief that authority to use subcarriers for non-broadcast purposes will increase supplier competition and consumer choice in information and entertainment fields other than broadcasting. The ACPRS notes that there has been concern expressed in some quarters that operation of a second subcarrier by noncommercial stations should be conditioned on the station's using at least one of its subcarriers for a specific purpose, such as a radio reading service or general noncommercial, educational broadcast activities. According to the ACPRS, these concerns are misplaced for several reasons. First, the ACPRS interprets the Communications Act to preclude the Commission from requiring broadcast stations to use even a portion of their channel capacity for a specific use. This same issue is raised by San Diego State University (KPBS) in their comments. Second, ACPRS argues that such a reservation of a subcarrier for a particular purpose would be bad policy. The reservation of a subcarrier for a particular purpose would impose the government's own value judgments upon the natural marketplace process whereby consumer demands and supplier capacities adjust to each other to provide optimal satisfaction. ACPRS states that the use of subcarriers by noncommercial, educational broadcasters would in no way detract from or even affect the use of the main channel for its prescribed purpose.

3. Greater Washington Educational Television Association (GWETA), Alaska Public Broadcasting Commission (APBC), the University of Texas at Austin (U of T), Ohio Educational Broadcasting Network Commission (OEBNC), KMCR–FM, WUOL–FM, the staff of KMUW (licensed to Wichita State University) and Noncommercial Educational Licensees[34] reject the proposal made by radio reading services to reserve one subcarrier (specifically at 67 kHz) for noncommercial services. GWETA urges that each licensee be given full discretion as to the nature of services they provide. These parties believe that current financial exigencies require that licensees be accorded the fullest freedom to use all available revenue producing devices that would not interfere with the public broadcast services they were created to provide. The *raison d'etre* of educational stations is public service. Therefore, these parties argue that great internal motivation will continue to exist to devote at least some subcarrier capacity to this type of operation. Noncommercial Educational Licensees and the KMUW staff indicate they are now facing a financial crisis and submit that their good intentions, as reflected in providing radio reading services, will be worthless if they are forced to leave the air due to lack of resources.

4. Compromise positions on this issue were offered by the West Virginia Educational Broadcasting Authority (WVEBA) and the Corporation for Public Broadcasting. The WVEBA indicates that it remains unalterably committed to providing radio reading services. Rather than "casting the proposal in cement," as a reserved subcarrier would do, WVEBA argues that a wiser course of action would be to provide for a trial period to ascertain whether further Commission action should be taken to assure that special services to the handicapped would continue to be provided. It proposes a three-year trial period to afford the Commission an opportunity to evaluate the operation of two subchannels by public broadcast licensees. During this period, licensees could continue to file a simplified subcarrier application so that the Commission could determine how many stations were operating subcarriers and the purposes for which they were being used.

5. The WVEBA also believes that public telecommunication services using the 67 kHz subcarrier should be continued. However, at times when this subcarrier is not used for public telecommunications services, licensees should be permitted to engage in revenue-generating activities.

6. The Corporation for Public Broadcasting (CPB) believes that certain modifications are necessary to ensure that commercial services on noncommercial stations do not interfere with the provision of public telecommunications services as stated in Section 399B of the Communications Act. CPB recommends that the Commission reserve one subcafrier channel for noncommercial purposes but leave any additional capacity created free of regulatory restrictions. With respect to the reserved channel CPB states that licensees should be permitted to apply to the Commission for permission to conduct commercial operations on that channel, if such operations would not interfere with their provision of public telecommunications services. In situations where commercial use of the reserved subchannel would not interfere with public telecommunications use, CPB believes that a temporary, renewable waiver of the reservation would be appropriate. These renewable waivers would be granted upon a showing that the proposed remunerative use would not interfere with existing or known potential noncommercial use. This reservation policy is preferable to what CPB calls the alternative—allowing licensees to offer commercial subcarriers so long as they are preemptible by public telecommunications users. According to CPB, this alternative would render commercial services vulnerable to eviction and would fail to provide adequate stability for long-term business relationships.

7. National Public Radio (NPR) asserts that too much subcarrier capacity exists for radio reading services and other public telecommunications services to be crowded out by the introduction of new services and that, in fact, the real danger stems from the

[33] These parties include: Association of Radio Reading Services, Utah Radio Reading Services, University of Kansas Audio Reader Network, Corporation for Public Broadcasting, Oklahoma Radio Reading Services, New Jersey Library for the Blind and Handicapped, The Washington Ear, Georgia Radio Reading Service, Inc., El Paso Lighthouse for the Blind, Radio Talking Books, Inc., Minnesota Radio Talking Book Network, Sun Sounds Radio Reading Service, Office of Handicapped Concerns, Radio Reading Services of Greater Cincinnati, Inc., Minnesota Public Radio, Broadcast Services for the Blind, Inc., Read Out, West Tennessee Talking Library, American Foundation for the Blind, York County Blind Center, WBHM Radio Reading Service; Kentuckiana Radio Information Service, Golden Triangle Radio Information Center, and Houston Taping for the Blind.

[34] KQED, Inc., The Ohio State University, State of Wisconsin-Educational Communications Board, The Board of Trustees of the University of Illinois and the University of Maine.

financial crisis affecting public radio stations. NPR states that it and its member stations have been and continue to be strong supporters of subcarrier programming for print handicapped persons. It has surveyed its member stations on the subject and NPR reports that not one station presently carrying print handicapped services on its subcarrier said that development and implementation of new services would interfere with provision of these specialized services. Supplemental comments filed by NPR also reported a new policy to provide significant incentives to NPR affiliate stations to continue to offer public telecommunications services, and to introduce new services in the future.[35] This policy was adopted by NPR's Board of Directors. Essentially, this policy provides for NPR to pay member stations continuing to provide a radio reading service (or other qualified public telecommunications services) $500 per month in order to encourage the retention of these services. Additionally, NPR will formulate its venture agreements with all public radio stations in a manner designed to discourage the termination of a radio reading service solely in order to provide new, commercial service. NPR states that it believes this policy would provide a degree of protection to public telecommunications services sufficient to warrant adoption of the Commission's subcarrier proposals.

8. The CPB supplemental comments responding to NPR's proposals outline its objections. CPB argues that the NPR proposal does not satisfy the requirements of Section 399B of the Communications Act. It also argues that only a few stations will be affected by NPR's economic incentives. According to CPB, the offer applies only in communities in which NPR engages in its commercial subcarrier ventures. Additionally, CPB argues that $500 is not an adequate incentive to ensure subcarrier availability to public telecommunications services. To ensure access of public telecommunication services to a subcarrier, CPB reaffirms its proposals for reserving a subcarrier for public telecommunications services while permitting the possibility of income generating activities.

[FR Doc. 83-15410 Filed 6-8-83; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 90

[Docket No. 18921; RM-1197; RM-1218; RM-1330; FCC 83-175]

New Practices and Procedures for Cooperative Use and Multiple Licensing of Stations in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has modified the regulations adopted in the *Report and Order* in Docket No. 18921 (47 FR 19527, May 6, 1982) to eliminate the restrictions on the securing of packaged services, and on the licensing of radio equipment suppliers to use the same base station facilities offered for multiple licensed use by other licensees. The Commission has also modified its regulations governing sharing arrangements to permit both non-profit sharing and private carrier service. The Commission took these actions in response to petitions for reconsideration objecting to the third party licensing restriction, and in response to recent amendments to the Communications Act. The Commission decided that these policies were overly restrictive and were not necessary to its regulatory objectives.

DATES: Effective July 11, 1983.

FOR FURTHER INFORMATION CONTACT: Eugene C. Bowler, Land Mobile & Microwave Division, Private Radio Bureau, Washington, D.C. 20554, (202) 634-2443.

List of Subjects in 47 CFR Part 90

Administrative practice and procedure, Radio.

Memorandum Opinion and Order on Resonsideration (Proceeding Terminated)

In the matter of amendment of Parts 89, 91 and 93 of the Commission's rules and regulations to adopt new practices and procedures for cooperative use and multiple licensing of stations in the private land mobile radio services[1]; Docket No. 18921, RM-1197, RM-1218, RM-1330.

Adopted: April 27, 1983.

Released: June 2, 1983.

By the Commission. Commissioner Jones absent.

I. Preliminary Statement

1. We have before us petitions for reconsideration and clarification[2] of our *Report and Order* in the above captioned proceeding.[3] After carefully considering the concerns expressed in these petitions as well as reexamining the regulatory policies we adopted in this proceeding in light of the record, the NARUC decision (see n. 9) and the recent amendments to the Communications Act[4], we have decided to modify certain of the rules we earlier adopted. Accordingly, we are eliminating the restriction on the securing of packaged services. We are also modifying our sharing requirements to permit both non-profit cost sharing and for-profit private carrier service. Lastly, we are authorizing radio equipment suppliers to be licensed on the same base station facilities that they offer for use by other licensees.

II. Background

2. The proceedings in Docket No. 18921 began in 1970 with the release of our *Memorandum Opinion and Order and Notice of Proposed Rule Making.*[5] We had received several petitions for rule making from radio common carriers requesting that we adopt regulations substantially restricting the multiple licensing and cooperative sharing of radio stations in the private land mobile services.[6] The petitioners had argued that authorization of shared and multiple licensed transmitting facilities in the private land mobile radio services contravended Title II of the Communications Act and presented unfair and destructive competition to the radio common carriers. In our *Memorandum Opinion and Order, supra,* we stated we were not persuaded by the arguments made, and we did not view shared or joint use of private communications facilities as common carriage. We pointed out that this had been the Commission's determination for many years, and we concluded both shared and joint use of transmitters promoted the public interest by encouraging the larger and more effective use of radio in the public interest, as mandated by the Communications Act of 1934, as amended.[7] [8]

---

[35] Late filed comments were submitted by NPR, CPB, ARRS, AFB and The Washington Ear. All these comments relate to the radio reading service issue and provide useful information on the subject. Accordingly, we have fully considered them in reaching our decision in this proceeding.

[1] Parts 89, 91 and 93 have been consolidated under new Part 90. *See* 47 CFR 90.1-90.657.

[2] A Petition for Reconsideration was filed by the General Electric Company (GE), Richardson Communications Company, C&E Service Co., AGS Electronics, Inc., Clark Communications, Inc. and Commercial Communications, Inc. essentially agreed with and supported the GE request. A Petition for Reconsideration And/Or Clarification also was filed by Telocator Network of America (TNA). TNA, however, subsequently filed a Notice of Withdrawal of Petition stating that the issues raised in the petition "are moot" because passage of new Section 331 of the Communications Act of 1934, as amended, "significantly alters the legal test of common carriage in the land mobile radio services." *See* Communications Amendments Act of 1982, 120(a), 47 U.S.C. 331. Replies to the petitions were filed by the National Association of Business and Educational Radio, Inc. (NABER) and Motorola, Inc.

[3] *See Report and Order,* Docket No. 18921, 90 F.C.C. 2d 768 (1982).

[4] See Appendix A.

[5] *Multiple Licensing—Safety and Special Radio Services,* Docket No. 18921, 24 FCC 2d 510 (1970).

[6] For a description of multiple licensing and cooperative sharing see *Report and Order,* Docket No. 18921, *supra,* and *Tentative Decision and Further Inquiry and Notice of Proposed Rule Making,* FCC 81-263; 46 FR 32099 (June 19, 1981).

[7] 47 U.S.C. 303(g).

[8] These conclusions have now been confirmed by the new legislation as set forth above

3. We did believe, however, that it was necessary to clarify the types of shared use arrangements we thought appropriate in the private services and we proposed rules with this goal in mind.

4. Concurrently with these deliberations, however, the dynamic state of growth in the land mobile services, both in terms of users and technologies, caused us, in a separate proceeding, to formulate a licensing approach for 800 MHz systems which permitted licensees to make private land mobile facilities available to multiple eligibles on a for-profit basis.[9] This decision and the appeals attendant thereon substantially delayed resolution of our proceeding in Docket No. 18921. When we again turned our attention to fashioning a regulatory plan for private shared use and multiple licensing arrangements below 800 MHz in our *Tentative Decision and Further Inquiry and Notice of Proposed Rule Making*, we adopted certain interim policies to avoid confusion, but we decided that interested parties should be given the opportunity to submit further comments on our proposals in light of the changes that had occurred and the staleness of the earlier comments. After reviewing the new comments, as well as the entire record in Docket No. 18921, we released our *Report and Order* in March, 1982. There we affirmed our earlier conclusions that shared use and joint licensing of private land stations did not constitute common carriage within the meaning of Title II of the Communications Act, and that authorization of these types of arrangements in the private land mobile services clearly was in the public interest because they "furthered the larger and more effective use of radio." We then adopted regulations clarifying the distinctions between multiple licensing and cooperative use arrangements and specifying how each was to be conducted.

5. However, in 1982 subsequent to our *Report and Order*, the Congress amended the Communications Act. It not only affirmed our earlier conclusions about multiple licensing and non-profit cooperative use, it also determined that for-profit shared use of private land mobile service facilities served the public interest and expressed the view that there should be minimal barriers to the ways licensees, equipment suppliers and other third parties are able to offer facilities and service to eligible users in the private services. While we had considered permitting licensees to profit in the bands below 800 MHz in our *Tentative Decision* and requested public comment thereon,[10] we did not adopt final rules authorizing such an approach in the bands below 800 MHz in our *Report and Order*, essentially because we were not persuaded of the need for such a regulatory approach here, and because the bands below 800 MHz were substantially occupied.[11] Thus, we continued, in this portion of the spectrum, to preclude licensees from profiting from the shared use of the facilities authorized to them.

Petitions for Reconsideration

6. In response to our *Report and Order* we received requests from the General Electric Co. and Telocator Network of America (TNA) to reconsider our decision. However on September 16, 1982, Telocator filed a Notice of Withdrawal of [its Reconsideration] Petition.[12]

7. We also received comments on the matters contained in the General Electric and Telocator petitions from the National Mobile Radio Association; Motorola, Inc.; Southeastern Electronics, Inc.; H.V. Church; PE, C&E Service Co.; Richardson Communications Co.; AGS Electronics, Inc.; Clark Communications; Communications Associated, Inc.; and Commercial Communications.

III. Discussion

Multiple Licensing—Payments Among Participants

8. While most of these parties endorsed the conclusions reached in the *Report and Order*, they generally felt our decision regarding the restriction on equipment suppliers operating on facilities they made available to others for multiple licensing was wrong.[13]

9. Commercial Communications, Inc., for example argued:

> For us to comply with these new restrictions would have a devastating effect on our operation, or put a serious burden on our clients, to whom we sold radio systems and the use of our repeater in good faith.
>
> If we are forced to vacate our frequency, then we will have to purchase a new repeater at a cost of thousands of dollars, which we simply cannot afford. This incidentally, would also involve our having to use another frequency pair of which there are few enough already. . . . We strongly urge the Commission to reconsider, and to not place this crushing burden on a small business (we are a three man operation) that is already having a hard enough time to survive.

10. Similar arguments were echoed by Clark Communications ("With the new ruling, operators will be forced to install mobile relays physically next to existing mobile relay equipment, even sharing the same frequencies as before. What a senseless duplication of equipment and cost burden.") and AGS Electronics, Inc. ("It will impose a considerable financial burden on any small business, such as ourselves, to have to vacate an existing Community Repeater and invest in expensive equipment purchases simply to have our own communications system, when one already exists and is available for our use").

IV. Decision

11. We have considered these arguments and we find them persuasive. Our concern, as expressed in the *Report and Order*, essentially turned on definitional purity (i.e. we thought the rule desirable to distinguish multiple licensed sharing arrangements from cooperative use, thereby drawing an absolute and very definitive line between the two). Cf. n. 13, *supra*. In considering this matter further, however,

---

[9] *Land Mobile Radio Services, Second Report and Order*, Docket No. 18262, 46 FCC 2d 752 (1974); *reconsidered, Memorandum Opinion and Order*, Docket No. 18262, 51 FCC 2d 945 (1975); *aff'd sub nom. NARUC v. FCC*, 525 F.2d 630 (D.C. Cir. 1976); *cert. denied*, 425 U.S. 992 (1976).

[10] *"Third Party Licensing.* Would direct licensing of any entrepreneurs now providing equipment or services to cooperative and multiply licensed private radio systems be permissible as a matter of law? Is either mandatory or voluntary licensing of such entrepreneurs a policy that would benefit either the users of these systems or the public interest? What would be the advantages and disadvantages of allowing or requiring the provision of radio communications services to current users of cooperative and multiply licensed systems in a manner analogous to the rules applied now to the Specialized Mobile Radio Service above 800 MHz." *Tentative Decision and Further Notice of Inquiry and Notice of Proposed Rule Making*, para. 82 (footnote omitted).

[11] "We also decline to adopt rules at this time which would license third party providers of equipment and service in the bands below 800 MHz and the record of this proceeding does not definitely support a need for such a service in these bands" (footnote omitted). *Report and Order*, para. 9

[12] In withdrawing its petition, TNA stated that new amendments to the Communications Act rendered moot the arguments it made challenging our conclusions with respect to multiple licensing and licensee control when third party equipment suppliers provide radio equipment on a joint use basis.

[13] In our *Report and Order* we stated:

"We also proposed in 1970 to forbid payments between persons sharing common transmitting facilities under multiple licensing. This we thought desirable to distinguish multiple licensed sharing arrangements from cooperative use, thereby drawing an absolute and very definitive line between the two. This approach was opposed by several parties. They argued that in many instances persons furnishing service, *e.g.*, equipment companies, have legitimate communications requirements of their own. In such circumstances, the option would be for such equipment companies to build a second facility for use by their customers. Notwithstanding this effect we feel that licensees of community repeaters should not be permitted to profit from the furnishing of equipment or service to other licensees. Therefore, payments among persons sharing common transmitting facilities under multiple licensing will be prohibited." 89 FCC 2d at 791.

we find the hardships it imposes, particularly on small business, is not commensurate with the benefits gained. For years there was no prohibition against permitting equipment suppliers to be one of the licensees authorized to operate on a facility which they made available to others for multiple licensing. During this time no regulatory problems arose which necessitated the discontinuance of this practice because of adverse public interest effects. Moreover, the new amendments to the Act and the NARUC case make clear that profit to the licensee of a private system is not the test of common carriage. In light of these things therefore, we are modifying our *Report and Order* to eliminate this restriction. We conclude it unnecessarily burdens licensees, particularly small businesses, while not conferring a public interest benefit sufficient to justify this burden.

Packaged Service Prohibition

12. Also, on our own motion we have reconsidered our decision to preclude private land mobile services licensees and users of shared and multiple licensed stations from securing from the same third party a "packaged service" for radio equipment and dispatching.

13. Since the inception of this proceeding we have put into issue the question whether or not licensees of private systems of communication should be permitted to obtain both equipment and dispatching service from the same third party when the station they used was shared or multiple licensed. Our concern with the desirability of such a practice has been whether in such instances licensees would maintain proper control of their systems, or would cede control to the equipment supplier/dispatcher. A second consideration was the common carriers' arguments that such arrangements "so closely paralleled common carriage offerings as to be common carriage."[14]

14. In our *Tentative Decision, supra,* we held that packaged service arrangements were not illegal and did not contravene public policy. We noted that licensees of private systems use authorized radio facilities as a tool to carry out their primary activities and functions. We also recognized that they often contract both for the radio equipment they need to enable them to operate on their authorized channels, and for the dispatch service they require, when they cannot operate their control points themselves. We concluded that the fact that they contracted with the same entity for both services did not necessarily mean they would cease to exercise proper control of their stations. We also found there was no underlying regulatory objective that required the retention of the packaged service policy.

15. However, in our *Report and Order* we retained the packaged service prohibition. While we felt the provision of packaged service did not constitute common carriage, we were faced with the comments in the proceeding that argued that the prohibition of the offering of packaged service would aid the "Commission in identifying private shared stations which are functionally equivalent with regulated carriers."[15] We did recognize, however, that throughout the proceeding the private land mobile user community had opposed retention of the packaged service prohibition and had asserted we were being overly restrictive in adopting the rule, since it did not necessarily follow that merely because licensees and users of shared stations contracted with a single entity for the services they needed, and for services which the Commission had found were necessary and served the public interest, that they would abdicate system control.

16. Obviously, the question of contracting for both dispatching and radio equipment from a single third party when a private land station is shared or multiple licensed is a matter to which we have devoted considerable thought. On the one hand, we wished to assure that licensees retained control of the systems. On the other hand, we did not want to impose unnecessary restrictions on licensees in the terms and persons with whom they contracted in the public marketplace for goods and services. After considering this entire matter again, we believe that we were overly restrictive in retaining the packaged service prohibition. Abdication of system control is not the natural consequence of securing goods and services from a single entity, though it may occur in isolated instances. What is determinative is not that the land station is shared or multiple licensed or that one or two third parties are involved, but rather that the licensee in fact exercises the supervision the system requires. To the extent that abdication of control occurs, it can be dealt with on a case by case basis, it need not be anticipated in a generic rule prohibition on securing package service for shared or multiple licensed land stations.

17. In reconsidering this matter, therefore, we are eliminating any restrictions on the persons from whom private land mobile service eligibles using shared or multiple licensed stations may secure radio equipment and services.

For Profit Licensing Arrangements

18. In our *Report and Order* we also adopted rules that required sharing of transmitting facilities, as opposed to multiple licensing, to be on a prorated, cost-shared basis. To assure this, we adopted rules which required that all costs associated with the shared service must either be absorbed by the licensee on a no-charge basis to other participants or must be prorated among all participants in the cooperative sharing arrangement. Thus, we determined not to permit the so called "stage two" and "stage three" cooperatives which we had hereto allowed. See generally Docket No. 18921, *supra.* We stated that both in stage two and in stage three cooperatives oftentimes costs and services associated with the shared use of transmitters are not prorated and cost apportioned among participants. This we concluded was not desirable in consideration of our conclusion that costs should be equitably apportioned among eligible users when they sought to operate pursuant to the Commission's cooperative sharing arrangements for the private land mobile services. We have examined this conclusion again, however, both in light of the NARUC case and the Congressional intent for the private services, as expressed in the new amendments to the Act. Both NARUC and the new amendments affirm that the status of a private system is not affected when the licensee or a third party makes a profit from a system licensed in the private service. Indeed, the new legislation makes the manner of obtaining telephone service the only line of demarcation between private and common carrier land mobile service and encourages allowing maximum flexibility in permitting licensees, equipment suppliers and other third parties to offer their services and facilities to eligible users as marketplace forces may dictate.[16]

19. In light of the fact that as a matter of law, private land mobile licensees may profit from making facilities licensed to them available to other

[14] *Tentative Decision and Further Inquiry and Notice of Proposed Rule Making,* Docket No. 18921, *supra,* at para. 60 *See also, Multiple Licensing Safety and Special Radio Services,* 24 FCC 2d, 510, 519 (1970).

[15] *Report and Order,* Docket No. 18921, 89 F.C.C. 2d at 785–788. (1982).

[16] *Cf.* Joint Explanatory Statement of the Committee of Conference on the subject of the Private Land Mobile Services.

eligibles, there seems to be no reason (1) for limiting in our rules a licensee's ability to charge for shared stations operating in bands below 800 MHz or (2) for limiting the licensee's ability to structure the cost sharing arrangement as the licensee sees fit. This being the case, we are modifying our rules governing the sharing of private land mobile stations to allow all kinds of for profit and non-profit sharing arrangements, including Stage II and Stage III cooperatives.[17]

20. Accordingly, to the extent indicated the General Electric petition is granted and it is ordered that the Commission's Rules and Regulations are modified as set forth in Appendix B.

21. It is further ordered, that the Secretary shall cause a copy of this Order to be published in the **Federal Register.**

22. It is further ordered, pursuant to 47 U.S.C. §§ 154(i), 301, 303(r), That Title 47 of the Code of Federal Regulations is amended as set forth in Appendix B. These amendments shall become effective July 11, 1983.

23. It is further ordered this proceeding is terminated.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

SEC. 120. (a) Part I of Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new section:

"Private Land Mobile Services

SEC. 331. (a) In taking actions to manage the spectrum to be made available for use by the private land mobile services, the Commission shall consider, consistent with section 1 of this Act, whether such actions will—

"(1) promote the safety of life and property;

"(2) improve the efficiency of spectrum use and reduce the regulatory burden upon spectrum users, based upon sound engineering principles, user operational requirements, and marketplace demands;

"(3) encourage competition and provide services to the largest feasible number of [illegible]; or

"(4) increase interservice sharing opportunities between private land mobile services and other services.

"(b)(1) The Commission, in coordinating the assignment of frequencies to stations in the private land mobile services and in the fixed services (as defined by the Commission by rule), shall have authority to utilize assistance furnished by advisory coordinating committees consisting of individuals who are not officers or employees of the Federal Government.

"(2) The authority of the Commission established in this subsection shall not be subject to or affected by the provisions of part III of title 5, United States Code, or section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

"(3) Any person who provides assistance to the Commission under this subsection shall not be considered, by reason of having provided such assistance, a Federal employee.

"(4) Any advisory coordinating committee which furnishes assistance to the Commission under this subsection shall not be subject to the provisions of the Federal Advisory Committee Act.

"(c)(1) For purposes of this section, private land mobile service shall include service provided by specialized mobile radio, multiple licensed radio dispatch systems, and all other radio dispatch systems, regardless of whether such service is provided indiscriminately to eligible users on a commercial basis, except that a land station licensed in such service to multiple licensees or otherwise shared by authorized users (other than a nonprofit, cooperative station) shall not be interconnected with a telephone exchange or interexchange service or facility for any purpose, except to the extent that (A) each user obtains such interconnection directly from a duly authorized carrier; or (B) licensees jointly obtain such interconnection directly from a duly authorized carrier.

"(2) A person engaged in private land mobile service shall not, insofar as such person is so engaged, be deemed a common carrier for any purpose under this Act. A common carrier shall not provide any dispatch service on any frequency allocated for common carrier service, except to the extent such dispatch service is provided on stations licensed in the domestic public land mobile radio service before January 1, 1982.

"(3) No State or local government shall have any authority to impose any rate or entry regulation upon any private land mobile service, except that nothing in this subsection may be construed to impair such jurisdiction with respect to common carrier stations in the mobile service".

(b)(1) Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended by adding at the end thereof the following new paragraph:

"(gg) 'Private land mobile service' means a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation.".

(2) Section 3(n) of the Communications Act of 1934 (47 U.S.C. 153(n)) is amended to read as follows:

"(h) 'Mobile service' means a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes both one-way and two-way radio communication services."

Appendix B

Part 90 of the Commission's Rules and Regulations is amended as follows:

PART 90—[AMENDED]

1. Section 90.7 is amended by the addition of the term "private carrier" to the list of definitions to read as follows:

§ 90.7 Definitions.

* * * * *

Person. An individual, partnership, association, joint stock company, trust or corporation.

Private carrier. An entity licensed in the private services and authorized to provide communications service to other private services on a commercial basis.

Radio call box. A transmitter used by the public to request fire, police, medical, road service, or other emergency assistance.

* * * * *

2. Section 90.35 is amended by revising paragrph (a)(6) to read as follows:

§ 90.35 Medical Services.

(a) * * *

* * * * *

(6) Physicians, schools of medicine, oral surgeons, and associations of physicians or oral surgeons.

* * * * *

3. Section 90.179 including the heading, is revised to read as follows:

§ 90.179 Shared used of radio stations.

Licensees of radio stations authorized under this rule part may share the use of their facilities. A station is shared when persons not licensed for the station control the station for their own purposes pursuant to the licensee's authorization. Shared use of a radio station may be on either a non-profit, cost shared basis or on a for-profit private carrier basis. Shared use of an authorized station is subject to the following conditions and limitations:

(a) Persons may share a radio station only on frequencies for which they would be eligible for a separate authorization.

(b) The licensee of the shared radio station is responsible for assuring that the authorized facility is used only by persons and only for purposes consistent with the requirements of this rule part.

(c) Participants in the sharing arrangement may obtain a license for their own mobile units (including control points and/or control stations for control of the shared facility), or they

[17] We address here solely profit which may be earned on the offering of shared radio facilities and do not reach issues which may arise if these facilities are interconnected with telephone service.

may use mobile stations, and control stations or control points authorized to the license.

(d) If the licensee shares the land station on a non-profit, cost shared basis to the licensee, this shared use must be pursuant to a written agreement between the licensee and each participant which sets out (1) the method of operation, (2) the components of the system which are covered by the sharing arrangements, (3) the method by which costs are to be apportioned, and (4) acknowledgement that all shared transmitter use must be subject to the licensee's control. These agreements must be kept as part of the station records.

(e) The licensee must keep an up-to-date list of persons who are sharing the station and the basis of their eligibility under Part 90 of the rules.

(f) If the land station which is being shared is interconnected with the public switched telephone network, the provisions of § 90.477 *et seq.* apply.

4. Section 90.185 is revised to read as follows:

§ 90.185 Multiple licensing of radio transmitting equipment in the mobile radio service.

Two or more persons eligible for licensing under this rule part may be licensed for the same land station under the following terms and conditions.

(a) Each licensee complies with the general operating requirements set out in § 90.403 of the rules.

(b) Each licensee is eligible for the frequency(ies) on which the land station operates.

(c) If the multiple licensed base station is interconnected with the public switched telephone network, the provisions of § 90.477 *et seq.* apply.

5. Section 90.129 is amended by revising paragraph (d) to read as follows:

§ 90.129 Supplemental information routinely to be submitted with application.

* * * * *

(d) Applicants proposing to share their authorized transmitters pursuant to § 90.179 shall so indicate in their application.

6. Section 90.443 is amended by the addition of new paragraph (e) to read as follows:

§ 90.443 Content of station records.

* * * * *

(e) For shared land stations, the records required by § 90.179.

[FR Doc. 83-15408 Filed 6-8-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 250

[Docket No. 30602-100]

Fisheries Loan Fund Procedures; Available Fisheries Loans and Open Season for Applications

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rule-related notice.

SUMMARY: NOAA issues this notice that emergency loans from the Fisheries Loan Fund are available to qualified fishing vessel owners. Fishermen whose vessels are financed under the Fisheries Obligation Guarantee Program may apply at any time; however, *fishermen whose vessels are not financed under the Fisheries Obligation Guarantee Program may apply only during an open season from June 15 through July 29, 1983.* This notice will provide potential applicants with specific eligibility criteria and application instructions.

DATE: The deadline for applications is July 29, 1983.

ADDRESSES: Application instructions and information can be obtained from the nearest Regional Financial Services Branch of the National Marine Fisheries Service listed below:

Residents of New England, Mid-Atlantic, and Great Lakes areas, send to National Marine Fisheries Service, Northeast Region, Financial Services Branch, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930; (617) 281-3600.

Residents of Gulf of Mexico, and South Atlantic, and Caribbean areas, send to National Marine Fisheries Service, Southeast Region, Financial Services Branch, 9450 Koger Boulevard, St. Petersburg, Florida 33702; (813) 893-3148.

Residents of California, Hawaii, American Samoa, and Guam send to National Marine Fisheries Service, Southwest Region, Financial Services Branch, 300 South Ferry Street, Terminal Island, California 90731; (213) 548-2478.

Residents of Washington, Oregon, and Alaska, send to National Marine Fisheries Service, Northwest Region, Financial Services Branch, 7600 Sand Point Way, NE, BIN C15700, Seattle, Washington 98115; (206) 527-6122.

FOR FURTHER INFORMATION CONTACT: Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service (202) 634-7496.

SUPPLEMENTARY INFORMATION: $9.7 million is available for emergency loans from the Fisheries Loan Fund. The purpose of these loans is to enable fishermen to avoid default on vessel mortgages which financed the construction, reconstruction, or reconditioning of their fishing vessels.

$3.9 million is reserved for fishermen *whose vessels are financed under the Fisheries Obligation Guarantee Program.* These fishermen may apply at any time. Their applications should, however, be submitted as soon as possible because applications have to be processed and loans committed before September 30, 1983 (at which time the program ends). These fishermen should call their nearest Regional Financial Services Branch of the National Marine Fisheries Service to get application advice.

$5.8 million is reserved for fishermen whose vessels are not financed under the Fisheries Obligation Guarantee Program. *These fishermen may apply only during the application open season from June 15 through July 29, 1983. The rest of this notice establishes application instructions and qualification criteria only for those fishermen whose vessels are not financed under the Fisheries Obligation Guarantee Program.*

This action has been submitted to Office of Management and Budget under the Paperwork Reduction Act.

What is available.

(1) $1.16 million in emergency loan funds are available to residents of each of the following areas:

(a) New England, Mid-Atlantic, and Great Lakes.

(b) Gulf of Mexico, South Atlantic, and Caribbean.

(c) California, Hawaii, American Samona, and Guam.

(d) Washington and Oregon.

(e) Alaska.

(2) Interest rate is 3 percent.

(3) Repayment maturity is up to 10 years.

To whom loans available.

(1) You must be a U.S. citizen.

(2) You must own a commercial fishing vessel of at least 5 net tons.

(3) You must be in jeopardy of defaulting on a mortgage which financed the above vessel's construction, reconstruction, or reconditioning.

(4) You must personally skipper and own the vessel whose mortgage you are in jeopardy of defaulting (vessels with hired skippers do not qualify).

(5) You must have at least 5 years experience as a skipper of vessels you owned.

(6) You must have made a profit during at least 2 of the 5 years above.

(7) You cannot be in bankruptcy.

(8) Your mortgate cannot already be in process of foreclosure.

(9) You cannot have any other assets capable of generating the funds for which this loan is sought.

(10) Your vessel must have a sufficient debt-to-equity ratio and insurable value to safely secure the loan amount requested (maximum loan amount is 1 year's mortgage debt service, but all loans will be kept as small as possible).

(11) Your situation must be such that the requested loan, if approved, will result in a strong assurance of continued operation and repayment of the loan.

(12) Only the owner of the vessel himself may apply (do not have someone apply on your behalf).

(13) Applications which are not materially complete at the time of our receipt will be returned.

(14) Do not apply unless you meet all the above requirements.

How loan will be made available.

(1) Applications submitted before or after the open season will not be accepted.

(2) Applications will be considered in the order of their receipt by us.

(3) Qualified applications will be approved in the order of their receipt until available funds are exhausted.

What must be included in applications. (Since no application form is available, send the following information in the order indicated).

(1) *Personal.*

(a) Name.

(b) Address.

(c) Telephone number.

(d) Marital status.

(e) Social security number.

(f) IRS taxpayer number.

(g) Complete biography. Include age, place of birth (proof of naturalization if naturalized), health, experience, references, operating history, accomplishments, etc. Be *specific* about what fishing vessels you owned and skippered, what they fished for, when you owned and skippered them, etc.

(h) Balance sheet for yourself (current within 60 days of application). All personal debts must be disclosed, with the amount and frequency of repayment requirements. List acquisition cost and market value for all non-cash assets. All items must be described thoroughly to permit our verification. Give names, addresses, and telephone numbers of each person you owe money to and each person who owes money to you.[1]

(i) Federal income tax returns for yourself for the last 5 years.[1]

(2) *Loan purpose.*

(a) Amount of loan requested (maximum is one year's debt service on mortgaged vessel).

(b) What loan will be used for (who it will be paid to and for what).

(c) Why a lesser amount would not be enough.

(d) Why the amount requested will assure your ability to continue in operation and repay the loan (be specific).

(e) Letters from two banks declining to loan the money you are requesting from the Fisheries Loan Fund Program.

(3) *Financial information.*

(a) Balance sheet for your vessel's business (this must be current within 60 days of application and must be for the vessel whose mortgage is in jeopardy of default). All vessel debts must be disclosed, with the amount and frequency of repayments. List acquisition cost and market value for all non-cash assets. All items must be described thoroughly enough to permit our verification. Give names, addresses, and telephone numbers of each person you owe money to and each person who owes you money.[1]

(b) Profit and loss statement for your vessel during last 12 months (this must be current within 60 days of application and must be for the vessel whose mortgage is in jeopardy of default). Please be specific about all items of profit and loss.

(c) Federal income tax returns for your vessel business for the last 5 years.[1]

(d) Trip settlement sheets for the past 90 days (for the vessel whose mortgage is in jeopardy of default).

(e) Current balance sheet and profit and loss statement for any other business you own.

(f) Name, address, and telephone number of your bookkeeper and your attorney.

(g) Name, address, and telephone number of the principal people who buy your vessel's catch and the principal people who sell supplies and services to your vessel.

(4) *Vessel information* (for the vessel whose mortgage is in jeopardy of default).

(a) Copy of all vessel mortgages (include names, addresses, and phone numbers of mortgagees and present outstanding balance of each mortgage).

(b) Current U.S. Coast Guard form 1330 (certificate of ownership).

(c) Recent photograph of vessel.

(d) Inventory of vessel equipment and description of vessel's rigging.

(e) Survey report for vessel (no older than 1 year).

(f) Copy of vessel's insurance policy (plus name, address, and telephone number of agent).

(g) Number of engine hours and date of last engine overhaul.

(h) Date of last vessel dry dock.

(i) Vessel acquisition cost and present market value.

(j) Complete disclosure of all lienable vessel debt.

List of Subjects in 50 CFR Part 250

Fishing vessels, Loan programs—business.

(16 U.S.C. 742a–742k)

Dated: June 3, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource, National Marine Fisheries Service.

[FR Doc. 83–15380 Filed 6–8–83; 8:45 am]

BILLING CODE 3510–22–M

[1] If you own the vessel as a sole proprietor, you need send only your personal balance sheet and tax returns. If you own the vessel through a corporation or partnership, you must send both your personal balance sheet and tax returns and those for the corporation or partnership.

Proposed Rules

Federal Register
Vol. 48, No. 112
Thursday, June 9, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 23494; Notice No. CE-83-1A]

Small Airplane Airworthiness Review Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of reopening of proposal period.

SUMMARY: This notice reopens the period for interested persons to submit proposals for consideration concerning the Small Airplane Airworthiness Review Program, Notice No. CE-83-1 (48 FR 4290; January 31, 1983). The program objective is to provide public participation in improving, updating and developing the airworthiness standards applicable to small airplanes as set forth in Part 23 of the Federal Aviation Regulations (FAR).

DATE: Proposals must be received on or before May 3, 1984.

ADDRESS: Proposals prepared in response to this notice should be mailed or delivered in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 23494, Room 1558, Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All proposals must be marked: Docket No. 23494. Proposals may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: William Olson, Regulations and Policy Office (ACE-110), Aircraft Certification Division, Central Region, Federal Aviation Adminstration, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Proposals Invited

Interested persons are invited to participate in the Small Airplane Airworthiness Review Program by submitting any proposal deemed appropriate as an amendment to Part 23 of the FAR. All proposals submitted should be in the format, including all of the information requested, in the required, FORMAT AND INFORMATION paragraph of notice CE-83-1. All proposals received on or before the closing date will be considered before taking further action on the Small Airplane Airworthiness Review Program. All proposals submitted will be available, both before and after the closing date in the Rules Docket, for examination by interested persons. Persons wishing the FAA to acknowledge receipt of their proposals submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Proposal to Docket No. 23494." The postcard will be date/time stamped and returned to the person submitting the proposal.

Availability of Notice

Any person may obtain a copy of notice CE-83-1 by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Requests must identify the notice number. Persons interested in being placed on a mailing list for future notices and Notices of Proposed Rulemaking (NPRM) related to this Review Program should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

Reopening of Period for Submitting Proposals

The FAA has determined that it is in the public interest to reopen the response period for Notice No. CE-83-1 to afford the public and the aviation industry sufficient time to review Part 23 of the FAR and submit proposals deemed appropriate as an amendment to Part 23.

Accordingly, the proposal period for Notice No. CE-83-1 is reopened to close on May 3, 1984.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Safety, Air transportation, Tires.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Kansas City, Missouri on May 26, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-15469 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33-6469; 34-19834; 35-22980; S7-956]

Oil and Gas Producers—Full Cost Accounting Practices; Proposed Amendment of Rules

AGENCY: Securities and Exchange Commission.

ACTION: Re-opening of period for comment.

SUMMARY: The Commission announces that it is re-opening the period during which comments should be received on proposed amendments to its rules for application of the full cost method of accounting by oil and gas producers. The Commission is re-opening the comment period because of the substantial proportion of comments received subsequent to the original deadline.

DATE: Comments should be received by the Commission on or before June 30, 1983.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Comment letters should refer to File No. S7-956. All comments will be available for public inspection at the Commission's Public Reference Room.

FOR FURTHER INFORMATION CONTACT: M. Elizabeth Rader or John W. Albert, (202) 272-2130, Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On December 21, 1982, the Commission

proposed amendments to its rules for application of the full cost method of accounting by oil and gas producers by issuing Release No. 33–6445 (December 30, 1982; 47 FR 58281). These amendments consisted of two alternative sets of rules for determining when capitalized costs may be excluded from immediate amortization and invited public comment by April 30, 1983. Because of the substantial proportion of comments received subsequent to that date, the Commission is re-opening the comment period on these proposed rules to inform all interested parties that comments will be considered if received on or before June 30, 1983.

By the Commission.

Dated: June 1, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83–15386 Filed 6–8–83; 8:45 am]
BILLING CODE 8010–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Public Comment Period and Opportunity for Public Hearing on Proposed Condition of Approval to the Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing a public comment period and opportunity for public hearing on a proposed action to impose a new condition on the Secretary of the Interior's approval of the Virginia Permanent Regulatory Program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed condition relates to the authority of the State to deny an application for a permit or permit renewal unless the applicant submits proof that all required Federal reclamation fees have been paid.

This notice sets forth the times and locations that the Virginia program is available for public inspection, the comment period during which interested persons may submit written comments on the proposed action, and information pertinent to the public hearing.

DATES: Written comments, data or other relevant information relating to the imposition of the condition to the Virginia program not received on or before 4:00 p.m. on July 11, 1983, will not necessarily be considered.

A public hearing on the proposed modifications has been scheduled for June 27, 1983, at the address listed under "ADDRESSES."

Any person interested in making an oral or written presentation at the hearing should contact Mr. Ralph Cox at the address or phone number listed below by June 21, 1983. If no one has contacted Mr. Cox to express an interest in participating in the hearing by the above date, the hearing will not be held. If only one person has so contacted Mr. Cox by the above date, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Highway 23, South, P.O. Box 626, Big Stone Gap, Virginia 24219.

The public hearing will be held in the Conference Room of the Lebanon Area Office, Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll, Streets, Lebanon, Virginia 24266.

Copies of the Virginia program, a listing of any scheduled public meetings and all written comments received in response to this will be available for review at the OSM and State regulatory authority offices listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, N.W., Washington, D.C. 20240

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Virginia Division of Mined Land Reclamation, 622 Powell Avenue, Drawer U, Big Stone Gap, Virginia 24219

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523–4303.

SUPPLEMENTARY INFORMATION: The Virginia program was conditionally approved by the Secretary of the Interior on December 15, 1981 (46 FR 61088–61115). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 **Federal Register.**

Background

Sections 510(b) and 510(c) of SMCRA limit the issuance of new permits and permit renewals to those applicants who are in compliance with the requirements of SMCRA. As specified in section 402 of SMCRA and Subchapter R of 30 CFR, the operators of coal surface mines are to pay reclamation fees to the Secretary of the Interior. Further, section 402(f) of SMCRA specifically mandates full cooperation with the Secretary by all Federal and State agencies in the enforcement of this provision.

Recently it was brought to the Secretary's attention that the Virginia program does not contain regulatory language consistent with 30 CFR 786.19(h) which requires the State to deny permit applications and permit revision applications unless the applicant has submitted proof that all Federal reclamation fees required under 30 CFR Subchapter R have been paid.

To resolve this issue, on January 4, 1983, the Director, OSM, sent a letter to Virginia to request that Virginia either voluntarily amend its program to add a regulation consistent with 30 CFR 786.19(h), or revise its permitting procedures to ascertain such information prior to approving a permit application. To date, Virginia has not formally responded to the January 4 letter.

Therefore, the Secretary proposes to add a new condition to the Virginia program requiring the State to amend its program by a specified date to incorporate requirements no less effective than 30 CFR 786.19(h). The Secretary requests public comment on this proposed action.

Pursuant to 30 CFR 732.17(e), the Secretary notified Virginia by letter of June 1, 1983, that a State program amendment is required because conditions or events indicate that the approved State program no longer meets the requirements of SMCRA and the Federal regulations. Therefore, pursuant to 30 CFR 732.17(f)(1), Virginia shall submit to the Secretary within 60 days of receipt of notification either a proposed written amendment or a description of an amendment to be proposed that meets the requirements of SMCRA and the Federal regulations, and a timetable for enactment which is consistent with established

administrative or legislative procedures. Failure of the State to submit the proposed amendment or description and the enactment timetable within the prescribed 60 days, or subsequent failure to comply with the submitted timetable, or disapproval by the Secretary of the amendment, could result in proceedings under 30 CFR Part 733 to either enforce that part of the State program affected or withdraw approval, in whole or in part, of the State program and implement a Federal program.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, 30 CFR 946.11 is proposed to be amended as set forth herein.

Dated: June 1, 1983.

J. R. Harris,

Director, Office of Surface Mining.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

PART 946—VIRGINIA

30 CFR 946.11 is proposed to be amended by adding paragraph (t) to impose an additional condition as follows:

§ 946.11 Conditions of State regulatory program approval.

* * * * *

(t) Termination of the approval found in Section 946.10 will be initiated on _____, unless Virginia submits to the Secretary by that date a copy of promulgated regulations or otherwise amends it program to contain provisions no less effective than 30 CFR 786.19(h) to require the State to deny permit applications and permit revision applications unless the applicant has submitted proof that all Federal reclamation fees required under 30 CFR Subchapter R have been paid.

[FR Doc. 83-15492 6-8-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 08-83-02]

Drawbridge Operation Regulations; Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the coast Guard is considering changing the regulations governing nine LDOTD low level drawbridges in Louisiana.

This proposal is being made because of the infrequent requests for openings of the draws during the periods specified for advance notice. This action is designed to relieve the bridge owner of the burden of having a person constantly available at the bridge to open the draw, while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before July 25, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 9:00 a.m. to 3:00 p.m., Monday through Friday except holidays, at the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, at the address given above (504) 589-2965.

SUPPLEMENTARY INFORMATION: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is considering changing the regulations governing nine LDOTD low level drawbridges to provide the following:

(1) Require that at least four hours advance notice be given for an opening of the draw at all times, for the:

Swing span bridge, Amite River, mile 6.0, LA 22 at Clio, Livingston Parish.

Pontoon bridge, Belle River, mile 43.5, LA 70 near Belle River, Assumption Parish.

Pontoon bridge, Lower Grand River, mile 25.9, LA 977 at Pigeon, Iberville Parish.

Swing span bridge, Pierre Pass, mile 1.0, LA 70 at Pierre Part, Assumption Parish.

Swing span bridge, Plaquemine Bayou, mile 6.5, Spur 3066 at Indian Village, Iberville Parish.

Lift span bridge, West Pearl River, mile 7.9, U.S. 90 near Pearlington, St. Tammany Parish.

All of these bridges presently are required to open on signal at any time, except the bridges over the Amite and West Pearl Rivers. These two are required to open on signal from 5:00 a.m. to 9:00 p.m. and on a 12-hour advance notice otherwise at all times.

(2) Require that at least four hours advance notice be given for an opening of the draw from 9:00 p.m. to 5:00 a.m. and to open on signal otherwise at all times, for the:

Swing span bridge, Kelso Bayou, mile 0.7, LA 27 at Hackberry, Cameron Parish.

Swing span bridge, Mermentau River, mile 7.1, LA 82 at Grand Chenier, Cameron Parish.

These two bridges presently are required to open on signal at any time.

(3) Require that at least four hours advance notice be given for an opening of the draw from 6:00 p.m. to 6:00 a.m. and to open on signal otherwise at all times, for the:

Swing span bridge, Superior Oil Company Canal, mile 6.3, LA 82, Cameron Parish.

This bridge presently is required to open on a 12-hour advance notice from 9:00 p.m. to 5:00 a.m. and to open on signal otherwise at all times.

Interested parties are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identifying the bridge, and

give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed post card or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulation may be changed in the light of comments receive.

Drafting Information

The principal persons involved in drafting this proposal are: Josep Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of the Proposed Regulations

Vertical clearances of the nine bridges in the closed to navigation position range from 0.0 feet at the pontoon bridges to 13.0 feet at the Mermentau River swingspan bridge. Navigation through the bridges consists in whole or in part of commercial shrimpers/fishers, barges, crew boats and pleasure craft. Data submitted by the LDOTD for the entire year 1982 indicate that there is infrequent traffic through the bridges, during the proposed respective advance notice periods, as reviewed below:

(1) Bridges with proposed four hour notice at all time:

Amite River. In 1982, there were no openings for navigation between 8:00 p.m. and 6:00 a.m. Between 6:00 a.m. and 8:00 p.m. the average monthly openings by the hour ranged from 0.2 to 4.7, with an average daily opening of 0.92.

Belle River. In 1982, the average monthly openings by the hour range from 0.8 to 6.3, with an average daily opening of 2.38.

Lower Grand River. In 1982, the average monthly opening by the hour ranged from 1.0 to 4.8, with an average daily opening of 2.21.

Pierre Pass. In 1982, the average monthly openings by the hour ranged from 0.1 to 4.2, with an average daily opening of 1.58.

Paquemine Bayou. In 1982, there were virtually no openings for navigation between 10:00 p.m. and 7:00 a.m. Between 7:00 a.m. and 10:00 p.m. the average monthly openings by the hour ranged from 0.4 to 2.7, with an average daily opening of 0.84.

West Pearl. In 1982, there were virtually no openings for navigation between 9:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.1 to 1.4, with an average daily opening of 0.39.

(2) Bridges with proposed four hour notice at certain period at all times:

Kelso Bayou. In 1982, during the proposed advance notice period between 9:00 p.m. and 5:00 a.m., the average monthly openings by the hour ranged from 2.6 to 5.3, with an average daily opening of 0.92.

Mermentau River. In 1982, during the proposed advance notice period between 9:00 p.m. and 5:00 a.m., the average monthly openings by the hour ranged form 1.5 to 9.0, with an average daily opening of 1.27.

Superior Oil Company Canal. In 1982, during the proposed advance notice period between 6:00 p.m. and 6:00 a.m., the average monthly openings by the hour ranged from 0.0 to 6.6, with an average daily opening of 0.92.

The advance notice for opening the drawbridges would be given by placing a collect call at any time from ashore or afloat, as follows:

Bridge location	From ashore call	From afloat call
Amite River.	Hammond..... (504) 345-7390.....	Slidell Public Coast Station KUZ 557, VHF Channel 84.
Belle River...	Baton Rouge..... (504) 925-6786.....	Baton Rouge Public Coast Station KKM 648, VHF Channels 27 & 86.
Kelso Bayou.	Lake Charles..... (318) 439-2406.....	Cameron Public Coast Station KQU 437, VHF Channel 24.
Lower Grand River.	Baton Rouge..... (504) 925-6786.....	Baton Rouge Public Coast Station KKM 648, VHF Channels 27 & 86.
Mermentau River.	Lake Charles..... (318) 439-2406.....	Cameron Public Coast Station KQU 437, VHF Channel 24.
Pierre Pass..	Baton Rouge..... (504) 925-6786.....	Baton Rouge Public Coast Station KKM 648, VHF Channels 27 & 86.
Plaquemine Bayou.	Baton Rouge..... (504) 925-6786.....	Baton Rouge Public Coast Station KKM 648, VHF Channels 27 & 86.
Superior Oil Company Canal.	Lake Charles..... (318) 439-2406.....	Cameron Public Coast Station KQU 437, VHF Channel 24.
West Pearl River.	Hammond..... (504) 345-7390.....	Slidell Public Coast Station KUZ 557, VHF Channel 84.

Considering the few openings involved and the provision for a four hour advance notice in all cases, the Coast Guard feels that the proposed regulations should relieve the bridge owner of the burden of having a person constantly available at the bridge to open the draw, while still providing for the reasonable needs of navigation.

Economic Assessment and Certification:

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since the impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that this rule, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.540 [Amended]

In consideration of the foregoing, the Coast Guard proposes to amend § 117.540, Part 117, Title 33 Code of Federal Regulations, as follows:

Remove from § 117.540(b) the West Pearl River, mile 7.9, U.S. 90 highway drawbridge near Pearlington; Amite River, mile 6.0, S-22 highway drawbridge at Clio, and Superior Oil Company Canal, mile 6.3, S-82 highway drawbridge in Cameron Parish.

Redesignate § 117.540(c) and (d) as § 117.540(f) and (g), respectively.

Add new § 117.540(c), (d) and (e) immediately after § 117.540(b) to read:

* * * * *

(c) The draws of the bridges listed below shall open on signal if at least four hours notice is given.

Amite River, mile 6.0, LA 22 highway drawbridge at Clio, Livingston Parish.

Belle River, mile 43.5, LA 70 highway drawbridge near Belle River, Assumption Parish.

Lower Grand River, mile 25.9, LA 977 highway drawbridge at Pigeon, Iberville Parish.

Pierre Pass, mile 1.0, LA 70 highway drawbridge at Pierre Part, Assumption Parish.

Plaquemine Bayou, mile 6.5, Spur 3066 highway drawbridge at Indian Village, Iberville Parish.

West Pearl River, mile 7.9, U.S. 90 highway drawbridge near Pearlington, St. Tammany Parish.

(d) The draws of the bridges listed below shall open on signal from 5:00 a.m. to 9:00 p.m. From 9:00 p.m. to 5:00 a.m. the draws shall open on signal if at least four hours notice is given.

Kelso Bayou, mile 0.7, LA 27 highway drawbridge at Hackberry, Cameron Parish.

Mermentau River, mile 7.1 LA 82 highway drawbridge at Grand Chenier, Cameron Parish.

(e) The draws of the bridges listed below shall open on signal from 6:00 a.m. to 6:00 p.m. From 6:00 p.m. to 6:00

a.m. the draws shall open on signal if at least four hours notice is given.

Superior Oil Company Canal, mile 0.3, LA 82 highway drawbridge, Cameron Parish.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3))

Dated: May 24, 1983.

J. M. Fournier,

Captain, U.S. Coast Guard, Acting Commander, Eighth Coast Guard District.

[FR Doc. 83–15497 Filed 6–8–83 8:45 am]

BILLING CODE 4910–14–M

VETERANS ADMINISTRATION

38 CFR Part 17

Unauthorized Medical Services

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration is amending its medical regulations (38 CFR Part 17), to define the point in time when an emergency ends, for the purpose of approval of claims by veterans for payment and reimbursement of the expenses of emergency hospital care and medical services not previously authorized.

DATES: Comments must be received on or before July 11, 1983. It is proposed to make this amendment effective the dae of final approval.

ADDRESS: Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed regulation to: Administrator of Veterans Affairs (271A), 810 Vermont Avenue, N.W., Washington, D.C. 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, of the above address, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until July 25, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph F. Fleckenstein, (202) 389–3785.

SUPPLEMENTARY INFORMATION: Existing regulations specify the criteria for approval of claims by certain veterans for payment and reimbursement of the expenses of hospital care and medical services not previously authorized. One of the prerequisites is that the veterans must have received the care and services in a medical emergency of such nature that delay would been hazardous to life or health. However, there is no termination point defined for the emergency.

The new regulation accomplishes this. This action will correct an inequity which grants a greater benefit to veterans who file claims for payment or reimbursement for the expenses of non-VA hospital care or medical services not previously authorized than for veterans who request and receive prior authorization for such care. In the latter cases, the termination point for VA payment of costs of the emergency hospital care is already clearly defined. The Administrator has determined that this amendment to VA regulations is considered nonmajor under the criteria of Executive Order 12291 on Federal regulations. It will not have an annual effect on the economy of $100 million or more; it will not result in major increases in costs for consumers, individual industries, Federal, State or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Administrator of Veterans Affairs certifies that this amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these regulations are exempt from the initial and final regulatory flexibility analyses requirments of sections 603–604. The reasons for this certification are as follows: This change will directly regulate only the entitlement of individual veterans and their beneficiaries. Any economic impact on small entities would be indirect and small because of the minimal part of their overall operation and income which this activity represents. Moreover, it has been a long-standing policy of the VA to authorize payment for treatment of certain eligible veterans admitted to non-Federal health care facilities in an emergency, for the period of the emergency following which, when appropriate, transfer to an appropriate VA health care facility may be carried out. Veterans Administration will enforce this policy in claims for payment or reimbursement of the expenses of emergency hospital care and medical services received without prior VA authorization. In some cases, it will reduce payment or reimbursement where the veteran's transfer could have been, but was not, carried out. It will encourage non-VA health care facilities to contact VA immediately to seek authorization for payment rather than await the veteran's discharge, to file claim for payment. The Catalog of Federal Domestic Assistance Program numbers are 64.009 and 64.011.

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs—health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Veterans.

Approved: May 25, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 17—[AMENDED]

38 CFR Part 17, *Medical*, is amended by adding a new § 17.80a to read as follows:

§ 17.80a Limitations on payment for emergency hospital care and medical services not previously authorized.

The VA will not reimburse a veteran for the costs of emergency hospital care or medical services for any period beyond the date on which the medical emergency ended. For the purpose of payment or reimbursement of the expense of emergency hospital care or medical services not previously authorized, an emergency shall be deemed to have ended at that point when a VA physician has determined that, based on sound medical judgment, a veteran:

(a) Who received emergency hospital care could have been transferred from the non-VA facility to a VA medical center for continuation of treatment for the disability, or

(b) Who received emergency medical services, could have reported to a VA medical center for continuation of treatment for the disability.

From that point on, no additional care in a non-VA facility will be approved for payment by the VA. (38 U.S.C. 210(c)(1))

[FR Doc. 83–15496 Filed 6–8–83; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 66 and 67

[OLEC–FRL 2235–5]

Assessment and Collection of Noncompliance Penalties by EPA and Approval of State Noncompliance Penalty Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed interpretive rulemaking.

SUMMARY: On July 28, 1980, the Environmental Protection Agency ("EPA") promulgated rules for the assessment and collection of noncompliance penalties pursuant to Section 120 of the Clean Air Act, 42 U.S.C. 7420. (See 45 FR 50086.) One of the issues discussed in the preamble to the final regulations concerned the relationship between Section 120(g) and Section 172(a)(2) of the Clean Air Act. Section 120(g) provides that new or more stringent state implementation plan requirements become enforceable for Section 120 purposes no later than three years after they are approved or promulgated. Section 172(a)(2) allows such plans in some circumstances to provide for final compliance as late as 1987 (if approved) as long as the implementing regulations are submitted by July 1982. If such a revision were approved in 1983, Section 120(g) would appear to require enforcement of such revision in 1986 even against sources which are not required to comply until 1987. This anomaly was described but not resolved in the 1980 rulemaking. The preamble to the final Section 120 rules stated that EPA would separately announce a final interpretation and policy on this question.

This notice announces, for the purpose of obtaining public comment, the Agency's interpretation and policy on this issue. It states that EPA considers Section 172 to be the controlling provision. In the cases of SIP requirements that properly require compliance more than three years after they are approved or promulgated, EPA therefore will only seek Section 120 penalties for a violation after a source is required to be in compliance.

This policy represents a reversal of the Agency's analysis described in the preamble and a return to the Agency's analysis described in the rules as proposed (see 44 FR 17310). EPA proposes to make this interpretation, if adopted, effective immediately upon adoption.

DATES: Comments must be received on or before July 11, 1983.

ADDRESS: Comments should be addressed to U.S. Environmental Protection Agency, Control Docket Section, Docket No. EN–79–1, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Christopher C. Herman (202) 382–7630.

SUPPLEMENTARY INFORMATION: Section 120 of the Clean Air Act, added in 1977, authorizes EPA to assess and collect a penalty from designated sources no less than the economic value of delaying compliance with applicable legal requirements. Section 120(g) states that with respect to emission limitations which become final after the effective date of the 1977 amendments (August 7, 1977), the penalty shall be imposed on the later of two dates—either July 1, 1979 or the date on which a source is required to be in compliance. Section 120(g) adds that in no event is imposition to be delayed more than three years from the date the new limitations become final.

Section 172 of the Clean Air Act, also added in 1977, deals with state implementation plans to achieve and maintain national ambient air quality standards (NAAQS). It was designed to address the problems of states which did not achieve primary NAAQS by the statutory attainment date, generally 1975. Such nonattainment areas were allowed an extension to December 1982. Areas which could not achieve the NAAQS for ozone and carbon monoxide by that date could request and obtain an attainment date extension to not later than December 1987. Areas seeking extensions are required to submit a plan by July 1982 containing enforceable measures which provide for attainment no later than December 1987, Section 172(c).

The provisions of Section 120(g) and 172(a)(2) appear to be in conflict. Strict application of Section 120(g) could create anomalous results for some sources in areas receiving extensions beyond 1982. For example, a SIP revision for an extension area could contain compliance dates as late as December 1987. If that plan has been submitted by July 1, 1982, it could have been approved and in effect by December 31, 1982. Section 120(g) would seem to require EPA to enforce the Section 120 penalty against sources subject to more stringent new SIP requirements no later than three years after the SIP revisions became final, which in this example would be December 31, 1985, i.e., two years prior to the date on which the source is required to be in compliance under the applicable SIP.

In its proposed rulemaking on Section 120, EPA stated that it believed no penalty could be imposed until the compliance date specified in the approved SIP. 44 FR 17310. In its final rulemaking, the Agency discussed the question further. It stated that the provisions may mean that: (i) No major source regulated under a July 1982 SIP for an extension area may legally have a compliance date later than three years from SIP approval or promulgation; (ii) a source may have a lengthier compliance schedule but must be assessed the value of savings accruing after the third year; or (iii) penalties may not be imposed against a source three years after the SIP becomes final if a source has a lengthier SIP compliance schedule, provided the source is in compliance with any interim requirements. 45 FR 50088.

Upon further consideration, EPA has decided that, where SIPs in extension areas include compliance schedules extending beyond 1982 which are more than three years in length, Section 120 penalties should not be imposed until after the compliance date as long as the source complies with any interim requirements. Such sources will not be liable for a Section 120 penalty merely by virtue of the fact that a SIP requirement approved or promulgated under Section 172(c) allows compliance more than three years after approval or promulgation.

EPA sees no basis for imposing a penalty where no plan requirement has been violated. This reconciliation avoids inappropriate reference to Section 120(g) in developing compliance schedules for plans submitted for extension areas under Section 172(a)(2). This does not, of course, in any way alter the liability of sources subject to SIP requirements after the final compliance date required in the SIP whether more or less than three years from the date the requirement becomes final.

Public Comment

Public comment on this interpretive rule will be accepted until July 11, 1983. Since the interpretation involves a question of statutory construction rather than one of fact the only documents are those discussed above, all of which are in the public record.

This interpretation will be subject to the review provisions of Section 307(b) after EPA issues its final interpretative rule. Interested persons are reminded that Section 307(d)(7)(B) of the Clean Air Act provides that objections to proposed actions must be raised with reasonable specificity for those objections to be cognizable during judicial review.

List of Subjects

40 CFR Part 66

Administrative practice and procedure, Air pollution control, Penalties.

40 CFR Part 67

Air pollution control, Intergovernmental relations, Penalties.

Dated: June 2, 1983.
William D. Ruckelshaus,
Administrator.
[FR Doc. 83-15439 Filed 6-8-83; 8:45 am]
BILLING CODE 6560-50-M

---

40 CFR Part 180

[PP 1E2565/P295; PH-FRL 2363-2]

N-(Mercaptomethyl) Phthalimide S-(O,O-Dimethyl Phosphorodithioate); Proposed Tolerance

Correction

In FR Doc. 83-13061 beginning on page 22337 in the issue of Wednesday, May 18, 1983, make the following correction.

On page 22337, third column, sixth line of the "**SUPPLEMENTARY INFORMATION**" paragraph, "4 CFR" should read "40 CFR".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

244 CFR Part 67

[Docket No. FEMA-6505]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This documents corrects a notice of Proposed Modified Determinations of base (100-year) flood elevations previously published at 48 FR 16082 on April 14, 1983. This correction notice provides a more accurate representation of the revised Flood Insurance Rate Map for the Township of Center, Indiana County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Modified Determinations of base (100-year) flood elevations for selected locations in the Township of Center, Indiana County, Pennsylvania, previously published at 48 FR 16082 on April 14, 1983, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has not economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Due to a clerical error, the Notice of Proposed Base Flood Elevations was not published in its entirety. The Source of Flooding of Yellow Creek and several location descriptions under Two Lick Creek were omitted. The following location descriptions and their corresponding existing and modified base flood elevations more accurately reflect the Flood Insurance Rate Map and Flood Insurance Study for the Township of Center. The remainder of the Notice of Proposed Base Flood Elevations remains unchanged.

Source of flooding	Location	#Depth in feet above ground. ^Elevation in feet (NGVD)	
		Existing	Modified
Two Lick Creek	Downstream corporate limits of Homer City.	^1,004	^1,005
	Upstream State Route 56.	^1,011	^1,015
	Upstream Main Street.	^1,016	^1,019
	Upstream CONRAIL (first crossing).	^1,037	^1,041
	Approximately 3,450 feet upstream of State Route 119.	^1,048	^1,050
Yellow Creek	Upstream corporate limits of Homer City.	^1,021	^1,024
	Approximately 450 feet upstream of Legislative Route 32134.	^1,033	^1,026

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 23, 1983.

Dave McLoughlin,
Deputy Associate Director, State and Local Programs and Support.
[FR Doc. 83-15454 Filed 6-8-83; 8:45 am]
BILLING CODE 6718-03-M

---

44 CFR Part 67

[Docket No. FEMA-6470]

National Flood Insurance Program; Proposed Flood Elevation Determinations; correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Village of Wyocena, Columbia county, Wisconsin, previously published at 45 FR 57079 on December 22, 1982.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Village of Wyocena, Columbia County, Wisconsin previously published at 45 FR 57079 on December 22, 1982, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

The Base Flood Elevation Determination on Duck Creek, which reads, Just upstream of Breached Dam, has been changed from, Just upstream of Breached Dam to Just upstream of Dam and 799 feet to 800 to show the revised hydraulic analysis that includes the Duck Creek Dam.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies

that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood Plains.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
[illegible]	(V) Wyoceria, Columbia County	Duck Creek	Just upstream of Private Drive	*794
			Just downstream of Dam	*795
			Just upstream of Dam	*800
			At upstream corporate limits	*803

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 23, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15455 Filed 6-8-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6532]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Propsed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed modified flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Missouri	(C) Sarcoxie, Jasper County	Center Creek	About 2,200 feet downstream of Business Loop 44	*1,082	*1,083
			About 2,500 feet upstream of Business Loop 44		*1,089
		Swifty Creek	About 1,050 feet downstream of Reed Avenue	*1,082	*1,083
			Just upstream of Cross Street	1,090	1,092
			About 550 feet upstream of the St. Louis-San Francisco Railway.	1,108	1,111

Maps available for inspection at 111 North Sixth Street, Sarcoxie, Missouri.
Send comments to Honorable Warren Zimmerman, Mayor, City of Sarcoxie, 111 North Sixth Street, Sarcoxie, Missouri 64862.

North Dakota	Township of Burlington, Ward County.	Des Lacs River	Intersection of river with upstream township boundary	*1,581	*1,581
		Souris River	Intersection of river with downstream township boundary.	*1,572	*1,572

Maps available for review at City Hall, 225 Wallace Street, Burlington, North Dakota.
Send comments to the Honorable Jack Bender, Mayor, Township of Burlington, P.O. Box 159, 225 Wallace Street, Burlington, North Dakota 58722.

North Dakota	Ward County (Unincorporated Areas).	Des Lacs River	Intersection of river and center of U.S. Highway 52	*1,784	*1,784
		Souris River	Intersection of river and center of Soo Line Railroad near City of Sawyer.	*1,529	*1,529

Maps are available for review at the Auditors Office, Ward County Courthouse, Minot, North Dakota.
Send comments to Mr. G. G. Hamme, Chairman, Board of County Commissioners, Ward County Courthouse, Minot, North Dakota 58701.

Oregon	City of Ione, Morrow County	Willow Creek	259 feet west of the intersection of Willow and Main Streets.	*1,072	*1,071
			At easternmost corporate limit crossing	*1,100	*1,100

Maps are available for reviewat City Hall, Ione, Oregon.
Send comments to the Honorable Linda LaRue, City Hall, P.O. Box 361, Ione, Oregon 97843.

South Carolina	(C) Conway, Horry County	Waccamaw River	About 0.7 mile downstream of U.S. Highway 501	None	*10
			At the confluence of Kingston Lake Swamp	*13	*14
		Kingston Lake Swamp	At mouth at Waccamaw River	*13	*14
			About 1.8 miles upstream of the Seaboard Coast Line Railroad.	*13	*14
		Crab Tree Swamp	Just downstream of Long Avenue	*13	*14
			About 2,200 feet upstream of Oak Street	*13	*14

Maps available for inspection at P.O. Drawer 1075, Conway, South Carolina.
Send comments to the Honorable Kenneth S. Holt, Mayor, City of Conway, P.O. Drawer 1075, Conway, South Carolina 29526.

Vermont	Morestown, Town, Washington County.	Winooski River	Downstream corporate limits	*430	*436
			Upstream of U.S. Route 2	*448	*447
			Upstream of State Route 100B	*500	*501
		Crossett	Approximately 2,700 feet upstream of State Route 100	None	*452

Maps available for inspection at the Town Hall, Route 100B, Morestown, Vermont.
Send comments to the Honorable Douglas Finlay, Chairman of the Morestown Board of Selectmen, Route 100B, Box 533, Morestown, Vermont 05660

Washington	City of Tumwater, Thurston County.	Outlet of Black Lake	100 feet upstream of centerline of Burlington Northern Railroad.	*115	*114
		Percival Creek	At corporate limits, 1,500 feet upstream from Sapp Road.	*141	*141
		Trosper Lake	1,600 feet southwest of the intersection of Trosper Road and Louise Street.	(1)	*158

Maps are available for review at the Planning Department, City Hall, 2nd & Bates, Tumwater, Washington.
Send comments to the Honorable Philip Schmidt, Mayor, City of Tumwater, 2nd & Bates, Tumwater, Washington 98502.

[1]Area of minimal flooding.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 20, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15486 Filed 6-8-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 125 Through 136

[CGD 82-004]

Offshore Supply Vessel Regulations

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period.

SUMMARY: In the **Federal Register** of February 14, 1983, the Coast Guard proposed regulations for new offshore supply vessels. The public comment period was due to close on June 14, 1983. This notice extends the comment period to September 12, 1983.

DATE: Comments on the proposed regulations must be received on or before September 12, 1983.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/44) (CGD 82-004), U.S. Coast Guard, Washington, D.C. 20593. The comments and materials referenced in the notice of

February 14, 1983, will be available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday,except holidays, at the Marine Safety Council (G-CMC/44), Room 4402, Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR Kevin V. Feeney (202) 426–2187.

SUPPLEMENTARY INFORMATION: The proposed regulations were published as an advance notice of proposed rulemaking (ANPRM) beginning at page 6636 of the **Federal Register** of February 14, 1983 (48 FR 6636). As stated in the ANPRM, the proposed regulations would apply to new offshore supply vessels in lieu of other existing regulations. The proposal contains many changes and relaxations to standards presently applied to existing offshore supply vessels. The purpose of the ANPRM is to solicit comments on both the technical merits of the proposal and its probable economic effect. All comments received will be considered in preparing the Notice of Proposed Rulemaking.

Drafting Information

This document was drafted by LCDR K.V. Feeney, Office of Merchant Marine Safety. Mr. W. R. Register, Office of the Chief Counsel, provided assistance.

Discussion

The Offshore Marine Services Association (OMSA) has submitted a request for a public hearing and a 45 day extension of the comment period. In support of the request, OMSA states that it needs additional time to fully review the proposed regulations and expresses concern that smaller operators not affiliated with OMSA may be unaware of the proposed regulations. The Coast Guard agrees that the additional time would be beneficial and has decided to extend the comment period for 90 days. Notice of the extension will be given wide distribution in order to ensure that small operators are aware of the proposed regulations. This ninety day extension should provide adequate time to distribute the notice and submit comments and, accordingly, a public hearing on the ANPRM is not being planned. However, a hearing may still be scheduled after publishing the Notice of Proposed Rulemaking if sufficient requests are received to warrant one.

(Sec. 2, 87 Stat. 418 (46 U.S.C. 86); Sect. 2, 49 Stat. 868 as amended (46 U.S.C. 86a); R.S. 1405, as amended (46 U.S.C. 375); Sec. 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Pub. L. 96–378, 94 Stat. 1513 (46 U.S.C. 404–1); R.S. 4462, as amended (46 U.S.C. 416); Sec. 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46)

Dated: June 2, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 83–15498 Filed 6–8–83; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 78–72; Phase III; FCC 83–178]

MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This notice proposes adoption of rules and requirements to complement the adoption of access charges in Phase I of this proceeding, and the revised telecommunications industry structure which will result from implementation of the Modification of Final Judgment (Consent Decree) governing AT&T and the Bell Operating Companies. Comment is sought in three major areas: (1) A proposal that interconnection ("access") obligations be imposed on Independent telephone companies which are analogous to those imposed in the Modification of Final Judgment on the Bell Operating Companies; (2) a proposal that interconnection offerings by exchange carriers be made in the access tariffs required to be filed with the FCC as a result of Phase I of this proceeding; and (3) a proposal that limited joint planning among exchange carriers, with participation in the process by others, be sanctioned by the FCC with limited involvement by the FCC and its staff.

The proposals are made necessary by the substantial changes now underway in the industry, through increasing competition and divestiture by AT&T of the Bell Operating Companies, and the requirement that important policies of the Communications Act continue to be served. The intended effect of the proposals is to ensure that nationwide service continues to be promoted, and that long-established interconnection requirements continue in effect.

DATES: Comments must be received on or before August 8, 1983 and Reply Comments must be received on or before October 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C 20554

FOR FURTHER INFORMATION CONTACT: Michael S. Slomin or John Cimko, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554; (202–632–9342).

SUPPLEMENTARY INFORMATION: *See:* Third Report and Order, CC Docket No. 78–72 Phase I, 48 FR 10319 (March 11, 1983); *United States* v. *Am. Tel. and Tel. Co.*, 552 F. Supp. 131 (D.D.C. 1982) (order entering the Modification of Final Judgment and text of the revised Consent Decree governing AT&T and the Bell Operating Companies).

List of Subjects in 47 CFR Part 69

Access charges Exchange Carriers Association, Tariffs Technical and operational details of interconnection.

Notice of Proposed Rulemaking

In the matter of MTS and WATS Market Structure, Phase III: establishment of Physical connections and through routes among carriers; establishment of physical connections by carriers with non-carrier communications facilities; planning among carriers for provision of interconnected services, and in connection with national defense and emergency communications services; and regulations for and in connection with the foregoing, CC Docket No. 78-72, Phase III.

Adopted: April 27, 1983.
Released: May 31, 1983.

By the Commission: Commissioner Fogarty issuing a separate statement; Commissioner Jones absent.

I. Introduction

1. Interstate and foreign communications provided by common carriers have historically been offered through electrical connection ("interconnection") of communications facilities operated by different entities. In decisions tracing virtually to the inception of the FCC in the 1930's, we have addressed carriers' obligations to interconnect their facilities with one another, and with non-carrier facilities (*e.g.*, Private communications channel facilities and terminal equipment). The development of Commission policies relating to carriers' interconnection obligations is complex. We summarize our current policies below, as they relate to this proceeding.

2. As a general proposition, carriers today are under a legal obligation to offer interconnection (both to other carriers, and to noncarrier facilities and equipment) under tariffs which are subject to FCC regulation. There are normally two basic dimensions to carriers' interconnection obligations. First, arrangements are required to compensate a carrier offering interconnection for use of its facilities in

interconnected service. Second, physical, technical and operating arrangements are required to ensure that interconnection is feasible and workable, and that such interconnection does not create unacceptable levels of interference or harm to service.

3. In view of the wide range of different service offerings which are subject to the Communications Act of 1934 as amended (the "Act"), we have appropriately tailored our interconnection regulation in each instance to the specific carriers and services involved. For example, in the traditional telephone service field, compensation and physical arrangements for carrier-to-carrier interconnection historically were largely worked out by the industry itself without direct regulatory intervention. The FCC served primarily as a forum for complaints concerning issues which could not satisfactorily be resolved by the carriers through negotiation, and as a forum for resolving issues of jurisdictional cost and revenue apportionment ("separations") which had bearing upon provision of interconnected telephone services. With the advent of new entry by competitive common carriers, this Commission was called upon to take a more active regulatory role with respect to carrier-to-carrier interconnection for telephone services.

4. In the telegraph and record service field, under provisions of 1943 legislation permitting Western Union to acquire Postal Telegraph's facilities,[1] the Commission was required specially to regulate compensation and traffic division arrangements for traffic involving interconnection of Western Union's domestic facilities with the international facilities of international record carriers ("IRCs").

5. Other communications services have directly or indirectly involved interconnection of carriers' facilities to those of one another or to non-carrier facilities, including domestic satellite services, microwave radio services and video services. Here too, we have addressed the compensation and physical arrangements for such interconnection.

6. In some of the foregoing interconnection circumstances, we have merely clarified that a legal obligation to offer interconnected service exists, and have allowed the carriers themselves in carrier-initiated tariffs (or private contracts in some circumstances) to determine the arrangements for interconnection. This largely was the historic pattern for traditional telephone services provided jointly by the integrated Bell System and the Independent telephone companies. The involved carriers had great incentives to interconnect with one another and the details, while sometimes controversial, could usually be worked out by the involved carriers without regulatory intervention. The American Telephone and Telegraph Company ("AT&T") controlled (and controls) the great bulk of all telephone facilities in this nation, through direct control of long distance facilities by its Long Lines Department, and through indirect control through ownership of the associated Bell Operating Companies ("BOCs"). The BOCs access approximately 80% of the nation's telephones (and approximately 50% of the land area of the nation). Quite naturally, with this degree of direct and indirect control, AT&T largely could itself determine the evolution of telephone service, including the terms of interconnection. Moreover, even without such control, the research and development resources of AT&T (primarily in the Bell Telephone Laboratories and in Western Electric Company, and to some extent in AT&T's General Department) effectively could exercise strong influence over the evolution of telephone servies, including interconnection.

7. Moreover, AT&T's strong influence over interconnection has not been limited to traditional telephone services, as many non-telephone common carrier services have required interconnection to AT&T or BOC facilities. For example, while Western Union itself has the right to construct long distance and local telegraph facilities (a right which predates the development of the telephone and of AT&T), in fact Western Union almost exclusively employs local telephone facilities to reach its subscribers. Similarly, while we have authorized the provision of specialized and domestic satellite services by new entrants since the late 1960's, because of spectrum congestion the carriers involved have been unable to bring their services directly to their subscribers in urban areas, and have been required to use local telephone facilities on an interconnected basis to reach their urban subscribers.[2] Again, given AT&T's predominant control of such facilities, AT&T has largely determined the evolution of these interconnection offerings, subject to regulatory contraint.

8. Finally, the Act itself has of course, affected this Commission's historic role with respect to interconnection. For example, all carriers engaged in the provision of interstate and foreign communications, including carriers which do so solely by virtue of interconnection, are subject to Sections 201 through 205 of the Act, which provisions include interconnection requirements. However, under Sections 2(b) and 221(b), the states and not the FCC regulate the offering of local (*i.e.*, exchange) services to carriers' subscribers. Where carrier-to-carrier interconnection for provision of interstate and foreign services is involved, this commission's authority over all interconnection arrangements, including compensation arrangements, is preeminent. But, where interconnection of carriers' local facilities to those of non-carriers is involved (*i.e.*, for interconnection of terminal equipment, or of non-carrier private communications facilities), we have limited our role to one of assuring that interconnection is made available without discrimination, but without otherwise regulating local service compensation arrangements.[3]

A. Changes Necessitating Action

9. A number of recent major events are causing us to examine comprehensively issues which bear upon carriers' interconnection offerings. First, we recently adopted a *Third Report and Order* in this proceeding, —— FCC 2d ——, FCC 82–579, released Feb. 28, 1983 (hereafter, "Third Report"), addressing access charges. In the Third Report we, examined the more competitive nature of communications, and unreasonable and discriminatory ratemaking practices which existed in connection with provision of interstate and foreign services on a direct and interconnected basis. We concluded that the historic traditional telephone industry revenue division practices must be replaced by a system of access charges (*i.e.*, new arrangements for compensating carriers for use of their facilities when providing service on an interconnected basis). In part, this was the result of the increasingly competitive nature of telecommunications, and various forms of disparate treatment of service offerings and interconnection offerings made to other carriers and to subscribers by carriers. In part, this was

[1] These provisions were formerly in Section 222 of the Act, and were recently supplanted by the Record Carrier Competition Act of 1981, Pub. L. 97–130, 95 Stat. 1687, Dec. 29, 1981 ("RCCA").

[2] Such facilities have been termed "entrance facilities."

[3] *See, e.g.*, Carterfone, 13 FCC 2d 420, recon. denied, 14 FCC 2d 571 (1968); North Carolina Utilities Comm'n v. FCC., 537 F. 2d 787 (4th Cir.), cert. denied, 429 U.S. 1027 (1976) ("NCUC I"); North Carolina Utilities Comm'n v. FCC 552 F. 2d 1036 (4th Cir.), cert. denied, 434 U.S. 874 (1977) ("NCUC II").

a response to changes, discussed below, which are likely to flow from the revised antitrust decree governing AT&T and the BOCs. While our Third Report revises, on a nationwide basis, the compensation arrangements for interconnected service, it does not address the physical, technical and operational details of such interconnection. We believe that such matters are important, that they similarly should be addressed, and we propose to do so in these further proceedings.

10. Second, on August 24, 1982, the United States District Court for the District of Columbia entered a Modification of Final Judgment ("MFJ") in *United States* v. *Am. Tel. and Tel. Co.*, 552 F. Supp. 131 (D.D.C. 1982), 1982–2 Trade Cas. (CCH) ¶ 64,979, *aff'd sub. nom., Maryland* v. *United States*. —— U.S. ——, 51 U.S.L.W. 3628 (U.S., Mar. 1, 1983), requiring AT&T to divest the BOCs no later than eighteen months from entry, and establishing constraints and obligations on the subsequent activities of AT&T and the divested BOCs. Bearing most importantly on provision of interstate and foreign services through interconnection is a requirement in Section II of the MFJ, and related Appendix B, that each BOC:

> Provide to all interexchange carriers and information service providers exchange access, information access, and exchange services for such access on an unbundled tariff basis, that is equal in type, quality, and price to that provided to AT&T and its affiliates.

As noted, the Third Report in this proceeding addresses the "price" aspects of the BOCs' access and service provision obligations uder the MFJ, but it does not address directly the physical, technical and operating arrangements for such interconnection.[4]

11. To some extent, these issues are addressed in the MFJ. For example, Appendix B acknowledges that equal treatment of access will require a phasing-in during 1984–86, and even thereafter in the case of smaller, older central offices upon an appropriate showing to the court. However, the MFJ is silent with respect to interconnection obligations which might govern AT&T after diverstiture of the BOCs. Moreover, the exchange access provisions of the MFJ apply generally to provision of interconnection by the BOCs to "interexchange carriers" and, except with respect to provision of information access, the decree is silent as to an obligation of the BOCs to offer interconnection to facilities of non-carriers. These interconnection issues are important, and have been addressed by this Commission in the past. For that reason, we believe it appropriate to clarify their treatment in the changing industry structure.

12. Third, the industry structure that would result from implementation of the MFJ would, through the provisions of the MFJ, create specifically detailed arrangements for access to the BOCs' subscribers (as noted, approximately 80% of the nation's telephones), but not to the subscribers of non-Bell Independent telephone companies. We believe that the purpose of the MFJ is consistent with regulatory policy of this Commission to create, on a nationwide basis, opportunities for competitive providers of interstate and foreign services to access their subscribers through interconnection with local telephone companies' facilities. The FCC and the courts have explicitly imposed such interconnection obligations on all local telephone companies, BOCs and Independents, and as noted we have addressed the compensation aspects of such interconnection in the Third Report herein.

13. In the altered industry structure of the MFJ, competitive interexchange carriers will have a detailed blueprint for interconnection to facilities for access to BOC subscribers (through the provisions of the MFJ), but not for subscribers in Independents' service areas. The object of the MFJ under the antitrust laws is creation of a competitive telecommunications marketplace nationwide, which is complementary to our mandate under the Act to ensure the availability of rapid, efficient communications with adequate facilities at reasonable charges, also on a nationwide basis. We have fostered the development of nationwide services in the past, and we believe it important to continue to do so upon implementation of the MFJ. For that reason, we propose generally to require, pursuant to our authority under the Act, that the Independent telephone companies offer interconnection (or in MFJ terms, exchange and information access) on a basis similar to that of the divested BOCs, in order that interstate and foreign services may be planned and offered on a reasonably uniform basis nationwide.

14. Fourth, the physical, technical and operational details of interconnection have increasingly become controversial in recent years, across a broad range of services and carriers. In some cases, we have been required to adopt specific regulations governing interconnection, *e.g.*, regulations in Part 68 of our rules governing interconnection of terminal equipment, wiring, and protective apparatus. In other cases, we have adopted specific tariff-prescribing orders governing carriers' interconnection offerings, *e.g.*, our original *Carterfone* decisions,[5] our "piece out" decision,[6] and our decisions implementing the Record Carrier Competition Act of 1981.[7] In other cases, we have served as a forum for carriers themselves to negotiate interconnection arrangements.[8]

15. While we have no desire unnecessarily to extend direct and active regulation to activities which satisfactorily may be resolved without or with reduced regulatory intervention, it is clear that in a more fragmented and competitive telecommunications industry the interconnection "ground rules" must be set at the outset, particularly inasmuch as interconnection often represents the sole means for competitive carriers (and providers of equipment and facilities) to access their customers. When Congress considered this issue recently in the context of enacting the RCCA it recognized that the record carriers'

---

[4] The entered Modification of Final Judgment is reproduced in United States v. Am. Tel. and Tel. Co. *supra.*, and parties may refer thereto in formulating their comments in this proceeding. Furthermore, if less than equal access is provided by a BOC, it is permitted to file access tariffs reflecting the lesser cost of such access, section VIII.F of the MFJ. This BOC tariff filing obligation does not affect the authority of regulators subsequently to prescribe the rates, terms and conditions of such access (or, in the terms of this notice, "interconnections").

[5] Carterfone, supra. n.3.

[6] Am. Tel. and Tel. Co., 60 FCC 2d 939 (1976) ("Piece out"); *se also* Am. Tel. and Tel. Co., 71 FCC 1 (1979) ("ARINC").

[7] Interconnection Arrangements Between and Among Domestic and International Record Carriers, 89 FCC 2d 986 (1982) ("Interim Order"), —— FCC 2d ——, FCC 82–264, released June 11, 1982 ("Rejection Order"), —— FCC 2d ——, 48 FR 12372 (Mar. 24, 1983) ("Store-and-forward and TWX/Telex Conversion").

[8] E.g., AT&T (Facilities for Use by Other Common Carriers), 52 FCC 2d 727 (1975) ("Docket 20099") and Exchange Network Facilities for Interstate Access, 71 FCC 2d 440 (1979) ("ENFIAA"). While these proceedings were resolved to some extent through informal carrier negotiation under FCC auspices, it should be noted that subsequent thereto, compensation issues have remained controversial, and we have been almost continuously called upon to interpret their results and to rule on proposed tariffs which affect or change their results. Thus, even where carrier agreements in lieu of direct FCC regulatory intervention have been employed, the net result has largely been one of FCC regulation in any event, with respect to compensation.

Conversely, technical, operational, maintenance and administrative issues have largely been resolved by the affected carriers informally during the course of periodic public meetings among the carriers, under the supervision of the Common Carrier Bureau, *see*, 52 FCC 2d at 733, to address such issues, as they arose in implementation of the Docket No. 20099 and ENFIA settlement agreements.

interconnection practices largely would determine the extent of competition. For this reason, the FCC was directed to prescribe record carriers' interconnection arrangements if the carriers could not themselves reach a voluntary agreement (which, in fact they were unable to do). This principle is not limited to record services, and in our view applies to all interconnection in a more fragmented and competitive telecommunications environment.

16. Moreover, we believe that the developing pattern of AT&T no longer unilaterally controlling the planning and evolution of communications services in this nation, which pattern was developing as a consequence of competition and new entry, will likely be accelerated upon implementation of the MFJ. While AT&T will continue itself to control a very large portion of this nation's long distance facilities, over time it is likely that the scope of this control may well diminish as competition continues to develop, which well impair AT&T's ability itself to implement its planning decisions. Concommitantly, AT&T will be divested of the BOCs and will lose the ability directly to mandate implementation of much such planning.

17. Our policies are to promote the ability of competitive carriers (and non-carriers through use of private facilities) to innovate and to offer diverse communications services, a result which may have to some extent been impeded in the past by AT&T's control over telecommunications planning and evolution. Such innovation is a positive benefit of competition and new entry. However, we cannot fail to recognize that we have a statutory mandate to foster the development of nationwide (and worldwide) services; at some point, if communications becomes too "balkanized" this mandate might be frustrated. Furthermore, communications is a capital-intensive industry which often involves relatively long planning periods for construction of new facilities [measured in years and in some cases in decades]. AT&T in the past was a forum for amalgamation of various carriers' and subscribers' future communications needs for service, and for synthesis of appropriate advance construction plans. In the more competitive telecommunications industry which is evolving, and with divestiture by AT&T of the BOCs, and alternative advance planning mechanism to that traditionally performed by AT&T would appear to be required, and we are proposing in this proceeding to establish such a mechanism.

18. Finally, some forms of planning among carriers will be required to fulfill mandates of the Communications Act other than those related to nationwide service, most notably creation of administrative mechanisms and standby capabilities to support emergency communications bearing upon national defense and safety of life and property (national security and emergency preparedness, or "NSEP," communications capabilities). Here too, AT&T has generally coordinated the telephone industry's role in such matters in the past and upon implementation of the MFJ alternatives may be required.[9] In this Notice, we are proposing the creation of appropriate mechanisms to address advance planning of interconnection by carriers, and we envision that these mechanisms will be useful both for planning associated with provision of routine services, and for NSEP communications. With respect to the latter, it should be noted that we are proposing in this proceeding to create a framework for planning which might involve NSEP implementation, but we are not addressing the important issues of what planning will be required, and the voluntary and regulatory administrative and other mechanisms which may prove necessary to carry out such planning.[10]

19. Furthermore, while we are proposing in this Notice creation of a framework for advance planning by carriers, we do so in full awareness that such planning among competitors (and potential competitors) must be limited to the absolute minimum consistent with achievement of our statutory mandate, to minimize any distortion of competition. As is discussed below, in addressing limited joint planning generally, and planning in behalf of NSEP communications specifically, we propose to be guided by analogous statutory provisions which have been in force since the early 1950's and which appear to achieve an appropriate balance between competition objectives and emergency planning objectives.

[9] Under the MFJ, the divested BOCs are required to establish a single point of contact organization for these emergency services, to coordinate and to direct provision by the BOCs of NSEP services. However, it is unclear how this point of contact organization will relate to planning for administrative mechanisms and standby facilities arrangements involving AT&T and other interexchange carriers, or to such arrangements involving non-BOC independent telephone companies.

[10] Thus, we conclude that other planning issues, which are focused primarily on exchange carriers' interconnection offerings, and which are involved in the proposals in this proceeding, are sufficiently related to planning for NSEP capabilities to justify our proposing that the planning addressed herein include NSEP.

B. Summary of Proposals

20. We view this proceeding as complementary both to the Third Report addressing access compensation arrangements, and to the provisions of the MFJ addressing certain BOC interconnection obligations. With respect to the former, we are proposing to address the physical, technical and operational details of interconnection among carriers' facilities and between carriers' facilities and those of non-carriers, generally through a proposed requirement that such details be addressed in carriers' exchange access tariffs subject to FCC regulation. With respect to the latter, we are proposing to extend to all carriers interconnection requirements analogous to those of the MFJ (the latter of which is limited solely to the BOCs), and to clarify that such interconnection obligations apply both to interconnection with other carriers' facilities and to interconnection with non-carrier communications facilities.[11] Finally, we are proposing to create carefully circumscribed mechanisms for the planning by carriers for the provision of interconnected services.

II. Discussion of Specific Proposals

A. Interconnection by Independent Telephone Companies

21. As noted, if the MFJ is implemented in its present form,[12] the BOC facilities which offer access to approximately 80% of the nation's telephone subscribers will be required

[11] To the extent that exchange services may be involved in the offering of interconnection to subscribers' terminal equipment or private communications facilities, we shall limit our consideration solely to the physical, technical and operational details of such interconnection, and not to the exchange rates themselves, consistent with the provisions of Sections 2(b) and 221(b) of the Act and NCUC I, 537 F.2d at 789–95 and NCUC II, 552 F.2d at 1045–48, supra, n. 3. It is our intent in this proceeding neither to seek to extend, nor to contract, our limited interconnection jurisdiction over exchange offerings which, through interconnection, support the provision of interstate and foreign services.

[12] Implementation of many aspects of the MFJ is subject to approval by the Commission. It might be noted that the Commission has expressed general approval of the MFJ in its amicus comments to the federal district court during the course of the court's Tunney Act proceeding on the public interest implications of the MFJ. *See*, United States v. AT&T, 552 F.Supp. at 211. In such circumstances, it is reasonable to explore in this proceeding extension of the overall principles of the MFJ to other carriers (e.g., non-Bell telephone companies) or to other circumstances not specifically addressed therein (e.g., interconnection with non-carrier facilities) subject to the outcome of any FCC approval proceedings on the MFJ itself. The instant proceeding may prove lengthy, and we conclude, consistent with the provisions of Section 4(j) of the Act, that such an approach is warranted to permit this proceeding to proceed to conclusion prior to full implementation of the MFJ.

to be made available for interconnection under the exchange and information access provisions of the MFJ. These obligations are addressed variously in the MFJ, using concepts which are complementary to, but somewhat different than, concepts employed by the Commission in addressing analogous interconnection issues in the past. While we do not disagree with the structure envisioned by the MFJ, we believe it important to clarify the following discussion by identifying differences between the access structure of the MFJ and the jurisdictional split between intrastate offerings, and interstate and foreign offerings, in the Communications Act, as our proposals in this proceeding are pursuant to our authority under the Act.

1. Access Jurisdiction

22. Under the Act, the FCC is granted jurisdiction over interstate and foreign communication by wire and radio generally, but jurisdiction is reserved to the states over intrastate and exchange communications. Initially, under this jurisdictional split of regulatory authority, we regulated rates, tariffs and associated practices governing interstate and foreign services alone. However, often the same facilities are employed both for provision of interstate and foreign communications subject to our direct jurisdiction, and for the intrastate and exchange services over which state authority is reserved. In such circumstances, under developed case law [12] the FCC has plenary jurisdiction over interconnection even to exchange facilities, where such interconnection is required for interstate and foreign communications to proceed. However, we have not exercised jurisdiction over the rates for the intrastate toll and exchange offerings made over such facilities, and have limited our exercise of ratemaking jurisdiction to use of such facilities for interstate and foreign calling. In sum, under the Act there is a division of regulatory responsibilities between the commission and the states with respect to ratemaking, and there is preemptive federal authority over the tariffs and associated practices governing interconnection. Where ratemaking authority is so divided, the division is between intrastate and exchange services on the one hand, and interstate and foreign services on the other.

23. The MFJ also establishes market definitions, for division of responsibilities and opportunities for AT&T and the BOCs. Rather than using the state line boundaries used primarily in the Act, the MFJ appears generally to seek a division between those local service undertakings which are implemented using exchange-like facilities, and those service undertakings which are implemented using long distance facilities which connect groups of exchanges with one another. The basis analytic distinction in the MFJ is between a species of exchange service (which may encompass more than than "telephone exchange service" definition of Section 3(r) of the Act), and interexchange service. Under the MFJ, the BOCs are limited to provision of the former (*i.e.*, exchange-like services) and are not permitted to offer the latter (*i.e.*, interexchange services). They are, however, permitted and indeed required to participate in the provision of interexchange services by others on an interconnected basis (deemed "access" in the MFJ).

24. To describe the exchange-like offerings which may be made by the BOCs under the MFJ, and the concommitant interconnection ("access") obligations of the BOCs, the term Local Access and Transport Area ("LATA") has generally been employed to distinguish the exchange-like services of the MFJ from the traditional "exchange" and "toll" classifications used in regulatory statutes such as the Communications Act.[13]

25. While the BOCs are limited to provision of communications within such a LATA, and are prohibited from offering communications between LATAs, they are required to offer interconnection to others so that such others may provide inter-LATA and information services to the BOCs' subscribers. As is discussed below, we are proposing to impose on non-Bell telephone companies interconnection obligations patterned after those of the MFJ. However, in pursuing such an approach, we must be mindful of the differences between the jurisdictional divisions of the Act, and the interexchange/LATA distinctions employed in the MFJ. Interstate and foreign communications are subject to our jurisdiction regardless of whether the interexchange or LATA classifications of the MFJ are applicable to such communications. Conversely, intrastate toll and exchange communications are not (except with respect to interconnection to facilities used in common for such state-regulated offerings and interstate or foreign communications), even if within the competitive inter-LATA category of the MFJ (for which interconnection by the BOCs is mandated under the MFJ).

26. In sum, because the jurisdictional divisions of the Act are somewhat different than the distinctions of the MFJ, we must of necessity decouple from the interexchange/LATA distinctions of the MFJ. To the extent that a LATA crosses state boundaries, interstate services within such a LATA may be subject to full Commission regulatory authority (if such service is not "exchange" service within the meaning of Sections 3(r) and 221(b) of the Act).[14] Conversely, AT&T has proposed establishment of multiple LATAs in many states. Service between such LATAs, while "interexchange" within the meaning of the MFJ and invoking the "access" obligations of the MFJ, is intrastate toll service under Section 3(s) of the Act and not necessarily subject to full Commission jurisdiction. As a practical matter, it would be desirable for local telephone companies to interconnect with intrastate toll services on the same basis as they might with the interstate and foreign services subject to our direct jurisdiction. Such an approach would promote technical uniformity, and potentially might well contribute to telecommunications efficiency. Indeed, because unitary exchange facilities have historically been interconnected both with intrastate and interstate (and foreign) toll facilities on the same basis,

[12] *E.g.*, NCUC I and NCUC II, n. 3 supra.

[13] The "LATA" does not appear in the MFJ; it has been used by various parties in their filings with the district court to avoid confusion. What is now generally termed a LATA is defined in Section IV.G of the MFJ as an "exchange area" or "exchange." Absent court approval, such a LATA is confined to the boundaries of a single state, and encompasses contiguous local exchange areas (presumably, in the traditional regulatory sense) which serve common social, economic, and other purposes. With court approval, a LATA may extend across a state boundary (somewhat similar to exchanges under Section 221(b) of the Act). Also, with court approval, a LATA may include multiple standard metropolitan statistical areas (or consolidates statistical areas in the case of densely populated states), but otherwise. Also, the MFJ utilizes a facilities split between "class 4" and "class 5" switching facilities; groups of "class 5" facilities may be accessed in common for "acess" under the MFJ.

These definitions do not preclude the creation of geographically very large LATAs, and indeed in its filings with the federal district court AT&T had sought to treat whole states as single LATAs, notwithstanding that much communication within such a large LATA would be viewed as intrastate toll service, and not exchange service, under traditional regulatory classifications such as those of Sections 3(r) and 3(s) of the Act. Certain of these were approved by the district court. United States v Am. Tel. and Tel. Co., No. 82-0192, slip op. at 141-45 (D.D.C. Apr. 20, 1983.)

[14] AT&T had sought from the district court exemptions from the provisions of Section IV.G of the MFJ to configure certain interstate LATAs, and in its recent decision addressing AT&T's LATA proposals, the district court has approved many LATAs which cross state boundaries. *See*, United States v. Am. Tel. and Tel. Co., slip op. at 23-24, n. 13 supra.

disparate interconnection arrangements for the two groups of services may not be feasible. However, in this proceeding we shall address solely interconnection to exchange facilities to provide interstate and foreign communications. We do not at this time propose either expansion, or contract, of our regulatory authority over such interconnection.[15]

2. Access Offerings of Independent Telephone Companies

27. We propose in this section to extend, pursuant to our regulatory authority under the Act, to non-Bell (Independent) telephone carriers interconnection obligations patterned after those which will govern the BOCs under the MFJ. Independent telephone companies currently are required to interconnect their exchanges with terminal equipment, with non-carrier communications facilities, and with competitive interstate carriers' facilities, pursuant to decisions of this Commission and of the courts.[16] However, as was the case of interconnection to the BOCs' facilities prior to adoption of the MFJ, the Independents' interconnection obligations have not been fully described and "fleshed out" in the past. Rather, we have reacted to specific complaints and have resolved controversies which have arisen.[17]

28. What is altered in the environment of implementation of the MFJ is that under the provisions of the decree, competitive providers of interexchange services will in the future have a detailed "blueprint" for interconnection to the BOC's exchange facilities. In these circumstances, we believe it most appropriate, in view of our statutory mandate to promote the development of efficient and broadly available service on a nationwide basis, to ensure the establishment of a similarly detailed "blueprint" for interconnection to the Independents' facilities. However, in so doing, we must be mindful that truly equal access to carriers' exchange facilities is not immediately possible in the BOC's service areas, and that it may be less so in the Independents' areas because of intrinsic limitations of existing facilities. We discuss below the treatment in the MFJ of transition towards interconnection equality for the BOCs, and our proposals to address these issues analogously in the context of interconnection to the Independents' facilities.

29. The facilities of neither the BOCs nor the Independent telephone companies are homogeneous. Both include central offices which range from relatively older electro-mechanical (*e.g.*, step-by-step, crossbar and panel) offices which are inflexible in their capabilities, to modern stored-program controlled electronic offices the capabilities of which may be changed (consistent with the limitations of the overall hardware) through software modifications. Both the relatively inflexible older offices and the more flexible newer electronic offices were designed in a monopoly environment to perform switching within a single supplier's central office and to perform switching to a single supplier of intrastate, interstate, and foreign long distance services. As interstate service competition was introduced in the recent past, an issue of significant controversy has concerned whether and to what extent other (interstate) long distance service providers may achieve access to telephone companies' central offices which is equal to that provided the traditional single supplier. It generally was claimed that equal access was not feasible because of the inherent design of the existing central office facilities, and for that reason interconnection has not been equal. Several remedies for this unequal access have been proposed, including a requirement that the inequality be minimized to the extent feasible, and proposals have been made that those who obtain better access should provide more compensation than others. We shall not address the latter remedy in these proceedings, as this "compensation" issue has been addressed in the Third Report and Order. Rather, we shall confine our proposals to ones which minimize, to the extent feasible, any interconnection inequality.

30. The MFJ represents one approach to the difficult issues surrounding the inability of existing non-electronic central offices, as a practical matter, to support truly equal access. First, as was noted previously, the MFJ contains phasing-in procedures to provide the BOCs an opportunity to replace with newer stored-program controlled switches many of the older central offices to which equal access will be sought. Equal access overall is not required until 1986 under the phasing-in schedule of the MFJ. Second, the MFJ contains exception provisions under which the BOCs may refuse provision of equal access in older and smaller central offices. The specific mechanism of the MFJ is to create a defense for the BOCs for failure to make equal access available in such offices in the event that an interexchange carrier complains to the district court of a refusal to provide equal access.

31. Broader transitional procedures are also specified in the MFJ. For example, until such time as the nationwide numbering plan is revised, access to all long distance service providers under the MFJ need not be on the same dialing basis. A customer may be permitted to access one service provider without dialing extra digits, although extra digits may be required to access other suppliers' services. However, the BOCs must give each of their subscribers the opportunity to preselect *which* interexchange service provider will automatically be accessed without dialing extra digits. When the nationwide numbering plan ultimately is revised, access to all interexchange carriers' services is to be placed on the same basis.

32. We tentatively conclude that the approach of the MFJ as a general matter would be workable if applied to the Independent telephone companies. However, we must acknowledge that the Independents' central offices may be statistically weighted more towards the less flexible older electro-mechanical switching facilities than are those of the BOCs. In the MFJ, there is an exception mechanism applied to the BOCs for such cases. If the Independents' facilities

[15] As an example of the circumstances which require such a decoupling, and without our reaching a judgment on the desirability of such an example, AT&T had sought from the district court authority to include an entire state, Delaware, in a Pennsylvania LATA. The FCC has authorized competitive provision of interstate service, which authorization would include service between Delaware and portions of Pennsylvania in this LATA. While the district court has sought to ensure that competitive interexchange service providers are not disadvantaged by this arrangement, which it approved, United States v. Am. Tel. and Tel. Co., slip op. at 72–76, n. 13 supra, the interconnection obligations of the MFJ are addressed generally to provision of interconnection to facilitate inter-LATA service, not intra-LATA service as might be involved in Delaware to Pennsylvania calling. Thus, a "gap" could be created between the interconnection "blueprint" of the MFJ and the less detailed existing federal interconnection requirements for such interstate services. Similar such circumstances might arise elsewhere, where portions of states have been included in interstate LATAs, supra n. 14, and interstate service not qualifying for "exchange" treatment under Section 221(b) of the Act is involved. It is important that our pro-competitive interstate service policies not be frustrated, directly or indirectly, by the failure of the MFJ more explicitly to address such interconnection.

[16] *E.g.*, Interstate and Foreign Message Service, 56 FCC 2d 593 (1975), 57 FCC 2d 1216, 58 FCC2d 736, 59 FCC 2d 83 (1976), *aff'd sub. nom.* North Carolina Utilities Comm'n v. FCC ("NCUC II"), supra. n. 3; AT&T (Piece out) and AT&T (ARINC), supra. n. 6; Specialized Common Carrier Services, 24 FCC 2d 318 (1970), *aff'd sub. nom.* Washington Utilities & Transportation Comm'n v. FCC, 513 F.2d 1142 (9th Cir.), cert. denied, 423 U.S. 836 (1975), *see also*, Bell Tel. Co. of Penn. v. FCC, 503 F.2d 1205 (3d Cir. 1974), *cert. denied*, 422 U.S. 1028 (1975); Lincoln Telephone and Telegraph Co., 72 FCC 2d 724, 74 FCC 2d 198 (1979), 78 FCC 2d 1219 (1980), *aff'd*, 659 F.2d 365 (D.C. Cir. 1981); MCI Telecomm'ns Corp. v. FCC, 561 F.2d 365 (D.C. Cir. 1975), *cert. denied*, 434 U.S. 1040 (1978) ("Execunet I"), 580 F.2d 590 (D.C. Cir.), *cert. denied*, 439 U.S. 980 (1978) ("Execunet II"), and Order reproduced in appendix to Lincoln Telephone, 659 F.2d 365, supra. ("Execunet III").

[17] *E.g.*, Lincoln Telephone and Telegraph Co., supra.; United Tel. Co., 77 FCC2d 1015 (1980).

more commonly would qualify for such exception treatment than those of the BOCs, the exception could well become the rule. The specific approach of the MFJ is to permit the BOCs to refuse equal access to these exceptional cases, and the BOCs are provided a defense before the district court. Such an administrative approach may be warranted for truly exceptional cases, but in our view it could prove unworkable if such situations were common, as may prove to be the case of the Independents' central offices.

33. It should be noted that access to interstate services is required to be offered pursuant to access tariffs which are subject to our regulatory review and jurisdiction, under principles adopted in the Third Report and Order, and as is discussed below, we are proposing that interconnection be offered generally in the access tariffs. In view of this, we believe it reasonable to utilize such tariffs as an appropriate administrative mechanism for addressing unequal interconnection offerings by Independents. We tentatively conclude that the issues of unequal access may best be addressed by adopting principles in this proceeding governing tariffs which are to be filed, and we propose to do so herein. As an express goal of this proceeding, we are seeking to address all major possibilities which may arise. But, to the extent that a given Independent telephone company might wish to raise special circumstances not previously addressed or accommodated in the principles which might be adopted, we believe that flexible treatment might be warranted, in view of the disparities in size, resources, and facilities, which may exist among various Independent telephone companies. Thus, a given company should be free to do so upon an appropriate showing that special treatment is warranted.

34. Specifically, we propose to adopt principles requiring that interconnection be offered by the Independents in their access tariffs, to be filed subject to our regulatory jurisdiction in accordance with the Third Report and Order. Furthermore, we propose to review such tariffs initially under principles patterned generally after the substantive "access" requirements of the MFJ, as follows:

a. *Access to existing stored-program controlled central offices.* Programming of existing stored-program controlled central offices shall be modified, during a three year period,[18] to support access to the services of all interexchange carriers which is equal in all respects, except that the minimum number of digits necessary to reach other than a carrier pre-selected by the subscriber may be utilized until such time as the nationwide numbering plan is changed. At such time as the central office modification is completed, existing subscribers shall be given an option to pre-select a specific interexchange carrier which is interconnected with the exchange, and no additional digits shall be required for the subscriber to reach the services of that carrier. Thereafter, new subscribers shall be given this choicd at the time when service is initially arranged. In both cases, the selection may subsequently be changed by the subscriber at his or her option. Until such time as access is provided under this subparagraph, access shall be made available in accordance with subparagraph c. below.

b. *Access to newly-installed stored-program controlled central offices.* Within two years,[19] all new stored-program controlled offices shall be initially deployed with the capabilities required under subparagraph a. above.

c. *Access to existing electro-mechanical central offices (e.g., step-by-step, crossbar and panel).* To the extent feasible, such offices shall be modified to offer the capabilities identified in subparagraph a. above, utilizing techniques such as interconnection on a tandem basis where common equipment is capable of supporting such operation. If ANI (automatic number identification) capabilities or subscriber billing capabilities are capable of being made available to more than one interexchange carrier, to the extent the same is requested by such carriers they shall be made available in the same manner as is specified in the MFJ. If preselection of a particular carrier which might be accessed without dialing additional digits is not possible because of inflexibility of the electro-mechanical switching facilities, at minimum the exchange carrier must make available seven digit local telephone number access, with facilities and capabilities no worse than those provided in connection with PBX trunk service by the carrier. The carrier must make available transmission capabilities (as opposed to switching and billing) which are no worse than those provided the traditional interexchange service provider accessing its office, and it shall provide access, to the extent possible, which uses the minimum number of accessing digits, and which makes possible access from rotary dial equipment to the services of each interexchange carrier.[20]

35. To ensure that the foregoing principles, or alternatives which may be adopted as a result of these proceedings, are complied with, and to fulfill the substantive requirements of Sections 202(a) and 203(c) of the Act, as noted we are proposing to utilize the vehicle of access tariffs for carriers to make known the basis upon which interconnection will be offered to interexchange carriers. However, we wish to minimize our regulatory role over such offerings, and to encourage, to the maximum extent feasible, voluntary resolution by the affected interexchange and exchange carriers of any disputes which may arise. We believe that one method of achieving this result might be to require the access tariff filings to indicate whether there has been precoordination of the filing with interexchange carriers, as a means of "flagging" to our staff and to interested interexchange carriers the filings which will not be controversial. Furthermore, to the extent that exchange carriers may file joint or common access tariffs (i.e., through the Exchange Carriers Association procedures in the Third Report and Order) it would be desirable to create a mechanism under which individual carriers might continue to concur in joint or common access tariffs, but still indicate their particularized interconnection offerings. We invite comment on procedural and

[18] The BOCs will have had approximately three years from initial adoption of the MFJ to relatively full implementation, and this strongly suggests that a three year period for the Independents to make similar programming modifications to their existing stored-program control switching facilities is reasonable. We specifically invite comment on the reasonableness of this proposed period, and on whether different periods may be appropriate for different types or units of stored-program control central office switching equipment.

[19] It is assumed that suppliers of central office switches which are to be newly deployed will be able to create programming to support equal access more expeditiously for new equipment (i.e., in two years) than might be the case for programming modifications to existing switches (i.e., the three year period proposed in the previous subparagraph). Furthermore, it would appear that such suppliers would have great incentives to do so, if they wish to seek to supply new central office switches to the BOCs. However, we specifically invite comment on the reasonableness of the proposed two year period.

[20] We recognize that there is wide variability in deployed electro-mechanical central office switching equipment, and in proposing adoption of the principles in subparagraph c. we have sought to differentiate dialing and billing capabilities, to which equal access may be impracticable, from communications channel capabilities (e.g., gain, linearity, noise characteristics, etc.), to which equal access would appear practicable without material modifications. Our guiding principle in phrasing the proposed requirements is that any inequality in the treatment of interexchange carriers must be minimized to the extent practicable. We invite specific comment on our proposed formulation, and upon alternatives which might be more reasonable or more practicable.

administrative mechanisms to achieve these results, and which minimize, to the extent possible, the flow of unnecessary paper. In any event, it might be noted that the administrative framework which we are proposing to accommodate offerings of unequal access is somewhat different than the exception approach of the MFJ, but in view of the possibility that unequal access will be more common in the Independents' service areas than those of the BOCs, we believe that it better will comport with the requirements of Sections 202(a) and 203(c) of the Act.[21]

C. Interconnection of Exchange Carrier's Facilities With those of Non-Carriers, and Related Tariff Issues:

36. Our considerations here are related to, but somewhat different than, those involved in the previous section. There, we have clarified that existing interconnection policies remain applicable to Independent telephone companies, but we have, to some extent, proposed that additional interconnection capabilities which are not necessarily being made available currently be made available by the Independents in the future. Here, we are addressing solely existing interconnection obligations of the Independents and the BOCs, and we are proposing merely to clarify how these offerings are to be made to the public, as a matter of tariff policy, in the future.

37. Specifically, in the past the Commission has mandated interconnection to non-carrier communications facilities and premises terminal equipment through orders and rules in Part 68 of the Commission's rules which prescribed provisions in AT&T's interstate tariffs, and which also effectively prescribed the terms of exchange carriers' offerings. This use of our prescriptive authority over the interstate tariffs subject to our direct jurisdiction under the Act ensured that all telephone companies would be bound by our specific prescribed requirements, since all telephone companies concurred in AT&T's tariffs in the monopoly supply environment of the past.

38. However, telecommunications is changing. First, it is unclear whether local telephone companies will continue to concur in tariffs of a single entity, AT&T, for the provision of interstate and foreign services in the future. An end-on-end tariff environment, with separate tariffs for the exchange access portion and for the long distance service portion, may become possible or desirable in the increasingly competitive telecommunications industry. Second, AT&T is no longer the sole long distance service provider. To maintain the obligation of exchange carriers to interconnect with non-carriers' facilities to facilitate interstate and foreign communications in a manner consistent with that of the past, it might prove necessary to prescribe terms of interstate and foreign service tariffs of entities other than AT&T. But, as competition develops, the present requirement for such tariffs might prove unnecessary.

39. While we believe that Part 68 of our rules will continue to govern exchange carriers, independently of whether they do or do not concur in interstate tariffs which reference or incorporate these rules, we conclude that any potential confusion on this point should be resolved now.[22] We have an appropriate vehicle to do so, namely the exchange access tariffs which will govern participation in interstate and foreign service of all exchange carriers, Independents and BOCs, and which will be subject to our direct jurisdiction. Accordingly, we hereby propose to require that interconnection to non-carrier facilities (i.e., communications systems and terminal equipment) be offered in each exchange access tariff, with an appropriate reference to Part 68 of our rules in each such tariff. As was the case in our discussion of analogous tariff requirements in para. 35 above, we invite comment on how best to implement such a requirement in a manner which minimizes the flow of unnecessary paper.

40. A requirement that interconnection to non-carrier facilities and terminal equipment be offered in exchange access tariffs also will have the effect of addressing several issues concerning the BOCs which arose during the course of the district court's Tunney Act proceeding,[23] but which were not explicitly resolved in the MFJ. First, the MFJ as initially proposed would have barred the BOCs from providing terminal equipment. Since they could not do so, it had the effect of ensuring that others' terminal equipment could be interconnected with the BOCs' exchange facilities on a fair basis, else the BOCs could not provide service. But, as ultimately modified during the course of the Tunney Act proceeding, the MFJ now permits the BOCs to supply (but not manufacture) terminal equipment. Specific reference in the BOCs' tariffs to Part 68 of our rules will ensure that they do not discriminate in their treatment of others' terminal equipment as opposed to their own. Second, the MFJ contains provisions which address interconnection of other carriers' facilities and, to some extent, terminal equipment, to exchange facilities. It does not explicitly address interconnection with non-carrier communications systems or facilities. An offering of such interconnection in the BOCs' exchange access tariffs, in accordance with the Commission's decision in *AT&T (ARINC)*, 77 FCC2d 1 (1978) and its decision interpreting the requirements of Part 68 of the rules, *Memorandum Opinion and Order*, 59 FCC2d 83, 86 (1976), will clarify to the public that the BOCs' established obligation to provide such interconnection will continue to be discharged.[24] [25] Such a clarification is similarly desirable for subscribers of non-Bell Independent telephone companies.

---

[21] Of course, the BOCs will remain bound by the exception requirements of the MFJ. Furthermore, identification in their tariffs by the BOCs of locations where equal access will not be made available would similarly comport with the requirements of the Communications Act, and for that reason our proposal in this regard is not limited to the Independent telephone companies.

[22] Furthermore, even currently not all forms of interconnection which have been sanctioned or required by this Commission are prescribed in Part 68 of our rules; forms of interconnection are authorized under the tariffs which are not explicitly addressed in the rules because in certain circumstances it has proven more desirable and flexible to utilize tariffs.

[23] Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (the "Tunney Act"), the district court examined the public interest ramifications of the settlement agreement between AT&T and the Department of Justice as a prelude to entering the MFJ.

[24] In its decision approving the MFJ, the district court assumed that the BOCs will continue to be obliged to offer interconnection to others' terminal equipment and communications facilities. *See*, 552 F. Supp. at 191–93. Furthermore, under the MFJ the BOCs will be under an overriding obligation not to discriminate in their treatment of terminal equipment provided by AT&T and by others. It is to be expected that the BOCs will permit full access to their facilities of equipment provided by AT&T, which would trigger this obligation to similarly treat others.

[25] We believe that two related interconnection offerings should also be made, where appropriate, in access tariffs. First, in circumstances addressed in our AT&T (Piece out) and AT&T (ARINC) decisions, supra, n. 6, AT&T itself is obliged to offer interconnection to its facilities. Upon implementation of the MFJ, to the extent that AT&T might discharge this obligation through the use of interposed exchange facilities provided by the BOCs, we believe the latters' access tariffs should offer such interconnection. To the extent that AT&T may be authorized to provide service directly to subscribers' premises, AT&T's own tariffs should offer such interconnection. Second, the status of resellers under the MFJ is unclear. The MFJ establishes specific exchange access requirements for access by interexchange carriers to the BOCs' facilities, but it is unclear whether resellers are to be treated as carriers for this purpose. To the extent that interconnection is to be offered to resellers, we tentatively conclude that such interconnection be offered in the access tariffs. We invite comment on the foregoing proposals.

D. Planning

41. As was noted in the introduction to this Notice, forms of joint action by carriers, in some cases under this Commission's sponsorship, and in many cases by the carriers themselves, have historically proved necessary in telecommunications to achieve important objectives: development of industrywide technical standards, operating principles, administrative procedures and maintenance procedures; informal resolution of service and maintenance disputes which may arise where there is divided responsibility for elements of a joint through service; development of standby procedures and facilities to support extraordinary communications requirements (*e.g.*, NSEP communications); and development of appropriate forecasting and circuit requirements amalgamation procedures to facilitate planning for construction of new facilities with relatively long "lead" times. Because of AT&T's preeminence, many of these activities were performed or sponsored by AT&T, and because of its ownership of the BOCs, AT&T was able to ensure that the results of these activities would be carried out.

42. With divestiture of the BOCs, and the more competitive nature of telecommunications, it is apparent that dominance over such activities by a single firm, AT&T, is neither likely nor desirable. Concerted action by competitors may, if carried too far, be anticompetitive and inimical to the pro-competitive policies of this Commission. However, many forms of planning are not necessarily anticompetitive, and indeed may be desirable. Moreover, the fact is that such planning has proceeded for over a century, and immediate discontinuance of all such planning could disrupt the provision of service to the public.

43. We propose below to establish limited joint planning procedures to ensure continued attainment of important efficiency, service, defense, and emergency communications objectives under the Act, but in full awareness of the requirement that such activity not frustrate our pro-competitive policies. We shall carefully consider the competitive implications of any planning which is to be sanctioned, and we make tentative proposals below which, in our view, will ensure that anticompetitive problems will not arise.[27]

1. Basis for Proposing Limited Joint Planning

44. Limited joint planning among exchange carriers for interconnection arrangements offers several advantages as a means of assisting carriers in meeting interconnection obligations and carrying out the purposes of the Act.[28] Joint planning is an effective means of standardizing equipment and system design and functions at the point of interconnection (but not necessarily the internal design of equipment and facilities). This standardization, and the resulting compatibility among equipment and systems used by different carriers and other users, promotes the efficient operation of the telecommunications system. This efficiency has attendant advantages for subscribers to carrier services. As we previously have noted, planning among carriers also is an important means of securing appropriate standby communications capabilities to serve the NSEP needs of the Nation.[29]

45. The development of competition among long distance carriers raises the possibility that joint planning among exchange carriers for interconnection with the competitive long distance carriers will become increasingly necessary in order to ensure efficient operations. As the number of competing carriers increases, it is possible that the risks of inefficiency also will increase if the various carriers employ incompatible designs and functions for interconnected equipment.[30] It should be noted, however, that any such inefficiencies would diminish (and the need for joint planning consequently could decrease) if technological developments evolve in the direction of telecommunications systems which operate independently, and for which interconnection is neither necessary nor desirable.

46. In the past, AT&T has been the locus of joint planning for interconnection arrangements. AT&T's control of the BOCs, and its working relationships with the Independent telephone companies, has enabled AT&T to initiate and oversee joint planning in a manner which has been sufficient to mitigate any need for this Commission to take an active role in providing structures for this planning. Because of this preeminence AT&T has also largely served as a locus for accommodation by the traditional telephone carriers of the needs of other carriers as well (*e.g.*, specialized carriers, record carriers). AT&T's role, however, necessarily will be altered by the divestiture to be carried out in accordance with the MFJ.[31] Although the long-term effects of the divestiture on joint planning cannot be assessed with certainty, it is reasonable to conclude that short-term dislocations are likely to occur if joint planning is disrupted during the period following divestiture. Further, since AT&T is proposing that the divestiture be effected on January 1, 1984,[32] there may not be sufficient time for carriers to work out planning arrangements to replace the existing structure, in the absence of action by this Commission.

47. Although there are benefits to be gained from joint planning for interconnection arrangements, it should be recognized that joint planning poses two sets of potential risks. Product and service innovation generally can be expected as a by-product of competition,[33] and innovation usually results in benefits to the public in the form of quality improvements and cost reductions. If, however, joint planning for interconnection results in excessive standardization of design and operational specifications at the point of interconnection, then this very success could have a dampening effect on innovation. As connectivity tolerances

[27] It might be noted that Commission sanctioning of joint planning by carriers has been sought in a pending petition by the National Telecommunications and Information Administration which predated the structural industry changes addressed in this Notice. *See*, Petition for Notice of Inquiry and Proposed Rulemaking, Oct. 10, 1980, RM–3781. A basis was shown in that petition for Commission sponsorship of limited joint planning among carriers even in the absence of the major changes now underway, and, as is discussed below, we believe that there is even more of a basis for limited joint planning now. In view of the substantial changes in the predicate for any such planning, we shall merge the record therein with this proceeding.

[28] These interconnection obligations have been addressed in the previous sections of this Notice.

[29] See para. 18, *supra*.

[30] *See* Lavey, *Joint Network Planning in the Telephone Industry*, 34 Fed. Comm. L.J. 345, 348 (1982) (hereinafter cited as Lavey).

[31] See para. 16 *supra*.

[32] Plan of Reorganization of AT&T in United States v. AT&T at 5 (D.D.C., filed Dec. 16, 1982) (hereinafter cited as Plan of Reorganization). In any event, the divestiture must take place not later than February 24, 1984, in accordance with Section I.A of the MFJ. *See also*, n. 12 *supra*, relating to FCC approval.

[33] *See* Specialized Common Carrier Services, 24 FCC 2d 318, 333 (1970). It has been noted, as a general matter, that "freedom of entry and competition [serve] as a device for innovation—for encouraging the development of new and different services and for assuring the optimal development and exploitation of new technology." 2 A. Kahn, *The Economics of Regulation: Principles and Institutions* 169 (1971) (footnote omitted). It also has been argued that this general principle applies in the communications industry: "[T]here are concrete evidences of the contribution competitive innovation can make in communications where it has had an opportunity to work * * *. The revolutionary development in the last decade of microwave and satellite communications, the burgeoning of user-owned attachments and in particular those associated with the use of shared computer facilities * * * have * * * been vigorously pressed not only by large users and independent entrepreneurs in communications but also, at least with equal vigor, by competing manufacturers of equipment." *Id.* at 304 (footnote omitted).

are narrowed through standardization, design and operational variations which would result from innovation could become dysfunctional. Thus, the incentives for innovation could diminish to the extent that carriers and equipment vendors opted to take advantage of the benefits of standardization.[34] It must be stressed, however, that the joint planning we are proposing involves the achievement of standardization and compatibility *only* at the point of interconnection. Innovation in overall system design and operation, which would be fostered by competition among long distance carriers and among equipment vendors, should not be seriously affected by this limited form of standardization in most cases. However, there might be circumstances in which a particular innovation (*e.g.*, digitized voice transmission at less than 64 kbits/sec) might be adversely affected by a standard which did not accommodate that innovation. We are interested in comments on how best to balance this potential effect in formulating our approaches herein.

48. A second set of potential risks posed by joint planning involves the possibility of abuse of the joint planning mechanism. Various types of anticompetitive practices—including price-fixing, market and capacity allocation, exclusionary standard-setting—can be germinated through joint planning activities. The rules proposed here will seek to confront these potential abuses and establish requirements and constraints intended to prevent them from occurring.[35]

49. A decision regarding the efficacy of joint planning for interconnection involves a balancing of the advantages and risks which we have outlined. It is our tentative conclusion that the advantages to be gained from joint planning, as well as the short-term dangers posed by disruptions in this planning, outweigh the potential risks involved and point toward a conclusion that joint planning under the aegis of this Commission will serve the public interest.

2. Authority of Commission To Require Limited Joint Planning

50. Federal agencies, in the absence of specific statutory prohibitions, have authority to require concerted action on the part of private entities subject to their regulatory authority if this concerted action is necessary or appropriate to further the statutorily established goals and functions of the agencies. Such authority, in fact, has been exercised by this Commission in this proceeding.[36] Section 222 of the Act, as amended by RCCA, provides a recent example of the imposition of negotiation requirements upon carriers.[37] Negotiations to arrive at the Docket No. 20099 Settlement Agreement and thereafter [38] and the ENFIA negotiations [39] are further examples of carrier negotiations conducted under our aegis.

51. There is ample authority in the Act to support the establishment of joint planning requirements by this Commission. Section 1 of the Act, 47 U.S.C. 151, provides that this Commission was established "[f]or the purpose of * * * [making] available * * * to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges * * *." Since we perceive the goal of joint planning for interconnection to be the promotion of efficiency, with the resulting provision of adequate facilities at reasonable charges, we conclude that a rulemaking to provide for joint planning is within our statutory authority. A further basis for Commission action is found in Section 201(a) of the Act, 47 U.S.C. 201(a), which requires carriers to furnish service upon reasonable request, to establish physical connections with other carriers, and to establish through routes. Joint planning for interconnection arrangements can be viewed as an appropriate means for enabling carriers to comply with these requirements of Section 201(a). Section 201(b) of the Act, 47 U.S.C. 201(b), requires all carrier practices relating to the provision of service and the establishment of physical connections and through routes to be just and reasonable. Furthermore, certain communications facilities require authorization by this Commission under the provisions of Section 214(a) of the Act, 47 U.S.C. 214(a). Limited joint planning by carriers under our aegis has proven useful as a mean of aiding us in carrying out our responsibilities under Section 214(a). Moreover, Section 214(d) of the Act, 47 U.S.C. 214(d), authorizes this Commission to require any carrier "to provide itself with adequate facilities for the expeditious and efficient performance of its service as a common carrier * * *." It is our view that this Commission can further the goals expressed in Section 214(d) by establishing joint planning procedures.[40] Also, Section 218 of the Act, 47 U.S.C. 218, mandates that we be informed of the manner in which service is rendered; planning under our sponsorship is an appropriate mechanism to discharge this Section 218 mandate. Further, Section 4(i) of the Act, 47 U.S.C. 154(i), grants this Commission broad authority to carry out its responsibilities under the Act.[41] We conclude that the

---

[34] This Commission has taken notice of this disadvantage of central planning in a different context: "Implicit in the central planning approach to designing and engineering the telephone network is the assumption that the planners know what is best for the customers. However, in the present era of rapid technological change and computerization of communications functions, it is difficult if not impossible for a centralized planning system to detect and respond to the many diverse needs of customers who continually seek to make more efficient use of the telecommunications system." Economic Implications and Interrelationships Arising From Policies and Practices Relating to Customer Interconnection, Jurisdictional Separations, and Rate Structures (Docket No. 20003), 75 FCC 2d 508, 547 (1980) (discussing the appropriateness of integrated control and planning regarding specialized private line services).

[35] See para. 58, *infra*.

[36] Third Report at paras. 398–44 (establishment of an intra-industry association to carry out tariff filing and pool distribution functions under the access charge system). We have rejected the notion that we lack authority to provide for the establishment of a private association which would engage in joint actions. Third Report at para. 343. We have noted, in addressing the issue of joint planning in an earlier phase of this proceeding, that we have sufficient authority to require exchange carriers "to acquire facilities and to adopt design criteria that will make interconnection effective." MTS and WATS Market Structure, Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking, 81 FCC 2d 177, 207 (1980).

[37] Section 222(c)(3)(A) of the Act, 47 U.S.C. 222(c)(3)(A), required this Commission to convene meetings of IRCs for purposes of negotiating an interconnection agreement.

[38] Paragraph 16 of the Settlement Agreement provided as follows: "16. The parties agree that on the second Monday of each month after the effective date of this Settlement Agreement, or on such other day as the parties may from time to time determine, they shall meet under aegis of the Commission's Common Carrier Bureau to review the progress made in implementing this agreement. In addition, subcommittee meetings between Bell System company and OCC representatives will be held during the Interim Period with respect to technical, engineering, maintenance and test procedures." American Telephone & Telegraph Co., (Offer of Facilities for Use by Other Common Carriers), 52 FCC 2d 727, 742 (1975). The parties conducted meetings over a period of approximately 15 months and reached agreement regarding principles of interconnection, organization, operations, administrative matters, interconnection facilities and arrangements, and other matters, and pursuant to the settlement agreement and the Commission's acceptance, they have done so on a continuing basis since. *See also*, Interconnection Between Wireline Telephone Carriers and Radio Common Carriers Engaged in the Provision of Domestic Public Land Mobile Radio Service under Part 21 of the Commission's Rules, 63 FCC 2d 67, 69 (1977).

[39] Exchange Network Facilities for Interstate Access (ENFIA), 71 FCC 2d 440 (1979).

[40] Consistent with these mandates, under Sections 214(a) and 214(d), we have sponsored facilities planning by United States international carriers and have accommodated the views of their foreign correspondents through a related consultative process.

[41] Section 4(i) of the Act, 47 U.S.C. 154(i), provides that "[t]he Commission may perform any and all acts * * * as may be necessary in the execution of its functions."

establishment of joint planning procedures by this Commission falls within the ambit of the authority established in Section 4(i) of the Act. Finally, we believe that the flexibility accorded us in ordering our procedures under Section 4(j) of the Act, 47 U.S.C. 154(j), permits us to sponsor activity of this nature to carry out the express goals of the Act. We conclude that limited joint planning is, as constrained below, an appropriate mechanism for ensuring the just and reasonable administration of interconnection arrangements.

3. Structure for Limited Joint Planning

52. It is our tentative belief that the carrier association established by the Third Report [42] affords an appropriate structure for limited joint planning. The Third Report found that a carrier association is necessary to prepare and file joint tariffs and to administer distributions from a joint revenue pool because AT&T cannot be called upon to perform such a role in the post-divestiture environment. The Third Report further found that action by this Commission to mandate creation of the association is necessary because there is not sufficient time to permit institutional arrangements among carriers for these purposes to develop spontaneously. Under the framework established in the Third Report, the association will be comprised only of exchange carriers participating in access charge revenue pools administered by the association. This Commission subsequently will adopt a supplemental order establishing membership rules providing for appropriate representation of different classes of exchange carriers. [43] The association is barred from engaging in any activity not related to the preparation or filing of access charge tariffs or the collection and distribution of access charge revenues, unless the additional activity is approved by this Commission.

53. We tentatively conclude that the association established by the Third Report is a readily available mechanism for joint planning, and that there is no need to establish some form of parallel organization the membership of which would overlap extensively with the membership of the established association. The association already will be involved with access issues as a result of the functions assigned to it by the Third Report, and it thus becomes logical to extend these functions to include the administrative, technical, and operational aspects of interconnection planning which are involved in this Notice. We propose to impose procedural requirements and guidelines which will have application only in the context of the joint planning activities of the association and not in the context of other activities carried out in accordance with the Third Report, but it is our preliminary belief that this bifurcated approach to the operational rules of the association should not hamper its ability to carry out any of the functions assigned to it. Further, the fact that the association will be performing tariff preparation and revenue collection and distribution functions in addition to the joint planning functions we are here proposing will not, in our preliminary view, increase the potential for the development of anticompetitive practices to which we previously alluded. [44] In this respect it should be emphasized that the interexchange carriers which are in direct competition will not be members of the association. Their projections and other information will be considered by the association for planning purposes, but, as is discussed below, we propose to prohibit such information from being disseminated except in amalgamated form.

54. We tentatively have concluded that the membership of the association, as established in the Third Report, is suitable for the joint planning functions which we envision. It is our preliminary belief that it is appropriate to exclude representatives of this Commission, representatives of State public utility commissions, members of the general public, and interexchange carriers from membership on the association for joint planning purposes. However, as will be discussed subsequently, [45] it is our tentative belief that this Commission should be assigned responsibilities and functions regarding the joint planning activities of the association which are designed to ensure that the association does not operate in a manner which frustrates the goals and policies which we are establishing. This result can be achieved without requiring that this Commission be given membership on the association. A main objective of our proposals is to ensure the continuation of joint planning activities regarding interconnection which presently are being carried out on an informal basis, largely through the efforts and under the auspices of AT&T, but which may be seriously disrupted in the post-divestiture period if we do not act to establish a structure for planning. We are preliminarily satisfied with the assumption that this continuity can be achieved without carving out a direct role for this Commission in the planning functions of the association. It does not seem to us to be appropriate to propose that this Commission should take an active policymaking or management role in the planning negotiations of the association—such a role appears to be unnecessary and would constitute a departure from the manner in which joint planning historically has been carried out. [46]

55. As to representation of State public utility commissions and the general public on the association for joint planning purposes, we tentatively reiterate our finding in the Third Report that the interests of the State commissions and the public are amply protected by safeguards already established in the Act. [47] With repect to public representation, it is our further view that the technical nature of the interconnection planning deliberations to be conducted by the association are such that a direct decision-making role for representatives of the general public does not seem apt. Membership for interexchange carriers on the association for joint planning purposes, in our tentative view, would pose special problems sufficient to warrant the conclusion that interexchange carriers should be excluded from membership. At least for the foreseeable future, local exchange service and exchange access will be provided by exchange carriers which are regulated monopolies in their service areas. [48] This fact in itself lends credence to the argument that an association of local carriers for joint planning purposes will not pose serious anticompetitive risks. Stated another way, anticompetitive conduct by local carriers will increase in likelihood only as competitive forces are sought to be introduced in the local exchange and local access markets. The

[42] See note 38, *supra*.

[43] See Third Report at para. 340.

[44] See para. 48, *Supra*.

[45] See paras. 61, 62, and 64, *infra*.

[46] This Commission has taken a similar approach regarding the general area of network planning: "[P]lanning of the nationwide network has been and remains today primarily a private activity. While * * * we intend to monitor the network to ensure it is not designed in a manner that forecloses entry, technical and design disputes among the different entities who comprise the network largely have been resolved without Commission intervention." In re Applications of Winter Park Tel. Co. and Orange City Tel. Co., 84 FCC 2d 669, 696 (1981).

[47] Third Report at para. 345 (citing Fourth Supplemental Notice of Inquiry and Proposed Rulemaking, 89 FCC 2d 135, 150 (1982)).

[48] *See* Majority Staff of Subcomm. on Telecommunications, Consumer Protection, and Finance of House Comm. on Energy and Commerce, *Telecommunications in Transition: The Status of Competition in the Telecommunications Industry*, 97th Cong., 1st Sess. 228 (1981).

situation with respect to interexchange carriers, however, is different. The interexchange market is increasingly becoming subject to competition.[49] Interexchange carriers operating in a competitive environment might sieze upon their membership on the association as a device for effecting exclusionary and other anticompetitive interconnection practices. Since interexchange carriers obviously are affected by interconnection planning, it is important that they be allowed to play some role in this planning.[50] It is our preliminary belief, however, that this role should stop short of membership on the association.[51]

56. We seek comments on the following issues regarding the structure for joint planning arrangements and our proposal thereupon set out in this section. First, should a framework other than the association established by the Third Report be utilized for this joint planning? Are these alternative existing structures which could be better utilized for this purpose? Would it be more appropriate to establish a new organization for the exclusive purpose of engaging in joint planning for interconnection arrangements? Second, if the association established by the Third Report is used for this joint planning, should we modify our tentative conclusions regarding representative of State public utility commissions, the general public, and interexchange carriers as members of the association? We also request comments regarding whether other groups should be represented as members of the association for joint planning purposes, or, in the alternative, whether and how others might best participate in the planning process, but short of actual membership. Finally, we would like the parties to comment upon whether we should modify our tentative conclusion regarding membership of this Commission on the association with respect to its planning activities.

[49] United States v. AT&T, 552 F. Supp. at 171. In 1980, revenues earned by specialized common carriers constituted 1.3 percent of the toll service revenues of the telephone industry and their plant had 0.5 percent of the value of the gross communications plant of the telephone industry. Lavey, *supra* note 30, at 367.

[50] See para. 63, *infra*, for a discussion of our tentative conclusions regarding the nature of this role.

[51] We recognize, however, that certain larger Independent telephone companies will perform the dual role of being exchange and interexchange service providers. In present circumstances, however, they would not appear to have sufficient market power to change our belief that the proposed structure is appropriate. Parties may wish to comment on this.

4. Functions of Association[52]

57. It is our preliminary belief that the joint planning functions of the association should be grouped into three areas. First, the association should conduct advance planning regarding administration of interconnection procedures, technical standards for the provision of interconnection, design and operational standards relating to interconnection equipment and systems and related administrative and maintenance procedures. The primary purposes of this planning should be to make adjustments to interconnection processes on an ongoing basis in order to achieve operational efficiency, to promote nationwide compatibility, and to anticipate future needs and problems so that adjustments can be planned and carried out on the basis of these projections. It should be stressed that it is our tentative conclusion that these functions of the association shouold be limited to the point of interconnection. Interexchange network design and planning will be beyond the scope of the association's activities. Second, it is our tentative veiw that the association should be involved in the collection of information to be used in connection with short- and long-term forecasting regarding patterns of interconnection demand and construction needs. Necessary exchange facilities to meet interexchange carrier's needs often requir long periods for construction and deployment. The efficiency with which exchange carrier are able to provide interconnection servies is in some measure dependent upon the carriers' accuracy in assessing trends in the level and nature of demand for these services. The rapid pace of technological developments in this field, and the impact of these developments on interconnection demand, places, a premium upon the need for effective forecasting. It is our preliminary belief that the effectiveness of this forecasting can be maximized if it is performed on a central basis.

58. The structure of the association would enable it to collect and collate data from exchange carriers, to review and analyze this information, and to arrive at planning decisions based upon these analyses. It is our tentative view that the association should develop alternative plans for responding to projected demand, study these options in order to select the most appropriate plan, and carry out reviews of the implementation of the selected plan. In this way, interconnection procedures and standards would be responsive to changing needs. However, we propose to restrict dissemination to interexchange carriers of forecasting information except in amalgamated form in order to ensure that the projections themselves do not become a mechanism for impermissible concerted action by the competitive interexchange carriers.[53] Third, it is our preliminary view that NSEP planning functions could be carried out by the association.[54] Concern has arisen over a claim that the divestiture, and the attendant changes in AT&T's emergency planning role,[55] could result in the disruption of telecommunications functions which are deemed critical to the Nation's defense and emergency communications capabilities.[56] Although the MFJ requires the BOCs to establish a point of contact for NSEP purposes,[57] it is our tentative

[52] For the convenience of discussion, our subsequent comments make reference to the "association" based upon our tentative conclusion that the association created by the Third Report is the proper structure for interconnection planning. These references, however, should not be construed to preclude designation of one or more different entities to carry out these planning functions.

[53] *See, e.g.*, Maple Flooring Manufacturers Ass'n v. United States, 268 U.S. 563 (1925); United States v. American Linseed Oil Co., 262 U.S. 371 (1923); American Column & Lumber Co. v. United States, 257 U.S. 377 (1921).

[54] The important role played by communications carriers in connection with NSEP often has been recognized. *See* Section 1 of the Act, 47 U.S.C. 151; Section I.B. of the MFJ; H.R. Rep. No. 1252, pt. 1, 96th Cong., 2d Sess. 90 (report on H.R. 6121, Telecommunications Act of 1980) ("It is important and valuable to the Nation that carrier networks be interconnected (or capable of interconnection) and capable of interoperation in emergencies * * *."); S. Rep. No. 170, 97th Cong., 1st Sess. 52 (1981) (report on S. 898, Telecommunications Competition and Deregulation Act of 1981).

[55] For an example of the role AT&T has played in meeting national defense needs, see Bell Telephone Laboratories, Inc., *A History of Engineering and Science in the Bell System* 232–38 (1978).

[56] *See, e.g.*, In the Matter of MTS and WATS Market Structure, Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking, 91 FCC 2d 177, 206–07 (1980). After divestiture an AT&T government communications organization will act as the point of contact between AT&T and the government for NSEP purposes, including NSEP technical standards, NSEP network planning, and all other aspects of AT&T's role (as an interstate regulated entity) in nationwide NSEP planning or exercises. AT&T has indicated that: "AT&T will retain its network operations center and established NSEP relocation sites, which will continue to perform, among other things, NSEP alerting services with respect to AT&T's network and interconnected carrier networks, if those carriers and the government so desire." Consolidated Application of American Telephone & Telegraph Company and Specified Bell System Companies, In the Matter of AT&T (Consolidated Applications), No. W–P–C–4955, at 74 (FCC, filed March 1, 1983).

[57] Section I.B of the MFJ requires a BOC single of contact for NSEP purposes. Under the Plan of Reorganization submitted by AT&T, the BOCs will establish a specialized government communications group within the Central Staff Organization in order to comply with this MFJ requirement. The functions of this group will include: (1) The development of

view that the MFJ requirements should be supplemented, to the extent necessary or desirable, by a limited planning process involving all exchange carriers, to minimize disruptions in emergency communications by all involved sectors of the industry.

59. Furthermore, we propose that explicit restrictions be placed upon the functions of the association in order to eliminate any potential anticompetitive problems which might be an outgrowth of the association's activities. The Third Report achieves this result in a general sense by barring any additional activities by the association unless these activities have been approved by this Commission.[58] It is our preliminary conclusion that the rules of this Commission also should specify that the association may not, in connection with the planning activities addressed in this Notice, collect or share any information relating to pricing [59] or procurenment, [60] and that the association may not take any action which is intended to allocate, or has the effect of allocating, any markets or facilities. These rules should provide that information which the association is authorized to collect and collate may be disseminated to interexchange carriers only in amalgamated form in order to prevent any possibility of anticompetitive collusion by these carriers. Further, these rules should require that interconnection standards and procedures must be established by the association on an objective basis, so that the standards and procedures do not amount to anticompetitive devices for excluding potential competitors.[61]

60. With respect to the functions of the association, we request the parties to comment on the nature and scope of the functions which we have outlined, with particular attention to whether these functions are necessary or appropriate functions for the association to perform. We also seek comment regarding whether other functions should be assigned to the association, either in lieu of or in addition to the functions we have outlined. We further would like the parties to comment on the limitations we tentatively have decided to place upon the activities of the association. Again, we seek comment regarding whether these limitations are necessary or appropriate and regarding whether other limitations should be established. Finally, we request comments regarding the nature of the relationship, if any, which should be established between the association, the BOC point of contact for NSEP purposes to be created under the MFJ, and other carriers' administrative elements with NSEP communications responsibilities. In this regard, we seek comments on the following questions: What should be the nature and extent of coordination between these entities? Should any such entity have any "veto" authority over the decisions of the others?

5. Procedures of Association

61. It is our tentative view that procedures applicable to the operation of the association should serve three primary objectives. First, the public should be given ample opportunity to observe the processes of the association and to examine the decisions and other actions of the association. Second, this Commission should reserve sufficient authority to oversee the operations of the association in order to ensure that actions taken by the association are consistent with the policies of the Act and any rules we may adopt herein. And third, sufficient flexibility should be incorporated in the procedures of the association to enable it to carry out its planning functions efficiently and effectively. It should be noted that the procedures which we tentatively are proposing, in seeking to meet these and other objectives herein, have been drawn in large measure from provisions contained in Section 708 of the Defense Production Act of 1950, 50 U.S.C. App. section 2158, which addresses analogous issues.

62. We propose that the association be governed by bylaws submitted to, and approved by, this Commission. We propose that the chairman of the association be selected from among its membership and serve for a term to be fixed by the members in the bylaws of the association. Meetings for planning

---

technical standards for use by the BOCs: (2) operations as a single point of contact for alerting BOCs in emergency situations; and (3) cooperation "with AT&T and its affiliates and other carriers to effectuate NSEP communications requirements * * *." Plan of reorganization, *supra* note 32, at 418.

The Plan of Reorganization describes the manner in which the communications group will coordinate with interexchange carriers and other vendors in the following terms:

[T]he BOCs and the centralized government communications group will cooperate fully with the interexchange carriers and equipment vendors involved to provide efficient service. Specifically, the centralized group will, if the government desires, serve as a point of contact for other carriers and vendors to arrange for the installation, joint testing, maintenance, restoration, repair and all other operational aspects of BOC-provided NSEP services that are interconnected with services provided by other carriers.

Id. at 421. It should be noted that the arrangements described in the Plan of Reorganization do not appear to include coordinated planning and do not appear to involve Independent telephone companies. *See* Comments of United States Independent Telephone Association on the Plan of Reorganization, at 4 (D.D.C., filed Feb. 16, 1983).

AT&T in materials filed with this Commission subsequent to the filing of the Plan of Reorganization with the District Court of the United States for the District of Columbia, has alluded to the possibility of coordinated planning between the BOCs and other carriers for NSEP purposes.

[T]he CSO [the central staff organization for the BOCs] would, if requested by the government, act as the point of contact for other carriers to coordinate the installation, joint testing, maintenance, restoration, repair, and all other operational aspects of BOC-provided intral.ATA NSEP services that are interconnected with services provided by other carriers and terminal equipment vendors. To effect this coordination, it is assumed that the involved carriers, including the independent telephone companies, would designate NSEP coordinators and would be in communication with CSO's national alert center. Neither the BOCs nor the government communications groups in the CSO will select interexchange carriers or terminal equipment vendors for the government.

Consolidated Application of American Telephone Telegraph Company and Specified Bell System companies, In the matter to AT&T (Consolidated Applications), No. W–P–C–4955 at 78 (FCC, filed March 1, 1983). The Department of Justice had indicated to the district court that it would require the Plan of Reorganization to be amended to clarify that the central staff organization will have authority to "require" that the BOCs carry out NSEP activities on a coordinated basis, and that the central staff organization would bill and collect from federal agencies on a centralized basis. These changes have been accepted.

[58] Third Report at para. 344.

[59] The exchange carrier association is necessarily involved in the collection and sharing of pricing information in connection with its preparation of access tariffs. Third Report at para. 348. The pricing restrictions we propose to establish here relate exclusively to the planning activities of the association and would in no way constrain or impair the functions established in the Third Report.

[60] We recognize that the functions of the association in establishing technical interconnection standards, see para. 57, *supra*, may pose the risk that technical standards might be adopted which indirectly lead to creation of procurement guidelines. That is, technical standards could be fashioned in a way that would tend to favor the facilities and equipment of certain vendors. However, our goal is to delineate the functions of the association and restrictions applicable to its activities in a manner which minimizes this risk, while maintaining the potentially desirable goal of permitting operational problems to be avoided through the use of appropriate technical standards. We seek comments regarding possible ways in which reconciliation of these goals may appropriately be achieved.

[61] The Supreme Court, in holding that an industry standard-setting organization is civilly liable under antitrust law for antitrust violations of its agents acting with apparent authority, noted that:

[A] standard-setting organization like ASME can be rife with opportunities for anticompetitive activity. Many of ASME's officials are associated with members of the industries regulated by ASME's codes * * *. [S]ame may well view their positions with ASME, at least in part, as an opportunity to benefit their employers. When the great influence of ASME's reputation is placed at their disposal, the less altruistic of ASME's agents have an opportunity to harm their employers' competitors through manipulation of ASME's codes.

American Society of Mechanical Engineers, Inc. v. Hydrolevel Corp., 50 U.S.L.W. 4512, 4516 (U.S. May 17, 1982) (footnote omitted). *See*, Radiant Burners, Inc. v. People Gas Light & Coke Co., 364 U.S. 656 (1961) for a discussion of the unlawfulness of exclusionary standard-setting.

purposes will be held at the call of the chairman or upon the request of a majority of the membership, and reasonable public advance notice of meetings must be given by the association. The association will have the discretion to establish permanent or ad hoc subcommittees to be responsible for various aspects of the association's planning activities. This Commission will have authority to monitor the activities of the association by sending an official representative to its meetings. The Commission representative will have authority to require the association to terminate any particular proceeding if he concludes that actions taken in the proceeding, or the manner in which the proceeding is being conducted, violate the Act or the rules established by this Commission. We propose that the representive may exercise this authority without being required to obtain any further approval from the Commission. If the representative terminates a meeting, then the association may not reconvene to discuss the topic which caused such termination without the express prior approval of the Commission.[62] Meetings of the association will be open to the public, unless the association determines (by majority vote of those members of the association who are present) that matters to be discussed at the meeting are within the purview of matters described in paragraph (1), (3), (4) of subsection (b) of Section 552 of Title 5, United States Code.[63] The association will be required to keep minutes of its meetings. These minutes must be filed with this Commission and made available for public inspection, except that information in the minutes pertaining to matters described in paragraph (1), (3), or (4) of subsection (b) of Section 552 of Title 5, United States Code, would not have to be disclosed to the public.[64]

63. The procedures we are proposing also would require the association to permit interexchange carriers (including voice and data communications carriers) and other users of exchange access facilities to make written and oral presentations to the association regarding interconnection planning matters under consideration by the association.[65] The rules we are proposing will not specify the extent to which the association must take these presentations into account in arriving at planning decisions, but we note that it is not our intent that participation by interexchange carriers and other users force the deliberations of the association to take on the strictures of an adversary proceeding. Rather, it is our tentative view that these carriers and other users will be in a position to assist the association, and to affect the decisions of the association in a positive way, through the provision of information and comments to the association. It is our opinion that, by barring interexchange carriers and other users from playing an active role in the decision-making of the association, the proposed rules will mitigate the types of anticompetitive problems we previously have discussed.[66] Furthermore, it would appear that equipment manufacturers would have an interest in, and the ability to contribute to, deliberations concerning technical standards. Thus, we would propose that such entities also have the right to make presentations to the association with respect to standards.

64. The proposed rules also would require the association to disseminate information regarding its interconnection decisions and policies in a manner which is sufficient to keep the industry and the public adequately informed of association actions.[67] Further, we propose that the association be required to file planning decisions and related information with this Commission.[68]

65. We request parties to comment generally regarding the procedural requirements we are proposing, and we would like the parties to suggest additional or alternative procedural requirements. We also seek comments regarding the following specific issues: First, is the role we have outlined for this Commission appropriate, or should it be modified? Should the Commission role be narrowed (*e.g.*, by eliminating the monitoring function)? Or should the Commission role be expanded (*e.g.*, by making a Commission representative a member of the association, by authorizing this Commission to screen interconnection planning topics in advance of meetings, or by barring planning decisions from taking effect unless they specifically are approved by this Commission)? Second, should the proposed rules require this Commission to oversee the implementation of association decisions after they have been made? This Commission has general authority under the Act to prohibit interconnection policies and actions which are not consistent with the Act, but we request comments regarding whether the proposed rules should formalize this function of this Commission by setting up specific monitoring procedures and requirements. Third, should modifications be made in the role established for interexchange carriers, other users of exchange access facilities, and equipment manufacturers, under the proposed rules? For example, should these interests to given any decision-making authority regarding the planning activities of the association?[69] Should these interests be permitted to propose or to initiate planning topics for consideration and action by the association, or should their role be limited to commenting upon planning activities initiated by the association?

66. Fourth, should the role of the general public in the proceedings of the association be expanded, with due regard to procedures to accommodate classified information (*e.g.*, by permitting members of the public to make oral or written presentations, or both)? Or should the public role be restricted (*e.g.*, by barring public attendance at association proceedings)? Fifth, we invite comment regarding whether the proposed rules should address informal planning contacts and other arrangements among exchange carriers. Up to this point, our discussion has focused on more formal carrier

---

[62] See Section 708(d) of the Defense Production Act of 1950, 50 U.S.C. App. section 2158(d).

[63] See Section 708(e)(3)(D) of the Defense Production Act of 1950, 50 U.S.C. App. section 2158(e)(3)(D). Paragraph (1) of subsection (b) of Section 552 of Title 5, United States Code, relates to information classified as nonpublic under Executive orders; paragraph (3) relates to information which is exempted from disclosure by statute; and paragraph (4) relates to trade secrets and commercial or financial information which is privileged or confidential. It should be noted that the exclusions established in Section 708(e)(3)(D) of the Defense Production Act of 1950 embrace only the information described in paragraphs (1) and (3).

[64] See Section 708(d) of the Defense Production Act of 1950; 50 U.S.C. App. section 2158(d).

[65] This Commission, in discussing the overall network planning process, has noted that:

[T]he public is well served when * * * users and constituents of the network also are involved in the planning process. Joint planning introduces more directly the perspective and experience of other responsible entities, bringing to light viewpoints that might otherwise go unnoticed. We expect that a broader planning perspective will lead to the consideration of alternative plans and ultimate improvement of the network.

In re Applications of Winter Park Tel. Co. and Orange City Tel. Co., 84 FCC 2d 669, 697 (1981).

[66] See para. 48, *supra*.

[67] It is useful to note that section II.B.2 of the MFJ requires the BOCs to establish and disseminate "technical information and * * * interconnection standards."

[68] See Section 708(e)(3)(F) of the Defense Production Act of 1950, 50 U.S.C. App. section 2158(e)(3)(F). It should be noted that, in the area of telecommunications network planning, requirements have not been established for the systematic filing of planning decisions. Lavey, *supra* note 30, at 346.

[69] See para. 56, *supra*, for a decussion of whether interexchange carriers should be represented as members of the association.

arrangements for interconnection planning through the association established in the Third Report and through subcommittees which may be established for planning purposes by the association. We note, however, that exchange carriers engage in a variety of informal contacts relating to interconnection planning,[70] and it is appropriate to conclude that these contacts may make important contributions to the efficiency of interconnection planning. We are interested in receiving the views of the parties regarding whether it is appropriate for the proposed rules to be applicable to these informal contacts and, if so, the nature of procedures and requirements which would have the most utility in this informal setting. In this regard, we should note our particular concern that these informal contacts should not become a vehicle through which competing interexchange carriers obtain information which may be used in connection with their competitive activities. Finally, we seek comments regarding the proposed requirement that minutes of association meetings be kept and filed with this Commission. Specifically, would such a requirement prove to be an undue constraint upon planning negotiations? Or should the requirement be strengthened (*e.g.*, by requiring transcripts, rather than minutes) as a means of further ensuring against anticompetitive activities?

6. Antitrust Considerations

67. It is our conclusion that the interconnection planning activities and the organizational structure for this planning which we are proposing in this Notice are consistent with the antitrust laws. The Third Report, in fact, already has rejected arguments that the access charge functions of the association pose antitrust problems, noting that "[t]he Sherman Act does not prohibit concerted activities, it merely prohibits concerted activities that are likely to produce an unreasonable restraint of trade." [71] It has been our intent in fashioning our proposals herein to assign to the association functions which are important for the provision of efficient planning but which will not create a basis for anticompetitive conduct. We also have proposed restrictions upon association activities as a means of protecting competition.[72] Finally, we have proposed procedural requirements which will act as a further bar against anticompetitive activities. It also should be noted that, although it is true that competition is an important factor which should be given weight in the administration of the Act,[73] this Commission also is required by the public interest standards of the Act to consider factors other than competition, such as the efficiency of the communications network, the provision of reliable service to the public, and the future needs of carriers and users.[74] In sum, we believe that we have sufficient authority under the Act to sponsor procedures as outlined, and that use of such procedures would not raise antitrust issues. Of course, in formulating final rules and requirements herein, we will give weight to the views of the Attorney General of the United States regarding any aspects of the association's activities which may have anticompetitive effects.

IV. Regulatory Flexibility Act Analysis

68. We have found at an earlier stage of this proceeding that the Regulatory Flexibility Act is not applicable to this proceeding because no local exchange carrier falls within the definition of "small entity" for purposes of that Act. Third Report at paras. 358–62. We noted in the Third Report, however, that the policy objectives of the Regulatory Flexibility Act are also encompassed in Sections 2(b) and 203(a) of the communications Act of 1934, the provisions of which are intended to relieve many small telehpone companies from various reporting and other requirements established in the Communications Act. Any recordkeeping and other requirements (*e.g.*, tariff requirements) imposed by any final decision in this proceeding would be applicable to all exchange telephone companies, regardless of their size. See paras. 27–40, *supra*, for a detailed discussion of the proposed requirements. However, it is important to note that in fashioning these proposals, we have been cognizant of the differences in resources availble to the BOCs and the larger Independent telephone companies, on the one hand, and the smaller Independents, on the other, and we have sought to tailor our proposed requirements to accommodate the limited resources of the smaller companies. We specifically request small Independent telephone companies, their trade associations and others which may represent their interests, to comment on the implications of these requirements in the light of their operations, and to propose appropriate administrative mechanisms which will minimize the flow of unnecessary paperwork.

V. Ordering Clauses

69. It is hereby ordered, pursuant to Section 1, 4(i), 4(j) 201–205, 214, 218 and 403 of the Communication Act of 1934, and 5 U.S.C. 553, That notice is hereby given of the proposed adoption of rules in part 69 of title 47 of the Code of Federal Regulations, in accordance with the discussion and delineation of the issues and the specific proposals made herein.

70. It is further ordered, pursuant to § 1.419 of the Commission's Rules, 47 CFR 1.419, That an original and five copies of comments may be filed with the Secretary, Federal Communications Commission, Washington, D. C. 20554 on or before August 8, 1983, and that replies may be filed on or before October 7, 1983. In reaching its decision in this proceeding, the Commission may take into consideration information and ideas not contained in the comments provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's relince on such information is noted in the Report and Order.

71. It is further ordered, pursuant to § 1.2 of the Rules of the Commission, 47 CFR 1.2, and authority delegated under Section 0.291 of the Rules of the Commission, 47 CFR 0.291, That meetings among carriers, under the aegis of the Common Carriers Bureau, may continue during the pendency of this proceeding pursuant to the decision of the commission in *American Telephone and Telegraph Company (office of Facilities for Use by Other Common Carriers)*, Docket No. 20099, 52 FCC 2d 727, 733 (1975).

---

[70] *Cf. Hearings on S. 898 Before the Senate Comm. on Commerce, Science, and Transportation*, 97th Cong., 1st Sess. 445 (1981) (testimony of T. Brophy, Chairman and Chief Executive Officer, GTE Corp.) (informal contacts among telephone companies regarding planning for toll switching and transmission facilities), *cited in* Lavey, *supra* note 30, at 376 n.126.

[71] Third Report at para. 333.

[72] *See* para. 59, *supra*.

[73] FCC v. RCA Communications, Inc., 346 U.S. 86, 94 (1953). The Court also noted, in the *RCA* case, that "encouragement of competition as such has not been considered the single or controlling reliance for safeguarding the public interest." *Id.* at 93 (footnote omitted).

[74] Phonetele, Inc. v. American Tel. & Tel. Co., 664 F.2d 716, 722 (9th Cir. 1981), *cert. denied*, 51 U.S.L.W. 3533 (U.S. Jan. 17, 1983) (No. 81–2359). We do not find it necessary here to address the question of whether the planning requirements which would be imposed upon exchange carriers under our proposed rules would have the effect of establishing any antitrust immunity for such carriers, although we do note the general principle that "[a]ctivities which come under the jurisdiction of a regulatory agency nevertheless may be subject to scrutiny under the antitrust statutes." Jarvis, Inc. v. American Tel. & Tel. Co., 461 F. Supp. 120, 123 (D.D.C. 1978) (citing Otter Tail Power Co. v. United States, 410 U.S. 366, 372 (1973)).

72. It is further ordered, That this proceeding shall be continued as a non-restricted notice and comment rulemaking proceeding. for purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff, which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not covered fully in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally,* § 1.1231 of the Commission's rules, 47 CFR 1.1231.

73. And, it is further ordered, That the Secretary shall cause a copy of this Notice of Proposed Rulemaking to be published in the **Federal Register.**

(Secs. 1, 2, 4, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602; 48 Stat as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: MTS and WATS Market Structure, CC Docket No. 78–72, Phase III, Notice of Proposed Rulemaking on Interconnection in the Wake of Access Charges and Implementation of the MFJ.

I am pleased to see that the Regional Bell Operating Companies and the major Independent exchange carrier companies have already begun to form an association of exchange carriers for the specific purpose of structuring, planning, and formulating telephone network standards in the coming post-divestiture era.* Such an industry planning organization is, in my judgment, absolutely vital for this nation's national defense and emergency preparedness, as well as the basic integrity and viability of our national telecommunications network. I am also pleased that this *Notice* promises that the Commission's public interest imprimatur will be given to an industry planning body in the performance of its appointed interconnection and exchange access tasks.

[FR Doc. 83–15409 Filed 6–8–83; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 97

[PR Docket No. 83–524; FCC 83–250]

Amendment of the Commission's Rules To Make Additional Frequencies Available to the Radio Amateur Civil Emergency Service During Declared National Emergencies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend Part 97, Amateur Radio Service, to make additional frequencies available to the Radio Amateur Civil Emergency Service (RACES) during emergency periods when the President's War Emergency Powers have been invoked. The Department of Defense has requested additional Amateur Radio Service frequencies for use by RACES under war emergency conditions.

DATES: Comments are due by August 2, 1983 and replies by September 1, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: James D. McGrath, Private Radio Bureau, Special Services Division (202) 632–4964.

List of Subjects in 47 CFR Part 97

Civil defense, Defense communications, Radio.

Notice of Proposed Rulemaking

In the matter of amendment of the Amateur Radio Service Rules, Part 97, to make additional frequencies available to the Radio Amateur Civil Emergency Service during declared national emergencies, PR Docket No. 83–524.

Adopted: May 26, 1983.
Released: June 3, 1983.

By the Commission: Commissioner Fogarty not participating; Commissioner Sharp absent.

Introduction

1. Notice of Proposed Rulemaking in the above-captioned matter is hereby given.

2. The Commission is proposing to amend Part 97 to make additional frequencies available to the Radio Amateur Civil Emergency Service (RACES) in the event of an emergency which necessitates the invoking of the President's War Emergency Powers under the provisions of Section 606 of the Communications Act of 1934, as amended. Changes in the rules to govern operations on these frequencies are also proposed.

Background

3. The National Telecommunications and Information Administration (NTIA), United States Department of Commerce, has requested that additional frequencies be made available to RACES during declared national emergencies. NTIA, with the assistance of the Interdepartment Radio Advisory Committee (IRAC), acting on a request by the Department of Defense (DOD) that additional frequencies be authorized for use by RACES under war emergency conditions, has completed a review of those frequency resources identified in Part 97 of the Commission's Rules for RACES.[1]

4. The Department of Defense, in support of the need for additional frequencies, stated:

a. "Frequency bands now authorized for RACES use in wartime have proved inadequate during peacetime disasters. As such, we conclude that the situation under conditions of war would be completely unsatisfactory."

b. "Many more amateur equipments, especially repeaters, are now available for use than was the case when RACES was established. These assets, which would be most valuable to civil defense needs, operate on frequencies which are not presently assigned to RACES."

c. "From an operational standpoint, it is important to be able to use existing amateur configurations without change when RACES is activated under war emergency conditions on short notice. This includes use of existing frequencies employed by HF emergency nets as well as repeaters in higher bands."

5. NTIA concurs with the assessment made by DOD and the Federal Emergency Management (FEMA)[2] that

---

*See Telecommunications Reports, Vol. 49, No 16, at 44 (April 25, 1983), "Washington Legislative Council Members Move on Group to Set Network Standards."

[1] Part 97, Subpart F, § 97.185 of the Commission's Rules.

[2] FEMA is responsible for the management of RACES during declared national emergencies, see Executive Order 12148, 44 FR 43239 (1979).

frequencies now allocated to the Amateur Radio Service should be made available to RACES during declared national emergencies.

6. We agree that there is merit in making additional amateur radio frequencies available to RACES during declared national emergencies so that wartime communication capabilities would be enhanced.

7. We propose herein to make such additional frequencies available and to make appropriate changes in the operational rules governing RACES. The proposed operational limitations would provide protection from inteference by RACES stations to the Government radiolocation service, the aeronautical radionavigation service and to Canadian radio services. Additional Amateur Radio Service frequencies may also be considered, in the 10 MHz and 18 MHz frequency bands, if during this rule making proceeding, the United States ratifies the final acts of the World Administrative Radio Conference (WARC), 1979.[3]

8. We propose that § 97.185(c)(2) limiting the use of certain frequency bands by RACES to thirty days, during periods of actual civil defense emergency, unless otherwise ordered by the Commission, be deleted. No useful function is performed by requiring Commission approval to extend the thirty day limitation for RACES operations because Commission approval would be routinely granted if the emergency situtation continued beyond the thirty day period.

9. We propose that § 97.185(c)(4) limiting the use of frequencies assigned to RACES to specific geographical areas, during declared national emergencies, be deleted. With the availability of additional frequencies to RACES stations during these emergency periods it is unnecessary to continue to limit RACES operations to these areas.

Conclusion

10. Notice is hereby given that it is proposed to amend 47 CFR Part 97 in accordance with the proposed rules set forth in the attached Appendix.

Procedural Matters

11. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule making proceedings is available from the Commission's Consumer Assistance Office, FCC, Washington D.C. 20554; (202) 632–7000.

12. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in § 1.415, of the Commission's Rules, 47 CFR Part 1415, interested persons may file comments on or before August 2, 1983 and reply comments on or before September 1, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information, or a writing indicating the nature and source of such information, is placed in the public file, and provided further that the fact of the Commission's reliance on such information is noted in the Report and Order.

13. In accordance with § 1.419 of the Commission's Rules, 47 CFR Part 1.419, formal participants must file an orginal and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. Each set of comments must state on its face the proceeding to which it relates (PR Docket Number) and should be submitted to: The Secretary, Federal Communications Commission, Washington, D.C. 20554. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

14. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding since this proposal would simply allow the use of additional frequencies by RACES licensees during declared national emergencies. No RACES licensees would be compelled to purchase new radio equipment. Consequently, there would be no significant economic impact on a substantial number of small entities.

15. It is ordered, That the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register.**

16. For information concerning this proposal, contact James D. McGrath, Federal Communications Commission, Private Radio Bureau, Personal Radio Branch, Washington, D.C. 20554; (202) 632–4964

(Secs. 4, 303, 48 stat., as amended. 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

It is proposed to amend Part 97 of the Commission's Rules, 47 CFR Part 97, as follows:

PART 97—[AMENDED]

1. Section 97.185 would be revised to read as follows:

§ 97.185 Frequencies available.

(a) All of the authorized frequencies and emissions allocated to the Amateur Radio Service are also available to the Radio Amateur Civil Emergency Service on a shared basis.

[3] WARC, Geneva, 1979, allocated additional frequencies in the 10 MHz and 18 MHz frequency bands to the Amateur Radio Service.

(b) In the event of an emergency which necessitates the invoking of the President's War Emergency Powers under the provisions of Section 606 of the Communications Act of 1934, as amended, unless otherwise modified or directed, RACES stations and amateur radio stations participating in RACES will be limited in operation to the following:

FREQUENCY OR FREQUENCY BANDS

	Limitations [1]
kHz:	
1800 to 1825	1
1975 to 2000	1
3500 to 3550	
3930 to 3980	
3984 to 4000	
3997	2
7079 to 7125	
7245 to 7255	
14047 to 14053	
14220 to 14230	
14331 to 14350	
21047 to 21053	
21228 to 21267	
MHz:	
26.55 to 26.75	
29.237 to 29.273	
29.45 to 29.65	
50.35 to 50.75	
53.30	2
53.35 to 53.75	
145.17 to 145.71	
146 to 148	3
220 to 225	5
420 to 450	4, 5, 6
1240 to 1300	4
2390 to 2450	4

[1] See paragraph (c).

(c) Limitations:

(1) Use of frequencies in the band 1800–2000 kHz is subject to the priority of the LORAN system of radionavigation in this band and to the geographical, frequency, emission, and power limitations contained in § 97.61 governing amateur radio stations and operators (Subparts A through E of this part).

(2) For use in emergency areas when required to make initial contact with a military unit; also, for communications with military stations on matters requiring coordination.

(3) Those stations operating in the bands 420–450, 1240–1300 and 2390–2450 MHz shall not cause harmful interference to, and must tolerate any interference from, the Government radiolocation service; and also the aeronautical radionavigation service in the case of the 1240–1300 MHz band.

(4) Those stations operating in the band 220–225 MHz shall not cause harmful interference to, and must tolerate any interference from, the Government Radiolocation Service until January 1, 1990. Additionally, the Fixed and Mobile Services shall have equal right of operation.

(5) In the band 420–430 MHz, no station shall operate North of Line A. Line A begins at Aberdeen, Washington running by great circle arc to the intersection of 48° N., 120° W., thence along parallel 48° N., to the intersection of 95° W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45° N., 85° W., thence southward along meridian 85° W., to its intersection with parallel 41° N., thence along parallel 41° N., to its intersection with meridian 82° W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southernmost point of Searsport, Maine at which point it terminates.

(6) In the band 420–450 MHz and within the following areas, the DC plate power input to the final stage of a transmitter employed in the amateur service shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer in Charge at the applicable District Office and the Military Area Frequency Coordinator at the applicable military base:

(i) Those portions of Texas and New Mexico bounded on the south by latitude 31° 45′ North, on the east by 104° 00′ West, on the North by latitude 34° 30′ North, and on the west by longitude 107° 30′ West;

(ii) The entire State of Florida including the Key West area and the areas enclosed within a 200-mile radius of Patrick Air Force Base, Florida (latitude 28° 21′ North, longitude 80° 43′ West), and within a 200-mile radius of Eglin Air Force Base, Florida (latitude 30° 30′ North, longitude 86° 30′ West);

(iii) The entire State of Arizona;

(iv) Those portions of California and Nevada south of latitude 37° 10′ North, and the areas enclosed within a 200-mile radius of the Pacific Missile Test Center, Point Mugu, California (latitude 34° 09′ North, longitude 119° 11′ West).

(v) In the State of Massachusetts within a 160-kilometer (100 mile) radius around locations at Otis Air Force Base, Massachusetts (latitude 41° 45′ North, longitude 70° 32′ West).

(vi) In the State of California within a 240-kilometer (150 mile) radius around locations at Beale Air Force Base, California (latitude 39° 08′ North, longitude 121° 26′ West).

(vii) In the State of Alaska within a 160-kilometer (100 mile) radius of Clear, Alaska (latitude 64° 17′ North, longitude 149° 10′ West). (The Military Area Frequency Coordinator for this area is located at Elmendorf Air Force Base, Alaska.)

(viii) In the State of North Dakota within a 160-kilometer (100 mile) radius of Concrete, North Dakota (latitude 48° 43′ North, longitude 97° 54′ West). (The Military Area Frequency Coordinator for this area can be contacted at: HQ SAC/SXOE, Offutt Air Force Base, Nebraska 68113.)

[FR Doc. 83-15611 Filed 6-8-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 25

[OST Docket No. 79; Notice No. 83-11a]

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; Acquisition for Federal and Federally-Assisted Programs

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Extension of comment period.

SUMMARY: This document extends the period for comments on the notice of proposed rulemaking published on April 14, 1983, (48 FR 16197), requesting comment by May 31, 1983, on a proposed regulation that would establish uniform cost-effective policies and procedures governing implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) (42 U.S.C. 4601 *et seq.*) for all programs within the Department of Transportation (DOT). The DOT published this proposed rule at the request of the Office of Management and Budget and it is anticipated that, when a final rule is issued, it will serve as a model for other Federal agencies covered by the Uniform Act. Since the proposed rule may ultimately have effects upon members of the public not normally affected by DOT actions, the comment period is being extended to July 1, 1983, in order to provide the public additional time in which to respond to the notice of proposed rulemaking.

DATE: The comment period is extended to July 1, 1983.

ADDRESS: Comments should be submitted to the Docket Clerk, OST Docket No. 79; Notice No. 83-11a, Department of Transportation, 400 7th Street, SW., Room 10105, Washington, D.C. 20590. Commentors wishing to have their submissions acknowledge should include a stamped, self-addressed postcard with their comments. Comments will be available for review

at the above address from 9:00 a.m. to 3:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Kennedy, Director, Office of Right-of-Way (202–426–0342); Mr. Reid Alsop, Office of the Chief Counsel (202–426–0800); Ms. Martha Schwendeman Gurin, Office of Economics (202–426–4493); or Ms. Lynne Adams-Whitaker, Office of the General Counsel (202–426–4723); Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590. Office hours are Monday through Friday from 7:45 a.m. to 4:15 p.m., ET.

Issued at Washington, D.C. on May 31, 1983.

James H. Burnley, IV,

Acting Secretary.

[FR Doc. 83–15164 Filed 6–8–83; 8:45 am]

BILLING CODE 4910–62–M

Research and Special Programs Administration

49 CFR Parts 172 and 173

[Docket No. HM–186; Notice No. 83–3]

Shipment of Matches

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: MTB proposes to simplify and clarify the requirements in 49 CFR 173.176 pertaining to safety matches and strike anywhere matches. This proposal is based on three petitions for rulemaking and a number of public inquiries requesting clarification of the requirements for shipping matches. The intended effect of this action is to delete unnecessary requirements and to reduce misunderstanding of the regulations applying to matches.

DATE: Comments must be received by August 30, 1983.

ADDRESS: Dockets Branch, Materials Transportation Bureau, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies.

FOR FURTHER INFORMATION CONTACT: Hattie L. Mitchell, Office of Hazardous Materials Regulations, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590, (202) 426–2075.

SUPPLEMENTARY INFORMATION: Few changes have been made to the requirements pertaining to the shipment of matches since they were originally adopted as regulations over 40 years ago. MTB has received three petitions for rulemaking and a number of inquiries requesting interpretations of the requirements for shipping matches. MTB believes the provisions for matches in § 173.176 should be revised for simplification and clarification.

MTB is proposing to place all requirements for safety matches (book, card, and strike-on-box) in § 173.176. The requirements covering strike anywhere matches would be placed in a new § 173.176a.

As suggested by a petitioner, safety matches would be required to be tightly packed in securely closed inside packagings to prevent movement within the package and accidental ignition. Each outside package would be required to be marked "**SAFETY MATCHES**" in conformance with § 172.301. When prepared for shipment in this manner, safety matches in outside fiberboard, wooden or other equivalent-type packagings would not be subject to other requirements of the subchapter. No distinction would be made between safety matches packed alone or packed in the same outside package with nonhazardous material. This will eliminiate the need for two exemption. DOT–E–8726 issued to Whitehall Laboratories, Inc., to ship safety matches and small boxes of pain reliever in the same package, and DOT–E–8866 issued to Norcliff Thayer, Inc., to ship safety matches and small boxes of antacid tablets in the same package.

In this proposal, the requirements covering strike anywhere matches in new § 173.176a are simplified. Basically, the regulations would require that strike anywhere matches be tightly packed in chipboard, fiberboard, wooden or metal inside packagings and further packed in outside specification packagings. The types of specification packagings authorized would remain the same.

MTB believes the requirement in present paragraph (a) requiring that strike anywhere matches not exceed 3 inches in length nor have a stick exceeding .015 square inch in cross section lacks sufficient safety justification and, therefore, should be deleted.

The provision in paragraph (c)(1) requiring approval by the Bureau of Explosives of "hang up" type packagings also should be deleted. MTB believes these packagings are obsolete. MTB is not aware of any approvals issued by the Bureau of Explosives for "hang up" type packagings in the past several years.

A petitioner has requested that strike anywhere matches when ". . . in not over 3 outside containers per vehicle totalling not over 100 pounds net weight . . ." be excepted from shipping paper requirements. The petitioner argued that in the event of a fire, there would be no difference if the shipment involved strike anywhere matches or safety matches. MTB takes the position that since it is easier to ignite strike anywhere matches than safety matches, a greater potential hazard may exist; therefor, shipping papers should be available to assist emergency response personnel in identifying the hazards and quantities of strike anywhere matches involved. The suggested change has not been included in the proposal.

Comments are invited concerning the stability criteria specified in § 173.176(a) since they have not been modified since May 12, 1930. In addition, comments are invited on any matters related to the safe transportation of matches including any pending petitions for rulemaking or outstanding exemptions, in addition to the two exemptions discussed above.

MTB has determined that this proposed regulation is not a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*).

Based on limited information available concerning size and nature of entities likely to be affected by this proposal, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities because the overall economic impact of this proposal will be minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

List of Subjects

49 CFR Parts 172

Hazardous materials transportation, Labeling, Packaging and containers.

49 CFR Parts 173

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, Parts 172 and 173 of 49 CFR would be amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. Section 172.101 would be revised to read as follows:

§ 172.101 Hazardous materials table

(1)	(2)	(3)	(3 A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	(Revise)										
	Matches, safety, *book, card, or strike-on-box.*	Flammable solid	UN 1944	Flammable solid	173.176		50 pounds	50 pounds	1, 2	1	
	Matches, strike anywhere.	Flammable solid	UN 1331	Flammable solid	None	173.176a	Forbidden	Forbidden	1, 2		

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENT AND PACKAGINGS

2. Section 173.176 would be revised to read as follows:

§ 173.176 Safety matches.

(a) Safety matches (strike-on-box, book, and card) are matches which are intended to be ignited on a prepared surface. Safety matches, when offered for transportation, must be of a type which will not ignite spontaneously or undergo marked decomposition when subject for eight consecutive hours to a temperature of 200°F. (93.3°C.). As used in this section, the term "safety matches" includes the match combined with the box, book, or card containing or attached to the matches.

(b) Safety matches which are tightly packed in securely closed inside packagings to prevent accidental ignition, and further packed in outside fiberboard, wooden, or other equivalent-type packagings are not subject to any other requirement (except marking) of this subchapter. Safety matches may be packed in the same outside package with nonhazardous materials.

3. Section 173.176a would be added to read as follows:

§ 173.176a Strike anywhere matches.

(a) Strike anywhere matches are matches which may be ignited by friction on a solid surface. Strike anywhere matches, when offered for transportation, must be of a type which will not ignite spontaneously or undergo marked decomposition when one complete inside package is subjected for eight consecutive hours to a temperature of 200°F (93.3°C.).

(b) Strike anywhere matches may not be packed in the same outside package with any material other than safety matches that are packed in separate inside packagings.

(c) *Inside packagings.* Strike anywhere matches must be tightly packed in chipboard, fiberboard, wooden, or metal inside packagings that are securely closed to prevent accidental ignition. Each inside packaging may contain no more than 700 strike anywhere matches.

(d) *Outside packagings.* Strike anywhere matches must be packed in specification packagings as follows:

(1) Spec. 15A or 19B (§§ 178.205, 178.191 of this subchapter). Wooden boxes, with inside packages. Gross weight must not exceed 100 pounds.

(2) Spec. 12B or 12C (§§ 178.205, 178.206 of this subchapter). Fiberboard boxes with inside packages; not over 60 pounds gross weight each. Fill-in pieces specified by § 178.205–14 or § 178.206–14 of this subchapter are not required.

(49 U.S.C. 1803, 1804, 1808, 49 CFR 1.53; 49 CFR App. A to Part 1, and paragraph (a)(4) of Appendix A to part 106)

Issued in Washington, D.C. on June 1, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation Materials Transportation Bureau.

[FR Doc. 83–15091 Filed 6–8–83; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Export of American Ginseng Harvested in 1983 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to propose findings.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates the international trade in certain animal and plant species. Export of animals and plants listed in Appendix II of CITES may occur only if the Scientific Authority has advised the permit-issuing Management Authority that such exports will not be detrimental to the survival of the species, and if the Management Authority is satisfied that the animals or plants were not obtained in violation of laws for their protection.

This notice announces the Service's intent to propose findings by the Management Authority (MA) of the United States on the export of American ginseng from this country. Until recently, such findings have been made *annually* on a State-by-State basis. In 1982, the Service began to make multi-year findings for the export of American ginseng. It issued Scientific Authority (SA) and MA findings covering the 1983–84 seasons. The Service requests comments on MA guidelines for export findings and current information on the species involved. The Service also requests information on environmental and economic impacts that might result from the findings, and information on possible alternative approaches to meeting CITES requirements.

DATE: The Service will consider information and comments received by July 11, 1983 in making its proposed findings and rule.

ADDRESS: Please send correspondence concerning this notice to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, at the Federal Wildlife Permit Office, room 620, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Scientific Authority: Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653–5948.

Management Authority: Mr. Richard K. Robinson, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (703) 235–2481.

SUPPLEMENTARY INFORMATION: The Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates the international trade in listed species. Export of these species may only occur upon approval of both the Scientific and Management Authorities of the country of origin. In

the United States, the Scientific and Management Authorities are within the Fish and Wildlife Service. This is the first in a series of notices concerning the Service's finding on export of American ginseng (*Panax quinquefolius*) taken in the 1983 harvest season.

In this notice, the Service requests current information on the status and management of this species and seeks comments on guidelines to be used in making MA findings on whether the ginseng was obtained in violation of laws for its protection.

Scientific Authority Findings

General criteria used by the SA in advising on whether export will not be detrimental to the survival of a species are as follows (see notice of July 10, 1980, 45 FR 46464):

(1) Whether such export has occurred in the past and has not reduced the numbers or distribution of the species, nor caused signs of ecological or behavioral stress within the species, or in other species of the affected ecosystem;

(2) Whether such export is expected to increase, decrease, or remain constant; and

(3) Whether the life history of the species and the structure and function of its place in its ecosystem indicate that the present or proposed level of export will not appreciably reduce the numbers or distribution of the species, nor cause signs of ecological or behavioral stress within the species or in other species of the affected ecosystem;

For ginsena, the determination of non-detriment by the SA, in accordance with the above-listed general criteria, has been and will continue to be based on an evaluation of the following information concerning each affected State (see notice of April 5, 1982, 47 FR 14666):

(1) Historic, present, and potential distribution of ginseng on a county basis, using county outline maps, and indicating the source(s) and accuracy of this information. Include also the distribution of preferred habitat on a regional or Statewide basis, indicating recent trends in loss or protection of habitat;

(2) Approximate number or density of ginseng populations per county or region, and the approximate number of all known ginseng localities in the State, including also the source of this information;

(3) Average number of plants per population or patch, or local abundance of wild ginseng on a county or regional basis in the State, indicating the source(s), general reliability, and accuracy of the information. Include also any changes from previous years or differences from historical population sizes;

(4) An assessment of population trends on a county or regional basis indicating if populations of ginseng are believed to be increasing, decreasing, stable, extirpated or unknown. Included in this assessment should be source(s) and general reliability and accuracy of this information;

(5) An assessment of harvest intensity on a county or regional basis indicating if the relative collecting intensity is heavy, moderate, light, none, or unknown, and any changes from previous years. The State to provide also the known or estimated number of ginseng collectors in the State;

(6) A county map showing those counties in which ginseng is reported to be commercially cultivated. Included are to be figures on the amount of cultivated ginseng reported to be harvested and certified for export Statewide;

(7) Average number of roots per pound harvested, preferably on a county or regional basis or, if these are not available, on a Statewide basis. Included also is to be an assessment of any trend in root sizes or number of roots per pound over previous years;

(8) A description of the State's current research program on ginseng and its progress, including a summary of results so far obtained;

(9) A description of the State's harvest practices and controls, including regulations on length of harvest season, any harvest restrictions such as size and age of collected plants, and any seed planting requirements.

Management Authority Findings

In addition to the SA advice that the ginseng exports will not be detrimental to the survival of the species, the MA must be satisified that the ginseng was not obtained in contravention of laws for its protection.

Criteria used by the MA in determining if a State program qualifies for export are that the State has adopted and is implementing the following regulatory measures (Relisted from notice of July 10, 1980):

(1) State licensing or regulation of dealers purchasing or selling ginseng in the State;

(2) State requirements that these licensed or registered ginseng dealers maintain true records of their commerce in ginseng, and report such commerce to the State;

(3) Inspection and certification by State personnel of all ginseng shipments from the State. This certification is necessary to authenticate that the ginseng was legally taken from wild or cultivated sources within the State. Experience has shown the value of a State official inspection and certification program which can document that the weight of the roots in question were legally taken from the wild or artifically propagated in that State; and, that the State has supplied the following information to the Service:

(a) A copy of the State ginseng law and regulations;

(b) State dealer, grower, or digger license or registration rules;

(c) Cost of license or registration;

(d) Season of selling/buying operation;

(e) Dealer records, maintenance and reporting requirements;

(f) Samples of current year dealer certificates and reporting forms;

(g) Sample of current year State certificate of legal take and origin; and

(h) Sample of diggers license, if any, indicating cost of license and date of harvest;

(i) Description of State certification system for wild and cultivated ginseng legally harvested within the State, including controls to minimize uncertified ginseng from moving into or from the State; and

(j) Name, address, and telephone number of the State person to contact concerning such information.

In this notice of December 4, 1982, the Service announced that the MA would approve export of artifically propagated ginseng only from the States approved for export of wild-collected ginseng, because they had the program necessary to document the source of roots (45 FR 80444). However, the Service also announced in the December 4 notice that it would approve the export of artificially propagated ginseng from other States if acceptable procedures have been implemented to minimize the risk that wild-collected plants will be exported as cultivated.

In 1982, the Service SA reported that it had found that the status of wild ginseng does not vary greatly from year to year within any given State, and that information compiled to date was adequate to justify multi-year findings under CITES. As described in April 5, 1982, notice (47 FR 14664), the Service used information compiled since 1977 to make multi-year findings under CITES. Even though findings were made for the export of ginseng harvested in certain States in the 1982–84 seasons, the Service indicated it would continue to monitor the status of ginseng each year, and would retain the option of revising the findings at any time if new information shows the need for change. Through this notice, current information

as described in (47 FR 14664) above is requested to enable the Service to perform such monitoring. In addition, the Service will also consider any biological and harvest information submitted by those States seeking export approval for 1983 American ginseng that are not currently approved. Information submitted in the past need not be resubmitted if it is incorporated by reference and its validity is affirmed.

The Service has previously noted (47 FR 3869) that, beginning with the 1983 harvest season, the MA would require all States seeking export approval for their wild or cultivated American ginseng to have a legally established ginseng program requiring that a State official examine and certify all ginseng moved from the State. This certification must verify State of origin, legal take, year of take, weight of shipment, whether wild or artificially propagated, date of certification, shipment number, dealer's State registration number, and signatures of both the dealer and State certifying official. The Service believes that a program of State inspection remains the proper method of insuring legal ginseng export. However, in an attempt to examine other possible methods, the Service will examine and decide on programs other than State examination of ginseng leaving the State. Such a proposed system must offer the same assurance, as does an actual examination of the shipment and dealers records, of origin, legal take and whether wild or cultivated roots, and involved in the shipment.

It was decided to grant multi-year export approval for (1982–1984) only to States with a current ginseng program that provides for a State inspection and certification system and otherwise satisfied the criteria of both the SA and MA in 1982 (47 FR 43702).

In a notice of October 4, 1982 (47 FR 43702), the Service approved export of ginseng lawfully taken during the 1982–84 harvest seasons from the following States, on the grounds that both SA and MA criteria had been met: Georgia, Kentucky, Minnesota, North Carolina, Vermont (artificially propagated only) and Virginia.

In the same notice, the Service approved export of American ginseng lawfully taken only during the 1982 season for the following States that did not all meet MA criteria: Arkansas, Illinois, Indiana, Iowa, Maryland, Ohio, Missouri, Tennessee, West Virginia, and Wisconsin.

As announced in that notice, States approved for the export of only 1982 harvested ginseng would not be granted further export approval until an acceptable ginseng program was developed. The Service did not grant general approval for exports of American ginseng taken from any other State during 1982–84 harvest seasons.

Schedule: The Service intends to publish final export findings in advance of the 1983–85 harvest season according to the following schedule:

June 1983—Publish notice of proposed findings and rule, and invite public comment;

August 1983—Publish notice of final findings and rule, effective upon the date of publication.

Request for Information and Comments: The Service requests comments on the guidelines to be used in MA findings, and information on the biology and management of American ginseng. The Service also requests information on environmental and economic impacts and effects on small entities (including small business, small organizations, and small governmental jurisdictions) that would result from findings for or against export. This information will aid the Service in complying with requirements of the National Environmental Policy Act, Executive Order 12291, and the Regulatory Flexibility Act, and in preparing any required analyses of effect.

List of Subjects in 50 CFR 23

Endangered and threatened wildlife, Exports, Fish, Imports, Plants (Agriculture), Treaties.

This notice of intent to propose findings is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.; 87 Stat. 884 as amended), and was prepared by S Ronald Singer, Federal Wildlife Permit Office.

Dated: June 3, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife Parks.

[FR Doc. 83–15445 Filed 6–8–83; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Commercial and Recreational Salmon Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the Pacific Fishery Management Council has submitted a fishery management plan amendment for the Commercial and Recreational Salmon Fisheries off the coast of Washington, Oregon, and California, for Secretarial review and is requesting comments from the public. Copies of the amendment may be obtained from the address below.

DATE: Comments on the plan should be submitted on or before August 10, 1983.

ADDRESSES: All comments should be sent to: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115; or A. W. Ford, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Copies of the amendment are available upon request from the Pacific Fishery Management Council, 526 SW Mill Street, Portland, Oregon 97201.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, 206–527–6150; or A. W. Ford, 213–548–2575.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) requires that each regional fishery management council submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. This act also requires that the Secretary, upon receiving the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan or plan amendment.

This amendment proposes measures for managing the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California, during 1983. On Friday, February 4, the Environmental Protection Agency published a notice of availability of a draft supplemental environmental impact statement for this amendment (48 FR 5306).

Regulations proposed by the Council and based on this amendment are scheduled to be published within 30 days.

(16 U.S.C. 1801 *et seq.*)

Dated: June 6, 1983.

Joe P. Clem,

Acting Chief, Fisheries Process Division, National Marine Fisheries Service.

[FR Doc. 83–15488 Filed 6–8–83; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 48, No. 112
Thursday, June 9, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on June 21, 1983, at 7:00 p.m., a public information meeting will be held in the Killian Room, (1st Floor), International Trade Center, 250 N. Water Street, Mobile, Alabama.

This meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed construction of the Interstate 210 Connector in Mobile, Alabama, an undertaking of the Federal Highway Administration and the Alabama Highway Department. The project as proposed would affect the Mobile City Hall, a National Historic Landmark; the G.M. & O. Railroad Station, the Church Street East Historic District, the Lower Dauphin Street Commercial Historic District, and the DeTonti Square Historic District, properties listed in the National Register of Historic Places; and the Africatown Historic District and historic archeological resources along Water Street, properties which appear to be eligible for inclusion in the National Register. Consideration will be given to the undertaking, its effects on the National Register and eligible properties, and alternate courses of action that could avoid, mitigate, or minimize adverse effects on these properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.
II. A description of the undertaking and an evaluation of its effects on the properties by the Federal Highway Administration.
III. A statement by the Alabama State Historic Preservation Officer.
IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the properties.
V. A general question period.

Speakers should limit their statement to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, N.W., Washington, D.C. 20005, telephone number 202–254–3495. Attention: Amy P. Schlagel.

Dated: June 6, 1983.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 83–15474 Filed 6–8–83; 8:45 am]

BILLING CODE 4310–10–M

CIVIL AERONAUTICS BOARD

[Fitness Investigation 83–6–12; Docket 41388]

Application of Airspur Helicopters, Inc. for Unused Authority Under Section 401(d)(5)

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting the *Airspur Helicopters, Inc. Fitness Investigation*, 83–6–12, Docket 41388.

SUMMARY: The Board is instituting an investigation to determine the fitness of Airspur Helicopters to operate unused authority between Los Angeles-Fullerton, California.

DATES: Persons wishing to intervene in the *Airspur Helicopters, Inc. Fitness Investigation* shall file their petitions in Docket 41388 by June 20, 1983.

ADDRESSES: Petitions to intervene should be filed in Docket 41388, and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C.

In addition, copies of such filings should be served on Airspur Helicopters, Inc., the mayors and airport managers of Los Angeles and Fullerton, California, the California Transportation Commission, the FAA and any other person filing petitions.

FOR FURTHER INFORMATION CONTACT: Phyllis Solomon, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–6–12 is available from our Distribution Section, Room, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–6–12 to that address.

By the Bureau of Domestic Aviation: June 3, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–15470 Filed 6–8–83; 8:45 am]

BILLING CODE 6320–01–M

[Docket 41306]

Unicorn Air, Ltd., Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to commence on July 19, 1983, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Ave., N.W., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., June 2, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83–15463 filed 6–8–83; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–051]

Bicycle Tires and Tubes From Korea; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of revocation of countervailing duty order.

SUMMARY: As a result of a request by a Korean producer and exporter, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on bicycle tires and tubes from Korea manufactured by Korea Inoue Kasei Co., Ltd., would not cause injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise made on or after August 10, 1981 shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: John McKean or Larry Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION: On January 12, 1979, the Department of the Treasury published in the **Federal Register** (T.D. 79–13, 44 FR 2570) an affirmative final countervailing duty determination regarding bicycle tires and tubes manufactured by one Korean producer, Korea Inoue Kasei, Co., Ltd. ("KIK").

On August 10, 1981, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that KIK had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). It was not necessary for the Department, upon notification by the ITC, to suspend liquidation of entries of the merchandise pursuant to that section of the TAA, since previous suspensions remained in effect.

On May 20, 1983, the ITC notified the Department of its determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of Korean bicycle tires and tubes if the order were revoked (48 FR 24795). As a result, the Department is revoking the countervailing duty order concerning bicycle tires and tubes manufactured by KIK with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after August 10, 1981, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after August 10, 1981 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries.

The ITC's decision and this revocation do not affect shipments of the merchandise entered on or before August 9, 1981. These shipments are subject to the administrative review procedures set forth in section 751 of the Tariff Act of 1930.

This revocation and notice are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: June 2, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–15450 Filed 6–8–83; 8:45 am]

BILLING CODE 3510–25–M

[C–583–002]

Bicycle Tires and Tubes from Taiwan; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: As a result of a request by a Taiwanese producer and exporter, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on bicycle tires and tubes from Taiwan manufactured by Cheng Shin Rubber Co., Ltd. would not cause injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise made on or after December 30, 1982 shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: John McKean or Larry Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION: On February 17, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 6913) a countervailing duty order on bicycle tires and tubes manufactured by one Taiwanese producer, Cheng Shin Rubber Co., Ltd.

On December 30, 1982, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department ") that Cheng Shin had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). It was not necessary for the Department, upon notification by the ITC, to suspend liquidation of entries of the merchandise pursuant to that section of the TAA, since previous suspensions remained in effect.

On May 20, 1983, the ITC notified the Department of its determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of Taiwanese bicycle tires and tubes if the order were revoked (48 FR 24795). As a result, the Department is revoking the countervailing duty order concerning bicycle tires and tubes manufactured by Cheng Shin with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after December 30, 1982, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after December 30, 1982 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries.

The ITC's decision and this revocation do not affect shipments of the merchandise entered on or before December 29, 1982. These shipments are subject to the administrative review procedures set forth in section 751 of the Tariff Act of 1930.

This revocation and notice are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: June 2, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 15449 Filed 6–8–83; 8:45 am]

BILLING CODE 3510–25–M

[C–301–001]

Leather Wearing Apparel From Colombia; Final Results of Administrative Review of Suspension Agreement

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of suspension agreement.

SUMMARY: On April 20, 1983, the Department of Commerce published the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on leather wearing apparel from Colombia.

The review covers the period September 1, 1981 through June 30, 1982.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are the same as the preliminary results.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On April 20, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 16929) the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on leather wearing apparel from Colombia (46 FR 19963, April 2, 1981). The Department has now completed that review.

Scope of the Review

Imports covered by the review are shipments of Colombian men's, boys', Women's, girls' and infants' leather coats and jackets, and other leather wearing apparel (such as vests, pants and shorts), as well as parts and pieces thereof. Such merchandise is currently classifiable under items 791.7620, 791.7640 and 791.7660 of the Tariff Schedules of the United States Annotated. The review covers the period September 1, 1981 through June 30, 1982, and one program: the Tax Reimbursement Certificate Program ("CAT").

Final Results of Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are the same as the preliminary results. We determine that Confecciones Amazonas Orinoco ("CAO"), the predominant exporter of such Colombian apparel to the U.S., has complied with the terms of the suspension agreement for the period September 1, 1981 through June 30, 1982. CAO renounced all CAT benefits associated with exports of leather wearing apparel to the United States, did not accept substitute or equivalent benefits and met all of the reporting requirements of the agreement. CAO continues to account for at least 85 percent of imports of all such Colombian leather wearing apparel into the United States.

Therefore, the suspension agreement for Colombian leather wearing apparel shall remain in effect. The Department is now beginning the next administrative review of the agreement.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: June 2, 1983

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–15451 Filed 6–8–83; 8:45 am]

BILLING CODE 3510–25–M

Mount Sinai Medical Center; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 98–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83–35. Applicant: Mount Sinai Medical Center, Department of Biochemistry, One Gustave L. Levy Place, New York, N.Y. 10029. Instrument: Pulse Nanosecond Fluorometer with Accessories. Manufacturer: Photochemical Research Associates, Canada. Intended use of instrument: See notice on page 53760 in the **Federal Register** of November 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (May 5, 1982).

Reasons: The foreign instrument provides good (single photon) sensitivity and operates in the fractional nanosecond range. The Department of Health and Human Services advises in its memorandum dated April 4, 1983 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83–15420 Filed 6–8–83; 8:45 am]

BILLING CODE 3510–25–M

Rensselaer Polytechnic Institute; Decision on Application For Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 82–00279R. Applicant: Rensselaer Polytechnic Institute, 110–Eight Street, Troy, NY 12181. Instrument: Excimer-Multi-Gas Laser EMG 101/95. Original notice of this resubmitted application was published in the **Federal Register** of August 23, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States

at the time the foreign instrument was ordered (June 7, 1982).

Reasons: This application is a resubmission of Docket No. 82-00279 which was denied without prejudice to resubmission on December 30, 1982 for informational deficiencies. The foreign instrument provides tunability through the visible range down to 220 nanometers (frequency doubled) with pulse energies of 15 millijoules, and repetition rates in excess of 10 hertz. The National Bureau of Standards advises in its memorandum dated April 22, 1983 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-15421 Filed 6-8-83; 8:45 am]

BILLING CODE 3510-25-M

Rowland Institute for Science, Inc., et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-157. Applicant: Rowland Institute for Science, Inc., 100 Cambridge Parkway, Cambridge, MA 02142. Instrument: Analytical Electron Microscope, Model #JEM-1200EX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: See notice on page 13476 in the **Federal Register** of March 31, 1983. Instrument ordered: December 31, 1982.

Docket No.: 83-159. Applicant: The Pennsylvania State University, Materials Science and Engineering, University Park, PA 16802. Instrument: Electron Microscope, EM 420T with Accessories. Manufacturer: Philips Gloeilampenfabrieken, The Netherlands. Intended use of instrument: See notice on page 15303 in the **Federal Register** of April 8, 1983. Instrument ordered: November 2, 1982.

Docket No.: 83-160. Applicant: University of Illinois at Chicago, Office of Business Affairs, Health Science Center, 833 S. Wood, Chicago, Ill. 60612. Instrument: Electron Microscope, EM 410 and Accessories. Manufacturer: Philips Electronic Instruments Inc., The Netherlands. Intended use of instrument: See notice on page 15303 in the **Federal Register** of April 8, 1983. Instrument ordered: February 22, 1983.

Docket No.: 83-161. Applicant: National Bureau of Standard, Bldg. 233, Room B266, Washington, DC 20234. Instrument: Electron Microscope, EM 430T with Accessories. Manufacturer: N.V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of instrument: See notice on page 16310 in the **Federal Register** of April 15, 1983. Instrument ordered: December 15, 1982.

Docket No.: 83-165. Applicant: University of Iowa, College of Dentistry, Dental Research, Iowa City, IA 52242. Instrument: Electron Microscope, EM 10CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See notice on page 16311 in the **Federal Register** of April 15, 1983. Instrument ordered: February 17, 1983.

Docket No.: 83-166. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Ave., Brooklyn, NY 11203. Instrument: Electron Microscope Model #EM 109 complete with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See notice on page 16932 in the **Federal Register** of April 20, 1983. Instrument ordered: March 11, 1982.

Docket No.: 83-167. Applicant: Case Western Reserve University, Department of Macromolecular Science, 10900 Euclid Avenue, Cleveland, OH 44106. Instrument: Electron Microscope, Model #JEM-100SX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: See notice on page 16311 in the **Federal Register** of April 15, 1983. Instrument ordered: January 17, 1983.

Docket No.: 83-168. Applicant: University of Washington, School of Medicine, Seattle, WA 98195. Instrument: Electron Microscope, Model #EM 420T and Accessories. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of instrument: See notice on page 16311 in the **Federal Register** of April 15, 1983. Instrument ordered: March 14, 1983.

Docket No.: 83-169. Applicant: President and Fellows of Harvard College, 9 Oxford Street, Gordon McKay Lab, Cambridge, MA 02138. Instrument: Electron Microscope, Model #EM 420T with Accessories. Manufacturer: N.V. Philips Electronic Instruments, The Netherlands. Intended use of instrument: See notice on page 16932 in the **Federal Register** of April 20, 1983. Instrument ordered: March 11, 1983.

Docket No.: 83-141. Applicant: University of Minnesota, Minneapolis, MN 55455. Instrument: Electron Microscope, Model H-600-2 and Accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of instrument: See notice on page 19766 in the **Federal Register** of May 2, 1983. Instrument ordered: May 19, 1983.

Docket No.: 83-174. Applicant: Riverside Methodist Hospital, 3535 Olentangy River Road, Columbus, OH 43214. Instrument: Electron Microscope, EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See notice on page 19766 in the **Federal Register** of May 2, 1983. Instrument ordered: November 10, 1982.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each instrument establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each instrument described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to any of the foreign instruments to which the foregoing applications relate, for such purposes as these instruments are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-15423 Filed 6-8-83; 8:45 am]

BILLING CODE 3510-25-M

St. Mary's Medical Center; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-64. Applicant: St. Mary's Medical Center, 3700 Washington Avenue, Evansville, IN 47750. Instrument: #7809 III Gamma Med III Afterloading Irradiation Device for Interstitial Therapy and 2 #7809 SC Source Containers. Manufacturer: Isotopen Technik, GmbH, West Germany. Intended use of instrument: See notice on page 56533 in the **Federal Register** of December 17, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides programmable movement and a 10 curie iridium-192 source small enough to pass through needles for interstitial insertion. The Department of Health and Human Services advises in its memorandum dated April 29, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such pruposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Material)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-15419 Filed 6-8-83; 8:45 am]

BILLING CODE 3510-25-M

University of Illinois at Chicago; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-155. Applicant: University of Illinois at Chicago, Department of Physics, P.O. Box 4348, Chicago, Ill. 60680. Instrument: X-Ray to Visible Streak Camera System, X500, including Conversion Kit. Manufacturer: Hadland Photonics Inc., United Kingdom. Intended use of instrument: See notice on page 13475 in the **Federal Register** of March 31, 1983.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument can record optical events with a 10 picosecond (or shorter) time resolution in the visible, ultraviolet, extreme ultraviolet and X-ray region. The National Bureau of Standards advises in its memorandum dated May 4, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-15422 Filed 6-8-83; 8:45 am]

BILLING CODE 3510-25-M

U.S. Army Natick Res. & Dev. Laboratories et al.; Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereto (15 CFR Part 301 as amended by 47 FR 32517). (See especially § 301.5(f).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 1523 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-47. Applicant: U.S. Army Natick Res. & Dev. Laboratories, Directorate for Procurement, Attn: DRDNA-PB, Kansas Street, Natick, MA 01760. Instrument: Electron Microscope Accessories (R.E. Detector and H5014 AE Amp Unit). Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of instrument: See notice on page 55987 in the **Federal Register** of December 14, 1982. Advice submitted by: Department of Health and Human Services: April 29, 1983.

Docket No.: 83-57. Applicant: University of Rochester, School of Medicine, Box 605, Strong Memorial Hospital, 601 Elmwood Avenue, Rochester, NY 14642. Instrument: EM Micro-Dosage Focusing System. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See notice on page 56533 in the **Federal**

Register of December 17, 1982. Advice submitted by: Department of Health and Human Services: April 29, 1983.

Docket No.: 83–87. Applicant: Sandia National Laboratories, P.O. Box 5800, Division 1111, Albuquerque, NM 87185. Instrument: Electron Microscope Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See notice on page 57982 in the Federal Register of December 29, 1982. Advice submitted by: Department of Health and Human Services: April 29, 1983.

Docket No.: 83–93. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Instrument: Heating Stage for Electron Microscope, Model #200 CX–SHTH. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See notice on page 4018 in the Federal Register of January 28, 1983. Advice submitted by: Department of Health and Human Services: April 29, 1983.

Docket No.: 83–99. Applicant: FDA/OMD Center for Medical Device Analysis, 8757 Georgia Avenue, Silver Spring, MD 20910. Instrument: ASID–4 Scanning Attachment for Electron Microscope. Manufacturer: JEOL, Japan. Intended use of instrument: See notice on page 1529 in the Federal Register of January 13, 1983. Advice submitted by: Department of Health and Human Services: April 29, 1983.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign instruments, for the purposes for which the instruments are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The instruments are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health and Human Services in its respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic accessories.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instrument with which each accessory is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83–15418 Filed 6–8–83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton Textile Products From the Republic of the Philippines

June 6, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Charging 1982 overshipments to the level of restraint established for men's and boys' cotton coats in Category 333/334, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1983. The level will be reduced from 83,475 dozen to 72,630 dozen.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of November 24, 1982, between the Governments of the United States and the Republic of the Philippines, the United States Government is charging 1982 overshipments of cotton textile products in Category 333/334 to the 1983 level.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 29, 1982, there was published in the Federal Register (47 FR 57986) a letter dated December 22, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Category 333/334, produced or manufactured in the Philippines, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the level of restraint for Category 333/334 to account for 1982 overshipments.

Walter C. Lenahan,

Chairman, Committeee for the Implementation of Textile Agreements.

June 6, 1983.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 22, 1982 from the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Philippines.

Effective on June 10, 1983, paragraph 1 of the directive of December 22, 1982 is further amended to include an adjusted twelve-month level of restraint for cotton textile products in Category 333/334 of 72,630 dozen.[1]

The action taken with respect to the Government of the Republic of the philippines and with respect to imports of cotton textile products from the Philippines has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83–15449 filed 6–8–83; 8:45 am]

BILLING CODE 3510-25-M

Soliciting Public Comment on Bilateral Textile Consultations With the Government of Hong Kong To Review Trade in Categories 336 and 434

June 6, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: On May 13 and May 17, 1983 the Government of the United States requested consultations with the Government of Hong Kong with respect to Categories 336 (dresses) and 434 (other coats, men's and boys'). These requests were made on the basis of the Agreement of June 23, 1982, as amended, between the Governments of the United States and Hong Kong relating to trade

[1] The level of restraint has been reduced by 10,845 dozen representing overshipments from 1982.

in cotton, wool, and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of textile products in Categories 336 and 434, produced or manufactured in Hong Kong and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. The Government of the United States also reserves the right to control imports of these categories at the established limits.

Any party wishing to comment or provide data or information regarding the treatment of Categories 336 and 434 under the bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement with the Government of Hong Kong or on any other aspect thereof, or to comment on domestic production or availability of textile products included in these Categories, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 533(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-15447 Filed 6-8-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP83-24-002]

Alabama-Tennessee Natural Gas Co.; Filing of Revised Tariff Sheet

June 3, 1983.

Take notice that on May 25, 1983, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) submitted for filing the following revised tariff sheets to the Alabama-Tennessee's FPC Gas Tariff, Third Revised Volume No. 1:

Forty-first Revised Sheet No. 3-A superseding Substitute Fortieth Revised Sheet No. 3-A
Second Substitute Sixth Revised Sheet No. 5 superseding Fifth Revised Sheet No. 5
Second Substitute Sixth Revised Sheet No. 6 superseding Substitute Sixth Revised Sheet No. 6
Third Substitute Sixth Revised Sheet No. 11 superseding Second Substitute Sixth Revised Sheet No. 11
Second Substitute Fifth Revised Sheet No. 13-B superseding Fourth Revised Sheet No. 13-B
Second Substitute Sixth Revised Sheet No. 14 superseding Substitute Sixth Revised Sheet No. 14.

Also enclosed with the filing is a motion by Alabama-Tennessee filed pursuant to Section 4(e) of the Natural Gas Act and the Commission's order issued in the above-entitled proceeding on December 30, 1982, together with an undertaking and related documents called for by 154.67 of the Commission's Regulations under the Natural Gas Act, including a list showing service upon the purchasers under the rate schedules and affected state regulatory commissions. The motion is designed to make effective on May 31, 1983, the above-described revised tariff sheets.

Alabama-Tennessee states that the revised tariff sheets are designed solely to reflect the rates suspended by the Commission's December 30, 1982 order, as adjusted, for the removal of storage and storage transportation costs, for the purchased gas cost changes since December 30, 1982, shown in Section 20.3 of the revised tariff sheets, and for the unrecovered purchased gas costs shown in Section 20.2 of the revised tariff sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15476 Filed 6-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Co. RP83-65-002]

Alabama-Tennessee Natural Gas Revised PGA Rate Adjustment

June 3, 1983.

Take notice that on May 19, 1983, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama, 35631, tendered for filing the following tariff sheets as part of its FPC Gas Tariff, Third Revised Volume No. 1.

Second Substitute Thirty-Ninth Revised Sheet No. 3-A
Second Substitute Sixth Revised Sheet No. 11.

These tariff sheets are proposed to become effective April 3, 1983, and Alabama-Tennessee requests that there be granted any necessary waivers of the Commission's Regulations to accomplish this proposed effective date.

Alabama-Tennessee states that the purpose of the revised tariff sheets is to correct an inadvertent error in its restatement of its Base Tariff Rates as required by the Commission's order issued on April 27, 1983, in the above referenced docket.

These revised tariff sheets provide for the following rates:

Rate schedule	Rates after current adjustment
G-1:	
Demand	$6.05
Commodity	421.04
SG-1:	
Commodity	465.24
I-I:	
Commodity	440.91

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest such filing should file a petition to intervene of protest with the Federal Enery Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further pleading. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15477 Filed 6-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-348-000]

Algonquin Gas Transmission Co.; Application

June 2, 1983.

Take notice that on May 26, 1983, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP83-348-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the interruptible sale of natural gas by Algonquin pursuant to its proposed Rate Schedule I-2 utilizing gas made available by Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Algonquin seeks authority to render interruptible sales of natural gas to its Rate Schedule F-1 customers pursuant to its proposed Rate Schedule I-2. It is further stated that the service proposed under Rate Schedule I-2 would be rendered during the period between April 16 and November 15 and would be available to the extent that Algonquin obtains gas by purchase from Texas Eastern under Texas Eastern's existing Rate Schedule I-D. Algonquin asserts that all deliveries made pursuant to the proposed Rate Schedule I-2 would be considered surplus gas, subject to curtailment or interruption at any time an may be required by Texas Eastern or as may be requested by Algonquin.

Algonquin asserts that the rate it would charge for service under the proposed Rate Schedule I-2 would consist of a gas cost reimbursement charge to reimburse Algonquin for the cost of Rate Schedule I-D gas purchased from Texas Eastern; a handling charge of 14.74 cents per million Btu; and a GRI surcharge of 0.7 cent per million Btu.

Algonquin states that it is requesting permission to file its proposed Rate Schedule I-2 concurrently with its certificate application or, alternatively, that the Commission indicate in the certificate order that it would accept the proposed Rate Schedule I-2 for filing effective as of the date of such certificate authorization when such Rate Schedule is tendered for filing under Part 154 of the Regulations. Algonquin further states that it is requesting permission to include in its Rate Schedule I-2 provisions for the recovery of the cost of purchasing gas from Texas Eastern for resale under Rate Schedule I-2 on a current basis.

It is stated that the proposed service would enable customers purchasing gas under Algonquin's firm Rate Schedule F-1 to receive additional quantities of surplus gas during the off-peak delivery period to the extent that Texas Eastern makes such gas available and operating conditions allow.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Algonquin to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15478 Filed 6-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-524-000]

Dayton Power & Light Co.; Filing

June 3, 1983.

The filing Company submits the following:

Take notice that on May 24, 1983, the Dayton Power and Light Company (DP&L) tendered for filing an executed Service Agreement For Partial Requirements And/Or Transmission Wheeling Service To Municipalities For Resale (Service Agreement) between DP&L and the Village of New Bremen, Ohio.

The proposed Service Agreement permits the Village of Bremen to receive partial requirements and transmission wheeling service from DP&L under its FERC Electric Tariff, Original Volume No. 2. The proposed Service Agreement also provides for a change in delivery voltage to 69,000 volts. The previous service agreement between DP&L and the Village of New Bremen under which the Village of New Bremen received service pursuant to DP&L's FERC Electric Tariff Original Volume No. 1, is superseded.

DP&L requests the Commission waive its notice and filing requirements and permit the proposed New Bremen Service Agreement to become effective June 1, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to

intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15481 Filed 6-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-12-000]

Distrigas Corp. and Distrigas of Massachusetts Corp.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

June 3, 1983.

Take notice that on May 25, 1983, Distrigas Corporation (Distrigas) tendered for filing Thirteenth Revised Sheet No. 1 to its FERC Gas Tariff and Distrigas of Massachusetts Corporation (DOMAC), on May 25, 1983, tendered for filing Thirteenth Revised Sheet No. 3A.

Thirteenth Revised Sheet No. 1 and Thirteenth Revised Sheet No. 3A are being filed pursuant to Distrigas' and DOMAC's purchased LNG cost adjustment provision set forth in their respective tariffs. The Distrigas rate change is being filed to reflect in its sales rate to DOMAC a redetermination (decrease) of the price paid for the purchase of LNG from its supplier SONATRACH in accordance with the Distrigas-SONATRACH Agreement for Sale and Purchase of Liquefied Natural Gas, together with demurrage and amortization over the six-month period, July 1, 1983 through December 31, 1983, of the balance of the unrecovered purchased LNG gas account.

The DOMAC rate change is being filed to reflect the Distrigas rate change in DOMAC's rates for resale to its distribution customer companies and the amortization over the six-month period, July 1, 1983 through December 31, 1983, of the balance in DOMAC's unrecovered purchased LNG cost account and the GRI surcharge.

Distrigas and DOMAC request that the proposed tariff sheets become effective July 1, 1983, to coincide with the change in LNG costs from SONATRACH.

A copy of this filing is being served on all affected parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15482 Filed 6-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-519-000]

Cincinnati Gas & Electric Co.; Filing

June 3, 1983.

The filing Company submits the following:

Take notice that on May 20, 1983, the Cincinnati Gas & Electric Company (CG&E) tendered for filing proposed changes in its FERC Electric Tariff, Original Volume No. 1 which cancel and supersede the rate schedules in said tariff. The proposed changes would increase revenues from jurisdictional sales and service by $5.2 million Phase I and an additional Phase II increase of $4.1 million for a total increase of $9.3 million, based on the 12 months period ending December 31, 1983.

The reasons stated by CG&E for the change in rate schedules are:

(1) To overcome a revenue deficiency for wholesale service occasioned by additions to rate base and the continued inflationary impact on its costs; and,

(2) To update the fuel adjustment clause to comply with Commission regulations governing their content.

CG&E proposes an effective date of July 19, 1983.

Copies of the filing were served upon the Villages of Bethel, Blanchester, Georgetown, Hamersville and Ripley, municipalities in the State of Ohio; and the Union Light, Heat and Power Company, West Harrison Gas and Electric Company, Public Utilities Commission of Ohio, Kentucky Public Service Commission and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the Proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth P. Plumb,

Secretary.

[FR Doc. 83-15479 Filed 6-8-83; 8:45 a.m.]

BILLING CODE 6717-01-M

[Docket No. TA82-2-22-005 (PGA82-2, IPR82-2, RD&D82-2)]

Consolidated Gas Supply Corp.; Filing of Revised Tariff Sheet

June 3, 1983.

Take notice that on May 23, 1983, Consolidated Gas Supply Corporation (Consolidated) submitted for filing Second Revised Substitute Thirty-First Revised Sheet No. 16 to its FERC Gas Tariff, Third Revised Volume No. 1, pursuant to the Commission's order dated February 4, 1983, as modified by order issued April 6, 1983, in these proceedings. The revised tariff sheet reflects a decrease of 2.53¢ in the Surcharge Rate for the period September 1, 1982 to December 31, 1982. Consolidated states that there is no change in rates, and therefore no refunds for the period subsequent to December 31, 1982. Schedules showing the calculation of the surcharge decrease and the amount of the principal refund by customer are included with the filing.

Consolidates states that its decision to make the tariff change and refund at this time shall in no way be construed as a waiver of Consolidated's rights to appeal the February 4, 1983 and April 6, 1983 orders in this docket.

Copies of this filing has been sent to the applicable state commissions and all parties to these proceedings.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the Proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15480 Filed 6-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-313-000]

El Paso Natural Gas Co.; Application

June 2, 1983.

Take notice that on May 4, 1983, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP83-313-000 an application, as supplemented May 26, 1983, pursuant to Section 311(a)(1) of the Natural Gas Policy Act of 1978 and § 284.107 of the Commission's Regulations for approval of the transportation service and delivery of natural gas to Southwestern Public Service Company (Southwestern) for the account of Cabot Pipeline Corporation (Cabot), an intrastate pipeline company, for a primary term of 3 months and from month to month thereafter up to a period of 2 years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant asserts that Southwestern generates electricity for sale at its Cunningham Plant located in Lea County, New Mexico, and at its Plant X located in Lamb County, Texas, with Cabot's supplying natural gas at both facilities. Applicant further asserts that Southwestern has scheduled repairs at its Cunningham Plant to commence on or about June 15, 1983, and to continue for approximately a 90-day period, which will cause it to reduce purchasing natural gas from Cabot at the Cunningham Plant. It is submitted that Southwestern's take-or-pay obligation at its Cunningham Plant could be alleviated by Applicant's transporting such volumes of natural gas deemed to be excess at Southwestern's Cunningham Plant to Southwestern's Plant X.

Applicant states that on February 18, 1983, it entered into a gas transportation agreement with Cabot, to perform the requested transportation service, whereby Cabot would tender natural gas to Applicant at Cabot's Hobbs Plant located in Lea County, New Mexico, for transportation by Applicant to Southwestern's Plant X, for the account of Cabot.

Applicant states it is not obligated to accept on any day gas in excess of 20,000 Mcf for the account of Cabot and that it would transport approximately 900,000 Mcf of gas during the term of the transportation agreement.

For such transportation service, Applicant proposes to charge Cabot the rate in effect and reflected from time to time as the "Back Haul Charge" as set forth on Sheet No. 1-D.2 of Applicant's FERC Gas Tariff, Third Revised Volume No. 2, or superseding tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15483 Filed 6-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-523-000]

Florida Power & Light Co.; Filing

June 3, 1983.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on May 23, 1983, tendered for filing an Agreement for Specified Transmission Service between FPL and Seminole Electric Cooperative, Inc. (SEC). The Agreement provides the rates, terms, and conditions for delivery of the output of SEC's Seminole Units, Nos. 1 and 2 by FPL to SEC, SEC member delivery points, or to third parties.

FPL requests an effective date of June 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon SEC and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15484 Filed 6-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-34-002 (PGA, IPR)]

Florida Gas Transmission Co.; Revised Tariff Filing

June 3, 1983.

Take notice that on May 19, 1983, Florida Gas Transmission Company (FGT) filed a revised purchase gas adjustment (PGA) with a proposed effective date of May 1, 1983. Such filing was made pursuant to a letter order of the Commission of May 17, 1983, wherein the Commission required FGT to refile its PGA to incorporate the rates in effect as applicable to FGT, of its supplier, Southern Natural Gas Company. The revised tariff filing is composed of:

Original Volume No. 1

31st Revised Sheet No. 3-A

Original Volume No. 2

21st Revised Sheet No. 128

Listed below is a table summarizing the effect of the Commission's letter order on FGT's jurisdictional rates to be effective May 1, 1983.

FGT JURISDICTIONAL RATES EFFECTIVE MAY 1, 1983

(In cents)

	As adjusted	As filed Apr. 4, 1983	Difference
Rate Schedule G (¢/Therm)	32.769	32.904	(.135)
Rate Schedule I (¢/Therm)	31.968	32.404	(.436)
Rate Schedule T-3 (¢/Therm)	43.55	43.68	(.13)

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, Original Volume Nos. 1 and 2 and interested state comissions and is being posted.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,

385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15485 Filed 6-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-4-000 (PGA83-3)]

Granite State Gas Transmission, Inc.; Proposed Revised Changes in Rates Pursuant To Purchase Gas Cost Adjustment Provisions

June 3, 1983.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, on May 23, 1983, tendered for filing Second Substitute, Fourth Revised Sheet No. 7 in its FERC Gas Tariff, First Revised Volume No. 1, containing revised proposed changes in its rates for jurisdictional wholesale sales for effectiveness on May 1, 1983.

According to Granite State, on May 11, 1983, the company filed proposed rates on Substitute Fourth Revised Sheet No. 7 to reflect the effect in its rates of a reduction in the cost of gas purchased from its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco (Tennessee) that Tennessee proposed to make effective May 1, 1983 in a filing in Docket No. TA83-2-9-000 (PGA 83-2). Granite State further states that it has discovered an error of $0.0016 in the revised commodity rates for sales to its affiliate, Northern Utilities, Inc. under Rate Schedule CD-2. The revised rate on Second Substitute Fourth Revised Sheet No. 7 corrects for the overstatement of the adjusted commodity component in Rate Schedule CD-2, according to Granite State.

Granite State requests permission to effect its rate reductions through its purchased gas cost provisions concurrent with the effectiveness of the proposed Tennessee reduction.

According to Granite State, copies of the filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15486 Filed 6-8-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community (EURATOM)

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/ID(EU)-3, from the Federal Republic of Germany to Indonesia, 64.752 kilograms of uranium, containing 12.787 kilograms of U-235 (19.75% enrichment) in the form of fuel elements, for use in the Janus type research reactor, Serpong, Java.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: June 3, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-15393 Filed 6-8-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community (EURATOM)

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Austria Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/EU(AT)-15, from Seibersdorf, Austria, to Julich, the Federal Republic of Germany, fuel spheres and coated particles containing 72.16 grams of uranium, enriched to 6.85% in U-235, 0.90 grams of plutonium, and 21.82 grams of thorium, for post-irradiation examination and ultimate disposal.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: June 3, 1983.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-15394 Filed 6-8-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

National Petroleum Council, Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Miscible Displacement Task Group of the Committee on Enhanced Oil

Recovery will meet in July 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Miscible Displacement Task Group meeting follows:

The Miscible Displacement Task Group will hold its seventh meeting on Wednesday and Thursday, July 13 and 14, 1983, starting at 9:00 a.m. each day, in Room 1603, Mobile Exploration and Production Services, Inc., 7200 North Stemmons Freeway, Dallas, Texas.

The tentative agenda for the Miscible Displacement Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Miscible Displacement Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Miscible Displacement Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on June 3, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-15488 Filed 6-8-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30227; PH-FRL 2364-8]

Certain Companies; Applications To Register Pesticide Products Containing New Active Ingredients

Correction

In FR Doc. 83-13300 beginning on page 22358 in the issue of Wednesday, May 18, 1983, make the following corrections.

1. On page 22359, first column, the first term in the second line reading, "Nmethoxy-* * *" should have read "N-methoxy-* * *".

2. In the same column, fifth line of paragraph numbered "4.", "Inspect" should read "Insect".

BILLING CODE 1505-01-M

[PP-3G2821/T411; PH-FRL 2363-1]

Pesticides; Triforine; Establishment of Temporary Tolerance

Correction

In the document beginning on page 22361 in the issue of Wednesday, May 18, 1983, make the following corrections.

1. On page 22362, first column, at the end of the document the FR Doc. number in the file line now reading "FR Doc. 83-13004" should have read "FR Doc. 83-13064".

2. In the same column, below the last paragraph, the following authority should appear:

"(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))".

BILLING CODE 1505-01-M

[OPTS-59124A ; BH-FRL 2379-1]

Toxic Substances; Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of TM83-47, TM83-48, TM83-49 and TM 83-50, applications for test marketing exemptions (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore C. Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-204, 401 M St., SW., Washington, DC 20460, (202-382-3825).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing distribution in commerce, finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and four the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83-47

Date of Receipt: April 19, 1983.

Notice of Receipt: May 6, 1983 (48 FR 20486).

Applicant: Confidential.

Chemical: Modified poly (amido-amine) (Generic).

Use: Confidential.

Production Volume: Confidential.

Number of Customers: 3 to 4.

Exposure Information: Chemical operators will potentially be exposed to the new TME substance during discharge of the batch into drums and during the cleaning of the filtration equipment. The TME substance is one of the components of a mixture and is prepared *in situ*.

Test Marketing Period: 90 days.

Commencing on: June 1, 1983.

Rish Assessment: No significant health concerns were identified for the TME substance. Exposure to workers will be very low. Although some ecological effects from the TME substance could be expected, the TME substance is prepared *in situ* and will not be released to the environment.

Public comments: None.

TME 83-48

Date of Receipt: April 19, 1983.
Notice of Receipt: May 6, 1983 (48 FR 20486).
Applicant: Confidential.
Chemical: Diamino heteropolycyclic compound (Generic).
Use: Water colorant used as a minor component in industrial, commercial and consumer applications (Generic).
Production Volume: 500 kg.
Number of Customers: 3.
Process Information: Confidential.
Testing Marketing Exemption Period: 120 days.
Commencing on: June 1, 1983.
Risk Assessment: No significant health or environmental effects were identified for the TME substance. Furthermore, any concerns would be mitigated because of low worker exposure during manufacture, processing and use of the chemical. Concern for releases to the environment is further mitigated by information submitted by the company based on results of aquatic testing on the TME substance. Therefore, the Agency finds that the test marketing activities will not result in an unreasonable risk.
Public Comments: None.

TME 83-49

Date of Receipt: April 19, 1983.
Notice of Receipt: May 6, 1983 (43 FR 20486).
Applicant: Confidential.
Chemical: Spiro [isobenzofuran xanthene] (Generic).
Use: Minor color-forming component in paper coatings (Generic).
Production Volume: 1400 kg.
Process Information: Confidential.
Testing Marketing Period: 210 days.
Commencing on: June 1, 1983.
Risk Assessment: Some health concerns were identified for the TME substance based on an analogue. The nature of the process for manufacture and use of the substance is such that no significant worker exposure is expected. Minimal consumer exposure is expected once the chemical is incorporated into an article. There are no significant concerns for environmental effects. Any concerns would be mitigated by low releases to the environment.

TME 83-50

Date of Receipt: April 19, 1983.
Notice of Receipt: May 6, 1983 (48 FR 20486).
Applicant: Confidential.
Chemical: Dialkylphenyl substituted amine (Generic).
Use: Captive intermediate used in the manufacture of a minor component for paper coatings.
Production Volume: 1900 kg.
Process Information: Confidential.
Testing Marketing Period: 210 days.
Commencing on: June 1, 1983.
Risk Assessment: EPA has established that the new test market substance, submitted under TM 83-50, will not present an unreasonable risk of injury to health or to the environment under specific conditions set out in the application. There are no significant health concerns for the TME substance. There are some concerns for environmental effects. However, the concerns are mitigated by the expected low release of the TME substance and on-site treatment of wastes prior to discharge to a publicly owned treatment works (POTW).
Public Comments: None.
The Agency reserves the right to rescind approval of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

Dated: June 1, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-15437 Filed 6-8-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

National Industry Advisory Committee; Radio Communications Subcommittee; Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of the Radio Communications Subcommittee of the National Industry Advisory Committee (NIAC) to be held Tuesday, June 28, 1983. The Subcommittee will meet at the Radio Technical Commission for Aeronautics, 1425 K Street, NW., Suite 500, Washington, D.C. at 10:00 A.M.

Purpose: Initial meeting of the Subcommittee

Agenda: As follows:

1. Opening remarks by Co-Chairmen and introduction of members.
2. Development of Radio Communications Subcommittee Charter.
3. Subcommittee task assignments.
4. Preparation of presentation to the NIAC Long Range Planning Committee.
5. New business.
6. Adjournment.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the NIAC Executive Secretary in the FCC Emergency Communications Division at (202) 634-1549.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-15396 Filed 6-8-83; 8:45 am]
BILLING CODE 6712-01-M

[Report No. 1406]

Petitions for Reconsideration and Applications for Review of Actions in Rulemaking Proceedings

June 1, 1983.

The following listings of applications for review and petitions for reconsiderations filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such applications for review and petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

Subject: Exchange Network Facilities for Interexchange Access. (CC Docket No. 78-371)
Filed by: Michael H. Bader, Kenneth A. Cox, William J. Byrnes & Joel Rothstein Wolfson, Attorneys for MCI Telecommunications Corporation on 5-16-83.

Subject: Amendment of Part 15 of the Commission's Rules to provide for the operation of a TV Interface Device. (Gen Docket No. 79-244, RM's 3328 & 2876)
Filed by: John B. Crosby, Consulting Engineer & Philip R. Strauss, Management Consultant on 4-22-83. (2 separate petitions filed)

Subject: Interconnection Arrangements Between and Among the Domestic and International Record Carriers. (CC Docket No. 82-122)
Filed by: Roderick A. Mette, Vice President & Counsel for TRT Telecommunications Corporation on 5-19-83.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-15397 Filed 6-8-83; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-677-DR]

California; Amendment to Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-677-DR) dated February 9, 1983, and related determinations.

DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice

The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

For Public Assistance, the Counties of: Fresno, Mariposa, Riverside, San Bernardino, Stanislaus, and Tulare.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Louis O. Giuffrida,

Director, Federal Emergency Management Agency.

[FR Doc. 83-15429 Filed 6-8-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-683-DR]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA-683-DR), dated June 1, 1983, and related determinations.

DATED: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice

Notice is hereby given that, in a letter of June 1, 1983, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288) as follows:

I have determined that the damage in certain areas of the State of Mississippi, resulting from severe storms, tornadoes and flooding beginning on or about May 18, 1983, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

Pursuant to Section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Paul E. Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster: Hinds, Madison, and Rankin Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support Federal Emergency Management Agency.

[FR Doc. 83-15430 Filed 6-8-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-680-DR]

Utah; Amendment To Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Utah (FEMA-680-DR), dated April 30, 1983, and related determinations.

DATED: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice

The notice of a major disaster for the State of Utah dated April 30, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 30, 1983.

Davis County for Individual Assistance and Public Assistance. Salt Lake and Sanpete Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-15429 Filed 6-8-83; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Agreements Filed; Port of Seattle/ Foss-Alaska Line Terminal, et al.

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the Federal Register in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No. T-3591-1.

Title: Port of Seattle/Foss-Alaska Line Terminal Lease Agreement Amendment.

Parties: Port of Seattle and Foss-Alaska Line.

Synopsis: Agreement No. T-3591-1 amends the basic agreement by granting the lessee one additional five-year renewal option, increasing the leased premises from 14.951 acres to 17.435 acres with an option for an additional 5.667 acres, with a corresponding increase in rental.

Filing party: H. H. Wittren, Associate Director of Real Estate, Leasing, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No. T-3685-3.

Title: City of Long Beach ((City)/ Maersk Line Pacific, Ltd. (Maersk) Preferential Assignment Agreement Amendment.

Parties: City of Long Beach and Maersk Line Pacific, Ltd.

Synopsis: Agreement No. T-3685-3 amends the basic agreement by adjusting the compensation for the two container cranes which are assigned by City to Maersk. Compensation consists of a fixed amount to cover depreciation and return on investment, plus payment of actual operating expenses.

Filing party: Richard L. Landes, Deputy Office of the City Attorney of Long Beach, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Agreement No. 9847-8.

Title: U.S. Atlantic Ports/Brazil Pooling Agreement.

Parties: Companhia De Navegacao Loide Brasileiro, Moore McCormack Lines, Netumar Line.

Synopisis: This amendment changes the minimum sailing requirements of both parties to four direct sailings in each two-month periods, but with a minimum of thirteen direct sailings and forty direct port calls per six-month pool accounting periods.

Filing agent: John D. Straton, Jr., Esquire, Moore McCormack Lines, 12 Commerce Drive, Cranford, New Jersey 07016.

Agreement No. 10414-3.

Title: People's Republic of China-USA Eastbound Rate Agreement.

Parties: American President Lines, Ltd., Lykes Bros. Steamship Company, Inc., Sea-Land Service, Inc., United States Lines, Inc., Waterman Steamship Corporation.

Synopsis: The amendment proposes to (1) Extend the effectiveness of the basic Agreement beyond its current expiration date of September 30, 1983, for an indefinite term, and (2) amend the basic Agreement to provide for the addition of intermodal ratemaking authority.

Filing agent: Robert A. Peavy, Esquire, Morgan, Lewis & Bockus, 1800 M Street, N.W., Washington, D.C. 20036.

Dated: June 6, 1983.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-15385 Filed 6-8-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

InterFirst Corp., et al.; Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each applicaiton, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *InterFirst Corporation,* Dallas, Texas; to acquire 100 percent of the voting shares or assets of first National Bank of Richardson, Richardson, Texas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Comments on this application must be received not later than July 1, 1983.

2. *Industrial Bancshares, Inc.,* Kansas City, Kansas; to acquire an interest in One Security, Inc., Kansas City, Kansas and thereby indirectly acquire an interest in Security National Bank, Kansas City, Kansas. This application may be inspected at the offices of the Board of Governors of the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than July 1, 1983.

3. *Mission Bancshares, Inc.,* Mission, Kansas; to acquire an interest in One Security, Inc., Kansas City, Kansas, and thereby indirectly acquire an interest in Security National Bank, Kansas City, Kansas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than July 1, 1983.

4. *Valley View Bancshares, Inc.,* Overland Park, Kansas; to acquire an interest in One Security, Inc., Kansas City, Kansas, and thereby indirectly acquire an interest in Security National Bank, Kansas City, Kansas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than July 1, 1983.

Board of Governors of the Federal Reserve System, June 3, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15391 Filed 6-8-83; 8:45 am]

BILLING CODE 6210-01-M

Raleigh Bankshares, Inc., et al.; Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of bank, The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must inlcude a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. **Raleigh Bankshares, Inc.,** Beckley, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Raleigh, Beckley, West Virginia. Comments on this application must be received not later than June 29, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Arkansas State Bankshares, Inc.,* Clarksville, Arkansas; to become a bank holding company by acquiring Arkansas

State Bank, Clarksville, Arkansas through acquisition of 100 percent of its parent, Arkansas State Bank Corporation. Comments on this application must be received not later than July 1, 1983.

2. *First Bancorp of Russell County, Inc.*, Russell Springs, Kentucky; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank of Russell Springs, Russell Springs, Kentucky. Comments on this application must be received not later than June 29, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *QCB Bancorp*, Long Beach, California; to become a bank holding company by acquiring 100 percent of the voting shares of Queen City Bank, N.A., Long Beach, California. Comments on this application must be received not later than July 1, 1983.

D. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *One Security Inc.*, Kansas City, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Security Bancshares, Inc., Kansas City, Kansas, and thereby indirectly acquire control of Security National Bank, Kansas City, Kansas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than July 1, 1983.

Board of Governors of the Federal Reserve System, June 3, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15392 Filed 6-8-83; 8:45 am]

BILLING CODE 6210-01-M

United National Bancorporation; Bank Holding Company; Proposed de Novo Nonbank Activities

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *United National Bancorporation*, Huntingdon, Pennsylvania (mortgage banking activities; Pennsylvania): To engage *de novo* through its proposed subsidiary, Unitas Mortgage Corporation, Harrisburg, Pennsylvania, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit secured by a lien on real estate in accordance with the Board's Regulation Y. These activities would be conducted from offices located in Huntingdon, Willow Hill, and Chambersburg, Pennsylvania. Comments on this application must be received not later than June 29, 1983.

Board of Governors of the Federal Reserve System, June 3, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15389 Filed 6-8-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) Transaction Number 83-0274. Blue Circle Industries, PLC's proposed acquisition of certain assets of Martin Marietta Corporation.	May 19, 1983.
(2) Transaction Number 83-0282. Weyerhaeuser Company's proposed acquisition of voting securities of Great Northern Insured Annuity Corporation (Washington Mutual Savings Bank, UPE).	May 24, 1983.
(3) Transaction Number 83-0283. Richardson Vicks, Incorporated's proposed acquisition of all voting securities of Vidal Sasoon, Incorporated.	May 23, 1983.
(4) Transaction Number 83-0299. Promode S.A.'s proposed acquisition of all voting securities of Houchens Industries, Incorporated (Ervin G. Houchens, UPE).	Do.
(5) Transaction Number 83-0302. Promodes S.A.'s proposed acquisition of all voting securities of Houchens Industries, Inc. (Gilbert M. Biggers and Covella Biggers, UPE).	Do.
(6) Transaction Number 83-0306. Contran Corporation's for "The 1964 Simmons Trust" proposed acquisition of voting securities of Kerr Glass Manufacturing Corporation.	May 24, 1983.
(7) Transaction Number 83-0337. International Telephone and Telegraph Corporation's proposed acquisition of certain voting securities of Piper Jaffray, Incorporated (Piper Jaffray ESOT).	May 20, 1983.
(8) Transaction Number 83-0338. Union Pacific Corporation's proposed acquisition of certain assets of Edgington Oil Company Incorporated (Khamsin, UPE).	May 23, 1983.
(9) Transaction Number 83-0345. A. Johnson & Company's proposed acquisition of all voting securities of Heilman Laboratories, Inc.	May 19, 1983.
(10) Transaction Number 83-0346. P.I.T.S. Films' proposed acquisition of assets of Tandem Productions, Incorporated, (Alan D. Yorkin, UPE).	May 24, 1983
(11) Transaction Number 83-0349. P.I.T.S. Films' proposed acquisition of assets of Tandem Productions, Incorporated (Norman Lear, UPE).	Do.
(12) Transaction Number 83-0347. Bass Brothers Enterprises, Incorporated's proposed acquisition of certain assets of F.M.I. Financial Corporation.	May 26, 1983.
(13) Transaction Number 83-0354. Rorer Group, Incorporated's proposed acquisition of voting securities of Kremers-Urban Company.	Do.

Transaction	Waiting period terminated effective
(14) Transaction Number 83-0355. Global Investment Limited Partnership's proposed acquisition of assets of Canso Oil and Gas, Incorporated (United Canso Oil and Gas, Ltd.).	Do.
(15) Transaction Number 83-0350. Dynelectron Corporation's proposed acquisition of voting securities of Anson Industries, Incorporated.	May 27, 1983.
(16) Transaction Number 83-0343. Extendicare, Ltd.'s proposed acquisition of all voting securities of Unicare Services, Inc. (Joseph J. Zilber, UPE).	Do.
(17) Transaction Number 83-0397. Westinghouse Electric Corporation's proposed acquisition of all voting securities of all voting securities of Fortin Laminating Corporation (Monogram Industries, UPE).	Do.
(18) Transaction Number 83-0269. Westinghouse Electric Corporation's proposed acquisition of all voting securities of Fortin Laminating Corporation (Joseph A. Delgadillo, UPE).	Do.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3694.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 83-15431 Filed 6-8-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Privacy Act of 1974; Altered System of Records

AGENCY: Public Health Service, Health and Human Services Department.

ACTION: Notification of altered Privacy Act system of records 09-25-0074, "Clinical Research: Division of Cancer Biology and Diagnosis Patient Trials, HHS/NIH/NCI."

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to alter system of records 09-25-0074, "Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials, HHS/NIH/NCI."

The purpose of the alteration is to modify an existing system of records into an umbrella system by broadening both the categories of individuals under this system and the purposes for which the system is used. The name of the system of records is also being changed to reflect the alteration. The new name is "Clinical Research: Division of Cancer Biology and Diagnosis Patient Trials, HHS/NIH/NCI."

PHS invites interested persons to submit comments on the proposed alteration on or before July 11 1983.

DATE: PHS has sent a report of Altered System to the Congress and to the Office of Management and Budget on June 1, 1983. The alteration of this system of records will be effective 60 days from the date submitted to OMB unless PHS receives comments on the alteration which would result in a contrary determination.

ADDRESS: Comments should be addressed to the NIH Privacy Act Coordinator at the address listed below. Comments received will be available for inspection during office hours in Room 3B03, Building 31, at that address.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth Thibodeau, NIH Privacy Act Coordinator, Building 31, Room 3B07, 9000 Rockville Pike, Bethesda, MD 20205 or call 301-496-4606. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: At present, this system covers patient studies undertaken by the National Cancer Institute (NCI), Division of Cancer Biology and Diagnosis (DCBD) in connection with the Veterans Administration. The proposed alteration will broaden the categories of individuals, which has been limited to those in bladder and prostate cancer studies, to include participants in other patient studies of DCBD. DCBD intends to expand and diversify the scope of its patient studies to include patients with other types of cancer, individuals being tested for possible cancer, and normal controls, and to include research on biological markers to detect cancer and to monitor treatment. This expansion is consistent with the mission of DCBD to plan and direct NCI research activities relating to cancer biology and diagnosis. Rather than create a separate system of records to describe records maintained in individual research projects, DCBD is modifying an existing system of records, 09-25-0074, so that it may cover the records of any patient studies undertaken by the Division, when these records fall under the definition of system of records in the Privacy Act.

NCI has modified the description of categories of individuals in the system notice to include the full range of persons studied by DCBD. To reflect the expanded coverage, NCI has changed the name of the system from "Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials, HHS/NIH/NCI" to "Clinical Research: Divisionof Cancer Biology and Diagnosis Patient Trials, HHS/NIH/NCI." The "System Location" and "Safeguards" sections of the notice have been changed to reflect the expansion of the system. In addition, the "Purpose section has been clarified to describe the various types of research that may be undertaken by DCBD.

The research supported by this system may involve both scientists on the staff of NCI and other scientists working under contracts awarded competitively by NCI or under agreement with other Federal agencies, such as the Veterans Administration, NCI may award research contracts to hospitals and clinics, to educational and research institutions, to State or local government agencies, or to commercial enterprises.

NCI will organize and maintain the records collected under this system according to the particular study in which they are collected. Records will not be entered into a general or comprehensive data base, nor will there be any general index identifying all persons who are subjects of records in the separate studies covered by this system. However, NCI is treating the separate sets of records as a single system under the Privacy Act (1) because all of the sets of records serve the same biomedical research purposes and contain similar types of data, (2) in order to apply consistent policies and practices in the maintenance of such records, and (3) to make it easier for subject individuals to obtain notification of, or access to, their records.

No changes are being proposed in the routine uses established for this system.

This system notice was last published in the **Federal Register** on October 13, 1982 (47 FR 45812-13). We are republishing the system notice in its entirety below to incorporate the proposed alteration.

Dated: June 3, 1983.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09-25-0074

SYSTEM NAME:

Clinical Research: Division of Cancer Biology and Diagnosis Patient Trials, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

and at hospitals and clinics, educational and research institutions, Federal, State or local government agencies, and

private facilities under contract to the National Cancer Institute (NCI), National Institutes of Health (NIH). Write to system manager for a list of current locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Cancer patients, individuals undergoing biopsies, and normal controls in clinical studies of the Division of Cancer Biology and Diagnosis (DCBD).

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical and treatment history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority is provided by Sections 301, Research and Investigation, and Title IV, Part A, National Cancer Institute, of the Public Health Service Act (42 U.S.C. 241, 281–286).

PURPOSE(S):

This system is used to support research:

(1) To compare cancer diagnostic tests;

(2) To develop statistical methodology;

(3) To trace the natural history of the cancer under study, and

(4) To develop, evaluate and verify biological markers for early cancer detection and for monitoring treatment success.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of an individual in repsonse to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to comply with the Privacy Act with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in files and on computer tapes and discs.

RETRIEVABILITY:

Records are retrieved by coded identification number.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as approriate for each location and for the particular records maintained in each project. Each site implements administrative, physical and procedural safeguards such as the following:

Authorized Users: employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute and its contractors whose duties require the use of such information. One-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards Records are kept and computer terminals are kept in limited-access areas, where access is strictly controlled as described immediately above.

Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

Procedural Safeguards: Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

Contractors who maintain records in this system are instructed to make no further disclosure of the records except as authorized by the system manager.

Privacy Act requirements are specifically included in contracts. NCI contract officers and project officers oversee compliance with these requirements.

The particular safeguards implemented at each site are developed in accordance with chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS.hf: 45–13, and part 6, "ADP Systems Security," of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records are retained in accordance with NIH Records Control Schedule, item 3000–G–3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Computer Systems Manager, DCBD, Landow Building, Room 5C08, NIH, 7910 Woodmont Avenue, Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought, and your reasons for requesting the correction, with supporting evidence to justify it.

RECORD SOURCE CATEGORIES:

Hospitals, medical schools, universities, research institutions, commercial institutions, state agencies,

other U.S. Government agencies, patients and normal volunteers, physicians, research investigators, and other collaborating personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-15500 Filed 6-8-83; 8:45 am]
BILLING CODE 4140-01-M

Privacy Act of 1974; Proposed Major Alteration to Existing System of Records

AGENCY: Public Health Service, Health and Human Services Department.

ACTION: Notification of Proposed Major Alteration to an Existing System of Records: 09-30-0041, "Participants in Drug Abuse Research Studies Supporting New Drug Applications," HHS/ADAMHA/NIDA.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a proposed altered system of records, to be renamed "Participants in Drug Abuse Research Studies Supporting New Drug Applications," HHS/ADAMHA/NIDA, in the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), National Institute on Drug Abuse (NIDA). The system is currently entitled "Subject-Participants in a Drug Abuse Research Study on Naltrexone." We propose to alter the existing system to incorporate a second study with a narcotic agonist, LAAM (levo-alpha-acetylmethadol), thus creating an umbrella system. PHS invites interested parties to submit comments on the proposed alteration on or before July 11, 1983.

We are not proposing changes to the nature of the routine use for this system of records but are rewording it to accommodate the LAAM study. This technical revision, in and of itself, does not require a public comment period. Additional technical changes to accommodate the LAAM study also appear elsewhere in the system notice.

DATES: PHS has sent a Report of An Altered System to the Congress and the Office of Management and Budget (OMB) on June 1, 1983. The altered system of records will be effective 60 days from the date submitted to OMB, unless PHS receives comments on the revisions which would result in a contrary determination.

ADDRESS: Please address comments to: Privacy Act Officer, Office of Extramural Policy and Project Review, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 10-42, Rockville, Maryland 20857.

Comments received will be available for inspection at the same address, from 8:00 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Harold M. Ginzburg, M.D., M.P.H., Project Officer, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 10-A-38, Rockville, Maryland 20857, Telephone: (301) 443-6697. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: One purpose of the system is to compile and maintain information (data base) required by the Food and Drug Administration (FDA) in the development and approval of new drug applications for naltrexone, a narcotic antagonist, and under the proposed alteration, LAAM (levo-alpha-acetylmethadol), a narcotic agonist. (A narcotic antagonist is a substance which negates the effect of opiates. A narcotic agonist is a psychoactive substance that acts like a natural narcotic. A new drug application is a notice to FDA that a pharmaceutical company believes they have enough data to demonstrate the safety and efficacy of a substance to satisfy FDA requirements for marketing the substance.) NIDA will also analyze the aggregate data to determine the effectiveness of naltrexone and LAAM in various treatment environments and modalities.

Altering the existing system is more practical and appropriate than creating a separate system because of the similar nature of the contents and uses of the two sets of records. Both sets of records provide data that are and will be used in determining the effectiveness of therapeutic uses of drugs of abuse through examination of the pattern of life events of drug abusers during the period of time they were enrolled with the participating drug abuse treatment programs. The records in the system were collected under, and are subject to, the protective restrictions of the Confidentiality of Alcohol and Drug Abuse Records Regulation (42 CFR Part 2).

NIDA will maintain the records in the LAAM study in the secure manner described in the system notice until FDA makes a determination on the new drug application. The contractor maintains records in the naltrexone study as described in the system notice. In both cases NIDA uses individually identified information only to identify and match data to the correct subject-participant in the event that FDA should require review of that record. Personal identifiers are deleted before any release of the information by NIDA.

One routine use is approved for the system which reads as follows: "Endo Laboratories, an ADAMHA contractor, uses the records in the system in order to accomplish the research purposes for which the records were collected. In the event of a followup study or continuation study because the contract has been terminated for convenience by the Government, the contractor may disclose records in this system to a subsequent ADAMHA contractor. The new contractor would be required to maintain Privacy Act safeguards with respect to such records and to comply with the confidentiality restrictions of 42 CFR Part 2."

We are altering the wording of the routine use to accommodate the LAAM study. The new wording reads as follows:

"ADAMHA contractors use the records in the system in order to accomplish the research purposes for which the records were collected. In the event of a followup study or continuation study, the responsible System Manager may disclose the records in this system at the direction of the responsible Project Officer to a subsequent ADAMHA contractor(s). Any new contractor(s) would be required to maintain Privacy Act safeguards with respect to such records and to comply with the confidentiality restrictions of 42 CFR Part 2."

Four other, related, alterations to the system are: (1) A new system location has been added; (2) the period of time in which the completed LAAM study occurred has been added; (3) the categories of individuals have been expanded to include the clients who sought to use LAAM as part of their treatment; and (4) retention time of the records has been increased to 15 years.

The system notice was published most recently in the **Federal Register** October 13, 1982 (47 FR 45466-45467). We are republishing the notice in its entirety below to incorporate the proposed alterations.

Dated: June 3, 1983.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09-30-0041

SYSTEM NAME:

Subject-Participants in Drug Abuse Research Studies Supporting New Drug Applications, HHS/ADAMAHA/NIDA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

DuPont Enterprises, 1000 Stewart Avenue, Garden City, New York 11530. Division of Clinical Research, National Institute on Drug Abuse, 5600 Fishers Lane, Room 10–A–38, Rockville, Maryland 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary adult clients of federally-funded and other drug abuse treatment programs who have requested to receive naltrexone or levo-alpha acetylmethadol (LAAM) as part of their treatment. Data collection for LAAM began in 1975 and continued through September 1979; and, for naltrexone began in 1977 and will continue through 1983.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic data, treatment outcome data, treatment process data, client locator information, and personal identifiers (name and assigned numerical identifier).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Prevention, Treatment and Rehabilitation Act, Section 503 (21 U.S.C. 1193); Public Health Service Act, Sections 301(a) and 303(a) (42 U.S.C. 241(a) and 242a(a)).

PURPOSE(S):

1. To maintain information on the effectiveness of drugs of abuse in various treatment environments and modalities and changes in the behavior and characteristics of drug abusers who received these substances as part of their treatment regimen.

2. To provide data required by the Food and Drug Administration (FDA) to support new drug applications for various drugs of abuse. A new drug application is a notice to FDA that a pharmaceutical company believes they have enough data to demonstrate the safety and efficacy of a substance to satisfy FDA for marketing the substance. FDA may also use the records in a form which does not identify individuals in routine inspections FDA conducts in accordance with its responsibilities to develop standards on the composition, quality, safety, and efficacy of drugs administered to humans, and to monitor experimental usage of drugs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

ADAMHA contractor(s) use the records in the system in order to accomplish the research purposes for which the records were collected. In the event of a followup study or continuation study the responsible Project Officer may disclose records in this system to a subsequent ADAMHA contractor(s). Any new contractor(s) would be required to maintain Privacy Act safeguards with respect to such records and to comply with the confidentiality restrictions of 42 CFR Part 2.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Interview forms, magnetic tapes, disks and microfiche in boxes in closed cabinets in a locked room with limited accesibility.

RETRIEVABILITY:

The records are indexed and retrieved by subject-particiant's name and unique numerical identifier. In order to relate the data collected to specific individuals, however, one must use the link file discussed under Safeguards.

SAFEGUARDS:

The safeguards which follow are in accordance with the DHHS Chaper 45–13 and supplementary Chapter PHS.hf: 45–13 in the HHS General Administration Manual and Part 6, "ADP System Security" in the HHS ADP Systems Security Manual.

Physical Security: For the naltrexone records, the contractor stores individually indentified forms in a locked room with controlled entry; i.e., only on the written authority of the professional staff member in charge of data handling and processing operations. The contractor staff enter the collected information onto computer tape or disks as soon after contact with the subject-participant as possible and store the computerized records in a secured area with access limited as above.

For the LAAM records, NIDA stores the individually indentified forms in a lockable cabinet in a secure room. Only authorized NIDA personnel; i.e., Division of Clinical Research Director or System Manager and their professional staff (research psychologist or research psychiatrist) and their support staff (program assistant, clerk-typist, or secretary) have access to the room with controlled entry. The room is in a building which has a 24-hour guard service and has controlled entry (picture identification sign in/out procedure) before and after normal working hours.

Another safeguard for both studies is that the forms containing subject identification information do not include any reference to the purpose of the study. The identification information is separate from any information that would suggest that the respondent is or has been in a drug abuse treatment program. In addition, the computer center being utilized for the naltrexone study has developed an extensive security system to protect computer account codes and data.

Technical Security: Access to the computerized records of the naltrexone study is protected by a computerized password routine which is changed periodically. In addition, the project staff complies with the contractor's DuPont enterprises standard procedures for safeguarding data. The link file system that identifies individuals with personal data has three components: (1) identification information (2) data base information, and (3) the link file, which contains identifying number pairs which match data with individuals. The advantage of this system is that one may use the baseline data directly for report generation, etc., without using the subroutines or accessing the personal information or link files.

Administrative Security: For the naltrexone study, the data management task leader, the project leader, or the project director provide technical supervision of all data collection and processing activities. Only authorized contract staff have access to the records (computerized and hard copy files) in the system. The contractor provides only aggregate data in reports to NIDA, FDA, or the public. Only the NIDA personnel mentioned previously and selected authorized contract staff have access to the stored LAAM records.

A Certificate of Confidentiality has been issued to researchers conducting the naltrexone study under 42 CFR Part 2a, Protection of Identity-Research Subjects. This authorization enables persons engaged in research on mental health, including research on the use and effect of psychoactive drugs, to protect the privacy of research subjects by withholding the names or other identifying characteristics from all persons not connected with the conduct of the research. Persons so authorized may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals. The LAAM study was not conducted under a certificate of confidentiality. These regulations do not prohibit voluntary disclosure by the researcher.

However, records of both studies also are subject to 42 CFR Part 2, the confidentiality of alcohol and Drug Abuse Patient Records Regulations (42 CFR 2.56), which state: "Where the content of patient records has been disclosed pursuant to [these regulations] for the purpose of conducting scientific research * * * information contained therein which would directly or indirectly identify any patient may not be disclosed by the recipient thereof either voluntarily or in response to any legal process whether Federal or State."

The contractor's Institutional Review Board has reviewed and approved the safeguards described above in accordance with 45 CFR Part 46 on the protection of human subjects for the naltrexone study.

RETENTION AND DISPOSAL

The naltrexone contractor staff destroys interview forms by shredding or burning immediately after they complete direct entry on magnetic tape or disk storage and verify the information. NIDA will destroy individual identification data and match-up information by shredding and burning 15 years after FDA completes the review and approves the new drug applications.

NIDA will retain the aggregate data tapes from both studies for research purposes. These tapes will not have any individually identifiable information. In accordance with the ADAMHA Records Control Schedule, the aggregate tapes will be retained for five years after the completion of the project. At that time, the tapes will be retired to the Federal Records Center and destroyed when they are 10 years old or when they are no longer needed for research purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Naltrexone/LAAM Study, Division of Clinical Research, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 10-A-38, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

An individual may determine if a record exists about himself or herself upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, to the System Manager at the address above. The following information should be included, if known: subject-participant's full name and a letter of request with notarized signature of the subject-participant of the record, any alias used, subject-participant's identification number, name of the researcher, name of substance, and approximate date of study participation.

An individual who requests notification of a medical record shall, at the time the request is made, must designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Research subject-participants, staff in the participating drug abuse treatment programs, written clinical evaluations, private physicians, counselors, psychiatrists, psychotherapists, family members, research assistants, and hospital records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-15501 Filed 6-8-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-83-1246]

Availability of Funding Under the Fair Housing Assistance Program; Noncompetitive Solicitation

Correction

In FR Doc. 83-14592 beginning on page 24468 in the issue of Wednesday, June 1, 1983, make the following corection.

On page 24468, second column, sixth line of the "**SUPPLEMENTARY INFORMATION**" section, "July 1, 1983" should read "June 1, 1983".

BILLING CODE 1505-01-M

Office of the Secretary

[Docket No. D-83-699]

Redelegation of Authority to Regional Private Market Financing Specialist (Financial Analyst, Series 1160), Region I

AGENCY: Office of Regional Housing, Region I (Boston), HUD.

ACTION: Redelegation of authority relating to financing and refinancing of housing under the United States Housing Act of 1937.

SUMMARY: The authority of the Secretary relating to financing and refinancing of housing assisted under the United States Housing Act of 1937, as amended, is currently redelegated from the Assistant Secretary for Housing to Regional Administrators, Deputy Regional Administrators, and Directors of the Offices of Regional Housing. The redelegation included the authority to further redelegate. Pursuant to that redelegation, the authority of the Director of the Office of Regional Housing, Region I, is further redelegated to the Regional Private Market Financing Specialist (Financial Analyst, Series 1160), Region I.

EFFECTIVE DATE: February 7, 1983.

FOR FURTHER INFORMATION CONTACT: Marvin H. Lerman, Regional Counsel, Department of Housing and Urban Development, JFK Federal Building, Room 801, Government Center, Boston, MA 02203, (617) 223-4321. This is not a toll-free number.

Accordingly: 1. The regional Private Market Financing Specialist (Financial Analyst, Series 1160), Region I is authorized to exercise the private market financing authority redelegated in Paragraph 1 of Redelegation of Authority, published at 48 FR 6593 (1983).

2. Authority: Paragraph 2 of Redelegation of Authority, published at 48 FR 6593 (1983).

Dated: February 7, 1983.

Nick Nibi,

Director, Office of Regional Housing, Region I.

[FR Doc. 83-15405 Filed 6-8-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1248]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension of reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Single Family Default Monitoring System
Office: Housing
Form No.: HUD–92068A, 92068B and 92068C
Frequency of submission: Monthly/Quarterly
Affected public: Businesses or Other Institutions (except farms)
Estimated burden hours: 58,000
Status: Extension
Contact: Richard B. Buchheit, HUD, (202) 755–6672, Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 11, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83–15406 Filed 6–8–83; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–83–1249]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Computation of Payments in Lieu of Taxes
Ofice: Housing
Form No.: HUD–52267
Frequency of submission: On occasion
Affected public: State or Local Governments
Estimated burden hours: 1,400
Status: New
Contact: Kenneth Moul, HUD, (202) 755–8145, Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 24, 1983.

Lee Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83–15407 Filed 6–8–83; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Desert District; Annual Special Recreation Use Permits

AGENCY: Bureau of Land Management, Interior.

ACTION: Open period for accepting applications for annual Special Recreation Use Permits.

SUMMARY: Beginning June 1, 1983, The California Desert Conservation Area's District Manager will be accepting Special Recreation Permit applications for competitive and commercial off-road vehicle events in designated areas of the California Desert Conservation Area until July 31, 1983 for the 1984 calendar year. Applications will not be accepted after July 31, 1983. Applications for noncompetitive and non-commercial events must be filed 120 days before the event.

This notice is given under the authority of the Federal Land Policy and Management Act (Pub. L. 94–579), Executive Order 11644, as amended by Executive Order 11989, and Bureau of Land Management Code and Regulations 43 CFR 8372.

Send applications to District Manager, California Desert Conservation Area District Office, 1695 Spruce Street, Riverside, California 92507, or District Manager.

Dated: June 3, 1983.

Gerald E. Hillier

District Manager, California Desert District.

[FR Doc. 83–15403 Filed 6–8–83; 8:45 am]

BILLING CODE 4310–84–M

[M–57645]

Montana; Notice of Realty Action—Sale of Public Land in Garfield County, Montana

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of Realty Action M–57645, Modified Competitive Sale of Public Land in Garfield County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than the fair market value ($23,800.00).

Principal Montana Meridian

T. 20 N., R. 32 E.,
Sec. 7: SW¼SE¼;
Sec. 10: NW¼SE¼;
Sec. 22: E½E½, SW¼SE¼;
Sec. 23: N½NW¼.
Aggregating 360.00 acres.

The land will be offered for sale by sealed bid using modified competitive bidding procedures designating Mike Pierson of Brusett, Montana, as having the right to meet any high bid. The sale will be held on August 24, 1983.

The subject land is located approximately 50 miles west of Jordan, Montana, in the Missouri River Breaks. These lands are of moderately rough terrain with Ponderosa Pine and native grasses as the dominant vegetation. There is no water and no improvements present. Physical access is possible over ranch trails. There is legal access to the NW¼SE¼, Section 10; the remaining 320 acres is without legal access.

Private lands completely surround these lands. All of these lands are isolated, scattered parcels of 40 acres, 40 acres and 280 acres respectively.

The proposed sale is consistent with the Bureau's planning system, and Garfield County government officials have been notified.

Terms and Conditions

1. All minerals and the right to explore for, mine and remove will be reserved to the United States.
2. A right-of-way for ditches or canals will be reserved to the United States.
3. This sale is subject to any valid existing rights of record.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. Any comments will be evaluated by the Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this Notice of Realty Action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION: Information relating to this sale, including the land report/environmental assessment, is available at the Miles City District Office, west of Miles City, Montana.

SUPPLEMENTARY INFORMATION:

Bidder Qualifications: The bidder must be a U.S. citizen or, in the case of a corporation, subject to the laws of any state or the U.S. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands under the laws of the State of Montana. Bids must be made by the principal or authorized agent.

Bid Standards: No bid will be accepted for less than the appraised fair market value $23,800.00. All bids must be for all of the land identified in this notice.

Method of Bidding: The land will be sold by sealed bid. Each bid must be accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Bureau of Land Management for not less than one-fifty of the bid amount.

The sealed bid envelope must be marked in the lower left hand corner as follows: Public Land Sale M–57645, August 24, 183.

The sealed bid must be received at the following address prior to August 24, 1983. Bureau of Land Management, Montana State Office, P.O. Box 30157, Billings, Montana 59107.

If two or more envelopes containing valid bids of the same amount are received, the highest bid shall be determined by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying bid shall then be publicly declared.

Modified Bidding: For a period of 30 days following the date of sale, Mike Pierson of Brusett, Montana, the designated bidder, will be offered the right to meet the highest qualifying bid. The designated bidder must submit a bid of at least the fair market value prior to the sale date in order to be considered under the modified bidding provisions. If he meets the highest bid, the land will be sold to him, and the other bid will be returned. His refusal to meet the highest bid or to submit any bid at all prior to the sale date shall constitute a waiver of such bidding provisions.

Final Details: Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within 30 days. Failure to submit the required amount within the allotted time will result in forfeiture of the deposit, and the lands will be offered to the next qualifying bidder. If the public lands are not sold on the sale date, they may remain available for sale on a continuing basis until sold.

Dated: June 3, 1983.

Robert A. Teegarden,

Acting District Manager.

[FR Doc. 83–15400 Filed 6–8–83; 8:45 am]

BILLING CODE 4310–84–M

[M–56542]

Montana; Notice of Realty Action—Modified Competitive sale of Public Land in Garfield County, Montana

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of Realty Action M–56542, Modified Competitive Sale of Public Land in Garfield County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than the fair market value ($6,000.00):

Principal Montana Meridian

T. 19 N., R. 35 E.,
Sec. 3: E½SE¼
80.00 acres.

The land will be offered for sale by sealed bid utilizing modified competitive bidding procedures on August 24, 1983.

The subject land is located approximately 20 miles west of Jordan, Montana. The lands are isolated from other public lands, difficult and

uneconomical to manage and are not suitable for management by another federal agency. The subject lands have been thoroughly examined and there are no public values which would be lost due to disposal. This sale is consistent with the Bureau's planning efforts, and local county government officials have been contacted. This 80 acres is adjacent to a county road and has physical and legal access. The terrain is flat, and vegetation is sagebrush/grassland mix without any trees or brush present. There is no water on these lands. Mr. Clark Murnion has an authorized permit for a fence on these lands. The transfer of this tract into private ownership will benefit the public interest and provide for better land management.

Terms and Conditions

The terms and conditions applicable to this sale are:

1. All minerals will be reserved to the United States, together with the right to explore, prospect for, mine and remove same under applicable law and regulations;
2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945;
3. The sale of these lands will be subject to all valid existing rights and reservations of record;
4. If Clark Murnion is not the successful bidder, the successful bidder must compensate Mr. Murnion for the fence he has an authorized permit for, as per 43 CFR 4120.6–6(c).

DATE: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Managment, at the address shown below. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information relating to the sale, including planning documents, environmental assessment and land report, is available for review at the Miles City District Office, west of Miles City, Miles City, Montana.

SUPPLEMENTARY INFORMATION:

Bidder Qualifications: The bidder must be a U.S. citizen or, in the case of a corporation, subject to the laws of any state or the U.S. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying land or interests therein under the laws of the State of Montana. Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised fair market value of $6,000.00 and bids must include all of the land identified in this notice.

Method of Bidding: The land will be sold by sealed bid. Each bid must be accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount bid.

The sealed bid envelope must be marked in the lower left hand corner as follows:

Public Sale M–56542
August 24, 1983

The sealed bid must be received at the following address prior to August 24, 1983. Bureau of Land Management, Montana State Office, P.O. Box 30157, Billings, Montana 59107.

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying sealed bid shall then be publicly declared.

Modified Bidding: For a period of 30 days following the date of the sale, Clark Murnion of Jordan, Montana, the designated bidder, will be offered the right to meet the highest qualifying bid. The designated bidder must submit a bid of at least the fair market value prior to the sale date in order to be considered under the modified bidding provisions. If he meets the highest bid the land will be sold to him, and the other bid will be returned. His refusal to meet the highest bid or to submit any bid at all prior to the sale date shall constitute a waiver of such bidding provisions.

Final Details: Once a bid is accepted, the successful bidder shall submit the remainder of the full bid price within 30 days. Failure to submit the required amount within the 30-day time period will result in forfeiture of the deposit, and the lands will be offered to the next qualifying bidder. If the public lands are not sold on the sale date, they may remain available for sale on a continuing basis until sold.

Dated: June 3, 1983.

Robert A. Teegarden,

Acting District Manager.

[FR Doc. 83–15309 Filed 6–8–83; 8:45 am]
BILLING CODE 4310–84–M

[Exchange CA 13381]

Realty Action; Public Lands in Humboldt County, Calif.; Correction

In FR Doc. 82–23314, pages 37709 and 37710 of the Thursday, August 26, 1982 issue, the following tract of public land was indentified for disposal by exchange case Serial No. CA 12776:

T. 2 S., R. 1 W., Humboldt Meridian,
Sec. 11, SW¼SE¼;
Sec. 13, N½NW¼, SE¼NW¼;
Sec. 14, N½NE¼, NE¼NW¼.
Containing 280.0 acres, more or less.

This parcel will not be a part of Exchange CA 12776. It has been determined that that parcel remains suitable for disposal and will become a part of Exchange Serial No. CA 13881 under the provision fo Pub. L. 91–476, an Act to provide for the establishment of the King Range National Conservation Area (84 Stat. 1067) and Section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756).

The Pacific Lumber Company, Scotia, California 95565 has filed notice to acquire the above described land in exchange for the following described privately owned lands.

Humboldt Meridian

Lots 1, 2, 3, 4, 8 and 9 in Block 115; and Lot 11 in Block 151 of Tract No. 42, Shelter Cover Subdivision as per Map recorded in Book 14, Pages 73 to 138 inclusive of Maps, in the office of the County Recorder of said County, as Amended by Amending Map recorded in Book 15, Pages 64 to 116 inclusive of Maps, in the office of the County Recorder of said County.

Excepting Therefrom all the water and water rights in, under, or flowing over said property or appurtenant thereto and 50% of all oil, gas and other mineral and hydrocarbon substances below a plan of 500 feet beneath the surface thereof, but without the right of surface entry, all as reserved by The Bank of California, National Association, a national banking association, in Deed recorded June 24, 1980, under Recorder's Serial No. 12185, in Book 1615, Page 19, of Official Records, in the office of the County Recorder of said County.

Containing 2 acres, more or less.

A mineral investigation has been made on the public land and no minerals were found. There will be reserved to the United States in the applied for lands, a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

The publication of this notice in the **Federal Register** shall segregate the applied for public land from all other forms of appropriation under the public land laws, including the mining laws, for a period of two years. This exchange is expected to be consumated before the end of that period.

Detailed information concerning the exchange, including the environmental analysis and the record of non-federal participation, is available for review at the Eureka Resource Area Office, BLM, 1585 J Street, P.O. Box II, Arcata, California 95521.

Dated: June 2, 1983.

Edwin G. Kallas,

Associate District Manager.

[FR Doc. 83-15471 Filed 6-8-83; 8:45 am]

BILLING CODE 4310-81-M

Utah; Grazing Management Program for Tooele Planning Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Draft Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and a 1975 Federal Court ruling, the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (EIS) for the Tooele grazing management program in Tooele and small portions of Juab, Box Elder, Utah, and Salt Lake Counties.

The Draft EIS examines four alternative management programs: (1) Proposed Action—No Action, (2) Emphasize Wildlife Habitat, (3) Emphasize Livestock Forage, and (4) Preferred Alternative—Balanced Use. The objective of the alternatives is to provide land use management on the basis of multiple use long-term sustained yield of the natural resources on 1.5 million acres of public land.

The alternatives examine proposed levels of grazing use ranging from 87,327 to 119,835 animal unit months (AUMs) for livestock and from 31,683 to 36,491 AUMs for big game. Rangeland improvements would accompany the proposed levels of forage use in alternatives 2, 3 and 4.

Copies of the Draft EIS will be available on or after June 3, 1983 from the Salt Lake District BLM Office at 2370 South 2300 West, Salt Lake City, Utah 84119. Public reading copies of the Draft EIS will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street N.W., Washington, D.C.

Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah.

In order to be considered in the Final EIS, comments on the Draft EIS should be submitted by August 2, 1983 to the Salt Lake District Manager, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119. Oral and/or written comments will be accepted at a public hearing to be held July 14, 1983 at 7:00 p.m. at the Tooele County Courthouse. Persons who wish to comment at the public hearing should contact the Salt Lake District Manager.

Dated: May 26, 1983.

Roland G. Robison,

Utah State Director.

[FR Doc. 83-15453 Filed 6-8-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Santa Margarita Project, Calif.; Intent To Prepare a Supplemental Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior plans to prepare a Supplemental Environmental Statement (SES) on the proposed Santa Margarita Project near Fallbrook, California. A 3-year study will be conducted to supplement an existing Final Environmental Impact Statement (FES 76-32) and a Planning Report completed in 1971.

The purpose of the proposed project is to supply (11,540 acre-feet per year) supplemental municipal and industrial water to the Fallbrook Public Utility District and the United States Marine Corps Base at Camp Pendleton, supplemental irrigation water to the Fallbrook Public Utility District, and provide flood control to the Marine Base. In addition, the project would provide recreation, fish and wildlife enhancement, and regulation of imported water. The project would consist of two dams (Fallbrook and De Luz) on the Santa Margarita River and conveyance lines to deliver the stored water. Fallbrook Dam would be a concrete dam 185 feet high and would form a 36,150 acre-foot reservoir. De Luz Dam would be an earth or concrete dam 204 feet high and would form a 100,000 acre-foot reservoir (plus 40,000 acre-feet of flood surcharge).

Alternatives considered in previous studies include: (1) two dams consisting of a 36,500 acre-foot Fallbrook Reservoir and a 175,000 acre-foot De Luz Reservoir; (2) one dam consisting of a 175,000 acre-foot De Luz Reservoir; and (3) no action. These alternatives will also be reevaluated and discussed in the SES.

A public involvement program is being conducted to inform the interested public and to obtain their input. The first public meeting served as a scoping session to identify any new environmental issues that should be studied or addressed in the SES. The meeting was held on February 25, 1982, at Potter Junior High School in Fallbrook, California, at 7:30 p.m.

For additional information, please contact: Gary L. Bryant, LC-760, Lower Colorado Region, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, Telephone: (702) 293-8522.

Dated: June 3, 1983.

R. N. Broadbent,

Commissioner.

[FR Doc. 83-15381 Filed 6-8-83; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following

decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Members Parker, Joyce and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 4 at (202) 275–7669.

Volume OP4–FC–343

MC–FC–81436, filed May 12, 1983. By decision of June 1, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board approved the transfer to ALPHA TOURS, INC., of Camden, NJ, of Certificate No. MC–136596 (Sub-No. 1), issued December 11, 1973, (Sub-No. 4), issued November 7, 1980, and (Sub-No. 5), issued July 14, 1982, to APACHE TOURS, INC., of Willingboro, NJ, authorizing the transportation of *passengers and their baggage*, (A) in special and charter operations, (1) beginning and ending in the Townships of Bristol, Middletown, Falls, and Newton (Bucks County), PA, and extending to points in Delaware, Maryland, New Jersey, New York, Virginia, and DC, (2) beginning and ending at Willingboro, NJ and extending to points in AR, CT, DE, FL, GA, IL, IN, KS, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC, and (3) beginning and ending in the Townships of Bristol, Middletown, Falls, and Newton (Bucks County), PA, and extending to points in AR, CT, FL, GA, IL, IN, KS, ME, MA, MI, MN, NH, MO, NC, OH, PA, RI, SC, TN, VT, WV, and WI, and (B) in charter operations, beginning and ending at points in Bucks and Philadelphia Counties, PA, and extending to those points in the United States in and east of MN, KS, MO, AR, and LA. A temporary authority application has been filed. Representative: Diane Fitzpatrick, 1494 Federal St., Camden, NJ 08105.

[FR Doc. 83–15414 filed 6–8–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules Under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and conservation Act of 1975

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note. All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquires to Team 2, (202)275–7030

Volume No. OP2–253

Decided: June 1, 1983.

By the Commission, Review Board members Joyce, Fortier, and Krock.

MC 166162, filed May 19, 1983. Applicant: ROGER W. HILBERT, II d.b.a. T SYSTEMS, 8607 Monroe Ave., Cincinnati., OH 45242. Representative: Robert J. Gallagher, 1435 G St., NW, Ste. 848, Washington, D.C. 20005, (202) 628–1642.. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166183, filed May 20, 1983. Applicant: TURNER BUS LINES DIVISION OF JACK TURNER MOTORS LTD., 1220 Commerce St., Thunder Bay, Ontario, Canada P7C 4V5. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *passengers*, in charter and special operations, beginning and ending at ports of entry on the international boundary line between the U.S. and Canada at points

in MN, and extending to points in the U.S. (except AK and HI), in foreign commerce.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–340.

Decided: June 2, 1983.

By the Commission, Review Board Members Williams, Dowell, and Carleton.

MC 61747 (Sub-3), filed May 23, 1983. Applicant: RONALD H. SABELHAUS, d.b.a. TRI-COUNTY DELIVERY SERVICE, 2607 Kathleen Ct., Cincinnati, OH 45239. Representative: Ronald J. Denicola, 901 5th & Race Tower, 120 West 5th St., Cincinnati, OH 45202, (513) 621–9660. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 168097, filed May 16, 1983. Applicant: SELECT TRAVEL, INC., 24962 Jim Bridger Rd., Calabasas, CA 91302. Representative: Steven B. Bauch (same address as applicant) (213) 991–5880. Transporting *passengers,* in charter and special operations, beginning and ending at points in CA and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168216, filed May 23, 1983. Applicant: INTERSTATE TRAFFIC EXPEDITING SERVICE CORP., 603 Floyd St., Engelwood Cliffs, NJ 07632. Representative: Frank M. Cushman, 36 S. Main St., Sharon, MA 02067, (617) 784–6041. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168236, filed May 23, 1983. Applicant: GROUP CHARTER, INC., 127 Crandell Court, Schaumburg, IL 60193. Representative: Irwin Rozner, 134 N. LaSalle St., Chicago, IL 60602, (312) 782–6937. Transporting *passengers,* in charter operations, beginning and ending at points in Cook, DuPage, Lake and McHenry Counties, IL, and extending to points in WI, MI, IN, and DC.

Note.—Applicant seeks to provide privately-funded charter transportation operations.

MC 168287, filed May 25, 1983. Applicant: NEW BETHANY BAPTIST CHURCH, INC., 1300 10th St., N.W., Washington, DC 20001. Representative: John J. Koger (same address as applicant) (202) 745–9109. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP4–342

Decided: June 3, 1983.

By the Commission Review Board Members Krock, Dowell, and Carleton.

MC 151306 (Sub-1), filed May 23, 1983. Applicant: THE TRAVEL TRUST, INC., d.b.a. T.T.T., 701 Main St., Sharpsburg, PA 15215. Representative: Joseph Matas (same address as applicant) (412) 784–8385. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to perform privately-funded charter and special transportation.

MC 165037, filed May 23, 1983. Applicant: RICHARD TOWNSEND & GAIL CISSELL d.b.a. PALACE TRANSFER & STORAGE, P.O. Box 787, Clovis, NM 88101. Representative: Richard Townsend (same address as applicant) (505) 762–4709. Transporting *used household goods,* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in Cury, Debaca, Guadalupe Quay and Roosevelt Counties, NM, and Bailey and Parmer Counties, TX.

MC 168186, filed May 20, 1983. Applicant: D.W. HUTCHENS CO., d.b.a. SPECIALIZED PARCEL DELIVERY SERVICE, P.O. Box 163, Scranton, PA 18501. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–6030. Transporting *shipments weighing 100 pounds or less,* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 168196, filed May 20, 1983. Applicant: WAYNE MARTIN, Rt. #1, Cecil, AR 72930. Representative: Wayne Martin (same address as applicant) (501) 674–2724. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle, in such vehicle, between points in the U.S. (except AK and HI).

MC 168237, filed May 23, 1983. Applicant: MARK E. FLANNERY, 922 12th St., Monroe, WI 53566. Representative: Mark E. Flannery (same address as applicant) (608) 846–3573. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

[FR Doc. 83–15415 Filed 6–8–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted

problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizding documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly.

Please direct status inquiries to Team Two at (202) 275–7293.

Volume No. OP2–252

Decided: June 1, 1983.

By the Commission, Review Board Members Joyce, Fortier, and Krock.

MC 96612 (Sub-15), filed April 26, 1983. Applicant: SEA-LAND FREIGHT SERVICE, INC., 100 West Harrison St., Seattle, WA 98106. Representative: B. Carlton Bailey, Jr., P.O. Box 800, Iselin, NJ 08830, 201–632–2229. Transporting *general commodities* (except classes A and B explosives and household goods), (1) between points in WA, on the one hand, and, on the other, points in AK, (2) between points in WA, and (3) between points in AK, under continuing contract(s) with (a) Budget Building Supply & Lumber, Inc., Knik Building Supply, Sohio Alaska Petroleum Company, and Union Oil Company, all of Anchorage, AK, (b) Dresser Industries, Inc., and IMCO Services, both of Houston, TX, (c) Alaska Distributors Co., of Seattle, WA, (d) Safeway Stores, Inc., of Bellevue, WA, (e) Toyota Motor Sales, U.S.A., Inc., of California, of Torrance, CA, and (f) Chevron U.S.A., Inc., of San Francisco, CA.

MC 106902 (Sub-7), filed May 3, 1983. Applicant: LYNN MOVING & STORAGE, INC., 497 Dillehay St., Danville, KY 40422. Representative: Mark C. Ellison, 300 Interstate N. Pkwy., Suite 329, Atlanta, GA 30339, 404–955–4020. Transporting *household goods and new furniture and fixtures*, between points in the U.S. (except HI, ID, ME, MT, NH, OR, VT, and WA).

MC 107403 (Sub-1355), filed May 13, 1983. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA. 19050. Representative: A. H. Knouft (same address as applicant), (215) 259–9800. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with manufacturers, distributors, and receivers of chemicals and related products, coal tar and petroleum products, food and related products, paper and paper products, building materials.

MC 128772 (Sub-23), filed May 16, 1983. Applicant: STAR BULK TRANSPORT, INC., 821 North Front St., New Ulm, MN 56073. Representative: Val M. Higgins, 1800 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting (1) *food and related products*, (2) *textile mill products*, and (3) *chemicals and related products*, between points in the U.S., under continuing contract(s) in Part (1) with Oscar C. Wendt & Associates, Inc., of Ossee, MN, in Part (2) with J & S Textile Associates, Inc., of Plymouth, MN, and in Part (3) with (a) Loes Enterprises, Inc., of St. Paul, MN, and (b) Zep Manufacturing Company, of Atlanta, GA.

MC 129863 (Sub-12), filed May 16, 1983. Applicant: FREDERICK L. BULTMAN, INC., 11144 West Silver Spring Dr., Milwaukee, WI 53223. Representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, 414–273–7410. Transporting (1) *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons who are manufacturers, distributors, producers, dealers or consumers of food and related products; (2) *paper and paper products*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons who are manufacturers, distributors, producers, dealers or consumers of paper and paper products; and (3) *floor covering*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons who are manufacturers, distributors, producers, dealers or consumers of floor covering.

MC 133403 (Sub-7), filed April 21, 1983. Applicant: HUDSON TRANSIT CORPORATION, P.O. Box 366, Montgomery, NY 12549. Representative: Michael J. Marzano, 99 Kinderkamack Rd., Westwood, NJ 07675, 201–666–5111. Transporting *passengers*, over *regular routes*, between Binghamton and Olean, NY, in interstate or foreign commerce, and between Binghamton and the NY–PA state line and Olean, NY, and the NY–PA state line in intrastate commerce, over NY Hwy 17, serving all intermediate points.

Note.—(a) Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

(b) Applicant may tack this authority with its existing authority.

MC 135003 (Sub-7), filed May 17, 1983. Applicant: C.R.X. CORPORATION, R.R. 4, Box 3A, Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant) (507) 454–6980. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in MN, on the

one hand, and, on the other, points in AR, CT, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MO, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SD, TX, VA, VT, WI, WV, and DC.

MC 148932 (Sub-3), filed May 18, 1983. Applicant: URBAN TRUCKING COMPANY, INC., Ladge Dr., P.O. Box 113, Avon, MA 02322. Representative: Wilbur Barry (same address as applicant), 617–963–9003. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with T. D. H. Incorporated, of Newport, RI, and (b) Transportation Agencies, Inc., of North Dartmouth, MA.

MC 150922 (Sub-2), filed May 20, 1983. Applicant: K & P TRUCKING COMPANY, Rt. No. 2, Willard, OH 44890. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 157182 (Sub-1), filed May 20, 1983. Applicant: PARKWAY DISTRIBUTORS, INC., P.O. Box 2301, San Antonio, TX 78298. Representative: Kenneth R. Hoffman, 1600 W. 38th St.—Suite 410, Austin, TX 78731, 512–451–7409. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MN, MS, MO, NE, NV, NM, OH, OK, OR, TN, TX, WA, UT, WI, WY, NC, SC, and MI.

MC 168203, filed May 23, 1983. Applicant: JULIAN H. JONES, d.b.a. JONES TRUCKING COMPANY P.O. Box 155, Orchard Hill, GA 30266. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *lumber and wood products, building materials, and fertilizer,* between points in AL, FL, GA, NC, SC, and TN.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–250

Decided: June 1, 1983.

By the Commission, Review Board Members Krock, Joyce, and Williams.

MC 123265 (Sub-15), filed May 12, 1983. Applicant: SANTRY TRUCKING COMPANY, 10505 NE Second Ave., Portland, OR 97211. Representative: JOHN G. McLAUGHLIN, 1600 One Main Pl. 101 SW Main St., Portland, OR 97204, (503) 224–5525. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. under continuing contract(s) with Fred Meyer, Inc. of Portland, OR.

MC 139014 (Sub-5), filed May 12, 1983. Applicant: COHEY TRUCKING COMPANY, INC. 2729 Annapolis Rd., Baltimore, MD 21230. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004, (202) 737–1030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in the U.S. in and east of WI, IL, KY, TN, MS and LA.

MC 142305 (Sub-8), filed May 18, 1983. Applicant: WISCONSIN EXPRESS LINES, INC., Rt. 2, Green Bay, WI 54301. Representative: Daniel R. Dineen, 710 No. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145384 (Sub-62), filed May 20, 1983. Applicant: ROSE–WAY, INC., 1914 E. Euclid, Des Monies, IA 50313. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4985. Transporting *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 148764 (Sub-8), filed May 20, 1983. Applicant: BUFFALO FUEL CORP., 2445 Allen Ave., Niagara Falls, NY 14303. Representative: August A. Iacovitti (same address as applicant), (716) 285–9101. Transporting (1) *farm products,* (2) *food and related products,* (3) *lumber and wood products,* and (4) *chemicals and related products,* between points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 151195 (Sub-3), filed May 13, 1983. Applicant: DUWAINE HELLICKSON d.b.a. HELLICKSON LIVESTOCK AND GRAIN, P.O. Box 146, Ostrander, MN 55961. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting (1) *metal products, (2) machinery and (3) such commodities* as are dealt in by manufacturers and distributors of grain drying and handling equipment, between points in IA, IL, IN, KY, MN, MO, ND, OH, SD and WI.

MC 152244 (Sub-6), filed May 20, 1983. Applicant: TOTE, INCORPORATED, P.O. Box 538, Salem, SD 57058. Representative: Clifford Tjaden (same address as applicant), (605) 425–2507. Transporting *clay, concrete, glass or stone products,* and *chemicals and related products,* between points in AL, IL, IA, MI, MS, MT, ND, OH, SD, and WY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163465 (Sub-1), filed May 13, 1983. Applicant: MARION EXPRESS, INC., 2079 Canaan Township Rd., Edison, OH 43320. Representative: Edward G. Bazelon, 135 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Arvey Paper & Supplies Co., a division of Arvey Corporation of Chicago, IL.

MC 166545, filed May 20, 1983. Applicant: BULK CARRIERS, LTD., 1308 Pleasant St., Osage, IA 50461. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4985. Transporting *food and related products,* between points in Tama County, IA, on the one hand, and, on the other, points in U.S. (except AK and HI).

MC 168144, filed May 16, 1983. Applicant: TEXAS STATE TRUCKING, INC., 9001 Clinton Dr., Houston, TX 77029. Representative: C. W. Ferebee, 3910 FM 1960 W, Suite 106, Houston, TX 77068 (713) 537–8156. Transporting *metal products and commodities which because of their size and weight require the use of special equipment,* between points in the U.S. (except AK and HI).

MC 168155 (Sub-1), filed May 18, 1983. Applicant: EXCEL INTERMODAL, INCORPORATED, Oak Brook Office Pavillion, Suite 32–34, Oak Brook, IL 60521. Representative: Paul T. Saharack, 7 So. Dearborn St., Suite 1412, Chicago, IL 60603 (312) 346–6347. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–339

Decided: June 2, 1983.

By the Commission, Review Board Members Williams, Dowell, and Carleton.

MC 105457 (Sub-109), filed May 23, 1983. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206. Representative: John V. Luckadoo, (same address as applicant), (704) 373–1933. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Montgomery Ward & Co., of Chicago, IL.

MC 112617 (Sub-480), filed May 24, 1983. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson, P.O. Box 21395, Louisville, KY 40221 (501) 964–3351. Transporting *commodities in bulk*, between points in the U.S. (except HI), under continuing contract(s) with that class of persons, as defined in Section 10923 of the Act, that are engaged in the business of manufacturing, distributing or dealing in bulk commodities.

MC 128207 (Sub-4), filed May 23, 1983. Applicant: JOHN W. HOOGLAND AND JOANNE C. HOOGLAND, d.b.a. CITY EXPRESS, Box 305, Seward, AK 99664. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, Va 22101 (703) 893–3050. Transporting *general commodities* (except classes A and B explosives), between points in AK.

MC 129387 (Sub-24), filed May 23, 1983. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 844, Huron, SD 57350. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 161376 (Sub-1), filed May 19, 1983. Applicant: TRUCK TRANSFER SERVICE, INC., 9115 "C" Spyglass Place., Charlotte, NC 28214. Representative: Frank A. Graham, Jr., P.O. Box 11864, Columbia, SC 29211, (803) 799–9122. Transporting *motor vehicles*, between points in the U.S. (except AK and HI).

MC 163126 (Sub-8), filed May 16, 1983. Applicant: ARROW EXPRESS, INC., P.O. Box 945, Lagrange, IL 60525. Representative: James L. Beattey, 300 E. Fall Creek Pkwy., Suite 403, Indianapolis, IN 46205, (317) 923–8118. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with the General Electric Company, of Fort Wayne, IN.

MC 163706 (Sub-1), filed May 20, 1983. Applicant: BIG WHEEL TRANSPORT, INC., 711 S. Jackson St., Hawkinsville, GA 31036. Representative: F. Lee Champion, III, P.O. Box 2525, Columbus, GA 31902, (404) 324–4477. Transporting (1) *meats and meat products*, between points in AL, AR, CO, DE, FL, GA, IA, ID, IL, KS, KY, LA, MD, MI, MN, MO, MS, NE, NC, ND, NJ, NY, OH, OK, PA, SC, SD, TN, TX, VA, WI, WV, and DC, and (2) *steel wire* and *iron*, between points in Talfair County, GA, on the one hand, and, on the other, points in AL, AR, IL, ID, IA, KS, KY, LA, MN, MI, MO, MS, NE, NC, NY, OH, OK, PA, SC, TN, TX, VA and WI.

MC 165856, filed May 23, 1983. Applicant: TOMMY-JOHN TRUCKIN CO., INC., P.O. Box 56, Havre de Grace, MD 21078. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060, Transporting (1) *paper and paper products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Safegauard Business Systems, Inc., of Hatfield, PA, and (2) *plastic bottles*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sewell Plastics, Inc., of Havre de Grace, MD.

MC 166196 (Sub-1), filed May 23, 1983. Applicant: AGATE TRANSPORT, INC., 38611 Monroe St., Agate, CO 80101. Representative: Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924, (408) 625–2031. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166327, filed May 18, 1983. Applicant: KANSAS SATELLITE SYSTEMS, INC., Box 52, Eskridge, KS 66423. Representative: Clyde N. Christey, 101 Tayler, Suite 110–L, Topeka, KS 66612, (913) 233–8629. Transporting *television satellite antenna systems and equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with Mark IV R & D, Hawkeye Satellite Division of Mark Twain Marine Industries, of Stanley, KS.

MC 166206, filed May 23, 1983. Applicant: WHITEHORSE CO. SALES AND SERVICE, P.O. Box 659, Wilsonville, OR 97070. Representative: David Kurtz (same address as applicant), (301) 357–8031. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 166286, filed May 24, 1983. Applicant: MEADS BUS SERVICE, INC., 7505 Blair Road, NW., Washington, DC 20012. Representative: James A. Meads (same address as applicant), (202) 585–7380. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166297, filed May 24, 1983. Applicant: NICKLE-CITY REFRIGERATED TRANSPERTERS, INC., 2375 South Park Ave., Buffalo, NY 14220. Representative: Charles H. White, Jr., 1000 Potomac St., NW., Suite 501, Washington, DC 20007, (202) 337–0104. Transporting *food and related products*, between points in the U.S. (except AK and HI).

Volume No. OP4–341

Decided: June 3, 1983.

By the Commission, Review Board Members Krock, Dowell, and Carleton.

MC 146807 (Sub-43), filed May 23, 1983. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18701. Representative: Peter Wolff, 722 Pittston Ave. Scranton, PA 18505, (717) 342–7595. Transporting *plastic and rubber products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Exxon Chemical Americas of Pottsville, PA.

MC 150556 (Sub-1), filed May 23, 1983. Applicant: KLOTH TRUCK & EQUIPMENT CO., P.O. Box 234, Sparta, IL 62286. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *petroleum products*, between points in Lyon County, KY, on the one hand, and, on the other, those points in IL on and south of Interstate Highway 70.

MC 167626 (Sub-1), filed May 23, 1983. Applicant: INTEGRATED DISTRIBUTION, INCORPORATED, One Century Dr., Parsippany, NJ 07054. Representative: Raymond L. Pucci, (same address as applicant), (201) 540–7963. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with United Forwarding, Inc. of Omaha, NE.

MC 167626 (Sub-2), filed May 23, 1983. Applicant: INTEGRATED DISTRIBUTION, INCORPORATED, One Century Dr., Parsippany, NJ 07054. Representative: Raymond L. Pucci, (same address as applicant), (201) 540–7963. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Triangle PWC, Inc. of New Brunswick, NJ, and it subsidiaries.

MC 168187, filed May 20, 1983. Applicant: JOHN PENNINGTON, d.b.a. PENNINGTON TRUCKING, P.O. Box 505, Chandler, TX 75758. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in

bulk), between points in AL, AZ, AR, CA, CO, IL, IN, KS, LA, MS, MO, NV, NM, OH, OK, OR, TN, TX, UT, WA, and WY, on the one hand, and on the other, points in the U.S. (except AK and HI).

[FR Doc. 83-15416 Filed 6-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387; Sub-No. 945]

Rail Carriers; Burlington Northern Railroad Co.; Exemption for Contract Tariff, ICC-BN-C-0001 (FWD Series) (Wheat Flour)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice.[1] This exemption may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: June 3, 1983.

By the Commission, the Review Board, members Parker, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15417 Filed 6-8-83; 8:45 am]

BILLING CODE 7035-01-M

---

[1] Note: Tariff supplements advancing contract's effective date shall refer to this decision for authority.

NATIONAL TRANSPORTATION SAFETY BOARD

Accident Reports; Safety Recommendations and Responses; Availability

Reports Issued:

Aircraft Accident Report—Pan American World Airways, Inc., Clipper 759, Boeing 727-235, N4737, New Orleans International Airport, Kenner, Louisiana, July 9, 1982 (NTSB/AAR-83/02) (NTIS Order No. PB83-910402).

Marine Accident Reports—Summary Format Issue Number 5—Reports Adopted August 1982 through December 1982 (NTSB-MAB-82-4) (NTIS Order No. PB82-916921).

Railroad Accident Reports—Brief Format Issue Number 3—1981 (NTSB/RAB-83/02) (NTIS Order No. PB83-917202).

Note.—Reports may be ordered from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703-487-4650 and to order subscriptions to reports call 703-487-4630.

Recommendations to:

Aviation—

Federal Aviation Administration: Mar. 25: A-83-13: Review all Low Level Wind Shear Alert System installations to identify possible deficiencies in coverage similar to the one resulting from the inoperable west sensor at New Orleans International Airport and correct such deficiencies without delay. *A-83-14:* Make appropriate distribution to the aviation community of information regarding (1) the location and designation of remote sensors of the Low Level Wind Shear Alert System (LLWSAS) at equipped airports, (2) the capabilities and limitations of the LLWSAS, and (3) the availability of current LLWSAS remote sensor information if requested from tower controllers. *A-83-15:* Record output data from all installed Low Level Wind Shear Alert System sensors and retain such data for an appropriate period for use in reconstructing pertinent wind shear events and as a basis for studies to effect system improvements. *A-83-16:* Emphasize to pilots on a continuing basis the importance of making prompt reports of wind shear in accordance with prescribed reporting guidelines and assure that Air Traffic Control personnel transmit such reports to pilots promptly. *A-83-17:* Require that Automatic Terminal Information Service advisories be amended promptly to provide current wind shear information and other information pertinent to hazardous meteorological conditions in the terminal area as provided by Center Weather Service Unit meteorologists, and that all aircraft operating in the terminal area be advised by blind broadcast when a new Automatic Terminal Information Service advisory has been issued. *A-83-18:* Evaluate methods and procedures for the use of current weather information from sources such as radar, Low Level Wind Shear Alert Systems, and pilot reports as criteria for delaying approach and departure operations which would expose the flight to low altitude penetration of severe convective weather. *A-83-19:* Study the feasibility of establishing aircraft operational limitations based on the data available from the Low Level Wind Shear Alert System. *A-83-20:* Make the necessary changes to display Low Level Wind Shear Alert System wind output data as longitudinal and lateral components to the runway centerline. *A-83-21:* Use the data obtained from the Joint Airport Weather Studies (JAWS) Project and other relevant data as a basis to (1) quantify the low-level wind shear hazard in terms of effect on airplane performance, (2) evaluate the effectiveness of the Low Level Wind Shear Alert System and improvements which are needed to enhance performance as a wind shear detection and warning system, and (3) evaluate the aerodynamic penalties of precipitation on airplane performance. *A-83-22:* As the data obtained from the Joint Airport Weather Studies (JAWS) Project become available (1) develop training aids for pilots and controllers to emphasize the hazards to flight from convective weather activity, (2) develop realistic microburst wind models for incorporation into pilot flight simulator training programs, and (3) promote the development of airborne wind shear detection devices. *A-83-23:* Expedite the development, testing, and installation of advanced Doppler weather radar to detect hazardous wind shears in airport terminal areas and expedite the installation of more immediately available equipment such as add-on Doppler to provide for detection and quantification of wind shear in high risk airport terminal areas. *A-83-24:* Encourage industry to expedite the development of flight director systems such as MFD-delta-A and head-up type displays which provide enhanced pitch guidance logic which responds to inertial speed/airspeed changes and ground proximity and encourage operators to install these systems. *A-83-25:* Recommend to air carriers that they modify pilot training on simulators capable of reproducing wind shear models so as to include microburst penetration demonstrations during takeoff, approach, and other critical phases of flight. *A-83-26:* Advise air carriers to increase the emphasis in their training programs on the effective use of all available sources of weather information, such as preflight meteorological briefings, ATIS broadcasts, control-provided information, PIREPS, airborne weather radar, and visual observations, and provide added guidance to pilots regarding operational (i.e., "go/no go") decisions involving takeoff and landing operations which could expose a flight to weather conditions which could be hazardous. *Apr. 21: A-83-33:* Issue an airworthiness directive (AD) making mandatory an inspection (as soon as

practical depending on availability of spare units and the capability to replace the defective units) for incorrect sockets specified in Sundstrand Data Control Service Bulletin No. 23 (Document No. 012-0118-123), dated August 2, 1982, titled "Indicating/Recording Systems—Digital Flight Data Recorder (DFDR) Model 573A—Connector Check/Replacement," and require replacement of incorrect connectors at the earliest possible date. *May 9: A-83-34:* Issue an airworthiness directive to make compliance with Cessna Service Letter SE69-16 compulsory. *May 19: A-83-35:* Standardize and disseminate immediately as an interim measure basic guidelines and methodology for controller stress and fatigue detection and management, similar to those currently in use by some flight surgeons and facility supervisors and those developed by the Federal Aviation Administration's Office of Aviation Medicine personnel, to the air traffic control supervisors to assist them to detect and alleviate stress and fatigue among controllers. *A-83-36:* Expedite the development and implementation of the Air Traffic Controller Performance Assessment Program currently being developed by the Federal Aviation Administration's Office of Aviation Medicine to assist air traffic control facility supervisors and managers to objectively and subjectively evaluate controller performance and to detect and alleviate stress and fatigue among controllers. *A-83-37:* Expedite the development and implementation of computer programming procedures at all appropriately equipped en route and terminal radar facilities by which less-than-standard aircraft separation occurrences are automatically detected and flagged for investigation and analysis of possible controller errors or pilot deviations. *A-83-38:* Institute air traffic control directives and procedures to require, when the assigned first-line supervisor is occupied working a control position, that there is appropriate and adequate direct supervision to ensure the detection and reporting of all controller errors or deviations, the detection and monitoring of fatigue and/or stress, and the control of each controller's workload. *A-83-39:* Revise immediately air traffic control directives to reduce or eliminate, possibly by means of an immunity program, the punitive nature of controller operational error/deviation investigations in order to encourage reporting of all incidents, with the view toward instituting prevention-oriented quality control measures and training and procedural improvements. *A-83-40:* Take action to improve compliance with existing directives and guidance to air traffic controllers and staff on the use of the Federal Aviation Administration sponsored National Aeronautics and Space Administration's Aviation Safety Reporting System program to supplement existing incident reporting programs, with the view toward instituting quality control measures and improvements in the air traffic control system. *A-83-41:* Take immediate action to assign adequate staff and to improve equipment capabilities at Flight Service Stations to provide more timely and adequate service to aviation users. *A-83-42:* Revise the criteria for lifting restrictions on air traffic control services to postpone planned increases in air traffic volume and services at facilities until sufficient controllers are trained and qualified and have gained sufficient experience to allow supervisors and key staff members to resume direct first-line supervision and oversight of operations. *A-83-43:* Take immediate action at all air traffic control facilities equipped with radar data recording equipment to staff the data systems specialist positions on an interim basis with persons who are sufficiently qualified to handle the computer equipment, so that continuous recording and data retrieval capability is reestablished.

Highway—

Arkansas Highway and Transportation Department: Apr. 27: H-83-7: Eliminate or reduce the illusional effects of a straighter road and the "wash-out" effects of headlight glare on State Highway 214 at the curved approach to its intersection with State Highway 18. *H-83-8:* Further improve the traffic control features on State Highway 214 at the curved approach to its intersection with State Highway 18. *H-83-9:* Identify similar locations with sharply curved approaches to intersections in Arkansas, determine the need for further traffic control improvements, and improve these locations as necessary.

Bureau of Motor Carrier Safety: May 9: H-83-21: Upon completion of the testing of the Tractor-Trailer Driver Training Standards, the Sample Model Curriculum, and final examination criteria, amend Part 391, "Qualifications of Drivers," of the Federal Motor Carrier Safety Regulations to include criteria and standards for the training of tractor-trailer drivers.

Research and Special Programs Administration: May 10: H-83-29: Revise 49 CFR Section 178.340-6, "Supports and Anchoring," and 49 CFR Section 178.340-7, "Circumferential Reinforcements," of 49 CFR Section 178.340, "General Design and Construction Requirements * * *" to prohibit appurtenance design configurations that create air cavities adjacent to external cargo tank sheet material and to eliminate exceptions based on provisions for venting or draining. *H-83-30:* Revise 49 CFR Section 177.824, "Retesting and Inspection of Cargo Tanks," to: (1) Require that all hazardous materials cargo tanks of mild and high strength, low alloy steel be subjected to several periodic external visual inspections annually, (2) Require that the thickness of cargo tank sheet material be inspected once each year using ultrasonic or equivalent techniques, (3) Require measurement of the thickness of appurtenances once each year that form air cavities adjacent to the cargo tank sheet material. If the thickness of the appurtenance material has corroded to a predetermined percentage of its manufactured thickness, require that access to the tank sheet material within the air cavity be made and that the thickness of the tank sheet material be measured, (4) Require that cargo tanks be placed out of service when the thickness of the tank sheet material has corroded to a specific predetermined percentage (consistent with stress levels that will insure operational safety) of its manufactured thickness.

Federal Highway Administration: May 10: H-83-25: Require an immediate inspection of a significant sample (at least 25 percent) of all hazardous material cargo tanks manufactured prior to June 1979 and which were fabricated with either mild or high strength, low alloy steels, to determine if tank sheet material thicknesses have deteriorated to limits likely to compromise the structural integrity of the cargo tank. When inspecting, using ultrasonic or equivalent techniques where possible, particular emphasis should be directed to the bottom of the cargo tank at locations where the tank sheet material is not accessible to visual inspection because of appurtenance attachment configurations that either form air cavities or otherwise negate tank sheet accessibility. where ultrasonic or equivalent techniques cannot be used, the thickness of the appurtenance material should be ascertained, and, if it has corroded to a predetermined percentage of its manufactured thickness, access to the tank sheet material should be made and the thickness of the tank sheet material should be determined. *H-83-26:* Require that hazardous material cargo tanks be placed out of service when the thickness of tank sheet material has been reduced to a predetermined percentage (consistent with stress levels that will insure operational safety) of its manufactured thickness. *H-83-27:* Develop and prescribe continuing motor carrier operational inspection requirements for hazardous material cargo tank sheet material thickness consistent with the results of the ultrasonic, or equivalent, inspection sampling program recommended by the Safety Board. *H-83-28:* Issue an On-Guard bulletin to alert motor carriers operating hazardous material cargo tanks of the findings in this incident and the Safety Board's recommendation for an ultrasonic or equivalent inspection sampling program. Urge operators to conduct frequent visual tank inspections directing special attention to areas adjacent to air cavities for evidence of corrosion and making certain that drain holes are not plugged. *May 17: H-83-23:* Expand the performance testing of the New Jersey barrier on curved roadway sections to include crash testing of heavier vehicles with higher centers of gravity such as 80,000-pound tractor-semitrailers and gasoline tank trucks. *H-83-24:* Include the testing of heavier vehicles with higher centers of gravity in current high-performance barrier research and development. In particular, encourage the design and development of barriers that can safely contain or redirect small passenger vehicles and heavier vehicles with higher centers of gravity, such as 80,000-pound tractor-semitrailers and gasoline tank trucks.

Board of Commissioners, Allegheny County, Pennsylvania: May 17: H-83-22: Conduct a traffic engineering investigation of the approaches to the Fleming Park Bridge to determine the safe speed for the approaches, and post signing as appropriate before the bridge is reopened to full traffic capacity.

California Department of Transportation: May 25: H-83-10: Evaluate and revise, where necessary, equipment requirements and

emergency procedures at the Caldecott Tunnel to provide early warning of an emergency to motorists in the event of a life-threatening emergency. *H–83–11:* Develop a state-wide emergency response plan and train tunnel employees in all phases of emergency operations, including smoke and toxic fumes management and immediate emergency response notification, and periodically conduct drills to determine employees' ability to perform the above operations under stress. *H–83–12:* Provide easily identifiable exit markings for adits in the Caldecott Tunnel. *H–83–13:* Prohibit passing and lane changes in vehicular tunnels in California. *H–83–14:* In cooperation with appropriate local authorities, survey all vehicular tunnels, and upgrade, where necessary, tunnel traffic controls, communication systems, firefighting equipment, and towing capabilities. *H–83–15:* Ban the movement of hazardous materials through vehicular tunnels where the relative risks of the tunnel route are higher than alternate routes.

Secretary, U.S. Department of Transportation: May 25: H–83–16: Review the Federal Highway Administration and the Urban Mass Transportation Administration programs that encourage joint use of rights-of-way and determine if construction of rapid rail systems in highway rights-of-way presents an unnecessary risk to the public from hazardous materials truck movements on adjacent roadways; if so, modify the safety criteria appropriately.

Alameda/Contra Costa (California) Transit District: May 25: H–83–17: Closely monitor the health of drivers with known medical problems, and when their health may adversely affect their ability to safely transport passengers, remove them from duty.

American Trucking Associations, Inc.: May 25: H–83–18: Inform its members of the circumstances of the accident that occurred on April 7, 1982, in the Caldecott Tunnel near Oakland, California, and stress the use by drivers of trucks transporting hazardous materials of alternate routes which avoid tunnels.

American Public Transit Association: May 25: H–83–19: Establish guidelines to assist public transit operators to better provide safe transportation for their passengers by ensuring that their drivers are physically qualified at all times to perform their jobs.

Armour Oil Company, San Diego, California: May 25: H–83–20: Review the delivery routes traveled by its hazardous materials transporters and make changes as necessary to insure compliance with Federal Motor Carrier Safety Regulations, and give top priority to the safe driving environment.

Railroad—

Baltimore and Ohio Railroad Company: Apr. 29: R–83–35: Increase the level of periodic supervisory road checks on the commuter passenger route between Brunswick, Maryland, and Washington, D.C. *R–83–36:* Expand its educational program for operating traincrews to instruct them about the effects of alcohol on performance of duties.

Washington (D.C.) Terminal Company: Apr. 29: R–83–37: Immediately institute supervisory checks of traincrews reporting for duty.

United Transportation Union: Apr. 29: R–83–38: Actively support the development and implementation of more meaningful alcohol abuse rules and procedures to curb use of alcohol by railroad operating employees during a specific period before they report for duty and while they are on duty. *R–83–39:* Disseminate to its local unions the facts and circumstances of the incident that occurred at Union Station in Washington, D.C. on February 14, 1983, and emphasize the dangers posed by alcohol abuse and the means suggested by the United Transportation Union for preventing such incidents.

Brotherhood of Locomotive Engineers: Apr. 29: R–83–40: Actively support the development and implementation of more meaningful alcohol abuse rules and procedures to curb use of alcohol by railroad operating employees during a specific period before they report for duty or while they are on duty. *R–83–41:* Disseminate to its local unions the facts and circumstances of the incident that occurred at the Union Station in Washington, D.C. on February 14, 1983, and emphasize the dangers posed by alcohol and drug abuse and the means suggested by the Brotherhood of Locomotive Engineers for preventing such incidents.

State of Maryland: Apr. 29: R–83–42: Require that State contracts with the Baltimore and Ohio Railroad Company specify that adequate supervisory checks be performed by the railroad at those points where commuter traincrews report to duty. *R–83–43:* Increase State railroad inspections of operating practices on Maryland Department of Transportation commuter trains.

States of Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, New Hampshire, California, Illinois, Indiana, Michigan, and Wisconsin: Apr. 29: R–83–44: Require that State contracts with railroads and/or commuter railroad authorities specify that adequate supervisory checks be performed by the railroad at those points where commuter traincrews report to duty. *R–83–45:* Increase State railroad inspections of operating practices on commuter trains.

Seaboard System Railroad: May 24: R–83–46: Revise practices for developing waybills to require use of the hazardous material shipping description provided by shippers unless a change is approved by the person(s) originally selecting the shipping description. *R–83–47:* Revise practices to include emergency response guidance information on the hazard graph for tank cars containing residual quantities of hazardous materials classified as "empty." *R–83–48:* Periodically instruct and test traincrews and supervisory personnel on the procedures for using train documents to identify all cars transporting hazardous materials and the information to be provided to assist emergency response personnel. *R–83–49:* Require supervisory personnel arriving at the scene of an emergency to determine what information has been provided by traincrews to emergency response personnel, to verify the accuracy of the information provided, and to advise the on-scene coordinator of any errors or omissions in the initial information given by the traincrew. *R–83–50:* Revise the engineers' retraining program to require annual attendance at the train dynamics analyzer classes with special emphasis on correcting deficiencies observed by supervisors while evaluating the engineers' performance in service. *R–83–51:* Require engineers who fail to demonstrate proficiency in train handling during mandatory train dynamics analyzer classes to attend the engineers' training school and thereafter require that they demonstrate an ability to properly operate a train before being allowed to return to train service.

Office of Emergency Services, State of Virginia: R–83–52: Assist the Town of Colonial Heights and other jurisdictions, as necessary, in improving their emergency response programs for accidents involving hazardous materials, in better defining the responsibilities of the Emergency Services Coordinator for receiving and analyzing response related information and in developing more effective site security procedures.

Note.—Single copies of these recommendation letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include recommendation number in your request. Copies of recent recommendations are free of charge while supplies last. Recommendations that must be photocopied will be billed at a cost of 20 cents per page ($2 minimum charge).

H. Ray Smith, Jr.,

Federal Register Liasion Officer.

June 1, 1983.

[FR Doc. 83–15048 Filed 6–8–83; 8:45 am]

BILLING CODE 6916–58–M

PEACE CORPS

Peace Corps Advisory Council; Meeting

AGENCY: Peace Corps.

ACTION: Peace Corps Advisory Council; Meeting.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C, Appendix I), notice is hereby given that an open meeting of the Peace Corps Advisory Council will be held on June 27 and 28 from 9:00 a.m. to 5:00 p.m. in Room 414 of the Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C.

The purposes of the meeting are to conduct ongoing discussions of Peace Corps programs and meet with Peace Corps staff.

Further information on the meeting may be obtained by calling Phyllis Draper at (202) 254–6898.

Signed this 3rd day of June 1983, in Washington, D.C.

Loret Miller Ruppe,

Director.

[FR Doc. 83-15427 Filed 6-8-83; 8:45 am]

BILLING CODE 6051-01-M

DEPARTMENT OF STATE

[Public Notice]

Agency Forms Submitted for OMB Review

AGENCY: Department of State.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department has submitted a proposed collection of information to the Office of Management and Budget for review.

Purpose: The proposed information collection is to be used by the Passport Office in cases where there is reaon to believe criminal statutes of the United States have been violated and also in connection with determining the nationality of a person born in the United States who has applied for a United States passport.

SUMMARY: The following summarizes the information collection proposal submitted to OMB:

(1) Type of request—reinstatement.

(2) Number of forms submitted—one.

(3) Form number—DSP-16.

(4) Title of information collection–Application for Confidential Verification of Birth.

(5) Frequency—On occasion.

(6) Respondents—Registrars of vital statistics.

(7) Estimated number of respondents–1,500.

(8) Estimated number of hours needed to fill out form–125.

Section 3504(h) of Public Law 96–511 does not apply.

Additional information or comments: Copies of the proposed form and supporting documents may be obtained from Gail J. Cook, Departmental Clearance Officer (202) 632–3602. Comments and questions should be directed to (OMB) Francine Picoult (202) 395–7231.

Dated: May 20, 1983.

Thomas M. Tracy,

Assistant Secretary for Administration.

[FR Doc. 15401– Filed 6-8-83; 8:45 am]

BILLING CODE 4710-24-M

[Public Notice 856]

Magnuson Fishery Conservation and Management Act; Applications for Permits to Fish in the United States Fishery Conservation Zone

The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) requires all foreign vessels fishing in the U.S. fishery conservation zone to have a permit. Section 204 of the Magnuson Act requires the Secretary of State to publish a summary of applications received.

Individual vessel applications for fishing in 1983 have been received from the Governments of Japan, Spain and Portugal.

If additional information regarding any application is desired, it may be obtained from: Fees, Permits, and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634–7432).

Dated: May 24, 1983.

James A. Storer,

Director, Office of Fisheries Affairs.

Fishery codes and designation of regional councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional Council
ADS	Atlantic Billfishes and Sharks	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific.
CRB	Crab (Bering Sea)	Do.
GOA	Gulf of Alaska	Do.
NWA	Northwest Atlantic	New England, Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean)	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl.	Pacific.
PBS	Pacific Billfish and Sharks	Western Pacific.

Activity codes specify categories of fishing operations applied for are as follows:

Activity Code	Fishing Operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Japan:			
Keiyo Maru, Cargo/Transport Vessel	JA-83-0102	BSA, GOA	3
Hamayoshi Maru No. 63, Medium Stern Trawler.	JA-83-1187	BSA	1,2,
Spain:			
Joint Venture			
Kambope, Stern Trawler	SP-83-0056	NWA	2

Marbasa, SA of Spain and James D. O'Malley, Shoreside Company, P.O. Box 1070, Boston, Massachusetts 02205, have applied to engage in a joint venture fishery aimed at producing 1,100 metric tons of Loligo Squid between the months of September 1983 and March 1984.

Portugal:			
VIMEIRO, Stern Trawler	PO-83-0013	NWA	2
SAO Rafael, Large Stern Trawler	PO-83-0002	NWA	2

Armazens Jose Luis do Costa e. Ca. lda, Lisbon, Portugal and Scan Ocean, 42 Rogers Street, Gloucester, Massachusetts 01930, Tel: (617) 283–1004, have applied to engage in a joint venture fishery aimed at producing 5000 metric tons of Illex Squid between the months of May, 1983 and October, 1983. (This Portuguese joint venture, for the above two vessels, was announced in the FEDERAL REGISTER in March, 1983.) At the request of Portugal an amendment has been made to this joint venture application between Portugal and Scan Ocean to include 3,000 metric tons of Loligo.

[FR Doc. 83-15402 Filed 6-8-83; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Airports District Office at Miami, Florida; Relocation

Notice is hereby given that on July 11, 1983, the Airports District Office at Miami, Florida, will be moved to Orlando, Florida. Services to the aviation public, formerly provided by this office, will be provided by the Airports District Office located in Orlando, Florida. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Atlanta, GA, on June 2, 1983.

W. J. McGill,

Division Manager, Airports Division.

[FR Doc. 83-15460 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-83-13]

Petitions for Exemption; Summary of Petitions Received, Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before June 29, 1983.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on June 3, 1983.

Richard C. Baitel,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
21254	Renton Aviation, Inc	14 CFR 135.203	Renewal of Exemption 3204 to allow petitioner to conduct operations at an altitude below 500 feet over water outside of controlled airspace, subject to conditions and limitations.
23613	Imeson Aviation (IMESON)	14 CFR 91.15(c)	To permit petitioner to instruct students in certain primary aerobatic maneuvers without each occupant of the aircraft wearing a parachute.
23644	The Dow Chemical Co	14 CFR 21.181, 91.27(a)(1), 91.29, & 91.165	To permit petitioner to operate its 4 Falcon and 1 King Air aircraft in accordance with a minimum equipment list.
23645	The Buckeye Cellulose Corp	14 CFR Portions of Parts 21 & 91	To permit petitioner to operate a C-500 aircraft with certain inoperable instruments and equipment that are covered under a minimum equipment list.

DISPOSITION OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
20048	Chalk Int'l. Airlines	14 CFR 135.175(a)	To renew Exemption 3007A to permit petitioner to operate its Grumman Mallard G-73 aircraft in direct day visual flight rule (VFR) flights in large multiengine aircraft between certain points, without having approved airborne weather radar equipment installed in the aircraft. *Granted 5/23/83.*
11144	American Airlines Flight Academy	14 CFR 121.99 & 121.351(a)	Extend Exemption No. 1332, as amended, to permit American Airlines, Inc., to operate its airplanes between Wilmington, NC, and St. Croix and St. Thomas, VI, via Nassau, without maintaining two-way radio communications between each airplane and the dispatch office along the named routes, subject to certain conditions and limitations. *Granted 5/23/83.*
23521	Singapore Airlines (SIA)	14 CFR Portions of Part 21	To permit petitioner, a foreign air carrier which holds operations specifications under Part 129, to operate and maintain two U.S.-registered Boeing 747-300 aircraft using an FAA-approved minimum equipment list (MEL). *Granted 5/20/83.*
23513	Air Polynesia, Inc., d/b/a DHL Cargo	14 CFR 121.583(a)(8)	To permit petitioner to transport dependents of company employees on flights it operates within the State of Hawaii without the dependents being accompanied by the company employee. *Partial grant 5/19/83.*
23404	1st Lt. Timothy R. Morris, USAF	14 CFR 61.183 (d) and (e), 61.185 (a) and (b), 61.187(a).	To allow petitioner to receive a flight instructor instrument certificate based on training as a flight instructor in the U.S. Air Force. *Denied 5/20/83.*
23466	CAA of United Kingdom On Behalf of Pilatus Britten-Norman.	14 CFR 23.1303(e)(1)	To permit type certification of the Pilatus Britten-Norman Model BN-2T airplane without complying with the requirements of the section, which requires a speed-warning device for turbine-engine powered airplanes. *Granted 5/20/83.*
21350	The Coastal Corp	14 CFR 61.58(c)	An amendment to and an extension of current Exemption 3249 to permit petitioner's flight crews to complete their entire 24-month pilot-in-command check in an FAA-approved simulator, subject to certain conditions and limits. *Granted 5/23/83.*

[FR Doc. 83-15461 Filed 6-8-83; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Announcement of Study on Quality Assurance

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of study on quality assurance.

SUMMARY: In response to Section 110(c) of the Surface Transportation Assistance Act of 1982 (STAA of 1982), the Federal Highway Administration is conducting a study of current procedures for assuring that maximum return is received for Federal highway engineering and construction funds. A series of papers prepared by FHWA and National Bureau of Standards (NBS) personnel will discuss existing systems for assuring quality in highways and bridges, particularly design and construction quality, materials quality, testing and inspection quality, and quality relative to personnel skills and personnel training. The papers will be presented and critiqued at a conference to be held on August 30 and 31, 1983. The papers, input of participants, and

the conclusions and recommendations of the conference will be incorporated in a report that will be submitted to Congress.

DATES: The conference will be held on August 30 and 31, 1983.

TIME: 9:00 a.m. to 4:30 p.m. ET.

PLACE: National Bureau of Standards, Administration Building in Gathersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Pielert, National Bureau of Standards, (301) 921–3481, for information regarding registration for the conference; or Mr. Peter A. Kopac, Federal Highway Administration, (703) 285–2432, for information regarding the section 110(c) study on quality assurance.

SUPPLEMENTARY INFORMATION: The gradual shift of responsibilities from the Federal Government to State and local governments has been viewed by many as a desirable trend provided that there continues to be a coordinated Federal direction and a means for assuring that Federal funds are being properly used. The Congress has recognized this concern and, under section 110(c) of the STAA of 1982, has made provisions to study the situation. Section 110(c) states:

> The Secretary of Transportation is directed to coordinate a study with the National Bureau of Standards, the American Society for Testing and Materials, and other organizations as deemed appropriate, (A) to determine the existing quality of design, construction, products, use, and systems for highway and bridges; (B) to determine the need for uniform standards and criteria for design, processing, products, and applications, including personnel training and implementation of enforcement techniques; and (C) to determine the manpower needs and costs of developing a national system for the evaluation and accreditation of testing and inspection agencies. The Secretary shall submit such study to the Congress not later than one year after the date of enactment of this section.

The FHWA has assumed a lead role in carrying out the section 110(c) study. The FHWA's work plan calls for the preparation of a number of discussion papers, each addressing an area that affects the quality of highways and bridges. The papers are to be reviewed at a conference hosted by NBS, with various interested organizations participating in the discussions. The conference will be conducted from 9:00 a.m. to 4:30 p.m. on August 30 and 31, 1983, at the NBS Administration Building in Gaithersburg, Maryland.

Nine papers have been identified to address the study objectives. The subjects covered by the papers include pavement and bridge design, bidding and contract award, the quality of construction, the quality of specifications, construction inspection, acceptance plans, training and certification of technicians, laboratory evaluation and accreditation, and uniformity in standards. In general, the papers will assess the quality assurance efforts in the particular subject areas and define possible opportunities for improvements. Where appropriate, the papers will also describe procedures followed in the past, those procedures that are now applicable, and considerations to meet future needs.

Issued on: May 26, 1983.

L. P. Lamm,

Deputy Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 83-15140 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. EX83-2; Notice 2]

Middlekauff, Inc.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 301

This notice grants the petition by Middlekauff, Inc. of Toledo, Ohio ("Middlekauff" herein) for a temporary exemption of three years for its trucks from Federal Motor Vehicle Safety Standard No. 301, *Fuel System Integrity*, on grounds of substantial economic hardship.

Notice of the petition was published on February 22, 1983 (48 FR 7534) and an opportunity afforded for comments.

Petitioner is a final-stage motor vehicle manufacturer whose production in the year prior to filing its petition was 95 units. In finishing incomplete vehicles furnished to it by AM General Corporation, it extends the filler pipe to the gas tank and relocates the filler cap. It believes that it exercises due care in its operations "to the extent of duplicating the hose and clamps used by the original manufacturer, and in many cases utilizing the original gas cap, it is not always possible to recess the gas cap itself." It estimated that the cost to test to compliance would be $10,000 (the cost of each vehicle) which it termed "prohibitive." In the three fiscal years ending September 30, 1981, it had cumulative net losses of $92,000. Thus, testing for compliance would cause it substantial economic hardship.

Petitioner further argued that an exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

Inasmuch as our method of extending the gas line between the gas tank, supplied by the manufacturer, and the filler cap is to avoid having such gas line or filler cap in any one of the six compartments which comprise the majority of the body, and would, therefore, be subject to leakage or fumes due to the cargo coming in contact, in any way, with the gas system.

No comments were received on the petition.

NHTSA has considered the information submitted by petitioner and has no reason to believe that the company is not performing its alterations in a manner intended to insure conformity with Standard No. 301. It would therefore appear that its compliance problems may be minimal if not nonexistent. The agency finds that the tests involved in Standard No. 301 would cause substantial economic hardship to a company whose cumulative net loss as of September 30, 1981, was $92,000. Petitioner produces less than 100 vehicles a year and its continued existence as a small manufacturer justifies a finding that an exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

Accordingly, Middlekauff, Inc., is herewith granted NHTSA Exemption No. 83–2 from 49 CFR 571.301, Motor Vehicle Safety Standard No. 301, expiring May 1, 1986.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50)

Issued on June 1, 1983.

Diane K. Steed,

Acting Administrator.

[FR Doc. 83-15300 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described

herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes July 13, 1983.

ADDRESS COMMENTS TO: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the Applications are available for inspection in the Dockets Branch, Room 8426, NASSIF Building, 400 7th Street SW., Washington, D.C.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9057–N	Olympic Chemical Co., North Richland Hills, TX.	49 CFR 173.315(j)(13), 173.33(f)(9),173.33(h)(f).	To authorize use of modified angle valves and safety relief valves on MC-331 chlorine cargo tank motor vehicles. (Mode 1).
9058–N	Gearhart Industries, Ft. Worth, TX	49 CFR 173.304(a), 173.34(d), 175.3	To authorize shipment of a flammable compressed gas, n.o.s. contained in non-DOT specification oil well sampling devices comparable to DOT Specification 3E cylinders. (Modes 1,4).
9059–N	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 172.101, 172.202, 172.302, 173.34(d)	To authorize shipment of a fluorine-helium mixture contained in DOT Specification cylinders prescribed for fluorine. (Modes 1, 2).
9060–N	CVI Inc., Columbus, OH	49 CFR 173.315	To manufacture, mark and sell 11,000 gallon non-DOT specification portable tanks, for shipment of helium, pressurized liquid, classed as a nonflammable gas. (Mode 1).
9061–N	The S. S. I. Group Ltd., Fairdale, KY	49 CFR 172.504, 173.178	To authorize shipment of calcium carbide, labeled flammable solid and dangerous when wet, contained in 1 quart metal cans with water tight lids overpacked in a fiberboard box not to exceed 10 pounds per overpack to be transported without placarding the vehicles. (Mode 1).
9062–N	UOP Process Division, Des Plaines, IL	49 CFR 173.245	To authorize shipment of a corrosive liquid, n.o.s., in DOT specification 57 steel portable tanks. (Modes 1,2).
9063–N	Hoechst Aktiengesellschaft, Frankfurt, West Germany.	49 CFR 173.315	To authorize shipment of hexafluoropropylene, classed as a nonflammable gas in non-DOT specification IMO Type 5 portable tanks. (Modes 1, 2, 3).
9064–N	Corning Glass Works, Corning, NY	49 CFR 173.245	To authorize shipment of various corrosive liquids in a glass containers not to exceed 5¾ gallon capacity, surrounded by vermiculite placed in a cyclindrical steel overpack, packed not exceed 4 to a compartmented wooden box. (Mode 1).
9065–N	Scientrex Limited, Concord Ontario, Canada	49 CFR Parts 100–199	To authorize shipment of cesuim vapour lamps containing not more than 1 milligram of cesium metal, and magnetometer products containing such cesium vapour lamps as essentially non-regulated. (Modes 1, 2, 3, 4, 5).
9066–N	Cayern-Chemie GmbH, Ottobrunn, West Ger- [redacted].	49 CFR 173.154, 175.3	To qualify inflator airbag systems containing a propellant explosive, Class B as a flammable solid classification; packaged in non-DOT specification polystyrene case overpacked in a fiberboard box. (Modes 1, 2, 3, 4).
9067–N	Walco Truck Rigging, Inc., Odessa, TX	49 CFR 173.119, 173.245	To manufacture, mark and sell non-DOT specification steel tanks of up to 8 seperate compartments not to exceed a total capacity of 600 gallons containing various flammable liquids or corrosive material (oil well treating compounds). (Mode 1).
9068–N	Global International Airways, Kansas City, MO	49 CFR 172.101, 175.30	To authorize carriage of various military ammunition Class A explosives which are not permitted for shipment by air. (Mode 4).
9069–N	Ford Aerospace & Communications Corp., Palo Alto, CA.	49 CFR 172.101 Column 6(b), 175.30	To authorize shipment of three rocket motors, Class B, exceeding gross weight limitations, via cargo only aircraft. (Mode 4).
9070–N	Warner Bros. Inc., Sunderland, MA	49 CFR 173.119	To authorize shipment of gasoline, classed as a flammable liquid, in non-DOT specification steel containers of up to 340 gallon capacity. (Mode 1).
9071–N	McCarthy Tank and Steel Co., Bakersfield, CA	49 CFR 173.119, 173.245, 173.346, 178.340–7, 178.342–5, 178.343–5.	To manufacture, mark and sell non-DOT specification cargo tanks complying in general with DOT–MC307/312 except for bottom outlet valve variations, for transportation of waste flammable, corrosive or poison B liquids or semi-solids. (Mode 1).
9072–N	Thiokol Corp., Brigham City, UT	49 CFR 173.92	To authorize shipment of rocket motors, Class B explosive in specially designed outside packagings. (Mode 1).
9073–N	Natico, Inc., Chicago, IL	49 CFR 178.116	To manufacture, mark and sell tight head drums comparable to DOT Specification 17E except they are constructed of 18 gauge steel with corrugated bottom and top head and 7 ply chime construction, for shipment of various flammable, corrosive and poison B liquids. (Modes 1, [redacted].
9074–N	Reuter-Stokes, Inc., Cleveland, OH	49 CFR 173.302(a)	To manufacture, mark and sell gamma ionization chambers constructed of stainless steel, not to exceed 410 psig, for shipment of argon, classed as nonflammable gas. (Modes 1, 2, 4, 5).
9075–N	Trans-Air-Link, Corp., Miami, FL	49 CFR 173.101	To authorize shipment of various Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for shipment by air. (Mode 4).
9076–N	U.S. Department of Energy, Washington, DC	49 CFR 173.392(d)(2)(ii)	To authorize shipment of uranyl nitrate at concentrations not to exceed 32 percent LSA, in DOT Specification MC–311 and 312 cargo tanks. (Mode 1).
9077–N	Central Vermont Railway, Inc., St. Albans, VT	49 CFR Part 100–199	To authorize carriage of railway torpedoes and fuses packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (Mode 1).
9078–N	Monsanto Co., St. Lours, MO	49 CFR 173.245	To authorize shipment of up to 293 gallons of waste formic acid/phenol mixture (corrosive/poison) in DOT Specification 57 stainless steel portable tanks. (Mode 1).
9079–N	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.315	To authorize shipment of a flammable compressed gas mixture in DOT Specification 51 portable tanks. (Modes 1, 3).
9080–N	Henderson's Welding Mfg. Corp., Seminole, TX.	49 CFR 173.119, 173.245	To manufacture, mark and sell non-DOT specification compartmented portable tanks complying with DOT Specification 57 except for capacity and sight glass gage, for shipment of flammable liquid or corrosive materials (oil well treating compounds). (Mode 1).
9081–N	Diamond Shamrock Corp., Irving, TX	49 CFR 173.164(a)(6)	To authorize shipment of chromic acid solid, classed as an oxidizer, in DOT Specification 21C fiber drum lined with plastic other than saran material. (Modes 1, 2).
9082–N	Union Carbide Corp., Danbury, CT	49 CFR 173.365(a)	To authorize shipment of carbamate pesticide, solid, n.o.s., Class B poison, in non-DOT specification woven polypropylene bags not to exceed 2,200 pounds. (Modes 1, 3).

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on June 2, 1983.

J. R. Grothe, Chief,

Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-15490 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes June 28, 1983.

ADDRESS COMMENTS TO: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
2709-X	Hercules, Incorporated, Wilmington, DE.	2709
4400-X	Airco Industrial Gases, Murray Hill, NJ.	4400
4459-X	Allied Healthcare Products, Inc., St. Louis, MO.	4459
4719-X	Allied Corporation, Morristown, NJ.	4719
5022-X	The Boeing Company, Seattle, WA.	5022
5248-X	Rockwell International Corporation, Anaheim, CA.	5248
5746-X	U.S. Department of Defense, Washington, DC.	5746
5777-X	U.S. Department of Defense, Washington, DC.	5777
5876-X	FMC Corporation, Philadelphia, PA.	5876
6228-X	Airco Welding Products, Murray Hill, NJ.	6228
6232-X	McDonnell Douglas Corporation, St. Louis, MO.	6232
6232-X	U.S. Department of Defense, Washington, DC.	6232
6416-X	Allied Corporation, Morristown, NJ.	6416
6658-X	U.S. Department of Defense, Washington, DC.	6658
6759-X	Atlas Powder Company, Dallas, TX.	6759
6759-X	Hercules, Incorporated, Wilmington, DE.	6759
6769-X	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE.	6769
6798-X	Allied Corporation, Morristown, NJ.	6798
6824-X	GPS Industries, City of Industry, CA.	6824
6961-X	Monsanto Company, St. Louis, MO.	6961
6971-X	Chem Service, Inc., West Chester, PA (See footnote 1).	6971
7035-X	Owens-Illinois (Plastic Products Division) Toledo, OH.	7035
7051-X	Ozark-Mahoning Company, Tulsa, OK.	7051
7192-X	Air Products and Chemicals, Incorporated, Allentown, PA.	7192
7235-X	Luxfer U.S.A., Limited, Riverside, CA.	7235
7458-X	Ekoheerks Company, Eastlake, OH.	7458
7555-X	Provost Cartage, Incorporated, Ville d'Anjou, Quebec (See footnote 2).	7555
7574-X	Remmers-Tomkins Flight Service, Inc., Burlington, IA (See footnote 3).	7574
7603-X	Air Products and Chemicals, Incorporated, Allentown, PA.	7603
7716-X	Kinepak, Inc., Lewisville, TX	7716
7857-X	Makhteshim Darom (Remet Hovav) Ltd., Beer Sheva, Israel	7857
7954-X	Air Products and Chemicals, Incorporated, Allentown, PA (See footnote 4).	7954
8096-X	Pressure-Pak Container Company, Incorporated, East Hampton, CT.	8096
8119-X	BJ-Hughes, Incorporated, Houston, TX.	8119 (See footnote 5)
8129-X	Environmental Transfer Corporation, Flanders, NJ.	8129
8129-X	Emergency Technical Services Corporation, Flanders, NJ.	8129
8129-X	Advanced Environmental Technology Corporation, Flanders, NJ.	8129
8129-X	U.S. Pollution Control, Inc., Oklahoma City, OK.	8129
8167-X	Mercostat Corporation, New York, NY.	8167
8177-X	A.O. Smith-Inland, Inc., Little Rock, AR.	8177
8192-X	Greif Bros. Corporation, Springfield, NJ.	8192
8194-X	Pennwalt Corporation, Buffalo, NY.	8194
8196-X	Eurotainer S.A., Paris, France	8196
8206-X	Jet Propulsion Laboratory, Pasadena, CA.	8206
8215-X	Olin Corporation, East Alton, IL	8215
8232-X	Societe Auxiliaire de Transports et d'Industries, Paris, France.	8232
8232-X	Eurotainer S.A., Paris, France	8232
8232-X	ANF Industries, Paris, France	8232
8239-X	Westinghouse Electric Corporation, Horseheads, NY.	8239
8255-X	Applied Environments Corporation, Woodland Hills, CA.	8255
8285-X	Redeo Corporation, Austin, TX	8285
8391-X	Acurex Corporation, Mountain View, CA (See footnote 6).	8391
8445-X	Emergency Technical Services Corporation, Flanders, NJ.	8445
8445-X	Advanced Environmental Technology Corporation, Flanders, NJ.	8445
8445-X	Environmental Transfer Corporation, Flanders, NJ.	8445
8511-X	Oxychem Company, New York, NY.	8511
8511-X	FMC Corporation, Philadelphia, PA.	8511
8609-X	Natco, Inc., Chicago, IL	8609
8614-X	Arrow Airways, Inc., Minneapolis, MN.	8614
8636-X	Ethyl Corporation, Baton Rouge, LA.	8636
8650-X	Ethyl Corporation, Baton Rouge, LA.	8650
8671-X	Allied Corporation, Morristown, NJ.	8671
8691-X	Aluminum Company of America, Pittsburgh, PA.	8691
8697-X	ERA Helicopters, Inc., Anchorage, AK.	8697
8723-X	Ireco Chemicals, Salt Lake City, UT (See footnote 7).	8723
8822-X	Certified Tank Manufacturing, Inc., Wilmington, CA (See footnote 8).	8822
9052-X	Chemical Handling Equipment Company, Inc., Detroit, MI (See footnote 9).	9052

[1] Request modification of paragraph 7(a) to authorize 30 grams of hazardous material instead of 10 grams.

[2] To renew and to provide for additional corrosive liquids.

[3] To modify by removing restriction limiting carriage of Class A, B & C explosives for the Department of Defense only.

[4] To authorize DOT Specification 3AAX2400 cylinders as additional cylinder for shipment of a fluorine-nitrogen gas mixture.

[5] To authorize cargo tanks to be coated with kynar, pyrolite, or plasite 4005, for shipment of various corrosive, flammable and poison B materials.

[6] Request for modification of the design qualification tests criteria.

[7] To authorize an additional bulk tank motor vehicle for the transportation of certain blasting agents.

[8] To authorize portable vacuum pressure tank configuration as additional container.

[9] To authorize cargo vessel as an additional mode of transportation.

Application number	Applicant	Parties to exemption
3606-P	Valcor Engineering Corporation, Springfield, NJ.	3606
4453-P	E. I. du Pont de Nemours & Co., Inc. Wilmington, DE.	4453
5951-P	McKesson Chemical Company, Spartanburg, SC.	5951
6092-P	Hi-Pure Chemicals, Inc., Nazereth, PA.	6092
6602-P	Ethyl Corporation, Baton Rouge, LA.	6602
6702-P	Seragen, Inc., Boston, MA	6702
6926-P	Union Carbide Agricultural Products Company, Danbury, CT.	6926
7052-P	SAFT America Inc., Cockeysville, MD.	7052
7052-P	Electro-Flow Controls, Inc., Missouri City, TX.	7052
7052-P	Technical Oil Tool Corporation, Norman, OK.	7052
7052-P	In-Situ, Inc., Laramie, WY	7052
7535-P	Big Three Industries, Inc., Houston, TX.	7535
7590-P	Union Carbide Agricultural Products Company, Danbury, CT.	7590
7909-P	EIMCO, Inc., Little Rock, AR	7909
8099-P	Union Carbide Corporation, Danbury, CT.	8099
8129-P	Disposal Control Service, Upland, CA.	8129
8129-P	Bunker Ramo Electronic Systems, Westlake Village, CA.	8129
8129-P	Containerized Chemical Disposal, Inc., Morovia, CA.	8129
8129-P	Solvent Service, Inc., San Jose, CA.	8129
8129-P	McDonnell Douglas Corporation, St. Louis, MO.	8129
8129-P	Varian Palto Alto, CA	8129
8445-P	McDonnell Douglas Corporation, St. Louis, MO.	8445
8554-P	Buckley Powder Company, Denver, CO.	8554
8877-P	Mallinckrodt, Inc., Paris, KY	8877
8877-P	KTI Chemicals, Incorporated, Danbury, CT.	8877

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on June 3, 1983.

J. R. Grothe,

Chief, Exemption Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-15401 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-60-M

Saint Lawrence Seaway Development Corporation

Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 1:30 p.m., June 27, 1983, at the Corporation's Offices at 800 Independence Avenue, SW., Washington, D.C. The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Review of Programs; Business; Closing Remarks.

Attendance at meetings is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact, not later than June 23, 1983, Robert D. Kraft, Director, Plans and Policy Development, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20591; 202/426-3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, D.C., on June 3, 1983.

Robert D. Kraft,

Director, Plans and Policy Development.

[FR Doc. 83-15302 Filed 6-8-83; 8:45 am]

BILLING CODE 4910-61-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This is a new data collection. The entry contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(H) of Pub. L. 96-511 applies.

ADDRESSES: Requests for further information, including copies of the proposed form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420 (202) 389-2146. Comments and questions about the items on this list should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Rich Shepard, Desk Officer for Veterans Administration, 726 Jackson Place, NW, Washington, DC 20503, (202) 395-6880.

DATES: Comments on the form should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: May 23, 1983.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Category: New

Department: Department of Medicine and Surgery

Title of form: Former Prisoner of War Medical History

Agency form #: 10-0048

How often the form must be filled out: One time, nonrecurring

Estimate of the number of responses: 10,000

Estimate of the total number of hours needed: 5,000 hrs.

Section 3504(H) of Pub. L. 96-511: Not applicable

[FR Doc. 83-15432 Filed 6-8-83; 8:45 am]

BILLING CODE 8320-01-M

Performance Review Board Members

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: Under the provisions of 5 U.S.C. 4314(c)(4) agencies are required to publish a notice in the **Federal Register** of the appointment of Performance Review Board (PRB) members. This list amends the list of members of the Veterans Administration Performance Review Board which was published in the **Federal Register** 47 FR 42862 and 42863, dated September 29, 1982.

EFFECTIVE DATE: May 6, 1983.

FOR FURTHER INFORMATION CONTACT: K. Joyce Edwards, Office of Personnel and Labor Relations (05A3), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202-389-3423).

The members of the VA Performance Review Board are:

Chairperson.— Everett Alvarez, Jr., Deputy Administrator.

Members.—Anthony J. Principi, Associate Deputy Administrator for Congressional and Public Affairs, Dominick Onorato, Associate Deputy Administrator for Information Resources Management, William F. Sullivan, Associate Deputy Administrator for Logistics, Donald L. Custis, M.D., Chief Medical Director, Dorothy L. Starbuck, Chief Benefits Director, Paul T. Bannai, Chief Memorial Affairs Director, John P. Murphy, General Counsel, Kenneth E. Eaton, Chairman, Board of Veterans Appeals, Jack J. Sharkey, Director, Office of Data Management and Telecommunications, Conrad Hoffman, Director, Office of Budget and Finance, Joseph Mancias, Jr., Director, Office of Public and Consumer Affairs, Raymond S. Blunt, Director, Office of Program Planning and Evaluation, William A. Salmond, Director, Office of Construction, Michael Rudd, Director, Office of Personnel and Labor Relations, Clyde C. Cook, Director, Office of Procurement and Supply, Robert W. Schultz, Director, Office of Reports, and Statistics, Renald P. Morani, Assistant Inspector General for Policy, Planning and Resources.

Dated: June 2, 1983.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 83-15433 Filed 6-8-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 112
Thursday, June 9, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1–6
Federal Deposit Insurance Corporation	7–10
Federal Election Commission	11
Federal Maritime Commission	12
National Credit Union Administration	13–14

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, June 17, 1983.

PLACE: 2033 K Street NW., Washington, D.C., Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–618–83 Filed 6–7–83; 2:03 pm]

BILLING CODE 6351–01–M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 2 p.m., Thursday, June 16, 1983.

PLACE: 2033 K Street NW., Washington, D.C., Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Judicial Session

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–619–83 Filed 6–7–83; 2:03 P.m.]

BILLING CODE 6351–01–M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, June 10, 1983.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–620–83 Filed 6–7–83; 2:03 pm]

BILLING CODE 6351–01–M

4

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Friday, June 10, 1983.

CHANGES IN THE MEETING: Rescheduled to: 11 a.m., Thursday, June 9, 1983.

[S–621–83 Filed 6–7–83; 2:03 pm]

BILLING CODE 6351–01–M

5

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Thursday, June 9, 1983.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Contract Market Application Fees

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–622–83 Filed 6–7–83; 2:03 pm]

BILLING CODE 6351–01–M

6

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., Thrusday, June 9, 1983.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Discussion of mandated studies.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–623–83 Filed 6–7–83; 2:03 pm]

BILLING CODE 6351–01–M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 13, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance:

Lewis County Bank, a proposed new bank to be located at the southeast corner of West Linden Street and North Court Street, Hohenwald, Tennessee.

Application for consent to transfer assets in consideration of the assumption of deposit liabilities:

Monroe Savings Bank, Rochester, New York, a federally-chartered savings bank insured by the Federal Deposit Insurance Corporation, for consent to transfer certain assets to Empire of America, FSA, Southfield, Michigan, a federal savings association not insured by the Federal Deposit Insurance Corporation, in consideration of the assumption of liabilities for deposits made in the Corning,

Dansville and Hornellsville, New York, branches of Monroe Savings Bank.

Application pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as a director, officer, or employee of an insured bank:

Name of person and of bank authorized to be exempt from disclosure pursuant to provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C 552b (c)(8) and (c)(9)(A)(ii)).

Recommendation regarding the liquidation of a bank's assets acquired by the corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: The Metro Bank of Huntington, Inc. Huntington, West Virginia

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 6, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-816-83 Filed 6-7-83; 11:51 am]

BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, June 12, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to merge and establish three branches:

Community First Bank, Bakersfield, California, an insured State nonmember bank, for consent to merge, under its charter and title, with Growers and Merchants State Bank, Selma, California, and to establish the three offices of Growers and Merchants State Bank as branches of the resultant bank.

Applications for consent to purchase assets and assume liabilities and establish one branch:

Le Mars Savings Bank, Le Mars, Iowa, an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in Farmers Savings Bank, Struble, Iowa, and to establish the sole office of Farmers Savings Bank as a branch of Le Mars Savings Bank.

Hamilton Bank, Lancaster, Pennsylvania, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the Lebanon Plaza Branch of the Commonwealth National Bank, Harrisburg, Pennsylvania, and to establish that office as a branch of Hamilton Bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,691—The Greenwich Savings Bank, New York, New York

Case No. 45,692-SR—The Bank of Woodson, Woodson, Texas

Memorandum and Resolution re: The Farmers State Bank, Protection, Kansas

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or Associate Director (Administration and Corporate Applications) of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Office of Corporate Audits and Internal Investigations:

Audit Report re: Reimbursable Expenses Billed to the FDIC by the Firm of Roth, Kudler, Berner and Company, dated May 12, 1983.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 6, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-817-83 Filed 6-7-83; 11:51 am]

BILLING CODE 6714-01-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2), notice is hereby given that at its open meeting held at 2 p.m. on Monday, June 6, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvin H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Request of Dakota Bank of Wahpeton, a proposed new bank to be located at 1005 Dakota Avenue, Wahpeton, North Dakota, for reconsideration of a previous denial of an application for Federal deposit insurance.

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Hoosier State Bank of Indiana, Hammond, Indiana, for consent to establish a branch within the Strack & Vantil Grocery Store, Routes 30 and 41, Schererville, Indiana.

Request of the Philadelphia Savings Fund Society, Horsham Township (P.O. Horsham), Pennsylvania, for a waiver of the time deposit early withdrawal penalty.

By the same majority vote, the Board further determined that no earlier notice

of these changes in the subject matter of the meeting was practicable.

Dated: June 6, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson

Executive Secretary.

[S-827-83 Filed 6-7-83; 3:07 pm]

BILLING CODE 6714-01-M

10

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, June 6, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Request of Indian Springs State Bank, Kansas City, Kansas, for an extension of time within which to relocate the main office from 4601 State Avenue to 4810 State Avenue, Kansas City, Kansas.

Application pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as a director, officer, or employee of an insured bank: Name of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,694-L (Addendum)—The Ina State Bank, Ina, Illinois

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsection (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: June 6, 1983.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[S-828-83 Filed 6-7-83; 3:07 pm]

BILLING CODE 6714-01-M

11

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, June 14, 1983, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance, Personnel, Litigation, Audits.

PERSON TO CONTACT FOR MORE INFORMATION: Mr. Fred Eiland, Information Officer, telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-829-83 Filed 6-7-83; 3:38 pm]

BILLING CODE 6715-01-M

12

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., June 15, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 8900-20: Modification of the "8900" Lines Rate Agreement to permit the establishment of open rates.

2. Special Docket No. 1021—Application of Korea Shipping Corporation for the Benefit of Sunkyong Magnetic Ltd; Special Docket No. 1022—Application of Hanjin Container Lines, Ltd. for the Benefit of Latex Gloves Co., Inc.; Special Docket No. 1023—Application of American President Lines, Ltd. for the Benefit of Lux Chemical Corp.; Special Docket No. 1024—Application of Yamashita-Shinnihon Steamship Co., Ltd. for the Benefit of Melco Sales Singapore Pte., Ltd.—Consideration of Order of Discontinuance.

Portion closed to the public:

1. Volume Incentive Program of Agreements Nos. 10107 and 10108.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-830-83 Filed 6-7-83; 2:16 pm]

BILLING CODE 8730-01-M

13

NATIONAL CREDIT UNION ADMINISTRATION

Changes in Date and Subject of Board Meeting

The previously announced closed meeting of the National Credit Union Administration scheduled for 4 p.m., Wednesday, May 11, 1983 was changed to Thursday, May 12, 1983.

The National Credit Union Administration Board also determined that its business required that the previously announced closed meeting on Wednesday, May 11, 1983 changed to Thursday, May 12, 1983 include the following additional item, which was closed to public observation.

Budget Allocation. Closed pursuant to exemption (2).

The Board voted unanimously to add this item to the closed agenda.

Earlier announcement of these changes was not possible.

The previously announced items were:

1. Approval of Minutes of Previous Closed Meetings.

2. Requests from Federally insured credit unions for special assistance to prevent liquidation under Section 208(a)(1) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

3. Requests for special assistance under Section 208(a)(2) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

4. Requests for emergency mergers under Section 205(h) of the Federal Credit Union Act with special assistance under Section 208(a)(2) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

5. Proposed Memorandum of Agreement between NCUA and a Federal Credit Union. Closed pursuant to exemptions (8) and (9)(A)(ii).

6. Personnel Actions. Closed pursuant to exemptions (2) and (6).

The meeting was held at 2:54 p.m., Sheraton Centre Hotel, 811 7th Avenue (7th and 53rd Street), New York, New York 10019.

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-824-83 Filed 6-7-83; 2:14 pm]

BILLING CODE 7535-01-M

14

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9 a.m., Tuesday, June 14, 1983.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C. 20456.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Review of Central Liquidity Facility Lending Rate.

* * * * *

TIME AND DATE: 2 p.m., Monday, June 13, 1983.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C. 20456.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Requests from Federally insured credit unions for special assistance to prevent liquidation under Section 208(a)(1) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Personnel Actions. Closed pursuant to exemptions (2) and (6).

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady, Secretary of the Board, Telephone (202) 357–1100.

[S–635–83 Filed 6–7–83; 2:14 pm]

BILLING CODE 7535-01-M

federal register

Thursday
June 9, 1983

Part II

Environmental Protection Agency

Fuel Economy of Motor Vehicles; Revisions To Improve Fuel Economy Labeling and the Fuel Economy Data Base

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 600

[AMS-FRL 2302-7, Docket No. A-80-32]

Fuel Economy of Motor Vehicles; Revisions To Improve Fuel Economy Labeling and the Fuel Economy Data Base

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the motor vehicle fuel economy regulations for fuel economy labeling and for submitting fuel economy data for calculating Corporate Average Fuel Economy (CAFE) and label values. EPA proposes that these amendments take effect beginning with the 1985 model year.

Accurate and reliable fuel economy information is essential to allow the free market to exert its influence on what vehicles are produced. The primary purpose of this proposal is to increase the credibility and usefulness of EPA's fuel economy information to prospective new-car buyers. We believe this proposal will accomplish this goal without significant regulatory increases.

The major proposals in this rulemaking would: (1) Mathematically adjust laboratory fuel economy label values to correct for the average differences between the fuel economy measured in the laboratory and actual in-use experience, (2) require fuel economy labels to be revised during the model year if label values decrease by 1.0 mpg due to certain design changes and following a mid-year general recalculation, (3) require that the minimum data used in label calculations be more representative of projected sales, (4) require that both city and highway adjusted fuel economy values appear on each fuel economy label, and (5) establish a standard label format to more clearly highlight the fuel economy values and improve the consumer's ability to compare products.

DATE: Public Comment: Comments on the proposed rule must be received by September 1, 1983. The dates of the hearing will be Tuesday, and Wednesday, July 26 and 27, 1983.

ADDRESS: Comments in response to this NPRM should be submitted to the U.S. Environmental Protection Agency, Central Docket Section (A-130), Gallery 1, West Tower Lobby, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460, Attn: Docket No. A-80-32.

A hearing will be held at the Ann Arbor Huron High School in Ann Arbor, Michigan, 2727 Fuller Road. On the first day the hearing will be convened at 9:00 a.m. and will adjourn at 5:00 p.m. If a second day is necessary to complete the business of the hearing, the hearing will reconvene at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT: Clifford D. Tyree, Certification Division, Office of Mobile Sources, Environmental Protection Agency, 2565 Plymouth road, Ann Arbor, MI 48105; (313) 668-4310.

SUPPLEMENTARY INFORMATION:

Participation in the Public Hearing

Any person desiring to make a statement at the hearing or to submit material for the hearing record should contact Judy Faye Carmickle (313-668-4440) to schedule a time at the hearing. These scheduled to testify or those planning to submit material at the hearing should provide written confirmation of their interest, together with at least one copy of the proposed statement or material, for inclusion in the record. All such documents should be submitted to EPA at the address below no later than Tuesday, July 19, 1983. It is strongly requested, but not required, that at least 100 copies accompany any documents which cannot be submitted prior to the start of the hearing.

Participants are advised to adhere to these guidelines if possible. Documents submitted late may not receive full staff consideration prior to the hearing. Further, participants who submit documents on the scheduled day of the appearance, without the requested 100 copies, may be rescheduled for a later time or session of the hearing if duplication of the documents cannot be completed by EPA prior to the scheduled time of appearance.

The record of the hearing will be left open for 30 days following the close of the hearing to allow submission of rebuttal and supplementary information.

Mr. Richard D. Wilson is hereby designated as the Presiding Officer of the hearing. He will be responsible for maintaining order, excluding irrelevant or repetitious material, scheduling presentations, and, to the extent possible, notifying participants of the time at which they may appear. The hearing will be conducted informally. Technical rules of evidence will not apply.

The present national fuel economy testing program performs three functions: (1) It generates general fuel economy values for each model type and makes these values available to the public on individual vehicle fuel economy labels and in the *Gas Mileage Guide (Guide)* pursuant to 15 U.S.C. 2006, (2) it determines manufacturers' compliance with the CAFE requirements established in accordance with 15 U.S.C. 2002, (3) it establishes, in accordance with the National Energy Conservation and Policy Act (NECPA), manufacturers' "Gas Guzzler Tax" liability based on the general fuel economy label calculations.

In recent years, EPA, other government agencies, the U.S. Congress, and consumers have been concerned about apparent differences between the EPA fuel economy estimates and the actual fuel economy performance of vehicles in use. In general, these differences arise from travel environment, owner travel and driving habits, and vehicle maintenance. An EPA report to Congress, entitled "Passenger Car Fuel Economy: EPA and Road," EPA-460/3-80-010, published September 1980, shows that since 1976, fuel economy label and *Guide* figures have been higher, on the average (termed "shortfall"), than actual in-use fuel economy. This discrepancy has caused considerable consumer dissatisfaction and lack of confidence in EPA's fuel economy estimates.

Congress addressed this problem in public hearings of the House Subcommittee on Environment, Energy, and Natural Resources on January 29 through February 1, 1980.[1] The subcommittee concluded that the fuel economy information provided to consumers did not adequately reflect in-use fuel economy and that EPA possesses the authority to make changes in the fuel economy program that will improve the accuracy of the fuel economy data. The subcommittee consequently recommended that EPA devise a new system for labeling new vehicles with fuel economy values that most drivers can reasonably expect to experience. The subcommittee also recommended that EPA tighten its test procedures for determining compliance with Federal CAFE standards in order to eliminate actual or potential loopholes that introduce inaccuracies in EPA's approximation of in-use fleet average fuel economy. EPA has also been assessing its fuel economy testing program to improve the usefulness and accuracy of the fuel economy information it provides to the public and to improve the data base from which fuel economy values are derived.

On September 29, 1980, EPA published an advance notice of proposed

[1] Seventeenth Report by the Committee on Government Operations, Union Calendar No. 582, House Report No. 96-916, May 13, 1980.

rulemaking (ANPRM) for this proposed rule. The ANPRM presented several courses of action that EPA was considering for improvements in the fuel economy program and requested comments on those ideas. EPA received comments from a number of sources that included concerned citizens and consumer groups as well as major automobile manufacturers. This NPRM proposes changes that have resulted from EPA's desire to provide consumers with fair and accurate fuel economy information. Copies of specific comments on the ANPRM are available for public inspection in the EPA public docket presented in the **ADDRESS** section of this notice.

I. History and Background

In order to minimize the length of this notice EPA has not attempted to provide a detailed description of how the current program works or how it evolved. To the extent possible, we have presented the proposals in a manner that will not require extensive fuel economy program knowledge in order to understand them. The public docket for this rulemaking (Public Docket No. A–80–32) contains a report entitled *History and Description of the EPA Motor Vehicle Fuel Economy Program* which briefly describes the history and procedures of the current fuel economy program.

II. Description of the Proposed Modifications

A. In-Use Adjustments for Label Values

Many studies and analyses have been conducted to characterize the differences between EPA fuel economy estimates and in-use performance.[2] Two typical conclusions are that: (1) In-use fuel economy is significantly lower than EPA estimates and (2) because of these differences, consumer confidence in the label values has suffered. While a small portion of the differences could be eliminated by improved data representation and label updating (discussed later in this proposal), there would remain an offset between the advertised fuel economy values and the fuel economy achieved in use because of the different operating conditions between laboratory testing and in use. These laboratory conditions do not reflect changes in climate, road conditions, driving patterns, and other factors that affect in-use fuel economy.

In order to account for differences between EPA laboratory results and actual in-use experience, EPA proposes to calculate fuel economy values according to current procedures and then "discount" these values by an adjustment factor. EPA proposes that the adjustments be made by multiplying the city model type fuel economy value by 0.90 and the highway model type fuel economy by 0.78. The data and the procedures used to arrive at these factors are contained in an internal EPA report dated November 3, 1982, "Adjustments to EPA Fuel Values—Stage II Results." (This document is contained in the docket for this rulemaking.) EPA requests comments on the data and methodology used to derive these factors and may modify the factor as appropriate, based on comments received.

EPA proposes that only the adjusted fuel economy values appear on labels. However, EPA requests comments on alternative methods of presenting this information, pointing out specific advantages. For example, one alternative was suggested by the Office of Management and Budget (OMB) following its review of this proposal.[3] OMB suggested that rather than depicting single fuel conomy values on the label, the fuel economy estimates would be presented in a narrative form that includes a disclaimer for the unadjusted values. Both the unadjusted values and an adjustment factor would be presented. However, EPA believes that a "fine print" disclaimer is not useful since consumers most likely would not read it. Therefore, under this alternative, all lettering in the above fuel economy statement would be of the same size and prominence, including the fuel economy values. For example, under this alternative, the label fuel economy estimate for a given value (city or highway) could read as follows:

The [City, Highway] fuel economy estimate is —— m.p.g.; however, actual [City, Highway] fuel economy will likely average —— percent lower.

EPA is not proposing a set timetable for updating the adjustment factors. However, the Agency will continue to collect in-use data to review the status of the validity of the factors. If it appears appropriate to change the adjustment factors, EPA will publish proposed amendments and provide an appropriate leadtime before they are adopted. EPA requests comments on how to best collect such information and what minimum leadtime is necessary before revised factors can be used.

EPA also requests comments on ways to minimize consumer confusion in the first year of transition to adjusted fuel economy estimates. This confusion could result from consumers not being informed of (or not understanding) the reason for the fuel economy value decreases as compared to similar or identical vehicles of the previous model year. Manufacturers may also have problems highlighting fuel economy improvements for particular models when the adjustments bring the estimates below the previous year's estimates. EPA is open to suggestions as to how to best inform the public and to highlight fuel economy improvements.

B. Minimum Data Requirements for Labeling

The current minimum data requirement to establish a label value is one test per base level.[4] If the manufacturer has met the minimum data requirements by testing an emission test car, no additional testing is required for that base level to establish a label value. (If *no* previous data had been generated for a base level, the manufacturer must submit data from the highest projected sales configuration in the base level.) This can result in a base level represented by very low sales configurations. Because the base level fuel economy is sales-weighted into the model type label value using the *entire* base level sales, this single low sales configuration would have a disproportionate influence on the label value.

EPA has estimated the effect of this problem by projecting the likely fuel economy of untested subconfigurations and recalculating the label values for comparison. The results of this analysis show three percent of all 1980 vehicles were labeled 2 mpg or more too high, implying that the current system causes a portion of vehicles sold to be misrepresented simply because of data requirements and calculation methods. Although the number of labels affected is small, we are concerned that these

[2] The docket to this proposed rulemaking, A–80–32, contains numerous supporting documents and technical analyses. Note that because of revisions to this notice while in draft, EPA documents which are dated prior to July 1982 which describe the "proposed" rulemaking do not necessarily reflect the final proposals of this NPRM.

[3] Executive Order 12291 requires that all proposed regulations be reviewed by the Office of Management and Budget before being published. OMB commented in a letter to the Administrator dated June 2, 1981 (available in the public docket). OMB expressed a concern that label values with only the adjusted fuel economy values would imply more accuracy in the value than warranted. Specifically, the concern is that the public will perceive the adjusted values as predictions of the fuel economy each individual consumer will receive rather than representing an estimate of average performance to aid in comparison shopping as is intended.

[4] A base level is defined as a unique combination of vehicles with the same basic engine, inertia weight class, and transmission class. A complete listing of definitions can be found in 40 CFR 600.002–81.

biased label values can be extensively used, perhaps even emphasized in manufacturers' advertising. Further, without some change in the regulations, the situation could become worse in a future model year as manufacturers try to achieve continual increases in their label values.

EPA considered several alternative solutions to this problem. The first alternative was to test all configurations to establish label values. This was rejected as too burdensome and costly. The second alternative was to require minimum sales representation for test data in the label calculation. This was rejected since it could still greatly increase the manufacturers' testing burdens prior to model introduction and would increase label testing for models that are adequately covered under the current system. The third option was to retain the current testing requirements, but use analytical procedures to estimate test values for all subconfigurations. The analytical values and the actual test values would be used in sales-weighted label calculations, thus reflecting all designs at their proper sales weight. (This alternative is discussed further in Section III.E of this preamble.) EPA rejected this alternative since it would be a complex and controversial solution impacting all label calculations rather than centering only on the expected small number of problem labels.

Since our analysis suggests that this problem may be limited to a small number of model types that are not covered adequately by the current requirements, EPA proposes a simple solution whereby each base level must be represented at least by data from the highest projected sales configuration within the base level. This should affect only a small fraction of base levels. (In the 1982 model year, approximately 7 percent of the base levels were not represented by the high sales configuration for labeling.)

We do not expect that this requirement would cure all problem cases. However, it will correct some of the overstated label values and, more importantly, place limitations on a manufacturer's ability to overstate label values further by testing only vehicles with very low sales. Thus, this requirement would target only potential problem areas at a very small burden for manufacturers. The actual number of tests performed annually should not increase since these vehicles would likely be tested for CAFE purposes. The only increase in burden with this proposal would be due to a shift when these designs are tested, causing a very slight test load increase prior to model introduction.

C. Relabeling

Under the existing fuel economy label regulations, label values, once calculated, are not changed for the entire model year. Design changes can, however, be implemented after the label has been calculated which may significantly change the fuel efficiency of the vehicles. Design changes after production has started are called running changes. Because label values are only calculated once during a model year, any change in the fuel efficiency caused by design changes is currently not reflected in the label values. Furthermore, since the label value represents the sales weighted average fuel economy prediction for the included designs, changes in sales predictions can significantly affect the estimated fuel economy. These deficiencies in the current calculation procedures adversely affect the representativeness of the label values and thus their usefulness to consumers.

Ideally, label values would be kept most up-to-date by requiring them to be recalculated every time a running change is submitted or a sales shift occurs. However, EPA recognizes the practical limits of reflecting these changes on a continuous basis. Therefore, EPA is proposing two updating mechanisms: A continuous check on label values triggered only by certain design changes, and a single mid-year recalculation for all labels. EPA believes this combination can approximate the ideal system with much less burden on the industry.

While this proposal details a particular combination of update requirements, EPA recognizes that there may be other combinations or single update systems that would achieve comparable results. EPA requests comments on other ways to solve the label updating problem.

EPA is proposing that the label values be recalculated: (1) Once per model year (in January) for the complete product line, and (2) any time running changes wer made directionally affecting any of the specific parameters of equivalent test weight, axle ratio, or road-load horsepower for vehicles covered by a label. For the mid-year recalculation, any label value decrease of 1.0 mpg or more would have to be reflected on new labels. (Manufacturers could optionally relabel for fuel economy increases.) For recalculations triggered by the running change, if the newly calculated label value were 1.0 mpg or more below the city or highway value new labels would be required. A brief explanation of each of these types of relabeling follows:

1. *Mid-Year Recalculations.* Recent experience in the fuel economy program indicates that compared to current label values (calculated early in the model year, often before production starts), the label values that would be calculated using end-of-year data were as much as 3 mpg different for the city value and 4 mpg different for the highway value. Further, 20 percent of the city label values for cars were overstated by 1 mpg or more and 30 percent of the highway label values were overstated by 1 mpg or more.

EPA proposes that manufacturers recalculate all label values using total model year projected sales updated as of December 31 of the calendar year preceding the model year. If any recalculated city *or* highway label value is less than the existing label by 1.0 mpg or more, new label values would have to be in place by the following February 1. All manufacturer-calculated label values (and data used in the calculations) would be submitted to EPA at least five days before implementation. For the recalculation, all base levels would be represented by data from at least the highest projected sales configuration, as with the initial labels. EPA would provide comparable vehicle range values for the labels at an appropriate time before February 1. As is currently required, these updated range values would be incorporated on the labels within 15 days of the date EPA made them available.

The date for the mid-year relabeling was chosen so as to have the least impact on industry resources. The current labeling procedures require that the range of fuel economy of comparable vehicles contained on the labels (but not the label values) be updated (around this time) and these new labels be affixed to subsequent production. Because manufacturers are already required to put new labels on much of their product lines at this time, the only new cost involved would be in performing the calculation and updating sales projections. EPA estimates this cost to be approximately $380,000 for the industry. EPA requests information on other possible costs associated with relabeling, such as for updating advertising and brochures.

EPA acknowledges that if all of manufacturers' advertising had to be altered at mid-model year to reflect revised fuel economy estimates, it would amount to significant disruption in advertising, with possibly higher costs. However, it is likely that the current portion of overstated label values would

be significantly less because of the incentive for manufacturers not to make changes during the year that decrease fuel economy. This incentive would be reinforced by the proposal to require labeling for certain design changes (see below) at any time during the model year. Further, manufacturers' advertising typically centers only on the highest fuel economy model type within a car line, which further decreases the likelihood of label value changes that would affect advertising. Thus, EPA believes that the actual impact of relabeling on advertising cost would not be significant, primarily due to the presence of the relabeling requirements themselves. The risk of affecting advertising would discourage unnecessary design changes that decrease fuel economy.

2. Recalculation Resulting Directly from Design Changes. Certification records show that in the 1982 model year, 115 of the over 800 design changes involved changes in axles, equivalent test weight or road-load horsepower. Because design changes involving any one of these three vehicle characteristics may have a significant effect on fuel economy,[5] EPA is proposing that the label values be immediately recalculated and relabeled, if necessary, to reflect these types of design changes if they are in the direction of decreasing fuel economy. These are specific design changes that are closely controlled by the manufacturer's product planning and, therefore, manufacturers should be responsible for reflecting them in fuel economy estimates to the public.

Specifically, this proposal would require that: (1) Anytime an axle ratio is added which is numerically 10 percent larger than the largest axle ratio tested, or (2) a higher equivalent test weight is added, or (3) when the road-load horsepower is increased by 10 percent (either cumulative or a single change), the label values must be recalculated. If the recalculation, using undated projected annual sales, results in any label calculation reduction of a full 1.0 mpg or more of the city or highway calculation, the affected vehicles would have to be relabeled. (Each manufacturer would have the option to relabel for fuel economy increases by 1.0 mpg or more.) The 1.0 mpg city or highway change in fuel economy was selected to ensure that only those design changes which had a significant effect on fuel economy would trigger a relabeling. That is, changes of less than 1.0 mpg may result in label values changing due to round-off. However, labels will not be revised in these cases.

If the manufacturer were required to relabel based on the above criteria, the new labels would have to be installed on the affected model types at the time the running change was implemented. The manufacturer would submit the new label values, along with the data used in the calculations, to EPA at least five working days before implementations. As is the current practice when new labels are calculated during the year, EPA will supply the manufacturer with the latest available comparable vehicle range values to be used on the new labels.

Current fuel economy regulations do not require supplementary data for changes only in road-load horsepower or increase in equivalent test weight. Therefore, EPA is also proposing that manufacturers be required to submit supplementary fuel economy data for running changes that affect these parameters as described above. EPA does not anticipate that this requirement would significantly increase testing since emissions regulations often require test data for such changes.

3. Gas Guzzler Tax Liability. Currently, a manufacturer's liability for Gas Guzzler Tax on a particular vehicle is determined by the model type fuel economy value that EPA assigns to it. Since the proposed labeling program will cause label values to be updated, EPA proposes that the Gas Guzzler Tax liability be reevaluated whenever a label is updated. This would permit a manufacturer to remove a vehicle from the Gas Guzzler category (or decrease the tax liability) by making fuel economy improvements during the year. The converse would also be true as vehicles could fall into the Gas Guzzler category if model type fuel economy estimates decreased during the model year.

D. Modifications to the Label Information

1. Inclusion of City and Highway Estimates. The fuel economy label currently contains a single fuel economy value referred to as the EPA estimated fuel economy. The EPA estimated fuel economy is based on a test procedure which simulates the relative low speed stop-and-go driving typical in a city or urban environment. Since the current label fuel economy value is based on a city-type test, it does not reflect highway fuel economy performance. This lack of label information about highway fuel economy is particularly significant due to the many improved designs available today (such as overdrive transmission gearing) that mainly affect the highway fuel economy, not city fuel economy. In addition, highway estimates are used and emphasized by manufacturers in their advertising even though they do not appear on the label.

EPA propose a two-number label that would present separate city and highway estimates. Manufacturers' comments on the ANPRM have indicated agreement with this system. The advantage of this two-number system is that individual buyers would determine the expected fuel economy under the driving mode or modes of particular interest to them.

EPA had previously included highway fuel economy estimates on labels during the 1975 through 1978 model years. We subsequently dropped the highway estimate from the labels and termed the former "city" estimate simply as the "estimate." This was done as an interim measure while a solution to the in-use fuel economy shortfall problem could be found. If EPA adopts the previously described shortfall adjustments to label values, the separate city and highway estimates will become more valid and useful. The Agency does not intend to adopt this two-mode label system if shortfall adjustments are not adopted.

2. Elimination of Prior Approvals for Label Values. Current regulations require that manufacturers obtain EPA approval of label values before they can be used. This approval process requires significant EPA resources and can cause delays for manufacturers in labeling vehicles in production.

EPA proposes to eliminate the requirement for prior label approvals. Manufacturers would be responsible for calculating label values and could apply them at their discretion provided they had submitted the label value and supporting calculation to EPA. EPA would retain the function of auditing label calculations at its discretion. If EPA audits revealed vehicles mislabeled too high, manufacturers would be required to relabel the vehicles. Manufacturers would have 15 calendar days to change labels on unsold vehicles and begin installing correct labels on all unlabeled vehicles. The relabeling cost and disruption to advertising should be sufficient incentive for manufacturers to maintain good internal quality control of their label calculations. Thus, no additional mislabeling penalty is proposed. As in running change label updates, EPA would provide the latest available comparable range to be used.

3. Unique Labels for Fuel Efficient Vehicles. Currently, each model type classification (as defined by car line name, basic engine, and transmission class) is represented by a single fuel

[5] EPA Report No. 460/3-80-010, "Passenger Car Fuel Economy: EPA and Road," September 1980, available in Public Docket No. A-80-32.

economy general label value (although labels specific to configurations are allowed temporarily until general labels become available). Manufacturers often have specific fuel efficient design packages within model types that are not appropriately represented by the model type general label value. There is currently no formal mechanism that allows manufacturers to separately label and advertise these fuel efficient packages if they fall within a currently defined model type. EPA agrees that the highlighting of specific fuel efficient designs that are available is consistent with the Agency's goal to provide consumers with accurate fuel economy information. Therefore, EPA proposes to allow manufacturers to separately label specific vehicle designs based on fuel economy performance, providing these vehicles bear a unique name for consumer identification, and providing certain minimum testing requirements are met.

Under this proposal, the manufacturer would be allowed to create unique car lines representing model types separated from the original model types. The new car line name must be different form the remaining car line name (although the unique car line name may be a derivative of the original name, such as Omni Miser), and must appear on the label and on each vehicle bearing the label. For label calculation purposes, the vehicles separated from the original model type will be considered separate basic engines. No subconfiguration may be represented in more than one basic engine, and *all* subconfigurations within a unique label calculation must be represented by test data. The label values for the unique model types contained in the new basic engines would be calculated using existing procedures.

The manufacturer may make unique label subconfiguration groupings as large or small as it desires as long as each subconfiguration in the grouping is represented by test data. Further, the lable updating provisions of this proposal would apply as with other model types.

4. *Clarification and Standardization of Label Format.* Under the current regulations, prior approval of labels encompasses the format as well as the information contained on the label. This approval process costs both the manufacturers and EPA time and resources. Format variation also makes it difficult for potential buyers to locate and understand the information and reduces the usefulness of the label for comparative shopping.

We are proposing changes affecting both the information EPA required on the label and the format itself in order to achieve a certain degree of standardization, improved clarity, and a more streamlined administrative process. The proposed changes to the label format are to establish a standard format and to delete the requirement that EPA approve the label format.

EPA has contracted with a media consultant firm to review specific label formats and provide comments and suggestions.[6] The Department of Energy (DOE) has done similar studies.[7] Drawing from this information and from EPA's experience with various formats used by manufacturers, EPA is presenting two alternatives in this proposal. The format adopted in the final rule will be based on the comments received on these alternatives. Examples of the alternative formats are appended to the regulations.

The first alternative (developed by EPA) allows the manufacturer some flexibility in the information that can be included on the label beyond the minimum information required. It has certain minimum dimensional requirements and must leave at least 60 percent of the label area for the fuel economy values which also have minimum dimensional requirements. This alternative format is presented in the text of the regulations for this NPRM since it allows more variation and, therefore, needs a more detailed description. The second alternative is the fixed format developed by DOE which features a depiction of a gas pump and exact label language. For this alternative, no variations may be made to the exact format except that the size (with contents) may be proportionately increased from minimum dimensions.

EPA also proposes to eliminate the requirement for EPA prior approval of label formats even though some format variation may still be allowed. EPA would instead audit label formats as necessary and could require relabeling if violations occur.

EPA requests comments on the proposed labeling format changes, particularly on:

a. The preferred format alternative;

b. Implementation costs and problems;

c. Consumer information needs and understanding;

d. Advertising guidelines for all media; and

e. Any other proposed systems, including their advantages and disadvantages.

E. Proposed Technical Amendments To Cut Costs and Improve the Data Base

1. Elimination of the Preliminary CAFE Calculation. There are two basic uses of the preliminary CAFE in the current program. One is to provide the manufacturer an early estimate of what the final CAFE could be. A second purpose is to establish the subdivisions of a product line which will be the basis for establishing test requirements for the final CAFE data base. The need for the preliminary CAFE is now being questioned by both EPA and the industry.

EPA originally incorporated the preliminary CAFE concept in response to manufacturers' requests.[8] According to manufacturers, this early program of EPA-confirmed corporate fuel economy values would provide a very good indication of what the final CAFE values would be if no significant changes were introduced by the manufacturers and the projected sales remained stable. They also felt EPA-confirmed values would provide their marketing departments latitude in making marketing decisions if preliminary CAFE's were above the standard. Even though EPA offers the preliminary CAFE as an early indicator of the manufacturer's status for CAFE compliance, in recent years manufacturers seem to have stopped relying on the preliminary CAFE for this purpose. Whether the manufacturer needs it or not, EPA and the manufacturer still must devote resources to generate and confirm the value since this is required by the current regulations.

EPA proposes to eliminate the preliminary CAFE calculation from the fuel economy program. In its place, the regulations would require that the final CAFE include test data on vehicle configurations with total production of 90 percent or more of the manufacturer's total production. If this proposal to eliminate the preliminary CAFE is adopted, manufacturers will be free to choose, in most cases, which designs to test as long as the final CAFE data base represents 90 percent or more of vehicle configuration production. (There would be no change in the existing requirement that all data submitted during the label calculation procedures must also be included in the CAFE calculation and this would also apply to data submitted for relabeling purposes.)

---

[6] Buckheim & Rowland, Inc., "Fuel Economy Label Design Evaluation," May 1981. Available in Public Docket No. A–80–32.

[7] Pirkey, McNutt, "Consumer Response to Fuel Economy Information—Alternative Sources, Users, and Formats," SAE No. 820792, June 1982, available in Public Docket No. A–80–32

[8] 41 FR 38047, September 10, 1976.

Also related to the preliminary CAFE calculation, under the current regulations (40 CFR 600.507–79(a)(1)), manufacturers may request exemptions from the requirement that supplementary fuel economy data be submitted for running changes based upon preliminary CAFE values. If a manufacturer's preliminary CAFE is sufficiently above the model year's CAFE value, the manufacturer may request such an exemption. Since the exemption decision relies on the preliminary CAFE and since the manufacturers will, in most cases, be free to choose which data to include in the final CAFE data base, EPA proposes that the exemption be eliminated in conjunction with eliminating the preliminary CAFE calculation. Also, in some cases the additional running change data will be needed under the relabeling proposal.

2. *Fuel Economy Adjustments for High Mileage Test Vehicles.* Presently, the regulations allow a maximum mileage accumulation of 10,000 miles for fuel economy data vehicles. This is allowed in order to extend the usefulness of fuel economy test vehicles so that each vehicle can be used for more tests, thus saving the cost of new test vehicles. It also allows vehicles which had been used to generate emission certification data under 40 CFR Part 86 to be reconfigured and used as fuel economy data vehicles.

Fuel economy levels usually improve with mileage accumulation because engine wear reduces friction. Test vehicle mileage over 4,000 miles can consequently bias fuel economy test results from the original 4,000-mile base. EPA conducted an analysis (available in the public docket) of fuel economy data from 1976 through 1981 model year test vehicles.* Average fuel economy improvements of approximately 5 percent were calculated between 4,000 and 10,000 miles. Thus, for example, by increasing the mileage accumulated on a test vehicle to 10,000 miles, fuel economy can be increased on the average by about 1.0 mpg on a vehicle which has a 4,000-mile fuel economy of 20 mpg. In the 1976 model year, approximately 8 percent of the fuel economy tests were performed on vehicles which had accumulated over 6,200 miles. By the 1980 model year, 35 percent of the tests were performed on vehicles which had accumulated over 6,200 miles. This increased use of test vehicles which have accumulated high mileage tends to bias the fuel economy data.

EPA is proposing (for labeling only) to apply an adjustment factor to test data from vehicles which exceed 6,200 miles (10,000 kilometers). This would allow manufacturers to continue using existing test vehicles, but the fuel economy bias caused by higher mileage would be eliminated. An adjustment equation is contained in the test of the proposed regulation. This proposal would allow the manufacturer to test vehicles with up to 6,200 miles accumulation without a factor being applied to the fuel economy results. For any tests conducted on vehicles with 6,200 miles or more, and up to 10,000 miles, the test results must be adjusted to 4,000-mile levels. The proposed method would allow manufacturers to choose between the use of the adjustment factors for vehicles over 6,200 miles or testing a new vehicle.

Because the proposal is to adjust the fuel economy of vehicles exceeding 6,200 miles back to a 4,000-mile reference point, we recognize that it would constitute a strong disincentive to accumulate more than 6,200 miles on a test vehicle. That disincentive is intended without going so far as to establish an absolute prohibition. Recent changes to the emission certification regulations (46 FR 50464, October 13, 1981) have created greater flexibility to reconfigure vehicles and to perform the emission certification tests sooner than 4,000 miles. This leaves sufficient latitude to reconfigure these vehicles again and fulfill any necessary fuel economy data requirements without accumulating over 6,200 miles. We believe the tendency to accumulate over 6,200 miles is not driven by a desire to save costs by maximizing vehicle reuse but by the desire to generate the maximum fuel economy possible within the time and resources available to the manufacturer to accumulate mileage. This creates inequity in the comparability of fuel economy values and favors manufacturers who have resources available to accumulate additional mileage.

This proposal to adjust data on vehicles with mileage over 6,200 miles only applies to fuel economy values used for label calculations. Since this rulemaking is not intended to affect CAFE stringency, we are not proposing now to use the adjusted values in the CAFE calculation.

3. *Drivetrain Separation.* a. Presently, the definition of "transmission class" does not explicitly distinguish between front- and rear-wheel drive. Consequently, either front- or rear-wheel drive vehicles, or a combination of both, can generate fuel economy data to represent a base level. Available EPA test data show that, in general, configurations tested with rear-wheel drive achieve better tested fuel economy than the same configurations tested with front-wheel drive. This difference in testing results can compromise the representativeness of particular fuel economy values.

The current fuel economy regulations (40 CFR 600.002–79(a)(22)) allow the Administrator to separate vehicles with front- and rear-wheel drive systems into separate transmission classes based on "other characteristics determined significant by the Administrator," and thus, into separate base levels. EPA began separating front- and rear-wheel drive transmission vehicles into separate transmission classes in the 1981 model year using this provision. EPA proposes in this NPRM to make this separation explicit in the regulations.

b. Some manufacturers are now installing automatic transmissions that have "lockup" torque converters and have also installed transmissions with "overdrive" gear ratios. Both of these features improve the fuel efficiency of the vehicle.

EPA proposes that both overdrive gearing and automatic transmission with lockup be explicitly included in the definition of transmission class. Thus, consumers would be notified of the fuel economy impact (since transmission class determines a model type) and the manufacturer would get fulll credit for these features by having them calculated and listed separately both in the *Guide* and on vehicle labels. Few, if any, additional tests would be required by this change.

4. *Interior Volume.* EPA uses the interior volume of vehicles to classify passenger automobiles to aid the consumer in comparing the fuel efficiency of similar vehicles. The current classification technique was published as a final rule in the September 12, 1977 **Federal Register** (42 FR 45668).

EPA is proposing three changes to the current method for measuring vehicles to account for: (1) The cargo volume of hatchbacks and station wagons, (2) the total front-seat leg room, and (3) adding interior volume measurements to the two-seater vehicle classification. Since these changes will result in new interior volumes for all vehicles, some of the vehicles could be in a new interior volume classification. Therefore, EPA is requesting that manufacturers include in their comments interior volume information on these vehicles that would change classification. This

* EPA Report No. EPA/AA/CPSB/81–03, "Effect of Vehicle Mileage on Tested Fuel Economy," February 1981.

information will be used to determine whether the existing ranges need to be adjusted.

5. *Reduced Reporting Requirements.* EPA proposes to reduce the manufacturers' reporting burdens by eliminating requirements to submit certain information to EPA and to require that information be retained by the manufacturer. This information concerns test vehicle calibrations and maintenance records, and also incudes certain interior volume calculation information. Since EPA does not routinely use this information, it no longer needs to be submitted. However, under this proposal, the manufacturer would have to make these records available to EPA upon request.

III. Other Major Alternatives Considered

In this effort to improve the credibility and usefulness of EPA's fuel economy information, EPA considered many alternatives. The most significant alternatives considered for each of the proposed modifications to the existing regulations are outlined below.

A. Changes in the Test Procedure

A logical option to bring EPA estimates more in line with in-use experience is to make the fuel economy test procedure more closely match actual in-use conditions. However, in order to minimize test costs and maximize the usefulness of the data, test procedures should be the same for the fuel economy labeling program and the manufacturer's CAFE compliance program. Furthermore, when Congress established mandatory CAFE standards, they were based on then-current test procedures. If changes to the basic test cycle would significantly affect the stringency of the CAFE standards, adjusting the standards or test results might be necessary to maintain the same relative stringency. Additionally, a large portion of the fuel economy data are derived from emissions tests since EPA uses the same urban test cycle for both emissions and fuel economy. Changing the test cycle for fuel economy labeling purposes only would double the testing costs to obtain fuel economy data on emission-data vehicles. Finally, major test procedure changes would require costly capital equipment investments and would require at least five years to develop and implement, thus delaying for several years the implementation of an improved fuel economy labeling program.

B. Estimated Fuel Economy Ranges

For each model type, EPA could determine a range of fuel economy based on the estimated percentage of drivers which would achieve fuel economy within the range. EPA could establish a highly inclusive range that would allow, for example, 90 percent of drivers to achieve values within the range but then the range could be so wide as to be meaningless to consumers. Alternatively, EPA could establish a less inclusive fuel economy range that would be more useful for comparisons, but a large number of people would get fuel economy outside of the range. The range approach could make people satisfied that they achieve fuel economy within the limits expected. However, it would not help in comparison shopping since consumers would not know where within the range their fuel economy would most likely be. People might also continue to perceive the range limits as a city value and a highway value, but these range limits may not be the most accurate estimates of expected average in-use city and highway fuel economy.

C. Use of Combined Number Only

EPA considered replacing the existing estimated EPA number with another single number representing a combined city and highway fuel economy value (55 percent city and 45 percent highway weighting). The combined figure would have been a harmonic average of the city and highway values. One of the major problems with this approach is that few drivers actually operate their vehicles with this proportion of driving and while the number might provide for an easy way to comparison shop it would probably not reflect in-use fuel economy. ANPRM commenters did not support this approach.

D. Technology-Specific Adjustment Factors

EPA conducted a thorough analysis of alternatives for developing separate shortfall adjustment factors for different engine/drivetrain designs.[10] Such an approach would probably be more technically correct than applying uniform adjustments across vehicle designs because some design characteristics have been found to exhibit different relationships between laboratory results and on-road results. However, the analysis of how to categorize designs and assign them adjustment factors is very complex and requires an enormous (as well as complete and up-to-date) data base of in-use results. EPA has derived technology-specific adjustment factors based on currently available data, but in-use data are lacking for light-duty trucks and for some of the more recent designs such as light-duty diesels and some front-wheel drive technology. Although EPA considered proposing technologies-specific factors, the potential controversy over the validity and fairness of these factors led EPA to opt for the uniform factors as an initial step. Another disadvantage of technology-specific factors is that we believe technology changes would require frequent update of the factors. Simple uniform factors may also need to be updated, but since their use would not change the competitive ranking order of vehicle label values and since the factors would be based upon the overall average shortfall of all technology types, they should require less frequent updating. This would result in less disruption to manufacturers' planning and marketing practices and less resource expenditures needed by EPA to run a continuous factors updating program. EPA requests comments on the technology-specific analyses and how (or if) EPA should pursue the development of technology-specific factors in the future.

E. Design Factor Label Calculations

EPA considered using design adjustment factors to predict fuel economy mathematically for each untested subconfiguration. This would have reduced significantly the bais in the label fuel economy caused by lack of data on the configurations included within the model type covered by the labels. It can also improve the representation of the label values and possibly reduce testing requirements for both the label calculation requirements and CAFE requirements. (The development and impact analysis of this system is contained in EPA Report No. EPA–AA–CPSB–81–02 entitled, "A Comparison of Current and Proposed Labeling Programs," and is available in the public docket.) Several manufacturers have indicated, however, that in order to "prove out" the adjustment equations they would also have to test vehicles to compare tested to calculated results. This method would also tend to be more complex to set up initially and might cause some concern as to the validity of "calculating" test results.

We have concluded that only a small percentage of labels [11] are overstated by

[10] EPA Report No. EPA/AA/CTAB/FE–82–6, "Analysis of In-Use Fuel Economy Data: Stage I," Dillard Murrell, September, 1982, available in Public Docket No. A–80–83.

[11] For passenger cars only three percent of the city labels and nine percent of the highway values appear overstated by two or more mpg and for light-duty trucks only one percent of the city labels and six percent of the highway labels appear overstated by two or more mpg.

two mpg or more due to lack of data and deficiencies in the current data aggregation system. The implementation of a new system as complex as the design factor approach would seem to be a drastic solution relative to the magnitude of the problem. Hence, we have proposed the simpler approach of requiring the testing of the highest sales volume in each configuration as the minimum data requirement to generate a label. We believe this approach will correct the large majority of overstated labels with the minimum change to the current system. EPA welcomes comments on this approach for labeling as well as comments as to whether EPA should consider the use of design factoring in generating analytical CAFE data (as is currently allowed in the regulations).

F. Labels That Are More Design Specific

EPA indicated in the ANPRM that it was considering label values for subgroups within each model type. The level of detail could have been as detailed as the subconfiguration level. Comments received to this advanced notice indicated that labeling at this level would be very costly. This high cost would result because most manufacturers apparently do not have a mechanism for tracking such unique vehicle designs during the assembly process. Therefore, to set up this tracking mechanism to ensure that each vehicle is properly labeled, complicated and very costly systems would have to be purchased and installed. EPA also considered less detailed levels of labeling (such as by axle ratio) which would have resulted in an improvement for vehicle comparisons. However, these would have required that more vehicles be tested early in the model year or that design factors be used for estimating test results. EPA requests comments on whether such approaches should still be considered to improve the labeling program.

IV. Cost of Implementation

EPA has estimated, based on information from previous model years, the likely cost to maufacturers of the changes proposed in this NPRM. The proposed changes are estimated to cost the entire industry less than $600,000 per year. A detailed analysis of the likely costs of the proposals in this NPRM is contained in a document entitled "Cost Analysis of Proposed Changes to 40 CFR Part 600 to Improve Fuel Economy Labeling and the Fuel Economy Data Base," which can be obtained from Public Docket No. A–80–32. EPA invites comments and additional information to improve the accuracy of the analysis used to develop the final rule.

V. EPCA Constraints

Section 503(d)(1) of EPCA, 15 U.S.C. 2003(b)(1), requires that for purposes of CAFE, fuel economy be measured and calculated by procedures established by the EPA Administrator. It further requires that "Procedures so established with respect to passenger automobiles (other than for purposes of Section 506) shall be procedures utilized by the EPA Administrator for model year 1975 (weighted 55 percent urban cycle and 45 percent highway cycle) or procedures which yield comparable results." The data base improvements EPA is proposing in this notice (see Section II.E of this preamble) are intended to improve the completeness and representativeness of the fuel economy data base so that EPA fuel ecomony estimates do not overstate fuel economy improvements as compared to the 1975 base model year. These options would not change the 1975 testing or CAFE calculation procedures themselves, but would only require that manufacturers use more representative data.

Section 503(d)(3), 15 U.S.C. 2003(d)(3), of EPCA states, "testing and calculation procedures applicable to a model year, and any amendment to such procedures (other than a technical or clerical amendment), shall be promulgated not less than 12 months prior to the model year to which such procedures apply." EPA believes that the changes proposed in this NPRM are technical amendments to procedures under Section 503(d)(3) of EPCA. They would change neither the actual fuel economy testing procedures nor the basic formula used to derive manufacturers' corporate average fuel economy levels and would not entail practical leadtime constraints or compliance burdens for manufacturers.

These proposed rules are technical changes to existing requirements intended to improve the completeness and representativeness of the data base. Changes of this nature, which do not require (as a practical matter) a year's leadtime, are the type of changes Congress had in mind when it created the exception to the leadtime requirements of Section 503(d)(3). Changes to the labeling program are generally not constrained by the leadtime requirements of Section 503(d)(3). However, the Agency invites comments on the question of whether or not the changes proposed here should be treated as technical amendments.

VI. Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This regulation is not major because it will result in an annual effect on the economy of less than $100 million. Also, this regulation should not result in increased costs or prices for consumers, industries, or others, nor should it have adverse effects on competition, employment, investment, or productivity.

This action was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the docket for this rulemaking; Docket No. A–80–32. The EPA's Central Docket Section (A–130) is located at 401 M Street SW., Washington, D.C. 20460.

VII. Reporting and Recordkeeping Requirements

These amendments would require the manufacturers to maintain additional records on the recalculation of label values and the approved test data used to generate them. However, the reporting of the additional label calculations would be minor compared to existing requirements. When coupled with the decrease in reporting burden due to the elimination of test vehicle calibration specification, label format, and preliminary CAFE approvals, the total program reporting and recordkeeping burden would probably decrease. Furthermore, the proposed flexibility for manufacturers to issue their own labels, rather than wait for EPA to process them, while not reducing reporting or recordkeeping requirements, should reduce manufacturers' operating costs due to their greater control over their own schedules.

Reporting, recordkeeping and labeling requirements in 40 CFR Part 600 have previously been approved by OMB and assigned control number 2000–0390. The modifications proposed in this notice have been submitted for approval to OMB under section 3504(h) of the Paperwork Reduction Act of 1980, U.S.C. 4501 *et seq.* Comments on information collection requirements proposed in this notice should be directed to the Office of Information and Regulatory Affairs, OMB, ATTN: Desk Officer EPA.

VIII. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so

as to require a regulatory analysis. The revision of the fuel economy regulation established by this rulemaking should reduce the burden, including costs of compliance with fuel economy requirements for small entities. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

IX. List of Subjects in 40 CFR Part 600

Electric power, Energy conservation, Gasoline, Labeling, Motor vehicles, Reporting and recordkeeping requirements, Administrative practice and procedure, Fuel economy.

Dated: May 24, 1983.

William D. Ruckelshaus,

Administrator.

PART 600—[AMENDED]

For the reasons set forth in the preamble, 40 Part 600 is amended as follows:

1. The authority for Part 600 reads as follows:

Authority: Title III of the Energy Policy and Conservation Act of 1975, Pub. L. 94–163, 89 Stat. 871, Title IV of the National Energy Conservation Policy Act of 1978, Pub. L. 95–619, 92 Stat. 3206.

2. A new § 600.002–85 is added to read as follows:

§ 600.002–85 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means Part I of Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.).

(2) "Administrator" means the Adminstrator of the Environmental Protection Agency or his authorized representative.

(3) "Secretary" means the Secretary of Transportation or his authorized representative.

(4) "Automobile" means any four-wheel vehicle propelled by a combustion engine using onboard fuel or by an electric motor drawing current from rechargeable storage batteries or other portable energy storage devices (rechargeable using energy from a source off the vehicle such as residential electric service) which is manufactured primarily for use on public streets, roads, or highways (except any vehicle operated on a rail or rails) and which is rated at 8,500 pounds gross vehicle weight or less or is a type of vehicle which the Secretary determines is substantially used for the same purposes.

(5) "Passenger Automobile" means any automobile which the Secretary determines is manufactured primarily for use in the transportation of no more than 10 individuals.

(6) "Model Year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year. If a manufacturer has no annual production period, the term "model year" means the calendar year.

(7) "Federal Emission Test Procedure" refers to the dynamometer driving schedule, dynamometer procedure, and sampling and analytical procedures described in Part 86 for the respective model year, which are used to derive city fuel economy data for gasoline-fueled or diesel vehicles.

(8) "Federal Highway Fuel Economy Test Procedure" refers to the dynamometer driving schedule, dynamometer procedure, and sampling and analytical procedures described in Subpart B of this part and which are used to derive highway fuel economy data for gasoline-fueled or diesel vehicles.

(9) "Fuel" means: (i) Gasoline and diesel fuel for gasoline- or diesel-powered automobiles or (ii) electrical energy for electrically powered automobiles.

(10) "Fuel Economy" means: (i) The average number of miles traveled by an automobile or group of automobiles per gallon of gasoline or diesel fuel consumed as computed in § 600.113 or § 600.207 or (ii) the equivalent petroleum-based fuel economy for an electrically powered automobile as determined by the Secretary of Energy.

(11) "City Fuel Economy" means the fuel economy determined by operating a vehicle (or vehicles) over the driving schedule in the Federal emission test procedure.

(12) "Highway Fuel Economy" means the fuel economy determined by operating a vehicle (or vehicles) over the driving schedule in the Federal highway fuel economy test procedure.

(13) "Combined Fuel Economy" means the fuel economy value determined for a vehicle (or vehicles) by harmonically averaging the city and highway fuel economy values, weighted 0.55 and 0.45 respectively, for gasoline-fueled and diesel vehicles. For electric vehicles, the term means the equivalent petroleum-based fuel economy value as determined by the calculation procedure promulgated by the Secretary of Energy.

(14) "Average Fuel Economy" means the unique fuel economy value as computed under § 600.510 for a specific class of automobiles produced by a manufacturer that is subject to average fuel economy standards.

(15) "Certification Vehicle" means a vehicle which is selected under § 86.084–24(b)(1) and used to determine compliance under § 86.084–30 for issuance of an original certificate of conformity.

(16) "Fuel Economy Data Vehicle" means a vehicle used for the purpose of determining fuel economy which is not a certification vehicle.

(17) "Label" means a sticker that contains fuel economy information and is affixed to new automobiles in accordance with Subpart D of this part.

(18) "Dealer" means a person who resides or is located in the United States, any territory of the United States, or the District of Columbia and who is engaged in the sale or distribution of new automobiles to the ultimate purchaser.

(19) "Model Type" means a unique combination of car line, basic engine, and transmission class

(20) "Car Line" means a name denoting a group of vehicles within a make or car division which has a degree of commonality in construction (e.g., body, chassis). Car line does not consider any level of decor or opulence and is not generally distinguished by characteristics as roof line, number of doors, seats, or windows except for station wagons or light-duty trucks. Station wagons and light-duty trucks are considered to be different car lines than passenger cars.

(21) "Basic Engine" means a unique combination of manufacturer, engine displacement, number of cylinders, fuel system (as distinguished by number of carburetor barrels or use of fuel injection), catalyst usage, and other engine and emission control system characteristics specified by the Administrator. For electric vehicles, basic engine means a unique combination of manufacturer and electric traction motor, motor controller, battery configuration, electrical charging system, energy storage device, and other components as specified by the Administrator.

(22) "Transmission Class" means a group of transmissions having the following common features: basic transmission type (manual, automatic, or semi-automatic), number of forward gears used in fuel economy testing (e.g., manual four-speed, three-speed automatic, two-speed semi-automatic), drive system (e.g., front-wheel-drive, all-wheel-drive), type of overdrive, if applicable (e.g., final gear ratio less than 1.00, separate overdrive unit), torque converter type, if applicable (e.g., non-lockup, lockup, variable ratio), and other transmission characteristics that may be

determined to be significant by the Administrator.

(23) "Base Level" means a unique combination of basic engine inertia weight class and transmission class.

(24) "Vehicle Configuration" means a unique combination of basic engine, engine code, inertia weight class, transmission configuration, and axle ratio within a base level.

(25) "Engine Code" means, for gaoline-fueled and diesel vehicles, a unique combination, within an engine-system combination (as defined in Part 86 of this chapter), of displacement, carburetor (or fuel injection) calibration, distributor calibration, choke calibration, and auxiliary emission control devices, and other engine and emission control system components specified by the Administrator. For electric vehicles, engine code means a unique combination of manufacturer, electric traction motor, motor configuration, motor controller, and energy storage device.

(26) "Inertia Weight Class" means the class, which is a group of test weights, into which a vehicle is grouped based on its loaded vehicle weight in accordance with the provisions of Part 86.

(27) "Transmission Configuration" means a unique combination, within a transmission class, of the total number of forward gears. If the Administrator determines that sufficient fuel economy differences exist within a transmission configuration the Administrator may further subdivide that configuration by such features as gear ratios, torque converter multiplication ratio, stall speed, shift calibration, or shift speed.

(28) "Axle Ratio" means the number of times the input shaft to the differential (or equivalent) turns for each turn of the drive wheels.

(29) "Auxiliary Emission Control Device (AECD)" means an element of design as defined in Part 86.

(30) "Rounded" means a number shortened to the specific number of decimal places in accordance with the "Round Off Method" specified in ASTM E 29–67.

(31) "Calibration" means the set of specifications, including tolerances, unique to a particular design, version of application of a component, or component assembly capable of functionally describing its operation over its working range.

(32) "Production Volume" means, for a domestic manufacturer, the number of vehicle units domestically produced in a particular model year but not exported, and for a foreign manufacturer, means the number of vehicle units of a particular model imported into the United States.

(33) "Body Style" means a level of commonality in vehicle construction as defined by number of doors and roof treatment (e.g., sedan, convertible, fastback, hatchback) and number of seats (i.e., front, second, or third seat) requiring seat belts pursuant to National Highway Traffic Safety Administration safety regulations. Station wagons and light trucks are identified as car lines.

(34) "Hatchback" means a passenger automobile where the conventional luggage compartment, i.e., trunk, is replaced by a cargo area which is open to the passenger compartment and accessed vertically by a rear door which encompasses the rear window.

(35) "Pickup Truck" means a nonpassenger automobile which has a passenger compartment and an open cargo bed.

(36) "Station Wagon" means a passenger automobile with an extended roof line to increase cargo or passenger capacity, cargo compartment open to the passenger compartment, a tailgate, and one or more rear seats readily removed or folded to facilitate cargo carrying.

(37) "Gross Vehicle Weight Rating" means the manufacturer's gross weight rating for the individual vehicle.

(38) "Ultimate Consumer" means the first person who purchases an automobile for purposes other than resale or leases an automobile.

(39) "Van" means any light truck having an integral enclosure fully enclosing the driver compartment and load-carrying device, and having no body sections protruding more than 30 inches ahead of the leading edge of the windshield.

(40) "Base Vehicle" means the lowest priced version of each body style that makes up a car line.

(41) "Nonpassenger Automobile" means an automobile that is not a passenger automobile, as defined by the Secretary of Transportation at 49 CFR 523.5.

(42) "Four-Wheel-Drive General Utility Vehicle" means a four-wheel-drive, general purpose automobile capable of off-highway operation that has a wheelbase not more than 110 inches and that has a body shape similar to a 1977 Jeep CJ–5 or CJ–7, or the 1977 Toyota Land Cruiser, as defined by the Secretary of Transportation at 49 CFR 553.4.

(43) "Test Weight" means the weight within an inertia weight class which is used in the dynamometer testing of a vehicle, and which is based on its loaded vehicle weight in accordance with the provisions of Part 86.

(44) "Secretary of Energy" means the Secretary of Energy or his authorized representative.

(45) "Electric Traction Motor" means an electrically powered motor which provides tractive energy to the wheels of a vehicle.

(46) "Energy Storage Device" means a rechargeable means of storing tractive energy on board a vehicle such as storage batteries or a flywheel.

(47) "Motor Controller" means an electronic or electromechanical device to convert energy stored in an energy storage device into a form suitable to power the traction motor.

(48) "Electrical Charging System" means a device to convert 60Hz alternating electric current, as commonly available in residential electric service in the United States, to a proper form for recharging the energy storage device.

(49) "Battery Configuration" means the electrochemical type, voltage, capacity (in Watt-hours at the c/3 rate), and physical characteristics of the battery used as the tractive energy storage device.

(50) "Drive System" means the number and location of drive axles (e.g., front-wheel-drive, all-wheel-drive, rear-wheel-drive) and any other feature of the drive system if the Administrator determines that such other feature may result in a fuel economy difference.

(51) "Subconfiguration" means a unique combination within a vehicle configuration of equivalent test weight, road-load horsepower, and any other operational characteristic or parameter which the Administrator determines may significantly affect fuel economy within a vehicle configuration.

3. A new § 600.006–85, is added to read as follows.

§ 600.006–85 Data and information requirements for fuel economy vehicles.

(a) For certification vehicles with less than 10,000 miles, the requirements of this section are considered to have been met except as noted in paragraph (c) of this section.

(b)(1) The manufacturer shall submit the following information for each fuel economy data vehicle:

(i) A description of the vehicle, exhaust emission test results, applicable deterioration factors, and adjusted exhaust emission levels.

(ii) A statement of the origin of the vehicle including total mileage accumulation, and modifications (if any) from the vehicle configuration in which the mileage was accumulated. (For modifications requiring advance approval by the Administrator, the name of the Administrator's representative approving the modification and date of approval are required.) If the vehicle

was previously used for testing for compliance with Part 86 of this chapter or previously accepted by the Administrator as a fuel economy data vehicle in a different configuration, the requirements of this paragraph may be satisfied by reference to the vehicle number and previous configuration.

(iii) A statement that the fuel economy data vehicle, with respect to which data are submitted:

(A) Has been tested in accordance with applicable test procedures,

(B) Is, to the best of the manufacturer's knowledge, representative of the vehicle configuration listed, and

(C) Is in compliance with applicable exhaust emission standards.

(2) The manufacturer shall retain the following information for each fuel economy data vehicle, and make them available to the Administrator upon request:

(i) A description of all maintenance to engine, emission control system, or fuel system components performed within 2,000 miles prior to fuel economy testing.

(ii) In the case of electric vehicles, the manufacturer should provide a description of all maintenance to electric motor, motor controller, battery configuration, or other components performed within 2,000 miles prior to fuel economy testing.

(iii) A copy of calibrations for engine, fuel system, and emission control devices, showing the calibration of the actual components on the test vehicle as well as the design tolerances.

(iv) In the case of electric vehicles, the manufacturer should provide a copy of calibrations for the electric motor, motor controller, battery configuration, or other components on the test vehicle as well as the design tolerances.

(v) If calibrations for components in paragraph (b) of this section were submitted previously as part of the description of another vehicle or configuration, the original submittal may be referenced.

(c) The manufacturer shall submit the following fuel economy data:

(1) For vehicles tested to meet the requirements of Part 86 (other than those chosen in accordance with § 86.084–24 (c) and (h)), the city and highway fuel economy results from all tests on that vehicle, and the test results adjusted in accordance with paragraph (g) of this section.

(2) For each fuel economy data vehicle, all individual test results (excluding results of invalid and zero mile tests) and, if the data are used in fuel economy label calculations, the test results adjusted in accordance with paragraph (g) of this section.

(d) The manufacturer shall submit an indication of the intended purpose of the data (e.g., data required by the general labeling program or voluntarily submitted for specific labeling).

(e) In lieu of submitting actual data from a test vehicle, a manufacturer may provide fuel economy values derived from an analytical expression, e.g., regression analysis. In order for fuel economy values derived from analytical methods to be accepted, the expression (form and coefficients) must have been approved by the Administrator.

(f) If, in conducting tests required or authorized by this part, the manufacturer utilizes procedures, equipment, or facilities not described in the Application for Certification required in § 86.084–21, the manufacturer shall submit to the Administrator a description of such procedures, equipment, and facilities.

(g)(i) The manufacturer shall adjust all test data used for fuel economy label calculations generated by vehicles with engine-system combinations with more than 6,200 miles (10,000 kilometers) using either of the following equations:

Equation A

$$FE_{6{,}400\,km} = FE_T\,[0.989 + 0.523 \times 10^{-6}\,(km)]^{-1}$$

Equation B

$$FE_{4{,}000\,mi} = FE_T\,[0.989 + 0.842 \times 10^{-6}\,(m)]^{-1}$$

Where:

$FE_{6{,}400\,km}$ = Fuel economy data adjusted to 6,400-kilometer test point

$FE_{4{,}000\,mi}$ = Fuel economy data adjusted to 4,000-mile test point

FE_T = Tested fuel economy value

km = Kilometer accumulation at test point

mi = Miles accumulation at test point

(ii) For vehicles with 6,200 miles (10,000 kilometers) or less accumulated, the manufacturer is not required to adjust the data.

4. A new § 600.010–85 is added to read as follows:

§ 600.010–85 Vehicle test requirements and minimum data requirements.

(a) For each certification vehicle defined in this part, and for each vehicle tested according to the emission test procedures in Part 86 for addition of a model after certification (§ 86.079–32) or, approval of running change (§ 86.079–33):

(1) The manufacturer shall generate city fuel economy data by testing according to the applicable procedures.

(2) The manufacturer shall generate highway fuel economy data by:

(i) Testing according to applicable procedures, or

(ii) Use of an analytical technique as described in § 600.006(e).

(3) The data generated in paragraphs (a) (1) and (2) of this section, shall be submitted to the Administrator in combination with other data for the vehicle required to be submitted in Part 86 of this Title.

(b) For each fuel economy data vehicle:

(1) The manufacturer shall generate city fuel economy data and highway fuel economy data by:

(i) Testing according to applicable procedures, or

(ii) Use of analytical technique as described in § 600.006(e), in addition to testing (e.g., city fuel economy data by testing, highway fuel economy data by analytical technique).

(2) The data generated shall be submitted to the Administrator according to the procedures in § 600.006.

(c) *Minimum data requirements for labeling:* (1) In order to establish initial fuel economy label values under § 600.306, or mid-year label updates under § 600.314(c), the manufacturer shall use only test data accepted in accordance with § 600.008(b) and (f) meeting the minimum coverage of:

(i) Data required for emission certification under §§ 86.082–24, 86.079–32, 86.079–33, and 86.082–34.

(ii) Data from the highest projected model year sales subconfiguration within the highest projected model year sales configuration for each base level, or

(iii) For additional model types established under § 600.207(a)(2), data from each subconfiguration included within the model type.

(2) For the purpose of calculating fuel economy label values for running change updates under § 600.314(b), the manufacturer shall submit data required under § 600.507.

(d) *Minimum data requirements for the manufacturer's average fuel economy:* For the purpose of calculating the manufacturer's average fuel economy under § 600.510, the manufacturer shall submit test data representing at least 90 percent of the manufacturer's actual model year production, by configuration, for each category identified for calculation under § 600.510(a).

5. A new § 600.206–85, is added to read as follows:

§ 600.206–85 Calculation and use of fuel economy values for gasoline-fueled, diesel, and electric vehicle configurations.

(a) Fuel economy values determined for each vehicle and as approved in § 600.008 (b) or (f) are used to determine city, highway, and combined fuel economy values for each vehicle configuration (as determined by the

Administrator) for which data are available.

(1) If only one set of city and highway fuel economy values are accepted for a vehicle configuration, these values, rounded to the nearest tenth of a mile per gallon, comprise the city and highway fuel economy values for that configuration.

(2) If more than one city or highway fuel economy value is accepted for a vehicle configuration:

(i) All data shall be grouped according to the subconfiguration at which the data were generated using sales projections supplied in accordance with § 600.207(a)(3).

(ii) Within each group of data, all values are harmonically averaged and rounded to the nearest 0.0001 of a mile per gallon in order to determine city and highway fuel economy values for each subconfiguration at which the vehicle configuration was tested.

(iii) All city fuel economy values and all highway fuel economy values calculated in paragraph (a)(2)(ii) of this section are (separately for city and highway) averaged in proportion to the sales fraction (rounded to the nearest 0.0001) within the vehicle configuration (as provided to the Administrator by the manufacturer) of vehicles of each tested subconfiguration. The resultant values, rounded to the nearest 0.0001 mile per gallon, are the city and highway fuel economy values for the vehicle configuration.

(3) The combined fuel economy value for a vehicle configuration is calculated by harmonically averaging the city and highway fuel economy values as determined in § 600.206(a) (1) or (2), weighted 0.55 and 0.45 respectively, and rounded to the nearest 0.0001 mile per gallon. A sample of this calculation appears in Appendix II to this part.

(b) If only one equivalent petroleum-based fuel economy value exists for an electric configuration, that value, rounded to the nearest tenth of a mile per gallon, will comprise the petroleum-based fuel economy for that configuration.

(c) If more than one equivalent petroleum-based fuel economy value exists for an electric vehicle configuration, all values for that vehicle configuration are harmonically averaged and rounded to the nearest 0.0001 mile per gallon for that configuration.

6. A new § 600.207–85 is added to read as follows:

§ 600.207–85 Calculation of fuel economy values for a model type.

(a) Fuel economy values for a base level are calculated from vehicle configuration fuel economy values as determined in § 600.206(a) for low-altitude tests.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each base level for vehicles intended for sale in California and for each base level for vehicles intended for sale in the rest of the states.

(2) In order to highlight the fuel efficiency of certain designs otherwise included within a model type, a manufacturer may wish to subdivide a model type into one or more additional model types. This is accomplished by separating subconfigurations from existing base level(s) and placing them into new base level(s). The new base level(s) are identical to the existing base level(s) except that they shall be considered, for the purposes of this paragraph, as containing a new basic engine. The manufacturer will be permitted to determine such new basic engines and base level(s) if:

(i) Each additional model type subsequently divided has a unique car line name and that name appears on the label and on the vehicle bearing that label, and

(ii) The subconfigurations included in the new base levels are not included in any other base level which differs only by basic engine (i.e., they are not included in the calculation of the orginal base level fuel economy values), and

(iii) All subconfigurations within the new base level(s) are represented by test data in accordance with § 600.010(c)(ii).

(3) The manufacturer shall supply total model year sales projections for each car line/vehicle subconfiguration combination.

(i) Sales projections must be supplied separately for each car line/vehicle subconfiguration intended for sale in California and each car line/vehicle subconfiguration intended for sale in the rest of the states if required by the Administrator under paragraph (a)(1) of this section.

(ii) Manufacturers shall update sales projections at the time any model type value is calculated for a label value.

(iii) The requirements of this paragraph may be satisfied by providing an amended application for certification, as described in § 86.084–21 of this chapter.

(4) Vehicle configuration fuel economy values, as determined in § 600.206(a), are grouped according to base level.

(i) If only one vehicle configuration within a base level has been tested, the fuel economy value from that vehicle configuration constitutes the fuel economy for that base level.

(ii) If more than one vehicle configuration within a base level has been tested, the vehicle configuration fuel economy values are harmonically averaged in proportion to the respective sales fraction (rounded to the nearest 0.0001) of each vehicle configuration and the resultant fuel economy value rounded to the nearest 0.0001 mile per gallon.

(5) The procedure specified in § 600.207(a) will be repeated for each base level, thus establishing city, highway, and combined fuel economy values for each base level.

(6) For the purposes of calculating a base level fuel economy value, if the only vehicle configuration(s) within the base level are vehicle configuration(s) which are intended for sale at high altitude, the Administrator may use fuel economy data from tests conducted on these vehicle configuration(s) at high altitude to calculate the fuel economy for the base level.

(b) For each model type, as determined by the Administrator, a city, highway, and combined fuel economy value will be calculated by using the projected sales and fuel economy values for each base level within the model type.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each model type for vehicles intended for sale in California and for each model type for vehicles intended for sale in the rest of the states.

(2) The sales fraction for each base level is calculated by dividing the projected sales of the base level within the model type by the projected sales of the model type and rounding the quotient to the nearest 0.0001.

(3) The city fuel economy values of the model type (calculated to the nearest 0.0001 mpg) are determined by dividing one by a sum of terms, each of which corresponds to a base level and which is a fraction determined by dividing:

(i) The sales fraction of a base level, by

(ii) The city fuel economy value for the respective base level.

(4) The procedure specified in paragraph (b)(3) of this section is repeated in an analogous manner to determine the highway and combined fuel economy values for the model type.

7. A new § 600.209–85 is added to read as follows.

§ 600.209–85 Calculation of fuel economy values for labeling.

(a) For the purpose of calculating the EPA Fuel Economy Estimates for labeling, the manufacturer shall multiply the city model type fuel economy value determined in § 600.207(b), by 0.90, rounding the product to the nearest whole mpg, and

(b) Multiply the highway model type fuel economy value determined in § 600.207(b) by 0.78, rounding to the nearest whole mpg.

8. Section 600.306.85, is added to read as follows:

§ 600.306–85 Labeling requirements.

(a) Before offering a vehicle for sale, each manufacturer shall affix or cause to be affixed and each dealer shall maintain or cause to be maintained on each automobile:

(1) A general fuel economy label (initial, or updated as required in § 600.314) as described in § 600.307(b)(3) or;

(2) A specific label, as described in § 600.307(b)(4), for those automobiles manufactured or imported before the date that occurs 15 days after general labels are approved for the manufacturer.

(3) For any vehicle for which a specific label is requested which has a fuel economy value at or below the minimum tax-free value, the following statement must appear of the specific label:

[Manufacturer's name] may have to pay IRS a Gas Guzzler Tax on this vehicle because of its how fuel economy unless the combination of mpg data from similar vehicles exceeds the minimum tax-free mpg.

(4)(i) At the time a general fuel economy value is determined for a model type, a manufacturer shall, except as provided in paragraph (a)(4)(ii) of this section, relabel, or cause to be relabeled, vehicles which:

(A) have not been delivered to the ultimate purchaser, and

(B) have a combined model type fuel economy value of 0.1 mpg or more below the lowest fuel economy value at which a Gas Guzzler Tax of $0 is to be assessed.

(ii) The manufacturer has the option of relabeling vehicles during the first five working days after the general label value is known.

(iii) For those vehicle model types which have been issued a specific label and are subsequently found to have tax liability, the manufacturer is responsible for the tax liability regardless of whether the vehicle has been sold or not whether the vehicle has been relabeled or not.

(b) The manufacturer shall include the current range of fuel economy of comparable automobiles (as described in §§ 600.311 and 600.314) in the label of each vehicle manufactured or imported more than 15 calendar days after the current range is made available by the Administrator.

(1) Automobiles manufactured before a date 16 or more calendar days after the initial label range is made available under § 600.311(c) may be labeled without a range of fuel economy of comparable automobiles. In place of the range of fuel economy of comparable automobiles, the label must contain a statement indicating that, as of the date of production or importation of this automobile, no range of fuel economy of comparable automobiles was available.

(2) Automobiles manufactured more than 15 calendar days after the initial or updated label range is made available under § 600.311 (c) or (d) will be labeled with the current range of fuel economy of comparable automobiles as approved for that label.

(c) The fuel economy label must be readily visible from the exterior of the automobile and remain affixed until the time the automobile is delivered to the ultimate consumer.

(1) The fuel economy label must be located on a side window. If the window is not large enough to contain both the Automobile Information Disclosure Act label and the fuel economy label, the manufacturer shall have the fuel economy label affixed on another window and as close as possible to the Automobile Information Disclosure Act label.

(2) The fuel economy label information may be included with the Automobile Information Disclosure Act label if the prominence and legibility of the fuel economy label is maintained. For this purpose, all fuel economy label information must be placed on a separate section in the lower or right hand portion of the label and may not be intermixed with the Automobile Information Disclosure Act label information except vehicle descriptions as noted in § 600.307(b)(5).

(3) The manufacturer shall have the fuel economy label affixed in a manner that appearance and legibility are maintained until after the vehicle is delivered to the ultimate consumer.

9. A new § 600.307–85 is added to read as follows:

§ 600.307–85 Fuel economy label format requirements.

(a) Fuel economy labels must be rectangular in shape, printed in a color which contrasts with the paper color and in a type size that is easily readable, and be large enough to allow inclusion of all required and voluntary information without distracting from readability.

(1) Within the height/width ratio range of 0.618 to 1.618, manufacturers may set their own label dimensions, as needed, keeping within the minimum requirements of:

(i) 95 millimeters (3.7 inches) high,

(ii) 100 millimeters (3.9 inches) wide, and

(iii) An area of 15,000 mm^2 (23.25 $inches^2$).

(2) At leat 60 percent of the total fuel economy label area, either the top or left portion, shall contain only the following information:

(i) The EPA logo in the upper left corner and Department of Energy logo in an adjacent corner.

(ii) The heading "Fuel Economy Estimates," highlighted by size or type face.

(iii) The city and highway fuel economy values, as described in paragraph (b)(1) of this section, of equal size and highlighting. The city value should be to the left or above the highway value.

(3) The fuel economy label shall have a contrasting border line at least 2.5 mm (0.1 inch) wide.

(b) Fuel economy labels, an example of which is illustrated in Appendix IX, shall contain in the format described in this section, at a minimum the following information:

(1) The city and highway fuel economy estimates, labeled accordingly, and calculated in accordance with § 600.209.

(2) The phrase "Compare this vehicle to others in the FREE Gas Mileage Guide, required by law at all dealerships." The word "FREE" shall be highlighted. The phrase shall be the first phrase in the label area not reserved for the fuel economy estimates, as described in paragraph (a)(2) of this section.

(3) The following vehicle descriptors will be used for general labels:

(i) Model year;

(ii) Vehicle car line;

(iii) Engine displacement, in cubic inches, cubic centimeters, or liters whichever is consistent with the customary description of that engine;

(iv) Number of engine cylinders or rotors;

(v) Engine description, if necessary to distinguish otherwise identical model type, as approved by the Administrator;

(vi) Fuel metering system, including number of carburetor barrels, if applicable;

(vii) Transmission class; and

(vii) Catalyst usage, if necessary to distinguish otherwise identical model types.

(viii) California emission control system usage, if applicable and if the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states.

(4) The following vehicle descriptors will be used for specific labels:

(i) The descriptors of paragraph (b)(3) of this section;

(ii) Inertia weight class; and

(iii) Axle ratio.

(iv) Other engine or vehicle arameters, if approved by the Administrator.

(5) Where the fuel economy label is incorporated with the Motor Vehicle Information and Cost Savings Act label the vehicle descriptors, as set forth in paragraph (b) of this section, do not have to be repeated if the information is readily found on the Motor Vehicle Information and Cost Savings Act label.

(6) The phrase "Estimated annual fuel cost:" followed by the annual fuel cost. The annual fuel cost estimate for operating the automobile shall be computed by using values for the fuel cost per gallon, average annual mileage (both obtained through the Administrator from the Department of Energy), and the combined city/highway fuel economy determined in accordance with §600.209.

(i) The annual fuel cost estimate for a vehicle is computed by:

(A) Multiplying the estimated fuel cost per gallon for the model year, expressed in dollars to the nearest 0.05 dollar, by

(B) The average annual mileage, expressed in miles per year to the nearest 1,000 miles per year, and

(C) Dividing by the combined city/highway fuel economy value calculated using city and highway fuel economy value adjusted in accordance with § 600.209.

(ii) The product computed in paragraph (b)(6)(i) of this section and rounded to the nearest dollar per year will comprise the annual fuel cost estimate that appears on labels for that vehicle.

(7) The vehicle's classification (determined in accordance with § 600.315), the comparison range of city and highway fuel economy values for the class, and the date of the comparison range.

(i) The fuel economy range required by paragraph (b)(7) of this section is calculated and supplied to the manufacturer by the Administrator in accordance with § 600.311.

(ii) If the Administrator has not supplied the fuel economy range for other vehicles to the manufacturer by the time a vehicle is to be labeled or within the time constraints of § 600.306(b), the statement required by paragraph (b)(7) of this section shall be replaced by the statement: "A range of MPG numbers for other models of similar size was not available when this vehicle was labeled."

(8)(i) For fuel economy labels of passenger automobile model types requiring a tax statement under § 600.513, the phrase "* * * Gas Guzzler Tax: $——— * * *" centered on a separate line within the fuel economy label. The words "Gas Guzzler" shall be highlighted.

(ii) The tax value required by this paragraph shall be based on the combined fuel economy value for the model type calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg. Adjustment in accordance with § 600.209 will not be used to determine the tax liability.

(c) The fuel economy estimates required by paragraph (b)(1) of this section shall be highlighted by being no less than six times the size of the next largest print on the label (excluding the title and logos) with each digit measuring at least 20 mm × 25 mm (0.75 inch × 1.0 inch) in width and height, respectively. The line width of each digit shall be at least 2.5 mm (0.1 inch). Digits not printed as a single large character shall be made of a matrix of smaller characters. The small characters shall not be separate alphabetic or numeric characters. The small characters shall form a reasonably dark and continuous line, to approximate a single large character.

§ 600.308–85 General labels. [Reserved]

10. Section 600.308–86 is added and reserved.

§ 600.309–85 Specific labels. [Reserved]

11. Section 600.309–85 is added and reserved.

12. A new § 600.311–85 is added to read as follows:

§ 600.311–85 Range of fuel economy for comparable automobiles.

(a) The Administrator will determine the range of city and the range of highway fuel economy values for each class of comparable automobiles.

(b) The range of city fuel economy values within a class is the maximum city and the minimum city fuel economy value for all general labels as determined in § 600.307(b)(3) regardless of manufacturer. The range of highway values is determined in the same manner.

(c) The initial range will be made available on a date specified by the Administrator that closely coincides to the date of the general model introduction for the industry.

(d) The ranges of comparable fuel economy values for a class of automobiles will be updated periodically and will be derived from the latest available label values reported to the Administrator for that class of automobiles.

(e) If the Administrator determines that automobiles intended for sale in California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will compute separate ranges of fuel economy values for each class of automobiles for California and for the other states.

(f) For high altitude vehicles determined under § 600.310, both general and specific labels will contain the range of comparable fuel economy computed in this section.

(g) The manufacturer shall include the appropriate range of fuel economy determined by the Administrator in paragraph (c) or (d) of this section, on each label affixed to an automobile within that class except as provided in § 600.306(b)(7)(ii).

13. A new § 600.312–85 is added to read as follows:

§ 600.312–85 Labeling reporting and recordkeeping, Administrator reviews.

(a)(1) The manufacturer shall determine label values using the procedures specified in Subparts C and D of this part and submit the label values, and the data sufficient to calculate the label values, to the Administrator according to the timetable specified in § 600.313.

(2) The label values that the manufacturer calculates and submits under paragraph (a)(1) of this section shall constitute the EPA Fuel Economy Estimates unless the Administrator determines that they are not calculated accordingly to the procedures specified in Subparts C and D of this part.

(3) If at any time during the model year, any label values are determined not to be calculated according to the procedures specified in Subparts C and D of this part, the Administrator shall notify the manufacturer in writing. If the Administrator has sufficient information to enable calculation of the correct label values, this notification shall specify the correct label values which constitute the EPA Fuel Economy Estimates. If additional information is required, the Administrator shall request such additional information and a

recalculation of the label value by the manufacturer.

(4) If the Administrator determines revised label values under paragraph (a)(3) of this section are lower than the label values calculated by the manufacturer, the manufacturer shall affix the revised labels to all affected new vehicles which are unsold beginning no later than 15 calendar days after the date of notification by the Administrator.

(b)(1) The manufacturer is responsible for affixing vehicle labels that meet the format and content requirements of this subpart.

(2) The manufacturer shall retain for examination, at the Administrator's discretion, typical label formats representing all information required on the manufacturer's fuel economy labels. The information shall include the text of all required and voluntary information as well as the size and color of print and paper, spacing, and location of all printed information. Where the fuel economy label is incorporated with the automobile Information Disclosure Act label, the above requirements pertain to those sections of the label concerning fuel economy labeling information.

(3) If the Administrator determines upon examiniation of records that the label format or contents do not meet the requirements of this subpart, the Administrator may require the manufacturer to make specific changesx in subsequent labels. The Administrator may require such changes to be implemented on a reasonable timetable, but no sooner than 15 days from the date of notification to the manfacturer.

14. A new § 600.313–85 is added to read as follows:

§ 600.313–85 Timetable for data and information submittal and review.

(a) A manufacturer shall submit to the Administrator fuel economy label values and sufficient information to determine fuel economy label values within the following time constraints:

(1) For initial general label values, no later than five working days before the date that the model type is initially offered for sale.

(2) For the mid-year label update (as required under § 600.314(c)), the submissions for all model types must be made at least 5 working days before the implementation of new label values.

(3) For model types having label values updated because of running changes (as required under § 600.314(b)), the submission must be made at least five working days before the date of implementation of the running change.

(b) A manufacturer may not proceed with any label calculation until the data from each vehicle used in such calculation satisfies the requirements of § 600.008.

(c) If the Administrator has waived any testing in paragraph (b) of this section and subsequently finds that the decision to waive testing was based on an incorrect data submission or that a fuel economy offset exists (based on subsequent testing of that manufacturer's product line), the Administrator may require confirmation of the data generated by any such waived vehicle.

15. A new § 600.314–85 is added to read as follows:

§ 600.314–85 Updating label values, annual fuel cost, gas guzzler tax, and range of fuel economies for comparable automobiles.

(a) After the manufacturer calculates initial fuel economy values for a model type, those values will remain in effect for that model year unless updated in accordance with paragraph (b) or (c) of this section or unless revised in accordance with Section 312 of this part.

(b) *Continuous change label updates.* (1) Except as specified in paragraph (b)(2) of this section, the manufacturer shall recalculate the model type values for any running change under §§ 86.079–32, 86.079–33, or 86.082–34 that increases the equivalent test weight of any vehicle in the model type, adds an axle ratio which is 10 percent (or more) larger than the largest axle ratio tested in any base level, or increases the road-load horsepower for any vehicle in the model type by more than 10 percent since the most recent label value was determined using test data in accordance with § 600.507.

(2) For those model types created in § 600.207(a)(2), the manufacturer shall recalculate the model type values for any additons or deletions of sub-configurations to the model type. Minimum data requirements specified in § 600.010(C)(1)(ii) shall be met prior to recalculation.

(3) Recalculations shall be performed as specified in paragraph (d) of this section.

(i) The manufacturer shall use updated total model year projected sales for the recalculation in accordance with § 600.207 of this part.

(ii) All current model year data approved by the administrator for that model type shall be included in the recalculation

(c) *Mid-year label updates.* Each manufacturer shall recalculate label values once per year, in addition to any recalculations required under paragraph (b) of this section.

(1) All base levels used in the label calculations shall contain the minimum test data specified in § 600.010(c).

(2) The total model year projected sales shall be updated as of December 31 of the calendar year preceding the applicable model year.

(3) All current model year data approved by the Administrator as of December 31 shall be included in the recalculation.

(4) Recalculations shall be performed as specified in paragraph (d) of this section.

(5) The recalculated label values shall be used for labeling purposes no later than February 1 of the calendar year that is the same as the model year.

(d) *Recalculation Procedure.* (1) The difference between the fuel economy value currently used for labeling and recalculated values shall be determined as follows:

(i) The existing label values, calculated in accordance with § 600.207(b) (3) and (4), shall be rounded to the nearest 0.1 mpg.

(ii) The recalculated value, using the additional data cited in paragraph (b) or (c) of this section, shall be calculated in accordance with § 600.207. The values determined in accordance with § 600.207(b) (3) and (4) shall be rounded to the nearest 0.1 mpg.

(2)(i) If the city value calculated in paragraph (d)(l)(ii) of this section is less than the city value in paragraph (d)(1)(i) of this section by 1.0 mpg or more the manufacturer shall affix labels with the recalculated model type values (rounded to whole mpg's) to all new vehicles of that model type beginning:

(A) For label updates as described in paragraph (b) of this section, on the day of implementation of the running change.

(B) For mid-year label updates as described in paragraph (c) of this section, no later than February 1 of the calendar year that is the same as the model year.

(ii) If the highway value in paragraph (d)(1)(ii) of this section is less than the highway value in paragraph (d)(1)(i) of this section by 1.0 mpg or more the manufacturer shall affix labels with the recalculated model type values to all new vehicles of that model type beginning:

(A) For label updates as described in paragraph (b) of this section, on the day of implementation of the running change.

(B) For mid-year label updates as described in paragraph (c) of this section, no later than February 1 of the calendar year that is the same as the model years.

(3) If the recalculated city value is at least 1.0 mpg or more, or the recalculated highway value is at least 2.0 mpg more than the value currently used for the labeling, then the manufacturer has the option to use the new recalculated values for labeling the entire model type beginning on the day of implementation of the running change.

(e) For fuel economy labels using newly calculated fuel economy values in accordance with paragraphs (b) and (c) of this section, the manufacturer shall concurrently update all other label information (e.g., the annual fuel cost, range of comparable vehicles and the applicability of the Gas Guzzler Tax).

(f) The Administrator shall periodically update the range of fuel economies of comparable automobiles for all previously approved labels.

16. A new § 600.315–85, is added to read as follows:

§ 600.315–85 Classes of comparable automobiles.

(a) The Secretary will classify automobiles as passenger automobiles or light trucks (nonpassenger automobiles) in accordance with 49 CFR Part 523.

(1) The Administrator will classify passenger automoblies by car line into one of the following classes based on interior volume index or seating capacity except for those passenger automobiles which the Administrator determines are most appropriately classed as special purpose vehicles as provided in paragraph (a) (3) of this section:

(i) *Two Seaters.* A car line shall be classed as "Two Seaters" if the majority of the vehicles in that car line have no more than two designated seating positions as such term is defined in the regulations of the National Highway Traffic Safety Administration, Department of Transportation (DOT), 49 CFR 571.3.

(ii) *Minicompact cars.* Interior volume index less than 85 cubic feet.

(iii) *Subcompact cars.* Interior volume index greater than or equal to 85 cubic feet but less than 100 cubic feet.

(iv) *Compact cars.* Interior volume index greater than or equal to 100 cubic feet but less than 110 cubic feet.

(v) *Midsize cars.* Interior volume index greater than or equal to 110 cubic feet but less than 120 cubic feet.

(vi) *Large cars.* Interior volume index greater than or equal to 120 cubic feet.

(vii) *Small station wagons.* Station wagons with interior volume index less than 130 cubic feet.

(viii) *Midsize station wagons.* Station wagons with interior volume index greater than or equal to 130 cubic feet but less than 160 cubic feet.

(ix) *Large station wagons.* Station wagons with interior volume index greater than or equal to 160 cubic feet.

(2) The Administrator will classify nonpassenger automobiles into the following categories: Small pickup trucks, standard pickup trucks, vans, and special purpose vehicles. Pickup trucks will be separated by car line on the basis of gross vehicle weight rating (GVWR). For pickup truck car lines with more than one GVWR, the GVWR of the pickup truck car line is the arithmetic average of all distinct GVWR's less than or equal to 8,500 pounds available for that car line.

(i) *Small pickup trucks.* Pickup trucks with a GVWR less than 4,500 pounds.

(ii) *Standard pickup trucks.* Pickup trucks with a GVWR of 4,500 pounds up to and including 8,500 pounds.

(iii) *Vans.*

(3) All automobiles with GVWR less than or equal to 8,500 pounds which possess special features and which the Administrator determines are more appropriately classified as separate from typical automobiles or which do not meet the requirements of paragraphs (a) (1) and (2) of this section will be classified as *Special purpose vehicles.*

(4) Once a certain car line is classified by the Administrator, the classification will remain in effect for the model year.

(b) Interior volume index—passenger automobiles.

(1) The interior volume index shall be calculated, for each car line, in cubic feet rounded to the nearest 0.1 cubic foot. For car lines with more than one body style, the interior volume index for the car line is the arithmetic average of the interior volume indices of each body style in the car line.

(2) For all body styles, except station wagons and hatchbacks, with more than one seat (e.g., with a second or third seat) equipped with seatbelts as required by DOT safety regulations, interior volume index is the sum, rounded to the nearest whole 0.1 cubic foot, of the front seat volume, the rear seat volume, and the luggage capacity.

(3) For all station wagons and hatchbacks with more than one seat (e.g., with a second or third seat) equipped with seatbelts as required by DOT safety regulations, interior volume index is the sum, rounded to the nearest whole 0.1 cubic foot, of the front seat volume, the rear seat volume, and the cargo volume index.

(c) All interior and cargo dimensions are measured in millimeters (or inches) to the nearest whole millimeters (0.1 inch). All dimensions and volumes shall be determined from the base vehicles of each body style in each car line and do not include optional equipment. The dimensions H61, W3, W5, L34, H63, W4, W6, L51, H197, and volume V1 are to be determined in accordance with the procedures outlined in Motor Vehicle Dimensions SAE HS J1100a (Report of Human Factors Engineering Committee, Society of Automotive Engineers, approved September 1973 and last revised October 1979) except as noted herein:

(1) SAE HS J1100a(2.3) Cargo Dimensions—All dimensions measured with the front seat positioned the same as for the interior dimension measurement and the second seat (if applicable), for station wagons and hatchbacks, in the upright position. All head restraints shall be in the stowed position and considered part of the seat.

(2) SAE HS J1100a(5) Interior Dimensions. *L33-Maximum effective leg room-front passenger.* The dimension measured along a line from the ankle pivot center to the seating reference point (SgRP)—front (dimension "A" in the Appendix VIII figure) plus 254 millimeters (10.0 inches) with the front passenger's right foot placed on the depressed floor covering on the toeboard with the back of heel positioned at a line that bisects the angle formed by the extension of the normal toeboard and floor covering surfaces. Standard floor covering is to be used.

(3) SAE HS J1100a(7) Cargo Dimensions. *H198—Second seatback to load floor height.* The dimension measured vertically from the horizontal tangent to the top of the second seatback to the underpressed floor covering.

(4) SAE HS J1100a(8) Luggage Capacity—Total of volumes of individual pieces of a standard luggage set plus H-boxes stowed in the luggage compartment in accordance with the procedure described in 8.2. For passenger automobiles with no rear seat or with a rear seat with no rear seatbelts, the luggage compartment shall include the area to the rear of the front seat, with the rear seat (if applicable) folded, measured in accordance with paragraph (g)(2) of this section.

(d) The front seat volume is calculated in liters (cubic feet) by dividing 1,000,000 (or 1,728 as applicable) into the product of three terms following and rounding the quotient to the nearest 0.01 liter (0.001 cubic foot):

(1) H61—Effective head room—front (Obtained according to paragraph (c)).

(2)(i) (W3+W5+127)/2 for millimeters or (W3+W5+5)/2 for inches—Average of shoulder and hip

room—front, rounded to whole millimeters (0.1 inches) if hip room is more than 127 millimeters (5 inches) less than shoulder room (W3 and W5 are obtained according to paragraph (c) of this section), or

(ii) W3—Shoulder room—front, if hip room is not more than 127 millimeters (5 inches) less than shoulder room (W3 is obtained according to paragraph (c) of this section), and

(3) The arithmetic average of L34 (Maximum effective leg room—accelerator) and L33 (Maximum effective leg room-front passenger) rounded to whole millimeters (0.1 inches). L34 is obtained according to paragraph (c) of this section. L33 is calculated in accordance with Appendix VIII of this part.

(e) The rear seat volume is calculated in liters (cubic feet) for vehicles with a rear seat equipped with seat belts (as required by the Department of Transportation) by dividing 1,000,000 (or 1.728 as applicable) into the product of three terms listed below and rounding the quotient to the nearest 0.01 liter (0.001 cubic feet):

(1) H63—Effective head room—second. (Obtained according to paragraph (c) of this section.)

(2)(i) (W4+W6+127)/2 for millimeters or (W4+W6+5)/2 for inches—Average of shoulder and hip room—second, rounded to whole millimeters (0.1inches) if hip room is more than 127 millimeters (5 inches) less than shoulder room (W4 and W6 are obtained according to paragraph (c) of this section), or

(ii) W4—Shoulder room—second, if hip room is not more than 127 millimeters (5 inches) less than shoulder room (W4 is obtained according to paragraph (c) of this section), and

(3) L51—Minimum effective leg room—second. (Obtained according to paragraph (c) of this section.)

(f) The luggage capacity is V1, the usable luggage capacity obtained according to paragraph (c) of this section. For passenger automobiles with no rear seat or with a rear seat but no rear seatbelts, the area to the rear of the front seat shall be included in the determination of V1, usable luggage capacity, as outlined in paragraph (c) of this section.

(g) Cargo volume index:

(1) For station wagons, the cargo volume index V2 is the total of the volume of L Boxes (50 liter rectangular blocks measuring 250 x 400 x 500 millimeters) and M boxes (5 liter rectangular blocks measuring 125 x 160 x 250 millimeters) that can be placed in the cargo area in accordance with section 8.2 of HS J–1100a, substituting L and M boxes for the standard luggage set and H boxes, respectfully. The hidden cargo volume determined in accordance with paragraph (g)(3) of this section may also be included in the cargo volume index.

(i) The seat back of the rearmost seat equipped with seatbelts, as required by the Department of Transportation safety regulations, shall be in the upright position and the standard equipped spare tire, tools, or other vehicle parts normally stored in the cargo area shall be in their normal stored positions during the determination. The cargo area access door must close and lock freely without forcing or excessive slamming when all of the boxes used in the volume determination are in place.

(ii) The boxes shall be stacked from the rearmost seat as defined in paragraph (1)(i) of this section to the rear access door and from the cargo floor to the ceiling with soft point measurements (except for the cargo floor) used. No box shall protrude into the passenger compartment, that is, above the rearmost seat and forward of the vertical plane that is tangent to the back of the rearmost seat.

(iii) The M boxes used in the estimation of station wagon cargo volume shall equal no more than 20 percent of the total cargo volume of the vehicle.

(2) For hatchbacks, the luggage capacity procedure defined by the SAE for sedans will be used (SAE HS J–1100a(8)) except that the following additional conditions shall apply:

(i) A luggage piece may protrude above the height of the back of the rearmost seat, as defined in paragraph (1)(c) of this part, provided that the dimensional center of that piece is at least 50 mm (2 inches) below H197—front seat back to lower floor height or H198 second seat back to lower floor height, as applicable.

(ii) Hidden cargo volume determined in accordance with paragraph (g)(3) of this section may be included in the total cargo volume determination.

(iii) For hatchbacks with cargo covers:

(A) If the cargo cover is not removable or capable of storage, the cover is to be treated as part of the cargo compartment lid or access door and must close freely without forcing or excessive slamming with all of the luggage in place in the compartment.

(B) If the cover is removable or capable of storage, then cargo measurements may be made as in paragraph (g)(2)(i) of this section with the cover removed and placed within the cargo area or stored within the cargo area as designed by the manufacturer.

(3) Hidden cargo volume shall be determined by placing one or more M boxes into each hidden cargo area. A hidden cargo area is any space to the rear of the second seat that is distinct from the main open cargo area, designed by the manufacturer to accommodate small parcels, and which may have a door to separate it from the open cargo area. If a hidden cargo area is completely enclosed, the door must be capable of being closed and latched without forcing when all the M boxes used in the volume determination are in place.

(h) The following data for each body style in the car line covered by that label shall be made available to the Administrator upon request.

(1) For all passenger automobiles:

(i) Dimensions H61, W3, W5, L33, and L34 determined in accordance with paragraph (c) of this section.

(ii) Front seat volume determined in accordance with paragraph (d) of this section.

(iii) Dimensions H63, W4, W6, and L51 (if applicable) determined in accordance with paragagph (c) of this section.

(iv) Rear seat volume (if applicable) determined in accordance with paragraph (e) of this section.

(v) The interior volume index determined in accordance with paragraph (b) of this section for:

(A) Each body style, and

(B) The car line.

(vi) The class of the car line as determined in paragraph (a) of this section.

(2) For all passenger automobiles except station wagons and hatchbacks with one or more seats equipped with seatbelts as required by the Department of Transportation safety regulations:

(i) The quantity and letter designation of the pieces of the standard luggage set installed in the vehicle in the determination of usable luggage capacity V1, and

(ii) The usable luggage capacity V1, determined in accordance with paragraph (f) of this section.

(3) For station wagons with one or more seats equipped with seatbelts as required by the Department of Transportation safety regulations:

(i) The quantity and letter designation of the pieces of the set defined in paragraph (g)(1) of this section installed in the vehicle in the determination of cargo volume V2.

(ii) The cargo volume index V2 determined in accordance with paragraph (g)(1) of this section.

(4) For hatchbacks with one or more seats equipped with seatbelts as

required by the Department of Transportation safety regulations:

(i) The dimension H197 or H198, as applicable, determined in accordance with paragraph (c) of this section,

(ii) the quantity and letter designation of the pieces of the standard luggage set installed in the vehicle in the determination of usable luggage capacity V1,

(iii) The usable luggage capcity V1, detemined in accordance with paragraph (g)(2) of this section.

(5) For pickup trucks:

(i) All GVWR's of less than or equal to 8,500 pounds available in the car line.

(ii) The arithmetic average GVWR for the car line.

17. A new § 600.507–85 is added to read as follows:

§ 600.507–85 Running change data requirements.

(a) Except as specified in paragraph (d) of this section the manufacturer shall submit additional running change fuel economy data as specified in paragraph (b) of this section for any running change approved or implemented under §§ 86.079–32, 86.079–33, or 86.082–34 which:

(1) Creates a new base level or,

(2) Affects an existing base level by:

(i) Adding an axle ratio which is 10 percent (or more) larger than the largest axle ratio tested.

(ii) Increasing the road-load horsepower for a subconfiguration by 10 percent or more for the individual running change or when considered cumulatively since original certification (for each cumulative 10 percent increase using the originally certified road-load horsepower as a base).

(iii) Creating a new subconfiguration due to an increase in equivalent test weight within the configuration.

(b)(1) The additional running change fuel economy data requirement in paragraph (a) of this section will be determined based on the sales of the vehicle configurations in the created or affected base level(s) as updated at the time of running change approval.

(2) Within each newly created base level as specified in paragraph (a)(1) of this section, the manufacturer shall submit data from the highest projected total model year sales subconfiguration within the highest projected total model year sales configuration in the base level.

(3) Within each base level affected by a running change as specified in paragraph (a)(2) of this section, fuel economy data shall be submitted for the vehicle configuration created or affected by the running change which has the highest total model year sales. The test vehicle shall be of the subconfiguration created by the running change which has the highest projected total model year sales within the applicable vehicle configuration.

(c) The manufacturer shall submit the fuel economy data required by this section to the Administrator in accordance with § 600.313(a)(3).

(d) For those model types created under § 600.207(a)(2), the manufacturer shall submit data for each subconfiguration added by a running change.

§ 600.508–85 [Reserved]

18. Section 600.580–85 is added and reserved.

19. A new § 600.509–85, is added to read as follows:

§ 600.509–85 Voluntary submission of additional data.

(a) The manufacturer may, at his option, submit data in addition to the data required by the Administrator.

(1) Additional fuel economy data may be submitted by the manufacturer for any vehicle configuration which is to be tested as required in § 600.506 or § 600.507 or for which fuel economy data were previously submitted under paragraph (a)(2) of this section.

(2) Within a base level, additional fuel economy data may be submitted by manufacturer for any vehicle configuration which is not required to be tested by § 600.506 or § 600.507.

(b) The voluntary data submitted under paragraph (a)(2) of this section shall be submitted in rank order such that data is first submitted for all configurations with a higher sales fraction.

20. A new § 600.510–85 is added to read as follows:

§ 600.510–85 Calculation of average fuel economy.

(a) Average fuel economy will be calculated to the nearest 0.1 mpg for the classes of automobiles identified herein, and the results of such calculations will be reported to the Secretary of Transportation for use in determining compliance with the applicable fuel economy standards.

(1) An average fuel economy calculation will be made for the category of passenger automobiles that are domestically manufactured as defined in § 600.511(d)(1).

(2) An average fuel economy calculation will be made for the category of passenger automobiles that are not domestically manufactured as defined in § 600.511(d)(2).

(3) An average fuel economy calculation will be made for the category of light trucks which are defined in § 600.511(e)(1) and have two-wheel drive.

(4) An average fuel economy calculation will be made for the category of light trucks which are defined in § 600.511(e)(1) and have four-wheel drive.

(5) An average economy calculation will be made for the category of light trucks which are defined in § 600.511(e)(2) and have two-wheel drive.

(6) An average fuel economy calculation will be made for the category of light trucks which are defined in § 600.511(e)(2) and have four-wheel drive.

(b) For the purpose of calculating average fuel economy under paragraph (c), of this section:

(1) All fuel economy data submitted in accordance with § 600.008(e) or § 600.512(c) shall be used.

(2) The combined city/highway fuel economy will be calculated for each model type in accordance with § 600.207 of this section except that:

(i) Separate fuel economy values will be calculated for model types and base levels associated with car lines that are:

(A) Domestically produced, and

(B) Nondomestically produced and imported;

(ii) Total model year production data, as required by this subpart, will be used instead of sales projections;

(iii) The fuel economy value of diesel-powered model types will be multiplied by the factor 1.0 to convert gallons of diesel fuel to equivalent gallons of gasoline;

(iv) the fuel economy value will be rounded to the nearest 0.1 mpg;

(v) At the manufacturer's option, those vehicle configurations that are self-compensating to altitude changes may be separated by sales into high-altitude sales categories and low-altitude sales categories. These separate sales categories may then be treated (only for the purpose of this section) as separate configurations in accordance with the procedure of paragraph § 600.207(a)(4)(ii), and

(3) The fuel economy value for each vehicle configuration is the combined fuel economy calculated according to § 600.206 except that:

(i) Separate fuel economy values will be calculated for vehicle configurations associated with car lines that are:

(A) Domestically produced, and

(B) Nondomestically produced and imported;

(ii) Total model year production data, as required by this subpart will be used instead of sales projections; and

(iii) The fuel economy value of diesel-powered model types will be multiplied by the factor 1.0 to convert gallons of diesel fuel to equivalent gallons of gasoline;

(c) Except as permitted in paragraph (d) of this section, the average fuel economy will be calculated individually for each category identified in § 600.510(a), as follows:

(1) Divide the total production volume of that category of automobiles by

(2) A sum of terms, each of which corresponds to a model type within that category of automobiles and is a fraction determined by dividing

(i) The number of automobiles of that model type produced by the manufacturer in the model year by

(ii) The fuel economy calculated for that model type in accordance with paragraph (b)(2) of this section.

(d) The Administrator may approve an alternate calculation method if it is part of an approved credit plan under the provisions of Section 503(b) of 15 U.S.C. 2003(b).

21. A new §600.512–85 is added to read as follows:

§ 600.512–85 Model year report.

(a) For each model year, the manufacturer shall submit to the Administrator a report, known as the model year report, containing all information necessary for the calculation of the manufacturer's average fuel economy.

(b)(1) The model year report shall be in writing, signed by the authorized representative of the manufacturer and shall be submitted no later than 60 days after the report required in § 86.079–37 for the final production quarter.

(2) The Administrator may waive the requirement that the model year report be submitted within 60 days after the final quarterly production report. Based upon a request by the manufacturer, if the Administrator determines that 60 days is insufficient time for the manufacturer to provide all additional data required as determined in either §§ 600.506 or 600.507, the Administrator shall establish a date by which the model year report must be submitted.

(3) Separate reports shall be submitted for passenger automobiles and light trucks (as identified in § 600.510).

(c) The model year report must include the following information:

(1) All fuel economy data used in the labeling calculations and subsequently required by the Administrator in accordance with §§ 600.506 and 600.507.

(2) All fuel economy data for certification vehicles and for vehicles tested for running changes approved under §§ 86.079–32, 86.079–33, and 86–082.34.

(3) Any additional fuel economy data submitted by the manufacturer under § 600.509.

(4) A fuel economy value for each model type of the manufacturer's product line calculated according to § 600.510(b)(2).

(5) the manufacturer's average fuel economy value calculated according to § 600.510(c).

(6) A listing of both domestically and nondomestically produced car lines as determined in § 600.511 and the cost information upon which the determination was made.

(7) Production data, the authenticity and accuracy of which shall be attested to by the corporation, and shall bear the signature of the chief executive officer.

22. Appendix VIII and IX are added as follows:

BILLING CODE 6560-50-M

Appendix IX

EPA Proposed Label Format

APPENDIX VIII

FRONT PASSENGER LEGROOM DIMENSION TO BE USED

APPENDIX VIII

FRONT PASSENGER LEGROOM DIMENSION TO BE USED IN DETERMINING VEHICLE INTERIOR VOLUME INDEX

PASSENGER LEGROOM - HEEL POINT

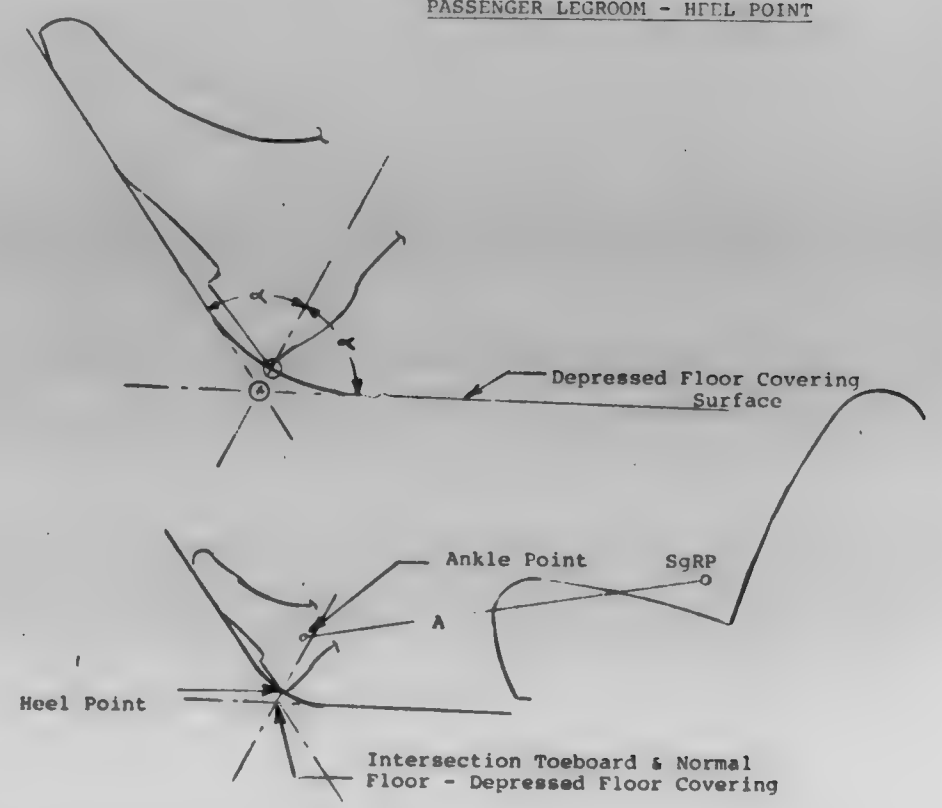

Appendix IX

EPA Proposed Label Format

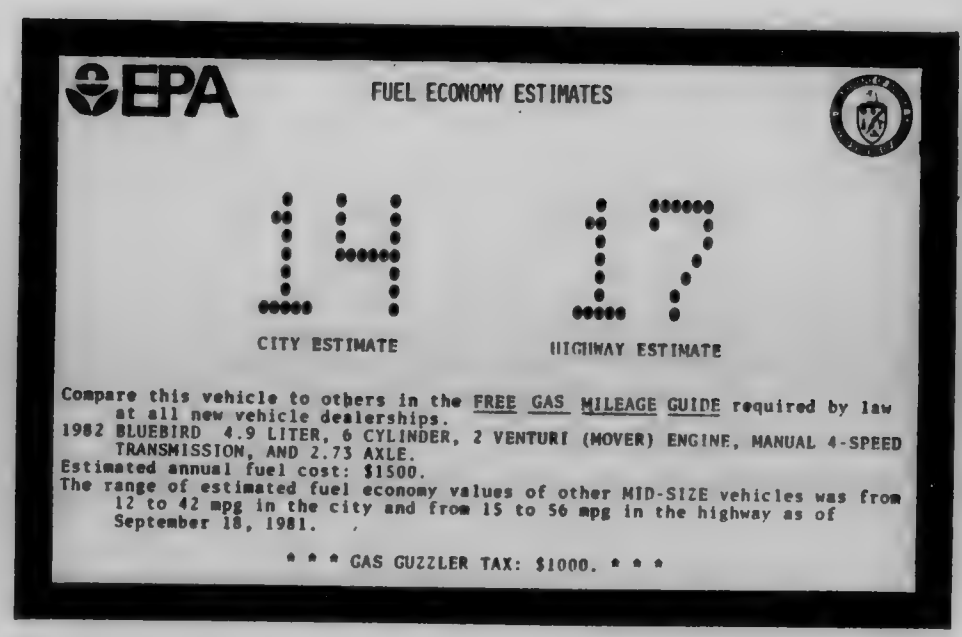

[FR Doc. 83-15163 Filed 6-8-83; 8:45 am]
BILLING CODE 6560-50-C

COL
4 E
ISS
1
1
2
J E
9
1983
UMI

federal register

Thursday
June 9, 1983

Part III

Department of Health and Human Services

Food and Drug Administration

Proposed New Drug, Antibiotic, and Biologic Drug Product Regulations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 312

[Docket No. 82N-0394]

Proposed New Drug, Antibiotic, and Biologic Drug Product Regulations

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to revise its regulations governing the review of investigational new drug applications and the monitoring of the progress of investigational drug use. FDA is taking this action to improve the investigational drug development process while maintaining high standards of human subject protection. The improvements are intended to assist sponsors of clinical investigations to prepare and submit high quality applications and to permit FDA to review them efficiently and with minimal delay. This action is one part of a larger effort to review and improve all aspects of FDA's drug regulatory process.

DATE: Comments by August 8, 1983.

ADDRESS: Written comments to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Steven H. Unger, National Center for Drugs and Biologics (HFN-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION:

Introduction

This proposal is the second phase of efforts by the Department of Health and Human Services (HHS) and FDA to revise Federal regulations governing the new drug approval process. The first phase was a proposal published in the **Federal Register** of October 19, 1982 (47 FR 46622) to streamline the procedures in 21 CFR Part 314 for FDA review of new drug applications for marketing (NDA Rewrite). The second phase, contained in this document, addresses FDA's procedures in 21 CFR Part 312 for reviewing investigational new drug applications and for monitoring the progress of investigational drug use (IND Rewrite). Collectively, the IND/NDA Rewrite culminates an effort begun several years ago when FDA made concept papers available for public comment (44 FR 58919; October 12, 1979) and held a public meeting to discuss them (November 9, 1979).

The IND portion of the Rewrite reflects the continuing commitment of HHS Secretary Richard S. Schweiker and FDA Commissioner Arthur Hull Hayes, Jr., M.D., to facilitate the development, evaluation, and approval of safe and effective new therapies without compromising the underlying standards of safety and effectiveness upon which the American public has come to depend. Towards this end, the proposals reflect two major policy objectives. First, during the early phase of investigational research, FDA should focus on protecting the safety of human test subjects and give sponsors greater freedom to design, revise, and implement clinical research studies. This change should encourage innovation in drug development without compromising the safety of test subjects. Second, once the preliminary human studies have been completed and the drug appears to have marketing potential, FDA and drug sponsors should consult more closely to help ensure that the design of the major clinical trials are acceptable and will support marketing approval if the test results are favorable. Through better planning and closer consultation, FDA's later review of applications for marketing should proceed more efficiently. These changes will benefit the consumer by enhancing the prompt availability of safe and effective therapies.

Like the NDA portion of the Rewrite, the IND regulations have been reviewed by a special task force appointed by the Secretary, and chaired by the Commissioner, whose specific charge has been to review these regulations in accordance with Executive Order 12291 (46 FR 13193; February 19, 1981), the mandate of the President's Task Force on Regulatory Relief, and the policy objectives outlined above. Many of these issues were also previously reviewed by a separate FDA task force, which the Commissioner also chaired.

FDA's IND Rewrite proposal is designed to complement the October 19, 1982 NDA Rewrite proposal. That document proposed the following: a new streamlined format for marketing applications; the substitution of concise tabulations of essential clinical data in lieu of most case report forms; a new automatic appeals process for the prompt resolution of scientific disputes; a new policy on the acceptance of foreign data; more definite time frames for agency review; fewer supplements to approved applications along with fewer recordkeeping and reporting requirements; safety update reports while a marketing application is under review by the agency; and a strengthened adverse drug effect surveillance system after drugs have been approved for use by consumers.

These IND/NDA Rewrite proposals are part of a larger, overall effort to reform the drug development and review process. For example, FDA has instituted management changes aimed at enhancing accountability, improving utilization of personnel, and promoting timely communications with drug sponsors. The agency has also instituted some organizational changes, including the formation of the National Center for Drugs and Biologics, and the creation of a separate Office of Orphan Product Development within the Office of the Commissioner. Finally, as described in more detail below, FDA plans to issue guidelines on application format and on how to fulfill testing requirements. FDA believes that these initiatives, taken as a whole, should significantly improve the new drug approval process.

Highlights of this IND proposal, related issues, a description of the investigational new drug process, and the agency's economic analysis are summarized in the following introductory sections. The remainder of this preamble is devoted to a section-by-section analysis of the proposed regulatory changes.

Highlights of This Proposal

The major theme of the proposed IND regulations is that different stages of the IND process would be regulated differently. Safety concerns would predominate at the beginning of the process to ensure that research subjects are not exposed to unreasonable risk. In the later phases of drug investigation, FDA would also evaluate the scientific merit of study protocols to ensure that the planned clinical studies are capable of producing valid information on safety and effectiveness necessary to obtain marketing approval. This change in emphasis reflects the reality that only 20 percent of new chemical entities studied under an IND ever reach the NDA stage. Accordingly, FDA requirements and advice geared toward the development of a marketing application should wait until the drug has undergone the initial safety tests in human subjects and has shown some marketing potential. This proposal also clarifies the IND format, simplifies reporting requirements, and seeks to foster open, frank communications between FDA staff and drug sponsors. Finally, the regulations would give formal recognition to the idea of "treatment use" of certain drugs within the investigational context and

would also exempt certain studies on marketed drugs from most IND requirements (except Institutional Review Board review and informed consent). The specific changes are summarized as follows:

1. *Greater freedom during the early phase of human research.* The agency proposes to give drug sponsors greater freedom during the early phase of human research (Phase 1) by permitting such research to proceed unless it presents an unreasonable and significant risk to test subjects. FDA proposes to narrow the scope of its review of Phase 1 studies to focus on the safety of human test subjects. The proposal also articulates the flexibility available to clinical investigators in Phase 1 to modify protocols on the basis of experience gained during the investigation without prior notification to FDA, and further emphasizes to drug sponsors that the amount of toxicology and chemistry information required to be submitted in an IND depends on the nature and extent of the proposed clinical studies. As noted above, these changes to FDA's regulation of early research are intended to encourage innovation in drug development without compromising the safety of test subjects.

2. *Clearer format for IND submission.* The agency proposes to clarify the format for submission of an IND to create better organized applications and thereby facilitate agency review. This new format includes a greatly simplified cover sheet (Form FDA–1571), a brief overview of the investigational plan, and a brief introductory statement about the drug. The proposed format would also focus attention on the proposed human studies so that the supporting toxicology and chemistry information can be reviewed in light of the proposed clinical investigations.

3. *Clarified amendment procedures.* The agency proposes to clarify its amendment procedures by dividing amendments into several distinct categories: (i) Protocol amendments, for new protocols and changes in existing protocols; (ii) information amendments, for additional data as they develop; and (iii) IND safety reports. Each of these categories carries with it appropriate reporting intervals, depending upon the promptness needed for agency review. FDA also proposes to clarfify the scope of the annual reports to provide an overview of the progress to date and future plans for the IND, and to provide FDA with an update of the most significant safety information.

4. *Creation of explicit "clinical hold" procedures.* The agency proposes to codify procedures for instituting a "clinical hold," an order not to commence or continue a clinical study. For Phase 1 studies, FDA proposes to limit clinical holds to situations where there is an unreasonable and significant risk to human subjects. In later phases, the criteria would also include serious defects in study design that would render the study incapable of producing valid evidence of safety and effectiveness. To ensure uniform application of these criteria to similar drugs, all clinical holds would need to be approved by the director of the applicable reviewing division.

5. *Closer consultation between FDA and drug sponsors.* Although FDA has for several years offered "end-of-phase 2" conferences for drugs likely to provide significant and modest therapeutic advances, FDA now proposes to give the sponsor of any IND an opportunity to hold such a conference with the agency. The purpose of this meeting is to obtain concurrence on an overall plan for the conduct of Phase 3 trials and the design of specific studies. Such a "meeting of the minds" should significantly reduce the possibility of disputes later on after submission to FDA of a marketing application. FDA also proposes to place in its regulations the opportunity for a "pre-NDA" conference to discuss appropriate format and data presentation in a marketing application.

6. *Treatment use of investigational drugs.* The agency proposes to codify and state the conditions under which investigational drugs may be used to accomplish a treatment purpose in addition to an investigational purpose. This provision is designed primarily for drugs that have completed Phase 2 testing, when sufficient evidence of safety and effectiveness has already been obtained to justify making available an investigational drug for a treatment use. Such treatment uses would be limited to patients with serious diseases or conditions, for whom alternative therapies do not exist or cannot be used. Under these criteria, orphan drugs would be leading candidates for such treatment use. Accordingly, this provision implements a corresponding section of the recently enacted Orphan Drug Act, as described elsewhere in this preamble. FDA also proposes to simplify the procedures for obtaining investigational drugs for treatment use once these conditions are met.

7. *Exemptions for certain studies on marketed drugs.* Finally, FDA proposes to exempt from most IND requirements contained in Part 312 certain investigations conducted with drugs already approved for marketing for other uses. These would be limited to situations where safety is not an issue (because of a similarity in dose, route of administration, and patient population with the approved labeling) and where the investigations are not being conducted as a "pivotal study" for the purpose of changing the drug's labeling or advertising (e.g., adding a new indication or comparative safety claim). The exemption would apply primarily to researchers in academic or other institutions who are beginning to explore new uses for marketed drugs (i.e., not pivotal studies), or who are using the drug as a research tool. This provision is intended to reduce burdens on researchers and to permit FDA resources to be devoted to clinical investigations requiring FDA oversight and to review new drugs intended for marketing. Though exempt from most IND requirements in Part 312, such investigations would still be subject to other regulations designed to protect the rights and safety of patients, such as review by Institutional Review Boards (21 CFR Part 56) and informed consent (21 CFR Part 50), as these investigations are still subject to section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355).

Related Issues

1. *Guidelines.* During the middle and late 1970's, the agency, with the help of its standing advisory committees, prepared over 25 guidelines devoted to the design of adequate and well-controlled clinical studies on different classes of drugs. These guidelines have facilitated high quality drug research and have been well received by drug sponsors. Therefore, FDA intends to expand the use of guidelines into other areas.

In the IND context, in addition to these clinical testing guidelines, the most pertinent guidelines are those related to animal toxicology testing and to chemistry and manufacturing controls requirements. As discussed elsewhere in this preamble, FDA intends to limit the scope of toxicology and chemistry submissions to that which is necessary to support the scope and duration of the proposed human testing. The guidelines are intended to help describe the scope of such submissions in the more common and expected circumstances. The new toxicology guidelines will update the current guidelines on this subject. The chemistry guidelines will be entirely new.

FDA recognizes that it is important, in issuing such guidelines, to solicit the views of experts throughout the scientific community, including government, industry, and academia.

Accordingly, FDA plans to hold public workshops about what should be in these guidelines to gain the views of members of the scientific community. The agency will publish the details of these workshops in future issues of the **Federal Register**.

FDA is also developing guidelines on appropriate formats for IND's. These guidelines should aid sponsors in organizing and presenting their submissions in a fashion most suitable for efficient agency review.

FDA believes that the planned revisions to existing guidelines and the creation of new guidelines should materially assist in the implementation of the new regulations. Thus, as noted above, the NDA Rewrite, IND Rewrite, and implementing guidelines are very much interrelated and should be viewed as a whole as increasing the efficiency of the new drug approval process.

2. *Outside review boards.* One option still under consideration by the agency, though not being proposed at this time, is the establishment of a "dual track" system whereby drug sponsors would have the option of submitting initial IND's either to FDA or to third party nongovernmental bodies. These outside groups would fall under the umbrella term of "Outside Review Boards" (ORB's). ORB's would parallel FDA in performing a "scientific review" of proposed human research studies, involving pharmacology, toxicology, chemistry, and clinical issues. The IND's being considered for this dual track system are the initial IND's that cover the first introduction of the drug into man and the early clinical pharmacolgy and effectiveness studies (Phase 1). Even under this dual track system, drug sponsors would still be required to submit their proposed human studies to local Institutional Review Boards (IRB's) for an "ethical review" and to ensure that research subjects give their informed consent.

The specifics of this outside review concept have varied over time. In the **Federal Register** of September 11, 1981 (46 FR 45538), FDA published a request for information, soliciting views as to whether local IRB's could assume the responsibility for reviewing certain IND's instead of FDA. Over 200 comments were received on that notice from hospitals, university medical centers, testing laboratories, IRB's, pharmaceutical manufacturers, academic and professional associations, and others. The concept of an IRB having sole responsibility for review of IND's was not favored by any category of comments. Most comments cited the lack of specialized scientific expertise of IRB's (especially regarding toxicology, chemistry, and pharmacology), the increased expense of expanding IRB's to gain the needed expertise, liability concerns, and the possibility that IRB's could take more time than FDA to review submissions. A number of comments, however, did suggest an optional system whereby a willing and expanded IRB could assume such review responsibility in lieu of an FDA review. Accordingly, FDA has redirected its consideration to this type of optional system which falls under the general umbrella term, ORB's.

Arguments in favor of ORB's are that FDA now tends to "overregulate" the early stages of human testing by delving into areas, such as study design, that should not concern FDA until later in the process when the drug has shown marketing potential. These arguments suggest that outside experts will be more prone to focus only on the central question of patient safety and leave these other matters to the discretion of the drug sponsor. ORB's are also perceived as a means of saving agency resources without compromising patient safety, as many drugs never advance beyond Phase 1 and so would never need to be seen by the agency.

Arguments against the dual track system start with the fact that FDA now reviews IND's promptly, and that in 90 percent of the cases the research may proceed within 30 days of the initial IND submission. Lengthy review times are therefore not often involved. Opponents also express concern about the possibility that "permissive" ORB's will surface, thereby letting drug sponsors "shop around" to find favorable reviewers, and that the "independence" of ORB's might be questioned where the drug sponsor provides large financial grants to the institution establishing the ORB. Finally, any FDA resource savings in IND review personnel may be more than offset by the additional resources necessary to develop standards for, inspect, and regulate ORB's.

FDA's preliminary view, apart from the possible advantages and disadvantages noted above, is that the dual track system may be unnecessary in light of the many other reforms contained in this proposal. As noted above, the agency itself is seeking to streamline the regulation of early research by narrowing the scope of Phase 1 review and by maximizing the flexibility with which drug sponsors may carry out early human investigations. By making these changes at FDA, the agency believes that the major goals of the dual track system can be achieved without the possible disadvantages noted above.

This issue, however, still remains under consideration by the agency. Therefore, FDA is soliciting comments as to whether, in light of the other changes being proposed in this document, the dual track system is worth pursuing, either on a permanent or pilot basis. In commenting on this issue, FDA requests responses to the following questions:

a. What specific benefits are attainable under a dual track system that are not attainable by making internal changes at FDA?

b. How can potential conflicts of interest be avoided? For example, should an individual drug sponsor be permitted to have its studies reviewed by an ORB whose institution receives financial assistance or grants from that drug sponsor?

c. What would be the appropriate degree of FDA oversight over ORB's, in terms of licensing, standard setting, and inspections?

d. Should FDA receive any concurrent notification (and, if so, in how much detail) or IND's submitted to ORB's for review?

e. If the dual track system were to be tried on a pilot basis, how long should the pilot program be tried, and how should the parameters of the pilot program be defined (e.g., by drug class and/or by authorizing a limited number of ORB's to operate)?

In addition, with respect to the possibility of a pilot program, FDA would like commenting institutions and drug sponsors to state whether they would be willing to participate in such an experiment.

FDA will carefully consider comments received on this proposal before reaching any final decision on whether to propose regulations involving Outside Review Boards.

3. *Bioresearch monitoring regulations.* The IND Rewrite proposal is intended to complement the agency's bioresearch monitoring regulations. Those regulations are the protection of human subjects in clinical investigations (21 CFR Part 50), the composition, operation, and responsibility of institutional review boards that review clinical investigations (21 CFR Part 56), and good laboratory practice for conducting non-clinical laboratory studies (21 CFR Part 58). In addition, the agency has also proposed regulations defining the obligations of clinical investigators (proposed 21 CFR Part 54; 43 FR 35210; August 8, 1978) and obligations of sponsors and monitors (proposed 21 CFR Part 52; 42 FR 49612; September 27, 1977).

The IND Rewrite proposal has been prepared on the assumption that clinical investigator and sponsor/monitor regulations will be made final before, or at the same time as, the IND Rewrite regulations. Accordingly, this proposal summarizes only the most essential clinical investigator and sponsor/monitor obligations and is completely silent on other issues (e.g., clinical investigator disqualification) that will be covered by the forthcoming bioresearch monitoring final regulations.

The Investigational New Drug Development Process

Almost all new drugs in the United States are developed by large pharmaceutical firms. These companies discover biologically active new molecules primarily by screening large numbers of synthetic compounds and natural products for various types of pharmacological activity. Those compounds that look promising are then subjected to short-term animal toxicity testing (1 week to 3 months, depending upon the anticipated duration of clinical testing) before being studied in humans. The preclinical testing is conducted to predict whether initial human studies will be acceptably safe and to predict, if possible, the drug's likely therapeutic activity. If the drug looks promising, human clinical studies are proposed in an investigational new drug application (IND).

Once an IND is filed with FDA, the sponsor must wait 30 days before testing the drug in humans. During this period, FDA reviews the submission to make sure the human subjects will not be subjected to unreasonable risks. If the agency is satisfied that the study does not pose such risks, the sponsor may begin testing the drug in humans. However, if FDA is concerned about the safety of the drug, or finds that more information is necessary to assess the safety issue, the agency notifies the drug sponsor not to begin human testing until the problems are resolved.

IND's are also reviewed by local IRB's for ethical acceptability. One goal of this review is to assure that human subjects are provided with sufficient information to be able to give their informed consent, a requirement that is statutorily mandated. IRB's are composed of scientific, medical, and lay personnel and are usually associated with the university, hospital, or clinic where the clinical research is to be undertaken. IRB's are regulated by FDA under regulations in Part 56.

Clinical investigations on new drugs are usually conducted by academic physicians working in university medical centers and by physicians in private practice. These investigations are frequently conducted on behalf of sponsoring drug firms, and the results may be published in the medical literature. Clinical testing proceeds progressively in three phases (called Phases 1, 2, and 3), each phase more extensive than its predecessor. (As noted below, the definitions of these phases are being revised in this proposal to reflect current practice.) As revised, these phases may be summarized as follows:

a. Phase 1 includes the initial introduction of the investigational new drug into humans. Phase 1 studies, which may be conducted in patients or normal volunteeer subjects, are designed to determine the metabolism and other pharmacologic actions of the drug, the side effects associated with increasing doses, and, if possible, to gain early evidence on effectiveness. Phase 1 also includes research studies on drug metabolism, pharmacokinetics, structure-activity relationships, and mechanism of action in humans. Total Phase 1 exposure is quite small, generally in the range of 20 to 80 persons.

b. Phase 2 includes the early controlled clinical studies conducted to evaluate the effectiveness of the drug for a particular indication in patients with the disease and to determine the common short-term side effects and risks associated with the drug. Phase 2 trials are typically well controlled, closely monitored, and conducted in a relatively small number of patients (usually not more than several hundred).

c. Phase 3 studies are the expanded controlled and uncontrolled trials. They are performed after preliminary evidence of effectiveness of the drug has been established, and are intended to gather additional information about effectiveness and safety that is needed to evaluate the overall benefit-risk relationship of the drug and to provide an adequate basis for physician labeling. Phase 3 studies usually include from several hundred to several thousand patients.

Animal testing is also conducted during the human testing phases. As the human studies enlarge in scope and duration, further toxicology studies are needed to support them. Also, use of women of child bearing potential as test subjects must usually be preceded by reproductive performance and teratology studies in animals. Finally, once a drug appears to have marketing potential, long-term (chronic) animal studies, aproximately 1 to 2 years in duration, are usually conducted to predict possible latent human toxicities, including carcinongenicity.

FDA monitors the progress of an IND by reviewing IND amendments and annual reports submitted by the drug sponsor. Prompt reporting is required for significant safety findings, including certain adverse drug experiences in humans and important findings from animal toxicity studies. Such findings may result in the temporary suspension of a particular study or the termination of the entire IND if the safety subjects is placed in doubt. The agency also reviews new protocols submitted to the IND. In addition, when the sponsor so requests, agency officials assist in developing the overall clinical plan and designing specific protocols, most typically during an "End-of-Phase 2" conference with the drug sponsor, to ensure that planned studies are appropriate for the support of a marketing application.

Once the major IND studies are completed and the sponsor believes the data show the drug to be safe and effective under specified conditions, the sponsor submits to FDA an application to obtain the agency's approval for general marketing. Submission of a marketing application, however, usually does not mean that the IND file is closed. Some patients from earlier studies may still be receiving the investigational drug, or new clinical trials may have been commenced to study the drug for new indications. Accordingly, the IND remains active as long as patients are receiving the drug in an investigational context.

The process just described applies to a "commercial IND"—that is, an IND submitted by a pharmaceutical company or research center for the purpose of collecting safety and efficacy data necessary to gain marketing approval. In addition, FDA reviews "sponsor-investigator IND's" and "treatment IND's" which normally do not go through the entire three-phase IND process.

A "sponsor-investigator IND" is submitted by an individual researcher, often associated with an academic institution, in order to conduct exploratory therapeutic research or to use the drug as a research tool. A sponsor-investigator IND may involve either an unapproved drug or an approved drug for an unapproved use. If results from this research suggest marketing potential for the drug, further studies are usually conducted under the auspices of a commercial IND.

The term "treatment IND" applies to a request by a practicing physician to administer an unapproved drug primarily for treatment purposes within the investigational context. Such

treatment use may be appropriate for patients with serious disease conditions who are not responsive to approved therapies, such as in the case with orphan drugs. Ordinarily, a drug may be available for treatment use only after Phase 2 investigations have been completed.

In terms of overall number, FDA receives approximately 1,100 IND's for new drug and biological products each year. Of these, about 25 percent are commercial IND's, 30 percent are treatment IND's, and the remaining 45 percent are sponsor-investigator IND's. Accordingly, although most of the provisions in this proposal relate to commercial IND's, other provisions relate specifically to treatment IND's and certain sponsor-investigator IND's as well.

Economic Analysis

FDA has examined the economic consequences of the proposed changes in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354). The agency concludes that these revisions would have favorable economic impacts on the health care system, drug sponsors, and the agency without compromising the safety of human subjects. Although some of these favorable impacts are quantifiable, others with greater potential for savings can only be characterized in a very generalized, nonquantitative manner at this time.

Quantifiable impacts include an estimated net annual savings of $3.3 million to sponsors, arising from a simplified IND format; reduced and/or staged submission of manfacturing and controls data; a reduction in the number of amendments that are submitted during the first year that an IND is active; savings in start-up expenses associated with studies that would no longer be placed on clinical hold under the revised criteria; and savings of sponsor-investigator resources currently used to prepare IND's that will no longer be accepted. The only projected cost increase is modest by comparison and arises from requirements to improve the quality of annual reports. These revisions would also produce some savings in agency review resources.

A potential for substantially larger savings is presented by the provisions for increased use of guidelines, meetings, advice, and an appeals process to aid commercial IND sponsors in assembling the data for those IND's that lead to the submission of a marketing application. These initiatives, taken together, could result in substantial savings from fewer deficiencies being noted in the NDA review process due to better designed clinical trials, as well as further savings from the elimination of some unnecessary or poorly designed clinical studies.

The agency concludes that these revisions are not a major rule as defined in Executive Order 12291. The agency also certifies that the changes will not have a significant impact on a substantial number of small entities. The net savings, described above, will accrue to all sponsors, regardless of size, and the preponderance of unquantifiable savings will probably accrue to the public and to sponsors of commercial IND's, most of whom are not small entities. A copy of the agency's assessment of economic impact is on file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

The revisions to the IND regulations have a significance well beyond the specific cost reductions summarized above. As noted earlier, these regulations are part of a comprehensive review of the new drug approval process designed to accelerate the development and marketing of new drug therapies without compromising the safety and effectiveness of new drugs. Collectively, FDA's new regulations, guidelines, procedures, and policies should have considerable benefits. A quicker, more efficient drug development process means that the American public will have more safe and effective drugs sooner. A less costly drug development process means that the pharmaceutical industry will be able to develop more new drugs with the same number of research dollars, or alternatively to market less costly drugs. Either outcome will be of direct benefit to the American public. Most importantly, the prompt availability of safe and effective drug therapies has enormous potential benefit to patients and in public terms of improving the length and quality of life and in reducing health care and hospital costs. In addition, the provisions governing treatment use should be of special, if unquantifiable, benefit to patients with serious conditions who do not have adequate alternative therapies available to them, consistent with the goals of the recently enacted Orphan Drug Act.

Section-by-Section Analysis

FDA proposes to establish six new subparts in Part 312. Subpart A contains general provisions describing the scope of the regulations and the kinds of investigations that are exempt from IND requirements. It also describes the waiver provisions, labeling requirements, and requirements relating to the promotion and sale of investigational products. Subpart B describes the different kinds of applications and format, content, and reporting requirements for each of them. Subpart C contains regulations governing FDA review and action upon applications submitted under Subpart B, including clinical holds and terminations of IND's. Subpart D contains the general responsibilities of sponsors and clinical investigators during the course of a clinical investigation. Subpart E contains provisions on import and export of investigational drugs and a provision on the acceptability of foreign data in support of investigational and marketing applications. Finally, Subpart F describes requirements concerning the use of drugs in vitro and in animal testing.

Definitions. Under current regulations, "IND" stands for "Notice of Claimed Investigational Exemption for a New Drug." However, "IND" has come to be understood as standing simply for "investigational new drug application" and the proposed definition of "IND" would codify the simpler phrase.

As the IND regulations apply not only to "new drugs" but also to antibiotic drugs and biological products, "investigational new drugs" would be defined to include all members of these three categories of drugs that are either not approved for marketing or, if approved, are used in an investigational context outside of medical practice. Similarly, in identifying the submission needed to obtain approval to market a product, the proposal speaks in generic terms of a "marketing application" rather than specifically identifying the application appropriate to the drug (i.e., a new drug application (NDA) for new drugs, a request to provide for certification of an antibiotic (Form 5) for antibiotics, or a product license application for biological products.

The proposal would also define "clinical investigation" to mean any experiment in which an investigational new drug is administered or dispensed to, or used involving, one or more human subjects. In this context, an experiment is any drug use other than the use of a marketed drug in the practice of medicine.

The proposal would adopt definitions of "sponsor," "sponsor-investigator," "investigator," and "subject" that are like those used in the bioresearch monitoring regulations.

Finally, the proposal would revise the definitions of the phases of a clinical investigation to conform them to the current working understanding of the

distinctions between them. The regulations now consider both "Phase 1" and "Phase 2" to be parts of "clinical pharmacology," "Phase 1" involving studies in normal subjects, and "Phase 2" involving studies in patients. "Phase 3," under the current regulations, includes all clinical trials. The proposed revision would redefine Phase 1 to include clinical pharmacology testing both in normal subjects and in patients with the condition under investigation. What is currently "Phase 3" under the regulations would, under the revision, be divided into a new "Phase 2," representing the first small, rigidly controlled, clinical studies and a new "Phase 3," representing the expanded clinical trials. The proposed redefinitions in the regulations parallel current usage in the agency's clinical guidelines.

IND Format and Content

This section describes the format in which IND's should be submitted and the types of information IND's should contain.

Currently, IND format and content requirements are set forth in the IND Form FDA–1571, the application submitted by the sponsor to FDA. The form identifies in some detail the kinds of information a sponsor must submit in an IND. In general, such submission is required to include information on the drug's chemistry and manufacture, information about the pharmacology and toxicology of the drug derived mainly from animal studies, sufficient information about each clinical investigator to show that he or she is qualified to undertake the proposed investigations, information about any previous human experience with the drug, and protocols for each proposed study. The current form also performs several other functions, such as describing the sponsor's obligations with respect to the conduct of the investigation, describing some of the administrative actions FDA may take with respect to an IND, and defining the phases of an investigation.

FDA believes there are several deficiencies in the current content and format regulations that should be remedied. First, the statement of what is required to be submitted is needlessly complex and confusing and may lead some sponsors to submit more information than is actually required. Second, current applications are frequently submitted without the kinds of "abstracts" or introductory summaries that are of considerable help to the review process. Third, the current regulation fails to make clear that the technical information should be tailored to the nature and scope of the proposed clinical trials. Accordingly, the proposed revisions in IND format and content are intended to clarify IND submission requirements, to encourage the use of introductory and summary statements to facilitate administrative processing and review, and to emphasize that submission requirements vary with the phase and scope of the proposed clinical investigations.

More important than the actual structural changes, however, are the general principles set forth to guide sponsors in submitting IND's and FDA staff in reviewing them. FDA recognizes that many complaints with the IND system reflect not so much the regulations themselves as the superstructure that has grown up around them in practice. For example, although drugs and biologics have long been governed by the same IND regulations, drug IND's are usually at least twice as extensive as biologics IND's. Accordingly, the following principles are enunciated in the proposed regulations themselves in order to aid in the interpretation of the specific provisions.

The first such principle would be the FDA's primary objectives in reviewing an IND would be, in all phases of the investigation, to assure the safety and rights of subjects, and, in Phases 2 and 3, to help assure that the quality of the scientific evaluation of drugs is adequate to permit an evaluation of the drug's effectiveness and safety. Therefore, FDA's review of Phase 1 submissions would focus on assessing the safety of Phase 1 investigations. FDA's review of Phase 2 and Phase 3 submissions, however, would also include an assessment of the scientific quality of the clinical investigation and the likelihood that the investigations will yield data capable of meeting statutory standards for marketing approval. This principle is intended to reflect the agency's underlying policy goals to: (1) Encourage innovation by narrowing the scope of FDA regulation over early human research; and (2) increase the efficiency of the NDA review process through a heightened emphasis on advance FDA/sponsor consultation regarding the design of the major clinical trials.

The second basic principle is that the amount of information on a particular drug that must be submitted in an IND would depend upon the novelty of the drug, the extent to which it has been studied previously, the known or suspected risks, and the developmental phase of the drug and similar factors. This principle is intended to reflect the fact that flexibility in submission requirements is a function not only of the developmental phase of the research, but also of these other aspects of the drug itself.

The third principle is that the central focus of the first IND submission would be on the general investigational plan and the protocols for specific human studies. Subsequent amendments to the IND that contain new or revised protocols would build logically on previous submissions and would be supported by additional information including the results of animal toxicology studies or other human studies as appropriate. Annual reports to the IND would serve as the focus for reporting the status of studies being conducted under the IND and would update the general investigational plan for the coming year. This principle underscores the point that it is the scope and nature of proposed protocols that are of central importance in determining how much information needs to be submitted and in focusing on the degree of safety that needs to be shown.

The new IND format itself would consist of a cover sheet (revised Form FDA–1571), a table of contents, some introductory material intended to provide an overview of the investigation, the protocols for each study, and the technical information to support those specific protocols. This format may be further described, as follows:

1. *Cover sheet (Form FDA–1571).* FDA proposes to transform the IND Form FDA–1571 from a repository of the regulations to simply a cover sheet for the IND. The new Form FDA–1571 would only identify the phase or phases to be conducted and would contain essential "identifier" information about the sponsor and monitor of the investigation. When signed by the sponsor or the sponsor's representative, the application would commit the sponsor to comply with all applicable provisions governing the investigational use of drugs, as described in Part 312 as well as Parts 50, 52, 54, and 56. If the sponsor does not reside in the United States, the sponsor would designate an agent who resides or maintains a place of business in the United States who would also sign the form. This provision regarding foreign sponsors would correspond to a similar provision in the NDA Rewrite proposal.

2. *Introductory sections.* The proposed IND format would begin with a table of contents and a brief introductory statement. The introductory statement, which the agency believes should not usually be more than two or three pages in length, would give a broad overview

of the proposed investigation. It would give the drug's name, its pharmacological class, a short statement of the objectives of the proposed study, and a brief summary of previous human experience with the drug, including any foreign experience. FDA believes that the statement would be of considerable benefit in facilitating review by helping assign IND's to the appropriate reviewing division in an expeditious manner and by quickly orienting reviewers to the contents of the IND. Following the introductory statement, the IND would contain a general plan for the proposed investigation. This document would give a "blueprint" for drug development—that is, the kind and number of studies to be conducted in the following year, the general approach to be followed, and an estimate of the number of subjects to be involved. This "blueprint" is one mechanism for focusing attention on the scope and extent of the proposed human studies, both for sponsor submission and FDA review purposes.

3. *Protocols.* The general investigation plan would be followed by a protocol for each study the sponsor intends to begin at the end of FDA's 30-day review period. Protocols for later studies may be submitted in the initial IND or in protocol amendments as the investigation progresses. The detail of Phase I protocols now submitted by drug sponsors provides one of the best examples of where current practice has superseded the actual letter of the regulations. Although the current regulations require only a "general outline" of Phase 1 studies, in practice most Phase 1 studies have been submitted in the kind of detail more appropriate for Phase 2 or 3 protocols. Accordingly, in drafting revised regulations, FDA has sought to emphasize the difference in requirements between Phase 1 protocols and protocols for Phases 2 and 3.

Although the proposal would require protocols for all phases to contain information on subject selection criteria, on investigator qualification, on proposed procedures for monitoring the clinical effects of the drug, and so on, the proposal would stress that the amount of detail needed on each aspect of the protocol would vary with the phase of the investigation. The revision would reflect FDA's focus in Phase 1 on safety issues and would make clear that FDA expects Phase 1 protocols to be submitted in an outline form that would need to contain sufficient detail to permit a reliable assessment of subject safety, but not more than necessary for an adequate review.

The revision would also stress the flexibility a sponsor has to modify a Phase 1 protocol as experience dictates without having to submit protocol amendments to FDA (provided such modification is described in the next annual report). This flexibility reflects the truly experimental nature of early research and is consistent with the broad policy objective of maximizing sponsor freedom during this stage. Although this flexibility is available under current requirements, it has not been fully appreciated in practice by FDA or investigators and sponsors.

As noted above, FDA's review of Phase 2 and Phase 3 submissions has a broader scope. At this stage FDA is concerned not only with subject safety, but also with an assessment of the scientific quality of studies and the likelihood that the studies will produce the kind of data that can be considered in determining whether to approve a drug for marketing. Therefore, to decrease the chance that such studies will not meet statutory standards for marketing approval, much more detailed information about study design is required for Phase 2 and 3 investigations. FDA has prepared over 25 clinical guidelines for different classes of drugs that describe appropriate ways of designing and conducting these Phase 2 and Phase 3 trials.

One additional minor change should be mentioned. Under current regulations, protocols for early phase studies must identify "any expert committees or panels to be utilized," although protocols for later phases need not. The justification for this difference is no longer evident, and the IND Rewrite would require that each protocol, regardless of phase, identify the name and address of its reviewing institutional review board (IRB). This minor change will provide FDA with immediate access to the identity of a particular IRB, if necessary.

4. *Chemistry, manufacturing, and control information.* This section states the requirements regarding the submission in the application of information about the composition of the drug substance and drug product, their specifications, and their methods of manufacture and control. The section would clarify rather than substantially revise current requirements. FDA is preparing guidelines on the scope and content of chemistry, manufacturing, and control submissions. The language of the proposed regulation is intended to be general in nature so that it may accommodate changes that might be made as a result of the guideline development process.

The proposed revision emphasizes that chemistry, manufacturing, and control information should be tailored to the scope and duration of the proposed clinical investigation. For example, if relatively short-term clinical tests are planned, the stability information required would be limited to that needed to demonstrate that the product would be stable for the short duration of the investigation.

The revision would continue to require the submission of sufficient information about the drug substance and drug product to ensure its identity, potency, quality, and purity and to ensure that there is a sufficient continuity in the product so that information obtained from previous clinical and nonclinical studies can be considered in assessing the safety of future studies. It would also require a description of the method of preparation (or isolation) of the drug substance and a brief general description of the manufacturing and packaging of the drug product.

5. *Pharmacology and toxicology information.* FDA also does not propose to change significantly the substance of the current requirements regarding submission of animal and in vitro test results. The results of such tests serve primarily to support FDA's assessment of the safety of proposed clinical investigations. These studies are directed toward defining the drug's safety, toxicity, and pharmacological action rather than its efficacy. They are meant to predict effects which might be expected when the drug is administered to human subjects.

The proposal would retain the current requirement for "adequate information" on the basis of which the sponsor has concluded that it is reasonably safe to begin the proposed study. The proposal, like the current regulation, would note that the kind, duration, and scope of such tests would depend on the nature of the proposed investigations. The proposal would identify only in a general way the kinds of tests that sponsors would ordinarily submit in an IND. Detailed information on what kinds of tests may be submitted to support specific kinds of clinical investigations is contained in toxicology guidelines. The agency is reviewing its toxicology guidelines, and, as noted earlier, plans to develop new guidelines with the help of scientific experts from both inside and outside of government.

The proposal would also specify an appropriate format for toxicology submissions. The sponsor would be

required to submit an integrated summary of the toxicological effects of the drug in animals and in vitro and, for each study submitted primarily to support the safety of a proposed investigation, a full tabulation of the data. The latter provision reflects the fact that, unlike most other technical data, the usefulness of much toxicology data is largely confined to the investigational stages of drug development. Because such data's utility is greatest at this early stage, it is appropriate that it be submitted in the kind of detail appropriate for careful scrutiny.

6. *Sponsor-investigator IND's.* It should be emphasized that the proposed application section describes the information a commercial sponsor must submit for a previously unstudied new molecular entity. In general, it does not describe the kinds of technical information needed to support a sponsor-investigator research study of a previously studied drug product. FDA expects that in most such cases technical information previously submitted to FDA by the commercial sponsor will be incorporated by reference into the sponsor-investigator's IND, assuming permission is granted by the commercial sponsor. FDA will make available guidelines to assist sponsor-investigators in preparing IND's.

Amendments to the IND

This section describes the types and timing of IND amendments that must be submitted during the time that a drug is under investigational status. These amendments fall into three categories: (1) Protocol amendments, (2) information amendments, and (3) adverse drug experience reports. The proposed revisions are intended to rationalize the flow of information to an active IND file, to clarify when amendments are required, and to establish formatting requirements that will simplify their processing and review.

1. *Protocol amendments.* Current regulations require that a sponsor conducting an investigation adhere to the protocols described in the IND submission. If the sponsor intends to expand the scope of the investigation or to alter its direction, the sponsor is required to amend the IND to reflect the change. The current regulations, however, do not specify when an amendment should be submitted, for what kinds of changes amendments are required, or what the amendment should contain. The lack of specificity in the regulations means all too frequently that amendments are submitted in such a fashion that it is extremely difficult for reviewers to gain an understanding of their significance or their relationship to previous or subsequent submissions, except by reviewing the complete IND file. This difficulty in tracking an IND once an investigation begins may explain in part current emphasis on the initial IND submission.

The proposal would make clear that FDA is interested only in learning contemporaneously about the kinds of changes that bear directly on its review and monitoring responsibilities. Thus, under the protocol amendment procedures, amendments would be required only for new protocols, for protocol changes that significantly relate to the agency's assessment of an investigation's safety, and, for Phase 2 and Phase 3 studies, also for protocol changes that significantly relate to the scope of an investigation or to its scientific quality. Additionally, a protocol amendment would be required to list a new investigator that is added to an already submitted protocol. FDA reviews each new investigator to ensure that the investigator is qualified to conduct the proposed research and to verify that the investigator is eligible to receive investigational new drugs.

The proposal would also clarify the proper timing of submissions. The current IND regulations require the sponsor to notify FDA before beginning a substantially modified protocol or a new protocol, but do not require sponsors to pause before proceeding, so long as local IRB approval has been obtained. The IND Rewrite would explicitly retain this current process. The only change being made here is that protocol amendments which merely list a new investigator to an already submitted protocol would be sent to FDA under the timetable described below for information amendments.

Finally, FDA proposes to create a standard format for protocol amendments that would make them much easier to process and review. The flow of protocol amendments to the IND under current requirements is such that it is frequently difficult to determine the contents of an amendment, the sequence of amendments, or even to determine what specific protocol in an IND a submission is intended to amend. To remedy these deficiencies, the proposed revision would require that all protocol amendments be prominently identified, that they be numbered iin sequence of submission, and that protocol changes plainly indicate what specific protocols they are amending. The proposal would also require that a protocol amendment cite any specific technical data that support the proposed new protocol or protocol change. If, for example, the sponsor proposed to undertake a new long-term trial of 6 months' duration, where all previous trials had not exceeded 1 month, the sponsor would be required to cite the specific animal studies that supported a trial of this length. Such supporting data would either have been previously submitted to the IND or would be concurrently submitted in an information amendment.

2. *Information amendments.* The current regulation provides that the IND may be "amended or supplemented from time to time on the basis of experience gained with the * * * drug." The regulation contains no other guidance on the submission of additional technical information after the initial IND is submitted. The IND Rewrite would add specificity by establishing an "information amendment" as a means for conveying to FDA information on significant changes in the technical content of the IND file. Information amendments would provide specific technical information, including chemistry, toxicology, and pharmacokinetic data. Information amendments would serve primarily two functions: (i) They would provide the technical support (usually essential toxicological or chemistry information) for new or modified clinical protocols; and (ii) they would be a mechanism for keeping current the information contained in the IND file. The format of information amendments would be similar to that of protocol amendments.

Thus, information amendments would be required to bear prominent identification of their contents and to be serially numbered by discipline. Additionally, to facilitate FDA review, information amendments would be required to contain a statement of the nature and purpose of the amendment and to be submitted in a fashion appropriate for scientific review.

The proposal would also establish a new system for timing of information amendment submissions. Currently, the frequency and number of separate amendments and other communications submitted to an IND file places a significant workload on the agency. This results in delaying the routing of documents to the reviewing divisions. The proposal therefore encourages sponsors to group together information amendments and to submit them together at 30-day intervals instead of submitting these amendments individually. The grouping of amendments should ease both the agency's administrative burdens and the organizational and shipping burdens placed on sponsors. Of course, the

agency recognizes that in some cases the progress of an investigation may not permit the grouping of amendments, such as when information amendments are needed to support a protocol amendment that must be submitted more promptly. However, even when submissions are needed more often than every 30 days (so as not to impede the progress of the investigation), FDA encourages sponsors to group submissions as much as possible in order to improve the functioning of FDA document control.

To alleviate the administrative difficulties described above, FDA requests sponsors to group amendments at 30-day intervals (or earlier, if necessary) on an interim basis, pending completion of the notice and comment rulemaking proceeding. FDA believes such implementation is permissible prior to publication of a final rule because the change only affects the timing, not the content, of the submissions.

3. *IND safety reports.* The IND Rewrite contains a separate section on safety reports to highlight the importance of monitoring patient safety throughout the IND process. The proposal retains the current requirement for sponsors to notify FDA and all participating investigators about any information the sponsors receive associated with the use of the drug that may suggest significant hazards, contraindications, side effects, or precautions; the proposal states that, in meeting this requirement, the sponsor is required to review all information relevant to the safety of the drug obtained or otherwise received by the sponsor from any source, foreign or domestic, including information derived from clinical investigations, animal investigations, commercial marketing experience, reports in the scientific literature, and unpublished scientific papers. (Under the proposed rule defining the obligations of clinical investigators, an investigator is responsible for relaying to the reviewing IRB information received from the sponsor about adverse effects.) The proposal defines "information relevant to the safety of the drug" to include information about related drugs. The proposal also defines "associated with the use of the drug" to mean there is a reasonable possibility that the event may have been caused by the drug. To meet this definition, the causal relationship between the drug and the adverse event need not be known with any degree of certainty and, when doubt exists, the regulation should be construed to require submission of an IND safety report.

In addition, the proposal specifies time frames within which a sponsor would be required to relay safety reports to FDA. The current requirement is that an "alarming" finding must be reported "immediately" and that all other findings must be reported "promptly." Under the proposal, a sponsor would be required to notify FDA about fatal or life-threatening clinical experiences not previously reported as soon as practical and in no event later than 3 working days after the sponsor initially receives the information. Other serious adverse events would be required to be relayed to FDA as soon as possible and in no event later than 10 working days after the sponsor initially receives the information.

To ensure that this information is rapidly transmitted to FDA, the proposal would require the sponsor to relay the 3-day and 10-day IND safety reports by telephone at the same time as Written notifications are submitted. Telephone calls are to be made to the FDA division with review responsibility for the IND. written notifications are to be prominently identified to facilitate expedited processing by the agency.

The proposal would also retain the requirement obliging sponsors to investigate thoroughly all safety related information received by them. Although FDA understands that these investigations will not ordinarily be completed within the time limits prescribed for the IND safety reports, the proposal would require sponsors to submit relevant followup information to the 3-day and 10-day reports as expeditiously as practicable in an information amendment. Followup information on incidents not triggering a 3-day or 10-day report would be submitted, as appropriate, in either an information amendment or an annual report.

Annual Reports

This section describes content requirements for annual reports. Current regulations require a sponsor to submit accurate progress reports of the investigation and significant findings together with any significant changes in the investigator brochure at reasonable intervals, not exceeding once a year. FDA has found such reports to be a valuable means of monitoring the progress of investigations and therefore proposes to retain the provision in the rewrite. However, because current regulations provide inadequate guidance on what should be included in a progress report, the quality of such reports has varied considerably. Annual reports have varied from a very brief and conclusory statement about a sponsor's activities to a comprehensive statistical analysis of all data collected. Accordingly, some sponsors submit too much information and others submit too little.

The revision would clarify what FDA regards as the minimum amount of information needed to monitor satisfactorily the progress of drug development. It would require a brief summary of the status of each clinical study in progress, a brief summary of safety information obtained in the previous year, and a description of the general investigational plan for the following year. As part of the summary of safety information from the previous year, the annual report would contain a listing of patients who died or dropped out of clinical studies, because these patients are likely to provide the most important safety information. (The annual update of safety information would necessarily summarize all IND safety reports submitted to FDA throughout the previous year.) This requirement is consistent with a provision in the NDA Rewrite proposal that would require the routine submission of case report forms for those patients meeting these same criteria (i.e., persons who died or dropped out). Finally, as an aid in fostering better communication between FDA and the sponsor, the sponsor could use the annual report to identify any outstanding business about which the sponsor would like to meet with FDA or to have a written reply or comment from the agency.

Use of Investigational Drugs for Treatment

This section codifies a special procedure authorizing the "treatment use" of investigational drugs in an investigational context.

When reports in the medical literature begin to appear that a new investigational drug shows promise for a serious disease, a demand for the drug for the benefit of patients frequently develops. FDA has responded to this demand by permitting physicians to obtain investigational drugs for treatment use either under physician sponsored IND's or under protocols that are part of commercially sponsored IND's. In addition to providing patients with needed drug therapy, such treatment uses are a valuable adjunct to the investigation as well, frequently providing sponsors and FDA with valuable safety data. Although the agency has for many years permitted selected investigational drugs to be distributed primarily for treatment use

under these circumstances, the current IND regulations do not specifically authorize the practice. The proposed revisions would expressly authorize this use of investigational drugs, define the universe of drugs eligible for treatment use, and describe the procedures by which these drugs can be obtained.

Under this proposal, a drug would be obtainable for treatment use either under a treatment protocol submitted by the sponsor of an active commercial IND for that drug or under a separate treatment IND submitted by a licensed medical practitioner. The proposal would make plain that the primary purpose of a treatment protocol or treatment IND is to provide patients with a drug to treat a serious disease condition not treatable satisfactorily with alternative therapies. The criteria for authorizing the use of an investigational drug for treatment would reflect this purpose. Thus, FDA would only authorize use of a drug under a treatment protocol/IND if it found: (1) That the proposed use is intended for a serious disease condition in patients for whom no satisfactory approved drug or other therapy is available; (2) that the potential benefits of the drug's use outweigh the potential risks; and (3) that there is sufficient evidence of the drug's safety and effectiveness to justify its intended treatment use. These criteria would ordinarily mean that a drug would not be a candidate for a treatment use until it had gone through the kind of studies conducted during Phase 2. Thus, investigational drugs would ordinarily only become available for a treatment use at the end of Phase 2 or during Phase 3 of an investigation.

FDA believes that there are several reasons for generally confining the availability of investigational drugs for treatment use to drugs in this time frame. First, the kind of evidence necessary for FDA to be able to make an adequate assessment of the drug's potential benefits is usually not available until this time frame. Second, the agency wants to ensure that the treatment protocol/IND system does not undermine patients' interest in participating in controlled clinical trials. If access to investigational drugs for "treatment" becomes too widespread too early in the process, this could impede the collection of the type of data necessary to obtain marketing approval. Accordingly, FDA believes that the model for treatment protocol/IND use should be a drug in Phase 3 when the major clinical trials are completed or underway and where the evidence to date is favorable toward subsequent approval for marketing. The "Group C" system at the National Cancer Institute has followed these same principles and has achieved considerable success.

FDA anticipates that the proposed criteria for making a drug available under a treatment IND/protocol will be adequate to meet the vast majority of treatment use requests. Where compelling circumstances warrant, however, FDA will consider permitting treatment use earlier in the IND process.

Under the proposed criteria, "orphan drugs" would be leading candidates for treatment use by virtue of their being intended for rare diseases without satisfactory alternative therapy. As stated in the Orphan Drug Act (Pub. L. 97–414; January 4, 1983), sponsors of IND's for orphan drugs should be encouraged to design clinical studies that permit the inclusion of patients who wish to receive the drug for treatment purposes. (See section of Pub. L. 97–414 entitled, "Open Protocols for Investigations of Drugs for Rare Diseases or Conditions.") Accordingly, the treatment use section of the proposed regulations serve to implement the corresponding provisions of the Orphan Drug Act.

FDA has been criticized for not adequately informing the medical commuity about the availability of certain investigational drugs for treatment use. The proposal is intended to improve physician (and patient) access to these investigational drugs in three ways. First, by placing the procedures in the regulations, the necessary steps for obtaining such drugs will be made clear and more generally known. Second, as described below, FDA is encouraging commercial sponsors to develop treatment protocols so that, in most instances, the individual physician should not even have to come to FDA. Third, when separate treatment IND's do need to be submitted to the agency, the necessary paperwork is minimal, designed primarily to ensure patient safety, and the type of information needed to be submitted should be readily accessible to the treating physician. Accordingly, this provision should provide considerable benefits to consumers.

For some of the most promising investigational drugs, requests for the drug for treatment of individual patients can extend into the hundreds. The regulation would encourage drug companies to accommodate such requests under company-developed treatment protocols rather than to act simply as a supplier to many individual physicians, each of whom would otherwise have to submit a separate treatment IND. A company-sponsored treatment protocol has several advantages. Such a protocol can be readily designed to collect important, useful, and easily interpreted data about the drug, especially regarding safety.

It would certainly be in the public interest to utilize that additional premarketing data base. In addition, by channeling a number of physicians' requests for a drug for treatment into a single treatment protocol, scarce agency resources may be saved which can then be devoted to other IND's and marketing applications. In this regard, it should be noted that treatment IND's submitted by individual physicians now account for approximately 30 percent of all IND's received by FDA in a typical year.

Whether the request for use of an investigational drug in treatment were to be submitted in a treatment protocol or in a treatment IND, FDA' requirements would be minimal, consistent with patient safety and proper use. The protocol for each would include an explanation of the rationale for use of the drug, a brief description of the criteria for patient selection, a description of the clinical procedures, laboratory tests, or other measures to be taken to monitor the effects of the drug and to minimize risk, and a description of the proposed dosage and administration. Such protocols might be written by either the drug firm supplying the drug or an individual physician sponsor, with input from FDA as necessary to aid patient safety and proper use.

Because toxicology, chemistry, and other technical information should already be available for FDA review in the commercial sponsor's IND, in general little or no additional supporting information would be required for either a treatment protocol or a treatment IND. In the case of a treatment IND submitted by a individual physician, however, the physician needs permission from the commercial sponsor for FDA to cross-reference such technical information from the commercial sponsor's IND into the physician's treatment IND. In the normal course, if a commercial sponsor chooses to provide the individual physician with the investigational drug, FDA would view that shipment of the drug as authorization by the commercial sponsor to permit FDA to incorporate by reference the technical information in the commercial sponsor's IND into the physician's treatment IND. Such incorporation by reference makes the information available to FDA for review purposes, but does not authorize disclosure to the physician of the information so incorporated.

The obligations of sponsors and investigators on the conduct of investigational uses under treatment protocols/IND's would in general be identical to those imposed on other sponsors and investigators. Thus, the requirements regarding the control of the drug, recordkeeping, and reporting of safety information would apply in the treatment protocol/IND context as well. Although investigators are normally obliged under the IRB regulations in Part 56 to obtain the review and approval of a local IRB, FDA would carefully consider granting waivers from that requirement in a treatment setting, on the grounds that review by an IRB for conformance with ethical principles designed for the research setting is not always necessary in a treatment context. For treatment protocols covering many patients, the IRB review requirement (or waiver therefrom) applies only once to the initial protocol, not to each patient that is added to it. Of course, FDA waiver of an IRB requirement would not preclude a local IRB from requiring physicians to obtain IRB review for all experimental procedures conducted in the institution.

When FDA does waive IRB review requirements, it may require as a condition of such waiver that the sponsor submit adequate assurance that the treatments use is to be conducted in conformity with all applicable requirements regarding the ethical conduct of an investigation. In particular, FDA may require the submission of sample informed consent forms to demonstrate that adequate and informed consent will be obtained. This is especially important when IRB review has been waived because IRB review is the chief means of assuring adequate informed consent of patients.

It should be emphasized that the treatment IND or treatment protocol is suitable only as a mechanism to obtain a drug that is not otherwise obtainable. The mechanism would not be appropriate as a means of obtaining a commercially available approved drug for a treatment use that is not described in the product's package insert. Such uses of marketed products, if within the practice of medicine, are beyond FDA's authority to require submission of an IND. The applicability of IND requirements to the use of marketed drugs is discussed elsewhere in this preamble.

Emergency Procedures

The need for an investigational drug may arise in an emergency situation that does not allow time for compliance with applicable IND submission requirements. The proposal would formally establish the mechanism now used for obtaining a drug in an emergency. The proposal would permit FDA to authorize shipment of a drug for a specified use before submission of an IND. Such requests would usually be made over the telephone. FDA's authorization would typically require the person who obtains the drug on an emergency basis to followup the initial request with a full written IND submission.

Administrative Actions on an IND

FDA proposes to describe in the regulations administrative actions the agency may take in reviewing an initial IND and in monitoring the progress of investigations that are conducted under an effective IND.

As noted in the introductory section of this preamble, under current requirements FDA has 30 days to review an initial IND submission. FDA's reviewers are asked to decide whether the information submitted in the application supports initiation of the proposed clinical investigations. If the reviewers find that some deficiency in the application justifies delaying the commencement of human studies, a "clinical hold" may be imposed instructing the sponsor not to begin the studies. The kinds of deficiencies that would justify a clinical hold are not described in the current regulations. Unless otherwise notified, a sponsor may begin human studies 30 days after FDA receives the IND.

Once clinical investigations begin, the principal mechanisms of further FDA regulation are deficiency letters, which point out specific technical problems in the application; clinical holds, which are orders to stop or limit specifically identified studies under an IND; and terminations, which are orders that prohibit all investigational activity under an IND.

Current regulations impose no obligations on FDA to explain actions taken with respect to an IND, provide no effective procedures for appealing decisions during the IND process, and fail to explain the regulatory significance of agency deficiency letters and other communications sent to the sponsor during the pendency of an IND. Also, current regulations concerning administrative actions do not describe the proper scope of FDA review during the different phases of the IND process. Therefore, FDA believes that a comprehensive revision and restatement of IND procedures and standards for administrative actions should be undertaken.

The proposal would attempt to remedy these omissions, among other ways, by specifying clinical hold and termination procedures that reflect the changing focus of FDA's concerns in reviewing IND's for different phases, by clarifying the regulatory status of FDA's communications to sponsors, and by codifying an appeals mechanism.

The proposal would also retain the 30-day period for review of initial IND submissions. FDA believes that the 30-day period imposes little if any delay on the drug development process while providing FDA with adequate time to fulfill the agency's responsibilities in monitoring and assessing the safety of proposed human studies. At the same time, FDA concludes that it is unnecessary to establish an affirmative approval mechanism for IND's, i.e., a mechanism under which a sponsor could only begin a study after receiving written notification from FDA. FDA believes the current mechanism has worked well and should not be changed.

1. *Deficiency letters.* Under current practice, FDA frequently sends letters to sponsors outlining deficiencies in the IND or requesting additional data or information. These "deficiency letters" may follow FDA review of the initial IND or a subsequent amendment, and the letters ae usually not accompanied by a "clinical hold" order. Accordingly, the regulatory status of such letters has been unclear, and some sponsors have apparently interpreted such letters as imposing regulatory "requirements." Under the proposal, the practice of sending deficiency letters to sponsors would be retained, but the regulatory status of these letters would be clarified. Specifically, the proposal states that such letters would be advisory only and would not require any action by sponsors, unless accompanied by a "clinical hold" order. FDA believes this provision should provide both sponsors and agency staff with clear notice of their rights and responsibilities regarding these communications.

2. *Clinical holds.* The proposal would define the standards for imposing a clinical hold during the different phases of the investigation. Standards for Phase 1 clinical holds would reflect FDA's focus on safety. Thus, a hold in Phase 1 could only be imposed if FDA found one of the following: (1) Human subjects would be exposed to an unreasonable and significant risk of illness or injury (without commensurate benefit to the subject); (2) the clinical investigators were not adequately qualified to conduct the investigation; (3) the investigator's brochure was misleading, erroneous, or materially incomplete; or (4) the IND did not contain enough information to assess the risks to human

subjects. This narrowed scope of review would mean that FDA could not impose a clinical hold on a proposed Phase 1 study on concluding that the study was poorly designed or without a proper scientific rationale, unless those deficiencies had a direct bearing on safety. The purpose of this standard is to give sponsors greater freedom to design, revise, and implement early clinical research, as long as patients are not put at risk. Phase 1 studies are almost never considered pivotol for marketing approval, so FDA's responsibility is met at this stage once safety is established. The agency estimates that these narrowed clinical hold criteria would reduce the number of commercial IND's placed on clinical hold by approximately 30 percent. In contrast, during Phases 2 and 3, FDA would be able to stop or delay a study not only for safety, but also if the agency found that the study was "clearly deficient in design to meet its stated objective." The purpose of this different standard is to eliminate the wasteful expenditure of resources by sponsors in undertaking major clinical studies which, on their face, are simply incapable of producing data to support marketing approval.

The proposal would make clear FDA's authority to impose a clinical hold, not only prior to the beginning of a study, but at any time during the course of a clinical investigation. The proposal would also establish procedures to standardize the imposition of clinical holds. First, a clinical hold could only be imposed following a decision by the director of the division that is responsible for reviewing the IND, and the division director would be required to give the sponsor a written explanation of the basis for the hold within 15 days. Second, the clinical hold order would specify whether the study may be commenced or resumed as soon as stated deficiencies are corrected or whether the study's resumption must await the responsible division director notifying the sponsor that the study may proceed. Finally, as described below, if all investigations under an IND remain under a clinical hold order for 1 year or more, FDA could place the IND on inactive status.

In the clinical hold area, as elsewhere, the proposed regulation stresses the agency's commitment to seek the resolution of problems through informal discussions and meetings before resorting to formal regulatory mechanisms. Thus, the proposal provides that whenever FDA believes that a clinical hold should be imposed, it would attempt within the 30 days to discuss and resolve the matter with the sponsor before imposing the hold.

3. *Termination of an IND.* The proposed revisions of the "terminations" provisions should be viewed as an extension of the proposed revisions regarding "clinical holds." As described above, a clinical hold is an order not to commence or continue a clinical study. The order is viewed as a temporary measure until the problems affecting the specific studies placed on clinical hold can be resolved. In contrast, a termination order is viewed with a greater sense of finality. It is an order that affects all studies being conducted under an IND. In general, an IND would not be terminated if FDA felt there was any real prospect of continuing the investigation. Historically, the termination provision has been used only rarely, but FDA believes it is a necessary sanction to permit FDA to exercise its responsibilities in monitoring adequately the IND process.

The proposal would restate the general grounds for termination of an IND contained in the current regulations, but would tailor the grounds to the specific phases of the investigation. during Phase 1, terminations would be limited to issues involving the safety of subjects or substantial noncompliance with the regulations. In addition to these grounds, the proposal would permit the agency to terminate an IND during Phase 2 and Phase 3 investigations if the plan or protocol were not reasonable as a bona fide scientific plan for determining whether the drug is safe and effective, or if there exists convincing evidence that drug is ineffective for the purpose for which it is being investigated. These latter two criteria (i.e., "not reasonable as a bona fide scientific plan" and "convincing evidence that the drug is ineffective") are expected to apply only in rare cases.

The proposal would retain the current procedures for terminating an IND. Under those procedures, when FDA proposes to terminate an IND, it first notifies the sponsor in writing and gives the sponsor an opportunity to correct any deficiencies or explain why it believes termination of the IND is unwarranted. The sponsor then has 30 days to provide a written response or request a conference with FDA to respond to the agency's proposal. Lacking any response, FDA will terminate the IND. If the sponsor provides a response that the agency finds unacceptable, it will give the sponsor an opportunity for a regulatory hearing under 21 CFR Part 16 of FDA's administrative practice and procedure regulations on the question of whether the IND should be terminated. If FDA's proposed grounds for termination are sustained, the IND is terminated. Following termination, the sponsor is required to discontinue all ongoing studies and properly dispose of supplies of the investigational drug. FDA will, in general, only initiate termination proceedings after first attempting to resolve differences informally or, when appropriate, through the clinical hold procedures described above.

Finally, the proposal would retain the provision in the current regulations that permit FDA to terminate an IND immediately if the agency concludes that continuation of an investigation presents a significant danger to the public or patient health. Although this procedure has only rarely been utilized, FDA believes it represents a valuable procedural complement to the other mechanisms available for ending studies conducted under an IND.

4. *Inactive status.* FDA proposes to establish an inactive status: (1) For IND's for which no subjects have been entered into clinical studies for a period of 2 years or more; or (2) for which all investigations under the IND have been on clinical hold for 1 year or more. Under the proposal, FDA could place an IND on inactive status on the request of the sponsor or on the agency's own initiative. If FDA acts on its own initative, it would first give the sponsor notice of the proposed action and an opportunity to show that clinical investigations under the IND are being conducted and therefore that the IND should remain active. No clinical studies would be permitted under an inactive IND, but neither would the sponsor be required to comply with the annual reporting requirement applicable to IND's. Resumption of clinical studies would require the submission of amendments describing the proposed investigations. Finally, the agency could terminate an IND that remains inactive for 5 years or more.

This change is intended to help FDA keep track of IND's that are no longer considered active and would also benefit drug sponsors who now make nonsubstantive submissions in the form of annual reports to IND's for which no clinical studies are ongoing or planned. Sponsors believe these submissions are necessary to prevent their applications from being considered abandoned, which under current regulations would make all data and information in the IND available for public disclosure unless extraordinary circumstances exist (see current 21 CFR 312.5(b) and 314.14(f)). This proposal would eliminate the need to submit those reports for

inactive IND's. FDA would presume an inactive IND to be in effect for purposes of the public disclosure of data and information in the IND.

The Pharmaceutical Manufacturers Association (PMA) Petitioned FDA to provide for an inactive status for IND's for which sponsors have discontinued clinical investigations. The PMA petition and this proposal are similar in that both would provide for a sponsor to request that an IND be considered inactive, both would eliminate the requirement for annual reports for inactive IND's, and both would protect trade secrets and confidential commercial and financial information from public disclosure.

FDA's proposal differs from the PMA petition, however, in several respects. First, under FDA's proposal, the agency could place an IND on inactive status without the sponsor's consent. The agency believes that this provision is necessary to keep government records current so that agency resources can appropriately be directed to IND's under which clinical investigations are actually being conducted. Second, under the proposal, to resume a study placed on inactive status, a sponsor would have to submit a protocol amendment and wait 30 days for FDA review, paralleling the procedure for initial IND's. FDA believes a 30-day pause before resumption of studies under an inactive IND is necessary because the general accumulation of scientific knowledge during the period of inactivity may affect the risk assessment of studies under the IND. Thus, a reassessment of the potential risks to subjects as well as the potential scientific usefulness of Phase 2 and Phase 3 studies is appropriate after a substantial period of inactivity.

5. *Request for reconsideration or clarification.* FDA recently adopted a new appeals process under which the sponsor of an NDA or IND can appeal a request or opinion from the division monitoring the application. This procedure, which is more fully described in a publicly available FDA Staff Manual Guide (NCDB 4820.5), was first outlined in the agency's proposal to revise its new drug and antibiotic application procedures (see 47 FR 46622, 46633–46634; October 19, 1982). Sponsors can use the procedure to appeal requests by agency employees for specific additional studies or information, requests to modify or delay a study, or unfavorable agency responses to sponsors' requests for waivers or special technical approaches to scientific problems. The procedure is marked by the sponsor's submission of a written request for reconsideration or clarification to the division responsible for reviewing the IND, the division's prompt response to the sponsor, and, if the division's response is not acceptable, automatic review of the issue by management of the National Center for Drugs and Biologics. FDA will attempt to issue a final decision within 60 days of a sponsor's initial request. The IND Rewrite would simply codify the applicability of this procedure to the IND process. This procedure has already been implemented for both NDA's and IND's through the staff manual guide noted above.

Meetings

This section describes the use of meetings to improve communications between FDA and sponsors of clinical investigations and thus to facilitate the drug development and approval process. FDA proposes to expand and codify its current practices with respect to meetings with IND sponsors during the course of clinical investigations and in preparation for submission of a marketing application. Although FDA encourages frank and open communication with sponsors throughout the drug development and approval process, it has found that discussions held at the end of Phase 2 of an investigation ("end-of-Phase 2" meetings) and meetings held before submission of a marketing application ("pre-NDA" meetings) are most helpful in facilitating drug development and marketing.

Under the proposal, any IND sponsor may request and obtain an end-of-Phase 2 meeting with reviewing officials, with a special emphasis on new chemical entities under development. FDA's current practice is to encourage end-of-Phase 2 meetings for new chemical entities offering major or modest therapeutic gains over existing drugs. (Type IA and IB drugs under the agency's classification system). FDA's success with these meetings has led it to conclude that the development of other drugs, especially other new chemical entities, would most likely benefit from such early consultation as well. Although other new chemical entities are classified as providing little or no therapeutic gain over existing drugs (Type IC), these products may still provide improved therapeutic benefits for some patients who do not respond well to available therapy. In addition, increase availability of similar drugs should help increase competition in the marketplace.

The primary objective of the end-of-Phase 2 meeting would be for FDA and the sponsor to reach an agreement on the overall plan for Phase 3 clinical investigations and the objectives and designs of particular studies. Minutes of the meeting would reflect the agreements reached. Unless a significant scientific development requires otherwise, the sponsor would be assured that studies performed in accordance with the agreements would be acceptable to FDA (in design and objectives) for purposes of an application for marketing approval.

FDA believes that the kind of collaborative planning that takes place in such meetings is one of the best means available for facilitating drug development without compromising the safety or effectiveness of marketed drugs. One of the greatest sources of delay in the review of marketing applications is when sponsors submit reports from "pivotal" studies that are found to have significant flaws in design. In this situation, prolonged discussions frequently follow on whether the studies are "adequate and well-controlled" and whether the results are scientifically credible. Sponsors, understandably, are dismayed at the prospect of having to re-do major studies, but FDA cannot approve a drug for marketing that does not meet the statutory standards. FDA's experience is that questions of study design can almost always be worked out and agreed upon—if the discussion takes place before the studies have been conducted. Accordingly, although increased availability of end-of-Phase 2 meetings will create more resource demands on the agency and on sponsors, FDA believes that resources spent increasing the efficiency of the drug development process are well worth spending.

The proposal would specifically provide that both sponsors and the agency may bring outside expert consultants to end-of-Phase 2 conferences. FDA has sought in the past to involve outside experts in end-of-Phase 2 meetings, where practicable, and the agency's experience has been that such expertise is often of considerable benefit in planning the design of Phase 3 studies. FDA, therefore, plans to continue this policy.

FDA also proposes to codify its procedures for "pre-NDA" meetings that are held to discuss new drug and antibiotic applications and biological product license applications. The agency has found these meetings to be useful in ensuring that marketing applications present data in a manner suitable for efficient agency review. "Pre-NDA" meetings are another mechanism

whereby advance planning can facilitate the drug review process.

Applicability of IND Requirements to Marketed Drugs

This section describes the applicability of IND requirements to marketed drugs. Specifically, the proposal: (1) Would clarify that the act does not regulate the "practice of medicine" so that a licensed physician may prescribe an approved drug for an unapproved indication; (2) would also clarify that the act does regulate "clinical investigations" using marketed drugs; but (3) would create a new category of clinical investigations using marketed drugs that would no longer require an IND.

Current regulations are silent on the act's applicability to the use of approved drugs for unapproved uses. This issue has caused considerable confusion both inside and outside the agency. In the **Federal Register** of August 15, 1972 (37 FR 16503), the agency proposed a regulation that would have put forth the legal status of approved labeling; although no final rule has been issued on this subject, the agency has continued to apply the principles set forth in the preamble to the 1972 proposal. In FDA's *Drug Bulletin* of April 1982, the agency sought to clarify and reiterate the position that the act does not regulate the "practice of medicine." Once a drug product has been approved for marketing, a physician may, in treating patients, prescribe the drug for uses not included in the drug's approved labeling. The primary legal constraints in that situation are State laws on medical practice and products liability law. The IND Rewrite proposal would codify the agency's longstanding position that the regulations do not apply to the "practice of medicine," though the proposal does not purport to define with specificity such practice in terms of the act.

A different issue arises when physicians, usually affiliated with academic institutions, seek to conduct "clinical investigations" using marketed drugs, either to look for new uses or to use the drug as a research tool. FDA's position has been, and continues to be, that such investigations are subject to section 505(i) of the act (21 U.S.C. 355(i)). Thus, the agency has received numerous IND's each year covering these types of studies. FDA, however, has reevaluated the utility of reviewing these IND's and has concluded that the agency's review of certain categories of them, as described below, is not necessary to assure patient protection. Accordingly, FDA proposes to exempt from the IND requirements of Part 312 clinical investigations using marketed drugs that meet the following two criteria: (1) The investigation does not involve a route of administration or dosage level or use in a patient population that significantly increases the risk associated with use of the drug product; (2) the investigation is not intended to be reported to FDA as a well-controlled study in support of a new indication for use, nor intended to be used to support any other significant change in the advertising or labeling for the drug.

The first criterion embodies the view that, where a marketed drug is investigated in a way consistent with its approved labeling, FDA review is not needed to protect the safety of research subjects. The agency's approval of a new drug product for marketing is based on a substantial body of scientific information demonstrating the drug's safety in certain doses, routes of administration, and, sometimes, in certain patient populations. That information is conveyed to physicians through detailed professional labeling Administration of the drug under circumstances similar to those described in the approved labeling would not, therefore, be expected normally to produce any significant safety problems necessitating FDA review under the IND process.

FDA recognizes that the safety standard in the proposal contains an element of professional judgment in determining whether the conditions of the investigations "significantly increase" the risk associated with use of the drug. In applying this test, physicians should rely upon the contents of the approved labeling, reports in the medical literature, and their own experience in medical practice. For example, safety concerns necessitating submission of an IND would ordinarily arise where: (1) A drug is to be administered in a dosage many times greater than the labeled amount (new dosage level); (2) a drug approved for use in an oral dosage form is to be used in an intravaneous solution (new dosage form); or (3) an anticancer drug is to be used in patients with nonmalignant disease (new patient population). As an adjunct to these general criteria, FDA would also provide public notice when specific situations are identified that would require an IND.

The second criterion in the proposed regulation is aimed at helping ensure that investigations intended to be submitted to FDA for labeling or advertising changes are adequate in design to serve that purpose. This is the same reason the agency evaluates the design of Phase 2 and Phase 3 studies, and why FDA encourages close consultation with sponsors through participation in "End-of-Phase 2" conferences. As noted earlier, such review by FDA in advance adds considerable efficiency to the drug development process.

Persons conducting exempted studies would still be required to conform to all ethical principles applicable to the conduct of clinical investigations, including the statutory requirement for informed consent. Thus, a study's exemption under the proposal would be conditioned on a sponsor obtaining appropriate informed consent as well as the review and approval of a local IRB. Finally, the sponsor would still be prohibited from commercializing the investigation or promoting the product for its investigated use, except on specific approval by FDA.

The agency considered several alternatives to exempting such studies from IND submission requirements. For example, FDA considered requiring the submission to FDA of an "abbreviated IND" for this subset of uses. Such an IND would simply identify the investigational use the sponsor proposed to study and explain why the study met the criteria for exemption. This notification scheme would arguably permit FDA to play a more active role in regulating these investigations and would allow the agency, if a proposed study failed to meet the criteria for exemption, to stop it prior to its beginning. FDA is concerned, however, that such a system woud actually slow down the process because an abbreviated IND is unlikely to contain sufficient information to verify the criteria. Because reviewers are likely to ask for additional information and delay commencement of the studies, FDA does not consider this to be the best available option. The agency also considered expressly requiring IND's for these studies but, for the reasons stated above, FDA believes agency review is unnecessary to meet FDA's regulatory responsibilities.

The exempted group would include many, if not most, studies conducted by individual investigators in which marketed drugs are used as research tools or in exploratory therapeutic trials. The exemption would also apply to commercially sponsored studies if they fell into the exempted category. The agency would not accept IND's for exempt studies. FDA anticipates that there may be questions raised about the exempt status of certain kinds of investigations. FDA will provide assistance to interested persons who are

uncertain whether a proposed study falls under the terms of this exemption.

FDA believes that the exemption for studies of marketed drugs should significantly reduce administrative burdens placed on research conducted by individual investigators without compromising patient safety. FDA should also benefit because studies that would be exempted under the proposal constitute a significant fraction (over 15 percent) of all IND's received by FDA in a given year. Thus, review time and other staff time that are now spent on these IND's would be saved and redirected toward commercial IND's for new products under development, FDA reviews, and other review functions.

Responsibilities of Sponsors and Investigators

FDA proposes to summarize in the regulations the requirements concerning the responsibilities of sponsors and investigators under an IND. These provisions are intended to supplement more detailed requirements contained in FDA's proposed regulations defining the obligations of sponsor and monitors (42 FR 49612; September 27, 1977; proposed Part 52) and of clinical investigators (43 FR 35210; August 8, 1978; proposed Part 54). As noted earlier in this preamble, the IND proposal has been prepared on the assumption that sponsor/monitor and clinical investigator regulations will be made final either before, or at the same time as, the final IND Rewrite. Responsibilities of sponsors and/or clinical investigators are also contained in current FDA regulations on: (1) Informed consent (21 CFR Part 50), (2) institutional review boards (21 CFR Part 56), and (3) good laboratory practice for conducting nonclinical laboratory studies (21 CFR Part 58). To the extent that apparent inconsistencies may develop between the IND regulations and the bioresearch monitoring regulations, the bioresearch regulations would control and the IND regulations would be appropriately clarified when published in final form.

The IND proposal would retain current requirements for a sponsor to (1) select qualified investigators, (2) provide them with the information they need to conduct an investigation properly, (3) ensure proper monitoring of the investigation, (4) ensure that the investigation is conducted in accordance with the general investigational plan and protocols contained in the IND, (5) maintain an effective IND with respect to the investigation, and (6) ensure that FDA and all participating investigators are promptly informed of significant new safety information with respect to the drug. The proposal would also retain current requirements for an investigator to ensure: (1) That the investigation is conducted according to the investigator's statement that was provided to the sponsor, the investigational plan, and applicable FDA regulations; (2) the rights, safety, and welfare of subjects under the investigator's care are protected; and (3) that the drugs used in the investigation are kept under careful control.

One of the primary responsibilities of sponsors under an IND is to select investigators and a monitor who are qualified by training and experience to investigate the drug and monitor the investigations. In this regard the sponsor is required to obtain from each clinical investigator an investigator's statement containing information about the investigator, the facilities where the study will be conducted, and commitments by the investigator with respect to his or her involvement in the study. The sponsor is also required to obtain a curriculum vitae for each investigator and an outline of the plan of investigation.

Unlike most FDA regulations, the current content requirements for an investigator statement are contained in Form FDA–1572 (for investigators involved in clinical pharmacology) and Form FDA–1573 (for investigators involved in clinical trials). The forms, which are reprinted in the regulations, identify in detail the kinds of information the investigator must provide to the sponsor and contain specific commitments the investigator makes with respect to the investigation. The agency proposes to combine the forms into a single investigator statement Form FDA–1572 and to revise the form to make it simply a checklist of the investigator's submission. The agency would provide guidelines to help investigators compile necessary information and provide it to the sponsor.

As described more fully above, the sponsor would be required, as now, to provide each investigator with an investigator brochure containing the information the investigator needs to conduct the investigation properly. In addition, the sponsor is under a continuing obligation to keep each participating investigator informed about new information about the drug, particularly with respect to safety information and the drug's safe use. The important safety information should be communicated orally to investigators with a written followup.

Under the proposal, a sponsor would continue to monitor an investigation by securing compliance of noncomplying investigators with the investigational plan and ending an investigator's participation if he or she refuses to comply with the plan. In addition, the sponsor must monitor the progress of investigations, evaluate safety and effectiveness information, and make reports to FDA regarding adverse drug experiences. All records of the investigation would of course be available for inspection by authorized Federal employees. If a sponsor determines that an adverse drug effect presents an unreasonable and significant risk to subjects, the sponsor must (1) discontinue the investigation and notify FDA and all investigators, (2) dispose of all stocks of the drug, and (3) provide FDA with a full report of the actions taken. Although current regulations require that the sponsors take this action promptly, the proposal would require a sponsor to discontinue an investigation as soon as possible, but in no event later than 5 working days after determining it should be discontinued.

Miscellaneous Provisions

1. *Sale of investigational drugs.* The proposal would retain, essentially unchanged, the current provisions prohibiting promotion and commercialization of investigational drugs. The proposal would also retain the current policy of not permitting sale of an investigational drug unless a full and satisfactory explanation is given why the sale should not be regarded as commercializing the drug. However, while this policy applies to sale of any investigational drug, the procedure for implementing the policy is different for investigational biological products than it is for investigational new drugs and antibiotics. For biologics, sale is not permitted until the sponsor is notified of FDA's approval of the sale. With respect to new drugs and antibiotics, there is no written current policy, and therefore the issue is subject to differing interpretations and applications, although in practice FDA usually does make affirmative decisions on whether to permit sale. The proposal would extend the procedure for sale of biological products to all investigational drugs so that no sale would be permitted except upon written approval of the Director, National Center for Drugs and Biologics. Centralizing these decisions in one individual would ensure uniform application of the agency's policy in this area.

2. *Imports and exports.* FDA proposes to codify its current policy on imports and exports of investigational new drugs. The Federal Food, Drug, and

Cosmetic (the act) prohibits, under sections 301(d) and 505(a) (21 U.S.C. 331(d) and 355(a)), the introduction or delivery for introduction into interstate commerce of any new drug without an approved application under section 505(b) or an exemption under section 505(i). That prohibition extends to imports and exports of unapproved new drugs under the act's definition of the term "interstate commerce" (section 201(b)) (21 U.S.C. 321(b)). Thus, an unapproved new drug may not be imported into, or exported from, the United States unless it is subject to an exemption provided by FDA for an investigational new drug.

The proposal would simplify the agency's regulations governing imports by requiring an investigational new drug offered for importation into the United States to be subject to an effective IND and require the consignee within the United States to be either the sponsor of the IND or an investigator named in the IND. If the sponsor did not reside in the United States, the sponsor would be required to designate a domestic agent to act on behalf of the sponsor.

The proposal would retain the agency's current policies on exports of an investigational new drug by providing that such drug may be exported from the United States if an IND is in effect for it and each person to whom it is exported is an investigator named in the IND. The proposal would also modify the procedures under which FDA may authorize export of an investigational new drug that is not subject to an IND. Currently, requests for export under these procedures may only be processed through the Department of State.

The proposal would streamline this process by permitting these requests to be submitted directly to FDA by an authorized official of the importing foreign government. As an alternative procedure, the proposal would also permit requests to be submitted by an official of the company that proposes to export the drug. In either case, FDA will authorize shipment only if it is satisfied that the drug is appropriate for investigational use in human subjects, that the drug will be used for investigational purposes only, and that the drug may legally be used by the consignee in the importing country. The amount of information needed to satisfy these criteria will vary depending on the nature of the drug and FDA's prior familiarity with it.

FDA will coordinate export authorization with the appropriate governmental officials of the importing countries. As in the past, FDA will give considerable deference to letters by foreign governments specifically requesting shipment of the drug into their country. Where the request is made by the exporter, FDA will notify the foreign government of any export authorizations that are made.

Finally, the agency emphasizes that these procedures do not permit export of an investigational drug for commercial marketing or for use in routine medical practice.

3. *Foreign clinical studies.* The proposal would retain current policy on FDA's acceptance for IND purposes of foreign clinical studies not conducted under an IND. The regulation itself has been redrafted to provide greater clarity. FDA accepts well-designed and well-conducted investigational studies that are performed by qualified investigators in accordance with ethical principles acceptable to the world community. Studies meeting these criteria may be used to support clinical investigations in the United States as well as subsequent marketing approval. Marketing approval of a new drug or antibiotic drug based solely on foreign clinical data, however, would be governed by the agency's regulations on new drug applications in Part 314 (see the proposal in 47 FR 46622, 46642–46644, and 46655; October 19, 1982).

4. *Public availability of data and information in an IND.* FDA proposes no substantive change in the specific regulations applicable to the availability for public disclosure of data and information in an IND. (Although, as noted above, FDA does propose to treat an IND on inactive status as an active IND for purposes of the public disclosure of data and information.) The proposal would retain the current provisions which (i) prohibit FDA disclosure of the existence of an IND, (ii) apply to IND's the same provisions for public release of data and information in a new drug application (NDA) under Part 314, and (iii) specifically provide for the disclosure to an individual patient who received an investigational new drug of a copy of any adverse reaction report relating to the use of the drug in that individual.

5. *Address for correspondence.* FDA proposes a new section in the regulations to identify the appropriate agency offices to which IND's should be sent. The regulation would also require the outside wrapper of each IND submission to identify the submission (for example, as the original IND submission, protocol amendment, information amendment, adverse drug experience report, or annual report).

6. *Guidelines.* This section simply states that the agency prepares guidelines to help persons comply with the regulations. As stated in § 10.90(b), guidelinnes do not establish legal requirements but a person may be assured that by following an agency guideline his or her submission will be in a form acceptable to the agency. A person may also choose to use alternative procedures or standards even though they are not provided for in a guideline. A person who chooses to use alternative procedures or standards may discuss the matter in advance with FDA to prevent an expenditure of money and effort on work that may later be found unacceptable. The agency also proposes to establish and make publicly available a list of guidelines that apply to the IND regulations.

7. *Use in laboratory research animals or in vitro tests.* Although an IND is not required, the agency proposes to retain, with some editorial changes, its current regulations governing the proper labeling and control of investigational new drugs intended solely for use in laboratory research animals, or for tests in vitro.

Environmental Impact

The agency has determined under 21 CFR 25.24(b)(17) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Paperwork Reduction Act of 1980

This proposed rule contains a number of information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, FDA has submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of these information collection requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to FDA's Dockets Management Branch (address above) and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Rm. 3208), Washington, DC 20503, ATTN: Richard Eisenger.

FDA proposes that the final regulation be effective 60 days after its date of publication in the **Federal Register**.

List of Subjects in 21 CFR Part 312

Drugs, Medical research.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 503, 505, 506, 507, 701, 52 Stat. 1049–1053

as amended, 1055–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended (21 U.S.C. 351, 352, 353, 355, 356, 357, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), it is proposed that Part 312 be revised to read as follows:

PART 312—INVESTIGATIONAL NEW DRUG APPLICATION

Subpart A—General Provisions

Sec.
312.1 Scope.
312.2 Applicability.
312.3 Definitions and interpretations.
312.6 Labeling of an investigational new drug.
312.7 Promotion and sale of investigational drugs.
312.10 Waivers.

Subpart B—Investigational New Drug Application (IND)

312.20 Requirement for an IND.
312.21 Phases of an investigation.
312.22 General principles of the IND submission.
312.23 IND content and format.
312.30 Protocol amendments.
312.31 Information amendments.
312.32 IND safety reports.
312.33 Annual reports.
312.34 Treatment use of an investigational new drug.
312.36 Emergency use of an investigational new drug.
312.38 Withdrawal of an IND.

Subpart C—Administrative Actions

312.40 General requirements for use of an investigational new drug in a clinical investigation.
312.41 Comment and advice on an IND.
312.42 Clinical holds and request for modification.
312.44 Termination.
312.45 Inactive status.
312.47 Meetings.
312.48 Request for reconsideration or clarification of technical requirements or informal opinions.

Subpart D—Responsibilities of Sponsors and Investigators

312.50 General responsibilities of sponsors.
312.53 Selecting investigators and monitors.
312.55 Informing investigators.
312.56 Monitoring investigations.
312.58 Inspection of sponsor's records and reports.
312.60 General responsibilities of investigators.
312.62 Investigator records and reports.

Subpart E—Miscellaneous

312.110 Import and export requirements.
312.120 Foreign clinical studies not conducted under an IND.
312.130 Availability for public disclosure of data and information in an IND.
312.140 Address for correspondence.
312.145 Guidelines.

Subpart F—Drugs for Investigational Use in Laboratory Research Animals or in Vitro Tests

312.160 New drugs for investigational use in laboratory research animals or in vitro tests.

Authority: Secs. 501, 502, 503, 505, 506, 507, 701, 52 Stat. 1049–1053 as amended, 1055–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended (21 U.S.C. 351, 352, 353, 355, 356, 357, 371); sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262).

Subpart A—General Provisions

§ 312.1 Scope.

(a) This part contains procedures and requirements governing the use of investigational new drugs, including procedures and requirements for the submission to, and review by, the Food and Drug Administration of investigational new drug applications (IND's). An investigational new drug for which an IND is in effect in accordance with this part exempts the drug from the premarketing approval requirements that are otherwise applicable and permits the drug to be shipped lawfully for the purpose of conducting clinical investigations of that drug.

(b) References in this part to regulations in the Code of Federal Regulations are to Chapter I of Title 21, unless otherwise noted.

§ 312.2 Applicability.

(a) Except as provided in this section, this part applies to all clinical investigations of drugs that are subject to section 505 or 507 of the Federal Food, Drug, and Cosmetic Act or to the licensing provisions of the Public Health Service Act (58 Stat. 632, as amended (42 U.S.C. 201 et seq.)).

(b)(1) *Exemptions.* The following categories of drugs are exempt from the requirements of this part:

(i) a lawfully marketed drug product used in a clinical investigation, if all the following apply:

(*a*) The investigation is not intended to be reported to FDA as a well-controlled study in support of a new indication for use nor intended to be used to support any other significant change in the advertising or labeling for the drug:

(*b*) The investigation does not involve a route of administration or dosage level or use in a patient population that significantly increases the risks associated with use of the drug product;

(*c*) The investigation is conducted in compliance with the requirements for institutional review set forth in Part 56 and with the requirements for informed consent set forth in Part 50; and

(*d*) The investigation is conducted in compliance with the requirements of § 312.7.

(ii) A biological drug intended for in vitro diagnostic use if:

(*a*) It is intended to be used in a diagnostic procedure that confirms the diagnosis made by another, medically established, diagnostic product or procedure, and

(*b*) The investigational drug is shipped in compliance with §312.160.

(iii) A drug intended solely for tests in laboratory research animals, if shipped in accordance with § 312.160.

(2) FDA will not accept an application for an investigation that is exempt under the provisions of paragraph (b)(1) of this section.

(c) For the applicability of this part to in vivo bioavailability studies in humans, see § 320.31.

(d) This part does not apply to the use in the practice of medicine for an unlabeled indication of a new drug or antibiotic drug product approved under Part 314 or of a licensed biological product.

(e) FDA may, on its own initiative, issue guidance on the applicability of this part to particular investigational uses of drugs. On request, FDA will advise on the applicability of this part to a planned clinical investigation.

§ 312.3 Definitions and interpretations.

(a) The definitions and interpretations of terms contained in section 201 of the act apply to those terms when used in this part.

(b) The following definitions of terms also apply to this part:

"Act" means the Federal Food, Drug, and Cosmetic Act (sections 201–902, 52 Stat. 1040 et seq., as amended (21 U.S.C. 301–392)).

"Clinical investigation" means any experiment in which an investigational new drug is administered or dispensed to, or used involving, one or more human subjects. For the purposes of this part, an experiment is any use of a drug except for the use of a marketed drug in the course of medical practice.

"FDA" means the Food and Drug Administration.

"IND" means an investigational new drug application.

"Investigational new drug" means a new drug, antibiotic drug, or biological drug (including a biological product that is used in vitro for diaganostic purposes) that: is not marketed under an approved marketing application; or is a marketed drug that is used for any purpose or in any way other than that described in its labeling, except when such use is carried out by a licensed practitioner in

the course of medical practice. The terms "investigational drug" and "investigational new drug" are deemed to be synonymous for purposes of this part.

"Investigator" means an individual who actually conducts a clinical investigation (i.e., under whose immediate direction the drug is administered or dispensed to a subject). In the event an investigation is conducted by a team of individuals, the investigator is the responsible leader of the team.

"Marketing application" means an application for a new drug submitted under section 505(b) of the act, a request to provide for certification of an antibiotic submitted under section 507 of the act, or a product license application for a biological product submitted under the Public Health Service Act.

"Sponsor" means a person who takes responsibility for and initiates a clinical investigation. The sponsor may be an individual or pharmaceutical company, governmental agency, academic institution, private organization or other organization. The sponsor does not actually conduct the investigation unless the sponsor is a sponsor-investigator. A person other than an individual that uses one or more ot its own employees to conduct an investigation that it has initiated is a sponsor, not a sponsor-investigator, and the employees are investigators.

"Sponsor-Investigator" means an individual who both initiates and conducts an investigation, and under whose immediate direction the investigational drug is administered or dispensed. The term does not include any person other than an individual. The requirements applicable to a sponsor-investigator under this part include both those applicable to an investigator and a sponsor.

"Subject" means a human who participates in an investigation, either as a recipient of the investigational new drug or as a control. A subject may be a healthy human or a patient with a disease.

§ 312.6 Labeling of an investigational new drug.

(a) The immediate package of an investigational new drug intended for human use shall bear a label with the statement "Caution: New Drug—Limited by Federal (or United States) law to investigational use."

(b) The label or labeling of an investigational new drug shall not bear any statement that is false or misleading in any particular and shall not represent that the investigational new drug is safe or effective for the purposes for which it is being investigated.

§ 312.7 Promotion and sale of investigational drugs.

(a) *Promotion of an investigational new drug.* A sponsor or investigator, or any person acting on behalf of a sponsor or investigator, shall not represent in a promotional context that an investigational new drug is safe or effective for the purposes for which it is under investigation or otherwise promote the drug. This provision is not intended to restrict the full exchange of scientific information concerning the drug, including dissemination of scientific findings in scientific or lay media: Rather, its intent is to restrict promotional claims of safety or effectiveness of the drug for a use for which it is under investigation and to preclude commercialization of the drug before it is approved for commercial distribution.

(b) *Commercial distribution of an investigational new drug.* A sponsor shall not commercially distribute or test market an investigational new drug.

(c) *Prolonging an investigation.* A sponsor shall not unduly prolong an investigation, but shall submit a marketing application for the drug, with reasonable promptness after finding that the results of the investigation appear to establish sufficient data to support a marketing application, or within 60 days of receipt of a request for such application by FDA. If the sponsor determines that the data obtained will support a marketing application, the sponsor shall promptly discontinue the investigation and withdraw the IND.

(d) *Sale of an investigational drug.* The sale of an ivestigational new drug is not permitted except upon the written approval of the Director of the National Center for Drugs and Biologics. To obtain approval for the sale of a drug, the sponsor shall submit a full written explanation why sale is required and why the sale should not be regarded as the commercialization of an investigational drug. No sale will be permitted except in the context of an acceptable investigation.

§ 312.10 Waivers.

(a) A sponsor may request FDA to waive any applicable requirement under this part. A waive request may be submitted either in an initial IND or in an information amendment to an IND. In an emergency, a request may be made by telephone or other rapid communication means. A waiver request is required to contain at least one of the following:

(1) An explanation why the sponsor's compliance with the requirement is unnecessary or cannot be achieved;

(2) A description of an alternative submission or course of action that satisfies the purpose of the requirement; or

(3) Other information justifying a waiver.

(b) FDA may grant a waiver if it finds that the sponsor's noncompliance would not pose a significant and unreasonable risk to human subjects of the investigation and that one of the following is met:

(1) The sponsor's compliance with the requirement is unnecessary for the agency to evaluate the application, or compliance cannot be achieved;

(2) The sponsor's proposed alternative satisfies the requirement; or

(3) The applicant's submission otherwise justifies a waiver.

Subpart B—Investigational New Drug Application (IND)

§ 312.20 Requirement for an IND.

(a) A sponsor shall submit an IND to FDA if the sponsor intends to conduct a clinical investigation with an investigational new drug that is subject to § 312.2(a).

(b) A sponsor shall not begin a clinical investigation subject to § 312.2(a) until the investigation is subject to an effective IND in accordance with § 312.40.

§ 312.21 Phases of an investigation.

An IND may be submitted for one or more phases of an investigation. The clinical investigation of a previously untested drug is generally divided into three phases. Although in general the phases are conducted sequentially, they may overlap. These three phases of an investigation are as follows:

(a) *Phase 1.* (1) Phase 1 includes the initial introduction of an investigational new drug into humans. Phase 1 studies are typically closely monitored and may be conducted in patients or normal volunteer subjects. These studies are designed to determine the metabolism and pharmacologic actions of the drug in humans, the side effects associated with increasing doses, and, if possible, to gain early evidence on effectiveness. During Phase 1, sufficient information about the drug's pharmacokinetics and pharmacological effects should be obtained to permit the design of well-controlled, scientifically valid, Phase 2 studies. The total number of subjects and patients included in Phase 1 studies varies with the drug, but is generally in the range of 20 to 80.

(2) Phase 1 studies also include studies of drug metabolism, structure-activity relationships, and mechanism of action in humans, as well as studies in which investigational drugs are used as research tools to explore biological phenomena or disease processes.

(b) *Phase 2.* Phase 2 includes the controlled clinical studies conducted to evaluate the effectiveness of the drug for a particular indication or indications in patients with the disease or condition under study and to determine the common short-term side effects and risks associated with the drug. Phase 2 studies are typically well controlled, closely monitored, and conducted in a relatively small number of patients, usually involving no more than several hundred subjects.

(b) *Phase 3.* Phase 3 studies are expanded controlled and uncontrolled trials. They are performed after preliminary evidence of effectiveness of the drug has been established, and are intended to gather the additional information about effectiveness and safety that is needed to evaluate the overall benefit-risk relationship of the drug and to provide an adequate basis for physician labeling. Phase 3 studies usually include from several hundred to several thousand subjects.

§ 312.22 General principal of the IND submission.

(a) FDA's primary objectives in reviewing an IND are, in all phases of the investigation, to assure the safety and rights of subjects, and, in Phase 2 and 3, to help assure that the quality of the scientific evaluation of drugs is adequate to permit an evaluation of the drug's effectiveness and safety. Therefore, although FDA's review of Phase 1 submissions will focus on assessing the safety of Phase 1 investigations, FDA's review of Phases 2 and 3 submissions will also include an assessment of the scientific quality of the clinical investigation and the likelihood that the investigations will yield data capable of meeting statutory standards for marketing approval.

(b) The amount of information on a particular drug that must be submitted in an IND to assure the accomplishment of the objectives described in paragraph (a) of this section depends upon such factors as the novelty of the drug, the extent to which it has been studied previously, the known or suspected risks, and the developmental phase of the drug.

(c) The central focus of the first IND submission should be on the general investigational plan and the protocols for specific human studies. Subsequent amendments to the IND that contain new or revised protocols should build logically on previous submissions and should be supported by additional information including the results of animal toxicology studies or other human studies as appropriate. Annual reports to the IND should serve as the focus for reporting the status of studies being conducted under the IND and should update the general investigational plan for the coming year. To aid communication and minimize paperwork, information and data in IND's should, with some exceptions, be submitted only in summary form.

(d) The IND format set forth in § 312.23 should be followed routinely by sponsors in the interest of fostering an efficient review of applications. Sponsors are expected to exercise considerable discretion, however, regarding the contest of information submitted in each section, depending upon the kind of drug being studied and the nature of the available information. Section 312.23 outlines the information needed for a commercially sponsored IND for a new molecular entity. A sponsor-investigator who uses, as a research tool, an investigational new drug that is already subject to a manufacturer's IND should follow the same general format, but ordinarily may refer to the manufacturer's IND in providing the technical information supporting the proposal clinical investigation. A sponsor-investigator who uses an investigational drug not subject to a manufacturer's IND is ordinarily required to submit all technical information supporting the IND, unless, such information may be referenced from the scientific literature.

§ 312.23 IND content and format.

(a) A sponsor who intends to conduct a clinical investigation subject to this part shall submit an "Investigational New Drug Application" (IND) including, in the following order:

(1) *Cover sheet (Form FDA–1571).* A cover sheet for the application containing the following:

(i) The name, address, and telephone number of the sponsor, the date of the application, and the name of the investigational new drug.

(ii) Identification of the phase or phases of the clinical investigation to be conducted.

(iii) A commitment not to begin clinical investigations until an IND covering the investigations is in effect.

(iv) A commitment that an Institutional Review Board (IRB) that complies with the requirements set forth in Part 56 will be responsible for the initial and continuing review and approval of each of the studies in the proposed clincial investigation, that investigators will report to the IRB all proposed changes in the research activity and all unanticipated problems involving risks to human subjects or others, and that investigators will not make any deviations from the research plan without IRB approval, except where necessary to eliminate apparent immediate hazard to human subjects.

(v) A commitment to conduct the investigation in accordance with all other applicable regulatory requirements.

(vi) The name and title of the person responsible for monitoring the conduct and progress of the clinical investigations.

(vii) If the sponsor is not a sponsor-investigator, the name and title of the individual responsible for evaluating adverse reactions or other evidence of risk when such information is received from the clinical investigators.

(vii) The signature of the sponsor or the sponsor's authorized representative. If the person signing the application does not reside or have a place of business within the United States, the IND is required to contain the name and address of, and be countersigned by, an attorney, agent, or other authorized official who resides or maintains a place of business within the United States.

(2) *A table of contents.*

(3) *Introductory statement.* (i) A brief introductory statement giving the name of the drug and all active ingredients, the drug's pharmacological class, the structural formula of the drug (if known), the formulation of the dosage form(s) to be used, the route of administration, and the broad objectives and planned duration of the proposed clinical investigation(s).

(ii) A brief summary of previous human experience with the drug, with reference to other IND's if pertinent, and to investigational or marketing experience in other countries that may be relevent to the safety of the proposed clinical investigation(s).

(iii) If the drug has been withdrawn from investigation or marketing in any country for any reason related to safety or effectiveness, identification of the country(ies) where the drug was withdrawn and the reasons for the withdrawal.

(4) *General investigational plan.* A brief description of the overall plan for investigating the drug product, including: (i) The rationale for the drug or the research study; (ii) the indication(s) to be studied; (iii) the general approach to be followed in evaluating the drug; (iv) the kinds of clinical trials to be conducted in the first year following the

submission; (v) the estimated number of patients to be given the drug in those studies, and (vi) any special risks anticipated on the basis of the toxicological data in animals or prior studies in humans with the drug or related drugs.

(5) *Investigator's brochure.* If required under § 312.55, a copy of the investigator's brochure, containing the following information.

(i) A brief description of the drug substance and the formulation, including the structural formula, if known.

(ii) A summary of the pharmacological and toxicological effects of the drug in animals and, to the extent know, in humans.

(iii) A summary of the pharmacokinetics and biological disposition of the drug in animals and, if known, in humans.

(iv) A summary of information relating to safety and effectiveness in humans obtained from prior clinical studies. (Reprints of published articles on such studies may be appended when useful.)

(v) A description of possible risks and side effects to be anticipated on the basis of prior experience with the drug under investigation or with related drugs, and of precautions or special monitoring to be done as part of the investigational use of the drug.

(6) *Protocols.* (i) A protocol for each planned study. In general, protocols for Phase 1 studies may be less detailed and more flexible than protocols for Phase 2 and 3 studies. Phase 1 protocols should be directed primarily at providing an outline of the investigation—an estimate of the number of patients to be involved, a description of safety exclusions, and a description of the dosing plan including duration, dose, or method to be used in determining dose—and should specify in detail only those elements of the study that are critical to safety, such as necessary monitoring of vital signs and blood chemistries. Modifications of the experimental design of Phase 1 studies that do not affect critical safety assignments are required to be reported to FDA only in the annual report.

(ii) In Phases 2 and 3, detailed protocols describing all aspects of the study should be submitted. A protocol for a Phase 2 or 3 investigation should be designed in such a way that, if the sponsor anticipates that some deviation from the study design may become necessary as the investigation progresses, alternatives or contingencies to provide for such deviation are built into the protocols at the outset. For example, a protocol for a controlled short-term study might include a plan for an early crossover of nonresponders to an alternative therapy.

(iii) A protocol is required to contain the following, with the specific elements and detail of the protocol reflecting the above distinctions depending on the phase of study:

(*a*) A statement of the objectives and purpose of the study.

(*b*) The name and address and curriculum vitae of each investigator, and the name of each subinvestigator (e.g., research fellow, resident) working under the supervision of the investigators; the name and address of the research facilities to be used; and the name and address of each reviewing Institutional Review Board.

(*c*) The criteria for patient selection and for exclusion of patients and an estimate of the number of patients to be studied.

(*d*) A description of the design of the study, including the kind of control group to be used, if any, and a description of methods to be used to minimize bias on the part of subjects, investigators, and analysts.

(*e*) The method for determining the dose(s) to be administered, the planned maximum dosage, and the duration of individual patient exposure to the drug.

(*f*) A description of the observations and measurements to be made to fulfill the objectives of the study.

(*g*) A description of clinical procedures, laboratory tests, or other measures to be taken to monitor the effects of the drug in human subjects and to minimize risk.

(7) *Chemistry, manufacturing, and control information.* (i) As appropriate for the particular investigations covered by the IND, a section describing the composition, manufacture, and control of the drug substance and the drug product. Although in each phase of the investigation sufficient information is required to be submitted to assure the proper identification, quality, purity, and strength of the investigational drug, the amount of information needed to make that assurance will vary with the phase of the investigation, the proposed duration of the investigation, the dosage form, and the amount of information otherwise available. FDA recognizes that modifications to the method of preparation of the new drug substance and dosage form and changes in the dosage form itself are likely as the investigation progresses. Therefore, the emphasis in an initial Phase 1 submission should generally be placed on the identification and control of the raw materials and the new drug substance. Final specifications for the drug substance and drug product are not expected until the end of the investigational process.

(ii) It should be emphasized that the amount of information to be submitted depends upon the scope of the proposed clinical investigation. For example, although stability data are required in all phases of the IND to demonstrate that the new drug substance and drug product are within acceptable chemical and physical limits for the planned duration of the proposed clinical investigation, if very short-term tests are proposed, the supporting stability data can be correspondingly limited.

(iii) As drug development proceeds and as the scale of production is changed from the pilot-scale production appropriate for the limited initial clinical investigations to the larger-scale production needed for expanded clinical trials, the sponsor should submit information amendments to supplement the initial information submitted on the manufacturing and control processes with information appropriate to the expanded scope of the investigation.

(iv) Reflecting the distinctions described in this paragraph (a)(7), and based on the phase(s) to be studied, the submission is required to contain the following:

(*a*) *Drug substance.* A description of the drug substance, including its physical, chemical, or biological characteristics; the name and address of its manufacturer; the general method of preparation of the drug substance; the acceptable limits and analytical methods used to assure the identity, potency, quality, and purity of the drug substance; and information sufficient to support stability of the drug substance during the toxicological studies and the planned clinical studies. Reference to the current edition of the U.S. Pharmacopeia and the National Formulary may be made to satisfy relevant requirements in this paragraph.

(*b*) *Drug product.* A list of all components, whic may include reasonable alternates for inactive compounds, used in the manufacture of the investigational drug product, including both those components intended to appear in the drug product and those which may not appear but which are used in the manufacturing process, and, where applicable, the quantitative composition of the investigational drug product, including any reasonable variations that may be expected during the investigational stage; the name and address of the drug product manufacturer; a brief general description of the manufacturing and packaging procedure as appropriate for the product; the acceptable limits and analytical methods used to assure the identity, strength, quality, and purity of

the drug product; and information sufficient to assure the product's stability during the planned clinical studies. Reference to the current edition of the U.S. Pharmacopeia and the National Formulary may be made to satisfy relevant requirements in this paragraph.

(c) *Labeling.* A copy of all labels and labeling to be provided to each investigator.

(d) *Environmental impact analysis report.* If requestd by FDA, environmental impact analysis report under § 25.1 analyzing the environmental impact of the manufacturing process and the ultimate use of the drug product.

(8) *Pharmacology and toxicology information.* Adequate information about pharmacological and toxicological studies of the drug involving laboratory animals or in vitro, on the basis of which the sponsor has concluded that it is reasonably safe to conduct the proposed clinical investigations. The kind, duration, and scope of animal and other tests required varies with the duration and nature of the proposed clinical investigations. Guidelines are available from FDA that describe ways in which these requirements may be met. Such information is required to include the identification and qualifications of the individuals who evaluated the results of such studies and concluded that it is reasonably safe to begin the proposed investigations and a statement of where the investigations were conducted and where the records are available for inspection. As drug development proceeds, the sponsor is required to submit informational amendments, as appropriate, with additional information pertinent to safety.

(i) *Pharmacology and drug disposition.* A section describing the pharmacological effects and mechanism(s) of action of the drug in animals, and information on the absorption, distribution, metabolism, and excretion of the drug, if known.

(ii) *Toxicology. (a)* An integrated summary of the toxicological effects of the drug in animals and in vitro. Depending on the nature of the drug and the phase of the investigation, the description is to include the results of acute, subacute, and chronic toxicity tests; tests of the drug's effects on reproduction and the developing fetus; any special toxicity test related to the drug's particular mode of administration or conditions of use (e.g., inhalation, dermal, or ocular toxicology); and any in vitro studies intended to evaluate drug toxicity.

(b) For each toxicology study that is intended primarily to support the safety of the proposed clinical investigation, a full tabulation of data suitable for detailed review.

(iii) For each toxicology study submitted to support the safety of a proposed clinical study that was not conducted in compliance with Part 58 relating to good laboratory practices, a description of each difference between the practices used in the study and those required under Part 58.

(9) *Previous human experience with the investigational drug.* A summary of previous human experience, if any, with the investigational drug. The information is required to include the following:

(i) If the investigational drug has been investigated or marketed previously, either in the United States or other countries, detailed information about such experience that is relevant to the safety of the proposed investigation or to the investigation's rationale. If the drug has been the subject of controlled trials, detailed information on such trials that is relevant to an assessment of the drug's effectiveness for the proposed investigational use(s) should also be provided. Any published material that is relevant to the safety of the proposed investigation or to an assessment of the drug's effectiveness for its proposed investigational use should be provided in full. Published material that is less directly relevant may be supplied by a bibliography.

(ii) If the drug is a combination of drugs previously investigated or marketed, the information required under paragraph (a)(9)(i) of this section should be provided for each component.

(iii) If the drug has been marketed outside the United States, a list of the countries in which the drug has been marketed and a list of the countries in which the drug has been withdrawn from marketing for reasons potentially related to safety or effectiveness.

(10) *Additional information.* In certain applications, as described below, information on special topics may be needed. Such information shall be submitted in this section as follows:

(i) *Drug dependence and abuse potential.* If the drug is a psychotropic substance or otherwise has abuse potential, a section describing relevant clinical studies and experience and studies in test animals.

(ii) *Radioactive drugs.* If the drug is a radioactive drug, sufficient data from animal or human studies to allow a reasonable calculation of radiation-absorbed dose to the whole body and critical organs upon administration to a human subject. Phase 1 studies of radioactive drugs must include studies which will obtain sufficient data for dosimetry calculations.

(iii) *Other information.* A brief statement on any other information that would aid evaluation of the proposed clinical investigations with respect to their safety or their design and potential as controlled clinical trials to support marketing of the drug.

(11) If requested by FDA, any other relevant information needed for review of the application.

(b) *Information previously submitted.* The sponsor ordinarily is not required to resubmit information previously submitted, but may incorporate the information by reference. A reference to information submitted previously must identify the file by name, reference number, volume, and page number where the information can be found. A reference to information submitted to the agency by a person other than the sponsor is required to contain a written statement that authorizes the reference and that is signed by the person who submitted the information.

(c) *Material in a foreign language.* The sponsor shall submit an accurate and complete English translation of each part of the IND that is not in English. The sponsor shall also submit a copy of each original literature publication for which an English translation is submitted.

(d) *Number of copies.* The sponsor shall submit an original and two copies of all submissions to the IND file, including the original submission and all amendments and reports.

§ 312.30 Protocol amendments.

Once an IND is in effect, a sponsor shall amend it as needed to ensure that the clinical investigations are conducted according to protocols included in the application. This section sets forth the provisions under which new protocols may be submitted and changes in previously submitted protocols may be made.

(a) *New protocol.* Whenever a sponsor intends to conduct a study that is not covered by a protocol already contained in the IND, the sponsor shall submit to the IND a protocol amendment containing the protocol for the study. Such study may begin provided two conditions are met: (1) The sponsor has submitted the protocol to FDA for its review; and (2) the protocol has been approved by the institutional review board (IRB) with responsibility for review and approval of the study in accordance with the requirements of Part 56. The sponsor may comply with these two conditions in either order.

(b) *Changes in a protocol.* A sponsor shall submit a protocol amendment describing any change in a Phase 1 protocol that significantly affects the safety of subjects or any change in a Phase 2 or 3 protocol that significantly affects the safety of subjects, the scope of the investigation, or the scientific quality of the study. Such change may be made after the sponsor has submitted the amendment to the IND following completion of review of the change by the IRB that is responsible for review and approval of the study that is the subject of the protocol. Examples of changes requiring an amendment under this paragraph include:

(1) Any increase in drug dosage or duration of exposure of individual subjects to the drug beyond that in the current protocol, or any significant increase in the number of subjects under study.

(2) Any significant change in the design of a protocol (such as the addition or dropping of a control group).

(3) The addition of a new test or procedure that is intended to improve monitoring for, or reduce the risk of, a side effect or adverse event; or the dropping of a test intended to monitor safety.

(c) *New investigator.* A sponsor shall submit a protocol amendment when a new investigator is added to carry out a previously submitted protocol, except that a protocol amendment is not required when a licensed practitioner is added in the case of a treatment protocol under § 312.34. The sponsor shall notify FDA of the new investigator within 30 days of the investigator being added.

(d) *Content and format.* A protocol amendment is required to be prominently identified as such (i.e., "Protocol Amendment: New Protocol", "Protocol Amendment: Change in Protocol", or "Protocol Amendment: New Investigator"), to be serially numbered, and to contain the following:

(1)(i) In the case of a new protocol, a copy of the new protocol and a description of how it differs from previous protocols.

(ii) In the case of a change in protocol, a brief description of the change and reference (date and number) to the submission that contained the protocol.

(iii) In the case of a new investigator, the investigator's name and qualifications to conduct the investigation.

(2) Reference to the specific information in the IND or in a concurrently submitted information amendment to the IND that the sponsor relies on to support the new or amended protocol. If the reference is made to supporting information already in the IND, the sponsor shall identify by name, reference number, volume, and page number the location of the information.

(3) If the sponsor desires FDA to comment on the submission, a request for such comment and the specific questions FDA's response should address.

(e) *When submitted.* A sponsor shall submit a protocol amendment for a new protocol or a change in protocol before its implementation. Protocol amendments to add a new investigator or to provide additional information about investigators may be grouped and submitted at 30-day intervals. When several submissions of new protocols or protocol changes are anticipated during a short period, the sponsor is encouraged, to the extent feasible, to include these all in a single submission.

§ 312.31 Information amendments.

(a) *Requirement for information amendment.* A sponsor shall report in an information amendment essential information on the IND that is not within the scope of a protocol amendment, IND safety reports, or annual report. Examples of information requiring an information amendment include:

(1) New toxicology, chemistry, or other technical information; or

(2) A report regarding the discontinuance of a clinical investigation.

(b) *Content and format of an information amendment.* An information amendment is required to bear prominent identification of its contents (eg., "Information Amendment: Chemistry, Manufacturing, and Control"), to be numbered serially by discipline, and to contain the following:

(1) A statement of the nature and purpose of the amendment.

(2) An organized submission of the data in a format appropriate for scientific review.

(3) If the sponsor desires FDA to comment on an information amendment, a request for such comment.

(c) *When submitted.* Information amendments to the IND should be submitted as necessary but, to the extent feasible, not more often than every 30 days.

§ 312.12 IND safety reports.

(a) *Review of safety information.* The sponsor shall immediately review all information relevant to the safety or the drug obtained or otherwise received by the sponsor from any source, foreign or domestic, including information derived from clinical investigations, animal investigations, commercial marketing experience, reports in the scientific literature, and unpublished scientific papers. For purposes of this paragraph, "information relevant to the safety of the drug" includes information about related drugs.

(b) *IND safety reports.* (1) The sponsor shall notify FDA and all participating investigators in an IND safety report of the following:

(i) Any serious adverse experiences or other information associated with the use of the drug not previously reported (in nature, severity, or incidence) that may suggest significant hazards, contraindications, side effects, or precautions. Such notification shall be made as soon as possible and in no event later than 10 working days after the sponsor's initial receipt of the information;

(ii) Any fatal or life-threatening clinical experiences associated with the use of the drug not previously reported (in nature, severity, or incidence). Such notification shall be made as soon possible and in no event later than 3 working days after the sponsor's initial receipt of the report.

(iii) For purposes of this paragraph, "associated with the use of the drug" means there is a reasonable possibility that the event may have been caused by the drug.

(2) The sponsor shall transmit each IND safety report by telephone within the time frames specified in paragraph (b)(1) of this section and shall concurrently submit a written notification. Each written notification shall bear prominent indentification of its contents, i.e., "10-Day IND Safety Report" or "3-Day IND Safety Report." Each written notification and telephone call to FDA shall be transmitted to the FDA division with responsibility for review of the IND.

(c) *Followup.* The sponsor shall promptly investigate all safety information received by it. Followup information to 3-day and 10-day reports shall be submitted promptly in an information amendment, as soon as the relevant information is available. Results of sponsor's investigation of other safety information shall be submitted, as appropriate, in an information amendment or annual report.

§ 312.33 Annual reports.

A sponsor shall submit, at intervals of 1 year after the date of submission of the IND, a brief report on the progress of the investigation containing the following:

(a) A brief summary of the status of each of the clinical studies in progress,

including the name of the investigator and the approximate number of patients under study.

(b) A brief summary of information obtained during the previous year's clinical and nonclinical investigations that is relevant to assessing the drug's safety, including: (1) A summary of all IND safety reports submitted during the past year in accordance with § 312.32; (2) a list of subjects who died during participation in an investigation, with the cause of death for each subject; and (3) a list of subjects who dropped out of an ongoing investigation.

(c) A description of the general investigational plan for the coming year to replace that submitted 1 year earlier. The general investigational plan shall contain the information required under § 312.23(a)(4).

(d) If the investigator brochure has been revised, a description of the revision and a copy of the new brochure.

(e) A description of any significant Phase 1 protocol modifications made during the previous year and not previously reported to the IND in a protocol amendment.

(f) A brief summary of significant foreign marketing developments with the drug during the past year, such as approval for marketing in any country or withdrawal from marketing in any country.

(g) If desired by the sponsor, a log of any outstanding business with respect to the IND for which the sponsor requests or expects a reply, comment, or meeting.

§ 312.34 Treatment use of an investigational new drug.

(a) *General.* A drug that is not approved for marketing may be under clinical investigation for a serious disease condition in patients for whom no satisfactory alternative drug or other therapy is available. During the clinical investigation of the drug, it may be appropriate to use the drug in the treatment of patients after sufficient evidence of the drug's safety and effectiveness has been obtained to warrant such use. Ordinarily, a drug may be made available for treatment under this section only after Phase 2 investigations have been completed, but FDA may permit such use earlier in the investigational process if compelling circumstances warrant. Administration of an investigational drug under this section serves both to provide treatment and the investigational purpose of gathering additional data on the drug's safety and effectiveness.

(b) *Treatment protocol submitted by IND sponsor.* A sponsor of a clinical investigation of a drug who intends to sponsor a treatment use for the drug under this section shall submit to FDA a treatment protocol. A treatment use under a treatment protocol may begin 30 days after FDA receives the protocol or on earlier notification by FDA that the treatment use described in the protocol may begin.

(1) A treatment protocol is required to contain the following:

(i) The intended use of the drug.

(ii) An explanation of the rationale for use of the drug, including, as appropriate, either a list of what available regimens ordinarily should be tried before using the investigational drug or an explanation of why the use of the investigational drug is preferable to the use of available marketed treatments.

(iii) A brief description of the criteria for patient selection.

(iv) The method of administration of the drug and the dosages to be used.

(v) A description of clinical procedures, laboratory tests, or other measures to be taken to monitor the effects of the drug and to minimize risk.

(2) A treatment protocol is required to be supported by the following information:

(i) A copy of the informational brochure that is to be supplied to each treating physician.

(ii) The technical information that is relevant to determining the safety and effectiveness of the drug for the intended treatment purpose. Information that is already contained in the sponsor's IND may be incorporated by reference.

(iii) If a waiver from IRB review an approval requirements is desired, a request for the waiver. (FDA may on its own initiative waive IRB review under Part 56 if it finds such review unnecessary for the protection of subjects to be treated.)

(c)(1) *Treatment IND submitted by licensed practitioner.* If a sponsor of a clinical investigation of a drug has not established a treatment protocol for the drug under paragraph (b) of this section, but the drug is being investigated by the sponsor under an effective IND, a licensed medical practitioner may seek to obtain the drug from such sponsor and submit a treatment IND to FDA requesting authorization to use the investigational drug for treatment use. A treatment use under a treatment IND may begin 30 days after FDA receives the IND or on earlier notification by FDA that the treatment use under the IND may begin. A treatment IND is required to contain the following:

(i) A cover sheet (Form FDA–1571) meeting the requirements of § 312.23(a)(1).

(ii) Information on the drug's chemistry, manufacturing, and control, and prior clinical and nonclinical experience with the drug submitted in accordance with the requirements of § 312.23. The provision of an investigational drug to a licensed medical practitioner by a sponsor of a separate clinical investigation that is subject to an IND shall be deemed to authorize the incorporation by reference of the technical information contained in the sponsor's IND into the medical practitioner's treatment IND.

(iii) A treatment protocol containing the following:

(*a*) The intended use of the drug.

(*b*) An explanation of the rationale for use of the drug, including, as appropriate, an explanation of the regimens that have perviously been tried or why use of the investigational drug is preferable to the use of available marketed treatments.

(*c*) A brief description of the criteria for patient selection.

(*d*) The method of administration of the drug and the dosages to be used.

(*e*) A description of clinical procedures, laboratory tests, or other measures to be taken to monitor the effects of the drug and minimize risks.

(iv) If a waiver from IRB review and approval requirements is desired, a request for the waiver. (FDA may on its own initiative waive IRB review requirements under Part 56, if it finds such review unnecessary for protection of subjects to be treated.)

(v) A statement of the practitioner's qualifications to use the investigational drug for the intended treatment use.

(vi) A statement that the practitioner has read or is otherwise familiar with information on the drug's safety and effectiveness derived from previous clinical and nonclinical experience with the drug.

(vii) A commitment to report to FDA adverse drug effects in accordance with § 312.56(c).

(2) A licensed practitioner who submits a treatment IND under this section is the sponsor-investigator for such IND and is responsible for meeting all applicable sponsor and investigator responsibilities under this part and Parts 50, 52, 54, and 56.

(d) *Criteria.* FDA may permit an investigational drug to be used for a treatment use under a treatment protocol or treatment IND unless it finds one of the following:

(1) The application does not fall within the terms of this section as it does not involve the treatment use of an investigational new drug intended for a serious disease condition in patients for

whom no satisfactory alternative drug or other therapy is available.

(2) The potential risks outweigh the potential benefits of the drug in the treatment of patients.

(3) There is not sufficient evidence of the drug's safety and effectiveness to justify its intended treatment use.

(e) *Agency assistance.* FDA will provide assistance to persons interested in submitting an application under this section.

§ 312.36 Emergency use of an investigational new drug.

Need for an investigational drug may arise in an emergency situation that does not allow time for submission of an IND in accordance with § 312.23. In such a case, FDA may authorize shipment of the drug for a specified use in advance of submission of an IND. A request for such authorization may be transmitted to FDA by telephone or other rapid communication means. Except in extraordinary circumstances, such authorization will be conditioned on the sponsor making an appropriate IND submission as soon as practicable after receiving the authorization.

§ 312.38 Withdrawal of an IND.

(a) At any time a sponsor may withdraw an effective IND without prejudice.

(b) If an IND is withdrawn, FDA shall be so notified, all clinical investigations conducted under the IND shall be ended, all current investigators notified, and all stocks of the drug returned or otherwise disposed of in accordance with the requirements of Part 52.

(c) If an IND is withdrawn because of a safety reason, the sponsor shall promptly so inform FDA, all participating investigators, and all reviewing Institutional Review Boards, together with the reasons for such withdrawal.

Subpart C—Administrative Actions

§ 312.40 General requirements for use of an investigational new drug in a clinical investigation.

(a) An investigational new drug may be used in a clinical investigation if the following conditions are met:

(1) The sponsor of the investigation submits an IND for the drug to FDA; the IND is in effect under paragraph (b) of this section; and the sponsor complies with all applicable requirements in this part and Parts 50, 52, 54, and 56 with respect to the conduct of the clinical investigations, and

(2) Each participating investigator conducts his or her investigation in compliance with the requirements of this part and Parts 50, 54, and 56.

(b) An IND goes into effect

(1) 30 days after FDA receives the IND, unless FDA notifies the sponsor that the investigations described in the IND are subject to a clinical hold under § 312.42, or

(2) on earlier notification by FDA that the clinical investigations in the IND may begin. FDA will notify the sponsor in writing of the date it receives the IND.

(c) A sponsor may ship an investigational new drug to investigators named in the IND:

(1) 30 days after FDA receives the IND; or

(2) on earlier FDA authorization to ship the drug.

Investigators may not, however, administer the investigational new drug to human subjects until the IND goes into effect under paragraph (b) of this section.

§ 312.41 Comment and advice on an IND.

(a) FDA may at any time during the course of the investigation communicate with the sponsor orally or in writing about deficiencies in the IND or about FDA's need for more data or information.

(b) On the sponsor's request, FDA will provide advice on specific matters relating to an IND. Such advice may include, for example, advice on the adequacy of technical data to support an investigational plan, on the design of a clinical trial, or on whether proposed investigations are likely to produce the data and information that is needed to meet requirements for a marketing application.

(c) FDA communications with a sponsor under this section are solely advisory and do not require any modification in the planned or ongoing clinical investigations or response to the agency, unless the communication is accompanied by a clinical hold order under § 312.42.

§ 312.42 Clinical holds and requests for modification.

(a) *General.* A clinical hold is an order issued by FDA to the sponsor to delay a proposed clinical investigation or to suspend an ongoing investigation. The clinical hold order may apply to one or more of the investigations covered by an IND. When a proposed study is placed on clinical hold, subjects may not be given the investigational drug by the clinical investigator conducting the study. When an ongoing study is placed on clinical hold, no new subjects may be recruited to the study and placed on the investigational drug; patients already in the study should be taken off therapy under the protocol unless specifically permitted by FDA in the interest of patient safety.

(b) *Grounds for imposition of clinical hold.*—(1) *Clinical hold of a Phase 1 study under an IND.* FDA may place a proposed or ongoing Phase 1 investigation on clinical hold if it finds that:

(i) Human subjects are or would be exposed to an unreasonable and significant risk of illness or injury;

(ii) The clinical investigators named in the IND are not qualified by reason of their scientific training and experience to conduct the investigation described in the IND;

(iii) The investigator brochure is misleading, erroneous, or materially incomplete; or

(iv) The IND does not contain sufficient information required under § 312.23 to assess the risks to subjects of the proposed studies.

(2) *Clinical hold of a Phase 2 or 3 study under an IND.* FDA may place a proposed or onging Phase 2 or 3 investigation on clinical hold if it finds that:

(i) Any of the conditions in paragraph (b)(1)(i) through (iv) of this section apply, or;

(ii) The plan or protocol for the investigation is clearly deficient in design to meet its stated objectives.

(c) *Discussion of deficiency.* Whenever FDA concludes that a deficiency exists in a clinical investigation that may be grounds for the imposition of a clinical hold, FDA will, before issuing the clinical hold order, attempt to discuss and satisfactorily resolve the matter with the sponsor.

(d) *Imposition of clinical hold.* The initial clinical hold order may be made by telephone or other means of rapid communication or in writing. The clinical hold order shall be made by or on behalf of the Division Director with responsibility for review of the IND. Within 15 days of the imposition of the clinical hold, the Division Director will provide the sponsor a written explanation of the basis for the hold.

(e) *Resumption of clinical investigations.* If, by the terms of the clinical hold order, resumption of the affected investigation is permitted without prior notification by FDA once a stated correction or modification is made, the investigation may proceed as soon as the correction or modification is made. In all other cases, an investigation may only resume after the Division Director with responsibility for review of the IND has notified the sponsor that the investigation may proceed. In these cases the Division

Director will authorize resumption of the affected investigation(s) when the sponsor corrects the deficiency(ies) previously cited by the Division Director or otherwise satisfies the Division Director that the investigation(s) can proceed.

(f) *Appeal.* If the sponsor disagrees with the reasons cited for the clinical hold, the sponsor may request reconsideration of the decision in accordance with § 312.48.

(g) *Conversion of IND on clinical hold to inactive status.* If all investigations covered by an IND remain on clinical hold for 1 year or more, the IND may be placed on inactive status by FDA under § 312.45.

§ 312.44 Termination.

(a) *General.* This section describes the procedures under which FDA may terminate an IND. If an IND is terminated, the sponsor shall end all clinical investigations conducted under the IND and recall or otherwise provide for the disposition of all unused supplies of the drug. A termination action may be based on deficiencies in the IND or in the conduct of an investigation under an IND. Except as provided in paragraph (d) of this section, a termination shall be preceded by a proposal to terminate by FDA and an opportunity for the sponsor to respond. FDA will, in general, only initiate an action under this section after first attempting to resolve differences informally or, when appropriate, through the clinical hold procedures described in § 312.42.

(b) *Grounds for termination.*—(1) *Phase 1.* FDA may propose to terminate a Phase 1 IND if it finds that:

. (i) Human subjects would be exposed to an unreasonable and significant risk of illness or injury.

(ii) The IND does not contain sufficient information required under § 312.23 to assess the safety to subjects of the clinical investigations.

(iii) The methods, facilities, and controls used for the manufacturing, processing, and packing of the investigational drug are inadequate to establish and maintain appropriate standards of identity, strength, quality and purity as needed for subject safety.

(iv) The clinical investigations are not being conducted in accordance with the plan or protocols submitted in the IND.

(v) The drug is being promoted or distributed for commercial purposes not justified by the requirements of the investigation or permitted by § 312.7.

(vi) The IND, or any amendment or report to the IND, contains an untrue statement of a material fact or omits material information required by this part.

(vii) The sponsor fails promptly to investigate and inform the Food and Drug Administration and all investigators of newly found serious or potentially serious hazards, contraindications, side effects, and precautions pertinent to the safety of the new drug or fails to make any other report required under this part.

(viii) The sponsor fails to submit an accurate annual report of the investigations in acordance with § 312.33.

(ix) The sponsor fails to comply with any other applicable requirement of this part or Part 50, 52, 54, or 56.

(x) The IND has remained on inactive status for 5 years or more.

(2) *Phase 2 or 3.* FDA may propose to terminate an IND during Phase 2 or Phase 3 if FDA finds that:

(i) Any of the conditions in paragraph (b)(1)(i) thorugh (x) of this section apply; or

(ii) The investigational plan or protocol(s) is not reasonable as a bona fide scientific plan to determine whether or not the drug is safe and effective for use; or

(iii) There is convincing evidence that the drug is effective for the purpose for which it is being investigated.

(c) *Opportunity for sponsor response.* (1) If FDA proposes to terminate an IND, FDA will notify the sponsor in writing, and invite correction or explanation within a period of 30 days.

(2) On such notification, the sponsor may provide a written explanation or correction or may request a conference with FDA to provide the requested explanation or correction. If the sponsor does not respond to the notification within the allocated time, the IND shall be terminated.

(3) If the sponsor responds but FDA does not accept the explanation or correction submitted, FDA shall inform the sponsor in writing of the reason for the nonacceptance and provide the sponsor with an opportunity for a regulatory hearing before FDA Under Part 16 on the question of whether the IND should be terminated. The sponsor's request for a regulatory hearing must be made within 10 days of the sponsor's receipt of FDA's notification of nonacceptance.

(d) *Immediate termination of IND.* Notwithstanding paragraphs (a) through (c) of this section, if at any time FDA concludes that continuation of the investigation presents a significant danger to the public health, the agency shall immediately, by written notice to the sponsor from the Director of the National Center for Drugs and Biologics, terminate the IND. An IND so terminated is subject to reinstatement by the Director on the basis of additional submissions that eliminate such danger. If an IND is terminated under this paragraph, the agency will afford the sponsor an opportunity for a regulatory hearing under Part 16 on the question of whether the IND should be reinstated.

§ 312.45 Inactive status.

(a) If no subjects are entered into clinical studies for a period of 2 years or more under an IND, or if all investigations under an IND remain on clinical hold for 1 year or more, the IND may be placed by FDA on inactive status. This action may be taken by FDA either on request of the sponsor or on FDA's own initiative. If FDA seeks to act on its own initiative under this section, it shall first notify the sponsor in writing of the proposed inactive status. Upon receipt of such notification, the sponsor shall have 30 days to respond as to why the IND should continue to remain active.

(b) If an IND is placed on inactive status, all investigators shall be so notified and all stocks of the drug shall be returned or otherwise disposed of as described in Part 52.

(c) A sponsor is not required to submit annual reports to an IND on inactive status. An inactive IND is, however, still in effect for purposes of the public disclosure of data and information under § 312.130.

(d) A sponsor who intends to resume clinical investigation under an IND placed on inactive status shall submit a protocol amendment under § 312.30 containing the proposed general investigational plan for the coming year and appropriate protocols. If the protocol amendment relies on information previously submitted, the plan shall reference such information. Additional information supporting the proposed investigation, if any, shall be submitted in an information amendment Notwithstanding the provisions of § 312.30, clinical investigations under an IND on inactive status may only resume (1) 30 days after FDA receives the protocol amendment, unless FDA notifies the sponsor that the investigations described in the amendment are subject to a clinical hold under § 312.42, or (2) on earlier notification by FDA that the clinical investigations described in the protocol amendment may begin.

(e) An IND that remains on inactive status for 5 years or more may be terminated under § 312.44.

§ 312.47 Meetings.

(a) *General.* Meetings between a sponsor and the agency are frequently useful in resolving questions and issues raised during the course of a clinical investigation. FDA encourages such meetings to the extent that they aid evaluation of the drug and the solution of scientific problems concerning the drug and to the extent that FDA's resources permit. The general principle underlying the conduct of such meetings is that there should be free, full, and open communication about any scientific or medical question that may arise during the clinical investigation. These meetings shall be conducted and documented in accordance with Part 10.

(b) *"End-of-Phase 2" meetings and meetings held before submission of a marketing application.* At specific times during the drug investigation process, meetings between FDA and a sponsor can be especially helpful in minimizing wasteful expenditures of time and money and thus in speeding the drug development and evaluation process. In particular, FDA has found that meetings at the end of Phase 2 of an investigation (end-of-Phase 2 meetings) are of considerable assistance in planning later studies and that meetings held near completion of Phase 3 and before submission of a marketing application ("pre-NDA" meetings) are helpful in developing methods of presentation and submission of data in the marketing application that facilitate review and allow timely FDA response.

(1) *End-of-Phase 2 meetings.*—(i) *Purpose.* The purpose of an end-of-Phase 2 meeting is to determine the safety of proceeding to Phase 3, to evaluate the Phase 3 plan and protocols, and to identify any additional information necessary to support a marketing application for the uses under investigation.

(ii) *Eligibility for meeting.* The end-of-Phase 2 meeting is designed primarily for IND's involving new molecular entities or major new uses of marketed drugs. However, a sponsor of any IND may request and obtain an end-of-Phase 2 meeting.

(iii) *Timing.* To be most useful to the sponsor, end-of-Phase 2 meetings should be held before major commitments of effort and resources to specific Phase 3 tests are made. The scheduling of an end-of-Phase 2 meeting is not, however, intended to delay the transition of an investigation from Phase 2 to Phase 3.

(iv) *Advance information.* At least 1 month in advance of an end-of-Phase 2 meeting, the sponsor should submit background information on the sponsor's plan for Phase 3, including summaries of the Phase 1 and 2 investigations, the specific protocols for Phase 3 clinical studies, plans for any additional nonclinical studies, and, if available, tentative labeling for the drug. The recommended contents of such a submission are described more fully in an FDA Staff Manual Guide (NCDB 4850.6) that is publicly available under FDA's public information regulations in Part 20.

(v) *Conduct of meeting.* Arrangements for an end-of-Phase 2 meeting are to be made with the division responsible for review on the IND. The meeting will be scheduled by FDA at a time convenient to both FDA and the sponsor. Both the sponsor and FDA may bring consultants to the meeting. The meeting should be directed primarily at establishing agreement between FDA and the sponsor of the overall plan for Phase 3 and the objectives and design of particular studies. The adequacy of technical information to support Phase 3 studies and/or a marketing application may also be discussed. Agreements reached at the meeting on these matters will be recorded in minutes of the conference that will be taken by FDA in accordance with § 10.65 and provided to the sponsor. The minutes along with any other written material provided to the sponsor will serve as a permanent record of any agreements reached. Barring a significant scientific development that requires otherwise, studies conducted in accordance with the agreement shall be presumed to be sufficient in objective and design for the purpose of obtaining marketing approval for the drug.

(2) *"Pre-NDA" meetings.* FDA has found that delays associated with the initial review of a marketing application may be reduced by exchanges of information about a proposed marketing application. The primary purpose of this kind of exchange is to acquaint FDA reviewers with the general information to be submitted in the marketing application, to uncover any major unresolved problems, to identify those studies that the sponsor is relying on as adequate and well-controlled to establish the drug's effectiveness, to discuss appropriate methods for statistical analysis of the data, and to discuss the best approach to the presentation and formatting of data in the marketing application. Arrangements for such a meeting are to be made by the sponsor with the division responsible for review of the IND. To permit FDA to provide the sponsor with the most useful advice on preparing a marketing application, the sponsor should submit to FDA's reviewing division at least 1 month in advance of the meeting the following information:

(i) A brief summary of the clinical studies to be submitted in the application.

(ii) A Proposed format for organizing the submission, including methods for presenting the data.

§ 312.48 Request for reconsideration or clarification of technical requirements or informal opinions.

FDA is committed to resolving differences between sponsors and FDA reviewing divisions with respect to IND's as quickly and amicably as possible through the cooperative exchange of information and views. That exchange may take place through written correspondence, telephone conversations, or informal meetings. In addition, FDA has established administratively a specific procedure under which a sponsor may ask the agency to reconsider or clarify an agency action or an informal opinion expressed to a sponsor by an agency employee with respect to an IND. Examples of issues contemplated for resolution under the procedure include requests by FDA for specific studies or information, requests to modify or delay a study, and unfavorable responses by FDA to requests from sponsors for waivers or special technical approaches to a scientific problem. The procedure will be marked by the sponsor's submission of a written request for reconsideration of clarification to the division that is responsible for reviewing the application, the division's prompt response to the applicant, and, if the division's response is not acceptable to the applicant, automatic review of the issue by managment to the National Center for Drugs and Biologics. FDA will attempt to issue a final decision within 60 days of the applicant's request. This procedure is described more fully in an FDA Staff Manual Guide (NCDB 4820.5) that is publicly available under FDA's public information regulations in Part 20.

Subpart D—Responsibilities of Sponsors and Investigators

§ 312.50 General responsibilities of sponsors.

Sponsors are responsible for selecting qualified investigators, providing them with the information they need to conduct an investigation properly, ensuring proper monitoring of the investigation(s), ensuring that the investigation(s) is conducted in accordance with the general investigational plan and protocols contained in the IND, maintaining an effective IND with respect to the

investigations, and ensuring that FDA and all participating investigators are promptly informed of significant new adverse effects or risks with respect to the drug. Additional specific responsibilities of sponsors are described elsewhere in this part and in Part 52.

§ 312.53 Selecting investigators and monitors.

(a) *Selecting investigators.* A sponsor shall select only investigators qualified by training and experience as appropriate experts to investigate the drug.

(b) *Control of drug.* A sponsor shall ship investigational new drugs only to investigators participating in the investigation.

(c) *Obtaining information from the investigator.* The sponsor shall obtain from each clinical investigator the following:

(1) A signed investigator statement (Form FDA–1572) containing:

(i) The name and address of the investigator;

(ii) The name and code number, if any, of the protocol(s) in the IND identifying the study(ies) to be conducted by the investigator.

(iii) The name and address of any medical school, hospital, or other research facility where the clinical investigation(s) will be condicted;

(iv) The name and address of any clinical laboratory facilities to be used in the study;

(v) The name and address of the IRB that is responsible for review and approval of the study(ies);

(vi) A commitment by the investigator that he or she—

(*a*) Will conduct the study(ies) in accordance with the relevant, current protocol(s) and will only make changes in a protocol after consultation with the sponsor;

(*b*) Will comply with all requirements of Part 54 regarding the obligations of clinical investigators and all other pertinent requirements in this part;

(*c*) Will personally conduct or supervise the described investigation(s);

(*d*) Will ensure that the requirements relating to obtaining informed consent and institutional review board review and approval are met;

(*e*) Will report to the sponsor immediately any unsuspected or serious side effects that occur in the course of the investigation(s);

(*f*) Has read and understands the information in the investigator's brochure, including the potential risks and side effects of the drug; and

(*g*) Will ensure that all associated, colleagues, and employees assisting in the conduct of the study(ies) are informed about their obligations in meeting the above commitments.

(vii) A list of the names of the subinvestigators (e.g., research fellows, residents, colleagues) who will be assisting the investigator in the conduct of the investigation(s).

(2) *Curriculum vitae.* A curriculum vitae for the investigator showing the education, training, and experience that qualifies the investigator as an expert in the clinical investigation of the drug for the use under investigation.

(3) *Clinical plan.* (i) For Phase 1 investigations, a general outline of the planned investigation including the estimated duration of the study and the maximum number of subjects that will be involved.

(ii) For Phase 2 or 3 investigations, an outline of the plan of investigation including an approximation of the number of subjects to be treated with the drug and the number to be employed as controls, if any; the clinical uses to be investigated; characteristics of subjects by age, sex, and condition; the kind of clinical observations and laboratory tests to be conducted; the estimated duration of the study; and copies or a description of case report forms to be used.

(d) *Selecting monitors.* A sponsor shall select a monitor qualified by training and experience to monitor the investigation in accordance with this part and Part 52.

§ 312.55 Informing investigators.

(a) Before the investigation begins, a sponsor (other than a sponsor-investigator) shall give each participating clinical investigator an investigator brochure containing the information described in § 312.23(a)(5).

(b) The sponsor shall, as the overall investigational plan proceeds, keep each participating investigator informed of new observations discovered by or reported to the sponsor on the drug, particularly with respect to adverse effects and safe use. Such information may be distributed to investigators by means of periodically revised investigator brochures, reprints or published studies, reports or letters to clinical investigators, or other appropriate means. Important safety information should be relayed orally, but shall be followed as soon as practicable by a written communication.

§ 312.56 Monitoring investigations.

(a) A sponsor who discovers that an investigator is not complying with the signed agreement (Form FDA–1572), the general investigational plan, or the requirements of this part or other applicable parts shall promptly either secure compliance or discontinue shipments of the investigational new drug to the investigator and end the investigator's participation in the investigation. If the investigator's participation in the investigation is ended, the sponsor shall require that the investigator dispose of or return the investigational drug in accordance with the requirements of Part 52 and shall notify FDA.

(b) The sponsor shall monitor the progress of all clinical and nonclinical investigations and evaluate the evidence relating to the safety and effectiveness of the drug as it is obtained from the investigators. The sponsors shall make such reports to FDA regarding adverse drug experiences as are required under § 312.31.

(c) A sponsor who determines that safety information presents an unreasonable and significant risk to subjects shall discontinue those investigations that present the risk, notify FDA, all institutional review boards, and all investigators who have at any time participated in the investigation of the discontinuance, assure the disposition of all stocks of the drug outstanding as required by § 52.41, and furnish FDA with a full report of the sponsor's actions. The sponsor shall discontinue the investigation as soon as possible, and in no event later tha 5 working days after making the determination that the investigation should be discontinued. Upon request, FDA will confer with a sponsor on the need to discontinue an investigation.

§ 312.58 Inspection of sponsor's records and reports.

(a) Upon the request at reasonable times of a scientifically trained and properly authorized employee of FDA, the sponsor shall make available for inspection and copying the records and reports required to be maintained under this part and under other applicable parts of this chapter. Upon written request by FDA, the sponsor shall submit the records or reports (or copies of them) to FDA. The sponsor shall discontinue shipments of the drug to any investigator who has failed to maintain or make available records or reports of the investigation as required by this part or Part 54.

(b) If an investigational new drug is a substance listed in any schedule of the Controlled Substances Act (21 U.S.C. 801; 21 CFR 1308), records concerning shipment, delivery, receipt, and disposition of the drug, which are required to be kept under this part or other applicable parts of this chapter

shall, upon the request of a properly authorized employee of the Drug Enforcement Administration of the U.S. Department of Justice, be made available by the investigator or sponsor to whom the request is made, for inspection and copying.

§ 312.60 General responsibilities of investigators.

An investigator is responsible for ensuring that an investigation is conducted according to the signed investigator statement, the investigational plan and applicable regulations, for protecting the rights, safety, and welfare of subjects under the investigator's care and for the control of drugs under investigation. Specific responsibilities of clinical investigators are set forth in Parts 54 and 56.

§ 312.62 Investigator records and reports.

An investigator shall make such reports and maintain such records as are required in accordance with Part 54.

Subpart E—Miscellaneous

§ 312.63 Import and export requirements.

(a) *Imports.* An investigational new drug offered for import into the United States complies with the requirements of this part if it is subject to an effective IND under § 312.40 and either (1) the consignee in the United States is the sponsor of the IND or (2) the consignee is a qualified investigator named in the IND.

(b) *Exports.* An investigational new drug intended for export from the United States complies with the requirements of this part as follows:

(1) If an IND is in effect for the drug under § 312.40 and each person who receives the drug is an investigator named in the application; or

(2) If FDA authorizes shipment of the drug for use in clinical investigation. Authorization may be obtained as follows:

(i) Through submission to FDA of a written request from the person that seeks to export the drug. A request must provide adequate information about the drug to satisfy FDA that the drug is appropriate for the proposed investigational use in humans, that the drug will be used for investigational purposes only, and that the drug may be legally used by that consignee in the importing country for the proposed investigational use. The request shall specify the quantity of the drug to be shipped per shipment and the frequency of expected shipments. If FDA authorizes exportation under this subparagraph, the agency shall concurrently notify the government of the importing country of such authorization.

(ii) Through submission to FDA of a formal request from an authorized official of the government of the country to which the drug is proposed to be shipped. A request must specify that the foreign government has adequate information about the drug and the proposed investigational use, that the drug will be used for investigational purposes only, and that the foreign government is satisfied that the drug may legally be used by the intended consignee in that country.

(iii) Authorization to export an investigational drug under paragraph (b)(2) (i) or (ii) of this section may be revoked by FDA if the agency finds that the conditions underlying its authorization are no longer met.

(3) This paragraph applies only where the drug is to be used for the purpose of clinical investigation. Export of an investigational drug for commercial marketing or for use in routine medical practice is not permitted.

§ 312.120 Foreign clinical studies not conducted under an IND.

(a) *Introduction.* This section describes the criteria for acceptance by FDA of foreign clinical studies not conducted under an IND. In general, FDA accepts such studies provided they are well designed, well conducted, performed by qualified investigators, and conducted in accordance with ethical principles acceptable to the world community. Studies meeting these criteria may be utilized to support clinical investigations in the United States and/or marketing approval. Marketing approval of a new drug or antibiotic drug based solely on foreign clinical data is governed by § 314.106 (proposed in the **Federal Register** of October 19, 1982; 47 FR 46622, 46655).

(b) *Data submissions.* A sponsor who wishes to rely on a foreign clinical study to support a U.S. study in the IND shall submit to FDA the following information:

(1) A description of the investigator's qualification;

(2) A description of the research facilities;

(3) A detailed summary of the protocol and results of the study, and, should FDA request, case records maintained by the investigator or additional background data such as hospital or other institutional records;

(4) A description of the drug substance and drug product used in the study, including a description of components, formulation, specifications and bioavailability of the specific drug product used in the clinical study, if available; and

(5) If the study is intended to support the effectiveness of a drug product, information showing that the study is adequate and well controlled under § 314.126 (proposed in the **Federal Register** of October 19, 1982; 47 FR 46622, 46656).

(c) *Conformance with ethical principles.* (1) Foreign clinical research is required to have been conducted in accordance with the ethical principles stated in the "Declaration of Helsinki" (see paragraph (c)(5) of this section) or the laws and regulations of the country in which the research was conducted, whichever represents the greater protection of the individual.

(2) For each foreign clinical study submitted under this section, the sponsor shall explain how the research conformed to the ethical principles contained in the "Declaration of Helsinki" or the foreign country's standards, whichever were used. If the foreign country's standards were used, the sponsor shall explain in detail how those standards differ from the "Declaration of Helsinki" and how they offer greater protection.

(3) When the research has been approved by an independent review committee, the sponsor shall submit to FDA documentation of such review and approval, including the names and qualifications of the members of the committee. In this regard, a "review committee" means a committee composed of scientists and, where practicable, individuals who are otherwise qualified (e. g., other health professionals or laymen). The investigator may not vote on any aspect of the review of his or her protocol by a review committee.

(4) When the research has not been approved by a review committee, the sponsor shall describe how the research conformed to the ethical standards in the country in which the research was conducted, so as to meet the goals of the "Declaration of Helsinki" In compensating for the lack of review committee approval.

(5) The "Declaration of Helsinki" states as follows:

Recommendations Guiding Medical Doctors in Biomedical Research Involving Human Subjects

I. *Basic Principles*

1. Biomedical research involving human subjects must conform to generally accepted scientific principles and should be based on adequately performed laboratory and animal experimentation and on a thorough knowledge of the scientific literature.

2. The design and performance of each experimental procedure involving human subjects should be clearly formulated in an experimental protocol which should be transmitted to a specially appointed independent committee for consideration, comment and guidance.

3. Biomedical research involving human subjects should be conducted only by scientifically qualified persons and under the supervision of a clinically competent medical person. The responsibility for the human subject must always rest with a medically qualified person and never rest on the subject of the research, even though the subject has given his or her consent.

4. Biomedical research involving human subjects cannot legitimately be carried out unless the importance of the objective is in proportion to the inherent risk to the subject.

5. Every biomedical research project involving human subjects should be preceded by careful assessment of predictable risks in comparison with foreseeable benefits to the subject or to others. Concern for the interests of the subject must always prevail over the interests of science and society.

6. The right of the research subject to safeguard his or her integrity must always be respected. Every precaution should be taken to respect the privacy of the subject and to minimize the impact of the study on the subject's physical and mental integrity and on the personality of the subject.

7. Doctors should abstain from engaging in research projects involving human subjects unless they are satisfied that the hazards involved are believed to be predictable. Doctors should cease any investigation if the hazards are found to outweigh the potential benefits.

8. In publication of the results of his or her research, the doctor is obliged to preserve the accuracy of the results. Reports of experimentation not in accordance with the principles laid down in this Declaration should not be accepted for publication.

9. In any research on human beings, each potential subject must be adequately informed of the aims, methods, anticipated benefits and potential hazards of the study and the discomfort it may entail. He or she is free to withdraw his or her consent to participation at any time. The doctor should then obtain the subject's given informed consent, preferable in writing.

10. When obtaining informed consent for the reasearch project the doctor should be particularly cautious if the subject is in a dependent relationship to him or her or may consent under duress. In that case the informed consent should be obtained by a doctor who is not engaged in the investigation and who is completely independent of this official relationship.

11. In case of legal incompetence, informed consent should be obtained from the legal guardian in accordance with national legislation. Where physical or mental incapacity makes it impossible to obtain informed consent, or when the subject is a minor, permission from the responsible relative replaces that of the subject in accordance with national legislation.

12. The research protocol should always contain a statement of the ethical considerations involved and should indicate that the principles enunciated in the present Declaration are complied with.

II. Medical Research Combined With Professional Care (Clinical Research)

1. In the treatment of the sick person, the doctor must be free to use a new diagnostic and therapeutic measure, if in his or her judgment it offers hope of saving life, reestablishing health or alleviating suffering.

2. The potential benefits, hazards and discomfort of a new method should be weighed against the advantages of the best current diagnostic and therapeutic methods.

3. In any medical study, every patient—including those of a control group, if any—should be assured of the best proven diagnostic and therapeutic methods.

4. The refusal of the patient to participate in a study must never interfere with the doctor-patient relationship.

5. If the doctor considers it essential not to obtain informed consent, the specific reasons for this proposal should be stated in the experimental protocol for transmission to the independent committee (I, 2).

6. The doctor can combine medical research with professional care, the objective being the acquisition of new medical knowledge, only to the extent that medical research is justified by its potential diagnostic or therapeutic value for the patient.

III. Non-Therapeutic Biomedical Research Involving Human Subjects (Non-Clinical Biomedical Research)

1. In the purely scientific application of medical research carried out on a human being, it is the duty of the doctor to remain the protector of the life and health of that person on whom biomedical research is being carried out.

2. The subjects should be volunteers—either healthy persons or patients for whom the experimental design is not related to the patient's illness.

3. The investigator or the team should discontinue the research if in his/her or their judgment it may, if continued, be harmful to the individual.

4. In research on man, the interest of science and society should never take precedence over considerations related to the well-being of the subject.

§ 312.130 Availability for public disclosure of data and information in an IND.

(a) The existence of an investigational new drug application will not be disclosed by FDA unless it has previously been publicly disclosed or acknowledged.

(b) The availability for public disclosure of all data and information in an investigational new drug application for a new drug or antibiotic drug file will be handled in accordance with the provisions established in § 314.430 (proposed in the **Federal Register** of October 19, 1982; 47 FR 46664) for the confidentiality of data and information in applications submitted under Part 314. The availability for public disclosure of all data and information in an investigational new drug application for a biological product will be governed by the provisions of §§ 601.50 and 601.51.

(c) Notwithstanding the provisions of § 314.430 , FDA shall disclose upon request to an individual to whom an investigational new drug has been given a copy of any IND safety report relating to the use in that individual.

§ 312.140 Address for correspondence.

(a) Except as provided in paragraph (b) of this section, a sponsor shall send an initial IND to the Documents and Records Section (HFN–106), Office of New Drug Evaluation, National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. On receiving the IND, FDA will inform the sponsor which one of the divisions in the Office of New Drug Evaluation is responsible for the IND. Amendments, reports, and other correspondence relating to matters covered by the IND should be directed to the appropriate division. The outside wrapper of each submission shall state what is contained in the submission, for example, "IND Application", "Protocol Amendment", etc.

(b) Applications for the products listed below should be submitted to the Office of Biologics (HFN–823), National Center for Drugs and Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205: (1) Products subject to the licensing provisions of the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended (42 U.S.C. 201 et. seq.)) or subject to Part 600; (2) ingredients packaged together with containers intended for the collection, processing, or storage of blood or blood components; (3) urokinase products; (4) plasma volume expanders and hydroxyethyl starch for leukapheresis; and (5) coupled antibodies, i.e., products that consist of an antibody component coupled with a drug or radionuclide component in which both components provide a pharmacological effect but the biological component determines the site of action.

(c) All correspondence relating to biological products for human use which are also radioactive drugs shall be submitted to the Division of Oncology and Radiopharmaceutical Drug Products (HFN–150), Office of New Drug Evaluation, National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, except that applications for coupled antibodies shall be submitted in accordance with paragraph (b) of this section.

(d) All correspondence relating to export of an investigational drug under § 312.110(b)(2) shall be submitted to the International Affairs Staff (HFY–50), Office of Health Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

§ 312.145 Guidelines

(a) FDA has made available guidelines under § 10.90(b) to help persons to comply with certain requirements of this part.

(b) The National Center for Drugs and Biologics maintains a list of guidelines that apply to the Center's regulations. The list states how a person can obtain a copy of each guideline. A request for a copy of the list should be directed to the Assistant Director for Regulatory Affairs (HFN–7), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Subpart F—Drugs for Investigational Use in Laboratory Research Animals or in Vitro Tests

§ 312.160 Drugs for investigational use in laboratory research animals or in vitro tests.

(a) *Authorization to ship.* (1) A person may ship a drug intended solely for tests in vitro or in animals used only for laboratory research purposes if it is labeled as follows:

Caution: Contains a new drug for investigational use only in laboratory research animals, or for tests in vitro. Not for use in humans.

(2) A person shipping a drug under paragraph (a) of this section shall use due diligence to assure that the consignee is regularly engaged in conducting such tests and that the shipment of the new drug will actually be used for tests in vitro or in animals used only for laboratory research.

(3) A person who ships a drug under paragraph (a) of this section shall maintain adequate records showing the name and post office address of the expert to whom the drug is shipped and the date, quantity, and batch or code mark of each shipment and delivery. Such records are to be maintained for a period of 2 years after the shipment. Upon the request of a properly authorized FDA employee at reasonable times, the person shall make such records available for inspection and copying.

(b) *Termination of authorization to ship.* FDA may terminate authorization to ship a drug under this section, if it finds that:

(1) The sponsor of the investigation has failed to comply with any of the conditions for shipment established under this section; or

(2) The continuance of the investigation is unsafe or otherwise contrary to the public interest or the drug is used for purposes other than bona fide scientific investigation. FDS will notify the person shipping the drug of its finding and invite immediate correction. If correction is not immediately made, the person shall have an opportunity for a regulatory hearing before FDA pursuant to Part 16. If authorization to ship the drug is terminated, the person shipping the drug shall recall or have destroyed the unused supplies of the drug.

Interested persons, may, on or before August 8, 1983, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Richard S. Schweiker,

Secretary of Health and Human Services.

Dated: February 3, 1983.

[FR Doc. 83–15452 Filed 6–8–83; 8:45 am]

BILLING CODE 4160–01–M

VOL.
48
ISS
1
12
JE
9
1983
UMI

Reac

INFORMA

PUBLICA
Code of
CFR Unit

General in
Incorporat
Printing sc

Federal R
Correction
Daily Issu
General in
Privacy A
Public Ins

Scheduling

Laws
Indexes
Law numb

Slip law o

Presidenti
Executive
Public Pap
Weekly C

United St

SERVICES
Agency se
Automatio
Library
Magnetic
volumes
Public Insp
Special Pr
Subscriptio
Subscriptio
TTY for th

FEDERAL

24311-246
24653-248
24855-251
25169-262
26279-264
26443-265
26585-267

Reader Aids

Federal Register

Vol. 48, No. 112

Thursday, June 9, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

24311-24652.....1
24653-24854.....2
24855-25168.....3
25169-26278.....6
26279-26442.....7
26443-26584.....8
26585-26750.....9

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:

Presidential Determinations:

No. 83-7 of June 3, 1983.....26585

Executive Orders:

September 15, 1916 (Revoked in part by PLO 6392).....26315

September 30, 1916 (Revoked in part by PLO 6392).....26315

May 21, 1920 (Revoked in part by PLO 6392).....26315

Proclamations:

5066.....24855

5067.....26443

5 CFR

213.....24857

581.....26279

7 CFR

68.....24857

319.....24311

354.....26294

910.....24859, 26587

915.....24860

916.....24653

932.....24311

944.....24860

959.....25169

1033.....24861

1036.....24863

1139.....24864

Proposed Rules:

51.....24723

1007.....24391

1046.....24905

1123.....26460

1125.....26460

1207.....24724

9 CFR

92.....24866

318.....24314

10 CFR

20.....26295

25.....24318

61.....26295

95.....24318

Proposed Rules:

50.....24391

960.....26440

11 CFR

102.....26300

114.....26303

12 CFR

207.....26587

211.....26445

220.....26587, 26589

221.....26587

224.....26587

505c.....26590

Proposed Rules:

7.....24913

614.....25210

14 CFR

39.....26590-26593

71.....25169, 25170, 26594-26596

75.....26596

95.....24654

204.....26596

252.....24856

389.....24323

Proposed Rules:

23.....26623

39.....25210

121.....25211

139.....25211

159.....25215

221.....24916

252.....24918

291.....24922

377.....24923

15 CFR

369.....24323

371.....25171

373.....25174

376.....25171

379.....25171

386.....25171, 26303, 26449

399.....25171, 25174, 26450

16 CFR

423.....24868

453.....25174

Proposed Rules:

13.....24724

457.....25218

17 CFR

170.....26304

200.....24663

240.....24663

249.....24663

270.....25175

Proposed Rules:

12.....25218

210.....26623

240.....24725, 24726

270.....25220, 26460

18 CFR

2.....24323, 24358

35.....24323
271.....25177-25179
Proposed Rules:
271.....24730-24732, 25223

19 CFR

101.....25180
177.....25180
Proposed Rules:
177.....25224

20 CFR

Proposed Rules:
632.....24392
633.....24392
634.....24392
635.....26430
684.....24392

21 CFR

5.....26311
131.....24868
175.....24869
177.....26312
178.....24869
510.....24870, 24871
520.....24871
522.....26313
540.....24872, 24873
558.....24871
600.....26313
895.....25126, 25137
Proposed Rules:
158.....26319
312.....26720
341.....24925

23 CFR

Ch. I.....24852, 25181

24 CFR

111.....24361
1800.....24873

25 CFR

Proposed Rules:
700.....24734

29 CFR

601.....24668
Proposed Rules:
1.....24736, 25224, 25228

27 CFR

21.....24672
212.....24672
Proposed Rules:
9.....24737

28 CFR

0.....25183
540.....24622
550.....24623
551.....24623
Proposed Rules:
547.....24626
570.....24626
571.....24626

30 CFR

260.....24873
784.....24638
785.....24638
816.....24638
817.....24638
818.....24638
915.....24874
944.....24876
946.....25184
1625.....26434
Proposed Rules:
901.....24739
913.....24741
936.....24928
942.....25229
946.....26624
948.....24393

32 CFR

242b.....26451
806b.....24878

33 CFR

100.....25186, 26599-26602
117.....26602
165.....25187
Proposed Rules:
117.....26625
162.....25231

34 CFR

682.....24584

36 CFR

222.....25187
262.....26603
Proposed Rules:
13.....26319

37 CFR

Proposed Rules:
1.....26319
5.....26319

38 CFR

Proposed Rules:
17.....26627

40 CFR

52.....24362, 24689
162.....26451
180.....24364, 24365, 24689, 26452
716.....24366
Proposed Rules:
Ch. I.....24930
65.....24930
66.....26627
67.....26627
81.....24393
86.....24932
180.....24394, 24396, 26629
271.....25236
403.....24933
405.....24742
406.....24742
407.....24742
408.....24742
409.....24742
411.....24742
412.....24742
422.....24742
424.....24742
426.....24742
429.....24742
430.....24742
431.....24742
432.....24742
433.....24742
440.....24742
600.....26698
610.....24397

41 CFR

Ch. 7.....25188
1-15.....26453
3-3.....26605
101-29.....25196
101-45.....24878
101-47.....24879, 25199
105-53.....25200

42 CFR

57.....25064
66.....24879
Proposed Rules:
57.....25071, 25072

43 CFR

1600.....26314
3200.....24367
3210.....24367
3220.....24367
3240.....24367
3250.....24367
Public Land Orders:
6391.....25205
6392.....26315
Proposed Rules:
3000.....26320
3100.....26320
8370.....26485

44 CFR

64.....24369
65.....26605
67.....24370
Proposed Rules:
67.....24743, 26629, 26630

45 CFR

Proposed Rules:
125.....26631
126.....26631
127.....26631
128.....26631
129.....26631
130.....26631
131.....26631
132.....26631
133.....26631
134.....26631
135.....26631
136.....26631

47 CFR

0.....24383, 26606
1.....24884
73.....24383, 24898, 26453, 26608
74.....24383
90.....26617
95.....24884
97.....26455, 26606
Proposed Rules:
2.....24945, 26461
22.....24945
69.....26632
73.....24945, 24949, 26462-26471
74.....24945
76.....26472
94.....24950
96.....24953
97.....24954, 26647

49 CFR

192.....25206
195.....25206
571.....24690, 24717, 25209
1011.....26456
1033.....24386
1039.....24900
1153.....24386
1162.....24388
1175.....26317
1176.....26317
1307.....24388
Proposed Rules:
Ch. X.....24397
25.....26649
172.....26650
173.....25236, 26650
179.....25236
571.....24751, 25237
1186.....26485

50 CFR

20.....26457
250.....26621
260.....24901
371.....24902
424.....24718, 24903
611.....24719
Proposed Rules:
17.....26488
23.....26651
611.....25238
661.....26653
674.....24751
675.....25238

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Last Listing June 1, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202–275–3030).

S. 967/Pub. L. 98–37 To amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1984, 1985, and 1986. (June 6, 1983; 97 Stat. 204) Price: $1.50

H.R. 2681/Pub. L. 98–38 To make certain amendments to sections 4, 13, 14, 15, and 15B of the Securities Exchange Act of 1934. (June 6, 1983; 97 Stat. 205) Price: $1.50

Slip Laws

Subscriptions Now Being Accepted

98th Congress, 1st Session, 1983

Separate prints of Public Laws, published immediately after enactment, with marginal annotations, legislative history references, and future Statutes volume page numbers.

Subscription Price: **$150.00 per session**

(Individual laws also may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Prices vary. See Reminder Section of the Federal Register for announcements of newly enacted laws and prices).

SUBSCRIPTION ORDER FORM
ENTER MY SUBSCRIPTION TO: PUBLIC LAWS. [P9801-File Code 1L]

☐ $150.00 Domestic, ☐ $187.50 Foreign.

☐ REMITTANCE ENCLOSED. (MAKE CHECKS PAYABLE TO SUPERINTENDENT OF DOCUMENTS.)

☐ CHARGE TO MY DEPOSIT ACCOUNT NO. ☐☐☐☐☐☐ ☐

MasterCard and VISA accepted.

MAIL ORDER FORM TO:
Superintendent of Documents
Government Printing Office
Washington, D.C. 20402

COMPANY OR PERSONAL NAME

ADDITIONAL ADDRESS/ATTENTION LINE

STREET ADDRESS

CITY | STATE | ZIP CODE

(OR) COUNTRY

PLEASE PRINT OR TYPE

Customer's Telephone No.'s
Area Code | Home | Area Code | Office

Credit Cards Orders Only
Total charges $_____
Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

VOL
48
ISS
1
12
JE
9
1983
UMI

VOL
48
ISS
1
1
3
JE
19
1983
UM

6-10
Vol.

Unite
Gove
Print
SUPER
OF DO
Washin

OFFICI
Penalty

Federa
(ISSN 0

6-10-83
Vol. 48 No. 113

federal register

Friday
June 10, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS -
Penalty for private use $300

Federal Register
(ISSN 0097-6326)

A FR SERIA300S NOV 83 R DIR
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

U.S.MAIL
Postage and Fees Paid
U S Government Printing Office
375
ECOND CLASS NEWSPAPER

VOL.
48
ISS
1
1
3
JE
10
1983
UMI

6-10-8
Vol. 48
Pages

6-10-83
Vol. 48 No. 113
Pages 26751-27026

federal register

Friday
June 10, 1983

Selected Subjects

Aged
ACTION

Air Pollution Control
Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Coal Mining
Surface Mining Reclamation and Enforcement Office

Communications Common Carriers
Federal Communications Commission

Continental Shelf
Minerals Management Service

Drugs
Food and Drug Administration

Fisheries
National Oceanic and Atmospheric Administration

Flood Insurance
Federal Emergency Management Agency

Food Additives
Food and Drug Administration

Food Grades and Standards
Agricultural Marketing Service

Grant Programs—Social Programs
ACTION

Marketing Agreements
Agricultural Marketing Service

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

Mineral Royalties
Minerals Management Service — 26808

National Banks
Comptroller of Currency — 26815

Occupational Safety and Health
Occupational Safety and Health Administration — 26802

Over-the-Counter Drugs
Food and Drug Administration

Public Lands—Mineral Resources
Land Management Bureau

Railroads
Interstate Commerce Commission — 26910

Reporting and Recordkeeping Requirements
Civil Aeronautics Board

Small Businesses
Small Business Administration — 26752

Volunteers
ACTION — 26757, 26751, 26757

26865, 26866

26830

26851

26851

26851

Contents

Federal Register
Vol. 48, No. 113
Friday, June 10, 1983

ACTION
RULES
26808 Foster grandparent program
26815 Retired senior volunteer program
26802 Senior companion program

Agency for International Development
PROPOSED RULES
Foreign Service; appointment of members. (*Editorial note:* For a document on this subject see entry under State Department published in this issue.)
NOTICES
Meetings:
26910 Security and Economic Assistance Commission

Agricultural Marketing Service
RULES
26752 Green beans and wax beans, frozen; grade standards
26757 Lemons grown in Ariz. and Calif.
26751 Tomatoes for processing; grade standards
26757 Tomatoes grown in Fla.

Agriculture Department
See Agricultural Marketing Service; Foreign Agricultural Service; Forest Service; Rural Electrification Administration; Soil Conservation Service.

Blind and Other Severely Handicapped, Committee for Purchase from
NOTICES
26865, 26866 Procurement list, 1983; additions and deletions (2 documents)

Civil Aeronautics Board
PROPOSED RULES
Domestic cargo transportation:
26830 Alaska and Hawaii; exemption from tariff filing requirements
NOTICES
26851 Certificates of public convenience and necessity and foreign air carrier permits; weekly applications
Hearings, etc.:
26851 Frontier Flying Service

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
26851 Minnesota

Commerce Department
See also International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration.
PROPOSED RULES
Foreign Service; appointment of members. (*Editorial note:* For a document on this subject see entry under State Department published in this issue.)
NOTICES
Meetings:
26854 President's Private Sector Survey on Cost Control; agenda change
Organization, functions, and authority delegations:
26854 International Trade Administration

Comptroller of Currency
RULES
National banks:
26758 Relocations of head office; policy statement

Consumer Product Safety Commission
RULES
26761 Coal and wood burning appliances; provision of performances and technical data; correction
NOTICES
26941 Meetings; Sunshine Act (2 documents)

Customs Service
PROPOSED RULES
Customs relations with Canada and Mexico:
26832 Vehicles or vessels arriving from Canada or Mexico; Customs Form 7533 elimination, etc.; withdrawal
26831 Regulatory flexibility plan; review of regulations
Tariff classification; domestic interested party petitions:
26833 Total milk proteinate, whey protein concentrate, and lactalbumin

Defense Department
NOTICES
26866 Agency forms submitted to OMB for review
Meetings:
26866 Electron Devices Advisory Group

Education Department
RULES
Postsecondary education:
26779 Student assistance; Selective Service registration requirement; enforcement policy
NOTICES
Meetings:
26867 Intergovernmental Advisory Council on Education

Employment and Training Administration
PROPOSED RULES
Veterans' employment programs; Job Training Partnership Act, implementation *(Editorial note:* This document appeared in the **Federal Register** of June 7, 1983, at page 26430.)
NOTICES
Adjustment assistance:
26923 Bendix Corp.; correction
26922 Bethlehem Steel Corp. et al.
26921 Hanna Mining Co.
Emergency jobs appropriations act:
26921 Civil jurisdictions classified as high unemployment areas; additions to list

Job Training Partnership Act:
26923 Training services for disadvantaged; adult and youth programs; final allotment methodology for territories
Unemployment compensation; extended benefit periods:
26921 Alabama and Montana

Employment Standards Administration
NOTICES
26990 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedes decisions (Ark., Conn., D.C., Hawaii, Idaho, Ill., Ind., Iowa, Ky., La., Md., Mich., Mo., Nebr., N.H., N. Mex., Ohio, Oreg., Tex., and W. Va.)

Energy Department
See Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department; Southwestern Power Administration.

Environmental Protection Agency
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
26841 Wisconsin
Air quality implementation plans; preparation, adoption, and submittal:
26840 Antitampering and anti-fuel switching programs to reduce in-use emissions from motor vehicles; draft availability, etc.
Water pollution control:
26842 State underground injection control programs; Colorado
NOTICES
Environmental statements; availability, etc.:
26886 Agency statements; weekly receipts
Toxic and hazardous substances control:
26883 Premanufacture notices receipts
26884 Premanufacture notification requirements; test marketing exemption applications

Federal Communications Commission
RULES
Common carrier services:
26820 Public mobile radio services; cellular communications systems, specific MHz bands
USO

Federal Emergency Management Agency
RULES
Flood elevation determinations:
26784 Alabama et al.
26796 California et al.
Flood insurance; communities eligible for sale:
26782 Alaska et al.
26780 New Jersey et al.

Federal Energy Regulatory Commission
PROPOSED RULES
Electric utilities (Federal Power Act):
26831 Fuel cost adjustment clause; treatment of purchased power; extension of time
NOTICES
Hearings, etc.:
26873 Alabama-Tennessee Natural Gas Co.
26874 Bangor Hydro-Electric Co.
26874 Centel Corp.
26867 Columbia Gas Transmission Corp.
26867 Consolidated Gas Supply Corp.
26868 Distrigas of Massachusetts Corp.
26875 Eastern Shore Natural Gas Co.
26875 East Tennessee Natural Gas Co.
26875 Florida Gas Transmission Co.
26868 Gas Gathering Corp.
26869 Granite State Gas Transmission, Inc.
26875 Kansas Gas & Electric Co.
26869 Michigan Wisconsin Pipe Line Co.
26869 Midwestern Gas Transmission Co.
26876 Northern Natural Gas Co.
26876 Pacific Power & Light Co.
26876, Panhandle Eastern Pipe Line Co. (2 documents)
26876
26877 PanMark Gas Co.
26870 Puget Sound Power & Light Co.
26860 Sea Robin Pipeline Co.
26870 Seattle Oil Service, Inc. (3 documents)
26870 South Georgia Natural Gas Co. (2 documents)
26871, Tennessee Gas Pipeline Co. (3 documents)
26880
26872 Tennessee Natural Gas Lines, Inc.
26872 Texas Eastern Transmission Corp.
26880 Texas Gas Transmission Corporation
26872 Transcontinental Gas Pipe Line Corp.
26873 Transcontinental Gas Pipe Line Corp. et al.
26879, Trunkline Gas Co. (3 documents)
26881
26882 United Gas Pipe Line Co.
26882 Western Area Power Administration
Natural gas companies:
26879 Small producer certificates, applications (Royal Resources Exploration, Inc. of Colorado, et al.)
Natural Gas Policy Act:
27018 Jurisdictional agency determinations
Small power production and cogeneration facilities; qualifying status; certification applications, etc.:
26874 Arbutus Corp.

Federal Reserve System
NOTICES
Applications, etc.:
26887 BankAmerica Corp.
26887 Community Bancorp et al.
26887 Southeastern Banking Corp.
26941 Meetings; Sunshine Act (2 documents)

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
26762 Sulfaquinoxaline
26762 Sulfamethazine sustained-release tablets
Food additives:
26761 Polymers; polysulfone resins
Human drugs:
27004 Cholecystokinetic products (OTC); final monograph
PROPOSED RULES
Human drugs
Antibiotic and biologic drugs; investigational applications and progress monitoring. (*Editorial Note:* This document was published in the **Federal Register** of June 9, 1983.)
26986 Insect repellent drug products (OTC)

NOTICES
Animal drugs, feeds, and related products:
26890 Keistler's Sarcoptic Mange Remedy; approval withdrawn
Food additive petitions:
26890 Ciba-Geigy Corp.
Human drugs:
26889 Process validation, general principles; good manufacturing practice; draft guideline availability and inquiry; extension of time
Medical devices; premarket approval:
26889 Ryder International Corp.
Meetings:
26887 Advisory committees, panels, etc.

Foreign Agricultural Service
PROPOSED RULES
Foreign Service; appointment of members (*Editorial Note:* For a document on this subject see entry under State Department published in this issue.)

Forest Service
NOTICES
Land and resource management plans:
26849 Pacific Southwest Region; intent to reevaluate roadless areas

Health and Human Service Department
See also Food and Drug Administration; Health Care Financing Administration; Public Health Service.
NOTICES
26891 Agency forms submitted to OMB for review

Health Care Financing Administration
NOTICES
Medicare:
26891 Hospital insurance premium for uninsured aged; rescission of monthly increase
26891 Supplemental medical insurance premium for aged and disabled; rescission of monthly increase

Hearings and Appeals Office, Energy Department
NOTICES
Remedial orders:
26883 Objections filed

Housing and Urban Development Department
NOTICES
26895, 26896 Agency forms submitted to OMB for review (3 documents)
Authority delegations:
26894 Seattle Regional Office, Region X; Privacy Act Officer

Interior Department
See also Land Management Bureau; Minerals Management Service; National Park Service; Surface Mining Reclamation and Enforcement Office.
NOTICES
Meetings:
26910 Indian Policy Review Team; cancellation
Wilderness inventory decisions:
26908 New Mexico

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Antidumping:
26852 Railway track maintenance equipment from Austria

Interstate Commerce Commission
RULES
Rail carriers:
26822 Export coal; exemption
NOTICES
Motor carriers:
26911 Compensated intercorporate hauling operations; intent to engage in
26911 Finance applications
26914, 26915 Permanent authority applications (2 documents)
26918 Permanent authority applications; restriction removals
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
26910 Carson Truck Lines, Inc., et al.
26918 Edwards Transfer & Storage Co. et al.
Railroad services abandonment:
26919 Brooklyn Eastern District Terminal
26919 Chicago & Northwestern Transportation Co.
26919 Los Angeles & Salt Lake Railroad Co.
26920 Louisville & Nashville Railroad Co.
26920 Petaluma & Santa Rosa Railroad Co.
26920 Southern Pacific Transportation Co.

Justice Department
NOTICES
Meetings:
26920 Tax Litigation Advisory Committee
Pollution control; consent judgments:
26920 Monochem, Inc., et al.

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration; Veterans' Employment and Training, Office of Assistant Secretary.
NOTICES
26924 Agency forms submitted to OMB for review

Land Management Bureau
RULES
27008 Mineral materials disposal and surface exploration; mining and reclamation of land
Oil and gas unit agreements, onshore:
26763 Unit or cooperative agreements
Public land orders:
26780 Wyoming; correction
NOTICES
Alaska native claims selection; applications, etc.:
26896, 26897 Chugach Native, Inc. (2 documents)
Coal leases, exploration licenses, etc.:
26897 Montana
Conveyance of public lands:
26902 Utah
Environmental statements; availability, etc.:
26898 Cerbat-Black Mountain Planning Area et al., Ariz.

26898 Lower Gila South Planning Area, Phoenix District, Ariz.
26903 Powder River Basin Coal Region, Casper District, Mont. and Wyo.
Exchange of public lands for private land:
26902 Montana
Management framework plans, review and supplement, etc.:
26900 New Mexico
Meetings:
26906 Medford District Advisory Council
Mineral leasing:
26898 Gila and Salt River Meridian, Ariz.
Motor vehicles, off-road, etc.; area closures and openings:
26902 Montana
Opening of public lands:
26897 Colorado; withdrawn; correction
Sale of public lands:
26899 Arizona; correction
26903 Colorado
26900 Illinois
26906 Nevada
26899, 26901 North Dakota (2 documents)
26906 Wyoming (2 documents)
Withdrawal and reservation of lands, proposed, etc.:
26904, 26905 Arizona (4 documents)

Mine Safety and Health Administration
PROPOSED RULES
Metal and nonmetalic mine safety:
27024 Gassy mines; safety standards; advance notice

Minerals Management Service
RULES
Oil and gas unit agreements, onshore:
Unit or cooperative agreements. (*Editorial Note:* For a document on this subject, see entry under Land Management Bureau published in this issue.)
26778 Outer continental shelf minerals and right-of-way management; lessee/payor remittance of payment by electronic funds transfer
PROPOSED RULES
Outer Continental Shelf; oil, gas, and sulphur operations:
26837 Oil and gas facilities; exemption from air quality review
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
26907 ODECO Oil & Gas Co.

Minority Business Development Agency
NOTICES
Financial assistance application announcements:
26852 Illinois

National Aeronautics and Space Administration
NOTICES
Meetings:
26924 Advisory Council

National Capital Planning Commission
NOTICES
26924 Federal planning in National Capital Region; intergovernmental cooperation; proposed procedures

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
26843 South Atlantic snapper-grouper
NOTICES
Meetings:
26854 Mid-Atlantic Fishery Management Council
26854 New England Fishery Management Council

National Park Service
NOTICES
Concession contract negotiations:
26907 Alternative, Inc., et al.
26908 Harbor Carriers, Inc.
Meetings:
26908 Upper Delaware Citizens Advisory Council

National Science Foundation
NOTICES
Meetings:
26927 Engineering Advisory Committee

Nuclear Regulatory Commission
NOTICES
26927 Operating licenses, amendments; monthly notices

Occupational Safety and Health Administration
PROPOSED RULES
Health and safety standards:
26962 Cotton dust, occupational exposure
State plans; development, enforcement, etc.:
26836 Virgin Islands; hearing change

Personnel Management Office
NOTICES
Meetings:
26931 Federal Prevailing Rate Advisory Committee

Postal Rate Commission
NOTICES
26931 Electronic computer originated mail (ECON) rate and classification changes; prehearing conference

Public Health Service
NOTICES
26892 Privacy Act; systems of records

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
26849 Tri-County Electric Association, Inc.

Securities and Exchange Commission
NOTICES
Hearings, etc.:
26937 Equitable Tax-Free Account, Inc.
26933 NAFE Money Market Fund, Inc.
26934 Ohio Power Co.
Self-regulatory organizations; proposed rule changes:
26936 Chicago Board Options Exchange, Inc.

26935 Midwest Stock Exchange, Inc.
26935 Municipal Securities Rulemaking Board
26933 Stock Clearing Corp. of Philadelphia

Small Business Administration
RULES
Small business size standards:
26760 Special salvage timber sales; preferential treatment

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
26850 Carey Lake Water-Based Recreation RC&D Measure, Wash.
26850 Drainage District No. 7 RC&D Measure, Mo.
26851 Smelterville Critical Area Treatment RC&D Measure, Idaho
Watershed projects; deauthorization of funds:
26850 Beasha Creek Watershed, Miss.

Southwestern Power Administration
NOTICES
26883 Sam Rayburn Dam project; increased power rates approved; interim; correction

State Department
PROPOSED RULES
26834 Foreign Service; appointment of members

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission; various States:
26839 Kentucky; hearing, etc.

Textile Agreements Implementation Committee
NOTICES
Cotton, wool, or man-made textiles:
26864 Poland
26864 Romania
Export visa requirements; certification, etc.:
26865 India

Trade Representative, Office of United States
NOTICES
Unfair trade practices, petitions, etc.:
26931 National Soybean Processor Association; production and export of soybean oil and meal; hearing rescheduled

Treasury Department
See Comptroller of Currency; Customs Service.

United States Information Agency
PROPOSED RULES
Foreign Service; appointment of members. (*Editorial Note:* For a document on this subject see entry under State Department published in this issue.)

Veterans' Administration
NOTICES
26940 Advisory committees, annual reports; availability

Veterans' Employment and Training, Office of Assistant Secretary
PROPOSED RULES
Veterans' employment programs; Job Training Partnership Act, implementation. (*Editorial Note:* This document appeared in the **Federal Register** of June 7, 1983, at page 26430.)

Separate Parts in This Issue

Part II
26962 Department of Labor, Occupational Safety and Health Administration

Part III
26986 Department of Health and Human Services, Food and Drug Administration

Part IV
26990 Department of Labor, Employment Standards Administration, Wage and Hour Division

Part V
27004 Department of Health and Human Services, Food and Drug Administration

Part VI
27008 Department of the Interior, Bureau of Land Management

Part VII
27018 Department of Energy, Federal Energy Regulatory Commission

Part VIII
27024 Department of Labor, Mine Safety and Health Administration

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
51 26751
52 26752
910 26757
966 26757

12 CFR
5 26758

13 CFR
121 26760

14 CFR
Proposed Rules:
291 26830

15 CFR
1406 26761

18 CFR
Proposed Rules:
35 26831

19 CFR
Proposed Rules:
Ch. I 26831
123 26832
175 26833

21 CFR
177 26761
357 27004
520 (2 documents) 26762
Proposed Rules:
310 26986

22 CFR
Proposed Rules:
11 26834

29 CFR
Proposed Rules:
1910 26962
1952 26836

30 CFR
226 26763
256 26778
Proposed Rules:
57 27024
250 26837
917 26839

34 CFR
668 26779

40 CFR
Proposed Rules:
51 26840
52 26841
145 26842

43 CFR
Public Land Orders:
23 27008
3600 27008
3610 27008
3620 27008
6377 26780

44 CFR
64 (2 documents) 26780, 26782
67 (2 documents) 26784, 26796

45 CFR
1207 26802
1208 26808
1209 26815

47 CFR
22 26820

49 CFR
1039 26822

50 CFR
Proposed Rules:
646 26843

UMI

Rules and Regulations

Federal Register
Vol. 48, No. 113
Friday, June 10, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Tomatoes for Processing

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the voluntary U.S. Standards for Grades of Tomatoes for Processing. This amendment revises color evaluation procedures to permit color measurement to be determined by the type of electronic device specified in grower-processor contracts. Users of the standards will be given the option of utilizing a colorimeter of their choice, without ruling out use of currently specified instrumentation.

The Agricultural Marketing Service has the responsibility, in cooperation with industry, to maintain grade standards in line with current cultural and processing practices.

EFFECTIVE DATE: July 11, 1983.

FOR FURTHER INFORMATION CONTACT: David L. Priester, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5410.

SUPPLEMENTARY INFORMATION: This rule as been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "non-major" rule. It will not result in an annual effect of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it reflects current marketing practices.

The current U.S. Standards for Grades of Tomatoes for Processing have been in effect since March 1973. These standards were developed to provide the processing industry with inspection procedures for determining the quality of grower deliveries to processors based on two factors: (1) Color measurement by use of photo-electric instrument (USDA Tomato Colorimeter) or subjective visual color evaluation of individual fruit; and (2) classification of defects. When using the colorimeter, the "Color Evaluation" section of the standards require that specific procedures be followed for color measurement using only USDA approved equipment.

Since 1973 processors have continued to improve processing equipment and have introduced new manufactured products. This has brought about a need for more flexibility in the type of color measurement equipment than that currently approved for use by the standards.

A proposal to amend these standards was published in the **Federal Register** on April 12, 1983 (48 FR 15633–15634) with a comment period ending May 12, 1983. Copies of the proposal were distributed to interested persons for review and comment. Responses were received from the following: Welch Foods, Inc., Westfield, New York; Keystone Foods, Inc., NorthEast, Pennsylvania; and, Purdue University Department of Horticulture, Indiana. All comments were in favor of the proposed changes. Changes are as follows:

(1) The "General" section is revised by deleting reference to the photo-electric instrument (USDA-Tomato Colorimeter).

(2) Applicable sections concerning color evaluation procedures are revised to require the equipment used in color evaluation be properly calibrated, and the type of device and procedures utilized to be specified in the grower-processor contract.

This rule establishes basic color measurement requirements with the flexibility necessary to adjust to advances is electronic colorimeter technology and meet the changing needs of the industry. Users of the standards will now have the option of using a colorimeter of their choice, without ruling out use of the currently specified instrumentation.

List of Subjects in 7 CFR Part 51

Fresh fruits, Vegetables and other products (Inspection, certification and standards).

PART 51—[AMENDED]

Accordingly 7 CFR Part 51 is amended as follows:

1. Revising § 51.3310 paragraph (a)(1) to read as follows:

§ 51.3310 General.

(a) * * *

(1) Color measurement by use of an electronic colorimeter instrument or subjective visual color evaluation of individual fruit; and,

* * * * * *

2. Revising § 51.3311 paragraph (a)(2) (i) and (ii) to read as follows:

§ 51.3311 Category A.

* * * * * *

(a) * * *

(2) * * *

(i) Electronic color determination shall be as specified in § 51.3317; or

(ii) Visual color analysis shall be as specified in § 51.3317.

* * * * * *

3. Revising § 51.3312 paragraph (a)(2) (i) and (ii) to read as follows:

§ 51.3312 Category B.

* * * * * *

(a) * * *

(2) * * *

(i) Electronic color determination shall be as specified in § 51.3317; or

(ii) Visual color analysis shall be as specified in § 51.3317.

* * * * * *

4. Revising § 51.3313 paragraph (a) (2) (i) and (ii) to read as follows:

§ 51.3313 Category C.

* * * * * *

(a) * * *
(2) * * *
(i) Electronic color determination shall be as specified in § 51.3317; or
(ii) Visual color analysis shall be as specified in §51.3317.
* * * * * *

5. Revising § 51.3314 to read as follows:

§ 51.3314 Culls.

"Culls" are tomatoes which fail to meet the requirements of Category C and, when color evaluation is determined by means of an electronic instrument, includes tomatoes which are completely green.

6. Revising § 51.3317 to read as follows:

§ 51.3317 Color evaluation.

Color may be determined either by an electronic colorimeter or visually.

(a) Electonic color evaluation shall be the color value of a composite raw juice sample. The equipment used in such evaluation shall be properly calibrated, and the type of device and procedures utilized shall be specified in grower-processor contracts. The composite raw juice sample shall be extracted from tomatoes representative of the lot: Provided, that each tomato from which juice is extracted must show a definite change in surface color from green to tannish-yellow, pink, red, or a combination thereof.

(b) Visual analysis requires that each tomato be "fairly well colored" which means that at least two-thirds of the flesh of the tomato has good red color: Provided, that a tomato having flesh of a lighter shade of red shall be considered as "fairly well colored" if a sufficient amount of the flesh has a red color equivalent to that of a tomato with two-thirds good red color.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended [7 U.S.C. 1622, 1624].)

Done at Washington, D.C. on June 6, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-15628 Filed 6-9-83; 8:45 am]
BILLING CODE 3410-02-M

---

7 CFR Part 52

United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise the voluntary U.S. grade standards for frozen green and wax beans. The revision was developed by the U.S. Department of Agriculture at the request of the frozen food industry. The rule will: (1) Provide for multi-blanched (precooked) beans as a type of pack; (2) incorporate an on-line grading procedure; (3) separate "character" defects from other classified defects; (4) adjust the Acceptable Quality Levels (AQL) to be in line with the Regulations (7 CFR 52.38a–38c); (5) replace the dual grade nomenclature with single letter designations; (6) remove the factor of "color" as a classified defect while retaining the prerequisite factor of "brightness" and the classified factor of "blemished"; (7) provide separate definitions for green and wax bean character classifications; (8) reclassify fiber as a character defect; (9) reference "Flat type" beans as "Romano or Italian type" beans and redefine the character requirements; and (10) remove extraneous vegetable material as a classified defect and reassign it as a prerequisite factor. The effect of this rule will be to improve the standards and promote efficient and orderly marketing.

EFFECTIVE DATE: July 11, 1983.

FOR FURTHER INFORMATION CONTACT: Howard W. Schutz. Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6248.

SUPPLEMENTARY INFORMATION: The rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations; or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C 601), because it reflects current marketing practices.

The U.S. Department of Agriculture (USDA) published proposed revisions of the U.S. Standards for Grades of Frozen Green Beans and Frozen Wax Beans in the **Federal Register** (43 FR 47755) on October 17, 1978, at the request of the American Frozen Food Institute (AFFI). AFFI is a non-profit frozen food trade association with a membership of approximately 120 processors and an associate membership of over 135 allied industries and over 225 marketing associates. Statistics for 1981 show a total U.S. pack of approximately 257.4 million pounds of frozen snap beans. AFFI members processed most of this production.

The 1978 proposal suggested the following revisions of the current grade standards for frozen beans: (1) Provide for multi-blanched (precooked) beans as a separate type of pack; (2) incorporate an on-line grading procedure to be compatible with the current lot attribute grading system; (3) separate character defects from other classified defects (such as blemished units, mechanical damage, stems, etc.) and provide for separate tolerances (character is defined as a measurement of the tenderness, maturity and firmness of the beans); (4) adjust the Acceptable Quality Levels (AQL) to be in line with those published in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products" (7 CFR 52.38a–38c); and (5) replace the dual grade nomenclature of "U.S. Grade A or U.S. Fancy," "U.S. Grade B or U.S. Extra Standard." and "U.S. Grade C or U.S. Standard" with single letter designations of "U.S. Grade A," "U.S. Grade B," and "U.S. Grade C," respectively.

For several years, many processors of frozen green and wax beans have been producing multi-blanched beans for use in frozen dinners, frozen mixed vegetables, frozen boil-in-bag items, etc. These beans do not have the bright appearance of regular blanched beans therefore, are downgraded using the current standards. This revision would disregard the quality factor of brightness for multi-blanched beans and allow for all quality grades to be assigned to the product.

Since the current standards were published, and on-line grading procedure for attributes was developed. Also a uniform set of AOL's was incorporated into the "Regulations" (7 CFR 52.38a–38c). The frozen food industry requested that the on-line procedure be incorporated into the frozen bean grade standards. By responding to this request, the AQL's in the standards are brought in line with those published in the Regulations.

The tolerances provided in the current standards were established for a combination of "character" (a

measurement of tenderness, maturity and firmness of the beans) and other "defects" (blemishes, mechanical damage, stems, etc.). Because of the importance of "character" in determining different levels of bean quality, there is a need to separate this factor from the other "defects."

Following the policy of making grade standards simpler to understand, the dual grade nomenclature is being replaced with single letter grades of "U.S. Grade A," "U.S. Grade B," and "U.S. Grade C."

In response to the proposed rule, comments were received from two frozen green and wax bean processors who generally favored the proposal. However, one processor objected to the separate classification of normal color changes which occur in snap beans with advancing maturity. USDA agreed that the factor of color, as defined in the proposal, was dependent upon the maturity of the beans and should be considered in evaluating character.

It was also determined that the defect, "fiber," was dependent upon the maturity of the beans. Therefore, fiber should be considered when evaluating "character."

Industry requested that "character" for green and wax beans be defined separately. It was shown that the two varietal types have different character traits at the same level of maturity.

On September 9, 1980, the USDA published in the **Federal Register** (45 FR 59325) a second notice of proposed rulemaking to revise the U.S. Standards for Grades of Frozen Green Beans and Frozen Wax Beans. The 1980 notice included all the provisions in the 1978 proposal and these additional revisions: (1) Remove color from the list of noncharacter classified defects and retain the prerequisite factor of brightness and the classified factor of blemished; (2) provide separate definitions for character classifications of frozen green beans and frozen wax beans; and (3) remove the defect factor of fiber from classified defects and consider it when evaluating the character of the frozen beans.

Two comments were also received regarding the 1980 proposal. One was submitted by the Iowa Consumers League favoring the proposal. The other, submitted by AFFI, also favored the 1980 proposal, but suggested that the reference to "flat type" beans be changed to "Romano or Italian type" since these are the only "flat type" varieties being freezer processed. The AFFI comments also stated that other types exist that may qualify as flat type beans but differ substantially in character structure. If these become commercially significant as a frozen product, they should be handled separately under the factor of character. The comment also suggested that the definitions for the different quality levels of character for "Romano or Italian type" beans should be redefined to more accurately describe this variety.

Another suggestion by AFFI was to remove the factor of "extraneous vegetable material" from classified defects and reassign it as a prerequisite quality factor while retaining the same quality levels. The justification for this was to provide better statistical protection for the processor and the consumer. The AQL for extraneous vegetable material (EVM) is very small, so if the sample size is increased substantially, the protection afforded is increased. By allowing EVM to stand on its own as a prerequisite factor, it is possible to increase the sample size above that recommended for other factors. This revision incorporates the AFFI suggestions.

List of Subjects in 7 CFR Part 52

Fruit and vegetable, Food grades, Standards.

PART 52—[AMENDED]

Accordingly, the revision of Subpart—*United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans* (7 CFR 52.2321 through 52.2334) will read as follows:

Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans

Sec.

52.2321 Product description.
52.2322 Styles.
52.2323 Style classification and tolerances.
52.2324 Types.
52.2325 Kinds of pack.
52.2326 Definitions of terms
52.2327 Recommended sample unit sizes.
52.2328 Grades.
52.2329 Factors of quality
52.2330 Classification of defects.
52.2331 Tolerances for defects.
52.2332 Sample size.
52.2333 Style requirement criteria.
52.2334 Quality requirement criteria.

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622, 1624).

Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans

§ 52.2321 Product description.

"Frozen green beans" and "frozen wax beans," hereinafter called "frozen beans," means the frozen product prepared from the clean, sound, succulent pods of the bean plant. The pods are stemmed, washed, blanched, sorted, and properly drained. The product is then frozen in accordance with good commercial practice and maintained at temperatures necessary or the preservation of the product.

§ 52.2322 Styles.

(a) *Whole* means frozen beans consisting of whole pods of any length.

(b) *Cut* means frozen beans consisting of pods that are cut transversely into pieces less than 7 cm (2¾ in) but not less than 1.9 cm ¾ in) in length.

(c) *Short cut* means frozen beans consisting of pods that are cut transversely into pieces less than 1.9 cm (¾ in) in length.

(d) *Mixed* means a mixture of two or more of the following styles of frozen beans: whole, cut, or short cut.

(e) *Sliced lengthwise* means frozen beans consisting of pods that are sliced lengthwise and may also be known as *French Style, French Sliced Julienne,* or *Shoestring.*

§ 52.2323 Style classification and tolerances.

(a) *General.* For the purpose of determining acceptance with the styles of *cut* and *short cut,* pieces are considered as "minor" or "major" defects according to their lengths as specified in Table I. Each "X" represents one (1) defect.

(b) *Requirements.* Tolerances for style requirements are contained in Tables II and III.

TABLE I.—STYLE DEFECT CLASSIFICATION

Style	Defect	Classification	
		Minor	Major
Cut	Each piece shorter than 1.9 cm (¾ in) length.	X	
	Each piece longer than 7 cm (2¾ in) in length.		X
Short cut	Each piece 1.9 cm (¾ in) or longer but not longer than 4.5 cm (1¾ in) in length.	X	
	Each piece longer than 4.5 cm (1¾ in) in length.		X

TABLE II.—TOLERANCES FOR CUT STYLE

	Total [2]	Major
AQL [1]	20.0	2.5

[1] AQL expressed as percent defective.
[2] Total = Minor + Major.

TABLE III.—TOLERANCES FOR SHORT CUT STYLE

	Total [2]	Major
AQL [1]	20.0	0.65

[1] AQL expressed as percent defective.
[2] Total = Minor + Major.

§ 52.2324 Types.

The type of frozen beans is not incorporated in the grades of finished product, since it is not a factor of quality. The types of frozen beans are described as "round type" and "Romano or Italian type."

(a) *Round type* means frozen beans having a width not greater than 1⅓ times the thickness of the beans.

(b) *Romano or Italian type* means frozen beans having a width greater than 1⅓ times the thickness of the beans.

§ 52.2325 Kinds of pack.

The kind of pack of frozen beans is not incorporated in the grades of finished product, since it is not a factor of quality. The kinds of pack of frozen beans are described as "regular process," "multi-blanch process," and "special pack."

(a) *Regular process* means the frozen beans are processed in such a manner that the brightness is not affected by the process.

(b) *Multi-blanch process* means the frozen beans are intentionally processed in such a manner that the brightness is affected by the process.

(c) *Special pack* means the frozen bean pack intentionally contains beans of two or more varietal characteristics (such as a mixture of green and wax beans).

§ 52.2326 Definitions of terms.

(a) *Acceptable Quality Level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Blemished* means any unit that is affected by discoloration, or any other means to the extent that the appearance or eating quality is adversely affected:

(1) Slightly;

(2) Materially; or

(3) Seriously.

(c) *Brightness* means the extent that the overall appearance of the sample unit as a mass is affected by dullness. (Applies to "regular process" only).

(1) Grade A—not affected.

(2) Grade B—slightly affected.

(3) Grade C—materially affected.

(4) Substandard—seriously affected.

(d) *Character.*—(1) *Round type—Green Beans.*— (i) *Good character* means the pods are full fleshed; after cooking, the pods are tender and the seeds are not mealy.

(ii) *Reasonably good character* means the pods are reasonably fleshy; after cooking, the pods are tender and the seeds are not mealy.

(iii) *Fairly good character* means the pods have not entirely lost their fleshy structure; after cooking, the pods may contain edible fiber (no inedible fiber allowed) and the seeds may be slightly mealy.

(iv) *Poor character* means the beans fail the requirements for "fairly good character."

(2) *Round type—Wax Means.*—(i) *Good character* means the pods are full fleshed and may show slight breakdown of the flesh between seed cavities; after cooking, the pods are tender and the seeds are not mealy.

(ii) *Reasonably good character* means the pods are reasonably fleshy and may show substantial breakdown of the flesh between the seed cavities; after cooking, the pods are tender and the seeds are not mealy.

(iii) *Fairly good character* means the pods may show total breakdown of the flesh between the seed cavities with no definite seed pocket but still retain flesh on the inside pod wall; after cooking, the pods may contain edible fiber (no inedible fiber allowed) and the seeds may be slightly mealy.

(iv) *Poor character* means the beans fail the requirements for "fairly good character."

(3) *Romano or Italian type.*—(i) *Good character* means the pods have a full inner membrane, typical of the variety, and are tender after cooking.

(ii) *Reasonably good character* means the pods have a reasonably well developed inner membrane and are reasonably tender after cooking.

(iii) *Fairly good character* means the pods may lack an inner membrane and are fairly tender after cooking. The pods may contain edible fiber (no inedible fiber allowed).

(iv) *Poor character* means the beans fail the requirements for "fairly good character."

(4) *Fiber.*—(i) *Edible fiber* means fiber developed in the wall of the bean pod that is noticeable upon chewing but may be consumed with the rest of the bean material without objection.

(ii) *Inedible fiber* means fiber developed in the wall of the bean pod that is objectionable upon chewing and tends to separate from the rest of the bean material.

(e) *Defect* means any nonconformance of a unit(s) of product from a specified requirement of a single quality characteristic.

(f) *Detached stem* means the stem or portion of stem that attaches the beam pod to the vine stem and has become separated from the pod.

(g) *Extraneous vegetable material (EVM).*—(1) *Edible EVM* means tender, green, harmless, and edible vegetable material similar in color and texture to that of bean pods, including but not limited to:

(i) Leaves or portion of leaves or grass;

(ii) Material from plants other than the bean plant.

(2) *Inedible EVM* means any harmless plant material that is not tender, may not be green, may be tough, and includes but is not limited to:

(i) Discolored leaves or grass or portions thereof;

(ii) Bean stalk or vine material;

(iii) Material from plants other than the bean plant.

(h) *Flavor and odor.*—(1) *Good flavor and odor* means the product, after cooking, has a good characteristic flavor and odor and is free from objectionable flavors and odors of any kind.

(2) *Fairly good flavor and odor* means the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and odors of any kind.

(i) *Mechanical damage* means any unit that is broken or split in two parts, or has very ragged edges, or is crushed, or is damaged by mechanical means to such an extent that the appearance is seriously affected.

(j) *Sample unit* means the amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of two or more containers; or

(4) A portion of unpacked product.

(k) *Sloughing* means the separation of the outer layer of tissue from the bean pod giving a ragged or feathery appearance to the unit.

(l) *Small piece (Sliced lengthwise style only)* means a piece of pod less than 1.9 cm (¾ in) in the longest dimension and loose seeds and pieces of seeds.

(m) *Tough strings* mean strings or pieces of strings, removed from the cooked bean pod, that will support a 227 g (½ lb) weight for not less than five (5) seconds.

(n) *Unit* means a bean pod or any individual portion thereof.

(o) *Unsnipped unit* means a unit without an attached stem but with a stem collar that is hard or tough and would be objectionable upon eating.

(p) *Unstemmed unit* means a unit with the attached stem or portion thereof that attaches the pod to the vine stem.

§ 52.2327 Recommended sample unit sizes.

(a) In all styles, other than sliced lengthwise, a mechanically damaged unit that is broken into separate parts will be reassembled to approximate its original size and counted as one unit in the sample unit size.

(b) *Style requirements.* Requirements for cut and short cut styles are based on the recommended sample unit size of 200 units.

(c) *Quality requirements.* Requirements for factors of quality are based on the following recommended sample unit sizes for the respective style:

(1) *Classified defects and character defects.* (i) Sliced lengthwise style—250 g (8.8 oz).

(ii) Whole style—100 units.

(iii) All other styles—200 units.

(2) *Extraneous vegetable material defects (EVM).* (i) On-line grading only (all styles)—1419 g (50 oz). Optional—2838 g (100 oz). Optional—5675 g (200 oz).

(ii) Lot grading only (all styles)—Entire sample.

§ 52.2328 Grades.

(a) *U.S. Grade A* is the quality of frozen beans that:

(1) Meets the following prerequisites in which the beans:

(i) Have similar varietal characteristics (except "special packs");

(ii) Have a good flavor and odor;

(iii) Have a good overall brightness as a mass that is not affected by dullness ("Regular process" only);

(iv) Are practically free from small pieces for the style of "sliced lengthwise";

(v) Have an appearance or eating quality that is not materially affected by sloughing;

(vi) Are practically free from EVM;

(A) On-line grading—within the limits for defects as classified in Table VI and specified in Table XIII.

(B) Lot grading—Not more than two (2) pieces of EVM per 795 g (28 oz) of which not more than one (1) piece may be major.

(2) Is within the limits for defects as classified in Table IV or V and specified in Table VII, VIII, IX, X, XI, or XII, as applicable, for the style.

(b) *U.S. Grade B* is the quality of frozen beans that:

(1) Meets the following prerequisities in which the beans:

(i) Have similar varietal characteristics (except "special pack");

(ii) Have a good flavor and odor;

(iii) Have a reasonably good overall brightness as a mass which may be slightly dull ("Regular process" only);

(iv) Are reasonably free from small pieces for the style of "sliced lengthwise;"

(v) Have an appearance or eating quality that is not seriously affected by sloughing;

(vi) Are reasonably free from EVM;

(A) On-line grading—within the limits for defects as classified in Table VI and specified in Table XIII.

(B) Lot grading—Not more than two (2) pieces of EVM per 395 g (14 oz) of which not more than one (1) piece may be major.

(2) Is within the limits for defects as classified in Table IV or V and specified in Table VII, VIII, IX, X, XI, or XII, as applicable, for the style.

(c) *U.S. Grade C* is the quality of frozen beans that:

(1) Meets the following prerequisites in which the beans:

(i) Have similar varietal characteristics (except "special packs");

(ii) Have a fairly good flavor and odor;

(iii) Have a reasonably good overall brightness as a mass that may be dull but is off-color ("Regular process" only);

(iv) Are fairly free from EVM;

(A) On-line grading—within the limits for defects as classified in Table VI and specified in Table XIII.

(B) Lot grading—Not more than two (2) pieces of EVM per 200 g (7 oz) of which not more than one (1) piece may be major.

(2) Is within the limits for defects as classified in Table IV or V and specified in Table VII, VIII, IX, X, XI, or XII, as applicable, for the style.

(d) Substandard is the quality of frozen beans that fails to meet the requirements of *U.S. Grade C.*

§ 52.2329 Factors of quality.

The grade of frozen beans is based on requirements for the following quality factors:

(a) *Prerequisite quality factors.* (1) Similar varietal characteristics (except "special packs");

(2) Flavor and odor;

(3) Brightness ("Regular process" only);

(4) Freedom from small pieces in the "sliced lengthwise" style;

(5) Freedom from sloughing;

(6) Freedom from extraneous vegetable material (EVM).

(b) *Classified quality factors.* (1) Blemished;

(2) Mechanical damage (all styles except "sliced lengthwise");

(3) Workmanship;

(4) Tough strings;

(5) Character.

§ 52.2330 Classification of defects.

All defects, other than character defects, are classified as minor, major, or severe. All character defects are classified as reasonably good, fairly good, or poor. Each "X" in Tables IV and V represents "one (1) defect."

TABLE IV

Quality factor	Defects	Classification		
		Minor	Major	Severe
Classification of Defects (Other Than Character and EVM) Cut, Short Cut, Whole, Mixed Styles				
Blemished	Slightly (each unit).	X		
	Materially (each unit).		X	
	Seriously (each unit).			X.
Mechanical damage.	(Each reassembled unit).	X		
Workmanship	Undermmed (each unit).			X.
	Detached stem (each unit).			X.
	Unstripped unit (each unit).		X	
Tough strings	(Each unit)		X	
Sliced Lengthwise Style				
Blemished	Slightly (each 2.5 g).	X		
	Materially (each 2.5 g).		X	
	Seriously (each 2.5 g).			X.
Workmanship	Undermmed (each unit).			X.
	Detached stem (each unit).			X.
	Unstripped unit (each unit).		X	
Tough strings	(Each unit)		X	

TABLE V.—CLASSIFICATION OF CHARACTER DEFECTS, ALL STYLES

Quality factor	Defect	Reasonably good	Fairly good	Poor
Character	"B" (each unit)	X		
	"C" (each unit)		X	
	"SSTD" (each unit)			X.

Note.—For sliced lengthwise style only—Each 2.5 g increment equals one (1) unit.

TABLE VI.—CLASSIFICATION OF EXTRANEOUS VEGETABLE MATERIAL (EVM), ALL STYLES

Quality factor	Defect	Classification	
		Minor	Major
Extraneous vegetable material.	Edible EVM (each piece).	X	
	Inedible EVM (each piece).		X.

§ 52.2331 Tolerances for defects.

TABLE VII.—ALL CLASSIFIED DEFECTS EXCEPT CHARACTER AND EVM CUT, SHORT CUT, AND MIXED STYLES (200 PLAN)

	Grade A			Grade B			Grade C		
	Total [4]	Major	Severe	Total [4]	Major	Severe	Total [4]	Major	Severe
AQL [1]	6.5	1.5	0.65	6.5	2.5	1.0	12.5	4.0	2.5

[1] AQL expressed as defects per hundred units.
[4] Total = Minor + Major + Severe.

TABLE VIII.—ALL CLASSIFIED DEFECTS EXCEPT CHARACTER AND EVM, WHOLE STYLE (100 PLAN)

	Grade A			Grade B			Grade C		
	Total [4]	Major	Severe	Total [4]	Major	Severe	Total [4]	Major	Severe
AQL [1]	10.0	2.5	1.0	15.0	4.0	2.5	20.0	6.5	4.0

[1] AQL expressed as defects per hundred units.
[4] Total = Minor + Major + Severe.

TABLE IX.—ALL CLASSIFIED DEFECTS EXCEPT CHARACTER AND EVM, SLICED LENGTHWISE STYLE (100 PLAN)

	Grade A			Grade B			Grade C		
	Total [4]	Major	Severe	Total [4]	Major	Severe	Total [4]	Major	Severe
AQL [1]	6.5	2.5	1.5	10.0	4.0	2.5	15.0	6.5	4.0

[1] AQL expressed as defects per hundred units (100—2.5 g increments in 250 g).
[4] Total = Minor + Major + Severe.

TABLE X.—CLASSIFIED DEFECTS FOR CHARACTER ONLY, CUT, SHORT CUT, AND MIXED STYLES (200 PLAN)

	Grade A			Grade B		Grade C
	Total [5]	Fairly good	Poor	Total [6]	Poor	Total [7]
AQL [2]	6.5	0.65	0.15	6.5	0.65	6.5

[2] AQL expressed as percent defective.
[5] Total = Reasonably good + Fairly good + Poor.
[6] Total = Fairly good + Poor.
[7] Total = Poor.

TABLE XI.—CLASSIFIED DEFECTS FOR CHARACTER ONLY, WHOLE STYLE (100 PLAN)

	Grade A	Total [5]		Grade B		Grade C
		Fairly good	Poor	Total [6]	Poor	Total [7]
AQL [2]	6.5	0.65	0.15	6.5	0.65	6.5

[2] AQL expressed as percent defective.
[5] Total = Reasonably good + Fairly good + Poor.
[6] Total = Fairly good + Poor.
[7] Total = Poor.

TABLE XII.—CLASSIFIED DEFECTS FOR CHARACTER ONLY, SLICED LENGTHWISE STYLE (100 PLAN)

	Grade A		Grade C
	Total [6]	Poor	Total [7]
AQL [2]	6.5	0.65	6.5

[2] AQL expressed as percent defective (100-2.5 g increments in 250 g).
[6] Total = Fairly good + Poor.
[7] Total = Poor.

TABLE XIII.—EXTRANEOUS VEGETABLE MATERIAL (EVM), ALL STYLES (ON-LINE ONLY), (50 PLAN—OPTIONAL 100/200 PLAN)

	TOLERANCES					
	Grade A	Total [8]	Grade B		Grade C	
		Major	Total [8]	Major	Total [8]	Major
AQL [1]	5.0	2.5	10.0	5.0	20.0	10.0

[1] AQL expressed as defects per hundred units.
[8] Total = Minor + Major.

§ 52.2332 Sample size.

The sample size used to determine whether the requirements of these standards are met shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1—52.83) for lot grading and on-line grading, as applicable.

§ 52.2333 Style requirement criteria.

(a) *Lot grading.* A lot of frozen beans is considered as meeting the requirements for style if the Acceptable Quality Levels (AQL) in Tables II and III, as applicable for the style, are not exceeded.

(b) *On-line grading.* A portion of production is considered as meeting the requirements for style if the Acceptable Quality Levels (AQL) in Tables II and III, as applicable for the style, are not exceeded.

(c) *Single sample unit.* Each single sample unit submitted for style evaluation will be treated individually and is considered as meeting the requirements for style if the Acceptable Quality Levels (AQL) in Tables II and III, as applicable for the style, are not exceeded.

§ 52.2334 Quality requirement criteria.

(a) *Lot grading.* A lot of frozen beans is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.1238 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables VII, VIII, IX, X, XI, and XII, as applicable for the style, are not exceeded.

(b) *On-line grading.* A portion of production is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.2328 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables VII, VIII, IX, X, XI, XII, and XIII, as applicable for the style, are not exceeded.

(c) *Single sample unit.* Each single sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.2328 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables VII, VIII, IX, X, XI, and XII, as applicable for the style, are not exceeded.

Done at Washington, D.C., on June 6, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-15472 Filed 6-9-83; 8:45 am]
BILLING CODE 3410-02-M

---

7 CFR Part 910

[Lemon Reg. 415]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period June 12–18, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: June 12, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on June 7, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

Section 910.715 is added as follows:

§ 910.715 Lemon regulation 415.

The quantity of lemons grown in California and Arizona which may be handled during the period June 12, 1983, through June 18, 1983, is established at 315,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 8, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-15806 Filed 6-9-83; 11:57 am]
BILLING CODE 3410-02-M

---

7 CFR Part 966

Tomatoes Grown in Florida; Amendment To Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the continuing regulation § 966.323 to extend from June 11 to June 25, 1983, the ending date for the grade, size, pack, container and inspection requirements currently in effect for tomatoes grown in Florida. The extension is necessary due to a prolonged shipping season caused by

inclement weather in the production area.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT:
Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (7 CFR Part 966) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581–0073.

This action has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. It is designed to promote orderly marketing of the Florida tomato crop for the benefit of producers and consumers, and will not substantially affect cost for the directly regulated handlers.

Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR 966) regulate the handling of tomatoes grown in designated counties of Florida. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Tomato Committee, established under the order, is responsible for its local administration.

At its annual meeting held on September 17, 1982, the Florida Tomato Committee recommended that grade, size, pack, container and inspection requirements be established for the 1982–83 season to promote orderly marketing by standardizing shipments and preventing tomatoes of lower quality and undesirable size from being distributed in fresh market channels. Since the Florida tomato marketing season generally extends from mid-October through the following mid-June, such requirements were established for the period October 13, 1982, through June 11, 1983.

Inclement weather in the production area delayed the growing season, however, and tomato shipments are now expected to continue through late June. For this reason, the committee unanimously recommended extending the ending date of the current regulation in a telephone vote conducted on June 3, 1983.

Findings. After consideration of all relevant matter it is hereby found that the following amendment will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after its publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these provisions effective as specified in that (1) this extension of current requirements is needed immediately to promote orderly marketing during the remainder of the marketing season and (2) growers and handlers have been informed of the amendment and compliance will require no special preparation which cannot be completed by the effective date herein.

List of Subjects in 7 CFR Part 966

Marketing agreements and orders, Tomatoes, Florida.

PART 966—[AMENDED]

Section 966.323 *Handling regulation* (47 FR 58213, December 30, 1982) is hereby revised as follows:

§ 966.323. Handling regulation.

During the period January 1, 1983, through June 25, 1983, this season and during the period October 10 through June 15 each season thereafter, no person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the requirements of paragraph (a) or are exempted by paragraphs (b) or (d).

* * * * *

(Approved by the Office of Management and Budget under Control No. 0581–0073)

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 8, 1983 to become effective upon publication.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-15727 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 5

[Docket No. 83–24]

Change in Location of Head Office or Branch

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is amending its policy statements and procedures concerning the relocation of a national bank head office. This amendment is necessary to incorporate changes made by the Garn-St Germain Depository Institutions Act of 1982 (Act), Pub. L. 97–320 (October 15, 1982). This rulemaking eliminates unnecessary procedural requirements, installs the requirements of the Act, and clarifies other remaining requirements.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT:
Joseph W. Malott, Policy Analyst, Bank Organization and Structure (202) 447–1184, or Brenda Curry, Legal Advisory Services, (202) 447–1880, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219. Information also may be obtained from the Regional Director of Corporate Activities in any OCC district or regional office.

SUPPLEMENTARY INFORMATION: This final rule effects several regulatory changes necessitated by Act amendments to 12 U.S.C. 30. It implements aspects of the Act and clarifies Office requirements regarding relocations of head offices and branches.

A national bank which desires to relocate its head office to an authorized branch location (including both an approved but unopened branch and an existing branch site) within the limits of the city, town, or village in which the bank is situated must file a letter of notification with the appropriate district office (or regional office, if the bank is currently reporting to a regional office) before relocating. This final rule replaces a formal application process for this type of relocation with a simple notice requirement and eliminates Office approval. The national bank must submit a letter of notification to the appropriate district office and must include the new address and the effective date of relocation. There are no fees or forms required, nor will certificates be issued by the Office for this type of relocation. Further, a national bank is no longer required to publish a newspaper notice concerning the relocation, or to post a notice of the relocation in the bank lobby. Since no application is filed and the Office no longer approves this type of relocation, these notices will no longer be required.

A national bank which desires to relocate its head office to a location other than an authorized branch location within the limits of its city, town, or village must file an application

and receive Office approval. Shareholders owning two-thirds of the voting stock of the bank must approve a relocation outside the limits of the city, town or village and the bank's articles of association must be amended. The relocation cannot be more than 30 miles beyond the limits of the city, town, or village. A relocation of the head office to either an authorized or unauthorized location within the limits does not require shareholder approval or an amendment to the articles of association.

In addition to the amendments which incorporate the aspects of the Act, § 5.40 has been restructured. However, Office policy and procedures have not changed except as discussed above.

Adoption Without Notice and Comments

The Office has found that notice and public procedure concerning this rulemaking are unnecessary and contrary to the public interest. This rulemaking implements those statutory changes made by the Act, and alleviates an expensive, time-consuming regulatory procedure. The results are beneficial and delay in their implementation would be contrary to the public interest. Further this rule is effective immediately since it eliminates an application process and other restrictions no longer required by law.

Regulatory Flexibility Act Analysis

Because the Office has found that notice and public procedure concerning this rulemaking are unnecessary and contrary to the public interest, the provisions of the Regulatory Flexibility Act are not applicable. The Act does not apply when an agency is not required to issue a notice of proposed rulemaking under 5 U.S.C. 553 or any other statute. The amendments ease the application of existing regulation. The effect of the amendments is beneficial rather than adverse, and small entities will share the benefits of the amendments equally with larger institutions.

Regulatory Impact Analysis

The Office has determined that this final rule does not constitute a major rule within the meaning of Executive Order 12291. This final rule eases burdens imposed by regulations and will have no adverse effect on the operations of the depository institutions subject to it. As such, this final rule will not have an annual effect on the economy of $100 million or more, will not affect costs or prices for consumers, individual industries, government agencies or geographic regions, and will not have an adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 12 CFR Part 5

National banks, Administrative procedure and practice, Head office, Relocation.

PART 5—[AMENDED]

Accordingly, 12 CFR Part 5 is amended to read as follows:

i. The authority citation for 12 CFR Part 5 reads as follows:

Authority: 12 U.S.C. 1 *et seq.*

2. Section 5.40 is revised to read as follows:

§ 5.40 Change in location of head office or branch.

(a) *Authority.* A national bank may change the location of its head office in accordance with 12 U.S.C. 30, or change the location of a branch in accordance with 12 U.S.C. 36(e) and 12 U.S.C. 2901 *et seq.*, subject to the additional requirements below.

(b) *Policy.* It is the general policy of the Office to approve applications filed under this section, provided that approval is consistent with applicable law. As provided in § 5.13, the Office reserves the right to deny applications, or to grant approval subject to fulfillment of certain conditions, if: (1) There are significant supervisory concerns with respect to the applicant or any affiliated organization as defined by 12 U.S.C. 221a; or, (2) The applicant's record of helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the bank, is less than satisfactory; or, (3) Any financial or other business arrangement, direct or indirect, involving the head office or branch and bank insiders (directors, officers, employees, and shareholders owning or controlling, directly or indirectly, 10 percent or more of any class of the bank's voting stock) involves terms and conditions more favorable to the insiders than would be available in a comparable transaction with unrelated parties.

(c) *Rules of general applicability.* Sections 5.8, 5.9, 5.10 and 5.11 do not apply to a head office relocation to an authorized branch location within the limits of the city, town or village (paragraph (d)(1) of this section). All other relocations are subject to the requirements of these sections.

(d) *Head Office relocation.*—

(1) *To authorized branch location within city limits.* A national bank may change the location of its head office to an authorized branch location (approved or existing branch site) within the limits of the same city, town or village provided written notice is submitted to the appropriate district office prior to the relocation. The notice must include the new address of the head office and the effective date of the relocation.

(2) *To other than authorized branch location within city limits.* A national bank desiring to relocate its head office to a location (other than an authorized branch location) within the limits of its city, town, or village shall file an application to relocate on form CC 7027–01.

(3) *To location outside city limits.* A national bank desiring to relocate its head office to a location outside the limits of its city, town, or village shall file an application on form CC 7027–01. A relocation outside these limits requires the approval of shareholders owning two-thirds of the voting stock of the bank and an amendment to the bank's articles of association. The relocation cannot be more than 30 miles beyond the limits of the city, town or village in which the bank is located.

(4) *Retention of head office as branch.* A national bank desiring to retain the head office location as a branch must file a branch application on form CC 7021–01. A decision on the application will be made in accordance with §§ 5.30 or 5.31.

(e) *Branch relocation.* A national bank desiring to relocate a branch shall file an application. An application to relocate a branch is evaluated in essentially the same manner as an application to establish a branch.

(1) *Domestic branch.* Use form CC 7027–01. Refer to § 5.30 for evaluation criteria.

(2) *CBCT branch.* Use form CC 7021–01. Refer to § 5.31 for evaluation criteria.

(f) *Community.* In order to comply with 12 CFR 25.4(d), if the proposed relocated head office or branch will change the bank's existing community delineation, the applicant's board of directors must act upon any material change at its first regular meeting after the change, *i.e.*, the relocation of the office. In the application, the bank must indicate ways it intends to vary its lending policy, procedures or services at the proposed relocated office, if at all, and must discuss the extent to which services to the community surrounding the present location will be diminished, if at all.

(g) *Additional publication requirements for applications.* In

addition to the publication requirement of § 5.8(a), a notice must be published on the same day of two consecutive weeks in a newspaper of general circulation in the community in which the office to be relocated is located. In addition, a notice identical to that required by § 5.8(a) must be posted in the lobby of the office to be relocated on the date of the first publication in the newspaper, and must remain posted for 28 days.

(h) *Fees.* A filing fee of $500 is required with each application. No fee is required for a written notice.

(i) *Decision.* Written notification of the Office's decision on an application will be issued in accordance with § 5.13, except for CBCT branches, in which case the procedures stated in § 5.31(i) apply.

(j) *Commencement of business.* The relocation approval will expire if the subject office has not opened at the relocated site within 18 months (nine months for CBCT branches) after the date of preliminary approval. Extensions to this period generally are not granted; however, in the event of unusual circumstances, requests for extension may be submitted to the district office.

(k) *Authorization.* When all requirements and conditions are satisfied, authorization for the relocation will be granted.

(l) *Forms.* CC 7027–01: Instructions for Filing and Application to Relocate a Head Office or Domestic Branch.

(Approved by the Office of Management and Budget under control number 1557–0057.)

Dated: April 7, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83–15677 Filed 6–9–83; 8:45 am]

BILLING CODE 4810–33–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

[Amdt. 40]

Definition of Small Business for Preferential Treatment in Purchase of Special Salvage Timber Sales (SSTS)

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations pertaining to the size standard for small business concerns to be eligible for preferential award of special salvage timber sales (SSTS). The rule change defines and limits the conditions under which subcontractors may be used for harvest of SSTS timber. It will also eliminate the award of contracts to brokers who do not participate in the actual performance of the contracts.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph E. Kernan, Director, Office of Natural Resource Sales Assistance, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416, Telephone: (202) 653–6586.

SUPPLEMENTARY INFORMATION: In connection with the sale of Government-owned special salvage timber designated by the U.S. Forest Service (USFS) as SSTS, a small business is a concern that:

(1) Is primarily engaged in the logging or forest products industry;

(2) Is independently owned and operated;

(3) Is not dominant in its field of operations; and

(4) Together with its affiliates, its number of employees has not exceeded 25 persons during any pay period for the past 12 months.

(5) Other regulatory restrictions are also applicable depending upon the eventual use to be made of timber. (See 13 CFR 121.3–9(c) (1), (2) and(3).

The SBA/USFS joint SSTS program is separate and distinct from the regular small business set-aside program involving USFS timber.

On March 7, 1983, (48 FR 9529), SBA published a proposed rule change to the size standard definition of a small business concern eligible for preferential award of an SSTS sale. Interested parties were given 30 days in which to submit comments. Three comments were received, all supporting the proposed change. One respondent did recommend a change to the regulation which was not a part of the proposed revision.

SBA hereby certifies that this rule does not constitute a major rule for the purpose of Executive Order 12291. In addition, this rule will not have a significant economic impact on a substantial number of small entities for the purpose of the Regulatory Flexibility Act. In this regard, the regulation will merely clarify that: (1) The SSTS program is intended to benefit small businesses; (2) that small businesses are required to perform SSTS contracts which they are awarded; and (3) that the program is not intended to permit large businesses to benefit as a result of subcontracts. Thus there will be no adverse impact upon small entities as a result of this regulation.

List of Subjects in 13 CFR Part 121

Small business.

PART 121—SMALL BUSINESS SIZE STANDARDS

Accordingly, pursuant to section 5 (b)(6) of the Small Business Act, 15 U.S.C 634(b)(6), 13 CFR 121.3–9 is amended as follows:

1. Paragraph (c)(2) is amended by adding the following new paragraph:

§ 121.3–9 [Amended]

(c) * * *

(2) * * *

(iii) It agrees that as an eligible logger, it will accomplish a significant portion of the logging operation, exclusive of hauling, with its own employees. Significant logging of timber means using its own employees to accomplish two or more of the following elements; (A) Felling and bucking, (B) yarding, (C) loading. It further agrees that such SSTS sale logging elements not accomplished with its own employees will be subcontracted only to concerns eligible for preferential award of an SSTS sale.

* * * * *

2. Paragraph (c)(3) is amended by revising paragraph (ii) and adding (iii) to read as follows:

* * * * *

(c) * * *

(3) * * *

* * * * *

(ii) It agrees that it will manufacture a significant portion of the logs with its own employees. Manufacture of logs means, at the minimum, a breakdown of the log into the rough cut of the finished product. The provision assumes that the successful bidder will remain a small business until the products have been manufactured. Accordingly, if, after acquiring the set-aside sale the bidder is purchased by, becomes controlled by, or merged with a large business, so much of such timber (or sawlogs therefrom) as is necessary shall be sold to one or more small businesses for compliance with the 30 percent (50 percent in Alaska) restriction. Any concern which self certifies as a small business concern for the purpose of award under a small business set-aside sale of government timber is expected to maintain evidence that it did so in good faith. Accordingly, such a concern will have to maintain for a period of 3 years the name, address, and size status of each concern to whom the timber or sawlogs were sold or disposed, and the log species, grades, and volumes involved. Such concern, and any subsequent small business concern that acquires the sawlogs, also shall require its small business purchasers to maintain similar records for a period of 3 years. Further, if the timber purchased is not to be resold in

the form of sawlogs but is to be manufactured into lumber or timbers by a concern other than the bidder, the bidder must maintain records to show the name, address, and size status of the concern manufacturing the sawlogs into lumber or timbers.

(iii) It further agrees that it will accomplish the logging of the SSTS timber, exclusive of hauling, with its own employees, or will subcontract such logging only to concerns eligible for preferential award of an SSTS sale.

(OMB Approval No. 0596–0021)

Dated: May 12, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83–15870 Filed 6–9–83; 8:45 am]

BILLING CODE 3025–01–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1406

Provision of Performance and Technical Data for Coal and Wood Burning Appliances

Correction

In FR Doc. 83–12728 beginning on page 21898 in the issue of Monday, May 16, 1983, make the following correction:

On page 21914, center column, paragraph (c) of § 1406.1, in the tenth line, "after May 16, 1983" should have read "after May 16, 1984".

BILLING CODE 1505–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 82F–0181]

Indirect Food Additives: Polymers; Polysulfone Resins

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for changes in the specifications and testing procedure for polysulfone resins as articles or components of articles intended for repeated use in contact with food. This action is based on a petition filed by Union Carbide Corp.

DATES: June 10, 1983; objections by July 11, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD. 20857.

FOR FURTHER INFORMATION CONTACT: Julie L. Ho, Bureau of Foods (HFF–344), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5090.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 29, 1982 (47 FR 28159), FDA announced that a food additive petition (FAP 2B3629) had been filed by Union Carbide Corp., River Rd., Bound Brook, NJ 08805, proposing that Part 177 (21 CFR Part 177) of the food additive regulations be amended to provide for a change in the molecular weight specifications and testing requirements for polysulfone resins as articles or components of articles intended for repeated use in contact with food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this rule as announced in the notice of filing published in the **Federal Register**. No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 177 is amended in § 177.2500 by revising paragraphs (a) and (c), to read as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.2500 Polysulfone resins.

* * * * *

(a) For the purpose of this section, polysulfone resins (poly(oxy-*p*-phenylenesulfonyl-*p*-phenyleneoxy-*p*-phenyleneisopropylidene-*p*-phenylene)resins) (CAS Reg. No. 25154–01–2) consist of basic resins produced when the disodium salt of 4,4′-isopropylidenediphenol is made to react with 4,4′-diochlorodiphenyl sulfone such that the finished resins have a minimum number average molecular weight of 15,000, as determined by osmotic pressure in monochlorobenzene.

* * * * *

(c) Polysulfone resins, when extracted at reflux temperatures for 6 hours with the solvents-distilled water, 50 percent (by volume) ethyl alcohol in distilled water, 3 percent acetic acid in distilled water, and *n*-heptane, yields total extractives in each extracting solvent not to exceed 0.0078 milligram per square centimeter (0.05 milligram per square inch) of resin surface.

Note.—In testing the finished polysulfone resins, use a separate resin test sample for each required extracting solvent.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 11, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation becomes effective June 10, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 2, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-15537 Filed 6-9-83; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Sulfaquinoxaline

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of supplemental new animal drug applications (NADA's) filed by Ralston Purina Co., providing for use of 3.44–percent and 12.85–percent solutions of sulfaquinoxaline in drinking water for chickens, turkeys, cattle, and calves to control or treat various diseases caused by certain pathogenic organisms. The supplemental NADA's provided revised labeling to conform with the National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Implementation (DESI) review of the products.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV–138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: Ralston-Purina Co. Checkerboard Square, St. Louis, MO 63199, filed supplements to NADA's 7–076 and 8–224 that provide for use of 3.44–percent and 12.85–percent solutions of sulfaquinoxaline for medication of chickens, turkeys, cattle, and calves. The products are used in drinking water for control of coccidiosis, fowl typhoid, and acute fowl cholera in chickens and turkeys and for control and treatment of coccidiosis in cattle and calves when the diseases are caused by certain pathogenic organisms.

The NAS/NRC-reviewed Ralston Purina's sulfaquinoxaline products and concluded that they are probably effective or effective for their intended uses. FDA concurred in the NAS/NRC findings (35 FR 11068, July 9, 1970; 48 FR 3962, January 28, 1983). Ralston Purina has submitted information to comply with the NAS/NRC review and has revised its labeling accordingly. On that basis, the supplemental NADA's are approved and the regulations are amended accordingly.

NADA's that pertain to identical products and reflect those conditions of use as set forth in this regulation do not require efficacy data as specified by § 514.1(b)(8)(ii) or § 514.111(a)(5)(ii)(*a*)(*4*) (21 CFR 514.1(b)(8)(ii) or § 514.111(a)(5)(ii)(*a*)(4)) of the animal drug regulations. In lieu of such data, approval may require bioequivalency or similar data as suggested in the guideline for submitting NADA's for NAS/NRC-reviewed generic drugs. The guideline is available from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. In addition, applications must be accompanied by a written commitment to undertake the human safety studies required by FDA.

These supplemental NADA's concern only the drug's effectiveness and its safety to the target animal. The human food safety aspects of sulfaquinoxaline are being evaluated separately (see 48 FR 3963; January 28, 1983).

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above), from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.2325a by revising paragraph (c), the introductory text of paragraph (e), and paragraph (e)(4)(ii) and by adding paragraph (e)(4)(iii), to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.2325a Sulfaquinoxaline drinking water.

* * * * *

(c) *Sponsor.* (1) Use of a 25-percent soluble powder and a 20-percent solution has been granted to No. 000006 in § 510.600(c) of this chapter for use as provided for in paragraph (e) of this section.

(2) Use of 3.44-percent and 12.85-percent solutions has been granted to No. 017800 in § 510.600(c) of this chapter for use as provided for in paragraph (e)(1), (2), (3), (4)(i), and (4)(ii) of this section.

* * * * *

(e) *Conditions of use.* It is used in drinking water as follows:

* * * * *

(4) * * *

(ii) Administer at the 0.015-percent level for 3 to 5 days in drinking water medicated with sulfaquinoxaline solution.

(iii) In lieu of treatment as provided in paragraph (e)(4)(ii) of this section, administer 1 teaspoon of 25-percent sulfaquinoxaline soluble powder per day for each 125 pounds of body weight for 3 to 5 days in drinking water.

* * * * *

Effective date. June 10, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 3, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-15536 Filed 6-9-83; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Sulfamethazine Sustained-Release Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Norden Laboratories, Inc., providing for safe and effective use of sulfamethazine sustained-release tablets in treating calves for certain infections caused by sulfamethazine-sensitive organisms.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Hines, Bureau of Veterinary

Medicine (HFV–133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: Norden Laboratories, Inc., Lincoln, NE 68501, filed NADA 126–232 providing for the safe and effective use of sustained-release tablets containing 8 grams of sulfamethazine for treating calves for bacterial pneumonia caused by *Pasteurella* spp., colibacillosis (bacterial scours) caused by *Escherichica coli,* and calf diphtheria caused by *Fusobacterium necrophorum.* Effectiveness of the product was established based on Norden's approved NADA 49–892, which is for the same product in a different tablet size. Norden also submitted data demonstrating that therapeutically effective blood plasma levels of free sulfamethazine are produced within 4 to 6 hours after administration of the drug and are sustained for up to 96 hours.

Animal safety in calves was established based on data showing the safety of doses containing up to three times the recommended dosage level. A tissue residue study established that use of the drug as proposed, with an 18-day withdrawal period, would result in no residues exceeding the negligible residue tolerance provided for in 21 CFR 556.670. Based on the data and information submitted, the NADA is approved and the regulations are amended accordingly.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 541.11(e)(2)(ii) (21 CFR 541.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environment impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f) (1) (iii) and (g)) may be seen in the Docket Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.2260c, to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.2260c Sulfamethazine sustained-release tablets.

(a) *Sponsor.* See No. 011519 in § 510.600(c) of this chapter for use of an 8-gram sulfamethazine sustained-release tablet.

(b) *Conditions of use*—(1) *Amount.* 8 grams (1 tablet) per 45 pounds of body weight as a single dose.

(2) *Indications for use.* In calves for sustained treatment of pneumonia caused by *Pasteurella* spp., colibacillosis (bacterial scours) caused by *Escherichia coli;* and calf diptheria caused by *Fusobacterium necrophorum.*

(3) *Limitations.* If there is no response within 2 to 3 days, reevaluate therapy. Do not crush tablets. Treated animals must not be slaughtered for food within 18 days after the latest treatment. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. June 10, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 31, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83–15539 Filed 6–9–83; 8:45 am]

BILLING CODE 4150–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

30 CFR Part 226

[Circular No. 2527]

Unit or Cooperative Agreements; Formation and Operation of Onshore Federal and Indian Oil and Gas Unit Plans

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will amend the regulations governing the formation and operation of onshore Federal and Indian oil and gas unit plans. The provisions are revised and modernized to eliminate unnecessary items and to incorporate certain modifications in recognition of changed circumstances which have evolved since 1951, when the part was last published in its entirety. The model unit agreement (30 CFR 226.12) for unproven areas is revised to incorporate all previously accepted modifications and those resulting from this rulemaking.

EFFECTIVE DATE: July 11, 1983.

ADDRESS: George F. Brown, Deputy Associate Director for Onshore Minerals Operations, Bureau of Land Management, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Daniels (703) 860–7535, (FTS) 928–7535, or Mr. Stephen H. Spector (703) 860–7989, (FTS) 928–7989.

SUPPLEMENTARY INFORMATION: The principal authors of this final rulemaking are Mr. Gerald R. Daniels and Mr. Stephen H. Spector, Reston, Virginia; Mr. Leo Kozola, Casper, Wyoming; and Mr. Joseph Lara, Albuquerque, New Mexico.

By Secretarial Order No. 3087, of December 3, 1982, the Secretary of the Interior transferred all onshore minerals management functions, except royalty management, on non-Indian lands from the Minerals Management Service (MMS) to the Bureau of Land Management (BLM). All such functions relating to Indian lands similarly were transferred to the BLM by an amendment to the Order.

These unitization regulations, as well as the non-royalty provisions of other onshore regulations contained in Chapter II, Title 30 of the Code of Federal Regulations will be transferred to Title 43 of the CFR at a later date.

The MMS published these regulations as proposed rulemaking on June 10, 1982 (47 FR 25252). Comments were invited for 45 days ending July 26, 1982. There were 25 separate comments received, including 16 from oil and gas operators, 4 from law firms with oil and gas practice, 2 from consultants involved in the formation of units, 1 from an oil and gas association, 1 from an organization which represents several Indian Tribes, and 1 from an agency of the Federal Government.

Most commenters felt the proposal adequately incorporated all approved modifications to unit agreements currently in use and one went as far as endorsing the proposal as published. However, most respondents recommended various technical, editorial or, in some cases, substantive modification to the proposal, which are discussed herein.

A generalized comment expressed by two operators related to oil and gas

operations in Alaska, particularly on the North Slope. They both expressed concern about a unit operator's ability to meet the time requirements in order to fulfill the obligations under a unit agreement in the Arctic region. We recognize that the model contained in these regulations may not address the unique operating conditions which may be encountered in Alaska. While we believe most of these concerns can be resolved by reliance on section 25 of the model, UNAVOIDABLE DELAY, it is also possible for field personnel in Alaska to authorize appropriate modifications in the language of the model agreement which address these concerns. However, we do not believe such provisions need be included in the model agreement, since most unitization proposals are for lands in the "lower 48."

Another area of general concern expressed by two commenters was the impact of Indian lands and leases on the formation and development of units. While the commenters urged opposite solutions to a perceived problem (one urged more and the other less direct Indian involvement in approval), they both seemed to agree that the proposed modification to section 226.7 was an improvement. We have not adopted the suggestion to include a provision for tribal consent in the regulations. The BLM will continue the past MMS practice of looking to the appropriate office of the Bureau of Indian Affairs (BIA) for contact with and consent by tribal of individual allottee lessors to unitization proposals involving Indian lands, and will continue to require final approval thereof by BIA, including appropriate tribal and allottee consent. In addition, since the Indian leases involved are issued under Federal law contained in Title 25 of the United States Code, reference to "tribal law" does not appear appropriate for these regulations. BLM will continue to incorporate all necessary modifications to proposed unit agreements and plans involving Indian lands which BIA provides to meet special situations. The suggestion to include some of the usual modifications in the model agreement has not been adopted since the vast majority of proposed agreements do not include Indian lands and § 226.12 is provided as a model to cover most situations. The inclusion of references to "Indian lands" or royalties due the "Indian tribe" is generally provided by the BIA prior to the agreement being presented for final approval.

The following comments are listed under the section of the proposed regulation to which they relate. Sections which received no comments or only editorial suggestions are not listed.

Definitions. (§ 226.2)

In the interest of facilitating possible future additions to this section and for uniformity with generally accepted practice, the definitions are now listed in alphabetical order and are listed without any individual designation (i.e., (a), (b), etc.) as they appeared in the proposed rulemaking.

Authorized Officer

The definition of the Deputy Minerals Manager has been replaced with a definition of "authorized officer." The recent transfer of the onshore minerals management functions from MMS to BLM makes this change appropriate; however, this should not impact the performance of the various unit approval functions by BLM. In a related change, the final rulemaking includes a definition for "Proper BLM office." This definition and that for "authorized officer" are identical to those found in Title 43 CFR Group 3000.

Participating area

Several commenters suggested that the definition of a "participating area" be expanded to eliminate uncertainty and different interpretations. While we agree that it would be desirable to have a precise definition that could be used in all cases to determine the participating area, we feel such a definition is not possible. Guidelines to eliminate field office inconsistencies will be developed and issued as soon as practical. However, the regulatory definition must be general enough to cover the diverse situations which actually are encountered by BLM in its administration of these regulations. A suggestion to modify the definition so that it conforms more closely with the content of section 11 of the model agreement has been adopted.

Designation of unit area; depth of test well. (§ 226.3)

A few commenters requested that the references to furnishing and protecting information should be made more specific and refer to the specific section of 30 CFR Part 221. In addition, a reference to land status omitted reference to Indian land. All requested revisions have been made.

Parties to unit agreement. (§ 226.5)

Several commenters recommended revising this section to eliminate the requirement to submit evidence no longer required by the leasing regulations of Title 43 of the CFR. This change has been adopted.

Qualification of unit operator. (§ 226.6)

This section has not been modified even though several commenters pointed to the proposed modification of the BLM's leasing regulations. When the change to Title 43 of the CFR becomes final, the basic "manner" of qualification will be changed; however, the reference in these regulations to such manner will remain correct. Should any future changes be made to the qualification section of the leasing rules, these also would be incorporated automatically by this provision.

Inclusion of non-Federal lands. (§ 226.7)

In addition to the general comments concerning Indian lands noted above, minor changes were made for clarity.

Approval of unit agreement. (§ 226.8)

Several commenters questioned the deletion of paragraph (b) from the existing § 226.8. Generally, they stated the provision authorized the waiver of portions of the operating regulations of 30 CFR Part 221 whenever: (i) Federal land constitutes less than 50 percent of the unitized land, (ii) the field is fully developed, and (iii) the Federal land has less than 50 percent of the estimated recoverable unitized substances. However, past experience has shown that relief under this provision has not been requested and even without the provision, the authorized officer can still apply or waive 30 CFR Part 221, as appropriate, with respect to a particular drilling operation on Federal or Indian land. As previously stated in the proposed rulemaking, we believe the benefit of operating under the same general control has been shown and that retention of the prior provision is unnecessary.

A few commenters stated that the current practice of accepting a non-Federal unit agreement when less than 10 percent of the unitized area is Federal land should be specifically authorized in the regulations. We agree, but believe a more appropriate section for such a provision is § 226.4, *Preliminary consideration of unit agreement,* and appropriate language has been included there.

Retroactive approval of a communitization agreement. (§ 226.9–1)

Several commenters suggested that while the provision may prove beneficial, it was inappropriate for inclusion in these regulations and should be included in Title 43 Group 3100. BLM's proposed rulemaking of June 30, 1982, includes an identical provision at 43 CFR 3105.2 (47 FR 28550, 28561). Therefore, this proposed

provision has been deleted from further consideration by this rulemaking.

Model onshore unit agreement for unproven area. (§ 226.12)

Several commenters recommended editorial changes, such as the capitalization of the section headings, punctuation and grammatical improvement. Where the established meaning of a provision is unaffected by the proposed change, the recommendation has been adopted. The recommended changes to individual sections of the model are discussed below:

Section 1. A few commenters suggested some change in the wording of this paragraph; however, as the existing wording is clear and effective, it has been retained.

Section 2(d). A commenter questioned the addition of language permitting use of a date, other than the agreed to effective date. Upon reconsideration, the proposed language has been dropped.

Section 2(e). Several commenters took exception to the elimination of that portion of section 2(e) of the modified agreements currently in use which provides for a 2-year extension beyond the 10-year period at which time contraction is required. While most commenters agreed that 10 years normally would be sufficient time to develop the unit area, they pointed to several instances when the 2-year extension was appropriate and had been utilized. There have not been any apparent abuses of this provision, and it has been shown to be of legitimate value in aiding conservation of the resource. Therefore, these comments are accepted and the modified language currently in use is retained and included in the regulation.

Sections 9 and 9(a). Several commenters indicated that these proposed provisions were unclear. The language had been included to indicate when operations begin. The suggestion to use only one term throughout the section has been adopted. It should now be clear that the obligations of this section are fulfilled when actual drilling operations are commenced and continued thereafter diligently.

Two commenters took exception to the use of the terms "penetrate" and "penetrated" in place of the existing terms "test" and "tested." The intent of the change was to provide more clarification. As the desired result apparently was not achieved, the existing terms have been retained.

The language of the proposed rulemaking would have changed the ability of the authorized officer to modify the drilling requirement from the model now in use. Several commenters questioned the appropriateness of limiting this discretion. While we continue to believe that fixed drilling requirements are in the public interest, we agree that the limitation of flexibility can result in actual hardship. Therefore, the language of the existing model has been retained.

The designation "9a" has been dropped from the optional multiple well provision so that the model will more clearly indicate that: (i) When multiple wells are required, it is part of the DRILLING TO DISCOVERY section, and (ii) in all cases, the last paragraph of section 9 will relate to unit termination.

The provision which includes voluntary termination of a unit agreement during the first year has been modified in both sections 9 and 20 to read "* * * during the first 6 months * * *." This change is made so that the provision will be consistent with the provision resulting in automatic termination for failure to commence the initial well within 6 months after the unit plan becomes effective, unless an extension has been granted. Several commenters expressed support for this provision. In fact, one commenter stated that "To obtain the benefits of unitization, the parties should be obligated to drill at least one obligation well."

Section 11. One commenter identified an inconsistency between the first and second paragraphs of this section. We agree that the provisions did not agree as to the inclusion of lands "which are necessary for unit operations" in a participating area. While the majority of participating areas include only those lands which are reasonably proved productive of unitized substances in paying quantities, some units require other land which is critical to unit operations to be included in a participating area. For example, these other lands may include those upon which an injection well is located. Therefore, to remove the ambiguity, the phrase "* * * which are necessary for unit operations" has been added to the second paragraph.

One commenter requested the relaxation of strict requirement that only the "* * * last approved public-land survey as of the effective date of each initial participating area" be utilized. We cannot agree. While not all officially recognized cadastral surveys are performed by Government employees, they are all *approved* in accordance with the system used since 1789 to provide for orderly transfer of our Nation's lands.

One commenter pointed out that the same basic concept was referred to twice in the section but with the use of two different terms. The use of the phrase "reasonably *estimated* to be productive" was said to be somewhat different than "reasonably *proved* to be productive." We agree and have changed the reference in the second paragraph to use "proved."

One commenter recommended additional language dealing with elimination of land from a participating area due to depletion of unitized substances. As we are not aware that the current language has presented any problem in administration, this suggested change was not adopted.

Section 13. This section had been rewritten in the proposed rulemaking so that the objective would be stated in simpler terms, recognizing that the current provision covers several possible well locations. One commenter expressed concern that the intent of the provision had been altered. We believe the new terms provide for drilling both to expand an existing participating area and to establish new ones, even when such drilling takes place from a surface location within a previously established participating area. However, to more precisely indicate the intent, the term "that" has been substituted for "the" in line eight of the first sentence. This should clarify the intent that the location of a well proposed pursuant to this section may not be within a participating area for the specific formation to be tested.

Section 15. One commenter requested that the second paragraph be continued as an optional provision. The modified model agreement now in use has not included this as an optional provision for many years. Therefore, the suggestion is not adopted since the change merely brings the model agreement into consistency with actual practice.

Section 17. Several commenters recommended that the language proposed for deletion from the existing model in the regulations be reinserted. This language provided for the payment of compensatory royalty. Because protective wells have long been preferred over the payment of compensatory royalty, the language in question has not appeared in modified models used by the petroleum industry and the government for many years. We agree that since compensatory royalty is an alternative method of dealing with drainage, the section would be more complete with the inclusion of such an option. However, to show clearly that in most cases, protection will be provided by the drilling of a well, the language

inserted has been modified slightly from that proposed.

Section 18. The text of the proposed rulemaking printed in the **Federal Register** erroneously carried a line in paragraph (e) which was to appear in paragraph (b). This has been corrected. A few commenters reiterated their assertion that the provision shown as section 18(h) should be deleted from the model agreement. It is felt that this provision has been included in the model for many years without major problems. In response to comments received as a result of the previous Notice of Intent, the provision was changed to be an optional rather than required term. We believe this provides the flexibility desired by all concerned parties.

Section 20. The effective date of the unit agreement continues to be the date executed on behalf of the Department. The provision relating to voluntary termination during the first year is modified as noted in discussion of § 9. In addition, several commenters recommended including the time frame contained in the leasing regulations (Title 43 CFR) in paragraph 20(c). This recommendation has been adopted.

Section 28. One commenter requested that this provision be changed back to the current language dealing with effective date. This suggestion is not adopted. The language of this section was changed to provide that subsequent joinders to an agreement will be effective as of the date filed, unless otherwise provided in the agreement. The change from effective on the first day of the month following filing was made in accordance with the decision of the Interior Board of Land Appeals (IBLA) in the case of *Bruce Anderson,* 30 IBLA 179 (May 19, 1977). In that decision, the IBLA held that a subsequent joinder was effective on the date filed for the purpose of preserving a lease which would otherwise expire on the last day of the month. However, for determining the benefits and obligations under the unit agreement, some other more appropriate date may be provided in the agreement. We agree with the commenter that the first of the following month would be "* * * preferred, from an accounting viewpoint * * *," but we believe the new provision allows the parties the flexibility of making another date controlling as to the parties, while the filing date will control as to the lessor.

E.O. 12291 Federal Regulation

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 because the existing regulatory scheme was found to be basically sound and required only minor revision to incorporate approved modifications to current agreement and to eliminate unnecessary provisions. In addition, the revision of § 226.9 has reduced the number of copies of most documents submitted to the authorized officer. This will provide a minor duplicating cost savings for the approximately 150 unit filings made annually.

Regulatory Flexibility Act

The Department has also determined that the rulemaking will not have a significant economic effect on a substantial number of small entities, and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The updating of 30 CFR 226 to more accurately reflect advances made in the past 30 years may result in some savings to those small operators and lessees who wish to enter into unit agreements.

Environmental Effects

It is hereby determined that this final rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

Paperwork Reduction Act

Unit agreements which conform to the model set out in § 226.12 of these regulations are basically contracts between the private parties and not an information collection requirement. It is submitted to BLM for approval to insure that the rights granted to each lessee of a Federal or Indian lease and the rights of the lessor are not adversely impacted through the joining of such a lease to a unit plan of operations. All operations continue to be conducted under 30 CFR Part 221 and the information collection requirements of that section apply to the unitized operations as if the unit area were a single, consolidated lease. The model agreement does not constitute information collection as defined by 44 U.S.C. 3502 and, therefore, does not require OMB approval.

List of Subjects in 30 CFR Part 226

Government contracts, Oil and gas reserves, Public lands—mineral resources.

Under the authority of the Act of February 25, 1920, as amended and supplemented (30 U.S.C. 189, 226j), and Executive Order 12291 (46 FR 13193), Part 226, Chapter II, Title 30 of the Code of Federal Regulations is revised as set forth below.

Dated: May 10, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

PART 226—ONSHORE OIL AND GAS UNIT AGREEMENTS

Sec.

226.1 Introduction and jurisdiction.
226.2 Definitions.
226.3 Designation of unit area; depth of test well.
226.4 Preliminary consideration of unit agreement.
226.5 Parties to unit agreement.
226.6 Qualifications of Unit Operator.
226.7 Inclusion of non-Federal lands.
226.8 Approval of unit agreement.
226.9 Filing of papers and number of counterparts.
226.10 Bonds.
226.11 Appeals.
226.12 Model onshore unit agreement for unproven areas.
226.13 Model Exhibit "A."
226.14 Model Exhibit "B."
226.15 Model collective bond.
226.16 Model for designation of successor unit operator by working interest owners.
226.17 Model for change in unit operator by assignment.

Authority: The Act of February 25, 1920 (30 U.S.C. 181, 189, 226(e), 226(j)), as amended.

§ 226.1 Introduction and jurisdiction.

(a) The regulations in this part prescribe the procedures to be followed and the requirements to be met by the owners of any right, title, or interest in Federal oil and gas leases (see § 226.2), and their representatives who wish to unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit plan for the development of any oil or gas pool, field, or like area, or any part thereof. All unit operations on Federal leases are subject to the regulations contained in 30 CFR Part 221, Onshore Oil and Gas Operations. All unit operations on non-Federal lands included within Federal unit plans are subject to the reporting requirements of 30 CFR Part 221.

(b) Subject to the supervisory authority of the Secretary, the administration of the regulations in this part shall be under the jurisdiction of the Authorized Officer (AO). In the exercise of his jurisdiction, the AO shall be subject to the direction and supervisory authority of the Director, Bureau of Land Management, who may exercise the jurisdiction of the AO.

§ 226.2 Definitions.

The following terms, as used in this part or in any unit agreement approved under the regulations in this part, shall

have the meanings here indicated unless otherwise defined in such unit agreement:

Authorized officer (AO). Any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described in this Part.

Director. The Director of the Bureau of Land Management or any person authorized to act on the Director's behalf.

Federal lease. A lease issued under the Act of February 25, 1920, as amended (30 U.S.C. 181, et seq.); the Act of May 21, 1930 (30 U.S.C. 351–359); the Act of August 7, 1947 (30 U.S.C. 351, et seq.); or the Act of November 16, 1981 (Pub. L. 97–98, 95 Stat. 1070).

Participating area. That part of a unit area which is considered reasonably proven to be productive in paying quantities or which is necessary for unit operations and to which production is allocated in the manner prescribed in the unit agreement.

Proper BLM office. The Bureau of Land Management office having jurisdiction over the lands subject to the regulation in this Part. When two or more offices have jurisdicition over the lands to be unitized, the "proper BLM office" shall be the office having jurisdiction over the majority of the unit area when the unit is formed.

Secretary. The Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

Unit agreement (agreement). An agreement or plan for the development and operation which provides for the recovery of oil and/or gas from the lands made subject thereto, as a single consolidated entity without regard to separate ownerships and for the allocation of costs and benefits on a basis, as defined in the agreement or plan.

Unit area. The area described in an agreement as constituting the land logically subject to exploration and/or development under such agreement.

Unit operator. The person, association, partnership, corporation, or other business entity designated under a unit agreement to conduct operations on unitized land, as specified in such agreement.

Unitized land. Those lands within a unit area which are committed to an approved agreement or plan.

Unitized substances. Deposits of oil and gas contained in the unitized land which are recoverable in paying quantities by operation under and pursuant to an agreement.

Working interest. An interest held in unitized substances or in lands containing the same by virtue of a lease, operating agreement, fee title, or otherwise, under which, except as otherwise provided in the agreement, the owner of such interest is vested with the right to explore for, develop, and produce such substances. The rights delegated to the unit operator by the unit agreement are not regarded as a working interest.

§ 226.3 Designation of unit area; depth of test well.

An application for designation of an area as logically subject to development under a unit agreement and for determination of the depth of a test well may be filed by a proponent of such an agreement at the proper BLM office. Such application shall be accompanied by a map or diagram on a scale of not less than 2 inches to 1 mile, outlining the area sought to be designated under this section. The Federal, State, Indian and privately owned land should be indicated by distinctive symbols or colors. Federal and Indian oil and gas leases and lease applications should be identified by lease serial numbers. Geologic information, including the results of any geophysical surveys, and any other available information showing that unitization is necessary and advisable in the public interest should be furnished. If requested, geologic, geophysical and other related information so furnished will be treated as confidential in accordance with the provisions of 30 CFR 221.33. These data will be considered by the AO and the applicant will be informed of the decision reached. The designation of an area, pursuant to an application filed under this section, shall not create an exclusive right to submit an agreement for such area, nor preclude the inclusion of such area or any party thereof in another unit area.

§ 226.4 Preliminary consideration of unit agreement.

The model unit agreement set forth in § 226.12, is acceptable for use in unproven areas. Unique situations requiring special provisions should be clearly identified, since these and other special conditions may necessitate a modification of the model unit agreement set forth in § 226.12. Any proposed special provisions or other modifications of the model agreement should be submitted for preliminary consideration so that any necessary revision may be prescribed prior to execution by the interested parties. Where Federal lands constitute less than 10 percent of the total unit area, a non-Federal unit agreement may be used. Upon submission of such an agreement, the AO will take appropriate action to commit the Federal lands.

§ 226.5 Parties to unit agreement.

The owners of any right, title, or interest in the oil and gas deposits to be unitized are regarded as proper parties to a proposed agreement. All such parties must be invited to join the agreement. If any party fails or refuses to join the agreement, the proponent of the agreement, at the time it is filed for approval, must submit evidence of reasonable effort made to obtain joinder of such party and, when requested, the reasons for such nonjoinders. The address of each signatory party to the agreement should be inserted below the signature. Each signature should be attested by at least one witness if not notarized. The signing parties may execute any number of counterparts of the agreement with the same force and effect as if all parties signed the same document, or may execute a ratification or consent in a separate instrument with like force and effect.

§ 226.6 Qualification of unit operator.

A unit operator must qualify as to citizenship in the same manner as those holding interests in Federal oil and gas leases under the regulations at 43 CFR Group 3100. The unit operator may be an owner of a working interest in the unit area or such other party as may be selected by the owners of working interests. The unit operator shall execute an acceptance of the duties and obligations imposed by the agreement. No designation of or change in a unit operator will become effective until approved by the AO, and no such approval will be granted unless the successor unit operator is deemed qualified to fulfill the duties and obligations prescribed in the agreement.

§ 226.7 Inclusion of non-Federal lands.

(a) Where State-owned land is to be unitized with Federal lands, approval of the agreement by appropriate State officials must be obtained prior to its submission to the proper BLM office for final approval. When authorized by the laws of the State in which the unitized land is situated, appropriate provision may be made in the agreement, recognizing such laws to the extent that they are applicable to non-Federal unitized land.

(b) When Indian lands are included, modification of the unit agreement will be required where appropriate. Approval of an agreement containing Indian lands by the Bureau of Indian

Affairs must be obtained prior to final approval by the AO.

§ 226.8 Approval of unit agreement.

A unit agreement will be approved by the AO upon a determination that such agreement is necessary or advisable in the public interest and is for the purpose of more properly conserving natural resources. Such approval will be incorporated in a Certification-Determination document appended to the agreement (example in § 226.12). No such agreement will be approved unless the parties signatory to the agreement hold sufficient interests in the unit area to provide reasonably effective control of operations. Any modification of an approved agreement will require the prior approval of the AO.

§ 226.9 Filing of papers and number of counterparts.

(a) All papers, instruments, documents, and proposals submitted under this part should be filed in the proper BLM office.

(b) An application for designation of a proposed unit area and determination of the required depth of test well(s) shall be filed in duplicate. A like number of counterparts should be filed of any geologic data and any other information submitted in support of such application.

(c) Where a duly executed agreement is submitted for final approval, a minimum of four signed counterparts should be filed. The number of counterparts to be filed for supplementing, modifying, or amending an existing agreement, including change of unit operator, designation of new unit operator, establishment or revision of a participating area, and termination shall be prescribed by the AO.

(d) Two counterparts of a substantiating geologic report, including structure-contour map, cross sections, and pertinent data, shall accompany each application for approval of a participating area or revision thereof under an approved agreement.

(e) Three counterparts of all plans of development and operation shall be submitted for approval under an approved agreement.

(f) One approved counterpart of each instrument or document submitted for approval will be returned to the unit operator by the AO or his representative, together with such additional counterparts as may have been furnished by that purpose.

§ 226.10 Bonds.

In lieu of separate bonds required for each Federal lease committed to a unit agreement, the unit operator may furnish and maintain a collective corporate surety bond or a personal bond conditioned upon faithful performance of the duties and obligations of the agreement and the terms of the Federal leases subject thereto. Personal bonds shall be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bonds, and by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the obligations assumed. The liability under the bond shall be for such amount as the AO shall determine to be adequate to protect the interests of the United States, and additional bond may be required whenever deemed necessary. The bond shall be filed with the AO. A form of corporate surety bond is set forth in § 226.15. In case of change of unit operator, a new bond must be filed or consent of surety to such change of unit operator must be furnished.

§ 226.11 Appeals.

A technical and procedural review may be requested pursuant to 30 CFR 221.72 and/or an appeal may be taken as provided in 30 CFR Part 290 of this chapter from any order or decision issued under the regulations in this part.

§ 226.12 Model onshore unit agreement for unproven areas.

Introductory Section
Section 1 ENABLING ACT AND REGULATIONS.
Section 2 UNIT AREA.
Section 3 UNITIZED LAND AND UNITIZED SUBSTANCES.
Section 4 UNIT OPERATOR.
Section 5 RESIGNATION OR REMOVAL OF UNIT OPERATOR.
Section 6 SUCCESSOR UNIT OPERATOR.
Section 7 ACCOUNTING PROVISIONS AND UNIT OPERATING AGREEMENT.
Section 8 RIGHTS AND OBLIGATIONS OF UNIT OPERATOR.
Section 9 DRILLING TO DISCOVERY.
Section 10 PLAN OF FURTHER DEVELOPMENT AND OPERATION.
Section 11 PARTICIPATION AFTER DISCOVERY.
Section 12 ALLOCATION OF PRODUCTION.
Section 13 DEVELOPMENT OR OPERATION OF NONPARTICIPATING LAND OR FORMATIONS.
Section 14 ROYALTY SETTLEMENT.
Section 15 RENTAL SETTLEMENT.
Section 16 CONSERVATION.
Section 17 DRAINAGE.
Section 18 LEASES AND CONTRACTS CONFORMED AND EXTENDED.
Section 19 CONVENANTS RUN WITH LAND.
Section 20 EFFECTIVE DATE AND TERM.
Section 21 RATE OF PROSPECTING, DEVELOPMENT, AND PRODUCTION.
Section 22 APPEARANCES.
Section 23 NOTICES.
Section 24 NO WAIVER OF CERTAIN RIGHTS.
Section 25 UNAVOIDABLE DELAY.
Section 26 NONDISCRIMINATION.
Section 27 LOSS OF TITLE.
Section 28 NONJOINDER AND SUBSEQUENT JOINDER.
Section 29 COUNTERPARTS.
Section 30 SURRENDER.*
Section 31 TAXES.*
Section 32 NO PARTNERSHIP.*
Concluding Section IN WITNESS WHEREOF.
General Guidelines.
Certification—Determination.

UNIT AGREEMENT FOR THE DEVELOPMENT AND OPERATION OF THE

Unit area _____
County of _____
State of _____
No. _____

This agreement, entered into as of the ——— day of ———, 19— by and between the parties subscribing, ratifying, or consenting hereto, and herein referred to as the "parties hereto,"

WITNESSETH:

WHEREAS, the parties hereto are the owners of working, royalty, or other oil and gas interests in the unit area subject to this agreement; and

WHEREAS, the Mineral Leasing Act of February 25, 1920, 41 Stat. 437, as amended, 30 U.S.C. Sec. 181 et seq., authorizes Federal lessees and their representatives to units with each other, or jointly or separately with others, in collectively adopting and operating a unit plan of development or operations of any oil and gas pool, field, or like area, or any part thereof for the purpose of more properly conserving the natural resources thereof whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest; and

WHEREAS, the parties hereto hold sufficient interests in the ———— Unit Area covering the land hereinafter described to give reasonably effective control of operations therein; and

WHEREAS, it is the purpose of the parties hereto to conserve natural resources, prevent waste, and secure other benefits obtainable through development and operation of the area subject to this agreement under the terms, conditions, and limitations herein set forth;

NOW, THEREFORE, in consideration of the premises and the promises herein contained, the parties hereto commit to this agreement their respective interests in the below-defined unit area, and agree severally among themselves as follows:

1. ENABLING ACT AND REGULATIONS. The Mineral Leasing Act of February 25, 1920, as amended, supra, and all valid pertinent regulations including operating and unit plan regulations, heretofore issued thereunder or valid, pertinent, and reasonable regulations hereafter issued thereunder are accepted and made a part of this agreement as to Federal lands, provided such regulations are not

* Optional sections (in addition the penultimate paragraph of Section 9 is to be included only when more than one obligation well is required and paragraph (h) of section 16 is to be used only when applicable).

inconsistent with the terms of this agreement; and as to non-Federal lands, the oil and gas operating regulations in effect as of the effective date hereof governing drilling and producing operations, not inconsistent with the terms hereof or the laws of the State in which the non-Federal land is located, are hereby accepted and made a part of this agreement.

2. UNIT AREA. The area specified on the map attached hereto marked Exhibit A is hereby designated and recognized as constituting the unit area, containing ——— acres, more or less.

Exhibit A shows, in addition to the boundary of the unit area, the boundaries and identity of tracts and leases in said area to the extent known to the Unit Operator. Exhibit B attached hereto is a schedule showing to the extent known to the Unit Operator, the acreage, percentage, and kind of ownership of oil and gas interests in all lands in the unit area. However, nothing herein or in Exhibits A or B shall be construed as a representation by any party hereto as to the ownership of any interest other than such interest or interests as are shown in the Exhibits as owned by such party. Exhibits A and B shall be revised by the Unit Operator whenever changes in the unit area or in the ownership interests in the individual tracts render such revision necessary, or when requested by the Authorized Officer, hereinafter referred to as AO and not less than four copies of the revised Exhibits shall be filed with the proper BLM office.

The above-described unit area shall when practicable be expanded to include therein any additional lands or shall be contracted to exclude lands whenever such expansion or contraction is deemed to be necessary or advisable to conform with the purposes of this agreement. Such expansion or contraction shall be effected in the following manner:

(a) Unit Operator, on its own motion (after preliminary concurrence by the AO), or on demand of the AO, shall prepare a notice of proposed expansion or contraction describing the contemplated changes in the boundaries of the unit area, the reasons therefore, any plans for additional drilling, and the proposed effective date of the expansion or contraction, preferably the first day of a month subsequent to the date of notice.

(b) Said notice shall be delivered to the proper BLM office, and copies thereof mailed to the last known address of each working interest owner, lessee and lessor whose interests are affected, advising that 30 days will be allowed for submission to the Unit Operator of any objections.

(c) Upon expiration of the 30-day period provided in the preceding item (b) hereof, Unit Operator shall file with the AO evidence of mailing of the notice of expansion or contraction and a copy of any objections thereto which have been filed with Unit Operator, together with an application in triplicate, for approval of such expansion or contraction and with appropriate joinders.

(d) After due consideration of all pertinent information, the expansion or contraction shall, upon approval by the AO, become effective as of the date prescribed in the notice thereof or such other appropriate date.

(e) All legal subdivisions of lands (i.e., 40 acres by Government survey or its nearest lot or tract equivalent; in instances of irregular surveys, unusually large lots or tracts shall be considered in multiples of 40 acres or the nearest aliquot equivalent thereof), no parts of which are in or entitled to be in a participating area on or before the fifth anniversary of the effective date of the first initial participating area established under this unit agreement, shall be eliminated automatically from this agreement, effective as of said fifth anniversary, and such lands shall no longer be a part of the unit area and shall no longer be subject to this agreement, unless diligent drilling operations are in progress on unitized lands not entitled to participation on said fifth anniversary, in which event all such lands shall remain subject hereto for so long as such drilling operations are continued diligently, with not more than 90-days time elapsing between the completion of one such well and the commencement of the next such well. All legal subdivisions of lands not entitled to be in a participating area within 10 years after the effective date of the first initial participating area approved under this agreement shall be automatically eliminated from this agreement as of said tenth anniversary. The Unit Operator shall, within 90 days after the effective date of any elimination hereunder, describe the area so eliminated to the satisfaction of the AO and promptly notify all parties in interest. All lands reasonably proved productive of unitized substances in paying quantities by diligent drilling operations after the aforesaid 5-year period shall become participating in the same manner as during said first 5-year period. However, when such diligent drilling operations cease, all nonparticipating lands not then entitled to be in a participating area shall be automatically eliminated effective as the 91st day thereafter.

Any expansion of the unit area pursuant to this section which embraces lands theretofore eliminated pursuant to this subsection 2(e) shall not be considered automatic commitment or recommitment of such lands. If conditions warrant extension of the 10-year period specified in this subsection, a single extension of not to exceed 2 years may be accomplished by consent of the owners of 90 percent of the working interest in the current nonparticipating unitized lands and the owners of 60 percent of the basic royalty interests (exclusive of the basic royalty interests of the United States) in nonparticipating unitized lands with approval of the AO, provided such extension application is submitted not later than 60 days prior to the expiration of said 10-year period.

3. UNITIZED LAND AND UNITIZED SUBSTANCES. All land now or hereafter committed to this agreement shall constitute land referred to herein as "unitized land" or "land subject to this agreement." All oil and gas in any and all formations of the unitized land are unitized under the terms of this agreement and herein are called "unitized substances."

4. UNIT OPERATOR. ——— is hereby designated as Unit Operator and by signature hereto as Unit Operator agrees and consents to accept the duties and obligations of Unit Operator for the discovery, development, and production of unitized substances as herein provided. Whenever reference is made herein to the Unit Operator, such reference means the Unit Operator acting in that capacity and not as an owner of interest in unitized substances, and the term "working interest owner" when used herein shall include or refer to Unit Operator as the owner of a working interest only when such an interest is owned by it.

5. RESIGNATION OR REMOVAL OF UNIT OPERATOR. Unit Operator shall have the right to resign at any time prior to the establishment of a participating area or areas hereunder, but such resignation shall not become effective so as to release Unit Operator from the duties and obligations of Unit Operator and terminate Unit Operator's rights as such for a period of 6 months after notice of intention to resign has been served by Unit Operator on all working interest owners and the AO and until all wells then drilled hereunder are placed in a satisfactory condition for suspension or abandonment, whichever is required by the AO, unless a new Unit Operator shall have been selected and approved and shall have taken over and assumed the duties and obligations of Unit Operator prior to the expiration of said period.

Unit Operator shall have the right to resign in like manner and subject to like limitations as above provided at any time after a participating area established hereunder is in existence, but in all instances of resignation or removal, until a successor Unit Operator is selected and approved as hereinafter provided, the working interest owners shall be jointly responsible for performance of the duties of Unit Operator, and shall not later than 30 days before such resignation or removal becomes effective appoint a common agent to represent them in any action to be taken hereunder.

The resignation of Unit Operator shall not release Unit Operator from any liability for any default by it hereunder occurring prior to the effective date of its resignation.

The Unit Operator may, upon default or failure in the performance of its duties or obligations hereunder, be subject to removal by the same percentage vote of the owners of working interests as herein provided for the selection of a new Unit Operator. Such removal shall be effective upon notice thereof to the AO.

The resignation or removal of Unit Operator under this agreement shall not terminate its right, title, or interest as the owner of working interest or other interest in unitized substances, but upon the resignation or removal of Unit Operator becoming effective, such Unit Operator shall deliver possession of all wells, equipment, materials, and appurtenances used in conducting the unit operations to the new duly qualified successor Unit Operator or to the common agent, if no such new Unit Operator is selected, elected, to be used for the purpose of conducting unit operations hereunder. Nothing herein shall be construed as authorizing removal of any material.

equipment, or appurtenances needed for the preservation of any wells.

6. SUCCESSOR UNIT OPERATOR. Whenever the Unit Operator shall tender his or its resignation as Unit Operator or shall be removed as hereinabove provided, or a change of Unit Operator is negotiated by the working interest owners, the owners of the working interests according to their respective acreage interests in all unitized land shall, pursuant to the Approval of the Parties requirements of the unit operating agreement, select a successor Unit Operator. Such selection shall not become effective until:

(a) a Unit Operator so selected shall accept in writing the duties and responsibilities of Unit Operator, and

(b) the selection shall have been approved by the AO.

If no successor Unit Operator is selected and qualified as herein provided, the AO at his election may declare this unit agreement terminated.

7. ACCOUNTING PROVISIONS AND UNIT OPERATING AGREEMENT. If the Unit Operator is not the sole owner of working interests, costs and expenses incurred by Unit Operator in conducting unit operations hereunder shall be paid and apportioned among and borne by the owners of working interests, all in accordance with the agreement or agreements entered into by and between the Unit Operator and the owners of working interests, whether one or more, separately or collectively. Any agreement or agreements entered into between the working interest owners and the Unit Operator as provided in this section, whether one or more, are herein referred to as the "unit operating agreement." Such unit operating agreement shall also provide the manner in which the working interest owners shall be entitled to receive their respective proportionate and allocated share of the benefits accruing hereto in conformity with their underlying operating agreements, leases, or other independent contracts, and such other rights and obligations as between Unit Operator and the working interest owners as may be agreed upon by Unit Operator and the working interest owners; however, no such unit operating agreement shall be deemed either to modify any of the terms and conditions of this unit agreement or to relieve the Unit Operator of any right or obligation established under this unit agreement, and in case of any inconsistency or conflict between this agreement and the unit operating agreement, this agreement shall govern. Two copies of any unit operating agreement executed pursuant to this section shall be filed in the proper BLM office prior to approval of this unit agreement.

8. RIGHTS AND OBLIGATIONS OF UNIT OPERATOR. Except as otherwise specifically provided herein, the exclusive right, privilege, and duty of exercising any and all rights of the parties hereto which are necessary or convenient for prospecting for, producing, storing, allocating, and distributing the unitized substances are hereby delegated to and shall be exercised by the Unit Operator as herein provided. Acceptable evidence of title to said rights shall be deposited with Unit Operator and, together with this agreement, shall constitute and define the rights, privileges, and obligations of Unit Operator. Nothing herein, however, shall be construed to transfer title to any land or to any lease or operating agreement, it being understood that under this agreement the Unit Operator, in its capacity as Unit Operator, shall exercise the rights of possession and use vested in the parties hereto only for the purposes herein specified.

9. DRILLING TO DISCOVERY. Within 6 months after the effective date hereof, the Unit Operator shall commence to drill an adequate test well at a location approved by the AO, unless on such effective date a well is being drilled in conformity with the terms hereof, and thereafter continue such drilling diligently until the ——— formation has been tested or until at a lesser depth unitized substances shall be discovered which can be produced in paying quantities (to wit: quantities sufficient to repay the costs of drilling, completing, and producing operations, with a reasonable profit) or the Unit Operator shall at any time establish to the satisfaction of the AO that further drilling of said well would be unwarranted or impracticable, provided, however, that Unit Operator shall not in any event be required to drill said well to a depth in excess of —— feet. Until the discovery of unitized substances capable of being produced in paying quantities, the Unit Operator shall continue drilling one well at a time, allowing not more than 6 months between the completion of one well and the commencement of drilling operations for the next well, until a well capable of producing unitized substances in paying quantities is completed to the satisfaction of the AO or until it is reasonably proved that the unitized land is incapable of producing unitized substances in paying quantities in the formations drilled hereunder. Nothing in this section shall be deemed to limit the right of the Unit Operator to resign as provided in Section 5, hereof, or as requiring Unit Operator to commence or continue any drilling during the period pending such resignation becoming effective in order to comply with the requirements of this section.

The AO may modify any of the drilling requirements of this section by granting reasonable extensions of time when, in his opinion, such action is warranted.

** Multiple well requirements. Notwithstanding anything in this unit agreement to the contrary, except Section 25, UNAVOIDABLE DELAY, —— wells shall be drilled with not more than 6-months time elapsing between the completion of the first well and commencement of drilling operations for the second well and with not more than 6-months time elapsing between completion of the second well and the commencement of drilling operations for the third well, . . . regardless of whether a discovery has been made in any well drilled under this provision. Both the initial well and the second well must be drilled in compliance with the above specified formation or depth requirements in order to meet the dictates of this section; and the second well must be located a minimum of —— miles from the initial well in order to be accepted by the AO as the second unit test well, within the meaning of this section. The third test well shall be diligently drilled, at a location approved by the AO, to test the ——— formation or to a depth of —— feet, whichever is the lesser, and must be located a minimum of —— miles from both the initial and the second test wells. Nevertheless, in the event of the discovery of unitized substances in paying quantities by any well, this unit agreement shall not terminate for failure to complete the ——— well program, but the unit area shall be contracted automatically, effective the first day of the month following the default, to eliminate by subdivisions (as defined in Section 2(e) hereof) all lands not then entitled to be in a participating area.**

Upon failure to commence any well as provided for in this (these) section(s) within the time allowed, prior to the establishment of a participating area, including any extension of time granted by the AO, this agreement will automatically terminate. Upon failure to continue drilling diligently any well commenced hereunder, the AO may, after 15-days notice to the Unit Operator, declare this unit agreement terminated. The parties to this agreement may not initiate a request to voluntarily terminate this agreement during the first 6 months of its term unless at least one obligation well has been drilled in accordance with the provisions of this section.

10. PLAN OF FURTHER DEVELOPMENT AND OPERATION. Within 6 months after completion of a well capable of producing unitized substances in paying quantities, the Unit Operator shall submit for the approval of the AO an acceptable plan of development and operation for the unitized land which, when approved by the DMM, shall constitute the further drilling and development obligations of the Unit Operator under this agreement for the period specified therein. Thereafter, from time to time before the expiration of any existing plan, the Unit Operator shall submit for the approval of the AO a plan for an additional specified period for the development and operation of the unitized land. Subsequent plans should normally be filed on a calender year basis not later than March 1 each year. Any proposed modification or addition to the existing plan should be filed as a supplement to the plan.

Any plan submitted pursuant to this section shall provide for the timely exploration of the unitized area, and for the diligent drilling necessary for determination of the area or areas capable of producing unitized substances in paying quantities in each and every productive formation. This plan shall be as complete and adequate as the AO may determine to be necessary for timely development and proper conservation of the oil and gas resources in the unitized area and shall:

(a) Specify the number and locations of any wells to be drilled and the proposed order and time for such drilling; and

(b) Provide a summary of operations and production for the previous year.

**Provisions to be included only when a multiple well obligation is required.

Plans shall be modified or supplemented when necessary to meet changed conditions or to protect the interests of all parties to this agreement. Reasonable diligence shall be exercised in complying with the obligations of the approved plan of development and operation. The AO is authorized to grant a reasonable extension of the 6-month period herein prescribed for submission of an initial plan of development and operation where such action is justified because of unusual conditions or circumstances.

After completion of a well capable of producing unitized substances in paying quantities, no further wells, except such as may be necessary to afford protection against operations not under this agreement and such as may be specifically approved by the AO, shall be drilled except in accordance with an approved plan of development and operation.

11. PARTICIPATION AFTER DISCOVERY. Upon completion of a well capable of producing unitized substances in paying quantities, or as soon thereafter as required by the AO, the Unit Operator shall submit for approval by the AO, a schedule, based on subdivisions of the public-land survey or aliquot parts thereof, of all land then regarded as reasonably proved to be productive of unitized substances in paying quantities. These lands shall constitute a participating area on approval of the AO, effective as of the date of completion of such well or the effective date of this unit agreement, whichever is later. The acreages of both Federal and non-Federal lands shall be based upon appropriate computations from the courses and distances shown on the last approved public-land survey as of the effective date of each initial participating area. The schedule shall also set forth the percentage of unitized substances to be allocated, as provided in Section 12, to each committed tract in the participating area so established, and shall govern the allocation of production commencing with the effective date of the participating area. A different participating area shall be established for each separate pool or deposit of unitized substances or for any group thereof which is produced as a single pool or zone, and any two or more participating areas so established may be combined into one, on approval of the AO. When production from two or more participating areas is subsequently found to be from a common pool or deposit, the participating areas shall be combined into one, effective as of such appropriate date as may be approved or prescribed by the AO. The participating area or areas so established shall be revised from time to time, subject to the approval of the AO, to include additional lands then regarded as reasonably proved to be productive of unitized substances in paying quantities or which are necessary for unit operations, or to exclude lands then regarded as reasonably proved not to be productive of unitized substances in paying quantities, and the schedule of allocation percentages shall be revised accordingly. The effective date of any revision shall be the first of the month in which the knowledge or information is obtained on which such revision is predicated; provided, however, that a more appropriate effective date may be used if justified by Unit Operator and approved by the AO. No land shall be excluded from a participating area on account of depletion of its unitized substances, except that any participating area established under the provisions of this unit agreement shall terminate automatically whenever all completions in the formation on which the participating area is based are abandoned.

It is the intent of this section that a participating area shall represent the area productive of unitized substances known or reasonably proved to be productive in paying quantities or which are necessary for unit operations; but, regardless of any revision of the participating area, nothing herein contained shall be construed as requiring any retroactive adjustment for production obtained prior to the effective date of the revision of the participating area.

In the absence of agreement at any time between the Unit Operator and the AO as to the proper definition or redefinition of a participating area, or until a participating area has, or areas have, been established, the portion of all payments affected thereby shall, except royalty due the United States, be impounded in a manner mutually acceptable to the owners of committed working interests. Royalties due the United States shall be determined by the AO and the amount thereof shall be deposited, as directed by the AO, until a participating area is finally approved and then adjusted in accordance with a determination of the sum due as Federal royalty on the basis of such approved participating area.

Whenever it is determined, subject to the approval of the AO, that a well drilled under this agreement is not capable of production of unitized substances in paying quantities and inclusion in a participating area of the land on which it is situated in a participating area is unwarranted, production from such well shall, for the purposes of settlement among all parties other than working interest owners, be allocated to the land on which the well is located, unless such land is already within the participating area established for the pool or deposit from which such production is obtained. Settlement for working interest benefits from such a nonpaying unit well shall be made as provided in the unit operating agreement.

12. ALLOCATION OF PRODUCTION. All unitized substances produced from each participating area established under this agreement, except any part thereof used in conformity with good operating practices within the unitized area for drilling, operating, and other production or development purposes, for repressuring or recycling in accordance with a plan of development and operations which has been approved by the AO, or unavoidably lost, shall be deemed to be produced equally on an acreage basis from the several tracts of unitized land of the participating area established for such production. For the purpose of determining any benefits accruing under this agreement, each such tract of unitized land shall have allocated to it such percentage of said production as the number of acres of such tract included in said participating area bears to the total acres of unitized land in said participating area, except that allocation of production hereunder for purposes other than for settlement of the royalty, overriding royalty, or payment out of production obligations of the respective working interest owners, shall be on the basis prescribed in the unit operating agreement whether in conformity with the basis of allocation herein set forth or otherwise. It is hereby agreed that production of unitized substances from a participating area shall be allocated as provided herein regardless of whether any wells are drilled on any particular part or tract of the participating area. If any gas produced from one participating area is used for repressuring or recycling purposes in another participating area, the first gas withdrawn from the latter participating area for sale during the life of this agreement, shall be considered to be the gas so transferred, until an amount equal to that transferred shall be so produced for sale and such gas shall be allocated to the participating area from which initially produced as such area was defined at the time that such transferred gas was finally produced and sold.

13. DEVELOPMENT OR OPERATION OF NONPARTICIPATING LAND OR FORMATIONS. Any party hereto owning or controlling the working interest in any unitized land having thereon a regular well location may with the approval of the AO, at such party's sole risk, costs, and expense, drill a well to test any formation provided the well is outside any participating area established for that formation, unless within 90 days of receipt of notice from said party of his intention to drill the well, the Unit Operator elects and commences to drill the well in a like manner as other wells are drilled by the Unit Operator under this agreement.

If any well drilled under this section by a working interest owner results in production of unitized substances in paying quantities such that the land upon which it is situated may properly be included in a participating area, such participating area shall be established or enlarged as provided in this agreement and the well shall thereafter be operated by the Unit Operator in accordance with the terms of this agreement and the unit operating agreement.

If any well drilled under this section by a working interest owner that obtains production in quantities insufficient to justify the inclusion of the land upon which such well is situated in a participating area, such well may be operated and produced by the party drilling the same, subject to the conservation requirements of this agreement. The royalties in amount or value of production from any such well shall be paid as specified in the underlying lease and agreements affected.

14. ROYALTY SETTLEMENT. The United States and any State and any royalty owner who is entitled to take in kind a share of the substances now unitized hereunder shall be hereafter be entitled to the right to take in kind its share of the unitized substances, and Unit Operator, or the working interest owner in case of the operation of a well by a working interest owner as herein provided for in special cases, shall make deliveries of

such royalty share taken in kind in conformity with the applicable contracts, laws, and regulations. Settlement for royalty interest not taken in kind shall be made by working interest owners responsible therefor under existing contracts, laws and regulations, or by the Unit Operator on or before the last day of each month for unitized substances produced during the preceding calendar month; provided, however, that nothing in this section shall operate to relieve the lessees of any land from their respective lease obligations for the payment of any royalties due under their leases.

If gas obtained from lands not subject to this agreement is introduced into any participating area hereunder, for use in repressuring, stimulation of production, or increasing ultimate recovery, in conformity with a plan of development and operation approved by the AO, a like amount of gas, after settlement as herein provided for any gas transferred from any other participating area and with appropriate deduction for loss from any cause, may be withdrawn from the formation into which the gas is introduced, royalty free as to dry gas, but not as to any products which may be extracted therefrom; provided that such withdrawal shall be at such time as may be provided in the approved plan of development and operation or as may otherwise be consented to by the AO as conforming to good petroleum engineering practice; and provided further, that such right of withdrawal shall terminate on the termination of this unit agreement.

Royalty due the United States shall be computed as provided in 30 CFR Part 221 and paid in value or delivered in kind as to all unitized substances on the basis of the amounts thereof allocated to unitized Federal land as provided in Section 12 at the rates specified in the respective Federal leases, or at such other rate or rates as may be authorized by law or regulation and approved by the AO; provided, that for leases on which the royalty rate depends on the daily average production per well, said average production shall be determined in accordance with the operating regulations as though each participating area were a single consolidated lease.

15. RENTAL SETTLEMENT. Rental or minimum royalties due on leases committed hereto shall be paid by appropriate working interest owners under existing contracts, laws, and regulations, provided that nothing herein contained shall operate to relieve the leases of any land from their respective lessees obligations for the payment of any rental or minimum royalty due under their leases. Rental or minimum royalty for lands of the United States subject to this agreement shall be paid at the rate specified in the respective leases from the United States unless such rental or minimum royalty is waived, suspended, or reduced by law or by approval of the Secretary or his duly authorized representative.

With respect to any lease on non-Federal land containing provisions which would terminate such lease unless drilling operations are commenced upon the land covered thereby within the time therein specified or rentals are paid for the privilege of deferring such drilling operations, the rentals required thereby shall, notwithstanding any other provision of this agreement, be deemed to accure and become payable during the term thereof as extended by this agreement and until the required drilling operations are commenced upon the land covered thereby, or until some portion of such land is included within a participating area.

16. CONSERVATION. Operations hereunder and production of unitized substances shall be conducted to provide for the most economical and efficient recovery of said substances without waste, as defined by or pursuant to State or Federal law or regulation.

17. DRAINAGE. The Unit Operator shall take such measures as the AO deems appropriate and adequate to prevent drainage of unitized substances from unitized land by wells on land not subject to this agreement, which shall include the drilling of protective wells and which may include the payment of a fair and reasonable compensatory royalty, as determined by the AO.

18. LEASES AND CONTRACTS CONFORMED AND EXTENDED. The terms, conditions, and provisions of all leases, subleases, and other contracts relating to exploration, drilling, development or operation for oil or gas on lands committed to this agreement are hereby expressly modified and amended to the extent necessary to make the same conform to the provisions hereof, but otherwise to remain in full force and effect; and the parties hereto hereby consent that the Secretary shall and by his approval hereof, or by the approval hereof by his duly authorized representative, does hereby establish, alter, change, or revoke the drilling, producing, rental minimum royalty, and royalty requirements of Federal leases committed hereto and the regulations in respect thereto to conform said requirements to the provisions of this agreement, and, without limiting the generality of the foregoing, all leases, subleases, and contracts are particularly modified in accordance with the following:

(a) The development and operation of lands subject to this agreement under the terms hereof shall be deemed full performance of all obligations for development and operation with respect to each and every separately owned tract subject to this agreement, regardless of whether there is any development of any particular tract of this unit area.

(b) Drilling and producing operations performed hereunder upon any at the time, such lease shall be extended for 2 years, and so tract of unitized lands will be accepted and deemed to be performed upon and for the benefit of each and every tract of unitized land, and no lease shall be deemed to expire by reason of failure to drill or produce wells situated on the land therein embraced.

(c) Suspension of drilling or producing operations on all unitized lands pursuant to direction or consent of the AO shall be deemed to constitute such suspension pursuant to such direction or consent as to each and every tract of unitized land. A suspension of drilling or producing operations limited to specified lands shall be applicable only to such lands.

(d) Each lease, sublease, or contract relating to the exploration, drilling, development, or operation for oil or gas of lands other than those of the United States committed to this agreement which, by its terms might expire prior to the termination of this agreement, is hereby extended beyond any such term so provided therein so that it shall be continued in full force and effect for and during the term of this agreement.

(e) Any Federal lease committed hereto shall continue in force beyond the term so provided therein or by law as to the land committed so long as such lease remains subject hereto, provided that production of unitized substances in paying quantities is established in paying quantities under this unit agreement prior to the expiration date of the term of such lease, or in the event actual drilling operations are commenced on unitized land, in accordance with provisions of this agreement, prior to the end of the primary term of such lease and are being diligently prosecuted at that time, such lease shall be extended for 2 years, and so long thereafter as oil or gas is produced in paying quantities in accordance with the provisions of the Mineral Leasing Act, as amended.

(f) Each sublease or contract relating to the operation and development of unitized substances from lands of the United States committed to this agreement, which by its terms would expire prior to the time at which the underlying lease, as extended by the immediately preceding paragraph, will expire is hereby extended beyond any such term so provided therein so that it shall be continued in full force and effect for and during the term of the underlying lease as such term is herein extended.

(g) The segregation of any Federal lease committed to this agreement is governed by the following provision in the fourth paragraph of sec. 17(j) of the Mineral Leasing Act, as amended by the Act of September 2, 1960 (74 Stat. 781–784) (30 U.S.C. 226(j)):

"Any [Federal] lease heretofore or hereafter committed to any such [unit] plan embracing lands that are in part within and in part outside of the area covered by any such plan shall be segregated into separate leases as to the lands committed and the lands not committed as of the effective date of unitization: *Provided, however,* That any such lease as to the nonunitized portion shall continue in force and effect for the term thereof but for not less than two years from the date of such segregation and so long thereafter as oil or gas is produced in paying quantities."

*(h) Any lease, other than a Federal lease, having only a portion of its lands committed hereto shall be segregated as to the portion committed and the portion not committed, and the provisions of such lease shall apply separately to such segregated portions commencing as of the effective date hereof. In the event any such lease provides for a lump-sum rental payment, such payment shall be prorated between the portions so segregated in proportion to the acreage of the respective tracts.

* Optional paragraph to be used only when applicable.

19. CONVENANTS RUN WITH LAND. The covenants herein shall be construed to be covenants running with the land with respect to the interests of the parties hereto and their successors in interest until this agreement terminates, and any grant, transfer or conveyance of interest in land or leases subject hereto shall be and hereby is conditioned upon the assumption of all privileges and obligations hereunder by the grantee, transferee, or other successor in interest. No assignment or transfer of any working interest, royalty, or other interest subject hereto shall be binding upon Unit Operator until the first day of the calendar month after Unit Operator is furnished with the original, photostatic, or certified copy of the instrument of transfer.

20. EFFECTIVE DATE AND TERM. This agreement shall become effective upon approval by the AO and shall automatically terminate 5 years from said effective date unless:

(a) upon application by the Unit Operator such date of expiration is extended by the AO, or

(b) it is reasonably determined prior to the expiration of the fixed term or any extension thereof that the unitized land is incapable of production of unitized substances in paying quantities in the formations tested hereunder, and after notice of intention to terminate this agreement on such ground is given by the Unit Operator to all parties in interest at their last known addresses, this agreement is terminated with the approval of the AO, or

(c) a valuable discovery of unitized substances in paying quantities has been made or accepted on unitized land during said initial term or any extension thereof, in which event this agreement shall remain in effect for such term and so long thereafter as unitized substances can be produced in quantities sufficient to pay for the cost of producing same from wells on unitized land within any participating area established hereunder. Should production cease and diligent drilling operations to restore production or new production are not in progress or reworking within 60 days and production is not restored or should new production not be obtained in paying quantities on committed lands within this unit area, this agreement will automatically terminate effective the last day of the month in which the last unitized production occurred, or

(d) it is voluntarily terminated as provided in this agreement. Except as noted herein, this agreement may be terminated at any time prior to the discovery of unitized substances which can be produced in paying quantities by not less than 75 per centum, on an acreage basis, of the working interest owners signatory hereto, with the approval of the AO. The Unit Operator shall give notice of any such approval to all parties herto. Voluntary termination may not occur during the first 6 months of this agreement unless at least one obligation well shall have been drilled in conformance accordance with Section 9.

21. RATE OF PROSPECTING, DEVELOPMENT, AND PRODUCTION. The AO is hereby vested with authority to alter or modify from time to time, in his discretion, the quantity and rate of production under this agreement when such quantity and rate are not fixed pursuant to Federal or State law, or do not conform to any Statewide voluntary conservation or allocation program which is established, recognized, and generally adhered to by the majority of operators in such State. The above authority is hereby limited to alteration or modifications which are in the public interest. The public interest to be served and the purpose thereof, must be stated in the order of alteration or modification. Without regard to the foregoing, the AO is also hereby vested with authority to alter or modify from time to time, in his discretion, the rate of prospecting and development and the quantity and rate of production under this agreement when such alteration or modification is in the interest of attaining the conservation objectives stated in this agreement and is not in violation of any applicable Federal or State law.

Powers is the section vested in the AO shall only be exercised after notice to Unit Operator and opportunity for hearing to be held not less than 15 days from notice.

22. APPEARANCES. Unit Operators shall, after notice to other parties affected, have the right to appear for and on behalf of any and all interests affected hereby before the Department of the Interior and to appeal from orders issued under the regulations of said Department, or to apply for relief from any of said regulations, or in any proceedings relative to operations before the Department, or any other legally constituted authority; provided, however, that any other interested party shall also have the right at its own expense to be heard in any such proceeding.

23. NOTICES. All notices, demands, or statements required hereunder to be given or rendered to the parties hereto shall be in writing and shall be personally delivered to the party or parties, or sent by postpaid registered or certified mail, to the last-known address of the party or parties.

24. NO WAIVER OF CERTAIN RIGHTS. Nothing contained in this agreement shall be construed as a waiver by any party hereto of the right to assert any legal or constitutional right or defense as to the validity or invalidity of any law of the State where the unitized lands are located, or of the United States, or regulations issued thereunder in any way affecting such party, or as a waiver by any such party of any right beyond his or its authority to waive.

25. UNAVOIDABLE DELAY. All obligations under this agreement requiring the Unit Operator to commence or continue drilling, or to operate on, or produce unitized substances from any of the lands covered by this agreement, shall be suspended while the Unit Operator, despite the exercise of due care and diligence, is prevented from complying with such obligations, in whole or in part, by strikes, acts of God, Federal, State, or municipal law or agencies, unavoidable accidents, uncontrollable delays in transportation, inability to obtain necessary materials or equipment in the open market, or other matters beyond the reasonable control of the Unit Operator, whether similar to matters herein enumerated or not.

26. NONDISCRIMINATION. In connection with the performance of work under this agreement, the Unit Operator agrees to comply with all the provisions of section 202 (1) to (7) inclusive, of Executive Order 11246 (30 FR 12319), as amended, which are hereby incorporated by reference in this agreement.

27. LOSS OF TITLE. In the event title to any tract of unitized land shall fail and the true owner cannot be induced to join in this unit agreement, such tract shall be automatically regarded as not committed hereto, and there shall be such readjustment of future costs and benefits as may be required on account of the loss of such title. In the event of a dispute as to title to any royalty, working interest, or other interests subject thereto, payment or delivery on account thereof may be withheld without liability for interest until the dispute is finally settled; provided, that, as to Federal lands or leases, no payments of funds due the United States shall be withheld, but such funds shall be deposited as directed by the AO, to be held as unearned money pending final settlement of the title dispute, and then applied as earned or returned in accordance with such final settlement.

Unit Operator as such is relieved from any responsibility for any defect or failure of any title hereunder.

28. NONJOINDER AND SUBSEQUENT JOINDER. If the owner of any substantial interest in a tract within the unit area fails or refuses to subscribe or consent to this agreement, the owner of the working interest in that tract may withdraw the tract from this agreement by written notice delivered to the proper BLM office and the Unit Operator prior to the approval of this agreement by the AO. Any oil or gas interests in lands within the unit area not committed hereto prior to final approval may thereafter be committed hereto by the owner or owners thereof subscribing or consenting to this agreement, and, if the interest is a working interest, by the owner of such interest also subscribing to the unit operating agreement. After operations are commenced hereunder, the right of subsequent joinder, as provided in this section, by a working interest owner is subject to such requirements or approval(s), if any, pertaining to such joinder, as may be provided for in the unit operating agreement. After final approval hereof, joinder by a nonworking interest owner must be consented to in writing by the working interest owner committed hereto and responsible for the payment of any benefits that may accrue hereunder in behalf of such nonworking interest. A nonworking interest may not be committed to this unit agreement unless the corresponding working interest is committed hereto. Joinder to the unit agreement by a working interest owner, at any time, must be accompanied by appropriate joinder to the unit operating agreement, in order for the interest to be regarded as committed to this agreement. Except as may otherwise herein be provided, subsequent joinders to this agreement shall be effective as of the date of the filing with the AO of duly executed counterparts of all or any papers necessary to establish effective commitment of any interest and/or tract to this agreement.

29. COUNTERPARTS. This agreement may be executed in any number of counterparts, no one of which needs to be executed by all parties, or may be ratified or consented to by separate instrument in writing specifically referring hereto and shall be binding upon all those parties who have executed such a counterpart, ratification, or consent hereto with the same force and effect as if all such parties had signed the same document, and regardless of whether or not it is executed by all other parties owning or claiming an interest in the lands within the above-described unit area.

*30. SURRENDER. Nothing in this agreement shall prohibit the exercise by any working interest owner of the right to surrender vested in such party by any lease, sublease, or operating agreement as to all or any part of the lands covered thereby, provided that each party who will or might acquire such working interest by such surrender or by forfeiture as hereafter set forth, is bound by the terms of this agreement.

If as a result of any such surrender, the working interest rights as to such lands become vested in any party other than the fee owner of the unitized substances, said party may forfeit such rights and further benefits from operations hereunder as to said land to the party next in the chain of title who shall be and become the owner of such working interest.

If as the result of any such surrender or forfeiture working interest rights become vested in the fee owner of the unitized substances, such owner may:

(a) accept those working interest rights subject to this agreement and the unit operating agreement; or

(b) lease the portion of such land as is included in a participating area established hereunder subject to this agreement and the unit operating agreement; or

(c) provide for the independent operation of any part of such land that is not then included within a participating area established hereunder.

If the fee owner of the unitized substances does not accept the working interest rights subject to this agreement and the unit operating agreement or lease such lands as above provided within 6 months after the surrendered or forfeited, working interest rights become vested in the fee owner; the benefits and obligations of operations accruing to such lands under this agreement and the unit operating agreement shall be shared by the remaining owners of unitized working interests in accordance with their respective working interest ownerships, and such owners of working interests shall compensate the fee owner of unitized substances in such lands by paying sums equal to the rentals, minimum royalties, and royalties applicable to such lands under the lease in effect when the lands were unitized.

An appropriate accounting and settlement shall be made for all benefits accruing to or payments and expenditures made or incurred on behalf of such surrendered or forfeited working interests subsequent to the date of surrender or forfeiture, and payment of any moneys found to be owing by such an accounting shall be made as between the parties within 30 days.

The exercise of any right vested in a working interest owner to reassign such working interest to the party from whom obtained shall be subject to the same conditions as set forth in this section in regard to the exercise of a right to surrender.

*31. TAXES. The working interest owners shall render and pay for their account and the account of the royalty owners all valid taxes on or measured by the unitized substances in and under or that may be produced, gathered and sold from the land covered by this agreement after its effective date, or upon the proceeds derived therefrom. The working interest owners on each tract shall and may charge the proper proportion of said taxes to royalty owners having interests in said-tract, and may currently retain and deduct a sufficient amount of the unitized substances or derivative products, or net proceeds thereof, from the allocated share of each royalty owner to secure reimbursement for the taxes so paid. No such taxes shall be charged to the United States or the State of —— or to any lessor who has a contract with his lessee which requires the lessee to pay such taxes.

*32. NO PARTNERSHIP. It is expressly agreed that the relation of the parties hereto is that of independent contractors and nothing contained in this agreement, expressed or implied, nor any operations conducted hereunder, shall create or be deemed to have created a partnership or association between the parties hereto or any of them.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed and have set opposite their respective names the date of execution.

Unit Operator

Working Interest Owners

Other Interest Owners

General Guidelines

1. Executed agreement to be legally complete.

2. Agreement submitted for approval must contain Exhibit A and B in accordance with models shown in §§ 226.13 and 226.14.

3. Consents should be identified (in pencil) by tract numbers as listed in Exhibit B and assembled in that order as far as practical. Unit agreements submitted for approval shall include a list of the overriding royalty interest owners who have executed ratifications of the unit agreement. Subsequent joinders by overriding royalty interest owners shall be submitted in the same manner, except each must include or be accompanied by a statement that the corresponding working interest owner has consented in writing to such joinder. Original ratifications of overriding royalty owners will be kept on file by the Unit Operator or his designated agent.

4. All leases held by option should be noted on Exhibit B with an explanation as to the type of option, i.e., whether for operating rights only, for full leasehold record title, or for certain interests to be earned by performance. In all instances, optionee committing such interests is expected to exercise option promptly.

5. All owners of oil and gas interests must be invited to join the unit agreement, and statement to that effect must accompany executed agreement, together with summary of results of such invitations. A written reason for all interest owners who have not joined shall be furnished by the unit operator.

6. In the event fish and wildlife lands are included, add the following as a separate section:

"Wildlife Stipulation. Nothing in this unit agreement shall modify the special Federal lease stipulations applicable to lands under the jurisdiction of the United States Fish and Wildlife Service."

7. In the event National Forest System lands are included within the unit area, add the following as a separate section:

"Forest Land Stipulation. Notwithstanding any other terms and conditions contained in this agreement, all of the stipulations and conditions of the individual leases between the United States and its lessees or their successors or assigns embracing lands within the unit area included for the protection of lands or functions under the jurisdiction of the Secretary of Agriculture shall remain in full force and effect the same as though this agreement had not been entered into, and no modification thereof is authorized except with the prior consent in writing of the Regional Forester, United States Forest Service, ——,

8. In the event National Forest System lands within the Jackson Hole Area of Wyoming are included within the unit area, additional "special" stipulations may be required to be included in the unit agreement by the U.S. Forest Service, including the Jackson Hole Special Stipulation.

9. In the event reclamation lands are included, add the following as a new separate section:

"Reclamation Lands. Nothing in this agreement shall modify the special, Federal lease stipulations applicable to lands under the jurisdiction of the Bureau of Reclamation."

10. In the event a powersite is embraced in the proposed unit area, the following section should be added:

"Powersite. Nothing in this agreement shall modify the special, Federal lease stipulations applicable to lands under the jurisdiction of the Federal Energy Regulatory Commission."

11. In the event special surface stipulations have been attached to any of the Federal oil and gas leases to be included, add the following as a separate section:

"Special surface stipulations. Nothing in this agreement shall modify the special Federal lease stipulations attached to the individual Federal oil leases."

12. In the event State lands are included in the proposed unit area, add the appropriate State Lands Section as separate section. (See 30 CFR 226.7(a))

13. In the event restricted Indian lands are involved, consult the AO regarding

*Optional sections and subsection. (Agreements submitted for final approval should not identify section or provision as "optional.")

appropriate requirements under 30 CFR 226.7(b).

Certification—Determination

Pursuant to the authority vested in the Secretary of the Interior, under the act approved February 25, 1920, 41 Stat. 437, as amended, 30 U.S.C. sec. 181, et seq., and delegated to the appropriate (Name and Title of authorized officer, BLM) Service under the authority of 30 CFR 226, I do hereby:

A. Approve the attached agreement for the development and operation of the ———, Unit Area, State of ———.

B. Certify and determine that the unit plan of development and operation contemplated in the attached agreement is necessary and advisable in the public interest for the purpose of more properly conserving the natural resources.

C. Certify and determine that the drilling, producing, rental minimum royalty, and royalty requirements of all Federal lease committed to said agreement are hereby established altered, changed, or revoked to conform with the terms and conditions of this agreement.

Dated ———.

———

(Name and Title of authorized officer of the Bureau of Land Management)

BILLING CODE 4310-84-M

§ 226.13 ~~Model of Exhibit A.~~ Model Exhibit "A" 44

Company Name
Exhibit A
Swan Unit Area
Campbell County, Wyoming

R. 59 W.

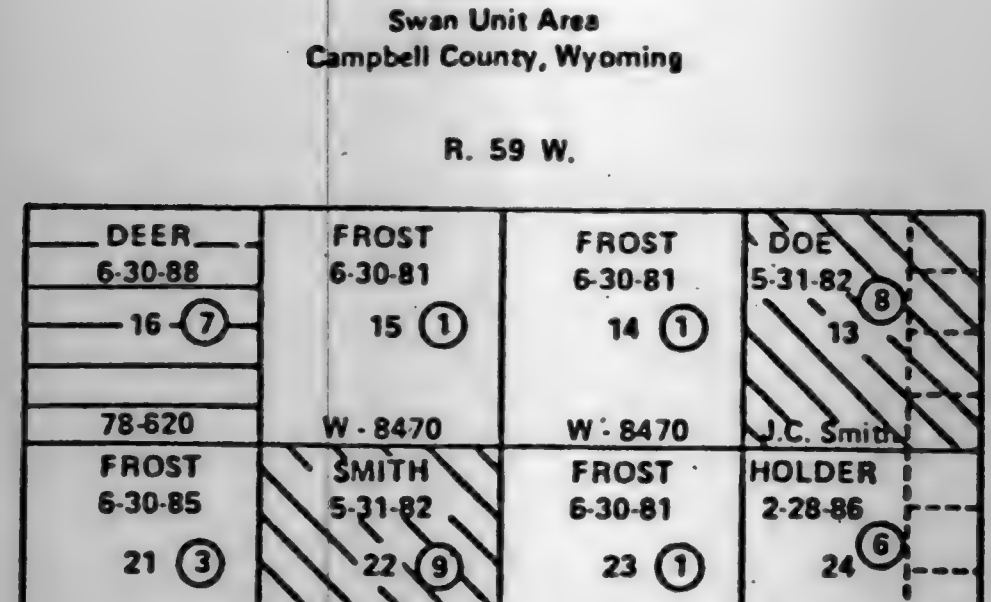

T. 54 N.

(1) Means tract number as listed on Exhibit B

Public Land

State Land

Patented Land

Scale - Generally 2" = 1 mile.

Include acreage for all irregular sections and lots.

§ 226.14 Model Exhibit "B"

EXHIBIT B—SWAN UNIT AREA, CAMPBELL COUNTY, WYOMING

Tract No.	Description of land	No. of acres	Serial No. and expiration date of lease	Basic royalty and ownership percentage	Lessee of record	Overriding royalty and percentage	Working interest and percentage
	All in the area of T54N–R59W, 6th P.M..						
	Federal Land						
1	Sec. 14: All	1,920.00	W–8470, 6–30–81	U.S.: All	T.J. Cook 100%	T.J. Cook 2%	Frost Oil Co. 100%.
	Sec. 15: All						
	Sec. 23: All						
2	Sec. 35: All	640.00	W–9123, 7–30–81	U.S.: All	O.M. Odom 100%	O.M. Odom 1%	Deer Oil Co. 100%.
3	Sec. 21: All	1,280.00	W–41345, 6–30–85	U.S.: All	Max Pen 50%	Max Pen 1%	Frost Oil Co. 100%.
	Sec. 28: All				Sam Small 50%	Sam Small 1%	
4	Sec. 27: All	1,280.00	W–41679, 6–30–85	U.S.: All	Al Preen 100%	Al Preen 2%	Deer Oil Co. 80%.
	Sec. 33: All						Dear Oil Co. 00%.
5	Sec. 26: All	961.50	W–52780	U.S.: All	Deer Oil Co. 100%	J.G. Goodin 2%	Deer Oil Co. 100%.
	Sec. 25: Lots 3,4, SW¼, W½SE¼						
6	Sec. 24: Lots 1,2,3,4,W½, W½E½ (All)	965.80	W–53970, 2–28–86	U.S.: All	T.H. Holder 100%		T.H. Holder 100%.
	Sec. 25: Lots 1,2,NW¼, W½NE/4						
	6 Federal tracts 7,047.30 acres or 68.76% of unit area.						
	State Land						
7	Sec. 16: All	1,280.60	65–67430, 8–31–85	State: All	Deer Oil Co. 100%	T.T. Timo 2%	Deer Oil Co. 100%.
	Sec. 36: Lots 1, 2, 3, 4, W½, W½E½ (All).						
	1 State tract 1,280.60 acres or 12.49% of unit area.						
	Patented Land						
8	Sec. 13: Lots 1, 2, 3, 4, W½, W½E½ (All).	641.20	8–2–74	J.C. Smith: 100%	Doe Oil Co. 100%		Doe Oil Co. 100%.
9	Sec. 22: All	640.00	9–15–76	T.J. Cook: 100%	W.W. Smith 100%	Sam Spade 1%	W.W. Smith 100%.
10	Sec. 34: All	640.00	6–1–75	A.A. Aben: 75%, L.P. Carr: 25%.	Deer Oil Co. 100%		Deer Oil Co. 100%.
	3 Patented tracts 1,921.20 acres or 18.75% of unit area.						

Total: 10 tracts 10,249.10 acres in entire unit area.

§ 226.15 Model collective bond.

Collective Corporate Surety Bond

Know all men by these presents. That we, ——— (Name of unit operator), signing as Principal, for and on behalf of the record owners of unitized substances now or hereafter covered by the unit agreement for the ——— (Name of unit), approved ——— (Date) ——— (Name and address of Surety), as Surety are jointly and severally held and firmly bound unto the United States of America in the sum of ——— (Amount of bond) Dollars, lawful money of the United States, for the use and benefit of and to be paid to the United States and any entryman or patentee of any portion of the unitized land here-to-fore entered or patented with the reservation of the oil or gas deposits to the United States, for which payment, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, administrators, successors, and assigns by these presents.

The condition of the foregoing obligation is such, that, whereas the Secretary of the Interior on ——— (Date) approved under the provisions of the Act of February 25, 1920, 41 Stat. 437, 30 U.S.C. secs. 181 *et seq.*, as amended by the Act of August 8, 1946, 60 Stat. 950, a unit agreement for the development and operation of the ——— (Name of unit and State); and

Whereas said Principal and record owners of unitized substances, pursuant to said unit agreement, have entered into certain covenants and agreements as set forth therein, under which operations are to be conducted; and

Whereas said Principal as Unit Operator has assumed the duties and obligations of the respective owners of unitized substances as defined in said unit agreement; and

Whereas said Principal and Surety agree to remain bound in the full amount of the bond for failure to comply with the terms of the unit agreement, and the payment of rentals, minimum royalties, and royalties due under the Federal leases committed to said unit agreement; and

Whereas the Surety hereby waives any right of notice of and agrees that this bond may remain in force and effect notwithstanding:

(a) Any additions to or change in the ownership of the unitized substances herein described;

(b) Any suspension of the drilling or producing requirements or waiver, suspension, or reduction of rental or minimum royalty payments or reduction of royalties pursuant to applicable laws or regulations thereunder; and

Whereas said Principal and Surety agree to the payment of compensatory royalty under the regulations of the Interior Department in lieu of drilling necessary offset wells in the event of drainage; and

Whereas nothing herein contained shall preclude the United States (from requiring an additional bond at any time when deemed necessary);

Now, therefore, if the said Principal shall faithfully comply with all of the provisions of the above-indentified unit agreement and with the terms of the leases committed thereto, then the above obligation is to be of no effect; otherwise to remain in full force and virtue.

Signed, sealed, and delivered this ——— day of ———, in the presence of:

Witnesses:

_____

(Principal)

_____

_____

_____

(Surety)

§ 226.16 Model for designation of successor unit operator by working interest owners.

Designation of successor Unit Operator ——— Unit Area, County of ———, State of ———. No. ———.

This indenture, dated as of the — day of ——, 19—, by and between ——, hereinafter designated as "First Party," and the owners of unitized working interests, hereinafter designated as "Second Parties,"

Witnesseth: Whereas under the provisions of the Act of February 25, 1920, 41 Stat. 437, 30 U.S.C. secs. 181, *et seq.*, as amended by the Act of August 8, 1946, 60 Stat. 950, the Secretary of the Interior, on the ——— day of ———, 19—, approve a unit agreement ——— Unit Area, wherein ——— is designated as Unit Operator, and

Whereas said ——— has resigned as such Operator [1] and the designation of a successor Unit Operator is now required pursuant to the terms thereof; and

Whereas the First Party has been and hereby is designated by Second Parties as

[1] Where the designation of a successor Unit Operator is required for any reason other than resignation, such reason shall be substituted for the one stated.

Unit Operator, and said First Party desires to assume all the rights, duties, and obligations of Unit Operator under the said unit agreement:

Now, therefore, in consideration of the premises hereinbefore set forth and the promises hereinafter stated, the First Party hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of the ——— unit agreement, and the Second Parties covenant and agree that, effective upon approval of this indenture by the (Name and Title of authorized officer, BLM) First Party shall be granted the exclusive right and privilege of exercising any and all rights and privileges as Unit Operator, pursuant to the terms and conditions of said unit agreement; said Unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

(Witnesses)

(Witnesses)

(First Party)

(Second Party)

I hereby approve the foregoing indenture designating ——— as Unit Operator under the unit agreement for the ——— Unit Area, this — day of ———, 19—.

Authorized officer of the Bureau of Land Management.

§ 226.17 Model for change in unit operator by assignment.

Change in Unit Operator ——— Unit Area, County of ———, State of ———, No. —. This indenture, dated as of the — day of ———, 19—, by and between ——— hereinafter designated as "First Party," and ——— hereinafter designated as "Second Party."

Witnesseth: Whereas under the provisions of the Act of February 25, 1920, 41 Stat. 437 30 U.S.C. secs. 181, *et seq.*, as amended by the Act of August 8, 1946, 60 Stat. 950, the Department of the Interior, on the — day of ———, 19—, approved a unit agreement for the ——— Unit Area, wherein the First Party is designated as Unit Operator; and

Whereas the First Party desires to transfer, assign, release, and quitclaim, and the Second Party desires to assume all the rights, duties and obligations of Unit Operator under the unit agreement; and

Whereas for sufficient and valuable consideration, the receipt whereof is hereby acknowledged, the First Party has transferred, conveyed, and assigned all his/its rights under certain operating agreements involving lands within the area set forth in said unit agreement unto the Second Party;

Now, therefore, in consideration of the premises hereinbefore set forth, the First Party does hereby transfer, assign, release, and quitclaim unto Second Party all of First Party's rights, duties, and obligations as Unit Operator under said unit agreement; and

Second Party hereby accepts this assignment and hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of said unit agreement to the full extent set forth in this assignment, effective upon approval of this indenture by the (Name and Title of authorized officer, BLM); said unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

(Witnesses)

(Witnesses)

(First Party)

(Second Party)

I hereby approve the foregoing indenture designating ——— as Unit Operator under the unit agreement for the ——— Unit Area, this — day of ———, 19—.

Authorized officer of the Bureau of Land Management

[FR Doc. 83-15080 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

30 CFR Part 256

Offshore Lessee/Payor; Payment by Electronic Funds Transfer (EFT)

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Interim rule with request for comments.

SUMMARY: The MMS is publishing an interim regulation requiring any offshore lessee/payor to remit payment to MMS by Electronic Funds Transfer (EFT), when the total payment on any given day to MMS at the Royalty Management Accounting Center (RMAC) Lakewood, Colorado, totals $50,000 or more for royalties and rentals. Payment of the four-fifth bonus and first year's rental shall also be made by EFT.

This remittance method will provide the U.S. Treasury with funds on the actual date of transfer rather than several days later, as is the case with current manual check clearing procedures. It will also significantly improve MMS internal controls for handling cash receipts.

DATES: Interim rule effective July 11, 1983. Comments must be received on or before August 9, 1983.

ADDRESS: Send written comments to Deputy Associate Director for Royalty Management (Policy), 12203 Sunrise Valley Drive, Mail Stop 660, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Orie L. Kelm, (703) 860–7511, (FTS) 928–7511.

SUPPLEMENTARY INFORMATION: This rule requires EFT payment utilizing the Treasury Financial Communications System (TFCS), when the aggregated amount paid to MMS on any given day is $50,000 or more for royalties and rentals. Payments to MMS by EFT for royalties and rentals shall begin only after payor is notified by RMAC. The four-fifths bonus amounts and first year's rentals are also to be paid by EFT, beginning January 1, 1984. Detailed instructions will be provided in the notice of each lease offering.

Payors will not be held responsible for late payments resulting from any third party, mechanical or systems failure of the TFCS. However, late payments resulting from a payor's action, such as improper coding instructions that he gives to his bank to authorize EFT, will be the payor's responsibility.

Daily payments to the RMAC for royalties and rentals totaling less than $50,000 may be made by check, bank draft, or money order payable to MMS. Because the payments for royalties, rentals, and the four-fifths bonus amount are often significant amounts, MMS intends to mandate the use of available technology for larger payments to ensure earlier funds availability for the Government. This interim rule will remain in effect until superseded by the final rulemaking to be published on or after January 1, 1984, after consideraton of comments.

In the past, the one-fifth bid deposit received by the Government has occasionally been returned to the high bidder due to later rejection of the bid for the convenience of the Government. The bid money was held by the Government and was returned without interest. This action places an unreasonable risk on bidders. This interim intends to provide for payment of any interest earned by the Government on the one-fifth bid deposit, if it is later returned for Government convenience. The Government is authorized to pay interest, but has never done so in such situations in the past. The amount of interest estimated to be payable is relatively small (4% of the amount estimated to be saved through use of EFT to remove the present check clearing float time advantage to industry). This provision will become effective for lease offerings after January 1, 1984.

Administrative Procedure Act

Because the overall savings to the Government is considered significant even after consideration of possible interest payments if the one-fifth deposit is returned for Government convenience, the Department of the Interior has determined that the public interest requires that this interim rule be implemented before receipt of comments. Publication of a proposed rulemaking before this interim rule would not be in the public interest because it would prevent the speedup of receipt of monies due the Government, and is waived under 5 U.S.C. 553(b).

Executive Order 12291

The Department has determined that this rule is not a major rule and does not, therefore, require the preparation of a regulatory impact analysis under Executive Order 12291 because it is estimated to result in a total economic effect of less than $5 million annually. The total and individual economic effect is not deemed significant.

Regulatory Flexibility Act

The Department has also determined that this interim rulemaking does not require a small entity flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because there will not be a substantial number of small entities affected and the economic impact on those affected will be insignificant.

National Environmental Policy Act of 1969

It is hereby determined that this interim rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

Paperwork Reduction Act of 1980

The Department has also determined that this interim rulemaking does not constitute any action requiring collection of data and, therefore, the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) does not apply.

List of Subjects in 30 CFR Part 256

Administrative practice and procedure, Banks and banking, EFT, Minerals royalties, Royalty accounting, Continental shelf, Government contracts, Oil and gas exploration, Pipelines, Public lands—mineral resources, Public lands rights-of-way, Reporting and record keeping requirements, Surety bonds.

Under the authority of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1221 *et seq.*), Part 256, Chapter II of Title 30 of the Code of Federal Regulations is amended as set forth below.

Dated: May 26, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

PART 256—OUTER CONTINENTAL SHELF MINERAL AND RIGHTS-OF-WAY MANAGEMENT; GENERAL

Section 256.13 is revised to read as follows:

§ 256.13 Payment.

(a) Payments for Royalties and Rents: All payors whose combined remittance (on payment due date) totals $50,000 or more in payment to MMS at the Royalty Management Accounting Center (RMAC), Lakewood, Colorado, for royalties and rents (note that bonuses and first year's rentals are separately considered under paragraph (c) of this section) must make payment by electronic funds transfer (EFT), utilizing the Treasury Financial Communications Systems (TFCS), unless otherwise directed by the Secretary. Payments to MMS by EFT for royalties and rentals shall begin only after payor is notified by RMAC.

(b) Each payor for those items in paragraph (a) of this section, whose combined remittance on any given day is less than $50,000 must use one of the following payment instruments made payable to MMS:

(1) Federal Reserve check
(2) Commercial check
(3) Money order
(4) Bank Draft

(c) Payment of bonus bid amounts and first year rental: Each bid must include a payment for the one-fifth bonus bid deposit amount unless otherwise directed by the Secretary. Detailed instructions of how to make payment with the bid will be included in the notice of each lease offering.

(1) Beginning with lease offerings held after January 1, 1984, the one-fifth bonus amount received from a high bidder shall be deposited into an interest bearing account pending issuance of the lease, in the Department of Treasury in an account created pursuant to an agreement between the Department of the Interior and Treasury. Investment of this amount by the Government does not indicate acceptance of the bid. The one-fifth bonus amounts submitted with bids other than the highest valid bid shall be returned to respective bidders after bids are opened, recorded and ranked. Return of such deposits will not affect the status, validity, or ranking of bids. The one-fifth bonus amount received from the high bidder and held by the Government, will be returned with actual interest earned, if the bid is subsequently rejected for Government convenience. The interest accrued during the period held in the account pending issuance of the lease will accrue to the Government when the lease is issued.

(2) The payment of the four-fifths bonus amount and the first year's rental shall be made to MMS by EFT unless otherwise directed by the Secretary. The payment by EFT must be received by Federal Reserve Bank of New York no later than noon, eastern standard time, on the 10th business day after receipt of the lease forms by the successful bidder. The lease will not be executed by the authorized officer until payment is received. Failure to remit by EFT, or as directed by the Secretary, within the time specified above will result in forfeiture of the one-fifth bonus amount and the lease will not be executed by the authorized officer. Payors will not be held responsible for late payment due to third, party, mechanical or systems failure of TFCS.

(d) Payments for pipeline rights-of-way and costs for grants of same, shall be remitted to MMS by cash, check, or bank draft unless otherwise directed by the Secretary.

(e) Payments for other items, such as filing charges and fees, shall be made to the manager of the appropriate Outer Continental Shelf field office by cash, check, or bank draft, payable to MMS unless otherwise directed by the Secretary.

[FR Doc. 83-15521 Filed 6-9-83; 8:45 am]
BILLING CODE 4310-MR-M

DEPARTMENT OF EDUCATION

34 CFR Part 668

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Notice regarding implementation of final regulations for the Student Assistance General Provisions—Selective Service Registration Requirements.

SUMMARY: The Secretary of Education announces that the regulations on registration with Selective Service as a condition for receipt of student financial assistance will not be enforced by the Secretary while a preliminary injunction prohibiting the enforcement of these regulations is in effect.

FOR FURTHER INFORMATION CONTACT: Mr. William Moran, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Ave. SW. (Room 4100, Regional Office Building 3), Washington, D.C. 20202, (202) 245–2247.

SUPPLEMENTARY INFORMATION: On April 11, 1983, the Secretary of Education published regulations amending Subpart B of the Student Assistance General Provisions, 34 CFR Part 668, to implement section 113 of the Fiscal Year 1983 Defense Department Authorization Act (Pub. L. 97–252) 48 FR 15578–84. Section 113 provides that beginning with the 1983–1984 award year, any student who is required to be registered with Selective Service and fails to register is ineligible for student financial assistance provided through programs established under Title IV of the Higher Education Act.

These programs include the Pell Grant, Supplemental Educational Opportunity Grant (SEOG), College Work Study (CWS), National Direct Student Loan (NDSL), Guaranteed Student Loan (GSL), PLUS Loan, and State Student Incentive Grant Programs.

The regulations took effect on May 26, 1983. However, in accordance with a preliminary injunction issued by the United States District Court for the District of Minnesota, the Secretary will not enforce the regulations until the preliminary injunction is dissolved or modified. Another notice in the **Federal Register** will be published in the event of such dissolution or modification.

Dated: June 6, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83–15601 Filed 6–9–83; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6377

[W–56230]

Wyoming; Partial Revocation of Phosphate Withdrawal

Correction

In FR Doc. 83–13169 beginning on page 22149 in the issue of Tuesday, May 17, 1983, make the following correction:

On page 22150, first column, in the land description for T. 39 N., R. 116 W., the last line of the entry for Sec. 19 should have read "NW¼NE¼ NW¼SE¼, and NW¼NW¼SE¼;"

BILLING CODE 1505–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6529]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP) and eligible for second layer insurance coverage. These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the regular program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area[1]	Hazard area identified
New Jersey:				
Bergen County	Edgewater, borough of	340029	750925, emergency; 830410, regular	740802
Gloucester County	Harrison, township of	340205	750407, emergency; 830401, regular	740729
Sussex County	Hopatcong, borough of	340452	741210, emergency; 830401, regular	740528
Gloucester County	Pitman, borough of	340211	750716, emergency; 830401, regular	740315
New York:				
Chautauqua County	Kiantone, town of	361075	751210, emergency; 830401, regular	741018
Chenango County	Preston, town of	361306	761227, emergency; 830401, regular	750117

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area[1]	Hazard area identified
Pennsylvania:				
Schuylkill County	Ryan, township of	422019	750407, emergency; 830401, regular	741129
Chester County	West Fallowfield, township of	422802	750319, emergency; 830401, regular	750103
Schuylkill County	West Mahanoy, township of	420792	730516, emergency; 830401, regular	740629
Alabama: Etowah County	Gadsden, city of	010080	760412, emergency; 830404, regular	740308
California: San Mateo County	San Mateo County[2]	060311	750827, emergency; 830404, regular	741101
Florida: Nassau County	Callahan, town of	120171	760502, emergency; 830404, regular	740719
Iowa:				
Union County	Creston, city of	190264	741018, emergency; 830404, regular	740628
Shelby County	Harlan, city of	190248	740627, emergency; 830404, regular	740628
Mills County	Pacific Junction, city of	190206	741223, emergency; 830404, regular	0
Idaho: Nez Perce County	Nez Perce County[2]	160101	790222, emergency; 830404, regular	771025
Kansas: McPherson County	McPherson County[2]	200214	780630, emergency; 830404, regular	770628
Louisiana:				
Bossier Parish	Bossier City, city of	220033	740628, emergency; 830404, regular	740628
Iberia Parish	Delcambre, town of	225225	740701, emergency; 830404, regular	740405
Vermilion Parish	Erath, town of	220224	740628, emergency; 830404, regular	740308
Lafayette Parish	Scott, town of	220106	740924, emergency; 830404, regular	740628
Michigan: Calhoun County	Battle Creek, city of	260051	750702, emergency; 830404, regular	740719
North Dakota: Morton County	Flasher, city of	380069	750813, emergency; 830404, regular	741206
Nebraska: Saunders County	Yutan, village of	310406	750718, emergency; 830404, regular	760613
New Hampshire: Hillsborough County	Hancock, town of	330089	750425, emergency; 830404, regular	740531
New Jersey:				
Burlington County	Bass River, township of	340085	740123, emergency; 830404, regular	740510
Monmouth County	Freehold, township of	340297	750209, emergency; 830404, regular	740215
New York:				
Onondaga County	Cicero, town of	360572	740623, emergency; 830404, regular	741101
Cayuga County	Conquest, town of	360106	770624, emergency; 830404, regular	740618
Greene County	Jewett, town of	361114	800513, emergency; 830404, regular	771223
Herkimer County	Little Falls, city of	360010	740909, emergency; 830404, regular	740308
Pennsylvania: York County	Manheim, township of	422224	750421, emergency; 830404, regular	741227
Virginia:				
Tazewell County	Cedar Bluff, town of	510162	741129, emergency; 830404, regular	740810
Do	Richlands, town of	510163	741205, emergency; 830404, regular	760618
Vermont: Franklin County	Highgate, town of	500055	760127, emergency; 830404, regular	740531
West Virginia:				
Ohio County	Ohio County[2]	540149	751202, emergency; 830404, regular	741129
Wetzel County	Wetzel County[2]	540207	760116, emergency; 830404, regular	741220
Nevada: Lander County	Lander County[2]	320013	750626, emergency; 830405, regular	740726
Florida: Pasco County	Zephyrhills, city of	120235	750807, emergency; 830406, regular	740201
Georgia: Fulton County	Mountain Park, city of	130315	830406, emergency; 830406, regular	760113
New Jersey:				
Salem County	Elmer, borough of	340414	750519, emergency; 830408, regular	740628
Warren County	Independence, township of	340487	750815, emergency; 830408, regular	740726
New York:				
Chautauqua County	Arkwright, town of	361105	760618, emergency; 830408, regular	741018
Chenango County	Columbus, town of	361066	751118, emergency; 830408, regular	741018
Wayne County	Red Creek, village of	361548	800117, emergency; 830408, regular	750110
Pennsylvania: Chester County	Highland, township of	422286	770625, emergency; 830408, regular	741129
Nevada: Nye County	Nye County[2]	320018	760115, emergency; 830412, regular	741018
New Jersey: Salem County	Quinton, township of	340422	750428, emergency; 830415, regular	740629
California: Placer County	Placer County[2]	060239	830107, emergency; 830418, regular	770712
Colorado: Gunnison County	Gunnison, city of	080080	750618, emergency; 830418, regular	740522
Florida: Lake County	Clermont, city of	120133	750218, emergency; 830418, regular	740531
Kentucky: Floyd County	Allen, town of	210070	770414, emergency; 830418, regular	740123
Louisiana: Bossier Parish	Bossier Parish[2]	220031	750214, emergency; 830418, regular	770906
Maine: York County	Kennebunkport, town of	230170	750627, emergency; 830418, regular	741206
Michigan: Monroe County	Dundee, township of	260144	750429, emergency; 830418, regular	740222
Minnesota: Chisago County	Chisago County[2]	270662	750904, emergency; 830418, regular	771025
New Hampshire:				
Hillsborough County	Bennington, town of	330084	750725, emergency; 830418, regular	740308
Sullivan County	Cornish, town of	330165	750827, emergency; 830418, regular	741129
Do	Croydon, town of	330156	780324, emergency; 830418, regular	741129
Do	Plainfield, town of	330162	740816, emergency; 830418, regular	740329
Coos County	Stratford, town of	330229	750916, emergency; 830418, regular	740726
Grafton County	Wentworth, town of	330078	751030, emergency; 830418, regular	740816
New Jersey:				
Bergen County	Closter, borough of	340223	750605, emergency; 830418, regular	740906
Salem County	Lower Alloways Creek, township of	340416	750520, emergency; 830418, regular	740913
Sussex County	Newton, town of	340463	750311, emergency; 830418, regular	740628
Bergen County	Norwood, borough of	340267	750530, emergency; 830418, regular	740116
New York:				
Suffolk County	Huntington Bay, village of	361543	750114, emergency; 830418, regular	750107
Cayuga County	Montezuma, town of	360118	750806, emergency; 830418, regular	740531
Oneida County	New Hartford, town of	360535	740622, emergency; 830418, regular	740531
Suffolk County	Northport, village of	360601	740426, emergency; 830418, regular	740412
Do	Old Field, village of	361545	760615, emergency; 830418, regular	750725
Greene County	Tannersville, village of	360297	750715, emergency; 830418, regular	740607
Pennsylvania:				
Berks County	Spring, township of	421108	721012, emergency; 830419, regular	740913
Do	Wyomissing, borough of	421375	740628, emergency; 830419, regular	741122
Arkansas:				
Lonoke County	Cabot, city of	050309	750825, emergency; 830419, regular	770602
Perry County	Perryville, city of	050362	760512, emergency; 830419, regular	750418
Oklahoma:				
Leflore County	Arkoma, town of	400043	770203, emergency; 830419, regular	760613
Do	Cameron, town of	400271	770208, emergency; 830419, regular	760613
Missouri: Christian County	Nixa, city of	290078	830422, emergency; 830422, regular	740628
Washington: Pierce County	Bonney Lake, town of	530274	821014, emergency; 830426, regular	781029
Illinois: Scott County	Bluffs, village of	170606	830428, emergency; 830428, regular	740607
New Jersey: Camden County	Waterford, township of	340147	750715, emergency; 830429, regular	740628

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area[1]	Hazard area identified
[illegible]				
Humboldt County	Arcata, city of	060061	750529, emergency; 830502, regular	740629
Alameda County	Fremont, city of	065028	710129, emergency; 830502, regular	750214
Colorado: Eagle County	Vail, town of	080054	760613, emergency; 830502, regular	760919
Louisiana: St. Charles Parish	St. Charles Parish [2]	220160	740208, emergency; 830502, regular	741101
Massachusetts:				
Worchester County [3]	Grafton, town of	250306	750729, emergency; 830502, regular	740405
Plymouth County	Hull, town of	250259	721229, emergency; 830502, regular	751210
Maryland: Anne Arundel County	Anne Arundel County [2]	240008	720303, emergency; 830502, regular	741115
Michigan:				
Wayne County	Dearborn Heights, city of	260221	730112, emergency; 830502, regular	740719
Monore County	South Rockwood, village of	260320	750905, emergency; 830502, regular	740201
Oakland County	Troy, city of	260180	730223, emergency; 830502, regular	740626
Nebraska: Red Willow County	McCook, city of	310181	780206, emergency; 830502, regular	761119
New Jersey:				
Atlantic County	Galloway, township of	340008	740326, emergency; 830502, regular	750103
Ocean County	Manchester, township of	340352	731010, emergency; 830502, regular	741018
Do.	Tuckerton, borough of	340345	730809, emergency; 830502, regular	740301
New York:				
Steuben County	Bath, town of	360756	760331, emergency; 830502, regular	751001
Suffolk County	Westhampton Beach, village of	365345	710226, emergency; 830502, regular (revision)	730701
[illegible]				
Wood County	Grand Rapids, village of	390585	750219, emergency; 830502, regular	740301
Do.	Millbury, village of	390586	750818, emergency; 830502, regular	740301
Do.	Perrysburg, city of	390588	750827, emergency; 830502, regular	740322
Do. [4]	Rossford, city of	390589	750827, emergency; 830502, regular	740301
Lawrence County	South Point, village of	390830	760209, emergency; 830502, regular	750103
Oklahoma: Washita County	New Cordell, city of	400224	750707, emergency; 830502, regular	740626
[illegible]				
Cumberland County	Silver Spring, township of	420370	730302, emergency; 830502, regular	740315
Blair County	Tyrone, borough of	420184	730709, emergency; 830502, regular	731226
Texas: Jim Wells County	Jim Wells County [2]	481258	750721, emergency; 830502, regular	770616
Vermont: Washington County	East Montpelier, town of	500111	740618, emergency; 830502, regular	740614
Washington: Yakima County	Union Gap, city of	530229	750430, emergency; 830502, regular	740109
Texas: Hall County	Memphis, city of	480279	750707, emergency; 830502, regular	820610
Total is: 110				

[1] Key for reading fourth column (effective date): First two digits designate the year. Middle two digits designate the month. Last two digits designate the day.
[2] Unincorporated areas.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: May 26, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15440 Filed 6-9-83; 8:45 am]

[illegible] CODE 6718-03-M

---

44 CFR Part 64

[Docket No. FEMA 6530]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 3429, Bethesda, Maryland, 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street SW., Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and

Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Alaska: Yukon-Koyukuk Division	Galena, city of	020124	Apr. 26, 1983, emergency	
Arkansas: Poinsett	Unincorporated areas	050172A	May 6, 1983, emergency	June 7, 1977.
Oklahoma: Oklahoma	...do	400466A	...do	July 13, 1982.
Indiana: Grant	...do	180435A	...do	May 19, 1978.
Colorado: Yuma	...do	080291	May 3, 1983, emergency	
New York: Putnam	Nelsonville, village of	36109A	...do	Dec. 16, 1977.
Tennessee: Fayette	Gallaway, town of	470046A	Jan. 26, 1976, emergency; July 5, 1982, regular; July 5, 1982, suspended; May 3, 1983, reinstated.	Dec. 13, 1974.
Utah: Utah	Spanish Fork, city of	490241	May 4, 1983, emergency	
Louisiana: Vernon	New Llano, town of	220340	May 12, 1983, emergency	Apr. 9, 1976.
Michigan: Kalamazoo	Oshtemo, charter township of	260736-New	...do	
New Hampshire: Coos	Milan, town of	330035	...do	June 28, 1974.
New York: Lewis	Harrisville, village of	361451B	May 16, 1983, emergency	Nov. 15, 1974 and May 28, 1976.
North Dakota:				
Richland	Ibsen, township of	380672-New	...do	
Bottineau	Haram, township of	380673-New	...do	
Colorado: Delta	Orchard City, town of	080258B	May 16, 1983, emergency; May 16, 1983, regular.	May 27, 1977 and July 16, 1981.
West Virginia: Raleigh	Mabscott, town of	540286	May 16, 1983, emergency	Nov. 20, 1981.
Arkansas: Crittenden	Unincorporated areas	050429A	May 18, 1983, emergency	Dec. 6, 1977.
Montana: Teton	...do	300166A	April 11, 1978, emergency; May 18, 1983, suspended; May 18, 1983, reinstated.	Nov. 22, 1977.
Iowa: Wapello	...do	190911A	May 23, 1983, emergency	Oct. 25, 1977.
New York: Montgomery	Nelliston, village of	360453C	May 13, 1976, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended; May 23, 1983, reinstated.	Apr. 30, 1976, July 1, 1977, Feb. 15, 1974.
Louisiana: Livingston Parish	French Settlement, village of	220117B	May 25, 1983, emergency	Oct. 25, 1974, Mar. 12, 1976 and Dec. 28, 1978.
New Hampshire: Cheshire	Chesterfield, town of	330183A	May 26, 1983, emergency	Dec. 13, 1977.
Colorado: Larimer	Loveland, city of	080103B	Sept. 18, 1975, emergency; Sept. 1, 1978, regular; Sept. 1, 1978, suspended; May 25, 1983, reinstated.	Mar. 1, 1974 and Dec. 17, 1976.
California: Alameda	Fremont, city of	065028	May 2, 1983, suspension withdrawn	Feb. 14, 1975, June 21, 1977, Oct. 9, 1973.
Colorado: Eagle	Vail, town of	080054B	...do	Sept. 18, 1978.
Connecticut: New Haven	New Haven, city of	090084C	...do	June 7, 1974, July 16, 1980.
Louisiana: St. Charles Parish	Unincorporated areas	220100B	...do	Nov. 1, 1974, June 28, 1977.
Maryland: Anne Arundel	...do	240008C	...do	Nov. 15, 1974, Nov. 9, 1979 and Aug. 4, 1978.
Massachusetts:				
Worcester	Grafton, town of	250306C	...do	Apr. 5, 1974, Mar. 14, 1980 and Oct. 15, 1976.
Plymouth	Hull, town of	250269B	...do	Dec. 10, 1976, Feb. 22, 1980.
Michigan:				
Wayne	Dearborn Heights, city of	260221D	...do	July 19, 1974, Oct. 17, 1975.
Monroe	South Rockwood, village of	260320D	...do	Feb. 1, 1974, June 27, 1975.
Minnesota: Houston	LaCrescent, city of	270237B	...do	July 20, 1973, July 1, 1974 and Nov. 28, 1975.
Nebraska: Red Willow	McCook, city of	310161A	...do	Nov. 19, 1976.
New Jersey:				
Atlantic	Galloway, township of	340008B	...do	Jan. 3, 1975, Apr. 30, 1976.
Ocean	Manchester, township of	340362B	...do	Oct. 18, 1974, June 4, 1976.
Do	Tuckerton, borough of	340395B	...do	Mar. 1, 1974, June 25, 1976.
New York:				
Steuben	Bath, town of	360760B	...do	Aug. 28, 1974, Oct. 1, 1976.
Suffolk	Westhampton Beach, village of	360345D	...do	July 1, 1972, July 1, 1974 and Feb. 6, 1976.
Ohio:				
Wood	Grand Rapids, village of	390565B	...do	Mar. 1, 1974 and Jan. 30, 1976.
Do	Perrysburg, city of	390569B	...do	Aug. 22, 1975.
Oklahoma: Washita	New Cordell, city of	400224B	...do	June 28, 1974, Feb. 11, 1977.
Pennsylvania:				
Cumberland	Silver Spring, township of	420370B	...do	Mar. 15, 1974, Nov. 12, 1976.
Blair	Tyrone, borough of	420154B	...do	Dec. 28, 1973, June 4, 1976
Texas:				
Galveston	Crystal Beach, township of	420164	...do	Sept. 30, 1976.
Do	Uninc. areas	485470C	...do	Apr. 8, 1971, June 24, 1972, and July 1, 1974.
Jim Wells	...do	481256C	...do	June 10, 1977, June 17, 1980.
Washington: Yakima	Union Gap, city of	530229B	...do	Jan. 9, 1974, Jan. 30, 1976.
Wisconsin: Rock	Beloit, city of	555544B	...do	July 10, 1971, Apr. 23, 1976.
Illinois: Scott	Naples, village of	170509B	...do	Apr. 2, 1976, Jan. 9, 1974.
Michigan: Oakland	Troy, city of	260180C	...do	June 28, 1974 and June 7, 1974.
Ohio: Wood	Rossford, city of	390569B	...do	Mar. 1, 1974 and May 28, 1976.
Arkansas: Pulaski	Unincorporated areas	050179	May 16, 1983, suspension withdrawn	July 16, 1981.
Colorado: Gunnison	Gunnison, city of	080060	...do	Dec. 26, 1975.
Illinois:				
Jackson	Grand Tower, city of	170300	...do	June 8, 1979.
Franklin	West Frankfort, city of	170226	...do	Oct. 13, 1978.
Kansas: Barton	Great Bend, city of	200019	...do	Mar. 19, 1976.
Maryland: Worcester	Ocean City, town of	245207	...do	Feb. 6, 1976.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Massachusetts:				
Worcester	Fitchburg, city of	250304	do.	Oct. 3, 1975.
[illegible]	Portage, city of	260577	do.	Sept. 19, 1975.
Missouri: Jefferson	Unincorporated areas	[illegible]	do.	July 29, 1980.
New Jersey:				
Ocean	Island Heights, borough of	340374	do.	July 19, 1974, Dec. 19, 1975 and June 15, 1979.
Bergen	Norwood, borough of	340057	do.	July 23, 1976.
New York:				
[illegible]	Avoca, village of	360765	do.	Mar. 5, 1976.
Nassau	Baxter Estates, village of	360459	do.	Oct. 24, 1975.
[illegible]	Cohocton, town of	360771	do.	May 28, 1976.
Do.	Cohocton, village of	360556	do.	Jan. 2, 1976.
Wayne	Galen, town of	361225	do.	Nov. 19, 1976.
Nassau	Lawrence, village of	360476	do.	Aug. 6, 1976.
Oneida	New York Mills, village of	360537	do.	June 7, 1974.
Greene	Prattsville, town of	[illegible]	do.	Apr. 1, 1975.
Nassau	North Hempstead, town of	360482	do.	Apr. 15, 1977.
[illegible]	Rye, city of	360931	do.	Apr. 01, 1980.
[illegible]				
Knox	Knoxville, city of	475434	do.	Feb. 11, 1977.
Do.	Unincorporated areas	475433	do.	Mar. 18, 1977.
Michigan: Calhoun	Battle Creek, city of	260051	do.	Nov. 7, 1985.
Minnesota: Marshall	Stephen, city of	270273	May 15, 1983, suspension withdrawn	June 4, 1976 and May 17, 1974.
Illinois: Tazewell	Marquette Heights, city of	170650	May 16, 1983, suspension withdrawn	Sept. 28, 1979.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support.)

Issued May 26, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15441 Filed 6-9-83; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; Alabama et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 1229, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Anniston, Calhoun County (FEMA-6470)	Cane Creek	Approximately 100 feet downstream of Southern Railway.	*670
			Approximately 250 feet upstream of Weaver Road	*677
		Cave Creek	Approximately 60 feet downstream of Weaver Road	*675
			Just downstream of Cave Road	*696
			Just upstream of State Highway 21 southbound	*741
		Snow Creek	Approximately 200 feet downstream of Noble Street	*640
			Approximately 100 feet upstream of F Street	*660
			Approximately 150 feet upstream of Glen Addie Avenue.	*687
			Approximately 100 feet upstream of 16th Street	*706
		Hobson Creek	Just upstream of Front Avenue	*639
			Just downstream of McDaniel Street	*660
		Pilgrim Creek	Just upstream of Quintard Avenue (shallow flooding)	#1
			Just upstream of 7th Street	*759
			Approximately 70 feet upstream of Kirkwood Avenue	*773
		Golden Springs Branch	Approximately 220 feet upstream of Lyda Road	*809
			Just upstream of Choccolocco Road	*809
			Approximately 90 feet upstream of Golden Springs Road.	*857
			Just downstream of Shamrock Road	*864
		Boiling Springs Branch	Approximately 120 feet upstream of Rosetta Lane	*861
			Approximately 70 feet downstream of Greenbriar Drive	*823
		Dearmanville Branch	Just upstream of Greenbriar Drive	*871
			Approximately 70 feet upstream of Lara Drive Extension.	*757
		West Branch (Shallow Flooding)	Just upstream of Southern Railway	#1
		East Branch (Shallow Flooding)	Just upstream of 10th Street	#2
Maps available for inspection at Planning Office, City Hall, Anniston, Alabama 36202.				
Alabama	Unincorporated Areas of Calhoun County (FEMA-6470).	Cane Creek	Just upstream of Louisville and Nashville Railroad	*612
			Just upstream of Saks Road	*640
			Just upstream of Nielsen Street	*754
		Lenlock Branch	Just upstream of Glade Circle	*671
		Cave Creek	Approximately 100 feet downstream of 4th Avenue	*745
			Just downstream of 2nd Avenue	*788
		Remount Creek	Just upstream of Galloway Road	*714
			Just upstream of Baltzell Road	*715
			Just upstream of Summerall Gate Road	*771
		South Branch (Cane Creek)	Just upstream of 10th Street	*731
			Just upstream of 20th Street	*752
			Just upstream of 23rd Street	*788
			Just downstream of Rock Hollow Road	*847
		Ingram Creek	Just downstream of Rock Hollow Road	*813
		Choccolocco Creek	Just downstream of Boiling Springs Road	*617
		Snow Creek	Just upstream of U.S. Highway 431 and State Highway 21.	*631
		Golden Springs Branch	Approximately 80 feet upstream of U.S. Highway 431	*623
			Approximately 80 feet downstream of Greenbriar Drive	*858
		Boiling Springs Branch	Just upstream of Miller Lane	*856
		Dearmanville Branch	Approximately 340 feet upstream of Golden Springs Road.	*821
			Approximately 100 feet downstream of Southern Railroad.	*652
		Terrapin Creek	Just upstream of Southern Railway	*658
			Approximately 170 feet upstream of U.S. Highway 278	*651
		Mill Creek	Just upstream of Seaboard Coastline Railroad	*724
			Just downstream of State Highway 21	*752
		Mill Creek Tributary No. 1	Approximately 70 feet downstream of State Highway 21.	*714
			Just upstream of State Highway 21	*717
			Just downstream of Private Drive (approximately 1360 feet upstream of State Highway 21).	*735
		Nances Creek	Approximately 470 feet downstream of Southern Railway.	*662
			Just upstream of County Highway 70	*676
			Just downstream of Spencer Street	*684
		Nances Creek Tributary No. 2	Approximately 250 feet upstream of confluence with Nances Creek.	*663
		Tallasseehatchee Creek	Just upstream of State Highway 204	*657
		Little Tallasseehatchee Creek	Just downstream of Southern Railway	*629
			Just upstream of Southern Railway	*643
			Approximately 350 feet upstream of Alexandria Road	*645
Maps available for inspection at Civil Defense Office, 25 West Eleventh Street, and at the Calhoun County Courthouse, Anniston, Alabama 36201.				
Alabama	City of Hobson City, Calhoun County (FEMA-6470)	Park Creek	Just upstream of Church Street	*668
			Just upstream of Park Avenue	*694
		Hobson Creek	Just upstream of Church Street	*671
Maps available for inspection at City Clerk's Office, City Hall, 610 Park Avenue, Hobson City, Alabama 36201.				
Alabama	City of Tallassee, Elmore and Tallapoosa Counties (FEMA-6470).	Graveyard Creek	Approximately 200 feet upstream of Noble Street	*304
		Lewis Creek	Approximately 220 feet downstream of Friendship Road.	*274
Maps available for inspection at City Hall, 214 Varnett Boulevard, Tallassee, Alabama 36078.				
Alabama	City of Weaver, Calhoun County (FEMA-6470)	Cave Creek	Just downstream of Lott Street (Extended)	*751
Maps available for inspection at City Hall, 406 Anderson Street, Weaver, Alabama 37277.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Long Beach (City), Los Angeles County (FEMA-6470).	Pacific Ocean, San Pedro Bay	80 feet south from center of intersection of Seaside Walk with 66th Place.	*6
		Alamitos Bay	Center of intersection of Division Street with Pomona Avenue.	*6
		Los Cerritos Channel	At the intersection of channel with Pacific Coast Highway.	*6
		Pacific Ocean, San Pedro Bay	750 feet south from center of intersection of Ocean Boulevard with Alamitos Avenue.	*7
		Los Angeles River	At the intersection of channel with Queens Way	*7
		Shallow Flooding	Center of intersection of 7th Street with Prospect Avenue.	*9
		Shallow Flooding	Center of intersection of Cowles Street with San Francisco Avenue.	*9
Maps available for inspection at Engineering and Planning Department, 333 W. Ocean Boulevard, Long Beach, California.				
California	Placerville (City), El Dorado County (FEMA-6485)	Hangtown Creek Tributary	18 feet upstream from center line of Airport Road	*2145
		Cedar Ravine	21 feet upstream from center line of Darlington Avenue.	*1914
		Randolph Canyon	100 feet upstream from center of Camino, Placerville and Lake Tahoe Railroad.	*1926
		Hangtown Creek	At the intersection of Canal Street and Main Street	*1822
			At the intersection of Lucky Street and Broadway	*1911
Maps available for inspection at the Department of Community Development, 487 Main Street, Placerville, California.				
California	Pleasant Hill (City), Contra Costa County (FEMA-6485).	Mangini Creek	25 feet upstream of the centerline of Apollo Way	*73
		East Fork Grayson Creek	Intersection of Leslie Drive and Margie Drive	#2
Maps available for inspection at the Department of Community Planning, 3300 N. Main Street, Pleasant Hill, California.				
California	Redondo Beach (City), Los Angeles County (FEMA-6470).	Pacific Ocean	At Pleasure Pier	*6
			120 feet west from center of intersection of Harbor Drive and Diamond Street.	*4
			500 feet west from center of intersection of Hopkins Way and Yacht Club.	*8
		Shallow Flooding	50 feet west from center of intersection of Ripley Avenue and Rindge Lane.	*82
			75 feet east from center of intersection of Goodmen and Wylie Avenue.	*93
			Center of intersection of Vincent Street and South Irena Avenue.	*81
			150 feet south from center of intersection of South Juanita Avenue and Camino Real.	*120
			Center of intersection of Avenue H and Massena Avenue.	*83
Maps available for inspection at Engineering Department, 415 Diamond Avenue, Redondo Beach, California.				
Connecticut	Easton, Town, Fairfield County (Docket No. FEMA-6485).	Aspetuck River	Downstream corporate limits	*190
			Upstream Old Redding Road	*220
			Upstream State Route 58	*230
		Ballwall Brook	Confluence with Aspetuck River	*235
			Upstream Staples Road	*271
		Mill River	Downstream corporate limits	*118
			Upstream first crossing South Park Avenue	*142
			Upstream second crossing South Park Avenue	*164
		Morehouse Brook	Confluence with Mill River	*120
			Upstream Dogwood Drive	*155
			Approximately 600' upstream of Dogwood Drive	*209
			Upstream Second Dam	*259
			Upstream Delaware Road	*274
			Upstream corporate limits	*298
Maps available for inspection at the Town Hall, 274 Center Road, Easton, Connecticut.				
Florida	Punta Gorda (city), Charlotte County, FEMA-6485	Charlotte Harbor	At the intersection of Ann Street and Naranja Street	*8
			At the center of intersection of Bastia Court and Macellinia Drive.	*10
			At the center of intersection of Maud Street and West Marion Avenue.	*11
Maps available for inspection at the Building Department, 326 W. Marion Avenue, Punta Gorda, Florida.				
Idaho	Firth (city), Bingham County, FEMA-6442	Snake River	Intersection of Pine Avenue and Wilson Street	*4562
			Intersection of Park Avenue and Lincoln Street	*4567
			Intersection of U.S. Highway 91 and Goshen Junction Road.	*4565
Maps available for inspection at City Hall, Firth, Idaho.				
Illinois	(V) Elizabethtown, Hardin County, (Docket No. FEMA-6470).	Ohio River	Within corporate limit	*358
Maps available for inspection at the Clerk's Office, Elizabethtown, Illinois.				
Illinois	(C) Havana, Mason County, (Docket No. FEMA-6485)	Illinois River	Within the community	*453
Maps available for inspection at City Hall, 227 West Main Street, Havana, Illinois.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V) Hillview, Greene County, (Docket No. FEMA-6442).	Illinois River	Within the corporate limits	*443
		Hurricane Creek	Just upstream of Main Street	*643
			About 1.07 miles upstream of Main Street	*655
Maps available for inspection at the Office of the Clerk, Village Hall, Hillview, Illinois.				
Illinois	(C) Keithsburg, Mercer County, (Docket No. FEMA-6470).	Mississippi River	About 1.4 miles, downstream of confluence of Pope Creek.	*543
			About 0.9 mile upstream of confluence of Pope Creek	*544
Maps available for inspection at City Hall, Fourth and Main Streets, Keithsburg, Illinois.				
Illinois	(V) Mahomet, Champaign County, (Docket No. FEMA-6485).	Sangamon River	Just upstream of State Route 47	*664
			About 0.4 mile upstream of Interstate 74	*667
Maps available for inspection at the Clerk's Office, Village Hall, Mahomet, Illinois.				
Illinois	(C) Marion, Williamson County (Docket No. FEMA-6471l).	Westernaire Creek	Just upstream of West Main Street	*421
			Just upstream of DeYoung Street	*432
		West Fork Westernaire Creek	At mouth at Westernaire Creek	*423
			About 1300 feet upstream of mouth	*426
		Campground Creek	Just upstream of West Main Street	*424
			Just upstream of Illinois Central Gulf Railroad	*426
		West Fork Campground Creek	At mouth at Campground Creek	*424
			Just downstream of Illinois Central Gulf Railroad	*424
		East Fork Campgraound Creek	Just upstream of West Main Street	*425
			About 1300 feet upstream of Halfway Road	*430
		Mule Creek	At mouth at Fairgrounds Creek	*426
			Just upstream of Harper Street	*436
			About 600 feet upstream of Madison Street	*441
		High School Tributary	At mouth at Crab Orchard Creek	*430
			Just upstream of South Carbon Street	*430
		North Fork High School	Mouth at High School Tributary	*423
			Just downstream of Hendrickson Street	*430
		Fairgrounds Creek	At mouth at Crab Orchard Creek	*424
			Just upstream of DeYoung Street	*434
		Westend Creek	At mouth at Fairgrounds Creek	*424
			Just upstream of Goodall Street	*434
		North Fork Westend Creek	At mouth at Westend Creek	*430
			Just upstream of Stockton Street	*438
		Crab Orchard Creek	About 100 feet upstream of confluence of High School Tributary.	*430
			About 300 feet upstream of Old Creal Springs Road	*427
			About 1900 feet downstream of DeYoung Street	*430
Maps available for inspection at the Clerk's Office, City Hall, 100 Tower Square Plaza, Marion, Illinois.				
Illinois	(V) Rockdale, Will County (Docket No. FEMA-6431)	Thorn Creek	About 100 feet downstream of Mound Road	*587
			At upstream corporate limit (Just downstream of Belleview Avenue).	*595
Maps available for inspection at the Clerk's Office, Municipal Building, Otis Avenue, Rockdale, Illinois.				
Illinois	(C) Rosiclare, Hardin County (Docket No. FEMA-6470).	Ohio River	At downstream corporate limits	*356
			At upstream corporate limits	*357
Maps available for inspection at City Hall, Main Street, Rosiclare, Illinois.				
Indiana	(C) Greensburg, Decatur County (Docket No. FEMA-6470).	Sand Creek	Downstream corporate limit	*910
			Upstream corporate limit	*924
		Gas Creek	About 0.2 mile downstream of Franklin Street	*907
			About 150 feet downstream of Franklin Street	*909
			Just upstream of Franklin Street	*918
			Just downstream of Conrail	*922
			Just upstream of Conrail	*928
		Unnamed Tributary to Muddy Fork	Abour 0.42 mile upstream of Barachel Lane	*943
			About 0.48 mile downstream of Michigan Avenue	*925
			Just downstream of Conrail	*935
Maps available for inspection at City Hall, Greensburg, Indiana.				
New Hampshire	Keene, City, Cheshire County (Docket No. FEMA-6243).	Ashuelot River	Downstream Corporate Limits	*472
			Upstream of Martell Court	*472
			Upstream of Martell Court	*472
			Upstream of Island Street	*472
			Upstream of State Route 9	*476
			Upstream of State Route 12A	*481
			Upstream Corporate Limits	*486
		Ash Swamp Brook	Downstream Corporate Limits	*472
			Upstream of Winchester Street	*472
			Approximately 650' downstream State Route 9	*475
			Approximately 600' upstream State Route 9	*485
			Approximately 100' upstream of West Street	*488
			Approximately 50' upstream of Boston and Maine Railroad.	*494
			At Arch Street	*500

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Beaver Brook	Confluence with Branch River	*472
			Upstream of Water Street	*476
			Approximately 100' downstream of George Street	*487
			Approximately 30' upstream of Old Concord Railroad	*555
			Upstream of State Route 10	*654
			Approximately 2,030' upstream of State Route 10	*680
			Upstream of State Route 9	*763
			Upstream of Stone Dam	*791
			Approximately 5,000' upstream of Stone Dam	*793
			Approximately 50' downstream of Sullivan Center Road	*804
			Upstream Corporate Limits	*822
		Branch River	Confluence with Ashuelot River	*472
			Downstream of Main Street	*472
			Approximately 5,000' upstream of Main Street	*487
			Upstream of State Route 101	*520
			Confluence of Otter Brook	*555
		Otter Brook	Confluence with Branch River	*555
			Approximately 5,000' upstream of confluence with Branch River	*604
			Approximately 100' upstream of Roxbury Road	*623
			Approximately 5,120' upstream of Roxbury Road	*669
		Minnewawa Brook	Confluence with Branch River	*555
			Approximately 100' upstream of Branch Road	*563
			Upstream Corporate Limits	*634
Maps available for inspection at the Planning Department, Keene City Hall, Keen, New Hampshire.				
New Jersey	Allenhurst, Borough, Monmouth County (Docket No. FEMA-6470..	Atlantic Ocean	Entire shoreline within community	*13
		Deal Lake	Entire shoreline within community	*11
Maps available for inspection at the Municipal Building, 125 Crolles Avenue, Allenhurst, New Jersey.				
New Jersey	Asbury Park, City, Monmouth County (Docket No. FEMA-6470).	Atlantic Ocean	Entire shoreline within community	*13
		Deal Lake	Entire shoreline within community	*11
		Sunset Lake	Entire shoreline within community	*10
		Lake Wesley	Entire shoreline within community	*10
Maps available for inspection at the City Hall, One Municipal Plaza, Asbury Park, New Jersey.				
New Jersey	Brielle, Borough, Monmouth County (Docket No. FEMA-6449).	Atlantic Ocean	Entire shoreline of Manasquan River	*10
			Glimmer Glass shoreline at Fisk Avenue	*10
		Roberts Swamp Brook	Roberts Swamp Brook upstream side of CONRAIL crossing	*8
			Upstream side of Union Avenue	*9
			Downstream side of Old Bridge Road	*12
Maps available for inspection at the Municipal Building, 601 Union Lane, Brielle, New Jersey.				
New Jersey	Brigantine, City, Atlantic County (Docket No. FEMA-6470).	Atlantic Ocean	Entire Atlantic Ocean shoreline within community	*15
			Shoreline of Bonita Tideway at 35th Street (extended)	*10
			Shoreline of Steelman Bay at Travers Place (extended)	*13
			Shoreline of Steelman Bay at 13th Street (extended)	*11
Maps available for inspection at the City Hall, 1417 West Brigantine Avenue, Brigantine, New Jersey.				
New Jersey	Loch Arbour, Village, Monmouth County (Docket No. FEMA-6470).	Atlantic Ocean	Entire shoreline within community	*13
		Deal Lake	Entire shoreline within community	*11
Maps available for inspection at the the Municipal Building, 550 Main Street, Loch Arbour, New Jersey.				
New Jersey	Mansfield, Township, Warren County (Docket No. FEMA-6470).	Musconetcong River	Downstream corporate limits	*363
			Anthony Road (upstream side)	*395
			Penwell Dam (upstream side)	*416
			Stephensburg Road (upstream side)	*435
			Ruth Lane (upstream side)	*443
			Kings Highway (upstream side)	*468
			Newburgh Road (upstream side)	*484
		Pohatcong Creek	Upstream corporate limits	*492
			Downstream corporate limits	*473
			Willever Lake Dam (upstream side)	*494
			Hoffman Road (upstream side)	*504
			Jackson Valley Road, downstream crossing (upstream side).	*545
			Mitchell Road (upstream side)	*594
			Jackson Valley Road, upstream crossing (upstream side).	*667
			Smith Road (upstream crossing)	*714
			Jane Chapel Road (downstream side)	*780
		Hances Brook	Confluence with Musconetcong River	*443
			Watters Road (upstream side)	*468
			Hazen Road (upstream side)	*477
			Highland Avenue (upstream side)	*498
		Trout Brook	Confluence with Musconetcong River	*482
			Hatchery Road	*509
Maps available for inspection at the Municipal Building, Port Murray, New Jersey.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Ventnor, City, Atlantic County (Docket No. FEMA-6470).	Atlantic Ocean	Entire Atlantic Ocean shoreline within community	*15
			Shoreline of Beach Thorofare at Harvard Avenue, extended.	*10
			Entire shoreline of Shelter Island	*11
Maps available for inspection at the City Hall, Cambridge and Atlantic Avenues, Ventnor, New Jersey.				
New Mexico	City of Albuquerque, Bernalillo County (FEMA-6470)	Rio Grande	Just upstream of Rio Bravo Boulevard	*4,931
			Just downstream of Bareias Bridge	*4,945
		Rio Grande (East Overbank)	Approximately 1,200 feet upstream of Interstate Highway 25.	*4,901
		Arroyo de las Calabacillas	Just upstream of Golf Course Road	*5,145
		Tijeras Arroyo	Just upstream of the Atchison-Topeka and Santa Fe Railroad.	*4,944
			Just upstream of Broadway Boulevard	[illegible]
			Just downstream of Four Hills Road	[illegible]
Maps available for inspection at Municipal Development Department, Fourth Floor, City Hall, 400 Marquette Avenue, N.W., Albuquerque, New Mexico 87104.				
New Mexico	Unincorporated areas of Bernalillo County (FEMA-6470).	Rio Puerco	Just downstream of Interstate Highway 40	[illegible]
		Unnamed Arroyo No. 1	Just downstream of Interstate Highway 40	[illegible]
			Just upstream of Frontage Road	[illegible]
		San Pedro Creek	Just upstream of extension of Erickson Road (Dip Section).	[illegible]
			Just upstream of State Highway 14	[illegible]
		Frost Arroyo	Just upstream of Private Drive (approximately 5,500' above confluence).	[illegible]
			Just upstream of Private Drive (approximately 7,760' above confluence).	*6,864
Maps available for inspection at County Clerk's Office, County Courthouse Annex, 505 Central N.W., Albuquerque, New Mexico 87102.				
New York	Bayville, village, Nassau County (Docket No. FEMA-6470).	Long Island Sound	Entire shoreline within community	*17
			Oyster Bay Harbor shoreline from Bayville Bridge to Bayview Avenue (extended).	*13
		Mill Neck Creek	Mill Neck Creek shoreline extended to and including the Oak Neck Creek shoreline within community.	*12
Maps available for inspection at the Village Hall, 34 School Street, Bayville, New York.				
New York	Farmington, town, Ontario County (Docket No. FEMA-6485).	Ganargua Creek	Downstream corporate limits	*511
			Browneville Road (upstream)	[illegible]
		Mud Creek	Downstream corporate limits	[illegible]
			Conrail (upstream)	[illegible]
			Boughton Hill Road (County Route 41—Shortsville Road) (upstream).	*856
			Upstream corporate limits	[illegible]
Maps available for inspection at the Town Hall, 1000 County Road #8, Victor, New York.				
New York	Gloversville, city, Fulton County (Docket No. FEMA-6449).	Cayadutta Creek	At downstream corporate limits	*727
			Downstream of East Fine Street	[illegible]
			Upstream of Lincoln Avenue	[illegible]
			Downstream of West Eleventh Avenue	[illegible]
		Tributary A	Confluence with Cayadutta Creek	[illegible]
			440' upstream of Rose Street	[illegible]
Maps available for inspection at Office of the City Clerk, City Hall, Frontage Road, Gloversville, New York.				
New York	Hadley, town, Saratoga County (Docket No. FEMA-6470).	Hudson River	Downstream corporate limits	[illegible]
			Downstream State Route 9N	[illegible]
			Confluence of Sacandaga River	[illegible]
Maps available for inspection at the Town Hall, 11418 Stoney Creek Road, Hadley, New York.				
New York	Macedon, village, Wayne County (Docket No. FEMA-6485).	Ganargua Creek	Downstream corporate limits	*457
			Upstream South Erie Street	[illegible]
			Confluence of Trap Brook	[illegible]
			Upstream corporate limits	[illegible]
		New York State Barge Canal	Upstream State Route 350	[illegible]
			Upstream Lock E-30	[illegible]
		New York State Barge Canal Bypass Channel.	Downstream corporate limits	[illegible]
			Upstream State Route 350	[illegible]
			Upstream Railroad Avenue	[illegible]
Maps available for inspection at the Village Hall, 106 Main Street, Macedon, New York.				
New York	Munnsville, village, Madison County (Docket No. FEMA-6470).	Oneida Castle	Downstream corporate limits	[illegible]
			Upstream State Route 46	[illegible]
			Upstream corporate limits	[illegible]
Maps available for inspection at the residence of Honorable J. Jack Kern, Mayor, 5322 South Main Street, Munnsville, New York.				
New York	Oneida Castle, village, Oneida County (Docket No. FEMA-6470).	Oneida Creek	Downstream corporate limits	[illegible]
			Upstream Conrail	*444
			Upstream Middle Road	*451
			Upstream corporate limits	[illegible]
Maps available for inspection at the residence of Ms. Florence Sweetman, Village Clerk, 97 Seneca Street, Oneida, New York.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Oriskany, village, Oneida County (Docket No. FEMA-6470).	Oriskany Creek	Conrail (downstream side)	*419
			Downstream State Route 69	*422
			Upstream corporate limits	*429
		Mohawk River	Downstream corporate limits (extended)	*418
			Upstream corporate limits (extended)	*419
Maps available for inspection at the Village Clerk's Office, Municpal Building, Oriskany, New York.				
New York	Oyster Bay Cove, village, Nassau County (Docket No. FEMA-6485).	Oyster Bay Harbor	Entire shoreline within community	*15
		Oyster Bay Cove	Entire shoreline within community and area south of the Village of Oyster Bay Cove-Village of Cove Neck corporate limits, near Tiffany Road and Tiffany Creek.	*12
Maps available for inspection at 6 Birch Street, Locust Valley, New York.				
New York	Paris, town Oneida County (Docket No. FEMA-6470).	Sauquoit Creek	Downstream corporate limits	*737
			Upstream 1st dam	*758
			Upstream Pinnacle Road	*809
			Upstream Holmen City Road	*877
			Upstream State Route 8 Culvert (1st crossing)	*897
			Downstream corporate limits of Village of Clayville	*930
			Upstream corporate limits of Village of Clayville	*1,050
			Upstream State Route 8 (2nd crossing)	*1,071
			Upstream State Route 8 (3rd crossing)	*1,096
			Upstream State Route 8 (4th crossing)	*1,151
			Upstream Reservoir Road	*1,179
			Approximately 0.75 mile upstream of Reservoir Road	*1,222
Maps available for inspection at the Town Clerk's Office, Sauquoit Valley Elementary School, Sulphur Spring Road, Sauquoit, New York.				
New York	Schenectady, city, Schenectady County (Docket No. FEMA-6470).	Mohawk Tiver	At downstream corporate limits	*226
			At upstream corporate limits	*232
Maps available for inspection at the City Clerk's Office, City Hall, Jay Street, Schenectady, New York.				
New York	Sherrill, city, Oneida County (Docket No. FEMA-6470).	Oneida Creek	Downstream corporate limits	*454
			Downstream of Kenwood Avenue	*470
			Upstream corporate limits	*486
Maps available for inspection at City Hall, 601 Sherrill Road, Sherrill, New York.				
New York	Stockbridge, town, Madison County (Docket No. FEMA-6470).	Oneida Creek	Downstream approximately 620 feet from County Road	*805
			Upstream corporate limits	*805
Maps available for inspection at the residence of Honorable Charles Young, Town Supervisor, 8065 Williams Road, Munnsville, New York.				
New York	Victor, town, Ontario County (Docket No. FEMA-6485).	Ganargua Creek	New York State Thruway (upstream side)	*544
			Plaster Mill Road (upstream side)	*549
			CONRAIL bridge (upstream side)	*554
		Mud Creek	State Route 96 (upstream side)	*564
			Most downstream corporate limits	*568
			Upstream corporate limits	*682
		Irondequoit Creek	New York State Thruway (upstream side)	*489
			Abandoned railroad (upstream side)	*500
			Norris Street (upstream side)	*514
		Tributary to Irondequoit Creek	Wangum Road (upstream side)	*500
			Approximately .53 mile upstream Wangum Road	525
Maps available for inspection at the Town Hall, 85 East Main Street, Victor, New York.				
New York	Wawarsing, town, Ulster County (Docket No. FEMA-6442).	Rondout Creek	Downstream corporate limits	*253
			42nd Street (upstream)	*256
			U.S. Route 44, State Route 55 (upstream)	*258
			Foord Moore Road (upstream)	*262
			Port Ben Road (upstream)	*271
			Institution Road (upstream)	*284
			U.S. Route 209 (upstream)	*300
			Approximately 775' upstream of U.S. Route 209	*302
		Sandburg Creek	Confluence with Rondout Creek	*285
			Confluence of Fantine Kill	*300
			Upstream corporate limits crossing	*326
			Approximately 4,750' upstream of upstream corporate limits crossing.	*331
		Vernooy Kill	Confluence with Rondout Creek	*265
			U.S. Route 209, State Route 55 (upstream side)	*284
			Approximately 1,120' upstream of U.S. Route 209, State Route 55.	*296
Maps available for inspection at the Wawarsing Town Hall, 108 Canal Street, Ellenville, New York.				
New York	Whitestown, town, Oneida County (Docket No. FEMA-6470).	Mohawk River	Downstream corporate limits	*414
			Upstream Hayes Road	*417
			Upstream corporate limits	*420
		Sauquoit Creek	Confluence with Mohawk River	*414
			Downstream Oriskany Boulevard	*425

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream corporate limits	*455
		Mud Creek	Confluence with Saquoit Creek	*449
			Upstream corporate limits	*457
		Oriskany Creek	Confluence with Mohawk River	*419
			Downstream Pleasant Valley Road	*440
			At New York State Thruway	*469
			Upstream County Route C	*461
			Upstream corporate limits	*504
		Deans Creek	Confluence with Oriskany Creek	*471
			Upstream corporate limits	*482

Maps available for inspection at the Town Clerk's Office, 8 Park Avenue, Whitesboro, New York 13492.

North Carolina	Unincorporated areas of Johnston County (FEMA-6485)	Neuse River	Approximately 2200 feet upstream of Secondary Road 1201.	*87
			Approximately 1500 feet upstream of Southern Railway.	*135
			Approximately 1200 feet upstream of State Highway 42.	*152
		Moccasin Creek	Approximately 800 feet upstream of Secondary Road 2541.	*86
			Approximately 500 feet upstream of Secondary Road 1007.	*90
			Approximately 400 feet upstream of Mill Dam (Washed Out).	*93
		Mill Creek	Approximately 300 feet upstream of Secondary Road 1009.	*99
			Just upstream of Secondary Road 1185	*105
		Mill Branch	Approximately 150 feet downstream of Secondary Road 1008.	*91
			Just upstream of Secondary Road 1008	*96
		Stone Creek	Approximately 350 feet downstream of State Highway 701.	*108
		Hannah Creek	Approximately 1200 feet upstream of Secondary Road 1185.	*109
			Just upstream of State Highway 701	*113
			Just downstream of Interstate Highway 95	*131
		Little River	Just upstream of Secondary Road 2320	*126
			Just upstream of Secondary Road 1001	*137
			Just upstream of Secondary Road 1934	*151
			Just upstream of Secondary Road 2123	*166
			Just upstream of State Highway 39	*179
		Buffalo Creek (East)	Just upstream of State Highway 39	*171
			Just downstream of State Highway 96	*183
			Just downstream of State Highway 42	*205

Maps available for inspection at County Planner's Office, 127 South Second Street, Smithfield, North Carolina 27577.

North Carolina	Village of Walnut Creek Wayne County (FEMA-6485)	Walnut Creek	Just downstream of Mill Road	*72
			Just upstream of Dam located approximately 20,800 feet above mouth.	*88
		Walnut Creek Tributary B	Just upstream of Dam located approximately 2,450 feet above mouth.	*97

Maps available for inspection at the home of the Village Clerk, 612 Lake Shore Drive, Goldsboro, North Carolina 27532.

North Carolina	Unincorporated areas of Wayne County (FEMA-6485)	Bear Creek	Just downstream of County Road 1715	*82
			Just downstream of County Road 1136	*93
			Just upstream of County Road 1136	*94
		Beaverdam Creek (Backwater from Neuse River)	Just upstream of County Road 1007	*83
		Brooks Swamp	Just downstream of County Road 1120	*105
			Just downstream of U.S. Highway 117	*117
		Brooks Swamp Tributary	Approximately 1,200 feet upstream of confluence with Brooks Swamp.	*108
		Buck Swamp	Just downstream of County Road 1324	*110
		Burden Creek	Just upstream of County Road 1225	*89
			Just downstream of County Road 1007	*91
		Burnt Mill Branch	Just downstream of County Road 1933	*113
			Just upstream of County Road 1933	*121
		Falling Creek	Just upstream of County Road 1008	*91
			Just downstream of U.S. Highway 13	*109
			Just upstream of County Road 1008	*114
			Just downstream of County Road 1105	*121
		Lee Branch	Just upstream of County Road 1135	*119
		Little River	Just upstream of State Highway 581	*95
			Just downstream of County Road 1234	*100
		Mill Branch	Just upstream of County Road 1008	*93
		Mill Creek (North)	Just downstream of County Road 1319	*96
		Mill Creek (South)	Just upstream of County Road 1200 (Flooding at this location is affected by backwater from Neuse River).	*86
		Moccasin Creek (Backwater from Neuse River)	Confluence with Neuse River	*84
		Neuse River	Just upstream of County Road 1532	*70
			Just upstream of County Road 1534	*78
			Just upstream of County Road	*97
			Just upstream of County Road 1324	*115
			Just upstream of County Road 1340	*119
		Northeast Cape Fear River	Just downstream of County Road	*90
			Just downstream of State Highway 403	*112

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Neuse River	Just downstream of County Road 1558	*121
			Just downstream of State Highway 11	*61
			Just upstream of U.S. Highway 117	*73
			Just downstream of County Road 1008	*78
			Just upstream of County Road 1224	*84
		Peacock Branch	Just downstream of County Road 1324	*108
		Reedy Branch	Just upstream of County Road 1571	*105
		Sleepy Creek	Just downstream of County Road 1915	*76
			Just downstream of County Road 1933	*129
		The Slough	Just upstream of County Road 1535	*81
			Just upstream of County Road 1537	*111
		Slough Tributary	Just upstream of County Road 1545	*110
		Stoney Creek	Just upstream of County Road 1571	*101
			Just upstream of County Road 1523	*113
		Stoney Creek Tributary	Just downstream of County Road 1547	*105
		Thoroughfare Swamp	Just upstream of County Road 1120	*114
			Just downstream of County Road 1113	*115
		Thunder Swamp	Just upstream of County Road 1118	*120
			Just downstream of County Road 1117	*124
		Walnut Creek	Just upstream of County Road 1730	*60
			Just upstream of County Road 1728	*88
		Walnut Creek Tributary A	Just downstream of County Road 1719	*91
		Walnut Creek Tributary C	Just downstream of County Road 1728	*97
			Just upstream of County Road 1728	*102
		West Bear Creek	Just upstream of County Road 1719	*87
			Just upstream of County Road 1705	*103
		Yellow Marsh Branch	Just upstream of County Road 1127	*110
			Just downstream of U.S. Highway 17	*145
Maps available for inspection at County Planning Director's Office, County Administration Building, 115 South Williams Street, Goldsboro, North Carolina 27530.				
Ohio	(V) Dillonvale, Jefferson County (Docket No. FEMA-6470).	Short Creek	At downstream corporate limit	*733
			At upstream corporate limit	*741
		Piney Fork	About 1,350 feet downstream of State Highway 150	*732
			At upstream corporate limit	*741
Maps available for inspection at the Mayor's Office, Village Hall, Main Street, Dillonvale, Ohio.				
Ohio	(V) Higginsport, Brown County (Docket No. FEMA-6470).	Ohio River	Within corporate limits	*511
Maps available for inspection at the Village Hall, Jackson Street, Higginsport, Ohio.				
Oregon	Yamhill County (Unincorporated areas) FEMA-6485	Willamette River	50 feet upstream from center of State Highway 219	*96
		Yamhill River	At the intersection of Lafayette Highway and Yamhill River.	*107
		North Yamhill River	At the intersection of Poverty Bend Road and North Yamhill River.	*113
		South Yamhill River	At the intersection of Three Mile Lane Highway and South Yamhill River.	*119
			20 feet upstream from center of Salmon River Highway.	*182
		Hess Creek	25 feet upstream from center of Mountain Drive	*183
		Chehalem Creek	Intersection of Dayton Avenue and Chehalem Creek	*90
			25 feet upstream from center of County Road 98	*147
		Palmer Creek	Confluence with West Fork Palmer Creek	*103
		West Fork Palmer Creek	25 feet upstream from center of Webfoot Road	*103
		Panther Creek	At confluence with Baker Creek	*113
		Baker Creek	100 feet upstream from center of West Side Road	*114
		Yamhill Creek	25 feet upstream from center of State Highway 240	*167
		Cozine Creek	At the intersection of Hill Road and Cosine Creek	*146
		Salt Creek	Intersection of Roy Freeman Ranch Road and Salt Creek.	*136
		Ash Swale	At the center of U.S. Highway 99 W. crossing near confluence with Salt Creek.	*135
		Willamina Creek	25 feet upstream from center of Fort Hill Junction Road.	*244
		Agency Creek	50 feet upstream from center of State Highway 22	*349
Maps available for inspection at the Planning Department, County Courthouse, McMinnville, Oregon.				
South Carolina	Unincorporated areas of Berkeley County (FEMA-6470).	Ancrum Swamp and Limehouse Branch	Just upstream of State Route-62 (Ladson Road)	*15
			Approximatley 300 feet at downstream of confluence of Timberfield Branch.	*20
		Cypress Swamp	Just upstream of Interstate Highway 26	*26
			Just downstream of U.S. Highway 176	*37
		Back River	At confluence of Canterhill Branch	*11
		Caliwnia Branch	Just upstream of Seaboard Coastline Railroad	*24
			Just downstream of Whitesville Road	*71
		Canterhill Branch	Just downstream of Seaboard Coastline Railroad	*14
			Just downstream of Cypress Garden Road (State Highway 9).	*19
		Durham and Chicken Creek	At Cypress Garden Road (State Road 244) (Backwater from West Branch Cooper River).	*7
		Felder Branch	Just upstream of State Highway 16	*52
			Just downstream of New Hope Road	*70
		Fosters Creek	Just upstream of Liberty Hall Road	*12
		Huckhole Swamp	Just upstream of the Road located along the County Line.	*13

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of the First County Road located downstream of State Route 567.	*18
		Laurel Swamp	Approximately 200 feet at downstream of northbound U.S. Highway 52 (downsteam lane).	*15
			Just downstream of U.S. Highway 17–A	*48
			Just upstream of Lakewood Road	*70
		Miller Dam Branch	Approximately 150 feet downstream of State Highway 16.	*45
			Approximately 250 feet upstream of New Hope Road	*54
			Just downstream of State Road 275	*75
		Molly Branch	Just upstream of Old U.S. Highway 52	*15
		Sandy Run Creek	Just downstream of State Highway 16	*38
			Just downstream of U.S. Highway 176	*54
		Sawmill Branch	Just downstream of eastbound lane of Interstate Highway 26.	*80
		Sophia Swamp	Just upstream of Pine Grove Road (State Road 667)	*14
		Stroberfield Branch	Just downstream of North Frontage Road of Interstate Highway 26.	*48
		Unnamed tributary to Back River	Just downstream of Cypress Garden Road (State Highway 9).	*8
			Just upstream of Old U.S. Highway 52	*16
		West Branch of the Cooper River	At Seaboard Coast Line Railroad	*7
			At confluence of Molly Branch	*8
			Just downstream of State Highway 17–A	*12
		Unnamed tributary to West Branch of Cooper River	Just downstream of Old U.S. Highway 52	*16
		Atlantic Ocean Wando River	At State Highway 41	*11
			At confluence of Beresford Creek and Wando River	*12
			At Cainhoy Road (extended)	*13
		Atlantic Ocean Cooper River	At confluence of Clouter Creek and Cooper River	*13
		Atlantic Ocean Back River	Just upstream of State Highway 503	*11
		Atlantic Ocean Foster Creek	At Glebe Road	*10
Maps available for inspection at Planning Commission Administrator's Office, 223 North Live Oak Drive, Moncks Corner, South Carolina 29461.				
South Carolina	City of Isle of Palms, Charleston County (FEMA–6470).	Atlantic Ocean	31st Avenue extended to the Atlantic Ocean Coastline	*20
			A point 600 feet seaward along 49th Avenue from the intersection of 49th Avenue and Cameron Boulevard.	*15
			At the intersection of Palm Boulevard and 31st Avenue.	*14
			At the intersection of Hartett Boulevard and 31st Avenue.	*13
Maps available for inspection at Building Inspector's Office, City Hall, 1301 Palm Boulevard, Isle of Palms, South Carolina 29451.				
South Carolina	Township of Sullivan's Island, Charleston Count (FEMA–6485).	Atlantic Ocean	At the intersection of Keenan and Middle Street	*17
			At the intersection of Thee and Station 19 Streets	*17
			At the intersection of Bayonne and Station 26 Streets	*17
			At the intersection of Atlantic Avenue and Station 26 Street.	*16
			At the intersection of L'on Avenue and 26 Street	*15
			At the intersection of Middle and Station 26 Streets	*14
Maps available for inspection at Town Hall, 1610 Middle Street, Sullivan's Island, South Carolina 29482.				
Tennessee	City of Humboldt, Gibson County (FEMA–6470)	Lick Creek	Just upstream of Hadley Street	*340
			Just upstream of State Highway 52 (Madin Street)	*352
		Little Sugar Creek	Just upstream of U.S. Route 45W Bypass	*351
		Unnamed Tributary to Middle Fork of Forked Deer River	Just upstream of Gibson Wells Road	*335
Maps available for inspection at Mayor's Office, Municipal Building, 1421 Obsorne Street, Humboldt, Tennessee 38343.				
Tennessee	City of Springfield, Robertson County (FEMA–6384)	Beaver Dam Creek	Just upstream of Unnamed Road (upstream crossing)	*508
		Wartrace Creek	Just downstream of Lake Wartrace Dam	*584
			Just upstream of Lake Wartrace Dam	*594
			Just upstream of Old Green Brier Pike	*632
		Carr Creek	Just upstream of New Chapel Road	*523
			Just upstream of Burr Road	*548
			Just upstream of State Highway 65 and U.S. Highway 431.	*569
			Just upstream of New Cut Road	*595
		Sulphur Fork	Just upstream of Main Street	*547
			Just downstream of 5th Avenue East	*554
Maps available for inspection at City Hall, 129 Fifth Avenue West, Springfield, Tennessee 37172.				
Texas	City of Boerne, Kendall County (FEMA–6470)	Cibolo Creek	Just downstream of Main Street	*1,395
			Just upstream of the Issen Street	*1,399
			Just upstream of San Antonio Avenue	*1,401
			Just upstream of John Road	*1,408
		Currey Creek	Just upstream of Esser Road	*1,392
			Just upstream of Rosewood Street	*1,400
			Just upstream of Blanco Road	*1,407
		Unnamed Tributary A	Just upstream of River Road	*1,388
			Just downstream of Rosewood Street	*1,399
			Just upstream of Blanco Road	*1,405
			Approximately 300 feet downstream of Southern Pacific Railroad.	*1,410
			Just upstream of Southern Pacific Railroad	*1,418
Maps available for inspection at City Hall, City Administrator's Office, 402 East Blanco, Boerne, Texas 78006.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	Unincorporated areas of Cameron County (FEMA-6470).	Gulf of Mexico/Laguna Madre	Approximately 1.0 mile east along State Highway 48 from the intersection of Vermilion Avenue and State Highway 48.	*13
			Approximately 1.0 mile east along Boca Chica Highway (State Highway 4) from the intersection of Oklahoma Avenue (FM 1419) and Boca Chica Highway.	*13
			At the intersection of Buena Vista Road and State Highway 100.	*12
			Approximately 14.8 miles east along Boca Chica Highway (State Highway 4) from the intersection of Oklahoma Avenue (FM 1419) and Boca Chica Highway; at Hopernik Shores.	
			At the intersection of State Highway 100 and FM 1792	*7
Maps available for inspection at Cameron County Courthouse, Room 201, 964 East Harrison Street, Brownsville, Texas 78520.				
Texas	Village of Laguna Vista, Cameron County (FEMA-6470).	Gulf of Mexico/Laguna Madre	Approximately 300 feet from the intersection of Fernandez Street and Beach Boulevard towards the Laguna Madre shoreline.	
			Approximately 200 feet from the intersection of Box Street and Beach Boulevard towards the Laguna Madre shoreline.	*11
Maps available for inspection at Building Inpector's Office, Village Hall, 122 Fernandez, Laguna Vista, Texas 78578.				
Texas	City of Palacios, Matagorda County (FEMA-6470)	Gulf of Mexico/Tres Palacios Bay	At the intersection of First Street and Perryman Avenue.	*13
			At the intersection of Third Street and Ritchie Avenue	*10
Maps available for inspection at City Hall, 205 Fourth Street, Palacios, Texas 77465.				
Texas	Town of South Padre Island, Cameron County (FEMA-6470).	Gulf of Mexico	At the intersection of Gulf Boulevard and Coronado Drive.	*8
			At the intersection of Gulf Boulevard and Hibiscus Street.	*8
		Gulf of Mexico/Laguna Madre	At the intersection of Padre Boulevard and King Fish Street.	*6
			At the intersection of Laguna Boulevard and Mezquite Street.	*6
Maps available for inspection at Building Inspector's Office, Town Hall, 4305 Padre Boulevard, South Padre Island, Texas 78597.				
Washington	Dupont (town), Pierce County (FEMA-6157)	Puget Sound	200 feet west from intersection of Burlington Northern and Weyerhauser Corporation.	*10
Maps available for inspection at Town Hall, Dupont, Washington.				
Washington	Sultan (town), Snohomish County (FEMA-6485)	Sultan River	At the center of First Street and Birch Avenue	*116
		Skykomish River	150 feet south from the center of intersection of Tenth Street and Dyer Road.	*117
Maps available for inspection at Town Hall, Sultan, Washington.				
West Virginia	Pineville, City, Wyoming County (Docket No. FEMA-B485).	Guyandotte River	Downstream corporate limits	*1,272
			Upstream of Park Street	*1,286
			Upstream corporate limits	*1,313
		Rockcastle Creek	Upstream State Route 10 (River Drive Avenue)	*1,288
			At State Route 97 (Twin Falls Road)	*1,319
			Upstream Hemlock Street	*1,371
			Upstream corporate limits	*1,384
		Bearhole Fork	Upstream of confluence with Rockcastle Creek	*1,319
			Upstream corporate limits	*1,364
Maps available for inspection at the City Hall, Park Street, Pineville, West Virginia.				
Wisconsin	(Unicorporated), Columbia County (Docket No. FEMA-6470).	Wisconsin River	About 400 feet downstream of State Highway 60	*748
			Just downstream of Prairie Du Sac Dam	*750
			Just upstream of Prairie Du Sac Dam	*774
			Just downstream of City of Wisconsin Dells Corporate limit.	*827
		Fox River	At downstream County Boundary	*782
			Just upstream of State Highway 33 (downstream crossing).	*799
			Just upstream of Haynes Road	*810
			About 2.4 miles upstream of State Highway 33 (upstream crossing).	*819
		Crawfish River	Just upstream of State Highway 73	*835
			About 1.3 miles upstream of Hall Road	*847
		North Branch Crawfish River	At Village of Fall River corporate limits	*859
			Just downstream of County Highway DG (upstream crossing).	*861
		Duck Creek	Mouth at Wisconsin River	*788
			At Village of Wyocena corporate limits (downstream crossing).	*794
			At Village Wyocena corporate limits (upstream crossing).	*823

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Neenah Creek-Big Slough	Mouth at Fox River	*783
			About 600 feet upstream of U.S. Highway 51	*787
			About 5500 feet upstream of County Highway X	*791
		Baraboo River	Mouth at Wisconsin River	*798
			At upstream County Boundary	*813

Maps available for inspection at the Zoning Office, Columbia County Administration Building, Portage, Wisconsin.

Wisconsin	Unincorporated), Green County (Docket No. FEMA-6470).	Allen Creek	Just downstream of County Highway E	*811
			About 1.4 miles upstream of County Highway E	*831
		Brayton Creek	About 500 feet upstream from mouth	*827
			About 0.97 mile upstream from mouth	*848
		Honey Creek	Just upstream of Franklin Road	*831
			About 0.8 mile upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad at City of Monroe corporate limits.	*986
		Jude Branch	Just upstream of County Highway OK	*788
			About 1.98 miles upstream of County Highway S	*834
		Legler School Branch	Just upstream of Second Street at Village of New Glarus corporate limit.	*854
			About 0.45 mile upstream of Legler Valley Road	*991
		Little Sugar River	At mouth (Albany Lake)	*838
			About 1.4 miles upstream of River Road at confluence of West Branch Little Sugar River.	*875
		Norwegian Creek	Just upstream of Sugar River State Trail	*792
			Just downstream of State Highway 104 and County Highway T.	*806
		Pecatonica River	At Illinois-Wisconsin State Boundary	*783
			At Lafayette-Green County Boundary	*790
		Richland Creek	Just upstream of County Highway K	*800
			Just upstream of culvert at State Highway 11 and 81	*847
			Just downstream of Greenbush Road	*891
		Skinner Creek	At mouth	*788
			About 1.01 miles upstream of Cadiz Springs Road	*796
		Sugar River	Just upstream of County Highway T	*764
			About 1.7 miles upstream of Decatur-Albany Road near Village of Albany (Southern corporate limit).	*901
			Albany Lake just upstream of Village of Albany (northern corporate limit).	*906
			About 2.1 miles upstream of County Highway D	*955
		Sugar River Decatur Raceway	About 0.36 mile downstream of Decatur Road	*796
			About 0.13 mile upstream of Decatur Raceway Dam	*792
		West Branch Little Sugar River	At mouth	*825
			About 0.23 mile upstream of Illinois Central Gulf Railroad.	*828
			About 0.2 mile downstream of State Highways 69 and 39.	*836
			About 0.84 mile upstream of Washington Road	*845

Maps available for inspection at the Highway Department Office, 2813 Sixth Street, Monroe, Wisconsin.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Appeals of the proposed base flood elevations were received and have been resolved by the Agency.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Holbrook (city), Navajo County, FEMA-6033	Little Colorado River	Intersection of Arizona Street and 11th Avenue	*5,074
			Intersection of Hopi Drive and First Street	*5,085
		Whiting Creek	Intersection of Dewitt Road and Whiting Avenue	*5,078

Maps available for inspection at City Offices, 465 1st Avenue, Holbrook, Arizona.

California	Orange Cove (city), Fresno County, FEMA-6299	Orange Cove Drain	Intersection of Third Street and H Street	*424
		Wooten Creek	Intersection of Anchor Avenue and E Street	#2

Maps available for inspection at Department of Public Works, 633 6th Street, Orange Cove, California.

Florida	St. Petersburg (city), Pinellas County, FEMA-6333	Tampa Bay	Intersection of 9th Street South and Bayou Boulevard	*5
			Intersection of Central Avenue and Bayshore Drive	*9
			Intersection of Chancellor Street and Massachusetts Avenue.	*9
			Intersection of 9th Street North (State Highway 686) and Roosevelt Boulevard (State Highway 686).	*10
		Boca Ciega Bay	Intersection of 50th Avenue South and 34th Street South (U.S. Highway 19, State Highway 55).	*10
			Intersection of Central Avenue and Sunset Drive	*12
			Intersection of Keystone Court and 25th Avenue	*13
		Joe Creek	Intersection of 38th Avenue North and 60th Street North.	*19

Maps available for inspection at Zoning Department, 205 9th Street, North, Room 202, St. Petersburg, Florida.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(C) Grimes, Polk County (Docket No. FEMA-6431)	Little Beaver Creek	About 2430 feet downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*913
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*925
			About 100 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*934
		Little Beaver Creek tributary	About 1500 feet upstream of James Street	*935
			Mouth at Little Beaver Creek	*914
			Just downstream of First Street	*929
			Just upstream of Trail Ridge Road	*935
			Just downstream of Little Beaver Road	*936
			Just upstream of Little Beaver Road	*941
			About 350 feet upstream of Jacob Street	*950
Maps available for inspection at City Hall, 404 South Second Street, Grimes, Iowa.				
New York *21	Cambria, town, Niagara County (Docket No. FEMA-6418)	East Branch Twelvemile Creek	Downstream corporate limits	*370
			Downstream side North Ridge Road	*374
		Bergholtz Creek	Upstream side Raymond Road	*608
			Upstream side Baer Road	*615
Maps available for inspection at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York.				
Pennsylvania	Exeter, township, Luzerne County (Docket No. FEMA-6418)	Susquehanna River	Downstream corporate limits	*560
			Confluence of Sutton Creek	*570
		Sutton Creek	Confluence of Dymond Creek	*574
			Upstream corporate limits	*575
			Confluence with Susquehanna River	*570
			Approximately 1,285 feet upstream of State Route 92	*600
			Approximately 1,920 feet upstream of State Route 92	*630
Maps available for inspection at the Exeter Municipal Building, Pittston, Pennsylvania.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 20, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15457 Filed 6-8-83; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; California et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 1229, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Carlsbad (city), San Diego County, FEMA-6485	Buena Vista Creek	30 feet upstream from center of Haymar Drive	*39
		Pacific Ocean	Area approximately 450 feet west of intersection of Cannon Road and Carlsbad Boulevard.	*10
			Area approximately 500 feet west of intersection of Cannon Road and Carlsbad Boulevard.	*6
Maps available for inspection at the Engineering Department, 1200 Elm Street, Carlsbad, California 92008.				
California	Chula Vista (city), San Diego County, FEMA-6485	Sweetwater River	At the intersection of river and San Diego and Arizona Eastern Railroad.	*11
			At the intersection of Willow Street and North Grover Avenue.	
		Telegraph Canyon Creek	40 feet upstream from center of Second Avenue	*109
		Otay River	At the intersection of K Street and Colorado Avenue	#1
			Area within the corporate limits, approximately 200 feet east from center of Interstate Highway 805 and approximately 1,300 feet south of its intersection with Otay Valley Road.	*88
		San Diego Bay	Area along the coastline, 1,800 feet west on G Street from its intersection with Tidelands Avenue.	*5
Maps available for inspection at the Department of Engineering, , 276 4th Avenue, Chula Vista, California.				
California	Del Mar (city), San Diego County, FEMA-6485	Pacific Ocean	400 feet west of the intersection of 18th Street and Coast Boulevard.	*9
			450 feet west of the intersection of 24th Street and Camino Del Mar.	*8
		Soledad Canyon	The area within the extreme south corporate limits approximately 1,000 feet southeast of the intersection of U.S. Highway 101 and Carmel Valley Road.	*11
Maps available for inspection at the Engineering Department, 1050 Camino Del Mar, Del Mar, California.				
California	El Dorado County (unincorporated areas), FEMA-6485	Upper Truckee River	150 feet upstream from center of U.S. Highway 50	*6,270
			100 feet upstream from center of Upper Truckee Road (Alpine Camp Bridge).	*6,503
		Angora Creek Tributary	50 feet downstream of center of Sawmill Road	*6,336
		Angora Creek	60 feet upstream of center of Tahoe Blvd	*6,339
		Trout Creek	20 feet upstream from center of Martin Ave	*6,257
		Cold Creek	50 feet upstream from center of Pioneer Trail	6,297
		Heavenly Valley Creek	35 feet upstream from center of Johnson Road	*6,256
Maps available for inspection at the Department of Public Works, Headington Road, Placerville, California.				
California	Oceanside (city), San Diego County, FEMA-6485	Buena Vista Creek	50 feet upstream from center of College Boulevard	*174
		Loma Alta Creek	Intersection of Beachwood Lane and Hillside Street	*16
		Pacific Ocean	150 feet southwest from the intersection of Pacific Street and Forster Street.	*11
Maps available for inspection at the Department of Engineering , 321 N. Nevada Street, Oceanside, California.				
California	San Diego (city), San Diego County, FEMA-6485	Las Chollas Creek	50 feet upstream from the center of Federal Boulevard.	*110
			Flow over the culvert at interstate Highway 805	#1
		Wabash Branch	50 feet upstream from center of Pickwick Street	*83
		Homes Avenue Branch	50 feet upstream from center of Fairmont Avenue	*158
		South Las Chollas Creek	Intersection of Euclid Avenue and Guymon Street	*121
		Encanto Branch	30 feet upstream from center of 54th Street	*129
		Switzer Creek	At the confluence with Florida Drive Branch	*88
		Florida Drive Branch	At the intersection of Florida Drive and Florida Place	*120
		Las Pulets Creek	At the intersection of Cottonwood and Osborn Streets	*19
		Nestor Creek	At the intersection of Grove Avenue and Frontage Road.	*52
		Tijuana River	At the intersection of Dairy Mart Road and Tijuana Street.	*43
		Sunrise Overflow	At the intersection of Iris Avenue and Tocayo Avenue	*27
		Carmel Valley Creek	At the intersection of Creek and Shaw Valley Road	*65
		Carroll Canyon Creek	At the intersection of Carroll Canyon Drive and El Camino Drive.	*150
		Kit Carsons Park Creek	At the upstream (northern) corporate limits	*332
		Los Penasquitos Creek	At the intersection of Frontage Road and Sorrento Valley Boulevard.	*37
			75 feet downstream from the center of the east lanes of Interstate Highway 15.	*312
		Murray Canyon Creek	At the intersection of Frazee Road and Murray Canyon Road.	*52
		Otay River	At the intersection of State Highway 75 and 19th Street.	*14
		Rose Canyon Creek	50 feet upstream from center of Balboa Avenue	*15
			75 feet upstream from center of Genesee Avenue	*255
		San Clemente Canyon Creek	150 feet upstream from center of Genesee Avenue	*178

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		San Diego River	At the intersection of Harney Street and Hotel Circle Place.	*19
			At the intersection of Stadium Way and Conrock Drive	*50
			At the intersection of Camino de la Reina and Mission Center Road.	#3
		Soledad Canyon	At the intersection of Dunhill and Roselle Streets	*34
		Tecolote Creek	50 feet upstream from center of Mt. Acadia Boulevard	*146
			At the intersection of Tonopah Street and Knoxville Street.	#1
		Telegraph Canyon Creek	Area approximately 1,600 feet southwest from the intersection of L Street and Bay Boulevard (located in the City of Chula Vista).	*18
		Mission Bay	At Mission Point	*4
		San Diego Bay	At Shelter Island	*5
		Pacific Ocean	At the intersection of Avendida de la Playa and LaVerne Grande.	*6
			Along the shoreline west of Pacific Beach Drive	*7
Maps available for inspection at the Department of Engineering, 202 C Street, San Diego, California.				
California	Scotts Valley (city), Santa Cruz County, FEMA-6485	Carbonera Creek	90 feet upstream from center of Bob Jones Lane	*546
Maps available for inspection at the Department of Community Development, 370 Kings Village Road, Scotts Valley, California.				
California	Vista (city), San Diego County, FEMA-6485	Buena Vista Creek	East side of the intersection of Melrose Drive and Hacienda Drive.	*395
		Agua Hedionda Creek	40 feet upstream from center of Sycamore Avenue Extension.	*375
		Buena Creek	At the intersection of creek and center of Sycamore Avenue.	*358
Maps available for inspection at the Department of Public Works, 600 Eucalyptus Avenue, Vista, California.				
Illinois	(C) Dallas City, Hancock & Henderson Counties (Docket No. FEMA-6485).	Mississippi River	About 2.4 miles downstream of confluence of Camp Creek.	*528
			Just downstream of confluence of Camp Creek	*530
Maps available for inspection at City Clerk's Office, City Hall, Dallas City, Illinois.				
Illinois	(C) East Dubuque, Jo Daviess County (Docket No. FEMA-6485).	Mississippi River	About 1.5 miles downstream of U.S. Highway 20	*610
			About 0.4 mile upstream of Illinois Central Gulf Railroad	*611
Maps available for inspection at the Zoning Administrator's Office, City Hall, 193 Sinsinawa Avenue, East Dubuque, Illinois.				
Illinois	(C) Hamilton, Hancock County (Docket No. FEMA-6485).	Mississippi River	About 1000 feet downstream of confluence of the Des Moines River.	*500
			Just downstream of Lock and Dam No. 19	*501
			Just upstream of Lock and Dam No. 19	*518
			About 0.6 mile upstream of Lock and Dam No. 19	*518
Maps available for inspection at the Clerk's Office, City Hall, Hamilton, Illinois.				
Illinois	(C) Metropolis, Massac County (Docket No. FEMA-6485).	Ohio River	At downstream corporate limits	*337
			At upstream corporate limits	*338
Maps available for inspection at the City Clerk's Office, 106 West Fifth Street, Metropolis, Illinois.				
Illinois	(V) North Barrington, Lake County (Docket No. FEMA-6485).	North Flint Creek	About 3800 feet downstream of confluence of Honey Lake Drain.	*756
			Just upstream of Woodland Drive	*766
			Just upstream of Eton Drive	*769
			About 2600 feet upstream of Kimberly Road	*800
		Flint Creek	Within community	*757
		East Tributary Flint Creek	Within corporate limits	*755
		Honey Lake Drain	At confluence with North Flint Creek	*756
			Just upstream of Golf View Drive	*774
			Just downstream of Honey Lake Dam	*777
			Just upstream of Honey Lake Dam	*785
			Just downstream of Signal Hill Road	*803
			Just upstream of Signal Hill Road	*813
			About 700 feet upstream of Pinewood Drive	*831
		Signal Hill Tributary	At confluence with Honey Lake Drain	*760
			About 650 feet upstream of Signal Hill Road	*825
Maps available for inspection at the Village Clerk's Office, North Barrington, Illinois.				
Illinois	(V) Pontoosuc, Hancock County (Docket No. FEMA-6485).	Mississippi River	About 0.77 mile downstream of confluence of Spillman Creek.	*527
			About 0.74 mile upstream of confluence of Spillman Creek.	*528
Maps available for inspection at the Village Hall, R.R. #1, Dallas City, Illinois.				
Indiana	(C) Rising Sun, Ohio County (Docket No. FEMA-6485).	Ohio River	Within the community	*484
		Dry Branch (Ohio River backwater)	Within the community	*483
Maps available for inspection at City Hall, Walnut Street, Rising Sun, Indiana.				
Indiana	(T) Vernon, Jennings County (Docket No. FEMA-6485).	Vernon Fork Muscatatuck River	About 1.95 miles downstream of State Route 7 (near downstream corporate limits).	*624
			About 0.8 mile upstream of Conrail (near upstream corporate limits).	*638
Maps available for inspection at City Hall, Vernon, Indiana				
Iowa	(C) New Vienna, Dubuque County (Docket No. FEMA-6485).	North Fork Maquoketa River	At downstream corporate limits	*992
			About 2300 feet upstream of State Highway 136	*1001
Maps available for inspection at City Hall, New Vienna, Iowa.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(C) Worthington, Dubuque County (Docket No. FEMA-6485).	Durkee Creek	At downstream corporate limits	*909
			At upstream corporate limits	*913
	Maps available for inspection at City Hall, Worthington, Iowa.			
Michigan	(V) St. Charles, Saginaw County (Docket No. FEMA-6431).	Bad River	Just upstream of Conrail	[illegible]
			About 2.0 miles upstream of Conrail	[illegible]
		South Branch Bad River	Within corporate limits	*594
		Shiawassee Flats	Within corporate limits	*594
	Maps available for inspection at City Hall, 110 West Spruce, St. Charles, Michigan.			
New Jersey	Margate City, city, Atlantic County (Docket No. FEMA-6492).	Atlantic Ocean	Entire Atlantic Ocean shoreline within community	*15
			Entire Beach Thoroughfare shoreline within community	*10
	Maps available for inspection at the Municipal Building, Washington and Ventnor Avenues, Margate City, New Jersey.			
New York	Centre Island, village, Nassau County (Docket No. FEMA-6485).	Long Island Sound	Entire shoreline within community	*17
		Cold Spring Harbor	Shoreline at Beach Road extended	*16
			Shoreline at Roosevelt Road extended	*15
		Oyster Bay Harbor	Shoreline at South Centre Island Road extended	*12
			Shoreline at Cedar Avenue extended	*15
	Maps available for inspection at the Village Hall, Centre Island Road, New York.			
New York	Mill Neck, village, Nassau County (Docket No. FEMA-6485).	Oyster Bay Harbor	Entire shoreline within community	*15
		Mill Neck Creek	Shoreline from Bayville Bridge to approximately 1,700 feet northwest of Cleft Road.	*14
			Shoreline from approximately 1,700 feet northwest of Cleft Road to Cleft Road.	*13
		Beaver Lake	Entire shoreline within community	*12
		Beaver Brook	Entire shoreline within community	*12
	Maps available for inspection at the Village Hall, Frost Mill Road, Mill Neck, New York.			
New York	Saddle Rock, village, Nassau County (Docket No. FEMA-6492).	Little Neck Bay	Shoreline at southern corporate limits	*13
			Shoreline at Candy Lane extended	*15
			Shoreline of Udalls Mill Pond	*13
	Maps available for inspection at 34 Forest Road, Great Neck, New York.			
North Carolina	Town of Beaufort, Carteret County (FEMA-6492)	Atlantic Ocean/Bogue Sound/Taylors Creek.	At intersection of Front Street and Craven Street	*8
			At intersection of Broad Street and Craven Street	*7
			At intersection of Front Street and Leonda Drive	*8
		Atlantic Ocean/Bogue Sound/Town Creek.	At intersection of Turner Street and West Beaufort Road.	*7
		Atlantic Ocean/Back Sound/Turner Creek.	Along State Route 1304 Merrimills Road east of a point located 200 feet on the east of its intersection with Sycamore Drive.	*7
	Maps available for inspection at Town Hall, 215 Pollock Street, Beaufort, North Carolina 28516.			
North Carolina	Town of Cape Carteret, Carteret County (FEMA-6492).	Atlantic Ocean/Bogue Sound/Deer Creek.	At intersection of Loma Linda Drive and Yucca Loop	*10
			At intersection of Edgewater Court and Livecak Avenue.	*10
		Atlantic Ocean/White Oak River/Pettiford Creek.	1,500 feet from the intersection of Star Hill Drive and Apollo Drive.	*8
	Maps available for inspection at Town Hall, Cape Carteret, 204 McLean Drive, Cape Carteret, North Carolina 28584.			
North Carolina	Town of Morehead City, Carteret County (FEMA-6492).	Bogue Sound	Approximately 300 feet southwest of the intersection of Savannah Avenue and Sound Drive.	*10
			Intersection of East Coral Avenue and South Shore Drive.	*8
		Crab Point Throughfare	Approximately 4,200 feet east of intersection of 4th Street and Bridges Street.	*8
		Calico Bay/Newport River	Intersection of SR1178 (Loop Road) and North Yaupon Terrace.	*7
	Maps available for inspection at Town Hall, 706 Arendell Street, Morehead City, North Carolina 28557.			
North Carolina	Town of Newport, Carteret County (FEMA-6492)	Atlantic Ocean/Bogue Sound/Newport River/Deep Creek.	At Church Street	*10
		Bogue Sound/Newport River, Deep Creek, Little Deep Creek.	At the corporate limits	*11
		Bogue Sound/Newport River	At Chatham Street (U.S. Highway 70)	*10
	Maps available for inspection at Town Hall, Newport, North Carolina 28570.			
North Carolina	Town of Swansboro, Onslow County (FEMA-6492)	Atlantic Ocean/White Oak River	Front Street extended, east of its intersection with Corbett Avenue (State Route 24).	*10
			At the intersection of Church Street and Water Street	*11
			At the intersection of Spring Street and Walnut Street	*10
	Maps available for inspection at Town Hall, Church Street, Swansboro, North Carolina 28584.			
Ohio	(V) Chesapeake, Lawrence County (Docket No. FEMA-6485).	Ohio River	At downstream corporate limits	*953
			At upstream corporate limits	*954
	Maps available for inspection at Village Hall, 206 Third Avenue, Chesapeake, Ohio.			
Ohio	(Unincorporated), Delaware County (Docket No. FEMA-6492).	Delaware Run	About 1.36 miles downstream of Hoult Road	*990
			About 0.63 mile upstream of Hills-Miller Road	*946
		Alum Creek	About 1.23 miles downstream of Worthington-Galena Road.	914*
			Just downstream of Lewis Center Road	*927
		Little Walnut Creek	Just upstream of State Route 3	*908
			Just downstream of U.S. Route 36 and State Route 37.	*914

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(Unincorporated), Delaware County (Docket No. FEMA-8485).	Duncan Run	About 0.25 mile upstream of Red Bank Road	*898
			Just downstream of Harlem Road	*991
			Just upstream of Harlem Road	*998
			Just downstream of Center Village Road	*1067
		Olentangy River	Just upstream of Delaware-Franklin County line	*765
			Just upstream of Norfolk and Western Railway	*892
		Scioto River	About 300 feet upstream of Delaware-Franklin County line.	*795
			Just downstream of O'Shaughnessy Dam	*802
			Just downstream of State Route 257	*840
		Delaware Run	About 0.25 mile upstream of Mink Street Road	*897
			About 1.36 miles downstream of Houk Road	*900
		Alum Creek	About 0.63 mile upstream of Hills-Miller Road	*845
			About 1.23 miles downstream of Worthington-Galena Road.	*814
		Little Walnut Creek	Just downstream of Lewis Center Road	*827
			Just upstream of State Route 3	*898
			Just downstream of U.S. Route 36 and State Route 37.	*914
		Duncan Run	About 0.25 mile upstream of Red Bank Road	*898
			Just downstream of Harlem Road	*991
			Just upstream of Harlem Road	*998
			Just downstream of Center Village Road	*1067
		Olentangy River	Just upstream of Delaware-Franklin County line	*765
			Just upstream of Norfolk and Western Railway	*892
		Scioto River	About 300 feet upstream of Delaware-Franklin County line.	*795
			Just downstream of O'Shaughnessy Dam	*802
			Just downstream of State Route 257	*840
			About 0.25 mile upstream of Mink Street Road	*897
		Mill Creek	About 500 feet upstream of State Route 745	*900
			About 200 feet downstream of Delaware-Union County line.	*919
		Bluss Creek	About 500 feet upstream from confluence with Mill Creek.	*904
			At Delaware-Union County line	*931
Maps available for inspection at the Delaware County Regional Planning Commission, 110½ North Franklin Street, Delaware, Ohio.				
Ohio	(V) Irondale, Jefferson County (Docket No. FEMA-8485).	North Fork Yellow Creek	About 600 feet downstream of Conrail (downstream of East Avenue).	*699
			Just upstream of East Avenue	*718
			About 1.1 miles upstream of Ford Street	*729
Maps available for inspection at the Village Clerk's Office, Village Hall, Irondale, Ohio.				
Ohio	(V) North Bend, Hamilton County (Docket No. FEMA-8485).	Ohio River	At downstream corporate limits	*482
			At upstream corporate limits	*485
Maps available for inspection at the Mayor's Office, 21 Taylor Street, North Bend, Ohio.				
Ohio	(V) Rome, Adams County (Docket No. FEMA-8485)	Ohio River	Within corporate limits	*525
Maps available for inspection at the Mayor's Office, Stout, Ohio.				
Ohio	(C) Toronto, Jefferson County (Docket No. FEMA-8485).	Ohio River	About 0.9 mile downstream of confluence of Jeddo Run.	*676
			At confluence of Croxton Run	*677
Maps available for inspection at the Municipal Building, 308 North Sixth Street, Toronto, Ohio.				
Ohio	(V) Walbridge, Wood County (Docket No. FEMA-8485).	Dry Creek	Just upstream of Lemoyne Road	*614
			About 1,200 feet upstream of Conrail	*618
		Cedar Creek	About 1,950 feet downstream of Conrail	*612
			Just downstream of Chessie System	*615
Maps available for inspection at the Mayor's Office, 111 North Main Street, Walbridge, Ohio.				
Pennsylvania	Benton, borough Columbia County (Docket No. FEMA-8485).	Fishing Creek	Downstream corporate limits	*748
			Upstream State Route 487	*764
			Upstream dam	*774
			Upstream corporate limits	*775
		West Creek	Downstream corporate limits	*751
			Upstream Market Street	*763
			Upstream corporate limits	*778
Maps available for inspection at the Borough Building, Third Street, Benton, Pennsylvania.				
Pennsylvania	Indiana, township Allegheny County (Docket No. FEMA-8485).	Little Deer Creek	At downstream corporate limits	*783
			Approximately 125' downstream of Bessemer and Lake Erie Railroad (1st crossing).	*810
			Upstream of Rich Hill Road	*835
			Upstream of Ruffsdale Road	*877
			At most upstream corporate limits	*887
Maps available for inspection at the Township Building, Indianola, Pennsylvania.				
Pennsylvania	North Fayette, township Allegheny County (Docket No. FEMA-8485).	Montour Run	Downstream corporate limits	*851
			Upstream State Route 60	*857
			Upstream Cliff Mine Road	*890
			Upstream Railroad Street (1st crossing)	*946
			Upstream U.S. Route 30	*979
		South Fork Montour Run	Upstream Santiago Road	*1,013
		Robinson Run	Downstream corporate limits	*887
			Upstream Willow Street	*923
			Upstream Main Street	*940
			Upstream corporate limits	*985

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		North Branch Robinson Run	Downstream corporate limits	*913
			Upstream North Branch Road (State Route 879)	*950
			At Donaleon Road	*979
Maps available for inspection at the Township Building, Oakdale, Pennsylvania.				
Pennsylvania	Spring, township Centre County (Docket No. FEMA-6466).	Spring Creek	At most downstream corporate limits	*720
			At downstream corporate limits with the Borough of Bellefonte.	*729
			At upstream corporate limits with the Borough of Bellefonte.	*752
			At most upstream corporate limits	*757
		Logan Branch	At downstream corporate limits	*757
			Upstream of second upstream private road	*776
			Upstream of Township Route 384	*802
			Irish Hollow Road (extended)	*833
			At upstream corporate limits	*878
		Gap Run	At downstream corporate limits	*915
			Upstream of State Route 144 (downstream crossing)	*948
			Downstream of Harrison Road	*967
			Upstream Oa The Hill Road (Township Route 367)	*1,101
			Upstream of State Route 144 (upstream crossing)	*1,245
Maps available for inspection at the Township Municipal Building, RFD 2, Bellefonte, Pennsylvania.				
Pennsylvania	West Deer, township, Allegheny County (Docket No. FEMA-6485).	Deer Creek	Downstream corporate limits	*863
			Upstream of 1st crossing of State Route 910	*869
			Upstream of Private Road	*911
			Upstream of 2nd crossing of State Route 910	*922
			Confluence of West Branch Deer Creek	*938
		West Branch Deer Creek	Confluence with Deer Creek	*933
			Upstream of Private Road	*940
			Approximately .29 mile upstream of Private Road	*955
		Little Deer Creek	Downstream corporate limits	*866
			Upstream of Little Deer Creek Valley Road	*934
			Upstream of McKrell Road	*947
			Upstream of Access Road	*961
			Upstream of Bessemer and Lake Erie Railroad	*978
			Upstream of Private Road	*987
			Approximately .3 mile upstream of Private Road	*992
Maps available for inspection at the Township Building, Russellton, Pennsylvania.				
Tennessee	Unincorporated areas of Gibson County (FEMA 6466).	North Fork of Forked Deer River	Just upstream of Route 54	*313
			Just upstream of U.S. Highway 45W Bypass	*316
		North Fork of Forked Deer River Tributary One.	Just upstream of U.S. Highway 45W Bypass	*322
		North Fork of Forked Deer River Tributary Two.	At confluence with North Fork of Forked Deer River	*312
		North Fork of Forked Deer River Tributary Three.	Approximately 1,500 feet upstream of the confluence with North Fork of Forked Deer River at County Road.	*325
		Little Sugar Creek	Just upstream of U.S. Highway 45W (State Route 5)	*345
			Just upstream of U.S. Highway 45W Bypass	*363
		Lick Creek	Just downstream of Eastern Corporate Limits	*352
		Barnett Branch	Just upstream of Gibson Wells Road	*339
		Dolly Creek	Just upstream of State Route 8	*352
		Unnamed Tributary to Middle Fork of Forked Deer River.	Approximately 8,000 feet upstream of confluence with Middle Fork of Forked Deer River.	*330
		Town Creek	Approximately 200 feet upstream of the Illinois Central Gulf Railroad	*349
Maps available for inspection at County Executive's Office, Gibson County Courthouse, Trenton, Tennessee 38382.				
West Virginia	Williamstown, city, Wood County (Docket No. FEMA-6466).	Ohio River	Downstream corporate limits	*615
			Upstream corporate limits	*618
		Williams Creek	Downstream corporate limits	*618
			Upstream of Highland Avenue	*628
			Approximately 2,200 feet upstream of Highland Avenue.	*630
Maps available for inspection at the Municipal Building, Fifth Street and Park Avenue, Williamstown, West Virginia.				

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Appeals of the proposed base flood elevations were received and have been resolved by the Agency.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Pinal County (Unincorporated Areas) FEMA-6524.	Gila River (at Florence)	250 feet upstream from the center of U.S. Highway 80 and Mi.	*1,480
		(at Riverside)	Intersection of South Kelvin Road and Apache Way	*1,796
		(at Kearny)	Center of Hartford Road at approximately 1,100 feet west of its intersection with State Highway 177.	*1,886
		(at Hayden and Winkelman)	50 feet upstream from the center of State Highway 77	*1,996

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		San Pedro River (at Dudleyville)	Intersection of Eskiminzin Wash and State Highway 77	*2,002
		(at Mammoth)	180 feet upstream from the center of State Highway 77.	*2,327
		Queen Creek	25 feet upstream from the center of Burr Drive	*2,010
		West Branch	100 feet downstream from the center of Queen Valley Drive.	*2,002
		North Branch Santa Cruz Wash	40 feet upstream from the center of Thornton Road	*1,371
		Weekes Wash	50 feet upstream from the center of North Apache Trail (State Highway 88).	*1,916
		Santa Cruz Wash	Intersection of Candlestick Drive and State Highway 84.	#2
		Green Wash	Intersection of Anderson Road and State Highway 84	#2
Maps available for inspection at Department of Planning, 1301 Pinal, Florence, Arizona.				
[redacted]	Unincorporated areas of St. Mary Parish (FEMA-6333).	Gulf of Mexico	State Highway 83 at the Town of Florence	*13
			State Highway 317 at the Town of South Bend	*16
			At the Western Tip of Cypremort Point	*18
Maps available for inspection at St. Mary Parish Engineer's Office, St. Mary Parish Courthouse, Main Street, Franklin, Louisiana 70538.				
Texas	City of Santa Fe, Galveston County (FEMA-6333).	Highland Bayou above Diversion Dam.	Approximately 1,000 feet upstream of FM 646	*24
			Approximately 200 feet upstream of Avenue R	*26
Maps available for inspection at City Hall, 4925 Main Street, Santa Fe, Texas 77510.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: May 27, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15443 Filed 6-9-83; 8:45 am]

BILLING CODE 6718-03-M

ACTION

45 CFR Part 1207

Senior Companion Program

AGENCY: ACTION.

ACTION: Final rule.

SUMMARY: This final regulation clarifies and updates existing Senior Companion Program regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operation. The text is simplified and reduced wherever possible.

EFFECTIVE DATE: This regulation shall take effect on July 25, 1983.

FOR FURTHER INFORMATION CONTACT: C. Wade Freeman, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, NW., Room M–1006, Washington, D.C. 20525, (202) 254–7310.

SUPPLEMENTARY INFORMATION: ACTION has determined that this regulation is not a major rule as defined by Executive Order 12291. The regulation will not result in any of the following:

1. Any effect on the economy;
2. Any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or
3. Any adverse effects on competition, employment, investment productivity, innovation or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Discussion of Comments and Response

The Agency received numerous comments by volunteers, project directors, sponsors, nursing home administrators and associations, and other members of the public on proposed regulations (47 FR 49673). The vast majority of the comments pertained to restrictions on the placement of Senior Companions in proprietary health care organizations. The following is the Agency response to the substantive comments, and the resulting modifications.

Section 1207.1.2: Several comments suggested that the definitions of "care plan" and "in home" be dropped because they are not mentioned elsewhere in the text. This change has been adopted. Others suggested adding definitions for "rural" and "handicapped" because they appear in the body of the text. The term "rural" has been deleted from the text and a definition of "handicapped" has been added. The Agency inadvertently excluded definitions for three technical terms used in the text, "letter of Agreement", "Memorandum of Understanding" and "United States and States." These have been added.

One substantive and two minor clarifying changes have been made in the definition of volunteer station. The respondents pointed out that: (1) Nursing home residents in urban areas should have equal access to Senior Companions; (2) The exclusion of urban proprietary health care organizations is discriminatory in that it eliminates Senior Companion service to socially isolated persons because of the ownership category of a health care organization; (3) Senior Companions assigned to such organizations do not function as staff, their role being to establish one-to-one relationships with residents who lack family or friends, which supplements, not duplicates, the work of paid staff; (4) The assignment of Senior Companions to proprietary health care organizations generates significant in-kind resources for physicals, transportation, and meals, which enables projects to place Companions in other stations that cannot provide comparable support levels.

Proprietary health care organizations have been included in the definition of volunteer station without regard to geographic location. In addition, the Agency did not intend to require licensure or certification when none was required by state or local governmental agencies. Thus, the sentence, "Each volunteer station must be licensed or otherwise certified by the appropriate state or local government" has been revised by inserting "when required" after "certified." The sentence "Private homes are not volunteer stations" has been added to clarify the role of station in-home placement assignments.

Section 1207.2–4: Paragraph (b) has been revised to reflect the replacement to OMB Circular A–95 with Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities"

Section 1207.3–1: A new paragraph has been added to clarify the sponsor's role in obtaining ACTION concurrence in the selection of volunteer stations.

Section 1207.3–2: Several persons appeared confused about the requirement in paragraph (c) that project directors "may not * * * serve, concurrently, in another capacity, paid or unpaid, during established working hours" without prior Agency approval. Their contention that this paragraph prohibits service in unpaid community volunteer or aging service activities is not accurate. ACTION encourages its sponsors to coordinate with other related groups in the community (§ 1207.1–3) and to take a leadership role in promoting such coordination. In order to eliminate the confusion, subsection (c) has been modified.

Section 1207.3–4: Paragraph (a)(3) has been modified to delete the reference to "rural service area" and add "sparsely populated areas".

Section 1207.3–5: Several comments objected to the requirement in paragraph (a)(5) that Senior Companion selection may not be based on ownership of or access to a vehicle since this impairs recruitment of Companions in rural service areas. This provision has been deleted.

Comments received from projects recommended that paragraph (c) be amended to provide a waiver of the requirement that volunteer direct benefits be a sum equal to at least 90% of the Federal share of the grant. This provision was inadvertently omitted from the text and the following language has been added: "In exceptional circumstances the Director may waive this requirement."

Paragraph (c)(1)(iii)(C) has been modified to clarify the requirements for personal automobile liability insurance.

Several comments suggested deletion of the provision in paragraph (c)(5) which limits the stipend to one member in households in which more that one eligible member serves as a Senior Companion or Foster Grandparent, except where enrollees of these programs marry. It was felt that this provision discriminates against eligible married couples. The Agency has concluded that this provision must be retained for the following reasons: (1) Pursuant to the statute, SCP enrollment is targeted at the poorest low-income Americans and this provision assures that the opportuntiy to receive stipends is extended to more low-income households; (2) Other direct benefits, in the form of insurance, meals, physical examinations, transportation, and recognition, provided to all income eligible members, offset the cost of volunteering for the household member who does not receive the stipend.

Several comments suggested deleting the prohibition in paragraph (c)(6) against using project funds for transportation provided for or on behalf of clients. The Agency has concluded that this provision must be retained because the purpose of project funds is to transport or provide reimbursement for transportation of Senior Companions between their homes and places of assignment. Transportation of clients is the responsibility of the volunteer station which provides services to the client.

The Senior Companion Program is identified by No. 72.008 in the Catalog of Federal Domestic Assistance.

Pursuant to Section 3(c)3 of E.O. 12291, entitled "Federal Regulation," the required review process has been completed by the Director of the Office of Management and Budget.

List of Subjects in 45 CFR Part 1207

Aged, Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 1207 is revised to read as follows:

PART 1207—SENIOR COMPANION PROGRAM

Subpart A—General

Sec.
1207.1–1 Purpose of the program.
1207.1–2 Definitions.
1207.1–3 Coordination.

Subpart B—Project Development and Funding

1207.2–1 Inquiries.
1207.2–2 Local support.
1207.2–3 Sponsor eligibility and solicitation of proposals.
1207.2–4 Project proposals.
1207.2–5 Review of project proposals.
1207.2–6 Awards.
1207.2–7 Grand management.
1207.2–8 Suspension, termination, denial of refunding.

Subpart C—Project Operations

1207.3–1 Sponsor responsibility.
1207.3–2 Project staff.
1207.3–3 Advisory council.
1207.3–4 Volunteer station responsibility.
1207.3–5 Senior companions.
1207.3–6 Senior companion assignments.

Subpart D—Non-ACTION Funded Projects

1207.4–1 Memorandum of agreement.

Subpart E—Sanctions and Legal Representation

Sec.
1207.5–1 Special limitations.
1207.5–2 Legal representation.

Authority: Secs211(d), (e); 212, 213, 221, 222, 223, 402(14) and 420 of Pub. L. 93–113, 87 Stat. 402, 403, 404, 407 and 414, sec. 213 of Pub. L. 97–35, 97 Stat. 487, 42 U.S.C. 5011 (d), (e); 5012, 5021, 5022, 5023, 5042(14), 5060 and 5013.

Subpart A—General

§ 1207.1–1 Purpose of the program.

The Senior Companion Program (SCP) is authorized under Title II, Part C,of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113). The dual purpose of the program is to create part-time stipended volunteer community service opportunities for low-income persons aged 60 and over, and to provide supportive person-to-person services to assist adults having exceptional needs, developmental disabilities or other special needs for companionship.

§ 1207.1–2 Definitions.

Terms used in this part are defined as follows:

"Act" is the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113, 87 Stat. 394, 42 U.S.C. 4951).

"Adult" is any person aged 21 or over.

"Advisory Council" is a group of persons formally organized by the project sponsor for the purpose of advising and supporting the sponsor in operating the project effectively.

"Agency" is the federal ACTION agency.

"Direct Benefits" are stipends, meals, transportation, annual physical examinations, volunteer insurance, recognition and uniforms included in the budget as *Volunteer Expenses.*

"Director" is the Director of ACTION.

"Exceptional Needs" are one or more physical, emotional, or mental health limitation(s).

"Federally recognized Indian tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in Section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of Interior as eligible for the special programs and services provided through the Bureau of Indian Affairs.

"Handbook" is the SCP Handbook No. 4405.91, which contains policies for implementing these regulations.

"Handicapped" is a person or persons having physical or mental impairments that substantially limit one or more major life activities.

"Hard-to-reach" individuals are those who are physically or socially isolated because of factors such as language, disability, or inadequate transportation.

"Household" refers to related or unrelated persons living under the same roof and sharing common living expenses.

"Letter of Agreement" is a written agreement between a volunteer station, the project sponsor and the adult served or the person legally responsible for the adult. It authorizes the assignment of a Senior Companion in the client's home, defines Senior Companion activities and delineates the specific arrangements for supervision.

"Memorandum of Understanding" is a written statement prepared and signed by the Senior Companion sponsor and the volunteer station which identifies project requirements, working relationships and mutal responsibilities.

"OAVP" refers to the Older American Volunteer Programs, which include: the Senior Companion Program, the Foster Grandparent Program, and the Retired Senior Volunteer Program.

"Project" is the locally planned and implemented Senior Companion Program activity as agreed upon between ACTION and the sponsor.

"Service Area" is a geographically defined area in which Senior Companions are recruited, enrolled, and placed on assignments.

"Service Schedule" is the 20 hours per week that a Senior Companion serves.

"Sponsor" is a public agency or private nonprofit organization which is responsible for the operation of the Senior Companion project.

"Stipend" is a payment to Senior Companions to enable them to serve without cost to themselves.

"United States and States" means the several states, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa and the Trust Territory of the Pacific Islands.

"Volunteer Station" is a public agency, private nonprofit organization or proprietary health care agency or organization that accepts the responsibility for assignment and supervision of Senior Companions. Each volunteer station must be licensed or otherwise certified, when required, by the appropriate state or local government. Private homes are not volunteer stations.

§ 1207.1-3 Coordination.

The sponsor shall coordinate activities with project-related groups and individuals, including those representing government, industry, labor, volunteer organizations, programs for the aging, including State and Area Agencies on Aging, and other ACTION programs, to facilitate cooperation with existing or planned community services and to develop community support.

Subpart B—Project Development and Funding

§ 1207.2-1 Inquiries.

Inquiries regarding the Senior Companion Program application process, program criteria, or the availability of funds, should be directed to the ACTION State Office serving the inquirer's own state. ACTION headquarters office in Washington, D.C. will assist in directing inquiries to the appropriate State office.

§ 1207.2-2 Local support.

An ACTION grant may be awarded to fund up to 90% of the cost of development and operation of a Senior Companion project. The sponsor is required to contribute at least 10% of the total project cost. Stipend payments in excess of the amount established by ACTION may not be included as part of the local support commitment. In exceptional circumstances the Director may approve assistance for more than 90% of the total project costs if: (a) The project is located in an area where local resources are too limited to provide 10%; or (b) a test project is determined to be of exceptional value, sufficient to warrant Federal support in excess of 90% of the total project cost.

§ 1207.2-3 Sponsor eligibility and solicitation of proposals.

(a) *Sponsor eligibility.* ACTION will award grants only to public agencies and private non-profit organizations in the United States which have the authority to accept and the capability to administer such grants.

(b) *Solicitation of proposals.* Any eligible organization may file an application for a grant. Applicants may also be solicited by ACTION pursuant to its objective of achieving equitable program resource distribution. Solicited applications are not assured of selection of approval and may have to compete with other solicited or unsolicited applications.

§ 1207.2-4 Project proposals.

(a) Applicants shall use standard forms prescribed by ACTION. ACTION State Offices will provide applicants with guidance and any additional instruction necessary to plan and budget proposed program activities.

(b) Agencies and organizations submitting grant applications must comply with provisions of Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities," as set forth in 45 Code of Federal Regulations (CFR) Part 1233.

(c) A potential sponsor must submit one copy of an application for a new SCP project to the State Agency on Aging, which has 45 days to review the application and make recommendations. The State Agency on Aging shall state in writing to ACTION its recommendations and reasons within this time period or will be considered to have waived its rights under this part.

§ 1207.2-5 Review of project proposals.

(a) The ACTION State Office for the applicant's state will review the grant application to ensure that program requirements are complied with and that required documentation has been attached.

(b) If not approved, the application will be returned to the applicant with explanation of ACTION's decision. The unsuccessful applicant may reapply when the inadequacy, if any, found in the application is resolved.

§ 1207.2-6 Awards.

(a) ACTION will, within funds available, award a grant in writing to those applicants whose grant proposals provide the best potential for serving the purpose of the program. The award will be documented by Notice of Grant Award (NGA).

(b) The parties to the NGA are ACTION and the sponsoring organization. The NGA will document the sponsor's commitment to fulfill specific programmatic objectives and financial obligations. It will document the extent of ACTION's obligation to provide financial support to the sponsor.

(c) A sponsor may receive a grant award for more than one OAVP project.

§ 1207.2-7 Grant management.

(a) Sponsors shall manage grants awarded to them in accordance with these regulations, ACTION Handbook 2650.2, entitled *Grants Management Handbook for Grantees*, and SCP Handbook No. 4405.91. A copy of each document will be furnished the sponsor at the time the initial grant is awarded.

(b) Project support provided under an ACTION grant shall be furnished at the lowest possible cost consistent with the effective operation of the project.

(c) Project costs for which ACTION funds are budgeted must be justified as being essential to project operation.

§ 1207.2-8 Suspension, termination and denial of refunding.

Grant suspension, termination and denial of refunding procedures are set forth in 45 CFR Part 1206, Chapter XII, and in ACTION Handbook 2650.2.

Subpart C—Project Operations

§ 1207.3–1 Sponsor responsibility.

The sponsor is responsible for all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. The sponsor has the responsibility to:

(a) Employ, supervise and support a Project Director who will be directly responsible to the sponsor for the management of the project, including selection, training and supervision of project staff;

(b) Provide for the recruitment, assignment, supervision and support of Senior Companions. Special efforts are to be made to recruit and assign persons from minority groups, handicapped and hard-to-reach individuals, and groups in the community which are underrepresented in the project. The sponsor will stress the recruitment and enrollment of persons not already volunteering;

(c) Provide financial and in-kind support to fulfill the project's local share commitment;

(d) Establish, orient, and support an independent SCP Advisory Council;

(e) Provide the Senior Companions with not less than the minimum accident, personal liability, and excess auto liability insurance required by ACTION;

(f) Provide for appropriate recognition of the Senior Companions and their activities;

(g) Establish personnel practices, including provision of position descriptions for project staff, and service policies for Senior Companions, including grievance and appeal procedures for both volunteers and project staff;

(h) Ensure compliance with ACTION requirements relating to nondiscrimination, religious activity, political activity, lobbying, patronage toward persons related by blood or marriage, labor or anti-labor organization or related activities, nondisplacement of employed workers, nonimpairment of contracts, and noncompensation for services;

(i) Maintain project records in accordance with generally accepted accounting practice and provide for the accurate and timely preparation and submission of reports required by ACTION;

(j) Develop Senior Companion service opportunities through volunteer stations;

(k) Obtain ACTION concurrence in the selection of volunteer stations prior to the placement of Senior Companions;

(l) Negotiate, prior to placement of Senior Companions; a written Memorandum of Understanding with each volunteer station, identifying sponsor responsibilities, volunteer station responsibilities, and joint responsibilities;

(m) Orient volunteer station staff to the program and its activities;

(n) Provide not less than 40 hours of pre-service orientation to the Senior Companions;

(o) Arrange group in-service training for Senior Companions for a minimum of four hours each month;

(p) Provide or arrange for direct benefits (insurance, meals, physical examinations, recognition, stipends, transportation, and uniforms, if needed) for the Senior Companions in a timely manner;

(q) Ensure provision for volunteer safety;

(r) Comply with program regulations, policies and procedures prescribed by ACTION;

(s) Ensure that appropriate liability insurance is maintained for owned, nonowned, or hired vehicles used in the project;

(t) Develop a realistic transportation plan for the project based on lowest cost transportation modes; and

(u) Conduct an annual appraisal of volunteers' performance and an annual review of volunteers' income eligibility.

§ 1207.3–2 Project staff.

(a) Project staff are employees of the sponsor and are subject to its personnel policies and practices.

(b) ACTION must concur in writing with the sponsor's selection of a project director before such person is employed or earns pay from grant funds.

(c) The SCP project director shall serve full time and may not be employed or serve concurrently in another capacity, paid or unpaid, during established working hours without prior approval from ACTION. This does not preclude participation of the project director in activities of related local agencies, boards or organizations for the purposes of coordination and facilitating achievement of project goals and objectives.

(d) Compensation levels for project staff, including wages, salaries and fringe benefits, should be comparable to like or similar positions in the sponsor organization and in the community.

§ 1207.3–3 Advisory Council.

An Advisory Council shall be established to advise and assist the project sponsor and staff. There shall be a separate Advisory Council for each Older American Volunteer project administered by the sponsor. When a small number of volunteers is enrolled or other special conditions prevail, this requirement may be waived by the Director of OAVP. The Advisory Council shall:

(a) Advise the project director in the formulation of local policy, planning, and the development of operational procedures and practices consistent with program policies;

(b) Assist the sponsor by promoting community support for the project, advise on personnel actions affecting volunteers and project staff, and assist in developing local financial and in-kind resources;

(c) Include in its membership, when available: community, business and labor leaders, representatives from volunteer stations, public and private agencies, and persons specializing in the fields of aging and voluntarism. In addition, at least one-fourth of the Advisory Council shall be low-income persons aged 60 or over. This group must include Senior Companions as voting members. The sponsor's chief executive or designee, one member of its governing board, and the project director should be members of the Advisory Council but may not be officers of the Advisory Council. The sponsor's chief executive and the project director may not be voting members. The member representing the sponsor's governing board may be a voting member. The provisions of Section 1207.5–1, Nondiscrimination, apply to the Advisory Council;

(d) Meet on a regular schedule and establish its own procedures, including election of officers and terms of office;

(e) Conduct an annual appraisal of project operation and submit a report to the sponsor, which shall be attached to the continuation grant application;

(f) Have an opportunity to advise the sponsor in advance on the selection or termination of the project director; and

(g) Ensure procedures are in effect to hear an appeal to actions affecting a Senior Companion adversely.

§ 1207.3–4 Volunteer station responsibility.

(a) Normally the volunteer station is an organization other than the sponsoring organization. The sponsor may function as a Senior Companion station only if the sponsor is: (1) A state organization administering a statewide Senior Companion project where the volunteer station is part of the state organization; (2) a federally-recognized Indian tribal government; or (3) in a sparsely populated area. In such sparsely populated areas, up to 10% of the enrolled volunteers may be placed directly by the sponsor.

(b) Volunteer station responsibilities include:

(1) Assisting with or arranging for volunteer transportation on or between assignments;

(2) Assisting in the provision of appropriate volunteer recognition;

(3) Developing and monitoring volunteer assignments, selecting adults to be served, supervising the volunteers, assisting the sponsor in matching volunteers to assignments and in providing pre-service orientation and in-service training for the Senior Companions;

(4) Providing for volunteer safety;

(5) Keeping records and preparing reports required by the sponsor; and

(6) Signing, prior to the placement of Senior Companions, a Memorandum of Understanding with the sponsor establishing working relationships and mutual responsibilities, and detailing the responsibilities outlined above as well as other agreed upon responsibilities, including the particulars of the volunteers' supervision.

(i) When Senior Companions are to serve in private homes, the Memorandum of Understanding shall also require that the volunteer station obtain a Letter of Agreement from the person to be served, or the person legally responsible for that person, authorizing or requesting volunteer service in the home and indicating what specific activities are to be performed.

(ii) The Memorandum of Understanding is to be reviewed and, as appropriate, changed annually. The Memorandum may be amended at any time by mutual agreement and must be signed and dated annually to indicate that review and update, if needed, have been accomplished.

§ 1207.3–5 Senior Companions.

(a) *Eligibility.* (1) Senior Companions shall be 60 years of age or older, no longer in the regular work force, determined by a physical examination to be capable of serving adults with exceptional or special needs without detriment to either themselves or the adult served, and willing to accept supervision as required.

(2) Eligibility to be a Senior Companion may not be restricted on the basis of education, experience, citizenship, race, color, creed, belief, sex, national origin, handicap, or political affiliation.

(3) To be enrolled, a Senior Companion cannot have an annual income, from all sources, exceeding the ACTION income eligibility guideline for the state in which he or she resides. The ACTION income eligibility guideline for each state is the higher amount of either: (i) 125% of the poverty line as set forth in Section 625 of the Economic Opportunity Act of 1964, as amended by Pub. L. 92–424 (42 U.S.C. 2971d), or (ii) 100% of the poverty line plus the amount the state supplements Federal Supplemental Security Income (SSI). In cases where a Senior Companion is a member of a household in which other persons share common expenses, his or her income eligibility is determined by the combined income of members of the household.

(4) Once enrolled, a Senior Companion shall remain eligible to serve and to receive a stipend as long as his or her income does not exceed the prescribed ACTION income eligibility guideline by 20%. Income eligibility shall be reviewed annually by the sponsor.

(5) Recruitment and selection of a Senior Companion may not be based on any requirement of employment experience or formal education.

(b) Terms of service. (1) Senior Companions serve a total of twenty hours a week, usually five days a week. Travel time between the volunteer's home and place of assignment may not be considered part of the service schedule and is not stipended. Travel time between individual assignments is a part of the service schedule. Meal time may be part of the service schedule only if meals are taken with the individual served, and the taking of meals together is deemed by the sponsor and the volunteer station to be beneficial to the person served.

(2) Senior Companions are volunteers, not employees, of the sponsor.

(c) *Direct benefits.* The total of direct benefits for Senior Companions, including stipends, insurance, transportation, meals, physical examinations, recognition, and uniforms if appropriate, shall be a sum equal to at least 90% of the amount of the ACTION Federal share of the grant. In exceptional circumstances, the Director may waive this requirement. Federal and non-federal resources can be used to make up this sum. Direct benefits may not be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment insurance, temporary disability, retirement, public assistance, or similar benefit payments or minimum wage laws. Direct benefits include:

(1) *Insurance.* Senior companions shall be provided with the ACTION specified minimum levels of accident insurance, personal liability insurance and, when appropriate, excess automobile liability insurance.

(i) *Accident insurance.* Accident insurance shall cover Senior Companions for personal injury during travel between their homes and places of assignment, during their volunteer service, during meal periods while serving as a volunteer, and while attending project-sponsored activities, such as recognition activities, orientation and Advisory Council meetings.

Protection shall be provided against claims in excess of any benefits or services for medical care or treatment available to the volunteer from other sources including:

(A) Health insurance coverage;

(B) Other hospital or medical service plans;

(C) Any coverage under labor-management trusteed plans, union welfare plans, employer organization plans, or employee benefit organization plans; and

(D) Coverage under any governmental programs or coverage provided by any statute.

When benefits are provided in the form of services rather than by cash payments, the reasonable cash value of each service rendered shall be considered in determining the applicability of this provision. The benefits payable under a plan shall include the benefits that would have been payable had a claim been duly made therefor. The benefits payable shall be reduced to the extent necessary so that the sum of such reduced benefits and all the benefits provided for by any other plan shall not exceed the total expenses incurred by the volunteer.

(ii) *Personal liability insurance.* Protection shall be provided against claims in excess of protection provided by other insurance.

(iii) *Excess automobile liability insurance.* Protection shall be provided against claims in excess of the greater of either:

(A) Liability insurance volunteers carry on their own automobiles, or

(B) The limits of the applicable state financial responsibility law, or

(C) In the absence of a state financial responsibility law, levels of protection to be determined by ACTION for each person, each accident, and for property damage.

Senior Companions who drive their personal vehicles to or on assignments or project related activities must maintain personal automobile liability insurance equal to or exceeding the levels established by (B) or (C) above

(2) *Meals.* Within the limits of available resources and project policy, Senior Companions will be provided or will receive assistance with the cost of

meals taken during their service schedule.

(3) *Physical examinations.* Senior Companions are required to have a physical examination prior to assignment and annually thereafter.

(4) *Appropriate recognition* will be provided for Senior Companions.

(5) *Stipends.* A Senior Companion will receive a stipend in an amount determined by ACTION and payable in regular installments. The minimum amount of the stipend is set by law and may be adjusted by the Director from time to time. When more than one eligible member of a household serves as a Senior Companion or Foster Grandparent, only one member shall be entitled to receive a stipend. All income eligible members in such cases shall be entitled to other direct benefits. Only in cases where enrolled Senior Companions or Foster Grandparents marry, may each continue to receive a stipend.

(6) *Transportation.* Senior Companions shall be provided transportation or receive assistance with the cost of transportation to and from volunteer assignments and official project activities, including orientation, training, advisory council meetings and recognition events. Reimbursement will be within the limits of available resources and project policy. Project funds may not be utilized to reimburse Senior Companions for transportation provided for or on behalf of clients.

§ 1207.3–6 Senior companion assignments.

(a) Assignments and activities must involve person-to-person relationships with the individuals served and may not include service to the volunteer station.

(b) Individuals served by Senior Companions must be adults, primarily older adults, who have one or more physical, emotional, or mental health limitations and are in need of assistance to achieve and maintain their highest level of independent living.

Subpart D—Non-ACTION Funded Projects

§ 1207.4–1 Memorandum of agreement.

(a) If an eligible agency or organization wishes to sponsor a project without ACTION funding, and wishes to receive technical assistance and materials from ACTION, it must sign a Memorandum of Agreement with ACTION identifying mutual responsibilities and certifying its intent to comply with ACTION regulations.

(b) A non-ACTION funded project sponsor's noncompliance with the Memorandum of Agreement may result in suspension or termination of ACTION's technical assistance to the project.

(c) Termination of the agreement by either the project sponsor or ACTION will result in loss of the tax exempt status of volunteer direct benefits allowable to Senior Companions and loss of coverage by the statutory provision that receipt of the stipend will not affect the volunteers' eligibility for any governmental assistance.

(d) Entry into a Memorandum of Agreement with a sponsoring agency which does not receive ACTION funds will not, under any circumstances, create a financial obligation on the part of ACTION for costs associated with the project including increases in required payments to volunteers which may result from changes in the Act or in ACTION regulations.

Subpart E—Sanctions and Legal Representation

§ 1207.5–1 Special limitations.

(a) *Political activities.* (1) No part of any grant shall be used to finance, directly or indirectly, any activity to influence the outcome of any election to public office, or any voter registration activity.

(2) No project shall be conducted in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such project (i) any partisan or nonpartisan political activity associated with a candidate, or contending faction or group, in an election or, (ii) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (iii) any voter registration activity.

(3) No Senior Companion or employee of a sponsor or volunteer station may take any action, when serving in such capacity, with respect to a partisan or nonpartisan political activity that would result in the identification or apparent identification of the Senior Companion Program with such activity.

(4) No grant funds may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except

(i) in any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests a Senior Companion, a sponsor chief executive, his or her designee, or project staff to draft, review or testify regarding measures or to make representation to such legislative body, committee or member, or (ii) in connection with an authorization or appropriations measure directly affecting the operation of the Senior Companion Program.

Prohibitions on Electoral and Lobbying Activities are fully set forth in 45 CFR Part 1226 and in ACTION Handbook 2650.2.

(b) *Restrictions on State or local government employees.* If the sponsor is a State or local government agency which received a grant from ACTION, certain restrictions contained in Chapter 15 of Title 5 of the United States Code are applicable. They are related to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or research institutions. An employee subject to these restrictions may not:

(1) Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or

(2) Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose; or

(3) Be a candidate for elective office, except in a nonpartisan election. "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

(c) *Religious activities.* Senior Companions and project staff funded by ACTION shall not give religious instruction, conduct worship services or engage in any form of proselytization as part of their duties.

(d) *Nondiscrimination.* For purposes of this subpart, and for purposes of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 d *et seq.*), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the Age Discrimination Act of 1975 (Pub. L. 94–135, Title III; 42 U.S.C. 6101 *et seq.*), any program, project, or activity to which volunteers are assigned under this Act shall be deemed to be receiving federal financial assistance.

(1) No person with responsibility in the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

(2) Sponsors are required to take affirmative action to overcome the effects of prior discrimination. Even in the absence of prior discrimination, a sponsor may take affirmative action to overcome conditions which resulted in limiting participation.

(3) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with a Senior Companion project.

(e) *Labor and anti-labor activity.* No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(f) *Nondisplacement of employed workers.* A Senior Companion may not perform any service or duty or engage in any activity which would otherwise be performed by an employed worker or which would supplant the hiring of employed workers.

(g) *Nonimpairment of contracts.* A Senior Companion may not perform any service, or duty, or engage in any activity which impairs an existing contract for service. The term "contract for service" includes but is not limited to contracts, understandings, and arrangements, either written or oral, to provide professional, managerial, technical, or administrative services.

(h) *Noncompensation for services.* No person, organization, or agency shall request or receive any compensation for services of Senior Companions.

(i) *Nepotism.* Persons selected for projects staff positions may not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors, unless there is concurrence by the Advisory Council, with notification to ACTION.

(j) *Volunteer separation.* A sponsor may separate a volunteer for cause, including, but not limited to, extensive or unauthorized absences, misconduct, inability to perform assignments or having income in excess of the eligibility level established by ACTION.

§ 1207.5–2 Legal representation.

Counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of a Senior Companion may be paid in a criminal, civil or administrative proceeding, when such a proceeding arises directly out of the performance of the Senior Companion activities. 45 CFR Part 1220 establishes the circumstances under which ACTION may pay such expenses.

Signed at Washington, D.C. this 3rd day of June, 1983.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 83–15542 Filed 6–9–83; 8:45 am]

BILLING CODE 6050–01–M

---

45 CFR Part 1208

Foster Grandparent Program

AGENCY: ACTION.

ACTION: Final rule.

SUMMARY: This final regulation clarifies and updates existing Foster Grandparent Program regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations. The test is simplified and reduced wherever possible.

EFFECTIVE DATE: This regulation shall take effect on July 25, 1983.

FOR FURTHER INFORMATION CONTACT: C. Wade Freeman, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, NW., Room M–1006, Washington, D.C. 20525, (202) 254–7310.

SUPPLEMENTARY INFORMATION: ACTION has determined that this regulation is not a major rule as defined by Executive Order 12291. The regulation will not result in any of the following:

1. Any effect on the economy;
2. Any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies of geographic regions; or
3. Any adverse effects on competition, employment, investment productivity, innovation or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Discussion of Comments and Response: A total of 15 commenters submitted recommendations in regard to the proposed rule revision (47 FR 49679). Each recommendation has been duly considered. The following is ACTION's response to substantive comments/recommendations received and, where considered appropriate, resulting modifications. Some suggestions made in regard to the proposed revision of regulations for the Senior Companion Program (45 CFR Part 1207) considered equally applicable to this part, are also incorporated herein.

Section 1208.1–2: One suggestion is to add "nurses" to the list of professionals who are to verify a child's special or exceptional needs. The words "a registered nurse or licensed practical nurse," have been added. Suggestions that children who do not have verified special or exceptional needs should be served by Foster Grandparents does not conform to Section 211(a) of Pub. L. 93–113 and is not adopted. Other comments suggested adding definitions for "rural" and "handicapped" because they appear in the body of the text. The term "rural" has been deleted from the text and a definition of "handicapped" has been added. Inadvertent omission of definitions for "Letter of Agreement", "Memorandum of Understanding" and "United States and States" is remedied by inclusion of definitions of these technical terms.

The definition of "Volunteer Station" is modified in conformance with a suggestion that reference to volunteer stations assigning volunteers to children is more appropriately addressed elsewhere as a volunteer station responsibility, and to clarify that certification or licensing of volunteer stations is necessary only when required by the appropriate state or local government.

Consistent with existing regulations, language regarding proprietary health care agencies and organizations serving as volunteer stations is retained.

A sentence also was added to the effect that private homes are not volunteer stations.

Section 1208.2–3: To correct an oversight that was commented upon, § 1208.2–3(a): *Sponsor Eligibility* has been changed.

Section 1208.2–4: Paragraph (b) has been revised to reflect the replacement of OMB Circular A–95 with Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities".

Section 1208.3–1: A new paragraph has been added to clarify the sponsor's role in obtaining ACTION concurrence in the selection of volunteer stations.

Section 1208.3–2: Two commenters questioned the requirement in subsection (c) that project directors "may not * * * serve concurrently, in another capacity, paid or unpaid, during established working hours" without prior Agency approval. Their contention that this paragraph restricts service in unpaid community volunteer or aging service activities is not accurate. ACTION encourages its sponsors to coordinate with other related groups in the community (§ 1208.1–3) and to take a leadership role in promoting such coordination. In order to eliminate the confusion, subsection (c) will be modified by adding the following: "This does not preclude participation of the project director in activities of related

local agencies, boards or organizations for purposes of coordination and facilitating achievement of project goals and objectives."

Section 1208.3–4: Paragraph (a)(3) has been modified to delete the reference to "rural service area" and add "sparsely populated areas".

Section 1208.3–5: The requirement in paragraph (a)(6) that Foster Grandparent selection may not be based on ownership of or access to a vehicle has been deleted since this may impair recruitment of Foster Grandparents in sparsely populated areas.

In paragraph (c) of this section, following the phrase "* * * at least 90% of the amount of the ACTION federal share of the grant award.", the following sentence, omitted by oversight, is added: "In exceptional circumstances the Director may waive this requirement."

Paragraph (c)(1)(iii)(C) has been modified to clarify the requirements for personal automobile liability insurance.

Several comments suggested deletion of the provision in paragraph (c)(5) which limits the stipend to one member in households in which more than one eligible member serves as a Foster Grandparent or Senior Companion, except where enrollees of the programs marry. It was felt that this provision discriminates against eligible married couples. The Agency has concluded that this provision must be retained for the following reasons: (1) Pursuant to the statute, FGP enrollment is targeted at the poorest low-income Americans and this provision assures that the opportunity to receive stipends is extended to more low-income households; (2) Other direct benefits, in the form of insurance, meals, physical examinations, transportation, and recognition, provided to all income-eligible members, offset the cost of volunteering for the household member who does not receive the stipend.

One commenter suggested deleting the prohibition in paragraph (c)(6) against using project funds for transportation provided for or on behalf of clients. The Agency has concluded that this provision must be retained because the purpose of project funds is to transport or provide reimbursement for transportation of Foster Grandparents between their homes and the volunteer stations which provide services to the client.

The Foster Grandparent Program is identified by No. 72.001 in the Catalog of Federal Domestic Assistance.

Pursuant to Section 3(c)3 of Executive Order 12291, entitled "Federal Regulation," the required review process has been completed by the Director of the Office of Management and Budget.

List of Subjects in 45 CFR Part 1208

Aged, Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 1208 is revised to read as follows:

PART 1208—FOSTER GRANDPARENT PROGRAM

Subpart A—General

Sec.

1208.1–1 Purpose of the program.
1208.1–2 Definitions.
1208.1–3 Coordination.

Subpart B—Project Development and Funding

1208.2–1 Inquiries.
1208.2–2 Local support.
1208.2–3 Sponsor eligibility and solicitation of proposals.
1208.2–4 Project proposals.
1208.2–5 Review of project proposals.
1208.2–6 Awards.
1208.2–7 Grant management.
1208.2–8 Suspension, termination, denial of refunding.

Subpart C—Project Operations

1208.3–1 Sponsor responsibility.
1208.3–2 Project staff.
1208.3–3 Advisory Council.
1208.3–4 Volunteer station responsibility.
1208.3–5 Foster grandparents.
1208.3–6 Foster grandparent assignments.
1208.3–7 Children served.

Subpart D—Non-ACTION Funded Projects

1208.4–1 Memorandum of agreement.

Subpart E—Sanctions and Legal Representation

1208.5–1 Special limitations.
1208.5–2 Legal representation.

Authority: Secs. 211(a), 212, 221, 222, 223, 402(14) and 420 of Pub. L. 93–113, 87 Stat. 402, 403, 404, 407 and 414, 42 U.S.C. 5011(a), 5012, 5021, 5022, 50023, 5042(14), and 5060.

Subpart A—General

§ 1208.1–1 Purpose of the program.

The Foster Grandparent Program (FGP) is authorized under Title II, Part B, of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113). The dual purpose of the program is to provide opportunities for low-income persons aged 60 or over to give supportive person-to-person service in health, education, welfare or related settings to help alleviate the physical, mental, or emotional problems of children having exceptional or special needs.

§ 1208.1–2 Definitions.

Terms used in this part are defined as follows:

"Act" is the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113, 87 Stat. 394, 42 U.S.C. 4951).

"Advisory Council" is a group of persons formally organized by the project sponsor for the purpose of advising and supporting the sponsor in operating the project effectively.

"Agency" is the federal ACTION agency.

"Child" is any individual under 21 years of age.

"Children having exceptional needs" are those who are developmentally disabled such as those who are mentally retarded, autistic, have cerebral palsy or epilepsy or are visually handicapped, speech impaired, multi-handicapped, emotionally disturbed or have a language disorder, specific learning disability or other significant health impairment. Existence of a child's exceptional need shall be verified by an appropriate professional, such as a physician, psychiatrist, psychologist, registered nurse or licensed practical nurse, speech therapist or educator before a Foster Grandparent is assigned to the child.

"Children with special needs" includes those who are: abused or neglected; in need of foster care; status offenders and other children or youth, as further defined in Title III of the Juvenile Justice Act Amendments of 1977; certain teen-age parents; and children in need of protective intervention in their homes. Existence of a child's special need shall be verified by an appropriate professional before a Foster Grandparent is assigned to the child.

"Direct Benefits" are stipends, meals, transportation, annual physical examinations, volunteer insurance, recognition and uniforms included in the budget as *Volunteer Expenses*.

"Director" is the Director of ACTION.

"Federally recognized Indian tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in Section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the Interior as eligible for the special programs and services provided through the Bureau of Indian Affairs.

"Handbook" is the FGP Handbook No. 4405.90 which contains policies for implementing these regulations.

"Handicapped" is a person or persons having physical or mental impairments that substantially limit one or more major life activities.

"Hard-to-reach" individuals are those who are physically or socially isolated because of factors such as language, disability, or inadequate transportation.

"Household" refers to related or unrelated persons living under the same roof and sharing common living expenses.

"Individual Care or Treatment Plan" is a written description of a Foster Grandparent's assignment with a child. The plan defines the goals for the child to be attained through the relationship with a Foster Grandparent and the specific activities to be performed by the Foster Grandparent in the assignment.

"In-home" refers to non-institutional assignment of a Foster Grandparent in a private residence, a foster home, or a group home.

"Letter of Agreement" is a written agreement between a volunteer station, the project sponsor, and the person or persons legally responsible for the child served. It authorizes the assignment of a Foster Grandparent in the child's home, defines the Foster Grandparent's activities and delineates specific arrangements for supervision.

"Memorandum of Understanding" is a written statement prepared and signed by the Foster Grandparent project sponsor and the volunteer station which identifies project requirements, working relationships and mutual responsibilities.

"OAVP" refers to the Older American Volunteer Programs, which include: the Foster Grandparent Program, the Retired Senior Volunteer Program, and the Senior Companion Program.

"Parent" is a natural parent or a person acting in place of a natural parent, such as a child's natural grandparent, or a step-parent with whom the child lives. The term also includes otherwise unrelated individuals who are legally responsible for a child's welfare.

"Project" is the locally planned and implemented Foster Grandparent Program activity as agreed upon between ACTION and the sponsor.

"Service Area" is a geographically defined area in which Foster Grandparents are recruited, enrolled, and placed on assignments.

"Service Schedule" is the 20 hours per week that a Foster Grandparent serves.

"Sponsor" is a public agency or private nonprofit organization which is responsible for the operation of the Foster Grandparent project.

"Stipend" is a payment to Foster Grandparents to enable them to serve without cost to themselves.

"United States and States" mean the several states, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa and the Trust Territory of the Pacific Islands.

"Volunteer Station" means a public agency, private nonprofit organization or proprietary health care agency or organization that accepts the responsibility for assignment and supervision of Foster Grandparents in health, education, welfare or related settings such as private homes, hospitals, homes for dependent and neglected children, or similiar establishments.

Each volunteer station must be licensed or otherwise certified, when required, by the appropriate state or local government.

Private homes are not volunteer stations.

§ 1208.1-3 Coordination.

The sponsor shall coordinate activities with project-related groups and individuals, including those representing government, industry, labor, volunteer organizations, programs for children, programs for the aging, including State and Area Agencies on Aging, and other ACTION programs, to facilitate cooperation with existing or planned community services and to develop community support.

Subpart B—Project Development and Funding

§ 1208.2-1 Inquiries.

Inquiries regarding the Foster Grandparent Program application process, program criteria, or the availability of funds, should be directed to the ACTION State Office serving the inquirer's own state. ACTION headquarters office in Washington, D.C. will assist in directing inquiries to the appropriate state office.

§ 1208.2-2 Local support.

An ACTION grant may be awarded to fund up to 90% of the cost of development and operation of a Foster Grandparent project. The sponsor is required to contribute at least 10% of the total project cost. Stipend payments in excess of the amount established by ACTION may not be included as part of the local support commitment. In exceptional circumstances the Director may approve assistance for more than 90% of the total project cost if:

(a) The project is located in an area where local resources are too limited to provide 10%; or

(b) A test project is determined to be of exceptional value, sufficient to warrant Federal support in excess of 90% of the total project cost.

§ 1208.2-3 Sponsor eligibility and solicitation of proposals.

(a) *Sponsor eligibility.* ACTION will award grants only to public agencies and private non-profit organizations in the United States which have the authority to accept and the capability to administer such grants.

(b) *Solicitation of Proposals* (1) Any eligible organization may file an application for a grant. Applicants may also be solicited by ACTION pursuant to its objective of achieving equitable program resource distribution. Solicited applications are not assured of selection or approval and may have to compete with other solicited or unsolicited applications.

(2) Grants for projects to be carried out over an area in a state more comprehensive than one community shall be awarded to the State Agency on Aging unless:

(i) The state has not established or designated such an agency, or

(ii) Such agency has been afforded at least 45 days to review and make recommendations on a prospective sponsor's application.

(3) Grants for projects to be carried out entirely in a community served by a Community Action Agency shall be awarded to that agency unless that agency and the State Agency on Aging have been afforded at least 45 days to review and make recommendations on a new grant application.

(4) In the event that the State Agency on Aging or the Community Action Agency is not awarded the applicable grant, any application that is approved will contain or be supported by satisfactory assurances that the project has been developed and will, to the extent feasible, be conducted in consultation with, or with the participation of such agencies.

§ 1208.2-4 Project proposals.

(a) Applicants shall use standard forms prescribed by ACTION. ACTION State Offices will provide applicants with guidance and any additional instruction necessary to plan and budget proposed program activities.

(b) Agencies and organizations submitting grant applications must comply with the provisions of Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities," as set forth in 45 CFR Part 1233.

(c) A potential sponsor must submit one copy of an application for a new FGP project to the State Agency on Aging, which has 45 days to review the application and make recommendations. The State Agency on Aging shall state in writing to ACTION its recommendations and reasons within this time period or will be considered to have waived its rights under this part.

§ 1208.2-5 Review of project proposals.

(a) The ACTION State Office for the applicant's state will review the grant application to ensure that program requirements are complied with and that required documentation has been attached.

(b) If not approved, the application will be returned to the applicant with explanation of ACTION's decision. The unsuccessful applicant may reapply when the inadequacy, if any, found in the application is resolved.

§ 1208.2-6 Awards.

(a) ACTION will, within funds available, award a grant in writing to those applicants whose grant proposals provide the best potential for serving the purpose of the program. The award will be documented by *Notice of Grant Award* [NGA].

(b) The parties to the NGA are ACTION and the sponsoring organization. The NGA will document the sponsor's commitment to fulfill specific programmatic objectives and financial obligations. It will document the extent of ACTION's obligation to provide financial support to the sponsor.

(c) A sponsor may receive a grant award for more than one OAVP project.

§ 1208.2-7 Grant management.

(a) Sponsors shall manage grants awarded to them in accordance with these regulations. ACTION Handbook 2650.2 entitled, *Grants Management Handbook for Grantees,* and the FGP Handbook No. 4405.90. A copy of each document will be furnished to the sponsor at the time the initial grant is awarded.

(b) Project support provided under an ACTION grant shall be furnished at the lowest possible cost consistent with the effective operation of the project.

(c) Project costs for which ACTION funds are budgeted must be justified as being essential to project operation.

§ 1208.2-8 Suspension, termination and denial of refunding.

Grant suspension, termination and denial of refunding procedures are set forth in 45 CFR Part 1206, Chapter XII, and in ACTION Handbook 2650.2

Subpart C—Project Operations

§ 1208.3-1 Sponsor responsibility.

The sponsor is responsible for all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. The sponsor has the responsibility to:

(a) Employ, supervise and support a Project Director, who will be directly responsible to the sponsor for the management of the project, including selection, training and supervision of project staff;

(b) Provide for the recruitment, assignment, supervision and support of Foster Grandparents. Special efforts are to be made to recruit and assign persons from minority groups, handicapped and hard-to-reach individuals, and groups in the community which are underrepresented in the project. The sponsor will stress the recruitment and enrollment of persons not already volunteering;

(c) Provide financial and in-kind support to fulfill the project's local share commitment;

(d) Establish, orient and support an independent FGP Advisory Council;

(e) Provide Foster Grandparents with not less than the minimum accident, personal liability, and excess auto liability insurance required by ACTION;

(f) Provide for appropriate recognition of the Foster Grandparents and their activities;

(g) Establish personnel practices, including provision of position descriptions for project staff, and service policies for Foster Grandparents, including grievance and appeal procedures for both volunteers and project staff;

(h) Ensure compliance with ACTION requirements relating to nondiscrimination, religious activity, political activity, lobbying, patronage toward persons related by blood or marriage, labor or anti-labor organization or related activities, nondisplacement of employed workers, nonimpairment of contracts, and noncompensation for services;

(i) Maintain project records in accordance with generally accepted accounting practice and provide for the accurate and timely preparation and submission of reports required by ACTION;

(j) Develop Foster Grandparent service opportunities through volunteer stations;

(k) Obtain ACTION concurrence in the selection of volunteer stations prior to the placement of Foster Grandparents.

(l) Negotiate, prior to placement of Foster Grandparents, a written Memorandum of Understanding with each volunteer station, identifying sponsor responsibilities, volunteer station responsibilities and joint responsibilities;

(m) Orient volunteer station staff to the Program and its activities;

(n) Provide not less than 40 hours of pre-service orientation to Foster Grandparents;

(o) Arrange group in-service training for Foster Grandparents for a minimum of four hours each month;

(p) Provide or arrange for direct benefits (insurance, meals, physical examinations, recognition, stipends, transportation and uniforms, if needed) for the Foster Grandparents in a timely manner;

(q) Ensure provision for volunteer safety;

(r) Comply with program regulations, policies and procedures prescribed by ACTION;

(s) Ensure that appropriate liability insurance is maintained for owned, nonowned, or hired vehicles used in the project;

(t) Develop a realistic transportation plan for the project based on the lowest cost transportation modes; and

(u) Conduct an annual appraisal of volunteers' performance and an annual review of volunteers' income eligibility.

§ 1208.3-2 Project staff.

(a) Project staff are employees of the sponsor and are subject to its personnel policies and practices.

(b) ACTION must concur in writing with the sponsor's selection of a project director before such person is employed or earns pay from grant funds.

(c) The FGP Project Director shall serve full time and may not be employed or serve concurrently in another capacity, paid of unpaid, during established working hours, without prior approval from ACTION. This does not preclude participation of the project director in activities of related local agencies, boards or organizations for the purposes of coordination and facilitating achievement of project goals and objectives.

(d) Compensation levels for project staff, including wages, salaries and fringe benefits, should be comparable to like or similar positions in the sponsor organization and in the community.

§ 1208.3-3 Advisory council.

An Advisory Council shall be established to advise and assist the project sponsor and staff. There shall be a separate Advisory Council for each Older American Volunteer project administered by the sponsor. When a small number of volunteers is enrolled or other special conditions prevail, this requirement may be waived by the Director of OAVP. The Advisory Council shall;

(a) Advise the project director in the formulation of local policy, planning, and the development of operational procedures and practices consistent with program policies;

(b) Assist the sponsor by promoting community support for the project, advise on personnel actions affecting volunteers and project staff, and assist in developing local financial and in-kind resources;

(c) Include in its membership, when available: community, business and labor leaders, representatives for volunteer stations, public and private agencies, and persons specializing in the fields of aging, child development and voluntarism. In addition, at least one-fourth of the Advisory Council shall be low-income persons aged 60 or over. This group must include Foster Grandparents as voting members. The sponsor's chief executive or designee, one member of its governing board, and the project director should be members of the Advisory Council but may not be officers of the Advisory Council. The sponsor's chief executive and the project director may not be voting members. The member representing the sponsor's governing board may be a voting member. The provisions of Section 1208.5–1(d), Nondiscrimination, apply to the Advisory Council;

(d) Meet on a regular schedule and establish its own procedures, including election of officers and terms of office;

(e) Conduct an annual appraisal of project operation and submit a report to the sponsor, which shall be attached to the continuation grant application;

(f) Have an opportunity to advise the sponsor in advance on the selection or termination of the project director; and

(g) Ensure procedures are in effect to hear an appeal to actions affecting a Foster Grandparent adversely.

§ 1208.3–4 Volunteer station responsibility.

(a) Normally the volunteer station is an organization other than the sponsoring organization. The sponsor may function as a Foster Grandparent volunteer station only if the sponsor is:

(1) A state organization administering a statewide Foster Grandparent project where the volunteer station is part of the state organization, (2) a Federally recognized Indian tribal government, or (3) in a sparsely populated area. In such sparsely populated areas, up to 10% of the enrolled volunteers may be placed directly by the sponsor.

(b) Volunteer Station responsibilites include:

(1) Assisting with or arranging for volunteer transportation on or between assignments;

(2) Assisting in the provision of appropriate volunteer recognition;

(3) Developing and monitoring volunteer assignments, selecting children to be served, supervising the volunteers, assisting the sponsor in matching volunteers to assignments and in providing pre-service orientation and in-service training for the Foster Grandparents;

(4) Providing for volunteer safety;

(5) Keeping records and preparing reports required by the sponsor; and

(6) Signing, prior to the placement of Foster Grandparents, a Memorandum of Understanding with the sponsor establishing working relationships and mutual responsibilities, and detailing the responsibilities outlined above, as well as other agreed upon responsibilities, including the particulars of the volunteers' supervision.

(i) When Foster Grandparents are to serve in private homes, the Memorandum of Understanding shall also require that the volunteer station obtain a Letter of Agreement from the child's parent(s) authorizing or requesting volunteer service in the home and indicating what specific activities are to be performed. This agreement will constitute an individual care plan and will be followed for the child served by a Foster Grandparent in an in-home placement.

(ii) The Memorandum of Understanding is to be reviewed and, as appropriate, changed annually. It may be amended at any time by mutual agreement and must be signed and dated annually to indicate that review and update, if needed, have been accomplished.

§ 1208.3–5 Foster grandparents.

(a) *Eligibility.* (1) Foster Grandparents shall be 60 years of age or older, no longer in the regular work force, determined by a physical examination to be capable of serving children with exceptional or special needs without detriment to either themselves or the children served, and willing to accept supervision as required.

(2) Eligibility to be a Foster Grandparent may not be restricted on the basis of education, experience, citizenship, race, color, creed, belief, sex, national origin, handicap, or political affiliation.

(3) To be enrolled, a Foster Grandparent cannot have an annual income from all sources, exceeding the ACTION income eligibility guideline for the state in which he or she resides. The ACTION income eligibility guideline for each state is the higher amount of either: (i) 125% of the poverty line as set forth in Section 625 of the Economic Opportunity Act of 1964, as amended by Public Law 92–424 (42 U.S.C. 2971d), or (ii) 100% of the poverty line plus the amount the state supplements Federal Supplemental Security Income (SSI). In cases where a Foster Grandparent is a member of a household in which other persons share common expenses, his or her income eligibility is determined by the combined income of members of the household.

(4) Once enrolled, a Foster Grandparent shall remain eligible to serve and to receive a stipend as long as his or her income does not exceed the prescribed ACTION income eligibility guideline by 20%. Income eligibility shall be reviewed annually by the sponsor.

(5) Recruitment and selection of a Foster Grandparent may not be based on any requirement of employment experience or formal education.

(b) *Terms of service.* (1) Foster Grandparents serve a total of twenty hours a week, usually five days a week. Travel time between the volunteer's home and place of assignment may not be considered part of the service schedule and is not stipended. Travel time between individual assignments is a part of the service schedule. Meal time may be part of the service schedule only if meals are taken with the individual served, and the taking of meals together if deemed by the sponsor and the volunteer station to be beneficial to the person served.

(2) Foster Grandparents are volunteers, not employees, of the sponsor.

(c) *Direct benefits.* The total of direct benefits for Foster Grandparents, including stipends, insurance, transportation, meals, physical examinations, recognition, and uniforms if appropriate, shall be a sum equal to at least 90 percent of the amount of the ACTION federal share of the grant award. In exceptional circumstances, the Director may waive this requirement. Federal and non-federal resources can be used to make up this sum. Direct benefits may not be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment insurance, temporary disability, retirement, public assistance, or similar benefit payments or minimum wage laws. Direct Benefits include:

(1) *Insurance:* Foster Grandparents shall be provided with the ACTION-specified minimum levels of accident insurance, personal liability insurance and, when appropriate, excess automobile liability insurance.

(i) *Accident insurance:* Accident insurance shall cover Foster Grandparents for personal injury during travel between their homes and places of assignment, during their volunteer service, during meal periods while serving as a volunteer, and while attending project-sponsored activities.

such as recognition activities, orientation and Advisory Council meetings. Protection shall be provided against claims in excess of any benefits or services for medical care or treatment available to the volunteer from other sources, including:

(A) Health insurance coverage;

(B) Other hospital or medical service plans;

(C) Any coverage under labor-management trusteed plans, union welfare plans, employer organization plans, or employee benefit organization plans; and

(D) Coverage under any governmental programs, or coverage provided by any statute.

When benefits are provided in the form of services rather than by cash payments, the reasonable cash value of each service rendered shall be considered in determining the applicability of this provision. The benefits payable under a plan shall include the benefits that would have been payable had a claim been duly made therefor. The benefits payable shall be reduced to the extent necessary so that the sum of such reduced benefits and all the benefits provided for by any other plan shall not exceed the total expenses incurred by the volunteer.

(ii) *Personal Liability Insurance:* Protection shall be provided against claims in excess of protection provided by other insurance.

(iii) *Excess Automobile Liability Insurance:* Protection shall be provided against claims in excess of the greater of either:

(A) Liability insurance volunteers carry on their own automobiles, or

(B) The limits of applicable state financial responsibility law, or

(C) In the absence of a state financial responsibility law, levels of protection to be determined by ACTION for each person, each accident, and for property damage.

Foster Grandparents who drive their personal vehicles to or on assignments or project-related activities must maintain personal automobile liability insurance equal to or exceeding the levels established by (B) or (C) above.

(2) *Meals:* Within the limits of available resources and project policy, Foster Grandparents will be provided or will receive assistance with the cost of meals taken during their service schedule.

(3) *Physical Examinations:* Foster Grandparents are required to have a physical examination prior to assignment and annually thereafter.

(4) *Appropriate Recognition* will be provided for Foster Grandparents.

(5) *Stipends:* A Foster Grandparent will receive a stipend in an amount determined by ACTION and payable in regular installments. The minimum amount of the stipend is set by law and may be adjusted by the Director from time to time. When more than one eligible member of a household serves as a Foster Grandparents or Senior Companion, only one member shall be entitled to receive a stipend. All income-eligible members in such cases shall be entitled to other direct benefits. Only in cases where enrolled Foster Grandparent or Senior Companions marry, may each continue to receive a stipend.

(6) *Transportation:* Foster Grandparents shall be provided transportation or receive assistance with the cost of transportation to and from volunteer assignments and official project activities, including orientation, training, advisory council meetings and recognition events. Reimbursement will be within the limits of available resources and project policy. Project funds may not be utilized to reimburse Foster Grandparents for transportation provided for or on behalf of children.

§ 1208.3–6 Foster grandparent assignments.

(a) Foster Grandparents shall serve children with special or exceptional needs.

(b) Priority consideration shall be given to placing Foster Grandparents in assignments where: those assignments constitute early intervention; there is a possibility for significant improvement in the quality of life for the children served, and there is a probability of a long-term relationship between the Foster Grandparent and the child.

(c) Priority consideration shall also be given to preventing or minimizing institutionalization by placing Foster Grandparents with children in-home, in special education classes, in special training centers, in developmental centers, in day care centers for children with exceptional or special needs, in hospitals, and in the juvenile justice system.

(d) The individualized care plan for a Foster Grandparent to follow in each in-home assignment he or she receives, should include the projected role and functions of the Foster Grandparent be updated on a regular basis, and be used as a guide for evaluating the child's development and the Foster Grandparent's role.

(e) Where state, county or local sponsor's definition(s) of children having exceptional needs and children with special needs vary from the definitions in § 1208.1–2 of these regulations, ACTION will determine the suitability on non-ACTION definition(s) in regard to placement of Foster Grandparents with children.

(f) Foster Grandparent activities develop person-to-person, supportive relationships with children and do not provide service to volunteer stations or any other agency or organization where volunteers serve. Activities of Foster Grandparents should serve the dual purpose of being personally meaningful to the volunteers themselves and providing support and companionship to the children served.

§ 1208.3–7 Children served.

(a) Identification of individual children to receive supportive person-to-person services from a Foster Grandparent is a responsibility of volunteer station professional staff and will be made in accordance with criteria specified in § 1208.3–6. Actual Foster Grandparent assignments to individual children and a determination of the length of time each child should receive such services will be made with concurrence of the sponsor or his or her designee, usually the project director, in accordance with the Memorandum of Understanding described in § 1208.3–1(k).

(b) Foster Grandparent concurrence with assignments to individual children is required.

(c) Preference will be given to assigning Foster Grandparents to young children. Each Foster Grandparent shall preferably, but not exclusively, be assigned to two children.

(d) When a Foster Grandparent is assigned to a mentally retarded child, that assignment may continue beyound the child's 21st birthday, provided:

(1) That such child was receiving such services prior to attaining the chronological age of 21;

(2) That the the public or private nonprofit agency (volunteer station) responsible for providing services to the child determines that it is in the best interest of both the Foster Grandparent and the child; and

(3) There is mutual agreement by all parties with respect to provision of services to the child involved.

Subpart D—Non-ACTION Funded Projects

§ 1208.4–1 Memorandum of agreement.

(a) If an eligible agency or organization wishes to sponsor a project without ACTION funding, and wishes to receive technical assistance and materials from ACTION, it must sign a Memorandum of Agreement with

ACTION identifying mutual responsibilities and certifying its intent to comply with ACTION regulations.

(b) A non-ACTION funded project sponsor's noncompliance with the Memorandum of Agreement may result in suspension or termination of ACTION's technical assistance to the project.

(c) Termination of the agreement by either the project sponsor or ACTION will result in loss of the tax exempt status of volunteer direct benefits allowable to Foster Grandparents and loss of coverage by the statutory provision that receipt of the stipend will not affect the volunteers' eligibility for any governmental assistance.

(d) Entry into a Memorandum of Agreement with a sponsoring agency which does not receive ACTION funds will not, under any circumstances, Create a financial obligation on the part of ACTION for costs associated with the project including increases in required payments to volunteers which may result from changes in the Act or in ACTION regulations.

Subpart E—Sanctions and Legal Representation

§ 1208.5–1 Special limitations.

(a) *Political activities.* (1) No part of any grant shall be used to finance, be directly or indirectly, any activity to influence the outcome of any election to public office, or any voter registration activity.

(2) No project shall be conducted in a manner involving the use of funds, the provision of services or the employment or assignment of personnel in a matter supporting or resulting in the identification of such project with (i) any partisan or nonpartisan political activity associated with a candidate, or contending faction or group, in an election, or (ii) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (iii) any voter registration activity.

(3) No Foster Grandparent or employee of a sponsor or volunteer station may take any action, when serving in such capacity, with respect to a partisan or nonpartisan political activity that would result in the identification or apparent identification of the Foster Grandparent Program with such activity.

(4) No grant funds may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except

(i) In any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests a Foster Grandparent, a sponsor chief executive, his or her designee, or project staff to draft, review or testify regarding measures or to make representation to such legislative body, committee or member; or

(ii) In connection with an authorization or appropriations measure directly affecting the operation of the Foster Grandparent Program. Prohibitions on Electoral and Lobbying-Activities are fully set forth in 45 CFR Part 1226.

(b) *Restrictions on State or local Government Employees.* If the sponsor is a State or local government agency which receives a grant from ACTION, certain restrictions contained in Chapter 15 of Title 5 of the United States Code are applicable. They are related to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or research institutions. An employee subject to these restrictions may not:

(1) Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;

(2) Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization agency, or person for political purposes; or

(3) Be a candidate for elective office, except in a nonpatisan election.

"Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

(c) *Religious activities.* Foster Grandparents and project staff funded by ACTION shall not give religious instruction, conduct worship services or engage in any form of proselytization as part of their duties.

(d) *Nondiscrimination.* For purposes of this subpart, and for purposes of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 d *et seq.*). Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (Pub. L. 94–135, Title III; 42 U.S.C. 6101 *et seq.*), any program, project, or activity to which volunteers are assigned under this Act shall be deemed to be receiving Federal financial assistance.

(1) No person with responsibility in the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

(2) Sponsors are required to take affirmative action to overcome the effects of prior discrimination. Even in the absence of prior discrimination, a sponsor may take affirmative action to overcome conditions which resulted in limiting participation.

(3) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with a Foster Grandparent project.

(e) *Labor and Anti-Labor Activity.* No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(f) *Nondisplacement of Employed Workers.* A Foster Grandparent may not perform any service or duty or engage in any activity which would otherwise be performed by an employed worker or which would supplant the hiring of employed workers.

(g) *Nonimpairment of Contracts.* A Foster Grandparent may not perform any service or duty or engage in any activity which impairs an existing contract for service. The term "contract for service" includes but is not limited to contracts, understandings, and arrangements, either written or oral, to provide professional, managerial, technical, or administrative service.

(h) *Noncompensation for Services.* No person, organization, or agency shall request or receive any compensation for services of Foster Grandparents.

(i) *Nepotism.* Persons selected for project staff positions may not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors, unless there is concurrence by the Advisory Council, with notification to ACTION.

(j) *Volunteer Separation.* A sponsor may separate a volunteer for cause, including, but not limited to, extensive or unauthorized absences, misconduct, inability to perform assignments or having income in excess of the eligibility level established by ACTION.

§ 1208.5–2 Legal representation.

Counsel may be employed and counsel fees, court costs, bail and other expenses incidental to the defense of a Foster Grandparent may be paid in a criminal, civil or administrative

proceeding, when such a proceeding arises directly out of performance of the Foster Grandparent's activities. 45 CFR Part 1220 establishes the circumstances under which ACTION may pay such expenses.

Signed at Washington, D.C., this 3rd day of June 1983.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 83-15544 Filed 6-9-83; 8:45 am]
BILLING CODE 6050-01-M

---

45 CFR Part 1209

Retired Senior Volunteer Program

AGENCY: ACTION.

ACTION: Final rule.

SUMMARY: This final regulation clarifies and updates the existing Retired Senior Volunteer program regulation relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operation. The text is simplified and reduced whenever possible.

DATE: This regulation shall take effect on July 25, 1983.

FOR FURTHER INFORMATION CONTACT: C. Wade Freeman, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, NW., Room M-1006, Washington, D.C. 20525, (202) 254-7310.

SUPPLEMENTARY INFORMATION: ACTION has determined that this regulation is not a major rule as defined by Executive Order 12291. The regulation will not result in any of the following:

1. Any effect on the economy;
2. Any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or
3. Any adverse effects on competition, employment, investment productivity, innovation or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Discussion of Comments and Response

The Agency received numerous comments on the proposed rules (47 FR 49685) from program sponsors, project directors, members of Advisory Councils, and one letter from a Member of Congress. The following is the Agency response to the substantive comments, and the resulting modification.

Section 1209.2-2: The majority of the comments expressed concern that this section will enable ACTION to require local support of more than 30% for the fourth and succeeding years of a grant, which seems unfounded given the express language of § 1209.2-2. It expressly provided that the amount of local support will be a matter to be negotiated between ACTION and the sponsor.

There was nothing in the proposed regulation to indicate that the percentages specified in it are to be required by ACTION.

On the contrary, it was clearly stated that those percentages, specifically provided for in the Act, are to be used as a guide by ACTION in negotiating the level of local support, and that the level of local support may be higher or lower as mutually agreed to by ACTION and the sponsor, and as justified by local conditions.

The proposed rule recognized that there are sponsors with the capability and resources to maximize local support for the program. It was also cognizant of the fact that there are others who, because of local circumstances, may be severely restricted in their efforts to generate local support. The rule as written was intended to accommodate these two divergent situations and to enable the agency to respond more reasonably to local conditions.

Section 1209.2-7: Comments focused primarily on paragraph (b) which provides that project support be provided at the lowest possible cost, and paragraph (c) which requires that costs for which ACTION funds are budgeted be justified as being essential to project operations. Many of the comments recommended deletion of paragraphs (b) and (c) because they felt that these paragraphs give ACTION, rather than local funding sources, the right to determine how local funds are used.

The language of paragraph (b) reflects a requirement mandated by section 404(b) of the Act and cannot be deleted or modified. The agency is obligated to assure that ACTION funds are expended only for essential project purposes. Therefore, subsection (c) remains unchanged.

Section 1209.3-2: Comments recommended that the requirement that a project director serve full time in that capacity, be either deleted or clarified as it places undue restriction on the ability of the project director to participate in activities of related local organizations. Such participation is considered as essential to project success and promotes coordination of program activities with other groups.

In order to eliminate the concerns expressed, paragraph (c) was modified by adding a sentence to allow such participation.

The Retired Senior Volunteer Program is identified by No. 72.002 in the Catalog of Federal Domestic Assistance.

Pursuant to Section 3(c)3 of E.O. 12291, entitled "Federal Regulation," the required review process has been completed by the Director of the Office of Management and Budget.

Section 1209.3-5: Paragraph (b)(1)(iii)(C) has been modified to clarify the requirements for personal automobile liability insurance.

List of Subjects in 45 CFR Part 1209

Aged, Government contracts, Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

PART 1209—RETIRED SENIOR VOLUNTEER PROGRAM

Subpart A—General

Sec.
1209.1-1 Purpose of the program.
1209.1-2 Definitions.
1209.1-3 Coordination.

Subpart B—Project Development and Funding

1209.2-1 Inquiries.
1209.2-2 Budget support.
1209.2-3 Sponsor eligibility and solicitation of proposals.
1209.2-4 Project sponsors.
1209.2-5 Review of project proposals.
1209.2-6 Awards.
1209.2-7 Grant management.
1209.2-8 Suspension, termination, denial of refunding.

Subpart C—Project Operations

1209.3-1 Sponsors responsibility.
1209.3-2 Project staff.
1209.3-3 RSVP advisory council.
1209.3-4 Volunteer station responsibility.
1209.3-5 RSVP volunteers.
1209.3-6 Volunteer assignments.
1209.3-7 Service area.

Subpart D—Non-ACTION Funded Projects

1209.4-1 Memorandum of agreement.

Subpart E—Sanctions and Legal Representation

1209.5-1 Special limitations.
1209.5-2 Legal representation.

Authority: Secs. 201, 212, 221, 222, 223, 402(14), 418 and 420 of Pub. L. 93-113, 83 Stat. 108, 87 Stat. 403, 404 and 414, 42 U.S.C. 5001, 5012, 5021, 5022, 5023, 5042(14), 5058 and 5060.

Subpart A—General

§ 1209.1-1 Purpose of the program

The Retired Senior Volunteer program (RSVP) is authorized under Title II, Part A, of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113). The purpose of the program is to provide

a variety of opportunities for retired persons aged 60 or over to participate more fully in the life of their community through significant volunteer service.

§ 1209.1–2 Definitions.

Terms used in this part are defined as follows:

"Act" is the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113, 87 Stat. 394, 42 U.S.C. 4951).

"Advisory Council" is a group of persons formally organized by the project sponsor for the purpose of advising and supporting the sponsor in operating the project effectively.

"Agency" is the federal ACTION Agency.

"Director" is the Director of ACTION.

"Handbook" is the RSVP Operations Handbook No. 4405.92 which contains policies for implementing this regulation.

"Handicapped" is a person or persons having physical or mental impairments that substantially limit one or more major life activities.

"Hard-to-reach" individuals are those who are physical by or socially isolated because of factors such as language, disability, or inadequate transportation.

"Letter of Agreement" is a written agreement between a volunteer station, the project sponsor, and the person served or the person legally responsible for the person served. The agreement authorizes assignment of an RSVP volunteer in the home of the person served, defines volunteer activities and specific arrangements for supervision.

"Memorandum of Understanding" is a statement prepared and signed by the administrator of a volunteer station and the RSVP director or which identifies mutual responsibilities and working relationships.

"OAVP" refers to the Older American Volunteer Programs, which include: the Retired Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program.

"Project" is the locally planned and implemented Retired Senior Volunteer Program activity as agreed upon between ACTION and the sponsor.

"Service Area" is a geographically defined area in which volunteers are recruited, enrolled, and placed on assignments.

"Sponsor" is a public agency or private nonprofit organization which is responsible for the operation of the local RSVP project.

"United States and States" means the several states, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territories of the Pacific Islands.

"Volunteer Station" is a public or private non-profit organization, or a proprietary health care agency or organization that accepts responsibility for assignment and supervison of volunteers. Each volunteer station must be licensed or otherwise certified, when required, by appropriate state or local government. Private homes are not volunteer stations.

§ 1209.1–3 Coordination.

The sponsor shall coordinate activities with project-related groups and individuals, including those representing government, industry, labor, volunteer organizations, programs for the aging, including State and Area Agencies on Aging, and other ACTION programs, to facilitate cooperation with existing or planned community services and to develop community support.

Subpart B—Project Development and Funding

§ 1209.2–1 Inquiries.

Inquiries regarding the Retired Senior Volunteer Program application process, program criteria, or the availability of funds, should be directed to the ACTION State Office serving the inquirer's own state. ACTION headquarters office in Washington, D.C., will assist in directing inquiries to the appropriate state office.

§ 1209.2–2 Budget support.

(a) An RSVP sponsor is responsible for generating needed financial support for the RSVP project from all sources, federal and non-federal, including grants, cash and in-kind contributions, to meet budgeted costs of the project. The sponsor will supplement an ACTION grant with other support to the fullest extent possible and at least equal in amount to that negotiated between ACTION and the sponsor. The following percentages will be used as a guide by ACTION in negotiating the level of local support a sponsor will be required to contribute to the total project budget. In no event shall the required proportion of local support (including in-kind contributions) be more than 10% in the first year, 20% in the second year, 30% in the third year, 40% in the fourth year, and 50% in the fifth and succeeding years. The level of local support negotiated may be higher or lower than these percentages, as mutually agreed to by ACTION and the sponsor, and as justified by local conditions. Sponsors proposing to contribute local support of less than 30% of the total project budget for the third or succeeding years must provide ACTION with an acceptable written justification for the lower level of support.

(b) The total of Volunteer Expenses for Senior Volunteers, including insurance, transportation, meals, and recognition activities, shall be an amount equal to at least 25% of the amount of the ACTION grant award. Federal and non-Federal resources may be used to make up this sum.

Exceptions to this requirement may be requested of the Director, Older American Volunteer Programs, through the ACTION State Director by an RSVP Sponsor who can clearly demonstrate that (1) this requirement will result in undue hardship in the conduct of project operation, and (2) a lesser amount will meet the volunteer expense needs of the number of volunteers budgeted.

§ 1209.2–3 Sponsor eligibility and solicitation of proposals.

(a) *Sponsor eligibility.* ACTION will award grants only to public agencies and private non-profit organizations in the United States which have the authority to accept and the capability to administer such grants.

(b) *Solicitation of proposals.* (1) Any eligible organization may file an application for a grant. Applicants may also be solicited by ACTION pursuant to its objective of achieving equitable program resource distribution. Solicited applications are not assured of selection or approval and may have to compete with other solicited or unsolicited applications.

(2) The Director may not award any grant or contract for a project in any state to any agency or organization unless, if such state has a state agency established or designated pursuant to Section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)), such agency itself is the recipient of the award, or such agency has been afforded at least 45 days in which to review and make recommendations on new grant applications.

§ 1209.2–4 Project proposals.

(a) Applicants shall use standard forms prescribed by ACTION. ACTION State Offices will provide applicants with guidance and any additional instructions necessary to plan and budget proposed program activities.

(b) Agencies and organizations submitting grant applications must comply with the provisions of Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities," as set forth in 45 CFR Part 1232.

(c) A potential sponsor must submit one copy of an application for a new RSVP project to the State Agency on Aging, which has 45 days to review the application and make recommendations.

The State Agency on Aging shall state in writing to ACTION its recommendations and reasons within this time period or will be considered to have waived its rights under this part.

§ 1209.2-5 Review of project proposals.

(a) The ACTION State Office for the applicant's state will review the grant application to ensure that program requirements are complied with and that required documentation has been attached.

(b) If not approved, the application will be returned to the applicant with an explanation of ACTION's decision. The unsuccessful applicant may reapply when the inadequacy, if any, found in the application is resolved.

§ 1209.2-6 Awards.

(a) ACTION will, within funds available, award a grant in writing to those applicants whose grant proposals provide the best potential for serving the purpose of the program. The award will be documented by *Notice of Grant Award* (NGA).

(b) The parties to the NGA are ACTION and the sponsoring organization. The NGA will document the sponsor's commitment to fulfill specific programmatic objectives and financial obligations. It will document the extent of ACTION's obligation to provide financial support to the sponsor.

(c) A sponsor may receive a grant award for more than one OAVP project.

§ 1209.2-7 Grant management.

(a) Sponsors shall manage grants awarded to them in accordance with provisions of these regulations; ACTION Handbook No. 2650.2, *Grants Management Handbook for Grantees,* and ACTION Handbook No. 4405.92, *RSVP Operations Handbook.* A copy of each document will be furnished to the sponsor at the time the initial grant is awarded.

(b) Project support provided under an ACTION grant shall be furnished at the lowest possible cost consistent with the effective operation of the project.

(c) Project costs for which ACTION funds are budgeted must be justified as being essential to project operation.

§ 1209.2-8 Suspension, termination and denial of refunding.

Grant suspension, termination and denial of refunding procedures are set forth in 45 CFR Part 1206, Chapter XII, and in ACTION Handbook 2650.2.

Subpart C—Project Operations

§ 1209.3-1 Sponsor responsibility.

The sponsor is responsible for all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. The sponsor has the responsibility to:

(a) Employ, supervise, and support a project director, who will be directly responsible to the sponsor for the management of the project, including selection, training and supervision of project staff;

(b) Provide for the recruitment, assignment, supervision and support of volunteers. Special efforts are to be made toward recruitment and assignment of older persons from minority groups, handicapped and hard-to-reach individuals, and groups in the community which are under-represented in the project. The sponsor will stress the recruitment and enrollment of persons not already volunteering;

(c) Provide financial and in-kind support to fulfill the project's local support commitment;

(d) Establish, orient and support an independent RSVP Advisory Council;

(e) Provide the volunteers with not less than the minimum accident, personal liability, and excess auto liability insurance required by ACTION;

(f) Provide for appropriate recognition of the volunteers and their activities;

(g) Establish personnel practices, including provision of position descriptions for project staff and grievance and appeal procedures for both volunteers and project staff;

(h) Ensure compliance with ACTION requirements relating to nondiscrimination, religious activity, political activity, lobbying, patronage toward persons related by blood or marriage, labor and anti-labor organization of related activities, nondisplacement of employed workers, nonimpairment of contracts, and noncompensation for services;

(i) Maintain project records in accordance with generally accepted accounting practices and provide for accurate and timely preparation and submission of reports required by ACTION;

(j) Develop volunteer service opportunities through volunteer stations;

(k) Negotiate, prior to placement of volunteers, a written Memorandum of Understanding with each volunteer station, identifying sponsor responsibilities, volunteer station responsibilities, and joint responsibilities;

(l) Orient volunteer station staff to RSVP and its activities;

(m) Provide pre-service orientation to the volunteers on RSVP goals and activities;

(n) Arrange for in-service training of the volunteers by volunteer stations or other sources of training as needed;

(o) Provide or arrange for volunteer benefits in a timely manner;

(p) Ensure provision for volunteer safety;

(q) Comply with program regulations, policies and procedures prescribed by ACTION;

(r) Ensure that appropriate liability insurance is maintained for owned, non-owned, or hired vehicles used in the project; and

(s) Develop a realistic transportation plan for the project based on the lowest cost transportation modes.

§ 1209.3-2 Project staff.

(a) Project staff are employees of the sponsor and subject to its personnel policies and practices.

(b) ACTION must concur in writing with the sponsor's selection of a project director before such person is employed or earns pay from grant funds.

(c) A project director shall serve full-time and may not be employed or serve concurrently in another capacity, paid or unpaid, during established working hours, without prior approval from ACTION. This does not preclude participation of the project director in activities of related local agencies, boards or organizations for the purposes of coordination and facilitating achievement of project goals and objectives.

(d) Compensation levels of the project staff, including wages, salaries and fringe benefits, should be comparable to like or similar positions in the sponsor organization and in the community.

§ 1209.3-3 RSVP Advisory Council.

An Advisory Council shall be established to advise and assist the project sponsor and staff. There shall be a separate Advisory Council for each Older American Volunteer Program administered by the sponsor. When a small number of volunteers is enrolled or other special conditions prevail, this requirement may be waived by the Director of OAVP. The Advisory Council shall:

(a) Advise the project director in the formulation of local policy, planning, and the development of operational procedures and practices consistent with program policies;

(b) Assist the sponsor by promoting community support for the project, advise on personnel actions affecting volunteers and project staff, and assist in developing local financial and in-kind resources;

(c) Include in its membership, when available; community business and labor leaders, representatives from volunteer stations, public and private

agencies, and persons specializing in the fields of aging or voluntarism. In addition at least one-fourth of the Advisory Council shall be persons aged 60 or over. This group must include RSVP volunteers as voting members. The sponsor's chief executive or designee, one member of its governing board, and the project director should be members of the Advisory Council but may not be officers of the Advisory Council. The sponsor's chief executive and the project director may not be voting members. The member representing the sponsor's governing board may be a voting member. The provisions of Section 1209.5–1(c). Nondiscrimination, apply to the Advisory Council;

(d) Meet on a regular schedule and establish its own procedures, including election of officers and terms of office;

(e) Conduct an annual appraisal of project operation and submit a report to the sponsor, which shall be attached to the continuation grant application;

(f) Have an opportunity to advise the sponsor in advance on the selection or termination of the project director; and

(g) Ensure procedures are in effect to hear an appeal to actions affecting a volunteer adversely.

§ 1209.3–4 Volunteer station responsibility.

(a) Normally the volunteer station is an organization other than the sponsoring organization. The sponsor may function as a volunteer station, provided that not more than 5% of the total number of volunteers budgeted for the project are assigned to it. This limitation does not apply to the assignment of volunteers to other programs administered by the sponsor. Also, the RSVP project itself may function as a volunteer station or may initiate special volunteer activities which temporarily function at that location, provided ACTION agrees that these activities are in accord with program objectives and will not hinder overall project operation.

(b) Volunteer stations at which volunteers serve will be in the community where such persons live or in nearby communities. Volunteer services will be performed either on publicly owned and operated facilities or projects, or on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving construction, operation, or so much of any facility used or to be used for sectarian instruction or as a place of religious worship.

(c) Volunteer station responsibilities include: (1) Assisting with or arranging for volunteer transportation and meals, and assisting in the provision of appropriate volunteer recognition:

(2) Developing and monitoring volunteer assignments, assigning, supervising and training volunteers and providing them with preservice orientation and in-service training;

(3) Providing for volunteer safety;

(4) Keeping records and preparing reports required by sponsor;

(5) Signing, prior to placement of volunteers, a Memorandum of Understanding with the sponsor establishing working relationships and mutual responsibilities, and detailing responsibilities outlined above as well as other agreed-upon responsibilities. The Memorandum of Understanding is to be reviewed and, as appropriate, changed annually. The Memorandum may be amended at any time by mutual agreement and must be signed and dated annually to indicate that review and update, if needed, have been accomplished.

§ 1209.3–5 RSVP volunteers.

(a) *Eligibility.* (1) To be eligible for enrollment as an RSVP volunteer, a person must be 60 years of age or over, retired, willing to serve on a regular basis, and willing to accept instruction and supervision as required.

(2) Eligibility to be an RSVP volunteer may not be restricted on the basis of education, income, experience, citizenship, race, color, creed, belief, sex, national origin, political affiliation, or handicap.

(b) *Volunteer expenses.* (1) Within the limits of a project's approved budget and in accordance with provisions of the RSVP Operations Handbook, volunteers will be provided transportation or will receive assistance with costs of transportation, recognition activities, and, when possible, meals. Project funds may not be used to reimburse volunteers for volunteer expenses, including transportation costs, incurred while performing their volunteer assignments. Provision shall be made by the sponsor to obtain ACTION specified minimum levels of accident insurance, personal liability insurance and, when appropriate, excess automobile liability insurance.

(i) *Accident insurance:* Accident insurance shall cover RSVP volunteers for personal injury during travel between their homes and places of assignment, during their volunteer service, during meal periods while serving as a volunteer, and while attending project-sponsored activities, such as recognition activities, orientation and Advisory Council meetings. Protection shall be provided against claims in excess of any benefits or services for medical care or treatment available to the volunteer from other sources, including:

(A) Health insurance coverage;

(B) Other hospital or medical service plans;

(C) Any coverage under labor-management trusteed plans, union welfare plans, employer organization plans, or employee benefit organization plans; and

(D) Coverage under any governmental programs, or provided by any statute. When benefits are approved in the form of services rather than by cash payments, the reasonable cash value of each service rendered shall be considered in determining the applicability of this provision. The benefits payable under a plan shall include the benefits that would have been payable had a claim been duly made therefor. The benefits payable shall be reduced to the extent necessary so that the sum of such reduced benefits and all the benefits provided for by any other plan shall not exceed the total expenses incurred by the volunteer.

(ii) *Personal Liability Insurance:* Protection shall be provided against claims in excess of protection provided by other insurance.

(iii) *Excess Automobile Liability Insurance:* Protection shall be provided against claims in excess of the greater of either:

(A) Liability insurance volunteers carry on their own automobiles, or

(B) The limits of applicable state financial responsibility law, or

(C) In the absence of a state financial responsibility law, levels of protection to be determined by ACTION for each person, each accident, and for property damage.

Volunteers who drive their personal vehicles to or on assignments or project-related activities, must maintain personal automobile liability insurance equal to or exceeding the levels established by (b)(1)(iii) (B) and (C) of this section.

§ 1209.3–6 Volunteer assignments

(a) A variety of assignnments shall be developed prior to the recruitment of RSVP volunteers. Assignments shall include opportunities to respond to significant community needs.

(b) Assignments shall be matched to the interests, abilities, preferences and availability of volunteers. Special consideration shall be given to developing assignments that allow for the limited physical strength and mobility of the handicapped older volunteer.

§ 1209.3-7 Service area.

The service area of a project identified in the approved grant application may not be redefined without prior written approval from ACTION.

Subpart D—Non-ACTION Funded RSVP Projects

§ 1209.4-1 Memorandum of agreement.

(a) If an eligible agency or organization wishes to sponsor an RSVP project without ACTION funding, and wishes to receive technical assistance and materials from ACTION, it must sign a Memorandum of Agreement with ACTION identifying mutual responsibilities and certifying its intent to comply with ACTION regulations.

(b) A non-ACTION funded project sponsor's noncompliance with the Memorandum of Agreement may result in suspension or termination of ACTION's technical assistance to the project.

(c) Entry into a Memorandum of Agreement with a sponsoring agency which does not receive ACTION funds will not, under any circumstances, create a financial obligation on the part of ACTION for costs associated with the project.

Subpart E—Sanctions

§ 1209.5-1 Special limitations and legal representation.

(a) *Political activities.* (1) No part of any grant shall be used to finance, directly or indirectly, any activity to influence the outcome of any election to public office, or any voter registration activity.

(2) No project shall be conducted in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such project with (i) any partisan or nonpartisan political activity associated with a candidate, or contending faction or group, in an election, or (ii) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (iii) any voter registration activity.

(3) No RSVP volunteer or employee of a sponsor or volunteer station may take any action, when serving in such capacity, with respect to a partisan or nonpartisan political activity that would result in the identification or apparent identification of the Retired Senior Volunteer Program with such activity.

(4) No grant funds may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except:

(i) In any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests an RSVP volunteer, a sponsor chief executive, his or her designee, or project staff to draft, review or testify regarding measures or to make representation to such legislative body, committee or member, or

(ii) In connection with an authorization or appropriation measure directly affecting the operation of the Retired Senior Volunteer Program.

(5) Prohibitions on Electoral and Lobbying Activities are fully set forth in 45 CFR Part 1226.

(b) *Restrictions on State or Local Government Employees.* If the sponsor is a State or local government agency which received a grant from ACTION, certain restrictions contained in Chapter 15 of Title 5 of the United States Code are applicable to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or research institutions. An employee subject to these restrictions may not:

(1) Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or

(2) Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(3) Be a candidate for elective office, except in a nonpartisan election. "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

(c) *Religious activities.* RSVP volunteers and project staff funded by ACTION shall not give religious instruction, conduct worship services or engage in any form of proselytization as part of their duties.

(d) *Nondiscrimination.* For purposes of this subpart, and for purposes of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (Pub. L. 94-135, Title III; 42 U.S.C. 6101 *et seq.*), any project or activity to which volunteers are assigned shall be deemed to be receiving federal financial assistance.

(1) No person with responsibility in the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

(2) Sponsors are required to take affirmative action to overcome the effects of prior discrimination. Even in the absence of prior discrimination, a sponsor may take affirmative action to overcome conditions which resulted in limiting participation.

(3) No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any project.

(e) *Labor or Anti-Labor Activity.* No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(f) *Nondisplacement of Employed Workers.* An RSVP volunteer may not perform any service or duty or engage in any activity which would otherwise be performed by an employed worker or which would supplant the hiring of employed workers.

(g) *Nonimpairment of Contracts.* An RSVP volunteer may not perform any service or duty, or engage in any activity which impairs an existing contract for service. The term "contract for service" includes but is not limited to contracts, understandings and arrangements, either written or oral, to provide professional, managerial, technical, or administrative service.

(h) *Noncompensation for Services.* No person, organization, or agency shall request or receive any compensation for services of RSVP voluneers.

(i) *Volunteer Status.* RSVP volunteer service shall not be deemed employment for any purpose.

(j) *Nepotism.* Persons selected for project staff positions may not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors, unless there is concurrence by the Advisory Council, with notification to ACTION.

(k) *Volunteer Separation.* A volunteer may be separated from the program for cause, including, but not limited to, extensive absences, misconduct, or inability to perform assignments.

§ 1209.5-2 Legal representation.

Counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of a Senior Volunteer may be paid in a

criminal, civil or administrative proceeding, when such a proceeding arises directly out of performance of the RSVP volunteer's activities. 45 CFR Part 1220 establishes the circumstances under which ACTION may pay such expenses.

Signed at Washington, D.C., this 3rd day of June, 1983.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 83-15543 Filed 6-9-83; 8:45 am]

BILLING CODE 6050-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 79-318; FCC 83-161]

Public Mobile Radio Service; Use of the Bands 825–845 and 870–890 MHz for Cellular Communications Systems; and Amendment of the Commission's Rules Relative to Cellular Communications Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC hereby amends Part 22 of the Commission's Rules governing the use of the bands 825–845 MHz and 870–890 MHz for cellular communications systems. The Order amends procedural rules previously adopted for cellular communications in order to assure that the public will receive the best possible cellular service as quickly as possible. The rules, as amended, provide for new filing dates for applications for nontop-90 markets, direct cases and rebuttal cases. These changes in filing dates were made so that the filings will more nearly track the time when the staff would reach them for processing. In addition, the order clarifies rules for filing amendments and motions to enlarge issues with respect to cellular applications.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Gene Belardi, Mobile Services Division, Common Carrier Bureau (202) 632–6450.

List of Subjects in 47 CFR Part 22

Cellular radio service, Communications common carriers.

Memorandum Opinion and Order

In the matter of An Inquiry Into the Use of the Bands 825–845 and 870–890 MHz for Cellular Communications Systems; and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems; CC Docket No. 79–318.

Adopted: April 18, 1983.
Released: April 22, 1983.

By the Commission.

1. On February 25, 1982, the Commission adopted a *Memorandum Opinion and Order on Reconsideration (Reconsideration Order)* in this proceeding, 89 FCC 2d 58 (1982). In the *Reconsideration Order*, the Commission provided, *inter alia*, that cellular system applications for the top 30 markets were to be filed on June 7, 1982, and that applications for all other markets were to be filed starting September 7, 1982. 89 FCC 2d at 87–88. In a *Memorandum Opinion and Order on Further Reconsideration*, 90 FCC 2d 571 (1982), the Commission revised the dates for the filing of applications in markets 31–60 to November 8, 1982; markets 61–90 to January 7, 1983; and all other markets beginning March 8, 1983. By *Order*, FCC 82–466, released October 28, 1982, the Commission extended the January 7, 1983 filing date to March 8, 1983, and the March 8, 1983, date to June 7, 1983. In addition the Commission provided that direct affirmative cases for markets smaller than the top 30 were to be submitted within 90 days, rather than 30 days, of the date of the public notice announcing mutually exclusive applications.

2. Our experience in dealing with the applications filed in the top 90 markets has demonstrated that the processing of cellular applications requires significantly more staff time than previously contemplated. Thus far we have placed on Public Notice 543 applications in the top 60 markets and received 567 more applications for markets 61–90. We have also received over 700 pleadings relating to the applications filed in the top 50 markets. We anticipate that many more pleadings will be filed when all the applications have been placed on public notice. As a result, the associated workload is considerably greater than initially expected. Therefore, we believe it is necessary to revise the time frames for filing applications for the remaining markets and for filing amendments and submitting direct affirmative and rebuttal cases for pending and future applications.

3. First, we will revise the date for accepting applications for the remaining other markets from June 7, 1983, to *December 1, 1983.* We have chosen this date based on our expectation that initial processing of the applications for markets 61–90 will be placed on Public Notice by that date, and we will be well-along with hearing designations in markets 31–60; thus, the staff will be able to begin to process the applications in markets below the top 90. By extending the filing date for all other markets to December 1, 1983, the cellular filing date will be in line with realistic projections of our ability to process applications, and will avoid the applicants' having to rush to prepare applications only to have them sit on file but receive no attention for months. Interested parties are reminded that December 1, 1983 is not a one-day filing date but that normal Public Mobile Radio Services public notice and cut-off procedures will be applicable to the applications filed on or after December 1, 1983. *See Further Reconsideration* at para. 3.

4. We will also revise the due date for the submission of direct and rebuttal cases for all mutually exclusive applications filed for markets *other than the top 30 markets.* The affirmative direct cases, and all accompanying documentary evidence must be submitted within 30 days of the date of publication in the **Federal Register** of the order designating mutually exclusive applications for hearing. This change will give applicants additional time to prepare thorough, informative, affirmative direct cases that will assist the Commission in selecting the best-qualified cellular applicants. The direct cases will not be needed until the Administrative Law Judge (ALJ) and Separated Trial Staff are ready to work on them. Therefore, this new filing date will also more nearly track the time when the Commission's staff will be able to work on direct cases for other than the top 30 markets.[1] Likewise, we will revise the due date for submission of rebuttals to direct cases. Mutually exclusive applicants must submit rebuttal cases *within 45 days from the date that the direct cases are due to be filed.*[2] While we recognize that the additional time for filing rebuttal cases will slightly extend the hearing process, the other changes we are adopting for filing amendments and motions to enlarge issues should result in further time savings in conducting comparative hearings.

5. We will take this opportunity to reemphasize our concern over the numerous amendments that are being filed by cellular applicants. In our *Order*

[1] Applicants need only file four copies of their direct cases with the Commission: two for the ALJ, one for the Common Carrier Bureau Hearing Division (Separated Trial Staff) and one for Downtown Copy Center.

[2] Because direct cases will now be filed at a later date, we are giving competing applicants an additional 15 days to file rebuttal cases.

in CC Docket No. 79–318, FCC 82–409, released September 3, 1982, at para. 2 and n. 3, we amended the cellular rules to further limit the applicants' ability to amend their applications. See 47 CFR 22.23(a) and 22.918. Even though we have strictly enforced these rules, there have been a large number of amendments filed with the ALJs. For the most part these post-designation amendments propose cell site modifications, and have resulted in frustrating our efforts to ensure expedited cellular hearing proceedings.

6. Another problem we have encountered is that cellular applicants are submitting various types of amendments under § 1.65 of the Commission's Rules (47 CFR 1.65), which requires applicants to ensure that their applications are kept current and accurate. We do not intend that, for purposes of our Part 22 processing rules, § 1.65 may be used by cellular applicants as grounds to change their financial, technical, and comparative showings. These kinds of changes may be filed and accepted only in accordance with the rules contained in Part 22. The purpose of § 1.65 is merely to ensure that applicants inform the Commission of any information in their applications which is inaccurate. Thus, acceptance of an amendment for purposes of § 1.65 may involve no determination as to the effect to be given it for other purposes.

7. Based on the experience that we have gained in processing cellular applications and amendments, we have also decided to revise our rules in minor respects to clarify the types of amendments that will be accepted at various states of processing.[3] After an application is filed, applicants will not be permitted to file major amendments unless otherwise ordered by the Commission, or amendments that improve an applicant's comparative posture. Applicants continue to be allowed to file minor amendments within forty-five days of the public notice of the filing of the application. Section 1.65 amendments must also be filed during this 45 day period. Subsequently, amendments will be accepted only in the following circumstances. First, amendments in connection with full or partial settlement agreements involving mutually exclusive applicants may be filed at any time. Second, minor amendments reflecting changes in the ownership of an applicant not related to a settlement agreement may be filed at any time up to 30 days after publication of the designation order in the Federal Register. Finally, amendments may be filed in response to requests from the Commission, and, where an application has been designated for hearing, upon leave of the Administrative Law Judge. However, the ALJ shall grant post designation requests to amend applications *only* where good cause has been demonstrated, such as unforseen changes concerning cell sites and obsolescent equipment (see § 22.31(e)(6)(i)–(iii)), and where clerical and minor changes are needed to ensure an accurate record. Subsequent to designation, the disclosure requirements of § 1.65, which were temporarily suspended, again must be complied with. However, we remind applicants that compliance with § 1.65 does not, in and of itself, constitute "good cause" for other purposes.[4] We anticipate that these rules which further restrict the filing of amendments will expedite the administrative processes to the maximum extent possible thereby making service available to the public as soon as possible.

8. In a further effort to minimize administrative delay during the comparative hearing proceeding and to reduce the number of pleadings filed with the ALJ, we will adopt a change regarding motions to enlarge issues filed under § 1.229 of the Commission's rules. Competing applicants have inundated the ALJs with numerous motions to enlarge issues, arguing among other things that although an applicant had initially demonstrated reasonable assurance of site availability, upon further investigation the cell site location was found not available or not suitable for the intended use. In almost all cases, the site information was available and could have been discovered and objected to by the movant in petition to deny. Because parties have ample opportunity to timely raise the matter in a petition to deny, and because our intention is to expedite the provision of cellular service to the public, we find that motions to enlarge issues filed by competing applicants should be limited only to evidence which was not in existence or ascertainable on the date petitions to deny were due. We do not anticipate that this limitation on motions to enlarge will result in an unwarranted hardship on the parties since they have ample opportunity to examine competing applications.[5] We are not precluding a party from raising a legitimate issue against a competing applicant. We are requiring only that the issue be raised at the petition to deny stage rather than after the application has been designated for hearing. Since interested parties have already filed petitions to deny applications filed for the top 60 markets, this change will only apply to markets other than the top 60.

9. Also, a procedural matter concerning whether major amendments to cellular applications pending before the ALJ are required be placed on public notice has arisen. After careful consideration of this question, we have determined that certain cellular amendments filed with an ALJ need not be placed on public notice. First, amendments that reflect full or partial settlements resulting in a merger of interests between two or more mutually exclusive parties need not be placed on public notice.[6] *See Thunder Bay Broadcasting Corporation,* 49 FCC 2d 1023, 1024 (1974). Next, an amendment which decreases the size of the applicant's proposed Cellular Geographic Service Area (CGSA) and does not cover any new geographic area need not be placed on public notice; it is a minor change since reducing the size of the CGSA would not cause interference in other markets.[7]

10. Lastly, we will also take this opportunity to complete some remaining administrative housekeeping in this proceeding. MCI Cellular Telephone Company (MCI) and American Mobile Communications (AMCOM) filed petitions for reconsideration of our *Order* of September 3, 1982, *supra,* requesting modification of our procedural rules. Among other things, the petitioners argued that applicants were unfairly required to file rebuttal cases before the ALJ ruled on proffered amendments to applications and the direct cases of competing applicants. Various parties filed comments,[8] some

[3] The new amendment rules will supersede those adopted in the September 3, 1982, Order and will apply to all pending applications.

[4] See *Memorandum Opinion and Order,* FCC 83M–997, released March 29, 1983, at paras. 19–23, for an ALJ's discussion of the difference between permissible and impermissible amendments.

[5] For the most part, applicants have been exchanging copies of each others' applications well in advance of the public notice triggering the 30-day petition period.

[6] In the unlikely event that the settlement agreement results in a former minority shareholder or an entirely new party obtaining a controlling interest, public notice of that change is required.

[7] Presently § 22.23(c)(1) indicates that any change in the CGSA is deemed to be a major amendment. It was not our intention to treat as major amendments which propose to decrease the CGSA. We will therefore amend § 22.23(c)(1) to more clearly express our intentions.

[8] Other parties filing comments were Cellular Communications of Cleveland, Inc., Cellular Communications of Cincinnati, Inc., Cellular Mobile Systems, Inc. (CMS), Post Cellular Telecommunications, Inc., and the law firm of

in support of the petition, others offering alternative procedures, and others responding to the various proposals. Since the petitions were filed, the Administrative Law Judges have had numerous opportunities to rule on similar requests by competing applicants to extend the time for rebuttals. In denying these requests, the ALJs have held that rebuttal cases must address proffered direct case exhibits and amendments as if they will be accepted in their entirety. See *Order* (FCC 82M–3983) released December 15, 1983 and *Order* (FCC 83M–178) released January 14, 1983. Based on our experience, we see no reason to further change our procedural rules as requested in the petitions for reconsideration. These rules were adopted to ensure expedited hearing proceedings. While these rules may be somewhat burdensome to the parties, to date they have accomplished their intended purpose. We will, therefore, deny the petitions for reconsideration and CMS's request for stay (see note 7, *supra*).

11. Our action today is a rule of agency procedure and practice, rather than a substantive rule, because it affects only the time when applications and related pleadings and amendments can be filed. Therefore, there is no need for publication or service prior to the effective date of this order.

12. Accordingly, it is ordered, That applications for all other markets, including SMSA and non-SMSA areas, are to be accepted starting December 1, 1983, and are subject to the requirements of 47 CFR 22.901 *et seq.*

13. It is further ordered, That competing cellular applicants are required to submit their affirmative direct cases within 30 days of the date of publication in the **Federal Register** of the order designating their applications for hearing.

14. It is further ordered, That competing cellular applicants are required to file rebuttals within 45 days from the date affirmative direct cases are required to be filed.

15. It is further ordered, That amendments to cellular applications may only be filed in accordance with the rules adopted here.

16. It is further ordered, That competing cellular applicants in other than the top 60 markets may raise in motions to enlarge issues filed under § 1.229 of the Rules only matters which were not in existence or ascertainable on the date petitions to deny were due.

17. It is further ordered, That the Petitions for Reconsideration filed by MCI Cellular Telephone Company and American Mobile Communications are denied.

18. It is further ordered, That the request for stay filed by Cellular Mobile Systems, Inc., is denied.

19. It is further ordered, Pursuant to 47 U.S.C. 154(i), 301 and 303(r), that Part 22 of Title 47 of the Code of Federal Regulations is amended as set forth in the Attachment. These amendments shall become effective April 18, 1983.

20. It is further ordered, That the Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 22—[AMENDED]

47 CFR Part 22 is revised as follows:

§ 22.23 [Amended]

1. Section 22.23(c)(1) is revised as follows:

* * * * *

(c) * * *

(1) If in the Domestic Public Cellular Radio Telecommunications Service, the amendment results in an increase in the Cellular Geographic Service Area.

* * * * *

2. Section 22.916 is amended by revising the first sentence of paragraph (b)(1) and revising paragraph (b)(4) as follows:

§ 22.916 Evaluation of cellular applicants.

* * * * *

(b) * * *

(1) The affirmative direct case, including all documentary evidence upon which an applicant intends to rely in a comparative context, must be submitted within 30 days of the date of publication in the **Federal Register** of the order designating the application for hearing. * * *

* * * * *

(4) Rebuttal cases must be filed within forty-five days of the date the direct cases are required to be filed. Four copies of the rebuttal case must be filed with the Commission and a copy served on each other party to the proceeding.

* * * * *

3. In § 22.918, paragraphs (a) and (b) are revised and paragraphs (c)–(e) are added as follows:

§ 22.918 Amendment of cellular applications.

(a) Minor and technical amendments and those required by § 1.65 of the Rules, but no major amendments as defined in § 22.23(c), may be proffered within forty-five days of public notice of the filing of the application.

(b) Amendments in connection with full settlement agreements under § 22.29 of the Rules, or partial settlements resulting in a merger of interests between two or more mutually exclusive parties may be filed at any time.

(c) Amendments requested by the Commission or the Administrative Law Judge may be filed at any time.

(d) Amendments reflecting changes in ownership of an applicant not related to a settlement agreement and which do not result in a transfer of control may be filed up to 30 days after publication in the **Federal Register** of the order designating the application for hearing, and

(e) After an application is designated for hearing, amendments may be filed for good cause upon leave of the ALJ.

4. A new § 22.919 is added to read as follows:

§ 22.919 Restrictions on motions to enlarge issues.

In comparative hearing proceedings involving markets other than the top 60, motions to enlarge issues filed under § 1.229(a) of the Rules will not be entertained by the presiding judge unless the facts in question were not in existence or ascertainable on the date a petition to deny the application was due. In the absence of such a showing, the movant must meet the burden imposed by § 1.229(c).

[FR Doc. 83–14889 Filed 6–9–83; 8:45 am]
BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-7)]

Railroad Exemption—Export Coal

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rules and exemption.

SUMMARY: Upon review of the record in this proceeding the Commission has decided to exempt rail movements of export coal moving from United States ports, including Great Lakes Ports, from regulation pursuant to 49 U.S.C. 10505. Regulations, in the appendix, are

---

Kadison, Pfaelzer, Woodard, Quinn & Rossi. In addition, CMS requested a stay of the procedural rules pending action on the reconsideration petitions.

adopted to carry out this exemption. Exemption is also proposed for export coal movements by all-rail to Canada and Mexico.

Exemption of rail export coal movements will further the goals Congress set forth in the rail transportation policy, 49 U.S.C. 10101a. Regulation is not necessary to carry out the rail transportation policy, or to protect shippers against the abuse of market power. Exemption will permit the free operation of market forces, let the railroads obtain needed revenue, and allow the carriers the necessary flexibility to respond to a rapidly changing environment.

DATES: *Effective:* The decision is effective on September 12, 1983.

Comments: Due July 11, 1983 on the issue of Canadian and Mexican all-rail export coal traffic.

FOR FURTHER INFORMATION CONTACT:
Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION:
Additional information is contained in the Commission's full decision. To purchase a copy of the full decision write to: T. S InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C 20423; or call 289–4357 (D.C. metropolitan area) or toll free (800) 424–5043.

List of Subjects in 49 CFR Part 1039

Administrative practice and procedure, Agricultural commodities, Coal, Intermodal transportation, Railroads.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Chairman Taylor dissented with a separate expression. Vice Sterrett and Commissioners Andre and Gradison commented with a separate expression.

Agatha L. Mergenovich,
Secretary.

Chairman Taylor Dissenting: [1]

I appreciate the majority's summarization of the proponent railroads' comments [2] but feel that perhaps a more neutral approach would provide a better basis on which to rationally decide this important case. Consequently, I will begin and conclude with an analysis of this proposal under 49 U.S.C. 10505 and the legislative intent of the Staggers Act.

The key to assessing the merits of a proposed exemption, insofar as the statutory criteria are concerned, is the recognition that Congress intended the Commission to retain only that measure of regulation necessary to protect shippers, especially captive shippers, from the abuse of market power. Congress specifically expressed its intent that regulation be continued in those situations where competition is absent and market forces cannot come into play.[3]

The legislative history of the Staggers Act reflects the particular concern of Congress over captive coal traffic. The Senate Committee Report directs the Commission to ensure that coal traffic bears only its fair share of costs, and that "higher rated captive traffic is not unduly burdened." [4] The Conference Committee Report emphasizes "the encouragement and promotion of the transportation of coal by rail * * * at rates which do not exceed a reasonable maximum where there is an absence of effective competition." [5] No other commodity was so singled out by Congress.

Accordingly, the central question here is whether, in the absence of regulation, competition in the world and domestic markets would both: (i) Hold coal rates to reasonable levels, and (ii) encourage and expand the transportation of export coal. My analysis of the evidence, including the comments filed by shippers, receivers, government agencies, and others, together with several reports prepared by the Commission's staff, all lead to the inevitable conclusion that because the necessary competition is not present, neither of the foregoing results will occur if the exemption is granted. Actually, the evidence of record strongly indicates that granting the exemption will result in increased rates, together with decreased demand and production. Therefore, the discussion that follows will consider the interrelated effects of exempting export coal movements from all ICC regulation, including rate provisions and car hire/car service obligations.

Turning now to the issues, let me begin by stating that while I agree there is competition in the international coal export market,[6] I am not at all convinced of its relevance as an effective constraint on rail ratemaking for domestic movements from mines to ports. First, the relationship between competition among international suppliers and domestic movements was not directly addressed in our *Market Dominance* proceeding.[7] The Commission there concluded only that potential sources of competition should not be excluded from consideration. Thus, world competition is only one factor among many to be considered.[8]

Of even more importance is the fact that competition in the world export market has only limited relevance in this proceeding. The "source" of such world competition is too remote and takes place entirely outside the U.S. Any analysis must consider the effects of an exemption on both rates and service, and at best, world competition will only set a price cap for U.S. coal in foreign countries, i.e., a maximum price above which coal will not move for export.

This "price cap," however, will neither ensure a reasonable division of profits between the railroads and the coal interests, nor enable the captive shipper to move its coal if a railroad, once freed from its common carrier obligation, determines not to serve such shipper at all or to condition service

---

[1] Before discussing the issues, I want to point out that my opposition to this proposal is shared by Commissioner J. J. Simmons III, who, before leaving the Commission, actively participated in the oral argument and in our deliberations on the merits of the proposal. In the determinative round of voting which culminated on March 3, 1983, and in which a 3–2 majority voted to grant the exemption, Commissioner Simmons voted, on Feb. 28, 1983, to deny the exemption stating: "If I am in the minority and the decision is revised so as to grant the exemption in whole or in part, I wish to be shown as dissenting and having voted to deny the exemption in its entirety." It is my firm belief that Commissioner Simmons' vote is a proper and integral part of the Commission's determination of this matter.

[2] See, e.g., majority decision, ns. 3–8, 10–16, 18–31, 38–40, 51, 58, 61, and 63.

[3] See especially S. Rep. No. 470, 96th Cong., 1st Sess. 43 (1979) which states that the exemption power should not be used "at the expense of captive shippers who have no reasonable transportation alternatives."

Also see the discussion set forth on page 17 of that report indicating the Committee's concern with the magnitude of rate increases on coal movements and the importance of energy considerations.

[4] *Id.* at 7–8. It should be noted, at this juncture, that in expressing its concern for captive coal traffic, Congress did *not* distinguish between domestic and export coal.

[5] H. Rep. No. 1430, 96th Cong. 2nd Sess. 80 (1980).

[6] There is considerable question regarding the effectiveness of competition in the movement of metallurgical (met) coal to Western Europe. The U.S. supplies 55 percent of Western European met coal, and is considered the "swing supplier." The major alternative suppliers, Australia (labor problems), Poland (strikes and martial law), South Africa (political unrest and self-imposed quotas), and the U.S.S.R. are not considered reliable substitutes for U.S. coal.

[7] Ex Parte No. 320 (Sub-No. 2), *Market Dominance Determinations and Consideration of Product Competition*, 365 I.C.C. 118 (1981) (remanded, *Western Coal Traffic League and Its Members, et al.* v. *United States of America*, 5th Cir. No. 81–4257 (Dec. 6, 1982). The court held that the Commission was statutorily precluded from considering geographic and product competition in making market dominance determinations). Rehearing *en banc* granted March 7, 1983; oral argument scheduled for June 6, 1983.

[8] *But see*, section 205(a)(2)(D) of the Staggers Act which specifically excludes consideration of imported coal as competition in any market dominance determination regarding domestic coal rates.

upon unreasonable rates. That nearly all coal shippers are captive is undeniably demonstrated by the record, which reflects neither intramodal nor intermodal competition in domestic movements for export coal. Over 95 percent of individual U.S. mines producing export coal are served by just one railroad. In the East, the CSX and the N&W[9] effectively divide the market. In the West, the Union Pacific participates in virtually all export coal movements, while the Atchison, Topeka and Santa Fe participates in a limited number of these movements.[10] Most traffic, especially in the East, is handled by a single railroad from mine to port. Railroads *are* in a position to exact substantial premiums without fear of diverting traffic to other carriers.

There is no effective intermodal competition. Pipelines do not yet exist for the transportation of export coal, and truck competition is not economically practical for large shipments or long distances.[11] Barge transportation almost always involves a prior movement by rail, which makes the railroad indispensable to the water carrier's ability to carry coal. This point has not been lost on the railroads. For example, until last summer, rates on coal movements to the river system were set higher than those to the East Coast, thus assuring that traffic moved all rail, and in most instances, to railroad-owned port facilities.

However, because the shippers and competing barge lines had recourse under the Interstate Commerce Act, the railroads dropped their rates to the river to the domestic level.[12]

But, under the exemption proposed here, the railroads could effectively eliminate all barge participation in export coal traffic, and thus adversely affect the New Orleans gateway, either by setting a prohibitively high rate for coal movements to the water connecting point vis-a-vis the rates established for all-rail movements or by refusing to provide any service at all to water-connecting points for export coal movements. The railroads have a powerful incentive to eliminate barges as a competitive alternative so that more and more export coal will move via all-rail service, often to export coal facilities owned and operated by the railroads. As a result, insofar as the barge alternative is concerned, the export coal exemption can only be regarded as truly anti-competitive.

Moreover, geographic and product competition within the United States is neither a counterbalance nor a solution to the problem. The coal producing regions of the U.S. do not compete with each other for most of the export market. According to the railroads' own testimony, the vast coal reserves now available in the Powder River Basin (Montana and Wyoming) are a very long distance from port (over 1,000 miles) and the coal in such reserves is not of export quality, because its energy value is less than 10,000 BTUs and it has a relatively high moisture content. The coal from Ohio, Western Kentucky, and Illinois is not of met quality and has too much sulfur for all but a small part of the steam coal export market. Coal from Colorado, Utah, and New Mexico goes to Japan, where there appears to be some competition with eastern coal. However, these western reserves produce no met coal, and the delivered price to Japan of eastern steam coal is more than $20 per ton higher than the delivered price of coal from New Mexico, Utah, and Colorado. Therefore, competition between the two sources is minimal. Almost all of our steam and met coal exports to Europe move through Atlantic ports.

The premise underlying the argument that export contracts can be freely filled from mines on more than one railroad is also unrealistic. First, export tonnage is frequently a blend of coal from several mines, and many times, some mines are on one railroad, some on another. Second, for a shipper to be able to substitute tonnage from a mine on a second railroad, certain conditions must be met, i.e., the tonnage must be available and not already committed to a long-term contract, the extraction costs must be relatively the same, and the tonnage from the second mine must be technologically substitutable for the tonnage from the first. Shippers point out that the chance for such substitution does not usually occur, especially since the Chessie hauls primarily met coal and the N&W primarily steam coal. Third, there must be no price leadership, in that if one railroad raises its rates, the other will not, or at least not to the same level. It appears highly unlikely that all three of the foregoing conditions would coalesce, and even if they did, the advantage would accrue only to the particular shippers affected.

The fact remains that ninety-five percent of the mines producing export coal are captive to the railroads that serve them.

The argument that big shippers can play one railroad against another (i.e., by substituting tonnage from mines served by more than one carrier) is still less convincing, even were one to ignore the problem of lack of substitutability discussed *supra*. When a shipper negotiates with a railroad, its corporate affiliation is less important than its access to alternate transportation. There are over 100 companies involved in the export coal trade. Although some of the shippers are large, with connections to still larger entities, only twenty-four percent of the mines served by the Chessie System and the N&W are controlled by operators having mines on both railroads. As for the West and the Mid-West, there appears to be virtually no possibility of substitution between railroads at the present time.

Therefore, contrary to the suggestion of the railroads, the adverse consequences of granting the exemption would not be offset by theorizing that: (i) The railroads and the coal suppliers would negotiate as "partners," or that (ii) big shippers could exert more bargaining power than the railroads.

In light of the lack of any form of domestic competition, it cannot be argued that the transportation of coal from mine to port is a joint venture where profits are distributed according to the percentage of equity participation. Instead, such transportation is an undertaking in which the parties' interests are the same only in the broadest sense, i.e., getting the coal to market. However, in the only sense that is germane here, each participant is solely concerned with maximizing its own profit. Because most mines are served by only one railroad, and because many mines may be on that one railroad's line of track, it is perfectly possible for such a railroad to maximize its profit at the expense of one of the shippers it serves. To illustrate, such a railroad could easily recapture business lost at one captive mine from a second mine that has greater production capabilities and/or lower production costs than the first.

To be sure, if coal does not move, neither the railroad nor the coal producer makes any money. However, the magnitude of the loss is not the same for each. For example, each of the two major eastern railroads has over 200 mines on its rail lines. In any negotiation, each mine is bargaining for all of the profit which can be made from that mine. The railroad, on the other hand, is bargaining for profits on only one of several mines that it serves,

---

[9] Now a subsidiary of Norfolk Southern Corporation.

[10] At the time the record closed, the Burlington Northern had not developed an export market for its Powder River Basin coal. See text *infra*.

[11] The statistic of the majority regarding the 13 percent truck movements is 13 percent of total coal production. There is no indication of whether any of this is for export.

[12] See complaint No. 35602, *Water Transport Assoc. v. The Chesapeake and Ohio Railway and Norfolk and Western Railway Company.*

many of which may be located on the same line of track. Thus, in the negotiating arena, only a relatively small share of the railroad's profits will be at risk.

Clearly, the railroad can rely upon the traffic from other mines on its rail lines and the profit from other commodities it carries to mitigate the loss from its failure to agree with a particular mine, and while so doing, the railroad will remain secure in the knowledge that the coal from such mine must move eventually, if at all, and then only over the railroad's trackage. If the mine does not ship, some other mine on the carrier's line may increase the amount it exports, thereby allowing the railroad to gain a share of the profit from that transaction. Because the individual mine has, for the most part, nowhere else to turn, it will be forced to reach agreement with the railroad or not produce coal. Thus, under the scenario contemplated by the proposed exemption, the railroad would be in a strong position to capture most or all of the individual mine's profit, since the latter's rate of return would effectively be determined by the carrier.[13] Furthermore, given a lack of intermodal and geographic competition, even those few suppliers which could exert significant bargaining power would not protect the interests of the many, nor would they have any incentive to protect the interests of their competitors.[14]

Also, it should be noted here that the record is devoid of any concrete evidence in support of the contention that regulation imposes a chilling effect upon contracting. Hundreds of coal contracts have been filed with the Commission, and the railroads have not evidenced a single instance where they have lost a contract because a shipper has insisted upon a "regulatory backstop" clause. Nor have the railroads indicated what shippers have asked for such a clause or how many times the request has arisen in negotiations. None of the railroads' shipper witnesses testified that they have demanded a "backstop" clause, whereas the shippers opposing the exemption testified that they had never even heard of a "backstop" clause, much less insisted upon one.

It should be noted too that the railroads already exercise a substantial measure of ratemaking flexibility.[15] The Commission does not have jurisdiction to examine maximum rate reasonableness unless we first determine that a railroad has market dominance over the transportation to which a particular rate applies, 49 U.S.C. 10701a(b)1 and 10709.

Furthermore, in Ex Parte No. 347 (Sub-No. 1), *Coal Rate Guidelines, Nationwide* (not printed), decided February 8, 1983, we published a carefully crafted proposal for prescribing maximum reasonable coal rates in instances where railroads exercise market dominance over coal traffic. That proposal reflects the dual concern of Congress that captive coal shippers be protected from abuse and that the railroad industry achieve revenue adequacy.[16]

However, quite apart from the ratemaking flexibility proposed in Ex Parte No. 347 (Sub-No. 1), the railroads have stated that they will, given the export coal exemption, engage in discriminatory pricing based on each mine's long-term marginal cost. This discriminatory pricing, as contrasted with differential pricing, will be completely free of regulation and will adversely affect the production of export coal. The natural result of setting rates according to the cost of extraction is to transfer from the mine to the railroad those returns from the production of coal which exceed the mine's long-term marginal cost. A producer who knows that his profits are captive to the carrier has no reason to expand.[17] Appendix A to this dissent sets forth, by example, an illustration of how coal production could be reduced while railroads still maintain maximum returns. In any event, regardless of whether the railroads extract monopoly profits by resort to either simple or discriminating monopoly power, export coal production can predictably be expected to decline over the long run.

Also of importance is the fact that the effects of the exemption extend far beyond profit and loss to coal shippers and carriers. It is impossible to separate out the extensive foreign and domestic ramifications. While the railroads supplied no economic calculation of the effect on the volume of export coal that their actions under deregulation will have, the majority of the comments and the Commission's own Environmental Assessment Statement (EA) support the conclusion that the exemption and the concomitant rate increases will result in a decline in demand for export coal.

In contrast, Section 203 of the Staggers Act (49 U.S.C. 10701a(e)(2)(B)(iii), i.e., the Long Cannon Amendment) mandates consideration of the impact of a proposed rate or rate increase on the attainment of national energy goals when the Commission determines whether to investigate certain rate proposals. As explained in the Conference Committee Report, the national energy goals include reduction of dependence on foreign sources. Further, "[t]o reduce dependence on foreign energy sources this country must stimulate utilization of its abundant, indigenous coal reserve."[18] Consideration of our national energy goals will no longer be a factor in view of the action taken by the majority in this proceeding.

Domestically, a diminishing demand for export coal translates immediately into reduced growth in production in coal supply regions. In fact, the Commission's EA composite case shows that by 1985, Virginia, Utah, and Colorado will experience a complete loss of all export production directly as a result of the declining demand for export coal brought about by increased transportation rates. The EA also indicates that by 1990, there will be substantial declines in the coal productivity of Southern West Virginia, Alabama, and Oklahoma, and that by 1995, New Mexico will lose its entire export coal market. Needless to say, these losses will have a severe adverse impact upon the nation's balance of trade, upon primary and secondary employment levels, upon local and regional tax bases, and upon the communities and families dependent on those mines which are forced to decrease or stop production.

In addition to the foregoing economic and social effects, a grant of the exemption is in direct conflict with the

---

[13] The railroads have stated that they will set their bargaining according to the mine's cost of extraction rather than their own cost of operation.

[14] In fact, as some railroads lease coal producing land to mines, the closure of another mine would only serve to increase royalties to the railroad from its own land. See discussion in text *infra*.

[15] From 1977 through 1981, the average railroad freight charge increased 65.9 percent while the value of coal, per the F.O.B. mine price, increased only 31.2 percent.

[16] The proposal recognizes the need for differential pricing if railroads are to achieve revenue adequacy, thereby providing the railroads with broad ratemaking flexibility. The approach taken is one of constrained market pricing.

[17] A more efficient coal producer will have lower production costs, and therefore will be able to absorb greater transportation charges while remaining competitive in the world market. At the same time, the less efficient producer will be unable to absorb equivalent transportation charges. Consequently, transportation costs will dictate coal prices, not production. The efficient producer who will be punished by paying higher transportation charges than his less efficient competitor will compete only on an equivalent footing with less efficient producers. Thus, the efficient mine will not have a cushion to decrease its price and compete more effectively, nor will it have the entrepreneurial incentive to expand production in return for increased profit.

[18] H. Rep. 1430, 96th Cong. 2d Sess 96 (1980).

Administration's efforts to stimulate demand for the export of U.S. coal to our allies in the Pacific Rim nations and in Western Europe,[19] and with the President's policy statement to our allies that foreign consumers be allowed complete, open, and nondiscriminatory access to the U.S. coal market.[20] Foreign customers are greatly concerned with the stability of pricing and the reliability of supply. The numerous comments forwarded to the Commission from foreign governments and coal purchasers in countries such as Japan, Spain, Brazil, Italy, the Netherlands, and Ireland all express the strong fear that price increases and a lack of stability in the delivered price will reduce the attractiveness of U.S. coal as a reliable source and as an alternative for not only foreign coal, but also for OPEC oil and Soviet gas. Significantly too, these foreign markets, once lost, cannot be easily regained.[21]

Moreover, as recognized by the Departments of State and Commerce and the International Trade Representative, it is important to our national security that both ourselves and our allies have a secure, economic, and competitively priced alternative to unpredictable supplies of imported energy. In derogation of this objective, the proposed exemption, by shifting profit from producer to carrier and precipitating a long-term decline in coal exports, would undercut a key element of U.S. international energy policy,[22] impair the health of our mining industry, jeopardize the jobs of thousands, and substantially weaken, if not eliminate, a potentially important factor in the restoration of a favorable balance of payments for the United States.

In addition to the glaring defects in the majority's position on the effects of "competition," this decision is also subject to numerous oversights and procedural deficiencies.

Antitrust Immunity

Certainly no exemption should be authorized which retains antitrust immunity. However, let no one assume that the antitrust laws will protect shippers from the abuse of market power. The most that the antitrust laws can do is to prevent collusion among existing competitors. The holder of a lawful natural monopoly generally is free to set its rates and provide its services in the manner deemed most profitable.[23] The carriers appear to be immune from antitrust actions with respect to any traffic, such as export coal, which has always been captive. The courts cannot provide the regulatory supervision necessary to curb abuses.

The Railroads' Modified Proposal

Recognizing the serious problems inherent in an across-the-board exemption, the N&W, in a later pleading, proposed that any exemption be limited to the rate regulations of 49 U.S.C. 10701–10712. This would have retained Commission jurisdiction in such critical areas as car hire and service (especially 49 U.S.C. 11126), the commodities clause (49 U.S.C. 10746), the war powers clause (49 U.S.C. 11128), the contract rate provisions (49 U.S.C. 10713), and the common carrier obligation (40 U.S.C. 11101(a)) to name only a few. However, the majority decision rejects this modified proposal, but since the N&W's suggested limitations have been addressed only summarily in the majority's analysis of the National Transportation Policy, it is difficult to determine if the impact of their removal was seriously considered.[24]

For instance, as discussed *supra*, with the demise of the common carrier obligation, what incentive is there, in these days of unit trains, for a railroad to drop and pick up a few cars at the site of a small family-owned mine in Appalachia? Although many such mines have already been shut out of certain export markets because of high transportation costs (which can run as high as one-third to one-half of the purchaser's costs), the few that remain will face inevitable exclusion from such markets by virtue of the exemption granted herein.

Congress specifically recognized the problem of obtaining cars in 49 U.S.C. 11126(a), which requires railroads to make "a reasonable distribution of cars for transportation of coal among the coal mines served by it [the railroad] whether the mines are located on its line or are customarily dependent on it for car supply." Thus, by imposing an obligation to supply cars, in tandem with the common carrier obligation and various rate regulations, Congress sought to ensure continued participation in the market, not just for mines that a railroad chooses to serve, but for *all* mines.

Did the majority also consider the impact of removing the commodities clause limitation on the exemption granted? Railroads own enormous amounts of coal, most of which they received in the form of grants from the government. Three railroads (i.e., the Burlington Northern, the Union Pacific, and the Santa Fe) own over 16 billion tons of coal reserves, which approximates 25 percent of the total non-federal coal reserves located in the Western States. Recently, these railroads have been active in marketing their coal, but the commodities clause, 49 U.S.C. 10746, prohibits them from transporting it. However, the exemption granted by the majority will void the statutory prohibition against such railroads directly transporting their own coal to an export gateway. As a result, with the exemption, the railroads can determine which mines will receive service, and thus they could decide that export coal will come only from their own mines. Under the exemption, it would appear that coal-owning railroads can now mine their own coal and haul it in their own cars, over their own tracks, to their own piers for export.[25] As a consequence, independent coal producers will instantly, upon the exemption becoming effective, be confronted with a legal vertical monopoly against which it will be very difficult to compete.

Lack of an Environmental Impact Statement

In the majority's unexplained rush to issue this decision, the required

---

[19] These actions are part of an integrated effort which includes improvement in port and waterway facilities.

[20] The President's "Coal Export Policy Statement" of July 17, 1981. A foreign purchaser could plausibly conclude that the deregulation of the export market, while leaving domestic coal regulated, is a measure aimed at extracting profits from overseas consumers. In fact, the railroads have confirmed this impression. See the transcript of oral argument, TR 54, 55, 218; see also the Reply Verified Statement of Gould and Landes at 7–8: "Higher prices for delivered coal would be borne by foreign consumers, while U.S. railroads would gain. . . [T]his transfer makes the U.S. better off." Such a conception of the nature of the U.S. commitment to coal exports is clearly not consonant with the President's policy statement.

[21] For a complete discussion on this point, see text *infra*, at "Revocations," and the comments of the Departments of State and Commerce and those of foreign purchasers.

[22] See also United States Department of Energy, Interim Report of the Interagency Coal Export Task Force, Jan., 1981 (DOE/FE–0012) which stated that the role of the United States in future coal trade "depends upon the buying strategies of the consuming nations, the policies and prices of competing exporters and the actions taken by the United States to maintain reasonable prices, prompt delivery and dependable quality."

The Commission's EA also predicts, at 51, that "U.S. shares of both the European and Pacific Rim markets are projected to decline significantly."

[23] *Berkley Photo, Inc.* v. *Eastman Kodak Co.*, 603 F2d 263, 297 (2d. Cir. 1979).

[24] For a contrast, see the Commission's recent decision exempting boxcars, wherein these questions were discussed at length and it was emphasized that jurisdiction was being retained to protect against shipper abuse.

[25] Some railroads are currently investigating the desirability of entering into the ocean portion of export coal transportation.

environmental impact statement (EIS) and energy impact statement (SEI) have both been omitted. The purpose of an EIS and an SEI is to enable the Commission to consider fully the environmental and energy impacts of its decision. However, when voting was concluded in early March and the exemption was granted, the Commission had nothing before it on this issue.[26] Ironically, however, also in March of this year, the entire Commission issued a notice of intent to prepare an EIS in Ex Parte No. 347 (Sub-No. 1), *Coal Rate Guidelines—Nationwide, supra.*[27] That notice found that a significant environmental effect arises out of any major change in coal rate regulation, and as a result, several possible effects of coal rate increases were listed. In fact, the EIS in Ex Parte No. 347 (Sub-No. 1) stated that it would "consider the effect of the proposed action on potential overseas demand for domestic coal," and on how the proposed rate guidelines "might * * * affect other important considerations such as export coal policy."

Thus, the Commission has recently acknowledged, as a matter of public record, that the export coal market and the environmental manifestation of any changes in that market are not economically isolable from the domestic coal transportation market. The National Environmental Policy Act (NEPA) requires federal agencies to produce a detailed environmental impact statement (EIS) for "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. 4332(2)(C). See *Aberdeen & Rockfish R. Co.* v. *SCRAP,* 422 U.S. 289, 318–319 (1975).

The logic of the above NEPA analysis also applies to the requirements of the Energy Policy and Conservation Act (EPACA), 42 U.S.C. 6201 et seq., which requires the Commission, where practicable, to include in any major regulatory action a statement of the action's probable impact on energy efficiency and energy consumption. 42 U.S.C. 6362(b). A statement of energy impact (SEI) is certainly indicated here, because the exemption affects coal rates, because the Commission's regulations generally require an SEI in rulemaking proposals affecting carrier operations, 49 CFR 1106.5(a)(9), and because the Commission acknowledged potential energy impact in the export exemption rulemaking notice. 46 FR 44532 (Sept. 4, 1981).

The Commission has thus formally acknowledged that as to energy consumption and environmental considerations, the export coal market is inherently intertwined with the domestic market. Yet, to avoid preparing an EIS in this proceeding, the majority has found that exempting export coal movements from regulation is not a major federal action significantly affecting the quality of the human environment or the consumption of energy. Such a finding is manifestly indefensible!

The assessment statement (EA) on which the majority's above conclusion is based is seriously flawed and incomplete.[28] First, the EA is based entirely on the assumption that the only effect of the export coal exemption will be an increase in rates.[29] While I certainly agree that this will be the primary result, the possibility of selective decreases, especially on movements from railroad-owned sources, combined with service discontinuances to others, cannot be discounted. The purpose and result of such selective decreases would be to shift supply sources from current producers to railroad-owned mines. Such a direct manipulation of the supply market, while perhaps a reasonable reaction on the part of the railroads to a continuing coal surplus, could only be accomplished if all regulation were removed. Therefore, the failure of the EA to address the effects of decreases in rates and the resultant shifts in supply sources is a major defect.

Also, the assessment addresses only indirectly the relationship between export and domestic markets. Export coal rates (and delivered prices which include those rates) have a clear "secondary impact" on the domestic coal market and coal production in general. This secondary impact flows, in part, from the fact that the amount of coal exported can affect the quantity and price of coal available for domestic use, as well as the price at which railroads would be willing to move domestic coal. These effects, in turn, help determine whether domestic coal users will switch to alternate fuels. Thus, while the domestic environmental effects of exempting export coal may not be as direct as those resulting from the Commission's proposed guidelines in Ex Parte No. 347 (Sub-No. 1), they are, nevertheless, closely related and reasonably foreseeable. See 40 CFR 1508.8. Under NEPA, an agency must discuss all such secondary impacts having significant adverse environmental effects. See, for example, *South Louisiana Environmental Council* v. *Sand,* 629 F.2d 1005, 1016 (5th Cir. 1980).

Because of the limited rate increase scenarios studied in the EA, I can only conclude that its overly broad findings are not supported by reasonable evidence. The fact of the matter is the majority has not fulfilled its statutory responsibility to produce an EIS. Instead, the majority has opted for the EA, and as a result, the decision to grant the exemption is based, in part, on a faulty and incomplete study.

Revocation

The ability to re-impose regulation by revoking the exemption under 49 U.S.C. 10505(d) has definite practical limitations in this proceeding. Even if the exemption were in effect for only a relatively short period of time, there would still be great potential for the occurrence of serious damage. The railroads could absorb shippers profits, thereby causing some producers to go out of business. Plans for expansion could be canceled or postponed at the very time a demand for increased national coal production is emerging. Also, coal contracts are often long-term commitments, and the parties to many actual or potential coal export contracts or rail transportation agreements could irrevocably change their positions and suffer losses that could not be recouped.

Besides, authorizing an exemption on the basis that we can re-impose regulation is clearly unwise when the potential for serious abuse of market power, the likelihood of decreased U.S. coal exports, and the possibility of grave and irretrievable social, economic, and political damage is so apparent.

Limited Exemption

Without question, the exemption proposed should definitely have been denied. In so doing, however, I would have urged the railroads to refile for a partial exemption seeking the establishment of a special zone of rate freedom for export coal movements. Such a zone could have had a fluctuating base and ceiling tied to an index related to the current price of coal.[30] Within the moving zone, the

[26] The threshold environmental analysis was prepared in March of 1982 and recalled by the Director of the Office of Transportation Analysis in November of 1982, because the analysis was insufficient to reach a conclusion that no significant adverse impacts were likely.

[27] 49 FR 9706, March 8, 1983.

[28] The instant EA, which was prepared subsequent to the March 3, 1983 decision to grant the exemption, warns that impacts are "discussed in general terms because of: (1) The absence of knowledge concerning the exact location of extraction activities, (2) the lack of adequate methods to quantify impacts, and (3) the absence of precise or consistent information * * *".

[29] "[We] have further limited our analysis to a study of the impacts of future rate increases." EA at 2.

[30] The zone's fluctuations could have been based on a percentage relationship to a recognized index,

railroads would have been free to set rates without regulatory interference. The Commission could have been relatively certain that rates set within the exempt zone would not involve an abuse of market power because of the relationship established between the index and the zone.

While the proposal and justification of any particular index would have been up to the proponent railroads,[31] the point is that such a zone of rate freedom would have provided the benefits sought from this exemption without its overwhelming detriments. Regulatory burdens would have been reduced, railroads would have had the ability to respond quickly to changing market conditions, and the Commission would have been in a position to fulfill its statutory duty to protect shippers, when necessary, from an abuse of market power.

Summary

This discussion has now come full circle and ends where it began, with the exemption status itself. 49 U.S.C. 10505 requires that the Commission, using the guidelines established by the Staggers Act, must make two findings. First it must find that the proposal is either of limited scope or will not result in an abuse of market power. Then, the Commission must analyze the expected results of the exemption and find that they compare favorably with the goals of the National Rail Transportation Policy (NRTP).

A simple juxtaposition of the above criteria and the facts and evidence presented in this proceeding shows them to be inalterably incompatible. Certainly rail transportation of export coal is not a matter of "limited scope." No single commodity (other than "coal, all types") comprises more than export coal's traffic share of the railroad industry's annual originating carloads.[32] Export coal involves the shipment of millions of tons of coal worth millions of dollars. No one has made a serious attempt to characterize this exemption as "limited in scope."

More relevant to this proceeding is the alternate standard of whether the exemption will result in an abuse of market power. Based on the record, I cannot find that where undue concentrations of market power already exist due to the near vacuum of any form of domestic competition, it is unnecessary to protect captive shippers of export coal from an abuse of market power. The exemption will not improve the captive shipper's lot but will only remove what little competition and bargaining ability remains. More specifically, the exemption will impair the balance between shipper and carrier interests that Congress so carefully sought to preserve through the reasonable rate and service provisions of the Staggers Act.

Turning now to the most important criterion of all, i.e., the National Rail Transportation Policy of 49 U.S.C. 10101a, it must be remembered that this policy has a considerably broader purpose than the improvement of a railroad's profits. The real objective is the maintenance of our rail transportation system for the benefit of all who are dependent upon it. Therefore, such policy mandates a consideration of the whole rail transportation system and the needs of not just the carriers, but also the shipping, receiving, and consuming public. Although the Commission's regulatory reins can and should be loosened or eliminated whenever practicable, caution must be taken to see that reform proceeds in a systematic manner after a careful consideration of all affected interests. Competition and reliance upon the marketplace are important goals of the NRTP, and to achieve these goals, parties must have relatively equal bargaining positions. Where, as here, one party holds monopoly power, some regulation of that party provides the leverage needed to maintain equilibrium in the marketplace.

The consequences of granting the exemption herein proposed will be a distinct lessening of competition, distortion of the demand for services, unreasonable costs for captive products (thereby imposing an artificial limit on the output of those products), and a serious misallocation of resources. Equally grave are the negative effects the exemption will have on our economic and social well being, on our national security, and on our foreign policy. These results violate all the provisions of 49 U.S.C. 10101a, the object of which is to preserve and improve our rail transportation system so that it may better serve those who use it. Instead of giving the railroads an opportunity to seek a reasonably limited exemption that would have enhanced our transportation system, the majority has, by approving the total exemption, greatly impeded the achievement of the goals set forth in the National Rail Transportation Policy.

As a result, it is regretful but true that only those who yearn for the overly regulatory days of yesteryear will gain any real comfort from the majority's blatant disregard for the policies of Congress and the Administration.

APPENDIX A.—Hypothetical Effect of Eastern Railroads' Market Power Over Domestic Shippers on Year 2000 Steam Coal Exports to Europe Assuming a Constant Port Price for Coal

FOB pier price	Mine mouth price	Rail rate	Average rail net revenue	Volume (millions of tons)	Total rail net revenue (millions of dollars)
1980 dollars per ton					
		(1)–(2)	(3)–4.20	[2]–34.96	(5)×(4)
(1)	(2)	[3]	(4)	[5]	[6]
48.00	[illegible]	[illegible]	4.20	145.1	609
48.00	[1] 39.30	[1] 8.70	4.50	135.7	611
48.00	[illegible]	[illegible]	4.80	126.3	606
48.00	38.00	10.00	5.80	95.1	552
48.00	37.00	11.00	6.80	63.8	434
48.00	36.00	12.00	7.80	32.5	254

[1] Two mine mouth price/rate levels have been added in order to pin-point the profit-maximizing rate.

NOTE.—This table by National Economic Research Associates (p. 24 of Dec. 21, 1981 Verified Statement) redone assuming a multiple of 2.5 instead of 5 to compute marginal extraction cost.

such as the Railroad Freight Price Index, published by the U.S. Department of Labor's Bureau of Labor Statistics (developed by BLS in cooperation with the Commission's Office of Transportation Analysis) or the Department of Labor's Producer Price Index for Coal.

[31] The use of an index for these purposes is not new. Congress adopted a similar approach for the motor carrier zone of rate freedom [49 U.S.C. 10708(d)(3)(B)] which establishes a ratemaking ceiling for the zone based on "the percentage change in the Producers Price Index, as published by the Department of Labor, that has occurred during the one-year period prior to the effective date of the proposed rate."

[32] At the 5-digit commodity coal level, the portion of annual carloads represented by export coal is among the highest of all individual commodities. In 1981, for instance, over 93 million tons of coal were moved for export to U.S. ports, in over one million cars.

Vice Chairman Sterrett and Commissioners Andre and Gradison Commenting:

In view of the significance of this case and the fact that it will be litigated, we believe it is important to emphasize that all statutory requirements and Commission procedures have been met. A brief history may serve to clearly detail the voting and review process that was followed.

On March 3, 1983, a majority of the Commission voted to reject the draft decision which denied the petition for exemption in this proceeding. That decision was prepared and circulated at the direction of the Chairman. In making a determination whether to approve or reject the circulated draft decision, each Commissioner had the benefit of the entire record including information addressing economic, legal, regulatory and environmental issues, and each was free to vote based on his or her consideration of the evidence. However, no final vote could be taken on the exemption petition until a new decision was drafted which effectuated the Commission's determination. Thus, in response to the majority's vote, the staff prepared a new draft decision which approved the exemption petition. The environmental assessment was also expanded to provide greater detail and additional analysis. Our final decision was therefore reached on the basis of the revised draft, the expanded assessment, and the complete underlying record.

The procedure followed in preparing the final decision and environmental assessment were entirely consistent with the statutory requirements and Commission procedures and gave appropriate respect and consideration to the rights and viewpoints of all parties.

Appendix

Chapter X Title 49 of the Code of Federal Regulations is amended as follows:

PART 1039—[AMENDED]

1. Part 1039 is amended by adding a new § 1039.15 to read as follows:

§ 1039.15. Rail transportation of export coal.

Railroad transportation of export coal traffic moving through all U.S. ports, including Great Lakes ports, is exempt from the provisions of 49 U.S.C. Subtitle IV with certain exceptions. Carriers must continue to comply with Commission accounting and reporting requirements. All railroad tariffs pertaining to the transportation of export coal will no longer apply. Nothing in this exemption shall be construed to affect our jurisdiction under section 10505 or our ability to enforce this decision or any subsequent decision made under authority of this exemption section. This exemption shall remain in effect, unless modified or revoked by a subsequent order of this Commission.

(49 U.S.C. 10321(a) and 10505)

[FR Doc. 83-15685 Filed 6-9-83; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 113
Friday, June 10, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

CIVIL AERONAUTICS BOARD

14 CFR Part 291

[EDR-462; Economic Reg. Docket 41510]

Domestic Cargo Transportation; Exemption From Tariff Filing Requirements

Dated: May 27, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to exempt carriers that engage in intra-Alaska or intra-Hawaii cargo transportation from tariff filing requirements. This rulemaking is at the CAB's initiative, and is designed to reduce the regulatory burden on domestic cargo transportation.

DATES: Comments by: August 9, 1983. Reply comments by: August 24, 1983.

Comments and other relevant information after the date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: June 20, 1983.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments to others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41510, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Joanne Yancy Hitchcock or Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: Air carriers are subject to the provisions of the Board's rules in 14 CFR Part 291, if they are certificated under sections 401 or 418 of the Federal Aviation Act to carry domestic cargo. The regulations that make up Part 291 are the result of a rulemaking to comply with a Congressional mandate to substantially deregulate domestic cargo transportation, as set forth in the cargo deregulation amendments, Pub. L. 95-163. In ER-1080, 43 FR 53628, November 16, 1978, adopting Part 291, the Board used its powers under section 416(b) of the Act to exempt domestic cargo carriers from the section 403 duty to file tariffs. ER-1080 does not, however, exempt carriers from the tariff filing requirement for the air transportation of property solely within the States of Alaska and Hawaii. That transportation was not otherwise deregulated by Pub. L. 95-163.

Under section 1601(a)(2) of the Act, 49 U.S.C. 1551(a)(2), the Board's authority to require tariff filing for domestic passenger transportation expired on January 1, 1983, including passenger transportation between points in Alaska and Hawaii. This change, combined with other exemptions the Board has granted from the requirement to file tariffs for domestic transportation means that the only tariff filing requirement remaining in purely domestic air transportation applies to carriers transporting property within the States of Alaska or Hawaii.

For the reasons set forth below, the Board tentatively concludes that carriers engaged in intrastate cargo transportation in Alaska or Hawaii should be exempted from the requirement of filing tariffs for that transportation.

For Federal aviation regulatory purposes, the States of Alaska and Hawaii have generally been treated as unique. Geographic isolation, lack of competition when compared to the other 48 States, and thin markets with long distance conditions have traditionally contributed to their different status in the regulatory scheme. The Board now believes that it is no longer necessary to treat cargo air transportation in these States differently from that in the rest of the States or U.S. possessions with respect to tariff filing. The Board believes that experience in other similar areas has shown that those factors do not require the filing of tariffs to achieve remaining Federal regulatory purposes. In fact, tariff filing may now be inhibiting those purposes.

At present, tariffs that contain changes in prices or practices must be filed at the Board in advance of their effective date. Tariff filing thus limits the ability of the filing carriers to respond quickly and effectively to changes in market conditions, and so hinders competition.

In addition, the costs and procedural requirements for numerous tariff filings discourage the testing of new marketing ideas, and tend to promote the use of the complicated tariffs filed at the Board as the major means of disseminating information to shippers on pricing and conditions of carriage. The tariff filing requirement is not the only means of informing shippers or other interested parties of changes in price or conditions of carriage, however. Carriers now distribute rate sheets informally to shippers in an easy-to-read format, and this practice could easily fulfill the need for information, as it does in the 48 contiguous States. The Board's experience with air taxi operators who have been exempt from tariff filing for interstate passenger transportation within those States indicates that there is sufficient economic incentive to ensure adequate communication of information on prices and rules to users.

The filing of tariffs containing rules of carriage allows carriers to incorporate all of those rules into the contract waybill with little input from shippers. Supervision by a distant government agency is no substitute for knowledgeable shippers insisting on proper notice in the contract of reasonable rules of carriage. Without required tariff filing, shippers will have a more immediate, more local, and less costly forum for complaints in the local court system.

Although carrier entry into Alaska and Hawaii for purposes of domestic all-cargo transportation has been somewhat limited, the board has adopted a permissive entry policy for scheduled cargo service, and is currently reviewing the situation to ascertain whether some or all of the restrictions on cargo charter entry in these States should be removed. The elimination of the tariff filing requirement for interstate air transportation of property between points in Alaska or Hawaii would add to the process of placing cargo air transportation on a more equal footing

with such air transportation in the other States and U.S. possessions.

The Board will retain the authority to obtain rates and rules information, if necessary, under section 407 of the Act, 49 U.S.C. 1377, thus giving the board the means to enforce its remaining regulatory responsibilities and, if necessary, to monitor the effect of this exemption on shippers, carriers, and the public.

Initial Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act, Pub. L. 96-354, is designed to insure that agencies consider flexible approaches to the regulation of small businesses and other small entities defined in the Act. It requires a regulatory flexibility analysis for a rule that, if adopted, will have a "significant economic impact on a substantial number of small entities."

The analysis is required to describe the need, objectives and legal rationale for, and flexible alternatives to the action proposed here. The need, objectives and the legal rationale for this proposed rule are discussed in this notice of proposed rulemaking. This rule is designed to complete the process of eliminating the tariff filing requirement in domestic air transportation. This rule would also, if adopted as proposed, reduce government-required administrative costs of a large number of small air carriers that are currently required to file tariffs at the Board for intrastate cargo transportation in Alaska and Hawaii, by eliminating the tariff filing requirement. There are two alternatives that Board action could take. Both of these alternatives—retain tariff requirements, or eliminate them—are discussed above.

List of Subjects in 14 CFR Part 291

Air carriers, Antitrust, Freight, Insurance, Reporting and recordkeeping requirements.

PART 291—[AMENDED]

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 291, *Domestic Cargo Transportation*, as follows:

Section 291.31(a) introductory text and (1) would be revised to read:

§ 291.31 Exemptions from the Act for direct air carriers.

(a) Each direct air carrier providing domestic cargo transportation is, with respect to such transportation, exempted from the following section or subsection of the Act only if and so long as it complies with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit it to conduct domestic transportation operations.

(1) Section 403.

* * * * *

(Secs. 102, 204, 401, 407, 408, 416, and 418, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 766, 767, 771; 91 Stat. 1284; 49 U.S.C. 1302, 1324, 1371, 1377, 1378, 1386, and 1388)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-15671 Filed 6-9-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM83-62-000]

Treatment of Purchased Power in the Fuel Cost Adjustment Clause for Electric Utilities; Extension of Time for Comments

June 3, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On May 3, 1983, the Commission issued a Notice of Proposed Rulemaking involving the treatment of purchased power in the fuel cost adjustment clause for electric utilities (48 FR 21161, May 11, 1983). The comment period is being extended at the request of Virginia Electric and Power Company.

DATES: Comments must be submitted on or before June 24, 1983. Reply comments must be submitted on or before July 25, 1983.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, (202) 357-8400.

SUPPLEMENTARY INFORMATION:

In the matter of treatment of purchased power in the fuel cost adjustment clause for electric utilities, extension of time; Docket No. RM83-62-000.

On May 28, 1983, Virginia Electric and Power Company (VEPCO) filed a motion for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued May 3, 1983, in the above-docketed proceeding. The motion states that VEPCO requires additional time in order to compile relevant data and to coordinate the preparation of the company's comments. The motion further states that additional time is needed because of the press of other business involving VEPCO officials and counsel for the company.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including June 24, 1983. Reply comments shall be filed on or before July 25, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15519 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Ch. I

General Notice of Review of the Customs Regulations

AGENCY: U.S. Customs Service, Treasury.

ACTION: Proposed rule related notice.

SUMMARY: In compliance with the Regulatory Flexibility Act, which requires the periodic review of existing regulations having a significant economic impact on a substantial number of small entities, and as part of its continuing efforts to reduce or eliminate obsolete or burdensome regulatory requirements, Customs is planning further revisions of its regulations. In 1973, Customs undertook the massive task of revising its regulations. Since the project was instituted, many portions of the regulations have been revised. An updated plan has now been implemented to review, and possibly revise other parts of the regulations on an expedited basis.

The document sets forth the parts of the regulations now being considered for revision and invites written comments on the project. After consideration of any comments received and further review of the matter, notices will be prepared for publication requesting comments on specific proposed regulation changes.

DATE: Comments must be received on or before August 9, 1983.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution

Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Marvin M. Amernick, Regulations Control Branch, U.S. Customs Service, Washington, D.C. 20229 (202–566–8237).

SUPPLEMENTARY INFORMATION: .

Background

As part of a continuing project instituted in 1973, all, or portions of 16 parts of the Customs Regulations (19 CFR Chapter I), have been revised. An updated plan has now been implemented to review, and possibly revise, all or portions of 17 parts of the regulations on an expedited basis. Task forces made up of representatives of various Customs offices having operational and/or legal responsibility for various subject areas of the regulations are now doing a preliminary review of substantial portions of the existing regulations. The aim of this review is to identify those regulations having a significant economic impact on a substantial number of small entities and to seek ways of modifying procedures to reduce or eliminate obsolete or burdensome regulatory requirements. Another goal of this review, which is in compliance with the Regulatory Flexibility Act (5 U.S.C. 601), will be to make non-substantive changes to insure that the regulations are written in easily understood "plain English."

To assist Customs in this review, written comments are invited on any aspect of the project. After consideration of any comments received in response to this notice, and after further review of the matter, notices of proposed rulemaking will be published in the **Federal Register** and Customs Bulletin requesting comments on specific proposed regulatory changes.

The initial five task force areas being reviewed are as follows:

Task force area	Part No.	Title
I	Part 4	Vessels in Foreign and Domestic Trades.
	Part 6	Air Commerce Regulations.
II	Part 10	Articles Conditionally Free, Subject to a Reduced rate, etc.
	Part 54	Certain Importations Temporarily Free of Duty.
	Part 158	Relief from Duties on Merchandise Lost, Damaged, Abandoned, or Exported.
	Part 159	Liquidation of Duties.
III	Part 161	General Enforcement Provisions.
	Part 162	Recordkeeping, Inspection, Search, and Seizure.
	Part 171	Fines, Penalties, and Forfeitures.
	Part 172	Liquidated Damages.
IV	Part 173	Administrative Review in General.
	Part 174	Protests.
	Part 175	Petitions by Domestic Interested Parties.
	Part 177	Administrative Rulings.
V	Part 11	Packing and Stamping; Marking.
	Part 133	Trademarks, Trade Names, and Copyrights.
	Part 134	Country of Origin Marking.

Comments

Before proceeding to a notice of proposed rulemaking on this proposal, consideration will be given to any written comments, preferably in triplicate, that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

This document is issued under the authority of R.S. 251, as amended (19 U.S.C. 66), and section 623, as amended, 624, 46 Stat. 759 (19 U.S.C. 1623, 1624).

Drafting Information

The principal author of this document was John E. Elkins, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William von Raab,
Commissioner of Customs.

Approved: May 26, 1983.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

[FR Doc. 83–15615 Filed 6–9–83; 8:45 am]
BILLING CODE 4820–02–M

---

19 CFR Part 123

Withdrawal of Proposal To Abolish Customs Form 7533

AGENCY: Customs Service, Treasury.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws a proposal to abolish present Customs Form 7533 (Inward Cargo Manifest for Vessel Under Five Tons, Ferry, Train, Car, Vehicle, Etc.) and develop a new standardized manifest to be used in its place. After careful consideration of the comments received in response to the proposal, and further review of the matter, it was found that there was no need for the change. Accordingly, Customs has determined to: (1) Retain the use of Customs Form 7533; (2) continue the practice of allowing carriers to develop their own version of the form; and (3) authorize rail carriers to use a computer printout which shows the required entry information and attach it to an approved Customs Form 7533.

DATE: Withdrawal is effective on June 10, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia Anson, Cargo Processing Division, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–5354).

SUPPLEMENTARY INFORMATION:

Background

Section 123.3, Customs Regulations (19 CFR 123.3), requires that baggage or other merchandise carried on a vehicle or on a vessel of less than 5 net tons arriving otherwise than by sea from Canada or Mexico be listed on a manifest as prescribed by § 123.4, Customs Regulations (19 CFR 123.4). With certain exceptions, section 123.4 provides that the inward foreign manifest required by section 123.3 for a vehicle or vessel of less than 5 net tons arriving in the United States from Canada or Mexico otherwise than by sea with baggage or merchandise, shall be on Customs Form 7533.

For many years Customs has permitted individual carriers to develop their own version of Customs Form 7533 recognizing that each mode of transportation has specific documentation requirements. As a result, there are about 200 versions of this form in use today so that two shipments from the same exporter to the same importer but shipped by different carriers generally would not be on the same documents. This lack of uniformity and standardization in manifest documentation reportedly presented problems for exporters who wish to computerize their operations, as well as for Customs in processing these entries.

Accordingly, to eliminate these problems and facilitate the processing of entries from contiguous countries, by notice published in the **Federal Register** on April 21, 1982 (47 FR 17072), Customs proposed to abolish present Customs Form 7533 and develop a new standardized manifest to be used in its place. To ensure that the new manifest would meet the special needs of each type of carrier, could be easily computerized, and yet cause the least disruption to industry, before taking any final action Customs solicited public comments on its suggested format, and the effect of the elimination of present Customs Form 7533. Comments were to have been received on or before June 21,

1982. However, in response to a request from a railroad association, by notice published in the **Federal Register** on July 22, 1982 (47 FR 31708), the period of time for the submission of comments was extended to August 21, 1982.

Discussion of Comments

Seven of the eight comments received in response to the notice indicated that the commenters were generally satisfied with present Customs Form 7533 and wanted it to be retained. Two of these commenters proposed a new manifest substantially similar to the present one with minor changes to accommodate their particular needs. One commenter suggested that the manifest be eliminated entirely. However, he had no thoughts on the development of a new one.

Another commenter, representing a rail carrier, wanted to introduce the use of a computer printout which shows the required entry information in lieu of the manifest. According to this commenter, the use of a printout would reduce its operating costs, expedite the movement of its trains, eliminate the incidents of lost manifests, and reduce paper handling. Customs has determined that this procedure would not be acceptable because the use of Customs Form 7533 is required by law and regulation. However, rail carriers and freight forwarders, after obtaining approval from the district directors of Customs, could use a computer printout which shows the required information and attach it to an approved Customs Form 7533.

Comments on the proposal were also solicited from Customs regional offices. It was determined that they were not experiencing operational control problems because of the wide variance in manifest documentation; nor were there complaints from carriers about lack of uniformity and standardization in Customs manifest requirements.

After careful consideration of the comments received, and further review of the matter, Customs has determined to retain the use of Customs Form 7533 and continue the practice of allowing carriers to develop their own version, subject to prior approval from Customs. Accordingly, the proposal is withdrawn.

Drafting Information

The principal author of this document was Jesse V. Vitello, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Approved May 26, 1983.

Alfred R. De Angelus,

Acting Commissioner of Customs.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-15616 Filed 6-9-83; 8:45 am]

BILLING CODE 4820-02-M

---

19 CFR Part 175

Receipt of Domestic Interested Party Petition Concerning Tariff Classification of Total Milk Proteinate, Whey Protein Concentrate, and Lactalbumin

AGENCY: Customs Service, Treasury.

ACTION: Notice of receipt of domestic interested party petition.

SUMMARY: Customs has received a petition submitted on behalf of two domestic interested parties, requesting that total milk proteinate, whey protein concentrate, and lactalbumin be classified for tariff purposes under different provisions of the Tariff Schedules of the United States than they are currently classified. In general, the classifications which the petitioners assert are correct are subject to quota restraints, while the current classifications are free of quota restraints. This document invites comments with respect to the correctness of the current classification.

DATE: Comments must be received on or before August 9, 1983.

ADDRESS: Comments (preferably intriplicate) may be submitted to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Lee C. Seligman, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202) 566-8161.

SUPPLEMENTARY INFORMATION:

Background

A petition has been filed pursuant to section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), on behalf of two domestic interested parties, requesting that total milk proteinate, whey protein concentrate, and lactalbumin be classified for tariff purposes under different provisions of the Tariff Schedules of the United States (TSUS; 19 U.S.C. 1202) than they are currently classified. In general, the classifications which the petitioners assert are correct are subject to quota restraints, while the current classifications are free of quota restraints.

The petitioners contend that total milk proteinate, which is currently classified under the provision for "casein and mixtures in chief value thereof: other" in item 493.17, TSUS, is properly classifiable under the provision for "malted milk; and articles not specially provided for, of milk or cream" in item 118.30, TSUS. This contention is made on the bases that: the product is derived from skim milk; it is suitable for use for the same purposes as nonfat dry milk and related products; and it contains a substantial percentage of albumin, which should be present in products properly classified as "caseins."

The petitioners assert that whey protein concentrate and lactalbumin are properly classifiable in items 118.00 or 118.05, TSUS, under the provisions for fluid and dried wheys, because they are modified whey products. Whey protein concentrate is currently classified in item 182.92, 183.00, or 183.05, TSUS. Lactalbumin is currently classifed under the provision for "albumen, not specially provided for: other" in item 180.15, TSUS.

Comments

Pursuant to § 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments from interested parties on the correctness of Customs classification.

The domestic party petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), between the hours of 9:00 a.m. and 4:30 p.m. on normal business days, at the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washingon, D.C. 20229.

Authority

This notice is published in accordance with § 175.21(a), Customs Regulations (19 CFR 175.21(a)).

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: June 3, 1983.

Donald W. Lewis,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 83-15614 Filed 6-9-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF STATE

22 CFR Part 11

[Docket No. SD-183]

Appointment of Members of the Foreign Service

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State, with the concurrence of the Departments of Agriculture and Commerce, the Agency for International Development, and the United States Information Agency, proposes to amend its regulations governing the appointment of members of the Foreign Service to add a new § 11.30 relative to the appointment of Senior Foreign Service Officer Career Candidates.

DATE: Written comments, to be assured of consideration, must be received no later than July 11, 1983.

ADDRESS: Written comments should be sent to Frontis B. Wiggins, Executive Director, Board of Examiners, Office of Recruitment, Examination, and Employment, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Frontis B. Wiggins, Board of Examiners, Department of State, Washington, D.C. 20520, (703) 235-9232.

SUPPLEMENTARY INFORMATION: Section 101(b)(7) of the Foreign Service Act of 1980 (Pub. L. 96-465) established a Senior Foreign Service, characterized by strong policy formulation capabilities, outstanding executive leadership qualities, and highly developed functional, foreign language, and area expertise.

This proposed new subpart would provide the procedures to establish the eligibility of candidates for the Senior Foreign Service Career Candidate Program, the competitive requirements for that program, and the terms and conditions of appointment for successful candidates. It also would provide procedures for making limited non-career Senior Foreign Service Officer appointments.

The proposed program would supplement the Junior, Mid-Level, and Specialist Foreign Service Career Candidate Programs (or similar department/agency programs) to meet identified Senior Foreign Service officer needs which cannot otherwise be met from within the ranks of the career Foreign Service.

E.O. 12291, Federal Regulation

The Department of State has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

In addition, this rule relates solely to agency personnel and falls under section (1)(a)(3) of E.O. 12291.

List of Subjects in 22 CFR Part 11

Foreign service.

PART 11—[AMENDED]

Accordingly, under the authority of sections 206(a) and 301(b) of the Foreign Service Act of 1980 (secs. 206(a) and 301(b), Pub. L. 96-465, 94 Stat. 2079 and 2083 (22 U.S.C. 3926 and 3941)), 22 CFR Part 11 is amended by adding § 11.30 to read as follows:

§ 11.30 Senior Foreign Service Officer career candidate appointments.

(a) *General considerations.* (1) Career officers at the Senior Level normally shall be appointed as the result of promotion of Mid-Level career officers. Where the needs of the Foreign Service at the Senior Level cannot othewise be met by this approach, limited appointments may be granted to applicants as Senior Career Candidates or as limited non-career appointees in accordance with these regulations. However, as required by section 305(b) of the Foreign Service Act of 1980 (hereinafter referred to as the Act), but qualified by sections 305(b) (1) and (2) and section 2403(c) of the Act, the limited appointment of an individual in the Senior Foreign Service shall not cause the number of members of the Senior Foreign Service serving under limited appointments to exceed 5 percent of the total members of the Senior Foreign Service.

(2) Successful applicants under the Senior Career Candidate Program will be appointed to Career Candidate status for a period not to exceed 5 years. Such limited Career Candidate appointments may not be renewed or extended beyond 5 years.

(3) In accordance with section 306 of the Act, Senior Career Candidates may be found qualified to become career members of the Senior Foreign Service. Those who are not found to be so qualified prior to the expiration of their limited appointments will be separated from the Career Candidate Program no later than the expiration date of their appointments. Separated candidates who originally were employees of a Federal department or agency, and who were appointed to the Senior Foreign Service with the consent of the head of that department or agency, will be entitled to reemployment rights in that department or agency in accordance with section 110 of the Act and section 3597 of title 5, United States Code.

(4) The following regulations shall be utilized in conjunction with section 593, Volume 3, Foreign Affairs Manual ("Senior Foreign Service Officer Career Candidate Program"). (Also see Foreign Affairs Manual Circulars No. 8 [applicable to the Department of State only] and No. 9 [applicable to the Departments of State, Agriculture, and Commerce, the Agency for International Development, and the United States Information Agency], dated March 6, 1981.)

(b) *Senior Career Candidate appointments.*—(1) *Eligibility requirements.* Senior Career Candidates must meet the following eligibility requirements:

(i) *Citizenship.* Each person appointed as a Senior Career Candidate must be a citizen of the United States.

(ii) *Age.* All career candidate appointments shall be made before the candidate's 60th birthday. The maximum age for appointment under this program is based on the requirement that all career candidates shall be able to: (A) Complete at least two full tours of duty, exclusive of orientation and training; (B) complete the requisite eligibility period for tenure consideration; and (C) complete the requisite eligibility period to receive retirement benefits, prior to reaching the mandatory retirement age of 65 prescribed by the Act.

(iii) *Service.* (A) On the date of application, an applicant must have completed a minimum of 15 years of professional work experience, including at least 5 years of service in a position of responsibility in a Federal Government agency or agencies or elsewhere equivalent to that of a Mid-Level Foreign Service officers (classes FS-1 through FS-3). The duties and responsibilities of the position occupied by the applicant must have been similar to or closely related to that of a Foreign Service officer in terms of knowledge, skills, abilities, and overseas work experience. In addition, an applicant must currently be in, or have been in, a position comparable to a Foreign

Service officer of class 1 (FS–1), or higher.

(B) Applicants from outside the Federal Government, and Federal employees who at the time of application lack the 15 years of professional work experience or the 5 years of service in a position of responsibility as defined in the preceding paragraph, may, however, be considered if they are found to possess a combination of educational background, professional work experience, and skills needed by the Foreign Service at the Senior Level in employment categories which normally are not staffed by promotion of Mid-Level career officers.

(C) Non-career members of the Senior Foreign Service of a Federal Government department or agency also may apply for the Senior Career Candidate Program if they meet the eligibility requirements for the program.

(iv) *Certification of need.* Before an application can be processed, the Director of Personnel of the foreign affairs agency concerned must certify that there is a need for the applicant as a Senior Career Candidate based upon (A) the projections of personnel flows and needs mandated by section 6701(c)(2) of the Act, and (B) a finding that the combination of educational background, professional work experience, and skills possessed by the applicant is not expected to be available in the immediate future in sufficient numbers within the Senior Foreign Service, including by promotion and/or special training of career personnel. This certification of need will be requested by the Board of Examiners for the Foreign Service from the appropriate foreign affairs agency Director of Personnel.

(2) *Application.* All applicants for the Senior Career Candidate Program must apply in writing through the prospective employing agency to the Board of Examiners for consideration. The applicant shall submit a completed Standard Form 171, "Personnel Qualifications Statement," and Form DSP–34, "Supplement to Application for Federal Employment," to the Board. In addition, the applicant shall submit a narrative statement, not exceeding four typewritten pages in length, describing the applicant's pertinent background and professional work experience, which includes a statement of the applicant's willingness and ability to accept the obligation of worldwide service. The Board may request additional written information from the applicant following receipt of the initial application.

(3) *Qualifications evaluation panel.* (i) The Board of Examiners will establish a file for each applicant, placing in it all available documentation of value in evaluating the applicant's potential for service as a Senior Career Candidate. For an applicant from within the Federal Government, this will include the personnel file from the employing department or agency.

(ii) The complete file will be reviewed by a Qualifications Evaluation Panel of the Board of Examiners to determine whether the applicant meets the statutory and other eligibility requirements, to assess the applicant's skills in accordance with the certification of need issued by the prospective employing agency, and to recommend whether the applicant should be examined for possible appointment as a Senior Career Candidate. If the Qualifications Evaluation Panel decides that the applicant is not eligible for examination, the prospective employing agency shall be informed by the Board of the reasons for that decision.

(4) *Written examination.* The Board of Examiners normally will not require Senior Career Candidate applicants to undergo a written examination. However, the Board may, upon securing the agreement of the prospective employing agency, decide that such applicants should be required to take an appropriate written examination prescribed by the Board. If so, an applicant whose score on the written examination is at or above the passing level set by the Board will be eligible for selection for the oral examination.

(5) *Oral examination.* (i) *Examining panel.* Applicants recommended by the Qualifications Evaluation Panel will be given an appropriate oral examination by a Panel of Senior Foreign Service deputy examiners of the Board of Examiners. The Oral Examining Panel shall be composed of at least two deputy examiners who are Senior Foreign Service career officers of the prospective employing agency, and at least one deputy examiner who is a Senior Foreign Service career officer from another foreign affairs agency operating under the Foreign Service Act. The Examining Panel shall be chaired by a deputy examiner who is a Senior Foreign Service career officer of the prospective employing agency. At least one of the Examining Panel members shall represent the functional or specialist field for which the applicant is being examined. Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the Board of Examiners.

(ii) *Criteria.* (A) The Examining Panel will question the applicant regarding the indicated functional or specialist field and other matters relevant to the applicant's qualifications for appointment as a Senior Career Candidate. Prior to the oral examination, the applicant will be asked to write an essay, on a topic related to Foreign Service work, to enable the Examining Panel to judge the applicant's effectiveness of written expression. This essay requirement may be waived at the request of the head of the prospective employing agency, if, for example, the applicant is a career member of the Senior Executive Service.

(B) The oral examination will be conducted in accordance with written criteria, established in consultation with the prospective employing agency and publicly announced by the Board of Examiners. The examination will seek to determine the ability of the applicant to meet the objective of section 101 of the Act, which provides for a Senior Foreign Service "characterized by strong policy formulation capabilities, outstanding executive leadership qualities, and highly developed functional, foreign language, and area expertise."

(iii) *Grading.* Applicants taking the oral examination will be graded as "recommended," or "not recommended" by the Examining Panel. Those graded as "recommended" also will be given a numerical score, in accordance with the standard Board of Examiners scoring criteria, for use by the Final Review Panel.

(6) *Background investigation.* Senior Career Candidate applicants recommended by the Examining Panel will be subject to the same background investigation as required for Junior and Mid-Level Foreign Service Officer Career Candidates. The background investigation shall be conducted to determine suitability for appointment to the Foreign Service.

(7) *Medical examination.* Senior Career Candidate applicants recommended by the Examining Panel, and their dependents, will be subject to the same medical examination as required for the Junior and Mid-Level Foreign Service Career Candidates. The medical examination shall be conducted to determine the applicant's physical fitness to perform the duties of a Foreign Service officer on a world-wide basis and, for applicants and dependents, to determine the presence of any physical, neurological, or mental condition of such a nature as to make it unlikely that they would be able to function on a world-wide basis. Applicants and/or dependents who do not meet the required medical standards may be given further consideration, as appropriate, in accordance with the

procedures of the prospective employing agency.

(8) *Foreign language requirement.* Applicants recommended by the Examining Panel will be required to take a subsequent examination to measure their fluency in foreign languages, and/or their aptitude for learning them. Senior Career Candidates will be subject to the foreign language requirements established for their occupational category by their prospective employing agency. Senior Career Candidate applicants for the Foreign Commercial Service must demonstrate proficiency by examination in two foreign languages. United States Information Agency Senior Career Candidates, other than Senior Specialist Career Candidates, must demonstrate proficiency in at least one foreign language. Except for the Foreign Commercial Service and the United States Information Agency, an applicant may be appointed without first having passed an examination in a foreign language, but the appointed Senior Career Candidate may not be commissioned as a Career Senior Foreign Service officer unless adequate proficiency in a foreign language is achieved. This language requirement will not apply to candidates in occupational categories which, in the judgment of the prospective employing agency, do not require foreign language proficiency.

(9) *Final review panel.* (i) The entire file of an applicant recommended by the Examining Panel will be reviewed and graded by a Final Review Panel, after the results of the background investigation, medical examination and language examination are received. The Final Review Panel will decide whether or not to recommend the applicant for appointment, taking into account all of the available information concerning the applicant.

(ii) The Final Review Panel shall consist of a chairperson who shall be a Deputy Examiner who is a career Senior Foreign Service officer of the prospective employing agency, and at least two other Deputy Examiners of the Board of Examiners. Of the Deputy Examiners serving on the Final Review Panel, the majority shall be career Senior Foreign Service officers of the prospective employing agency; and at least one shall be a career Senior Foreign Service officer of one of the other foreign affairs agencies operating under the Act.

(10) *Certification of appointment.* The file of an applicant recommended by the Final Review Panel will be submitted to the Board of Examiners for consideration and approval. An applicant found by the Board to meet the standards for appointment as a Senior Foreign Service Career Candidate shall be so certified to the Director of Personnel of the prospective employing agency.

(c) *Limited non-career appointments.* (1) Other Senior Foreign Service appointments may be made on a limited non-career basis for individuals who do not wish to compete for career appointments, but for whom a need can be certified by the Director of Personnel of the foreign affairs agency concerned. Such limited non-career senior appointees will be subject to the eligibility requirements set forth in § 11.30(b)(1) (i) and (iv). The maximum age set forth in § 11.30(b)(1)(ii) does not apply to such appointments. However, because Foreign Service members generally are subject to the mandatory retirement age of 65, in accordance with section 812 of the Act, limited non-career Senior appointments normally will not extend beyond the appointee's 65th birthday. Limited non-career appointees of the Department of Commerce and the United States Information Agency will not be subject to the language requirements of § 11.30(b)(8). Applicants for limited non-career senior appointments will be subject to the same background investigation and medical examination required of career candidates, but normally they will not be subject to a written or oral examination, or to approval by the Board of Examiners. Processing procedures for such applicants will be established by the Director of Personnel of the foreign affairs agency concerned. Their appointments normally will be limited to the duration of the specific assignments for which they are to be hired, may not exceed 5 years in duration, and may not be renewed or extended beyond 5 years.

(2) Prior to the expiration of their limited noncareer senior appointments, if they meet all the eligibility requirements set forth in § 11.30(b)(1), such individuals may elect to compete for career candidate status in the Senior Foreign Service by qualifying at that time for and taking the examinations required of career candidates. If appointed as career candidates, the length of service under their previous limited non-career appointments may be counted in accordance with the procedures of the employing agency as part of the trial period of service prescribed before a career candidate can receive a career appointment. The total period of limited appointment (non-career and career candidate) of such individuals may not exceed 5 years in duration.

(3) Nothing in this section will limit the right of an individual who has previously served as a limited noncareer senior appointee from subsequently applying for consideration as a new applicant and being appointed as a Senior Career Candidate after a limited non-career appointment has expired.

(d) *Reporting requirement.* The Director of Personnel of each foreign affairs agency shall report annually to the Director General of the Foreign Service, Department of State, the number and nature of the limited Senior Foreign Service appointments (non-career and career candidates) made by that agency in accordance with these regulations.

April 28, 1983.

Arlene Triplett,

Assistant Secretary for Administration, Department of Commerce.

May 9, 1983.

Louis G. Davis,

Assistant Administrator, Management Foreign Agricultural Service, Department of Agriculture.

May 20, 1983.

James T. Hackett,

Associate Director for Management, United States Information Agency.

May 25, 1983.

R. T. Rollis, Jr.,

Assistant Administrator for Management, Agency for International Development.

May 27, 1983.

Clint A. Lauderdale,

Deputy Assistant Secretary for Personnel, Bureau of Personnel, Department of State.

[FR Doc. 83-15674 Filed 6-9-83; 8:45 am]
BILLING CODE 4710-15-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

[Docket No. T-2]

Virgin Islands State Plan; Change of Location of Informal Public Hearing

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Change of location of informal public hearing.

SUMMARY: On May 6, 1983, OSHA published a notice in the **Federal Register** (48 FR 20434) requesting comments and scheduling an informal public hearing on whether final approval on the Virgin Islands State plan should be granted. A change in the availability of the announced hearing room has

occurred since that date. In view of this new information, OSHA has relocated the public hearing but has retained the same date, June 29, 1983.

DATE: The informal public hearing is now scheduled as follows: June 29, 1983: Virgin Islands Legislature, Conference Room, Veteran's Drive, Charlotte Amalie, St. Thomas, Virgin Islands. The hearing will begin at 9:30 a.m.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3637, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone (202) 523–8148.

Anyone who has not yet submitted a notice of intention to appear, and wishes to schedule an appearance now, may call Mr. Tom Hall, OSHA Office of Consumer Affairs, (202) 523–8024. Advance notice is preferred, although not required.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR Part 1902, Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C. this 6th day of June, 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83–15440 Filed 6–9–83; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Oil and Gas and Sulfur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed revision to the rules would provide an exemption from air quality review for Outer Continental Shelf (OCS) oil and gas facilities which are located more than 20 miles from shore for exploration activities and more than 50 miles from shore for development or production activities. Lessees would not be required to provide emissions information for such facilities. The Minerals Management Service is issuing this document as a part of the Department of the Interior's effort to review current regulations and amend any requirements that are found to be excessive, burdensome, or counterproductive.

DATE: Written comments and recommendations on this proposal to amend 30 CFR 250.57 must be delivered or postmarked by July 11, 1983.

ADDRESSES: Comments and recommendations may be mailed to Mr. David A. Schuenke, Offshore Rules and Operations Division, Mail Stop 646, Room 6A110, Minerals Management Service, U.S. Department of the Interior, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, telephone (703) 860–7916, (FTS) 928–7916.

SUPPLEMENTARY INFORMATION:

Background

The proposed rulemaking is part of a larger effort by the Department of the Interior to review current regulations and amend those requirements found to be excessive, burdensome, or counterproductive. The policy of the Department of the Interior, whenever practicable, is to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit comments, suggestions, or objections regarding the proposed rule to the location in the Addresses section of this preamble. Comments are specifically solicited on 30 CFR 250.57 concerning air quality.

Discussion of Changes

Current regulations implementing section 5(a)(8) of the OCS Lands Act, concerning air emissions from oil and gas operations on the OCS, effective June 2, 1980, were designed to ensure that air emissions from OCS facilities do not cause significant adverse effects on the onshore air quality of a State. The regulatory program provides for three steps for each air pollutant. The first two steps are screening procedures to determine whether emissions of an air pollutant from an OCS facility would significantly affect the onshore air quality of a State. The third step, if necessary, determines what measures a lessee must take to mitigate the impact of the emissions of an air pollutant which causes a significant effect.

Based on the review of facilities during the time since the rules became effective, the Minerals Management Service (MMS) has gathered information on the air pollutants emitted from OCS facilities. We have attempted to identify a distance from shore beyond which the largest and potentially most polluting facility practical for operation on the OCS would not adversely affect the onshore air quality. The proposal would exempt facilities located on the OCS beyond that distance from air emissions reporting and control otherwise required by the regulations.

The MMS proposal is premised on the requirement that OCS facilities do not significantly affect the onshore air quality, and accordingly, the distance from shore in the proposal reflects that requirement. We believe that few, if any, facilities located on the OCS beyond that distance would be likely to cause a significant impact onshore. The term significant impact refers to the significance levels as defined in 30 CFR 250.57–1(e).

It should be noted that the distance exemption of this proposal is intended to operate as a screen. It is anticipated that there will be facilities closer to shore that will be exempt under the current exemption formula using emission levels and distance factors.

The proposed distance-from-shore exemption is based on the existing exemption formula of 30 CFR 250.57–1(d) in which "E" (emissions in tons per year)=33.3D (distance from shore in statute miles) and also reflects consideration of the pollutant emitted from OCS facilities, nitrogen oxides (NO_x), that is most likely to cause a significant impact.

In formulating the proposal for facilities described in exploration plans, emissions were estimated as emanating from a large dynamically-positioned drill ship as outlined in the May 1979 Radian Corporation study (Technical Support to USGS [U.S. Geological Survey] in Preparing Regulations for Implementation of the Air Quality Portion of Public Law 95–372). The estimate of 770 tons of NO_x per year was based on 365 days per year of operations, assuming a vessel remained on one tract drilling multiple wells while consuming 9,000 gallons of diesel fuel per day when drilling and assuming emission factors set out in the Compilation of Air Pollutant Emission Factors, Supplement No. 9, Environmental Protection Agency, 1979 (AP–42). Because drilling, casing, coring, and associated activities occur less than 90 percent of the time, the 770-ton value has been reduced to 690 tons per year which was translated to a distance from shore of about 20 statute miles using the exemption formula.

For facilities engaged in development and production activities, estimates were based on a maximum installed requirement of 13,000 horsepower with the assumption that diesel engines running at near full loading would be

used for all power generation. The AP-42 emission factors were used. An upper bound estimate of about 1,600 tons of NO_x per year resulted from those estimates which was translated to a distance from shore of about 50 statute miles using the exemption formula.

Comments and recommendations are solicited with respect to the MMS-proposed exemptions described above. Comments and recommendations are also solicited with respect to the following questions.

1. What alternative distance-from-shore exemptions should be considered; what assumptions should be used in determining the exemption such as facility or drilling scenarios, emission factors, fuel usage, and engine loading and related information; and what estimated number of OCS facilities would be affected by the alternative exemptions?

2. Should MMS develop separate criteria for diesel and gas turbine-power generation operations? If so, how should such criteria be implemented?

3. What engine loadings and fuel-consumption rates should be used to develop the distance-from-shore exemption?

4. Should a distance-from-shore exemption be premised on facilities other than the largest practical for use on the OCS? If so, how should such an approach be implemented?

5. Should there be separate criteria for facilities based on size, i.e., number of wells and amount of production? If, so, how should such criteria be implemented?

6. Due to the unusual demands created by severe weather conditions and due to limited operational experience in the Alaska OCS Region (especially in those areas north of the Arctic Circle), should the Alaska OCS Region be exempt from the proposed modification to the rule, or should alternate criteria be established in place of maximum horsepower for formulating the distance exemption for operations in those areas?

The primary effect of this rule as proposed would be that lessees whose facilities fall within the exemption would not be required to present the projected emission information required in 30 CFR 250.34–3(a)(4)(ii) or 3(b)(4)(ii). These sections of the rules require that a lessee submit only that information needed to make findings under 30 CFR 250.57. Because distance offshore will be the only information necessary to make those findings for facilities located beyond the specified distance from shore, the projected emission information would not be required in the plan review.

If the proposed distance exemptions had been in effect during the recent past, approximately two-thirds of exploration activities and one-half of development and production activities in the Gulf of Mexico OCS Region would have been exempt. Based on the location of existing and proposed lease sale tracts, it is anticipated that for the near future no activities would be exempt off the coast of California, few off the cost of Alaska, and the majority of activities would be exempt off the Atlantic coast.

Special circumstances could cause some facilities that are beyond the proposed specific distance from shore to exceed the exemption formula screening criteria and would necessitate use of an air quality model to determine whether the facilities were causing a significant onshore impact. For example, large amounts of sulfur dioxide might be emitted from facilities producing exceptionally sour gas, or large amounts of Volatile Organic Compounds might be emitted if offshore production is transported by tankers. Such activities might require mitigating measures.

For these cases, comments are specifically solicited on:

1. Identification of the special circumstances that might result in facilities beyond the proposed distance from shore exceeding the exemption formula amount.

2. Procedures to handle special cases. For example, should provisions be made for tankering? Should the special cases be handled on an individual basis as they arise, such as using the existing provisions in 30 CFR 250.57–1(j), or should specific rules attempt to cover every potentiality?

Authors: John Goll and Mitch Baer (703) 860–6461, and Jane Roberts and David Schuenke (703) 860–7916, Minerals Management Service, Department of the Interior.

Executive Order (E.O.) 12291; Regulatory Flexibility Act; The Paperwork Reduction Act; and National Environmental Policy Act of 1969

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 because the cost impact is estimated to be a savings of $70,000 annually. The Department also certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) as the entities that operate on the OCS are not considered small due to the extensive technical complexity and financial investment require to conduct such operations.

The information collection requirement(s) contained in 30 CFR 250.57 will be submitted to the Office of Management and Budget (OMB) for approval as required by 44 U.S.C. 3501 et seq. The collection of this information will not be required until it has been approved by OMB.

The Department has also determined that the proposed amendments to 30 CFR 250.57 do not constitute a major Federal action significantly affecting the quality of the human environment, and therefore, preparation of an environmental impact statement is not required.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts; Investigations, Mineral royalities, Oil and gas reserves, Penalties, Pipelines, Public lands/mineral resources, Reporting and recordkeeping requirements.

Dated: May 12, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

PART 250—[AMENDED]

For reasons set forth above, it is proposed that 30 CFR 250.57 be amended as shown.

§ 250.57 [Amended]

1. Section 250.57–1, Paragraph (d) is redesignated paragraph (d)(2).

2. A new paragraph (d)(1) is added to read as follows:

* * * * *

(d) * * *

(1) Distance-from-shore exemption:

(i) A facility described in an exploration plan is exempt from air quality review required by paragraphs (d)(2) through (i) of this section if the facility is located more than 20 statute miles from the closest onshore area within the baseline of a State from which the territorial sea is measured.

(ii) A facility described in a development and production plan is exempt from air quality review required by paragraphs d(2) through (i) of this section if the facility is located more than 50 statute miles from the closest onshore area within the baseline of a State from which the territorial sea is measured and if production from the facility is pipelined directly to shore.

* * * * *

[FR Doc. 83–15520 Filed 6–9–83; 8:45 am]

BILLING CODE 4310–MR–M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Public Comment and Opportunity for Public Hearing on Modified Portions of the Kentucky Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by the State of Kentucky as a modification to the Kentucky Permanent Regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment is submitted to satisfy condition (a) pertaining to the stocking plan approval for commercial forest land imposed by the Secretary of the Interior on the approval of the Kentucky program.

This notice sets forth the times and locations that the Kentucky program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m., July 11, 1983, to be considered.

A public hearing on the proposed modifications will be held on request only, on June 30, 1983, from 7:00 p.m. to 9:00 p.m., or until all comments have been heard.

Any person interested in making an oral or written presentation at the hearing should contact W. H. Tipton at the address and phone number listed below by the close of business five working days before the date of the hearing. If no one has contacted Mr. Tipton to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Tipton, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Adminstrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: W. H. Tipton, Director, Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

The public hearing, if held, will be at the Harley Hotel, 2143 North Broadway, Lexington, Kentucky 40505.

Copies of the Kentucky program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OMS Offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.
Office of Surface Mining, Reclamation and Enforcement, Room 5315, 1100 "L" Street NW., Washington, D.C. 20240.
Bureau of Surface Mining, Reclamation and Enforcement, Capitol Plaza Tower, Third Floor, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: W. H. Tipton, Director, Lexington Field Office, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504, Telephone: (606) 233–7327.

SUPPLEMENTARY INFORMATION: On December 30, 1981, Kentucky resubmitted its proposed regulatory program to OSM. On April 13, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of 12 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the May 18, 1982, **Federal Register** (47 FR 21404–21435).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Kentucky program can be found in the May 18, 1982, **Federal Register** notice.

Condition (a) required Kentucky to submit copies of promulgated regulations eliminating the discretionary stocking plan approval for noncommercial forest land or otherwise amend its program to set standards for stocking when the post mining land use is forest land other than commercial forest. Additionally, the Secretary required Kentucky to utilize the reference area concept for these areas until condition (a) is removed.

Submission of Material to Satisfy Conditions

In accepting the Secretary's approval, Kentucky agreed to correct deficiency (a) by October 31, 1983. Kentucky submitted material dated May 4, 1983, to OSM to correct the deficiency. The State has developed "Technical Reclamation Memorandum #9" (TRM #9) to provide technical guidance procedures for reforested areas and to establish technical standards for ground cover, productivity, and stocking rates that may be used in lieu of the reference area method.

The Secretary seeks public comment on whether the material submitted satisfies condition (a). If the program amendment is approved, condition (a) in 30 CFR 917.11 will be removed.

Procedural Matters

1. Compliance with the National Environmental Policy Act: The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d) no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 1291 and the Regulatory Flexibility Act: On August 28, 1981, the Office of Management and Budget (OMB) granted OSM exemption from Sections 3, 4, 7 and 8 of Executive Order 1291 for actions directly related to approval of State regulatory programs. Therefore, this action is exempt from the preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act: This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq*).

Dated: June 7, 1983.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83–15069 Filed 6–9–83; 8:45 am]
BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AMS-FRL-2390-6]

Antitampering and Anti-Fuel Switching Programs To Reduce In-Use Emissions From Motor Vehicles

AGENCY: Environmental Protection Agency..

ACTION: Notice of Availability of Information; Request for Comments and Public Workshops.

SUMMARY: This Notice announces the availability of a draft EPA technical report on antitampering and antifuel switching programs to reduce in-use emissions from motor vehicles, and presents EPA's intent regarding the application of the report's results in the State Implementation plan (SIP) process.

DATES: EPA will consider comments received on or before July 25, 1983, in completing the report for publication and in developing any policy statement on its use.

Workshop will be held at: Washington, D.C.—June 24, 1983—U.S. Environmental Portection Agency, Room S–353, 401 M. Street S.W., Washington, D.C. 20460; Chicago—June 28, 1983—Blackstone Hotel, 636 South Michigan Avneue, Chicago, Illinois 60605; Los Angeles—June 30, 1983—Holiday Inn—Los Angeles International Airport, 9901 La Cienega Boulevard, Los Angeles, California 90045.

ADDRESSES: The draft technical report has been placed in Public Docket No. A–83–28, located at the Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery 1, LE–131, 401 M Street S.W., Washington, D.C. 20460. The docket may be inspected weekdays between 8:00 a.m. and 4:00 p.m. A reasonable fee may be charged for copying.

In addition, single copies of the draft technical report may be obtained by contacting: Mr. Alfonse Mannato (EN–397), Field Operations and Support Division, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382–2667.

Those persons desiring to provide written comment on the draft report should submit those comments to Docket No. A–83–28 at the Central Docket Section address given earlier.

FOR FURTHER INFORMATION CONTACT: Mr. Alfonse Mannato, Field Operations and Support Division (EN–397F), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone (202) 382–2667.

SUPPLEMENTARY INFORMATION:

I. Background

Since the 1960's, automotive designers have added to and redesigned various components of the standard internal combustion engine to reduce its emission of hydrocarbons (HC), carbon monoxide (CO), and nitrogen oxides (NO_x). The success of their efforts is evident in the fact that new passenger vehicles emit only a small fraction of the HC, CO and NO_x emissions of pre-controlled cars.

The full benefit of these modifications, however, is not being realized in the field. EPA studies have shown repeatedly that maladjustments, and disablements, in the emission control systems of automobiles occur frequently and that the result is often emission levels many times the design standards. In particular, EPA's 1982 Tampering and Fuel Switching Survey shows that tampering and fuel switching of the light-duty vehicle fleet is at very high levels. Overall, 20% of the vehicle fleet surveyed was either tampered or fuel switched. This rate climbs to 24.4% in the five non-Inspection/Maintenance (I/M) areas surveyed. The excess emissions attributable to these problems are a major source of HC, CO, and NO_x from mobile sources and a significant contributing factor to air pollution in urban areas.

Federal law and regulation prohibit retail gasoline stations and wholesale purchaser consumers, i.e., fleet operators with fuel dispensing facilities, from introducing, causing or allowing the introduction of leaded gasoline into vehicles designed for unleaded (fuel switching). Federal law also prohibits tampering by automobile manufacturers, dealers, automobile repair facilities and fleet operators. In addition, forty States have enacted laws which prohibit removing or rendering inoperative the emission control systems of vehicles or operating tampered vehicles on public highways. Tampering survey data, however, indicate widespread occurrences of disconnected emission controls in the in-use motor vehicle population. There is also a disturbingly high rate of the use of leaded fuel in catalyst vehicles.

In order to reduce the level of non-compliance among vehicle owners, States or local areas may wish to implement programs which require the inspection and repair of tampered emission control devices. There are also other strategies which aim at reducing the opportunity and incentive for tampering and misfueling among the general public. To assist interested State and local governments, EPA has investigated the current rate of tampering the fuel switching, calculated the effect of such actions on motor vehicle emissions, and estimated the emission reductions available from certain control strategies. The results of EPA's work are presented in the draft technical report entitled "Antitampering and Anti-Fuel Switching Programs to Reduce In-Use Emissions From Motor Vehicles."

The draft document estimates the emission benefits of various types of antitampering and anti-fuel switching programs. A number of assumptions were made to support the calculation methodology which appears in the document. The purpose of releasing this draft document is to obtain input from State and local governments and other interested parties as to whether the scope of the document is adequate, and whether the methodology and its supporting assumptions are appropriate. The purpose of the workshops is to explain the document and its technical basis and to meet with those parties who might possess information which would be of use in finalizing the report, and to allow all interested parties to provide input to the revision process.

II. Review of the Draft Technical Report

The following discussion provides an overview of the report's contents.

The potential benefits from antitampering and anti-fuel switching programs will be affected by: (1) How much tampering and fuel switching are occurring given existing efforts, if any, to control them; (2) the effects of tampering and fuel switching on the emissions from vehicles; and (3) the effectiveness of the program in reducing the observed rate of tampering and fuel switching. There are two ways in which antitampering and anti-fuel switching programs reduce excess emissions. First, a program may require repair and replacement of damaged or missing emission control components when they are discovered. Secondly, programs may deter tampering and fuel switching which would have occurred if the program had not been implemented. Any program's benefit will be some mix of these two elements.

The draft report discusses the current knowledge about tampering and fuel switching rates. Since 1978, EPA has conducted surveys of in-use vehicles in seventeen States and collected data from over 8,000 vehicles. The latest of these surveys, completed in 1982, collected data from nearly 3,000 cars in ten States. All of the surveys were conducted either in conjunction with a random police roadside pullover or as a

special, temporary addition to a safety or emissions inspection at State-run or private inspection stations. Although the inspections were voluntary, efforts were made to ensure as complete participation as possible. The draft report presents the data collected in the 1982 survey on four specific types of tampering—PCV, evaporative control system, air pump and catalyst removal—and fuel switching. Rates are calculated for each of the observed forms of tampering. Separate rates are presented which reflect the observed differences between passenger cars and light trucks and the differences between I/M and non-I/M areas.

In order to estimate the excess emissions caused by tampering and fuel switching on a future date, it was necessary to predict the tampering and fuel switching rates when the average age of the vehicles would be older than observed in the 1982 survey. Examination of the data showed an increase in the tampering and fuel switching rates as the average mileage of the sample increased. The draft report uses a linear regression equation fitted to the 1982 survey data to estimate future tampering and fuel switching rates.

The interpretation of the 1982 survey data to determine tampering rates was straightforward except for fuel switching. The survey examined three vehicle parameters relative to fuel switching: whether the lead content of the fuel in the tank was over the legal limit of 0.05 gram/gallon, whether the fuel inlet restrictor had been enlarged enough to allow a leaded fuel nozzle to be used, and whether lead sensitive test paper detected lead deposits in the tailpipe. Because of the uncertainties associated both with the tailpipe test and the unknown level of damage of the catalysts of these vehicles the draft report excluded vehicles which did not have fuel inlet enlargement or the presence of leaded fuel in the tank before calculating the fuel switching rate.

The effect of a particular disablement of a specific emission control component on vehicle emissions is not easy to quantify. There are many different varieties of similar emission control devices which can differ from manufacturer to manufacturer and from model year to model year. This variation will result in different tampering effects on vehicle emissions. The effect of a particular disablement is also dependent on engine type, overall state of tune, and the condition of other emission control components. EPA has conducted some testing to assess the impact of disablements. Usually the Federal Test Procedure (FTP) and other tests were performed with and without a particular emission control component disconnected. The draft report calculates the effect of disablements from these test data where available. Where adequate test data are not available, the report estimates the change in emissions by comparing known controlled and uncontrolled emission levels of vehicles from different model years. While EPA believes that the draft report estimates the effect of tampering and fuel switching using the best information available, there remains the fact that test data are sparse and a certain level of uncertainty remains.

Benefits from anti-tampering and anti-fuel switching programs are obtained by addressing two problems, existing tampering and fuel switching and the tampering and fuel switching which has not yet occurred. The draft report calculates the effect of various program options on reducing emissions in either or both of these categories. The benefits section of the report introduces the concept of a program effectiveness factor for each inspection element. The effectiveness factor takes into account the fact that a certain amount of tampering will go undetected and unrepaired even in the presence of a tampering inspection. It also accounts for the likely success of the program in deterring subsequent tampering and fuel switching. Separate benefits are calculated for adding a tampering check to an I/M program and for implementing an antitampering program in the absence of an emissions inspection. Various field enforcement efforts such as random roadside pullovers or programs which inspect retail gasoline stations for fuel switching are also evaluated.

Some of the programs discussed in the report will provide substantial emission reduction. The programs which in fact would provide the largest reductions would require replacement of catalysts on a large portion of the vehicle fleet on the basis of apparent misfueling (i.e., tampered filler inlets, and evidence of lead particles in the exhaust pipe.). The establishment of such programs may be difficult from a public acceptance viewpoint, because there is uncertainty as to the extent of deactivation of the catalysts, and because the program would require replacement of these catalysts on older vehicles.

EPA is investigating the feasibility of various test procedures which could be used in the field which would reduce the uncertainty regarding catalyst deactivation.

This would reduce some of the uncertainty and increase the likelihood of public acceptance for such programs—at least with respect to the recent model year vehicles. It would not, however, deal with the question of repair of older vehicles.

Because of the likely connection to the SIP process in non-attainment areas, the benefits have been calculated at a December 31, 1987 evaluation point and are expressed as milligrams per mile. States or local areas planning to implement a program can then apply the benefits by subtracting from the currently projected December 31, 1987 emission factor.

The draft report also addresses the general administrative requirements which are considered necessary for achieving the specific emission reduction credits calculated from the data. There requirements cover the areas of training, quality control, enforcement and public awareness.

Written comments on EPA's report methodology are invited. The record will remain open until August 25, 1983 and comments should be submitted to the EPA docket identified above. It is also requested, but not required, that a copy of any submittal be sent directly to Mr. Alfonse Mannato at the address listed previously.

Dated: June 3, 1983.

Charles L. Elkins,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 83-15812 Filed 6-9-83; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 52

[A-5-FRL 2367-1]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing approval of a revision to the Wisconsin State Implementation Plan (SIP). This action is based upon a request from the State of Wisconsin, Department of Natural Resources, to incorporate into the Wisconsin SIP additional controls adopted by the State for fugitive dust emissions in or near nonattainment areas for total suspended particulate matter (TSP). The intent of today's rulemaking is to discuss the material submitted by the State to support the request, and to provide an opportunity

for the public to comment on the revision and EPA's proposed action.

DATE: Comments on this revision and on EPA's proposed action must be received by July 11, 1983.

ADDRESSES: Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following addresses:

Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707.

Comments on this proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AP26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Sharon Reinders (312) 886–6034.

SUPPLEMENTARY INFORMATION:

1. Background

The Clean Air Act (Act) amendments of 1977 added a new subsection 107(d) to the Act which required each State to submit a list of the National Ambient Air Quality Standards (NAAQS) attainment status of each air quality control region within the State to the Administrator of the EPA. Pursuant to section 107(d), the Administrator promulgated the attainment status for each area of every State on March 3, and October 5, 1978 (43 FR 8962, 43 FR 45993). For specific section 107 attainment status designations, see the Code of Federal Regulations, Title 40, Chapter I, Part 81 (40 CFR Part 81). The 1977 amendments also added a new Part D to the Act which required each State to amend its SIP to provide for attainment of each NAAQS in each nonattainment area not later than December 31, 1982, with certain exceptions for attainment of the ozone and carbon monoxide NAAQS. The exceptions are not relative to this rulemaking action and will not be discussed further.

With respect to the attainment status designation for TSP in the State of Wisconsin, the Administrator has designated portions of certain Counties in the State as nonattainment for the primary TSP standard and other portions as nonattainment for the secondary TSP standard. The reader is again referred to 40 CFR 81.350 for the specific nonattainment areas of each County. Subsequently, Wisconsin revised the TSP portion of its SIP to provide for attainment of the primary and secondary TSP standards in Rock, Milwaukee, and Waukesha Counties by December 31, 1982. In June 1981, the State submitted the final revision of its TSP SIP to EPA, pursuant to Part D of the Act. The SIP consists of regulations contained in Wisconsin Administrative Code (WAC) NR 154.01, Definitions, NR 154.11, Control of Particulate Emissions, and associated Technical Support Documents issued by the State. With the exception of one element in WAC NR 154.11(7), EPA approved Wisconsin's Part D SIP for the TSP nonattainment areas in Rock, Milwaukee, and Waukesha Counties on March 9, 1983 (48 FR 9860).

2. Revision to Wisconsin's SIP for TSP

In today's rulemaking action, EPA is announcing receipt of an additional request from the State of Wisconsin, dated December 7, 1982, for revision of its SIP for TSP. The revision consists of two amendments to WAC NR 154.01 and NR 154.11(2) which clarify the fugitive dust emission limitation in TSP nonattainment areas in Rock, Milwaukee, and Waukesha Counties and revise the applicability criteria for both the public and private sources to which the regulations apply.

The first amendment to WAC NR 154.01 creates definitions for "motor vehicle" or "vehicle", and "trafficable area". The first amendment also repeals NR 154.11(2)(b)1; renumbers NR 154.11(2)(b)2., 3., and 4. to NR 154.11(2)(b)1., 2., and 3.; renumbers NR 154.11(2)(c) to NR 154.11(2)(d); and creates NR 154.11(2)(c). This amendment was effective in the State on April 1, 1982.

The second amendment to WAC NR 154.01 creates definitions for "highway", "municipality", "public trafficable area", and "roadway". The amendment further creates WAC NR 154.11(2)(e) pertaining to control of fugitive dust from publicly owned roadways and trafficable areas in or within one mile of nonattainment areas for TSP. The amendment was effective in the State on November 1, 1982.

Under the amendments, all subject areas, private or public owned, that are located inside or within 1 mile of the TSP nonattainment areas identified by the State, which have a total area of at least 20,000 square feet and are subject on 3 separate days during any 14-consecutive-day period to a traffic rate of at least 10 vehicles per 60-minute period, would be required to meet the control measures contained in WAC NR 154.11(2).

The amendments also revise the appropriate cross reference in the compliance schedule, section NR 154.11(2)(d), that must be met by owners or operators of affected sources. The compliance schedule for the subject sources set forth at NR 154.11(2)(b) and (c) is unchanged from SIP approved by EPA at 48 FR 9860. The compliance schedule requirements for roadways or public trafficable areas set forth at section NR 154.11(2)(e) commences on November 1, 1982, the date that the new rule was effective in the State.

3. Conclusion

EPA has reviewed these amendments and concludes that the controls extend above and beyond the requirements of the Act and the Part D SIP for TSP previously approved by EPA. Accordingly, EPA sees no reason to deny the State's request to approve the amendments to WAC NR 154.01 and NR 154.11(2) as a revision to the Wisconsin SIP. The complete text of this revision can be found in the Wisconsin Administrative Code and in the TSP portion of the Wisconsin in SIP.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations

This notice is issued under authority of Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: May 6th, 1983.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 83–15613 Filed 6–9–83; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 145

[OW FRL 2380–5]

Colorado Oil and Gas Conservation Commission Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Comment Period and of Public Hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the Colorado Oil and Gas Conservation Commission requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the application of the Colorado Oil and Gas Conservation Commission to regulate Class II oil and natural gas related injection wells.

DATES: Requests to present oral testimony should be filed by July 11, 1983. The public hearing will be held on July 12, 1983, in two sessions: 10:00 a.m. and 7:00 p.m. Written comments must be received by July 12, 1983.

ADDRESSES: Comments and requests to testify should be mailed to Patrick A. Crotty, Drinking Water Branch (8WM–DW), Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. Copies of the application and pertinent materials are available between 8:30 a.m. and 4:00 p.m., Monday through Friday, at the following locations:

Evironmental Protection Agency, Region VIII, Drinking Water Branch, 1860 Lincoln Street, Sixth Floor, Denver, Colorado 80295, PH: (303) 827–2731

Colorado Oil and Gas Conservation Commission, Room 721, Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, PH: (303) 866–3531.

The Hearing will be held in the Federal Building, Room 239, 1961 Stout Street, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Patrick A. Crotty, Chief, Colorado/North Dakota/Wyoming Section, Drinking Water Branch, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. (303) 837–2731.

SUPPLEMENTARY INFORMATION: This application from the Colorado Oil and Gas Conservation Commission is for the regulation of all Class II oil and natural gas related injection wells in the State.

Class II injection wells include those which inject fluids: (1) Which have been brought to the surface in connection with conventional oil and natural gas production and are disposed of through such injections; (2) for enhanced recovery of oil or natural gas (i.e. water flooding); and (3) for storage of hydrocarbons which are liquid at standard pressure and temperature. There are approximately 1,000 Class II injection wells in the State of Colorado.

This application includes a description of the State Underground Injection Control program, copies of all applicable regulations and forms, a statement of legal authority, and the memorandum of agreement between the Colorado Oil and Gas Conservation Commission and the Region VIII office of the Environmental Protection Agency.

Dated: June 6, 1983.

Rebecca W. Hanmer,

Acting Assstant Administrator for Water.

[FR Doc. 83–15611 Filed 6–9–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[Docket No. 30608–102]

Snapper-Grouper Fishery of the South Atlantic; Implementation of Conservation and Management Measures

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues and requests comments on this proposed rule to implement conservation and management measures as prescribed in the proposed Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic. Currently, a number of the major species in the fishery are being harvested at less than optimal sizes, and certain harvest techniques have resulted in controversy among user groups. The proposed rule would: (1) Establish minimum sizes for certain species and (2) establish limitations on the use of certain gear including poisons, explosives, fish traps, and trawls for the taking of fish in the snapper-grouper fishery. The intended effect of the proposed rule is to prevent overfishing, restore to the optimum level those species that are overfished, and promote orderly utilization of the resource.

DATE: Comments on the proposed rule must be received on or before July 25, 1983.

ADDRESSES: Comments on the proposed rule, and requests for copies of the plan, the regulatory impact review/initial regulatory flexibility analysis, or final environmental impact statement should be sent to Jack T. Brawner, Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, 813–893–3141.

SUPPLEMENTARY INFORMATION: The South Atlantic Fishery Management Council (Council) prepared the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (FMP). A notice of availability of the FMP was published in the **Federal Register** on May 13, 1983 (48 FR 21607). These proposed regulations implement the FMP

The FMP manages the snapper-grouper fishery throughout the fishery conservation zone (FCZ) off the southern Atlantic coastal States from the Virginia-North Carolina border south to the boundary line between the Gulf of Mexico and South Atlantic Fishery Management Councils. A more precise definition of the southern boundary line is found in § 646.2.

The FMP covers 69 species of fish including snappers, sea basses, groupers, porgies, grunts, tilefishes, triggerfishes, wrasses, and jacks. Minimum sizes are proposed for red snapper, vermilion snapper, yellowtail snapper, red grouper, Nassau grouper, and black sea bass. For black sea bass the management regime applies only south of Cape Hatteras, North Carolina. Black sea bass north of Cape Hatteras are considered a separate stock and will be managed by the Mid-Atlantic Fishery Management Council under a separate plan. In addition, jewfish are protected from being harvested by certain gear.

Background

Species in the snapper-grouper fishery support valuable commercial and recreational fisheries in the South Atlantic area. Approximately 1,400 vessels are currently engaged in the commercial sector of the fishery. These vessels are capable of operating in both the nearshore and distant offshore fishing grounds. The four dominant types of commercial gear are hook and line, bottom longline, trap, and trawl. In 1981, the total commercial harvest equaled about 9.9 million pounds and had an exvessel value of $9.6 million. The total regional economic impact of the commercial snapper-grouper fishery was estimated to have been $28.4 million in 1981.

The recreational sector includes 95 head boats, 71 charter boats, and approximately 48,000 private boats. Total recreational landings of species in

the fishery were approximately 14.4 million pounds in 1979. The most recent data indicated that the direct economic impact of recreational fishing for snapper-grouper in the South Atlantic area in 1975 was $135 million, including related expenditures for such items as bait, fuel, and lodging.

Yield-Per-Recruit

The principal focus of this FMP is to maximize yield-per-recruit (YPR) from the fishery. The Council concluded that YPR is the appropriate methodology for evaluating management approaches directed at such maximization. YPR is a theoretical calculation based on known growth and natural mortality rates that allows an estimate of relative yield (i.e., the quantity of fish available to be harvested) from a fishery without knowing landings. Yield is predicted according to the growth pattern of individual fish, rather than the growth of the entire population. An index of yield per fish rather than an absolute total weight per year from the fishery is calculated. This index is called YPR.

Biological data exist for conducting YPR analysis on 17 of the 69 species in the snapper-grouper fishery. Evaluation of the 17 species indicates that red hind, graysby, white grunt, and tomtate are not in the range of growth overfishing. (Growth overfishing means that the fish are being harvested before reaching their optimum harvest size; this results in a decreased yield from the fishery.) Thirteen species are likely to be in a range of growth overfishing: vermilion snapper, red snapper, yellowtail snapper, black sea bass, red grouper, Nassau grouper, gray snapper, speckled hind, scamp, gag grouper, yellowfin grouper, black grouper, and red porgy.

The Council concluded that growth overfishing should be resolved by imposing minimum sizes. Each minimum size was evaluated in the following manner: (1) Choice of the minimum size; (2) internal rate of return (IRR) analysis, which compares the short-term loss by weight against the long-term gain by weight for 20 years after a minimum size is implemented, taking into account the survival rate of released fish; and (3) evaluation of distributional impacts (which occur when minimum size restrictions force one group of fishermen to forego harvesting small fish that are then harvested later (when they are larger) by another group of fishermen. Based on these three steps and the criteria outlined in each, a minimum harvest size for vermilion snapper, red snapper, yellowtail snapper, black sea bass, red grouper, and Nassau grouper is justified.

Those species for which data do not permit evaluation will be monitored and when the catch indicates that a species is in or near the range of growth overfishing, minimum sizes will be evaluated and if justified will be implemented by the Secretary of Commerce (Secretary) amending the regulations rather than through amendments to the FMP itself. This procedure is outlined under the discussion of minimum sizes.

Optimum Yield

Optimum Yield (OY) for each species (other than jewfish) is the yield that results from the recommended minimum size. The numerical estimate of OY is the estimated numerical value of YPR (measured in grams) derived from the best estimate of population parameters available. At this time, OY is the YPR that occurs with the population parameters specified in the YPR Appendix (Appendix A in the FMP) for each species regulated by a minimum size:

	Minimum harvest size (inches)	Optimum yield [1]
Vermilion snapper	12	177.19
Red snapper	12	540.64
Yellowtail snapper	12	462.10
Black sea bass	8	100.00
Red grouper	12	263.83
Nassau grouper	12	263.83

[1] Yield-per-recruit in grams with minimum size.

OY for jewfish is all jewfish harvested by U.S. fishermen utilizing lawful gear. The numerical estimate is the 1981 recorded commercial landings of 19,000 pounds.

Minimum Sizes

Existing data justify imposition of a mimimum size (total length) on six species to control growth overfishing: vermilion snapper, 12 inches; red snapper, 12 inches; yellowtail snapper, 12 inches; black sea bass, 8 inches; red grouper, 12 inches; Nassau grouper, 12 inches.

These minimum sizes will result in increases in yield ranging between 8 and 91 percent depending on the species and assuming constant recruitment. Size limits are not proposed for the seven remaining species (of the 13 in the range of growth overfishing) because of unknown survival rates of released fish and unknown or unacceptable distributional impacts.

Additional minimum sizes for other species or changes in minimum size will be implemented in the following manner. A monitoring team will analyze relevant fishery data. When the data indicate that a species is in or near the range of growth overfishing, the monitoring team will evaluate alternative minimum sizes in accordance with criteria established in the FMP. The team will then submit a report to the Council recommending adopting or rejecting further minimum sizes.

The team's report, along with an environmental assessment or supplemental environmental impact statement and/or regulatory impact review as appropriate, will be submitted to the Council for its consideration. If the Council concurs with the team's suggestions, the Council will recommend implementation of additional minimum sizes and appropriate adjustments to OY, domestic annual harvest, and total allowable level of foreign fishing to the Secretary. If the Secretary concurs, these regulations will be proposed to modify the existing regime.

Gear Limitations

Vermilion snapper are taken primarily by trawls and the majority of the fish retained are very small (i.e., 5 to 10 inches). The taking of such undersized fish results in approximately a 34 percent reduction in potential yield and results in an economic loss, particularly since larger fish command a higher price. A 4-inch minimum mesh size for trawl nets targeting species in the snapper-grouper fishery is proposed to increase the minimum size of vermilion snapper retained to 12 inches. However, any vermilion snapper taken using trawl nets with a mesh size of 4 inches or larger may be retained even if the fish is shorter than 12 inches. The size limits proposed for other species must be complied with when using trawls. Fishermen utilizing such trawl nets will be given one year from the date of implementation of the FMP to comply with the minimum-mesh-size regulation.

In recent years, there has been an increase in the use of fish traps that has resulted in intense competition among user groups in narrow shelf areas off south Florida. In 1980, the State of Florida banned the use and possession of fish traps; these prohibitions apply to all persons within, and to Florida residents fishing beyond, State waters.

The Council has elected to allow and regulate the use of fish traps by specifying proposed managment measures which address concerns regarding their use; such regulation will supersede the application of Florida trap law with respect to fishing beyond Florida's seaward boundary. Fish traps are prohibited shoreward of the 100-foot

contour, south of 25° 36.5' N. latitude (Fowey Rocks Light, Florida). This prohibition would separate traps from other gear along the narrow shelf area where competition, primarily with recreational fishermen, is most intense. Any fish traps deployed within the prohibited area may be seized by an authorized officer. Degradable panels or degradable door fasteners will be required on all fish traps to prevent lost traps from retaining fish and thus wasting the resource. Also, a minimum trap mesh size of 1 x 2 inches or 1.5-inch hexagonal is proposed to be effective one year after the FMP is implemented. This measure will prevent the use of mesh smaller than is currently used, thereby minimizing the potential harvest of small, unmarketable fish. The one-year grace period is designed to allow fishermen to replace traps as they wear out.

The FMP proposes to prohibit the harvest of jewfish by spears, spearguns, pole guns, and powerheads. Thus, the esthetic enjoyment of seeing large jewfish for recreational divers is preserved.

The use of poisons and explosives (exclusive of powerheads) for taking fishes of the snapper-grouper fishery is prohibited. However, poisons may be used if authorized by permit under State or Federal law. This measure will prevent alteration and destruction of habitat and incidental mortality of non-target species.

Harvest Limitations

The FMP proposes certain limitations on harvest practices involving fish traps to reduce conflicts within the fishery and aid in the enforcement of these regulations. No person may tend or pull another's fish traps without the owner's written permission. South of 28° 24.5' N. latitude (Cape Canaveral, Florida) fish traps may only be pulled between the period one hour before sunrise and one hour after sunset, and must be identified as belonging to the boat or vessel fishing them. (This gear identification provision is being held in reserve until a region-wide system is developed.)

The FMP indicates that traps and trap buoys will be identified as belonging to the boat or vessel fishing the traps. However, further discussion with the Council revealed that its intent was that the measure would apply only south of Cape Canaveral. This intent is indicated in the FMP by the exclusion of black sea bass traps (fished primarily north of Cape Canaveral) from the identification requirement.

Special Management Zones

Holders of U.S. Army Corps of Engineers artificial reef or fish attraction device permits may petition the Council to designate the area surrounding their artificial reef or fish attraction device as a special management zone (SMZ). Such designation would prohibit or restrain, in the SMZ, the use of fishing gear which is incompatible with the purpose for which such artificial reef or device was established. A Council monitoring team will consider such petition and report its recommendation thereon to the Council. If the Council concludes that such a SMZ should be established, it may refer the matter to the Secretary with a recommendation that he promulgate implementing regulations.

Catch Monitoring

To monitor attainment of OY, provide information necessary for further YPR analysis, and to evaluate other stock assessment methods, the FMP proposes that statistical reporting agents will sample and inspect recreational and commercial landings. Fishermen and dealers whose catch is selected for sampling and inspection must make their fish available to statistical reporting agents. This sampling method will be supplemented by information regarding landings and value as compiled in "Fishery Statistics of the United States."

Procedures for Disposition of Illegally Fished Fish Traps

The regulations provide abandonment procedures for fish traps deployed within the prohibited area. These procedures authorize the disposition of the traps by the Secretary or an authorized officer. The procedures supplement the procedures provided for seizure, forfeiture, and disposal in 50 CFR Part 219. Special characteristics of the trap fishery necessitate this additional method of abandonment and disposal of fish traps deployed in the prohibited area. First, the traps are heavy and bulky, which makes them difficult to handle without proper equipment. Currently, this equipment is not available to law enforcement officers. Second, limited resources, both in terms of time and money, make it impracticable, if not impossible, for authorized enforcement officers to haul all illegal traps to shore and to store them for the one-year time period required by 50 CFR 219.29 before the traps can be destroyed. The procedure of abandonment and destruction provided in these regulations will discourage illegal fishing with fish traps.

Classification

Section 304(a)(1) (C)(ii) of the Magnuson Fishery Conservation and Management Act, as amended, (Magnuson Act), requires the Secretary to publish regulations proposed by a council within 30 days of receipt of the FMP and regulations. At this time the Secretary has not determined that this FMP is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Council prepared a draft environmental impact statement for this FMP; a notice of availability was published on August 20, 1982, (47 FR 36468).

The NOAA Administrator determined that this proposed rule is not a major rule requiring a regulatory impact analysis under Executive Order 12291. The Council proposed a regulatory impact review (RIR) which concludes that this rule will have a following economic effects.

The proposed regulations will result in benefits to the fishermen and to the economy that are greater than the associated Federal costs to manage the fishery on a continuing basis. Benefits that will accrue from implementing the proposed measures come from the minimum sizes on red snapper, vermilion snapper, yellowtail snapper, black sea bass, red grouper, and Nassau grouper. The benefit/cost analysis was performed utilizing a 20-year planning horizon. The benefit/cost ratio is defined as present value benefits divided by present value costs. There are alternative benefit/cost ratios depending on the assumed per pound value of the fish to commercial and recreational fishermen:

Assumed per pound value	Benefit/cost ratio
$0.75	$15,570,462/$4,085,126=3.80.
$1.00	$20,719,263/$4,085,126=5.07.
$1.25	$25,999,104/$4,085,126=6.34.
$1.50	$31,078,825/$4,085,126=7.61.

The conclusion is that the return for government investment, in implementing minimum size restrictions for the six fish species, ranges from $3.80 to $7.61 for each dollar invested. You may obtain a copy of this review from the Regional Director at the address listed above.

This proposed rule is exempt from the procedures of Executive Order 12291 under section 8(a)(2) of that order. Deadlines imposed under section 304 of the Magnuson Act require the Secretary

to publish this proposed rule 30 days after its receipt. Accordingly, the proposed rule is being reported to the Director, Office of the Management and Budget, with an explanation of why it is not possible to follow procedures of the order.

The rules to implement the FMP are subject to provisions of the Regulatory Flexibility Act (RFA). The Council prepared an initial regulatory flexibility analysis (IRFA) in conjunction with the RIR, as provided by section 605(a) of the RIR/IRFA; this analysis is summarized above. On the basis of this RIR/IRFA, the NOAA Administrator determined that this proposed rule will have a significant economic impact on a substantial number of small entities. You may obtain a copy of the RIR/IRFA from the Regional Director at the address noted above.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Florida, South Carolina, and North Carolina. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Part 646

Fish, Fisheries, Fishing.

Dated: June 7, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set out in the preamble, Chapter VI of 50 CFR is proposed to be amended by adding a new Part 646 to read as follows:

PART 646—SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Subpart A—General Provisions

Sec.

646.1 Purpose and scope.
646.2 Definitions.
646.3 Relationship to other laws.
646.4 Catch monitoring.
646.5 Gear identification. [Reserved]
646.6 Prohibitions.
646.7 Facilitation of enforcement.
646.8 Penalties.

Subpart B—Management Measures

646.20 Harvest limitations.
646.21 Size limitations.
646.22 Gear limitations.
646.23 Specifically authorized activities.

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 646.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic prepared by the South Atlantic Fishery Management Council under the Magnuson Act.

(b) This part regulates fishing for fish in the snapper-grouper fishery by fishing vessels within the South Atlantic portion of the fishery conservation zone.

§ 646.2 Definitions.

In addition to the definitions in the Magnuson Act, and unless the context requires otherwise, the terms used in this part have the following meaning:

Authorized officer means—

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any certified enforcement officer or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Authorized statistical reporting agent means—

(a) Any person so designated by the Center Director;

(b) Any person so designated by the head of any Federal or State agency which has entered into an agreement with the Secretary to collect fishery data.

Center Director means the Center Director or a designee, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149; telephone 305–361–5761.

Commercial fisherman means a person who sells, trades, or barters any part of his catch of fish.

Dealer means the person who first receives by way of purchase, barter, or trade fish from a commercial fisherman.

Fish in the snapper-grouper fishery means the following species:

Snappers—Lutjanidae

Black snapper—*Apsilus dentatus*
Queen snapper—*Etelis oculatus*
Mutton snapper—*Lutjanus analis*
Schoolmaster—*Lutjanus apodus*
Blackfin snapper—*Lutjanus buccanella*
Red snapper—*Lutjanus campechanus*
Cubera snapper—*Lutjanus cyanopterus*
Gray snapper—*Lutjanus griseus*
Mahogany snapper—*Lutjanus mahogoni*
Dog snapper—*Lutjanus jocu*
Lane snapper—*Lutjanus synagris*
Silk snapper—*Lutjanus vivanus*
Yellowtail snapper—*Ocyurus chrysurus*
Vermilion snapper—*Rhomboplites aurorubens*

Sea Basses—Serranidae

Bank sea bass—*Centropristis ocyurus*
Rock sea bass—*Centropristis philadelphica*
Black sea bass—*Centropristis striata*

Groupers—Serranidae

Rock hind—*Epinephelus adscensionis*
Graysby—*Epinephelus cruentatus*
Speckled hind—*Epinephelus drummondhayi*
Yellowedge grouper—*Epinephelus flavolimbatus*
Coney—*Epinephelus fulvus*
Red hind—*Epinephelus guttatus*
Jewfish—*Epinephelus itajara*
Red grouper—*Epinephelus morio*
Misty grouper—*Epinephelus mystacinus*
Warsaw grouper—*Epinephelus nigritus*
Snowy grouper—*Epinephelus niveatus*
Nassau grouper—*Epinephelus striatus*
Black grouper—*Mycteroperca bonaci*
Yellowmouth grouper—*Mycteroperca interstitialis*
Gag—*Mycteroperca microlepis*
Scamp—*Mycteroperca phenax*
Tiger grouper—*Mycteroperca tigris*
Yellowfin grouper—*Mycteroperca venenosa*

Porgies—Sparidae

Sheepshead—*Archosargus probatocephalus*
Grass porgy—*Calamus arctifrons*
Jolthead porgy—*Calamus bajondo*
Saucereye porgy—*Calamus calamus*
Whitebone porgy—*Calamus leucosteus*
Knobbed porgy—*Calamus nodosus*
Red porgy—*Pagrus pagrus*
Longspine porgy—*Stenotomus caprinus*
Scup—*Stenotomus chrysops*

Grunts—Haemulidae

Black margate—*Anisotremus surinamensis*
Porkfish—*Anisotremus virginicus*
Margate—*Haemulin album*
Tomtate—*Haemulon aurolineatum*
Smallmouth grunt—*Haemulon chrysargyreum*
French grunt—*Haemulon flavolineatum*
Spanish grunt—*Haemulon macrostomum*
Cottonwick—*Haemulon melanurum*
Sailors choice—*Haemulon parrai*
White grunt—*Haemulon plumieri*
Blue striped grunt—*Haemulon sciurus*

Tilefishes—Malacanthidae

Blueline tilefish—*Caulolatilus microps*

Tilefish (Golden)—*Lopholatilus chamaeleonticeps*
Sand tilefish—*Malacanthus plumieri*

Triggerfishes—Balistidae

Gray triggerfish—*Balistes capriscus*
Queen triggerfish—*Balistes vetula*
Ocean triggerfish—*Canthidermis sufflamen*

Wrasses—Labridae

Hogfish—*Lachnolaimus maximus*
Puddingwife—*Halichoeres radiatus*

Jacks—Carangidae

Yellow jack—*Caranx bartholomaei*
Blue runner—*Caranx crysos*
Crevalle jack—*Caranx hipppos*
Bar jack—*Caranx ruber*
Greater amberjack—*Seriola dumerili*
Almac jack—*Seriola rivoliana*

Fish trap means any trap and the component parts thereof used for or capable of taking finfish, regardless of the construction material, except those traps historically used in the directed fisheries for crustaceans (blue crab, stone crab, and spiny lobster). Fish trap further means those traps used to fish for black sea bass.

Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than scientific research conducted by a scientific research vessel, which involves—

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraph (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(a) Fishing; or

(b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Magnuson Act means the Magnuson Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq.*)

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means—

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time or voyage; or

(c) Any person who acts in the capacity of a charterer, including, but not limited to, parties to a management agreement, operating agreement, or other similar arrangement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by any person described in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Powerhead means any device with an explosive charge, usually attached to a speargun, spear, pole, or stick, which fires a projectile upon contact.

Regional Director means the Regional Director, or a designee, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702; telephone 813–893–3141.

Secretary means the Secretary of Commerce, or a designee.

South Atlantic means that portion of the FCZ along the Atlantic coastal states south of the Virginia-North Carolina border to the boundary between the Gulf of Mexico and the Altantic Ocean. The boundary between the Gulf of Mexico and the Atlantic Ocean begins at the intersection of the outer boundary of the FCZ and 83° W. longitude, proceeds, north to 24° 35′ N. latitude (Dry Tortugas), east to Marquesas Key, then through the Florida Keys to the mainland.

Total length means the distance from the tip of the head (snout) to the furthermost tip of the tail (caudal fin).

U.S. fish processors means facilities located within the United States for, and vessels of the United States, used for or equipped for, the processing of fish for commercial use or consumption.

U.S.-harvested fish means fish caught, taken, or harvested by vessels of the United States within any foreign or domestic fishery regulated under the Magnuson Act.

Vessel of the United States means—

(a) Any vessel documented under the laws of the United States;

(b) Any vessel numbered in accordance with the Federal Boat Safety Act of 1971 (46 U.S.C. 1400 *et seq.*) and measuring less than five net tons; or

(c) Any vessel numbered under the Federal Boat Safety Act of 1971 (46 U.S.C. 1400 *et seq.*) and used exclusively for pleasure.

§ 646.3 Relationship to other laws.

(a) Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities.

(b) Certain responsibilities relating to data collection, issuance of permits, and enforcement may be performed by authorized State personnel under a cooperative agreement entered into by the State, the U.S. Coast Guard, and the Secretary.

(c) These regulations are intended to apply within the FCZ portion of the following National Marine Sanctuaries and National Park unless regulations establishing such Sanctuaries or Park prohibit their application:

(1) Looe Key National Marine Sanctuary (15 CFR Part 937).

(2) Key Largo Coral Reef Marine Sanctuary (15 CFR Part 929).

(3) Biscayne National Park (Title 16 U.S.C. 410gg).

(4) Gray's Reef National Marine Sanctuary (15 CFR Part 938).

(5) Monitor Marine Sanctuary (15 CFR Part 924).

§ 646.4 Catch monitoring.

Data will be collected by authorized statistical reporting agents from a sample of commercial and recreational catch for YPR analysis. Those fishermen and dealers selected by the Center Director must make their fish available for inspection by those agents.

§ 646.5 Gear identification. [Reserved]

§ 646.6 Prohibitions.

It is unlawful for any person to—

(a) Refuse to make fish available for inspection when requested to do so by an authorized statistical reporting agent, as specified in § 646.4.

(b) Pull or tend fish traps except during the hours specified in § 646.20(a);

(c) Tend, open, pull, or otherwise molest or have in one's possession aboard a fishing vessel another person's fish traps except as provided in § 646.20(b);

(d) Possess in or harvest from the FCZ red snapper, yellowtail snapper, red grouper, or Nassau grouper under the minimum size specified in § 646.21(a);

(e) Possess in or harvest from that portion of the FCZ south of 35° 15′ N. latitude (Cape Hatteras, North Carolina)

black sea bass under the minimum size specified in § 646.21(b);

(f) Possess in the FCZ any fish in the snapper-grouper fishery without the heads and fins intact as specified in § 646.21(c);

(g) Land any fish in the snapper-grouper fishery, taken from the FCZ, without the heads and fins intact as specified in § 646.21(c);

(h) Fish for fish in the snapper-grouper fishery with explosives or poisons as provided in § 646.22(a)(1) and (2);

(i) Fish for jewfish with the fishing gear specified in § 646.22(a)(3);

(j) Fish for fish in the snapper-grouper fishery in the FCZ with trawl nets and fish traps except as specified in § 646.20 (a) and (b) or § 646.22(b);

(k) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, land, or export any fish or parts thereof taken or retained in violation of the Magnuson Act, this part, any other regulation or any permit issued to a foreign vessel under the Magnuson Act;

(l) Refuse to permit an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation or permit issued under the Magnuson Act;

(m) forcibly to assault, resist, oppose, impede, intimidate, threaten, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (1) of this section;

(n) Resist a lawful arrest for any act prohibited by this part;

(o) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this part;

(p) Transfer directly or indirectly, or attempt to so transfer, any U.S.-harvested fish to any foreign fishing vessel, while such foreign vessel is in the FCZ, unless the foreign fishing vessel has been issued a permit under § 204 of the Magnuson Act which authorized the receipt by such vessel of the U.S.-harvested fish of the species concerned.

(q) Violate any other provision of this part, the Magnuson Act, or any regulation or permit issued under the Magnuson Act.

§ 646.7 Facilitation of enforcement.

(a) *General.* The owner or operator of any fishing vessel subject to this part must immediately comply with instructions issued by an authorized officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, logbook, permit, and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Signals.* Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft authorized to enforce the Magnuson Act, the operator of a fishing vessel must be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used—

(1) "L" meaning "You should stop your vessel instantly."

(2) "SQ3" meaning "You should stop or heave to; I am going to board you."

(3) "AA AA AA etc." which is the call to an unknown station, to which the signaled vessel should respond by identifying the vessel by radio, visual signals or illuminating the vessel identification number, and

(4) "RY-CY" meaning "You should proceed at slow speed. A boat is coming to you."

(c) *Boarding.* A vessel signaled to stop or heave to for boarding must—

(1) Stop immediately and lay to or maneuver in such a way as to permit the authorized officer and his party to come aboard;

(2) Provide a safe ladder, enough light, and a safety line when necessary or requested by the authorized officer to facilitate the boarding and inspection; and

(3) Take such other actions as necessary to ensure the safety of the authorized officer and his party to facilitate the boarding.

§ 646.8 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forefeiture provisions of the Magnuson Act, and to 50 CFR Part 620 (Citations), 50 CFR Part 621, and 15 CFR Part 904 (Civil Procedures), and other applicable Federal law.

Subpart B—Management Measures

§ 646.20 Harvest limitations.

(a) Fish traps may be pulled or tended only during the period beginning one hour before official sunrise to one hour after official sunset in the South Atlantic portion of the FCZ south of 28° 24.5' N. latitude (Cape Canaveral, Florida).

(b) Fish traps may be tended or pulled only by persons (other than authorized officers) aboard the fish trap owner's vessel(s), or aboard another vessel if such vessel has on board written consent of the fish trap owner.

§ 646.21 Size limitations.

(a) The minimum size limit for the harvest or possession in the FCZ of red snapper, yellowtail snapper, red grouper, and Nassau grouper is 12 inches total length.

(b) The minimum size for the harvest or possession in the FCZ of black sea bass south of Cape Hatteras, North Carolina is eight inches total length.

(c) All fish in the snapper-grouper fishery subject to minimum size limits specified in this section may be possessed in the FCZ or landed, if harvested from the FCZ, only with the head and fins intact.

§ 646.22 Gear limitations.

(a) (1) Explosives (except explosives in powerheads) may not be used to fish for fish in the snapper-grouper fishery.

(2) Poisons may not be used to fish for fish in the snapper-grouper fishery except as authorized by permit under State or Federal law.

(3) Powerheads, spearguns, pole spears or Hawaiian slings and spears may not be used to fish for jewfish.

(b) (1) Fish traps must have a degradable panel or a door attached with degradable fasteners or material such as jute or sisal twines which normally deteriorate within 42 days. The opening must be at least as large as the entry ports.

(2) Effective (insert date 1 year after effective date of final rule), fish traps must have a minimum mesh size of 1×2 inches or 1.5-inch hexagonal (the distance between parallel sides).

(3) Effective (insert date-1 year after effective date of final rule), trawl nets targeting fish in the snapper-grouper fishery (25 percent or more of the fish on board by weight are fish in the snapper-grouper fishery) must have a minimum stretched mesh size of 4 inches. Shrimp trawls, calico scallop trawls, and rock shrimp trawls are specifically exempt from this requirement.

(4) Fish traps may not be placed shoreward of the 100-foot contour in that portion of the South Atlantic FCZ south of 25° 35.5' N. latitude (Fowey Rocks Light, Florida). Fish traps so deployed will be considered unclaimed or abandoned property and may be disposed of in any appropriate manner by the Secretary (including an authorized officer).

§ 646.23 Specifically authorized activities.

The Secretary may authorize for the acquisition of information and data, activities which are otherwise prohibited by these regulations.

[FR Doc. 83-15675 Filed 6-7-83; 4:54 pm]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 113
Friday, June 10, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Pacific Southwest Region; Intent to Reevaluate Roadless Areas in the Pacific Southwest Region

In January 1979, the Forest Service issued a national environmental impact statement documenting the results of a review of 62 million acres of roadless and undeveloped areas within the 190 million acre National Forest system. The purpose of the roadless area review and evaluation (RARE II) was to determine which areas were suitable for wilderness and which should be used for other purposes.

In the Pacific Southwest Region RARE II dealt with over 6 million acres located in California only. About 983,000 acres were recommended for wilderness; 2,643,000 acres were recommended for further planning; and 2,395,000 acres were recommended for nonwilderness.

In 1979 the State of California challenged the adequacy of the National RARE II Environmental Impact Statement as the basis for decisions to manage 46 areas in California for other than wilderness. In October 1982, the United States Court of Appeals for the Ninth Circuit affirmed a lower court decision that the RARE II Environmental Impact Statement was inadequate. Although the decision applied specifically to only the 46 roadless areas in California, it sets binding precedent in any Federal District Court in the Ninth Circuit.

Because of the October 1982 court decision, National Forest roadless areas studied for wilderness potential during RARE II will be reevaluated. The reevaluation will be done as part of the land and resource management plans now being developed for each of the 18 Forests in the Pacific Southwest Region of the USDA-Forest Service. These plans are scheduled for completion by 1985.

This Notice is being issued because, contrary to earlier regulations (issued 9/30/82), a proposed revision to 36 CFR 219.17 (issued 4/18/83) will allow further evaluation of RARE II wilderness and non-wilderness areas during the Forest planning process. We are beginning public participation, data collection, and analysis pending the final rule.

Detailed information on the roadless areas and public involvement in the reevaluation process will be forthcoming from individual National Forests in California.

The responsible official is Zane G. Smith, Jr., Regional Forester of the Pacific Southwest Region.

For further information on this subject, contact: Joyce Muraoka, Regional Forest Planning Coordinator, Pacific Southwest Region, 630 Sansome Street, San Francisco, California 94111, Area Code 415–556–2687.

Dated: June 2, 1983.

Warren Davies,

Deputy Regional Forester, Pacific Southwest Region.

[FR Doc. 83–15575 Filed 6–9–83; 8:45 am]
BILLING CODE 3410–11–M

Rural Electrification Administration

Tri-County Electric Association, Inc.; Environmental Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Findings of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500) and REA's Bulletin 20–21:320–21, Environmental Policies and Procedures, has made Findings of No Significant Impact with respect to the proposed financing assistance to Tri-County Electric Association, Inc., (Tri-County) of Sundance, Wyoming, for the construction of 69 kV transmission facilities in Crook and Campbell Counties, Wyoming and Lawrence County, South Dakota.

FOR FURTHER INFORMATION CONTACT: REA's Findings of No Significant Impact and Environmental Assessments and Tri-County's Borrower's Environmental Report (BER) may be reviewed at or obtained from Mr. William E. Davis, Director, Western Area—Electirc, Room 3304, South Agriculture Building, Washington, D.C. 20250, telephone: (202) 382–6848, or Mr. Waren H. Fraser, Manager, Tri-County Electric Association, Inc., Box 930, Sundance, Wyoming 82729, telephone: (307) 283–3531, during regular business hours.

SUPPLEMENTARY INFORMATION: REA, in connection with a request for financing assistance, has reviewed the BER submitted by Tri-County and has determined that it represeents an accurate assessment of the proposed projects. The proposed projects include: (1) Approximately 48.6 km (30.4 mi) of 69 kV transmission line from the Teckla Substation to the Conoco Uranium Mine site in Campbell County, Wyoming; (2) approximately 45.6 km (28.5 mi) of 69 kV transmission line from north of Gilette to the Gulf Norfolk Coal Mine in Campbell County, Wyoming; (3) approximately 37 km (23 mi) of 69 kV Transmission line from Hulett to Homestake in Crook County, Wyoming, and (4) approximately 31.2 km (19.5 mi) of 69 kV transmission line from Spearfish, to Aladdin in Crook County, Wyoming and Lawrence County, South Dakota.

The BER and Environmental Assessment adequately consider potential impacts of the proposed projects on resources including threatened and endangered species, important farmlands, cultural resources, wetlands, and floodplains.

Alternatives examined include no action, energy conservation, altertnative connecting points, and alternative routes in Crook and Campbell Counties, Wyoming, and alternative substation sites. After reviewing these alternatives, REA determined that the proposed projects are acceptable alternatives because they meet Tri-County's needs with a minimum of adverse impacts.

Based upon the BER and other support documents, REA prepared Environmental Assessments and Findings of No Significant Impact concerning the proposed construction. It is REA's view that the propsed financing assistance would not be a major Federal action that will affect significantly the quality of the human environment.

In accordance with REA's Bulletin 20–21:320–21, dated January 21, 1980, Tri-County advertised the availability of the

BER in local newspapers. Comments were solicited and the public was given 30 days to reply. No comments were received.

(Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.)

Dated: June1, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-15386 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Carey Lake Water-Based Recreation RC&D Measure, Washington; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Carey Lake Water-Based Recreation RC&D Measure, Kittitas County, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn A. Brown, State Conservationist, Soil Conservation Service, Room 360 U.S. Courthouse, Spokane, Washington 99201, telephone 509–456–3711.

SUPPLEMENTARY INFORMATION: The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Lynn A. Brown, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of basic facilities for a water-based recreation development. The planned works of improvement include a pedestrian trail, parking lot, picnic area with tables, charcoal pits, trash cans, vault-type sanitary facilities, access road, buffer trees, play areas, sand beach area, and raft beaching area.

The Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Lynn A. Brown.

No administrative action on implementation of the proposal will be taken until 30 days after the data of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 30, 1983.

Lynn A. Brown,

State Conservationist.

[FR Doc. 83-15404 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-16-M

Deauthorization of Federal Funding; Beasha Creek Watershed, Mississippi

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Deauthorization of Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Beasha Creek Watershed project, Leake and Neshoba Counties, Mississippi, effective on May 3, 1983.

FOR FURTHER INFORMATION CONTACT: A. E. Sullivan, State Conservationist, Soil Conservation Service, 1321 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269, 601–960–5179.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention, Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

A. E. Sullivan,

State Conservationist.

[FR Doc. 83-15572 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-16-M

Drainage District #7 RC&D Measure, Butler County, Missouri; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Drainage District #7 RC&D Measure, Bulter County, Missouri.

FOR FURTHER INFORMATION CONTACT: Paul F. Larson, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65202, telephone number 314/875–5214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul F. Larson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project. The measure concerns critical area treatment. The planned works of improvement include conservation practices such as grade stabilization structures and associated vegetation.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul F. Larson.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95, regarding state and local clearinghouse review of federal and federally assisted programs and projects, is applicable.)

Dated: May 31, 1983.

Russell C. Mills,

Deputy State Conservationist.

[FR Doc. 83-15570 Filed 6-9-83; 8:45 am]

BILLING CODE 3410-16-M

Smelterville Critical Area Treatment RC&D Measure, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Stanley N. Hobson, State Conservationist, Soil Conservation Service, Room 345, 304 North Eighth, Boise, Idaho 83702, telephone (208) 334–1601.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Smelterville Critical Area Treatment RC&D Measure, Shoshone County, Idaho.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Stanley N. Hobson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

Smelterville Critical Area Treatment RC&D Measure will provide adequate vegetative and structural treatment to the Grouse Creek Watershed severely damaged by air pollution. Planned treatments to control the severe erosion problems include debris basins (sediment trays), stream bank stabilization and grass, legume and tree seedings.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Stanley N. Hobson. The FONSI has been sent to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the address on the first page.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: June 2, 1983.

Stanley N. Hobson,

State Conservationist.

[FR Doc. 83–15628 Filed 6–9–83; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Frontier Flying Service Fitness Investigation; Cancellation of Hearing

[Docket 41044]

Notice is hereby given that the hearing in the above-entitled matter assigned to commence on June 7, 1983, is hereby cancelled.

Dated at Washington, D.C., June 6, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83–15665 Filed 6–9–83; 8:45 am]

BILLING CODE 6320–01–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended June 3, 1983

Subpart Q Applications (see 14 CFR 302.1701 et seq.)

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket no.	Description
June 2, 1981	41518	Jamaica Air Freighters Ltd., c/o David B. Ortman, 304 Capital Gallery East, 600 Maryland Avenue, S.W., Washington, D.C. 20024. Application of Jamaica Air Freighters Ltd., pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit to provide irregular non-scheduled air services for property and mail between the terminal points Kingston and Montego Bay, Jamaica and the terminal point Miami, Florida; also to conduct various charters under the Board's Regulations. Answers may be filed by June 30, 1983.
June 2, 1983	41519	Pacific Aerolift, Inc., c/o Stephen L. Gelband, Howes, Morella, Gelband & Lamberton, 1010 Wisconsin Avenue NW., Suite 648, Washington, D.C. 20007. Application of Pacific Aerolift, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which will authorize it to engage in scheduled and charter interstate and overseas air transportation of property and mail within and among all States of the United States and all Territories and possessions thereof, including, but not limited to, between points in California and Hawaii and Guam, and between Guam and points in the United States Trust Territories and possessions of the Pacific. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 30, 1983.
June 1, 1983	41433	American Airlines, Inc., c/o Alfred V. J. Prather, Prather Seeger Doolittle & Farmer, 1101 Sixteenth Street NW., Washington, D.C. 20036. Amendment No. 1 to the Application of American Airlines, Inc. for a certificate of public convenience and necessity under Section 401 of the Act. (Spokane-Calgary/Edmonton).
June 3, 1983	41385	Colonial Airlines, Inc., c/o Harry A. Bowen, Bowen and Allen, Suite 350, 2020 K Street NW., Washington, D.C. 20006. Amendment No. 1 to the Application of Colonial Airlines, Inc. for a certificate of public convenience and necessity under Section 401(d)(3) of the Act, for interstate and overseas charter air transportation and all-cargo authority.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–15666 Filed 6–9–83; 8:45 am]

BILLING CODE 6320–01–M

COMMISSION ON CIVIL RIGHTS

Minnesota Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Minnesota Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m. on June 20, 1983, at the Centro Cultural Chicano, 1800 Olson Memorial Highway, Minneapolis, Minnesota 55411. The purposes of this meeting are to update issues pertaining to police standards and training, discuss the mental health task force project, explore affirmative action issues in St. Paul, and review plans for the next project.

Persons desiring additional information or planning a presentation

to the Committee, should contact the Chairperson, Mrs. Ruth A. Myers, 1006 East Second Street, Apt. #1, Duluth, Minnesota 55805, (218) 726–8878; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 2, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–15506 Filed 6–9–83; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–433–064]

Railway Track Maintenance Equipment From Austria; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On March 24, 1983, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on railway track maintenance equipment from Austria. The review covered the only known exporter of this merchandise to the United States, Plasser and Theurer, GmbH, and the period February 1, 1981 through January 31, 1982.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–3534/5496.

SUPPLEMENTARY INFORMATION:

Background

On February 17, 1978, the Treasury Department published in the **Federal Register** (43 FR 6937) an antidumping finding with respect to railway track maintenance equipment from Austria. On March 24, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 12415–16) the preliminary results of its last administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of ballast regulators and tamping machines, two specific types of railway track maintenance equipment. Other types of equipment used in the maintenance of railway track are excluded from this finding. All railway track maintenance equipment is currently classifiable under item 690.2000 of the Tariff Schedules of the United States Annotated.

The review covers the one known exporter of Austrian railway track maintenance equipment to the United States, Plasser and Theurer, GmbH, and the period February 1, 1981 through January 31, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review.

Because there were no shipments during the period and the margin on the last known shipment of this merchandise to the United States was zero percent, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in section 353.48(b) of the Commerce regulations, on shipments of Austrian railway track maintenance equipment entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce regulations (19 CFR 353.53).

Dated: June 2, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–15624 Filed 6–9–83; 8:45 am]

BILLING CODE 3510–25–M

Minority Business Development Agency

Minority Business Development Center; Solicitation of Applications

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning October 1, 1983 in the Chicago SMSA. The cost of the project is estimated to be $369,600. The maximum Federal participation amount is $314,160. The minimum amount required for non-Federal participation is $55,440. The award number will be 05–10–83007–01.

Applicants shall be required to contribute at least 15% of the total program costs through non-Federal funds. Cost-sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

The same applicant cannot be the recipient of more than one Minority Business Development Center (MBDC) award for the Chicago SMSA.

DATE: *Closing date:* July 5, 1983.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe, Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: Jessie Deloch. Telephone: (312) 353–0182.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC program is specifically designed to

assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria.

I. *Capability and Experience of Firm/Staff.*—Provide information that demonstrates the organization's capabilities and prior experience in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's cabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm:

—the organization's receptivity in the MBE community to be served i.e., business contracts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)
—background credentials and reference for the owners of the organization and a capability statement of what the organization can do.
—knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhange the BDC program effort—i.e., chambers of commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.
—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.
—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.
—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibility as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: Outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 15% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost-sharing requirement can be met through the following order or priority: (1) cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-Kind contribution*—represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV. *Costs*—demonstrate in narrative format the costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and
—the extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC) Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms.

This program is subject to OMB circular A–95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A pre-application conference to assist all interested applicants will be held at the Dirksen Federal Building, 219 South Dearborn Street, Room 1220, Chicago, Illinois on June 17, 1983 at 1:00 p.m.

((11.812 Minority Business Development) (Catalog of Federal Domestic Assistance))

Dated: June 2, 1983.

David Vega,

Acting Regional Director.

[FR Doc. 83–15574 Filed 6–9–83; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will meet to discuss reports of the lobster and groundfish oversight committees, large pelagics oversight committee on swordfish, and the mid-Atlantic liaison committee on surf clams, as well as discuss public hearings on the draft Bluefish Fishery Management Plan, foreign fishing, and other fishery management and administrative matters.

DATES: The public meetings will convene on Tuesday, June 28, 1983, at approximately 10 a.m., and adjourn on Wednesday, June 29, 1983, at approximately 5 p.m. The meetings may be lengthened or shortened or agenda items rearranged, depending upon progress on the agenda items.

ADDRESS: The public meetings will take place at the King's Grant Inn, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231–0422.

Ann D. Terbush,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83–15678 Filed 6–9–83; 8:45 am]

BILLING CODE 3510–22–M

Mid-Atlantic Fishery Management Council and its Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has established a Scientific and Statistical Committee (SSC). The Council and its SSC will hold separate public meetings as follows:

Council

Will meet to discuss the Surf Clam/Ocean Quahog Fishery Management Plan (FMP), the Bluefish FMP, status of other FMPs, and discuss other fishery management and administrative matters, convening at approximately 8 a.m., on Wednesday, July 13, 1983, and adjourning at approximately 4 p.m., on Thursday, July 14, 1983.

SSC

Will meet to discuss data needs for FMPs and discuss other fishery management matters, convening at approximately 10 a.m., on Wednesday, July 6, 1983, and adjourning at approximately 4 p.m. The separate Council and SSC meetings will both take place at the Best Western Airport Inn, Philadelphia International Airport, Philadelphia, Pennsylvania. The agendas for the meetings may be rearranged or changed or the meetings lengthened or shortened depending upon progress on the agenda items.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115—Federal Building, 300 South New Street, Dover, Delaware 19901, Telephone: (302) 674–2331.

Ann Terbush,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83–15679 Filed 6–9–83; 8:45 am]

BILLING CODE 3510–22–M

Office of the Secretary

President's Private Sector Survey on Cost Control; Amended Meeting

AGENCY: Office of the Secretary, Commerce.

ACTION: Change in meeting notice of the Subcommittee of the President's Private Sector Survey on Cost Control.

SUMMARY: This amends the agenda of a meeting notice published on June 2, 1983(48 FR 19769).

The draft report from the Department of Treasury Task Force was not released to the public on June 3, and will not be included in the agenda for discussion at the June 13 meeting as initially planned. The report will be released and discussed at a later time which will be anounced in the **Federal Register.**

All other information concerning the meeting remains unchanged.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Colson, Committee Control Officer for the Executive Committee of the President's Private Sector Survey on Cost Control, telephone: (202) 466–4665.

Dated: June 3, 1983.

Yvonne D. Barnes,

Departmental Committee Management Analyst, Office of the Secretary.

[FR Doc. 83–15825 Filed 6–9–83; 8:45 am]

BILLING CODE 3510–CW–M

[Order No. 41–1; D.O.O. Reference 10–3, 40–1]

Organization and Function Order; International Trade Administration

Effective Date: May 2, 1983.

Part I. Effect on Other Orders

This order supersedes ITA Organization and Function Order 41–1 of February 15, 1982, as amended (47 FR 14205, 47 FR 19570, 47 FR 25885, 47 FR 46124).

Part II. Purpose, Scope, and Principal Organization

Section 1. Purpose.

.01 This order prescribes the internal organization and assignment of functions within the International Trade Administration (ITA). Department

Organization Order 40–1 prescribes the principal organization structure of ITA.

.02 This order also delegates authorities from the Under Secretary for International Trade to the Deputy Under Secretary for International Trade, the Director General of the U.S. and Foreign Commercial Services, and the Assistant Secretaries for Trade Development, Trade Administration and International Economic Policy. Department Organization Order 10–3 prescribes the scope of authority of the Under Secretary.

Section 2. Organization and Line of Authority.

.01 The internal organization structure line of authority of ITA is depicted in the attached chart.[1]

.02 *The Under Secretary for International Trade.*

a. The Under Secretary for International Trade is the head of ITA and determines policy, directs the programs, and is responsible for all activities of ITA. The Under Secretary coordinates all issues and programs concerning trade administration, international trade and commercial policy and trade development; and, in the absence of the Secretary of Commerce, represents the Department on the Trade Policy Committee, as ex-officio member of the Board of the Export-Import Bank of the United States and, as assigned, serves on all other Secretarial-level boards, committees or panels of which the primary focus is international trade.

b. The Under Secretary is assisted by the following officials in carrying out his responsibilities:

The Deputy Under Secretary for International Trade
The Director General of the U.S. and Foreign Commercial Services
The Assistant Secretary for International Economic Policy
The Assistant Secretary for Trade Administration
The Assistant Secretary for Trade Development

Part III. The Deputy Under Secretary for International Trade

Section 1. Delegation of Authority.

.01 Subject to such policies, directives, and delegations of authority as may be issued by the Secretary of Commerce, and the Under Secretary, and in accordance with applicable Department Organization Orders and Department Administrative Orders, the Deputy Under Secretary for International Trade is hereby delegated the authorities of the Under Secretary for International Trade as necessary to provide for all administrative management and public affairs activities and direct such activities for all organizational elements in the International Trade Administration.

.02 Except as otherwise provided, the Deputy Under Secretary for International Trade may redelegate this authority, subject to such conditions in the exercise of such authority as he or she may prescribe.

Section 2. Organization and Functions.

The *Deputy Under Secretary for International Trade* is the principal deputy to the Under Secretary; performs such duties as the Under Secretary may assign; performs the functions of the Under Secretary in the latter's absence; and is responsible for the day-to-day management of ITA.

The Office of the Deputy Under Secretary includes the *Planning and Evaluation Staff* which identifies issues or problems requiring the attention of the Deputy Under Secretary or coordination between program areas; monitors and coordinates the preparation of studies, reports, Congressional testimony and other items addressing these issues; directs, coordinates and monitors ITA participation in interagency staff activity and represents ITA in this activity when appropriate; develops and reviews policy options and recommendations on issues when requested by the Deputy Under Secretary.

The Office of the Deputy Under Secretary also includes the *Congressional Affairs Staff* which provides Congressional liaison for ITA in coordination with the Assistant Secretary for Congressional and Intergovernmental Affairs.

The Deputy Under Secretary carries out these functions through:

.01 The *Director of Administration* who is the principal advisor to the Under Secretary and the Deputy Under Secretary on management policy for the International Trade Administration. The Office of the Director includes the *Information Projects Staff* which manages text processing for ITA; manages the development of an Administrative Management Information System; develops and administers Working Capital Fund Service Agreements; and coordinates ITA participation in the Secretarial SPO process. The Director of Administration directs the following offices:

a. The *Office of Personnel* develops and administers, for Civil Service personnel, personnel management programs including recruitment, placement, employee development, classification, labor-management relations, equal employment opportunity, and employee relations; conducts the ITA security program; performs the safety function for ITA; provides paymaster services; and provides liaison with its counterpart office at the Department level.

b. The *Office of Management and Systems* provides management, organization and systems analysis, including management studies and surveys and organizational planning studies; coordinates ADP systems development; performs the committee management, directives management, records management, forms management, correspondence management and reports management functions for ITA; coordinates GAO and Departmental audits; coordinates activity under the Freedom of Information Act and the Privacy Act of 1974; operates the ITA Secretariat; and provides liaison with its counterpart offices at the Department level and with the Office of Inspector General.

c. The *Office of Budget* formulates, presents, executes, and assesses program effectiveness of the ITA budget; effects financial and budgetary controls; prepares budget reports; and provides liaison with its counterpart office at the Department level.

.02 The *Director, Office of Public Affairs* who advises on all public affairs and information service matters in coordination with the Departmental Director of Public Affairs; provides ITA centralized information services, conducts and is responsible for all publications programs, consonant with the provisions of Department Organization Order 20–9; provides speech writing and scheduling services; coordinates all audiovisual, exhibit, and advertising activities; maintains liaison with its cpunterpart offices at the Department level and with the news and trade media, consonant with provisions of Department Organization Order 15–3; and publishes *Business America* magazine.

Part IV. The Director General of the U.S. and Foreign Commercial Services

Section 1. Delegation of Authority.

.01 Pursuant to the authority delegated to the Under Secretary by the Secretary of Commerce, and subject to such policies and directives as the Under Secretary may prescribe, the Director General of the U.S. and Foreign Commercial Services is hereby delegated the authority of the Under Secretary under:

a. The Act of February 14, 1903, as amended, (15 U.S.C. 1512 *et seq.*; 15

[1] Filed as part of the original document.

U.S.C. 171 *et seq.*) to foster, promote and develop the foreign and domestic commerce of the United States;

b. The trade promotion and commercial functions transferred to the Secretary from the Department of State or the Secretary of State by section 5(b)(1) of Reorganization Plan No. 3 of 1979, and by section 1–104 of Executive Order 12188 of January 2, 1980, as amended;

c. The Foreign Service Act of 1980 (22 U.S.C. 3901 *et seq.*), and such laws the exercise of which are authorized to the Secretary under section 5(b)(2) of Reorganization Plan No. 3 of 1979 and by section 1–104 of Executive Order 12188 of January 2, 1980, as amended;

d. Executive Order 10978 of December 5, 1961, regarding the Presidential "E" Award, "E" Certificate of Service, and "E Star" Award, except final selection of recipients;

e. Chapter 23 of Title 15, United States Code, which pertains to a clearinghouse for technical information, as is necessary to carry out assigned reponsibilities dealing with the preparation and dissemination of business and international economic information; and

f. Section 2(8) of the Small Business Act, as amended (15 U.S.C. 637(e)) relating to obtaining and publishing notices of U.S. government procurement.

.02 Except as otherwise provided, the Director General of the U.S. and Foreign Commercial Services may redelegate the above authorities, subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Organization and functions.

The Director General of the U.S. and Foreign Commercial Services (the "Director General") serves as visible spokesman for the U.S. and foreign Commercial Services, notably with business, particularly with small and medium-sized firms, and other external constituencies; provides management processes and management support functions for the Foreign Commercial Service (FCS) and the U.S. Commercial Service (USCS); coordinates the appropriate functions with the Assistant Secretary for International Economic Policy (and the regional Deputy Assistant Secretaries) for specific FCS country program and supervisory purposes, with the Assistant Secretary for Trade development (and the Deputy Assistant Secretary for Export Development) for USCS program supervision purposes, and with the Assistant Secretary for Trade Administration (and the appropriate Deputy Assistant Secretaries) for specific program support; develops, in coordination with the Department of State, and administers personnel management programs for Foreign Service and Foreign Service National (FSN) employees of the FCS, including recruitment and placement, employee development, classification, labor-management relations, equal employment opportunity, employee relations, promotions, career planning and separations, and provides liaison with the Department of State on FCS personnel issues; evaluates the performance of senior FCS and USCS personnel (coordinating with the appropriate line deputy Assistant Secretary who evaluats senior personnel for program purposes); develops and implements a unified personnel and post goal-setting and evaluation process which integrates the activities of the two services with each other and the rest of ITA; develops and manages a country planning process in coordination with the relevant regional and trade program Deputy Assistant Secretaries; administers a system of Foreign Commercial Service posts and U.S. Commercial Service District Offices located in commercial centers throughout the world and the United states, respectively; publishes the *Commerce Business Daily* and direct Federal Procurement and Business Development Conferences, the District Export Councils, Associate Office program, liaison with state and local governments, and the development and implementation of a cooperators program for the FCS with participants from manufacturing and service industries; maintains an export reference room containing information on major foreign projects under consideration by international financial institutions and information on projected opportunities reported by FCS Posts and USCS District Offices, including counseling to users of the facility; assists in the resolution of trade disputes between U.S. sellers and foreign purchasers; directs the E Awards and seminar programs; and carries out emergency preparedness functions through District Office Directors in the Uniform Federal Regional Council cities.

The Director General carries out these functions through:

.01 The *Deputy Assistant Secretary for the U.S. and Foreign Commercial Services* who serves as principal Deputy to the Director General; performs such duties as the Director General may assign; and assumes the duties of the Director General in the latter's absence.

.02 The *Office of Foreign Service Personnel* develops, in coordination with the Department of State, and administers personnel management programs for Foreign Service and Foreign Service National (FSN) emloyees of the FCS, including recruitment, selection, classification and assignment of FCS officers and nationals; monitors FCS personnel records and processing; supports the Department's activities on the Board of the Foreign Service and the Board of Examiners of the Foreign Service; maintains liaison with the Department of State on FCS personnel issues; administers FCS grievance, labor-management relations and EEO programs; provides for the movement of personnel, shipment of household goods, and medical coverage for FCS employees; develops and manages career development and education programs for FCS officers and nationals; and develops and administers the FCS Officer Evaluation System and related selection boards.

.03 The *Office of Planning and Management* analyzes FCS post workload plans (PCAP's) USCS District Office program plans, overall accomplishments against those plans; and, in conjunction with the Office of USCS and FCS Operations, recommends long-term staffing and resource allocations and is responsible for fiscal planning and monitoring; monitors the State Department's shared administrative support policies and represents the FCS on the Foreign Affairs Administrative Support Inter-Agency Council; maintains liaison with State and Commerce Department administrative offices to provide for FCS posts and USCS District Offices, including space, negotiation and management of leased quarters, renovation, supply, and local transportation; participates on the Inter-Agency Allowance Committee to determine appropriate overseas allowances; cooperates with Commerce and State Department security offices to provide policy guidance and support to the FCS in the areas of employment and physical security; develops management reports, briefings and conferences; and develops and maintains operations manuals for the FCS and USCS.

.04 The *Office of FCS Operations* is responsible for developing post commercial action plans and maintaining liaison with the Trade Development, Trade Administration, and regional Deputy Assistant Secretaries on behalf of the overseas posts; provides day-to-day operational management of the FCS posts in coordination with the regional Deputy Assistant Secretaries and country offices; regularly monitors accomplishments against the country

plans and mediates workload disputes between FCS posts and trade program Deputy Assistant Secretaries; appraises the performance of senior commercial officers on the non-program critical elements of their performance plans (i.e., (1) counseling for small and medium-sized businesses, (2) major multipliers, and (3) administration, training, management and supervision, and external representation) and reviews, for the Director General, the program performance appraisals provided by the regional Deputy Assistant Secretaries; establishes and maintains liaison with other Government agencies, industry consultative groups, and academe to develop techniques for delivering programs to promote U.S. commercial interests abroad; establishers and monitors the use of small business facilities abroad; provides management oversight of the commercial libraries abroad; proposes overseas staffing levels; and, in conjunction with the Office of Planning and Management, makes recommendations to the Director General for allocating FCS resources.

.05 The *Office of USCS Operations* develops District Office Plans and maintains liaison with the relevant deputy assistant secretaries of Trade Development and Trade Administration in order to provide day-to-day guidance and direction to the USCS District Offices through the Regional Managing Directors in conjunction with the program priorities of the relevant deputy assistant secretaries; monitors program operations and accomplishments against the District Office plans and mediates workload conflicts between the Regional Managing Directors and relevant deputy assistant secretaries; appraises the performance of the Regional Managing Directors on the non-program support elements of the performance plans (i.e., (1) counseling for small and medium-sized business, (2) major multipliers, including state and local governments and their regional or national organizations, (3) administration, training, management and supervision) and reviews, for the Director General, the program performance appraisals provided by the relevant deputy assistant secretaries; establishes and maintains liaison with other Government agencies, industry consultative groups, and academe to develop techniques for more effective program implementation; communicates and interprets matters affecting ITA programs and participates in interdepartmental, interagency and private sector meetings which involve program issues related to field program implementation; establishes and monitors a program activity reporting system for District Offices in consultation with the Office of Planning and Management; coordinates the operation of the District Export Council, Associate Office, Federal-State Relations, Federal Procurement Conference and Business Development Conference programs with the District Offices through the Regional managing Directors; coordinates tasking and activities of the field advisory group and ad hoc task forces; and coordinates the operation of the E Awards and seminar programs.

0.6 The *FCS Overseas,* consistent with the country plan, supports and carries out trade promotion activities; develops marketing and commercial intelligence; facilitates U.S. investment; monitors U.S. rights and opportunities created by trade agreements; supports ITA import and export administration activities; and provides representation to host governments on behalf of U.S. business firms. The senior commercial officer in a country coordinates the activities of all ITA personnel in that country.

.07 The *USCS District Offices,* consistent with plans developed in coordination with the relevant ITA deputy assistant secretaries, offer U.S. firms counseling on overseas marketing, technical export information, and guidance on marketing opportunities and strategies; conduct seminars, workshops and conferences; obtain commercial information from U.S. firms for use in planning and evaluating trade programs; and disseminate to the business community information on trade developments, trade policy issues,and technological developments. District Directors in the ten Uniform Federal Regional Council Cities of Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco and Seattle act as designated Regional Emergency Coordinators in accordance with instructions and guidance issued by the Department through the Director General.

.08 The *Commercial Services Information Center* maintains an export reference facility for the use of Government and the business community which includes information on major foreign projects under consideration by international financial institutions, market research and projected opportunities reported by FCS Posts and USCS District Offices; provides information and technical assistance to the users of the facility, including information and counseling on a wide range of export services available from the Government and the private sector; provides assistance through FCS Posts and USCS District Offices to resolve trade disputes between U.S. sellers and foreign purchasers; designs, tests and evaluates training materials and techniques to assist U.S. businesses; provides training for both FCS and USCS personnel in gathering, accessing and disseminating commercial information to the business community; and manages the publication of the *Commerce Business Daily.*

Part V. Assistant Secretary for International Economic Policy

Section 1. Delegation of Authority.

.01 Pursuant to the authority delegated to the Under Secretary by the Secretary of Commerce, and subject to such policies and directives as the Under Secretary may prescribe, the Assistant Secretary for International Economic Policy is hereby delegated the authority of the Under Secretary under:

a. The Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.*; U.S.C. 171 *et seq.*), to foster, promote, and develop the foreign and domestic commerce of the United States, and related provisions;

b. Such portions of the foreign Service Act of 1980 (22 U.S.C. 3901 *et seq.*) and such other laws the exercise of which are authorized to the Secretary under section 5(b)(2) of Reorganization Plan No. 3 of 1979 and by section 1–104 of Executive Order 12188 of January 2, 1980, as amended, as are necessary to carry out the Assistant Secretary's responsibility to supervise the program activities of the Foreign Commercial Service; and

c. The China Trade Act of 1922, as amended (15 U.S.C 141 *et seq.*).

.02 Except as otherwise provided the Assistant Secretary may redelegate the above authorities, subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Organization and Functions.

The *Assistant Secretary for International Economic Policy* carries out programs to promote world trade and to strengthen the international trade and investment position of the United States; examines and develops trade and investment policy recommendations which are bilateral, regional and multilateral in nature (in consultation with units of Trade Development where significant industry sector or product-specific issues are involved); represents the Department on such matters, as assigned; promotes U.S. trade objectives in particular countries and regions

through supervision of the relevant program support activities of the Foreign Commercial Service posts overseas (through the regional Deputy Assistant Secretaries, and in coordination with the Director General); manages bilateral joint commissions and other institutions; implements and monitors the non-sectoral aspects of the Multilateral Trade Negotiations; and coordinates ITA participation arising in the context of the general Agreement of Tariffs and Trade (GATT) and in international organizations such as the Organization for Economic Cooperation and Development (OECD), the United Nations (UN), the UN Conference on Trade and Development (UNCTAD), and others. The Assistant Secretary carries out these functions through:

.01 The *Deputy Assistant Secretary for International Economic Policy* who serves as the principal deputy to the Assistant Secretary, performs such duties as the Assistant Secretary may assign, and performs the functions of the Assistant Secretary during the latter's absence; develops positions on international economic and trade policy issues which are multilateral in nature (in consultation with Trade Development officials when significant sectoral issues are involved); develops positions on outward investment issues and functional trade policy issues which are not country or sector specific; and ensures effective operations by overseeing, with the director General of the U.S. and Foreign Commercial Services, the regional Deputy Assistant Secretaries in the supervision of the program activities of the Foreign Commercial Service.

The DAS manages two offices:

a. The *Office of Policy Coordination* provides support to the Assistant Secretary and the DAS in ensuring policy and program consistency across the various units of International Economic Policy; manages International Economic Policy issues which are crosscutting in nature, including outward investment issues; and develops uniform policies for supervising the program activities of the Foreign Commercial Service.

b. The *Office of Multilateral Affairs* coordinates the development of ITA's positions on non-sectoral international trade and investment policy issues which arise in a multilateral context, including the GATT, OECD, the UN, and other international organizations; as assigned, provides representation to these organizations, and to interagency bodies working on multilateral non-sectoral issues; provides central secretariat services for ITA participation in these international organizations; implements the non-sectoral aspects of the Multilateral Trade Negotiations (MTN); and develops special studies related to the formulation of U.S. trade and investment policy within a multilateral context, with particular emphasis on the reform of the multilateral system of rights and obligations on trade policy matters.

.02 Four regional Deputy Assistant Secretaries as follows:

a. The *Deputy Assistant Secretary for Europe* directs:

1. The Office of the European Community;
2. The Office of Non-EC Europe; and
3. The Office of USSR and Eastern Europe.

b. The *Deputy Assistant Secretary for the Western Hemisphere* directs:

1. The Office of North America;
2. The Office of Central America; and
3. The Office of South America.

c. The *Deputy Assistant Secretary for East Asia and the Pacific* directs:

1. The Office of Japan;
2. The Office of the PRC and Hong Kong; and
3. The Office of the Pacific Basin.

d. The *Deputy Assistant Secretary for Africa, the Near East, and South Asia* directs:

1. The Office of Africa;
2. The Office of the Near East; and
3. The Office of South Asia.

.03 Each of the regional Deputy Assistant Secretaries, for the region and through the country offices, for the countries within his or her region, analyzes and develops recommendations for international economic, trade, and investment policy strategies and objectives and serves as the focal point within the Department for dealing with bilateral and regional economic, investment, and commercial policy issues; formulates positions on economic and commercial policies affecting the region, including preparation and representation at interagency and international meetings and negotiations on bilateral and regional economic issues; monitors information on economic and commercial developments and maintains in-depth commercial and economic expertise on individual countries and the region; and provides geographic supervision of the Foreign Commercial Service country senior officers overseas, and, jointly with the Director General, appraises their performance. The DAS and his/her country offices are the contact point for communications between ITA and FCS overseas posts on country program issues.

Part VI. Assistant Secretary for Trade Administration

Section 1. Delegation of Authority.

.01 Pursuant to the authority delegated to the Under Secretary by the Secretary of Commerce, and subject to such policies and directives as the Under Secretary may prescribe, the Assistant Secretary for Trade Administration is hereby delegated the authority of the Under Secretary under:

a. The Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.*; 15 U.S.C. 171 *et seq.*) to foster, promote, and develop the foreign and domestic commerce of the United States, and related provisions;

b. Section 303 and Title VII (including Section 771(1)) of the Tariff Act of 1930 (17 U.S.C. 1303; 1671 *et seq.*) in accordance with section 5(a)(1)(C) of Reorganization Plan No. 3 of 1979 (44 FR 69273, December 3, 1979), relating to: (1) antidumping and countervailinig duties, except that the authority to make final determinations as "Secretary" or "administering authority" may not be redelegated beyond the Assistant Secretary; and (2) determination, as "administering authority" of subsidies on articles of quota cheese under Section 702 of the Trade Agreements Act of 1979 (93 Stat. 269);

c. Sections 514, 515, and 516 of the tariff Act of 1930 (19 U.S.C. 1514, 1515, and 1516) and section 5(a)(1)(D) of Reorganization Plan No. 3 of 1979, insofar as they relate to any protest, petition, or notice of desire to contest described in section 1002(b)(1) of the Trade Agreements Act of 1979;

d. Sections 318, 502 (a) and (b), and 617 of the Tariff Act of 1930 (19 U.S.C. 1318, 1502 (a) and (b), and 1617) and sections 5(a)(1)(E), 5(a)(1)(F), and 5(a)(1)(G), respectively, of Reorganization Plan No. 3 of 1979, insofar as they relate to antidumping and countervailing duty investigations and the assessment of duties;

e. Section 2632(e) of Title 28 of the United States Code and Section 5(a)(1)(H) of Reorganization Plan No. 3 of 1979, insofar as they related to actions taken by the Secretary reviewable under section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a);

f. Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512), relating to the importation of foreign excess property;

g. The Educational, Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1201);

h. Headnote 6 of schedule 7, part 2, subpart E of the Tariff Schedules of the

United States (19 U.S.C. 1202) pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements;

i. The Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a *et seq.*), and the implementing regulations in 15 CFR Part 400, including authority to act for the Secretary in all Foreign-Trade Zones Board matters except grants of authority to establish new zones;

j. The Defense Production Act of 1950, as amended (50 U.S.C. app. 2061 *et seq.*) conferred on the Secretary under: (1) Executive Order 10480 of August 14, 1953, as amended, including authority to restrict surface transportation and discharge of commodities or to prohibit movement of American carriers to designated destinations, except the authority to create new agencies within the Department of Commerce; and (2) Executive Order 11912 of April 13, 1976;

k. Executive Order 11490 of October 28, 1969, as amended, as it relates to the development, as required for the programs of the Director, Federal Emergency Management Agency, of national emergency plans and preparedness programs covering production and distribution of materials, use of production facilities, control of construction materials, the furnishing of basic industrial services, and regulation and control of exports and imports;

l. The National Security Act of 1947, as amended (50 U.S.C. 401 *et seq.*) and Executive Order 11490 of October 28, 1969, as amended, relating to mobilization preparedness;

m. Executive Order 11179 of September 22, 1964, as amended, with respect to the establishment and training of the National Defense Executive Reserve;

n. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

o. Section 1441 of the Public Health Service Act, as amended by the Safe Drinking Water Act (42 U.S.C. 300j) conferred on the Secretary under Executive Order 11879 of September 17, 1975, involving materials allocation of chemicals or substances necessary for treatment of water;

p. Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) and section 5(a)(1)(B) of Reorganization Plan No. 3 of 1979, relating to the conduct of national security investigations on imports;

q. The Export Administration Act of 1979, as amended (50 U.S.C. app. 2401 *et seq.*), and the authority under that Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, and Executive Order 12002 of July 7, 1977, except that the following power, authority, and discretion shall be reserved to the Secretary:

1. The determination required by Section 12(c) with respect to the publication or disclosure of confidential information obtained under the Act, and

2. The submission of reports to the Congress required by Section 14 of the Act;

r. Executive Order 11958 of January 18, 1977, as it relates to the carrying out, on behalf of the Department of State, of functions under Section 38(e) of the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), as agreed to by the Departments of Commerce and State;

s. Executive Order 11322 of January 5, 1967, and Executive Order 11419 of July 29, 1968, relating to the Rhodesian sanctions with respect to transactions occurring prior to December 16, 1979 (Executive Order 12183 of December 16, 1979, revoked the provisions of Executive Orders 11322 and 11419 with respect to transactions occurring after December 16, 1979);

t. The Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 *et seq.*) and the authority under that Act conferred on the Secretary under Executive Order 12058 of May 11, 1978, pertaining to nuclear exports and related matters; and

u. Sections 103 and 251 of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*) conferred on the Secretary under Executive Order 11912 of April 13, 1976, relating to: (1) export restrictions of coal, petroleum products, natural gas, or petrochemical feedstocks and supplies of material or equipment necessary to maintain or further exploration, production, refining, or transportation of energy supplies or for the construction or maintenance of energy facilities within the United States; and (2) rules to authorize the export of petroleum and petroleum products as may be necessary for implementation of the obligations of the United States under the International Energy Program.

.02 Except as otherwise provided, the Assistant Secretary may redelegate the above authorities subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Organization and Functions.

The *Assistant Secretary for Trade Administration* directs the activities of the Deputy Assistant Secretaries for Trade Administration, Import Administration, Export Administration, and Export Enforcement; exercises the functions of the "Secretary" and "administering authority" of U.S. antidumping and countervailing duty laws within the meaning of Section 303 and Title VII of the Tariff Act of 1930, as amended; chairs the Committee of Alternates of the Foreign-Trade Zones Board and acts for the Secretary in all Board matters except grants of authority to establish new zones; and chairs the Advisory Committee on Export Policy.

The Office of the Assistant Secretary includes a *Hearing Commissioner* who conducts hearings, issues initial decisions, and performs other duties with respect to administrative proceedings under the Export Administration Regulations; as requested by the Department of State, serves as presiding official in administrative proceedings under the International Traffic in Arms Regulations; and, as requested, provides administrative support to the Assistant Secretary concerning appeals, except those appeals from initial decisions made by the Hearing Commissioner.

The Assistant Secretary carries out these responsibilities through:

.01 The *Deputy Assistant Secretary for Trade Administration* serves as the principal deputy to the Assistant Secretary; performs such functions as the Assistant Secretary may assign; and assumes the duties of the Assistant Secretary during the latter's absence.

.02 The *Deputy Assistant Secretary for Import Administration* coordinates the formulation and implementation of U.S. antidumping and countervailing duty policies and programs; and administers programs relating to foreign-trade zones, allocation of watch quotas, duty-free entry of scientific instruments, and importation of foreign excess property. The DAS directs the following offices:

a. The *Office of Investigations* evaluates petitions received and conducts investigations under the antidumping and countervailing duty (AD/CVD) laws; performs analyses which will form the basis of recommendations regarding the disposition of individual AD/CVD cases; serves as primary contact point with the U.S. International Trade Commission on matters pertaining to administration of AD/CVD cases, such as determination of the product definition and provision of calculations and analyses which form the basis of determinations reached; and arranges public hearings involving interested parties when requested in the course of investigations.

b. The *Office of Compliance* collects and analyzes data used to determine the amount of antidumping and countervailing duties to be collected yearly on existing antidumping and

countervailing duty orders; monitors negotiated agreements resulting in the suspension of antidumping and countervailing duty investigations; serves as primary contact point with the U.S. Customs Service on matters pertaining to administration of antidumping and countervailing duty laws, such as collection of antidumping and countervailing duties, and development of data required for AD/CVD cases; arranges public hearings when requested regarding the proposed results of annual reviews; and performs analyses necessary to determine the types and amounts of subsidies provided by foreign governments on articles of quota cheese.

c. The *Office of Policy* serves as principal staff to the DAS in the formulation and implementation of policies governing the administration of antidumping and countervailing duty statutes, ensuring that actions taken are consistent with overall U.S. trade policy; in consultation with the Office of General Counsel, ensures the uniform application of statutory and regulatory provisions of AD/CVD laws on a case-by-case basis; participates with the Office of the U.S. Trade Representative in negotiations regarding possible suspension of antidumping or countervailing duty investigations; and acts for the DAS and, as appropriate, the Assistant Secretary for Trade Administration, in representing their views in domestic, interagency, and international forums.

.03 The *Deputy Assistant Secretary for Export Administration* carries out the Department's responsibilities for regulating exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply, and ensuring industrial mobilization and resource administration for the national defense. The DAS directs the following offices:

a. The *Office of Export Administration* administers the programs required to regulate the export of U.S. commodities and technical data under the Export Administration Act of 1979, as amended, for purposes of national security and foreign policy; seeks, in collaboration with other Federal agencies, the adoption by foreign countries of such controls over their exports as will advance the policies of the United States with respect to national security and foreign policy; and provides secretariat and administrative support services to Technical Advisory Committees established under the Export Administration Act and to the Subcommittee on Export Administration of the President's Export Council.

b. The *Office of Industrial Resource Administration* performs national defense and strategic industrial resource functions, including those authorized by the Defense Production Act of 1950, as amended; administers priorities and allocations to assist in achieving an adequate supply of strategic, critical, and other products and materials for defense and defense-supporting activities and essential civilian needs, including the timely completion of current military, atomic energy, and space programs for production, construction, and research and development, and maximizing domestic energy supplies; participates in the development of national plans to assure maximum readiness of the strategic industrial resources of the United States, including the means for administering them, to meet future demands of any national emergency; plans and coordinates ITA's emergency readiness functions; conducts investigations in those instances where imports may threaten to impair the national security; and administers the short supply commodity control regulations and program under the Export Administration Act of 1979, as amended

.04 The *Deputy Assistant Secretary for Export Enforcement* carries out, in consultation with the Office of General Counsel, a compliance program to enforce the Export Administration Regulations relating to foreign boycotts against countries friendly to the United States and to exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply; administers programs for opposing such boycotts. The DAS directs the following offices:

a. The *Office of Export Enforcement*, in consultation with the Office of General Counsel, enforces the Export Administration Regulations relating to exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply.

b. The *Office of Antiboycott Compliance* administers and, in consultation with the Office of General Counsel, enforces the regulations and programs required to carry out responsibilities under the Export Administration Act of 1979 regarding foreign boycotts against countries friendly to the United States; develops and coordinates policies and measures for opposing such boycotts; and operates the automated boycott reporting system to provide statistical summaries and enforcement data.

Part VII. The Assistant Secretary for Trade Development

Section 1. Delegation of Authority.

.01 Pursuant to the authority delegated to the Under Secretary by the Secretary of Commerce, and subject to such policies and directives as the Under Secretary may prescribe, the Assistant Secretary for Trade Development is hereby delegated the authority of the Under Secretary under:

a. The Act of February 14, 1903 as amended (15 U.S.C. 1512 *et seq.*; 15 U.S.C. 171 *et seq.*) to foster, promote, and develop the foreign and domestic commerce of the United States, and related provisions;

b. Section 601(b)(1)) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2351(b)(1) conferred on the Secretary under Executive Order 12163 of September 29, 1979, relating to drawing the attention of private enterprise to opportunities for investment and development in less develop friendly countries and areas;

c. The delegation of authority, dated June 25, 1962, from the United States Information Agency under Section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, with respect to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 *et seq.*);

d. The Act of October 18, 1962, as amended (46 U.S.C. 1122b), which authorized mobile trade fairs;

e. The Act of May 27, 1970 (Pub. L. 91–269, 22 U.S.C. 2801 *et seq.*) relating to U.S. participation in international expositions;

f. Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, regarding Textile Trade Agreements;

g. Section 104 of the Trade Act of 1974 (19 U.S.C. 2114) and Section 135 of the Trade Act of 1974 as amended by Section 1103 of the Trade Agreements Act of 1979 (19 U.S.C. 2155) and Section 4(d) of Executive Order 11846 of March 27, 1975, relating to the industry consultations program;

h. Executive Order 11858, of May 7, 1975, relating to foreign investment on the United States;

i. Section 4221 of the Internal Revenue Code of 1954 (26 U.S.C. 4221) and Section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309), insofar as they relate to findings with respect to exemptions from taxes and import duties on supplies and equipment for aircraft;

j. Section 5(b) and 5(c) of Executive Order 11846 of March 27, 1975, relating to quantitative import restrictions and monitoring of imports under orderly market agreements;

k. Sections 3 and 4 of Executive Order 11961 of January 19, 1977, as amended by Executive Order 12013 of October 7, 1977, which delegates to the Secretary of Commerce the authority of the President under Sections 4(a), 4(b), and 5(c) of the International Investment Survey Act of 1976 (Pub. L. 94–472, 90 Stat. 2059, 22 U.S.C. 3103 (a) and (b), and 3104(c)), and Section 4(e) of the International Investment Survey Act, as amended by Pub. L. 97–33 (95 Stat. 170, to be codified at 22 U.S.C. 3101(e)). The functions thereunder shall be carried out in coordination with the Bureau of Economic Analysis, (DOO 35–1A), including, to the extent feasible, the division or assignment of responsibilities. All regulations established to carry out functions under the Act shall be issued by the Under Secretary for International Trade in consultation with the Director, Bureau of Economic Analysis. All reports to be submitted to the Congress required to be undertaken pursuant to the Act, shall be issued by the Secretary;

l. Title III of Pub. L. 96–481 (15 U.S.C. 649a–649d), relating to making grants (including contracts and cooperative agreements) for small business international marketing programs;

m. The Act of December 29, 1979 (Pub. L. 96–169, 93 Stat. 1281) regarding U.S. participation in the International Energy Exposition to be held in Knoxville, Tennessee in 1982;

n. Chapters 3 and 4 of Title II of the Trade Act of 1974, as amended (19 U.S.C. 2341 *et seq.*, 2371 *et seq.*), pertaining to trade adjustment assistance to firms, industries, and communities, except the provisions of 19 U.S.C. 2354 pertaining to studies and reports and information activities in response to investigations and finding of the International Trade Commission (See Department Organization Order 35–5A). The Assistant Secretary for Economic Development retains this authority through September 30, 1981, with respect to adjustment assistance projects in process prior to September 20, 1981, and thereafter such authority to perform all functions related to the furnishing of adjustment assistance (excluding additional assistance or increasing the Government's liability) with respect to those adjustment assistance projects approved prior to October 1, 1981 (See DOO 10–4);

o. Chapter 23 of Title 15, United States Code, which pertains to a clearinghouse for technical information, as is necessary to carry out assigned responsibilities dealing with the preparation and dissemination of business and international economic information; and

p. Titles I and III of Pub. L. 97–290 (15 U.S.C. 4001 *et seq.*, 4011 *et seq.*), except that the authority to negotiate with and obtain the concurence of the Attorney General under Title III of the Act shall be reserved to the General Counsel.

.02 Except as otherwise provided, the Assistant Secretary may redelegate the above authorities subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Organization and Functions.

The *Assistant Secretary for Trade Development* advises on international trade and investment policies pertaining to U.S. business sectors and carries out programs to promote world trade and to strengthen the international trade and investment position of the U.S. In carrying out these functions, the Assistant Secretary directs the Department's program for participation in trade fairs, trade missions and other overseas trade promotion events; conducts programs within the U.S. to expand the export-consciousness of American firms, particularly small and medium-sized businesses, and to facilitate their entry into international trade; promotes the formation of export trading companies and issues certificates of review providing a limited exemption from liability under the antitrust laws for specified export conduct; implements and monitors the sectoral aspects of the Multilateral Trade Negotiations (MTN) and provides advice and assistance to U.S. businesses on rights and opportunities resulting from the MTN; carries out special industry activities to promote exports of major projects and high technology products; examines and develops trade and investment policy recommendations which are industry sector or product-specific in nature (in consultation with appropriate units of International Economic Policy, where significant country or regional issues are involved); represents the Department on such matters, as assigned; obtains private sector views with respect to international economic and commercial policy issues; conducts programs aimed at assistance to industries faced with import competition; and manages ITA's trade-related information and research gathering and dissemination functions. The Assistant Secretary advises Departmental and ITA officials on policies and programs relating to these functions and serves as the National Export Expansion Coordinator.

The Office of the Assistant Secretary includes the *Office of Planning and Coordination* which provides the Assistant Secretary with support for carrying out his responsibilities by identifying major international trade issues; formulating appropriate responses to these issues or coordinating their review and analysis by other program areas; assisting in the development, inplementation and coordination of program plans, priorities, goals, and objectives; ensuring policy and program consistency across the various units of Trade Development; acting as liaison with program areas outside of Trade Development; monitoring, preparing, or coordinating studies, background and briefing papers, correspondence, and other materials for the Assistant Secretary; and representing the Assistant Secretary as requested. Specifically, the Office evaluates and analyzes U.S. and foreign export incentives and disincentives; develops options related to international trade issues; formulates positions and recommends alternatives to improve U.S. trade performance; carries out special studies and projects on international trade issues of interest to the Assistant Secretary; provides staff support to the President's Export Council (PEC) and Departmental officials participating in PEC activities; communicates the President's Export Council recommendations through the Secretary of Commerce to the President; advises the Assistant Secretary in his capacity as coordinator of the National Coal Export Program; maintains liaison with the coal industry and state and local government organizations involved in coal export trade development; monitors trade and domestic economic situations which affect coal trade development; and coordinates and proposes federal government programs to stimulate and facilitate coal exports.

The Assistant Secretary carries out these responsibilities through:

.01 The *Deputy Assistant Secretary for Trade Development* serves as the principal deputy to the Assistant Secretary; performs such functions as the Assistant Secretary may assign; and assumes the duties of the Assistant Secretary during the latter's absence.

.02 *The Deputy Assistant Secretary for Export Development* develops domestic and overseas programs designed to stimulate the expansion of U.S. exports, including activities to foster an export consciousness among U.S. manufacturing and service industries, particularly small and medium-sized businesses, and evaluates the effectiveness of these programs;

promotes the formation of export trading companies and issues certificates of review providing a limited exemption from liability under the antitrust laws for specified export conduct; develops programs to improve the access of U.S. products and services to foreign markets, including identifying barriers and surveying U.S. laws and practices affecting international trade; directs the delivery of export development programs relevant; directs the delivery of export development programs relevant to field support implementation through the Regional Managing Directors of the U.S. Commercial Service; provides Departmental recognition of domestic and foreign trade promotion events; and directs overseas event scheduling, including exhibitor recruitment, resource management, and staging of the Department's trade promotion events. The Office of the DAS contains the *International Expositions Staff* which is responsible for Federal recognition of and participation in international expositions to be held in the United States and the *USCS Liaison Staff* which directs the delivery of export development programs relevant to field support emplementation through the Regional Managing Directors of the U.S. Commercial Service and administers the Small Business Export Development Assistance Program. The DAS directs the following offices:

a. The *Office of Event Management and Support Services* provides direction for facilitating and executing overseas activities arising from the work of other Offices reporting to the DAS for Export Development or agreements with other agencies and Departmental operating units; manages the certification of domestic and foreign trade promotion events and activities; directs event scheduling coordination activities; stimulates and arranges vists to U.S. exhibitions and industrial facilities for foreign business people and government officials; manages contract and other efforts to increase private sector assumption of all appropriate export promotion activities; coordinates and develops, promotional literature to support export development programs; develops recruits and manages the staging overseas of catalog and video-catalog exhibitions; and serves as the central point for managing the administrative resources of the Offices reporting to the DAS for Export Development.

b. The *Offices of Consumer Goods, Transportation and Industrial Components Industries; Capital Goods Industries; and Service Industries* develop programs designed to foster an export consciousness in United States industries and stimulate export marketing in all segments of the domestic economy which have the capability to export. Each office carries out specified export development functions with regard to industries assigned; advises Department officials on U.S. Government actions which would increase the chances for, or present major obstacles to, successful U.S. competition for export sales abroad; conducts recruitment campaigns to attract U.S. industry to participate in overseas exhibitions; maintains information on U.S. technological developments and marketing trends in selected industry segments with respect to foreign markets and exporting; works with the USCS District Offices to assist export expansion activities of State, regional, and local agencies and works directly or through the District Offices to provide information and counseling to U.S. exporters on the mechanics of exporting; facilitates foreign direct capital investments, joint ventures and licensing by foreign firms in the U.S.; develops and plans trade promotion techniques including operating trade and seminar mission programs and special export promotional events; encourages U.S. firms to export to their full potential and works with the export community to support private sector program initiatives and to develop joint programs.

c. In addition to the functions identified in Section 2.02b, the *Office of Service Industries* provides policy guidance and program recommendations to foster the international operations of U.S. service industries (such as insurance, accounting, engineering and construction, advertising, computer and telecommunications services, leasing, franchising, and air and marine shipping); and develops and implements policies relating to U.S. and foreign taxation of international service and other business operations, international technology transfer, international business practices, international aspects of antitrust, international standardization, patent and copyright protection, and related matters arising from the international commercial and investment operations of U.S. firms.

d. The *Office of Export Trading Company Affairs* promotes, in cooperation with the Director General of the U.S. and Foreign Commercial Services, the formation of export trade associations and export trading companies; facilitates, in consultation with the Deputy Assistant Secretary for Trade Information and Analysis, contact between producers of exportable goods and services and firms offering export trade services, and issues certificates of review providing a limited exemption from liability under the antitrust laws for specified export conduct.

.03 The *Deputy Assistant Secretary for Industry Projects* examines and develops trade policy recommendations which are industry sector or product-specific in nature (in consultation with units of International Economic Policy, where significant country or regional issues are involved); obtains private sector views with respect to international economic and commercial policy issues; implements, monitors, and participates in international consultation and renegotiation of MTN tariff, non-traiff and other agreements for non-agricultural industries and services and develops and provides U.S. business with information and assistance on new U.S. rights and opportunities under the MTN codes and other agreements; represents the Department in international finance and development assistance affairs; provides representation on or staff support to Departmental representatives on committees or other groups dealing with export finance, export guarantees, credit insurance and related issues; and conducts a program to assist U.S. companies to compete for major infrastructure and industrial systems contracts abroad. The DAS directs the following offices:

a. The *Office of International Sector Policy* develops and inplements policies relating to international sectoral issues, including trade problems and opportunities of individual industries, safeguard issues, product-specific trade legislation, import relief cases and Orderly Marketing Agreements (OMA's); provides staff support for the OECD Steel Committee and, as appropriate, other interagency and international meetings on industry-specific trade policy matters; develops foreign country industry-specific trade policy negotiating goals and objectives; and coordinates private sector participation in the international industry sector and trade policy development process, including the provision of information and advice to the private sector concerning rights and opportunities created by U.S. trade agreements and operation of the Industry Consultation Program.

b. The *Office of Major Projects* serves as the focal point in the Department for providing Government-wide assistance to U.S. firms on major international business transactions; indentifies foreign capital projects with major

export potential which should be brought to the attention of U.S. industry or which are likely to require special U.S. Government assistance for successful participation by American firms; informs U.S. firms of specific large-scale projects with significant potential for exports of U.S. goods and services; and assists them on a case-by-case basis in competing for such projects, coordinating support from other areas of ITA and other Federal agencies, as necessary. The office communicates directly with other Federal agencies, international financial institutions, and with U.S. Missions abroad including FCS post and is responsible for advising senior Department officials on U.S. Government actions which would increase the chances for major U.S. contract awards to U.S. businesses, or on major obstacles to the successful U.S. competition for major contracts abroad.

c. The *Office of International Finance* identifies key issues and develops policies relating to international finance and monetary affairs; represents the Department on the National Advisory Council on International Monetary and Financial Policies (NAC) and other bodies dealing with export financing, export and investment guarantees, credit insurance, foreign lending and assistance activities of U.S. and international agencies, and balance of payments measures; and provides analytical and staff support for the Secretary's participation as a member of the Export-Import Bank Board and as Chairman of the Export Expansion Advisory Committee of the Export Expansion Facility Administered by the Export-Import Bank. The Office actively supports measures to obtain adequate and competitive financing for U.S. firms competing for major infrastructure and industrial systems contracts abroad.

.04 The *Deputy Assistant Secretary for Trade Information and Analysis* manages the development and dissemination of international trade and economic data, research and analysis for use by ITA policy makers, other U.S. government agencies and external users; directs a program to analyze and report on international investment; manages the development and dissemination of timely international trade information of commercial use to exporters, including the development of appropriate ADP and user fee systems and procedures; and provides user support to other units in Trade Development and ITA for the automation of trade information. The DAS directs the following offices:

a. The *Office of Trade and Investment Analysis* develops and implements policies relating to foreign direct investment in the U.S.; directs the accomplishment of analysis and reporting requirements in accordance with the International Investment Survey Act of 1976 and Executive Orders 11858 and 11961; conducts statistical and analytical studies of trade between the U.S. and foreign economies and related trade issues and policies; and maintains a program providing trade and trade-related data to both government and private sector users.

b. The *Office of Trade Information Services* gathers and disseminates commercial trade-related information to users in business and government; develops trade information products and services in response to user needs and changes in the U.S. international trade position; develops and implements user fee objectives and procedures which aim to recover costs associated with providing such information; provides services and support to the U.S. and Foreign Commercial Services and other ITA units relating to dissemination of trade information through the Automated Information Transfer System (AITS) or other methods; and undertakes a program of research to identify the mix of industries, products and foreign markets that represent an optimum focus for trade development programs.

c. The *Office of Program Information Management* directs the design, development amd maintenance of computer-assisted information systems for the management and use of trade information; develops and manages a planning system to assure the long-range effectiveness of trade program information management throughout Trade Development; builds the computer literacy of executives, managers, and other personnel; locates, defines, evaluates and implements user applications; has direct management responsibility for the Trade Policy Information System, the Automated Information Transfer System and other systems in the Office of Program Information Management; and has advisory management responsibility for other trade information management systems elsewhere in the International Trade Administration.

.05 The *Deputy Assistant Secretary for Textiles and Apparel* directs the development of the Department's position on international textile agreements and relations and the domestic textile and apparel industries; chairs the Committee for the Implementation of Textile Agreements, the Management-Labor Textile Advisory Committee, the Importers and Retailers' Textile Advisory Committee, and the Exporters' Textile Advisory Committee; and directs the following office:

a. The *Office of Textiles and Apparel* participates in and provides analytical support for international textile negotiations in consultation with the appropriate regional Deputy Assistant Secretary; provides studies and analyses of domestic and foreign fiber, textile, and apparel industries; monitors textile and apparel imports; develops and coordinates domestic trade and export expansion programs; develops, as resources permit, initiatives to improve domestic textile and apparel industries' productivity and marketing; provides legislative comment and serves as liaison with industry, trade groups, and foreign government officials; provides appropriate administrative support to the committees mentioned above.

.06 The *Deputy Assistant Secretary for Trade Adjustment Assistance* directs the trade adjustment assistance program, including the development of policies to implement the program, and directs the following office:

a. The *Office of Trade Adjustment Assistance* certifies firms as eligible to apply for assistance and provides technical and financial assistance to certified firms; provides trade adjustment assistance to industries and communities adversely affected by imports; develops a monitoring program to assure that firms comply with the terms of their adjustment proposals and any agreements pertaining to the adjustment assistance received; maintains reserves against outstanding loan guarantees as authorized by Section 255(f) of the Trade Act of 1974; establishes procedures for dealing with delinquent firms; evaluates the performance of firms which have received trade adjustment assistance; coordinates the trade adjustment assistance program with other Federal agencies, including the Department of Labor, the International Trade Commission, and the Office of the United States Trade Representative (USTR); and provides representation for the Commerce Labor Adjustment Action Committee (CLAAC).

Lionel H. Olmer,

Under Secretary for International Trade.

[FR Doc. 83-15504 Filed 6-9-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Man-Made Fiber Textile Products from Romania

June 7, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing to account for carryforward used during 1982 the level established for man-made fiber suits in Category 643/644 pt. (only T.S.U.S.A. numbers 379.3160, 379.6976, 379.9560, 379.9565, 383.2230, 383.5382, and 383.9060) from 28,092 dozen to 24,811 dozen. This adjustment applies to goods produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1983.

A description of the textile categories in terms of T.S.U.S.A numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924)

SUMMARY: The Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania provides for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the level in the succeeding year. Pursuant to the terms of the bilateral agreement, as amended, the level of restraint established for Category 643/644 pt. is being reduced for the twelve-month period which began on January 1, 1983 to account for carryforward used during 1982.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On February 28, 1983, there was published in the **Federal Register** (48 FR 8325) a letter dated February 22, 1983 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of wool and man-made fiber textile products, including Category 643/644 pt., produced or manufactured in Romania, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to reduce the level of restraint established for Category 643/644 pt. to the designated amount.

Walter C. Lenahan

Chairman, Committee for the Implementation of Textile Agreements.

June 7, 1983.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On February 22, 1983, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983 of wool and man-made fiber textile products, produced or manufactured in Romania, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment. [1]

Effective on June 14, 1983 paragraph 1 of the directive of February 22, 1983 is amended to include an adjusted level of restraint of 24,811 dozen [2] for man-made fiber textile products in Category 643/644 pt. [3] produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

The action taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of man-made fiber textile products from Romania has been determined by the committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, this direction to the Commissioner of Customs, which is necessary for the implementation of such action, falls within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

[1] The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United Staes and the Socialist Republic of Romania, which provide, in part, that: (1) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (2) consultations may be held to adjust levels of restraint for categories not subject to specific limits; and (3) administrative arrangements or adjustments may be made to resolve problems arising under these provisions of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1982.

[3] In Category 643/644, only T.S.U.S.A. numbers 379.3160, 379.6976, 379.9560, 379.9565, 383.2230, 383.5382, and 383.9060.

Sincerely,
Walter C. Lenahan,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83–15622 Filed 6–9–83; 8:45 am]
BILLING CODE 3510-25-M

Adjusting the Level of Restraint for Certain Wool and Man-Made Fiber Apparel Products Exported From the Polish People's Republic

June 7, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the level of restraint established for wool and man-made fiber suits in Category 443/643/644 from 15,150 dozen to 16,059 dozen, produced or manufactured in Poland and exported during the agreement year which began on January 1, 1983 by the application of carryforward. The sublimit for Category 443/643/644 pt. (except leisure suits in T.S.U.S.A. numbers 379.8351, 379.8352 379.8920, and 379.9560) is being similarly adjusted for the same agreement period from 12,473 to 13,269 dozen.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 15, 1980 and March 21, 1981, as amended, between the Governments of the United States and the Polish People's Republic provides, among other things, for the borrowing of yardage in certain categories from the succeeding year's level with the amount used being deducted from the level in the following year (carryforward).

Under the terms of the bilateral agreement, and at the request of the Government of the Polish People's Republic, the import restraint levels for Category 443/643/644 and its sublimit are being increased for the twelve-month period which began on January 1, 1983.

EFFECTIVE DATE: June 14, 1983.

SUPPLEMENTARY INFORMATION: On December 23, 1982, there was published in the **Federal Register** (47 FR 57322) a letter dated December 17, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain cotton, wool, and man-made fiber textile products, including Category 443/643/644, produced or manufactured in Poland, which may be entered into the

United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to permit entry for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Category 443/643/644 and its sublimit, produced or manufactured in Poland, at the designated, increased levels during the agreement year which began on January 1, 1983.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

June 7, 1983.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 17, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983 of cotton, wool, and man-made fiber textile products in certain specific categories, produced or manufactured in Poland, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 15, 1980 and March 21, 1981, as amended, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on June 14, 1983, to increase the twelve-month level of restraint for Category 443/643/644 of the following:

Category	Amended 12-month level of restraint [1]
443/643/644	16,059 dozen of which not more than 13,269 dozen shall be applied to all T.S.U.S.A. numbers in these categories except 379.8351, 379.8352, 379.8920, and 379.9560.

[1] These levels have not been adjusted to reflect any imports after December 31, 1982.

The action taken with respect to the Government of the Polish People's Republic and with respect to imports of wool and man-made fiber textile products from Poland has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-15823 Filed 6-9-83; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 15, 1980 and March 21, 1981, as amended, between the Governments of the United States and the Polish People's Republic which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Changes in Officials of the Government of India Authorized To Issue Export Visas and Exempt Certifications for Certain Cotton, Wool and Man-Made Fiber Products From India

June 7, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing changes in the officials of the Government of India authorized to issue export visas and certifications for exempt cotton, wool and man-made fiber textile products from India.

SUMMARY: The Government of India has notified the United States Government that Mr. N. Radhakrishnan is authorized to issue export visas and certifications for exempt textile products exported to the United States, replacing Mr. P.R. Sreedharan, who will no longer issue and sign these documents.

EFFECTIVE DATE: June 11, 1983.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (20/377-4212).

SUPPLEMENTARY INFORMATION: On November 29, 1979, a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the **Federal Register** (44 FR 68504, which established a new export visa requirement and certification for exemption of certain cotton, wool and man-made fiber textile products, produced or manufactured in India and exported to the United States. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of India. The Government of India has added Mr. N. Radhakrishnan to replace Mr. P.R. Sreedharan who is no longer authorized to issue export visas and certifications for exemption.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-15821 Filed 6-9-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Addition and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to and Deletions from Procurement list.

SUMMARY: This action adds to and deletes from Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: June 10, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On April 1, and April 15, 1983, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (48 FR 14021 and 48 FR 16313) of proposed addition to and deletions from Procurement List 1983, November 18, 1982 (47 FR 52101).

Addition

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirement.

b. The action will not have a serious economic impact on any contractor for the service listed.

c. The action will result in authorizing a small entity to provide a service procured by the Government.

Accordingly, the following service is hereby added to Procurement List 1983:

SIC 9199

Administrative Services, Environmental Protection Agency, 6th and Walnut Streets, Philadelphia, Pennsylvania

Deletions

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities and service are hereby deleted from Procurement List 1983:

Class 7510

Portfolio
7510–00–616–7241
7510–00–551–9813
7510–00–616–7239
7510–00–558–1571
7510–00–995–4857
7510–00–995–4854
7510–00–995–4853
7510–00–995–4850

SIC 7399

Assembly, Food Packet, Isolated Site (8 Menus)

C. W. Fletcher,

Executive Director.

[FR Doc. 83–15656 Filed 6–9–83; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1983; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1983 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: July 13, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions

If the the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and service listed below from workshops for the blind or other severly handicapped.

It is proposed to add the following commodity and service to Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 7510

Clip, Paper, Binder, Small
7510–00–282–8201

SIC 7369

Commissary Shelf Stocking, Naval Submarine Base, Bangor, Washington

C. W. Fletcher,

Executive Director.

[FR Doc. 83–15657 Filed 6–9–83; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session on 22–23 June 1983 at Hanscom AFB, Massachusetts, Conference Room Building 1128.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency, and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. 92–463, as amended (5 U.S.C. App. 1 section 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

June 7, 1983.

[FR Doc. 83–15630 Filed 6–9–83; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Titles of Information Collection and Form Number, if applicable; (3) Abstract Statement of the need for the uses of information collection; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point-of-contact from whom a copy of the information proposal may be obtained.

Extension

Treatment Plan RTC (CHAMPUS Form 345A)

This solicitation is necessary to provide medical information required in the authorization evaluation process of CHAMPUS beneficiaries requesting services and treatment from psychiatric residential centers for children and adolescents. Residential Treatment Center Facilities: Responses 4,500; Hours 2,250.

Forward comments to Ed Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and John v. Wenderoth, Agency Clearance Officer, OASD (MS), DIRMS, IRAD, Room 1A658, Pentagon, Washington, DC 20301, (202) 697–1195.

A copy of the information collection proposal may be obtained from Office Services Branch, ATTN, Jane Bomgardner, Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS),

Aurora, Colorado 80045, Telephone (303) 361–3509.

June 7, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83–15631 Filed 6–9–83; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Executive Committee of the Intergovernmental Advisory Council on Education; Closed Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of the Executive Committee of the Intergovernmental Advisory Council on Education meeting. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: June 12, 1983.

ADDRESS: The O'Hare Hilton, O'Hare International Airport, Room 2042, Chicago, Illinois 60666.

FOR FURTHER INFORMATION CONTACT: Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202; (202) 472–6464.

SUPPLEMENTARY INFORMATION: The Executive Committee meeting will be closed to the public to interview applicants for the position of Executive Director of the Intergovernmental Advisory Council on Education. The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 1) and under exemption (6) contained in the Government in the Sunshine Act (Pub. L. 94–409; 5 U.S.C. 552b(c)(6)). Discussion will include consideration of the qualifications and fitness of the applicants and will touch upon matters that would disclose information of a personal nature, which disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. This meeting is a continuation of the Executive Committee meeting as announced on Monday, May 16, 1983, FR 21987.

If it is necessary to conduct additional interviews, the Executive Committee will meet in closed session on June 22 at Stouffer's Cincinnati Towers, 141 West 6th Street, Cincinnati, Ohio, from approximately 2 p.m. to 5 p.m.

The summary of the activities at the closed session or sessions and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting.

Signed at Washington, D.C. on June 7, 1983.

Gary L. Jones,

Under Secretary.

[FR Doc. 83–15749 Filed 6–9–83; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP83–356–000]

Columbia Gas Transmission Corp.; Application

June 6, 1983.

Take notice that on May 31, 1983, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83–356–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for West Virginia Wesleyan College (Wesleyan), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 500 dt equivalent of natural gas per day on a best-efforts basis for two years and year to year thereafter. Applicant proposes to receive the gas from Wesleyan's own wells at an existing point of receipt on Applicant's Line 8000 in Belington, West Virginia. Applicant further proposes to redeliver quantities at existing points of delivery to Columbia Gas of West Virginia, Inc., which would deliver said gas to Wesleyan at its campus in Buckhannon, West Virginia. It is stated that the gas to transported would be produced from wells located in Glade and Barker Districts, Barbour County, West Virginia.

It is further stated that Applicant's transportation charge for the proposed service is its average system-wide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, as reflected in Applicant's rate filings, which charge is presently 40.11 cents per dt equivalent with retainage for company-use and unaccounted-for gas of 2.85 percent of the total quantity of gas received for Wesleyan. Applicant states that its transportation charge is subject to adjustment to reflect revised average system-wide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, contained in its future rate filings. Further, Applicant states that the treatment of revenues would be subject to the determination of its ongoing rate proceeding in Docket No. RP82–120–000. Additionally, all gas transported would be subject to the General R&D Funding Unit of the Gas Research Institute.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission of its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15522 Filed 6–9–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP83–82–000]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

June 6, 1983.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on May 27, 1983, tendered for filing the following proposed changes in its FERC

Gas Tariff, Original Volume No. 2, to be effective March 1, 1983: First Revised Sheet No. 292.

This tariff sheet reflects an amendment to Consolidated's Rate Schedule X–9, an exchange agreement between Consolidated and Cabot Corporation. This amendment provides for conversion of the exchange agreement from a gravity-adjusted volumetric measurement basis to a heating value measurement basis.

A copy of this filing was served on Cabot Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures. All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15523 Filed 6–9–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP77–216–009]

Distrigas of Massachusetts Corp.; Petition To Amend

June 6, 1983.

Take notice that on May 17, 1983, Distrigas of Massachusetts Corporation (DOMAC), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP77–216–009 a petition to amend the order issued on December 28, 1978, in Docket No. CP77–216 pursuant to Section 7(c) of the Natural Gas Act so as to authorize changes in the amount of gas to be delivered to its customers, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

DOMAC requests that its certificate be amended to reflect certain changes in its supplemental LNG supply and peak-shaving project. The manner in which the modification would be effected are summarized as follows:

(A) Authorization to sell up to an additional 8.5 trillion Btu of LNG as option cargoes;

(B) Adjustments in customers' annual contract quantities (ACQ). These adjustments are as follows:

Customer	ACQ (BBtu's)		
	Present ACQ	Reduction by Apr. 1, 1987	Adjusted ACQ
Boston Gas Co	13,746	3,410	10,336
Connecticut Gas Co	1,450	143	1,307
Valley Gas Co	348	17	331

DOMAC also seeks authority to increase the ACQs of The Brooklyn Union Gas Company, Bay State Gas Company, Haverhill Gas Company and New Jersey Natural Gas Company.

In addition, DOMAC submits the following changes:

(1) A change in DOMAC's Rate Schedule TS–1 in its FERC Gas Tariff, First Revised Volume No. 1, Original Sheet No. 16, to provide that the take-or-pay obligation of DOMAC's customers during the winter period (October 1 through March 31) be the equivalent of nine full cargoes of LNG of a ship with a capacity of approximately 125,000 cubic meters and that the take-or-pay obligation in the summer period (April 1 through September 30) be the equivalent of five full cargoes of a ship with a capacity of approximately 125,000 cubic meters;

(2) A new DOMAC Rate Schedule GS-Option which allows participating customers to elect delivery of the equivalent of up to three additional cargoes of approximately 125,000 cubic meters per contract year;

(3) A new DOMAC Rate Schedule TS-Option which provides for the terminalling and delivery of cargoes elected under Rate Schedule GS-Option.

(4) A change in the level of the customer's maximum daily call-out quantity. Paragraphs 6.1 and 6.2, Original Sheet No. 44, First Revised Volume No. 1 also are to be revised to reflect a change in billing procedures.

These modifications would, it is stated, enable DOMAC's customers to match their purchases of supplemental LNG more closely to the current needs of their particular markets. It is asserted that approval of this application would assist in equating the service rendered by DOMAC to a predominately winter-heating service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15524 Filed 6–9–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA83–2–13–001]

Gas Gathering Corp.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

June 6, 1983.

Take notice that on May 24, 1983, Gas Gathering Corporation (GGC) tendered for filing proposed changes in its FERC Gas Tariff providing for decreased charges to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional customer, under GGC's PGA clause. The proposed changes would decrease the rate charged Transco by 0.62258 cents per MMBtu from those rates presently in effect. The proposed changes are proposed to be made effective July 1, 1983. GGC states that the filing is made to allow it to recover increased current costs of purchased gas, and to reduce the balance of its Unrecovered Purchased Gas Cost as of March 31, 1983 through a six-month surcharge.

A copy of the filing has been served upon Transco.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15525 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-4-001, (PGA 83-4, IPR83-2)]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates Pursuant to Purchased Gas Cost Adjustment Provisions

June 6, 1983.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, on May 31, 1983, tendered for filing Fifth Revised Sheet No. 7 and Third Revised Sheet No. 9 in its FERC Gas Tariff, First Revised Volume No. 1, containing proposed changes in rates for effectiveness on July 1, 1983.

According to Granite State, the instant rate adjustments reflect a decrease in its cost of gas purchased from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which Tennessee proposes to make effective July 1, 1983, and the amortization of Unrecovered Purchased Gas Costs. It is stated that Granite State's filing is made pursuant to the purchase gas cost adjustment provision in section XIX of the General Terms and Conditions of its tariff.

Granite State further states that its rate adjustments are applicable to its wholesale sales to its two affiliated distribution company customers: Bay State Gas Company and Northern Utilities, Inc. According to Granite State, the effect of the proposed rates in its filing is a decrease of approximately $2,386,700 annually in the cost gas purchased by its customers, based on purchases and sales for the twelve months ended March 31, 1983.

According to Granite State, copies of the filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15526 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-48-002]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in FERC Gas Tariff

June 6, 1983.

Take notice that on June 1, 1983, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing as part of its F.E.R.C. Gas Tariff, Original Volume No. 1, Second Substitute Eighteenth Revised Sheet No. 7, which reflects decreases in Michigan Wisconsin's one-part rate for SGS-1 customers of 2.64¢ per dekatherm (dth) and for LVS-1 customers of 4.59¢ per dth and the commodity component of its two-part rate of 6.03 cents per dth, and an increase in the demand component of its two-part rate of 30.2 cents per dth.

Also, Michigan Wisconsin submitted Original Volume No. 1, Nineteenth Revised Sheet No. 7, as part of F.E.R.C. Gas Tariff, which reflects decreases in Michigan Wisconsin's one-part rate and the commodity component of its two-part rate of 9.86 cents per dth.

Michigan Wisconsin has also filed Eighth Revised Sheet No. 7a which reflects the fact that since there were zero MSAC's reported by Michigan Wisconsin's customers, there is no PGA reduction.

Copies of this filing were served upon Michigan Wisconsin's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15527 Filed 6-9-83; 8:45]

BILLING CODE 6717-01-M

[Docket No. TA83-2-5-002 (PGA83-4, IPR83-2)]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

June 6, 1983.

Take notice that on May 31, 1983, Midwestern Gas Transmission Company (Midwestern) tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1 to be effective July 1, 1983:

Seventh Revised Sheet No. 5
Eighth Revised Sheet No. 6
Fifth Revised Sheet Nos. 7 and 8

Midwestern states that the sole purpose of the revised tariff sheets is to reflect adjustments to its rates pursuant to rate adjustment provisions of the General Terms and Conditions of its tariff as follows:

(1) PGA Rate Adjustments for the Southern System pursuant to Sections 2 and 3 of Article XVII:

(2) A PGA Adjustment for the Northern System pursuant to Section 3 of Article XVIII;

(3) Estimated Incremental Pricing Surcharges for the Southern System pursuant to Section 2 of Article XXII; and

(4) Estimated Incremental Pricing Surcharges for the Northern System pursuant to Section 2 of Article XXIII.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest witht the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15528 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5401-001]

Puget Sound Power & Light Co.; Surrender of Preliminary Permit.

June 6, 1983.

Take notice that Puget Sound Power & Light Company, Permittee for the proposed South Fork Nooksack River Mile 25 Project No. 5401, has requested that its preliminary permit be terminated. The Preliminary Permit was issued on February 9, 1982, and would have expired on January 31, 1984. The project would have been located on the South Fork Nooksack River near Lyman, in Skagit County, Washington.

The Permittee filed its request on May 2, 1983, and the surrender of its permit for Project No. 5401 is deemed accepted as of May 2, 1983, and effective 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15529 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6249-001]

Seattle Oil Service, Inc.; Surrender of Preliminary Permit

June 6, 1983.

Take notice that Seattle Oil Service, Inc., the Permittee for the proposed Waste Waterway 68D, Dike No. 10 Project No. 6249, has requested that its preliminary permit be terminated. The permit was issued on August 25, 1982, and would have expired February 28, 1984. The project would have been located on the Waste Waterway 68D in Adams County, Washington.

The Permittee filed its request on March 14, 1983, and the surrender of the preliminary permit for Project No. 6249 is deemed accepted as of March 14, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15530 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6264-001]

Seattle Oil Service, Inc.; Surrender of Preliminary Permit

June 6, 1983.

Take notice that Seattle Oil Service, Inc., the Permittee for the proposed Waste Waterway 68D, Dike No. 6, Project No. 6264, has requested that its preliminary permit be terminated. The permit was issued on August 25, 1982, and would have expired February 28, 1984. The project would have been located on the Waste Waterway 68D in Adams County, Washington.

The Permittee filed its request on March 14, 1983, and the surrender of the preliminary permit for Project No. 6264 is deemed accepted as of March 14, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15531 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6118-001]

Seattle Oil Service, Inc., Surrender of Preliminary Permit

June 6, 1983.

Take notice that Seattle Oil Service, the Permittee for the proposed Frenchman Hill Wasteway Station 0+50 Project No. 6118, has requested that its preliminary permit be terminated. The permit was issued on July 9, 1982, and would have expired January 31, 1984. The project would have been located on the Frenchman Hills Waste Waterway in Grant County, Washington.

The Permittee filed its request on March 14, 1983, and the surrender of the preliminary permit for Project No. 6118 is deemed accepted as of March 14, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15532 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-8-000]

South Georgia Natural Gas Co.; Rate Filing

June 6, 1983.

Take notice that on May 27, 1983, South Georgia Natural Gas Company tendered for filing Twenty-Second Revised Sheet No. 4 to First Revised Volume No. 1 of its FPC Gas Tariff to be effective June 1, 1983.

South Georgia states that the sole purposes of the revised tariff sheet is to simultaneously change its rates to reflect the reduced rates charged to South Georgia by its supplier, Southern Natural Gas Company, to be effective June 1, 1983, as approved by the Commission in Docket Nos. RP82-116-000 and TA83-2-7-000. South Georgia requests waiver to make the filing effective as proposed and states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to making protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15533 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-8-001]

South Georgia Natural Gas Co.; Revision to Tariff

June 6, 1983.

Take notice that on May 31, 1983, South Georgia Natural Gas Company (South Georgia) tendered for filing Twenty-Third Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting information is being filed 30 days before the effective date of July 1, 1983, pursuant to the purchased gas adjustment provisions set out in Section 14 of South Georgia's Tariff. South Georgia states that its Twenty-Third Revised Sheet No. 4 reflects no change in the cost of gas from its May 27, 1983 out of cycle PGA rate decrease filing which flows through to South Georgia's customers to benefits of an interim rate reduction made by its supplier, Southern Natural Gas Company (Southern), which will be effective on June 1, 1983. The only change reflected on Twenty-Third Revised Sheet No. 4 is the recomputation of the surcharge adjustment as provided for by § 14.3 of the General Terms and Conditions of South Georgia's Tariff to recover the debit balance of $787,539 in the

Unrecovered Purchased Gas Cost Account to be amortized over the estimated sales over the 6-month period commencing July 1, 1983. The surcharge adjustment rate is 9.93¢ per MMBtu.

Any person desiring to heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15534 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP75-23-015 and CP75-120-008]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Petition To Amend

June 6, 1983.

Take notice that on May 2, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP75-23-015 and CP75-120-008 a petition to amend the order issued on March 7, 1977,[1] in Docket Nos. CP75-23 and CP75-120, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the establishment of new natural gas receipt points for the transportation of natural gas for Tenneco Oil Company (TOC) all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes herein to receive gas from TOC at Cocodrie, Terrebonne Parish, Louisiana, and at Katy, Waller County, Texas, which gas is from TOC's San Juan Basin reserves located in New Mexico. In addition, Petitioner requests that the end-use restriction currently in force in the authorization in Docket Nos. CP75-23 and CP75-120 be eliminated with respect to the transportation of gas from these new receipt points.

Petitioner explains that by order issued March 7, 1977, in Docket Nos. CP75-23-015 and CP75-120-008, it was authorized to transport natural gas for TOC from specified receipt points to a point of interconnection with Creole Gas Pipeline Corporation near Ysclosky, Louisiana, for further delivery to Air Products and Chemicals, Inc. and for delivery to TOC's Chalmette refinery.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15535 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP75-23-016]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

June 6, 1983.

Take notice that on May 2, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-23-016, a petition to amend the order of March 7, 1977, in Docket No. CP75-23 [1] issuing a cetificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas with no end-use restriction upon gas transported, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is asserted that by order issued March 7, 1977, in Docket No. CP75-23, Petitioner was authorized to transport certain sources of natural gas on behalf of Tenneco Oil Company from certain receipt points onshore and certain other receipt points in the Outer Continental Shelf for ultimate delivery to Air Products and Chemicals, Inc., for use at its New Orleans Louisiana, plant. It is stated that the order restricted the use of the gas for feedstock or process use only. Petitioner states that in Opinion No. 10, issued March 20, 1978 (2 FERC ¶ 71,247), the Commission granted rehearing of Opinion No. 789 and amended the certificate in this docket so as to eliminate authorization for the transportation of gas from the Outer Continental Shelf on the ground that natural gas from the offshore federal domain should be sold to interstate pipelines or local distributors for system supply. Further, it is asserted that in Opinion No. 10-B issued December 23, 1982 (21 FERC ¶ 61,320), the Commission adhered to its former ruling with respect to the offshore applications before it but denied those applications without prejudice stating that it would apply a different policy to future applications to transport offshore supplies, and, additionally, the Commission stated that it was revising the former end-use policy. Petitioner, therefore, requests elimination of the end-use restrictions previously applied. Petitioner does not propose any change in volumes of gas transported, receipt points, or other terms of the authorization previously issued.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15536 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

---

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1) it was transferred to the Commission.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. TA83-2-10-001 (PGA83-2)]

Tennessee Natural Gas Lines, Inc.; PGA Tariff Filing

June 6, 1983.

Take notice that on May 31, 1983, Tennessee Natural Gas Lines, Inc. ("TNGL"), tendered for filing a rate change, pursuant to the purchased gas cost adjustment ("PGA") provisions of its F.E.R.C. Gas Tariff, First Revised Volume No. 1, consisting of the following tariff sheets:

Forty-Third Revised Sheet No. PGA-1
Seventh Revised Sheet No. PGA-1-A

TNGL requests that such tariff sheets be allowed to become effective on July 1, 1983.

TNGL states that the purposes of its filing are: to reflect in its rates the changed rates of its sole supplier Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. ("TGP"), which will become effective on July 1, 1983.

TNGL states that copies of the filing were served upon its jurisdictional customer, the interested state regulatory commission, its non-jurisdictional customers estimated to be billed for NGPA incremental pricing surcharges, and are available for public inspection at TNGL's offices in Nashville, Tennessee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15536 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-364-005]

Texas Eastern Transmission Corp.; Petition To Amend

June 6, 1983.

Take notice that on May 16, 1983, Texas Eastern Transmission Corporation, (Tetco), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP79-364-005 a petition to amend the order issued December 3, 1979, in Docket No. CP79-364-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for Northern Natural Gas Company, a Division of InterNorth, Inc. (Northern), to two additional delivery points and to extend the term of the transportation service to December 31, 1983, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Tetco states that by order issued December 3, 1979, it was authorized to transport up to 100,000 dt equivalent of natural gas per day on a firm basis and up to 50,000 dt equivalent of natural gas per day on an interruptible basis for Northern from Calcasieu Parish, Louisiana, to Chambers County, Texas. Tetco proposes herein to transport gas to United Gas Pipe Line Company, for Northern's account, at two existing points in Beauregard Parish, Louisiana, and Jackson County, Texas. It is stated that the additional delivery points would utilize existing facilities and no construction would be required in this proceeding. Tetco states that the amended transportation agreement reflects Tetco's currently effective transportation rate pursuant to its TS-2 Rate Schedule, with a monthly charge to Northern of $829,267.83 for the firm service and 27.82¢ per dth for the interruptible volumes.

Tetco further proposes the transportation of gas for Northern for a period terminating December 31, 1983, pursuant to an amendment to the gas transportation agreement dated April 12, 1983.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15515 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-046-002]

Transcontinental Gas Pipe Line Corp., et al.; Amendment

June 6, 1983.

Take notice that on May 2, 1983, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, and Texas Eastern Transmission Corporation (TETCO), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP82-046-002 an amendment to their pending application filed in Docket No. CP82-046-000 pursuant to Section 3 of the Natural Gas Act for authorization to import natural gas from Canada so as to reflect changes in this proposal resulting from the export decision of the National Energy Board of Canada (NEB), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

The purpose of the instant amendment is to conform the original application to the omnibus export decision of the NEB, Issued January 27, 1983. Applicants state that the decision reduced by 50 percent the maximum daily quantities of gas available to Transco, Algonquin and TETCO from their supplier, Pan-Alberta Gas Ltd. (Pan-Alberta) and provided for a twelve-year export license, with 25 percent reductions in quantities in each of the last three years, rather than the approximately fifteen-year initial term which had been originally requested.

Applicants assert the NEB issued a license to Pan-Alberta for a term of twelve years commencing November 1, 1984, for exportation at Niagara Falls, Ontario, of a total quantity of approximately 586,000,000 Mcf of natural gas with reduction in the last three contract years, as follows:

Period	Daily quantities (Mcf)	Annual quantities (Mcf)
Nov. 1, 1984, to Oct. 31, 1993	152,937	55,900,000
Nov. 1, 1993, to Oct. 31, 1994	114,703	41,900,000
Nov. 1, 1994, to Oct. 31, 1995	76,469	27,900,000
Nov. 1, 1995, to Oct. 31, 1996	38,234	14,000,000

In view of the NEB's export license to Pan-Alberta, the application of Transco,

Algonquin and TETCO is herein amended to conform to the daily, annual, and total quantities for the term of the NEB's export license.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15518 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-314-000]

Transcontinental Gas Pipe Line Corp.; Application

June 6, 1983.

Take notice that on May 4, 1983, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-314-000 an application pursuant to Section 3 of the Natural Gas Act for authorization to import up to 150,000 Mcf of natural gas per day from Canada, and with respect to certain storage arrangements, to export to Canada up to 150,000 Mcf of gas per day, and to import into the United States up to 300,000 Mcf of natural gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on December 18, 1981, Transco filed an application in Docket No. CP82-125-000 for authorization under Section 3 of the Natural Gas Act to import 300,000 Mcf of natural gas per day purchased from TransCanada PipeLines Limited (TransCanada), to export to Canada up to 300,000 Mcf per day and to reimport into the United States up to 600,000 Mcf per day related to a new storage service. Transco proposes herein to reduce the quantities of gas to be imported which was necessitated by the January 27, 1983, decision of the National Energy Board of Canada (NEB).

It is stated that the NEB authorized TransCanada to export up to 150,000 Mcf per day for sale to Transco. It is asserted that the sale to Transco would be made pursuant to the terms of the April, 14, 1981, precedent agreement, as amended, and subject to the NEB's limitations in the export license as to daily quantities and terms. It is stated that the two export points authorized by the NEB are Emerson, Manitoba, and Niagara Falls, Ontario. It is further stated that the twelve-year term of the export license commences with the November 1, 1984, anticipated date of initial deliveries. It is explained that the total authorized export quantities are approximately 576,000,000 Mcf and there are annual reductions in authorized daily and annual quantities during the last three contract years, as follows:

Period	Daily quantities (Mcf)	Annual quantities (Mcf)
Nov. 1, 1984, to Oct. 3, 1993	150,000	54,800,000
Nov. 1, 1993, to Oct. 31, 1994	112,500	41,200,000
Nov. 1, 1994, to Oct. 31, 1995	75,000	27,500,000
Nov. 1, 1995, to Oct. 31, 1996	37,500	13,700,000

Transco proposes to undertake storage arrangements of up to 20,000,000 Mcf annually of the natural gas to be purchased from TransCanada. It is stated that the gas is to be stored at two locations: up to 10,000,000 Mcf at ANR storage Company's (ANR) storage facilities in Grand Traverse County, Michigan, and up to 10,000,000 Mcf at Union Gas Limited's (Union) storage facilities near Dawn, Ontario. It is stated that the gas to be injected into storage would be imported at an existing point of interconnection between the facilities of Great Lakes Gas Transmission Company (Great Lakes) and TransCanada near Emerson, Manitoba. Great Lakes, it is asserted, would deliver the gas to ANR's facilities in Crawford County, Michigan, and the balance of the storage quantities would be transported to the existing point of interconnection between the facilities of Great Lakes and TransCanada near St. Clair, Michigan. TransCanada would deliver these quantities to Union's system for storage for Transco's account near Dawn, Ontario, it is submitted.

Storage withdrawals from ANR would be transported by Michigan Consolidated Gas Company and Great Lakes to the St. Clair export point and would then be transported by TransCanada to Union's system and added to storage quantities withdrawn from Union's system for delivery to TransCanada near Kirkwall, Ontario, it is explained. The storage quantities would then be delivered by TransCanada for Transco's account at the Niagara Falls import point, Transco asserts.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15517 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-1-002]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

June 7, 1983.

Take notice that on June 1, 1983, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama 35631, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Forty-Second Revised Sheet No. 3-A
and
Sixth Revised Sheet No. 3-B

These tariff sheets are proposed to become effective July 1, 1983. Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the rates of its suppliers, Tennessee Gas Pipeline Company (Tennessee), a Division of Tenneco Inc., and Sun Exploration and Production Company. Tennessee, on June 1, 1983, filed with the Commission a PGA filing providing for adjustments in its rates which are also proposed to become effective July 1, 1983. Alabama-Tennessee states that the changes in its rates have been made in conformity with the PGA and related provisions of its tariff.

The tariff sheets submitted herewith provide for the following rates:

Rate schedule	Rates after current adjustment
G-1:	
Demand	56.17
Commodity	342.50
SG-1:	
Commodity	401.65
I-1:	
Commodity	370.02

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15633 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-290-000]

Arbutus Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 8, 1983.

On May 16, 1983, The Arbutus Corporation, 230-4041 MacArthur Blvd., Newport Beach, California 92660, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The wind powered facility will be located in Tehachapi, California. The electric power production capacity of the facility will be 22.5 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15634 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-528-000]

Bangor Hydro-Electric Co.; Filing

June 7, 1983.

The filing Company submits the following:

Take notice that on May 27, 1983, Bangor Hydro-Electric Company (Bangor) tendered for filing a Sales Agreement (Agreement) made as of May 1, 1983 between Bangor and Public Service Company of New Hampshire (PSNH) for the sale of unit power by Bangor to PSNH.

Bangor states that the Agreement provides for a unit sale of 40,000 kilowatts from Bangor's entitlement in the Mystic Unit No. 7, owned and operated by the Boston Edison Company (Boston), to PSNH. Bangor has such entitlement under contract for the proposed term of the Agreement from Boston. Such contract has been accepted for filing as Boston's Rate Schedule FPC No. 106. The Agreement provides that PSNH pay for the capacity at the rate of $20 per kilowatt per year and for their pro-rata share of the actual energy costs.

Bangor requests an effective date of May 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been mailed to PSNH.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15635 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-526-000]

Centel Corp.; Filing

June 7, 1983.

The filing Company submits the following:

Take notice that Centel Corporation (Centel) on May 25, 1983, tendered for filing a proposed Appendix No. 1 to Service Schedule P (Participation Power Service) and Appendix 1 to Service Schedule J (Displacement Power Service), both as a part of the Electric Interconnection and Interchange Agreement between Centel Corporation and Sunflower Electric Cooperative, Inc., dated June 3, 1980. These Appendixes contain the rate determination calculations for the contract year beginning June 1, 1983 and ending May 31, 1984.

Centel proposes an effective date of June 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15636 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-2-002 (PGA83-3, IPR83-2)]

East Tennessee Natural Gas Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

June 7, 1983.

Take notice that on May 31, 1983, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Seventh Revised Sheet No. 4 and Fifth Revised Sheet Nos. 5 and 6 to Original Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1983.

East Tennessee states that the purpose of these tariff sheets is to reflect various rate adjustments pursuant to the General Terms and Conditions of its tariff as follows:

(1) A PGA Rate Adjustment pursuant to Section 22;

(2) Estimated Incremental Pricing Surcharges pursuant to Section 26.

East Tennessee states that copies of this filing have been mailed to all affected customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15637 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-94-000]

Eastern Shore Natural Gas Co.; Filing Supporting Restatement of Base Tariff Rates

June 7, 1983.

Take notice that on May 31, 1983, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing a restatement of its Base Tariff Rates effective June 1, 1983, on Third Revised Substitute Twenty-second Revised Sheets No. 5 and 6 and a supporting cost study, pursuant to § 154.38(d)(4)(vi) of the Commission's Regulations. Eastern Shore states that this filing reflects no change in the level of Eastern Shore's jurisdictional rates but is being made for the sole purpose of justifying such rates, as required by the 36 month review procedures contained in the Commission's Regulations governing PGA clauses.

Eastern Shore states its agreement that as of June 1, 1983, the expiration date of the 36-month period prescribed in the Regulations, the restated Base Tariff Rates are automatically subject to refund as provided by § 154.38(d)(4)(vi) (a) and (c) of the Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15638 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP68-179-001]

Florida Gas Transmission Co.; Informal Conference

June 7, 1983.

At the informal conference convened on June 1, 1983, in the above-styled proceeding, the parties and the Commission Staff explored the possibility of arriving at a settlement of all of the issues raised in Florida Gas Transmission Company's abbreviated application filed on November 12, 1981 in Docket No. CP68-179-001. In view of the progress that was made relative to this matter at that conference, the parties requested that the conference by reconvened on June 22, 1983, for the purpose of continuing their endeavors to arrive at a settlement of all of the issues in the instant proceeding.

In view of the above, an informal conference will be convened on June 22, 1983 at 10:00 a.m. for the purpose of further settlement discussions.

This informal conference will be held at the offices of the FERC at 825 North Capitol Street NE., Washington, D.C. 20426. All interested parties are invited to attend this conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15639 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-527-000]

Kansas Gas and Electric Co.; Filing

June 7, 1983.

The filing Company submits the following:

Take notice that on May 27, 1983, the Kansas Gas and Electric Company (KG&E) tendered for filing proposed changes in its FERC Electric Service Tariff No. 93 and proposed cancellation of FERC Electric Service Tariff No. 150.

KG&E states that the filing substitutes transmission service for full requirements firm power service previously provided to four delivery points of the Kansas Power and Light Company (KPL).

KG&E states that the filing is necessary because KPL desires to directly serve four delivery points not contiguous with its main system. As the intermediate utility, it is KG&E which is best suited to provide transmission service for KPL to the delivery points. The substitution in service would be phased in by delivery point over a two year period by mutual agreement between KG&E and KPL.

KG&E requests waiver of the Commission's notice requirement to allow an effective date of June 1, 1983 for two delivery points, June 1, 1984 for a third delivery point, and June 1, 1985 for the fourth delivery point.

Copies of the filing were served upon KPL and the Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15640 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-317-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

June 1, 1983.

Take notice that on May 10, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-317-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange of natural gas with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Northern and Tennessee are currently authorized to exchange natural gas imported from Canada by Midwestern Gas Transmission Company (Midwestern), sold to Tennessee and delivered to Applicant for Tennessee's account by Midwestern in the state of Minnesota in exchange for volumes delivered to Tennessee in southern Louisiana by Applicant.

Applicant states that in accordance with the provisions of the exchange agreement with Tennessee, Tennessee gave notice to Applicant that it wishes to cancel their exchange agreement . dated June 30, 1977, effective August 1982.

Applicant further states that the abandonment of the natural gas exchange proposed hearing would not have significant impact on its pipeline system or any of its customers.

It is explained that Tennessee has notified MIdwestern of its wish to cancel its interim gas sales agreement with Midwestern because it currently has no need for this interruptible supply of natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15641 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-525-000]

Pacific Power & Light Co.; Filing

June 7, 1983.

The filing Company submits the following:

Take notice that on May 24, 1983, Pacific Power & Light Company (PP&L) tendered for filing in accordance with § 35.13a(d)(5) of the Commission's Regulations, Pacific's Revised Appendix 1 for the state of Idaho. The Revised Appendix 1 calculates an average system cost for the state of Idaho applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

Pacific requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were supplied to Bonneville, the Idaho Public Utilities Commission and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15642 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-343-000]

Panhandle Eastern Pipe Line Co.; Application

June 7, 1983.

Take notice that on May 26, 1983, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83-343-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide comprehensive transportation service to PanMark Gas Company (PanMark), a subsidiary of Applicant and an affiliate of Trunkline Gas Company (Trunkline). This transportation service would enable PanMark to offer a new sales service to existing customers of Trunkline and Applicant under PanMark's Load Retention Program, all as more fully set forth in the instant application and the application filed by PanMark on May 23, 1983, in Docket No. CP83-333-000, which are on file with the Commission and open to public inspection.

Applicant requests authorization for a period of 19 months, June 1983 through December 1984. Applicant states that it would receive gas from Trunkline or from wells connected to Applicant's facilities, transport, and redeliver such natural gas owned by PanMark either to Trunkline at an existing point of interconnection or to PanMark purchasers that are customers of Applicant at existing points of delivery. It is asserted that the natural gas to be transported by Applicant would be purchased by PanMark from volumes released from domestic producer contracts of Trunkline and Applicant and then resold by PanMark to the customers of Trunkline and Applicant

that have load subject to displacement by the installed capability to use residual fuel oil.

Applicant states that this transportation service is pursuant to a transportation agreement between Applicant and PanMark dated May 25, 1983. The rate proposed for such service is 67 cents per each MMBtu delivered by Applicant to one of PanMark's customers at an existing point of delivery. Applicant assets that the proposed rate is the portion of the effective commodity charges designed to recover the fixed costs allocated to Applicant's commodity rate schedule as reflected in Applicant's proposed rates being collected subject to refund in Docket No. RP82–58–000.

Applicant also requests authority to waive the applicable requirements of its FERC Gas Tariff to permit PanMark sales service to be provided to Applicant's purchasers under Rate Schedules G and SG for General Service and Small General Service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15843 Filed 6–9–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP83–333–000]

PanMark Gas Co.; Application

June 7, 1983.

Take notice that on May 23, 1983, PanMark Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83–333–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide a new sales service for existing customers of Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant requests authorization for a period of 19 months, June 1983 through December 1984, to implement a Load Retention Program (Program) for Panhandle and Trunkline Applicant states that it is a subsidiary of Panhandle and asserts that the proposed Program should enable Applicant to offer lower gas rates to the present jurisdictional customers of Panhandle and Trunkline, under specified limited conditions, than the rates currently charged under Panhandle's and Trunkline's existing rate schedules. It is stated that the purpose of the new service is to enable the present jurisdictional customers to regain load loss of natural gas sales and to avoid further load loss due to price competition from residual fuel oil.

As proposed, the service would only be available to those existing jurisdictional customers of Panhandle and Trunkline that have load with the installed capability to replace natural gas with residual fuel oil. Service to jurisdictional customers would be within the limits of the annual and daily contract quantities which have previously been authorized by the Commission for Panhandle and Trunkline, it is explained. Applicant states that the gas supply would be provided by the existing domestic producer-suppliers of Panhandle and Trunkline which have agreed to contractual reliefs requested by Panhandle and Trunkline. This relief consists of a 50 percent reduction of contract purchase quantities for gas priced at or above the Natural Gas Policy Act of 1978's Section 103 maximum lawful price and (for Trunkline only) a 20 percent reduction of the contract purchase quantities for all other supplies. Applicant states further that the transportation and delivery of the sales volumes would be provided by Panhandle and Trunkline and is the subject of the requested authorizations in their respective Docket Nos. CP83–343–000 and CP83–342–000.

Applicant states that end-users, subject to certain conditions, would certify each month to their distribution company their "Eligible Volume" subject to displacement with residual fuel oil and the "Competitive Price" to residual fuel oil. It is submitted that the distribution company would then certify to Applicant its aggregate "Eligible Volume" requirement and needed city-gate "Load Retention Price" that is the weighted average of the "Competitive Prices" of its end-users. Applicant explains that it would compute the corresponding net-back wellhead prices, seek to purchase the customer's requirements at that price, and then sell the available supplies on a fully interruptible basis at each customer's "Load Retention Price". The "Load Retention Price", Applicant states, contains three components: (1) the uniform, fixed-cost charge proposed to be paid by Applicant to Panhandle or Trunkline for transportation, currently at 67 cents or 29 cents per MMBtu respectively, (2) a nominal out-of-pocket charge, proposed at one cent per MMBtu for Applicant's administrative costs and (3) the net-back wellhead price per MMBtu paid by Applicant to producers supplying the natural gas. In the event the net-back wellhead price is greater than the maximum lawful price in which producers can sell the gas to Applicant, then the difference between the total cost of the lower maximum lawful prices charged to Applicant and revenues received from the higher wellhead net-back price component included in Applicant's rate will be paid to Panhandle or Trunkline which will then be credited to their respective Account 191 (Unrecovered Purchased Gas Costs), it is asserted.

Applicant states that it will operate two pools of markets. Panhandle's suppliers will be matched to Panhandle's customers and Trunkline's suppliers and customers will be similarly matched. Each pool will have its separate net-back wellhead prices for the supplies released from Panhandle or Trunkline contracts. In the event one market requires additional supplies that are available from the other's market then the supplier with the "excess" gas

will be offered by Applicant to make sales to the market requiring additional volumes at the separate net-back price for the market seeking the additional purchases.

In order to implement the above program Applicant specifically requests to be found a natural gas company under the Natural Gas Act; to receive authority to make sales for resale to the distribution companies which have an executed service agreement with Applicant, as detailed in the application, and to any other existing customer of Panhandle or Trunkline that has load subject to displacement by installed capability to use residual fuel oil; waiver of the requirements of Section 4(d) of the Natural Gas Act; and acceptance for filing and effectiveness of the *pro forma* tariff submitted in the application.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15644 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-355-000]

Producer-Suppliers of Panhandle Eastern Pipe Line Co.; Application

June 7, 1983.

Take notice that on May 31, 1983, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas, 77001, and PanMark Gas Company (PanMark), P.O. Box 1647, Houston, Texas 77001, filed in Docket No. CP83-355-000 an application, on behalf of producer-suppliers currently selling gas to Panhandle, pursuant to Sections 7(b) and 7(c) of the Natural Gas Act for (1) blanket authority for partial abandonment of certificated sales to Panhandle and (2) a blanket limited-term certificate of public convenience and necessity authorizing the sale in interstate commerce of such partially abandoned reserves to PanMark, all as more fully set forth in the instant application and the application filed by PanMark on May 23, 1983 in Docket No. CP83-333-000 which are on file with the Commission and open for public inspection.

In Docket No. CP83-333-000, PanMark filed an application seeking Commission authorization to implement a temporary Load Retention Program (LRP) designed to enable existing customers of Panhandle, its parent company, and Trunkline, its pipeline affiliate, to regain or retain load that now competes with residual fuel oil. The gas supply for the LRP will be provided by existing domestic producer-suppliers of Panhandle and Trunkline who have agreed to the contractual relief requested by Panhandle and Trunkline, [1] it is asserted.

It is stated that, the blanket authorization requested in Docket No. CP83-355-000 on behalf of Panhandle's producer-suppliers is for partial abandonment of certificated producer sales to Panhandle for the quantities of gas which the producers elect to sell directly to PanMark under the LRP programs from June 1983 through December 1984, or to other markets for certain high price gas, specifically Natural Gas Policy Act of 1978 Sections 102(d), 107(c)(5) and 108 gas for the same term. In addition limited-term certificate authority is sought for the term of the LRP program to allow Panhandle's producers to make sales directly to PanMark.

It is asserted, that PanMark, pursuant to the *pro forma* tariff sheets filed in Docket No. Cp83-333-000, will submit monthly to the Commission, reports which will provide information required by §§ 157.24, 157.25 and 157.30 of the Commission's Regulations. It is therefore requested that the Commission grant a waiver of the requirements for §§ 157.24, 157.25 and 157.30 in Docket No. CP83-355-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for producer-suppliers of

[1] Trunkline filed on behalf of its producer-suppliers for such relief in Docket No. CP83-354-000.

Panhandle to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15845 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-354-000]

Producer-Suppliers of Trunkline Gas Co.; Application

June 7, 1983.

Take notice that on May 31, 1983, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas, 77001, and PanMark Gas Company (PanMark), P.O. Box 1647, Houston, Texas, 77001, filed Docket No. CP83-354-000 an application, on behalf of producer-suppliers currently selling gas to Trunkline, pursuant to Sections 7(b) and 7(c) of the Natural Gas Act for (1) blanket authority for parital abandonment of certificated sales to Trunkline and (2) a blanket limited-term certificate of public convenience and necessity authorizing the sale in interstate commerce of such partially abandoned reserves to PanMark, all as more fully set forth in the instant application and the application filed by PanMark on May 23, 1983 in Docket No. CP83-333-000 which are on file with the Commission and open for public inspection.

In Docket No. CP83-333-000, PanMark filed an application seeking Commission authorization to implement a temporary Load Retention Program (LRP) designed to enable existing customers of Trunkline, its pipeline affiliate, and Panhandle Eastern Pipe Line Company (Panhandle), its parent company to regain or retain load that now competes with residual fuel oil. The gas supply for the LRP will be provided by existing domestic producer-suppliers of Trunkline and Panhandle who have agreed to the contractual relief requested by Trunkline and Panhandle,[1] it is asserted.

It is stated that, the blanket authorization requested on behalf of Trunkline's producer-suppliers is for partial abandonment of certificated producer sales to Trunkline for the quantities of gas which the producers elect to sell directly to PanMark under the LRP programs from June 1983 through December 1984, or to other markets for certain high price gas, specifically Natural Gas Policy Act of 1978 Sections 102(d), 107(c)(5) and 108 gas for the same term. In addition limited-term certificate authority is sought for the term of the LRP program to allow Trunkline's producers to make sales directly to PanMark.

It is asserted, that PanMark, pursuant to the *pro forma* tariff sheets filed in Docket No. CP83-333-000, will submit monthly to the Commission, reports which will provide information required by §§ 157.24, 157.25 and 157.30 of the Commission's Regulations. It is therefore requested that the Commission grant a waiver of the requirements for §§ 157.24, 157.25 and 157.30 in Docket No. CP83-354-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for producer-suppliers of Trunkline to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15846 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS77-174-001, et al.]

Royal Resources Exploration, Incorporated, of Colorado et al.; Applications for "Small Producer" Certificates [1]

June 7, 1983.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protests with reference to said applications should on or before June 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

[1] Panhandle filed on behalf of its producer-suppliers for such relief in Docket No. CP83-355-000.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS77-174-001	[1] 4/21/83	Royal Resources Exploration, Incorporated, of Colorado (Royal Resources Corporation) (Royal Properties, Inc.) (RR Exploration Company, Ltd.), Suite 500, 1660 South Halbion Street, Denver, Colorado 80222
CS77-829-001	[2] 5/2/83	Sage Energy Company (Rial Oil Company), One Riverwalk Place, 700 N. St. Mary's, Suite 1900, San Antonio, Texas 78205
CS83-86-000	5/5/83	Tiffany Gas Co., Suite 300, 300 W. Arrington, Farmington, New Mexico 87401
CS83-87-000	5/6/83	Bolack Minerals Company, Route 3 South, Box 47, 3901 Bloomfield Highway, Farmington, New Mexico 87401
CS83-88-000	5/9/83	GIEB Corporation, P.O. Box 10368, Midland, Texas 79702
CS83-89-000	5/23/83	Marie Fletcher, 805 E. 21st St., San Angelo, Texas 76903
CS83-90-000	5/25/83	Carl H. Noel, 2500 First National Bank Building, Denver, Colorado 80293

[1] Ltr. rec'd dated April 15, 1983 requesting that the small producer exemption in Docket No. CS77-174 be amended to add the following names: Royal Resources Corporation, Royal Properties, Inc. and RR Exploration Company, Ltd.

[2] Ltr. rec'd dated April 26, 1983 informing the Commission that Rial Oil Company changed its name to Sage Energy Company in mid-1980.

[FR Doc. 83-15647 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-6-002]

Sea Robin Pipeline Co., Filing of Revised Tariff Sheets

June 7, 1983.

Take notice that on May 31, 1983, Sea Robin Pipeline Company (Sea Robin) tendered for filing Thirty-fifth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1. This tariff sheet and supporting information is being filed pursuant to the Purchased Gas Cost Adjustment provision set out in Sections 1 and 3 of Sea Robin's Tariff with a proposed effective date of July 1, 1983. In addition, Sea Robin submits Fifteenth Revised Sheet No. 4–A to become effective July 1, 1983, in compliance with Federal Energy Regulatory Commission (Commission) orders issued May 11, 1978, and July 12, 1978, at Docket No. RP77–6; and Second Revised Sheet No. 4–B which reflects the estimated incremental pricing surcharges for the period July 1, 1983 through December 31, 1983.

Sea Robin states that these revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15648 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA83-2-9-001]

Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Rate Change Under Tariff Rate Adjustment Provisions

June 7, 1983.

Take notice that on May 31, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing Sixth Revised Sheet Nos. 23 through 30 and Ninth Revised Sheet No. 21 to Original Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1983.

Tennessee states that the purpose of the revised tariff sheets is to adjust Tennessee's rates pursuant to Articles XXIII and XXIX of the General Terms and Conditions of its FERC Gas Tariff, consisting of a PGA rate adjustment and Estimated Incremental Pricing Surcharges.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 208 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any prson who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filng are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15649 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-91-000]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 7, 1983.

Take notice that on May 31, 1983 Texas Gas Transmission Corporation (Texas Gas) tendered for filing proposed changes to its FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales and services by approximately $35,948,000 based on the 12-month period ended January 31, 1983, as adjusted, compared with the rates set forth in Appendix A to the Stipulation and Agreement in Docket No. RP82–74 currently pending before the Commission, plus the current purchased gas adjustment effective February 1, 1983.

Texas Gas states that the increased costs are attributable to: (1) A substantial decrease in sales volumes; (2) increases in operating expenses; (3) increase in rate base and in related costs; and, (4) an increase in rate of return and related taxes.

Texas Gas requests an effective date of July 1, 1983, for the proposed Revised Sheets. Texas Gas further states that it served copies of this filing upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Rule 2.14 and 2.11 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15080 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-342-000]

Trunkline Gas Co.; Application

June 7, 1983.

Take notice that on May 26, 1983, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83-342-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity and a request for a temporary certificate authorizing Applicant to provide comprehensive transportation service to PanMark Gas Company (PanMark), a subsidiary of Panhandle Eastern Pipe Line Company (Panhandle) and an affiliate of Applicant. This transportation service will enable PanMark to offer a new sales service to existing customers of Panhandle and Applicant under PanMark's Load Retention Program, all as more fully set forth in the instant application and the application filed by PanMark on May 23, 1983, in Docket No. CP83-333-000, which are on file with the Commission and open for public inspection.

Specifically, Applicant requests authorization for a period of 19 months, June 1983 through December 1984, for the receipt of natural gas from wells connected to Applicant, transportation, and redelivery of such natural gas owned by PanMark either to Panhandle at an existing point of interconnection or to PanMark purchasers that are customers of Applicant at existing points of delivery. It is asserted that the natural gas to be transported by Applicant will be purchased by PanMark from volumes released from domestic producer contracts of Panhandle and Applicant and then resold by PanMark to the customers of Panhandle and Applicant that have load subject to displacement by the installed capability to use residual fuel oil. This transportation service is pursuant to a transportation agreement between Applicant and PanMark dated as of May 25, 1983. The rate proposed for such service is 29 cents per each MMBtu delivered by Applicant to one of PanMark's customers at an existing point of delivery. Applicant states the proposed transportation rate is the portion of the effective commodity charges designed to recover the fixed costs allocated to Applicant's commodity rate schedule as reflected in Applicant's settlement rates in the minimum bill proceeding before the Commission in Docket Nos. RP81-103-000 and RP82-130-000.

Applicant also requests authority to waive the applicable requirements of its FERC Gas Tariff to permit PanMark sales service to be provided to Applicant's purchasers under the Rate Schedules G and SG for General Service and Small General Service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15082 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-83-000]

Trunkline Gas Co.; Proposed Changes

June 7, 1983.

Take notice that on May 31, 1983, Trunkline Gas Company (Trunkline) tendered for filing proposed changes in the revised tariff sheets as listed on the attached Appendix A.

These revised tariff sheets implement a general rate increase to Trunkline's jurisdictional sales of $33.5 million annually based on test year ending February 28, 1983, adjusted for changes known and measurable to November 30, 1983.

Trunkline states that the increased rates are necessitated by increased costs at all levels including operating costs, increased capital costs, and increased costs associated with new facilities. The proposed effective date of the tendered sheets is July 1, 1983.

Trunkline states that in response to the current marketing difficulties which it and its customers are experiencing, the instant rate filing reflects a rate design patterned on the so-called *Seaboard* method which allocates 50% of fixed costs to the commodity portion of Trunkline's two part demand/commodity rates. This rate design methodology will result in lower commodity rates to Trunkline's customers than would otherwise be obtained under existing rate design and thus will assist in creating more stable and marketable gas pricing on the Trunkline system.

The rate increase filing also reflects revenue requirements which have been computed on the assumption that the Settlement Agreement pending before the Commission in Docket Nos. RP81-103 and RP82-130 will be approved prior to the date the rates herein are permitted to be placed into effect. The Settlement Agreement temporarily suspends the annual commodity minimum bill in Trunkline's P-1 and P-2 rate schedules and implements an agreed upon Interim Minimum Bill. If the new rates proposed herein are placed into effect without prior Commission approval of the Settlement Agreement, Trunkline will continue service under the terms of its current tariff until such time as the Commission shall approve the Settlement, if at all.

Copies of this filing were served on Trunkline's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix A—Trunkline Gas Company

Proposed Tariff Sheets

FERC Gas Tariff, Original Volume No. 1

Forty-Second Revised Sheet No. 3–A
First Revised Sheet No. 3–A.1
First Revised Sheet No. 17
Fifth Revised Sheet No. 21–D
Fifth Revised Sheet No. 21–E
Eighth Revised Sheet No. 21–F
First Revised Sheet No. 21–F.1
Fifth Revised Sheet No. 21–G
Fifth Revised Sheet No. 21–H
Third Revised Sheet No. 21–I
Fourth Revised Sheet No. 21–J

FERC Gas Tariff, Original Volume No. 2

Third Revised Sheet No. 214
Fourth Revised Sheet No. 468
Third Revised Sheet No. 469
Fourth Revised Sheet No. 499
Third Revised Sheet No. 500
Third Revised Sheet No. 527
Third Revised Sheet No. 528
Twelfth Revised Sheet No. 555
Third Revised Sheet No. 583
Third Revised Sheet No. 584
Third Revised Sheet No. 766
Third Revised Sheet No. 767
Third Revised Sheet No. 796
Third Revised Sheet No. 797
Third Revised Sheet No. 859
Third Revised Sheet No. 860
Third Revised Sheet No. 937
Third Revised Sheet No. 938
Fourth Revised Sheet No. 1010
Fourth Revised Sheet No. 1011
Seventh Revised Sheet No. 1105.1
Seventh Revised Sheet No. 1106
Third Revised Sheet No. 1142
Third Revised Sheet No. 1143
Third Revised Sheet No. 1194
Third Revised Sheet No. 1282
Third Revised Sheet No. 1283
Seventh Revised Sheet No. 1301
Seventh Revised Sheet No. 1302
Second Revised Sheet No. 1302.1
Sixth Revised Sheet No. 1341
Second Revised Sheet No. 1376
Second Revised Sheet No. 1377
Second Revised Sheet No. 1463
Second Revised Sheet No. 1464
Ninth Revised Sheet No. 1567
Tenth Revised Sheet No. 1608
Ninth Revised Sheet No. 1649
Third Revised Sheet No. 1756
Third Revised Sheet No. 1757
Ninth Revised Sheet No. 1800
Second Revised Sheet No. 1841
Ninth Revised Sheet No. 2001
Second Revised Sheet No. 2205
Second Revised Sheet No. 2208
Second Revised Sheet No. 2301
Second Revised Sheet No. 2327
Second Revised Sheet No. 2328
Second Revised Sheet No. 2370
Second Revised Sheet No. 2371
Ninth Revised Sheet No. 2415
Ninth Revised Sheet No. 2416
Ninth Revised Sheet No. 2417
Second Revised Sheet No. 2640
First Revised Sheet No. 2728
Second Revised Sheet No. 2901
Fifth Revised Sheet No. 3152
Second Revised Sheet No. 3295
Fourth Revised Sheet No. 3341
Second Revised Sheet No. 3385
First Revised Sheet No. 3422
First Revised Sheet No. 3460

[FR Doc. 83–15651 Filed 6–9–83; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RP72–133–020]

United Gas Pipe Line Co.; Filing of Revised Tariff Sheets

June 7, 1983.

Take notice that on May 31, 1983, United Gas Pipe Line Company (United) tendered for filing Substitute Revised Sixty-first Revised Sheet No. 4, Seventh Revised Sheet Nos. 4–A and 4–B, and Revised Ninth Revised Sheet No. 4–C to its FERC Gas Tariff, First Revised Volume No. 1. These tariff sheets and supporting information are being filed pursuant to the Purchased Gas Cost Adjustment provisions set out in Sections 19, 21, 23 and 24 of United's Tariff.

Seventh Revised Sheet Nos. 4–A and 4–B are being filed to reflect the estimated incremental pricing surcharges as required by Commission Order No. 49 issued September 28, 1979.

Revised Ninth Revised Sheet No. 4–C is being filed in compliance with the letter order issued by the Office of Pipeline and Producer Regulation dated January 27, 1982, and reflects the FERC-approved changes to the transportation rate schedules.

United requests a June 1, 1983 effective date for the adjustments in its rates filed herein and a one-time waiver of the provisions of its Tariff which otherwise provide for a July 1 effective date.

United also requests that it be allowed to split the adjustment attributable to the Alaskan Natural Gas Transportation System into two separate parts in order to synchonrize this adjustment with the change in United's base rates which will occur September 1, 1983.

Copies of the proposed tariff sheets and supporting data are being mailed to United's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15653 Filed 6–9–83; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. EF83–5021–000]

Western Area Power Administration; Filing

June 7, 1983.

The filing agency submits the following:

Take notice that on April 25, 1983, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy, by Rate Order No. WAPA–19, did confirm and approve, on an interim basis, to be effective with the June 1983 billing period, new rate schedules SP–F2 (Schedule of Rates for Wholesale Firm Power Service), SP–FP2 (Schedule of Rates for Wholesale Peaking Power Service), SP–FT1 (Schedule of Rates for Firm Transmission Service), and SP–NFT1 (Schedule of Rates for Nonfirm Transmission Service) for the Western Area Power Administration's Colorado River Storage Project.

The new rates will be in effect pending the Commission's approval of them, or substitute rates, on a final basis, or until they are superseded. The Assistant Secretary states that the rate schedules are submitted for confirmation and approval on a final basis pursuant to authority vested in the Commission by Delegation Order No. 0204–33.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed onor before June 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15664 Filed 6-9-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Objection to Modified Remedial Order Filed

On May 2, 1983, Tugalo Gas Company, 302 West Currahee Street, Toccoa, Georgia 30577 filed a document entitled "Notice of Objection to Modified Remedial Order" with the Office of Hearings and Appeals of the Department of Energy, Case No. HRA-0006. The Economic Regulatory Administration (ERA) issued the Modified Remedial Order to the firm on April 5, 1983. In the Modified Remedial Order, the ERA found that during the period October 12, 1973 through May 25, 1974, Tugalo did not determine its selling prices for propane in accordance with the requirements of 10 CFR 212.93. According to the Modified Remedial Order, the Tugalo violation resulted in $82,829.34 of overcharges.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning this Modified Remedial Order must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 6, 1983.

[FR Doc. 83-15619 Filed 6-9-83; 8:45 am]

BILLING CODE 6450-01-M

Southwestern Power Administration

Notice of Submission of Increased Power Rate to the Federal Energy Regulatory Commission; Correction

AGENCY: Southwestern Power Administration, DOE.

ACTION: Corrections to previous Notice of Order (Sam Rayburn Dam).

SUMMARY: Notice is given of correction to title of Order published in the **Federal Register** on May 6, 1983 (48 FR 20485).

DATE: The corrections to the title are effective May 6, 1983.

FOR FURTHER INFORMATION CONTACT:

Walter M. Bowers, Chief, Division of Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Box Drawer 1619, Tulsa, Oklahoma 74101, (918) 581-7529

Fred A. Sheap, Office of Power Marketing Coordination, Department of Energy, Federal Building, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20585, (202) 633-6336

SUPPLEMENTARY INFORMATION: The corrections are as follows:

Title: Notice of Submission of Increased Power Rate to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., June 3, 1983.

Howard S. Coleman,

Principal Deputy Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 83-15666 Filed 6-9-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59128; TSH-FRL 2379-6]

Certain Chemicals; Premanufacture Exemption Applications; Metal Oxide, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: June 27 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-59128]" and the specific TME number should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 83-57

Close of Review Period. July 15, 1983.

Manufacturer. Confidential.

Chemical. (G) Metal oxide.

Use/Production. (G) Energy converter. Prod. range: Confidential.

Toxicity Data. No data on the TME substance submitted.

Exposure. Manufacture, processing and use: dermal and inhalation, a total of 5 workers, up to 2 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. No release.

TME 83-58

Close of Review Period. July 15, 1983.

Manufacturer. Sun Alert Incorporate.

Chemical. (S) 3'-(p-(dimethylamino)phenyl)Spiro-(flourene-9,4'-oxazolidine-2',5'dione.

Use/Production. (S) Site-limited raw material for Sun dosimeter. Prod. range: 1–11 kg/yr.

Toxicity Data. Acute oral: Not toxic; Acute dermal: Not toxic; Irritation: Skin—Not irritant; Inhalation: Not a potential sensitizer; Ames Test: Direct acting base substitution mutagen.

Exposure. Manufacture and disposal: airborne, a total of 8 workers, up to 8 hrs/da, up to 35 da/yr.

Environmental release/Disposal. 10 kg/yr released to air, water and land. Disposal by publicly owned treatment works (POTW), and private septic.

Dated: June 6, 1983.

Ronald A. Stanley,

Acting Director, Management Support Division.

[FR Doc. 83-15434 Filed 6-9-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51470; TSH FRL 2379-7]

Certain Chemicals; Premanufacture Notices; Substituted Heteromonocycle Sulfonyl Aniline, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) to the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are dicussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of twenty-nine PMNs and provides a summary of each.

DATES: Close of review period: PMN 83–784, 83–785, 83–786, 83–787, 83–788, 83–789, 83–790, 83–791, 83–792, 83–793 and 83–794, August 24, 1983.

PMN 83–795, August 28, 1983.

PMN 83–796, 83–797, 83–798, 83–799, 83–800, 83–801, 83–802, 83–803, 83–804, 83–805 and 83–806, August 29, 1983.

PMN 83–807, 83–808, 83–809, 83–810, 83–811 and 83–812, August 30, 1983.

Written comments by: PMN 83–784, 83–785, 83–786, 83–787, 83–788, 83–789, 83–790, 83–791, 83–792, 83–793 and 83–794, July 25, 1983.

PMN 83–795, July 29, 1983.

PMN 83–796, 83–797, 83–798, 83–799, 83–800, 83–801, 83–802, 83–803, 83–804, 83–805 and 83–806, July 30, 1983.

PMN 83–807, 83–808, 83–809, 83–810, 83–811 and 83–812, July 31, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-51470]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, RM. E-409, 401 M St., SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202–382–3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83–784

Manufacturer. Confidential.

Chemical. (G) Substituted heteromonocycle sulfonyl aniline.

Use/Production. (S) Site-limited and industrial intermediate. Prod. range: Condidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 32 workers, up to 4 hrs/da, up to 5 da/yr.

Environmental Release/Disposal. No release.

PMN 83–785

Manufacturer. Confidential.

Chemical. (G) Substituted heteromonocycle sulfonylphenyl azo substituted naphthalenesulfonic acid, salt.

Use/Production. (S) Industrial dye. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 14 workers, up to 4 hrs/da, up to 11 da/yr.

Environmental Release/Disposal. No release.

PMN 83–786

Manufacturer. Confidential.

Chemical. (G) Ester of a substituted phenol and an inorganic acid.

Use/Production. (G) Lubricant additive. Prod. range: Confidential.

Toxicity data. No data submitted.

Exposure. Confidential

Environmental Release/Disposal. Confidential.

PMN 83–787

Manufacturer. Confidential.

Chemical. (G) Salt of diester of phosphordithioic acid.

Use/Production. Confidential. Prod. Range: Confidential.

Toxicity data. Acute oral: >200 mg/kg; Irritation: Skin—7.0, Eye—70.7

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–788

Manufacturer. Confidential.

Chemical. (G) Reaction product of fatty alkene amine and isocyanate.

Use/Production. (S) Thickening agent in greases intended to be used as lubricants in mechanical devices. Prod. range: Confidential.

Toxicity data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers, up to 8 hrs/da, up to 5 da/yr.

Environmental Release/Disposal. No release.

PMN 83–789

Manufacturer. Confidential.

Chemical. (G) Reaction product of a fatty alkene amine, aromatic amine and isocvanate.

Use/Production. (S) Thickening agent in greases intended to be used as lubricants in mechanical devices. Prod. range: Confidential.

Toxicity data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers, up to 8 hrs/da, up to 5 da/yr.

Environmental Release/Disposal. No release.

PMN 83–790

Manufacturer. American Cyanamid Company.

Chemical. (G) Heterocyclic carboxylic acid.

Use/Production. (G) Captive intermediate. Prod. range: Confidential.

Toxicity data. Acute oral: >500 mg/kg; Acute dermal: >200 mg/kg; Irritation: Skin—Negative, Eye—Positive; Ames Test: Negative.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–791

Manufacturer. Confidential.

Chemical. (G) Vegetable oil polyamide resin.

Use/Production. (S) Industrial polymeric component for inks and coatings. Prod. range Confidential.

Toxicity data. No date submitted.

Exposure. Manufacture and processing: dermal, a total of 11 workers, up to 4 hrs/da, up to 65 da/yr.

Environmental Release/Disposal. Less than 10 to 10,000 kg/yr released to land. Disposal by publicly owned treatment works (POTW) and landfill.

PMN 83-792

Manufacturer. Confidential.
Chemical. (G) Alkylamine salt of polyakylpolycyclic sulfonic acid.
Use/Production. (G) Contained use. Prod. range: Confidential.
Toxicity data. No data submitted.
Exposure. Manufacture and processing: dermal. a total of 18 workers, up to 1 hr/da, up to 20 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land.

PMN 83-793

Manufacturer. Confidential.
Chemical. (G) 2-chloro-4(N,N-diethylamino)-5-substituted aryloxydiazonium tetrafluroborate.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Date. No data submitted.
Exposure. Use and disposal: dermal and inhalation, a total of 16 workers, up to 8 hrs/da, up to 36 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and land. Disposal by landfill.

PMN 83-794

Manufacturer. Confidential
Chemical. (G) Lignosulfonate, reaction product with an alkenoic acid.
Use/Production. (G) Open use. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-795

Manufacturer. Hach Company.
*Chemical. (S) 4-Methylumbelliferyl-*B-D-glucuronide.
Use/Production. (S) Consumer microbiological detection of E. coli. Prod. range: .050–1.000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and disposal: oral/dermal, a total of 2 workers.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by POTW.

PMN 83-796

Manufacturer. Confidential.
Chemical. (G) Aminomethylphosphonic acid.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Release is negligible. Disposal by POTW and Resource Conservation and Recovery Act (RCRA).

PMN 83-797

Manufacturer. Confidential.
Chemical. (G) Aminomethylene phosphonic acid.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted
Exposure. Confidential.
Environmental Release/Disposal. Release is negligible. Disposal by POTW and RCRA.

PMN 83-798

Manufacturer. Essex Specialty Products.
Chemical. (G) Blocked polyurethane prepolymer.
Use/Production. (S) Polyurethane polymer for use in compounded sealants and coatings. Prod. range: 20,000–250,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and use: dermal, a total of 4 workers, up to 8 hrs/da.
Environmental Release/Disposal. No release.

PMN 83-799

Manufacturer. Phillips Chemical Company.
Chemical. (S) N,N-dimethyl-S-benzyldithiocarbamate.
Use/Production. (G) Industrial usage. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal and inhalation, a total of 6 workers, up to 8 hrs/da, up to 5 da/wk.
Environmental Release/Disposal. Confidential.

PMN 83-800

Manufacturer. McWhorter, Incorporated.
Chemical. (S) Polymer of: coconut oil, coconut fatty acid, glycerin, phthalic anhydride, and maleic anhydride.
Use/Production. (S) Industrial coconut alkyd for use in lacquers and thermoset systems. Prod. range: 7,500–30,200 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. Release to water. Disposal by landfill.

PMN 83-801

Manufacturer. McWhorter, Incorporated.
Chemical. (S) Polymer of: tall oil fatty acids, isophthalic acid, phthalic anhydride, pentaerythritol, dipentaerythritol, trimethylpentane diol, trimellitic anhydride.
Use/Production. (S) Industrial water soluble resin for use in protective coatings. Prod. range: 25,000–125,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. Release to water. Disposal by landfill.

PMN 83-802

Manufacturer. Confidential.
Chemical. (G) Polymer of mixed fatty acids, unsubstituted aromatic and aliphatic dicarboxylic acids, an alkyl-substituted triol, and substituted alkyl diols.
Use/Production. (S) Industrial thermoset polymer for coating metallic surfaces. Prod. range: 20,000–120,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing, use and disposal: dermal, a total of 14 workers, up to 10 hrs/da, up to 40 da/yr.
Environmental Release/Disposal. 10–100 kg/yr released to land. Disposal by biological treatment system and approved landfill.

PMN 83-803

Manufacturer. Confidential.
Chemical. (G) Prepolymerized halogenated silicon magnesium aluminum oxotitanate.
Use/Production. (S) Industrial catalyst. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal, a total of 2 workers, up to 2 hrs/da, up to 200 da/yr.
Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by POTW and incineration.

PMN 83-804

Manufacturer. Sun Alert, Incorporated.
Chemical. (S) 3'-(p-(dimethylamino) phenyl) Spiro-(flourene-9,4'-oxazolidine)-2',5' dione.
Use/Production. (S) Site-limited raw material for sun dosimeter. Prod. range: 1–11 kg/yr.
Toxicity Data. Acute oral: Non-toxic; Acute dermal: Non-toxic; Irritation: Skin—Non-irritant; Ames Test: Direct acting base substitution mutagen; Skin sensitization: Non-sensitizer.
Exposure. Manufacture and disposal: airborne, a total of 8 workers, up to 8 hrs/da, up to 35 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by POTW.

PMN 83-805

Manufacturer. Lilly Industrial Coatings, Incorporated.

Chemical (G) Saturated polyester resin.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing, use and disposal: dermal and inhalation, a total of 186 workers, up to 12 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to air and water with 1,000–10,000 kg/yr to land. Disposal by POTW and landfill.

PMN 83–806

Manufacturer. Confidential.

Chemical. (G) Metal oxide.

Use/Production. (G) Energy converter. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and disposal: a total of 5 workers, up to 2 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. No release.

PMN 83–807

Manufacturer. Confidential.

Chemical. (G) Substituted azo substituted benzenesulfonic acid.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: a total of 2 workers, up to 20 hrs/person, up to 80 manhours/yr.

Environmental Release/Disposal. No release.

PMN 83–808

Manufacturer. SCM Organic Chemicals.

Chemical. (S) 2-,3-, and 4-pinanol mixture.

Use/Production. (S) Odor masking agent and oil drilling solvent. Prod. range: 0–125,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture, processing and use: dermal and inhalation, a total of 7 workers, up to 2 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83–809

Manufacturer. Confidential.

Chemical. (G) Saturated polyester.

Use/Production. (S) Industrial polymer for metal coating. Prod. range: 500–46,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal, a total of 12 workers, up to 4 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. No release. Disposal by POTW, incineration, and RCRA.

PMN 83–810

Manufacturer. Confidential.

Chemical. (G) Cyclo alkyl acrylate.

Use/Production. (G) Industrial ink component. Prod. range: Confidential.

Toxicity Data. Acute oral: 2.3 g/kg; Irritation: Skin—Moderate, Eye—Severe; Ames Test: Non-mutagenic.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–811

Manufacturer. Confidential.

Chemical. (G) Aliphatic alkyl acrylate.

Use/Production. (G) Industrial ink component. Prod. range: Confidential.

Toxicity Data. Acute oral: 1,150 g/kg; Irritation: Skin—Moderate, Eye—Severe; Ames Test: Non-mutagenic.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–812

Manufacturer. Essex Specialty Products.

Chemical. (G) Blocked polyurethane prepolymer.

Use/Production. (S) Polyurethane polymer for use in compounded sealants and coatings. Prod. range: 5,000–50,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal, a total of 4 workers, up to 8 hrs/da.

Environmental Release/Disposal. No release.

Dated: June 6, 1983.

Ronald A. Stanley,

Acting Director, Management Support Division.

[FR Doc. 83-15435 Filed 6-9-83; 8:45 am]
BILLING CODE 6560-50-M

[ER-FRL-2379-4]

Availability of Environmental Impact Statements Filed May 31 Through June 3, 1983, Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities General Information (202) 382–5075 or 382–5076.

US Army Corps of Engineers:

EIS No. 830292, Draft, COE, OH, Lorain Small Boat Harbor Construction, Lorain County, Due: July 25, 1983.

EIS No. 830293, Draft, COE, IL, North Branch Chicago River Watershed Flood Control, Lake & Cook Cos., Due: July 25, 1983.

Department of the Interior:

EIS No. 830289, Final, BLM, OR, Eugene Ten-Year Timber Mgmt. Plan, Benton, Lane, Douglas & Linn Cos., Due: Aug. 1, 1983.

EIS No. 830290, Final, BLM, OR, Eastside Salem Ten-Year Timber Mgmt. Plan, Multnomah & Linn Counties, Due: Aug 1, 1983.

EIS No. 830291, Final, BLM, OR, Roseburg Ten-Year Timber Mgmt. Plan, Lane, Douglas & Jackson Counties, Due: Aug. 1, 1983.

Department of Transportation:

EIS No. 830294, Draft, FHW, MD, East Street Corridor Improvements, 9th Street to I–70, Frederick Co., Due: July 29, 1983.

EIS No. 830296, Draft, FHW, NJ, NJ–20 Connector Const., I–80 to Patterson CBD Loop Road, Passaic Co., Due: July 29, 1983.

EIS No. 830297, Final, FHW, IN, IN–129 Extension, IN–48 to IN–46, Ripley County, Due: July 11, 1983.

EIS No. 830302, Final, FHW, MI, Romence Rd. Extension, Westhedge Ave. to Portage Rd., Kalamazoo Co., Due: July 11, 1983.

EIS No. 830303, Final, CGD, FL, Garrison Channel Bridge Construction, Permits, Hillsborough County, Due: July 11, 1983.

EIS No. 830305, Draft, UMT, CA, Los Angeles Rail Rapid Transit Project, Los Angeles County, Due: July 25, 1983.

Department of Housing and Urban Development:

EIS No. 830298, Final, HUD, TX, Brownsville Northeast Growth Areawide Study, Cameron County, Due: July 11, 1983.

EIS No. 830301, Final, HUD, AZ, Sierra Vista Planned Community, Mortgage Insurance, Cochise County, Due: July 11, 1983.

Nuclear Regulatory Commission:

EIS No. 830304, Final, NRC, IL, Rare Earths Facility, Decomissioning License, Du Page County, Due: July 11, 1983.

Department of Agriculture:

EIS No. 830299, Final, AFS, SEV, KS, NB, CO, SD, WY, Rocky Mountain Regional Plan, Standards & Guidelines, Due: July 11, 1983.

EIS No. 830300, Final, SCS, AR, Larkin Creek Watershed Flood Protection Plan, Lee & St. Francis Cos., Due: July 11,, 1983.

Amended Notices:

EIS No. 830287, Draft, BLM, NV, Shoshone-Eureka Resource Area, Resource Mgmt., Lander/Eureka/Nye Cos. Published FR 06/03/83—Officially retracted due to noncompletion of distribution.

Dated: June 7, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-15897 Filed 6-9-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Southeastern Banking Corp.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Southeastern Banking Corporation,* Folkston, Georgia; to acquire 100 percent of the voting shares or assets of The Darien Bank, Darien, Georgia. Comments on this application must be received not later than July 1, 1983.

Board of Governors of the Federal Reserve System, June 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15513 Filed 6-9-83; 8:45 am]

BILLING CODE 6210-01-M

BankAmerica Corporation

BankAmerica Corporation, San Francisco, California has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to expand the activities of its existing subsidiary, BA Appraisals, Inc., Walnut Creek, California, to include the activity of construction analysis services, which consists of appraisals of real property in connection with construction projects and servicing of construction loans in accordance with 12 CFR 225.4(a)(3) and (a)(14).

These activities would be performed from offices of Applicant's subsidiary in Walnut Creek, California; El Monte, California; Miami, Florida; New York, New York; and Houston, Texas, serving the United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 1, 1983.

Board of Governors of the Federal Reserve System, June 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15511 Filed 6-9-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Community Bancorp; et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Community Bancorp.,* Derby, Vermont; to become a bank holding company by acquiring 100 percent of the voting shares of Community National Bank, Derby, Vermont. Comments on this application must be received not later than June 29, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Union Bancshares, Inc., Pell City, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of Union State Bank, Pell City, Alabama. Comments on this application must be received not later than July 1, 1983.

2. *First National Bancorp of Shelbyville, Inc.,* Shelbyville, Tennessee; to become a bank holding company by acquiring at least 80 percent of the voting shares of The First National Bank, Shelbyville, Tennessee. Comments on this application must be received not later than July 1, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Manteno Bancshares, Inc.,* Manteno, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Manteno State Bank, Manteno, Illinois. Comments on this application must be received not later than July 1, 1983.

Board of Governors of the Federal Reserve System, June 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15512 Filed 6-9-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug

Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Radiologic Devices Panel

Date, time, and place. July 6 and 7, 9 a.m., Rm. T-416, 12720 Twinbrook Parkway, Rockville, MD.

Type of meeting and executive secretary. Open public hearing, July 6, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4:30 p.m.; open committee discussion, July 7, 9 a.m. to 4 p.m.; Robert Phillips, National Center for Devices and Radiological Health (HFX-460), Food and Drug Administration, 12720 Twinbrook Parkway, Rockville, MD 20857, 301-443-3426.

General function of the committee. The committee reviews and evaluates effectiveness of devices currently in use and makes recommendations for their regulation. The committee also reviews data on new devices and makes recommendations regarding their safety and effectiveness and their suitability for marketing.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before June 24 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval application 82M0509 for an RF Microwave Hyperthermia Device and premarket approval applications 82M1502, 82M1404, and 83M0104 for Nuclear Magnetic Resonance Imaging Devices.

Orthopedic and Rehabilitation Device Section of the Surgical and Rehabilitation Devices Panel

Date, time, and place. July 11, 1 p.m. Rm. 503A-529A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and panel section leader. Open public hearing, 1 p.m. to 2 p.m.; open committee discussion, 2 p.m. to 5 p.m.; Robert E. Mansell, National Center for Devices and Radiological Health (HFK-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7238.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before July 5 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application for a polymethylmethacrylate bone cement containing an antibiotic.

Microbiology Device Section of the Immunology and Microbiology Devices Panel

Date, time, and place. July 28 and 29, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and panel section leader. Open public hearing, July 28, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, July 29, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Thomas M. Tsakeris, National Center for Devices and Radiological Health (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before July 14 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications for hepatitis A and B virus in vitro diagnostic products, and a premarket approval application for an in vitro diagnostic product for the determination of the minimum inhibitory concentration of antimicrobic agents.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: June 2, 1983

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-15424 Filed 6-9-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82D-0350]

General Principles of Process Validation; Current Good Manufacturing Practice Draft Guideline; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to July 31, 1983, the comment period for the notice announcing the availability of a draft guideline entitled "Guideline on General Principles of Process Validation," which outlines general principles of process validation the agency views as acceptable parts of a process validation program for preparing human and animal drug products and medical devices. FDA is taking this action in response to a request for an extension of the comment period.

DATE: Comments by July 31, 1983.

ADDRESSES: Requests for a copy of the draft guideline and written comments regarding the draft guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

For Human and Animal Drug Products: Clifford G. Broker, National Center for Drugs and Biologics (HFN-323), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5307.

For Medical Devices: Edward J. McDonnell, National Center for Devices and Radiological Health (HFK-130), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7122.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 29, 1983 (48 FR 13096), FDA issued a notice announcing the availability of a draft guideline entitled "Guideline on General Principles of Process Validation," which outlines general principles of process validation the agency views as acceptable parts of a process validation program for preparing human and animal drug products and medical devices. The draft guideline is intended to inform interested persons of these acceptable principles to facilitate complicance with the current good manufacturing practice (CGMP) regulations and was made available for public comment to provide the agency with views to be considered in its development of a final guideline. Interested persons were given to May 31, 1983, to comment on the draft guideline.

In response to the notice, Bayer AG has requested a 60-day extension of the comment period. Bayer AG states that the **Federal Register** notice announcing the availability of the draft guideline is not available to foreign manufacturers until 5 weeks after publication in the United States and consequently, the 60-day comment period specified in the notice is unreasonable for foreign manufacturers. Bayer AG also stated that foreign manufacturers who supply drugs to the United States are as equally affected as domestic firms and should be given the same opportunity to review the guideline and to prepare thoughtful comments. Bayer AG pointed out that members of foreign organizations such as the Federation Internationale Pharmaceutique and the Pharmaceutical Inspection Convention have an active interest in the process validation area and should be given the opportunity to update their views based on recent practical experience.

FDA has carefully considered the request. The agency does not accept the argument that the 60-day period provided in this instance for the submission of comments has been insufficient to provide interested persons outside the United States an opportunity to express their views. Firms that may not receive **Federal Register** announcements in a timely manner through the mails are responsible for taking steps to assure that they more promptly receive such announcements if they wish to participate in agency rulemaking matters. However, in this matter, the agency has determined that its schedule for issuing the guideline in final form will permit a general extension of the comment period to July 31, 1983, as requested, and that such an extension to receive pertinent comments is in the public interest. Accordingly, the comment period for submissions by any interested person is extended to July 31, 1983.

Interested persons may, on or before July 31, 1983, submit written comments on the draft guideline to the Dockets Management Branch (address above). These comments will be considered in determining whether further amendments to, or revisions of, the draft guideline are warranted. Comments should be in two copies (except that individuals may submit single copies), identified with the docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Requests for a single copy of the draft giudeline should be sent to the Dockets Management Branch.

Dated: June 2, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-15280 Filed 6-9-83; 1:35 pm]

BILLING CODE 4160-01-M

[Docket No. 83M-0173]

Ryder International Corp.; Premarket Approval of Kestrel No. 695 Heater

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Kestrel No. 695 Heater sponsored by Ryder International Corp., Arab, AL. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by July 11, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm 4-62, 5600 Fishers Lane, Rockville MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On December 22, 1982, Ryder International Corp., Arab, AL, submitted to FDA an application for premarket approval of the Kestrel No. 695 Heater for use with all heat (thermal) disinfected soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory

committee, which recommended approval of the application. On May 17, 1983, FDA approved the application by letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), soft contact lens accessories were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act (21 U.S.C. 321(h)), soft contact lens accessories are now regulated as class III devices (premarket approval).

As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or accessories comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved draft labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before July 11, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 2, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–15289 Filed 6–9–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83F–0134]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of poly [[6-[(1,1,3,3-tetramethylbutyl) amino]-s-triazine-2,4-diyl] [(2,2,6,6-tetramethyl-4-piperidyl)imino]hexamethylene [2,2,6,6-tetramethyl-4-piperidyl) imino]] as a light stabilizer in polypropylene and high-density polyethylene.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetc Act sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348) (b)(5))), notice is given that a petition (FAP 3B3716) has been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of poly [[6-[(1,1,3,3-tetramethylbutyl) amino]-s-triazine-2,4-diyl] [(2,2,6,6-tetramethyl-4-piperidyl)imino]hexamethylene [2,2,6,6-tetramethyl-4-piperidyl) imino]] as a light stabilizer in polypropylene and high-density polyethylene complying with 21 CFR 177–1520.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 2, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83–15541 Filed 6–9–83; 8:45 am]

BILLING CODE 4160–01–M

J. L. Keistler's Sarcoptic Mange Remedy; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by J. L. Keistler providing for use of Keistler's Sarcoptic Mange Remedy. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: June 20, 1983.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV–214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3183.

SUPPLEMENTARY INFORMATION: J. L. Keistler, 320 Tuskaseegee Rd., Charlotte, NC 28208, is the sponsor of NADA 1–443 which provides for use of Keistler's Sarcoptic Mange Remedy. The product was originally approved September 22, 1939. In their letter of February 2, 1983, the sponsor stated the product was no longer being manufactured or marketed and requested withdrawal of approval under § 514.115 (21 CFR 514.115). Approval of this NADA has not been codified in the Code of Federal Regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84),

and in accordance with § 514.115 *Withdrawal of approval of applications*, notice is given that approval of NADA 1–443 and all supplements for J. L. Keistler's Sarcoptic Mange Remedy is hereby withdrawn, effective June 20, 1983.

Dated: May 31, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83–15540 Filed 6–9–83; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

Medicare Program; Continuation of the Current Part B Monthly Premium Rate

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General Notice.

SUMMARY: This notice announces the rescission of the increase in the monthly Medicare Supplementary Medical Insurance (SMI) premium for the aged (age 65 or over) and disabled (under age 65) that was scheduled to become effective on July 1, 1983.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph N. Romano, Supervisory Actuary, Division of Medicare Cost Estimates, 1–C–11, Oak Meadows Building, Baltimore, Maryland 21235, Telephone: (301) 594–1023.

SUPPLEMENTARY INFORMATION: Section 1831 of the Social Security Act establishes a voluntary Supplementary Medical Insurance (SMI) program (Part B of Medicare) for aged and disabled individuals who elect to enroll under Part B. Coverage of the benefits under Part B is subject to the payment of a monthly SMI premium.

The Secretary of Health and Human Services published a notice in the **Federal Register** (see 47 FR 58366) on December 30, 1982, announcing that the monthly SMI premium rate would increase to $13.50 beginning July 1, 1983. Subsequently, section 606(c) of the Social Security Amendments of 1983 (Pub. L. 98–21) rescinded the scheduled premium increase and required that the monthly premium remain at the current amount of $12.20 through December 31, 1983. Accordingly, the scheduled premium of increase to $13.50 is rescinded and the current premium $12.20 remains in effect through the end of calendar year 1983.

Prior to amendment by section 606 of the Social Security Amendments of 1983, section 1839(c)(3) of the Act required the Secretary to determine and publish, during the last quarter of each calendar year, the amount of the monthly SMI premium rate to be paid by aged and disabled enrollees for the 12-month period beginning with the following July 1. Section 1839(c)(3) of the Act as amended by section 606(a)(1) of the Social Security Amendments of 1983 requires the Secretary to determine and publish, during the next to last quarter of each calendar year, the amount of the monthly SMI premium to be paid by aged and disabled enrollees for the following calendar year. The Secretary will publish a separate notice by September 30, 1983, announcing the monthly premium amount that will apply to calendar year 1984.

(Sec. 606(c) of the Social Security Amendments of 1983, Pub. L. 98–21, 97 Stat. 171)

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare/Supplementary Medical Insurance)

Date June 6, 1983

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83–15663 Filed 6–9–83; 8:45 am]

BILLING CODE 4120–03–M

Medicare Program; Continuation of the Current Premium Rate for the Uninsured Aged

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General Notice.

SUMMARY: This notice announces the rescission of the increase in the monthly Medicare hospital insurance premium for the uninsured aged that was scheduled to become effective on July 1, 1983.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Sol Mussey, Supervisory Actuary, Office of Financial and Actuarial Analysis, 1–C–11 Oak Meadows Building, Baltimore, Maryland 21207, Telephone: (301) 594–1024.

SUPPLEMENTARY INFORMATION: Section 1818 of the Social Security Act (Act) provides for voluntary enrollment in the hospital insurance program (Part A of Medicare), subject to payment of a monthly premium, of certain persons age 65 and older who are uninsured for social security or railroad retirement benefits and do not otherwise meet the requirements for entitlement to hospital insurance. (Persons insured under the Social Security or Railroad Retirement Acts need not pay premiums for hospital insurance.)

The Secretary of Health and Human Services published a notice in the **Federal Register** (see 47 FR 57574) on December 27, 1982 announcing that the monthly Medicare hospital insurance premium for the uninsured aged would increase from $113 to $132 beginning July 1, 1983. Subsequently, section 606(c) of the Social Security Amendments of 1983 (Pub. L. 98–21) rescinded the scheduled premium increase and required that the monthly premium remain at the current amount of $113 through December 31, 1983. Accordingly, the scheduled premium increase to $132 is rescinded and the current premium of $113 remains in effect through the end of calendar year 1983.

Prior to amendment by section 606 of the Social Security Amendments of 1983, section 1818(d)(2) of the Act required the Secretary to determine and publish, during the last quarter of each calendar year, the amount of the monthly Part A premium for voluntary enrollment for the 12-month period beginning with the following July 1. Section 1818(d)(2) of the Act, as amended by section 606(b) of the Social Security Amendments of 1983, requires the Secretary to determine and publish, during the next to last quarter of each calendar year, the amount of the monthly Part A premium for voluntary enrollment for the following calendar year. The Secretary will publish a separate notice by September 30, 1983, announcing the monthly premium amount that will apply to calendar year 1984.

(Sec. 606(c) of the Social Security Amendments of 1983, Pub. L. 98–21, 97 Stat. 171)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: June 6, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83–15662 Filed 6–9–83; 8:45 am]

BILLING CODE 4120–03–M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on June 3.

Public Health Service

Health Resources and Services Administration

Subject: Health Education Assistance Loan Program School Recordkeeping Requirements—New
Respondents: Educational institutions
Subject: National Sample Survey of Licensed Practical/Vocational Nurses—New
Respondents: Licensed practical and vocational nurses
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Survey of Employment Service Programs for Refugees—New
Respondents: Local employment programs for refugees
Subject: Monthly "Flash" Report of Selected AFDC Program Data (0960–0152 (SSA–3645))—REVISION
Respondents: State Aid for Dependent Children program offices
Subject: Declaration of Citizenship by Social Security Beneficiary Outside the United States (SSA–487TC and 490TC)—New
Respondents: Social Security beneficiaries residing outside the United States
OMB Desk Officer: Milo Sunderhauf.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. Attn: (name of OMB Desk Officer).

Dated: June 3, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83–15606 Filed 6–9–83; 8:45 am]
BILLING CODE 4150–04–M

Public Health Service

Privacy Act of 1974; Addition to Routine Use

AGENCY: Public Health Service, Health and Human Services Department.

ACTION: Notification of a proposal to add a routine use to an existing system of records: 09–30–0034, "Professional Development Program Registries of the National Training System for Substance Abuse Services," HHS/ADAMHA/NIDA.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a proposal to add a routine use to the system of records 09–30–0034, "Professional Development Program Registries of the National Training System for Substance Abuse Services," HHS/ADAMHA/NIDA, in the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), National Institute on Drug Abuse (NIDA). This new routine use will permit ADAMHA to transfer the records now in NIDA's possession to a non-Federal successor organization, the American Council on Education (ACE). ACE will assume all responsibility for the operation of the registries. PHS invites interested parties to submit comments on the proposed routine use on or before July 11, 1983.

DATE: PHS will adopt the new routine use without further notice 30 days after the date of publication, unless comments are received which would result in a contrary determination. Upon adoption, ADAMHA will transfer the records to ACE. At that time, ADAMHA will terminate this system of records.

ADDRESS: Please address comments to: Privacy Act Officer, NIDA, Office of Science, Extramural Policy and Project Review, 5600 Fishers Lane, Room 10–42, Rockville, Maryland 20857.

Comments received will be available for inspection at the same address, from 8:00 a.m. to 4:00 p.m., Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: Avraham Forman, Division of Training, National Institute on Drug Abuse, 5600 Fishers Lane, Room 10–A–37, Rockville, Maryland 20857, Telephone: (301) 443–6720. This is not a toll-free number.

Any individual who wishes to have his or her record(s) deleted from this system of records prior to the transfer of the records to the non-Federal successor organization, ACE, thereby eliminating his or her participation in the National Training System (NTS) network, should notify the official listed above. This request must reach the above-listed official within the stipulated 30-day comment period. The request to delete the record should include the following information: Notarized signature, full name at the time of training, and, if known, location and date when training was provided, course name, and name of instructor/trainer and/or sponsoring organization. Any records which are not transferred will be sent to the subject-individual, if requested, or destroyed when the other records are transferred.

SUPPLEMENTARY INFORMATION: NIDA established NTS in 1973 to serve as the network for providing substance abuse services training. It is a combination of national, regional, State and local training and human resource development services contractors, grantees, and affiliates of NIDA, ADAMHA. The purpose of this system of records is retrieval of data on persons providing or receiving substance abuse-related training. The system of records enables individuals to obtain confirmation of their successful completion of substance abuse training courses provided within NTS. Training is conducted under NTS auspices and information about that training is used to establish substance-abuse worker credentials, to promote career mobility, and to assist in the attainment of academic credit. The records are also used to certify the competence of the trainers of NTS-developed courses.

With reduced Federal funding, NIDA can no longer support the components of NTS. States, however, will continue to operate and coordinate training programs for substance-abuse treatment workers. States view the registries as an important tool in enabling trainers and trainees to verify academic credit(s) in this area. Therefore, the need to continue the operation of the registries of NTS still exists. NIDA has consulted with NTS components and decided to transfer the registries from a NIDA contractor to a non-Federal successor organization, ACE. ACE will operate the registries on a fee-for-service basis and will continue to operate the registries in a manner similar to the current procedures.

Adding the new routine use will permit the transfer of these records to ACE. Once the records from this system are transferred, assuming no objection within the 30-day public comment period which would result in a contrary determination, NIDA will no longer have responsibility for the records. The transferred records will not be maintained on behalf of NIDA and therefore will no longer be subject to the Privacy Act.

The new routine use will read as follows:

"4. NIDA will disclose all records in the system to a non-Federal successor organization, the American Council on Education, DuPont Circle, Washington, D.C. The American Council on Education will assume all responsibility for the registries and operate them on a fee-for-service basis with an assurance of confidentiality safeguards. This transfer will terminate all Federal Government responsibility for this system of records."

ACE has agreed, in writing, to maintain the confidentiality of the records. ACE's assurance of confidentiality is that the release of information from a record of an individual will require a verifiable, signed release from the subject-individual. The only exception to this policy would be for a request from a court in the form of a court order or a subpoena.

Due to the reduction in funds and the pending transfer of the system to a non-Federal successor organization, NIDA no longer needs the first and third routine uses listed in the existing system notice. Therefore, we are deleting them at this time. The remaining routine use (number two below) is effective until the transfer or destruction of the records shortly after the expiration of the 30-day public comment period for the new, fourth, routine use. The three existing routine uses read as follows:

"1. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining the records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records."

"2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual."

"3. Disclosure may be made to members of the Professional Development Program Standards Committee (PDPSC) to enable them to carry out their responsibilities for certification of instructors/trainers and confirmation of trainees' participation in courses."

We are not changing the language in any of the other categories in the system notice because this information is correct and effective until 30 days after publication of the new routine use in the **Federal Register**, when the system will be terminated.

The transfer of the function of the registries to ACE is compatible with the purpose of the system of records, as ACE will continue to perform the tasks performed by the NIDA contractor, and will continue to verify successful completion of substance abuse services training.

In addition to this publication in the **Federal Register**, we are making more direct efforts to notify individuals in this system of records about the proposed transfer of the records to ACE and the procedures to follow if they wish to have their records deleted from the system prior to the transfer. Specifically, we will inform State training officers, who through State workshops in the substance abuse training area and State newsletters, will notify participants in this system of records of the proposed record transfer.

The system notice was last published in the **Federal Register**, October 13, 1982, (47 FR 45458–45459). We are republishing the notice in its entirety below to incorporate the proposed changes.

Dated: June 3, 1983.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operation and Director, Office of Management.

SYSTEM NAME:

09–30–0034

Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Training, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, Room 10A–46, Parklawn Building, 5600 Fishers Lane, Rockville, Mayland 20857.

Health Control Systems, Inc., 11325 Seven Locks Road, Potomac, Maryland 20854.

Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have participated in National Training System (NTS) courses either as trainees or as instructors/trainers. The term "trainees" encompasses all categories of persons who are students in NTS courses, whether or not they have experience yet in the substance abuse services and/or training fields. "Instructors" are persons qualified to teach one or several aspects of a NTS course, but not qualified in all aspects of teaching techniques and not authorized within the NTS to validate another person's qualifications for training others to teach the course content. "Trainers" are persons who are qualified through NTS-recognized academic or specialized preparation in all aspects of a NTS course, and are certified by NTS to teach the course, train and supervise other persons to teach it, and validate other persons' qualifications to teach it for NTS. An individual's status can vary from course to course. Persons who have participated in substance abuse-related training activities that meet NTS standards but are provided by non-NTS organizations are also included in the registries at the participants' option.

CATEGORIES OF RECORDS IN THE SYSTEM:

Course records which include: name, birthdate, sex, address, employment, length of time employed in the field of substance abuse services training, name and version of course, course completion records, date of course, name of instructor/trainer or trainees as appropriate, and training sponsor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Prevention, Treatment and Rehabilitation Act, Sections 410 and 501 (21 U.S.C. 1177 and 1191); Public Health Service Act, Section 301 (42 U.S.C. 241(a)).

PURPOSE(S):

The registries which constitute this system of records enable individuals to obtain confirmation of their successful completion of substance abuse training courses. This in turn enables them to obtain the certification of academic credit necessary to verify their qualifications for employment in the substance abuse training or services fields. Disclosures for this purpose are made only to subject individuals or others as the subject individual permits in writing, such as academic institutions and potential employers.

Individually identified information will not be otherwise disclosed to persons or organizations either within or outside the DHHS except as provided by the routine uses set forth below and as otherwise provided by Section 3(b) of the Privacy Act (5 U.S.C. 552a(b)). The nonindividually identified aggregate data will be analyzed by the National Institute on Drug Abuse (NIDA) for quality control and will be available to the public for purposes of identifying drug abuse services training trends.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

4. NIDA will disclose all records in the system to a non-Federal successor organization, the American Council on Education, DuPont Circle, Washington, D.C. The American Council on

Education will assume all responsibility for the registries and operate them on a fee-for-service basis with an assurance of confidentiality safeguards. This transfer will terminate all Federal Government responsibility for this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Batch control sheets, individual registration forms (automated and nonautomated), keypunch cards, computer tapes and disks are utilized. Individually identifiable information on original forms are stored in locked cabinets.

RETRIEVABILITY:

The system is filed by the name of the trainee of instructor/trainer.

SAFEGUARDS:

Records are kept in premises with accessibility to contractor staff, NIDA project officers, and his/her support staff. Individually identifiable information in paper media (batch control sheets, registration forms, and keypunch cards) are stored in locked cabinets. For computerized records, safeguards established in accordance with the National Bureau of Standards guidelines and HHS's System Manual. Part 6, "ADP System Security", are utilized. Specifically, premises are secured in accordance with existing security systems for safeguarding records at the Federal Government computer center in the Parklawn Building, Rockville, Maryland, Security personnel patrol the premises there 24 hours a day. Computer systems are secured through locked magnetic disk libraries as well as password access computer system.

These safeguards are in accordance with DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 in the General Administration Manual.

NOTE: NIDA contracts with non-Federal parties shall stipulate agreement to the above procedures on the part of the contractor.

RETENTION AND DISPOSAL:

The current NTS standard requires that NTS instructors/trainers teach a course every 18 months in order to be recertified. Most States and academic institutions similarly require their staffs to periodically update their knowledge and skills through continuing education courses. If individuals discontinue their participation in NTS or NTS-approved training, supporting records of their participation become obsolete rather rapidly for purposes of verifying qualifications. Therefore, records on an individual are retained for only three years following the individual's most recent completion of course requirements for earning academic credit and/or meeting employment qualifications. After three years with no further reported activity, only information of an individual's date(s) of certification(s) as instructor/trainer in NTS course(s) is retained indefinitely.

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Professional Development Program, Division of Training, NIDA, Alcohol, Drug Abuse, and Mental Health Administration, Room 10A–46, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself or herself upon written request with notarized signature. The following information should be provided: full name at the time of training and, if known, location and date when training was provided, course name, and name of instructor/trainer and/or sponsoring organization.

Your Social Security number would be helpful for record locating purposes, but it is not required.

RECORD ACCESS PROCEDURES

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the Official at the address specified under Notification Procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Trainee registration form for each trainee in a course, containing personal and professional background information and course completion validation; and "batch control" sheet for each course, identifying instructor(s)/trainer(s) and trainees. For instructors/trainers, sources also include reports from national, State, and regional certification authorities; NTS national workshop recommendations; and equivalent sources upon which the Professional Development Program Standards Committee (PDPSC) will base decisions on certification of instructors/trainers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83–15502 Filed 6–9–83; 8:45 am]
BILLING CODE 4160–20–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–83–700]

Authority Delegation; Designation of Privacy Act Officer

AGENCY: Office of the Regional Administrator, Region X, Seattle Regional Office, HUD.

ACTION: Designation of Privacy Act Officer.

SUMMARY: The Regional Administrator of Region X (Seattle Regional Office) is designating the Regional Counsel to serve as Privacy Act Officer for the Seattle Regional Office of HUD.

EFFECTIVE DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Terence R. Duvernay, Deputy Regional Administrator, Seattle Regional Office, Department of Housing and Urban Development, 1321 Second Avenue, Seattle, Washington 98101, (206) 442–5330. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: 24 CFR Part 16 prescribes the policies and procedures for implementing the Privacy Act of 1974, 5 U.S.C. 552a Section 16.2(b)(2) provides that the Privacy Act Officer for a particular HUD office is the official identified in Appendix A to Part 16, or his designee. For the Seattle Regional Office, the official identified in Appendix A is the Regional Administrator. The Regional Administrator wishes to designate the Regional Counsel as Privacy Act Officer, to serve in his place.

Accordingly, the Regional Counsel for Region X is hereby designated to serve, in place of the Regional Administrator, as Privacy Act Officer for the Seattle Regional Office of HUD, to perform the duties specified in 24 CFR Part 16.

Authority: 24 CFR 16.2(b)(2) and Appendix A to Part 16.

Dated: June 1, 1983.

William Y. Nishimura,

Regional Administrator, Seattle Regional Office.

[FR Doc. 83-15396 Filed 6-9-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1250]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above.

Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Submission of Proposed Information Collection to OMB

Proposal: Fiscal information—Military acquisition
Office: Administration
Form number: HUD-2706
Frequency of submission: On occasion
Affected public: Businesses or other institutions (except farms)
Estimated burden hours: 250
Status: Extension
Contact: Betty Belin, HUD, (202) 755-5747; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 24, 1983.

Proposal: Broker's accounting reports
Office: Administration
Form number: HUD-2700, HUD-2700a, HUD-2700b, HUD-2749, HUD-2750, and HUD-2751
Frequency of submission: Monthly/quarterly
Affected public: Businesses or other for-profit and small businesses or organizations
Estimated burden hours: 24,688
Status: Reinstatement
Contact: Betty Belin, HUD, (202) 755-5747; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 24, 1983.

Proposal: Mortgagee's application for insurance benefits (multifamily mortgage)
Office: Administration
Form number: HUD-2747
Frequency of submission: On occasion
Affected public: Businesses or other institutions (except farms)
Estimated burden hours: 25
Status: Extension
Contact: Betty Belin, HUD, (202) 755-5747; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 24, 1983.

Proposal: Preliminary site report by Public Housing Agency
Office: Housing
Form number: HUD-52651
Frequency of submission: On occasion
Affected public: State or local governments
Estimated burden hours: 1,500
Status: Extension
Contact: Raymond Hamilton, HUD, (202) 426-0938; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 24, 1983.

Proposal: Title I transfer of mobile home loans to GNMA pool
Office: Administration
Form number: HUD-676
Frequency of submission: On occasion
Affected public: Businesses or other institutions (except farms)
Estimated burden hours: 2,500
Status: Extension
Contact: Betty Belin, HUD, (202) 755-5747; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 24, 1983.

Lee Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-15578 Filed 6-9-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1251]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicble; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Proposal: Mortgagee's one-time MIP (mortgage insurance premium) transmittal
Office: Housing
Form number: None
Frequency of submission: On occasion
Affected public: Businesses or other for-profit
Estimated burden hours: 18,000
Status: New
Contact: Linda F. Miller, HUD, (202) 755–5747; Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 2, 1983.

Proposal: Request for payment of subsidies for operations non-PFS (performance funding system) projects
Office: Housing
Form number: HUD–53087
Frequency of submission: On occasion
Affected public: State or local governments
Estimated burden hours: 210
Status: New
Contact: Kenneth Moul, HUD, (202) 755–8145; Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 2, 1983.

Lea Hamilton,
Director, Office of Information Policies and Systems.

[FR Doc. 83–15579 Filed 6–9–83; 8:45 am]
BILLING CODE 4210–01–M

[Docket No. N–83–1252]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.
ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Submission of Proposed Information Collection to OMB

Proposal: Survey of Durability and Quality in Manufactured Housing.
Office: Housing.
Form No.: None.
Frequency of Submission: Single-Time.
Affected Public: individuals or Households.
Estimated Burden Hours: 198.
Status: New.
Contact: Tobias Gottesman, HUD, (202) 755–6584; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 16, 1983.

Lea Hamilton,
Director, Office of Information Policies and Systems.

[FR Doc. 83–15580 Filed 6–9–83; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–50379–5]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613 (1976) (ANCSA)) and section 1430 of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2371, 2531), will be issued to Chugach Natives, Inc., for approximately 46,724 acres. The lands involved are within:

Copper River Meridian, Alaska

T. 16 S., R. 7 E., (Unsurveyed)
T. 17 S., R. 7 E., (Partially surveyed)
T. 16 S., R. 8 E., (Partially surveyed)
T. 17 S., R. 8 E., (Partially surveyed)
T. 16 S., R. 9 E., (Surveyed)
T. 17 S., R. 9 E., (Partially surveyed)

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the CORDOVA TIMES upon issuance of the decision. For information on how to obtain copies,

contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearing and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until July 11, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Chugach Natives, Inc., 903 West Northern Lights Boulevard, Suite 201, Anchorage, Alaska 99503.

Linda A. Brooks,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-15604 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[AA-8096-4 and AA-12432]

Alaska Native Claims Selections

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613 (1976) (ANCSA)) and sections 1429 and 1430 of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2371, 2530 and 2531), will be issued to Chugach Natives, Inc., for approximately 26,583 acres. The lands involved are within:

Copper River Meridian, Alaska

T. 16 S., R. 9 E. (Surveyed)
T. 17 S., R. 9 E. (Partially Surveyed)

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the CORDOVA TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations, Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until July 11, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Chugach Natives, Inc., 903 West Northern Lights Boulevard, Suite 201, Anchorage, Alaska 99503.

Linda A. Brooks,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-15605 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[C-26365]

Colorado; Order Opening Lands Withdrawn for Power Projects 347 and 418

Correction

In FR Doc. FR 83-13421 beginning on page 22645 in the issue of Thursday, May 19, 1983, make the following corrections.

1. On page 22645, second column, under **"Project No. 347"**, the line reading *"Sixth Principal Meridian"* should have read "1. *Sixth Principal Meridian*"; and the line reading *"Roosevelt National Forest"* should have read "2. *Roosevelt National Forest*".

2. On the same page, third column, under **"Project No. 418"**, the line reading *"Roosevelt National Forest"* should have read "3. *Roosevelt National Forest*".

BILLING CODE 1505-01-M

Competitive Coal Leasing—Fort Union Federal Coal Production Region; Qualified Surface Owner Consents

AGENCY: Bureau of Land Management, Interior.

ACTION: Filing deadline for qualified surface owner consents, Fort Union Federal Coal Production Region.

SUMMARY: The Federal coal management regulations at 43 CFR Part 3427 require that a deadline be established for the submission of

qualified surface owner consents prior to Federal coal lease sales for lands to which the consents apply. In accordance with this requirement, the public is hereby notified that the deadline for filing consents for lands recommended for competitive coal lease sale in the Fort Union Federal Coal Production Region on July 28, 1983, or April 25, 1984, is July 1, 1983.

DATE: Consents must be filed on or before July 1, 1983.

ADDRESS: Consent must be filed with the Bureau of Land Management, Montana State Office, 222 N. 32nd Street, P.O. Box 30157, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Jeanette Bejot or Lloyd Emmons, Montana State Office at the address listed above—(406) 657–6291.

SUPPLEMENTARY INFORMATION: The Federal coal management regulations at 43 CFR Part 3427 require qualified surface owner consents for surface-minable split estate lands offered for competitive coal lease sale to be filed with the appropriate Bureau of Land Management State Office prior to the lease sale for the lands to which the consents apply.

The Bureau of Land Management, through its regional coal team, has recommended to the Secretary of the Interior that the following tracts in the Fort Union Coal Production Region be offered for competitive lease sale:

Antelope	Renner
North Beulah	Sakakawea
Bloomfield	Schoolhouse
Center	Truax
Dunn Center	Underwood
Garrison	Werner
Glenharold	

Qualified surface owner consents for lands subject to consent within the above tracts must be filed with the Bureau of Land Management, Montana State Office on or before July 1, 1983, to receive consideration. Any required consents filed after July 1, 1983, will be accepted but will not be acted upon before the lease sale. Any tracts containing lands covered by consents filed after the deadline will be withdrawn from the lease sale.

Further information on the tracts to be offered for lease sale in the Fort Union Region or on the surface owner consent requirements on those tracts may be obtained from the Montana State Office at the address listed above.

Dated: June 3, 1983.

Kannon Richards,

Acting State Director.

[FR Doc. 83-15602 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Cerbat-Black Mountain Planning Area and Phoenix Resource Area Wilderness Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS) for Cerbat-Black Mountain Planning Area, Kingman Resource Area, and for Phoenix Resource Area. These areas are part of the Phoenix District, Arizona and lie in Mohave, Yavapai, Maricopa, Pinal, and Pima Counties, Arizona.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act of 1976 (FLPMA) requires that the Secretary of the Interior review those public lands with roadless areas of 5,000 acres or more having wilderness characteristics and determines the suitability or nonsuitability of each such area for wilderness preservation. The Bureau of Land Management's Phoenix District will prepare an environmental impact statement for the wilderness study areas in the Cerbat-Black Mountain Planning Area and the Phoenix Resource Area. The draft statement will be made available to the public for review in the spring of 1984.

For information concerning the wilderness EIS, contact Bill Carter, Environmental Impact Statement Team Leader, Division of Planning and Environmental Assistance, Phoenix District Office, 2933 West Indian School Road, Phoenix, Arizona 85017, Telephone (602) 241–2852.

Dated: June 2, 1983.

William K. Barker,

District Manager.

[FR Doc. 83-15603 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Lower Gila South Planning Area Resource Management Plan; Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement on the Resource Management Plan (RMP) for the Lower Gila South Planning Area of the Phoenix District, Arizona. The area is in Maricopa Pinal, Pima, Yuma, and La Paz Counties, Arizona.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act of 1976 (FLPMA) states that the Secretary of the Interior shall develop and maintain land use plans for the use of public lands. The RMP addresses the issues identified through public workshops and meetings. The issues identified are wilderness study proposals, rangeland livestock use, land tenure adjustments (sales or exchanges of public lands), and identification of utility corridors. Alternatives to be analyzed have been developed, and an environmental impact statment will be prepared analyzing the impacts of the proposal and alternatives.

For information concerning the environmental impact statement, contact Bill Carter, Environmental Impact Statement Team Leader, Division of Planning and Environmental Assistance, Phoenix District Office, 2933 West Indian School Road, Phoenix, Arizona 85017, Telephone (602) 241–2852.

Dated: June 2, 1983.

William K. Barker,

District Manager.

[FR Doc. 83-15604 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[A-17881]

Arizona; Exchange of Mineral Estates

May 31, 1983.

1. In an exchange made under the provisions of Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756; 43 U.S.C. 1716, the mineral estate in the following described State-owned land has been transferred to the State of Arizona;

Gila and Salt River Meridian, Arizona

T. 26 N., R. 4 E.
Section 14, NW¼, S½.
T. 26 N. R. 5 E.,
Section 8, All;
Section 20, All.
T. 27 N., R. 4 E.,
Section 14, All;
Section 30, lots 1–4, E½W½, E½,
Comprising 3040.28 acres.

2. The mineral estate in the following described land has been reconveyed to the United States:

T. 25 N., R. 8 E.,
Section 3, lots 1–4, S½N½, S½;
Section 10, All;
Section 11, All;
Section 14, All;
Section 15, N½, N½SW¼, S½SE¼,
Comprising 3,040.80 acres.

3. Of the lands described in paragraph 2, 2871.81 acres are situated within the boundaries of the Wupatki National Monument subject to jurisdiction of the National Park Service. The following described lands are under the jurisdiction of the Bureau of Land Management:

T. 25 N., R. 8 E.,

Section 3, U.S. 89 right-of-way and the SW¼SW¼;
Section 10, that portion lying west of the east right-of-way boundary of U.S. 89;
Section 15, that portion lying west of the east right-of-way boundary of U.S. 89.
Comprising approximately 168.99 acres.

None of the reconveyed mineral estate will be subject to appropriation under the mining or mineral leasing laws unless and until an appropriate opening order is issued by the Bureau of Land Management authorized officer.

The purpose of this notice is to inform the public and interested State and local governmental officials of the exchange of mineral interests.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-15591 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[Arizona Serial Numbers; AZAZ027000001, AZAZ027000002, AZAZ027000003]

Arizona; Realty Action for Competitive Sale of Land in Pima, Yuma, and La Paz Counties

In **Federal Register** Document No. 83-12052 appearing on pages 20505 and 20506 of the issue for May 6, 1983, the following changes should be made for serial No. AZAZ027000002:

1. In paragraph one, Section 205(1)(c) should be changed to Section 203(1)(c);

2. The following sentence should be added to the end of the first paragraph: It has been determined that Donald R. Chambers will have a preference bid for tract 9 and will be allowed the opportunity to meet the high bid;

3. In the Table in Column 1 on page 20505, the appraised value of tract No. 10 should be changed from $80,000 to $55,000.

In **Federal Register** Document No. 83-12053 appearing on pages 20504 and 20505 of the issue for May 6, 1983, the following change should be made in the first paragraph for serial No. AZAZ027000003:

Section 205(1)(c) should be changed to read Section 203.

In **Federal Register** Document No. 83-12054 appearing on pages 20503 and 20504 of the issue for May 6, 1983, the following change should be made in the first paragraph for serial No. AZAZ027000001:

Section 205(1)(c) should be changed to read Section 203.

Dated: May 31, 1983.

William K. Barker,

District Manager.

[FR Doc. 83-15590 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[Realty Action M59023—Competitive]

Competitive Sale of Public Lands; Mountrail County, North Dakota

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value of $5,175.00.

5th Principal Meridan, North Dakota

T. 155 N., R. 91 W., Section 5: Lot 3.
Containing 39.83 acres.

The land will be offered for sale by a combination of sealed and oral bidding. Sale date is August 22, 1983 at 11:00 a.m. in the Mountrail County Courthouse, Stanley, North Dakota. Sealed bids will be considered only if received at the place of sale prior to 11:00 a.m., August 22, 1983.

This tract is located 2½ miles south of Stanley, North Dakota. There is legal access. Legal access is along the north side of Section 5 from a gravel road. There is no established road on this section line. This land is being sold because it is a small isolated tract without legal access. It does not contain significant resource values that would justify retention. It is a great distance from the District Office. Proper management would be difficult and uneconomical. It is not suitable for management by another federal agency.

The proposed action was discussed with the local and state government officials. It was also discussed with the adjacent landowner.

The proposed sale is consistent with the Bureau's planning system. Mountrail County government officials have been notified of the sale. The transfer of the tract into private ownership will benefit the public interest and provide for more efficient land management.

Terms and Conditions of the Sale are:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine and remove same under applicable law and regulations, (43 U.S.C. 1719.)

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945.

3. The sale of these lands will be subject to all valid and existing rights and reservations of record.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, 204 Sims Street, P.O. Box 1229, Dickinson, North Dakota.

Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination of the Department of the Interior. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this sale, including the environmental assessment and record of public discussions, is available for review at the Dickinson District Office, 204 Sims Street, Dickinson, North Dakota.

SUPPLEMENTARY INFORMATION: The bidder must be a citizen of the United States or in the case of a corporation subject to the laws of any state or the United States. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of North Dakota. Bids must be made by the principal or his agent.

Bid Standards

No bid will be accepted for less than the appraised value of $5,175.00.

Method of Bidding

The land will be sold by a combination of sealed and oral bids. Each bid must be accompanied by a certified check, postal money order, bank draft, or cashiers check made payable to the Bureau of Land Management for not less than one-fifth of the amount bid. The sealed bid envelope must be marked in the lower left-hand corner as follows:

Public land sale in T155N, R91W, Section 5.
Date: August 22, 1983.

If two or more envelopes containing valid bids of the same amount are received and not subsequently raised by an oral bid, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids if no oral bid is received to raise the tie bid. The highest qualifying bid shall then be publicly declared.

Competitive Bidding

This is a competitive bid sale. The land will be offered to the highest qualified bidder. The designated bidder must submit a bid of at least the fair market value prior to the sale date in order to be considered under the modified bidding provisions. If he meets the highest bid, the land will be sold to him, and the other bid will be returned. His refusal to meet the highest bid or to submit any bid at all prior to the sale date shall constitute a waiver of such bidding provisions.

Final Details

Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price prior to the expiration of 30 days from the date of the sale. Failure to submit the required amount within the allotted time will result in cancellation of the sale and the deposit will be forfeited. All bids will either be returned, accepted or rejected within 60 days of the sale date.

Dated: June 1, 1983.

Kenneth H. Burke,

Acting District Manager.

[FR Doc. 83-15584 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32194]

Illinois; Realty Action Competitive Sale of Public Land in Ogle County

The following described islands have been identified as suitable for disposal by sale under the provisions of Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value:

FOURTH PRINCIPAL MERIDIAN, ILLINOIS

Parcel	Legal description	Acreage	Appraised value
	T. 25 N., R. 11 E		
A	Sec. 11: Lot 2	3.15	$3,400
B	Sec. 14: Lot 1 and Sec. 15: Lot 1.	5.73	4,300
C	Sec. 15: Lot 2	[illegible]	[illegible]000
D	Sec. 20: Lot 1 and Sec. 29: Lot 1.	5.54	4,200
E	Sec. 29: Lot 2	.53	200
F	Sec. 29: Lot 3	.23	200
G	Sec. 31: Lot 1	6.37	4,800
H	Sec. 31: Lot 2	.43	500
I	Sec. 31: Lot 3	1.64	1,200
J	Sec. 31: Lot 4	[illegible]6	500

The land will be sold by competitive bidding.

Bidding Information and Instructions:

The Federal Land Policy and Management Act (90 Stat. 2757; 43 U.S.C. 1717) and regulations promulgated thereunder require that bidders be citizens of the United States, 18 years of age or over, or, in the case of a corporation, be subject to the laws of any state of the United States. Bids may be made by a principal (the one desiring to purchase the land) or his duly authorized agent. Agents will be required to submit proof of power of attorney.

Method of Bidding

Each bid must be for all the land in a specified parcel. Sealed bids must be submitted to the Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Such bids will only be considered if received at the above address prior to 1:00 p.m., August 26, 1983. No oral bids will be accepted. Sealed bids, accompanied by a certified check, postal money order, bank draft, or cashiers check made payable to the Bureau of Land Management for not less than one fifth of the amount of the bid must be in a separate sealed envelope, within the transmittal envelope. The sealed envelopes must be marked in the lower lefthand corner, "Sealed Bid, Parcel ——, Public Land Sale ES 32194." All sealed bids will be opened at 1:00 p.m. on August 26, 1983.

The successful high bidder will be required to submit the remainder of the payment by cash, certified check, bank draft, money order, or combination thereof, within thrity (30) days after receipt of the decision accepting the highest bid. If final payment is not received with the specified 30 day period, the bid will be rejected, the deposit forfeited, and the parcel offered to the next highest bidder. All unsuccessful sealed bids will be returned within 30 days of the sale.

A patent for the land, when issued, will contain the following reservations;

1. All minerals will be reserved to the United States. Said mineral reservation will include the right to explore, prospect for, mine, and remove same under applicable law and regulations promulgated thereunder, as prescribed by the Secretary of the Interior.

2. A restriction which consitutues a covenant running with the land, that the subject parcels, all of which are situated within a floodplain, are subject to any use restrictions as set forth in State, county, or local laws or regulations relating to floodplain development as well as any restriction contained in the Ogle County Zoning Regulations, Article 6, Section 6-103B (1-4); which essentially calls for low intensity agricultural or recreational use. This restriction is included pursuant to the authority in section 3(d) of Executive Order 11988 of May 24, 1977, and section 208 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2757; 43 U.S.C. 1718).

Publication of this Notice will segregate the lands from all appropriations under the public land laws, but not the mineral leasing laws. This segregation will teminate upon the issuance of apatent, or 2 years from the date of this Notice, or upon publication of a notice of termination.

Dtailed information concerning the sale can be obtained by contacting Robert Gausman at (703) 235-2855, or at the following address. For a period of 45 days from the date of this Notice, interested parties may submit comments to the Eastern States Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Any adverse comments will be evaluated by the Eastern States Director, who may vacate or modify this Notice of Realty Action and issue a final determination. In the absence of any action by the Eastern States Director, this realty action will become the final determination of the Department of the Interior.

G. Curtis Jones, Jr.,

Eastern States Director.

[FR Doc. 83-15592 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Intent To Prepare a Management Framework Plan Amendment; Las Cruces District, New Mexico

AGENCY: Bureau of Land Management, Las Cruces District, New Mexico.

ACTION: Notice of Intent To Prepare a Management Framework Plan Amendment/Environmental Assessment (MFPA/EA) and Availability of Issues and Planning Criteria.

Description of Proposed Planning Action

The U.S. Department of the Interior, Bureau of Land Management, Las Cruces District, New Mexico, will prepare a Management Framework Plan Amendment including an Environmental Assessment which proposes to withdraw the public land and Federal subsurface mineral estate in the New Mexico Department of Game and Fish Redrock Wildlife Experimental Area from all forms of appropriation under the public land laws including the mining laws but not including the mineral leasing laws. The purpose of the proposed action is to protect breeding habitat of the desert bighorn sheep.

Identification of the Geographic Area To Be Planned

The Redrock Wildlife experimental Area is located in T. 18 S., R. 18 W.,

NMPM, Grant Country, New Mexico, and encompasses 312.16 acres of public land and 712.16 acres of Federal subsurface mineral estate.

The General Types of Issues Anticipated

The withdrawal of the Experimental Area is the only issue to be addressed.

Criteria To Guide Development of the Planning Action

As new information becomes available during the planning process or from public participation, additional criteria may be developed for future guidance of this planning effort. The more detailed planning criteria are available for public review and comment at the Las Cruces District Office.

The Disciplines To Be Represented on the Interdisciplinary Team

The MFPA/EA will be prepared by an interdisciplinary team consisting of an environmental coordinator, a writer-editor, a geologist, a realty specialist, a wildlife biologist, and an archaeologist.

The Kind and Extent of Public Participation Activities To Be Provided

Public comment generally favoring protection of the area for propagation of game animals was expressed during preparation of the Gila MFP. This notice and 3press releases to various newspapers in New Mexico and neighboring Arizona and Texas give interested parties 30 days in which to submit comments to the below signed official.

The Times, Dates, and Locations Scheduled for Public Meetings

Depending on the nature and degree of interest expressed during the 30 days following publication of this notice, meetings may be scheduled or additional comments may be solicited.

The Name, Title, Address, and Telephone Number of Responsible BLM Official

Ed Webb, Environmental Coordinator, Las Cruces District Office, P.O. Box 1420, Las Cruces, NM 88004, Telephone: (505) 524–8551; FTS 571–8312

The Location and Availability of Document Relevant to the Planning Process

Pertinent information is available at the BLM Office at 317 North Main Street, Las Cruces, New Mexico 88004 and are subject to public review on weekdays from 7:45 a.m. to 4:30 p.m.

Dated: June 2, 1983.

Daniel C. B. Rathbun,

District Manager.

[FR Doc. 83–15567 Filed 6–9–83; 8:45 am]

BILLING CODE 4310–84–M

[Realty Action M58024—Modified Competitive]

Modified Competitive Sale of Public Lands; Mountrail County, North Dakota

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713): at no less than the appraised fair market value $4,800.00.

5th Principal Meridan, North Dakota

T157N, R91W, Section 13: SE¼NW¼

Containing 40.00 acres.

The land will be offered for sale by a combination of sealed and oral bidding. Sale date is August 22, 1983 at 11:00 a.m. in the Mountrail County Courthouse, Stanley, North Dakota. Sealed bids will be considered only if received at the place of sale prior to 11:00 a.m., August 22, 1983.

This tract is located about 8 miles north of Stanley, North Dakota. There is no legal access. Physical access is over adjacent private land. This land is being sold because it is a small isolated tract without legal access. It does not contain significant resource values that would justify retention. It is a great distance from the District Office. Proper management would be difficult and uneconomical. It is not suitable for management by another federal agency.

The proposed action was discussed with the local and state government officials. It was also discussed with the adjacent landowner.

The proposed sale is consistent with the Bureau's planning system. Mountrail County government officials have been notified of the sale. The transfer of the tract into private ownership will benefit the public interest and provide for more efficient land management.

Terms and Conditions of the Sale are:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine and remove same under applicable law and regulations. (43 U.S.C. 1719)

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945.

3. The sale of these lands will be subject to all valid and existing rights and reservations of record.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, 204 Sims Street, P.O. Box 1229, Dickinson, North Dakota.

Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination of the Department of Interior. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this sale, including the environmental assessment and record of public discussions is available for review at the Dickinson District Office, 204 Sims Street, Dickinson, North Dakota.

SUPPLEMENTARY INFORMATION: The bidder must be a citizen of the United States or in the case of a corporation subject to the laws of any state or the United States. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of North Dakota. Bids must be made by the principal or his agent.

Bid Standards

No bid will be accepted for less than the appraised value of $4,800.00.

Method of Bidding

The land will be sold by a combination of sealed and oral bids. Each bid must be accompanied by a certified check, postal money order, bank draft, or cashiers check made payable to the Bureau of Land Management for not less than one-fifth of the amount bid. The sealed bid envelope must be marked in the lower left-hand corner as follows:

Public land sale in T157N, R91W, Section 13.

Dated: August 22, 1983.

If two or more envelopes contain valid bids of the same amount are received and not subsequently raised by an oral bid, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids if no oral bid is received to raise the tie bid. The highest qualifying bid shall then be publicly declared.

Modified Bidding

For a period of 30 days following the date of sale, Laverne and Murray Eliason, the designated bidder, will be offered the right to meet the highest qualifying bid. The designated bidder must submit a bid of at least the fair market value prior to the sale date in order to be considered under the modified bidding provisions. If he meets the highest bid, the land will be sold to him, and the order bid will be returned. His refusal to meet the highest bid or to submit any bid at all prior to the sale date shall constitute a waiver of such bidding provisions.

Final Details

Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price prior to the expiration of 30 days for the date of the sale. Failure to submit the required amount within the alloted time will result in cancellation of the sale and the deposit will be forfeited. All bids will either be returned, accepted or rejected within 60 days of the sale date.

Dated: June 1, 1983.

Kenneth H. Burke,

Acting District Manager.

[FR Doc. 83-15586 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[U-50120]

Issuance of Sale Conveyance Document; Uintah County, Utah

1. The United States issued a land sale document to Deseret Generation and Transmission Cooperation on May 26, 1983, Patent No. 43-83-0006 for the following described lands (surface estate only) pursuant to Section 203 of the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Salt Lake Meridian, Utah

T. 8 S., R. 23 E.,
Sec. 23, S½S½S½NE¼, SE¼;
Sec. 24, S½SW¼SW¼NE¼, S½S½SE¼NW¼, SW¼, W½W½SE¼;
Sec. 25, W½W½NE¼, W½, W½W½SE¼;
Sec. 26, E½;
Sec. 35, E½.
T. 9 S., R. 23 E.,
Sec. 1, lots 3, 4.

Containing 1,507.15 acres.

2. The lands were conveyed to the Deseret Generation and Transmission Cooperation for a coal-fired electrical generation plant. The public interest was well served through completion of this direct sale.

3. The value of the Federal land was appraised at $151,000 and payment was received for this amount to the United States.

Dated: June 2, 1983.

Darrell C. Barnes,

Chief, Lands and Mining Claims Adjudication Section.

[FR Doc. 83-15588 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[M-57793]

Montana; Exchange of Public and Private Lands

AGENCY: Bureau of Land Management, Lewistown District Office, Interior.

ACTION: Notice of realty action M-57793, exchange of public and private lands in Carbon and Phillips Counties, Montana.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Principal Meridian, Montana

T. 28 N., R. 31 E.
Sec. 25: N½
T. 28 N., R. 32 E.
Sec. 8: SE¼NE¼
T. 29 N., R. 28 E.
Sec. 3: Lots 3 & 4, S½NW¼
T. 30 N., R. 28 E.
Sec. 10: NE¼
T. 31 N., R. 29 E.
Sec. 10: E½

Containing 1,011.20 acres of public land.

In exchange for these lands, the United States Government will acquire the surface estate in the following described lands:

Principal Meridian, Montana

T. 8 S., R. 26 E.
Sections 5, 8, 9: Parts within Homestead Entry Survey #169

Containing 159.96 acres.

DATES: For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, Airport Road, Lewistown, Montana 59457. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of this Department.

FOR FURTHER INFORMATION CONTACT: Information related to this exchange, including the environmental assessment and land report, is available for review at the Lewistown District Office, Airport Road, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to acquire a parcel of privately-owned land within the Custer National Forest. This land will be transferred to the Forest Service to support a multiple use Federal program and the economy. The multiple use values include, but are not limited to water quality, recreation, wildlife habitat and cultural resources.

The exchange is consistent with the Bureau's planning for the lands inolved and has been discussed with State and local officials. The public interest will be well served by making the exchange. The publication of this notice segregates the public lands described above from settlement, sale, location, and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with 43 U.S.C. 945, for lands being transferred out of Federal ownership.

2. The reservation to the United States of all minerals in the lands being transferred out of Federal ownership.

3. All valid existing rights (e.g. rights-of-way, easements, and leases of record).

4. Value equalization by cash payment or acreage adjustment.

5. The exchange must meet the requirements of 43 CFR 4110.4-2(b).

Dated: June 1, 1983.

Glenn W. Freeman,

District Manager.

[FR Doc. 83-15589 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Montana Off-Road Vehicle Designations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designation decision.

Decision: Notice is hereby given that an emergency off-road vehicle travel closure is being implemented pursuant to 43 CFR 8341.2 at the Holter Lake Recreation Site.

The specific site affected is located in Lots 6 and 7, Section 4, T. 14 N., R. 3 W., Principal Meridian, Montana. The closure applies to the entire 80 acre site with the exception of the county road and developed campground road system. It is being implemented in order to protect visual and recreation

resources and prevent erosion and safety hazards on steep slopes due to the use of trail bikes and four-wheel-drive vehicles.

This designation becomes effective immediately and will remain in effect until rescinded or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT: District Manager, Butte District Office, P.O. Box 3388, 106 North Parkmont, Butte, Montana 59702, (406) 494–5059; Area Manager, Headwaters Resource Area, P.O. Box 3388, 106 North Parkmont, Butte, Montana 59702, (406) 494–5059.

Dated: June 1, 1983.

Kannon Richards,

Acting State Director.

[FR Doc. 83–15586 Filed 6–9–83: 8:45 am]

BILLING CODE 4310–84–M

Wyoming and Montana, Casper District Office, Wyoming; Intent to Prepare a Regional Environmental Impact Statement (EIS) for Proposed Leasing of Federal Coal in the Powder River Coal Region

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Prepare an EIS.

SUMMARY: This notice advises the public that the Bureau of Land Management (BLM) intends to prepare an EIS addressing coal leasing in the Powder River Basin Coal Region in 1984. Public involvement to determine the scope and significant issues to be analyzed is invited. Public participation was sought in public scoping meetings in Gillette, and Sheridan, Wyoming, and Ashland, Montana during May. In response to public request an additional meeting will be held in Hardin, Montana on July 12, 1983.

FOR FURTHER INFORMATION CONTACT: Charles F. Wilkie, Special Projects Team Leader, Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601, (307) 261–5598.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the National Environmental Policy Act and the Council on Environmental Quality regulations (43 CFR 1508.22) that the Bureau of Land Management (BLM) will prepare an EIS to address potential effects of new competitive coal leasing in the Powder River Region of Wyoming and Montana.

This proposed leasing is needed to meet a Department of the Interior Federal coal leasing level, in accordance with the Federal Coal Management Program as announced by the Secretary of the Interior (43 CFR Part 3400).

Potential lease tracts have been delineated from land found acceptable for further consideration for coal development during BLM land-use planning. The Casper District of BLM identified acceptable areas for Wyoming in supplements and amendments to the Eastern Powder River Basin Management Framework Plans for the Western Powder River, Recluse, Gillette and Highlight review areas in Sheridan, Johnson, and Campbell counties. The U.S. Forest Service (USFS) (Supervisor's Office) applied the unsuitability criteria and identified acceptable areas on the Thunder Basin National Grasslands in southern Campbell County. The Miles City District BLM identified acceptable areas in Montana in updates of the South Rosebud, Coalwood, and Decker-Birney Management Framework Plans covering parts of Powder River, Big Horn and Rosebud counties.

Preparation of the EIS is scheduled to begin in May 1983. A draft EIS should be available for public review and comment in December 1983. A final EIS is to be filed with the Environmental Protection Agency in April 1984. The Secretary of the Interior is tentatively scheduled to make the leasing decision in June 1984. A lease sale is scheduled for August 1984.

The proposed action is the leasing of a combination of tracts within the Powder River Region to meet a regional leasing level. Alternatives to the proposed action include leasing different combinations of tracts and no additional Federal coal leasing (No Action). Prior to the preparation of the EIS, the tracts identified in accordance with the Federal coal management regulations (43 CFR 3420.4) will be ranked, selected and scheduled by the Powder River Regional Coal Team.

Public involvement is invited to determine the scope and significant issues to be analyzed in the EIS. Public participation will be sought by direct contact and mailings to interested and affected parties, announcements in local media, and review of the EIS and decision documents.

The additional public scoping meeting will be held in the County Commissioner's room of the County Building in Hardin, Montana on July 12, 1983 at 7:00 p.m. Notice of date, time and location will be published in local newspapers and will be announced at the Regional Coal Team meeting in Billings, Montana on June 21, 1983.

Any individual company, group or agency who wishes to be included in the mailing list for notification to submit information that would be useful in preparing the EIS, or to provide comments and suggestions should contact the BLM District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Telephone inquiries should be directed to Charles F. Wilkie, EIS Team Leader at the following numbers: (307) 261–5598 (commercial phone) or 328–5598 (Federal Telecommunications System).

Nyles L. Humphrey,

Acting State Director.

[FR Doc. 83–15577 Filed 6–9–83: 8:45 am]

BILLING CODE 4310–84–M

[Colorado 36378]

Colorado; Realty Action Non-Competitive Sale of Public Lands in Grand County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value ($5,500).

Sixth Principal Meridian, Colorado

T. 3 N., R. 77 W.,
Section 20: N½NW¼NW¼NE¼SW¼

The tract described contains approximately 1.19 acres in Grand County, Colorado.

The sale of this land will be held on approximately the day of August 15, 1983.

The lands are being offered as a direct non-competitive sale to Gerald and Charlene Bourland, owners of an adjoining tract and a a small recreational cabin which occupies the tract of public land proposed for sale. During the summer of 1980, Bureau of Land Management did resurveys in Township 3 North, Range 77 West, of the Sixth Principal Meridian, Colorado. At this time, the cabin owned by Mr. and Mrs. Bourland was found to be on public lands administered by BLM. The unauthorized occupancy was unintentional; the sale will resolve this unauthorized use situation and avoid an undue hardship to the Bourlands.

The cabin is a 14' x 16' primitive log cabin between Colorado State Highway 125 and Willow Creek. The primary existing land use of the area is recreational; centering on the surrounding Arapaho National Forest land. The sale of the 1.19 acre tract would not change the existing use pattern or environmental character of the area.

The parcel meets the disposal criteria outlined in the Federal Land Policy and Management Act and the BLM Kremmling Draft Resource Management

Plan. The Grand County Commissioners have not objected to sale of the land.

The terms and conditions applicable to the sale are:

1. The patent will contain a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All mineral rights will be reserved to the United States.

3. The sale of this land will be subject to all valid existing rights; including the right-of-way for Colorado State Highway 125, as approved by Bureau of Land Management decision under Serial No. C–04686.

4. The landowner, to whom title of this land will be transferred, will apply to Grand County for an outright subdivision exemption following the issuance of patent.

Detailed information concerning the sale, including environmental assessment report and land report, is available for review at the Bureau of Land Management, Kremmling Resource Area Office, P.O. Box 68, 1116 Park Avenue, Kremmling, Colorado 80459.

For a period of 45 days from date of this notice, interested parties may submit comments to District Manager, Bureau of Land Management, Craig District Office, 455 Emerson Street, Craig, Colorado 81625.

Dated: June 2, 1983.

Frances E. Noll,

Acting District Manager.

[FR Doc. 83–15473 Filed 6–9–83; 8:45 am]

BILLING CODE 4310–84–M

[A–13390]

Arizona National Guard, Florence Target and Military Range; Proposed Modification and Continuance of Withdrawal; Opportunity for Public Hearing

June 1, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue the subject withdrawal for a period of 20 years rather than for an indefinite term.

The existing withdrawal, made by Executive Order No. 1633 of October 28, 1912, segregates the land from operation of the public land laws, including the mining and mineral leasing laws. It is proposed to modify the withdrawal to open the land to operation of the mineral leasing laws.

No other change in the segregative effect of the withdrawal or use of the land is proposed.

The following described land is included in the proposed modification and continuance:

Gila and Salt River Meridian, Arizona

T. 4 S., R. 9 E.,
- Sec. 1, all;
- Sec. 12, all;
- Sec. 13, N½, N½S½, portions of SE¼
- Sec. 24, portions of W½NE¼, and S½SW¼;
- Sec. 25, N½NW¼.

T. 4 S., R. 10 E.,
- Sec. 4, all;
- Sec. 5, all;
- Sec. 6, all;
- Sec. 7, all;
- Sec. 8, N½, SW¼;
- Sec. 18, lots 1, 2, 3 and 4, E½W½, NE¼;
- Sec. 19, lot 1.

The areas described aggregate 5,710.40 acres in Pinal County.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed action. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before 90 days from date of this publication. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed action may be filed with the undersigned officer on or before the above designated date.

The authorized officer of the bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources, and will review the withdrawal rejustification to ensure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized Officer will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued or modified, and if so, for how long. The final determination will be published in the **Federal Register**. The existing withdrawal will continue until such final determinal is made.

All communications in connection with this proposed action should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83–15566 Filed 6–9–83; 8:45 am]

BILLING CODE 4310–84–M

[A–13011]

Arizona National Guard, Papago Facility; Proposed Modification and Continuance of Withdrawal; Opportunity for Public Hearing

June 1, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue the subject withdrawal for a period of 20 years, rather than for an indefinite term.

The existing withdrawal, made by the Act of Congress of April 7, 1930, segregates the land from operation of the public land laws, including the mining and mineral leasing laws. It is proposed to modify the withdrawal to open the land to operation of the mineral leasing laws.

No other change in the segregative effect of the withdrawal or use of the land is proposed.

The following described land is included in the proposed modification:

Gila and Salt River Meridian, Arizona

T. 1 N., R. 4 E.,
- Sec. 4, N½NW¼;
- Sec. 5, N½NE¼.

T. 2 N., R. 4 E.,
- Sec. 32, SE¼;
- Sec. 33, SW¼.

The areas described aggregate 484.09 acres in Maricopa County.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed action. All interested persons who desire to be hard on the proposal must submit a written request for a hearing to the undersigned on or before 90 days from date of this publication. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections

to the proposed action may be filed with the undersigned officer on or before the above designated date.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources, and will review the withdrawal rejustification to ensure that continuation or modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued or modified, and if so, for how long. The final determination will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed action should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-15567 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[AR-019097; AR-031541]

Arizona; Safford Federal Prison; Proposed Continuance of Withdrawal; Opportunity for Public Hearing

June 1, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue the subject withdrawal until the year 2015, rather than for an indefinite term.

The existing withdrawal, made by Public Land Orders 1767 and 3010 of December 15, 1958 and April 8, 1963, respectively, segregates the land from operation of the public land laws, including the mining laws but not the mineral leasing laws. No change in the segregative effect of the withdrawal or use of the land is proposed.

The following described land is included in the proposed continuance:

Gila and Salt River Meridian, Arizona

T. 8 S., R. 26 E.,
Sec. 19, lot 6, E½SW¼, S½SE¼.
Sec. 30, N½NW¼NE¼, N½NE¼NW¼.

The areas described aggregate 237.63 acres in Graham County.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed action. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before 90 days from date of this publication. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed action may be filed with the undersigned officer on or before the above designated date.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources, and will review the withdrawal rejustification to ensure that continuation or modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued or modified, and if so, for how long. The final determination will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed action should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-15568 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[A-13386]

Arizona; Douglas National Guard Rifle Range; Proposed Partial Continuance of Withdrawal; Opportunity for Public Hearing

June 1, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue the subject withdrawal on 625 acres for a period of 20 years, rather than for an indefinite term, and to revoke the withdrawal on 15 acres.

The existing withdrawal, made by Executive Order 2138 of February 19, 1915, segregates the land from operation of the public land laws, including the mining laws but not the mineral leasing laws.

The following described land is included in the proposed continuation:

Gila and Salt River Meridian, Arizona

T. 24 S., R. 28 E.,
Sec. 10, N½, N½SW¼, E½SW¼SW¼, N½NW¼SW¼SW¼, SE¼SW¼, SE¼.

The areas described aggregate 625 acres in Cochise County.

The withdrawal would be revoked on the following land:

T. 24 S., R. 28 E.,
Sec. 10, S½NW¼SW¼SW¼, SW¼SW¼SW¼.

Comprising 15 acres.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed action. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before 90 days from date of this publication. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed action may be filed with the undersigned officer on or before the above designated date.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources, and will review the withdrawal rejustification to ensure that continuation or modification would be consistent with the statutory objectives of the programs for which the land is

dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued or modified, and if so, for how long. The final determination will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed action should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-15565 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Medford District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a field trip of the Bureau of Land Management, Medford District Advisory Council will be held on July 8, 1983.

The trip will organize at 8:00 A.M. in the reception area of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon. Subject of the field trip involves a day-long visit to Eight-Dollar Mountain to observe and discuss management of the area, which is being considered an Area of Critical Environmental Concern.

The trip is open to the public, but interested persons must provide their own transportation.

Hugh Shera,

District Manager.

[FR Doc. 83-15569 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[N-37242]

Nevada; Notice of Realty Action—Non-Competitive Sale of Public Lands in Elko County, Nevada

June 2, 1983.

The following land has been examined and identified as suitable for disposal by direct sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than fair market value:

Mount Diablo Meridan

T. 34 N., R. 55 E.
Sec. 8, W½NW¼NE¼NE¼.

The above-described land comprising five (5) acres, is being offered as a direct sale to Sierra Pacific Power Company. The power company has constructed a substation on the parcel under the authority of right-of-way grant N-34115. However, they prefer to have fee title to the land on which they have made a substantial financial investment.

The sale is consistent with the Bureau's planning system. The land is not needed for any resource program and is not suitable for management by the Bureau or another Federal department or agency. The proposal has been reviewed and approved by the Elko County Planning Commission.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Those rights for powerline purposes which have been granted to Nevada Power Company, its successors or assigns, by Permit No. Nev-067051, under the Act of February 15, 1901, 31 Stat. 790, 43 U.S.C. 959.

2. Those rights for powerline purposes which have been granted to Sierra Pacific Power Company, its successors or assigns, by Permit No. N-34115, under the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

3. Those rights granted by oil and gas lease, N-17935, made under Section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570. This patent is issued subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of oil and gas lease, N-17935, and any authorized extension of that lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

4. An easement 30 feet in width along the south boundary for road and public utilities purposes to insure continued ingress and egress to adjacent lands.

Detailed information concerning the sale is available for review at the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 89801. For a period of 45 days from the date of publication in the **Federal Register**, interested parties may submit comments to the State Director at P.O. Box 12000, Reno, Nevada 89520. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. If no action is taken by the State Director, this realty action will become a final determination of the Department of the Interior.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83-15627 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[W-80910]

Rescheduling of Sale; Modified Competitive Sale of Public Lands; Johnson County, Wyoming

A "Notice of Realty Action" was published on September 30, 1982 at 47 FR 43201 in the **Federal Register** and concerned and modified competitive sale of public land in Wyoming. A postponement of said notice was published on November 9, 1982 at 47 FR 50763. Notice is hereby given, that this sale in Johnson County, Wyoming is rescheduled to take place on August 12, 1983.

The methods and procedures set out in the original "Notice of Realty Action" on September 30, 1982 will still apply with the following exceptions:

1. The appraised value of the property is now $30,000.

2. The public sale will be held on Friday, August 12, 1983.

3. No bid will be accepted for less than the appraised value of $30,000.

4. The sealed bid envelope must be marked in the lower left-hand corner of the front of the envelope with the words "Public Land Sale W-80910, August 12, 1983—Sealed Bid."

Paul Arrasmith,

District Manager.

[FR Doc. 83-15571 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

[W-80909]

Wyoming: Realty Action; Proposed Noncompetitive Sale of Public Lands in Johnson County, Wyoming

The following described lands have been examined and identified as suitable for disposal by direct sale

under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than fair market value:

Sixth Principal Meridian

T. 45 N., R. 78 W.,
Sec. 34, SW¼NE¼SE¼.

The area described contains 10 acres.

The fair market is $2500.00

The land is proposed for disposal by direct sale to Edwin J. Streeter who is currently authorized to occupy the land by a temporary use permit. Prior to the issuance of the temporary use permit, Mr. Streeter lived on the land for approximately 17 years in an unintentional occupancy trespass which has been settled. The value of the improvements Mr. Streeter has placed on the land is approximately $58,200.00 of which the major investment is his home. He is the authorized range user and co-owner of the adjoining private land. The grazing preference will not be affected by this proposed sale. The authorized officer has determined public interest would be best served by the proposed direct sale in order to recognize and protect Mr. Streeter's equities and the unintentional nature of the trespass.

The proposed sale has been analyzed according to 43 CFR 1601.8(c). The co-owner of the adjacent private lands and the local government officials are in support of the sale. The subject-lands are not essential to any Bureau program and are not suitable for management by another federal agency.

The land will not be offered for sale until 60 days after the date of this notice.

The proposed sale will be subject to the following:

1. Reservation of right-of-way for ditches and canals to the United States pursuant to 43 U.S.C. 945;
2. Reservation to the United States mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Department of Interior may prescribe;
3. All valid existing rights and reservations of record.

Detailed information concerning the proposed sale is available for review at the Bureau of Land Management, Buffalo Resource Area, 300 Spruce St., P.O. Box 670, Buffalo, Wyoming 82834.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Casper District Manager, Casper District Office, Bureau of Land Management, 951 Rancho Road, 82601. Any adverse comments will be evaluated by the district manager who may vacate or modify this realty action.

In absence of any action by the district manager this realty action will become a final determination of the Department of the Interior.

Paul W. Arrasmith,

District Manager.

[FR Doc. 83-15573 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3393, Block 102, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 1, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-15570 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Intention to Negotiate Concession Permit; Alternative, Inc., et al.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate concession permits with Alternative, Inc., Alois Amrein, Caribbean Sea Adventures, Monica H. Gelardi, Magton, Ltd., Milemark, Inc., Francis Smilowitz, Southern Seas, Inc., Teroro, Inc., and Llewelyn Westerman, hereinafter referred to as Concessioners, authorizing each of them to continue to provide excursion boat transportation and related services within Buck Island Reef National Monument for a period of approximately five years from date of execution, through April 30, 1988.

This proposal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing Concessioners have performed their obligations to the satisfaction of the Secretary under their existing permits which expire by limitation of time on April 30, 1983, and, therefore, pursuant to the Act of October 9, 1965, as cited above, are entitled to be given preference in the negotiation of new concession permits. This provision, in effect, grants each of the Concessioners, the opportunity to meet the terms and conditions of any other proposal submitted which the Secretary may consider better than a proposal submitted by an individual Concessioner. If the individual Concessioner amends its individual proposal and the amended proposal is substantially equal to the better offer, then the new permit will be negotiated with the existing individual Concessioner.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing Concessioners, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, or the Superintendent, Virgin Islands National Park Box 7789, Charlotte Amalie, St.

Thomas, U.S.V.I. 00801, for information as to the requirements of the proposed permits.

Dated June 1, 1983.

C. W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 83-15598 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-70-M

Intention to Negotiate Concession Contract; Harbor Carriers, Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Harbor Carriers, Inc., authorizing it to continue to provide boat transportation facilities and services for the public at Golden Gate National Recreation Area, California, for a period of approximately fifteen (15) years from January 1, 1984.

"This proposed contract requires a construction and improvement program. The construction and improvement program required was previously addresed in the General Management Plan/Environmental Analysis, September 1980, that was prepared in conjunction with the General Management Plan for Golden Gate National Recreation Area."

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1983, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Harbor Carriers, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Harbor Carriers, Inc. If Habor Carriers, Inc., amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Harbor Carriers, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Golden Gate National Recreation Area, Fort Mason, California 94123, for information as to the requirements of the proposed contract.

Dated: June 6, 1983.

Howard H. Chapman,

regional Director, Western Region.

[FR Doc. 83-15599 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware Citizens Advisory Council; Meeting

AGENCY: National Park Service Upper Delaware Citizens Advisory Council Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: June 24, 1983, 7 p.m.

ADDRESS: Town of Tusten Hall, Narrowburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159 (717) 729-7135.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include discussion of Draft Management Plan.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: May 31, 1983.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 83-15600 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

New Mexico; Amendment of Wilderness Inventory Decisions

AGENCY: Office of the Secretary of Interior.

ACTION: Amendment of Wilderness Inventory Decisions.

SUMMARY: This notice designates 16 areas totaling 48,658 acres for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 or for consideration for other forms of protective management. This notice also amends previous wilderness inventory decisions by the Bureau of Land Management for lands in New Mexico, deleting all or part of 17 wilderness study areas. The total area deleted from wilderness study area status under Section 603 of the Act by this decision is 121,012 acres.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT: New Mexico State Director, Bureau of Land Management, Post Office Box 1449, Joseph Montoya Federal Building, South Federal Place, Santa Fe, New Mexico 87501, telephone (505) 988-6227.

Amendment of Wilderness Inventory Decisions

This notice completes the action necessary with respect to Bureau of Land Management wilderness study areas in New Mexico to bring the Bureau's wilderness review into compliance with recent decisions of the Interior Board of Land Appeals. Previous action on this subject was published in the **Federal Register** on December 30, 1982 (47 FR 58372).

Section 1. Consideration for Protective Management

The 16 areas listed in Table 1, totaling 48,658 acres, have been designated for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 or for consideration for other forms of protective management. These areas were formerly identified as wilderness study areas under Section 603 of the Act. They were either deleted from that category on December 30, 1982, or they are being deleted by Sections 2 and 3 of this decision.

Section 2. Areas Under 5,000 Acres

The following wilderness study area is modified to delete a roadless area smaller than 5,000 acres, effective upon publication of this decision in the **Federal Register**. This roadless area was improperly identified as part of a wilderness study area under Section 603 of the Federal Land Policy and Management Act of 1976. Only the acreage listed below as "acres deleted" is deleted from wilderness study; the remainder of the wilderness study area remains under wilderness study, and the deletion does not affect the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics in the remaining wilderness study area.

Wilderness Study Area Name: Brokeoff Mountains
Number: NM–030–112
Old Wilderness Study Area Acreage: 28,600
Acres Deleted (Unit B): 220
Revised Wilderness Study Area Acreage: 28,380
County: Otero

Section 3. Split-Estate Lands

A. "Split-estate" lands are lands where the Federal Government owns the surface but where the subsurface mineral estate is nonfederally owned. Split-estate lands were improperly identified for wilderness study under Section 603 of the Federal Land Policy and Managment Act of 1976. That error is corrected by this decision.

B. The lands listed as "split-estate" in Table 2 are deleted from wilderness study area status, effective upon publication of this decision in the **Federal Register**. These are scattered tracts located within the listed wilderness study areas. Only the indicated acreage of split-estate land is deleted from wilderness study; the remainder of the wilderness study area remains under wilderness study, and the boundary of the wilderness study area has not been changed. The deletions do not affect the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics.

C. The boundaries and acreages of the wilderness study areas listed in Table 3 are modified, effective upon publication of this Secision in the **Federal Register**, to delete split-estate lands and certain other public lands. The deleted lands consist of: (1) scattered tracts of split estate located within wilderness study areas, (2) tracts of split estate located on the periphery of wilderness study areas, and (3) tracts that are not split estate but are isolated from the main body of the wilderness study area by deletion of the split estate and no longer qualify for wilderness study under section 603 because they are smaller than 5,000 acres. Only the indicated acreage is deleted from wilderness study. The remainder of the wilderness study area remains under wilderness study, and the boundary change does not affect the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics in the remaining wilderness study area.

Section 4. Management of Deleted Lands

All lands in New Mexico deleted from wilderness study status by this decision in Sections 2 and 3 and by the decision issued on December 30, 1982 (47 FR 58372), and not designated for further wilderness consideration in Table 1 of this notice are hereby released from management restrictions to protect their wilderness suitability. Of these lands, 43,138 acres are being considered for designation as areas of critical environmental concern, natural areas, national natural landmarks, or scenic areas or for nomination to the National Register of Historic Places and will be managed to protect the identified natural, cultural, or recreational values. The remaining 171,605 acres will be managed for the full range of multiple uses other than wilderness and in conformance with existing land use plans and regulations for those areas.

This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

Garrey E. Carruthers,
Assistant Secretary.
June 2, 1983.

TABLE 1.—AREAS BEING CONSIDERED FOR PROTECTIVE MANAGEMENT

Area name	Number	Acreage	County	Category [1]
Bisti	NM–010–057	[4] 3,520	San Juan	Wilderness.
Manzano	NM–010–092	645	Torrance	ACEC, NA, SA.
Ignacio Chavez	NM–010–020	22,290	McKinley	ACEC, NA.
Chamisa	NM–010–021	11,091	Sandoval	Do.
Rimrock	NM–020–007		Valencia	
Lobo tract		800		ACEC, NRHP.
Cebollita Spring tract		160		Do.
Narrows tract		320		Do.
National Arch tract		1,200		ACEC, NA.
Sand Canyon	NM–020–006		Valencia	
Promontory tract		[2] 640		ACEC, NRHP.
Homestead/Armijo tract		[3] 1,440		Do.
Little Rimrock	NM–020–009		Valencia	
Cebolla Spring tract		[4] 80		Do.
Penole tract		320		Do.
Eagle Peak (Zuni Salt Lake tract)	NM–020–019	1,800	Catron	NNL.
Big Hatchet Mountains	NM–020–035C	2,000	Hidalgo	Wilderness.
Guadalupe Canyon	(5)	494	Hidalgo	NA.
Lonesome Ridge	NM–060–801	1,808	Eddy	NA, SA.
Total (16 areas)		48,696		

[1] In this table the following abbreviations are used: Wilderness means wilderness consideration under Section 202 of the Federal Land Policy and Management Act of 1976; ACEC means consideration for areas of critical environmental concern; NA means consideration for natural areas; NNL means consideration for national natural landmarks; NRHP means consideration for nomination to the National Register of Historic Places; and SA means consideration for scenic areas.
[2] The Promontory tract consists of 640 acres from the former wilderness study area and 160 additional acres of public land.
[3] The Homestead/Armijo tract consists of 640 acres from the Sand Canyon former wilderness study area, 800 acres from the Pinon former wilderness study area (NM–020–010), and 160 additional acres of public land.
[4] The Cebolla Spring tract consists of 80 acres from the former wilderness study area and 80 additional acres of public land.
[5] This area has no number. It is contiguous to the existing Guadalupe Canyon Natural Area, which is under wilderness review as an "instant study area" pursuant to Section 603 of the Federal Land Policy and Management Act of 1976.
[6] The acreage of the Bisti area recently has been recalculated by more accurate methods as 3,968 acres. However, the figure 3,520 acres has been used in this table to be consistent with the figure used in the decision of December 30, 1982. Henceforth, the area under wilderness consideration will be considered to contain 3,968 acres.

TABLE 2.—MODIFIED WILDERNESS STUDY AREAS—SPLIT ESTATE DELETED

Wilderness study area name	Number	Old wilderness study area acreage	Acres split estate	Revised wilderness study area acreage	County
Sierra Ladrones	NM–020–016	36,868	560	36,308	Socorro.
West Potrillo Mountains	NM–030–052(6)	7,400	640	6,760	Dona Ana.
Robledo Mountains	NM–030–063	12,946	135	12,811	Dona Ana.
Total (3 areas)			1,335		

TABLE 3.—MODIFIED WILDERNESS STUDY AREAS—BOUNDARY CHANGED TO DELETE SPLIT ESTATE

Wilderness study area name	Number	Old wilderness study area acreage	Acres split estate	Acres non-split estate deleted	Revised wilderness study area acreage	County
De-na-zin	NM-010-004	19,922	855	513	18,554	San Juan.
Ignacio Chavez	NM-010-020	32,263	21,500	802	9,961	McKinley.
Cabezon	NM-010-022	8,112	74	0	8,038	Sandoval.
Empedrado	NM-010-063	9,454	44	0	9,410	Sandoval.
Mesita Blanca	NM-020-018	19,414	2,985	0	16,429	Catron.
Eagle Peak	NM-020-019	43,960	11,000	212	32,748	Catron.
Big Hatchet Mountains	NM-030-035A, B	60,710	4,573	2,499	53,638	Hidalgo.
Alamo Hueco Mountains	NM-030-038	16,512	2,726	3,040	10,746	Hidalgo.
West Potrillo Mountains	NM-303-052(A)	143,145	1,440	0	141,705	Luna/Dona Ana.
Aden Lava Flow	NM-030-053	25,287	1,430	0	23,857	Dona Ana.
Organ Mountains	NM-030-074	7,283	139	0	7,144	Dona Ana.
El Malpais	(1)	73,640	54,551	10,620	8,469	Cibola.
Guadalupe Canyon	(2)	454	454	0	0	Hidalgo.
Total (13 areas)			101,771	17,686		

[1] This area has no number. The area under wilderness study in the El Malpais area consists of 84,000 acres of formally designated Natural Area, which is under wilderness review as an "instant study area" pursuant to Section 603 of the Federal Land Policy and Management Act of 1976, and 73,000 acres of contiguous roadless area. All public lands within the formally designated Natural Area remain under wilderness review, as well as the 8,469 acres of contiguous lands shown in Table 3.

[2] This area has no number. It is contiguous to the Guadalupe Canyon Natural Area, which is under wilderness review as an "instant study area" pursuant to Section 603 of the Federal Land Policy and Management Act of 1976. All public lands within the formally designated Natural Area, totaling 3,691 acres, remain under wilderness review.

[FR Doc. 83-15514 Filed 6-9-83; 8:45 am]
BILLING CODE 4310-84-M

Indian Policy Review Team; Delegation of Authority

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 209 DM 8.

On May 26, 1983, a notice was published in the **Federal Register** (48 FR 23726) announcing a meeting of the Indian Policy Review Team on Monday, June 13, 1983. The meeting is hereby cancelled.

Dated June 7, 1983.

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 83-15656 Filed 6-9-83; 8:45 am]
BILLING CODE 4310-10-M

INTERNATIONAL DEVELOPMENT AGENCY

Agency for International Development

Commission on Security and Economic Assistance

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the locations of the third and fourth meetings of the Commission on Security and Economic Assistance. This notification provides further information to that which appeared in the **Federal Register** on June 1, 1983, Vol. 48, No. 106, page 24471.

The third Commission meeting on June 27, 1983 will be held from 1:30 p.m. to 5:00 p.m. in the Dirksen Senate Office Building located at First and C Streets N.E., Washington, D.C., Room SD 106.

The fourth Commission meeting on July 18, 1983 will be held from 1:30 p.m. to 5:00 p.m. in the Russell Senate Office Building located at Delaware and C Streets N.E. Washington, D.C., Room SR 325.

Mr. John K. Wilhelm is the designated A.I.D. representative. In addition to the above, statements may be filed with him, or further information received by writing to him care of the Agency for International Development, PPC/C, Room 1004 NS, Washington, D.C. 20523, or telephone him at 202/632-7800.

Dated: June 7, 1983.

John K. Wilhelm,

A.I.D. Representative, Commission on Security and Economic Assistance.

[FR Doc. 83-15695 Filed 6-9-83; 8:45 am]
BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on July 11, 1983. Petitions for reconsideration must be filed by June 30, 1983. Petitions for stay must be filed by June 20, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

Decided: June 3, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[No. MC-F-15139]

Carson Truck Lines, Inc.—Purchase Exemption—B&G Trucking, Inc.

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative, A. Charles Tell, 100 East Broad St., Columbus, OH 43215

Pleadings should refer to No. MC-F-15139.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Carson Truck Lines, Inc., (MC-142835) of a portion of the operating rights of B & G Trucking Inc., i.e., Certificate No. MC-146820, (Sub-No. 23), authorizing the transportation of (1) general commodities (with certain exceptions), between points in Kentucky, Maryland,

Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

[No. MC–F–15159]

Frank Potter Trucking Co., Inc.—Purchase Exemption—Nebraska Carriers, Inc.

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative, Patricia F. Scott, P.O. Box, 1000, Laurie, MO 65038

Pleadings should refer to No. MC–F–15159.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Frank Potter Trucking Co., (Potter) (MC–124393), of a portion of the operating rights of Nebraska Carriers, Inc., (Nebraska), i.e., Certificate No. MC–153207 (Sub-No. 2) which authorizes the irregular-route transportation of such commodities as are dealt in or used by building material and home improvement stores nationally, between the facilities used by Payless Cashways, Inc.

[No. MC–F–15203]

Presto Transportation Inc.—Purchase Exemption—Spector Red Ball, Inc. (Debtor-in-Possession)

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423
and
(2) Petitioner's representative, Raymond Bradfield, P.O. Box 469, Peru, Ill. 61354

Pleadings should refer to No. MC–F–15203.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Presto Transportation, Inc., of those operating rights of spector Red Ball, Inc. (Debtor-in-Possession) contained in Certificate Nos. MC–2229 Sub-Nos. 208, 241, 244, 256, and 275, and specified portions of Sub-No. 250, 251, 252, 253, 254, 257, 258, 259, 260, 261, 264, 265, 266, 267, 268, 273, and 274X.

[FR Doc. 83–15557 Filed 6–9–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–FC–206

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC–FC–81471. By decision of May 27, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to RICH LEHMANN, DOING BUSINESS AS RICH LEHMAN TRUCKING, 2205 Rosewyn Lane, Billings, MT 59102, of Permit No. MC–163831, issued January 27, 1983, to RAIL-TRAIL CO., Suite 301, 3203 Third Avenue North, Billings, MT 59101, authorizing the transportation of general commodities (except classes A and B explosives, household goods and commodities in bulk), between points in MT and WY, under continuing contract(s) with Burlington Northern Railroad Company.

Volume No. OP1–FC–207

By the Commission, Review Board Members Krock, Williams, and Dowell.

MC–FC–81492. By decision of June 2, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board approved the transfer to METROPOLITAN STORAGE & MOVING CO., INC., New York, NY, of Certificate Nos. MC–13780, and MC–13780 (Sub-No. 2), issued December 6, 1951 and April 22, 1949, respectively, to SOFIA BROTHERS, INC., New York, NY, authorizing the transportation of household goods, between New York, NY, on the one hand, and, on the other, points in CT, DE, FL, GA, MA, ME, MD, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV, and DC. Representative: Alvin Altman, 888 Seventh Avenue, New York, NY.

[FR Doc. 83–15560 Filed 6–9–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation: Alcoa Inter-America, Inc., Delaware; Alcoa Recycling Company, Delaware; Alcoa Steamship Company, Inc., New York; American Powdered Metals Company, Delaware; Buckeye Molding Company, Delaware; H. C. Products Company, Delaware; Jonathan's Landing, Inc., Delaware; Northwest Alloys, Inc., Delaware; PEP Industries, Inc., Tennessee; REA Magnet Wire Company, Inc., Delaware; The Stolle Corporation, Ohio; Tifton Aluminum Company, Inc., Delaware; Vancouver Extrusion Company, Inc., Delaware.

1. Parent corporation and address of principal office: Brown Group, Inc., 8400

Maryland Avenue, St. Louis, Missouri 63105.

2. Wholly owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Brown Group Recreational Products, Inc., Incorporated in the State of New Hampshire.

(ii) Wohl Shoe Company, Incorporated in the State of Missouri.

1. Parent Corporation: Clow Corporation, 1100 Executive Plaza East, 1211 West 22nd Street, Oak Brook, IL 60521.

2. Wholly owned subsidiaries which will participate in the operations, and State(s) of incorporation: Clow Development Company, Delaware; Clow DISC Inc., Illinois; Clow International, Inc., Delaware; Clow Water Systems Corporation, Delaware; Chicago Pump Company, Illinois; Rich Manufacturing Company, California.

1. Parent corporation and address of principal office: Consolidated Foods Corporation, Three First National Plaza, Chicago, Illinois 60602; a Maryland corporation.

2. Wholly-owned subsidiaries which will participate in the operations, and the address of their respective principal offices:

(a) Airs Isotoner Gloves, Inc., 417 Fifth Avenue, New York, New York 10016
(b) Bloch & Guggenheimer, Inc., 34–02 Review Avenue, Long Island City, New York 11101
(c) Booth Fisheries Corporation, Two North Riverside Plaza, Chicago, Illinois 60606
(d) Bryan Foods, Inc., P.O. Box 1177, West Point, Mississippi 39773
(e) Chef Pierre, Inc., P.O. Box 1009, Traverse City, Michigan 49684
(f) Electrolux Corporation, 2777 Summer Street, Stamford, Connecticut 06905
(g) Flexnit Company, Inc., 11 East 36th Street, New York, New York 10016
(h) The Fuller Brush Company, Westport Addition, P.O. Box 729, Great Bend, Kansas 67530
(i) Idaho Frozen Foods Corp., P.O. Box 128, Twin Falls, Idaho 83301
(j) Illinois Fruit & Produce Corp., One Quality Lane, Streator, Illinois 61364
(k) Kitchens of Sara Lee, Inc., 500 Waukegan Road, Deerfield, Illinois 60015
(l) Hollywood Brands, Inc., 100 South Poplar, Centralia, Illinois 62801
(m) The Lawson Company, 210 Broadway East, Cayahoga Falls, Ohio 44222
(n) Lyon's Restaurants, Inc., 1165 Triton Drive, Foster City, California 94404
(o) Oxford Chemicals, Inc., 5001 Peachtree Industrial Blvd., Chamblee, Georgia 30341
(p) Oxford Services, Inc., 1445 Marietta Blvd., N.W., Atlanta, Georgia 30318
(q) Popsicle Industries, Inc., 110 Route 4, P.O. Box 200, Englewood, New Jersey 07631
(r) PYA/Monarch, Inc., 2818 White Horse Road, P.O. Box 1569, Greenville, South Carolina 29602
(s) Sav-A-Stop Incorporated, 7960 Baymeadows Drive, Jacksonville, Florida 32216
(t) Shasta Beverages, Inc., 26901 Industrial Boulevard, Hayward, California 94545
(u) Sinton & Brown Company, 100 Pine Street, Suite 2575, San Francisco, California 94111
(v) Sirena, Inc., 10333 Vacco Street, South El Monte, California 91733
(w) Standard Meat Company, 3709 E. First Street, Ft. Worth, Texas 76111
(x) Twin Rivers, Transportation Company, P.O. Box 394, Deerfield, Illinois 60015
(y) Union Sugar Company, 100 Pine Street, Suite 2575, San Francisco, California 94111

3. Corporate divisions which will participate in the operations, and the address of their respective principal office:

(a) The Bali Company, 3330 Healy Drive, Winston-Salem, North Carolina 27103
(b) C&C Cola Company (Division of Shasta), 397 East 54th Street, Elmwood Park, New Jersey 07407
(c) Fermaprint (Division of Electrolux), 50 East 42nd Street, New York, New York 10017
(d) Gallo Salame, 250 Brannon Street, San Francisco, California 94107
(e) Gordon County Farm Company, P.O. Box 1267, Calhoun, Georgia 30701
(f) H.B. Kennerly & Son, Box 35, Nanticoke, Maryland 21840
(g) Hanes Direct Store Delivery, 7736 North Point Boulevard, Winston-Salem, North Carolina 27106
(h) Hanes Hosiery, 7000 Hanes Mill Road, Winston-Salem, North Carolina 27102
(i) Hanes Knitwear, 1100 S. Stratford Road, Winston-Salem, North Carolina 27102
(j) Hanes Printables, 2000 West First Street, Winston-Salem, North Carolina 27103
(k) Hi-Brand Foods, P.O. Box 2048, Peachtree City, Alabama 30269
(l) Hillshire Farm Company, P.O. Box 227, Route No. 1, New London, Wisconsin 54961
(m) Kahn's & Company, 3241 Spring Grove Avenue, Cincinnati, Ohio 45225
(n) Lauderdale Farm Company, 700 South Wood Avenue, Florence, Alabama 35630
(o) Lawrence Hose Company (Division of Electrolux), P.O. Box 1838, Burlington, North Carolina 27215
(p) L'eggs Brands (subsidiary of L'eggs Products), 2035 University Parkway, Winston-Salem, North Carolina 27106
(q) L'eggs Products, 8025 North Point Boulevard, Winston-Salem, North Carolina 27106
(r) L'erin Cosmetics, P.O. Box 57, Winston-Salem, North Carolina 27102
(s) Malone & Hyde (Division of PYA/Monarch), 1991 Corporate Avenue, Memphis, Tennessee 38132
(t) Moccomat Beverage Systems, 990 Supreme Drive, Bensenville, Illinois 60106
(u) Nanticoke Seafood Co. (Division of Booth), Box 35, Nanticoke, Maryland 21840
(v) Rudy's Farm Company, 2424 Music Valley Road, Nashville, Tennessee 37214
(w) Smoky Hollow Foods, 32nd & Woodrow Streets, Little Rock, Arkansas 72206
(x) Superior Coffee Company, 990 Supreme Drive, Bensenville, Illinois 60106
(y) Warrick Equipment Company, 4200 Malsbury Road, Cincinnati, Ohio 45252

1. Parent corporation and address of principal office: Ergon, Inc., 202 East Pearl Street, Jackson, MS 39201.

2. Wholly-owned subsidiairies which will participate in the operations, and address of their respective principal offices and states of incorporation:

(a) Big Valley Towing, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(b) Clarco Pipe Line Company, 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(c) Ergon Asphalt & Emulsions, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(d) Ergon Environmental Services, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(e) Ergon's General Store, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(f) Ergon Oil Purchasing, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(g) Ergon Refining, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(h) Joe T. Dehmer Distributor, Inc., 202 E. Pearl Street, Jackson MS 39201. (Mississippi)
(i) Magnolia Marine Transport Company, 202 E. Pearl Street, Jackson MS 39201. (Mississippi)

(j) Mobile Bulk Terminal, Inc., 202 E. Pearl Street, Jackson MS 39201. (Alabama)
(k) Remington Lubes, Inc., 1989 Channel Avenue, Memphis, TN 38113. (Tennessee)

1. Parent corporation and address of principal office: General Mills, Inc., P.O. Box 1113, Minneapolis, MN 55440.

2. Wholly-owned subsidiaries, addresses of their respective principal offices, and State(s) of incorporation:

a. Casa Gallardo, Inc., 1009 Executive Parkway Drive, St. Louis, MO 63141, Missouri
b. CPG Products Corp., P.O. Box 1113, Minneapolis, MN 55440, Delaware
c. Eddie Bauer, Inc., 15010 Northeast 36th Street, Redmond, WA 98052, Delaware
d. Empire Textile Corp., P.O. Box 1113, Minneapolis, MN 55440, Delaware
e. Fashion Flair, Inc., 498 Seventh Avenue, New York, NY 10018, Pennsylvania
f. Foot Joy, 144 Field Street, Brockton, MA 02403, Massachusetts
g. General Mills Export Company, 156 William Street, New York, NY 10038, Delaware
h. General Mills Products Corp., P.O. Box 1113, Minneapolis, MN 55440, Delaware
i. General Mills Restaurant Group, Inc., P.O. Box 1431, Orlando, FL 32802, Florida
j. LeeWards Creative Crafts, Inc., 1200 St. Charles Road, Elgin, IL 60120, Delaware
k. J. Lynch & Company, Inc., 1700 East Iron, Salina, KS 67401, Kansas
l. Pioneer Products, Inc., 808 Southwest 12th Street, P.O. Box 279, Ocala, FL 32670, Delaware
m. Ship'n Shore Products Corp., Bridgewater-at-Aston, Aston, PA 19014, Georgia
n. The Talbots, Inc., 175 Beal Street, Hingham, MA 02043, Massachusetts
o. Wallpapers To Go, Inc., P.O. Box 5016, Hayward, CA 94540, California
p. York Steak House Systems, Inc., P.O. Box 27975, Columbus, OH 43227, Ohio
q. General Mills Canada, Inc., 1330 Martin Grove Road, Rexdale, Ontario, Canada M9W 4X4, Ontario, Canada

2(a) Divisions of wholly-owned subsidiaries and address of their principal offices

a. Danco Division of General Mills Products Corp., 1914 So. Elm Street, High Point, NC 27262
b. Darryl's, a Division of General Mills Restaurant Group, Inc., P.O. Box 1431, Orlando, FL 32802
c. Fundimensions Division of CPG Products Corp., 26750—23 Mile Road, Mt. Clemens, MI 48043
d. General Mills Toy Group Operations Division of CPG Products Corp., 151 Bodman Place, Redbank, NJ 07701
e. Kenner Products Division of CPG Products Corp., 1014 Vine Street, Cincinnati, OH 45202
f. Lark Luggage Division of CPG Products Corp., 411 Fifth Avenue, New York, NY 10016
g. Monet Division of General Mills Products Corp., P.O. Box 376, Murray Hill Station, New York, NY 10016
h. Parker Brothers Division of CPG Products Corp., P.O. Box 1000, Beverly, MA 01915
i. Red Lobster Inns of America, a Division of General Mills Restaurant Group, Inc., P.O. Box 13330, Orlando, FL 32809
j. Sigmacon, a Division of General Mills Restaurant Group, Inc., 8100 Presidents Drive, Orlando, FL 32809
k. Yoplait, USA of General Mills Products Corp., P.O. Box 9329, Minneapolis, MN 55440
l. Yoplait, USA Division of General Mills Product Corp., P.O. Box 9329, Minneapolis, MN 55440
m. Blue Water Seafoods Division of General Mills Canada, Inc., 1640 Brandon Crescent, Lachine, Montreal, Quebec, Canada H8T 2N1
n. Eddie Bauer Division of General Mills Canada, Inc., 1020 Lawrence Avenue West, Toronto, Ontario, Canada MCA 1C3
o. Impressions Division of General Mills Canada, Inc., 7883 Keele Street, Concord, Ontario, Canada L4K 1B7
p. Lancia-Bravo Foods Division of General Mills Canada, Inc., 58A Hook Avenue, Toronto, Ontario, Canada M6P 1T5
q. Parker Brothers Division of General Mills Canada, Inc., P.O. Box 600, 7883 Keele Street, Concord, Ontario, Canada L4K 1B7

3. Divisions of parent corporation and addresses of their principal offices:

a. David Crystal Division, 498 Seventh Avenue, New York, NY 10018
b. Dunbar, 601 South Fulton Street, Berne, IN 46711
c. The Donruss Division, 975 Kansas Street, P.O. Box 2038, Memphis, TN 38106
d. The Gorton Group, 327 Main Street, P.O. Box 361, Gloucester, MA 01930
e. Kttinger, 1893 Elmwood Avenue, Buffalo, NY 14207
f. O-Cel-O Division, 305 Sawyer Avenue, Tonawanda, NY 14150
g. Pennsylvania House, 137 North Tenth Street, Lewisburg, PA 17837
h. Saluto Foods Division, P.O.Box 967, Benton Harbor, MI 49022
i. Ship'n Shore Division, Bridgewater-at-Aston, Aston, PA 19014
j. Trans World Seafood, 600 Third Avenue, 14th Floor, New York, NY 10016

1. General Wholesale Company, 710 Ashby St. N.W., Atlanta, Georgia 30318.

2. (i) General Wholesale Beer Company, Atlanta, Georgia 30318.
(ii) Valley Distributing Company, LaGrange, Georgia 30240.
(iii) General Wholesale Co. of S.C., Inc., Spartanburg, South Carolina 29301.
(iv) General Wholesale Beer Co. of No. Georgia Rome, Georgia 30161.

1. Parent corporation and address of principal office: Geo. A. Hormel & Company, 501 16th Avenue N.E., Austin, MN 55912.

2. Wholly-owned subsidiaries which will participate in the operations and State of incorporation: (i) Farm Fresh Catfish Company; Minnesota; (ii) Vista International Packaging, Inc.; Illinois; (iii) Hormel International Corporation; Delaware.

1. Parent Corporation and address of principal office: Kent-Holland Industries, Inc., 582 East Lakewood Blvd., Holland, Michigan 49423

2. Wholly-owned subsidiaries which will participate in the operations, and State of Incorporation: (i) Kent Trucking Company, Inc., Michigan; (ii) Kent-Holland Diecasting & Plating, Inc., Michigan.

1. Parent corporation and address of principal office: The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:

(a) Dillon Companies, Inc., P.O.Box 1266, Hutchinson, KS 67501
(b) King Soopers, Inc., 65 Tejon Street, Denver, CO 80223
(c) Fry's Food Stores, Inc., P.O. Box 987, El Sobrante, CA 94803
(d) Fry's Food Stores of Arizona, Inc., P.O. Box 6016, Phoenix, AZ 85005
(e) City Market, Inc., P.O. Box 729, Grand Junction, CO 81502
(f) Kwik Shop, Inc., 734 East Fourth, Hutchinson, KS 67501
(g) Quik-Stop Markets, Inc., P.O. Box 5745, Fremont, CA 94537
(h) Time Saver Stores, Inc., 5243 Canal Blvd., New Orleans, LA 70124
(i) Jackson Ice Cream Co., Inc., 2600 East Fourth, Hutchinson, KS 67501
(j) D. G. Calhoun, Inc., 911 North Halstead, Hutchinson, KS 67501

1. Parent corporation and address of principal office: Williston Tank Rental, Inc., Box 2626, Williston, ND 58801.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: D & J Transport,

Inc. (a North Dakota corporation), Box 2628, Williston, ND 58801.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15561 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-344

Decided: June 3, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 166116, filed February 7, 1983, previously noticed in the **Federal Register** of February 28, 1983. Applicant: QUALITY TRANSPORTATION BROKERS, INCORPORATED, 234 Fifth Ave., New York, NY 10001. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835-4411. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to show the authority is for a motor carrier broker, erroneously omitted from the previous publication.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-202

Decided: June 1, 1983.

By the Commission, Review Board Members Fortier, Krock, and Williams.

MC 168131, filed May 18, 1983. Applicant: SAMSON TOURS INC., 2050 West Mercer Ave., College Park, GA 30337. Representative: Wilhelm M. Sambdman, Jr. (same address as applicant), (404) 761-9770. Transporting *passengers,* in charter and special operations, beginning and ending at points in GA, and extending to points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168161, filed May 19, 1983. Applicant: G. L. MAYS d.b.a. BUNNY TRUCKING, P.O. Box 20201, 136 Dubose Dr., San Antonio, TX 78220. Representative: G. L. Mays (same address as applicant), (512) 649-1718. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168191, filed May 20, 1983. Applicant: ROSS E. HALL, d.b.a. WEE-HAUL TRUCKING, R.D. 1, Box 436C, Long Lane, York Haven, PA 17370. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301)-797-6060. Transporting (1) *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI), and (2) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 168201, filed May 23, 1983. Applicant: CARLIN CORPORATION, 410 West Erie St., Chicago, IL 60610. Representative: Edward P. Bocko, P.O.

Box 496, Mineral Ridge, OH 44440, (216) 652–2789. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168210, filed May 23, 1983. Applicant: REDON II TRANSPORTATION, 2717 Campbell Blvd., Ellenwood, GA 30049 Representative: Lavern R. Holdeman, 1610 South 70th, Suite 200, Lincoln, NE 68506, (402) 488–0985. As a *broker*, of *general comodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–255

Decided: June 2, 1983.

By the Commission, Review Board Members Carleton, Parker, and Fortier.

MC 135362 (Sub-3), Filed May 12, 1983. Applicant: ELMSFORD TRANSPORTATION CORPORATION, 17 North Payne St., Elmsford, NY 10523. Representative: Anthony Morgese (Same address as applicant), 914–592–3322. Transporting *Passengers*, in charter and special operations, between points in the U.S (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166172, filed May 20, 1983. Applicant: J & B ENTERPRISES, INC., d.b.a. LEISURE UNLIMITED VACATION (LUV), ENTERPRISE TRAVEL, 7 Elliewood Ave, Charlottesville, VA 22903. Representative: William D. Dittmar, Jr. (same address as applicant), 804–979–8105. Transporting *passengers* in charter and special operation, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter special transportation

MC 145482, (Sub-4), filed May 12, 1983. Applicant: INNER CIRCLE QONEXIONS, INC., 57 County Ave., Secaucus, NJ 07094. Representative: Peter Palluzi (same address as applicant), 201–866–4919. Transporting *passengers*, in special and charter operations, between points in the U.S., on and west of a line beginning at the mouth of the Mississppi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada (except Ak and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 134452 (Sub-7), filed May 17, 1983. Applicant: SCENIC TRAILS, INC., 700 North 3rd St., La Crosse, WI 54601. Representative: Irvin L. Hougom (same address as applicant), 608–782–8360. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 135382 (Sub-4), filed May 16, 1983. Applicant: S & S RENTAL, INC., d.b.a. MIDWAY CHARTER COACH, 1601 Baker St., Baltimore, MD 21216. Representative: Roy W. Spence (same address as applicant), 301–624–7820. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166163, filed May 19, 1983. Applicant: RICHARD CHARLTON, d.b.a. R.C. SERVICES, 2312 N. Rosewood, Santa Ana, CA 92706. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702. As a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 83–15562 Filed 6–9–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR Part 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, apd household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly

noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly.

Please direct status inquiries to Team Two at (202) 275–7293.

Volume No. OP2–256

Decided: June 2, 1983.

By the Commission, Review Board Members Carleton, Parker, and Fortier.

MC 52022 (Sub-20), filed May 10, 1983. Applicant: SANTINI BROS., INC., d.b.a. THE SEVEN BROTHERS AND THE SEVEN SANTINI BROTHERS, Seven Brothers Square, Bronx, NY 10452. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20423, 202–785–0024. Transporting *household goods,* (1) between points in AZ, CA, ID, MT, NE, NV, NM, OR, SD, UT, WA, and WY, (2) between points in AZ, CA, ID, MT, NE, NV, NM, OR, SD, UT, WA, and WY, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e). In order to expedite issuance of any authority please submit a copy of the petition for exemption, the affidavit, or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 110053 (Sub-3), filed May 12, 1983. Applicant: ILLINOIS STATE MOTOR SERVICE, INC., 1800 W. 31st St., Chicago, IL 60608. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726–6525. Transporting *metal products, machinery, and building materials,* between points in the U.S. (except AK and HI).

MC 120302 (Sub-6), filed May 12, 1983. Applicant: KNOX TRUCK LINES, INC., P.O. Box 2427, Grand Prairie, TX 75051. Representative: Fred Knox (same address as applicant), 214–263–1343. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, CO, KS, LA, MS, MO, NM, OK, TX, and WI.

MC 140612 (Sub-88), filed May 16, 1983. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same address as applicant), 319–364–8102. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with RFK Transportation, of Las Vegas, NV.

MC 141872 (Sub-4), filed May 16, 1983. Applicant: MATS, INC., P.O. Box 1615, St. Paul, MN 55111, Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143263 (Sub-3), filed May 16, 1983. Applicant: GILLETTE TRANSPORTATION, INC., P.O. Box 19, Norfolk, NE 68701. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, 402–488–4841. Transporting *such commodities* as are dealt in or used by grocery stores and institutional food business houses, between points in CO, IA, KS, MO, ND, SD, WY, NE, MT, IL, and WI.

MC 146793 (Sub-4), filed May 16, 1983. Applicant: BISHOP BROTHERS HAULING, INC., P.O. Box 2328, Jasper, AL 35501. Representative: Robert S. Richard, 57 Adams Ave., Montgomery, AL 36104, 205–262–1671. Transporting *metal products, plastic products, and machinery, and materials, equipment and supplies* used in the manufacture and distribution of metal products, plastic products and machinery, between points in the U.S. (except AK and HI).

MC 147913 (Sub-7), filed May 16, 1983. Applicant: T–LINE, INC., 400 Knudsen Plaza, Hager City, WI 54014. Representative: Paul O. Taylor (same address as applicant), 715–792–2801. Transporting *general commodities* (except classes A and b explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Viracon, Inc., of Owatonna, MN, (b) Commerce Express, Inc., of New Brighton, MN, and (c) Swift Independent Packing Company, of Chicago, IL.

MC 149192 (Sub-4), filed May 13, 1983. Applicant: JOHN T. SISTRUCK, INC., d.b.a. J & S TRUCKING COMPANY, Route 2, Box 288-D, Auburn, AL 36830. Representative: Archie B. Culbreth, Suite 570, 2200 Century Parkway, Atlanta, GA 30345, 404–321–1765. Transporting *lumber and wood products, and pulp, paper and paper products,* between points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152152 (Sub-1), filed May 12, 1983. Applicant: THOMAS J. WEBER, 12122 W. St., Omaha, NE 68137. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Transporting *food and related products,* between points in Pottawattamie County, IA, Douglas and Sarpy Counties, NE, and Monmouth County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152813 (Sub-7), filed May 13, 1983. Applicant: FRESH EXPRESS, INC., P.O. Box 5442, St. Louis, MO 63147. Representative: Robert L. Cope, Suite 501, 1730 M St., N.W., Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract (s) with (a) Contico International Incorporated, of St. Louis, MO, and (b) Raskas Dairy, Inc., of St. Louis, MO.

MC 153633 (Sub-4), filed May 16, 1983. Applicant: FREIGHT ASSEMBLY DISTRIBUTION, INC., 740 24th St., Detroit, MI 48216. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, 616–941–5313. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing

contract(s) with Brass Kraft Manufacturing Company, of Detroit, MI.

MC 155313 (Sub-1), filed May 16, 1983. Applicant: GRAY BROTHERS, INC., Rt. 1, Box 72, Philadelphia, MS 39350. Representative: Donald L. Kilgore, 435 Center Ave., P.O. Box 96, Philadelphia, MS 39350, 601–656–1871. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, LA, MS, AR, TN, AL, GA, And FL.

MC 160412 (Sub-1), filed May 17, 1983. Applicant: PETRO TANK LINES, INC., 803 E. Barton, P. O. Box 2184, West Memphis, AR 72306. Representative: Thomas A. Stroud, 109 Madison Ave., Memphis, TN 38103, 901–526–2900. Transporting *Petroleum products,* between points in AR, MO, those points in TN, in and west of Hardin, Wayne, Perry, Humphreys, Houston, and Stewart Counties, those in MS, on and north of U.S. Hwy 82, and those in Washington County, MS.

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–203

Decided: June 1, 1983.

By the Commission, Review Board Members Fortier, Krock, and Williams.

MC 42011 (Sub-70), filed May 20, 1983. Applicant: WISE TRANSPORTATION, INC., 15051 E. Admiral, Tulsa, OK 74112. Representative: Thomas L. Cook, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237–2385 (214) 339–4108. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI).

MC 42501 (Sub-2), filed May 17, 1983. Applicant: RAY MOVING & STORAGE, INC., 4117 Romaine St., Greensboro, NC 27407. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288, (919) 635–4711. Transporting *household goods,* between points in NC, SC, TN, and VA, on the one hand, and, on the other points in the U.S.

MC 94670 (Sub-4), filed May 23, 1983. Applicant: CLELL SWIFT TRUCKING INC., Route #1, Marshall, MO 65340. Representative: Clell Swift (same address as applicant), (816) 879–4305.Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 117991 (Sub-8), filed May 20, 1983. Applicant: ZAVITZ BROTHERS LIMITED, R. R. #1, Wainfleet, Ontario, DC LOS 1VO. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202, (716) 853–0200. Transporting *food and related products,* between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 134121 (Sub-6), filed May 18, 1983. Applicant: DEASON ENTERPRISES, INC., d.b.a. DEASON GRAIN COMPANY, P.O. Box 366, Lewisburg, TN 36091. Representative: Roland M. Lowell, 5th Floor, 501 Union St., Nashville, TN 37219, (615)–255–0540. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Charles McAlpin Brokerage, Inc., of Decatur, AL.

MC 142810 (Sub-12), filed May 23, 1983. Applicant: LEWIS TRANSPORT, INC., P.O. Box 385, Municipal Bldg., Columbia, KY 42728. Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY 40602, (502) 227–7326. Transporting *chemicals and related products,* and *petroleum and petroleum products,* between those points in OH on and south of Interstate Hwy 70, on the one hand, and, on the other, points, in KY and WV.

MC 143161 (Sub-6), filed May 17, 1983. Applicant: EAST COAST TRUCK LINES, INC., 1130 Bluff Rd., Columbia, SC 29201. Representative: Raymond P. Rivers (same address as applicant), (803) 799–1130. Transporting *general commodities* (except classess A and B explosives, household goods and commodities in bulk), between points in SC, on the one hand, and, on the other, points in the U.S., under continuing contracts(s) with Wellman Industries, Inc., of Johnsonville. SC.

MC 146880 (Sub-10), filed May 23, 1983. Applicant: DENTON CARTAGE CO., INC., P.O. Box 1765, Oak Lawn, IL 60454. Representative: Lowell D. Denton (same address as applicant), (312) 598–1024. Transporting *General commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 149111 (Sub-6), filed May 23, 1983. Applicant: GENERAL COMMODITIES WAREHOUSE & DISTRIBUTING CO., INC., 1200 Lebanon Road, West Mifflin, PA 15122. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Coast to Coast Shippers' Association, Inc.

MC 153610 (Sub-4), filed May 19, 1983. Applicant: LEASEWAY TRUCKING, INC., 1101 31st St., Downers Grove, IL 60515. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Associated Grocers, Inc., of Lesage, WV.

MC 153721 (Sub-4), filed May 20, 1983. Applicant: RAF TRANSPORT, INC., Rural Route 5, Seymour, IN 46274. Representative: Constance J. Goodwin, 800 Circle Tower Bldg., Five East Market St., Indianapolis, IN 46204, (317) 634–8313. Transporting (1) *food and related products,* and *such commodities* as are dealt in by retail grocery stores, between points in NY, and points in Cook, DuPage, Kane, Kendall, and Will Counties, IL, and Warren County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *chemicals and related products, and pulp, paper and related products,* between points in Jackson County, IN, on the one hand, and on the other, points in the U.S. (except AK and HI).

MC 154530 (Sub-1), filed May 16, 1983. Applicant: SLA, INC., 1325 Delaware Drive, Nashville, TN 37207. Representative: Juanita Lamberth (same address as applicant), (615) 865–9642. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of home products, between St. Louis, MO, points in St. Louis, St. Charles, Franklin, Jefferson and Warren Counties, MO, those in Madison, St. Clair, Monroe and Clinton Counties, IL and Davidson County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156361 (Sub-11), filed May 20, 1983. Applicant: BIGBEE TRANSPORTATION COMPANY, P.O. Box 3610, America Lane, Greenwich, CT 06836–3610. Representative: Richard W. LaPointe (same address as applicant), (203) 552–2366. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with M & T Chemicals, Inc., of Rahway, NJ, and Volvo of America Corporation, of Chesapeake, VA.

MC 160760 (Sub-1), filed May 20, 1983. Applicant: DAV-GLO INTERNATIONAL CO., 3065 S.E. Condor, Gresham, OR 97030. Representative: David L. Lord (same address as applicant), (503) 663–6222. Transporting *malt beverages,* between points in the U.S., under continuing contract(s) with St. Helens Ice & Beverage, of St. Helens, OR.

MC 165730 filed May 16, 1983. Applicant: E. H.. SISTRUCK TRUCKING, INC., Route Two, Box 244, Auburn, AL 36830. Representative: V. Lee Pelfrey, 104 Court Square, Clayton, AL 36016, (205) 775–8555. Transporting (1) *lumber and wood products,* (a) between points in Barbour, Bullock, Russell, and Lee Counties, AL, on the one hand, and, on the other, points in GA, FL, MS, NC, SC, TN, TX, KY, AR, LA, and IN, (b) between points in GA, on the one hand, and, on the other, points in AL, and (2) *fertilizer,* between points in Lee County, AL, on the one hand, and, on the other, points in MS.

MC 166691 (Sub-1), filed May 23, 1983. Applicant: EMERSON ELECTRIC CO., 514 Earth City Expressway, Suite 100, Earth City, MO 63045.Representative: Fred Lenkman (same address as applicant), (314) 291–8281, ext. 214. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with W. W. Grainger Inc., of Chicago, IL, Charles McAlpin Brokerage, Inc., of Decatur, AL, Perth Enterprises, Inc., of Greensboro, NC, Uniroyal, Inc., of Middlebury, CT, and Wickman Traffic Service, Inc., of Western Springs, IL.

MC 167411 (Sub-1), filed May 23, 1983. Applicant: R. W. TRANSPORTATION INC., d.b.a. ROADS WEST, 3750 W. McDowell Rd., Phoenix, AZ 85009. Representative: Andrew V. Baylor, 337 East Elm St., Phoenix, AZ 85012, (602) 274–5146. Transporting *food and related products,* and *such commodities* as are dealt in by retail stores, between points in AZ, AR, CA, CO, FL, ID, IL, IN, KS, KY, LA, MD, MI, MN, MO, NE, NV, NJ, NM, NY, OH, OR, PA, TN, TX, UT, WA, and WI.

MC 167621 (Republication), filed April 25, 1983, previously noticed in the **Federal Register** issue of May 18, 1983. Applicant: DICK GAUNT TRUCKING & EXCAVATING, INC., R.R. #2, Washington, IL 61571. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *contractor's equipment, tools, supplies, and building materials,* between points in IL, IA, IN, KY, MO, and WI and (2) *road, mining, forestry, and construction machinery and equipment,* between points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to correct the commodity description in part (2) above.

[FR Doc. 83–15563 Filed 6–9–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance mut be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 1, at (202) 275–7992.

Volume No. OP1–204

Decided: June 1, 1983.

By the Commission, Review Board Members Carleton, Parker, and Joyce.

MC 95840 (Sub–3X), filed May 11, 1983. Applicant: V R L CORPORATION, P.O. Box 801, Traverse City, MI 49685–0801. Representative: William B. Elmer (same address as applicant), (616) 941–5313. Sub 2 certificate, broaden (1) wrecked and disabled automobiles, trucks, trailers, and buses, in truckaway service, and used tractors or used trailers to be used as replacements for wrecked or disabled tractors or trailers, in truckaway service and wrecked, disabled, and repossessed motor vehicles, by use of wrecker equipment to "transportation equipment", (2) that part of OH within 100 miles of Detroit to "points in that part of OH on and north of a line beginning at the OH–IN State line and extending along U.S. Hwy 30 to junction OH Hwy 44, then along OH Hwy 44 to the OH–Lake Erie boundary", (3) remove the Madison, WI exception, and (4) remove restriction against the transportation of trailers designed to be drawn by passenger automobiles.

Volume No. OP1–205

Decided: June 1, 1983.

By the Commission, Review Board No. 2, Members Carleton, Wiliams, and Ewing.

MC 148540 (Sub-4X), filed May 20, 1983.Applicant: DIXIE GAS, INC., P.O. Box 40, Marks, MS 38646. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Lead certificate: (1) Expand to city or county-wide authority and remove facilities restriction: (a) facilities at or near Yazoo City, MS, to Yazoo County, MS, and (2) facilities at Memphis, TN, to Memphis, TN, and (2) change one-way to radial authority.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–054

Decided: June 2, 1983.

By the Commission, Review Board Members Parker, Joyce, and Fortier.

MC 142733 (Sub-8X), filed May 13, 1983. Applicant: UNITED TRANSPORT, INC., 630 SW 69th Ave., Miami, FL 33144. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53d St., Miami, FL 33166, 305–592–0036. Sub 5 certificate: broaden to "food and related products" from plantains.

[FR Doc. 83–15559 Filed 6–9–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In

the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: June 6, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[OP2–257; No. MC–F–15249]

Edwards Transfer & Storage Co.—Purchase Exemption—Blue Ridge Transportation Co.

Edwards Transfer & Storage Co. (Edwards), a motor carrier (MC–38799), is controlled by United Transport Industries, Inc. (UTI), a non-carrier holding company which also controls two other motor common carriers. UTI, in turn, is controlled by John J. Brutvan, a non-carrier individual. Edwards seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of that portion of the interstate operating rights of Blue Ridge Transportation Co. contained in Route No. (I)(1)(A)(a) of Certificate No. MC–159222, Sheet No. 2, which authorizes the motor common carrier transportation of general commodities (except articles of size or weight that makes handling by motor vehicle impractical, bank bills, coins, currency, drafts, notes, or other valuable papers, precious metals, or articles manufactured therefrom, classes A and B explosives, liquid bulk commodities, and household goods), between Toledo, OH and Detroit, MI: from Toledo over US Highway 24 to Detroit, and return over the same route, serving Toledo, OH for purposes of joinder only, and serving the intermediate and off-route points of Monroe, Dearborn, Ecorse, Hamtramck, River Rouge, Blissfield and Wyandotte, MI.

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and

(2) A. Charles Tell, 100 East Broad Street, Columbus, OH 43215.

Comments should refer to No. MC–F–15249.

[OP2–258; OP2–258–MCF–15304]

Husband, Inc., Husband International Transport (Ontario) Limited, Provincial Tankers Limited, Cronin Transport Limited and Canadian National Railway Company

Husband, Inc., Husband International Transport (Ontario) Limited, Provincial Tankers Limited, Cronin Transport Limited, are all common carriers. Canadian National Transportation Limited (CNTL) owns all of the outstanding common and preferred shares of Transport Route Canada, Inc. CNTL is a motor common carrier operating in Canada and is a wholly owned subsidiary of Canadian National Railway Company (CN Rail). CN Rail provides rail transportation service throughout Canada. These parties seek an exemption from the requirements under section 11343 of prior regulatory approval for the merger of Husband, Husband International, Provincial, and Cronin, into Transport Route Canada, Inc.

Send comments to: (1) Motor Section, Room 2379, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's Representative, Mr. John Guandolo, 1090 Vermont Ave. NW., Washington, DC 20005.

Comments should refer to No. MC–F–15304.

[FR Doc. 83–15558 Filed 6–9–83; 8:45 am]

BILLING CODE 7035–01–M

[AB209 Sub–1SDM]

Rail Carriers; Brooklyn Eastern District Terminal; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in 49 CFR 1121.23, that the Brooklyn Eastern District Terminal has filed with the Commission its amended color-coded system diagram map in docket No. AB 209 Sub 1. The Commission on May 20, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the Office of the Commission, Section of Dockets, by requesting docket No. AB 209 Sub 1.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–15554 Filed 6–9–83; 8:45 am]

BILLING CODE 7035–01–M

[AB 1 SDM]

Rail Carriers; Chicago and Northwestern Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chicago and Northwestern Transportation Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 1 SDM. The Commission on May 28, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 1 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–15555 Filed 6–9–83; 8:45 am]

BILLING CODE 7035–01–M

[AB 35 SDM]

Rail Carriers; Los Angeles & Salt Lake Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Los Angeles & Salt Lake Railroad Co. has filed with the Commission its amended color-coded system diagram map in Docket No. AB 35 SDM. The Commission on May 23, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 35 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–15556 Filed 6–9–83; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB-2 (Sub-No. 44)

Rail Carriers; Louisville and Nashville Railroad Company—Abandonment—In McMinn and Monroe Counties, TN; Findings

The Commission has found that the public convenience and necessity permit Louisville and Nashville Railroad Company to abandon its rail line between milepost KB-326.7 near Englewood, McMinn County, TN, and milepost KB-341.5 at Tellico Plains, Monroe County, TN, a total distance of 14.8 miles, subject to conditions. A certificate will be issued authorizing abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC, 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are set forth at 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15551 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 15 SDM]

Rail Carriers; Petaluma and Santa Rosa Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Petaluma and Santa Rosa Railroad Co. has filed with the Commission its amended color-coded system diagram map in Docket No. AB 15 SDM. The Commission on May 5, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 15 SDM.

Agatha L. Mergenovich,

Secretary,

[FR Doc. 83-15553 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 12 SDM]

Rail Carriers; Southern Pacific Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Southern Pacific Transportation Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 12 SDM. The Commission on May 3, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 12 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15552 Filed 6-9-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Advisory Committee on Tax Litigation; Meeting

The Tax Division's Advisory Committee on Tax Litigation will meet from 9:30 AM to 4:30 PM on June 24, 1983, in Room 3000 of the Benjamin Franklin Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

The Agenda for the meeting is:

I. Opening Remarks (9:30 a.m.).

a. Approval of Minutes of 1/31/83 meeting.

b. Review of Agenda—additional topics.

II. Remedial Filing Program (Limited Voluntary Disclosure) (9:45 a.m.).

III. Criminal Section (10:45 a.m.).

a. New regional units.

b. Conference procedures.

c. Nolo contendere pleas.

d. Sentencing policy.

e. Tax protesters.

IV. Office of Review—Reorganization and Redelegation (12:00 p.m.).

V. *Lunch* (12:30 p.m.).

VI. Abusive Shelter Injunctions (1:45 p.m.).

a. Proof problems.

b. Types of relief sought.

c. Interface with criminal investigations.

VII. Uniform Division Procedures (2:45 p.m.)

VIII. Attorney Workload (3:15 p.m.).

IX. Appellate Litigation (3:30 p.m.).

X. Question Period (4:00 p.m.)—Advisory Committee and Members of the Public.

This Meeting is open to the public with period set aside for thier comments on Agenda items. Approximately 30 seats will be made available to the public on a first-come, first-served basis.

For further information, please contact Diane M. Kozub, Committee Management Liaison Officer, Tax Division, U.S. Department of Justice, Washington, D.C. 20530, (202) 633-1608.

Dated: June 7, 1983.

Glenn L. Archer, Jr.,

Assistant Attorney General, Tax Division.

[FR Doc. 83-15656 Filed 6-9-83; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Order In Action Alleging Violations of State and Federal Regulations Applicable to the Transportation, Storage and Disposal; of Hazardous Wastes

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that in June 3, 1983 a proposed consent judgment in *United States* v. *Monochem, Inc., et al.*, Civil Action No. 8-81-64, was lodged with the United States District Court for the Southern District of Texas, Brownsville Division. The proposed consent order provides for injunctive relief and a monetary penalty with respect to alleged violations of state and federal regulations applicable to the storage of hazardous waste by a commercial warehouse facility located in Hidalgo, Texas.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the proposed judgment. Comments should be addressed to F. Henry Habicht, II, Acting Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and refer to *United States* v.

Monochem, Inc., et al., D.J. Ref. 90-7-1-194.

The proposed consent order may be examined at the Office of the United States Attorney, Room 1200, United States Courthouse, 515 Rusk Street, Houston, Texas 77002; at the Region VI Office of the Environmental Protection Agency, Office of Regional Counsel, 28th Floor, 1201 Elm Street, Dallas, Texas 75270; and at the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice (Room 1521), Ninth Street and Pennsylvania Avenue, NW. Washington, D.C. 20530. A copy of the proposed consent order may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice.

Henry Habicht II,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-15673 Filed 6-9-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Periods in the States of Alabama and Montana

This notice announces the ending of the Extended Benefit Periods in the States of Alabama and Montana, effective on June 4, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program taskes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

Extended Benefit Periods commenced in the State of Alabama on Octobr 31, 1982 and in the State of Montana on January 23, 1983, and have now triggered off.

Determination of "off" indicator

The heads of the employment security agencies of the States named above have determined that the rate of insured unemployment in each State for the period consisting of the week ending on May 14, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in each State.

Therefore, the Extended Benefit Periods in these States terminated with the week ending on June 4, 1983.

Information for Claimants

Each State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 651.31(d)(3).

Persons who wish information about their rights to Extended Benefits in the States named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on June 3, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-15505 Filed 6-9-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,413,13,413A]

Hanna Mining Co., Hanna Nickel Smelting Co., Riddle, Oreg.; Notice of Negative Determination on Reconsideration

On April 13, 1983, the Department issued an Affirmative Determination Regarding Application for Reconsideration for former workers of the Hanna Mining Company and the Hanna Nickel Smelting Company in Riddle, Oregon. This determination was published in the **Federal Register** on April 22, 1983 (48 FR 17,419).

The United Steelworkers claim in their application for reconsideration that since Hanna operates the only domestic nickel mine in the U.S., any amount of imported nickel directly affects the workers at Hanna. It also claims that the closing of Hanna's mining operation in Oregon occurred simultaneously with the opening of a new mine and smelter in Columbia, South America by Hanna.

The Department's review showed that the worker petiton did not meet the "contributed importantly" test of Section 222 of the Trade Act in either 1981 or 1982. All of the nickel ore mined by the Hanna Mining Company went to the smelter at Hanna Nickel Smelting Company which did not import nickel ore. Further, the Department of Labor survey of major customers of Hanna Nickel Smelting showed that the respondents reduced their reliance on imported nickel in 1981 compared to 1980. The aggregate purchases of imported nickel by surveyed customers declined in 1981 compared to 1980 and in the January through July 1982 period compared to the same period in 1981. U.S. imports of nickel ore and ferronickel declined in 1982 compared to 1981 in both absolute terms and as a proportion of domestic consumption.

With respect to the union's claim concerning imports from Hanna's operation in Columbia, South America, findings in the investigative file show that Hanna was a limited partner in that operation and did not import any nickel, ferronickel or nickel ore into the United States during the period applicable to the petition.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to former workers of the Hanna Mining Company and the Hanna Nickel Smelting Company, Riddle, Oregon.

Signed at Washington, D.C. this 1st day of June 1983.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 83-15506 Filed 6-9-83; 8:45 am]

BILLING CODE 4510-30-M

High Unemployment Area Classifications; Notice of Additions to List of High Unemployment Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the list are effective on June 1, 1983.

SUMMARY: The purpose of this notice is to announce additions to the list of high unemployment areas.

FOR FURTHER INFORMATION CONTACT: James W. Wiggins, U.S. Employment Service (Attention: TEEPA), 601 D Street, NW., Washington, D.C. 20213 Telephone: 202-376-6700

SUPPLEMENTARY INFORMATION:

Section 101(a)(3) of Pub. L. 98-8, Stat. 13 (March 24, 1983), (the "Act") requires the Assistant Secretary for Employment and Training, United States Department of Labor, to classify civil jurisdictions as having high unemployment and to publish a list of these jurisdictions together with descriptions thereof no later than 30 days after enactment of the Act. That list was published on April 22, 1983 (48 FR 17456).

The Act also requires that the list of high unemployment areas be updated on a monthly basis thereafter, by adding civil jurisdictions that the Assistant Secretary deems to meet the criteria necessary for classification. The areas described below have been classified by the Assistant Secretary as high unemployment areas and are added to the list of high unemployment areas, effective June 1, 1983.

Signed at Washington, D.C. on June 1, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

Additions to the List of High Unemployment Areas

June 1, 1983.

KENTUCKY

High Unemployment Area	Civil Jurisdiction Included
McCracken County	McCracken County
Webster County	Webster County.

[FR Doc. 83-15509 Filed 6-9-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whehter the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 20, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 20, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 31st day of May 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bethlehem Steel Corp., Key Highway Shipyard (Industrial Union of Marine and Shipbuilding Wkrs).	Baltimore, MD	5/24/83	5/17/83	TA-W-14,656	Repair, convert and reconstructs ocean going merchant vessels.
Dravo Corp., Fabricated Products Div., Neville Island Grating Giant (wkrs).	Neville Island, PA	5/24/83	5/20/83	TA-W-14,657	Open floor steel grating (footwalk).
Wheeling-Pittsburgh Steel Corp. (workers)	Wheeling, WV	5/17/83	5/12/83	TA-W-14,658	General office.
General Motors Corp., Central Office (company)	Detroit, Mich.	5/20/83	5/16/83	TA-W-14,659	Architectural, engineering and real estate services for GM.
General Motors Corp., Central Office, Building Div. (company).	Detroit, Mich.	5/20/83	5/16/83	TA-W-14,660	Maintenance and other services for GM building.
General Motors Corp., Central Office (company)	Detroit, Mich.	5/20/83	5/16/83	TA-W-14,661	Administrative personnel, financial, legal, sales communications.
General Motors Corp., Central Office (company)	Irving, TX	5/20/83	5/16/83	TA-W-14,662	Architectural, engineering and real estate service.
General Motors Corp., (company)	Warren, Mich.	5/20/83	5/16/83	TA-W-14,663	Design, information systems and communication, engineering, manufacturing development, research, maintenance and consumer relations.
General Motors Corp., Central Office Proving Ground (company).	Milford, Mich.	5/20/83	5/16/83	TA-W-14,664	Vehicle testing.
General Motors Corp., Central Office, Proving Ground (company).	Mesa, AR	5/20/83	5/16/83	TA-W-14,665	Vehicle testing.
General Motors Corp., Central Office (company)	New York, NY	5/20/83	5/16/83	TA-W-14,666	Administration, financial, legal, communications, personnel.
General Motors Corp., Central Office (company)	Woodland Hills, CA	5/20/83	5/16/83	TA-W-14,667	Motors holding—temp. loans for franchised dealers.
General Motors Corp., Central Office (company)	Paramus, NJ	5/20/83	5/16/83	TA-W-14,668	Motors holding—temp. loans for franchised dealers.
General Motors Corp., Central Office (company)	Flint, Mich.	5/20/83	5/16/83	TA-W-14,669	Personnel administration.
General Motors Corp., Central Office (company)	New Orleans, LA	5/20/83	5/16/83	TA-W-14,670	Marketing.
General Motors Corp., Central Office (company)	Chicago, IL	5/20/83	5/16/83	TA-W-14,671	Marketing.
General Motors Corp., Central Office (company)	Denver, CO	5/20/83	5/16/83	TA-W-14,672	Marketing.
General Motors Corp., Central Office (company)	Milwaukee, WI	5/20/83	5/16/83	TA-W-14,673	Marketing.
General Motors Corp., Central Office (company)	Wayne, PA	5/20/83	5/16/83	TA-W-14,674	Public relations.
General Motors Corp., Central Office (company)	Oak Brook, IL	5/20/83	5/16/83	TA-W-14,675	Communications and information systems.
General Motors Corp., Warehousing and Distribution Div. (company).	Portland, OR	5/20/83	5/16/83	TA-W-14,676	Warehouse and distribute auto and truck parts.
General Motors Corp., Warehousing and Distribution Div. (company).	Burton, Mich	5/20/83	5/16/83	TA-W-14,677	Warehouse and distribute auto and truck parts.
General Motors Corp., Warehousing and Distribution Div. (company).	Elk Grove, IL	5/20/83	5/16/83	TA-W-14,678	Warehouse and distribute auto and truck parts.
General Motors Corp., Warehousing and Distribution Div. (company).	Carnegie, PA	5/20/83	5/16/83	TA-W-14,679	Warehouse and distribute auto and truck parts.
General Motors Corp., Warehousing and Distribution Div. (company).	Detroit, Mich	5/20/83	5/16/83	TA-W-14,680	Warehouse and distribute auto and truck parts.
General Motors Corp., Truck Center (Co.)	Cleveland, OH	5/20/83	5/16/83	TA-W-14,681	Sales and service of light, medium and heavy duty trucks.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
General Motors Corp., Truck Center (Co.)	Chicago, IL	5/20/83	5/16/83	TA-W-14,682	Sales and service of light, medium and heavy duty trucks.
General Motors Corp., Truck Center (Co.)	Dearborn, Mich.	5/20/83	5/16/83	TA-W-14,683	Sales and service of light, medium duty trucks.
General Motors Corp., Truck Center (Co.)	Los Angeles, CA	5/20/83	5/16/83	TA-W-14,684	Sales and service of light, medium and heavy duty trucks.
General Motors Corp., Truck Center (Co.)	Minneapolis, MN	5/20/83	5/16/83	TA-W-14,685	Sales and service of light, medium and heavy duty trucks.
General Motors Corp., Truck Center (Co.)	New York, NY	5/20/83	5/16/83	TA-W-14,686	Sales and service of light, medium and heavy duty trucks.
General Motors Corp., Truck Center (Co.)	Oakland, CA	5/20/83	5/16/83	TA-W-14,687	Sales and service of light, medium and heavy duty trucks.
General Motors Corp., Truck Center (Co.)	Pontiac, Mich	5/20/83	5/16/83	TA-W-14,688	Sales and service of light, medium and heavy duty trucks.
General Motors Corp., Delco-Remy Div. (company)	Anaheim, CA	5/20/83	5/16/83	TA-W-14,689	Lead-acid batteries.
General Motors Corp., Assembly Div. (Co.)	Warren, Mich	5/20/83	5/16/83	TA-W-14,690	Central office functions—support and administrative.
General Motors Corp., Assembly Div. (Co.)	Westland, Mich	5/20/83	5/16/83	TA-W-14,691	Distribution center for small auto parts to assembly plants.
General Motors Corp., Rochester Products Div. (Co.)	Cooperaville, Mich	5/20/83	5/16/83	TA-W-14,692	Electronic gas fuel injectors.
DTS Caribe, Inc. (workers)	Vega Baja, P.R.	5/25/83	5/16/83	TA-W-14,693	Electronic cash registers.
DTS Caribe, Inc. (workers)	Morovis, P.R.	5/25/83	5/16/83	TA-W-14,694	Electronic cash registers.

[FR Doc. 83-15507 Filed 6-9-83; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-13,329]

Bendix Corp.; Heavy Vehicle Systems Group Elyria, Ohio; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance; Correction

This document corrects the amended certification quotation published April 26, 1983 (48 FR 18940) in FR Doc. 83-11126 in which the Department of Labor inadvertently left out the product identification. The Corrected Amended Certification should read as follows:

"All workers of the Elyria, Ohio plant of the Bendix Corporation, Heavy Vehicle System Group, engaged in employment related to the production of air compressors and crankshafts who became totally or partially separated from employment on or after August 1, 1981 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this June 3, 1983.

Robert A. Schaerfl,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 83-15659 Filed 6-9-83; 8:45 am]
BILLING CODE 4510-30-M

Job Training Partnership Act (Pub. L. 97-300); Final Allotment Methodology for Distribution of Funds to the Territories Under Tile II, Part A, Section 201(a); Training Services for the Disadvantaged; Adult and Youth Programs

AGENCY: Employment and Training Administraton, Labor.

SUMMARY: This notice announces the final formula for distributing funds to Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of Northern Mariana Islands for programs under Title II-A, Section 201(a) of the Job Training Partnership Act (JTPA).

FOR FURTHER INFORMATION CONTACT: Robert Colombo, Acting Director, Office of Employment and Training Programs, 601 D Street, NW., Room 6402, Washington, D.C., 20213, telephone number: (202) 376-6093.

SUPPLEMENTARY INFORMATION: In the Friday March 11, 1983, notice the Department proposed that funds under the Job Training Partnership Act (JTPA) to be distributed to Guam, American Samoa, Trust Territory of the Pacific Islands, Commonwealth of the Northern Mariana Islands, and the Virgin Islands be distributed according to the following formula.

Funds would be allotted based on the relative percent of the population for each area, except that no area would receive less than 90 percent of the allotment percentage it received during the previous fiscal year. For Fiscal Year 1984 the 90 percent would be applied to each area's Fiscal Year 1983 funding level, except that summer youth funds would not be included in the base. The Department requested comments on the proposed formula.

Four of the jurisdictions involved provided comments to the Department. The comments basically rejected using only population as the basis for the allotment of funds. The comments suggested that unempoyment data be utilized, that the precent of JTPA eligible participants in the population be utilized and that a minimum allocation level be established.

The Department has carefully considered all comments. While the Department would prefer to use unemployment data for allotment purposes, the Bureau of Labor Statistics has indicated that such data are not available for the areas listed above and will not be available for the forseeable future. The Department has incorporated unemployment data provided by the Bureau of Census into the formula. Likewise there are no data available on the number of JTPA eligible participants within the populations of the above jurisdictions. The Department has accepted the suggestion that a minimum allocation be established.

Therefore, the Department hereby establishes the following formula for allotting funds to the above jurisdictions. This formula is effective immediately.

The 1980 Bureau of the Census unemployment data are used as the basis for the allotments. These data will be adjusted annually according to relative shifts in the population of the jurisdictions involved. (The Bureau of Labor Statistics has advised that it does not have and will not have any verifiable unemployment data for the above jurisdictions.) The formula retains the 90 percent relative share hold harmless provision and a minimum allocation of $125,000 is established.

In accordance with the above formula, the proposed allocations for Fiscal Year 1984 for the above jurisdictions will be as follows:

Virgin Islands	$1,979,810
Trust Territory of the Pacific Islands	887,120
American Samoa	388,917
Guam	1,619,153
Commonwealth of the Northern Mariana Islands	125,000

As indicated in the April 29, 1983, **Federal Register** Notice announcing the initial proposed Fiscal Year 1984 allotments for these areas, these allotments are subject to change as a result of any difference between the President's Fiscal Year 1984 budget request, upon which the allotments are based, and the final Fiscal Year 1984 appropriation. These proposed

allotments may also be impacted by more recent population data.

Signed this 7th day of June 1983.

Joyce Kaiser,

Associate Assistant Secretary for Employment and Training.

[FR Doc. 83-15600 Filed 6-9-83; 8:45 am]
BILLING CODE 4510-30-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review: On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension (no change)

Bureau of Labor Statistics
Annual OSHA Survey and Prenotification of Recordkeeping Requirements
OSHA 200S, OSHA 200 PRE
Annually
State or local governments, farms, businesses or other for-profit, non-profit institutions, small businesses or organizations
Small business or organization
SIC: Multiple
280,000 responses; 70,000 hours, 2 forms

Section 8(c) of the Occupational Safety and Health Act (29 U.S.C. 657, 673) legislates the Secretary of Labor to require employers to maintain records of occupational injuries and illinesses and to submit periodic reports. Uses of the data: indicates industries needing safety and health attention; guidance in administering Federal and State programs; and used by Labor and management.

Extension (Adjustment to Burden Only)

Mine Safety and Health Administration
Certificate of Electrical/Noise Training
MSHA Form 5000-1
When need arises
Businesses or other institutions
Small business or organization
SIC: 111 and 121
24,000 responses; 480 hours

MSHA certifies miners as qualified to perform certain duties in mines. Form 5000-1 is used by course instructors to report to MSHA for certification the names of those miners who have satisfactorily completed electrical and noise training programs.

Signed at Washington, D.C. this 7th day of June, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-15601 Filed 6-9-83; 8:45 am]
BILLING CODE 4510-24-M, 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-57]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Informal Task Force for the Study of Effective Shuttle Utilization.

DATE AND TIME: June 28-29, 1983, 8:00 a.m. to 5 p.m.

ADDRESS: NASA Ames Research Center, Room 213, Building 200, Moffett Field, California 94035.

FOR FURTHER INFORMATION CONTACT: Mr. Carl R. Praktish, Code LB-4, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-8380).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council Informal Task Force for Effective Shuttle Utilization was established under the NASA Advisory Council to conduct a study of the directions NASA should take to ensure the most effective use of the Shuttle capability and to report its findings and recommendations to the Council. The Task Force is chaired by Edgar M. Cortright, and has a total of 10 members.

At this meeting the members will discuss their work plan and what remains to be done. Visitors will be admitted to the meeting room up to its capacity, which is approximately 45 persons including Task Force members and other participants. Visitors will be requested to sign a visitor's register.

Type of meeting: Open.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

June 6, 1983.

[FR Doc. 83-15503 Filed 6-9-83; 8:45 am]
BILLING CODE 7510-01-M

NATIONAL CAPITAL PLANNING COMMISSION

Intergovernmental Cooperation in Federal Planning in the National Capital Region; Procedures; Inquiry

AGENCY: National Capital Planning Commission (NCPC).

ACTION: Notice of Proposed Procedures.

SUMMARY: These proposed procedures would implement applicable provisions of the National Capital Planning Act of 1952, as amended, and the Intergovernmental Cooperation Act.

DATE: Comments must be received on or before August 9, 1983.

ADDRESS: Interested persons should submit comments to Daniel H. Shear, Secretary to the Commission, National Capital Planning Commission, 1325 G Street, NW., Washington, D.C. 20576. Comments received will be available for inspection at the above address from 8:00 a.m. to 5:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Donald F. Boxarth, Associate Executive Director for Regional Affairs, (202) 724–0185.

SUPPLEMENTARY INFORMATION:

Background

The Commission is the central planning agency for the Federal government in the National Capital Region. It reviews and comments upon or approves development policies, plans and programs submitted by Federal agencies and the District of Columbia government. It also reviews and comments on policies, plans and programs prepared by local, state, sub-regional and regional agencies (hereinafter called non-Federal agencies) in the Washington metropolitan area. It also acts on policies, plans and programs prepared by its staff. For the sake of simplicity, these procedures use the word "plan" to cover all matters reviewed and acted upon by the Commission.

Rescission of Existing Procedures

In connection with these proposed Procedures, the Commission is proposing to rescind its existing procedures implementing Part I and Part II of the former OMB Circular A–95. Executive Order 12372 directed OMB to revoke the Circular itself, and directed Federal agencies to leave their A–95 regulations in place only until September 30, 1983.

Consistency With Acts, Executive Orders, Agreements or Understandings

The proposed procedures are in accord with the National Capital Planning Act of 1952, as amended by the District of Columbia Self-Government and Governmental Reorganization Act, and the Intergovernmental Cooperation Act of 1968, including the policy in Title V of that Act that Federal plans for the Region, to the maximum extent practicable, should be consistent with official local, state and regional plans.

The proposed procedures are also consistent with the "Principles and Process for Identifying Federal Interests in the National Capital Region" adopted by the Board of Directors of the Metropolitan Washington Council of Governments and the Commission on September 8 and 16, 1982, respectively.

The Commission has been advised by the Office of Management and Budget that the Commission need not issue implementing regulations under Executive Order 12372, Intergovernmental Review of Federal Programs, since its provisions apply to Federal agencies which provide financial assistance programs or undertake direct development activities.

Intergovernmental Cooperation in Federal Planning in the National Capital Region

Sec.
1. Purpose of these procedures.
2. Definitions that apply to these procedures.
3. Referrals by the Commission.
4. The Consultation Process.
5. Steps in the Consultation Process.

* * * * *

Sec. 1. *Purpose of these procedures.*

The purpose of these procedures is to implement the National Capital Planning Act and the Intergovernmental Cooperation Act and to foster intergovernmental cooperation in the National Capital Region by indentifying the types of plans reviewed by the Commission, the Federal and non-Federal agencies to whom plans will be circulated, and the process by which the Commission consults with these agencies.

Sec. 2. *Definitions that apply to these procedures.*

The following terms are used frequently in these procedures: "Commission" means the National Capital Planning Commission. "National Capital Region" or "Region" means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties. "National Capital" means the District of Columbia and territory owned by the United States within the National Capital Region outside the District of Columbia. "COG" means the Metropolitan Washington Council of Governments. "Non-Federal Agencies" means COG, state and local governments, and sub-regional and regional agencies that prepare or review plans for all or a portion of the National Capital Region. "Comprehensive Plan" means the Comprehensive Plan for the National Capital. "Plans" means proposed policies, plans and programs initiated by the Commission and other Federal agencies and departments and non-Federal agencies for the Region as a whole or for portions of the region. "Coordinating Committee" means the committee of representatives of agencies of the Federal and District of Columbia Governments and of planning and developmental agencies of the environs established by the Commission pursuant to Section 2(d) of the National Capital Planning Act.

Sec. 3. *Referrals by the Commission.*

(a) *Plans of the Commission.*—(1) *Federal elements of the Comprehensive Plan for the National Capital.* The Comprehensive Plan for the National Capital consists of "Federal elements" prepared and adopted by the Commission, and "District elements" prepared by the Mayor, adopted by the Council of the District of Columbia, and reviewed by the Commission.

Federal elements deal with Federal activities and interests in the planning and development of the National Capital Region. The process of preparing a Federal element, or an amendment to an adopted Federal element, begins with the preparation of preliminary staff reports and background staff studies for the Commission.

When a draft of a proposed element or a proposed amendment to an adopted element is completed, the Commission authorizes its circulation to Federal, District of Columbia and other non-Federal agencies and interested organizations and citizens for review and comment. Depending on the scope and content of a particular element and its potential impact, if any, on the National Capital Region, the Commission may circulate a draft prior to circulating the proposed element.

(2) *Federal Capital Improvements Program for the National Capital Region.* Each year the Commission prepares and adopts a Federal Capital Improvements Program (FCIP) which contains the Commission's recommended capital program for the National Capital Region for the next five years. The FCIP includes proposed land acquisitions, planning and design activities and construction projects.

The Commission circulates the proposed FCIP to affected Federal and non-Federal agencies for review and comment prior to its adoption and transmittal to the Office of Management and Budget and the affected implementing Federal agencies.

(b) *Plans of Other Federal Agencies.* Federal agencies and departments

prepare long-range regional plans for their facilities in the Region, master plans for their major installations, five-year capital improvement programs, and site and building plans for individual construction projects on Federal land in the Region.

These proposed plans are submitted by the sponsoring Federal agency to the Commission pursuant to the National Capital Planning Act and, where appropriate, are referred to the affected non-Federal agencies for review and comment prior to Commission action thereon.

(c) *Plans of the District of Columbia.*—(1) *District Elements of the Comprehensive Plan and Amendments Thereto.* District elements of the Comprehensive Plan deal with land use, transportation, public works, and other issues related to the development of the District of Columbia. District elements, and amendments thereto, are prepared by the Mayor, adopted by the Council of the District of Columbia, and reviewed by the Commission to determine their effect on the Federal activities and interests in the National Capital Region. The Commission circulates District elements and amendments thereto to affected Federal agencies for comments only on the impact on Federal interests or functions. Comments on other aspects of such elements or amendments should be presented to the Mayor and/or the Council during the District's preparation and adoption of such elements or amendments.

(2) *Other Plans.* Various plans, including site and building plans for individual construction projects, are submitted by the District to the Commission for either recommendation or approval. The Commission refers such plans to affected Federal agencies and to the Coordinating Committee. Consistent with the objectives of the District of Columbia Self-Government and Governmental Reorganization Act (the "Home Rule" Act), the Commission limits its review of most District plans to a "Federal interest" review.

(3) *Zoning.* The Commission reviews proposed actions of the Zoning Commission of the District of Columbia. Prior to this review, the Commission may participate in the public hearing before the Zoning Commission. The Commission may also participate in cases before the Board of Zoning Adjustment. Commission review of District zoning matters is limited to the effect of the proposed zoning on the Federal activities and interests in the National Capital and the consistency of the proposed zoniong with the Comprehensive Plan.

(d) *Plans of Other Non-Federal Agencies in the National Capital Region.* The Commission reviews proposed plans and rezonings in the Region initiated or under consideration by now-Federal agencies. These include plans initiated by local governments or by the states of Maryland or Virginia, plans initiated by the Metropolitan Council of Governments (COG), and plans for rapid rail transit facilities prepared by the Washington Metropolitan Area Transit Authority (WMATA) submitted for Commission review and comment in accord with Article VI, Section 15 at the interstate compact that established the authority. The Commission's role is to make recommendations to the sponsoring agency on the impact, if any, on Federal activitites or interests in the National Capital Region. The Commission circulates such plans to affected Federal agencies for review and comment.

(e) *Capper-Cramton Lands.* The Commisson adminsters a grant-in-aid program under sections 1(b) and 1(c) of the Capper-Cramton Act (Act of May 29, 1930, 46 stat. 482, as amended) for the acquisition as parkland of lands in stream valleys in Maryland and Virginia tributory to the Potomac and Anacostia Rivers. The taking lines and general development plans for such stream valley parks proposed by local park authorities are subject to approval by the Commission. The Commission circulates such plans to affected Federal agencies for review and comment.

Sec. 4. *The Consultation Process.*

(a) *Consultation With COG.* The National Capital Region includes the District of Columbia, two counties and six cities in the State of Maryland and four counties and three cities in the Commonwealth of Virginia. It is an interstate metropolitan region. Sixteen local governments formed COG in 1957 as the metropolitan-wide governmental organization concerned with all aspects of metropolitan development. The Commission, on September 16, 1982, and the COG Board of Directors, on September 8, 1982, adopted "Principles and Process for Identifying Federal Interests in the National Capital Region." Pursuant to this agreement, the Commission consults with COG on the potential impact, if any, of proposed Federal plans on the Region and on COG's officials policies, plans and programs.

(b) *Consultation With Local Jurisdictions.* The Commission refers proposed Federal plans for review of potential local impact to the local planning agencies of affected jurisdictions and sends a copy of the transmittal letter to the chief administrative officers and heads of the local elected governing bodies of those jurisdictions. The Commission also refers Federal plans through COG to the intergovernmental review officers of affected jurisdictions.

(c) *Consultation With State Agencies in Maryland and Virginia.* Proposed Federal plans are sent to the Maryland Department of State Planning and to the Virginia Department of Planning and Budget by the Commission for review and comment by affected state agencies and departments prior to Commission action thereon. Such proposed Federal plans in the Virginia portion of the Region are also sent to the Northern Virginia Planning District Commission, which, as the sub-regional planning agency, is recognized by the State as a sub-state clearinghouse.

The Commission refers proposed Federal elements of the Comprehensive Plan and proposed Federal Capital Improvement Programs to WMATA for review and comment on their impact on the region's metrorail and metro bus systems.

Sec. 5 *Steps in the Consultation Process.*

There are two major steps in the Commission's consultation process. The first step is called "early consultation" and refers to consultation by Federal agencies and the Commission with affected non-Federal agencies prior to any formal submission by the initiating Federal agency to the Commission. The second step starts after the formal submission to the Commission with the referral of applicable submissions for review and comment by the affected non-Federal agencies.

(a) *Early Consultation.* The Commission conducts an "early consultation" process as part of its regional referral activities. The purpose of this process is to give non-Federal agencies an opportunity to learn as early as practicable about proposed Federal plans being developed in the Region by Federal agencies and departments. This also permits an early identification of possible questions and issues of concern to non-Federal agencies.

The Commission requests all affected Federal agencies and departments to contact it as early as possible in their initiation of planning in the Region. The Commission, in turn, contacts the affected local planning agency, and the designated intergovernmental review official, the chief administrative officer, and the responsible elected official in the affected local government and the area and state clearinghouses about the

work involved and the anticipated schedule for completion of the planning work and submission to the Commission. Where appropriate, the Commission will also arrange a joint meeting of all concerned with the sponsoring Federal agency or department for a briefing and an opportunity to discuss the planning work underway prior to any submission to the Commission.

(b) *Formal Referral and Consultation.*—(1) *Timing of Referral.* Proposed Commission policies, plans and programs are circulated for intergovernmental review as soon as they are completed and prior to any action thereon by the Commission.

Proposed policies, plans and programs initiated by other Federal agencies and departments are circulated to affected non-Federal agencies as soon as they have been submitted to the Commission pursuant to the National Capital Planning Act.

(2) *Time Period for Review.* Federal elements of the Comprehensive Plan are circulated to the District of Columbia Government for a period of 60 days for review and comment. Other Federal plans affecting the District of Columbia and District properties in the Maryland and Virginia portions of the Region are circulated to the District of Columbia Government for a period of 30 days for review and comment. All such proposals are scheduled for review by the Commission's Coordinating Committee.

Proposed Federal plans affecting the Maryland or Virginia portion of the Region and/or the Region as a whole are circulated to affected non-Federal agencies for a period of 60 days whenever possible for review and comment. However, no referral will be made of other Federal agency plans if as a result of the early consultation process, the affected non-Federal agencies advise the Commission in writing that no additional referral is required.

(3) *Response to Formal Referral.*—(A) *Written Responses.* The formal referral letter contains a date by which a written response from the non-Federal agencies should be received by the Commission. Approximately two weeks prior to a Commission meeting the Executive Director's Recommendation (EDR) is prepared for each item scheduled for action at the next Commission meeting. All written responses received by the date in the referral letter are considered in the preparation of the EDR. Copies of the written responses are attached to the EDR. Copies of the EDR may be obtained from the Commission's Public Affairs Officer on the Monday before the Commission meeting.

(B) *Oral Presentations At A Commission Meeting.*—(i) *Registration for A Commission Meeting.* If in addition to submitting a written response, representatives of non-Federal agencies wish to express their views at a Commission meeting, they should notify the Public Affairs Officer by the date indicated for such notice in the formal referral letter. Ordinarily, registering to speak prior to the deadline in the referral letter ensures that the Commission will hear oral presentations and that registrants will be notified if an item has been removed from the agenda for a particular meeting.

(ii) *Written Statements.* If a representative of a non-Federal agency wishes to present a written copy of the oral presentation, a copy should be submitted to the Secretary of the Commission by noon of the day preceding the meeting. Copies will be reproduced by the Secretary and distributed to each member of the Commission prior to the meeting. Otherwise, materials should be delivered in twenty-five copies to the Public Affairs Officer prior to the beginning of the meeting.

(iii) *Audio Visual Materials.* Speakers who wish to make slide or film presentations or other audio-visual presentations must make arrangements with the Public Affairs Officer prior to the Commission meeting.

Daniel H. Sheer,

Secretary.

[FR Doc. 83-15886 Filed 6-9-83; 8:45 am]

BILLING CODE 7535-01-M

NATIONAL SCIENCE FOUNDATION

Subcommittee on Chemical and Process Engineering; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463 as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Chemical and Process Engineering of the Advisory Committee for Engineering.

Type of meeting:

June 27—9:00 a.m. to 12:00 noon. Open.

June 27—1:30 p.m. to 5:00 p.m. Partially Closed. (See agenda).

June 28—8:30 a.m. to 4:00 p.m. Open.

Date: June 27 and 28, 1983.

Place: Room 543, 1800 G Street, NW., Washington, D.C. 20550.

Contact person: Dr. Marshall M. Lih, Division Director, Chemical and Process Engineering, Room 1126, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–9806.

Summary minutes: May be obtained from Dr. Marshall M. Lih, Director, Division of Chemical and Process Engineering, Room 1126, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–0606.

Purpose of subcommittee: To provide directions to Chemical and Process Engineering research.

Agenda:

Monday, June 27—Open—9:00 a.m. to 12:00 noon.

9:00 a.m.—Introduction by Division Director and Status Report by NSF Management.

10:00 a.m.—Questions and Answers.

10:15 a.m.—Briefing by Division Programs.

11:45 a.m.—Questions and answers.

12:00 p.m.—Recess.

Monday, June 27—1:30 p.m. to 5:00 p.m.

1:30 p.m. (Closed)—Review and comparison of declined proposals (and supporting documentation) with successful awards under the Chemical and Process Engineering division, including review of peer review materials and other privileged materials.

1:30 p.m. (Open) Task Group Meetings.

Tuesday, June 28—Open—8:30 a.m. to 4:00 p.m.

8:30 a.m.—Oral Reports from the Program auditing teams and task groups.

9:30 a.m.—Discussion of Issues.

11:45 a.m.—Recess.

1:15 p.m.—Continued discussion of issues.

4:00 p.m.—Adjourn.

Reason for closing The Oversight Review Team will be reviewing grant and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declination proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.S. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, July 6, 1979.

June 7, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-15829 Filed 6-9-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Monthly Notice; Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (Pub. L.) 97–415, the Nuclear Regulatory Commission (the Commission) is publishing its

regular monthly notice. Pub. L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for hearing from any person.

This monthly notice includes all amendments issued, or proposed to be issued, since the effect date of the Commission's rules implementing Pub. L. 97–415 (May 6, 1983), through May 23, 1983.

Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 11, 1983, the licensee or a petitioner may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final Determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithsanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief:)* petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room for the particular facility involved.

Public Service Company of Colorado, Docket No. 50–267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: April 7, 1983.

Description of amendment request: The amendment would incorporate provisions on minmum shift crew size, guidelines for working hours, qualifications of technical advisors and revise the membership of the onsite safety review committee. These proposed changes were made in response to NRC requests and revise the Administrative Controls provisions to achieve consistency with present NRC staff positions on these subjects.

Basis for proposed no significant hazards consideration determination: The commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include actions which are purely administrative changes to the Technical specifications, are changes to make the licensee conform to changes in the regulations, or additional limitations or restrictions. The changes proposed in the application are encompassed by these examples as follows: (1) Format and editorial changes are purely adminstrative changes, (2) incorporation of provisions on a minimum shift crew size are additional limitations and are in accordance with the guidance provided in NUREG–0737, "Clarification of TMI Action Plan Requirements". Item I.A.1.3, (3) incorporation of guidelines on working hours and qualifications of technical advisors are additional limitations providing conformance to staff positions, and (4) revisions to the onsite review committee membership incorporate more restrictive qualifications necessary for committee membership. Since the application for amendment to the Administrative Controls Technical Specifications involves changes to incorporate present NRC regulations and staff positions, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for the Licensee: Bryant O'Donnell, Public Service Company of Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Branch Chief: G. L. Madsen.

Public Servcice Company of Colorado, Docket No. 50–267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: April 19, 1983.

Description of amendment request: The amendment would revise those Technical Specifications dealing with the actions to be taken when instrumentation is inoperable and specifying acceptable moisture monitoring instrumentation during less than 5% power operation. The proposed changes were submitted in response to licensee commitments for clarification that required plant shutdowns cannot be delayed when instruments are inoperable and to clarify the requirements for allowable moisture monitoring instrumentation at low power by allowing the use of an additional analytical monitor or the protective system dewpoint monitors.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include actions which involve a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. The changes included in this application add limitations to clarify the intent of the specification. The change to the allowable moisture monitoring instrumentation during low power operation clarifies the requirement but allows more flexibility through the use of comparable instruments. Since the proposed changes clarify existing requirements, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for Licensee: Bryant O'Donnell, Public Service Company of Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Branch Chief: G. L. Madsen.

Florida Power & Light Company, Docket No. 50–389, St. Lucie Unit 2, St. Lucie County, Florida

Date of amendment request: April 20, 1983.

Description of amendment request: Revise the Technical Specification (4.4.3.3.b) to require that the pressurizer heaters be manually connected to the emergency power source and that the Safety Injection Actuation System be reset to permit operation of the heaters.

Basis for proposed no significant hazards consideration determination: The existing Technical Specification requires pressurizer heaters to be reconnected to their respective buses normally from the control room. In order to be able to do this, the operator must reset the Engineered Safety Feature Actuation System test signal. The Technical Specifications do not mention "resetting"; the licensee believes it should. The staff concurs that this administrative change to clarify the Technical Specification is justified.

Local Public Document Room location: Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

Attorney for Licensee: Harold F. Reis, Esq., Lowenstein, Newman, Reis, Axelrad & Toll, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: George W. Knighton.

Baltimore Gas and Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant Unit Nos. 1 and 2, Lusby (Calvert County), Maryland

Date of amendment request: April 27, 1983.

Description of amendment request: The April 27, 1983 application requests the following changes to the Unit 1 and Unit 2 Technical Specifictions: (1) Revision to the on-site organization, (2) Revised surveillance for sealed sources, and (3) Deletion of a snubber from the surveillance list (Unit 1 only).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of three standards for conclusions regarding "no

significant hazards considerations" by providing examples (48 FR 14870). These examples are not applicable to the issues addressed in the April 27 application. Our basis for concluding that the standards are met with respect to the no significant hazards considerations determination is presented.

Organizational changes will occur at Calvert Cliffs Nuclear Power Plant affecting Section 6.0 of the Technical Specifications in two areas, namely Figure 6.2.2—Organization Chart, and change the title of two members of the Plant Operations and Safety Review Committee membership as noted in Section 6.5.1.2. These changes are administrative in nature in that they do not affect the technical or administrative competence of the onsite organization at Calvert Cliffs.

A proposed change to the Technical Specifications would provide a wording clarification to the surveillance requirements for sealed sources. The Combustion Engineering Standard Technical Specifications in NUREG-0212 were revised on November 5, 1980 to reflect this new wording. The wording in the current Technical Specifications could lead to misinterpretation of Surveillance Requirement 4.7.9.1.2.c as requiring a test for sealed source leakage each time a reactor startup occurs. This is clearly not the intent, since these sources are located in the reactor vessel and would require removal of the reactor vessel head and the detectors for testing. This is not a requirement of the current CE Standard Technical Specifications and was never intended to be a requirement of Calvert Cliffs. With the revised wording, it is clear that this test is not required if the detectors have been previously subjected to core flux. Thus, it is proposed to determine that this change involves no significant hazards consideration because the change is merely to clarify the intent and avoid misinterpretation of the surveillance requirement and does not reduce or change the intended surveillance.

In addition, the proposed change corrects an inadvertent deletion of the words "or installation in the core," making the working consistent with the Standard Technical Specifications.

A proposed change to the Unit 1 Technical Specifications would delete snubber 1–38–4 from the list of snubbers requiring routine surveillance. This snubber was removed under an earlier modification which installed the Reactor Coolant System head vent and Pressurizer vent piping. Reclassification of the system upstream of and including the main solenoid valves as Seismic Class 1 allowed removal of the snubber, since it was no longer required.

Since this change is being made to correct the Technical Specifications to reflect current system configuration, it will not result in any significant effect on any analyzed accident or postulated accident in the Updated Final Safety Analysis Report. Additionally, since the snubber is no longer needed or installed, no reduction in the bases for any Technical Specifications would result from this change.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for lecensee: George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

Previously Published Notices of Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this regular monthly notice. They are repeated here because the monthly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: May 2, 1983.

Brief description of amendment: This amendment would extend the surveillance test due date from May 17, 1983 to September 17, 1983 for the steam generator outlet steam pressure channels in the Remote Shutdown Instrumentation and Post Accident Monitoring Instrumentation.

Date of publication of individual notice in Federal Register: May 16, 1983 (48 FR 22036).

Expiration date of individual notice: June 15, 1983.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–366, Edwin I. Hatch Nuclear Plant, Unit No. 2, Appling County, Georgia

Dates of amendment request: February 23, 1983, as supplemented April 19, 1983 and March 30, 1983.

Brief description of amendment: The amendment would modify the Technical Specifications to provide additional and revised trip setpoints that reflect design modifications to reduce containment loads from plant transients. The Technical Specification changes would (1) lower the opening and closing set points for subsequent actuation of selected safety relief valves, and (2) lower the main steam isolation valve water level trip setpoint. It would also modify the Technical Specifications to reflect changes to the core design for the third fuel reload of Unit No. 2.

Date of publication of individual notice in Federal Register: May 18, 1983 (48 FR 22389).

Expiration date of individual notice: June 17, 1983.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit 1, Washington County, Nebraska

Date of amendment request: March 7, 1983.

Brief description of amendment: The Reactor Coolant System Heatup and Cool-down Curves must be revised to make them more restrictive in order to maintain the current margins of safety. The curves will be valid to 7.0 effective full power years.

Date of publication of individual notice in Federal Register: May 18, 1983 (48 FR 22390).

Expiration date of individual notice: June 17, 1983.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska.

Carolina Power & Light Company, Docket No. 50–325, Brunswick Steam Electric Plant, Unit 1, Brunswick County, North Carolina

Date of amendment request: May 2, 1983.

Brief description of amendment: The amendment would revise the technical specifications to incorporate appropriate limiting conditions for operation of the facility during the fourth fuel cycle.

Date of publication of individual notice in Federal Register: May 19, 1983 (48 FR 22658).

Expiration date of individual notice: June 12, 1983.

Local Public Document Room location: Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

* * * * *

Dated at Bethesda, Maryland, this 7th day of June, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-15661 Filed 6-9-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on: Thurday, July 7, 1983; Thursday, July 14, 1983; Thursday, July 21, 1983; Thursday, July 28, 1983.

These meetings will convene at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee Publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit marterial in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202-632-9710).

William B. Davidson, Jr.,

Chairman Federal Prevailing Rate Advisory Committee.

June 3, 1983.

[FR Doc. 83-15676 Filed 6-9-83; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Nos. 301-40, 41, 42]

The National Soybean Processor Association; Rescheduling of Public Hearing

On May 23, 1983 the United States Trade Representative decided to initiate an investigation pursuant to Section 302(b)(2) of the Trade Act of 1974 (19 U.S.C. 2411(b)(2)) with respect to a petition filed by the National Soybean Processors Association. A public hearing was scheduled pursuant to Section 302(b)(2)(A) for June 24, 1983 (48 FR 23947). This hearing has been rescheduled for June 29 and 30 beginning at 9:30 a.m. The location for the hearing will be published in the **Federal Register** at a later date.

Requests to present oral testimony must be submitted by June 17, 1983 and briefs accompanying oral testimony must be received no later than June 23, 1983. Written briefs from persons not wishing to present oral testimony should be received on or before June 30, 1983. Rebuttal briefs may be filed by any interested party by July 14, 1983.

Requests to testify as well as written submissions should be sent to the Chairman, Section 301 Committee, Room 223, 600 17th Street, NW., Washington, D.C. 20506 and should conform to the requirements set forth in 15 CFR 2006.8 and 2006.9.

Jeanne S. Archibald,

Chairman, Section 301 Committee.

[FR Doc. 83-15830 Filed 6-10-83; 10:43 am]

BILLING CODE 3190-01-M

POSTAL RATE COMMISSION

[Docket No. R83-1]

E-COM Rate and Classification Changes, 1983; Prehearing Conference

June 6, 1983.

On April 28, 1983, the Commission issued a Notice that the United States Postal Service had filed a Request for a Recommended Decision on changes in rates of postage and certain classification provisions for Electronic Computer Originated Mail (E-COM) which was published in the **Federal Register** on May 4, 1983 (48 FR 20178).[1] It directed those desiring to participate in the proceeding to file notices of intervention on or before May 31, 1983. In response, this Commission has received notices of intervention. These parties are listed in Attachment A.

Concurrent with the issuance of this Notice, the Secretary is transmitting a service list to be employed by all parties, whether full or limited participants, in making filings in the proceeding. The Postal Service, pursuant to section 65 of our rules of practice (39 CFR 3001.65) will serve copies of its Request and its prepared direct evidence upon the parties identified in Attachment A.

Attachment B is a tentative schedule designed to balance the time necessary for adequate consideration of this significant proposal with the need for expedition, 39 U.S.C. 3624(c). Anyone who wishes to comment on the tentative schedule and/or the special rules of practice described in the following paragraph may either file written comments by June 17, 1983, or address the subject at the prehearing conference, which will be held June 21, 1983, at 10:00 a.m. in the Commission's hearing room at 2000 L Street NW., Suite 500, Washington, D.C.

Attachment C to this Notice is a copy of proposed special rules of practice for use in this case. These rules have streamlined procedures in past Commission cases. Included in the special rules is a new procedure which should assist parties in introducing

[1] The Notice referred to the service by the acronym ECOM rather than its trademark name E-COM. All subsequent documents will use the trademarked name.

interrogatories and answers into the record. The Secretary of the Commission will compile the interrogatories which the parties designate for inclusion in the record as described in special rule 6A. This procedure has facilitated cross-examination in Docket MC83–2.

By the Commission.

Cyril J. Pittack,

Acting Secretary.

Attachment A

Intervenors

Envelope Manufacturers Association of America
ITT World Communications Inc.
Mail Advertising Service Association, International
Netword, Inc.
United States Department of Justice

Limited Participants

Association of Data Processing Service Organizations, Inc.
Business Corporation of America
Direct Marketing Association, Inc.
Dow Jones & Company, Inc.
Graphnet, Inc.
GTE Telenet Communications Corporation
MCI Telecommunications Corporation
Satellite Business Systems
Third Class Mail Association
United Parcel Service
Western Union Electronic Mail Inc.

Attachment B—Hearing Schedule for Proceedings E–COM Rates and Classifications

Docket No. R83–1

June 21 1983—Prehearing Conference (10:00 a.m. in the Commission hearing rooms)
July 1, 1983—Completion of all discovery directed to the Postal Service
July 26, 1983—Beginning of hearings, *i.e.*, cross-examination of the Postal Service's case-in-chief. (9:30 a.m. in the Commission hearing room)
August 18, 1983—Filing of the case-in-chief of each participant (including that of OOC)
September 16, 1983—Completion of all discovery directed to the intervenors
October 12, 1983—Beginning of evidentiary hearings as to the case-in-chief of other participants. (9:30 a.m. in the Commission hearing room)
November 4, 1983—Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination)
November 15, 1983—Beginning of evidentiary hearings on rebuttal evidence. (9:30 a.m. in the Commission hearing room)
December 5, 1983—Initial briefs filed
December 15, 1983—Reply briefs filed
December 22, 1983—Oral Argument (if scheduled)

Attachment C.—Proposed Special Rules of Practice

1. Discovery

A. General. The discovery procedures set forth herein are not exclusive. The parties are encouraged to engage in informal discovery wherever possible to clarify exhibits and testimony. The results of such efforts may be introduced into the record by stipulation, by supplementary testimony or exhibit, by presenting selected written interrogatories and answers for adoption by a witness at the hearing, or by other appropriate means.

B. Objections to Discovery. In the interest of expedition, the bases for objecting to (1) interrogatories, (2) requests for production of documents or things for the purpose of discovery, and (3) requests for admissions for purposes of discovery shall be clearly and fully stated. A participant claiming privilege shall identify the specific evidentiary privilege asserted and state the reasons for applicability. A participant claiming undue burden shall state with particularity the effort which would be required to answer the interrogatories or requests, providing estimates of costs and workhours required to the extent possible. The party objecting to interrogatories or requests for production of documents or things shall within 10 days serve its objections on the party who served the interrogatories or requested production of documents or things. Copies of objections to interrogatories and/or requests shall be filed with the Secretary and served as provided in special rule 1.F., below.

C. Compelled Answers or Production of Documents or Things. Parties who have objected to interrogatories or requests for production of documents or things which are the subject of a motion to compel shall have seven days to answer such a motion. Answers will be considered supplements to the arguments presented in the initial objection.

Upon motion of any participant to the proceeding, the Commission or the presiding officer may compel production of documents or things, or compel an answer to an interrogatory or request for admissions if the objection is found not to be valid.

Compelled answers, documents or things shall be made available to the party making the motion within 10 days of the grant of a motion to compel or such other period designated by the presiding officer or the Commission. Copies of the answers or documents or things ordered to be produced shall also be made available to the Secretary pursuant to § 3001.9 and the other participants who request them.

D. Supplemental Answers to Interrogatories. Participants are expected to serve supplemental answers whenever appropriate. Participants filing supplemental answers shall indicate whether the answer merely supplements the previous answer to make it current, or whether it is intended as a complete replacement for the answer previously given.

E. Follow-Up Interrogatories. Follow-up interrogatories should be served within five days of receipt of the answer to the prior interrogatory unless extraordinary circumstances are shown.

F. Service. Interrogatories, objections, and answers thereto should be served in conformance with § 3001.12, on the Commission, the Officer of the Commission (three copies), on the complementary party, and on any other participant so requesting. Participants will be deemed to have requested service for purposes of these special rules unless they file a document to the contrary with the Commission.

Participants filing notice of intervention are responsible for ascertaining from the Commission docket section what discovery requests, motions, or other documents have been previously filed, and obtaining copies thereof from counsel.

2. Case-in-Chief

The case-in-chief of all participants shall be in writing and shall include the participant's direct case and its rebuttal, if any, to the United States Postal Service's case-in-chief. It may be accompanied by legal memoranda, where appropriate.

3. Exhibits

Exhibits should be self-explanatory. They should contain appropriate footnotes or narrative explaining the source of each item of information used and the methods employed in statistical compilations. The principal title of each exhibit should state what it contains and may also contain a statement of the purpose for which the exhibit is offered; however, such a statement will not be considered part of the evidentiary record. Where one part of a multi-page exhibit is based on another part, as on another exhibit, appropriate cross references should be made. Relevant exposition should be included in the exhibits or given in the accompanying testimony.

4. Motions to Strike

Motions to strike are requests for extraordinary relief and are not substitutes for briefs or rebuttal evidence. All motions to strike testimony or exhibit materials are to be submitted in writing at an early date, and at least 10 days before the scheduled appearance of the witness. Responses to such motions shall be made five days after the filing of the motion.

5. Official Notice

Parties requesting offical notice should refer to the page and paragraph of such material and should furnish copies of the designated item for the record and for other parties.

6. Cross-examination

A. Written cross-examination. Written cross-examination will be utilized as a substitute for oral cross-examination whenever possible, particularly to introduce factual or statistical evidence. The scope of oral cross-examination is set forth in special rule 6.B., below.

Designations of written cross-examination should be served three working days before the announced appearance of a witness, on the Commission, on the Officer of the Commission (three copies), on the witness' counsel, and on any participant so requesting. Designations shall identify every item to be offered as evidence, listing the participant which initially posed the request, the witness or party to whom the question was addressed (if different from the witness answering) and, if more than one answer was provided, the dates of all answers to be included in the record. When a participant designates

written cross-examination, it shall simultaneously file with the Secretary of the Commission only, two copies of the designated written cross-examination.

The Secretary of the Commission shall prepare for the record a packet containing all materials designated for written cross-examination, alphabetically, by participant which initially posed the question. The witness will verify the answers and materials in the packet, and they will be entered into the transcript by the presiding officer. Counsel for a witness may object to written cross-examination at that time, and any designated answers or materials found objectionable will be stricken from the record.

B. Oral cross-examination. Oral cross-examination will be permitted for testing assumptions, conclusions, or other opinion evidence. Requests for permission to conduct oral cross-examination should be served three days before the announced appearance of a witness accompanied by (1) specific references to the subject matter to be examined, and (2) page references to the relevant direct testimony.

7. General

Argument will not be received in evidence. It is the province of the lawyer, not the witness. It should be presented in brief or memoranda.

New affirmative matter (not in reply to another party's direct case) should not be included in rebuttal testimony or exhibits.

Cross-examination will be limited to testimony which is adverse to the participant wishing to cross-examine.

Legal memoranda, where appropriate, will be welcome at any stage of the proceeding.

[FR Doc. 83-15603 Filed 6-9-83; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19851; File No. SR-SCCP-83-4]

Filing and Immediate Effectiveness of a Proposed Rule Change by the Stock Clearing Corporation of Philadelphia

June 6, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 19, 1983, the Stock Clearing Corporation of Philadelphia ("SCCP") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends SCCP's day trading margin procedures for SCCP participants that are specialists on the Philadelphia Stock Exchange, INC. ("PHLX") and that maintain SCCP margin accounts. The proposal amends SCCP's "Proprietary or Specialist Margin Account Agreement" to enable SCCP, in its discretion, to transfer excess equity, *i.e.*, cash and securities, between each participant's Specialist and Proprietary Margin Accounts. Previously, a participant had to have the required minimum equity in its proprietary account before it could execute an opening day-trade. To meet those equity requirements, the member could instruct SCCP to transfer physically from its specialist to its proprietary account excess equity to meet the equity requirement for day trading. SCCP explains that the more efficient application of excess equity assets in SCCP margin accounts will support increased trading activity by the PHLX specialist community without reducing the financial safeguards in SCCP's specialist financing program.

SCCP states that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act because it will promote the prompt and accurate clearance and settlement of securities transactions and will not adversely affect the safeguarding of securities and funds which are in SCCP's control or for which it is responsible.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-SCCP-83-4.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent admendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15545 Filed 6-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13303; 812-5506]

NAFE Money Market Fund, Inc.; Filing of Application for an Order Granting Exemptions

June 3, 1983.

Notice is hereby given that NAFE Money Market Fund, Inc. ("Applicant"), 52 Vanderbilt Avenue, New York, NY 10017, registered under the Investment Company Act of 1940 ("Act") as an open end, diversified, management investment company, filed an application on March 25, 1983, and amendments thereto on May 20, 1983 and May 24, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuation. All interested persons are referred to the application on file with Commission for a statement of the representations contained therein, which are summarized below, and to the Act and rules thereunder for the text of the provisions from which Applicant seeks to be exempted.

Applicant states that its investment objective is to provide investors with the highest level of current income consistent with the preservation of capital and liquidity. Applicant states that it will invest exclusively in the following types of money market instruments: (1) obligations issued, or guaranteed as to interest and principal, by the United States Government or its agencies or instrumentalities; (2) obligations (including certificates of deposit and bankers' acceptances) of banks having total assets in excess of $500,000,000 and regulated by the United States Government; (3) commercial paper that is rated A1 or A2 by Standard & Poor's Corporation or P1 or P2 by Moody's Investors Service, Inc., or, if not rated, then of comparable quality as determined by the Board of Directors; and (4) repurchase

agreements. Applicant represents that it will not enter into repurchase agreements maturing in more than 7 days.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states that industry experience indicates that in order to attract and retain investors it must maintain stability of principal and provide a steady flow of investment income. Applicant believes that it can provide these features by valuing its assets on the basis of amortized cost. Applicant states that, given the nature of its policies and operations, there will normally be a negligible discrepancy between the market value and the amortized cost value of its portfolio securities. Applicant represents that its Board of Directors has determined in good faith that the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects fair value of its portfolio securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by Applicant's Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceed ½ of 1 percent, Applicant's Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where Applicant's Board of Directors believes the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind, the sale of portfolio securities prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of Applicant's Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, if any, to those United States dollar-denominated instruments which Applicant's Board of Directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's Board of Directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement indicating whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 23, 1983, at 5:30 p.m., do so by submitting written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–15549 Filed 6–9–83; 8:45 am]

BILLING CODE 8010–01–M

[1] To fulfill this condition, Applicant states that it will use actual quotations or estimates of market value reflecting current market conditions selected by its Board of Directors in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 22963; 70–5862, 70–6322]

Ohio Power Company; Supplemental Notice of Proposed Provision of Services by Electric Utility Subsidiary to Associated Companies

June 6, 1983.

Ohio Power Company ("OPCo"), 301 Cleveland Avenue, S.W., Canton, Ohio 44702, an electric utility subsidiary of

American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed with this Commission post-effective amendments to applications-declarations previously filed and amended pursuant to Section 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 86, 87, 90 and 91 promulgated thereunder.

By prior order dated June 25, 1976 (HCAR No. 19594), OPCo was authorized to acquire under long-term lease and to operate a rail-to-river coal transfer facility, known as the Cook Coal Terminal ("Terminal"), located near Metropolis, Illinois. OPCo uses the Terminal to transfer low-sulfur coal arriving by unit train to river barges for delivery to its stream electric generating plants along the Ohio River. OPCo has also been authorized to acquire and operate railroad car maintenance facilities at the Terminal (HCAR No. 21173, August 3, 1979 and HCAR No. 21886, January 16, 1981). This would permit OPCo to provide maintenance and repair services to the fleet of railroad hopper cars acquired by it and other operating companies in the AEP System for the transport of coal to the Terminal.

By post-effective amendments, OPCo now seeks authority to provide the following services at the Terminal: (1) A coal transloading service to associated companies within the AEP System (with respect to which jurisdiction was expressly reserved in the aforementioned order of June 25, 1976), and, (2) a railroad car maintenance and repair service to associated companies within the AEP System. The Commission's prior notice to the public of these proposed transactions (HCAR No. 22948, May 19, 1983) incorrectly stated that OPCo also sought authority to provide the coal transloading service to nonaffiliated companies. OPCo intends to provide such services to nonaffiliates and seeks Commission authorization only with respect to the proposed accounting treatment of the revenues derived from such services, as previously set forth in said notice of May 19, 1983. In all other respects, the proposed transactions are as detailed in the aforementioned notice.

The applications-declarations, as amended by said post-effective amendments and any amendments thereto, are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 15, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the applications-declarations, as amended or as they may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15547 Filed 6-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19848; SR-MSE-83-5]

Order Approving Proposed Rule Change; Midwest Stock Exchange, Inc.

June 3, 1983.

The Midwest Stock Exchange, Inc. ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, submitted on April 22, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the "Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend Article III, Section 2 and Article IV, Section 4 of the MSE Constitution. The proposed amendment will increase the number of governors on the MSE Board of Governors from 26 to 27 by adding a new position for a Chicago area member governor. The amendment also increases the minimum number of floor representatives on the Board from the Chicago area from two to three.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19717, April 29, 1983) and by publication in the **Federal Register** (48 FR 20322, May 11, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15560 Filed 6-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19849; File No. SR-MSRB-82-16]

Order Approving Proposed Rule Change; Municipal Securities Rulemaking Board

June 6, 1983.

The Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, NW., Washington, D.C. 20036, submitted a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder on December 22, 1982, and an amendment thereto on March 7, 1983, which amends MSRB Rule G-12(h) by revising the procedures to be used by municipal securities brokers and dealers seeking to effect close-outs of uncompleted transactions in municipal securities. The proposed rule change deletes the requirement that the dealer attach a copy of the *contra* dealer's confirmation to close-out notices. In addition, the proposed rule change permits the initiation of close-out procedures on certain transactions reclaimed after ninety days following the original settlement date to provide a more expeditious resolution of such reclaimed transactions. It also permits a selling dealer receiving an initial close-out notice, which has not been retransmitted, to extend the close-out period for ten business days if the securities demanded are already in transfer and the initial notice of close-out is given before January 1, 1985. The MSRB believes that these changes will facilitate the settlement of reclaimed transactions, permit more efficient use of the close-out procedure, and still provide an appropriate period of time to complete transfer processes.

Notice of the proposed rule change, as amended, together with the terms of substance was given by the issuance of a Commission release (Securities Exchange Act Release No. 19701, April 25, 1983) and by publication in the **Federal Register** (48 FR 19960, May 3, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder

applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–15548 Filed 6–9–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–19844; File No. SR–CBOE–83–04]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Incorporated; Relating to Facilitation

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 16, 1983, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

Additions are italicized; deletions are bracketed.

Priority of Bids and Offers

Rule 6.45.(d) Notwithstanding anything in paragraphs (a) and (b) to the contrary, [when] a member *who* hold[ing]*s* a spread [order], [a] straddle [order], or [a] combination order *which is being* [and] bid[ding] or offer[ing]*ed* on the basis of a total credit or debit [for the order has determined that the order may not be executed by a combination of transactions with or within the bids and offers displayed by the Board Broker or Order Book Official, then the order] may [be] execute[d as a spread, straddle, or combination] *such order* at the total credit or debit with one *or more* other members without giving priority to bids or offers [of] *for individual option series by* the Board Broker or Order Book Official *or by members in the trading crowd* that are no better than the [bids or offers] *premiums* comprising such total credit or debit.

Certain Types of Orders Defined

Rule 6.53. No change except to add to paragraph (d) as follows. (d) Spread Order. A spread order is (*i*) an order to buy a stated number of option contracts and to sell [the same number of] option contracts [, or contracts representing the same number of shares at option, of the same class of options.] *of the same class representing the same number of units of the underlying security or (ii) an order to buy or sell a stated number of units of an underlying or a related security coupled with either (a) the purchase or sale of option contract(s) of the same series on the opposite side of the market representing the same number of units of the underlying or related security or (b) the purchase and sale of an equal number of put and call option contracts, each having the same exercise price, expiration date and number of units of the underlying or related security, on the opposite side of the market representing in aggregate twice the number of units of the underlying or related security.*

"Crosings" Orders

Rule 6.74.(a)(i) No change

(ii) After providing an opportunity for such bids and offers to be made, he must (*A*) bid above the highest bid in the market *and give a corresponding offer at the same price or at prices differing by the minimum fraction* or (*B*) offer below the lowest offer in the market *and give a corresponding bid* at the same price or at prices differing by the minimum fraction.

(b) A Floor Broker who holds an order for a public customer of a member organization and a facilitation order may cross such orders provided that he proceeds in the following manner.

(i) The member organization must disclose on its option order ticket all of the terms of the public-customer order, including any contingency involving, *and all related transactions in,* either [other] options or underlying or related securities.

(ii) In accordance with his responsibilities for due diligence, the Floor Broker shall disclose [any contingency respecting] *all securities which are components of* the public customer order[, shall identify the order as being subject to facilitation,] and then shall request bids and offers for the [option series] *execution of all components of the order.*

(iii) After providing an opportunity for such bids and offers to be made, the Floor Broker must, on behalf of the public customer, either bid above the highest bid in the market or offer below the lowest offer in the market, *identify the order as being subject to facilitation, and disclose all terms and conditions of the public customer order.* After all other market participants are given an opportunity to accept the bid or offer made on behalf of the public customer, the Floor Broker may cross all or any remaining part of the public customer order and the facilitation order at the public customer's bid or offer by announcing in public outcry that he is crossing and by stating the quantity and price(s). Once such bid or offer has been made, the public customer order has precedence over any other bid or offer in the crown at the same price, to trade immediately with the facilitation order.

(c) No change

. . . Interpretations and Policies:

.01 and .02 No change

.03 *Spread, straddle or combination orders on opposite sides of the market may be crossed, provided that the Floor Broker holding such orders proceeds in the manner described in paragraphs (a) or (b) above as appropriate. Members may not prevent a spread, straddle, or combination cross from being completed by giving a competing bid or offer for one component of such order.*

.04 *Where a related transaction must be effected in another market, that transaction must be effected prior to effecting the options transaction.*

II. (A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The overall purpose of this rule change is to expedite the filling of public-customer option orders which come to the Exchange's trading floor with a facilitation order. A facilitation order is a firm proprietary order sent to the Exchange floor at the same time as customer order that is on the other side of the market. The firm's order can be crossed with the customer's order to facilitate its execution on the Exchange only if no equal or better execution of the customer order can be obtained from another member.

The proposed changes to Rule 6.74(b)(ii) and (iii) provide that a floor broker must disclose the existence of a related transaction, but not the specific terms of the order, before rather than after requesting bids and offers. The purpose of this is to advise market participants of the entire package of securities involved, but not require that the exact details of an order be disclosed before markets are requested. It is thought that quotes more favorable to the customer may be obtained if quotes are requested prior to disclosure of the particulars of the order.

The purpose of the draft change to Rule 6.45(d) is to make clear that all spread, straddle or combination orders bid or offered on the basis of a total debit or credit enjoy a priority over orders in the trading crowd analogous to the exception afforded by the current rule to orders held by a Board Broker or Order Book Official.

The draft changes to Rules 6.53 and 6.74.03 provide that a stock-option hedge is to be treated as a single spread order. The purpose of treating a stock-option hedge as a single spread order is to accord it the same exception to the priority rules as other combination orders involving only options, thereby permitting facilitation crosses to occur when markets are "locked.".

The following example illustrates how a "locked" market would prevent one component of a public customer spread order from being filled on the Exchange. Assume that a spread order, bid or offered on the basis of a total debit or credit for both components can be executed at the agreed total premium only if an option component can be executed at a premium of 3½. The screen shows a bid of 3⅜ and an offer of 3⅝ for that option. A Floor Broker discloses a public customer buy order at 3½ that is subject to facilitation and asked for a market.

The market becomes 3⅜ bid and 3½ offered, which market prevents that component of the customer order from being filled because Rule 6.74(a)(ii) requires that to cross orders, a Floor Broker must bid above the highest bid and must offer below the lowest offer in the market. By permitting an option transaction for one component of a spread order to be effected at a premium equal to but not better than the current market for that component, the spread order can be facilitated notwithstanding the locked market in one component.

Proposed Interpretation 6.74.04 provides that a related stock transaction must be effected before the option transaction. The purpose of this addition is to insure that the stock price involved in stock leg of a facilitation cross in not fixed on the Exchange's trading floor.

The statutory basis for this proposed rule change is section 6(b)(5) of the Securities Exchange Act of 1934, in that the change will protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received. It should be noted that the proposed change originated with the Exchange's Floor Procedure Committee, which is composed of members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 3, 1983.

George A. Fitzsimmons

Secretary.

[FR Doc. 83-15596 Filed 6-9-83; 8:45 am]

BILLING CODE 8010-01-M

[812-5490; Rel. No. 13304]

Equitable Tax-Free Account, Inc.; Filing of Application

Notice is hereby given that Equitable Tax-Free Account, Inc. (the "Fund") 100 West 52nd St., New York, N.Y. 10019, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on March 10, 1983, and amendments thereto on April 27, and May 25, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Fund and any additional separate investment portfolios which may be established by the Fund in the future (the "Portfolios") (1) from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit the net asset value of the Fund and each Portfolio to be computed using the amortized cost method of valuation; and (2) from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit the Fund and each Portfolio to acquire rights to sell portfolio securities to broker-dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of the provisions from which an exemption is being sought.

The Fund states that it will operate as a "money market fund", designed for use by individual investors or by organizations such as corporations, partnerships, trusts and others. The Fund's investment objective is the maximization of current income exempt from federal income taxation to the extent consistent with the preservation of capital and the maintenance of liquidity. According to the application, the Fund will pursue its investment objective by investing in a diversified portfolio of high-grade short-term municipal securities. Applicant maintains that the term "municipal securities" means obligations issued by or on behalf of states, territories, and possessions of the United States and its political subdivisions, agencies and instrumentalities, the interest from which is exempt from federal income taxation. The municipal securities in which the Fund will invest are limited to those obligations which at the time of purchase are:

(1) Guaranteed by the United States Government or its agencies or instrumentalities, (2) municipal notes rated at least MIG–2 by Moody's Investors Service, Inc. ("Moody's"), or, if

not rated, are of equivalent investment quality as determined by the Board of Directors, (3) municipal bonds rated at least Aa by Moody's, at least AA by Standard & Poor's Corporation ("S&P") or, if not rated, are of equivalent investment quality as determined by the Board of Directors, or (4) other types of municipal securities provided that such obligations are rated at least Prime-2 by Moody's, at least A–2 by S&P, or, if not rated, are of equivalent investment qualify as detemined by the Board of Directors.

The Fund represents that it may at times invest up to 20% of its total assets in taxable money market securities consisting of securities issued, or guaranteed by the United States government or its agencies or instrumentalities, negotiable certificates of deposit ("CDs") and bank time deposits issued by domestic banks, including Eurodollar CDs and bank time deposits issued by London branches of domestic banks, bankers' acceptances, and high grade commercial paper, including master demand notes. Applicant submits that investments in CDs and bankers' acceptances are limited to domestic banks which are considered by the management of the Fund to be of high quality and to present minimal credit risks. According to the application, the commercial paper purchased by the Fund consists only of direct obligations which, at the time of their purchase, are (a) rated at least Prime-1 by Moody's or at least A–1 by S&P or (b) if not rated, issued by companies having an outstanding debt issue currently rated at least Aa by Moody's or at least AA by S&P.

The Fund states that it may also enter into repurchase agreements pertaining to the types of securities in which it may invest. The Fund states that it will require continual maintenance of collateral in an amount equal to, or in excess of, the market value of the securities which are subject to the agreement. The Fund represents that it may also invest in commitments to purchase municipal securities on a "when-issued" basis. The Fund represents further that, at the time the Fund makes a commitment to purchase a municipal security on a "when-issued" basis, it will record the transaction and reflect the value of the obligation in determining its net asset value. The Fund states that its custodian bank will maintain, in a separate account of the Fund, portfolio securities having a value equal to, or greater than, the amount of the Fund's commitments to purchase when-issued securities.

The Fund states that variable rate demand instruments are within the categories of municipal and taxable securities in which the Fund may invest. The Fund maintains that its variable rate demand instruments will be payable on not more than seven days' notice either by the issuer or by drawing on a bank letter of credit or guarantee issued with respect to such instrument either at the time of original issuance of the instrument or at the time the Fund purchases the instrument. The Fund indicates that the interest rates of the instruments will be adjustable at intervals of up to one year.

The Fund states that it may purchase from banks participation interests in variable rate instruments to produce a negotiated, variable rate yield to the Fund based on the applicable interest rate adjustment index for the security. The Fund submits that the bank will retain any excess of interest income on the instrument above the negotiated yield to the Fund for servicing the underlying loan and issuing the letter of credit. The Fund represents that each instrument purchased will meet the quality criteria applicable to the Fund's portfolio securities. Applicant asserts that the maturities of variable rate demand instruments will be determined in accordance with the procedures set forth in proposed Rule 2a-7 under the Act (Investment Company Act Release No. 12206, February 1, 1982) as proposed or adopted.

The Fund believes that use of the amortized cost valuation method will benefit its shareholders by enabling the Fund to maintain a constant net asset value of $1.00 per share while providing shareholders with the opportunity to receive a relatively steady flow of investment income. The Fund believes that there will normally be a negligible discrepancy between the market value and the amortized cost value of the Fund's portfolio securities because the Fund will invest only in high-grade securities with a remaining maturity of one year or less. Applicant states that it has determined that the amortized cost method of valuing the Fund's portfolio securities will reflect the fair value of such securities, absent unusual or extraordinary circumstances, and is appropriate and in the best interest of its shareholders.

The Fund states further that it intends to improve its portfolio liquidity through the acquisition of "standby commitments". A standby commitment is a right acquired by the Fund, when it purchases a municipal security for its portfolio from a broker-dealer or a bank, to sell the same principal amount of the securities purchased back to the seller, at the Fund's option, at a specified price. The Fund's investment policies permit the acquisition of standby commitments solely to facilitate portfolio liquidity. The acquisition or exercisability of a standby commitment will not affect the valuation or maturity of the underlying portfolio security which will be valued in accordance with the amortized cost method.

The Fund represents that standby commitments acquired by the Fund will have the following features: (1) standby commitments will be in writing and will be physically held by the Fund's custodian; (2) standby commitments may be exercisable by the Fund at any time prior to the maturity of the underlying security; (3) the Funds right to exercise standby commitments will be unconditional and unquoilfied; (4) the Fund will enter into standby commitments only with broker-dealers or banks which, in the investment adviser's opinion, present a minimal risk of default; (5) although standby commitments will not be transferable, municipal securities purchased subject to standby commitments could be sold to a third party at any time, even though the standby commitments remain outstanding; and (6) the exercise price of each standby commitment will be (a) the cost of the municipal securities which are subject to the standby commitment (excluding any accrued interest which the Fund paid on their purchase), less any amortized market premium or plus any amortized market or original issue discount during the period the Fund owned the securities, plus (b) all interest accrued on the underlying municipal securities since the most recent interest payment date during the period the securities were held by the Fund.

The Fund represents that the amount payable under a standby commitment will be substantially the same as the value assigned by the Fund to the underlying municipal securities because the Fund will value its municipal securities on an amortized cost basis. According to the application, there is little risk of an event occurring which would make the amortized cost valuation of the Fund's portfolio securities inappropriate. In the unlikely event that the market or fair values of municipal securities in its portfolio were not substantially equivalent to their amortized cost value, however, the Fund states that it would value the municipal securities on the basis of available market information and would hold them to maturity. The Fund expects that it would refrain from exercising the standby commitments in such a

situation to avoid imposing a loss on a broker-dealer or bank, which could jeopardize the Fund's business relationship with that entity. According to the application, standby commitments may be available without payment of any direct or indirect consideration. It is stated that, if deemed necessary or advisable, the Fund will pay for standby commitments, either separately in cash or by paying a higher price for the municipal securities that are acquired subject to the standby commitments. Applicant states that, as a matter of policy, the total amount "paid" in either manner or outstanding standby commitments held in the Fund's portfolio will not exceed ½ of 1% of the value of the Fund's total assets calculated immediately after the acquisition of any such commitments.

The Fund represents that it is difficult to evaluate the likelihood of the use or the potential benefit of a standby commitment. Accordingly, the Fund's Board of Directors intends to determine that standby commitments have a "fair value" of zero, regardless of whether any direct or indirect consideration was paid. The Fund maintains that where it has paid for a standby commitment, its cost will be reflected as unrealized depreciation for the period during which the commitment is held. The Fund further maintains that for purposes of computing the dollar-weighted average maturity of the Fund's portfolio, the maturity of a portfolio security shall not be considered shortened or otherwise affected by any standby commitment to which such security is subject.

According to the application, counsel to the Fund has indicated that the Internal Revenue Service has published a ruling to the effect that a registered investment company will be the owner of municipal securities acquired subject to a commitment comparable to a standby commitment and that interest on those securities will be tax-exempt to the investment company. The Fund submits that the proposed acquisition of standby commitments will not affect the calculation of its net asset value per share and will not pose new investment risks, but rather will improve the Fund's liquidity. The Fund further represents that reliance upon the credit of broker-dealers and banks from which the Fund purchases standby commitments will be secured to the extent of the value of the municipal securities which are subject to the commitments. The Fund believes, therefore, that a standby commitment will present substantially less risk than a bank certificate of deposit and will be qualitatively no greater a risk than the risk of loss faced by any investment company which is holding securities pending settlement after having agreed to sell the securities to a broker-dealer in the ordinary course of business. The Fund states that its investment adviser intends to evaluate periodically the credit of institutions issuing standby commitments. The Fund states that, for that reason, and in light of the fact that standby commitments will not be ascribed value for purposes of determining the Fund's net asset value, the acquisition of standby commitments will not meaningfully expose its assets to the entrepreneurial risks of the investment banking business, nor require the Fund to evaluate the credit of broker-dealers in determining its net asset value. The Fund represents that it will not acquire standby commitments to promote reciprocal practices, to encourage the sale of its shares, or to obtain research services.

The Fund and each of the Portfolios, as a condition to the granting of the requested exemption, will adhere to the following conditions:

1. In supervising the Fund's operations and delegating special responsibilities involving portfolio management to the Fund's investment adviser, the Fund's Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Fund's investment objectives, to stabilize the net asset value per share of the Fund and each Portfolio, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors of the Fund shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of the Fund and each Portfolio, as determined by using available market quotations from the $1.00 amortized cost price per share of the Fund and each Portfolio and the maintenance of records of such review. To fulfill this condition, the Fund intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the Board of Directors in the exercise of its descretion to be appropriate indicators of value which may include, among other things: (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from the Fund's or any Portfolio's $1.00 amortized cost price per share should exceed ½ of 1%, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors believes the extent of any deviation from the Fund's or any Portfolio's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or reduce, to the extent reasonably practicable, such dilution or unfair results which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity of the Fund or any Portfolio; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Fund and each Portfolio will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Fund and the Portfolios will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days. Should the dispositon of a portfolio instrument result in a dollar-weighted average portfolio maturity in excess of 120 days, the Fund and each Portfolio, in fulfilling this condition, will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. The Fund will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above. The Fund will also record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities as set forth above, to be included in the minutes of the Board of Directors meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to

rules adopted under Seciton 31(a) of the Act.

5. The Fund and each Portfolio will limit its portfolio investments, including repurchase agreements, to those U..$ dollar/denominated instruments which the Board of Directors determines present minimal credit risks and which are of "high quality" as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

6. The Fund will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 1, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon the Fund at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–15604 Filed 6–9–83; 8:45 am]

BILLING CODE 8010–01–M

VETERANS ADMINISTRATION

Veterans' Administration Cooperative Studies Evaluation Committee; Availability of Annual Report

Under section 10(d) of Pub. L. 92–463 (Federal Advisory Committee Act) notice is hereby given that the Annual Report for calendar year 1982 has been issued for the Veterans' Administration Cooperative Studies Evaluation Committee.

The report summarizes activities of the Committee on matters related to the review and evaluation of new and ongoing cooperative studies. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications Reading Room LM 133, Madison Building, Washington, DC 20540

and

Veterans' Administration, Medical Research Service, Cooperative Studies Program, Room 748, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: June 2, 1983.

By Direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83–15607–Filed 6–9–83; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 113
Friday, June 10, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Consumer Product Safety Commission	1, 2
Federal Reserve System	3, 4

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., commission Tuesday, June 7, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:
Enforcement Matter:

The Commission considered issues related to enforcement matter (OS #5428). The Commission by recorded vote determined that agency business required calling this meeting without the normal advance notice.

For a recorded message containing the latest agenda information: call 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207; 301–492–6800.

[S–832–83 Filed 6–8–83; 12:18 pm]
BILLING CODE 6355–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 2 p.m., Monday, June 6, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington. D.C.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:
ENFORCEMENT MATTER:

The Commission considered issues related to enforcement matter (OS #5428). The Commission by recorded vote determined that agency business required calling this meeting without the normal advance notice.

For a recorded message containing the latest agenda information: call 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207; 301–492–6800.

[S–833–83 Filed 6–8–83; 12:18 pm]
BILLING CODE 6355–01–M

3

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, June 15, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposals (A) to establish a weekly report of foreign branch liabilities to, and custody holdings for, U.S. residents, and (B) to modify the Weekly Report of Assets for Selected Money Market Mutual Funds (FR 2051c).

2. Proposed extension of Weekly Report of International Banking Facility Accounts (FR 2072) and discontinuance of Cumulative Report of International Banking Facility Assets and Liabilities Shifted from the U.S. Offices of the Establishing Entity (FR 2076).

Discussion Agenda:

3. Issues regarding bankers' acceptances.

4. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: June 8, 1983.

James McAfee,

Associate Secretary of the Board.

[S–830–83 Filed 6–8–83; 10:41 am]
BILLING CODE 6210–01–M

4

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: Approximately 11 a.m., Wednesday, June 15, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: June 8, 1983.

James McAfee,

Associate Secretary of the Board.

[S–831–83 Filed 6–8–83; 10:41 am]
BILLING CODE 6210–01–M

48
ISS
1
1
3
JE
19
1983
UMI

federal register

Friday
June 10, 1983

Part II

Department of Labor

Occupational Safety and Health Administration

Occupational Exposure to Cotton Dust

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–052E]

Occupational Exposure to Cotton Dust

AGENCY: Occupational Safety and Health Administration (SHA), Labor.

ACTION: Proposed rule.

SUMMARY: OSHA proposes to revise its occupational health standard for exposure to cotton dust. The proposed revision for the textile industry include the addition of an action level, modifications of exposure monitoring requirements, an extension of compliance dates in limited operations with feasibility problems, and modification of some definitions. No changes are proposed to the exposure limits or method of compliance for the textile industry. OSHA is proposing to eliminate from coverage from 29 CFR 1910.1043 and 29 CFR 1910.1000 several segments of the nontextile industry where there is no evidence of significant risk and where such action will better effectuate the purposes of the Act. This review of the standard is necessary in order to resolve several judicial and administrative stays, to consider the significance of risk in the nontextile and knitting segments, to resolve some technical issues, to clarify some provisions of the standard and to reconsider some provisions of the standard for cost effectiveness.

DATES: Comments must be submitted by August 9, 1983. An informal public hearing will commence on September 19, 1983 at 10 a.m. in Washington, D.C.; on September 27, 1983 at 10:00 a.m. in Dallas, Texas; and October 4, 1983 at 10 a.m. in Columbia, South Carolina, and each hearing will continue for the balance of the week if necessary. Notices of intention to appear must be submitted by August 26, 1983. Evidence and testimony to be introduced at the hearing must be submitted by September 9, 1983.

ADDRESSES: Written comments should be submitted in quadruplicate to the Docket Officer, Occupational Safety and Health Administration, Docket H–052E, Room S–6212, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210, Telephone (202) 523–7894. Notices of intention to appear at the hearing, testimony and evidence should be sent in quadruplicate to Mr. Tom Hall, OSHA Division of Consumer Affairs, Room N3635, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210, Telephone (202) 523–8024.

The Washington, D.C. hearing will be held at the Auditorium, Frances Perkins Department of Labor Building, 200 Constitution Avenue, Washington, D.C. The Dallas, Texas hearing will be held at the Grenelefe Hotel, Seasons Ballroom, 1011 South Akard St., Dallas, Texas. The Columbia, South Carolina hearing will be held at the Town House, Deauville Room, 1615 Jervais St., Columbia, South Carolina.

FOR FURTHER INFORMATION CONTACT: James F. Foster, Director, Office of Information and Consumer Affairs, OSHA, Room 3637, U.S. Department of Labor, 200 Constitution Ave NW., Washington, D.C. 20210, Telephone (202) 523–8151.

SUPPLEMENTARY INFORMATION:

Introduction. Pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8–76 (41 FR 250659) and 29 CFR Part 1911, it is proposed to amend some paragraphs of 29 CFR 1910.1043 (the cotton dust standard) to make it clearer, more effective and less burdensome. It is also proposed to amend 29 CFR 1910.1043 and 29 CFR 1910.1000 to eliminate from coverage several nontextile segments where, based on the evidence currently before it, OSHA believes there is no significant risk and it would better effectuate the purposes of the Act.

The Occupational Safety and Health Administration (OSHA or the Agency) requests the submission of written comments, data, and arguments from interested persons on the various amendments specifically proposed as well as all other issues related to the proposal. In addition, pursuant to section 6(b)(3) of the Act there will be informal rulemaking hearings to provide further opportunity for presentation of evidence and discussion of the issues. After the hearing, the Agency will issue amendments to the standard as appropriate based upon the full record.

Some issues raised in the proposal on which comment is requested include the following:

1. The significance of cotton dust-related adverse health effects in workers in nontextile industries.

2. The feasibility of compliance with the standard in the textile industry.

3. The feasibility of compliance with the standard on or before the effective dates.

4. The definition of cotton dust as the total particulate collected by the vertical elutriator sampling device.

5. The appropriateness and usefulness of the "action level" concept in control of cotton dust.

6. The use of measuring devices which are equivalent to the vertical elutriator.

7. Whether the nontextile industries should be deleted from coverage by 1910.100 Table Z–1.

8. The appropriateness of the monitoring schedules to prevent overexposures of a duration which will result in significant adverse health effects.

9. The existence of cotton washing techniques which will prevent adverse health effects from exposure to cotton dust.

10. The appropriateness of and suggestion for modification of language in the standard defining the term "area" as it is used in environmental monitoring.

11. Suggestions for modification of the language in order to clarify the standard and to ease compliance.

12. Whether a wage retention provision should be incorporated.

In some cases, OSHA is proposing specific amendments reponsive to these issues. In other cases, OSHA is raising the issue, but is not proposing specific amendments. It will analyze evidence, comments, and recommendations before deciding whether changes are appropriate

I. Background

A. General

In june 1978, OSHA published a new standard for occupational exposure to cotton dust, 29 CFR 1910.1043, 43 FR 27350. The supplementary information published with the 1978 standard (June 23, 1978) discussed in some detail the agricultural and industrial processes involved in the processing of cotton. New production equipment has increased the productivity of various segments of the industry, particularly yarn manufacturing and fabric manufacturing. The basic processes, however, remain unchanged. The majority of production of woven fabrics continues to take place in integrated mills which purchase raw fibers and produce unfinished fabric.

Cotton has certain desirable properties which make it unlikely that complete substitution by synthetic fibers will occur. Among these are its properties of moisture absorbency, coolness, softness, ready adaptability into leisure fabrics such as denim and corduroy, and economy of use. In addition, substitution of synthetic fibers results in increased use of petroleum products and other forms of energy.

B. History of the Regulation

Significant regulatory steps to address health problems in the cotton textile industry did not occur until well into the twentieth century, when Great Britain legislated requirements for medical inspection of workplaces, compulsory reporting of industrial diseases, and compensation for disabled and diseased workers. By 1942, British law recognized byssinosis as an occupational disease.

Government action came later in the United States. In 1964, the American Conference of Government Industrial Hygienists (ACGIH) placed cotton dust on its tentative list of Threshold Limit Values (TLVs). In 1966 ACGIH adopted 1000 $\mu g/m^3$ of total cotton dust as a recommended upper limit for exposure. This TLV was based upon the work of Roach and Schilling in the Lancashire cotton mills (Ex. 6–1). Exposure to cotton dust was not regulated in the United States until 1968, when the Secretary of Labor, acting under the authority of the Walsh-Healey Act (41 U.S.C. 35 *et seq.*), promulgated the 1968 ACGIH list of Threshold Limit Values which included 1000 $\mu g/m^3$ for "Cotton dust (raw)." This Threshold Limit Value was subsequently adopted as an established Federal standard under section 6(a) of the Occupational Safety and Health Act of 1970. On September 28, 1974, pursuant to section 20(a)(3) of the Act, the Director of the National Institute for Occupational Safety and Health (NIOSH) submitted to the Secretary of Labor a criteria document which contained NIOSH's recommendations for a new cotton dust standard.

On December 28, 1976, at 41 FR 56498, OSHA proposed a revised cotton dust standard setting a permissible exposure level of 200 $\mu g/m^3$ averaged over an eight hour period. An expensive record of documentary and testimonial evidence was compiled over a period of more than nine months. Among the witnesses were large corporate and small business employers, manufacturers, representatives from the affected workforce, experts in every relevant field including physicians, scientists, statisticians, economists, industrial hygienists, representatives from agriculture, and other interested parties. Public participation was representative of virtually the entire "cotton community."

On June 23, 1978, at 43 FR 27350, OSHA promulgated 29 CFR 1910.1043 and set permissible exposure limits of 200 $\mu g/m^3$ of lint-free respirable cotton dust, averaged over eight hours, for yarn manufacturing; 750 $\mu g/m^3$ for slashing and weaving operations; and 500 $\mu g/m^3$ for knitting and nontextile industries which used cotton. Petitions for review were promptly filed by interested parties with United States Circuit Courts of Appeals. On October 20, 1978, the United States Court of Appeals for the District of Columbia circuit stayed enforcement of the standard pending judicial review. In *AFL–CIO* v. *Marshall*, 617 F.2d 636 (D.C. Cir. 1979), the District of Columbia Circuit upheld the standard for the textile industry (yarn manufacturing, slashing and weaving) and the nontextile processes of warehousing and classing. The court vacated the standard for the cottonseed oil industry, finding that OSHA had failed to demonstrate economic feasibility, but it upheld OSHA's determinations of health risk and technological feasibility. The court then remanded the record on the cottonseed oil industry to the Agency for reconsideration. The court did not consider the validity of the standard for waste processing and waste utilization, having severed the industry representatives' petitions for review because of an administrative stay issued by OSHA for those segments of the industry. 43 FR 39087 (September 1, 1978). Although OSHA later lifted the administrative stay, the judicial stay remains in effect. 44 FR 5436 (January 26, 1979).

Representatives of the textile industry and warehousing and classing industries sought review of the court of appeals decision in the Supreme Court. Except for the wage retention provision, the Supreme Court upheld the standard for the textile industry (yarn manufacturing, slashing and weaving). *American Textile Manufacturers Institute, Inc.* v. *Donovan*, 452 U.S. 490 (1981). Earlier, on October 6, 1980, the Court had granted a petition for writ of certiorari and vacated the decision of the court of appeals with respect to the warehousing and classing segments of the industry. *Cotton Warehouse Association* v. *Marshall*, 449 U.S. 809 (1980). The Supreme Court instructed the court of appeals to reconsider the standard for these industries in light of the Supreme Court's decision in *Industrial Union Department, AFL–CIO* v. *American Petroleum Institute*, 448 U.S. 607 (1980), the benzene decision. On joint motion of the parties, the court of appeals then remanded the record to OSHA for the warehousing and classing segments of the industry. Order of February 3, 1981, in No. 78–1562. On July 29, 1980, OSHA issued an administrative stay of the standard to re-evaluate its applicability to warehousing and classing industries in view of *IUD* v. *API*, *supra*.

In its most recent action, the D.C. Circuit, at the request of OSHA, ordered that the records in the cases brought by the waste processing and utilization industries, which it had previously stayed, be remanded to the agency for further consideration. Order of March 30, 1982, in No. 78–1784 and consolidated cases Nos. 78–1798, 78–1985, 78–2015, and 78–2017. In addition, the court noted that its prior remand orders for the cottonseed oil, warehousing, and classing industries remain in effect. Finally, the Agency was ordered to provide the court with status reports of proceedings on reconsideration at 120 day intervals. It should be noted that the court retained jurisdiction of the cases and remanded only the record.

A separate standard for the cotton ginning industry (43 FR 27418 (June 23, 1978); 29 CFR 1910.1046) was vacated by the United States Court of Appeals for the Fifth Circuit. *Texas Independent Ginners Association* v. *Marshall*, 630 F.2d 398 (5th Cir. 1980). The court found that the record did not demonstrate a significant risk of adverse health effects as required by the benzene decision. In response to the court's decision, OSHA deleted the cotton ginning standard from the CFR and no further action in this area is required.

The knitting industry never challenged the standard in court. Based on available data, however, OSHA has temporarily stayed the standard for the knitting industry until the current review of the standard and subsequent rulemaking proceedings have been completed. 48 FR 5267 (February 4, 1983).

In view of these court and agency actions, the 1978 cotton dust standard is currently in effect only for the textile industry (except knitting). For all segments of the nontextile industry (except cotton ginning), the 1978 standard has been stayed and the record is before OSHA for reconsideration in light of the benzene decision or for other relevant factors. All the nontextile industry court challenges to the standard have been placed in abeyance pending OSHA's reconsideration. Therefore, OSHA needs to take some action for the nontextile segments of the industry.

In light of these judicial and administrative actions, OSHA published an Advance Notice of Proposed Rulemaking (ANPR) on February 9, 1982 (47 FR 5906). Extensive comments were received in response to the ANPR and will be referenced throughout this discussion. In addition, OSHA contracted with Centaur Associates to

survey the existing published data as well as to conduct a sample survey of textile manufacturing establishments, and to determine, among other things, the feasibility and cost-effectiveness of alternative regulatory approaches. References to this study will also be made throughout this discussion.

The proposed amendments and this discussion build upon the factual and legal base of the standard which was promulgated in 1978. The proposal recognizes certain gaps in the available data and attempts to assimilate current knowledge about industry practices. Much of the newer evidence concerning the health effects of cotton dust exposure and the feasibility of its control is available in large part because of the monitoring and medical surveillance requirements of that standard. This evidence, combined with OSHA's growing experience in enforcing health standards, suggests the need for revisions which will clarify the mandatory requirements of the standard and will provide incentives to take advantage of newer technology as it becomes available.

Permitting companies to use personal protective equipment combined with medical surveillance as an alternative to engineering controls would, in cases where equivalent protection is afforded, comply with OSHA's general preference to issue performance rather than design standards. It is important to emphasize that OSHA's decision to continue to require the textile industry to install feasible engineering controls to reduce exposures to cotton dust in no way represents an alteration of the agency's strong general commitment to performance standards. However, OSHA does not believe that the data compiled in the ATMI and other studies discussed below could in the final analysis support such a performance standard *in this instance*. First, no significant new evidence has been submitted to justify a reversal of the 1978 agency decision to require engineering controls as the primary method of compliance. In addition, the ATMI study was not designed to test the efficacy of a performance standard. Further, the industry itself has shown little interest in a performance standard at this late stage in the process. Moreover, in view of the number of years that have passed since issuance of the 1978 rule and OSHA's estimates that more than three-quarters of the engineering control expenditures have already been incurred, OSHA questions whether it would make any sense to try to develop the record further on this issue. Nevertheless, OSHA believes that performance standards generally are decidedly preferable to design standards and wishes to make it clear that this proposal is a result of the narrow record before its, not reversal of this principle.

II. Occupational Health Implications of Exposure to Cotton Dust

The preamble to the December 28, 1976, proposed standard for exposure to cotton dust (41 FR 56498) presented detailed scientific evidence pertaining to respiratory diseases associated with exposure to cotton dust. A definition of byssinosis and an explanation of the Schilling grading system were presented. Other health effects such as chronic bronchitis, mill fever, weavers' cough and mattress-makers' fever, were also noted. The preamble discussed the importance of the use of standardized medical questionnaires and pulmonary function testing to detect the early stages of respiratory disease. The contribution of smoking to an increased prevalence of byssinosis was also discussed.

The preamble to the 1978 final standard for cotton dust discussed both chronic and acute health effects in light of testimony and evidence presented by the public during the rulemaking process. OSHA concluded that the scientific evidence in the record supports the finding that exposure to cotton dust produces adverse health effects.

Byssinosis is the respiratory disease most commonly associated with exposure to cotton dust. The hallmark of byssinosis is the Monday phenomenon, the cyclic disorder characterized by cough, breathlessness or tightness of the chest experienced on the first day of the work week. The Schilling grading scheme for byssinosis, which is discussed in the 1976 proposal (41 FR 56500), reflects the differences in duration and degree of Monday morning symptoms.

The acute stages of byssinosis are Grades ½ to 2. In the early stages, the most commonly reported symptom is occasional breathlessness or chest tightness on the first day back to work after a period of time away, such as the weekend. This corresponds to Grade ½ in the Schilling classification system. With Grade 1 byssinosis, these symptoms appear every Monday. When these symptoms extend to other days of the week, the worker is classified as having Grade 2 byssinosis. These symptoms may be accompanied by a loss of ventilatory capacity over the work shift as measured by a change in the Forced Expiratory Volume in one second (FEV_1). Some otherwise asymptomatic workers also exhibit a decline in the FEV_1 on their first day back at work. Other changes in pulmonary function such as the Forced Vital Capacity (FVC), the ratio of FEV_1 to the predicted FEV_1, and the ratio of FVC to FEV_1 may also be noted. The chronic, irreversible stage of byssinosis is classified as Grade 3 and is defined as Grade 2 symptoms with evidence of permanent incapacity (loss of lung function).

Although there is general agreement as to the acute health effects associated with exposure to cotton dust, a recent report by the National Research Council (NRC) on byssinosis research has raised the issue of whether chronic pulmonary disease seen in exposed workers is due to exposure to cotton dust or to other factors, such as smoking. (Ex. 177). In 1978, OSHA reviewed most of the studies available to the NRC committee and heard the testimony of experts. The conclusion reached by OSHA was that chronic pulmonary disease is directly related to exposure to cotton dust. The 1978 standard (43 FR 27352) states:

> It was the overwhelming opinion of the medical experts testifying at the hearings that byssinosis can develop into chronic obstructive pulmonary disease which is, in most cases, irreversible and disabling (Ex. 38d, Ex. 11, Ex. 41, Ex. 46).

A similar statement was made in a draft report from the World Health Organization study group on vegetable dust (Ex. 172–42) received by OSHA in April of 1981. In their discussion of byssinosis, they state:

> In its final stages, the disease [byssinosis] cannot be distinguished from chronic obstructive pulmonary disease due to nonoccupational causes, except for the past history of chest tightness characteristically worse at the beginning of the week.

OSHA has reviewed the concerns expressed by the NRC committee and concludes that there is no basis for changing its original conclusion that exposure to cotton dust can result in chronic obstructive pulmonary disease. Indeed, additional evidence not available during the 1978 rulemaking such as the 1981 follow-up study of active and retired textile workers by Beck and his colleagues (Ex. 170–9) supports this conclusion.

III. The Proposed Amendments

A. Scope and Application

OSHA is proposing to amend 29 CFR 1910.1043, to apply to yarn manufacturing and to weaving and slashing operations which process cotton and cotton-synthetic blends. The Agency is proposing to amend 29 CFR

1910.1043 so that it will not apply to dust generated from classing, warehousing, cottonseed processing, knitting operations and waste processing which includes waste recycling (sorting, cleaning, blending and willowing), garnetting, waste spinning, bedding assembly, and upholstered furniture manufacturing. The section 6(a) standard, for cotton dust adopted by OSHA in 1971 (29 CFR 1910.1000 Table Z–1) will still apply, however, to cotton waste processing. The § 1910.1043 standard does not apply to dust generated during the handling of woven materials, nor does it apply to the processing of washed cotton. Maritime, harvesting, and ginning operations are also not covered by this standard. OSHA is proposing to exclude the construction industry sectors from coverage by this standard because OSHA is unaware of any exposure to cotton dust in this industry. Accordingly, OSHA is proposing to repeal § 1910.19(f) of the general industry standards.

In the preamble to the 1976 proposed standard and the preamble to the 1978 final standard, OSHA discussed evidence of adverse health effects in workers exposed to cotton dust. OSHA's finding of risk of adverse health effects in textile workers exposed to cotton dust was based on a substantial body of evidence both quantitative and qualitative in nature. This evidence was discussed at length in the preambles to both the proposed and final standards and will not be repeated here. The work by Merchant and his colleagues (Ex. 6–51) was considerd by OSHA to provide the most reliable basis for the dose-response curve from which the 200 $\mu g/m^3$ PEL for yarn manufacturing and the 750 $\mu g/m^3$ PEL for slashing and weaving were developed. In its decision in *ATMI* v. *Donovan, supra,* the Supreme Court upheld the lower court's finding that the standard, as it applies to yarn manufacturing and slashing and weaving, was "reasonably necessary and appropriate" within the meaning of Section 3(8) of the Act and that OSHA had demonstrated a materially significant health risk.

In 1979, after the standard was promulgated, Beck and his colleagues conducted a follow-up study of 383 individuals who were participants in a 1973 cross-sectional study of 646 active and retired cotton textile workers. (Ex. 170–9). No cotton dust exposure level information was given. The authors reported that there was a significantly higher prevalence of respiratory symptoms and disability in cotton textile workers as compared to controls. There was a significantly lower lung function in both symptomatic and asymptomatic cotton textile workers as compared to controls. Beck also found that there was a signficantly higher prevalence of respiratory symptoms and lower lung function of retired as compared to active cotton textile workers, and there was an additive effect of smoking and cotton dust exposure on lung function.

In a review of this study (Ex. 175–60) prepared for and submitted by the ATMI, Dr. Kenneth Rothman and his co-workers are critical of the Beck study. They question the method of recruitment of workers for the study, the appropriateness of the comparison population, the use of two different questionnaires for the exposed and unexposed populations, and a number of other aspects of the study.

Despite some shortcomings, OSHA believes that this study is important because it included a follow-up of cotton textile workers and controls subsequent to a cross-sectional survey. Most studies of workers exposed to cotton dust have not followed the workers over time, leaving many unanswered questions about the magnitude and progression of lung disease in exposed workers. Also, most studies have included only active workers rather than workers who have changed jobs or retired. Restricting a study cohort to active workers limits the extent to which the findings can be generalized because of the potential role of workers leaving their jobs as a result of health problems. This selective out-migration has been postulated to result in a cotton textile workforce composed of relatively healthy survivors. This study determined the health status of persons who changed jobs or retired from the cotton mills, enabling better estimation of the health effects of mill work. Also, chronic effects, including disability, rather than acute effects could be surveyed in this group of older persons with long-term exposures to dust.

Another new study, an analysis of the medical surveillance results for over 40,000 cotton textile workers, was prepared after the publication of the 1978 standard (Ex. 175–60). The report written by Dr. Harold Imbus, was prepared for and submitted to OSHA by ATMI. Seven ATMI member companies provided the data from their medical surveillance programs conducted during the period of 1979 to 1981. Imbus reported prevalences of 0.68% for byssinosis and 5.8% for bronchitis. He also indicated that the prevalence of a 10% decline in FEV_1 over the work shift for cotton textile workers was similar to the prevalence in a control group of workers.

In its review of the ATMI report, NIOSH stated: "the basic problem is that this survey is compiled from data gathered for compliance purposes, and is not based on a statistically sound strategy which would be essential for making inferences from the study group to the universe from which the study group came." NIOSH further stated: "this second submission by ATMI, despite its volume, sheds no more light upon the health effects of exposure to cotton dust in the textile industry than did the first submission, and should be disregarded by OSHA in its rulemaking effort." (Ex. 175–56).

Imbus replied to both the specific and general criticisms outlined by NIOSH. (Ex. 175–83). He conceded that the data were not collected in a manner intended for an epidemiological study but rather for compliance purposes, but he pointed out that the information in the report is important because it represents the results of the medical surveillance of a very large number of cotton textile workers.

OSHA agrees that this study makes an important contribution to understanding the current health status of a large number of textile workers. We find the results encouraging with respect to the low prevalence of respiratory symptoms generally associated with exposure to cotton dust. The report supports the conclusion that compliance with the standard, with the present PEL, medical surveillance, and work practice requirements is effective in reducing respiratory symptoms in workers exposed to cotton dust in the textile industry.

While the evidence of significant risk of material health impairment to workers in the textile industries is clear, the evidence in the nontextile industries (cottonseed mills, classing, warehousing, waste processing and knitting) is less clear. OSHA acknowledged this in the section on the scope of the 1978 standard but made a policy decision to include these operations in the cotton dust standard (43 FR 27382). The basis for this decision was that the large body of risk evidence in the textile industry could be used to support the less conclusive evidence in nontextile operations.

In the benzene decision, the Supreme Court stated: "before he can promulgate *any* permanent health or safety standard, the Secretary is required to make a threshold finding that a place of employment is unsafe—in the sense that significant risks are present and can be eliminated or lessened by a change in

practices." 448 U.S. at 642 (emphasis in the original). The Court also stated that the lower court's refusal to uphold the new benzene standard was correct because the new standard was not supported by appropriate findings. In light of the Court's decision and subsequent orders by the D.C. Circuit, OSHA decided to review the existing scientific evidence to determine whether or not a significant risk of adverse health effects exists for workers in the knitting industry and in each of the nontextile industries covered by the 1978 standard. OSHA has also determined that the decision to include any of these industries under the standard will be based on evidence of risk in the particular industry being regulated. The reason for this decision is that the composition of cotton dust varies from one operation to another and, therefore, the presence of the etiological agent, the exact nature of which is unknown, may also vary.

The operations for which health data were reviewed include: warehousing, classing, cottonseed processing, knitting, and waste processing.

A report by Barman (Ex. 56) addressed the possibility of cotton dust associated health hazards in the warehousing industry. Barman studied 70 workers in a single California compress-warehouse operation. None of the workers had byssinosis, and although sixteen workers questioned had respiratory symptoms, the symptoms were not particularly associated with Mondays. There were a number of shortcomings in this study including the failure to use a standardized questionnaire and the lack of dust measurements.

In their comments in response to the February 1982 ANPR, both the National Cotton Council (NCC) (Ex. 175–47) and the Cotton Warehouse Association of America (CWA) (Ex. 175–37) discussed Barman's study, pointing out its shortcomings and arguing that this study does not provide evidence of cotton dust associated respiratory disease. In her discussion of this study, Braver also mentions the shortcomings of the study and concludes: "this study should be considered inconclusive" (Ex. 175–1). The CWA also pointed out that the work is seasonal in nature and that there are no pulverizing, mechanical operations. These are factors which reduce the likelihood of adverse health effects in the operation.

In 1978, NIOSH began a series of industry-wide medical and industrial hygiene studies in an effort to "describe the health and environmental conditions of the 'non-textile' or 'secondary' cotton industry." (Ex. 175–56). Four of the industries presently under the standard (classing, warehousing, cottonseed mills and waste utilization) were included in this study. The report on cotton warehouse workers, "Respiratory Disorders and Dust Exposure in Sectors of the Cotton Industry of the United States, Part 2: Cotton Compress Warehouses," examines the respiratory disease prevalence and cotton dust exposure levels for 512 workers in 18 compress/warehouses. A group of 1218 workers in non-dusty occupations served as the comparison group. The geometric mean dust levels ranged from 0.04 mg/m³ to 0.690 mg/m³ with 92% falling below 0.500 mg/m³.

Matched pair analysis revealed a significant excess of bronchitis in the compress/warehouse workers. For no other symptoms were there significant differences from the comparison group. When changes in pulmonary function (FVC, FEV_1, FEF_{50}%, FEF_{75}%, and peak flow) over the shift were compared to level of cotton dust exposure, the greatest decrements in pulmonary function were seen in workers with the lowest exposures to cotton dust.

There were two factors that make analysis and interpretation of this data difficult. One factor is the differences between the study group and the comparison group, specifically with regard to racial and geographic differences and age. A second factor is the inclusion of workers in the study group who had previously been employed in other cotton operations, most commonly ginning. Removal of these workers would have severely limited the number of compress/warehouse workers available for analysis.

NIOSH stated: "We could not demonstrate in this study a clear relationship of adverse health effects with exposure to cotton dust in this industry." (Ex.175–56). They suggested that overshift decrements in pulmonary functions seen in individuals working in areas where the levels of cotton dust are relatively low, shipping and receiving areas, may be due to exposure to exhaust emissions from idling transport vehicles. NIOSH, therefore, did not recommend an environmental standard for cotton dust in the warehousing segment.

The 1978 rulemaking record contained no direct evidence of risk of adverse health effects in classing operations. This lack of evidence was pointed out by both the American Cotton Shipper's Association and the NCC (Ex. 175–47 and Ex. 175–30). In 1980, OSHA recognized the inadequacy of the evidence of health risk related to cotton dust in the classing and warehousing industries. The Agency requested that the Supreme Court remand the case for classing (and warehousing) operations for reconsideration. OSHA then published a notice in the **Federal Register** suspending enforcement of the standard for classing and warehousing pending "a more extensive review and analysis of the * * * record" (45 FR 50329, July 24, 1980).

OSHA has recently received the NIOSH epidemiological report on classing operations, "Respiratory Disorders and Dust Exposure in Sectors of the Cotton Industry of the United States, Part 4: Cotton Classing Offices." (Ex. 175–56). The study included 609 workers in 13 cotton classification offices operated by the United States Department of Agriculture. The geometric mean dust level was generally below 200 $\mu g/m^3$.

The study revealed no excess prevalence of byssinosis, bronchitis, or lung function decrement in classing workers. NIOSH concluded: "there is no evidence of adverse health effects in cotton classing office workers." They recommend a future study of this group with a more appropriate control group. Because the cotton found in classing offices is similar to that in textile mills and the manipulation of the cotton is done near the workers' breathing zone, NIOSH recommends the continuation of current dust control programs that have reduced the geometric mean dust levels.

Studies of cottonseed oil workers have been conducted in the United States, Australia and Egypt. Between 1978 and 1980, NIOSH conducted a study of 723 cottonseed oil mill workers, "Respiratory Disorders and Dust Exposure in Sectors of the Cotton Industry of the United States, Part 3: Cottonseed Oil Mills." (Ex. 175–56). Workers in non-dusty occupations provided a control population. In NIOSH's report of this study, matched pair analysis revealed no significant excess prevalence of byssinosis, bronchitis or dysponea in cottonseed oil mill workers when compared to controls. The only significant differences (cough, mean FEV^1 and overshift decrements in FEV^1) were seen in cottonseed workers who were current smokers. No dose-response relationships were demonstrated. The geometric mean dust levels in the plants surveyed ranged fromn 0.22 mg/m³ to 1.46 mg/m³.

In a series of cross-sectional studies of workers in several cottonseed oil mills in the southern United States (Ex. 175–12), Jones and colleagues found a very low prevalence of byssinosis (2.3%) and chronic bronchitis (4.0%). Their

studies indicate that a portion of these workers experienced an acute reaction to exposure to cotton dust, but there was no correlation between these acute effects with dust levels. In Australia, Simpson and Barnes (Ex. 6–70) compared 16 cottonseed delinting workers to 11 unexposed controls. Half of the cottonseed workers experienced lung function declines of 200 ml or more. Dust concentrations were extremely high, ranging from 15 to 37 mg/m³. In Egypt, Noweir and colleagues (Ex. 128K) reported byssinosis prevalences of 19% in cottonseed delinting and 30% in cottonseed handling. In a follow-up study conducted in 1978, the prevalence of byssinosis among 71 workers was zero, but the authors stated that workers with complaints were transferred to other operations.

Both the NCC (Ex. 175–47) and the National Cottonseed Products Association (Ex. 175–38) argued that it was inappropriate to compare cottonseed processing operations in the United States with those in Egypt or Australia. They stated that the foreign operations involved more manual labor, different job functions, and much higher dust levels than those in the U.S.

Some of the commenters to the February 1982 ANPR acknowledged a need for dust control (175–48) or medical surveillance (175–12) in cottonseed operations. The draft report by the World Health Organization (WHO), submitted by two commenters (175–7 and 175–16), tentatively recommends an exposure limit of 1.0 mg/m³ (1000 μg/m³) of respirable dust. NIOSH also recommended a PEL of 1.0 mg/m³ (1000 μg/m³) respirable dust as well as dust control strategies and medical monitoring.

It has been noted by several commenters that none of the available studies provided evidence of significant, long-term adverse health effects in individual workers in cottonseed processing operations that are equivalent to those currently existing in the United States. In addition, Proctor & Gamble (Ex. 175–48) also presented evidence that cottonseed linter dust contains a much smaller concentration of bract, leaf and other trash materials (which presumably contain the etiological agent) than raw cottonseed utilized by the textile industry.

As was the case with classing operations, OSHA had no direct evidence of adverse health effects associated with exposure to cotton dust in the knitting industry when the 1978 standard was promulgated. In November 1980, representatives of the knitting industry submitted a petition to OSHA asking for a stay of enforcement and a review of the standard as it applied to their industry. A stay of enforcement was granted and subsequently the petitioners supplied OSHA with a report which relates to the health of workers in the knitting industry (Ex. 183). This report by Boehlecke and Battigelli of the University of North Carolina was an analysis of pulmonary function data of 2287 workers employed by 6 knitwear and 6 hosiery manufacturers. The authors reported no evidence of any chronic effect on pulmonary function associated with exposure to cotton dust in the knitting operation. Reported cotton dust levels were less than 500 μg/m³.

At OSHA's request, NIOSH reviewd this study. Although NIOSH cautions that there may have been a "strong selection bias in the selection of workers in the study population" they did not disagree with the basic finding of this study, i.e., that there was "no clear and convincing evidence that * * * [these] workers * * * were subject to adverse health effects due to occupational exposure. "(Ex. 182–20).

Following OSHA's review of both the results of the study of knitting workers and NIOSH's comments on the study, the Agency published a notice in the **Federal Register** extending the stay of enforcement of the standard for the knitting industry until the current review of the standard has been completed and a new final standard has been published. (48 FR 5267).

OSHA also has information relating to the health of workers in the cotton waste recycling industry (called waste utilization by NIOSH). This industry includes the initial operations required to prepare cotton waste for other manufacturing processes. The operations include: blending, cleaning, willowing, and sorting. Some of the health information was available during the earlier rulemaking proceding. A new study from NIOSH, however, has become available since the close of that rulemaking. "Characterization of Byssinosis and Other Pulmonary Abnormalities in the Cotton Waste Utilization Industry." (Ex. 175–56). In 1978 and 1979, NIOSH examined 260 workers in 13 cotton waste utilization plants in the Southeastern United States. A group of 292 blue collar workers employed in non-dusty occupations served as the control group. NIOSH found no significant increase in the prevalence of byssinosis in the cotton waste workers when they were compared to the control group. They did find a significant increase in the prevalence of bronchitis in exposed workers employed in the waste industry for less than two years. This increase was most striking in nonsmoking workers who had been employed for less than two years. In addition, they found that decreases in pulmonary function in some exposed workers appeared to be related to the particular plant in which the individual was employed. No dose-response relationship was demonstrated by this study. The geometric mean dust concentrations for many of the plants were around 0.5 mg/m³.

In her review of the study, Braver (Ex. 175–1) indicated that, in her opinion, "the most important finding was the significantly increased risk of bronchitis in cotton waste workers compared to the controls."

The National Cotton Council (Ex. 175–47) submitted two critical reviews of the NIOSH study as an attachment to its earlier comments. These reviews note that no evidence of excess prevalence of byssinosis was seen in the workers. The NCC also said that an association between cotton dust exposure and chronic bronchitis in workers with less than two years of experience could not be made because "chronic bronchitis' is universally defined as chronic only when persisting for at least two years, so it must have pre-existed the work with cotton-related materials."

Following the submission of their report to OSHA, NIOSH reanalyzed its data using a modified comparison group which included only workers from the same geographical area (North and South Carolina, Georgia, Florida, and Alabama) as the waste cotton workers. An addendum was added to the original study which reports the results of the reanalysis of the data with the modified control group. (Exhibit 175–56). NIOSH reported a significant increase in the prevalence of bronchitis in workers (both smokers and nonsmokers) who had worked in the waste cotton industry for more than two years and in nonsmokers with less than two years in the industry. In addition, workers with less than two years in the waste cotton industry had a significantly greater prevalence of bronchitis than workers with more than two years. There was significant increase in the prevalence of overshift decrements of FEV_1 greater than 10% in workers with greater than two years service, and there was also a significant increase in the prevalence of overshift decrements of FEV_1 greater than 5% in waste cotton workers compared to controls matched in age and smoking. NIOSH found no significant increase in the prevalence of byssinosis or workers with an FEV_1 of less than 80% of the predicted value.

In an earlier study, Chinn and co-workers (Ex. 99f) studied willowing mills in the United Kingdom. They found a 53% prevalence of bronchitis, and a 5% prevalence of byssinosis, all with Grade 1/2. Symptom prevalence in controls was not reported. It should be noted that willowing operations are often extremely dusty, and in this study average dust levels in the workers breathing zone were 108 mg/m³.

Dingwall-Fordyce and O'Sullivan (Ex. 6–72) reported the result of a 1950 study of older workers in the waste recycling industry in the United Kingdom. These workers were processing both hard and soft cotton wastes for spinning waste cotton yarn. The study population consisted of 140 men over the age of 35 who worked with hard and soft cotton waste which were mixed with raw cotton. The investigators reported a 30% prevalence of byssinosis, including a 5% prevalence of disabling byssinosis. The authors gave no control values and there were no dust measurements reported. In commenting on this study the NCC (Ex. 175–47) indicated that "the preponderance of manual operations * * *, the use of 'raw cotton' * * *, and the high proportion of plant trash (since the cotton had not been cleaned at the gin)" made the study's findings "not surprising."

Cleaned cotton waste is further processed for use in manufactured products including yarn for mops, and batting for mattresses and upholstered furniture. The evidence concerning the health risks to workers in these industries is confined to garnetting (the manufacture of batting) and mattress-making.

Information in the record includes a study of six Australian garnetting plants (Ex. 6–71). In this study, Simpson obtained pre-shift and post-shift FEV_1 values for 26 workers. Eight workers were found to have post-shift FEV_1 declines greater than 200 ml. Dust levels were fairly high and ranged from 6 mg/m³ to 21 mg/m³ depending on the plant and job category.

Following publication of the final standard, NIOSH completed a health hazard evaluation of a garnetting and mattress-making operation. OSHA received a request for an administrative stay of the standard from the National Cotton Batting Institute and the Textile Fibers and By-products Association based on the findings in this report. The stay was granted pending review of the study, and a notice was published in the **Federal Register** (43 FR 39088).

In this health hazard evaluation, NIOSH investigators examined a garnetting and mattress making company in 1973 (Ex. 38f) and again in 1977 (Ex. 188–X). No comparison group was included in the studies. In 1973, the bronchitis prevalence was 59%, and the byssinosis prevalence was 11.8%. The percentage of workers with a post-shift decline in FEV, of 5% or more was 20.6%. In 1977, the bronchitis prevalence was still somewhat high at 34%, but the byssinosis prevalence had dropped to 1.9%. Because of several limitations in the study, including the small sample size, the lack of controls and the use of respirators, NIOSH stated that "no firm conclusions can be drawn from this study and no generalizations to this segment of the cotton industry should be attempted," In its review of the health hazard evaluations, OSHA took the position that the data in the record had been adequate to demonstrate that a health risk to workers existed in the waste industry, and its review asked the question whether the NIOSH report was adequate to reverse those earlier decisions on risk. (43 FR 39088).

When the administrative stay for the waste cotton industry was terminated (the judicial stay has remained in effect), OSHA stated that the evidence in this survey is "compatible with other non-textile studies which indicate the presence of adverse health effects upon exposure to cotton dust * * *" and that the report "* * * and the comments submitted provide no basis for permanently suspending the standard with respect to the waste industries * * *" (44 FR 5440).

As stated earlier, OSHA's previous decision to include knitting and the nontextile industries under the cotton dust standard (1910.1043) was based primarily on a reliance upon the strong evidence of health risk to workers in the textile industry and was supported by additional health studies in the affected industries. In its current review, OSHA has chosen to re-examine the health risk data on an industry-by-industry basis and to determine whether the data meets the test of significant risk as defined in the benzene decision.

The Agency has thoroughly reviewed record evidence of adverse health effects for workers exposed to cotton dust in the nontextile industries for evidence of significant risk as discussed in the Supreme Court's benzene decision. Additions to the record were developed in response to a series of judicial and administrative reviews. In addition, OSHA has reviewed a report analyzing pulmonary function data for workers in the knitting industry and four extensive epidemiological studies of workers in the classing, warehousing, cottonseed and waste recycling (waste utilization) industries. OSHA concludes that workers in the knitting, classing, warehousing, cottonseed processing, and waste processing industries appear to have no significant risk of impaired health as a result of their exposure to cotton dust. Based upon this conclusion, OSHA proposes to exclude these industries from coverage by the § 1910.1043 standard.

OSHA is proposing to delete from the standard, paragraph (a)(3) which discusses the various provisions. The requirements specified by paragraph (a)(3) are also found in Section 6(d) of the Act, so it is unnecessary to include that language in the standard.

B. The 1910.1000 Standard for Cotton Dust

As discussed above, the 1978 cotton dust standard has never gone into effect for any of the nontextile industries. It has been OSHA's position, however, and the case law indicates, that the 1971 standard (29 CFR 1910.1000 Table Z–1) which adpoted pursuant to section 6(a) of the Act, covers the nontextile segments. The 1971 standard would, therefore, remain in effect for the nontextile segments unless OSHA revokes the standard for nontextile industries.

Based upon the present record, OSHA proposed to exclude the classing, warehousing, cottonseed processing and knitting industries from coverage by § 1910.1000 Table Z–1. OSHA believes that since there is evidence of safe working conditions in the classing, warehousing and knitting industries, it will better effectuate the purposes of the Act to exclude those industries from coverage. Resources spent protecting employees under the existing standard would be better spent on health and safety in other areas.

The health risk to workers in the cottonseed processing industry has been investigated. The most recent study by NIOSH, available after the issuance of the 1978 standard, indicates no excess risk of byssinosis, bronchitis or dyspnea. Moreover, in the foreign health studies, working conditions and dust exposures may not have been analogous to American working conditions and the risks not comparable. In addition, the industry is not in compliance with the 1 mg/m³ (1000 μg/m³) total dust standard. The D.C. Circuit vacated the 1978 standard (500 μg/m³ respirable dust) as it applied to cottonseed processing because OSHA failed to demonstrate that the standard was economically feasible. OSHA estimates that the 1 mg/m³ total dust standard will be more difficult to meet than the 500 μg/m³ respirable dust limit. Therefore, there is a serious question as to whether this 1

mg/m³ standard is economically feasible. Data evaluated by OSHA indicates that both the 1 mg/m³ (total) and the 500 μg/m³ (respirable) limits would cause severe economic disruption in these industries. It would better effectuate the purposes of the Act to eliminate very large expenditures to reduce exposure where there is only ambiguous evidence of health risk. OSHA requests, however, comments on alternative approaches to protecting worker health in the cottonseed processing industry which would be economically feasible.

Based on the available health data, OSHA proposes to continue coverage of waste processing industries under 1910.1000. Although there is insufficient evidence upon which to base a finding of significant risk, there is an indication that workers in these industries do suffer some adverse health effects. These adverse health effects have been reported waste recycling (Exhibits 175–56; 6–72; 99f), garnetting (Exhibits 6–71; 38f; and 188–x), and bedding assembly (Exhibits 387 and 188–x). Therefore, eliminating the 1910.1000 coverage for this nontextile sector cannot be justified.

C. Definitions

(1) *"Cotton Dust"*. In the ANPR (47 FR 5907), OSHA raised the issue of whether the term "cotton dust" could be more narrowly defined. Very few comments were received in response to this issue. Some of the comments received suggested exclusion of "non-cotton"materials such as oil mist and/or mineral dusts. The National Cotton Council (NCC) (Ex. 175–47) suggested that the definition exclude "non-cotton dust" materials such as oil mist, mineral dust from humidifier systems, and synthetic fiber dust.

In the 1978 standard, "cotton dust" is defined as dust present in the atmosphere during the handling or processing of cotton. It may contain a mixture of many substances, including ground up plant matter, fiber, bacteria, fungi, soil, pesticides, non-cotton plant matter, and other contaminants which may have accumulated with the cotton during the growing, harvesting, and subsequent processing or storage periods. The present definition does not exclude oil mist, mineral dust and other miscellaneous contaminants which are measured together, with raw cotton dust. However, as stated in OSHA's ANPR (47 FR 5907), this issue is complex because the health data used to set the permissible exposure limit are based on studies in which the "cotton dust" measurements contained these components.

OSHA has reviewed all comments and has concluded that additional information is needed to evaluate this issue. No specific change in the definition of cotton dust has been proposed. This issue is open for discussion and comment during the public hearing period, and OSHA solicits additional information concerning the potential health consequences of more narrowly defining the term "cotton dust," as well as the legal and compliance ramifications of changes in this definition.

(2) *"Washed Cotton"*. Merchant's "washed cotton" study (Ex. 38d) for respiratory disease among cotton textile workers published in 1973 focused attention upon the preprocessing of cotton through water washing, steaming, heat treatment or the use of solvents to remove or neutralize the components of cotton dust which cause byssionosis. The study presented evidence that cotton washed to medical specifications does not cause symptoms of byssinosis such as loss in FEV or chest tightness in breathing. Accordingly, the 1978 standard exempted such cotton from coverage. The 1978 standard also exempted cotton which had been dyed in a hot water process. At that time, research had not established that other treatments would yield harmless cotton.

Since 1978, continuing research indicates that other washing treatments may also yield cotton which produces no adverse health effects while maintaining processing qualities acceptable for textile manufacturing. The joint industry government and labor task force investigating cotton washing methods has not, however, completed its work at the time that this proposal is being made. It is, therefore, not possible to set down specifications for alternative washing processes in this proposal.

OSHA encourages the development of cost-effective washing alternatives and believes that it is in the interests of the Agency, cotton-using industries and exposed workers to make available such methods without delay. When evidence of one or more alternative washing processes has been presented to OSHA, the Agency will conduct an expedited rulemaking to include such specifications in the standard. Should such evidence be presented during the public comment period, it will be considered for inclusion in the final standard.

The Pre-existing terminology of "washed", "purified" and "dyed" cotton has proved to be vague and somewhat confusing. Accordingly, OSHA proposes to amend the language defining "washed cotton" and "purified and dyed" cotton. These amendments make explicit the understandings which were left unwritten in the 1978 standard, but which have been the basis for washed cotton research since that time.

The definition of "washed" is restated to include specifically one of the cleaning processes enumerated in Merchant's study. (Ex. 38(d) p. 271–300). Thus, "washed cotton" will refer primarily to fiber which has been processed in a certain way and which has been shown to elicit a specific, known range of respiratory responses.

Although the specifications of the washing process are strict and detailed and do not yield cotton which could be used in textile manufacturing, the definition is included so as to provide a reference point in the body of the standard for the use of researchers. It is the level of human respiratory response that is crucial in this definition, although other parameters such as chemical or microbiological characteristics of this type of washed cotton may be of use to those investigating alternative preprocessing methods. In either case, specifications for washing are intended to assist and to encourage research.

The term "purified or dyed" cotton appears in the 1978 standard, but it was not defined. There appears to be no commonly accepted definition and accordingly, the intention of the 1978 standard has been restated in clearer terms. OSHA proposes to consider cotton yarn or thread which has been scoured in a caustic bath and dyed in a hot, water-based solution to be the equivalent of washed cotton. The processes closely resemble the processes used in the production of washed cotton, and thus, they are expected to yield cotton which produces no adverse acute reactions.

D. Environmental Monitoring—"Area" Defined

The 1978 standard relies upon area sampling to determine individual dust exposure levels. It also refers to the term "area" for evacuation during blow down (§ 1910.1043(g)(1)). At the time the standard was proposed, available data had been generated almost exclusively for scientific studies. Several years experience with routine industrial hygiene dust monitoring under the 1978 standard indicates widespread divergence in both placement of vertical elutriators and reporting practices for area sampling. In their comments to the ANPR, both the North Caroline Department of Labor (Ex. 175–8) and the Brown Lung Association (Ex. 175–43) have questioned the validity of some

monitoring data. They observe that some employers are averaging all dust levels measured in a workroom without reference to significant variations among discrete portions of the room, even though this can produce very inaccurate representations of employee exposure. Other employers designate areas for monitoring in terms of air conditioning systems, supervisory zones, groups of machines tended by one worker, or square footage. OSHA and state compliance files confirm that the textile industry and its consultants have not developed a consensus concerning appropriate monitoring under the standard. OSHA itself has set no guidelines upon which employers may rely.

Proposed changes in the standard sharpen the focus upon reliable monitoring. Where the wearing of respirators for only a part of the workshift is required, relying on data gathered from an inappropriate monitoring area may result in the use of respirators for too short a period of time. Proposed use of action levels to reduce medical surveillance and training requirements heightens the need for reliable monitoring data. In addition, the use of more sophisticated engineering controls and monitoring devices may affect the size and character of appropriate monitoring units.

With these considerations in mind, although not proposing specific language changes, OSHA asks for comments concerning both the need to define or standardize the area monitoring requirement and the need to define an appropriate area for monitoring. Since the term "area" is also used to determine which employees must be evacuated during blow down operations (§ 1910.1043(g)(1)), comments may need to refer also to the extent to which a single dust source will affect the environment.

E. Action Levels

The Advance Notice (47 FR 5907) raised the issue of whether an action level should be incorporated into the cotton dust standard. An action level is an exposure level below the permissible exposure limit, above which some provisions of the standard begin to apply and below which few or no provisions of the standard apply.

The 1978 cotton dust standard does not include an action level. Additional engineering controls and respirators are required only if exposures exceed the permissible exposure limit, but in general, the other provisions of the standards are required if any cotton dust is present. One advantage of an action level is that it encourages employers, where it is feasible, to lower exposures below the PEL, thereby increasing health protection. In addition, as a result of an action level, the cost and burden of the industrial hygiene provisions of the standard may be substantially reduced. Those employers who can devise innovative ways to reduce exposures below the action level to increase employee protection will save costs by being relieved of many of the industrial hygiene provisions. An action level results, therefore, in increased flexibility, performance orientation and cost-effectiveness of the standard.

A potential disadvantage of an action level in a toxic substance regulation is that some industrial hygiene provisions, such as medical monitoring, may provide some additional protection to employees exposed under the action level. Neither the premable to the proposed cotton dust standard of 1976 nor the preamble to the final standard of 1978 specifically discuss the reasons for not recommending or including an action level. The potential advantages of the action level concept had not been widely noted, however, until after the time of the 1974 NIOSH Criteria Document. Subsequently, OSHA proposed and adopted the action level for a number of toxic substances including those for which scientific knowledge does not permit the determinations of safe levels. (See for example, inorganic arsentic, § 1910.1018(b); vinly chloride § 1910.1017(b); and acrylonitrile, § 1910.1045(b)).

A number of comments were received in response to the issue of an action level raised in the ANPR. The ATMI supported the incorporation of an action level on the basis that "it helps avoid imposition of regulatory requirements that do not respond to a legitimate health need, and it tends to make the requirements of the standards more cost-effective overall." (Ex. 175–41, p. 12). The ATMI indicated that even at exposures below the action level it would be appropriate to have medical surveillance at a reduced frequency, initial training, and a respirator requirement during blow down.

The North Carolina Department of Labor (NCDOL) stated that an action level may be appropriate and that it would be less burdensome to employers. The NCDOL indicated, however, that OSHA should examine whether exposures below an action level could result in material impairment to health. (Ex. 179 p. 9). The Northern Textile Association (NTA) also supported the creation of an action level. They stated it would improve worker health because it would provide financial incentives to employers to reduce exposures to substantially below the PEL. The NTA added that since the amount of cotton in many blended fabric operations is small, the action level would protect worker health while reducing the burden of regulation. (Ex. 175–34, p. 8). A number of other commenters supported the concept.

Several comments opposed incorporation of an action level. NIOSH stated that based on the Merchant data, there was still a quantifiable risk of byssinosis at 100 $\mu g/m^3$ in the yarn sector. Therefore, NIOSH believes no action level should be set. (Ex. 175–56, p. 6). The Amalgamated Clothing and Textile Workers Union (ACTWU) also opposed incorporation of an action level because it believed that there would be a remaining risk at 100 $\mu g/m^3$ in yarn and 375 $\mu g/m^3$ in slashing and weaving. They argued that an action level is grounded on the notion of setting a margin of safety below the threshold of hazardous exposures. They believe it would be improper to eliminate medical surveillance and monitoring at levels associated with byssinosis.

The OSHA Committee of the Brown Lung Association opposed an action level on the basis that they believe the data still showed that cotton dust was a non-threshold hazard and that exposures below 200 $\mu g/m^3$ have not existed long enough to conclude that health problems do not exist below that level. They also questioned whether monitoring had been carried out with enough care to have confidence in low measurements. They stated that "workers in areas of a plant where dust is not well or consistently controlled need the full protection of the cotton dust standard, whether or not dust levels in other areas of their plant are below an action level." (Ex. 175–43, p. 13).

OSHA has carefully reviewed the comments submitted in response to the Advance Notice and OSHA's prior experience with action levels. Based on this review OSHA is proposing to include an action level in the cotton dust standard. OSHA believes there are several major advantages for the concept. First, it will improve employee health by encouraging employers who can reasonably do so to lower exposure from the PEL to below the action level. These lower exposures are likely to improve employee health. In some cases, the action level increases the safety factor, while in other cases, it results in a lower adverse health response rate for workers exposed below the action level. This health

benefit of lower exposures is likely to outweigh any consequences resulting from the reduction of industrial hygiene provisions.

Second, OSHA believes the action level will substantially increase the cost-effectiveness of the standard. Employers who are in positions to devise ways to reduce exposures of their employees will be able to realize substantial cost savings from the elimination of some industrial hygiene provisions while improving the health of their employees. The action level improves the flexibility and performance orientation of the standard by giving the employer a greater choice in adjusting compliance responsibilities to the specific factors present in the workplace while still maintaining health protection. In addition, some employers have very low levels of cotton dust present in relation to the PEL. For a substance as ubiquitous as cotton dust, it does not appear appropriate to require of these employers as detailed an industrial hygiene program as is appropriate when more significant levels of cotton dust are present.

Third, OSHA has had successful experience with an action level provision for a number of other toxic substances, including non-threshold substances. In each case the provision was included based on full analysis of the record and the provision has proven successful in practice.

As discussed below, OSHA is proposing that employers below the action level be required to maintain medical surveillance at a reduced frequency and a few industrial hygiene provisions. This, OSHA believes, will respond to the concerns of those who have opposed the action level. The medical surveillance will detect those employees who show symptoms of byssinosis even at very low exposure levels and will permit action to be taken to eliminate those symptom before they become more serious.

In addition, the action level as proposed responds to the concern of the Brown Lung Association. The reduction of industrial hygiene responsibilities applies only to areas where dust exposures are under the action levels. If dust levels in a part of a plant are over the action level, the full standard will apply to workers whose TWA exposures are above the action level.

The exposure level proposed for the action level is one-half of the permissible exposure limit. This is 100 $\mu g/m^3$ for yarn production and 375 $\mu g/m^3$ for slashing and weaving. Some statistical analyses relevant to setting the relationship between the PEL and action level is discussed in the Proposed Standard for Trichlorethylene (40 FR 49032, Oct. 20, 1975) and in Leidel, *et al.*, "Exposure Measurement Action Level and Occupational Environmental Variability." (NIOSH, 1975). This analysis is based on the average exposure needed to give a high degree of confidence that a specified level will rarely be exceeded despite normal fluctuations in exposure. OSHA is proposing an action level at one-half the PEL, however, principally because of its prior experience. This is the level which OSHA has generally set for an action level, except for lead which was set at 60% of the PEL. This level appears to be a reasonable cut-off for reducing industrial hygiene requirements, encouraging lower exposures and improving cost-effectivness.

To incorporate the action level into the cotton dust standard, a number of specific amendments are proposed to 29 CFR 1910.1043. New paragraphs are added to paragraph (c) defining action level as 100 $\mu g/m^3$ for yarn production and 375 $\mu g/m^3$ for slashing and weaving for the reasons just explained.

It is proposed to amend paragraph (d) as discussed further below to eliminate periodical monitoring when exposures are below the action level. There must be two consecutive monitorings below the action level within a reasonable period to assure that exposures are, in fact, below the action level and that random variation would not create exposure approaching the PEL on a significant number of days. Monitoring for cotton dust with the vertical elutriator requires a major expenditure of time by trained industrial hygienists and technicians. When exposures are below the action level, industrial hygiene expertise can be better utilized in improving employee health and safety in other ways. In addition, monitoring with the vertical elutriator is expensive for employers, and eliminating the provision when not needed will improve the cost-effectivenss of the standard. The employer is required to remonitor when production or process changes may result in increased exposure. This will protect employees by requiring employers to institute appropriate industrial hygiene provisions if exposures increase.

Though not formally part of the action level provision, but coordinated with it, is a proposal to eliminate the provision of paragraph (e) requiring a compliance plan when exposures are under the PEL and to modify the provision in paragraph (e)(4) requiring inspections of mechanical ventilation. These provisions are discussed below. Along with the other action level provisions, they will increase the cost-effectiveness of the standard without compromising occupational health.

OSHA proposes to amend paragraph (g)(4) by eliminating the requirement to stack and handle cotton and cotton waste by mechanical means when exposures are below the action level. If employers have kept exposures to levels well under the PEL, it is inappropriate to require elaborate provisons for mechanical handling which are not necessary for keeping exposures low. The employer must monitor the area carefully to be assured that the employees engaged in manual handling are not exposed over the action level. OSHA is not proposing to eliminate the other provisions of paragraph (g) except paragraph (g)(5) when exposures are below the action level, because they are routine work practices which will prevent sporadic, high-peak exposures which might not be detected by a period 8 hour area sample. Paragraph (g)(5) is duplicative of (e)(4) and it is proposed to eliminate it as redundant.

It is proposed to amend paragraph (h), to reduce the frequency of periodic medical examinations for employees exposed below the action level to once every two years instead of annually. There will be a relatively low rate of adverse symptoms for employees exposed below the action level and biennial examination will be frequent enough to detect such symptoms in time to take action to reverse them and to prevent any chronic symptoms from developing. Such changes will also decrease costs for employers who reduce exposure below the action level, thereby increasing the cost effectiveness of the standard. The American Textile Manufacturers Institute specifically recommended the changes for this reason. By having biennial examinations for employees exposed below the action level, the concerns of the ACTWU, NIOSH and the Brown Lung Association should be greatly reduced. Developing symptoms which may occur even at low levels will be caught in time to be reversed .

OSHA proposes to eliminate annual training under paragraph (i) for employees exposed below the action level. An employer who succeeds in keeping exposures below the action level is likely to have a good control program which is providing protection for employees. After initial training to inform the employee of the hazards of cotton dust, it would not seem necessary to mandate detailed requirements in this area since the low levels are evidence that the employer's program is successful.

F. Exposure Monitoring and Measurement

(1) *Methods of exposure measurement.* The proposal, like the 1978 standard, relies heavily upon routine monitoring of the workplace in which cotton dust is present to identify those areas where exposure levels may require employer action. The Lumsden and Lynch vertical elutriator, which has a theoretical particle size cut-off of about 15 micrometers, is the standard sampling device. Although the vertical elutriator has been shown to capture larger particles, to have a rather high coefficient of variation, and to have the problems discussed in the 1976 proposal (42 FR 56505), it remains the reference instrument because it was the sampling device used by Merchant and others in the epidemiological studies which established the dose-response curve and which served as the basis of the 1978 standard. In addition, most employers have compiled a body of monitoring data using the vertical elutriator since the promulgation of 29 CFR 1910.1043 and this data serves as the base point for dust control planning within the textile industry.

Since Merchant's studies were completed in the early 1970's, new dust measurement devices have come onto the market and others may be developed. These devices incoroprate more sophisticated technologies such as light scattering, beta ray absorption, and quartz crystals frequency difference. While the 1978 standard accepts alternative measuring devices provided they are demonstrated to be equivalent to the vertical elutriator, the parameters for determining that equivalency are vague and may not meet accepted statistical principles. Having recognized the difficultues in demonstrating equivalency between the vertical elutriator and alternative instruments as required by the present standard, OSHA has contracted with statisticans affiliated with the Georgia Institute of Technology and the University of Pittsburgh to design equivalency testing protocols. The completion of this study is expected by August 1, 1983. Although this proposal makes no changes in the requirements for equivalent sampling devices at this time, OSHA does seek to remove barriers to technological advance and anticipates that the equivalency protocols developed by this study will reduce the burden upon employers while providing the same protection to employees. Upon the completion of the study, it will be placed in the OSHA cotton dust docket for public comment. OSHA is soliciting comments and evidence relevant to alternative measuring devices which may lead to improvements to the standard in this area.

(2) *Frequency of Exposure Monitoring.* The present cotton dust standard requires an initial determination of the representative exposure of all employees to airborne concentrations of lint-free respirable cotton dust over an eight-hour period. (29 CFR 1910.1043(d)). The monitoring sample must include at least one determination during each shift for each work area. In addition, these measurements must be repeated every six months regardless of exposure levels and whenever there is any change in production, process or control which might result in an increase in employee exposure. These requirements were derived from the comments to the 1976 proposal and the 1974 recommendations of NIOSH for a new cotton dust standard. The NIOSH criteria document recommended semiannual monitoring of all areas of potential exposure to cotton dust and monthly monitoring of areas where concentrations exceeded the environmental limit. In the February 9, 1982 ANPR, OSHA requested specific input concerning both the need for multishift monitoring and the necessary frequency of monitoring. A variety of comments were submitted by interested parties in response to the questions.

The North Carolina Department of Labor (Ex. 175–80) stated that in its compliance activities, substantial differences have been noticed in monitoring results for a single position on various work shifts. These differences were related to variations in production quantity, scheduling, and employee work-habits. Because of the observed differences, the NCDOL supports the requirement of sampling on all shifts.

In their comments, the ATMI stated: "For some operations, such multishifting monitoring is justifiable, since experience has shown that exposure measurements may vary somewhat from shift to shift." (Ex. 175–41 p. 21). However, the ATMI also believes that the exposure variations from shift to shift is negligible in many operations and that in those instances, multishift monitoring is unnecessary.

ATMI submitted supplemental comments to the ANPR including a statistical analysis by Dr. Suh of Burlington Industries of survey data gathered by ATMI. The purpose of this analysis was to provide a method which uses a known single shift average to predict, with a specified degree of confidence, the "true-day average" of all three shifts. The method proposed, however, would not identify all shifts where exposure in fact exceeded the PEL. Conceivably, an overall "true-day average" estimated to be below the PEL could mask a single shift average which is actually above it. The study leaves unanswered significant questions concerning the procedures used and the assumptions relied upon. The most important involves the representative characteristics of the fifty firms which supplied data. Potential differences in variability between plants is not addressed. In addition, there are serious questions concerning the pooling of variances across dust levels and work areas in cases where there are wide diffences in coefficient of variation values. This report must be considered as inconclusive until further explanations are available.

In view of the above uncertainties on shift-to-shift variability, OSHA is not proposing to amend provisions requiring monitoring of all shifts. OSHA is, however, opening the issue of whether monitoring on all shifts should continue and requests comments on this issue.

Several comments were submitted concerning the frequency of monitoring in workplaces with different exposure levels. ATMI, in its comments stated: "* * * requiring that monitoring be performed with the same frequency in workplaces that are far below the PEL as in workplaces that exceed the PEL is an unjustified burden." (Ex. 175–41). ATMI suggested that OSHA follow the approach adopted for other health standards: varing the frequency with which it monitors various work areas depending on the dust exposure in those particular areas. ATMI recommended annual monitoring for exposure above the action level but below the PEL. Where exposure exceeds the PEL, ATMI said that periodic monitoring (every six months) may be justifiable. Furthermore, ATMI commented that where exposures are below the action level in two successive measurements, no further monitoring should be required unless there is a change in the work process or control which would result in new or additional cotton dust exposure.

Spring Mills commented that presently dust level monitoring is required too frequently. It suggested eliminating monitoring for areas found to be consistently below the action level. (Ex. 175–35). Baxter/Kelly Corp. supports annual monitoring. (Ex. 175–24). Two other commenters supported the present monitoring interval of six months. (Ex. 175–31, Ex. 175–6).

NCDOL commented that all exposed workers should undergo an initial monitoring of exposure to cotton dust. Subsequent monitoring should be done

less frequently than annually if employee exposure is below the action level or PEL. On the other hand, NCDOL is in favor of monitoring every six months if employee exposure is above the action level or PEL. (Ex. 175–80).

OSHA has considered the comments received on the issue of monitoring frequency and proposes to amend 29 CFR 1910.1043(d) to change the monitoring requirements in several respects. First, if within one year, two monitoring tests reveal exposure levels at or below the action level, further testing need not be repeated unless there has been a production, process, or control change which may result in new or additional exposure, or the employer has reason to suspect an increase in employee exposure. Second, if monitoring tests reveal exposure levels above the action level but below the PEL, the employer shall repeat the monitoring for the exposed employees at least annually. Third, if monitoring reveals employee exposure above the PEL, the employer shall repeat the monitoring at least every six months as is currently the case. The initial monitoring provision and production change section of the standard remain virtually unchanged.

There are several reasons for the proposed changes. As discussed in the comments, it is an unnecessary burden to require employers regularly to monitor workplaces where dust exposure is below the action level. Use of the vertical elutriator is a cumbersome and time consuming procedure. It would be counterproductive from the standpoint of employee health and employer compliance to require an industrial hygienist to spend valuable time on this task which will reveal data, likely already known, that exposures are low. When exposures are below the action level, random variation is unlikely to raise exposures above the PEL even on individual days. The provision requiring remonitoring when processes change will assure that possible increases in exposure levels will be caught if they occur so that precaution can be taken.

For those areas where exposures are below the PEL but above the action level, changing to yearly monitoring is appropriate. Exposure below the PEL is being achieved so that employees are receiving required protection. Yearly remonitoring will catch possible increases from minor changes in operations. The reduction in frequency will increase cost effectiveness and permit industrial hygienists to spend more time on other important health and safety tasks.

OSHA is not proposing to change monitoring frequency when exposures are over the PEL. It is necessary to continue monitoring every 6 months to assure that an appropriate respirator program is in effect and that changes in controls to reduce exposure to required levels can be properly evaluated.

G. Use of Respirators

Respirators are used to protect employees when engineering and work practice controls cannot reduce exposures to below the PEL. They are a viable form of protection if properly selected, fitted, worn, and promptly replaced by employees.

Since the publication of the 1978 cotton-dust standard, some "single use" respirators have been retested by NIOSH and approved as respirators with "replaceable" filters. There is however, no significant changes in the construction and performance of these respirators. A quarter mask respirator does not necessarily provide lower protection factors than a half-mask respirator and they should be classified in the same category. The use of self-contained breathing apparatus (SCBA) in atmosphere where only an air-purifying respirator is needed is impractical and should be deleted. The use of combination supplied air respirators and escape SCBA is applicable only under atmosphere which is immediately dangerous to life or health; therefore, it is not appropriate for cotton dust. Accordingly, OSHA is proposing to rename "single use" respirators as "disposable" respirators. Other respirators such as SCBA and combination supplied air and escape SCBA have been deleted as *required* respirators. In addition, a footnote is added in the standard to clarify that respirators permitted at higher environmental concentrations can be used at lower concentrations.

H. Wage Retention

The job transfer and wage retention provision of the 1978 standard is found at 29 CFR 1910.1043(f)(2)(v). It provides that whenever a physician determines that an employee is unable to wear any type of respirator, the employee shall have the opportunity to transfer to another job, if one is available, which involves exposure to cotton dust levels below the permissible exposure limit. In addition, this regulation, as originally issued, required employers to assure that transferred employees would not suffer a loss of earnings, other employment rights or benefits. This latter part of the paragraph is referred to as the "wage retention provision".

The Supreme Court, in *ATMI* v. *Donovan, supra,* struck down the wage retention provision of the regulation as promulgated. (The job transfer provision remains in effect.) The Court held, *inter alia,* that OSHA failed to provide a sufficient rationale for the wage retention provision because it did not explain how the provision was related to the achievement of a safe and healthful work environment. *Id.,* at 537–538. The Court did not decide the issue of whether OSHA had the underlying authority to promulgate such a provision. The Court noted that there was some evidence on the subject in the record. *Id.,* at 539, footnote 73.

The United States Court of Appeals for the District of Columbia Circuit upheld the validity of OSHA's Medical Removal Protection ("MRP") program for the lead standard in *United Steelworkers of America, AFL–CIO* v. *Marshall,* 647 F.2d 1189 (D.C. Cir. 1980), *cert. denied, Lead Industries Ass'n. Inc.* v. *Donovan,* 101 S.Ct. 3148 (1981). Part of the MRP program for lead involved a wage retention provision for workers who transferred to other jobs or were laid off to avoid continued exposure to unacceptable levels of lead.

In response to the Supreme Court remand in *ATMI* v. *Donovan,* the Advance Notice of February 9, 1982 raised the issue of a wage retention provision (47 Fr 5406). Among the comments received, some were in favor of the provision and others were opposed.

West Point Pepperell opposed the provision, commenting that OSHA does not have a significant data base which shows that significant numbers of employees cannot wear respirators and therefore would benefit from the wage retention provision. (Ex. 175–50.)

Both ATMI and Collins & Aikman Corporation stated that workers' compensation laws already provide sufficient incentive for employers to transfer affected employees from areas of high exposure to areas of low or no exposure (Ex. 175–4, and Ex. 175–13.) Collins & Aikman also commented that setting wage rates is an area beyond the purview of OSHA and should be left to company personnel policy and practice.

Another commenter, Baxter/Kelly, urged that it should have the right to terminate employees who are sensitive to dust within their first year of employment. (Ex. 175–24, p.2.) Baxter/Kelly also objected to the wage retention provision because its employees may feel discriminated against on the basis that they are earning less while performing the same job as a transferred employee.

Several groups submitted comments in favor of the wage retention provision. The Amalgamated Clothing and Textile Workers Union said that the provision would contribute materially to the health of exposed workers by ensuring that they were not penalized for disclosing symptoms of illness during the medical surveillance program. In support of this position, ACTWU offered the testimony of Dr. Merchant. His testimony concerned workers' perceptions that participation in medical surveillance programs and subsequent release of information obtained may result in lay-offs or dismissals. (Ex. 175–36.)

The OSHA Committee of the Brown Lung Association commented as follows: "Employees who are not guaranteed the same wages if they change jobs are likely to continue wearing respirators or try to do without them, further aggravating their respiratory condition." (Ex. 175–43.) The Public Citizen Health Research Group concurred with this view. (Ex. 175–54.) The Brown Lung Association also commented that many union contracts have wage retention clauses and non-union workers should have the same protection. (Ex. 175–43.) The North Carolina Department of Labor commented that the wage retention provision may relate beneficially to employee health by encouraging honesty about a physical impairment which would preclude the safe use of a respirator. (Ex. 175–80.)

OSHA has carefully considered the comments submitted in response to the Advance Notice on the issue of wage retention. At this time, OSHA does not propose to include such a provision in the standard. First, OSHA is not convinced that there is a sufficient factual basis to propose a wage retention regulation. OSHA does not have evidence before it of any substantial number of employees who would be transferred because of inability to wear respirators and who might lose wages because of the transfer. These data would be needed before answering the second question of whether a significant number of employees would be discouraged from taking physical examinations without a wage retention provision. Although ACTWU cited the testimony of Dr. Merchant, standing alone it cannot provide a sufficient basis for finding that significant numbers of employees will receive health benefits from a wage retention provision.

Second, as a practical matter, OSHA does not view a wage retention provision, by the time it is implemented, as having a substantial impact on a significant population of employees. Current data indicates that 81% of the textile industry is already in compliance with mandated engineering controls (Ex. 185). By March of 1984, most segments of the industry will be virtually in total compliance with the applicable engineering requirements, leaving only a small proportion of workers who may need respirators. Of this group, an even smaller percentage will be unable to wear a respirator. Based on this practical assessment of compliance progress, it appears unnecessary, in the absence of compelling factual data, to include a wage retention provision in the proposed standard. The few areas where compliance may be extended past 1984 will not involve many employees.

Finally, OSHA considers it sound policy not to become involved in determining wages and terms of employment, an area traditionally reserved to employers' personnel practices and the collective bargaining process, unless there is a compelling occupational health reason. Absent a substantial factual basis, OSHA does not think its involvement in wage retention is warranted. The evidence as developed thus far does not present such a compelling set of circumstances which clearly establish a nexus between employee health and the wage retention provision. Therefore, at this time, OSHA proposes not to include a wage retention provision in the proposed revision of the standard.

I. Technical Changes

A number of technical changes to the cotton dust standard have been suggested in response to the Advance Notice. In addition, OSHA has had several years experience with the standard and a number of technical changes have come to its attention which will improve the standard.

OSHA prposes to amend paragraph (d)(4) to lenghten the time for written notification of monitoring results to employees from 5 days to 20 days. The five day period has proved to be an unrealistically short period for employers to process the raw results acquired from the laboratory and ascribe them to individual employees. In addition, more time may facilitate individual notice. Where a significant number of employees must be notified within five days of the employer's receipt of monitoring results, as is presently required, posting the monitor's report is often the only practical form of notice. A twenty day time period will allow other alternatives such as notices included with pay checks or passed out at regular safety meetings, and these means of notification may be more efficient and effective than previous practices. In addition, the employer will be better able to determine what corrective action, if any, should be taken.

OSHA proposes to amend paragraph (e)(4) (which specifies that ventilation equipment be checked every 6 months and within 5 days after production changes) to require that ventilation be checked at reasonable intervals. It is more appropriate here to use a performance standard and to leave to professional judgment the frequencies for checking.

OSHA also proposes here to use a performance standard and to delete paragraph (g)(5) which specifies that employers shall maintain ventilation and control equipment. This paragraph is generally duplicative of paragraph (e)(4). The requirement for periodic exposure monitoring when exposures are over the action level or when there are process changes will also indicate if equipment needs checking and is more directly related to assuring protection for employees.

In addition, OSHA proposes to amend paragraph (i)(1)(i) by adding a new paragraph (a) and re-lettering the existing paragraphs and by making minor clarifying changes. The purpose of the changes in the training provisions are to focus employee attention upon the health hazards in the workplace and the measures taken to alleviate risk. OSHA is proposing to delete paragraph (i)(2)(iii) which require the employers to obtain and distribute government publications to employees because individual workplace conditions vary and employers can best determine the information most applicable to their specific work site.

OSHA plans to clarify the work practices provisions by defining the term "blow off" immediately following the definition of "blow down" in paragraph (b)(2), and by discussing the respirator use requirements of "blow down" and "blow off" in paragraph (g)(1). These changes are needed to clear up the present confusion regarding the two procedures.

Finally, OSHA proposes minor modifications to the provisions for compliance plans in paragraph (e)(3). The current language had been interpreted by some to require a compliance plan even if the employer had achieved compliance. That was not OSHA's intention. Clearly, a compliance plan is not needed if the employer is in compliance. Thus, paragraph (e)(3)(i) has been amended to indicate that a

compliance plan is required only when the employer has employees exposed over the PEL. In addition, it is proposed to amend paragraph (e)(3)(ii) to indicate that compliance plans be updated when needed and not every six months as currently stated. Updating should occur when conditions change. It is unnecessary when no changes have occurred.

IV. Technological Feasibility and Economic Feasibility

A. Review of Technological Feasibility and Proposal To Extend Compliance Time for Certain Operations

In setting standards for toxic substances, Section 6(b)(5) of the Act mandates that OSHA set the standard which most adequately assures employee safety and health "to the extent feasible." Consequently, in its preamble to the 1978 standard, OSHA presented extensive documentation to demonstrate that it was technically feasible to reduce dust levels in the cotton textile industry to the PEL's within a 4-year compliance period. The various production processes were described and the dust control techniques applicable to each process were discussed in detail. Examples of successful, innovative control technologies, especially those which sharply increased plant productivity while reducing dust levels, were thoroughly examined. (43 FR 27361–27367). The courts have subsequently upheld OSHA's determination that the technology necessary to control dust exposures is generally available.

OSHA hired a consulting firm, Centaur Associates, to determine the current extent of compliance, to estimate the costs that have already been incurred, to review the technological feasibility of completing compliance programs, and to estimate the costs likely to be incurred in the near future. The Centaur report, which has been placed in the record, (Exhibit 185), estimates that the percentage of workers exposed below the PEL increased from 46.1% to 71.5% in yarn manufacturing processes between 1978 and 1982, confirming OSHA's earlier position that dust levels could be reduced significantly. Compliance in slashing and weaving which was already at 96% (essentially full compliance) has remained at that high level.

Representatives of the textile industry, however, have stated that it is not technically feasible to reduce dust levels to current PEL's in all processes by 1984. The industry's technical personnel and its equipment suppliers have acknowledged the effectiveness of dust control systems in lowering dust levels in the initial opening through drawing or "fiber preparation" processes, but state that these controls are not always adequate in the yarn manufacturing processes of spinning, winding, twisting, and spooling. Although maintaining that "technology forcing" was not required to achieve compliance, OSHA acknowledged this problem in the preamble to the 1978 standard:

> OSHA, however, does recognize that implementation of the standard in certain operations, such as spinning, where the application of ventilation controls may involve unusual difficulties, significant innovation or indeed necessitate more than improvement in existing technology to achieve compliance, may be difficult. OSHA notes, however, industry's ability to seek alternative solutions to technological problems beyond those inherent in the adaptation of general techniques. (43 FR 27363)

Addressing this issue in their response to OSHA's ANPR, ATMI agreed that for many companies, "from a strictly technological standpoint, the permissible exposure limits established under the standard could be achieved in most operations most of the time, if money is deemed to be no object." ATMI explained that although the magnitude of the dust control problem varies according to plant layout, fiber type, and other facility-specific factors, the most troublesome operations are those that emit dust over wide areas, such as spinning (particularly ring spinning) and winding where "the ability to achieve the limit through retrofitting an existing work area is much more doubtful." (Ex. 175–60). Burlington Industries, Inc. noted that the dust in many fiber preparation areas could be controlled by ventilation even without replacing the old machinery although this was not cost-effective. For downstream processes, however, they reported that, "[d]espite research efforts, the textile industry, its suppliers, contractors and consulting engineers have not been able to develop 'on-frame' capture plenums or systems capable of reducing dust levels to 200 $\mu g/m^3$ for coarse yarn manufacturing beyond drawing (i.e. roving, spinning)." (Ex. 170–14).

John Lumsden, a co-developer of the vertical elutriator used to monitor cotton dust levels, a participant in the byssinosis prevalence studies conducted by Merchant and co-workers, a former director for North Carolina Occupational Health Programs, and a vice president of a health and safety consulting firm for the textile industry, discussed control technology in his congressional testimony before the Byssinosis Hearing of the Investigations and Oversight Subcommittee, Committee on Science and Technology, U.S. House of Representatives, Washington, D.C., September 22, 1982 (Subcommittee Hearings (Exhibit 186–2)). Lumsden confirmed that exhaust ventilation and material handling equipment adequately control dust from the opening to roving. He stated, however, that "the machines, or frames, that accomplish spinning, twisting, spooling, or winding have not, to this time, been retrofitted with local exhaust ventilation systems. Because dust control in these areas must be achieved through general dilution ventilation where efficiency is variable, Lumsden found that some yarn manufacturing areas have dust levels over the OSHA standard. During these same House Subcommittee hearings, Percy Thackston, Executive Vice President of the American Textile Machinery Association, expressed essentially the same conclusion and summarized the problems in control technology by explaining that:

> Technology is presently available for controlling dust from opening through the card room by the use of modern machinery and equipment * * * From ring spinning through warping, it is a different story. There has not been a major, successful, predictable breakthrough in the dust control technology for these process areas. (Exhibit 162–3)

Finally, Enviro Control, in their 1980 study for NIOSH, "Control Technology Assessment of Raw Cotton Processing Operations," explained that in the early process of opening through drawing, local exhaust ventilation and machine enclosure design is being applied to reduce dust emission levels. For the downstream processes of yarn preparation, however, they stated:

> * * * engineering control technology is limited primarily to general ventilation and air cleaning equipment. Adequate applications of local exhaust ventilation equipment have not been developed for the processes. A major problem is the large number of individual emission points that must be controlled. Also, the physical configuration of these machines are not conducive to local exhaust ventilation. (Ex. 186–1 p. 15).

On the other hand, the North Carolina Department of Labor commented that it had found no problem areas (Ex. 175–80), and other studies indicated a high level of compliance. ATMI's survey of companies employing a total of about 72,500 workers reported that roughly 80% of cotton textile employees were exposed below the current PEL, with

78% below in twisting, 66% below in winding, and 73% below in spooling operations. (Ex. 175–60). These estimates were substantially confirmed in the Subcommittee Hearings testimony by Lumsden, whose data from 44 textile plants showed about 84% of the yarn manufacturing work areas in compliance; and by John Brooks, North Carolina Commissioner of Labor, who presented a survey of North Carolina textile mills which indicated that dust levels were below the PEL in 83% of the spinning operations, 77% of the winding operations and 81% of the twisting operations (Exhibit 187–4).

The apparent divergence between the statements indicating technical infeasibility in some areas and the exposure data indicating a generally high degree of compliance was directly addressed by Centaur Associates in their study for OSHA. After visiting 15 plants and interviewing numerous industrial engineers and manufacturers of dust control equipment, Centaur reported that textile experts generally consider the 1978 cotton dust standard to be technologically feasible. This view was supported by their finding that many equipment companies guarantee their dust control systems to maintain dust levels below the permissible limits under most circumstances. Centaur also found that about 86% of the workers in spinning operations were exposed below the PEL. Nevertheless, Centaur found that a feasibility problem does exist for specific processes in the manufacture of certain types of yarn.

The problem areas were concentrated in the ring spinning, winding and spooling of relatively coarse high-cotton-content yarns that generally are used in denim, duck, heavy terry cloth, and heavy industrial fabrics. Centaur found that the same air filtration and dust control companies that typically guaranteed compliance with the PEL in other production areas would not necessarily assure compliance for the spinning and winding of high-cotton-content coarse yarns.

The spindle speed in ring spinning is about the same for low count (coarse) yarns as for high count (fine) yarns, but since the amount of cotton per yard is inversely proportional to the yarn count, more cotton per hour is processed with the coarse yarns than with the fine yarns. Because the dust emission rate varies directly with the production rate, coarse yarn processing produces more dust. Based on technical information obtained from air filtration and dust control contractors, Centaur calculated that the dust release rate of certain coarse yarn with a high cotton content would be above the cleansing capability of the available air handling systems.

OSHA's preamble to the 1978 standard did not recommend specific measures that would control dust exposure in ring spinning operations. Instead, OSHA concluded that:

> * * * reducing dust levels in operations from opening to roving would aid in the reduction of dust levels in areas of final processing such as spinning. Futher, general practices such as ventilation installation, process isolation, and equipment modification are recommended as strategies * * * OSHA believes that a major effort to solve the dust control problem in spinning using the strategies enumerated and relying on experience gained in other textile operations will produce successful results. (43 FR 27367)

Regarding potential problems in winding, spooling, and twisting, OSHA assumed that, "levels in all these operations are currently very low and are not expected to present a compliance problem," and that "the vast majority of workplaces will be able to comply with little difficulty." (43 FR 27367).

Recent experience with ring spinning processes using high-cotton-content coarse yarns indicates that ventilation systems may not always be effective, and that this equipment cannot generally be isolated or modified. Although dust levels in winding, spooling and twisting are frequently below the PEL (ATMI's survey shows from 66.6 to 78% of the processes currently in compliance), public comments indicate that dust levels remain high where high-cotton-content coarse yarns are used, and its control remains a serious engineering problem.

Several alternative compliance approaches could be explored if increased ventilation fails to control dust adequately in these yarn production areas. Centaur noted that reducing production rates would lower dust levels, but could not estimate how significant that reduction would have to be to achieve a 200 $\mu g/m^3$ ambient dust level. It is clear, however, that the adverse competitive impact of this approach on those firms using high-cotton-content coarse yarns could be substantial if more than small changes were required. Washed cotton would eliminate the employer's compliance obligation but, until certain technical problems are overcome, washed cotton generally cannot be commercially processed.

The most promising solution to the problem appears to be the rapid advent of open-end spinning systems. This relatively new technology, which boosts spinning productivity and completely eliminates the roving process, sharply reduces dust levels because the fibers are spun within enclosed rotors and ventilation is designed into the machinery. Indeed, the proper operation of the equipment requires local ventilation and efficient dust control.

Although open-end systems are best suited for the production of coarse yarns, a number of serious problems remain. For example, yarn produced by open-end spinning is weaker (has lower tensile strength) than yarn that is ring spun. Also, there are some potential problems with broken ends in weaving and negative wear and appearance properties of finished fabrics. Equipment producers maintain that coarse yarns spun on open-end systems are about 80% as strong as similar yarns spun on ring spindles. The comparative weakness in the yarn, however, together with the different texture of the fabric woven from these yarns, have led some large garment manufacturers to insist that the denim and duck fabric for their apparel be made with ring spun yarns. This market element has significantly slowed the industry's conversion to open-end spinning systems despite its clear production efficiences. Moreover, even though all domestic yarn manufacturing firms would operate under the same regulatory restrictions, the potential for import substitution would not allow these market factors to be overcome easily.

OSHA, therefore, believes that it may not be feasible for employers to lower dust levels to the PEL by March 27, 1984, in the production processes of ring spinning, winding, twisting and spooling of those relatively coarse yarns that are composed of a high percentage of cotton fiber. Although it does not appear that the industry will overcome these feasibility problems quickly enough to comply with the current PEL deadline, the Agency concludes that the problem is not a permanent one. Open-end spinning is a rapidly developing technology, and as Centaur stated, "Equipment currently available from vendors is 'third generation,' and each 'generation' produces equipment improvements." Centaur did not know whether the texture problems of open-end spun yarn would endure or whether the current fashion preferences would persist, but noted the possibility that modified finishing processes may help to correct product deficiencies. At least two U.S. denim plant have already converted all of their spinning operations to open-end systems to take advantage of its production efficiencies and many more are evaluating the machines. One large denim plant, for

example, reportedly plans to reduce its spinning department workforce from 56 to 19 after installing open-end spinning equipment. (*Textile World*, Sept. 1982, p. 158. See also *American's Textiles*, Nov. 1981, pp. 14–16.) With the potential for such major cost savings, it is reasonable to assume that the economic pressures that inexorably follow future technical advances will ultimately compel most mills to undertake this conversion.

A major manufacture of dust monitoring and control equipment, PPM, Inc., indicated that the textile industry had made remarkable gains in reducing dust levels, but that several processes could not yet be brought into compliance using conventional engineering controls in a cost-effective manner. Stating that the orderly development of improved dust controls would be difficult if the textile industry had to meet the 1984 compliance date, PPM, Inc. recommended a minimum 2-year extension for the installation of engineering controls. (Ex. 175–31.) OSHA believes that this recommendation is appropriate for several production areas in light of industry's technical feasibility problems.

Therefore, OSHA is proposing a 2-year extension in the requirement to reduce cotton dust levels to 200 $\mu g/m^3$ with engineering controls in the textile processes of ring spinning, winding, twisting and spooling of coarse high-cotton content yarns. At this stage in the rulemaking process. OSHA has not yet gathered sufficient data to establish the precise levels of yarn coarseness and cotton content that give rise to present feasibility problems in these processes but believes that a yarn, equal to or coarser than 14 denier and a cotton content equal to or greater than 80%, may be appropriate thresholds for feasibility problems. OSHA request comments on whether these specific criteria are appropriate for inclusion within the extension. In addition, OSHA requests comments on whether a case-by-case determination of feasibility would be preferable to specific numerical criteria. Because Centaur estimated that only between 20 and 30 out of 443 cotton textile plants produce yarn of this size and composition, the latter approach may not be administratively burdensome.

Iu order to prevent health problems from developing in this interval, OSHA proposes that employees making use of the extension have a board certified industrial hygienist inspect that area every six months and state in writing that the respirator program is being successfully carried out or suggest in writing what additional requirements are needed to create a fully satisfactory respirator program. OSHA also proposes that the compliance plan of any employer making use of the extension be required to include a schedule indicating the equipment and operational changes that would be needed to achieve compliance. The deadline for inclusion of the schedule would be within three months of the effective date of these amendments, and the deadline for compliance with the standards would be March 27, 1986.

B. Economic Feasibility

OSHA must demonstrate the economic feasibility of the proposed standard. A regulation that seriously disrupts the economic viability of a given industry cannot be considered feasible under the Act. *ATMI* v. *Donovan, supra.* In this regard, OSHA believes that the standard, as applied to the cotton textile industry as a whole, is clearly affordable and therefore economically feasible. Both the Supreme Court and the D.C. Circuit Court of Appeals have upheld this determination based upon evidence available in 1978. It now appears that the control costs are even lower than the estimated costs that served as the basis for that decision. Nevertheless, there may be particular segments of the industry, or size classes within particular industry sectors, which could not raise all of the financial capital required to install effective engineering controls by 1984.

ATMI, in their response to OSHA's ANPR, did not assert that the industry as a whole would be significantly impaired, although they pointed out that, "* * * in a number of cases, the economics of the situation make it impossible to justify the expenditures that would be required to achieve the permissible exposure limit. For that reason several marginal facilities already have been closed, and one can expect that additional closings will occur in the future." (Ex. 175–60). The National Cotton Council of America emphasized that many plants complied with the standard by substituting synthetics for cotton, resulting in lost revenues to cotton farmers, handlers and processors. (Ex. 175–47). Neither association believed that "tiering" the requirements on the basis of company size was warranted to provide relief to smaller firms.

The cost of the cotton dust standard was one of the questions included in an ATMI survey, to which about 50 companies employing 72,500 workers responded. These firms reported that they had spent approximately $310 million for capital equipment to comply with the standard up to the end of 1981, and expected to incur approximately $150 million in additional capital expenditures to meet the 1984 requirements. ATMI speculated that the companies responding to this survey may have been the more progressive firms, and stated that, "Consequently, for the industry as a whole, it seems fair to assume that considerably more than one-third of the required capital expenditures remain to be made in the future." The responding companies also calculated that they would spend about $20 million in annual energy costs and $6 million in annual maintenance costs to comply with the engineering control requirement. (Ex. 175–60).

Centaur Associates, in their study for OSHA, estimated that the textile industry has already spent $143.3 million in capital costs that are attributable to the regulation, and still needs to spend an additional $102.2 million (Exhibit 185). Centaur estimated annual energy costs at $27 million, maintenance costs at $2 million, monitoring costs at $0.7 million and medical surveillance costs at $5.1 million. The ATMI and Centaur estimates are not strickly comparable because Centaur adjusted for productivity gains by assuming that all of the ventilation costs, but only 17.5 percent of the new production equipment costs, are attributable to the OSHA standard. Both surveys, however, support the view that about two-thirds of the required capital expenditures have already been made.

The Centaur projections indicate that total future capital outlays for dust control equipment for an average size plant would be approximately $300,000 per year over the next 2 years. Over 60 percent of these expenditures, however, would be offset by associated productivity gains. Those firms that have expended little on dust control equipment would face higher costs—up to approximately $600,000 per year over the 2-year period for the average size plant. The 1982 average revenue per plant was estimated by Centaur to be $9.6 million. Because cash flow as a percentage of sales in the textile industry has averaged 4.65% in recent years, an annual average cash flow of $479,000 could be predicted. For many firms, this amount would be adequate to cover the additional capital outlay without new borrowing. The textile industry, however, is affected by the condition of the national economy, and its profitability and cash flow are below levels of recent years. Thus, Centaur reported that capital requirements to comply with engineering controls by 1984 may be more than some plants could generate from internal cash sources. Moreover, problems associated

with borrowing for necessary engineering controls make these funds costly, especially for small firms, for which cash flow as a percent of sales is not as large, and problems of raising outside capital more difficult. Consequently, some textile companies would benefit from a delay in the required date for engineering controls because it would allow the firms to spread the capital requirements over an additional number of years, providing them with more time to raise the required capital.

Centaur concluded, however, that despite the textile industry's current financial position, it was improbable that conditions were such that the required capital expenditures could not be made (Exh. 185, p. 7–14). They noted that even where cash flow was not sufficient to cover capital expenditures, most firms would have sufficient access to financial markets because the greater part of the required capital outlays would be for new equipment which improved plant production rates as well as reducing exposures. In addition, recent tax legislation has substantially reduced the after-tax cost of new capital investment, and interest rates for business loans have begun to subside. Centaur, therefore, believed that the necessary capital could be raised for the required expenditures, and found it improbable that the capital expenditures required by OSHA would contribute significantly to plant closings. Public comments have not provided substantial documentation to refute Centaur's findings of economic feasibility for the textile sector. As a result, OSHA has not proposed significant modifications to the 1984 dust level requirements based on economic feasibility grounds. Nevertheless, OSHA solicits new information on this issue from those groups that expect to be severely impacted and OSHA will consider these views before issuing final amendments.

For nontextile industries, only waste processing facilities would need additional engineering controls to meet the 1 mg/m³ dust limit which has been in effect since 1971. Employers in these sectors, however, are under no obligation to install infeasible controls because the regulation applied to this sector states only that controls must be implemented "whenever feasible". Consequently, only feasible controls are required. Nevertheless, the Agency requests parties to submit additional data on the potential economic consequences of alternative regulations for nontextile industries, and these comments will be taken into consideration during the continuation of the rulemaking process.

V. Summary of Regulatory Impact and Regulatory Flexibility Analysis

OSHA has decided that the revised cotton dust proposal should be treated as a major rule under Executive Order 12291 because of the significant public interest in this rulemaking. Therefore, OSHA has prepared a preliminary regulatory impact analysis that outlines the need for regulation, the problems with the current standard, the alternative regulatory actions considered, and the issues of technological and economic feasibility. The report also includes a regulatory flexibility analysis that assesses the proposed rule's impact on small entities as required by the Regulatory Flexibility Act of 1980.

The analysis finds that the proposed changes would provide a more cost-effective means of assuring that workers do not experience an excess risk of respiratory disease due to cotton dust exposures. Indeed, by increasing compliance flexibility, additional health resources could be concentrated on areas of greatest hazard, effectively enhancing the degree of worker protection. While not all of the cost savings that would result from the proposed revisions can be quantified, OSHA believes that the actual savings would be substantial. For example, exempting nontextile sectors from the 1978 standard is projected to reduce the capital costs incurred by cotton-using industries by $94.4 million. In addition, less frequent medical surveillance and monitoring and reduced operating cost resulting from the exemptions and the new action level would save $30.7 million each year.

The analysis concludes that the regulation is both technologically and economically feasible for most small as well as large businesses. Although the proposed provisions do not explicitly grant concessions based on firm size, they would give significant relief to many small firms engaged in the processing of cotton. Most importantly, the provision for an action level would assist small firms in the textile industry, and the exemptions, based on significant risk considerations, would reduce regulatory burdens in the nontextile sectors.

For textile companies, it appears that costs are proportional to output levels, so that unit costs of compliance should not differ significantly by plant size for a given product type. Thus, OSHA's analysis concludes that most smaller firms (under $10 million in assets), while having lower profit margins and less access to borrowed capital, should still be able to comply with the standard.

In the nontextile sectors, there are numerous small firms that would benefit from the exemptions included in the proposed revisions. Some small waste processing companies that have not complied with the 1 mg/m³ dust standard could have some difficulty raising the required capital to come into compliance. The applicable standard, however, requires these expenditures only where they are determined to be feasible. OSHA, moreover, is continuing to study the regulatory impact on small business and requests interested parties to submit additional information on this issue at the public hearings to follow this proposal.

Copies of OSHA's Preliminary Regulatory Impact and Regulatory Flexibility Analysis can be obtained from the Docket Office, at the address listed in the "address" section at the beginning of this **Federal Register** Document.

VI. Environmental Assessment

The proposed rule for occupational exposure to cotton dust and its major alternatives have been reviewed in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 *et seq.*), the Guidelines of the Council on Environmental Quality (40 CFR Part 1500), and OSHA's DOL NEPA Procedures (29 CFR Part 11). As a result of this review, the Assistant Secretary has determined that the proposed amendments will not have a significant impact on the external environment. Impacts on the workplace environment are discussed in other portions of this preamble and in other agency notices on cotton dust. (47 FR 5906–5910, February 9, 1982; 43 FR 27350–27394, June 23, 1978; 41 FR 56498–56527, December 26, 1976).

In December 1977, OSHA published a Final Environmental Impact Statement (FEIS) on the 1976 proposed cotton dust standard. This FEIS concluded that the reduction of exposures to cotton dust would result from improved housekeeping practices and from the collection and removal of cotton dust from the workplace. Further, it was determined that these actions would not result in any significant impact to the general quality of the human environment external to the workplace, particularly in terms of ambient air quality, water quality, or solid waste disposal (p. 25).

The June 1978 final rule established permissible exposure limits (PEL's) of 200 μg/m³ of respirable cottong dust for the yarn manufacturing proceses; 750

$\mu g/m^3$ for the slashing and weaving processes; and 500 $\mu g/m^3$ for all other industries (nontextiles and knitting). A similar range of PEL's was discussed in the FEIS (100 $\mu g/m^3$–1000 $\mu g/m^3$), and the conclusions drawn regarding potential environmental impacts remain valid—namely, that there would be an insignificant impact on the external environment. Some of the proposed provisions to be considered in terms of potential environmental impacts are briefly discussed in the following paragraphs.

This proposal to exempt all of the nontextile industries from the § 1910.1043 standard should not significantly impact on the external environment. The 1977 FEIS indicated that a standard in this area would not affect the external environment and similarly a determination that a new standard was not needed to improve employee health in some segments of the nontextile industry would have no impact on the external environment. Comments received in response to the ANPR (47 FR 5906–5910, February 9, 1982) have largely contended that the standard or a determination that a standard was not needed would have no environmental impacts in the nontextile sectors.

In terms of ambient air emissions and accumulation of solid waste, no significnt impact is expected to occur as a result of the proposed exemption for nontextiles. Particulates emitted to the ambient air would still have to comply with requirements of the Clean Air Act and controls would continue to be required to reduce emissions that exceeded compliance with the statute. In maintaining the status quo, an increase in the amount of solid waste is not anticipated.

Moreover, the implementation of an action level would not have any significant impact on the environment. An action level is a level below the PEL (e.g., one-half of the PEL) at which some provisions of the standard would go into effect. Action levels can be effective in reducing or eliminating the regulatory burden in situations where health risks are low. In these cases, there is an incentive for the employer to achieve compliance faster and at a lower PEL, thereby avoiding most or all regulatory provisions of the standard. This gives the employer some regulatory relief and provides the worker with a more healthful workplace.

Where extension of the period to install engineering controls is proposed because of feasibility problems, no change would be expected to the external environment since by and large the standard does not impact on the external environment.

The conclusions drawn in the FEIS remain valid, and consequently, no amended impact statement is required by this OSHA action. The preceding paragraphs and preamble to this NPRM serve as the environmental assessment and a finding of no significant impact.

OSHA reserves the right to perform additional environmental analyses based on the information and comments received in response to this NPRM.

VII. Clearance of Information Collection Requirements

The collection of information requirements, contained in the proposed rule have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paper Work Reduction Act of 1980. These collection requirements are not effective until OMB approval has been obtained and the public notified to that effect through a technical amendment to this regulation. Any comments on this matter should be directed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Labor, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Public Participation

Written Comments

OSHA requests comments and supporting documentation on the issues raised in this notice. The comments must be received by August 9, 1983 and submitted in quadruplicate to the Docket Officer, Docket H–025E, Room S–6212, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely submissions received will be made part of the record of this proceeding.

Oral Hearing

In addition to the request for written information, which should be submitted to the Docket Office, OSHA is providing an opportunity under section 6(b)(3) of the Act and 29 CFR Part 1911, to submit oral testimony concerning the specified issues at an informal public hearing scheduled to begin at 10 a.m., on September 19, 1983 in the auditorium, Frances Perkins Department of Labor Building, 200 Constitution Ave., NW., Washington, D.C. 20210, at 10 a.m., on September 27, 1983 in Dallas, Texas at the Grenelefe Hotel, Seasons Ballroom, 1011 South Akard St., and at 10 a.m. on October 4, 1983 in Columbia, South Carolina at the Town House, Deauville Room, 1615 Jervais St.

Notice of Intention To Appear

Persons desiring to participate at the hearing must file in quadruplicate a notice of intention to appear by August 26, 1983, with Mr. Tom Hall, OSHA, Division of Consumer Affairs, Room N3635, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523–80.24.

The notices of intention to appear, which will be available for inspection and copying at the OSHA Docket Office during business hours, must contain the following information:

1. The name, address and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation and the hearing at which the party wishes to appear;
4. The specific issues that will be addressed;
5. A statement of the position that will be taken with respect to each issue addressed; and
6. Whether the party intends to submit documentary evidence, and if so, a summary of the evidence to be adduced in support of the position.

Filing of Testimony and Evidence Before Hearing

Any party requesting more than 15 minutes for presentation at the hearing or submitting documentary evidence, must provide, in quadruplicate, the complete text of its testimony, and all documentary evidence to be presented at the hearing, to the OSHA Divison of Consumer Affairs, where they will be available for inspection and copying. This material must be received by September 9, 1983. Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear and in light of the time available for public hearing. In instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Conduct of Hearings

The hearings will commence at 10 a.m., with the resolution of any procedural matters relating to the proceeding. The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary and appropriate to conduct a full and

fair informal hearing as provided in 29 CFR Part 1911, including the powers:

1. To regulate the course of the proceedings;

2. To dispose of procedural requests, objections, and comparable matters;

3. To confine the presentation to the matters pertinent to the issues raised;

4. To regulate the conduct of those present at the hearing by appropriate means; and

5. In the Judge's discretion, to keep the record open for a reasonable stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health.

Authority and Signature

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Pursuant to Sections 6(b), 8(c) and 8(g) of the Act, it is hereby proposed to amend 29 CFR Part 1910 to read as set forth below.

List of Subjects in 29 CFR Part 1910

Occupational safety and health, Health, Cotton dust.

(Secs. 6(b), 8(c) and 8(g). Pub. L. 91–596, 84 Stat. 1593, 1599, 1600; 29 U.S.C. 655, 657; 29 CFR Part 1911; Secretary of Labor's Order No. 8–76 (41 FR 25059)

Signed at Washington, D.C., this 2d day of June 1982.

Thorne G. Auchter,

Assistant Secretary of Labor.

PART 1910—[AMENDED]

It is proposed that Part 1910 of Title 29 of the Code of Federal Regulations be amended as follows:

§ 1910.19 [Removed]

1. Section 1910.19(f) will be repealed and removed.

§ 1910.1000 [Amended]

2. A footnote (e) to § 1910.1000, Table Z–1, "Cotton dust (raw)" is added to read as follows: This standard applies in cotton yarn manufacturing, weaving and slashing until the applicable compliance dates for installing fesible engineering controls required by § 1910.1043. (The applicable lower exposure limits of § 1910.1043 must be achieved with engineering controls and respirators, in the interim). This standard also applies to the cotton waste processing industries of waste recycling (sorting, blending, cleaning, and willowing), garnetting and bedding assembly.

3. Section 1910.1043 will be amended by revising paragraphs (a) through (m) to read as follows:

§ 1910.1043 Cotton Dust

(a) *Scope and application.*—(1) This section applies to the control of employee exposure to cotton dust in all workplaces where employees engage in yarn manufacturing and slashing and weaving operations.

(2) This section does not apply to the handling or processing or woven or knitted materials; to the knitting industry including hosiery manufacturing; to the handling or processing of washed cotton; or to maritime operations covered by 29 CFR Parts 1915 and 1918, to the harvesting or ginning of cotton; to the construction industry; or to the nontextile industries of classing, warehousing, and cottonseed processing.

(b) *Definitions.* For the purpose of this section:

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee:

"Blow down" means the general cleaning of all pieces of machinery in a processing area by the use of compressed air.

"Blow off" means the use of compressed air for cleaning of short duration and usually for a specific machine or portion of a machine.

"Cotton dust" means dust present in the air during the handling or processing of cotton, which may contain a mixture of many substances including ground up plant matter, fiber, bacteria, fungi, soil, pesticides, non-cotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods. Any dust present during the handling and processing of cotton through the weaving of fabrics is cotton dust coming within the scope of this standard.

"Director" means the Director of the National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, or designee.

"Lint-free respirable cotton dust" means particles of cotton dust of approximately 15 micrometers or less aerodynamic equivalent diameter;

"Vertical elutriator cotton dust sampler" means a dust sampler which has a particle size cut-off at approximately 15 micrometers aerodynamic equivalent diameter when operating at the flow rate of 7.4±0.2 liters of air per minute;

"Yarn manufacturing" means all textile mill operations from opening to, but not including, slashing and weaving;

"Washed cotton" means: (1) Cotton which has been commercially prepared for medical use (by heating to 270° F with 0.6% caustic solution, washed with soap and tetrasodium hydro- phosphate, bleached with a 0.1% solution of sodium hypochlorite, and scoured with sulfuric acid at a pH of less than 2.0, then washed to a pH of 6.0 to 7.0) or

(2) Cotton yarn or thread which has been scoured in a caustic bath and dyed in a hot, water-based solution.

(c) *Permissible exposure limits and action levels.*—(1) *Permissible exposure limits.* (i) The employer shall assure that no employee who is exposed to cotton dust in yarn manufacturing is exposed to airborne concentrations of lint-free respirable cotton dust greater than 200 $\mu g/m^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(ii) The employer shall assure that no employee who is exposed to cotton dust in the textile processes known as slashing and weaving is exposed to airborne concentrations of lint-free respirable cotton dust greater than 750 $\mu g/m^3$ mean concentration, averaged over an eight hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(2) *Action levels.* (i) The action level for yarn manufacturing is an airborne concentration of lint-free respirable cotton dust of 100 $\mu g/m^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(ii) The action level for the textile processes known as weaving and slashing is an airborne concentration of lint-free respirable cotton dust of 375 $\mu g/m^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(d) *Exposure monitoring and measurement.*—(1) *General.* (i) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) The sampling device to be used shall be either the vertical elutriator cotton dust sampler or a method of equivalent accuracy and precision.

(iii) If an alternative to the vertical elutriator cotton dust sampler is used, the employer shall establish equivalency

by demonstrating that the alternative sampling devices:

(A) Collect respirable particulates in the same range as the vertical elutriator (approximately 15 microns);

(B) Replicate exposure data in side-by-side field comparisons; and

(C) Are equivalent within an accuracy and precision range of plus or minus 25 percent for 95 percent of the samples over the range of 0.5 to 2 times the permissible exposure limit.

(2) *Initial monitoring.* Each employer who has a place of employment within the scope of this standard shall conduct monitoring by obtaining measurements which are representative of the exposure of all employees to airborne concentrations of lint-free respirable cotton dust over an eight-hour period. The sampling program shall include at least one determination during each shift for each work area.

(3) *Periodic monitoring.* (i) If the initial monitoring required by paragraph (d)(2) or any subsequent monitoring reveals employee exposure to be below the action level, and an additional monitoring at an interval no greater than one year confirms that the exposure level is below the action level, monitoring need not be repeated for those employees except as otherwise provided in paragraph (d)(3)(iv) of this section.

(ii) If the initial monitoring required by paragraph (d)(2) or any subsequent monitoring reveals employee exposure to be at or above the action level but at or below the permissible exposure limit, the employer shall repeat the monitoring for those employees at least annually.

(iii) If the initial monitoring required by paragraph (d)(2) or any subsequent monitoring reveals employee exposure to be above the PEL, the employee shall repeat the monitoring for those employees at least every six months.

(iv) Whenever there has been a production, process, or control change which may result in new or additional exposure to cotton dust, or whenever the employer has any other reason to suspect an increase in employee exposure, the employer shall repeat the monitoring and measurements for those employees affected by the change or increase.

(4) *Employee notification.* (i) Within twenty working days after the receipt of monitoring results, the employer shall notify each employee individually in writing of the exposure measurements which represent that employee's exposure.

(ii) Whenever the results indicate that the employee's exposure exceeds the applicable permissible exposure limit specified in paragraph (c), the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure below the permissible exposure limit.

(e) *Method of compliance.*—(1) *Engineering and work practice controls.* The employer shall institute engineering and work practice controls to reduce and maintain employee exposure to cotton dust at or below the permissible exposure limit specified in paragraph (c), except to the extent that the employer can establish that such controls are not feasible.

(2) Whenever feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless institute these controls to reduce exposure to the lowest feasible level, and shall supplement these controls with the use of respirators which shall comply with the provisions of paragraph (f).

(3) *Compliance program.* (i) Where the most recent exposure monitoring data indicates that any employee is exposed to cotton dust levels greater than the permissible exposure limit, the employer shall establish and implement a written program sufficient to reduce exposure to or below the permissible exposure limit solely by means of engineering controls and work practices as required by paragraph (e)(1) of this section.

(ii) The written program shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to cotton dust at levels greater than the PEL;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data obtained in accordance with paragraph (d) of this section;

(E) A detailed schedule for development and implementation of engineering and work practice controls, including exposure levels projected to be achieved by such controls;

(F) Work practice program; and

(G) Other relevant information.

(iii) The employer's schedule as set forth in the compliance program, shall project completion of the compliance program no later than March 27, 1984, except as provided in paragraph (m)(2)(ii)(B).

(iv) The employer shall complete the steps set forth in his program by the dates in the schedule.

(v) Written programs shall be submitted, upon request, to the Assistant Secretary and the Director, and shall be available at the worksite for examination and copying by the Assistant Secretary, the Director, and any affected employee or their designated representatives.

(vi) The written program required under paragraph (e)(3) of this section shall be revised and updated to reflect the current status of the program and current exposure levels.

(4) *Mechanical ventilation.* When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system to control exposure, such as capture velocity, duct velocity, or static pressure shall be made at reasonable intervals.

(f) *Use of respirators.*—(1) *General.* Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this paragraph (f). Respirators shall be used in the following circumstances:

(i) During the time periods necessary to install or implement feasible engineering controls and work practice controls;

(ii) During maintenance and repair activities in which engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits; and

(iv) In operations specified under paragraph (g)(1); and

(v) Whenever an employee requests a respirator.

(2) *Respirator selection.* (i) Where respirators are required under this section, the employer shall select the appropriate respirator from Table 1 below and shall assure that the employee uses the respirator provided.

TABLE I

Cotton dust concentration	Required respirator
Not greater than:	
(a) 5 × the applicable permissible exposure limit (PEL).	1. A disposable particulate filter respirator
(b) 10 × the applicable PEL.	1. A quarter or half-mask respirator other than disposable equipped with particulate filters, or 2. A half-mask negative-pressure supplied air respirator.
(c) 100 × the applicable PEL.	1. A full facepiece respirator equipped with high-efficiency particulate filters, or

TABLE I—Continued

Cotton dust concentration	Required respirator
.....	2. A negative-pressure supplied air respirator equipped with a full face-piece.
(d) Greater than 100 × the applicable PEL.	1. A powered air-purifying respirator equipped with high-efficiency particulate filters, or 2. Any positive-pressure supplied air respirator, or 3. Any positive-pressure self-contained breathing apparatus.

NOTE.—1. A disposable respirator means the filter element is an inseparable part of the respirator.
2. Any respirators permitted at higher environmental concentrations can be used at lower concentrations.

(ii) The employer shall select respirators from those tested and approved for protection against dust by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(iii) Whenever respirators are required by this section for concentrations not greater than 100 × the applicable permissible exposure limit, the employer shall, upon the request of the employee, provide a powered air purifying respirator with a high efficiency particulate filter in lieu of the respirator specified in paragraphs (a), (b), or (c) of Table I.

(iv) Whenever a physician determines that an employee is unable to wear any form of respirator, including a power air purifying respirator, including a power air purifying respirator, the employee shall be given the opportunity to transfer to another position which is available or which later becomes available having a dust level at or below the PEL.

(3) *Respirator program.* The employer shall institute a respirator program in accordance with § 1910.134 of this part.

(4) *Respirator usage.* (i) The employer shall assure that the respirator used by each employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall allow each employee who uses a filter respirator, to change the filter elements whenever an increase in breathing resistance is detected by the employee. The employer shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall allow employees who wear respirators to wash their faces and respirator face pieces to prevent skin irritation associated with respirator use.

(g) *Work practices.* Each employer shall, regardless of the level of employee exposure, immediately establish and implement a written program of work practices which shall minimize cotton dust exposure. The following shall be included where applicable.

(1) Compressed air "blow down" cleaning shall be prohibited where alternative means are feasible. Where compressed air is used for cleaning, the employees performing the "blow down" or "blow off" shall wear suitable respirators. Employees whose presence is not required to perform "blow down" shall be required to leave the area during this cleaning operation.

(2) Cleaning of clothing or floors with compressed air shall be prohibited.

(3) Floor sweeping shall be performed with a vacuum or with methods designed to minimize dispersal of dust.

(4) In areas where employees are exposed to concentrations of cotton dust greater than the action level, cotton and cotton waste shall be stacked, sorted, baled, dumped, removed or otherwise handled by mechanical means, except where the employer can show that it is infeasible to do so. Where infeasible, the method used for handling cotton and cotton waste shall be the method which reduces exposure to the lowest level feasible.

(h) *Medical surveillance*—(1) *General.* (i) Each employer covered by the standard shall institute a program of medical surveillance for all employees exposed to cotton dust.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and are provided without cost to the employee.

(iii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section shall complete a NIOSH-approved training course in spirometry.

(2) *Initial examinations.* The employer shall provide each employee who is or may be exposed to cotton dust with an opportunity for medical surveillance. For new, employees, this examination shall be provided prior to initial assignment. The medical surveillance shall include at least the following:

(i) A medical history;

(ii) The standardized questionnaire contained in Appendix B; and

(iii) A pulmonary function measurement, including a determination of forced vital capacity (FVC) and forced expiratory volume in 1 second (FEV_1), and the percentage that the measured values of FEV and FVC differ from the predicted values, using the standard tables in Appendix C. The predicted FEV_1 and FVC for blacks shall be multiplied by 0.85 to adjust for ethnic differences. These determinations shall be made for each employee before the employee enters the workplace on the first day of the work week, following at least 35 hours after previous exposure to cotton dust. The tests shall be repeated during the shift, no sooner than 4 and no more than 10 hours after the beginning of the work shift; and, in any event, no more than one hour after cessation of exposure.

(iv) Based upon the questionnaire results, each employee shall be graded according to Schilling's byssinosis classification system.

(3) *Periodic examinations.* (i) The employer shall provide annual medical surveillance for all employees exposed to cotton dust above the action level. The employer shall provide medical surveillance at least every two years for all employees exposed to cotton dust below the action level. Periodic medical surveillance shall include at least an update of the medical history and standardized questionnaire (App. B–III) and the pulmonary function measurements in paragraph (h)(2)(iii) of this section.

(ii) Medical surveillance as required in paragraph (h)(3)(i) of this section shall be provided every six months for all employees in the following categories:

(A) An FEV_1 of greater than 80 percent of the predicted value, but with an FEV_1 decrement of 5 percent or 200 ml. on a first working day;

(B) An FEV_1 of less than 80 percent of the predicted value; or

(C) Where, in the opinion of the physician, any significant change in questionnaire findings, pulmonary function results, or other diagnostic tests have occurred.

(iii) An employee whose FEV_1 is less than 60 percent of the predicted value shall be referred to a physician for a detailed pulmonary examination.

(iv) A comparison shall be made between the current examination results and those of previous examinations and a determination made by the physician as to whether there has been a significant change.

(4) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its Appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(5) *Physician's written opinion.* (i) The employer shall obtain and furnish the employee with a copy of a written

opinion from the examining physician containing the following:

(A) The results of the medical examination and test;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to cotton dust;

(C) The physician's recommended limitations upon the employee's exposure to cotton dust or upon the employee's use of respirators including a determination of whether an employee can wear a negative pressure respirator, and where the employee cannot, a determination of the employee's ability to wear a powered air purifying respirator; and,

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(i) *Employee education and training.*—(1) *Training program.* (i) The employer shall provide a training program for all employees in all workplaces where cotton dust is present, and shall assure that each employee is informed of the following:

(A) The acute and long term health hazards associated with exposure to cotton dust;

(B) The names and descriptions of jobs and processes which could result in exposure to cotton dust at or above the PEL.

(C) The measures, including work practices required by paragraph (g) of this section, necessary to protect the employee from exposures in excess of the permissible exposure limit;

(D) The purpose, proper use and limitations of respirators required by paragraph (f), of this section;

(E) The purpose for and a description of the medical surveillance program required by paragraph (h) of this section and other information which will aid exposed employees in understanding the hazards of cotton dust exposure; and

(F) The contents of this standard and its appendices.

(ii) The training program shall be provided prior to initial assignment and shall be repeated annually for each employee exposed at or above the action level and when job assignments or work processes change and when employee performance indicates a need for retraining.

(2) *Access to training materials.* (i) Each employer shall post a copy of this section with its appendices in a public location at the workplace, and shall, upon request, make copies available to employees.

(ii) The employer shall provide all materials relating to the employee training and information program to the Assistant Secretary and the Director upon request.

(j) *Signs.* The employer shall post the following warning sign in each work area where the permissible exposure limit for cotton dust is exceeded:

WARNING
COTTON DUST WORK AREA
MAY CAUSE ACUTE OR DELAYED
LUNG INJURY
(BYSSINOSIS)
RESPIRATORS
REQUIRED IN THIS AREA

(k) *Recordkeeping.*—(1) *Exposure measurements.* (i) The employer shall establish and maintain an accurate record of all measurements required by paragraph (d) of this section.

(ii) The record shall include:

(A) A log containing the items listed in paragraph IV (a) of Appendix A, and the dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposure;

(B) The type of protective devices worn, if any, and length of time worn; and

(C) The names, social security numbers, job classifications, and exposure levels of employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 20 years.

(2) *Medical surveillance.* (i) The employer shall establish and maintain an accurate medical record for each employee subject to medical surveillance required by paragraph (h) of this section.

(ii) The record shall include:

(A) The name and social security number and description of the duties of the employee;

(B) A copy of the medical examination results including the medical history, questionnaire response, results of all tests, and the physician's recommendation;

(C) A copy of the physician's written opinion;

(D) Any employee medical complaints related to exposure to cotton dust;

(E) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and the appendices for all employees, provided that he references the standard and appendices in the medical surveillance record of each employee; and

(F) A copy of the information provided to the physician as required by paragraph (h)(4) of this section.

(iii) The employer shall maintain this record for at least 20 years.

(3) *Availability.* (i) The employer shall make all records required to be maintained by paragraph (k) of this section available to the Assistant Secretary and the Director for examination and copying.

(ii) Employee exposure measurement records and employee medical records required by this paragraph shall be provided upon request to employees, designated representatives, and the Assistant Secretary in accordance with 29 CFR 1910.20 (a)–(e) and (g)–(i).

(4) *Transfer of records.* (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by paragraph (k) of this section.

(ii) Whenever the employer ceases to do business, and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the Director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the Director at least 3 months prior to the disposal of such records and shall transmit those records to the Director if he requests them within that period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in 29 CFR 1910.20(h).

(l) *Observation of monitoring.* (1) The employer shall provide affected employees or their designated representatives an opportunity to observe any measuring or monitoring of employee exposure to cotton dust conducted pursuant to paragraph (d) of this section.

(2) Whenever observation of the measuring or monitoring of employee exposure to cotton dust requires entry into an area where the use of personal protective equipment is required, the employer shall provide the observer with and assure the use of such equipment and shall require the observer to comply with all other applicable safety and health procedures.

(3) Without interfering with the measurement, observers shall be entitled to:

(i) An explanation of the measurement procedures;

(ii) An opportunity to observe all steps related to the measurement of airborne concentrations of cotton dust performed at the place of exposure; and

(iii) an opportunity to record the results obtained.

(m) *Effective date.*—(1) *General.* This section is effective March 27, 1980, except as otherwise provided below.

(2) *Startup dates.*—(i) *Initial monitoring.* The initial monitoring required by paragraph (d)(2) of this section shall be completed as soon as possible but no later than March 27, 1980.

(ii) *Methods of compliance: engineering and work practice controls.*

(A) The engineering and work practice controls required by paragraph (e) of this section shall be implemented no later than March 27, 1984 except as set forth in the paragraph (m)(2)(ii)(B) of this section.

(B) For ring spinning operations (including only ring spinning and winding, twisting, and spooling operations following ring spinning but not including the preceding operations of opening through roving) for yarn equal to or coarser than 14 denier with more than 80 percent cotton, the engineering and work practices controls required by paragraph (e) of this section shall be implemented no later than March 27, 1986. Employers who have not brought these ring spinning operations into compliance by March 27, 1984 shall within three months of the effective date of these amendments, have a certified industrial hygienist review their respirator program each six months until compliance is achieved and submit a written report indicating the equipment and operational changes that would be needed to achieve compliance by March 27, 1986. This report will be part of the employer's compliance plan. The employer shall prepare an updated compliance plan within three (3) months of the effective date of these amendments indicating a schedule for completion of engineering changes to achieve compliance by March 27, 1986.

(iii) *Compliance program.* The compliance program required by paragraph (e)(3) of this section shall be established no later than March 27, 1981.

(iv) *Respirators.* The respirators required by paragraph (f) of this section shall be provided no later than April 27, 1980.

(v) *Work practices.* The work practices required by paragraph (g) of this section shall be implemented no later than June 27, 1980.

(vi) *Medical surveillance.* The medical surveillance required by paragraph (h) of this section shall be completed no later than March 27, 1981.

(vii) *Employee education and training.* The initial education and training required by paragraph (i) of this section shall be completed as soon as possible but no later than June 27, 1980.

* * * * *

[FR Doc. 83-15212 Filed 6-7-83; 8:45 am]
BILLING CODE 4510-26-M

federal register

Friday
June 10, 1983

Part III

Department of Health and Human Services

Food and Drug Administration

Over-the-Counter Oral Human Use; Insect Repellent Drug Products

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 81N-0040]

Insect Repellent Drug Products for Over-the-Counter Oral Human Use;

AGENCY: Food and Drug Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing a notice of proposed rulemaking that would establish that over-the-counter (OTC) insect repellent drug products for oral use are not generally recognized as safe and effective and are misbranded. FDA is issuing this notice of proposed rulemaking after considering the report and recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and the public comment on an advance notice of proposed rulemaking that was based on those recommendations. This proposal is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments, objections, or requests for oral hearing on the proposed regulation before the Commissioner of Food and Drugs by August 9, 1983. New data by June 11, 1984. Comments on the new data by August 10, 1984. These dates are consistent with the time periods specified in the agency's revised procedural regulations for reviewing and classifying OTC drugs (21 CFR 300.10).

ADDRESS: Written comments, objections, new data, or requests for oral hearing to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drugs and Biologics (HFN-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4900.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 5, 1982 (47 FR 424) FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking that would classify OTC insect repellent drug products for oral use as not generally recognized as safe and effective and as being misbranded and would declare these products to be new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p)). The notice was based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products, which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. Interested persons were invited to submit comments by April 5, 1982. Reply comments in response to comments filed in the initial comment period could be submitted by May 5, 1982.

In accordance with § 330.10(a)(10), the data and information considered by the Panel were put on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration (address above). In response to the advance notice of proposed rulemaking, one consumer submitted a comment. A copy of the comment is on public display in the Dockets Management Branch.

In this proposed rule to amend Part 310 by adding to Subpart E new § 310.529 (21 CFR 310.529), FDA states for the first time its position on OTC insect repellent drug products for oral use. Final agency action on this matter will occur with the publication at a future date of a final rule relating to OTC insect repellent drug products for oral use.

This proposal constitutes FDA's tentative adoption of the Panel's conclusions and recommendations on OTC insect repellent drug products for oral use, based on the comment received and the agency's independent evaluation of the Panel's report. As discussed in the final rule revising the procedural regulations for reviewing and classifying OTC drug, FDA will no longer use the terms "Category I" (generally recognized as safe and effective, and not misbranded), "Category II" (not generally recognized as safe and effective or misbranded), and "Category III"' (available data are insufficient to classify as safe and effective and further testing is required) at the final rule stage, but will use instead the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III). (See the **Federal Register** of September 29, 1981; 46 FR 47730.) This document retains the concepts of Categories I, II, and III at the proposed rule stage.

In the advance notice of proposed rulemaking, the agency stated that if it proposed to adopt the Panel's recommendation it would propose that insect repellent drug products for oral use be eliminated from the OTC market effective 6 months after the date of publication of a final rule in the **Federal Register**, regardless of whether further testing was undertaken to justify their future use. Based on all information available to date, the agency is proposing that oral insect repellents as a class of drugs be found to be ineffective. If this proposed finding is adopted in the final rule, the agency advises that the conditions under which the drug products that are subject to this rule are not generally recognized as safe and effective and are misbranded (nonmonograph conditions) will be effective 6 months after the date of publication of the final rule in the **Federal Register.** On or after that date, no OTC drug products that are subject to the rule may be initially introduced or initially delivered for introduction into interstate commerce unless they are the subject of an approved NDA. Manufacturers are encouraged to comply voluntarily with the proposed rule at the earliest possible date.

I. The Agency Tentative Conclusion on the Comment

One comment objected to the Category II clasification of thiamine hydrochloride (vitamin B-1) as an oral insect repellent and claimed that the effectiveness of this ingredient aganist black flies and other biting flies has been demonstrated by sportsmen, conservationists, and other persons engaged in outdoor activities. Maintaining that the Panel's conclusions on thiamine hydrochloride are contradictory, the comment explained that the Panel classified thiamine hydrochloride as Category II, but stated at 47 FR 426 that this ingredient is generally recognized as safe in oral doses up to 40 milligrams (mg) daily and further stated that it did not believe that doses exceeding 40 mg are unsafe. The comment added that the Panel also stated at 47 FR 426 that "of the substances studied, only thiamine hydrochloride (vitamin B-1) has shown enough promise to have been evaluated to any significant degree." The comment claimed that thiamine hydrochloride as an oral insect repellent deserves the same opportunity as other OTC products "to be accepted or rejected by the American consumer" unless the agency proves the ingredient to be unsafe or dangerous.

The agency has reviewed the Panel's recommendations and notes that while the Panel did indicate at 47 FR 426 that thiamine hydrochloride "has shown enough promise to have been evaluated," the submitted studies were inadequate. The Panel concluded, and the agency concurs, that available data do not show that thiamine hydrochloride is an effective oral insect repellent, or that it is generally recognized as such.

Further, the comment did not submit adequate data to support the effectiveness of thiamine hydrochloride as as OTC oral insect repellent. In the absence of adequate data demonstrating that thiamine hydrochloride is generally recognized as effective for use as an oral insect repellent, the ingredient cannot be included as an allowable ingredient in an OTC drug monograph.

II. The Agency's Tentative Adoption of the Panel's Report

FDA has considered the comment and other data and information available at this time and concludes that it will tentatively adopt the Panel's report and recommendation that thiamine hydrochloride labeled for use as an insect repellent for oral use are classified Category II.

The agency is also revising § 310.529(b) to clarify that a product covered by the regulation is a new drug for which an approved NDA is required for marketing, and in the absence of an approved NDA the product would also be misbranded under section 502 of the Act.

The agency has examined the economic consequences of this proposed rulemaking in conjunction with other rules resulting from the OTC drug review. In a notice published in the **Federal Register** of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of these rules, including this proposed rule for OTC insect repellent drug products for oral use, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96–354. That assessment included a discretionary Regulatory Flexibility Analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for OTC insect repellent drug products for oral use is not expected to pose such an impact on small businesses. Therefore, the agency certifies that this proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities.

The agency invited public comment in the advance notice of proposed rulemaking regarding any impact that this rulemaking would have on OTC insect repellent drug products for oral use. No comments were received. Any comments on the agency's initial determination of the economic consequences of this proposed rulemaking should be submitted by August 9, 1983. The agency will evaluate any comments and supporting data that are received and will reassess the economic impact of this rulemaking in the preamble to the final rule.

The agency has determined that under 21 CFR 25.24(d)(9) (proposed in the **Federal Register** of December 11, 1979; 44 FR 71742) this proposal is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 310

New drugs.

PART 310—[AMENDED]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 77 Stat. 948 (21 U.S.C. 321(p), 352 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), it is proposed that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations be amended in Part 310 by adding to Subpart E new § 310.529, to read as follows:

§ 310.529 Drug products containing active ingredients offered over-the-counter (OTC) for oral use as insect repellents.

(a) Thiamine hydrochloride (vitamin B–1) has been marketed as an ingredient in over-the-counter (OTC) drug products for internal use as an insect repellent (an orally administered drug product intended to keep insects away). There is a lack of adequate data to establish the effectiveness of this, or any other, ingredient for OTC internal use as an insect repellent. Labeling claims for OTC orally administered insect repellent drug products are either false, misleading, or unsupported by scientific data. The following claims are examples of some that have been made for orally administered OTC insect repellent drug products: "Oral mosquito repellent," "mosquitos avoid you," "bugs stay away," "keep mosquitos away for 12 to 24 hours," and "the newest way to fight mosquitos." Therefore, any drug product containing ingredients offered for internal use as an insect repellent cannot be generally recongnized as safe and effective.

(b) Any OTC drug product that is labeled, represented, or promoted for internal use as an insect repellent is regarded as a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act, for which an approved new drug application under section 505 of the act and Part 314 of this chapter is required for marketing. In the absence of an approved new drug application, such product is also misbranded under section 502 of the act.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571) (OMB Approval No. 0910–0014), as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that any drug product labeled, represented, or promoted OTC as an insect repellent for internal use is safe and effective for the purpose intended.

(d) After the effective date of the final regulation, any such OTC drug product initially introduced or initially delivered for introduction into interstate commerce that is not in compliance with this section is subject to regulatory action.

Interested persons may, on or before August 9, 1983, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments, objections, or requests for oral hearing before the Commissioner. A request for an oral hearing must specify points to be covered and time requested. Three copies of all comments, objections, and requests are to be submitted, except that individuals may submit one copy. Comments, objections, and requests are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief.

Comments, objection, and requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Any scheduled oral hearing will be announced in the **Federal Register.**

Interested persons, on or before June 11, 1984, may also submit in writing new data demonstrating the safety and effectiveness of those conditions not classified in Category I. These dates are consistent with the time periods specified in the agency's final rule revising the procedural regulations for reviewing and classifying OTC drugs, published in the **Federal Register** of September 29, 1981 (46 FR 47730). Three

copies of all data and comments on the data are to be submitted, except that individuals may submit one copy, and all data and comments are to be identified with the docket number found in brackets in the heading of this document. Data and comments should be addressed to the Dockets Management Branch (HFA–305) (address above). Received data and comments may also be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

In establishing a final rule, the agency will ordinarily consider only data submitted prior to the closing of the administrative record on August 10, 1984. Data submitted after the closing of the administrative record will be reviewed by the agency only after a final rule is published in the **Federal Register**, unless the Commissioner finds good cause has been shown that warrants earlier consideration.

Mark Novitch,

Acting Commissioner of Food and Durgs.

Margaret M. Heckler,

Secretary of Health and Human Services.

Dated: May 19, 1983.

[FR Doc. 83–15286 Filed 6–9–83; 8:45 am]

BILLING CODE 4160–01–M

federal register

Friday
June 10, 1983

Part IV

Department of Labor

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas: AR83–4037	May 13, 1983.
Connecticut: CT83–3021	June 3, 1983.
District of Columbia: DC82–3031	Nov. 12, 1982.
Hawaii: HI83–5104	Mar. 18, 1983.
Idaho: ID82–5128	Nov. 26, 1982.
Illinois: IL82–2003	Mar. 5, 1982.
Indiana: IN83–2030	May 6, 1983.
Iowa:	
IA82–4030	June 18, 1982.
IA82–4049	Oct. 8, 1982.
IA83–4022	Mar. 11, 1983.
IA83–4033	Apr. 29, 1983.
IA83–4035	May 13, 1983.
Kentucky:	
KY82–1053	Oct. 1, 1982.
KY82–1054	Oct. 1, 1982.
KY82–1055	Oct. 1, 1982.
KY82–1065	Oct. 15, 1982.
Louisiana:	
LA82–4053	Nov. 11, 1982.
LA83–4019	Feb. 4, 1983.
Maryland:	
MD80–3047	Aug. 29, 1980.
MD81–3031	May 15, 1981.
Nebraska: NE83–4041	May 27, 1983.
New Hampshire: NH83–3012	May 20, 1983.
New Mexico: NM83–4032	Apr. 15, 1983.
West Virginia:	
WV82–3002	Oct. 29, 1982.
WV83–3000	Mar. 11, 1983.
Michigan: MI83–2020	Mar. 18, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Missouri: MO81–4081(MO83–2046)	Oct. 16, 1981.
Ohio:	
OH81–2068 (OH83–2044)	Dec. 18, 1981.
OH82–2019 (OH83–2045)	Mar. 12, 1982.
OH82–2052 (OH83–2046)	Oct. 29, 1982.
OH81–2061 (OH83–2047)	Oct. 9, 1981.
OH81–2016 (OH83–2048)	Apr. 10, 1981.
OH81–2017 (OH83–2049)	Apr. 10, 1981.
Oregon: OR80–5108 (OR83–5111)	Mar. 7, 1980.
Texas:	
TX80–4015 (TX83–4044)	Feb. 15, 1980.
TX79–4068 (TX83–4045)	Nov. 11, 1979.

Signed at Washington, D.C. this 3rd day of June 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATIONS P. 1

DECISION #AR83-4037 - Mod. #1
48FR21773 - May 13, 1983
PULASKI AND JEFFERSON COUNTIES, ARKANSAS

CHANGE:
SUPERSEDES DECISION #82-4039 published in Federal Register dated May 13, 1983 to read "#AR82-4037"

	Basic Hourly Rates	Fringe Benefits

DECISION NO. CT83-3021 - MOD. #1
(Published in Federal Register of June 3, 1983)
STATEWIDE

CHANGE:

	Basic Hourly Rates	Fringe Benefits
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; RESILIENT FLOOR LAYERS:		
BUILDING CONSTRUCTION:		
Area 1	15.00	1.70
Area 2	14.73	1.70
Area 4	15.05	1.90
Area 5	14.65	2.40
Area 6		
Carpenters	15.30	1.58
Millwrights	15.80	1.58
ROOFERS		
Area 2		
Composition	13.80	2.725
Slate, tile	14.30	2.725

DECISION NO. DC82-3031-Mod. #6
(47 FR 51304-November 12,1982)
District of Columbia;Maryland-Montgomery & Prince Georges Counties; & DC Training School Virginia-Independent City of Alexandria;Arlington & Fairfax Counties.

CHANGE:
PAVING & INCIDENTAL GRADING (DISTRICT OF COLUMBIA ONLY)

Cement Masons:		
CEMENT MASONS	9.34	.86
FORM SETTER	9.34	.86
CONCRETE SAW OPERATOR	9.04	.86
Laborers:		
SAND SETTER,FORM SETTER	9.34	.86
BURNER PLANER OPERATOR	9.28	.86
ASPHALT RAKER,CONCRETE SAW OPERATOR	9.04	.86
JACK HAMMER	8.99	.86
ASPHALT TAMPER,HAND BURNER OPERATOR,CONCRETE SHOVELER	8.92	.86
ASPHALT SHOVELER	$ 8.80	.86
LABORER	8.75	.86
Power Equipment Operators:		
G-1000 GRADALL OPERATOR (OVER 1½ cy)	10.71	.86
GRADALL OPERATOR (1½ cy or LESS),MOTOR GRADER,LOADER-TRACK(OVER 2½cy)	10.41	.86
SHOVEL OPERATOR	9.64	.86
CRANE OPERATOR,CONCRETE PAVING OPERATOR	9.52	.86
ASPHALT SPREADER,ASPHALT PLANT ENGINEER,ASPHALT ROLLER OPERATOR,HYDRAULIC BACKHOE (½ cy OR LESS), CONCRETE BREAKER(MACHINE)	9.34	.86
RUBBER-TIRED LOADER (OVER 1½ cy),LOADER OPERATOR-TRACKS (2½ cy OR LESS),BULLDOZER, MECHANIC, OR WELDER	9.28	.86
CONCRETE SPREADER,FINISHING MACHINE,ROLLER(ROUGH),COMPRESSOR,RUBBER-TIRED LOADER(1½ cy OR LESS),ASPHALT PLANT MIXER	9.04	.86
POWER BROOM	8.92	.86
Truck Drivers:		
TRUCK DRIVERS(STANDARD JOB)	8.75	.86
TANDEM	8.88	.86
TRACTOR TRAILER(CAPABLE OF MOVING HEAVY EQUIPMENT)	9.34	.86

MODIFICATIONS P. 2

DECISION NO. HI83-5104 - Mod. #2
(48 FR 11610 - March 18, 1983)
Statewide, Hawaii

	Basic Hourly Rates	Fringe Benefits
Change:		
Boilermakers	$15.70	$4.53
Glaziers	14.77	5.83
Ironworkers:		
Bridge; Ornamental; Reinforcing; Structural	14.76	5.97
Laborers:		
Group 1	12.01	4.18
Group 1-A	12.01	4.11
Group 1-C	12.56	4.11
Group 1-D	12.56	4.11
Group 1-E	12.81	4.18
Group 1-F	12.86	4.18
Group 1-G	13.06	4.18
Group 2	12.36	4.18
Group 3	12.56	4.18
Landscape and Irrigation Laborers:		
Group 1	8.87	2.61
Group 2	8.13	2.61
Group 3	6.26	2.61
Painters:		
Brush	15.05	5.94
Tapers	15.15	5.94
Spray; Sandblaster	15.55	5.94
Marble Setters	15.03	5.55
Terrazzo Workers and Tile Setters:		
Terrazzo Base Grinder	13.45	5.39
Terrazzo Floor Grinder and Finisher	12.02	5.39
Terrazzo Workers and Tile Setters	15.03	5.55

Omit:
Laborers - Group 1-B

DECISION NO. ID82-5128 - Mod #5
(47 FR 53612 - Nov 26, 1982)
Statewide Idaho

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BRICKLAYERS, STONEMASONS, and MARBLE SETTERS:		
Area 1	$16.43	$3.36
ELEVATOR CONSTRUCTORS:		
Area 1:		
Mechanics	19.73	a+2.[illegible]
Helpers	13.81	a+2.[illegible]
Probationary Helpers	9.86	
Area 2:		
Mechanics	15.06	a+2.[illegible]
Helpers	10.54	a+2.[illegible]
Probationary Helpers	7.53	
LABORERS (Area 1)		
Fringe Benefits only, all classifications		3.3[illegible]
POWER EQUIPMENT OPERATORS:		
Area 1:		
Fringe Benefits only, all classifications		4.3[illegible]
TRUCK DRIVERS:		
Area 1:		
Fringe Benefits only, all classifications		3.73
LINE CONSTRUCTION:		
Area 2:		
Fringe Benefits only, all classifications		1.75+3½%
OMIT:		
Zone Differentials for the following:		
Laborers (Area 1)		
Power Equipment Operators (Area 1)		
Truck Drivers (Area 1)		

DECISION NO. IL82-2003 - MOD. #6
(47 FR 9659 - March 5, 1982)
Adams, Bond, ... Winnebago, & Woodford Cos., Illinois

	Basic Hourly Rates	Fringe Benefits
Add:		
Carpenters; Lathers; Millwrights; Piledrivermen; & Soft Floor Layers:		
Area 20:		
Bureau (W. of Hwy #88), Henry, Mercer, Rock Island, & Whiteside (W. of Hwy #78) Cos.:		
Millwrights	$16.00	$3.10

Decision No. IN83-2030 Mod. # 2 (48 FR 20606 - May 6, 1983) Elkhart, Jasper, Kosciusko, LaGrange, Marshall, Newton, Pulaski & Starke Cos. Indiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CLASSIFICATION DEFINITIONS POWER EQUIPMENT OPERATORS:		
AREA 1:		

Group 1 - Mechanic, Asphalt Plant, Autograde, Batch Plant, Benoto (Requires 2 Engineers), Boiler and Throttle Valve, Boring Machine (Mining Machine), Caisson Rigs, Central Redi-Mix Plant, Combination Backhoe (Endloader with Backhoe bucket over ½ cu. yd.), Combination Tugger Hoist & Air Tugger, Compressor and Throttle, Concrete Breaker (Truck Mounted), Concrete Conveyor, Concrete Paver over 27E cu. ft., Concrete Paver 27E cu. ft. & under, Concrete Pump with boom (Truck Mounted), Concrete Tower, Cranes-All, Cranes-Hammerhead Tower, Crete Crane, Derricks-All, Derricks-Traveling, Forklift-Lull Type, Fork Lift-10 ton & over, Hoists-1,2, & 3 Drum, Hoist-2 Tugger one Floor, Hydraulic Boom Truck, Locomotives-All, Motor Patrol, Mucking Machine, Pile Driving & Skid Rig, Pit Machines, Pre-Stress Machines, Pump Cretes & Similar Types, Rock Drill (Self-Propelled), Rock Drill (Truck Mounted), Slip Form Paver, Straddle Buggies, Tractor with Boom & Side Boom, Trenching Machine, Winch Tractors

Group 2 - Asphalt Spreader, Boilers, Bulldozers, Combination Backhoe (Endloader with Backhoe bucket ½ cu. yd. & under), Engineer acting as Conductor in charge of crew, Grader-Elevating, Greaser Engineer, Grouting Machines, Highlift Shovels or Front Endloader, Hoists-Automatic, Corboy Drilling Machines, Hoists-All Elevators, Hoists-Tugger Single Drum, Post Hole Digger, Rollers-All, Scoops-Tractor Drawn, Stone Crushers, Tournapull, Winch Trucks

Group 3 - Concrete Mixer (two bag & over), Conveyor-Portable, Steam Generators, Tractors-Farm & Similar Type, Air Compressor-small 150 and under (1 to 5 not to exceed a total of 300 feet), Air Compressor - large over 150, Combination - Small Equipment Operator, Forklift - under 10 ton, Generator, Pumps (1 to 3 not to exceed a total of 300 feet), Pumps-Well Points, Welding Machines (2 thru 5), Winches-4 Electric Drill Winches

Group 4 - Heaters-Mechanical (1 to 5), Oiler, Switchmen

Decision No. IN83-2030 Mod. # 2 (Cont'd)	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CLASSIFICATION DEFINITIONS POWER EQUIPMENT OPERATORS (Cont'd)		
AREA 2		

Group 1 - Mechanic, Asphalt Plant, Asphalt Spreader, Autograde, Batch Plant, Benoto (requires two Engineers), Boiler and Throttle Valve) Boring Machine (Road), Caisson Rigs, Central Redi-Mix Plant Concrete Conveyor Systems, Concrete Power over 27E cu. ft., Concrete Paver 27E cu. ft. and under, Concrete Placer, Concrete Pumps (truck mounted), Concrete Tower, CranesAll, Cranes-Hammerhead, Creter Cranes, Derricks-All, Forklift capable of hoisting and mechanically moving forks horizontally, Grader-Elevating, Highlift Shovels or Front End Loader Hoists-Two or more drums, Locomotives-All, Motor Patrol, Pile Drivers and Skid Rig, Pre-stress Machine, Rock Drill (self-propelled), Rock Drill (truck mounted) Scoops - Tractor drawn, Slip-Form Paver, Tournapull, Tractor with Boom and Side Boom, Trenching Machines 12 or more inches in width

Group 2 - Combination Backhoe Front End Loader Machine with backhoe bucket or with attachments

Group 3 - Air Compressor 600 cu. ft. and over, Bobcat (over 3/4 cu. yd.), Boilers, Broom-All Powered Propelled, Bull Dozers, Compressor and Throttle Valve, Concrete Breaker (truck mounted), Concrete Mixer of more than 21 cu. ft. capacity, Forklift with a fixed or tilt mast, Greaser Engineer, Hoists-One drum, Hydraulic Boom Truck, Post-Hole Digger (vehicle mounted), Pump Cretes- (Squeeze crete type pumps, Gypsum Bulker and Pump), Rollers-All, Steam Generators, Stone Crushers, Straddle Buggies, Tractors, Winch Truck with "A" Frame

Group 4 - Buck Hoists, Combination - Small Equipment Operator, Conveyor-Portable, Grouting Machines, Hoist Elevators Mat'l & Personnel, Hydraulic Power Units Grouting and Pile Driving, Stud Welder, Trenching Machines less than 12 inches in width, Welding Machines 8 through 15

Group 5 - Bobcat (up to and including 3/4 cu. yd.), Compressor over 210 cu. ft. and less than 600 cu. ft., Generators - over 50 KW, Heaters-Mechanical, Hoists-All Elevator (perm. installation), Hoist-Automatic, Hoist-Tugger Single Drum, Oilers, Pumps-Well Points and Electric Sumersibles, Small Rugger Tired End Loaders ¾ cu. yd. and under, Tractors-Farm Type, Welding Machines (2 through 8)

DECISION NO. IA82-4030 - MOD. #16 (47 FR 26537 - 6/18/82)	Basic Hourly Rates	Fringe Benefits

DECISION NO. IA83-4033 - MOD. #1 (48 FR 19568 - 4/29/83)	Basic Hourly Rates	Fringe Benefits

DECISION #KY82-1053 Mod # 3 (47 FR 43521 - October 1,	Basic Hourly	Fringe

DECISION #KY82-1055 Mod # 2 (47 FR 43519 - October 1	Basic Hourly	Fringe

MODIFICATIONS P. 5

DECISION NO. IA82-4030 - MOD. #16 (47 FR 26537 - 6/18/82) Black Hawk,Cerro Gordo, Clinton,Des Moines, Dubuque,Johnson,Linn & Polk Cos., Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Zones 6 & 7:		
Carpenters & floor layers	$11.74	1.93
Piledrivermen	12.24	1.93
Ironworkers:		
Zones 6 & 7	12.26	2.00
Painters:		
Zone 3:		
Brush	12.50	3.49
Spray,structural steel	13.00	3.49
Drywall-tapers	13.00	3.49

DECISION NO. IA82-4049 - MOD. #7 (47 FR 44667 - 10/8/82) Scott County, Iowa		
CHANGE:		
Painters:		
Brush, roller	14.47	3.49
Spray,structural steel	14.97	3.49
Drywall-tapers	14.97	3.49

DECISION NO. IA83-4022 - MOD. #2 (48 FR 10577 - 3/11/83) Statewide Iowa (except Cerro Gordo,Scott & Webster Cos.)		
CHANGE:		
Power equipment ops.:		
Zone 3 - Group 1	11.65	2.78
Group 2	10.00	2.78
Group 3	8.90	2.78

DECISION NO. IA83-4033 - MOD. #1 (48 FR 19568 - 4/29/83) Statewide Iowa (except Cerro Gordo,Scott & Webster Cos.)	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Power equipment ops.:		
Zone 3 - Group 1	$11.65	2.78
Group 2	10.00	2.78
Group 3	8.90	2.78

DECISION NO. IA83-4035 - MOD. #1 (48 FR 21783 - 5/13/83) Pottawattamie Co.,Iowa		
CHANGE:		
Ironworkers	14.10	2.90

MODIFICATIONS P. 6

DECISION #KY82-1053 Mod # 3 (47 FR 43521 - October 1, 1982) Allen County Etc., Kentucky	Basic Hourly Rates	Fringe Benefits
Power Equipment Operators - Heavy Construction Projects Including Bridges Across Commercially Navigable Rivers:		
DELETE:		
Class D		
ADD:		
Operators on cranes with booms one hundred fifty feet (150) and over (including jib)	$15.02	2.13

DECISION #KY82-1054 Mod # 2 (47 FR 43518 - October 1, 1982) Adair County Etc., Kentucky		
Power Equipment Operators - Heavy Construction Project Including Bridges Across Commercially Navigable Rivers:		
DELETE:		
Class D		
ADD:		
Operators on cranes with booms one hundred fifty feet (150) and over (including jib)	$15.02	2.13

DECISION #KY82-1055 Mod # 2 (47 FR 43519 - Octover 1, 1982) Anderson County Etc., Kentucky	Basic Hourly Rates	Fringe Benefits
Power Equipment Operators - Heavy Construction Projects Including Bridges Across Commercially Navigable Rivers:		
DELETE:		
Class D		
ADD:		
Operators on cranes with booms one hundred fifty feet (150) and over (including jib)	$15.02	2.13

MODIFICATIONS P. 7

DECISION #KY82-1065
Mod. # 3
(47 FR 46229 - October 15, 1982)
Boyd County, Kentucky

ADD:

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Group 1	$14.90	305.50b
Group 2	15.20	305.50b
Group 3	15.27	305.50b
Group 4	15.32	305.50b
Group 5	15.39	305.50b
Group 6	15.69	305.50b

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS:

Group 1 - Warehousemen, Yardmen, Truck Helpers, Pickups, Station Wagons, Panel Trucks, Flat-body Material Truck (straight job), Greasers, Washers, Tiremen, Gas Pump Attendants, Dump Trucks (up to 5 cu. yd.)
Group 2 - Tank Truck (straight), Dump Trucks (5 cu. yds. & over), Agitator or Mixer Trucks (up to 5 cu. yds.) & Flat Bed Tandems
Group 3 - Winch Trucks, Fork Trucks, Distributor Trucks (Front End & Back End), Truck Crane, Monirail Truck
Group 4 - Material Checker & Receiver
Group 5 - Agitator or Mixer Truck (5 cu. yds & over)

DECISION #KY82-1065 Mod 3 (Cont'd)

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS: (Cont'd)
Group 6 - Tri- Axle Dump Trucks, Hydraulic Lift Tailgate Truck & Farm Type Tractors, End Dumpsters, Turnarockers, Ross Carriers, Athey Wagon or Similar Equipment, A-Frame, Hydro-lift, Dual Purpose Trucks, Semi-Dump, Semi-Trailer (whether flat, rack or pole & hauled or pushed by truck or tractors), Semi-Tank & Lowboy Trailers, Mechanic

FOOTNOTE:
b - Per Month, Per Employee

MODIFICATIONS P. 8

DECISION NO. LA82-4053 - MOD. #13
(47 FR 50421 - 11/5/82)
Statewide Louisiana

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Carpenters:		
Zone 1:		
Carpenters	$13.25	.60
Millwrights	13.97	.60
Piledrivermen	14.15	.60
Zone 2:		
Calcasieu Parish:		
Carpenters, piledrivermen & soft floor layers	13.19	1.60
Allen,Beauregard,Cameron,Jefferson Davis & Vernon Pars.:		
Carpenters, piledrivermen, soft floor layers	9.90	1.60
Lathers:		
Zone 6	13.25	.60
Zone 7:		
Calcasieu Parish	13.19	1.60
Allen,Beauregard,Cameron,Jefferson Davis & Vernon Parishes	9.90	1.60

DECISION NO. LA83-4019 - MOD. #4
(48 FR 5448 - 2/4/83)
Calcasieu Par.,Louisiana

CHANGE:

Carpenters:		
Carpenters, piledrivermen, soft floor layer	10.72	1.60
Lathers	10.72	1.60

DECISION NO. MI83-2020 - MOD. #2
(48 FR 11615 - March 18, 1983)
Genesee, Huron, Lapeer, Saginaw, St. Clair, Sanilac, & Shiawassee Counties, Michigan

RESIDENTIAL CONSTRUCTION

Change:

	Basic Hourly Rates	Fringe Benefits
CARPENTERS & SOFT FLOOR LAYERS:		
Genessee, Lapeer, & Shiawassee Counties		
Carpenters	$10.95	2.12
Soft Floor Layers	10.42	2.11

DECISION NO. MD80-3047-Mod. #11
(45 FR 57922-August 29,1980)
Allegany & Garrett Ctys, MD

CHANGE:

	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS		
Allegany County	$15.00	$2.40+ 3.75%
Garrett County	15.40	2.40+ 3.75%

DECISION NO. MD81-3031-Mod. #7
(45 FR 27051-May 15,1981)
ALLEGANY & GARRETT Ctys, MD

CHANGE:

ELECTRICIANS:		
Allegany & Garrett (East of Rt. 219 at the Lake	15.00	2.40+ 3.75%
Garrett County (West of Rt. 219 at the Lake)	15.40	2.40+ 3.75%

	Basic Hourly Rates	Fringe Benefits

DECISION #NE83-4041 - MOD. #1
(48 FR 23996-May 27,1983)
Cedar, Cuming, Pierce, Stanton & Wayne Counties, Nebraska

CHANGE:

Drywall:		
Installers	$6.89	

MODIFICATIONS P. 9

DECISION NO. MM83-3017 - MOD. #1

	Basic Hourly Rates	Fringe Benefits

DECISION NO. WV82-3002-NOD. NO. 5

	Basic Hourly Rates	Fringe Benefits

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass,Clay,Jackson,Platte & Ray Missouri;Johnson & Wyandotte,

DECISION NO. NH83-3012 - MOD. #1 (48 FR 22867 - May 20, 1983) HILLSBORO AND MERRIMACK, NEW HAMPSHIRE	Basic Hourly Rates	Fringe Benefits
CHANGE:		
AREA 3:		
Carpenters and Soft floor Layers	12.61	1.55

DECISION #NM83-4032-Mod. #4 48FR16413 - April 15, 1983 Statewide, New Mexico	Basic Hourly Rates	Fringe Benefits
CHANGE:		
GLAZIERS	$12.69	1.20
MARBLE, TILE AND TERRAZZO WORKERS	12.90	1.02
MARBLE, TILE AND TERRAZZO FINISHERS	10.89	1.02
SOFT FLOOR LAYERS	11.20	1.90
PAINTERS (ZONES I AND II):		
Class "B"	11.85	1.90
Class "C"	12.50	1.90
PAINTERS ZONE I AND II Classification Definitions:		
Class "B" - Spray, sandblaster, special applicator and steel		
Class "C" - Paperhanger		
PAINTERS (RESIDENTIAL CONSTRUCTION in Santa Fe, Taos and Rio Arriba Counties):		
Brush & roller	9.47	1.90
Spray	9.97	1.90
DRYWALL FINISHERS:		
Ames tool operators	10.05	1.90
Hand finishers	9.80	1.90
Machine texture	9.80	1.90
ADD:		
PAINTERS (ZONES I AND II)		
DRYWALL FINISHERS:		
Class "D" - Ames tool op.	12.08	1.90
Class "E" - Hand finishers, machine texture	11.83	1.90

DECISION NO. WV82-3002- MOD. NO. 5 (47 FR 49220-October 29, 1982) Statewide, West Virginia excluding the Counties of Berkeley, Jefferson, & Morgan	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
HAMPSHIRE & MINERAL COUNTY:		
WIREMAN	$15.00	$2.40+ 3-3/4%
GRANT COUNTY:		
WIREMAN	16 00	2.40+ 3-3/4%

DECISION NO. WV83-3000 MOD. NO. 4 (48 FR 10585-March 11, 1983) Statewide, West Virginia	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
AREA 11		
WIREMAN	15.00	2.40+ 3-3/4%
AREA 12		
WIREMAN	15.00	2.40+ 3-3/4%
AREA 13		
WIREMAN	16.00	2.40+ 3-3/4%

STATE: Missouri & Kansas
COUNTIES: Cass,Clay,Jackson,Platte & Ray Missouri;Johnson & Wyandotte, Kansas
DECISION NO.: MO83-4046
DATE: Date of Publication
Supersedes Decision No. MO81-4081 dated October 16, 1981 in 46 FR 51175.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	17.29	4.26
BOILERMAKERS	16.12	2.825
BRICKLAYERS & STONEMASONS	14.44	3.98
CARPENTERS	14.55	2.07
CEMENT MASONS	15.075	1.95
ELECTRICIANS:		
Buildings of (3) stories or less:		
ZONE 1 - Johnson County, Kansas (that portion of Johnson County west of Aubry,Oxford & Shawnee Twps.) Cass,Clay,Jackson,Platte & Ray Counties,Missouri; & Wyandotte County,Kansas & remainder of Johnson County,Kansas	11.37	10% + 1.51
Buildings of over (3) stories:		
ZONE 1 - Western half of Clay & Jackson Counties, Missouri not including Blue Springs;Northern half of Platte County; Northwestern portion of Cass County,Missouri; not including Pleasant Hill	16.18	10% + 1.51
ZONE 2 - Remainder of Cass,Clay,Jackson & Platte Counties, Missouri:		
Electricians (Contracts exceeding 2000 man hours)	16.18	10% + 2.51
Buildings of over (3) stories:		
ZONE 3 - Electricians (contracts not exceeding 2000 man hours	15.18	10% + 1.51

	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS: (Cont'd)		
ZONE 4 - Ray County, Missouri		
Electricians (contracts exceeding 2000 man hours	16.18	10% + 2.51
Electricians (contracts not exceeding 2000 man hours	14.58	10% + 2.51
ELEVATOR CONSTRUCTORS'	16.53	2.465 +a
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	2.465 +a
ELEVATOR CONSTRUCTORS' HELPER (PROB.)	50%JR	
GLAZIERS	14.72	2.66+ 15.48%
IRONWORKERS	16.25	4.25
LABORERS:		
Building Construction:		
ZONE I		
GROUP I	12.30	1.85
GROUP II	12.45	1.85
GROUP III	12.60	1.85
LABORERS:		
Site Preparation & Grading		
ZONE 2 - Johnson & Wyandotte Counties, Kansas;Site Preparation,incidental paving & utilities Clay,Jackson,Platte & Ray Counties, Missouri		
GROUP I	12.02	3.30
GROUP II	12.82	3.30
TILE & MARBLE SETTERS	16.55	10%
TILE SETTERS & MARBLE FINISHERS	14.40	
PAINTERS:		
Brush,roller, & tapers	14.54	1.40
Spray	15.54	1.40

	Basic Hourly Rates	Fringe Benefits
PLASTERERS	17.25	
PIPEFITTERS	17.44	3.22
PLUMBERS	17.96	2.70
POWER EQUIPMENT OPERATORS:		
Building Construction (ZONE 1)		
GROUP I	15.46	3.75
GROUP II	15.11	3.75
GROUP III:		
(a)	10.05	3.75
(b)	13.21	3.75
(c)	10.85	3.75
(d)	13.46	3.75
GROUP IV	15.71	3.75
GROUP V	15.36	3.75
GROUP VI	15.96	3.75
GROUP VII:		
(a)	15.21	3.75
(b)	14.96	3.75
(c)	12.96	3.75
GROUP VIII	16.46	3.75
GROUP IX	15.96	3.75
POWER EQUIPMENT OPERATORS Site preparation & grading, Johnson & Wyandotte Counties, Kansas;Site preparation, incidental paving & utilities Clay,Jackson,Platte & Ray Counties,Missouri (ZONE 2)		
GROUP I	14.10	3.92
GROUP II	13.85	3.92
GROUP III	13.15	3.92
GROUP IV		
(a)	9.13	3.92
(b)	12.15	3.92
GROUP V	14.35	3.92
ROOFERS:		
Roofers	16.48	2.71
SHEET METAL WORKERS	16.65	2.63
SOFT FLOOR LAYERS	11.21	11% + 1.95
SPRINKLER FITTERS	17.83	2.81
TERRAZZO WORKERS:		
Terrazzo Workers	15.31	10%
Terrazzo Finishers	13.58	
Terrazzo Base Machine Operator	13.93	
TRUCK DRIVERS:		
Building Construction: (ZONE 1)		
GROUP I	14.085	2.75
GROUP II	14.135	2.75
GROUP III	14.21	2.75
GROUP IV	14.335	2.75
GROUP V	14.235	2.75
GROUP VI	14.435	2.75
GROUP VII	14.285	2.75
GROUP VIII	14.185	2.75
TRUCK DRIVERS: Site preparation & grading, Johnson & Wyandotte Counties, Kansas;Site preparation, Incidental paving & utilities Clay,Jackson,Platte & Ray Counties,Missouri (ZONE 2)		
GROUP I	12.66	3.50
GROUP II	12.86	3.50
GROUP III	13.17	3.50
GROUP IV	13.32	3.50
GROUP V	12.44	3.50

FOOTNOTES: - a - Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 7 paid holidays.

CLASSIFICATION DEFINITIONS

LABORERS: Building Construction (Zone 1)
GROUP I - General labor; wiremesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects).
GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and backfilling), power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; georgie buggies (self-propelled) fork lift; hosemen; insulation man.
GROUP III - Fork lift (masonry); brick tender; plaster tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; power men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators.

LABORERS: Site Preparation (Zone 2)
GROUP I - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; loading trucks under bins, hoppers and conveyors track men and all other general laborers, air tool operators; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checker on cuts and fills; georgia buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only), crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used.
GROUP II - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringlining on concrete paving, curbs, gutters and etc.; hot mastic [illegible] hot tar application; hand blade operator; manhole builders tenders and mortar men on brick or block manholes; sandblasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels; manhole builder (brick or block); dynamite and powderman.

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS (Cont'd):		
GROUP III	14.21	2.75
GROUP IV	14.335	2.75
GROUP V	14.235	2.75
GROUP VI	14.435	2.75
GROUP VII	14.285	2.75
GROUP VIII	14.185	2.75
TRUCK DRIVERS: Site preparation & grading, Johnson & Wyandotte Counties, Kansas;Site preparation, Incidental paving & utilities Clay,Jackson,Platte & Ray Counties,Missouri (ZONE 2)		
GROUP I	12.66	3.50
GROUP II	12.86	3.50
GROUP III	13.17	3.50
GROUP IV	13.32	3.50
GROUP V	12.44	3.50

FOOTNOTES: - a - Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 7 paid holidays.

CLASSIFICATION DEFINITIONS

LABORERS: Building Construction (Zone 1)
GROUP I - General labor; wiremesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects).
GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and backfilling), power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; georgie buggies (self-propelled) fork lift; hosemen; insulation man.
GROUP III - Fork lift (masonry); brick tender; plaster tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; power men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators.

LABORERS: Site Preparation (Zone 2)
GROUP I - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; loading trucks under bins, hoppers and conveyors track men and all other general laborers, air tool operators; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checker on cuts and fills; georgia buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only), crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used.
GROUP II - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringlining on concrete paving, curbs, gutters and etc.; hot mastic [illegible] hot tar application; hand blade operator; manhole builders tenders and mortar men on brick or block manholes; sandblasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels; manhole builder (brick or block); dynamite and powderman.

CLASSIFICATION DEFINITIONS - (Cont'd)

POWER EQUIPMENT OPERATORS - Building Construction (Zone 1)
Group I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boos; skimmer scoop; testhole machine; throttle man
GROUP II Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; compressors (1) 125' or over; concrete saws, self-propelled; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies; sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; compressors-tander; compressors single, truck mounted; elevator; finishing machine
Group III -
(a) Oilers
(b) Fork lift-masonry
(c) Oiler driver
(d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h.p.
Group IV -
Clamshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft, of boom or over (incl. jib)
Group V
Hoists-each additional drum over 1 drum
Group VI
Crane or rigs, over 200 ft. of boom
Group VII
Ready Mixed Concrete Plants:
(a) Crane operator
(b) Loader operator & plant man
(c) Conveyor Operator
Group VIII
Master Mechanic
Group IX
Crane-tower or climbing

CLASSIFICATION DEFINITIONS - (Cont'd)

POWER EQUIPMENT OPERATORS: Site Preparation (Zone 2)
GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drill-cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader-fork lift; hoistline engine-2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump-2; push cat operator; quad-track; scoop operator-all types; scoops in tandem; self-propelled rotary drill (leroy or equal-not air trac); shovel operator; side discharge spreader; sidedoom cats; skimmer scoop operater; slip-form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator-2.
GROUP II - A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator elevating grader; greaser; hoisting engine-1 drum; letourneau rooter; multiple compactor; pavement breaker, self propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator, tractor operator over 50 h.p..
GROUP III - Boilers-1; chip spreader (front man); churn drill operator; compressor maintenance operator-1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator-1.
GROUP IV
(a) Oiler
(b) Oiler drivers, all types
GROUP V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yds. capacity or over

DECISION NO.: MO83-4046 PAGE 6

CLASSIFICATION DEFINITIONS - (Cont'd)

TRUCK DRIVERS - Building Construction (Zone 1)
GROUP I - Watchmusemen and stock men.
GROUP II - Flat beds; pick-ups; dump trucks, under 10 yds.
GROUP III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers.
GROUP IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated serial lifts; heavy hauling, A-frame winch and fork lifts; heavy excavating (dumpster, euclid, etc.); double bottom units (20 tons capacity and over).
GROUP V - Distributor truck drivers and operators; oilers, greasers and mechanics' tenders.
GROUP VI - Mechanics.
GROUP VII Transit mix, 5 yds. and over.
GROUP VIII Transit mix, under 5 yds.

TRUCK DRIVERS - Site Preparation (Zone 2)
GROUP I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle.
GROUP II - Material trucks, tandem; two teams; semi-trailers; winch trucks-fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers; single axle; tank wagon drivers tandem or semi-trailers; insley wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment.
GROUP III - A-frame, lowboy, and boom truck driver.
GROUP IV - Mechanics and welders.
GROUP V - Mechanics tender, oilers and greasers.

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)."

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2044
COUNTIES: *SEE BELOW
DATE: Date of Publication
Supersedes Decision No. OH81-2068, dated December 18, 1981 in 46 FR 61781
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

*ALLEN, AUGLAIZE, HARDIN, MERCER, PAULDING, PUTNAM & VAN WERT

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	7.54				
BRICKLAYERS	11.00				
CARPENTERS	7.63				
CEMENT MASONS	7.85				
DRYWALL FINISHERS	10.05				
DRYWALL HANGERS	7.75				
ELECTRICIANS	7.62				
LABORERS	6.11				
PAINTERS	7.77				
PLUMBERS	8.68				
ROOFERS	6.74				
SHEET METAL WORKERS	6.94				
SOFT FLOOR LAYERS	7.75				
TILE SETTERS	7.75				
TRUCK DRIVERS	6.11				
POWER EQUIPMENT OPERATORS:					
Backhoes	8.64				
Bulldozers	9.50				
Front End Loaders	8.32				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2045
COUNTIES: BELMONT, MONROE, & NOBLE
DATE: Date of Publication
Supersedes Decision No. OH82-2019, dated March 12, 1982 in 47 FR 10953

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2046
COUNTIES: COSHOCTON, GUERNSEY, & HOLMES
DATE: Date of Publication

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2045
Supersedes Decision No. OH82-2019, dated March 12, 1982 in 47 FR 10953
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

COUNTIES: BELMONT, MONROE, & NOBLE
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$7.00	
BRICKLAYERS	8.83	
CARPENTERS	10.02	
CEMENT MASONS	8.58	
DRYWALL FINISHERS/HANGERS	7.50	
ELECTRICIANS	7.00	
LABORERS	6.41	
PAINTERS	7.33	
PLUMBERS; Pipefitters	9.17	
ROOFERS	7.00	
SHEET METAL WORKERS	7.00	
SOFT FLOOR LAYERS	7.80	
TILE SETTERS	8.90	
TRUCK DRIVERS	6.41	
POWER EQUIPMENT OPERATORS:		
Backhoes	8.92	
Bulldozers	8.83	
Front End Loaders	8.64	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2046
Supersedes Decision No. OH82-2052, dated October 29, 1982 in 47 FR 49210
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

COUNTIES: COSHOCTON, GUERNSEY, & HOLMES
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$7.25	
BRICKLAYERS; Blocklayers	9.00	
CARPENTERS	8.52	
CEMENT MASONS	9.39	
DRYWALL HANGERS	9.16	
DRYWALL FINISHERS	9.30	
ELECTRICIANS	8.62	
INSULATORS	7.00	
LABORERS	6.64	
PAINTERS	9.44	
PLUMBERS; Pipefitters	9.48	
ROOFERS	6.46	
SHEET METAL WORKERS	9.01	
SOFT FLOOR LAYERS; Carpet Layers	8.50	
TILE SETTERS	8.50	
TRUCK DRIVERS	7.93	
POWER EQUIPMENT OPERATORS:		
Backhoes	8.00	
Bulldozers	9.85	
Front End Loaders	8.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2047
COUNTIES: *SEE BELOW
DATE: Date of Publication
Supersedes Decision No. OH81-2061, dated October 9, 1981 in 46 FR 50263
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

*DELAWARE, FAIRFIELD, FRANKLIN, LICKING, MADISON, & PICKAWAY

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$10.04				
BRICKLAYERS	11.41				
CARPENTERS	7.61				
CEMENT MASONS	9.69				
DRYWALL FINISHERS	10.23				
DRYWALL HANGERS	9.47				
ELECTRICIANS	10.23				
LABORERS:					
Common	6.22				
Mason Tenders	7.59				
PAINTERS	6.78				
PLUMBERS	9.02				
ROOFERS	8.08				
SHEET METAL WORKERS	7.80				
SOFT FLOOR LAYERS	8.00				
TILE SETTERS	9.07				
TRUCK DRIVERS	7.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	11.57				
Bulldozers	10.22				
Front End Loaders	10.11				
Rollers	9.98				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2048
COUNTY: MUSKINGUM
DATE: Date of Publication
Supersedes Decision No. OH81-2016, dated April 10, 1981 in 46 FR 21586
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$8.50				
BRICKLAYERS	7.00				
CARPENTERS	6.91				
CEMENT FINISHERS/MASONS	7.50				
DRYWALL FINISHERS/HANGERS	7.50				
ELECTRICIANS	7.03				
LABORERS	4.77				
PAINTERS	7.00				
PLUMBERS	7.00				
ROOFERS	6.98				
SHEET METAL WORKERS	6.69				
SOFT FLOOR LAYERS	7.00				
TILE SETTERS	7.00				
TRUCK DRIVERS	6.75				
POWER EQUIPMENT OPERATORS:					
Backhoes; Bulldozers; & Front End Loaders	7.50				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2049
COUNTY: WAYNE
DATE: Date of Publication

SUPERSEDEAS DECISION

STATE: Oregon
COUNTIES: Clackamas, Multnomah, and Washington

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2049
COUNTY: WAYNE
DATE: Date of Publication
Supersedes Decision No. OH81-2017, dated April 10, 1981 in 46 FR 21588
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$8.28			
BRICKLAYERS; Blocklayers	8.59			
CARPENTERS	8.20			
CEMENT MASONS	8.15			
DRYWALL HANGERS, Finishers, & Tapers	6.92			
ELECTRICIANS	8.45			
INSULATORS	6.33			
LABORERS	6.35			
PAINTERS	6.00			
PLUMBERS; Pipefitters	7.84			
ROOFERS	7.88			
SHEET METAL WORKERS	8.06			
SOFT FLOOR LAYERS; Carpet Layers	7.50			
TILE SETTERS	8.00			
TRUCK DRIVERS	7.75			
POWER EQUIPMENT OPERATORS:				
Backhoes	8.88			
Bulldozers	9.06			
Graders	9.75			

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Oregon
COUNTIES: Clackamas, Multnomah, and Washington
DECISION NUMBER: OR83-5111
DATE: Date of Publication
Supersedes Decision No. OR80-5108 dated March 7, 1980, in 45 FR 15036
DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$17.64	3.23		
CARPENTERS	13.55	1.85		
CEMENT MASONS	15.42			
ELECTRICIANS	12.50	30+2.13		
INSULATION INSTALLERS	11.62			
LABORERS	8.42			
PAINTERS	11.03	3.09		
PLUMBERS	12.25	2.14		
ROOFERS	16.85	2.30		
SOFT FLOOR LAYERS*	13.786	2.38		
SHEET METAL WORKERS	12.12	1.36		
POWER EQUIPMENT OPERATORS:				
Backhoe, Loader	13.94	2.77		
TRUCK DRIVERS:				
Dump Truck, under 6 cu. yds.	10.92	2.88		

FOOTNOTE:
SOFT FLOOR LAYERS:
4% of all gross wages to be placed to the credit of the employees with less than one year of service; 6% of all gross wages to be placed to the credit of employees with more than one year service

Unlisted classifications needed for work not included within the scope of the classificatins listed may be awarded only as provided in the labor standards contract clauses 29 CFR, 5.5(a)(1)(ii)

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX83-4044
COUNTY: Tarrant
DATE: Date of Publication
Supersedes Decision No. TX80-4015, dated 2/15/80, in 45 FR 13570.
DESCRIPTION OF WORK: Residential construction consisting of single family homes & apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$8.00	
BRICKLAYERS	11.00	
CARPENTERS	8.51	
CEMENT MASONS	9.48	
DRYWALL HANGERS	9.00	
ELECTRICIANS	8.00	
FORM SETTERS	8.44	
IRONWORKERS	6.50	
INSULATION INSTALLERS	6.96	
LABORERS:		
Laborers	5.41	
Asphalt Rakers	7.75	
Plasterers' Tenders	7.00	
LANDSCAPERS	7.00	
PAINTERS:		
Brush	8.85	
Spray	9.89	
PLASTERERS	11.00	
PLUMBERS	8.77	
ROOFERS	7.34	
SHEET METAL WORKERS	8.23	
TILE SETTERS	10.00	
TRUCK DRIVERS	6.00	
POWER EQUIPMENT OPERATORS:		
Front End Loaders	8.34	
Graders	7.75	
Tractors	7.75	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)".

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Bastrop,Blanco,Caldwell,Fayette, Hays,Lee,Llano,Travis & Williamson
DECESION NO.: TX83-4045
DATE: Date of Publication
Supersedes Decision No. TX79-4068, dated 11/2/79, in 44 FR 63441.
DESCRIPTION OF WORK: Residential Projects consisting of single family homes and garden type apartments up to & including 4 stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$7.17	
BRICKLAYERS	10.00	
CARPENTERS	7.265	
CEMENT MASONS	8.00	
ELECTRICIANS	7.50	
FORM SETTERS	6.50	
INSULATION INSTALLERS	6.00	
IRONWORKERS	6.37	
LABORERS:		
Laborers	4.59	
Pipelayers	5.25	
PAINTERS	7.94	
PLUMBERS	7.50	
ROOFERS	10.00	
SHEET METAL WORKERS	10.00	
SHEET ROCKERS	8.00	
SOFT FLOOR LAYERS	6.39	
TRUCK DRIVERS	6.10	
POWER EQUIPMENT OPERATORS:		
Backhoes	6.64	
Front End Loaders	6.00	
Graders	6.63	
Rollers	6.25	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)".

[FR Doc. 83-15345 Filed 6-9-83; 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
June 10, 1983

Part V

Department of Health and Human Services

Food and Drug Administration

Over-the-Counter Human Use; Cholecystokinetic Drug Products; Final Monograph

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 357

[Docket No. 79N–0368]

Cholecystokinetic Drug Products for Over-the-Counter Human Use; Final Monograph

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule in the form of a final monograph establishing conditions under which over-the-counter (OTC) cholecystokinetic drug products (products that cause contraction of the gallbladder during diagnostic gallbladder studies) are generally recognized as safe and effective and not misbranded. FDA is issuing this final rule after considering public comments on the agency's proposed regulation, which was issued in the form of a tentative final monograph, and all new data and information on cholecystokinetic drug products that have come to the agency's attention. This final monograph is part of the ongoing review of OTC drug products conducted by FDA.

EFFECTIVE DATE: June 11, 1984.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drugs and Biologics (HFN–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 12, 1980 (45 FR 9286), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC cholecystokinetic drug products, together with the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products, which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. Interested persons were invited to submit comments by May 12, 1980. Reply comments in response to comments filed in the initial comment period could be submitted by June 11, 1980.

In accordance with § 330.10(a)(10), the data and information considered by the Panel were put on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, after deletion of a small amount of trade secret information.

The agency's proposed regulation, in the form of a tentative final monograph, for cholecystokinetic drug products was published in the **Federal Register** of August 24, 1982 (47 FR 37068). Interested persons were invited to file by October 25, 1982 written comments, objections, or requests for oral hearing before the Commissioner of Food and Drugs on the proposed regulation. Interested persons were invited to file by December 22, 1982 written comments on the agency's economic impact determination. Final agency action occurs with the publication of this final monograph, which is a final rule establishing a monograph for OTC cholecystokinetic drug products.

The OTC procedural regulations (21 CFR 330.10) have been revised to conform to the decision in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). (See the **Federal Register** of September 29, 1981; FR 47730.) The revised regulations now provide in § 330.10(a)(7)(iii) for a 12-month period to submit data and information to support a condition excluded from the monograph in the tentative order. In the case of cholecystokinetic drug products, the only condition considered was included in the monograph. Therefore, in the preamble to the proposed regulation the agency indicated that the usual 12-month comment period would serve no purpose in developing a final monograph for OTC cholecystokinetic drug products (47 FR 37068).

Although it was not required to do so under *Cutler*, FDA is no longer using the terms "Category I" (generally recognized as safe and effective and not misbranded), "Category II" (not generally recognized as safe and effective or misbranded), and "Category III" (available data are insufficient to classify as safe and effective, and further testing is required) at the final monograph stage, but is using instead the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III).

As discussed in the proposed regulation for OTC cholecystokinetic drug products (47 FR 37068), the agency advises that the conditions under which the drug products that are subject to this monograph will be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective on June 11, 1984. On or after that date, no OTC drug products that are subject to the monograph and that contain nonmonograph conditions, i.e., conditions that would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce unless they are the subject of an approved new drug application. Further, any OTC drug products subject to this monograph that are repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to comply voluntarily with the monograph at the earliest possible date.

In response to the proposed regulation on OTC cholecystokinetic drug products, comments were received from a College of Pharmacy and a drug manufacturer. Copies of these comments are on public display in the Dockets Management Branch (address above).

I. The Agency's conclusions on the Comments

1. One comment disagreed with the agency's proposed substitution of the word "doctor" for "physician" in § 357.250(d)(1) of the tentative final monograph. The comment stated that because "physician" is a term that is recognized by people of all ages and social and economic levels, there is no need for such a costly change providing absolutely no benefits. The comment further contended that "physician" is a more accurate term, whereas "doctor" is a broad term that could confuse and mislead the lay person into taking advice on medication from persons other than medical doctors, such as optometrists, podiatrists, and even chiropractors.

The agency recognizes that the term "doctor" is not a precise synonym for the word "physician," but believes that the terms are frequently used interchangeably by many consumers. Although the agency has proposed in a number of tentative final monographs to substitute the word "doctor" for "physician" in an effort to simplify OTC drug labeling, the agency has determined, based on comments received to these proposals, that final monographs and other applicable OTC drug regulations should give manufacturers the option of using either the word "physician" or the word "doctor." This final monograph includes that option.

2. One comment noted that the tentative final monograph permits dosage directions only in professional labeling and indicated that such information should be included in product container labeling. The comment argued that not including

dosage information on product labeling is contrary to the Federal Food, Drug, and Cosmetic Act, which requires OTC drug labeling to contain information adequate to permit a consumer to use a drug properly. The comment added that dosage information on product labeling is useful to both consumers and doctors and that not allowing this type of information will require doctors to issue a prescription to provide the dosage directions, thus increasing the possibility of error or misunderstanding. Finally, the comment cited marketing experience of a cholecystokinetic drug product containing dosage directions on product labeling, indicating that this product has been sold for 20 years without reported confusion, misuse, or consumer or professional concern.

The agency agrees with the comment that the labeling of OTC cholecystokinetic drug products should include dosage information. The agency included dosage information only in professional labeling in the tentative final monograph because these products are used only when directed by a doctor (47 FR 37069). However, the agency recognizes that dosage information can also be a useful supplement to a doctor's instructions. Accordingly, the agency is moving the dosage information contained in the professional labeling section of the tentative final monograph to the OTC labeling section of this final monograph. This information has been modified slightly to read as follows: Oral dosage is 60 milliliters 20 minutes before diagnostic gallbladder x-ray or as directed by a doctor.

II. The Agency's Final Conclusions on OTC Cholecystokinetic Drug Products

Based on the available evidence, the agency is issuing a final rule establishing monograph conditions under which OTC cholecystokinetic drug products are generally recognized as safe and effective and not misbranded. Any drug product marketed for use as an OTC cholecystokinetic that is not in conformance with the monograph (21 CFR Part 357, Subpart C) will be considered a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)) and may not be marketed for this use unless it is the subject of an approved new drug application.

During the course of the OTC drug review, the agency has maintained that a monograph describing the conditions under which an OTC drug will be generally recognized as safe and effective and not misbranded must include both specific active ingredients and specific labeling. (This policy has become known as the "exclusivity rule.") The agency's position has been that it is necessary to limit the acceptable labeling language to that developed and approved through the OTC drug review process in order to ensure the proper and safe use of OTC drugs. The agency has never contended, however, that any list of terms developed during the course of the review literally exhausts all the possibilities of terms that appropriately can be used in OTC drug labeling. Suggestions for additional terms or for other labeling changes may be submitted as comments to proposed or tentative final monographs within the specified time periods or, after issuance of final monographs, through petitions to amend monographs under § 330.10(a)(12).

During the course of the review, FDA's position on the "exclusivity rule" has been questioned many times in comments and objections filed in response to particular proceedings and in correspondence with the agency. The agency has also been asked by the Proprietary Association to reconsider its position. To assist the agency in resolving this issue, FDA conducted an open public forum on September 29, 1982 at which interested parties presented their views. The forum was a legislative type administrative hearing under 21 CFR Part 15 that was held in response to a request for a hearing on the tentative final monographs for nighttime sleep-aids and stimulants (published in the **Federal Register** of June 13, 1978; 43 FR 25544). Details of the hearing were announced in a notice published in the **Federal Register** of July 2, 1982 (47 FR 29002). The agency's decision on this matter will be announced following conclusion of its review of the material presented at the hearing.

No comments were received in response to the agency's request for specific comment on the economic impact of this rulemaking (47 FR 37070). The agency has examined the economic consequences of this final rule in conjunction with other rules resulting from the OTC drug review. In a notice published in the **Federal Register** of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of these rules, including this final rule for OTC cholecystokinetic drug products, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-354. That assessment included a discretionary Regulatory Flexibility Analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for OTC cholecystokinetic drug products is not expected to pose such an impact on small businesses. Therefore, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 21 CFR Part 357

OTC drugs, Cholecystokinetics.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)) and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations is amended by adding new Part 357 to read as follows:

PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Cholecystokinetic Drug Products

Sec.

357.201 Scope.
357.203 Definition.
357.210 Cholecystokinetic active ingredient.
357.250 Labeling of cholecystokinetic drug products.
357.280 Professional labeling.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Cholecystokinetic Drug Products

§ 357.201 Scope.

(a) An over-the-counter cholecystokinetic drug product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this subpart in addition to each of the general conditions established in § 330.1.

(b) References in this subpart to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

§ 357.203 Definition.

As used in this subpart:

Cholecystokinetic drug product. A drug product that causes contraction of the gallbladder and is used during the course of diagnostic gallbladder studies (cholecystography).

§ 357.210 Cholecystokinetic active ingredient.

The active ingredient of the product is a 50-percent aqueous emulsion of corn oil.

§ 357.250 Labeling of cholecystokinetic drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "gallbladder diagnostic agent."

(b) *Indications.* The labeling of the product contains a statement of the indication under the heading "Indication" that is limited to the phrase "For the contraction of the gallbladder during diagnostic gallbladder studies."

(c) *Warnings.* [Reserved]

(d) *Directions.* The labeling of the product contains the following statements under the heading "Directions":

(1) "Take only when instructed by a doctor."

(2) "Shake well before using."

(3) Oral dosage is 60 milliliters 20 minutes before diagnostic gallbladder x-ray or as directed by a doctor.

(e) The word "physician" may be substituted for the word "doctor" in any of the labeling statements in this section.

§ 357.260 Professional labeling.

The labeling provided to health professionals (but not to the general public) may contain the following information for products containing a 50-percent aqueous emulsion of corn oil: *Indication.* "For visualization of biliary ducts during cholecystography."

Effective date. This monograph is effective on June 11, 1984.

(Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended) (5 U.S.C. 553, 554, 702, 703, 704).)

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

Dated: May 18, 1983.

[FR Doc. 83-15288 Filed 6-9-83; 8:45 am]

BILLING CODE 4160-01-M

federal register

Friday
June 10, 1983

Part VI

Department of the Interior

Bureau of Land Management

Mineral Materials Disposal and Surface Exploration; Mining and Reclamation of Land

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 23, 3600, 3610, and 3620

[Circular No. 2528]

Mineral Materials Disposal and Surface Exploration; Mining and Reclamation of Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: These final regulations revise and consolidate existing regulations governing the disposal of mineral materials on the public lands and Federal mineral interests administered by the Bureau of Land Management. This rulemaking eliminates needless, burdensome and counterproductive regulations and is a result of a review of existing regulations to reduce the regulatory burden on the public. The final rules also reflect the comments received from the public suggesting changes to the proposed regulations.

EFFECTIVE DATE: July 11, 1983.

ADDRESS: Inquiries or suggestions should be sent to: Director (570), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT: Brenda Aird (202) 343–8537.

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published in the **Federal Register** on May 3, 1982 (47 FR 19066) with a comment period of 60 days. A total of 16 comments were received. Two comments were submitted by associations representing the mining industry, and fourteen comments were submitted by various offices of the Bureau of Land Management. The general reaction to the proposed rulemaking was positive, with some comments and suggestions for improvement on specific points in the rulemaking. These suggestions will be discussed below as they relate to specific sections.

Section 3600.0–3 Authority. Ten comments were received concerning this section of the proposed rulemaking. Two comments requested that this section be expanded to allow for further clarification of the Bureau of Land Management's authority to dispose of mineral materials from lands held for the benefit of Indians in the State of Alaska. The authority for disposal of mineral materials from lands selected by Alaskan Natives is found in 43 CFR 2650.1. Therefore, this section was not changed in final rulemaking.

One comment expressed the view that reference to the Secretary of Agriculture's authority to dispose of mineral materials was inappropriate in regulations which concern the Department of the Interior. In response to this comment this section is deleted in final rulemaking.

Section 3600.0–5 Definitions. Comments on this section requested clarification of some of the proposed definitions. Changes were made removing references to Outer Continental Shelf lands as management responsibilities for those lands have been transferred from the Bureau of Land Management to the Minerals Management Service.

One comment suggested that the requirement for notation of community pits on records maintained by Bureau of Land Management State offices be eliminated. This suggestion was not adopted in final rulemaking because of the need to notify the public of existing land use authorizations. However, the community pit and common use area definitions were amended to more accurately describe the differences between the two types of disposal sites.

One comment indicated that the inclusion of "gemstones" in the definition of "hobby specimens" was inappropriate. After careful consideration of this and other comments it was determined that all references to "hobby specimens" should be omitted. Collection of hobby minerals on Federal lands is the subject of the proposed rulemaking, revising 43 CFR Part 3630 (47 FR 35914) currently under consideration by the Bureau. "Hobby Specimens" and "gemstones" are more appropriately treated in that rulemaking.

One comment suggested that comprehensive definitions be made for some terms, so that there would be consistency of definitions among Bureau programs. Because of the differences in sources of authority for Bureau programs, it is not possible to develop a comprehensive set of definitions that would apply to all activities upon lands administered by the Bureau of Land Management. Therefore, this suggestion was not adopted in final rulemaking. However, the definition of unnecessary or undue degradation found in this final rulemaking is the same as that found at 43 CFR Part 3809 concerning surface management under the Federal Land Policy and Management Act.

Section 3601.1–1 Valid existing rights and unpatented mining claims. Most of the comments on this section of the proposed rulemaking recommended a change to allow for the disposal of mineral materials from unpatented mining claims. This comment was not adopted in final rulemaking. The Department is examining the benefits of seeking legislation granting the statutory authority for disposal of mineral material from unpatented mining claims.

Section 3601.1–3 Removal of Materials and Section 3601.2 Planning and Environmental Protection. These sections are discussed concurrently because of their merger in final rulemaking. Comments expressed the view that as written these sections placed excessive discretion with local managers for determining the degree of impact that mineral material disposal would have on other resources or land uses. The Department of the Interior has concluded that placing such authority at the level of the field manager is consistent with the Department's philosophy of management which places maximum feasible authority and responsibility at the local level. Locating authority at this level of the organization permits resource management decisions to be made by those who are most familiar with local resource conditions and needs.

One comment expressed concern that references to planning implied that decisions to dispose of mineral materials could be made only when specifically addressed in land use planning documents. The disposal of mineral materials is a general activity which is considered in the planning process, but site specific disposal actions do not have to be addressed in land use plans.

In these regulations, specific references to environmental assessment have been modified to provide for the use of an environmental review instead of an environmental assessment. Use of the broader term, environmental review, accommodates designation of mineral material disposals as categorical exclusions within the framework of the National Envronmental Policy Act of 1969 (42 U.S.C. 4332). Categorical exclusion reviews are performed by the BLM for those routine actions which do not normally result in significant impacts to the environment, and thus may not require an environmental assessment.

Section 3602.1 Mining and Reclamation Plans. One comment recommended that the provisions in the proposed rulemaking for submission of a mining plan and a separate reclamation plan be combined. This suggestion is adopted in the final rulemaking, which allows the two submissions to be combined at the discretion of the authorized officer.

Many comments suggested adding or deleting specific items to be included in

mining and reclamation plan submissions. After careful consideration, final rulemaking provides plan the minimum required information for inclusion in a mining or reclamation plan. Additional information may be required at the discretion of the authorized officer.

Section 3602.1–3 Approval and modification of mining and reclamation plans. Several comments suggested that a specific timetable be established in the regulations for approval of plans and modifications to plans. Development of specific timetables for a large number of discrete actions would impose a substantial burden upon both the Bureau of Land Management and potential applicants. At present, it is not possible to forecast the rate and distribution of applications for mineral material disposals and therefore, establishing precise timetables for the processing of applications is not feasible. Revisions have been made to provide for a 30 day approval period for plan modifications.

One comment suggested changes to more clearly indicate that the authorized officer has final authority to determine whether a mining or reclamation plan should be modified. This suggestion was adopted in the final rulemaking.

Section 3602.2 Sampling and Testing. Comments expressed the view that the requirement to obtain permits for sampling and testing purposes under Part 2920 of this title was duplicative and complicated. Comments suggested that a simplified procedure for testing and sampling prior to use authorization be adopted. In response to these comments, this requirement was changed in the final rulemaking to permit sampling and testing through use of a letter of authorization.

Some comments expressed the view that bonding was not necessary for sampling and testing activities. In developing final rulemaking, it was concluded that in most cases bonding requirements may not be necessary. However, the Department of the Interior has determined that it is prudent for local managers to have the authority to require bonding where necessary to protect the public lands.

Section 3602.3 Removal of improvements. In response to comments suggesting editorial changes to other sections of the proposed rules, sections which dealt with removal of improvements have been combined and relocated in this general section.

Section 3603 Unauthorized use. Some comments suggested expanding this section to specify damages for unauthorized use. The Department of the Interior is presently revising Part 9239 of this title to make liability for unauthorized use consistent throughout the programs administered by the Department. Therefore, this suggestion was not adopted.

Subpart 3604 Community pits and common use areas. Comments indicated that § 3604.1 was unclear and appeared to imply that a permittee could establish a superior right to remove material against subsequent claims or entries. This section has been revised in final rulemaking to clarify that the designation of a community pit site constitutes a superior right or pre-existing right to remove minerals as against subsequent claims. The designation of a common use area does not constitute such a superior or pre-existing right. However, issuance of a use authorization within a common use area does confer such a right to the permittee.

One comment expressed the view that paragraph (d) of § 3604.1 duplicated § 3604.2. Other comments recommended that references to reclamation be clarified.

In response to these suggestions, references to reclamation in § 3604.1(d) have been removed and § 3604.2 has been amended to specify the types of reclamation to be performed in lieu of reclamation reimbursement payments and to clarify the procedure for calculating reclamation reimbursement costs.

Section 3610.1–1 Qualifications of applicants. A suggestion was made to delete this section because of lack of specific statutory language authorizing the Department of the Interior to require such information from applicants. After reviewing the language of the Materials Act, the Department concluded that the law has no specific requirements concerning qualifications of applicants. In addition, the Secretary of the Interior will not exercise his regulatory authority under the Act to require the qualifications set forth in the proposed rulemaking. Therefore, § 3610.1–1 is removed by the final rulemaking.

Section 3610.1–2 Request for sale. One comment was received recommending that provisions in the regulations for oral requests for disposals be removed. This has been adopted in the final rulemaking.

Another comment suggested that in sales below $50, the value should be administratively determined rather than being the result of an appraisal. This comment was not incorporated into final rulemaking. The Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.) states that it is the policy of Congress that the United States receive fair market value for resources from the public lands unless otherwise provided by statute. The Materials Act requires the payment of adequate compensation for resources sold pursuant to that Act. The Secretary has determined that, for the purposes of sales under the Materials Act, adequate compensation shall be the fair market value, as determined by appraisal, of such resources.

There were also questions from some commenters concerning guidelines for determination of fair market value. Guidelines for determination of fair market value are being incorporated into appropriate manual sections for use by Bureau of Land Management appraisal staffs. It is expected that these manual sections, which are public documents, will answer the questions posed in the submission of commenters.

Another comment was received concerning the need to clarify measurement methods for mineral materials. This section has been revised in final rulemaking to clearly indicate that all measurements are made on the basis of in-place volume or weight.

Section 3610.1–3 Payments and termination by agreement. One comment suggested that the requirement for an annual payment in lieu of production without provision for future credit be removed because of the cost such a provision imposes upon the mineral material users in a fluctuating market. In response to this suggestion, the requirement for payment in lieu of annual production has been modified to allow these annual payments in lieu to be applied to future production.

Section 3610.1–4 Refunds or credits. Several suggestions were made to clarify the intent of this section. Comments indicated the need to clarify the situations where a refund or credit was appropriate. In final rulemaking, this section was modified to indicate that the authorized officer is the decision maker who determines whether there is a sufficient amount of materials in a sale area to fulfill the terms of the contract. This section has also been revised to indicate that the authorized officer has the authority to determine whether a contract should be terminated. This section has been further revised to indicate that refunds or credits will not be made where total payments have not exceeded the administrative cost of processing the application.

Section 3610.1–5 Performance bonds. Several comments suggested that requiring bonding for sales of over $500 was setting the level too low and would create a significant burden on small operators. In response to this suggestion, this provision has been changed to

require bonding on sales of $2000 or more in the final rulemaking.

Other comments requested further explanation of the types of bonds which would be acceptable. The types of bonds which are acceptable have been described in the final rulemaking.

Section 3610.1–7 Extension of time. Comments requested clarification of the number of times that extensions can be granted. In final rulemaking, this is clarified to indicate that an extension may be granted only once.

Section 3610.2–1 Limitations in volume. Comments on this section requested clarification of the reasons for limitations of 100,000 cubic yards per individual sale. The Department of the Interior has determined that the public interest is best served by encouraging competition for these resources. Consequently, the provisions that limit volumes for individual sales remain in the final rulemaking.

Section 3610.2–3 Federal mineral leases. Clarification was requested of provisions allowing the use of materials removed in the process of extracting minerals under Federal leases. The specific procedures concerning this topic will be addressed in a forthcoming manual section governing mineral material disposals.

Section 3610.2–4 Term of contract. In response to comments, this section has been revised in the final rulemaking to indicate that the term of contract does not include extension and removal periods. Although not addressed in this final rulemaking, duration of production contracts will no longer be issued.

Section 3610.3–5 Contracts. Comments requested clarification of procedures for bid awards. These procedures have been clarified in the final rulemaking.

Section 3610.3–6 Term of Contract. In response to comments, this section has been revised to indicate that contract terms shall not exceed 10 years, excluding extensions or periods for removal of equipment and improvements.

Section 3621.1–4 Conditions. Comments requested clarification of the criteria by which the authorized officer determines whether the applicant owns or controls an adequate supply of materials and should not, therefore, be issued a free use permit. These criteria have been revised in the final rulemaking.

Section 3621.1–5 Removal of materials by agent. Several comments stated that parts of this section were repetitive of language found elsewhere in this part. Following review, both § 3621.1–5(a) and § 3621.1–5(c) were deleted.

Other comments suggested that provisions for ensuring that agents not be paid more than fair compensation for time, labor, or money spent in extracting, processing, or removing mineral materials were not enforceable or necessary. After careful consideration, this provision has been deleted in the final rulemaking.

Section 3621.2 Permits to governmental units and non-profit organizations. In response to a suggestion from one commenter, the term "municipalities" was added in the final rulemaking to the list of government and non-profit organizations which can qualify for free use permits.

One comment expressed the view that the limitation on volume for non-profit organizations were too low. After careful consideration, the Department of the Interior has determined that this limit strikes an appropriate balance between non-profit organizations' needs and the need to obtain fair return for resources on the public lands.

Section 3622.4 Collection rules. One comment recommended revision of the wording in this section to permit barter of petrified wood among hobby collectors. This change is made in final rulemaking. It is anticipated that the procedures for the disposal of petrified wood will be included in the proposed rulemaking at 43 CFR Part 3630. However, until final regulations are published at 43 CFR Part 3630, these procedures will be found in 43 CFR 3622.4.

Subpart 3623 Free Use, Collecting—Hobby mineral specimens. Comments expressed the view that this subpart was not properly developed and perhaps lacked a legal basis for inclusion in this rulemaking in its present form. Following review, it was determined that this section should be removed, and relocated in another subpart which more appropriately addresses hobby mineral collection. This subpart has been included in 43 CFR Part 3630—Geologic and Hobby Minerals Collection and was published as a proposed rule at 47 FR 35914 on August 17, 1982.

Regulations currently governing the collection of hobby mineral specimens on public lands are found at 43 CFR 8363.2–1.

Part 23—Surface exploration, mining and reclamation of lands. Comments received on Part 23 expressed the view that all references to "contracts" be deleted from this part. This suggestion was considered but the term "contracts" as well as "permits" have application outside of mineral material disposals, therefore it was determined that removal of references to contracts without removal of references to permits would be confusing. This suggestion is not adopted in the final rulemaking.

The principal author of this final rulemaking is Brenda Aird, Division of Mining Law and Materials Sales, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management.

The Department of the Interior has determined that this final rulemaking is not a major rule under Executive Order 12291. The Department has further determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.). The purpose of this rulemaking is primarily to streamline procedures for the management and disposal of mineral materials on Federal Lands, and will affect all individuals or entities participating in the disposal of mineral materials in a similar manner. The information collection requirement in this rulemaking has been reviewed and approved by the Office of Management and Budget and assigned Clearance Number 1004–0103. The approval expires June 30, 1985.

List of Subjects

43 CFR Part 23

Environmental protection, Natural resources, Surety bonds, Surface mining.

43 CFR Parts 3600, 3610, 3620

Public Lands, Mineral Resources.

Under the authority of the Materials Act of July 31, 1947 as amended, (30 U.S.C. 601, 602), Part 23, Subtitle A, Chapter I is revised and Group 3600, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is revised by revising Part 3600 and adding new Parts 3610 and 3620 as set forth below.

March 17, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

Group 3600—Mineral Materials Disposal

Note.—The information collection requirements contained in Parts 3600, 3610 and 3620 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1004–0103. The information is being collected to allow the authorized officer to determine if the applicant is qualified to purchase or have free use of mineral materials on the public lands. The obligation to respond is required to obtain a benefit.

PART 3600—MINERAL MATERIALS DISPOSAL: GENERAL

Subpart 3600—General

Sec.
3600.0–1 Purpose.
3600.0–3 Authority.
3600.0–4 Policy.
3600.0–5 Definitions.

Subpart 3601—Limitations

3601.1 Limitations, disposal of mineral materials.
3601.1–1 Valid existing rights and unpatented mining claims.
3601.1–2 Authorization to use lands subject to material sales contracts and free use permits.
3601.1–3 Environmental protection and planning.

Subpart 3602—Disposal of Mineral Materials; General

3602.1 Mining and reclamation plans.
3602.1–1 Mining plans
3602.1–2 Reclamation plans.
3602.1–3 Approval and modification of mining and reclamation plans.
3602.2 Sampling and testing.
3602.3 Removal of improvements.

Subpart 3603—Unauthorized Use

3603.1 Unauthorized Use.

Subpart 3604—Community Pits and Common Use Areas

3604.1 Non-exclusive disposal.
3604.2 Reclamation.

Subpart 3600—General

§ 3600.0–1 Purpose.

The regulations in this part establish procedures for the exploration, development and disposal of mineral material resources as well as the protection of the environment of the public lands under permit or contract for sale or free use.

§ 3600.0–3 Authority.

(a) The Act of July 31, 1947, as amended (30 U.S.C. 601 et seq.) provides:

(1) Authority for the disposal of mineral materials including, but not limited to, petrified wood and common varieties of sand, stone, gravel, pumice, pumicite, cinders and clay, in the public lands of the United States, and from lands on which the mineral rights have been reserved to the United States, if the disposal of these materials (i) is not otherwise expressly authorized by law, including, but not limited to the Act of June 28, 1934, as amended (43 U.S.C. 315 et seq.) and the United States mining laws, (ii) is not expressly prohibited by the laws of the United States, and (iii) would not be detrimental to the public interest.

(2) That where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under the regulations in this Part only with the consent of such Federal department or agency or of such State or local governmental unit;

(3) That disposal of mineral materials under the Materials Act may not be made from any lands in any national park or national monument or from any Indian lands or lands set aside or held for the use or benefit of Indians including lands over which jurisdiction has been transferred to the Department of the Interior by Executive Order for the use of Indians.

(4) Authority for the Secretary of the Interior, in his discretion to permit the free use of mineral materials by any Federal or State government agency, unit or subdivision, including municipalities, or any nonprofit association or corporation. The Materials Act *does not* permit these materials to be used for commercial or industrial purposes, resale or barter.

(b) Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) directs the Secretary:

(1) To manage public lands under the principles of multiple use and sustained yield in accordance with the land use plans developed under the Act (see Part 1601 of this title).

(2) To regulate, through easements, permits, leases, licenses, published rules or other instruments deemed appropriate, the use, occupancy and development of public lands.

(3) To prevent unnecessary and undue degradation of the public lands.

(c) Section 2 of the Act of September 28, 1962 (76 Stat. 652) requires the Secretary of the Interior to provide by regulation that limited quantities of petrified wood may be removed without charges from public lands which he shall specify. Section 2 of the above Act applies to the same public lands as the Act of July 31, 1947, as amended (30 U.S.C. 601, 602). Specifically excluded are lands in any national park, or national monument, or any Indian lands.

(d) Section 304(b) of the Federal Land Policy and Management Act of 1975 (43 U.S.C. 1734) and the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a) provide authorities for the collection of fees and the reimbursement of costs by the government.

§ 3600.0–4 Policy.

It is the policy of the Bureau of Land Management to permit the disposal of mineral material resources under the Bureau's jurisdiction at fair market value while ensuring that adequate measures are taken to protect the environment and minimize damage to public health and safety during the authorized exploration for and the removal of such minerals. No mineral material shall be disposed of if the Secretary determines that the aggregate damage to public lands and resources would exceed the benefits to be derived from the proposed sale or free use.

§ 3600.0–5 Definitions

As used in this group, the term:

(a) "Bureau" means Bureau of Land Management, Department of the Interior.

(b) "Director" means the Director of the Bureau of Land Management.

(c) "Permittee" means any person, corporation, partnership and association, Federal, or State agency, unit, or subdivision, including municipalities, and non-profit organization or corporation or other entity that has been issued a contract or a free-use permit for the removal of mineral materials from the public lands.

(d) "Authorized officer" means any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described in this Part.

(e) "Mineral material" includes, but is not limited to, "common varieties" of sand, stone, gravel, pumice, pumicite, cinders, clay and other mineral materials and petrified wood.

(f) "Public lands" means any lands and interest in lands owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management without regard to how the United States acquired ownership, except lands held for the benefit of Indians, Aleuts, and Eskimos.

(g) "Community pit" means a site from which nonexclusive disposals of mineral materials can be made. The establishment of a community pit, when noted on the appropriate Bureau of Land Management records or posted on the ground, constitutes a superior right to remove material as against any subsequent claim or entry of the lands.

(h) "Common use area" means a generally broad geographic area from which nonexclusive disposals of mineral materials can be made, with only negligible surface disturbance. The establishment of a common use area does not create a superior right to remove material as against any subsequent claim or entry of the lands.

(i) "Performance bond" means a bond to ensure compliance with the terms of

the contract and reclamation of the site as required by the authorized officer.

(j) "Act" means the Material Act of July 31, 1947, as amended, (30 U.S.C. 601, et seq.).

(k) "Unnecessary or undue degradation" means surface disturbance greater than what would normally result when an activity is being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and taking into consideration the effects of operations on other resources and land uses, including those resources and uses outside the area of operations. Unnecessary and undue degradation may involve failure to initiate and complete reasonable mitigation measures, including reclamation of disturbed area; creation of a nuisance; or failure to comply with applicable environmental protection statutes and regulations.

Subpart 3601—Limitations

§ 3601.1 Limitations; disposal of mineral materials.

§ 3601.1–1 Valid existing rights and unpatented mining claims.

(a) Mineral material disposals may not be made by the authorized officer from public lands where:

(1) There are any unpatented mining claims which have not been cancelled by appropriate legal proceeding;

(2) Expressly prohibited by law.

§ 3601.1–2 Authorization to use lands subject to material sales contracts and free use permits.

(a) The permittee under contract of sale or permit for free use shall, unless otherwise provided, have the right to:

(1) Extract, remove, process and stockpile the material until the termination of the contract regardless of any subsequent appropriation under the provisions of the general land laws; and

(2) Use and occupy the described lands if it is determined by the authorized officer to be necessary for fulfillment of the contract until termination of that contract.

(b) The permittee shall be subject to the continuing rights of the United States to issue leases, permits and licenses for the use and occupancy of the lands, provided that this authorized use does not endanger or materially interfere with the production or removal of materials under contract.

(c) Any person that has a subsequent settlement, location, lease, sale or other appropriation under the general land laws, including the mineral leasing and mining law on lands covered by a material sale contract or free use permit shall be subject to the existing use authorization.

§ 3601.1–3 Environmental protection and planning.

The authorized officer shall not dispose of mineral material under this Part where he/she determines that the proposed operation will cause unnecessary or undue degradation. Upon receipt of an application for sale or free use of mineral materials, the authorized officer shall complete an environmental review to ensure that unnecessary or undue degradation is prevented. Disposal actions which are categorically excluded from the NEPA process can be found in the Departmental manual. See 516 DM 6, Appendix 5. Decisions to authorize the disposal of mineral materials shall conform to approved land use plans, when available, in accordance with § 1610.5–3 of this title.

Subpart 3602—Disposal of Mineral Materials; General

§ 3602.1 Mining and reclamation plans.

The authorized officer may require the applicant to submit mining and reclamation plans prior to environmental review or issuance of a contract or permit. The mining plan and reclamation plan may be combined into one document.

§ 3602.1–1 Mining plans.

The applicant, when required by the authorized officer, shall prepare a mining plan that includes, but is not limited to:

(a) A map, sketch or aerial photograph showing the area applied for, the area to be disturbed, existing and proposed access and the names and locations of major topographic and known cultural features;

(b) A description of the proposed methods of operation and the periods during which the proposed activities will take place;

(c) A description of measures to be taken to prevent hazards to public health and safety and to prevent unnecessary and undue degradation.

§ 3602.1–2 Reclamation plans.

The applicant, when required by the authorized officer, shall submit a reclamation plan that includes, but is not limited to:

(a) A statement of the proposed manner and time for completion of the reclamation of the areas disturbed by the permittee's operations;

(b) A map or sketch which delineates the location and area to be reclaimed.

§ 3602.1–3 Approval and modification of mining and reclamation plans.

(a) Upon review of the mining and reclamation plans, the authorized officer shall promply notify the applicant of any deficiencies in the plan and of changes needed to prevent undue and unnecessary degradation of the lands, and hazards to public health and safety. Necessary changes shall be made as agreed by the authorized officer and the applicant.

(b) The permittee's operation shall not deviate from the plan approved by the authorized officer.

(c) An approved mining or reclamation plan may be modified by mutual agreement of the authorized officer and permittee at any time to adjust to changed conditions, or correct any oversight potentially resulting in undue or unnecessary degradation. Any change shall be consistent with the requirements under § 3601.1–3 of this title.

(d) The authorized officer shall review the proposed plan modification and within 30 days notify the permittee of its approval or needed changes.

§ 3602.2 Sampling and testing.

(a) Sampling and testing of mineral materials may be done pursuant to a letter of authorization issued by the authorized officer. These activities may be authorized prior to issuance of a sales contract or free use permit. The permittee shall submit his findings to the authorized officer. Information and data submitted and specifically identified by the permittee as containing trade secrets or confidential or privileged commercial or financial information shall not be available for public examination in accordance with the provisions of the Freedom of Information Act. A determination concerning information which may be withheld from public examination shall be made in accordance with the rules in 43 CFR Part 2.

(b) A letter of authorization to sample and test mineral materials does not give the applicant a preference right to a sales contract or free use permit.

(c) The authorized officer may impose bonding and reclamation requirements on sampling and testing activities conducted pursuant to a letter of authorization.

§ 3602.3 Removal of Improvements

After the permit period expires, the authorized officer may grant the permittee no more than 90 days, excluding periods of inclement weather, to remove the equipment, personal property and any other improvements

placed on the public lands by the permittee. Improvements such as roads, culverts and bridges may remain in place with the consent of the authorized officer. If the permittee fails to remove such equipment, personal property or any other improvements, they shall become the property of the United States but the permittee shall remain liable for the cost of removal of such equipment, personal property and any other improvements and for restoration of the site.

Subpart 3603—Unauthorized use

§ 3603.1 Unauthorized Use.

Except when authorized by sale or permit under law and the regulations of the Department of the Interior, the extraction, severance or removal of mineral materials from public lands under the jurisdiction of the Department of the Interior is unauthorized use. Unauthorized users shall be liable for damages to the United States, and shall be subject to prosecution for such unlawful acts (see subpart 9239 of this title).

Subpart 3604—Community Pits and Common Use Areas

§ 3604.1 Non-exclusive disposal.

(a) Non-exclusive mineral material sales and free use under permit may be made from the same deposit within areas designated by the authorized officer, and consistent with other provisions under this part. These designated community pit sites or common use areas are not limited in size.

(b) The designation of a community pit site constitutes a superior right to remove the material as against any subsequent claim or entry of the lands.

(c) The designation of a common use area does not establish a superior right to remove the material as against any subsequent claim or entry of the land; however, a person authorized by permit or sale to remove mineral materials from a common use area has a superior right to remove the material as against any subsequent claim or entry on the lands.

(d) Sales from community pit sites or common use areas shall be made at fair market value. No mining or reclamation plan shall be required, but the permittee shall comply with the terms of the contract or permit to protect health and safety and prevent undue or unnecessary degradation of the public lands.

§ 3604.2 Reclamation.

(a) Permits or contracts for the extraction of mineral materials from community pits or common use areas shall not require reclamation but shall require payment of costs of reclamation, as provided in paragraph (b) of this section. However, the authorized officer may allow qualified permittees to perform interim or final reclamation, where needed, in lieu of paying reclamation charges.

(b) The reimbursement cost of reclamation shall be a proportionate share of the total estimated cost of reclamation, determined by using a ratio of the material extracted under the permit or contract to the total estimated volume of the material to be extracted from the site.

2. Part 3610 is added to read as follows:

PART 3610—SALES

Subpart 3610—Mineral Material Sales

Sec.

3610.1 Procedures; general.
3610.1–1 Request for sale.
3610.1–2 Appraisal, reappraisals and measurements.
3610.1–3 Payments.
3610.1–4 Refunds or credits.
3610.1–5 Performance and reclamation bonds.
3610.1–6 Assignments.
3610.1–7 Extension of time.
3610.2 Non-competitive sales.
3610.2–1 Limitations in volume.
3610.2–2 Government programs.
3610.2–3 Federal mineral leases.
3610.2–4 Term of contract.
3610.3 Competitive sales.
3610.3–1 General.
3610.3–2 Advertising.
3610.3–3 Conduct of sales.
3610.3–4 Bid deposits.
3610.3–5 Contracts.
3610.3–6 Term of contract.

Subpart 3610—Mineral Material Sales

§ 3610.1 Procedures; general.

§ 3610.1–1 Request for sale.

Under the provisions of this part, the authorized officer may sell mineral materials upon receipt of a written Request by any person who expresses an interest in mineral materials; or his own initiative.

§ 3610.1–2 Appraisal, reappraisal and measurements.

(a) No mineral materials shall be sold at less than fair market value as determined by appraisal.

(b) The authorized officer shall reappraise mineral materials disposed of under this part at intervals of not less than 2 years and shall adjust the contract unit price accordingly.

(c) Mineral materials may be measured by in-place volume or weight equivalent.

§ 3610.1–3 Payments and termination by agreement.

(a) Under a contract of sale for mineral materials, the permittee:

(1) Shall not remove mineral materials until advance payment is made;

(2) Shall for contract sales of $2,000 or less, pay the full amount at execution of the contract;

(3) May, when the sale exceeds $2,000, make installment payments of not less that $500 or 10 percent of the total purchase price, whichever is greater and shall: (i) For non-competitive sales, pay the first installment prior to or at the time the contract is awarded; (ii) for competitive sales, pay the first installment as a deposit at the time the bid is submitted, and (iii) pay each subsequent installment for non-competitive and competitive sales in an amount equal to the value of the mineral material removed prior to removal of the material:

(4) Shall pay the total amount of the purchase price no later than 60 days before the expiration date of the contract;

(5) Shall annually produce an amount sufficient to pay to the United States a sum of money equal to the first installment, or in lieu of such production, shall make an annual payment in the amount of the first installment. Annual payments shall be due on or before the anniversary date of the execution of the contract;

(6) Shall forfeit all monies paid when the required payments under the terms and conditions of the contract are not met. Failure to comply with the terms and conditions for payment shall constitute a breach of contract and the authorized officer may terminate the contract;

(7) Shall be required to make an annual report of production under the contract and to provide written verification of the amount of mineral materials removed upon request by the authorized officer to allow verification of payments.

(b) The permittee and the authorized officer may, by agreement, terminate the contract of sale at any time.

§ 3610.1–4 Refunds or credits.

(a) Refunds or credits may be made to the permittee:

(1) If upon expiration total payments made exceed the total value of mineral materials covered by the contract;

(2) If it is determined by the authorized officer that insufficient mineral materials existed in the sales area to fulfill the terms of the contract; or

(3) If materials paid for are unavailable as a result of termination of a contract, as provided in § 3610.1–3(b) of this title.

(b) Refunds of credits may not be made where the total payment made by a permittee does not exceed the administrative cost of processing the disposal action.

(c) Payments made in lieu of production, as provided in § 3610.1–3(a)(5), may be credited to future production, but not refunded, unless upon expiration, the total value of payments made exceeds the total value of mineral materials covered by the contract. Payments made in lieu of production prior to termination or relinquishment of contract will not be refunded.

§ 3610.1–5 Performance and reclamation bonds.

(a) The authorized officer shall require a performance bond of not less than $500 or 20 percent of the total contract value, whichever is greater, for contracts of $2,000 or more, except for contract sales or permits made from community pits when a reclamation fee is paid by the permittee.

(b) The authorized officer may require a reclamation or performance bond for contract sales of less than $2,000, but in no event shall the bond be for more than 20 percent of the total contract value.

(c) A performance and reclamation bond may be a:

(1) Bond of a corporate surety shown on the approved list issued by the U.S. Treasury Department;

(2) Cash bond, with a power of attorney to the Secretary to convert such cash upon default in the performance of the terms and conditions of the contract or permit; or

(3) Negotiable Treasury bond of the United States of a par value equal to the amount of required bond, together with a power of attorney to the Secretary to sell such securities upon default.

§ 3610.1–6 Assignments.

(a) The permittee may not assign the contract, permit or any interest therein without the written approval of the authorized officer. The authorized officer shall ensure that all terms and conditions agreed upon are contained in the assignment and are assumed by the assignee.

(b) The authorized officer shall not approve any proposed assignments involving contract performances unless the assignee furnishes a performance bond as required by § 3610.1–5 of this title or obtains a written commitment from the previous surety to be bound by the assignment when approved.

(c) Upon approval of an assignment by the authorized officer, the assignee shall be entitled to all the rights and be subject to all the obligations under the contract, and the permittee shall be released from any further liability under the contract.

§ 3610.1–7 Extension of time.

The authorized officer may grant a one-time extension not to exceed 1 year, if the permittee:

(a) Submits a written request that is received by the authorized officer no later than 30 days or earlier than 90 days prior to the expiration date of the contract; and

(b) Shows, in writing that the delay in removal of the mineral materials was due to causes beyond the control of and without fault or negligence of the permittee.

§ 3610.2 Noncompetitive sales.

§ 3610.2–1 Limitations in volume.

(a) When it is determined to be in the public interest, and where it is impracticable to obtain competition, the authorized officer may sell at not less than fair market value, without advertising or calling for bids, mineral materials not to exceed 100,000 cubic yards (or weight equivalent) in any individual sale.

(b) The authorized officer shall not approve noncompetitive sales that exceed the total aggregate of 200,000 cubic yards (or weight equivalent) made in any one State for the benefit of any one individual, partnership, corporation or entity in any period of twelve consecutive calendar months.

(c) The volume limitations in paragraphs (a) and (b) of this section shall not apply to sales in the State of Alaska of mineral materials which the authorized officer determines are needed for construction, operation, maintenance or termination of the Trans-Alaska Pipelines System or the Alaska Natural Gas Transportation System.

§ 3610.2–2 Government programs.

The authorized officer may sell mineral materials not exceeding 200,000 cubic yards (or weight equivalent) at not less than fair market value without advertising or calling for bids when:

(a) The authorized officer determines the sale to be in the public interest; and

(b) The materials are to be used in connection with a public works improvement program that requires urgent attention on behalf of a Federal, State or local governmental agency and that does not permit time required for advertising.

§ 3610.2–3 Federal mineral leases.

Where the materials are to be used in connection with the development of public lands under a mineral lease issued by the United States, the authorized officer may without calling for competitive bids, sell a volume of mineral materials not to exceed 200,000 cubic yards (or weight equivalent) to any one permittee in one State in any calendar year. No charge shall be made for mineral materials necessarily moved in the process of extracting minerals under Federal lease, as long as the materials remain within the boundaries of the lease and are used for lease development.

§ 3610.2–4 Term of contract.

The term for noncompetitive contracts for the sale of mineral materials shall not exceed 5 years, excluding extension and removal periods.

§ 3610.3 Competitive sales.

§ 3610.3–1 General.

(a) The authorized officer shall make sales, except those specified in Subpart 3604 and § 3610.2 of this title, only after inviting competitive bids through publication and posting in conformance with § 3610.3 of this title.

(b) The authorized officer shall not hold sales sooner than 1 week after the last advertisement inviting competitive bids.

§ 3610.3–2 Advertising.

(a) When offering mineral materials for sale by competitive bidding, the authorized officer:

(1) Shall advertise the sale through publication in a newspaper of general circulation in the area where the material is located, on the same day once a week for two consecutive weeks;

(2) May extend the period of a time for advertising; and

(3) Shall post a notice of sale in a conspicuous place in the office where bids are to be submitted.

(b) In the advertisement of sale, the authorized officer shall state:

(1) The location by legal description of the tract or tracts on which the material is being offered;

(2) The kind of materials being offered;

(3) The estimated quantities of materials being offered;

(4) The unit of measurement;

(5) The appraised prices;

(6) The time and place for receiving and opening of bids;

(7) The minimum deposit require;

(8) The access requirement;

(9) The method of bidding;

(10) The requirement that mining and reclamation plans shall be filed and that reclamation will be required if applicable.

(11) The bonding requirement;

(12) The location for inspection of contract terms and proposed stipulations;

(13) The office where additional information may be obtained; and

(14) Any additional information deemed necessary.

§ 3610.3–3 Conduct of sales.

(a) Bidding at competitive sales shall be by the submission of written sealed bids, oral bids or a combination of both, as directed by the authorized officer. In the event of a tie in high sealed bids, the highest bid shall be determined by oral auction among the persons making high bids. If no oral bid is made which is higher than the sealed bids, the successful bidder shall then be determined by lot. In oral auctions, immediately after the high bid is announced, the person offering the high bid shall confirm that bid in writing.

(b) When it is in the interest of the Government to do so, the authorized officer may reject any or all bids and may waive minor deficiencies in the bids.

§ 3610.3–4 Bid deposits.

A person making a bid to purchase mineral materials shall submit a deposit in advance of the sale.

(a) Sealed bids shall be accompanied by a deposit. At oral auctions, persons making bids shall make the deposit prior to opening of the bidding. The amount of the deposit shall be $500 or 10 percent of the appraised value as specified in the sale advertisement, whichever is greater.

(b) Deposits may be in the form of cash, money orders, bank drafts, or cashier's or certified checks made payable to the Bureau of Land Management.

(c) The bid deposits of all persons making bids, except that of the successful bidder, shall be returned upon conclusion of the bidding.

(d) The deposit of the person making the successful bid shall be applied to the purchase price at the time the contract is signed by the authorized officer.

§ 3610.3–5 Contracts.

(a) The authorized officer may require the person making the high bid to furnish information that is necessary to determine his ability to fulfill the obligations of the contract. The contract shall be awarded by the authorized officer to the person making the highest bid, unless he is unwilling to accept the terms of the contract or unless all bids are rejected.

(b) Within 30 days after receipt of the contract, the person making the successful bid shall sign and return the contract, together with any required performance bond and mining and reclamation plan when applicable. The authorized officer may extend this period an additional 30 days upon written request of the applicant, within the first 30-day period. If the person making the successful bid fails to comply within the first 30-day period, or an approved 30-day extension, the successful bidder shall forfeit the bid deposit as liquidated damages. The authorized officer may offer and award the contract for the amount of the high bid to the person making the next highest bid who is qualified and willing to accept the contract, upon the redeposit of the amount required under § 3610.3–4(a).

(c) The authorized officer shall make all sales on contract forms approved by the Director. The authorized officer may include in the contract such additional provisions as are deemed necessary to protect other resource values or prevent unnecessary and undue degradation of the public lands.

§ 3610.3–6 Term of Contract.

The term for competitive contracts of sale for mineral materials shall not exceed 10 years, excluding extension or removal periods.

3. Part 3620 is added to read as set forth below:

PART 3620—FREE USE

Subpart 3621—Free Use; General

Sec.

3621.1 Permits; general.
3621.1–1 Applications.
3621.1–2 Terms.
3621.1–3 Assignment.
3621.1–4 Conditions.
3621.1–5 Removal of materials by agent.
3621.1–6 Bonds.
3621.1–7 Cancellation.
3621.2 Permits to governmental units and non-profit organizations.

Subpart 3622—Free Use of Petrified Wood

3622.1 Program; general.
3622.2 Procedures; permits.
3622.3 Designation of areas.
3622.4 Collection rules.

Subpart 3621—Free Use, General

§ 3621.1 Permits; general.

§ 3621.1–1 Applications.

An application for a free use permit shall be filed with the authorized officer on forms approved by the Director.

§ 3621.1–2 Terms.

The authorized officer may grant free use permits to any Federal, or State agency, unit or subdivision, including municipalities, for periods deemed appropriate, not to exceed 10 years. The authorized officer may issue free use permits not to exceed 1 year in duration to non-profit organizations, and may extend any free use permit for a single additional period not to exceed 1 year.

§ 3621.1–3 Assignment.

A free use permit may be assigned or transferred to persons or other entities listed in § 3621.1–2 of this title qualified to hold a free use permit with the written approval of the authorized officer.

§ 3621.1–4 Conditions.

(a) The authorized officer shall incorporate the provisions governing the selection, removal and use of the mineral materials in the free use permit.

(b) The authorized officer shall not issue a free use permit upon determination that the applicant owns or controls an adequate supply of suitable mineral materials that are readily available and can be mined in a manner which is economically and environmentally acceptable.

(c) Mineral materials obtained under a free use permit shall not be bartered or sold.

(d) The permittee shall not remove the mineral materials before a permit is issued or after a permit has expired.

§ 3621.1–5 Removal of materials by agent.

A free use permittee may allow an agent to extract the mineral materials. This agent shall not charge the permittee for the materials extracted, processed or removed, or receive mineral materials from the permit area as payment for services rendered, or as a donation or gift.

§ 3621.1–6 Bond.

The authorized officer may require a bond as a guarantee of faithful performance of the provisions of the permit and applicable regulations.

§ 3621.1–7 Cancellation.

The authorized officer may cancel a permit if the permittee fails, after adequate notice, to observe the terms and conditions of the permit.

§ 3621.2 Permits to governmental units and non-profit organizations.

(a) The authorized officer may issue a free use permit to any Federal or State agency, unit or subdivision, including municipalities, without limitation as to the number of permits or as to the value

of the mineral materials to be extracted or removed, provided the applicant makes a satisfactory showing to the authorized officer that these materials will be used for a public project.

(b) The authorized officer may issue a free use permit to a non-profit organization or corporation for not more than 5,000 cubic yards (or weight equivalent) in any period of twelve consecutive months.

(c) Permits issued under this subpart shall constitute a superior right to remove the materials and shall continue in full force and effect, in accordance with its terms and provisions, as against any subsequent claim to or entry of the lands.

Subpart 3622—Free Use of Petrified Wood

§ 3622.1 Program; general.

(a) Persons may collect limited quantities of petrified wood for noncommercial purposes under terms and conditions consistent with the preservation of significant deposits as a public recreational resource.

(b) The purchase of petrified wood for commercial purposes is provided for in § 3610.1 of this title.

§ 3622.2 Procedures; permits.

No application or permit for free use is required except for specimens over 250 pounds in weight. The authorized officer may issue permits, using the procedures of subpart 3621 of this title, for the removal of such specimens if the applicant certifies that they will be displayed to the public in a museum or similar institution.

§ 3622.3 Designation of areas.

(a) All public lands administered by the Bureau of Land Management and the Bureau of Reclamation are open to or available for free use removal of petrified wood unless otherwise provided for by notice in the **Federal Register**. Free use areas under the jurisdiction of said Bureaus may be modified or cancelled by notices published in the **Federal Register**.

(b) The heads of other Bureaus in the Department of the Interior may publish in the **Federal Register** designations, modifications or cancellations of free use areas for petrified wood on lands under their jurisdiction.

(c) The Secretary of the Interior may designate, modify or cancel free use areas for petrified wood on public lands which are under the jurisdiction of other Federal departments or agencies, other than the Department of Agriculture, with the consent of the head of other Federal departments or agencies concerned, upon publication of notice in the **Federal Register**.

§ 3622.4 Collection rules.

(a) *General.* The authorized officer shall control the removal without charge of petrified wood from public lands using the following criteria:

(1) The maximum quantity of petrified wood that any one person is allowed to remove without charge per day is 25 pounds in weight plus one piece, provided that the maximum total amount that one person may remove in one calendar year shall not exceed 250 pounds. Pooling of quotas to obtain pieces larger than 250 pounds is not allowed.

(2) Except for holders of permits issued under Subpart 3621 of this title to remove museum pieces, no person shall use explosives, power equipment, including, but not limited to, tractors, bulldozers, plows, power-shovels, semi-trailers or other heavy equipment for the excavation or removal of petrified wood.

(3) Petrified wood obtained under this section shall be for personal use and shall not be sold or bartered to commercial dealers.

(4) The collection of petrified wood shall be accomplished in a manner that prevents unnecessary and undue degradation of lands.

(b) *Additional rules.* The head of the agency having jurisdiction over a free use area may establish and publish additional rules for collecting petrified wood for noncommercial purposes to supplement those included in § 3622.4(a) of this title.

PART 23—SURFACE EXPLORATION, MINING AND RECLAMATION OF LANDS

2. Part 23 is amended as follows:

Authority [Amended]

A. The authority section is amended by removing the citation "61 Stat. 681, as amended; 30 U.S.C. 601" after the citation "30 U.S.C. 359".

§ 23.2 [Amended]

B. Section 23.2(a) is amended by changing "paragraphs" to "paragraph" and removing the phrase "and (c)" from the first sentence and removing the citation "the Materials Act of July 31, 1947, as amended (30 U.S.C. 601–604)".

C. Section 23.2(b) is amended by deleting the phrase "which are under the jurisdiction of the Secretary of Agriculture (74 Stat. 205)".

D. Section 23.2(c) is removed in its entirety and paragraph (d) is redesignated as (c).

§ 23.3 [Amended]

E. Section 23.3(b) is removed in its entirety and the succeeding paragraphs are appropriately renumbered.

§ 23.4 [Amended]

F. Section 23.4 is amended by the removal of the words "or the Materials Act" after the words "subject to disposition under the mineral leasing Acts".

§ 23.5 [Amended]

G. Section 23.5(a)(1) is amended by removing the words "or an application for a permit or an offer to make a contract under the Materials Act".

H. Section 23.5(b) is amended by removing from the fourth sentence the words "or the Materials Act".

§ 23.7 [Amended]

I. Section 23.7(b) is removed in its entirety and the succeeding paragraphs are appropriately renumbered.

§ 23.8 [Amended]

J. Section 23.8(a) is amended by removing subparagraph (2) in its entirety and renumbering paragraph (a)(1) as (a).

§ 23.10 [Amended]

K. Section 23.10(a)(1) is amended by removing the sentence, "The holder of a permit or a party to a contract under the Materials Act shall file such reports with the district manager."

L. Section 23.10(a)(2) is amended by removing the words "and upon district managers with respect to permits issued or contracts made under the Materials Act".

M. Section 23.10(e)(2)(ii) is amended by removing the phrase "or the Materials Act".

N. Section 23.10(e)(2)(iii) is amended by removing the phrase "or the Materials Act".

§ 23.11 [Amended]

O. Section 23.11(a) is amended by removing the words "and upon district managers with respect to permits issued or contracts made under the Materials Act".

[FR Doc. 83-15809 Filed 6-9-83; 8:45 am]
BILLING CODE 4310-84-M

federal register

Friday
June 10, 1983

Part VII

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Vol. 907]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 6, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA Section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS
ISSUED JUNE 6, 1983
VOLUME 907

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-ARKOMA PRODUCTION CO				RECEIVED:	05/12/83	JA: CA			
8336717	83-6-0018	0409520593		103		BRIGANTINO 13-1	MILLAR	1050.0	
-CHEVRON U S A INC				RECEIVED:	05/12/83	JA: CA			
8336715	83-5-0002	0403120239		102-4		SALYER 678X	TULARE LAKE FIELD	365.0	
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	05/12/83	JA: CA			
8336719	83-2-0017	0411120659		103		ARCO 11 (REDRILL 2)	OJAI-SILVERTHREAD	50.0	ARCO OIL & GAS CO
8336718	83-2-0018	0411120948		103		HOBSON BFB1-170	RINCON	15.0	PACIFIC LIGHTING
-TXO PRODUCTION CORP				RECEIVED:	05/12/83	JA: CA			
8336716	83-6-0017	0401120219		102-4		STAPP-ASM 3-1	GRIMES GAS FIELD	100.0	PACIFIC GAS & ELE
KANSAS CORPORATION COMMISSION									
-DYNAMAR ENERGY INC				RECEIVED:	05/12/83	JA: KS			
8336713	K-83-0232	1500721279		102-4		OLDHAM 'U' #2	BOGGS SW	126.0	
8336714	K-83-0231	1500721220		102-4		SWAYDEN #1	DEERHEAD N	200.0	
-DYNAMAR ENERGY INC				RECEIVED:	05/13/83	JA: KS			
8336773	K-83-0230	1500721542		102-4		KINCAID #26-1	UNNAMED	0.0	
LOUISIANA OFFICE OF CONSERVATION									
-BLG CO				RECEIVED:	05/09/83	JA: LA			
8336836	83-0162	1711123838		103	108	WELLS #3 (SN 182343)	MONROE	0.0	MID LOUISIANA GAS
MONTANA BOARD OF OIL & GAS CONSERVATION									
-GULF OIL CORPORATION				RECEIVED:	05/13/83	JA: MT			
8336761	5-82-154	2509121418		102-2		STRINGER 2-14-1B			
-MIDLANDS GAS CORPORATION				RECEIVED:	05/13/83	JA: MT			
8336764	6-82-153	2507121285		103		STATE #1-3651	KATY LAKE	20.0	TRUE OIL CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	05/13/83	JA: MT			
8336763	6-82-155	2509121427		103		E GOFF #1	BONDOIN	22.0	KN ENERGY INC
-WEST GAS INC				RECEIVED:	05/13/83	JA: MT			
8336762	5-82-150	2509521056		103		FRADET 4-24	GOOSE LAKE (RED RIVER	34.0	PHILLIPS PETROLEU
8336765	6-82-156	2509521165		108		NORDAHL 9A-11	LAKE BASIN	57.0	MONTANA DAKOTA UT
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							LAKE BASIN	3.6	MONTANA DAKOTA UT
-CLEMENTS ENERGY INC				RECEIVED:	05/13/83	JA: NM			
8336766		3002528091		103		MGF NM 22 STATE #1	HIGH PLAINS (PENN)	36.5	WARREN PETROLEUM
-EL PASO NATURAL GAS COMPANY				RECEIVED:	05/13/83	JA: NM			
8336772		3003920539		108-PB		JOHNSTON A #14	OTERO-CHACRA	0.0	EL PASO NATURAL G
8336769		3003907983		108		SAN JUAN 32-5 UNIT #10	BLANCO-MESAVERDE	11.0	EL PASO NATURAL G
8336771		3004507630		108		SCHULTZ COM F #11	AZTEC - FRUITLAND	16.0	EL PASO NATURAL G
8336770		3004505721		108		THOMPSON A #1	BALLARD - PICTURED CL	15.0	EL PASO NATURAL G
8336768		3004506485		108-PB		TURNER B COM B #7	FULCHER KUTZ-PICTURED	0.0	EL PASO NATURAL G
-SANTA FE EXPLORATION CO				RECEIVED:	05/13/83	JA: NM			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8336767		3001524091		102-4		EXXON STATE COM #1	UNDESIGNATED MORROW	219.0	EL PASO NATURAL G
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ALTIMUS N DEAN				RECEIVED:	05/12/83	JA: NY			
8336712	2978	3101312717		102-4		SZPAK #1	FREDONIA REEF	5.0	NATIONAL FUEL GAS
OKLAHOMA CORPORATION COMMISSION									
-ARCO OIL AND GAS COMPANY				RECEIVED:	05/12/83	JA: OK			
8336738	21583	3505921166		103		GEBHARDT ZOLLINGER UNIT #3	MOCANE - LAVERNE	18.3	
8336746	21652	3504721953		103		ORA MAXEY #1	SOUTH DOUGLAS	27.0	ARCO OIL & GAS CO
-BRACKEN EXPLORATION CO				RECEIVED:	05/11/83	JA: OK			
8336676	20185	3503920734		102-4		REID #1-32	STAFFORD	118.0	
-BRISCOE LAND DEVELOPMENT INC				RECEIVED:	05/11/83	JA: OK			
8336678	20874	3508121811		103		BATTLE #1A	SW DAVENPORT	50.0	MERIDIAN ENERGY I
-BROCK HYDROCARBONS INC				RECEIVED:	05/11/83	JA: OK			
8336673	16747	3504321222		102-4		BLACKWOMAN #1-17	FOHBA	8.0	
-COASTAL OIL & GAS CORP				RECEIVED:	05/11/83	JA: OK			
8336688	20570	3503920646		102-2		BAKER 1-31 (31-15-19)	KAUK	547.0	
-CORE OIL & GAS CORP				RECEIVED:	05/11/83	JA: OK			
8336684	09292	3504920637		102-4		WILLIE SMITH #1	NOT AVAILABLE	0.0	WARREN PETROLEUM
-CORE OIL & GAS CORP				RECEIVED:	05/12/83	JA: OK			
8336753	10626	3510920443		102-4		EUEL #2	CHOCTAW	0.0	
-DYCO PETROLEUM CORPORATION				RECEIVED:	05/12/83	JA: OK			
8336752	24188	3501521508		107-DP		STEVENS 1-7	WEST SICKLES	3.5	EL PASO NATURAL G
-ENTEX PETROLEUM INC				RECEIVED:	05/11/83	JA: OK			
8336681	21560	3508320765		103		HUMP HALSEY #2	WEST LAWRIE	2.0	EASON OIL CO
-EUREKA OIL LTD PARTNERSHIP				RECEIVED:	05/12/83	JA: OK			
8336741	21603	3513723012		103		LONERY #1	WEST LOCO SW SE NE 32	0.0	
-F C D OIL CORP				RECEIVED:	05/12/83	JA: OK			
8336750	21622	3508121765		103		SILL 1-28	N STROUD	459.9	MERIDIAN ENERGY I
-GRIFFIN MARRY				RECEIVED:	05/12/83	JA: OK			
8336743	21621	3510121631		103		JOHNSON #1		0.0	PHILLIPS PETROLEU
-HIGHLANDS GOODALL & GREER INC				RECEIVED:	05/11/83	JA: OK			
8336674	19845	3507323414		102-4	103	ANNA SCHWARZ #1-3	N OKARCHE	0.0	PHILLIPS PETROLEU
-INTEGRATED ENERGY INC				RECEIVED:	05/12/83	JA: OK			
8336756	18472	3510525628		102-2	103	VIVIAN F GALLERY - BLANTON #17	CALIFORNIA CREEK	1460.0	
8336757	18473	3510522518		102-2	103	VIVIAN F GALLERY-BLANTON #1	CALIFORNIA CREEK	31.8	
8336755	13471	3510525651		102-2	103	VIVIAN F GALLERY-BLANTON #12	CALIFORNIA CREEK	36.5	
-INTERNORTH INC				RECEIVED:	05/11/83	JA: OK			
8336677	20195	3503920584		102-2		SMITH "B" 21 #1	HAMMON N E	472.0	NORTHERN NATURAL
-JUMAS OIL PART CORP				RECEIVED:	05/11/83	JA: OK			
8336693	21425	3510720793		108		HAMMER #3	DUTCHER & BODCN	5.7	PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	05/12/83	JA: OK			
8336740	21597	3509322018		103		JEFFERIES #2	RINGWOOD	20.0	UNION TEXAS PETRO
-LEEDE OIL & GAS INC				RECEIVED:	05/12/83	JA: OK			
8336747	21653	3503920730		123		HODGE # 1	KENDOH	30.0	NORTHERN NATURAL
-MENBOURNE OIL COMPANY				RECEIVED:	05/11/83	JA: OK			
8336680	21524	3504520966		103		STATE "16" #1	NORTH CHANEY (MORROW	40.0	NORTHERN NATURAL
-MONSANTO COMPANY				RECEIVED:	05/11/83	JA: OK			
8336692	21374	3508720824		103		DOSS #2	NO FREENY	700.0	LONE STAR GAS CO
-MULTISTATE OIL PROPERTIES NV				RECEIVED:	05/11/83	JA: OK			
8336690	21050	3502500000		108		BUSTER GUM #2	GRIGGS SOUTHEAST	4.0	PHILLIPS PETROLEU
8336689	21049	3502500000		108		BUSTER GUM #7	GRIGGS SOUTHEAST	0.4	PHILLIPS PETROLEU
-OFS-TULSA CORP				RECEIVED:	05/11/83	JA: OK			
8336671	21592	3507323530		103		MOSHE #4-31	SOONER TREND	99.0	PHILLIPS PETROLEU
8336672	21593	3507323503		103		SUE ANN #1-32	SOONER TREND	19.0	CONOCO INC
-OFS-TULSA CORP				RECEIVED:	05/12/83	JA: OK			
8336748	21594	3507323616		103		BRIAN #2-32	SOONER TREND	0.0	CONOCO INC
-OKLAHOMA PETROLEUM MANAGEMENT CORP				RECEIVED:	05/12/83	JA: OK			
8336754	18456	3511921947		102-2		CASIDA #2		0.0	PARKS ENERGY INVE
-PETRO DAVIS INC				RECEIVED:	05/11/83	JA: OK			
8336682	21586	3508300000		103		DANNY #1	CRESCENT	0.0	EASON OIL CO
-PETRO-LEWIS CORPORATION				RECEIVED:	05/12/83	JA: OK			
8336737	21579	3500722415		103		CATES 2-9	SOUTH BEAVER	18.0	PHILLIPS PETROLEU
-PORTS OF CALL OIL CO				RECEIVED:	05/12/83	JA: OK			
8336739	21585	3501722360		103		MILLER #14-1	WILDCAT	365.0	PHILLIPS PETROLEU
-PREMIER RESOURCES LTD				RECEIVED:	05/11/83	JA: OK			
8336695	21443	3500721058		103		BARBY E020	MOCANE - LAVERNE	14.0	PANHANDLE EASTERN
8336694	21442	3515120474		108		MAYES F003	TEGARDEN	10.0	PANHANDLE EASTERN
8336670	21444	3500720934		103		STATE E001	M FORGEN 16	12.0	PANHANDLE EASTERN
-PRICE RESOURCES				RECEIVED:	05/12/83	JA: OK			
8336744	21630	3510321798		103		SEEGARS #1		54.8	ARCO OIL & GAS CO
-RICHARD WHEELER JR				RECEIVED:	05/12/83	JA: OK			
8336742	21609	3508320680		103		BERGEN #1	EAST MARSHALL	17.0	EASON OIL CO
-ROBINSON OIL CO				RECEIVED:	05/12/83	JA: OK			
8336736	21503	3513722555		103		SIMS "A" #1	SHO-VEL-TUM	18.8	MOBIL OIL CORP
-SAMSON RESOURCES COMPANY				RECEIVED:	05/11/83	JA: OK			
8336685	13611	3506120514		102-4	103	COX #1	QUINTON	164.3	ARKANSAS LOUISIAN
8336686	19038	3509120431		102-4	103	JAMEWAY UNIT #1	E SALEM	30.1	COLUMBIA GAS DEVE
-SENECA OIL CO				RECEIVED:	05/11/83	JA: OK		784.8	TRANSOK PIPE LINE
8336657	20114	3504321530		102-4		FRANS TRUST #1-22		127.8	PHILLIPS PETROLEU
8336673	20116	3501722205		102-4	103	HARD #1-32			
-SUNRISE EXPLORATION INC				RECEIVED:	05/11/83	JA: OK			
8336591	21364	3500920453		102-2		DAMRON #1	INDIAN CREEK	388.0	MICHIGAN WISCONSI
-SUNRISE EXPLORATION INC				RECEIVED:	05/12/83	JA: OK			
8336751	23056	3505120685		102-4		JENKINS #1		738.0	MOBIL OIL CORP
-SWALA OIL & GAS CORP				RECEIVED:	05/12/83	JA: OK			
8336734	21169	3515121243		103		REITZ #1		182.5	PANHANDLE EASTERN
-TENNECO OIL COMPANY				RECEIVED:	05/11/83	JA: OK			
8336679	21521	3510321808		103		SOUTH LONE ELM CLEVELAND S U #70	SOUTH LONE ELM	7.0	AMINOIL U S A INC
-TOLAND & JOHNSTON INC				RECEIVED:	05/12/83	JA: OK			
8336759	18937	3510920556		102-2		ANNIE #1	NW MARRAH	4.0	CONTINENTAL GAS P
8336733	18939	3510920328		102-2		COUCH #1	NW MARRAH	4.0	CONTINENTAL GAS P
8336758	18916	3510920553		102-2		DEVILLA #1		36.0	CONTINENTAL GAS P
8336760	18946	3510920469		102-2		HELEN COUCH #1		72.0	CONTINENTAL GAS P
-TXO PRODUCTION CORP				RECEIVED:	05/12/83	JA: OK			
8336745	21640	3512920836		102-2		BOTTOMS "B" #1	E ROLL	0.0	DELMI GAS PIPELIN
-VULCAN ENERGY CORP				RECEIVED:	05/11/83	JA: OK			
8336683	21600	3507323335		108		MEUER #1	SOONER TREND	146.0	
-WAHN OIL CO INC				RECEIVED:	05/12/83	JA: OK			
8336735	21405	3510525916		103		J L ALLISON #G-1	WILDCAT	19.0	
-WARD PETROLEUM CORP				RECEIVED:	05/12/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8336749	21619	3505121352		103		ROSALIA 1-35	S W NORGE	120.0	PHILLIPS PETROLEU
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-ALCOVE INVESTMENTS				RECEIVED:	05/11/83	JA: PA			
8336633	19881	3706321546		107-PE		INDIANA INVESTMENT #6	FULTON RUN	4.0	PEOPLES NATURAL G
-ANGERMAN ASSOCIATES INC				RECEIVED:	05/11/83	JA: PA			
8336632	19814	3706327376		103		K D COLEMAN #9 - IND-27376	W PENNA - UPPER DEVON	15.0	PEOPLES NATURAL G
-ATLAS RESOURCES INC				RECEIVED:	05/11/83	JA: PA			
8336629	19756	3715527346		102-4		OVERMAN #2	CHERRYHILL	335.0	COLUMBIA GAS TRAN
8336628	19755	3706327373		102-4		OVERMAN #3	CHERRYHILL	272.0	COLUMBIA GAS TRAN
-C & N CO				RECEIVED:	05/11/83	JA: PA			
8336612	15961	3706324077		103		RESCHINI INSURANCE AGENCY #1	WHITE	200.0	PEOPLES NATURAL G
-CASTLE GAS CO INC				RECEIVED:	05/11/83	JA: PA			
8336658	19952	3706322739		108		R D HENRY #1 (C-246) IND-22739	EAST MAHONING	2.9	PEOPLES NATURAL G
8336659	19953	3706323294		108		R D HENRY #2 (C-247) IND-23294	EAST MAHONING	2.9	PEOPLES NATURAL G
8336660	19954	3706324474		108		W LEMMON #1 (C-515) IND-24474	GRANT	4.6	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	05/11/83	JA: PA			
8336635	19885	3703321425		102-2		J M CHASE #1 WN-1936	[illegible]	2.0	GENERAL SYSTEM PU
8336634	19884	3702120197		102-2		WILLIAM D WILSON WN-1989	SUSQUEHANNA	55.0	GENERAL SYSTEM PU
8336636	19886	3703321471		102-4		WILLIAM PIFER #1 WN-1945	BELL	9.0	GENERAL SYSTEM PU
-DOC-NCC SERVICE [illegible]				RECEIVED:	05/11/83	JA: PA			
8336617	18234	3712921901	D	108		ALVIN B VANCE 451-2	EAST HUNTINGDON	20.8	TEXAS EASTERN TRA
-HAROLD E BROWN				RECEIVED:	05/11/83	JA: PA			
8336638	19918	3712500000		108		BOOTH #1	ELLSWORTH	9.0	PEOPLES NATURAL G
8336639	19919	3712500000		108		FIFOLTE #1	MONOGALIA	11.6	PEOPLES NATURAL G
8336642	19922	3705900000		108		FURBEE #1	GILMORE	2.6	PEOPLES NATURAL G
8336640	19920	3712500000		108		MONTGOMERY #1	WASHINGTON	6.0	PEOPLES NATURAL G
8336637	19917	3700500000		108		RIDENOUR #1	KISKI	0.6	PEOPLES NATURAL G
8336641	19921	3712500000		108		VAN ROBENSON #1	MONOGLIA	3.4	PEOPLES NATURAL G
8336643	19923	3712500000		108		WOSCOSHESKI #1	WEST PIKE	8.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC				RECEIVED:	05/11/83	JA: PA			
8336614	16044	3706326111		108		DAVID L JOYCE #2	BURRELL	8.0	PEOPLES NATURAL G
8336611	15895	3706324079		108		ERNEST FOWLER #1	WHITE	[illegible].0	PEOPLES NATURAL G
8336613	16040	3700522300		108		M MUSSER #1 (34A)	PLUMCREEK	[illegible].0	PEOPLES NATURAL G
8336615	16058	3706324871		108		T FRICK #1 (23.7A)	WHITE	0.0	PEOPLES NATURAL G
8336616	16059	3706324875		108		VERNON K LIGHTNER #2	WEST MAHONING	8.0	PEOPLES NATURAL G
-MITCH-WELL ENERGY INC				RECEIVED:	05/11/83	JA: PA			
8336631	19791	3704922654		102-2		GERALD BECK #1	REEDS CORNERS	8.0	NATIONAL FUEL GAS
8336630	19790	3704922654		107-TF		GERALD BECK #1	REEDS CORNERS	8.0	NATIONAL FUEL GAS
-NEA CROSS CO				RECEIVED:	05/11/83	JA: PA			
8336620	19594	3704922464		102-2		JOSEPH M & MILDRED MAJERIK #1	WATERFORD BOROUGH	11.0	NATIONAL FUEL GAS
8336619	19593	3704922464		107-TF		JOSEPH M & MILDRED MAJERIK #1	WATERFORD BOROUGH	10.0	NATIONAL FUEL GAS
8336621	19595	3704922460		102-2		PAUL & SILVA SKELTON #2	WATERFORD	10.0	NATIONAL FUEL GAS
8336622	19596	3704922460		107-TF		PAUL & SILVA SKELTON #2	WATERFORD	11.0	NATIONAL FUEL GAS
-PENN PROJECTS LTD DRILLING PROGRAM				RECEIVED:	05/11/83	JA: PA			
8336607	19626	3712921953		102-4		DAVID C HYSKELL #1	MT PLEASANT	25.0	
8336609	19628	3712922037		102-4		LLOYD W SHERBONDY #1	MT PLEASANT	25.0	
-PENN-CAL CONTRACTORS INC				RECEIVED:	05/11/83	JA: PA			
8336618	19495	3703100000		103		SLAUGENHAUPT #1	LICKING	3.5	COLUMBIA GAS TRAN
-PETROBANK OPERATING CO				RECEIVED:	05/11/83	JA: PA			
8336627	19728	3706327325		102-2		CLARK ESTATE #30	MONTGOMERY	9.8	COLUMBIA GAS TRAN
-PIONEER WESTERN ENERGY CORP				RECEIVED:	05/11/83	JA: PA			
8336608	19627	3712922101		102-4		ROY B SMITH #1	MT PLEASANT	25.0	
-QUESTA PETROLEUM CO				RECEIVED:	05/11/83	JA: PA			
8336610	19629	3712921970		102-4		DAVID C HYSKELL #2	MT PLEASANT	25.0	
-R D WERNER CO INC				RECEIVED:	05/11/83	JA: PA			
8336651	19931	3708520477		103		C BARROWS UNIT #1	SUGAR GROVE	28.5	
8336650	19930	3708520477		107-TF		C BARROWS UNIT #1	SUGAR GROVE	28.5	
8336647	19927	3708520445		103		G STEVENSON #1	SUGAR GROVE	45.0	
8336646	19926	3708520445		107-TF		G STEVENSON #1	SUGAR GROVE	45.0	
8336653	19935	3708520444		107-TF		L CARLSON UNIT #1	SUGAR GROVE	0.0	
8336652	19934	3708520444		103		L CARLSON UNIT #1	SUGAR GROVE	30.0	
8336657	19939	3708520466		107-TF		L GRUBER #1	SUGAR GROVE	30.0	
8336656	19938	3708520466		103		L GRUBER #1	SUGAR GROVE	30.0	
8336655	19937	3708520467		107-TF		L WILLIAMS UNIT #1	SUGAR GROVE	31.0	
8336654	19936	3708520467		103		L WILLIAMS UNIT #1	SUGAR GROVE	31.0	
8336645	19925	3708520446		103		R WEAVER #1	SUGAR GROVE	40.0	
8336644	19924	3708520446		107-TF		R WEAVER #1	SUGAR GROVE	40.0	
8336648	19928	3708520460		107-TF		W MCINTIRE #1	SUGAR GROVE	30.0	
8336649	19929	3708520460		103		W MCINTIRE #1	SUGAR GROVE	30.0	
-T W PHILLIPS GAS & OIL CO				RECEIVED:	05/11/83	JA: PA			
8336663	19960	3700500000		103		DANIEL BECK #1	BURRELL	2.2	T W PHILLIPS GAS
8336661	19958	3700500000		103		DANIEL BECK #2	BURRELL	0.8	T W PHILLIPS GAS
8336666	19963	3700521072		108		E E SCHAEFFER #2	BURRELL	2.1	T W PHILLIPS GAS
8336667	19964	3700521182		103		J C SCHALL #1	BURRELL	1.7	T W PHILLIPS GAS
8336668	19965	3700520575		103		J P SCHALL #2	BURRELL	2.9	T W PHILLIPS GAS
8336664	19961	3708520717		103		S F PETERS #2	BURRELL	0.6	T W PHILLIPS GAS
8336662	19959	3700500000		103		S F PETERS #4	BURRELL	1.7	T W PHILLIPS GAS
8336665	19962	3700520953		103		S F PETERS #5	BURRELL	3.6	T W PHILLIPS GAS
8336669	19966	3700520493		103		WILLIAM SHELLHAMMER #1	BURRELL	2.5	T W PHILLIPS GAS
-VINEYARD OIL & GAS CO				RECEIVED:	05/11/83	JA: PA			
8336626	19713	3704922529		102-2		BELT #1	DRUMLIN	20.0	COLUMBIA GAS TRAN
8336625	19712	3704922629		107-TF		BELT #1	DRUMLIN	20.0	COLUMBIA GAS TRAN
8336624	19711	3704922575		102-2		GRAY #1	DRUMLIN	18.0	COLUMBIA GAS TRAN
8336623	19710	3704922575		107-TF		GRAY #1	DRUMLIN	18.0	COLUMBIA GAS TRAN
WEST VIRGINIA DEPARTMENT OF MINES									
-ALFRED E KNOBLER				RECEIVED:	05/13/83	JA: WV			
8336809		4701100595		107-DV		ELMER RIDDLE K-71	MCCOMAS DISTRICT	1200.0	COLUMBIA GAS TRAN
8336782		4701100703		107-DV		NIDA #2 (K-75)	MCCOMAS DISTRICT	240.0	COLUMBIA GAS TRAN
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:	05/12/83	JA: WV			
8336708		4708703530		107-DV		E HAWKINS #2	HARPER DISTRICT	36.0	ROARING FORK GAS
8336704		4703703643		107-DV		J VINEYARD #1	HARPER DISTRICT	36.0	ROARING FORK GAS
8336706		4708703576		107-DV		PARKER #2	WALTON DISTRICT	36.0	ROARING FORK GAS
8336705		4708703577		107-DV		PARKER #3	WALTON DISTRICT	36.0	ROARING FORK GAS
8336707		4708703642		107-DV		V KYLE	WALTON DISTRICT	36.0	ROARING FORK GAS
-ASHLAND EXPLORATION INC				RECEIVED:	05/13/83	JA: WV			
8336777		4701900473		103		POCAHONTAS LAND CORP #36 - 092861	LOUP CREEK	24.0	
8336774		4701900473		107-DV		POCAHONTAS LAND CORP #36 - 092861	LOUP CREEK	24.0	
8336791		4700501364		103		SOUTHERN LAND CO #12 - 093671	COAL RIVER	25.0	
8336776		4700501364		107-DV		SOUTHERN LAND CO #12 - 093671	COAL RIVER	25.0	
-BEREA OIL AND GAS CORPORATION				RECEIVED:	05/12/83	JA: WV			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8336697		4700121652		107-DV		DELAUDER #1	BARKER DISTRICT	15.0	BROOKLYN UNION GA
8336696		4700121628		107-DV		M PRICE #1	VALLEY DISTRICT	7.0	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED:	05/12/83	JA: WV			
8336699		4703300478		107-DV		PREISSE #1	ELLAMORE	40.0	COLUMBIA GAS TRAN
8336698		4703300497		107-DV		TENNEY #1	ELLAMORE	40.0	COLUMBIA GAS TRAN
-BURDETTE OIL & GAS CO INC				RECEIVED:	05/12/83	JA: WV			
8336710		4703903817		107-DV		JOHN FLEMING #1	POCATALICO	0.0	
8336711		4703903824		107-DV		ORVILLE CARNEY #1	POCATALICO	0.0	
-CABOT OIL & GAS CORP				RECEIVED:	05/13/83	JA: WV			
8336805		4700501352		107-DV		ALLAN-PRYOR A-2	SCOTT	7.0	TENNESSEE GAS PIP
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	05/12/83	JA: WV			
8336709		4709900388		107-DV		J F CALDWELL #9 805670	WEST VIRGINIA FIELD A	24.6	COLUMBIA GAS TRAN
-GLENN L HAUGHT & SONS				RECEIVED:	05/13/83	JA: WV			
8336780		4709500730		103		ALDEN WINCE H-841	MEADE DISTRICT	18.0	COLUMBIA GAS TRAN
8336786		4709500700		103		CARL NOLAN H-766	CENTERVILLE DISTRICT	15.0	CARNEGIE NATURAL
8336785		4709500702		103		CARL NOLAN H-768	CENTERVILLE DISTRICT	15.0	CARNEGIE NATURAL
8336784		4709500703		103		CARL NOLAN H-769	CENTERVILLE DISTRICT	15.0	CARNEGIE NATURAL
8336778		4709500699		103		CARL W NOLAN H-765	CENTERVILLE DISTRICT	15.0	CARNEGIE NATURAL
8336792		4703504754		103		CHARLIE SHADLEY H-965	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
8336787		4703504424		103		G Y RENROAD HEIRS H-703	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
8336788		4703504532		103		LUCILLE RYNER H-943	UNION DISTRICT	15.0	CONSOLIDATED GAS
8336789		4703504533		103		LUCILLE RYNER H-944	UNION DISTRICT	15.0	CONSOLIDATED GAS
8336783		4703504448		103		SHADLEY H-887	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
8336790		4703504562		103		SHADLEY H-954	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
-GRANDAD RESOURCES INC				RECEIVED:	05/12/83	JA: WV			
8336701		4707300936		107-DV		MAX MATTESON H-1053	JEFFERSON DISTRICT	15.0	COLUMBIA GAS TRAN
8336700		4703504757		107-DV		SHERMAN ROBINSON H-968	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8336702		4707301067		107-DV		WATSON-HAAS H-1185	WASHINGTON DISTRICT	15.0	COLUMBIA GAS TRAN
-HAUGHT INC				RECEIVED:	05/13/83	JA: WV			
8336779		4709500897		103		GEORGIA ESTLACK H-1192	CENTERVILLE DISTRICT	15.0	COLUMBIA GAS TRAN
8336781		4707301056		103		GLADYS ALLEN H-1152	JEFFERSON DISTRICT	15.0	COLUMBIA GAS TRAN
8336794		4703505526		103		JOHN & EDNA FOSTER H-1317	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
-J SCOTT TALBOTT				RECEIVED:	05/13/83	JA: WV			
8336793		4704302341		103		H-3 BATES #1		8.4	COLUMBIA GAS TRAN
-KAISER ENERGY INC				RECEIVED:	05/13/83	JA: WV			
8336804		4703501692		107-DV		ESTEL SIMMONS KEM #159	ELK/POCA	18.0	ROARING FORK GAS
8336802		4703501605		107-DV		HOY CASTO KEM #156	ELK/POCA	18.0	ROARING FORK GAS
8336803		4703501637		107-DV		K M ARMENTROUT KEM #155	ELK/POCA	18.0	ROARING FORK GAS
-TDC EXPLORATION INC				RECEIVED:	05/13/83	JA: WV			
8336808		4708703425		107-DV		C H HUDKINS #1	HARPER DISTRICT	22.0	ROARING FORK GAS
8336807		4708703567		107-DV		JARVIS #1	SPENCER DISTRICT	22.0	ROARING FORK GAS
8336806		4708703437		107-DV		WESTFALL #1	SPENCER DISTRICT	22.0	ROARING FORK GAS
-UNITED OPERATING COMPANY				RECEIVED:	05/12/83	JA: WV			
8336703		4708300514		107-DV		SUSANNA QUICK #3	MIDDLE FORK	0.0	COLUMBIA GAS TRAN
-WAYMAN W BUCHANAN				RECEIVED:	05/13/83	JA: WV			
8336799		4703501666		107-DV		HARRISON #4	MIDWAY-EXTRA	0.0	CABOT CORP
8336798		4703501614		107-DV		JONES #2	MIDWAY-EXTRA	0.0	CABOT CORP
8336797		4703501643		107-DV		JONES #5	MIDWAY - EXTRA	0.0	CABOT CORP
8336796		4703501673		107-DV		JONES #5-R	MIDWAY - EXTRA	0.0	CABOT CORP
8336795		4703501632		107-DV		JONES #9	MIDWAY - EXTRA	0.0	CABOT CORP
8336775		4703505701		107-DV		METZ #1		0.0	CONSOLIDATED GAS
8336800		4708505808		107-DV		MOATS #1		0.0	CABOT CORP
8336801		4708505434		107-DV		WILLINGHAM #1		0.0	CONSOLIDATED GAS
**********									
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK									
**********									
-BENTON ENERGY CORP				RECEIVED:	05/13/83	JA: OK 8			
8336817		3511300000		103		JACK DRUMMOND #1	SOUTH BIRCH CREEK	18.3	PHILLIPS PETROLEU
8336818		3511300000		103		LESLIE DRUMMOND #1	SOUTH BIRCH CREEK	18.3	PHILLIPS PETROLEU
-CLASS PETROLEUM CORP				RECEIVED:	05/13/83	JA: OK 8			
8336814		3511300000		103		TATE #28	NELOGONEY	282.7	PHILLIPS PETROLEU
-DCX RESOURCES LTD				RECEIVED:	05/13/83	JA: OK 8			
8336813		3511300000		102-4		ANDOVER #1C	SIGNAL HILLS	5.0	PHILLIPS PETROLEU
-ECC OIL CO				RECEIVED:	05/13/83	JA: OK 8			
8336819		3511300000		103		MULLENDORE #5 SW/4 S17-T29N-R11E	TURKEY CREEK	14.0	AJAX OIL & GAS CO
8336820		3511300000		103		MULLENDORE #6 SW/4 S17-T29N-R11E	TURKEY CREEK	8.0	AJAX OIL & GAS CO
-HALLER J P				RECEIVED:	05/13/83	JA: OK 8			
8336815		3511300000		103		BIG ELK 12-B	BIG ELK	7.0	PHILLIPS PETROLEU
-J M GRAVES				RECEIVED:	05/13/83	JA: OK 8			
8336816		3511300000		103		MULLENDORE #6-B	HICKORY CREEK	40.0	AJAX OIL & GAS CO
-LAMB PRODUCTION CO				RECEIVED:	05/13/83	JA: OK 8			
8336812		3511300000		103		HUNT 3-A	PRUE (HUNT LEASE)	15.0	PHILLIPS PETROLEU
-R D T PROPERTIES				RECEIVED:	05/13/83	JA: OK 8			
8336810		3511300000		103		PERSHING #4A	PERSHING	25.0	PHILLIPS PETROLEU
8336811		3511300000		103		SPERRY #16	BIRD CREEK	25.0	PHILLIPS PETROLEU
-RICKELSON OIL & GAS CO				RECEIVED:	05/12/83	JA: OK 8			
8336720		3511300000		103		ALRED #1	ATLANTIC	6.6	PHILLIPS PETROLEU
8336721		3511300000		103		ALRED #2	ATLANTIC	6.6	PHILLIPS PETROLEU
8336722		3511300000		103		ALRED #5	ATLANTIC	6.6	PHILLIPS PETROLEU
8336723		3511300000		103		ALRED #6	ATLANTIC	6.6	PHILLIPS PETROLEU
8336724		3511300000		103		BIG EAGLE #1	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336725		3511300000		103		BIG EAGLE #2	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336726		3511300000		103		BIG EAGLE #3	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336727		3511300000		103		BIG EAGLE #4	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336728		3511300000		103		BIG EAGLE #5	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336729		3511300000		103		BIG EAGLE #7	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336730		3511300000		103		BIG EAGLE #8	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336731		3511300000		103		OXLEY 1-A	N ATLANTIC	1.9	PHILLIPS PETROLEU
8336732		3511300000		103		OXLEY 2-A	N ATLANTIC	1.9	PHILLIPS PETROLEU
-RICKELSON OIL & GAS CO				RECEIVED:	05/13/83	JA: OK 8			
8336826		3511300000		103		FUNKE #1	MYERS	0.8	PHILLIPS PETROLEU
8336833		3511300000		103		GEORGIA #2	WYNONA	2.4	PHILLIPS PETROLEU
8336834		3511300000		103		GEORGIA #3	WYNONA	2.4	PHILLIPS PETROLEU
8336835		3511300000		103		GEORGIA #4	WYNONA	2.4	PHILLIPS PETROLEU
8336830		3511300000		103		LARNER #11	ATLANTIC	3.5	PHILLIPS PETROLEU
8336831		3511300000		103		LARNER #13	ATLANTIC	3.5	PHILLIPS PETROLEU
8336827		3511300000		103		LARNER #7	ATLANTIC	3.5	PHILLIPS PETROLEU
8336828		3511300000		103		LARNER #8	ATLANTIC	3.5	PHILLIPS PETROLEU
8336829		3511300000		103		LARNER 10	ATLANTIC	3.5	PHILLIPS PETROLEU
8336821		3511300000		103		SAM FARMER #1	MYERS	0.8	PHILLIPS PETROLEU
8336822		3511300000		103		SAM FARMER #2	MYERS	0.8	PHILLIPS PETROLEU
8336823		3511300000		103		SAM FARMER #3	MYERS	0.8	PHILLIPS PETROLEU
8336824		3511300000		103		SAM FARMER #4	MYERS	0.8	PHILLIPS PETROLEU
8336825		3511300000		103		SAM FARMER #6	MYERS	0.8	PHILLIPS PETROLEU
8336832		3511300000		103		SYKES #8	ATLANTIC	3.5	PHILLIPS PETROLEU

4 8
ISS
1
1
3
J E
1 0
1983

federal register

Friday
June 10, 1983

Part VIII

Department of Labor

Mine Safety and Health Administration

Safety Standards for Gassy Mines

4 8
ISS
1
1
3
J E
1 0
1983
UMI

DEPAR

Mine S

30 CFR

Safety

AGENCY
Admini

ACTION
Preprop

SUMMA
Admini
a prepr
existing
metal a
MSHA
interest
draft. C
obtaine

DATE: C
before A

ADDRES
of Stand
Varianc
Towers
Arlingto

FOR FUR
Patricia
Office o
Varianc

SUPPLE
March 2
Advanc
Rulemak
Register
compreh
and non
standard
The Age
to elimin
unneces
alternati
reduce r

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 57

Safety Standards for Gassy Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of Availability of Preproposal Draft.

SUMMARY: The Mine Safety and Health Administration (MSHA) has developed a preproposal draft of revisions to existing gassy mines standards for the metal and nonmetal mining industry. MSHA solicits comment from all interested parties on the preproposal draft. Copies of the draft may be obtained by contacting the Agency.

DATE: Comments must be received on or before August 9, 1983.

ADDRESS: Send comments to the Office of Standards, Regulations, and Variances, MSHA, Room 631, Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On March 25, 1980, MSHA published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** (45 FR 19267) announcing its comprehensive review of existing metal and nonmetal mine safety and health standards in 30 CFR Parts 55, 56, and 57. The Agency is reviewing the standards to eliminate duplicative and unnecessary standards, provide alternative methods of compliance, reduce recordkeeping requirements, and upgrade provisions consistent with advances in mining technology.

MSHA believes this review will result in more effective standards for assuring the safety and health of miners. The reivew is consistent with the specific goals of Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act.

On November 20, 1981, MSHA published a subsequent ANPRM in the **Federal Register** (45 FR 57253) listing eight sections the Agency had selected for priority review. Standards related to gassy mine hazards were included in the priority group.

On March 9, 1982, MSHA published a notice in the **Federal Register** (46 FR 10190) announcing public conferences to discuss issues related to the standards under priority review. The Section .21 conferences were concluded in the Spring of 1982. During the conferences many commenters requested that the Agency make available a preproposal draft of the standards under review before issuing a proposed rule.

MSHA has now completed development of the preproposal draft for Section .21. The draft restructures the standards into a new Part 58. The preproposed revisons for gassy mines designate each standard as: "Surface" (S) applies to the surface areas of any mine and "Underground" (U) applies to underground mines. These designations assure that the standards will apply only to the appropriate types of mine operations and eliminate unnecessary duplication. In addition, the standards in Section .21 have been reorganized to provide more logical groupings and an index has been developed to enable ready reference among existing standard numbers and their new numerical designations.

The agency has redrafted the existing standards and will propose to replace the classification procedures with a new category system. Category placement will be determined by:

1. The history and geology of the province and mine;

2. The nature of the ore body and the host rock; and

3. The character (origin or source, type and amount) of methane gas emission.

The draft standards applicable to each of five (5) categories are related to the degree of hazards for each category of mines. Each mine will be required to comply with only those standards that apply to the problems inherent in the mine's category and the hazard level within the category.

MSHA requests comment on the substance of the preproposal standards, as wells on the reorganization of the standards. The Agency is interested in any alternatives to this requirement.

MSHA in interested in any economic data or other regulatory impact information commenters may wish to submit.

A copy of the preproposal draft notice has been mailed to interested persons and organizations. A copy of the preproposal draft may be obtained by submitting a request to the address provided above. The draft document contains the Agency's recommended revisions, a comparison with existing provisions, and a summary explanation of the proposed changes.

Dated: June 6, 1983.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 83–15667 Filed 6–9–83; 8:45 am]

BILLING CODE 4510–43–M

4 8
S S
1
1
3
J E
1 0
1983
SMI

Rea

INFOR

PUBLIC

Code o
CFR Un

General
Incorpor
Printing

Federal
Correcti
Daily Is
General
Privacy
Public I

Schedul

Laws
Indexes
Law nu

Slip law

Presiden
Executiv
Public P
Weekly

United S

SERVIC

Agency
Automat
Library
Magnetic
volum
Public In
Special
Subscrip
Subscrip
TTY for

FEDERA

24311-24
24853-24
24855-25
25169-26
26279-26
26443-26
26585-26
26751-27

Reader Aids

Federal Register

Vol. 48, No. 113

Friday, June 10, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

24311-24652	1
24653-24854	2
24855-25168	3
25169-26278	6
26279-26442	7
26443-26584	8
26585-26750	9
26751-27026	10

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:

Presidential Determinations:

No. 83-7 of June 3, 1983 26585

Executive Orders:

September 15, 1916 (Revoked in part by PLO 6392) 26315

September 30, 1916 (Revoked in part by PLO 6392) 26315

May 21, 1920 (Revoked in part by PLO 6392) 26315

Proclamations:

5056 24856

5067 26443

5 CFR

213 24857

581 26279

7 CFR

51 26751

52 26752

68 24857

319 24311

354 26294

910 ..... 24859, 26587, 26757

915 24860

916 24653

932 24311

944 24860

959 25169

966 26757

1033 24861

1036 24863

1139 24864

Proposed Rules:

51 24723

1007 24391

1046 24905

1125 26460

1133 26460

1207 24724

8 CFR

92 24686

318 24314

10 CFR

20 26295

25 24318

61 26295

95 24318

Proposed Rules:

50 24391

960 26440

11 CFR

102 26300

114 26300

12 CFR

5 26758

207 26587

211 26445

220 ..... 26587, 26588

221 26587

224 26587

505c 26590

Proposed Rules:

7 24913

614 25210

13 CFR

121 25760

14 CFR

39 26590-26593

71 ..... 25169, 25170, 26594-26596

75 26596

95 24654

204 26596

252 24686

389 24323

Proposed Rules:

23 26623

39 25210

121 25211

139 25211

159 25215

221 24916

252 24916

291 ..... 24922, 26630

377 24923

15 CFR

369 24323

371 25171

373 25174

376 25171

379 25171

386 ..... 25171, 26303, 26449

399 ..... 25171, 25174, 26450

16 CFR

423 24686

453 25174

1406 26781

Proposed Rules:

13 24724

457 25218

17 CFR

170 26304

200 24663

240 24663

249 24663

270 25175

Proposed Rules:

12 25218

210.....26623
240.....24725, 24726
270.....25220, 26460

18 CFR

2.....24323, 24358
35.....24323
271.....25177–25179
Proposed Rules:
35.....26831
271.....24730–24732, 25223

19 CFR

101.....25180
177.....25180
Proposed Rules:
Ch. I.....26831
123.....26832
175.....26833
177.....25224

20 CFR

Proposed Rules:
632.....24392
633.....24392
634.....24392
635.....26430
684.....24392

21 CFR

5.....26311
131.....24868
175.....24869
177.....26312, 26761
178.....24869
357.....27004
510.....24870, 24871
520.....24871, 26762
522.....26313
540.....24872, 24873
558.....24871
600.....26313
895.....25126, 25137
Proposed Rules:
158.....26319
310.....26986
312.....26720
341.....24925

22 CFR

Proposed Rules:
11.....26834

23 CFR

Ch. I.....24852, 25181

24 CFR

111.....24361
1800.....24873

25 CFR

Proposed Rules:
700.....24734

26 CFR

601.....24668
Proposed Rules:
1.....24736, 25224, 25228

27 CFR

21.....24672
212.....24672
Proposed Rules:
9.....24737

28 CFR

0.....25183
540.....24622
550.....24623
551.....24623
Proposed Rules:
547.....24626
570.....24626
571.....24626

29 CFR

Proposed Rules:
1910.....26962
1952.....26836

30 CFR

226.....26763
256.....26778
260.....24873
784.....24638
785.....24638
816.....24638
817.....24638
818.....24638
916.....24874
944.....24876
946.....25184
1625.....26434
Proposed Rules:
57.....27024
250.....26837
901.....24739
913.....24741
917.....26839
936.....24928
942.....25229
946.....26624
948.....24393

32 CFR

242b.....26451
806b.....24878

33 CFR

100.....25186, 26599–26602
117.....26602
165.....25187
Proposed Rules:
117.....26625
162.....25231

34 CFR

668.....26779
682.....24584

36 CFR

222.....25187
262.....26603
Proposed Rules:
13.....26319

37 CFR

Proposed Rules:
1.....26319
5.....26319

38 CFR

Proposed Rules:
17.....26627

40 CFR

52.....24362, 24689
162.....26451
180.....24364, 24365, 24689, 26452
716.....24366
Proposed Rules:
Ch. I.....24930
51.....26840
52.....26841
65.....24930
66.....26627
67.....26627
81.....24393
86.....24932
145.....26842
180.....24394, 24396, 26629
271.....25236
403.....24933
405.....24742
406.....24742
407.....24742
408.....24742
409.....24742
411.....24742
412.....24742
422.....24742
424.....24742
426.....24742
429.....24742
430.....24742
431.....24742
432.....24742
433.....24742
440.....24742
600.....26698
610.....24397

41 CFR

Ch. 7.....25188
1–15.....26453
3–3.....26605
101–29.....25196
101–45.....24878
101–47.....24879, 25199
105–53.....25200

42 CFR

57.....25064
66.....24879
Proposed Rules:
57.....25071, 25072

43 CFR

Public Land Orders:
23.....27008
1600.....26314
3200.....24367
3210.....24367
3220.....24367
3240.....24367
3250.....24367
3600.....27008
3610.....27008
3620.....27008
6377.....26780
6391.....25205
6392.....26315
Proposed Rules:
3000.....26320
3100.....26320
8370.....26485

44 CFR

64.....24369, 26780, 26782
65.....26605
67.....24370, 26784, 26796
Proposed Rules:
67.....24743, 26629, 26630

45 CFR

1207.....26802
1208.....26808
1209.....26815

46 CFR

Proposed Rules:
125.....26631
126.....26631
127.....26631
128.....26631
129.....26631
130.....26631
131.....26631
132.....26631
133.....26631
134.....26631
135.....26631
136.....26631

47 CFR

0.....24383, 26606
1.....24884
22.....26820
73.....24383, 24898, 26453, 26508
74.....24383
90.....26617
95.....24884
97.....26455, 26606
Proposed Rules:
2.....24945, 26461
22.....24945
69.....26632
73.....24945, 24949, 26462–26471
74.....24945
76.....26472
94.....24950
96.....24953
97.....24954, 26647

49 CFR

192.....25206
195.....25206
571.....24690, 24717, 25209
1011.....26456
1033.....24386
1039.....24900, 26822
1153.....24386
1162.....
1175.....
1176.....
1307.....
Proposed
Ch. X.....
25.....
172.....
173.....
179.....
571.....
1186.....

50 CFR

20.....
250.....
260.....
371.....
424.....
611.....
Proposed R
17.....
23.....
611.....
646.....
661.....
674.....
675.....

1162.....24388
1175.....26317
1176.....26317
1307.....24388

Proposed Rules:

Ch. X.....24397
25.....26649
172.....26650
173.....25236, 26650
179.....25236
571.....24751, 25237
1186.....26485

50 CFR

20.....26457
250.....26621
260.....24901
371.....24902
424.....24718, 24903
611.....24719

Proposed Rules:

17.....26488
23.....26651
611.....25238
646.....26843
661.....26653
674.....24751
675.....25238

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 9, 1983

y will be
the

Now Available 1980-1981 Microfilm Editions of the Federal Register

The microfilm editions of the **Federal Register** for 1980 and 1981 (volumes 45 and 46) are now available at a cost of $735. These volumes cover 150,566 pages, the annual indexes, and the quarterly indexes of the List of CFR Sections Affected. Volume 45, the 1980 edition, is available on 26 rolls of microfilm at a cost of $390. Volume 46, the 1981 edition, is on 23 rolls and costs $345. The entire microfilm publication (M190), now comprising 410 rolls and spanning the years 1936–1981, is for sale at $6,150. Further information concerning the 1980–81 volumes or any other volumes may be obtained from the Publications Sales Branch (NEPS), National Archives and Records Service, Washington, D.C. 20408.

Institutions or business may place their orders directly with NEPS. The **Federal Register** is filmed on 35 mm. roll film only.

e **Fed-**
l 1981
y avail-
These
es, the
erly in-
ections
80 edi-
olls of
Volume
23 rolls
crofilm
prising
years
56,150.
ng the
er vol-
ne Pub-
S), Na-
ervice,

place
S. The
on 35

UMI
1983
10
JE
ISS
48
01

0
4 8
ISS
1
1
4
J E
1 3
1983
UMI

6-13-83
Vol. 48

United S
Governm
Printing
SUPERINTEN
OF DOCUME
Washington, D

OFFICIAL BU
Penalty for p

Federal Regis
(ISSN 0097-6

6-13-83
Vol. 48 No. 114

federal register

Monday
June 13, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

A FR SER1A300S NOV 83 R DIR
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

Postage and Fees Paid
U S Government Printing Office
375

SECOND CLASS NEWSPAPER

6-13-
Vol. 4
Pages

UMI
3
48
ISS
1
1
4
J E
3
1983

6-13-83
Vol. 48 No. 114
Pages 27027-27218

federal register

Monday
June 13, 1983

Selected Subjects

Administrative Practice and Procedure
Federal Communications Commission
Federal Deposit Insurance Corporation

Aviation Safety
Federal Aviation Administration

Civil Defense
Federal Emergency Management Agency

Coal Mining
Surface Mining Reclamation and Enforcement Office

Conflict of Interests
Federal Grain Inspection Service

Exports
Federal Grain Inspection Service

Fisheries
National Oceanic and Atmospheric Administration

Hazardous Materials
Environmental Protection Agency

Mortgage Insurance
Federal Housing Commissioner—Office of Assistant Secretary for Housing

Pensions
Pension Benefit Guaranty Corporation

Postal Service
Postal Service

Television Broadcasting
Federal Communications Commission

CONTINUED INSIDE

Selected Subjects

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Trade Practices
Federal Trade Commission 27116

Veterans
Veterans Administration 27123

27150

27123

27103

27175

27175

27092

27128
27129

Contents

Federal Register
Vol. 48, No. 114
Monday, June 13, 1983

ACTION
NOTICES
27116 Agency forms submitted to OMB for review (3 documents)

Agriculture Department
See Federal Grain Inspection Service; Forest Service.

Air Force Department
NOTICES
Environmental statements; availability, etc.:
27123 Peacekeeper strategic weapon system, F. E. Warren AFB, Wyo.

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Committees; establishment, renewals, terminations, etc.:
27150 Drug Abuse Clinical and Behavioral Research Review Committee

Army Department
NOTICES
Meetings:
27123 ROTC Affairs Advisory Panel

Coast Guard
PROPOSED RULES
Inland waterways navigation regulations:
27103 Connecting waters from Lake Huron to Lake Erie; correction

Commerce Department
See International Trade Admininstration; Minority Business development Agency; National Oceanic and Atmospheric Administration; National Technical Information Service.

Commodity Futures Trading Commission
NOTICES
27175 Meetings; Sunshine Act

Consumer Product Safety Commission
NOTICES
27175 Meetings; Sunshine Act (2 documents)

Customs Service
PROPOSED RULES
Organization and functions; field organization, ports of entry, etc.:
27092 Baudette and Warroad, Minn., et al; withdrawn

Defense Department
See Air Force Department; Army Department.

Economic Regulatory Administration
NOTICES
Consent orders:
27128 Dalco Petroleum Corp. et al.
27129 Mustang Fuel Corp.
27129 World Oil Co.
Natural gas; fuel oil displacement certification applications:
27124 Anchor Hocking Corp.
27125 Corning Glass Works
27125 Darling & Co.
27126 Edison International, Inc.
27126 F. L. Emmert Co., Inc.
27131 Jeannette Sheet Glass Corp.
27131 PPG Industries, Inc.
27131 Robin Industries, Inc.
27126 St. Elizabeth Medical Center, Inc.
27127 TIMET Corp.
27127 Twin Towers United Methodist Home on College Hill
27132 Union Carbide Corp.
27128 Van Dyne-Crotty Co.
Remedial orders:
27129 Erickson Refining Corp. et al.

Education Department
NOTICES
Grants; availability, etc.:
27123 Bilingual education; materials development projects

Energy Department
See also Economic Regulatory Administraion; Energy Research Office; Federal Energy Regulatory Commission.
NOTICES
Meetings:
27145 Alternative Fuel Demonstration Facilities Federal Assistance Advisory Committee

Energy Research Office
NOTICES
Meetings:
27132 Energy Research Advisory Board

Environmental Protection Agency
RULES
Hazardous waste program; interim authorizations; State programs:
27040 North Carolina
Noise abatement programs:
27039 Portable air compressors, trucks, hearing protectors, truck mounted solid waste compactors, and motorcycles, etc.; product verification testing and reporting and recordkeeping requirements revoked, correction and technical amendments
Toxic substances:
27041 Preliminary assessment information and asbestos; release of aggregate statistics
27043 Premanufacture notificaiton requirements and review procedures; meeting
Water pollution control:
27039 State underground injection control program; permitting procedures, technical criteria and standards; availability of guidelines

NOTICES
27145 Agency forms submitted to OMB for review
Water pollution control; sole source aquifer designations:
27146 Massachusetts and Rhode Island

Equal Employment Opportunity Commission
NOTICES
27175 Meetings; Sunshine Act

Federal Aviation Administration
RULES
Airworthiness directives:
27030 Boeing
27030 British Aerospace
27031 Pacific Scientific Co.
27034 Control zones and transition areas
27032-27034 Transition areas (4 documents)
PROPOSED RULES
Airworthiness directives:
27085 Boeing
27086 CASA
27087 Gates Learjet
NOTICES
Advisory circulars; availability, etc.:
27173 Underwater locating devices for flight recorder and cockpit voice recorder
Environmental statements; availability, etc.:
27173 Pal-Waukee Airport, Wheeling/Prospect Heights, Ill.
Meetings:
27174 Aeronautics Radio Technical Commission
27173 National Airspace Review Advisory Committee

Federal Communications Commission
RULES
Common carrier services:
27044 Interstate toll settlements and jurisdictional separations requiring use of seven calendar day studies by Florida Public Service Commission
27072 Telephone companies; Annual Report Form M; reduction in reporting requirement, correction
Practice and procedure:
27182 License applications; use of random selection or lotteries instead of comparative hearings
Television broadcasting:
27054 Teletext transmission
PROPOSED RULES
Radio services, special:
27113 Private operational-fixed microwave service; cooperative sharing arrangements; Preston Trucking Co., Inc.; proceeding terminated
NOTICES
Meetings:
27148 Telecommunications Industry Advisory Group

Federal Deposit Insurance Corporation
RULES
Practice and procedure rules:
27027 Bank Supervision Division Director et al.; authority delegation to approve routine merger transactions

Federal Emergency Management Agency
PROPOSED RULES
Preparedness:
27105 Civil defense—State and local emergency management assistance program
NOTICES
Disaster and emergency areas:
27148 Illinois
27148 Mississippi

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
27133 Algonquin Gas Transmission Co.
27133 Columbia Gas Transmission Corp.
27134 Conoco Inc. et al.
27134 Delhi Gas Pipeline Corp.
27135 Gas Research Institute
27135 GHR Energy Corp. et al.
27136 Inland Gas Co., Inc.
27136 Michigan Wisconsin Pipe Line Co.
27137 Northern Natural Gas Co.
27137 Northwest Central Pipeline Corp. et al.
27137 Northwestern Public Service Co.
27138 Pacific Power & Light Co.
27138 Rocky Mountain Natural Gas Co., Inc.
27139, 27140 Tennessee Gas Pipeline Co. (3 documents)
27141, 27142 Texas Eastern Transmission Corp. (3 documents)
27142 Transcontinental Gas Pipe Line Corp.
27143 Transcontinental Gas Pipe Line Corp. et al.
27144 Valero Transmission Co. et al.
Natural Gas Policy Act:
27143 Fuel oil displacement transportation certificates; applications (Panhandle Eastern Pipe Line Co.)
27138 Jurisdictional agency determinations; well category withdrawals, etc. (Tenneco Oil Co.)

Federal Grain Inspection Service
PROPOSED RULES
27084 Conflict of interests; duties and conduct of licensed and authorized personnel
27082 Registration of firms to engage in foreign commerce grain business

Federal Home Loan Bank Board
NOTICES
27175 Meetings; Sunshine Act

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
27035 Low cost and moderate income, condominium ownership, etc.; existing multifamily housing demonstration removed
NOTICES
Authority delegations:
27160 Manufactured Housing and Construction Standards Office
27158 Interstate land sales registration; suspension orders

Federal Maritime Commission
PROPOSED RULES
27112 Financial responsibility for water pollution by foreign and domestic vessel operators; proceeding discontinued
NOTICES
27149 Agreements filed, etc.
Freight forwarder licenses:
27149 Jensen Shipping Co. et al.
27148 Keller, Robert L.

Federal Mine Safety and Health Review Commission
NOTICES
27175 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Applications, etc.:
27149 United Banks of Colorado, Inc., et al.
27176 Meetings; Sunshine Act

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
27089 State Volunteer Mutual Insurance Co., Inc.
NOTICES
27149 Agency forms submitted to OMB for review

Forest Service
NOTICES
Environmental statements; availability, etc.:
27117 Pacific Southwest Region, vegetation management for reforestation

General Services Administration
NOTICES
Travel regulations:
27212 Allowance provisions
27216 Mileage rates and high rate geographical areas
27216 Travel expenses; report to Congress on travel costs and privately owned vehicle operation; addendum

Health and Human Services Department
See also Alcohol, Drug Abuse, and Mental Health Administration; Social Security Administration.
NOTICES
Social security benefits and supplemental security income:
27150 Cost-of-living increases and income limitations

Housing and Urban Development Department
See Federal Housing Commissioner—Office of Assistant Secretary for Housing.

Interior Department
See also Land Management Bureau; Surface Mining Reclamation and Enforcement Office.
NOTICES
Meetings:
27162 Federal-State Task Force on Hawaiian Homes Commission Act

International Trade Administration
NOTICES
Countervailing duties:
27117 Pork rind pellets from Mexico

Interstate Commerce Commission
NOTICES
Motor carriers:
27162 Finance applications
27163, 27164 Permanent authority applications (3 documents)
27166 Temporary authority applications
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
27160 Sterling Transport, Inc., et al.
Rail carriers:
27169 Central Vermont Railway, Inc., et al.; passenger train operation
Railroad services abandonment:
27169 Chesapeake & Ohio Railway Co.

Justice Department
See Parole Commission.

Land Management Bureau
NOTICES
Classification of public lands:
27160 California
Conveyance of public lands:
27161 Utah
Exchange of public lands for private land:
27161 Utah
Sale of public lands:
27161 Minnesota

Maritime Administration
RULES
Documentation, transfer, or charter of vessels:
27044 Citizenship declaration forms, consolidation; correction
Merchant Marine training:
27044 Midshipmen; pay increase; correction

Minority Business Development Agency
NOTICES
Financial assistance application announcements:
27120 Texas

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
27075 Foreign fishing fees
27080 High seas salmon off Alaska
27073 Pacific halibut fisheries
NOTICES
Meetings:
27120 Caribbean Fishery Management Council (2 documents)
Marine mammal permit applications, etc.:
27121 Alaska Department of Fish and Game
27121 Costa, Dr. Daniel P.

National Technical Information Service
NOTICES
27121 Commercial or industrial activities; cost comparison reviews

Nuclear Regulatory Commission
NOTICES
Abnormal occurrence reports:
27169 Quarterly reports to Congress
Applications, etc.:
27170 Dairyland Power Cooperative
27170 Duke Power Co.
27170 Rockwell International
27176 Meetings; Sunshine Act

Parole Commission
NOTICES
27176 Meetings; Sunshine Act

Pension Benefit Guaranty Corporation
PROPOSED RULES
Multiemployer plans:
27092 Powers and duties of plan sponsor of plan terminated by mass withdrawal; plan insolvency

Postal Service
PROPOSED RULES
Domestic Mail Manual:
27103 Third-class mailers, special rate bulk; identification

Small Business Administration
NOTICES
Applications, etc.:
27172 Falcon Capital Corp.
Disaster loan areas:
27172 Louisiana
27172 Mississippi
27173 Pennsylvania
27172 Texas

Social Security Administration
NOTICES
Social security benefits and supplemental security income:
Cost-of-living increases and income limitations. (*Editorial Note:* For a document on this subject, see entry under Health and Human Services Department.)

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission; various States:
27101 Kentucky; reopening of comment period
27102 Pennsylvania

Textile Agreements Implementation Committee
NOTICES
Textile consultation; review of trade:
27121 Hong Kong
27122 Korea
27122 Taiwan

Transportation Department
See Coast Guard; Federal Aviation Administration; Maritime Administration.

Treasury Department
See Customs Service.

Veterans Administration
RULES
Adjudication; pensions, compensation, dependency, etc.:
27035 Pension rates and income limitations; increase

Separate Parts in This Issue

Part II
27182 Federal Communications Commission

Part III
27212 General Services Administration

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
Proposed Rules:
800 (2 documents)..... 27082, 27084

12 CFR
303..... 27027

14 CFR
39 (3 documents)..... 27030, 27031
71 (5 documents)..... 27032–27034
Proposed Rules:
39 (3 documents)..... 27085–27087

16 CFR
Proposed Rules:
13..... 27089

19 CFR
Proposed Rules:
101..... 27092

24 CFR
221..... 27035
234..... 27035
235..... 27035

29 CFR
Proposed Rules:
2670..... 27092
2675..... 27092

30 CFR
Proposed Rules:
917..... 27101
938..... 27102

33 CFR
Proposed Rules:
162..... 27103

38 CFR
3..... 27036

39 CFR
Proposed Rules:
111..... 27103

40 CFR
144..... 27039
146..... 27039
204..... 27039
205..... 27039
211..... 27039
271..... 27040
712..... 27041
720..... 27043
763..... 27041

44 CFR
Proposed Rules:
302..... 27105

45 CFR
221..... 27044
310..... 27044
Proposed Rules:
542..... 27112
543..... 27112
544..... 27112

47 CFR
Ch. I..... 27044
1..... 27182
2..... 27054
22..... 27182
31..... 27072
73 (2 documents)..... 27054, 27182
74..... 27054
81..... 27182
87..... 27182
90..... 27182
94..... 27182
Proposed Rules:
94..... 27113

50 CFR
301..... 27073
611..... 27075
674..... 27080

VOL
48
ISS
1
1
4
JE
13
1983
MI

This sec
contains
general
of which
the Code
published
U.S.C. 1
The Cod
by the S
Prices of
first FED
month.

FEDERA
CORPO

12 CFR

Applicat
Delegati
of Acqu

AGENCY:
Corpora

ACTION:

SUMMAR
Insuranc
of Direct
certain c
not deny
The dele
FDIC's D
to the FD
delegatio
costs of

EFFECTIV

FOR FURT
Donald F
Examine
Federal I
550—17t
D.C., 202

SUPPLEM
section 1
the Feder
"FDI Act
insured b
FDIC for
consolida
or acquir
liability t
insured b
be a State
member
(a "State

The FD
("Board"
power to
transacti
distinctio
when the

Rules and Regulations

Federal Register
Vol. 48, No. 114
Monday, June 13, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 303

Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation's ("FDIC") Board of Directors is delegating authority, if certain criteria are met, to approve (but not deny) routine merger transactions. The delegation is to the Director of the FDIC's Division of Bank Supervision and to the FDIC's regional directors. The delegation will reduce the time and costs of processing applications.

EFFECTIVE DATE: June 13, 1983.

FOR FURTHER INFORMATION CONTACT: Donald F. Pfeiffer, Supervising Examiner, Division of Bank Supervision, Federal Deposit Insurance Corporation, 550—17th Street, NW., Washington, D.C., 202–389–4701.

SUPPLEMENTARY INFORMATION: Under section 18(c)(2), 12 U.S.C. 1828(c)(2), of the Federal Deposit Insurance Act (the "FDI Act," 12 U.S.C. 1811 *et seq.*), a bank insured by the FDIC must apply to the FDIC for permission to merge or consolidate with another insured bank, or acquire the assets of or assume the liability to pay any deposits in any other insured bank, if the surviving bank will be a State-chartered bank that is not a member of the Federal Reserve System (a "State nonmember bank").

The FDIC's Board of Directors ("Board") has already delegated the power to approve—but not deny—such transactions (herein referred to without distinction as "merger transactions") when they amount to mere corporate reorganizations or "phantom-bank mergers." See 12 CFR 303.11(a)(9). Transactions of this kind do not affect the structure of the banking market or the financial condition of the applicant bank. Accordingly the Board has been willing to delegate its power to the Director of the Division of Bank Supervision ("DBS") and, where confirmed in writing by the Director of DBS, to the regional director of the FDIC region where the applicant bank is located.

Now the Board is delegating authority to approve (but not deny) substantive but routine merger transactions. The delegation follows the model used in dealing with corporate reorganizations and "phantom bank" mergers. That is to say, the delegation is to the Director of DBS and, where confirmed in writing by the Director of DBS, to the regional director of the FDIC region where the applicant bank is located.

The delegation is effective only if the delegate determines that the conditions contained in section 18(c)(5) of the FDI Act, 12 U.S.C. 1828(c)(5), are satisfied, and also finds that the application meets the following criteria:

1. All parties to the merger transaction must be insured banks; but no party to the merger transaction may be a savings bank or a mutual savings bank.

2. Upon consummation of the merger transaction, the applicant (or, where the applicant is a foreign bank, its insured branch) may not have more than 15% of the individual, partnership, and corporate deposits held by banks (excluding deposits held by savings banks and mutual savings banks) in the relevant market. Furthermore, the merger transaction may not produce a change in the Herfindahl-Hirshman Index of more than 113 for the market as measured by the individual, partnership and corporate deposits held by banks (excluding deposits held by savings banks and mutual savings banks).[1]

3. Upon consummation of the merger transaction, the applicant (or, where the applicant is a foreign bank, its insured branch) may not have more than $1 billion in assets.

4. If the applicant is a state bank, upon consummation of the merger transaction, its tangible adjusted equity capital must be adequate and in no event less than 5% of adjusted assets. If the applicant is a foreign bank, its insured branch must be in compliance with 12 CFR 346 upon consummation of the merger transaction.

5. Upon consummation of the merger transaction, the applicant (or, where the applicant is a foreign bank, its insured branch) must warrant a composite rating of 2 or better under the Uniform Financial Institutions Rating System, 1 *Fed. Deposit Ins. Corp. Law, Reg., Related Acts* (FDIC) 5079.

6. Upon consummation of the merger transaction, the applicant (or, where the applicant is a foreign bank, its insured branch) must be in substantial compliance with state and federal laws, rules and regulations.

7. Upon consummation of the merger transaction, the applicant (or, where the applicant is a foreign bank, its insured branch) must be in substantial compliance with the Community Reinvestment Act, 12 U.S.C. 2901, *et seq.*, and implementing regulations (12 CFR Part 345).

8. Upon consummation of the merger transaction, there must remain at least three banks (excluding savings banks and mutual savings banks) other than the applicant in the relevant market.

9. The delegate must review the reports on the competitive factors involved in the transaction provided by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Attorney General. If the Attorney General determines that the transaction may have an adverse effect on competition, the delegation is not effective. If the FDIC does not receive an opinion from the Attorney General within 30 days, the delegate must ask the Washington Office of the FDIC's Legal Division to provide a formal opinion on the transaction's effect on competition. In that event the delegate may not approve the application until the Legal Division determines that the transaction will not affect competition adversely.

Applications fitting these criteria will not adversely affect competition in the market, or the safety-and-soundness of the banks or the banking system, or the convenience and needs of the community within which the merger transaction is to take place.

The FDIC has reviewed the 37 merger transactions that the Board dealt with between January 1, 1982 and May 31,

[1] The Herfindahl-Hirshman Index is calculated by adding the squares of the market shares of all the banks in the market.

1982. Twenty-six mergers involved commerical banks only. Of these, 15 would not have met one or more of the proposed criteria. The remaining 11 [or 42% of those involving commercial banks) could have been delegated to the Director of DBS and/or the regional directors under the proposed rule.

The delegation benefits the FDIC. It eliminates several levels of review, and saves at least ten days (and often two weeks or more) in the approval process. It also conserves the Board's resources by allowing Board members to deal with matters of greater weight and urgency.

In addition, the delegation benefits banks. It shortens the time they must wait for approval of their applications. It also gives the FDIC greater flexibility to accommodate banks' particular circumstances (*e.g.*, their accounting periods) where the 30-day waiting period might cause timing problems.

The FDIC proposed the delegation on October 5, 1982, and asked for public comment on it. 47 FR 43983 (1982). The October 5 proposal was the same as the rule hereby adopted in every way but one: the earlier plan made no mention of the Herfindahl-Hirshman Index.

The FDIC received eight letters of comment on the October 5 proposal; seven were submitted by members of the public. One letter called for relaxing the guidelines, so that the delegations would be effective whenever the resulting bank would have 25% (rather than 15%) of total deposits and up to $2 billion (rather than $1 billion) in assets. A second declared that mergers involving savings banks and mutual savings banks should be eligible for approval by means of delegated authority. Two more asserted that the relevant product-line should include thrifts' activities: that is thrift-held deposits should count as part of the total pool of deposits for purposes of calculating the 15% test; one of the two also said the FDIC should count thrifts as "institutions remaining in the market" upon consummation of the merger. Three letters gave full support to the proposal.

The FDIC has evaluated the points raised by these letters. The FDIC wishes to emphasize that the delegations are only intended to accommodate mergers that are of a purely routine character. Furthermore, the FDIC considers that it is important to keep the standards of approval uniform from case to case and from region to region.

A merger resulting in a firm with more than 15% of the market entails a significant increase in market concentration. Likewise, when the resulting firm has more than $1 billion in assets, any safety-and-soundness problems it might present would be of more than routine significance. For these reasons, the FDIC has decided that the Board should continue to review any such mergers.

Furthermore, the FDIC believes that it is premature to include savings banks and mutual savings banks within the sphere of the delegation. The cluster of services that these institutions provide may differ from that provided by commercial banks; the geographic boundaries of the market in which a savings bank (or mutual savings bank) competes may not be the same as those that would define the market of a similarly-situated commercial bank; and the competitors of savings banks (and of mutual savings banks) may be somewhat different from those of commercial banks. Moreover, the powers of savings banks, of mutual savings banks, and of other thrift institutions are continuing to evolve. The FDIC does not believe that mergers involving these institutions can be characterized as routine.

Similarly the FDIC believes that—for the purpose of deciding whether to delegate authority—thrift institutions should be excluded from the market. To be sure, when the FDIC evaluates a merger, it calculates the resulting bank's market share both in terms of the market represented by commercial banks alone and in terms of the market represented by banks and thrift institutions taken in combination. The competitive influence of thrift institutions on commercial banks can vary greatly from one market to another, however, and the relationship between the second calculation and the actual competitive impact of a merger is not well established. Accordingly the FDIC believes that delegated authority should only be invoked in cases that meet the more stringent test: that is, where mergers meet the standards of delegation when measured within the context of the commercial-bank market alone. The FDIC may review this matter later on, as the powers and the competitive influence of the thrift institutions continue to evolve.

The eighth—and most detailed—comment was that of the Department of Justice ("Department"). The Department endorsed the basic theme of delegation. But the Department said the FDIC should change the guidelines in two major ways.

First, the Department declared, the FDIC should not rely exclusively on a market-share test (*i.e.*, whether the resulting bank has 15% of the deposits). The Department observed that this test does not take into account the way that market power is spread among the firms in the market. The Department suggested using a test based on the Herfindahl-Hirshman Index as a supplement.

The FDIC believes that it has adequately dealt with the problem of marketshare distribution by requiring that at least four banks remain in the market after the merger has been completed, and that a "no competitive effect" letter be received either from the Department or from the FDIC's own Legal Division. Nevertheless, in the spirit of maintaining a common government-wide standard for interpreting the antitrust laws, the FDIC has incorporated Herfindahl-Hirshman criteria into the merger-delegation rules. Specifically, the FDIC provides that delegation will be available only in cases where the change in the Herfindahl-Hirshman Index is less than 113.

The number 113 represents the maximum change in concentration that could result from a merger between two banks whose combined market share is 15% (*i.e.*, two banks of 7.5% each). The FDIC believes that all mergers of this kind can and should be disposed of at the regional level. More complicated questions arise, however, when mergers of three or more banks are involved. In such cases, even when the resulting bank has only 15%, the change in the Herfindahl-Hirshman Index can readily exceed 113, and the alteration in the structure of a market can be more difficult to evaluate. The FDIC believes that cases of this kind should be reserved for the Board to consider, at least during the initial period of the delegation.

Second, the Department says the FDIC should establish explicit standards for determining the relevant geographic market. The Department remarks that the FDIC has historically (albeit informally) used the area within a fifteen-mile radius of a bank's office as a proxy for the market served by that office. The Department judges this procedure to be reasonable—provided it is used in combination with at least one other proxy. The Department suggests using either Ranally Metro Areas or the merging banks' counties as secondary proxies.

The FDIC has always been careful to avoid a rigid definition of market areas. Local geographic and economic conditions are paramount in determining the limits of banking markets. The FDIC believes that the Director of DBS and the regional directors can weigh these factors appropriately in any given case. Accordingly, the FDIC declines to adopt any uniform rule for defining banking

markets. The FDIC takes this position in the knowledge that the Department has an opportunity to comment on mergers before approval; any such challenge will preclude the use of delegated authority.

The FDIC has evaluated other ways to relax the guidelines for delegation. The FDIC might have delegated power to deny applications as well as approve them. The FDIC might also have delegated the power to approve merger transactions involving banks not insured by the FDIC. The FDIC has determined, however, that matters like these raise issues that are not routine. The FDIC concludes that the Board should continue to review any such cases.

Regulatory Flexibility Analysis

The delegations only affect the internal activities of the FDIC. They do not impose any new costs or burdens on, nor affect the competitive status of, any small entities. Accordingly a cost/benefit analysis of the delegations (including a small-bank impact statement) is not required. The Board has certified that the rule will not, if promulgated, have a significant economic, impact on a substantial number of small entities. See 5 U.S.C. 605.

Paperwork Reduction Act Analysis

The rule does not impose any new record-keeping or reporting requirements on insured banks.

National Environmental Policy Act Statement

The delegations only affect the internal procedures of the FDIC, and do not significantly affect the environment. Accordingly, an environmental impact statement is not required under the National Environmental Policy Act of 1969.

List of Subjects in 12 CFR Part 303

Administrative practice and procedure, Authority delegations, Bank deposit insurance, Banks, banking.

For the reasons set forth in the preamble, Part 303 of title 12, of the Code of Federal Regulations, is amended as set forth below.

PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL

1. The authority citation for Part 303 reads as follows:

Authority: Secs. 2(5), 2(6), 2(7)(j), 2(8), 2(9 "Seventh" and "Tenth"), 2(10), 2(19), Pub. L. No. 797, 64 Stat. 878, 881, 881, 883 as amended by Pub. L. No. 86-463, 74 Stat. 129; sec. 2, Pub. L. No. 87-827, 76 Stat. 953; Pub. L. No. 88-593, 78 Stat. 940; Pub. L. No. 89-79, 79 Stat. 244, sec. 1, Pub. L. No. 89-356, 80 Stat. 7; sec. 12(c), Pub L. No. 89-485, 80 Stat. 242; sec. 3, Pub. L. 89-597, 80 Stat. 824; title II, secs. 201, 205, Pub. L. No. 89-695, 80 Stat. 1055; sec. 2(b), Pub. L. No. 90-505, 82 Stat. 858; secs. 6(c) (7), (12), (13), Pub. L. No. 95-369, 92 Stat. 616-620; title III, secs. 306, 308 and title VI, sec. 602, Pub. L. No. 95-630, 92 Stat. 3677, 3683 (12 U.S.C. 1815, 1816, 1817(j), 1818, 1819 "Seventh" and "Tenth," 1828, 1829); title I, sec. 108, Pub. L. No. 90-321, 82 Stat. 150 as amended by title IV, sec. 403, Pub. L. No. 93-495, 88 Stat. 1517 and title VI, sec. 608, Pub. L. No. 96-221, 94 Stat. 171 (15 U.S.C. 1607).

2. In § 303.11, paragraph (a)(17) is added to read as follows:

§ 303.11 Delegation of authority to act on certain applications and on notices of acquisition of control.

(a) * * *

(17) Applications for permission to merge or consolidate with any other insured bank or, either directly or indirectly, to acquire the assets of, or assume the liability to pay any deposits made in, any other insured bank or insured branch of a foreign bank. This authority extends only to the approval and not to the denial of such applications.

* * * * *

3. Section 303.12 is amended by adding a new paragraph (e) and redesignating footnote 10 as footnote 9 and footnote 11 as footnote 10 as follows:

§ 303.12 Applications where authority is not delegated.

* * * * *

(e) *Conditions precedent to delegation of authority to approve applications for permission to merge or consolidate with any other insured bank or, either directly or indirectly, to acquire the assets of, or assume the liability to pay any deposits made in, any other insured bank or insured branch of a foreign bank.* (Important: The requirements set forth in this paragraph (e) are procedural in nature only and should not be construed as standards or criteria which will be used in determining whether a specific application will be approved or denied.) Authority to approve applications for permission to merge or consolidate with another insured bank or, either directly or indirectly, to acquire the assets of, or assume the liability to pay any deposits made in, any other insured bank (herein referred to as "merger transactions") is delegated pursuant to § 303.11(a)(17) only where the conditions set forth in section 18(c)(5) of the Federal Deposit Insurance Act are satisfied and where the following criteria are met:

(1) All parties to the merger transaction must be insured banks; but no party to the merger transaction may be a savings bank or a mutual savings bank.

(2) Upon consummation of the merger transaction, the applicant (or, where the applicant is a foreign bank, its insured branch) may not have more than 15% of the individual, partnership, and corporate deposits held by banks (excluding deposits held by savings banks and mutual savings banks) in the relevant market. Furthermore, the merger transaction may not produce a change in the Herfindahl-Hirshman Index of more than 113 for the market as measured by the individual, partnership and corporate deposits held by banks (excluding deposits held by savings banks and mutual savings banks).[11]

(3) Upon consummation of the merger transaction, the applicant (or, where the applicant is a foreign bank, its insured branch) may not have more than $1 billion in assets.

(4) If the applicant is a state bank, upon consummation of the merger transaction, its tangible adjusted [7] equity capital and reserves must be determined to be adequate and in no event less than 5% of adjusted assets. If the applicant is a foreign bank, its insured branch must be in compliance with 12 CFR 346 upon consummation of the merger transaction.

(5) The applicant (or, where the applicant is a foreign bank, its insured branch) must have a composite rating of 2 or better under the Uniform Financial Institutions Rating System (composite Camel), *see* 1 Fed. Deposit Ins. Corp. Law, Reg., Related Acts (FDIC) 5079, upon consummation of the merger transaction.

(6) Upon consummation of the merger transaction, the applicant (or, where the applicant is a foreign bank, its insured branch) must be in substantial compliance with state and federal laws, rules, and regulations.

(7) The requirements of the Community Reinvestment Act must be considered and favorably resolved in regard to the resulting bank.

(8) Upon consummation of the merger transaction, there must remain at least three banks (excluding savings banks and mutual savings banks) other than the applicant in the relevant market.

(9) The delegate shall review any reports on the competitive factors involved in the merger transaction that the Comptroller of the Currency, the

[11] The Herfindahl-Hirshman Index is calculated by adding the squares of the market shares of all the banks in the market.

Board of Governors of the Federal Reserve System, and the Attorney General may provide in response to a request for such reports by the Corporation. If the Attorney General determines that the merger transaction may have an adverse effect on competition, the delegation provided herein shall be ineffective. If the Corporation does not receive an opinion from the Attorney General within 30 days of the date on which the Corporation has requested the opinion, the delegate shall request the Washington Office of the FDIC's Legal Division to provide a formal opinion on the question whether the merger transaction may have an adverse effect on competition. If the delegate has requested the Corporation's Legal Division to provide a formal opinion in accordance with this requirement, the delegate shall not approve the application until the Legal Division has issued an opinion stating that the merger transaction will have no significant adverse effect on competition.

By order of the Board of Directors, May 23, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary

[FR Doc. 83-15710 Filed 6-10-83; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-39-AD; Amdt. 39-4661]

Airworthiness Directives: Boeing Models 707/720/727/737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) which requires the installation of a leading edge position aural warning system on Boeing Model 707/720/727/737 series airplanes, on or before March 31, 1983, or upon implementation of a specific cockpit procedure, on or before December 26, 1983, for the 727 and 737 series airplanes. This amendment adds an additional service bulletin which was inadvertently omitted from the list of acceptable service bulletins contained in the final rule.

DATE: Effective June 21, 1983.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Lium, Systems & Equipment Branch, ANM-130s, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2500. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: AD 80-22-12, Amendment 39-3951 (45 FR 70230; October 23, 1980), as revised by Amendment 39-4577 (48 FR 8989, March 3, 1983), requires the installation of leading edge device logic which will provide aural warning when the leading edge devices have not been extended prior to takeoff. This AD applies to Boeing Model 707/720/727/737 series airplanes and requires that the modification be completed on or before March 31, 1983, unless a specific cockpit procedure is implemented on the 727 and 737 airplanes, in which case the compliance deadline is extended to December 26, 1983. This AD also listed three service bulletins which may be used to comply with the AD. Subsequent to publication of the AD, the FAA was made aware of an additional service bulletin applicable to the Boeing 727 series airplanes which is acceptable. This action adds this new bulletin to the list contained in the existing AD.

This amendment provides additional information, is clarifying in nature, and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

PART 39—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by correcting Paragraph A(2) of AD 80-22-12, Amendment 39-3951 (45 FR 70230; October 23, 1980) as revised by Amendment 39-4577 (48 FR 8989; March 3, 1983,) to read as follows:

A. (2) (Boeing 727 Series Airplanes) Boeing Service Bulletins No. 727-31-50, Revision 1, dated January 15, 1982, or No. 727-31-52, dated January 15, 1982, or other previous or subsequent FAA approved revisions.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective June 21, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves an amendment that is clarifying in nature and does not impose any additional burden on any person. Therefore: (1) It is not major under Executive Order 12291 (46 FR 13193; February 19, 1981) and; (2) it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it provides additional information, clarifying in nature, and because it involves few, if any, small entities.

Issued in Seattle, Washington on June 1, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-15806 Filed 6-10-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-NM-37-AD; Amdt. 39-4663]

Airworthiness Directives: British Aerospace Aircraft Group Model HS-125 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing airworthiness directive (AD) applicable to British Aerospace Aircraft Group Model HS-125 series airplanes which requires installation of static electricity suppression filters on the fuselage. Paragraph 2 was determined to be incorrect and, further, it was not necessary since the referenced service bulletin provided the instructions required to comply with the AD.

DATE: Effective June 22, 1983.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington D.C. 20041, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM–150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington: telephone (206) 767–2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98188.

SUPPLEMENTARY INFORMATION: AD 83–02–04 (48 FR 4264, January 31, 1983) was issued to require the installation of static electricity suppression filters on the fuselage on BAe Model HS–125 series airplanes. It was discovered that paragraph 2 was in error since it made reference to "auxiliary power units other than the Garrett TFE 731," and these engines are not used as auxiliary power units. The service bulletin provides instructions to operators of aircraft with APUs installed to standards dissimilar than those of the manufacturer. Therefore, Paragraph 2 of AD 82–02–04 is also not necessary and this AD is corrected by deleting Paragraph 2.

Since this Amendment corrects and clarifies an AD and imposes no additional burden on any person, it is found that notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

PART 39—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 83–02–04, Amendment 39–4558 (48 FR 4264, January 31, 1983) by deleting paragraph 2 and renumbering paragraphs 3 and 4, as paragraphs 2 and 3, respectively.

This amendment becomes effective June 22, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves an amendment that is clarifying in nature and does not impose any additional burden on any person. Therefore, (1) It is not major under Executive Order 12291 (46 FR 13193; February 19, 1981); and (2) it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it is clarifying in nature, and because it involves few small entities.

Issued in Seattle, Washington on June 2, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83–15801 Filed 6–10–83; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 82–NM–113–AD; Amdt. 39–4662]

Airworthiness Directives; Pacific Scientific Company, Kin-Tech Division

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires replacement of the lower cover of certain Pacific Scientific Company rotary buckles used in aircraft flight attendant seat restraint systems. The AD is prompted by two reports of broken cam plates in the rotary buckle which would not release. This failure could result in the entrapment of the occupant during emergency conditions.

DATE: Effective July 18, 1983. Compliance required within the next 180 days after the effective date of this AD (unless already accomplished).

ADDRESSES: The applicable service information may be obtained from: Pacific Scientific Company, Kin-Tech Division, 1346 South State College Boulevard, Anaheim, California 92803.

A copy of this information is contained in the Rules Docket, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, and may also be examined at Western Aircraft Certification Field Office, 15000 Aviation Boulevard, Hawthorne, California.

FOR FURTHER INFORMATION CONTACT: Walt Eierman, Aerospace Engineer, ANM–173W, Federal Aviation Administration, Northwest Mountain Region, Western Aircraft Certification Field Office, 15000 Aviation Boulevard, Hawthorne, California 90260, telephone (213) 536–6337.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the lower cover of certain rotary buckles used in aircraft flight attendant seat restraint systems was published in the **Federal Register** on January 24, 1983 (48 FR 2982).

The proposal was prompted by two reported instances where a flight attendant was unable to unlatch a Pacific Scientific rotary buckle restraint system. In each case one of the lobes on the stamped rotary cam plate had broken off. This allowed the cam plate to be over-rotated which permitted the locking pawl to be captured in the locked position. Pacific Scientific buckle assemblies Part Numbers 1107261–01, –05 and –09, manufactured prior to 1982 were of this design. Pacific Scientific has incorporated two (2) rivet stops within the buckle cover on the later design which precludes over-rotation of the cam plate in the event of cam failure. This condition, if uncorrected, could result in an occupant being trapped in the seat.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received. Three comments were received which related to the adequacy of the proposed modification. The first stated that the flexibility of the buckle cover plate could result in jamming of the mechanism. The second stated that a stainless steel cover should be required because of the problem of the aluminum cover denting. The third felt that because cover denting could cause lockup, and that the proposed fix could hide a passive failure, neither an aluminum nor a stainless steel cover would be adequate but an improved cam plate should be required. The FAA does not agree. Based on service experience, we continue to believe the new cover provides an adequate solution. The new cover plate has been made by Pacific Scientific under the same part number in both aluminum and stainless steel. Only stainless steel covers have been made available since the start of 1983. Stainless steel covers are available to operators who have experienced denting of aluminum covers. As provided for in the AD, an alternate modification, such as an improved cam plate, could be approved by the Manager, Western Aircraft Certification Field Office, if it provided an equivalent level of safety.

One commenter stated that one year is more realistic compliance time than the 180 days indicated in the NPRM. Several other commenters, however, indicated they would not have any difficulty with the AD as proposed; therefore, we feel the 180 days compliance time is not unduly burdensome. One commenter stated

they had no reported lock-up problem and felt the AD was not justified.

The costs that are associated with this AD are estimated to be $12 for each of 6000 units in U.S. airline service. The total is estimated at $72,000. For these reasons, the rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act would be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule without change.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

PART 39—[AMENDED]

Adoption of the Amendent

Accordingly, pursuant to the authority delegated to me by the Adminstrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Pacific Scientific Company, Kin-Tech Division: Applies to Pacific Scientific flight attendant restraint system rotary buckle assemblies, Part Numbers 1107261–01, –05 and –09, manufactured prior to 1982.

Compliance required within 180 days from the effective date of this AD, unless previously accomplished.

To prevent the entrapment of occupants caused by the inability to release the restraint system assembly, accomplish the following:

a. Inspect flight attendant restraint systems to determine if Pacific Scientific rotary buckle as identified in Figure 1 of Pacific Scientific Service Bulletin 1107261–25–01 is installed.

b. If installed, determine if the old lower cover 1107270–01 or the new cover assembly 1107525–01 is installed. The cover is not identified with a part number; however, with the old cover only the two (2) attachment screw heads will be seen. The new cover assembly also has two (2) rivet upsets on the outside of the cover assembly and, in addition, the lap belt and/or inertia reel nameplate should be identified with the letter "M" after the assemby part number.

c. If the new cover assembly 1107525–01 is installed, no further action is required per this AD.

d. If the old cover 1107270–01 is installed, replace the old cover with the new 1107525–01 cover assembly and stamp or mark a suffix letter "M" next to part number on each lap belt and on inertia reel nameplate.

Note.—Pacific Scientific Service Bulletin 1107261–25–01, Revision 1, dated June 1, 1982, pertains to this subject.

e. Alternate inspections, modificatins or other actions which provide an equivalent level of safety may be used when approved by the Manager, Western Aircraft Certification Field Office, FAA, Northwest Mountain Region. This amendment becomes effective July 18, 1983.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in this rulemaking action, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities since it involves few small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on June 1, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83–15803 Filed 6–10–83; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 83–ASW–20]

Designation of Transition Area: El Reno, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at El Reno, OK. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Mustang Field Airport. This amendment is necessary since a new nondirectional radio beacon (NDB) is being established and an instrument approach procedure will be published to serve Runway 35R. Coincident with this action, the airport is changed from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877–2630.

SUPPLEMENTARY INFORMATION:

History

On April 14, 1983, a notice of proposed rulemaking was published in the **Federal Register** (48 FR 16069) stating that the Federal Aviation Administration proposed to designate the El Reno, OK, Transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones and/or transition areas.

PART 71—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70–3A dated January 3, 1983, is amended, effective 0901 GMT, August 4, 1983, as follows:

El Reno, OK [New]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Mustang Field Airport (latitude 35°28'17"N., longitude 98°00'13"W.), and within 3 miles each side of the 169° bearing from the El Reno NDB (latitude 35°28'43"N., longitude 98°00'31"W.), extending from the 6.5-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on May 31, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83–15804 Filed 6–10–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 83-ACE-03]

Alteration of Transition Area—Iowa City, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Iowa City, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Iowa City Municipal Airport, Iowa City, Iowa, utilizing a Non-Directional Radio Beacon (NDB) installed on the airport as a navigational aid. The intended effect of this action is to insure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure to the Iowa City Municipal Airport, Iowa City, Iowa, is being established utilizing an NDB on the airport as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of a transition area at Iowa City, Iowa, at and above 700 feet above the ground (AGL), within which aircraft are provided air traffic control service. The intended effect of this action is to insure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 15482 and 15483 of the **Federal Register** dated April 11, 1983, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Iowa City, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Sec. 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, August 4, 1983, by altering the following transition area:

Iowa City, Iowa

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Iowa City Municipal Airport (latitude 41°38'22"N, longitude 91°32'46"W), and within 2 miles each side of the Iowa City VOR 024° radial, extending from the 6-mile radius area to the VOR; within 3 miles each side of the 276° bearing from the Iowa City NDB (latitude 41°37'58"N, longitude 91°32'31"W), extending from the 6-mile radius area to 8.5 miles west of the NDB; within 2.5 miles each side of the 103° bearing from the NDB extending from the 6-mile radius area to 7 miles east of the NDB.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on June 3, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-15789 Filed 6-10-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ACE-04]

Designation of Transition Area, Mountain Grove, Missouri

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Mountain Grove, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Mountain Grove, Missouri, Memorial Airport, utilizing the Dogwood, Missouri, VORTAC as a navigational aid. This action will change the airport status from VFR to IFR. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure is being developed for the Mountain Grove, Missouri, Memorial Airport, utilizing the Dogwood VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Mountain Grove, Missouri, at or above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operations and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

Discussion of Comments

On page 15482 of the **Federal Register** dated April 11, 1983, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Mountain Grove, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Sec. 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT August 4, 1983, by designating the following transition area:

Mountain Grove, Missouri

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mountain Grove Memorial Airport (latitude 37°07'13"N, longitude 92°18'44"W) and within 3 miles each side of the Dogwood, Missouri, VORTAC 071° radial, extending from the 5-mile radius area to 8.5 miles southwest of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on June 3, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-15791 Filed 6-10-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-ACE-05]

Designation of Transition Area; Waukon, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Waukon, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Waukon, Iowa, Municipal Airport, utilizing the Waukon VORTAC as a navigational aid. This action will change the airport status from VFR to IFR. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). Action is also taken herein to change the VORTAC radial from 275 degrees to 271 degrees.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure is being developed for the Waukon Iowa, Municipal Airport, utilizing the Waukon VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Waukon, Iowa, at or above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR. After publication of the NPRM, it was determined that the radial cited for the VORTAC was magnetic (275 degrees) rather than true (271 degrees). Accordingly, action is taken herein to cite the correct radial.

Discussion of Comments

On pages 15481 and 15482 of the **Federal Register** dated April 11, 1983, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend Section 71.181 of Part 71, of the Federal Aviation Regulations so as to designate a transition area at Waukon, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Sec. 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT August 4, 1983, by designating the following transition area:

Waukon, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waukon Municipal Airport (Latitude 43°16'50"N, Longitude 91°28'11"W); and within 3 miles each side of the Waukon VORTAC 271° radial extending from the 5-mile radius area to 8.5 miles west of the Waukon Municipal Airport excluding that portion that overlaps the Decorah, Iowa, transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on June 3, 1983.

John E. Shaw,

Director, Central Region.

[FR Doc. 83-15870 Filed 6-10-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-ASW-15]

Alteration of Transition Area and Control Zone; San Angelo, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area and control zone at San Angelo, TX. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing standard instrument approach

procedures (SIAP's) to Mathis Field. This amendment is necessary since a review of the designated controlled airspace revealed the airspace is improperly described and the extensions southwest of the airport are not required.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

On April 14, 1983, a notice of proposed rulemaking was published in the **Federal Register** (48 FR 16067) stating that the Federal Aviation Administration proposed to alter the San Angelo, TX, transition area and control zone. Interested persons were invited to practicipate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181 and Subpart F of Part 71, § 71.171, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, are amended, effective 0901 G.m.t., August 4, 1983, as follows:

Subpart F 71.171

San Angelo, TX [Revised]

Within a 5.5-mile radius of Mathis Field (latitude 31°21'30" N., longitude 100°29'45" W.), and within 2 miles each side of the San Angelo VORTAC 065° radial extending from the 5.5-mile radius area to 8 miles northeast of the VORTAC; and within 2 miles each side of the San Angelo instrument landing system (ILS) localizer northeast course extending from the 5.5 mile radius area to 8 miles northeast of the San Angelo VORTAC 314°radial.

Subpart G 71.181:

San Angelo, TX [Revised]

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mathis Field (latitude 31°21'30" N., longitude 100°29'45" W.), and within 2 miles each side ofthe San Angelo VORTAC 065° radial extending from the 8-mile radius area to 10.5 miles northeast of the VORTAC; and within 2 miles each side of the San Angelo ILS localizer northeast course extending from the 8-mile radius area to 10.5 miles northeast of the San Angelo VORTAC 314° radial.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on May 31, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-15861 Filed 6-10-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 221, 234, and 235

[Docket No. R-83-1067]

Low Cost and Moderate Income Mortgage Insurance; Condominium Ownership Mortgage Insurance; Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: HUD is removing the regulatory provisions which established the Existing Multifamily Housing Demonstration to develop and test new and improved mechanisms for the purchase and/or refinancing of existing multifamily housing projects. These provisions are being removed because (1) the pilot test for cooperative projects under the Demonstration was deemed by HUD to be unsuccessful and (2) there is a lack of Section 235 funds available for the condominium phase of the Demonstration.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT: Robert W. Wilden, Office of Housing, Multifamily Housing Development, Elderly, Cooperative, Congregate and Health Facilities Division, Room 6146, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 426-0730. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The Office of Housing and the Office of Policy Development and Research announced a joint Demonstration for the conversion of existing multifamily projects into cooperatives with an interim rule published in the **Federal Register** on May 14, 1980 (45 FR 31806).

The purpose of the Demonstration was to develop and test new and improved mechanisms for the purchase and/or refinancing of existing multifamily housing projects. The May 14, 1980 interim rule set up a procedure for the insurance under section 221(d)(3) (pursuant to Section 223(f)) of project mortgages for the conversion of existing multifamily projects into cooperatives.

There was one comment received on the interim rule. The comment indicated approval of the intent of the Demonstration, but suggested that the 223(f) program be expanded to be used also in conjunction with the 221(d)(4) rental program, as well as the 234(d) condominium program (using Section 235 assistance). In light of the decision to remove the provisions associated with the Demonstration, it is unnecessary to deal with the commenter's suggestion.

The Department, as part of the overall Demonstration, published another interim rule in the **Federal Register** on September 11, 1980 (45 FR 60390). This rule provided for insurance of condominium mortgages under Sections 221 and 234 (pursuant to Section 223(f)), as well as for Section 235 assistance. There were no public comments received regarding this rule.

On September 15, 1980, the Department published in the **Federal Register** (45 FR 61282), a Solicitation to Submit Pilot Project Applications and Preliminary Guidelines for Implementation of the Existing Multifamily Housing Demonstration. This Solicitation stated that the pilot cooperative test would be limited to seven projects, out of a total of thirty projects, located in six metropolitan areas, for the full scale Demonstration. The Solicitation established the application procedures, the eligibility criteria, selection factors and processing procedures for the Demonstration.

Special emphasis was to be placed on innovative aspects of the cooperative conversion, such as financing mechanisms and tenant benefits in the areas of displacement, housing expenses, conservation measures and resident equity limitations.

The Department received nine applications for participation in the pilot test. Six of these applications placed an emphasis on GNMA Tandem financing in order to make the proposals economically feasible. In view of the substantially greater cost to the public, as a whole, whenever GNMA Tandem financing is used to develop a project, the Department believed these pilot applications did not successfully demonstrate any new, innovative or improved mechanisms that would be available for the purchase or refinancing of existing multifamily housing projects. Of the remaining three applicants, which were given additional time to revise their applications to correct deficiencies with supplementary information, one applicant withdrew its application and a second applicant submitted a supplementary application which was rejected because the application did not correct the deficiencies noted in the original application, or in some instances created new problems. While the third application was found to be marginally feasible, the Department decided not to go forward with the Demonstration because of the lack of other acceptable applications. Since the Department deemed the cooperative test project to be unsuccessful, no Solicitation Notice was ever published for the condominium pilot project. In addition, the lack of Section 235 funds was also a consideration in the Department's decision to remove the regulatory provisions relating to the condominium phase of the Demonstration.

Therefore, based upon the negative experience from the pilot test for cooperative projects under the Demonstration, the Department is removing the provisions, adopted by the May 14, 1980 interim rule, for insurance under Section 221(d)(3) (pursuant to Section 223(f)) of project mortgages for the conversion of existing multifamily projects into cooperatives. The Department is also removing similar provisions, adopted by the September 11, 1980 interim rule, for the conversion of existing multifamily projects into condominiums.

Since the Department has solicited public comments on each of the two interim rules, and has considered the one comment received, it is unnecessary to solicit further public comment at this time. Accordingly, the Department is proceeding by final rule to remove the regulatory provisions which established the Existing Multifamily Housing Demonstration.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule does not constitute a "major rule" as the term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. Since the rule affects only a few potential projects, it could have possible impact imapact on only a few small entities.

This rule is listed at 47 FR 48432 as item H–13–82 in the Department's Semiannual Agenda of regulation published on October 28, pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program numbers are 14.137, Mortgage Insurance—Rental and Cooperative Housing for Low and Moderate Income Families, Market Interest Rate, 221(d)(3) Market Rate; 14.155, Mortgage insurance for the Purchase or Refinancing of Existing Multifamily Housing Projects (223 (f)); 14.112, Mortgage Insurance—Construction or Substantial Rehabilitation of Condominium Projects (234(d); 14.105, Interest Reduction—Homes for Lower Income Families (235(i)).

List of Subjects

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single Family housing, Projects, Cooperatives

24 CFR Part 234

Condominiums, Mortgage Insurance Homeownership, Projects, Units.

24 CFR Part 235

Condominiums, Cooperatives, Low and moderate income housing, Mortgage insurance, Homeownership, Grant program; housing and community development.

Accordingly, 24 CFR Parts 221, 234 and 235 are amended as follows:

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

§§ 221.560b, 221.560c [Removed]

1. Part 221 is amended by removing 24 CFR 221.560b and 221.560c.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

§§ 234.69a, 234.538 [Removed]

2. Part 234 is amended by removing 24 CFR 234.69a and 234.538.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOMEOWNERSHIP AND PROJECT REHABILITATION

§ 235.15d [Removed]

3. Part 235 is amended by removing 24 CFR 235.15d.

Authority: Section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: June 6, 1983.

W. Calvert Brand,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 83–15728 Filed 6–10–83; 8:45 am]
BILLING CODE 4210–27–M

VETERANS ADMINISTRATION

38 CFR Part 3

Increase in Pension Rates and Income Limitations

AGENCY: Veterans Administration.

ACTION: Final regulation changes.

SUMMARY: The Veterans Administration has amended its regulations setting forth the annual rates of improved pension and parents' dependency and indemnity

compensation (DIC), the annual income limitations applicable to receipt of section 306 pension, old-law pension and parents' DIC, and the annual amount of a spouse's income that is excludable from a veteran's annual income under the section 306 pension program. The need for this action results from the forthcoming social security cost-of-living increase. The effect of this action is to increase the rates and income limitations by the same percentage that social security benefits will be increased. A regulatory amendment has also been made to delay the effective date for rounding down of periodic improved pension rates pursuant to recently enacted legislation.

DATE: These regulation changes are effective December 1, 1983, the effective date of the social security cost-of-living increase.

FOR FURTHER INFORMATION CONTACT: Robert M. White (202–389–3005).

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. 3112 the Veterans Administration is rquired to increase the rates of improved pension and parents' dependency and indemnity compensation (DIC), the income limitations applicable to section 306 pension, old-law pension and parents' DIC and the amount of a spouse's income that is excludable from the amount of a veteran's annual income under the section 306 pension program whenever there is a social security cost-of-living increase. The benefits are to be increased by the same percentage as social security benefits and at the same time.

The Social Security Administration reports that there will be a cost-of-living increase of 3.5 percent in social security benefits effective December 1, 1983. Accordingly, we are amending 38 CFR 3.23 through 3.26 and 3.262(b)(2) to implement corresponding Veterans Administration benefit increases.

The Omnibus Budget Reconciliation Act of 1982 provided for the rounding down of monthly or other periodic pension rates effective June 1, 1983. However, the Social Security Amendments of 1983, Pub. L. 98–21, amended that effective date for purposes of improved pension to coincide with the first social security cost-of-living adjustment which becomes effective after May 31, 1983. The effective date of that adjustment has now been established as December 1, 1983. We have, therefore, amended 38 CFR 3.29(b) to provide that the rounding down of monthly or other periodic improved pension rates will be effective with respect to amounts of improved pension payable for periods beginning on or after December 1, 1983.

Pursuant to 38 CFR 1.12 the Veterans Administration finds that prior publication of these changes for public notice and comment is not required and is unnecessary. The Veterans Administration has no discretion in this matter. The law requires that we increase these benefits by the percentage amount determined by the Social Security Administration and that the improved pension rounding provisions be effective at the same time the social security increase is effective. Consequently, a proposed notice will not be published. For this reason, these changes are also not subject to the Regulatory Flexibility Act, 5 U.S.C. 601–612, since they do not come within the term "rule" as defined in that Act.

In accordance with Executive Order 12291, Federal Regulation, we have determined that these regulation changes are nonmajor for the following reasons:

(1) They will not have an effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans, Veterans Administration.

(Catalog of Federal Domestic Assistance Program numbers are 64.104, 64.105, and 64.110)

Approved: May 11, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.

Deputy Administrator.

PART 3—[AMENDED]

In § 3.23, paragraphs (a) and (c) are revised to read as follows:

§ 3.23 Improved pension rates.

(a) *Maximum annual rates of improved pension.*— (1) *Veterans permanently and totally disabled (38 U.S.C. 521).*

(i) Veteran with no dependents, $5,515.

(ii) Veteran with one dependent, $7,225.

(iii) For each additional dependent, $935.

(2) *Veterans in need of aid and attendance.*

(i) Veteran with no dependents, $8,823.

(ii) Veteran with one dependent, $10,533.

(iii) For each additional dependent, $935.

(3) *Veterans who are housebound.*

(i) Veteran with no dependents, $6,741.

(ii) Veteran with one dependent, $8,451.

(iii) For each additional dependent, $935.

(4) *Two veterans married to one another; combined rates.*

(i) Neither veteran in need of aid and attendance or housebound, $7,225.

(ii) Either veteran in need of aid and attendance, $10,533.

(iii) Both veterans in need of aid and attendance, $13,839.

(iv) Either veteran housebound, $8,451.

(v) Both veterans housebound; $9,678.

(vi) One veteran housebound and one veteran in need of aid and attendance, $11,758.

(vii) For each dependent child, $935.

(5) *Surviving spouse alone and with a child or children of the deceased veteran in custody of the surviving spouse (38 U.S.C. 541).*

(i) Surviving spouse alone, $3,695.

(ii) Surviving spouse and one child in his or her custody, $4,841.

(iii) For each additional child in his or her custody, $935.

(6) *Surviving spouses in need of aid and attendance.*

(i) Surviving spouse alone, $5,912.

(ii) Surviving spouse with one child in his or her custody, $7,050.

(iii) For each additional child in his or her custody, $935.

(7) *Surviving spouses who are housebound.*

(i) Surviving spouse alone, $4,518.

(ii) Surviving spouse and one child in his or her custody, $5,661.

(iii) For each additional child in his or her custody, $935.

(See § 3.24 for entitlement criteria and rate applicable to a child of a deceased veteran not in custody of a surviving spouse who has basic eligibility to receive improved pension. The term "basic eligibility to receive improved pension" is defined in § 3.24.)

* * * * *

(c) *Mexico border period and World War I veterans.* The applicable maximum annual rate payable to a Mexican border period or World War I veteran under this section shall be increased by $1,245. (38 U.S.C. 521(g)).

* * * * *

2. In § 3.24, paragraphs (b) and (c) are revised to read as follows:

§ 3.24 Improved pension rates; surviving children.

* * * * *

(b) *Child with no personal custodian or in the custody of an institution.* In cases in which there is no personal custodian, i.e., there is no person who has the legal right to exercise parental control and responsibility for the child's welfare (see § 3.57(d)), or the child is in the custody of an institution, pension shall be paid to the child at the annual rate of $935 reduced by the amount of the child's countable annual income.

(c) *Child in the custody of person legally responsible for support*—(1) *Single child.* Pension shall be paid to a child in the custody of a person legally responsible for the child's support at an annual rate equal to the difference between the rate for a surviving spouse and one child under § 3.23(a)(5)(ii), and the sum of the annual income of such child and the annual income of such person. The amount payable, however, may not exceed the amount by which $935 exceeds the child's countable annual income.

(2) *More than one child.* Pension shall be paid to children in custody of a person legally responsible for the children's support at an annual rate equal to the difference between the rate for a surviving spouse and an equivalent number of children (but not including any child who has countable annual income equal to or greater than $935) and the sum of the countable annual income of the person legally responsible for support and the combined countable annual income of the children (but not including the income of any child whose countable annual income is equal to or greater than $935). The combined amount payable, however, may not exceed the amount by which $935 times the number of eligible children exceeds the sum of the children's countable annual income. (38 U.S.C. 542).

3. In § 3.25, paragraphs (a), (c), (d) and (e) are revised to read as follows:

§ 3.25 Parent's dependency and indemnity compensation rates.

Dependency and indemnity compensation (DIC) shall be paid monthly to parents of a deceased veteran in the following amounts. (38 U.S.C. 415)

(a) *One parent.* Except as provided in paragraph (b) of this section, if there is only one parent the monthly rate of DIC paid to such parent shall be $257 reduced on the basis of the parent's annual income according to the following formula:

FOR EACH $1 OF ANNUAL INCOME

The $257 monthly rate shall be reduced by	Which is more than	But not more than
$0.00 .08	.....	$800 6,273
	$800	

No DIC is payable under this paragraph if annual income exceeds $6,273.

* * * * *

(c) *Two parents not living together.* The rates in this paragraph apply to: (1) Two parents who are not living together, or (2) an unremarried parent when both parents are living and the other parent has remarried. The monthly rate of DIC paid to each such parent shall be $183, reduced on the basis of each parent's annual income, according to the following formula:

FOR EACH $1 OF ANNUAL INCOME OF EACH PARENT

The $183 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	$0	$800
.05	800	1,000
.06	1,000	1,100
.07	1,100	1,200
.08	1,200	6,273

No DIC is payable under this paragraph if annual income exceeds $6,273.

(d) *Two parents living together or remarried parents living with spouses.* (1) The rates in this paragraph apply to: (i) Each parent living with another parent; and (ii) each remarried parent, when both parents are alive. The monthly rate of DIC paid to such parents will be $172, reduced on the basis of the combined annual income of the two parents living together or the remarried parent or parents and spouse or spouses, as computed under the following formula:

FOR EACH $1 OF COMBINED ANNUAL INCOME

The $172 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	0	$1,000
.03	$1,000	1,900
.04	1,900	2,400
.05	2,400	2,900
.06	2,900	3,400
.07	3,400	4,000
.08	4,000	5,435

No DIC is payable under this paragraph if combined annual income exceeds $8,435.

(2) The rates in this paragraph are also applicable in the case of one surviving parent who has remarried, computed on the basis of the combined income of the parent and spouse, if this would be a greater benefit than that specified in paragraph (a) of this section for one parent.

(e) *Aid and attendance.* The monthly rate of DIC payable to a parent under this section shall be increased by $135 if such parent is: (1) A patient in a nursing home, or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

* * * * *

4. Section 3.26 is revised to read as follows:

§ 3.26 Section 306 and old-law pension annual income limitations.

(a) *Section 306 pension income limitations.* (1) Veteran or surviving spouse with no dependents, $6,273.

(2) Veteran with no dependents in need of aid and attendance (38 U.S.C. 521(d), as in effect on December 31, 1978), $6,773.

(3) Veteran or surviving spouse with one or more dependents, $8,435.

(4) Veteran with one or more dependents in need of aid and attendance (38 U.S.C. 521(d), as in effect on December 31, 1978), $8,935.

(5) Child (no entitled veteran or surviving spouse), $5,126.

(b) *Old-law pension income limitations.* (1) Veteran or surviving spouse without dependents or an entitled child, $5,490.

(2) Veteran or surviving spouse with one or more dependents, $7,919.

5. In § 3.29, paragraph (b) is revised as follows:

§ 3.29 Rounding.

* * * * *

(b) *Monthly or other periodic pension rates.* After determining the monthly or other periodic rate of improved pension under §§ 3.273 and 3.30 or the rate payable under section 306(a) of Pub. L. 95–588 (92 Stat. 2508), the resulting rate, if not a multiple of one dollar, will be rounded down to the nearest whole dollar amount. The provisions of this paragraph apply with respect to amounts of pension payable for periods beginning on or after June 1, 1983, under the provisions of section 306(a) of Pub. L. 95–588 and with respect to amount of improved pension payable for periods

beginning on or after December 1, 1983 under the provisions of 38 U.S.C. 521, 541, or 542. (38 U.S.C. 3023)

6. In § 3.262, paragraph (b)(2) is revised to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(b) *Income of spouse.* Income of the spouse will be determined under the rules applicable to income of the claimant. * * *

(2) *Veterans.* The separate income of the spouse of a disabled veteran who is entitled to pension under laws in effect on June 30, 1960, will not be considered. Where pension is payable under section 306(a) of Pub. L. 95–588, to a veteran who is living with a spouse there will be included as income of the veteran all income of the spouse in excess of whichever is the greater, $1,998 ($1,930 after May 31, 1982 and before December 1, 1983) or the total earned income of the spouse, which is reasonably available to or for the veteran, unless hardship to the veteran would result. The presumption that inclusion of such income is available to the veteran and would not work a hardship on him or her may be rebutted by evidence of unavailability or of expenses beyond the usual family requirements. (38 U.S.C. 521(f); sec. 306(a)(2)(B) of Pub. L. 95–588; 92 Stat. 2497).

* * * * *

[FR Doc. 83–15017 Filed 6–10–83; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 144 and 146

[OW–FRL 2377–7]

State Underground Injection Control Programs: Permitting Procedures, Technical Criteria and Standards; Availability of Guidance Documents

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: EPA promulgated final amendments to its Underground Injection Control (UIC) Program regulations on February 3, 1982 (47 FR 4992: 40 CFR Part 122 (Permitting Procedures recently recodified in 40 CFR Part 144, 48 FR 1416) and Part 146 (Technical Criteria and Standards)). The UIC regulations are promulgated pursuant to Section 1421 of the Safe Drinking Water Act. As a result of these amendments, EPA has received several questions regarding the proper interpretation of certain provisions of the UIC regulations.

This document announces the availability of two guidance documents that provide interpretation of the UIC regulations: Ground-Water Program Guidance No. 28, Appropriate Classification and Regulatory Treatment of Experimental Technologies; and Ground-Water Program Guidance No. 29, Consolidation of Permitting Procedures for Multiple Wells.

ADDRESSES: These guidances are available from EPA Headquarters and the Regional Offices. To obtain a copy contact:

Headquarters—Thomas E. Belk, Chief, Ground-Water Protection Branch, WH 550, 401 M Street SW, Washington, DC 20460.

Region I—Jerome Healey, Chief, Water Supply Branch, JFK Federal Building, Boston, MA 02203.

Region II—Walter Andrews, Chief, Water Supply Branch, Federal Building, 26 Federal Plaza, New York City, NY 10007.

Region III—Robert Blanco, Chief, Water Supply Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106.

Region IV—Donald J. Guinyard, Chief, Water Supply Branch, 345 Courtland Street, Atlanta, GA 30365.

Region V—Dr. Edith Tebo, Chief, Water Supply Branch, 230 South Dearborn Street, Chicago, IL 60604.

Region VI—Adelle Mitchell, Chief, Water Supply Branch, 1201 Elm Street, Dallas, TX 75270.

Region VII—Tom Gillard, Chief, Water Supply Branch, 324 E. 11th Street, Kansas City, MO 64106.

Region VIII—Roger Frenette, Chief, Water Supply Branch, 1860 Lincoln Street, Denver, CO 80295.

Region IX—Bill Thurston, Chief, Water Supply Branch, 215 Fremont Street, San Francisco, CA 94105.

Region X—William A. Mullen, Chief, Water Supply Branch, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Thomas E. Belk, Chief, Water Supply Branch, Environmental Protection Agency, 401 M Street SW., Washington, DC, 20460; (202) 382–5530.

Dated: May 31, 1983.

Rebecca W. Hanmer,

Acting Assitant Administrator for Water.

[FR Doc. 83–15344 Filed 6–10–83; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Parts 204, 205, and 211

[A–FRL 2376–4]

Noise Emission Standards for Portable Air Compressors, Medium and Heavy Trucks, Motorcycles and Motorcycle Replacement Exhaust Systems, Truck Mounted Solid Waste Compactors, and Noise Labeling Requirements for Hearing Protectors; Final Rule; Revocation of Product Verification Testing, Reporting and Recordkeeping Requirements; Correction and Technical Amendments.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction and technical amendments.

SUMMARY: This document corrects a final regulation published December 28, 1982 (47 FR 57709) which implemented a revocation of product verification testing, reporting and recordkeeping requirements for noise emission standards for portable air compressors, medium and heavy trucks, motorcycles and motorcycle replacement systems, truck mounted solid waste compactors, and noise labeling requirements for hearing protectors. The action is necessary to correct minor inconsistencies.

EFFECTIVE DATE: June 13, 1983.

FOR FURTHER INFORMATION CONTACT: Louise Giersch, Office of Air, Noise and Radiation (ANR–445), Environmental Protection Agency, Washington, D.C. 20460; (202) 382–2935.

Corrections

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

Subpart B—Medium and Heavy Trucks

§ 205.57–2 [Corrected]

1. In § 205.57–2 *Test Vehicle Sample Selection,* paragraph (a), corrected line 15, column 1 on page 57715 is as follows: "number of vehicles as specified in paragraph (c) of."

§ 205.57–3 [Corrected]

2.a. In § 205.57–3 *Test Vehicle Preparation,* paragraph (a), corrected line 16, column 2 on page 57715 after the word "Administrator." add as follows: "For purposes of this section, prescribed manufacturing and inspection procedures include quality control testing and assembly procedures normally performed by the manufacturer on like products during early production so long as the resulting testing is not biased by the procedure."

b. In § 205.57–3, paragraph (a) on page 57715 is corrected in the last sentence by lower casing the word "The" and by adding the following phrase to the beginning of that sentence: "In the case of imported products * * *.".

§ 205.55–2 [Amended]

3. In § 205.55–2, paragraph (a)(3) is revised to read as follows:

* * * * *

(9) * * *

(3) At any time following receipt of notice under this section with respect to a configuration, the Administrator may require that the manufacturer ship test vehicles to the EPA test facility in order for the Administrator to perform the tests required for production verification.

§ 205.58–1 [Corrected]

4. In § 205.58–1 *Noise Emission Warranty*, corrected line 18 through 34, column 3 on page 57715 is as follows:

Noise Emissions Warranty

(Name of vehicle manufacturer) warrants to the first person who purchases this vehicle for purposes other than resale and to each subsequent purchaser that this vehicle as manufactured by (names of vehicle manufacturer), was designed, built and equipped to conform at the time it left (name of vehicle manufacturer)'s control with all applicable U.S. EPA Noise Control Regulations.

This warranty covers this vehicle as designed, built and equipped by (Name of vehicle manufacturer), and is not limited to any particular part, component or system of the vehicle manufactured by (name of vehicle manufacturer). Defects in design, assembly or in any part, component or system of the vehicle as manufactured by (name of vehicle manufacturer), which, at the time it left (name of vehicle manufacturer)'s control, caused noise emissions to exceed Federal standards, are covered by this warranty for the life of the vehicle.

§ 205.58–2 [Corrected]

5. Section 205.58–2 *Tampering*, paragraph (c), corrected line 17, column 1 on page 57716 is as follows: "which a proscribed act has been".

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

Subpart D—Motorcycles

§ 205.162–1 [Corrected]

1. Section 205.162–1 Warranty, corrected line 42, column 3 on page 57721 is as follows: "26. Section 205.162–1 (b), (c), and (d) are removed."

§ 205.168–1 [Corrected]

2. Section 205.168–1 General Requirements, paragraph (c), corrected line 24, column 2 on page 57722 is as follows: "(1) not withstanding paragraph (a)(1)".

3. Section 205.168–11 Order to cease distribution paragraph (a) is revised to read as follows:

"§ 205.168–11 Order to cease distribution.

"(a) If a category of exhaust systems is found not to comply with this subpart because it has not been verified or labeled as required by § 205.169, the Administrator may issue an order to the manufacturer to cease distribution in commerce exhaust systems of that category. This order will not be issued if the manufacturer has made a good faith attempt to properly production verify the category and can establish such good faith."

* * * * *

Dated: May 27, 1983.

Charles L. Elkins,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83–15149 Filed 6–10–83; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 271

[SW–4–FRL 2381–4]

Hazardous Waste Management Program; North Carolina; Request for Extension of Application Deadline for Interim Authorization Phase II, Component C

AGENCY: Environmental Protection Agency.

ACTION: Notice of extension of application submission and interim authorization period.

SUMMARY: On April 11, 1983, the State of North Carolina requested a ninety (90) day extension beyond the July 26, 1983, deadline for application for Phase II, Component C, interim authorization (authority to permit land disposal facilities) under the Resource Conservation and Recovery Act of 1976, as amended. EPA is granting this extension. One effect of this action is to allow North Carolina to submit its application after July 26, 1983. It also avoids termination on July 26 of the interim authorization which EPA granted previously to the State for the Phase I and Phase II, Components A and B, portions of the hazardous waste program.

EFFECTIVE DATE: May 4, 1983.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone (404) 881–3016.

SUPPLEMENTARY INFORMATION:

Background

40 CFR 271.122(c)(4) (formerly § 123.122(c)(4); 47 FR 32377, July 26, 1982) requires that States which have received any but not all Phases/Components of interim authorization amend their original submissions by July 26, 1983, to include all Components of Phase II. 40 CFR 271.137(a) (formerly § 123.137(a); 47 FR 32378, July 26, 1982) further provides that on July 26, 1983, interim authorizations terminate except where the State has submitted by that date an application for all Phases/Components of interim authorization.

Where the authorization (approval) of the State program terminates, EPA is to administer and enforce the Federal program in those States. However, the Regional Administrator may, for good cause, extend the July 26, 1983, deadline for submission of the interim authorization application and the deadline for the termination of the approval of the State program.

Note.—40 CFR Part 123, including the July 26, 1982 amendments (47 FR 32373), was recodified on April 1, 1983 as 40 CFR Part 271 (48 FR 14248).

North Carolina received Phase I interim authorization on December 18, 1980. Phase II, Components A and B, interim authorization was granted on March 26, 1982. However, North Carolina's ability to apply for Phase II, Component C, interim authorization before July 26, 1983, was delayed when the North Carolina General Assembly did not enact the necessary legislation enabling the State Commission for Health Services to adopt revised land disposal rules prior to July 26, 1983. Anticipating enactment of the necessary legislation in late May 1983, North Carolina has committed to the following schedule for applying for authorization:

July 1983—Hold three public meetings and a public hearing on proposed revised land disposal regulations.

August 1983—Request the Commission for Health Services to adopt the regulations to become effective October 1, 1983.

August 1983—Submit a draft application for Component C to EPA if regulations are adopted.

September 1983—Submit final application for Component C.

November 1983—Submit draft application for Final Authorization.

Decision

On May 4, 1983, in consideration of the State Commission's efforts to obtain the necessary legislation and North Carolina's past performance in managing and implementing a

hazardous waste management program in a timely fashion, I found there was good cause to grant the State's request for a ninety (90) day extension beyond the deadline for applying for Phase II, Component C. Therefore, North Carolina must officially submit a complete application for this component to EPA on or before October 26, 1983. If the State fails to submit a complete application by October 26, 1983, approval of the State program will terminate automatically and administration of the hazardous waste management program will revert to EPA.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926 and 6974(B).

Dated: May 26, 1983.

John A. Little,

Deputy Regional Administrator.

[FR Doc. 83-15736 Filed 6-10-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 712 and 763

[OPTS-80013; TSH-FRL 2381-2]

Chemical Information and Asbestos Rules; Release of Aggregate Statistics

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule-related notice.

SUMMARY: EPA will publicly release aggregate statistics from information reported for two recent Toxic Substances Control Act (TSCA) section 8(a) rules, the Preliminary Assessment Information rule and the Asbestos Reporting Requirements rule. This notice describes the aggregation method that will be used and the protections from disclosure that will be afforded to individual confidential submissions. It also provides companies the opportunity to request that certain aggregate information not be released if publication would cause significant economic harm to the company. These aggregation procedures will also apply to the amendment to the Preliminary Assessment Information rule adding the chemicals from the Sixth through Ninth ITC Reports and to future iterations of the Preliminary Assessment Information rule, unless the Agency states otherwise.

DATES: Requests that aggregate information not be released must be received by EPA by July 13, 1983. Aggregate information may be released beginning July 28, 1983.

ADDRESS: See paragraph III. "Objections to Publication of Aggregates" in **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

In two recent rules published under the authority of section 8(a) of SCA, the Preliminary Assessment Information rule, which was published in the **Federal Register** of June 22, 1982 (47 FR 26992) (40 CFR 712), and the Asbestos Reporting Requirements rule, which was published in the **Federal Register** of July 30, 1982 (47 FR 33198) (40 CFR 763), the Environmental Protection Agency (EPA) stated that production, use, release, and worker exposure information submitted for each substance or asbestos product category or subcategory will be released in aggregate form when such release does not reveal confidential business information. To facilitate the release of aggregate statistics, the rules stated that no numerical data from individual reports will initially be released, even if they are not claimed as confidential, unless such release can be shown not to jeopardize the aggregate data set. This notice announces that EPA intends to release aggregate data from these rules after July 28, 1983. It also described the protections that will be afforded to individual confidential submissions to ensure that a company's proprietary interests are not infringed when aggregate statistics are released. The aggregate release procedures described in this notice will also be followed for amendments to the Preliminary Assessment Information rule, unless the Agency states otherwise.

Data collected under the Preliminary Assessment Information rule and its amendments are used for assessing risks associated with chemicals and in making decisions for testing chemicals. Information submitted under the Asbestos Reporting Requirements rule will be used for quantifying risks associated with different asbestos-containing products and for conducting analyses necessary to support TSCA section 6 regulatory investigations. The Agency believes that it is the intent of TSCA that the public be afforded the opportunity to participate in regulatory activities under the Act whenever means are available. Therefore, the Agency believes that it is strongly in the public interest that this aggregate data be released to support participation by interested parties in TSCA regulatory programs and to increase public understanding of the nature of and rationale for Agency actions.

II. Aggregation Methodology

EPA understands that the publication of aggregate statistics may provide data that could facilitate making estimates about the individual values that comprise the aggregates. Therefore, the Agency has taken steps to limit the ability of any party, even the companies contributing information to the aggregate, to estimate too closely the values that make up any aggregate. In other words, the Agency will normally consider releasing aggregate data only if such release does not pose a risk of causing significant competitive injury to the companies involved.

While no clear lines define what is a risk of significant competitive injury in this context, the Agency believes that the standards for aggregate release it has developed for these two data bases sufficiently minimize the risk of harm to affected companies. Specific details about the disclosure control techniques employed cannot be disclosed because to do so would significantly diminish their effectiveness. However, the levels of protection afforded are consistent with those applied by other agencies that publish statistical compilations, although the techniques used or standards applied are not necessarily identical to those employed by any individual agency. In addition, the standards conform to those recommended in "Statistical Policy Working Paper 2. Report on Statistical Disclosure and Disclosure-Avoidance Techniques" (1978), published by the Office of Federal Statistical Policy and Standards of the Department of Commerce.

The publication of aggregate statistics from these two section 8(a) data bases will be controlled by a set of release criteria which require that certain minimum levels of protection be provided to the individual pieces of confidential business information that comprise the set of data, or data cell, being aggregated. The release criteria protect against disclosure of the size of the market shares held by the

companies that comprise the data cell. The criteria also require a minimum level of protection for each of the cell's confidential members. Special protections are afforded when the set of data being aggregated contains a small number of confidential members.

The Agency will follow accepted statistical practice and not make public the values chosen for the dominance rules and other statistical requirements that make up the release criteria for these section 8(a) data sets. Were these values published, parties with exact or approximate knowledge about the magnitude of one or more of the confidential members of the cell might be able to approximate the other members more specifically than the Agency deems appropriate.

In addition, the Agency will provide several other procedural protections for individual confidential claims. As stated in the two rules, all information submitted to EPA will initially be treated as confidential, whether claimed as such by the submitter or not. Therefore, the Agency will release pieces of nonconfidential information only if such release will not affect the corresponding aggregate. In addition, the Agency will use its discretion in selecting formats for releasing potentially sensitive aggregates. Aggregate totals will normally be released in the form of randomly-generated ranges within which the actual aggregate total falls. Under some circumstances it may be necessary to compress categories of information together, modify the size of a range, or, in limited instances, suppress a category of data, if any of these actions are necessary to protect a company's confidential business information. The Agency also will not release information about the number of members of a data cell unless that number is large enough to limit the ability of competitors to break down the aggregate.

III. Objections to Publication of Aggregates

Companies have in the past asserted to EPA that in certain very unique circumstances the publication of aggregates, despite the extensive precautions taken by the Agency, might allow competitors to make precise enough estimates of a submitter's data to cause it competitive injury. For that reason, EPA will in most cases allow companies to request that certain categories of information submitted under these two section 8(a) rules be exempted from aggregate release if they can prove to EPA's satisfaction that such release would cause them significant economic harm. However, prior to the publication of this notice EPA found it necessary in a very limited number of instances to release aggregates of Preliminary Assessment Information rule data. The Agency may also find it necessary to release some aggregates prior to the effective date of this notice or before the end of the exemption request period provided in future iterations of the Preliminary Assessment Information rule. In every instance of such a release special precautions will be taken to ensure to the extent possible that the publication of aggregate statistics does not cause any company significant economic harm. Even if an exemption is granted, the Agency retains the right to release aggregate statistics or individual pieces of confidential data under the authority of section 14(a)(4) of TSCA, if such release is essential to a proceeding under the Act. In addition, the Agency may investigate alternatives to suppressing a category of information that would still diminish the possible harm identified by the company requesting an exemption. These alternatives might include collapsing categories of information together or modifying the size of an aggregate range.

General guidelines describing the kinds of claims which the Agency believes do not warrant an exemption, as well as procedures for requesting an exemption, are outlined below. To be eligible for an exemption a company must provide the Agency with clear evidence that the release of aggregate data for a category of information would be likely to lead to the development of estimates sufficiently precise to cause the company significant economic harm. It is not enough to show only that an aggregate could be used to refine competitors' estimates based on existing data sources or that the aggregate would provide a variety of information that previously has not been publicly available for a given industry. Rather, the company must show that a section 8(a) aggregate provides unique, otherwise unavailable information which could be used to generate very close estimates of the company's submissions. Further, the requester must show that under these circumstances, the release of such data could cause the company significant competitive injury.

The Agency recognizes that other important sources of similar information are available in the business world and that such information can be derived or generated through collusion, market surveys and estimates of the sales and operations of rival firms, or other sources of publicly available information. The Agency cannot be expected to know about all sources of information that might be used in attempting to break down a section 8(a) aggregate. However, EPA has attempted to take into account the impact of accessible extraneous sources of data on the release of aggregated section 8(a) information. A company that requests an exemption should, in providing the information required in the next paragraph, identify any extraneous sources of similar data that it believes could be used to break down an aggregate data category to which the company contributed information. The company should also explain how the release of an aggregate for a category of section 8(a) information would improve a rival's ability to estimate the exemption requester's portion of the aggregate.

Exemption requests will be accepted only if the requirements listed below are fulfilled. A company requesting an exemption must provide the following information for each category of data (categories are defined below) for which a request is made:

1. List the category of information for which it requests an exemption.

2. Describe what circumstances unique to that category create a substantial likelihood that a very close estimate of the company's section 8(a) submission could be derived by using a published aggregate.

3. Explain why such an estimate cannot be derived from other sources of similar data.

4. Describe how such estimates are likely to result in significant competitive injury to the company. This should include an explanation of why such effects should be viewed as significant and a description of the causal relationship between disclosure of aggregate data and the harmful effects.

Exemption requests can be made only on a category of information basis. A submitter for the Preliminary Assessment Information rule must identify the substance and the category of information to which each request applies. Categories that can be exempted are: (a) total production volume (items 1 and 2 of section IV of the reporting form); (b) quantity lost during manufacture (item 3); (c) production and process categories (boxes 1 and 3 of items 4, 5, 6, and 7); (d) occupational exposure (boxes 4 and 5 of items 4, 5, 6, and 7); (e) industrial and consumer products produced (items 8 and 9); and (f) customer's process categories (item 11).

Submitters for the Asbestos Reporting Requirements rule may request exemptions for the following categories:

(a) Primary processor—quantity of asbestos consumed (a separate exemption must be requested for each product subcategory, item C of the reporting form, box 3); (b) primary processor—product shipments (separate exemption for each product subcategory, item C, boxes 4 and 5); (c) secondary processor—total production (separate exemption for each end product, item D, box 2); secondary processor—consumption of asbestos mixtures (separate exemption for each product, item D, box 5); (e) total imports (separate exemption for each asbestos mixture, item E, box 3); (f) employees exposed (item G); (g) worker exposure summaries (separate exemption for each end product, item H, box 4); (h) waste and disposal (separate exemption for each end product, item J, box 3); and (i) pollution control (item K, box 6).

The categories listed above are the largest units for which an exemption can be requested. Requests can be made for smaller units of information (for example, quantity lost to the environment instead of total quantity lost during manufacture for a Preliminary Assessment Information rule substance).

EPA has taken extensive precautions to protect from disaggregation the data it will release. Given these safeguards and the public interest in releasing these aggregated data, circumstances giving rise to a risk of significant economic detriment should occur infrequently and exemptions will be granted only under limited conditions. Therefore, the information required above should be as specific as possible so that the Agency can fairly weigh the merits of requests received.

Exemption request will be treated as confidential if so requested. Each page containing confidential material should be marked "Confidential" at the top. Materials which are not so marked may be released to the public. Requests should be addressed to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, D.C. 20460.

Exemption requests for the June 22, 1982 list of chemicals on the Preliminary Assessment Information rule (40 CFR 712.30(d)) and from producers, importers, or primary processors that reported during the first round of the Asbestos Reporting Requirements rule must be postmarked no later than July 13, 1983. Exemption requests from secondary processors reporting during the second round of the Asbestos Reporting Rule must be postmarked by July 18, 1983. Requests postmarked after these dates will not be accepted.

If EPA denies an exemption request on substantive grounds, the requester will be contacted and allowed 30 days to respond to the Agency's decision before aggregate data for that substance will be released. If EPA determines that a request is unacceptable or incomplete for one of the reasons cited above, the requester will be contacted and allowed either 10 working days or the remainder of the exemption request period, whichever is longer, to supplement or correct its request.

IV. Applicability of Aggregation Procedures

EPA will follow the procedures for release of aggregate data and requesting exemptions from release of aggregate statistics described in this notice for information submitted under future iterations of the Preliminary Assessment Information rule (40 CFR Part 712), unless the Agency states otherwise. As necessary, the Agency will add chemicals to this rule. Companies subject to future reporting under the rule must do so within 60 days of the effective date of each addition. Requests for exemptions from release of aggregate data for any substances added to the rule must be received by EPA by the end of the 60-day reporting period. These data aggregation procedures apply to the amendment to the Preliminary Assessment Information reporting requirements for chemicals listed on the Sixth through Ninth ITC Reports published in the **Federal Register** of May 19, 1983 (48 FR 22694). Requests for exemptions from release of aggregate statistics for these substances must be received by EPA by the end of the 60-day reporting period for that rule.

EPA intends to in the future review and modify, if necessary, these procedures for aggregating section 8(a) data and for requesting exemptions from aggregate release.

List of Subjects

40 CFR Part 712

Chemicals, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements.

40 CFR Part 763

Asbestos, Confidential business information, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, Schools.

(Sec. 8, Pub. L. 94–469, 90 Stat. 2027 (15 U.S.C. 2607))

Dated: May 20, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83–15737 Filed 6–10–83; 8:45]

BILLING CODE 6560–50–M

---

40 CFR Part 720

[OPTS–50002H BH–FRL 2381–1]

Premanufacture Notification Requirements and Review Procedures; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule related notice; notice of open meeting.

SUMMARY: EPA will hold a meeting to explain in detail the premanufacture notification requirements published in the **Federal Register** of May 13, 1983.

DATE: The meeting will take place on Thursday, June 23, 1983, at 8:30 a.m. and adjourn by 4:00 p.m.

ADDRESS: The meeting will be held at: The Disabled American Veterans' Auditorium, 807 Maine Ave. SW., Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: Kathy Taylor, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800–424–9065), In Washington, D.C.: 554–1404, Outside the U.S.A.: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION: The Toxic Substances Control Act requires that any person who intends to manufacture or import a new chemical substance for commercial use notify EPA at least 90 days in advance. The premanufacture notification requirements which were published in the **Federal Register** on May 13, 1983 (48 FR 21722), require that any person who submits such notice use EPA Form No. 7710–25 beginning July 12, 1983. This meeting provides a forum for EPA officials, trade associations, environmental groups, chemical manufacturers, and other interested parties to ask questions and discuss the procedures of EPA's PMN final rule.

Dated: June 6, 1983.

Marcia Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83–15739 Filed 6–10–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 221

Documentation, Transfer or Charter of Vessels; Correction of Error in Final Rulemaking Notice

AGENCY: Maritime Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: On August 30, 1982 (47 FR 38131) the Maritime Administration published a notice of final rulemaking that revises 46 CFR 221.11 to consolidate nine existing MARAD forms into single form (MA 899, OMB approval No. 2115–0058). An error appears in the Declaration of Citizenship, through the omission of the word "not." This error completely changes the intended meaning that a corporation is not a U.S. citizen if there is an existing contract or understanding providing that the majority of the voting power may be exercised directly or indirectly on behalf of any person who is *not* a citizen of the United States.

EFFECTIVE DATE: June 13, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Jesse Fernanders, Chief, Division of Ship Disposals and Foreign Transfers, Maritime Administration, Washington, D.C. 20590, Tel. (202) 426–5821.

List of Subjects in 46 CFR Part 221

Banks, banking, Citizenship and naturalization, Charter, Foreign Transfer, Maritime carriers, Reporting requirements, Uniform system of accounts.

§ 221.11 [Corrected]

Accordingly, in 46 CFR 221.11, the Note to paragraph B(1) (iii) of the Declaration of Citizenship—Citizenship Criteria, is corrected to read as follows:

(iii) there is no contract or understanding through which it is arranged that the majority of the voting power of said corporation may be exercised, directly or indirectly, on behalf of a person who is not a citizen of the United States.

(Secs. 9, 40, 41 and 43 Shipping Act 1916 as amended (46 U.S.C. 808, 835, 838, 839, and 941a); Pub. L. 97–31 (August 6, 1981); 49 CFR 1.66 (46 FR 47458, September 28, 1981))

Dated: June 8, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Secretary.

[FR Doc. 83–15790 Filed 6–10–83; 8:45 am]

BILLING CODE 4910–81–M

46 CFR Part 310

Admission and Training of Midshipmen at the United States Merchant Marine Academy—Pay Increase; Correction

AGENCY: Maritime Administration, Transportation.

ACTION: Final rule; correction.

SUMMARY: This document corrects a section number in Subpart C of 46 CFR Part 310 referencing the rate of pay received by midshipmen of the U.S. Merchant Marine Academy while assigned to merchant vessels for sea year training. This section was incorrectly numbered 310.58(c) when it should have been numbered 310.60(c).

FOR FURTHER INFORMATION CONTACT: Mr. Edwin M. Hackett, Acting Academies Program Officer, Office of Maritime Labor and Training, Department of Transportation, Washington, D.C. 20590; (202) 426–5759.

SUPPLEMENTARY INFORMATION:

PART 310—[AMENDED]

Accordingly, Part 310 Title 46 of the Code of Federal Regulations is amended by revising the incorrectly numbered section on training on subsidized vessels which appeared in the **Federal Register** on April 18, 1983 (48 FR 16488) to read as follows:

§ 310.60 Training on subsidized vessels.

* * * * *

(c) Pay—* * *

By Order of the Maritime Administrator.

Dated: June 6, 1983.

Georgia P. Stamas,

Secretary.

[FR Doc. 83–15606 Filed 6–10–83; 8:45 am]

BILLING CODE 4910–81–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[FCC 83–180]

Establishment of Interstate Toll Settlements and Jurisdictional Separations Requiring the Use of Seven Calendar Day Studies by the Florida Public Service Commission

AGENCY: Federal Communications Commission.

ACTION: Declaratory ruling.

SUMMARY: The order considers an emergency petition for declaratory ruling filed by the Southern Bell Telephone and Telegraph Company (Southern Bell). The petition requests a declaratory ruling that the Florida Public Service Commission (Florida PSC) exceeded its authority in ordering Southern Bell to make payments to General Telephone Company of Florida (GTE of Florida) for interstate toll revenue divisions based on seven-day studies of holding time minutes of use carried out by GTE of Florida. The order grants the petition, finding that it is appropriate for the Commission to exercise its authority to render a declaratory ruling in this case to dispel uncertainty regarding the scope of Commission authority and limitations on State authority in the separations and settlements areas. The order finds that the Commission has authority to preempt State laws that are in conflict with the uniform, nationwide regulatory scheme established by Federal statutes and by the rules of the Commission in the separations and settlements areas. The Commission concludes that actions of the type taken in the Florida PSC order are in conflict with the Federal statutory scheme and with the authority of the Commission. The scope of the preemption order is expressly limited to the specific type of actions taken by the Florida PSC.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John Cimko, Jr. (202) 632–9342.

Memorandum Opinion and Order

In the matter of establishment of interstate toll settlements and jurisdictional separations requiring the use of seven calendar day studies by the Florida Public Service Commission; FCC 83–180.

Adopted: April 17, 1983.
Released: May 10, 1983.

By the Commission. Commissioner Jones absent.

1. The Commission has before it an Emergency Petition for Declaratory Ruling filed on December 3, 1982, by the Southern Bell Telephone and Telegraph Company (Southern Bell). The Petition requests the Commission to: (1) Declare that the Florida Public Service Commission (Florida PSC) exceeded its lawful authority by ordering Southern Bell to make certain retroactive and prospective interstate toll settlement payments to General Telephone Company of Florida (GTE of Florida) based upon seven calendar day studies of holding time minutes of use carried out by GTE of Florida; and (2) issued an order preempting the action taken by the Florida PSC. For the reasons set forth in this Opinion and Order, we are granting the Petition. [1]

[1] We do not intend here to reach the merits of the question whether seven-day studies are the most

I. BACKGROUND

2. In January 1969, Southern Bell and GTE of Florida entered into a settlements agreement for the division of interstate toll revenues between the two companies. Southern Bell acts as a clearinghouse for a number of Florida telephone companies, collecting toll revenues and distributing shares of these revenues to the companies that are parties to the settlements agreements. The share of interstate toll revenues to which each company is entitled is calculated in accordance with the Standard Procedures for Separating Telephone Property Costs, Revenues, Expenses, Taxes, and Reserves *(Separations Manual)* published by the National Association of Regulatory Utility Commissioners and incorporated by reference in Part 67 of the Rules of the Commission, 47 CFR 67.1.

3. Section 11.2 of the *Separations Manual* requires generally that separations will be made on the basis of "actual use" measured "in studies of traffic handled * * * during a representative period * * *." The agreement between Southern Bell and GTE of Florida provided that a five-day period would constitute the "representative period" for purposes of calculating interstate toll revenue divisions between the two companies. In January 1970, Southern Bell and GTE of Florida entered into an agreement for the division of intrastate toll revenues between the two companies. Under this agreement also, a five-day measurement period was to be used for calculating the intrastate toll revenue divisions.

4. The two companies continued to adhere to the five-day measurement period provision in the intrastate and interstate agreements until December 14, 1981, the date on which GTE of Florida filed a petition with the Florida PSC requesting the Florida PSC to require Southern Bell to accept seven-day studies conducted by GTE of Florida for both intrastate and interstate toll revenue divisions between the two companies.

5. The Florida PSC ruled favorably on the petition filed by GTE of Florida. *In re Petition for Resolution of Toll Settlements Dispute Between General Telephone of Florida and Southern Bell Telephone & Telegraph Co.*, Docket No. 810474–TP, Order No. 10953 (July 1, 1982) (hereinafter cited as *Florida PSC Order*). The *Florida PSC Order* required Southern Bell to accept the seven-day studies on a prospective basis and also required Southern Bell to make certain retroactive payments to GTE of Florida.[2] The Florida PSC subsequently denied a petition for reconsideration and a petition for stay filed by Southern Bell. Docket No. 810474–TP, Order No. 11110 (Aug. 26, 1982).

6. Southern Bell then filed a petition for review in the Supreme Court of Florida and an action in Federal court seeking to overturn the Florida PSC action. The Federal action subsequently was dismissed without prejudice upon motion by Southern Bell. *Southern Bell Telephone & Telegraph Co. v. Florida Public Service Commission*, Case No. TCA 82–1143 (N.D. Fla. Dec. 16, 1982). The Florida PSC filed a motion in the Supreme Court of Florida requesting the court to remand the case to the Florida PSC for reconsideration. The Supreme Court of Florida granted the remand request and, on April 11, 1983, the Florida PSC reconsidered its earlier action and reversed its decision regarding application of the seven-day study requirement to interstate toll revenue divisions. The Florida PSC concluded that its previous action exceeded its authority under Florida statutes. It did not reach the issue of whether such action is preempted by Federal law. Docket No. 810474–TP, Order No. 11824 (April 11, 1983). As a result of this action, payments by Southern Bell under the interstate agreement no longer are at issue in the Florida proceeding.

7. In response to our Public Notice issued December 7, 1982 (FCC Mimeo No. 1212), comments or reply comments were filed by Southern Bell, GTE of Florida, American Telephone and Telegraph Company, the Florida PSC, Citizens of the State of Florida, the Reservation Telephone Cooperative, and the District of Columbia Public Service Commission. The Reservation Telephone comments were filed on behalf of Reservation Telephone and nine other Independent telephone companies located in North Dakota and South Dakota. GTE of Florida also filed additional comments, together with a motion requesting the Commission to accept additional comments. A summary of the comments is contained in the Appendix.

II. DISCUSSION

A. *Issuance of Declaratory Ruling*

8. Before we address the substantive issues raised in this proceeding, we first address procedural issues raised by several commentors. GTE of Florida, the Florida PSC, and Citizens of the State of Florida all suggested in their comments that we should deny the Petition filed by Southern Bell because the Florida PSC was reconsidering its *Order* and such reconsideration made it unnecessary for us to render a declaratory ruling.[3] We do not find this argument persuasive. The Commission is specifically authorized to render declaratory rulings to "remove uncertainty * * *." 5 U.S.C. 554(e) (codified as section 1.2 of the Rules of the Commission, 47 CFR 1.2); *see Telerent Leasing Corp.*, 45 FCC 2d 204, 213, *aff'd sub nom. North Carolina Utilities Commission v. FCC*, 537 F.2d 787 (4th Cir.), *cert. denied*, 429 U.S. 1027 (1976) (hereinafter cited as *Telerent*).

9. We find that recent and potential State actions have tended to create uncertainty regarding the scope of State authority to impose requirements that affect both the separations process and processes for making interstate toll settlements, and that it is not premature to address these issues at this time.[4] That the Florida PSC has reconsidered its initial *Order* does not alter this conclusion. In the *Preemption Order* in CC Docket No. 79–105, we stated:

> [T]he purpose of declaratory rulings is to give guidance to affected persons in areas where uncertainty or confusion exists. A case or controversy in the judicial sense is not required * * *. In this case, it appears necessary to issue such a ruling to clarify for the state commissions and the carriers the effect of our depreciation prescriptions. The fact that reconsideration proceedings are under way in Ohio does not mitigate against such a course in light of the divergencies from

---

appropriate actual use measurements for separations and interstate settlements. Our only concern here is to define the parameters of Federal and State authority in these areas. We also emphasize that this Order does not affect State authority regarding intrastate toll settlements.

[2] The amount of these payments was calculated by determining the amount of distributions that Southern Bell would have made to GTE of Florida under toll revenue divisions if the seven-day studies had been accepted by Southern Bell beginning on January 1, 1981. As of October 1, 1982, the amount of retroactive payments required under the interstate agreement was approximately $29,825,000 and the amount under the intrastate agreement was approximately $2,745,000, for a total of approximately $32,570,000. Initial Brief of Southern Bell Telephone & Telegraph Co. filed in Supreme Court of Florida, Case No. 62,569, at 9 (undated) (incorporated as Attachment D of the Emergency Petition for Declaratory Ruling).

[3] These comments were filed with this Commission before the Florida PSC took action upon reconsideration. See para. 6, *supra*.

[4] Kansas, Illinois, and Ohio have recently adopted seven-day studies as the appropriate actual use measurement for allocating costs between the interstate and intrastate jurisdictions. Illinois Bell Telephone Co., No. 81–0478 (Illinois Commerce Commission, May 26, 1982), *reconsideration*, No. 81–0478 (July 7, 1982); Southwestern Bell Telephone Co., No. 134,218–U (Kansas PSC, March 4, 1983); Ohio Bell Telephone Co., No. 81–1433–TP–AIR (Ohio PUC, Dec. 22, 1982); Cincinnati Bell Inc., No. 81–1338–TP–AIR (Ohio PUC, Jan. 7, 1983). One other State is now considering requests for the adoption of seven-day studies. Mountain States Telephone and Telegraph Co., No. 82–049–06 (Utah PSC, filed June 16, 1982).

this Commission's depreciation methods and rates that are occurring to the detriment of federal policies.

Amendment of Part 31 (Preemption Order), Memorandum Opinion and Order, CC Docket No. 79–105 at para. 43 (released Jan. 6, 1983), *appeal docketed sub nom. Virginia State Corp. Comm'n v. FCC*, No. 83–1163 (4th Cir. Feb. 11, 1983) (citation omitted) (hereinafter cited as *Amendment of Part 31*). Similarly, in this case the disposition of the *Florida PSC Order* on reconsideration cannot dispel the uncertainty created by these other States' actions on a matter of such general concern, *i.e.*, the authority of States to act unilaterally in the area of jurisdictional separations. As we have noted, the disposition of the case on reconsideration was based on State statutory grounds and did not address issues of Federal preemption.

B. *Preemption*

10. Having concluded that uncertainty exists regarding the relationship between the Federal regulatory scheme and the scope of State regulatory authority, we find it within our discretion to take such action as may be necessary, including the preemption of State action,[5] to dispel the uncertainty. *See FCC v. Pottsville Broadcasting Co.*, 309 U.S. 134, 142–43 (1940); *Ringen v. American Telephone & Telegraph Co.*, 67 FCC 2d 848, 849 (1978); *Telerent*, 45 FCC 2d at 214; *see also Cloverleaf Butter Co. v. Patterson*, 315 U.S. 148, 169 (1942) ("Nothing could be more fertile for discord * * * than a failure to define the boundaries of authority [between the Federal Government and the States] * * *.).

1. *General Rules; Statutory Framework*

11. The primary issue in preemption analysis is whether a national law enacted by the Congress should be deemed to override State laws.[6] The conclusion that preemption has occurred requires clear indication that the intention of the Federal enactment is to supersede State authority. "It will not be presumed that a federal statute was intended to supersede the exercise of the power of the state unless there is a clear manifestation of intention to do so. The exercise of federal supremacy is not lightly to be presumed." *Schwartz v. Texas*, 344 U.S. 199, 202–03 (1952), *quoted in New York Department of Social Services v. Dublino*, 413 U.S. 405, 413 (1973); *see Florida Lime & Avocado Growers, Inc. v. Paul*, 373 U.S. 132, 142 (1963).

12. The most direct manner of exercising this Federal supremacy occurs when the Congress states explicitly in the Federal statute that it intends to preempt State authority. The preemptive effect of a national law, however, may be implied even without such an express provision. *See Cloverleaf Butter Co. v. Patterson*, 315 U.S. 148, 156 (1942); *Savage v. Jones*, 225 U.S. 501, 533 (1912) ("[W]hen the question is whether a Federal act overrides a state law, the entire scheme of the statute must of course be considered and that which needs must be implied is of no less force than that which is expressed.") Whether such a preemptive effect may be implied "turns on the peculiarities and special features of the federal regulatory scheme in question * * *." *Burbank v. Lockheed Air Terminal*, 411 U.S. 624, 638 (1973). Thus it is necessary to examine the "peculiarities and special features" of the regulatory scheme established in the Communications Act of 1934 (the Act) to govern the separations and interstate toll settlements process to determine the nature and extent of Federal authority.

13. This examination must begin with a review of the provisions of the Act taken as a whole. *See United States v. Storer Broadcasting Co.*, 351 U.S. 192, 203 (1956); *General Telephone Co. of California v. FCC*, 413 F.2d 390, 398 (D.C. Cir.), *cert. denied*, 396 U.S. 888 (1969). In reviewing the text of the Act, we first note that its purposes are stated in broad terms to include the following:

> [M]aking available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, [and] for the purpose of promoting safety of life and property through the use of wire and radio communication * * *.

Section 1 of the Act, 47 U.S.C. 151. Section 2(a) of the Act, 47 U.S.C 152(a), authorizes the Commission to regulate "all interstate and foreign communication by wire," and Section 3(a) of the Act, 47 U.S.C. 153(a), defines "communication by wire" to include "all instrumentalities, facilities, apparatus, and services" that are incidental to transmissions by wire. Section 4(i) of the Act, 47 U.S.C. 154(i), which has been construed broadly by the judiciary,[7] provides that the Commission "may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions."

14. In assessing these general provisions of the Act, and before specifically addressing more closely the particular provisions of the Act that are at issue in this proceeding, we reach two general conclusions. First, it is evident that the Congress has imparted to the Commission broad, plenary authority for the regulation and administration of interstate and foreign communications. The language of Section 2(a) of the Act, 47 U.S.C. 152(a), is unequivocal in giving the Commission authority to regulate "all interstate and foreign communication * * *." The Commission, in an early case, has noted that the common carrier provisions of the Act are comprehensive in scope and are intended to apply to facilities that are not exclusively interstate in nature. *Use of Recording Devices in Connection with Telephone Service*, 11 FCC 1033, 1047 (1947). We made a similar finding in the *Telerent* decision:

> That the Commission has plenary and comprehensive regulatory jurisdiction over interstate and foreign communications services and facilities of common carriers and all of the terms and conditions upon which such services and facilities are offered to the public is evident from the provisions of the Communications Act.

Telerent, 45 FCC 2d at 215. This reading of the Act also has been emphasized in judicial decisions. *See, e.g., California v. FCC*, 567 F.2d 84, 86 (D.C. Cir. 1977), *cert., denied*, 434 U.S. 1010 (1978); *Puerto Rico Telephone Co. v. FCC*, 553 F.2d 694, 698–700 (1st Cir. 1977); *North Carolina Utilities Commission v. FCC*, 552 F.2d 1036, 1046 (4th Cir.), *cert. denied*, 434 U.S. 874 (1977) (hereinafter cited as *NCUC II); North Carolina Utilities*

---

[5] Although we recognize the principle that "[o]nly the [Federal] judiciary may decide preemption questions authoritatively", Combined Communications of Oklahoma, Inc. (KOCO–TV), 59 FCC 2d 48, 50 (1976), we conclude that this truism in no way detracts from the authority of the Commission to render declaratory rulings in the first instance regarding preemption; in making these rulings we are in a unique position to draw upon our expertise as a regulatory agency to determine whether national communications policies are adversely affected by conflicting State policies. We recently took such an action in Amendment of Part 31.

[6] The Constitution provides that the laws of the United States "shall be the supreme Law of the Land * * *." U.S. Const. art. VI, § 2. Hence, State actions that are in conflict with national statutes cannot have any force or effect. In order for preemption to be valid, the Federal policy must be "a command with the force of national law." Note, *A Framework for Preemption Analysis*, 86 Yale L.J. 363, 382 (1978).

[7] *See* MTS and WATS Market Structure, CC Docket No. 78–72, Phase I, Third Report and Order, FCC 82–579, at para. 310 n.110 (released Feb. 28, 1983) (citing United States v. Southwest Cable Co., 392 U.S. 157 (1968); National Broadcasting Co. v. United States 319 U.S. 190 (1943)), *appeal docketed sub nom.* NARUC v. FCC, No. 83–1225 (D.C. Cir. March 1, 1983) (hereinafter cited as Access Charge Order).

Commission v. FCC, 537 F.2d 787, 793 (4th Cir.), *cert. denied*, 429 U.S. 1027 (1976) (hereinafter cited as *NCUC I*).

15. Second, we conclude that a major objective of the Act is to grant the Commission sufficient authority to ensure that regulatory policies relating to common carrier services will be developed and administered in a uniform, consistent manner. As we have noted, a chief purpose of the Act is to make available a "rapid, efficient, Nationwide" communications service. Section 1 of the Act, 47 U.S.C. 151. The very notion of a nationwide system, as well as its efficient operation, must be based on the assumption that carrier facilities and services will not be subject to a plethora of overlapping and conflicting regulatory requirements. The court in *NCUC II*, in upholding the authority of the Commission to preempt conflicting State regulations in establishing its terminal equipment registration program, noted that:

> [I]t is recognized that FCC regulations must preempt any contrary state regulations where the efficiency or safety of the national communications network is at stake, [and] there can be little argument that FCC regulation of jointly used terminal equipment for the purpose of improving or expanding interstate communication services may not also displace conflicting state regulations. * * * [T]he FCC has full statutory authority to regulate joint terminal equipment to ensure the safety of the national network, [and] we can discover no statutory basis for the argument that FCC regulations serving other important interests of national communications policy are subject to approval by state utility commissions.

NCUC II, 552 F.2d at 1046–47. The court thus recognized that the Commission effectively would be stripped of authority to establish and enforce uniform, nationwide rules and requirements applicable to terminal equipment interconnection with the national telephone network if the States had authority to take contrary action. Similarly, it has been held that the Commission has authority to regulate foreign exchange and common control switching arrangement facilities [8] even though these facilities are located entirely within single States. *California v. FCC*, 567 F.2d 84 (D.C. Cir. 1977), *cert. denied*, 434 U.S. 1010 (1978). The court noted that "[w]e agree with the Commission that * * * inconsistent state regulations could frustrate the congressional goal of developing a 'unified national communications service.' " *Id.* at 86 (quoting *American Telephone & Telegraph Co. & Associated Bell System Cos.*, 56 FCC 2d 14, 20 (1975)). This statutory objective calling for uniformity in the regulation of nationwide communications service forms an important element in the process of determining whether it is appropriate to preempt particular State actions and policies.

16. We now turn to a closer examination of the provisions of the Act which bear directly on the authority of the Commission in the separations and settlements areas. The authority of the Commission in the separations area is derived from Section 221(c) of the Act, 47 U.S.C. 221(c), and Section 410(c) of the Act, 47 U.S.C. 410(c). Section 221(c) authorizes the Commission to classify carrier property and determine the portion of carrier property which "shall be considered as used in interstate or foreign telephone toll service." Classifications by the Commission may be made only after hearings, with notice to the carrier involved, the States in which property of the carrier is located, and other interested persons. We have construed the language of Section 221(c) as "mak[ing] clear the primacy of Federal jurisdiction with respect to property clearly used to provide interstate and intrastate services and facilities." *Telerent*, 45 FCC 2d at 216. Thus, the plenary authority of the Commission regarding interstate communications services and facilities also applies directly in the separations field and relates to property used in connection with both interstate and intrastate services and facilities.

17. We have noted in a previous decision that regulatory uniformity is an important goal of Section 221(c):

> It is urged * * * that a fundamental principle to be observed in making jurisdictional separations is the need for uniformity in the procedures applied by both Federal and State authorities for ratemaking purposes. We subscribe fully to this objective, as we have in the past. Such uniformity obviates the danger that certain amounts of plant investment and expenses may be assigned to more than one jurisdiction to the detriment of ratepayers. Equally important, it obviates the risk that certain amounts of plant and expenses will be recognized in neither jurisdiction, to the economic detriment of the company and its owners.

American Telephone & Telegraph Co. & Associated Bell System Cos., 9 FCC 2d 30, 90–91 (1967). Thus, the general goals of the Act regarding the uniform regulation of national communications services are carried forward as specific objectives of the separations procedures embodied in Section 221(c).

18. In order to safeguard the plenary authority of the Commission and to achieve the objective of regulatory uniformity, it is necessary to conclude that actions taken in accordance with the Section 221(c) procedures are binding upon the States. This conclusion arises for two reasons. First, as we have noted, decisions of the Commission under Section 221(c) may be made only after the Commission has conducted a hearing in which affected States are permitted to participate. It has been held that the Congress, in establishing hearing requirements, generally intends that affected parties will be bound by decisions resulting from the hearings:

> The [Interstate Commerce] Commission is not only authorized but "directed" [by the statute] to give the hearing and make the determination requested. We cannot think that a determination so prescribed and safeguarded was intended to have no legal effect. On the contrary, in view of the nature and purpose of the proceeding, we must regard the determination as binding on both the carrier and the Mediation Board.

Shields v. Utah Central Railroad Co., 305 U.S. 177, 182 (1938) (Hughes, C.J.); *see Crowell v. Benson*, 285 U.S. 22 (1932); *Cameron v. United States*, 252 U.S. 450 (1920). Second, the Congress, in establishing the authority of the Commission in Section 221(c), made no attempt to insulate the States from Commission decisions resulting from the exercise of this authority. There is no language in Section 221(c) that suggests that the States are not bound by Commission determinations.[9]

19. Procedures applicable to separations decisions were affected by an amendment to the Act enacted in 1971.[10] Section 410(c) of the Act, 47

---

[8] Foreign exchange (FX) service is a local exchange service provided to a customer through a central office of an exchange other than the exchange in which the customer is located. American Telephone & Telegraph Co., *Telecommunications Glossary* 30 (1982). Common control switching arrangements (CCSA) is an intercity private line switching network service; the service is provided for the exclusive use of the customer but the switches used to provide the service may also be used to serve other customers. *Id.* at 11.

[9] The approach taken by the Congress in Section 221(c) contrasts with the manner in which it chose to protect State interests in Section 221(a) of the Act, 47 U.S.C. 221(a). Section 221(a) authorizes the Commission to certify proposed telephone company consolidations, thus exempting the transactions from Federal statutes which otherwise would make the transactions unlawful. Section 221(a), recognizing the interests of the States, requires a public hearing with notice to the States, and also provides that "[n]othing in this subsection shall be construed as in anywise limiting or restricting the powers of the several States to control and regulate telephone companies." No similar provision protecting the authority of the States is contained in Section 221(c), leading to the conclusion that State authority is subject to, and limited by, Commission actions under Section 221(c).

[10] Federal-State Communications Joint-Board Act, Pub. L. No. 92–131, 85 Stat. 363 (1971) (codified at 47 U.S.C. 410(c)).

U.S.C. 410(c), which was added by the amendment, provides that the Commission "shall refer any proceeding regarding the jurisdictional separation of common carrier property and expenses between interstate and intrastate operations . . . to a Federal-State Joint Board." The Joint Board is comprised of three members of the Commission and four State commissioners, with the Chairman of the Commission (or another member of the Commission designated by the Commission) serving as Chairman of the Joint Board. Section 410(c) provides that the Joint Board shall prepare recommended decisions regarding separations matters "for prompt review and action by the Commission." Thus, the Commission is given ultimate authority to adopt decisions under Section 410(c). State members of the Joint Board are provided with an opportunity to participate in Commission deliberations regarding recommended decisions of the Joint Board, but the State members are not entitled to vote in these Commission proceedings. We recently have indicated that, as a result of the enactment of Section 410(c), "[t]he Commission was given the ultimate authority with respect to [cost] allocations [between Federal and State jurisdictions], further solidifying its superintendency over common carrier communications." *Amendment of Part 31,* CC Docket No. 79–105, at para. 39. The plenary authority of the Commission under Section 410(c) also has been judicially affirmed. *See NCUC II,* 552 F.2d at 1046 (describing "the recognition by Section 410(c) of federal supremacy in rate base allocation"); *NCUC I,* 537 F.2d at 795.

20. The effect of Section 410(c), in part, is to expand the role of the States beyond that which was established for them in Section 221(c) of the Act, 47 U.S.C 221(c). In recognition of the interests of States that are affected by separations policies, the procedure created in Section 410(c) enables States to be involved in the initial formulation of these policies. It must be noted, however, that Section 410(c) does not cede any unilateral authority to the States. Language included, for example, in Section 221(a) of the Act, 47 U.S.C 221(a),[11] to protect State authority does not appear in Section 410(c). In describing the procedures of Section 410(c), we have recognized that "separations procedures are binding on carriers, the states, and ourselves * * *." *American Telephone & Telegraph Co. (Manual and Procedures for Allocation of Costs),* 84 FCC 2d 384, 391 (1981), *aff'd sub nom. MCI Telecommunications Corp. v. FCC,* 675 F.2d 408 (D.C. Cir. 1982) (hereinafter cited as *ICAM Proceeding).* The plenary authority of the Commission and the binding effect of Commission decisions under section 410(c) "provide for uniformity in the separations process, thereby insuring that plant, expenses and revenues will be rationally accounted for in the dual jurisdictional environment." *Amendment of Part 31,* CC Docket No. 79–105, at para. 39.

21. The authority of the Commission in the settlements area is derived from Section 201(a) of the Act, 47 U.S.C. 201(a), which requires carriers "to establish * * * divisions of * * * charges" and further provides that such action by carriers shall be "in accordance with the orders of the Commission, in cases where the Commission, after opportunity for hearing, finds such action necessary or desirable in the public interest * * *." Section 201(a), by its terms, applies to "every common carrier engaged in interstate or foreign communications * * *." Section 201(a) permits carriers to reach private agreements for the division of interstate toll revenues, but if they fail to do so (or if they do so in an inequitable manner), then this section "empowers the Commission to prescribe divisions of charges, after opportunity for hearing, where it finds such action necessary or desirable in the public interest * * *." *United Telephone Co. of the Carolinas,* 54 FCC 2d 289,290 (1975), *aff'd sub nom. United Telephone Co. of the Carolinas v. FCC,* 559 F.2d 720 (D.C. Cir. 1977).It is evident from the face of Section 201(a) that the Commission has exclusive power to provide for the division of interstate toll revenues, and that the States have no authority to establish division of revenue requirements applicable to interstate toll revenues.

2. *Regulatory Framework*

22. We find that issues relating to the jurisdictional separation of telephone company costs are subject to a comprehensive and pervasive Federal regulatory scheme. It is not necessary to look beyond the provisions of the *Separations Manual* to determine that the Commission, acting under its statutory authority, has established a pervasive regulatory framework in the separations area. The *Manual* is intended to serve as a comprehensive system of procedures for allocating property costs, revenues, expenses, taxes, and reserves to the Federal and State jurisdictions designed to meet the need for "a uniform method of separations, acceptable to the state and federal regulatory bodies * * *." *Forward* to *Separations Manual* at 5 (Feb. 1971 ed.). The *Manual* has been incorporated in the rules of the Commission, with procedures established by the Congress for adopting any changes to it. These procedures, set forth in Section 410(c) of the Act, 47 U.S.C. 410(c), must be viewed as the exclusive means for making any such changes. *See Jurisdictional Separations of Telephone Cos.,* 16 FCC 2d 317, 331 (1969); *American Telephone & Telegraph Co. & Associated Bell System Cos.,* 9 FCC 2d 30, 111 (1967).

23. Focusing upon the separations issue specifically involved in this proceeding, we make the following observations. First, the *Separations Manual* does not mandate any particular time period for making actual use measurements in connection with jurisdictional cost allocations.[12] The *Manual* instead requires that actual use measurements be made during "representative" periods, leaving to the carriers the determination of what time periods actually will be used. *See Reservation Telephone Coop. v. American Telephone & Telegraph Co.,* Order by acting Deputy Chief, Common Carrier Bureau, FCC File No. E–81–5, Mimeo No. 2037, at 3 (released July 17, 1981) *petition for review filed* (FCC, Sept. 11, 1981) (hereinafter cited as *Reservation Telephone).* Second, if carriers are not able to agree upon appropriate time periods for actual use measurements they do not have any recourse outside the framework of Section 410(c) of the Act, 47 U.S.C. 410(c), to seek the imposition of a specific time period. *See id.* at 4.

24 The issue of appropriate time period for actual use measurements presently is under consideration by a Federal-State Joint Board established under Section 410(c) of the Act, 47 U.S.C. 410(c). *See Amendment of Part 67,* 89 FCC 2d 1 (1982), *appeal docketed sub nom. MCI Telecommunications Corp. v. FCC,* Nos 82–1237 & 82–1456 (D.C. Cir. March 4, 1982) (hereinafter cited as *Amendment of Part 67).* In the *Reservation Telephone* proceeding, the complainants asked the Commission to construe the provisions of the *Separations Manual* and to require the defendants to accept the use of seven-day studies for actual use measurements. The Order, however, noted that:

> The fundamental issue raised by the complainants is * * * being considered in a forum which will benefit from the participation of a large segment of the

[11] See n.9, *supra.*

[12] See para. 3, *supra.*

telephone industry. Because of this and because matters of this general nature are ordinarily considered within the context of a Joint Board, we believe it appropriate to dismiss the complaint and leave the resolution of the underlying issues to the expertise of the Joint Board.

Reservation Telephone, FCC File No. E–81–5, at 4.[13] It can be seen, then, that there are substantial grounds for concluding that the *Separations Manual* will be amended to address specifically the question of the appropriate period for actual use measurements.

25. Finally, the absence of any Federal rule defining the appropriate period for actual use measurements does not automatically free the States to roam unfettered across the separations terrain. The governing consideration is whether permitting the States to control activities potentially subject to Federal regulation will create too great a danger of conflict with national policy. *San Diego Building Trades Council v. Garmon*, 359 U.S. 236 (1959). For example, in determining whether a Federal statute regulating equipment used on railroad locomotives had preempted State laws the Supreme Court states:

> It is * * * urged that, even if the [Interstate Commerce] Commission has power to prescribe an automatic firebox door and a cab curtain, it has not done so; and that it has made no other requirement inconsistent with the state legislation. This * * * if true, is without legal significance. The fact that the Commission has not seen fit to exercise its authority to the full extent conferred, has no bearing upon the construction of the Act delegating the power.

Napier v. Atlantic Coast Line R.R. Co., 272 U.S. 605, 613 (1926).

26. In case involving facts analogous to those presented in this proceeding, the court held that the Commission could preempt State ratemaking authority over allegedly intrastate communications services regardless of whether the Commission was prepared to substitute its own tariff for the displaced State rates. *New York Telephone Co. v. FCC*, 631 F.2d 1059 (2d Cir. 1980) (hereinafter cited as *New York Telephone).* The New York Public Service Commission had required New York Telephone to file a tariff with the State commission allocating a share of the costs of local exchange facilities to interstate FX and CCSA private line users. The court began its inquiry by noting that "there is no doubt that the NYT surcharge on interstate FX/CCSA users, ranging up to 1600% higher than the charge for comparable service to intrastate users, substantially affects the conduct or development of interstate communication and encroaches upon FCC authority." *New York Telephone*, 631 F. 2d at 1066. The court then rejected the argument advanced by the carrier that the Commission could assert jurisdiction only if it substituted its own tariff for the State rates. Unconvinced by the argument that "only a federally-approved tariff can constitute regulation, *id.* at 1067, the court concluded:

> In what is evidently an attempt by the [New York] PSC to force changes in national separations procedures, which the FCC already contemplates revising and which will be the subject of investigation and rulemaking, the PSC has put NYT in a difficult position, to be sure, but also has forced the FCC to act to protect interstate FX/CCSA users from discrimination.

Id. The finding of the court in *New York Telephone* that the Commission did not have to take direct regulatory action through the imposition or approval of a tariff in order to protect its jurisdictional prerogatives buttresses our conclusion that the present absence of specific Federal rules ragarding time periods for actual use measurements does not clear the path for unilateral State actions.

27. In the interstate toll settlements area, as we have noted,[14] the Commission has exclusive regulatory authority under Section 201(a) of the Act, 47 U.S.C 201(a). The Commission recently exercised this authority to establish a uniform, nationwide system of access charges to replace the existing scheme of access compensation arrangements. *See Access Charge Order*, CC Docket No. 78–72. This plenary Commission authority under Section 201(a) also eliminates State authority to serve as an alternative forum for the resolution of disputes relating to the division of interstate toll revenues. Consequently, we reject the argument advanced by GTE of Florida in its Reply Comments that the decision in *United Telephone Co. of the Carolinas v. FCC*, 559 F. 2d 720 (D.C. Cir. 1977) (hereinafter cited as *United Telephone)* supports such a view of State authority in circumstances in which the Commission has not exercised its authority under Section 201(a) to resolve a particular dispute. In *United Telephone*, the Commission had refused to impose a formula for the division of charges because the petitioners had not shown existing division of revenues rules in the contract between the parties to be unreasonable. The appellate court agreed that the petitioners "failed to allege that the result reached under the present division of charges formula does not actually compensate them for their costs." *Id.* at 723 (footnote omitted). There was no suggestion by the court, however, that inaction by this Commission somehow empowered the States to prescribe division of revenues formulas as a remedy in the case before the court. The court in fact suggested a quite different remedy:

> Although the Commission refused to increase United's and Carolina's share of the revenues from the joint venture, leaving them with an unsatisfactory economic choice, it is not forcing them to continue in the enterprise. * * * United and Carolina are free to remove their interconnection with Southern Bell and thereby also remove themselves completely from the jurisdiction of the Commission.

Id. at 723–24 (footnote omitted). Since the issue of State authority regarding the division of interstate revenues was never raised in *United Telephone*, and since the court upheld the refusal by the Commission to prescribe division of charges formulas without suggesting that this approval opened the way for State action in the area, we conclude that *United Telephone* cannot serve as a foundation for constructing an agrument that the absence of specfic Commission requirements regarding the use of seven-day studies for actual use measurements creates a vacuum that may be filled by unilateral State actions.

3. Nature of Subject Matter Affected by State Action.

28. The nature of the regulated subject matter at issue in a preemption case heavily influences whether it is appropriate to exercise Federal preemption. *See Florida Lime & Avocado Growers, Inc. v. Paul*, 373 U.S. 132, 142 (1963); *Federal Power Commission v. Transcontinental Gas Pipe Line*, 365 U.S. 1, 19–20 (1961). The regulated subject matter with which we are concerned in this proceeding is the jurisdictional allocation of costs, expenses, revenues, taxes, and reserves, and the subsequent division of revenues carried out in connection with the separations process. The process of jurisdictional separations, first recognized as necessary in *Smith v. Illinois Bell Telephone Co.*, 282 U.S. 133 (1930), is applicable to telephone property used in common for both

[13] The Joint Board has found that evidence introduced in its proceeding "is heavily supportive of the adoption of seven-day usage studies." Amendment of Part 67, CC Docket No. 80–286, Order Requesting Further Comments, at para. 227 (released Nov. 15, 1982). Substantially all the parties submitting comments on this issue in response to the Joint Board's Order Requesting Further Comments were in favor of adopting the seven-day study proposal. The Joint Board adopted its final recommendations on April 15, 1983. A full text of the Joint Board's recommendations was not yet available at the time of the adoption of this Opinion and Order by the Commission.

[14] See para. 21, *supra.*

intrastate and interstate services and to expenses incurred in the delivery of these services. The fact that this common use of telephone property ignores political boundaries creates the need for "a uniform method of separations, acceptable to the state and federal regulatory bodies * * *." *Forward* to *Separations Manual* at 5 (Feb. 1971 ed.) This need for uniformity was addressed by the Congress in enacting Section 410(c) of the Act, 47 U.S.C. 410(c).

29. The uncertainty that would follow in the wake of any diminution of this uniformity was recognized by this Commission when we addressed the issue of interconnection of subscriber equipment:

> There is nothing in the Communications Act or its legislative history which supports the position * * * that Section 2(b) and/or 221(b) reflects a Congressional intent that where common exchange plant is used to provide both exchange and other intrastate services as well as interstate services, a State may, in effect, determine the terms and conditions upon which such common plant is to be used for interstate service. It is one thing to exempt intrastate services from Federal jurisdiction. It is quite a different matter to argue that by virtue of this exemption plant used in common for both intrastate and interstate services is beyond Federal jurisdiction and that subscribers can be subjected to a melange of regulations, determined by each of 50 separate jurisdictions, as to the terms and conditions upon which they shall have access to and use of the telephone network for interstate services. If each State were to be free to establish its own rules governing interconnection for the purposes of intrastate services, uniform nondiscriminatory interstate service throughout the country would be rendered difficult if not impossible.

Telerent, 45 FCC 2d at 219–20. Further, as a general matter it has been held that all the provisions of the Act "must be construed in light of the needs for comprehensive regulation and the practical difficulties inhering in state by state regulation of parts of an organic whole." *General Telephone Co. of California v. FCC*, 413 F.2d 390, 398 (D.C. Cir.), *cert. denied*, 396 U.S. 888 (1969). We conclude that the nature of the separations process and related settlements procedures makes it particularly appropriate to find that State policies that conflict with the federally established separations and settlements framework should be preempted.

4. *Conflicting State Actions*

30. In a case in which Federal and State regulations relate to the same subject matter, "[t]he test of whether both federal and state regulations may operate, or whether the state regulation must give way, is whether both regulations can be enforced without impairing the federal superintendence of the field * * *." *Florida Lime & Avocado Growers, Inc. v. Paul*, 373 U.S. 132, 142 (1963). It must be determined "whether, under the circumstances of [a] particular case, [a State] law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941) (footnote omitted); *see Head v. New Mexico Board of Examiners of Optometry*, 374 U.S. 424, 432 (1963). It is a fundamental principle of constitutional law that State laws "must yield to the law of congress * * *." *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1, 210 (1824). Justice Frankfurter has cogently presented the basis for this principle:

> To leave the State free to regulate conduct so plainly with the central aim of federal regulation involves too great a danger of conflict between power asserted by Congress and requirements imposed by state law * * *. [T]o allow the States to control conduct which is the subject of national regulation would create potential frustration of national purposes.

San Diego Building Trades Council v. Garmon, 359 U.S. 236, 244 (1959) (Frankfurter, J.); *see Ray v. Atlantic Richfield Co.*, 435 U.S. 151, 158 (1978); *Perez v. Campbell*, 402 U.S. 637, 651–52 (1971); *Farmers Educational & Cooperative Union v. WDAY*, 360 U.S. 525, 535 (1959); *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947); *Savage v. Jones*, 225 U.S. 501, 533 (1912).

31. In the communications common carrier area, as we have noted, the courts generally have held that State policies must yield to the exercise of Federal authority. [15] *See, e.g., New York Telephone*, 631 F.2d at 1066; *California v. FCC*, 567 F.2d 84, 86 (D.C. Cir. 1977), *cert. denied*, 434 U.S. 1010 (1978). Most recently, the United States Court of Appeals for the District of Columbia Circuit, in holding that the Commission had acted properly in preempting the State tariffing of customer premises equipment, noted that:

> Courts have consistently held that when state regulation of intrastate equipment or facilities would interfere with achievement of a federal regulatory goal, the Commission's jurisdiction is paramount and conflicting state regulations must necessarily yield to the federal regulatory scheme.

Computer & Communications Industry Association v. FCC, 693 F.2d 198, 214 (D.C. Cir. 1982), *petitions for cert. filed*, 51 U.S.L.W. 3614, 3615 (U.S. Feb. 9 & 10, 1983) Nos. 82–1331 & 82–1352) (footnote omitted); *see NCUC II*, 552 F.2d at 1046; *NCUC I*, 537 F.2d at 793.

32. We now turn to an examination of the nature and extent of the conflict between State action and Federal authority presented in this proceeding. Action of the type taken by the Florida PSC requiring carriers to accept the use of seven-day studies in connection with actual use measurements has two effects. First, it imposes division of interstate revenues procedures upon carriers in the absence of carrier agreements. Such action by a State, as we have seen, is in direct conflict with the statutory mandate of Section 201(a) of the Act, 47 U.S.C. 201(a), and with the exercise of Commission authority under Section 201(a). [16] The Florida PSC now has determined that it does not have authority under Florida statutes to take such an action. [17] We conclude that such action would be a direct and substantial encroachment upon the authority of this Commission.

33. A division of revenues requirement of the type that the Florida PSC decision imposed on Southern Bell also affects the jurisdictional separations process by attempting to allocate a greater amount of costs to the interstate jurisdiction. That this result is intended is acknowledged by the Florida PSC. *See Florida PSC Order* at 2 ("We recognize that our decision will result in a shift of costs from local exchange to toll * * *.") This effect upon jurisdictional separations is in direct conflict with the *Separations Manual*, the provisions of which are binding upon the States. *See ICAM Proceeding*, 84 FCC 2d at 391; *Jurisdictional Separations of Telephone Cos.*, 16 FCC 2d 317, 331 (1969); *American Telephone & Telegraph Co. & Associated Bell System Cos.*, 9 FCC 2d 30, 111 (1967). The *Separations Manual* provides no mechanism by which States may unilaterally construe provisions of the *Manual* and impose these constructions upon carriers. The appropriate method for making changes in the jurisdictional separations process is through action of a Federal-State Joint Board under Section 410(c) of the Act, 47 U.S.C. 410(c). *See Reservation Telephone*, FCC File No. E–81–5, at 4. A Federal-State Joint Board is, in fact, currently considering the issue of

[15] See para. 15, *supra*.

[16] See paras. 21, 27, *supra*.

[17] See para. 6, *supra*. The pertinent Florida statute provides that "[t]he commission is authorized to review intrastate toll settlement agreements and disapprove any such agreement if such agreement is detrimental to the public interest * * *. The commission is also authorized to adjudicate disputes among telephone companies regarding intrastate telecommunications settlements." Section 8 of Chapter 80–30, Laws of Florida, § 364.07, Fla. Stat. 1981.

appropriate time periods for actual use studies.[18]

34. Action of the type taken by Florida also conflicts with Federal policy regarding use of the subscriber plant factor (SPF) for allocating costs between the interstate and intrastate jurisdictions. The *Florida PSC Order*, in imposing seven-day time studies, would have permitted GTE of Florida to increase its interstate SPF for purposes of calculating the division of revenues and for purposes of allocating costs between the interstate and intrastate jurisdictions. The *Order* thus placed an obstacle squarely in the path of effectuating separations and settlements policies established by this Commission. This Commission has acted to bar increases in interstate SPF on an interim basis. Because any growth in SPF would result in the inequitable treatment of interstate users, we have concluded that "[i]t is important to maintain the allocative factor for [non-traffic-sensitive] plant at current levels until we can implement a final plan." *Amendment of Part 67*, 89 FCC 2d at 6. The only changes to SPF permissible under this Commission ruling are changes to which carriers agree for divisions of revenue purposes. *Id.* at 14, 16–17. This decision, however, does not permit any changes in SPF in the absence of agreement on the part of the carriers involved. State action of the type taken in the *Florida PSC Order* directly contravenes the treatment of SPF we have established.

35. In assessing these conflicts between the Federal and State policies at issue in this proceeding, we first must remember that the Congress has given this Commission statutory authority in the separations and settlements areas in order to ensure a uniform regulatory framework for this subject matter. Because separations and settlements processes require a balancing of the interests of interstate and intrastate carriers and ratepayers, inconsistencies resulting from regulatory fragmentation can produce inequitable treatment of these carriers and ratepayers. The risk of such fragmentation is at the nub of this proceeding. The Joint Board procedures established in Section 410(c) of the Act, 47 U.S.C. 410(c), would be largely nullified, and the plenary authority of the Commission in the separations and settlements areas would be effectively undermined, if we were to accept the view that States have independent authority to impose changes in interstate settlements practices and separations procedures. If each State were to have unilateral authority to reach its own conclusion regarding appropriate time periods for actual-use measurements, and to impose that conclusion upon carriers subject to its jurisdiction, then the goal of national regulatory uniformity would be endangered, the authority of the Commission under the Act would become hollow, and the established statutory procedures for making changes in the *Separations Manual* would become an empty exercise. In order to avoid these results, we must preempt State actions of the type taken by the Florida PSC in this proceeding.

[18] See para. 24, *supra*.

5. *Scope of Preemption*

36. We emphasize that the preemption announced in this Opinion and Order reaches only the specific type of State action at issue in this proceeding, namely the prescription of time periods for use in connection with actual use measurements and the imposition of these time periods upon carriers.[19] We find it unnecessary at this time to take broader preemptive action. Since the dispute presented here does not strike at the center of our concerns regarding the division of regulatory authority between the Commission and the States in the separations and settlements areas, we believe it would be inappropriate to do more than resolve the issue before us. The conflicting State action at issue in this proceeding does not suggest widespread State efforts to wrest jurisdiction from the Commission in the separations and settlements areas.

37. The alternative of broad subject matter preemption would preclude the States from developing concurrent regulations even if these regulations were not in conflict with Commission policies. *See, e.g., San Diego Building Trades Council v. Garmon*, 359 U.S. 236, 241–46 (1959). We do not see a need at this juncture to preempt complementary State regulations in the separations and settlements areas. *Cf.*, Brief for Respondents in *NARUC v. FCC*, No. 81-1556, at 27 n.20 (D.C. Cir., filed Feb. 23, 1983) (complementary State regulation that does not conflict with Commission policy is permissible). We hope that the adoption of this narrow preemption order will foster cooperation between the Commission and the States by minimizing any disruption in the existing regulatory scheme. If conflicting State policies regarding separations and settlements develop in the future, then we will dispose of these policies in the manner and to the extent we deem necessary to protect our plenary authority and to maintain a uniform, nationwide regulatory framework. We leave for another day the issue of whether conflicting State policies in these areas have become so substantial that a broader exercise of our preemption authority has become necessary.

[19] We reject the argument that there has not been sufficient notice of the issues we are addressing and that, therefore, it is premature for us to dispose of these issues in this proceeding. The Southern Bell petition makes it abundantly clear that the relief sought is the preemption of those portions of the Florida PSC Order that conflict with Federal authority. Southern Bell Emergency Petition for Declaratory Ruling at 7, 10, 11. Thus, parties have had sufficient opportunity to address this issue throughout the entire course of this proceeding either in their comments or reply comments.

III. Conclusion

38. In our review of the Emergency Petition for Declaratory Ruling filed by Southern Bell we conclude that this Commission has specific statutory authority to render a declaratory ruling in the circumstances presented by this proceeding. We also find that it is appropriate for the Commission to exercise this authority in this proceeding because uncertainty regarding the relationship between Federal and State authority has been created by the *Florida PSC Order* and by the action and potential actions of other States.

39. In addressing the preemption issues raised in this proceeding, we conclude that the Act has given the Commission broad, plenary authority to regulate interstate and foreign communications and that a primary objective of the Act is to ensure a uniform, nationwide system of regulation in the communications common carrier field. We find that Sections 201(a), 221(c), and 410(c) of the Act, 47 U.S.C. 201(a), 221(c), 401(c), the provisions specifically involved in this proceeding, empower this Commission with plenary authority in the separations and settlements areas, thus promoting the statutory goal of creating a uniform regulatory framework in these areas. Acting in accordance with our statutory authority, we have established in the *Separations Manual* a comprehensive and pervasive regulatory scheme in the separations and settlements areas. The absence of specific provisions in the *Separations Manual* regarding time periods for actual use measurements does not open the way for the States to establish these time period requirements and impose them upon carriers.

40. We find that the specific subject matter of this proceeding, the jurisdictional allocation of common carrier costs and the subsequent division of interstate toll revenues, uniquely requires a uniform, nationwide regulatory scheme. Because of this need

it is particularly appropriate for us to preempt State laws found to be in conflict with this uniform regulatory scheme. We find that such a conflict has been created by actions of the type taken in the *Florida PSC Order*. In seeking to impose interstate settlements requirements upon Southern Bell, that *Order* would have directly encroached upon the authority of the Commission under Section 201(a) of the Act, 47 U.S.C. 201(a). State action of the type taken in the *Florida PSC Order* [20] also alters federally established separations procedures in a manner that is in direct conflict with the congressionally established process for making such alterations. Such State action also upsets our decision in *Amendment of Part 67* to bar further increases in SPF on an interim basis. For all these foregoing reasons, we must preempt State actions of the type taken in the *Florida PSC Order*. The scope to our preemption order is expressly limited to the specific type of actions taken by the Florida PSC. We have concluded that it would be inappropriate and unnecessary at this juncture to give a broader sweep to our preemptive authority in the separations and settlements areas.

41. Accordingly, it is ordered, pursuant to Sections 1, 4(i), 201(a), 221(c), and 410(c) of the Communications Act of 1934, 47 U.S.C. 151, 154(i), 201(a), 221(c), 410(c), Section 554(e) of the Administrative Procedure Act, 5 U.S.C. 554(e), and Rule 1.2 of the Rules of the Commission, 47 CFR 1.2., That the Emergency Petition for Declaratory Ruling filed by the Southern Bell Telephone and Telegraph Company is granted to the extent reflected herein.

42. It is further ordered, That the motion to accept additional comments made by the General Telephone Company of Florida is granted.

43. It is further ordered, That the motion to accept reply comments made by the District of Columbia Public Service Commission is granted.

44. It is further ordered, That the Secretary shall cause this Order to be published in the **Federal Register**.

45. It is further ordered, That the Secretary shall cause a copy of this Order to be served on each State commission.

[20] We wish to emphasize that this Order preempts two types of State action. First, any action that requires the use of a particular time period in connection with actual use measurements for interstate toll settlements. Second, any action that requires the use of a particular time period in connection with such measurements for purposes of cost allocations between the interstate and intrastate jurisdictions.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix—Summary of Comments

1. Southern Bell, in its Emergency Petition for Declaratory Ruling, argues that the *Florida PSC Order*, in attempting to prescribe new interstate toll settlements arrangements between Southern Bell and GTE of Florida, is in direct conflict with the authority and previous orders of the Commission. Southern Bell maintains that authority over interstate toll settlements rests with the Commission under Section 201(a) of the Act, 47 U.S.C. 201(a). By enacting Section 201(a), asserts Southern Bell, the Congress has occupied the field, thus preempting State law under the Supremacy Clause of the United States Constitution. Southern Bell argues that all State laws and regulations have been preempted, regardless, of whether they complement Commission policies or are in conflict with Commission policies.

2. Southern Bell also maintains that the prescription of seven-day studies of holding time usage in the *Florida PSC Order* allows GTE of Florida to increase its interstate SPF, since SPF is based in part upon such studies. Southern Bell asserts that this result of the *Order* is in conflict with the prohibition of increases in SPF adopted by the Commission in *Amendment of Part 67*, CC Docket No. 80–286. Southern Bell argues that the *Order* also conflicts with the Federal-State Joint Board process established in Section 410(c) of the Act, U.S.C. 410(c), and notes that a Joint Board currently is considering the issue of the appropriate time period for holding time usage. Southern Bell maintains that the Common Carrier Bureau decision in *Reservation Telephone* buttresses its argument that the *Florida PSC Order* should be preempted because it conflicts with the Joint Board proceeding, since the Bureau dismissed the complaint in *Reservation Telephone* primarily on the grounds that the issue of time periods for holding time usage was before the Joint Board.

3. GTE of Florida asserts that the Commission should dismiss the Petition filed by Southern Bell on the grounds that the Florida PSC is reconsidering its *Order* and there is no final order affecting interstate toll settlements. GTE of Florida also argues that Southern Bell has failed to demonstrate that an emergency exists and that the Commmission would be acting within its discretionary authority if it refused to issue a declaratory ruling. GTE of Florida maintains that the *Florida PSC Order* merely requires the payment of money by Southern Bell to GTE of Florida, and Southern Bell will get back these payments if the Florida PSC ultimately reverses its decision. GTE of Florida cites *Combined Communications of Oklahoma, Inc. (KOCO–TV)*, 59 FCC 2d 48 (1976) in support of the proposition that the Commission should refrain from issuing a declaratory ruling because only the judiciary may rule authoritatively regarding preemption issues. GTE of Florida asserts that Southern Bell has failed to meet traditional stay criteria in its petition and that the Commission should elect not to make a ruling because the State proceedings have not been shown to be clearly inadequate and, therefore, should be allowed to continue.

4. GTE of Florida argues that neither fact nor precedent supports the conclusion that the Commission has exclusive jurisdiction over traffic study methodology. GTE of Florida maintains that, although Section 201(a) of the Act, 47 U.S.C. 201(a), gives the Commission authority regarding the division of toll revenues, the Commission is not required to exercise this authority and in fact has not taken any specific action regarding the issues involved in this proceeding. GTE of Florida asserts that, if there is a dispute over the meaning of "representative period" as used in the *Separations Manual*, then this is a question of contract for the appropriate State agency or court to decide. GTE of Florida argues that the Commission's SPF "freeze" decision does not bar the Florida PSC action for two reasons: (1) The Commission action assumed a validly calculated SPF, which requires seven-day studies; and (2) the Commission allowed exceptions to the freeze by agreement of the parties and the purpose of this exception would be defeated if one party could unreasonably withhold consent to seven-day studies. GTE of Florida maintains that the Florida PSC action does not alter Federal regulations, but merely interprets a broad general term used in the regulations.

5. AT&T asserts that the Commission should issue a declaratory ruling granting Southern Bell's Petition in order to preserve Federal-State uniformity in the separations field, which is a fundamental principle and in the public interest. AT&T argues that separations uniformity has been placed in jeopardy, citing State court and State commission decisions stating that no legal requirement obligates them to adhere to Commission-prescribed separations procedures. AT&T maintains that inconsistent State regulation regarding separations and settlements threatens the financial viability of telephone utilities and undermines the access charge plan approved by the Commission. Separations "adjustments" ordered by the States deny the utilities the recovery of costs incurred in joint interstate-intrastate operations. This denial of recovery would force the utilities to place a surcharge on access charges applicable to interstate users in States in which State commissions had "allocated" costs to interstate operations. A denial of these surcharges by the Commission would be an unconstitutional confiscation of carrier property.

6. AT&T asserts that the prescription of separations procedures by the Commission preempts inconsistent State procedures. AT&T cites Section 221(c) of the Act, 47 U.S.C. 221(c), as giving the Commission express authority to establish jurisdictional separations procedures. AT&T argues that the Congress intended the States to be bound by Commission actions under Section 221. AT&T cites *Shields v. Utah Idaho Railroad Co.*, 305 U.S. 177 (1938), for the proposition that the Congress intends an agency decision to have binding effect if the decision is rendered after a hearing required by the statute. AT&T maintains that the Congress

must have intended decisions of the Commission under Section 221(c) of the Act to be binding because Section 221(c) contains a hearing requirement. AT&T asserts that Section 221(a) of the Act, 47 U.S.C. 221(a), is further evidence that the Congress intended Commission decisions under Section 221(c) to be binding on the States, because Section 221(a) contains language stating that its provisions do not affect the power of the States to regulate telephone companies, but Section 221(c) contains no such language.

7. AT&T argues that Section 410(c) of the Act, 47 U.S.C. 410(c), is further evidence that the Congress intended the Commission's separations decisions to bind the States. AT&T maintains that the Congress, in enacting Section 410(c), did not alter the authority of the Commission under Section 221(c) but merely established a Federal-State Joint Board mechanism to recommend decisions regarding separations to the Commission, thus retaining Federal superintendence in the separations area. AT&T asserts that State authorities cannot practicably regulate in the separations field and, citing *FPC v. Louisiana Power & Light Co.*, 406 U.S. 621 (1972), argues that the desirability of uniform Federal regulation in the separations area is clear and that State authority in this area must be preempted. AT&T maintains that the Commission, in prescribing separations procedures, intended to preempt State authority because of the need for uniformity in separation procedures. AT&T asserts that actions taken by the Commission in the separations area have manifested an intention to bind the States. AT&T cites the SPF freeze order in *Amendment of Part 67*, CC Docket No. 80–286, as an example of this intention and then argues that the *Florida PSC Order* would violate the SPF freeze. AT&T maintains that the *Florida PSC Order* must be regarded as a nullity with regard to the interstate division of revenues because Section 201(a) of the Act, 47 U.S.C. 201(a), gives the Commission exclusive authority in this area.

8. The Florida PSC asserts that it recognizes the potential jurisdictional infirmity of its *Order* as it relates to the disposition of interstate toll revenues. The Florida PSC argues that its action upon reconsideration may render Southern Bell's Petition to this Commission moot.

9. Citizens of the State of Florida (Citizens) maintains that there no longer is a controversy before the Commission sufficient to raise a question of Federal preemption because the Florida PSC is reconsidering its *Order*. Citizens asserts that the Commission should refrain from taking any action because many States would be potentially affected by a declaration of Federal preemption, but they are not represented in this proceeding. Citizens argues that it is not appropriate to address such significant constitutional questions as Federal preemption when only one State is involved in the proceeding, only two weeks have been allowed to address the matter, and the factual situation giving rise to the emergency petition no longer exists.

10. Reservation Telephone maintains that there is no emergency requiring immediate action by the Commission. If Southern Bell ultimately prevails before the Florida PSC it will have adequate means to recover any interstate settlement payments it has made to GTE of Florida. Reservation Telephone asserts that the *Florida PSC Order* does not conflict with Federal authority because it is consistent with the *Separations Manual* requirement that representative periods be used in determining actual holding time minutes of use for separations purposes. Reservation Telephone argues that the Commission's SPF freeze should not be construed as barring an independent telephone company from correctly calculating its 1981 SPF factor through the use of representative seven-day studies.

11. Southern Bell, in its Reply Comments, maintains that the issues before the Commission are not moot because Southern Bell remains at risk in Florida for the payment of statutory penalties. Southern Bell asserts that interference by other State commissions with the separations and settlements authority of the Commission is another reason for the Commission to act promptly in this proceeding. Southern Bell argues that the assertions of Reservation Telephone regarding the appropriateness of seven-day studies under the *Separations Manual* go beyond the scope of this proceeding because this proceeding is concerned only with jurisdictional issues and does not reach the validity of seven-day studies on the merits.

12. Southern Bell maintains that Reservation Telephone overlooks entirely the jurisdictional issues raised in the *Florida PSC Order* by ignoring the fact that the *Order* prescribes interstate settlement arrangements and requires the use of seven-day studies in the absence of carrier agreements. Southern Bell asserts that GTE of Florida is wrong in suggesting that a declaratory ruling should not be issued because Southern Bell has not demonstrated irreparable harm; Southern Bell argues that irreparable harm need not be shown in order for the Commission to issue a declaratory ruling and that the time now is ripe for the Commission to rule on the scope of its preemptive authority. Southern Bell maintains that it is not appropriate for the Commission to abstain from action in this proceeding in view of the fact that several States have taken or are planning to take action that contravenes the Commission's authority in the separations field. Southern Bell cites the Commission action in *Amendment of Part 31*, CC Docket No. 79–105, as a recent example of the assertion of preemptive authority in connection with the Commission's depreciation rules. Southern Bell asserts that GTE of Florida is wrong in suggesting that interstate settlement arrangements are matters of contract that may be settled by State commissions; interstate revenue divisions are the exclusive province of the Commission. Southern Bell argues that GTE of Florida is wrong in urging that the failure of the Commission specifically to prescribe representative periods for actual use measurements permits State commission usurpation in this area; the SPF freeze order in *Amendment of Part 67*, CC Docket No. 80–286, allows only carriers to agree to modifications in the time studies used for actual use measurements. Southern Bell maintains that the Commission ruling should apply retroactively in order to afford Southern Bell the protection it requires from the retroactive application of the *Florida PSC Order*.

13. GTE of Florida, in its Reply Comments, argues that AT&T's comments are an improper attempt to broaden the scope of the declaratory ruling sought by Southern Bell. GTE of Florida maintains that AT&T has incorrectly stated the issues in this proceeding, and that the correct framing of the issues is as follows: (1) Is there any longer a controversy ripe for Commission resolution? (2) May the Commission leave to non-federal forums the initial response to the issues raised in this proceeding? (3) Has the Commission so completely occupied the field as to preclude the States from interpreting, as a matter of contract between carriers, a term used in a Federal rule? GTE of Florida asserts that the Florida PSC has not "adopted" seven-day studies, but merely has interpreted the phrase "representative period" as used in the *Separations Manual*. GTE of Florida argues that State actions accepting seven-day studies are not deviations from Federal authority unless they distort traffic estimates, and no one has made a showing of any such distortion in this proceeding. GTE of Florida maintains that AT&T'S concerns that use of seven-day studies will lead to a "no-man's land" in which Southern Bell will be unable to recover costs in the interstate or intrastate jurisdictions are properly addressed in rate hearings and should not be raised in this proceeding.

14. GTE of Florida asserts that, although AT&T is correct in arguing that States should abide by Commission-prescribed separations procedures, the fact remains that the Commission has not asserted exclusive jurisdiction over traffic study methods. GTE of Florida argues that AT&T is wrong in arguing that the Commission has exclusive authority under Section 201(a) of the Act, 47 U.S.C. 201(a), to resolve carrier disputes regarding interstate toll revenue divisions. GTE of Florida maintains that this reading of the statute would compel the Commission to hear every dispute involving a settlements contract, and cites *United Telephone Co. of the Carolinas v. FCC*, 559 F.2d 720 (D.C. Cir. 1977), for the proposition that the Commission is free to decline to exercise its authority under Section 201(a). GTE of Florida asserts that this inaction by the Commission enables the Florida PSC to interpret division-of-revenue agreements under State contract law.

15. GTE of Florida, in its Additional Comments, argues that there is no basis for Southern Bell's reliance on the Commission's decision in *Amendment of Part 31*, CC Docket No. 79–105, because in that proceeding the Commission had actually prescribed depreciation rules whereas in this proceeding the Commission has not prescribed any specific time periods for actual use measurements. GTE of Florida cites the recent action taken by the Public Utilities Commission of Ohio in prescribing seven-day studies and maintains that the Ohio Commission action was consistent with the general guidance of the *Separations Manual*.

16. The Public Service Commission of the District of Columbia, in its Reply Comments, asserts that the District of Columbia PSC has discretionary authority to make independent appraisals of the appropriateness of Commission determinations regarding jurisdictional separations. The District of Columbia PSC argues that Commission preemption in the separations area is not mandated by the Act, the legislative history of the Act, or the nature of the jurisdictional separations process. The District of Columbia PSC argues that the Congress did not intend that Commission decisions regarding separations affect intrastate ratemaking decisions. The District of Columbia PSC maintains that the allocation of intrastate and interstate costs for ratemaking purposes is not an area that has been preempted by the Commission, because of the nature of the subject matter involved.

[FR Doc. 83-15698 Filed 6-10-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Parts 2, 73, and 74

[BC Docket No. 81-741; FCC 83-120; RM-3727; RM-3876]

Amendment to the Commission's Rules To Authorize the Transmission of Teletext by TV Stations

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein authorizes television stations to operate teletext services on the vertical blanking interval of the television video signal. This authorization was considered in the Notice of Proposed Rule Making in BC Docket 81-741. The Commission has determined that the public interest would be served by allowing television broadcasters to engage in teletext services. Action also is taken to deny a petition for reconsideration of an action in the Notice of Proposed Rule Making in this proceeding that denied a CBS request that the Commission establish a single technical system as the standard for all teletext operations.

DATE: Effective March 31, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Alan Stillwell, Broadcast Bureau, 202-632-6302.

List of Subjects

47 CFR Part 2

Frequency allocation, Radio.

47 CFR Part 73

Television.

47 CFR Part 74

Cable television.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of Parts 2, 73 and 76 of the Commission's Rules to Authorize the Transmission of Teletext by TV Stations. FCC 83-120; BC Docket No. 81-741; RM-3727; RM-3876.

Adopted: March 31, 1983.
Released: May 20, 1983.

By the Commission; Commissioner Quello issuing a separate statement; Commissioner Jones concurring and issuing a statement; Commissioner Rivera dissenting in part and issuing a statement in which Commissioner Fogarty joins; Commissioner Sharp concurring and issuing a statement.

Introduction

1. On October 22, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 60851 (published December 14, 1981) to consider authorizing television stations to engage in teletext service. Teletext is a new form of radio communication that involves the transmission of textual and graphic data on the vertical blanking interval (VBI) of the video portion of the television signal.[1] The *Notice* was issued to study authorization of this new media form as a result of the considerable interest in teletext service and technology that has developed in the several component industries associated with television broadcasting.[2] In addition, the *Notice* was issued in response to separate petitions from CBS, Inc. (RM-3727) and the United Kingdom Teletext Industry Group (RM-3876) that requested the adoption of rules to authorize teletext.

2. We conclude that the overall record in this proceeding supports our initial assessment that authorization of teletext would serve the public interest. The specific rules being adopted are consistent with the proposals in the *Notice* and are discussed in detail below.[3]

Responses to the Notice

3. Forty-nine formal comments and twenty-seven reply comments were submitted by fifty-six parties in response to the *Notice*.[4] Four other major submissions in the form of reports and informal comments also were received. The comments and reports submitted essentially addressed issues and questions presented in the *Notice*. In addition, a large number of informal comments were received from hearing-impaired citizens and from groups representing the hearing-impaired concerning the relationship between teletext and the line 21 closed caption service. The only major new issue that was raised in the comments concerns the regulatory treatment of point-to-point and point-to-multipoint teletext services. A list of those filing formal comments, replies and major reports is contained in Appendix A.

4. *Authorization of Teletext Service*—The respondents who addressed the fundamental question of whether to permit stations to transmit teletext were unanimous in their support for authorizing the service. These parties generally cited the wide variety of applications and uses mentioned in the *Notice* as reasons why teletext would serve the public interest and thus should be authorized.

5. Commenters favoring teletext authorization were also unanimous in their support for the proposal to create a regulatory environment that would allow licensees to exercise their own ju lgment and discretion with respect to the kinds and levels of service to provide. The expressed consensus was that market forces would provide the best means for determining the mix of services that would most effectively meet the needs and interests of teletext users.

6. The proposal to regulate teletext under an open environment policy as described in the *Notice* was based in part on the proposal to treat teletext as an ancillary service. As such, teletext activities would not be a primary service of television stations. Licensees would continue to fulfill their public trust obligations through their regular programming. Thus, teletext operations would not be subject to service guidelines or other performance standards. All of the commenters who responded to this proposal agreed that teletext should be treated as an

---

[1] The vertical blanking interval is that portion of the television signal that appears as a black bar when the picture rolls.

[2] Examples of teletext service include news, weather reports, comparative shopping prices, entertainment schedules, closed captions for the hearing impaired, and business oriented information.

[3] A petition for reconsideration of Commission action taken in the *Notice* was filed by CBS requesting the selection of a single technical system. That petition is being denied for the reasons set forth *infra* under the heading *Authorization of Transmission Systems*.

[4] Time, Inc., which filed regular comments in this proceeding, has asked for leave to file a late reply to a letter dated March 8, 1982, to the Chairman of the Commission signed by 26 members of the U.S. Senate. In view of the short time period remaining for filing replies when this letter became available and in the interest of developing a full record in this proceeding, Time's reply to the subject letter has been accepted. Also, on July 9, 1982 the PLEAD Committee asked the Commission to accept late filed comments. Because PLEAD's request was made late in the process of our deliberations and did not raise any new significant points or issues, its request is being denied.

ancillary service. Some respondents also requested that the meaning of ancillary treatment be more fully described, while others expressed the view that it was necessary to develop a legal rationale for exempting teletext from certain statutory performance requirements such as the political broadcasting rules and the Fairness Doctrine contained in Sections 312(a)(7) and 315 of the Communications Act. In reply comments, several parties also recommended that stations not be required to submit notice to the Commission prior to initiating or terminating service.

7. The American Newspaper Publishers' Association (ANPA) stated that it was particularly interested in seeing that teletext be allowed to develop as an ancillary service that would be free from the service guidelines and performance standards of regular television service. It stated that the unique nature of this medium requires the absence of government mandated programming judgments. It also stated that there is no basis for applying affirmative programming obligations to teletext because it is an adjunct service that does not interfere with regular program service. The Videotex Industry Association (VIA) stated that if favors not applying the Fairness Doctrine and equal time regulations to teletext.

8. The National Association of Broadcasters (NAB) asked that the proposal to regulate teletext as an ancillary service be clarified. While it applauded the concept of affording maximum freedom to licensees in their provision of teletext service, the NAB urged the Commission to explain how such treatment could be accommodated under the Communications Act. This view also was expressed by the American Broadcasting Company. The VIA recommended that ancillary treatment be interpreted to mean that: (1) stations may engage in teletext without prior authorization from, or notification to, the Commission; (2) stations may operate on a subscription or advertising basis at their own discretion; (3) addressable teletext is permitted; and (4) subscribers may purchase teletext decoders.

9. In the *Notice*, the Commission proposed to define teletext as a data system for transmission of textual and graphic information intended for display on viewing screens. This definition was intended to make teletext available for a wide range of applications while at the same time limiting the service under consideration to teletext. Comments were requested as to whether this teletext definition should be expanded to include data transmissions not necessarily intended for visual display. A number of the commenting parties expressed a preference for expanding the teletext definition to incorporate the transmission of data not specifically related to the display function. Specifically, Community Telecasters of Southern California proposed that the definition of teletext be broadened to allow the transmission of control functions and the distribution of computer software. It stated that expanding the definition would stimulate the development of the widest range of teletext applications. Time, Inc. suggested that the proposed definition be amended to include reference to the delivery of data that is received by the home terminal and either played by it as an aural signal or delivered in hard copy form by a printer. Time, Inc. also stated that the definition should provide that the data stream can include computer software that contains instructions to the receiving equipment to enable it to process, display, or play the data. ABC submitted that the definition should be broadened to allow the use of printers in the home for hardcopy printed data, bulletins, and coupons. Statements and positions similar to these were also offered by the United Kingdom Teletext Industry Group, and the Corporation for Public Broadcasting.

10. Springfield Television Corporation submitted that the proposed definition was too restrictive and as an alternative suggested a broad and simple statement such as "a service for the provision of data to the general public or substantial segments thereof." The view that teletext should encompass a broad authorization was shared by Satellite Television Systems, Inc., and Antiope and Telematics Corporation.

11. The Commission also proposed that stations be permitted to engage in consumer subscription and business services as well as traditional advertiser supported services that may or may not be related to regular television program fare. Responses to this proposal were favorable. In fact, a number of respondents offered suggestions further to generalize this open approach to other service options. For example, the Videotex Industry Association recommended that both single franchise operators and multiple or time-sharing arrangements be permitted. With regard to franchise leasing, the American Newspaper Publisher's Association stated that participation by third parties would be an important economic factor in the growth of teletext. It submitted that the most substantial costs associated with teletext are those involving developing, maintaining, packaging, financing, and marketing a current and appealing data base. The ANPA contended that the broadcaster may be unwilling or unable to underwrite these costs, and that a broadcaster's freedom to lease its teletext service to other information providers is therefore necessary to facilitate the maximum growth of teletext service.

12. Several parties also raised questions concerning the regulatory status of teletext with respect to common carrier considerations. These issues were not specifically discussed in the Notice. The Videotex Industry Association urged the Commission to adopt a policy: (1) that teletext services offered by a broadcaster in general, and broadcaster franchising and/or timesharing practices in particular, would not be considered a common carrier service; (2) that providers could charge whatever they desired for the use of teletext; and (3) that they would not have to provide access on a first-come, first-served basis. Similar opinions on these issues were expressed by Golden West Broadcasters, Cox Broadcasting, and the NBC Television Network Affiliates. The American Society of Travel Agents took the opposite view on the access issue. It stated that the Commission should not allow the discriminatory access and rate practices that would be permitted under the proposed policy.

13. Another issue discussed by the commenters is whether public, noncommercial stations should be permitted to engage in for-profit teletext activities. The National Association of Public Television Stations stated that public television stations should have the same authority as all other television stations with respect to both content and terms of service. The University of Wisconsin also supported this position. It asked that public broadcast licensees be permitted to engage in the same advertiser supported, consumer subscription, and business services that were proposed for commercial stations. No commenter opposed such authorizations for public broadcast stations.

14. *Authorization of Transmission Systems*—One issue that received substantial attention and interest in the comments was the proposal to allow each station to use the transmission system of its choice for teletext operation. The only restriction proposed was that teletext signals could not interfere with the regular service of the originating station, the service of other

television stations, or stations in any other "legitimate" radio service. The responses on this subject were divided with fifteen parties in favor of allowing decisions concerning the selection of a system to be made in the market, and fourteen in favor of the Commission selecting a single system.[5] The two equipment manufacturers who submitted comments were also split on this issue. Zenith supported the open market approach and stated that it would design and build teletext receivers in response to market demand. However, RCA favored a single standard and stated that the "one-system" approach would protect the consumer from the excessive cost of a decoder capable of handling mutiple systems. Generally, commenters who preferred the British System supported the market approach while backers of the Antiope, Telidon, and North American Broadcast Teletext Specification tended to favor the single system plan.

15. Respondents supporting the open market proposal generally agreed with the statements in the *Notice* concerning the advantages of relying on market forces to direct the development of teletext in the technical area. For example, RBC Communications believed the forces of competition can effectively regulate the level and nature of teletext services in a particular market. It contented that government establishment of inflexible regulatory standards with respect to permissible services would only frustrate the ability to satisfy consumer needs through the marketplace. In a similar statement, Field Communications asserted that the economic forces of the marketplace are well equipped to balance and weigh the subtle economic and technical trade-offs between competing systems required in any system selection process. The NBC Television Network Affiliates submitted that an open market approach to the development of teletext would allow service providers, primarily local television broadcasters, to apply the necessary discretion and expertise to utilize a service best suited to their needs and those of the public they serve. The Satellite Television Corporation also was concerned that teletext might be frozen at its current stage of development if a single system were to be adopted.

16. Another factor cited by several parties as a reason for supporting the open market proposal is the delay in initiation of service that would attend a proceeding to set standards. Zenith stated that while it believes a technical standard usually is desirable for major broadcast services, a number of considerations in the teletext area reduce the likelihood of establishing a single system standard at the outset. It stated that it would take a number of years to resolve pertinent issues and to conduct an associated rule making proceeding. Koplar Communications, the United Kingdom Teletext Industry Group, and others took similar positions. They also pointed out that a delay in authorization could result in very real competitive harm to broadcasters because cable and telephone systems are now implementing, or have plans to implement, teletext and videotex services in the open market, uninhibited by any regulatory proceeding or mandated standards.

17. The single system proponents supported the points brought out in comments on the two petitions for rule making filed by CBS and the United Kingdom Teletext Industry Group prior to issuance of the *Notice*. CBS, the most vigorous proponent of a single system, stated in its petition for reconsideration that, without a single system standard, teletext development would be slowed to such an extent that its ability to exist in a form that will serve the public in a useful manner would be impaired. It asserted that without such a standard: (1) receiver manufacturers would be hesitant to manufacture receivers containing teletext decoders; and (2) television stations would be reluctant to invest in teletext equipment and to commit resources to initiating and sustaining a teletext service. It also asserted that users would be unwilling to purchase several decoders to view the teletext transmissions of all broadcasters in a single market. Moreover, CBS claimed that a single system standard would hasten and intensify competition among licensees and networks willing to provide teletext service and would eliminate the unnecessary waste of resources caused by obsolescence. CBS stated that the Commission should adopt the North American Broadcast Teletext Specification as the standard for the United States. Positions similar to that of CBS also were presented by the Community Telecasters of Southern California, the National Association of Public Television Stations, Telidon Videotex System, Inc., and others. The NAB supported the adoption of a single system but did not take a position on which one should be chosen.

18. In reply comments, PBS responded to Satellite Television Corporation's concern that a standard system might freeze technology at its current level of development. Specifically, PBS suggested that there be a special provision in the rules to allow teletext operation using other systems upon application to the Commission.

19. The WGBH Educational Foundation was concerned about teletext service for the hearing-impaired. It stated that adoption of a teletext standard would be a step toward resolving present uncertainties in the deaf community and the closed captioning industry as to the future of the line 21 system. WGBH submitted that the disappointing sales of line 21 decoders have given rise to concern that the line 21 system may not be viable. It argued that, if closed captioning is to continue to be viable, it must be incorporated into a versatile and widely available standard teletext service.

20. *VBI Lines for Teletext Use*—The technical rules proposed in the *Notice* included authorization for specific lines in the VBI and interference-related technical parameters. The intent of these specifications was to define the segments of the VBI where teletext could be transmitted and to ensure that teletext would not produce interference to other radio communications services.

21. The Commission proposed to allow teletex on lines 14–18, 20 and 21 of the VBI upon adoption of the rules and to phase in authorization for lines 10–13 according to a pre-set schedule. It also emphasized that this proposal was merely to authorize use of these lines, and that the lines would not be reserved exclusively for teletext. Finally, it stated that this policy of non-reservation would allow new uses and services for the VBI to be considered without prejudice to the existing teletext authorization.

22. The majority of commenters supported the authorization of VBI lines as proposed. However, Springfield Television Corporation and Antiope and Telematics Corporation took issue with the plan to refrain from reserving lines for the exclusive use of teletext. Springfield was concerned that the

[5] The open market advocates were: Zenith Radio Corporation, Koplar Communications, Inc., United Kingdom Teletext Industry Group, Subscription Television Association, American Newspaper Publishers Association, the University of Wisconsin, Bonneville International Corp., RBC Communications, American Society of Travel Agents, Association of Maximum Service Telecasters, Inc., Field Communications Corp., Satellite Television Corp., NBC Television Network Affiliates, and Springfield Television Corp. The single system proponents were: Time, Inc., Times-Mirror Videotex Services, Inc., National Association of Public Television Stations, Telidon Videotex Systems, Inc., WGBH Educational Foundation, National Association of Broadcasters, PBS, Tribune Company Broadcasting, Inc., ABC, NBC, CBS, Marshall Wick, Antiope and Telematics Corporation, and Community Telecasters of Southern California.

development of teletext would be impeded unless lines are exclusively reserved for teletext. It recommended that the Commission initiate action to make line 19 (currently reserved for the Vertical Interval Reference Signals (VIRS)) available exclusively for teletext. The Cognitive Science Laboratory recommended that lines 10–13 be reserved for future technologies that could make new aural and visual service available for handicapped persons.

23. *Teletext and the Line 21 System for Closed Captions*—The majority of the thirteen formal respondents who addressed the proposed authorization of teletext on Line 21 expressed concern that such action would have an adverse effect on closed caption services and asked the Commission to protect the line 21 caption system.[6 7] They contended that the nonprofit caption service would be placed in direct competition with commercial, profit oriented teletext service. Under these circumstances, they stated that market forces could be expected to give insufficient, if any, consideration to the needs of the hearing-impaired. They further stated that existing telecaption decoders would become obsolete if captions were transmitted on teletext and not on the line 21 system, and that therefore the utility of the substantial investment that has been made in line 21 system equipment would be lost. Moreover, they asserted that teletext would not be able to provide service similar to that on the system now in place at any time in the foreseeable future. PBS, the National Captioning Institute, and ABC also disputed the Commission's statement in the *Notice* that it appears that teletext has the capability of providing caption services that are superior in many respects to those of the line 21 system. These respondents recommended that: (1) line 21 be reserved for the existing caption system; (2) captions transmitted on teletext be simultaneously transmitted on line 21 [8]; and (3) cable systems not be permitted to delete or replace either teletext or line 21 captions. It was claimed that these measures also would allow for a gradual, non-disruptive transition to teletext-based captions in the future, if that is where technology and the market ultimately take this service.

24. On the other side of this issue, Antiope, NBC, and the WGBH Educational Foundation contended that the line 21 caption system doe not appear to be viable and that teletext authorization would be a step toward resolving uncertainties in the deaf community and the captioning industry with respect to the line 21 system. All three of these parties pointed to the low volume of decoder sales as evidence of the failure of this system to achieve market acceptance. The relatively high price of telecaption decoders was cited as the cause of the problems. Marshall Wick, who supported the more moderate approach of reserving line 21 for captions only for the time being, submitted that the survival of closed caption service may depend on teletext, as high volume sales are expected to bring the incremental cost of a teletext equipped receiver down to the range of $25 to $50.

25. *Technical Rules for Operation*—On the subject of interference standards, the majority of those who discussed this issue stated that they believed the proposed rules were adequate, but did not offer any technical elaboration or evidence to support their opinion. CBS provided the most extensive discussion of interference related standards. CBS stated that the proposal that a teletext signal subject no more than one percent of the total receiver population to interference, when coupled with the KCET visibility test, is a reasonable criterion to ensure that teletext would not interfere with regular broadcast operations.[9] CBS estimated that the design costs to incorporate the retrace circuitry necessary to eliminate totally the visibility problem in future receivers would be minimal. RCA submitted that it has conducted initial tests using simulated teletext signals and has found visible interference from signals on lines prior to line 15 at the proposed maximum IRE level. Based on these results, RCA suggested that the Commission defer any action on teletext authorization for six months to allow a more complete series of tests to be conducted.

26. CBS recommended that a single data rate be specified and that an optimal choice would be 5.7272 Mbits/sec. This would provide a high data rate without straining the teletext system. CBS also stated that the 5.7272 Mbits/sec. data rate would have the added advantage of bearing a specific relationship to the color subcarrier frequency. Antiope also recommended the 5.7272 Mbits/sec. rate and contended that authorization of two or more alternative data rates would complicate decoder circuitry and possibly cause degradation through mutual interference. PBS stated that it believes the Commission should set a single rate, as multiple rates would drive up decoder costs. It did not support a specific data rate but instead suggested relying on the results of studies by the EIA to determine an appropriate standard.

27. CBS recommended a pulse amplitude standard of 70 IRE units as a good compromise between a strong signal for decoder operation and interference considerations. Antiope joined in this position. PBS preferred lowering the proposed standard from 100 to 80 IRE units. It stated that higher signal levels likely would cause audio buzz.[10]

28. On the question of pulse shaping, CBS supported the Commission's proposal that "data pulses shall be shaped to limit spectral energy to the nominal video baseband." Antiope suggested that the raised cosine 100 percent roll-off pulse shape may be ideal for teletext, but that it had no objection to the proposed rule that would permit this as well other pulse shapes.

29. Following the suggestions of CBS and the United Kingdom Teletext Industry Group as set forth in their respective petitions for rule making, the Commission proposed to allow the use of an adaptive equalizer pulse to provide a reference signal for a device to compensate for multipath reflections. The specific proposal was to permit such pulses on any of the VBI lines authorized for teletext. In its petition for rule making, CBS mentioned including the reference signal in a portion of the vertical synchronization wave form (lines 1–9) as an alternative suggestion.

30. Four of the five parties responding to this question supported the proposal to authorize transmission of reference pulses. Community Telecasters of Southern California, Time, Inc., and Springfield Television Corporation all stated that the pulses should be transmitted in the vertical synchronizing

[6] See Section 73.682(a)(22)(i) of the Commission's Rules.

[7] The parties that commented on this issue were: Antiope and Telematics Corporation, Gallaudet College, American Speech-Language-Hearing Association, Alexander Graham Bell Association for the Deaf, United Kingdom Teletext Industry Group, National Association of Public Television Stations, WGBH Educational Foundation, NAB PBS, National Captioning Institute, ABC, NBC, and the Corporation for Public Broadcasting. In addition, on March 8, 1982, the Commission received a letter signed by 26 United States Senators urging the preservation of the line 21 caption system.

[8] In its petition for rule making (RM–3876), the United Kingdom Teletext Industry Group submitted that it has developed a device to translate British system captions to the line 21 system.

[9] KCET Teletext Project, "The Viewer's Perception of Teletext Transmissions on lines 10–14 of the Vertical Blanking Interval," (Los Angeles), July 16, 1980.

[10] There have been some reports from the EIA studies and the field tests conducted on several stations of minor interference, mainly of an audio buzz nature, where high signal levels were used for teletext or where teletext was transmitted concurrent with line 21 captions.

wave form to conserve spectrum. Zenith supported authorization of these signals on lines 10–13 and stated that the pulses would be of such short duration that they would not produce noticeable interference on existing receivers. Antiope was the only party to object to this proposal. It asserted that the use of an active equalizer pulse on any of the VBI lines would foreclose use of a line that might otherwise be employed for improved spectrum use. Antiope also submitted that Philips Corp. currently has a chip in development that can equalize a signal without special pulses using the transmitted data as a reference point. Thus, Antiope stated that an additional reference pulse is not necessary to reduce multipath-induced errors.

31. In the *Notice*, the Commission recognized the likelihood that equipment manufacturers would develop and market external decoders that could be attached to existing receivers to enable them to display teletext. Comments were requested as to whether such devices should be treated as a TV Interface Device, formerly Class I TV Device, under part 15 of the Rules or as a receiver under Part 15, Subpart C.[11] In response to this issue, Zenith and Community Telecasters of Southern California stated that to the extent that teletext decoders suppy a modulated RF signal to the terminals of a television receiver, such decoders should be considered TV Interface Devices. Zenith expressed concern that external decoders might be treated as TV receivers subject to the All Channel Receiver Act and offered the opinion that such treatment would be unnecessary if teletext is authorized as an ancillary service. Time, Inc. recommended that the Commission provide for implementation of text decoders as part of multi-function devices.

32. The Commission also proposed that when teletext is used to provide a captioning service, the captioning service should give way to visual emergency messages. This requirement currently exists for line 21 captioning services in Section 73.1250 of the Rules. With the exception of Springfield Television Corporation, which objects only to the principle of such a rule, all of the respondents who addressed this issue indicated that they supported the proposed extension of this rule to teletext.

33. *Teletext and Cable Carriage Issues*—The Commission did not make any specific proposals with respect to cable carriage of teletext signals. Instead, information was requested with regard to several questions concerning the possibility of permitting cable systems to delete or replace a broadcast station's teletext signals and the technical aspects of cable retransmission of teletext.

34. Twenty-four parties submitted information and opinions on this subject.[12] The central issue discussed was whether cable systems should be required to retransmit the teletext signals of broadcast stations they carry. Nineteen respondents favored some form of mandatory retransmission requirement. However, five respondents not only opposed such a policy, they also contended that cable systems should be allowed to strip off a station's teletext signal and replace it with material from other sources. In general, those associated with the broadcast industry favored mandatory carriage, while those involved with the cable industry opposed it.

35. Supporters of mandatory carriage focused on the following points: (1) the viability of teletext requires full access to its potential audience; (2) the vertical blanking interval should remain under the control of the station licensee; and (3) cable viewers might lose access to program-related teletext such as closed captions if cable carriage were not mandatory. On the viability point, the Tribune Company Broadcasters asserted that the proportion of households subscribing to cable service is growing each year. Tribune submitted that if cable operators are permitted to delete or replace the television VBI, stations could lose a substantial portion of their potential teletext audience. Tribune also contended that given the option to carry or not carry teletext, a cable system would choose to delete it because broadcast data services would compete directly with any teletext or videotex services that the cable system offered.

36. NBC, CBS, the Association of Maximum Service Telecasters, and several others asserted that teletext should be treated as an integral part of the television signal. They also generally argued for retransmission of the teletext signals of all cable-carried television stations, regardless of whether they are provided on a "must carry" or optional basis. Cox Broadcasting submitted that as an application of the licensee control principle, the Commission should not permit cable systems to delete or replace the signals of "must carry" stations. Cox and other parties emphasized that they considered mandatory teletext carriage especially important in the case of "must carry" stations because of the local service nature of teletext on these stations.

37. Several respondents representing the interests of the hearing-impaired were concerned that closed caption program material may be deleted if cable carriage of teletext is not made mandatory. The WGBH Educational Foundation stated that program-related teletext data should be considered an element of a station's main program service and therefore should be required carriage on cable systems. This position was echoed by the National Captioning Institute, the National Association for the Deaf, and others.

38. Finally, the NAB submitted that the *WGN* decision requires a determination, on a program-by-program basis, as to whether teletext is separable from regular programming, insofar as copyright law is concerned.[13] It stated that such determinations would be prohibitively costly. Therefore the *WGN* decision is unworkable in this context. The NAB asserted that requiring cable retransmission of all teletext signals of carried stations would remedy this problem. Cox Broadcasting stated that a rule prohibiting cable systems from deleting teletext would not be inconsistent with *WGN*. It submitted that the court expressly limited its decision to the copyright questions presented and disclaimed adjudication of WGN's equitable and property rights.

39. Supporters of the cable industry position opposed any rules that would restrict cable systems from deleting broadcast station's teletext and/or replacing it with material from another source. They asserted that there are sound legal, policy, practical, and technical reasons why cable carriage of teletext should not be mandatory. The

[11] In Docket 79–244, the rules regulating a Class I TV Device were replaced with new rules that renamed this kind of equipment a "TV Interface Device," revised the technical standards and changed the equipment approval requirement from type approval to certification. The *Report and Order* in this proceeding was adopted February 9, 1983 (48 FR 13029, published March 29, 1983).

[12] Parties responding to this subject included: Community Telecasters of Southern California, Time, Inc., Zenith Radio Corporation, Koplar Communications, Inc., National Association of Public Television Stations, University of Wisconsin, WGBH Educational Foundation, NAB, RBC Communications, PBS, Tribune Company Broadcasting, Inc., ABC, NBC, Association of Maximum Service Telecasters, Cox Broadcasting Corporation, Golden West Broadcasters, Storer Broadcasting Corporation, CBS, Springfield Television Corporation, NCTA, Marshall Wick, Joint Cable Systems, MultiVisions, Ltd., and the National Captioning Institute.

[13] *See WGN Continental Broadcasting Co. v. United Video, Inc.*, 523 F. Supp. 403 (1981), *Rev'd and remanded*, 686 F. 2d 218 (7th Cir. 1982), pet. for rehearing den'd, 693 F. 2d 628 (7th Cir. 1982).

legal and policy reasons were based on the premise that, as an ancillary service, teletext need not be used to address the problems, needs, and interests of society. The National Cable Television Association (NCTA) stated that, given this deregulatory environment, teletext would lack attributes that might otherwise entitle it to carriage by cable systems. In this context, NCTA submitted that the purpose of the mandatory signal carriage rules is to protect the viability of local television program service. It pointed out that carriage of other broadcast television services such as subscription television and low power stations is not required. NCTA also contended that exclusion of teletext from the mandatory signal carriage rules would not necessarily preclude delivery of teletext to cable subscribers. Instead, it would permit cable operators to exercise discretion in selecting services for subscribers. Further, several cable systems in "Joint Comments" asserted that the Commission does not have the authority to require cable systems to carry teletext if it is considered an ancillary service. They also asserted that mandatory carriage would violate cable systems' rights under both the First and Fifth Amendments to the Constitution.

40. On other matters, commenting parties on both sides of the teletext cable issue agreed that there are likely to be technical problems in retransmitting teletext through the equipment of some cable systems. Although no comprehensive research studies were available, the consensus of CBS, NCTA and several others was that the main difficulty arises in the capability of head-end processors to pass on teletext signals without degradation. NCTA stated that certain models appear to pass along teletext signals without degradation, while others either partially degrade the signals or block them altogether. It concluded that many cable systems would need to modify or possibly even replace head-end processors to retransmit teletext. CBS, which favored mandatory carriage, asserted that relatively new systems can handle high data rates, so that the retransmission problem is limited mainly to older systems. CBS stated that modification of the head-end processors of newer systems could be accomplished at minimal cost to the cable operator.[14] CBS also stated that reflections in a cable distribution facility and interchannel interference are not likely to pose any significant problems for teletext carriage. NCTA reserved its position on these two aspects, stating that they are areas in which little testing has been done. ABC suggested that the technical problems of retransmission could be addressed by a provision in the rules to allow teletext to be deleted upon submission of a statement of technical difficulties and information that establishes that there is no other reasonable way to avoid interference.

Discussion

41. After carefully examining the numerous submissions in this proceeding, the Commission has decided to authorize teletext service and to regulate it under the open market approach as proposed in the *Notice*. Thus, the rules we are adopting authorize licensees of both full service and low power television stations: (1) to operate teletext services and (2) to choose both the kinds of service to offer and the technical systems for transmitting the data signals.[15] The only major limiting factor in the authorization is that teletext operations must not interfere with the regular broadcast service of the originating station, the signals of other broadcast stations, or the signals of non-broadcast radio stations.

Authorization of Teletext Service

42. *Reasons for Authorizing Teletext Service*—We have concluded, as have all commenters, that authorization of teletext service is in the public interest. In this regard, the record in this proceeding clearly establishes that teletext offers opportunities for substantial enhancement of service in the public interest through its capabilities for enlarging and diversifying the operations of television stations as well as enhancing the means by which individuals can secure communication services they seek. The many variations of consumer and business-oriented applications of teletext attest to the value of this medium for encouraging new kinds of services. It also is apparent from the unanimous support for authorization in the comments and the high level of developmental activity in both the service provision and equipment manufacturing sectors of the industry that there is significant and substantial interest in implementing teletext service. The Commission also feels that teletext authorization would increase the efficiency of broadcast television spectrum use.

43. The record also indicates that teletext transmissions are technically compatible with existing broadcast television transmission standards. The experience from the various field trials on licensed stations shows that useable teletext signals can be transmitted on the VBI without degrading the quality or reception of the main television program signal or producing interference to other stations. Thus, teletext authorization will permit a significant expansion of broadcasters' capabilities for transmitting information with virtually no adverse effect on other existing services.

44. *Types of Teletext Services To Be Permitted and Franchise/Lease Arrangements*—In order to provide authority for the widest possible range of individual applications and services, the Commission is defining teletext only in general terms. Because teletext generally is understood to be a visual display medium, we believe it is appropriate to follow the proposal in the *Notice* and define it as a data system for the transmission of textual and graphic information intended for display on viewing screens.[16] In this regard, teletext data may be related to or associated with a station's normal programming or it may address subjects wholly unrelated to broadcast programs or activities. In this latter regard, we are making appropriate changes to Part 2 of the rules to permit teletext message services that are of a point-to-point or point-to-multipoint nature. We also believe it appropriate to expand the teletext definition to include data that is useful to widen and enhance the utility and service of teletext information, even though this latter data is not necessarily intended for display. Such non-display data must be directly related either to some feature to enhance the utility of the display function or to control equipment designed for secondary use of the display data. This expanded definition will permit coded data and presentation instructions for virtually

[14] CBS stated that cable head-end processors are designed to transmit a television broadcast signal meeting the minimum transmission standards of Section 73.687 of the Rules. It noted that head-ends are not designed to carry the Idealized Picture Transmission Amplitude Characteristic of Section 73.699, Figure 5 of the Rules. Therefore, the design of the video bandpass filter in such processors might not accommodate teletext signals. CBS submitted that equipment designed or modified to be compatible with the idealized amplitude characteristic should be capable of transmitting teletext.

[15] On August 18, 1982 the Commission received a petition for rule making from the *Loudon Times-Mirror* requesting that low power television stations be allowed to transmit teletext. Because the authorization we are adopting applies to both full service and low power stations the request in this petition is completely encompassed in this proceeding. *The Loudon Times-Mirror* petition will therefore be treated as comments.

[16] *See, Notice, supra* at para. 30.

any image pattern a licensee may wish to transmit and for operation of audible signals to attract a user's attention to specific information presented through the display function. In addition, it will provide for special instructions for controlling equipment that is peripheral to the viewing screen and for reformatting teletext data for storage on a secondary device. Specific examples of functions that can be initiated by such instructions include control of printers for hard copy items, such as reports and coupons, and data storage devices for subsequent use of the teletext data.[17] We believe that extending the teletext definition to allow transmission of codes to enhance use of the display data is consistent with the overall concept of teletext as discussed in the *Notice* and will significantly increase the range of benefits that can be obtained from teletext services.

45. Consistent with the above, stations will be permitted to engage in service to the public at large, limited segments of the public with special interests, individual firms, organizations, and persons. The authorization allows business and subscription operation as well as conventional advertiser supported service for the general public. This broad authorization will allow licensees to realize the most efficient and effective use of teletext, while imposing the least amount of governmental regulation. However, as discussed *infra*, some particular services may be subject to common carrier regulation.

46. The Commission recognizes that some stations might wish to operate their teletext service on a franchise basis or to lease space to multiple users. While such arrangements will be permitted under the new rules, licensees are advised that they remain responsible for all broadcast related teletext provided via their station's facilities, whether produced in-house or obtained from outside sources. In this context, it is emphasized that the Commission considers teletext to be an ancillary service of broadcasters. Therefore, as discussed *infra*, teletext will be regulated generally as an ancillary broadcast service under Part 73 of the Commission's rules. Point-to-point and point-to-multipoint teletext activities will be regulated according to the appropriate private radio or common carrier regulatory structure and rules.

47. Finally, stations will be permitted to intitiate or terminate service at their discretion without notifying the Commission.[18] Similarly, there will be no requirement for maintaining teletext program logs. While such requirements have been made a part of other subsidiary authorizations in the past, there is no indication that such record keeping and reporting requirements are necessary in the case of teletext.[19]

48. There are several reasons why the Commission has decided to use the open regulatory approach described above. First, there are many potential uses for teletext, and the different applications tend to be divergent in nature and, in some cases, with respect to technical requirements. Second, while very little is known about the market for teletext services, it is clear that the demand for its services will not be homogeneous. Based upon previous trials and tests of teletext, it appears that the need for and importance of the various applications are likely to vary across different markets and user groups. For example, it may develop that the demand in a single television market might be such that one station would focus on an advertiser-supported consumer oriented service. A second station might offer a restricted access subscriber service, while a third might provide a business data service. It is even possible that a single station would choose to offer more than one type of service, either at different times or concurrently, using different VBI lines or some other multiplexing technique. Third, the pattern of demand for service surely will shift over time as user interests change and new types of services are conceived and implemented. Market forces can be expected to provide amounts and types of service that are responsive to users' willingness and ability to pay for them. Thus, the open market approach provides a system for resolving trade-offs among various services and different technical systems' characteristics and prices.

49. Moreover, it would be very costly and difficult for the government to attempt to develop and apply specific performance regulations and standards to meet the wide variety and changing needs of teletext service. There also would be considerable risk that the results of such efforts would not provide an optimal policy solution. However, the open market approach offers features that allow it to provide for the needs of users with a minimum of involvement by the government. Its primary advantage stems from the fact that it relies on the forces of competition to direct the production and employment of resources to meet diverse user needs and preferences. Market forces can be expected to provide the amounts and types of service that are responsive to users' willingness and ability to pay for them.

50. *Teletext Authority for Public Broadcasting Stations*—In keeping with our efforts to identify and provide alternative sources for financing the operation of public television stations and our generally open approach to teletext, we are authorizing public television stations to engage in teletext services and to offer such services on a profit-making basis. Public stations are permitted the same discretion with respect to services and technical systems as commercial stations.

51. This action also reflects recent shifts in policy toward public broadcasting that have been enacted by Congress. It is clear from the Public Broadcasting Amendments Act of 1981 that Congress does intend, and expect, public television stations to provide more of their own support. In fact, the 1981 Amendments Act was enacted in large measure to make it easier for public stations to independently increase their revenue base. *See* Public Broadcasting Amendments Act of 1981, Pub. L. 97–35, 97th Cong., 1st Session.

52. We believe that authorization of profit-oriented teletext service by public broadcasters is consistent with the applicable statutory requirements and authorizations. The Act's only pertinent restriction is that any offering of services for remuneration "shall not interfere with the provision of public telecommunications services * * *"[20] After studying the 1981 Amendments and the accompanying legislative

---

[17] The teletext definition adopted herein will not permit the transmission of software to allow the user to manipulate interactively images or data that are in an intermediate form not to be decoded directly for viewing. This includes material such as video games, computational routines and other data intended for manipulation of data to dynamically revise or originate new information, and new data intended for input to some other processing system. The Commission believes that to expand the definition to allow this kind of data could or would be to permit transmission of material that cannot be properly termed teletext, even though it may be transmitted using teletext technology. However, we are considering the initiation of a separate rulemaking proceeding with regard to these potential uses of the VBI.

[18] However, initiation or termination of common carrier services rendered via teletext may require administrative action. *See* paras. 60, 68, *infra*. Similarly, initiation of private carrier service requires prior notice and certification to the Commission. *See* paras. 67–68, *infra*.

[19] The Commission's rules currently require licensees of FM radio stations to make formal application for a Subsidiary Communications Authorization (SCA) and to keep logs for SCA operations (Sections 73.293 and 73.295(e) of the Commission's Rules). The *Notice of Proposed Rule Making* recently adopted in BC Docket 82–536 examines the possibility of changing or deleting these and other rules relating to FM SCA's.

[20] *See* Section 399B of the Communications Act of 1934, as amended (47 USC § 399(b)).

history, the Commission is of the opinion that remunerative teletext activities would not constitute such interference. There is nothing in the Act to indicate that Congress intended to prohibit public broadcasters from offering such enhanced services.

53. *Teletext as an Ancillary Service*—Generally, teletext is expected to provide services that are ancillary to the regular broadcast audio-visual program service of television stations. As an ancillary activity, teletext will not be required to further or promote a station's performance with respect to its public service obligation as it relates to programming.

54. Although the comments supported our proposal in the *Notice* that the political broadcasting requirements in section 312(a)(7) and 315 of the Act should not apply to teletext, several respondents requested that we further explain the legal basis for our conclusion. As discussed below, we have concluded that, as a matter of law, these sections need not be applied to teletext service. Further, because of teletext's unique characteristics as a print medium and an ancillary service of broadcasting, we think application of these provisions to teletext is both unnecessary and unwise as a matter of policy.[21]

55. Section 312(a)(7) requires licensees to "allow reasonable access for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy." 47 U.S.C. § 312(a)(7). We believe the statutory requirement of affording reasonable access is adequately satisfied by permitting federal candidates access to a licensee's regular broadcast operation; it does not require access to ancillary or subsidiary service offerings like teletext. This conclusion is consistent with our previous determinations regarding the applicability of Section 312(a)(7) to other variant broadcast services, such as subscription television services. *Commission Policy in Enforcing Section 312(a)(7) of the Communications Act*, 68 F.C.C. 2d 1079, 1093 (1978). In that proceeding we held that it would ordinarily be unreasonable for a licensee to deny access to its prime time audience, 68 F.C.C. at 1090, because "prime time generally is the period of maximum audience potential." *Id.* at 1093. However, we noted that

> Those stations engaged in STV would have their periods of maximum audience potential outside of normal prime time viewing periods. Therefore, we do not believe that reasonable access requires STV stations to make available to Federal candidates those periods of time in which they are engaged in STV programming.

Id. Similarly, because of their ancillary nature, teletext offerings will not provide a candidate access to the broad television audience attracted to the station's regular broadcast operation. *See also Greater Washington Educational Telecommunications Association, Inc.*, 48 F.C.C. 2d 948 (1974) (Fairness Doctrine and Section 315 not applicable to FM SCA operations). Accordingly, we perceive no legal requirement that licensees grant federal candidates access to their teletext service offerings.

56. We also conclude that Section 315 is not applicable to teletext offerings. The equal opportunity requirement in Section 315 is triggered by a broadcast "use" by a candidate.[22] The term "use" is defined as a personal appearance by a legally qualified candidate by voice or picture. *Law of Political Broadcasting and Cablecasting*, 69 F.C.C. 2d 2209, 2218, 2240 (1978). Teletext, however, is inherently not a medium by which a candidate can make a personal appearance. It is designed to provide only printed words and graphics and thus does not allow a candidate to deliver a personal message to the public. Moreover, as discussed more fully below, teletext transmissions, given their dissimilarity to traditional broadcast programming, are likely to be utilized and regarded differently by those accessing them and thus are not susceptible to whatever potential abuse of broadcast facilities that Congress sought to forestall in enacting the equal opportunities provision *See Felix v. Westinghouse Radio Stations*, 186 F. 2d 1 (3rd Cir. 1950.) Accordingly, because the problem envisioned by Congress will not arise in teletext services, and because of the fundamental dissimilarity between teletext and the types of broadcast "uses" envisioned by Congress in Section 315, we also conclude that the equal opportunities requirement need not be applied to teletext services.

57. In 1959, Congress amended Section 315(a) to exclude certain types of news programming from the "equal opportunities" requirement, and, in doing so, added language recognizing the Commission's Fairness Doctrine policy.[23] In our view, Congress' purpose in adding this language was solely to ratify the Commission's then-existing policy concerning application of the Fairness Doctrine to news broadcasts. *See, e.g., Red Lion Broadcasting* v. *FCC*, 395 U.S. 367, 385 (1969). The Senate report specifically states that Congress' action exempting news programming from equal opportunities obligations does not diminish or affect in any way Federal Communications Commission policy or existing law . . ." Senate Rep. No. 562, 86th Cong. 1st Sess. 13 (1959).

58. By simply ratifying the FCC's Fairness Doctrine policies in 1959, Congress did not require nor prohibit possible extensions of that policy in the future. *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367, 385 (1969). Therefore, the 1959 legislative enactment concerning the Fairness Doctrine in Section 315 does not mandate extension of the Fairness Doctrine to new services like teletext, which did not even exist at the time when Congress acted. Rather, any determination concerning this question is one which has been entrusted to our sound judgment and discretion in the first instance.[24] Indeed, in light of the important First Amendment considerations raised by application of the Fairness Doctrine to new communications services, we are reluctant to extend these policies unless we find there is a compelling reason to do so. "Only when the interests of the public are found to outweigh the private journalistic interests of the broadcasters will government power be asserted within the framework of the Act." *CBS* v. *DNC* 412 U.S. 94, 110 (1973).

---

[21] Of course, to the extent that teletext is provided on a common carrier basis, we believe that these statutory provisions are inapplicable for other reasons as well. *See Report and Order on Interim Direct Broadcast Satellite Service*, 90 FCC 2d 676 (1982). Similarly, subscription teletext services may be classed as a "hybrid" point to point service outside the true broadcast mode, and, hence, not subjected to these statutory requirements. *See also WTFL Broadcasting Educational Telecommunications Association, Inc.*, 49 F.C.C. 2d 948 (1974).

[22] That provision states, in pertinent part, that: If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station. . . .

It applies "only to the personal use of radio facilities by the candidates themselves," and not to such use by a candidate's supporters. *Felix v. Westinghouse Radio Station*, 186 F. 2d 1, 5 (3rd Cir. 1950), *Cert. denied*, 341 U.S. 900 (1951).

[23] The relevant language provides that: Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with presentation of newscasts, news, interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

[24] We reach the same conclusion even if we assume, *Arguendo*, that the 1959 amendment functioned to incorporate the Fairness Doctrine as a statutory requirement since, regardless of how Congress' action is characterized, it seems clear that novel services such as teletext were beyond its scope.

59. After careful consideration of this question, we conclude that the Fairness Doctrine should not be applied to teletext services. Our determination stems primarily from a recognition that teletext's unique blending of the print medium with radio technology fundamentally distinguishes it from traditional broadcast programming. The special First Amendment treatment accorded to broadcasting under existing law is based largely upon a premise that the limited number of broadcast frequencies justifies curtailing the First Amendment rights of broadcasters in order to accommodate the parallel rights of viewers and listeners. *Red Lion, supra,* 395 U.S. at 390. Implicit in the "scarcity" rationale, however, is an assumption that broadcasters, through their access to the radio spectrum, possess a power to communicate ideas through sound and visual images in a manner that is significantly different from traditional avenues of communication because of the immediacy of the medium. Whether or not this assumption constitutes a sufficient basis for circumscribing the first amendment rights of those engaged in broadcasting, at a minimum, it is not apparent that similar reasoning should apply to teletext service. Indeed, it seems probable that teletext—a textual means of communication primarily not employing sound and pictures—more closely resembles, and will largely compete with, other print communication media such as newspapers and magazines. This assumption is amply borne out by the many comments in this proceeding suggesting that teletext will be used for providing services such as the direct video delivery of newspapers and magazines to homes. In this arena of competition, which includes all other sources of print material to which the public has access, we are not persuaded that teletext must be accorded special First Amendment treatment in order to protect the public's right of access to conflicting views on issues of public importance. To justify that result would require a substantial showing that teletext, solely because it utilizes a different method of delivery to readers, is likely to overshadow all other print sources of information. No basis exists in this record for such a finding. Indeed, it seems equally plausible that teletext may suffer inherent disadvantages in terms of format and convenience to readers that outweigh any benefits afforded by its different method of delivery.

60. Furthermore, we believe it would be undesirable for other reasons to extend these doctrines to teletext. As noted previously, it is widely believed that teletext may be used to provide an alternative method for the delivery of newspapers and other print media to consumers. However, many commenters have questioned whether such services would ever be economically viable if licensees are burdened with Fairness Doctrine obligations. We are persuaded that the likelihood of licensees' embarking upon these types of endeavors will be substantially affected by our determination to apply, or not apply, traditional broadcast policies like the Fairness Doctrine. We have no desire to block from the outset full development of this promising new service by the unreflective application of requirements that appear fundamentally unsuitable and which are not legally required. Such a course would be inconsistent with our statutory responsibility to promulgate policies that are responsive to the characteristics of new communications services so as to encourage, not frustrate, their development. 47 U.S.C. §§ 151, 303(g). Consequently, we believe the public interest is better served by not subjecting teletext to Fairness Doctrine obligations.

Regulatory Status of Teletext Services

61. As discussed above, teletext is being authorized for a wide range of services, most of which bear little, if any, relationship to the traditional forms of broadcasting. As ancillary activities, such services would not materially conflict with use of the television frequencies for the normal broadcast purposes to which their allocation is intended. However, circumstances could arise under which teletext service might take on characteristics of either communications common carriers or private carriers. For example, teletext might be used for some form of common carrier visual alert (*e.g.,* console display, not paging) or notification service (*e.g.,* electronic messages and/or mail).[25] Other forms of teletext, such as business data services, could involve only the provision of transmission facilities and, depending on how they were offered, might be similar to private carrier radio systems. Therefore, the teletext rules include provisions for applying the appropriate type of regulations to any private or common carrier teletext services.[26]

62. In *National Association of Regulatory Utility Commissioners* v. *F.C.C.* ("*NARUC I*"), the Court specifically stated that a carrier will not be considered a common carrier where its practice is to make individualized decisions, in particular cases, whether and on what terms to deal. 525 F. 2d 630 at 641 (D.C. Cir. 1976), *cert. denied,* 425 U.S. 922 (1976). The Court stressed that a company's clientele was not necessarily dispositive of the issue since common carriers in particular situations need not serve the entire public and private carriers may serve a significant portion of the population. The Court then reasoned that:

> "Since given private and common carriers may therefore be indistinguishable in terms of the clientele actually served, it is difficult to envision a sensible line between them which does not turn on the manner and terms by which they approach and deal with their customers." *Id.* at 642.

Assuming that no legal compulsion is present that requires an entity to offer its services on an indiscriminate basis, the court indicated that a finding of common carrier status would turn on whether a particular entity actually operates as a common carrier, that is, whether the carrier "undertakes to carry for all people indifferently."

63. The court then listed several factors indicative of whether the service offerings of a particular carrier could indeed be classified as common carriage. The establishment of medium-to-long contractual relationships with customers was considered inconsistent with the concept of an indifferent holding out. The court stated that a private carrier could be expected to serve a relatively stable clientele, with terminations and new clients the exception rather than the rule. Not holding out facilities indifferently would mean that the service provider would desire and expect to negotiate with and select future clients on a highly individualized basis. We note, in this connection, that the existing demands for a licensee's spectrum and the licensee's methods of operation may be sound bases for accepting or rejecting an applicant. Thus, a licensee's use of the facilities may make an indifferent holding out inherently impractical or impossible. Such activity would

[25] It appears that paging service, including conventional tone or tone and voice based paging, may be a potential VBI use. Since paging was beyond the scope of the *Notice,* we will issue a *Further Notice of Proposed Rulemaking* to explore such uses in the near future.

[26] To the extent, of course, that teletext services are offered in a broadcast mode, no novel questions of regulatory classification arise. Such services will be regulated consistent with our established treatment of ancillary services of a broadcast nature such as broadcast-related FM subcarriers (e.g., functional music).

necessarily preclude common carrier classification. 525 F. 2d at 643. Nonetheless, as the court noted in *NARUC I*, if a particular service provider behaves like a common carrier, common carrier regulations should be applied. Accordingly, with the exception of mobile radio services as noted below, whether common carrier obligations attach to teletext service that merely involves provision of transmission facilities will be determined by the manner in which the licensee conducts its business.

64. With regard to land mobile services, the Communications Amendments Act of 1982, Section 120, establishes a demarcation between private and common carrier land mobile services, and indicates that the test contained in the new Section 331(c) of the Communications Act is intended to supersede the *NARUC I* standard. Public Law No. 97–259, 96 Stat. 1087. The Act defines a "Mobile Service" as "* * * a radio communication service carried on between mobile stations or receivers and land stations, * * *, and includes both one-way and two-way radio communication services." Public Law 97–259 at Section 120(b)(2), 96 Stat. 1097, 47 U.S.C. 153(n). To the extent that teletext services may constitute mobile radio services within this definition, they will be governed by the new legislation, and such services will be judged by the test in the new Section 331(c). The new statutory test is based on the manner in which a multiple licensed or shared private land station is interconnected with a telephone exchange or interexchange service or facility.[27] *See also*, H.R. Rep. No. 765, 97th Congress, 2nd Session, pp. 52–56 (1982).[28] The statute also makes it clear that if it is a private system, it is exempt from state and local regulation. 47 U.S.C. 331(c)(3).

65. The determination as to whether a particular service offered by teletext is private or common carriage is, in the first instance, the responsibility of the licensee and must be made in accordance with the *NARUC I* test for all non-broadcast related services except mobile radio. For mobile radio services the new Section 331(c) standard will govern.

66. Once a licensee has determined that the proposed service is common carriage under the appropriate standard, it must seek authorization to provide that service from the Common Carrier Bureau (and state commissions, as appropriate). Because existing broadcast licensing procedures may not afford the needed mechanism by which necessary Commission determinations related to common carrier service offerings can be made, we will require any licensee intending to provide such services via teletext first to seek authorization by filing a suitable request under Parts 21 or 22, as appropriate. *See* 47 CFR Parts 21 and 22. Public notice will be given of each such request received, and a 30-day period will be afforded to all parties wishing to file comments in connection therewith. After considering any comments submitted and the substance of the underlying request, the Commission will issue a decision disposing of the matter. It is our intention that, in seeking such authorizations, the teletext operator will be in the same position, entitled to the same privileges and subject to the same obligations and regulations as established as a traditional offeror of such services.[29] For example, the Commission has established as a general matter that competition in the provision of certain common carrier services is in the public interest. *See, e.g., Specialized Common Carrier Decision*, 29 F.C.C. 2d 870 (1972), *aff'd sub nom. Washington Utilities and Transportation Commission* v. *FCC*, 513 F. 2d 1142 (9th Cir. 1975); *Graphnet Systems, Inc.*, 71 F.C.C. 2d 471 (1979), *aff'd sub nom. Western Union Telegraph Co.* v. *FCC*, 665 F. 2d 1112 (D.C. 1981); and *MTS and WATS Market Structure*, 81 F.C.C. 2d 177 (1980). Therefore, our policy is that applications to provide common carrier services from qualified applicants will be granted unless there is some basis to believe that such grant "is likely to produce results that conflict with the goals of the Communications Act." *MTS/WATS*, *supra* at 200. This policy applies equally to teletext operators proposing to provide these common carrier services.

67. Licensees seeking to provide private carrier teletext services must notify the Licensing Division of the Private Radio Bureau at Gettysburg, Pennsylvania, 17325, by letter, prior to initiating service. In the letter, they must certify that their facilities will be used in this regard only for permissible purposes. *See* 47 CFR Parts 90 and 94. When providing land mobile service, they must also certify that service will be offered only to users eligible under Part 90 of the Commission's Rules, and that any interconnection of the station with a telephone exchange or interexchange service or facility will be obtained in accordance with new Section 331 of the Communications Act, *supra*. Such notifications will not give rise to a comment period, and no separate authorization will be issued by the Commission. As in the case of common carrier services, the teletext operator offering a private service will be in the same position, entitled to the same privileges and subject to the same obligations and regulations as a traditional offerer of such services.

68. In all cases, involving either private or common carrier services, the applicant will not be seeking approval for its technical facilities. The Commission regards teletext use as a secondary privilege that runs with the primary television license. That right is conferred on the primary station licensee only.[30] In this regard, it should be noted that a television broadcaster that elects to use its teletext capacity for private or common carriage remains a broadcaster for all other purposes. Only the use of the VBI for nonbroadcast related teletext purposes would be regulated in accordance with private radio or common carrier regulations. *See NARUC* v. *FCC*, 533 F.2d 610 (D.C. Cir. 1976).

69. We recognize that there may be situations in which the delivery of services via teletext enjoys a competitive advantage over other carriers by virtue of the greater service area of some television stations. If we were to limit the transmitting facilities of teletext service offerors to equal that of competing carriers, however, we would be diminishing many of the

---

[27] New Section 331(c)(1) of the Act provides that ". . . private land mobile service shall include service provided by specialized mobile radio, multiple licensed radio dispatch systems, and all other radio dispatch systems, regardless of whether such service is provided indiscriminately to eligible users on a commercial basis, except that a land station licensed in such service to multiple licensees or otherwise shared by authorized users (other than a nonprofit, cooperative station) shall not be interconnected with a telephone exchange or interexchange service of facility for any purpose, except to the extent that (A) each user obtains such interconnection directly from a duly authorized carrier; or (B) licensees jointly obtain such interconnection directly from a duly-authorized carrier."

[28] The Commission's interpretation of the test in the new legislation will be fully explored in our reconsideration of the *Second Report and Order*, Docket No. 20846, 89 F.C.C. 2d 741 (April 8, 1982), and our treatment of land mobile services herein is expressly subject to the outcome of that proceeding.

[29] The nature and scope of any common carrier duties that would attach could be affected, *inter alia*, by the result of the Commission's competitive carrier proceeding. *See Deregulation of Telecommunications Service* 84 F.C.C. 2d 445 (*Further Notice of Proposed Rule Making*, 1981).

[30] A licensee may choose to lease its teletext capacity to an entity that will provide a private or common carriage service. In such cases, the lessee may seek the appropriate authorization, but the primary licensee remains responsible for the technical operation of the transmitting facilities, including the VBI.

spectrum efficiencies that we hope to gain through this proceeding. Furthermore, restrictions on the technical facilities of the teletext operator would necessarily constrict the coverage of the primary broadcast signal. This would subvert our basic allocations and spectrum utilization policies with respect to the broadcast service. On balance, therefore, we believe any possible inequity in technical facilities is overshadowed by the public interest benefits to be derived from innovative and spectrum-efficient teletext services that are possible under the decision herein. *See* 47 U.S.C. 303(g) which provides, *inter alia*, that the Commission should "* * * generally encourage the larger and more effective use of radio in the public interest."

Authorization of Transmission Systems

70. After reviewing the comments, the Commission has determined that individual licensees should be permitted discretion to select the technical system for teletext transmission that best suits their individual needs. The many divergent applications and uses for teletext will create broad opportunities for the success of technical variations and of specialized systems. It also is evident from the comments and the ongoing process of developmental activity that there is considerable interest in and support for alternative systems. The open market approach we are adopting will allow licensees the freedom of choice necessary to operate teletext services tailored to their own specific situations and to respond to changes in demand and technical options. One of the major advantages of the open market approach is that it will provide a mechanism for resolving the trade-offs among system features and prices that are extremely difficult for regulatory decision makers to resolve. While several major technical alternatives have been available for some time now, very little is knows about the actual market for teletext services in terms of what users want and the strength of their demand. Without such information, only informed guesses can be made with respect to the level of sophistication and kind of features a system has to support. Additionally, authorization of teletext without a standard system avoids what almost certainly would be years of delay in initiating service while the Commission attempted to specify standards for a single system. The open market approach thus facilitates introduction of teletext service at the earliest possible date.[21]

71. Finally, the open market approach will also facilitate the evolution and growth of the teletext services over time. As user's needs and technological capabilities change, the development of new features and new systems can progress unencumbered by the costs and delays associated with changing government regulations. We believe that this kind of flexibility is especially important for teletext in light of the fact that its initial development is still not complete.

72. As noted, *supra*, those parties who supported adoption of a single system standard pointed out that there are some potential costs associated with a market approach in this area. They suggested that a common transmission system would ensure that a single decoder design could receive and interpret the teletext signals of all the stations in any market in the country. It was their belief that a common system would alleviate much uncertainty on the part of broadcasters, manufacturers and consumers.

73. However, the Commission believes that any attempt by it to select a single system may well lead to a less than optimal choice. For example, if decoders for the system selected proved unnecessarily expensive for viewers, teletex service might fail to get off the ground or would be delayed until a more appropriate system could be chosen and new decoders could be built. Likewise, if the system selected did not provide a level of sophistication adequate to suit user tastes, teletex development might be similarly impeded. Thus, a single system standard might actually work to restrict the development of teletext. Moreover, the Commission cannot ensure the success of new media forms and services that may arise through the progress of technological development. The public will determine which media forms succeed. Thus, our role is to provide a regulatory structure that will permit new media services maximum freedom to develop according to the evolving requirements of the marketplace.

74. As discussed in the *Notice*, the Commission recognizes that it is possible for a single system to emerge through market forces under the open system approach. If there is sufficient demand for teletext and the only way to adequately meet this demand is for all service providers to use a common system, then we expect that market forces will bring forth a single system standard.

75. *VBI Lines Authorized for Teletext Use*—To provide for maximum flexibility and service potential, teletext signals will be authorized on lines 14–18, and 20 of the VBI. Additionally, lines 10–13 will be made available on a phase-in basis over the next several years as proposed in the *Notice*. The signal level permitted on line 14 initially will be significantly lower than that authorized for the other lines but will be gradually increased over time as receiver designs are modified to accommodate higher VBI signal levels. This provides six lines for teletext use now and an additional four in the future. These lines are authorized on a permissive use basis only and are not reserved for the exclusive use of teletext. Indeed, teletext already will be sharing some of these lines with other applications, such as the vertical interval test signal (VITS) on lines 17 and 18 and source identification codes (SIDS) on line 20.[22] We believe that this approach to authorization will allow us to give full consideration to other new uses of the VBI that may arise in the future without prejudice to teletext and that it will have no significant detrimental effect on the development or use of teletext.

76. *Teletext and the Line 21 System for Closed Captions*—A number of commenting parties expressed concern that direct competition between profit oriented teletext service and nonprofit caption service will adversely affect service for the hearing impaired if profit oriented teletext is allowed to operate on line 21. They further argued that the decoders for the line 21 system will become obsolete and the investment in such equipment will be lost if captions are transmitted on teletext rather than the line 21 system.

77. On the other side of this issue, the evidence in the record indicates that broadcasters do not expect in the near future to use all of the lines proposed for teletext authorization in the *Notice*. In fact, while there was widespread support for a broad authorization of VBI lines, including line 21, no one indicated any plans to use line 21. Most broadcasters stated that their current intentions were to use lines 15–18 for

[21] The Commission is also aware that cable and telephone systems that do not have to secure regulatory permission to engage in teletext and videotex activities are moving forward in testing and implementing such services. We believe that a delay in authorization of similar service for broadcasters might unjustifiably deprive the public of a greater choice of teletext services.

[22] On December 17, 1981, the Commission deleted the requirement that remotely controlled television stations transmit VITS on lines 17 and 18. However, VITS signals still are permitted on these lines. See *Report and Order in BC Docket 81–232*, 47 FR 3760 (January 27, 1982).

teletext. Thus, it does not appear essential that line 21 be authorized for teletext at this time.

78. In view of the apparent lack of immediate demand for line 21 on the part of the industry and the concerns of the hearing impaired with respect to potential teletext impact on closed caption service, the Commission has decided to adopt an approach that will withhold authorization of teletext on line 21 for a period of five years and will reconsider its decision at the end of that time. Postponement of action in this area will provide an opportunity to observe the development of both teletext and the line 21 caption system.

79. We note that those parties now providing caption service are doing so voluntarily, *i.e.* they are not required to provide captions. The Commission applauds the commitment of efforts and resources to closed caption service on the part of broadcasters, producers, private funding sources, and others in the industry. We encourage all industry participants and other interested parties to continue to provide and expand such services for the hearing impaired.

80. *Technical Rules for Operation*—As shown in Appendix B, the technical rules governing operation of teletext are for the most part written in general terms. They are intended principally to ensure that teletext signals do not interfere with other radio frequency services or degrade reception of the originating stations' regular programs. These rules, which are very similar to those proposed in the *Notice*, are designed to permit a broad range of alternative systems to operate to meet particular service needs. The only specific limitation is that placed on signal level. The 80 IRE unit maximum signal level that is being authorized for most lines is lower than the 100 IRE unit level originally proposed. This decision reflects our concern for the interference potential of higher signal levels that was discussed by several of the commenting parties. In addition, from the comments and other information available to the Commission, it appears that 80 IRE units will provide adequate signal strength to serve the requirements of all of the known technical systems and will also facilitate the operation of a wide range of other technical options. If, in the future, higher signal levels are needed, the Commission can reconsider this limit. In any case, the general provision against interference takes precedence over the use of any signal level that causes or results in unacceptable interference to other services. Line 14 is being authorized at a signal level of 40 IRE units through 1987 and this will be raised gradually to the 80 IRE level over the succeeding years. This will avoid potential degradation from line 14 use to reception of regular programs on some existing receivers. The schedule for phasing in lines 10–13 also increases the permissible signal levels on these lines over time.

81. One of the most important aspects of teletext interference is the potential for teletext signals to degrade significantly the ability of home television receivers to display regular programming. Because the performance capabilities of individual receivers vary considerably across both models and manufacturers, the most reasonable way to gauge the extent of receiver degradation appears to be to examine the proportion of the relevant receiver population that is affected. This approach was discussed in the *Notice* and a one-percent threshold limit was proposed. Although the comments were generally not opposed to this proposal, the Commission has decided not to include a threshold limit for receiver degradation in the rules. After carefully considering this issue, we believe that a specific standard in this area might ultimately prove too inflexible for adequately evaluating and limiting degradation of receiver performance in individual situations. Nevertheless, we do intend that teletext activities not interfere with regular program service. Therefore, as a matter of policy we will use the one percent of the receiver population figure discussed in the *Notice* as a general guideline for limiting teletext degradation of reception of regular television service.

82. *Adaptive Equalizer Pulses*—The rules provide authority for use of an adaptive equalizer pulse on any of the VBI lines approved for teletext to aid in the correction of multipath errors. While it appears that a device such as that suggested by the Antiope and Telematics Corporation would offer a more spectrum efficient solution since it could perform this function without transmission of a separate reference signal, the Commission believes that any decision to use a reference pulse is best left to the licensee's discretion. The use of such pulses on a non-reserved, discretionary basis will not affect the spectrum resources of stations that choose not to use an error compensation technique or that use a method that uses the data itself as a reference point. The Commission has decided not to authorize reference pulses in the vertical synchronizing waveform at this time because we have received no information concerning the potential of such signals in this area to degrade the performance of television receivers.

82. *Visual Emergency Messages*—The new rules also provide that any visual emergency messages transmitted pursuant to Section 73.1250 of the rules are to replace closed captions during an emergency situation. This action extends the policy in the line 21 rules that requires visual emergency messages on the main signal to replace closed captions on the viewing screen in order to resolve potential conflicts between open and closed captions in a single emergency. Thus, any teletext system used to provide closed caption service must have a facility for giving way to visual emergency messages during periods when captioning is being provided.

84. *Treatment of Teletext Decoders Under Part 15 of the Rules*—Finally, on the matter of the treatment of external teletext decoders under Part 15 of the rules, the Commission anticipates that there will be two basic categories of such external devices. These categories, and their associated treatment under Part 15 are:

(1) A teletext decoder, separate and external to a TV set, that supplies a modulated RF signal to the antenna input terminals of a television receiver—This is a TV Interface Device, subject to Part 15 Subpart H.[83] The decoder must in this instance be type approved.

(2) A teletext decoder, separate and external to a TV set, that uses digital circuitry to decode the teletext signal and provides output at video baseband—This is a Class B computing device, subject to verification by the manufacturer and the requirements of Part 15, Subpart J.

85. The treatment of decoders built-in to a TV receiver will depend on the arrangement of the receiver and decoder components. If the teletext signal is fed directly to the TV video amplifier circuits, the TV receiver requirements in Part 15, Subpart C, apply to the entire unit. On the other hand, if the teletext signal is fed to the TV receiver front end, the decoder will be treated separately as a Class I TV device. In either case, Sections 15.65 through 15.68 of the rules will not apply to teletext decoder circuitry, provided that a switch is included to permit reception of the normal television signal when not in the teletext mode.

Policy With Respect to Cable Carriage of Broadcast Teletext

86. In the *Notice* we asked whether cable systems should be prohibited from

[83] *See*, footnote 11, *supra*.

deleting teletext signals and, if so, whether such a policy should apply only to "must carry" stations. As noted above, some commenters maintained that cable companies should be required to carry teletext. NAB requested that we require carriage of all teletext in order to simplify copyright decisions that the *WGN* case will necessitate.

87. Initially, we note that since the filing of the comments, the decision in *WGN* has been reversed and remanded.[34] The Court of Appeals held that a teletext program and a conventionally broadcast program intended to be viewed in conjunction with one another (although on separate channels) constitute one copyrightable work. Specifically, the Court in *WGN* stated (at pages 6–7):

> United Video appears to concede, correctly in our view despite an absence of judicial authority on the point, that if WGN's teletext were intended to be overlaid on the television images of the nine o'clock news, in the manner of captions for deaf people or English subtitles for foreign movies, it would be covered by the copyright for that news. Cf. 1 Nimmer, Nimmer on Copyright § 2.09[A] (1981). It would be part of the performance intended to be seen by the viewer and thus one of the "related images" of which section 101 speaks. . . .
>
> There is no paradox in suggesting that teletext is covered by the copyright on a regular television program provided that it is intended to be viewed with and as an integral component of that program, even though we have just said that WGN's teletext is to be shown on a different channel from the nine o'clock news, which means that it cannot be viewed simultaneously, as subtitles are. . . .
>
> [I]f WGN wants to create multi-channel news or entertainment for viewers willing to switch back and forth between channels, we cannot find anything in the Copyright Act to prevent it from copyrighting its video smorgasbord.

Thus, copyright protection for teletext is available to broadcasters to the extent noted above independent of any action we take here.

88. It seems clear, however, that the communications policy concerns underlying our mandatory carriage requirements [35] are quite distinct from the considerations properly relied upon by the court in the *WGN* case to determine the scope of copyright protection for teletext services. NAB's suggestion, therefore, that cable television systems be required to carry teletext as a means of simplifying copyright determination is, in our view, neither appropriate nor required by the *WGN* decision. Indeed, given both their ancillary and discretionary nature, teletext transmissions are plainly not analogous to the types of services that we have traditionally accorded mandatory carriage status.[36] Accordingly, we will not require cable television systems to carry teletext services.

[34] *See*, footnote 13, *supra*.

[35] *Cable Television Report and Order*, 36 FCC 2d 143, 173 (1972).

Conclusion

89. The Commission believes that teletext offers significant potential as a new media form and that its benefits can be realized most effectively in an environment that for the most part is free of government intervention. The many diverse and varied applications for this technology provide opportunities for service tailored to the interests of mass audiences, specialized groups, and individuals. The regulatory structure we are providing is intended to allow the broadcast industry the flexibility to develop and offer service that is specifically suited to the requirements of individual applications and to alter this service to meet changing conditions in a dynamic environment.

Implementation

90. We believe that the public interest would be served by making these rules effective upon adoption of this *Report and Order*. There are a number of outstanding experimental authorizations and special temporary authorizations (STAs) relating to teletext. We are also aware that some parties within the industry are prepared to begin immediate operation of teletext services on a production rather than test basis. Thus there is clear evidence that the industry desires and is ready to begin teletext services at the earliest possible time. In view of these factors, it appears that immediate implementation of the teletext rules would serve to further the development of services the Commission finds to be in the public interest. Therefore, the rules set forth in Appendix B will be effective with the adoption of this *Report and Order*.

Procedural Matters

91. Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final regulatory flexibility analysis is as follows:

I. Need for and Purpose of the Rules

The Commission has concluded that permitting a portion of the television vertical blanking interval to be used for teletext would enhance the public interest by providing opportunities for extending and diversifying service from television stations and for improving the efficiency of spectrum utilization.

II. Summary of Issues Raised by Public Comments in Response to the Initial Regulatory Flexibility Analysis, Commission Assessment, and Changes Made as a Result

A. *Issues raised.*

1. No issues or concerns were raised specifically in response to the initial regulatory flexibility analysis. However, a number of issues and points that pertain to small businesses were mentioned in the comments. Most of these remarks were positive, although a few expressed concern that the open market approach would lead to uncertainties and other problems that might impede teletext development.

B. *Assessment.*

1. The Commission views the absence of specific claims of adverse impact with respect to its teletext proposals as indicative of their lack of potential for negative effects on small businesses. We also believe that the uncertainties of the market approach are factors that must be addressed in the course of virtually all business decisions and that these factors ultimately work to ensure better, more effective use of the VBI.

C. *Changes made as a result of such comments:* None.

III. Significant Alternatives Considered and Rejected

The Commission's other alternatives were: (1) not to authorize teletext at all or (2) to adopt a more restrictive approach such as a single system technical standard. To deny authorization would be to forego the beneficial objectives sought in this rule making. Similarly, a more restrictive approach to regulation likely would interfere with realization of the full potential and benefits of teletext and would represent an unnecessary intrusion by the government into the affairs of private businesses.

92. Authority for adoption of the rules contained herein is contained in Sections 2, 4(i), and 303 of the Communications Act of 1934, as amended.

93. Accordingly, it is ordered, that Parts 2, 73, and 76 of the Commission's Rules are amended as set forth in Appendix B, effective March 31, 1983, and the CBS petition for reconsideration is denied. In addition, it is ordered that the request by the plead Committee to accept late-filed comments is denied.

94. For further information concerning this proceeding, contact Alan Stillwell, Mass Media Bureau, (202) 632–6302.

[36] *See, e.g., Report and Order Authorizing Low Power Television Service*, 47 FR 21490, 21492 (released May 18, 1982).

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachments: Appendices.

Appendix A—Parties Filing Formal Comments in the Teletext Proceeding

1. Gallaudet College
2. Hazeltine Research
3. Community Telecasters of Southern California—Filed as comments in support of the CBS petition for reconsideration
4. American Speech-Language-Hearing Association
5. Cognitive Science Laboratory/ University of California, San Diego
6. Time Incorporated
7. Zenith Radio Corporation
8. Koplar Communications, Inc.
9. Taft Broadcasting Company
10. Alexander Graham Bell Association for the Deaf, Inc.
11. Times-Mirror Videotext Services, Inc.
12. United Kingdom Teletext Industry Group
13. Subscription Television Association
14. Satellite Television Systems, Inc.
15. American Newspaper Publishers Association
16. National Association of Public Television Stations
17. University of Wisconsin
18. Telidon Videotex Systems, Inc.
19. Bonneville International Corporation
20. WGBH Educational Foundation
21. National Association of Broadcasters
22. RBC Communications
23. Public Broadcasting Service
24. Border Broadcast Stations
25. National Captioning Institute
26. Videotex Industry Association
27. Tribune Company Broadcasting, Inc.
28. American Broadcasting Companies, Inc.
29. National Broadcasting Company, Inc.
30. American Society of Travel Agents
31. RCA Corporation
32. Association of Maximum Service Telecasters, Inc.
33. Field Communications Corporation
34. Cox Broadcasting Corporation
35. Satellite Television Corporation
36. Golden West Broadcasters
37. NBC Television Network Affiliates
38. Storer Broadcasting Company
39. CBS, Inc.
40 Springfield Television Corporation
41. National Cable Television Association
42. Corporation for Public Broadcasting
43. E. Marshall Wick
44. Antiope and Telematics Corporation
45. Joint Comments of Cable Systems
46. MultiVisions, Ltd.
47. Media Access Project
48. National Association for the Deaf
49. Radiofin

Other Major Items

1. AMC-Working Paper No. 1 on the Teletext Experiment in Washington
2. Neustadt, Skall, and Hammer—The Regulation of Electronic Publishing
3. National Association for the Deaf (Informal Comments)
4. EIA—Interim Report

Responses to the CBS Petition for Reconsideration

1. National Cable Television Association
2. United Kingdom Teletext Industry Group
3. Time Incorporated
4. Antiope and Telematics Corporation
5. National Association of Broadcasters
6. Telidon Videotex Systems, Inc.
7. Community Telecasters of Southern California (treated as comments in proceeding per request of respondent)
8. CBS, Inc. (reply)

Teletext Reply Comments

1. Midwest Radio-Television, Inc.
2. Corporation for Public Broadcasting
3. Videotex Industry Association
4. Association of Independent Television Stations
5. Tribune Company Broadcasting
6. National Captioning Institute, Inc.
7. Louisiana Television Broadcasting Corporation
8. Metropolitan Pittsburgh Public Broadcasting, Inc.
9. National Broadcasting Company, Inc.
10. WGBH Educational Foundation
11. Storer Broadcasting Company
12. Springfield Television Corporation
13. National Association of Public Television Stations
14. Koplar Communications, Inc.
15. Taft Broadcasting Company
16. United Kingdom Teletext Industry Group
17. MultiVisions, Ltd.
18. Bonneville International Corporation
19. Zenith Radio Corporation
20. National Citizens' Committee for Broadcasting
21. National Cable Television Association, Inc.
22. RCA Corporation
23. Association of Maximum Service Telecasters, Inc.
24. National Association of Broadcasters
25. Antiope and Telematics Corporation
26. Telidon Videotex Systems, Inc.
27. CBS, Inc.
28. Time Incorporated (in response to Senatorial Letter)

Appendix B

Chapter I of Title 47 of the Code of Federal Regulations is amended and revised as set forth below.

PART 2—[AMENDED]

1. Section 2.106 is amended by revising the following entries the Table of Frequency Allocations and adding new footnote NG142 to read as follows:

§ 2.106 Table of frequency allocations.

7	8	9	10		11
Band (MHz)	Service	Class of station	Frequency (MHz)		Nature of services of stations
•	•	•	•	•	•
54–72	BROADCASTING (NG142)	Television broadcasting	55.25	Video	Channel 2
			59.75	Sound	Channel 2
			61.25	Video	Channel 3
			65.75	Sound	Channel 3
			67.25	Video	Channel 4
			71.75	Sound	Channel 4
•	•	•	•	•	•
76–88	BROADCASTING (NG142)	Television broadcasting	77.25	Video	Channel 5
			81.75	Sound	Channel 5
			83.25	Video	Channel 6
			87.75	Sound	Channel 6
•	•	•	•	•	•
174–216	BROADCASTING (NG142)	Television broadcasting	175.25	Video	Channel 7

7	8	9	10	11
Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services of stations
			179.75 Sound	Channel 7
			181.25 Video	Channel 8
			185.75 Sound	Channel 8
			187.25 Video	Channel 9
			191.75 Sound	Channel 9
			193.25 Video	Channel 10
			197.75 Sound	Channel 10
			199.25 Video	Channel 11
			203.75 Sound	Channel 11
			205.25 Video	Channel 12
			209.75 Sound	Channel 12
			211.25 Video	Channel 13
			215.75 Sound	Channel 13
•	•	•	•	•
470–512	BROADCASTING (NG142)	Television broadcasting		BROADCASTING
	LAND MOBILE (NG66) (NG114).	Land Mobile Base		PUBLIC SAFETY INDUSTRIAL LAND TRANSPORTATION DOMESTIC PUBLIC
•	•	•	•	•
512–806	BROADCASTING (NG142)	Television broadcasting		
•	•	•	•	•

NG142 TV broadcast stations authorized to operate in the bands 54–72, 76–88, 174–216, 470–512, and 512–806 MHz may use a portion of the television vertical blanking interval for the transmission of teletext messages, on the condition that harmful interference will not be caused to the reception of primary services, and that such teletext service must accept any interference caused by primary services operating in these bands.

* * * * *

PART 73—[AMENDED]

2. New § 73.646 is added to read as follows:

§ 73.646 Teletext service.

(a) Teletext is a data system associated with a television broadcast signal that is used for the transmission of textual and graphic information intended for display on the screens of suitably equipped receivers and of data that is intended to enhance the use of teletext information.

(b) TV broadcast stations are authorized to transmit teletext data during any time period, including portions of the day when normal programming is not broadcast. Such transmissions must be in accordance with the technical provisions of § 73.682.

(c) Teletext service is of an ancillary nature and as such is an elective, subsidiary activity. No service guidelines, limitations, or performance standards are applied to it other than the definitional aspects of the authorization. The kinds of services teletext may be used to provide include, but are not limited to, advertiser-supported consumer information, subscription data services, and business-oriented information.

(d) Teletext services that are common carrier in nature are subject to common carrier regulation. Licensees operating such services are required to apply to the Commission for the appropriate authorization and to comply with all policies and rules applicable to the service. Responsibility for making the initial determination of whether a particular activity is common carriage rests with the licensee. Initial determinations submitted by licensees are subject to Commission examination and may be reviewed at the Commission's discretion.

(e) The grant or renewal of a TV station license or permit will not be furthered or promoted by proposed or past teletext operation; the licensee must establish that its broadcast operation is in the public interest wholly apart from teletext activities. (Violation of rules applicable to teletext operation would, of course, reflect on a licensee's qualifications to hold its broadcast license or permit.)

(f) In all arrangements entered into with outside parties affecting non common carrier teletext operation, the licensee or permittee must retain control over all material transmitted in a broadcast mode via the station's facilities, with the right to reject any material that it deems inappropriate or undesirable.

3. Section 73.621 is amended by revising the section heading and adding new paragraph (f) to read as follows:

§ 73.621 Noncommercial educational TV stations.

* * * * *

(f) Teletext service. The provisions governing teletext service in § 73.646 are applicable to noncommercial educational TV stations.

4. Section 73.682 is amended by adding new paragraph (a)(24) to read as follows:

§ 73.682 Transmission standards.

(a) * * *

(24) Specific scanning lines in the vertical blanking interval may be used for the purpose of transmitting teletext signals, subject to certain conditions:

(i) Teletext may be transmitted on Lines 10–18 and 20, all of Field 2 and Field 1. Use of specific lines is to be in accordance with Schedule I.

(ii) No observable degradation may be caused to any portion of the visual or aural signals.

(iii) Teletext signals must not produce emissions outside the authorized television channel bandwidth. Data pulses must be shaped to limit spectral energy to the nominal video baseband.

(iv) Transmission of emergency visual messages pursuant to § 73.1250 must take precedence over, and shall be cause for interrupting, teletext that provides a visual depiction of information simultaneously transmitted on the aural channel.

(v) A reference pulse for a decoder associated adaptive equalizer filter designed to improve the decoding of teletext signals may be inserted on any portion of the vertical blanking interval authorized for teletext, in accordance

with the signal levels set forth in Schedule I.

(vi) All lines authorized for teletext transmissions may be used for other purposes upon prior approval by the Commission.

* * * * *

PART 76—[AMENDED]

5. Section 76.64 is revised to read as follows:

§ 76.64 Carriage of subscription television broadcast programs and teletext information services.

The provisions of §§ 76.57, 76.59, 76.61, and 76.63 do not require carriage of any subscription TV broadcast program or any teletext information service.

BILLING CODE 6712-01-M

Schedule I

	1983	1984	1985	1986	1987	1988	1989	1990	1991
10	X	X	X	X	X	50 IRE	→		70 IRE
11	X	X	X	X	X	50 IRE	→		70 IRE
12	X	X	X	X	X	50 IRE	→		70 IRE
13	X	X	X	X	X	70 IRE	80 IRE	80 IRE	80 IRE
14	40 IRE	→				70 IRE	80 IRE	80 IRE	80 IRE
15	80 IRE	→							
16	80 IRE	→							
17	80 IRE */**	→							
18	80 IRE */**	→							
19	***								
20	80 IRE **	→							

* Also authorized for Vertical Interval Test Signals (VITS) that are used with remote controlled transmitters.

** Also authorized for SID signals (Source Identification signals).

*** Presently reserved to the Vertical Interval Reference (VIR) signal.

BILLING CODE 6712-01-C

March 31, 1983.

Separate Statement of FCC Commissioner James H. Quello

In re: Authorization of Teletext Transmissions by TV Stations, BC Docket No. 81–741

My decision not to support mandatory cable carriage of teletext should not be interpreted to indicate any reduction in my strong commitment to continuing the manadatory cable carriage rules as they apply to conventional television programming. In my view, the strong justification for imposing these requirements—protecting the availability of local broadcast service to the public—does not apply to the ancillary teletext service. Therefore, I concluded it would not be proper to extend the rules' effects to this new service.

When the Commission declined to require cable television carriage of subscription television stations, it stated that "concern with the impact on broadcast service to the public . . . provided the most fundamental bases (sic) for the mandatory carriage rules."[1] The Commission recognized that cable carriage was not fundamental to the survival or economic success of STV stations, and thus it did not require such carriage.[2] This reasoning applies with equal force to teletext service.

Preserving the availability of conventional local broadcast service is a sound basis for the cable carriage rules. I am concerned that applying these rules to protect teletext would be an overextension of the Commission's authority which could ultimately undermine the Commission's valid exercise of authority in this area.

When the teletext signal is an integral part of conventional broadcast programming (*e.g.*, closed captioning), mandatory carriage obligations may properly attach. It is my understanding, however, that existing copyright law can protect teletext carriage in this situation without Commission intervention.[3] Should the state of the law change on this subject, I might well support a limited revisiting of the Commission's decision.

March 31, 1983.

Concurring Statement of Commissioner Anne P. Jones

In Re: Amendments of Parts 2, 73, and 76 of the Commission's Rules to Authorize Transmission of Teletext by TV Stations. (BC Docket No. 81–741)

I agree with the basic decision and many of the subsidiary decisions in this proceeding, such as to continue reserving line 21 for closed captions and to leave selection of the technical system for teletext transmission largely to the discretion of each licensee electing to provide this service. However, much of the reasoning given for these and the other decisions announced in this Report and Order seems to me a case of pouring new wine in old bottles. It just doesn't work very well.

For one thing, there is to my mind a basic inconsistency between the justifications given for permitting broadcasting licensees to use the vertical blanking interval (VBI) to provide teletext while at the same time exempting teletext from broadcasting regulation. On the one hand it is said that the VBT is part of the spectrum licensees are authorized to use. On the other hand, teletext is said to be a different service which, because it "more closely resembles, and will largely compete with, other print media, such as newspapers and magazines," should be exempt from the Fairness Doctrine and the political broadcasting laws. This sounds to me like having one's cake and eating it too.

This inconsistency also raises an issue of broader significance. As broadcast technology evolves, new uses of broadcast spectrum become possible. Teletext is just one example. Since existing broadcast licensees are already authorized as such to use spectrum, they have immediate access to the frequencies necessary to offer teletext, even though this service was not and could not have been contemplated by either the Commission or the broadcasters when the broadcasting licenses were initially issued. I think it is entirely appropriate for the Commission to ask whether existing broadcast licensees necessarily have an implied exclusive franchise to offer new services on their assigned frequencies.

If the Commission desires to establish new markets in communications services made possible by advancing technology, it should consider the competitive implications of an incumbent licensee's automatic access to the spectrum. To enable new participants to enter the market for new communications services, the Commission may wish to redefine the nature of the implicit "spectrum rights" granted to broadcast licensees. Early resolution of this issue might greatly expand opportunities for participation in the communications industry by minorities and other groups who have not as yet participated extensively in the growth and development of telecommunications services.

Another notion in this Report and Order which strikes me as peculiar is the suggestion that licensees proposing to offer teletext in competition with existing common carrier service may be themselves regulated as common carriers. I can think of nothing more likely to chill an innovative new service than a threat that it may be burdened with common carrier regulation. Of course such may be the law, but I believe we should at least note that, if it is, it makes very little sense.

And finally, a consideration which I find curiously absent from this Report and Order is the fact that in many respects teletext may compete head-to-head with videotex provided on an unregulated basis as an "enhanced service" under our Computer II decisions. Surely this fact is a major reason for regulating teletext as little as possible, or even not at all, so as not to disadvantage it in this competition.

It may be that on these points and others this Report and Order is the best we can do at present, and I do not advocate delaying authorization of teletext while we ponder a more elegant way to explain our regulatory treatment of it. I therefore concur.

Statement of Commissioner Henry M. Rivera, in Which Commissioner Joseph R. Fogarty Joins, Dissenting in Part

Re: Authorization of Teletext Transmissions by Television Stations.

I dissent to that part of the Commission's *Report and Order* that permits cable television systems to delete teletext provided on the vertical blanking interval of broadcast signals entitled to must carry status. Although I have substantial reservations about the must carry rules in general, I believe the Commission should maintain the *status quo* pending a plenary reexamination of this complex area. Instead, the majority has decided to chip away at the rules, beginning another exercise in disjointed policymaking. The vigorous advocacy on both sides of the teletext must carry issue underscores the considerable symbolic significance of this decision and the inappropriateness of the majority's piecemeal approach.

The must carry rules decree that a broadcast signal entitled to cable carriage shall be carried in its entirety, except where technically infeasible.[1] Teletext is offered on the vertical blanking interval, which is an integral part of a broadcast signal.[2] It logically follows, therefore, that teletext provided on a signal with must carry status is entitled to carriage without alteration. While it may be true that teletext did not exist when the must carry rules were first adopted and therefore was not considered when the signal carriage duty was formulated, a narrowing construction here unduly tips the balance on the larger policy issue toward cable interests. It is my understanding that most cable systems are technically capable of carrying teletext.[3] To avoid the regulatory favoritism resulting from a contracted interpretation of "signal" under our rules, the Commission should have required carriage of teletext, thereby preserving the rules in their current form pending reexamination of cable system rights and duties vis-a-vis broadcast signals *as a whole.*

---

[1] *Memorandum Opinion and Order—Signal Carriage Rules—STV*, 77 FCC 2d 523, 528 (1980), *aff'd sub nom. WWHT, Inc. v. FCC*, 656 F. 2d 807 (D.C. Cir. 1981).

[2] *Id.* at 528.

[3] *WGN Continental Broadcasting Co. v. United Video, Inc.*, 693 F. 2d 622, *rehearing denied*, 693 F. 2d 628 (7th Cir. 1982).

[1] See 47 C.F.R. § 76.55(a).

[2] Thus, the issue before us is unlike that posed by whether to mandate carriage of LPTV signals; an LPTV transmission is technically unrelated to any existing signal entitled to cable carriage. Furthermore, because the issue here, as I see it, is whether to maintain the *status quo* on the must carry rules, I see no need for this agency to require carriage of teletext provided via distant signals. *See* 47 C.F.R. § 76.55(b).

[3] Parties have asserted that some older cable systems cannot carry teletext without spending an unreasonable amount of money for system modification. I would grandfather such cable systems; when the must carry rules were adopted, those systems could not have planned for teletext. The Commission is fully capable of fashioning a rule of reason for determining a cable system's eligibility for grandfathering.

Concurring Statement of Commissioner Stephen A. Sharp

Re: Report and Order, BC Docket No. 81-741
Transmission of Teletext by TV Stations

I welcome the authorization of television broadcast teletext services. As a result, I can only concur in this decision because part of it inevitably inhibits the development of this technology.

My disagreement lies with the majority's decision to permit a cable television operator to strip the teletext service offered by the broadcaster on the vertical blanking interval (VBI) portion of the television signal, and substitute its own teletext service. The Commission licenses a broadcaster to transmit a signal on a particular channel of which the VBI is an integral part. The VBI cannot exist without the rest of the signal; it is merely an increment of time which uses the same spectrum as the main part of the signal. I cannot rationalize permitting the deletion of this part of the signal while prohibiting the deletion of program content or commercials.

More importantly, the sanctioning of stripping the VBI by a cable operator, which may be an anticompetitive action, may well stifle investment in teletext service by broadcasters. As an infant service, broadcast teletext depends on a large potential audience in order to attract enough advertising to make it profitable. Even under the best conditions, the profitability of teletext may be marginal. Where the broadcaster is faced with a potential loss of audience equal to cable penetration because the cable operator may strip the VBI, the broadcaster may be unwilling to risk investing in this new service. While the majority seeks to stimulate competition, its action will have the opposite effect by discouraging the initial investment by broadcasters in teletext.

I disagree also with the notion that copyright remedies are sufficient to protect broadcasters' investment in teletext service. The limited scope of the *WGN* decision and the uncertainty surrounding any general protection for teletext appear to afford insufficient protection to encourage the investment necessary to bring this service to the public in a meaningful way.

It is suggested that to consider the VBI as part of the broadcast signal, rather than looking to the type of service which is offered, is to invite the full panoply of broadcast regulation to the teletext service. To the extent that such regulation applies, I am prepared to accept it. I am not convinced, however, that this would occasion much, if any, additional regulation for broadcasters.

[FR Doc. 83-15214 Filed 6-10-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 31

[CC Docket No. 82-680; RM-4076]

Amendment of Annual Report Form M; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission adopted a Report and Order, Docket 82-680 (48 FR 19373), which amended six schedules and eliminated four schedules of Annual Report Form M. The Report and Order was inadvertently published without the Attachment A which related to amendments made to Schedule 34, Operating Revenues.

FOR FURTHER INFORMATION CONTACT: Gerald P. Vaughan, Chief, Accounting and Audits Division, Common Carrier Bureau; (202) 634-1861.

SUPPLEMENTARY INFORMATION:

Erratum

In the matter of amendment of Annual Report Form M; CC Docket No. 82-680 (RM-4076), see 48 FR 19373, 4-29-83.

Released: May 19, 1983.

The Report and Order, FCC 83-138, adopted April 7, 1983 and released April 28, 1983 in the above-entitled matter is corrected to include Attachment A at the end of the Report and Order.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment A

34. Operating Revenues (Account 300)

Line No.	Particulars	Amount for the year	Increase over preceding year	Interstate and foreign revenues included in column (b)
	(a)	(b)	(c)	(d)
	Local Service Revenues			
1	500 Subscribers' station revenues.	$	$	$
2	501 Public telephone revenues.			
3	503 Service stations.			
	504 Local private line services:			
4	Voice Grade Services—Other Than Data.			
5	Less Than Voice Grade Services.			
6	Data Services			
7	Program transmission—Audio.			
8	Program transmission—Television.			
9	Other services			
10	Subtotal (account 504).			
11	506 Other local service revenues.			

34. Operating Revenues (Account 300)—Continued

Line No.	Particulars	Amount for the year	Increase over preceding year	Interstate and foreign revenues included in column (b)
	(a)	(b)	(c)	(d)
12	Total (lines 1, 2, 3, 10 and 11).			
	Toll Service Revenues			
13	510 Message tolls			
14	511 Wide area toll services.			
	512 Toll private line services:			
15	Voice Grade Services—Other Than Data.			
16	Less Than Voice Grade Services.			
17	Data Services			
18	Program transmission—Audio.			
19	Program transmission—Television.			
20	Other services			
21	Subtotal (account 512).			
22	516 Other toll service revenues.			
23	Total (lines 13, 14, 21 and 22).			
	Miscellaneous Revenues			
24	521 Telegraph commissions.			
25	522 Earth station revenues.			
26	523 Directory advertising and sales.			
27	524 Rent revenues			
28	525 Revenues from general services and licenses.			
29	526 Other operating revenues.			
30	Total (lines 24 to 29, inclusive).			
	Uncollectible Revenues			
31	570 Uncollectible operating revenues—Dr.			
32	Total operating revenues (lines 12, 23 and 30, less line 31).			

( ) Denotes reverse amount.

[FR Doc. 83-15413 Filed 6-10-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 30527-98]

Pacific Halibut Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission, publishes notice of regulations promulgated by that Commission and approved by the United States Government to govern the Pacific halibut fishery for 1983. These regulations are intended to enhance the conservation of Pacific halibut stocks in order to help rebuild and sustain them at an adequate level in the northern Pacific Ocean and Bering Sea.

EFFECTIVE DATE: June 10, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802; (907) 586-7221, or Executive Director, International Pacific Halibut Commission, P.O. Box 5009, University Station, Seattle, Washington 98105; (206) 624-1838.

SUPPLEMENTARY INFORMATION: The International Pacific Halibut Commission (IPHC), under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, D.C. on March 29, 1979), has promulgated regulations governing the Pacific halibut fishery for 1983. The regulations have been approved by the Secretary of State of the United States of America and by the Governor-General of Canada, by Order-in-Council. On behalf of the International Commission, the 1983 regulations are published in the **Federal Register** to provide notice of their effectiveness, and to inform persons subject to the regulations of the restrictions and requirements established therein.

The regulations are similar to those which have been in effect in previous years under the Convention, except that: (1) Area 4 has been divided into new smaller areas—4A, 4B, 4C, and 4D; (2) different seasons and catch limits are established; (3) a new vessel clearance requirement in Area 4C is established; and (4) certain requirements for marking of gear are established. Only those sections or paragraphs which have been changed since 1982 are published; sections which remain the same can be found at 50 CFR Part 301 (46 FR 30345, June 8, 1981 and 47 FR 20000, May 10, 1982).

Because approval by the Secretary of State of the IPHC regulations is a foreign affairs function, *Jensen v. National Marine Fisheries Service*, 512 F.2d 1189 (9th Cir., 1975), the Administrative Procedure Act, Section 553, Executive Order 12291, and the Regulatory Flexibility Act do not apply to this notice of the effectiveness and content of the regulations.

List of Subjects in 50 CFR Part 301

Fish, Fisheries.

Dated: June 7, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

PART 301—PACIFIC HALIBUT FISHERIES

50 CFR Part 301 is amended as follows:

1. The authority citation for Part 301 reads as follows:

Authority: 5 UST5; TIAS 2900; 16 U.S.C. 772–722j.

2. In § 301.1, paragraph (a) is amended by adding the phrase "Figure 1," after "***Canada***", and by adding a new Figure 1 at the end of this same paragraph, by revising paragraph (g), and by adding new paragraphs (h), (i), and (j) to read as follows:

§ 301.1 Regulatory areas.

* * * * *

(g) Area 4A includes all waters in the Bering Sea and all waters of the Gulf of Alaska west of Area 3B and west of the closed area defined in Section 5, east of the meridian of 172° W. and south of latitude 56°20′00″N.

(h) Area 4B includes all waters in the Bering Sea and the Gulf of Alaska west of Area 4A and south of latitude 56°20′00″N.

(i) Area 4C includes all waters in the Bering Sea north of Area 4A and north of the closed area defined in Section 5 that are east of a line extending true northwest (315°) from a point at latitude 56°20′00″N., longitude 170°00′00″W.

(j) Area 4D includes all remaining waters in the Bering Sea north of Area 4A and 4B, and west of Area 4C.

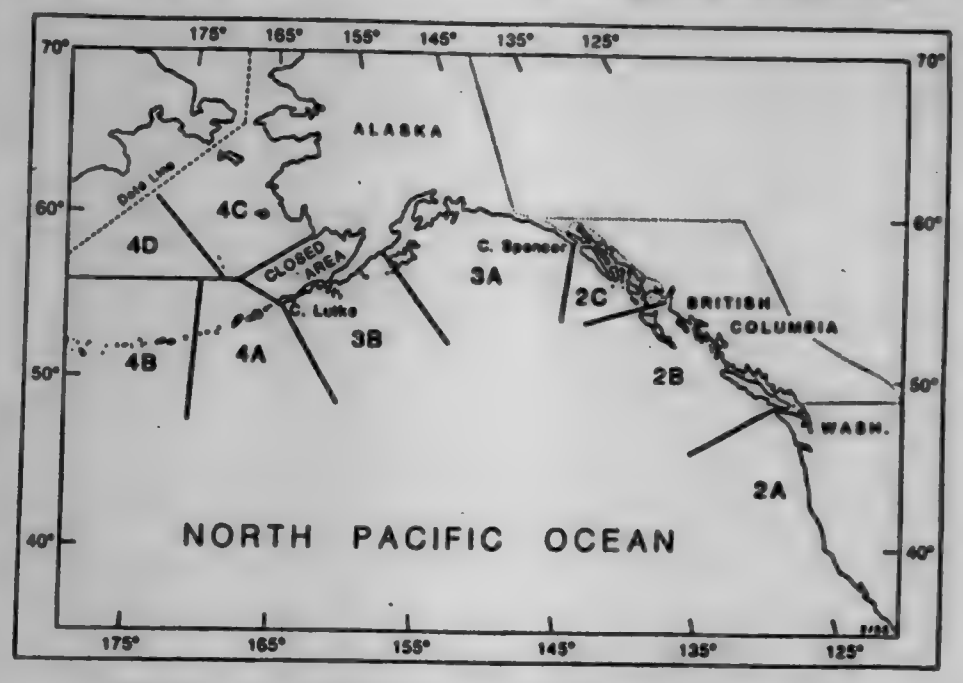

Figure 1. Regulatory areas for the Pacific halibut fishery, 1983

3. Section 301.3 is revised to read as follows:

§ 301.3 Fishing seasons.

(a) The fishing seasons for each Regulatory Area are shown in the following table and will apply providing that the catch limits specified in § 301.6 are not taken earlier.

Regulatory area and fishing period	Opening date	Closing date
2A:		
1	June 15	June 28.
2	July 14	July 27.
3	Aug. 13	Aug. 26.
4	Sept. 11	Sept. 24.
3B:		
1	May 3	May 15.
2	June 14	June 26.
3	July 12	July 24.
4	Aug. 16	Aug. 28.
5	Sept. 13	Sept. 25.
2C:		
1	June 17	June 22.
2	July 16	July 21.
3A:		
1	June 16	June 23.
2	July 15	July 22.
3	Aug. 14	Aug. 19.
3B:		
1	June 16	June 23.
2	July 15	July 22.
3	Aug. 27	Sept. 1.
4	Sept. 13	Sept. 18.
4A:		
1	June 16	June 23.
2	July 15	July 22.
3	Sept. 13	Sept. 27.
4	Oct. 9	Oct. 25.
4B:		
1	June 16	June 23.
2	July 15	July 22.
3	Sept. 13	Sept. 29.
4	Oct. 9	Oct. 25.
4C:		
1	June 16	June 20.
2	June 21	June 25.
3	June 26	June 30.
4	July 1	July 5.
5	July 6	July 10.
6	July 11	July 15.
7	July 16	July 20.
8	July 21	July 25.
9	July 26	July 30.
10	July 31	Aug. 4.
11	Aug. 5	Aug. 9.
12	Aug. 10	Aug. 14.
13	Aug. 15	Aug. 19.
14	Aug. 20	Aug. 24.
15	Aug. 25	Aug. 29.
16	Aug. 30	Sept. 3.
17	Sept. 4	Sept. 8.
18	Sept. 9	Sept. 13.
19	Sept. 14	Sept. 15.
4D:		
1	June 16	June 23.
2	July 15	July 22.
3	Sept. 13	Sept. 29.
4	Oct. 9	Oct. 25.

(b) Notwithstanding the provisions of paragraph (a) of this section), if Area 3A is closed under the provisions of § 301.6 prior to attaining the catch limit in Area 3B, Area 3B will close on the same date. Area 3B will reopen on August 27 and continue on the schedule of fishing periods specified in paragraph (a) of this section or until the catch limit specified in § 301.6 is attained.

(c) Notwithstanding the provisions of paragraph (a) of this section, if Area 3A is closed under the provisions of § 301.6 prior to attaining the catch limit in Area 4A, Area 4A will close on the same date. Area 4A will reopen 10 days later or on July 15, whichever is later, for a 12-day fishing period and then continue on the schedule of fishing seasons specified in paragraph (a) of this section or until the catch limit specified in § 301.6 is attained.

(d) Notwithstanding the provisions of paragraph (a) of this section, if Area 3A is closed under the provisions of § 301.6 prior to attaining the catch limit in Area 4B, and/or Area 4D, Area 4B and/or Area 4D will close on the same date. The affected area(s) will reopen 10 days later for 14-day fishing period and then continue on the schedule of fishing seasons specified in paragraph (a) of this section or until the catch limit specified in § 301.6 is attained.

(e) Each fishing period shall begin and terminates at 1200 hours on the designated dates. All hours of opening and closing shall be Pacific Standard Time (See Table 1).

TABLE 1.—LEGAL OPENING AND CLOSING HOURS FOR HALIBUT FISHING

[Standard time (ST) and daylight saving time (DT) in different time zones of the northeastern Pacific Ocean]

Pacific		Yukon		Alaska		Bering Sea	
PST	PDT	YST	YDT	AST	ADT	BST	BDT
1200	1300	1100	1000	1000	1100	0900	1000

4. Section 301.5 is revised to read as follows:

§ 301.5 Closed area.

All waters in the Bering Sea (Area 4) that are east of a line from Cape Sarichef Light to a point at latitude 56°20′ N. longitude, 168°30′ W. and south of a line from the latter point to Cape Newenham (latitude 58°39′00″ N. longitude, 162°10′25″ W.) are closed to halibut fishing and no person shall fish for halibut therein, or shall have halibut in his possession therein, except in the course of a continuous transit across the area.

5. Section 301.6 is revised to read as follows:

§ 301.6 Catch limits.

(a) The total allowable catch of halibut to be taken during the halibut fishing periods specified in § 301.3 shall be limited to the pounds or metric tons shown in the following table:

Regulatory area	Catch limits	
	Pounds	Metric tons
2A	200,000	91
2B	5,400,000	2,449
2C	3,400,000	1,542
3A	14,000,000	6,350
3B	5,000,000	2,268
4A	1,200,000	544
4B	800,000	363
4C	400,000	181
4D	200,000	91

(b) All weights in each limit shall be computed as with heads of and entrails removed.

(c) The commission will determine and announce the date on which the catch limit will be attained in each area. Fishing for halibut in the area will be prohibited after that date.

6. In § 301.8, paragraphs (d) through (i) are revised, and a new paragraph (j) is added to read as follows:

§ 301.8 Licensing of vessels.

* * * * *

(d) The captain or operator of any vessel licensed under these regulations that shall fish for halibut in Areas 4A, 4B and 4D must obtain a vessel clearance which must be validated both prior to such fishing and prior to unloading any halibut. This vessel clearance and validation shall be obtained at Dutch Harbor, Alaska, from United States customs officers, United States fishery officers, or by authorized representatives of the Commission. This regulation does not apply to fishermen who are residents in Area 4 and unload all of their catches at ports within Area 4.

(e) The captain or operator of any vessel that shall fish for halibut in Area 4C must obtain a vessel clearance which must be validated both prior to such fishing in each fishing period and prior to unloading any halibut. This vessel clearance and validation shall be obtained at Dutch Harbor, Alaska, from United States customs officers, United States fishery officers, or by authorized representatives of the Commission. This regulation does not apply to fishermen who are residents in Area 4C and unload all of their catches at ports within Area 4C.

(f) A halibut license shall not be valid for halibut fishing nor for possession of halibut in any area closed to halibut fishing except while in transit to an area open to halibut fishing, or to or within a port of sale. The license shall be invalid for the possession of halibut if the licensed vessel is fishing or attempting to fish for any species of fish in any area closed to halibut fishing.

(g) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section shall not possess any halibut of any origin in any area closed to halibut fishing except

while in actual transit to or within a port of sale.

(h) No person on any vessel required to be licensed under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel had a valid license issued in conformity with the provisions of this section.

(i) The captain or operator of any vessel holding a license under these regulations shall keep an accurate log of all fishing operations including date, locality, amount or gear used, and total weight of halibut taken daily in each such locality. This log shall be updated no later than 24 hours after midnight local time for each day fished and within 24 hours following the closure of the area in which the vessel is fishing. This log record shall be retained for a period of two years and shall be open to inspection by fishing officers and authorized representative of the Commission.

(j) The captain, operator, or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the Commission or by any officer of the Governments to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

8. Section 301.10 is amended by adding paragraphs (d) and (e) to read as follows:

§ 301.10 Fishing gear

* * * * *

(d) All longline or skate marker buoys carried aboard or used by any United States halibut vessel shall be marked with one of the following: the vessel name, the vessel's state license number, the vessel's registration number, or the letter X followed by the vessel's IPHC license number. These markings shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water, and shall be maintained in legible condition.

(e) All longline or skate marker buoys carried aboard or used by a Canadian halibut vessel shall be marked as required by the British Columbia fishing regulations.

9. Section 301.14 is revised to read as follows:

§ 301.14 Previous regulation superseded.

These regulations shall supersede all previous regulations to the Commission. These regulations shall be effective each succeeding year until superseded.

[FR Doc. 83-15703 Filed 6-10-83; 8:45 am]

BILLING CODE 3510-22-M

---

50 CFR Part 611

[Docket No. 30517-83]

Foreign Fishing; 1983 Poundage Fees

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues the final rule establishing 1983 poundage fees for foreign vessels fishing in the fishery conservation zone. Under this schedule, foreign fishermen will pay approximately 39 percent of the FY 1982 Magnuson Act costs. This rule complies with section 204(b)(10) of the Magnuson Act.

EFFECTIVE DATE: July 13, 1983.

ADDRESS: Copies of the revised regulatory impact review (RIR) are available at: Permits and Regulations Division, F/M12, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Susan E. Jalley, 202-634-7432.

SUPPLEMENTARY INFORMATION: NOAA establishes a final fee schedule for fish caught by foreign vessels during 1983 in the fishery conservation zone (FCZ). The final schedule will result in collections of $43 million. No poundage fee will be assessed for U.S.-caught fish received at sea by foreign flag processing vessels.

A proposed schedule of fees was published at 47 FR 51338 (November 12, 1982) for a 30-day comment period. Many of the affected parties requested an extension. NOAA granted the requests at 47 FR 55698 (December 28, 1982) and extended the comment period through January 19, 1983. The proposed schedule was implemented as an interim final rule until this notice could be prepared.

Nine parties submitted comments on the derivation of the fees. The comments generated a rigorous internal review of the methodology of calculating the costs of the Magnuson Act. A few relatively minor errors within the NMFS assessment are corrected.

The comments are addressed below.

Comments

Section 204(b)(10) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) (16 U.S.C. 1801 *et seq.*) requires NOAA to set fees at a certain percentage of the total Magnuson Act costs. Most comments addressed calculating the percentage or the total costs.

1. *Comment.* In calculating the ratio of foreign to U.S. catch: (a) More recent recreational catch data are available; (b) the Canadian share of the catch should be included in the calculations; and (c) internal waters fisheries should not be included in the total domestic catch.

Response. (a) Since the time the proposed rule was published, more recent recreational catch data have been collected. The new estimate increases the U.S. recreational catch from 185,068 mt to 190,102 mt.

(b) The question of including the Canadian catch in the ratio was raised last year in the comment process. Four options were considered: (1) Delete the Canadian catch from the calculations; (2) delete the Canadian catch from the foreign harvest and put it in the U.S. harvest; (3) delete the Canadian and U.S. catches on Georges Bank from the calculations; or (4) delete the fees Canada would pay from the fee collection target.

Option (4) was excluded because Canada does not have a Governing International Fisheries Agreement (GIFA) with the United States, and therefore does not come under the provisions of 50 CFR 611. Furthermore, this option would not ensure collection of the target amount.

Option (3) was excluded because not counting the U.S. harvest on Georges Bank might prejudice our claim vis-a-vis Canada regarding the boundary of the FCZ. Option (2) was excluded because there is no statutory basis for treating Canadian harvests as harvests by "domestic fishing vessels." Therefore, option (1) was chosen.

NOAA reviewed the decision made in 1982 and decided it is still correct. There is not a Canadian share of fees to be subtracted. The costs that might be attributed to Canadian fishing in the disputed area would be incurred in the absence of Canadian vessels, because of the current U.S. fisheries in that area.

(c) The comment that the catch from internal waters, e.g., within closed bays, should be not included in the U.S. catch, also was submitted in 1982. NOAA's legal staff researched this issue and concluded that the term "territorial waters" has a distinct usage, especially in fisheries legislation, and means both the territorial sea and internal waters. As Congress specified "territorial waters" rather than simply "territorial sea," catch from internal waters is by law included in the calculation. NOAA reviewed the arguments again, and concluded that the internal waters catch

is properly included in establishing the ratio.

In light of the above, NOAA has recalculated the ratio. (Table 1). The small adjustment in recreational catch does not change the final ratio from the proposed ratio of 0.303.

TABLE 1.—ESTIMATE OF RATIO OF FOREIGN CATCH TO TOTAL CATCH 1981

	Metric tons
U.S. reported commercial catch [1]	3,925,981
Exclusions:	
International waters (exc. tuna)	17,295
Tunas	222,207
Freshwater (including Great Lakes alewives)	56,043
Total	(295,515)
Adjusted U.S. commercial catch in territorial waters and FCZ	3,630,466
Add correction for molluscs [2]	787,820
Add recreational catch [3]	190,102
Add Total Foreign Catch FCZ less Canadian Catch [4]	1,567,015
Final total	6,175,503

Ratio of foreign catch to total is 30.3 percent.

[1] This figure and all following figures for U.S. commercial catch from pages 8–11, "Fisheries of the United States, 1981." Calculated in pounds and converted to metric—figures may not add to total.

[2] Addition of mollusk shells. U.S. statistics for internal use include only edible portions of molluscs, but international standard is whole animal. Conversation factor varies for each species; they are available upon request.

[3] Source: NMFS, Resource Statistics Division 1980 Recreational Harvest.

[4] From pages 28, 29 "Fisheries of the United States, 1981." Conversion factor of 8.3 is used to convert scallop meats into live weight.

2. *Comment.* The Independent Offices Appropriations Act (IOAA) limits NMFS to cost recovery only, and such items as differential fees (e.g., on bycatch) and the capture of economic rent are inappropriate.

Response. NOAA General Counsel has concluded that, as a result of the 1980 American Fishery Promotion Act amendment to the Magnuson Act, the IOAA does not apply to foreign fishing fees.

3. *Comment.* It is inappropriate to charge for costs that are attributable to the Magnuson Act, but carried out under authorizations for other Acts.

Response. Some of the costs included in the proposed schedule are not under the Magnuson Act appropriation authority. The fee provision requires assessment of all costs of "carrying out the provisions of this Act (including, but not limited to, fishery conservation and management, fisheries research, administration, and enforcement * * *)".

Not all costs of carrying out the Act are incurred under Magnuson Act appropriations. In fact, enforcement costs are primarily under the Coast Guard, which has no specific Magnuson Act appropriation authorization. Furthermore, not all relevant costs are incurred by the Federal government. States and universities conduct research on species managed under the Act. While this information is used to carry out the Act, its costs were not included unless Federal expenditures occurred. In some cases the Federal expenditure was indirect, through Pub. L. 88–309, Sea Grant, or other funding programs. Some of these were included within the terms of the fee authority, but others were not. There is nothing in the Act to limit the recoverable costs to Magnuson Act authorization levels.

NOAA concludes that it is reasonable to include other Federal costs of carrying out the provisions of the Act, and not just the Magnuson Act authorization levels. The question of including non-Federal costs (State and private) will be reviewed when NOAA prepares the 1984 fee schedule.

4. *Comment.* Fees must be based on incremental costs since passage of the Magnuson Act, not on total program costs.

Response: This comment was raised last year, when NOAA decided it was legal to recover total program costs rather than incremental costs. "Incremental" infers NOAA should recover only those costs for programs operating on funds appropriated since FY 1976. The American Fisheries Promotion Act directed NOAA to collect fees "in an amount which bears to the total cost of carrying out the provisions of this Act, including, but not limited to, fishery conservation and management, fisheries research, administration, and enforcement." NOAA believes that the intent of Congress was to collect a specific portion of the total costs of administering the provisions of the Magnuson Act. Also, the Congress was well aware of the difference in total costs versus what had been appropriated for new programs since FY 1976. The congressional budget justifies NOAA's programs based on Magnuson Act operations in total, rather than the funds received for new programs since FY 1976.

NOAA still concludes that calculating the total costs is the appropriate approach to use. Incremental costs are therefore not adopted for this fee schedule.

5. *Comment.* An accounting system is needed to track better the Magnuson Act costs.

Response. Many commenters criticized the methods used in calculating agency costs of administering the Magnuson Act. Issues that were addressed include:

(a) Development of agency policy and legal guidance in establishing guidelines for inclusion of particular activities as a Magnuson Act cost;

(b) Consistent application of the guidelines; and

(c) Development of a suitable means for accounting of costs incurred in administering the Magnuson Act.

Issue (a)—The guidance provided by the Washington Office of NMFS shows an evolutionary path toward a clear and consistent approach. These guidelines form the basis for NMFS field managers to determine which proportion of their program costs should be attributed to the Magnuson Act.

Issue (b)—The guidelines issued in establishing the basis for a cost allocation process must be applied on a consistent basis if an associative cost accounting system is to function properly. The guidelines issued in 1982 were consistently applied among the regions, with a few exceptions. (See Table 2, below). The inconsistencies are corrected in this final rule.

Issue (c)—The current process for estimating Magnuson Act costs is based upon proper cost allocation guidelines and the application of these guidelines through associative cost accounting principles. The NMFS financial accounting system could be modified by using the guidelines to segregate costs into two accounts—one related to the Magnuson Act and the other not. However, this would be a waste of human and computer resources, since the information is needed only once per year.

In conclusion, NMFS uses a formal set of guidelines for its managers to use in determining which program costs are attributable to the Magnuson Act. The same managers would use the same guidelines to break-out Magnuson Act activities if a more detailed accounting system were used. However, there would be no added utility in such a system, but there would be substantial additional burdens placed on fiscal resources. The current system will continue to be used, with appropriate refinements.

6. *Comment.* The criteria used to develop the cost of Magnuson Act activities were not applied consistently and accurately.

Response. NOAA published final cost criteria at 47 FR 625 (January 6, 1982). Several commenters, most notably the Japan Fisheries Association (JFA), questioned: (1) Whether those criteria have been applied consistently by each region and center to each current year operating plan, and (2) whether activities that are only partly attributable to the Magnuson Act have been accurately apportioned. JFA proposed that "specific, detailed, and unambiguous guidelines" be developed

for use by all NMFS offices. Since the only existing guidance (an internal memo to all field offices) is deemed by JFA as vague and conflicting with earlier directives, JFA has disputed the cost allocations of regions and centers.

NOAA agrees that the method used for calculating costs is complex. However, NOAA maintains the general procedure used to determine costs is appropriate. Upon review, NOAA found that the criteria were applied consistently and accurately in all but a few instances. The net change after corrections is insignificant. The JFA concern about consistency is largely a reaction to the different accounting methods used by field offices to budget similar items. For example, Laboratory Directors and their supporting elements may be treated as part of Management Fund in one Center with many programs at each laboratory but as direct program costs in another Center. This approach is consistent with NOAA accounting principles for establishing management funds and simply reflects differing program mixes at the various financial management centers. This causes an appearance of inconsistency when one compares the proportion of the management fund attributable to the Magnuson Act claimed by each financial management center. The Magnuson Act cost will be the same either way and both approaches are proper. Despite such inconsistencies in style, each program and its components have been treated similarly throughout NMFS; the total costs are comparable.

7. *Comment.* The cost estimates are not consistent with last year's methodology, and this fails to conform to the statement in the January 8, 1982 final rule that "The total cost used in future fees can be predicted by applying budget increases, decreases, and reprogramming in Magnuson Act related activities plus an inflation factor to the total cost figure established for the 1982 fees."

Response. While this statement expressed the Agency's intent at the time, it did not create any binding obligation or restrain the Agency from improving its cost determination methodology in future years.

The commenter misleadingly attempts to raise a statement of intent to the level of a binding commitment. Even if the statement quoted were part of a regulation, or a formal interpretive policy statement, it could be changed by the Agency through this rulemaking. There is no requirement to bind NOAA to the January 8, 1982, statement of intent.

8. *Comment.* NOAA must undertake a more detailed and realistic study of the economic impacts of the fee schedule.

Response. The extent of any analysis is largely determined by the amount and level of information available upon which to base that analysis. Congress took this limitation into consideration when it passed the Magnuson Act. Limited information availability constrains the degree of analysis NOAA can perform on related actions such as setting fees.

As a result of limited available economic information, NOAA was forced to confine its study to a review of aggregate effects of the fees. Data which are critical to an analysis of the effects of the proposed fees includes the financial structure of foreign vessels and the flow of fishery products taken in U.S. waters. Because specific financial data were not available, NOAA was unable to analyze the effect of specific fees on foreign vessels fishing in the U.S. FCZ. Furthermore, the RIR was limited to a non-quantitative analysis of the effect of fees on U.S. consumers because of a lack of data concerning the flow of fishery products harvested in the FCZ. As the RIR states, "no factual information is available to distinguish between products caught in the FCZ from those that were not."

The analysis conducted in the RIR is as extensive as possible considering the amount and detail of information available. NOAA believes the analysis is based on the best current information available.

Those nations affected by the fee schedule will have to provide a complete and accurate accounting of the financial structure of their vessels fishing in U.S. waters under all types of harvesting arrangements if they contend better information should be used in the analyses of fee schedules. Those nations will also have to provide data concerning the flow of fishery products taken in the FCZ with particular emphasis on products marketed in the United States.

9. *Comment.* This action should be considered a "major rule."

Response. Executive Order 12291 of February 17, 1981, requires that each agency initially determine whether a rule it intends to propose or to issue is a "major rule." The term "major rule" is defined as any regulation that is likely to result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Comments received on the foreign fee schedule for 1983 questioned the determination that the proposed rule was not a major rule. The determination was questioned on the basis of the analysis of the effects presented. Specific reference was made to:

(a) The effects of the increase in fees on the profitability of foreign vessels.

(b) The effects on joint venture operations between foreign and United States vessels.

(c) The effect on consumers.

(d) The effect on U.S. imports of fishery products.

The draft RIR determined that there would not be a $100 million impact on the economy, no major increase in costs or prices, nor a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S. enterprises to compete in domestic or export markets.

The RIR concluded that the increases in foreign fees for 1983 would add costs to foreign operations and would somewhat reduce their profits. However, no evidence was found in the RIR or presented by other sources during the 68-day comment period to indicate that foreign vessels would actually be forced from the fishery because of the increase in foreign fishing fees. Foreign vessels will likely continue to earn a profit and could continue to operate.

The question concerning the continued operation of joint ventures is based on an assumption that allocations are necessarily made in conjunction with a joint venture. Such allocations may be made to recognize the cooperation of a nation toward development of U.S. fisheries, but no requirement exists to offer such allocations at reduced fees. Joint ventures are not affected by fees for target or bycatch species (the major component of fee schedule). Rather, the fee schedule could promote the expansion of joint venture operations in the foreseeable future since such operations could be conducted at a lower relative cost in 1983.

The amount of foreign fees that could be passed on to U.S. consumers is expected to be insignificant. The RIR estimates that, at a maximum, 1.5 cents per pound in foreign fees could be passed on to consumers. Assuming, as suggested, by one commenter, that this figure should be adjusted for conversion

to a fillet-weight basis for comparative purposes, the effect would still be insignificant at less than 3 percent of average retail prices.

Likewise, consumer prices will not be significantly affected by a possible reduction in imports. The RIR states that imports of the *type* harvested in the FCZ amounted to 265 million pounds. No evidence is available, however, that this total amount is actually taken in the U.S. FCZ. Rather, it is extremely likely that much of this imported fish was *not* caught in U.S. waters and, therefore, would not be subject to a reduction in shipment to the United States. Furthermore, the maximum amount represents only about 3 percent of the total amount of edible fishery products available in the U.S. and additional supplies would likely be available from alternate sources.

A final point of consideration in a determination of "major" is that only incremental costs need be considered. In a June 13, 1981 memorandum, the Office of Management and Budget provided interim regulatory impact analysis guidance which states that "the analysis should include estimates of the present value of all the real incremental costs of the proposed regulatory change." As a result, only the incremental fee increase need be considered in an analysis of the effects of the proposed rule.

None of the comments provided quantifiable information to support a finding that the foreign fishing fee schedule is major.

10. *Comment.* Attributable overhead costs from NOAA and DOC should be included in the recoverable costs in determining foreign fishing fees.

Response. The appropriate proportion (0.5 percent) of the actual 1982 expenditures for NOAA and DOC components that are involved with the Magnuson Act, are included in the final computation of FY 1982 Magnuson Act costs.

11. *Comment.* The costs recovered should include the costs of negotiating and arbitrating the international boundaries of the FCZ.

Response. Under section 202 of the Magnuson Act, State Department was authorized to negotiate the boundaries of the FCZ with adjacent and opposite countries. An agreement was negotiated with Canada under which the location of the boundary of the Gulf of Maine area is being submitted to the International Court of Justice for arbitration. The State Department has set up a special office for this arbitration, and NOAA has devoted many employee-hours to providing necessary background material and new analyses.

Any negotiation or arbitration that deals with the boundary of the FCZ is a cost of carrying out the provisions of the Magnuson Act, especially the provision noted above. To the extent that the Gulf of Maine boundary arbitration deals with the boundary for other purposes (continental shelf mineral rights), however, it is not appropriate to attribute 100 percent of these costs to the Magnuson Act.

Most costs for boundary arbitration are being incurred in FY1983, and will be included in subsequent fee schedules. Those costs incurred by NOAA in FY82 are presently included in the NOAA cost for that year.

12. *Comment.* The Coast Guard cost estimates are invalid.

Response. The Coast Guard provided NMFS with a 1982 estimate of costs for the Magnuson Act of $78,137,100. This compares to a 1981 estimate of $56,700,000. The large increase has been questioned because there has not been a commensurate increase in the Coast Guard budget or its operations. The Japan Fisheries Association submitted a detailed review of the Coast Guard cost-estimating procedures. Several important points are made in that analysis which NOAA pursued with the Coast Guard.

Using summaries of operations data in "Abstracts of Operations," the Coast Guard determines what percentage of its vessel and aircraft direct operating hours are devoted to fisheries enforcement. This percentage is applied to the total costs of maintaining and operating the vessel or aircraft. Some commenters asked whether the activities of Training, Cadet OC, Co-op, Public Information, and Miscellaneous should be excluded from the total costs. After review of these items, it is evident that the Co-op item should be excluded since, per Coast Guard instructions, it is used only for those activities that are not part of the mission of the Coast Guard. However, the other four categories are legitimate overhead items.

The pro rata inclusion of many facility costs which directly support vessel and aircraft operations were included in the Magnuson Act costs for this year. This is the principal reason for the cost increases over the previous year.

The Coast Guard in prior years broke out fisheries from other operational activities. As of October, 1982, they further categorized fisheries activities into domestic and foreign-related activities. Commenters suggested that this be further broken down into Magnuson Act and non-Magnuson Act activities. The Coast Guard operations employees and accountants maintain that nothing would be gained by these further breakdowns because there is virtually no money going to non-Magnuson Act fisheries activities.

The Coast Guard attributes 90 percent of the fisheries activity cost as an estimate of the costs that are devoted to Magnuson Act operations. In reviewing the basis for the 90 percent estimate, it becomes clear that the estimate is very conservative. For example, all aircraft used in fisheries activities are Magnuson Act related. To apply 10 percent against fishery activity cost reduces the overall costs attributable to the Magnuson Act considerably. On review of vessel operations, the 10 percent estimate represents a maximum figure, and Magnuson Act costs could be understated. The Coast Guard is logging their actual operations during 1983 to refine their 10 percent estimate.

The Coast Guard methodology uses data on the direct operating hours of its vessels and aircraft in the calculation to determine the amount of their time spent on fisheries matters as a percentage of total law enforcement time. District Commanders provide percentage estimates of resource utilization for facilities for law enforcement. This latter percentage multiplied by the cost of the facility and the percentage of law enforcement time that is fisheries yields an estimated facility costs for fisheries. One of the commenters did an alternate analysis and, rather than going through an aggregate analysis as used by the Coast Guard, provided a station-by-station analysis. The costs using this alternate methodology appear to be considerably lower. However, this alternative methodology is flawed by not including aircraft operations.

The Coast Guard transfers its personnel about every three years. The costs of the transportation of personnel and related costs are kept in a separate accounting category. The fisheries portion of this category, is $10,575,427, or 8.3 percent of personnel transfer costs. Comments were received suggesting this cost is too high. In reviewing the number of people assigned to fisheries, the three-year rotation period, and the average cost of moves of $10,500, NOAA believes the figure provided for this category of costs is reasonable.

The Coast Guard, in arriving at its estimates of Magnuson Act costs, uses the methodology discussed above. One commenter suggests that direct costs be used as an alternative and cites the standard rates used by the Coast Guard when charging for its services to private entities. However, in reviewing the Coast Guard standard rates, NOAA

found that these rates are based on incremental costs only and are not meant to recover the full costs of providing the services. NOAA believes that full cost recovery is required under the Magnuson Act and that the Coast Guard methodology, as currently used, is the correct approach. NOAA believes the Coast Guard has been very conservative in its determination of the costs attributable to the Magnuson Act.

A summary of the revised 1983 costs are presented in Table 2. Adjustments in the cost schedule are indicated where appropriate.

TABLE 2.— FISCAL YEAR 1982 MAGNUSON ACT COSTS

[Dollars in thousands]

FMC	May 13, 1983 Request estimated costs	Mar. 30, 1983 Adjusted changes	Costs
WO	$13,157.0		$13,157.0
F/NEC	11,576.0		11,576.0
F/SEC	8,999.5		8,999.5
F/SWC	5,485.2		5,485.2
F/NWC	10,338.0	Increase MF to $1,006.0; decrease fish enhance to $55.0	10,676.0
F/NER	3,183.3	80 percent of enforcement = $1,109.3; decrease 83-309 to $378.0.	2,749.6
F/SER	2,875.0	88-309=$1,312.9	2,625.9
F/SWR	1,804.9	88-309/89-304 = $891.8	1,773.3
F/NWR	2,182.2	Delete "international"	2,065.8
F/AKR	2,641.6	Delete $86.OK development; keep MF at 50 percent; delete 38-309/89-304; use 66 percent of $550.OK.	1,919.6
NMFS Total	62,245.7		60,991.9
NOAA:			
0.5 percent of 82 actual for A, MB and NC			506.3
National Ocean Survey fleet operations			146
National Ocean Survey ship operations			2,836
Sea Grant			493
Procurement and Personnel			490
Environmental Data Services			245
NOAA Total			4,716.3
DOC: 0.5 percent 82 actual for GA account			147.8
Grand total			65,856.0

12. *Comment.* An environmental impact statement (EIS) must be prepared to meet the requirements of National Environmental Policy Act (NEPA).

Response. No NEPA document (EIS or environmental assessment (EA)) has ever been prepared on the foreign fee schedule. This decision has been based on the NOAA determination that the schedule represents a "[p]rogrammatic function with no potential for significant environmental impacts" (Revised NOAA Directive (Manual 02-10) Implementing the NEPA and Executive Order No. 12114, sec. 6(c)(3), under "Categorical Exclusions"). Some comments were received by NMFS in 1982 on the categorical exclusion from NEPA, but those arguments were not substantive or compelling. This issue has been raised once again by the Japan Fisheries Association in their comments on the proposed rule. JFA contends that higher fees will reduce foreign harvests, alter population structures, and perhaps even disrupt traditional fishing pattens, the possibility of which they claim constitutes reason enough for NMFS to prepare an EIS. NOAA asserts that environmental considerations for foreign harvests, discussed as total allowable level of foreign fishing (TALFF), are described in the fishery management plans and NEPA documents for the fisheries. JFA disputes this by pointing out that such EISs do not discuss potential effects of *not* harvesting fish.

13. *Comment.* Most foreign vessel operators already minimize their catch of non-target species. Therefore, higher fees for "bycatch" species will not decrease the catch. Under fishery management plans in Alaska, and in the Pacific whiting fishery, there are no provisions for foreign nations to harvest any species on a "bycatch" basis in the sense used in the proposed rule and RIR.

Response. The provision for assessing higher fees for significant bycatch species is removed at this time because some NOAA officials believe it may not be needed to control bycatch in the fisheries in which bycatch fees would be assessed. NOAA will continue to monitor such catch, and the need for improved management controls over the catch.

14. *Comment.* The fees for Atlantic hakes and Pacific whiting should not be unchanged from the 1982 schedule.

Response. The Magnuson Act allows NOAA to consider the economic viability of various fisheries, when setting fees. The extremely low harvest of TALFF for these species may be due to the fees or perhaps other impediments. Since NOAA is not obligated to increase the fees for all species across the board, each year, the proposed fees are unchanged in the final rule.

15. *Comment.* Foreign vessels receiving U.S.-caught fish ("joint venture") should pay poundage fees.

Response. The Magnuson Act directs the agency to encourage the development of the U.S. fishery industry. Greater fees for foreign joint venture vessels, while permissable under the Act, might discourage expansion of joint venture harvests. NOAA has therefore not assessed poundage fees for joint venture catch received by foreign vessels.

Summary

As a result of the comments and responses, the final fee collection target is $43,117,000 (30.3% x $142,591,600 Magnuson Act costs, minus $87,400 in permit application fees). The 1983 fees are 1.28 times the 1982 fees, with the exception of royal red shrimp, Western Pacific precious coral, Atlantic hakes, and Pacific whiting (see preamble to proposed rule).

The 1.28 figure equals $43,117,000 minus the revenues expected from the 4 groups above, divided by the revenues expected from all other fish caught during 1983 at the 1982 price. The final fees are presented in Table 1 at the end of this document.

Response To Request for Additional Comments

NOAA will complete its review of the comments received on proposals for sealed competitive bidding for allocations, and of offering discounted fees. These will be addressed in a future notice.

Classification

The Assistant Administrator has determined that this rule is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator prepared a regulatory impact review which concludes that this rule is not a major rule under E.O. 12291.

The General Counsel of the Department of Commerce certified to the Small Business Administration that the final fee schedule will not have a significant economic impact upon a substantial number of small entities.

Therefore, a regulatory flexibility analysis was not prepared.

This action is categorically excluded from the requirement to prepare an environmental assessment by NOAA Directive 02-10. See response to comment #12 for further discussion.

This rule does not contain a collect of information requirement, for purposes of the Paperwork Reduction Act.

List of Subjects of 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

Dated: June 7, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

PART 611—[AMENDED]

For the reasons in the preamble, 50 CFR Part 611 is amended as follows:

1. The authority citation for Part 611 is:

Authority: 16 U.S.C. 1801 *et seq.*, 22 U.S.C 1980.

2. The title of § 611.22 and Table I of § 611.22(a)(2) are revised to read as follows:

§ 611.22 Fee schedule for foreign fishing.

* * * * *

(a) * * *

(2) * * *

TABLE 1.—SPECIES AND POUNDAGE FEE

[Dollars per metric ton, unless otherwise noted]

Species	Fee
1. Butterfish	150
2. Hake, red	15
3. Hake, silver	15
4. Herring, river	22
5. Mackerel, Atlantic	51
6. Other finfish (Atlantic)	101
7. Sharks (Atlantic)	54
8. Squid, Illex	20
9. Squid, Loligo	110
10. Shrimp, royal red	483
11. Atka mackerel	17
12. Cod, Pacific	58
13. Flatfish (Alaska)	22
14. Flounders (Pacific)	116
15. Jack mackerel	15
16. Pacific ocean perch	83
17. Other groundfish (Alaska)	15
18. Other fish (Pacific)	46
19. Pollock, Alaska	29
20. Sablefish (Alaska)	150
21. Sablefish (Pacific)	150
22. Rockfish	55
23. Snails	10
24. Squid (Pacific)	22
25. Whiting, Pacific	10
26. Western Pacific corals (per kilogram)	70
27. Seamount groundfish	25
28. Dolphinfish (mahi mahi)	110
29. Wahoo	17
30. Sharks (Pacific)	16
31. Swordfish (Pacific)	342
32. Striped martin (Pacific)	549
33. Other Pacific billfish	220

[FR Doc. 83-15672 Filed 6-7-83; 4:54 p.m.]

BILLING CODE 3510-22-M

50 CFR Part 674

[Docket No. 30607-103]

High Seas Salmon Fishery Off Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rule-related notice; closure.

SUMMARY: NOAA issues this notice of closure of the southeast Alaska commercial salmon fishery in the fishery conservation zone beginning at 12:00 (midnight), June 8, Pacific Daylight Time, and continuing until such time that the Director, Alaska Region, National Marine Fisheries Service, in consultation with the Alaska Department of Fish and Game, announces that the fishery will reopen. The closure is necessary to conserve chinook salmon stocks that contribute to the Alaska, Oregon, and Washington salmon fisheries and to delay achievement of the 1983 chinook salmon harvest guideline until after the peak of the coho salmon fishery. This closure complements an identical closure in Alaska territorial waters.

DATES: This notice is effective at 12:00 (midnight), Pacific Daylight Time (PDT), June 8, 1983. This notice of closure was filed for public inspection with the Office of the **Federal Register** on June 8, 1983, at 2:25 p.m. Public comments on this notice of closure are invited until July 9, 1983.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert W. McVery, 907-586-7221.

SUPPLEMENTARY INFORMATION: Salmon fishing in the fishery conservation zone (FCZ) off Alaska is managed under the Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude (FMP), developed and amended by the North Pacific Fishery Management Council (Council) and implemented by NOAA through regulations appearing at 50 CFR Part 674 (46 FR 33041, June 26, 1981; 46 FR 57299, November 23, 1981). Section 674.23 describes procedures to adjust seasons and areas through field order. Section 674.23 was amended as published on April 22, 1983 (48 FR 17358) to clarify the authority of the Secretary of Commerce to use the field order authority to manage the fishery to achieve any specific harvest level within the chinook salmon optimum yield range determined necessary for the conservation and management of chinook salmon. This authority has been delegated to the Director, Alaska Region, National Marine Fisheries Service (Regional Director).

The Council has recommended to the Regional Director that the 1983 harvest guideline for southeast Alaska chinook salmon commercial fisheries be 255,500 fish, the same as in 1982. The Alaska State Board of Fisheries (Board) adopted the identical harvest guideline for State territorial waters. The Council and Board further recommended that the fishery be managed, to the extent possible, with the goal of delaying achievement of the chinook salmon harvest guideline until after the majority of the coho salmon catch has occurred, thereby avoiding a lengthy end-of-season chinook salmon closure while fishermen continued to harvest coho salmon. The chinook salmon season was terminated in 1982 on July 29, near the peak of the coho salmon fishery, because the 255,500 chinook salmon harvest guideline had been reached. Subsequently and as a result of the single species closure, substantial numbers of chinook salmon were reportedly caught and released incidental to coho salmon fishing. This situation was not only harmful to the chinook salmon resource, but if created a serious public relations problem with fishermen.

The Regional Director concurs with the Council and Board and intends to manage the 1983 southeast Alaska commercial salmon fishery in the FCZ, in coordination with the State of Alaska, to achieve a total chinook salmon harvest of 255,500 fish. The Regional Director will coordinate inseason closures with the State of Alaska to attempt to delay the achievement of the chinook salmon harvest guideline until after the peak of the coho season (expected in mid-to late August) and to avoid confusion and facilitate enforcement.

In order to achieve the foregoing objectives, the Regional Director, in consultation with the Alaska Department of Fish and Game (ADF&G), has determined that the southeast Alaska commercial salmon fishery in the FCZ, which opened on May 15, 1983, should be closed for an indefinite length of time beginning at 12:00 p.m. (midnight) PDT, June 8, 1983. Following closure of the fishery on June 8, 1983, the Regional Director will examine the catch and effort data from the May 15 through June 8 fishing period and, in consultation with ADF&G, will determine the date on which the fishery shall be reopened. It is expected that high catches and effort during the early fishing period will result in extending the closure while low

catches and effort will advance the reopening date.

Unless a subsequent rule-related notice in the **Federal Register** provides otherwise, the fishery will reopen beginning on a date between June 25 and July 10 inclusive. The Regional Director will announce the reopening date in accordance with procedures specified in 50 CFR 674.23(b)(2).

This closure will not be effective prior to filing of this notice for public inspection with the Office of the Federal Register and publicizing the closure for 48 hours through ADFG procedures, under 50 CFR 674.23(b)(2). Under 50 CFR 674.23(b)(3), public comments on this notice of closure may be submitted to the Regional Director at the address stated above for 30 days following the effective date. During the 30-day comment period, the data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m.) at the NMFS Alaska Regional Office, Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this notice's continued effect, modifying it, or rescinding it, unless it has already expired.

Other Matters

The Regional Director has determined that the chinook salmon resource harvested in southeast Alaska will be subject to harm due to overharvest unless this order takes effect promptly. The Agency therefore finds for good cause that advance notice and public comment on this order is contrary to the public interest and that there should be no delay in its effective date.

This action is taken under the authority of regulations specified at 50 CFR 674.23, and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 674

Administrative practice and procedure, Fish, Fisheries, Fishing, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: June 8, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-15708 Filed 6-8-83; 2:25 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 114
Monday, June 13, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Registration of Firms To Engage In Foreign Commerce Grain Business

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: In compliance with the requirements for periodic review of existing regulations, the Federal Grain Inspection Service (FGIS or Service) has reviewed and is proposing to revise the regulations under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), concerning the requirement and procedures for registration of firms to engage in foreign commerce grain business. The proposed revision involves rewriting and reorganizing these regulations to simplify, clarify, and condense certain language.

The proposed revision also includes provisions that would: (1) Delete procedures used only during initial implementation of the registration program; (2) delete provisions dealing with withdrawal of an application; (3) delete provisions dealing with possession of certificates since they are issued annually to each approved applicant; (4) delete the requirement that firms that have their registration suspended or revoked return their registration certificates; and (5) delete the provisions concerning numbering and nomenclature of renewed certificates to simplify the mechanics of the registration program so that only a new certificate is issued each year.

DATE: Comments must be submitted on or before August 12, 1983.

ADDRESS: Comments should be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management, USDA, FGIS, Room 0667 South Building, 14th Street and Independence Ave, S.W., Washington, D.C. 20250, telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., address as above, telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1. This action has been classified as "nonmajor" because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it applies to a limited number of firms which engage in foreign commerce grain business and are not considered to be small entities because they are dominant in their area of operation.

Regulation Review

The review of the regulations on Registration (7 CFR 800.30–800.40) included a determination of the continued need for a consequences of the regulations.

An objective of the review was to insure that the language of the regulations is clear and that the regulations are consistent with FGIS policy. FGIS has determined that these regulations are serving their intended purpose; are consistent with FGIS policy; and should remain in effect. FGIS proposes, however, to amend:

(1) Section 800.30 by clarifying and condensing language in the section;

(2) Section 800.31 by clarifying and condensing language in the section;

(3) Section 800.32 by clarifying and condensing language in the section and by deleting the provisions concerning initial implementation of the registration provisions. The initial implementation provisions provided that no person be required to register until 6 months after the effective date of the regulations. Since the initial implementation period is past, these provisions are no longer necessary and FGIS proposes to delete them.

(4) Section 800.33 by clarifying and condensing language in the section and by deleting the provisions concerning withdrawal of an application. These provisions state that an application may be withdrawn at any time. The provisions concerning withdrawal of an application could lead to confusion because registration is mandatory under the Act for firms regularly engaged in foreign commerce grain business and all those firms have registered to date. Accordingly, FGIS proposes to delete the provisions concerning withdrawal of an application. In any event, a firm which withdraws its application any time prior to approval will have the fee refunded in full by FGIS.

(5) Section 800.34 by clarifying and condensing language in the section and by deleting the provisions concerning the prorating of registration fees during initial implementation of these sections. Firms engaged in foreign commerce grain trade were required to register initially in October 1980, and the initial registration was made effective through December 31, 1981. The provisions concerning the prorating of registration fees were included to reduce the cost of initial registration. Since the initial registration period is past, the provisions are no longer applicable and FGIS proposes to delete them.

(6) Section 800.35 by clarifying and condensing language in the section.

(7) Section 800.36 by clarifying and condensing language in the section and by deleting the provisions concerning possession of registration certificates. These provisions state that registration certificates are the property of the Service and that each person who is registered shall have the right to possess the certificate unless it is revoked or suspended. These provisions were included in conjunction with § 800.40 which provides for the return of certifictes in cases where a registration is suspended or revoked. FGIS proposes to change this concept. FGIS proposes to delete § 800.40 concerning the surrender of suspended or revoked certificates so as to simplify the mechanics of the registration program. Accordingly, the provisions on possession of certificates would not be needed and FGIS proposes to delete them.

(8) Section 800.37 by condensing language in the section.

(9) Section 800.38 by clarifying and condensing language in the section and by deleting provisions concerning the content of certificates that are renewed. The provisions regarding renewed certificates were included in the regulations because FGIS initially believed a large number of firms would register. Fewer than 150 firms have registered during each of the 3 years the program has been in effect. While firms will still be permitted to renew their registrations, FGIS proposes to delete the provisions concerning renewed certificates to simplify the mechanics of the registration program. FGIS would issue the same type of registration certificate to all firms regardless of whether they are renewing a registration or registering for the first time. Therefore, FGIS proposes to delete the provision concerning renewed certificates.

(10) Section 800.39 by clarifying and condensing language in the section.

(11) Section 800.40 which requires firms to surrender to FGIS suspended or revoked certificates of registration. These provisions are not needed since a certificate of registration is valid only for the calendar year in which it is issued, and the possession of a suspended or revoked certificate does not enable a firm to engage in foreign commerce grain business. Also, the proposed changes to § 800.36 would no longer make the provisions necessary. FGIS proposes to delete section 800.40.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, Grain.

Accordingly, it is proposed that § 800.40 be removed and §§ 800.30–800.39 be revised to read as follows:

PART 800—[AMENDED]

Registration

§ 800.30 Foreign commerce grain business.

"Foreign commerce grain business" is defined as the business of buying grain for sale in foreign commerce or the business of handling, weighing, or transporting grain for sale in foreign commerce. This provision shall not include:

(a) Any person who only incidentally or occasionally buys for sale, or handles, weighs, or transports grain for sale and is not engaged in the regular business of buying grain for sale, or handling, weighing, or transporting grain for sale;

(b) Any producer of grain who only incidentally or occasionally sells or transports grain which the producer has purchased;

(c) Any person who transports grain for hire and does not own a financial interest in such grain; or

(d) Any person who buys grain for feeding or processing and not for the purpose of reselling and only incidentally or occasionally sells such grain as grain.

§ 800.31 Who must register.

Each person who has engaged in foreign commerce grain business totaling 15,000 or more metric tons during the preceding or current calendar year must register with the Service and shall be deemed to be regularly engaged in foreign commerce grain business. This includes foreign-based firms operating in the United States but does not include foreign governments or their agents. The Service will, upon request, register persons not required to register under this section if they comply with the requirements of §§ 800.33 and 800.34.

§ 800.32 When to register.

A person shall submit an application for registration to the Service at least 30 calendar days before regularly engaging in foreign commerce grain business according to § 800.31. For good cause shown, the Service may waive this 30-day requirement.

§ 800.33 How to register.

Any person who is required or desires to register must submit an application for registration to the Service. Application forms can be obtained from the Service. Each application shall:

(a) Be typewritten or legibly written in English;

(b) Include all information required by the application form; and

(c) Be signed by the applicant.

The information required by this paragraph may be submitted to the Service via telephone, subject to written confirmation. An applicant shall furnish any additional information requested by the Service for consideration of the application.

§ 800.34 Registration fee.

An applicant shall submit the registration fee prescribed in § 800.71 with the completed application. If an application is dismissed, the fee shall be refunded by the Service. No fee or portion of a fee shall be refunded if a person is registered and the registration is subsequently suspended or revoked under § 800.39.

§ 800.35 Review of applications.

(a) The Service shall review each application to determine if it complies with §§ 800.32, 800.33, and 800.34. If the application complies and the fee has been paid, the applicant shall be registered.

(b) If the application does not comply with §§ 800.32, 800.33, and 800.34 and the omitted information prevents a satisfactory review by the Service, the applicant shall be provided an opportunity to submit the needed information. If the needed information is not submitted within a reasonable time, the application may be dismissed. The Service shall promptly notify the applicant, in writing, of the reasons for the dismissal.

§ 800.36 Certificates of registration.

The Service shall furnish the applicant with an original and three copies of the registration certificate. The registration shall be effective on the issue date shown on the certificate. Each certificate of registration is issued on the condition that the registrant will comply with all provisions of the Act, regulations, and instructions. The Service shall charge a fee, in accordance with § 800.71, for each additional copy of a certificate of registration requested by a registrant.

§ 800.37 Notice of change in information.

Each registrant shall notify the Service within 30 days of any change in the information contained in the application for registration. If the notice is submitted orally, it shall be promptly confirmed in writing.

§ 800.38 Termination and renewal of registration.

Each certificate of registration shall terminate on December 31 of the calendar year for which it is issued. The Service shall send a letter to each registrant notifying the registrant of the impending termination of the registration and providing instructions for requesting renewal. The registration may be renewed in accordance with §§ 800.33 and 800.34. Failure to receive the letter shall not exempt registrants from the responsibility of renewing their registration if required by § 800.31.

§ 800.39 Suspension or revocation of registration for cause.

(a) *General.* Registration is subject to suspension or revocation whenever the Administrator determines that the registrant has violated any provision of the Act or regulations, or has been convicted of any violation involving the handling, weighing, or inspection of grain under Title 18 of the United States Code.

(b) *Procedure.* Before the Service suspends or revokes a registration, the

registrant (hereinafter the "respondent") shall be notified of the proposed action and the reasons therefor, and shall be afforded opportunity for a hearing in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary under Various Statutes (7 CFR 1.130–1.151). Prior to formal adjudicatory proceedings, the Service may allow the respondent to express views on the action proposed by the Service in an informal conference before the Administrator. If the Service and the respondent enter into a consent agreement, no formal adjudicatory proceedings shall be initiated.

§ 800.40 Surrender of certificate of registration. [Removed]

(Secs. 18 and 22, Pub. L. 94–582, 90 Stat. 2884 and 2886; 7 U.S.C. 87e and 87f–1)

Dated: May 27, 1983.

Kenneth A. Gilles,

Administrator.

[FR Doc. 83–15797 Filed 6–10–83; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 800

Duties and Conduct of Licensed and Authorized Personnel

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS or Service) has reviewed its regulations on Duties and Conduct of Licensed and Authorized Personnel. FGIS proposes to amend its regulation on: (1) Duties of official personnel and warehouse samplers by deleting the requirement that licensees and warehouse samplers report changes in the scope of their duties and employment; (2) Standards of conduct by adding the coerce or attempt to coerce provision of the regulation on "Conflicts of Interest;" and (3) Conflicts of interest by deleting the provisions on coerce or attempt to coerce and by adding a new paragraph which states that warehouse samplers are exempt from the conflict-of-interest provisions.

DATE: Comments must be submitted on or before August 12, 1983.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management, USDA, FGIS, Room 0667 South Building, 14th Street and Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., (address above), telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1. The action has been classified as nonmajor, because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because: (1) It applies to a limited number of delegated States and designated official agencies under the Act which are not considered to be small entities because they are dominant in their area of operation based on the delegation/designation process; and (2) most other users of FGIS' services are not considered to be small entities.

Review of Regulations

The review of the regulations on Duties and Conduct of Licensed and Authorized Personnel included a determination of the continued need for and consequences of the regulations. An objective was to assure that the language of the regulations is clear and that the regulations are consistent with FGIS policy. FGIS has determined that these regulations in general are serving their intended purpose; are consistent with FGIS policy; and should remain in effect. FGIS proposes, however:

1. To amend § 800.185 by deleting paragraph (g) "Reporting changes" and by redesignating paragraphs (h) as (g), (i) as (h), and (j) as (i). This action eliminates a duplication of effort inasmuch as § 800.185(g) requires of the licensee what § 800.208(a) requires of the agency.

2. To amend §§ 800.186 and 800.187 by deleting paragraph (b)(7) from § 800.187 and adding it to § 800.186 as (b)(7). FGIS believes this provision addressing coerce or attempt to coerce would be more appropriately located under Standards of conduct.

3. To further amend § 800.187 by deleting the words "and warehouse samplers" from paragraphs (c), (d), and (e)(1); by deleting the words "or warehouse samplers" from paragraph (e)(2); by deleting the words "or warehouse sampler" from paragraph (e)(3); by adding a new paragraph (a) to state that warehouse samplers are exempt from the conflict-of-interest provisions of § 800.187; and by redesignating paragraphs (a) as (b), (b) as (c), (c) as (d), (d) as (e), and (e) as (f).

Section 11(a) of the U.S. Grain Standards Act (7 U.S.C. 87(a); the Act) authorizes the Administrator to license qualified employees of any grain elevator or warehouse to perform official sampling functions under such conditions as the Administrator may by regulation prescribe. The 1968 Act contained an almost identical provision (7 U.S.C. 87 (1968)). The Regulations promulgated under the 1968 Act were such that warehouse samplers were not included in the conflict-of-interest provisions (7 CFR 26.87 (1972)). When the regulations were promulgated in 1980 implementing 1976 and 1977 Amendments to the Act, FGIS revised its conflict-of-interest provisions in § 800.187 of the regulations to include warehouse samplers. Presently, warehouse samplers are required to obtain exceptions for any conflict of interest that they may have, including their employment status. Inasmuch as there have not been any problems which have surfaced with respect to conflicts of interest in the warehouse sampler program, FGIS proposes to simplify the conflict-of-interest provisions for warehouse samplers by providing them an exemption from all of the conflict-of-interest provisions of § 800.187. In doing so, the proposal would return the regulations to their pre 1980 treatment of conflicts of interest as to warehouse samplers. However, warehouse samplers would be still subject to the standards of conduct requirements of § 800.186 of the regulations. This proposed change would be consistent with the purposes and objectives of the Act.

No changes to §§ 800.188 and 800.189 are proposed.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, and Grain.

Accordingly, it is proposed that regulations on "Duties and Conduct of Licensed and Authorized Personnel" be amended as follows:

§ 800.185 [Amended]

1. Section 800.185 be amended by removing paragraph (g) and redesignating paragraphs (h) as (g), (i) as (h), and (j) as (i).

§§ 800.186, 800.187 [Amended]

2. Sections 800.186 and 800.187 be amended by removing paragraph (b)(7) from § 800.187 and adding it to § 800.186 as (b)(7).

3. That § 800.187 be further amended by removing the words "and warehouse samplers" from paragraphs (c), (d), and (e)(1); by removing the words "or warehouse samplers" from paragraph (e)(2); by removing the words "or warehouse sampler" from paragraph (e)(3); by adding a new paragraph (a); and by redesignating paragraphs (a) as (b), (b) as (c), (c) as (d), (d) as (e), and (e) as (f) to read as follows:

§ 800.187 Conflicts of interest.

(a) *General.* Warehouse samplers are exempt from the conflict-of-interest provisions of this section.

(b) *What constitutes a gratuity.*

* * * * *

(c) *Conflicts.*

* * * * *

(d) *Reports of interests.* Official personnel shall report information regarding their employment or other business or financial interests which may be required by the Service.

(e) *Avoiding conflicts of interest.* Official personnel shall not acquire any financial interest or engage in any activity that would result in a violation of this § 800.187, or § 800.186, or Section 11 of the Act and shall not permit their spouses, minor children, or blood relatives who reside in their immediate households to acquire any such interest or engage in any such activity. For the purpose of this section, the interest of a spouse, minor child, or blood relative who is a resident of the immediate household of official personnel shall be considered to be an interest of the official personnel.

(f) *Disposing of a conflict of interest.*—(1) *Remedial action.* Upon being informed that a conflict of interest exists and that remedial action is required, an applicant for a license and official personnel shall take immediate action to end the conflict of interest and inform the Service of the action taken.

(2) *Hardship cases.* Applicants and official personnel who believe that remedial action will cause undue personal hardship may request an exception by forwarding to the Service a written statement setting forth the facts, circumstances, and reasons for requesting an exception.

(3) *Failure to terminate.* If a final determination is made by the Service that a conflict of interest does exist and should not be excepted, failure to terminate the conflict of interest shall subject: (i) An applicant for a license to a dismissal of the application; (ii) an employee of the Service to disciplinary action; and (iii) a licensee to license revocation.

(Sec. 13, 16, Pub. L. 94–582, 90 stat. 2880, 2884; (7 U.S.C. 87, 87e))

Dated: May 27, 1983.

Kenneth A. Gilles,

Administrator.

[FR Doc. 83–15706 Filed 6–10–83; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83–NM–42–AD]

Airworthiness Directives: Boeing Model 707 and 720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require inspection and repair, as necessary, of the rudder tab control rod assemblies on Boeing Models 707 and 720 series airplanes. Two operators have reported complete fracture of one of the two rudder tab control rod assemblies. Numerous occurrences of cracking and corrosion have also been reported. Inspection of the rudder tab rod assemblies is necessary to detect failed or severely damaged rudder tab control rods. Failure of both rods could result in loss of the airplane.

DATE: Comments must be received on or before July 18, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Holmes, Airframe Branch, ANM–120S, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington; telephone (206) 767–2516. Mailing Address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. All communications should identify the regulatory docket number and be submitted in duplicate to the address specified below. Communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date of comment at the FAA, Northwest Mountain Region, Office of Regional Counsel, 17900 Pacific Highway South, C–68966, Seattle, Washington, 98168.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped post card on which the following statement is made: Comments to Docket No. 83–NM–42–AD. The post card will be date stamped and returned to the commenter.

Discussion

There are two control rods which drive the rudder tab. One is the rudder tab control rod assembly and the other is the rudder trim tab control rod assembly. During a recent modification, corrosion was found on several rudder tab control rod assemblies. Corrosion has also been reported in the rudder trim tab control rods. Six of seventeen tab control rods initially X-ray inspected had cracks, and two had corrosion. Subsequently, two operators reported complete fracture of the control rod.

Cracks and corrosion have typically been found near the end fitting attachments. An external visual check is required to verify structural integrity. Cracks are apparently initiated by stress corrosion and may exist in rods for a considerable period of time until corrosion inside the tubular section causes total fracture.

Failure of one of the rudder tab control rods may or may not be detected. Failure of both the rudder tab control rod and the rudder trim tab control rod can result in tab flutter with possible loss of the airplane.

Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require visual inspections of both rudder tab control rod assemblies on all 707 and 720 aircraft.

It is estimated that 300 airplanes of U.S. Registry would be affected by this AD, and that it would take 16 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD is estimated to be $192,000. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few

shall entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulation (14 CFR 39.13) by adding the following new airworthiness directive:

Boeing: Applies to Model 707 and 720 Series Aircraft certificated in all categories. Accomplish the following within 300 hours time in service or 12 months, whichever occurs first, after the effective date of this AD, unless already accomplished within the 12 months, and at intervals thereafter not to exceed 12 months:

(a) Remove and visually inspect the entire outside surface of all rudder tab control rods identified by part numbers 69–14346–2, 69–11772–6, 69–11772–12, 69–11275–7, 9–676–3015, 69–11191–1, which have been in service more than 5 years since new or reconditioned. Use a 10X or greater magnification aid for this inspection. Replace the rod if it exhibits cracks, blisters, or corrosion.

(b) Alternate inspection methods or intervals may be used when approved by the Manager, Seattle Aircraft Certification Office, ANM–100S.

(c) Aircraft may be ferried to a base for maintenance in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended [49 U.S.C. 1354(a), 1421, and 1423]; Sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble: the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on June 1, 1983.

Wayne J. Barlow,

Acting Dirctor, Northwest Mountain Region.

[FR Doc. 83–15795 Filed 6–10–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 82–NM–119–AD]

Airworthiness Directives: CASA Models C–212CB and C–212CC Airplanes

AGENCY: Federal Aviation Adminstration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes adoption of a new airworthiness directive (AD) that would require replacement and/or modification of certain components on CASA Models C–212CB and C–212CC airplanes, as necessary, to correct certain unsafe conditions relating to door opening modes including: (1) Forward service doors that do not lock open in the 180 degree position so as to permit safe egress, (2) doors that do not have an appropriate lock indication means, and (3) an inward aft door opening that could be blocked during rapid egress.

DATE: Comments must be received no later than August 1, 1983.

ADDRESSES: Applicable service bulletins may be obtained from Construcciones Aeronauticas S.A., Getafe, Madrid, Spain, or may also be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM–150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767–2530. Mailing Address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rule Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filled in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82–NM–119–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

The FAA has discovered several unsafe items on certain CASA 212 CB and CC airplanes. At present there are approximately 4 CASA Model C–212CB and 27 Model C–212CC airplanes on the U.S. Register. It is considered necessary to issued an AD to modify these airplanes to correct the conditions listed below.

A. *Forward Service Doors.* The forward service door on the left hand side of the CB model and the forward service doors on the left and right hand sides of the CC model are hinged at the forward door frame and open outward. These doors are used by the flight crew but can be used by passengers during emergency egress. The doors are capable of being rotated a full 180 degree arc but only open freely to 90 degrees from the airplane centerline, i.e., the door must be pushed to and held at the 180 degree position. The propeller plane is aft of the door opening. The opening position of the door could result in deplaning occupants moving aft toward the propeller plane and being injured by a propeller blade which could be rotating (spinning down) in an emergency evacuation situation. An evaluation has shown that with the door completely open in the 180 degree position, a safer egress will result. Therefore, the proposed AD requires the installation of an automatic restraining mechanism for the forward doors to lock them open in the 180 degree position to prevent pasenger/crew injury.

B. *Main Aft Passenger Door.* This type I size exist door, located on the left side, is hinged at the aft doorframe and, on opening swings inward and aft. Passengers could crowd against the door during an emergency evacuation preventing the door from being opened which could seriously affect the rapid egress desired. The proposed AD provides for the installation of an outward opening door or cabin rearrangement. If the cabin interior rearrangement option is selected, the CB model airplane will require a cabin attendant seat and related equipment.

C. *Door Locking Mechanism Inspection.* Direct visual inspection of the door locking mechanism is impracticable. The proposed AD provides an individual door warning switch which illuminates a light in the cockpit. This is necessary to assure that the locking mechanism is functioning properly.

This airplane model is manufactured in Spain and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions exist on airplanes of this model registered in the United States, an AD is proposed that would require the previously mentioned modifications.

It is estimated that 31 airplanes would be affected by this AD, that it would take approximately 320 manhours per airplane to accomplish the required actions, and that the average labor cost will be $35 per manhour. Repair parts are estimated at $30,000 per airplane. Based on these figures, the total cost impact of this AD is estimated to be $1,300,000. For these reason, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

CASA: Applies to all model C-212CB and Model C-212CC airplanes certificated in all categories. Compliance required as indicated.

A. To reduce the potential for passenger injury during egress from the forward door, within 600 hours time in service or 4 months after the effective date of this AD, whichever comes first, unless already accomplished modify the forward exit door on the CB model and doors on the CC model to automatically lock full open in accordance with CASA Service Bulletin 212-52-13 dated September 17, 1982.

B. To prevent inability to open the aft left door during an emergency evacuation, accomplish one of the following no later than March 31, 1984: (1) install an FAA approved outward opening door or, (2) rearrange the cabin interior in accordance with CASA Service Bulletin 212-25-30 dated September 14, 1982 and Aircraft Furnishings International Limited Service Bulletin 25-69 dated September 1982.

C. To preclude improper passenger door locking, within the next 600 hours time in service or four months, whichever occurs first after the effective date of this AD, install an individual switch door warning light system for cockpit warning of an unlocked passenger door in accordance with CASA Service Bulletin 212-52-14 R2 dated February 14, 1983.

D. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Secs 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble: The FAA has determined that this document (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington, on June 1, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-15602 Filed 6-10-83; 8:45 am]
BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 82-NM-121-AD]

Airworthiness Directives: Gates Learjet Models 24 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes a new Airworthiness Directive (AD) applicable to all Gates Learjet Model 24 airplanes which provides the hardware changes to correct safety of flight conditions identified by the Special Certification Review (SCR) and relieves limitations imposed by AD 80-19-11. Specifically, this AD requires the installation of an improved pitch trim actuator, trim-in-motion warning, pitch axis master interrupt, autopilot roll rate limiter, autopilot roll monitor, autopilot G-limiter and several other associated alterations found necessary to prevent the hazard created by certain failures of these components in conjunction with the high response rate of the aircraft. Airplanes which have complied with AD 81-16-06, amendment 39-4546, to permit operation at 51,000 feet have met the requirements of this proposed AD.

DATE: Comments must be received on or before August 1, 1983.

ADDRESSES: The applicable service information may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277.

Send comments on this proposal to: FAA, Northwest Mountain Region, Office of the Regional Counsel, Attn: Airworthiness Rules Docket No. 82-NM-121-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Robert R. Jackson, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, Central Region, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 269-7006.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the AD Docket Number and be submitted in duplicate to the address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before action is taken on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report will be filed summarizing each FAA/public contact concerned with the substance of this proposal.

Availability of NPRNS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82-NM-121-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The Gates Learjet Special Certification Review (SCR) was initiated

in June 1980, after several unexplained accidents occurred on the Model 25 series airplanes earlier that year. The SCR identified deficiencies in certain Model 20 series airplane systems and revealed inadequate operational procedures that could result in unsafe conditions in the event of system malfunction or airplane upset. Airworthiness Directive (AD) 80–19–11; Amdt. 39–3932 (45 FR 65999, October 6, 1980). provided and interim solution to the major deficiencies outlined in the SCR. In order to provide an acceptable interim level of safety, AD 80–19–11 through AFM operational and limitations changes, shifted a large burden of responsibility to the pilot to assure that flight critical systems were properly preflighted and operated within an acceptable flight envelope. Since operational changes tend to lose their effectiveness if relied on for extended periods, these changes were envisioned to be used only until the manufacturer developed hardware changes that would provide the permanent improved level of safety required on the affected Learjet models. The initial effort in providing hardware changes was concentrated on the Model 25 series airplanes. Gates Learjet has now developed similar kits for the Model 24 series and the proposed AD requires installation of these kits. Since the issuance of AD 80–19–11, a high altitude accident has occurred on a Model 24 series airplane. The exact cause of this accident has not been determined; however, the accident profile was similar to accidents which have previously occurred on Model 25 airplanes. Pilot training and proficiency may have been a major factor in this particular accident. Additionally, an incident occurred on a Model 24 involving an autopilot pitch synchronizer malfunction which the crew was able to overpower. The SCR modifications would not have prevented the pitch synchronizer malfunction from occurring, but the addition of aural trim-in-motion and pitch axis interrupt could have resulted in earlier recognition and quicker pilot reaction to the malfunction.

The airplane modification kits, prescribed, in the body of this AD, incorporate the inproved pitch trim actuator, trim-in-motion warning, redesigned pitch axis master interrupt, autopilot roll rate limiter, autopilot roll monitor, G-limiter, and stick pull/mach warning changes for all Gates Learjet Model 24 airplanes. The Airplane Flight Manual (AFM) changes, provided with kits, listed in paragraph A.1. of the proposed AD, relieve the limitations, normal operation, and emergency procedures in paragraphs A.2., A.5., and A.6. of AD 80–19–11.

Since unsafe conditions may still exist on Gates Learjet Model 24 airplanes where there is not strict adherence to the procedural changes of AD 80–19–11 and/or maintenance programs, an Airworthiness Directive is being proposed which requires modification of all Learjet Model 24 series airplanes to minimize the potential for hazardous flight conditions.

Approximately 214 airplanes will be affected by this AD. It will take approximately 375 manhours per airplane to accomplish the required action, and the average labor cost will be $34 per hour. Modification kit cost is estimated at $13,600 per airplane. The loss associated with two weeks of down time is estimated to be $7,000. Based on these figures, the total cost impact of this proposed AD is estimated to be $7,136,900. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the FAA proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Gates Learjet: Applies to Gates Learjet Model 24 series airplanes certificated in all categories. Compliance required by June 30, 1984, unless previously accomplished or prior compliance with AD 81–16–08, Amendment 39–4546.

A. Accomplish the requirements of this paragraph at an FAA certificated maintenance repair agency. However, the modification and inspection of the horizontal stabilizer trim actuator as required in the airplane modification kits referenced in Table I may be performed by another FAA certificated repair agency utilizing qualified technicians who must have recent accessory overhaul experience performing the overhaul and test of the Gates Learjet Horizontal Stabilizer Trim Actuator with the necessary shop equipment (Attachment I hereto) as referenced in Learjet Repair Manual Number 1711–9, or the equivalent equipment.

1. Modify all Learjet Model 24 airplane flight control systems, stall warning, and control wheel in accordance with the following:

TABLE I

Gates Learjet airplane modification kit	Learjet Models
AMK 82–5	24, 24A.
AMK 82–1	24B, 24B–A.
AMK 81–18	24D, 24D–A.
AMK 81–13	24E, 24F, 24F–A.

Note.—Modification of JET Autopilot Controllers and Computers required by the above kits must be performed in an FAA approved facility for maintenance of the JET FC–110 autopilot. Facilities not possessing JET FC–110 capability approved by the FAA must send units to an approved facility for modification.

B. Required Airplane Maintenance Record entry must be accomplished by the facility performing its portion of the AD as prescribed in paragraph A. of this AD.

C. Insert in the appropriate sections of the existing Airplane Flight Manual (AFM) the FAA approved temporary Airplane Flight Manual Change or equivalent permanent AFM revision, pertaining to procedures required as a result of the modification of the flight control system in accordance with Airplane Modification Kits. Upon completion of the modifications required by paragraph A. of this AD and the insertion of the temporary AFM changes or equivalent permanent AFM revision, the identified, more restrictive paragraphs A.2., A.5., and A.6., of AD 80–19–11 are no longer applicable.

D. Prior to accomplishing the modification required by paragraph A. of this AD, contact the FAA office noted in paragraph E. of this AD if any modification or alteration has been performed on the affected airplane for further instruction relative to the compatibility of the modification of this AD.

E. Alternate methods of compliance with this AD may be used if they are approved by the Manager, Wichita Aircraft Certification Office, FAA, Central Region.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble: The FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291, and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington, on June 1, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

Attachment I

The stabilizer actuator test stand (P/N St–00463) is used to functionally test the

stabilizer actuator after overhaul. The physical structure of the test must be capable of withstanding a minimum load of 2500 lbs. without any bending or deformation.

The stabilizer actuator is vertically mounted on the test stand with one end stationary and the other end movable through a hydraulic actuator. The test stand consists of the following components:

a. Hydraulic Actuator—The hydraulic actuator is capable of applying a regulated load of 0 to 2500 lbs. on the stabilizer actuator during the entire extend or retract cycles.

b. Hydraulic Pressure Regulator—The pressure regulator is used to select hydraulic pressures applied to the stabilizer actuator during the functional test.

c. Hydraulic Pressure Gauge—The hydraulic pressure gauge is used to monitor hydraulic pressure applied to the stabilizer actuator. The gauge must be certified at least monthly.

d. Digital Position Readout—The digital position readout indicator is used to monitor the travel of the stabilizer actuator. Signals to the indicator are picked up from a rigid mounted linear potentiometer and movable wiper attached to the hydraulic actuator. The digital readout is accurate to 1/1000th of an inch.

e. Linear Scale—A linear scale, graduated in 100th of an inch, is permanently mounted on the test stand to verify the digital readout. A tool of known length is used to verify the linear scale and digital readout before the stabilizer actuator functional test is performed. The tool length must be certified at least yearly.

f. Lapse Timer—A lapse timer is coupled to the control switches and the stabilizer actuator to monitor travel time during the extend and retract cycles. The lapse timer must measure seconds to be accurate to 1/100th of a second.

g. Trim Controller—The trim controller is used to simulate two-speed input to the stabilizer actuator primary motor. The trim controller part number is EM 2079–6.

h. Pre-Select Timer—The pre-select timer is used to check stabilizer actuator travel vs. time, voltage, and amperage inputs in accordance with the functional test.

i. Power Supply—The power supply is variable through 0–30 volts DC and 0–30 amperes DC.

j. DC Voltmeter—The DC voltmeter must be capable of measuring 0–30 volts DC and must be certified at least yearly. The voltmeter is used to monitor the voltage inputs to the stabilizer actuator in accordance with the functional test.

k. DC Ammeter—The DC ammeter must be capable of measuring 0–30 amperes DC and must be certified at least yearly. The ammeter is used to monitor the amperes inputs to the stabilizer actuator in accordance with the functional test.

l. Millivolt Meter—The millivolt meter is used to monitor the stabilizer actuator linear potentiometer for a smooth and steady signal output. The meter is 0–50 volts graduated in 100 mv increments.

m. Switches—Necessary switches installed to operate the stabilizer actuator primary and secondary motors to extend or retract.

n. A digital or Simpson 260 meter, not a part of the test stand, is used to verify the resistance of the stabilizer actuator linear potentiometer. The digital or Simpson 260 meter must be certified at least every 90 working days.

[FR Doc. 83-15794 Filed 6-10-83; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 811 0048]

State Volunteer Mutual Insurance Co., Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violation of federal law prohibiting unfair acts and practice and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, that a physician-owned medical malpractice insurance company located in Brentwood, Tenn. cease failing to apply the same underwriting criteria to both physicians affiliated with self-employed nurse midwives as supervisors or otherwise and those physicians who employ nurse midwives; and refrain from adopting any underwriting criterion or taking any other action that would discriminate between physicians affiliated with nurse midwives and those who are not, without a reasonable underwriting basis for doing so. For a period of ten years from the effective date of the order, the company would have to supply rejected physicians having affiliations with nurse midwives with written notice of specific reasons for the rejection; afford the physician a reasonable opportunity to respond; provide reasons for any final adverse determination; and maintain records of all relevant data. Further, the insurer would have to alter its Underwriting Manual so as to conform with requirements of the order; make its best efforts to have an announcement published in the *Journal of the Tennessee Medical Association* in the form specified; and mail a copy of the announcement to its members and upon request from others.

DATE: Comments must be received on or before August 12, 1983.

ADDRESS: Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/CS–6, Arthur N. Lerner, Washington, D.C. 20580. (202) 724–1341.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Insurance, Midwives, Physicians, Trade practices.

Before Federal Trade Commission

In the Matter of State Volunteer Mutual Insurance Company, Inc., a corporation. File No. 811 0048.

Agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of State Volunteer Mutual Insurance Company, Inc., and it now appearing that State Volunteer Mutual Insurance Company, Inc., hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between State Volunteer Mutual Insurance Company, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent is organized, existing and doing business under and by virtue of the laws of the State of Tennessee, with its office and principal place of business located at 5200 Maryland Way, Suite 100, in the City of Brentwood, State of Tennessee.

2. Solely for purposes of this agreement and order and any subsequent action pursuant to the Federal Trade Commission Act for a violation of this order, proposed respondent admits all the jurisdiction facts set forth in the draft complaint here attached.

3. Proposed respondent waives: (a) Any further procedural steps; (b) the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; (c) all rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and (d) any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft complaint contemplated thereby, will be

placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent: (1) Issue its complaint corresponding in form and substance with the draft complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent State Volunteer Mutual Insurance Company, Inc., and its committees, officers, representatives, agents, employees, successors, and assigns, shall cease and desist from, directly or indirectly:

1. Failing to apply the same underwriting criteria to all physicians who employ, supervise, or are affiliated in any manner with one or more nurse midwives;

2. Adopting any underwriting criterion or taking any other action that has the purpose or effect of discriminating between physicians who supervise or are affiliated in any manner with one or more self-employed or otherwise economically independent nurse midwives and physicians who employ nurse midwives;

3. Adopting any underwriting criterion or taking any other action that has the purpose or effect of discriminating between physicians who employ, supervise, or are affiliated in any manner with one or more nurse midwives and physicians who do not employ or supervise or are not affiliated in any manner with nurse midwives, without a reasonable underwriting basis at the time the action is taken; and

4. For a period of ten (10) years after this Order becomes final, if respondent determines not to insure a physician who employs, supervises, or is affiliated in any manner with one or more nurse midwives, failing to:

a. Provide to the physician clear written notice of the reasons for the determination, specifying the underwriting criteria not met by the physician and explaining in what manner the criteria are not met;

b. Provide to the physician a reasonable opportunity to respond;

c. Provide to the physician a written statement of the reasons and basis for the final decision; and

d. Keep written records of the reasons provided to the physician, the physician's response thereto, if any, and the reasons and basis for the final decision.

II

It is further ordered that respondent State Volunteer Mutual Insurance Company, Inc. shall:

1. Incorporate the requirements of this Order into its Underwriting Manual and make such other changes in its Underwriting Manual as are necessary to make it consistent with the provisions of this Order;

2. Within thirty (30) days after this Order becomes final make its best efforts to have an announcement in the form shown in Appendix A published in the *Journal of the Tennessee Medical Association;* and

3. Disseminate the announcement promptly by mail to its members and to anyone else upon request.

III

It is further ordered that respondent State Volunteer Mutual Insurance Company, Inc. shall:

1. Within sixty (60) days after this Order becomes final submit a written report to the Federal Trade Commission setting forth in detail the manner and form in which the respondent has complied with this Order;

2. For a period of five (5) years after this Order becomes final maintain in a separate file and make available to the Federal Trade Commission staff for inspection and copying, upon reasonable notice, the records required to be kept by Part I of this Order and all documents that discuss, refer or relate to the decisions reflected in those records; and

3. Notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in the respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Order.

Appendix A—Announcement

Pursuant to the provisions of a Federal Trade Commission consent order, State Volunteer Mutual Insurance Company makes the following announcement:

State Volunteer Mutual Insurance Company will insure any otherwise insurable physician at non-discriminatory rates regardless of whether he or she has a contractual or other particular financial arrangement with nurse-midwives. It will evaluate each physician's insurability on an individual basis based on sound, non-discriminatory underwriting criteria. SVMIC will apply the same underwriting criteria to all physicians who are affiliated with nurse-midwives, regardless of the particular form of the arrangement between the physician and the nurse-midwives.

If SVMIC determines not to insure a physician who is affiliated with nurse-midwives, it will notify the physician in writing of the reasons for the determination. The notice will specify the underwriting criteria not met by the physician and explain in what manner the criteria were not met. It will advise that upon written request, SVMIC will provide a hearing at which the physician will have an opportunity to respond to the preliminary determination. SVMIC will also notify the physician in writing of its final determination and, if a decision not to insure the physician has been made, the specific reasons for the determination.

[File No. 811 0048]

Analysis of Proposed Consent Order To Aid Public Comment; State Volunteer Mutual Insurance Company, Inc.

The Federal Trade Commission has accepted an agreement to a proposed consent order from State Volunteer Mutual Insurance Company, Inc. ("SVMIC").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Complaint

The complaint prepared for issuance by the Commission along with the proposed order alleges that SVMIC, a Tennessee physician-owned medical malpractice insurance company, has

combined or conspired with its physician members to restrict competition in the provision of health care services in Tennessee. SVMIC has allegedly manifested a policy against providing malpractice insurance to physicians who agree to provide ongoing medical supervision to self-employed nurse midwives, because those nurse midwives are not employees of the physicians, without any reasonable basis for making this distinction. The complaint alleges that this policy constitutes a boycott or concerted refusal to deal with self-employed nurse midwives and physicians who supervise them, and is a violation of Section 1 of the Sherman Act and Section 5 of the Federal Trade Commission Act.

According to the complaint, the physicians SVMIC insures are its members and elect its Board of Directors, and they are in competition among themselves and with other health care practitioners in Tennessee. The complaint also asserts that for various reasons SVMIC has substantial market power as the dominant malpractice insurer in Tennessee. In 1980 it insured about 80% of those Tennessee physicians who had malpractice insurance.

The complaint alleges that in spring 1980, two nurse midwives, who were licensed by the state of Tennessee and certified by the American College of Nurse-Midwives, established an independent practice. According to the complaint, a licensed physician entered into an agreement to serve as their medical consultant and back-up physician under a written protocol for medical supervision that set forth the relationship and responsibilities of the nurse midwives and the physician for the care of patients. The physician who contracted to provide medical supervision to the nurse midwives was a SVMIC policyholder and member.

The physician-owned SVMIC made a decision, the complaint also alleges, to refuse to continue insuring the nurse midwives' supervising physician, although it continued to insure physicians who employ nurse midwives. Thus, SVMIC allegedly manifested its policy against insuring physicians who agree to provide ongoing medical supervision to self-employed nurse midwives. The complaint alleges that SVMIC had no reasonable justification or substantial basis for its decision. It asserts that SVMIC did not review the medical supervision protocol or consult with physicians familiar with the practice of nurse midwifery, and did not compare the actual operation of the practice of the self-employed nurse midwives to those situations where nurse midwives are employed by physicians. SVMIC allegedly based its decision on the ground that undue risk would be an inherent result of the economic relationship between the midwives and their supervising physician.

According to the complaint, SVMIC did not advise the supervising physician of the reasons or bases for its refusal to continue to insure him and did not allow a record to be kept of the informal hearing it held on his termination.

The complaint alleges several anticompetitive effects resulting from the actions of the physician-owned insurance company. First, physician members of SVMIC who wish to compete through supervision or affiliation with independent nurse midwives have been impeded from doing so, and nurse midwives in Tennessee who wish to engage in independent practices have had difficulty finding physicians to supervise their practices as required by state law. Second, patients have been unreasonably limited in their ability to choose among a variety of health care services on the basis of price, service, and quality. Third, the development of independent nurse midwifery services as a competitive, efficient, cost-effective, and innovative form of health care delivery has been hindered.

The Proposed Consent Order

The proposed order is intended to dissipate the effects of SVMIC's alleged policy of unreasonably refusing to insure physicians who are affiliated with self-employed nurse midwives. Thus, it would prohibit SVMIC from adopting any underwriting criterion, or taking any other action, with the purpose or effect of discriminating between physicians who are affiliated with economically independent nurse midwives and physicians who employ nurse midwives. If SVMIC at some future time obtains evidence that different underwriting risks are associated with the practices of physicians who are affiliated with self-employed nurse midwives and physicians who employ nurse midwives, SVMIC may, of course, petition the Commission for an appropriate modification of the order.

The order also would require SVMIC to apply the same underwriting criteria to all physicians who are affiliated in any manner with nurse midwives. SVMIC could not, therefore, treat physicians who supervise self-employed nurse midwives differently from those who employ nurse midwives. In addition, the order would prohibit SVMIC from adopting any underwriting criterion, or taking any other action, which would have the purpose or effect of discriminating between physicians who are affiliated with nurse midwives and physicians who are not affiliated with nurse midwives, unless SVMIC has a reasonable underwriting basis for such an action at the time it is taken.

The order further requires that, if SVMIC determines not to insure any physician who is affiliated with a nurse midwife, it will provide to the physician clear written notice of the reasons for its determination, a reasonable opportunity for the physician to respond to its determination, and a written statement of the reasons for its final decision. SVMIC would also be required to keep written records of the reasons given to the physician and the physician's response. This provision expires after 10 years.

The proposed order would require that SVMIC incorporate the provisions of the order into its Underwriting Manual. SVMIC would also be required to disseminate to its members (and others upon request) an announcement that it will insure an otherwise insurable physician at non-discriminatory rates, regardless of whether the physician has a contractual or other financial arrangement with nurse midwives, and to make its best efforts to have this announcement published in the *Journal of the Tennessee Medical Association.*

The proposed order is intended to remove a perceived obstacle to the development of the independent practice of nurse midwifery. Independently practicing nurse midwives are likely to provide an innovative form of competition in the delivery of health care services.

The proposed order does not set forth underwriting criteria that SVMIC must use in determining whether to insure physicians who are affiliated with nurse midwives. Rather, the proposed order is intended to ensure that any underwriting criteria applicable to physicians who affiliate with nurse midwives are non-discriminatory and are applied in a non-discriminatory manner. Thus, otherwise insurable physicians who wish to affiliate with nurse midwives will not have to be concerned that they will be denied or will lose medical malpractice insurance coverage as a result of their economic or

financial relationship with the nurse midwives.

Publication of the announcement described above is expected to provide notice to nurse midwives who have been discouraged from setting up independent practices and to physicians considering supervising such midwives that the economic terms under which their practices operate will not jeopardize the malpractice insurance coverage of supervising or consulting physicians who are insured by SVMIC.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 83-15798 Filed 6-10-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Baudette and Warroad, Minnesota, and Dunseith, North Dakota; Change in Hours of Service

AGENCY: Customs Service, Treasury.

ACTION: Wthdrawal of proposed rule.

SUMMARY: This document withdraws a proposal to change the hours of service currently provided at the Customs ports of entry at Baudette and Warroad, Minnesota, and Dunseith, North Dakota, located on the U.S.-Canadian border, in the Pembina, North Dakota, Customs district. Currently, service at these ports is provided on a 24-hour basis daily by Customs and Immigration and Naturalization Service (INS) personnel. However, recently INS withdrew one permanent inspector position from each of these ports. Because of budgetary and personnel constraints, Customs proposed to reduce the current hours of service at these ports to 9:00 a.m. to 10:00 p.m., daily.

After consideration of the numerous comments received in response to the proposal and further review of the matter, it has been determined that service at these ports should continue to be provided on a 24-hour basis for the time being.

DATE: Withdrawal effective June 13, 1983.

FOR FURTHER INFORMATION CONTACT: A. Donald Gilman, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8425).

SUPPLEMENTARY INFORMATION:

Background

Section 101.6, Customs Regulations (19 CFR 101.6), provides that each Customs office shall be open for the transaction of Customs business between the hours of 8:30 a.m. and 5:00 p.m. on all days of the year except Saturdays, Sundays, and national holidays. It also provides that services performed outside a Customs office generally shall be furnished between the hours of 8:00 a.m. and 5:00 p.m. Many offices provide service during hours in addition to those specified in the regulations.

Currently, the Customs ports of entry at Baudette and Warroad, Minnesota, and Dunseith, North Dakota, located on the U.S.-Canadian border, in the Pembina, North Dakota, Customs district, provide service on a 24-hour basis, daily. These ports are jointly staffed by Customs and Immigration and Naturalization Service (INS) personnel. However, recently INS withdrew one permanent inspector position from each of these ports. Because of budgetary and personnel constraints, by notice published in the **Federal Register** on January 4, 1983 (48 FR 268), Customs proposed to reduce the current hours of service at these ports to 9:00 a.m. to 10:00 p.m., daily. Before taking any final action, however, public comments were solicited on the proposed change. Comments were to have been received on or before March 4, 1983.

Discussion of Comments

Approximately two hundred comments were received in response to the notice. All of the comments opposed the change on the grounds that if adopted, it would severely impact agriculture, tourism, local commerce, and the general health and welfare of the affected communities. After careful consideration of these comments and further review of the matter, it has been determined that service at the ports of Baudette, Warroad, and Dunseith, should continue to be provided on a 24-hour basis for the time being. As an interim solution, Customs will reallocate its inspector positions for locations where INS reduces its staff. Accordingly, the proposal is withdrawn.

Drafting Information

The principal author of this document was Jesse V. Vitello, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William von Raab,

Commissioner of Customs.

Approved:

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

May 16, 1983.

[FR Doc. 83-15746 Filed 6-10-83; 8:45 am]

BILLING CODE 4820-02-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2670 and 2675

Powers and Duties of Plan Sponsor of Plan Terminated by Mass Withdrawal; Plan Insolvency

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed regulation sets forth the procedure by which the plan sponsor of a multiemployer plan terminated by mass withdrawal must notify plan participants and beneficiaries and the Pension Benefit Guaranty Corporation of benefit reductions and benefit suspensions. The regulation also prescribes certain determinations to be made by the plan sponsor with respect to the plan's solvency. If a multiemployer plan terminates by mass withdrawal, the Employee Retirement Income Security Act requires the plan sponsor to amend the plan to eliminate certain benefits, to the extent that plan assets are not sufficient to pay all nonforfeitable benefits. If the terminated plan becomes insolvent, the Act requires the plan sponsor to suspend benefits above the highest level that can be paid out of the plan's available resources, but not below the level of basic benefits guaranteed by PBGC. The Act requires PBGC to issue regulations governing notice to participants and beneficiaries concerning these benefit suspensions. The Act also provides that the plan sponsor of a terminated plan that is insolvent has the same powers and duties as the plan sponsor of a non-terminated plan in reorganization that becomes insolvent, except to the extent PBGC regulations modify the exercise of those powers and duties. The effect of this regulation if adopted would be to prescribe certain powers and duties of a plan sponsor of a plan terminated by mass withdrawal and to prescribe the procedures for issuing the notices required by the statute.

DATE: Comments must be received on or before August 12, 1983.

FOR FURTHER INFORMATION CONTACT: J. Ronald Goldstein, Office of the Executive Director, Policy and Planning (140), 2020 K Street, N.W., Washington, D.C. 20006; 202–254–4862.

SUPPLEMENTARY INFORMATION:

Benefit Reductions

Under section 4041A(a) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA" or "the Act"), a multiemployer plan is terminated in one of two ways: (1) A plan amendment is adopted which either provides that participants will receive no credit for any purpose under the plan for service with any employer after a specified date, or causes the plan to become a defined contribution plan; or (2) every employer either withdraws from the plan or ceases to have an obligation to contribute to the plan ("termination by mass withdrawal"). If a plan terminates by mass withdrawal, section 4281 of ERISA imposes certain obligations on the plan sponsor.

Under section 4281(b)(1), the plan sponsor must value the plan's nonforfeitable benefits and plan assets (including outstanding claims for withdrawal liability), in accordance with PBGC regulations, as of the end of the plan year in which the plan terminates by mass withdrawal and each year thereafter. (PBGC expects to prescribe, at a later date, rules for valuing assets and benefits under section 4281(b)(1).) Section 4281(c) provides that if, based on this valuation, nonforfeitable benefits exceed assets, the plan sponsor must amend the plan to reduce benefits that are not eligible for the PBGC guarantee under section 4022A(b) to the extent necessary to ensure that the plan's assets are sufficient, as determined and certified in accordance with PBGC regulations, to pay all nonforfeitable benefits under the plan when due. (PBGC expects to prescribe, at a later date, rules for determining and certifying plan sufficiency under section 4281(c)(1).) Benefits not eligible for the PBGC guarantee under section 4022A(b) are generally non-pension benefits and benefits in effect for less than 5 years. *See* section 4022A(b) of ERISA.

Under section 4281(c)(2)(C) of ERISA, plan amendments reducing benefits must comply with the rules under section 4244A for reducing benefits during reorganization, except to the extent that PBGC prescribes by regulation other rules. For a plan in reorganization, section 4244A(b)(1) prohibits an amendment reducing benefits unless notice has been given at least six months before the first day of the plan year in which the amendment reducing benefits is adopted, advising plan participants and beneficiaries, employers contributing to the plan and employee organizations representing participants that the plan is in reorganization and that accrued benefits will be reduced (or an excise tax imposed) unless contributions are increased. This advance notice permits the parties to the collective-bargaining agreement to negotiate increased contributions to avoid the need for benefit reductions.

In contrast, section 4281(c)(2)(D) requires that a plan terminated by mass withdrawal be amended to reduce benefits no later than six months after the end of the plan year for which the plan sponsor determines that the present value of nonforfeitable benefits exceeds the value of plan assets. These benefit reductions are mandatory, not merely permissible as for plans in reorganization.

Obviously, for the terminated plan, it would serve no purpose to require the six-month advance notice under section 4244A, because there are no employers still contributing to the plan and, therefore, no possibility that contributions may be increased to avoid the need for benefit reductions. However, participants and beneficiaries affected by the benefit reduction should nevertheless be informed that their benefits have been reduced. Therefore, § 2675.2 (a) and (b) of the regulation eliminates the section 4244A(b)(1) notice requirement, and instead requires the plan sponsor to notify PBGC and affected plan participants and beneficiaries of the adoption of an amendment reducing benefits by the earlier of 45 days after the adoption, date of the date or the first reduced benefit payment.

Under section 4281(c) of ERISA, a plan sponsor is required to reduce benefits that are not eligible for the PBGC guarantee under section 4022A(b) only to the extent necessary to ensure that plan assets are sufficient to pay all nonforfeitable benefits under the plan when due. Therefore, there may be several amendments adopted reducing benefits under the plan before all benefits that are not eligible for the PBGC guarantee have been eliminated. The notice requirement of § 2675.2(a) applies to each amendment reducing benefits.

Under § 2675.2(c) of the regulation, personal notice is required to participants and beneficiaries who are in pay status as of the date notice is given and to participants and beneficiaries reasonably expected to enter pay status during the plan year after the plan year in which the amendment is adopted. These participants and beneficiaries will be most immediately affected, and they should receive prompt notice so that they can plan for the benefit reduction. In most cases the plan sponsor will be able to provide notice to participants in pay status no later than 45 days after adoption of the amendment by delivering the notice concurrently with the first benefit payment made after the adoption of the amendment. As a result, the plan will ordinarily incur minimal additional expense in issuing these notices. Identifying and notifying participants and beneficiaries reasonably expected to enter pay during the plan year after the plan year in which the amendment is adopted will involve a slight additional expense to the plan. However, PBGC believes this expense is outweighed by the need to inform these participants of the benefit reductions, because the reductions may affect their decision to retire.

The term "participants and beneficiaries reasonably expected to enter pay status" is defined in § 2670.4 to mean "participants and beneficiaries (other than participants and beneficiaries in pay status) according to plan records, who are disabled, have applied for benefits, or have reached the normal retirement age under the plan, and any others who it is reasonable for the plan sponsor to expect will enter pay status during the applicable period." This determination is to be made by the plan sponsor, and PBGC urges that in doing so, the sponsor keep in mind the importance of notice of the benefit reductions to participants who may be in the process of deciding whether to retire. For example, participants who will attain normal retirement age during the next plan year should normally be included in this group for purposes of issuing the notice of benefit reductions.

Participants and beneficiaries who are not in pay status, nor reasonably expected to enter pay status during the plan year after the plan year in which the amendment is adopted, need not be notified individually of the adoption of an amendment reducing benefits. Section 2675.2(c) of the regulation permits the plan to notify these participants and beneficiaries in any manner reasonably calculated to reach those individuals, such as posting the notice at the worksite, or publication in a union newsletter or newspaper of general circulation in the area or areas where participants reside. PBGC believes that this form of notice is

appropriate because these participants and beneficiaries are not immediately affected by the adoption of an amendment reducing benefits; to require personal notice to each of these participants and beneficiaries would increase the financial burden of the already cash-short plan.

In determining the method of delivery to use, plan sponsors should consider the need for different methods of delivery to different categories of participants, in order to provide adequate notice to all participants and beneficiaries. For example, while posting the notice at the worksite is normally a method of delivery reasonably calculated to reach active participants, it is unlikely to reach participants who have been separated from employment. Therefore, the plan sponsor should consider posting the notice at the worksite, and using another method of delivery, such as publication in a newspaper of general circulation, to reach other participants and beneficiaries.

Under § 2675.2(d) of the regulation, a notice of benefit reductions to PBGC must include the name and other identifying information concerning the plan and a statement that a plan amendment reducing benefits has been adopted, listing the date of adoption and the effective date of the amendment. In addition, the notice must include a certification that all participants and beneficiaries whose benefits are reduced by the plan amendment have been notified.

Under § 2675.2(e) of the regulation, a notice of benefit reductions to participants and beneficiaries must state the name of the plan and that a plan amendment reducing benefits has been adopted, listing the date of adoption and the effective date of the amendment. The notice must also provide a summary of the amendment, including a description of the effect of the amendment on the benefits to which it applies. Finally, the notice must identify an individual designated by the plan sponsor to answer inquiries by participants or beneficiaries concerning benefits (§ 2675.2(e)). This information shall be provided in lieu of the information required by section 4244(b)(2) of the Act (§2675.2(a)). (Section 4244A(b)(2) of the Act requires that a notice of benefit reductions to plan participants and beneficiaries include information as to their rights and remedies, as well as how to contact the Department of Labor for further information and assistance.

Insolvency

If the plan becomes "insolvent" despite elimination of all benefits that are not eligible for the PBGC guarantee, benefits above the "resource benefit level" or the level of basic benefits guaranteed by PBGC, whichever is greater, must be suspended (ERISA, section 4281(d)(1)). Under section 4281(d)(2) of ERISA, a multiemployer plan terminated by mass withdrawal is insolvent if the plan has been amended to eliminate benefits not eligible for PBGC's guarantee, and the plan's available resources (cash, marketable assets, contributions, withdrawal liability payments and earnings, less reasonable administrative expenses) for a plan year are not sufficient to pay benefits under the plan when due for that year. (Of course, a plan also may be insolvent within the meaning of section 4281(d)(2) without being amended to reduce benefits, if all benefits under the plan as of the date the plan terminated by mass withdrawal are eligible for PBGC's guarantee. In this situation, an amendment reducing benefits is unnecessary. *See* § 2670.4 of the regulation.) The resource benefit level is the highest level of monthly benefits that the plan will be able to pay out of available resources for an insolvency year.

(Section 4245(c)(2) requires that benefit suspensions be in substantially uniform proportions with respect to all participants in pay status under the plan, in accordance with regulations prescribed by the Secretary of the Treasury. In addition, the Secretary of the Treasury is authorized to prescribe rules under which the benefits of different groups of participants could be suspended in disproportionate fashion, if varied equitably to reflect variations in contribution rates and other relevant factors reflecting differences in bargained-for levels of financial support for plan benefit obligations. Regulations under section 4245(c)(2) have not yet been issued.)

Section 4281(d)(3) provides that the plan sponsor of an insolvent multiemployer plan terminated by mass withdrawal has the same powers and duties as a plan sponsor of an insolvent multiemployer plan in reorganization. Those powers and duties are described in section 4245 of ERISA. In addition, section 4281(d)(3) requires PBGC to issue regulations governing the plan sponsor's exercise of its powers and duties, and to prescribe notice requirements to assure that plan participants receive adequate notice of benefit suspensions.

Section 4245(d) requires the plan sponsor to make certain determinations relating to the solvency of the plan. Section 4245(d)(1) provides that every three years during the period when a plan is in reorganization, beginning with the end of the first such plan year, the plan sponsor must compare the value of plan assets with the total amount of benefit payments for the year. Unless plan assets exceed three times the total amount of benefit payments, the plan sponsor must determine whether the plan will be insolvent during any of the next three plan years. Under section 4245(d)(2), if at any time the plan sponsor of a plan in reorganization determines, on the basis of the plan's financial experience, that the plan's available resources are not sufficient to pay benefits when due for the forthcoming plan year, the sponsor must make this determination available to interested parties. Finally, section 4245(d)(3) requires the plan sponsor of a plan in reorganization to determine in writing for each insolvency year, the resource benefit level and the level of basic benefits, no later than three months before the insolvency year.

Under section 4245(e)(1) of ERISA, the plan sponsor of a multiemployer plan in reorganization must notify the Secretary of the Treasury, PBGC, contributing employers, employee organizations representing participants, and plan participants and beneficiaries whenever it determines that the plan may become insolvent. For each insolvency year, section 4245(e)(2) further requires the plan sponsor to send written notice of the resource benefit level to the same parties at least two months before the first day of the insolvency year. Under section 4245(e)(3) of ERISA, if the plan sponsor anticipates that the resource benefit level for an insolvency year may not exceed the level of basic benefits, the plan sponsor must notify PBGC.

PBGC believes it is unnecessary to require the plan sponsor of a plan terminated by mass withdrawal to follow all the requirements prescribed for ongoing plans in section 4245 (d) and (e). The principal reason for this is that, typically, when such a plan becomes insolvent, it will continue to be insolvent in subsequent plan years because there are no contributing employers. Accordingly, in the interests of preserving plan assets and minimizing reporting and record-keeping requirements to the extent reasonable, this regulation modifies and reduces the determination and notice requirements under section 4245 (d) and (e) of the Act. Pursuant to section 4281(d)(3) of ERISA, this regulation supersedes the

requirements of section 4245 (d) and (e) as they apply to plans terminated by mass withdrawal.

Determinations of Plan Solvency

Section 2675.3(a) of the regulation requires an annual insolvency determination. For a plan that has been amended to eliminate all benefits not eligible for the PBGC guarantee, the plan sponsor must determine whether the plan is expected to be insolvent for the plan year beginning after the amendment is effective and for each plan year thereafter. For a plan under which all benefits are eligible for the PBGC guarantee as of the date the plan terminated by mass withdrawal, the plan sponsor must determine whether the plan is expected to be insolvent for the second plan year beginning after the first plan year for which it is determined under section 4281(b)(1) of the Act that the value of nonforfeitable benefits under the plan exceeds the value of the plan's assets and for each plan year thereafter. In both situations, the determination must be made no later than six months before the beginning of the plan year to which it applies.

The determination required under § 2675.3(a) is different from the determinations required under ERISA section 4245(d)(1). PBGC believes that the annual determination required under § 2675.3(a) provides a more direct and meaningful method of determining whether a plan terminated by mass withdrawal is in imminent danger of becoming insolvent. Further, PBGC believes that the § 2675.3(a) annual determination requirement is likely to be less burdensome than the rules in section 4245(d)(1) for a marginally solvent or insolvent plan, *i.e.*, a plan that does not have available plan assets that exceed three times benefit payments. This is because under section 4245(d)(1) the plan sponsor must determine whether the plan will be insolvent in any of the next three plan years, while under § 2675.3(a) an insolvency determination must be made for the next plan year only.

Section 2675.3(b) of the regulation provides that, notwithstanding a prior determination of plan solvency for the current or next plan year under § 2675.3(a), a plan sponsor who has reason to believe, taking into account the plan's recent and anticipated financial experience, that its determination for the current or next plan year is incorrect, shall redetermine whether the plan is expected to be insolvent for that plan year.

Required Notices

Once the plan sponsor determines that the plan is, or is expected to be, insolvent for a plan year, the sponsor must issue certain notices. The regulation limits the notices to only PBGC and plan participants and beneficiaries. Because all employers have withdrawn from, or are not longer obligated to contribute to, the plan, there are no contributing employers to notify. There will also be no collective bargaining representative with respect to the plan. A mass withdrawal would result only if: (a) There had been bargaining with the representative resulting in the cessation of the obligation to contribute; or (b) there were a cessation of the employer's entire operations, in which case no bargaining representative would remain; or (c) there were a cessation only of those operations covered by the plan, in which event there would be no affected employees for which there would be a bargaining representative. Requiring plans to identify and notify collective bargaining representatives of employees in plans that have terminated by mass withdrawal would create additional costs to the plan, with little benefit to participants and beneficiaries. (However, notice to collective bargaining representatives of employees covered by the plan may be permitted as an alternative method of notifying certain groups of participants and beneficiaries. *See* below.) Finally, PBGC and the Internal Revenue Service have agreed that, pending the issuance of Treasury regulations, giving notice to PBGC under this regulation will satisfy the requirement to give notice to the Secretary of the Treasury under section 4281(d)(3) of the Act.

Under this regulation, plan sponsors of insolvent plans terminated by mass withdrawal are required to give two types of notices to PBGC and to participants and beneficiaries: (1) A notice of insolvency when the plan sponsor first determines that the plan is or may be insolvent and an annual update thereafter; and (2) a notice of the insolvency benefit level for each insolvency year.

Notice of Insolvency and Annual Update

Under § 2675.4(a) of this regulation, a plan sponsor who determines under § 2675.3(a) or (b) that the plan is or may be insolvent for a plan year, must send a notice of insolvency to PBGC and to plan participants and beneficiaries. The notice must be delivered generally within 30 days after the plan sponsor makes the determination that the plan is or may become insolvent (§ 2675.4(c)). For participants and beneficiaries in pay status, the plan sponsor may deliver the insolvency notice concurrently with the first benefit payment made after the determination of insolvency, even if that payment is later than 30 days after the insolvency determination is made (§ 2675.4(c)). PBGC believes that the additional administrative expense that would result from requiring a separate mailing to these individuals outweighs the benefits from giving them notice within a shorter time.

Typically, when a plan that has terminated by mass withdrawal becomes insolvent, it will continue to be insolvent in subsequent plan years (because there is no ongoing funding of the plan). Section 2675.4(a) provides, therefore, that a new notice of insolvency need not be sent to PBGC and to plan participants and beneficiaries for subsequent insolvency years. Instead, under § 2675.4(b), an abbreviated annual update must be sent to PBGC and plan participants and beneficiaries for each plan year beginning after the plan year for which the notice of insolvency was required to be delivered. The plan sponsor is required to deliver the annual updates no later than 60 days before the beginning of each year (§ 2675.4(d)). The annual update must be issued for each year after the first insolvency year, whether or not the plan will be insolvent for that year. (However, to avoid duplication during insolvency years, the plan sponsor need not issue an annual update to plan participants and beneficiaries who are issued a notice of involvency benefit level for the year. The notice of insolvency benefit level is discussed in the next section of this preamble.)

If, after determinng under § 2675.3(a) that the plan will not be insolvent for the next plan year and issuing annual updates on that basis, the plan sponsor determines under § 2675.3(b) that the plan is or may be insolvent for that year, the plan sponsor need not issue revised annual updates (§ 2675.4(b)). PBGC believes that there is no need to require the plan sponsor to issue revised annual updates because the notice of insolvency benefit level will provide adequate notice of plan insolvency to the immediately affected plan participants and beneficiaries and to PBGC. However, if the plan sponsor has not yet issued annual updates for that year, the plan sponsor must mail or otherwise deliver the annual updates by the later of 60 days before the beginning of the plan year for which the annual update is issued or 30 days after the date of the plan sponsor's determination

under § 2675.3(b)(2675.4(d)). This allows the plan sponsor at least 30 days after the date of its determination under § 2675.3(b) to prepare and send the annual updates to PBGC and plan participants and beneficiaries.

The following example illustrates the application of these rules regarding the notice of involvency and annual updates. Plan X has a calendar year plan year. In June 1983, the plan sponsor of Plan X determines that Plan X will be insolvent in 1984. The plan sponsor must issue a notice of insolvency to PBGC and to participants and beneficiaries within 30 days after making the determination. (Participants and beneficiaries in pay status may be sent the insolvency notice concurrently with the first benefit payment made after the determination of insolvency. *See* Discussion above.) The plan sponsor must issue an annual update to PBGC and to participants and beneficiaries for 1985 and for each year thereafter, no later than 60 days before the beginning of each year.

Under § 2676.4(e) of the regulation, notices of insolvency are required to be delivered by mail or by hand to participants and beneficiaries in pay status as of the date the notice is given. These participants and beneficiaries will be most immediately affected by the insolvency, and it is, therefore, most important that they receive notice of the insolvency so that they can plan for the anticipated suspension of part of their benefits. Further, the plan is already communicating with participants and beneficiaries in pay status, and therefore the inclusion of the insolvency notice with benefit payments should not add significantly to the financial burden of the plan.

Participants and beneficiaries not in pay status need not be notified individually of the insolvency. Section 2675.4(e) of the regulation permits the plan to notify these participants and beneficiaries in any manner reasonably calculated to reach them (as permitted under § 2675.2(c) for the notice of benefit reductions. PBGC believes that this form of notice is appropriate because these participants and beneficiaries are not immediately affected by the insolvency; to require personal notice to each of these participants and beneficiaries would unnecessarily increase the financial burden of the already cash-short plan.

Similarly, under § 2675.4(f) of the regulation, an annual update must be provided to participants and beneficiaries in any manner reasonably calculated to reach them. However, for an insolvency year, the plan sponsor need not issue an annual update to plan participants and beneficiaries who are issued a notice of insolvency benefit level. PBGC believes that this is adequate notice under the circumstances, and, of course, it will lessen the plan's expenses. When a plan terminated by mass withdrawal becomes insolvent, it typically will continue to be insolvent in subsequent years. PBGC expects that participants and beneficiaries, having previously been advised of plan insolvency by the notice of insolvency, will keep informed about the plan's financial condition through inquiries to plan officials and word of mouth. In addition, the notice of insolvency benefit level (discussed in the next section of this preamble) will provide personal notice of benefit suspensions to these individuals.

Section 2675.5 of the regulation prescribes the contents of the notices of insolvency and annual updates. Under § 2675.5(a), the notice of insolvency to PBGC must include the name and other identifying information concerning the insolvent plan, the plan year for which the plan sponsor has determined that the plan is or may be insolvent, a copy of the plan document currently in effect and a comparison of the plan's available resources with annual benefit payments for the insolvency year. A copy of the most recent actuarial report must accompany the notice. In addition, a copy of the most recent Schedule B (Form 5500) must be submitted, if the Schedule B was prepared more recently than the most recent actuarial report. If a notice of insolvency is filed less than five months before the beginning of the plan year for which it applies (*i.e.*, after the date when the notice should have been filed if the plan sponsor had determined the potential insolvency pursuant ot § 2675.3(a)), it must contain a statement whether the date of filing is the result of an insolvency determination under § 2675.3(b). This information is necessary because the notice is normally issued by a certain date, and when it is issued after that date the reason for the delayed filing should be disclosed. (All other notices required by this regulation whose filing is delayed because of an insolvency determination under § 2675.3(b) must also so state.) Finally, a certification that all participants and beneficiaries have been notified must be included in the notice.

Under § 2675.5(b) of the regulation, the notice of insolvency to participants and beneficiaries must state the plan year for which the plan sponsor has determined that the plan is or may be insolvent, and that, during an insolvency year, benefits above the amount that can be paid from available resources or the level guaranteed by PBGC, whichever is greater, will be suspended.

Section § 2675.5(c) of the regulation provides that an annual update to PBGC must contain only a copy of the update issued to participants and beneficiaries and a certification that all participants and beneficiaries required to be notified have been notified. Section 2675.5(d) of the regulation provides that the annual update to participants and beneficiaries must state when the notice of insolvency was sent and the insolvency year identified in that notice, the plan year to which the update pertains, and the plan sponsor's determination whether the plan may be insolvent in that year. If the plan may be insolvent in that year, the update must state the benefits above the amount that can be paid from available resources or the level guaranteed by PBGC, whichever is greater, will be suspended. If the plan will not be insolvent for the plan year, the update must state that full nonforfeitable benefits under the plan will be paid.

Notice of Insolvency Benefit Level

Under section 4245(e)(2) of ERISA, the plan sponsor of a multiemployer plan in organization must notify PBGC and interested parties of the plan's resource benefit level for an insolvency year, at least two months before the first day of the year. If the resource benefit level is below the basic benefit level guaranteed by PBGC, the plan sponsor must apply to PBGC for financial assistance (section 4245(f)(2) of ERISA). Because benefits cannot be suspended below the level guaranteed by PBGC, the regulation provides the the notice to participants and beneficiaries must state the level of benefits that will be paid to the participant or beneficiary during the year (the "insolvency benefit level"), rather than the resource benefit level. This will avoid creating unnecessary concern among participants and beneficiaries that benefits will be reduced below the guaranteed level.

Section 2675.6(a) of the regulation requires that a plan sponsor issue notices of insolvency benefit level for each insolvency year to PBGC and to participants and beneficiaries in pay status or reasonably expected to enter pay status during the insolvency year. Notices must be delivered by mail or by hand, no later than 60 days before the beginning of each insolvency year (§ 2675.6 (b) and (c)). A plan sponsor who determines under § 2675.3(b) that the plan is or may be insolvent for a plan year shall mail or otherwise deliver notices of insolvency benefit level by the later of 60 days before the beginning of the insolvency year or 60 days after

the date of the plan sponsor's determination under § 2675.3(b) (§ 2675.6(b)). Participants and beneficiaries neither in pay status, nor expected to enter pay status during the insolvency year, need not be notified of the insolvency benefit level. Because the purpose of the notice of insolvency benefit level is to advise participants and beneficiaries of the reduced benefits they will receive during the insolvency year, it follows that only participants and beneficiaries in pay status or reasonably expected to enter pay status during the insolvency year need be given the notice.

Section 2675.7 prescribes the contents of the notices in insolvency benefit level. Under § 2675.7(a), a notice of insolvency benefit level to PBGC must include the name and other identifying information concerning the insolvent plan, the insolvency year for which the notice is being filed, a comparison of the plan's available resources with annual benefit payments in the insolvency year, the estimated amount of the annual benefits guaranteed by PBGC for the insolvency year, and the amount of financial assistance, if any, requested from PBGC. A copy of the plan document in effect during the insolvency year and the most recent actuarial report must be included. In addition, a copy of the most recent Schedule B (Form 5500) must be submitted, if the Schedule B was prepared more recently than the most recent actuarial report. The plan sponsor need not submit a copy of the plan, the most recent actuarial report or the Schedule B, if the document was previously submitted.

Under § 2675.7(b) of the regulation, a notice of insolvency benefit level to participants and beneficiaries must state the insolvency year for which the notice is being sent and the benefit that the participant or beneficiary will receive during that year. The notice must also state that in subsequent plan years, depending on the plan's available resources, the benefit may be increased or decreased, but not below the level guaranteed by PBGC, and that the participant or beneficiary will be notified in advance of the new benefit level if it is less than the participant's full nonforfeitable benefit under the plan. In addition, the notice must state the amount of the participant's monthly nonforfeitable benefit under the plan and the amount of the participant's monthly benefit is guaranteed by PBGC, in order to inform the participant of the highest and lowest monthly amount he or she may receive in subsequent plan years.

Financial Assistance

If the plan's resource benefit level is less than the level of benefits guaranteed by PBGC, the plan sponsor is required to apply to PBGC for financial assistance (section 4245(f)(2)). Furthermore, under section 4245(f)(1), a plan sponsor who anticipates that the plan will not have sufficient funds to pay guaranteed benefits for any month of an insolvency year may apply to PBGC for financial assistance, even though the resource benefit level is above the guarantee level. Under section 4281(d)(3), these rules apply to multiemployer plans that have terminated by mass withdrawal. Section 4281(b)(1) provides that financial assistance shall be provided under such conditions as PBGC determines are equitable and are appropriate to prevent unreasonable loss. Therefore, § 2675.7(a)(12) of the regulation provides that PBGC may request additional information if the plan sponsor requests financial assistance.

E.O. 12291 and Regulatory Flexibility Act

The Pension Benefit Guaranty Corporation has determined that this regulation is not a "major rule" for the purposes of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under section 605(b) of the Regulatory Flexibility Act, the Pension Benefit Guaranty Corporation certifies that this rule will not have significant economic impact on a substantial number of small entities. Pension plans with fewer than 100 participants have traditionally been treated as small plans. The proposed regulation affects only multiemployer plans covered by PBGC. Defining "small plans" as those with under 100 participants, such plans represent only 10 % of all multi-employer plans covered by PBGC (200 out of 2000). Further, small multiemployer plans represent only .3% of all small plans covered by the PBGC (200 out of 61,200) and less than .05% of all small plans (200 out of 427,900). Moreover, PBGC expects that this regulation will affect very few plans. Based on PBGC's experience to date, it is estimated that no more than 10 multiemployer plans will be terminated by mass withdrawal in any given year, and that many of these plans will close-out by distributing all plan assets in satisfaction of all nonforfeitable benefits under the plan. Thus, PBGC expects there to be few plans that may need to reduce or suspend benefits. Therefore, compliance with sections 603 and 604 of the Regulatory Flexibility Act is waived.

Comments

Interested parties are invited to submit comments on this proposed regulation. Comments should be addressed to: Assistant Executive Director for Policy and Planning, Pension Benefit Guaranty Corporation (140), 2020 K Street, NW., Washington, D.C. 20006. Written comments will be available for public inspection at the above address, Suite 7100, between the hours of 9:00 a.m. and 4:00 p.m. Each person submitting comments should include his or her name and address, identify this proposed regulation, and give reasons for any recommendation. This proposal may be changed in light of the comments received.

List of Subjects

29 CFR Part 2670

Employee benefit plans, Pension insurance.

29 CFR Part 2675

Employee benefit plans, Pensions.

In consideration of the foregoing, it is proposed to amend Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations, as follows:

1. Part 2670 is amended by adding a new § 2670.4 at the end to read as follows:

PART 2670—DEFINITIONS

Authority: Section 4002(b)(3), Pub. L. 93-406, as amended by Section 403(1), Pub. L. 96-364, 94 Stat. 1208, 1302 (1980) (29 U.S.C. 1302).

§ 2670.4 Insolvency definitions for ongoing and terminated plans.

For purposes of Parts 2674 and 2675—

"Actuarial report" means a report submitted to the plan in connection with a valuation of plan assets and liabilities, prepared in accordance with generally accepted actuarial principles.

"Available resources" means, for a plan year, the plan's cash, marketable assets, contributions, withdrawal liability payments and earnings, less reasonable administrative expenses and amounts owed for the plan year to PBGC under section 4261(b)(2) of the Act.

"Financial assistance" means financial assistance from PBGC under section 4261 of the Act.

"Insolvent" means that a plan is unable to pay benefits when due for the plan year. A plan terminated by mass withdrawal is not insolvent unless it has been amended to eliminate all benefits that are not eligible for PBGC's guarantee under section 4022A(b) or, in the absence of an amendment, all benefits under the plan are eligible for PBGC's guarantee under section 4022A(b).

"Insolvency benefit level" means the greater of the resource benefit level or the basic benefit level guaranteed by PBGC for each participant and beneficiary in pay status.

"Insolvency year" means a plan year in which the plan is insolvent.

"Participants and beneficiaries reasonably expected to enter pay status" means plan participants and beneficiaries (other than participants and beneficiaries on pay status) according to plan records, who are disabled, have applied for benefits, or have reached the normal retirement age under the plan, and any others who it is reasonable for the plan sponsor to expect will enter pay status during the applicable period.

"Reorganization" menas reorganization under section 4241(a) of the Act.

"Resource benefit level" means the highest level of monthly benefits that the plan sponsor determines can be paid for a plan year out of the plan's available resources.

"Terminate by mass withdrawal" means to terminate under section 4041A(a)(2) of the Act.

2. A new Part 2675 is added to read as follows:

PART 2675—POWERS AND DUTIES OF PLAN SPONSOR OF PLAN TERMINATED BY MASS WITHDRAWAL: PLAN INSOLVENCY

Sec.

2675.1 Purpose and scope.
2675.2 Notice of benefit reductions.
2675.3 Periodic determinations of plan solvency.
2675.4 Notice of insolvency.
2675.5 Contents of notice of insolvency and annual updates.
2675.6 Notice of insolvency benefit level.
2675.7 Contents of notice of insolvency benefit level.
2675.8 PBGC address.

Authority: Sections 4002(b)(3) and 4281, Pub. L. 93–406, 88 Stat. 829, 1004 (1074), as amended by sections 403(1) and 104 (respectively), Pub. L. 96–364, 94 Stat. 1302 and 1261–9 (1980) (29 U.S.C. 1302(b)(3) and 1441).

§ 2675.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to prescribe certain powers and duties of plan sponsors of multiemployer plans terminated by mass withdrawal. This part establishes the procedures for notifying plan participants and beneficiaries and PBGC of benefit reductions or suspensions, pursuant to section 4281 of the Act. This part also prescribes the determinations to be made by plan sponsors with respect to plan solvency, pursuant to section 4281 of the Act. The rules prescribed in this part supersede the notice requirements of section 4244A(b)(1)(A) and (b)(2) of the Act and the determination and notice requirements of section 4245(d) and (e) of the Act.

(b) *Scope.* This part applies to multiemployer plans covered by section 4021(a) of the Act and not excluded by section 4021(b), that have terminated by mass withdrawal under section 4041A(a)(2) of the Act.

§ 2675.2 Notice of benefit reductions.

(a) *Requirement of notice.* A plan sponsor of a multiemployer plan under which a plan amendment reducing benefits is adopted pursuant to section 4281(c) of the Act, shall so notify PBGC and plan participants and beneficiaries whose benefits are reduced by the amendment. The notices shall be delivered in the manner and within the time prescribed, and shall contain the information described in this section. The notice required in this section shall be filed in lieu of the notice described in section 4244A(b)(2) of the Act.

(b) *When delivered.* The plan sponsor shall mail or otherwise deliver the notices of benefit reduction no later than 45 days after the amendment reducing benefits is adopted, or the date of the first reduced benefit payment, whichever is earlier.

(c) *Method of delivery.* The notices of benefit reductions shall be delivered by mail or by hand to PBGC and to plan participants and beneficiaries who are in pay status when the notice is required to be delivered or who are reasonably expected to enter pay status during the plan year after the plan year in which trhe amendment is adopted. The notice to other participants and beneficiaries whose benefit is reduced by the amendment shall be provided in any manner reasonably calculated to reach those participants and beneficiaries.

Reasonable methods of notification include, but are not limited to, posting the notice at participants' worksites or publishing the notice in a union newsletter or newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to that participant's beneficiary or beneficiaries.

(d) *Contents of notice to PBGC.* A notice of benefit reductions required to be filed with PBGC pursuant to paragraph (a) of this section shall contain the following information:

(1) The name of the plan.

(2) The name, address and telephone number of the plan sponsor and of the plan sponsor's duly authorized representative, if any.

(3) The nine-digit Employer Identification Number (EIN) assigned by the Internal Revenue Service to the plan sponsor and the three-digit Plan Identification Number (PIN) assigned by the plan sponsor to the plan, and, if different, the EIN or PIN last filed with the PBGC. If no EIN or PIN has been assigned, the notice shall so state.

(4) A statement that a plan amendment reducing benefits has been adopted, listing the date of adoption and the effective date of the amendment.

(5) A certification, signed by the plan sponsor (or a duly authorized representative), that notice of the benefit reductions has been given to all participants and beneficiaries whose benefit is reduced by the plan amendment, in accordance with the requirements of this section.

(e) *Contents of notice to participants and beneficiaries.* A notice of benefit reductions required under paragraph (a) of this section to be given to plan participants and beneficiaries whose benefit is reduced by the amendment shall contain the following information:

(1) The name of the plan.

(2) A statement that plan amendment reducing benefits has been adopted, listing the date of adoption and the effective date of the amendmemt.

(3) A summary of the amendment, including a description of the effect of the amendment on the benefits to which it applies.

(4) The name, address and telephone number of the plan administrator or other person designated by the plan sponsor to answer inquiries concerning benefits.

§ 2675.3 Periodic determinations of plans solvency.

(a) *Annual insolvency determination.* The plan sponsor of a plan that has been amended under section 4281(c) of the Act to eliminate all benefits not eligible for PBGC's guarantee under section 4022A(b) of the Act, shall determine in writing whether the plan is expected to be insolvent for the plan year beginning after the amendment is effective and for each plan year thereafter. The plan sponsor of a plan under which all benefits are eligible for PBGC's guarantee under section 4022A(b) of the

Act as of the date the plain terminated by mass withdrawal, shall determine in writing whether the plan is expected to be insolvent for the second plan year beginning after the first plan year for which it is determined under section 4281(b)(1) of the Act that the value of nonforfeitable benefits under the plan exceeds the value of the plan's assets and for each plan year thereafter. A determination required under this paragraph shall be made no later than six months before the beginning of the plan year to which it applies.

(b) *Other determination of insolvency.* Notwithstanding a prior detemination of plan solvency for the current or next plan year under paragraph (a) of this section, a plan sponsor who has reason to believe, taking into account the plan's recent and anticipated financial experience, that its determination for the current or next plan year is incorrect, shall redetermine whether the plan is expected to be insolvent for that plan year.

§ 2675.4 Notice of insolvency and annual updates.

(a) *Requirement of notice of insolvency.* A plan sponsor who determines that the plan is, or is expected to be, insolvent for a plan year, shall issue a notice of insolvency to PBGC and to plan participants and beneficiaries. Once a notice of insolvency has been issued to PBGC and to plan participants and beneficiaries, no notice of insolvency need be issued for subsequent insolvency years. Notices shall be delivered in the manner and within the time prescribed in this section and shall contain the information described in § 2675.5.

(b) *Requirement of annual update.* A plan sponsor who has issued notices of insolvency to PBGC and plan participants and beneficiaries shall thereafter issue annual updates to PBGC and participants and beneficiaries for each plan year beginning after the plan year for which the notice of insolvency was issued. However, for an insolvency year, the plan sponsor need not issue an annual update to plan participants and beneficiaries who are issued a notice of insolvency benefit level in accordance with § 2675.6 A plan sponsor who, after issuing annual updates for a plan year, determines under § 2675.3(b) that the plan is or may be insolvent for a plan year, need not issue revised annual updates. Annual updates shall be delivered in the manner and within the time prescribed in this section and shall contain the information described in § 2675.5.

(c) *Notice of insolvency—when delivered.* Except as provided in the next sentence, the plan sponsor shall mail or otherwise deliver the notices of insolvency no later than 30 days after the plan sponsor determines that the plan is or may be insolvent. However, the notice to plan participants and beneficiaries in pay status may be delivered concurrently with the first benefit payment made after the determination of insolvency.

(d) *Annual updates—when delivered.* Except as provided in the next sentence, the plan sponsor shall mail or otherwise deliver annual updates no later than 60 days before the beginning of the plan year for which the annual update is issued. A plan sponsor who determines under § 2675.3(b) that the plan is or may be insolvent for a plan year and who has not at that time issued annual updates for that year, shall mail or otherwise deliver the annual updates by the later of 60 days before the beginning of the plan year for which the annual update is issued or 30 days after the date of the plan sponsor's determination under § 2675.3(b).

(e) *Notice of insolvency—method of delivery.* The notices of insolvency shall be delivered by mail or by hand to PBGC and plan participants and beneficiaries in pay status when the notice is required to be delivered. Notice to participants and beneficiaries not in pay status shall be provided in any manner reasonably calculated to reach those participants and beneficiaries. Reasonable methods of notification include, but are not limited to, posting the notice at participants' worksites or publishing the notice in a union newsletter or newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to that participant's beneficiary or beneficiaries.

(f) *Annual update—method of delivery.* Each annual update shall be delivered by mail or by hand to PBGC. Each annual update to plan participants and beneficiaries shall be provided in any manner reasonably calculated to reach participants and beneficiaries. Reasonable methods of notification include, but are not limited to, posting the notice at participants' worksites and publishing the notice in a union newsletter or newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to that participant's beneficiary or beneficiaries.

§ 2675.5 Contents of notice of insolvency and annual updates.

(a) *Notice of insolvency to PBGC.* A notice of insolvency required under § 2675.4(a) to be filed with PBGC shall contain the following information:

(1) The name of the plan.

(2) The name, address and telephone number of the plan sponsor and of the plan sponsor's duly authorized representative, if any.

(3) The nine-digit Employer Identification Number (EIN) asigned by the Internal Revenue Service to the plan sponsor and the three-digit Plan Identification Number (PIN) assigned by the plan sponsor to the plan, and, if different, the EIN or PIN last filed with PBGC. If no EIN or PIN has been assigned, the notice shall so state.

(4) The IRS Key District that has jurisdiction over determination letters with respect to the plan.

(5) The case number, if any, assigned to the plan by PBGC. If the plan has no case number, the notice shall state whether the plan previously filed a notice of benefit reduction with PBGC or a notice of insolvency with PBGC prior to the plan's termination and, if so, the type of notice and the date on which it was filed.

(6) A statement of the plan year for which the plan sponsor has determined that the plan is or may be insolvent.

(7) A copy of the plan document currently in effect, *i.e.*, a copy of the last restatement of the plan and all subsequent amendments.

(8) A copy of the most recent acturial report for the plan. In addition, a copy of the most recent Schedule B (form 5500) for the plan, if the Schedule B was prepared more recently than the most recent actuarial report.

(9) The estimated amount of annual benefit payments under the plan (determined without regard to the insolvency) for the insolvency year.

(10) The estimated amount of the plan's available resources for the insolvency year.

(11) The estimated amount of the annual benefits guaranteed by PBGC for the insolvency year.

(12) If a notice of insolvency is filed less than five months before the beginning of the plan year for which it applies, a statement whether this is the result of an insolvency determination under § 2675.3(b).

(13) A certification, signed by the plan sponsor (or a duly authorized representative), that notices of insolvency have been given to all plan participants and beneficiaries in accordance with this part.

(b) *Notice of insolvency to participants and beneficiaries.* A notice of insolvency required under § 2675.4(a) to be issued to plan participants and

beneficiaries shall contain the following information:

(1) The name of the plan.

(2) A statement of the plan year for which the plan sponsor has determined that the plan is or may be insolvent.

(3) A statement that, during the insolvency year, benefits above the amount that can be paid from available resources or the level guaranteed by PBGC, whichever is greater, will be suspended, with a brief explanation of which benefits are guaranteed by PBGC.

(4) If the notices of insolvency are issued to plan participants and beneficiaries (other than those in pay status) less than five months before the beginning of the plan year for which they are issued, a statement whether this is the result of an insolvency determination under § 2675.3(b).

(5) The name, address, and telephone number of the plan administrator or other person designated by the plan sponsor to answer inquiries concerning benefits.

(c) *Annual updates to PBGC.* Each annual update required by § 2675.4(b) to be filed with PBGC shall contain the following information:

(1) The case number assigned to the plan by PBGC.

(2) A copy of the annual update to plan participants and beneficiaries, as described in paragraph (d) of this section, for the plan year.

(3) If an annual update is filed less than 60 days before the beginning of the plan year for which it is issued, a statement whether this is a result of an insolvency determination under § 2675.3(b).

(4) A certification, signed by the plan sponsor (or a duly authorized representative), that the annual update has been given to all plan participants and beneficiaries in accordance with this part.

(d) *Annual updates to participants and beneficiaries.* Each annual update required by § 2675.4(b) to be issued to plan paticipants and beneficiaries shall contain the following information:

(1) The name of the plan.

(2) A statement of when the notice of insolvency was issued and the insolvency year identified in the notice.

(3) A statement of the plan year to which the annual update pertains and the plan sponsor's determination whether the plan may be insolvent in that year.

(4) If the plan may be insolvent for the plan year, a statement that benefits above the amount that can be paid from available resources or the level guaranteed by the PBGC, whichever is greater, will be suspended, with a brief explanation of which benefits are guaranteed by PBGC.

(5) If the plan will not be insolvent for the plan year, a statement that full nonforfeitable benefits under the plan will be paid.

(6) If the annual updates are issued less than 60 days before the beginning of the plan year for which they are issued, a statement whether this is the result of an insolvency determination under § 2675.3(b).

(7) The name, address and telephone number of the plan administrator or other person designated by the plan sponsor to answer inquiries concerning benefits.

§ 2675.6 Notice of insolvency benefit level.

(a) *Requirement of notice.* For each insolvency year, the plan sponsor shall issue a notice of insolvency benefit level to PBGC and to plan participants and beneficiaries in pay status or reasonably expected to enter pay status during the insolvency year. The notices shall be delivered in the manner and within the time prescribed in this section and shall contain the information described in § 2675.7.

(b) *When delivered.* The plan sponsor shall mail or otherwise deliver the notices of insolvency benefit level no later than 60 days before the beginning of the insolvency year. A plan sponsor who determines under § 2675.3(b) that the plan is or may be insolvent for a plan year shall mail or otherwise deliver the notices of insolvency benefit level by the later of 60 days before the beginning of the insolvency year or 60 days after the date of the plan sponsor's determination under § 2675.3(b).

(c) *Method of delivery.* The notices of insolvency benefit level shall be delivered by mail or by hand to PBGC and to plan participants and beneficiaries in pay status or reasonably expected to enter pay status during the insolvency year.

§ 2675.7 Contents of notice of insolvency benefit level.

(a) *Notice to PBGC.* A notice of insolvency benefit level required by § 2675.6(a) to be filed with PBGC shall contain the following information:

(1) The name of the plan.

(2) The name, address and telephone number of the plan sponsor and of the plan sponsor's duly authorized representative, if any.

(3) The nine-digit Employer Identification Number (EIN) assigned by the Internal Revenue Service to the plan sponsor and the three-digit Plan Identification Number (PIN) assigned by the plan sponsor to the plan, and, if different, the EIN or PIN last filed with PBGC. If no EIN or PIN has been assigned, the notice shall so state.

(4) The IRS Key District that has jurisdiction over determination letters with respect to the plan.

(5) The case number assigned to the plan by PBGC.

(6) The insolvency year for which the notice is being filed.

(7) A copy of the plan document currently in effect, *i.e.*, a copy of the last restatement of the plan and all subsequent amendments. However, if a copy of the plan was submitted to PBGC with a previous notice of insolvency or notice of insolvency benefit level, only subsequent plan amendments need be submitted, and the notice shall state when the copy of the plan was submitted.

(8) A copy of the most recent actuarial report for the plan. In addition, a copy of the most recent Schedule B (Form 5500) for the plan, if the Schedule B was prepared more recently than the actuarial report. If the actuarial report or Schedule B was previously submitted to PBGC, it may be omitted from the notice. If the actuarial report or Schedule B is omitted, the notice shall state the date on which the document was filed and that the information is still accurate and complete.

(9) The estimated amount of annual benefit payments under the plan (determined without regard to the insolvency) for the insolvency year.

(10) The estimated amount of the plan's available resources for the insolvency year.

(11) The estimated amount of the annual benefits guaranteed by PBGC for the insolvency year.

(12) The amount of financial assistance, if any, requested from PBGC. When financial assistance is requested, PBGC may require the plan sponsor to submit additional information necessary to process the request.

(13) If the notice of insolvency benefit level is filed less than 60 days before the beginning of the plan year for which it is issued, a statement whether this is the result of an insolvency determination under § 2675.3(b).

(14) A certification, signed by the plan sponsor (or a duly authorized representative) that a notice of insolvency benefit level has been sent to all plan participants and beneficiaries in pay status or reasonably expected to enter pay status during the insolvency year, in accordance with this part.

(b) *Notice to participants in or entering pay status.* A notice of insolvency benefit level required by § 2675.6(a) to be delivered to plan

participants and beneficiaries in pay status or reasonably expected to enter pay status during the insolvency year for which the notice is given, shall contain the following information:

(1) The name of the plan.

(2) A statement of the insolvency year for which the notice is being sent.

(3) The monthly benefit that the participant or beneficiary will receive during the insolvency year.

(4) A statement that in subsequent plan years, depending on the plan's available resources, this benefit level may be increased or decreased but not below the level guaranteed by PBGC, and that the participant or beneficiary will be notified in advance of the new benefit level if it is less than the participant's full nonforfeitable benefit under the plan.

(5) The amount of the participant's or beneficiary's monthly nonforfeitable benefit under the plan.

(6) The amount of the participant's or beneficiary's monthly benefit that is guaranteed by PBGC.

(7) It the notices of insolvency benefit level are issued less than 60 days before the beginning of the plan year for which they are issued, a statement whether this is the result of an insolvency determination under § 2675.3(b).

(8) The name, address and telephone number of the plan administrator or other person designated by the plan sponsor to answer inquiries concerning benefits.

§ 2675.8 PBGC address.

All notices required to be filed with PBGC under this part shall be addressed to the Division of Case Classification and Control, Office of Program Operations (542), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Issued in Washington, D.C. on this 6th day of June, 1983.

Raymond Donovan,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Notice of Proposed Rulemaking.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 83-15628 Filed 6-10-83; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Consideration of Amendments to the Kentucky Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Reopening of public comment period.

SUMMARY: OSM is reopening the period for review and comment on certain amendments submitted by the Commonwealth of Kentucky to its program for the regulation of suface coal mining and reclamation in the State. The amendments relate to: (1) Operations involving the crushing, screening or loading of coal, and (2) auger mining. OSM is reopening the comment period to allow the public sufficient time to consider and comment on the proposed amendments in light of revised Federal rules published in the **Federal Register** subsequent to the close of the initial public comment period on Kentucky's amendments.

DATES: Written comments, data or other relevant information must be received on or before 4:00 p.m., June 28, 1983, to be considered.

ADDRESSES: Comments should be sent or hand-delivered to: W. H. Tipton, Director, Kentucky Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40507.

FOR FURTHER INFORMATION CONTACT: W. H. Tipton, Director, Kentucky Field Office, Office of Surface Mining, 340 Legion Drive, Suite, 28, Lexington, Kentucky 40504. Telephone: (606) 233-7327.

SUPPLEMENTARY INFORMATION: On May 28, 1982, OSM received, pursuant to the 30 CFR 732.17 State program amendment procedures, certain revisions to the State rules and laws. On july 23, 1983, OSM published a notice in the **Federal Register** announcing receipt of the amendments to the Kentucky program and inviting public comment thereon (47 FR 31890-31896). The public comment period ended August 23, 1982. A public hearing was held August 12, 1982. OSM published a second notice in the **Federal Register** on September 8, 1982, announcing receipt of provisions to satisfy conditions (k) and (l), and inviting public comment on whether the proposed amendments corrected these deficiencies (47 FR 39536-39537). The public comment period ended October 8, 1982. A public hearing scheduled September 22, 1982, was not held because no one expressed a desire to present testimony.

On January 4, 1983 (48 FR 245-252), OSM published a notice in the **Federal Register** which: (1) Removed and amended certain conditions; (2) approved certain other program amendments; (3) deferred Secretarial action on the following proposed Kentucky rule revisions: 405 KAR 7:020 Section 1(86), 8:050 Section 2, 16:020 Section 4 and 16:190 Section 2(2); (4) deferred Secretarial action on the following proposed Kentucky statutory revisions: KRS 350.060 Sections 5(21) and 5(22), 350.093(2), and 350.062(9), contained in Senate Bill 218; (5) approved certain clarifications to the Kentucky program contained in a letter from the State, dated June 18, 1982; (6) deferred Secretarial action on the clarification in the June 18, 1982, letter relating to incidental boundary revisions; and (7) deferred Secretarial action on whether the material submitted by Kentucky satisfied condition (1).

On May 13, 1983 948 FR 21574-21579), OSM published a notice in the **Federal Register** which: (1) Removed condition (1); (2) approved amendments to KRS 350.062(9) and 350.093(2) and 405 KAR 16:020 Section 4; and (3) created two new conditions of approval, relating to the deferral of contemporaneous reclamation (KRS 350.093(2) and 405 KAR 16:020 Section 4) and the definition of "principal shareholder" (KRS 350.060 Section 5(g) and 405 KAR 7:020 Section 1(86)).

On April 28, 1983 (48 FR 19314-19322), OSM published a notice in the **Federal Register**, effective May 27, 1983, revising its rules for conducting auger mining. On May 5, 1983 (48 FR 20392-2402), OSM published a notice in the **Federal Register**, effective June 6, 1983, amending its rules applicable to support facilities and coal preparation plants. These OSM rule revisions relate to certain of the items listed above on which the Secretary deferred action in the January 4, 1983 **Federal Register** notice as follows: (1) 405 KAR 8:050 Section 2 and 16:190 Section 2(2), and KRS 350.060 Section 5(21) (augering), and (2) KRS 350.060 Section 5(22) (support facilities and coal preparation plants).

OSM is reopening the comment period to allow the public sufficient time to review and comment on the above Kentucky amendments as they relate to the above described OSM rule changes. If the amendments are approved, they will become part of the Kentucky program.

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of SMCRA.

Additional Information

1. *Compliance With the National Environmental Policy Act.* Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental document need be prepared on this rulemaking as State program decisions are exempt from compliance with the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*

2. *Executive Order No. 12291 And the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

(Pub. L. 95–87; Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*)

Dated: June 8, 1983.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 83–15800 Filed 6–10–83; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 938

Public Comment Period and Opportunity for Public Hearing on Proposed Condition of Approval to the Pennsylvania Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and the opportunity for public hearing on the proposed action to impose a new condition of the Secretary of the Interior's approval of the Pennsylvania Permanent Regulatory Program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed action is made to comply with a United States District Court decision in *Pennsylvania Coal Mining Assoc.* v. *Watt* regarding the hearings provision for bond release in the Pennsylvania program.

This notice sets forth the times and locations that the Pennsylvania program is available for public inspection, the comment period during which interested persons may submit written comments on the proposed action, and information pertinent to the public hearing.

DATES: Written comments, data or other relevant information relating to the imposition of the condition to the Pennsylvania program not received on or before 4:00 p.m. on July 13, 1983 will not necessarily be considered.

A public hearing on the proposed modifications has been scheduled for July 8, 1983, at the address listed under "**ADDRESSES.**"

Any person interested in making an oral or written presentation at the hearing should contact Mr. Robert Biggi at the address or phone number listed below by the close of business *four working days* before the date of the hearing. If no one has contacted Mr. Biggi to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Biggi by the above date, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, 101 South 2nd Street, Suite L–4, Harrisburg Pennsylvania 17101.

The public hearing will be held at the Penn Harris Gator Inn and Convention Center at the Camp Hill bypass at U.S. 11 and 15, Camp Hill, Pennsylvania in the Keystone-A Convention Room.

Copies of the Pennsylvania program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM and State regulatory authority offices listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street NW., Washington, D.C. 20240;
Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101; or
Pennsylvania Department of Environmental Resources, Fulton Bank Building, Tenth Floor, Third and Locust Streets, Harrisburg, Pennsylvania 17120.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101; Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION: The Pennsylvania program was conditionally approved by the Secretary of the Interior on July 30, 1982 (47 FR 33050–33080). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the condition of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register.**

Background

Section 509(a) of SMCRA provides that the permittee file a performance bond with the regulatory authority before a surface coal mining and reclamation permit is issued. The permittee may file a request for release of all or part of the performance bond as specified in section 519 of SMCRA. Section 519(f) further provides that a hearing, if requested, be held within 30 days of the request for the hearing, and that a decision be rendered within 30 days of the conclusion of the hearing. Similarly, the Federal regulations at 30 CFR 807.11(e)(2), (f)(2) and (h)(ii) require the regulatory authority to hold the informal conference or hearing within 30 days of the receipt of the request for review and that the hearing decision be

made within 30 days of the hearing or informal conference.

The United States District Court for the Middle District of Pennsylvania in *Pennsylvania Coal Mining Assoc.* v. *Watt*, civil No. 82–1129, April 20, 1983, remanded to the Secretary the corresponding provision in the Pennsylvania program concerning the timing of the bond release hearing and decision. The District Court decided that Pennsylvania's bond release provisions are not consistent with SMCRA and the Federal regulations in that the Pennsylvania program does not provide when or how soon the hearing must be held after it is requested and does not require a decision to be announced until 60 days after the hearing. The District Court remanded this provision of the Pennsylvania program to the Secretary with instructions to rectify this matter.

Therefore, the Secretary proposed to add a new condition to the Pennsylvania program whereby the State must amend its program by a specified date to incorporate requirements no less effective than 30 CFR 807.11(e)(2), (f)(2) and (h)(ii). The Secretary requests public comment on this proposed action.

Pursuant to 30 CFR 732.17(e), the Secretary notified Pennsylvania by letter of June 7, 1983, that a State program amendment is required because conditions or events indicate that the approved State program no longer meets the requirements of SMCRA and the Federal regulations. Therefore, pursuant to 30 CFR 732.17(f)(1), Pennsylvania shall submit to the Secretary within 60 days after notification either a proposed written amendment or a description of an amendment to be proposed that meet the requirements of SMCRA and the Federal regulations, and timetable for enactment which is consistent with established administrative or legislative procedures. Failure of the State to submit the proposed amendment or description and the enactment timetable within the prescribed 60 days, or subsequent failure to comply with the submitted timetable, or disapproval by the Secretary of the amendment, could result in proceedings under 30 CFR Part 733 to either enforce that part of the State program affected or withdraw approval, in whole or in part, of the State program and implement a Federal program.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3,4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirement; rather, it would insure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 938

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, 30 CFR Part 938.11 is proposed to be amended as set forth herein.

Dated: June 7, 1983.

J. R. Harris,

Director, Office of Surface Mining.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

PART 938—PENNSYLVANIA

30 CFR 938.11 is proposed to be amended by adding new paragraph (k) to impose an additional condition as follows:

§ 938.11 Conditions of State regulatory program approval.

* * * * *

(k) Termination of the approval found in § 938.10 will be initiated on ————, unless Pennsylvania submits to the Secretary by that date, a copy of promulgated regulations, or otherwise amends its program to certain provisions no less effective than 30 CFR 807.11 (e)(2), (f)(2) and (h)(ii) to require the State to provide for hearings or informal conferences to be held within 30 days from the receipt of the request and that the hearing decision be made within 30 days of the hearing or informal conference.

[FR Doc. 83–15606 Filed 6–10–83; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD 78–151]

Inland Waterways Navigation Regulations; Connecting Waters From Lake Huron to Lake Erie

Correction

In FR Doc. 83–14897 beginning on page 25231 in the issue of Monday, June 6, 1983, make the following correction:

On page 25233, first column, under *Speed Rules, § 162.138*, third paragraph, fourth line, "patterns or vessel" should have read "patterns of vessel".

BILLING CODE 1505–01–

POSTAL SERVICE

39 CFR Part 111

Identification of Special Rate Bulk Third-Class Mailers

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule is designed to assure that, when an authorized nonprofit organization or political committee sends bulk third-class matter at special rates of postage, the full name and return address of the special-rate permit holder will appear both on the envelope and in a prominent location on the enclosed material. The existing regulation requires only that this information appear either on the envelope or in a prominent location on the enclosed material.

The primary purpose of the proposal is to assist postal employees in the task of verifying the eligibility of matter posted at taxpayer-subsidized special third-class rates. As a byproduct the members of the public who receive these mailings also should be better able to tell who the permit holder is.

DATE: Comments must be received on or before July 13, 1983.

ADDRESS: Written comments should be mailed or delivered to the Director, Office of Mail Classification, Rates and Classification Department, Room 8340, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260. Copies of all written comments will be available for

inspection and photocopying between 9:00 AM and 4:00 PM, Monday through Friday, in Room 8340, at the above address.

FOR FURTHER INFORMATION CONTACT: James F. Harding, (202) 245–4512.

SUPPLEMENTARY INFORMATION: On September 12, 1980, the Postal Service published for comment in the **Federal Register** a proposed change to 623.6 of the Domestic Mail Manual as described above. 45 FR 60452. Interested persons were invited to submit written comments concerning the proposed changes by October 14, 1980.

Written comments were received from a labor organization, an individual, four advertising or public relations companies, and sixteen nonprofit organizations. Because of the length of time since the first proposal was published, the fact that we are revising and clarifying the proposal in accordance with certain letters of comment, and the need to know how much lead time would be required to permit mailers to use existing stationery stocks, we have decided to publish this second proposal and seek comments from the public on it. Our analysis of the comments on the first proposal and the action we took on those comments, as reflected in the second proposal, follow.

One commenter approved the proposed change generally, but opposed the portion which would require written permission from the General Manager in order to use an abbreviation of the nonprofit organization's name. The reason given was an expectation of "devastating" delays before the General Manager reaches a decision. The requirement for approval of the use of abbreviations is needed to avoid circumvention of the regulation by use of little-known abbreviations. We agree that undue administrative delays could be harmful. If a final rule is adopted, special attention will be given by the General Manager to assure prompt action on such requests. Sufficient lead time will be provided initially so that current permit holders will not be disadvantaged.

Some commenters expressed fears that the proposed regulation would curtail the use of "creative," "personalized," "individual" fund-raising communications, and that solicitors would be "locked in" to using nothing but "inflexible" or "official looking" requests for contributions. In particular, several commenters opposed any prohibition against using a "famous name" to attract attention, in a letterhead, or above the return address on the envelope or as signer. The same concern was expressed about a "personalized" appeal by a patient, or the parents of a sick child. We have taken care to assure that such fears are without foundation. The proposed amendment to the regulation would not preclude or restrict the use of another name as "sponsor" or "endorser" of the fund appeal. It would only require that the name of the nonprofit organization appear on the mail, along with anything else that is included. For further reassurance on this point, the proposed regulation has been revised to spell out more specifically that the name of sponsors or endorsers may appear on the material being mailed.

One commenter suggested that where a fund appeal uses the letterhead of a "famous" person, the name and address of the nonprofit organization should be printed at the bottom of the page of the solicitation letter. We have not specified where the nonprofit organization's name and address should appear, other than to say it should be in "a prominent location." Generally speaking, we see no reason why the bottom of the page could not qualify as "a prominent location."

One commenter argued that the proposal would regulate the content of letterheads in a manner that violates the First Amendment to the U.S. Constitution. It was apparent from the enclosure offered by this commenter as an example of what it wanted to retain the right to mail at reduced rates that the argument rested on a misunderstanding of what we are proposing. The sample mailing enclosed by this commenter does prominently disclose the name of the permit holder, although not in the letterhead. This practice would continue to be permissible under the proposed rule. Since the First Amendment argument was addressed to a hypothetical situation not raised by the proposed rule, we find it unnecessary to consider that argument in detail. The proposed rule requires only the affirmative inclusion of needed identifying information relating to the permit holder in order to exercise the benefit of the permit. It does not impinge on constitutionally protected expression.

The initial proposed rule included a portion of the existing regulation which provides that "Pseudonyms or bogus names of persons or organizations may not be used." Upon further consideration, we have eliminated this sentence from the second proposal for several reasons. The sentence could be read to cover a trade name, since trade names are pseudonyms employed for marketing purposes. Prohibiting the inclusion of trade names in this way might amount to a prior restraint on free speech, *Near* v. *Minnesota*, 283 U.S. 697 (1931); such prior restraints must be supported by governmental interests strong enough to scale the high constitutional barriers placed against them. *Nebraska Press Ass'n* v. *Stuart*, 427 U.S. 539 (1976). We do not believe the quoted sentence from the present rule is supported by very strong governmental interests, since the needs of consumers are met by the required inclusion of identifying information and by existing statutory and regulatory provisions, such as 18 U.S.C. 1341 (Frauds and swindles), and 39 U.S.C. 3001 (Nonmailable matter), 3003 (Mail bearing a fictitious name or address), 3005 (False representations; lotteries), and 3007 (Detention of mail for temporary periods).

We have attempted in the revised proposal and in this Supplementary Information to respond fully to the comments received. We hope that a close review of the revised proposal and the explanation will resolve any outstanding questions in this area. Nevertheless, we are inviting any further comments which the public may have on the proposed regulation as revised. We also specifically solicit mailers' advice concerning the lead time that may be needed in making the changes effective, including estimates of the time they would need to exhaust existing supplies of stationery.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 623—SPECIAL BULK RATES

In part 623 of the Domestic Mail Manual, revise 623.6 to read as follows:

623.6 Identification. The full name and return address of the organization authorized under 642 to mail at the special bulk rates must appear both on the address side of the mailing piece and in a prominent location on the material being mailed at the special rates. The name used must be the name that appears on the special rate authorization issued by the Postal Service to the mailing organization. The name of a subpart of the authorized organization, or the name of a sponsor (such as a celebrity who endorses the work of the nonprofit organization) or other prominently placed identifying information may also appear on the material being mailed at the special rates. This section is to be interpreted only to require the

inclusion of certain identifying information, and not to prohibit the inclusion of endorsements or other information.

Note.—A well recognized alternative designation or abbreviation such as "The March of Dimes" or the "AFL–CIO" may be used in place of the full name of the organization with the written permission of the General Manager, Domestic Mail Classification Division.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-15792-Filed 6-10-83; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 302

[Docket—Prep—302A]

Civil Defense; State and Local Emergency Management Assistance Program; Contributions for Civil Defense Personnel and Administrative Expenses

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This notice or proposed rulemaking is designed to elicit comment on the factors that should be used to allocate funds to the States for necessary and essential civil defense personnel and administrative expenses under section 205 of the Federal Civil Defense Act. This allocation formula, set out at 44 CFR 302.5 needs to be revised because of a recent amendment to the Act requiring that in allocating of funds due regard be given to areas that may be affected by natural disasters. Also, the allocation formula and various other provisions of Part 302 need revision to reflect changes in civil defense concepts, needs, and conditions.

DATE: Comments are due August 12, 1983.

ADDRESS: Send comments to Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Donald J. Carbone, Office of Emergency Management Preparedness, Federal Emergency Management Agency, Washington, D.C. 20472 (202–287–3850).

SUPPLEMENTARY INFORMATION: On April 5, 1982, FEMA published for comment in the **Federal Register** (V 47 FR 14500–14501) an advance notice of proposed rulemaking on Section 205 of the Federal Civil Defense Act.

Subsection 205(d) of the Act specifies that for each fiscal year the FEMA Director "shall allocate to each State, in accordance with his regulations and the total sum appropriated hereunder, amounts to be made available to the States for the purposes of this section."

The subsection further stipulates: "Regulations governing allocations to the States shall give due regard to: (1) The criticality of the target and support areas *and the areas which may be affected by natural disaster* [Italicized phrase added by Pub. L. 97–86, December 1, 1981] with respect to the development of the total civil defense readiness of the Nation, (2) the relative state of development of civil defense readiness of the State, (3) population, and (4) such other factors as the Director shall prescribe."

The EMA program funds are allocated annually to the States based on a formula developed in accordance with those stipulations and set forth in the existing rule, § 302.3.

The formula computation in the rule must be revised to take into consideration that areas that may be affected by natural disasters, in accordance with the amendment to subsection 205(d) of the Act by Pub. L. 97–86. Also, the Federal Civil Defense Act in 1980 and 1981 defined an improved civil defense program, encompassing under "civil defense" preparedness for natural (and technological) disaster as well as enemy attack. Therefore, a thorough reassessment of the allocation formula is needed to ensure that it best serves the amended civil defense program.

Comments and Considerations

During the initial stage of rulemaking, FEMA solicited advice about what information and factoring data should be used for "areas which may be affected by natural disasters" in the State allocation computations.

A total of 18 comments were received; 15 were from State officials, one from FEMA Region VIII consolidated comments from its six States, one was from a county director of civil defense, and one was from a coastal area planning and development commission.

There was little consensus among the various comments received.

Base

Comments regarding the basic amount to be assigned to each State ranged from eliminating a base amount altogether, to retaining the current $25,000, to increasing the amount to $500,000 per State. Also included were suggestions to include an index for inflation in addition to the basic amount and to allow each State a percentage of the EMA budget amount.

In considering these comments, initial calculations were made with an equal base for each State, ranging in $50,000 increments from $100,000 to $250,000. These same amounts were also considered as a minimum allocation if a State's share, based solely on population, were less than that level. It was then determined that this base would be better as a percentage of the total EMA funds, rather than a fixed amount, so that it would vary with that total.

For clarity of understanding, the base was also redefined as the "State factor" and made a part of the formula computation.

Statutory Requirements

Subsection 205(d) of the Act stipulates that "regulations governing allocations to the States shall give due regard to" four specified considerations. The following numbered paragraphs summarize comments regarding these allocation factors. Each is followed by a discussion of FEMA's subsequent consideration of those comments and eventual position with regard to those factors, as reflected in § 302.5 of this proposed rule.

1. Criticality of Target, Support, and Natural Disaster Areas

a. Suggestions included: a claim that the allocation formula is too cumbersome, especially the complexity factor; an accurate determination of Nuclear Civil Protection is impossible and other base data are inaccurate; the two-ninths weights in the current formula given to criticality of host areas is puzzling and should be deleted; use the ratio of risk areas to State population, not to national risk area population; use the ratio of host areas to total State population rather than to the national population, so as to be more favorable to small States. Four of the comments were that the current formula complexity factors are too subjective and should be made more objective.

b. Comments on consideration of areas prone to disaster included suggestions for using a history of disaster occurrences for periods ranging from 2 to 20 years, with various data sources. The numbers of comments pro and con on the use of American Red Cross disaster data were approximately equal. One suggestion was to use American Red Cross and National Governors' Association disaster statistics for a 5- to 10-year period. Some

suggestions were to use presidentially declared disasters using different periods of history, but one commentor said these declarations are distorted in number because of changes in criteria and difficulty in obtaining the declarations. One said to consider Federal dollars spent; another, to consider costs of disasters at fixed nuclear facilities; another, to factor in numbers of risk and host areas within 50 miles of nuclear facilities and hazardous materials waste sites (Environmental Protection Agency data). Another idea was to use presidentially and gubernatorially declared disasters for a 10-year span.

The natural disaster factor as currently prescribed is best observed by using State population, since the addition of "areas which may be affected by natural disasters" literally leaves out no part of the country and to try to assess areas in terms of degrees of vulnerability would be a highly judgmental—and highly difficult—task for the Federal Government. Furthermore, the original concern for "target and support" areas is now less relevant to FEMA with the broadened scope of civil defense as defined by the Act and with the current existence of other funds for "risk and host area" planning. FEMA therefore concludes that this factor equates with the existing statutory requirement to consider population and should be considered as one with that factor.

2. State of Development

The law simply calls for the Director to "give due regard to . . . the relative state of development of civil defense readiness of the States" with no further explanation or instruction. The existing regulation, however, prescribes a complicated calculation involving two "complexity factors."

To comply with this statutory consideration in a less arbitrary and simpler manner, three factors were selected.

One applies to the State as a whole, in relation to other States: prior-year dollars, or the amount of the State's formal allocation for the preceding year (i.e., FY 1983 for determining FY 1984 allocations). This recognizes EMA funding as a principal determinant of civil defense capability development. While dollars alone do not measure capability, this appears to be a valid consideration when tempered by the other factors applied.

The second, or "State," factor (see also the discussion under Base above) acknowledges that each State government needs and has a civil defense capability centered around its emergency management agency. This indicator of development varies in size (and cost) from State to State, but other allocation factors take that into consideration. For that reason, the "State factor" is represented by a set amount (or percentage) identical for each State. While, the existing allocation process sets aside, from the total available, a $25,000 "base" for each State, the proposed revision includes the equivalent State factor in the actual formula.

The third factor for "state of development" applies to local government. Here the best measure appears to be the level of local participation in the EMA program. To use numbers of participant jurisdictions, however, would be unfair, especially to States that have chosen to consolidate civil defense units for efficiency. Population is a better measure—that is, the extent of State population covered by EMA-participant jurisdictions. This can be addressed in two ways: the State's EMA-covered population (1) relative to the national EMA-covered population, or (2) as a percentage of the State's total population. Since the first of these two choices would be affected by State size (the State with more population in participant jurisdictions would be allocated more EMA funds), which is already recognized by the population factor in the law and the criticality factor as applied both in the past and as proposed, the second method of recognizing EMA participation—as a percentage of State population—was selected.

3. Population

Suggestions included: factoring total State population plus natural disasters, hazardous-materials highway and railway transport routes, and demonstrated commitment of funds, manpower and other resources beyond those reimbursed by Federal funds; using nuclear risk population in the State; having only one factor based on State population as a percent of national population rather than in the current three factors; considering the number of EMA participating counties and cities in the State with more than 5,000 population; considering State area as a percent of area of the United States. Five commentors favored using the State population as a ratio to the national population, as is done in the existing formula.

Of the three "specific" factors listed in the Act, this is simplest: the one word "population." For this, the State's population as a percentage of the national population has always been used. To keep this factor current, however, the Census estimates for the latest available year should and can be used. For example, the FY 1984 initial calculation might have to make use of 1981 population data but would be modified to use 1982 data before the actual allocations are made. Population would be updated annually rather than decennially, thus modifying the impact of changes. By no longer using population of risk and host (target and support) areas, FEMA can avoid a costly and time-consuming task of extrapolating needed estimates from existing Census data.

4. Other Factors

In addition to the above considerations, the Act allows application of "such other factors as the Director shall prescribe." No responses dealt directly with this.

This provision allows FEMA to reserve or exempt from the allocation "formula" an amount to be used, at the Director's discretion, for considerations beyond those accommodated by the other factors.

One consideration is incentive—to augment the basic allocation with some additional funds for special efforts that would enhance State or local capabilities but that are not otherwise financially aided by the Federal Government. For example, the allocation process would consider existing EMA participation but not provide a specific means of increasing that participation; supplemental funding could help achieve that objective.

Another consideration—especially important when radically changing allocation procedures—is to avoid hardship on States that would consequently face smaller allocations than previously. This could mean cuts in State or local staff or in productivity. States and localities, many already bearing more than half of these emergency management personnel and administrative expenses, might well be unable to compensate for less FEMA funding. A reserve or supplemental funds could ease this effect.

To avoid excessive reliance on subjectivity, however, standards would be issued for equitable use of this reserve. These would provide the basis for State requests, Regional Office recommendations, and the Director's decision.

As at present, tentatively allocated funds that cannot be matched would be reallocated to other States. These funds would, in effect, be additions to the reserve.

Another use of this reserve would be to provide EMA funds to eligible United

States territories and possessions (the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands). These are not included in the proposed allocation formula process, principally because of their relatively small size. The District of Columbia and the Commonwealth of Puerto Rico, however, would for allocation purposes be considered in the same manner as the 50 States.

Relative Weights of Allocations Factors

A few other comments pertained to factors of the entire formula and their assigned weights. One was to allow one-third each for 20-year history of all disasters ratioed to damage costs, State to national; for population at natural disaster risk divided by ratio of State to U.S. population; and for population at manmade disaster risk divided by ratio of State to U.S. population. One would allow two-thirds for attack preparedness and one-third for natural disasters, while another suggested increasing the disaster weight and decreasing that for civil defense. Another proposed variation: make formula factors one third each for population (State percentage of national), for plans completion as percentage of requirements, and for disaster history in each State. Miscellaneous suggestions: give up to one-sixth for locations of fixed nuclear facilities; include one-ninth for hazard mitigation; include level of State's development of the total emergency management program (on the premise that better programs need more dollars). Most of these suggestions became moot in light of the factors selected and reflected in this proposed rule.

These factors had to be considered in relation to one another and weights (percentages) assigned for balance, reasonableness, and practicality. Dozens of variations of weights were tried and even some factors omitted or altered. The following formula was selected as most suitable.

With the primary purpose of the EMA funding being to maintain and enhance existing State and local capability, relative "state of development" was adjudged to be the most significant factor, as determined by prior-year allocations. This was assigned one-half weight, or 50 percent of the total available for allocation.

State size, in population, is another major determinant of EMA need. Therefore the "population" factor was designated for the second largest "share"—33 percent, or almost one-third.

Five percent was determined to be the most reasonable level for the "state" factor. It also represents a funding level sufficient, when matched equally, to support a minimum State emergency management or civil defense staff. The same for each State, this factor is equivalent in purpose to the present "base" although in dollars it equates to roughly twice that amount.

For the "local" factor, based on EMA participation, a 10-percent weight was assigned. This recognizes the extent of local government participation and encourages fuller coverage of the population. That this "local" weight is twice that of the "State" factor coincides with FEMA's standard that States suballocate to their local participant jurisdictions at least two-thirds of their allocation—that is, twice the amount retained for State-level use.

The remaining 2 percent for the "reserve" is considered sufficient to provide for the territories (estimated to require approximately 0.4 to 0.5 percent of the total, or one-fifth to one-fourth of the reserve) and for supplemental funding. The relatively small percentage assures the States a greater amount determined by the formula factor, yet allows an amount sufficient for incentive purposes or contingency needs.

With the application of these constant weights to the annually determined bases of the factors, State allocations are more likely to vary from year to year but these changes are less likely to be disruptive. Use of the allocation formula for almost the entire amount of available funds—98 percent—each year rather than only for any increase in EMA funds will be more dynamic and equitable. For these reasons, FEMA proposes the allocation formula and procedure set forth in this rule.

Other Changes in the Regulations

Comments Received. The few comments on 44 CFR Part 302 other than those concerning the EMA allocation process included these suggestions: reflect demonstrated commitment to use State resources towards Comprehensive Emergency Management beyond 50-percent match; rely on Program Papers and Statements of Work as measures; provide for FEMA Regional Office and State discussions of the formula; reserve a percentage of the annual EMA funds for a block grant for particular State and local needs.

These comments were not considered feasible or relevant to changes in the regulations or are otherwise accommodated in the proposed change.

Use of the Formula

As § 302.5 indicates, the dollar amounts produced by the formula computation are not necessarily the amounts to be allocated. Section 302.5(d) lists factors to be considered for possible modification of formula figures in addition to supplemental amounts. The formula amounts are provided to the Regional Directors for their review. They recommend to the Director any modifications based on these factors. These five factors are unchanged in the regulations; the sixth has been dropped because the formula change makes it moot. The tentative and formal allocations are to be made in accordance with sections 302.5 (f) and (g).

This rule contains references to the applicability to EMA of OMB Circular A–102, Uniform Requirements for Assistance to State and Local Governments and to OMB Circular A–87, Cost Principles Applicable to Grants and Contracts with State and Local Governments, the provisions of which are set forth in 44 CFR Part 13, Financial Assistance: Grants and Cooperative Agreements, and in related FEMA guidance. For this reason, §§ 302.10, Cost principles, and 302.11, Implementation of OMB Circular A–102, have been removed from this proposed rule except for a paragraph on "Waiver of 'single' State agency requirements" retained as § 302.8 in the proposed rule. The provisions of §§ 302.12, Other Federal requirements, and 302.13, Projects involving construction, are also contained in 44 CFR Part 13, and consequently have been deleted from 44 CFR Part 302.

Implementing Guidance

These regulations refer to CPG 1–3 throughout, but FEMA is continuing to rely upon actual notice, through distribution of CPG 1–3 to all participating State and local governments and requiring certification of receipt thereof.

Nonapplicability

As Federal funding to which these regulations will be applicable is less than $100,000,000 annually, the regulation is not considered to be a major regulation requiring a regulatory analysis under Executive Order 12291. The regulation also is applicable to States to whom the funding is made available, and thus is not subject to the requirements of the Regulatory Flexibility Act, which is concerned with small entities. No regulatory flexibility analysis will be prepared.

Collection of Information

Section 302.3 concerns documentation of eligibility. This section of the rule

contains collection of information requirements which have been submitted to Office of Management and Budget under the provisions of Section 3504(h) of the Paperwork Reduction Act. Comments on this collection of information should be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503 Attention: FEMA Desk Officer.

Comments

Comments on these matters are solicited and should be submitted to the above address in writing. Two copies are requested.

Upon receipt of and action of these suggestions, a final rule will be published in the **Federal Register**. The target date for this issuance is September 1, 1983.

List of Subjects in 44 CFR Part 302

Grants programs—national defense.

Accordingly, it is proposed to revise Part 302 to read as follows:

PART 302—CIVIL DEFENSE—STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM

Sec.

302.1 Purpose.
302.2 Definition.
302.3 Documentation of eligibility.
302.4 Merit personnel systems.
302.5 Allocations and reallocations.
302.6 Fiscal year limitation.
302.7 Use of funds, materials, supplies, equipment and personnel.
302.8 Waiver of "Single" State agencies requirements.

Authority: Sec. 401, Federal Civil Defense Act of 1950, as amended, 64 Stat. 1255, 50 U.S.C. App. 2253; Reorg. Plan No. 1 of 1958, 72 Stat. 1799, 23 FR 4991, E.O. 10952, 26 FR 6577; 29 FR 5017, Apr. 10, 1964; Reorg. Plan No. 3 of 1978 (43 FR 41943), E.O. 12148 (44 FR 43239), unless otherwise noted.

§ 302.1 Purpose.

(a) The regulations in this part prescribe the requirements applicable to Federal financial contributions to the States and through the States to their political subdivisions for up to one half of the necessary and essential State and local civil defense personnel and administrative expenses, under section 205 of the Federal Civil Defense Act of 1950, as amended, and set forth the conditions under which such contributions will be made.

(b) The intent of this program is to increase civil defense operational capability at the State and local levels of government by providing Federal financial assistance so that personnel and other resources can be made available for essential planning and other administrative functions and activities required in order to accomplish this objective.

§ 302.2 Definitions.

Except as otherwise stated or clearly apparent by context, the definitions ascribed in this section to each of the listed terms shall constitute their meaning when used in the regulations in this part. Terms not defined in this part shall have the meaning set forth in their definition, if any, in the Federal Civil Defense Act of 1950, as amended.

(a) *Act.* The Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297).

(b) *Administrative expenses.* Necessary and essential expenses, other than personnel expenses as defined in this section, of a grantee and its subgrantees incurred in the administration of their civil defense programs, as detailed in CPG 1–3, Federal Assistance Handbook, and in CPG 1–32, FEMA Financial Assistance Guidelines.

(c) *Annual submission.* The State's annual request for participation in the contribution program authorized by section 205 of the Act. As specified in CPG 1–3, it includes staffing patterns (including job description changes), budget requirements and any amendments to the State administrative plan to the request for funds covering the State and its subgrantees and to the program statement of work for the grantee and subgrantees under the Comprehensive Cooperative Agreement.

(d) *Approval.* All approvals by the Federal Emergency Management Agency (FEMA) as grantor agency required under the regulations in this part means prior approval in writing signed by an authorized FEMA official. When failure to obtain prior approval of an action has not resulted and is not expected to result in any failure of compliance with a substantive requirement, and approval after the fact is not contrary to law (or regulation having the effect of law), written approval after the fact may be granted at the discretion of the authorized official.

(e) *CPG 1–3.* Civil Preparedness Guide entitled "Federal Assistance Handbook," which sets forth detailed guidance on procedures that a State and, where applicable, its political subdivisions must follow in order to request financial assistance from the grantor agency. It also sets forth detailed requirements, terms and conditions upon which financial assistance is granted under these regulations. Included are amendments by numbered changes. References to CPG 1–3 include provisions of any other volumes of the CPG series specifically referenced in CPG 1–3. Copies of the Civil Preparedness Guides and the Civil Preparedness Circulars may be ordered by FEMA Regional Offices using FEMA Form 60–8 transmitted to FEMA, P.O. Box 8181, Washington, D.C. 20024. One or more copies of CPG 1–3 have been distributed to each State and to each local government participating in the program under the regulations in this part. Copies of revisions and amendments are distributed to participating governments (addressed to the Emergency Management Coordinator) upon issuance.

(f) *Comprehensive Cooperative Agreement (CCA).* Provides for each State a single vehicle for applying for and receiving financial assistance for several discrete FEMA programs and for organizing and reporting on emergency management objective and accomplishments, particularly under the funded programs.

(g) *Emergency management* refers to the activities and measures undertaken by a State, or one of its political subdivisions, to manage a "civil defense program" as defined and provided for by the Federal Civil Defense Act of 1950, as amended, including without limitation Title V, added by Public Law 96–342, and section 207, added by Public Law 97–86. Title V calls for an improved civil defense program that includes: "(1) a program for the resources to be used for attack-related civil defense; (2) a program structure for the resources to be used for disaster-related civil defense; and (3) criteria and procedures under which those resources planned for attack-related civil defense and those planned for disaster-related civil defense can be used interchangeably." Thus, emergency management includes "civil defense" for and operations in either attack-related or disaster-related emergencies. Section 207 allows Federal Civil Defense Act funds to be used for disaster preparedness and response if such use is "consistent with, contributes to, and does not detract from attack-related civil defense preparedness." Also 44 CFR Part 312, Use of Civil Defense Personnel, Materials and Facilities for Natural Disaster Purposes, provides terms and conditions for such use.

(h) *Director.* The Director of the grantor agency or another official of the Agency authorized in writing by the Director to act officially on behalf of the Director.

(i) *Forms prescribed by the grantor agency.* Forms prescribed by the grantor

agency are identified in CPG 1–3 and may be ordered by FEMA Regional Offices using FEMA Form 60–8 transmitted to FEMA, P.O. Box 8181, Washington, D.C. 20224.

(j) *Grantee.* A State that has received EMA funds as a result of having a State administrative plan, a statement of work and an annual submission, all approved by the grantor agency as meeting the requirements prescribed in this part and in CPG 1–3 for necessary and essential State and local civil defense personnel and administrative expenses for a current Federal fiscal year.

(k) *Grantor agency.* The Federal Emergency Management Agency.

(l) *Interstate civil defense authority.* Any civil defense authority established by interstate compact pursuant to section 201(g) of the Act.

(m) *Necessary and essential civil defense expenses.* Necessary and essential civil defense expenses are those required for the proper and efficient administration of the civil defense program of a grantee or a subgrantee as described in a State administrative plan and statement of work approved by the Regional Director as being consistent with the national plan (i.e., program) for civil defense and as meeting other requirements for civil defense prescribed by or under provisions of the Act.

(n) *OMB Circular A–8.* "Cost Principles Applicable to Grants and Contracts with State and Local Governments," promulgated by the Office of Management and Budget, Executive Office of the United States, as published in the **Federal Register** (46 FR 9548) and subsequent amendments or revisions. (See Appendix B of CPG 1–3.)

(o) *OMB Circular A–102.* "Uniform Administrative Requirements for Grants-in-aid to State and Local Governments," promulgated by the Office of Management and Budget, Executive Office of the President of the United States (42 FR 45828, 9–12–77), including amendments or revisions as published in the **Federal Register**. (See Appendix A of CPG 1–3).

(p) *Operational plans.* Operational plans are part of the State administrative plan. They identify the available personnel, equipment, facilities, supplies, and other resources and provide for coordinated operations to be taken throughout the State in the event of an attack or other disaster.

(q) *Personnel expenses.* Necessary and essential civil defense expenses for personnel on the approved staffing pattern of a grantee of subgrantee (including but not necessarily limited to salaries, wages, and supplementary compensation and fringe benefits) for such employees appointed in accordance with State and local government laws and regulations under a system which meets Federal merit system and other applicable Federal requirements. Such expenses must be supported by job descriptions, payrolls, time distribution records and other documentation as detailed in CPG 1–3. Personnel compensation and other costs incurred with regard to employees who are not on the civil defense staff but whose work serves the civil defense agency (e.g., State's budget and accounting office) may be charged as civil defense expense to the extent covered thereof in a federally approved indirect cost allocation plan.

(r) *Political subdivisions.* Local governments, including but not limited to cities, towns, incorporated communities, counties, or parishes, and townships.

(s) *Regional Director.* A FEMA official delegated authority to exercise specified functions as they apply to grantees and subgrantees, within the geographical area of a particular region as identified (including address) in 44 CFR Part 2.

(t) *State.* Any of the actual States, the District of Columbia, the Commonwealth of Puerto Rico, (the Commonwealth of the Northern Mariana Islands and the territories of American Samoa, Guam, and the Virgin Islands).

(u) *State administrative plan.* A one-time submission with periodic amendments to keep it current, the plan is a formal description of each participating State's total civil defense program and of related State and local laws, executive directives, rules and plans and procedures, including personnel standards administered on a merit basis, existing operational plans, travel regulations, indirect cost allocation plans and other information necessary to reflect the total civil defense program throughout the State. The plan also includes without limitation documentation as to administrative and financial systems to assure compliance with uniform grant-in-aid administrative requirements for States and subgrantees as required under OMB Circular A–102 and with other requirements relevant to the eligibility of the State and its political subdivisions for participation in financial assistance programs for civil defense purposes. Detailed requirements are prescribed in CPG 1–3. (Also see § 302.3).

(v) *Statement of work.* Formal identification of specific actions to be accomplished by a State and its political subdivisions during the fiscal year for which Federal funds are being requested by the State. Submission is made to the FEMA Regional Director as part of the CCA Program Narrative.

(w) *Subgrantee.* A political subdivision of a State listed in the State's annual submission (or amendments thereto) as approved by the grantor agency (including any grantor agency-approved amendments thereto) as eligible to receive a portion of the Federal financial contribution provided for use within the State.

§ 302.3 Documentation of Eligibility.

In order to remain eligible for Federal financial contributions under the regulations in this part, each State must have on file with FEMA a current State administrative plan, an emergency operational plan for civil defense, and an annual submission (including a statement of work) which have been approved by the Regional Director as being consistent with national plan (i.e., program) for civil defense and as meeting the requirements of the regulations in this part and of CPG 1–3.

(a) *State administrative plans.* Every State has a State administrative plan on file with FEMA and is required to keep that plan current through amendments as necessary. Such plans and amendments shall be reviewed by the Regional Director, who will advise the State in writing as to the effect, if any, changes will have on the continued eligibility of the State and its subgrantees. The Regional Director shall not however, approve any amendment that would result in failure of the plan to meet these criteria:

(1) Provides for and is, pursuant to State law, in effect in all political subdivisions of the State, mandatory on them and, unless waived by the Director under section 204 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4214), administered or supervised by a single State administrative agency. In demonstrating that the State administrative plan for civil defense is in effect in all political subdivisions of the State and mandatory on them, the plan shall contain references to the applicable State statutes and local ordinances, executive orders and directives, rules and regulations, at the State and local level that establish the civil defense authority, structure, plans, and procedures, including those relating to emergency operations, throughout the State.

(2) Provides that the State shall meet at least 50 percent of the necessary and essential costs eligible under this program from any source consistent with State law, but not from another Federal source unless Federal law specifically authorizes the use of funds

from such Federal source as part of the State's share.

(3) Provides for the development of State and local government civil defense operational plans pursuant to the standards approved by the Director.

(4) Provides for the employment by the State of a full-time civil defense director or deputy director.

(5) Provides for the establishment and maintenance of methods of personnel administration in public agencies administering or supervising the civil defense program, at both the State and local government levels, in conformity with the Standards for a Merit System of Personnel Administration, (5 CFR Part 900) which incorporate the Intergovernmental Personnel Act Merit Principles (Pub. L. 91–648, Section 2, 84 Stat. 1909) perscribed by the Office of Personnel Management pursuant to Section 208 of the Intergovernmental Personnel Act of 1970 as amended.

(6) Provides for the establishment of safeguards to prohibit State and local government employees from using their positions for a purpose that is or gives the appearance of being motivated by desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

(7) Provides that the State shall make such reports (including without limitation, financial reports) in such form and content as the Director may require.

(8) Provides that the State and all subgrantees shall retain, in accordance with OMB Circular A–102, and make available to duly authorized representatives of the Director and the U.S. Comptroller General all books, records, and papers pertinent to the grant program for the purpose of making audits, examinations, excerpts, and transcripts necessary to conduct audits.

(9) Provides for establishment and maintenance of financial management system of grant-supported activities of the State and all subgrantees which meets the Federally prescribed standards promulgated in "Standards for Grantee Financial Management Systems," Attachment G of OMB Circular No. A–102.

(10) Provides for establishment and maintenance of procedures for monitoring and reporting grant program and project performance of the State and its subgrantees which meet the Federally prescribed standards promulgated in Attachment I of OMB Circular No. A–102.

(11) Provides for the establishment and maintenance at the State level and by subgrantees of property management systems in accordance with the Federally prescribed standards set forth in Attachment N of OMB Circular A–102.

(12) Provides for the establishment and maintenance at the State level and by subgrantees of systems for the procurement of supplies, equipment, construction, and other services, with the assistance of grant funds, in accordance with federally prescribed standards set forth in Attachment O of OMB Circular A–102.

(13) Provides for disbursement of the appropriate share of the Federal grant to the State's subgrantees in accordance with requirements detailed in CPG 1–3.

(14) Provides for the State's supervision and review of the civil defense plans, programs, and operations of its subgrantees to obtain conformity and compliance with Federal requirements and goals set forth or referenced in the regulations in this part and as detailed in CPG 1–3.

(15) Contains a Statement of Compliance with grantor agency regulations relating to nondiscrimination in FEMA programs (See 44 CFR Part 7 and CPG 1–9, Nondiscrimination in Federally Assisted Programs of FEMA).

(16) Provides for timely submission to the appropriate Regional Director, of amendments to the administrative plan as necessary to reflect the current laws, regulation, criteria, plans, methods, practices, and procedures for administration of the State's civil defense program and those of its subgrantees.

(17) Conforms to other Federal standards and requirements set forth or referenced in the regulations in this part and as detailed in CPG 1–3.

(18) Provides for performance of independent organizationwide audits, by State and local governments that receive EMA funds, of their financial operations, including compliance with certain provisions of Federal law and regulation in accordance with Attachment P of OMB Circular A–102.

(b) *Emergency operational plans.* Each participating State shall have an emergency operational plan approved by the Regional Director as complying with the criteria therefor set forth in this part and in CPG 1–3, which provides for coordinated actions to be undertaken throughout the State when the attack-caused or other major emergencies occur. Included are the basic operational plans of the State and the operational plans for each department of the State government which has an emergency mission. In addition, each subgrantee shall have a local operational plan which conforms with the criteria therefor set forth in CPG 1–3 and CPG 1–5 "Objectives for Local Civil Preparedness", and which has been approved by the local chief executive or other authorized official and accepted by the Governor or other authorized State official as being consistent with State's operational plan.

(c) *Annual submission.* Each State should include in its annual Comprehensive Cooperative Agreement (CCA) application the amount of funding requested not to exceed the amount of its preliminary or tentative allocation at the time of the application. However, in order to participate for a particular Federal fiscal year, each State must, within 60 days of receipt or notice of a formal allocation made pursuant to the critieria set forth in § 302.5 and in accordance with procedures and criteria specified in CPG 1–3 submit to the Regional Director an approvable annual submission which includes:

(1) A request or amended request for a financial contribution from FEMA in a specified amount for civil defense personnel and administrative expenses;

(2) Unless previously submitted for the particular Federal fiscal year, a statement of work for the State and proposed subgrantees or amendments to a statement or work previously submitted under the CCA.

(3) Staffing patterns (including new or revised job descriptions not previously submitted) on forms prescribed by FEMA for the civil defense organizations of the State and proposed subgrantees; and

(4) Any amendments to the State administrative plan required to reflect current status.

(d) *Approval of State administrative plan and annual submission.* If the State administrative plan and the annual submission are determined to be approvable, the Regional Director will so notify the State in writing. The State administrative plan is a one-time submission. Unless amendments are necessary to meet Federal standards prescribed in the the regulations in this part or in CPG 1–3 or to reflect changes in the State's administrative structure, procedures, criteria, or activities, or unless a portion were conditionally approved by the Regional Director as provided for in paragraph (e) of this section, no approval regarding the State administrative plan will be required for a State which participated for the preceding Federal fiscal year.

(e) *Agreement for contribution.* Approval pursuant to procedures and criteria described in this part and in CPG 1–3 of an annual submission of a State whose administrative plan is approved and current shall constitute agreement between FEMA and the State as grantee for its participation and that

of its subgrantees in this program during the Federal fiscal year covered by the approved annual submission on the basis of the requirements and conditions prescribed in this part, in CPG 1–3 and in other federally promulgated criteria referenced in this part. Refusal or failure to comply with such requirements and conditions may result in the grantor agency cancelling, terminating, or suspending the grant, in whole or in part, and refraining from extending any further assistance to the grantee or subgrantee until satisfactory assurance of future compliance has been received.

(f) *Disapproval or conditional approval.* If a State's administrative plan or annual submission is disapproved, the Regional Director will advise the State in writing, including the reasons for such disapproval and the revisions required for approval. The State shall have 30 days from date of such notification in which to submit its revisions. In the event more time is required in which to place the revisions into effect, the Regional Director may conditionally approve the State administrative plan or annual submission subject to the specified conditions to be met within a specified time, as agreed by the State and FEMA.

(g) *Appeals.*—(1) Appeal from a Regional Director's disapproval of a State administrative plan or an annual submission or other final action may be made by letter to the Associate Director, State and Local Programs and Support (FEMA), signed by an authorized State official and submitted through the Regional Director. Such appeal letter shall be mailed or otherwise transmitted so as to reach the Regional Director within 15 days after receipt of the notification of disapproval. Failure to file its appeal on time may result in withdrawal of the State's allocation and the proposed funding being reallocated by the Director.

(2) A local jurisdiction that regards the final action on its subgrant made by a State as unjustified under the criteria in CPG 1–3 may submit an appeal through the State to the Regional Director. Upon receipt of such an appeal the Regional Director shall forward the letter, together with all available pertinent documentation from the Regional Director's files and any additional documentation submitted by the local jurisdiction in support of its appeal, to the Director for review and determination. The appeal shall contain all of the exceptions being taken by the State or local jurisdiction and no exceptions will be determined piecemeal.

(3) No portion of the appellant State's allocation shall be reallocated by FEMA, and no portion of a local jurisdiction's allocation shall be reallocated by the State pending determination of its appeal by the Director. The State and local jurisdiction (if applicable) will be notified in writing of the Director's decision, including a statement of the reasons therefor.

§ 302.4 Merit personnel systems.

(a) *Background.* Section 208 of the Intergovernmental Personnel Act, as amended (42 U.S.C. 4728) authorizes Federal agencies to require, as a condition of participation in Federal assistance programs, systems of a personnel administration consistent with personnel standards prescribed by the Office of Personnel Management (OPM). OPM has promulgated Standards for a System of Personnel Administration (5 CFR Part 900) which prescribe intergovernmental personnel standards on a merit basis as a condition of eligibility, in the administration of grant programs. OPM has approved the adoption made by the regulations in this part.

(b) *Adoption.* Participation by each grantee and each subgrantee under the program covered in this part is subject to compliance with the following conditions regarding merit personnel systems:

Methods of personnel administration will be established and maintained in public agencies administering or supervising the administration of the civil defense program in conformity with the Standards for a Merit System of Personnel Administration 5 CFR Part 900, which incorporate the Intergovernmental Personnel Act Merit Principles (Pub. L. 91–648 Section 2, 84 Stat. 1909) prescribed by the Office of Personnel Management pursuant to Section 208 of the Intergovernmental Personnel Act of 1970 as amended.

Section 302.3(a)(5) of this part provides, in part, that State administrative plans that fail to provide for fulfilling this condition are not approvable.

§ 302.5 Allocations and reallocations.

(a) The Director shall allocate the entire amount of funds available for the purposes of this program from the appropriation for each fiscal year. The allocation made to each State represents the total amount of funds available to pay the Federal share of necessary and essential civil defense personnel and administrative expenses of the State and its participating subdivisions during the fiscal year.

(b) The first calculation for developing the allocation for each State will be a formula distribution in accordance with section 205(d) of the Act, made by applying the following percentages to the total sum for Emergency Management Assistance in the President's budget request to Congress:

(1) Fifty (50) percent will be allocated on the basis of the prior year State allocations, in fulfilment of the statutory requirement to give due regard to "the relative state of development of civil defense readiness of the State" (State and local levels).

(2) Thirty-three (33) percent will be allocated on the basis of the ratio of the State's population to the national population (50 States, District of Columbia, and Puerto Rico), in fulfilment of the statutory requirements to give due regard to "population" and to "the criticality of target and support areas and the areas which may be affected by natural disasters with respect to the development of the total civil defense readiness of the Nation."

(3) Ten (10) percent will be allocated on the basis of the State's population in EMA participant jurisdictions (county or municipal) as a percentage of the State's total population, in fulfilment of the statutory requirement to give due regard to "the relative state of development of the civil defense readiness of the State" (local level).

(4) Five (5) percent will be divided equally among the 50 States, the District of Columbia, and Puerto Rico, in fulfilment of the statutory requirement to give due regard to "the relative state of development of civil defense readiness of the State" (State level).

(5) In consonance with the statutory provision allowing the Director to prescribe other factors concerning the State allocations, the remaining two (2) percent will be held temporarily in reserve, to be used first to fund the four territories of the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Marianas Islands. Conditions peculiar to those areas make strict application of the mathematical formula in § 302.5(b) inequitable. Therefore, the Director will consider prior year allocations, percentage of total United States population, and the factors set out in § 302.5(c) (1), (2), (4) and (5) in determining their allocations. The remaining balance of the reserve fund will constitute a supplemental fund from which the Director will consider State requests for additional funding, and the needs of any interstate civil defense authorities. Certain standards applicable to the use of the reserve fund will be set forth in Civil Preparedness Guide (CPG) 1–3.

(c) The formula distribution shall be reviewed and evaluated, and adjusted

as appropriate, by the Director, based on the current situation in the State and recommendations by the Regional Directors. The Director will consider the following five factors:

(1) The ability of the State and its subgrantees to effectively expend such an amount for necessary and essential civil defense personnel and administrative purposes. Past performance is a factor in this determination.

(2) Special circumstances existing in the State at the time of allocation which require unusual expenditures for civil defense.

(3) Conditions peculiar to the State which make strict application of mathematical formula inequitable either to that State or other States.

(4) The relative cost of civil defense personnel and administrative services in that State; that is, whether such costs are considerably above or below the national average for similar services and expenses.

(5) Substantial changes in the civil defense readiness of the State not reflected by its recent civil defense expenditures.

(d) For initial planning purposes only, each State will then be informed of the preliminary budget allocation figure by the Regional Director. The State will base its initial EMA application upon that figure but may request a smaller amount or, with appropriate justification, larger amount.

(e) The amount requested by the State shall not exceed 50 percent of its estimate of necessary and essential State and local personnel and administrative expenses for the fiscal year.

(f) On or about September 1 of each year, based on applications received and recommendations by the Regional Directors, the Director will make a tentative allocation to the States. This will include adjustments for States that have indicated they will not be using the total of the preliminary budget allocation. States can then revise their earlier plans and applications to more nearly reflect the level of funding expected to become available.

(g) By September 30 (or as soon thereafter as feasible) the Director will make a formal allocation based on, or subject to, appropriation by Congress and allotment of the funds. This allocation for each State can include any additional amounts from the supplemental portion of the EMA funds.

(h) Based on, and within 60 days after notification of, its formal allocation the State shall provide to the Regional Director an annual submission in compliance with the criteria prescribed therefor by the regulations in this part and by CPG 1–3.

(i) In the event a State fails to provide an approvable annual submission on time, the Director may reallocate that State's share of the funds or portions thereof among the other States in such amounts as in the Director's judgment will best assure adequate development of the civil defense capability of the Nation.

(j) In addition, the Director may from time-to-time reallocate the amounts released by a State from its allocation as no longer being required for utilization in accordance with approved annual submission.

§ 302.6 Fiscal year limitation.

Federal appropriations for the program covered by the regulations in this part are limited for obligation on a Federal fiscal year basis. Each annual submission (or amendment thereto) which results in a change in scope (e.g., an increase in the amount of funds other than a cost overrun) must be approved during the Federal fiscal year for which the funds to be charged were appropriated. Valid expenses incurred by a State or its subgrantee during the fiscal year but before obligation by FEMA of funds under this program may qualify for payment of a Federal financial contribution out of the funds subsequently appropriated for that fiscal year.

§ 302.7 Use of funds, materials, supplies, and personnel.

Financial contributions provided under the authority of Section 205 of the Act are provided for necessary and essential State and local civil defense personnel and administrative expenses as prescribed by the regulations in this part and the provisions of CPG 1–3, and are obligated only on the basis of documentation justifying such need.

(a) *Emergencies.* In addition to such civil defense use, Federal funds obligated under a grantee's approved annual submission may be used, to the extent and under such terms and conditions as prescribed by the Director in CPG 1–3, for providing emergency assistance, including the use of civil defense personnel, organizational equipment, materials, and facilities, in preparation for and response to actual attack-related events or natural disasters (including manmade catastrophies).

(b) *Limitations.* Section 207 of the Act allows use of funds under the Act including those for this program, for natural (including manmade) disaster preparedness and response purposes only to the extent that such use is consistent with, contributes to, and does not detract from attack-related preparedness (reference 44 CFR 312).

§ 302.8 Waiver of "Single" State agency requirements.

Section 205 of the Act requires that plans for civil defense of the United States shall be administered or supervised by a single State agency (50 U.S.C. App 2286). Notwithstanding such law, Section 204 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4214) provides authority for the Director as head of the grantor agency, upon the State's request, to waive the single State agency requirement and to approve other State administrative structure or arrangements, upon adequate showing that the requirement prevents the establishment of the most effective and efficient organizational arrangements within the State government. First, however, the Director must have found that the objectives of the Act (50 U.S.C. App. 2251–2297) will not be endangered by the use of such other State structure or arrangements. Attachment D of OMB Circular A–102 requires that such requests shall be given expeditious handling by the grantor agency and that, whenever possible, an affirmative response shall be made.

Dated: June 6, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15744 Filed 6–10–83; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

46 CFR Parts 542, 543 and 544

[General Orders 40, 37 and 41; Docket No. 83–13]

Financial Responsibility for Water Pollution

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of proceeding.

SUMMARY: The Commission instituted this proceeding by Notice of Proposed Rulemaking published March 7, 1983 (48 CFR 9543). The purpose of the rule was to delete from appropriate Commission General Orders reference to the Panama Canal as being within the navigable waters of the United States. Since publication of the notice, responsibility for establishment of financial responsibility for water pollution has been transferred to the United States Coast Guard, Department of Transportation by the President. (See

Executive Order 12418 signed May 5, 1983.) Accordingly, the Commission no longer has the authority to issue rules concerning financial responsibility for water pollution and, therefore, this proceeding is discontinued.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573; (202) 523-5725.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-15741 Filed 6-10-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 94

[PR Docket No. 19309; File Nos. 19393-19415-(G-60X); FCC 83-173]

Preston Trucking Company, Inc.; Inquiry Into Certain Arrangements for Cooperative Use of Microwave Facilities

AGENCY: Federal Communications Commission.

ACTION: Order terminating proceeding.

SUMMARY: This document terminates the proceeding in Docket No. 19309 addressing permissible forms of cooperative sharing in the Private Operational-Fixed Microwave Service without adopting new rules. Instead, the Commission has commenced a new proceeding in which it is proposing to authorize private carriers under Part 94 of the FCC Rules and to relax certain of the cooperative sharing rules. Docket 19309 is being terminated because the specific issues involved in the Preston Trucking case are now moot and because the records in this proceeding are now over a decade old.

FOR FURTHER INFORMATION CONTACT: Eugene C. Bowler or Frederick J. Day, Private Radio Bureau (202) 634-2443.

Order

In the matter of Preston Trucking Company, Inc., inquiry into certain arrangements for cooperative use of private microwave facilities, FCC 83-173; PR Docket No. 19309, File Nos. 19393-19415-(G-60X).

Adopted: April 27, 1983.
Released: May 17, 1983.

By the Commission; Commissioner Jones absent.

Summary

1. By this Order the Commission is terminating its proceeding in this Docket. It is taking this action in light of the staleness of the record on the subject of third party licensing. Instead, the Commission has commenced a new docketed proceeding proposing to authorize private carriers under Part 94 of its rules and to relax certain of its cooperative sharing rules.[1]

Background

2. Docket 19309 originated from applications for microwave facilities filed by Preston Trucking Company, Inc. (Preston) to set up a microwave relay system for a number of truckers that would run east from Tonawanda, New York (just north of Buffalo) to Albany, New York, then south to Jersey City, New Jersey, and from there southwest to Ivy Hill, Pennsylvania (just north of Philadelphia), a distance of approximately 480 miles. In this system, Transportation Microwave Corporation (TMC), a company having no direct connection with Preston or any other motor carrier, was to undertake the financing necessary to construct the microwave system which Preston and the other participants wanted to use. While TMC was to own the system, it was not seeking to be authorized by the Commission to offer communications service. Instead, TMC sought to function as a system supplier and manager who would lease the facilities to Preston Trucking Co., who would, in turn, apply to the Commission and be licensed to operate the shared facility pursuant to the Commission's cooperative sharing rule. Cf. 47 CFR 94.17. There was to be a lease agreement between Preston and TMC under which TMC was to operate and maintain the system. To provide for cooperative use of the system, Preston, as licensee, was to enter into a separate "participant's agreement" with each motor carrier who desired to use the system. Each such private user of the system, including Preston, was to pay to TMC a fixed amount for each dedicated voice and teletype channel negotiated between Preston and TMC. Under these arrangements, only TMC was to receive a profit from the system. No profit was to accrue to Preston, the system's licensee. It was anticipated that 40 to 60 of the approximately 280 motor carriers in the region initially would participate in the system.[2]

3. The Commission granted Preston's application on February 16, 1971, concluding the system did satisfy its cooperative use requirements, but these grants were opposed by a number of parties in petitions for reconsideration. In a Memorandum Opinion and Order, Notice of Inquiry and Notice of Proposed Rule Making, released on August 24, 1971,[3] the Commission found Preston's plan to be substantially consistent with the cooperative use provisions of its rules; nevertheless, it had some reservations concerning this type of arrangement and decided to explore them more fully in an inquiry and rule making proceeding. Accordingly, the Commission modified Preston's authorizations to make them subject to the outcome of this proceeding, stating that any expansion of Preston's backbone facilities would be denied. The Commission also required Preston to submit reports every six months detailing the operation of the system. Concerning the inquiry and rule making, the Commission included issues and questions "designed to determine whether, in general licensing situations, under this type of arrangement, a licensee will be in a position to exercise the degree of responsibility over authorized facilities normally expected and required by rule and statute; or whether the public interest would be better served by amending the rules to permit direct licensing of entities such as TMC; or whether the arrangement should be treated as a common carrier function and regulated as such." [4]

4. In response to this Memorandum Opinion and Order, Notice of Inquiry, and Notice of Proposed Rulemaking, on September 23, 1971, Preston filed a petition for reconsideration requesting that the Commission lift its ban on expansion of the backbone facilities of the system to allow construction of a link between the terminal point at Ivy Hill, Pennsylvania and Preston's headquarters at Preston, Maryland (a distance of approximately 130 miles). This request was opposed by four common carriers who, in addition, sought the initiation of an evidentiary hearing or revocation proceeding to explore a number of overall aspects of the proposal and to resolve certain alleged issues of Preston's character and financial qualifications. In a Memorandum Opinion and Order, released February 2, 1972,[5] the

---

[1] *Notice of Proposed Rule Making*, Docket No. 83-428, —— FCC ——, adopted April 27, 1983.

[2] Within the ruling of Docket No. 18921, what Preston proposed was a "Stage III cooperative." *Report and Order*, FCC 82-128, adopted March 16, 1982, released April 13, 1982, 89 FCC 2d 788, 788.

[3] *Memorandum Opinion and Order, Notice of Inquiry, and Notice of Proposed Rule Making*, Docket No. 19309, 31 FCC 2d 766 (1971).

[4] *Id.* at 769.

[5] *Memorandum Opinion and Order*, Docket No. 19309, 33 FCC 2d 385 (1972).

Commission denied Preston's request to extend the system and the relief requested by the common carriers.

5. On the same date that Preston filed its petition for reconsideration of the Commission's initial order in this proceeding, MCI-New York West, Inc. and Microwave Communications, Inc. filed in the U.S. Court of Appeals for the District of Columbia their Notice of Appeal of Preston's grants and, also, of the initial order. However, before this appeal was heard by the court, the Commission on July 31, 1973 released a third document in this proceeding, a Memorandum Opinion and Order,[6] which induced the applicants to file a motion with the court asking that their appeal be dismissed without prejudice. This Memorandum Opinion and Order granted a request by TMC whereby Preston would assign its rights to TMC, and TMC would apply for authorization to operate the facilities as a specialized common carrier under policies adopted in Docket 18920 dealing with the Specialized Common Carrier Services.[7]

6. At the time this request was made, the backbone microwave system had been constructed and there were some 23 stations in operation. In addition to Preston, the Commission had, at that time, authorized 45 other trucking companies to share the system. Of these, however, only ten had entered into service contracts, and only two were actually receiving service. Connecting facilities to three more trucking companies were under construction. In its request, TMC alleged that this under-utilization resulted principally from the uncertainties about the future of the Preston grants, from the difficulties and delays encountered in arranging interconnection with common carrier wireline facilities, and from the Commission's restrictions against extension of the backbone facilities. In addition, TMC stated that, although $4 million had been invested in the system, it then had financial resources available for only a few months of operations, with no likelihood of obtaining additional financing as long as Preston's grants remained uncertain. To resolve these difficulties, TMC proposed its compromise solution under which the system would operate as a special common carrier pursuant to the Commission's Rules.

7. As part of this proposal, TMC, which was to be assigned the rights of Preston, requested a waiver of the Commission's rules to permit it to apply for and operate on the private microwave frequencies already authorized to Preston and to apply for additional private microwave grants to extend the system from Albany, New York to Boston, Massachusetts and from Ivy Hill, Pennsylvania to Washington, D.C. TMC proposed to operate on private microwave frequencies for five years during which it would attempt to convert the system to common carrier frequencies. TMC proposed to reserve fifty percent of the total available capacity of the system for customers eligible as licensees in the private radio services who were permitted under the rules to use and share private microwave frequencies.

8. In the third order in Docket 19309, the Commission recognized TMC's right under Docket 18920, Specialized Common Carrier Services, to apply and operate as a specialized common carrier under Part 21, and granted TMC's request for a waiver of the rules to conduct this proposed common carrier operation for five years using the existing Preston system which was authorized on private microwave frequencies. The Commission, however, denied TMC's request to extend the system to Boston and Washington, D.C. on private microwave frequencies because it believed that common carrier frequencies over those proposed extensions would be difficult to find in five years and, consequently, it would be more prudent to design the system initially for common carrier frequencies. In addition, the Commission concluded that TMC's proposal to reserve 50% of the system capacity for customers eligible in the private services would, in effect, create a preferred class of customers contrary to Section 202(a) of the Communications Act of 1934, as amended, which generally prohibits discriminatory practices by common carriers.

9. Because of continued financial difficulties aggravated by the inability to acquire local distribution facilities, the limited geographical coverage, and the regulatory uncertainties in the Specialized Common Carrier Service, TMC sought to sell its system. In June 1974, Sunset Communications Company (Sunset), an affiliate of Southern Pacific Communications Company (SPCC), acquired a 95% stock interests in TMC. SPCC, a specialized common carrier operating in the western part of the 48 contiguous United States, interconnected its terrestrial microwave system with TMC's system and leased the bulk of TMC's capacity in order to extend its services to the east coast. When it first began operations, SPCC was granted a waiver by the Commission to lease private microwave links from the Southern Pacific Transportation Company, a licensee in the Railroad Radio Service, for an interim period of six months until it could construct common carrier facilities to provide its services.[8]

10. By an order released on February 8, 1979,[9] the Commission extended TMC's waiver to operate on private microwave frequencies until SPCC completed construction of a parallel common carrier system between Buffalo, New York, and Mt. Darby. SPCC already operated a system which paralleled TMC's system between Mt. Darby and Philadelphia. The extended waiver was subject to the following conditions: (1) That TMC submit a progress report of its efforts to convert this system to common carrier frequencies every six months; (2) that TMC submit its station licenses for renewal every year beginning March 1, 1979; and (3) that, if SPCC completed its parallel system between Buffalo and Mt. Darby before TMC converted to common carrier frequencies or retired its system, TMC would transfer all of its services to the SPCC system, file appropriate applications to dismantle its stations and return its licenses to the Commission for cancellation. Thus, the Preston system is no longer before us as an issue.

Conclusion

11. Since the specific issues of the Preston case are moot, and since the records in this proceeding are now over a decade old, we find no reason for continuing this proceeding. Instead, we are commencing a new proceeding to explore the entire issue of private carrier microwave systems and the restructuring of our microwave cooperative sharing rules. In the interim we will not authorize Stage III cooperatives, such as Preston Trucking proposed, in the Private Operational-Fixed Microwave Service. However, as

---

[6] *Memorandum Opinion and Order*, Docket No. 19309, 42 FCC 2d 245 (1973).

[7] TMC subsequently submitted applications for common carrier authorization for the existing Preston microwave system, and these applications were granted by the Commission on December 12, 1973. *In Re: Applications of Transportation Microwave Corp. for licenses in the Point-to-Point Microwave Radio Service or stations at Tonawanda, N.Y., Philadelphia, Pa. and 27 Intermediate Points, Order*, 44 FCC 2d 841 (1973).

[8] *In re: the Matter of Transportation Microwave Corporation Request for an Extension of the waiver of Sections 2.106, 21.120 and 21.701 of the Commission's Rules and Regulations, Order*, FCC 79-70, adopted January 31, 1979, released February 8, 1979.

[9] *In re: Applications of Southern Pacific Communications Co. and Southern Pacific Transportation Co., Memorandum Opinion and Order and Temporary Authorization*, 43 FCC 2d 483 (1973).

noted in our accompanying Notice of Proposed Rule Making, the reason for any restrictions on how private operational-fixed microwave eligibles may share costs may be obviated by that proceeding.

12. Accordingly, it is ordered this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-15606 Filed 6-10-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 114
Monday, June 13, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Information Collection Request Under Review

AGENCY: ACTION.

ACTION: Information collection request under review.

SUMMARY: This notice sets forth certain information about an information collection proposal by ACTION, the national volunteer agency.

Background: Under the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted the information collection proposal described below to OMB. OMB and ACTION will consider comments on proposed collection of information and recordkeeping requirements. Copies of the proposed forms and supporting documents [request for clearance (SF 83), supporting statement, instructions, transmittal letter and other documents] may be obtained from the agency clearance officer.

Information about this proposed collection: Agency Clearance Officer—William W. Lovelace, 202–254–8523.

Agency Address: ACTION, 806 Connecticut Ave., N.W., Washington, D.C. 20525.

Office of ACTION issuing proposal: Domestic Operations.

Title of form: Project Narrative.

Type of request: New/Revision/Reinstatement.

Frequency of collection: Annually.

General description of respondents: State or local governments, non-profit institutions, small businesses.

Estimated number of annual responses: 2,780.

Estimated annual reporting or disclosure burden: 39,615 hours.

Respondent's obligation to reply: Required for obtaining benefit.

Person responsible for OMB Review: James L. Thomas, 202–395–6880.

William W. Lovelace,

ACTION Clearance Officer.

[FR Doc. 83-15703 Filed 6-10-83; 8:45 am]

BILLING CODE 6050-01-M

Information Collection Request Under Review

AGENCY: ACTION.

ACTION: Information collection request under review.

SUMMARY: This notice sets forth certain information about an information collection proposal by ACTION, the national volunteer agency.

Background: Under the Paperwork Reduction Act (44 U.S.C., Chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted the information collection proposal described below to OMB. OMB and ACTION will consider comments on proposed collect of information and recordkeeping requirements. Copies of the proposed forms and supporting documents (request for clearance (SF 83), supporting statement, instructions, transmittal letter and other documents) may be obtained from the agency clearance officer.

Information about this proposed collection: Agency Clearance Officer—William W. Lovelace, 202–254–8523.

Agency address: ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525.

Office of ACTION issuing proposal: Domestic Operations.

Title of form: ACTION pre-application inquiry.

Type of request: Revision/reinstatement.

Frequency of collection: On occasion.

General description of respondents: State or local governments, non-profit institutions, small businesses.

Estimated number of annual responses: 2,050.

Estimated annual reporting or disclosure burden: 4,100 hours.

Respondent's obligation to reply: Required for obtaining benefit.

Person responsible for OMB review: James L. Thomas, 202–395–6880.

William W. Lovelace,

ACTION Clearance Officer.

[FR Doc. 83-15704 Filed 6-10-83; 8:45 am]

BILLING CODE 6050-01-M

Information Collection Request Under Review

AGENCY: ACTION.

ACTION: Information collection request under review.

SUMMARY: This notice sets forth certain information about an information collection proposal by ACTION, the national volunteer agency.

Background: Under the Paperwork Reduction Act (44 U.S.C., Chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted the information collection proposal described below to OMB. OMB and ACTION will consider comments on proposed collection of information and recordkeeping requirements. Copies of the proposed forms and supporting documents [request for clearance (SF 83), supporting statement, instructions, transmittal letter and other documents] may be obtained from the agency clearance officer.

Information about this proposed collection: Agency Clearance Officer—William W. Lovelace, 202–254–8523.

Agency address: ACTION, 806 Connecticut Ave., N.W., Washington, D.C. 20525.

Office of ACTION issuing proposal: Domestic Operations.

Title of form: Project Progress Report.

Type of request: New/Revision/Reinstatement.

Frequency of collection: Quarterly.

General description of respondents: State or local governments, non-profit institutions, small businesses.

Estimated number of annual responses: 7,132.

Estimated annual reporting or disclosure burden: 42,792 hours.

Respondent's obligation to reply: Required for obtaining benefit.

Person responsible for OMB review: James L. Thomas, 202–395–6880.

William W. Lovelace,

ACTION Clearance Officer.

[FR Doc. 83–15705 Filed 6–10–83; 8:45 am]

BILLING CODE 6050–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Pacific Southwest Region, California, Nevada—Mineral, Esmeralda, Carson City, Douglas and Washoe Counties, Oregon—Jackson County; Public Review of Draft Environmental Impact Statement on Vegetation Management for Reforestation

The Department of Agriculture, Forest Service, Pacific Southwest Region, invites public comment on the Draft Environmental Impact Statement (DEIS) on Vegetation Management for Reforestation issued June 17, 1983. The DEIA proposes alternatives for selecting vegetation management practices for the purposes of reforestation and afforestation on National Forest System lands in the region and assesses the environmental effect of each alternative. Specifically, the alternatives address vegetation treatments to be applied for: (1) Preparing sites for planting, (2) release of established seedlings from competing vegetation, and (3) pre-commercial thinning.

Comments are being solicited on the alternatives presented in the draft document, the effects of treatments or practices presented, better or more effective or efficient methods of treatments not identified in the DEIS, and on this analysis of environmental consequences. Copies have been mailed to interested and affected parties identified during earlier stages of public involvement for the DEIS.

Review copies will be available at County Libraries, major university or college libraries, at all National Forest Supervisor and Ranger District headquarters in the Pacific Southwest Region, and at the Regional Forester's office in San Francisco, California.

Formal Public Hearings for the purpose of receiving public comment on the DEIS will be held between July 11 and August 5, 1983, in Redding, Sacramento and in the Los Angeles area. Public Briefings for the purposes of informing the public on the contents of the draft document will be held at locations throughout California between July 5 and August 12, 1983. Dates, locations and times for these activities will be published in local newspapers. Federal, State and local agencies, and individuals and organizations who may be interested or affected by the guidelines proposed in this document are invited to participate. Comments on the DEIS must be postmarked no later than August 19, 1983.

Comments or inquires about the DEIS should be mailed to: Office of Information, Pacific Southwest Region, USDA Forest Service, 630 Sansome Street, San Francisco, California 94111.

Dated: June 3, 1983.

John W. Chaffin,

Deputy Regional Forester.

[FR Doc. 83–15747 Filed 6–10–83; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Preliminary Negative Countervailing Duty Determination; Pork Rind Pellets From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary negative countervailing duty determination.

SUMMARY: We preliminarily determine that certain benefits are being provided to manufacturers, producers, or exporters in Mexico of pork rind pellets, as described in the "Scope of Investigation" section of this notice. However, the estimated net bounty or grant is *de minimis*, and therefore our preliminary determination is negative. If this investigation proceeds normally, we will make our final determination by August 22, 1983.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Rick Herring, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377–3963.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is no reason to believe that benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to producers or exporters in Mexico of pork rind pellets, as described in the "Scope of Investigation" section of this notice.

For purposes of this investigation, we preliminarily determine that, while preferential loans from the Guarantee and Development Fund for Medium and Small Industries (FOGAIN) confer a benefit to manufacturers, producers, or exporters in Mexico of pork rind pellets, the estimated bounty or grant is *de minimis*, and therefore our preliminary determination is negative.

Case History

On March 14, 1983, we received a petition from counsel for Evans Food Company, filed on behalf of the pork rind pellet industry in the United States. The petition alleges that the government of Mexico bestows bounties or grants upon the production or exportation of pork rind pellets within the meaning of section 303 of the Act.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation and, on April 4, 1983, we initiated a countervailing duty investigation (48 FR 15308). We stated that we would issue a preliminary determination on or before June 7, 1983.

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and, therefore, section 303 of the Act applies to this investigation. Under this section, since the merchandise being investigated is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

On April 18, 1983, we presented a questionnaire concerning the allegations in the petition to the government of Mexico in Washington, D.C. On May 18, 1983 and June 3, 1983, we received the response to our questionnaire from the government of Mexico.

Scope of Investigation

The product covered by this investigation is pork rind pellets and is currently imported under item 107.7880 of the *Tariff Schedules of the United States Annotated (TSUSA)*. Pork rind pellets are produced by cooking pork skins at very high temperatures. They are used in the production of puffed pork skins, a snack food.

Alimentos Selectos de Saltillo S.A. (Selectos) is the sole producer and exporter of pork rind pellets from Mexico.

The period for which we are measuring subsidization is January 1, 1982 to April 30, 1983.

Analysis of Programs

In its response, the government of Mexico provided data for the applicable period. Based upon our analysis of the petition and the response to our

questionnaire, we determine the following:

I. Programs Preliminarily Determined To Confer Bounties or Grants

We preliminarily determine that a bounty or grant is provided to manufacturers, producers, or exporters in Mexico of pork rind pellets under the program listed below.

A. *Guarantee and Development Fund for Medium and Small Industries (FOGAIN).* We preliminarily determine that the Guarantee and Development Fund for Medium and Small Industries (FOGAIN) program confers a benefit which constitutes a bounty or grant within the meaning of the countervailing duty law upon the producers, manufacturers, or exporters of pork rind pellets from Mexico. The FOGAIN program provides preferential financing at interest rates below prevailing commercial rates to all small and medium sized firms in Mexico. However, interest rates will vary depending upon: (a) Whether a small or medium size business has a designated priority status, and (b) the geographical location of the business. Small and medium size businesses with priority designation and located in specific zones targeted for industrial growth receive the most preferential rate. Medium sized businesses, not designated as priority and located in an area of controlled industrial growth, may receive the least preferential FOGAIN interest rate. We determine this program to be countervailable because it provides preferential financing on the basis of priority status for designated industries and regional preferences within the program. Without these designations, FOGAIN would not be countervailable, since all small and medium size firms in Mexico are at least eligible to receive FOGAIN loans at the least preferential rate of interest available under the program. Therefore, we determine the program is countervailable to the extent that the interest rate received by a particular company is below the least preferential rate that a company would receive under FOGAIN.

In a recent final determination involving iron metal construction castings (48 FR 8834), we used a commercial bank rate for loans to determine the net bounty or grant conferred upon Mexican firms under FOGAIN. We used this rate because it was the best information available at the time. Since that investigation, additional information regarding the FOGAIN program has been developed.

To determine the estimated bounty or grant conferred upon Selectos, we used as our benchmark the least preferential interest rate available under FOGAIN. Selectos obtained FOGAIN financing in June 1979, July 1980, June 1981 and July 1982. The most adverse rates applicable on those dates were 21%, 21%, 22%, and 37%, respectively. Selectos obtained its loans at rates lower than these.

We computed the difference in payment streams between the FOGAIN loans received by Selectos and that which would have been incurred had the loans been made at the least preferential rate of interest under this program. We allocated the amount of benefit from the loans over the company's total value of sales of all products during 1982. We determine the net amount of the bounty or grant to be 0.187 percent *ad valorem.*

II. Programs Determined Not to be Countervailable

We preliminarily determine that the following programs do not confer bounties or grants upon the manufacturers, producers, or exporters in Mexico of pork rind pellets.

A. *Certificates of Fiscal Promotion (CEPROFI).* In 1979 the government of Mexico introduced a four-year National Industrial Development Plan (NIDP) which sets forth broad economic goals for the country. Tax credits, which are called CEPROFIs, are used to promote the NIDP goals, which include increased employment, encouragement of regional decentralization, and industrial development, particularly of small-and medium-sized firms.

CEPROFI certificates are non-transferable tax certifcates of fixed value which may be used for a five-year period to pay federal taxes. Certain CEPROFI certificates are granted for carrying out investments in "priority" industrial activities; others are available to all industries on equal terms. The amount of the CEPROFI is based upon the location of the acitivity, the number of jobs generated, the value of investment in new plant and equipment, or the value of purchases of capital goods produced in Mexico.

We consider CEPROFI to be countervailable if it is obtained for a priority industrial activity in a particular region of Mexico. The CEPROFI received by Selectos was granted for investment in Mexican-made machinery and equipment. In a previous determination, *Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Litharge, Red Lead and Lead Stablizers from Mexico* (47 FR 54847), we determined that CEPROFIS granted for the acquisition of new, Mexican-made capital goods are generally available to all industries on equal terms without regard to region or industrial activity. Therefore, we do not consider this type of CEPROFI, provided for this purpose, to be countervailable.

B. Dual Level Currency Exchange Rate System. Petitioner alleges that the dual level exchange rate system existing in Mexico constitutes a countervailable benefit to the pork rind industry. Petitioner states that Selectos, when exchanging pesos for dollars to make foreign purchases, is allowed to convert currency at a "controlled" rate, but that Selectos is entitled to exchange its export proceeds at the free market rate. Currently, the controlled rate is less than the "free" rate of exchange.

According to the government of Mexico's response, any company which obtains dollars from the government at the controlled rate to purchase imports is also obligated to deposit and exchange dollars earned from exports for pesos at the controlled rate. In previous determinations regarding the dual exchange rate in Mexico, we determined that, when the controlled rate applies to both exchanges of pesos to dollars for import purchases and exchanges of dollars earned by exports to pesos, there is no countervailable benefit. We preliminarily determine that the dual currency exchange rate system does not confer a bounty or grant to the manufacturers, producers, or exporters in Mexico of pork rind pellets.

On June 3, 1983, we received additional information from petitioner regarding his allegation that the dual exchange rate constitutes a countervailable benefit to Selectos. Petitioner contends that this exchange rate system should be considered as a preferential loan to Selectos because, according to the petitioner, the number of peso converted dollars that Selectos receives to make U.S. purchases exceeds the number of dollars received from its exports that are, in turn, converted back to pesos. Before our final determination, we will again carefully review the Mexican exchange rate program.

C. *Preferential Rates on Commercial Risk Insurance.* The petitioner alleges that the pork rind pellet industry has benefited from preferential rates on commercial risk insurance through the Compania Mexicana de Seguros de credito (COMESEC). COMESEC, which provides export insurance, was specifically established by law, although it is owned by private insurance companies. In the Department's previous determination, *Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Toy*

Balloons (Including Punchballs) and Playballs from Mexico (47 F.R. 57532), we determined that COMESEC did not provide a bounty or grant to manufacturers, producers, or exporters of the subject merchandise in those investigations. We determined that the premium rates that COMESEC charged the manufacturers, producers, or exporters cover COMESEC's operating costs and losses on insurance operations.

The response states that Selectos has not received commercial risk insurance from COMESEC because it has not received FOMEX loans. The FOMEX program is described in section III A of this notice. We preliminarily determine that this program does not confer a bounty or grant on the Mexican producer of pork rind pellets.

III. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the following programs have not been used by the pork rind pellet industry.

A. *Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX).* The Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX) is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department with the Bank of Mexico acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions which establish contracts for lines of credit with manufacturers and exporters.

In order for a company to be eligible for FOMEX financing for exports, the following requirements must be met: (1) The product to be manufactured must be included on a list made public by FOMEX: (2) the articles to be exported must have a minimum of 30 percent national content in direct production costs; (3) loans granted for pre-export must be in Mexican currency, while loans for export sales are established in U.S. dollars or any other foreign currency acceptable to the bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the loans. In previous final countervailing duty determinations regarding Mexico, we have found the FOMEX program to confer benefits constituting bounties or grants.

The government of Mexico has stated that Selectos has not received FOMEX financing. Therefore, we preliminarily determine that this program confers no countervailable bounty or grant upon Selectos.

B. *Fund for Industrial Development (FONEI).* FONEI is a specialized financial development fund, administered by the Bank of Mexico, which grants long-term preferential credit for the creation, expansion or modernization of enterprises in order to foster the efficient production of industrial goods, the production of goods capable of competing in the international market, and industrial decentralization.

Since the government of Mexico has indicated that Selectos has not received FONEI Loans, we preliminarily determine that this program confers no countervailable bounty or grant upon Selectos.

C. *Mexican Institute for Foreign Trade (IMCE).* Created by a law published December 31, 1970 in the *Diario Oficial*, IMCE has as its organizational purpose the promotion of the foreign trade of Mexico and the coordination of efforts stimulating foreign trade. In addition, IMCE functions as an advisory board in the previously mentioned matters. IMCE performs a number of functions including organizing and directing trade fairs abroad, promoting the visits of foreign trade missions to Mexico, carrying our investigations to identify national products or services which might be in demand abroad, and providing exporters with technical assistance. The government of Mexico has indicated that Selectos has not availed itself of the services offered by IMCE.

D. *Trust for Industrial Parks, Cities, and Commercial Centers (FIDEIN).* Operating under Nacional Financiera S.A. (NAFINSA), this program is aimed at the development of industrial parks and cities. In its response, the government of Mexico stated that Selectos in not located in an industrial park and is, therefore, not eligible for assistance under this program.

E. *National Preinvestment Fund for Studies and Projects (FONEP).* FONEP is a trust administered by NAFINSA. Its primary objective is to assist firms to invest in economic feasibility studies. The government of Mexico states in its response that Selectos has not received benefits under FONEP or through NAFINSA.

F. *Favorable Tax Treatment.* Petitioner alleges that certain Mexican industries receive special tax incentives such as favorable tax treatment in the form of special rates and a reduction in tax liabilities. The government of Mexico states that Selectos has not received such benefits.

G. *Preferential Pricing for Fuel and Energy.* Petitioner alleges that the pork rind pellet industry may have benefited from preferential prices and discounts on fuel and energy. In its response, the Mexican government states that Selectos received no such benefits.

H. *Fondo Nicional de Fomento Industrial (FOMIN).* Petitioner alleges that FOMIN provides producers, manufacturers, or exporters of the subject merchandise with a bounty or grant. FOMIN operates as a trust fund, providing funding to certain companies through either stock acquisition or the provision of convertible loans at rates below those of commercial lending institutions.

The Mexican government's response states that Selectos does not receive benefits through FOMIN.

I. *Import Duty Reductions and Exemptions.* Petitioner alleges that companies establishing facilities in the border zone are eligible for import duty reductions or exemptions on raw materials, machinery, and equipment. Petitioner also alleges that companies or producers capable of demonstrating increased export volume may receive a reduction or exemption of duties on imported machinery or equipment used in the manufacture of exported products. Petitioner also alleges that producers or exporters of pork rind pellets may benefit from their location in areas which are declared "free zones" into which merchandise may be imported duty free.

In its response, the government of Mexico stated that Selectos has not benefited from any type of duty reductions or exemptions.

J. *Preferential State Investment Incentives.* Under this program, an industry may receive partial or total exemption from state taxes or other tax benefits such as special treatment on real estate taxes or infrastructure taxes. The government of Mexico has stated that Selectos has not received any of these benefits.

IV. Program Determined To Be Suspended

We preliminarily determine that the following program has been suspended.

A. *Certificado de Devolucion de Impuesto (CEDI).* The Certificado de Devolucion de Impuesto (CEDI) is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of the exported merchandise or, if national insurance and transportation are used, a percentage of the c.i.f. value of the exported product. The CEDIs are non-transferable and may be applied against a wide range of federal tax liabilities (including payroll taxes, value-added

taxes, federal income taxes, and import duties) over a period of five years from the date of issuance.

The government of Mexico suspended eligibility for CEDI tax rebates by an Executive Order published on August 25, 1982, in the *Diario Oficial*. The order abrogates prior executive orders which contained the list of products eligible to receive CEDI certificates. Suspension of eligibility to apply for the CEDI was effective one day after publication of the executive order in the *Diario Oficial*. According to the response, and U.S. import statistics, Selectos did not start exporting to the U.S. until February 1983, so it could not have benefited from CEDI while the program was in effect.

Verification

In accordance with section 776(a) of the Act, we will verify all the information used in reaching our final determination.

Public Comment

In accordance with section 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on July 14, 1983, at the U.S. Department of Commerce, Room D, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by July 7, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.46 within 30 days of this notice's publication, at the above address and in at least 10 copies.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

June 7, 1983.

[FR Doc. 83-15730 Filed 6-10-83; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Program; Solicitation for Applications

AGENCY: Department of Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning 1 October, 1983, in the El Paso, Texas, SMSA. The cost of the project is estimated to be $451,000. The maximum Federal participation amount is $405,900. The minimum amount required for non-Federal participation is $45,100. The award number will be 06-10-83017-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-Federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: 5:00 p.m., July 8, 1983.

ADDRESS: Dallas Regional Office, Minority Business Development Agency, 1100 Commerce Street, Suite 7B19, Dallas, Texas 75242.

FOR FURTHER INFORMATION CONTACT: Ben Chavez, telephone (214) 767-8001.

The closing date for submitting an application is 5:00 p.m., 8 July, 1983. An application kit is available upon written request.

The date and place of a pre-application conference to assist all interested applicants will be announced with the application package.

Ruben Porras,

Acting Regional Director.

[FR Doc. 83-15746 Filed 6-10-83; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council and its Administrative Subcommittee; Change in Meeting Location

AGENCY: National Marine Fisheries Service, Commerce.

ACTION: The Caribbean Fishery Management Council and its Administrative Subcommittee have changed the meeting location for the public meetings, from that which was announced previously in the **Federal Register**, May 25, 1983 (48 FR 23472), to the following:

From Council and Administrative Subcommittee, University of Puerto Rico, Humacao Campus, Conference Room of the Students Center, Humacao, Puerto Rico.

To Council and Administrative Subcommittee, Federal Building, Room G51, Chardon Street, Hato Rey, Puerto Rico.

Also, please refer as necessary to the amended notice for the public meetings of the Council and its Administrative Subcommittee, published in the **Federal Register** June 2, 1983 (48 FR 24759), concerning changes in the public meeting dates. All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Banco de Ponce Building, Suite 1108, Hato Rey, Puerto Rico 00918, telephone (809) 753-4926.

Dated: June 8, 1983.

Ann D. Terbush,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-15783 Filed 6-10-83; 8:45 am]

BILLING CODE 3510-22-M

Caribbean Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, Commerce.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), has established a Scientific and Statistical Committee (SSC), which will meet to examine and provide recommendations to the Council on specific suggested sites for area closures and on size limits for certain reef fish species in relation to the Council's Shallow-water Reef Fish Fishery Management Plan.

DATES: The meeting will convene on Wednesday, June 29, 1983, at 9:30 a.m. and will adjourn at approximately 3:00 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Conference Room G-59, Federal Building, Chardon Street, Hato Rey, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, telephone (809) 753-4926.

Dated: June 8, 1983.

Ann D. Terbush,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-15784 Filed 6-10-83; 8:45 am]

BILLING CODE 3510-22-M

[Modification No. 2 to Permit No. 370]

Taking and Importing of Marine Mammals; Alaska Department of Fish and Game

On April 28, 1983, notice was published in the **Federal Register** (48 FR 19194) that a request to modify Permit No. 370 had been received from the Alaska Department of Fish and Game. Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 370 issued to the Alaska Department of Fish and Game, P.O. Box 3–2000, Juneau, Alaska 99802 on March 2, 1982 (47 FR 10071), as modified on June 24, 1982 (47 FR 27400) is further modified in the following manner:

Section B is modified by adding:

"10. Each of the 700 belukha whale (*Delphinapterus leucas*) authorized to be captured in Sections A.1 (a) and (b) may be injected with tetracycline in order to produce an identifiable band in bony structures as described in the modification request.

The modification became effective on June 3, 1983.

The Permit, as modified, is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: June 3, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83–15753 Filed 6–10–83; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Notice of Issuance of Permit No. 418

On April 20, 1983, Notice was published in the **Federal Register** (48 FR 16934) that an application had been filed with the National Marine Fisheries Service by Dr. Daniel P. Costa, Center for Coastal Marine Studies, University of California, Santa Cruz, California 95064, to take up to 70 Stellar sea lions (*Eumetopias jubatus*) for scientific research. The **Federal Register** Notice erroneously specified that the Applicant requested to paint mark 40 adults, rather than the 25 stated in the application. The request was processed for a total of 55 Stellar sea lions.

Notice is hereby given that on June 7, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Scientific Research Permit to Dr. Costa for the above taking subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 7, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83–15754 Filed 6–10–83; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Cost Comparison Reviews Scheduled for Commercial or Industrial Activities Performed by Government Personnel in the National Technical Information Service

Notice is hereby given that pursuant to the Office of Management and Budget (OMB) Circular A–76 and Department of Commerce Administrative Order 201–41 that the National Technical Information Service intends to conduct reviews of Government operation versus contract operation of the activities listed below.

Name of activity	Location	Review start	Estimated review completion
Information analysis	Springfield, Virginia	8/1/83	9/30/84
Distribution services (order processing)	Springfield, Virginia	8/1/83	9/30/84
Computer processing (keyboarding)	Springfield, Virginia	8/1/83	9/30/84

Contracts may or may not result from the reviews. Results of the reviews will be made available to responding bidders or offerors and other interested parties. For further information contact Raymond D. Watson, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, phone (703) 487–4750.

Thomas P. Bold, Jr.,

Director, Office of Administrative Management, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 83–15813 Filed 6–10–83; 8:45 am]

BILLING CODE 3510–04–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Soliciting Public Comment on Bilateral Textile Consultations With the Government of Hong Kong To Review Trade in Categories 442, 636, and 647

June 8, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: On May 24 and May 26, 1983 the Government of the United States requested consultations with the Government of Hong Kong with respect to Categories 442 (wool skirts), 636 (man-made fiber dresses), and 647 (men's and boys' trousers of man-made fibers). These requests were made on the basis of the Agreement of June 23, 1982, as amended, between the Governments of the United States and Hong Kong relating to trade in cotton, wool, and man-made fiber textiles and textile products.

SUMMARY: The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of textile products in Categories 442, 636, and 647, produced or manufactured in Hong Kong and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. The Government of the United States also reserves the right to control imports of these categories at the established limits.

Any party wishing to comment or provide data or information regarding the treatment of Categories 442, 636, and 647 under the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement with the Government of Hong Kong or on any other aspect thereof, or to comment on domestic production or availability of textile products included in these Categories, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade

Administration, U.S. Department of Commerce Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 533(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-15733 Filed 6-10-83; 8:45 am]

BILLING CODE 3510-25-M

Soliciting Public Comment on Bilateral Textile Consultations With the Government of the Republic of Korea To Review Trade in Categories 336, 442, 636, 647, and 669 pt.

June 8, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: On May 20 and 24, 1983 the Government of the United States requested consultations with the Government of the Republic of Korea with respect to Categories 336 (cotton dresses), 442 (wool skirts), 636 (man-made fiber dresses), 647 (men's and boys' man-made fiber trousers), and 669 pt. (only T.S.U.S.A. 385.5300). This request was made on the basis of the Agreement of December 14, 1982, between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool, and man-made fiber textiles and textile products.

SUMMARY: The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments, the Committee for the Implementation of Textile Agreements may establish limits for the entry and withdrawal from warehouse for consumption of textile products in Categories 336, 442, 636, 647, and 669 pt., produced or manufactured in Korea and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

The Government of the United States reserves the right under the agreement to invoke import controls on these categories, as defined in the Bilateral Cotton, Wool, and Man-made Fiber Textile Agreement, with the Government of the Republic of Korea.

Any party wishing to comment or provide data on information regarding the treatment of Categories 336, 442, 636, 647, and 669 pt. under the bilateral Cotton, Wool and Man-made Fiber Textile Agreement with the Government of the Republic of Korea, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in these categories, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 533(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-15732 Filed 6-10-83; 8:45 am]

BILLING CODE 3510-25-M

Soliciting Public Comment on Bilateral Textile Consultations With Taiwan To Review Trade in Categories 434, 612, 636, and 642

June 8, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: On May 20, 25, and May 31, 1983 the American Institute in Taiwan requested consultations with the Coordination Council for North American Affairs concerning exports from Taiwan in Categories 434 (men's and boys' other coats), 612 (other man-made fiber woven fabrics, wholly of continuous fibers), 636 (man-made fiber dresses), and 642 (man-made fiber skirts). These requests were made on the basis of the agreement of November 16, 1982, concerning trade in cotton, wool, and man-made fiber textiles and textile products from Taiwan.

SUMMARY: The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with Taiwan, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of textile products in Categories 434, 612, 636, and 642, produced or manufactured in Taiwan and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

The Committee for the Implementation of Textile Agreements reserves the right to invoke import controls on these categories, as defined in the agreement concerning cotton, wool, and man-made fiber textile products from Taiwan.

Any party wishing to comment or provide data or information regarding the treatment of Categories 434, 612, 636, and 642 under the bilateral agreement, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in these Categories is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements

considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-15731 Filed 6-10-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Intent To Prepare Environmental Impact Statement

The United States Air Force, Department of Defense, will prepare an Environmental Impact Statement (EIS) on its plans for deployment and operation of the Peacekeeper (M-X) strategic weapon system which is an advanced land based intercontinental ballistic missile.

The EIS will examine the nature, range, degree and extent of impacts associated with the deployment and peacetime operation of 100 Peacekeeper missiles in 100 existing Minuteman III missile silos, including mitigation measures. The first fifty missiles are to be deployed at the 400th Strategic Missile Squadron in southeastern Wyoming; the remaining fifty missiles are to be deployed at the 319th Strategic Missile Squadron in southeastern Wyoming and western Nebraska. The main operating base will be F. E. Warren Air Force Base near Cheyenne, Wyoming.

The draft EIS is scheduled to be completed in the fall of 1983. Upon issuance of the draft statement, a public comment period and public hearings are planned to obtain comments. The final environmental statement is scheduled to be published in early 1984.

The Air Force is planning to conduct a series of meetings to determine the nature, extent, and scope of the significant environmental issues and concerns that should be addressed in the EIS. This scoping process is planned to include affected federal, regional, state and local agencies, organizations, interest groups, and the general public in the geographic areas potentially affected by the Peacekeeper missile system. During, and subsequent to the meetings, individuals, organizations and governmental agencies will be invited to submit views on issues to be included in the environmental impact statement. Notice of the time and place of the planned scoping meetings will be made available to public officials and announced in the news media in the areas where the meetings will be held.

To assure that the Air Force will have sufficient time to consider public inputs on issues which are to be included in the development of the EIS, comments should be forwarded to the addressee listed below by 18 July 1983.

For further information concerning the Peacekeeper program EIS activities, contact Major Peter Walsh, AFRCE-BMS/DEV, Norton Air Force Base, California 92409; (714) 382-4891.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-15819 Filed 6-10-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Advisory Panel on ROTC Affairs; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following panel meeting:

Name of Panel: Army Advisory Panel on ROTC Affairs.

Date of Meeting: 7-9 July 1983.

Place: Holiday Inn and Holidome, 530 Richards Drive, Manhattan, Kansas 66502.

Time: 0800-1700, 7-8 July and 1000-1300, 9 July.

Proposed Agenda: The meeting will consist of two general sessions (7 and 8 July) and include visits to the U.S. Army Third ROTC Region ROTC Advanced Camp at Fort Riley, Kansas (8 and 9 July). The Panel will receive an ROTC update on the scholarship program and participate in discussions concerning ROTC plans and initiatives to attract and retain students in engineering and scientific disciplines. This meeting is open to the public. Any interested person may appear before or file statements with the Panel at the time and in the manner permitted by the Panel.

John P. Prillaman,

Major General, GS, Deputy Chief of Staff for ROTC.

[FR Doc. 83-15816 Filed 6-10-83; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

[84.003P]

Office of Bilingual Education and Minority Languages Affairs; Materials Development Projects

AGENCY: Department of Education.

ACTION: Application Notice Establishing Closing Date for Transmittal of Fiscal Year 1983 Applications for New Projects and Announcement of Priority Selection.

SUMMARY: Applications are invited for new projects under the Bilingual Education Act—Materials Development Projects Program.

Authority for this program is contained in Section 721 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95-561) (20 U.S.C. 3231)

This program issues awards to local educational agencies and institutions of higher education that apply jointly with one or more local educational agencies.

The purpose of the awards is to develop instructional and testing materials for use in programs of bilingual education and bilingual education training.

Closing Date for Transmittal of Applications: An application must be mailed or hand deliverd by August 15, 1983.

Applications Delivered By Mail: An application must be addressed to the Department of Education, Application Control Center, *Attention:* 84.003P, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a date postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications Delivered By Hand: Hand-delivered applications must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: An application will be approved for a project period of one year only.

A local educational agency, applying as a sole or joint applicant, is required to hold at least one meeting, open to the public, to discuss the contents of its applications. Requirements for scheduling and holding this open meeting are contained in the Education Department General Administrative Regulations (34 CFR 75.139–75.141). The local educational agency must complete the certification form in the application package. This requirement must be met regardless of whether the local educational agency is designated as the applicant under 34 CFR 75.128.

Joint applicants must complete a special certification form in the application package.

Available Funds: It is expected that approximately $1,500,000 will be available for new grants under the Materials Development Projects Program for FY 1983.

It is estimated that these funds could support 12 projects.

The anticipated award for each new project is between $75,000 and $200,000.

However, these estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulation.

Priorities: The Education Department General Administrative Regulations (34 CFR 75.105) permit the Secretary to establish annual priorities for the selection of applications in a particular fiscal year. For fiscal year 1983, the Secretary invites submission of applications that propose to develop materials for the following language groups: Asian and Pacific language groups; Native American language groups; and Portuguese. An application that meets the invitational priority receives no competitive or absolute preference over applications that do not meet the priority.

Application Forms: Application forms and program information packages are expected to be available in early July. A copy of the application may be obtained by writing to the Office of Bilingual Education and Minority Languages Affairs, Department of Education, 400 Maryland Avenue S.W., Reporters Building, Room 421, Washington, D.C. 20202. Attention: Materials Development Projects Program.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the progam information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information packages is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed thirty (30) double-spaced pages in length. The Secretary further urges that applicants submit only information that is requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) The regulations governing the Materials Development Projects Program, 34 CFR Parts 500 and 505.

(b) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, and 78.

Further Information: For further information contact the Materials Development Projects Program Application Coordinator, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245–2595 or 447–9228.

(20 U.S.C. 3231)

(Catalog of Federal Domestic Assistance No. 84.003, Bilingual Education)

Dated: June 8, 1983.

Jesse M Soriano,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 83–15750 Filed 6–10–83; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 83–CERT–067]

Anchor Hocking Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Anchor Hocking Corporation (ANCHOR HOCKING), 109 North Broad Street, Lancaster, Ohio 43130, filed an application on May 5, 1983, and an amendment on May 25, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at five of its facilities in Maryland, Ohio and Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S. W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday except Federal holidays.

In its application, ANCHOR HOCKING indicates that the volume of natural gas for which it requests certification is approximately 13,000 Mcf per day. This volume is estimated to displace the use of approximately 83,000 gallons of No. 6 fuel oil (1.0 percent sulfur) per day.

The quantities at each location are subject to variation with changes in demand, but estimated gas usage and resulting oil displacement volumes are listed below:

Facility	Estimated volume (Mcf) per day	Estimated oil (No. 6) displacement (gallons) 1.0 sulfur
Baltimore, Maryland	1,750	11,000
Lancaster, Ohio (Ewing Street)	3,000	19,000
Lancaster, Ohio (W. Fifth Avenue)	4,500	26,000
Connellsville, Pennsylvania	3,000	22,000
New Castle, Pennsylvania	750	5,000
Total	13,000	83,000

The eligible sellers are Excalibur Energy Corporation, 2106 Crestmoon Road, Nashville, Tennessee 37215; Exxon Company, U.S.A., P.O. Box 2180, Houston, Texas 77001; Delta Drilling Company, P.O. Box 2012, Tyler, Texas 75710; and Adobe Oil & Gas Company, 1100 West United Life Building, Midland, Texas 79701. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314; and Columbia Gulf Transmission Corporation, 3805 West Alabama Avenue, P.O. Box 683, Houston, Texas 77001; and by Baltimore Gas and Electric Company, P.O. Box 1475, Baltimore, Maryland 21203; Columbia Gas of Ohio, Inc., P.O. Box 117, Columbus, Ohio 40117; and Columbia Gas of Pennsylvania, Inc., P.O. Box 117, Columbus, Ohio 40117; the three local distribution companies serving the ANCHOR HOCKING facilities.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the

circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to ANCHOR HOCKING and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 2, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15683 Filed 6–10–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–106]

Corning Glass Works; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Corning Glass Works (CORNING), Corning, New York 14831, filed an application on May 19, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its State College, Pennsylvania, plant pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detained information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, CORNING indicates that the volume of natural gas for which it requests certification is approximately 900,000 Mcf per year. This volume is estimated to displace the use of approximately 6,475,000 of No. 2 fuel oil (0.2 percent sulfur) per year.

The eligible seller is Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gulf Transmission Company, 3805 West Alabama Avenue, Houston, Texas 77027; Columbia Gas Transmission Company, 1700 MacCorkle Avenue, S.E., Charleston, West Virgina 25315; United Gas Pipeline Company, P.O. Box 1478, Houston, Texas 77001; and by Columbia Gas of Pennsylvania, Inc., 109 North Front Street, Columbus, Ohio 43214, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to CORNING and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 2, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15684 Filed 6–10–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–096]

Darling and Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Darling and Company (DARLING), P.O. Box 15098, Lockland Station, Cincinatti, Ohio 45215, filed an application on May 16, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its facility in Reading, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday; except Federal holidays.

In its application, DARLING indicates that the volume of natural gas for which it requests certification is approximately 72,000 Mcf per year. This volume is estimated to displace the use of approximately 593,289 gallons of No. 2 fuel oil (1.0 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2610, Houston, Texas 77001; Texas Gas Corporation, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Trasmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; Texas Gas Transmission Corporation, P.O. Box 1160, Owensboro, Kentucky 42301; and Union Light, Heat and Power Company, P.O. box 32, Covingron, Kentucky 41012; and by Cincinnati Gas and Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, a local distribution company.

In order to provide the public with as much opportuntiy to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportuntiy to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If the ERA determines that an oral presentation is necessary, further notice will be given to DARLING and any

person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 6, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-15691 Filed 6-10-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-047]

Edison International Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Edison International, Inc., of McGraw-Edison Company (EDISON), 1701 Golf Road, Rolling Meadows, Illinois 60008, filed an application on May 2, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Worthington Division Steam Turbine Operations Plant in Wellsville, New York, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, EDISON indicates that the volume of natural gas for which it requests certification is approximately 149,961 Mcf per year. This volume is estimated to displace the use of approximately 1,108,000 gallons of No. 2 fuel oil (0.1 percent sulfur) per year.

The eligible seller is Walchi Oil and Gas Company, 100 North Main Street, Wellsville, New York 14895. The gas will be transported by National Fuel Gas Supply Corporation of New York, 10 Lafayette Square, Buffalo, New York 14203; and by National Fuel Gas Distribution Corporation of New York, 10 Lafayette Square, Buffalo, New York 14203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to EDISON and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on May 25, 1983.

James W. Workman,

Director, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 83-15694 Filed 6-10-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-102]

F. L. Emmert Co., Inc.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

The F. L. Emmert Co., Inc. (EMMERT), 2007 Dunlap St., Cincinnati, Ohio 45214, filed an application on May 18, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Cincinnati grain drying facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, EMMERT indicates that the volume of natural gas for which it requests certification is approximately 41,000 Mcf per year. This volume is estimated to displace the use of approximately 295,000 gallons of No. 2 fuel oil (0.2 percent sulfur) per year.

The eligible sellers are EXXON U.S.A., P.O. Box 2810, Houston, Texas, 77001; Texas Gas Corporation, 3000 Frederick Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky, 45302; the Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, W. Virginia 25325, and Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012; and by Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to EMMERT and any person filing comments and will be published in the **Federal Register.**

Issued In Washington, D.C., on June 2, 1983.

James W. Workman,

Director, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 83-15690 Filed 6-10-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-104]

St. Elizabeth Medical Center, Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

St. Elizabeth Medical Center, Inc., (ST. ELIZABETH), One Medical Village Dr., Edgewood, Kentucky 41017 filed an application on May 19, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Edgewood, Kentucky and Covington, Kentucky, Medical facilities, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is

contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application ST. ELIZABETH indicates that the volume of natural gas for which it requests certification is approximately 50,038 Mcf per year. This volume is estimated to displace the use of approximately 648,000 gallons of No. 2 fuel oil (.2 percent sulfur) per year.

The quantities at each location are subject to variation with changes in demand, but estimated gas usage and resulting oil displacement volumes are listed below:

Facility	Estimated Volume (Mcf) per year	Estimated oil (No. 2) displacement (gallons) 0.2 Sulfur
(1) Covington, KY (North Unit)	38	390,000
(2) Edgewood, KY (South Unit)	50,000	258,000
Total Volume/Displacement per year	50,038	648,000

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owenboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, W. Virginia 25325; and the Cincinnati Gas and Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to ST. ELIZABETH and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 2, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15689 Filed 6–10–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–109]

Timet Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

TIMET Corporation (TIMET), 100 Titanium Way, P.O. Box 309, Toronto, Ohio 43964, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Toronto, Ohio, plant pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, TIMET indicates that the volume of natural gas for which it requests certification is approximately 132,000 Mcf per year. This volume is estimated to displace the use of approximately 880,440 gallons of No. 6 fuel oil (0.2 percent sulfur) per year.

The eligible seller is Exxon U.S.A. P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, W. Virginia 25304; Columbia Gulf Transmission Company, 3805 West Alabama Avenue, Houston, Texas 77027; and Columbia Gas of Ohio, Inc., 109 North Front Street, Columbus, Ohio 43215 a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calender days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposal oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to TIMET and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 2, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15686 Filed 6–10–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–107]

Twin Towers, United Methodist Home on College Hill; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Twin Towers, United Methodist Home on College Hill (UNITED METHODIST HOME), 5343 Hamilton Avenue, Cincinnati, Ohio 45224, filed an application on May 20, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fule oil at its College Hill location pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestall Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, UNITED METHODIST HOME indicates that the volume of natural gas for which it requests certification is approximately 40,000 Mcf per year. This volume is estimated to displace the use of

approximately 280,000 gallons of No. 2 fuel oil (.31 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2180, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, W. Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and the Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by an interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to UNITED METHODIST HOME and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 6, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-15687 Filed 6-10-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83–CERT–066]

Van Dyne-Crotty Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Van Dyne-Crotty Company (VAN DYNE), 2150 Fairwood Avenue, Columbus, Ohio 43207, filed an application on May 12, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at two of its facilities in Columbus, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, VAN DYNE indicates that the volume of natural gas for which it requests certification is approximately 84,000 Mcf per year. This volume is estimated to displace the use of approximately 610,000 gallons of No. 2 fuel oil (0.3 percent sulfur) per year at its Fairwood Avenue and East Main Street facilities in Columbus, Ohio.

The quantities at each location are subject to variation with changes in demand, but estimated gas usage and resulting oil displacement volumes are listed below:

Facility	Estimated volume (Mcf) per year	Estimated oil (No. 2) displacement (gallons) 0.3% sulfur
2150 Fairwood Avenue, Columbus, Ohio 43207	60,000	440,000
454 East Main Street, Columbus, Ohio 43207	24,000	170,000
Total	84,000	610,000

The eligible seller is the Scott Krauss News Agency, P. O. Box 1677, Columbus, Ohio 43216. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25304; and by Columbia Gas of Ohio, Inc., 109 North Front Street, Columbus, Ohio 43215, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to VAN DYNE and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 6, 1983

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-15692 Filed 6-10-83; 8:45 am]

BILLING CODE 6450-01-M

Dalco Petroleum Corporation and Subsidiaries and Louis Porter; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has withdrawn its agreement to the proposed Consent Order with Dalco Petroleum Corporation and its subsidiaries and Louis Porter.

FOR FURTHER INFORMATION CONTACT: John W. Sturges, Director, Tulsa Office, Economic Regulatory Administration, 440 South Houston, Room 306, Tulsa, Oklahoma 74127; (918) 581–7781.

SUPPLEMENTARY INFORMATION: On January 21, 1983, 48 FR 2822, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Dalco Petroleum Corporation and its subsidiaries and Louis Porter on December 28, 1982 which would not become effective sooner than 30 days after publication of that notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order. The ERA has withdrawn its agreement to the proposed Consent Order because of unforeseen events which affect Dalco's

ability to comply with the terms of the proposed Consent Order.

Issued in Tulsa, Oklahoma the 20th day of May 1983.

John W. Sturges,

Director, Tulsa Office, Economic Regulatory Administration.

[FR Doc. 83-15780 Filed 6-10-83; 8:45 am]

BILLING CODE 6450-01-M

Erickson Refining Corporation and Holiday Stationstores, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives Notice of a Proposed Remedial Order which was issued to Erickson Refining Corporation, 1502 Augusta Drive, Houston, Texas 77057 and Holiday Stationstores, Inc., 4567 West 80th Street, Minneapolis, Minnesota 55437. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.183, 212.186, 210.62, and 205.202. The principal amount of the alleged violation of 10 CFR 212.186, 210.62, and 205.202 for the period October 1979 through September 1980 is $1,238,405.84. The principal amount of the alleged alternative violation of 10 CFR 212.183 for the period October 1979 through September 1980 is $762,034.00.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of this Notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas, on the 27th day of May 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-15781 Filed 6-10-83; 8:45 am]

BILLING CODE 6450-01-M

Mustang Fuel Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Mustang Fuel Corpotion and its subsidiary Mustang Gas Products Company (Mustang) as a final order of the Department.

EFFECTIVE DATE: May 24, 1983.

FOR FURTHER INFORMATION CONTACT: John W. Sturges, Director, Tulsa Office, Economic Regulatory Administration, 440 South Houston, Room 306, Tulsa, Oklahoma 74127; (918) 581-7781.

SUPPLEMENTARY INFORMATION: On March 31, 1983, 48 FR 13481, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Mustang on March 11, 1983 which would not become effective sooner than 30 days after publication of that notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The Consent Order resolves Mustang's potential civil liability arising out of the Federal Petroleum Price and Allocation Regulations in connection with the firm's transactions involving the first sale of crude oil (pipeline condensate) and the resale of crude oil during the period September 1973 through January 27, 1981. The Consent Order requires Mustang to remit $800,000 to DOE within 30 days of the effective date of the Consent Order and specifies ERA will file a Petition for Implementation of Special Refund Procedures with the Office of Hearings and Appeals pursuant to 10 CFR Part 205, Subpart V for the distribution of refunds.

Six comments were received. These comments did not contest the validity of the proposed Consent Order, but addressed the question of the disposition of funds to be paid by Mustang. These comments, all from states proposed the funds be distributed to the states, for transportation improvements, energy conservation, energy reserch and development, or other energy related projects.

Since the comments addressed only the disposition of the funds, the ERA has decided to make the proposed Consent Order final without modification. The ultimate disposition of the funds will depend on several factors, such as the type of alleged violations underlying the Consent Order and the ability of the ERA to identify the persons who ultimately bore the burden of the alleged violations. The commenters' suggestions regarding the distribution of funds will be considered in determining the appropriate ultimate disposition.

The proposed Consent Order with Mustang Fuel Corporation and its subsidary Mustang Gas Products Company, therefore, was made final on May 24, 1983.

Issued in Tulsa, Oklahoma, on the 24th day of May 1983.

John W. Sturges,

Director, Tulsa Office, Economic Regulatory Administration.

[FR Doc. 83-15782 Filed 6-10-83; 8:45 am]

BILLING CODE 6450-01-M

Proposed Consent Order With World Oil Company

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Economic Regulatory Administration (ERA) hereby gives the notice required by 10 CFR 205.199J(c) that it has signed a Consent Order with World Oil Company. The Consent Order resolves all issues of compliance with the Federal Petroleum Price and Allocation Regulations, with the exceptions noted in the Consent Order, for the period August 19, 1973 through January 27, 1981, when crude oil and petroleum products were decontrolled by Executive Order 12287, 46 FR 9909 (January 30, 1981). In executing the Consent Order, World Oil Company has agreed to make a payment of $1,100,000 to DOE and to waive claims to certain funds now held by DOE in escrow.

As required by the regulation cited above, ERA will receive comments on the Consent Order for a period of not less than 30 days following publication of this notice. ERA will consider any comments received before determining whether to make the Consent Order final.

Comments to be considered, comments must be received by 5:00 p.m. on the thirtieth day following publication of this notice. Address comments to: World Oil Company, Consent Order Comments, Economic Regulatory Administration, U.S. Department of Energy, 333 Market Street (6th Floor), San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Raymond G. Gong, Chief Counsel, Economic Regulatory Administration, U.S. Department of Energy, 333 Market Street (6th Floor), San Francisco, California 94105; (415) 974-7114.

Copies of the Consent Order may be received free of charge by request in person or by written request to: World Oil Company, Consent Order Request, Economic Regulatory Administration, U.S. Department of Energy, 333 Market Street (6th Floor), San Francisco, California 94105.

SUPPLEMENTARY INFORMATION: World Oil Company is a California based corporation which engaged in sales of refined petroleum products during the time period August 19, 1973 through January 27, 1981. It is headquartered at 1017 North La Cienega Boulevard, Los Angeles, California 90069. Prior to February 1976, World Oil Company was classified as a "reseller" and "reseller-retailer" under the Federal Petroleum Price and Allocation Regulations (the Regulations). In February of 1976, the firm acquired the Sunland Refining Corporation and began operating a refinery. It was thereafter classified as a "refiner."

ERA conducted audits of the books and records of both World Oil Company and Sunland Refining Corporation relating to their compliance with the Regulations. During the audits, several regulatory questions and issues were raised. Two Notices of Probable Violation were issued to the Sunland Refining Corporation. Except for matters specifically excluded from the Proposed Consent Order (such as obligations which may arise under a final entitlements list for January 1981), this Consent Order resolves all civil issues, whether or not previously raised in an enforcement proceeding, concerning the allocation and sale of crude oil or refined products by World, its divisions or its subsidiaries and by the Sunland Refining Corporation.

Neither ERA nor World Oil Company has retreated from the positions that they have taken previously on the issues addressed by this Consent Order, and each believes that its positions on these issues are meritorious. The parties desire, however, to resolve the issues raised without resort to complex, lengthy and expensive compliance litigation. ERA believes that the terms and conditions of this Consent Order provide a satisfactory resolution of disputed issues and an appropriate conclusion of its audits of World Oil Company and the Sunland Refining Corporation and that the Consent Order is in the public interest.

The Consent Order requires a cash refund payment of $1,100,000.00 within 10 days after the effective date of the Consent Order. It also requires a dismissal with prejudice of *World Oil Company v. Edwards*, No. 82-0914 MRP (C.D. Cal.) and a waiver of any and all claims World may have to funds now held by DOE in escrow under the *In Re EDG, Inc. Consent Order*, Case No. 930S00173. The amount of that escrow previously claimed by World is $658,281.93 including interest as of May 16, 1983.

DOE has determined that the appropriate disposition of these funds should be as follows: (a) DOE will pay $900,000 to the State of California for use in any of the five energy conservation programs specified below; and (b) DOE will hold in escrow both the remaining $200,000 paid under the Consent Order and the funds from the previously identified escrow account pending a determination concerning the appropriate disposition of these funds. The Consent Order provides that the payment to the State of California is to be used for one or more of the following energy conservation programs:

(1) The program under part A of the Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. 6861 *et seq.;*

(2) The programs under part D of Title III of the Energy Policy and Conservation Act (relating to primary and supplemental state energy conservation programs), 42 U.S.C. 6321 *et seq.;*

(3) The program under part G of Title III of the Energy Policy and Conservation Act (relating to energy conservation for schools and hospitals), 42 U.S.C. 6371 *et seq.;*

(4) Programs under the National Energy Extension Service Act, 42 U.S.C. 7001 *et seq.;* and

(5) The program under the Low Income Home Energy Assistance Act of 1981, 42 U.S.C. 8621 *et seq.*

These programs are the same ones that were enumerated in Section 155 of the Further Continuing Appropriations Act, 1983, Pub. L. No. 97-377 ("the Act") pursuant to which $200 million was distributed to the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States on February 4, 1983. See 48 FR 5293 (February 4, 1983). Thus, the funds distributed to California pursuant to the instant Consent Order are to be spent in the same manner as the funds distributed pursuant to the Act.

ERA had determined that a distribution to the State of California for use in energy conservation programs is appropriate for several reasons. Sunland Refining Company, and subsequently World, operated a refinery in California throughout the period of price controls. The portion of the refund to be directed to the State of California, which is attributable to alleged violations of the refiner price regulations, reflects an ERA determination that such a distribution is appropriate because the ultimate burden of any alleged refiner pricing overcharges was, in all likelihood, borne by downstream end-user customers. The payment to California on behalf of such unidentifiable end-user customers is appropriate since virtually all of World's sales of general refinery products were made in that State during the months in which the alleged violations occurred.

The Consent Order also provides details concerning the conclusion of the audit, confidentiality of audit data, recordkeeping, and procedures concerning enforcement of the provisions of the Consent Order. Upon becoming final after consideration of public comments, the Order will be a final order of DOE to which World Oil Company has waived its right to an administrative or judicial appeal. The Consent Order does not constitute an admission by World Oil Company or a finding by ERA of a violation of any Federal Petroleum Price and Allocation Regulation.

Submission of Written Comments

Interested persons are invited to submit written comments concerning this Consent Order to the address noted above. All comments received by 5:00 p.m. on the thirtieth day following publication of this notice will be considered by ERA before determining whether to adopt the Consent Order as a final order. Modifications of the Consent Order that, in the opinion of ERA, significantly change the terms or impact of the Consent Order will be published for comment. If, after considering the comments it has received, DOE determines to issue the Consent Order as a final order, the Consent Order will be made final and effective by publication of a notice to that effect in the **Federal Register.**

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued this 26th day of May 1983, in San Francisco, California.

Raymond G. Gong,

Chief Counsel, Economic Regulatory Administration.

[FR Doc. 83-15779 Filed 6-10-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-161]

Jeannette Sheet Glass Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Jeannette Sheet Glass Corporation (Jeannette), P.O. Box 739, Jeannette, Pennsylvania 15644, filed an application on June 6, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Sheet Glass Plant in Jeannette, Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Jeannette indicates that the volume of natural gas for which it requests certification is approximately 2,800 Mcf per day. This volume is estimated to displace the use of approximately 20,000 gallons of No. 2 fuel oil (0.34 percent sulfur) per day.

The eligible sellers are Exxon Company, U.S.A., P.O. Box 2180, Houston, Texas 77001, and Excalibur Energy Corporation, 2108 Crestmoor Road, Nashville, Tennessee 37215. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue SE., Charleston, West Virginia 25314; Columbia Gulf Transmission Corporation, P.O. Box 683, Houston, Texas 77001; and Columbia Gas of Pennsylvania, 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Jeannette and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 8, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-15823 Filed 6-10-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-108]

PPG Industries, Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

PPG Industries, Inc. (PPG), One PPG Place, Pittsburgh, Pennsylvania 15272, file an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its PPG Industries, Inc., Works No. 6, P.O. Box 6, Carlisle, Pennsylvania 17013, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, PPG indicates that the volume of natural gas for which it requests certification is approximately 2,900,000 Mcf per year. This volume is estimated to displace the use of approximately 20 million gallons of No. 6 fuel oil (1.0 percent sulfur) per year.

The eligible sellers with which PPG is negotiating to purchase natural gas are: Bounty Oil and Gas, Inc., 2 East Second Street, Fenton Building, Jamestown, New York 14701; J&J Enterprises, P.O. Box 697, Indiana, Pennsylvania 15071; and Industrial Energy Services Co., Express House, Second Floor, Station Square, Pittsburgh, Pennsylvania 15219. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314; and by UGI Corporation, Gas Utility Division, 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of the publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest.

The request should include a summary of the propose oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to PPG and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 8, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-15821 Filed 6-10-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-103]

Roblin Industries, Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Roblin Industries, Inc. (Roblin), 241 Main St., Buffalo, N.Y. 14203, filed an application on May 18, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its two Roblin Steel Company plants at 320 South Roberts Drive, Dunkirk, N.Y. 14048; and 101 East Avenue, N. Tonawanda, N.Y. 14120; pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket

Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Roblin indicates that the volume of natural gas for which it requests certification is approximately 1,000 Mcf per day at each plant. This volume is estimated to displace approximately 7,143 gallons of No. 2 fuel oil (0.5 percent sulfur) per day at each plant, for a total of approximately 14,286 gallons per day.

The eligible seller is Envirogas, Inc., P.O. Box 127, East Chautauqua Street, Mayville, New York 14757. The gas will be transported by the National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301; and by National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Roblin and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 7, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15820 Filed 6–10–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–160]

Union Carbide Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Union Carbide Corporation, Carbon Products Division (UCC), P.O. Box 887, Niagara Falls, New York 14302, filed an application on June 2, 1983, and amended it on June 6, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at two of its manufacturing facilities located in Niagara Falls, New York, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, UCC indicates that the volume of natural gas for which it requests certification is approximately 663,000 Mcf per year. This volume is estimated to displace the use of approximaely 3,636,000 gallons of No. 2 fuel oil (0.4 percent sulfur) and 1,146,000 gallons of No. 6 fuel oil (1.4 percent sulfur) per year.

The quantities at each location are subject to variation with changes in demand, but estimated gas usage and resulting oil displacement volumes are listed below:

Facility	Estimated gas volume [1]	Estimated oil displacement [2]			
		No. 2 oil	Sulfur content percent	No. 6 oil	Sulfur content percent
Niagara plant (National location)	233,000	1,704,000	0.4		
Niagara plant (Republic location)	43,000			300,000	1.4
	264,000	1,932,000	0.4		
	123,000			846,000	1.4
Totals	663,000	3,636,000		1,146,000	

[1] Million cubic feet per year.
[2] Gallons per year.

The eligible sellers are Envirogas Inc., One Grimsby Drive, Hamburg, New York 14075; American Penn Energy, Inc., 151 Chautauqua Road, Fredonia, New York 14063; and Keystone Energy Oil and Gas Inc., 615 Iron City Drive, Pittsburgh, Pennsylvania 15205. The gas will be transported by National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301; and by National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to UCC and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 8, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–15822 Filed 6–10–83; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Energy Research Advisory Board, Technical Panel on Magnetic Fusion; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Technical Panel on Magnetic Fusion of the Energy Research Advisory Board (ERAB).

Date and Time: July 7, 1983 from 9 am to 5 pm. July 8, 1983 from 9 am to 11 am.

Place: Lawrence Livermore National Laboratory, Auditorium, Building 543, Livermore, California.

Contact: Thomas J. Kuehn, U.S. Department of Energy, Office of Energy Research (ER–6), 1000 Independence Avenue, SW, Washington, DC 20585, telephone 202/252–8933.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda:

- Magnetic Fusion Technology Program Plan
- Applied Plasma Physics Program Plan
- NAS/NCR Report on Fusion Engineering
- Status and Recent Developments in the Mirror Program
- MFAC Panel Reports
- Public comment (10 minute rule)

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Thomas J. Kuehn at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on June 7, 1983.

J. Ronald Young,

Director for Management, Office of Energy Research.

[FR Doc. 83–15824 Filed 6–10–83; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP82–119–002]

Algonquin Gas Transmission Co., Amendment

June 8, 1983.

Take notice that on May 2, 1983, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP82–119–002 an amendment to its application filed in Docket No. CP82–119–000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect reduced quantities of Canadian gas to be sold and stored, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant notes that on January 27, 1983, the National Energy Board of Canada (NEB) issued a decision which, *inter alia*, authorized Pan-Alberta Gas Ltd. (Pan-Alberta) to export for sale to Applicant approximately 50,981 Mcf per day, 50 percent of the daily and annual Canadian gas volumes for which export authorization was sought and it shortened the term of exportation from the 15 years for which authorization was requested to 12 years with reduced quantities in the 10th, 11th, and 12th years. Applicant in its second amendment to modifies its amended application in Docket No. CP82–110–001 to reflect such reduced quantities for the Canadian gas sales and storage services for which Applicant seeks authorization and to reflect facilities appropriate to handle such reduced quantities of Canadian gas.

Additionally, Applicant proposes: (i) Transportation of the reduced quantities by Niagara Interstate Pipeline System (NIPS) from the United States-Canadian border to near Tamarack, Pennsylvania, in place of Trans-Niagara Pipeline; (ii) the execution of a mutually satisfactory agreement between Applicant and TransCanada PipeLines Limited (TransCanada) to provide for the delivery by TransCanada to NIPS of Applicant's Pan-Alberta volumes; (iii) transportation service by Texas Eastern Transmission Corporation (Texas Eastern) from Tamarack, Pennsylvania, to mutually agreed-upon delivery points on Applicant's pipeline system; (iv) to render Canadian gas storage service, pursuant to amended proposed Rate Schedule STC. Such storage service, to be purchased from Transco, that will include the receipt, injection, withdrawal, transportation and delivery of storage gas to Algonquin at a new point of interconnection, in New Jersey, and (v) Algonquin also proposes that the Commission grant special permission to allow Algonquin to implement those provisions of amended proposed Rate Schedules C–1 and STC: (i) Which require the reimbursement, on a current cost-of-service basis, for the cost of purchased-Canadian gas; and (ii) the tracking of changes in the charges of TransCanada, NIPS, Texas Eastern, and Transco for their related supporting services.

Applicant further states that the facilities it proposes to construct and operate to render the proposed services would include 17.9 miles of 30" mainline loop, 1.7 miles of 6" M-system loop, an additional 7,660 horsepower of compression at existing compressor stations, regulatory, measurement, and other related facilities, and would cost an estimated $50,100,000. Construction would include the establishment of a new delivery point to an existing customer, The Connecticut Light and Power Company, at Brookfield, Connecticut, it is stated.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15705 Filed 6–10–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP83–329–000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

June 8, 1983.

Take notice that on May 17, 1983, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83–329–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to construct and operate facilities necessary to provide additional points of delivery to existing wholesale customers under the authorization issued in Docket No. CP83–76–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the construction and operation of facilities necessary to provide 3 additional points of delivery

to existing wholesale customers, Columbia Gas of Ohio, Inc., 1 tap, and Columbia Gas of West Virginia, 2 taps. Applicant avers that the additional volumes of gas to be provided through the new points of delivery are within Applicant's currently authorized level of sales and such volumes would not affect Applicant's peak day and annual deliveries to which the existing wholesale customer is entitled.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15755 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI67-861-001, et al.]

Conoco Inc., et al.; Applications To Amend Certificates To Establish Entitlement to Section 109 Price [1]

June 7, 1983.

Take notice that each of the Applicants listed herein has either filed a petition to amend certificate pursuant to Section 7 of the Natural Gas Act or a notice of change in rate which is being treated as a petition to amend certificate to establish Applicant's right to collect the section 109 price consistent with the court order issued in *Tenneco Exploration Ltd v. FERC*, 649 F2d. 376, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 [2]	Pressure base
CI67-861-001 May 18, 1983	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Tennessee Gas Pipeline Company	[1]	
CI67-862-000 May 31, 1983	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	do.	[3]	
CI67-864-001 May 16, 1983	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Oklahoma 74102.	do.	[3]	
CI71-492-002 May 23, 1983	do.	Consolidated Gas Supply Corporation	[3]	
CI80-345-001 May 27, 1983	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Trunkline Gas Company	[3]	

[1] Applicant's notice of change in rate filing is being construed as a petition to amend certificate to establish Applicant's entitlement to collect Section 109 price consistent with court order issued in *Tenneco Exploration, Ltd.* v. *FERC*, 649 F. 2d 376.

[2] Applicant proposes to amend certificate to establish Applicant's entitlement to collect Section 109 price consistent with court order issued in *Tenneco Exploration, Ltd.* v. *FERC*, 649 F. 2d 376.

[FR Doc 83-15756 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST81-429-001]

Delhi Gas Pipeline Corp.; Extension Reports

June 6, 1983.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. A "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said

extension report should on or before June 30, 1983 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No. and transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST81-429-001 Delhi Gas Pipeline Corp., Fidelity Union Tower, Dallas, TX 75201.	Texas Eastern Transmission Corp	May 9, 1983	C	Aug. 13, 1983.

NOTE.—The noticing of this filing does not constitute a determination of whether the filing complies.

[FR Doc. 83-15757 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-90-000]

GHR Energy Corp., Complainant v. Natural Gas Pipeline Co. of America, Respondent; Complaint

June 8, 1983.

Take notice that on May 24, 1983, GHR Energy Corp. (GHR) filed a complaint in Docket No. RP83-90-000 requesting that the Commission issue an order directing Natural Gas Pipeline Company of America (NGPL) to resume purchasing gas from GHR in the quantities set forth in its Gas Purchase Contract, and requests relief *pendente lite*.

GHR states that on January 26, 1983, GHR initiated bankruptcy proceedings, and has operated as a Debtor-In-Possession since that date. GHR states that the proceeds for the sale of the gas which is the subject to this complaint represents a sigificant asset in the estate of the debtor, and constitutes approximately forty percent of the current income of such estate.

In its complaint GHR states that NGPL, a corporation engaged principally in the business of operating an interstate pipeline, entered into an agreement on September 30, 1982, to purchase certain quantities of natural gas produced by GHR over a fifteen year term. GHR states that the purchase agreement provided for NGPL to purchase specified quantities of gas prior to the completion by NGPL of permanent pipeline facilities, and to price these quantities according to a calculation set forth in the agreement. GHR alleges that NGPL paid a lower price, which was not determined in the manner required by the Purchase Contract. GHR states that on March 4, 1983, NGPL informed GHR that it was terminating its purchase of all of GHR's gas for an indefinite period, and ceased taking gas on that date. GHR has commenced a civil state court action to enforce its interpretation of the Purchase Contract.

GHR requests the Commission to evaluate the impact on natural gas consumers of NGPL's decision to cease purchasing GHR gas. GHR states that it believes that NGPL purchase reduction violates provisions of the natural Gas Act, including Sections 7(b), 4(b) and 5(a).

GHR alleges that NGPL ceased to purchase GHR gas while continuing to purchase more expensive gas from other producers, includign affiliates. Further, GHR alleges that terminating purchases from GHR rather than reducing purchases pro rata from all suppliers is unjust and unreasonable, and that failure to purchase GHR's gas is an illegal abandonment of service and jurisdictional services.

Any person desiring to be heard or to protest said complaint should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before July 7, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this complaint are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15758 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-095-000]

Gas Research Institute; Annual Application

June 7, 1983.

Take notice that on June 1, 1983, Gas Research Institute (GRI) filed herein an application requesting advance approval of its 1984–1988. Five-Year R&D Plan and 1984 R&D Program and the funding of its R&D activities for 1984 pursuant to the Natural Gas Act and the Commission's Regulations thereunder, particularly 18 CFR 154.38(d)(5).

GRI states that its application demonstrates compliance with the Commission's Regulations, the requirements of Opinion No. 149, Opinion Order Amending and Approving Gas Research Institute's 1983 Research Development Program and Related Five-Year Plan for 1983–1987, Docket No. RP82-102-000 issued September 30, 1982, and the ongoing provisions of a Stipulation and Agreement reached by the parties to the proceedings in Docket No. RM77-14 and approved by the Commission in Opinion No. 11, Opinion and Order Approving the Initial Research Development and Demonstration Program of Gas Research Institute, Docket No. RM-77-14, issued March 28, 1978. GRI's application seeks approval of its 1984 R&D program and approval for the collection of $144,595,000 through jurisdictional and non-jurisdictional rates and charges during the twelve (12) months ending December 31, 1984 to support GRI's 1984 R&D program of $149,880,000. Applicant states that its application was filed in accordance with the provision of Order No. 566 which requires "RD&D organizations" to submit, annually, a five-year program plan at least 180 days prior to the commencement of the five-year period of the plan, which is scheduled to commence on January 1, 1984.

GRI states that the proposed unit cost of GRI's 1984 R&D program is 1.37 cents per Mcf or equivalent to become effective January 1, 1984. This General R&D Funding Unit is proposed to be applied to the services included in GRI's Program Funding Service in 1984 which include jurisdictional, direct sale and intrastate volumes of GRI's members and which are estimated to be 10,549.3 Bcf. The surcharge approved last year by the Commission was 0.72 cents per Mcf.

GRI's filing was accompanied by workpapers providing detail about its application. These workpapers are available for inspection in the Commission's Office of Public Information.

The submitted GRI 1984 program budget totals $149,880,000. This includes $23,490,000 for administrative and general expenses $126,390,000 for research and development (R&D) efforts. GRI proposes to divide these R&D funds among four basic objectives in the following manner: Supply Options—$43,925,000; Efficient Utilization—$67,730,000; Enhanced Service—$8,925,000; and Crosscutting Research—$5,810,000.

The Appendix contains a list of GRI members and state regulatory commissions which were served with a copy of GRI's application on June 1, 1983. Such members and commissions are hereby permitted to participate in this proceeding as intervenors and need not file formal petitions to intervene or notices of intervention.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a comment, protest, or petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure under the Natural Gas Act (18 CFR 154.27). All comments or protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party to the proceedings or to participate as a party in any hearing there in other than those listed in the Appendix who are automatically entitled to participate, must file a petition to intervene in accordance with the Commission's Rules.

Additionally, take notice that a Commission Staff report on GRI's filing will be served on all parties and filed with the Commission as a public document on July 29, 1983. Additional comments by all parties may be filed concurrently with the staff report on July 29, 1983. Comments on the Staff report by all parties except GRI shall be filed by August 16, 1983 and reply comments by GRI shall be filed by August 30, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15758 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-320-000]

The Inland Gas Company, Inc.; Application

June 8, 1983.

Take notice that on May 12, 1983, The Inland Gas Company, Inc. (Applicant), 340 17th Street, Ashland, Kentucky 41101, filed in Docket No. CP83-320-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and a point of delivery to Corbin, Ltd. (Corbin), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 0.5 mile of 4-inch diameter lateral pipeline and appurtenant measuring and regulating facilities in Boyd County, Kentucky, in order to establish a point of delivery to Corbin, a new direct sale customer. Applicant states that Corbin would use the gas for space heating and process utilities which would be supplied by a gas-fired boiler requiring 35 Mcf of gas per day.

It is stated that the proposed facilities are estimated to cost $31,100. Applicant states further that Corbin would provide the necessary right-of-way and reimburse up to $21,500 of the facility costs. In addition, it is stated that Applicant, over a five-year period, would return all or a portion of Corbin's reimbursement based upon the quantities of gas transported through the proposed facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 285.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15757 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-206-001]

Michigan Wisconsin Pipe Line Co.; Amendment

June 8, 1983.

Take notice that on May 16, 1983, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81-206-001 an amendment to its pending application filed February 24, 1981, in Docket No. CP81-206-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect only the rendition of additional firm transportation service of up to 51,620 Mcf per day for Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on February 24, 1981, it filed an application in Docket No. CP81-206-000 for authorization to render firm transportation service for Texas Gas (up to 103,360 Mcf per day), Columbia Gas Transmission Corporation (up to 110,000 Mcf per day), and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (up to 230,000 Mcf per day), through its offshore

system extending generally from an interconnection with U–T Offshore System in West Cameron Area Block 167, offshore Louisiana, to the general vicinity of Applicant's Grand Chenier compressor station in Cameron Parish, Louisiana. To provide the proposed transportation service and provide additional capacity for its own gas supplies (up to 70,000 Mcf per day), Applicant also proposed to expand the capacity of its system by 513,360 Mcf per day by construction and operation of 39 miles of 30-inch pipeline loop and 16,000 horsepower of additional compression at the Grand Chenier station. It is stated that the application was filed in conjunction with an application filed by High Island Offshore System (HIOS) in Docket No. CP80–408–000 for authorization to increase firm transportation service for its shippers.

Applicant states that HIOS has in Docket No. CP80–408–001 reduced considerably the scope of the increased transportation services it seeks authorization to provide. Consistent with HIOS's amendment, Applicant proposes to provide only an additional 51,620 Mcf per day (contract demand) transportation service for Texas Gas. Applicant avers that it would receive transportation quantities from U–T Offshore System for the account of Texas Gas and would redeliver equivalent quantities, less fuel use, to Texas Gas at an existing interconnection at Applicant's Eunice compressor station, Acadia Parish, Louisiana. Applicant states that this is all that is required to meet its own updated requirements as well as those of its shippers. Applicant further states that the reduced additional transportation service proposed for Texas Gas can be provided with existing facilities. Therefore, Applicant deletes its request to construct and operate additional facilities.

For the proposed transportation service, Applicant proposes to charge Texas Gas a monthly transportation charge equal to the contract demand multiplied by the then currently effective rate set forth in Applicant's Rate Schedule X–63.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15760 Filed 6–10–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP80–22–005]

Northern Natural Gas Co., Division of InterNorth, Inc.; Petition To Amend

June 8, 1983.

Take notice that on May 27, 1983, Northern Natural Gas Company Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80–22–005 a petition to amend further the Commission's order issued June 27, 1980, in Docket No. CP80–22–000, as amended, pursuant to Section 3 of the Natural Gas Act so as to authorize the continued importation of natural gas from Canada to the United States purchased at a reduced price, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Northern states that in the subject proceeding it is currently authorized to import natural gas at an import price of $4.94 per million Btu. Northern states that on April 11, 1983, the Government of Canada lowered its border price from $4.94 per million Btu to $4.40 per million Btu.

Accordingly, Northern requests that the order of June 27, 1980, as amended, be further amended by authorizing the importation of gas purchased from Consolidated Natural Gas Limited at an import price of $4.40 per million Btu.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15760 Filed 6–10–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES83–47–000]

Northwestern Public Service Co.; Application

June 8, 1983.

Take notice that on May 31, 1983, Northwestern Public Service Company filed an application with the Federal Energy Regulatory Commission (Commission) seeking authority pursuant to Section 204 of the Federal Power Act to issue unsecured short-term promissory notes and commercial paper, such notes and commercial paper not to exceed in the aggregate $15,000,000 face value at any one time outstanding and to mature not later than July 1, 1986.

Any persons desiring to be heard or to make any protest with reference to said application should, on or before June 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15759 Filed 6–10–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP82–233–003 and CP82–387–002]

Northwest Central Pipeline Corp. and Colorado Interstate Gas Co.; Amendment to Application

June 8, 1983.

Take notice that on May 4, 1983, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82–233–003 and Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP82–387–002 a joint petition to amend the order issued December 2, 1982, in Docket Nos. CP82–233–000 and CP82–387–000, respectively, pursuant to Section 7(c) of the Natural Gas Act so as to delete the Ford County, Kansas, balancing delivery point under the

exchange agreement between the Petitioners, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state by order issued December 2, 1982, they were authorized to exchange natural gas within a specified area of interest in South Central Wyoming in accordance with the terms of a gas exchange agreement dated January 26, 1982. Petitioners state that the agreement provides for a balancing delivery point outside the area of interest where the systems of Northwest Central and Natural Gas Pipeline Company of America (Natural) interconnect in Ford County, Kansas. According to the Petitioners, Northwest Central would deliver gas to Natural for CIG's account at the Ford County delivery point. It is stated that gas has never flowed to Natural for CIG's account under the Agreement and that Petitioners no longer desire to include Ford County as a delivery point. Therefore, Petitioners request that authorization to balance gas at the Ford County delivery point be deleted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15760 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-31-000]

Oklahoma Corporation Commission, Section 108 NGPA Determination, Tenneco Oil Company, Yost Unit No. 1-29 Well, FERC J. D. No. 81-40649; Petition To Reopen and Vacate Final Well Category Determination and Request To Withdraw Application

Issued: June 8, 1983.

On May 9, 1983, Tenneco Oil Company (Tenneco) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a final well category determination that the Yost Unit No. 1-29 Well, located in Kingfisher County, Oklahoma, qualifies as a stripper natural gas well pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301—3432 (Supp. V. 1982). The determination made by the Oklahoma Corporation Commission (Oklahoma) became final on August 22, 1981, pursuant to NGPA section 503(d) and § 275.202(a) of the Commission's regulations (18 CFR 275.202(a)).

Tenneco requests reopening of this final determination so that it can withdraw its application for said determination. Tenneco states that as a result of an internal review, it discovered that production from the subject well, during the 90-day qualifying period used for the well, exceeded 60 Mcf per day. Tenneco further states that production of oil from the subject well was in excess of the amount allowed under § 271.803(b) of the Commission's regulations.

Will respect to the issue of refunds, the Commission hereby gives notice that the question of whether refunds, plus interest as computed under § 154.102(c), will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15761 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-46-000]

Pacific Power & Light Co.; Application

June 8, 1983.

Take notice that on May 27, 1983, Pacific Power & Light Company (Pacific) filed its application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue its unsecured short-term promissory notes and to borrow from commercial banks from time-to-time under the following facilities.

1. Not more than $300,000,000 in aggregate principal amount outstanding at any one time under:

(a) A Credit Agreement (Revolving Credits and Optional Term Loan Facility or Agreement) with Morgan Guaranty Trust Company of New York, as agent. Under the Revolving Credit portion of the Agreement, Pacific would borrow and reborrow from the banks up to the amounts committed for a two-year period. At the end of the two-year period and for any amounts out-standing at that time, Pacific would convert the loan to a term loan with a maturity of not more than three years.

(b) Under other borrowing arrangement over the term of the Agreement.

2. Not more than $25,000,000 in aggregate principal amount outstanding at any one time under renewable lines of credit without a termination date.

The proposed facilities are designed to replace and expand similar expiring facilities.

Any person desiring to be heard or to make any protest with reference to the application should, on or before June 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with 18 CFR 385.211 or 385.214, respectively.

Kenneth F. Plumb,

Secretaray.

[FR Doc. 83-15762 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-315-000]

Rocky Mountain Natural Gas Co., Inc.; Application

June 8, 1983.

Take notice that on April 29, 1983, Rocky Mountain Natural Gas Company, Inc. (Applicant), 1600 Sherman Street, Denver, Colorado 80203, filed in Docket No. CP83-315-000 an application pursuant to Section 284.127 of the Commission's Regulations and Section 311(a)(2) of the Natural Gas Policy Act of 1978 for authorization to transport natural gas for Northern Natural Gas Company, a Division of InterNorth, Inc. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the transportation agreement, dated December 9, 1982, it would receive gas for Northern at various locations in Mesa County, Colorado, and would redeliver equivalent volumes to Northern at interconnecting points with Mountain Fuel Resources, Inc. and/or Northwest Pipeline Corporation in Rio Blanco County, Colorado. This transportation service is said to be for a 15-year period.

Applicant has indicated that the gas is originally received by Northern at the wellhead from Coors, the producer. The total estimated quantity of natural gas to be transported is 10,950,000 Mcf and the maximum daily quantity is estimated at 20,000 Mcf.

Applicant also states that the initial rate to be charged would be 19.8 cents per Mcf, that this rate was approved by the Commission in Docket No. ST81–43–001, and that it would be effective through December 31, 1984.

Applicant desires authorization to provide transportation service on a long-term basis because it has entered into a long-term agreement dated December 9, 1982, as a replacement for an existing short-term agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15770 Filed 6–10–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP75–120–009]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application To Amend

June 8, 1983.

Take notice that on May 2, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75–120–009, a petition to amend the order issued March 7, 1977,[1] in Docket No. CP75–120 pursuant to Section 7(c) of the Natural Gas Act so as to eliminate the existing end-use restriction upon gas transported thereunder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued March 7, 1977, Petitioner was authorized to transport certain sources of natural gas on behalf of Tenneco Oil Company (TOC) from certain receipt points onshore and certain other receipt points in the Outer Continental Shelf, for ultimate delivery to TOC's Chalmette Refinery. It is asserted that under ordering paragraph (K) of that order the transported gas was to be used for feedstock or process use only. Petitioner states that an order issued March 20, 1978, in Opinion No. 10 (2 FERC ¶ 61,247), the Commission granted rehearing of Opinion No. 789 and amended the certificate in this proceeding so as to eliminate authorization for the transportation of gas from the Outer Continental Shelf, on the ground that natural gas from the offshore federal domain should be sold to interstate pipelines or local distributors for system supply. The Commission left intact previously granted authorization for onshore transportation. It is submitted that in Opinion No. 10–B issued December 23, 1982 (21 FERC ¶ 61,320), the Commission adhered to its former ruling with respect to the offshore applications before it, but denied those applications without prejudice, stating that it would apply a different policy to future applications for authorization to transport offshore supplies. Additionally, Petitioner states that the Commission stated that it was revising the former end-use policy.

Petitioner, therefore, requests elimination of the end-use restriction imposed in Docket No. CP75–120. Petitioner does not here seek any amendment of the volumes, receipt points, or other terms of the certificate as previously issued. Petitioner states granting of the instant petition would serve the public convenience and necessity by enabling TOC to make optimal use of the supplies that it has transported hereunder at its Chalmette Refinery and would be consistent with the Commission's new policy on end-use restrictions.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations uner the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15771 Filed 6–10–83; 8:45 am]

BILLING CODE 6717–01–M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. CP83–310–000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

June 8, 1983.

Take notice that on May 3, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77002, filed in Docket No. CP83–310–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas and the allocation of pipeline capacity and capacity entitlement to Gulf Oil Exploration and Production Company, a Division of Gulf Oil Corporation (Gulf), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states the pursuant to the terms of a letter of Intent Project Sabine, dated January 17, 1983, it proposes to allocate to Gulf on a firm basis 50,000 Mcf per day of Applicant's capacity in the Project Sabin facilities [1] and 50,000 Mcf per day of Applicant's capacity entitlement in Transco's existing Southwest Louisiana Gathering System (SWLGS). Applicant further proposes to receive from Gulf up to 50,000 Mcf of natural gas per day produced in Sabine Pass Block 11, offshore Louisiana, and, using such capacity and capacity entitlement allocated to Gulf as well as interruptible capacity in Applicant's 30-

[1] The offshore portion of Project Sabine facilities is jointly owned by Applicant and Florida Gas Transmission Company (FGT). The onshore portion is jointly owned by Applicant, FGT and Transcontinental Gas Pipe Line Corporation (Transco).

inch Kinder-Sabine Line, to transport such natural gas for delivery to Texas Eastern Transmission Corporation (TETCO) in Allen Parish Louisiana. Such natural gas would be sold by Gulf to TETCO under Gulf's warranty obligation to TETCO, it is explained.

It is stated that in consideration for the grant to Gulf of capacity entitlement in the Project Sabine facilities and the capacity entitlement of the SWLGS, Gulf would pay Applicant approximately $11,306,400, an amount representing Gulf's share of the cost of the Project Sabine facilities owned by Applicant. In addition it is asserted that Gulf would pay Applicant for the onshore transportation of the gas from the point of receipt at the terminus onshore of the Project Sabine facilities in Calcasieu Parish, Louisiana, to the point of delivery to TETCO in Allen Parish, Louisiana, a volume charge equal to the product of 4.89 cents multiplied by the total volume of gas received by Gulf during the month, less 1.2 percent for Applicant's fuel and other uses. Applicant proposes to charge Gulf a minimum bill based upon the 4.89-cent per Mcf volume charge and a 66.66 percent usage of the monthly transportation quantity of 50,000 Mcf of gas per day.

Applicant submits the proposed services be beneficial to Gulf, TETCO and its customers by providing a cost efficient means to attach to TETCO's system and additional supply of gas under Gulf's warranty obligation without the construction of additional duplicative pipeline facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15772 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-304-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

June 8, 1983.

Take notice that on May 2, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-304-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to a gas transportation agreement dated December 31, 1980, as amended, applicant would receive and transport natural gas for El Paso from the point of interconnection between Applicant's existing pipeline facilities and Tenneco Oil Company's (TOC) platform in South Marsh Island Block 60, offshore Louisiana, and from the point of interconnection (at Subsea Valve 504A-1301) of the existing Vermilion Block 241 20-inch pipeline owned by Applicant and Michigan Wisconsin Pipe Line Company and a lateral extending from East Cameron Block 237, offshore Louisiana, to such point of interconnection. It is further stated that the gas would be delivered to El Paso at Cocodrie, Terrebonne Parish, Louisiana (Cocodrie delivery point), and at Applicant's option for deliveries not requested at the Cocodrie delivery point, at the Sabine delivery point or at an existing interconnection between El Paso and Natural Gas Pipeline Company of America (Natural) in southeastern New Mexico (Jal delivery point).

Applicant proposes to transport up to the lesser of 20,000 Mcf of gas per day or 50 percent of the daily deliverability from the South Marsh Island receipt point and up to 8,000 Mcf of gas per day from the East Cameron 237 receipt point, less volumes for fuel and use requirements.

Applicant asserts that El Paso would pay a volume charge of 16.42 cents per Mcf with provision for a minimum monthly bill.

It is explained that the proposed service would enable El Paso to take delivery of an additional supply of gas without having to construct duplicative facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15773 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-423-001]

Texas Eastern Transmission Corp.; Amendment

June 8, 1983.

Take notice that on May 17, 1983, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP83-423-001 an amendment to its application filed in Docket No. CP82-423-000 pursuant to Section 3 of the Natural Gas Act so as to reflect a reduction in the quantities of Canadian natural gas that it would purchase from TransCanada PipeLines Limited (TransCanada) and import into the United States in order to conform the requested authorization with the National Energy Board of Canada's (NEB) decision of January 27, 1983, in its Omnibus Gas Export Proceeding, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Texas Eastern states that in its application it had requested authorization to import from Canada 100,000 Mcf of natural gas per day to be purchased from TransCanada plus daily volumes in excess thereof on a best-efforts basis not to exceed 10 percent commencing on November 1, 1985, or as soon as possible thereafter, and continuing for a period of 14 years from the date of first deliveries.

It is asserted that under the NEB decision of January 27, 1983, TransCanada has been authorized to export the following volume of natural gas:

	Daily (Mcf)	Annual (MMcf)
Nov. 1, 1985, to Oct. 31, 1994	50,000	18,300
Nov. 1, 1994, to Oct. 31, 1995	37,500	13,725
Nov. 1, 1995, to Oct. 31, 1996	25,000	9,150
Nov. 1, 1996, to Oct. 31, 1997	12,500	4,575

It is asserted that in addition to the primary term of 12 years the NEB provided for a one-year make-up period from November 1, 1997, to October 31, 1998.

Texas Eastern states that it is amending its application to conform with the volumes and schedule of deliveries reflected in the NEB's decision. Additionally, Texas Eastern requests authorization to track, on a current basis, the purchase cost of the Canadian gas and the cost of transporting that gas from the import point to its pipeline.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15774 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-446-001]

Texas Eastern Transmission Corp.; Amendment

June 8, 1983.

Take notice that on May 2, 1983, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP82-446-001 an amendment to its application filed in Docket No. CP82-446-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect modifications to its proposal to construct pipeline and appurtenant facilities to receive and transport natural gas imported from Canada by Applicant and Algonquin Gas Transmission Company (Algonquin) resulting from a reduction in import quantities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on January 27, 1983, the National Energy Board of Canada (NEB) issued a decision which authorized the export of less volumes of gas than had been requested by the Canadian suppliers. Applicant states that as a result of the NEB's decision Applicant amends its application and requests authorization to: (1) Construct and operate 80.5 miles of 24-inch pipeline (the Tamarack-Perulack Expansion) and related facilities, extending from the terminus of the proposed Niagara Interstate Pipeline System (NIPS) near Tamarack, Pennsylvania, to Applicant's existing Penn-Jersey System at Perulack, Pennsylvania; (2) construct and operate 8.25 miles of 30-inch pipeline (Penn-Jersey Expansion) extending existing loop lines at four locations on Applicant's Penn-Jersey System extending from Perulack, Pennsylvania to Applicant's Compressor Station No. 26 located near Lambertville, New Jersey, and to expand Applicant's existing meter station No. 087 located at the point of interconnection between Applicant's existing Penn-Jersey System and Algonquin's existing system near Lambertville, New Jersey; and (3) transport on a firm basis the dekatherm equivalanet of up to 50,873 Mcf of natural gas per day and such additional quantities as mutually agreeable for Algonquin from the point of interconnection of the proposed NIPS pipeline with Applicant's Tamarack-Perulack pipeline to Algonquin at the existing point of interconnection between Applicant's Penn-Jersey System and Algonquin's system near Lambertville, New Jersey, or other such point of delivery as may be mutually agreed to from time to time.

Applicant estimates that the total capital cost of the proposed facilities expansion would be $87,447,000. Applicant would initially finance the cost of constructing the proposed facilities through revolving credit arrangements, short-term loans and from funds on hand with permanent financing to be undertaken as part of Applicant's overall long-term financing programs at a later date, it is submitted.

Applicant's arrangement with NIPS for Transportation services will provide Applicant with access to substantial gas supplies remote from its existing system. Accordingly, Applicant submits that it is in the public interest to permit it to track the transportation cost associated with the arrangement, and requests that the Commission authorize Applicant to track, in this proceeding, such transportation costs.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be

taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15775 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-326-001]

Texas Eastern Transmission Corp.; Amendment

June 8, 1983.

Take notice that on May 17, 1983, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP82-326-001 an amendment to its application filed in Docket No. CP82-423-000 pursuant to Section 3 of the Natural Gas Act so as to reflect a reduction in the quantities of Canadian natural gas that it would purchase from ProGas Limited (ProGas) and import into the United States in order to conform the requested authorization with the National Energy Board of Canada's (NEB) decision of January 27, 1983 in its Omnibus Gas Export Proceeding, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Texas Eastern states that in its application it has requested authorization to import from Canada 100,000 Mcf of natural gas per day and daily volumes in excess thereof on a best-effort basis purchased from ProGas commencing on November 1, 1982, or as soon as possible, and continuing for a period of up to 20 years. It is asserted that under the NEB decision of January 27, 1983, ProGas has been authorized to export the following volumes of natural gas for sale to Texas Eastern:

	Daily (Mcf)	Annual (MMcf)
Nov. 1, 1984, to Oct. 31, 1993	50,126	18,297
Nov. 1, 1993, to Oct. 31, 1994	37,596	13,721
Nov. 1, 1994, to Oct. 31, 1995	25,064	9,148
Nov. 1, 1995, to Oct. 31, 1996	12,532	4,575

In addition to the primary term of 12 years the NEB provided for a one-year make-up period from November 1, 1996, to October 31, 1997, it is explained.

Texas Eastern states that it is amending its application to conform with NEB decision. Additionally, Texas Eastern requests authorization to track, on a current basis, the purchase cost of the Canadian gas and the cost of transporting that gas from the point of importation to its pipeline system.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15776 Filed 6-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-503-001]

Transcontinental Gas Pipe Line Corp.; Amendment

June 8, 1983.

Take notice that on May 2, 1983, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-503-001 an amendment to its application filed August 20, 1982, in Docket No. CP82-503-000 pursuant to Section 7(c) of the Natural Gas Act so as to revise its request for authorization to establish the Transco-Niagara Storage Service to reflect a 50 percent reduction in the amount of the proposed storage service, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states in its application that the Transco-Niagara Storage Service would provide 40,000,000 Mcf of top storage capacity and up to 600,000 Mcf per day of withdrawal capability for its customers.

Customer	Capacity	Daily demand	Days of service
Algonquin Gas	4,200,000	41,000	102
Brooklyn Union	1,005,000	15,000	67
Buford, Georgia	24,000	400	60
Elizabethtown	1,000,000	25,000	40
Lawrenceville, Georgia	20,000	1,000	20
Long Island Lighting	1,650,000	15,000	110
Penn Gas & Water	3,500,000	50,600	69
Philadelphia Gas Works	500,000	8,333	60
Public Service Electric & Gas	8,071,000	143,467	56
Public Service of N.C.	700,000	10,000	70
Sugar Hill, Georgia	6,000	100	60
Tri-Country N.G.A.	24,000	400	60
Total	[1]20,700,000	[2]315,500	67

[1] Converts to 20,000,000 Mcf at 1035 Btu per cubic foot.
[2] Converts to 300,000,000 Mcf at 1035 Btu per cubic foot.

Applicant states that the new storage service is made possible by two separate storage arrangements Applicant has entered into with ANR Storage Company (ANR Storage) in Michigan and Union Gas Limited (Union Gas), in Ontario. Each arrangement would provide Applicant up to 20,000,000 Mcf of top storage capacity and up to 300,000 Mcf per day of withdrawal capability, it is explained. Applicant indicates that it would purchase the gas to be placed in storage from TransCanada PipeLines Limited (TransCanada).

Applicant states in its amendment that on January 27, 1983, the National Energy Board of Canada (NEB) issued its omnibus decision concerning numerous export applications and that such decision authorized the export of lesser quantities of gas than had been requested by TransCanada which had contracted to sell gas to Applicant. Applicant states that one of the consequences of the NEB decision is to reduce by 50 percent the amount of new storage service that Applicant could render to its customers, i.e., a total of 20,000,000 cf of top storage capacity and up to 300,000 Mcf per day of withdrawal capability. Applicant also states that ANR Storage and Union Gas would each continue to provide one-half of the storage quantities. Applicant further states that a recanvassing of the market for such storage service undertaken in early 1983 reflected a reduction in the total indicated market demand for such storage approximately equivalent to the reduction in storage service occasioned as a result of the the NEB decision. Applicant, therefore, amends its application to reflect the 50 percent reduction in the amount of proposed storage service.

Applicant also amends the application to reflect a reduction in the indicated storage rates resulting from the current estimate of costs and charges. Applicant states that indicated rates for service under Rate Schedule T-NSS would be reduced as a result of reductions in the proposed charges for upstream storage

and transportation services and reduction in estimated costs related to Applicant's facilities. In that connection, the indicated rates for Rate Schedule T–NSS service would be a monthly demand charge of $12.11 per dt equivalent of contract demand, a monthly capacity charge of 3.1 cents per dt equivalent of annual capacity and injection and withdrawal charges of 9.0 cents per dt equivalent.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 28, 1983, file with the Federeal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15777 Filed 6–10–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP81–75–004]

Transcontinental Gas Pipe Line Corp. and Northern Natural Gas Co., Division of InterNorth, Inc.; Petition to Amend

June 8, 1983.

Take notice that on May 10, 1983, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81–75–004 a petition to amend the order issued September 30, 1981, in Docket No. CP81–75–000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize Petitioners to delete one receipt point from the existing authorized exchange and to substitute other receipt points, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners indicate that they were authorized in Docket No. CP81–75–000 to exchange up to 50,000 Mcf per day of gas. It is stated that Transco received up to 40,000 Mcf per day attributable to Northern's interest in production at Ship Shoal Area Block 84, offshore Louisiana, and up to 10,000 Mcf per day attributable to Northern's interest in Eugene Island Area Block 108, offshore Louisiana. In return, Northern received up to 50,000 Mcf of gas per day attributable to Transco's interest in Mustang Island Area Blocks 757, 762 and 763, offshore Texas, it is stated. It is explained that pursuant to the terms of the certificate the points of receipt where Transco receives Northern's gas are: (1) The point of interconnection between the jointly-owned facilities of Northern, United Gas Pipe Line Company (United) and Southern Natural Gas Company (Southern) originating in Ship Shoal Block 84 and Transco's Southeast Louisiana Gathering System in Ship Shoal Blocks 70 and 72, offshore Louisiana, and (2) the interconnection between facilities of Northern originating in Eugene Island Block 108 and Transco's Southeast Louisiana Gathering System in or near Eugene Island Block 116, offshore Louisiana. Petitioners aver that Northern received Transco's gas in the Matagorda Island Area, offshore Texas, at points of interconnection between jointly-owned facilities of Transco, Northern, Southern and Natural Gas Pipeline Company of America and Matagorda Island Area facilities of Northern, Southern and Florida Gas Transmission Company.

Petitioners further state that by amendatory agreement dated October 7, 1982, to their exchange arrangement Transco and Northern deleted reference to exchange volumes from Eugene Island Area Block 108, inasmuch as gas ultimately was never committed to Northern from such source of supply and substituted in lieu thereof volumes from Brazos Area Block A–47, offshore Texas, and South Pelto Area Block 18, offshore Louisiana. It is proposed that Transco's points of receipt for Northern's gas as a result of such deletion and substitution would be: (1) The points in Ship Shoal Blocks 70 and 72 where the extension of Northern, United and Southern from Ship Shoal 84 connects with Transco's Southeast Louisiana Gathering System, (2) the point of interconnection between Transco's main line system and the terminus of the proposed loop expansion of Transco's Central Texas Gathering System in which Northern and others own interests, (3) the point in Ship Shoal Blocks 65 and 70 where jointly-owned facilities of Transco, Northern and Michigan Wisconsin Pipe Line Company connect South Pelto 18 to Transco's Southeast Louisiana Gathering System in South Pelto 13, and (4) other mutually agreeable points. Northern's points of receipt from Transco would remain unchanged, it is asserted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–15776 Filed 6–10–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RM79–34 and ST83–268]

Transportation Certificates for Natural Gas Displacement of Fuel Oil and Panhandle Eastern Pipe Line Co., Self-Implementing Transactions

June 8, 1983.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a

petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.7(d) of the Commission's Regulations.

A "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any interested persons may file a complaint concerning such transaction pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HT)" or "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

Docket No.[1] and transporter/seller	Recipient	Date filed	Part 284 subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST83-269 Panhandle Eastern Pipe Line Co	Clarke-Mobile Counties Gas District	3/1/83	B		
ST83-269 Trunkline Gas Co	Cajun Natural Gas Co	3/1/83	B		
ST83-271 Transcontinental Gas Pipe Line Corp	HPI Transmission, Inc	3/1/83	B		
ST83-272 Delhi Gas Pipeline Corp	Cajun Natural Gas Co	3/2/83	C		
ST83-273 Delhi Gas Pipeline Corp	Florida Gas Transmission Co	3/1/83	D		
ST83-274 Michigan Consolidated Gas Co	Battle Creek Gas Co	3/3/83	G (HS)		
ST83-275 Trunkline Gas Co	Panhandle Eastern Pipe Line Co	3/3/83	G		
ST83-276 Transcontinental Gas Pipe Line Corp	Northern Natural Gas Co	3/7/83	G		
ST83-277 Natural Gas Pipeline Co. of America	Southern Natural Gas Co	3/7/83	G		
ST83-278 Transcontinental Gas Pipe Line Corp	Esperanza Transmission Co	3/7/83	B		
ST83-280 Northern Natural Gas Co	Delhi Gas Pipeline Corp	3/10/83	B		
ST83-281 Northern Natural Gas Co	Intratex Gas Co	3/10/83	B		
ST83-282 Northern Natural Gas Co	Cajun Natural Gas Co	3/11/83	B		
ST83-283 Cabot Corp	Connecticut Natural Gas Corp	3/11/83	G (HS)	8/8/83	81.00
ST83-284 Canyon Creek Compression Co	Tennessee Gas Pipeline Co	3/14/83	G		
ST83-285 Hydrocarbon, Ltd	Texas Eastern Transmission Corp	3/14/83	C		
ST83-286 Trunkline Gas Co	Southern Natural Gas Co	3/14/83	G		
ST83-287 Panhandle Eastern Pipe Line Co	United Gas Pipe Line Co	3/14/83	G		
ST83-288 Natural Gas Pipeline Co. of America	Tennessee Gas Pipeline Co	3/15/83	G		
ST83-289 Transcontinental Gas Pipe Line Corp	Valero Transmission Co	3/15/83	B		
ST83-290 Tennessee Gas Pipeline Co	Connecticut Natural Gas Corp	3/15/83	B		
ST83-291 Quivira Gas Co	Transcontinental Gas Pipe Line Corp	3/14/83	C	8/11/83	36.00
ST83-292 Texas Eastern Transmission Corp	Columbia Gulf Transmission Co	3/18/83	G		
ST83-293 Houston Pipe Line Co	United Gas Pipe Line Co	3/18/83	C		
ST83-294 Houston Pipe Line Co	Florida Gas Transmission Co	3/18/83	C		
ST83-295 Northwest Pipeline Corp	Mountain Fuel Resources Inc	3/21/83	G		
ST83-296 Tennessee Gas Pipeline Co	Transcontinental Gas Pipe Line Corp	3/21/83	G		
ST83-298 Houston Pipe Line Co	Natural Gas Pipeline Co. of America	3/18/83	C		
ST83-299 Northern Natural Gas Co	Southern Natural Gas Co	3/24/83	G		
ST83-300 Northern Natural Gas Co	Florida Gas Transmission Co	3/24/83	G		
ST83-301 Tennessee Gas Pipeline Co	Houston Pipe Line Co	3/24/83	B		
ST83-302 Tennessee Gas Pipeline Co	Transcontinental Gas Pipe Line Corp	3/25/83	G		
ST83-303 Tennessee Gas Pipeline Co	Natural Gas Pipeline Co. of America	3/25/83	G		
ST83-304 Trunkline Gas Co	Houston Pipe Line Co	3/28/83	B		
ST83-305 Panhandle Eastern Pipe Line Co	Battle Creek Gas Co	3/28/83	B		
ST83-306 Natural Gas Pipeline Co. of America	Tennessee Gas Pipeline Co	3/28/83	G		
ST83-307 Western Slope Gas Co	Mountain Fuel Resources Inc	3/29/83	G (HT)		
ST83-308 Valero Transmission Co	Texas Eastern Transmission Corp	3/29/83	C		
ST83-309 Tennessee Gas Pipeline Co	Northern Natural Gas Co	3/30/83	G		

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.
[2] The Intrastate Pipeline has sought Commission approval of its transportation rate pursuant to Section 284.123(B)(2) of the Commission's Regulations (18 CFR 284.123(B)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 83-15784 Filed 6-10-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ST81-222-002]

Valero Transmission Co.; Extension Reports

June 8, 1983.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. A "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before June 30, 1983 file with the Federal

Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

Docket No. and transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST81-222-002 Valero Transmission Co., P.O. Box 500, San Antonio, TX 78292	Texas Eastern Transmission Corp	4/18/83	D	7/18/83
ST81-224-001 [2] Valero Transmission Co., P.O. Box 500, San Antonio, TX 78292	El Paso Natural Gas Co	4/25/83	D	[3] 6/ 6/83
ST81-289-001 Seagull Pipeline Corp., 1100 Louisiana, Houston, TX 77002	United Gas Pipe Line Co	4/29/83	C	[3] 7/ 1/83
ST81-376-001 Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Columbia Gas Transmission Corp	4/19/83	G	7/19/83
ST81-377-001 Consumers Power Co., 212 West Michigan Ave., Jackson, MI 49201	Cajun Natural Gas Co	4/25/83	G(HT)	[3] 7/ 1/83
ST81-395-001 Michigan Gas Storage Co., 212 West Michigan Ave., Jackson, MI 49201	Consumers Power Co	4/25/83	B	[3] 7/ 1/83
ST81-400-001 Delhi Gas Pipeline Corp., Fidelity Union Tower, Dallas, TX 75201	Natural Gas Pipeline Co. of America	4/20/83	C	7/22/83
ST81-401-001 Delhi Gas Pipeline Corp., Fidelity Union Tower, Dallas, TX 75201	Texas Eastern Transmission Corp	4/25/83	D	7/23/83
ST81-410-001 [1] Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77252	United Gas Pipe Line Co	4/25/83	G	7/17/83
ST81-411-001 [1] Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77252	Southern Natural Gas Co	4/25/83	G	7/17/83
ST81-416-001 Panhandle Eastern Pipe Line Co., P.O. Box 1642, Houston, TX 77001	Delhi Gas Pipeline Corp	4/18/83	B	7/15/83

[1] These extension reportys were filed after the date specified by the Commission's Regulations, and shall be the subject of a further Commission Order.
[2] The Commission Notice of April 6, 1983 included a transportation which was erroneously reported by the company as ST79-109-002. The company has refiled here as ST81-224-001.
[3] NOTE.—The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.

[FR Doc. 83-15763 Filed 6-10-83; 8:45 am]
BILLING CODE 6717-01-M

Office of Fossil Energy

Advisory Committee on Federal Assistance for Alternative Fuel Demonstration Facilities; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Advisory Committee on Federal Assistance for Alternative Fuel Demonstration Facilities.

Date and time: Tuesday, June, 28, 1983—2:30 p.m. to 5:30 p.m.

Place: Ramada Inn, 718 Horizon Drive, Grand Junction, Colorado 81501.

Contact: Patricia Dickinson, Office of Oil, Gas, Shale and Coal Liquids, U.S. Department of Energy, Germantown, Maryland 20545, Room D-119, Mail Stop D-107, Telephone: (301) 353-2700.

Purpose: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to the development of alternative fuels.

Tentative Agenda:

- Welcome
- Great Plains Coal Gasification Project (GPCGP) Status Review Presentation
- Union Oil Shale Project Discussion
- Advisory Committee Deliberations
- Public Commentary and Discussion (10 minute rule)
- Closing Remarks.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Mr. Keith N. Frye at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between 8:30 a.m. and 4:00 p.m., Monday through Friday, except federal holidays.

Issued at Washington, D.C. on June 7, 1983.

Howard H. Raiken,
Deputy Advisory Committee Management Officer.

[FR Doc. 83-15804 Filed 6-10-83; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2380-4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street, S.W.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Hazardous Waste Programs

- Title: Hazardous-Waste-Used-as-Fuel/Used Oil (EPA ID 1042).

Abstract: EPA proposes to survey those segments of industry handling

used oil and hazardous wastes that are used as fuel. The Agency will use this information on waste types, quantities, technologies, and economics as a basis for formulating regulations and conducting regulatory impact analyses.

Respondents: Several segments of industry, from generation of hazardous waste through processing and distribution, to end use.

• Title: Hazardous-Waste-Used-as-Fuel/Used Oil Telephone Prequalification (EPA ID 1043).

Abstract: EPA proposes to conduct a telephone survey to verify its list of firms collecting, processing, or distributing used oil or hazardous waste used as fuel. This information will enable the Agency to reduce the reporting burden on facilities outside the scope of an associated study.

Respondents: Several segments of industry, from generation of hazardous waste through processing and distribution, to end use.

• Title: Small Quantity Generator Survey Pretest (EPA ID 1044).

Abstract: EPA proposes to conduct a pretest of a survey of small quantity generators of hazardous waste. This survey is part of the development of the regulatory impact analysis.

Respondents: Hazardous waste generators.

Air Programs

• Title: NSPS for the Metallic Minerals Processing Industry (EPA ID 0982).

Abstract: Each plant subject to the New Source Performance Standards (NSPS) must maintain records to demonstrate performance of its continuous emission reduction system. These records and reports will enable EPA to determine compliance and to establish what new sources are subject to the NSPS.

Respondents: Owners/operators of plants processing metallic minerals.

• Title: Verification of Test Paramenters and Parts List (EPA ID 0167).

Abstract: These forms give motor vehicle manufacturers the opportunity to review, prior to testing, the parameters and part numbers EPA will use for emissions testing. The Agency will use this information to modify test procedures and to verify the use of correct parts.

Respondents: Manufacturers of motor vehicles.

Water Programs

Title: Survey of Pesticide Formulating/Packaging Industry (EPA ID 1028).

Abstract: EPA is surveying the industry to obtain technical information on product types, production processes, wastewater characteristics and treatment technologies, water usage, and costs. The Agency will use the information to develop effluent limitation regulations under 40 CFR Part 455.

Respondents: Pesticide formulating and packaging businesses.

Agency Forms Cleared By OMB Between May 20 and 26, 1983

EPA ID 0222, Investigations into Possible Noncompliance of Motor Vehicles with Federal Emission Standards, was cleared on May 26 (OMB #2000–0038).

EPA ID 1035, Survey of Small Businesses to Determine Regulatory Compliance Problems, was cleared on May 24 (OMB #2010–0006).

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM–223), 401 M Street, S.W., Washington, D.C. 20460; and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, N.W., Washington, D.C. 20503.

Dated: June 6, 1983.

John Warren,

Acting Chief, Statistical Policy Staff.

[FR Doc. 83–15563 Filed 6–10–83; 8:45 am]

BILLING CODE 6560–50–M

[W-1-FRL 2380–7]

Petitions Requesting Sole Source Aquifer Designation; Request for Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt of petitions, public comments requested.

SUMMARY: The Nantucket Planning and Economic Development Commission jointly with the Wannacomet Water Company (hereinafter, the Nantucket joint petitioners) and the Town of New Shoreham, Rhode Island, have submitted petitions under Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300 f, 300 h-3(e), Pub. L. 93–523) requesting the U.S. Enivronmental Protection Agency to designate the aquifers underlying Nantucket Island and Block Island, respectively. as the sole or principal drinking water sources for each area. If EPA so designates the aquifers, no commitment for Federal financial assistance may be entered into for any project which EPA determines may contaminate the aquifers through a recharge zone so as to create a significant hazard to public health. EPA is hereby inviting public comment on the requested designations.

DATES: Comments on the requested designations must be received on or before July 13, 1983. If sufficient public interest is expressed, a public hearing may be scheduled for either or both of the requested designations. The Regional Administrator will give widespread notice of such a hearing.

ADDRESSES: Written comments should be sent to Charles D. Larson, Acting Chief, Water Supply Branch, U.S. EPA, Region 1, John F. Kennedy Federal Building, Boston, Massachusetts 02203, telephone (617) 223–6688.

Background information on the requested designations will be avialable for inspection by the public at the EPA Region 1 Library, Room 2100 B, John F. Kennedy Federal Building, Boston, MA 02203, telephone (617) 223–5791 and at the following locations:

For Nantucket: Nantucket Planning and Economic Development Commission, Coffin School, Winter Street, Nantucket, Massachusetts 02554, TEL: (617) 228–9625; and

For Block Island: New Shoreham Town Hall, Old Town Road, Block Island, Rhode Island 02807, TEL: (401) 466–2409.

FOR FURTHER INFORMATION CONTACT: Steven J. Koorse (telephone (617) 223–6688).

SUPPLEMENTARY INFORMATION: On December 2, 1982, EPA Region 1 received the following petition jointly from the Nantucket Planning and Economic Development Commission and the Wannacomet Water Company.

Petition To the U.S. Environmental Protection Agency for the Sole Source Aquifer Designation of the Nantucket Island Aquifer

Pursuant to Section 1424(e) of the Safe Drinking Water Act we hereby petition the Administrator of the U.S. Environmental Protection Agency to designate the Nantucket Island Aquifer as the sole source of drinking water for the Nantucket Island. Our interest in having EPA designate the Nantucket Island Aquifer as a sole source aquifer is to provide the maximum assurance that Federal financially assisted projects will not have any adverse impact on the only water supply source available to the residents of, and visitors to, Nantucket Island. It is essential that housing projects, wasterwater treatment and collection systems, other solid and liquid waste disposal systems, highway, and other projects be reviewed prior to contruction to assure that they will not have an adverse impact on the Nantucket Island Aquifer. The Nantucket Island Aquifer is the sole source of drinking water to Nantucket Island. Since groundwater contamination can be difficult or impossible to reverse, and since this

aquifer is relied on totally for drinking water purposes by the general population, contamination of the aquifer would pose a significant hazard to public health. No alternative sources of water exist. All information pertinent to the designation, described briefly below, is contained in the United States Geological Survey Report, Water Resources of Nantucket Island, Massachusetts, by Eugene H. Walker, 1980. Sheet 1 of 2 in the Report contains geographical and hydrological maps, as well as narrative descriptions.

Nantucket Island Aquifer and its Location: The fresh ground water in the porous deposits of Nantucket forms a lens-shaped body that is about 500 feet thick at the center of the island and thins toward the shores to wedge out a short distance offshore. This lens of freshwater floats upon underlying saltwater because freshwater is about one fortieth less dense than seawater. The freshwater lens is bounded by the water table on top and brackish water below.

Nantucket Island Location and Population: The Island of Nantucket, the largest (49 mi^2) of the group of islands that forms the county and town of Nantucket, lies 25 miles south of Cape Cod and 15 miles east of Martha's Vineyard. Nantucket is about 12 miles long from east to west, and 4 miles wide from north to south. The economy of the island is based largely on summer resort trade. In 1980, the year-round population was 7,000 but it is estimated that 27,000 people were on the island during the height of the summer season.

Recharge Zone and Sources of Recharge: The source of freshwater to Nantucket is precipitation as rain and snow. Average annual precipitation reported by the National Weather Service was 43.7 inches during 1941–70. On the average 24.6 inches is returned to the atmosphere by evaporation and transpiration by plants. The soils of Nantucket are prevailingly sandy, and water from rain and snowmelt sinks into the ground readily; therefore, overland runoff component is relatively small. A ground water recharge of 18.1 in/yr is estimated by subtracting from precipitation the sum of discharge by evapotranspiration and streamflow. The ground water is discharged to the ocean, to marshes, and to streams and by pumpage for public water supply.

Public Water Systems Utilizing the Aquifer: The Wannacomet Water Company supplies ground water to the village around Nantucket Harbor. Pumpage over the 3 years (1978–81) has been about 185 Mgal/yr, supplying 2,300 services. The Siasconset water system supplies ground water to this small summer colony on the east shore of Nantucket Island. Pumpage was 36 Mgal in 1976. Annual pumpage has not changed much over the last 20 years because few new residences have been built in the service area.

This petition provides EPA with sufficient information to make a determination that the Nantucket Island Aquifer is the sole source of drinking water for the population of Nantucket Island.

Submitted by: David D. Worth (Wannacomet Water Company)

Dated: December 1, 1982.

On February 18, 1983, EPA Region I received the following petition from the New Shoreham, Rhode Island, Town Council.

Block Island is located 14 miles at sea off the coast of Rhode Island. The Island is 7 miles long and about 2½ miles wide, at its widest point. Our water supply comes from rain water. If one could imagine the Island being shaped like a saucer and ground water in the bottom, that is what the ground water area would look like. If the ground water is ever contaminated, it will stay that way, for we have no running streams or rivers with which to refresh or cleanse it.

The Town Council is concerned (see enclosed clipping) because the Island had no designation and because public drinking water quality has deteriorated to the point where it is no longer potable. The Water Company is privately owned and due to economic factors cannot afford to initiate needed improvements. A map showing Fresh Pond and Sands Pond is enclosed. These locations are of prime concern because they are areas nearby the water supply used by the Water Company.

Winter population of Block Island is approximately 550, but in summer it swells from 8,000 to 12,000 depending on weekdays or weekends. Block Island has a tourist based economy and needs safe, potable water for public consumption. Development of the area where the aquifer is located is a source of worry. If this could be designated as a sole source aquifer, it may give the Town leverage in stopping over-development of a critical area. At the present time, the Water Company serves approximately thirty to thirty-five families.

Attest: Edith Littlefield Blane, C.M.C., Town Clerk, New Shoreham, Rhode Island.

Dated: February 15, 1983.

The two petitions were accompanied by supporting technical data developed by the United States Geological Survey (Water Resources of Nantucket Island, by Eugene H. Walker, 1980, and Ground Water Resources of Block Island, Rhode Island, by Arnold J. Hansen, Jr. and George R. Schiner, 1984). The reports indicate that the aquifers underlying Nantucket and Block Island are sources of drinking water for permanent and summer residents; that they supply water to both public and private wells; and that they are composed of highly permeable, unconsolidated materials and are vulnerable to contamination through infiltration.

Section 1424(e) of the Safe Drinking Water Act states:

If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

EPA intends to decide whether to make the requested designations at the earliest time consistent with a complete review of the relevant data and information and a full opportunity for public participation. In this regard, the Agency is developing full factual records and solicits comments, data, and references to sources of information relevant to the determinations.

In particular, information is sought concerning: (a) The geographical boundaries, hydrogeology, and other characteristics of the aquifers and their recharge zones, (b) the area or areas dependent upon the aquifers for drinking water, (c) the significance of current or anticipated threats to public health that might result from contamination of the aquifers, (d) the prospects that such contamination will occur as the result of current activities or events that are anticipated, (e) the significance of current or anticipated projects receiving Federal financial assistance that may result in contamination of the aquifers and (f) any other relevant information.

For purposes of the requested designations, the Nantucket Aquifer and the Block Island Aquifer are considered to be single continuous aquifers with the Atlantic Ocean forming the lateral boundaries of each aquifer. Similarly, the recharge zone for each aquifer will be regarded as coterminus with the lateral boundaries of the aquifers unless, for a specific location, a technical analysis indicates otherwise.

Regulatory Flexibility Act Compliance: The Regulatory Flexibility Act (5 U.S.C. 601–612, Pub. L. 96–534) is intended to ensure that Federal agencies analyze the effect of regulatory requirements on small businesses, small governmental jurisdictions, and small organizations (collectively referred to as "small entities"). The law requires that with certain exceptions, each proposed or final regulation be accompanied by a regulatory flexibility analysis or by a certification that no such analysis is necessary because the regulation will not have a "significant economic impact on a substantial number of small entities." EPA will address the Regulatory Flexibility Act requirements when a final decision on the requested sole source aquifer designations is

published in the **Federal Register**. Comments related to impacts that a sole source aquifer designation may have on small entities are hereby solicited.

Dated: May 24, 1983.

Paul G. Keough,

Acting Regional Administrator.

[FR Doc. 83-15738 Filed 6-10-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Telecommunications Industry Advisory Group Expense Accounts Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of date and location changes of the Telecommunications Industry Advisory Group's (TIAG) Expense Accounts Subcommittee's June 29-30, 1983, meeting. The meeting was originally scheduled for June 29-30, 1983, at the offices of the Federal Communications Commission, 2025 M Street, NW., Washington, D.C. The new dates and locations are:

Wednesday, Thursday and Friday, June 29-30, and July 1, 1983

June 29—Southern Pacific Communications Company, 1340 Old Bayshore Highway, Executive Conference Room, Burlingame, California

June 30 and July 1—Hyatt Burlingame, 1333 Old Bayshore Highway, Marquee D Room, Burlingame, California.

The meeting will begin at 9:00 a.m. on June 29 and will be open to the public. There have been no changes to the agenda.

With prior approval of Subcommittee Chairman John Howes, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Howes (212/393-4029) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-15697 Filed 6-10-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-684-DR]

Illinois; Notice of Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Illinois (FEMA-684-DR), dated June 6, 1983, and related determinations.

DATE: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287-0501.

SUPPLEMENTARY INFORMATION:

Notice

Notice is hereby given that, in a letter of June 6, 1983, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288) as follows:

I have determined that the damage in certain areas of the State of Illinois, resulting from severe storms, tornadoes and flooding beginning on March 28, 1983, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Illinois.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Mangement Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Robert E. Connor of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster:

I do hereby determine the following areas of the State of Illinois to have been affected adversely by this declared major disaster:

Alexander, Calhoun, Franklin, Greene, Jackson, Jersey, Macoupin, Monroe, Pulaski, Randolph and White Counties for Public Assistance.

Chaokia Village in St. Clair County and Granite City in Madison County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-15742 Filed 6-10-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-683-DR]

Mississippi; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Mississippi (FEMA-683-DR), dated June 1, 1983, and related determinations.

DATED: June 6, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287-0501.

SUPPLEMENTARY INFORMATION:

Notice

The notice of a major disaster for the State of Mississippi dated June 1, 1983, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 1, 1983:

Warren County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Porgrams and Support, Federal Emergency Management Agency.

[FR Doc. 83-15743 Filed 6-10-83; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 639]

Robert L. Keller; Order of Revocation

On May 31, 1983, Robert L. Keller, 8685 N.W. 53 Terrace, Augusta Bldg., Suite 100, Miami, FL 33166 surrendered his Independent Ocean Freight

Forwarder License No. 639 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, That Independent Ocean Freight Forwarder License No. 639 issued to Robert L. Keller be revoked effective May 31, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Robert L. Keller.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-15752 Filed 6-10-83; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Commission, Washington, D.C. 20573.

Kaj V. Jensen d.b.a. Jensen Shipping Company, 2251 Highland Avenue, Birmingham, AL 35205

G & J International Corporation, 5109 S.W. 5th Street, Miami, FL 33134

Officers:
Gladys Medina, President/Director
Felix Mendez, Vice President; Director
Ruth Malinowski, Secretary/Treasurer

Miyong Stefans, 141 West Newell Avenue, Rutherford, NJ 07070

Edwin A. Stebbins d.b.a. Edwin A. Stebbins & Company, 2301 14th Street, Suite 510, Gulfport, MS 39501

Dated: June 8, 1983.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-15751 Filed 6-10-83; 8:45 am]

BILLING CODE 6730-01-M

Notice of Agreement Filed

The Federal Maritime Commission hereby gives notice that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of the agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit protests or comments on the agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in section 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No. 10044-9

Title: Compania Peruana de Vapores/Lykes Pooling-Equal Access Agreement

Parties: Compania Peruana de Vapores Lykes Bros. Steamship Co., Inc.

Synopsis: Amendment No. 10044-9 will provide an extension of three (3) calendar months for the parties to continue negotiations disrupted by unforeseen turmoil in Peru.

Filing agent: Mr. Raymond J. Finnan, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Dated: June 8, 1983.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-15700 Filed 6-10-83; 8:45 a.m.]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or asets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *United Banks of Colorado, Inc.*, Denver, Colorado; to acquire 100 percent of the voting shares or assets of United Bank of Academy Place, N.A., Colorado Springs, Colorado. Comments on this application must be received not later than June 27, 1983.

B. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Metro Bank Corp.*, Denver, Colorado; to acquire 99 percent of the voting shares or assets of Metro National Bank—Tech Center, Denver, Colorado. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than July 7, 1983.

Board of Governors of the Federal Reserve System, June 7, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-15690 Filed 6-10-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Procurement Activities; Information Collection Requirement

AGENCY: Federal Trade Commission.

ACTION: Application to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) for clearance of the Commission's procurement activities.

SUMMARY: Under the code of Federal Regulations (Title 41—Public Contracts and Property Management), the FTC is required to solicit information from the private business community regarding proposed contractural requirements. The information is supplied in response to Invitations for Bids, Request for Proposals, and Requests for Quotations. The responses generally include pricing and technical approach plans and information regarding the offeror's previous experience and related business data addressing their ability to perform the proposed work. The Commission is seeking OMB clearance for the information collection requests required in the procurement of necessary goods and services.

DATES: Comments on this application must be submitted on or before July 13, 1983.

ADDRESS: Send comments to Ms. Nell Minow, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3001, Washington, D.C. 20503. Copies of this application may be obtained from: Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Robert S. Walton, III, Office of Procurement and Contracts, Federal Trade Commission, Washington, D.C. 20580; (202) 376–7916.

Dated: June 6, 1983.

John H. Carley,

General Counsel.

[FR Doc. 83–15618 Filed 6–10–83; 8:45 am]

BILLING CODE 4750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administratioin

Drug Abuse Clinical, Behavioral and Psychosocial Research Review Committee; Reestablishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces approval and certification by the Secretary of Health and Human Services, with the concurrence of the General Services Administration Committee Management Secretariat, of the following advisory committee:

Designation: Drug Abuse Clinical, Behavioral and Psychosocial Research Review Committee restructured as the Drug Abuse Clinical and Behavioral Research Review Committee

Purpose: The Committee shall advise the Secretary and the Director, National Institute on Drug Abuse, on the scientific and technical merit of applications for research grants, cooperative agreements and applications for individual and institutional National Research Service Awards, and research scientist awards concerned with the clinical, behavioral, pharmacological, psychiatric, and psychological aspects of narcotic addiction and drug abuse carried out in controlled laboratory and clinical environments in animal as human subjects.

Expiration Date: Authority for the Drug Abuse Clinical and Behavioral Research Review Committee will expire December 31, 1984, unless the Secretary formally determines that continuance is in the public interest.

Dated: May 25, 1983.

William Mayer, M.D.,

Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 83–15701 Filed 6–10–83; 8:45 a.m.]

BILLING CODE 4160–20–M

Office of the Secretary

Social Security Benefit Increases; Cost-of-Living Increase in Benefits Under Titles II and XVI of the Social Security Act and Income Limitations for Beneficiaries Under the Supplemental Security Income Program

I hereby determine and announce a cost-of-living increase of 3.5 percent in benefits under titles II and XVI of the Social Security Act.

Under title II, old-age, survivors, and disability insurance benefits will increase by 3.5 percent beginning with the December 1983 benefits which are payable on January 3, 1984. This increase is based on the authority contained in section 215(i) of the Social Security Act (42 U.S.C. 415(i)), as amended by section 201 of Pub. L. 95–216 enacted December 20, 1977, and as further amended by sections 111 and 112 of Pub. L. 98–21 enacted April 20, 1983.

Under title XVI, supplemental security income payment levels will increase by 3.5 percent effective for payments made for the month of January 1984 but paid on December 30, 1983. This is based on the authority contained in section 1617 of the Social Security Act (42 U.S.C. 1382f), as amended by section 182 of Pub. L. 97–248 enacted September 3, 1982, and as further amended by section 401 of Pub. L. 98–21.

Title II Benefits

Title II benefits are payable under the Federal old-age, survivors, and disability insurance program. The kinds of benefits payable to individuals entitled under this program are old-age, disability, wife's, husband's, child's, widow's, widower's, mother's, father's, and parent's insurance benefits.

In accordance with section 215(i)(4) of the Social Security Act (the Act), the primary insurance amounts and the maximum family benefits shown in columns IV and V of the revised benefit table (table 1) set forth below were obtained by increasing by 3.5 percent the corresponding amounts established by: (1) The last cost-of-living increase; and (2) the extension of the benefit table made under section 215(i)(4) and published on November 10, 1982 at 47 FR 51006. The table applies only to those persons who attained age 62, became disabled or died before January 1979 and is deemed to appear in section 215(a) of the Act. Note that this table does not apply to those individuals who become eligible (i.e., reach age 62, or become disabled) or die after 1978; their benefits will generally be determined by a benefit formula provided by the Social Security Amendments of 1977 (Pub. L. 95–216). For persons who first become eligible for benefits or who die before age 62 in the period 1979–1983, the 3.5 percent increase will apply beginning with benefits for December 1983 and will be included in checks received in January 1984; but the 3.5 percent increase will not apply for persons who first become eligible for benefits or die after 1983.

Section 215(i)(2)(D) of the Act also requires that, when the Secretary determines a cost-of-living increase in Social Security benefits, the Secretary shall publish in the **Federal Register** a revision of the range of the primary insurance amounts and corresponding maximum family benefits based on the dollar amount and other provisions described in section 215(a)(1)(C)(i). These benefits are referred to as "special minimum benefits" and are payable to certain individuals with long periods of relatively low earnings. In accordance with section 215(a)(1)(C)(i), the attached table 2 shows the revised range of primary insurance amounts and corresponding maximum family benefit amounts after the 3.5 percent benefit increase.

Section 227 of the Act as amended by section 304 Pub. L. 98–21 provides flat-rate benefits to a worker who became age 72 before 1969 and was not insured under the usual requirements, and to his or her spouse or surviving spouse. Section 228 of the Act provides similar benefits at age 72 for certain uninsured persons. The current monthly benefit amount of $125.60 for an individual under sections 227 and 228 of the Act is increased by 3.5 percent to obtain the new amount of $129.90. The present montly benefit amount of $63 for a spouse under section 227 is increased by 3.5 percent to $65.20.

Title XVI Benefits

Section 1617 of the Act provides that whenever title II benefits are increased under section 215(i), the amounts in sections 1611(a)(1)(A), 1611(a)(2)(A), 1611(b)(1) and 1611(b)(2) of the Act and in section 211(a)(1)(A) of Pub. L. 93–66 shall be increased. The new amounts

are effective for months after the month in which the title II increase is effective. The percentage increase effective January 1984 is the same as the title II benefit increase and the annual payment amount is rounded, when not a multiple of $12, to the next lower multiple of $12.

In accordance with section 1617 of the Act, as amended by section 401 of Pub. L. 98–21, Federal supplemental security income (SSI) benefit rates for the aged, blind, and disabled are increased effective with July 1983 by $20 a month for an eligible individual, by $30 a month for an eligible individual with an eligible spouse, and by $10 a month for an essential person. The Federal SSI guarantees are further increased effective January 1984 by 3.5 percent. Therefore, the new yearly Federal SSI rates of $3,651.60 for an eligible individual, $5,476.80 for an eligible individual with an eligible spouse and $1,830.00 for an essential person, which are effective July 1983, are increased, effective with January 1984, to $3,768.00 $5,664.00, and $1,884.00 respectively after rounding. The monthly payment amount is determined by dividing the yearly guarantee by 12, and subtracting monthly countable income. In the case of an eligible individual with an eligible spouse, the amount payable is further divided equally between the two spouses.

Automatic Benefit Increase Determination

Section 111 of Pub. L. 98–21 provides that the first calendar quarter of 1983 shall be a cost-of-living computation quarter for all the purposes of the Social Security Act, as amended by Pub. L. 98–21. The Secretary is therefore required to increase benefits, effective with December 1983, for individuals entitled under section 227 or 228 of the Act, to increase primary insurance amounts of all other individuals entitled under title II of the Act, and to increase maximum benefits payable to a family. The benefit increase is the percentage increase in the Consumer Price Index for Urban Wage Earners and Clercial Workers for the first quarter of 1983 over the index for the first quarter of 1982, which is the most recent cost-of-living computation quarter. Section 1617 of the Act requires that SSI benefits be increased by the same percentage increase as title II benefits, whenever title II benefits are increased under section 215(i).

Section 215(i)(1) of the Act provides that the Consumer Price Index for a cost-of-living computation quarter shall be the arithmetical mean of this index for the 3 months in that quarter. The Department of Labor's revised Consumer Price Index for Urban Wage Earners and Clerical Workers for each month in the quarter ending March 31, 1982, was: for January 1982, 282.1; for February 1982, 282.9; and for March 1982, 282.5. The arithmetical mean for this calendar quarter is 282.5. The corresponding Consumer Price Index for each month in the quarter ending March 31, 1983, was for January 1983, 292.1; for February 1983, 292.3; and for March 1983, 293.0. The arithmetical mean for this calendar quarter is 292.5. Thus, since the Consumer Price Index for the calendar quarter ending March 31, 1983 exceeds that for the calendar quarter ending March 31, 1982 by 3.5 percent, a cost-of-living benefit increase of 3.5 percent is effective for benefits under title II of the Act beginning December 1983.

(Catalog of Federal Domestic Assistance Programs Nos. 13.802–5, and 13.807 Social Security Programs)

Dated: June 6, 1983.

Margaret M. Heckler,

Secretary of Health and Human Services.

TABLE 1.—TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING DECEMBER 1983

I (primary insurance benefit under 1939 act, as modified)—if an individual's primary insurance benefit (as determined under subsec. (d)) is—		II (primary insurance amount effective for June 1982)—or his primary insurance amount (as determined under subsec. (c)) is—	III (average monthly wage)—or his average monthly wage (as determined under subsec. (b)) is—		IV (primary insurance amount)—the amount referred to in the preceding paragraphs of this subsection shall be—	V (maximum family benefits)—and the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
	16.20	182.90		75	188.30	284.00
16.21	16.84	185.60	77	79	192.30	288.40
16.85	17.60	190.20	79	80	196.60	295.20
17.61	18.40	193.50	81	81	200.20	300.80
18.41	19.24	196.90	82	83	203.70	305.80
19.25	20.00	201.10	84	85	208.10	312.40
20.01	20.64	205.00	86	87	212.10	318.20
20.65	21.28	208.10	88	89	215.30	323.10
21.29	21.88	212.30	90	90	219.70	329.60
21.89	22.28	215.90	91	92	223.40	335.30
22.29	22.68	219.40	93	94	227.00	340.60
22.69	23.08	223.00	95	96	230.80	346.20
23.09	23.44	227.00	97	97	234.90	354.50
23.45	23.76	230.80	98	99	238.80	358.30
23.77	24.20	235.30	100	101	243.50	365.30
24.21	24.60	238.50	102	102	246.90	370.40
24.61	25.00	242.50	103	104	250.90	376.40
25.01	25.48	247.00	105	106	255.60	383.50
25.49	25.92	251.10	107	107	259.80	389.80
25.93	26.40	254.90	108	109	263.90	395.70
26.41	26.94	258.90	110	113	267.90	401.90
26.95	27.46	262.50	114	118	271.60	407.50
27.47	28.00	266.50	119	122	275.60	413.70
28.01	28.68	270.70	123	127	280.10	420.30
28.69	29.25	274.70	128	132	284.30	426.40
29.26	29.68	278.40	133	136	288.10	432.30
29.69	30.36	282.20	137	141	292.00	438.20
30.37	30.92	286.30	142	146	296.30	444.40
30.93	31.36	290.60	147	150	300.70	451.10
31.37	32.00	293.90	151	155	304.10	456.30
32.01	32.60	298.20	156	160	308.60	463.00
33.21	33.88	305.90	165	169	316.60	475.00
32.61	33.20	302.20	161	164	312.70	469.10
33.89	34.50	310.10	170	174	320.90	481.50
34.51	35.00	313.90	175	178	324.60	487.30
35.01	35.80	318.10	179	183	329.20	493.80
35.81	36.40	321.60	184	188	333.00	499.60
36.41	37.08	326.00	189	193	337.40	506.30
37.09	37.60	330.00	194	197	341.50	512.40
37.61	38.20	333.90	198	202	345.50	518.40
38.21	39.12	338.30	203	207	350.10	525.10
39.13	39.68	342.10	208	211	354.00	531.20
39.69	40.33	345.20	212	216	357.20	536.00
40.34	41.12	349.60	217	221	361.60	542.60
41.13	41.76	353.60	222	225	365.90	549.00
41.77	42.44	357.90	226	230	370.40	555.70
42.45	43.20	361.80	231	235	374.40	561.90
43.21	43.76	366.20	236	239	379.00	568.60
43.77	44.44	369.60	240	244	382.50	574.30
44.45	44.88	373.20	245	249	386.20	579.30
44.89	45.60	377.90	250	253	391.10	587.90
		381.90	254	258	394.80	592.50
		384.90	259	263	398.30	597.10
		389.70	264	267	403.30	605.50
		393.20	268	272	406.90	642.50
		397.50	273	277	411.40	654.00
		401.30	278	281	415.30	663.40
		405.30	282	286	419.40	675.30
		409.90	287	291	423.90	687.30
		412.90	292	295	427.30	696.50
		417.40	296	300	432.00	708.20

TABLE 1.—TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING DECEMBER 1983—Continued

I (primary insurance benefit under 1939 act, as modified)—if an individual's primary insurance benefit (as determined under subsec. (d)) is—		II (primary insurance amount effective for June 1982)—or his primary insurance amount (as determined under subsec. (c)) is—	III (average monthly wage)—or his average monthly wage (as determined under subsec. (b)) is—		IV (primary insurance amount)—the amount referred to in the preceding paragraphs of this subsection shall be—	V (maximum family benefits)—and the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		421.30	301	305	436.00	720.30
		424.90	306	309	439.70	729.60
		429.20	310	314	444.20	741.30
		432.70	315	319	447.80	753.30
		436.70	320	323	451.90	762.60
		440.80	324	328	456.20	774.30
		444.50	329	333	460.00	786.10
		449.20	334	337	464.90	795.90
		452.30	338	342	468.10	807.40
		456.60	343	347	472.50	819.30
		460.90	348	351	477.00	826.60
		465.30	352	356	480.50	840.40
		468.96	357	361	485.30	852.30
		472.50	362	365	489.00	861.70
		476.20	366	370	492.80	873.50
		480.50	371	375	497.30	885.00
		484.50	376	379	501.40	894.60
		488.60	380	384	505.70	906.70
		492.20	385	389	509.40	918.30
		496.00	390	393	513.30	927.60
		500.40	394	398	517.90	939.70
		504.20	399	403	521.80	951.40
		508.50	404	407	526.20	960.60
		511.90	408	412	529.80	972.60
		515.50	413	417	533.50	984.20
		519.10	418	421	537.20	993.70
		523.30	422	426	541.60	1,005.60
		526.90	427	431	545.30	1,017.30
		530.10	432	436	548.60	1,029.20
		534.50	437	440	553.20	1,033.80
		537.80	441	445	556.60	1,040.00
		541.50	446	450	560.40	1,045.70
		545.40	451	454	564.40	1,050.20
		549.10	455	459	568.30	1,056.10
		552.60	460	464	571.90	1,061.80
		556.10	465	468	575.50	1,066.00
		560.50	469	473	580.10	1,072.60
		563.60	474	478	583.30	1,078.60
		567.20	479	482	587.00	1,083.60
		571.20	483	487	591.10	1,089.50
		575.00	488	492	595.10	1,095.40
		578.40	493	496	598.60	1,100.10
		582.60	497	501	602.90	1,105.70
		585.90	502	506	606.40	1,111.50
		589.50	507	510	610.10	1,116.40
		593.20	511	515	613.90	1,122.30
		597.30	516	520	618.20	1,128.50
		600.70	521	524	621.70	1,132.90
		604.20	525	529	625.30	1,138.90
		608.06	530	534	629.90	1,144.70
		611.70	535	538	633.10	1,149.40
		615.60	539	534	637.10	1,155.40
		619.30	544	548	640.90	1,161.30
		623.20	549	553	645.00	1,167.20
		626.60	554	556	648.50	1,170.60
		629.60	557	560	651.60	1,175.40
		633.10	561	563	655.20	1,179.00
		636.30	564	567	658.50	1,183.80
		639.10	568	570	662.50	1,187.10
		643.10	571	574	665.60	1,191.80
		646.30	575	577	668.90	1,195.70
		649.30	578	581	672.00	1,200.00
		652.70	582	584	675.50	1,203.80
		655.50	585	588	678.40	1,208.50
		659.50	589	591	682.50	1,211.90
		662.70	592	595	685.80	1,216.70
		665.90	596	598	689.20	1,219.90
		669.20	599	602	692.60	1,225.10
		672.40	603	605	695.90	1,228.50
		675.60	606	609	699.20	1,232.90
		679.10	610	612	702.80	1,236.80
		682.30	613	616	706.10	1,241.40
		685.50	617	620	709.40	1,246.20
		688.80	621	623	713.00	1,249.60
		691.80	624	627	716.10	1,254.50
		695.40	628	630	719.70	1,258.90
		698.80	631	634	723.00	1,265.10
		702.30	635	637	726.50	1,271.00
		705.40	638	641	730.00	1,277.10
		708.50	642	644	733.20	1,282.80
		711.80	645	648	736.70	1,286.90
		714.90	649	652	739.90	1,294.40

TABLE 1.—TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING DECEMBER 1983—Continued

I (primary insurance benefit under 1939 act, as modified)—if an individual's primary insurance benefit (as determined under subsec. (d)) is—		II (primary insurance amount effective for June 1982)—or his primary insurance amount (as determined under subsec. (c)) is—	III (average monthly wage)—or his average monthly wage (as determined under subsec. (b)) is—		IV (primary insurance amount)—the amount referred to in the preceding paragraphs of this subsection shall be—	V (maximum family benefits)—and the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		717.10	663	665	742.10	1,296.40
		719.10	667	660	744.20	1,301.80
		721.80	661	665	746.80	1,306.80
		724.10	666	670	749.40	1,311.50
		726.80	671	675	752.20	1,315.80
		729.50	676	680	755.00	1,320.80
		731.80	681	685	757.80	1,325.20
		734.80	686	690	760.50	1,329.70
		737.10	691	695	762.80	1,334.30
		739.50	696	700	765.30	1,338.30
		742.30	701	705	768.20	1,344.00
		744.90	706	710	770.90	1,348.80
		747.70	711	715	773.80	1,353.20
		750.10	716	720	776.30	1,358.10
		752.70	721	725	779.00	1,362.70
		755.40	726	730	781.80	1,367.80
		757.90	731	735	784.40	1,372.30
		760.60	736	740	787.20	1,376.80
		763.00	741	745	789.70	1,381.80
		765.30	746	750	792.00	1,386.00
		767.90	751	755	794.70	1,390.40
		770.00	756	760	797.00	1,394.10
		772.30	761	765	799.30	1,398.10
		774.10	766	770	801.10	1,402.20
		776.50	771	775	803.60	1,406.80
		778.80	776	780	805.80	1,409.70
		780.90	781	785	808.20	1,413.70
		782.80	786	790	810.10	1,417.50
		784.90	791	795	812.30	1,421.40
		787.20	796	800	814.70	1,425.40
		789.40	801	805	817.00	1,429.40
		791.60	806	810	819.30	1,433.20
		793.70	811	815	821.40	1,437.30
		795.90	816	820	823.70	1,441.00
		798.00	821	825	825.90	1,445.10
		800.20	826	830	828.20	1,448.80
		802.30	831	835	830.30	1,453.00
		804.40	836	840	832.50	1,456.80
		806.60	841	845	834.80	1,460.90
		808.80	846	850	836.90	1,464.30
		811.00	851	855	839.30	1,468.50
		813.10	856	860	841.60	1,472.30
		815.20	861	865	843.70	1,476.30
		817.50	866	870	846.10	1,480.20
		819.60	871	875	848.20	1,484.10
		821.70	876	880	850.40	1,487.90
		823.90	881	885	852.70	1,492.00
		825.90	886	890	854.80	1,495.80
		828.10	891	895	857.00	1,500.10
		830.30	896	900	859.30	1,503.50
		832.60	901	905	861.70	1,507.50
		834.70	906	910	863.90	1,511.60
		836.90	911	915	866.10	1,515.50
		839.20	916	920	868.60	1,519.10
		841.10	921	925	870.50	1,523.40
		843.10	926	930	872.60	1,527.00
		845.30	931	935	874.80	1,531.00
		847.60	936	940	877.20	1,534.90
		849.70	941	945	879.40	1,538.90
		851.80	946	950	881.60	1,542.70
		854.20	951	955	884.00	1,546.80
		856.60	956	960	886.50	1,550.70
		858.70	961	965	888.70	1,554.30
		860.30	966	970	890.40	1,558.50
		862.60	971	975	892.70	1,562.50
		864.70	976	980	894.90	1,566.10
		867.20	981	985	897.50	1,570.00
		869.10	986	990	899.50	1,574.00
		871.30	991	995	901.70	1,578.00
		873.60	996	1,000	904.10	1,581.70
		875.60	1,001	1,005	906.20	1,585.10
		877.10	1,006	1,010	907.70	1,588.80
		879.30	1,011	1,015	910.00	1,592.10
		881.40	1,016	1,020	912.20	1,596.00
		883.20	1,021	1,025	914.10	1,599.20
		884.80	1,026	1,030	915.70	1,602.90
		887.10	1,031	1,035	918.10	1,606.40
		888.90	1,036	1,040	920.00	1,609.80
		890.90	1,041	1,045	922.00	1,613.60
		893.10	1,046	1,050	924.30	1,616.90
		894.80	1,051	1,055	925.90	1,620.00
		896.60	1,056	1,060	927.90	1,624.10

TABLE 1.—TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING DECEMBER 1983—Continued

I (primary insurance benefit under 1939 act, as modified)—if an individual's primary insurance benefit (as determined under subsec. (d)) is—		II (primary insurance amount effective for June 1982)—or his primary insurance amount (as determined under subsec. (c)) is—	III (average monthly wage)—or his average monthly wage (as determined under subsec. (b)) is—		IV (primary insurance amount)—the amount referred to in the preceding paragraphs of this subsection shall be—	V (maximum family benefits)—and the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		[illegible]	1,061	1,065	930.20	1,627.40
		900.70	1,066	1,070	932.20	1,631.00
		[illegible]	1,071	1,075	934.10	1,634.60
		[illegible]	1,076	1,080	936.10	1,638.00
		[illegible]	1,081	1,085	938.30	1,641.50
		[illegible]	1,086	1,090	940.00	1,645.00
		[illegible]	1,091	1,095	942.20	1,648.60
		[illegible]	1,096	1,100	944.40	1,652.30
		914.10	1,101	1,105	946.00	1,655.50
		916.20	1,106	1,110	948.20	1,659.30
		918.20	1,111	1,115	950.30	1,662.50
		[illegible]	1,116	1,120	952.20	1,666.30
		[illegible]	1,121	1,125	954.30	1,669.60
		[illegible]	1,126	1,130	956.20	1,673.20
		925.80	1,131	1,135	958.30	1,676.50
		[illegible]	1,136	1,140	960.30	1,680.40
		930.00	1,141	1,145	962.50	1,683.90
		931.90	1,146	1,150	964.50	1,687.30
		933.50	1,151	1,155	966.10	1,690.60
		935.70	1,156	1,160	968.40	1,694.20
		937.70	1,161	1,165	970.50	1,697.90
		[illegible]	1,166	1,170	972.40	1,701.50
		941.60	1,171	1,175	974.50	1,705.00
		943.40	1,176	1,180	976.40	1,708.50
		945.10	1,181	1,185	978.10	1,711.50
		947.00	1,186	1,190	980.10	1,714.70
		[illegible]	1,191	1,195	981.80	1,718.20
		950.50	1,196	1,200	983.70	1,721.50
		952.40	1,201	1,205	985.70	1,724.60
		954.20	1,206	1,210	987.50	1,728.10
		956.00	1,211	1,215	989.30	1,731.20
		957.70	1,216	1,220	991.20	1,734.40
		959.80	1,221	1,225	993.10	1,737.50
		961.50	1,226	1,230	995.10	1,741.00
		963.10	1,231	1,235	996.80	1,744.10
		964.80	1,236	1,240	998.50	1,747.50
		966.80	1,241	1,245	1,000.60	1,750.90
		968.60	1,246	1,250	1,002.50	1,754.10
		970.30	1,251	1,255	1,004.20	1,757.20
		972.10	1,256	1,260	1,006.10	1,760.60
		974.10	1,261	1,265	1,008.10	1,763.90
		975.80	1,266	1,270	1,009.90	1,767.10
		977.40	1,271	1,275	1,011.60	1,770.10
		979.30	1,276	1,280	1,013.50	1,773.60
		980.80	1,281	1,285	1,015.10	1,776.50
		982.70	1,286	1,290	1,017.00	1,779.60
		984.50	1,291	1,295	1,018.90	1,782.60
		986.00	1,296	1,300	1,020.50	1,785.70
		987.70	1,301	1,305	1,022.20	1,788.70
		989.30	1,306	1,310	1,023.90	1,791.80
		991.10	1,311	1,315	1,025.70	1,794.80
		993.00	1,316	1,320	1,027.70	1,798.10
		994.50	1,321	1,325	1,029.30	1,800.90
		996.30	1,326	1,330	1,031.10	1,804.30
		997.90	1,331	1,335	1,032.70	1,807.30
		999.60	1,336	1,340	1,034.50	1,810.40
		1,001.30	1,341	1,345	1,036.30	1,813.40
		1,002.90	1,346	1,350	1,038.00	1,816.40
		1,004.70	1,351	1,355	1,039.80	1,819.40
		1,006.30	1,356	1,360	1,041.50	1,822.50
		1,008.20	1,361	1,365	1,043.40	1,825.50
		1,009.80	1,366	1,370	1,044.90	1,828.60
		1,011.40	1,371	1,375	1,046.70	1,831.60
		1,013.20	1,376	1,380	1,048.60	1,834.70
		1,014.60	1,381	1,385	1,050.10	1,837.50
		1,016.30	1,386	1,390	1,051.80	1,840.50
		1,017.80	1,391	1,395	1,053.40	1,843.40
		1,019.30	1,396	1,400	1,054.90	1,846.30
		1,021.00	1,401	1,405	1,056.70	1,849.00
		1,022.50	1,406	1,410	1,058.20	1,852.00
		1,024.10	1,411	1,415	1,059.90	1,854.90
		1,025.70	1,416	1,420	1,061.50	1,857.90
		1,027.30	1,421	1,425	1,063.20	1,860.80
		1,028.80	1,426	1,430	1,064.80	1,863.70
		1,030.70	1,431	1,435	1,066.70	1,866.50
		1,032.30	1,436	1,440	1,068.40	1,869.40
		1,033.80	1,441	1,445	1,069.90	1,872.20
		1,035.50	1,446	1,450	1,071.70	1,875.40
		1,037.00	1,451	1,455	1,073.20	1,878.10
		1,038.50	1,456	1,460	1,074.80	1,881.10
		1,040.20	1,461	1,465	1,076.60	1,883.90
		1,041.70	1,466	1,470	1,078.10	1,886.80

TABLE 1.—TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING DECEMBER 1983—Continued

I (primary insurance benefit under 1939 act, as modified)—If an individual's primary insurance benefit (as determined under subsec. (d)) is—		II (primary insurance amount effective for June 1982)—or his primary insurance amount (as determined under subsec. (c)) is—	III (average monthly wage)—or his average monthly wage (as determined under subsec. (b)) is—		IV (primary insurance amount)—the amount referred to in the preceding paragraphs of this subsection shall be—	V (maximum family benefits)—and the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		1,043.30	1,471	1,475	1,078.60	1,889.70
		1,044.80	1,476	1,480	1,081.30	1,892.30
		1,046.50	1,481	1,485	1,083.10	1,895.20
		1,047.90	1,486	1,490	1,084.50	1,897.70
		1,049.50	1,491	1,495	1,086.20	1,900.50
		1,050.90	1,496	1,500	1,087.60	1,903.30
		1,052.40	1,501	1,505	1,089.20	1,906.20
		1,053.90	1,506	1,510	1,090.70	1,908.90
		1,055.40	1,511	1,515	1,092.30	1,911.40
		1,057.00	1,516	1,520	1,093.90	1,914.20
		1,058.40	1,521	1,525	1,096.40	1,917.10
		1,059.90	1,526	1,530	1,096.90	1,919.50
		1,061.40	1,531	1,535	1,098.50	1,922.30
		1,062.90	1,536	1,540	1,100.10	1,925.10
		1,064.40	1,541	1,545	1,101.60	1,927.80
		1,065.90	1,546	1,550	1,103.20	1,930.40
		1,067.50	1,551	1,555	1,104.80	1,933.20
		1,068.90	1,556	1,560	1,106.30	1,935.90
		1,070.40	1,561	1,565	1,107.80	1,938.70
		1,071.90	1,566	1,570	1,109.40	1,941.20
		1,073.40	1,571	1,575	1,110.90	1,944.10
		1,074.80	1,576	1,580	1,112.40	1,946.80
		1,076.40	1,581	1,585	1,114.00	1,949.50
		1,077.90	1,586	1,590	1,115.60	1,952.10
		1,079.40	1,591	1,595	1,117.10	1,955.00
		1,080.90	1,596	1,600	1,118.70	1,957.70
		1,082.40	1,601	1,605	1,120.20	1,960.40
		1,083.90	1,606	1,610	1,212.80	1,962.90
		1,085.30	1,611	1,615	1,123.20	1,965.80
		1,086.80	1,616	1,620	1,124.90	1,968.50
		1,088.40	1,621	1,625	1,126.40	1,971.30
		1,090.00	1,626	1,630	1,128.10	1,973.90
		1,091.50	1,631	1,635	1,129.70	1,976.80
		1,092.90	1,636	1,640	1,131.10	1,979.30
		1,094.50	1,641	1,645	1,132.60	1,982.20
		1,096.00	1,646	1,650	1,134.30	1,984.80
		1,097.50	1,651	1,655	1,135.90	1,987.60
		1,099.00	1,656	1,660	1,137.40	1,990.20
		1,100.40	1,661	1,665	1,138.90	1,992.90
		1,102.00	1,666	1,670	1,140.50	1,995.60
		1,103.40	1,671	1,675	1,142.00	1,998.40
		1,105.00	1,676	1,680	1,143.60	2,001.10
		1,106.50	1,681	1,685	1,145.20	2,003.90
		1,108.00	1,686	1,690	1,146.70	2,006.60
		1,109.50	1,691	1,695	1,148.30	2,009.30
		1,110.80	1,696	1,700	1,149.80	2,012.00
		1,112.40	1,701	1,705	1,151.30	2,014.80
		1,113.80	1,706	1,710	1,152.70	2,017.40
		1,115.30	1,711	1,715	1,154.30	2020.10
		1,116.80	1,716	1,720	1,155.80	2022.80
		1,118.30	1,721	1,725	1,157.40	2025.70
		1,119.90	1,726	1,730	1,159.00	2,028.20
		1,121.30	1,731	1,735	1,160.50	2031.00
		1,122.90	1,736	1,740	1,162.20	2033.60
		1,124.30	1,741	1,745	1,163.60	2036.50
		1,125.80	1,746	1,750	1,165.20	2039.10
		1,127.30	1,751	1,755	1,166.70	2041.90
		1,128.80	1,756	1,760	1,168.30	2044.60
		1,130.40	1,761	1,765	1,169.90	2,047.50
		1,131.80	1,766	1,770	1,171.40	2,049.90
		1,133.30	1,771	1,775	1,172.90	2,052.70
		1,134.80	1,776	1,780	1,174.50	2,055.50
		1,136.30	1,781	1,785	1,176.00	2,058.40
		1,137.90	1,786	1,790	1,177.70	2,060.70
		1,139.40	1,791	1,795	1,179.20	2,063.50
		1,140.90	1,796	1,800	1,180.80	2,066.30
		1,142.40	1,801	1,805	1,182.30	2,069.10
		1,143.90	1,806	1,810	1,183.90	2,071.70
		1,145.40	1,811	1,815	1,185.40	2,074.50
		1,146.90	1,816	1,820	1,187.00	2,077.20
		1,148.30	1,821	1,825	1,188.40	2,080.00
		1,149.90	1,826	1,830	1,190.10	2,082.50
		1,151.40	1,831	1,835	1,191.60	2,085.40
		1,152.90	1,836	1,840	1,193.20	2,088.20
		1,154.40	1,841	1,845	1,194.50	2,091.00
		1,155.80	1,846	1,850	1,196.20	2,093.30
		1,157.40	1,851	1,855	1,197.90	2,096.20
		1,158.80	1,856	1,860	1,199.30	2,098.90
		1,160.40	1,861	1,865	1,201.00	2,101.70
		1,161.90	1,866	1,870	1,202.50	2,104.20
		1,163.30	1,871	1,875	1,204.00	2,107.10
		1,164.90	1,876	1,880	1,205.60	2,109.80

TABLE 1.—TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING DECEMBER 1983—Continued

I (primary insurance benefit under 1939 act, as modified)—if an individual's primary insurance benefit (as determined under subsec. (d)) is—		II (primary insurance amount effective for June 1982)—or his primary insurance amount (as determined under subsec. (c)) is—	III (average monthly wage)—or his average monthly wage (as determined under subsec. (b)) is—		IV (primary insurance amount)—the amount referred to in the preceding paragraphs of this subsection shall be—	V (maximum family benefits)—and the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		1,166.30	1,881	1,885	1,207.10	2,112.60
		1,167.90	1,886	1,890	1,208.70	2,115.20
		1,169.30	1,891	1,895	1,210.20	2,118.10
		1,170.90	1,896	1,900	1,211.80	2,120.70
		1,172.40	1,901	1,905	1,213.40	2,123.50
		1,173.80	1,906	1,910	1,214.80	2,126.00
		1,175.30	1,911	1,915	1,216.40	2,128.60
		1,176.60	1,916	1,920	1,217.70	2,131.20
		1,177.90	1,921	1,925	1,219.10	2,133.60
		1,179.30	1,926	1,930	1,220.50	2,136.20
		1,180.70	1,931	1,935	1,222.00	2,138.50
		1,182.10	1,936	1,940	1,223.40	2,141.20
		1,183.40	1,941	1,945	1,224.80	2,143.50
		1,184.90	1,946	1,950	1,226.30	2,146.00
		1,186.20	1,951	1,955	1,227.70	2,148.40
		1,187.50	1,956	1,960	1,229.00	2,151.10
		1,188.90	1,961	1,965	1,230.50	2,153.40
		1,190.30	1,966	1,970	1,231.90	2,156.00
		1,191.70	1,971	1,975	1,233.40	2,158.20
		1,192.90	1,976	1,980	1,234.60	2,160.80
		1,194.50	1,981	1,985	1,236.30	2,163.30
		1,195.70	1,986	1,990	1,237.50	2,165.80
		1,197.00	1,991	1,995	1,238.80	2,168.20
		1,198.40	1,996	2,000	1,240.30	2,170.80
		1,199.80	2,001	2,005	1,241.70	2,173.10
		1,201.20	2,006	2,010	1,243.20	2,175.70
		1,202.50	2,011	2,015	1,244.50	2,178.10
		1,204.00	2,016	2,020	1,246.10	2,180.60
		1,205.30	2,021	2,025	1,247.40	2,183.10
		1,206.80	2,026	2,030	1,248.80	2,185.70
		1,208.00	2,031	2,035	1,250.20	2,187.90
		1,209.40	2,036	2,040	1,245.70	2,190.50
		1,210.80	2,041	2,045	1,253.10	2,193.00
		1,212.10	2,046	2,050	1,254.50	2,195.50
		1,213.60	2,051	2,055	1,256.00	2,197.90
		1,214.90	2,056	2,060	1,257.40	2,200.40
		1,216.10	2,061	2,065	1,258.60	2,202.70
		1,217.50	2,066	2,070	1,260.10	2,205.40
		1,218.90	2,071	2,075	1,261.50	2,207.70
		1,220.30	2,076	2,080	1,263.00	2,210.30
		1,221.60	2,081	2,085	1,264.30	2,212.70
		1,223.00	2,086	2,090	1,265.80	2,215.30
		1,224.40	2,091	2,095	1,267.20	2,217.60
		1,225.70	2,096	2,100	1,268.50	2,220.20
		1,227.10	2,101	2,105	1,270.00	2,222.50
		1,228.50	2,106	2,110	1,271.40	2,225.20
		1,229.90	2,111	2,115	1,272.90	2,227.50
		1,231.20	2,116	2,120	1,274.20	2,230.10
		1,232.60	2,121	2,125	1,275.70	2,232.40
		1,234.00	2,126	2,130	1,277.10	2,235.00
		1,235.40	2,131	2,135	1,278.60	2,237.40
		1,236.70	2,136	2,140	1,279.90	2,240.00
		1,237.90	2,141	2,145	1,281.20	2,242.30
		1,239.50	2,146	2,150	1,282.80	2,245.00
		1,240.70	2,151	2,155	1,284.10	2,247.30
		1,242.10	2,156	2,160	1,285.50	2,249.80
		1,243.40	2,161	2,165	1,286.90	2,252.10
		1,244.80	2,166	2,170	1,288.10	2,254.20
		1,245.80	2,171	2,175	1,289.40	2,256.50
		1,247.00	2,176	2,180	1,290.80	2,258.90
		1,248.20	2,181	2,185	1,291.80	2,260.60
		1,249.30	2,186	2,190	1,293.00	2,262.90
		1,250.50	2,191	2,195	1,294.20	2,265.00
		1,251.70	2,196	2,200	1,295.50	2,267.20
		1,252.90	2,201	2,205	1,296.70	2,269.40
		1,254.20	2,206	2,210	1,298.00	2,271.60
		1,255.30	2,211	2,215	1,299.20	2,273.70
		1,256.50	2,216	2,220	1,300.40	2,275.80
		1,257.70	2,221	2,225	1,301.70	2,278.10
		1,258.90	2,226	2,230	1,302.90	2,280.30
		1,260.10	2,231	2,235	1,304.20	2,282.40
		1,261.30	2,236	2,240	1,305.40	2,284.40
		1,262.40	2,241	2,245	1,306.50	2,286.70
		1,263.70	2,246	2,250	1,307.90	2,288.70
		1,264.90	2,251	2,255	1,309.10	2,291.00
		1,266.10	2,256	2,260	1,310.40	2,293.10
		1,267.30	2,261	2,265	1,311.60	2,295.40
		1,268.50	2,266	2,270	1,312.80	2,297.40
		1,269.50	2,271	2,275	1,314.00	2,299.60
		1,270.60	2,276	2,280	1,315.20	2,301.80
		1,272.00	2,281	2,285	1,316.50	2,304.00
		1,273.30	2,286	2,290	1,317.80	2,306.10

TABLE 1.—TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING DECEMBER 1983—Continued

I (primary insurance benefit under 1939 act, as modified)—if an individual's primary insurance benefit (as determined under subsec. (d)) is—		II (primary insurance amount effective for June 1982)—or his primary insurance amount (as determined under subsec. (c)) is—	III (average monthly wage)—or his average monthly wage (as determined under subsec. (b)) is—		IV (primary insurance amount)—the amount referred to in the preceding paragraphs of this subsection shall be—	V (maximum family benefits)—and the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		1,274.50	2,291	2,295	1,319.10	2,308.30
		1,275.60	2,296	2,300	1,320.20	2,310.50
		1,276.60	2,301	2,305	1,321.40	2,312.70
		1,278.00	2,306	2,310	1,322.70	2,314.80
		1,279.20	2,311	2,315	1,323.90	2,317.00
		1,280.40	2,316	2,320	1,325.20	2,319.10
		1,281.60	2,321	2,325	1,326.40	2,321.40
		1,282.70	2,326	2,330	1,327.50	2,323.40
		1,284.00	2,331	2,335	1,328.90	2,325.70
		1,285.20	2,336	2,340	1,330.10	2,327.80
		1,286.40	2,341	2,345	1,331.40	2,330.00
		1,287.60	2,346	2,350	1,332.60	2,332.10
		1,288.80	2,351	2,355	1,333.90	2,334.40
		1,289.90	2,356	2,360	1,335.00	2,336.50
		1,291.10	2,361	2,365	1,336.20	2,338.60
		1,292.30	2,366	2,370	1,337.50	2,340.70
		1,293.50	2,371	2,375	1,338.80	2,342.90
		1,294.80	2,376	2,380	1,340.10	2,345.10
		1,295.30	2,381	2,385	1,341.20	2,347.20
		1,297.10	2,386	2,390	1,342.40	2,349.40
		1,298.30	2,391	2,395	1,343.70	2,351.60
		1,299.50	2,396	2,400	1,344.90	2,353.80
		1,300.70	2,401	2,405	1,346.20	2,355.90
		1,301.90	2,406	2,410	1,347.40	2,358.00
		1,303.10	2,411	2,415	1,348.70	2,360.20
		1,304.30	2,416	2,420	1,349.90	2,362.30
		1,305.50	2,421	2,425	1,351.10	2,364.60
		1,306.70	2,426	2,430	1,352.40	2,366.70
		1,307.90	2,431	2,435	1,353.60	2,369.00
		1,309.00	2,436	2,440	1,354.80	2,371.00
		1,310.20	2,441	2,445	1,356.00	2,373.20
		1,311.40	2,446	2,450	1,357.20	2,375.40
		1,312.60	2,451	2,455	1,358.50	2,377.60
		1,313.90	2,456	2,460	1,359.80	2,379.70
		1,315.10	2,461	2,465	1,361.10	2,381.90
		1,316.20	2,466	2,470	1,362.20	2,384.10
		1,317.40	2,471	2,475	1,363.50	2,386.20
		1,318.50	2,476	2,480	1,364.80	2,388.10
		1,319.60	2,481	2,485	1,365.70	2,390.20
		1,320.60	2,486	2,490	1,366.80	2,392.00
		1,321.70	2,491	2,495	1,367.90	2,394.00
		1,322.80	2,496	2,500	1,369.10	2,396.00
		1,323.90	2,501	2,505	1,370.20	2,397.90
		1,324.90	2,506	2,510	1,371.20	2,399.80
		1,326.00	2,511	2,515	1,372.40	2,401.80
		1,327.10	2,516	2,520	1,373.50	2,403.70
		1,328.20	2,521	2,525	1,374.60	2,405.70
		1,329.20	2,526	2,530	1,375.70	2,407.60
		1,330.30	2,531	2,535	1,376.80	2,409.60
		1,331.40	2,536	2,540	1,377.90	2,411.50
		1,332.50	2,541	2,545	1,379.10	2,413.50
		1,333.50	2,546	2,550	1,380.10	2,415.40
		1,334.60	2,551	2,555	1,381.30	2,417.40
		1,335.70	2,556	2,560	1,382.40	2,419.30
		1,336.80	2,561	2,565	1,383.50	2,421.20
		1,337.80	2,566	2,570	1,384.60	2,423.20
		1,338.90	2,571	2,575	1,385.70	2,425.20
		1,340.00	2,576	2,580	1,386.90	2,427.00
		1,341.10	2,581	2,585	1,388.00	2,429.10
		1,342.10	2,586	2,590	1,389.00	2,431.00
		1,343.20	2,591	2,595	1,390.20	2,432.90
		1,344.30	2,596	2,600	1,391.30	2,434.80
		1,345.30	2,601	2,605	1,392.30	2,436.90
		1,346.40	2,606	2,610	1,393.50	2,438.70
		1,347.50	2,611	2,615	1,394.80	2,440.70
		1,348.60	2,616	2,620	1,396.00	2,442.70
		1,349.60	2,621	2,625	1,396.80	2,444.60
		1,350.70	2,626	2,630	1,397.80	2,446.50
		1,351.80	2,631	2,635	1,398.10	2,448.60
		1,352.90	2,636	2,640	1,400.20	2,450.40
		1,353.90	2,641	2,645	1,401.20	2,452.40
		1,355.00	2,646	2,650	1,402.40	2,454.20
		1,356.10	2,651	2,655	1,403.50	2,456.30
		1,357.20	2,656	2,660	1,404.70	2,458.20
		1,358.20	2,661	2,665	1,405.70	2,460.10
		1,359.30	2,666	2,670	1,406.90	2,462.10
		1,360.40	2,671	2,675	1,408.00	2,464.10
		1,361.50	2,676	2,680	1,409.10	2,465.90
		1,362.50	2,681	2,685	1,410.10	2,468.00
		1,363.60	2,686	2,690	1,411.30	2,469.90
		1,364.70	2,691	2,695	1,412.40	2,471.80
		1,365.80	2,696	2,700	1,413.60	2,473.70

TABLE 1.—TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING DECEMBER 1983—Continued

I (primary insurance benefit under 1939 act, as modified)—if an individual's primary insurance benefit (as determined under subsec. (d)) is—		II (primary insurance amount effective for June 1982)—or his primary insurance amount (as determined under subsec. (c)) is—	III (average monthly wage)—or his average monthly wage (as determined under subsec. (b)) is—		IV (primary insurance amount)—the amount referred to in the preceding paragraphs of this subsection shall be—	V (maximum family benefits)—and the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		1,366.80	2,701	2,705	1,414.60	2,475.60
		1,367.80	2,706	2,710	1,415.60	2,477.30
		1,368.80	2,711	2,715	1,416.70	2,479.20
		1,369.80	2,716	2,720	1,417.70	2,480.90
		1,370.80	2,721	2,725	1,418.70	2,482.80
		1,371.80	2,726	2,730	1,419.80	2,484.60
		1,372.80	2,731	2,735	1,420.80	2,486.40
		1,373.80	2,736	2,740	1,421.80	2,488.20
		1,374.80	2,741	2,745	1,422.90	2,490.10
		1,375.80	2,746	2,750	1,423.90	2,491.80
		1,376.80	2,751	2,755	1,424.90	2,493.70
		1,377.80	2,756	2,760	1,426.00	2,495.40
		1,378.80	2,761	2,765	1,427.00	2,497.30
		1,379.80	2,766	2,770	1,428.00	2,499.10
		1,380.80	2,771	2,775	1,429.10	2,500.90
		1,381.80	2,776	2,780	1,430.10	2,502.70
		1,382.80	2,781	2,785	1,431.10	2,504.50
		1,383.80	2,786	2,790	1,432.20	2,506.30
		1,384.80	2,791	2,795	1,433.20	2,508.20
		1,385.80	2,796	2,800	1,434.30	2,509.90
		1,386.80	2,801	2,805	1,435.30	2,511.80
		1,387.80	2,806	2,810	1,436.30	2,513.60
		1,388.80	2,811	2,815	1,437.40	2,515.40
		1,389.80	2,816	2,820	1,438.40	2,517.20
		1,390.80	2,821	2,825	1,439.40	2,519.00
		1,391.80	2,826	2,830	1,440.50	2,520.80
		1,392.80	2,831	2,835	1,441.50	2,522.70
		1,393.80	2,836	2,840	1,442.50	2,524.40
		1,394.80	2,841	2,845	1,443.60	2,526.30
		1,395.80	2,846	2,850	1,444.60	2,528.00
		1,396.80	2,851	2,855	1,445.60	2,529.80
		1,397.80	2,856	2,860	1,446.70	2,531.70
		1,398.80	2,861	2,865	1,454.70	2,533.50
		1,399.80	2,866	2,870	1,448.70	2,535.30
		1,400.80	2,871	2,875	1,449.80	2,537.10
		1,401.80	2,876	2,880	1,450.80	2,538.90
		1,402.80	2,881	2,885	1,451.80	2,540.80
		1,403.80	2,886	2,890	1,452.90	2,542.50
		1,404.80	2,891	2,895	1,453.90	2,544.40
		1,405.80	2,896	2,900	1,455.00	2,546.20
		1,406.80	2,901	2,905	1,456.00	2,548.00
		1,407.80	2,906	2,910	1,457.00	2,549.80
		1,408.80	2,911	2,915	1,458.10	2,551.60
		1,409.80	2,916	2,920	1,459.10	2,553.40
		1,410.80	2,921	2,925	1,460.10	2,555.30
		1,411.80	2,926	2,930	1,461.20	2,557.00
		1,412.80	2,931	2,935	1,462.20	2,558.90
		1,413.80	2,936	2,940	1,463.20	2,560.60
		1,414.80	2,941	2,945	1,464.30	2,562.50
		1,415.80	2,946	2,950	1,465.30	2,564.30
		1,416.80	2,951	2,955	1,466.30	2,566.10
		1,417.80	2,956	2,960	1,467.40	2,567.90
		1,418.80	2,961	2,961	1,468.40	2,569.80
		1,419.80	2,966	2,970	1,469.40	2,571.50
		1,420.80	2,971	2,975	1,470.50	2,573.40

TABLE 2.—SPECIAL MINIMUM PRIMARY INSURANCE AMOUNTS AND MAXIMUM FAMILY BENEFITS

Special minimum primary insurance amount payable for June 1982	No. of years required minimum earnings level	Special minimum primary insurance amount payable for Dec. 1982	Special maximum family benefit payable for Dec. 1983
17.50	11	18.10	27.20
34.60	12	35.80	53.80
51.90	13	53.70	80.70
69.10	14	71.50	107.40
86.30	15	89.30	134.10
103.70	16	107.30	161.00
121.80	17	125.10	187.80
138.20	18	143.00	214.50
155.40	19	160.80	241.20
172.50	20	178.50	267.90
189.90	21	196.50	294.90

TABLE 2.—SPECIAL MINIMUM PRIMARY INSURANCE AMOUNTS AND MAXIMUM FAMILY BENEFITS—Continued

Special minimum primary insurance amount payable for June 1982	No. of years required minimum earnings level	Special minimum primary insurance amount payable for Dec. 1982	Special maximum family benefit payable for Dec. 1983
207.10	22	214.30	321.50
224.50	23	232.30	348.60
241.70	24	250.10	375.20
258.90	25	267.90	401.90
276.30	26	285.90	429.00
293.50	27	303.70	455.70
310.70	28	321.50	482.40
327.90	29	339.30	509.10
345.10	30	357.10	535.80

[FR Doc. 83-15760 Filed 6-10-83; 8:45 am]
BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-83-1254]

Order of Suspension

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Order of suspension.

SUMMARY: The Department is issuing an Order of Suspension to each developer listed on the attached Appendix. These developers have failed to either file amendments to their registrations or file documentation establishing that no such amendments were necessary. The Order of Suspension is issued pursuant to the Interstate Land Sales Full Disclosure Act.

EFFECTIVE DATE: June 13, 1983.

FOR FURTHER INFORMATION CONTACT: Christopher Peterson, Director, Land Sales Enforcement Division, Department of Housing and Urban Development, Room 4116, Washington, D.C. 20410. Telephone: (202) 755-5989. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Office of Interstate Land Sales Registration gives public notice of its attempt to serve upon certain persons at their last known address a notice requiring revisions to their Statement of Record. Although service of notice by certified mail was attempted in accordance with 24 CFR 1720.170, it was not possible. Consequently, on October 4, 1982, the Department of Housing and Urban Development, pursuant to 44 U.S.C. 1508, published in the **Federal Register** a Notice of Proceedings and Opportunity for Hearing (47 FR 43793) effecting constructive notice on certain Developer respondents. The Notice informed these persons of omissions of material provisions required by law in their Statement of Record and Property Report, and advised them on their rights to request a hearing within 15 days of publication of the Notice. More than 15 days have now elapsed since the publication of the Notice and the persons listed in the attached Appendix and referred to in the Order of Suspension as "Developer" have not requested a hearing; therefore, the Department is required to issue this Order of Suspension.

Order of Suspension

1. The Developer being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record and Property Report covering its subdivision which became effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Secretary or designee.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Secretary or designee at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Secretary or designee may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the **Federal Register** on October 4, 1982 informing the Developer of information obtained by the Office of Interstate Land Sales Registration stating an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the Developer's Statement of Record. The Developer was constructively notified of its right to request a hearing and that if it failed to request a hearing it would be deemed in default and proceedings would be determined against it, the allegations of which would be determined to be true. The Developer has failed to answer or to request a hearing pursuant to 24 CFR 1720.220 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of June 13, 1983. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Pursuant to 44 U.S.C. 1508, service of this Order upon the Respondent is constructively noticed by publication of this Order in the **Federal Register.**

Unless otherwise exempt any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Dated: June 6, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

Appendix

The captioned matters in this Appendix are listed alphabetically by subdivision in each State. The list contains the name of the subdivision, developer, representative and title, OILSR number and Land Sales Enforcement Division Docket number.

Arkansas

Beaver Shores, Beaver Shores, Inc., W. C. Case, President; OILSR No. 0-00184-03-6, 80-30-IS.

Hidden Valley Estates, Great American Development Corporation, Wilbur Ramsey; OILSR No. 0-00280-03-6, 81-149-IS.

California

Rancho Santo Rosa, Tract #2104-1, Rancho Santa Rosa, C. A. Brown, President; OILSR No. 0-02096-04-426, 81-114-IS.

Florida

Brevard Properties, Brevard Investment Properties, Frederick T. Hyman, President; OILSR No. 0-00149-09-43, 81-258-IS.

Central Lake Estates, Atgar Development Corporation, Guy B. Bailey, President; OILSR No. 0-01420-09-403, 82-38-IS.

South Lake Wales, Atgar Development Corporation, Jack Klear, President; OILSR No. 0-01824-09-539, 81-241-IS.

Georgia

Montego Point, Montego Point, Inc., Daniel P. Matheny, President; OILSR No. 0-04167-10-66, 82-227-IS.

Indiana

Normandy Farms, Normandy Farms Development Company, John Kleinops, General Partner; OILSR No. 0-04797-15-12, 81-250-IS.

Massachusetts

Greenwood, Greenwood Development Corporation, Anthony P. Gargiulo, President; OILSR No. 0-03702-25-41, 81-287-IS.

Mississippi

Hidden Valley Lakes, Hidden Valley Lake, Inc., Jack Lacy, President; OILSR No. 0-01787-28-28-34(A), 81-252-IS.

Marsh Island Parts 1-4, et al, Marsh Land, Inc., Templeton Fowlkes, President; OILSR No. 0-05462-28-101, 81-170-IS.

Retreat Village Subdivision, Biloxi River Retreat Village, Inc., James C. Smith, Nicholas Elliot, and Robert Zang, Directors; OILSR No. 0-04092-28-79, 81-54-IS.

North Carolina

Carolina Forest, Russwood, Inc., Silas H. Russell, President; OILSR No. 0-01941-38-65, 82-54-IS.

Woodrun Russwood, Inc., Silas H. Russell, President; OILSR No. 0-01940-38-64, & (A), 82-17-IS.

Oklahoma

Kirkwood Forest Island, Phase I, Greater Grand Lake Development Company, Inc., Frank M. Kirk, President; OILSR No. 0-04000-42-70, 81-232-IS.

Texas

Point Aquarius, The Bonanza Corporation, Jerry Thames, President; OILSR No. 0-02311-49-143(A), 81-205-IS.

Goose Island Lake Estates, South Crest Development Corporation, Joseph J. Gonlin, Jr., President; OILSR No. 0-04580-49-733, 81-275-IS.

Virginia

Bull Run Mountain, Bull Run Development Corporation, Coleman C. Gore, Secretary-Treasurer; OILSR No. 0-00231-54-10, 81-205-IS.

Royal View Estates, Loma Sales Company, Inc., Joseph S. Magnone, President; OILSR No. 0-01203-54-46, 81-314-IS.

Washington

Lake Trask Timber Trails, Timber Trails, Inc., Raymond Kittleson, President; OILSR No. 0-04586-56-154.

British Honduras

Perto Maya, Metroplex Properties, Inc., John Love, President and Director; OILSR No. 0-03618-60-122, 82-40-IS.

Canada

Parish of St. Hubert, City and District Development, Nick Brindalos, President; OILSR No. 0-02706-60-63, 81-285-IS.

Mexico

Sabalo Country Club, Sabalo Country Club, S.A., Juan Morquenchjo Cazares, President; OILSR No. 0-03932-60-133, 82-51-IS.

West Indies

Saline Point Golf Hill Ridge Becune, St. Lucia Limited—Cap Estates, Harry E. Nichols, Attorney; OILSR No. 0-03419-60-110, 81-177-IS.

Philippines

B. F. Homes, F. B. Homes, Inc., Tomas B. Aquirre, Chairman of the Board; OILSR No. 0-05190-60-150, 82-33-IS.

[FR Doc. 83-15729 Filed 6-10-83; 8:45 am]

BILLING CODE 4210-27-M

[Docket No. D-83-701]

Redelegation of Authority; Director of the Office of Manufactured Housing and Construction Standards

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Redelegation of authority.

SUMMARY: The Assistant Secretary for Housing—Federal Housing Commissioner is issuing an updated redelegation of authority setting forth the responsibilities of the Director of the Office of Manufactured Housing and Construction Standards for certain housing programs and functions. This revision reflects recent changes in program responsibility within the Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

EFFECTIVE DATE: June 13, 1983.

FOR FURTHER INFORMATION CONTACT: Mildred E. Moore, Management Analysis and Services Division, Office of Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410; (202) 755-8694. This is not a toll-free telephone number.

SUPPLEMENTARY INFORMATION: This redelegation of authority to the Director and Deputy Director, Office of Manufactured Housing and Construction Standards, supersedes all previously published redelegations of authority for HUD Headquarters relating to the programs specified below. This new redelegation revises and updates the previous redelegation to reflect organizational changes and the resulting realignment of program responsibility. Accordingly, The Assistant Secretary for Housing—Federal Housing Commissioner hereby redelegates authority as follows:

Redelegation of Authority.

Section A. Director and Deputy Director, Office of Manufactured Housing and Construction Standards. To the Director and the Deputy Director, Office of Manufactured Housing and Construction Standards, there is redelegated the following authority:

1. To prescribe standards for the design, construction, and alteration of structures for programs prescribed under the National Housing Act (12 U.S.C. 1701-1749aaa-5) and the United States Housing Act of 1937 (42 U.S.C. 1437-1437n);

2. To approve or disapprove variances from the design or construction standards for all programs under the National Housing Act (12 U.S.C. 1701-1749aaa-5) and the United States Housing Act of 1937 (42 U.S.C. 1437-1437n);

3. To exercise the authority of the Assistant Secretary for Housing—Federal Housing Commissioner with respect to all matters and requirements of the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151-4157) (the "Act") applicable to the Department of Housing and Urban Development, including the following authority:

(a) To prescribe standards for the design, construction, and alteration of buildings which are residential structures subject to the Act to insure, whenever possible, that physically handicapped persons will have ready access to, and use of, such buildings;

(b) To modify or waive any such standard, on a case-by-case basis, upon a determination that such modification or waiver is clearly necessary;

4. To evaluate and determine the technical suitability of housing products and materials under Section 521 of the National Housing Act (12 U.S.C. 1735e) and to issue engineering and technical bulletins governing the acceptability of housing system components, materials, and methods of construction; and

5. To exercise the authority of the Assistant Secretary for Housing—Federal Housing Commissioner with respect to all matters and requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, Title VI, Housing and Community Development Act of 1974 (42 U.S.C. 5401-5426).

Section B. Authority Excepted. There is excepted from the authority redelegated under Section A the power to issue rules and regulations.

Section C. Exercise of Redelegated Authority. Redelegations of Authority made under Section A shall not be construed to modify or otherwise affect the outstanding authorities redelegated to the Regional and Field Offices.

(Sec. 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d); Secretary's authority to redelegate published at 36 FR 5005 (1971); 36 FR 5007 (1971); 41 FR 32635 (1976); 41 FR 24755 (1976); 46 FR 57348 (1981))

Dated: June 6, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-15793 Filed 6-10-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Classification of Danby Lake Known Sodium Leasing Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Classification.

SUMMARY: Notice is hereby given that the bureau of Land Management has classified the area listing in Supplementary Information as subject to the competitive sodium leasing provisions of the Mineral Leasing Act of 1920 (30 U.S.C. 262), as amended.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: California Desert District, 1695 Spruce Street, Riverside, California 92507, telephone (714) 351-6386.

SUPPLEMENTARY INFORMATION: The Danby Lake Known Sodium Leasing Area is located on Danby Lake, San Bernardino County, California, and comprizes approximately 27,992 acres.

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note); 220 DM 2; Secretarial Order Nos. 3071 and 3087; and, BLM Instruction Memorandum 83-384, the following Federal lands have been classified as subject to the competitive sodium leasing provisions of the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 262), as amended:

T. 2 N., R. 17 E., SBM,
Sec. 7, NE¼SE¼, S½SE¼;
Sec. 8, S½NE¼, SE¼NW¼, S½;
Sec. 9, SW¼NW¼, S½;
Sec. 10, S½SW¼, SW¼SE¼;
Sec. 13, SW¼NE¼, S½NW¼, S½;
Secs. 14 to 17, inclusive;
Sec. 18, NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 19, N½NE¼, SE¼NE¼;
Sec. 20, NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Secs. 21 to 26, inclusive;
Sec. 27, NE¼, NW¼, N½SW¼, SE¼;
Sec. 28, NE¼, NW¼, NE¼SW¼, N½SE¼;
Sec. 29, N½NE¼, SE¼NE¼;
Sec. 35, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 36, NE¼, NW¼, N½SW¼, N½SE¼, SE¼SE¼.
T. 2 N., R. 18 E., SBM,
Sec. 17, S½SW¼, SW¼SE¼;
Sec. 18, S½;
Secs. 19 and 20, inclusive;
Sec. 21, SW¼NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 27, NW¼, SW¼, NW¼SE¼, S½ SE¼;
Secs. 28 to 34, inclusive;
Sec. 35, S½NE¼, NW¼, SW¼, SE¼;
Sec. 36, SW¼NW¼, SW¼.
T. 1 N., R. 18 E., SBM,
Sec. 1, NW¼, SW¼, W½SE¼;

Secs. 2 to 4, inclusive;
Sec. 5, NE¼, N½ NW¼, N½SE¼, SE¼SE¼;
Sec. 6, N½NE¼, N½NW¼;
Sec. 9, NE¼, N½NW¼, SE¼NW¼, E½SW¼, SE¼;
Secs. 10 and 11 inclusive;
Sec. 12, NW¼NE¼, S½NE¼, NW¼, SW¼, SE¼;
Secs. 13 to 15, inclusive;
Sec. 16, NE¼, E½SE¼;
Sec. 22, NE¼, NW¼NW¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 23, all;
Sec. 24, W½NE¼, NW¼, SW¼, NE¼SE¼;
Sec. 25, NW¼NW¼;
Sec. 26, N½NE, N½NW¼.

A map of the known leasing area is available from the above address.

Dated: June 6, 1983.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-15815 Filed 6-10-83; 8:45 am]

BILLING CODE 4310-84-M

[U-47292]

Iron County, Utah; Issuance of Land Sale Conveyance Document

The United States issued a land sale conveyance document to Clark Livestock Corporation on June 2, 1983, Patent No. 43-83-0006 for the following described lands pursuant to Section 203 of the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Salt Lake Meridian, Utah

T. 37 S., R. 10 W.,
Sec. 13, lots 1, 2, 3, W½NW¼, N½SW¼;
Sec. 14, SE¼NE¼.

Containing 325.43 acres.

The lands conveyed were an isolated tract of public lands and were sold through modified competitive bidding. The public interest was well served through completion of this sale.

The value of the Federal land was appraised at $49,100.00 and payment was received for this amount to the United States.

Dated: June 6, 1983.

Darrell C. Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-15812 Filed 6-10-83; 8:45 am]

BILLING CODE 4310-84-M

[U-43470]

Exchange of Public and Private Lands in Tooele County, Utah; Issuance of Land Exchange Conveyance Document

The United States issued an exchange conveyance document to the Estate of Chloe M. Parrish, Patent Number 43-83-0007, on June 1, 1983, for the following described lands pursuant to Section 206 of the Act of October 21, 1976 (90 Stat. 2756, 43 U.S.C 1716):

Salt Lake Meridian, Utah

T.10 S., R. 19 W.,
Sec. 9, S½SW¼, W½NW¼SW¼SE¼, SW¼SW¼SE¼

Containing 95 acres.

In exchange for these lands, the United States acquired the following described lands from Estate of Chloe M. Parrish:

Salt Lake Meridian, Utah

T 10 S., R. 19 W.,
Sec. 12, S½SW¼, SW¼SE¼,

Containing 120 acres.

The purpose of this exchange was to acquire the non-Federal lands to help the management of an approved habitat management plan, the public interest was well served through completion of this exchange.

The values of Federal public land and the non-Federal land in the exchange were appraised at ($11,675.00) and ($12,000.00) respectively. The patentee waived the minimal difference in the values.

Dated: June 6, 1983.

Darrell C. Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-15814 Filed 6-10-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32297, ES 32298, ES 32299, ES 32300]

Minnesota; Realty Action; Modified Competitive Sale of Public Land in Minnesota

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, U.S.C. 1713), at no less than the fair market value:

Parcel	County	Legal description	Acreage	Designated bidder
A	Crow Wing	Fourth Principal Meridian; T. 44 N., R. 31 W., Sec. 27, Lot 3.	4.04	Wayne and Shirley Thiesse.
B	Kittson	Fifth Principal Meridian; T. 162 N., R. 50 W., Sec. 32, Lot 6.	13.90	John C. and Mae Youngren.
C	Lake of the Woods	Fifth Principal Meridian; T. 162 N., R. 32 W., Sec.31, NE¼, SE¼SW¼, and W½SE¼.	280.00	Frederick W. and Betty E. Frohreich.
D	Wright	Fifth Principal Meridian; T. 119 N., R. 24 W., Sec. 6, Lot 1.	.43	Joseph W. and Louise K. Jung.

The land will be sold by modified competitive bidding. The individuals named above, who own land adjoining the sale parcels, will have a preference right to purchase the subject parcels. Those parcels not sold pursuant to this notice shall remain available for sale for two(2) years from the date of this notice.

The land has not been used for, and is not required for any Federal purpose. The location and physical characteristics of the parcels make it difficult and uneconomical to manage as public land. Disposal would best serve the public interest. The sale is consistent with the Bureau's planning system for the land involved. The land will not be offered for sale until at least 60 days after the date of this notice.

The patents for the land, when issued, will be subject to the condition that all minerals will be reserved to the United States in accordance with Section 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719. Additional restrictions which constitute covenants running with individual parcels are as follows:

1. Parcel A will be subject to agricultural lease ES-30491 which expires on May 31, 1984.

2. Parcel B, all of which is situated within a floodplain, is subject to any use restriction as set forth in Federal, State, county, or local laws or regulations relating to floodplain and wetland development. This is pursuant to the authority in Section 3(d) of Executive Order 11988 of May 24, 1977; Section 4 of Executive Order 11990 of May 24, 1977 and Section 206 of the Federal Land Policy and Management Act of 1976.

3. Parcel C will be subject to agricultural lease ES-22415 which expires on May 31, 1984.

Bidding Information and Instructions:

Bidding Qualifications: The Federal Land Policy and Management Act of 1976 requires that bidders must be citizens of the United States, 18 years of age or over, or, in the case of a corporation, be subject to the laws of any State of the United States. Bids may be made by a principal (the one desiring to purchase the land) or his qualified agent.

Bid Standards: No bid will be accepted for less than the appraised fair market value. Bids must be for all of the land in a specified parcel.

Method of Bidding: Bids may be made by mail and will be considered only if received at the Milwaukee District Office, Bureau of land Management, 310 W.Wisconsin Avenue, Suite 220, Milwaukee, Wisconsin 53203. Such bids will be considered only if received at the above address after 7:30 a.m., August 19, 1983, and Prior to 4:00 p.m. on September 15, 1983.

Bids will be opened at 1:00 p.m., September 16, 1983, in the Milwaukee District Office. Bids sent by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. All sealed envelopes must be marked in the lower left-hand corner, "Sealed Bid, Parcel——, Public Land Sale, Minnesota". If the designated high bid consists of two or more valid sealed bids of the same dollar amount, the determination of the highest bid will be by a drawing. The drawing, if required, shall be held immediately following the opening of the bids. The highest qualifying sealed bid shall then be announced.

Modified Bidding: for a period of 30 days following the date of the sale, the designated bidders will have a preference right to purchase the land by meeting the highest bid. If they meet the highest bid, the land will be sold to them and the other low bids will be returned. Refusal or failure by the designated bidder to meet the highest bid shall constitute a loss of preference rights, and the land will be sold to the highest bidder.

Final Details: Once a high bid is accepted, the successful bidder shall submit the balance of the full bid price within thirty (30) days after receipt of the Decision in accepting the highest bid. Failure to submit the required balance will result in cancellation of the sale and the bid deposit will be forfeit. If the high bid is accepted, the full price is paid, and the required citizenship or corporate qualifications are met, title to the lands will be conveyed by a patent. Publication of this Notice will segregate the lands from all appropriations under the public land laws, but not the mineral leasing law. This segregation will terminate upon the issuance of a patent, or 2 years from the date of this Notice, or upon publication of a notice of termination.

Further Information: Detailed information concerning the sale can be obtained by contacting Mr. Richard D. Harms, Duluth Field Office, 125 Federal Building, Duluth, Minnesota 55802, (218) 727–6692. For a period of 45 days from the date of this Notice, interested parties may submit comments to the Eastern States Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Any adverse comments will be evaluated by the Eastern States Director, who may vacate or modify this Notice of Realty Action and issue a final determiation. In the absence of any action by the Eastern States Director, ths realty action will become the final determination of the Department of the Interior.

G. Curtis Jones, Jr.,

Eastern States Director.

[FR Doc. 83–15720 Filed 6–10–83; 8:45 am]

BILLING CODE 4310–84–M

Office of the Secretary

Federal-State Task Force on the Hawaiian Homes Commission Act; Meeting

AGENCY: Federal-State Task Force on the Hawaiian Homes Commission Act.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Federal-State Task Force on the Hawaiian Homes Commission Act. This meeting will be open to the public. Attendance by the public will be limited to space available. Only written comments will be accepted from the public at this meeting, to insure the maximum amount of time for Task Force discussion.

DATES: June 27, 28, and 29, 1983, at 9:00 a.m.

ADDRESS: Conference Room 1, Third Floor, Old Federal Building, 335 Merchant Street, Honolulu, Hawaii, 96813.

FOR FURTHER INFORMATION CONTACT: Executive Assistant to the Secretary Stephen P. Shipley, U.S. Department of the Interior, 18th and C Street, NW., Washington, D.C. 20240; (202) 343–7351.

Dated: June 2, 1983.

Stephen P. Shipley,

Executive Assistant to the Secretary of the Interior.

[FR Doc. 83–15682 Filed 6–10–83; 8:45 am]

BILLING CODE 4310–10–M

INTERSTATE COMMERCE COMMISSION

[OP1–FC–211]

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board. Members Parker, Krock, and Williams.

Agatha L. Mergenovich,

Secretary.

Please direct status inquires to Team 1, (202) 275–7992.

MC–FC–81148. By decision of June 7, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board approved the transfer to MONROE CONTRACTORS EQUIPMENT, INC., Fishers, NY, of Permit No. MC–134653 (Sub-Nos. 2 and 7), issued January 31, 1978, and January 18, 1980, respectively, and Certificate No. MC–134653 (Sub-No. 8), issued December 10, 1981, to M.C.E. TRANSPORTATION CO., INC. Fishers, NY, authorizing the transportation of (1) pre-cast, pre-stressed structural concrete

products, from Pittsfield, MA, to points in NY, NJ, RI, CT, MA, VT, NH, and ME, under continuing contract(s) with Unistress Corporation, of Pittsfield, MA, (2)(A) pre-cast and pre-stressed concrete products (except commodities in bulk), from Schenectady, NY, to points in CT, ME, MA, NJ, NY, NH, RI, and VT, and (b) pre-cast and pre-stressed concrete products, and materials, equipment and supplies used in manufacture of pre-cast pre-stressed concrete products (except commodities in bulk and except cement), between points in CT, MA, NH, NJ, NY, PA, RI, and VT, restricted against the transportation of shipments from points in Lancaster County, PA, to points in NJ and NY, under continuing contract(s) in (2) (a) and (b) with Schenectady Concrete Products Company, Inc., or Spancrete Northeast, Inc., and (3) those commodities which because of their size or weight require the use of special handling or equipment, metal products, and building and contractors' materials, between points in NY. Transferee is a carrier holding authority under No. MC–144710. A directly-related gateway elimination application has been filed in No. MC–144710 (Sub-No. 11). Representative: S. Michael Richards, 919 Ridge Rd., P.O. Box 225, Webster, NY 14580 (716) 671–1021.

[FR Doc. 83–15711 Filed 6–10–83; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP4–347]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided June 6, 1983.

90–Day Intrastate Motor Common Carriers of Passengers. The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the **Federal Register** on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922(c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 25 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 30 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Members Carleton, Fortier and Krock.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

Please direct status inquires to Team 4, (202) 275–7669.

MC 29957 (Sub-102), filed May 25, 1983. Applicant: TRAILWAYS SOUTHERN LINES, INC., 327 Gayoso St., Memphis, TN 38103. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75207 (214) 655–7937. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on route in MC-29957 (Sub-No. 98), between Memphis, TN and St. Louis, MO, over Interstate Hwy 55.

[FR Doc. 83–15712 Filed 6–10–83; 8:45]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team Four at (202) 275-7669.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OP4-346

Decided: June 6, 1983.

By the Commission, Review Board Members Carleton, Fortier, and Krock.

MC 167977, filed May 12, 1983. Applicant: PAUL H. COMTOIS d.b.a. BLUE FOX ENTERPRISES, 711-B Scott St., Charleston, SC 29405. Representative: Paul H. Comtois (Same address as applicant) (803) 744-6242. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. and (3) As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168256, filed May 24, 1983. Applicant: HARRY E. MORRISON, d.b.a. MORRISON'S BUS SERVICE, 3631 Johns St., Norfolk, VA 23513. Representative: Frank L. Willard, Suite #1001, First & Merchants National Bank Bldg., Norfolk, VA 23510 (804) 627-0070. Transporting *passengers,* in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168257, filed May 23, 1983. Applicant: PATHMARK TRANSPORTATION MARKETING CO., 755 Crossover Lane, Suite 155, Memphis, TN 38117. Representative: Edward G. Grogan, 2000 First Tennessee Bldg., Memphis, TN 38103 (901) 526-2000. As a broker of *general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-208

Decided: June 6, 1983.

By the Commission, Review Board Members Dowell, Joyce, and Fortier.

MC 125591 (Sub-1), filed May 23, 1983. Applicant: LAWSON TRANSPORTATION CORPORATION, P.O. Box 258, Warsaw, VA 22572. Representative: John M. Ballenger, 123 S. Royal St., Alexandria, VA 22314 (703) 683-6304. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 142601, (Sub-11), filed May 25, 1983. Applicant: CECO TRANSPORT, INC., 1400 Kensington Rd., Oak Brook, IL 60521. Representative: Daniel C. Sullivan, 180 N. Michigan Ave., Suite 1700 Chicago, IL 60601 (312) 263-1600. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168221, filed May 23, 1983. Applicant: COM-TRANS SALES, INC., 401 East Second Ave., Derry, PA 15627. Representative: John A. Pillar, 1500 Bank Tower 307 Fourth Ave. Pittsburgh, PA 1522 (412) 471-3300. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168241, filed May 23, 1983. Applicant: UNITED BROKERS OF AMERICA, INC., P.O. Box 100022, 33 Cleveland Ave., Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville City Bank Bldg., 315 Union St., Nashville, TN 37201 (615) 255-9911. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 168300, filed May 25, 1983. Applicant: MILWAUKEE COMMERCIAL STORAGE, INC., 4001 West Green Tree Rd. Milwaukee, WI 53209. Representative: Richard A. Westley 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086 (608) 238-3119. As a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 83-15717 Filed 6-10-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to

an interstate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds , these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance reqirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 4 at 202-275-7669.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C 10922(c)(2)(B) to operate in interstate commerce over regular routes as a motor common carrier of passengers are duly noted.

Volume No. OP4-345

Decided: June 6, 1983.

By the Commission, Review Board Members Carleton, Fortier, and Krock.

MC 153547 (Sub-2), filed May 31, 1983. Applicant: RONALD C. MENCHHOFER, 208 Spruce St., Sandusky, OH 44870. Representative: Lewis S. Witherspoon, 2455 N. Star Rd., Columbus, OH 43221 (614) 486-0448. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 154907 (Sub-10), filed May 24, 1983. Applicant: THE BUCK COMPANY, 631 W. Cherry St., Wayland, MI 49348. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503 (616) 459-6121. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160707 (Sub-1), filed May 25, 1983. Applicant: MORTENSON TRUCKING, INC., 3299 Midway Ave., Grants Pass, OR 97526. Representative: C. Jack Pearce, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036 (202) 785-0048. Transporting (1) *iron and steel articles*, (2) *metal products*, (3) *plastic products*, (4) *building materials*, and (5) *commodities* which by reason of size or weight require the use of special equipment, between points in the U.S. (except AK and HI).

MC 163706 (Sub-2), filed May 27, 1983. Applicant: BIG WHEEL TRANSPORT, INC., 711 S. Jackson St., Hawkinsville, GA 31036. Representative: F. Lee Champion, III, P.O. Box 2525, Columbus, GA 31902 (404) 324-4477. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 164887, filed May 24, 1983. Applicant: COUNTRY LINES, INC., P.O. Box 1717, Salisbury, MD 21801. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113 (215) 365-5141. Transporting *petroleum and petroleum products, and chemicals and related products*, between points in CT, DE, MA, MD, NJ, NY, NC, PA, RI, VA, WV and DC.

MC 167766, filed May 12, 1983. Applicant: BOB'S AUTO SERVICE, INC., 4300 S. Federal Blvd., Englewood, CO 80110. Representative: James A. Beckwith Suite 228, 770 Grant St., Denver, CO 80203 (303) 861-4273. Transporting *transportation equipment*, between those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 168147, filed May 25, 1983. Applicant: H & H TRUCKING CORP., North Elm, St., P.O. Box 38, Brunsville, IA 51008. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501 (402) 475-6761. Transporting *wrecked, disabled, and replacement vehicles*, between points in the U.S. (except AK and HI).

MC 168176, filed May 18, 1983. Applicant: ADAMS EXPRESS, INC., 990 Edgewood Ave., NE, Atlanta, GA 30307. Representative; Charles L. Redel, 212 Exchange Bldg., La Crosse, WI 54601 (608) 784-5860. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Borden Chemical Company, a Divison of Borden, Inc., of Griffin, GA, and United Freight, Inc., of Morrow, GA, and its affiliates, Peninsular Warehouse Company, of Jacksonville, FL, Transtop Corporation, of Boston, MA, Southern States Warehouse Company, of Memphis, TN, and Nationwide Freight Company, of Los Angeles, CA.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-209

Decided: June 6, 1983.

By the Commission, Review Board Members Dowell, Joyce, and Fortier.

MC 159970 (Sub-1), filed May 23, 1983. Applicant: CONTRACT SERVICE, INC., 10051 Beech, P.O. Box 784, Fontana, CA 92335. Representative: Charlie Sanders

(same address as applicant) (714) 350–8681. Transporting *chemicals and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with S. L. Abbot Co., of Los Angeles, CA.

MC 168171, filed May 23, 1983. Applicant: TOM JOY & SON, INC., R.R. 3, Pound, WI 54161. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, (608) 225–8891. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in WI, and the Upper Peninsula of MI, on the one hand, and, on the other, points in the U.S. (except AK and HI.)

MC 168220, filed May 23, 1983. Applicant: DUANE D. STONER, d.b.a. STONER TRUCKING COMPANY, P.O. Box 97, Holland, IA 50642. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *food and related products,* between points in Tama County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI.)

MC 168250, filed May 23, 1983. Applicant: LOYOLA TRUCKING, INC., P.O. Box 45563, Los Angeles, CA 90045. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211 (213) 655–3573. Transporting *general commodities* (except classes A and B explosives, household good, and commodities in bulk) between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

Volume No. OP1–212

Decided: June 7, 1983.

By the Commission, Review Board Members Parker, Krock, and Williams.

MC 144710 (Sub-11), filed January 4, 1983. Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 749 Phillips Rd., P.O. Box F, Fishers, NY 14453. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580, (716) 671–1021. Transporting *those commodities which because of their size or weight require the use of special handling or equipment, metal products, and building and contractors' materials,* between points in NY, on the one hand, and, on the other, points in the U.S. (except AK and HI.)

Note.—The purpose of this application is to eliminate the gateway of those points in NY on and west of Interstate Hwy 81. This application is directly-related to MC–FC–81148, publish in the same **Federal Register** issue.

[FR Doc. 83–15718 Filed 6–10–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equiment it will make available for use in connection with the service contemplataed by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, NE., Atlanta, GA 30309.

MC 2934 (Sub-3–78TA), filed June 1, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, Indiana 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *Household goods,* between points in the U.S. (excluding AK and HI), under continuing contracts with Federal Mogul Corporation, 26555 Northwestern Highway, Southfield, MI 48034. Supporting shipper: Federal Mogul Corporation, 26555 Northwestern Highway, Southfield, MI 48034.

MC 160931 (Sub-3–2TA), filed June 1, 1983. Applicant: MID-CON TRUCKING CO., INC., 174 Distribution Drive, Birmingham, AL 35209. Representative: John R. Frawley, Jr., 7960 Crestwood Blvd., Rooms 7–8, Irondale, AL 35210. *General Commodities (except used household goods, classes A and B explosives, commodities in bulk and hazaradous wastes);* between Birmingham, AL on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper(s): Rainaire Products of Alabama, Inc., 161–167 Distribution Drive, Birmingham, AL 35209; Plastic Clad Corporation, 120 Cleage Drive, Birmingham, AL 35215; Alloy & Metal Processors, Inc., 623 33rd Place North, Birmingham, AL 35222.

MC 2900 (Sub-3–45TA), filed June 1, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as above). *Contract carrier:* irregular: *General Commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with Federated Department Stores, Inc. Supporting shipper: Federated Department Stores, Inc., 7 W. 7th St., Cincinnati, OH 45202.

MC 2900 (Sub-3–44TA), filed June 1, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as above). *Contract carrier:* irregular: *General Commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)* between Oakland, CA, Mapleton, IL and Janesville, WI, on the one hand, and, on the other, all points in the U.S. (except AK & HI) under continuing contract(s) with Sherex Chemical Company, Inc. Supporting shipper: Sherex Chemical Company, Inc., 5777 Frantz Road, Dublin, OH 43017.

MC 163510 (Sub-3–2TA), filed May 27, 1983. Applicant: CHARLIE C. MOORE, JR., d.b.a. MOORE'S EXPRESS, 4043A West Blvd. (P.O. Box 19088), Charlotte, N.C. 28219. Representative: Stanley J. Fridlund (same address as applicant). Contract, irregular. *General Commodities (except Clases A and B explosives, commodities in bulk)* having a prior to subsequent move by ocean, between the facilities of Schenkers International Forwarders and Sea Cargo International located at Charlotte, NC and points in NC, GA, SC, TN and VA. Supportng shipper: Schenkers

International Forwarders and/or Sea Cargo International, 4043A West Blvd., Charlotte, NC., 28219.

MC 167967 (Sub-3–1TA), filed May 26, 1983. Applicant: J.R. WOODRUFF TRUCKING COMPANY, 1275 N. Oak Street, P.O. Box 983, Thomasville, GA 31792. Representative: Jack C. Sanford, 507 N. Broad Street, P.O. Box 2385, Thomasville, GA 31792.*Contract Carrier,* Irregular routes, *boxes or crates, wood and wire combined. Wire, iron or steel.* Between Thomasville, GA on the one hand, and, on the other hand, all points in FL, under continuing contract or contracts with Georgia Crate and Basket Co., Inc. Supporting shipper: Georgia Crate and Basket Co., Inc., P.O. Box 46, Thomasville, GA 31799.

MC 151380 (Sub-3–3TA), filed May 19, 1983. Applicant: RICLYN ENTERPRISES, INC., Room 201, Amman Building, Port Everglades, Ft. Lauderdale, FL 33335. Representative: Gerard J. Donovan, 4791 S. W. 82nd Ave., Davie, FL 33328. *General Commodities (Except Classes A and B Explosives, Household Goods, Commodities in Bulk, Hazardous Materials),* Between Tampa, FL and points and places in the States of AL, DE, GA, KY, NJ, NY, NC, OH, PA, SC, TN, VA and WI. Supporting shipper: Strachan Shipping Company, P.O. Box 2441, Tampa, FL 33601.

MC 146377 (Sub-3–4TA), filed June 3, 1983. Applicant: EDWARD MCGILL, INC., 3 General Avenue, Rome, GA 30161. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Contract carrier:* irregular: *Meat and Packinghouse Products and Machinery,* between points in GA, on the one hand, and points in the United States (except AK and HI), on the other, under continuing contract with Cagle's, Inc., Atlanta, GA. Supporting shipper: Cagle's, Inc., 1155 Hammond Drive, NE., Atlanta, Georgia 30328.

MC 146944 (Sub-3–3TA), filed June 1, 1983. Applicant: LYKES TRANSPORT, INC., P.O. Box 97, Dade City, FL 33525. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601. *Foodstuffs,* between Birmingham, AL, on the one hand and, on the other, points in AL, FL, GA, SC and TN, restricted to shipments having a prior or subsequent movement by rail in interstate commerce. Supporting shipper: Burlington Northern Railroad Company, 176 E. Fifth St., St. Paul, MN 55101

Note.—Applicant intends to interline with other carriers at Birmingham, AL.

MC 2900 (Sub-3–46TA), filed June 1, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (Same address as above). *Contract carrier:* irregular: *General Commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with General Mills, Inc. and its wholly owned subsidiaries. Supporting shippr: General Mills, Inc., 9200 Wayzata Blvd., P.O. Box 1113, Minneapolis, MN 55440.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 168325 (Sub-6–1TA), filed May 27, 1983. Applicant: ROBERT BARCAGLIA TRUCKING, INC., 7036 Hwy. 99 South, Suite 'A', Redding, CA 96001. Representative: Judy Burgess (same as applicant). *Cement,* in bulk and bags, from Fernley, NV to points in CA, for 270 days. Supporting shippers: Nevada Cement Co., P.O. Box 892, Fernley, NV, 89408; Basalite, Division of Pacific Coast Bldg. Products, Inc., Redding, CA 96001; Mathews Ready Mix, P.O. Box 386, Gridley, CA 95948.

MC 158096 (Sub-6–2TA), filed May 27, 1983. Applicant: BEST WAYS EXXPRESS, INC. 129 176th St. S., Suite 6, Spanaway, WA 98387. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421. *General commodities (except Classes A and B explosives, commodities in bulk and used household goods),* (1) from McClellan AFB, CA to Hill AFB, UT; Tinker AFB, OK; Kelly AFB, TX and Robins AFB, GA and (2) from Hill AFB, UT to Tinker AFB, UT: Kelly AFB, TX and Robins AFB, GA, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Department of Defense, US Army, 5611 Columbia Pike, Falls Church, VA 22041.

MC 263 (Sub-6–10TA), filed June 3, 1983. Applicant: GARRETT FREIGHTLINES, INC., P.O.B. 4048, POCATELLO, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave., 26th Fl., Detroit, MI 48226. *Contract;* irregular, *General Commodities* (except classes A and B explosives, commodities in bulk and those requiring special equipment, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), for 270 days. Supporting shipper: General Mills, Inc. and its subsidiaries, 9200 Wayzata Blvd., P.O.B. 1113, Minneapolis, MN 55440.

MC 41098 (Sub-6–31TA), filed June 2, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. *Contract carrier,* irregular routes, *general commodities (except commodities in bulk and classes A and B explosives)* between points in the U.S. (except AK and HI) for 270 days. Supporting shippers: ITOFCA, Inc. and ITOFCA Consolidators, Inc., 1011 W. 31st Street, Downers Grove, IL 60515.

MC 41098 (Sub-6–32TA), filed June 2, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. *Contract carrier,* irregular routes, *general commodities* (except Class A and B explosives and commodities in bulk) between points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Minnesota Mining and Manufacturing Co., 3M Center, St. Paul, MN 55144.

MC 146740 (Sub-6–2TA), filed June 1, 1983. Applicant: EARL HANSON TRUCKING CO., 2517 Riverbend Road, Mount Vernon, WA. Representative: James D. Hanson (same as applicant). *Machinery and Related Equipment, Building Materials, Metal Products, Lumber and Wood Products, Those Commodities which Because of their Size or Weight require the Use of Special Handling or Equipment,* from ports of entry on the International Boundary line between the U.S. and British Columbia located in WA, ID, MT and between points in WA, ID, MT, OR, CA, for 270 days. An ETA seeks 120 days authority. Supporting shippers: Marine Construction and Dredging, Inc., 1579 Dunbar Rd., Mount Vernon, WA 98273; Mount Vernon Terminal Railway, Inc., P.O.B. 216, Clear Lake, WA 98235.

MC 168341 (Sub-6–1TA), filed May 27, 1983. Applicant: HYDRA TRUCKING, INC., 30120 Ahern St., Union City, CA 94587. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210. *Contract carrier:* irregular routes: *Paper and paper articles and materials and supplies* used in the manufacture and distribution of paper and paper articles, between points in OR, WA and CA for 270 days. Supporting shipper: Superior Transportation Systems, Inc., 25200 S W Parkway, Wilsonville, OR 97070.

MC 153602 (Sub-6–1TA), filed May 31, 1983. Applicant: Bert Hartwell, d.b.a., J & T TRUCK SERVICE, P.O. Box 892, Monteview, ID 83435. Representative: Bert Hartwell (same as applicant). *Fertilizer* from Salt Lake City, UT to Monteview, ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Wood Farm Supply, Monteview, ID 83435.

MC 44605 (Sub-6–1TA), filed June 2, 1983. Applicant: MILNE TRUCK LINES, INC., 2500 West California Ave., Salt Lake City, UT 84104. Representative: Harry J. Jordan, 1090 Vermont Ave. NW, Suite 200 Washington, DC 20005. *Contract,* irregular, *general commodities, except Class and B explosives, household goods, and commodities in bulk,* between points in the U.S. (except AK and HI), under contract with General Mills, Inc., and its following subsidiaries and divisions: Pioneer Products, Inc., Saluto Foods Products Corp., Eddie Bauer, Inc., The Donruss Division, The Gorton Division, O-Cel-O, Sperry, Yoplait, David Cyrstal, Danco/Izod, Empire Textiles, Foot Joy, Lark Luggage, Monet, Ship'n Shore, Casa Gallardo, Creative Dining, Good Earth, Red Lobster, Sigmacon, York Steak House, Dunbar, Kittinger, LeeWards, Pennsylvania House, The Talbots, Wallpapers To Go, Wild West, Fundimensions, Keaner Products, and Parker Brothers, for 270 days. Supporting shipper: General Mills, Inc., 9200 Wayzata Blvd, Minneapolis, MN 55440.

MC 168427 (Sub-6–1TA), filed June 3, 1983. Applicant: ONC CORPORATION, 830–29th St., No., Lewiston, ID 83501. Representative: Donald Piontek, 5735 No. & So. Hwy., Lewiston, ID 83501. *General commodities* between WA, ID, OR, MT, CA, NV, UT, CO and WY for 270 days. Supporting shippers: There are 7 shippers. Their statements may be examined in the office listed.

MC 730 (Sub-6–25TA), filed June 1, 1983. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: Robert Radford (same address as above). *Contract carrier:* irregular: *General Commodities* (except classes A and B explosives, household goods and commodities in bulk) between points in the U.S. (except AK and HI) under continuing contract(s) with Federated Department Stores, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Federated Department Stores, Inc., 7 W. 7th St., Cincinnati, OH 45202.

MC 168267 (Sub-6–1 TA), filed June 2, 1982. Applicant: SANDPOINT SPOKANE AIRPORT COMMUTER SERVICE, INC., 117 S. 2nd Ave., Sandpoint, ID 83864. Representative: S.B.R. Dimit (same as applicant). *Passengers* in special and charter operations between Spokane, WA and points in ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Easyway Travel Center, 217 Cedar St., Sandpoint, ID 83864.

MC 167395 (Sub-6–2 TA), filed May 31, 1983. Applicant: P. SAWCHUK TRUCKING, LTD, 12345–90 St., Edmonton, Alberta T5B 3Z6. Representative Annette Sawchuk (same as applicant). *Contract Carrier* Irregular (1) *BUILDING PRODUCTS* between Port of Entry on U.S., CD border in ID, MT on the one hand and the other points in CA, WA, OR, NV, ID, AZ, UT for the account of Building Products of Canada Ltd., (2) *REFLECTIVE GLASS SPHERES* between Port of Entry on U.S., CD border in ID, MT, on the one hand and the other points in CA, WA, OR, ID, NV, AZ for the account of Canasphere Industries (Alta) Ltd.; (3) *PRECUT LUMBER* between Port of Entry on U.S., CD border in ID, MT, on the one hand and the other points in CA, WA, OR, NV, ID, AZ for the Account of Spruceland Millworks Ltd.; and (4) *TRUCK & TRAILER PARTS & COMPONENTS* between Port of Entry of U.S., CD border in ID, MT on the one hand and the other points in CA, UT, NM, OR, ID, AZ, NV, WA for the Account of McCoy Bros. Group for 270 days. Supporting shippers: Building Products of Canada Ltd., 3703–101 Ave., Edmonton, Alberta; Canasphere Industries (Alta) Ltd., 3344–58 Ave. S.E., Calgary, Alberta; Spruceland Millworks Ltd., 130 Westglen Crescent, Spruce Grove, Alberta; McCoy Bros. Group, 14820–112 Ave., Edmonton, Alberta T5M 2V2.

MC 168385 (Sub-6–1TA), filed June 1, 1983. Applicant: JACK E. STOEWE, 3341 E. Swiss Rd., Flagstaff, AZ 86001. Representative: (same as applicant) *Malt beverages and Wines* related supplies and equipment from CA, WA and CO to Flagstaff, Holbrook and Prescott, AZ for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Young Distributing Company, Inc., P.O. Box 699, Holbrook, AZ 86028, Northland Coors, Inc., 308 Enterprise Rd., Flagstaff, AZ 86001.

MC 158288 (Sub-6–2 TA), filed June 2, 1983. Applicant: TOMAHAWK TRANSPORTATION, A DIVISION OF TOMAHAWK SERVICES, INC., 5400 Laurel Rd., Billings, MT 59101. Representative: William E. Seliski, 2 Commerce Street, POB 8255 Missoula, MT 59807. *Contract,* irregular *General Commodities,* (except classes A and B explosives and household goods) between points in the U.S. (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: WYO-BEN INC., POB 1979, Billings, MT 59103.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–15718 Filed 6–10–83; 8:45 am]

BILLING CODE 7035–01–25–M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 367 ICC 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Richard Lewis, Acting Director, Office Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume No. OP3–254

Decided: June 6, 1983.

MC–F–15276. Applicant: STERLING TRANSPORT, INC.—LEASE (PORTION) EXEMPTION—COOPER—JARRETT, INC. Sterling Transport, Inc. seeks an exemption from the requirement under section 11343 of prior regulatory approval for it to lease that portion of the operating rights of Cooper—Jarrett, Inc. set forth in Certificate No. MC–35334 (Sub-No. 94). Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative, A. David Millner, Esq., Bowes, Millner, & Rodgers, P.O. Box Y, 7 Becker Farm Road, Roseland, NJ 06058.

Volume No. OP1–210

Decided: June 7, 1983.

MC–F–15268. Applicant: SECURITY VAN LINES, INC.—CONTINUANCE IN CONTROL—(EXEMPTION) QUALITY MOVING & STORAGE, INC. Security Van Lines, Inc., (Security) (No. MC–8768) and. in turn, Donald Goldwasser and Charles Wolchansky, who control Security, seek an exemption from the requirement of prior regulatory approval for their continuance in control of Quality Moving Storage, Inc. (No. MC–162950). Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative: Marshall Kragen, 1919 Pennsylvania Ave NW., Suite 300, Washington, D.C. 20006. Comments should refer to No. MC–F–15268.

[FR Doc. 83–15713 Filed 6–10–83; 8:45 am]
BILLING CODE 7035–01–M

[Docket No. AB–16 (Sub-46]

Rail Carriers; Chesapeake & Ohio Railway Co.; Abandonment and Discontinuance of Trackage Rights in Isabella County, MI; Findings

The Commission has issued a certificate authorizing the Chesapeake and Ohio Railway Company: (1) To abandon its 2.25 mile rail line between Valuation Station 655+45 and Valuation Station 774+10.7 at or near Mt. Pleasant, MI, and (2) to discontinue trackage rights over a line of the Ann Arbor Railroad, owned by the State of Michigan, between Valuation Station 8853+83 at Mt. Pleasant, and Valuation Station 9466+75 at or near Clare, MI, over .32 mile of connecting track at Mt. Pleasant, and over .59 mile of connecting track at Clare, a distance of 16.31 miles, all in Isabella County, MI. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and seved concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–15715 Filed 6–10–83; 8:45 am]
BILLING CODE 7035–01–M

[I.C.C. Order No. P–55]

Rail Carriers; Passenger Train Operation

To: Central Vermont Railway, Inc., Green Mountain Railroad Corporation, Vermont Railway, Inc. It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Washington, D.C. and Montreal, Canada. The operation of these trains requires the use of the tracks and other facilities of Boston and Maine Corporation (BM). A portion of the BM tracks at Windsor, Vermont, are temporarily out of service because of a derailment. An alternate route is available via the Green Mountain Railroad Corporation, Vermont Railway, Inc., and Central Vermont Railway, Inc., between Bellows Falls, Vermont and Essex Junction, Vermont.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided October 30, 1981, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), Green Mountain Railroad Corporation (GMRC), Vermont Railway, Inc. (VTR), and Central Vermont Railway, Inc. (CV), are directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Boston and Maine Corporation (BM) at Bellows Falls, Vermont and Essex Junction, Vermont.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 8:00 p.m., May 28, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 29, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Central Vermont Railway, Inc., Green Mountain Railroad Corporation, Vermont Railway, Inc., and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register

Interstate Commerce Commission.

Bernard Gaillard,
Agent.

[FR Doc. 83–15714 Filed 6–10–83; 8:45 am]
BILLING CODE 7035–01–M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued the periodic report to Congress on abnormal occurrences (NUREG–0090, Vol. 5, No. 4).

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on critieria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

This report to Congress is for the fourth calendar quarter of 1982. The report identifies the occurrences or events that the Commission determined

to be significant and reportable; the remedial actions that were undertaken are also described. During the report period, there was one abnormal occurrence at the NRC licensees. The event involved the containment spray system being inoperable at one of the nuclear power plants licensed to operate. The Agreement States reported no abnormal occurrences to the NRC.

The report also contains information updating some previously reported abnormal occurrences.

Interested persons may review the report at the NRC's Public Document Room 1717 H Street, NW., Washington D.C., or at any of the nuclear power plant,Local Public Document Rooms throughout the country. Single copies of the report, designated NUREG–0090, Vol. 5, No. 4, may be purchased from the National Technical Information Service, Springfield, Virginia 22161.

A year's subscription to the NUREG–0090 series publication, which consists of four issues, is available from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Microfiche of single copies of the publication are also available from this source.

Dated at Washington, D.C., this 2d day of June 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83–15722 Filed 6–10–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–409–OL; ASLBP No. 78–368–05–OL]

Dairyland Power Coop. (LaCrosse Boiling Water Reactor); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for *Dairyland Power Cooperative* (LaCrosse Boiling Water Reactor), Docket No. 50–409–OL, is hereby reconstituted by appointing Administrative Judge Hugh C. Paxton in place of Administrative Judge Ralph S. Decker, who has resigned from the Panel.

As reconstituted, the Board is comprised of the following Administrative Judges:

Charles Bechhoefer, Chairman
Dr. George C. Anderson
Dr. Hugh C. Paxton

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Hugh C. Paxton, 1229 41st Street, Los Alamos, New Mexico 87544.

Dated at Bethesda, Maryland, this 3rd day of June 1983.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 83–15723 Filed 6–10–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 70–25; ASLBP No. 83–488–01–ML]

Rockwell International; Appointment of Presiding Officer To Conduct Informal Proceeding

Pursuant to the Commission's Order dated June 2, 1983 (CLI–83–15) and Part 70, 10 CFR 70.1 *et seq.* (1983), a single presiding officer is hereby appointed to conduct an informal proceeding to consider and decide, in accordance with the Commission's Order, all issues related to the application to renew a nuclear materials license by: Energy Systems Group of Rockwell International, Nuclear Materials License No. SNM–21.

The name and address of the Presiding Officer is: Dr. Robert M. Lazo, Administrative Judge, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland, this 6th day of June 1983.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 83–15724 Filed 6–10–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–369 and 50–370]

Duke Power Co.; Consideration of Issuance of Amendment To Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License No. NPF–9 and Facility Operating License No. NPF–17, issued to Duke Power Company (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2 located in Mecklenburg County, North Carolina.

The licensee is required to demonstrate by periodic calculation that the reactor coolant flow rate and the nuclear enthalpy rise hot channel factors are within the acceptable operating region set forth in the Technical Specifications. For determining reactor coolant flow rate, the licensee currently uses calculations based on elbow tap flow measurements. This method requires that an uncertainty of 3.5% be applied to the measured values. Based on these results a restriction on the power level to less than full power is required.

The proposed amendments would change the method of computation of reactor coolant flow rate from elbow tap measurements to one based on a periodic heat balance across the steam generators. The 1.7% measurement uncertainty associated with the proposed method is lower than the method based on elbow taps.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendments involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of standards of no significant hazard determination by providing certain examples (48 FR 14870). One of the examples of actions likely to involve no significant hazards considerations relates to a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. A review of the licensee's submittal, dated June 2, 1983, in accordance with the Standards of 10 CFR 50.92, indicates that the greater accuracy in measurements used to calculate RCS flow by heat balance methods points to a reduction in the uncertainty values without any significant change in the intended safety margins. The proposed amendments, therefore, fall within the category of the cited example and do not involve a significant hazards consideration, because it involves no

significant increase in the probability or consequences of a previously-analyzed accident, does not significantly reduce a safety margin, and the results of the change are clearly within all acceptable criteria with respect to systems or components specified in the Standard Review Plan.

The Commission is seeking public comments on the proposed determination. Because power level must continue to be restricted to less than full power until these amendmetns are approved, the Commission does not intend to publish its usual Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing which provides 30 days for public comment on the Commission's proposed no significant hazards determination. Therefore, comments on the Proposed No Significant Hazards Consideration should be provided to the Commission as soon as practicable. The Commission will not normally make final determination on significant hazards unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

In addition, by June 29, 1983, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

Comments provided on the staff's proposed no significant hazards determination do not constitute a request for hearing or petition for leave to intervene. Any such request for hearing or petition for leave to intervene should be identified as such.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the final determination is that the request for amendments involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of the **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Albert Carr, Duke Power Company, Post Office Box 33189, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2–714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 23, 1982, and the supplemental letters, dated March 14, March 28, April 26, April 27, and June 2, 1983, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Atkins Library, University of North Carolina-Charlotte, UNCC Station, North Carolina 28223.

Dated at Bethesda, Maryland, this 8th day of June 1983.

For the Nuclear Regulatory Commission.

Kahtan Jabbour,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-15834 Filed 6-10-83; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2092]

Mississippi; Declaration of Disaster Loan Area

Hinds, Madison and Rankin Counties in the State of Mississippi constitute a disaster area as a result of damage caused by severe storms, tornadoes and flooding beginning on or about May 18, 1983. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business of August 1, 1983, and for economic injury until the close of business on March 1, 1984, at the address listed below: U.S. Small Business Administration, 100 West Capitol Street, Suite 322, Federal Building, Jackson, Mississippi 39269, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	11.125
Homeowners without credit available elsewhere	5.625
Businesses with credit available elsewhere	10.500
Businesses without credit available elsewhere	8.000
Businesses (EIDL) without credit available elsewhere	8.000
Other (non-profit organizations including charitable and religious organizations)	11.375

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: June 6, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-15811 Filed 6-10-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2091]

Texas; Declaration of Disaster Loan Area

Montgomery County and the adjacent Counties of Grimes, Waller, Harris, Liberty and San Jacinto in the State of Texas constitute a disaster area as a result of damage caused by tornadoes and flooding which occurred on May 19 and 20, 1983. Eligible persons, firms and organizations may file applications for physical damage until close of business on August 1, 1983, and for economic injury until the close of business on March 1, 1984, at the address listed below: U.S. Small Business Administration, 2525 Murworth, Suite 112, Houston, Texas 77054, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	11.1250
Homeowners without credit available elsewhere	5.6250
Businesses with credit available elsewhere	10.5000
Businesses without credit available elsewhere	8.0000
Businesses (EIDL) without credit available elsewhere	8.0000
Other (non-profit organization including charitable and religious organizations)	11.3750

It should be noted that assistance for agriculture enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: June 1, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-15810 Filed 6-10-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-0091]

Falcon Capital Corp.; Filing of Application for Transfer of Ownership and Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to Section 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1983)) for transfer of ownership and control of Falcon Capital Corporation (Falcon), 100 Broad Street, Charleston, South Carolina 29401, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*). The proposed transfer of ownership and control of Falcon which was licensed April 14, 1964, is subject to the prior written approval of SBA.

Prior to the transfer of ownership Falcon will be wholly owned by Mona G. Sokol.

Pursuant to an agreement of intent between Mona G. Sokol, sole shareholder of Falcon, and Ponnapula S. Prasad new ownership and control of Falcon is expected to be as follows:

Name and address	Title	Percent of ownership
Ponnapula S. Prasad, Route 9, Box 485, Greenville, N.C. 27834.	President and Director	100
Gary A. Herring, 24 Summerhill Terrace, Kinston, NC. 28501.	Manager, Secretary, Treasurer and Director.	
James L. Bullock, Route 8, Box 410, Greenville, N.C. 27834.	Director	

Falcon is expected to be relocated at 311 Evans Street Mall, Greenville, North Carolina 27834.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed transfer of ownership and control to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Charleston, South Carolina and Greenville, North Carolina.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 7, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-15807 Filed 6-10-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2090]

Louisiana; Declaration of Disaster Loan Area

Caldwell Parish and the adjacent Parishes of Catahoula, Franklin, LaSalle and Winn in the State of Louisiana constitute a disaster area as a result of damage caused by tornadoes and flooding which occurred on May 19 and 20, 1983. Eligible persons, firms and organizations may file applications for

physical damage until close of business on August 1, 1983, and for economic injury until the close of business on March 1, 1984, at the address listed below: U.S. Small Business Administration, Ford-Fisk Building, 1661 Canal Street, 2nd Floor, New Orleans, Louisiana 70112, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	11.1250
Homeowners without credit available elsewhere	5.6250
Businesses with credit available elsewhere	10.5000
Businesses without credit available elsewhere	8.0000
Businesses (EIDL) without credit available elsewhere	8.0000
Other (non-profit organization including charitable and religious organizations)	11.3750

It should be noted that assistance for agriculture enterprises is the primary responsibility of the Farmers Home Administration as specified in Public Law 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: June 1, 1983.

James C. Sanders,

Administrator

[FR Doc. 83-15609 Filed 6-10-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area 2089]

Pennsylvania; Declaration of Disaster Loan Area

Westmoreland County and the adjacent Counties of Alleghany and Indiana in the State of Pennsylvania constitute a disaster area as a result of damage caused by tornadoes which occurred on May 22, 1983. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 28, 1983, and for economic injury until the close of business on February 27, 1984, at the address listed below: U.S. Small Business Administration, 960 Pennsylvania Avenue, 5th Floor, Pittsburgh, Pennsylvania 15222 or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	11.1250
Homeowners without credit available elsewhere	5.6250
Businesses with credit available elsewhere	10.5000
Businesses without credit available elsewhere	8.0000
Businesses (EIDL) without credit available elsewhere	8.0000
Other (non-profit organizations including charitable and religious organizations)	11.3750

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Public Law 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: May 27, 1983.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 83-15608 Filed 6-10-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Environment Assessment; Pal-Waukee Airport, Wheeling / Prospect Heights, Illinois

AGENCY: Federal Aviation Administration (FAA); DOT.

ACTION: Notice of Intent.

SUMMARY: The FAA is issuing this notice to advise the public that an Environmental Assessment will be prepared and considered for development planned for the next five year time period at Pal-Waukee Airport. To ensure that all significant issues related to the proposed action are identified, a scoping meeting will be held at the FAA offices at 2300 East Devon Avenue, Des Plaines, Illinois on Wednesday, June 29, 1983, at 10:00 a.m. for Federal agencies.

FOR FURTHER INFORMATION CONTACT: Jerry Mork, Airports Planner, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7522.

SUPPLEMENTARY INFORMATION: The FAA, in cooperation with the Division of Aeronautics, Illinois Department of Transportation, will prepare an Environmental Assessment (EA) for development scheduled to occur at Pal-Waukee airport over the next five years. This development involves the following airfield facilities which will be evaluated in the EA:

- Public acquisition of Pal-Waukee Airport
- Acquisition of additional land for approach protection, obstruction removal, aircraft parking, relocation of navigational aids, installation of an approach lighting system and relocation of a drainage ditch.

To insure that full range of issues related to these proposed projects are addressed and all significant issues identified, comments and suggestions are invited from interested Federal agencies.

Issued in Des Plaines, Illinois, on May 27, 1983.

John Gerdotti,

Acting Manager, Chicago Airport District Office, FAA, Great Lakes Region.

[FR Doc. 83-15786 Filed 6-10-83; 8:45 am]

BILLING CODE 4910-13-M

Flight Recorder and Cockpit Voice Recorder Underwater Locating Devices; Issuance of Advisory Circular

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Issuance of advisory circular 21-10A, flight recorder and cockpit voice recorder underwater locating devices.

SUMMARY: This advisory circular suggests an acceptable means of showing compliance with the underwater locating device (ULD) requirements of the Federal Aviation Regulations (FAR) for recorder ULD's. Like all advisory circular material, it is not mandatory and does not constitute a regulation. It is for guidance purposes and to provide an example of a compliance method which has been found acceptable.

DATE: The advisory circular was issued by the Part 25 Transport Airplane Certification Directorate in Seattle, Washington, on April 19, 1983.

How to obtain copies: A copy of the advisory circular may be obtained by writing to the U.S. Department of Transportation, Publications Section, M-443.1, Washington, D.C. 20590.

Issued in Seattle, Washington, June 2, 1983.

D. L. Riggin,

Manager, Regulations and Policy Office, ANM-110, Northwest Mountain Region.

[FR Doc. 83-15787 Filed 6-10-83; 8:45 am]

BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 3-1 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: The Notice to Airman System will be reviewed. The area of flight data dissemination will be studied to determine adequacy and priority.

DATE: Beginning July 5, 1983, at 11 a.m., continuing daily, except Saturdays,

Sundays, and holidays, not to exceed three weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 7 A/B, 800 Independence Avenue, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, Room 1005, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; (202) 426–3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT–1, 800 Independence Avenue, S.W., Washington, D.C. 20591, by June 28, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on June 6, 1983.

Karl D. Trautmann,

Manager, Special Projects Staff, Air Traffic Service.

[FR Doc. 83–15785 Filed 6–10–83; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA); Executive Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on July 15, 1983, in RTCA Conference Room, 1425 K Street, N.W., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Approval of Minutes of Meeting Held on May 13, 1983; (2) Chairman's Report on RTCA Administration and Activities; (3) Special Committee Activities Report for May and June, 1983; (4) Report of Ad Hoc Study Group on Airborne Thunderstorm Detection Equipment; (5) Consideration of Establishing New Special Committees; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1425 K Street, N.W., Suite 500, Washington, D.C. 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on June 3, 1983.

Karl F. Bierach,

Designated Officer.

[FR Doc. 83–15786 Filed 6–10–83; 8:45 am]

BILLING CODE 4910–13–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 114
Monday, June 13, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

Contents

	Items
Commodity Futures Trading Commission	1
Consumer Product Safety Commission	2, 3
Equal Employment Opportunity Commission	4
Federal Home Loan Bank Board	5
Federal Mine Safety and Health Review Commission	6
Federal Reserve System (Board of Governors)	7
Nuclear Regulatory Commission	8
Parole Commission	9

1

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Thursday, June 16, 1983.

CHANGES IN THE MEETING: Meeting has been changed to Thursday, June 30, 1983 at 2 p.m.

[S–836–83 Filed 6–9–83; 10:43 am]

BILLING CODE 6351–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, June 15, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Upholstered Furniture: Evaluation of Technology*
The Staff will brief the Commission on investigations of new materials and techniques for improving the cigarette resistance of upholstered furniture and industry's plans for incorporating the most promising of these into production furniture.

STATUS: Closed to the public:

2. *Enforcement Matter OS# 5455*
The staff will brief the Commission on enforcement matter OS# 5455.

For a recorded message containing the latest agenda information: Call 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207; 301–492–6800.

[S–838–83 Filed 6–9–83; 1:28 pm]

BILLING CODE 6355–01–M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Thursday , June 16, 1983.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

Compliance Status Report
The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information: call 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207; 301–492–6800.

[S–839–83 Filed 6–9–83; 1:28 pm]

BILLING CODE 6355–01–M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMIESION

DATE AND TIME: Tuesday, June 14, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room No. 200, 2nd floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, DC 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDENED:

1. Ratification of Notation Vote/s.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83–4–FOIA–13–PX, concerning a request for a copy of a Title VII file.
4. Freedom of Information Act Appeal No. 83–03–FOIA–51–PA, concerning a request for records in an EPA charge file.
5. Freedom of Information Act Appeal No. 83–2–FOIA–4–LA, concerning a request for personnel records.
6. Exemption from Executive Order 12372; Publication in **Federal Register**.
7. Proposed section 624, Reproductive and Fetal Hazards, Volume II of the Compliance Manual.
8. Amendment to Commission Regulations 29 CFR 1601.75, Certification of Designated 706 Agencies.

Closed:

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634–6748.

This Notice Issued June 7, 1983.

[S–835–83 Filed 6–9–83; 10:29 am]

BILLING CODE 6750–06–M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 26582, Wednesday, June 8, 1983.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6970).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled for Thursday, June 9, 1983, at 10 a.m., has been changed to 2 p.m.

[No. 43, June 9, 1983]

[S–837–83 Filed 6–9–83; 10:48 am]

BILLING CODE 6720–01–M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

June 8, 1983.

TIME AND DATE: 10 a.m., Wednesday, June 15, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:.

1. United States Steel Corporation, Docket Nos. West 80–386–RM, WEST 81–58–M, WEST 80–160–M. (Issues include whether the

judge erred in concluding that the operator violated 30 CFR 55.12–14, a safety standard dealing with movement of power cables.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–840–83 Filed 6–9–83; 2:21 pm]

BILLING CODE 6735–01–M

7

FEDERAL RESERVE SYSTEM

Board of Governors

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 25047, Friday, June 3, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, June 8, 1983.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Federal Reserve Bank and Branch director appointments. (This item was previously announced for a meeting on June 6, 1983.)

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: June 8, 1983.

James McAfee,

Associate Secretary of the Board.

[S–834–83 Filed 6–9–83; 10:26 am]

BILLING CODE 6210–01–M

8

NUCLEAR REGULATORY COMMISSION

DATE: Thursday, June 9, 1983 (revised), Friday, June 10, 1983 (revised) and Week of June 13, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Thursday, June 9:*

2:00 p.m.:
Discussion of Possible Courses of Action on Indian Point (Closed—Exemption 5) (New Item)

3:30 p.m.:
Discussion and Vote on Indian Point (Public Meeting) (Time Change)

Friday, June 10:

9:00 a.m.:
Discussion/Possible Vote on Full Power Operating License for St. Lucie-2 (Public Meeting) (New Item)

Wednesday, June 15:

10:00 a.m.:
Briefing on Status of Staff Certification in TMI–1 Restart Proceeding (Public Meeting)

Thursday, June 16:

10:00 a.m.:
Discussion of TMI–1 Restart (Open/Closed to be determined)

2:00 p.m.:
Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemption 2 and 6)

Friday, June 17:

2:30 p.m.:
Discussion of Regulatory Reform Task Force—Administrative Proposals—Backfit Rule (Public Meeting)

ADDITIONAL INFORMATION: On May 31, 1983 the Commission voted 3–0 (Chairman Palladino and Commissioner Gilinsky not present) to hold Affirmation of Hearing Requests for Renewal of Special Nuclear Materials License of Rockwell International's Energy Systems Group, held that day.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

June 8, 1983.

Walter Magee,

Office of the Secretary.

[S–842–83 Filed 6–9–83; 3:52 pm]

BILLING CODE 7590–01–M

9

PAROLE COMMISSION

[OP0401]

TIME AND DATE: 10:30 a.m.–3:30 p.m., Monday, June 13, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

CHANGES IN THE MEETING: On June 6, 1983, the Commission determined that the above meeting be started at 9 a.m., for consideration of case referrals. The above change is being announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, U.S. Parole Commission (301) 492–5968.

[S–841–83 Filed 6–9–83; 3:39 p.m.]

BILLING CODE 4410–01–M

federal register

Monday
June 13, 1983

Part II

Federal Communications Commission

Selection From Among Certain Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 22, 73, 81, 87, 90, and 94

[Gen. Docket No. 81-768; FCC 83-114]

Selection From Among Certain Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adopts final rules that will permit the use of a random selection system or lotteries to select initial licensees where there is more than one applicant for a communications facility. The lottery selection system will apply to certain Mass Media, Common Carrier and Private Radio Services. These rules are being promulgated to implement a new statutory provision contained in the Communications Amendments Act of 1982. The use of lotteries to select licensees will reduce the cost and delay associated with traditional comparative hearings and speed new service to the public.

DATES: These rules are effective July 13, 1983 except for Form 346 which is under review for approval at the Office of Management and Budget. Form 346 will not become effective until OMB approval has been obtained.

FOR FURTHER INFORMATION: General Information—Randy W. Thomas, 202-632-6990; Mass Media Information—Barbara Kreisman, 202-632-3894; Common Carrier Information—Michael Menius, 202-632-6450, Private Radio Information—John B. Richards, 202-634-2443.

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 22

Mobile radio service.

47 CFR Part 73

Radio broadcasting.

47 CFR Part 81

Coast stations, Radio.

47 CFR Part 87

Aeronautical stations, General aviation, Radio.

47 CFR Part 90

Industrial radio services, Land transportation radio services, Public safety radio services, Radio.

47 CFR Part 94

Operational-fixed microwave, Radio.

Second Report and Order

In the matter of amendment of the Commission's rules to allow the selection from among certain competing applications using random selection or lotteries instead of comparative hearings; Gen. Docket No. 81-768.

Adopted: March 31, 1983.
Released: May 27, 1983.

By the Commission. Chairman Fowler issuing a separate statement; Commissioner Jones concurring and issuing a statement; Commissioner Dawson concurring and issuing a statement; Commissioner Rivera dissenting in part and issuing a statement; Commissioner Sharp concurring in the result.

I. Introduction and Overview

1. *Introduction.* In this proceeding, the Commission is adopting rules to implement a system of random selection or lotteries to choose licensees from among certain competing applicants. The Commission released a *Second Notice of Proposed Rule Making* ("*Notice*") in this matter on October 7, 1982. 47 FR 45046, (October 13, 1982). Numerous comments and reply comments have been received in response to our proposals.[1] We have carefully analyzed the lottery statue, the accompanying *Conference Report,*[2] the *Notice* and the comments (initial and reply). It is our view that the best interest of the public will be served by adopting regulations to implement a lottery system for issuing licenses in certain enumerated services. The specific framework for implementing the lottery authority is set forth below. Particular emphasis is given to the Low Power Television and Television Translator Service ("LPTV") because of the complexity involved in using a lottery in that Mass Media service.[3]

2. In the *Notice,* the Commission proposed to use a lottery to select licensees in LPTV, as well as certain private radio and common carrier services. The proposed lottery rules for LPTV differed significantly from the proposals for the other services due to the statutory mandate that "significant preferences" be incorporated into any mass media lottery selection system. In addition to the low power service, a lottery will also be available for use in Private Land Mobile, Operational Fixed Microwave, Aviation and Maritime Services in the Private Radio Bureau and in the Public Land Mobile Service (except cellular) in the Common Carrier Bureau.

3. Lotteries will be used across the board in LPTV and in the public land mobile services. In the Private Radio area, however, lotteries will be used on a case-by-case basis. This result is warranted in Private Radio because in some cases expedition does not outweigh consideration of other public interest factors, *e.g.,* public safety and more efficient uses of the spectrum.

4. *LPTV Issues.* The new lottery statute requires that minority and diversity preferences be given to certain mass media applicants. The preference scheme adopted herein is essentially the same as described in the *Conference Report* and the *Notice.* Preferences will be available for:

(a) Applicants more than 50% controlled by minorities (a 2:1 preference);

(b) Applicants whose owners control no other media of mass communications (a 2:1 preference); and

(c) Applicants whose owners control 1, 2 or 3 other media of mass communications (a 1.5:1 preference).

5. The latter two preferences, termed the "diversity" preference, reflect the applicant's other ownership interests in any media of mass communications. Applicants may qualify for both the minority and diversity preference.

6. *LPTV Pre-Hearing Lottery Procedure.* Acceptability for filing and cut-off procedures will basically operate as they do now in LPTV. A strict multiple application rule is adopted that bars the filing of any LPTV application that would be directly mutually exclusive with any pending application filed by the same applicant or by any applicant where there is *any* direct or indirect interest of one per cent or more.

7. A two-track approach for filing Petitions to Deny is adopted for use in LPTV. The first approach will require that Petitions to Deny be filed after a "tentative selectee" is chosen. The second approach requires a two-step process. First, a preliminary notice of Petition to Deny will be filed prior to conductng a specific lottery. Then, after a successful applicant is chosen, those parties that preserved their objections may file formal Petitions to Deny; other parties may participate in the formal post-lottery petition process only if good

[1] *See* Appendix A for a list of participants in this proceeding. A brief summary of the comments filed in this proceeding is included in the text; a more thorough comment summary appears in Appendix B.

[2] H.R. Rep. No. 765, 97th Cong., 2d Sess. (1982).

[3] All references to "LPTV" or "low power" include television translators except when otherwise stated.

cause is shown. Conversely, in the Common Carrier and the Private Radio Services, Petitions to Deny, where they properly lie, will be filed prior to the lottery and will be considered post-lottery only with respect to the "tentative selectee." [4]

8. After consideration of any Petitions to Deny and staff examination of the application, the Commission will determine whether a grant can be made or whether a hearing is required.

9. Hearings ordinarily will be conducted on paper before the Commission. In those cases where a paper proceeding cannot resolve certain questions of fact, oral testimony will be heard by an Administrative Law Judge ("ALJ") who will issue an Initial Decision. Exceptions to the Initial Decision may be filed with the Commission. Ordinarily, Bureau counsel will participate only where the Commission refers an issue to an ALJ. Following a paper hearing, the Bureau staff will prepare an Order for Commission approval. In the case of an oral hearing, this action will be taken by the Adjudication Division of the Office of General Counsel. If the "tentative selectee" is found unqualified, a second applicant from the same pool will be selected.

II. Background and Statutory Authority

10. For several years, the Commission has considered in different contexts the possibility of using lotteries as a means of allocating licenses to use the electromagnetic spectrum. *Notice of Proposed Rule Making (LPTV)*, BC Docket No. 78–253, 82 FCC 2d 47 (1980); *Notice of Inquiry and Proposed Rule Making*, CC Docket No. 80–116 45 FR 29335 (May 2, 1980); *Alexander S. Klein, Jr.*, FCC 79–401 (released August 3, 1979). In none of these cases did the Commission make a legal conclusion that it, in fact, possessed adequate legal authority to use lotteries in lieu of a comparative process.

11. The Commission first received explicit statutory authority to use a lottery in Public Law No. 97–35, the Omnibus Budget Reconciliation Act of 1981, 95 Stat. 736–37, which added section 309(i) to the Communications Act of 1934, 47 U.S.C. 309(i). On November 17, 1981, we issued a first *Notice of Proposed Rule Making* requesting comments on a proposed implementation plan for the lottery statute 46 FR 58110, November 30, 1981. 88 FCC 2d 476 (1981). In our first *Report and Order* in this proceeding we declined to implement our authority to establish a lottery system because of our inability to structure a workable lottery system within the constraints of the statute. 89 FCC 2d 257 (1982). New lottery legislation was subsequently enacted in the second session of the 97th Congress.

12. The revised lottery statute provides:

(1) If there is more than one application for any initial license or construction permit which will involve any use of the electromagnetic spectrum, then the Commission, after determining that each such application is acceptable for filing, shall have authority to grant such license or permit to a qualified applicant through the use of a system of random selection.

(2) No license or construction permit shall be granted to an applicant selected pursuant to paragraph: (1) Unless the Commission determines the qualifications of such applicant pursuant to subsection (a) and section 308(b). When substantial and material questions of fact exist concerning such qualifications, the Commission shall conduct a hearing in order to make such determinations. For the purpose of making such determinations, the Commission may, by rule, and notwithstanding any other provision of law—

(A) adopt procedures for the submission of all or part of the evidence in written form;

(B) delegate the function of presiding at the taking of written evidence to Commission employees other than administrative law judges; and

(C) omit the determination required by subsection (a) with respect to any application other than the one selected pursuant to paragraph (1).

(3)(A) The Commission shall establish rules and procedures to ensure that, in the administration of any system of random selection under this subsection used for granting licenses or construction permits for any media of mass communications, significant preferences will be granted to applicants or groups of applicants, the grant to which of the license or permit would increase the diversification of ownership of the media of mass communications. To further diversify the ownership of the media of mass communications, an additional significant preference shall be granted to any applicant controlled by a member or members of a minority group.

(3)(B) The Commission shall have authority to require each qualified applicant seeking a significant preference under subparagraph (A) to submit to the Commission such information as may be necessary to enable the Commission to make a determination regarding whether such applicant shall be granted such preference. Such information shall be submitted in such form, at such times, and in accordance with such procedures, as the Commission may require.

(C) For purposes of this paragraph:

(i) The term "media of mass communications" includes television, radio, cable television, multipoint distribution service, direct broadcast satellite service, and other services, the licensed facilities of which may be substantially devoted toward providing programming or other information services within the editorial control of the licensee.

(ii) The term "minority group" includes Blacks, Hispanics, American Indians, Alaska Natives, Asians, and Pacific Islanders.

(4)(A) The Commission, not later than 180 days after the date of the enactment of the Communications Technical Amendments Act of 1982, shall, after notice and opportunity for hearing, prescribe rules establishing a system of random selection for use by the Commission under this subsection in any instance in which the Commission, in its discretion, determines that such use is appropriate for the granting of any license or permit in accordance with paragraph (1).

(4)(B) The Commission shall have authority to amend such rules from time to time to the extent necessary to carry out the provisions of this subsection. Any such amendment shall be made after notice and opportunity for hearing.

(47 U.S.C. 309(i))

13. The Commission's new lottery authority contains four significant provisions. First, the Commission is expressly empowered to use a lottery to grant initial construction permits or licenses among competing applicants if the public interest would thereby be served. Next the Commission's administrative burden in conducting the lottery is reduced because it is only required to determine that the applications are acceptable for filing prior to the lottery. A full qualifications check of *only* the successful applicant need be made *after* the lottery is conducted. Third, when lotteries are used for allocating "mass media" licenses, *i.e.*, those broadcast-type services where the licensee retains editorial control over the medium, the lottery must be weighted with "significant preferences" allocated to minority group applicants and those who own few or no other media of mass communications. In non-mass media services, however, the lottery will be conducted strictly on a random basis. Finally, the Commission is authorized to use lotteries "in any instance," in its discretion, where it is determined appropriate after promulgating rules in a formal rule making proceeding.

III. Mass Media Comments

14. In the *Second Notice*, the Commission proposed that as to services within the jurisdiction of the Mass Media Bureau, lotteries be used in contested cases in the low power television and television translator service (hereinafter "LPTV") and in other services on an *ad hoc* basis when the parties' qualifications are such that no material difference between their ability to serve the public interest can

[4] In many PRB services, Petitions to Deny are not authorized; the Bureau considers oppositions to applications as informal complaints.

be distinguished. The *Notice* proposed a comprehensive scheme for the conduct of lotteries, including the use of preferences designed to increase minority ownership and enhance ownership diversity generally.

15. Comments received in response to the *Second Notice* cover such matters as whether use of lotteries is consistent with the Commission's public interest obligations, whether the preferences proposed are large enought to be "significant," as the statute requires, and how various ownership interests, such as limited partnerships, will be treated in the preference scheme. A complete summary of the comments is found in Appendix B.

IV. Mass Media Discussion

16. *Decisional Criteria for Employing Lotteries.* The *Conference Report* accompanying the new legislation sets forth a number of factors Congress suggests that the Commission consider in determining whether the public interest would be served by utilization of lotteries in particular services or instances. These include:

> [W]hether there is a large number of licenses available in the particular service under consideration; whether there is a large number of mutually exclusive applications for each license, for example, when a new service is initiated; whether there is a significant backlog of applications; whether employing a lottery would significantly speed up the process of getting service to the public; and whether selection of the licensee will significantly improve the level [of] diversity of information available in the community versus the use of the traditional comparative hearing process.
>
> (*Conference Report* at 37)

The *Report* emphasizes that the commission must, having considered all relevant factors, find that a significant public interest benefit would flow from use of lotteries in the specified circumstances. To do otherwise, the Conferees state, would "disserve the Commission's ultimate statutory goal of obtaining the best practicable information service from diverse sources." *Id.*, at 38. Moreover, the Conferees also state that the factors described above are not to be applied mechanically or without regard to other relevant considerations. *Id.*

17. The *Conference Report* concludes that under the criteria suggested, the Commission would be justified in using, and is in fact encouraged to use, a lottery system in LPTV licensing. LPTV is described by the Conferees as:

> [T]he ideal service for which to use a lottery, given the large number of licenses available, the large number of mutually exclusive applications for each license, the substantial backlog of applications on file with the Commission, the likelihood that use of lottery is essential to expediting the process of getting low power television service to the public, and the likelihood that bringing low power television service to the public quickly, through the use of a lottery, will result in a significant increase in the diversity of information sources available in many communities throughout the country.
>
> (*Conference Report* at 38–39)

18. Thus, it is clear that Congress amended the Communications Act to permit lotteries based on the belief that in certain circumstances the public interest is best served by the rapid commencement of new station operations which a lottery makes possible. Those commenters who claim that any Commission implementation of licensing by lottery would violate our public interest obligations under the Act fail to confront this fact. The Commission concurs in the Conferees' judgment that in the Mass Media services, LPTV is a particularly appropriate candidate for utilization of lotteries in the initial licensing process. Using lotteries is virtually the only method by which the Commission can process expeditiously the 12,000 LPTV applications currently on file, and the thousands more that will be submitted as pending applications are placed on "cut-off" lists. Without lottery processing, initiation of this new broadcast service will be delayed for many years, precluding the expansion of the diversity of broadcast voices that introduction of LPTV can achieve.

19. In the LPTV *Report and Order*, at para. 80, the Commission concluded after a thorough review of the issues that the only traditional comparative criteria to be considered in the LPTV context would be diversity and minority ownership. We found that the other criteria normally considered in full service comparative hearings were not relevant to the initial licensing process in this new, minimally-regulated secondary service. Finally, we viewed use of the comparative process as the "second best" option, to be engaged in only until a system of random selection could be instituted.[5]

20. The factors that the Commission had determined were relevant in comparative considerations in LPTV—diversity and minority ownership—also have been designated by Congress as deserving of special preferences in licensing proceedings conducted by lottery. Commenters Henry Geller and Donna Lampert ("Geller/Lampert") suggest that the public interest would be best served by adoption of a "middle ground" approach to LPTV licensing. Under this approach, the Commission, applying standards similar to traditional comparative criteria, would "take an initial 'hard look' " at mutually exclusive applications and see whether it is possible and desirable to make an immediate public interest judgment on them—for example, to grant one and deny the others, or to exclude from the lottery one or several and then to hold the lottery among the remaining applicants. A similar scheme is suggested by Community Television Network, Inc. ("CTN"). It argues that the Commission should use a paper hearing process adopted in the LPTV *Report and Order* to separate proceedings in which there is a "clear winner" under traditional comparative criteria from those situations in which there is "considerable doubt" as to the ultimate winner. We have rejected these alternatives. The minimal public interest benefit that might be obtained from use of the Geller/Lampert approach or the CTN scheme does not outweigh the substantial detriment inherent in use of either option. Both plans involve devoting the resources of the Commission and the parties to consideration of issues that we and the Congress have found to to be largely extraneous to the LPTV licensing process. The result would be additional delay in introduction of service, and additional cost to the parties, without a meaningful public interest gain.

21. Therefore, after full consideration of the analytic factors identified in the *Conference Report*, and having considered the record developed herein, the Commission finds that the public interest would be served by implementation of a random selection system for initial LPTV licensing. However, we acknowledge that at some future time circumstances may have so changed that use of a lottery to process low power applications would no longer be appropriate.

22. *Lotteries as Tiebreakers in Mass Media Comparative Proceedings.* In the *Notice*, the Commission proposed to use basis in those instances where the lotteries in mass media services other than LPTV "on and *ad hoc* qualifications of competing applicants are so close that no material difference between the parties' ability to serve the public interest can be distinguished." Numerous commenters opposed this proposal, contending that inadequate legal authority exists to conduct *ad hoc* lotteries; the *Conference Report* discourages such use; lotteries were intended to be a substitute, not a

[5] *Low Power Television Broadcasting*, 47 FR 21468 (May 18, 1982), at paras. 21–22.

supplement, for comparative hearings; and sufficient guidance regarding services and standards was not provided. We have analyzed the arguments that have been raised and conclude that the language of both the statute and the *Conference Report* permits the use of *ad hoc* lotteries in "tied" cases. It does appear, however, that the process by which we might identify such instances, and the particulars of the procedure we would utilize in such cases deserve greater consideration than was given in or generated in response to our *Notice* proposal. We have therefore decided not to implement that proposal at this time.

23. *LPTV Applications Subject to Lottery.* Some parties assert that LPTV licensing proceedings cannot be conducted by lottery as to applications already pending because of inadequate notice to applicants as to procedures and preferences. These claims are without merit. We observed in the LPTV *NPRM*, at 78, that we would not process mutually exclusive applications through to grant until comparative criteria and procedures were finally established. *Low Power Television Broadcasting*, 82 FCC 2d 47, 78 (1980). Any grants made during the conduct of that rule making proceeding, including permits to construct conventional translators, were conditioned on its outcome.[8] Additionally, we proposed in the LPTV *NPRM*, at 75, that if a winning applicant could not be selected through paper hearing on the basis of proposed comparative preferences, "the case would be referred for lottery," with each party to have an equal chance of receiving the authorization. Thus, it has been clear since the commencement of the LPTV rule making proceeding that lotteries might be implemented in LPTV licensing, and that applicants proceeded at their own risk as to the criteria by which their applications might finally be processed.

24. While we did not implement the lottery authority as initially enacted in the Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97–35, we made clear in the LPTV *Report and Order*, at para. 65, that "it remains our intention to utilize a random selection process when and if that becomes practicable." Applicants were placed on notice that "their applications, if mutually exclusive with other applications, may be subject to revised processing procedures, standards and qualifications in connection with implementation of a system of random selection." *Id.* Because a number of timely-filed petitions for reconsideration of the LPTV *Report and Order* were subsequently submitted, applicants have been on notice that the rules and processes adopted in the *Report and Order* remain subject to modification by the Commission if proper cause is found.

25. In Pub. L. No. 97–259, Congress amended the lottery authority it earlier granted. Subsequently, the Commission issued the *Notice* presently under consideration. Although the diversity and minority preferences adopted by Congress for lottery use will differ somewhat in application from the preferences we had initially contemplated using in LPTV comparative hearings, they reflect similar concerns and are directed to similar objectives. Further, since no cases have been designated for hearing under the procedures initally adopted in the LPTV *Report and Order*, all applicants in contested LPTV cases will be judged by exactly the same standards, regardless of their filing date. In light of all these factors, we do not believe that any LPTV applicant can fairly claim to have been harmed by our determination to apply the lottery scheme adopted herein to pending LPTV applications.

26 *LPTV Processing Framework.* In the *Notice*, we proposed a comprehensive processing blueprint for mass media applications subject to lottery, contemplating that these procedures would initially be applied in LPTV. Under the initial filing procedures, described in para. 18 of the *Notice*, after an application is tendered and found acceptable for filing, it will be listed in a Public Notice (the "A" list) inviting competing applications until the specified cut-off date approximately thirty to sixty days later.[7] Applications filed after that date will not be eligible for consideration or grant as part of that particular proceeding.[7A] All competing applications found acceptable for filing will be included in a subsequent Public Notice (the "B" cut-off list), which will also announce the date on which the lottery will be conducted. Additionally, that list will show the preferences for which the applicants have certified that they are eligible, and their selection probabilities. Applicants will be obliged to bring any clerical or mathematical errors in the selection probabilities to the Commission's attention immediately. The lottery will then be conducted and the "tentative selectee" named in a Public Notice providing an opportunity for filing of Petitions to Deny.

27. The proposed use of "A" and "B" cut-off lists described above is similar to present practices in the Mass Media services.[9] This aspect of our proposal was essentially noncontroversial, but for an expression of concern by NLMC that the cut-off period "be long enough to permit a reasonable opportunity for resubmission of applications rejected by FCC staff." The Commission notes that § 73.3572(c) of the Rules presently sets the time for filing of mutually exclusive applications at a date "not less than 30 days" after release of the "A" list Public Notice. Our experience is that the thirty-day period allows sufficient time for the filing of competing applications.

28. We believe that the system we have described, utilizing "A" and "B" lists, will be a satisfactory method by which to commence processing of applications, and will adopt that procedure, with one minor modification. We observe that our initial proposal did not specify what notice, if any, would be given of changes in selection probabilities necessitated by corrections submitted in response to the "B" list. We conclude that a corrected "B" list should issue, indicating both the changes in selection probabilities and any change in the lottery date.[9] [10]

---

[8] In *Interim Processing Procedures*, 45 FR 62004, (September 17, 1980), we reaffirmed this action.

[7] Under the procedures being adopted, all pending mutually exclusive applications will be named in the "A" list, and will be served with copies of that list.

[7A] Prior to the adoption of the June 17, 1982, LPTV Rules, engineering judgment was used to prescreen applications for cut-off lists. Since promulgation of the new rules a contour overlap standard has been used in screening applications for such cut-off lists. As a result of using the engineering judgment method, some applicants previously cut-off are mutually exclusive with those that have been assigned later cut-off dates. In order to avoid prejudice to any applicant because of changes in the screening process, all mutually exclusive applications filed prior to the later cut-off date will be considered in a consolidated lottery.

[9] *See* Section 73.3572 of the Commission's Rules.

[9] No lottery will be held less than thirty days following release of a "B" list. This period will permit negotiation of settlement agreements. Additionally, parties who may have erroneously been omitted from the "B" list will have the opportunity to so inform the Commission during that period. Later appeals on this issue will not be entertained. Applications which are not mutually exclusive with others will not appear on a "B" list, but only on a proposed grant list which will provide for filing of Petitions to Deny within a fifteen day period.

[10] Placement of the name of an applicant on an "A" list will require the filing by the cut-off date of the applications of those who wish their applications to be considered with that application or with any other application on file by the cut-off date which involves a conflict necessitating being joined in a lottery with that application (or any other application on the list). This is similar to the practice followed in AM and noncommerical FM broadcasting, which are also services in which licensing is done on a noninterference demand basis. *See Kittyhawk Broadcasting Corp.*, 7 FCC 2d 153 (1967), *recon. denied*, 10 FCC 2d 180 (1967), *appeal dismissed, Cook, Inc. v. United States*, 394 F.2d 84 (7th Cir. 1968). *But see*, as to full service television and commercial FM, *Sterling Recreation*

29. We will also adopt the process we had initially set forth in para. 21 of the *Notice* for actual lottery selection. Applicants will be assigned a portion of the numerical spectrum between .000 and .999 in accordance with their selection probabilities. Although we contemplate that, for ease and consistency of processing, numerical spectrum will normally be allocated in the order in which applications joined in a given lottery group were accepted and given a file number, no applicant has anything in the nature of a "right" to any part of the numerical spectrum. The portion of numerical spectrum allocated to each applicant will be announced at the time the lottery is to be conducted.

30. A random number in the range of .000 to .999 will be generated in a lottery selection session. It is our expectation that mass media lotteries will be conducted on a limited number of specified dates each month. As we proposed in the *Notice*, at para. 22, Public Notice of all drawings will be given no less than seven days in advance. This Notice will normally be given on the "B" list, but may be modified if necessary.[11]

31. *Petitions to Deny.* In the first *Report and Order* in this proceeding, 89 F.C.C. 2d 257 (1982), we observed, at 277–79, that a fundamental difficulty inherent in our Section 309(i) lottery authority as initially enacted was the requirement that the qualifications of all applicants under Section 308(b) and Section 309(a) be determined prior to lottery selection. Our amended lottery authority provides that determinations under Section 308(b) and 309(a) need be made only as to the applicant who has been selected by lottery. The Conferees note that "[i]t is only at this latter, post-lottery stage that Petitions to Deny the application need be considered and that the right to a hearing may arise."

32. We continue to believe that in the LPTV context, where expedition is an overriding public interest factor, the public interest will best be served if we consider Petitions to Deny only against the "tentative selectee". However, we are also sympathetic to the concerns of those commenters who believe that allowing the filing of post-lottery petitions may encourage submission of essentially frivolous pleadings which would not be the case if pre-lottery filing were required. Thus, we are adopting two alternative petition processes. As to any given lottery group, the method to be used will be announced no later than the "B" list release date. Experience should indicate which system will best advance our purposes.

33. One petition approach, as proposed in the *Notice*, will be to invite Petitions to Deny after a "tentative selectee" is chosen by lottery. The second method will require a notice of Petition to Deny to be filed no more than 30 days after publication of the "B" list. Under this second approach, ordinarily only those parties who preserved their rights by filing a notice of Petition to Deny will be allowed to participate in the formal post-lottery Petition to Deny process. Additionally, however, the Commission will consider for good cause shown [12] Petitions to Deny by other parties who did not file the preliminary notice of Petition to Deny. *See* paras. 40–42 *infra*.

34. The law firm of Daly, Joyce and Borsari ("DJB") contends that by allowing petitions to be filed only against the "tentative selectee," the Commission is essentially nullifying the petition rights provided by Section 309(d)(1). That section allows the submission of petitions designed to show that grant of a license or permit to a particular applicant would be inconsistent with the public interest requirements of Section 309(a). However, Section 309(i) states that in a lottery situation those findings only need be made with regard to the "tentative selectee." Therefore, consideration of petitions against other applicants would have no purpose.

35. It shall be our practice to issue a post-lottery Public Notice identifying the "tentative selectee." A period of fifteen days from issuance of the Public Notice will be provided for the filing of Petitions to Deny. Notice of proposed grant will also be given, and fifteen days provided for filing petitions, with regard to those uncontested applications not subject to lottery.[13] If no petitions are filed against the "tentative selectee," the staff will review the application to determine whether the applicant is fully qualified. If so, a construction permit will be granted. If not, a hearing designation order will issue.

36. We believe it appropriate to provide the "tentative selectee" fifteen days from the date on which petitions are due for the filing of an opposition. Replies by petitioners will not be allowed. Although we had initially proposed twenty day periods for oppositions and replies, the limited number and scope of issues involved indicate that shorter periods will provide adequate time for preparation and submission of the relevant pleadings and that replies are unnecessary.

37. *Two Step Petition to Deny Process.* There will be a two-page limit on the notice of Petition to Deny. The Notice will be filed with the Commission and served upon the applicant against which it is directed within 30 days after publication of the "B" list. Responses to the notice will not be entertained. The notice will make specific allegations that concisely state and explain with particularity the reasons why the applicant lacks qualifications or why a grant of the application would *prima facie* be inconsistent with the public interest. *See, e.g.*, Fed. R. Civ. P. 8. The purpose of the notice is to inform applicants and the Commission of petitioner's contentions; subsequent post-lottery procedures will allow full ventilation of the issues.

38. It is expected that only legitimate and truthful issues will be raised in the notice of Petition process. The notice will be subscribed to and certified by

---

Organization Co., 80 FCC 2d 319 (1980), *recon. denied*, 86 FCC 2d 804 (1981). This process may in some cases require that those interested in securing construction permits for Tier II of Tier III locations file against Tier I applications on "A" lists or against other applications filed in response to or otherwise in conflict with those applications. Those interested in applying for stations in Tiers II or III should be aware that they may be precluded from doing so if they do not stay alert to ongoing processing and submit competing applications within prescribed time periods.

[11] The system for selecting the random numbers will be available for public review and inspection. Additional details regarding the mechanics of the lottery selection process will be included in a "lottery processing manual" which we expect to release prior to the date of the first lottery. In Appendix B of the *Notice*, we proposed in Section 1.1623(a) to compute probabilities to three significant digits. Having reviewed this matter, we now believe that use of three significant digits will be sufficient in lotteries with no more than twenty applicants. However, four significant digits should be used with larger lottery groups in order to provide a sufficient degree of precision with respect to probabilities. To accommodate this procedure, the rule as adopted will require computation to "no less than" three significant digits. Probabilities will be truncated to the number of significant digits used in a particular lottery. For example, a probability of .2347 in a three digit lottery would be truncated to .234. This approach will not substantially disadvantage any applicant and will prevent the occurrence of the problem related to use of a rounding procedure, in which the sum of all applicant probabilities might be greater than 1.000.

[12] "Good cause" includes newly discovered evidence, evidence that could not be discovered before the diligence, and fraud or suppression of evidence by the "tentative selectee." The Commission will adopt a strict standard with regard to "good cause" Petitions to Deny.

[13] We reject the proposal of the National Latino Media Coalition ("NLMC") that the "tentative selectee" be required to publish local notice of its status. We believe that the notice that an application has been filed, which is required, is sufficient to inform interested persons in the community of the applicant's activities before the Commission. This is the same process that is followed with regard to regular broadcast applications. We see no need to impose heavier burdens on applicants in this secondary service.

the petitioner and signed by his representative, if any.[14] Moreover, untruthful statements or intentional misrepresentations in one proceeding could be the subject of inquiry in other proceedings as well.[15]

39. In the two-step approach, the formal Petition to Deny process will begin after a "tentative selectee" is chosen by lottery. When the Public Notice announcing the "tentative selectee" is issued, petitioners will have the opportunity to detail their objections to the apparent winner's qualifications in a formal Petition to Deny. Only those parties that preserved their right to object by filing a notice of Petition to Deny may participate in the post lottery proceedings, absent a good cause showing. *See* n. 10, *supra*. The formal Petition to Deny will be limited strictly to only those issues raised in the initial notice of Petition to Deny. Petitioners will have fifteen days after the Public Notice announcing the "tentative selectee" to present their case in chief. The "tentative selectee" will have fifteen days to respond.

40. In providing alternative approaches for handling Petitions to Deny in low power television lottery proceedings, we are taking a different approach than that to be applied to similar filings in the Common Carrier and Private Radio Services that will be subject to lotteries. As explained in paras. 103–105 and 128 *infra*, in the latter services Petitions to Deny and other objections must be filed before the actual lottery. Prelottery filing of Petitions to Deny in these services will result in the most efficient conduct of these proceedings. With regard to the low power television lotteries, however, other considerations not material to the non-mass media lotteries recommend the advisability of the alternative two-step Petition to Deny process. Specifically, the sheer number of applications involved as well as the nature of the issues that could be raised in low power proceedings, including those arising from the preference system, suggests that it would economize the efforts of interested parties to defer the preparation and filing of full Petitions to Deny until after the lottery. In this regard, we are particularly aware that participation by individuals, informal citizens' groups, and nonprofit organizations is likely to be much more common in low power lottery proceedings than in Common Carrier or Private Radio proceedings. Deferred filing of full Petitions to Deny will enable such individuals and groups to utilize their limited resources more efficiently and effectively. We will, of course, closely monitor the workings of the mass media and non-mass media Petition to Deny procedures. Should it become apparent that the public interest would be better served by revisiting any of the procedures adopted herein, we will not hesitate to make the necessary changes.

41. *Qualifications of "Tentative Selectee."* We note that we will only consider the merits of petitions that concern the qualifications of the "tentative selectee." We have considered the comments of such parties as Spanish International Network ("SIN") and CTN arguing that challenges to the preference claims of all applicants must be considered before a lottery is conducted. We have determined that we will not consider such issues pre-lottery, and that they will generally only be in order against the "tentative selectee" post-lottery. To consider all such claims against applicants other than the "tentative selectee" potentially could mire lotteries in pleadings equal in volume and complexity of disposition to those associated with traditional comparative hearings, with no corollary public interest benefit. In most instances, improper preference claims would affect the selection probabilities of all other applicants proportionately.

42. However, we have determined that in cases in which the provision of the Rules (§ 1.1623) requiring computation of a minimum forty per cent diversity preference is used, all other applicants are not equally disadvantaged by an improper diversity claim. Therefore, to make certain that all applicants are treated equitably, we will entertain post-lottery challenges to the diversity status of applicants benefiting from the minimum diversity preference provision. We will announce, at the time of release of a "B" list, whether the minimum diversity preference was applied. The post-lottery filing deadlines for "objections to diversity claim", and objections thereto, will be the same as those adopted for Petitions to Deny. No other claims regarding preferences will be considered as to any applicant other than the "tentative selectee."[16]

43. All applicants should be aware that improper preference claims violate Federal law. 18 U.S.C. 1001. Additionally, evidence of such claims could place in jeopardy all Commission authorizations then held by the wrongdoer, as well as adversely affecting the grant of any further authorizations.

44. *Hearing Procedures: Paper and Oral.* As observed in the *Notice*, we believe that we may be able to abbreviate the time consumed by the administrative process through the use of a modified paper proceeding directly adminstered by the Commission. In paper proceedings, the Commission *en banc* or one or more Commissioners will receive the evidence and issue the decision awarding construction permits to applicants.[16A] The Mass Media Bureau will serve as advisor to the Commission in the paper proceeding process.[17] As such, the Bureau will be responsible for reviewing and analyzing pleadings, and preparing a draft to the decision.[18]

---

[14] A suggested certification form follows:

STATE OF
COUNTY OF

Jane Z. Doe hereby certifies and states that she resides at ————; that she is the petitioner herein; and that she has read the foregoing petition and knows the contents thereof and that the same are true of her personal knowledge.

/s/

Jane Z. Doe

[15] Frivolous, fraudulent or false allegations will be viewed with extreme disfavor. Intentional and material misstatements could lead to prosecution by the Justice Department under 18 U.S.C. 1001 which provides:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, or fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

[16] Due to the early difficulties experienced by the Commission in establishing its LPTV recordkeeping system, we are concerned that some Petitions and informal objections previously submitted may not have been associated with the correct applications file. Additionally, many of the matters raised in pending Petitions have been rendered moot by actions taken in this *Report and Order* and in the *LPTV Reconsideration Order*, FCC 83–129, also adopted this date. Therefore, we have determined that in order to provide equitable and expeditious treatment to all parties, all Petitions to Deny and informal objections now on file against LPTV applicants will be considered dismissed. Parties may wish to refile Petitions and file notices in accordance with the procedures outlined herein.

[16A] The flexibility for an individual Commissioner or panels of Commissioners to rule on such matters is provided in Section 5(d)(1) of the Communications Act and Section 556(b) of the Administrative Procedure Act. We will in future actions determine the circumstances under which such decisionmaking will be delegated.

[17] In the event that the Mass Media Bureau may be required to perform any investigative or prosecutorial functions prior to designation in a particular proceeding, such tasks shall be conducted by separated Bureau personnel who will not include or be subject to the direct supervision of the Bureau personnel who advise the Commission in the adjudication of proceedings. *See* 5 U.S.C. 554. In addition, Bureau personnel who authorize, directly supervise or direct investigative or prosecutorial functions will not participate or advise in the Commission's adjudicative decisions. The taking of oral evidence will not be delegated to Commission employees other than Administrative Law Judges.

[18] Of course, the Bureau personnel who participate as a party through a separated trial staff

45. The Commission will issue a *Memorandum Opinion and Order* disposing of any allegations presented in Petitions to Deny which do not raise substantial and material questions of fact. This document will also specify any remaining issues for either a paper or oral hearing. If Petitions to Deny do not raise new or novel issues, action upon them may be taken by delegated authority, and similiarly, Designation Orders may be issued by delegated authority. The Designation Order will specify the procedures for a paper hearing, set forth the pleading schedule to be followed by the parties, specify the party with the burden of proceeding and order any petitioner who directly raises an issue specified in the order to participate as a party.

46. In the case of a paper hearing, the Designation Order will direct the applicant or the party with the burden of proceeding to submit its direct case in writing on or before the date set in the order. This will be approximately 30 days from the date of the Order. The direct written case must set forth all the facts and circumstances related to the issues in the Designation Order. Documentary evidence upon which the applicant or the party relies must be attached in exhibit form. Each exhibit must be numbered, paginated and accompanied by a certification by a person with personal knowledge of the facts therein. The Designation Order will also specify that the other parties may submit a written rebuttal case within twenty days after the direct case is due. As with the direct case, documentary evidence submitted with the rebuttal case must be placed in a numbered exhibit and accompanined by an appropriate certification by a person or persons with personal knowledge of the facts recited therein.

47. Within ten days after the rebuttal case is due, any party to a paper proceeding also may submit a request for oral hearings and cross-examination, stating the subject matter of the desired oral presentation or cross-examination and the basis for it. Included therein shall be the evidence to be presented, the reason why the evidence is material to the outcome of the proceeding, the reason why an oral presentation or cross-examination is necessary to bring out this evidence, and the evidence in the record which would be contradicted by the cross-examination or oral presentation. In sum, the moving party must demonstrate that an oral hearing is required for a full and true disclosure of the facts in issue. Finally, the Designation Order will specify a date for the submission of proposed findings of fact and conclusions of law that conform with § 1.264 of our Rules, requests for the admission of facts and genuineness of documents in accordance with § 1.264, written objections to the admission of proffered evidence and requests for deposition allowed by Section 409(h) of the Communications Act. In paper proceedings, the Commission *en banc* or one or more Commissioners will issue subpoenas, rule upon questions of evidence, require the filing of memoranda of law upon any issue which the Commission is required to rule upon during the course of the hearing, dispose of routine procedural requests, act on motions to enlarge or modify issues, and take actions and enter procedural orders in conformance with the Administrative Procedure Act.

48. The Commission intends to dispose of as many post-lottery hearings as possible pursuant to the paper procedures described above. When reviewing each case, the Commission also will consider any requests for oral hearings.[19] However, as we had determined in the LPTV *Report and Order, supra,* at para. 71, we will order oral hearings only in limited circumstances, *i.e.,* where it is shown that the party will be prejudiced by a paper proceeding without oral testimony, where a substantial and material question of fact which would affect the outcome cannot be resolved without oral testimony or where oral testimony would otherwise be required by the public interest. If the Commission makes a decision on the basis of the written affirmative and rebuttal cases and any other authorized pleadings, the request for oral testimony will be deemed denied, but reasons for the action will be articulated.[20]

49. *Disposition of Competing Applications.* Due to the virtually simultaneous filing of thousands of LPTV applications, we are in some cases faced with the need to process "daisy chains" consisting of numerous applications interconnected by their mutual exclusivity. We will not take further action on other applications in the chain until the status of the "tentative selectee" is finalized. Thus, a Petition to Deny the grant to the "tentative selectee" would freeze the status of all other applications in that lottery group. If the "tentative selectee" is found qualified, remaining applications will be processed as appropriate. That is, those applications which are no longer mutually exclusive with others will be placed on a proposed grant list allowing for filing of Petitions to Deny, groups of mutually exclusive applicants will be designated for lottery, and applications which are not grantable due to their mutual exclusivity with the selectee will be dismissed. If the "tentative selectee" is found unqualified, all remaining applicants will participate in a lottery, unless the elimination of the application of the "tentative selectee" has broken the mutual exclusivity of the applicants. In that case, the applications shall be broken into groups, and the lotteries conducted. In either situation, the process will be repeated until all applications have been disposed of.

50. *Acceptability Standard for LPTV Applications.* We reaffirm our decision in the LPTV *Report and Order,* at para. 51, that an LPTV application must be "complete and sufficient" in order to be acceptable for filing. The Conference Report calls for use of the "substantially complete" acceptance standard set forth in *James River Broadcasting Corp.* v. *FCC,* 399 F.2d 581 (D.C. Cir. 1968), unless another standard has been established by rule. The LPTV standard has been so established. It differs from the "substantially complete" requirement in that applications which are incomplete or have blatant defects are summarily returned.[21]

---

will not advise the Commission regarding any aspect of that case.

[19] However, as we have noted in Paragraph 45, the Commission may in the first instance on its own motion designate a matter for oral rather than paper hearing.

[20] If the Commission concludes that an oral proceeding is necessary, it will issue a Designation Order or an interlocutory order referring the proceeding to the Chief Administrative Law Judge for hearing on the unresolved issue or issues. The Chief Administrative Law Judge will assign an Administrative Law Judge to preside over the hearing and set a prehearing conference to establish a discovery and trial schedule. The Mass Media Bureau will be made a party to the proceeding. The Presiding Judge may request proposed findings of fact and conclusions of law to be filed within thirty days after the record is closed. The Presiding Judge shall conduct the hearing, make all evidentiary rulings, and issue an Initial Decision. *See* § 1.201 *et seq.* and, particularly, § 1.243. All appeals, taken by exceptions to the Initial Decision, will go directly to the Commission. The Adjudication Division of the General Counsel's Office will serve as an advisor to the Commission in such appeals. Our action herein constitutes the determination required under § 0.365 of the Rules that Initial Decisions will not be appealed to the Review Board. The Commission, after consideration of a written appeal, and oral argument if necessary, shall determine whether the "tentative selectee" is qualified. If so, a grant shall issue. If not, another lottery shall be held from among the remaining applicants in the initial lottery group. If the Initial Decision is not appealed, either a grant will issue or a new lottery will be held subsequent to this action.

[21] Applications which are later refiled will be treated in accordance with the practices described in the *LPTV Report and Order,* para. 51.

51. *LPTV Application Form.* The preference system being adopted in this *Report and Order* requires the submission of additional information on ownership characteristics and various other certifications by those who have already filed LPTV applications. Form 346, the application for LPTV construction permits, is being amended to reflect the new information requirements. *See* Appendix D. When an application now on file is placed on an "A" cut-off list, the applicant will be permitted to amend to provide only the newly required information, as requested on the new Form 346, until the "A" cut-off date.[32] New mutually exclusive applications filed in response to the "A" list will be required to comply with all rules and policies in effect, as reflected in the new form.[33] In those instances where an "A" list has already been issued, mutually exclusive applications have been filed in response, and the cut-off date has passed prior to the effective date of this *Report and Order,* the Commission will release a "B" list, allow all applicants on that list thirty days to amend with the additional information, and then issue a corrected "B" list indicating preferences to be applied and setting a lottery date.

52. The Commission's application forms currently require the submission of information that, in the ordinary case, is sufficient for the Commission to be able to determine that an applicant is qualified under Section 308(b). The Commission previously has found that it is in the public interest to acquire much of this type of information by certification.[34] The Commission staff has had, and retains, the ability to inquire of applicants if additional information is necessary to resolve matters at issue. To require that all applicants submit the specific factual information underlying their certifications, as proposed by such parties as Youth News, would impose a mammoth paperwork burden upon applicants and the Commission, without balancing public interest benefit. Applicants who submit false information will, as we have indicated above with regard to preference claims, be subject to substantial penalties.

53. *Multiple Applications.* We concur in the views of such parties as Local Power Television, Inc. ("LPTI") and International Broadcasting Network ("IBN") regarding the need for Commission clarification of the manner in which multiple applications for the same facilities by applicants with some common interests will be treated. It appears that some applicants have filed identical or substantially identical multiple applications, perhaps for the purpose of improving the chances of winning in a specific lottery. Permitting such "stuffing of the ballot box" would seriously jeopardize the integrity of the Commission's processes. Additionally, allowing such actions might effectively nullify the program of diversity and minority preferences mandated by Congress.

54. We are therefore adopting a strict multiple application rule, that bars the filing of any application for a new station, or for major changes in an existing station, that would be "directly mutually exclusive" with any pending application filed by the same applicant or by any applicant in which any party common to both applications is an officer, director, or has any interest, direct or indirect.[35] The phrase "directly mutually exclusive" takes into account the possibilities inherent in a "daisy chain," a long or otherwise complex series of applications that are connected by their mutual exclusivity for a particular lottery or lotteries. For example, an applicant may file several applications specifying the same channel but different, non-overlapping, though geographically nearby, coverage areas. While these applications may be involved in the same lottery because each is mutually exclusive with other applications that link them together, they would not be "directly mutually exclusive" because the facilities that each specifies do not conflict with one another. Theoretically, each could be granted. Conversely, those applications filed by the same applicant specifying facilities which, by themselves, would be mutually exclusive with each other, are barred.[36] Those who have filed applications that violate this rule should withdraw such applications no later than thirty days following the effective date of this *Report and Order.*[37] Our revised LPTV construction permit application includes a certification of compliance with this requirement. Existing applicants will be obliged to make this certification at the time relevant applications are covered by an "A" cut off list or when they are otherwise notified of the need to amend.

55. *Real Party in Interest Certification.* In the *Notice,* at para. 30, the Commission proposed (consistent with the *Conference Report,* at 45–46), that all applicants in the Mass Media services certify, as part of their application for any service in which random selection may be used, "that the applicant is the real party in interest and that no agreement, either explicit or implicit, has been made to transfer or assign the license at a later date to any other party."[38] We suggested that this certification be added to Form 346 for LPTV applicants, and that it be appended to applications in other relevant services. At this time, we shall adopt this noncontroversial proposal for the LPTV service only. As to existing LPTV applicants, we shall require that they complete this certification at the time they are covered by an "A" cut off list or otherwise notified of the need to amend.

56. *License Holding Period.* NLMC asserts that the certification only will be sufficient to inhibit abuse of the minority and diversity preferences in LPTV if the recently-abolished three year anti-trafficking rule is applied to LPTV proceedings. However, we continue to be of the view, as we observed in para. 31 of the *Notice,* that application of a one year holding period, as adopted in the LPTV *Report and Order,* will be sufficient to preclude the "rapid re-assignment or transfer of stations, construction permits, or

---

[32] Applications which are not amended with the requisite information will be dismissed. In the future, we will further revise the format of Form 346 to facilitate computerized processing.

[33] In some situations, the filing of new applications against the "A" list will cause additional pending applications to be joined in mutually exclusive status. The Commission will notify those applicants of this occurrence and they will be given thirty days to amend with the newly required information, prior to release of the "B" list for their lottery group.

[34] *See, e.g., Revision of Application for Construction Permit for Commercial Broadcast Station (FCC Form 301),* 50 R.R. 2d 301 (1981).

[35] However, the proposed 1% benchmark for cognizable ownership interests will apply.

[36] Two low power television or television translator construction permit applications will be considered mutually exclusive whenever the facilities associated with one of the applications would cause interference within the protected signal contour of the other as defined in the low power television rules (47 CFR 74.707). Applicants that are unsuccessful in the lottery and whose facilities would not cause interference to those of other co-pending applications, including those of the lottery winner, may also receive a construction permit. Such permits will be accompanied by a notification that the permittee may expect to receive interference from the facilities of the lottery winners. If permittees deem such interference intolerable, the construction permit shall be surrendered to the Commission within 30 days of the grant date.

[37] Should such applications not be withdrawn, it is the Commission's intent, in the course of proceeding, to retain the application filed first in time and dismiss all other applications conflicting with this rule.

[38] Although the *Conference Report,* at 46, mandates that this certification only be required from the new permit grantee, we proposed that it be included in all applications and completed when filed. No comments contrary to this approach appear to have been received. We believe that both to safeguard the Commission's processes, and to facilitate applications processing, it would be appropriate to adopt the proposal as made.

licenses granted by lottery" that the Conferees believe would undermine the intent of the preference scheme. In the *Report and Order* deleting the "three-year rule" and the underlying "trafficking" policy, we adopted a one year holding period in situations in which the permit to construct a new facility resulted from a hearing grant made on the basis of comparative criteria.[29] Both the holding period adopted in the *LPTV Report and Order* and the period established in our proceeding eliminating the "three-year rule" apply only in cases where the construction permit was awarded by virtue of a comparative preference. We believe that continuing this procedure in the lottery context is consistent with the intent of Congress that a holding period be imposed to protect the integrity of the lottery preference scheme. Thus, the one year post-lottery holding period will apply only when the permit holder was the beneficiary of a diversity or minority preference. The one year period begins with initiation of on-air operation. The rules will be amended to reflect this decision.

57. *Changes in Preference Eligibility.* We also shall adopt the proposal in para. 32 of the *Notice* requiring that an applicant inform the Commission of changes in preference status within seven days of the completion of any such changes, up until publication of a "B" list on which the applicant appears, or, as to unopposed applications, the proposed grant list. Changes in diversity status for subsequent lotteries would be reported after the construction permit is granted. This treatment in some cases may result in an applicant receiving an extra diversity preference in a lottery held subsequent to a tentative selection which has not been processed through to grant. However, we are of the view that it is a reasonable method by which to modify the status of LPTV applicants while limiting the delay entailed by such a requirement.

58. Thus, if an applicant is a "tentative selectee" and a petition has been filed against the grant of the application, the "tentative selectee" status will not affect the diversity preference to which that applicant may be entitled in a subsequent proceeding. However, any subsequent grant will be conditioned on the outcome of the first proceeding. Further, the grant in the second proceeding, and all further grants, will be included for purposes of adjusting the diversity preference in subsequent proceedings. We believe this process represents an equitable compromise. While applicants remain under a continuing obligation to make certain that the information on file is correct, amendments will not improve the preference standing of any applicant once that applicant appears on the "B" cut-off list.

59. *Preference Framework for Mass Media Services.* As we have indicated, substantial attention was drawn to the preference scheme that the Commission proposed at paras. 35–44 of the *Notice,* and the related rule proposals set forth as Sections 1.1621–1.1623 in Appendix B of the *Notice.* The proposals made track the *Conference Report* accompanying the amendatory language of the statue. Having fully considered all of the comments submitted regarding the various aspects of the preference scheme, we adopt the preference generally as proposed, but with a number of clarifying and perfecting modifications.

60. Initially, we find that the minority preferences enacted by Congress are constitutional under the holdings of the Supreme Court in *Regents of the University of California v. Bakke,* 438 U.S. 265 (1978) and *Fullilove v. Klutznick,* 448 U.S. 448 (1980). As we observed in the first Notice in this proceeding, 88 F.C.C. 2d at 491, those cases make clear that the award of special preference to remedy the effects of past discrimination does not offend the equal protection component or the due process clause of the Fifth Amendment.[30] We noted that although a remedial preference scheme "may result in grants of licenses of minority applicants which might otherwise have gone to others," under *Fullilove* that result is an appropriate consequence of the remedial preference. We remarked that the medical school admissions program overturned in *Bakke* set aside a specific number of places for minorities, utilized a different admissions standard for minorities than for whites, and did not involve any finding of past discrimination by an appropriate governmental body.

61. The program adopted herein does not share the attributes of the scheme rejected in *Bakke,* and comports with the teachings of *Fullilove.* The Conferees have, at 43–44 of the *Report,* found that past discrimination has resulted in severe underrepresentation of minorities in media ownership. They have therefore established a program in which race is one of two factors to be awarded fixed relative preferences.[31] As SIN correctly points out, a 2:1 fixed relative preference does not guarantee that minorities will receive double the number of licenses as would non-minority applicants. Further, the Conferees have instructed that we report annually on the effect of the preference system and whether it is serving the purposes intended. Congress will be able to further tailor the program based on that information, and may eliminate the preferences when appropriate. All of these factors lead to the conclusion that the preference system as adopted passes constitutional muster.[32]

62. The proposed rules contained in Appendix B of the *Notice* represent the preference scheme described in the *Conference Report.* The Conferees stated, at 44, that the minority ownership preference "must be no less than a fixed relative preference of 2:1." Members of different minority groups are to "be allowed to aggregate their ownership interests to achieve a majority interest in any given application." The contention of a number of parties that a 2:1 fixed relative preference is not "significant" within the meaning of the statute is contradicted by the findings of the Conferees that such a preference fulfills the "significance" test. Further, the alternative preferences proposed by Frontier Broadcasting Companies ("Frontier") and others are so exclusionary in nature as to be constitutionally suspect. If the "dilution effect" complained of by some parties appears with experience to be detrimental to achieving the result intended, the Congress or the Commission may wish to revisit this area. We believe, however, that the minority preference designated in the *Conference Report* should first be applied for a reasonable period.

63. The diversity preferences in the proposed rules of the *Notice's* Appendix "B" reflect the *Conference Report's* multilevel approach to the diversity issue. There is proposed a 2:1 fixed

---

[29] *Amendment of § 73.3597 of the Commission's Rules (Applications for Voluntary Assignments or Transfers of Control),* 47 FR 55924 (December 14, 1982).

[30] The process of analysis under the equal protection component of the due process clause of the Fifth Amendment, applicable to the Federal government, is essentially the same as that conducted under the equal protection clause of the Fourteenth Amendment.

[31] In fact, the diversity preference has an intermediate "floor" for each lottery that is not applied to the minority preference.

[32] This conclusion is buttressed by the recent judicial action rejecting a challenge of Commission use of minority ownership status as one of the acceptance criteria for applications to use frequencies made available by our clear channel rule making proceedings. *Bunkfeldt Broadcasting Corporation v. FCC,* No. 82–1212 (D.C. Cir. January 6, 1983). Our action resolving the clear channel proceeding was affirmed in *Loyola University v. FCC,* 670 F. 2d 1222 (D.C. Cir. 1982).

relative preference for those with no other mass media ownership interests, a 1.5:1 preference for those holding interests in one, two or three properties, no preference for those with more than three interests, and no preference for those with media properties that essentially would be co-located with the proposed new station. A number of commenters object to this scheme because it does not take account of the details of media ownership, failing, for example, to distinguish between a major market VHF station and a low power station. Upon review of the *Conference Report* and the comments of the parties, we have determined to reject the modifications suggested by the commenting parties.

64. In taking this action, we agree with the view expressed by SIN that "should the Commission have to expend substantial resources to investigate and resolve such subjective issues . . . it might as well hold a traditional comparative hearing." SIN correctly notes that the premise of the lottery proposal is that in the secondary, basically unregulated LPTV service, "most distinctions between applicants are not significant enough to warrant detailed Commission inquiry." [33]

65. An important aspect of the preference system is the manner in which various ownership interests are defined. The *Conference Report* states, at 45, that with respect to both the diversity and minority preferences, "the Conferees expect that the Commission shall evaluate ownership in terms of the beneficial owners of the corporation, or the partners in the case of a partnership. Similarly, trusts will be evaluated in terms of the identity of the beneficiary.

66. In light of our further review of the *Conference Report*, and having reflected upon the comments of the parties, we will adopt our initial proposal that both general and limited partnership interests be considered in determining the ownership of a partnership. We believe that the *Conference Report's* focus on "individuals who are participants in a . . . partnership," at 44, coupled with its intention that we consider "the partners," commends this result. Additionally, the emphasis on beneficial ownership interests in other entities suggests the similar inclusion of limited partners.

67. There is no doubt of the Conferees' intent that "a majority interest" be held in order for a minority preference to be awarded. Including limited partnership interests in this computation should increase the frequency with which such ownership can be achieved.[34] We believe that profit shares should be determinant of ownership of partnership interests. Thus, a five percent share of annual profits will be viewed as a five percent partnership interest. Use of this single measure will facilitate our ability to process applications with ease, and is consistent with the Conferees' emphasis on beneficial ownership. We will adopt the apparently noncontroversial proposal in para. 38 of the *Notice*, that in computing diversity preference eligibility the media holdings of the partnership itself be considered together with the combined cognizable holdings of the partners. In considering ownership interests, we will utilize the proposed 1% benchmark for cognizable ownership interests. This action will eliminate any *de minimis* ownership interests from consideration while remaining true to the intent of the Conferees.[35]

68. In the *Notice*, we proposed that non-stock corporations and unincorporated associations be treated "in a manner similar to partnerships in which each member holds an equal share." We agree with IBN and the Corporation for Public Broadcasting ("CPB") that nonstock corporations, as well as licensees operated by commissions, boards, or other governmental bodies should be judged as to minority status on the basis of the composition of the board. We believe this treatment also should apply, for diversity purposes, to the holdings of board members, The same treatment should be afforded both nonprofit and for-profit nonstock corporations. We do not concur, however, with CPB's opposition to our consideration of the membership of nonprofit corporations or unincorporated associations when such entities are membership organizations. Action consistent with the thrust of the *Conference Report* suggests consideration of the composition of the membership as to minority and diversity preferences. In order to minimize costs, we will authorize appropriate recognized sampling methods to be used in organizations with more than fifty members.

69. Upon further consideration of our *Notice* proposal, at paras. 39–40, regarding treatment of trusts, we believe that as to the minority ownership preference, the percentage each beneficiary derives as a portion of the whole should be considered, with more than fifty percent total minority share being required in order for preference to be awarded. This is consistent with the qualitative manner in which partnership interests are being treated, and appears more appropriate than our initial proposal to base this computation on mere numbers of minority beneficiaries. We will adopt as proposed our plan for the treatment of trusts for diversity purposes. Thus, if either the trust or its beneficiaries, or the trust and beneficiaries combined hold more than fifty percent of any medium of mass communications, these interests will be attributed to the trust applicant. An exclusion of interests of beneficiaries receiving less than 1% of trust income will be applied.

70. We also will adopt the *Notice* proposals regarding treatment of corporate ownership interests, as presented at paras. 41–42 of that document. The corporate applicant, by its officers, will be required to certify both as to the minority status of the holders of beneficial interest in a majority of the corporation's voting stock, if claiming such a preference, and as to any diversity preference claims. To derive this data, corporations with more than fifty shareholders will be permitted to use appropriate sampling procedures, if necessary. Such sampling methods are presently used in ascertaining alien ownership interests. A one per cent attribution benchmark will be applied in the diversity context, as proposed.[36]

---

[33] Given the absense of any local programming obligations, we do not find Press' proposal for an "undeserved communities" preference to be in the public interest. Further, it appears that utilizing preferences other than those specified in the statute and *Conference Report* would be contrary to law. Press' proposal that "Tier III" applications for such communities be processed at an early date might have an unfair impact upon other applicants, and would, due to the interrelated mutually exclusive status of many applications, also require us to process numerous applications that do not have "underrepresented" status out of normal order. We do not believe this proposal should be adopted.

[34] Conversely, however, considering the ownership interests of limited partners may have a negative impact on the ability of minority entrepreneurs to benefit from the diversity preference.

[35] The rule tracks, but is not identical to, the Commission's current "attribution" rules. Its function is to exclude minor interests from consideration in calculating eligibility for lottery diversity preferences. Revision of this rule may be undertaken consistent with the outcome of our determinations in MM Docket No. 83-46, *Corporate Ownership Reporting and Disclosure by Broadcasting Licensees*, 48 FR 10082 (March 10, 1983).

[36] As to spousal ownership interests, we will, in computing the lottery diversity preference, treat such holdings in the same fashion as other family relationships. That is, spousal relationship, standing alone, will not be presumed to create common control over a mass media entity in which one spouse has an interest. Thus, we will, in the lottery context, look for diversity purposes to the general view of family relationships found in such cases as *KTRB Broadcasting Co., Inc.*, 48 FCC 2d 885, 887 (1974), and not to the presumption regarding spousal ownership interests stated in cases such as *Lady Sarah McKinney-Smith*, 90 FCC 2d 398, 401–402

71. *Definition of Mass Media.* In the *Notice,* we proposed to include daily newspapers in the definition of "media of mass communications" for calculating the diversity preference. American Newspaper Publishers Association ("ANPA") asserts in its comments, however, that it would be erroneous to consider newspapers as media in the lottery context since print media is not mentioned in the statutory definition. Although newspapers are not included in the open-ended statutory definition, the Conference Report, at 43, indicates that newspapers should be so included.[37] Moreover, we believe that newspapers should be included in the definition to further the Commission's long-recognized public interest goal of promoting diversity of viewpoints. *See, e.g., FCC v. National Citizens Comm. for Broadcasting,* 436 U.S. 775, 795 (1978); *Associated Press v. United States,* 326 U.S. 1, 20 (1945).

72. By including daily newspapers[38] in the statutory definition of mass media, we are not precluding newspapers from applying for LPTV licenses. The effect of our action, which is meant to increase the diversity of voices, is to make a newspaper owner applicant ineligible for an LPTV diversity preference in the community in which it publishes. Thus, all other things being equal, it is more likely that a non-media owning applicant will be more successful in a LPTV lottery than an applicant who owns no other print or electronic media.

73. We concur in Microband's view that Congress did not intend MDS to be considered as a mass communications medium so long as it is regulated as a Common Carrier Service in which the MDS licensee lacks direct editorial control over the programming. The statutory language includes in the "media of mass communications" MDS "and other services, the licensed facilities of which may be substantially devoted toward providing programming or other information services within the editorial control of the licensee." The *Conference Report* adds clarity to this definition by observing that in services such as MDS, "which may be neither clearly common carrier nor broadcast entities," preferences need be used in lotteries when licensees have the ability to exercise direct editorial control over a substantial proportion of the programming or information services offered. It appears appropriate to treat MDS ownership in the same manner when MDS permittees or licensees participate in lotteries in other services, such as LPTV. Thus, present MDS licensees will be eligible for diversity preferences in LPTV without regard to their MDS holdings. However, this matter will be revisited if MDS is at some future time treated as a broadcast type service.

74. *Translators as Mass Media.* We do not agree with Comments to the effect that translators should not be considered mass communications media. Under section 74. 732(e) of the Commission's Rules, an existing translator station immediately may commence low power operation upon notification to the Commission. It would raise serious questions regarding the legitimacy of the Commission's processes were we to award diversity preferences to translator operators who subsequently could convert their operations to LPTV status by letter.

75. *Local Ownership and the Diversity Preference.* The *Conference Report* states, at 43, that "the avoidance of local ownership concentration should continue to be a factor of major significance in promoting diversity in the licensing process." The Conferees observe that when a lottery applicant for a mass media license or permit has more than 50 percent interest "in any other medium of mass communications which would be co-located with the licensed facility sought, it would not promote the public interest to give such applicant a preferred status relative to other applicants." Thus, in any mass media lottery, no diversity preference will be awarded to an applicant whose owners, when aggregated, have controlling interest (over 50 percent) in any medium of mass communications in the community for which the grant is sought The *Conference Report* states that the Commission should require certification as to whether an applicant holds such an interest "a prerequisite for an acceptable application."

76. In the *Notice,* at para. 44, the Commission proposed to "make ineligible for a diversity preference, those applicants the owners of which essentially own more than 50% of a local medium of mass communications." We further proposed to require applicants to certify that they did not hold a controlling interest in media of mass communications serving "the community wherein the license or permit is sought." It is clear that the essence of the concerns evidenced in the *Conference Report* and reflected in our *Notice,* is that no diversity preference be provided those applicants who already control a medium of mass communications in the same locality in which the new facility is sought. Difficulty in implementation arises, however, when attempting to equate "locality" with the term of art "community of license." The notion of a "community of license" is not particularly relevant in this context, because LPTV licensees are not required to serve a given "community" as such.[39] Therefore, in order to implement the proposed restriction with appropriate regard to concerns about local media concentration, we will, in LPTV, adopt contour encompassment standards modeled on our "one to a market" restrictions. Diversity preferences will not be awarded to applicants whose owners, when aggregated, have a controlling interest in stations whose stated contours wholly encompass or are encompassed by the protected predicted contour of the LPTV station for which the license or permit is sought. Similar restrictions will be applied to co-located cable television systems and daily newpapers. Certification as to this status will be included in the revised LPTV application. Existing applicants must complete the certification at the time their applications appear on an "A" cut off list or when they are otherwise notified of the need to amend.[40]

(1978), and *Alexander S. Klein,* 86 FCC 2d 423, 428 (1981). The action taken here is consistent with the *Conference Report's* view, at 45, that women, which it states to be "significantly underrepresented" in telecommunications ownership, should "substantially benefit" from the lottery preference scheme.

[37] A statutory definition that specifies "include" is a term of enlargement and not of limitation. *Highway & City Freight Drivers v. Gordon Transports, Inc.,* 576 F. 2d 1285, 1289 (8th Cir. 1978).

[38] A daily newspaper is one that is published four or more days per week in the English language and is circulated generally in the community of publication. A college newspaper is not considered as being generally circulated.

[39] *See* LPTV *Report and Order, supra,* at paras. 14–15, 62. However, in order to effectuate the Conferees' intent that no diversity preference be given to those owning other media of mass communications in the same locality, it will be necessary to take cognizance of those service areas known as the cable television system's "franchise area" and the daily newspaper's "community of publication," and to utilize these as the areas to which the contour of the proposed LPTV station is related.

[40] The standards to be applied in LPTV will provide that no diversity preference be granted to any applicant whose owners, when aggregated, have a controlling interest in the following media of mass communications, if the service area of those media as described herein wholly encompass or are encompassed by the protected predicted contour, computed in accordance with Section 74.707(a), of the low power TV or TV translator station for which the license or permit is sought:

(a) AM broadcast station—predicted or measured 2 mV/m groundwave contour, computed in accordance with §§ 73.183 or 73.186;

(b) FM broadcast station—predicted 1 mV/m contour, computed in accordance with § 73.313;

(c) TV broadcast station—Grade A contour, computed in accordance with § 73.684;

(d) Low power TV or TV translator station—protected predicted contour, computed in accordance with § 74.707(a);

77. *Ex Parte Rules.* Low power television proceedings will become "restricted" for *ex parte* purposes from the time that a "B" list is published. Under the current *ex parte* rules, adjudicative proceedings generally become restricted at the time that a hearing designation order is issued. Adjudicative proceedings can become restricted, however, prior to issuance of the hearing designation order, for example, where public notice is given or actual notice is obtained that mutually exclusive applications have been filed. *See* 47 CFR 1.1203(b)(2). However, this rule goes beyond the requirements of the Administrative Procedure Act, which requires the imposition of *ex parte* restrictions no later than "the time at which a proceeding is noticed (*i.e.*, designated) for hearing" unless actual notice is acquired beforehand. 5 U.S.C. 557(d)(1)(E). Thus, to comply with our *ex parte* rules, LPTV proceedings will become restricted when the "B" cut off list is published or actual knowledge of mutual exclusivity is acquired, whichever occurs first. This result is justified due to the unusual circumstances of LPTV, *viz.*, the voluminous number of applications and the fact that it is practically impossible to determine, with precision, which applications are mutually exclusive prior to issuance of the "B" list.

78. *Major Changes.* A subidiary area raised in the *Section Notice* was the treatment of "major change" applications under a lottery system. We are persuaded that the proposal to subject "major change" applications in the traditional broadcast services to processing by lottery should not be adopted now. No basis has been established in this proceeding upon which to apply lottery processing to traditional service "major change" applications separate and apart from the treatment of all other applications in those services.

79. As to "major change" requests in LPTV, we continue to believe that the processing of such applications as initial filings is justified. "Major change" status does not, as CTN erroneously contends, open up the underlying authorization of an existing licensee to competitive challenge. However, the modifications that are treated as "major changes" are considered to be so significant that it would be inequitable to confer any protected status upon them. In our *LPTV Reconsideration Order*, FCC 83-129, adopted separately this date, we are adopting a proposal that modifications of facilities that would not increase the signal range of the station in any horizontal direction be treated as "minor." We believe this will facilitate maintenance-type facilities changes without creating new interference or preclusion. For the reasons stated in the LPTV document, additional adjustment in the handling of major technical changes does appear appropriate at this time.

80. Pending applications for new facilities and for "major changes" in existing facilities are assigned a new file number when they are amended in such manner that the amendments themselves constitute a "major change." When "major change" amendments are filed after the initial application appears on a cut off list, the application is no longer considered a part of that cut off group, and loses the protection the cut-off list affords. We do not concur in SIN's view that amendments reflecting site changes and similar matters should be treated as "minor," whether or not that would otherwise be the case, prior to issuance of a "B" cut-off list.[41] We observe that the standard for acceptance of LPTV applications is that they be "complete and sufficient." Additionally, under Section 1.65 of the Commission's Rules, applicants are under a continuing obligation to inform the Commission of significant changes in the information they have provided. Thus, all the information on file with the Commission should be current and complete. Allowing amendment of applications as is requested by SIN would add a substantial burden to the already Herculean processing task that the Commission faces in LPTV. It is the responsibility of the applicant to keep the necessary information on file with the Commission so that its rights are not jeopardized.[42]

81. *Channels 70–83 Issue.* We have also determined not to grant KIRO's request that translators wishing to move from channels 70 through 83 be exempt from consideration as "major change" applicants subject to lottery. Channels 70 through 83 were reallocated from broadcast to land mobile use in 1970.[43] Shortly thereafter, we concluded that translators operating on those channels would be afforded protection from the land mobile services only for the balance of their existing license terms, "after which renewals would be granted only on a secondary basis." We noted that while licensees on those channels were not being required to move, "they should be aware of the secondary nature of their authorizations and the possibility of changes to lower channels becoming necessary."[44] More than 800 television translators were in operation on channels 70 through 83 at the time of reallocation. Roughly 600 stations remain in operation on those frequencies today.[45] Applications from such licensees seeking a channel change are exempt from the LPTV applications freeze.[46] However, it may well be that in a number of cases, such applications will be mutually exclusive with others and will not be granted.[47] We believe the Commission's proper concern in such situations is that service is provided to the public. The nature of this service should be responsive to market demands. It is not the Commission's role to maintain an existing service in perpetuity. Thus, while we will not protect channel 70–83 operators from other applicants for lower channels, we will grant special temporary authority (STA) to such licensees, if a lower channel is available and a move is immediately required by land mobile interference problems.[48]

(e) Cable television system franchise area;

(f) Daily newspaper community of publication.

Additionally, the diversity preference will not be available to applicants whose proposed transmitter site is located within the franchise area of a cable system owned by the applicant and/or its owners or the community of publication of a daily newspaper owned by the applicant and/or its owners. Failure to consider the location of the transmitter site in the community of publication or the franchise area could easily lead to the diversity preference being awarded to existing media owners in a manner contrary to the Conferees' intent. Given this focus on localism, it is clear that the Conferees did not intent that we consider direct broadcast satellite ("DBS") operators as owners of "local" media for purposes of this restriction. See *Conference Report*, at 43.

[41] As we have noted above, under our newly revised definition of "major change," a site change is in fact treated as "minor" so long as there is no corresponding change in coverage area.

[42] Applicants should note that in the LPTV *Reconsideration*, we are revising our procedures and will henceforth treat LPTV transfers of control as "major changes" in the same circumstances in which this would ordinarily be the case in the broadcast services. Individuals interested in the LPTV applications process should read the *Reconsideration* document.

[43] *Spectrum Space for Land Mobile Services*, 19 RR 2d 1663 (1970).

[44] *Amendment of Part 74, Subpart G (Television Broadcast Translator Stations)*, 23 RR 2d 1504, 1509 (1971). Our policy regarding the secondary status of low power stations on channels 70–83 currently is codified as Section 74.702(a)(3) of the rules.

[45] *Improvements to UHF Television Reception*, 90 FCC 2d 1121, 1127 (1982). We determined in the UHF proceeding that new television sets no longer need to be equipped to receive channels 70–83. This will make it possible to manufacture sets which perform better on the remaining UHF channels. Manufacturers are not, however, precluded from producing sets which receive channels 70–83.

[46] *LPTV Report and Order, supra*, Appendix E, para. 3.

[47] Only approximately 40 channel change applications are now pending. We expect this level to increase in the near future, as Cellular Land Mobile Communications Systems are licensed to operate on the spectrum in question.

[48] Section 308(f) of the Communications Act requires a party to have pending an application for

However, these licensees must compete equally with all other applicants for regular low power or translator service on that lower channel and they will be required to cease their STA operation if another party is assigned the channel and is prepared to commence operation. This resolution will maintain the level of service to a community, while removing the Commission from considerations regarding the content of that service. For similar reasons, we will grant STA to translators forced to move by the start of operations of full service stations.

V. Private Radio Comment Summary

82. Most of those commenting on our proposals to use lotteries in the Private Radio Services addressed the appropriateness of lotteries in the Private Land Mobile Radio Services ("PLMRS"). Only a few commenters addressed the use of lotteries in the Aviation, Maritime and Private Operational-Fixed Services.

83. Many commenters maintained that lotteries would be inappropriate in any Private Land Mobile Service because the qualifications of competing applicants could always differ. Some commenters recognized, however, that lotteries could expedite the licensing process and be beneficial in certain cases, particularly when the licenses would be used strictly for entrepreneurial commercial purposes.

84. Some commenters were concerned that the use of lotteries in the PLMRS might jeopardize the frequency coordination process. Another argument advanced by several commenters was that the use of lotteries in the Private Land Mobile Services would be contrary to the spectrum management principles set forth in revised Section 331(a) of the Act. 47 U.S.C. § 331(a). Finally, others raised concerns about public safety, spectrum "trafficking" and the need for expert licensees.

VI. Private Radio Services Discussion

85. *Proposals.* In the *Notice*, we recognized that licensees do not receive exclusive use of frequencies in most of the Private Radio Services. Indeed, most frequencies are shared, and the need for comparative hearings or lotteries usually does not arise. The *Notice* did, however, set forth several proposals for implementing lotteries in certain Private Radio Services. In summary, we proposed to use lotteries in the Aviation, Maritime, Private Land Mobile and Private Operational-Fixed Microwave Radio Services. In essence, we proposed to have the option of utilizing the random selection technique in any Private Radio Service where mutually exclusive applications could be filed or where more applications for initial licenses might be received than could be accommodated on available frequencies. Additionally, we requested comments on whether selection by lottery should apply to applications in all the different classes of Private Land Mobile Services.

86. We explained that our overriding concern in making these proposals was to ensure that the public received the benefits of private radio service in the most expeditious manner possible, at the least cost to applicants, with no significant reduction in the qualifications of licensees. Our proposals were based on the premise that in any particular private radio lottery the qualifications of competing applicants to serve the public interest would be without substantial material differences. Under these circumstances, comparative hearings would serve no useful purpose and in large part would result in artificial distinctions without significant differences in licensees' qualifications to serve the public.

87. In the *Notice*, we recognized that under the Communications Act and our Rules, Petitions to Deny may not be filed against applications for Private Land Mobile licenses. We noted, therefore, that formal filings involving oppositions and replies would not be entertained in these services. In the other. Private Radio Services where we proposed to select licensees by lottery (e.g. Aviation, Maritime, and Operational-Fixed Services), Petitions to Deny could be filed under our proposed rules in accordance with statutory requirements. 47 U.S.C. § 309. We proposed to streamline the lottery in these services, however, by requiring that Petitions to Deny be filed against applicants before the lottery and only those that were filed against the tentative selectees would be reviewed after the lottery. We noted that this would enable us to eliminate the necessity of a second time-consuming Public Notice inviting Petitions to Deny. Also, because the Private Radio Services do not currently involve "media of mass communications," we proposed to conduct all Private Radio Bureau lotteries without awarding significant preferences to any applicants. We believed that these proposals would ensure that lotteries were "extremely simple" in the Private Radio Services, as Congress had prescribed. *Conference Report* at 46.

88. *Lotteries in Private Land Mobile Radio Services.* Many of those commenting in response to the *Notice* took issue with these proposals. In particular, they questioned our proposal to use lotteries to select licensees in the Private Land Mobile Radio Services (Part 90). Some commenters referred to Section 120 of the Communications Amendments Act of 1982, the same legislation that authorizes the Commission to use lotteries to select licensees. That section establishes guidelines for the Commission's management of the Private Land Mobile spectrum. It directs the Commission to consider certain principles such as public safety, spectrum efficiency, competitive markets and interservice sharing. 47 U.S.C. 331.

89. Some commenters argued that our proposed use of lotteries in these services was inconsistent with these new statutory guidelines, particularly those relating to public safety. They stated that there are significant differences in the abilities of many applicants to serve the public interest. They pointed to the legislative history of the new private land mobile legislation, which stresses the Commission's obligation to promote the private land mobile spectrum needs of police departments and other public agencies using the spectrum to protect the American public. This concern was also expressed by some of those commenting in regard to the use of lotteries in the Operational Fixed Microwave Service (Part 94), where eligibility is based on Part 90 of the Rules (Private Land Mobile Services).

90. Many of these commenters were concerned about the use of lotteries in particular cases. For instance, the American Association of State Highway and Transportation Officials (AASHTO) opposed the use of lotteries in the Highway Maintenance Radio Service. Forest Industries Telecommunications (FIT) opposed lotteries in the Forest Products Radio Service. The Association of Public Safety Communications Officers, Inc. (APCO) and the Los Angeles County Sheriff's Department were against lotteries for public safety frequencies. UTC, the Utilities Communications Council, opposed the use of lotteries in the Power Radio Service and Operational Fixed Service. In essence, these parties and others argued that the Commission should rely on comparative hearing procedures to select the "better qualified" licensee. They also emphasized the importance of frequency coordination in accommodating the maximum number of

authorization of service before the Commission is permitted to grant STA. Thus, a translator licensee seeking STA must first apply for regular authority to broadcast on the channel in question.

licensees in a limited amount of spectrum.

91. We are convinced, however, that the new statutory guidelines for managing the Private Land Mobile spectrum—promoting safety, improving spectrum efficiency, reducing regulatory burdens, encouraging competition, providing services to large numbers of users, and increasing interservice sharing opportunities—are consistent with our proposal to use lotteries in the Private Land Mobile Services. The *Conference Report* makes it clear that these guiding principles, all of which were recognized as important goals, were *not* intended to be exclusive and that the Commission may consider any other relevant factors in the public interest. Moreover, not all of these guidelines need be considered by the Commission in each individual case. *Conference Report* at 52.

92. The *Conference Report*, we believe, encourages us to use lotteries in these services if it is done in a manner consistent with these new statutory guidelines. The *Conference Report* discourages the use of "auctions or similar economic methods" to assign this portion of the spectrum, but does state that this should *"not be construed to limit the ability of the Commission to use lottery procedures for purposes of granting private land mobile licenses. . . ."* *Conference Report* at 53, (emphasis added). This makes it apparent that Congress did not exclude private land mobile applications from the range of possible candidates for a lottery.

93. In certain areas of the country, we expect lotteries to be absolutely essential in some Private Land Mobile Radio Services. In particular, as some of the commenters noted, applications for base station licenses in the Commercial or SMRS pool of frequencies at 800 MHz are prime candidates for selection by lottery.[49] As a result of our recent decision in Docket No. 79-191, 250 new private land mobile channels in the 800 MHz band were released, with eighty channels earmarked for the SMRS pool. *Amendment of Part 90*, 90 FCC 2d 1281, 1299 (1982). Unlike the other pools, SMRS base station licensees were authorized to provide a communications service to eligibles for profit. We have already received far more applications for SMRS frequencies in some geographic areas than can be accommodated in the available spectrum. *See* FCC Public Notice, 2459, February 17, 1983. For instance, in the SMRS pool in the Los Angeles area alone, we have received approximately 250 applications requesting 1200 frequencies. Only 80 frequencies are available for assignment in that pool and in all likelihood only 16 applications will be granted. A comparative hearing of this scope, even a "paper" proceeding, would be unworkable for all practical purposes unless coupled with a lottery. We believe that traditional comparative hearings in these circumstances would undoubtedly delay service to the public and would not result in the selection of significantly more qualified licensees. This would clearly be inconsistent with our public interest responsibilities and the new statutory guidelines. Other major urban areas are faced with similar demand for these frequencies.

94. This is precisely the type of situation described in the *Conference Report* as appropriate for selection by lottery. There are large numbers of licenses available; there are large numbers of applications because new frequencies have been made available; there would be a significant backlog of applications without a lottery; and a lottery would speed up the process of getting service to the public. *Conference Report* at 37.

95. *Case-by-Case Use of Lotteries.* We interpret the *Conference Report* as encouraging the Commission to utilize lotteries in the Private Land Mobile Services, where necessary, on a case-by-case basis consistent with the new statutory guidelines for managing these services. In the *Conference Report*, Congress made it clear that the lottery authority was discretionary in nature and that a service should not be subject to a lottery if the traditional comparative process would provide a superior means of diversifying media ownership in particular instances. *Id.* at 37–38. It is apparent that Congress' main concern in preserving comparative hearings in these circumstances and in developing a significant preference scheme in the lottery procedure was to ensure diversification in the Mass Media Services. These concerns are not relevant at this time in the Private Radio Services, where licensees do not engage in mass media programming or the distribution of video entertainment to the public.[50]

96. We do not intend to apply the lottery selection process automatically or mechanically in these services. As some commenters suggested, expedited hearing proceedings may be used initially to apply comparative criteria in specified radio services to determine which applications will be granted, denied or subject to random selection. This will ensure that in any particular Private Land Mobile lottery there will be no substantial material differences in the applicants' abilities to serve the public interest.[51] Lotteries will not be utilized if the proposed uses of the spectrum would serve the public in materially differently ways. We would not, for example, utilize the same lottery to select between applicants proposing to use the spectrum for public safety purposes and those proposing non-public safety use. We expect this to minimize the concerns expressed by APCO, UTC, the Los Angeles County Sheriff's Department and others about the use of lotteries to select from among competing applicants proposing signifcantly different uses of the spectrum.

97. Some commenters have expressed their concerns that the use of a lottery will somehow adversely affect the frequency coordination process used so effectively in these services. They reference the new legislation, which specifically authorizes the Commission to accept the services of non-Federal Government advisory committees in coordinating the assignment of these frequencies.[52] They are concerned that lotteries will prevent the coordinators from using good engineering practices to arrive at solutions to difficult assignment problems.

98. We do not expect any lottery in these services to affect the coordinators adversely. We have not proposed in this proceeding any changes in the rules regarding frequency recommendations by coordinators, nor have we intended to create the impression that assignments will not be based upon good engineering practices. We will continue to utilize the services of the coordinating committees, as authorized in the new legislation, and we will continue to follow the guidelines delineated in the new legislation for managing these services, including efficient spectrum utilization and good engineering practices.

[49] FIT, SIRSA, and AAR suggested that lotteries would be appropriate for SMRS licenses.

[50] Parallel Communications Corp., the AAR and SIRSA recommended that lotteries be used to select from among competing applicants in the Private Operational Fixed Microwave Service who filed for the use of multi-directional systems as a result of Docket No. 19671, *First Report and Order*, 86 FCC 2d 299 (1981), *reconsideration pending*. As stated in the *Notice*, we will grant appropriate significant preferences if any applications involving mass distribution of video entertainment are processed in the future by lottery.

[51] The comparative criteria to be applied to particular groups of applications to determine if they should be subject to a lottery will be established in subsequent service-specific proceedings. *See, e.g., Amendment of Part 90*, 90 FCC 2d 1281 (1982).

[52] 47 U.S.C. 331(b).

99. Questions have also been raised concerning the applicability of the Commission's "anti-trafficking" rules to lotteries in the Private Land Mobile Services in light of current loading and construction requirements. *See, e.g.*, 47 CFR 90.358, 90.609. We wish to make it clear that we have not altered the transfer and assignment rules in these services, nor have we seen any reason in the record of this proceeding to change the loading and construction requirements in any way as a result of a lottery.

100. *Aviation, Maritime and OFS Services.* We received few comments on our proposals to use lotteries in the Aviation Services (Part 87), the Maritime Services (Part 81) and the Operational-Fixed Microwave Radio Service (Part 94). Some commenters claimed that lotteries were inappropriate in these services because some types of these stations are expensive to construct and the qualifications of competing applicants could differ greatly. Others argued that lotteries would be beneficial in these services.

101. In light of these comments, we will use comparative hearing procedures in these services when it appears upon initial analysis that there are significant differences in the abilities of competing applicants to serve the public. On the other hand, when it appears upon initial analysis that there are no substantial material differences in the qualifications of competing applicants, we will select licensees by lottery. In this way, lotteries will be used to resolve "tied cases" when comparative hearings would serve no useful purpose. In making this public interest determination whether applications in these services should be subject to a comparative hearing or lottery, we may consider such factors as public safety, service coverage area, operator experience and spectrum efficiency. Other relevant factors may also be taken into account. Our reasons for using lotteries or comparative hearings will be specified in public documents in each individual case. By using lotteries selectively in these services, we expect to expedite service to the public in appropriate cases while ensuring that licensees always remain fully qualified. This is one of the four factors specifically referenced in the *Conference Report* for our consideration in determining whether to utilize our lottery authority. In any instance where we select licensees by lottery in these services, we will make the affirmative finding, required by the Conferees, that the public interest will be significantly benefited. *Id.* at 37–38.

102. In the Private Radio Services, therefore, we are adopting the rules essentially as proposed. We will utilize lotteries only when it appears that there are no substantial and material differences in the qualifications of competing applicants to serve the public interest. Prior to the lottery, applications will be reviewed to determine that they are acceptable for filing and comparative criteria may be applied. This will ensure that lotteries will occur in these services only when comparative hearings would serve no useful purpose. Only qualified applicants will receive license grants. If it is determined that an initial tentative selectee is not qualified to receive the license grant, another tentative selectee chosen from among the same applicant pool during the same random selection will be designated until a qualified applicant is selected. It will not be necessary to conduct a separate second lottery in the Private Radio Services.[52] The selective use of lotteries will allow us to address the concerns of the commenters on a case-by-case basis and, we feel, will result in significant public interest benefits. It will enable us to ensure that the public receives private radio service in the quickest way possible, at the least cost to applicants, with no significant reduction in the qualifications of licensees. Based on our review of the *Conference Report*, we are convinced that Congress expected us to maintain the option of utilizing lotteries under these circumstances.

103. We are persuaded, in light of the comments favoring the use of comparative criteria in the Private Land Mobile Radio Services (Part 90), that licensees should be selected by lottery in these services only after expedited paper proceedings have shown that the qualifications of the competing applicants are without substantial and material differences. As a procedural matter, Petitions to Deny are not authorized in these services (47 U.S.C. 309; 47 CFR 1.962). Prior to the lottery, therefore, we will review informal complaints against applicants and will use "paper" hearing procedures to apply comparative criteria developed in separate proceedings (*e.g.*, Docket 79-191, *supra*). After the paper proceeding, and in light of the number of frequencies available for assignment, those applications that are clearly superior will be granted. Those that are clearly inferior will be denied. Those that are without substantial and material differences will be designated for random selection if frequencies remain available for assignment.

104. After the random selection, having already determined through the paper proceeding that the applicants are qualified to become licensees, any new allegations that the applicants are not qualified to be licensees will be handled through the Petition for Reconsideration process or through license revocation proceedings under 47 U.S.C. 312.

105. In the other Private Radio Services where licensee may be selected by lottery (Maritime, Aviation and Operational Fixed Microwave Radio Services; Parts 81, 87, and 94), Petitions to Deny may be filed against applicants. The paper proceeding, if any is necessary, will therefore occur after the lottery selection process has been completed. It will be based upon the Petitions to Deny that were filed against the tentative selectee prior to the lottery.

106. In short, the paper proceedings in the Private Land Mobile Services will occur before the lottery and will be used to ensure that only those applications without substantial and material differences are designated for lottery selection. On the other hand, in those Private Radio Services where Petitions to Deny are authorized, we will require that the Petitions be filed before the lottery and only those that have been filed against the tentative selectee will be reviewed after the lottery is conducted. Paper proceedings, if necessary in light of the Petitions to Deny, will be held at that point. In both situations, only qualified applicants will receive license grants. In the Private Land Mobile Services, this will be determined by paper proceedings held before the lottery. In the other Private Radio Services, it will be guaranteed by the Petition to Deny process.

107. Any paper proceeding in the Private Radio Services will be administered by the Commission. The Commission will receive the evidence and issue the final decision awarding licenses to applicants and/or designating applications for random selection. The Private Radio Bureau will serve as advisor to the Commission and will be responsible for reviewing pleadings and preparing a draft of the final decision. The Bureau will not appear as a party unless the Commission orders it to do so in a particular case. If the Bureau participates as a party, it will do so through separated counsel.

108. A public notice will start the paper proceedings. The notice will identify the applications involved and

[52] The *Conference Report* indicates that a second lottery is necessary only after an initial tentative selectee has been determined to be unqualified in the mass media services because selection probabilities in those cases will have to be recomputed. *Conference Report* at 39–40.

will include the hearing designation order, the issues, and the pleading schedule and procedures to be followed by the parties in the paper proceedings. Because of the Private Radio Bureau's role as advisor to the Commission regarding these applications, the Chief, Private Radio Bureau and his staff will be considered to be decision-making Commission personnel for purposes of *ex parte* contacts regarding any hearing conducted pursuant to these procedures. However, should any of his staff be designated as separated counsel for the purpose of participation as a party in any hearing, they will be non-decision-making personnel.

109. If the Commission concludes that an oral proceeding is necessary, it will issue an interlocutory order directing an Administrative Law Judge to hear a particular issue or issues. The order will specify the issue or issues and will establish the procedures to be followed.

110. At the conclusion of the paper proceedings for Private Land Mobile licenses, applications will be granted, denied or designated for random selection. In the other Private Radio Services, at the conclusion of the paper proceeding tentative selectee will receive license grants or will be determined to be unqualified. If it is determined that a tentative selectee in any of the Private Radio Services is unqualified after a lottery has been conducted, the license will be awarded to the next tentative selectee selected from the same lottery.

111. As stated in the *Conference Report* at 46, we expect the lottery procedures for these non-media services to be "extremely simple." Public Notices will specify the date, time, location of, and additional procedures for lotteries in the Private Radio Services.

VII. Common Carrier Comments

112. All of the comments addressing the issue of lotteries in the Cellular Radio Service supported the exclusion of cellular service from lottery procedures. Many parties opposed using lotteries in the rural radio and offshore radio services. Some parties also suggested that some or all of the public land mobile services be excluded, particularly in cases where an applicant proposes to expand an existing system, either by adding a frequency or by proposing a wide-area system. Some parties questioned whether a lottery would expedite application processing and suggested higher threshold financial and technical standards. Concerns were raised by some commenters regarding trafficking and spectrum warehousing. One party requested that preferences be awarded for local ownership and non-profit cooperatives. Finally, one party opposed lotteries on the grounds that they may be inconsistent with State certification procedures.

VIII. Common Carrier Services Discussion

113. *Lotteries in the Public Mobile Service.* In the *Notice,* we proposed to conduct lotteries for mutually exclusive applications in all of the public mobile land services except for the Cellular Radio Service.[54] In our discussion, we referred to new allocations for 35 MHz paging (CC Docket No. 80–189) and 900 MHz paging (Gen. Docket No. 80–183) and to the extremely large number of applications which were expected for these new frequencies. Thus far we have received nearly 6,500 applications for the frequencies. A substantial number of these applications involve mutually exclusive ("MX") situations. We also expressed our skepticism that existing criteria will provide a meaningful mechanism for selecting among MX applicants and cited the overwhelming administrative burden of comparative proceedings for all the anticipated MX applications.

114. Some of the comments suggest that a lottery is inappropriate in the public land mobile services and that, in making its common carrier proposal, the Commission failed to consider the four factors listed in the *Conference Report.* We discuss these factors and findings related to them at this point. First, there is a large number of licenses available (including licenses for systems operating on previously allocated frequencies). Second, there is a potentially large number of mutually exclusive applications.[55] Third, there is a significant back-log which a lottery will reduce. The fourth criterion, diversity of information sources, does not apply to these services. Our decision to apply a lottery to the public land mobile services is based instead on the strong applicability of the other three tests.[56] We conclude, therefore, that a lottery is appropriate for the public land mobile service.

115. Some of the comments (Telocator's, for example), while not objecting to the use of a lottery in these services, oppose its application to all frequency bands. The comments suggest that the Commission distinguish between the newly allocated frequencies (for which, in limited cases, they support a lottery) and the rest of the land mobile frequencies (for which the comments oppose a lottery). The parties refer to the following language in the *Conference Report:* "Relevant factors for the Commission's consideration . . . include . . . whether there is a large number of mutually exclusive applications for each license, for example, *when a new service is initiated." Conference Report* at 37 (emphasis added).

116. In our view, the above position is based on a confusion of the term "newly allocated frequency band" and the term "new service". While the *Conference Report* uses "new service," it did so only as an example of a situation where a back-log of applications might occur. The pertinent legislation was written in the context of, but was not confined to, the initiation of low-power television, which clearly is a new service. The allocation of additional frequencies for public land mobile service is not, strictly speaking, the initiation of a new service. Therefore, in implementing a lottery, we seek not simply to expedite low band and 900 MHz applications, but all public land mobile applications. While the bulk of our back-log of applications will be for newly allocated frequencies, all applications are processed similarly and are of equal priority. All land mobile applications will therefore be expedited by a lottery, not just those for newly allocated frequencies.

117. *New and Existing Systems.* Telocator further opposes the use of a lottery in cases where an applicant requests an additional frequency to develop a wide-area system or to relieve congestion on a trunked mobile telephone system. Initially, we note that paging systems do not use trunking, so the argument as to congestion relief is of limited applicability to this discussion. The newly-allocated frequencies are for paging. The bulk of the anticipated back-log is related to these new frequencies, and not to situations where existing licensees seek additional two-way frequencies to relieve congestion on mobile telephone systems. The Commission is nevertheless mindful of the competing interests of new applicants seeking a first channel and established carriers who seek to enhance their existing systems. In our view, the solution to this problem is to make additional frequencies available, so that all parties, whether new entrants or established carriers, may have access to frequencies. Our recent allocation for

[54] The public mobile services include paging, two-way land mobile telephone service, two-way air-ground service, offshore telecommunications service, rural radio service, and cellular radio service. The cellular radio service is not included in this proposal for implementing lottery rules.

[55] The precise number of mutually exclusive applications will not be determined until the 900 MHz applications are loaded into the automated data base and analyzed.

[56] See below, however, our discussion of the rural radio and offshore services.

cellular radio has responded to this problem, as have the low-band and 900 MHz allocations for paging. The lottery, on the other hand, is not designed to relieve frequency shortages but rather to expedite the licensing process, so that all applicants, whether new entrants or existing carriers seeking another frequency, may have their applications expedited. We also note that, even under the present rules, established carriers receive no preference over new entrants in a comparative proceeding, so a lottery does not place established carriers in a less advantageous position *vis a vis* new entrants.

118. The Commission is also aware of the desire of carriers to obtain additional frequencies to provide wide-area service. In the 900 MHz allocation, we recognized the need for wide-area public mobile service and specified frequencies for network and regional paging systems. *First Report and Order*, 89 FCC 2d 1337 (1982). In describing how these applications would be processed, the Commission stressed that its purpose was to employ the most expeditious way to equitably process applications and make assignments. *Id.* at para. 49. To accommodate these applicants interested in establishing wide-area systems, we would apply a liberal assignment and transfer policy when licensees wish to trade their 900 MHz frequencies. For example, applicant "A" wishes to construct a wide-area system operating on frequency "1". If in one site, however, applicant "B" obtains frequency "1", and "A" proposes to purchase the constructed facilities from "B" in order to provide service on frequency "1" throughout the entire area, the Commission would give liberal consideration to the assignment application. We propose a similar approach in the case of the lottery procedure, thereby remaining consistent with the Commission's goal of expediting the licensing process while also taking into account the interests of those carriers providing wide-area service.[57]

119. *State Certification and Other Concerns.* In its comments NARUC opposes the lottery on the ground that it may undermine the state certification process for radio common carriers. We reject this view, however, since § 22.13 will remain in effect, requiring all licensees to comply with all applicable state certification requirements. 47 CFR 22.13.

120. TDS expresses the concern that lottery winners will engage in trafficking and thus frustrate the lottery's purpose of expediting service to the public. TDS requests that a two-year anti-trafficking provision be applied to lottery winners in the public mobile services. We reject this suggestion. The language discussing the trafficking issue in the *Conference Report* (pp. 45–48) is confined to the mass communications media service and is clearly related to the Conferees' concerns as to preferences awarded in lotteries and the diversity of ownership in those services. No preferences are awarded in the public mobile services and diversity of ownership is not at issue in lotteries involving these carriers. The trafficking issue as it affects the public mobile services is discussed in detail in CC Docket No. 80-57, 47 FR 43842, and goes beyond the scope of the lottery proceeding.

121. TDS requests that proposed rule § 22.32(g) be amended to explicitly state that no preferences will be awarded in lotteries involving these services. This request is consistent with the intent of the Act (*see Conference Report*, p. 41), and we will revise the rule accordingly.

122. *Offshore and Rural Radio Services.* In the *Notice*, the Commission proposed to include the offshore telecommunications service and the rural radio service in the common carrier lottery. This proposal was widely opposed in the comments, basically on the ground that, using the four factors listed in the *Conference Report*, neither service is appropriate for a lottery. Upon consideration of the four factors, the language in the statute, and the comments, we have concluded that these two services should not presently be included in the lottery proceeding. Neither service involves a large number of licensees or mutually exclusive applications, and neither service has a significant back-log. Moreover, we can perceive no other "salient consideration" that would compel us to use lotteries in these services. *See Conference Report* at 38. We reserve, however, the option of reexaming the applicability of a lottery to either of these services if, in the future, any of the above factors should significantly change. We note in particular that the Commission has recently proposed to allocate additional frequencies in the Offshore telecommunications service. *See Notice of Proposed Rule Making*, Gen. Docket No. 83-45, FCC 83-35, released February 22, 1983. If in the future, the number of mutually exclusive applications in this service should increase substantially, we may at that point propose to implement a lottery to more expeditiously process the applications.

123. *Telephone Cooperatives.* The Bledsoe Telephone Cooperative, Inc., ("Bledsoe") opposes a lottery in common carrier services on the grounds that the procedure would be counterproductive to the provision of quality service needed in rural areas. Bledsoe suggests that preferences be awarded for local ownership and non-profit cooperatives. The Commission is cognizant of the high quality of service provided by non-profit cooperatives, particularly in rural areas where high quality service may not otherwise be available. We have decided above not to use lotteries in the Rural Radio Service; accordingly, our decision implementing lotteries is not likely to affect telephone cooperatives at all.

124. *Pre-Lottery Screening.* Tymnet, Inc., urges the commission to screen applicants carefully prior to the lottery. We will not engage in such comparative consideration at the pre-lottery stage, nor will we attempt to distinquish between superior and marginally qualified applicants in these common carrier services, as Tymnet suggests. In our many years of regulating these services, we have found the overwhelming majority of carriers to be fully qualified in all respects. Even when a marginal operator is licensed, there is little potential for harm to the public interest because there are many operators in most markets from which customers may choose. Furthermore, most states regulate the market entry or rates, or both, of the radio common carriers and telephone companies providing mobile services. This serves as an additional, important check on their qualifications. Accordingly, we will not adopt the Tymnet proposal because it would impose time and resource burdens on Bureau staff without achieving significant public interest benefits in the common carrier area.

125. *Common Carrier Procedures.* The Appendix includes rules in Part I and Part 22 outlining procedures to be used for lotteries in the Common Carrier Bureau in general and in the Public Land Mobile Service in particular. Other common carrier services which may in the future use lotteries will be added to the list, after appropriate proceedings, in § 1.821 ("Scope").[58]

[57] The Commission's 900 MHz proceeding makes provision for nationwide paging systems, a technological advance with which the Commission has not had previous experience. Although in this *Second Report and Order* we implement lottery proceedings for 900 MHz applications in general, we reserve the option to decide in the 900 MHz proceeding whether lotteries are appropriate for applicants proposing network paging systems. *See First Report and Order*, Gen. Docket No. 80-183, 89 FCC 2d 1337 (1982).

[58] As we noted above, we have reserved the option of deciding in the 900 MHz proceeding (Gen. Docket No. 80-183), whether to include network paging applications in the lottery proceeding.

126. Under the common carrier lottery, the same procedures currently set forth in our rules will be followed as to application filing, acceptance or dismissal, public notice, and as to filing of petitions to deny.[49] Where it is determined that properly filed applications are mutually exclusive, a lottery will be held under the direction of the Bureau Chief. No preference will be awarded to common carrier lottery participants, consistent with the language in the Conference Report (p. 41). Pleadings filed against mutually exclusive applications will not be reviewed prior to conducting the lottery. The Commission will hold the lottery and then will review only the pleadings filed against the tentative selectee. This approach conserves staff time ordinarily spent reviewing pleadings filed against non-selected mutually exclusive applications. We believe the filing of Petitions to Deny prelottery, although at variance with that to be applied to low power television applications, best suits the individual demands of the common carrier processing function. Compare our discussion at para. 31 *et seq., supra.*

127. The staff will review the selectee's application and related pleadings. If the applicant is qualified, the staff will grant the application. If, however, a substantial and material question of fact remains, the application will be designated for hearing. We retain the option of sending the case to an Administrative Law Judge or to the Commission *en banc* or one or more Commissioners, and our rules reflect that option. Whether the proceedings are conducted by the ALJs or the Commission, they will be based primarily on written submissions. We intend to reduce the expense and delay associated with unlimited discovery, extensive cross-examination and motions to enlarge, and we will specify how those limitations are to apply in each designation order. In those cases referred to ALJs, all appeals taken by exception to the Initial Decision will go directly to the Commission and will not be subject to intermediate review by the Review Board. *See* note 20, *supra.* If the selectee's application is denied, the Commission will proceed to review the application of, and any pleadings filed against, a second selectee. In the public mobile radio services, the lottery will not only identify a tentative selectee but will also rank the applicants so that, if the first selectee is ultimately disqualified, the second (and third, and so on) selectee will have already been identified.

[49] In general, our rules for conducting a common carrier lottery are inserted in the Part I and other applicable rules parts. General rules for processing applications have been retained and will apply to all situations except those in which a lottery is conducted.

VIII. Conclusion

128. We believe that the actions we have taken in this proceeding represent a prudent exercise of our administrative discretion. We have attempted to implement the lottery statute in a manner that best serves the public interest. This is the Commission's first experience with lotteries; we plan to use our random selection authority cautiously.

129. Lottery processing may be used in those services enumerated above where the lead application was filed on or after August 14, 1981 (the effective date of the first lottery statute). In addition, all pending applications in the low power television and television translator service will be subject to a lottery, including those filed prior to August 14, 1981. *See* paras. 23–25 *supra.*

130. Some of the rules as initially proposed in the *Notice* have been modified after careful consideration of the statute, legislative history and numerous comments. Further rule makings may be necessary to fully develop the Commission's lottery program.

131. Although this Commission is always chary of imposing new regulations on the communications industry, we believe in this case that the benefits of the lottery regulations far outweigh their costs. Lotteries will help speed provision of service to the public by eliminating the costly and time consuming comparative hearings while still maintaining some relative advantage for minorities and others underrepresented in the ownership of mass media facilities. The Commission holds great hope for lotteries, particularly in implementing new services such as LPTV and 800 MHz.

132. *Paperwork Reduction Act.* In accordance with 44 U.S.C. 3501 *et seq.* and Executive Order No. 12291, the Commission submitted a copy of the *Notice* to OMB for review and comment. OMB's comments were necessary because the NPRM postulated that the rule making could result in additional paper work requirements on applicants for communications licenses. OMB expressed general support for the lottery proposal and made no specific objection to the proposal for applicant certification of preference eligibility. OMB did, however, request the Commission to submit for review any additional information requirements such as new or revised forms that may result from this proceeding. In accordance with that request, we will seek OMB comment on revised FCC Form 346.

X. Regulatory Flexibility Act—Final Analysis

133. *Need for and Purpose of Rules.* The Commission proposed the subject lottery rules to implement its recently amended random selection authority. The use of lotteries to select licensees from among competing applicants, it is expected, will serve the public interest by significantly decreasing the cost and delay of traditional comparative hearings. Moreover, safeguards are built into the random selection system so that only fully-qualified applicants receive licenses through the lottery process.

134. *Comments.* Apparently, no comments were received that directly addressed the initial regulatory flexibility analysis.

135. *Alternatives Considered.* As noted in our initial flexibility analysis, there are two alternatives to the lottery proposal. One is to retain traditional comparative hearings; the other is to employ auction techniques. In view of the Congressional direction to implement a licensing lottery, we concluded that there was no practical alternative to establishing lottery procedures.

XI. Other Matters.

136. In view of the foregoing and pursuant to Sections 1, 3, 4(i) and (j), 303, 309 and 403 of the Communications Act of 1934, as amended (47 U.S.C. 151–609), it is hereby ordered that the action taken herein is effective July 13, 1983.

137. It is further ordered that revised FCC Form 346 is amended, as set forth in Appendix D, effective upon receipt of approval from the Office of Management and Budget.

138. It is further ordered that all Petitions to Deny and informal objections pending against any application in the low power television and television translator service are hereby dismissed.

139. It is further ordered, that all applicants who have filed multiple applications inconsistent with Section 73.3521, adopted herein, shall withdraw such applications as are necessary to remedy the conflict no later than thirty days following the effective date of the action taken herein.

140. For general information regarding this proceeding contact Randy Thomas, Office of General Counsel (202) 632–6990. For specific information relating to the use of lotteries in the Common Carrier Service contact Michael Menius (202) 632–6450; Mass Media Service

contact Barbara Kreisman (202) 632–3894; or Private Radio Service contact John Richards (202) 634–2443.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendices A, B, and C

Note.—Appendices A and B (Commenters and Comments) and the full text of Appendix D of this document are filed as a part of the original document and will not be printed herein due to the continuing effort to minimize publishing costs. However, copies of this document in its entirety are available from the Downtown Copy Center, 1413 K Street, N.W., Washington, D.C. 20005; Telephone: (202) 289–4140. In addition, a copy is available for public inspection in the FCC Dockets Branch, Rm. 239 and the FCC Library, Rm. 639, both located at 1919 M St., N.W., Washington, D.C. 20554. A summary of Appendix D is set forth herein.

Appendix C—New Rules

PART 1—PRACTICE AND PROCEDURE

Subpart A—General Rules of Practice and Procedure

1. Section 1.65 is revised to read as follows:

§ 1.65 Substantial and significant changes in information furnished by applicants to the Commission.

(a) Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application. Except where paragraph (b) of this section applies, whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate. Except where paragraph (b) of this section applies, whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, submit a statement furnishing such additional or corrected information as may be appropriate, which shall be served upon parties of record in accordance with § 1.47. Where the matter is before any court for review, statements and requests to amend shall in addition be served upon the Commission's General Counsel. For the purposes of this section, an application is "pending" before the Commission from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court.

(b) Changes in information relating to § 1.1622, lottery preferences, must be furnished to the Commission no more than 7 days after the changes occur until (1) in the case of a non-mutually exclusive application, the Commission releases the Public Notice proposing the application for grant; or (2) in the case of a mutually exclusive application, the Commission releases the final Public Notice announcing the acceptance of the last-filed mutually exclusive application.

2. Section 1.227 (a)(2), (b)(1), (b)(3) and (b)(4) is revised to read as follows:

§ 1.227 Consolidations.

(a) * * *

(2) Any applications which present conflicting claims, except where a random selection process is used.

(b)(1) In broadcast cases, except as provided in subparagraph (5) of this paragraph, and except as otherwise provided in § 1.1601, *et seq.*, no application will be consolidated for hearing with a previously filed application or applications unless such application, or such application as amended, if amended so as to require a new file number, is substantially complete and tendered for filing by the close of business on the day preceding the day designated by Public Notice published in the **Federal Register** as the day any one of the previously filed applications is available and ready for processing.

* * * * *

(3) Common carrier cases: (i) General rule. Where an application is mutually exclusive with a previously filed application, the second application will be entitled to comparative consideration with the first or entitled to be included in a random selection process, only if the second has been properly filed at least one day before the Commission takes action on the first application. Specifically, the later filed application must have been received by the Commission, in a condition acceptable for filing, before the close of business on the day prior to the grant date or designation date of the earlier filed application.

(ii) Domestic public fixed and public mobile. See Rule §§ 21.31 and 22.31 for the requirements as to mutually exclusive applications. See also Rule §§ 21.23 and 22.23 for the requirements as to amendments of applications.

(iii) Public coast stations (Maritime mobile service). See paragraph (b)(4) of this section.

(4) In cases of applications filed in the Private Radio Services, except as otherwise provided in § 1.972, any application that is mutually exclusive with another application or applications will be consolidated for hearing with such other application or applications only if the later application in question is substantially complete and tendered for filing by whichever date is earlier: (i) Not later than the close of business 1 business day before the Commission adopted an order which first designated for hearing the prior application or applications with which such application is in conflict; or (ii) within 60 days after the date of public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is substantially amended by a major change (*i.e.*, substantial change as defined by § 1.962(c)) will, for the purpose of this section, be considered to be a newly filed application.

* * * * *

3. In Part 1, § 1.821 is added to read as follows:

§ 1.821 Scope.

Where action on applications is permitted by the Chief, Common Carrier Bureau, under delegated authority, the provisions of this section, and the provisions referenced herein, shall apply to applications for initial licenses for stations in the Public Land Mobile Service (See Subpart G, Part 22).

4. In Part 1, § 1.822 is added to read as follows:

§ 1.822 Grants by random selection.

(a) Applications in the common carrier services specified in § 1.821 ("Scope") shall be filed, accepted or dismissed, place on public notice, and subject to Petitions to Deny according to the rules established for the specific service.

(b) If there are mutually exclusive applications for an initial license, the Commission may use a random selection process. Each such random selection shall be conducted under the direction of the Chief of the Common Carrier Bureau. The random selection shall pick a tentative selectee and then repeat the random selection process with the remaining applicants, so that, in the event that the tentative selectee's application is denied, the other applicants will be ranked in order as

alternative selectees. Pleadings filed against these applications will not be reviewed prior to conducting the random selection. No preferences shall be awarded to participants. Following the random selection, the Commission shall announce the tentative selectee and determine whether this applicant is qualified to receive the license. Petitions to Deny and other pleadings properly filed against the selectee's application will be reviewed. If the Commission determines that the tentative selectee is qualified, it shall grant the application. Parties shall not file petitions for reconsideration, motions to stay or applications for review at the time that a tentative selectee is announced. Instead, such pleadings may be submitted at the time when the Commission grants or denies the application. The filing periods specified in the rules shall apply for such pleadings.

5. In Part 1, § 1.823 is added to read as follows:

§ 1.823 Post-selection hearings.

(a) If, after reviewing the selectee's application and pleadings properly filed against it, the Commission determines that a substantial and material question of fact exists, it shall designate the qualifying issue(s) for an expedited hearing.

(b) Expedited hearing procedures. (1) Hearings may be conducted by the Commission or an Administrative Law Judge. In the case of a question which requires oral testimony for its resolution, the hearing will be conducted by an Administrative Law Judge.

(2) Parties have ten (10) days from publication in the **Federal Register** of the hearing designation order to file notices of appearance.

(3) When the Commission, under § 1.221, issues an order stating the time, place, and nature of the hearing, this order shall instruct the applicant to submit its direct case in writing within thirty (30) days from the order's release date, or as otherwise specified in the order. The direct written case must set forth all those facts and circumstances related to the issues in the designation order. Documentary evidence upon which the applicant relies must be attached. Each exhibit must be numbered and must be accompanied by an affidavit from someone who has personal knowledge of the facts in the submission and who attests to the truth of the submission.

(4) The order will also specify those petitioners that directly raised an issue which was designated and will inform these parties of their opportunity to submit a written rebuttal case within twenty (20) days after the direct case is due. The procedures in paragraph (b)(3) of this section will apply as to documentary evidence, exhibits, and affidavits.

(5) Appeal of initial decisions rendered by an Administrative Law Judge shall lie with the Commission.

Subpart F—Private Radio Services Applications and Proceedings

6. In § 1.918, a new paragraph (d) is added, and present paragraph (d) is redesignated as (e), to read as follows:

§ 1.918 Amendment of applications.

* * * * *

(d) A request to amend an application after it has been designated for random selection pursuant to § 1.972 will be considered only upon written petition addressed to the Chief, Private Radio Bureau and will be granted only for good cause shown. A petition which requests a substantial change in the application or which affects the lottery probabilities of other applicants must be accompanied by a signed statement of a person with knowledge of the relevant facts and must specify with particularity why such change is necessary and whether or not consideration has been promised to or received by the petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If consideration has been promised or received, the statement shall set forth all the relevant facts with sufficient detail to enable the Chief, Private Radio Bureau to determine whether and to what extent, if any, the consideration represents only the reasonable costs of prosecuting the petitioner's application.

(e) * * *

7. In § 1.953, paragraph (a) is revised to read as follows:

§ 1.953 How applications are processed.

(a) Applications are processed in sequence according to date of filing, or pursuant to the system of random selection prescribed in § 1.972 of this part. Applications which are in accordance with the provisions of this chapter and established policies of the Commission may be processed to completion in accordance with the applicable delegations of authority as set forth in Part O of this chapter.

* * * * *

8. A new § 1.972 is added to read as follows:

§ 1.972 Grants by random selection.

(a) The provisions of this section, including provisions incorporated by reference, may apply to applications for initial licenses:

(1) For stations in the following Private Radio Services:

Part 81—Stations on Land in the Maritime Services
Part 87—Aviation Services
Part 90—Private Land Mobile Services
Part 94—Private Operational-Fixed Microwave Service.

(2) In any other proceedings in the Private Radio Services in which the Commission determines that there is no material difference in competing applicants' abilities to serve the public interest.

(b) Applications in the services specified above shall be tendered, filed, accepted or dismissed, publicly noted, and subject to Petitions to Deny in accordance with § 1.962 and the rules and policies established for each respective service.

(c) If there are mutually exclusive applications for an initial license for stations subject to Part 81 or Part 87, or if there are more applications for initial licenses in Part 90 or Part 94 than can be accommodated on available frequencies, the Commission may process the applications pursuant to a system of random selection.

Expedited hearing proceedings may be used to apply comparative criteria in specified radio services to determine which applications will be granted, denied or subject to the random selection. Each such random selection shall be conducted under the direction of the Chief of the Private Radio Bureau. The selection percentages, preferences, and probability calculations prescribed in § 1.1621 *et seq.* of this part shall not be applicable to any system of random selection conducted in the Private Radio Bureau. Following the random selection, the Commission shall announce the tentative selectee and determine whether the tentative selectee is qualified to receive the license under the rules applicable to the respective service. Where authorized under § 1.962, Petitions to Deny which have been filed against the tentative selectee before the random selection will be reviewed and processed prior to grant, in accordance with § 1.962 and those rules applicable to each respective service. If the Commission determines that the tentative selectee has satisfied all requirements, it shall grant the application. If it is determined that an initial tentative selectee is not qualified to receive the license grant, another tentative selectee chosen from among the same applicant pool during the same random selection will be designated until a qualified applicant is selected. If the Commission determines that a substantial and material question of fact

exists, it shall designate the question for hearing. Hearings may be conducted by the Commission or the Chief of the Private Radio Bureau, or, in the case of a question which requires oral testimony for its resolution, an Administrative Law Judge.

9. Section 1.973 is revised to read as follows:

§ 1.973 Designation for hearing.

(a) If the Commission is unable to make the findings prescribed in § 1.971(a) and does not utilize the system of random selection prescribed in § 1.972 of this part, it will formally designate the application for hearing on the grounds or reasons then obtaining and will notify the applicant and all other known parties in interest of such action.

(b) Orders designating applications for hearing will specify with particularity the matters in issue.

(c) Parties in interest, if any, who are not notified by the Commission of its action in designating a particular application for hearing may acquire the status of a party to the proceeding by filing a petition for intervention showing the basis of their interest not more than 30 days after publication in the **Federal Register** of the hearing issues or any substantial amendment thereto.

(d) The applicant and all other parties in interest shall be permitted to participate in any hearing subsequently held upon such applications. Hearings may be conducted by the Commission or by the Chief of the Private Radio Bureau, or, in the case of a question which requires oral testimony for its resolution, an Administrative Law Judge. The burden of proceeding with the introduction of evidence and burden of proof shall be upon the applicant, except that with respect to any issue presented by a Petition to Deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission or the Chief of the Private Radio Bureau.

* * * * *

10. Subpart L is added to 47 CFR Part 1 to read as follows:

Subpart L—Random Selection Procedures for Mass Media Services

General Procedures

Sec.

1.1601 Scope.
1.1602 Designation for random selection.
1.1603 Conduct of random selection.
1.1604 Post-selection hearings.
1.1621 Definitions.
1.1622 Preferences.
1.1623 Probability calculation.

Authority. 47 U.S.C. 309(i).

General Procedures

§ 1.1601 Scope.

The provisions of this subpart, and the provisions referenced herein, shall apply to applications for initial licenses or construction permits or for major changes in the facilities of authorized stations in the following services:

(a) Low Power Television and Television Translator Broadcasting.

§ 1.1602 Designation for random selection.

Applications in the services specified in Section 1.1601 shall be tendered, accepted or dismissed, filed, publicly noted and subject to random selection and hearing in accordance with any relevant rules. Competing applications for an initial license or construction permit shall be designated for random selection and hearing in accordance with the procedures set forth in §§ 1.1603 through 1.1623 and 73.3572 of this chapter.

§ 1.1603 Conduct of random selection.

(a) Each random selection shall be conducted under the direction of the Chief of the Mass Media Bureau, or his designee.

(b) The random selection probabilities will be calculated in accordance with the formula set out in rules §§ 1.1621 through 1.1623.

§ 1.1604 Post-selection hearings.

(a) Following the random selection, the Commission shall announce the "tentative selectee" and, where permitted by § 73.3584 invite Petitions to Deny its application. Following the responsive pleadings thereto, the Commission shall:

(1) In the case of low power television stations, take action pursuant to either § 73.3591, 73.3592 or 73.3593.

(b) If, after such hearing as may be necessary, the Commission determines that the "tentative selectee" has met the requirements of § 73.3591(a) it will make the appropriate grant. If the Commission is unable to make such a determination, it shall order that another random selection be conducted from among the remaining mutually exclusive applicants, in accordance with the provisions of this subpart.

(c) If, on the basis of the papers before it, the Commission determines that a substantial and material question of fact exists, it shall designate that question for hearing. Hearings may be conducted by the Commission or, in the case of a matter which requires oral testimony for its resolution, an Administrative Law Judge.

§ 1.1621 Definitions.

(a) Medium of mass communications means

(1) A daily newspaper; and a license or construction permit for

(2) A television (including low power TV or TV translator) station,

(3) A standard (AM) radio station,

(4) An FM radio station,

(5) A direct broadcast satellite transponder under the editorial control of the licensee, and

(6) A cable television system.

(b) Minority group means

(1) Blacks,

(2) Hispanics

(3) American Indians,

(4) Alaska Natives,

(5) Asians, and

(6) Pacific Islanders.

(c) Owner means the applicant and any individual, partnership, trust, unincorporated association, or corporation which

(1) If the applicant is a proprietorship, is the proprietor,

(2) If the applicant is a partnership, holds any partnership interest,

(3) If the applicant is a trust, is the beneficiary thereof,

(4) If the applicant is an unincorporated association or non-stock corporation, is a member, or, in the case of a nonmembership association or corporation, a director,

(5) If the applicant is a stock corporation, is the beneficial owner of voting shares.

Note 1.—For purposes of applying the diversity preference to such entities only the other ownership interests of those with a 1% or more beneficial interest in the entity will be cognizable.

Note 2.—For the purposes of this section, a daily newspaper is one which is published four or more days per week, which is in the English language, and which is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally.

Note 3.—For the purposes of applying the diversity preference, the ownership interests of the spouse of an applicant's principal will not presumptively be attributed to the applicant.

§ 1.1622 Preferences.

(a) Any applicant desiring a perference in the random selection shall so indicate as part of its application. Such an applicant shall list any owner who owns all or part of a medium of mass communications or who is a member of a minority group, together with a precise identification of the ownership interest held in such medium of mass communications or name of the minority group, respectively. Such an applicant shall also state whether more

than 50% of the ownership interests in it are held by members of minority groups and the number of media of mass communications more than 50% of whose ownership interests are held by the applicant and/or its owners.

(b) Preference factors as incorporated in the percentage calculations in § 1.1623, shall be granted as follows:

(1) Applicants, more than 50% of whose ownership interests are held by members of minority groups—2:1.

(2) Applicants whose owners in the aggregate hold more than 50% of the ownership interests in no other media of mass communications—2:1.

(3) Applicants whose owners in the aggregate hold more than 50% of the ownership interest in one, two or three other media of mass communications—1.5:1.

(c) Applicants may receive preferences pursuant to § 1.1622(b)(1) and either § 1.1622 (b)(2) or (b)(3).

(d) Preferences will be determined on the basis of ownership interests as of the date of release of the latest Public Notice announcing the acceptance of the last-filed mutually exclusive application.

(e) No preferences pursuant to § 1.1622 (b)(2) or (b)(3) shall be granted to any LPTV applicant whose owners, when aggregated, have an ownership interest of more than 50 percent in the following media of mass communications, if the service areas of those media as described herein wholly encompass or are encompassed by the protected predicted contour, computed in accordance with § 74.707(a), of the low power TV or TV translator station for which the license or permit is sought:

(1) AM broadcast station—predicted or measured 2 mV/m groundwave contour, computed in accordance with §§ 73.183 or 73.186;

(2) FM broadcast station—predicted 1 mV/m contour, computed in accordance with § 73.313;

(3) TV broadcast station—Grade A contour, computed in accordance with § 73.684;

(4) Low power TV or TV translator station—protected predicted contour, computed in accordance with § 74.707(a);

(5) Cable television system franchise area, nor will the diversity preference be available to applicants whose proposed transmitter site is located within the franchise area of a cable system in which its owners, in the aggregate, have an ownership interest of more than 50 percent.

(6) Daily newspaper community of publication, nor will the diversity preference be available to applicants whose proposed transmitter site is located within the community of publication of a daily newspaper in which its owners, in the aggregate, have an ownership interest of more than 50 percent.

§ 1.1623 Probability calculation.

(a) All calculations shall be computed to no less than three significant digits. Probabilities will be truncated to the number of significant digits used in a particular lottery.

(b) Divide the total number of applicants into 1.00 to determine pre-preference probabilities.

(c) Multiply each applicant's pre-preference probability by the applicable preference from § 1.1622 (b)(2) or (b)(3).

(d) Divide each applicant's probability pursuant to paragraph (c) of this section by the sum of such probabilities to determine intermediate probabilities.

(e) Add the intermediate probabilities of all applicants who received a preference pursuant to § 1.1622 (b)(2) or (b)(3).

(f)(1) If the sum pursuant to paragraph (e) of this section is .40 or greater, proceed to paragraph (g) of this section.

(2) If the sum pursuant to paragraph (e) of this section is less than .40, then multiply each such intermediate probability by the ratio of .40 to such sum. Divide .60 by the number of applicants who did not receive a preference pursuant to § 1.1622 (b)(2) or (b)(3) to determine their new intermediate probabilities.

(g) Multiply each applicant's probability pursuant to paragraph (f) of this section by the applicable preference ratio from § 1.1622(b)(1).

(h) Divide each applicant's probability pursuant to paragraph (g) of this section by the sum of such probabilities to determine the final selection percentage.

PART 22—PUBLIC MOBILE RADIO SERVICES

Subpart B—Applications and Licenses

Common Carrier Mobile Service Rules

11. In § 22.23, paragraphs (a) and (b) are revised to read as follows:

§ 22.23 Amendment of applications.

(a) *Amendments as of right.* A pending application may be amended as a matter of right within 90 days from the filing date of the application, provided that:

(1) Amendments shall comply with § 22.29, as applicable; and

(2) No amendment to an application will be permitted after a Petition to Deny has been filed unless the amendment responds to all objections raised in all petitions such that any petitions may be dismissed.

(b) The Commission or the presiding officer may grant requests to amend an application designated for hearing or selected under the random selection process only if a written petition demonstrating good cause is submitted and properly served upon the parties of record.

* * * * *

12. In § 22.28, paragraphs (a), (b) introductory text; (b) (1) and (2), and (c) are revised to read as follows:

§ 22.28 Dismissal and return of applications.

(a) Except as provided under § 22.29, any application may be dismissed without prejudice as a matter of right if the applicant requests its dismissal prior to designation for hearing. An applicant's request for the return of his application after it has been accepted for filing will be considered to be a request for dismissal without prejudice. Requests for dismissal shall comply with the provisions of § 22.29 as appropriate.

(b) A request to dismiss an application without prejudice will be considered after designation for hearing only if:

(1) A written petition is submitted to the Commission and is properly served upon all parties of record, and

(2) The petition complies with the provisions of § 22.29 (whenever applicable) and demonstrates good cause.

* * * * *

(c) The Commission will dismiss an application for failure to prosecute or for failure to respond substantially within a specified time period to official correspondence or requests for additional information. Dismissal shall be without prejudice if made prior to designation for hearing or prior to selection under the random selection process, but dismissal may be made with prejudice for unsatisfactory compliance with § 22.29 or after designation for hearing or after selection under the random selection process.

13. In § 22.31, paragraphs (b) introductory text, (c), (e)(1) and (e)(4) are revised to read as follows:

§ 22.31 Mutually exclusive applications.

* * * * *

(b) An application will be entitled to comparative consideration with one or more conflicting applications (and, in specified services in this Rules Part, included in a random selection process) only if:

* * * * *

(c) Whenever three or more applications are mutually exclusive, but not uniformly so, the earliest filed

application establishes the date prescribed in paragraph (b)(2) of this section, regardless of whether or not subsequently filed applications are directly mutually exclusive with the first filed application. (For example, applications A, B and C are filed in that order. A and B are directly mutually exclusive, B and C are directly mutually exclusive. In order to be considered comparatively with B (or, where applicable, included in the random selection process), C must be filed within the "cut-off" period established by A even though C is not directly mutually exclusive with A.)

* * * * *

(e) * * *

(1) The application has been designated for hearing under the random selection process, or for comparative hearing, or for comparative evaluation pursuant to § 22.35, and the Commission or the presiding officer accepts the amendment pursuant to § 22.23(b);

* * * * *

(4) The amendment reflects only a change in ownership or control which results from an agreement under § 22.29 whereby two or more applicants entitled to participate in a random selection process join in one or more of the existing applications and request dismissal of their other application(s) to avoid the random selection process.

* * * * *

14. In § 22.32, paragraphs (b) (1) and (2), (e) introductory text, (e) (1) and (2), (f) and (g) introductory text are revised to read as follows:

§ 22.32 Consideration of applications.

* * * * *

(b) The grant shall be without a formal hearing if, upon consideration of the application, any pleadings or objections filed, or other matters which may be officially noticed, the Commission finds that:

(1) The application is acceptable for filing, and is in accordance with the Commission's rules, regulations, and other requirements;

(2) The application is not subject to a post-random selection hearing or to comparative consideration pursuant to § 22.31 with another application(s), except where the competing applicants have chosen the comparative evaluation procedure of § 22.35 and a grant may be made under that procedure;

* * * * *

(e) The Commission will designate an application for a formal hearing, specifying with particularity the matters and things in issue, if, upon consideration of the aplication, any pleadings or objections filed, or other matters which may be officially noticed, the Commission determines that:

(1) A substantial and material question of fact is presented;

(2) The Commission is unable for any reason to make the findings specified in paragraph (a) of this section and the application is acceptable for filing, complete, and in accordance with the Commission's rules, regulations, and other requirements.

* * * * *

(f) The Commission may grant, deny or take other action with respect to an application designated for a formal hearing pursuant to paragraph (e) or Part I of this chapter.

(g) Whenever the public interest would be served, the Commission may grant one or more mutually exclusive applications expressly conditioned upon final action on the applications, and then either conduct a random selection process (in specified services under this Rules Part), or designate all mutually exclusive applications for a formal evidentiary hearing or (whenever so requested) follow the comparative evaluation procedures of § 22.35, as appropriate, if it appears:

* * * * *

15. In Part 22, § 22.33 is added to read as follows:

§ 22.33 Grants by random selection.

If a properly filed application for an initial license in the Public Land Mobile Service is mutually exclusive with another such application, the applicants shall be included in the random selection process set forth in Part I, § 1.821 *et seq.* No preferences shall be awarded. Renewal applications shall not be included in a random selection process.

16. In § 22.35, paragraph (a) introductory text is revised to read as follows:

§ 22.35 Comparative evaluation of mutually exclusive applications.

(a) In order to expedite action on mutually exclusive applications, in services under this Rules Part where the random selection process does not apply, the applicants may request the Commission to consider their applications without a formal hearing in accordance with the summary procedure outline in paragraph (b) of this section, if:

* * * * *

PART 73—RADIO BROADCAST SERVICES

Subpart H—Rules Applicable in Common to Broadcast Stations

17. Part 73 is amended by adding a new § 73.3521 to read as follows:

§ 73.3521 Mutually exclusive applications for low power television and television translator stations.

When there is a pending application for a new low power television or television translator stations, or for major changes in an existing station, no other application which would be directly mutually exclusive with the pending application may be filed by the same applicant or by any applicant in which any individual in common with the pending application has any interest, direct or indirect, except that interests of less than 1% will not be considered.

18. In § 73.3522, paragraph (a) is revised to read as follows:

§ 73.3522 Amendment of applications.

(a) Predesignation amendment. (1) Subject to the provisions of §§ 73.3525, 73.3571, 73.3572, 73.3573, and 73.3580, and except as provided in (2) of this paragraph, any application, other than an application for a low power TV or TV translator station, may be amended as a matter of right prior to the adoption date of an order designating such applications for hearing, merely by filing the appropriate number of copies of the amendments in question duly executed in accordance with § 73.3513. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner.

(2) Subject to the provisions of §§ 73.3525, 73.3571, 73.3572, 73.3573, and 73.3580, and except for applications for low power TV or TV translator stations, mutually exclusive broadcast applications may be amended as a matter of right by the date specified (not less than 90 days after publication) in FCC's public notice announcing the acceptance for filing of the last-filed mutually exclusive application. Subsequent applications prior to designation of the proceeding for hearing will be considered only upon a showing of good cause for late filing or pursuant to §§ 1.65 or 73.3514. Unauthorized or untimely amendments are subject to return by the FCC's staff without consideration.

(3) Subject to the provisions of §§ 74.3525, 73.3572, and 73.3580, and except as provided in (4) of this paragraph, any application for low power TV and TV translators may be amended at any time.

(4) No applicant for low power TV and TV translator station which is mutually exclusive can improve its status with respect to § 1.1622 by amendment of its application subsequent to the release of the initial Public Notice announcing the public lottery that will resolve the applicant's mutual exclusivity pursuant to § 1.1601 *et seq.*, notwithstanding the requirements of § 1.65.

(5) Paragraph (b) and (c) of this section are not applicable to applications for low power TV and TV translator stations.

* * * * *

19. In § 73.3564, paragraph (c) is revised to read as follows:

§ 73.3564 Acceptance of applications.

* * * * *

(c) At regular intervals the FCC will issue a Public Notice listing all applications and major amendments thereto which have been accepted for filing. Pursuant to § 73.3571(c), 73.3572(c), and 73.3573(d), such notice shall establish a cut-off date (not less than 30 days from the date of issuance) for the filing of mutually exclusive applications and, except in the case of low power TV and TV translator applications, Petitions to Deny. However, no application will be accepted for filing until a statement establishing compliance with the local notice requirements of § 73.3580 has been received by the FCC.

20. In §73.3572, paragraph (c), (d) and (e) are revised and a new (f) is added to read as follows:

§ 73.3572 Processing of TV broadcast, low power TV, and TV translator station applications.

* * * * *

(c) Applications for TV stations, other than low power TV and TV translator stations, will be processed as nearly as possible in the order in which they are filed. Such application will be placed in the processing line in numerical sequence, and will be drawn by the staff for study, the lowest file number first. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the FCC will periodically release a Public Notice listing applications which have been accepted for filing and announcing a date (not less than 30 days after publication) on which the listed applications will be considered available and ready for processing and by which all mutually exclusive applications and petitions to deny the listed applications must be filed.

(d) Except for applications for low power TV and TV translator stations, regardless of the number of applications filed for channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, *i.e.*, which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if channels 6, 13, 47 and 53 have been assigned to City X and there are pending two applications for Channel 6 and one application for each of the remaining channels, the latter three applications will be considered grants without hearing and the two mutually exclusive applications requesting Channel 6 will be designated for hearing. If there are two pending applications for Channel 6 and two applications for Channel 13, separate hearings will be held.

(e) Where applications, other than applications for low power TV and TV translators stations, are mutually exclusive because the distance between the respective proposed transmitter sites is contrary to the station separation requirements set forth in § 73.610, such applications will be processed and designated for hearing at the time the application with the lower file number is reached for processing. In order to be considered mutually exclusive with a lower file number application, the higher file number application must have been accepted for filing at least one day before the lower file number application has been acted upon by the FCC.

(f) Processing of applications for low power TV and TV translator stations.

(1) Applications for low power TV and TV translator stations will be processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and will be drawn by the staff for study, the lowest file number first. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the FCC will periodically release a Public Notice listing applications which have been accepted for filing and announcing a date (not less than 30 days after publication) on which the listed applications will be considered available and ready for processing and by which all mutually exclusive applications must be filed.

(2) Subsequently, the FCC will release a Public Notice: (i) Establishing a date, time, and place for a public lottery; (ii) accepting for filing previously unaccepted applications which are mutually exclusive with those applications accepted on the previous Public Notice; (iii) designating the listed mutually exclusive applications for public lottery pursuant to the procedures set forth in § 1.1601 *et seq.*; and (iv) describing each applicant's certified preferences and selection probabilities and assigning to each applicant a number block. (It will be the applicant's responsibility to notify the Commission, within 30 days of the release of the Public Notice, of any omissions of applications or clerical or mathematical errors in preferences or probabilities. The Commission will not entertain appeals involving these matters if timely notification to the Commission has not been made.) If necessary, the FCC will release subsequent (not less than 30 days after the release of the Public Notice initially announcing the lottery) Public Notices correcting any clerical or mathematical errors and including any previously omitted mutually exclusive applications. The public lottery pursuant to the procedures set forth in § 1.1601 *et seq.*, will be held no less than 30 days subsequent to the last released Public Notice, whether initial or corrected, announcing the lottery. Subsequent to the lottery, the FCC will release a Public Notice announcing the selection of a tentative selectee resulting from the lottery and providing an opportunity for the filing of Petitions to Deny pursuant to the requirements of § 73.3584(c). If, upon examination, the FCC finds that the public interest, convenience and necessity will be served by the granting of a tentative selectee's application, the same will be granted. Those applications which, due to the lottery, are no longer mutually exclusive with other applications will be announced in a Public Notice proposing the grant of those applications and providing an opportunity for the filing of Petitions to Deny pursuant to § 73.3584(c). Groups of mutually exclusive applicants remaining after a lottery will be designated for lottery. Applications which are not grantable due to mutual exclusivity with the permittee selected by lottery will be dismissed.

(3) If, upon examination, the FCC is unable to find that the public interest, convenience and necessity will be served by the granting of a lottery tentative selectee's applications, and it appears that a hearing may be required, the procedure set forth in § 73.3593 will be followed. No further action will be taken with reference to the other applications in the lottery group from which the tentative selectee was selected until the tentative selectee's qualifications to be a permittee are resolved. If the tentative selectee is

ultimately found to be unqualified to be a permittee, the procedure set forth in paragraph (f)(2) of this section will be followed.

(4) The FCC will periodically release a Public Notice proposing for grant those applications which have previously appeared on a Public Notice, but which are not mutually exclusive with any other application, and providing an opportunity for the filing of Petitions to Deny pursuant to § 73.3584.

Note 1.—Notwithstanding paragraph (f)(1) and § 73.3522(a)(3), applications for low power TV and TV translator stations will be processed within the tiered processing framework as set forth in *Notice on Interim Processing*, 45 FR 62004 (published September 17, 1980), *Order Imposing Freeze*, 46 FR 26062 (published May 11, 1981), and *Report and Order in the Matter of Inquiry Into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System*, 47 FR 21488 (published May 18, 1982).

Note 2.—Pursuant to § 73.3584(c), the Commission may announce, by the Public Notice designating the applications for public lottery, that a Notice of Petition to Deny will be required to be filed no later than 30 days after issuance of the Public Notice.

21. Section 73.3584 is revised to read as follows:

§ 73.3584 Petitions to deny.

(a) Except in the case of applications for new low power TV or TV translator stations or for major changes in the existing facilities of such stations, any party in interest may file with the Commission a Petition to Deny any application (whether as originally filed or if amended so as to require a new file number pursuant to § 73.3571(j), 73.3572(b), 73.3573(b), 73.3574(b) or 73.3578) for which local notice pursuant to § 73.3580 is required, provided such petitions are filed prior to the day such applications are granted or designated for hearing; but where the FCC issues a public notice pursuant to the provisions of § 73.3571(c), 73.3572(c) or § 73.3573(d), establishing a "cut-off" date such petitions must be filed by the date specified. In the case of applications for transfers and assignments of construction permits or station licenses, Petitions to Deny must be filed not later than 30 days after issuance of a public notice of the acceptance for filing of the applications. In the case of applications for renewal of license, Petitions to Deny may be filed at any time up to the last day for filing mutually exclusive applications under § 73.3516(e). Requests for extension of time to file Petitions to Deny applications for new broadcast stations or major change in the facilities of existing stations or applications for renewal of license will not be granted unless all parties concerned, including the applicant, consent to such requests, or unless a compelling showing can be made that unusual circumstances make the filing of a timely petition impossible and the granting of an extension warranted.

(b) Except in the case of applications for new low power TV or TV translator stations, or for major changes in the existing facilities of such stations, the applicant may file an opposition to any Petition to Deny, and the petitioner a reply to such opposition in which allegations of fact or denials thereof shall be supported by affidavit of a person or person with personal knowledge thereof. The times for filing such oppositions and replies shall be those provided in § 1.45 except that as to a Petition to Deny an application for renewal of license, an opposition thereto may be filed within 30 days after the Petition to Deny is filed, and the party that filed the Petition to Deny may reply to the opposition within 20 days after opposition is filed, whichever is longer. The failure to file an oppositon or a reply will not necessarily be construed as an admission of any fact or argument contained in a pleading.

(c) In the case of applications for new low power TV or TV translator stations, or for major changes in the existing facilities of such stations, any party in interest may file with the Commission a Petition to Deny any application (whether as originally filed or if amended so as to require a new file number pursuant to § 73.3572(b)) for which local notice pursuant to § 73.3580 is required, provided such petitions are filed within 15 days of the FCC Public Notice proposing the applicants for grant (applicants may file oppositions within 15 days after the Petition to Deny is filed); but where the Commission selects a tentative permittee pursuant to § 1.1601 *et seq.*, Petitions to Deny shall be accepted only if directed against the tentative selectee and filed after issuance of and within fifteen days of FCC Public Notice announcing the tentative selectee. The applicant may file an opposition within 15 days after the Petition to Deny is filed. In cases in which the minimum diversity preference provided for in § 1.1623(f)(1) has been applied, an "objection to diversity claim," and oppositions thereto, may be filed against any applicant receiving a diversity preference, within the same time period provided herein for Petitions and oppositions. In all pleadings, allegations of fact or denials thereof shall be support by appropriate certification. However, the Commission may announce, by the Public Notice announcing the acceptance of the last-filed mutually exclusive application, that a notice of Petition to Deny will be required to be filed no later than 30 days after issuance of the Public Notice.

(1) If so announced, a Petition to Deny filed against an applicant will not be accepted if filed by a party which failed to timely file a notice of petition, and make service of the notice of petition pursuant to § 1.47, unless good cause is shown for the failure to file the notice. Good cause includes allegations based on facts that could not previously be discovered with diligence, and fraud or suppression of evidence by the tentative selectee.

(2) The notice of Petition to Deny shall be limited to two pages. The notice shall include specific allegations that concisely state the reasons why the applicant lacks the qualifications to be a licensee or why a grant of the application would be inconsistent with the public interest. The notice shall be supported by certification made by a person or persons having personal knowledge thereof.

(d) Untimely Petitions to Deny, as well as other pleadings in the nature of a Petition to Deny, and any other pleadings or supplements which do not lie as a matter of law or are otherwise procedurally defective, are subject to return by the FCC's staff without consideration.

22. In § 73.3591, paragraph (b) is revised to read as follows:

§ 73.3591 Action on applications.

* * * * *

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the FCC will not consider any other application, or any application if amended so as to require a new file number, as being mutually exclusive or in conflict with the application under consideration unless such other application was substantially complete, or, in the case of low power TV and TV translator stations, complete and sufficient, and tendered for filing by:

(1) The close of business on the day preceding the day designated by Public Notice as the day the listed application is to be available and ready for processing; or

(2) The date prescribed in § 73.3516(e) in the case of applications which are mutually exclusive with applications for renewal of license of broadcast stations.

* * * * *

23. In § 73.3597, paragraphs (a)(1) and (a)(2), (b)(1) and (c)(1) are revised to read as follows:

§ 73.3597 Procedures on transfer and assignment applications.

(a) * * *

(1) The permit or license was not authorized after a comparative hearing or, in the case of low power TV and TV translator stations, the permit or license was not authorized after a lottery in which the permittee for licensee benefited from minority or diversity preferences;

(2) The application involves an FM translator station or FM booster station only;

* * * * *

(b)(1) The commencement date of the one-year period set forth in paragraph (a) of this section shall be the date on which the station initiated program tests in accordance with § 73.1620 or § 74.14.

* * * * *

(c)(1) As used in paragraphs (c) and (d) of this section:

(i) "Unbuilt station" refers to an AM, FM, or TV broadcast station or a low power TV or TV translator station for which a construction permit is outstanding, and, regardless of the stage of physical completion, as to which program tests have not commenced or, if required, been authorized.

* * * * *

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

24. In Part 81, a new § 81.51 is added to read as follows:

§ 81.51 Grants by random selection.

If there are mutually exclusive applications for an initial license under this part, the Commission may grant the applications pursuant to the system of random selection prescribed in § 1.972 of this chapter.

PART 87—AVIATION SERVICES

25. In Part 87, a new § 87.48 is added to read as follows:

§ 87.48 Grants by random selection.

If there are mutually exclusive applications for an initial license under this part, the Commission may grant the application pursuant to the system of random selection prescribed in § 1.972 of this chapter.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

26. In § 90.143, a new paragraph (b) is added and former paragraph (b) is redesignated as (c), to read as follows:

§ 90.143 Grants of applications.

* * * * *

(b) All applications in pending status will be processed in the order in which the application acceptable for filing was received by the Commission; provided, however, that if there are more applications than can be accommodated on available frequencies, the Commission may grant the applications pursuant to the system of random selection prescribed in § 1.972 of this chapter.

(c) * * *

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICES

27. In § 94.37, a new paragraph (c) is added to read as follows:

§ 94.37 Grant of application without hearing.

* * * * *

(c) All applications in pending status will be processed in the order in which the application acceptable for filing was received by the Commission; provided, however, that if there are more applications than can be accommodated on available frequencies, the Commission may grant the applications pursuant to the system of random selection prescribed in § 1.972 of this chapter.

* * * * *

Appendix D—Modifications to Application for Authority To Construct or Make Changes in a Low Power TV, TV Translator or FM Translator Station (FCC Form 346)

The winner from among mutually exclusive low power television and television translator applicants will be selected by a lottery. In conducting a lottery, the law requires that certain preferences be awarded to encourage diversity in the owership of mass communications media and minority ownership. Thus, new Section V requires certification if applicable by an applicant that it is entitled to and seeks to claim a minority preference; that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in any media of mass communications, or that it and/or its owners have more than three mass communications media facilities; and that it and/or its owners have no interest in the aggregate, exceeding 50 percent in a media of mass communications in the same area to be served by the proposed low power television or television translator station.

Section II, Legal Qualifications, is amended to require "Real Party In Interest" and "Multiple Applications" certifications. The applicant is required to certify that there is no other application pending that would be directly mutually exclusive with the application in which the applicant has an interest of one percent or more or in which any party to the application is an officer, director or has an interest of one percent or more, direct or indirect. The applicant is also required to certify that no agreement, either explicit or implicit, has been entered into for the purposes of transferring or assigning to another party, any station construction permit or license or interest therein that is awarded as a result of a random selection or lottery. Certain questions in Section II relating to other media interests and minority ownership have been eliminated, as they are now incorporated in new Section V, discussed above.

Technical modifications include the following additional requirements: (1) In Section I: That the applicant indicate whether the application is for a LPTV STV (FCC approved technical system), submit a plot comparing the existing and proposed predicted signal contours (protected contour) with applications for minor changes in existing stations; certify compliance with applicable station identification rules. (2) In Engineering Data Section: That applicant tabulate the transmitting antenna pattern (if directional) at every ten degrees and all maxima and minima submit a composite radiation pattern in cases where multiple transmitting antennas are proposed.

Separate Statement of Chairman Mark S. Fowler

Re: Lottery Procedures March 31, 1983.

I applaud the effort of Congress to empower the Commission to employ a lottery to alleviate the Commission's processing and adjudication burdens and the accompanying delay that selecting among many competing applicants for broadcast or other licenses engenders. A lottery method of selection can assist in the inauguration of new telecommunications services that might otherwise be subject to interminable delay. I would have desired, however, that the lottery system authorized by Congress have offered all qualified license applicants an equal opportunity for success. A nondiscriminatory lottery is not only vastly easier to administer than the skewed lottery architected by Congress, but also reflects a paramount aspiration of this Nation: equal justice or opportunity for all persons under the law. I unequivocally oppose relying on the color of a person's skin to determine whether special preferences should be awarded in seeking communications licenses through a lottery system. The tragic history of race relations in the United States naturally elicits enormous sympathy for those who in the past have suffered grievously on account of race. But this sympathy should not blind us to the constitutional questions raised by the minority preference system and to the unhappy policy implications of enshrining racial preferences into law.

The decisions in *University of California Regents* v. *Bakke* [1] and *Fullilove* v. *Klutznick* [2] established standards by which to test the constitutional validity of a lottery that prefers minority applicants. First, findings must have been made that discrimination existed in a particular industry. Second, a remedial program must be narrowly tailored to remedy the effects of that past discrimination without excluding other innocent groups from the opportunity to participate in the relevant field. Third, the program must be subject to continuing

[1] 438 U.S. 265 (1978).
[2] 448 U.S. 448 (1980).

oversight to assure that it will cause the least possible harm to innocent third parties.

Bakke established the proposition that preferences for minorities may be used only where there have been "judicial, legislative, or administrative findings of specific instances of discrimination in the field in issue. [3] "Without such findings . . . it cannot be said that the government has any greater interest in helping one individual than in refraining from harming another," [4] for there could be no showing of a compelling justification for inflicting competitive disadvantages on innocent individuals.

In *Fullilove*, the Court approved a preferential program for public works contracting but only because Congress had made findings on the basis of "abundant evidence . . . that minority businesses have been denied effective participation in public contracting opportunities . . . ." [5] The absence of any similar findings with respect to the broadcast industry is arguably fatal to the Commission's preferential program. It is clear from the *Bakke* decision that evidence of past discrimination in society at large is insufficient to justify the imposition of an affirmative action program. [6]

There have been no Congressional findings of illegal discrimination in the communications field. In the Conference Report accompanying the Communications Amendments Act of 1982, the Conference Committee made findings that minority groups were "significantly underrepresented in the ownership of telecommunications facilities." [7] Congress, however, omitted any findings that attributed this underrepresentation to illegal discrimination by either governmental or private parties. Underrepresentation in an industry or profession, *simpliciter*, cannot justify racial preferences. *See Bakke* at p. 302

Even if there had been findings that illegal discrimination in the communications industry had handicapped some minorities in competing for broadcast licenses, the remedy created by the Congress would still be of questionable legitimacy. Central to the Court's holding in *Fullilove* was the doctrine that the preference accorded to minorities must be equivalent to the extent of the past discrimination. Congress, however, has awarded minorities a 2 to 1 lottery preference without findings that this degree of preference accurately reflects the amount of the handicap that might be attributed to putative past discrimination. The preferences awarded extend to all minority applicants, whether or not the applicant has substantial resources or enjoyed the same or better educational or other opportunities compared to a non-preferred applicant.

An affirmative action remedy must be tailored to correspond to the extent of injury traceable to past illegal discrimination, and must be subject to continuing oversight to ensure that it will do the least possible harm to innocent persons disadvantaged thereby. [8] The statute upheld in *Fullilove*, for example, a goal of devoting 10% of each public works grant to minority businesses, but provided that bids from minorities above ordinary competitive levels need only be entertained to the extent they reflect "costs inflated by the present effects of prior disadvantage and discrimination." [9] With regard to the "continuing oversight requirements," the Communications Amendments Act of 1982 is silent. [10] The program challenged in *Fullilove* was a one-time program, and there was consequently no need for continuing oversight. The lottery preferences, in contrast, can be employed indefinitely, and some type of meaningful oversight would seem to be required to justify a racial classification.

Because the preferential program adopted today impinges on the civil rights of innocent individuals on account of race, I believe it to be constitutionally unsound. I believe that whenever the courts, Congress, or this Commission diverge from a norm of color-blindness, there must be a compelling reason, for, as Justice Stevens has noted, "classifications based on race are potentially so harmful to the entire body politic." [11] No compelling reason animated Congress to etch racial preferences into the lottery system. [12] Too often in our history, policymakers and the courts have caused adverse social repercussions by making ill-advised decisions in matters of race. [13] Indeed, as Justice Stevens further observed, "the very attempt to define with precision a beneficiary's qualifying racial characteristics is repugnant to our constitutional ideals." [14]

The victims of the minority preference system are innocent non-preferred persons who are denied equal opportunity to compete for a Commission license. It seems to me that history has demonstrated that when race, class or caste are officially sanctioned as reasons for denying equal opportunity, then a principle has been established that threatens to deny equal opportuntiy for everyone. As Justice Jackson so eloquently put it in *Korematsu* v. *U.S.*, [15] the principle lies around like a loaded weapon read to be used by persons who claim an urgent need.

To diverge from a norm of color blindness is to foster racial antagonism [16] and to denigrate individual liberty. While some commentors have suggested that to get beyond racism, the country must employ racist means, [17] I believe that viewpoint is utterly irreconciliable with American ideals of equal civil rights. Four score and seven years ago, Justice Harlan urged a constitutional norm of color-blindness that history had applauded: "In respect to civil rights, common to all citizens, the Constitution of the United States does not, I think, permit any public authority to know the race of those entitled to be protected in the enjoyment of such rights. . . . I deny that any legislative body or judicial tribunal may have regard to the race of citizens when the civil rights of those citizens are involved." [18] Events at home and abroad since Justice Harlan delivered his memorable words substantiate their ageless wisdom.

I wish to make it clear that these views should not be interpreted as a weakening of my commitment to increasing the participation of minorities in broadcasting through nondiscriminatory means. [19]

I also disagree with another aspect of the lottery order: namely, the Commission's determination to bar newspapers from eligibility for a diversity preference. The statutory provision relating to lotteries requires that certain preferences be accorded when a lottery is used to grant licenses for any medium of mass communication. One of the preferences to be awarded is a diversity preference, meant to encourage divergent sources of programming and information. The preference applies to applicants who control less than four other media of mass communications. The statute provides that the "term 'media of mass communication' includes television, radio, cable television, multipoint distribution service, direct broadcast satellite service, and other services, *the licensed facilities of which* may be substantially devoted toward providing programming . . ." [20] Because newspapers are not licensed, it is clear that the Congress did not intend that they be deemed a medium of mass communications. In addition, the other media listed differ in type from newspapers in that they utilize the electromagnetic spectrum.

My fellow commissioners rely on language in the Conference Report [21] to support their view that newspapers are to be included within the definition of mass media. The fact that the Conference Report mentions newspapers when the statute is silent with respect to them argues in favor of a contrary conclusion, for it makes clear that consideration went into the question of whether newspapers should be included within the definition of mass media, and that Congress did not vote affirmatively in favor of inclusion. The use of a Conference Report to supercede the meaning of an unambiguous statute is inappropriate, [22] for it is a

---

[3] *Bakke, supra*, at p. 307.

[4] *Ibid.* at p. 309.

[5] *Fullilove, supra*, at p. 477.

[6] *Ibid.* at p. 307.

[7] H. Rep. No. 97–765, 97th Cong. 2nd Sess. (1982) ("Conference Report") at p. 45.

[8] *Bakke, supra*, at pp. 308–309.

[9] *Fullilove, supra*, at p. 481.

[10] A statement in the Conference Report directs the Commission to furnish annual reports on the effect of § 309(i)(3) (Conference Report at p. 45). The minority preferences, however, do not terminate even if underrepresentation by minorities in broadcasting is overcome.

[11] *Fullilove, supra*, at p. 534 (Stevens, J. dissent).

[12] Congress seemingly assumed that diversity of broadcast programming would be advanced by increasing broadcast ownership by minorities. There is not a scintilla of evidence based on experience or otherwise to support this assumption.

[13] *See Dred Scott* v. *Sandford*, 60 U.S. (19 How) 393 (1857); the *Civil Rights Cases*, 109 U.S. 3 (1883); *Plessy* v. *Ferguson*, 163 U.S. 537 (1896).

[14] *Fullilove, supra*, at p. 534 n. 4 (Stevens, J. dissent).

[15] 323 U.S. 214, 248 (1944) (Jackson, J. dissent).

[16] *Anderson* v. *Martin*, 375 U.S. 399 (1964).

[17] *Bakke, supra*, at p. 407 (Blackmun, J. dissent).

[18] *Plessy* v. *Ferguson*, 163 U.S. 537, 554 (Harlan, J. dissent) (1896).

[19] I also believe it is my duty to administer faithfully the lottery statute enacted by Congress despite my doubts as to its constitutionality.

[20] 47 U.S.C § 309(i)(3)(c)(i) (emphasis supplied).

[21] Conference Report at p. 41.

[22] *Caminetti* v. *U.S.*, 242 U.S. 470, 490 (1917).

fundamental canon in matters of statutory construction that "legislative purpose is expressed by the ordinary meaning of the words used." [23]

As a matter of policy, I also believe it to be unsound to prevent newspapers from obtaining a diversity preference in obtaining an LPTV license. Newspapers can be an invaluable source of equity capital and management talent, as was demonstrated in the early history of radio and television stations, where newspapers played a substantial role in underwriting local television stations. It is also in the national interest to allow newspapers to diversify their financial investments. Congress acknowledged the importance of preserving newspapers as viable means of communication in the Newspaper Preservation Act [24] and to prejudice their ability to communicate through the medium of LPTV is antithetical to the motives that spurred the passage of that Act.

The argument advanced in support of the Commission's position—that diversity in mass media will be furthered by the Commission's yolking newspapers within the ambit of mass media—is twice flawed. First, it means that the diversity demerit would be imposed on a newspaper in San Francisco if it applied for an LPTV station in Omaha. Such a combination would clearly not impair diversity, because San Francisco newspapers do not penetrate the Omaha market, and an Omaha LPTV station would not compete in the San Francisco market. Secondly, the diversity of views championed by the First Amendment and public interest considerations has both a quantitative and qualitative aspect. A reasonable number of varying views are required to stimulate edifying political or other discourse. But such discourse will be impoverished without concern for the quality of viewpoints expressed. As Alexander Meiklejohn observed,[25] it is more important that everything worth saying shall be said than that everyone shall speak. To allow newspapers to own LPTV stations would increase the quality and richness of views received by the audience and thereby further diversity concerns. A rigid insistence on maximizing the gross number of different viewpoints at the expense of all other First Amendment values is contrary to the public interest.

March 31, 1983.

Concurring Statement of Commissioner Anne P. Jones

In Re: Second Report and Order in General Docket No. 81-768: Use of Lotteries to Select Certain Initial Radio Licensees

Since the rules and procedures established by this Report and Order are intended to speed authorization of service and may have that effect, I concur. I do so, however, with substantial reservations of which I will mention only a few.

First, it seems to me these rules and procedures could and should be simpler, shorter, and better designed for their intended purpose. For example, I believe Commissioner Rivera is correct that the preference scheme adopted out of deference to the Conference Report may not in all circumstances result in the "significant preferences" for under-represented persons and groups mandated by the statute. If experience demonstrates that a different scheme is needed to achieve the statutory purpose, I hope the Commission will adopt it on the premise that the statute and not the Conference Report is the law of the land.

Second, I believe the flood of applications being received in the cellular mobile radio service is demonstrating that the Commission may have erred in excluding that service from this proceeding. If we are to avoid a licensing debacle in cellular comparable to that which already exists in low power television, we should promptly move toward use of the lottery mechanism to choose from among competing qualified cellular applicants.

Third, I am distressed that the Commission did not give serious consideration in this proceeding to the possibility of granting "significant preferences" to women. On this point, I note that the evidence cited by Commissioner Dawson clearly indicates that women are "applicants . . . the grant to which of [a mass media] license or permit would increase the diversification of ownership of the media of mass communications." Hence they should be granted a preference and may well also qualify for the "additional significant preference" which under the statute "shall be granted to any applicant controlled by a member or members of a minority group."

With these reservations and some others, I concur in issuance of this Report and Order in the hope that it will be only the first step in establishment of a fair, efficient, and simple mechanism for speeding authorization of needed telecommunications service by choosing by random from among competing qualified applicants for radio licenses. I look forward to the next step.

Re: Second Report and Order in General Docket 81-768

Concurring Statement of Commissioner Mimi Weyforth Dawson

To the extent preferences have been enacted into law and to the extent those preferences appear to be based on under-representation in broadcast ownership, I believe that a preference for female ownership should also be given in cases involving lotteries.

First, it seems clear that the preferences awarded by the lottery statute are based on traditional underrepresentation in broadcast ownership. As the legislative history of the lottery statute says, preferences are awarded because the

Conferees find that the effects of past inequities stemming from racial and ethnic discrimination have resulted in a severe underrepresentation of minorities in the media of mass communications, as it has adversely affected their participation in other sectors of the economy as well.

Conference Report at 43.

In addition, it seems obvious that women are seriously underrepresented in the ownership of broadcast stations. A May 1982 study prepared for the Commission by ELRA Group, Inc. estimates that only 2.8 per cent of television stations, 8.8 per cent of AM stations and 9 per cent of FM stations are owned [1] by women. And 50 per cent of the female owners of AM stations, 43 per cent for FM stations and 27 per cent for TV stations are the wives of other owners. Since women comprise more than 51 per cent of the population, it is clear that they are significantly underrepresented in the ownership of broadcast stations, and, in fact, the legislative history of the lottery statute notes that women are "significantly underrepresented in the ownership of telecommunications facilities." *Conference Report* at 44-45.[2]

I understand that the statute and its legislative history are not entirely clear on the inclusion of women in the preference scheme. For example, the statute itself states that the minorities for whom preferences are designed "include" certain enumerated groups. *See Conference Report* at 10. Thus, the language does not appear to preclude additions to the enumerated groups.[3] Moreover, the legislative history states that underrepresented groups such as women would, of course, be eligible for both media ownership and minority ownership preferences if they meet the eligibility guidelines. The Conferees expect that such groups will also substantially benefit from this lottery preference scheme, and, consequently, the American public will benefit by having access to a wider diversity of information sources.

Conference Report at 45. To me, this suggests that the Commission could include a preference for female ownership if it chose to to do.

However, because of the apparent confusion in the statute and its legislative history, I welcome the notice seeking comment on the Commission's authority to extend the minority preference to include

---

[23] *Richards* v. *U.S.*, 369 U.S. 1, 9 (1962).

The Representatives and Senators who voted on the lottery statute were entitled to rely on the text of the statute and not the Conference Report in determining how to vote. Similarly, when the President deliberated as to whether to sign the bill, he could assume that the unambiguous statutory language controlled.

[24] 15 U.S.C. 1801.

[25] Meiklejohn: Political Freedom, 26 (1948), quoted in *CBS* v. *Democratic Nat'l. Committee* 412 U.S. 94, 122 (1973).

[1] The study uses majority ownership (i.e., 50 per cent or more) as the bench mark for "ownership."

[2] In apparent recognition of this the Commission has begun to include in comparative cases some preference, if not a well-defined one, for female ownership. *E.g.*, Waters Broadcasting Corp., ——— F.C.C. 2d ———, 52 Rad. Reg. 2d (P&F) 1063, 1069 (1982) ("substantial enhancement for minority and female ownership").

[3] For example, the United States Court of Appeals for the Eighth Circuit has construed similar language in a bankruptcy statute. There, the court found that the statute at issue used the word "includes" when setting out the types of organizations that come within the definition rather than the word "means." When a statute is phrased in this manner, the fact that the statute does not specifically mention a particular entity (in this case labor unions) does not imply that the entity falls outside of the definition.

Highway & City Freight Drivers v. *Gordon Transports, Inc.*, 567 F.2d 1286, 1289 (8th Cir. 1978) (footnote omitted).

women as well as the letter to Congress noting this confusion. I will look forward to the early issuance of these documents as well as the documents in the notice proceeding.

Statement of Commissioner Henry M. Rivera Dissenting in Part

Re: Use of Lotteries to Select Certain Initial Licensees

I dissent from the majority's decision to grant a diversity preference to those who own a full power television station (and no more than three media outlets) in all cases except when the LPTV station applied for is encompassed by or encompasses the Grade A contour of the full service station.[1] That approach defies Congress' intent to foreclose applicants who own a medium of mass communications in the same market as the facility being applied for from obtaining a diversity preference. Congress' wishes on this point are strong and quite specific:

The Conferees strongly believe that the avoidance of local ownership concentration should continue to be a factor of major significance in promoting diversity in the licensing process. Where an applicant for a license or permit has controlling interest (over 50 percent) in any other medium of mass communications which would be co-located with the licensed facility sought, it would not promote diversity to give such an applicant a preferred status relative to other applicants.[2]

Congress precluded local media owners from obtaining a diversity preference to promote the spirit of our existing duopoly, one-to-a-market and other crossownership rules; while not limiting a media owner's right to apply for, or obtain, a low power television license in its community of license, it is quite clear that Congress did intent to prevent such applicants from being preferred in any lottery.

The majority quite simply ignored this congressional purpose by adopting a Grade A encompassment standard for full power television stations. Under this standard, the owner of an urban full power television station seeking an LPTV station in its suburban service area will now be eligible for a diversity preference (so long as that owner does not own more than three media outlets). And, under the congressionally imposed multiplier scheme, such an applicant's chances of winning can be further increased if the forty percent collective minimum diversity advantage has not been achieved. The net effect of the Grade A encompassment standard adopted will be to undermine, not promote, the goal of local diversification, directly contrary to congressional intent. The majority should have used the Grade B contour duopoly standard now embodied in the rules [3] to govern the preference eligibility of television station owners applying for nearby LPTV stations.

Apart from this issue, I would also note two problems I hope the Congress will remedy during its first annual review of this legislation.

I am extremely troubled by the fact that the preference scheme we have adopted, while faithful to the narrow directives of the legislative history of Section 309(i) as amended, will not in practical effect accord with the statutory mandate to award a "significant preference" to applications that are minority-owned or controlled. The procedures we have fashioned here give new meaning to the word "significant" as far as prefereces for minority owhership are concerned. Unlike the diversity preference, the statistical advantage given for minority ownership is a relative one. Thus, the larger the pool of applicants in a given lottery, the smaller the preference to minority eligibles. Indeed, because of the high number of applications that will be involved in most LPTV lotteries, *de minimus* "preferences" will be the rule rather than the exception as far as minority ownership is concerned. This situation not only flies in the face of the *Report and Order* authorizing LPTV,[4] which set advancement of minority ownership as a primary goal, but the plain language of Section 309(i)(3)(A) as well. Congressional review of this condition is, therefore, imperative.

I also hope that Congress sees fit to alter its standard governing limited partnerships, which is at variance with FCC treatment of limited partnerships in the tax certificate context.[5] Both the tax certificate policy and the lottery legislation are designed to promote minority ownership of telecommunications facilities; I can think of no reason standards applicable to limited partnerships should differ between the two programs.

[FR Doc. 83-15396 Filed 6-10-83; 8:45 am]
BILLING CODE 6712-01-M

---

[1] *See Second Report and order* para. 77 n. 34.

[2] H.R. Rep. No. 705, 97th Cong., 2d Sess. 43 (1982).

[3] See 47 CFR 73.636(a)(1).

[4] *See Report and Order Authorizing Low Power Television Service*, 47 Fed. Reg. 21468 (released May 18, 1982).

[5] *See Commission Policy Regarding the Advancement of Minority Ownership in Broadcasting*, FCC 82-523 (released December 13, 1982).

federal register

Monday
June 13, 1983

Part III

General Services Administration

Changes to Federal Travel Regulations and Addendum to the Report to Congress on the Cost of Operation of Privately Owned Vehicles

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR A-40, Supp. 5]

Federal Travel Regulations

AGENCY: Office of Federal Supply and Services, General Services Administration (GSA).

ACTION: Changes to Federal Travel Regulations.

SUMMARY: GSA has issued GSA Bulletin FPMR A-40, Supplement 5, transmitting changed pages to amend the Federal Travel Regulations (FTR), FPMR 101-7, to implement changes to certain travel allowance provisions for Federal employees performing official travel such as those requiring the use of Amtrak rail service, the use of Government-furnished transportation, etc.

EFFECTIVE DATES: The revised provisions of this supplement are effective as follows:

a. *Chapter 1. Travel Allowances.* The revised provisions of chapter 1 are effective for travel performed on or after June 19, 1983.

b. *Chapter 2. Relocation Allowances.* The revised provisions of chapter 2 are effective for employees whose effective date of transfer (date the employee reports for duty at the new official station) is on or after October 1, 1982. These revisions reflect the change in the household goods temporary storage entitlement period from 60 to 90 days which was initially implemented in page changes transmitted by GSA Bulletin FPMR A-40, Supplement 4, effective October 1, 1982. Changes to paragraphs 2-7.4 and 2-8.6c were inadvertently omitted from Supplement 4.

FOR FURTHER INFORMATION CONTACT: Ms. Doris Jones, Travel Regulations Branch (703) 557-1253.

SUPPLEMENTARY INFORMATION: 1. The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

2. A notice to Federal agencies will be published in GSA Bulletin FPMR A-40, Supplement 5, to emphasize potential employee liabilities for disregard of the provisions of the "Fly America Act" (49 U.S.C. 1517 as amended by Pub. L. 96-192). The notice is stated essentially as follows: The Fly America Act requires that Government-financed commercial foreign air transportation be performed by U.S. flag air carriers (certificated), where their services are reasonably available. Under guidelines issued by the Comptroller General of the United States and reflected in the FTR, if a U.S. flag air carrier is considered unavailable, a foreign air carrier may be used only in certain circumstances. However, if a foreign air carrier is used, the Federal traveler or agency is required to furnish a statement justifying the necessity therefor. Otherwise, expenditures for use of commercial foreign air transportation will be disallowed in the absence of a justification statement and will be the responsibility of the traveler. The traveler has a duty to comply with the Fly America Act, and the fact that he/she was unaware of the requirements of the Act does not relieve the traveler of liability for the cost of unjustified use of a foreign air carrier (Comp. Gen. B-192522, April 22, 1981). Agencies are urged to ensure that all employees are aware of the provisions of the Fly America Act.

Explanation of Changes

1. Paragraph 1-1.3c(4) is revised to include "obtained for short-term use" in the definition of a "Government-contract rental automobile" based on new policy for rental of motor vehicles by Government employees on official travel. Paragraph 1-1.3c(5) is amended to include "Government-contract rental" transportation as an exception to the definition of "Special conveyance."

2. Paragraph 1-2.2b-1 is added to specify travelers' cost liability when the authorized method of transportation is not used.

3. Paragraph 1-2.2c(1)(b) is revised to provided guidance in selecting the most advantageous method of common carrier transportation. Paragraphs 1-2.2c(1) (c), (d), and (e) are deleted; certain provisions which formerly appeared in these paragraphs are incorporated in paragraph 1-2.2c(1)(b). Provisions that mandated the use of Amtrak Metroliner coach service in the Northeast corridor have been deleted.

4. Paragraph 1-2.2c(2) is revised by adding subparagraphs (a), (b), and (c), and paragraphs 1-2.2c (3) and (4) are revised to reflect new policy that a Government-contract rental automobile shall be used as a first resource for short-term rental of automobiles by Federal employees on official TDY travel.

5. Paragraph 1-2.6c regarding the availability of a Government-furnished vehicle is revised for minor editorial changes.

6. Paragraph 1-3.3b(3) is revised and paragraph 1-3.3b(4) is deleted to conform with changes explained in paragraph 3, above. The provisions pertaining to cash payment for purchase of Amtrak tickets are incorporated in paragraph 1-10.2b(2).

7. Paragraphs 1-3.4b(1)(b) and 1-3.4c are revised to cite the current regulation governing the use of contract air carriers. Paragraph 1-3.4c is also revised to cross reference new paragraph 1-2.2b-1.

8. Paragraphs 1-3.5a and 1-3.5b are revised, and new paragraph 1-3.5a is added to expand provisions governing agencies and travelers' responsibilities in connection with refunds owed the U.S. Government for unused passenger transportation services.

9. Paragraphs 1-5.1b and 1-5.2 are revised for clarity.

10. Paragraph 1-7.3f is added to reference regulations issued by the Office of Personnel Management (OPM) (part 410.603 of Title 5, Code of Federal Travel Regulations) governing subsistence payments for extended training assignments. Agencies are advised that the OPM regulations shall be used when authorizing subsistence payments for training assignments over 30 calendar days.

11. Paragraph 1-8.1c(2) is revised to add new guidelines regarding the authorization or approval of travel under the actual subsistence expense basis of reimbursement due to unusual circumstances of the travel assignment.

12. Paragraphs 1-8.1c(3) (e) and (f) are added to provide agencies with additional criteria under which they have discretionary authority to authorize or approve actual expense reimbursement due to unusual circumstances of the travel assignment.

13. Paragraph 1-8.1f is added to conform with the change explained in paragraph 10 above.

14. Paragraph 1-10.2b(2) is revised as explained in paragraph 6 above.

15. Paragraph 1-11.3c is revised to increase the dollar amount above which receipts are required to support reimbursement claims for cash expenditures.

16. Paragraphs 2-7.4 and 2-8.6c are revised to reflect the new household goods temporary storage period which was inadvertently omitted when

changes to the relocation allowances were implemented in Supplement 4.

Accordingly, the Federal Travel Regulations, are amended as follows:

Chapter 1—Travel Allowances

Part 1—Applicability and General Rules

1. Paragraphs 1–1.3c(4) and 1–1.3c(5) are revised to read as follows:

1–1.3. General rules.

* * * * *

c. *Definitions*

(4) *Government-contract rental automobile.* A "Government-contract rental automobile" is an automobile obtained for short-term use from a commercial firm under the provisions of an appropriate General Services Administration (GSA) Federal Supply Schedule contract.

(5) *Special conveyance.* "Special conveyance" is any method of transportation other than common carrier, Government-furnished, Government-contract rental, or privately owned, which requires specific authorization or approval for the use thereof. Such transportation generally includes conveyances obtained through commercial rental means for less than 30 calendar days.

* * * * *

Part 2—Transportation Allowable

2. Paragraph 1–2.2 is amended by adding new paragraph 1–2.2b–1 to read as follows:

1–2.2. Methods of transportation.

b–1. *Traveler's cost liability when selected method is not used.* The traveler shall use the method of transportation administratively authorized or approved by the agency as most advantageous to the Government. (See 1–2.2b.) Any additional cost resulting from use of a method of transportation other than that specifically authorized, approved, or required by regulation, e.g., contract air service (see 1–2.2c(1)(i), below), shall be the traveler's responsibility.

* * * * *

3. Paragraph 1–2.2 is further amended by deleting paragraphs 1–2.2c(1) (c), (d), and (e), and by revising paragraph 1–2.2c(1)(b) to read as follows:

1–2.2. Methods of transportation.

* * * * *

(b) *Selecting the most advantageous method of common carrier transportation.*

(i) *Contract air service.* The use of discount fares offered by contract air carriers between certain cities (city-pairs) is considered advantageous to the Government and is mandatory for authorized air travel between those city-pairs. See 1–3.4b(1)(b) and FPMR Temporary Regulation A–22, Use of contract airline service between selected city-pairs, for policy and specific guidelines and exceptions.

(ii) *Noncontract air service.* The use of noncontract air service may be authorized only when justified under the conditions provided in FPMR Temporary Regulation A–22. Advance authorization and the justification for the use of noncontract air service shall be shown on the travel order, or other form of travel authorization, before the actual travel begins unless extenuating circumstances or emergency situations make advance authorization impossible. In this event, the employee shall obtain written approval from the appropriate agency official at the earliest possible time after completing the travel. The approval and justification therefor shall be stated on or attached to the travel voucher.

(iii) *Rail or bus service.* Rail or bus service may be used when determined by the agency to be advantageous to the Government, cost, energy, and other factors considered and when compatible with the requirements of the official travel. The use of discount fares offered to the Government by rail or bus carriers between selected cities (city-pairs) is considered advantageous. Whenever these discount fares are offered and the accompanying service will fulfill mission requirements, they should be used to the maximum extent possible. (See 1–3.3b and 1–3.4b for authorized service and accommodations and reduced fares.)

* * * * *

4. Paragraph 1–2.2c(2) is revised to read as follows:

* * * * *

(2) *Government-contract rental or Government-furnished Automobiles.* When it is determined that an automobile is required for official travel, a Government-contract or a Government-furnished automobile shall be used as follows:

(a) A Government-contract rental automobile is the first resource for short-term rental of an automobile by an employee on temporary duty (TDY) travel. This applies to employees who travel to their destination by common carrier, such as airplane, train, or bus and would customarily rent a Government-furnished vehicle for local transportation in the destination area. For travel under this subparagraph (a) an employee may also use a Government-furnished automobile if a Government-contract rental automobile is unavailable or if use of a Government-furnished automobile is practicable. Government-furnished automobiles will continue to be available for use in isolated areas where commercial rental contractors are not available.

(b) A Government-furnished automobile is the first resource when an automobile is required for official travel performed locally or within commuting distance of an employee's designated post of duty. If a Government-furnished automobile is unavailable, a Government-contract rental automobile may be used.

(c) If cost considerations are used in determining whether a Government-contract rental or a Government-furnished automobile should be authorized under this policy, the overall cost shall include any administrative costs as well as any costs associated with picking up and returning the automobile.

* * * * *

5. Paragraph 1–2.2c(3) is revised to read as follows:

* * * * *

(3) *Privately owned conveyance.* The use of a privately owned conveyance shall be authorized only when its use is advantageous to the Government, except as provided in 1–2.2d. A determination that the use of a privately owned conveyance would be advantageous to the Government shall be preceded by a determiantion that transportation by common carrier, a Government-contract rental automobile, or Government-furnished transportation is not available or would not be advantageous to the Government. To the maximum extent possible, these determinations and the authorization to use a privately owned conveyance shall be made before the performance of travel.

6. Paragraph 1–2.2c(4) is revised to read as follows:

* * * * *

(4) *Special conveyance.* Commercially rented vehicles, other than those under contract, and other special conveyances shall be used only when it is determined that use of other methods of transportation discussed in 1–2.2c would not be more advantageous to the Government. In the selection of commercially rented vehicles, first consideration shall be given to Government-contract rental vehicles available under an appropriate GSA Federal Supply Schedule contract.

* * * * *

7. Paragraph 1–2.6c is revised to read as follows:

1–2.6. Use of Government-furnished vehicles.

* * * * *

c. *Vehicle not available.* If a Government-furnished vehicle is not available when required as a first resource, a Government-contract rental or other commercially rented vehicle may be used provided such use is consistent with the provisions of 1–2.2c and the regulations and authorizations of the employee's agency.

* * * * *

Part 3—Use of Commercial Transportation

8. Paragraph 1–3.3b(3) is revised to read as follows:

1–3.3. Travel policy and class of service authorized.

* * * * *

b. * * *

(3) *Extra-fare trains.* Travel by extra-fare trains may be authorized or approved whenever their use is administratively determined to be more advantageous to the Government or is required for reasons of security. The use of National Railroad Passenger Corporation (Amtrak) Metroliner coach service is considered to be advantageous to the Government. (Note.—Metroliner Club service is considered to be first-class service.)

* * * * *

9. Paragraph 1–3.4b(1)(b) is revised to read as follows:

1–3.4. Special fares.

* * * * *

b. * * *

(1) * * *

(b) All agencies, except DOD, shall follow the policies, procedures, and requirements established in FPMR Temporary Regulation A–22, for the use of contract air carriers for official air travel between certain cities (city-pairs). DOD shall follow procedures established in the Military Traffic Management Regulation, AR 55–355/NAVSUP 4600.70/MCO P4600.14A/DLAR 4500.3.

10. Paragraph 1–3.4c is revised to read as follows:

* * * * *

c. *Unequal fares available.* Except as provided in FPMR Temporary Regulation A–22, when common carriers furnish the same method of travel at different fares between the same points for the same type of accommodations, the lowest cost service shall be used unless use of a higher cost service is administratively determined to be more advantageous to the Government. (See 1–2.2b–1.)

* * * * *

11. Paragraph 1–3.5 is revised to read as follows:

* * * * *

1–3.5. Unused, downgraded, or oversold transportation services.

a. *Unused tickets or reservations, or downgraded services.* When a traveler knows that reservations for transportation and/or accommodations will not be used he/she must cancel the reservations within the time limits specified by the carrier. Likewise, where the transportation furnished is different or of a lesser value than that authorized on the ticket or where a journey is terminated short of the destination specified on the transportation request, the traveler shall report the facts to the administrative office in the manner prescribed by the agency concerned. All adjustments in connection with official passenger transportation must be promptly processed to prevent losses to the Government. All unused tickets (including portions thereof), coupons, exchange orders, refund slips, notices of fare adjustments, etc., and the factual information relating to the unused passenger transportation must be attached to or entered on the travel voucher or other payment document. Failure of travelers to follow these procedures may subject them to liability for any resulting losses.

b. *Oversold reserved accommodations.* Tariff provisions of certain scheduled air carriers require the payment of liquidated damages in certain situations if the carrier fails to provide confirmed reserved space. When payment of liquidated damages results from travel on official business, these penalty payments are due the Government and not the traveler. Travelers shall be instructed to turn in to the agency any of these payments received from carriers.

c. *Agency responsibilities.* Each agency shall prescribe procedures for travelers to follow when submitting documentation and justification relating to unused or downgraded passenger transportation services. Included in these procedures will be instructions for submitting to the agency, payments received from carriers for denied confirmed reserved space.

Note.—Travelers are advised that the General Services Administration (GSA) publication, "How to prepare and process U.S. Government Transportation Requests," provides specific instructions for agencies and travelers regarding unused transportation services. Federal agencies may obtain copies of this publication by requisition from the GSA using national stock number 7610–01–038–1389, or from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 using stock number 022–005–00011–1.

* * * * *

Part 5—Baggage

12. Paragraph 1–5.1b is revised to read as follows:

1–5.1 Definitions.

* * * * *

(b) *Excess baggage.* Baggage in excess of the weight, size, or number of pieces that is carried free by transportation companies shall be classed as excess baggage.

* * * * *

13. Paragraph 1–5.2 is revised to read as follows:

* * * * *

1–5.2 Authorization for excess baggage.

Where less than first class accommodations are used, transportation of baggage up to the number of pieces or weight carried free on first-class service shall be allowed at Government expense; in all other instances, excess baggage charges shall be allowed only when authorized or approved.

* * * * *

Part 7—Per Diem Instead of Actual Subsistance

14. Paragraph 1–7.3 is amended by adding subparagraph 1–7.3f to read as follows:

1–7.3 Agency responsibility for authorizing individual rates.

* * * * *

f. *Subsistence payments for extended training assignments.*

(1) The Government Employees Training Act (5 U.S.C. 4101–4118), authorizes agencies to pay all or a part of the subsistence expenses of an employee assigned to training at a temporary duty station. Implementing regulations prescribed by the Office of Personnel Management (OPM) in part 410–603 of Title 5, Code of Federal Regulations (5 CFR 410–603) provide specific guidelines for the payment of subsistence expenses for employees on extended training assignments (more than 30 calendar days) at temporary duty stations.

(2) Generally, the OPM guidelines require a reduced subsistence payment of not more than 55 percent of the per diem rate (see 1–7), or if the training facility is in a high rate geographical area (HRGA), not more than 55 percent of the prescribed maximum daily rate

for the HRGA. Subsistence payments above these levels must be justified. However, these subsistence payments shall not in any case exceed the ceilings imposed by 5 U.S.C. 5702. Agencies shall refer to the OPM guidelines in 5 CFR 410–603 (published in 46 FR 40671–40672) for specific criteria to determine the appropriate subsistence payments. Guidelines are also published by OPM in the Federal Personnel Manual, Chapter 410, Section 6–3.

* * * * *

Part 8—Reimbursement of Actual Subsistence Expenses

15. Paragraph 1–8.1c is amended by revising paragraph 1–8.1c(2) to read as follows:

c. *Unusual circumstances of the travel assignment.*

* * * * *

(2) Notwithstanding the criteria outlined above, agencies shall not use the actual expense under unusual circumstances authority as blanket authority to authorize or approve automatic actual expense reimbursement for all travel to an area where the reimbursement rate is inadequate. This authority shall be used only on an individual case basis with approrpriate consideration in each case of the actual facts existing at the time the travel is directed and performed. If it becomes necessary to exercise this authority repetitively or on a continuing basis in a particular area, the agency should submit a request to GSA as prescribed in 1–8.7 for HRGA designation or for rate adjustment if the area is already an HRGA.

* * * * *

16. Paragraph 1–8.1c is further amended by adding paragraphs 1–8.1c(3) (e) and (f) are added to read as follows:

c. *Unusual circumstances of the travel assignment.*

* * * * *

(e) The traveler performs temporary duty in an area that has not been designated as an HRGA and due to the lack of availability of lower priced accommodations in the immediate area of the temporary duty site, the maximum per diem rate is inadequate; or the traveler performs temporary duty to an HRGA and the maximum actual expense reimbursement rate is substantially below that required to cover costs necessarily incurred. See 1–8.1c(2) regarding repeated use of this authority.

(f) The travel is to an area that is not designated as an HRGA but where the choice of accommodations is limited or the costs of accommodations are inflated because of conventions, sporting events, natural disasters, peak recreation season, a special occurrence at the temporary duty site (where the rates would not be inflated during normal times), or other causes which would reduce the number of available lodgings below the normal level.

* * * * *

17. Paragraph 1–8.1 is amended by adding new paragraph 1–8.1f to read as follows:

1–8.1 Authorization or approval.

* * * * *

f. *Subsistance payments for extended training assignments.* The regulations governing the payment of subsistance expenses for extended training assignments are issued by the Office of Personnel Management (OPM) in part 410.603 of Title 5, Code of Federal Regulations. (See 1–7.3f.) These OPM regulations shall be used as required and referenced in 1–7.3f when an employee is authorized training subsistence payments for a training assignment at a temporary duty station over 30 calendar days. The training assignment may be located in a high rate geographical area, or any other location where actual subsistence expense reimbursement may be authorized in 1–8 of these regulations.

* * * * *

Part 10—Source of Funds

18. Paragraph 1–10.2b(2) is revised to read as follows:

1–10.2 Procurement of common carrier transportation.

* * * * *

b. * * *

(2) Agencies may, by appropriate regulations, require a traveler to use cash to procure passenger transportation services within the United States (50 States and the District of Columbia) when the cost is over $10 but does not exceed $100, excluding Federal transportation tax, for each trip as authorized on the official travel authorization (see note below). Cash payment of official transportation expenses, without regard to the $100 limitation, is authorized when employees secure group or excursion fares available through travel agents as provided in 1–3.4b(2); travel agents may not otherwise be used under these cash payment provisions.

Note.—The National Railroad Passenger Corporation (Amtrak) will not accept a GTR for travel under $100. Amtrak will accept personal checks or major credit cards provided proper identification is shown when purchasing a ticket.

* * * * *

Part 11—Claims for Reimbursement

19. Paragraph 1–11.3c is amended to read as follows:

1–11.3. Travel vouchers and attachments.

* * * * *

c. *Receipts required.* Receipts are required for allowable cash expenditures in amounts in excess of $25, plus any applicable tax. When receipts are not available, the expenditures shall be explained on the voucher. Receipts are required for the following expenditures regardless of amount:

* * * * *

Chapter 2—Relocation Allowances

Part 7—Transportation of Mobile Homes

20. Paragraph 2–7.4 is revised to read as follows:

* * * * *

2–7.4. Limitation on allowances. The total amount allowable under 2–7.3 shall not exceed the maximum amount which would be allowable for transportation and 90 days' temporary storage of the employee's household goods if, instead of moving a mobile home, the maximum quantity of household goods allowable for the employee involved under 2–8.2 had been moved.

* * * * *

Part 8—Transportation and Temporary Storage of Household Goods and Professional Books, Papers, and Equipment

21. Paragraph 2–8.6c is revised to read as follows:

* * * * *

c. *Procedures.* In requesting an advance of funds, the employee shall submit a written statement designating: (1) The points of origin and destination, (2) the estimated weight of household goods to be shipped, and (3) any anticipated temporary storage not to exceed 90 days at Government expense. The estimate of weight required in support of an advance of funds shall consist of a statement of the estimated weight signed by the carrier selected to handle the shipment if it is available. If it is not available, evidence of actual weight or a reasonable estimate thereof acceptable to the agency shall be furnished.

* * * * *

(Executive Order No. 11609, July 22, 1971; 5 U.S.C. 5707)

Dated: May 20, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-15610 Filed 6-10-83; 8:45 am]

BILLING CODE 6820-AM-M

[GSA Bulletin FPMR A-40, Supp. 6]

Federal Travel Regulations; Changes to Federal Travel Regulations

AGENCY: Office of Federal Supply and Services, General Services Administration (GSA).

ACTION: Federal travel regulations; Changes to Federal travel regulations.

SUMMARY: GSA has issued GSA Bulletin FPMR A-40, Supplement 6, transmitting changed pages to amend the Federal Travel Regulations (FTR), FPMR 101-7, to (a) increase the mileage rates for use of privately owned vehicles and (b) revise the listing of high rate geographical areas. Certain of these FTR changes reflect the results of GSA's recent report to the Congress on the investigations of the cost of travel and the operation of privately owned vehicles. GSA is required by statute to conduct these cost investigations and report the results to the Congress annually. The report to the Congress was published as a notice document in the **Federal Register** on June 6, 1983 (48 FR 25272).

EFFECTIVE DATE: June 19, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Jones, Travel Regulations Branch (703-557-1253).

SUPPLEMENTARY INFORMATION: 1. The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

2. Accordingly, the Federal Travel Regulations are amended as follows:

a. Paragraphs 1-4.2a(2) and 1-4.2c (1) and (2) are revised to reflect an increase in the mileage rate from 20.0 cents to 20.5 cents per mile for the use of a privately owned automobile when its use is advantageous to the Government.

b. Paragraphs 1-4.4 b and d are revised to increase the mileage allowance to 18 cents per mile and paragraph 1-4.4c is revised to increase the mileage to 9.5 cents per mile for use of a privately owned automobile when it is used instead of a Government furnished automobile.

c. The HRGA listing in appendix 1-A to the FTR is revised to designate additional HRGA's and to increase the maximum actual subsistence expense rate and/or redefine the boundaries of certain existing HRGA's.

Note.—The GSA has published the revised HRGA listing as a notice document in this **Federal Register.**

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: May 9, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-15609 Filed 6-10-83; 8:45 am]

BILLING CODE 6820-AM-M

Addendum to the Report To Congress on the Cost of Subsistence and the Cost of Operation of Privately Owned Vehicles

1. The changes to the mileage rates for use of privately owned automobiles and travel allowances reflected in the report published on June 6, 1983, are effective for travel performed on or after June 19, 1983. The Federal Travel Regulations (FTR), FPMR 101-7, transmitted by GSA Bulletin FPMR A-40, Supplement 1, dated September 28, 1981, are amended as follows:

a. Paragraphs 1-4.2a(2) and 1-4.2c (1) and (2) are revised to reflect an increase in the mileage rate from 20.0 cents per mile to 20.5 cents per mile for the use of a privately owned automobile when its use is advantageous to the Government.

b. Paragraphs 1-4.4 b and d are revised to increase the mileage allowance to 18 cents per mile and paragraph 1-4.4c is revised to increase the mileage allowance to 9.5 cents per mile for use of a privately owned automobile when it is used instead of a Government furnished automobile.

c. The HRGA listing in appendix 1-A to the FTR is revised to designate additional HRGA's and to increase the maximum actual subsistence expense rate and/or redefine the boundaries of certain existing HRGA's. The following listing will be published in appendix 1-A.

DESIGNATED HIGH RATE GEOGRAPHICAL AREAS (HRGA'S)

High rate geographical areas	Prescribed maximum daily rates (in dollars)
Alabama	
**Birmingham (all locations within Jefferson County)	67
**Huntsville (all locations within Madison County)	60
**Mobile (all locations within Mobile County)	62
Arizona	
*Page (all locations within Coconino County)	60
**Phoenix/Scottsdale (all locations within Maricopa County)	70
Tucson (all locations within Pima County, including Davis Monthan AFB)	71
*Yuma (all locations within Yuma County)	55
Arkansas	
**Little Rock (all locations within Pulaski County)	64
California	
**Fresno (all locations within Fresno County)	72
Los Angeles (all locations within the counties of Los Angeles, Kern, Orange, and Ventura, including Edwards AFB and Naval Weapons Center and Ordnance Test Station, China Lake)	75
Monterey (all locations within Monterey County)	75
**Palm Springs (all locations within Riverside County)	
(Effective 7/1 thru 11/30)	75
(Effective 12/1 thru 6/30)	75
Sacramento (all locations within Sacramento County)	75
San Diego (all locations within San Diego County)	75
San Francisco/Oakland (all locations within the counties of San Francisco, Alameda, Contra Costa, and Marin)	75
San Jose (all locations within Santa Clara County)	75
**San Luis Obispo (all locations within San Luis Obispo County)	
(Effective 5/1 thru 10/31)	70
(Effective 11/1 thru 4/30)	54
**Santa Mateo (all locations within San Mateo County)	69
San Barbara (all locations within Santa Barbara County)	75
**Santa Cruz (all locations within Santa Cruz County)	
(Effective 5/1 thur 10/31)	75
(Effective 11/1 thru 4/30)	66
**Vallejo (all locations within Solano County)	60
Colorado	
Aspen (all locations within Pitkin County)	75
**Boulder (all locations within Boulder County)	71
*Colorado Springs (all locations within El Paso County)	61
Denver (all locations within the counties of Denver, Adams, Arapahoe, and Jefferson)	75
**Durango (all locations within La Plata County)	65
**Glenwood Springs (all locations within Garfield County)	69
**Grand Junction (all locations within Mesa County)	63
Vail (all locations within Eagle County)	75
Connecticut	
**Bridgeport (all locations within Fairfield County)	75
Hartford (all locations within the counties of Hartford and Middlesex)	75
New Haven (all locations within New Haven County)	75
**New London/Groton (all locations within New London County)	
(Effective 4/1 thru 10/31)	72
(Effective 11/1 thru 3/31)	61
Delaware	
Wilmington (all locations within New Castle County)	75
District of Columbia	
Washington, DC (all locations within the corporate limits of the District of Columbia; the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland) (see also Maryland and Virginia)	75
Florida	
***Cocoa Beach (all locations within Brevard County)	65

DESIGNATED HIGH RATE GEOGRAPHICAL AREAS (HRGA's)—Continued

High rate geographical areas	Prescribed maximum daily rates (in dollars)
**Ft. Lauderdale (all locations within Broward County)	71
**Ft. Walton Beach (all locations within Okaloosa County)	
(Effective 5/1 thru Labor Day)	75
(Effective after Labor Day thru 4/30)	55
*Gainsville (all locations within Alachua County)	56
**Jacksonville (all locations within Duval County, including Naval Station Mayport)	68
Miami (all locations within the counties of Dade and Monroe)	75
**Orlando (all locations within Orange County)	69
*Panama City (all locations within Bay County)	71
*Pensacola (all locations within Escambia County)	60
**Sarasota (all locations within Sarasota County)	58
*Tallahassee (all locations within Leon County)	57
Tampa/St. Petersburg (all locations within the counties of Hillsborough and Pinellas)	75
**West Palm Beach (all locations within Palm Beach County)	60
Georgia	
*Albany (all locations within Dougherty County)	56
Atlanta (all locations within the counties of De Kalb, Fulton, and Cobb)	75
**Savannah (all locations within Chatham County)	60
Idaho	
**Boise (all locations within Ada County)	63
Illinois	
Chicago (all locations within the counties of Du Page, Cook, and Lake)	81
**Rockford (all locations within Winnebago County)	58
**Springfield (all locations within Sangamon County)	62
Indiana	
**Indiana Army Ammunition Plant, Charlestown (see also Louisville, KY)	74
**Ft. Wayne (all locations within Allen County)	67
**Gary (all locations within Lake County)	63
**Indianapolis (all locations within Marion County, including Fort Benjamin Harrison)	75
**South Bend (all locations within St. Joseph County)	64
Iowa	
**Des Moines (all locations within Polk County)	62
Kansas	
Kansas City (all locations within the counties of Johnson and Wyandotte) (see also Kansas City, MO)	74
**Wichita (all locations within Sedgwick County)	67
Kentucky	
**Covington (all locations within Kenton County)	62
**Lexington (all locations within Fayette County)	73
**Louisville (all locations within Jefferson County, and the Indiana Army Ammunition Plant, Charlestown, Indiana) (see also Indiana)	74
Louisiana	
**Baton Rouge (all locations within East Baton Rouge Parish)	75
*Lafayette (all locations within Lafayette Parish)	65
**Lake Charles (all locations within Calcasieu Parish)	63
New Orleans (all locations within the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard)	75
Maine	
**Portland (all locations within Cumberland County)	72
*Kittery (including the Portsmouth Naval Shipyard) (See also Portsmouth, NH)	63
Maryland	
**Annapolis (all locations within Anne Arundel County)	66
Baltimore (all locations within Baltimore City and the counties of Baltimore and Harford)	75
Ocean City (all locations within Worcester County)	68
**Salisbury (all locations within Wicomico County)	58
Montgomery County (see also District of Columbia)	75
Prince Georges County (see also District of Columbia)	75
Massachusetts	
Boston (all locations within the counties of Middlesex, Norfolk, and Suffolk)	75
**Hyannis (all locations within Barnstable County) (Effective 6/1 thru Labor Day)	75
(Effective after Labor Day thru 5/31)	56
**Martha's Vineyard/Nantucket (all locations within the counties of Dukes and Nantucket) (Effective 6/1 thru Labor Day)	75
(Effective after Labor Day thru 5/31)	68
**New Bedford (all locations within Bristol County)	69
**Pittsfield (all locations within Berkshire County)	66
**Springfield (all locations within Hampden County)	65
**Worcester (all locations within Worcester County)	67
Michigan	
**Ann Arbor (all locations within Washtenaw County)	68
Detroit (all locations within Wayne County)	75
Grand Rapids (all locations within Kent County)	66
**Kalamazoo (all locations within Kalamazoo County)	62
**Pontiac (all locations within Oakland County)	66
**Saginew (all locations within Saginew County)	63
**Warren (all locations within Macomb County)	68
Minnesota	
**Duluth (all locations within St. Louis County)	63
**Minneapolis/St. Paul (all locations within the counties of Anoka, Hennepin, and Ramsey, including the Fort Snelling Military Reservation and Navy Astronautics Group (Detachment BRAVO), Rosemount)	75
Mississippi	
*Gulfport (all locations within Harrison County)	62
**Jackson (all locations within Hinds County)	63
Missouri	
Kansas City (all locations within the counties of Clay, Jackson, and Platte) (see also Kansas City, KS)	75
St. Louis (all locations within the counties of St. Charles and St. Louis)	75
*Springfield (all locations within Greene County)	57
Montana	
*Great Falls (all locations within Cascade County)	56
Nebraska	
*Lincoln (all locations within Lancaster County)	55
**Omaha (all locations within Douglas County)	67
Nevada	
*Carson City (all locations within Carson City County)	55
Las Vegas (all locations within Clark County, including Nellis AFB)	75
*Reno (all locations within Washoe County)	60
New Hampshire	
**Manchester (all locations within Hillsborough County)	69
*Portsmouth/Newington (all locations within Rockingham County including Pease AFB) (See also Kittery, ME)	63
New Jersey	
Atlantic City (all locations within Atlantic County)	75
**Camden (all locations within Camden County)	67
*Cape May (all locations within Cape May County)	75
**Dover (all locations within Morris County, including Picatinny Arsenal)	75
Eatontown (all locations within Monmouth County, including Ft. Monmouth)	75
Edison (all locations within Middlesex County)	75
Newark (all locations within the counties of Bergen, Essex, Hudson, Passaic, and Union)	75
Princeton/Trenton (all locations within Mercer County)	75
**Tom's River (all locations within Ocean County)	69
New Mexico	
**Albuquerque (all locations within Bernalillo County)	73
**Santa Fe (all locations within Santa Fe County)	
(Effective 6/1 thru 10/31)	75
(Effective 11/1 thru 5/31)	71
New York	
**Albany (all locations within Albany County)	74
**Buffalo/Niagara Falls (all locations within the counties of Erie and Niagara)	73
**Lake Placid (all locations within Essex County)	
(Effective 6/1 thru Labor Day)	75
(Effective after Labor Day thru 5/31)	73
New York (all locations within the Boroughs of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island, and the counties of Nassau and Suffolk)	75
Rochester (all locations within Monroe County)	75
Syracuse (all locations within Onondaga County)	75
**West Point (all locations within Orange County)	62
North Carolina	
**Asheville (all locations within Buncombe County)	75
**Charlotte (all locations within Mecklenburg County)	66
*Durham (all locations within Durham County)	56
**Raleigh (all locations within Wake County)	70
North Dakota	
**Bismarck (all locations within Burleigh County)	61
Ohio	
**Akron (all locations within Summit County)	61
**Cincinnati/Evendale (all locations within the Counties of Hamilton and Warren)	75
Cleveland (all locations within Cuyahoga County)	75
**Columbus (all locations within Franklin County)	71
**Dayton (all locations within Montgomery County, including Wright-Patterson AFB)	74
**Toledo (all locations within Lucas County)	70
Oklahoma	
**Oklahoma City (all locations within Oklahoma County)	67
Tulsa (all locations within the counties of Tulsa and Osage)	75
Oregon	
**Portland (all locations within Multnomah County)	73
Pennsylvania	
**Chester (all locations within Delaware County)	69
Coatesville/Valley Forge (all locations within Chester County)	75
*Erie (all locations within Erie County)	55
Harrisburg (all locations within Dauphin County)	75
King of Prussia/Ft. Washington (all locations within Montgomery County, except Bala Cynwyd) (see also Philadelphia, PA)	75
Philadelphia/Bala Cynwyd (all locations within Philadelphia County and the city of Bala Cynwyd in Montgomery County)	75
Pittsburgh/Monroeville (all locations within Allegheny County)	75
**Reading (all locations within Berks County)	56
**York (all locations within York County)	63
Rhode Island	
**Newport (all locations within Newport County)	
(Effective 5/1 thru 10/31)	75
(Effective 11/1 thru 4/30)	71
Providence (all locations within Providence County)	75
South Carolina	
**Charleston (all locations within the counties of Charleston and Berkeley)	68
**Columbia (all locations within Richland County)	65
Hilton Head (all locations within Beaufort County)	75
South Dakota	
*Rapid City (all locations within Pennington County)	66
*Sioux Falls (all locations within Minnehaha County)	59
Tennessee	
*Chattanooga (all locations within Hamilton County)	59
**Knoxville/Oak Ridge (all locations within Knox County and the city of Oak Ridge)	58
**Memphis (all locations within Shelby County)	73
**Nashville (all locations within Davidson County)	69
Texas	
**Amarillo (all locations within Potter County)	61
Austin (all locations within Travis County)	75
**Beaumont (all locations within Jefferson County)	58
**Brownsville (all locations within Cameron County)	60
**Corpus Christi (all locations within Nueces County)	75
Dallas/Ft. Worth (all locations within the counties of Dallas and Tarrant)	75
El Paso (all locations within El Paso County)	72

DESIGNATED HIGH RATE GEOGRAPHICAL AREAS (HRGA's)—Continued

High rate geographical areas	Prescribed maximum daily rates (in dollars)
**Galveston (all locations within Galveston County)	
(Effective Memorial Day thru Labor Day)	75
(Effective all other times)	68
Houston (all locations within Harris County, including the L. B. Johnson Space Center and Ellington AFB)	75
**Lubbock (all locations within Lubbock County)	58
San Antonio (all locations within Bexar County)	70
Utah	
Salt Lake City (all locations within Salt Lake County, including Dugway Proving Ground and Tooele Army Depot	75
Vermont	
**Burlington (all locations within Chittenden County)	66
Virginia	
Alexandria (See also District of Columbia)	70
Fairfax (see also District of Columbia)	75
Falls Church (see also District of Columbia)	75
**Manassas (all locations within Prince William County)	61
**Norfolk (all locations within the cities of Norfolk, Virginia Beach, Portsmouth, Hampton, Newport News, and Chesapeake, and the county of York, including the Naval Weapons Station, Yorktown)	74
**Richmond (all locations within the city of Richmond and the counties of Chesterfield and Henrico, including the Defense General Supply Center)	65
**Roanoke (all locations within Roanoke City and the County of Roanoke)	59
**Williamsburg	
(Effective 4/1 thru 10/31)	75
(Effective 11/1 thru 3/31)	65
Arlington County (see also District of Columbia)	75
Fairfax County (see also District of Columbia)	75
Loudoun County (see also District of Columbia)	75
Washington	
Seattle (all locations within King County)	75
**Spokane (all locations within Spokane County)	56
**Tacoma (all locations within Pierce County)	61
West Virginia	
**Charleston (all locations within Kanawha County)	
Madison (all locations within Dane County)	67
Milwaukee (all locations within Milwaukee County)	78
Wyoming	
**Casper (all locations within Natrona County)	59
Cheyenne (all locations within Laramie County)	62
*Rock Springs (all locations within Sweetwater County)	63

NOTES.—(1) Unless otherwise specified, HRGA's are defined as "all locations within, or entirely surrounded by, the corporate limits of the key city, including independent entities located within those boundaries." (2) HRGA's with county definitions shall include "all locations within, or entirely surrounded by, the corporate limits of the key city as well as the boundaries of the listed counties, including independent entities located within the boundaries of the key city and the listed counties." (3) Military installations or Government-related facilities (whether or not specifically named in the HRGA definition) that are partially located within the HRGA boundary shall include "all locations that are geographically part of the military installation or Government-related facility, even though part(s) of such activities may be located in an area that is not specifically listed in the HRGA definition."

*Newly designated HRGA.

**Rate adjustment or redefined boundary for previously designated HRGA.

***Subsistence costs increase during the period immediately preceding and following a spacecraft launch. Agencies should add $5.00 to the maximum daily reimbursement rate for the period which begins at 12:01 a.m. 2 days prior to a scheduled launch and runs until midnight of the second day following the actual launch.

2. The changes explained above will be incorporated in the revised Federal Travel Regulations issued September 28, 1981, effective November 1, 1981. Changed pages will be transmitted by GSA Bulletin FPMR A–40, Supplement 6.

Dated: May 9, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–15596 Filed 6–10–83; 8:45 am]

BILLING CODE 6820–AM–M

Reader Aids

Federal Register

Vol. 48, No. 114

Monday, June 13, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

24311-24652.....1
24653-24854.....2
24855-25168.....3
25169-26278.....6
26279-26442.....7
26443-26584.....8
26585-26750.....9
26751-27026.....10
27027-27218.....13

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:

Presidential Determinations:
No. 83-7 of June 3, 1983.....26585

Executive Orders:
September 15, 1916 (Revoked in part by PLO 6392).....26315
September 30, 1916 (Revoked in part by PLO 6392).....26315
May 21, 1920 (Revoked in part by PLO 6392).....26315

Proclamations:
5066.....24855
5067.....26443

5 CFR

213.....24857
581.....26279

7 CFR

51.....26751
52.....26752
68.....24857
319.....24311
354.....26294
910.....24859, 26587, 26757
915.....24860
916.....24653
932.....24311
944.....24860
959.....25169
966.....26757
1033.....24861
1036.....24863
1139.....24864

Proposed Rules:
51.....24723
800.....27082, 27084
1007.....24391
1046.....24905
1125.....26460
1133.....26460
1207.....24724

9 CFR

92.....24866
318.....24314

10 CFR

20.....26295
25.....24318
61.....26295
95.....24318

Proposed Rules:
50.....24391
960.....26440

11 CFR

102.....26300
114.....26303

12 CFR

5.....26758
207.....26587
211.....26445
220.....26587, 26589
221.....26587
224.....26587
303.....27027
505c.....26590

Proposed Rules:
7.....24913
614.....25210

13 CFR

121.....26760

14 CFR

39.....26590-26593, 27030, 27031
71.....25169, 25170, 26594-26596, 27032-27034
75.....26596
95.....24654
204.....26596
252.....24866
389.....24323

Proposed Rules:
23.....26623
39.....25210, 27085-27087
121.....25211
139.....25211
159.....25215
221.....24916
252.....24918
291.....24922, 26830
377.....24923

15 CFR

369.....24323
371.....25171
373.....25174
376.....25171
379.....25171
386.....25171, 26303, 26449
399.....25171, 25174, 26450

16 CFR

423.....24868
453.....25174
1406.....26761

Proposed Rules:
13.....24724, 27089
457.....25218

17 CFR

170.....26304
200.....24563

240.....24663
249.....24663
270.....25175
Proposed Rules:
12.....25218
210.....26623
240.....24725, 24726
270.....25220, 26460

18 CFR

2.....24323, 24358
35.....24323
271.....25177–25179
Proposed Rules:
35.....26831
271.....24730–24732, 25223

19 CFR

101.....25180
177.....25180
Proposed Rules:
Ch. I.....26831
101.....27092
123.....26832
175.....26833
177.....25224

20 CFR

Proposed Rules:
632.....24392
633.....24392
634.....24392
635.....26430
684.....24392

21 CFR

5.....26311
131.....24868
175.....24869
177.....26312, 26761
178.....24869
357.....27004
510.....24870, 24871
520.....24871, 26762
522.....26313
540.....24872, 24873
558.....24871
600.....26313
895.....25126, 25137
Proposed Rules:
158.....26319
310.....26986
312.....26720
341.....24925

22 CFR

Proposed Rules:
11.....26834

23 CFR

Ch. I.....24852, 25181

24 CFR

111.....24361
221.....27035
234.....27035
235.....27035
1800.....24873

25 CFR

Proposed Rules:
700.....24734

26 CFR

601.....24668

Proposed Rules:
1.....24736, 25224, 25228

27 CFR

21.....24672
212.....24672
Proposed Rules:
9.....24737

28 CFR

0.....25183
540.....24622
550.....24623
551.....24623
Proposed Rules:
547.....24626
570.....24626
571.....24626

29 CFR

Proposed Rules:
1910.....26962
1952.....26836
2670.....27092
2675.....27092

30 CFR

226.....26763
256.....26778
260.....24873
784.....24638
785.....24638
816.....24638
817.....24638
818.....24638
916.....24874
944.....24876
946.....25184
1625.....26434
Proposed Rules:
57.....27024
250.....26837
901.....24739
913.....24741
917.....26839, 27101
936.....24928
938.....27102
942.....25229
946.....26624
948.....24393

32 CFR

242b.....26451
806b.....24878

33 CFR

100.....25186, 26599–26602
117.....26602
165.....25187
Proposed Rules:
117.....26625
162.....25231, 27103

34 CFR

668.....26779
682.....24584

36 CFR

222.....25187
262.....26603
Proposed Rules:
13.....26319

37 CFR

Proposed Rules:
1.....26319
5.....26319

38 CFR

3.....27036
Proposed Rules:
17.....26627

39 CFR

Proposed Rules:
111.....27103

40 CFR

52.....24362, 24689
144.....27039
146.....27039
162.....26451
180.....24364, 24365, 24689, 26452
204.....27039
205.....27039
211.....27039
271.....27041
712.....27040
716.....24366
720.....27043
763.....27041
Proposed Rules:
Ch. I.....24930
51.....26840
52.....26841
65.....24930
66.....26627
67.....26627
81.....24393
86.....24932
145.....26842
180.....24394, 24396, 26629
271.....25236
403.....24933
405.....24742
406.....24742
407.....24742
408.....24742
409.....24742
411.....24742
412.....24742
422.....24742
424.....24742
426.....24742
429.....24742
430.....24742
431.....24742
432.....24742
433.....24742
440.....24742
600.....26698
610.....24397

41 CFR

Ch. 7.....25188
1–15.....26453
3–3.....26605
101–29.....25196
101–45.....24878
101–47.....24879, 25199
105–53.....25200

42 CFR

57.....25064
66.....24879
Proposed Rules:
57.....25071, 25072

43 CFR

Public Land Orders:
23.....27008
1600.....26314
3200.....24367
3210.....24367
3220.....24367
3240.....24367
3250.....24367
3600.....27008
3610.....27008
3620.....27008
6377.....26780
6391.....25205
6392.....26315
Proposed Rules:
3000.....26320
3100.....26320
8370.....26485

44 CFR

64.....24369, 26780, 26796
65.....26605
67.....24370, 26784, 26796
Proposed Rules:
67.....24743, 26629, 26630
302.....27105

45 CFR

1207.....26802
1208.....26808
1209.....26815

46 CFR

221.....27044
310.....27044
Proposed Rules:
125.....26631
126.....26631
127.....26631
128.....26631
129.....26631
130.....26631
131.....26631
132.....26631
133.....26631
134.....26631
135.....26631
136.....26631
542.....27112
543.....27112
544.....27112

47 CFR

Ch. I.....27044
0.....24383, 26606
1.....24884, 27182
2.....27054
22.....26820, 27182
31.....27072
73.....24383, 24898, 26453, 26608, 27054, 27182
74.....24383, 27054
81.....27182
87.....27182
90.....26617, 27182
94.....27182
95.....24884
97.....26455, 26606
Proposed Rules:
2.....24945, 26461
22.....24945
94.....27113

69.....
73.....2
74.....
76.....
94.....
96.....
97.....
49 CFR
192.....
195.....
571.....
1011.....
1033.....
1039.....
1153.....
1162.....
1175.....
1176.....
1307.....
Proposed R
Ch. X.....
25.....
172.....
173.....
179.....
571.....
1186.....
50 CFR
20.....
250.....
260.....
301.....
371.....
424.....
611.....
674.....
Proposed R
17.....
23.....
611.....
646.....
661.....
674.....
675.....

69.....26632
73.....24945, 24949, 26462–26471
74.....24945
76.....26472
94.....24950
96.....24953
97.....24954, 26647

49 CFR

192.....25206
195.....25206
571.....24690, 24717, 25209
1011.....26456
1033.....24386
1039.....24900, 26822
1153.....24386
1162.....24388
1175.....26317
1176.....26317
1307.....24388

Proposed Rules:

Ch. X.....24397
25.....26649
172.....26650
173.....25236, 26650
179.....25236
571.....24751, 25237
1186.....26485

50 CFR

20.....26457
250.....26621
260.....24901
301.....27073
371.....24902
424.....24718, 24903
611.....24719, 27075
674.....27080

Proposed Rules:

17.....26488
23.....26651
611.....25238
646.....26843
661.....26653
674.....24751
675.....25238

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing June 9, 1983

y will be
thu

4 E

ISS

1
1
4

J E

1 3

1983

MI

48
ISS
1
1
5
JE
14
1983
UMI

6-14-
Vol. 4

United
Goverr
Printin
SUPERINT
OF DOCU
Washingto

OFFICIAL
Penalty fo

Federal Re
(ISSN 0097

6-14-83
Vol. 48 No. 115

federal register

Tuesday
June 14, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

A FR SERIA300S NOV 83 R DIR
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

U.S.MAIL
Postage and Fees Paid
U.S. Government Printing Office
375

SECOND CLASS NEWSPAPER

DI
4 8
ISS
1
1
5
J E
1 4
1983
UMI

ANN ARBOR MI 48106

6-14-83
Vol. 48 No. 115
Pages 27219-27390

federal register

Tuesday
June 14, 1983

Selected Subjects

Coal Mining
Surface Mining Reclamation and Enforceme: t Office
Common Carriers
Federal Communications Commission
Endangered and Threatened Wildlife
Fish and Wildlife Service
Exports
Animal and Plant Health Inspection Servic:
Flood Insurance
Federal Emergency Mangement Agency
Food Labeling
Food and Drug Administration
Government Property Management
General Services Administration
Grant Programs—Agriculture
Agriculture Department
Loan Programs—Housing and Community Development
Veterans Administration
Marketing Agreements
Agricultural Marketing Service
National Banks
Comptroller of the Currency
Organization and Functions (Government Agencies)
Customs Service
Environmental Protection Agency
Postal Service
Postal Service
CONTINUED INSIDE

Selected Subjects

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Quarantine
Animal and Plant Health Inspection Service

Railroads
Interstate Commerce Commission

Recreation and Recreation Areas
Land Management Bureau

Trade Practices
Federal Trade Commission

Transportation
General Services Administration

Contents

Federal Register
Vol. 48, No. 115
Tuesday, June 14, 1983

The President
EXECUTIVE ORDERS
27219 Strategic Forces, President's Commission on, extension (EO 12424)

Executive Agencies

Agency for International Development
NOTICES
Meetings:
27303 International Private Enterprise President's Task Force

Agricultural Marketing Service
RULES
27221 Oranges, grapefruit, tangerines, and tangelos grown in Fla.
NOTICES
27275 Peanut Administrative Committee; 1983 crop year, expenses and rate of assessment

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Rural Electrification Administration; Soil Conservation Service.
RULES
27222 Grants and cooperative agreements with institutions of higher education

Animal and Plant Health Inspection Service
PROPOSED RULES
Animal and poultry import restrictions:
27257 Stallions from countries affected with CEM; program to prevent introduction into United States
Animal exports:
27255 Swine; pseudorabies testing; withdrawal
Livestock and poultry quarantine:
27256 Texas (splenetic) fever in cattle

Blind and Other Severely Handicapped, Committee for Purchase from
NOTICES
27288 Procurement list, 1983; additions and deletions; correction

Civil Aeronautics Board
NOTICES
Hearings, etc.:
27277 Airspur Helicopters, Inc.; fitness investigation
27277 Mid Pacific Airlines, Inc.; enforcement proceeding
27277 Misty Air, Inc.; fitness determination
27338 Meetings; Sunshine Act

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
27277 Ohio
27277 Tennessee
27278 Utah

Commerce Department
See also Industrial Economics Bureau, Commerce Department; International Trade Administration; Minority Business Development Agency; National Technical Information Service; Patent and Trademark Office.
NOTICES
27285 Agency forms submitted to OMB for review

Commodity Futures Trading Commission
NOTICES
Contract market proposals:
27286 Chicago Board of Trade; barge loading procedures, deliveries on corn and oats futures contracts
27287 Kansas City Board of Trade; Mini Value Line Stock Index
27338, 27339 Meetings; Sunshine Act (4 documents)

Comptroller of Currency
RULES
National banks:
27224 Lending limits

Customs Service
PROPOSED RULES
Organization and functions; field organization, ports of entry, etc.:
27265 Del Bonita and Wildhorse, Mont.; proposed change in service hours

Defense Department
See also Engineers Corps.
NOTICES
27288 DIA Advisory Committee

Employment and Training Administration
NOTICES
Adjustment assistance:
27308 Central Screw-Keene et al.
27308 Teledyne Portland Forge et al.

Energy Department
See also Federal Energy Regulatory Commission.
NOTICES
Meetings:
27288 National Petroleum Council

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
27288 Ware Creek Watershed, Va.; water supply impoundment structures

Environmental Protection Agency
RULES
27227 Organization and functions
NOTICES
27290 Agency forms submitted to OMB for review
Air quality criteria:
27290 Inorganic arsenic; health assessment document, draft; availability

Water pollution; discharge of pollutants (NPDES):
27291 Michigan

Federal Communications Commission
RULES
Common carrier services:
27251 Common carrier and satellite licensing procedures
NOTICES
27291 Agency forms submitted to OMB for review
Hearings, etc.:
27291 Arapahoe Silent Majority, Inc., et al.
27292 Flint Family Television, Ltd., et al.
27293 La Tierra Rica, Inc., et al.
27294 Willamette Valley Broadcasting Co., Ltd., et al.

Federal Emergency Management Agency
RULES
Flood elevation determinations:
27249 Arizona et al.
Flood insurance; communities eligible for sale:
27248 Florida et al.
Flood insurance; special hazard areas:
27247 Minnesota
Flood insurance; special hazard areas; map corrections:
27237 Arizona
27237, 27238 California (2 documents)
27244 Colorado
27244 Massachusetts
27245 Minnesota
27245 Nevada
27248 New Jersey
27238, 27246 New York (2 documents)
27239 Oregon
27240 Pennsylvania (2 documents)
27241 Tennessee
27241 Texas
27242 Washington (2 documents)
27243 Wisconsin
NOTICES
Disaster and emergency areas:
27295 Mississippi
27295 Utah

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
27288 Great Lakes Gas Transmission Co.
27289 Mountain Fuel Supply Co.
27269 Transwestern Pipeline Co.
27339 Meetings; Sunshine Act
Natural Gas Policy Act:
27372-27381 Jurisdictional agency determinations (3 documents)

Federal Maritime Commission
NOTICES
27295 Agreements filed, etc.

Federal Reserve System
NOTICES
Applications, etc.:
27295 Suburban National Corp. et al.
Bank holding companies; proposed de novo nonbank activities:
27296 Deutsche Bank AG et al.

Federal Trade Commission
RULES
27225 Textile wearing apparel and piece goods; care labeling; correction
PROPOSED RULES
Prohibited trade practices:
27258 Trans Union Credit Information Co.

Fish and Wildlife Service
PROPOSED RULES
27273 Endangered and threatened species permit applications

Food and Drug Administration
PROPOSED RULES
Food labeling:
27266 Fresh fruits and fresh vegetables; withdrawal and termination of rulemaking
Human drugs:
27389 Insulin drugs; advance notice; extension of time
NOTICES
Biological product licenses:
27297 Pioneer Blood Service, Inc.; revoked

General Services Administration
RULES
Property management:
27236 Sale of personal property
27235 Transportation documentation and audit; adjustments for unfurnished or unused services, accommodations, or tickets; commercial forms and procedures
NOTICES
27297 Agency forms submitted to OMB for review

Health and Human Services Department
See Food and Drug Administration; Health Resources and Services Administration; National Institutes of Health; Public Health Service.

Health Resources and Services Administration
NOTICES
Meetings; advisory committees:
27298 July

Industrial Economics Bureau, Commerce Department
NOTICES
27278 Motor-vehicle manufacturers, bona fide; list

Interior Department
See Fish and Wildlife Service; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Antidumping:
27283 Canned mushrooms from China
Meetings:
27281, 27283 President's Export Council (2 documents)

Scientific articles; duty free entry:
27283 Stanford University; correction
27282 Veterans Administration Medical Center et al.

Interstate Commerce Commission
RULES
Motor carriers:
27253 Fuel surcharge program modification; owner-operator reimbursement rate
Rail carriers:
27254 Boxcar traffic; exemption from regulation; extension of time

PROPOSED RULES
Practice and procedure:
27271 Rail service continuation subsidies; Northeast-Midwest region; apportionment of train supplies and expenses on a loaded freight train basis
Rail carriers:
27269 Abandonment of railroad lines and discontinuance of service; offers of financial assistance

NOTICES
Motor carriers:
27305 Permanent authority applications
27304 Permanent authority applications; correction
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
27304 Presto Transportation, Inc., et al.
Petitions filed:
27304 Laidlaw Transport Ltd.; Canadian gateways; petition for declaratory order; inquiry
Rail carriers:
27308 State intrastate rail rate authority; Pennsylvania

Labor Department
See Employment and Training Administration; Pension and Welfare Benefit Programs Office.

Land Management Bureau
PROPOSED RULES
Recreation management:
27366 Wilderness areas; management procedures
NOTICES
Alaska native claims selection; applications, etc.:
27299 Beaver Kwit'chin Corp.
27299 Doyon, Ltd.
Environmental statements; availability, etc.:
27300 Western Oregon; management of competing vegetation
Exchange of public lands for private land:
27300 Utah; correction
Maps of public lands and Federal mineral rights; availability
27300 Michigan and Wisconsin
Opening of public lands and survey plat filings:
27300 Nevada
Withdrawal and reservation of lands, proposed, etc.:
27301 Arizona

Minority Business Development Agency
NOTICES
Financial assistance application announcements:
27283 Puerto Rico

National Institutes of Health
NOTICES
Meetings:
27298 General Clinical Research Centers Committee; change

National Park Service
NOTICES
Environmental statements; availability, etc.:
27301 Capitol Reef National Park, Utah
Historic Places National Register; pending nominations:
27301 Alabama et al.

National Technical Information Service
NOTICES
27285 Inventions, Government-owned; availability for licensing

Nuclear Regulatory Commission
NOTICES
27329 Agency forms submitted to OMB for review
Applications, etc.:
27327 Cleveland Electric Illuminating Co. et al.
27327 Commonwealth Edison Co.
27328 GPU Nuclear Corp. et al.
27328 Northeast Nuclear Energy Co. et al.
27326, 27327 Export and import license applications for nuclear facilities or materials (2 documents)

Pacific Northwest Electric Power and Conservation Planning Council
NOTICES
27340 Meetings; Sunshine Act

Patent and Trademark Office
RULES
Trademark cases:
27225 Applications and examination, interference, concurrent use, opposition and cancellation, and post-registration proceedings; correction

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
27312 Cox, Cummins & Lamphere Profit Sharing Plan et al.
27309 Plumbers Local Union No. 14 Pension and Education Funds et al.
27312 Rome Radiology Group, P.A.; withdrawn

Personnel Management Office
NOTICES
27330 Agency forms submitted to OMB for review

Postal Rate Commission
NOTICES
27341 Meetings; Sunshine Act

Postal Service
RULES
International Mail Manual:
27227 Brazil; on-demand express mail rates
PROPOSED RULES
Domestic Mail Manual:
27267 Registered mail claims and inquiries; proof of loss requirements

Public Health Service
NOTICES
National toxicology program:
27299 Cancer bioassay reports; 1,1,1,2-tetrachloroethane
Organization, functions, and authority delegations:
27299 National Institutes of Health, Director, et al.; small business innovation research program

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
27275 Plains Electric Generation & Transmission Cooperative, Inc.

Securities and Exchange Commission
RULES
Accounting bulletins staff:
27225 Overfunded defined benefit pension plans; termination views; correction
NOTICES
Hearings, etc.:
27330 AARP U.S. Government Market Trust et al.
27334 New England Power Co. et al.
27341 Meetings; Sunshine Act

Small Business Administration
NOTICES
Applications, etc.:
27335 ALPHA Financial Corp.
27335 Enterprise Venture Capital Corp.
Meetings; regional advisory councils:
27335 Virginia
27335 Paperwork reduction policies affecting small business; hearing date change

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
27276 Line Creek Watershed, Miss.
Watershed projects; deauthorization of funds:
27276 Avalon-Alacran Watershed, N. Mex.
27276 Lovelock Watershed, Nev.
27276 Sandy Creek Watershed, Tex.

Surface Mining Reclamation and Enforcement Office
RULES
Abandoned mine land reclamation program:
27363 State grants; recipient release and assignment of refunds, etc.

Textile Agreements Implementation Committee
NOTICES
Textile consultation; review of trade:
27286 Korea

Treasury Department
See also Comptroller of Currency; Customs Service.
NOTICES
Notes, Treasury:
27336 V-1985 series

Veterans Administration
RULES
Loan guaranty:
27226 Homes and condominiums; increase in maximum permissible interest rate

Separate Parts in This Issue

Part II
27363 Department of the Interior, Office of Surface Mining Reclamation and Enforcement

Part III
27366 Department of the Interior, Bureau of Land Management

Part IV
27372 Department of Energy, Federal Energy Regulatory Commission

Part V
27389 Department of Health and Human Services, Food and Drug Administration

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders;
12400 (Amended by EO 12424)..... 27219
12424..... 27219

7 CFR
905..... 27221
3015..... 27222

9 CFR
Proposed Rules:
72..... 27256
91..... 27255
92..... 27257

12 CFR
32..... 27224

16 CFR
423..... 27225
Proposed Rules:
13..... 27258

17 CFR
211..... 27225

19 CFR
Proposed Rules:
101..... 27265

21 CFR
Proposed Rules:
101..... 27266
201..... 27389
429..... 27389

30 CFR
886..... 27363

37 CFR
2..... 27225

38 CFR
36..... 27226

39 CFR
10..... 27227
Proposed Rules:
111..... 27267

40 CFR
1..... 27227

41 CFR
101–41..... 27235
101–45..... 27236

43 CFR
Proposed Rules:
8560..... 27366

44 CFR
64..... 27248
65 (2 documents)..... 27247, 27249
70 (18 documents)..... 27237–27248

47 CFR
21..... 27251
22..... 27251
23..... 27251

49 CFR
Ch. X..... 27253
1039..... 27254
Proposed Rules:
1152..... 27269
1155..... 27271

50 CFR
Proposed Rules:
424..... 27273

UMI
48
ISS
1
1
5
JE
14
1983

Fed
Vol
Tue

Tit

Th

[FR Do
Filed 6
Billing

Federal Register
Vol. 48, No. 115
Tuesday, June 14, 1983

Presidential Documents

Title 3—

The President

Executive Order 12424 of June 10, 1983

President's Commission on Strategic Forces

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), it is hereby ordered that Executive Order No. 12400, as amended, establishing the President's Commission on Strategic Forces, is hereby further amended as follows:

Section 1. Section 2(a) of the Order is amended to provide as follows:

"(a) The Commission shall review on a periodic basis the progress made in implementing the recommendations contained in the Report of the President's Commission on Strategic Forces, dated April 11, 1983, with particular reference to the deployment of the Peacekeeper Missile; development and deployment of a small, single-warhead intercontinental ballistic missile system; and developments in strategic arms control. In its review, the Commission shall consider carefully the views of the Congress on these issues. The Commission shall provide appropriate advice to the President, the National Security Council, the Department of Defense, the Department of State, and the United States Arms Control and Disarmament Agency.".

Sec. 2. Section 2(b) of the Order, as amended, is further amended to provide as follows:

"(b) The Commission shall report to the President, from time to time as he may request and, in any event, no later than December 15, 1983.".

Sec. 3. Section 4(b) of the Order, as amended, is further amended to provide as follows:

"(b) The Commission shall terminate on January 3, 1984, unless sooner extended.".

Ronald Reagan

THE WHITE HOUSE,
June 10, 1983.

[FR Doc. 83-16107
Filed 6-13-83; 10:12 am]
Billing code 3195-01-M

Editorial Note: For the President's statement on the extension of the Commission, see the *Weekly Compilation of Presidential Documents* (vol. 19, no. 23).

VOL
48
ISS
1
1
5
JE
14
1983
UMI

R

Tha
con
gen
of
the
pub
U.S
The
by
Pric
first
mo

DE

Agr

7 C

[Or
Tan

Ora
Tan
Am

AGE
USD

ACT

SUM
mini
dom
Flor
imp
from
No.
actio
requ
ship
inclu
Flori
early
No.
chan
13—
recog
dema
and
crop
cons

EFFE

FOR
Willi
F&V,
20250

SUPP
final
USDA
12291
major

Rules and Regulations

Federal Register
Vol. 48, No. 115
Tuesday, June 14, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Regulation 6, Amdt. 23]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Amendment of Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action lowers the minimum grade requirements for domestic and export shipments of Florida white seedless grapefruit and imports of white seedless grapefruit from Improved No. 2 (external) and U.S. No. 1 (internal) to U.S. No. 2 Russet. This action also lowers the minimum grade requirement for domestic and export shipments of Florida Valencia oranges, including other late type oranges, Florida Temple oranges, and Florida early and midseason oranges from U.S. No. 1 to U.S. No. 2 Russet. These changes are effective for the period June 13—August 21, 1983. These changes recognize current and prospective demand for such grapefruit and oranges and are consistent with the remaining crop in the interest of growers and consumers.

EFFECTIVE DATE: June 13, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Florida white seedless grapefruit, Valencia and other late type orange, Temple orange, and early and midseason orange crops for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

The regulation with respect to Florida white seedless grapefruit, Valencia and other late type oranges, Temple oranges, and early and midseason oranges is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information.

The minimum grade requirements specified herein reflect the Committee's and the Department's appraisal of the need to revise the grade requirements applicable to Florida white seedless grapefruit, Valencia and other late type oranges, Temple oranges, and early and midseason oranges in recognition of the diminishing available supplies of such fruit. The committee reports an increased market demand for the remaining supplies of such fruit. Such revision is designed to augment the total available supply of marketable fruit. It is hereby found that this regulation will tend to effectuate the declared policy of the Act.

Under Section 8e of the Act (7 U.S.C. 608e–1), whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that comodity must meet the same or comparable grade, size, quality or maturity requirements as those in effect for the domestically produced commodity. Thus, the grade requirements for imported white seedless grapefruit will also change to conform to the grade requirements for domestic shipments of Florida white seedless grapefruit.

It is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the Act to make this regulatory provision effective as specified. This amendment relieves restrictions on domestic and export shipments of Florida white seedless grapefruit, Valencia and other late type oranges, Temple oranges, early and midseason oranges and imports of white seedless grapefruit.

List of Subjects in 7 CFR Part 905

Marketing agreements and orders, Florida, Grapefruit, Oranges, Tangelos, Tangerines.

PART 905—[AMENDED]

Accordingly, the provisions of § 905.306 are amended by revising the following entries in Table I, paragraph (a), applicable to domestic shipments, and Table II, paragraph (b), applicable to export shipments, to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine and Tangelo Regulation 6.

(a) * * *

TABLE I

Variety	Regulation Period	Minimum Grade	Minimum Diameter (Inches)
(1)	(2)	(3)	(4)
*	*	*	*
Oranges:			
Early & Midseason.	6/13/83–6/21/83.	U.S. No. 2 Russet.	2⁹⁄₁₆
	On & after 6/22/83.	U.S. No. 1	2⁹⁄₁₆
Valencia and other late type.	6/13/83–6/21/83.	U.S. No. Russet.	2⁹⁄₁₆
	On & after 6/22/83.	U.S. No. 1	2⁹⁄₁₆
Temple	6/13/83–6/21/83.	U.S. No. 2 Russet.	2⁹⁄₁₆
	On & after 6/22/83.	U.S. No. 1	2⁹⁄₁₆
Grapefruit: Seedless, except pink.	6/13/83–6/21/83.	U.S. No. 2 Russet, Improved No. 2 (External), U.S. No. 1 (Internal).	3⁶⁄₁₆
	On & after 6/22/83.		3⁶⁄₁₆
*	*	*	*

(b) * * *

TABLE II

Variety (1)	Regulation Period (2)	Minimum Grade (3)	Minimum Diameter (inch) (4)
* * * * *			
Oranges:			
Early & Midseason.	6/13/83–6/21/83.	U.S. No. 2 Russet.	2⅛
	On & after 6/22/83.	U.S. No. 1	2⅛
Valencia and Other Late Types.	6/13/83–6/21/83.	U.S. No. 2 Russet.	2⅛
	On & after 6/22/83.	U.S. No. 1	2⅛
Temple	6/13/83–6/21/83.	U.S. No. 2 Russet.	2⅛
	On & after 6/22/83.	U.S. No. 1	2⅛
Grapefruit:			
Seedless, except pink.	6/13/83–6/21/83.	U.S. No. 2 Russet.	3⅛
	On & after 6/22/83.	Improved No. 2 (External). U.S. No. 1 (Internal).	3⅛
* * * * *			

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 7, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-15728 Filed 6-13-83; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

7 CFR Part 3015

General Provisions for Grants and Cooperative Agreements With Institutions of Higher Education, Other Nonprofit Organizations and Hospitals

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document amends 7 CFR Part 3015, Uniform Federal Assistance Regulations, by adding a new section to Subpart U to establish Department-wide general provisions that apply to grants or cooperative agreements, where applicable. Issuance of these regulations will assure uniformity in policy and standardize guidance for all USDA agencies providing assistance through grants and cooperative agreements. Additionally, publication of these rules will assist in complying with the Paperwork Reduction Act of 1980 by eliminating the necessity for a separate form containing General Provisions, thus allowing the USDA awarding agency to reference 7 CFR Part 3015 where applicable.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Lyn Zimmerman, Office of Finance and Management, USDA, Room 10–A, Administration Building, Washington, D.C. 20250 (telephone (202) 382–1553).

SUPPLEMENTARY INFORMATION:

Classification

This rule has been reviewed under Executive Order 12291 and it has been determined that this is not a major rule.

Regulatory Analysis

Although this rule may directly affect recipients of Federal assistance awards administered by the Department of Agriculture, this rule does not involve a substantial or major impact on the nation's economy or large numbers of individuals or businesses. There will be no major increase in costs or prices to consumers, individuals, industries, Federal, State, or local government agencies, or geographic regions. Additionally, it will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601–612).

Proposed Rulemaking

This rule relates to grants, and other Federal assistance, and, therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect thereto are impractical and contrary to the public interest and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. This determination is also based on the fact that these provisions set out generally applicable requirements and standards which apply to Federal financial assistance programs. Such requirements and standards are prescribed by statute, Executive Order, or other authoritative sources which apply to the assistance programs of two or more agencies. These requirements and standards have already been promulgated by the cognizant agencies and have generally been incorporated by the Department into its grants and cooperative agreements. While the Department is not engaging in proposed rulemaking, any member of the public may submit comments on this rule.

Objectives

These regulations apply in whole or in part, to grants or cooperative agreements awarded by USDA and incorporate requirements identified by the Office of Management and Budget, statute or Executive Order, where applicable to the particular agreement. This rule shall also be applied to profit-making organizations, individuals, and foreign organizations unless otherwise set forth in the grant or cooperative agreement. This rule will also have the effect of reducing the amount of paperwork for recipients through the incorporation of these provisions, as appropriate, into the award document.

List of Subjects in 7 CFR Part 3015

Grant programs—agriculture, Intergovernmental relations.

John J. Franke, Jr.,

Assistant Secretary for Administration.

Approved: June 8, 1983.

John R. Block,

Secretary of Agriculture.

PART 3015—[AMENDED]

7 CFR Part 3015 is amended as follows:

1. The authority citation for Part 3015 reads as follows:

Authority: 5 U.S.C. 301.

2. New § 3015.205 is added to read as follows:

Subpart U—Miscellaneous

§ 3015.205 General Provisions for Grants and Cooperative Agreements With Institutions of Higher Education, Other Nonprofit Organizations, and Hospitals.

(a) *Scope.* This section sets forth general provisions which apply, in whole or in part, to grants and cooperative agreements awarded by USDA to institutions of higher education, other nonprofit organizations, and hospitals. (General provisions applicable to grants and cooperative agreements with State and local governments are set forth in the Office of Management and Budget (OMB) Circular A–102, Attachment M and are made a condition of each grant or cooperative agreement awarded to such recipients). Any statutory provisions that apply to the particular agreement at hand, that are not included herein, shall be made a part of the award document. All administrative requirements contained in subparts A through U of 7 CFR Part 3015 shall apply, as appropriate.

(b) *Assurances and compliance.* It shall be a condition of every USDA grant or cooperative agreement awarded to institutions of higher education, other nonprofit organizations and hospitals that the recipient assure and certify compliance with the following general requirements to the extent applicable:

(1) It will comply with the following provisions regarding the rights and welfare of human subjects:

(i) The recipient organization is responsible for safeguarding the rights and welfare of any human subjects

involved in research, development, and related activities supported by this agreement. The recipient organization may conduct research involving human subjects only as described in the proposal and as approved by the recipient organization's cognizant Institutional Review Board. Prior to conducting such research, the recipient organization shall obtain and document a legally sufficient informed consent from each human subject involved. No such informed consent shall include any exculpatory language through which the subject is made to waiver, or to appear to waiver, any of his or her legal rights, including any release of the recipient organization or its agents from liability for negligence.

(ii) The recipient organization agrees to comply with U.S. Department of Health and Human Services' regulations regarding human subjects, appearing in 45 CFR Part 46 (as amended).

(iii) It will comply with USDA policy which is to assure that the risks do not outweigh either potential benefits to the subjects or the expected value of the knowledge sought.

(iv) Selection of subjects or groups of subjects shall be made without regard to sex, race, color, religion, or national origin unless these characteristics are factors to be studied.

(2) It will comply with the Animal Welfare Act, as amended, 7 U.S.C. 2131, *et seq.*, and the regulations promulgated thereunder by the Secretary of Agriculture (9 CFR, Subchapter A) pertaining to the care, handling, and treatment of warm-blooded animals held or used for research, teaching, or other activities supported by Federal funds. Recipient organizations may request registration of facilities and a current listing of licensed dealers from the Regional Office of the Animal and Plant Health Inspection Service (APHIS), USDA, for the Region in which their facility is located. The location of the appropriate APHIS Regional Office, as well as information concerning this requirement, may be obtained by contacting the Senior Staff Officer, Animal Care Staff, USDA/APHIS, Federal Center Building, Hyattsville, Maryland 20782.

(3) It will assume primary responsibility for implementing proper conduct or recombinant DNA research and it will comply with the national Institute of Health Guidelines for Recombinant DNA Research, as revised.

(4) It will comply with Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. 1517, which requires:

(i) Any air transportation to, from, between, or within a country, other than the U.S., of persons or property, the expense of which will be assisted by USDA funding, to be performed on a U.S.-flag carrier if service provided by such carrier is "available."

(ii) For the purposes of this requirement:

(A) Passenger or freight service by a certificated air carrier is considered "available" even though:

(*1*) Comparable or a different kind of service by a noncertificated air carrier costs less; or

(*2*) Service by a noncertificated air carrier can be paid for in excess foreign currency; or

(*3*) Service by a noncertificated air carrier is preferred by the recipient organization contractor or traveler needing air transportation.

(B) Passenger service by a certificated air carrier is considered to be "unavailable":

(*1*) When the traveler, while enroute, has to wait six hours or more for an available U.S. carrier; or

(*2*) When any flight by a U.S. carrier interrupted by a stop anticipated to be six hours or more for refueling, reloading repairs, etc., and no other flight by a U.S. carrier is available during the six-hour period; or

(*3*) When the flight by a U.S. carrier takes 12 or more hours longer than a foreign carrier.

(5) It possesses legal authority to enter into the agreement; that a resolution, motion or similar action has been duly adopted or passed as an official act of its governing body, authorizing the acceptance of the agreement including all understandings and assurances contained therein and directing and authorizing the person identified as the official representative of the recipient organization to act in connection with the agreement and to provide such additional information as may be required.

(6) It will comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

(7) It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

(8) It will give USDA, the awarding agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers or documents related to the award.

(9) It will comply with all requirements imposed by the awarding agency concerning special requirements of law, program requirements, and other administrative requirements.

(10) It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of violating facilities and that it will notify the awarding agency of the receipt of any communication from the Director of the EPA, Office of Federal Activities, indicating that a facility to be utilized in the project is under consideration for listing by the EPA.

(11) It will comply with the flood insurance purchase requirements of the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001–4127. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

(12) It will assist the awarding agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. 470, Executive Order 11593, and the Archaeological and Historic Preservation Act of 1974, 16 U.S.C. 496a–1, *et. seq.*, by (i) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the awarding agency of the existence of any such properties, and by (ii) complying with all requirements established by the awarding agency to avoid or mitigate adverse effects upon such properties.

(13) It will comply with title IX of the Education Amendments of 1972, 20 U.S.C. 1681, *et. seq.*, which prohibits discrimination on the basis of sex in Federally assisted education programs.

(14) It will comply with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794. Section 504 provides that no otherwise qualified

handicapped individual shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(15) It will comply with the Age Discrimination Act of 1975, 42 U.S.C. 6101–6107, which prohibits unreasonable discrimination based on age, in programs or activities receiving Federal financial assistance.

(16) It is in compliance with the Clean Air Act of 1970, 42 U.S.C. 7401 *et seq.*, which requires federally assisted activities to be in conformance with State (Clean Air) Implementation Plan.

(17) It will establish safeguards to ensure that USDA funds are properly spent. In particular, it will assure that USDA funds are not used for partisan or political advocacy purposes.

(c) USDA awarding agencies shall obtain the required assurances and certifications by including the following clause in each grant or cooperative agreement awarded to institutions of higher education, other nonprofit organizations and hospitals:

As a condition of this grant or cooperative agreement, the recipient assures and certifies that it is in compliance with and will comply in the course of the agreement with all applicable laws, regulations, Executive Orders and other generally applicable requirements, including those set out in 7 CFR 3015.205(b), which hereby are incorporated in this agreement by reference, and such other statutory provisions as are specifically set forth herein.

[FR Doc. 83-15678 Filed 6-13-83; 8:45 am]
BILLING CODE 3410-30-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 32

[Docket No. 83-25]

National Bank Lending Limits

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Amendment to final rule.

SUMMARY: The Office of the Comptroller of the Currency is amending its final regulation on national bank lending limits, which was published on April 12, 1983 (48 FR 15844), so as to clarify the interpretation of the provision regarding combining loans of a partner with those of the partnership and other partners in that partnership.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Carol M. Beaumier, Manager, International Examinations ([202) 447–1747); Howard J. Finkelstein, Attorney, Legal Advisory Services Division ([202) 447–1880); Claire Owen, National Bank Examiner, Commercial Examinations ([202) 447–1164). These are not toll free numbers.

SUPPLEMENTARY INFORMATION: On April 12, 1983, the Office of the Comptroller of the Currency published a final regulation governing national bank lending limits (48 FR 15844). In conjunction with that publication, the Office specifically requested further comments on 12 CFR 32.5, governing combining loans to separate borrowers.

The Office received 32 comment letters on the final regulation. The commenters generally agreed that the revisions made by the Office in the final rule addressed the concerns expressed in their comments to the proposed rule, particularly with regard to the rules for combining loans to separate borrowers. However, 19 suggested that further changes be made in § 32.5.

a. *"Common enterprise."* Three commenters felt that the 50 percent dependency test of § 32.5(a)(2)(iii) of the regulation should be indicative of financial interdependence rather than a *per se* rule. The Office continues to believe that this degree of interdependence between related entities indicates the existence of a common enterprise, and that without this *per se* rule, the determination of whether a common enterprise existed would be too uncertain. Therefore, § 32.5(a)(2)(iii) of the final rule remains unchanged.

Eight commenters had questions regarding the application of the 50 percent rule and the definition of "gross receipts" in certain factual situations. The Office believes the questions raised in these letters are interpretive in nature and plans to respond to these questions in the near future. These interpretive questions do not, however, in the Office's judgment, require that the regulation be amended.

Five commenters recommended that the definition of "control" in § 32.5(a)(2)(v)(A) be amended from ownership of 25 percent of voting stock to majority ownership. Since 25 percent stock ownership merely creates a rebuttable presumption of "control," the Office has decided not to amend this provision.

b. *Loans to partnerships, joint ventures, and associations.* Seven commenters took issue with the Office's position that a partnership's debts should be attributed to each partner. The commenters argued that since a partner's liability is only contingent, loans to partnerships, joint ventures, and associations should be guided only by the "common enterprise" tests and not be automatically attributed to partners. The Office continues to support its previous position that the joint and several liability of each partner for all liabilities of the partnership mandates the regulation's attribution rule. Therefore, § 32.5(c)(1) of the final rule remains unchanged.

Two comment letters took note of § 32.5(c)(2), relating to loans to members of a partnership, joint venture, or association.

As published originally, that provision could have been interpreted to mandate combination of loans to two partners in a partnership where one partner is engaged in a "common enterprise" with the partnership but the other is not. For example, if A and B were general partners in partnership AB, and A and AB were engaged in a "common enterprise" but neither A and B nor B and AB were engaged in a "common enterprise," it is possible to read the regulation to require attribution of A's debts to AB *and* attribution, through AB, of A's debts to B. The Office did not intend this result and has amended the regulation to make it clear that, in the above example, A's debt would be attributed to B under the partnership rules only if A and B were engaged in a "common enterprise."

Since the amendment clarifies the final rule and does not involve a substantive change, the amendment is effective upon publication.

Special Studies

a. *Regulatory Impact Analysis.* Pursuant to Section 3(g)(1) of Executive Order 12291 of February 17, 1981, it has been determined that the regulation does not constitute a "major rule" within the meaning of section 1(b) of the Executive Order. The amendment would not have an effect on the economy of $100 million or more, would not affect costs or prices for consumers, individual industries, government agencies, or geographic regions, and would not have adverse effects on competition, employment, investment, productivity, or on the ability of United States-based industries to compete with foreign-based enterprises in domestic or export markets.

b. *Regulatory Flexibility Act Analysis.* Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 5 U.S.C. 601 *et seq.*), the Secretary of the Treasury has certified that the regulation will not have a

significant economic impact on a substantial number of small entities.

List of Subjects in 12 CFR Part 32

National banks, Lending limits.

PART 32—[AMENDED]

Accordingly, pursuant to authority under 12 U.S.C. 84 and 93a, the Comptroller of the Currency hereby amends Title 12 of the Code of Federal Regulations by amending § 32.5(c)(2) to read as follows:

1. The authority citation for 12 CFR Part 32 is:

Authority: 12 U.S.C. 1 *et seq.;* 12 U.S.C. 84 and 12 U.S.C. 93a.

2. Section 32.5 is amended by revising paragraph (c)(2) to read as follows:

§ 32.5 Loans to partnerships, joint ventures, and associations.

* * * * *

(c) * * *

(2) Loans or extensions of credit to members of a partnership, joint venture, or association shall, for purpose of this Part, be attributed to the partnership, joint venture, or association where one or more of the tests set forth in paragraph (a) of this section is satisfied with respect to one or more such members. However, loans to members of a partnership, joint venture, or association will not be attributed to other members of the partnership, joint venture, or association under this paragraph unless one or more of the tests set forth in paragraph (a) of this section is satisfied with respect to such other members. The tests set forth in paragraph (a) of this section shall be deemed to be satisfied when loans or extensions of credit are made to members of a partnership, joint venture, or association for the purpose of purchasing an interest in such partnership, joint venture, or association.

* * * * *

Dated: June 9, 1983.

Doyle L. Arnold,

Acting Comptroller of the Currency.

[FR Doc. 83-15950 Filed 6-13-83; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL TRADE COMMISSION

16 CFR Part 423

Amendment to Trade Regulation Rule Concerning Care Labeling of Textile Wearing Apparel and Certain Piece Goods

AGENCY: Federal Trade Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a Commission document concerning Care Labeling of Textile Wearing Apparel and Certain Piece Goods previously published in the **Federal Register** on Friday, May 20, 1983 (48 FR 22733).

DATE: The corrections are effective June 14, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/PC, Earl W. Johnson, Washington, D.C. 20580. (202) 376-2891.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-13576, appearing in the **Federal Register** issue for Friday, May 20, 1983, there were some minor errors that could be confusing to the reader. The following corrections should be made:

On page 22734, third column, footnote 7, fourth line, "working" should read "wording".

On page 22735, third column, third full paragraph, "c. *In accurate care labeling.*" should read "c. *Inaccurate care labeling.*"

On page 22736, middle column, paragraph "2. *Legal basis of the current rule.*", 5th line, "fast use" should read "failure".

On page 22737, middle column, 3rd line from the top, "by" should read "be".

On page 22740, middle column, 3rd full paragraph, 16th line, "from" should read "for". Also on the same page, third column, 2nd full paragraph, 16th line, "Section 453.8(d)" should read "Section 423.8(d)". Also in the third column, footnote 86, first line, "Section 453.8(d)" should read "Section 423.8(d)". On page 22745, middle column, under "Appendix A", the third entry should read "c. 'Cold'—initial water temperature setting same as cold water tap up to 85° F (29° C)."

Emily H. Rock,

Secretary.

[FR Doc. 83-15668 Filed 6-13-83; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB-52]

Staff Accounting Bulletin No. 52

Correction

In FR Doc. 83-13755 beginning on page 23172 in the issue of Tuesday, May 24, 1983, make the following corrections:

1. On page 23173, first column, in the paragraph under **Staff Accounting Bulletin No. 52**, fifth line, "overfunded denied" should have read "overfunded defined".

2. Same page, middle column, sixth line from the top of the page, "termination plan" should have read "terminated plan".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 2

[Docket No. 30428-69]

Trademark Applications and Examination Proceedings; Trademark Interference, Concurrent Use, Opposition and Cancellation Proceedings; Trademark Post-Registration Proceedings; Correction

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule notice appearing in the **Federal Register** on May 23, 1983 (48 FR 23122) that amended the Patent and Trademark Office rules of practice in trademark cases to revise or codify existing practices, simplify procedures, or establish time periods for the purpose of facilitating the orderly and prompt resolution of issues before the Office in several types of proceedings.

FOR FURTHER INFORMATION CONTACT: Miss Janet E. Rice by telephone at (703) 557-3551 or by mail addressed to the Commissioner of Patents and Trademarks, Attention: Miss Janet E. Rice, Crystal Square 5, Suite 1006, Washington, D.C. 20231.

The following corrections are made:

1. On page 23122, third column, line 8, "§ 1.101" should read "§ 2.101".

2. On page 23129, first column, line 11, "(f)" should read "(f)(5)".

3. On page 23129, second column, line 11, the word "is" should read "in".

4. On page 23131, first column, line 57, "§ 2.120(c)(2)" should read "§ 2.122(c)(2)".

5. On page 23131, third column, line 35, the word "deception" should read "exception".

6. On page 23134, second column, line 26, the word "filing" should read "filings".

7. On page 23135, column 1, in the tenth line after the heading "§ 2.96 Issue; burden of proof.", the word "party" should appear after the word "junior".

8. On page 23135, column 2, line 10, the word "this" should read "his".

9. On page 23135, column 2, line 22, the word "file" should read "filed".

10. On page 23135, column 2, line 50, the word "and" should read "an".

11. On page 23135, column 3, line 30, the comma after the word "examiner" should be a semicolon.

12. On page 23136, column 1, in the first line after the heading "§ 2.113 Notification of cancellation proceeding.", the designation "(a)" should be stricken.

13. On page 23138, column 2, line 58, the "w" in "when" should be capitalized.

14. On page 23139, column 2, line 22, the 3 asterisks should be stricken. An additional line should be added directly below line 22. The new line 23 should consist of 5 asterisks along the center of the line, with four spaces between each asterisk. The text should then be resumed on line 24 with what was previously line 23.

15. On page 23140, column 3, line 38, the word "due" should be inserted after the word "be".

16. On page 23142, column 3, line 6, the "p" in "part" should be capitalized.

Dated: June 8, 1983.

Donald J. Quigg,

Acting Commissioner of Patents and Trademarks.

[FR Doc. 83-15831 Filed 6-13-83; 8:45 am]

BILLING CODE 3510-16-M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rate on New Guaranteed, Insured and Direct Loans for Homes and Condominiums

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rates for fixed payment and graduated payment loans for homes and condominiums. The maximum interest rates are increased because the former interest rates were not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increases in the interest rates will assure a continuing supply of funds for home mortgages; thereby allowing veterans to purchase a home with the assistance of a no down-payment VA loan.

EFFECTIVE DATE: June 8, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW., Washington, D.C. 20420; (202-389-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by law to establish a maximum interest rate for loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. This authority has been delegated by 38 CFR 2.6(b)(3) to the Chief Benefits Director, Deputy Chief Benefits Director, or person authorized to act for them. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans and the general increase in interest rates charged by lenders on conventional loans, have shown that the mortgage money market has become more restrictive. The maximum rates in effect for VA guaranteed loans have not been sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program, it has been determined that increases in the maximum permissible rates for both fixed rate and graduated payment mortgage loans are necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

Regulatory Flexibility Act/Executive Order 12291

Certifications

For the reasons discussed in the May 7, 1981 **Federal Register** (46 FR 25443), it has previously been determined that final regulations of this type which change the maxium interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United State Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they do not come within the definition of a "major rule" as defined in that Order. Also, the existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process will still permit timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the maximum interest rates for VA guaranteed, insured, and direct home and condominium loans would create an acute shortage of mortgage funds pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113 and 64.114)

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured homes, Veterans.

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1) and 1811(d)(1) of title 38, United States Code, and delegated to the undersigned by 38 CFR 2.6(b)(3). The regulations are clearly within that statutory authority and are consistent with Congressional intent.

The increases in the maximum interest rates are accomplished by amending § 36.4311 (a) and (b) and 36.4503(a) of title 38, Code of Federal Regulations.

Approved: June 7, 1983.

By direction of the Administrator.

Dorothy L. Starbuck,

Chief Benefits Director.

PART 36—LOAN GUARANTY

The Veterans Administration is amending 38 CFR Part 36 as set forth below:

1. In § 36.4311, paragraphs (a) and (b) are revised as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 12 per centum per annum, effective June 8, 1983, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan,

guaranteed or insured wholly or in part on or after such date may not exceed 12 per centum per annum on the unpaid principal balance.

(38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 12¼ per centum per annum, effective June 6, 1983, the interest rate on any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 12¼ per centum per annum.

* * * * *

(38 U.S.C. 1803(c)(1)

2. In § 36.4503, paragraph (a) is revised as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 12 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 13 percent per annum.

(38 U.S.C. 1811(d) (1) and (2)(A))

* * * * *

[FR Doc. 83-15663 Filed 6-13-83; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail On-Demand Service to Brazil; Final Action

AGENCY: Postal Service.

ACTION: Final action on International Express Mail On-Demand Service to Brazil.

SUMMARY: Pursuant to agreement with the postal administration of Brazil, the Postal Service intends to begin International Express Mail On-Demand Service with Brazil at postage rates indicated in the table below. Service is scheduled to begin on July 15, 1983.

EFFECTIVE DATE: July 15, 1983.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlinn (202) 245-4414.

SUPPLEMENTARY INFORMATION: By a notice published in the **Federal Register** on May 10, 1983 [48 FR 20949], the Postal Service announced that it was proposing to begin International Express Mail On-Demand Service to Brazil on July 15, 1983. Comments were invited on published rate tables, which were proposed amendments to the International Mail Manual (incorporated by reference in the **Federal Register**, 39 CFR 10.1), and which were to become effective on the date service began. No comments were received.

Accordingly, the Postal Service is confirming that it intends to begin International Express Mail On-Demand Service with Brazil on July 15, 1983 at the rates indicated in the table below.

List of Subjects in 39 CFR Part 10

Postal Service, Foreign relations.

BRAZIL INTERNATIONAL EXPRESS MAIL

On demand service [1] up to and including	
Pounds	Rate
1	$21.00
2	25.50
3	30.00
4	34.50
5	39.00
6	43.50
7	48.00
8	52.50
9	57.00
10	61.50
11	66.00
12	70.50
13	75.00
14	79.50
15	84.00
16	88.50
17	93.00
18	97.50
19	102.00
20	106.50
21	111.00
22	115.50
23	120.00
24	124.00
25	129.00
26	133.50
27	138.00
28	142.50
29	147.00
30	151.50
31	156.00
32	160.50
33	165.00
34	169.50
35	174.00
36	178.50
37	183.00
38	187.50
39	192.00
40	196.50
41	201.00
42	205.50
43	210.00
44	214.50
45	219.00
46	223.50
47	228.00
48	232.50
49	237.00
50	241.50

[1] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

A transmittal letter making these changes in the pages of the International Mail Manual will be published in the **Federal Register** as provided in 39 CFR 10.3 and will be transmitted to subscribers automatically.

(39 U.S.C. 401, 404, 407)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-15660 Filed 6-13-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 1

[OA-FRL-2377-2]

Statement of Organization and General Information

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document updates the statement of organization and general information to reflect the current organization of the U.S. Environmental Protection Agency.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. William G. Hedling, Acting Director, Management and Organization Division, Office of Personnel and Organization, 202-382-5000.

List of Subjects in 40 CFR Part 1

Organization and functions (Government agencies).

Dated: May 27, 1983.

Samuel Schulhof,

Acting Assistant Administrator for Administration.

Part 1 of Title 40 of the Code of Federal Regulations is revised as follows:

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

Subpart A—Introduction

Sec.
1.1 Creation and authority.
1.3 Purpose and functions.
1.5 Organization and general information.
1.7 Location of principal offices.

Subpart B—Headquarters

1.21 General.
1.23 Office of the Administrator.
1.25 Staff Offices.
1.26 Office of the Inspector General.
1.27 Office of Legal and Enforcement Counsel and General Counsel.

Sec.

1.28 Office of Policy and Resource Management.
1.29 Office of Administration.
1.30 Office of Air, Noise and Radiation.
1.31 Office of Pesticides and Toxic Substances.
1.32 Office of Research and Development.
1.33 Office of Solid Waste and Emergency Response.
1.34 Office of Water.

Subpart C—Field Installations

1.41 Regional Offices.

Authority: 5 U.S.C. 552.

Source: 43 FR 28479, June 30, 1978, unless otherwise noted.

Subpart A—Introduction

§ 1.1 Creation and authority.

Reorganization Plan 3 of 1970, established the U.S. Environmental Protection Agency (EPA) in the executive branch as an independent Agency, effective December 2, 1970.

§ 1.3 Purpose and functions.

The U.S. Environmental Protection Agency permits coordinated and effective governmental action to assure the protection of the environment by abating and controlling pollution on a systematic basis. Reorganization Plan 3 of 1970 transferred to EPA a variety of research, monitoring, standard setting, and enforcement activities related to pollution abatement and control to provide for the treatment of the environment as a single interrelated system. Complementary to these activities are the Agency's coordination and support of research and anti-pollution activities carried out by State and local governments, private and public groups, individuals, and educational institutions. EPA reinforces efforts among other Federal agencies with respect to the impact of their operations on the environment.

§ 1.5 Organization and general information.

(a) The U.S. Environmental Protection Agency's basic organization consists of Headquarters and 10 Regional Offices. EPA Headquarters in Washington, D.C. maintains overall planning, coordination, and control of EPA programs. Regional Administrators head the Regional Offices and are responsible directly to the Administrator for the execution of the Agency's programs within the boundaries of their Regions.

(b) EPA's Directives System contains definitive statements of EPA's organization, policies, procedures, assignments of responsibility, and delegations of authority. Copies are available for public inspection and copying at the Management and Organization Division, 401 M Street SW., Washington, D.C. 20460. Information can be obtained from the Office of Public Affairs at all Regional Offices.

(c) EPA conducts procurement pursuant to the Federal Property and Administrative Services Act, the Federal Procurement Regulations, and implementing EPA regulations.

§ 1.7 Location of principal offices.

(a) The EPA Headquarters is in Washington, D.C. The mailing address is 401 M Street SW., Washington, D.C. 20460.

(b) The addresses of (and States served by) the EPA Regional Offices (see 1.41) are:

(1) Region I, U.S. Environmental Protection Agency, Room 2203, John F. Kennedy Federal Building, Boston, Mass. 02203. (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.)

(2) Region II, U.S. Environmental Protection Agency, Room 1009, 26 Federal Plaza, New York, N.Y. 10007. (New Jersey, New York, Puerto Rico, and the Virgin Islands.)

(3) Region III, U.S. Environmental Protection Agency, Curtis Building, Sixth and Walnut Street, Philadelphia, Pa. 19106. (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.)

(4) Region IV, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30365. (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.)

(5) Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604. (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.)

(6) Region VI, U.S. Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Tex. 75270. (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.)

(7) Region VII, U.S. Environmental Protection Agency, 324 E. 11th Street, Kansas City, MO. 64106. (Iowa, Kansas, Missouri, and Nebraska.)

(8) Region VIII, U.S. Environmental Protection Agency, Lincoln Tower, 1860 Lincoln Street, Denver, Colo. 80203. (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.)

(9) Region IX, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105. (Arizona, California, Hawaii, Nevada, American Samoa, Trust Territories of the Pacific Islands, Guam, Wake Island, and the Northern Marianas.)

(10) Region X, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101. (Alaska, Idaho, Oregon, and Washington.)

Subpart B—Headquarters

§ 1.21 General.

EPA Headquarters is comprised of (a) the Office of the Administrator; (b) nine staff offices which advise the Administrator on cross-cutting Agency issues and conduct programs with respect to EPA's interface with other national and international governmental organizations; (c) the Office of Inspector General; (d) two policy support offices, headed by Associate Administrators, responsible for advising the Administrator on EPA's legal and environmental policy matters; and (e) six operational offices, each headed by an Assistant Administrator, and responsible for carrying EPA's major environmental and administrative programs.

§ 1.23 Office of the Administrator.

The Environmental Protection Agency is headed by an Administrator who is appointed by the President, by and with the consent of the Senate. The Administrator is responsible to the President for providing overall supervision to the Agency, and is assisted by a Deputy Administrator also appointed by the President, by and with the consent of the Senate. The Deputy Administrator assists the Administrator in the discharge of Agency duties and responsibilities and serves as Acting Administrator in the absence of the Administrator.

§ 1.25 Staff offices.

(a) *Office of Administrative Law Judges.* The Office of Administrative Law Judges, under the supervision of the Chief Administrative Law Judge, is responsible for presiding over and conducting formal hearings, other hearings, and issuance of initial decisions, if appropriate, in such preceedings. The Office provides supervision of the Administrative Law Judges in certain Agency Regional Offices, who operate as a component of the Office of Administrative Law Judges. The Office provides the Agency Hearing Clerk.

(b) *Office of Civil Rights.* The Office of Civil Rights, under the supervision of a Director, serves as the principal adviser to the Administrator with respect to EPA's civil rights programs. The Office develops policies, procedures, and regulations to implement the Agency's civil rights responsibilities, and provides direction to Regional and field Directors of Civil Rights. The Office implements and

monitors the Agency's equal employment opportunity program; provides advice and guidance to EPA program officials and Regional Administrators on EEO matters; serves as advocate for furthering career opportunities for minorities and women; and processes complaints of discrimination for Agency's disposition. The office assures: (1) Maximum participation of minority business enterprises under EPA contracts and grants; (2) equal employment opportunity under Agency service contracts, construction contracts, and under Agency grants; (3) compliance with the Davis-Bacon Act and related acts; (4) compliance with the provisions of laws affecting Agency programs requiring nondiscrimination on account of age and physical handicap and; (5) that services or benefits dispensed under any program or activity receiving Agency financial assistance are dispensed on a nondiscrimination basis.

(c) *Office of Federal Activities.* The Office of Federal Activities under the supervision of a Director, develops and recommends policies for national programs addressing environmental problems arising from Federal facilities and federally or authorized activities. The office provides a clearinghouse mechanism for receiving inquiries or requests from Federal agencies for consultation and technical assistance and reviews other Federal agencies' policies and procedures for correcting environmental problems at Federal facilities. The Office develops policies and procedures for the processing of all environmental impact statements submitted to EPA and coordinates the review of impact statements having a high degree of national significance and develops policy and procedure for the preparations of impact statements on EPA's own activities.

(d) *Office of International Activities.* The Office of International Activities, under the supervision of a Director, develops policies and procedures for the direction of the Agency's international programs and activities, subject to U.S. foreign policy, and assures that adequate program, scientific, and legal inputs are provided. The office evaluates the Agency's international activities and makes appropriate recommendations to the Administrator and principal Agency officials on international environmental programs and issues. It serves as the Administrator's representative in contacts with the Department of State and other Federal agencies concerned with international affairs. The Office maintains liaison with all relevant international organizations and provides representation where appropriate; negotiates arrangements or understandings relating to international cooperation with foreign organizations; coordinates Agency international contacts and commitments. The Office serves as the focal point for responding to requests for information relating to EPA international activities; and provides an initial point of contact for all foreign visitors. The Office establishes Agency foreign travel policy, approves annual plans for foreign travel and attendance at international conferences and events. It also provides administrative support for the general activities of the Executive Secretary of the U.S. side of the US–USSR/PRC environmental agreements; and of the U.S. Coordinator for the NATO Committee on the Challenges of Modern Society.

(e) *Office of Legislation.* The Office of Legislation, under the supervision of a Director, serves as the principal point of congressional contact with the Agency. The Office reviews and advises the Administrator and other Agency officials on all legislative proposals originating within or affecting the Agency. The Office prepares, reviews, and obtains clearance of proposed legislation and reports on legislation; performs legislative drafting services; coordinates preparation of testimony; and reviews transcripts of hearings. The Office maintains an effective liaison with the Congress on Agency actions of interest to the Congress and, as necessary, maintains liaison with Agency Regional and field officials, other government agencies, and public and private groups having an interest in legislative matters affecting the Agency and assures prompt response to the Congress on all inquiries relating to activities of the Agency.

(f) *Office of Intergovernmental Liaison.* The Office of Intergovernmental Liaison, under the supervision of a Director, is the principal point of contact with public interest groups representing State and local governments, and the principal source of advice and information for the Administrator on intergovernmental relations. The Office maintains liaison on intergovernmental issues with the White House and the Office of Management and Budget; identifies and seeks solutions to emerging intergovernmental issues; recommends and coordinates personal involvement by the Administrator and Deputy Administrator in relations with State, county and local government officials; coordinates and assists Headquarters and Regional organizations in addressing intergovernmental issues.

(g) *Science Advisory Board.* The Science Advisory Board, under the direction of a Director, provides expert and independent advice to the Administrator on the scientific and technical issues facing the Agency. The Office advises on broad, scientific, technical and policy matters; assesses the results of specific research efforts; assists in identifying emerging environmental problems; and advises the Administrator on the cohesiveness and currency of the Agency's scientific programs.

(h) *Office of Small and Disadvantaged Business Utilization.* The Office of Small and Disadvantaged Business Utilization, under the supervision of a Director, is responsible for developing policy and procedures implementing the Agency's business utilization responsibilities. The Office provides information and assistance to components of the Agency's field offices responsible for carrying out related activities. The Office develops and implements a program to provide the maximum utilization of women-owned business enterprises in all aspects of EPA contract work; in collaboration with the Procurement and Contracts Management Division develops programs to stimulate and improve involvement of small and minority business enterprises; and provides technical advisers to assist designated Procurement Center Representatives of the Small Business Administration in their duties. The Office represents EPA at hearings, interagency meetings, conferences and other appropriate forums on matters related to the advancement of these cited business enterprises in EPA's Federal Contracting Program.

(i) *Office of Public Affairs.* The Office of Public Affairs, under the supervision of a Director, serves as Chief Agency spokesman and principal adviser to the Administrator, Deputy Administrator, and key officials on the Public Affairs aspects of the Agency's activities and programs. The Office provides policy direction, coordination and oversights for the Agency's consumer activities. In cooperation with Agency officials, it develops and impiements public affairs strategies and plans; assures that adequate and timely responses are made to media-related inquiries; provides liaison and assistance to other agencies and groups; develops effective communications on behalf of the Agency with public groups; and provides program direction and professional review of the performance of public

affairs functions at the Regional Offices, laboratories and other field activities. The Office is responsible for providing direction to the Agency's community relations, public participation, and environmental education and information programs. The Office develops and publishes publications and other materials necessary to inform the general public, State and local governments, and concerned and/or affected groups about the Agency's missions. The Office supports, encourages and promotes public participation in the development, revision, and enforcement of environmental quality standards related to the Agency's program responsibilities.

§ 1.26 Office of the Inspector General.

The Office of the Inspector General assumes overall responsibility for audits and investigations relating to programs and operations of EPA. The Office provides leadership and coordination and recommends policies for other Agency activities designed to promote economy and efficiency and to prevent and detect fraud and abuse in such programs and operations. The Office of the Inspector General informs the Administrator, Deputy Administrator, and Congress of serious problems, abuses and deficiencies relating to EPA programs and operations, and of the necessity for and progress of corrective action, and reviews existing and proposed legislation and regulations to assess the impact on the administration of EPA's programs and operations. The Office recommends policies for, and conducts or coordinates relationships between the Agency and other Federal agencies, State and local government agencies, and nongovernmental entities with respect to all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered by the Agency.

§ 1.27 Office of Legal and Enforcement Counsel and General Counsel.

The Associate Administrator for Legal and Enforcement Counsel and General Counsel serves as primary legal adviser to the Administrator and principal adviser in matters pertaining to the enforcement of standards and regulations for environmental quality; provides policy direction to enforcement activities in water, air, noise, radiation, toxic substances, pesticides, and solid waste and emergency response programs.

(a) *Office of Deputy General Counsel.* The Deputy General Counsel, provides legal service to all of the organizational elements of the Agency with respect to all programs and activities of the Agency; provides legal opinions, legal counsel, and litigation support; and assists in the formulation and administration of the Agency's policies and programs as legal adviser.

(b) *Office of Enforcement Counsel.* The Office of Enforcement Counsel provides the principal direction and review of civil enforcement activities for air, water, waste, pesticides, toxics, and radiation. The Office manages a national criminal enforcement program; ensures coordination of media office administrative compliance programs and civil and criminal enforcement activities; and provides technical expertise for enforcement activities, through the National Enforcement Investigations Center (NEIC), to Headquarters, Regions, and States.

(c) *Regional Counsel.* Regional Counsels in each of the ten Regional Offices operate as a component of the Office of Legal and Enforcement Counsel and General Counsel. The Regional Counsel serves as attorney-adviser to the Regional Administrator and program and administrative staffs. The Regional Counsel may also provide legal services to Agency activities located within his Region but not reporting to the Regional Administrator.

§ 1.28 Office of Policy and Resource Management.

The Associate Administrator for Policy and Resource Management serves as principal adviser to the Administrator on Agency policy and resource management issues and as such is responsible for supervision and management of the following activities, including: resources management; standards and regulations; and management systems evaluations. The Associate Administrator represents the Administrator with Congress and the Office of Management and Budget, and other Federal agencies prescribing requirements for conduct of government management activities.

(a) *Office of the Comptroller.* The Comptroller is responsible for the following: Designs and oversees the entire resource management process from issue formulation to execution; prepares EPA budget requests, appeals and materials for Congressional hearings as well as special requests; provides manuals, forms, tables and schedules in support of the annual budget process; and prepares an annual analytic agenda defining the major policy and resource issues facing the Agency. The Office coordinates the development of the Agency's Congressional budget justification and testimony for the appropriations process, and monitors the progress of estimates through the Congressional phase. It assists and provides staff support to Congressional committees; assists program and Regional Offices in the formulation, review and modification of workload analysis models; coordinates development, review and approval of annual operating plans. The Office develops a wide range of budget policy determinations to support budget implementation; maintains an allocation, control and reporting system for all manpower and financial resources; provides ADP systems support to monitor budget trends and generate the numerous reports required to support the budget control, formulation and review functions; and provides all resource data, analyses and reports which are required or requested by Agency's officials, other Federal agencies, OMB, and the Congress.

(b) *Office of Policy Analysis.* The Director, will perform the following functions on an Agencywide basis: conducts economic evaluations of Agency programs, policies, standards and regulations, including the estimation of abatement costs, cost/benefit analyses, impact assessments, and monitoring of plant closings throughout the Nation; consults on and providing analytical assistance in the areas described above to senior policy and program officials and other offices in the Agency; performs coordination functions with respect to energy policy matters; evaluates Agency policies affecting energy development and use; and develops and recommends new policies in the energy area.

(c) *Office of Standards and Regulations.* The Director is responsible for the procedural management and substantive evaluation of the development process for Agency standards, regulations, and guidelines mandated by law, and otherwise scheduled for **Federal Register** publication, or designated by the Administrator. The Office coordinates the development and submission of selected statutory reports to the Congress. The Director serves concurrently as the Agency Reports Management Program Officer and is responsible for the direction of the Agencywide management program. The Office provides substantial review and approval of reporting requirements contained in Agency promulgated standards, and regulations; and of reporting requirements supporting information systems.

(d) *Office of Management Systems and Evaluation.* The Director directs and coordinates the development, implementation and administration of Agencywide systems for planning, tracking, and evaluating the accomplishment of Agency programs. In consultation with other offices, the Office develops a long-range policy framework for Agency goals and objectives, identifies strategies for achieving goals, establishes timetables for objectives, and ensures that programs are evaluated against their accomplishment of goals.

§ 1.29 Office of Administration.

The Assistant Administrator for Administration serves as the principal adviser to the Administrator in matters pertaining to administrative management and is responsible for the management and supervision of the following areas of responsibility, including: financial management and services, including developing and maintaining accounting systems; fiscal controls and systems for payroll and disbursements; control and monitoring of interagency agreements; grant policies and procedures; and contracting and procurement services. The Assistant Administrator is responsible for the development of personnel policies, procedures, and operations; development and conduct of programs for organization and management analysis; personnel and physical security; forms management; and Agency directives system. The Office of Administration supervises the management information systems development; automatic data processing management and operations; facilities and space management; Agency library system; records management; and the data systems information clearinghouse. The Assistant Administrator represents the Administrator in communications with the Office of Management and Budget, Office of Personnel Management, and other Federal agencies prescribing requirements for the conduct of Government fiscal, management, and administrative activities.

(a) *Office of Fiscal and Contracts Management.* The Office of Fiscal and Contracts Management, under the supervision of a Director, manages these recurring functions: financial management and related services, including development and maintenance of accounting systems, fiscal controls, and payroll and disbursements; Headquarters grant program administration, including development and implementation of grant policies regulations, guidelines, and procedures for processing and awarding grants for all grant programs; and contracting and procurement services. The Director supervises the performance of these assigned functions at Headquarters as well as at Agency field establishments, and coordinates financial matters with other Federal organizations as appropriate.

(b) *Office of Management Information and Support Services.* The Office of Management Information and Support Services, under the supervision of a Director, performs the following functions on an Agencywide basis: Management information systems development and coordination of its ADP applications; automatic data processing operations on a service bureau basis; facilities and space management; and coordinates the Agency Library system. The Office is also responsible for the technical supervision of comparable activities at Agency field establishments.

(c) *Office of Personnel and Organization.* The Office of Personnel and Organization, under the supervision of a Director, manages the following activities, including: development of Headquarters personnel and organization policies; management of personnel procedures and operations; conduct of studies of management systems and practices; ensures central control, review and assessment of proposed organizations, and coordinates Agency delegations of authority and other Agency directives; and supervises the Agency occupational safety and health responsibilities.

§ 1.30 The Office of Air, Noise, and Radiation.

The Assistant Administrator for Air, Noise, and Radiation serves as principal adviser to the Administrator in matters pertaining to air, radiation and noise programs, and is responsible for the management of these Agency programs, including: Program policy development and evaluation; environmental and pollution sources standards development; enforcement of standards; program policy guidance and overview, technical support or conduct of compliance activities and evaluation of Regional air and radiation program activities; development of programs for technical assistance and technology transfer; and selected demonstration programs.

(a) *Office of Mobile Sources.* The Office of Mobile Sources, under the supervision of a Director, is responsible for the mobile sources functions of the Agency. The Office is responsible for characterizing emissions from mobile sources and related fuels; developing programs for their control, including assessment of the status of control technology and in use vehicle emissions; managing, in coordination with the Office of Legal and Enforcement Counsel and General Counsel regulatory compliance programs to ensure adherence of mobile sources to standards; and for fostering the development of State motor vehicles.

(b) *Office of Air Quality Planning and Standards.* The Office of Air Quality Planning and Standards, under the supervision of a Director, is responsible for developing national standards for air quality, emission standards for new stationary sources, and emission standards for hazardous pollutants; for developing national programs, technical policies, regulations, guidelines, and criteria for air pollution control; for assessing the national air pollution control program and the success in achieving air quality goals; for providing assistance to the States, industry and other organizations; for evaluating Regional programs with respect to State Implementation Plans and strategies, technical assistance, and resource requirements and allocations for air related programs; for developing and maintaining a national air programs data system, including air quality, emissions and other technical data; and for providing effective technology transfer through the translation of technological developments into improved control program procedures.

(c) *Office of Radiation Programs.* The Office of Radiation Programs, under the supervision of a Director, is responsible for the radiation activities of the Agency including development of radiation protection criteria, standards, and policies; measurement and control of radiation exposure; and research requirements for radiation programs. The Office provides technical assistance to States through Regional Offices and other agencies having radiation protection programs; establishes and directs a national surveillance and investigation program for measuring radiation on the general public and the environment; and maintains liaison with other public and private organizations involved in environmental radiation protection activities. The Office coordinates and assists the Office of Legal and Enforcement Counsel and General Counsel in enforcement activities where EPA has jurisdiction.

§ 1.31 Office of Pesticides and Toxic Substances.

(a) *Assistant Administrator for Pesticides and Toxic Substances.* The Assistant Administrator for Pesticides

and Toxic Substances serves as the principal adviser to the Administrator in matters pertaining to assessment and regulation of pesticides and toxic substances. The Assistant Administrator is responsible for managing the Agency's pesticides and toxic substances programs, and for promoting coordination of all Agency programs engaged in toxic substances activities; for establishing Agency strategies for implementation and integration of the pesticides and the toxic programs under applicable Federal statutes; for developing and operating Agency programs and policies for assessment and control of pesticides and toxic substances; for developing recommendations for Agency priorities for research, monitoring, regulatory, and information-gathering activities relating to pesticides and toxic substances; for developing scientific, technical, economic, and social data bases for the conduct of hazard assessments and evaluations in support of toxic substances enforcement programs; for providing toxic substances and pesticides program guidance to Regional Offices; and for monitoring, evaluating and assessing pesticides and toxic substances program operations in Headquarters and Regional Offices.

(b) *Office of Pesticide Programs.* The Office of Pesticide Programs, under the management of a Director, is responsible for leadership of the overall pesticide activities of the Agency, including the development of strategic plans for the control of the national environmental pesticide situation. Such plans are implemented by the Office of Pesticide Programs, other EPA components, other Federal agencies, or by State, local and private sectors. The Office is responsible for the establishment of tolerance levels for pesticide residues which occur in or on food; registration and re-registration of pesticides; special review of pesticides suspected of posing unreasonable risks to human health or the environment; monitoring of pesticide residue levels in food, humans, and nontarget fish and wildlife; preparation of pesticide registration guidelines; development of standards for the registration and re-registration of pesticide products; provision of program policy direction to technical and manpower training activities in the pesticides area; development of research needs and monitoring requirements for the pesticide program and related areas; review of impact statements dealing with pesticides; and carrying out of assigned international activities.

(c) *Office of Toxic Substances.* The Office of Toxic Substances, under the management of a Director, is responsible for the toxic substances activities of the Agency. The Office is responsible for developing and operating Agency programs and policies for assessment and control of toxic substances; developing recommendations for Agency priorities for research, monitoring, regulatory, and information gathering activities relating to toxic substances; developing scientific, technical, economic, and social data bases for the conduct of hazard assessments and evaluations in support of toxic substances activities. The Office is also responsible for coordinating communication with the industrial community on matters relating to implementation of TSCA and provides scientific and administrative staff support to the TSCA Interagency Testing Committee.

§ 1.32 Office of the Assistant Administrator for Research and Development.

The Assistant Administrator for Research and Development serves as the principal science adviser to the Administrator, and is responsible for the development, direction, and conduct of a national research, development and demonstration program in: Pollution sources, fate, and health and welfare effects; pollution prevention and control, and waste management and utilization technology; environmental sciences; and monitoring systems. The Office participates in the development of Agency policy, standards, and regulations and provides for dissemination of scientific and technical knowledge, including analytical methods, monitoring techniques, and modeling methodologies. The Office serves as coordinator for the Agency's policies and programs concerning carcinogenesis and related problems and assures appropriate quality control and standardization of analytical measurement and monitoring techniques utilized by the Agency. The Office exercises review and concurrence responsibilities on an Agencywide basis in all budgeting and planning actions involving monitoring which require Headquarters approval.

(a) *Office of Monitoring Systems of Quality Assurance.* The Office of Monitoring Systems and Quality Assurance, under the supervision of a Director, is responsible for planning, managing and evaluating a comprehensive program for: (1) Development and demonstration of techniques and methods to measure exposure and to relate ambient concentrations to exposure by critical receptors; (2) research, development and demonstration of new monitoring methods, systems, techniques and equipment for detection, identification and characterization of pollutants at the source, and in the ambient environment, and for use as references or standard monitoring methods; (3) establishment, direction and coordination of Agencywide Quality Assurance Programs; and (4) development and provision of quality assurance methods, techniques and materials including validation and standardization of analytical methods, sampling, techniques, quality control methods, standard reference materials, and techniques for data collection, evaluation and interpretation. The Office identifies specific research, development, demonstration and service needs and priorities; establishes program policies and guidelines; develops program plans, including objectives and estimates or resources required to accomplish objectives; administers the approved program and activities; assigns approved program and activities; assigns program responsibility and resources to the laboratories; directs and supervises assigned laboratories in program administration; and conducts reviews of program progress and takes action as necessary to assure timeliness, quality and responsiveness of outputs.

(b) *Office of Environmental Engineering and Technology.* The Office of Environmental Engineering and Technology, under the supervision of the Director, is responsible for planning, managing and evaluating a comprehensive program for the: (1) Development and demonstration of cost-effective methods for control and management of operations with environmental impacts associated with the extraction, processing, conversion, and transportation of energy, minerals, and other resources; and with industrial processing and manufacturing facilities; (2) development and demonstration of cost-effective methods for the prevention or management of pollution discharge or waste disposal into the environment from public sector activities, including publicly-owned waste water and solid waste facilities; (3) improvement of drinking water supply and system operations, including improved understanding of water supply technology and water supply criteria. The Office develops program plans including objectives and justifies these resources, and, after receiving them, carries out the approved program and activities; (4) assigns objectives and

resources to the laboratories assigned to the Office. The Office conducts appropriate reviews to assure the quality, timeliness and responsiveness of outputs, and (5) analysis of the relative environmental and socio-economic impacts of energy, minerals, and other resource extraction, transportation, processing, conversion, and utilization systems, and of other industrial operations. The Office is the focal point for providing liaison with the rest of the Agency and with the Department of Energy on issues associated with energy development (excluding issues of research planning and implementation of the measurement, fate, and effects of energy pollutants that are conducted under the Interagency Energy/Environment Program), and liaison with the rest of the Agency on issues related to controlling pollution discharges.

(c) *Office of Environmental Processes and Effects Research.* The Office of Environmental Processes and Effects Research, under the supervision of the Director, is responsible for planning, managing, and evaluating a comprehensive research program to develop the scientific and technological methods and data necessary to understand ecological processes, and predict broad ecosystems impacts, and to manage the entry, movement, and fate of pollutants upon nonhuman organisms and ecosystems. The comprehensive program includes: (1) The development of organism and ecosystem level effect data needed for the establishment of standards, criteria or guidelines for the protection of nonhuman components of the environment and ecosystem integrity and the prevention of harmful human exposure to pollutants; (2) the development of methods to determine and predict the fate, transport, and environmental levels which may result in human exposure and exposure of nonhuman components of the environment, resulting from the discharge of pollutants, singly or in combination into the environment, including development of source criteria for protection of environmental quality; (3) the development and demonstration of methods for the control or management of adverse environmental impacts from agriculture and other rural nonpoint sources; (4) the development and demonstration of integrated pest managment strategies for the management of agriculture and urban pests which utilize alternative biological cultural and chemical controls; (5) the development of laboratory and field-scale screening tests to provide data that can be used to predict the behavior of pollutants in terms of movement in the environment, accumulation in the food chain, effects on organisms, and broad escosystem impacts; (6) coordination of interagency research, activities associated with the health and environmental impacts of energy production and use; and (7) development and demonstration of methods for restoring degraded ecosystem by means other than source control.

(d) *Office of Health Research.* The Office Health Research, under the supervision of the Director, is responsible for the management of planning, implementing, and evaluating a comprehensive, integrated human health research program which documents acute and chronic adverse effects to man from environmental exposure to pollutants and determines those exposures which have a potentially adverse effect on humans. The Office is responsible for criteria development and scientific assessments in support of the Agency's regulating and standard-setting activities. It develops methodology and conducts laboratory and field research studies; and develops interagency programs which effectively use pollutants. The Office is the Agency's focal point for providing liaison relative to human health effects and related human exposure issues (excluding issues related to the planning and implementation of research on the human health effects of energy pollutants that is conducted under the Interagency Energy/Environment Program). It responds to changing requirements of the Regions, program offices and other offices for priority technical assistance. In close coordination with Agency research and advisory committees, other agencies and offices, and interaction with academic and other independent scientific bodies, the Office develops health science policy for the Agency. Through these relationships and the scientific capabilities of its laboratories and Headquarters staffs, the Office provides a centrum for matters pertaining to the effects of human exposure to environmental pollutants.

§ 1.33 The Office of Solid Waste and Emergency Response.

The Assistant Administrator for Solid Waste and Emergency Response serves as the principal adviser to the Administrator in matters pertaining to solid waste and emergency response programs and shall be responsible for the management of these programs in the Agency including: Program policy development and evaluation; development of appropriate hazards waste standards and regulations; ensuring compliance with applicable laws and regulations; program policy guidance and overview, technical support, and evaluation of Regional solid waste and emergency response activities; development of programs for technical, programmatic, and compliance assistance to States and local government; development of guidelines and standards for the land disposal of hazardous wastes; analyses on the recovery of useful energy from solid waste, and development and implementation of a program to respond to uncontrolled hazardous waste sites and spills (including oil spills).

(a) *Office of Waste Programs Enforcement.* The Office of Waste Programs Enforcements, under the supervision of a Director, provides program management and implements the policy developed by the Office of Legal and Enforcement Counsel and General Counsel for the solid waste and emergency/remedial response (hereafter referred to as "response") enforcement activities of the Agency. The Office supervises those enforcement activities and provides policy direction to Regional solid waste and response enforcement programs. It develops objectives, strategy, programs, and evaluation criteria for solid waste and response enforcement activities. These activities include the development of policy statements, procedures, regulations, guidelines, evaluation criteria, and compliance monitoring standards designed to bring about actions by the private sector and governmental bodies to control solid and hazardous waste problems affecting the environment, and human health.

(b) *Office of Solid Waste.* The Office of Solid Waste, under the supervision of a Director, is responsible for the solid waste activities of the Agency. The Office provides program policy direction to and evaluation of such activities throughout the Agency and establishes solid waste research requirements for EPA.

(c) *Office of Emergency and Remedial Response.* The Office of Emergency and Remedial Response, under the supervision of a Director, is responsible for the emergency and remedial response functions of the Agency. The Office is specifically responsible for: (1) Developing national strategy, programs, technical policies, regulations and guidelines for the control of abandoned hazardous waste sites, and response to and prevention of oil and hazardous substance spills; (2) providing direction, guidance, and support to the

Environmental Response Teams and overseeing their activities; (3) providing direction, guidance and support to the Agency's non-enforcement emergency and remedial response to environmental emergencies; (4) providing direction, guidance and support to the Agency's non-enforcement emergency and remedial response programs, including emergency and remedial responses to hazardous waste sites; (5) developing national accomplishment plans and resources; (6) scheduling the guidelines for program plans; (7) assisting in the training of personnel; (8) monitoring and evaluating the performance, progress, and fiscal status of the Regions in implementing emergency and remedial response program plans; (9) maintaining liaison with concerned public and private national organizations for emergency response; (10) supporting State emergency response programs; and (11) coordinating Office activities with other EPA programs.

§ 1.34 The Office of Water.

The Assistant Administrator for Water serves as the principal adviser to the Administrator in matters pertaining to water programs, and shall be responsible for the management of the water programs of the Agency, including: Program policy development and evaluation; environmental and pollution sources standards development; program policy guidance and overview, technical support, and evaluation of Regional water activities; the conduct of enforcement activities as they relate to water programs; development of programs for technical assistance and technology transfer; and, development of selected demonstration programs.

(a) *Office of Water Enforcement.* The Office of Water Enforcement, under the supervision of a Director, implements program policy developed by the Office of Legal and Enforcement Counsel and General Counsel as it relates to the water and water supply enforcement activities of the Agency, including direct supervision of those enforcement activities reporting directly to the Office of Water Enforcement and technical program direction to the Regional water enforcement activities. The Office develops objectives and programs for water enforcement activities, including the development of procedures, regulatory material, guidelines, criteria, and policy statements designed to bring about actions by individuals, private enterprise, and governmental bodies to improve the quality of the water.

(b) *Office of Water Regulations and Standards.* The Office of Water Regulations and Standards, under the supervision of Director, is responsible for the Agency's water regulations and standards functions. The Office is responsible for developing an overall program strategy for the achievement of water pollution abatement in cooperation with other appropriate program offices. The Office assures the coordination of all national water-related activities within this water program strategy, and monitors national progress toward the achievement of water quality goals and is responsible for the development of effluent guidelines and water quality standards, and other pollutant standards, regulations, and guidelines within the program responsibilities of the Office. It exercises overall responsibility for the development of effective State and Regional water quality regulatory control programs. The Office is responsible for the development and maintenance of a centralized water programs data system including compatible water quality, discharger, and program data files utilizing, but not displacing, files developed and maintained by other program offices. It is responsible for developing national accomplishment plans and resource and schedule guidelines for monitoring and evaluating the performance, progress, and fiscal status of the organization in implementing program plans. The Office represents EPA in activities with the Water Resources Council and other Federal agencies concerned with water quality regulations and standards.

(c) *Office of Water Program Operations.* The Office of Water Program Operations, under the supervision of Director, is responsible for the Agency's water program operations functions. The Office is responsible for developing national programs, technical policies, regulations, and guidelines for the municipal wastewater treatment construction grants program and for water quality management and control of pollution from point and nonpoint sources; for proividing technical direction and support to Regional Offices and other organizations; and for evaluating Regional and State programs with respect to municipal point and nonpoint source abatement and control, and manpower development for water-related activities. The Office is responsible for developing national accomplishment plans and resource and schedule guidelines for program plans required of the Divisions; for monitoring and evaluating the performance, progress, and fiscal status of the divisions in implementing program plans.

(d) *Office of Drinking Water.* The Office of Drinking Water, under the supervision of a Director, is responsible for the water supply activities of the Agency, including the development of an implementation strategy which provides the national policy direction and coordination for the program. This Office establishes standards, develops regulations, policies, and guidelines for drinking water quality and treatment requisite to protect the public health and welfare and to protect existing and future groundwater sources of drinking water; provides guidance and technical information to State agencies, local utilities, and Federal facilities through the Regional Offices on program planning, and phasing; evaluates the national level of compliance with the regulations; plans and develops policy guidance for response to national, Regional, and local emergencies; reviews and evaluates, with Regional Offices, technical data for the designation of sole-source aquifers; designs a national program of public information to encourage citizens participation aimed at the goal, "Safe Drinking Water for all Americans", provides program policy direction for technical assistance and manpower training activities in the water supply area; identifies research needs and develops monitoring requirements for the national water supply program; develops national accomplishment plans and resource schedule guidelines for monitoring and evaluating the program plans, and program performance, and fiscal status; develops program plans, and budget and program status reports for the water supply program; coordinates water supply activities with other Federal agencies as necessary; and serves as liaison with the National Drinking Water Advisory Council.

Subpart C—Field Installations

§ 1.41 Regional Offices.

Regional Administrators are responsible to the Administrator, within the boundaries of their Regions, for the execution of the Regional programs of the Agency and such other responsibilities as may be assigned, and serves as the Administrator's principal representative in the Regions in contacts and relationships with Federal, State, interstate and local agencies, industry, academic institutions, and other public and private groups. Regional Administrators are responsible for accomplishing national program objectives within the Regions as established by the Administrator, Deputy Administrator, Associate

Administrators, Assistant Administrators, and Heads of Headquarters Staff Officers. Regional Administrators develop, propose, and implement an approved Regional program for comprehensive and integrated environmental protection activities. Regional Administrators are responsible for total resource management in the Regions within guidelines provided by the Headquarters, and is responsible for translating technical program direction and evaluation, provided by the various Associate Administrators, Assistant Administrators and Heads of Headquarters Staff Offices, into effective operating programs at the Regional level, and assuring that such programs are executed efficiently. Regional Administrators exercise approval authority for proposed State standards and implementation plans; and provide for overall and specific evaluations of Regional programs, both internal and State activities.

[FR Doc. 83-15438 Filed 6-13-83; 8:45 am]
BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

[FPMR Amdt. G-61]

Transportation Documentation and Audit; Adjustments for Unfurnished or Unused Transportation Services or Accommodations, Unused Ticket Refund Procedures, and Commercial Forms and Procedures

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends the policy and procedures regarding adjustments made by carriers for unfurnished or unused transportation services or accommodations in connection with Government transportation. Stated policy regarding the types of adjustment, refunds or credits, is amended to include any other negotiable instruments. This will prohibit carriers from issuing documents such as Miscellaneous Charges Orders (MCO) to Government travelers, which is contrary to Government regulations. Instead of an MCO, carriers should issue a transportation refund application.

It further amends and clarifies agency accounting actions when outstanding refunds are referred to GSA. It permits Federal agencies to write off as uncollectable, delinquent SF 1170 receivables which are determined to be uncollectable through the means available to them.

This regulation also revises procedures governing the use of commercial forms and procedures. It relaxes the monetary limitations for single- and multi-parcel shipments via express, courier, small package, or similar carriers. The $100 restriction on all other shipments remains unchanged. These revised procedures will permit Federal agencies to expand use of commercial forms and procedures when procuring transportation services and thereby reduce administrative costs and paperwork.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures and Claims Branch, Office of Transportation Audits (202-786-3014).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-41

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Maritime carriers, Moving of household goods, Passenger services, Railroads, Transportation.

PART 101-41—[AMENDED]

Title 41, Part 101-41 of the Code of Federal Regulations is amended as follows:

Subpart 101-41.2—Passenger Transportation Services Furnished for the Account of the United States

1. Section 101-41.209-2 is revised to read as follows:

§ 101-41.209-2 Adjustments for unfurnished or unused transportation services or accommodations.

All adjustments for unfurnished or unused services in connection with Government transportation must be processed through a Government agency. Travelers, issuing officers, or private individuals are not authorized to receive refunds, credits, or any other negotiable instruments for unfurnished services or unused tickets or portions thereof issued in exchange for GTR's. Carriers are accountable to the Government for refunds or adjustments improperly made to issuing officers or individuals traveling at Government expense. (See § 101-41.210 for procedures for collecting the value of unused or unfurnished services.)

2. Section 101-41.210-5 is revised to read as follows:

§ 101-41.210-5 Report of carrier failure to make refund on SF 1170 demands.

If, within 90 days from the date of issuance of SF 1170, the carrier has failed to make refund for unused transportation or to furnish a satisfactory explanation as to why no refund is due, the agency shall transmit the triplicate copy of the SF 1170 and all related correspondence to the General Services Administration (BWCPG) for appropriate action. An administrative agency may remove from its active accounts those debts referred to GSA in accordance with actions of this section. This shall be recorded in a manner sufficient to support its removal from agency accounting records.

Subpart 101-41.3—Freight Transportation Services Furnished for the Account of the United States

3. Section 101-41.304-2(b)(3) is revised to read as follows:

§ 101-41.304-2 Limited authority to use commercial forms and procedures.

* * * * *

(b) * * *

(3) The commercial forms and procedures authorized in § 101-41.304-2 are to be applied only to the following types of shipments:

(i) Shipments for which the transportation charges ordinarily do not exceed $100 per shipment and the occasional exception does not exceed that monetary limitation by an unreasonable amount.

(ii) Single-parcel shipments via express, courier, small package, or similar carriers, without regard to shipping cost, if the parcel shipped weighs 70 pounds or less and does not exceed 108 inches in length and girth combined.

(iii) Multi-parcel shipments via express, courier, small package, or similar carriers for which the

transportation charges do not exceed $250 per shipment.

* * * * *

(31 U.S.C. 3726 and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: May 23, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-15946 Filed 6-13-83; 8:45 am]

BILLING CODE 6820-34-M

41 CFR Part 101-45

[FPMR Amdt. H-142]

Sale of Personal Property

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The estimated proceeds dollar limitation at which holding agencies are permitted to sell small lots of property, after notification to the appropriate GSA regional office, was increased by GSA regulation. This dollar limitation increase has resulted in holding agencies conducting more small lot sales. This amendment provides holding agencies detailed instructions for conducting small lot sales.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Milton Herman, Chief, Sales Management Branch, Sales Division, 703-557-0814.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-45

Government property management, Reporting requirements, Surplus government property.

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

1. The authority citation for Part 101-45 reads as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Subpart 101-45.3—Sale of Personal Property

2. Section 101-45.304-3 is revised as follows:

§ 101-45.304-3 Small lot sales.

Holding agencies are responsible for ensuring that sales of small lots of surplus personal property (see § 101-45.105-3) are conducted in accordance with this Part. Agencies conducting small lot sales must provide advance copies of the sales offering to the appropriate GSA regional sales office. Small lots of property shall be sold by informal sealed bid. This method of sale requires the submission of sealed written bids for public opening at a time and place designated.

(a) To advertise small lot sales, Optional Form (OF) 15, Poster, Sale of Government Property, may be mailed as a direct sales announcement or may be posted for display in prominent locations in public buildings. This mailing and/or posting should be completed at least 14 calendar days in advance of the sale. To obtain OF 15, a requisition in FEDSTRIP format should be submitted to the GSA regional office supporting the requesting activity. In addition to the required fill-in information, a statement should be entered on the bottom of OF 15 that the reverse side or attachment contains special provisions. These provisions or conditions of sale are listed below and must be entered on the reverse side or attachment of each OF 15 issued.

(1) To be considered responsive, bidders must submit written bids which include complete name, address, telephone number, signature, item number(s), item description(s), and bid price(s). Bids will be rejected that are not received by the time designated.

(2) Only certified forms of payment (cash, cashier's checks, certified checks, money orders, etc.) will be accepted. Full payment is required before removal of the property. The bidder is required to pay for any or all items awarded under this sale within 10 calendar days after date of award, and to remove the property within 15 calendar days after date of award by the Government.

(3) This offering is subject to the General Sale Terms and Conditions, Standard Form 114C, which is incorporated herein by reference. (Copies of this form are on file at the office which issued the sales offerings and will be made available upon request.)

(b) Inspection of property by potential bidders should be permitted for at least 2 calendar days. To allow time for mailing bids, this inspection should be held 7 calendar days before the sale. A complete listing of the property being offered should be posted at the sales site during inspection. Property should be described in commercial terminology, as fully and accurately as possible, using the best information available to the Government.

(c) Upset prices are those prices that are prudent estimates of the worth of the property and shall be established in advance of sales for use in evaluating bids received. Normally, bids under the upset prices will not result in awards. Upset prices are confidential and must not be made known to prospective bidders.

(d) A complete abstract of bidders' names and bid prices must be maintained by item number to determine high bidders. The following statement, together with the signature and title of the employee conducting the sale, and the date of signature must appear on all abstracts of bids:

"I certify that I have personally opened and read all bids received, verified all entries on this abstract from those bids and find it correct."

(e) In the event of tie bids, a time and place shall be established for a drawing by lot and, if time permits, the bidders whose bids are tied shall be given an opportunity to be present at the drawing. Such drawing shall be witnessed by at least two persons, and the contract file shall contain the names and addresses of the witnesses.

(f) OF 16, Sales Slip, Sale of Government Personal Property, is a four-part form provided for simple documentation of sales, which is similar to cash receipts used by private retail stores. The form should be used as an invoice, cash receipt, permanent account record, and/or property release document as required by individual agency procedures. To obtain OF 16, a requisition in FEDSTRIP format should be submitted to the GSA regional office supporting the requesting activity.

(g) Holding agencies may notify successful bidders of their award either by telephone or mail. Payment and removal of property should be completed as specified on OF 15.

(h) Proceeds from the sale of surplus personal property shall be deposited into the U.S. Treasury as miscellaneous receipts. Agencies are authorized to

apply the proceeds from sale of exchange/sale property in whole or in part payment for similar items acquired for replacement purposes (see Part 101–46).

(i) The results of small lot sales shall be forwarded for review to the appropriate GSA regional sales office within 10 workdays of sales conclusion. This report should include copies of OF's 15 and 16, the abstract, and the property listing.

(j) Every effort should be made to sell property as a separate item or when appropriate as scrap before it is classified as having no commercial value. Property having no commercial value may be abandoned or destroyed (see Subpart 101–45.5).

(k) If necessary, further guidance may be obtained from the appropriate GSA regional sales office.

Dated: May 23, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-15801 Filed 6-13-83; 8:45 am]

BILLING CODE 6820-24-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Phoenix, Arizona, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–8620.

The map amendments listed below are in accordance with § 70.7(a): Map No. 040051, Panel 0030B, published on October 6, 1980, in FR Volume 45, No. 195, Page 66116, indicates that the existing structures located on Lots 825, 828, 832, 842, 844, and 845 of Deer Valley Village, Unit 6, as recorded in Book 222, page 18, on April 9, 1980, in the Office of the Recorder of Maricopa County, Arizona, are located within the Special Flood Hazard Area.

Map No. 040051, Panel 0030B is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: May 17, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15803 Filed 6-13-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5908]

Letter of Map Amendment for the City of Gilroy, California, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Gilroy, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Gilroy, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for the property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program

(NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a): Map No. 060340, Panel 0002C, published on October 6, 1980, in FR Volume 45, No. 195, Page 66117, indicates that the existing structures located on Lots 1 through 11, 16, and 17 of Miller Meadows, Tract No. 7078, Gilroy, California, recorded as Record No. 7328252 in Book 498 of Maps, Pages 11 and 12, in the Office of the Recorder, Santa Clara County, California, are located within the Special Flood Hazard Area.

Map No. 060340, Panel 0002C is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 17, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15864 Filed 6-13-83; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Stanislaus County, California, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Stanislaus County, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Stanislaus County, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a): Map No. 060384, Panel 0725A, published on October 6, 1980, in FR Volume 45, No. 195, Page 66119, indicates that the existing structures located on Lots 1315, 1316, 1319, 1320, 1321, 1325, 1326, 1327, 1332, and those certain portions of Lots 1304 and 1308 described in the Deed recorded on February 17, 1949, in Volume 961, Page 159, Official Records of Stanislaus County, are located within the Special Flood Hazard Area.

Map No. 060384, Panel 0725A is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: May 17, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15865 Filed 6-13-83; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-6306]

Letter of Map Amendment for the Town of Clarence, New York, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Clarence, New York. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for the Town of Clarence, New York, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood

insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a): Map Number FIRM 360232, Panel Numbers 0011B and 0013B, published on May 20, 1982, in FR Volume 47, No. 98, Page 21801, indicate that Farmington Woods Subdivision, as described under Map Cover Number 2423, of the Land Records of Erie County, New York, is located within the Special Flood Hazard Area.

Map Number FIRM 360232, Panel Numbers 0011B and 0013B, are hereby corrected to reflect that existing structures located at Lots 26–29, 40–42, 56–64, 88, and 89 of the above-mentioned property are not within the Special Flood Hazard Area identified on April 1, 1982. The structures on Lots 26–29, 56–64, and 89 are in Zone C. The structures on Lots 40–42, and 88 are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on particiating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: May 11, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15858 Filed 6–13–83; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for Polk County, Oregon; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Polk County, Oregon. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Polk County, Oregon, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P. O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a): Map No. 410186A, Panel H&I14, published on October 6, 1980, in FR Volume 45, No. 195, Page 66124, indicates that the existing structures located on Lots 1 through 4 in Block 3, Town of Lincoln, Polk County, Oregon, also known as Tax Lot 600, in Section 29, Township 6 South, Range 3 West, Western Meridian, as shown on Assessor's Map 639, filed in the County Assessor's Office of Polk County, Oregon, are located within the Special Flood Hazard Area.

Map No. 410186A, Panel H&I14 is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule povides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of update information and imposes no new requiremnents or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 17, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15854 Filed 6–13–83; 8:45 am]

BILLING 6718–03–M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the Borough of Briar Creek, Pennsylvania; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Briar Creek, Pennsylvania. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for the Borough of Briar Creek, Pennsylvania, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–0020.

The map amendments listed below are in accordance with § 70.7(a): Map Number FIRM 420340, Panel Number 0005B, published on October 6, 1980, in FR Volume 45, No. 195, Page 66040, indicates that the property described in Deed Book Volume 164, Page 86, Deed Book Volume 167, Page 354, and Deed Book Volume 287, Page 13, is located within the Special Flood Hazard Area.

Map Number FIRM 420340, Panel Number 0005B, is hereby corrected to reflect that the following structures of the above-mentioned property are not within the Special Flood Hazard Area identified on August 15, 1979.

1. The brick residence located on the property described in Deed Book Volume 287, Page 13.

2. The two and one-half story frame dwelling, the frame storage building and greenhouses 1, 2, 3, 6–13. All of the above structures are located on the property described in Deed Book Volume 164, Page 86, and Deed Book Volume 167, Page 354.

These structures are in Zone B and are illustrated on the drawing entitled "Plan Showing Area to be Removed from Floodway Fringe," as prepared by Charles B. Webb, P.E.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 11, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15689 Filed 6-13-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the Township of Bristol, Pennsylvania; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Township of Bristol, Pennsylvania. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for the Township of Bristol, Pennsylvania, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–0020.

The map amendments listed below

are in accordance with § 70.7(a): Map Number FIRM 420984, Panel Number 0005B, published on October 6, 1980 in FR Volume 45 No. 195, Page 66040, indicates that 11 Meadow Lane, as described in Deed Book Volume 2392, Page 697, of the Land Records of Bucks County, Pennsylvania, is located within the Special Flood Hazard Area.

Map Number FIRM 420984, Panel Number 0005B, is hereby corrected to reflect that existing structure located at 11 Meadow Lane of the above-mentioned property is not within the Special Flood Hazard Area identified on September 28, 1978. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b) the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 23, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15855 Filed 6–13–83; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–6480]

Letter of Map Amendment for Shelby County, Tennessee, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Shelby County, Tennessee. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Shelby County, Tennessee, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Phone Toll Free (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number 470214, Panel 0160B, published on January 7, 1983 in 48 FR 794 indicates that the Mendenhall Business Park in Shelby County, Tennessee, as recorded in Plat Book 84, Page 34, in the Office of the Register of Shelby County, Tennessee, and being further described on the certified "as-built" Grading and Drainage Plan by the Hart Engineering Co., dated December 20, 1982 is located within the Special Flood Hazard Area.

Map Number 470214, Panel 0160B is hereby corrected to reflect that Lots 1 and 2 of Section A and Lots 12–15 of Section B are not within the Special Flood Hazard Area identified on December 1, 1982. These lots are located in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 27, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15856 Filed 6–13–83; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for Harris County, Texas, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472. (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally—related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the propery owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–8620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 480287, Panel Number 0275, published on 10/06/80 in FR Volume 45, No. 195, page 66098, indicates that portions of Raintree Village Subdivision, as recorded in Volume 314, Page 127 of the Map Records in the Office of the Clerk, Harris County, Texas, are located within the Special Flood Hazard Area.

Map Number FIRM 480287, Panel Number 0275D, is hereby corrected to reflect that Raintree Village Subdivision as described above are not within the Special Flood Hazard Area identified on March 30, 1982. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 17, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15857 Filed 6–13–83; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5354]

Letter of Map Amendment for the City of Centralia, Washington, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Centralia, Washington. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Centralia, Washington, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–8620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 530103, Panel 0001B, published on July 13, 1982, in 47 FR 30250, indicates that the existing structure located on the West 15 feet of Lot 4 and East 60 feet of Lot 5, Block 1, Percy Noel's Addition, as recorded in Volume 4 of Plats, page 67, records of Lewis County, Washington, is located within the Special Flood Hazard Area.

Map No. 530103, Panel 0001B is hereby corrected to reflect that the existing structure located on the above-mentioned lots is not within the Special Flood Hazard Area identified on July 13, 1982. This structure is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; Delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 27, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15860 Filed 6–13–83; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–6459]

Letter of Map Amendment for the City of Cosmopolis, Washington; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps

identifying Special Flood Hazard Areas have been published. This list included the City of Cosmopolis, Washington. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Cosmopolis, Washington, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal of federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 530059, Panel 0001B, published on December 6, 1982, in FR Volume 47, No. 234, Page 54217, indicates that the existing structures located on Lots 6, 7, 8, 9, and 10, Block 18, Corrected Plat of the City of Cosmopolis, as per plat recorded in Volume 1 of Plats, page 35, Records of Grays Harbor County, Washington, are located within the Special Flood Hazard Area.

Map No. 530059, Panel 0001B is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on December 6, 1982. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued May 17, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15861 Filed 6–13–83; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5009]

Letter of Map Amendment for County of Marathon, Wisconsin; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map amendment.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Marathon County, Wisconsin. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Marathon County, Wisconsin that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Anderson, Regional Director, Federal Emergency Management Agency, 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606, (312) 353–1500.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number 550245, Panel 0375B published on October 6, 1980, in 45 FR 66089 indicates that Lots Twenty-five (25) and Twenty-six (26) of Jay Bee Park North Addition in the Town of Kronenwetter, Recorded Document Number 764331 on Page 114 of Volume 312 and as Document Number 779807 on Page 626 of Volume 332 in the Office of the Recorder of Marathon County, Wisconsin is located within the Special Flood Hazard Area.

Map Number 550245, Panel 0375B is hereby corrected to reflect that the structure located on the above-mentioned property is not located within the Special Flood Hazard Area identified on August 3, 1981. The structure is located in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and

imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70.

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 27, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15862 Filed 6–13–83; 8:45 am]

BILLING CODE 4718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Aurora, Colorado, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Aurora, Colorado. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Aurora, Colorado, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a): Map No. 080002, Panel 0015B, published on October 6, 1980, in 45 FR 66109, indicates that the existing structures 158 through 173 of Sunstone Subdivision Filing No. 1, Aurora, Colorado, filed for record in the Office of the County Clerk and Recorder of Arapahoe County, Colorado, on August 31, 1982, at pages 12 and 13, in Book 58, as Reception No. 2199723, are located within the Special Flood Hazard Area.

Map No. 080002, Panel 0015B is hereby corrected to reflect that the existing structures are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued May 27, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15867 Filed 6–13–83; 8:45 am]

BILLING CODE 4718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the Town of Norton, Massachusetts, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Norton, Massachusetts. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for the Town of Norton, Massachusetts, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a): Map Number FIRM 250060, Panel Number 0005B, published on October 6, 1980, in

FR Volume 45, No. 195, Page 66021, indicates that 201 Reservoir Street, as described in Deed Book Volume 2250, Page 114, of Bristol County, Massachusetts, is located within the Special Flood Hazard Area.

Map Number FIRM 250060, Panel Number 005B, is hereby corrected to reflect that existing structure located at 201 Reservoir Street of the above-mentioned property is not within the Special Flood Hazard Area identified on June 1, 1979. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 17, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15866 Filed 6-13-83; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Rochester, Minnesota, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Rochester, Minnesota. It has been determined by the Associate Director, State and Local Programs and Support that certain property is not within the Special Flood Hazard Area, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Rochester, Minnesota.

The map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a): Map Number 275246, Panel 0006B, published on October 6, 1980, in Volume 45, No. 195 FR 66083, indicates that Lots 3 through 6 in Block 3, and Lots 3, 4, 11 and 12 in Block 4, Green Meadows West, Rochester, Minnesota, as recorded on Document Number 400700, in the Office of Recorder, Olmstead County, Minnesota, are located within the Special Flood Hazard Area.

Map Number 275246, Panel 0006B is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on February 4, 1982. These lots are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, FEMA, herby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued May 27, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15869 Filed 6-13-83; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Douglas County, Nevada, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Douglas County, Nevada. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Douglas County, Nevada, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender

now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a): Map No. 320008, Panel 0105A, published on October 6, 1980, in FR Volume 45, No. 195, Page 66121, indicates that the existing structure located on Lot 42 of the John B. Anderson Land Division Map No. 2, filed for record in the office of the County Recorder of Douglas County, Nevada, on June 4, 1981, as Document No. 56926, is located within the Special Flood Hazard Area.

Map No. 320008, Panel 0105A is hereby corrected to reflect that the existing structure located on the above-mentioned lot is not within the Special Flood Hazard Area identified on October 6, 1980. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 17, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15870 Filed 6–13–83; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–6534]

Letter of Map Amendment for the City of Vineland, New Jersey, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Vineland, New Jersey. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Vineland, New Jersey, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, of from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a): Map Number FIRM 340176, Panel Number 0015B, published on March 7, 1983, in FR Volume 48 No. 45, page 9527, indicates that Lots 13 and 14, Block 393, as described in Deed Book Volume 1437, page 315, of Cumberland County Clerk's Office, is located within the Special Flood Hazard Area.

Map Number FIRM 340176, Panel Number 0015B, is hereby corrected to reflect that existing structure located at Riverside Drive, Lots 13 and 14, Block 393, of the above-mentioned property is not within the Special Flood Hazard Area identified on July 5, 1982. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 9, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15871 Filed 6–13–83; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Rye, New York; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Rye, New York. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map

(FIRM) for the City of Rye, New York, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a): Map Number FIRM 360931, Panel Number 0002D, published on October 6, 1980, in FR Volume 45, No. 195, Page 66035, indicates that Water's Edge Condominium, Section 3, Block 112, Lot 1, as described in File No. 20376, of Westchester County Division of Land Records, is located within the Special Flood Hazard Area.

Map Number FIRM 360931, Panel Number 0002D, is hereby corrected to reflect that existing structures located at Water's Edge Condominiums of the above-mentioned property is not within the Special Flood Hazard Area identified on April 1, 1980. Structures 1, 2, 9, and 12–16 are in Zone C. Structures 3–8, 10, 11, and 15 are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued May 17, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15872 Filed 6–13–83; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 65

[Docket No. FEMA–6533]

Communities With No Special Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by 100-year flood. Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program of (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of list of Communities with No Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT: Dr. Brian Mrazik, Chief, Engineering Branch, Natural Hazards Division (202) 287–0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as Zone C. In a Zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates.

In addition, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agency or broker serving the eligible community.

The effective date of conversion to the Regular Program would not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazard areas of the specified community and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The entry reads as follows:

PART 65—[AMENDED]

§ 65.6 List of communities with no special flood hazard areas.

State	County	Community	Date of conversion to regular program
Minnesota	Carver	City of Northood	May 13, 1983.
Minnesota	Koochiching	City of South International Falls	May 13, 1983.
Minnesota	Lincoln	City of Tyler	May 13, 1983.
Ohio	Champaign	Village of Mutual	May 13, 1983.
Ohio	Van Wert	Village of Ohio City	May 13, 1983.
Ohio	Darke	Village of Union City	May 13, 1983.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support.

Issued: May 20, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15919 Filed 6-13-83; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 64

[Docket No. FEMA 6536]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register**.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6 month, 90 days, and 30 days notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1] certain Federal assistance no longer available in special flood hazard area
Florida:					
Gulf	Unincorporated areas	120196B	Aug. 7, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	Dec. 23, 1977	June 15, 1983.
Gulf	Port St. Joe, city of	120099B	Sept. 11, 1970, emergency; June 15, 1983, regular; June 15, 1983, suspended.	May 14, 1976, and June 28, 1974	Do.
Illinois: Pulaski	Olmsted, village of	170566B	Apr. 11, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	Aug. 30, 1974 and Mar. 5, 1976	Do.
Maryland: Worcester	Unincorporated areas	2400530	Jan. 29, 1971, emergency; Feb. 15, 1979, regular; June 15, 1983, suspended.	Feb. 15, 1979	Do.
Massachusetts: Middlesex	Bedford, town of	2552098	Apr. 2, 1971, emergency; Sept. 7, 1973, regular; June 15, 1983, suspended.	Sept. 7, 1973, July 1, 1974, and Feb. 26, 1976.	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1] certain Federal assistance no longer available in special flood hazard area
Worcester	Harvard, town of	250009B	June 25, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	Aug. 2, 1974 and Oct. 29, 1976	Do.
Middlesex	Littleton, town of	250200B	July 9, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	July 19, 1974 and Aug. 20, 1976	Do.
Essex	North Andover, town of	250098B	July 2, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	June 28, 1974 and May 10, 1977	Do.
Worcester	Northbridge, town of	250226B	Jan. 24, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	July 26, 1974 and Oct. 15, 1976	Do.
Do.	Royalston, town of	250319B	June 25, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	May 17, 1974 and Aug. 20, 1976	Do.
Michigan: Saginaw	Carrollton, township of	260187B	July 23, 1974, emergency; June 15, 1983, regular; June 15, 1983, suspended.	July 19, 1974 and June 11, 1976	Do.
Missouri: Boone	Unincorporated areas	290034B	June 4, 1979, emergency; June 15, 1983, regular; June 15, 1983, suspended.	Apr. 25, 1978	Do.
Callaway	Fulton, city of	290051B	July 19, 1976, emergency; June 15, 1983, regular; June 15, 1983, suspended.	May 17, 1974 and Jan. 16, 1976	Do.
Greene	Unincorporated areas	290782B	Apr. 15, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	May 2, 1978	Do.
New Jersey: Ocean	Dover, township of	345293C	June 2, 1972, emergency; Mar. 24, 1972, regular; June 15, 1983, suspended.	Mar. 22, 1974, July 1, 1974, and Apr. 23, 1976.	Do.
New York: Albany	Bethlehem, town of	361540B	Oct. 29, 1974, emergency; June 15, 1983, regular; June 15, 1983, suspended.	May 31 1974 and Sept. 3, 1976	Do.
Suffolk	Greenport, village of	361004B	June 12, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	May 24, 1974 and July 2, 1976	Do.
Nassau	Plandome Manor, village of	360486B	July 7, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	June 14, 1974 and Oct. 31, 1975	Do.
Texas: Chambers	Unincorporated areas	480119B	July 10, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	Aug. 9, 1974 and Oct. 25, 1977	Do.
Vermont: Lamoille	Cambridge, town of	500061B	July 3, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	June 28, 1974 and Dec. 17, 1976	Do.
Do.	Jeffersonville, village of	500062A	June 30, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	Aug. 9, 1974	Do.
West Virginia: Kanawha	Charleston, city of	540073B	Mar. 24, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended.	May, 10, 1974 and Jan. 24, 1975	Do.
New Hampshire: Sullivan	Croydon, town of	330156	Mar. 24, 1976, emergency; Apr. 18, 1983, regular; June 20, 1983, suspended.	July 6, 1979	June 20, 1983.

[1] Certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: June 6, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15917 Filed 6-13-83; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 65

National Flood Insurance Program; Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: The effective dates for these modified base flood elevations are indicated on the following table and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed on the following table.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Associate Director, State and Local Programs and Support has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Maps (FIRM) for each community make it administratively infeasible to publish in this notice all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 65.

For rating purposes, the revised community number is shown and must

be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in the base flood elevations listed below are in accordance with 44 CFR 65.4.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

State and county	Location	Date and name of newspaper in which notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Arizona:					
Mohave	Unincorporated areas, FEMA—6510.	*The Kingman Daily Miner*, Feb. 22, 1983 and Mar. 1, 1983.	Mr. Jerry A. Holt, Chairman, Board of Supervisors, Mohave County Courthouse, P.O. Box 390, Kingman, AZ 86402.	Mar. 1, 1983	040058C
Maricopa	City of Tempe, FEMA—6510	*Tempe Daily News*, Dec. 7, 1982 and Dec. 14, 1982.	Hon. Harry E. Mitchell, Mayor, City of Tempe, P.O. Box 5002, Tempe, AZ 85281.	Dec. 14, 1982	040054C
California:					
Santa Clara	City of Campbell, FEMA—6510.	*Campbell Press*, Dec. 1, 1982 and Dec. 8, 1982.	Hon. William Podgorsek, Mayor, City of Campbell, 75 North Central Avenue, Campbell, California 95008.	Dec. 7, 1982	060339C
Los Angeles	Unincorporated Areas, FEMA—6510.	*West Hollywood*, Nov. 11, 1982 and Nov. 18, 1982. *Pico Post*, Nov. 25, 1982 and Dec. 2, 1982.	Mr. Harry L. Hufford, Chief Administrative Officer, Los Angeles County Courthouse, 500 W. Temple Street, Room 358, Los Angeles, California 90012.	Oct. 29, 1982	065043B
Santa Clara	City of Mountain View, FEMA—6510.	*Peninsula Times-Tribune*, Mar. 23, 1983 and Mar. 30, 1983.	Hon. Patricia Figueroa, Mayor, City of Mountain View, P.O. Box 10, Mountain View, CA 94042.	Feb. 8, 1983	060347C
Sonoma	City of Petaluma, FEMA—6510.	*Argus-Courier*, Dec. 22, 1982 and Dec. 29, 1982.	Hon. Fred V. Mattei, Mayor, City of Petaluma, P.O. Box 61, Petaluma, California 94953.	Dec. 10, 1982	060379B
Glenn	City of Willows, FEMA—6510	*Willows Press*, Nov. 30, 1982 and Dec. 7, 1982.	Hon. Stephen Rath, Mayor, City of Willows, 201 Lassen Street, Willows, California 95988.	Dec. 7, 1982	060059C
Colorado:					
Alamosa	City of Alamosa, FEMA—6510	*Valley Courier*, Nov. 2, 1982 and Nov. 9, 1982.	Hon. Cliff Hartman, Mayor, City of Alamosa, P.O. Box 419, Alamosa, Colorado 81101.	Nov. 9, 1982	080010B
Boulder, Adams, and Jefferson.	City of Broomfield, FEMA—6510.	*The Enterprise*, Dec. 9, 1982 and Dec. 16, 1982.	Hon. Walter Spader, Mayor, City of Broomfield, No. 6 Garden Office Center, Broomfield, Colorado 80020.	Dec. 14, 1982	080027B
Idaho: Bannock	City of Inkom, FEMA—6510	*Idaho State Journal*, Dec. 21, 1982 and Dec. 28, 1982.	Hon. Ron Helmandollar, Mayor, City of Inkom, P.O. Box 166, Inkom, Idaho 83245.	Dec. 28, 1982	160010C
Illinois: Winnebago	City of Loves Park (Docket No. FEMA—6510).	*Town and Country Buyers Guide*, Jan. 13, 1983 and Jan. 20, 1983.	Hon. Joseph S. Sinkiewic, Mayor, City of Loves Park, City Hall, 540 Loves Park Drive, Loves Park, Illinois 61111.	Jan. 21, 1983	170722C
Kansas: Butler County	City of Augusta (Docket No. FEMA—6510).	*Augusta Daily Gazette*, Dec. 14, 1982 and Dec. 21, 1982.	Hon. Robert J. Shryock, Mayor, City of Augusta, P.O. Box 489, Augusta, Kansas 67010.	Dec. 21, 1982	200036C
Massachusetts: Middlesex	Town of Lexington (FEMA Docket No. 6421)..	*Minuteman*, Oct. 7, 1982 and Oct. 14, 1982.	Hon. James F. Crain, Chairman of the Lexington Board of Selectmen, 1625 Massachusetts Avenue, Lexington, MA 02173.	Sept. 30, 1983	250190C
Oregon:					
Douglas	City of Myrtle Creek, FEMA—6510.	*Umpqua Free Press*, Dec. 23, 1982 and Dec. 30, 1982.	Hon. Frank W. Starr, Mayor, City of Myrtle Creek, P.O. Box 940, Myrtle Creek, Oregon 97457.	Dec. 28, 1982	410064C
Union	City of LaGrande, FEMA—6510.	*The Observer*, Dec. 14, 1982 and Dec. 21, 1982.	Hon. Robert H. Davidson, Mayor, City of LaGrande, P.O. Box 670, LaGrande, Oregon 97850.	Dec. 21, 1982	410260C
Tillamook	City of Nehalem, FEMA—6510..	*Fishrapper*, Dec. 2, 1982 and Dec. 9, 1982.	Hon. John Holstrom, Mayor, City of Nehalem, P.O. Box 143, Nehalem, Oregon 97131.	Dec. 7, 1982	410200C
Washington:					
Snohomish	City of Edmonds, FEMA—6510.	*The Herald*, Nov. 30, 1982 and Dec. 7, 1982.	Hon. Harve H. Harrison, Mayor, City of Edmonds, 200 Dayton Street, Edmonds, Washington 98020.	Dec. 7, 1982	530153C
Okanogan	City of Omak, FEMA—6510	*The Omak-Okanogan County Chronical*, Nov. 11, 1982 and Nov. 18, 1982.	Hon. Ray Treiber, Mayor, City of Omak, P.O. Box 72, Omak, Washington 98841.	Nov. 16, 1982	530120C
Okanogan	Town of Oroville, FEMA—6510.	*Oroville Gazette-Tribune*, Nov. 11, 1982 and Nov. 18, 1982.	Hon. Ed King, Mayor, Town of Oroville, 1310 Ironwood, Oroville, Washington 98844.	Nov. 16, 1982	530121C

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 20, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15918 Filed 6-13-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21, 22, and 23

[CC Docket No. 83-371; FCC 83-276]

Common Carrier and Satellite Licensing Procedures Pursuant to the Communications Amendments Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC has revised certain rules relating to common carrier and fixed satellite licensing. These revisions reflect certain changes to the Communications Act made by the Communications Amendments Act of 1982. The revised rules allow licenses to be granted for ten years and 180-day temporary authorizations with the possibility of unlimited renewals. In addition, all currently effective radio station licenses, except developmental licenses, have been extended to a term of ten years.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Emily Williams, 202-634-1869.

List of Subjects

47 CFR Part 21

Communications common carriers.

47 CFR Part 22

Communications common carriers.

47 CFR Part 23

Communications common carriers.

Report and Order

In the matter of common carrier and satellite licensing procedures pursuant to the Communications Amendments Act of 1982; CC Docket No. 83-371.

Adopted: June 7, 1983.
Released: June 9, 1983.

By the Commission. Commissioner Fogarty not participating.

1. On April 13, 1983, the Commission issued a Notice of Proposed Rulemaking (NPRM), 48 FR 16301, proposing changes to the Commission's Rules and procedures to reflect certain amendments to Sections 307(c) and 309(f) of the Communications Act made by the Communications Amendments Act of 1982.[1] First, we proposed generally to increase the maximum license term for common carrier and fixed satellite radio stations from five years to ten years. In order to implement the proposed change as quickly as possible and in order to minimize the administrative burdens on the Commission, we also proposed to extend the terms of all current licenses to ten years.[2] Second, we proposed to amend our rules so that, in accordance with revised Section 309(f), the Commission may authorize temporary operation of unlicensed stations for an unlimited number of 180-day periods. Previously the Commission could authorize such unlicensed operation only for a maximum of two 90-day periods.

I. Comments

2. Sixteen parties filed comments on the NRPM.[3] With respect to the proposed ten year license term, most of the parties expressed their belief that adoption of the new rules would result in cost savings to licensees and the Commission because licensees would be required to file renewal applications only once every ten years instead of every five years. AT&T itemized these costs as including:

> the cost of personnel needed to complete the applications; the cost of compiling documents; administrative costs; legal fees; . . . the cost to the carrier of diverting personnel and resources away from other activities [and the cost of] travel to each station to post renewal authorizations.[4]

Meyer Broadcasting Co. and Harron Communications Corp. estimate the private sector costs of obtaining license renewal at $1,000 per license. Along the same lines, the law firm of Pepper & Corazzini noted that longer license terms will help to ensure the full development of the service involved.[5]

3. Other commenters noted that the public will continue to be protected against misuse of a license because, as noted in the NPRM, the Commission may still grant licenses for less than ten years in any case in which it deems such action to be necessary. In addition, if a licensee is violating the terms of his license, the Commission has the power to revoke it.[6]

4. The proposal to extend all current license terms to ten years drew fewer comments than the proposed general rule. The comments that were received, however, uniformly supported the proposal because it will effectuate the new license terms as quickly as possible and will save carriers and the Commission the cost of filing and acting upon an entire round of renewal applications.[7]

5. The comments also generally support the proposal to permit the temporary operation of unlicensed stations for an unlimited number of 180-day periods as a way to permit the prompt institution of new service.[8] SBS noted that it is often necessary for the Commission to authorize service on the basis of temporary authority in order for the public to realize service benefits on an expeditious basis and that it only makes sense to allow the Commission the flexibility to allow such service to continue for an indefinite period until permanent authority can be granted. Contemporary Communications asks that we amend §§ 21.25, 22.25 and 23.28 to state explicitly that oral requests for temporary authority will be accepted. Western Union suggests that the Commission make it clear that the term "extraordinary circumstances" includes business and competitive considerations such as the applicant's construction schedules, or customer need for early service.

II. Discussion

6. The reasons for and benefits from the proposal to increase license terms were articulated at some length in the NPRM. Briefly, these include the fact that in most of the common carrier and fixed satellite services the Commission receives relatively few complaints about licensees. Renewal applications are rarely contested and generally granted relatively routinely. We believe that the public will continue to be adequately protected since we have several regulatory tools, other than renewal proceedings, to address issues relating to whether a particular entity should continue to hold radio licenses. In addition, the longer license terms would

---

[1] Pub. L. No. 97-259 (Sept. 13, 1982).

[2] Developmental licenses were excluded from these proposals. The license term for those licenses will continue to be a maximum of one year.

[3] These were: American Telephone and Telegraph Co.; United Telephone System, Inc., a wholly owned subsidiary of United Telecommunications, Inc.; United States Independent Telephone Association; Western Union Telegraph Co.; Tymshare, Inc.; Telocator Network of America; Space Services Incorporated of America and American Science and Technology Corp. (joint comments); Southern Pacific Satellite Co.; Meyer Broadcasting Co.; Harron Communications Corp.; Contemporary Communications Corp.; Home Box Office, Inc.; Satellite Business Systems (SBS); Mobilfone, Inc.; American Satellite Co.; and the law firm of Pepper & Corazzini filing on behalf of several common carrier and fixed earth station licensees.

[4] Comments of AT&T at 2.

[5] Several parties noted that the ten year license term is particularly appropriate for space stations because the useful life is now approaching 10 years. *See* Comments of SBS at 1; Comments of Pepper & Corazzini at 2.

[6] *See, e.g.*, Comments of Mobilfone at 2; Comments of SBS at 1; Comments of Southern Pacific Satellite Co. at 2; Comments of Tymshare, Inc. at 3.

[7] *See, e.g.*, Comments of Contemporary Communications Corp. at 5-6.

[8] *See, e.g., Id.* at 6.

result in savings of Commission and licensee resources.

7. All sixteen of the parties commenting have supported our reasoning. Therefore, we shall adopt the proposed rules relating to ten year license terms. With the exception of developmental licenses, in the future all common carrier [9] and all fixed satellite licenses [10] will be issued for a period of ten years unless limited by rule or the actual authorization. We shall also adopt the proposal to extend all current full-term licenses to ten years after the beginning of the license term specified in the outstanding authorization.[11]

8. Since there has been no opposition to the proposed changes to our temporary authority procedures, we shall also adopt them. These are relatively minor changes but should lessen the regulatory burden on carriers to some degree.

9. We reject, however, the suggestion of Contemporary Communications Corporation (CCC) relating to oral requests for temporary authority and the suggestion of Western Union relating to its interpretation of "extraordinary circumstances." While it is true that in some of the services (e.g., point-to-point microwave) the staff on occasion has granted oral requests for temporary authorization when there is a true emergency, this is definitely not the usual course and we do not wish to encourage such requests. By their nature, requests for temporary authorization take an application out of the normal processing line to give it expedited consideration. In reviewing these requests the staff needs most of the same technical information that it obtains in an application in the normal processing line to assure that interference will not occur. We fear that were we to allow oral requests on a regular basis, we often would not obtain sufficient or accurate technical data and interference problems would increase. Moreover, without a written request specifying technical and other operating parameters, confusion could arise over what was in fact authorized should interference programs arise. We conclude that the public interest is best served not by codifying our occasional waivers of the rules but by maintaining the present procedure.

10. With respect to Western Union's request, we reject it as being clearly inconsistent with the plain meaning of "extraordinary circumstances." Construction schedules and customer need for early service generally are normal factors in business planning. Were the Western Union proposal to be carried to its logical conclusion, it could be applied to almost every application, which could result in the temporary authorization procedures supplanting the normal processing line. This would be counterproductive and not in the public interest.

VI. Conclusion and Ordering Clauses

11. For the reasons specified above and in the NPRM, we conclude that the changes we initially proposed to our common carrier and fixed satellite licensing procedures and rules should be adopted. These changes are consistent with the Communications Amendments Act of 1982 and all commenters supported the proposals.

12. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), 307(c), and 309(f) of the Communications Act, 47 U.S.C. 154(i), 154(j), 307(c) and 309(f), and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, that the rules contained in Appendix A are hereby adopted effective upon release of this order.[12]

13. It is further ordered, that each currently effective radio station license issued pursuant to Parts 21, 22, 23, or 25 of the Commission's Rules, except developmental licenses and any other license that was granted for a shorter period of time than that which was generally granted for such stations, are hereby extended to a term of ten years.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix A

Parts 21, 22 and 23 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICE

1. Section 21.25 is amended by revising paragraphs (b)(4) and (c) as follows:

§ 21.25 Application for temporary authorizations.

* * * * *

(b) Special temporary authorizations may be granted without regard to the 30-day public notice requirement of § 21.27(b) when: * * *

(4) The authorization is made upon a finding that there are extraordinary circumstances requiring operation in the public interest and that delay in the institution of such service would seriously prejudice the public interest.

(c) Temporary authorization of operations not to exceed 180 days may be granted under the standards of Section 309(f) of the Communications Act where extraordinary circumstances so require. Extensions of the temporary authorization for a period of 180 days each may also be granted, but the renewal applicant bears a heavy burden to show that extraordinary circumstances warrant such an extension.

* * * * *

---

[9] Meyer Broadcasting Co. and Harron Communications Corp. argue that ten year license terms should not be granted for MDS licenses. They state that MDS licenses are "comparable" to broadcast licenses. Since MDS is currently a common carrier service, however, we shall treat it like other common carrier services.

[10] The extension of the license term for a space station in the fixed-satellite service does not imply any right to launch or operate a replacement satellite. *See generally*, Report and Order in CC Docket No. 81-704, FCC 83-184, adopted April 27, 1983. In addition, Space Services Incorporated and American Science and Technology Corporation request that we also grant ten year licenses for remote sensing satellites. We are inclined towards the longer license terms wherever they are justified. We note, however, that the NPRM did not address such licenses, we have no experience with such licenses, nor do we have any concrete applications before us for such licenses. Therefore, it is more appropriate to address the term of these licenses if and when we receive such applications.

[11] As explained in the NPRM both Parts 21 and 22 specify a staggered schedule of months, on a service-by-service basis, on which licenses expire. The year of renewal also is staggered on a service-by-service basis. Thus, existing licenses will expire as follows:

Public Land Mobile (Radio Common Carriers)—April 1, 1989.

Public Land Mobile (Wireline Common Carriers)—July 1, 1988.

Point-to-Point Microwave—Feb. 1, 1990.

Local Television Transmission—Feb. 1, 1990.

Multipoint Distribution Service—May 1, 1990.

Offshore Telephone—Aug. 1, 1991.

Public Land Mobile (air ground base stations)—Sept. 1, 1989.

Rural Radio—Nov. 1, 1988.

In its comments Southern Pacific Satellite Company has asked for clarification of the actual license date for the fixed satellite licenses. The effective date of the authorization is determined in accordance with §§ 1.102 and 1.103 of the Commission's rules, 47 CRF 1.102 and 1.103. In most cases, the effective date is the date of grant. With respect to space stations, about which SPCC had particular questions, the license term normally begins on the date that the satellite was placed into operation after successful launch rather than the date of initial authorization.

[12] We find that it is in the public interest that these rules become effective immediately upon release of the order so that licensees who otherwise would be required to file renewal applications after the adoption of this order will be relieved of that requirement. *See* § 1.427 of the Rules, 47 CFR 1.427. Because these rule amendments operate to relieve a restriction, the effective date provisions of the Administrative Procedure Act do not apply. *See* 5 U.S.C 553(d)(1).

§ 21.45 [Amended]

2. Section 21.45(a) is amended by removing the term "5 years" and inserting in lieu thereof "10 years".

PART 22—[AMENDED]

3. Section 22.25 is amended by revising paragraphs (b)(4) and (c) as follows:

§ 22.25 Application for temporary authorizations.

* * * * *

(b) Special temporary authorizations may be granted without regard to the 30-day public notice requirements of § 22.27(b) when:

* * * * *

(4) The authorization is made upon a finding that there are extraordinary circumstances requiring operation in the public interest and that delay in the institution of such service would seriously prejudice the public interest.

(c) Temporary authorizations of operation not to exceed 180 days may be granted under the standards of Section 309(f) of the Communications Act where extraordinary circumstances so require. Extensions of the temporary authorization for a period of 180 days each may also be granted, but the renewal applicant bears a heavy burden to show that extraordinary circumstances warrant such an extension.

* * * * *

4. Section 22.45 is amended by revising paragraphs (a) and (b) as follows:

§ 22.45 License period.

(a) Licenses will be granted for 10 years. When a date is specified in paragraph (b) of this section, the license will be valid until that date in the tenth year of the license. Developmental licenses shall be granted for one year. When the Commission determines the public interest, convenience and necessity would be served by a shorter license period, the license will be granted for such period.

(b) License termination. Station licenses will expire on the dates listed below, on the last year of the license:

Public Land Mobile (radio common carrier)—Apr. 1.
Public Land Mobile (wireline common carriers)—July 1.
Offshore Telephone—Aug. 1.
Public Land Mobile (air-ground base stations)—Sept. 1.
Rural Radio—Nov. 1.
Cellular Radio—Dec. 31.

* * * * *

PART 23—[AMENDED]

5. Section 23.28 is revised to read as follows:

§ 23.28 Special temporary authorization.

(a) Requests for special temporary authority must be accompanied by a showing that interference will not be caused to the fixed public or fixed public press service for which the station is primarily licensed; and, in addition, such requests must be accompanied by the following:

(1) A statement of the call signs, location, and frequencies of the transmitting station; the call signs, location, and frequencies of the received station; and the type or types of emission to be employed by both stations.

(2) A statement as to whether the frequencies are to be used for contact control purposes only.

(3) A statement of the period for which the temporary authority is desired.

(4) A statement describing the service which is to be rendered.

(b) Temporary authorizations of operation not to exceed 180 days may be granted under the standards of Section 309(f) of the Communications Act where extraordinary circumstances so require. Extensions of the temporary authorizations for a period of 180 days may also be granted, but the renewal applicant bears a heavy burden to show that extraordinary circumstances warrant such an extension.

6. Section 23.29 is amended by designating the present paragraph as paragraph (a), removing "5 years" and inserting in lieu thereof "10 years", and by adding a new paragraph (b) as follows:

§ 23.19 License period and expiration time.

(b) The Commission reserves the right to grant or renew station licenses in these services for a shorter period of time than that generally prescribed for such stations if, in its judgment, the public interest, convenience or necessity would be served by such action.

[FR Doc. 83-15959 Filed 6-13-83; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 311 Sub. 4]

Modification of Motor Carrier Fuel Surcharge Program

AGENCY: Interstate Commerce Commission.

ACTION: Change in owner-operator fuel reimbursement figure; rule-related notice.

SUMMARY: Due to a change in the nationwide average cost of diesel fuel, owner-operator reimbursement has changed from 11.5 to 12 cents per mile.

EFFECTIVE DATE: June 28, 1983.

FOR FURTHER INFORMATION CONTACT:
Lee Alexander (202) 275-7723
Ted Kalick (202) 275-6446
Alan Rothenberg (202) 275-7597
Boston, MA (617) 223-2372
Philadelphia, PA (215) 597-4460
Atlanta, GA (404) 881-2167
Chicago, IL (312) 353-6204
Fort Worth, TX (817) 334-2794
San Francisco, CA (415) 974-7125

SUPPLEMENTARY INFORMATION: In a decision served May 5, 1983, (48 FR 20919, May 10, 1983), the Commission established owner-operator reimbursement at 11.5 cents per mile for all carrier-related business miles. This change became effective May 24, 1983. As noted in the October 6, 1981 decision (46 FR 50070, October 9, 1981), the mileage payment will change when the price of fuel in conjunction with the reimbursement formula causes the figure to rise or decline by .5 cents per mile.

As of June 6, 1983, the current price of diesel fuel was 120.0 cents per gallon. The reimbursement figure is 12. Ten working days after publication of the notice in the **Federal Register** (effective June 28, 1983), carriers shall reimburse owner-operators at a minimum of 12 cents per mile.

During this 10-day period or after, if they choose, carriers may adjust their rates to reflect the change in owner-operator reimbursement by using the 10-day notice provisions of Special Permission No. 81-2500 (see Part 2 of Appendix B and Appendix C to the October 6 decision). All other normal rate-making avenues are also available.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having

jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by depositing a copy with the Director, Office of the Federal Register, for publication.

Decided: June 6, 1983.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15847 Filed 6-13-83; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1039

[Ex Parte No. 346 (Sub-6)]

Exemption From Regulation—Boxcar Traffic; Extension of Time for Filing Replies to Petitions for Reconsideration

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; extension of time.

SUMMARY: In the **Federal Register** notice of May 6, 1983 (48 FR 20412), final rules were adopted in this proceeding which would exempt rate regulation of traffic in boxcars from 49 U.S.C. Subtitle IV and modify regulation of car hire and car service. Several petitions for reconsideration or for clarification have been filed, the first of which requires that timely replies be made no later than June 9, 1983. At the request for the Association of American Railroads, the time for replies has been extended to June 20, 1983.

DATE: Replies to the petitions for reconsideration of the decision of the Commission in this proceeding served May 9, 1983, are due June 20, 1983.

ADDRESS: Send an original and, if possible, 6 copies of any replies to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

By the Commission, Reese H. Taylor, Jr., Chairman.

Dated: June 6, 1983.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15848 Filed 6-13-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 115
Tuesday, June 14, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 91

[Docket No. 81-022]

Pseudorabies Test of Export Swine; Withdrawal of Proposed Rule

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws a proposal to amend the animal export regulations to require that all swine to be exported from the United States, except swine for immediate slaughter, shall be handled in accordance with certain procedures and be negative to an official pseudorabies test or tests. The proposal was designed to provide assurances to the animal health authorities of other countries that swine exported from the United States, except swine exported for immediate slaughter, are not infected with or exposed to pseudorabies.

It now appears, based on a careful consideration of the comments received, that the proposed rule would be unworkable. Accordingly, the proposed rule of December 30, 1980, is withdrawn.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Najam Q. Faizi, Staff Veterinarian, Export Animals, Import/Export Animals and Products Staff, VS, APHIS, USDA, Room 844–AAA, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8383.

SUPPLEMENTARY INFORMATION: This document withdraws the proposal published in the **Federal Register** on December 30, 1980 (45 FR 85767–85769), to amend the animal export regulations (9 CFR Part 91) to require that all swine to be exported from the United States, except swine for immediate slaughter, shall be handled in accordance with certain procedures and be negative to an official pseudorabies test or tests. The proposal was designed to provide assurance to the animal health authorities of other countries that swine exported from the United States, except swine exported for immediate slaughter, are not infected with or exposed to pseudorabies.

Written comments were solicited in reponse to the proposal. Thirty-seven comments were received. The comments were from swine breeders and exporters, seed stock suppliers, and representatives of the purebred livestock community, the pork industry, and other agricultural organizations.

With only one exception, the commenters opposed the proposed rule.

It was proposed to require that swine to be exported, except swine for immediate slaughter, be (1)(A) from a qualified pseudorabies negative herd, (B) found negative to an official pseudorabies test within 30 days prior to the date of export, (C) moved directly from the qualified pseudorabies negative herd to the port of embarkation after such test, and (D) physically separated so as to prevent physical contact with other animals or effluent drainage therefrom during such movement; or (2)(A) physically separated so as to prevent physical contact wth other animals or the effluent drainage therefrom, (B) found negative to two official pseudaorabies tests at intervals of not less than 30 days nor more than 60 days between tests during such periods of physical separation (the last test would have been required to be conducted within 30 days prior to the date of export), (C) moved directly to the port of embarkation, and (D) physically separated so as to prevent physical contact with other animals or effluent drainage therefrom during such movement.

The commenters opposed to the proposal did not disagree with the purpose of the proposed regulation—to provide assurance to the animal health authorities of other countries that swine exported from the United States, except swine exported for immediate slaughter, are not infected with or exposed to pseudorabies. However, it was asserted that the proposed rule as outlined would be a burden to exporting breeders without providing any more assurance of pseudorabies-free swine to animal health authorities of other countries than is now provided. These commenters expressed a preference either for no change in the present regulations or for a requirement for one negative pseudorabies test within 30 days prior to export. The latter reflects the current testing practice of nearly all swine exporters.

Under the proposal, swine would be moved from the farm of origin directly to the port, there to wait for embarkation. The commenters' main objections concerned activities at the port.

It was asserted that swine should not be moved directly to the port of embarkation, based on the assertion that the farm is the safest place for swine in a pseudorabies-free herd to be until time for export. It was further asserted that the proposed additional testing and isolation at the port would be costly and would increase stress to the swine, thus increasing susceptibility to disease.

Several commenters questioned the adequacy, both of size and construction, of export facilities at ports to handle swine after the on-farm test until time for export. It was also asserted that due to the uncertainty of reservations for flying animals overseas, swine could be moved to an export facility and, in the event of a delayed or cancelled flight, have to stay there for longer than the originally scheduled time, thus creating scheduling problems at ports and increasing costs for the exporter.

Based on a careful consideration of these comments, the Department agrees that it appears that the proposed rule would be unworkable and should therefore be withdrawn.

The Department has not made a determination concerning what, if any, alternative action should be taken with respect to certifying swine for export as pseudorabies-free. Should any action appear necessary, a separate rulemaking proceeding would be initiated.

List of Subjects in 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Humane animal handling, Livestock and livestock products, Transportation.

Under the circumstances referred to above, the proposed rule in the **Federal Register** document captioned "Psuedorabies Test of Export Swine" published on December 30, 1980 (45 FR 85767–85769) is withdrawn.

(Sec. 10, 26 Stat. 417; secs. 4 and 5, 23 stat. 32, as amended; sec. 101(a), 58 Stat. 734, as

amended; sec. 1, 32 Stat. 791, as amended; sec. 3, 76 Stat. 130; sec. 11, 76 Stat. 132; secs. 12, 13, 14, and 18, 34 Stat. 1263, as amended; secs. 1 and 2, 26 Stat. 833; 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618; 46 U.S.C. 466a, 466b; 7 CFR 2.17, 2.51, and 371.2(d)].

Done at Washington, D.C., this 8th day of June, 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-15873 Filed 6-13-83; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 72

[Docket No. 82-093]

Texas (Splenetic) Fever in Cattle; Proposed Addition to List of Approved Dipping Pesticides

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to add Ciodrin® to the list of pesticides officially approved for dipping cattle to rid them of ticks prior to their interstate movement. This action appears to be necessary in order to provide an alternative pesticide which is safe and effective for such treatment of livestock.

DATE: Comments must be received on or before August 15, 1983.

ADDRESS: Written comments concerning this proposal should be submitted to Mr. T. O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728, Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. E. R. Mackery, VS, APHIS, USDA, Special Diseases Staff, Federal Building, Room 821, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301-436-8438. An environmental impact analysis has been prepared on the use of Ciodrin and is available by contacting Dr. G. O. Schubert, Assistant Senior Staff Veterinarian, VS, APHIS, USDA, Federal Building, Room 820, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301-436-8438.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 72, among other things, regulate the interstate movement of cattle infested with or exposed to certain specified species of ticks. Sections 72.6 and 72.7 of the regulations require certain cattle to be dipped in a pesticide bath before they are moved interstate in order to ensure that they are not infested with ticks. Section 72.13(b) of the regulations lists the brands of pesticides, or "permitted dips," permitted by the Department for such dipping. The "permitted dips" are proprietary brands of specific pesticides at prescribed concentrations.

Proprietary brands of the "permitted dips" listed in § 72.13(b) are allowed to be used for the purposes of Part 72 only when approved by the Deputy Administrator, Veterinary Services (VS), in accordance with § 72.13(c) of the regulations. Before a "permitted dip" is specifically approved for such use, VS requires that, among other things, the product be registered for such use under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135 *et seq.*). In addition, before a dip can be specifically approved as a "permitted dip," its efficacy and stability must have been demonstrated and trials must have been conducted to determine that its concentration can be maintained and that under actual field conditions the dipping of cattle in a bath of specific strength will effectively eradicate ticks without injury to the animals dipped.

Veterinary Services of APHIS has been requested to grant "permitted dip" status to Ciodrin®, a proprietary brand of organophosphorous insecticide.

Ciodrin® is an organophosphorous product which is biodegradable and which has been registered by the Environmental Protection Agency since April 24, 1963, under the provisions of the FIFRA for use against face flies, stable flies, horn flies, ticks, and lice. Both the efficacy and stability of Ciodrin® have been demonstrated. In trials conducted by the Department, it has been shown that the concentration of Ciodrin® can be maintained. Extensive field trials have also demonstrated that dipping cattle with Ciodrin® in a concentration of 0.44 to 0.54 percent effectively eradicates ticks without injury to the animals.

Therefore, in view of these facts, the Department is proposing to amend § 72.13(b) of the regulations to specify that Ciodrin® be allowed by the Department to be used in a concentration of 0.44 to 0.54 percent for dipping cattle infested with or exposed to ticks, prior to their movement interstate as required by the regulations.

Executive Order 12291 and Regulatory Flexibility Act

This proposed action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1, and has been determined to be not a "major rule." The Department has determined that this action will not have any effect on the economy, will not cause any increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because this action only provides for the use of an additional "permitted dip" as an option for treatment of cattle infested with or exposed to ticks.

Alternatives

Two alternatives were considered:

1. To list Ciodrin® as a permitted dip.
2. Not to list Ciodrin® as a permitted dip.

Alternative 1 is proposed because it would provide another approved insecticide for use as a "permitted dip" for cattle infested with or exposed to ticks. APHIS believes that as large a number of permitted dips as possible should be available to the industry in the interests of effective disease control. Choosing alternative 1, therefore, maximizes net benefits to society (i.e., the use of another effective insecticide) without any additional cost. If alternative 2 were adopted, this insecticide, which has been proven effective against ticks and which has been registered for that use by the EPA, could not be made available. This would be detrimental to ongoing efforts to eradicate Texas (Splenetic) fever in cattle in the United States.

Lists of Subjects in 9 CFR Part 72

Animal diseases, Animal pests, Cattle, Quarantine, Splenetic Fever, Texas fever, Ticks, Transportation.

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Accordingly, it is proposed to amend 9 CFR Part 72 by adding a new paragraph (b)(5) to § 72.13 to read as follows:

§ 72.13 Permitted dips and procedures.

* * * * *

(b) * * *

(5) Approved proprietary brands of organophosphorous insecticides

(Ciodrin®) if used in a concentration of 0.44 to 0.54 percent and if used in accordance with the EPA approved label.

* * * * *

(Secs. 1, 2, 32, Stat. 791–792, as amended; secs. 4–7, 23 Stat. 32; secs. 1–4, 33 Stat. 1264, 1265; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 7 CFR 2.17, 2.51, and 371.2(d))

Done at Washington, D.C., this 8th day of June, 1983.

K. R. Hook,

Acting Deputy Administrator Veterinary Services.

[FR Doc. 83-15875 Filed 6-13-83; 8:45 am]
BILLING CODE 3410-34-M

---

9 CFR Part 92

[Docket No. 83-017]

APHIS Program To Prevent Introduction of CEM Into the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This document solicits public comment on the current regulatory program which was designed to prevent the introduction of contagious equine metritis (CEM) into the United States. Comments from the public are requested to help the Animal and Plant Health Inspection Service (APHIS) determine the adequacy of its current CEM program and whether or not, and in which ways, the program should be changed.

DATE: Comments must be received on or before August 15, 1983.

ADDRESS: Written comments concerning this notice should be submitted to T. O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. C. A. Gipson, USDA, APHIS, VS, Room 826, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8321.

SUPPLEMENTARY INFORMATION:

Background

Contagious equine metritis (CEM) is a highly transmissible venereal disease of the horse family. CEM is caused by a bacterium that has been described as a microaerophilic, gram negative coccobacillus tentatively named *Haemophilus equigenitalis*. The disease does not threaten the life of the animal. Infection by the bacterium is localized in the reproductive tract and does not become systemic. Stallions show few, if any, symptoms. Mares may show a vaginal discharge. Reproduction, however, is severely curtailed when infected horses are mated with each other or with non-infected equidae. This could have a devastating effect on the equine industry. Notwithstanding, infected horses can be made free of the disease by treatment with disinfectants and antibacterial ointments. CEM was first identified as a separate and distinct disease in several European countries during the spring of 1977. As it was not known to exist in the United States at that time, considerable concern was expressed by segments of the United States horse industry that CEM would be introduced into this country through horse importations. Currently, CEM is known to exist in 11 foreign countries: Australia, Austria, Belgium, Denmark, France, Federal Republic of Germany, Ireland, Italy, Japan, Sweden, and the United Kingdom (England, Scotland, Northern Ireland, Wales and the Isle of Man).

The regulations in 9 CFR Part 92 (the regulations), among other things, set forth provisions concerning the importation of horses from these 11 foreign countries where CEM is known to exist. It appears that changes in the regulations should be considered based on the following:

1. It had been thought that CEM could be transmitted only by natural mating, however, the disease has been diagnosed in virgin mares and stallions.

2. In the past, CEM had been diagnosed only in Thoroughbreds; now the disease has been diagnosed in other breeds of horses.

3. CEM was diagnosed in a resident mare in the United States as recently as one year ago.

4. Interstate and interherd movement of horses within the United States has been difficult to monitor, which would make spread of the disease difficult to control if CEM were found to exist in the United States.

5. International movement of horses and lack of surveillance of CEM in many countries suggests the disease is likely to exist in countries other than the 11 foreign countries in which it is known to exist.

6. The breeding activity of horses imported solely for competition, such as racing, is difficult to ascertain and these horses may be spreading the disease.

The following are some possible changes to the current CEM program APHIS is considering because of the facts stated above.

1. Deregulation of the current regulatory program.

Many State authorities and individuals from the horse industry believe that CEM is a treatable disease and that it should therefore not be regulated. Most treatable diseases are in fact not strictly regulated. Horse breeders who believe the present regulations are inadequate and who have adopted their own precautions to exclude the CEM from their breeding operations would probably favor deregulation. Deregulation would relieve them of the expense associated with importing horses under present CEM regulations. Deregulation would also eliminate the cost of USDA of enforcing the present regulatory program.

One disadvantage of deregulation is it could increase the risk of introducing the CEM organism into the United States horse population. However, horse breeders could individually avoid this risk by using artificial insemination in place of natural breeding. Another disadvantage of deregulation at the federal level would be that an addititional burden would be placed on State veterinary authorities working to prevent introduction of CEM into their States. Finally, foreign countries could impose restrictions on horse exports from United States in order to protect themselves against CEM.

2. Promotion of a voluntary industry Code of Practice.

The Thoroughbred horse industry in France, Ireland and United Kingdom has implemented a voluntary Code of Practice. The horse industry of the United States could implement a similar code recommending procedures to be used to prevent introduction of the CEM organism into a horse stud and to handle infection when it is diagnosed. The exclusive use of a voluntary Industry Code of Practice would remove government involvement from prevention and control of CEM and would allow the industry to develop its own control measures. The horse breeder and his veterinarian would make the decision as to which methods to use.

A disadvantage of the exclusive use of a voluntary Industry Code of Practice is that the United States horse industry does not have experience with voluntary codes. The success of the Voluntary

Industry Code of Practice would depend primarily on the reporting of all horses diagnosed to be infected with the CEM organism and their contacts with other horses, and secondarily on following prescribed procedures. Without proper reporting, infected animals could not be traced and other horses with which they came in contact could not be identified. Poor reporting would make the disease virtually uncontrollable.

3. Strengthening the current program.

APHIS could establish federal regulations to prevent the introduction of CEM into the United States or enter into cooperative State-Federal agreements to prevent the spread of the disease if it exists in the United States. In this connection, APHIS could:

a. Impose requirements on the importation of horses from all countries not found to be free of CEM.

b. Impose restrictions on the importation of horses not currently regulated because of CEM, such as horses under 2 years of age.

c. Impose more strict requirements on horses imported primarily for competitive events such as racing.

d. Quarantine and test United States horses that have traveled abroad when they reenter the United States.

e. Restrict the interstate movement of horses to prevent the spread of CEM.

Strengthening the current program would help reduce the possibility of infected horses introducing the disease into the United States. However, more research on CEM could be required in order to design more effective regulations. Also, additional personnel would be needed for a strengthened regulatory program, and the cost to the government and regulated persons would likely increase.

Comments on the adequacy of the current CEM program and whether or not, and in which ways, the program should be changed, and comments on the changes outlined above would be greatly appreciated.

List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Done at Washington, D.C., this 8th day of June 1983.

K. R. Hook,

Acting Deputy Administrator Veterinary Services.

[FR Doc. 83-15874 Filed 6-13-83; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 772 3037]

Trans Union Credit Information Company; Proposed Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a Chicago-based computerized consumer credit reporting agency and its credit bureaus, among other things, to cease furnishing reports to investigative agencies, government law enforcement agencies and others who are not properly certified, or to whom the company has reason to believe would use the information for impermissible purposes. The agency would have to advise users of the reports that anyone obtaining credit information under false pretenses is subject to a fine and/or imprisonment under Federal law. In making file disclosures to properly identified customers, the company would be required to disclose the nature and substance of all information retained on the consumer, no matter how recorded. The reporting agency would also be required to reinvestigate disputed credit information; advise the consumer of the results of its reinvestigation; and record the current status of the information within a reasonable period of time. Credit information reports would have to include clear and accurate dispute statements filed by consumers, or summaries of such statements. Further, when responding to telephonic requests for information, the dispute statement would have to be read before the challenged information is disclosed. The order would also bar the company from purging any consumer file containing credit accourt information that is solely non-derogatory and whose most recent date of activity is less than five years old, unless it advises users of the reports that such purges are performed periodically. Additionally, the company would be required to review its credit reporting system in accordance with the procedures set forth in the order to detect and remedy erroneous information maintained or reported by the system.

DATE: Comments must be received on or before August 15, 1983.

ADDRESS: Comments should be directed to FTC/S, Office of the Secretary, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Anne P. Fortney, FTC/PD, Washington, D.C. 20580. (Phone: (202) 724-1119).

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Consumer credit reports.

[File No. 772-3037] Agreement Containing Consent Order To Cease and Desist

In the matter of Trans Union Credit Information Company, a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Trans Union Credit Information Company ("Trans Union"), a corporation, and it now appearing that Trans Union, hereinafter sometimes referred to as respondent, is willing to enter into an agreement containing an Order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Trans Union and its attorneys, and counsel for the Commission that:

1. Respondent is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 111 West Jackson Boulevard, in the city of Chicago, State of Illinois.

2. Respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft complaint contemplated thereby will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by respondent that the facts as alleged in the draft complaint here attached are true or that any law has been violated.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to respondent: (1) Issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following Order to cease and desist in disposition of the proceeding; and (2) make information public in respect thereto. When so entered, the Order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to Order to repondent's address as stated in this agreement shall constitute service. Respondent waives any right it may have to any other manner of service. The complaint and the intitial compliance report may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the agreement, Order or intitial compliance report may be used to vary or contradict the terms of the Order.

7. Respondent has read the proposed complaint and Order contemplated hereby. It understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the Order. Respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

It is hereby ordered, That respondent Trans Union Credit Information Company ("Trans Union" or "respondent"), a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the furnishing of consumer reports by its owned bureaus derived from consumer files owned by Trans Union, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

I. Failing to maintain reasonable procedures designed to limit the furnishing to private investigative or detective agencies of consumer reports to the purposes listed under Section 604 of the Fair Credit Reporting Act ("FCRA"). For the purpose of this Order such procedures consist of:

A. Requiring all users to certify in writing, before respondent furnishes any consumer reports to such users, the nature of their businesses, the purpose(s) for which they will use respondent's consumer reports and that the consumer reports will be used for no other purpose. For current users for which respondent does not possess such certifications, respondent shall obtain such certifications within six months of the date this Order becomes effective.

B. Making reasonable efforts to verify the identity of a prospective user, the nature of its business and its proposed uses of respondent's reports prior to furnishing consumer reports to such user.

C. Requiring private investigative agencies and detective agencies to certify in writing or orally at the time of each request for a consumer report:

1. The specific purpose or purposes for which each consumer report is sought;

2. That the information will be used for no other purpose; and

3. That the user understands that Federal law provides that a person who obtains information from a consumer reporting agency under false pretenses shall be fined no more than $5,000 or imprisoned not more than one year or both.

If the user's certification is oral rather than in writing, respondent shall either: (1) Request the user to confirm the certification in writing within ten business days after such request or (2) maintain a written record of the identity of the requestor, the date of the request, the identity of the consumer (name and address) on whom the consumer report was requested and the purpose(s) certified for the request. For any such user for which respondent requests subsequent written certification rather than maintains a written record, respondent may not furnish additional consumer reports if it does not receive such certification within the ten-day period. In such cases, additional consumer reports may be furnished after the written certification is received.

Private investigative agencies and detective agencies do not, for the purpose of this provision, include credit bureaus that prepare or issue investigative consumer reports, as that term is defined in Section 603(e) of the FCRA.

D.1. With respect to each prospective user, after six months from the date this Order becomes effective, either: (1) Consulting the current telephone yellow pages for the geographical areas in which respondent sells consumer reports for a listing of all detective agencies, private investigative agencies, investigators, and security services, or (2) conducting an on-site inspection of the premises of such user, in order to determine whether it is a detective agency or private investigative agency, and is thus a user from which the certification described in (C) above must be obtained.

2. With respect to current users, within six months from the effective date of this Order, either: (1) Consulting the current yellow pages for the geographical areas in which respondent sells consumer reports and determining whether any of the businesses listed therein as detective agencies, private investigative agencies, investigators, or security services are current subscribers, or (2) conducting on-site inspections of the premises of such current users, in order to determine, for each current user, whether it is a detective agency or a private investigative agency and is thus a user from which the certification described in (C) above must be obtained.

E. Furnishing a consumer report to any detective agency or private investigative agency when that agency has not certified a specific permissible purpose for obtaining that consumer report or when respondent has otherwise received notice that such agency is seeking to obtain the consumer report for a purpose that is not permissible under Section 604 of the FCRA. For the purpose of this provision, certifications of specific permissible purposes include, but are not limited to, certifications of one of the purposes listed in § 604(3)(A)–(D) of the FCRA.

II. Failing to maintain reasonable procedures designed to limit the furnishing of consumer reports to government agencies, or departments of government agencies, which have as a principal function the enforcement of civil or criminal laws and which do not in the ordinary course of business regularly extend credit or insurance for personal, family or household use or evaluate consumers' eligibility for licenses or government benefits for which the agency is required by law to consider the applicant's financial responsibility or status, to the purposes listed under Section 604 of the FCRA. For the purpose of this Section respondent is required to cease and desist from:

A. Failing to require such agencies or departments to certify either in writing or orally at the time of each request for a consumer report:

1. The specific purpose or purposes for which each consumer report is sought;

2. That the information will be used for no other purpose; and

3. That the user understands that Federal law provides that a person who obtains information from a consumer reporting agency under false pretenses shall be fined no more than $5,000 or imprisoned not more than one year or both.

If the user's certification is oral rather than in writing, respondent shall either: (1) Request the user to confirm the certification in writing within ten business days after such request; or (2) maintain a written record of the identity of the requestor, the date of the request, the identity of the consumer (name and address) on whom the consumer report was requested and the purpose(s) certified for the request. For any such user for which respondent requests subsequent written certification rather than maintains a written record of the certification, respondent may not furnish additional consumer reports if it does not receive such certification within the ten day period. In such cases additional consumer reports may be furnished after the written certification is received.

The requirements of Section II of this Order do not apply to requests by government agencies for information limited to the consumer's name, address, former addresses, places of employment and former places of employment.

B. Furnishing a consumer report to any such government agency or department when it has not certified a specific permissible purpose for obtaining that consumer report or when respondent has otherwise received notice that such agency or department is seeking to obtain the consumer report for a purpose that is not permissible under Section 604 of the FCRA.

For the purpose of this provision, certifications of specific permissible purposes include, but are not limited to, certifications of one of the purposes listed in section 604(3)(A)–(D) of the FCRA.

III.A. Failing to follow reasonable procedures to avoid issuing any consumer report, except as authorized by Section 605(b) of the FCRA, containing any account placed for collection or repossession or charged to profit and loss whose date (month and year) so placed or charged, or if not available whose date (month and year) first furnished to or received by respondent, antedates the report by more than seven years.

B.1. Failing to follow reasonable procedures designed to assure that, for each account placed for collection or repossession or charged to profit and loss entered into the data base, the date (month and year) the item first reached the indicated status or, if not supplied, the date (month and year) the item was first furnished to or received by respondent, is inserted into the data base as the purge date for such item.

2. Failing to follow reasonable procedures designed to assure that such purge dates are not advanced by the submission by credit grantors or collection agencies of subsequent information about the accounts in question.

C.1. Within one hundred eighty (180) days of the effective date of this Order, respondent shall:

(a) Produce a computer dump of all accounts with the corresponding names and addresses of the consumers in whose files they are maintained in the data base bearing a manner of payment code "08", "8A", "8D", "09", or "9B" and bearing purge dates of July 1978 through March 1979;

(b) Mail, to each credit grantor or collection agency for which account information meeting the criteria described in (a) above exists in respondent's data base, a completed copy of the form letter included as Exhibit A to this Order, requesting that the recipient review or permit respondent to review the actual dates closed or placed for collection or repossession of accounts held by the recipient and meeting the criteria described in (a) above. The letter shall contain an estimates of the number of credit grantor's or collection agency's accounts to be reviewed.

If the credit grantor or collection agency has not replied to the letter within forty-five (45) days of the date it was mailed respondent shall, within fifteen (15) days of the expiration of that 45 day period, send a follow-up letter again requesting that the recipient perform the review or permit respondent to perform the review.

If the recipient replies that it will perform this review, respondent shall deliver to it, within two weeks of receipt of that reply, that portion of the computer dump described in (a) above that pertains to accounts held or handled by the recipient. If the credit grantor or collection agency replies that it will permit respondent to perform this review, respondent shall commence such review within sixty (60) days of receipt of the credit grantor's or collection agency's reply.

2. (a) For those accounts for which the credit grantor or collection agency responds, or respondent determines, upon performing the review, as having an earlier date on which the indicated status was reached or the item was first furnished to respondent than the purge date contained in the data base, respondent shall replace the purge date contained in the data base with such earlier date.

(b) For accounts held by those credit grantors or collection agencies which do not respond to either of the letters described in 1(b) above, or respond that they will not perform the review or permit respondent to perform the review, respondent may maintain the purge dates contained in the data base, except as respondent is otherwise required to change or delete such date pursuant to the consumer dispute and reinvestigation procedures of Section 611 of the FCRA.

D. For any of respondent's bureaus, with respect to that portion of the data base pertaining to such bureau or any part of that portion of the data base, respondent may, as an alternative to performing the procedures described in (C) above, purge all accounts bearing one of the above-mentioned manner of payment codes and a purge date falling within the above-designated period.

IV. A. 1. Failing, upon request and proper identification of any consumer, to clearly and accurately disclose to the consumer the nature, substance and source of all information on that consumer recorded and retained by respondent regardless of how the information is stored.

2. Failing, in any bureau that furnishes any consumer report(s) to a user or users by means of a cathode ray tube (CRT) terminal, to make disclosure to consumers as required by (A)(1) above by CRT terminal using the same point score threshold, and allowing for display of the same number of files

whose score equals or exceeds that threshold, as the CRT terminal(s) used for furnishing consumer reports to users.

V. Failing, when issuing a consumer report containing information with respect to which the consumer has filed a dispute statement pursuant to Section 611(b) of the FCRA, to clearly note in any subsequent consumer report containing the information in question that such information is disputed by the consumer and provide to the user either the consumer's statement or a clear and accurate codification or a summary thereof, and in particular:

A. Failing, for each written or printed consumer report issued containing information with respect to which the consumer has filed a dispute statement, to provide in the consumer report itself the dispute statement or a clear and accurate codification or summary thereof.

B. Failing, in each consumer report issued by telephone containing information with respect to which the consumer has filed a dispute statement, to read to the inquiror the contents of the dispute statement, or a clear and accurate codification or a summary thereof, before reading the disputed information, and to refuse to read the disputed information if the inquiror does not permit the dispute statement or the codification or summary thereof to be so read.

C. Failing, for each consumer report issued by telephone concerning a consumer who has filed a dispute statement, to maintain a record of the identity of the consumer, the identity of the inquiror and the date the dispute statement or codification or summary thereof was supplied to the inquiror, unless respondent previously incorporated such dispute statement or codification or summary thereof in the consumer's file in the data base.

VI. Purging from the data base or any portion thereof, after one hundred eighty (180) days from the date this Order becomes effective, consumer files containing credit account information that is solely non-derogatory and whose most recent date(s) of activity is (are) less than five years old, unless respondent:

A. Delivers, by first class mail or in person, a separate printed notification to the user's (other than another credit bureau) personnel listed below. This notification shall state that respondent's bureaus from time to time perform such purges and that respondent will, upon written request, disclose in writing the dates and criteria of any purges performed within the past two years on the portion(s) of respondent's data base pertaining to the bureau(s) from which the user principally purchases respondent's reports, as well as any other bureau for which the user requests such information. This notification shall also contain a recommendation that the information contained in it be transmitted to the user's employee in charge of developing consumer credit or benefit evaluation criteria and employee who supervises the consumer credit application or benefit evaluation process.

1. Any individual who is to execute a subscriber contact or agreement with respondent on behalf of any person, business, or government agency.

The notification may be delivered to this person together with the contract or agreement form to be signed.

2. Within thirty days after the execution of such contract for any prospective user, and within one hundred eighty (180) days after the effective date of this Order for any user authorized to obtain consumer reports from respondent, such user's individual in charge of consumer credit or benefit operations. For any previous user not authorized, as of the effective date of this Order, to obtain consumer reports from respondent, respondent need not deliver the notification until thirty (30) days after the user is reauthorized to obtain consumer reports.

The notification shall not be delivered to this person together with any billing invoice.

B. Upon written request from an existing or prospective user (other than another credit bureau), makes the disclosure specified in (A) above, with the exception that respondent need not make the disclosure for such purges as may have been performed prior to the effective date of this Order, and for which, as of that date, it was not in possession of records. In the case of that exception, respondent need only disclose instead that there may have been purges performed prior to that date, for which it is no longer has the exact dates of criteria.

C. Inserts into the consumer's file (including, when necessary, reestablishing a file on the consumer), upon the consumer's request, any item of account information when a consumer, disputing the completeness of his or her file, indicates he or she has such account under this or her name, and when that account is held by a subscriber to respondent's consumer reporting services and is verifiable.

Section VI of this Order does not apply to purges of files on consumers whose current addresses, as reflected in the file, do not fall within the geographic area covered by the portion of the date base in which the files are maintained. It does not apply to purges of files performed as part of a purge by respondent of all files in a portion of the data base pertaining to a specific geographic area. It does not apply to purges of files performed at the request of consumers to whom those files pertain, and it also does not apply to purges of trade line information performed at the specific request of a subscriber to which it pertains.

VII. Failing, when the completeness or accuracy of any item of information contained in his or her file (as defined in Section 603(g) of the FCRA) is disputed by a consumer and that dispute is directly conveyed to respondent by the consumer, to:

A. Reinvestigate and record the current status of that information within a reasonable period of time after the dispute is directly conveyed, unless respondent has reasonable grounds to believe the dispute is frivolous or irrelevant.

B. Inform the consumer of the results of the reinvestigation, orally or by placing the results in first class mail, within a reasonable period of time after the completion of the reinvestigation.

It is further ordered, That respondent shall:

VIII.A. Have its management, and the staff of its Cronus Support, Quality Control and Systems and Programming Departments, continue to review its credit reporting system. Such review will include the detection and remedying of significant inaccuracies in information maintained or reported by the system. During the period from thirty-six (36) months to five (5) years from the effective date of this Order, respondent will document the procedures it uses for such review, the results of such review, and measures it takes to increase accuracy.

B.1. Review the display algorithm of its credit reporting system with respect to its functions of distinguishing between seniors and juniors; consumers with the same last name and first initial living at the same address; consumers with the same last name, first initial and house number and living at different addresses; consumers with the same last name and first initial and having different social security numbers; and preventing display of "B" files that pertain to different consumers than the "A" files displayed. Respondent shall also review the merge algorithms of its credit reporting system with respect to their functions of preventing mixing in the same file of information on juniors and seniors or individuals otherwise having the same last name.

2. Determine, for each of the functions mentioned in (B)(1), whether the measures specified in the initial compliance report filed concurrently with this Order are feasible and effective in increasing the accuracy of respondent's computerized credit reporting system. Such determination shall be made on the basis of a documented cost-benefit analysis (*i.e.* dollar expenditures or decrease in reporting information pertaining to the consumer inquired on versus decrease in reporting information not pertaining to the consumer inquired on).

3. Compliance with the cost-benefit analyses referred to in (B)(2) with respect to display algorithm changes (aside from ascertaining dollar expenditures) shall be made by conducting empirical studies employing methodology similar to that used by respondent in the empirical studies it previously conducted [(a) through (d) below describe that methodology] to determine whether a display algorithm change would result in retrieval of additional files in response to inquiries. Compliance with the cost-benefit analyses with respect to merge algorithm changes shall be made by conducting similar empirical studies to determine whether such changes could reduce merger into individual files of information pertaining to different consumers below that occurring presently without reducing to an undue extent the merger into individual files of information that pertains to the same consumer.

The methodology for the display algorithm cost-benefit analyses includes:

(a) Compiling a sample of captured inquiries actually made by users and inquiries devised by respondent that adequately addresses the relevant variables and is large enough to provide a basis for determining the effect of the measure(s) over the general population of inquiries and data base files;

(b) Processing these inquiries against the data base using the existing display algorithm;

(c) Examining the files retrieved from the data base to determine which do and which do not pertain to the consumer inquired on and analyzing what changes in the display algorithm would result in retrieval of fewer files not pertaining to the consumers inquired on;

(d) Devising modified display algorithm(s) and testing them to determine if they reduce retrieval of files not pertaining to the consumer inquired on, without reducing to an undue extent retrieval of files pertaining to the consumer inquired on.

4. For each function, if respondent determines pursuant to (B)(2) and (B)(3) above that the measure(s) specified in the initial compliance report are feasible and effective in increasing accuracy, respondent shall implement such measure(s) or alternative measure(s) that respondent determines, pursuant to the above-described type of cost-benefit analysis, are as or more effective in increasing accuracy as the measure(s) specified in the initial compliance report.

5. If respondent determines that any of the measures listed in the initial compliance report, after performing the relevant cost-benefit analysis, is not effective in increasing accuracy beyond that produced by respondent's current algorithms, respondent need not make that change.

6. For each function described in (B)(1), multiple measures need not be implemented if they have only substantially identical, and not supplemental, effects on accuracy.

Any actions required under Section VIII(B) of this Order shall be completed within eighteen (18) months of the effective date of this Order.

C.1. During the period from eighteen (18) months to twenty-four (24) months from the effective date of this Order, and on a one-time basis only, take reasonable steps to identify other types of significant inaccuracies that may be occurring concerning reporting information pertaining to consumers other than the ones inquired on, other than those inaccuracies which are caused by a credit grantor's insolated and non-systematic errors in recording information concerning a consumer's account, or which involve a disagreement between the consumer and the credit grantor over the time or amounts of payments made by the consumer on the account, or which involve disputes over the quality of goods or services purchased. These steps include (a) having the managers of respondent's bureaus document the types of such inaccuracies reported to those bureaus by credit grantors or other users of respondent's reports during that period and (b) examining, for each of respondent's bureaus, the consumer relations files established for the first, third, and fifth months of that six month period.

The bureaus shall prepare and forward to respondent's Computer Division written summaries of the types of such inaccuracies indentified pursuant to (a) or (b). The bureaus shall also attach actual examples of reports contining those types of inaccuracies.

2. Devise measure(s) that can reduce the occurrence of the types of inaccuracies identified pursuant to (C)(1) above.

3. Implement those of the measures devised pursuant to (C)(2) above that respondent determines to be feasible and effective in decreasing the occurrence of the types of inaccurancies identified pursuant to (C)(1) above on the basis of documented cost-benefit analyses, as described in Section (B) above.

For each type of inaccuracy identified pursuant to (C)(1) above, multiple measures need not be implemented if they have only substantially identical, and not supplemental, effects on accuracy.

Any actions required under Order Section VIII(C) (2) and (3) shall be completed within the period of twenty-four (24) to thirty-six (36) months from the effective date of this Order.

It is further ordered, That respondent shall:

IX.A.1. Immediately, upon the date this Order becomes effective, begin to develop systematic procedures, whether performed by computer or otherwise, to perform the functions described in (2) below.

2. After eighteen (18) months from the effective date of this Order, ascertain, each time a credit grantor computer tape is processed and for each manner of payment code contained in the account information submitted, the number of accounts bearing that code, and to review those statistics and compare them to previous months' statistics for that credit grantor as a means of detecting likely systematically errorneous codes submitted by the credit grantor or otherwise inserted into the data base.

If the above-mentioned comparison process is automated, respondent shall within eighteen (18) months of the effective date of this Order provide to the Commission the criteria employed in such comparison.

3. After eighteen (18) months from the effective date of this Order, provide the credit grantor printed copies of the statistics described in (A)(1) above following any significant change in the computer program used to process the credit grantor's account information into the data base or whenever respondent determines that the statistics for that credit grantor are, in respondent's good faith judgment based upon its experience gained pursuant to its obligations under Section IX (A)(1) of this Order, significantly different from previous statistics.

4. After eighteen (18) months from the effective date of this Order, if respondent has reasonable grounds for

believing based on the review described in (A)(2) above or otherwise that any credit grantor is supplying systematically erroneous manner of payment codes or that systematically erroneous manner of payment codes are being produced by respondent's procedures for processing the information on credit grantor tapes into the data base, take reasonable steps to correct the erroneous codes entered into the data base and take reasonable steps to assure that:

(a) Subsequent tapes submitted by that credit grantor do not contain systematic transcription or formatting errors that cause erroneous manner of payment codes to be processed into the data base; and

(b) Respondent's credit grantor tape translation programs or other procedures for processing information into the data base do not by themselves, or in conjunction with the types of problems described in (a) above, generate erroneous manner of payment codes.

With respect to any tapes submitted to respondent which contain account information pertaining to more than one credit grantor and whose processing results in the printing out of aggregate manner of payment code statistics rather than statistics for each credit grantor, the requirements contained in (A) (1)–(4) above with respect to individual credit grantors shall apply instead to the supplier of the tape. With respect to any credit grantor that furnishes more than one tape to respondent in any month, respondent is not required to aggregate all monthly statistics for that credit grantor but shall rather treat the statistics generated from each tape separately.

B. Alternatively, respondent may satisfy its obligations under Section IX of this Order by instituting other reasonable procedures to detect and correct systematic errors in manner of payment codes as submitted by credit grantors or otherwise processed into respondent's data base.

Respondent may institute alternative procedures only if it determines after reasonable documented inquiry that the alternative procedures will be substantially as effective as the procedures describe in (A) above.

It is further ordered, That respondent shall submit to the Commission, within seven (7) months after the date of service of this Order, a compliance report detailing the actions respondent has already taken and intends to take to comply with each of the provisions of the Order. Respondent shall also maintain for a period of five (5) years from the effective date of this Order, unless a shorter time period is specified, and make available upon written request made by Commission staff:

1. A printout of respondent's computer maintained subscriber listing, current as of the date of receipt of Commission staff's request.

2. The written certifications and records called for by Sections (I) (A) and (C) and II(A) of this Order, for the most recent twenty-four (24) month period.

3. The records specified in Section V(C) of this Order, for the most recent twelve (12) month period.

4. Such written requests as are received from users pursuant to Section VI(B) of this Order, for a period of twelve (12) months from the date received.

5. Documentation required by Section VIII(A) of this Order and documentation generated for the purpose of, in the course of conducting, or as a result of any of the analyses, determinations, reviews, identifications, examinations, implementations, information gathering and other actions called for by Sections VIII (B) and (C) of this Order.

6. With respect to the monthly statistics mentioned in Section IX(A) of this Order, respondent shall maintain records of such statistics for six months after their generation. Upon written request made by Commission staff, respondent shall prepare with respect to each individual subscriber tape (or with respect to each tape containing information from multiple credit grantors whose processing produces only aggregate statistics) and for the designated month(s) a summary form indicating the percentage change, positive or negative, in the number of accounts processed into the data base under each manner of payment code. Respondent shall, for each summary form, designate the subscriber (or tape supplier) by a consistently used identifying number rather than by name. Respondent shall make a special indication on the form when it pertains to a tape that produces only aggregate statistics for multiple credit grantors.

This provision does not require respondent to supply any documents or information to the Commission that would identify the subscriber to which the above mentioned statistics or reports pertain.

7. The documented inquiry called for by Section IX(B) of this Order, if Section (B) is followed as an alternative to section (A).

8. Any and all written or printed materials used by respondent to make any of the disclosures or notifications mentioned in provisions of this Order, except those required by Order Section VII and except that with respect to Order Section III, respondent shall, for twelve (12) months after completion of its obligations under that section, maintain and make available upon written request by Commission staff: the number of credit grantors, and the number of accounts, contained in the computer dump produced pursuant to Section III(C)(1)(a); the number of letters sent to credit grantors; and the number of credit grantors or collection agencies that responded to the letters under III(C)(1)(b); the number of credit grantors or collection agencies that performed the review themselves; the number of credit grantors or collection agencies for which respondent performed the review; which bureaus, if any, determined to purge all or some of the relevant accounts rather than contact the credit grantors or collection agencies; and the number of accounts entirely purged and the number of accounts for which changed purge dates were inserted in the data base.

It is further ordered, That respondent shall maintain, for a period of five (5) years from the effective date of this Order, the computer dump required under Order Section III(C)(1)(a), copies of the letters sent to credit grantors or collection agencies, and written responses received and respondent's records of oral responses received pursuant to Order Section III(C)(1)(b).

It is further ordered, That respondent's obligations under Section VI of this Order shall terminate five (5) years from the date this Order becomes effective. Respondent's obligations under Section IX of this Order shall terminate five (5) years from the date respondent completes implementation of the procedures required by Section IX(A)(1)–(4), or Section IX(B), of this Order.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other changes in the corporation which may affect compliance obligations arising out of this Order.

It is further ordered, That the respondent shall forthwith distribute a copy of this Order to each of its management personnel and to each of the management personnel of each of its owned bureaus.

Exhibit A—Trans Union Credit Information Company

Dear (Credit Grantor/Collection Agency name): We are contacting you to request your

assistance in verifying dates for certain consumer account information that (name) has supplied to Trans Union Credit Information Company as a subscriber to Trans Union's credit reporting services. As you know, Trans Union's computerized credit reporting system is designed to purge itself of most adverse information on consumers within seven years from the date the item reached the indicated adverse status. To perform this function, the system fixes a date in the data base for each item of adverse information (the "purge date"). In the latter part of 1978 and early 1979, Trans Union instituted new procedures for fixing the purge date for accounts that are rated "08", "8A", or "8D" (repossessions), "09" (bad debt; placed for collection) or "9B" (collection account). Trans Union currently is reviewing all accounts in its data base that have one of the above manner of payment ratings and purge dates falling between July 1978 and March 1979 in an effort to assure that such purge dates are correct.

Our own research indicates that there are (number) such accounts reported by (name) currently maintained in our data base. To verify the correctness of the purge dates we have fixed for these accounts, and make any required changes, it will be necessary to review your records concerning these accounts to determine the dates on which the accounts actually reached the indicated status. We have a listing of accounts you have supplied to us which meet the criteria described above which we will provide to you. We request that you then review your records and inform us, for each of these accounts, of the month and year on which each such account first reached the indicated status, if different from the date contained in the listing. We also request that you inform us as to which accounts (if any) you cannot, from your records, determine the applicable date. Alternatively, if (name) would prefer that Trans Union perform this review of your records, we would be willing to supply Trans Union personnel to do so.

We request that you advise us within 30 days whether this information is available and, if so, whether (name) would be willing to participate in this review. Upon your affirmative response we will forward you the listing of accounts to be reviewed or arrange date(s) on which our personnel will review your records. Your cooperation would be most appreciated. If you have any questions, please contact (name of Trans Union contact person) at (phone number).

Sincerely,

Analysis of Proposed Complaint and Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Trans Union Credit Information Company, a computerized consumer credit reporting agency that owns credit bureaus in thirteen states.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges that Trans Union has violated various provisions of the Fair Credit Reporting Act (FCRA), and Section Five of the Federal Trade Commission Act. Counts I and II of the complaint allege that Trans Union furnished credit reports on consumers to detective and government law enforcement agencies without following reasonable procedures to assure that such agencies have permissible credit or employment-related purposes for obtaining the information (FRCA Section 607(a)). In the case of such agencies, these procedures include obtaining an individual certification of the specific purpose for which each report is sought. Count II also alleges that Trans Union violated Section 604 of the FCRA in furnishing reports to law enforcement agencies when Trans Union had reasonable grounds to believe they would be used for impermissible law enforcement purposes.

Count III alleges that Trans Union's credit reporting system in the past failed to assign dates, to some charged-off or collection accounts, to be used to remove such information before expiration of the permissible reporting period of seven years. (FCRA Sections 607(a), 605). The count further alleges that Trans Union subsequently established "purge dates" for such accounts which it reasonably should have known were incorrect. As a result, the count alleges Trans Union reported adverse information on consumers beyond the permissible seven year period.

Count IV alleges that Trans Union, in some of its bureaus, in making file disclosures to consumers by teleprinter computer terminals has failed to disclose certain information that can be reported to credit grantors obtaining credit reports over the telephone. (FCRA Section 609).

Count V alleges that Trans Union has issued reports via teleprinter terminals that do not contain dispute statements (or clear and accurate codifications or summaries of such statements) filed by consumers concerning information contained in those reports. (FCRA Section 611).

Count VI alleges that Trans Union has deleted from its data base, at the request of various of its individual bureaus, consumer files that contain only positive credit history concerning accounts that have been inactive for a period frequently no greater than one year, without informing purchasers of its reports that it deletes such information. The count alleges that such deletions can result in the furnishing of "no file" reports on consumer even though positive credit history on them was previously supplied to Trans Union (FCRA Section 607(b), FTC Act Section 5).

Count VII alleges that Trans Union has failed to reinvestigate within a reasonable period of time information in its files whose accuracy or completeness has been disputed by consumers. (FCRA Section 611(a)).

Count VIII alleges that Trans Union has reason to believe that it has issued significant numbers of erroneous reports that contain information on more than one consumer or that pertain to the wrong consumer. It further alleges that Trans Union knew or reasonably should have known that there were measures it could take to reduce the occurrence of the errors but failed to take reasonable steps to determine whether the possible remedial measures would reduce such errors, and failed to implement those measures that were found to be feasible and to reduce errors but not found to entail excessive monetary costs or cause an undue decrease in the completeness of reports (FCRA Section 607(b)).

Count IX alleges that Trans Union has been made aware that erroneous account payment status ratings have been entered in consumer files, and that it knew or reasonably should have known that periodic review of system-generated summaries of the ratings received from credit grantors would permit detection of possible systematic errors. The Count alleges that Trans Union failed to follow reasonable procedures to assure maximum possible accuracy in failing, for each credit grantor supplying information on computer tape, to review summaries on a monthly basis to enable detection and correction of systematic errors and take actions to prevent the recurrence of such errors (FCRA Section 607(b)).

The consent order contains provisions addressing each of these violations. Under Order Sections I and II, Trans Union must comply with the requirements of Section 607(a) of the FCRA by taking reasonable steps to assure that it furnishes reports to detective and government law enforcement agencies only for purposes permissible under Section 604 of the FCRA. For non-governmental subscribers, it must either consult the yellow pages or perform an on-site inspection to verify whether that subscriber is a detective or private investigative agency. Trans Union must

obtain advance certification of a specific permissible purpose for each report to be supplied to a detective, private investigative or government law enforcement agency. Trans Union is prohibited from supplying consumer reports if it is on notice that the report will be used for an impermissible purpose or if a specific permissible purpose has not been certified.

Order Section III requires Trans Union in the future to assign, as "purge dates" for charged off or collection accounts, the dates the accounts actually reached that status or were first furnished to Trans Union. Trans Union must also initiate a reinvestigation of accounts having suspect purge dates (June 1978–March 1979) and, for those found to have incorrect purge dates, insert the correct purge dates. Alternatively it may purge these accounts from its data base.

Order Section IV requires that, in making file disclosures to consumers, Trans Union must disclose the nature and substance of all information it retains on the consumer, not matter how stored. Trans Union must use cathode ray tube terminals to make consumer disclosures in any of its individual bureaus that sell reports via cathode ray tube terminals. Under Order Section V, Trans Union must also, when furnishing reports by teleprinter terminal, include in the body of such reports any dispute statements filed by consumers, or clear and accurate codifications or summaries of such statements. When a report is issued by telephone, the dispute statement must be read to the inquiror before the disputed information is read.

Order Section VI prohibits Trans Union, for a period of five years, from purging from its data base consumer files containing only positive account information less than five years old unless its notifies present and future subscribers of the fact that it performs such purges and, at the subscriber's requrest, indicates the specific dates and criteria of purges performed with the prior two years.

Order Section VII requires that, when a consumer disputes the accuracy or completeness of information in his or her file, Trans Union must complete reinvestigation and record of the current statue of that information within a reasonable period of time. Trans Union must also inform the consumer of the results of that reinvestigation within a reasonable period of time after completing it.

Order Section VIII requires Trans Union to continue to review its credit reporting syetem to detect and remedy significant accuracy errors. This review must include the types of errors the complaint alleges Trans Union made in issuing files on consumers other than those inquired on, *e.g.* files on consumers having different social security numbers or living in diffierent cities from the consumers inquired on, or files issued on seniors in response to inquiries on junior or vice versa. The order requires Trans Union to evaluate possible system changes empirically to determine the degree to which they may reduce the types of alleged errors, as well as their costs and the degree to which they reduce the completeness of reports. Trans Union must, within a period of eighteen months, implement changes found to reduce errors and not found to be excessively costly or detrimental to completeness. Trans Union must, for another eighteen months, monitor its system to ascertain if other significant inaccurancies are occurring and take similar remedial measures.

Order Section IX requires Trans Union to establish within eighteen months, and to operate for five years thereafter, a system to review on a monthly basis, either by computer or otherwise, the system-generated summaries of payment status codes supplied by each automated credit grantor. If likely systematic errors are detected, Trans Union must take reasonable steps to prevent further errors and to correct errors already made.

The Commission believes that the proposed order will provide substantial benefits to consumers. It will lead to increased accuracy of information reported, better and prompter efforts to correct erroneous files, and increased privacy protection with regard to permissible recipients of reports.

The purpose of this analysis is to facilitate public comment on the proposed consent order. It is not intended to constitute an official interpretation of the agreement and proposed order or to construe or modify their terms in any way.

Emily H. Rock,

Secretary.

[FR Doc. 83-15851 Filed 6-13-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Del Bonita and Wildhorse, Montana; Proposed Change in Hours of Service

AGENCY: Customs Service, Treasury.

ACTION: Notice of proposed change in hours of service; solicitation of comments.

SUMMARY: This notice solicits public comments on a proposed modification in the hours of service currently provided at the Customs port of Del Bonita and station of Wildhorse, Montana, located on the U.S.-Canadian border, in the Great Falls, Montana, Customs District.

Because traffic at Del Bonita and Wildhorse has not justified the current hours, it is propsed to change the hours of service for both locations.

The proposed change, which was coordinated with the Immigration and Naturalization Service (INS), would enable Customs and INS to obtain more efficient use of their personnel, facilities, and resources.

DATES: Comments must be received on or before August 15, 1983.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: A. Donald Gilman, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–9425).

SUPPLEMENTARY INFORMATION:

Background

In general, § 101.6, Customs Regulations (19 CFR 101.6), provides that each Cusomts office shall be open for the transation of Customs business between the hours of 8:30 a.m. and 5:00 p.m. on all days of the year except Saturdays, Sundays, and national holidays. It also provides that services performed outside a Customs office generally shall be furnished between the hours of 8:00 a.m. and 5:00 p.m. However, because of local conditions, different but equivalent hours may be necessary to maintain adequate and efficient service.

Del Bonita and Wildhorse, located in the Great Falls, Montana, Customs District, are two man border crossings, jointly staffed by Customs and the Immigration and Naturalization Service (INS). The current hours of service at these locations are as follows:

Del Bonita

June 1–September 15—8:00 a.m.–9:00 p.m.
September 16–May 31—9:00 a.m.–6:00 p.m.

Wildhorse

May 15–September 30—8:00 a.m.–9:00 p.m.
October 1–May 14—8:00 a.m.–5:00 p.m.

Because traffic at Del Bonita and Wildhorse has not justified the current hours of service, it is proposed to change the hours of service for both locations as follows:

May 15–September 30—9:00 a.m.–9:00 p.m.
October 1–May 14—9:00 a.m.–5:00 p.m.

If this proposal is adopted, it would place both locations on the same operating schedule, substantially reduce overall operating costs, including overtime expenditures, and allow for better scheduling and utilization of available office staff.

Although the change may result in some minor inconvenience to the public, service at Del Bonita and Wildhorse would not be reduced to any appreciable degree since there would be no accompanying reduction in manpower.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Drafting Information

The principal author of this document was Jesse V. Vitello, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Harbors, Organization and functions (Government agencies), Seals and insignia.

Dated: April 28, 1983.

Alfred De Angelus,

Acting Commissioner of Customs.

[FR Doc. 83-15746 Filed 6-13-83; 8:45 am]
BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 76P-0298]

Nutrition Labeling of Fresh Fruits and Fresh Vegetables; Withdrawal of Proposal and Termination of Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; notice of withdrawal.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing the proposed rule that would have set forth the provisions for nutrition labeling of fresh fruits and vegetables. The proposal would have revoked the regulation exempting fresh fruits and vegetables from nutrition labeling, and it would have established the criteria and provisions for nutrition labeling as applied to fresh fruits and vegetables. Based on the comments and after further review of the cost/benefit of the proposal, FDA has determined that the nutrition labeling of these products would be extremely costly. The increased cost would have reduced any benefits that consumers may have received from the proposed provisions. This notice terminates the rulemaking proceedings establishing the nutrition labeling of fresh fruits and vegetables and leaves intact the current exemption (21 CFR 101.9(h)(10)) from nutrition labeling of such products.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Campbell, Bureau of Foods (HFF–312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–3092.

SUPPLEMENTARY INFORMATION: A proposal to establish provisions for the nutrition labeling of fresh fruits and vegetables was published in the **Federal Register** of February 26, 1975 (40 FR 8214). Interested persons were given until April 28, 1975 to comment on the proposal.

Eighty-four letters, each containing one or more comments, responded to the proposal. Sixty-eight comment letters came from consumers: 41 opposed the regulation; 25 approved; 2 did not address the issue. Most of the objecting consumers said such labeling would unnecessarily raise the cost of fresh fruits and vegetables. The remaining comments were from State and city officials, growers, retail chains, and produce food associations. These comments generally requested clarification or modification of the proposal. The United Fresh Fruit and Vegetable Association, which opposed the proposal, submitted a petition as an alternative to FDA's proposal. The petition has been considered as a comment to the proposal.

The issues raised by the comments addressed areas of concern dealing with the serving size to be established for fresh fruits and vegetables, the great variation in the natural content of nutrients, the loss of indigenous nutrients during shipping and storage, the point at which compliance with a nutrition declaration would be determined, the determination of the average nutrient levels to be used for compliance purposes, and the compliance criteria to be applied.

FDA has evaluated the issues raised in response to the proposal. It is apparent that because nutrients in fresh fruits and vegetables vary greatly and are not constant from harvest to purchase, the costs of establishing and maintaining a reliable and current data bank of the nutrient levels in fresh fruits and vegetables for compliance purposes would exceed the benefits that consumers may derive from the use of nutrition labeling on fresh produce. For these same reasons, FDA concludes that the costs that would derive from the alternative proposal offered by the United Fresh Fruit and Vegetable Association would outweight any benefits the consumer may receive. Therefore, FDA is not at this time establishing specific nutrition labeling regulations for fresh produce.

List of Subjects in 21 CFR Part 101

Food labeling, Misbranding, Nutrition labeling, Warning statements.

PART 101—FOOD LABELING

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 701(a), 52 Stat. 1041 as amended, 1047 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a))) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), the proposal published in the **Federal Register** of February 26, 1975 (40 FR 8214), which would have amended § 1.17 *Food; nutrition labeling* (21 CFR 1.17; redesignated as § 101.9 *Nutrition labeling of food* (21 CFR 101.9) in the **Federal Register** of March 15, 1977 (42 FR 14302)) by removing paragraph (h)(10) and adding new paragraph (j), is hereby withdrawn and the rulemaking

proceeding begun by that proposal is terminated.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

Dated: June 6, 1983.

[FR Doc. 83-15836 Filed 6-13-83; 8:45 am]

BILLING CODE 4160-01-M

POSTAL SERVICE

39 CFR Part 111

Requiring Proof of Loss on Registered Mail Claims and Inquiries

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This is a proposal to amend postal regulations governing indemnity claims and inquiries on registered mail. The proposed changes, which are detailed below, would extend the proof of loss requirements of insured mail claims to registered mail claims and inquiries. The purpose of requiring proof of loss is to reduce the present large number of invalid claims and inquiries filed. This will result in a significant saving in employee workhours and will permit quicker service for customers with valid claims.

DATES: Comments must be received on or before July 14, 1983.

ADDRESS: Written comments should be addressed to the General Manager, Special Services Division, Rates and Classification Department, United States Postal Service, Washington, D.C. 20260–5371. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8430, 475 L'Enfant Plaza West, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Belford, (202) 245–4529.

SUPPLEMENTARY INFORMATION: To carry out this proposal, amendments would be made to 149 and 911 of the Domestic Mail Manual. A specific description of the substantive changes follows.

Proposed 149.411 simply revises the reference to the required claim/inquiry form to a current edition.

Proposed 149.412 would require a mailer to show proof of loss before the Postal Service will accept a claim of loss. This is the same requirement that exists for filing a claim for loss of an insured mail article. Proof of loss could be shown by securing a signed claim form or a letter from the addressee indicating the article was not received, or by receiving a response from the addressee's post office that no delivery record is on file.

The Postal Service proposes to add the proof of loss requirement to discourage those who may file claims or inquiries simply to obtain a free record of delivery or to maintain their accounting records. Filing invalid claims or inquiries results in significant expense to the Postal Service and adds unreasonably to the cost burden of the registered mail system.

Proposed 149.413 and 149.441 explain how to complete the indemnity claim form.

Proposed 911.521 explains how to establish proof of loss on a registered mail article that is not insured by the Postal Service. Although indemnity payments are not made on these articles, inquiries may be made to see if they were delivered.

Proposed 911.531 explains how to complete the form for an inquiry on uninsured registered mail.

Proposed 911.332 and 911.533 explain post office procedures for processing inquiries on uninsured registered mail articles.

Although exempt from the requirements of the Administrative Procedure Act, 5 USC. 533(b), (c), regarding proposed rulemaking by 39 USC 410(a), the Postal Service invites public comment on the substantive changes described above, which are included in their respective places in the revised parts 149 and 911 of the Domestic Mail Manual, a document that is incorporated by reference in the Federal Register. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

In consideration of the foregoing, the Postal Service proposes to amend parts 149 and 911 of the Domestic Mail Manual as follows:

Part 149—Indemnity Claims

1. In 149.4, revise .411, .412, .413, and .441 to read as follows:

149.4 Registered Mail Claims.

.41 How to File.

.411 Required Forms. A customer may file a claim at any post office, classified station or branch. Form 565, *Registered Mail Application For Indemnity/Inquiry* (May 1982 or later) must be used to file a claim for lose or damage of registered mail insured by the Postal Service. Do not complete a separate Form 1510–B or 3841–A for registered claims. A claim has not been filed until a completed Form 565 has been received by the Postal Service.

.412 Evidence of Loss or Damage.

a. *Claims for Complete Loss Filed by the Mailer.* All mailed filing claims for complete loss of registered mail must provide proof that a loss has actually occurred before a post office will accept a claim for indemnity. This proof may be supplies by any one of the following methods:

(1) The mailer may obtain Form 565 from any post office. The mailer must then complete the Form 565 and mail it to the addressee. Postal Service personnel will not mail the claim form for the mailer, but will provide assistance in completing the form upon request. The addressee must complete Items 10 and 11 on the Form 565 and return it to the mailer. If the addressee has signed the claim form and indicated the article was not received 15 days or more after the date of mailing, the mailer may then take the claim form, along with the original mailing receipt, to a post office and file the claim.

(2) If the mailer is unable to obtain the cooperation of the addressee in signing Form 565 for a registered article or, if he prefers, the mailer may send a check or money order for $3.75 to the post office of address and request a copy of the delivery record, provided 15 days or more have elapsed since the date of mailing. Any such request for a delivery record must contain the date the article was mailed, the registered number, and the complete name and address of the mailer and addressee (see 149.23).

(3) If the mailer receives a notice from the post office of address that a delivery record is not on file, the mailer may take this notice and original mailing receipt to any post office and file a claim for loss. The post office accepting the claim must attach a copy of the notice from the addressee post office to the Form 565 claim set and send them to the St. Louis PDC for adjudication.

(4) If the mailer has written and signed documentation (such as a letter dated at least 15 days after the date of mailing) from the addressee stating the addressee did not receive the article, the mailer may take this documentation to a post office, along with the original mailing receipt, and file a claim. A Postal Service employee must attach this documentation, or a copy of it, to the claim form.

b. *Claims for Complete or Partial Loss of Contents.* The container and packaging must be presented to the Postal Service for inspection when the claim is filed. *Exception:* the claimant may submit a Form 673, *Report of Rifled Article,* or a Form 3760, *Wrapper Found Without Contents* (which was received from the Postal Service), to file a claim.

c. *Claims for Damage.* The article with the mailing container and packaging must be presented to the Postal Service

for inspection at the time the claim is filed.

.413 How to Complete Form 565.

a. *Customer Action.* Type or print legibly with a ballpoint pen (press hard). Fill out items 2–9 and the lower portion (marked "Registered Mail Claim Identification") of the form. If you need help, the accepting postal employee will assist you. Complete items 2 through 9 as follows:

Item 2. Enter the name, address, and ZIP Code of the mailer.

Item 3. Enter the name, address and ZIP Code of the addressee.

Note.—Be sure to check the Payee block in either item 2 or 3 to indicate who should receive the indemnity payment.

Item 4. Enter the register number.

Item 5. Check the appropriate block to indicate the type of claim.

Item 6. List and describe the lost, missing or damaged articles. For damage claims, describe packaging in detail.

Item 7. Enter the total amount claimed, excluding postage.

Item 8. For damage claims only, list location of the damaged articles.

Item 9. Mailer must sign, date claim form and enter telephone number.

b. Endorsements and Signatures (Items 9 or 11, 22 or 27). The accepting post office employee will endorse the customer's original mailing receipt Claim Filed, then date and sign. Return the receipt to the customer with instructions to keep it until the claim is settled. Make sure the customer has completed item 9 or 11, whichever is appropriate. Also, the postmaster, or his designated representative, will date and sign the form either in item 22 or 27, whichever is appropriate.

c. *Claim Identification.* The claimant must complete the identification section at the bottom of the claim form. The individual listed on the identification section must be the person listed in either item 2 or 3.

* * * * *

.44 Additional Post Office Responsibilities

.441 Claim Form Initiated at Another Office

a. Mailing Office (Sent from Address Office)

(1) Request the mailer to appear with the necessary documentation. Do not release the claim form to the mailer.

(2) Complete claims for damaged registered articles received from the office of address by having mailer sign, date and enter his telephone number on the claim in item 9. Complete item 12 through 22.

(3) Endorse the original registered mail receipt "Claim Filed," date and sign it. Return the receipt to the customer and instruct him to keep it until the claim is settled. Customers using firm mailing books must submit the original copy. Reproduced copies are not acceptable.

(4) If the form is complete (including those claims for registers declared at *No Value*), process as follows (do not separate parts of form remaining):

(a) Forward all claims for alleged wrong delivery, alleged rifling and no value loss to the local postal inspector-in-charge. Endorse the envelope, "Form 565." The rifled envelope or package must accompany the claim file.

(b) Send claims for damage and for loss with value to the Director, Postal Data Center, P.O. Box 14632, St. Louis, MO 63180–9000. Endorse envelope, "Form 565."

b. Address Office (Claims Sent from Mailing Office).

(1) When a claim is for loss, search files (Forms 3849, *Delivery Notice or receipt;* 3883, *Firm Delivery Book;* 3867, *Registered and Certified Matter Received for Delivery;* and manifold bills) for record of receipt and/or delivery and endorse claim form to indicate results (item 24).

(2) If the claim is for damage and the addressee has possession of the damaged article, the article and the packaging must be presented for inspection and retained by the post office until released by the PDC.

(3) Complete Form 565 (items 23 through 27).

(4) If Form 565 is incomplete, return to the postmaster at the office of mailing. If Form 565 is complete, follow instructions in 149.441a(4)(a) or (b) for disposition.

(5) All portions of the claim form must be completed within seven (7) days after receipt and forwarded to the St. Louis PDC or the Inspection Service whichever is applicable.

* * * * *

Part 911—Registered Mail

2. In 911.5, revise .521, .531, .532, and .533 to read as follows:

911.5 Inquiries on Uninsured Articles.

.52 How to File.

.521 Original Inquiry. The mailer may not file an inquiry until 15 days after the date of mailing. An inquiry may be filed at any post office, classified station, or branch. Form 565, *Registered Mail Application for Indemnity/Inquiry* (May 1982 edition or later) must be used in processing an inquiry for uninsured registered mail. An inquiry may be filed in the following manner:

a. Any mailer filing an inquiry for the alleged loss of registered mail must provide proof that a loss has actually occurred before a post office will accept the inquiry.

b. This proof may be supplied by method (1), (2) or (3), below.

(1) The mailer may obtain Form 565 from any post office. The mailer must then complete Form 565 and mail it to the addressee. Postal Service personnel will not mail the claim form for the mailer, but assitance in completing the form will be provided upon request. The addressee must complete items 10 and 11 on the claim form and return it to the mailer. If the addressee has signed the claim form and indicated the article was not received 15 days or more after the date of mailing, the mailer may then take the claim form, along with the original mailing receipt, to a post office and file an inquiry.

(2) If the mailer has written and signed documentation (such as a letter dated at least 15 days after the date of mailing) from the addressee stating the addressee did not receive the article, the mailer may take this documentation to a post office, along with the original mailing receipt, and file a claim. The Postal Service employee must attach this documentation, or a copy of it, to the claim form.

(3) If the mailer is unable to obtain the cooperation of the addressee in signing Form 565 for a registered article or, if he prefers, the mailer may send a check or money order for $3.75 to the post office of address and request a copy of the delivery record, provided 15 days or more have elapsed since the date of mailing. Any such request for a delivery record must contain the date the article was mailed, the registered number and the complete name and address of the mailer and addressee (see 149.23). The response to this search of delivery records will end the inquiry process.

* * * * *

.53 How to Complete Form 565.

.531 Acceptance. On Form 565 the accepting postal employee must draw a line through the word "Indemnity". Make sure items 2–9 are complete and the addressee has indicated nonreceipt of the article in item 10 and signed item 11, or the mailer must have signed documentation from the addressee that the article was not received.

.532 *Accepting Post Office Responsibilities.* The postal employee accepting the inquiry must complete items 12 and 15 from the information on the mailer's mailing receipt. The employee will then forward Form 565 to the Claims and Inquiry Section, if there is one, or to the employee designated to handle inquiries. The Claims and Inquiry personnel must:

(1) Verify that the "Declaration of Claimant" and "Postmaster Mailing Office" sections of the Form 565 have been completed properly, or obtain any missing information (items 12 and 15 only).

(2) Enter post office and ZIP Code in item 21, sign item 22 and enter the date.

(3) Forward the form to the Postmaster at the office of address, marked "Attention: Claims and Inquiry Section." *Do not remove any parts of the form.*

.533 Procedures at the Post Office of Address.

Upon receipt of Form 565, personnel at the post office of address must take the following actions:

(1) Within five days, check delivery records to verify whether or not a record of delivery is on file and enter the results of the search in item 24 of the form.

(2) If delivery records indicate delivery, return the Form 565, with all parts attached, to the mailer.

(3) If there is no record of delivery, note these findings in item 24 of the form. Remove Forms 1510–B–1 and 1510–B–2 and send them to the local postal inspector-in-charge. Return the Form 565 to the mailer.

(4) If the inquiry indicates a partial loss of contents has occurred, forward Forms 1510–B–1 and 1510–B–2 to the local postal inspector-in-charge. Return the Form 565, annotated to show partial loss of contents, to the mailer.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401, 403)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83–15946 Filed 6–13–83; 8:45 am]
BILLING CODE 7710–12–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1152

[Ex Parte No. 274 (Sub-9)]

Abandonment of Railroad Lines and Discontinuance of Service, Offers of Financial Assistance

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rules.

SUMMARY: We are proposing modifications to 49 CFR 1152.27 the procedures for making offers of financial assistance either to subsidize continued operations or to purchase a rail line being abandoned. Specifically, we are proposing to reduce the information required in the initial offer, and to revise our interpretation of 49 U.S.C. 10905(f)(4) to permit intracorporate transfers by the purchaser of a line sold pursuant to the financial assistance procedures. We propose permitting intracorporate transfers, provided the financial viability of the affiliated transferee is established independently or is ensured by the affiliate that originally offered to acquire the line.

The proposed rules would make other editorial and organizational changes in the existing regulations. Other unnecessary regulations would be deleted.

DATES: Comments on these proposed rules should be submitted by July 14, 1983.

ADDRESSES: Send comments referring to Ex Parte No. 274 (Sub-No. 9) (original and 15 copies) to: Office of the Secretary, Room 2203, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275–7245;
Wayne A. Michel, (202) 275–7657.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission decision. To purchase a copy of the decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call (202) 289–4357 or toll free (800) 424–5403.

This action does not appear to have a significant affect on the quality of the human environment or energy consumption.

The proposed rules would not have a significant economic impact on a substantial number of small entities. The proposed rules would not increase the compliance burdens on regulated carriers or members of the public who have an interest in these proceedings. By reducing the amount of information required in an initial offer of financial assistance, it should be substantially easier for small entities to make, and for rail carriers to interpret, these offers.

The proposed rules are issued under the authority of 5 U.S.C. 553 and 49 U.S.C. 10321 and 10901.

List of Subjects in 49 CFR Part 1152

Administrative practice and procedure, Railroads; Reporting and recordkeeping requirements, Uniform system of accounts.

Decided: June 7, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

Appendix

Section 1152.27 would be revised to read as follows:

PART 1152—[AMENDED]

§ 1152.27 Financial assistance procedures.

(a) *Provision of information.* An applicant must provide promptly upon request to a party considering an offer of financial assistance, and concurrently to the Commission, the following:

(1) An estimate of the annual subsidy and minimum purchase price required to keep the line or a portion of the line in operation;

(2) Its most recent reports on the physical condition of that part of the line involved in the proposed abandonment or discontinuance; and

(3) Traffic, revenue, and other data necessary to determine the amount of annual financial assistance which would be required to continue rail transportation over that part of the railroad line

(b) **Federal Register** *Notice.* If the Commission finds that the present or future public convenience and necessity permit or require the proposed abandonment or discontinuance, the Commission will publish these findings in the **Federal Register** concurrently with the service of the decision. The **Federal Register** publication will serve as notice to persons intending to offer financial assistance to assure continued rail service under 49 U.S.C. 10905 and these regulations.

(c) *Submission of Financial Assistance Offer.*—(1) *Service Filing:* An offeror must serve its offer of assistance on the carrier owning or operating the involved line. The offer must be filed concurrently with the Commission, Deputy Director, Rail Section, Room 5417, Interstate Commerce Commission, Washington, DC 20423.

(i) An offer may be filed and served at any time after the filing of the abandonment or discontinuance application. Once notice of the abandonment findings is published in the **Federal Register**, however, the Commission must be notified that an offer has previously been submitted.

(ii) An offer must be filed and served no later than 10 days after the **Federal Register** publication described in paragraph (b) of this section. This filing and service is subject to the requirements of 49 CFR 1152.25(d) (1) through (4).

(iii) If, after a *bona fide* request, applicant has failed to provide a potential offeror promptly with the information required under paragraph (a) of this section and if that information is not contained in the application, the Commission will entertain petitions to toll the 10-day period for submitting offers of financial assistance under paragraph (c)(1) of this section. Petitions must be filed with the Commission within 5 days after publication in the **Federal Register** [described in paragraph (b) of this section]. Petitions should include copies of the prior written request for information or an accurate outline of the specific information that was orally requested. Replies to these petitions must be filed within 10 days after the publication. These petitions and replies must be filed on or before their actual due date under 49 CFR 1152.25(a)(4). The Commission will issue a decision on petitions within 15 days after publication.

(2) *Contents of offer.* The offer must:

(i) Identify the line, or the portion of the line, in question;

(ii) Demonstrate that the offeror is financially responsible; that is, that it has or within a reasonable time will have, the financial resources to fulfill proposed contractual obligations;

(iii) Explain the disparity between the offeror's purchase price or subsidy if it is less than the carrier's estimate under paragraph (a)(1) of this section, and explain how the offer of subsidy or purchase is calculated.

(d) *Access to document.* Upon receipt by the carrier of a written comment under § 1152.25 indicating an intent to offer financial assistance or upon receipt by the carrier of an offer of financial assistance, whichever occurs earlier, the carrier must make available to that party or offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1152.36). These documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

(e) *Review of offers.* The Commission will review each offer submitted to determine if the offeror is a financially responsible person offering assistance which is likely to cover: (1) The difference between the revenues attributable to the line and the avoidable cost of providing freight service on the line plus a reasonable return on the value of the line, or (2) the acquisition cost of all or any portion of the line. If these criteria are met, the Commission will issue a decision postponing the issuance of a certificate of abandonment or, if a certificate has been issued, postponing the effective date of the certificate. This decision will be issued within 15 days of the **Federal Register** publication described in paragraph (b) of this section [or five days after the offer is filed if the time for filing has been tolled under paragraph (c)(1)(iii) of this section.].

(f) *Agreement on financial assistance.*—(1) If the carrier and a person offering financial assistance enter into a subsidy agreement designed to provide for continued rail service, the Commission will postpone the issuance of a certificate authorizing the abandonment or discontinuance. If a certificate has been issued, the Commission will postpone the effective date of the certificate. The postponement will be for as long as the subsidy agreement is in effect.

(2) If the carrier and a person offering to purchase a line enter into a purchase agreement which will result in continued rail service, the Commission will approve the transaction and dismiss the application for abandonment or discontinuance. Commission approval is not required under 49 U.S.C. 10901 or 11343 for the parties to consummate the transaction or for the purchaser to institute service and operate as a railroad subject to 49 U.S.C. 10501(a).

(g) *Failure to reach agreement on financial assistance.*—(1) If the carrier and a financially responsible person fail to agree on the amount or terms of subsidy or purchase, either party may request the Commission to establish the conditions and amount of compensation. This request must be filed with the Commission within 30 days after the offer is made and served concurrently on all parties to the proceeding.

(2) If no agreement is reached within 30 days after the offer of purchase or subsidy is made, and no request is made to the Commission to set the conditions and amount of compensation under paragraph (g)(1) above, the Commission will immediately issue a certificate authorizing the abandonment or discontinuance [unless an appeal is being heard under § 1152.25(e)]. The certificate will be effective on its date of service. If a certificate was issued but its effective date was postponed under paragraph (e) of this section, the certificate will be effective immediately upon the termination of the unsuccessful negotiations [unless an appeal is being heard under § 1152.25(e)].

(h) *Request to establish conditions and compensation for financial assistance.*—(1) If the Commission is requested to establish conditions and compensation for financial assistance under paragraph (g)(1) of this section, the Commission will issue a decision within 60 days after the request is filed with the Commission.

(2) If the applicant receives multiple offers of financial assistance, requests to establish conditions and compensation will not be permitted before the applicant selects the offeror with whom it wishes to transact business. [See paragraph (l)(1) of this section].

(3) A party requesting the Commission to establish conditions and compensation for financial assistance must promptly provide reasons why its estimate is correct and why the other negotiating party's estimates are incorrect; points of agreement and points of disagreement between the negotiating parties; and evidence substantiating these allegations. The offeror has the burden of proof as to all issues in dispute.

(4) All evidence and information contesting the suggested conditions and compensation must be submitted within 30 days of the request. Evidence and information submitted after these dates may be rejected.

(5) If requested, the Commission will determine the amount and terms of subsidy based on the avoidable cost of providing continued rail transporation, plus a reasonable return on the value of the line.

(6) If requested, the Commission will determine the price and other terms of sale. The Commission will not set a price below the fair market value of the line (including, unless otherwise agreed by the parties, all facilities on the line or portion necessary to provide effective transportation services). Fair market value equals constitutional minimum value which is the greater of the net liquidation value of the line or the going concern value of the line. The constitutional minimum value is computed without regard to labor protection costs.

(7) The Commission's decision is binding on both parties. However, the offeror may withdraw its offer within 10 days of the service date of the Commission's decision with a written notification to the Commission and all parties to the proceeding. If the offeror timely withdraws its offer, the Commission will issue a certificate authorizing the abandonment or discontinuance within 20 days after the service date of the Commission decision setting the terms and conditions [unless other offers are being considered under paragraph (l) of this section and unless an appeal is being heard under § 1152.25].

(i) *Disposition after sale.*—(1) Except in the situations described in subparagraph (2) immediately below, a

purchaser under this section may not: (i) transfer the line or discontinue service over the line prior to the end of the second year after consummation of the original sale under these provisions, or (ii) transfer the line, except to the carrier from whom the line was purchased, prior to the end of the fifth year after that consummation.

(2) The preceding subparagraph does not preclude a purchaser under this section from transferring the line to a corporate affiliate, provided the Commission has determined that either: (i) the original purchaser transferor (who has already been determined to be financially responsible) guarantees the financial viability of its affiliated transferee, or (ii) the affiliated transferee has demonstrated that it is financially responsible in its own right. Intracorporate transferees are subject to all regulatory requirements applicable to rail carriers.

(j) *Discontinuance of subsidy.*—A subsidizer may discontinue a subsidy under this section by giving 60 days notice of the discontinuance to the applicant and all other parties to the proceeding. Unless another financially responsible party enters into a subsidy agreement as beneficial to the carrier as the discontinued subsidy agreement, the carrier may obtain a certificate authorizing abandonment or discontinuance of service by filing a request with the Commission and serving the request on all parties to the abandonment proceeding. The Commission will issue a certificate immediately after the filing and service of the request.

(k) *Default on agreement.*—If any party defaults on its obligations under a financial assistance agreement, any other party to the agreement may promptly inform the Commission of that default. Upon notification, the Commission will take appropriate action.

(l) *Multiple offers of financial assistance.*—(1) If an applicant receives more than one offer to purchase or subsidize the line, the applicant must select the offeror with whom it wishes to transact business. Within 25 days after the **Federal Register** publication described in paragraph (b) of this section, applicant must (i) file a written notification of its selection with the Commission and (ii) serve a copy of the notification on all parties to the proceeding.

(2) If the applicant has received multiple offers of financial assistance and has selected the offeror with whom it wishes to transact business, the negotiating parties shall complete the sale or subsidy agreement or request the Commission to establish the conditions and amount of compensation within 40 days after the **Federal Register** publication described in paragraph (b) of this section. if no agreement on subsidy or sale is reached within the 40 day period and the Commission has not been requested to establish the conditions and amount of compensation, any other offeror may request the Commission to establish the conditions and amount of compensation. This request must be filed at the Commission within 50 days of the **Federal Register** publication described in paragraph (c) of this section. If no other request is filed, the Commission will issue a certificate authorizing abandonment or discontinuance within 60 days of the **Federal Register** publication described in paragraph (c) of this section [unless an appeal is being heard under § 1152.25(e)].

(3) If the Commission has established the conditions and amount of compensation, and the original offer is withdrawn under paragraph (h)(7) of this section, any other offeror may accept the Commission's decision. If the decision is accepted by another offeror, the Commission will require the applicant to accept the terms incorporated in the Commission's decision.

[FR Doc. 83-15860 Filed 6-13-83; 8:45 am]
BILLING CODE 7035-01-M

---

49 CFR Part 1155

[Ex Parte No. 293 (Sub-2)]

Standards for Determining Rail Service Continuation Subsidies in the Northeast-Midwest Region of the United States

AGENCY: Rail Service Planning Office, Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The New York State Department of Transportation (NYSDOT) has petitioned the Rail Services Planning Office (RSPO) to reconsider, or to reopen, our rulemaking concerning an amendment to 49 CFR Part 1155 (formerly part 1125) which was published February 3, 1982. The amendment revised the method of apportioning train supplies and expenses from train hours to a loaded freight car basis. We have considered the petition and have decided to reopen the rulemaking. RSPO proposes to adopt a revised method of allocation based on a composite car-mile and carload methodology. The proposed allocation method will assign train supplies and expenses in a manner which is consistent with the methodology used in Rail Form A.

DATE: Comments are due on or before July 14, 1983.

ADDRESS: An original and 3 copies of any comments should be mailed to: Interstate Commerce Commission, Section of Rail Services Planning, Room 4414, Washington, D.C. 20423; Attn: RSPO Regional Standards.

FOR FURTHER INFORMATION CONTACT: Mike Dalton, (202) 275-0829.

SUPPLEMENTARY INFORMATION: On February 3, 1982, the Rail Services Planning Office (RSPO) issued final rules amending 49 CFR 1155 (formerly part 1125), *Standards for Determining Rail Service Continuation Subsidies in the Northeast-Midwest Region of the United States.* This amendment revised the method of allocating train supplies and expenses to branch line operations. The previous method had been to allocate costs based on train hours; the present method uses a loaded freight car basis. The New York State Department of Transportation (NYSDOT) has petitioned RSPO to reconsider or to reopen the February 3, 1982 decision. They have cited certain errors in the data used in our decision and our failure to address an important concern raised by NYSDOT in its original comments. Their concern relates to the double charging of expenses under our methodology. After reviewing NYSDOT's comments, we agree that the original decision warrants reevaluation. Since we are proposing a new method of allocating train supplies and expenses which differs significantly from those previously addressed, we will reopen the rulemaking to solicit comments on this method before issuing a final decision.

As in the initial proceeding, NYSDOT supports a method of allocating train supplies and expenses on a car-mile basis, and argues that their method is the fairest and also the least costly alternative. In connection with the prior rulemaking, while conducting an analysis of several Conrail branch lines, RSPO used various Conrail supplied data to calculate the cost of train supplies and expenses under four different methodology bases. These bases were the former standard train hours, RSPO's proposed loaded freight car basis, NYSDOT's car-mile basis, and also a train-mile basis. When accumulating the car-mile data supplied by Conrail, RSPO inadvertently used total car-miles which included both on branch and off branch car-miles. NYSDOT argues that this inflated the car-mile cost basis to the point where it

went from the least costly method to the most costly. NYSDOT's petition recalculated the car-mile figures for the branch lines analyzed. Using only on-branch car-miles, which NYSDOT calculated using certain conservative assumptions, they again conclude that their methodology is the least costly. RSPO agrees that NYSDOT's recalculated figures are more appropriate than the totals used in our February 3, 1982 decision. However, we must also point out that the overall rationale used by RSPO in its decision relied almost competely on the actual relationship between the costs associated with the train supplies and expenses accounts and the allocation methods proposed. The branch line examples used were merely an illustration of how these various methods would impact the branch line costs.

In our analysis, we noted that the Train Supplies and Expenses function was, under the Commission's revised Uniform System of Accounts, divided into 27 subaccounts. Costs incurred in 23 of these subaccounts are charged directly to the branch on an actual basis. Only 4 subaccounts are assigned to the branch using the allocation method adopted here. The four assignable accounts are: Engine Crews—Materials, Account 21–31–56; Train Crews-Materials, Account 21–31–57; Train Inspection and Lubrication-Salaries and Wages, Account 11–31–62; and Train Inspection and Lubrication-Materials, Account 21–31–62. These four accounts reflect approximately 60% of the total cost of train supplies and expenses (based on 1980 Conrail Annual Report R–1 data).

It should be noted that the original decision makes reference to car cleaning costs as one of the elements to be assigned. The car cleaning accounts (11–33–70 and 21–33–70) are charged directly to the branch on an actual basis, and should not be included in the allocation methodology discussed here. The original decision should have, instead, addressed lubrication costs, which are part of the inspection function accounts (11–31–62 and 21–31–62).

Finally, NYSDOT contends that using a loaded car basis will result in a double charging of costs. They argue that the system-wide costs incurred under train supplies and expenses are already included in the off-branch cost calculations. By allocating a per car basis charge to the on-branch costs, NYSDOT contends we are forcing the subsidizer to pay this cost a second time.

After reviewing NYSDOT's arguments, RSPO has concluded that our adopted methodology warrants re-examination. Therefore, we propose a new allocation method which addresses the concerns raised by NYSDOT. The Commission's Rail Form A assigns Train Supplies and Expenses to train-mile, running, and terminal costs. The train-mile and running costs are converted by Rail Form A to a car-mile cost and account for 69 percent of the total Train Supplies and Expenses amount. The remaining 31 percent, the terminal cost portion, is converted to a per carload basis. Thus, there is support for using a combined car-mile/carload method of allocation.

Therefore, we propose that the four train supplies and expenses accounts will be allocated to the branch line based on the following procedure. First, the amount of expenses in the subaccount will be separated into car-mile costs and carload costs by multiplying the subaccount by 69 percent to obtain the car-mile related expenses and by 31 percent to calculate the per carload portion. The car-mile cost is then divided by the total system car-miles (loaded and empty). The resulting unit cost per car-mile is then multiplied by the total on-branch car-miles (loaded and empty) to obtain the car-mile portion of that subaccount's on-branch cost. The carload portion of the subaccount is then divided by the total system carloads to calculate the unit cost per carload. This carload unit cost is multiplied by the number of on branch carloads to determine the amount assignable to the branch on a per carload basis. Finally, the car-mile portion and carload portion of the on-branch costs are added together to determine the total amount assignable to the branch for that subaccount.

As an example, assume the amounts in the four assignable accounts equals $60,000,000; the system carloads are 4 million; and the loaded and empty car-miles are 2.6 billion. The $60 million is separated into $41,400,000 (69%) for the car-mile portion and $18,600,000 (31%) for the carload portion. These amounts are then divided by 2.6 billion car-miles and 4 million carloads respectively. This results in a car-mile unit cost of $.0159 per car-mile (loaded and empty); and a carload unit cost factor of $4.65 per carload. If a branch has 14,000 car-miles (loaded and empty), then its allocated car-mile cost would be $223 ($.0159×14,000). Assuming the branch line had 400 carloads, its cost for this element would be $1,860 ($4.65×400) and the total assignable cost would be $2,083.

In conclusion, after a lengthy examination of the issues, we believe that a weighted car-mile and carload allocation method is the most fair and equitable way to assign the Train Supplies and Expenses to the branch. This method equates to the assignment of the costs in Rail Form A and will eliminate the possibility of double counting and RSPO considers this the most appropriate method. We solicit comments on this proposed approach. Finally, as discussed in our Feb. 3, 1982 decision, this method of allocating train supplies and expenses will not be retroactive to subsidy years prior to Jan. 1, 1981.

This is not a major federal action significantly affecting the quality of the human environment, or the conservation of energy resources.

Regulatory Flexibility Analysis as Required by 5 U.S.C. 601

This action will alter the basis for the assignment of train supplies and expenses for all rail lines operated under a subsidy agreement pursuant to the regional standards. All shippers, both large and small, located on these subsidized lines will be affected. However, we certify that there will be no increase or changes to the present requirements of business located on these lines. We also certify that amending the basis for determining train supplies and expenses could reduce the overall subsidy amount. However, any reduction would be minimal because this category of expense constitutes a very small portion of the total cost associated with the operation of a branch line. As a result, we find that this action will not have a significant economic impact on a substantial number of small entities.

Copies of our analysis of the impact of this action are available from the Section of Rail Services Planning, Room 4414, Interstate Commerce Commission, Washington, D.C. 20423.

This notice is issued under the authority of 49 U.S.C. 10362.

List of Subjects in 49 CFR Part 1155

Railroads, Uniform System of Accounts.

Issued June 8, 1983, by William R. Southard, Director, Rail Services Planning Office.

By the Commission.

Agatha L. Mergenovich,

Secretary.

49 CFR Part 1155 would be amended as follows:

PART 1155—STANDARDS FOR DETERMINING RAIL SERVICES CONTINUATION SUBSIDIES

1. Section 1155.8(c)(1)(i) would be revised as follows:

§ 1155.8 Apportionment rules for the assignment of expenses to on-branch costs.

* * * * *

(c) *Transportation*—(1) *Train Operations:* (i) Engine Crews-Materials, Account 21–31–56; Train Crews-Materials, Account 21–31–57; Train Inspection and Lubrication-Salaries and Wages, Account 11–31–62; and Train Inspection and Lubrication-Materials, Account 21–31–62

If the branch is served by a local/way or through train, the costs in these accounts shall be assigned to the branch on the weighted ratio of the loaded freight train cars on the branch to the total system loaded freight train cars, and the loaded and empty car-miles on the branch to the total system loaded and empty car-miles. This shall be calculated as follows:

(A) To determine the car-mile portion of these accounts,

(*1*) Multiply the total amounts in these accounts (from the R–1 Annual Report, Schedule 410) by 69 percent (the ratio of train-mile and running expense from Rail Form A),

(*2*) Divide the amount in paragraph (c)(1)(i)(A) (*1*) of this section by the total system loaded and ampty car-miles, and

(*3*) Multiply the car-mile unit cost factor from paragraph (c)(1)(i)(A) (*2*) of this section by the on-branch car-miles (loaded and empty).

(B) To determine the carload portion of these accounts,

(*1*) Multiply the total amounts in these accounts by 31 percent (the ratio of terminal expenses from Rail Form A),

(*2*) Divide the amount in paragraph (c)(1)(i)(B) (*1*) of this section by the total system carloads, and

(*3*) Multiply the carload unit cost factor from paragraph (c)(1)(i)(B) (*2*) above by the on branch carloads.

(C) To determine the total costs assignable to the branch for these accounts, add the amounts developed in paragraphs (c)(1)(i)(A) (*3*) and (c)(1)(i)(B) (*3*) of this section.

[FR Doc. 83–15851 Filed 6–13–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 424

Endangered and Threatened Wildlife and Plants; Findings on Certain Petitions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of findings on certain petitions.

SUMMARY: The Service reports the initial findings that have been made on substantiality of information for certain petitions received since February 15, 1983, as required by the Endangered Species Act Amendments of 1982.

DATE: Comments may be submitted until further notice.

ADDRESSES: Interested persons or organizations are requested to submit comments to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service (OES), Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this notice are available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235/2771).

SUPPLEMENTARY INFORMATION: Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982, requires that the Service make a finding whether a petition to list, reclassify, or delist a species presents substantial scientific or commercial information that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. Similarly, Section 4(b)(3)(D)(i) of the Act requires a finding within 90 days on a petition to revise Critical Habitat, with prompt publication of the finding. When a positive finding is made on a petition to list, reclassify, or delist a species, the Service is required to promptly commence a review of the status of the species.

Furthermore, Section 2(b)(1) of the 1982 amendments (Pub. L. 97–304) to the Endangered Species Act required that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This made such past petitions subject to the new requirements of Section 4(b)(3), but provided that such new procedural requirements "shall be deemed to be complied with" if similar pre-amendment requirements were satisfied before the enactment of Pub. L. 97–304; see Section 2(b)(1). The Service has recently conducted an analysis to consider all pending petitions. Results of the petition evaluation were published in the **Federal Register** (48 FR 6752–6753) on February 15, 1983.

Below is a list of those petitions received since February 15, 1983, for which findings are required by Section 4(b)(3)(A) or 4(b)(3)(D)(i); the administrative record for these findings was completed by May 23, 1983, and the findings are indicated for each taxon. We used the criteria in 50 CFR 424.14 to define and evaluate petitions and to distinguish them from comments.

EVALUATION OF PETITIONS

Species	Action	Petitioner	Date	Substantial information
Desert dace, *Eremichthys acros*	List	Desert Fishes Council	4/12/82	Yes.
Hutton Spring tui chub, *Gila bicolor* sp.	do	do	do	Yes.
Fish Creek Springs tui chub, *Gila bicolor euchila*	do	do	do	Yes.
Owens tui chub, *Gila bicolor snyderi*	do	do	do	Yes.
Yaqui chub, *Gila purpurea*	do	do	do	Yes.
White River spinedace, *Lepidomeda albivallis*	do	do	do	Yes.
Big Spring spinedace, *Lepidomeda mollispinis pratensis*	do	do	do	Yes.
Little Colorado spinedace, *Lepidomeda vittata*	do	do	do	Yes.
Pecos bluntnose shiner, *Notropis simus pecosensis*	do	do	do	Yes.
Foskett Spring speckled dace, *Rhinichthys osculus* sp.	do	do	do	Yes.
Modoc sucker, *Catostomus microps*	do	do	do	Yes.
Warner sucker, *Catostomus warnerensis*	do	do	do	Yes.
June sucker, *Chasmistes lorus mictus*	do	do	do	Yes.

EVALUATION OF PETITIONS—Continued

Species	Action	Petitioner	Date	Substantial information
White River springfish, *Crenichthys baileyi baileyi*	do	do	do	Yes.
Hiko White River springfish, *Crenichthys baileyi grandis*	do	do	do	Yes.
Railroad Valley springfish, *Crenichthys nevadae*	do	do	do	Yes.
Desert pupfish, *Cyprinodon macularius*	do	do	do	Yes.
Schaus swallowtail butterfly, *Papilio aristodemus ponceanus*	Reclassify	Florida Game and Freshwater Fish Commission.	2/23/82	Yes.
Alligator snapping turtle, *Macroclemys temminckii*	List	Dr. Peter C. H. Pritchard	2/23/83	Yes.
Southern sea otter, *Enhydra lutris nereis*	Reclassify	Friends of the Sea Otter	5/01/83	Yes.
Ferruginous hawk, *Buteo regalis*	List	Mr. Thomas Thurow	5/10/83	No.

For the 17 fishes in this list, and the alligator snapping turtle and ferruginous hawk, the required status review began with the December 30, 1982, vertebrate notice of review (47 FR 58454–58460). For the Schaus Swallowtail butterfly, the required status review began with the 5-year notice of review published February 27, 1981 (46 FR 14652). For the southern sea otter, the required status review began with the 5-year notice of review published September 27, 1982 (47 FR 42387–42388). The Service hereby solicits data concerning those 20 species now under review for listing and reclassification. Especially sought is information regarding taxonomy, distribution, any recommended Critical Habitat for the native species, and threats. Comments received will be considered in any future actions for the taxa.

If a petition is found to present substantial information indicating action may be warranted, the Service must decide within 12 months of its receipt whether the requested action is warranted in accord with Sections 4(b)(3(B) and 4(b)(3)(D)(ii) of the Act, as amended.

This notice was prepared by Dr. James D. Williams in the Service's Office of Endangered Species in Washington (703/235–1975), with evaluations by appropriate staff biologists in the Washington Office and Endangered Species Program staff of the Service's Regional Offices and Field Stations.

List of Subjects in 50 CFR part 424

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: June 7, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks

[FR Doc. 83–15719 Filed 6–13–83; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 48, No. 115
Tuesday, June 14, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

Budget of Expenses of Administrative Committee and Rate of Assessment for the 1983 Crop Year

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 FR 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1983 and for the Crop year beginning July 1, 1983, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the Crop year beginning July 1, 1983, shall be in the total amount of $651,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1983 Crop Peanuts, effective July 1, 1983, are estimated at, but may exceed $3.5 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with § 48 of the marketing agreement, an assessment at the rate of $2.17 per net ton of farmers stock peanuts received or acquired other than those described in § 31 (c) and (d) ($0.42 for administrative expenses and $1.75 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to § 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $2.17 rate and not expended in providing indemnification on the 1983 crop peanuts shall be kept in such reserve and shall be available to pay indemnification expenses on subsequent crops.

This action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments; they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; and handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: June 8, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83–15877 Filed 6–13–83; 8:45 am]
BILLING CODE 3410–02–M

Rural Electrification Administration

Plains Electric Generation and Transmission Cooperative, Inc.; Draft Environmental Impact Statement

AGENCY: Rural Electrification Administration (REA), USDA.

ACTION: Availability of Draft Environmental Impact Statement.

SUMMARY: Notice is hereby given that REA has prepared a Draft Environmental Impact Statement (DEIS) for the proposed Taos-San Luis Valley 345 kV transmission line and associated facilities to be built by Plains Electric Generation and Transmission Cooperative, Inc., (Plains) and the Public Service Company of Colorado (PSCC). The proposed 345 kV line will connect the New Mexico and Colorado transmission grid systems through a proposed station at Carson, near Taos, New Mexico, and the existing San Luis Valley Substation northwest of Alamosa, Colorado. In addition, Plains proposes the construction of a new 115 kV transmission line from the existing Taos Substation in New Mexico to a proposed delivery point near Questa, New Mexico. The total length of the 345 kV transmission line is approximately 187 km (117 mi); the total length of the 115 kV facilities is 30 km (19 mi). Plains will build and own the facilities in New Mexico and PSCC will build and own the facilities in Colorado. It is anticipated that REA will be requested to provide financing assistance for Plains' portion of the proposed construction in New Mexico.

DATE: Public comments must be received by REA no later than: July 29, 1983.

ADDRESS: Submit written comments to Mr. Alexander E. Sherman, Chief, Distribution and Transmission Engineering Branch, Southwest Area-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Alexander E. Sherman, Chief, Distribution and Transmission Engineering Branch, Southwest Area-Electric, above address, telephone number (202) 382–1915.

SUPPLEMENTARY INFORMATION: In connection with the anticipated request for financing assistance from Plains, REA has prepared a DEIS on the proposed construction of 187 km (117 mi) of 345 kV transmission line in Taos County, New Mexico, and Alamosa, Conejos and Costilla Counties, Colorado, and 30 km (19 mi) of 115 kV transmission line in Taos County, New Mexico.

The DEIS may be examined during regular business hours at the following locations:

Rural Electrification Administration, USDA, 14th & Independence Ave., S.W., Room 3347, Washington, D.C. 20250;
Plains Electric Generation and Transmission Cooperative, Inc., 2401 Aztec Road, N.E., Albuquerque, New Mexico 87107;
Public Service Company of Colorado, P.O. Box 840, 5909 East 38th Avenue, Denver, Colorado 80207;
Harwood Foundation Library, P.O. Box 766, Taos, New Mexico;
Albuquerque Public Library, 501 Cooper Avenue, N.W., Albuquerque, New Mexico 87102;
Alamosa Public Library, P.O. Box 359, Alamosa, Colorado 81101.

Alternatives considered in the DEIS are: (1) No action, (2) conservation and load management, (3) local generation, (4) upgrading existing lines, (5) alternate system configuration, (6) parallel facilities, (7) alternative routes, and (8) alternative construction methods.

The preferred alternative, which is construction of the 345 kV and 115 kV transmission lines, would span several floodplains confined to arroyos and canyons and would cross an area which contains numerous small wetlands and ponds. Most of small wetlands and ponds can be avoided during final alignment. No transmission structures will be placed in a flood plain or wetland. REA has tentatively concluded that there is no practicable alternative to crossing these areas. Further information concerning this matter may be found in the DEIS.

Copies of the DEIS have been sent to various Federal, State and local agencies outlined in the Council on Environmental Quality Guidelines (40 CFR Part 1500). Limited copies of the DEIS are available upon request to: Mr. Alexander E. Sherman, Chief, Distribution and Transmission Engineering Branch, Southwest Area-Electric, address above.

Final REA action concerning this project, including any release of funds for construction, will be taken only after REA has reached satisfactory conclusions with respect to the project's environmental effects and compliance with the National Environmental Policy Act of 1969 and with other environmentally related statutes, regulations, Executive Orders and Secretary's Memoranda.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850-Rural Electrification and Loan Guarantees.

Dated: June 7, 1983.

Jack Van Mark,

Acting Administrator.

[FR Doc. 83-15817 Filed 6-13-83; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Avalon-Alacran Watershed, New Mexico; Intent to Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Intent to Deauthorize Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Avalon-Alacran Watershed project, Eddy County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Ray T. Margo, Jr., State Conservationist, Soil Conservation Service, P.O. Box 2007, Albuquerque, NM 87103, telephone 505-766-2173.

SUPPLEMENTARY INFORMATION: A determination has been made by Ray. T. Margo, that the proposed works of improvement for the Avalon-Alacran project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from Ray T. Margo, Jr., State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Ray T. Margo, Jr.,

State Conservationist.

May 31, 1983.

[FR Doc. 83-15721 Filed 6-13-83; 8:45 am]

BILLING CODE 3410-16-M

Lovelock Watershed, Nevada; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Deauthorization of Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the *Lovelock Watershed project, Pershing County, Nevada,* effective on May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Gerald Thola, State Conservationist, Soil Conservation Service, P.O. Box 4850, Nevada 89505, telephone (702) 784-5863.

Dated: June 2, 1983.

Gerald Thola,

State Conservationist.

[FR Doc. 83-15706 Filed 6-13-83; 8:45 am]

BILLING CODE 3410-16-M

Sandy Creek Watershed, Texas; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Deauthorization of Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Sandy Creek Watershed project, Jasper County, Texas, effective on March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Billy C. Griffin, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76503, telephone 817/774-1214.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 3, 1983.

Carl B. Fountain,

Deputy State Conservationist.

[FR Doc. 83-15707 Filed 6-13-83; 8:45 am]

BILLING CODE 3410-16-M

Line Creek Watershed, Mississippi; finding of no significant impact

AGENCY: Soil Conservation Service.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Line Creek Watershed, Clay, Chickasaw, and Webster Counties, Mississippi.

FOR FURTHER INFORMATION CONTACT: A. E. Sullivan, State Conservationist, Soil Conservation Service, Suite 1321, Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269, telephone (601) 960–5205.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, A. E. Sullivan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection, flood control and recreation. The planned works of improvement include the land treatment program throughout the watershed, 14 floodwater retarding structures, one multiple purpose structure, 29.7 miles of floodway, 28.4 miles of selective snagging, 1.6 miles of new channel and 0.7 mile of channel enlargement.

The notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting A. E. Sullivan.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated June 6, 1983.

A. E. Sullivan,

State Conservationist.

[FR Doc. 83–15886 Filed 6–13–83; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

[Docket 41520]

Airspur Helicopters, Inc. Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to him.

Dated at Washington, D.C., June 9, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83–15888 Filed 6–13–83; 8:45 am]

BILLING CODE 6320–01–M

[Order 83–6–22]

Fitness Determination of Misty Air, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 83–6–22, Order to Show Cause.

SUMMARY: The Board is proposing to find that Misty Air, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respnd to the Board's tentative fitness determination shall serve their response on all persons listed below no later than June 28, 1983, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5066.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–6–22 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–6–22 to that address.

By the Civil Aeronautics Board: June 7, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–15889 Filed 6–13–83; 8:45 am]

BILLING CODE 6320–01–M

[Docket 41403]

Mid Pacific Airlines, Inc.; Enforcement Proceeding; Assignment of Proceeding

This proceeding has been assigned to administrative Law Judge William A. Kane, Jr. Future Communications should be addressed to him.

Dated at Washington, D.C., June 8, 1983

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83–15827 Filed 6–13–83; 8:45 am]

BILLING CODE 6320–01–M

COMMISSION ON CIVIL RIGHTS

Ohio Advisory Committee, Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 10:00a and will end at 3:00p, on July 16, 1983, at the Hollenden House, Michigan/Superior Room, East Sixth and Superior, Cleveland, Ohio. The purposes of this meeting are to receive a report from the Hispanic education/employment subcommittee and to plan for the Ohio Civil Rights Commission meeting in the fall.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Marian A. Spencer, 940 Lexington Avenue, Cincinnati, Ohio 45229, (513) 221–5666, or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 6, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–15827 Filed 6–13–83; 8:45 am]

BILLING CODE 6335–01–M

Tennessee Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, purusant to the

provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 3:00 p.m. and will end at 6:30 p.m., June 30, 1983, Ramada Inn Downtown, Plantation Room, 160 Union Avenue, Memphis, Tennessee 38103. The purposes of this meeting are to review concept/proposal for a proposed study on high energy costs and the safety net in Tennessee and orientation for new members.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Mattie R. Crossley, 351 Fay Avenue, Memphis, Tennessee 38109, (901) 276–4461; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 8, 1983.

John I. Binkley,

Advisory Committee Management Officer

[FR Doc. 83–15825 Filed 6–13–83; 8:45 am]

BILLING CODE 6335–01–M

Utah Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission of Civil Rights, that a meeting of the Utah Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 10:00 p.m., on June 29, 1983, at the Howard Johnson's Motor Lodge, 122 West South Temple Street, Uintah Room, Salt Lake City, Utah 84101. The purposes of this meeting are to review report on the affirmative action project and receive information for the development of future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Linda M. Dupont-Johnson, State Office Building, Suite 6270, Salt Lake City UT 84117, (801) 533–4061; or the Rocky Mountain Regional Office, Brooks Towers, 1020 Fifteenth Street, Suite 2235, Denver CO 80202, (303) 327–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 8, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–15826 Filed 6–13–83; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of Industrial Economics

List of Names and Addresses of Bona Fide Motor-Vehicle Manufacturers

AGENCY: Bureau of Industrial Economics, Office of Producer Goods, Commerce.

ACTION: List of Names and Addresses of Bona Fide Motor-Vehicle Manufacturers.

SUMMARY: In accordance with headnote 2 to subpart B, Part 6, Schedule 6 of the Revised Tariff Schedules of the United States (19 U.S.C. 1202) and 15 CFR Chapter VI Part 615, the following is a list of the names and addresses of bona fide motor-vehicle manufacturers, as determined by the Director, Bureau of Industrial Economics, Department of Commerce, and the effective date for each such determination. Each determination shall be effective for the 12-month period beginning on the determination date shown following the name and address of each manufacturer. From time to time this list will be revised, as may be appropriate, to reflect additions, deletions, or other necessary changes.

EFFECTIVE DATE: May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Joe Kellagher, Automotive Equipment Division, 202–377–0673.

Kenneth M. Brown,

Acting Director, Bureau of Industrial Economics.

United States Bona Fide Motor Vehicle Manufacturers List, May 1, 1983 with Date of Certification

Adolph-Knapheide Truck Equipment Co., 1701 Fairfax Trfwy., Kansas City, KS. 66115, August 1, 1982

Allentown Brake and Wheel Service, Inc., R.D. #8, P.O. Box 2088, Allentown, Pennsylvania 18001, October 19, 1982

American La France, Div. of Figgie International, Inc., 1051 S. Main Street, Elmira, New York 14902, July 8, 1982

American Motors Corporation, 27777 Franklin Road, Southfield, Michigan 48034, January 1, 1983

American Trailer Service, Inc., 2814 North Cleveland Avenue, St. Paul, Minnesota 55113, January 1, 1983

American Transportation Corporation, Highway 65 South, Conway, Arkansas 72032, April 19, 1983

Amthor's Welding Service, Inc., 307 State Route 52 East, Walden, New York 12586, July 9, 1982

H. G. Anderson Equipment Corporation, P.O. Box 265, 480 South Street, Rensselaer, N.Y. 12144, October 4, 1982

Antietam Equipment Corporation, P.O. Box 91, Hagerstown, Maryland 21740–0091, January 1, 1983

Arkansas Trailer Mfg. Co., Inc., P.O. Box 4080, 32nd & Elm Street, Little Rock, Arkansas 72214, January 1, 1983

Arrow Trailer & Equipment Co., 140 North Dirksen Parkway, Springfield, Illinois 62702, March 31, 1983

Automated Waste Equipment Company, Incorporated, 209 Bakers Basin Road, Lawrenceville, New Jersey 08648, September 1, 1982

Automotive Service Company, 111–113 North Waterloo, Jackson, Michigan 49204, January 18, 1983

Avanti Motor Corporation, P.O. Box 1916, South Bend, Indiana 46634, January 1, 1983

Aztec Products, P.O. Box 659, 102 Sentry Dr. North, Mansfield, Texas 74808, December 2, 1982

Baltimore Car & Truck Rental, Inc., 2302 N. Howard St., Baltimore, Md. 21218, April 1, 1983

Bankhead Enterprises, Inc., 1345 Bankhead Avenue, Atlanta, Georgia 30318, August 1, 1982

Beam Truck and Body Inc., 433 Cumberland Hill Road, Woonsocket, Rhode Island 02895, September 1, 1982

Bender's Sales and Service, Inc., 4805 Holland, Saginaw, Michigan 48601, November 15, 1982

Benson Truck Bodies Inc., P.O. Box 49, Mineral Wells, W.V. 26150, August 1, 1982

Bernardo Truck Equipment Corp., 625 Main St. (Route 38), Wilmington, Mass. 01887, March 1, 1983

Allan U. Bevier, Inc., 1201 Ridgely Street, Baltimore, Maryland 21230, April 1, 1983

Bibeau Enterprises, Route 102, Londonderry, N.H. 03053, October 15, 1982

Birmingham Manufacturing Co., Inc., Highway 11 North, Springville, Alabama 35146, August 1, 1982

Blue Bird Body Company, P.O. Box 937, North Macon Road, Fort Valley, Georgia 31030, January 19, 1983

Boone Trailers, Inc., 154 Park Street, P.O. Box 109, Palmer, Massachusetts 01069, January 1, 1983

Boyertown Auto Body Works, Third & Walnut Streets, Boyertown, Pennsylvania 19512, September 1, 1982

Brake and Electric Sales Corp., 300 Mystic Avenue, Medford, Massachusetts 02155, December 1, 1982

Brake and Equipment Co., Inc., 11911 W. Silver Spring Road, Milwaukee, Wisconsin 53225, August 1, 1982

Brake & Equipment Co., Inc., 316 N. Ninth Street, Smithfield, N.C. 27577, February 25, 1983

Brake Service and Parts, 170 Washington Street, P.O. Box 942, Bangor, Me. 04401, August 1, 1982

Brown Cargo Van, Inc., 807 East 29th Street, Lawrence, Kansas 66044, April 30, 1983

Bud Industries, Inc., 100 Pulaski Street, West Warwick, Rhode Island 02893, December 5, 1982

Bus Andrews Equipment Sales and Service, Inc., 2828 E. Kearney Street, Springfield, Missouri 65803, January 1, 1983

Bus Industries of America Inc., Base Road, R.D. #1, Oriskany, N.Y. 13424, April 1, 1983

Capacity of Texas, Inc., P.O. Box 7848, Longview, Texas 75607, December 1, 1982

Cargo Trailer Service, Inc., 1251 Shakespeare Avenue, Kalamazoo, Michigan 49001, August 1, 1982
The Carnegie Body Company, 9500 Brookpark Road, Cleveland, Ohio 44129, January 1, 1983
Carpenter Body Works, Inc., 1500 W. Main Street, P.O. Box 128, Mitchell, Indiana 47446, January 1, 1983
Centennial Industries Div., Douglas & Lomason Co., P.O. Box 708, Columbus, Georgia 31993, June 1, 1982
Champion Home Builders, Co., 5573 E. North Street, Dryden, Michigan 48428, August 1, 1982
Checker Motors Corporation, 2016 N. Pitcher Street, Kalamazoo, Michigan 49007, January 1, 1983
Chrysler Corporation, CIMS 418–37–10, Chrysler Center, 12000 Lynn Townsend Drive, Highland Park, Michigan 48288, January 18, 1983
City Spring, 1127 W. Main, Oklahoma City, Oklahoma 73106, August 1, 1982
B.M. Clark Company, Inc., Route 17—P.O. Box 185, Union, Maine 04862, January 14, 1983
D.W. Clark Road Equipment, Manlius Center Road, P.O. Box 489, East Syracuse, N.Y. 13057, May 1, 1983
Clark Engineering of Brownwood, Inc., P.O. Drawer 1386, Brownwood, Texas 76801, January 1, 1983
Clark Truck Equipment Company, 6821 Academy Parkway West, N.E., P.O. Box 3483, Albuquerque, New Mexico 87190, January 1, 1983
Clement Industries, Sibley Road, P.O. Box 914, Minden, Louisiana 71055, August 1, 1982
Coach & Equipment Manufacturing Corp., P.O. Box 36, Penn Yan, N.Y. 14527, March 14, 1983
Collins Associates, Inc., et al., 3280 E. Kemper Road, Cincinnati, Ohio 45241, January 1, 1983
Collins Industries, Inc., Box 58 H.A.B.I.T., Hutchinson, Kansas 67501, January 1, 1983
Commercial Truck & Trailer, Inc., 313 N. State Street, Girard, Ohio 44420, January 1, 1983
Cook Body Company, 3701 Harlee Avenue, Charlotte, North Carolina 28208, October 22, 1982
Correct Manufacturing Corporation, London Road Extension, Delaware, Ohio 43015, July 1, 1982
Corts Truck Equipment, Inc., Mohawk Street, P.O. Box 102, Whitesboro, New York 13492, August 1, 1982
Crane Carrier Company, 1925 North Sheridan, Tulsa, Oklahoma 74151, January 1, 1983
Crenshaw Corporation, P.O. Box 24217, 1700 Commerce Road, Richmond, Virginia 23224, July 1, 1982
Cross Truck Equipment Co., Inc., 1801 Perry Drive S.W., Canton, Ohio 44706, August 1, 1982
Crown Coach Corporation, 2428 East 12th Street, Los Angeles, California 90021, March 20, 1983
Daleiden's Inc., 425 E. Vine Street, Kalamazoo, Michigan 49001, January 31, 1983
Dealers Truck Equipment Inc., 2123 Fern Valley Road, P.O. Box 23224, Louisville, Kentucky 40213, March 1, 1983
Dealers Truck Equipment Co., Inc., 2460 Midway Street, P.O. Box 31435, Shreveport, Louisiana 71130, January 1, 1983
Decker Tank Company, 300 Lincoln Ave., Hawthorne, New Jersey 07506, November 3, 1982
John Deere Horicon Works of Deere and Company, 220 East Lake Street, Horicon, Wisconsin 53032, June 1, 1983
Del Truck Equipment, Inc., 575 Howard Street, Buffalo, New York 14206, January 1, 1983
Delevan Industries, Inc., 1728 Walden Avenue, Buffalo, New York 14225, May 1, 1983
Dunham Manufacturing Co., Inc., P.O. Box 430, Railroad Avenue, Minden, Louisiana 71055, January 1, 1983
Duralite Truck Body and Container Corporation, 1300 Bush Street, Baltimore, Maryland, 21230, January 1, 1983
E. & R. Trailer Sales, Inc., R.R. #1, Middle Point, Ohio 45863, January 1, 1983
East Manufacturing Corporation, 1871 State Rd. No. 44, Randolph, Ohio 44265, August 1, 1982
Eastern Tank Corporation, 200 Pennsylvania Avenue, Paterson, New Jersey 07503, January 1, 1983
Eight Point Trailer Corporation, 6100 E. Washington Boulevard, Los Angeles, California 90040, January 18, 1983
Elder International, P.O. Box 2061, Houston, Texas 77252, August 1, 1982
Equipment Service, Inc., 40 Airport Road, Hartford, Connecticut 06114, April 1, 1983
Euclid Incorporated, Subsidiary of Daimler-Benz AG, 22221 St. Clair Avenue, Cleveland, Ohio 44117, August 1, 1982
John Evans Manufacturing Co., Inc., P.O. Box 669, Sumter, South Carolina 29150, October 1, 1982
Ewell Equipment Company, 307 N. Timberland Drive, Lufkin, Texas 75901, February 2, 1983
Excalibur Automobile Corporation, 1735 South 106th Street, Milwaukee, Wisconsin 53214, May 22, 1982
Feld Truck Leasing, P.O. Box 10450, Fort Wayne, Indiana 46852, January 1, 1983
Fifth Wheel, Inc., P.O. Box 15855, 14001 East Admiral Place, Tulsa, Oklahoma 74112, January 1, 1983
Ford Motor Company, The American Road, Dearborn, Michigan 48121, January 18, 1983
Freightliner Corporation, 4747 North Channel Avenue, Portland, Oregon, December 14, 1982
French Tool & Manufacturing, 2501 S. Commerce Drive, P.O. Box 753, Midland Tx. 79703, July 1, 1982
Freuhauf Corporation, 10900 Harper Avenue, P.O. Box 238, Detroit, Michigan 48232, December 1, 1982
Frink Sno-Plows, Division of Compro-Frink Corporation, 205 Webb Street, Clayton, New York 13624, October 1, 1982
FWD Corporation, 105 East 12th Street, Clintonville, Wisconsin 54929, January 1, 1983
Gail Catt Sales Inc., 16th & Willow St., Vincennes, Indiana 47591, October 1, 1982
Peter Garafano & Son, Inc., 500 Marshall Street, Paterson, New Jersey 07508, June 6, 1983
Garnon Truck Equipment Company, 1617 Peninsula Drive, P.O. Box 1358, Erie, Pennsylvania 16505, January 1, 1983
General Trailer Services, Inc., 2620 Campbell Blvd., P.O. Box 8, Elenwood, Ga. 30049, February 25, 1983
General Motors Corporation, Room 12–136, 3044 West Grand Boulevard, Detroit, Michigan 48202, January 19, 1983
General Truck Equipment & Trailer Sales, Inc., P.O. Box 6954, 5310 Broadway Avenue, Jacksonville, Florida 32236–6954, January 1, 1983
Gillig Corporation, P.O. Box 3006, 25800 Clawiter Road, Hayward, Ca. 94540, January 1, 1983
Gilson Brothers Company, P.O. Box 152, Plymouth, Wisconsin 53073, September 28, 1982
Gooch Brake & Equipment Company, 506 Grand Avenue, Kansas City, Missouri 64106, January 1, 1983
Graham Brake Truck Equipment, 1704 11th Street, Sioux City, Iowa 51101, December 1, 1982
Gratiot Equipment Co., 1244 E. Center Street, Ithaca, Michigan 48847, September 1, 1982
The Greyhound Corporation, Greyhound Tower, Phoenix, Arizona 85077 (doing business through), Motor Coach Industries, Inc., Pembina, North Dakota 58271, and Transportation Mfg. Corp., Roswell, New Mexico 88201, and Romex, Inc., Roswell, N.M. 88201, August 1, 1982
Grumman Flexible Corporation, 970 Pittsburg Drive, Delaware, Ohio 43015, January 1, 1983
G–TEC Truck Equipment, 9040 Wyoming Avenue, Dearborn, Michigan 48120, January 1, 1983
Hackney and Sons, 400 Hackney Avenue, P.O. Box 680, Washington, North Carolina 27889, January 1, 1983
Hackney & Sons (Midwest) Inc., 300 Hackney Avenue, P.O. Box 600, Independence, Kansas 67301, September 23, 1982
Hallenberger, Inc., 5716 Boonville Highway, P.O. Box 5085, Evansville, Indiana 47715, January 1, 1983
Harley-Davidson Motor Co., Inc., 3700 West Juneau Avenue, P.O. Box 653, Milwaukee, Wisconsin 53201, April 1, 1983
Harris Truck and Trailer Sales, Incorporated, I-55 and Airport Exit, P.O. Box 010, Cape Girardeau, Missouri 63701, January 1, 1983
Heil Equipment Company of Philadelphia, Incorporated, 1223 Ridge Pike, Conshohocken, Pennsylvania 19428, January 1, 1983
The Hess & Eisenhardt Co., 6859 Blue Ash Road, Cincinnati, Ohio 45242, January 9, 1983
Hews Company, Inc., 100 Rumery Street, P.O. Box 2520, South Portland, Maine 04106, January 18, 1983
Hilbilt Mfg. Company, Division of Hill Equip. Co., Route 7, Box 5099, Benton, Arkansas 72015, January 1, 1983
Hispano American Corporation, P.O. Box 7295, Alexandria, Virginia 22307, May 15, 1982
Hobbs International, Inc., P.O. Box 59, Keeler Avenue, Norwalk, Connecticut 06856, August 1, 1982

Hobbs Trailers, P.O. Box 1568, Fort Worth, Texas 76101, August 1, 1982
Honda of America Mfg., Inc., 24000 U.S. Route 33, Marysville, Ohio 43040, January 1, 1983
Huntington Brake Service Inc., 448 E. Jericho Tpke., Huntington Station, N.Y. 11746, August 1, 1982
Illinois Auto Central, Inc., 4750 S. Central Avenue, Chicago, Illinois 60638, October 1, 1982
International Harvester Co., 401 North Michigan Avenue, Chicago, Illinois 60611, January 18, 1983
Iowa Mold Tooling Co., Inc., 500 Highway 18 West, Garner, Iowa 50438, June 1, 1982
Iroquois Mfg. Co., Inc., Richmond Road, Hinesburg, Vermont 05461, March 1, 1983
Isometrics, Inc., P.O. Box 660, 1402 N. Scales Street, Reidsville, North Carolina 27320, March 31, 1983
IVECO Trucks of North America, Inc., 3494 Progress Drive, Suite B, Bensalem, Pennsylvania 19020, January 1, 1983
Jannell & Son Body Company, 840 Cumberland Hill Road, Woonsocket, Rhode Island 02895, January 1, 1983
Jeep Corporation, 27777 Franklin Road, Southfield, Michigan 48034, January 1, 1983
F. L. Jursik Co., 245 Victor Avenue, Highland Park, MI. 48203, July 1, 1982
Kaffenbarger Welding Company, 10100 Ballentine Pike, New Carlisle, Ohio 45344, January 1, 1983
Kawasaki Motors Corporation, 6600 Northwest 27th Street, Lincoln, Nebraska 68524, February 1, 1983
Kay Wheel Sales Co., Inc., 1771 Tomlinson Road, Philadelphia, Pennsylvania 19116, September 24, 1982
Kencar Equipment Company, 1906 Lakeview Avenue, Dayton, Ohio 45408–1398, January 1, 1983
Kentucky Manufacturing Company, P.O. Box 17185, Louisville, Ky. 40217, December 1, 1982
Keystone Coach Manufacturing Co. of Florida, Inc., 501 Nova Road, P.O. Box 1055, Ormond Beach, Florida 32074, April 1, 1983
Lehigh Valley Packing Corp., Box 196, Rt. 191 at Rt. 33 Interchange, Stockertown, Pa 18083, August 1, 1982
Leland Equipment Company, 5647 South 122 East Avenue, P.O. Box 45128, Tulsa, Oklahoma 74145, January 18, 1983
Load King, Elk Point, South Dakota 57025, August 1, 1982
Loadcraft, Division of Allied Products Corporation, P.O. Box 431, Highway 377 Curtis Field, Brady, Texas 76825, November 1, 1982
LoDaL, Inc., East Blvd., P.O. Box 2315, Kingsford, Michigan 49801, April 1, 1983
Long Trailer Service, Inc., P.O. Box 5105, Greenville, South Carolina 29606, January 1, 1983
M & M Equipment, Inc., P.O. Box 152, Lebanon, New Hampshire 03766, March 14, 1983
Mack Trucks, Inc., P.O. Box M, Allentown, Pennsylvania 18105, January 1, 1983
Madison Truck Equipment, Inc., 2410 South Stoughton Road, Madison, Wisconsin 53716, October 22, 1982
Manning Equipment, Inc., 12000 Westport Road, P.O. Box 23229, Louisville, Kentucky 40223, April 16, 1983
Marion Body Works, Inc., 211 W. Ramsdell Street, P.O. Box 500, Marion, WI. 54950–0500, January 1, 1983
Marmon Motor Co., P.O. Box 402009, Garland, Texas 75040, September 1, 1982
McGraw Commercial Equipment Co., 7200 East Fifteen Mile Road, Sterling Heights, Michigan 48077, August 1, 1982
Meadows Hydraulics Sales and Service, Inc., U.S. 13 and S. Division St., P.O. Drawer "M", Fruitland, Maryland 21826, September 24, 1982
Memphis Brake Service, Inc., 600 Hernando Street, P.O. Box 86, Memphis, TN. 38101, April 1, 1983
Mercedes-Benz Truck Company, Inc., 4747 N. Channel Avenue, P.O. Box 3849, Portland, Oregon 97208, January 1, 1983
W. F. Mickey Body Co., Inc., P.O. Box 2044, 1505 Bethel Drive, High Point, North Carolina 27261, September 23, 1982
Mid West Truck Equipment Sales Division of Electrographic Corp., 4041 No. Brush College Road, R.R. #7, Box 463F, Decatur, Illinois 62521, February 22, 1983
Middlekauff, Inc., 1615 Ketcham Avenue, Toledo, Ohio 43608, January 18, 1983
Mike & Joe Equipment Co., Inc., Rochester Road Equipment Inc., 1240 Jefferson Road, Rochester, N.Y. 14623, June 1, 1982
Millington Truck Body Co., Inc., 8440 N. State Street, P.O. Box 281, Millington, Michigan 48746, December 1, 1982
Monon Trailer (a Division of Evans Transportation Co.), P.O. Box 655, 117 N. Walnut Street, Monon, Indiana 47959, August 1, 1982
Moore and Sons, Inc., P.O. Box 30091, 2900 Airways Boulevard, Memphis, Tennessee 38130, December 31, 1982
Morgan Trailer Mfg., Co. t/a Morgan Corporation, Joanna Road, Box 258, Morgantown, Pennsylvania 19543, January 1, 1983
Motor Truck Equipment Corporation, 2950 Irving Blvd., P.O. Box 47385, Dallas, Texas 75247, December 31, 1982
Mount Vernon Truck Body, Inc., 2222 S. 10th Street, Highway 37 South, Mount Vernon, Illinois 62864, August 1, 1982
Multi Body & Hoist Corp., 180 Varick Avenue, Brooklyn, N.Y. 11237, December 1, 1982
Mutual Wheel Company, 2345 Fourth Avenue, Moline, Illinois 612265, August 1, 1982
Nabors Trailer, Inc., P.O. Box 979, Mansfield, Louisiana 71052, January 1, 1983
Neil's Automotive Service, Inc., 167 E. Kalamazoo Avenue, Kalamazoo, Michigan 49007, January 1, 1983
Nelson Manufacturing Company, 6448 U.S. Route 224, R.R. #1, Ottawa, Ohio 45875, January 1, 1983
Neoplan USA Corporation, 700 Gottlob Auwaerter Drive, Lamar, Colorado 81052, January 1, 1983
The Ness Company, Inc., P.O. Box 667, 270 N. Zarfoss Drive, West York Industrial Park, York, Pennsylvania 17405, January 1, 1983
New Method Equipment Company, P.O. Box 4638, 707—27th Avenue, SW., Cedar Rapids, Iowa 52407, December 31, 1982
Novi Manufacturing Company, 25701 Seeley Road, Novi, Michigan 48050, November 1, 1982
Obrecht Trailer Mfg., Inc., 705 East New York Street, Knox, Indiana 46534, August 1, 1982
Ohio Truck Equipment, Inc., 4100 Rev Drive, Cincinnati, Ohio 45232, December 10, 1982
Olson Trailer and Body Builders Co., P.O. Box 2445, Green Bay, Wisconsin 54306, August 1, 1982
Omaha Standard, Inc., 2401 W. Broadway, Council Bluffs, Iowa 51501, January 1, 1983
Oshkosh Truck Corporation, 2307 Oregon Street, P.O. Box 2566, Oshkosh, Wisconsin 54903, January 18, 1983
Ottawa Truck Division, Gulf & Western Manufacturing Co., 415 East Dundee Street, Ottawa, Kansas 66067, December 10, 1982
Outboard Marine Corporation, 100 Sea Horse Drive, Waukegan, Illinois 60085, January 18, 1983
Owens Truck and Trailer Service, 520 Ross Clark Circle, NE., P.O. Box 1692, Dothan, Alabama 36303, February 25, 1983
PACCAR, Incorporated d.b.a. Kenworth Truck Company & Peterbilt Motors Company, P.O. Box 1518, Bellevue, Washington 98009, January 18, 1983
Palmer Spring Company, 355 Forest Avenue, Portland, Maine 04101, January 18, 1983
Palmer Trailer Sales Co., Inc., Route 20 East, Palmer, Mass. 01069, August 1, 1982
Peabody Galion, P.O. Box 607, 500 Sherman Street, Galion, Ohio 44833, October 31, 1982
Peerless Division—Lear Siegler Incorporated, 18205 S. W. Boones Ferry Road, Tualatin, Oregon 97062, January 9, 1983
Perfection Equipment Company, 5100 West Reno, Oklahoma City, Oklahoma 73127, January 12, 1983
Pezzani & Reid Equipment Co., Inc., 3960 West Fort St., Detroit, Michigan 48216, August 1, 1982
Phoenix Manufacturing, Inc., 375 West Union Street, Nanticoke, Pennsylvania 18634, February 20, 1983
Pioneer Heavy Duty Parts, Inc., 29 Fall River Avenue (Rt. 6), Rehoboth, Massachusetts 02769, August 1, 1982
Polaris Industries, Inc., 1225 North County Road 18, P.O. Box 1284, Minneapolis, Minnesota 55440, February 1, 1983
C. E. Pollard Company, 13575 Auburn Avenue, Detroit, Michigan 48223, November 1, 1982
Power Brake Service & Equip. Co., Inc., 1022 Carnegie Avenue, Cleveland, Ohio 44115, December 31, 1982
Power Equipment Sales & Service, Inc., 2729 Agnes, P.O. Box 9156, Corpus Christi, TX 78403, June 1, 1982
Progress Industries, Inc., 400 East Progress Street, Arthur, Illinois 61911, October 1, 1982
PSI Mobile Products, Inc., 25 Eldridge, Mt. Clements, Michigan 48043, July 1, 1982
Quality Truck & Equipment Co., P.O. Box 102, I–55 Beltline & Mercer Avenue, Bloomington, Illinois 61701, November 15, 1982
R/S Truck Body Company, Inc., P.O. Box 420, Allen, Kentucky 41601, September 23, 1982
Ravens Trailer Sales, 5100 N. Wooster Highway, P.O. Box 525, Dover, Ohio 44622, September 1, 1982
Recreative Industries, Inc., 60 Depot Street, Buffalo, New York 14206, July 13, 1982
Reliable Spring Co., Inc., 10557 South Michigan Ave., Chicago, Illinois 60628, August 1, 1982

Rogers Manufacturing Company, Inc., 110 Transit Avenue, Box 7100, Nashville, Tennessee 37210, October 1, 1982
Rowe Truck Equipment, Inc., Otterbein, Indiana 47970, April 1, 1983
Rowland Equipment, Inc., 2900 N.W. 73rd Street, Miami, Florida 33147, November 19, 1982
Ryder Truck Rental, Inc., 4709 West 96th Street, P.O. Box 68490, Indianapolis, Indiana 46206, January 1, 1983
Ryder Truck Rental, Inc., P.O. Box 100, Pennsburg, Pa. 18073, August 1, 1982
Salina Body Co., Inc., 1525 North Salina Street, Syracuse, New York 13208, August 1, 1982
Schien Body and Equipment Co., North on University, Carlinville, Illinois 62626, August 1, 1982
Scientific Brake and Equipment Co., P.O. Box 840, 314 W. Genesee Avenue, Saginaw, Michigan 48606, January 19, 1983
Sharpsville Steel Equip. Co., 6th & Main Streets, Sharpsville, Pennsylvania 16150, January 2, 1983
Shear Truck Mfg. Co., Inc., 2321 East Pioneer Drive, Irving, TX 75061, October 20, 1982
Shoals American Industries, Inc., 338 Washington St., Muscle Shoals, Al. 35660, August 1, 1982
Skillcraft Industries, Inc., 355 Center Ct., Venice, Florida 33595, September 1, 1982
Somerset Welding & Steel, Inc., P.O. Box 735, 733 S. Center Avenue, Somerset, Pennsylvania 15501, January 1, 1983
South Florida Engineers, Inc., 5911 E. Buffalo Avenue, P.O. Box 11927, Tampa, Florida 33680, July 2, 1982
Special Trucks, Inc., 5040 Hoevel Road, Fort Wayne, Indiana 46806, January 1, 1983
Steffen Incorporated, 623 West 7th Street, Sioux City, Iowa 51103, November 4, 1982
Stone Heavy Vehicle Specialists, 2200 Hwy. 70 East, Raleigh, N.C. 27611, August 1, 1982
Swan, P.O. Box 29540, Richmond, VA 23229, April 1, 1983
T T Parts Warehouse, Inc., 5550 Clay Avenue, S.W., Grand Rapids, Michigan 49508, September 1, 1982
Taylor-Dunn Mfg. Company, 2114 West Ball Road, Anaheim, California 92804, October 3, 1982
Terex Corporation, State Route 91, Hudson, Ohio 44236, January 1, 1983
Thomas Built Buses, Inc., 1408 Courtesy Road, P.O. Box 2450, High Point, North Carolina 27261, March 1, 1983
Three R Industries, Inc., 60380 Scotch Settlement, Romeo, Michigan 48065, June 1, 1982
Traffic Transport Engineering, Inc., 28900 Goddard Road, Romulus, Michigan 48174, July 1, 1982
Trailways Manufacturing, Inc., P.O. Box 3169, 2800 Rebel Drive, Harlingen, TX 78550, April 1, 1983
Transport Equipment Company, 3400 6th Avenue, South, P.O. Box 3817, Seattle, Washington 98124, January 18, 1983
Triangle Fleet Service, 801 Coliseum Blvd. West, Fort Wayne, Indiana 46806, January 1, 1983
Trotter Equipment Inc., Outer Washington Street, Watertown, N.Y. 13601, March 1, 1983
Truck Equipment, Inc., P.O. Box 3265, 1560 N.E. 44th Avenue, Des Moines, Iowa 50316, January 1, 1983
Truck Equipment, Inc., 680 Potts Avenue, P.O. Box 3280, Green Bay, Wisconsin 54304, January 1, 1983
Truck Equipment Distributors/Division of Truck Parts & Equipment Co., 2020 Southwest Blvd., P.O. Box 9605, Tulsa, Oklahoma 74107, August 1, 1982
Truck Equipment Sales, Inc., Laurie Steiner Road, P.O. Box 91, Theodore, AL. 36582, February 25, 1983
Truck Equipment Service Company, 800 Oak Street, Lincoln, Nebraska 68521, January 1, 1983
Truck Parts & Equipment Co., 2120 Southwest Blvd., Tulsa, Oklahoma 74107, October 1, 1982
Truck Parts and Equipment, Inc., 4501 West Esthner, Wichita, Kansas 67209, December 11, 1982
Truck & Trailer Equipment Co., P.O. Box 13126, Lansing, Michigan 48901, August 1, 1982
Truckers Equipment, Inc., 1501 N. Port Avenue, Corpus Christi, Texas 78408–0747, December 1, 1982
Truckers Equipment, Inc., 2022 N. 77 Sunshine Strip, Harlingen, Texas 78550, December 1, 1982
Truckers Equipment, Inc., P.O. Box 1066, 85 East Longfield Avenue, Mansfield, Ohio 44901, March 16, 1983
Twin Bay Industries, Inc., 6980 Cairn Highway, P.O. Box 37, Elk Rapids, Michigan 49629, April 30, 1983
Union City Body Company, Inc., 1015 West Pearl Street, P.O. Box 190, Union City, Indiana 47390, September 1, 1982
Unit Rig & Equipment Co., 4110 S. 100th E. Avenue, Tulsa, Oklahoma 74145, January 1, 1983
Universal Go Tract of Georgia Ltd., 983 Industrial Park Drive, Marietta, Georgia 30062, June 1, 1982
Van Con, Incorporated, 123 Williams Street, Middlesex, New Jersey 08846, September 1, 1982
Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Michigan 48092, October 11, 1982
Volvo White Truck Corporation, P.O. Box D–1, 1031 Summit Avenue, Greensboro, N.C. 27402, January 1, 1983
Vulcan Trailer Manufacturing Co., 300 Industrial Parkway, Bessemer, Alabama 35020, October 1, 1982
WABCO Construction & Mining Equipment, a Division of American Standard, Inc., 2300 N.E. Adams Street, P.O. Box 240, Peoria, Illinois 61639, February 1, 1983
Wagoner Machinery Inc., 945 Safin Road, Columbus, Ohio 43204, October 1, 1982
Walter Equipment USA, Inc., Northeastern Industrial Park, P.O. Box 279, Guilderland Center, NY 12085, January 1, 1983
Wareheim-Air Brakes, Inc., 3612 Washington Blvd., Baltimore, Maryland 21227, February 25, 1983
Watkins Motor Trucks, Inc., 2325 West Second Street, Chester, Pennsylvania 19016, August 1, 1982
D.P. Way Corporation, 3822 W. Elm Street, P.O. Box 09336, Milwaukee, Wisconsin 53209, January 1, 1983
Wayne Corporation (An Indian Head Company), P.O. Box 1447, Industries Road, Richmond, Indiana 47374, October 31, 1982
Wayne Engineering Corporation, 2412 West 27th Street, P.O. Box 648, Cedar Falls, Iowa 50613, October 1, 1982
Wheels and Brakes, Inc., 1270 Memorial Drive S.E., Atlanta, Georgia 30316, August 1, 1982
Wheels and Brakes Inc., 4539 Rutledge Pike, Knoxville, Tennessee 37914, August 1, 1982
Winnebago Industries, Inc., P.O. Box 152, Jct. Highways 9 & 69, Forest City, Iowa 50436, March 19, 1983
Wyman's Incorporated, P.O. Box 541, Northfield Road, Montpelier, Vermont 05602, July 1, 1982
York Truck Equipment, Inc., P.O. Box 6493, Jacksonville, FL. 32205, April 1, 1983

[FR Doc. 83–15904 Filed 6–13–83; 8:45 am]
BILLING CODE 3510–20

International Trade Administration

Subcommittee on Export Administration of the President's Export Council; Closed Meeting

A closed meeting of the President's Export Council Subcommittee on Export Administration will be held June 23, 1983, 9:30 a.m.–3:00 p.m., Herbert C. Hoover Building, Room 3407, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act of 1979 that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations, and of controlling trade for national security and foreign policy reasons.

Agenda: Discussions of matters properly classified under Executive Order 12356, dealing with matters pertaining to the control of exports for national security, foreign policy or short supply reasons under the Export Administration Act. A Notice of Determination to close meetings or portions of meetings of the Subcommittee to the public on the basis of 5 U.S.C. 522b(c)(1) was approved on February 2, 1983, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377–4217.

For further information, contact Debbie Kappler, (202) 377–1455.

Dated: June 9, 1983.

William T. Archey,

Deputy Assistant Secretary for Trade Administration.

[FR Doc. 83-15883 Filed 6-13-83; 8:45 am]

BILLING CODE 3510-25-M

Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-198. Applicant: Veterans Administration Medical Center, Medical Research Service, 5901 East Seventh St., Long Beach, CA 90822. Instrument: Thin Layer Countercurrent Distribution Apparatus. Manufacturer: Workshop of University of Lund, Sweden. Intended Use of Instrument: The instrument is intended to be used in experiments consisting or partitioning cells in two-polymer aqueous phase systems. The objectives of these experiments are to determine similarities and differences in surface properties of cells. These procedures may eventually lead to better understanding of the differences and to diagnose with tests. Application Received by Commissioner of Customs: May 18, 1983.

Docket No. 83-199. Applicant: The Rockefeller University, 1230 York Avenue, New York, NY 10021. Instrument: Electron Microscope, JEM-100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended Use of Instrument: The instrument is intended to be used to study the organization and development of the central nervous system. In particular, the study of how the visual system works will be conducted by investigating the process by which light is transformed into electrical signals, by investigating how the visual system is wired together to produce the functional properties of neurons dealing with vision, and by examining how neurons are transformed during development of the visual system. The instrument will also be used in the training of graduate and post-doctoral students. Application Received by Commissioner of Customs: May 12, 1983.

Docket No. 83-200. Applicant: East Carolina University, Purchasing Department, Greenville, NC 27834. Instrument.[15] Analyzer, Model NOI-5. Manufacturer: Packard—Becker B. V., The Netherlands. Intended Use of Instrument: The instrument is intended to be used to study the nitrogen cycle in aquatic ecosystems. The materials that will be used include water samples, bacteria, micro-algae (phytoplankton) and sediment samples containing bacteria. Occasionally, the instrument will be used in the courses: General Ecology Laboratory and Microbial Ecology Laboratory. Application Received by Commissioner of Customs: May 12, 1983.

Docket No. 83-202. Applicant: University of Puget Sound, 1500 N. Warner, Thompson Science Hall, Tacoma, WA 98416. Instrument: Electron Microscope, EM 109 and High Resolution Goniometer. Manufacturer: Carl Zeiss, West Germany. Intended Use of Instrument: The instrument is intended to be used for conducting varied research projects in the following areas:

(1) Investigation of plant cell secretion,

(2) Investigation of accessory pigment structures in photosynthetic bacteria and

(3) Ultrastructural changes in mammalian cells when treated with dimethylsulfoxide.

In addition, the article will be used for educational purposes through student exposure to the state of the art technology of electron microscopy. Application Received by Commissioner of Customs: May 23, 1983.

Docket No. 83-203. Applicant: St. Luke's Episcopal Hospital, Texas Medical Center, 6720 Bertner Avenue, Houston, TX 77030. Instrument: Electron Microscope, EM IOCA. Manufacturer: Carl Zeiss, West Germany. Intended Use of Instrument: The instrument is intended to be used to examine diseased, neoplastic, and normal human tissues excised at surgery for the purpose of contributing information relative to the pathogenesis of disease. In addition, biologically-based and man-made materials used as prostheses or used in temporary and permanent interactions with the cardiovascular system of man will be studied. Tissues will be examined at the ultrastructural level to develop an understanding of the phenomena occurring between circulating blood and various materials used in surgical and therapeutic procedures. In addition, the instrument will be used in the training of medical doctors specializing in Pathology. Application Received by Commissioner of Customs: May 18, 1983.

Docket No. 83-204. Applicant: University of California, Lawrence Livermore National Laboratory, (MFTF Project), P.O. Box 5012, 7000 East Avenue, Livermore, CA 94550. Instrument: Nb_3Sn Superconductor for 2 High Field Magnets. Manufacturer: Furukawa Electric Company, Japan. Intended Use of Instrument: The instrument is intended to be used in a magnetic fusion research facility for the study of plasma confinement, stability and heating. This research and associated research in the United States will lead eventually to a fusion demonstration power reactor. Application Received by Commissioner of Customs: May 18, 1983.

Docket No. 83-205. Applicant: National Radio Astronomy Observatory, Associated Universities Incorporated, Edgemont road, Charlottesville, VA 22901. Instrument: Demagnetizer for EFOS Hydrogen Master Frequency Standard, Mode, P/N 3098a. Manufacturer: Oscilloquartz, S.A., Switzerland. Intended Use of Instrument: The instrument is an accessory to an existing hydrogen master frequency standard that will be used exclusively to degauss the hydrogen master frequency standard when it is moved or powered down for maintenance, repair, or because of power failure. The hydrogen master is extremely sensitive to residual magnetism; without degaussing, the precision of the instrument deteriorates to the point that it cannot be used for astronomical research. Application Received by Commissioner of Customs: May 19, 1983.

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc 83-15823 Filed 6-13-83; 8:45 am]

BILLING CODE 3510-25-M

[15] ____

Postponement of Final Determination and Postponement of Hearing; Canned Mushrooms From the People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Postponement of Final Antidumping Determination and Postponement of Hearing: Canned Mushrooms from the People's Republic of China.

SUMMARY: This notice informs the public that the Department of Commerce has received a request from counsel for China National Cereals, Oils, and Foodstuff Import and Export Corporation (CEROILS) that the final determination be postponed until not later than 135 days after the date of the preliminary determination, as provided for in § 353.44(b) of the Department of Commerce Regulations (19 CFR 353.44(b)), and that the Department will postpone its final determination as to whether sales of canned mushrooms from the People's Republic of China have occurred at less than fair value until not later than September 28, 1983.

CEROILS is qualified to make this request since it accounts for over 95 percent of exports of canned mushrooms from the People's Republic of China. The additional time is necessary to enable counsel for CEROILS to prepare adequately for the hearing and to prepare the relevant briefs, which must address the issues raised by this investigation.

The hearings originally scheduled for June 16, 1983, at 10:00 a.m., in Conference Room B841 has been postponed. The new hearing date is August 11, 1983, at 10:00 a.m., in Conference Room B841. The prehearing briefs will be due on August 4, 1983. Individuals who wish to participate in the hearing must submit a written request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the address published below within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Rick Herring, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–3963.

SUPPLEMENTARY INFORMATION: On November 16, 1982, the Department of Commerce published notice in the **Federal Register** (47 FR 51604) that it was initiating under section 732(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether canned mushrooms from the People's Republic of China are being or are likely to be sold at less than fair value. The Department published an affirmative preliminary determination on May 20, 1983 (48 FR 22768). The notice stated that if this investigation proceeded normally, we would make a final determination by August 10, 1983. Section 735(a)(2) of the Act provides that the Department of Commerce may postpone its final determination concerning sales at less than fair value if an exporter who accounts for a significant proportion of the merchandise which is the subject of the investigation requests an extension after an affirmative preliminary determination.

Accordingly, the Department will issue a final determination in this case not later than September 28, 1983.

This notice is published pursuant to section 735(d) of the Act.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

June 9, 1983.

[FR Doc. 83–15916 Filed 6–13–83; 8:45 am]

BILLING CODE 3510-25-M

President's Export Council; Open Meeting

A meeting of the President's Export Council's Services Subcommittee will be held June 30, 1983, 9:30 a.m., at the Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C.

Agenda: Discussion of trade promotion for construction, engineering, and architectural industries, financing of foreign projects, foreign trade barriers, U.S. export trade disincentives, and other business relating to the construction, engineering and architectural sector.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Elisabeth Vermilye (202) 377–1125.

Dated: June 7, 1983.

Henry Misisco,

Acting Director, Office of Planning and Coordination.

[FR Doc. 83–15922 Filed 6–13–83; 8:45 am]

BILLING CODE 3510-25-M

Stanford University; Decision on Application for Duty-Free Entry of Scientific Instrument

Correction

In FR Doc. 83–14480, appearing on page 24185 in the issue of Tuesday, May 31, 1983, the first line of the third paragraph in column one should read, "Docket No.: 82–00267R. Applicant:".

BILLING CODE 1505-01-M

Minority Business Development Agency

Minority Business Development Center; Solicitation of Applications

AGENCY: Department of Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning October 1, 1983 in the Ponce, Puerto Rico SMSA. The cost of the project is estimated to be $291,177. The maximum Federal participation amount is $247,500. The minimum amount required for non-Federal participation is $43,677. The award number will be 02–10–83010–01.

Applicants shall be required to contribute at least 15 percent of the total program costs through non-Federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: July 5, 1983.

ADDRESS: New York Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 26 Federal Plaza, Room 36–116, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Joseph F. Korpsak, Telephone: (212) 264–3262.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement.

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas

related to the establishment and operation of businesses. The MBDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants:

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process.

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications.

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*— provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—the organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, education level and previous experience. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. Primary consideration will be given to inhouse capability.

Note.—All contracting proposed should be in accordance with procurement standards in Attachment 0 of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*— specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order or priority: (1) cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-Kind contribution*—represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV. *Costs*—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—clear explanations of all expenditures proposed, and

—the extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC). Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms.

This program is subject to OMB Circular A-95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: June 3, 1983.

Joseph F. Korpeak,

Acting Regional Director.

[FR Doc. 83-15694 Filed 6-13-83; 8:45 am]

BILLING CODE 3510-21-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

George Kudravetz,

Program Manager, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Department of the Air Force

SN 6-188,231 (4,377,788) Signal Compressor Apparatus

SN 6-191,064 (4,375,687) Method of Implementing Uniform Background Charge Subtraction in a Radiation Sensing Array

SN 6-222,845 (4,380,783) Corrosion Monitoring System

SN 6-227,558 (4,381,450) Pulsed Radiation Dosimetry Apparatus

SN 6-237,620 (4,381,509) Cylindrical Microwave Lens Antenna for Wideband Scanning Applications

SN 6-242,816 (4,377,341) System for Measuring Angular Deviation in a Transparency

SN 6-251,696 (4,377,824) Multi-Channel Longitudinal Video Tape Recording

SN 6-291,891 (4,377,546) Process for Producing Aromatic Heterocyclic Polymer Alloys

SN 6-313,869 (4,377,641) Method and Apparatus for the Continuous Extraction of Ingredients from Samples

SN 6-368,744 (4,380,612) Oxy-and Thioaryl-Phenylated Aromatic Heterocyclic Polymers

SN 6-368,784 (4,377,291) Sealing Assembly

SN 6-435,522 Imaging Apparatus for Transverse Electrode Electro-Optic Tunable Filter

SN 6-441,515 Optical Alignment Device for Binocular Displays

SN 6-444,004 Liftoff Suppression Apparatus for the Ferromagnetic Resonance Probe

SN 6-447,599 Schottky Barrier Infrared Detector and Process

SN 6-468,781 A Method for the Preparation of Epitaxial Films of Mercury Cadmium Telluride

SN 6-470,749 Vertical Launch Alignment Transfer Apparatus

SN 6-471,078 Eccentrically Tightened Latch Device

SN 6-475,417 Storage Cabinet Travel Lock

SN 6-475,436 A Scanning System for Mapping Gas Flow Uniformity in a Laser

SN 6-475,664 Pneumatic Clamping Device

SN 6-475,665 Lateral Support System for Canister-Launched Missile

SN 6-475,669 Augmentor Fuel Spraying with Drain Vent

SN 6-477,793 Improved Titanium Metal-Matrix Composites

SN 6-477-986 Multi-Microprocessor Apparatus

SN 6-478,581 Synthesis of Pentafluorotellurium Hypofluorite

SN 6-478,221 Hyperproducing Cellulase Microorganism

SN 6-480,186 Interface Alignment System

SN 6-480,170 Two Fault Tolerant Transmitter Activator

SN 6-484,329 Flameholder with Integrated Air Mixer

SN 6-484,390 Strutless Diffuser for Gas Turbine Engine

SN 6-468,867 (4,376,716) Preparation of Stable Sodium Carbonate Dispersions

Environmental Protection Agency

SN 6-213,709 (4,381,661) Particulate Sample Collector

Department of Health and Human Services

SN 6-478,820 A Practical Total Synthesis Unnatural Enantiomers of Opium-Derived Morphinans

Department of the Interior

SN 6-323,327 (4,381,287) Separation of Zirconium and Uranium

SN 6-460,102 Recovery of Metals from Grinding Sludges

Tennessee Valley Authority

SN 6-104,418 (4,379,939) Preparation of Nitrogen Fertilizers from Oxalate Esters Prepared by the Oxidative Carbonylation of Alcohols Over Nobel Metal Catalysts Utilizing Regenerable 2,5-Cyclohexadiene-1,4-Dione Oxidants

SN 6-336,662 (4,377,406) Ammonium Polyphosphate Sulfate Fertilizers from Wet-Process Phosphoric Acid

[FR Doc. 83-15695 Filed 6-13-83; 8:45 am]

BILLING CODE 3510-04-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census.

Title: 1982 Survey of Minority-Owned Business Enterprises. 1982 Survey of Women-Owned Businesses.

Form Numbers: Agency—MB-1, MB-2, MB-3; OMB—N/A.

Type of request: New collection.

Burden: 450,000 respondents; 112,500 reporting hours.

Needs and uses: These surveys provide the only comprehensive, regularly collected data for Federal, state, and local governments to determine funding allocations and to measure the effectiveness of their minority business programs. Data are also used frequently by private industry and academia for research projects.

Affected public: Businesses or other for-profit institutions; small businesses or organizations.

Frequency: Quinquennially.

Respondent's obligation: Mandatory.

OMB Desk Officer: Tim Sprehe, 395-4814.

Agency: Bureau of the Census.

Title: Advance Monthly Retail Trade Report.

Form numbers: Agency—B-104, B-104E, B-105; OMB—0607-0104.

Type of request: Extension.

Burden: 2,850 respondents; 2,850 reporting hours.

Needs and uses: This survey is needed to collect and tabulate early monthly estimates of retail sales. These published estimates are used widely by government and private agencies to formulate economic decisions.

Affected public: Businesses or other for-profit institutions; small businesses or organizations.

Frequency: Monthly.

Respondent's obligation: Voluntary.

OMB Desk Officer: Tim Sprehe, 395-4814.

Agency: Bureau of the Census.
Title: Area Sample Study.
Form numbers: Agency—B-675; OMB—N/A.
Type of request: New collection.
Burden: 100 respondents; 25 reporting hours.
Needs and uses: Information collected from this pilot study will enable the Census Bureau to determine if a measurable reporting undercoverage exists and identify for which types of businesses the undercoverage is most prevalent. All businesses in the selected land segments exhibiting signs of economic activity will be included.
Affected public: Businesses or other for-profit institutions; small businesses or organizations.
Frequency: On occasion.
Respondent's obligation: Voluntary.
OMB Desk Officer: Tim Sprehe, 395-4814.

Agency: National Oceanic and Atmospheric Administration.
Title: Incidental Taking of Marine Mammals in Japan High Seas Salmon Fishery.
Form numbers: Agency—N/A; OMB—0648-0105.
Type of request: Reinstatement.
Burden: 168 respondents; 7,224 reporting hours.
Needs and uses: The data are needed to monitor mammal incidential catch quotas and to measure effectiveness of different fishing gear on reducing incidental catch.
Affected public: Businesses or other for-profit institutions.
Frequency: Daily.
Respondent's obligation: Mandatory.
OMB Desk Officer: Ken Allen, 395-3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,
Departmental Clearance Officer.

[FR Doc. 83-15603 Filed 6-13-83; 8:45 am]
BILLING CODE 3510-[CW]-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Soliciting Public Comment on Bilateral Textile Consultations with the Government of the Republic of Korea to Review Trade in Category 642

June 9, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: On May 27, 1983 the Government of the United States requested consultations with the Government of the Republic of Korea with respect to Category 642 (man-made fiber skirts). This request was made on the basis of the Agreement of December 14, 1982, between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool, and man-made fiber textiles and textile products.

SUMMARY: The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments, the Committee for the Implementation of Textile Agreements may establish a limit for the entry and withdrawal from warehouse for consumption of textile products in Category 642, produced or manufactured in Korea and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

The Government of the United States reserves the right under the agreement to invoke import controls on this category, as defined in the Bilateral Cotton, Wool, and Man-made Fiber Textile Agreement with the Government of the Republic of Korea.

Any party wishing to comment or provide data or information regarding the treatment of Category 642 under the Bilateral Cotton, Wool and Man-made Fiber Textile Agreement with the Government of the Republic of Korea, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in this category, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 533(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-15602 Filed 6-13-83; 8:45 am]
BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade: Proposed Amendments Relating to the Barge Loading Procedures Applicable to Deliveries on Corn and Oats Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule change.

SUMMARY: The Chicago Board of Trade ("CBT" or "Exchange") has submitted a proposal to amend the barge shipment requirements applicable to operators of off-water warehouses regular for delivery on the CBT's corn and oats futures contracts. The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of that proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments should be received on or before July 14, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581.

Reference should be made to the Chicago Board of Trade Regulations 1061.01(13)(A) and 1061.01(13)(B).

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., (202) 254-8990.

SUPPLEMENTARY INFORMATION: The Chicago Board of Trade ("CBT" or "Exchange") is proposing to amend Regulations 1061.01(13)(A) and 1061.01(13)(B) of Chapter 10, Grains, Regularity of Warehouses, regarding barge shipment requirements applicable to operators of off-water warehouses regular for delivery on the CBT's corn and oats futures contracts, respectively. The proposed amendments would

impose a new condition upon operators of off-water regular warehouses, who are currently required to make grain available at water locations within 15 days after holders of warehouse receipts give notice that they wish to receive grain in barges. Under the proposed amendments, such operators would be required to notify the owners of the grain within 5 calendar days of receiving warehouse receipts and loading orders of the designated river location where the corn or oats will be available. The revisions to the barge shipment procedures would be applicable to corn deliveries in the St. Louis rail switching district (St. Louis, Missouri, East St. Louis and Alton, Illinois) and to oats deliveries in the Minneapolis-St. Paul, Minnesota switching district.

Under the existing Regulations 1061.01(13)(A) and 1061.01(13)(B), parties taking futures delivery in off-water warehouses and requesting barge load-out must make barges available at the designated water location within 15 days ofter the grain is ordered out from the off-water warehouse. There is no provision in the existing rules which requires off-water warehouse operators to provide notice to the receiver of delivery of the designated river location at which corn or oats will be available, prior to the expiration of the 15 days. The proposed amendments would require that operators of off-water warehouses provide such advance notice.

According to the Exchange, imposing the 5 day notification period would facilitate scheduling and barge movement for those taking delivery. It would prevent any potential problems associated with existing rules in which an off-water warehouseman can notify the party taking delivery of the designated river location on the last day of the 15 day delivery time cycle.

The proposed amendments to Regulations 1061.01(13)(A) and (1061.01(13)(B) regarding delivery on the CBT's corn and oats futures contracts would become effective shortly after Commission approval for existing as well as newly listed contracts.

In accordance with Section 5a(12) of the Commodity Exchange Act, 7 U.S.C. 7a(12) (Supp. V 1981), the Commission has determined that the proposal submitted by the CBT concerning its delivery procedures for corn and oats futures contracts is of major economic significance. Accordingly, the CBT's proposal will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CBT in support of the proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by [thirty (30) days after publication]. Such comment letters will be publicly available except for the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on June 8, 1983.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 83-15833 Filed 6-13-83; 8:45 am]

BILLING CODE 6351-01-M

Kansas City Board of Trade Mini Value Line Stock Index Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: Kansas City Board of Trade ("KCBT") has applied for designation as a contract market in the Mini Value Line ("MVL") Stock Index. The proposed terms and conditions of KCBT's MVL Stock Index futures contract are substantially identical to the terms and conditions of the KCBT's Value Line Average ("VLA") Stock Index futures contract approved by the Commission on February 16, 1982, with the exception of contract size. The existing VLA Stock Index futures contract has a per unit value of $500 "times" ($500x) the Index. The proposed MVL Stock Index futures contract would have a per unit value of $100 "times" ($100x) the Index. The Commission has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before July 14, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the KCBT MVL Stock Index futures contract.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. (202) 254-7303.

A copy of the terms and conditions of the KCBT proposed MVL Stock Index futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the KCBT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. § 552), and the Commission's regulations thereunder (17 CFR Part 145 (1982)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the KCBT in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by [thirty (30) days after publication]. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on June 8, 1983.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 83-15834 Filed 6-13-83; 8:45 am]

BILLING CODE 6351-01-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Correction of Proposed Additions

In FR Doc. 83–14324, published May 27, 1983 (48 FR 23880), is amended to correct the proposal for assembly, living kit, basic and supplemental as follows:

SIC 7360

Assembly, Living Kit, Basic and Supplental.

Comments on the proposed addition to the Procurement List of the above kit must be received on or before July 14, 1983.

C. W. Fletcher,

Executive Director.

[FR Doc. 83–15861 Filed 6–13–83; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS); Ware Creek Watershed, James City and New Kent Counties, Virginia

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

1. *Proposed Action:* James City County proposes to build an earth fill impoundment structure across Ware Creek, a tributary of the York River. The impoundment structure would be approximately 48 feet high and would create a normal pool of approximately 1,050 acres. Approximately 40% of the area to be inundated presently consists of wetlands. The applicant anticipates that the project would serve the projected water needs of James City County through the year 2035.

2. *Alternatives:* Alternatives which will be investigated include, but will not be limited to site alternatives in and around James City County, purchasing water from the City of Newport News, groundwater, conservation and no project.

3. *Scoping Process:* Informal pre-application scoping meetings were held with State and Federal agencies in the spring of 1982. Significant issues which have already been identified include wetland destruction and mitigation, impacts to anadromous fishes and need. A public notice requesting written scoping comments will be published in the near future.

4. *Public Meetings:* The public notice mentioned above will also announce the date and location of a public scoping meeting.

5. *DEIS Availability:* It is estimated that the DEIS will be available to the public for review and comments by the end of 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Bob Hume, U.S. Army Engineer District, Norfolk, 803 Front Street, Norfolk, Virginia 23510, (804) 441–3657–COM, 827–3657–FTS.

Dated: June 6, 1983.

Michael M. Jenks,

Ronald E. Hudson

Lt. Colonel, Corps of Engineers, Acting District Engineer.

[FR Doc. 83–15860 Filed 6–13–83; 8:45 am]

BILLING CODE 3710-EN-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Monday, 25 July 1983, Plaza West, Rosslyn, VA. The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on reconnaissance requirements.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

June 9, 1983.

[FR Doc. 83–15801 Filed 6–13–83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Chemical Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Chemical Task Group of the Committee on Enhanced Oil Recover will meet in June 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Chemical Task Group meeting follows:

The Chemical Task Group will hold its eighth meeting on Thursday, June 30, 1983, starting at 10:00 a.m., and on Friday, July 1, 1983, starting at 8:30 a.m., in Room 112, Philips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentative agenda for the Chemical Task Group Meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Chemical Task Group is empowered to conduct the meeting in a fashion that will in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Chemical Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on June 7, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83–15836 Filed 6–13–83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP83–34–001]

Great Lakes Gas Transmission Co.; Filing

June 8, 1983.

Take notice that on May 31, 1983, Great Lakes Gas Transmission Company (Great Lakes) tendered for filing, in accordance with the

requirements of Section 4(e) of the Natural Gas and Part 154.67 of the Commission's regulations thereunder, the following revised tariff sheets of Great Lakes' FERC Gas Tariff:

First Revised Volume No. 1

Substitute Twelfth Revised Sheet No. 4
Substitute Forty-third Revised Sheet No. 57

Original Volume No. 2

Substitute Eighteenth Revised Sheet No. 53
Substitute Ninth Revised Sheet No. 77
Third Revised Sheet No. 183
Substitute Third Revised Sheet No. 223
Substitute Third Revised Sheet No. 245
Substitute Second Revised Sheet No. 294

On December 29, 1982, Great Lakes filed revised tariff sheets with the Commission in the captioned docket to reflect a general rate increase. On January 31, 1983, the Commission issued an order which suspended the effective date of the proposed tariff sheets until July 1, 1983.

These tariff sheets reflect the cost of service as filed in Docket No. RP83-34 with an adjustment to the base tariff rates for the April 13, 1983 reduction in the Canadian export price of natural gas from $4.94 U.S. per MMBtu to $4.40 per MMBtu. This revised border price is currently reflected in Great Lakes' rates as approved by the Commission on May 10, 1983 in Docket Nos. TA83-2-51-000 and TA83-2-51-001 effective May 1, 1983. The new border price of $4.40 per MMBtu will reduce Great Lakes' gas purchase costs by $47,502,370, based on as filed purchase levels. Accordingly, the following changes that have occurred during the suspension period have been made:

(i) Revised base cost of gas which reflects the present purchased gas cost of $4.36656 per Mcf ($4.40 per MMBtu); and

(ii) Surcharge rate adjustment, which became effective May 1, 1983, as approved by the Commission on May 10, 1983 in Docket Nos. TA83-2-51-00 and TA83-2-51-001.

The following statements and schedules relating to the rate application in Docket No. RP83-34 have been revised to reflect the above-noted changes:

Revised Statement A
Revised Statement H(1).1, page 1 of 4
Revised Statement H(1).1, page 2 of 4
Revised Schedule H(1)-3
Revised Schedule K-1.1
Revised Schedule K-1.2
Revised Schedule K-1.3

Great Lakes requests that the Commission grant waivers of its Regulations as it may deem necessary in order that the tendered tariff sheets may become effective July 1, 1983.

Great Lakes also enclosed with the filing a Motion pursuant to Section 4(e) of the Natural Gas Act and § 154.67 if the Commission's Rules and Regulations to enable the suspended rates to become effective July 1, 1983.

Great Lakes states that this filing is being served upon all Great Lakes' customers, the Public Service Commissions of Minnesota, Wisconsin and Michigan and other parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15836 Filed 6-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-126-004]

Mountain Fuel Supply Co.; Filing of Revised Tariff Sheet

June 8, 1983.

Take notice that on May 31, 1983, Mountain Fuel Supply Company (Mountain Fuel) tendered for filing Substitute First Revised Sheet No. 765 to its FERC Gas Tariff, Original Volume No. 1.

On April 25, 1983, Mountain Fuel submitted First Revised Sheet No. 765 of Rate Schedule X-32 as a supplement to the proceeding in the above-referenced docket. Rate Schedule X-32 is a Natural Gas Transportation and Exchange Agreement (Agreement) between Mountain Fuel and Colorado Interstate Gas Company (CIG). On May 5, 1983, Commission Staff requested that Mountain Fuel add a footnote to CIG's Mainline Transportation rate on Sheet No. 765 to show CIG's currently effective rate of 46.94¢ per Mcf as approved in Docket No. RP82-64. The substitute tariff sheet filed herein also corrects an error in the sheet previously submitted on April 25, 1983, and reflects correctly the provisions of the certificated agreement.

Mountain Fuel requests such waivers as may be necessary to make Substitute First Revised Sheet No. 765 effective March 22, 1983, which is consistent with the Commission approved effective date for Rate Schedule X-32.

Mountain Fuel states that copies of the filing were served upon all persons designated on the official service list in the above-referenced proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15837 Filed 6-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-25-004]

Transwestern Pipeline Co., Filing

June 8, 1983.

Take notice that on May 31, 1983, Transwestern Pipeline Company (Transwestern) tendered for filing a motion to place into effect revised tariff sheets in the above-captioned docket.

Included with the motion were three proposals. Transwestern moves to place into effect the set of revised tariff sheets included in Proposal 1, based on the *Seaboard* method of cost classification, adjusted for changes made in accordance with the December 30, 1982 order issued by the Commission in these proceedings and pursuant to Transwestern's settlement in Docket No. RP81-130-000 approved by the Commission on May 2, 1983, as well as Transwestern's most recent PGA filing. Transwestern moves, in the alternative, to place into effect revised tariff sheets included in Proposal 2, based on the United method of cost classification and adjusted for changes in accordance with the December 30, 1982 order and the settlement in Docket No. RP81-130-000 as well as Transwestern's most recent

PGA filing. Finally, in the event the Commission rejects the alternatives requested above, Transwestern requests that the revised tariff sheets included in Proposal 3 which were adjusted for changes in accordance with the December 30, 1982 order and Transwestern's most recent PGA filing, be placed into effect as of June 1, 1983.

Attached to the filing were copies of the proposed tariff sheets and supporting schedules.

Transwestern states that A copy of the filing and enclosures were being served on the parties in these preceedings.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15638 Filed 6-13-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ORD-FRL 2381-5]

Draft Health Assessment Document for Inorganic Arsenic

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency is nearing completion of a draft, updated Health Assessment Document for Inorganic Arsenic as a part of its continuing regulatory initiatives for inorganic arsenic under provisions of Section 112 and 122 of the Clean Air Act.

This notice announces the availability to the public of an external review draft of the Health Assessment Document for Inorganic Arsenic (EPA-600/8-83-021) which will be used by the Agency to update its scientific understanding of health hazards that may occur from human exposure to Inorganic Arsenic. External review drafts of earlier Agency health assessment documents for Arsenic were reviewed by the general public and the Agency's Science Advisory Board in 1978 and 1979. Recommendations for revisions in those earlier draft reports were received from both the general public and the SAB at that time. This updated draft assessment takes into account both those recommendations concerning the earlier draft reports and pertinent new scientific information published since 1978-1979.

In order to have a thorough review of the scientific information, this document will be transmitted to the SAB for review, and simultaneously, will be made available for public review and comment. This document will be available for public review on or about June 22, 1983, and the Agency will accept public comments until August 22, 1983.

After receipt of all comments, the SAB will hold a public meeting to review the document. An advance notice announcing the time and place for the SAB public meeting and document agenda will be made in the **Federal Register.**

Those persons interested in commenting on the scientific merit of the draft document will be able to obtain copies as follows:

(1) The draft document will be available in single copy quantity from EPA at the following address: ORD Publications—CERI-FR, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268, Tel: 513/684-7562.

Requestors should be sure to cite the EPA number assigned to the document. This document will be available on or about June 22 and requesters should send their names and addresses to CERI at this time to receive the draft document.

(2) The draft document will also be available for public inspection and copying at the EPA library at Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

Comments must be in writing and should be addressed in the manner below:

—Send comments to: Project Officer for Inorganic Arsenic, Environmental Criteria and Assessment Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711.

—Comments must be received by close of business, August 22, 1983 in order to be considered.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Chappell, Tel: 919/541-3637.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 83-15680 Filed 6-13-83; 8:45 am]

BILLING CODE 6560-50-M

[OPRM-FRL 2381-7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OBM) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street, S.W.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Air Programs

• Title: Application for Motor Vehicle Emission Certification and Fuel Economy Labeling (EPA ID 0783).

Abstract: EPA will use information from these applications to establish fuel economy values and to verify that manufacturers are meeting Federal emission standards.

Respondents: Motor vehicle manufacturers.

* * * * *

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), 401 M Street, SW., Washington, D.C. 20460

and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place NW., Washington, D.C. 20503.

Dated: June 8, 1983.
N. Phillip Ross,
Chief, Statistical Policy Staff.
[FR Doc. 83-15734 Filed 6-13-83; 8:45 am]
BILLING CODE 6560-50-M

[WH-FRL 2381-6]

Michigan Pretreatment Program Approval

AGENCY: EPA.

ACTION: Notice of Approval of the National Pollutant Discharge Elimination System Pretreatment Program of the State of Michigan.

SUMMARY: On (date of Administrator's signature), the Environmental Protection Agency approved the State of Michigan's National Pollutant Discharge Elimination System State Pretreatment Program. This action authorizes the State of Michigan to administer the National Pretreatment Program as it applies to municipalities and industries within the State.

FOR FURTHER INFORMATION CONTACT: George E. Young, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-426-4793.

SUPPLEMENTARY INFORMATION:

Background

The Pretreatment Program, required by the Clean Water Act of 1977, governs the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs). The objectives of the Pretreatment Program are to: (1) Prevent introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge; (2) prevent the introduction of pollutants into POTWs which will pass through treatment works or otherwise be incompatible with such works; and (3) improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges. Local pretreatment programs will be the primary vehicle for administering, applying and enforcing pretreatment standards for industrial users of POTWs. To receive pretreatment program approval a State must submit to the EPA a modification to its NPDES program pursuant to the requirements and procedures of the General Pretreatment Regulation (40 CFR Part 403).

Federal Register Notice of Approval of State NPDES Programs or Modifications

EPA will provide Federal Register notice of any action by the Agency approving or modifying a State NPDES program. The following table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Alabama	10/19/79	10/19/79	10/19/79
California	05/14/73	05/06/78	
Colorado	03/27/75		
Connecticut	09/26/73		06/03/81
Delaware	04/01/74		
Georgia	06/26/74	12/06/80	03/12/81
Hawaii	11/26/74	06/01/79	
Illinois	10/23/77	09/20/78	
Indiana	01/01/75	12/09/78	
Iowa	06/10/78	06/10/78	06/03/81
Kansas	06/26/74		
Maryland	09/05/74		
Michigan	10/17/73	12/09/78	06/07/83
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	05/01/74	01/26/83	05/13/82
Missouri	10/30/74	06/26/79	06/03/81
Montana	06/10/74	06/26/81	
Nebraska	06/12/74	11/02/79	
Nevada	09/19/75	06/31/78	
New Jersey	04/13/82	04/13/82	04/13/82
New York	10/28/75	06/13/80	
North Carolina	10/19/75		06/22/82
North Dakota	06/13/75		
Ohio	03/11/74	01/26/83	
Oregon	09/26/73	03/02/79	03/12/81
Pennsylvania	06/30/78	06/30/78	
South Carolina	06/10/75	06/26/80	04/09/82
Tennessee	12/28/77		
Vermont	05/11/74		03/16/82
Virgin Islands	06/10/74		
Virginia	03/31/75	02/09/82	
Washington	11/14/73		
West Virginia	05/10/82	05/10/82	05/10/82
Wisconsin	02/04/74	11/26/79	12/24/80
Wyoming	01/30/75	06/18/81	

Review Under Executive Order 12291 and the Regulatory Flexibility Act

The Office of Management and Budget has exempted this action from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Pursuant to Section 605(d) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), I certify that this State Pretreatment Program Approval will not have a significant impact on a substantial number of small entities. Approval of the Michigan NPDES State Pretreatment Program establishes no new substantive requirements, but merely transfers responsibility for administration of the program from EPA to the State.

Dated: June 7, 1983.
William D. Ruckelshaus,
Administrator.

[FR Doc. 83-15735 Filed 6-13-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

On June 6, 1983, the Federal Communications Commission submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of this submission are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632-7513. Persons wishing to comment on this information collection should contact David Reed, Office of Management and Budget, Room 3225 NEOB, Washington, D.C. 20503.

Title: Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator or FM Translator.

Form No.: FCC 346.

Action: Revision.

Respondents: State or local governments, businesses and non-profit institutions.

Estimated Annual Burden: 11,200 Responses; 324,800 Hours.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 83-15682 Filed 6-13-83; 8:45 am]
BILLING CODE 6712-01-M

[MM Dockets Nos. 83-538 and 539; File Nos BPCT-830107KF and BPCT-830215KE]

Arapahoe Silent Majority, Inc., et al.

Arapahoe Silent Majority, Inc. and Ronald F. Cassady and Asa C. Davis d.b.a. Channel 7 Broadcasting; Hearing Designation Order; Construction Permit

Adopted: May 25, 1983.
Released: June 9, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Arapahoe Silent Majority, Inc. (Arapahoe) Fairbanks, Alaska, and Ronald F. Cassady and Asa C. Davis d.b.a. Channel 7 Broadcasting (Broadcasting) Fairbanks, Alaska, for authority to construct a new commercial television station on Channel 7, Fairbanks, Alaska.

2. No determination has been reached that the tower height and location proposed by each of the applicants [1]

[1] The Commission is not in receipt of FAA's determination for the tower proposed by Broadcasting.

would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

3. Section 73.682(a)(15) of the Commission's Rules states that the effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter. Broadcasting's aural power is 22 percent of the visual. The applicant will be required to correct this situation by an appropriate amendment.

Conclusion and Order

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by each of the applicants would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with regard to issue 1.

7. It is further ordered, That Broadcasting shall submit, pursuant to § 73.682(a)(15) of the Commission's Rules, to the Presiding Administrative Law Judge within 20 days after the date of release of this Order, an appropriate engineering amendment to correct the aural effective radiated power.

8. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-15885 Filed 6-13-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-526; File No. BPCT-821209KE, et al.]

Flint Family Television, Ltd., et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: May 24, 1983.

Released: June 10, 1983.

In re applications of Delores C., Shristensen, et al., d.b.a. Flint Family Television, Ltd., Flint, Michigan, MM Docket No. 83-526, File No. BPCT-821209KE; Stanley G. Emert, Jr., Flint, Michigan, MM Docket No. 83-527, File No. BPCT-830106KF; Channel 66 Limited, Flint, Michigan, MM Docket No. 83-528, File No. BPCT-830218KJ; F & S Comm/News, Inc., Flint, Michigan, MM Docket No. 83-529, File No. BPCT-830218KK; for construction permit.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for a new commercial television station to operate on Channel 66, Flint, Michigan.

Flint Family Television, Ltd. (Flint Family) and Channel 66 Limited (Channel 66)

2. Each of these applicants proposes to operate from a site located within 250 miles of the Canadian Border with maximum visual effective radiated power (ERP) of more than 1000 kilowatts. The proposal poses no interference threat to United States television stations; however, they contravene an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located with 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of Notes,* T.I.A.S. 2594 (1952). In the even of a grant of either of these applications, the construction permit shall contain a condition precluding station operation with maximum visual ERP in excess of 1000 kilowatts, absent Canadian consent. *South Bend Tribune,* 8 R.R. 2d 416 (1966).

3. Since we have not received a determination from the Federal Aviation Administration that the proposed tower height and location of the applicants [1] would not constitute a hazard to air navigation, an issue regarding this matter will be specified.

Stanley G. Emert, Jr. (Emert)

4. Emert's transmitter site is located 1.74 miles from AM station WFLT, Flint, Michigan. Consequently, any grant of a construction permit to Emert will be conditioned to ensure that WFLT's radiation pattern is not adversely affected by the construction of the proposed station.

5. Emert indicates in Section V-C, Item 7, FCC Form 301, that he will use electrical and mechanical beam tilt. Sections 73.685 (e) and (f) of the Commission's Rules require that information be submitted to verify the nature of the proposed electrical and mechanical beam tilt. Accordingly, applicant will be required to submit an appropriate engineering amendment within 20 days of the release of the Order.

6. Section 73.682(a)(15) of the Commission's Rules states that the effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter. Emert's aural power is 1% of the visual. The applicant will be required to correct this situation by an appropriate amendment.

F & S Comm/News, Inc. (F & S)

7. F&S's response to Section V-C, Item 7, FCC Form 301, purports to show the azimuths of the main lobes of its proposed station. However, the information submitted does not match the directional pattern submitted with the application (Figure 1). The applicant will be required to correct this discrepancy by an appropriate amendment.

8. F&S's transmitter site is located 1.74 miles from AM station WFLT, Flint, Michigan. Consequently, any grant of a construction permit to F&S will be conditioned to ensure that WFLT's

[1] The Commission is not in receipt of FAA's determination for the tower proposed by Channel 66.

radiation pattern is not adversely affected by the construction of the proposed station.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Flint Family and Channel 66, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

12. It is further ordered, That, in the event of a grant of either application of Flint Family or Channel 66, the construction permit shall be conditioned as follows: Subject to the condition that operation with effective radiated power to excess of 1000 kW is subject to the consent of Canada.

13. It is further ordered, That F&S shall submit, pursuant to § 73.685(f) (1) and (2) of the Commission's Rules, to the presiding Administrative Law Judge within 20 days after the date of release of this Order, an appropriate engineering amendment to correct the azimuths of the main lobes of its proposed station.

14. It is further ordered, That, in the event of a grant of the application of either Emert or F&S, the construction permit shall be conditioned as follows: "Prior to construction of the tower authorized herein, permittee shall notify AM Station *WFLT* so that, if necessary, the AM station may determine operating power by the indirect method and request temporary authority from the Commission in Washington, D.C. to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the AM station.

Both prior to construction of the tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by § 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected and, prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commission.

15. It is further ordered, That Emert shall submit, pursuant to § 73.685 (e) and (f) of the Commission's Rules, to the presiding Administrative Law Judge within 20 days after the date of release of this Order, an appropriate engineering amendment to verify the nature of the proposed mechanical and electrical beam tilt.

16. It is further ordered, That Emert shall submit pursuant to § 73.682(a)(15) of the Commission's Rules, to the presiding Administrative Law Judge within 20 days after the date of release of this Order, an appropriate engineering amendment to correct the aural effective radiated power.

17. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

18. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-15686 Filed 6-13-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-530; File No. BPH-811207 BF]

La Tierra Rica, Inc. et al.; Designation of Applications for Consolidated Hearing on Stated Issues

In re applications of La Tierra Rica, Inc., Visalia, California, Req: 97.1 MHz, Channel 246B, 25.5 kW (H&V), 662 feet, *MM Docket No. 83-530,* File No. BPH-811207BF; Patricia E. Dewey, Carol F. Fujita, Barney L. Dewey, Ben M. Fujita d.b.a. Zephyr Broadcasting Co., Visalia, California, Req: 97.1 MHz, Channel 246B, 20.4 kW (H&V), 792 feet; *MM Docket No. 83-531,* File No. BPH-811210AJ; Marigold Broadcasting, Inc., Visalia, California, Req: 97.1 MHz, Channel 246B, 15.4 kW (H&V), 908 feet, *MM Docket No. 83-532,* File No. BPH-820624AC; Anita Muir, Visalia, California, Req: 97.1 MHz, Channel 246B, 20 kW (H&V), 799 feet, *MM Docket No. 83-533,* File No. BPH-820624AG; Antonio M. Bautista, Visalia, California, Req: 97.1 MHz, Channel 246B, 22 kW (H&V), 750 feet, *MM Docket No. 83-534,* File No. BPH-820624BC; Paul S. Williams and Zakiyyah, B. Williams d.b.a. Williams Broadcasting, Visalia, California, Req: 97.1 MHz, Channel 246B, 20.9 kW (H&V), 779 feet, *MM Docket No. 83-535,* File No. BPH-820624BM; for construction Permit for a new FM station.

Hearing Designation Order

Adopted: May 25, 1983.

Released: June 9, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-capitioned mutually exclusive applications filed by La Tierra Rica, Inc. (La Tierra), Patricia E. Dewey, Carol F. Fujita, Barney L. Dewey, Ben M. Fujita d.b.a. Zephyr Broadcasting Company, Marigold Broadcasting, Inc., Anita Muir, Antonia M. Bautista and Paul S. Williams and Zakiyyah B. Williams d.b.a. Williams Broadcasting.

2. Data submitted by the applicants indicate that there would be significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference would accrue to any of the applicants.

3. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

6. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division.

[FR Doc. 83-15894 Filed 6-13-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-546, File No. BPCT-821122KE and MM Docket No. 83-547, File No. BPCT-830214KE]

Steve W. McGee et al. d/b/a Willamette Valley Broadcasting Co., Ltd. and Salem Television, Inc.; Designation of Applications for Consolidated Hearing on Stated Issues

Adopted: May 26, 1983.
Released: June 9, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Steve W. McGee et al, d/b/a Willamette Broadcasting Company, Ltd. (Willamette) Salem, Oregon, and Salem Television, Inc. Salem, Oregon, for authority to construct a new commercial television station on Channel 32, Salem, Oregon.

2. No determination has been made that the tower height and location proposed by Willamette would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

3. Willamette proposes to operate from a site located within 250 miles of the Canadian border with maximum visual effective radiated power of more than 1000 kilowatts. The proposal poses no interference threat to United States television stations; however, it contravenes an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of Notes*, T.I.A.S. 2594 (1952). In the event of a grant of the application, the construction permit shall contain a condition precluding station operation with maximum visual ERP in excess of 1000 kilowatts, absent Canadian consent. *South Bend Tribune*, 8 R.R. 2d 416 (1966).

4. The effective radiated visual power, antenna height above average terrain and other technical data submitted by the two applicants indicate that there would be a significant difference in the size of the area and population that the respective applicants propose to serve. Consequently, for the purpose of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television services of 64 dBu (Grade B) or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

Conclusion and Order

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues.

1. To determine with respect to Steve W. McGee et al, d/b/a Willamette Valley Broadcasting Company, Ltd. whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine the areas and populations that would receive Grade B or better service from the proposals and the availability of other Grade B services to such areas and populations.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

8. It is further ordered, That, in the event of a grant of Willamette's application, the construction permit shall contain the following condition:

Operation with effective radiated visual power in excess of 1000 kW after March 1, 1985 is subject to a further extension of consent by Canada.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, that applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-15893 Filed 6-13-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–683–DR]

Mississippi; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Mississippi (FEMA–683–DR), dated June 1, 1983, and related determinations.

DATED: June 7, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

Notice: The notice of a major disaster for the State of Mississippi dated June 1, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 1, 1983:

Holmes and Leake Counties for Individual Assistance and Public Assistance.

Washington County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83–15606 Filed 6–13–83; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–680–DR]

Utah; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Utah (FEMA–680–DR), dated April 30, 1983, and related determinations.

DATED: June 7, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

Notice: The notice of a major disaster for the State of Utah dated April 30, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 30, 1983:

Salt Lake County as an adjacent county for Individual Assistance.

Beaver, Juab, Millard and Sevier Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83–15607 Filed 6–13–83; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below

Agreement No.: T–4128.

Title: San Francisco Port Commission/ Lykes Bros. Steamship Co., Inc. Use Agreement.

Parties: San Francisco Port Commission (Port)/Lykes Bros. Steamship Co., Inc. (Lykes)

Synopsis: Agreement No. T–4128 provides that Lykes shall have the non-exclusive right for the use of approximately 35 acres of the Pier 80 terminal in the Port of San Francisco. Lykes shall use the premises as its regularly scheduled San Francisco Bay Area port of call in its cargo and passenger operations pursuant to the Port's Tariff No. C–3. Port shall have the right to review and reduce the assigned premises in the event Lykes' annual throughput is less than 200,000 metric tons. The term of the agreement is two (2) years with renewal options subject to the approval of the parties and of the Federal Maritime Commission.

Filing party: Samuel B. Nemirow, Esquire, Hill, Betts & Nash, 1220 Nineteenth St., NW., Suite 302, Washington, D.C. 20036.

Agreement No.: 2846–53.

Title: West Coast of Italy, Silician & Adriatic Ports/North Atlantic Range Conference.

Parties: Atlantraffik Express Service, Constellation Line, Costa Line, Egyptian National Line, Farrell Lines, Inc., Hellenic Lines, Ltd., Ibero Lines S. A., Italian Line, Jugolinija, Nedlloyd, Sea-Land Service, Inc., Zim Israel Navigation Co., Ltd.

Synopsis: Agreement No. 2846–53 would modify the voting requirement by telex poll from all the Members entitled to vote to four-fifths of the Members entitled to vote.

Filing agent: Ms. Karen S. Ostrow, Billing, Sher & Jones, P.C. Suite 300, 2033 K Street, NW., Washington, D.C. 20006.

By Order of the Federal Maritime Commission.

Dated: June 9, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83–15640 Filed 6–13–83; 8:45 am]

BILLING CODE 6730–01

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C § 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Suburban National Corporation,* Arlington, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Suburban National Bank of Arlington, Arlington, Massachusetts. Comments on this application must be received not later than July 6, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Thornton Bancshares, Inc.,* Thornton, Iowa; to become a bank holding company by acquiring 80 percent of the voting shares of The First State Bank of Thornton, Thornton, Iowa. Comments on this application must be received not later than July 1, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *B.S.H.C.P. Corporation,* Shelbyville, Kentucky; to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Shelbyville, Kentucky. Comments on this application must be received not later than July 6, 1983.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Armstrong Bancshares, Inc.,* Florence, Kansas; to become a bank holding company by acquiring 96.3 percent of the voting shares of Florence State Bank, Florence, Kansas. Comments on this application must be received not later than July 6, 1983.

2. *Pathfinder Bancshares, Inc.,* Fremont, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of Fremont National Bank & Trust Company, Fremont, Nebraska. Comments on this application must be received not later than July 6, 1983.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Centex Community Bankshares, Inc.,* Killeen, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens National Bank of Killeen, Killeen, Texas. Comments on this application must be received not later than June 29, 1983.

2. *Tascosa Financial Corporation,* Amarillo, Texas; o become a bank holding company by acquiring at least 80 percent of the voting shares of Tascosa National Bank of Amarillo, Amarillo, Texas. Comments on this application must be received not later than July 6, 1983.

F. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Ubancorp,* Bountiful, Utah; to become a bank holding company by acquiring 80 percent of the voting shares of Utah Bank and Trust, Bountiful, Utah. Comments on this application must be received not later than July 6, 1983.

G. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Portis Bancshares, Inc.,* Portis, Kansas; to become a bank holding company by acquiring 80 percent of the voting shares of First State Bank, Portis, Kansas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than July 7, 1983.

Board of Governors of the Federal Reserve System, June 7, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-15837 Filed 6-13-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York.** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Deutsche Bank AG,* Frankfurt, Federal Republic of Germany (sales financing and leasing activities; United States and Canada): To permit Daimler-Benz AG (28% of the stock of which is owned by Deutsche Bank AG) through its subsidiary, Mercedes Benz Credit Corporation (the "Company"), to move its principal office from Portland, Oregon, to Norwalk, Connecticut. The Company would continue to engage in providing dealers of affiliates of Daimler-Benz AG in the United States and Canada with wholesale financing in the form of loans to finance dealers inventories secured by such inventories and providing customers of affiliates of Daimler-Benz AG in the United States and Canada and their dealers with retail financing consisting of purchases by the Company from such affiliates and their dealers of retail installment obligations undertaken by the customer in respect of equipment purchased by the customer, of purchases of lease receivables and dealer rental receivables in respect of the equipment leased by the customer and of full payout leasing of products of such affiliates and such dealers. These activities would be conducted from an office in Norwalk, Connecticut, serving the United States and Canada. Comments on this application must be received not later than July 7, 1983.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *American Security Corporation,* Washington, D.C., (investment and financial advisory activities; Washington, D.C.): To engage, through its subsidiary, ASB Capital Management, Inc., in investment and financial advisory activities, including: providing portfolio investment advice, primarily to Pension and Profit Sharing Trusts qualified under Section 401 of the International Revenue Code of 1954, as amended, but also to other institutions and individuals; serving as the advisory company for mortgage or real estate investment trusts as investment adviser,

as defined in Section 2(a)(20) of the Investment Company Act of 1940, to investment companies registered under that Act; furnishing general economic information and advice, general economic statistical forecasting services, and industry studies; and providing financial advice to state and local governments, such as with respect to the issuance of their securities. These activities would be conducted from an office in Washington, D.C., serving clients throughout the United States and abroad. Comments on this application must be received not later than July 7, 1983.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *United Banks of Colorado.* Denver, Colorado (insurance activities; Colorado): To engage in the sale of credit life, and credit health and accident insurance directly related to extensions of credit by its subsidiaries. These activities will be conducted at 21 subsidiary banks throughout Colorado, serving the State of Colorado. Comments on this application must be received not later than July 7, 1983.

D. **Federal Reserve Bank of San Francisco.** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation,* San Francisco; California (securities brokerage and incidental activities; *de novo* offices; all fifty (50) states and the District of Columbia): To engage, through its indirect subsidiary, Charles Schwab & Co., Inc., in the activities of securities brokerage, consisting principally of buying and selling securities solely upon the order and for the account of customers, and of extending margin credit in conformity with Regulation Y. These activities will be conducted from two *de novo* offices located in Paramus, New Jersey and San Rafael, California; each office serving all fifty (50) states and the District of Columbia. Comments on this application must be received not later than July 5, 1983.

2. *Security Pacific Corporation,* Los Angeles, California (financing activities; Massachusetts): To engage through its subsidiary, Security Pacific Finance Corp., in making or acquiring, for its own account or for others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or consumer finance company. These activities would be conducted from an office of Security Pacific Finance Corp. located in Hyannis, Massachusetts, serving the State of Massachusetts. Comments on this application must be received not later than July 7, 1983.

3. *Security Pacific Corporation,* Los Angeles, California (financing and credit-related life, accident and health insurance activities; Tennessee): To engage through its subsidiary, Security Pacific Finance Money Center Inc., in making or acquiring, for its own account or others, and servicing loans and other extensions of credit; including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or consumer finance company; and, acting as agent for the sale of credit-related life and credit-related accident and health insurance as authorized by Tennessee law and Section 601(A) of Title VI of the Garn—St Germain Act. These activities would be conducted from an office of Security Pacific Finance Money Center Inc. in Johnson City, Tennessee, serving the State of Tennessee. Comments on this application must be received not later than July 7, 1983.

4. *Security Pacific Corporation,* Los Angeles, California (mortgage and servicing activities; California): To engage through its subsidiary, Security Pacific Mortgage Corporation, in the origination and acquisition of mortgage loans, including development and construction loans on multi-family and commercial properties for Security Pacific Mortgage Corporation's own account or for sale to others; and the servicing of such loans for others. These activities would be conducted from an office of Security Pacific Mortgage Corporation in Newport Beach, California, serving the State of California. Comments on this application must be received not later than July 1, 1983.

Board of Governors of the Federal Reserve System, June 7, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-15630-83 Filed 6-9-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Summary Subcontract Report (Standard Form 295); Agency Forms Submitted to OMB for Review

AGENCY: General Services Administration.

ACTION: Notice of Information Collection; Reinstatement.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration plans to request the Office of Management and Budget to review and approve the reinstatement of an information collection for the collection of data.

DATE: Comments on this information collection must be submitted on or before June 30, 1983.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and to John Gilmore, GSA Clearance Officer, General Services Administration (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Victoria Moss on (703-696-5180).

SUPPLEMENTARY INFORMATION:

a. *Purpose.* The Standard Form 295 is used by the Federal Government to collect subcontract data on commitments and goals from all Federal contractors and subcontractors. This is necessary to monitor and evaluate performance standards. The annual burden projections are as follows: Respondents 1,000, responses per respondent 8 (average), hours per response 17.

b. *Obtaining copies of the proposal.* A copy of the information collection proposal may be obtained from the Directives and Reports Management Branch (ORAI), Room 3019, GS Building, Washington, DC 20405, telephone 566-1164.

Dated: June 3, 1983.

Clarence A. Lee, Jr.,

Director of Administrative Services.

[FR Doc. 83-15650 Filed 6-13-83 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83N-0146]

Pioneer Blood Service, Inc.; Revocation of U.S. License No. 278

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation on April 13, 1983, of the establishment license (U.S. License No. 278) and product licenses issued to Pioneer Blood Service, Inc., for the

manufacture of Source Plasma (Human), Whole Blood (Human), Red Blood Cells (Human), Single Donor Plasma (Human), Platelet Concentrate (Human), and Cryoprecipitated Antihemophilic Factor (Human). On March 25, 1983, the firm requested that its establishment license and product licenses be revoked.

DATE: The revocation of the establishment and product licenses was effective on April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Falter, National Center for Drugs and Biologics (HFN–813), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

SUPPLEMENTARY INFORMATION: FDA has revoked the establishment license (U.S. License No. 278) and product licenses issued to Pioneer Blood Service, Inc., for the manufacture of Source Plasma (Human), Whole Blood (Human), Red Blood Cells (Human), Single Donor Plasma (Human), Platelet Concentrate (Human), and Cryoprecipitated Antihemophilic Factor (Human). Pioneer Blood Service, Inc., has locations at 30 Sherman Ave., New York, NY (corporate headquarters, test laboratory, and distribution center); 100 Willoughby St., Brooklyn, NY (plasma-pheresis center); and 361–365 East 146th St., Bronx, NY (plasma-pheresis center). Although the establishment was licensed for the manufacture of Whole Blood (Human) and various blood components, the firm has manufactured Source Plasma (Human) almost exclusively for over a year.

On November 30, 1982, through January 24, 1983, FDA inspected simultaneously the three locations of Pioneer Blood Services, Inc., revealing numerous significant deviations from the requirements of 21 CFR Parts 600, 606, 610, and 640 of the biologics regulations. FDA found deviations in critical areas of operation, including, but not limited to: (1) testing for Hepatitis B Surface Antigen (HBsAg) (21 CFR 610.40(b)) and followup procedures to assure that persons testing positive for HBsAg not serve as donors of Source Plasma (Human) to be used in preparing injectable biological products (21 CFR 610.41); (2) procedures concerning the review of serum protein electropheresis patterns and the appropriate actions that must be taken when the serum protein composition of a plasma donor is not within the normal limits established by the testing laboratory (21 CFR 640.65 (b)(1)(i) and (b)(2)(i)); and (3) the determination of donor suitability on the day of collection by means of a medical history and appropriate tests (21 CFR 640.63 (a) and (c)).

Because FDA found that the deviations constitute a danger to health, FDA suspended the firm's establishment and product licenses effective on February 3, 1983. As provided in 21 CFR 601.5(b), FDA issued a letter of March 23, 1983, that notified the licensee of its intention to revoke U.S. License No. 278 and that set forth the grounds for, and offered an opportunity for a hearing on, the proposed revocation. Before FDA could take further regulatory action, as provided in 21 CFR 601.5(a), by letter of March 25, 1983, Pioneer Blood Service, Inc., requested that its establishment and product licenses be revoked and waived the opportunity for a hearing. The agency granted the licensee's request. In a letter to the firm dated April 13, 1983, issued under 21 CFR 601.5(a), FDA revoked the establishment license (U.S. License No. 278) and product licenses of Pioneer Blood Service, Inc.

Accordingly, under 21 CFR 12.38 and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Office of Biologics of the National Center for Drugs and Biologics (21 CFR 5.68), the establishment license (U.S. License No. 278) and the product licenses issued to Pioneer Blood Service, Inc., for the manufacture of Source Plasma (Human), Whole Blood (Human), Red Blood Cells (Human), Single Donor Plasma (Human), Platelet Concentrate (Human), and Cryoprecipitated Antihemophilic Factor (Human) were revoked, effective April 13, 1983. This notice is issued and published under 21 CFR 601.8.

Dated June 7, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–15702 Filed 6–13–83; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of July 1983:

Name: Steering Subcommittee of the National Council on Health Planning and Development.

Date and Time: July 6, 1983; 1:00 p.m.–3:00 p.m.

Place: Conference Room B, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (Meeting by Conference Call). Due to the limited nature of the meeting, a conference call will be substituted for the regular scheduled meeting.

Open for entire meeting.

Purpose: The objectives of the Steering Subcommittee are to (1) assist the Chairperson in planning the order and timing of agenda topics for full Council consideration and action to assure that the Secretary will receive advice and/or recommendations on each of its three areas of functional responsibilities under section 1503(a) in an appropriate time and manner; (2) coordinate information about and among subcommittee activities and plans; and (3) provide preliminary review of proposed changes in Council operations.

Agenda: (1) Report by Executive Secretary; (2) Status reports on the Office of Health Planning and the Office of Health Facilities; (3) Discussion of Agenda for the second Council meeting in 1983; and (4) other Council business.

Anyone requiring information regarding the subject Subcommittee should contact Mr. Terry E. Shannon, Interim Executive Secretary, National Council on Health Planning and Development, Room 13A–56 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443–6745.

Agenda items are subject to change as priorities dictate.

Dated: June 8, 1983.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 83–15839 Filed 6–13–83; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

General Clinical Research Centers Committee; Amended Meeting

Notice is hereby given of a change in the agenda of the meeting of the General Clinical Research Centers (GCRC) Committee, Division of Research Resources (DRR), June 20–22, 1983, Conference Room 7, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD, which was published in the **Federal Register** on May 4, 1983 (FR 48–20142).

The Committee was to have convened at 6:00 p.m. on June 20, 1983, in a closed portion of the meeting and reconvened at 9:00 a.m., June 21, 1983, in an open session until approximately 12:00 p.m.

The meeting has been changed to reconvene June 21, 1983, at 8:30 a.m.

The meeting will be open to the public from 8:30 a.m. until approximately 11:30 a.m.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clinical Research, National Institutes of Health)

Dated: June 7, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-15842 Filed 6-13-83; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program; Availability of Carcinogenesis Studies on 1,1,1,2-Tetrachloroethane

The HHS' National Toxicology Program today announces the availability of carcinogenesis studies of 1,1,1,2-tetrachloroethane, a chemical intermediate used in the production of trichloroethylene and tetrachloroethylene which has been found in drinking water.

1,1,1,2-Tetrachloroethane was administered in corn oil by gavage to F344/N rats (0, 125, 250 mg/kg body weight) and B6C3F$_1$ mice (0, 250, 500 mg/kg body weight) five times a week for 103 weeks. Under the conditions of these studies, 1,1,1,2-tetrachloroethane was not demonstrated to be carcinogenic to F344/N rats, although the observed increase in the proportion of male rats with liver tumors may have been associated with the administration of 1,1,1,2-tetrachloroethane. Accidental killing of 27 male and 15 female rats reduced the sensitivity of this bioassay for detecting a carcinogenic response.

1,1,1,2-Tetrachloroethane was carcinogenic for B6C3F$_1$ mice, causing an increased proportion of female mice with hepatocellular carcinomas and an increased proportion of male and female mice with hepatocellular adenomas. The decreased survival in high dose male and female mice compromised the ability of this bioassay to further determine the presence or absence of a carcinogenic effect and gave clear evidence that these doses were toxic.

Copies of *Carcinogenesis Studies of 1,1,1,2-Tetrachloroethane in F344/N Rats and B6C3F$_1$ Mice (Gavage Studies)* (T. R. 237) are available without charge by writing to: NTP Public Information Office, M.D. B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3991. FTS: 629-3991.

Dated: June 3, 1983.

David P. Rall,

Director.

[FR Doc. 83-15843 Filed 6-13-83; 8:45 am]

BILLING CODE 4140-01-M

Small Business Innovation Research Program; Delegation of Authority

Notice is hereby given that in furtherance of the January 20, 1983 delegation of authority by the Secretary of Health and Human Services to the Assistant Secretary for Health (48 FR 11990), the Assistant Secretary for Health has delegated, with authority to redelegate, to the Administrator, Alcohol, Drug Abuse and Mental Health Administration; Director, Centers for Disease Control; Commissioner of Food and Drugs; Director, National Institutes of Health; Director, National Center for Health Services Research /OASH; and the Deputy Assistant Secretary for Population Affairs/OASH, for exercise within their respective jurisdictions, authority to administer a Small Business Innovation Research Program under section 9 of the Small Business Act (15 U.S.C. 638), as amended. The delegation by the Assistant Secretary for Health does not include the following authorities retained by the Secretary: authority to promulgate regulations, establish advisory councils and committees, appoint members to advisory councils and committees, and submit reports to Congress.

In addition, the Assistant Secretary for Health has designated the National Institutes of Health as the lead PHS agency for coordinating implementation of the Small Business Innovation Research Program throughout PHS.

The above delegation became effective June 1, 1983.

Dated: June 1, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-15967 Filed 6-13-83; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14837-A and F-14837-EE]

Alaska Native Claims Selection; Modification of Decision

On September 23, 1982, a Decision to Issue Conveyance (DIC) was issued to Beaver Kwit'chin Corporation and published in the **Federal Register** (47 FR 42179-42180, September 24, 1982). The DIC reserved certain easements including EIN 15 D9 and EIN 25 E.

On April 25, 1983, the Interior Board of Land Appeals modified easements EIN 15 D9 and EIN 25 E to allow for year-around foot travel and they now read as follows:

(EIN 15 D9)—An easement twenty-five (25) feet in width for an existing access trail from public lands in Sec. 32, T. 20 N., R. 3 E., Fairbanks Meridian, southerly to Beaver and then on the public lands south of Beaver. The uses allowed are those listed above for a twenty-five (25) food wide trail easement. The season of use will be limited to winter, except for year-around foot travel.

(EIN 25 E)—An easement twenty-five (25) feet in width for a proposed access trail from trail easement EIN 20 D1 in Sec. 31, T. 19 N., R. 2 E., Fairbanks Meridian, southwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter, except for year-around foot travel.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks in the FAIRBANKS DAILY NEWS MINER.

Except as modified by this decision of September 23, 1983, stands as written.

B. LaVelle Black,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-15979 Filed 6-13-83; 8:45 am]

BILLING CODE 4310-84-M

[F-19155-2, F-21779-2]

Alaska Native Claims Selection; Modification of Decision

On September 15, 1982, a Decision to Issue Conveyance (DIC) was issued to Doyon, limited and published in the **Federal Register** (47 FR 41216-41218, September 17, 1982; corrected at 47 FR 47327, October 25, 1982). The DIC reserved certain easements including EIN 15 D9.

On April 25, 1983, the Interior Board of Land Appeals modified easement EIN 15 D9 to allow for year-around foot travel and it now reads as follows: (EIN 15 D9) An easement twenty-five (25) feet in width for an existing access trail from public lands in Sec. 32, T. 20 N., R. 3 E., Fairbanks Meridian, southerly to Beaver and then on to public lands to the southwest. The uses allowed are those listed above for a twenty-five (25) feet wide trail easement. The season of use will be limited to winter, except for year-around foot travel.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks in the Fairbanks Daily News Miner.

Except as modified by this decision, the decision of September 15, 1982, stands as written.

B. LaVelle Black,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-15660 Filed 6-13-83; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 83-41]

Draft, Western Oregon Program—Management of Competing Vegetation, Environmental Impact Statement; Public Meetings and DEIS Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Meetings on Western Oregon Program—Management of Competing Vegetation DEIS.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Draft Environmental Impact Statement for Management of Competing Vegetation on lands in western Oregon. The proposal involves implementing a vegetation management program on public lands administered by the Bureau of Land Management.

A limited number of copies are available upon request at the following BLM offices:

Office of Public Affairs, 18th and C Streets, Washington, D.C. 20240, Phone (202) 343-5717
Oregon State Office, 825 N.E. Multnomah, P.O. Box 2965, Portland, Oregon 97208, Phone (503) 231-6277
Coos Bay District Office, 333 54th Street, Coos Bay, Oregon 97420, Phone (503) 269-5880
Eugene District Office, 1255 Pearl Street, Eugene, Oregon 97401, Phone (503) 687-6651
Medford District Office, 3040 Biddle Road, Medford, Oregon 97501, Phone (503) 776-4174
Roseburg District Office, 777 NW Garden Valley Blvd., Roseburg, Oregon 97470, Phone (503) 672-4491
Salem District Office, 1717 Fabry Road, S.E., Salem, Oregon 97302, Phone (503) 399-5646

Reading copies will be placed in the following libraries: Portland State University, Portland: Oregon State University, Corvallis; University of Oregon, Eugene: Chemeketa Community College, Salem; Lane Community College, Eugene: Umpqua Community College, Roseburg; Linn-Benton Community College, Albany: and public libraries in: Applegate, Bandon, Brookings, Canyonville, Coos Bay, Coquille, Corvallis, Cottage Grove, Drain, Eugene, Gold Beach, Grants Pass, Illinois Valley, Klamath Falls, Medford, Myrtle Creek, North Bend, Oakland, Port Orford, Reedsport, Riddle, Roseburg, Salem, Springfield, Sutherlin, Williams, Winston and Wolf Creek.

Public meetings will be held on the adequacy, completeness and accuracy of this environmental impact statement. Meetings will be held at the following times and locations:

July 26, 1983, 7:30 p.m., Grants Pass (County Courthouse)
July 27, 1983, 7:30 p.m., Medford (BLM District Office)
July 28, 1983, 7:30 p.m., Eugene (City Council Chambers)

Written comments on the Draft EIS should be sent to: Oregon State Director, Bureau of Land Management, c/o Team Leader, P.O. Box 3227, Salem, Oregon 97302.

Comments should be postmarked on or before August 15, 1983 to be considered in preparation of the Final EIS.

FOR FURTHER INFORMATION CONTACT: Chuck Hawkins, Salem District Office, Phone (503) 399-5744.

Dated: June 6, 1983.

Stanley D. Butzer,

Deputy State Director for Lands and Renewable Resources.

[FR Doc. 83-15696 Filed 6-13-83; 8:45 am]

BILLING CODE 4310-84-M

[U-50114]

Public Lands in Uintah County, Utah Realty Action, State Exchange; Amendment

In **Federal Register** Vol. 48, No. 63, on Page 13502 in the issue of Thursday, March 31, 1983 make the following amendment:

On Page 13502, second column, the thirty-fourth line *** the values of the above lands will be determined by using the, "Methodology for an Alternative Method of Determining the Value of Lands for Exchange Containing Oil Shale and Associated Methods."

For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: June 7, 1983.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-15693 Filed 6-13-83; 8:45 am]

BILLING CODE 4310-84-M

Michigan-Wisconsin; Maps of Public Lands and Minerals; Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Availability of BLM Maps of Public Lands and Minerals.

Notice is hereby given that two new Bureau of Land Management (BLM) maps showing the location of public lands and Federal mineral rights in the Holland, Michigan and Marinette, Wisconsin areas, are now available to the public. The maps prepared as a result of a Bureau-wide program to map areas of mineral interests, are published at the scale of 1:100,000 (one centimeter = one kilometer) in a format of 1° longitude by 30' latitude (34 × 60 miles). They are sold for $3.25 each.

The new BLM maps are part of a series of BLM maps which cover selected areas of the three Lake States. BLM maps covering northern Minnesota, northeastern Wisconsin, and western Upper Michigan have already been printed and are available to the public. Additional maps covering northwestern Wisconsin and Lower Michigan will be published in the future.

For further information and/or a BLM map index, contact the Bureau of Land Management, Duluth Field Office, 125 Federal Building, Duluth, Minnesota 55802, (218) 727-6692, extension 378 or Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, telephone (703) 235-2840.

G. Curtis Jones, Jr.,

Eastern States Director.

[FR Doc. 83-15690 Filed 6-13-83; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Filing of Plats of Survey and Order Providing for Opening of Lands

June 6, 1983.

1. The Plats of Survey of Lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on August 1, 1983.

Mount Diablo Meridian, Nevada
T. 38 N., R. 52½ E.

2. The land within the above township ranges from 6,000 to 6,400 ft. above sea level and is rolling to mountainous land.

The soil is sandy clay to rocky and is covered with sagebrush and native grass.

Principal users of the area are cattlemen, and access is provided by trail roads. No mineral formations of any consequences were noted during the survey.

Mount Diablo Meridian, Nevada
T. 39 N., R. 52½ E.

3. The land ranges from 6,200 to 7,500 ft. above sea level and is mountainous. The soil varies from sandy loam to rocky. Vegetation consists of sagebrush, buckbrush and native grasses.

Taylor Canyon Creek crosses through the south portion of sec. 24, course NW.

Some mining operations are situated throughout the township. Principle users of the township are cattlemen.

Nevada State Highway No. 226 crosses through the township along the north side of Taylor Canyon Creek. Further access to the township is provided by numerous trail roads.

4. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby open to such applications and petitions as may be permitted. All such valid applications received at or prior to 10:00 a.m. on August 1, 1983 shall be considered as simultaneously filed at the time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,

Chief, Division of Operations.

[FR Doc. 83-15892 Filed 6-13-83; 8:45 am]
BILLING CODE 4310-84-M

[A-17663]

Morelos Dam, Arizona; Proposed Modification and Continuation of Withdrawal Opportunity for Public Hearing

June 6, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue the subject withdrawal for a period of 50 years. The land was withdrawn for use by the International Boundary and Water Commission in connection with the Mexican Water Treaty of February 3, 1944, and is required to assure flood water passage and flood control operation of Morelos Dam in accordance with the Treaty.

The existing withdrawal, made by Public Land Order 602 of August 12, 1949, segregates the land from operation of the public land laws, including the mining and mineral leasing laws. It is proposed to modify the withdrawal to open the land to operation of the mineral leasing laws. No other change in the segregative effect of the withdrawal or use of the land is proposed. The following described land is included in the proposed modification:

Gila and Salt River Meridian, Arizona

T. 8 S., R. 24 W.,
Sec. 28, lots 2 and 5; and those portions of lots 3 and 6 lying west of the United States levee,
Containing approximately 19.33 acres in Yuma County.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed action. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before 90 days from date of this publication. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed action may be filed with the undersigned officer on or before the above designated date.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources, and will review the withdrawal rejustification to ensure that continuation or modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued or modified, and if so, for how long. The final determination will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed action should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-15888 Filed 6-13-83; 8:45 am]
BILLING CODE 4310-84-M

National Park Service

Capitol Reef National Park

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability for the Record of Decision on the Final Environmental Impact Statement and Statement of Findings for the General Management Plan, Capitol Reef National Park.

SUMMARY: Pursuant to regulations promulgated by the Council on Environmental Quality, 40 CFR 1505.2 (1982) and the implementing procedures of the National Park Service for the National Environmental Policy Act of 1969, 40 CFR Part 1501 *et seq.* (1982), the Department of the Interior has prepared a Record of Decision on the Final Environmental Statement for the General Management Plan for Capitol Reef National Park, Utah.

The Record of Decision is a concise statement of what decisions were made, what alternatives were considered and that acceptable mitigating measures were developed in order to avoid or minimize environmental impacts.

ADDRESSES: The Record of Decision may be obtained from the Superintendent, Capitol Reef National Park, Torrey, Utah 84775 or Regional Director, Rocky Mountain Region, National Park Service, 655 Parfet St., Post Office Box 25287, Denver, Colorado 80225. Copies of the document are available for review at the locations noted above.

Dated: June 3, 1983.

Lorraine Mintzmyer,

Regional Director, Rocky Mountain Region.

[FR Doc. 83-15829 Filed 6-13-83; 8:45 am]
BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 3, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the

significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by June 29, 1983.

Carol D. Shull,
Chief of Registration, National Register.

ALABAMA

Jefferson County

Birmingham, *Woodward Building*, 1927 1st Ave. N.
Leeds, *Southern Railroad Depot*, 933 Thornton Ave., N.E.

ARKANSAS

Union County

El Dorado, *Municipal Building*, 204 N. West Ave.
El Dorado, *Union County Courthouse*, Union Sq.

CALIFORNIA

Los Angeles County

Pasadena, *Bowen Court (Bungalow Courts of Pasadena TR)*, 539 E. Villa St.
Pasadena, *Colonial Court (Bungalow Courts of Pasadena TR)*, 291—301 N. Garfield Ave.
Pasadena, *Cottage Court (Bungalow Courts of Pasadena TR)*, 642—654 S. Margengo Ave.
Pasadena, *Court (Bungalow Courts of Pasadena TR)*, 744—756 1/2 S. Marengo Ave.
Pasadena, *Court (Bungalow Courts of Pasadena TR)*, 497—503 1/2 N. Madison Ave.
Pasadena, *Court (Bungalow Courts of Pasadena TR)*, 732—744 Santa Barbara St.
Pasadena, *Cypress Court (Bungalow Courts of Pasadena TR)*, 623—641 N. Madison Ave.
Pasadena, *Don Carlos Court (Bungalow Courts of Pasadena TR)*, 374—386 S. Marengo Ave.
Pasadena, *Euclid Court (Bungalow Courts of Pasadena TR)*, 545 S. Euclid Ave.
Pasadena, *Haskett Court (Bungalow Courts of Pasadena TR)*, 824—834 E. California Blvd.
Pasadena, *Los Casitas Court (Bungalow Courts of Pasadena TR)*, 656 N. Summit Ave.
Pasadena, *Marengo Gardens (Bungalow Courts of Pasadena TR)*, 982, 986, 990 S. Margengo Ave. and 221—2341 Ohio St.
Pasadena, *Mission Court (Bungalow Courts of Pasadena TR)*, 567 N. Oakland Ave.
Pasadena, *Orange Grove Court (Bungalow Courts of Pasadena TR)*, 745 E. Orange Grove Blvd.
Pasadena, *Palmetto Court (Bungalow Courts of Pasadena TR)*, 100 Palmetto Dr.
Pasadena, *Rose Court (Bungalow Courts of Pasadena TR)*, 449—457 S. Hudson Ave.
Pasadena, *Sara-Thel Court (Bungalow Courts of Pasadena TR)*, 618—630 S. Marengo Ave.

Modoc County

Alturas, *Sacred Heart Catholic Church*, 507 E. 4th St.

Tuolumne County

Sonora, *City Hotel*, 145 S. Washington St.

CONNECTICUT

Fairfield County

Shelton, *Commodore Hull School*, 130 Oak Ave.

Hartford County

Hartford, *Sts. Cyril and Methodius Church*, 63 Governor St.
Simsbury, *Heublein Tower*, Talcott Mountain State Park

Litchfield County

Litchfield vicinity, *Bull, Capt. William, Tavern*, CT 202

Middlesex County

Middletown, *Main Street Historic District*, Roughly Main St. between College and Hartford Ave.

New Haven County

New Haven, *Quinnipiac Brewery*, 19—23 River St.
Waterbury, *Elton Hotel*, 16—30 W. Main St.
Waterbury, *Palace Theater*, 86—110 E. Main St.

New London County

Salem, *Tiffany, Simon, House*, Darling Rd.

GEORGIA

Fulton County

Atlanta, *Atlanta City Hall*, 68 Mitchell St. S.W.

ILLINOIS

Lake County

Highland Park, *North Shore Sanitary District Tower (Highland Park M R A)*, Cary Ave.

INDIANA

Cass County

Logansport, *Ferguson, House*, 803 E. Broadway

Dubois County

Ferdinand, *Convent Immaculate Conception Historic District*, 802 E. 10th St.

Hendricks County

Danville, *Hendricks County Jail and Sheriff's Residence*, 170 S. Washington St.

Marion County

Indianapolis, *Jordan, Arthur, Memorial Hall*, 4600 Sunset Ave.

Marshall County

Plymouth, *Marshall County Court House*, 117 W. Jefferson St.

Putnam County

Greencastle, *Nelson, F. P., House*, 701 E. Seminary

Tippecanoe County

Lafayette, *Marian Apartments*, 615 North St.

IOWA

Scott County

Davenport, *Hose Station No. 7 (Davenport M R A)*, 1354 W. 4th St.

KENTUCKY

Fleming County

Flemingsburg vicinity, *Mogowan, Abraham, House*, Maddox Pike

Mason County

Maysville, *Maysville-Aberdeen Bridge*, Spans Ohio River between Maysville, KY, and Aberdeen, OH

Woodford County

Midway vicinity, *Shipp House*, Aiken Rd.

LOUISIANA

Claiborne Parish

Homer, *Capers-McKenzie House*, N. 5th St.

East Baton Rouge Parish

Baton Rouge, *Barthel Pigeonnier (Magnolia Mound Plantation)*, 2161 Nicholson Dr.

NEBRASKA

Dawes County

Chadron, *Crites Hall (Chadron State College Historic Buildings TR)*, 10 and Main Sts.
Chadron, *Library (Chadron State College Historic Buildings TR)*, 10 and Main Sts.
Chadron, *Miller Hall (Chadron State College Historic Buildings TR)*, 10 and Main Sts.
Chadron, *Sparks Hall (Chadron State College Historic Buildings TR)*, 10 and Main Sts.
Chadron, *Work, Edna, Hall (Chadron State College Historic Buildings TR)*, 10 and Main Sts.

NEW JERSEY

Hunterdon County

Lambertville, *Lambertville Historic District*, NJ 29 and NJ 179

Ocean County

Beach Haven, *Beach Haven Historic District (Beach Haven MRA)*, Roughly bounded by Bay and Atlantic Aves., Pearl and 3rd Sts.
Beach Haven, *Converse Cottage (Beach Haven MRA)*, 504 Atlantic Ave.
Beach Haven, *Williams, Dr. Edward H., House (Beach Haven MRA)*, 506 S. Atlantic Ave.

NEW MEXICO

Santa Fe County

Santa Fe, *Laboratory of Anthropology*, 708 Camino Lejo

NEW YORK

Albany County

Albany, *Quackenbush Pumping Station, Albany Water Works*, Quackenbush Sq.

Chenango County

Afton, *Main Street Historic District*, 169–191 and 158–180 Main St.

Erie County

Buffalo, *Fosdick-Masten Park High School*, Masten Ave. and E. North St.

Kings County

Brooklyn, *Albemarle-Kenmore Terraces Historic District*, Albemarle Terrace, Kenmore Terrace, and E. 21st St.

Monroe County

Rochester, *East High School*, 410 Alexander St.

Mongomery County

Amsterdam, *Vrooman Avenue School, Vrooman Ave.*

Nassau County

Massapequa, *Grace Church Complex (Old)*, Merrick and Dover Rds.
Wantagh, *Wantagh Railroad Complex*, 1700 Wantagh Ave.

New York County

New York, *Houses at 206–218 East 78th Street*, 206–218 E. 78th St.
New York, *MacDougal-Sullivan Gardens Historic District*, 74–96 MacDougal St.; 170–188 Sullivan St.
New York, *Racquet and Tennis Club Building*, 370 Park Ave.
New York, *Rogers, John S., House*, 53 E. 79th St.

Schenectady County

Schenectady, *Franklin School*, Ave B and Mason St.

Ulster County

Wallkill vicinity, *Crowell, J. B., and Son Brick Mould Mill Complex*, Lippencott Rd.

NORTH CAROLINA

Wake County

Raleigh, *Lane-Bennett House*, 7408 Ebenezer Church Rd.

OHIO

Brown County

Aberdeen, *Maysville-Aberdeen Bridge*, Spans Ohio River between Maysville, KY, and Aberdeen, OH

Butler County

Hamilton, *Dayton-Campbell Historic District*, Roughly bounded by Buckeye, High, 6th, and 11 Sts.

Hamilton County

Cincinnati, *Main and Third Street Cluster*, 300–302, 304–306 Main St., and 208–210 E. 3rd St.

OKLAHOMA

Payne County

Stillwater, *Hoke Building (Commercial Buildings in Stillwater TR)*, 121 W. 7th Ave.
Stillwater, *Selph Building (Commercial Buildings in Stillwater TR)*, 119 W. 7th Ave.
Stillwater, *Walker Building (Commercial Buildings in Stillwater TR)*, 117 W. 7th Ave.

PENNSYLVANIA

Bucks County

Solebury, *Phillips Mill Historic District*, River Rd. between Limeport and Chapel Rd.

Chester County

New London vicinity, **Thompson Farm**, 632 Chambers Rock Rd.

Strafford, *Cramond*, 95 Crestline Rd.

Erie County

Erie, *Watson-Curtze Mansion*, 356 W. 6th St.

Lancaster County

Lancaster, *New Era Building*, 39—41 N. Queen St.
Lancaster, *Stevens High School*, W. Chestnut and Charlotte Sts.

Montgomery County

Glenside, *Keswick Theatre*, 291 Keswick Ave.

Philadelphia County

Philadelphia, *Frank, Henry S., Memorial Synagogue*, York and Tabor Rds.

Pike County

Milford, *Forester's Hall*, Broad and Hartford Sts.

Westmoreland County

Irwin vicinity, *Fullerton Inn*, 11029 Old Trail Rd.
Laughlintown, *Compass Inn*, U.S. 30
Youngstown vicinity, *Kingston House*, U.S. 30

PUERTO RICO

San Juan County

Rio Piedras, *University of Puerto Rico Tower and Quadrangle*, Ponce de Leon Ave.

TENNESSEE

Bradley County

Cleveland, *U.S. Post Office*, 155 Broad St. N.W.

Henderson County

Lexington, *Edwards, Thompsie, House*, 113 Main St.

Knox County

Knoxville, *Park City Junior High School*, 523 Bertrand St.

Marion County

South Pittsburg vicinity, *Primitive Baptist Church of Sweeten's Cove*, Sweden Cove Rd.

Maury County

Cross Bridges vicinity, *Vine Hill*, Sawdust Rd.

Shelby County

Memphis, *Scimitar Building*, 179 Madison Ave.
Memphis, *Stratton, Leslie M., YMCA*, 245 Madison Ave.

TEXAS

Collin County

Farmersville, *Aston Building*, 113 S. Main St.

Harris County

Houston, *Main Street/Market Square Historic District*, Roughly bounded by Buffalo Bayou, Fannin, Texas, and Milam Sts.

Tom Green County

San Angelo, *Rockley, J.J., Building*, 118 S. Chadbourne

WISCONSIN

Iowa County

Highland vicinity, *Gottschall Site (47Ia80)*

La Crosse County

La Crosse, *Chase, Dr. H. H., and Henry G. Wohlhuter Bungalows*, 221 and 223 S. 11th St.
Onalaska vicinity, *Sand Lake Site (47Lc44)*

Ozaukee County

Grafton, *Cedarburg Woolen Co. Worsted Mill (Mills of Grafton TR)*, 1350 14th Ave.
Grafton, *Grafton Flour Mill (Mills of Grafton TR)*, 1300 14th Ave.

Washington County

West Bend vicinity, *St. Peter's Church*, 1010 Newark Dr.

[FR Doc. 83-15883 Filed 6-13-83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

President's Task Force on International Private Enterprise Agency for International Development; Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting sponsored by the President's Task Force on International Private Enterprise which will be held June 27 and 28 at the Agency for International Development, U.S. Department of State.

This will be the second meeting of the Task Force.

The meeting will be open to the public. Any interested person may attend, request to appear before, or file statements with the Task Force in accordance with procedure established by the Task Force. Written statements should be filed prior to the meeting and should be available in twenty-five copies.

There will be an AID representative at the meeting. It is suggested that those desiring further information contact Birge Watkins, Executive Director on (202) 632–8244 or by mail c/o The President's Task Force on International Private Enterprise, Agency for International Development Room 3328, Washington, D.C. 20523.

Dated: June 2, 1983.

Elise du Pont,

Assistant Administrator, Bureau for Private Enterprise.

[FR Doc. 83-15881 Filed 6-13-83; 8:45 am]

BILLING CODE 8116-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83–13573 beginning on page 22813 in the issue of Friday, May 20, 1983, make the following corrections:

On page 22814, center column, MC 160200 (Sub-7), Hoffman Transfer, Inc., line 12, "IA" should have read "LA". Also, in line 14, "NM" should have read "MN".

BILLING CODE 1505-01-M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approved exemptions.

SUMMARY: The motor carriers shown below have granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: These exemptions will be effective on July 14, 1983. Petitions for reconsideration must be filed by July 5, 1983. Petitions for stay must be filed by June 24, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For futher information, see the decision(s) served concurrently in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; (800) 424–5403 Toll-free outside the DC area.

Agatha L. Mergenovich,

Secretary.

[No. MC–15177]

Presto Transportation, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-in-Bankruptcy)

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and

(2) Petitioner's Representative: David E. Sishney, P.O. Box 837, Boise, ID 83701.

Pleadings should refer to No. MC–F–15177.

Decided: June 6, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(e), the purchase by Presto Transportation, Inc. of the authorities issued to Shoemaker Transportation Company in No. MC–138875 Sub-Nos. 266F, and 305 and paragraph 59 of Sub-No. 312X, which involves the transportation of such commodities as are dealt in by drug and discount stores between counties in 7 States and points in the United States, as well as authority to transport plastic and plastic articles, food, and such commodities as are dealt in by retail, gift and curio stores and catalog distribution centers on an equally limited radial basis.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC–F–15207]

Motrux Transportation, Ltd.—Purchase Exemption—Melgaard Freight Systems, Ltd.

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washtington, DC 20423; and

(2) Petitioner's representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104.

Pleadings should refer to No. MC–F–15207.

Decided: June 6, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(1), and (3), the purchase by E. M. Brooks Transport Ltd., a wholly owned subsidiary of Motrux Transportation, Ltd. (MC–154912), of certain property and all of the interstate operating authority of Melgaard Freight Systems, Ltd. (MC–154304), which allows transportation of machinery, construction materials and supplies, metal and metal products, between points on the Washington, Idaho, and Montana, on the one hand, and on the other, points in Washtington, Oregon, Idaho, California, Nevada, Arizona, Colorado, Wyoming, Montana, Texas, Oklahoma, New Mexico, Utah, Kansas, Nebraska, North Dakota, and South Dakota, and the subsequent merger of Brooks with Motrux after the purchase has been consummated.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[FR Doc. 83–15646 Filed 6–13–83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC–C–10854]

Motor Carriers; Laidlaw Transport Limited—Canadian Gateways—Petition for Declaratory Order

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of petition for a declaratory order and alternative request for institution of rulemaking proceeding.

SUMMARY: Petitioner seeks a declaratory order determining (1) whether it may lawfully join two separate United States certificated operating authorities, each restricted against tacking and each authorizing operations between a point on the United States-Canada International Boundary line and a point in the United States, by using Canadian Provincial operating authority as a bridge between them in order to perform through United States domestic transportation from a service point in one U.S. authority to a service point in the other; and, (2) if the operations described in (1) are lawful, whether it can perform a direct service over any available U.S. route between a U.S. service point origin in one U.S. authority and a U.S. service point destination in the other U.S. authority, thereby eliminating the U.S.-Canada gateways, under the Commission's gateway elimination regulations at 49 CFR 1042. If the Commission finds such direct operations not permissible under the gateway elimination regulations, petitioner requests initiation of a rulemaking proceeding to modify the regulations to authorize such operations.

DATES: Written comments are due 30 days from the date of publication of this notice in Federal Register.

ADDRESSES: Send an original and eight copies of comments to: MC–C–10854, Room 2203, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

Send one copy of comments to petitioner's representative: Harold G. Hernly, Jr., P.O. Box 19143, Alexandria, VA 22320.

FOR FURTHER INFORMATION CONTACT: Joseph B. O'Malley, Jr., (202) 275–7928; or

Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: The first issue presented here is whether Canadian operating authority can serve

as a bridge between two United States certificated authorities restricted against tacking in order to allow a through service not otherwise permitted between various points in the United States. That is, may a carrier originate a shipment at one point in the United States under a U.S. operating certificate for transportation to the United States-Canada International Boundary line, join with Canadian authority at that point for movement through Canada to another point [1] on the International Boundary line, and join again with a second U.S. authority for delivery to a point in the United States?

In support of its argument that such operations are lawful, petitioner points out that, notwithstanding the restrictions against joinder, the certificates in question do authorize transportation in foreign commerce, which transportation must necessarily involve joinder of United States and Canadian authorities at a common service point on the International Boundary line. Petitioner acknowledges the Commission's long-standing prohibition against joining two restricted authorities with an unrestricted authority as a bridge in order to negate the effect of the restrictions, but it argues that inasmuch as the Canadian authority is beyond the jurisdiction of the Commission, there is no "recognizable" bridging of the restricted authorities. It contends that the Commission can be concerned only with the two United States authorities. It concludes that there is no restriction against tacking under the circumstances presented and that actual operation by Laidlaw through Canada is a lawful service.

The second issue is, assuming the ability to provide the indirect service described above, whether petitioner can avail itself of the Commission's gateway elimination rules at 49 CFR 1042 to provide a direct service between United States points without the necessity of operating through or to Canada at all. Petitioner points out that three factors must be present for gateway elimination under the language of 49 CFR 1042.12: (1) separate grants of authority, (2) one or more grants of irregular-route authority, and (3) a common service point at which the authorities can lawfully be tacked to perform through service. Petitioner contends that all three factors are in fact present under the circumstances it describes.

The petition seeks a declaratory order as to whether the described indirect operations through Canada are lawful, and, if so, whether, direct service between United States points is permissible under the Commission's gateway elimination rules. Petitioner argues that both types of operations are permissible under existing statutes and regulations, but if the Commission should determine otherwise, it requests modification of Commission regulations through rulemaking specifically to permit such operations.

No oral hearing is contemplated. Any person, including petitioner, desiring to participate in this proceeding shall file with the Commission an original and eight copies of written representations, views, or arguments. A copy of each representation also must be served on petitioner's representative.

Written material submitted will be available for public inspection at the Office of the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C. during regular business hours.

Notice to the general public of this matter will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15966 Filed 6-13-83; 8:45 am]

BILLING CODE 7035-01-M

[1] Petitioner indicates that actual movement in Canada may be more theoretical than actual, inasmuch as only one point on the Boundary line may be involved.

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after Novermbet 19, 1982, are governed by Subpart D or 49 CFR Part 1160, published in the Federal Register on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consisitent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days

from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.— All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where services is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly.

Please direct status inquiries about the following to Team Two at (202) 275–7293.

Volume No. OP2–260

Decided: June 3, 1983.

By the Commission, Review Board Member Joyce, Williams, and Dowell.

MC 107002 (Sub-595), filed April 25, 1983. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Harold D. Miller, Jr., 17th Fl., Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, 601–948–5711. Transporting (1) *Petroleum, natural gas and their products,* (2) *pulp and paper mill products,* (3) *chemicals and related products,* (4) *cement and related products,* (5) *naval stores and related products,* and (6) *Vegetable oil and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with persons who are engaged in business as manufacturers, processors, distributors, or dealers of petroleum, natural gas, pulp and paper mill products, chemicals, cement, naval stores and vegetable oils.

MC 143553 (Sub-20), filed May 20, 1983. Applicant: CONTINENTAL TRANSPORT SYSTEMS, INC., 35 Main St., Versailles, CT 06383.Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 155022 (Sub-7), filed May 25, 1983. Applicant: PROCHNOW FARMS, INC., Rt. 5, Medford, WI 54451. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transportng (1) *such commodities* as are dealt in by manufacturers and distributors of animal feeds and farm supplies, (2) *such commodities* as are dealt in or used in the manufacture, sale and distribution of building products, and (3) *lumber and wood products,* between points in the U.S (except AK and HI). Conditon: Upon issuanace of the authority above, applicant's Permits in MC 155022 and Sub-Nos. 1 and 4, issued May 19, 1982, November 23, 1982, and January 7, 1983, respectively, will be canceled.

Note.—Applicant seeks to convert its contract carrier authority to common carrier authority.

MC 167972, filed May 18, 1983. Applicant: WALKER TRUCKING, INC., 10201 West Beaver St., Lot 89, Jacksonville, FL 32220. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jachsonville, FL 32202, (904) 602–2300. Transporting *general commodities* (except classes A and B expolosives and household goods), between points in FL, on the one hand, and, on the other, points in FL, GA, SC, NC, VA, AL, MS, LA, TN, KY, OH, and MI.

Please direct status inquiries about the following to Team 4 at (202) 275–7669.

Volume No. OP4–348

Decided: June 7, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

MC 164886, filed May 9, 1983. Applicant: STEVEN E. BECHTOLD, d.b.a. BECHTOLD TRUCKING, 10 Charleroi, Lake St. Louis, MO 63367. Representative: John M. Hessel, 611 Olive St., Suite 1400, St. Louis, MO 63101, (314) 231–5833. Transporting *food and related products,* (a) between points in Lion County, MN, and Salina County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (b) between St. Louis, MO, and points in St. Charles County, MO, on the one hand, and, on the other, points in KS, MO, IA, CO. IL, NE, and MN, and (2) *lubricating oils,* between St. Louis, MO, and points in St. Charles County, MO., on the one hand, and, on the other, points in KS, MO, IA, CO, IL, NE, and MN.

Please direct status inquiries about the following to Team 5 at (202) 275–7289.

Volume No. OP5–270

Decided: June 3, 1983.

By the Commission, Review Board Members Parker, Joyce, and Dowell.

FF–699, filed May 25, 1983. Applicant: SINCLAIR INTERNATIONAL REMOVALS, INC., 2427 Windward Way, Naples, FL 33940. Representative: Norman S. Sinclair (same address as applicant), 813–261–7215. As a *freight forwarder* in connection with the transportation of *used household goods, unaccompanied baggage* and *used automobiles,* between points in the U.S.

MC 41098 (Sub-111), filed May 25, 1983. Applicant: GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006, (202) 833–8884.. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with ITOFCA, Inc., and ITOFCA Consolidators, Inc., of Downers Grove, IL and their subsidiaries.

MC 76429, (Sub-10), filed May 23, 1983. Applicant: STEWART TRUCK LINE, INC., P.O. Box 109, Dry Ridge, KY 41035. Representative: William L. Willis, Suite 702, McClure Bldg., Frankfort, KY 40601, 502–227–7384. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Grant County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant intends to tack with its existing regular-route authority.

MC 79858 (Sub-79), filed May 23, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same address as applicant), (812) 424–2222, Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with Rockwood Insurance Company, of Rockwood, PA.

MC 140429 (Sub-3), filed May 23, 1983. Applicant: WILLIAM F. HOOPS, INC., 440 N. Keyser Ave., Deshler, OH 43516. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Cresset Chemical Co., of Weston, OH, and (2)

Metal Forge Company, of Columbus, OH.

MC 146388 (Sub-1), filed May 23, 1983. Applicant: GRANTSKI GRAIN CORPORATION, P.O. Box 158, Beaver Crossing, NE 68313. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, 402–488–4841. Transporting *food and related products*, between points in AR, MO, TX, IA, and NE, on the one hand, and, on the other, points in ID and UT.

MC 150388 (Sub-4), filed May 23, 1983. Applicant: BOSS TRANSPORTATION CO., INC., P.O. Box 280, Airport Industrial Parkway, Diaz, AR 72043. Representative: Don Garrison P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Wal-Mart Stores, Inc., of Bentonville, AR; Distribution Service of U.S., Inc., of Diaz, AR, and, United Freight, Inc., of Morrow, GA.

MC 153198 (Sub-3), filed May 23 1983. Applicant: VELVET TRANSPORTATION, INC., 7170 E. Main St., Suite 216, Reynoldsburg, OH 43068. Representative: Harold L. Miller (same address as applicant), (614) 863–0022. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

Volume No. OP5–273

Decided: June 2, 1983.

By the Commission, Review Board Members Dowell, Carleton, and Parker.

MC 41098 (Sub-108), filed May 11, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006 (202) 833–8884. Transporting *household goods* between points in the U.S., under continuing contract(s) with National Steel Corporation, of Pittsburgh, PA, and its subsidiaries.

MC 41098 (Sub-110), filed May 20, 1983. Applicant: GOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006 (202) 833–8884. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Geo. A. Hormel & Company, of Austin, MN and its subsidiaries.

MC 41098 (Sub-112), filed May 25, 1983. Applicant: GOBAL VAN LINES, INC., # One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, 202–833–8884. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S. under continuing contract(s) with Minnesota Mining and Manufacturing Co. of St. Paul, MN and its subsidiaries.

MC 138068 (Sub-10), filed January 28, 1983. Published initially in the **Federal Register** on March 1, 1983. (Republication). Applicant: WAREHOUSE TRANSPORTATION COMPANY, INC., P.O. Box 64, 1052 S. Main St., Urbana, OH 43078. Representative: Robert E. Tucker, P.O. Box 14072, Cincinnati, OH 45214, 513–621–1200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Bristol-Myers Company of New York, NY, and its subsidiaries Bristol Laboratories, Syracuse, NY; Bristol-Myers Production Division, Hillside, NJ; Clairol, Inc., Stamford, CT; The Drackett Company, Cincinnati, OH; Mead Johnson and Company, Evansville, IN; Pelton and Crane, Charlotte, NC; Unitek, Inc., Monrovia, CA; Westwood Pharmaceuticals, Buffalo, NY, and Zimmer, Inc., Warsaw, IN.

Note.—This application is modified to show the specified subsidiaries.

MC 142958 (Sub-5), filed May 10, 1983. Applicant: EMERGENCY MEDICAL DELIVERIES, INCORPORATED 230 Arco Dr., Toledo, OH 43607. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603, (419) 255–8220. Transporting (1) *medicinal intravenous solutions, dialysis patient treatment kits, mineral water, and liquid formaldehyde*, and (2) *materials and supplies* used in the administration of the commodities in (1) above, (a) between Chicago, IL, on the one hand, and, on the other, points in IN, KY, MI, and OH, (b) between points in Hamilton County, OH, on the one hand, and, on the other, points in IN, KY, and MI, and (c) between points in Cuyahoga County, OH, on the one hand, and, on the other, points in NY.

MC 143308 (Sub-5), filed May 24, 1983. Applicant: GENERAL TRUCKING SERVICE, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, 216–566–5639. Transporting *automobile parts*, between points in the U.S., under continuing contract(s) with Acme Consolidated, Inc., of Chicago, IL.

MC 143708 (Sub-10), filed May 23, 1983. Applicant: DUNES TRANSPORT, INC., 3965 North Meridian Street, Indianapolis, IN 46208. Representative: Owen B. Katzman, 1828 L Street NW., Suite 1111, Washington, DC 20036, (202) 822–8200. Transporting *flour*, between points in IN, MI, and OH, under continuing contract(s) with ADM Milling Co., of Shawnee Mission, KS

MC 148099 (Sub-7), filed May 13, 1983. Applicant: WILMINGTON CORP., 24 Industrial Way, Wilmington, MA 01887. Representative: Stanley A. Twarog, One Center Plaza, Boston, MA 02108, 617–742–5800. Transporting *general commodities* (except class A and B explosives, household goods, and commodities in bulk), between St. Louis, MO, on the one hand, and, on the other, points in Middlesex, Norfolk, and Suffork Counties, MA and Los Angeles County, LA.

MC 153338 (Sub-2), filed May 23, 1983. Applicant: JOBBERS WAREHOUSE CO., INC. d.b.a. JOBBERS MOVING AND STORAGE, 2500 Railroad Ave., Bismarck, ND 58501. Representative: Charles L. Peterson, (same address as applicant), 701–222–1111. Transporting *general commodities* (except classes A and B explosives and household goods), between points in ND.

MC 164619 (Sub-1), filed May 20, 1983. Applicant: METROLINA EXPRESS, INC. P.O. Box 39, U.S. Hwy 276 South, Mauldin, SC 29662. Representative: Bill M. Smith (same address as applicant), (803) 963–5711. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with International Freight Brokers, Inc., of Charlotte, NC.

MC 166209 (Sub-23), filed May 23, 1983. Applicant: BURCHFIELD TRUCKING INC., 20118 S.E. 138th St., Renton, WA 98055. Representative: George LaBissoniere, 15 So. Grady Way, Suite 239, Renton, WA 98055, (206) 226–3807. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY, and TX.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–15962 Filed 6–13–83; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. 388 (Sub-28)]

State Intrastate Rail Rate Authority—Pub. L. 96-448—Pennsylvania

AGENCY: Interstate Commerce Commission.

ACTION: Assumption of commission Jurisdiction over Pennsylvania Intrastate Rail Transportation.

SUMMARY: Pursuant to a request from the Pennsylvania Public Utilities Commission (PUC) the Commission will assert jurisdiction over intrastate freight rates in Pennsylvania and decertify the PUC.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: In Ex Parte No. 388, *State Intrastate Rail Rate Authority—Pub. L 96-448*, 47 FR 5786, served February 8, 1982, the Commission extended provisional certification pursuant to 49 U.S.C. 11501 to 36 States, including Pennsylvania, in order to allow each State additional time to submit standards and procedures which confirm the State's intention to exercise its jurisdiction in conformance with Federal law.

In a letter dated March 10, 1983, the PUC states that it will not seek final certification to regulate intrastate freight rates. PUC specifically requests that this Commission exercise jurisdiction over Pennsylvania's intrastate railroad freight rates. Consequently, the Commission shall assume jurisdiction over intrastate rail transportation in Pennsylvania immediately. Rail carriers in Pennsylvania shall comply with Commission regulations including the filing of intrastate tariffs with the Commission.

With this notice, we are assuming jurisdiction over Pennsylvania intrastate rates. At the same time, the PUC's provisional certification to regulate Pennsylvania intrastate rates is terminated. Accordingly, parties that wish to continue litigating cases that were pending before the PUC shall advise Deputy Director Gitomer, Rail Section, Office of Proceedings. In the case of pending § 229 cases parties shall consult immediately with Chief Administrative Law Judge Allard. In this way, we will develop, with the parties, appropriate steps in each case to transfer the records and establish procedural schedules.

This decision does not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 11501)

Decided: June 3, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15840 Filed 6-13-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period May 30, 1983–June 3, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-14, 175; Teledyne Portland Forge, Portland, IN

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-14, 587; Mine #7 of Amherst Coal Co., Logan County, WV

TA-W-14, 386; Campbell Industries, San Diego, CA

TA-W-13, 940; Stauffer Chemical Co., Gallpolis Ferry, WV

Affirmative Determinations

TA-W-14, 165; Misty Manufacturing Corp., Parkersburg, WV

A certification was issued covering all workers separated on or after April 1, 1982 and before April 1, 1983.

TA-W-13, 902; Lone Star Steel Co., Lone Star, TX

A certification was issued covering all workers separated on or after December 31, 1981.

TA-W-14, 160; Doris Ann Fashions, Inc., Union City, NJ

A certification was issued covering all workers separated on or after September 1, 1982 and before February 1, 1983.

TA-W-13, 918; Meyer-World Div., Figgie International, Inc., West Boylston, MA

A certification was issued covering all workers of the firm separated on or after October 22, 1981.

I hereby certify that the aforementioned determinations were issued during the period May 31, 1983–June 3, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, N.W. Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Marvin M. Forks,

Director, Office of Trade Adjustment Assistance.

Dated: June 7, 1983.

[FR Doc. 83-15840 Filed 6-13-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or theatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 24, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 24, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 6th day of June 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Central Screw-Keene (IAM)	Keene, NH	5/31/83	5/26/83	TA-W-14,695	Threaded male fasteners.
Kalamazoo Stamping & Die Co. (UAW)	Kalamazoo, MI	5/25/83	5/12/83	TA-W-14,696	Metal stamping.
Macalloy Corp. (company)	Charleston, SC	5/24/83	5/13/83	TA-W-14,697	Ferrochrome.
Manhattan Surgical Co. (ACTWU)	Laredo, TX	5/31/83	5/25/83	TA-W-14,698	Cut surgical gowns, mfg. head covers and surgical sponges.
Phoenix Iron Works (Inter'l Molders & Allied Workers Union).	Oakland, CA	5/31/83	5/25/83	TA-W-14,699	Manhole covers.
Pinkerton Foundry, Inc. (Inter'l Molders & Allied Workers Union).	Lodi, CA	5/31/83	5/25/83	TA-W-14,700	Manhole covers.
Roseann Manufacturing Co. (ILGWU)	Elizabeth, NJ	5/25/83	5/18/83	TA-W-14,701	Women's rainwear.
Setralloy, Inc. (USWA)	Steubenville, OH	5/24/83	5/17/83	TA-W-14,702	High carbon ferrochrome alloy.
Shuron-Textron (IUE)	Rochester, NY	5/31/83	5/25/83	TA-W-14,703	Eyeglass frames.
Westinghouse Electric Corp., Relays Instrument Div. (CO.)	Coral Springs, FL	5/23/83	5/10/83	TA-W-14,704	Relays and instruments systems.
Harbison-Walker Refractories, Div. of Dresser Industries, Inc. (USWA).	Portsmouth, OH	5/26/83	5/24/83	TA-W-14,705	Refractories products.
Parker Pen Co. (URW)	Janesville, WI (plants)	5/25/83	5/16/83	TA-W-14,706	Headquarters office and pens, ball point pens, roller ball pens and pencils.
Smith/Jones, Inc., S/J/C Div. (IMAWU)	Golden Valley, MN	5/25/83	5/18/83	TA-W-14,707	Air conditioning and heating units for homes and trucks.
Theber (ACTWU)	Bridgeton, NJ	5/27/83	5/20/83	TA-W-14,708	Boy's pants.
Wean United, Inc. (USWA)	Youngstown, OH	5/26/83	5/6/83	TA-W-14,709	Rolling mill machinery, processing lines for the steel industries.

[FR Doc. 83-15888 Filed 6-13-83; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

Plumbers Local Union No. 14, et al.; Grant of Individual Exemptions

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate), the applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408 (a) of the Act and/or section 4975 (c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Plumbers Local Union No. 14 Pension and Education Funds, Located in Lodi, New Jersey

[Exemption Application No. D-2490 and L-2491, Prohibited Transaction Exemption 83-93]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the loan (the Loan) of money by the Plumbers Local Union No. 14 Pension Fund (the Pension Plan) to the Plumbers Local Union No. 14 Education Fund (the Education Plan, collectively, the Plans), a party in interest with respect to the Pension Plan, provided that the terms and conditions of the Loan are at least as favorable to the Plans as the Plans could obtain in a transaction with unrelated parties.

The applicant has represented that it has comlied with the requirements of notice to interested persons as stated in the notice of pendency. No requests for a public hering were received, however, the Department did receive one comment on the proposed exemption. The commentator questioned the

accuracy in the amount of Pension Plan assets as stated in the notice of proposed exemption as published in the Federal Register (47 FR 56081, December 14, 1982) and the growth in the assets of the Pension Plan from $6,961,000 to $11,480,549 during the years 1980 to 1982. The commentator also stated that the Education Plan will be subject to a prepayment penalty for retiring a pre-existing loan between an unrelated bank and the Education Plan with the proceeds of the Loan. The remainder of the commentator's comments appeared to the Department to be outside the scope of the requested exemption.

The applicant was asked to respond to the comments of the commentator. In response to the relevant comments the applicant stated that the amount of the assets of the Pension Plan as stated in the notice of proposed exemption was correct and growth of the assets of the Pension Plan was evidence of its excellent finaicial condition. Also, the applicant stated, the pre-existing loan between the unrelated bank and the Education Plan contined no prepayment penalty clause.

The Department has considered the comments of the commentator, the response by the applicant together with the record as a whole and had made a final determination that the exemption should be granted as proposed.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 14, 1982 at 47 FR 56081.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523-8973. (This is not a toll-free number.)

Beverly Hills Travel Bureau, Inc., Defined Benefit Pension Plan (the Plan), Located in Beverly Hills, California

[Exemption Application No. D-3642; Prohibited Transaction Exemption 83-94]

Exemption

The restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the purchase of certain real estate by the Plan (including the making of payments under an existing mortgage) from Charles C. Tilbury, Sally C. Tilbury, Dennis E. McNulty, and Teresa L. McNulty, parties in interest with respect to the Plan, provided that the terms of the transaction are at least as favorable to the Plan as those the Plan could obtain in an arm's length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 19, 1983, at 48 FR 16783.

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Cornell-Carr Co., Inc., Profit Sharing Plan (the Plan), Located in Bridgeport, Connecticut

[Exemption Application No. D-3699; Prohibited Transaction Exemption 83-95]

Exemption

The restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan of $60,000 by the Plan to Cornell-Carr Co., Inc. over a ten-year period, provided that the terms of the loan are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party on the date of the consummation of the transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 1, 1983, at 48 FR 14076.

For Further Information Contact: Ms. Linda M. Hamilton of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Town and Country Properties, Inc., Profit Sharing Plan (the Plan), Located in Arlington, Virginia

[Exemption Application No. D-3800; Prohibited Transaction Exemption 83-96]

Exemption

The restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the past exercise on September 11, 1981 of the voting rights of certain common stock (the Stock) owned by the Plan by Emanuel A. Baker, Jr. (Baker), a fiduciary with respect to the Plan, through which exercise Baker was elected to the board of directors of the corporation which issued the Stock.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 1, 1983, at 48 FR 14078.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523-8973. (This is not a toll-free number.)

The C&S Profit Sharing Plan of Citizens and Southern Georgia Corporation and its Affiliates; The Riverside Manufacturing Company Profit Sharing Plan; The Augusta Iron and Steel Works Profit Sharing Plan; and the Bank of Canton Retirement Plan (collectively, the Plans), Located in Atlanta, Georgia

[Exemption Application No. D-3820, D-3821, D-3822 and D-3823, Prohibited Transaction Exemption 83-97]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply, effective November 4, 1982, to the sale of stock by the Plans to the Citizens and Southern Georgia Corporation for cash and/or other consideration, under the terms of certain mergers as described in the notice of proposed exemption, provided the terms of each transaction are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 4, 1983 at 48 FR 5400.

Effective Date: This exemption is effective November 4, 1982.

Written Comments and Hearing Requests: The Department received one letter submitted by the applicants in which the applicants stated that they were unable to comply with the notice to interested persons requirements as set forth in the application.

Pursuant to conversations with the Department, the applicants notified all interested persons that the period to submit comments and hearing requests was to be extended until May 31, 1983. The applicants confirmed to the Department that interested persons were so notified by April 21, 1983.

The Department received no comments or requests for a public hearing from any interested persons.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Carpenters District Council of Kansas City and Vicinity Vacation Plan (the Vacation Plan) and the Carpenters District Council of Kansas City and Vicinity Health and Welfare Plan (the Welfare Plan), Located in Kansas City, Missouri

[Exemption Application Nos. L–3857 and L–3858, Prohibited Transaction Exemption 83–90]

Exemption

The restrictions of section 406(b)(2) of the Act shall not apply to the transfer by the Vacation Plan to the Welfare Plan of approximately $39,870 in residual assets.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 1, 1983 at 48 FR 14079.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Dakota Clinic Money Purchase Plan and Profit Sharing Plan (the Plans), Located in Fargo, North Dakota

[Exemption Application Nos. D–3907 and D–3906; Prohibited Transaction Exemption 83–99]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed loan of funds (the Loan) by each of the Plans to Medical Properties, Inc., a party in interest with respect to the Plans, provided that the terms and conditions of the Loan are not less favorable to the Plans than those obtainable in a similar transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 1, 1983 at 48 FR 14081.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Scheumann Lumber Employees Pension Plan and Trust (the Plan), Located in New York, New York

[Exemption Application No. D–3924; Prohibited Transaction Exemption 83–100]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) A loan (the Loan) by the Plan of $350,000, not to exceed 25 percent of the assets of the Plan, to Four B's Realty Company (the Partnership), provided the terms and conditions of the Loan are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party; and (2) the assignment of rents due under a lease executed between A.B. Scheumann Lumber Corporation and the Partnership in the event of a default on the Loan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 19, 1983 at 48 FR 16786.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

The Hillerich and Bradsby Retirement Plan (the Plan) Located in Louisville, Kentucky

[Exemption Application No. D–3983; Prohibited Transaction Exemption 83–101]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale for $374,000 in cash of certain real property (the Real Property) by Hillerich and Bradsby to the Plan, provided the amount paid for the Real Property is not more than its fair market value at the time the transaction in consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 19, 1983 at 48 FR 16788.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

J. C. Penney Co., Inc. (Penney), Located in New York, New York

[Exemption Application No. D–4057, Prohibited Transaction Exemption 83–102]

Exemption

The restrictions of section 406(a) and (b) of the Act shall not apply to the reinsurance of risks and the receipt of premiums therefrom by J. C. Penney Life Insurance Company from the life insurance contracts sold by the Prudential Insurance Company of America to provide benefits to various employee benefit plans (the Plans) maintained by Penney, provided the conditions set forth in the notice of proposed exemption are satisfied.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 1, 1983 at 48 FR 14084.

Written Comments and Hearing Requests

The Department received four comments on the proposed exemption. One comment was submitted by the applicants in order to correct an error that appeared in the application. The application had stated that the Plans which were the subject of the exemption request included: (1) A group term life insurance plan for Penney employees provided at Penney's expense; (2) contributory and non-contributory term life insurance plans for employees of Penney disabled before April 1, 1982; and (3) contributory and non-contributory term life insurance for certain retired management employees of Penney. In the comment letter, the applicants indicated that one Plan had been omitted, non-contributory term life insurance for employees disabled after April 1, 1982. The applicants represent that this addition in no way affects any other facts or representations contained in the application.

The Department also received two comments requesting information concerning the proposed exemption, and the Department provided the requested information via telephone. The fourth comment received did not address any of the substantive issues contained in the proposed exemption. The Department received no requests for a public hearing.

For Further Information Contact: Gary H. Lefkowitz of the Department, Telephone (202) 523–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404

of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 7th day of June, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-15690 Filed 6-13-83; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3709]

Withdrawal of the Proposed Exemption Involving the Rome Radiology Group, P.A., Money Purchase Pension Plan, Located in Rome, Georgia

In the Federal Register dated April 1, 1983 (48 FR 14076), the Department of Labor (the Department) published a notice of pendency of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1954. The notice of pendency concerned an application filed on behalf of the Rome Radiology Group, P.A.

In a letter of May 10, 1983, the applicant's representative notified the Department that an exemption for the transaction described in the above cited notice was no longer sought.

Accordingly, the representative requested that the application for exemption be withdrawn from consideration by the Department.

Signed at Washington, D.C. this 6th day of June, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-15692 Filed 6-13-83; 8:45 am]

BILLING CODE 4510-29-M

Cox, Cummins & Lamphere, et al.; Proposed Exemptions

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Cox, Cummins & Lamphere Profit Sharing Plan (the Profit Sharing Plan) and Cox, Cummins & Lamphere Pension Plan (the Pension Plan) (collectively, the Plans Located in Martinez, California

[Application Nos. D-3637 and D-3638]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale by the Plans of a 10.4 percent limited partnership interest (the Interest) in a real estate limited partnership known as Country Plaza (the Partnership) to Mr. James E. Cox (Mr. Cox), a party in interest with respect to the Plans, for cash in the amount of $197,665, provided that this amount is not less than the fair market value of the Interest at the time the sale is consummated.

Summary of Facts and Representations

1. On June 30, 1981, the Profit Sharing Plan had six participants and net assets of approximately $3,764,453 and the Pension Plan had six participants and net assets of approximately $520,413. The trustees (the Trustees) of the Plans are Mr. Cox, Bernard F. Cummins and

Paul O. Lamphere, who are also principles of Cox, Cummins & Lamphere, P.C., (the Employer), the sponsor of the Plan. Investment decisions for the Plans are made by the Trustees, except that, effective October 31, 1981, the Profit Sharing Plan was amended to allow participants who are 100% vested to elect to individually direct the investment of their own accounts.

2. The Partnership was formed to own and operate a shopping center (the Property) in Fresno, California. In 1978, the Plans purchased the Interest in the Partnership from unrelated parties for cash in the amount of $197,665. Of this amount, $138,365 was paid by the Profit Sharing Plan and $59,300 was paid by the Pension Plan. At the time of the Plans' purchase of the Interest, the Property had a fair market value of approximately $3,900,000 and liabilities of approximately $2,000,000, causing the equity of all the partners to be approximately $1,900,000. Neither the general partner nor any of the other limited partners were parties in interest with respect to the Plans. By the terms of the limited partnership agreement, each limited partner was guaranteed an annual return of 9% on its investment.

3. In September, 1980, the general partner, Walker, Pinkston & Company (the General Partner), filed a petition for reorganization under 11 U.S.C. 1101. At that time, there were lawsuits pending against the General Partner, resulting in serious risk of foreclosure on the Property. In addition, the Partnership had become delinquent in its guaranteed payments to the limited partners. The amount owed to the Plans, as of July 6, 1982, was approximately $19,500.

4. In May, 1982, Mr. Cox, who is a principal of the Employer and also a trustee of the Plans, purchased the 25.6% interest of the General Partner for cash in the amount of $200,000. This purchase was approved by the bankruptcy court on behalf of the General Partner and by a seven-member committee of major creditors of the General Partner. On June 7, 1982, Mr. Cox also purchased a 25% limited partnership interest in the Partnership from one of the limited partners for $313,500 and a 28.6% limited partnership interest from another limited partner for $360,000. The application states that each of the sellers of these limited partnership interests was fully informed, represented by astute counsel and had independent, qualified real estate representation available to them at the time they entered into the sales of their respective interests. Based on the June 7, 1982 sales, the Interest owned by the Plans would have a value of approximately $130,679.

5. If an exemption is granted, Mr. Cox proposes to purchase the 10.4% Interest owned by the Plans for $197,665. This amount is equal to the original price paid by the Plans in 1978. In addition, Mr. Cox will pay the amount of the delinquent guaranteed annual return owed to both Plans, totalling approximately $19,500.00. The total amount will be paid in cash to the Plans. Proceeds from the proposed sale will be allocated to each of the Plans in proportion to each Plan's investment in the Interest.

6. The Trustees state that if the application is denied, the Plans will be forced to continue to hold an illiquid minority interest in the Partnership. In addition, the Plans are not receiving the 9% per annum guaranteed return. If the exemption is granted, the Plans will recover 100% of their initial investment, plus a return of 9% per annum for the period in which the Interest was held. The Trustees represent, after consultations with persons involved in real estate investments, that it is unlikely that another purchaser could be found for the Plans' Interest at as favorable a price as that offered by Mr. Cox. Based on the factors cited above, the Trustees of the Plans and all participants in the Profit Sharing Plan whose accounts are individually directed, have represented in writing their belief that the proposed sale is in the best interest of the Plans and their participants and beneficiaries.

7. In summary, the applicants represent that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because:

(a) This is a one-time transaction for cash;

(b) The Plans will be able to dispose of the Interest without suffering a loss; and

(c) The Trustees of the Plans and all participants whose accounts in the Profit Sharing Plan are individually directed have stated in writing their belief that the proposed sale is in the best interests and protective of the Plans' participants and beneficiaries.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523-8972. (This is not a toll-free number.)

Capital Guardian Trust Company (the Bank) Located in Los Angeles, California

[Application No. D-3697]

Section I. Covered Transactions. The restrictions of section 406(a), 406(b)(1) and (2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (E) thereof shall not apply to the transactions described below if the applicable conditions set forth in Section II are met:

A. The acquisition or disposition, with employee benefit plan (Plan) assets, of shares in an American Funds Group investment company (Investment Company(ies), discussed in detail below), at the direction of the Bank;

B. The transfer of Plan assets to or from an Investment Company, at the direction of the Bank;

C. The Bank's recommendation that Plan assets be allocated to an Investment Company and any investment of Plan assets in an Investment Company that results from such recommendation;

D. The receipt by the Bank and its affiliates of certain fees and compensation related to the provision of asset allocation services (hereinafter referred to as Discretionary Asset Management Services) described in this Section I.

Section II. Conditions. The exemption provided for transactions described in Section I is available only if each of the following conditions is met:

A. The Discretionary Asset Management Services are authorized pursuant to a written agreement between the Plan (or an independent fiduciary on behalf of the Plan) and the Bank, which agreement has been signed by an independent fiduciary on behalf of the Plan.

B. The combined total of all fees and other consideration received by the Bank or its affiliates relating to the provision of Discretionary Asset Management Services is not in excess of reasonable compensation pursuant to section 408(b)(2) and 408(c)(2) of the Act and section 4975(d)(2) and 4975(d)(10) of the Code.

C. Neither the Bank nor any affiliate thereof is an employer of any employee covered by the Plan.

D. In the case of any transaction described in paragraphs A through C of Section I that constitutes, or results in, the investment of Plan assets in any Investment Company any of the assets of which are, or may be, assets other than "publicly traded securities," such transaction is specifically authorized by an independent fiduciary of the Plan whose assets are involved in such transaction. For the purposes of this paragraph D and paragraph M of this section, "publicly traded securities" are securities that are not "restricted securities" within the meaning of Rule 144 of the Securities Act of 1933.

E. The authorization referred to in paragraph A of this Section II continues in effect for more than one year only if such continuance is authorized in writing at least annually by an independent fiduciary of the Plan for which Discretionary Asset Management Services are performed.

F. No such authorization is made or renewed unless the Bank shall have furnished the independent Plan fiduciary with any reasonably available information which the Bank reasonably believes to be necessary to determine whether such authorization should be made or renewed, and any other reasonably available information regarding the matter that the independent fiduciary may reasonably request.

G. In the case of an initial authorization, the information required by paragraph F of this Section II shall include, but is not limited to:

(1) A description of the Discretionary Asset Management Services to be rendered by the Bank;

(2) The schedule of the specific fees charged by the Bank or paid by the Bank to its affiliates relating to the performance of Discretionary Asset Management Services including the investment advisory fee paid by the Bank to its affiliates and fees charged in connection with the acquisition or disposition of shares in an Investment Company or the transfer of Plan assets to or from such Investment Company;

(3) A description of the steps a Plan must take in order to terminate the agreement made for it by its independent fiduciary which authorizes the performance of Discretionary Asset Management Services;

(4) A description of the steps a Plan must take to liquidate its investment in any Investment Company that has been made at the direction or recommendation of the Bank; and

(5) A full description of the consequences to the Plan of terminating any agreement under which the Bank performs Discretionary Asset Management Services and a full description of the consequences to the Plan of the liquidation of any investment of the Plan assets in an Investment Company that may be made at the direction or recommendation of the Bank.

H. In the case of any renewal of an authorization, the information required to be disclosed by paragraph F of this Section II shall include, but is not limited to:

(1) A description of any changes in matters specifically required to be disclosed by paragraph G of this Section II (relating to an initial authorization);

(2) A statement of the value, as of a date within 90 days of the date such information is furnished, of the Plan's investment, if any, in each Investment Company to which its assets have been allocated at the direction or recommendation of the Bank regardless of when such allocation was made;

(3) A general statement of the manner in which the Bank determines the value of the Plan's investment in each Investment Company to which its assets have been allocated.

I. No change in the substance of any matter specifically required to be disclosed by paragraph G of this Section II (relating to an initial authorization) is effective as to a Plan until the earlier of:

(1) The date on which an independent Plan fiduciary specifically consents to such change; or

(2) The first date after disclosure of such change pursuant to paragraph H of this Section II on which an independent Plan fiduciary renews the Bank's authorization to perform Discretionary Asset Management Services.

J. The Bank furnishes the authorizing fiduciary with a report containing at least the following information not less frequently than every three months and not later than 45 days following the end of the period to which the report relates:

(1) The total of all charges that are attributable to the Plan relating to the Bank's provision of Discretionary Asset Management Services during the preceding three months;

(2) The amount of such charges, by category, including:

(a) Fees for the provision of Discretionary Asset Management Services,

(b) The investment advisory fee paid by the Bank to each Investment Company in which the Plan's assets are invested during the period to which the report relates,

(c) Any charge relating to the acquisition or disposition of an interest in an Investment Company or the transfer of Plan assets to or from such an Investment Company, and

(3) A description of each acquisition with Plan assets or disposition of the Plan's interest in an Investment Company, including the date of such transaction and the amount involved.

K. That portion of any agreement pursuant to which the Bank performs Discretionary Asset Management Services is terminable by the Plan, without penalty or charge, on not more than 30 days' notice.

L. The Plan is able to liquidate its investment in any Investment Company to which its assets have been allocated at the direction or recommendation of the Bank on not more than 90 days' notice (unless an independent Plan fiduciary has agreed in writing to an extension of such 90 day period).

M. No penalty or other charge is made with respect to the withdrawal of Plan assets from an Investment Company, except the following:

(1) A reasonable charge for accounting and recordkeeping services actually rendered in connection with such liquidation;

(2) A charge not in excess of the amount reasonably necessary to reimburse the Investment Company for direct expenses properly and actually incurred in connection with the liquidation of the Plan's investment in the Investment Company; and

(3) In a case where a Plan has requested withdrawal of its assets from an Investment Company any of the assets of which are invested in property other than "publicly traded securities" (as defined in paragraph D of this Section II), a charge not in excess of the amount reasonably necessary to reimburse to such Investment Company an amount equal to—

(a) The difference, if any, between the "fair market value," determined as of the date of withdrawal, of any assets of the Investment Company that are disposed of in order to liquidate the Plan's investment and the amount actually received on disposition; less,

(b) That portion of such difference that bears the same relationship to the total amount of the difference as the value of the withdrawing Plan's interest in the Investment Company, determined immediately prior to its withdrawal, bears to the aggregate value of all interests in such Investment Company, determined immediately prior to the Plan's withdrawal.

For the purposes of this paragraph M, the "fair market value" of an asset means the fair market value of such asset as reasonably determined in writing by a person who is reasonably qualified to form an opinion regarding the fair market value of the asset and who is agreed to in writing by an independent fiduciary of the withdrawing Plan. Such person may be designated in the instrument authorizing the Bank to perform Discretionary Asset Management Services.

Section III. Definitions. For the purpose of this exemption—

A. An "affiliate" of a person includes—

(1) Any person, directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with the person;

(2) Any officer, director, employee or relative of, or partner in, any such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner or employee.

B. The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

C. The term "Discretionary Asset Management Services" has the meaning given it in Section I.

D. The term "party in interest" includes a "disqualified person" described in section 4975(e)(2) of the Code.

E. The term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(5) of the Code), or a brother, a sister, or a spouse of a brother or sister.

Summary of Facts and Representations

1. The Bank is a wholly-owned subsidiary of the Capital Group, Inc. and offers comprehensive non-discretionary trust services to the Plans. The Bank does not possess or exercise discretionary authority with respect to either Plan administration or management, nor does it provide investment management for a fee.

2. The Bank proposes to offer Discretionary Asset Management Services to the Plans whereby the Bank would allocate Plan assets among eleven registered Investment Companies which are members of the American Funds Group.[1] Each Investment Company in the American Funds Group is an open-end, diversified, management investment company. The securities of each of the Investment Companies are sold with a sales charge or "load," with the exception of The Cash Management Trust of America which is a "no-load" fund sold without commission. The Investment Companies to be offered to the Plans are structurally and functionally similar. They differ only in such characteristics as type of investment advisory contract and investment objective. The investment advisor for each of the Investment Companies is Capital Research and Management Company, a registered investment advisor under the Investment Advisors Act of 1940, which is a wholly-owned subsidiary of the Capital Group, Inc.

3. American Funds Distributors, Inc. (American Funds Distributors) is a wholly-owned subsidiary of Capital Research and Management Company. American Funds Distributors is, with one exception, the principal underwriter of the securities of Investment Companies. American Funds Distributors is registered with the Securities and Exchange Commission as a broker-dealer under the Securities Exchange Act of 1934.

4. American Funds Distributors is involved in the sale of securities issued by Investment Companies to broker-dealers (Broker-Dealers) who are members in good standing of the National Association of Securities Dealers. These broker-dealers are independent of and unrelated to the Bank. Broker-Dealers purchase securities issued by Investment Companies from such Investment Companies (through American Funds Distributors) as principals for their own accounts. The Broker-Dealers then re-sell such securities to, among other persons, Plans subject to the Act and the Code.

5. In connection with the sale of securities issued by the Investment Companies, both American Funds Distributors and the Broker-Dealers receive compensation. If, for example, the Bank acquired securities of the Investment Company of America (ICA) on behalf of a Plan, it would acquire such shares from an independent and unrelated Broker-Dealer at the public offering price. The public offering price per share would be the net asset value per share plus the sales charge specified in ICA's prospectus (offering price = net asset value + sales charge). The sales charge, which varies with the size of the investment, is shared by the Broker-Dealer and American Funds Distributors pursuant to a written agreement. The shareholders of the Investment Companies, other than the no-load Cash Management Trust of America, may purchase shares of any of the other Investment Companies without a sales charge, with the proceeds of the redemption of their shares.

6. In addition to the trust and administrative services currently provided by the Bank, the Bank proposes to offer Discretionary Asset Management Services which will permit the Bank to allocate Plan assets, which it will be holding as trustee, among the Investment Companies; monitor the post-allocation performance of such investments; and change the allocation of such investments.

7. Discretionary Asset Management Services will be the subject of a written agreement between an independent Plan fiduciary and the Bank, which may be terminated by either party on 30 days' notice. The independent Plan fiduciary will receive periodic reports designed to keep such fiduciary current with respect to investment decisions, asset mix and fees and charges paid to and incurred by the Bank. If an independent Plan fiduciary is interested in considering the provision of Discretionary Asset Management Services by the Bank, the independent fiduciary and representatives of the Bank will analyze the current investment of the Plan's assets. Such analysis will be intented to identify the current investment of the plan's assets and to establish a desired ratio of fixed income to equity risk for the Plan, taking into acount Plan liquidity and diversification needs, current and projected benefit payments, the funding status of the Plan, the financial stability of the Plan sponsor, economic conditions and the status of securities and capital markets. Based on this analysis, the independent fiduciary will determine the percentage of the Plan's assets it wants to be subject to the provision of Discretionary Asset Management Services. Once this percentage has been determined, an allocation of such percentage of the Plan's assets to the various Investment Companies will be made. The independent fiduciary will also decide whether certain Investment Companies are inappropriate or undesirable for Plan investment.

8. In connection with the provision of Discretionary Asset Management Services, the Bank will receive from the Plan a fee equal to 1 percent of the first $50,000,000 of assets subject to such services and ¾ of 1 percent of the excess over $50,000,000 with a minimum fee of $50,000. No other fee will be charged by or paid to the Bank by the Plan with regard to Discretionary Asset Management Services. The Bank will pay the sales charges incurred by the Plan in connection with the acquisition of Investment Company shares and will reimburse the Plan for the fee charged by the Investment Company's advisor based upon the advisor's fee for the Investment Company's preceding fiscal quarter. As a result, the applicant states that it will not make any difference to the Plan whether all or any portion of its assets subject to Discretionary asset Management are initially or subsequently invested in shares of Investment Companies with or without a sales charge or whether there are

[1] The investment companies in the American Funds Group are the AMCAP Fund, American Balanced Fund, American Mutual Fund, The Bond Fund of America, The Cash Management Trust of America, Fundamental Investors, The Growth Fund of America, The Income Fund of America, The Investment Company of America, The New Perspective Fund and The Washington Mutual Investors Fund.

differences in the type of investment advisory agreement.

9. Once the independent Plan fiduciary and representatives of the Bank have decided on the initial allocation of the Plan's assets among the various Investment Companies, the Bank will monitor the performance of all Investment Companies. As appropriate, the Bank, in its sole discretion may, from time to time, make changes in the Plan's investment in such Investment Companies. As a result, the Bank may decide to redeem the shares held on behalf of a particular Plan in a particular Investment Company and/or to acquire the shares of another Investment Company (except the Investment Company or Companies designated by the independent Plan fiduciary as not appropriate for the particular Plan). The applicant emphasizes that, as stated previously, decisions to change the investment mix will not result in additional fees to the Plan.

10. The independent Plan fiduciary will be periodically apprised of activities and fees and other charges relating to the provision of Discretionary Asset Management Services. The independent Plan fiduciary will receive three sets of reports. First, each time there is a transaction, including the initial acquisition of shares and subsequent redemptions and exchanges, the independent Plan fiduciary will receive a confirmation statement showing the current transaction along with a summary of the Plan's transactions during the calendar year to date. These transaction-triggered reports will enable the independent Plan fiduciary to know, at any point in time, the precise allocation of the Plan's assets which are subject to Discretionary Asset Management.

11. Second, the independent Plan fiduciary will receive an annual statement which will indicate the aggregate fees paid by the Plan to the Bank in connection with Discretionary Asset Management Services and in connection with other trust and administrative services.The annual statement also will indicate the aggregate fees (for example, sales charge) paid by the Bank in connection with the acquisition and redemption and exchange of Investment Company shares and the aggregate fees paid by each Investment Company to Capital Research and Management Company, an affiliate of the Bank, which serves as the investment advisor. The annual statement, like the transaction confirmations, will enable the independent Plan fiduciary to monitor the allocation of the Plan's assets among Investment Companies and to analyze performance. In addition the annual statement will keep the independent Plan fiduciary informed of the precise amount of fees and charges paid to and by the Bank. The independent Plan fiduciary will always be in a position to determine the costs and benefits associated with Discretionary Asset Management Services.

12. Third, the independent Plan fiduciary will receive current prospectuses annually as well as periodic shareholder reports of the Investment Companies in which their assets have been invested. The applicant represents that such prospectuses and report will enable the independent Plan fiduciary to carefully analyze each Investment Company and its performance.

13. In summary, the applicant represents that the proposed transaction would meet the statutory criteria of 408(a) of the Act due to the following:

(a) An independent Plan fiduciary will decide on the Plan's behalf whether to utilize Discretionary Asset Management Services;

(b) The provision of Discretionary Asset Management Services and all relevant terms and conditions relating thereto, including the compensation of the Bank, will be subject to a written agreement terminable by the Plans on 30 days' notice;

(c) The Bank will pay all sales charges and investment advisory fees relating to the purchase or redemption of shares of Investment Companies; and

(d) The Plans will receive transaction-triggered reports and other periodic reports regarding Discretionary Asset Management Sevices.

For Further Information Contact: Mr. Robert Sandler of the Department of Labor, telephone (202) 523–8195. (This is not a toll-free number.)

The Drs. Alley Overby, Hagedorn P.A. Employees' Profit Sharing Plan (the Profit Sharing Plan) and the Drs. Alley, Overby, Hagedorn P.A. Money Purchase Pension Plan (the Money Purchase Plan; collectively, the Plans) Located in Boca Raton, Florida

[Application Nos. D–3830 and D–3831]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the proposed purchase by the Plans of certain medical facilities (the Property) from Aloha Realty Corporation (Aloha), a corporation which is a party in interest with respect to the Plans, and (2) the proposed leasing of the Property by the Plans to Drs. Alley, Overby, Hagedorn, P.A. (the Employer), the sponsor of the Plans.

Summary of Facts and Representations

1. The plans are a profit sharing pension plan and a money purchase pension plan which as of March 31, 1982 had commingled assets of $2,769,408 and 38 participants. The Employer is engaged in the practice of internal medicine in Boca Raton, Florida. The Property, which is presently leased by Aloha to the Employer, is used by the Employer as its principal place of business. The stockholders, officers, and directors of Aloha are also the stockholders, officers and directors of the Employer.

2. The applicant represents that until recently it was anticipated that each shareholder/physician of the Employer would also be a shareholder in Aloha and would own equivalent shares of each corporation. As the value of the Property increased, the cost of an interest in Aloha increased, and the applicant represents that it has become difficult to recruit new physicians who are willing to commit the capital required to purchase an interest in Aloha.

3. The applicant is requesting an exemption which will permit the Plans to purchase the Property from Aloha and lease (the Lease) it to the Employer. The applicant represents that the proposed transactions will be in the best interests of the Plans because the Plans will obtain a valuable property at a price below its appraised fair market value and will realize a rate of return of 12 % on the Lease. Ross Realty and Appraisal, Inc. (Ross), which is located in Boca Raton, Florida, appraised the fair market value of the Property on April 14, 1982 to be $742,000. The Plans will pay Aloha $667,800 for the Property. The Plans will pay Aloha $504,400 in cash and will assume the existing mortgage (the Mortgage) on the Property of $163,400. The Mortgage is an 8⅞% first mortgage on the Property with a remaining term of approximately 13 years. The sale will not involve any sales commissions. The price of $667,800 is approximately 90% of the appraised value of the Property. The applicant represents that the Plans are paying

only 90% of the appraised value of the Property to account for commissions and other selling expenses that Aloha would have to pay in a similar transaction with an unrelated party. In the proposed transactions, the Profit Sharing Plan will contribute 28.57% of the cash for the purchase and will assume the same such percentage of the Mortgage while the Money Purchase Plan will contribute 71.43% of the cash and will assume that same such percentage of the Mortgage. Each Plan will share in the income from the Property in the same percentage as its contribution to the purchase of the Property. Such percentages represent each Plan's interest in the commingled trust. The Lease will be a triple net lease with a term of 15 years. The initial rental under the Lease will be $8.50 per square foot for a total initial annual rental of $82,510. On September 22, 1982, Ross appraised the Property's fair market rental value to be between $8.00 and $8.50 per square foot. The rental under the Lease will be subject to readjustment every two years based upon an independent appraisal to provide for possible increases in rent commensurate with any increases in the fair market rental value of the Property. In no event will the annual rental be less than $82,510. The Lease will require the Employer to insure the Property with insurance acceptable to the Plans.

4. Gulfstream Bank, N.A. (the Trustee), which is located in Ft. Lauderdale, Florida, acting as an independent fiduciary of the Plans, has reviewed the proposed transactions. The Trustee certifies that the proposed transactions will be in the best interests of the participants and beneficiaries of the Plans. In addition, the Trustee certifies that the terms and conditions of the proposed transactions will be at least as favorable to the Plans as those which the Plans could receive in similar transactions with an unrelated party. The Trustee will also monitor the Lease and will represent the Plans' interest thereunder.

5. In summary, the applicant represents that the proposed transactions will satisfy the criteria of section 408(a) of the Act because (1) the Trustee has determined that the proposed transactions will be in the best interests of the Plans' participants and beneficiaries; (2) the transactions will be approved and monitored by the Trustee; (3) the Plans will acquire a valuable property at a price below the appraised fair market value; and (4) the rental rate under the Lease will remain at least the fair market rental rate as determined by an independent appraiser.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

For Further Information Contact: Mr. Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

La-Z-Boy Chair Company Employees' Profit Sharing Plan (the Plan) Located in Monroe, Michigan

[Application No. D-3980]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed contributions of certain securities by participants in the Plan to their own self-directed voluntary contributions accounts in the Plan.

Summary of Facts and Representations

1. The Employer is a Michigan corporation engaged primarily in the business of manufacturing and selling upholstered furniture. The Plan is a defined contribution profit sharing plan which had approximately 597 participants and net assets of $14,426,984 on April 30, 1982. The trustee of the Plan (the Trustee) is Monroe Bank and Trust Company, a Michigan banking corporation.

2. The terms of the Plan, as amended and restated effective May 1, 1976, provide that the Employer is required to contribute to the Plan for each taxable year of the Employer an amount determined under a formula set forth in the plan, except that the board of directors of the Employer may authorize an alternative contribution or no contribution for any taxable year. Each Employer contribution is allocated among the participants in the Plan in proportion to the basic salaries of the participants. Separate accounts are established for each participant to which the participants' shares of Employer contributions and the participants' shares of realized and unrealized earnings or losses of the assets of the Plan are allocated.

The Trustee holds, invests and reinvests all Employer contributions and all income from such contributions in a single trust fund without segregating or investing separately the accounts of the participants. An investment committee (the Investment Committee) consisting of three or more members appointed by the board of directors of the Employer is required to direct the Trustee to purchase, retain or dispose of any investments held in the trust fund, excluding such investments held in fixed income investments. Another committee, also consisting of three or more members appointed by the board of directors of the Employer, is responsible for the general administration of the Plan (the Administrative Committee). All members of the Administrative Committee are independent of the Trustee.

3. Effective May 1, 1980, the Plan was amended to permit Plan participants to make non-deductible voluntary contributions to the Plan commencing with the Employer's fiscal year ended April 30, 1981. Under the new provisions, participants in the Plan may make non-deductible voluntary contributions to the Plan in cash or in kind. These contributions may not exceed, in the aggregate, 10 percent of the participant's compensation for all years in which he was a participant in the Plan, nor may any such contribution exceed the annual limitations imposed by section 415 of the Code. All voluntary contributions made by a participant will be credited at the participant's option either to a Plan account maintained by the Trustee, the assets of which will be invested primarily in fixed income assets, or to a self-directed Plan account, the assets of which will be invested and reinvested in accordance with instructions of the participant.[1] The latter account is required to be separately administered and no assests of any other such separate account, nor any other assets, earnings or losses of the trust fund established under the Plan, may be credited to or charged against this separate account. When a participant establishes such a separate account, he assumes full responsibility

[1] The Department is not proposing administrative relief for contributions in kind by participants to accounts which are not self-directed voluntary contribution accounts.

and liability for all investment decisions with respect to the account.

4. The Employer and Trustee have entered into an arrangement with Merrill Lynch Pierce Fenner & Smith, Inc. (Merrill Lynch) with respect to the administration of all self-directed voluntary contribution accounts established by participants. Under this arrangement, any participant who desires to make voluntary contributions to the Plan and to have these voluntary contributions credited to a separate self-directed account (instead of to a separate account maintained by the Trustee and invested primarily in fixed income assets) must complete and sign a contribution form, which the Administrative Committee forwards with the participant's voluntary contribution to Merrill Lynch. Pending investment instructions from the participant, Merrill Lynch will invest any cash contribution in short term fixed income investments, namely Merrill Lynch's "Ready Asset" fund. A separate account is established by Merrill Lynch for each such participant. Each participant having such an account may then instruct Merrill Lynch as to how the funds in the account should be invested and reinvested.

5. An exemption is requested to permit participants in the Plan to make voluntary non-deductible contributions of certain securities to the Plan for allocation to their own self-directed voluntary contribution accounts. Such securities may include securities traded on a national or regional securities exchange or with a brokerage firm acting as principal, securities traded on an over-the-counter-market and common or preferred stocks of national or state chartered banks including stocks of the Trustee, where bid and ask prices of the stock are quoted on the NASDAQ System and/or are published in the Wall Street Journal. No securities could be contributed by a participant unless the contribution is approved in advance by the Administrative Committee. In valuing any securities contributed by a participant for purposes of the limitations of section 415 of the Code and the overall 10% of compensation limitation applicable to employee contributions, the fair market value of the securities contributed as of the end of the day of actual transfer will be used. Where listings appear in the Wall Street Journal, these values will be used. Where separate bid and ask quotes are given, the value taken will be the average of the two quotes.

6. Certain securities will be expressly prohibited. These include commodity contracts, tax exempt municipal bonds, securities issued by the Employer or its affiliates and securities purchased or acquired subject to margin restrictions.

7. In summary, it is represented that the proposed transactions will satisfy the statutory criteria of section 408(a) of the Act because: (a) each transaction will be conducted on the instructions of a Plan participant and only the individual account of such participant will be affected; (b) plan participants will be permitted to enjoy greater flexibility in the investments of their own accounts and will be permitted to contribute to their accounts even if they would not have had sufficient cash to make a contribution otherwise; and (c) the Administrative Committee will monitor the contributions, and will not permit any contributions of commodity contracts, tax exempt municipal bonds, securities issued by the Employer or its affiliates and securities purchased on margin or subject to margin restrictions.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8972. (This is not a toll-free number.)

ISIS Chemicals, Inc. Employee Profit Sharing Plan (the Plan) Located in Stamford, Connecticut

[Application No. D–3868]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply, for a five year period, to the proposed purchases by the Plan of participation interests from Union Trust Company (Union) in a mortgage note (the Mortgage) executed between Union and ISIS Realty Associates, Ltd. (ISIS Ltd.), parties in interest with respect to the Plan; and (2) the extension of credit between ISIS Ltd. and the Plan resulting from the purchase of the participation interests; provided that (1) no more than 25 percent of the Plan's total assets are invested in the participations; and (2) the Plan pays no more for a participation than it would pay in an arm's-length transaction with an unrelated party.

Temporary Nature of the Exemption: If granted, this exemption will be effective for five years from the date a grant of an individual exemption is published in the **Federal Register** on behalf of the transactions. Subsequent to the expiration of the exemption, the Plan may hold the participations provided they were purchased during the five year period.

Summary of Facts and Representations

1. The plan is a profit sharing plan with approximately 26 participants. As of December 31, 1982, the Plan had total assets of $341,451. Messrs. George G. Voss, John L. Morrow, and Bronson Bump, officers and directors of ISIS Chemicals, Inc. (ISIS), the sponsor of the Plan, serve as Plan trustees and are responsible for Plan investments.

2. ISIS is a corporation engaged in the manufacture of industrial coatings and other finished products. As of June 30, 1982, ISIS had a net worth of approximately $1,196,000. ISIS has certain affiliated companies, ISIS Industries, Inc., ISIS Realty, Inc. (ISIS Realty) and ISIS Ltd.

3. On October 1, 1980, ISIS Ltd. through its general partner, Mr. George Voss, entered into the Mortgage with Union. Union, a subsidiary of Northeast Bankcorp, serves as an agent for the trustees pursuant to an agreement with ISIS, and handles the Plan's accounting and payroll functions. The Mortgage is for a total amount of $350,000. The Mortgage bears interest of 15 percent per annum, and is payable in monthly installments of principal and interest over a fifteen year term. The Mortgage is secured by a duly recorded first mortgage in an improved parcel of real property (the Property) located on the north side of Viaduct Road in Stamford, Connecticut. The Property is improved by one building which is used for industrial and office purposes. Mr. Elwyn V. Chesley, Jr., C.S.A., of Pierson & Smith, Inc. located in Stamford, Connecticut, appraised the Property, and determined that, as of July 7, 1981, it has a fair market value of $1,065,000.

4. The applicant proposes the Plan, for a five year period, to invest up to 25 percent of its total assets in participations in the Mortgage. As of January 1, 1983, the Mortgage had a total outstanding principal balance of $334,032. Each participation will be for a term of five years and provide for annual payments of interest at 15 percent with the principal balance payable at the expiration of the term. The purchase by the Plan of a participation interest in the Mortgage will result in a conversion of that part of the Mortgage to a five year balloon note. As further discussed below, the Plan will not pay more than the fair market value for any participation. The Plan will not pay any expenses in connection

with the purchase of any participation, and Union will service each participation at no cost to the Plan.

5. Each participation will be secured by a duly recorded first mortgage in the Property as the Plan, upon purchase, will accede to the same rights as the mortgagee, Union, through as assignment of part of the first mortgage interest held by Union. Union has agreed to these terms and will relinquish its rights in the Mortgage and the Property with respect to the amount of the principal and unpaid accrued interest, if any, of a participation. Accordingly, the Plan will share pro rata with Union in the recovery of any proceeds from the Property upon a default based upon a percentage of the total amount of the outstanding participation held by the Plan in comparison to the total principal amount of the Mortgage outstanding.

6. The Mortgage is further secured by the personal guarantee of Mr. Voss, the Chairman of the Board of ISIS, and by the pledge by two of the general partners of ISIS Ltd., Messrs. Voss and Frank Richart, to agree not to sell, transfer, or hypothecate any of their interest in ISIS Ltd. without the consent of holder(s) of the Mortgage.

7. Mr. Charles Sims, Chairman of the Board of Firing Circuits, Inc., a corporation located in Norwalk, Connecticut has been appointed to serve as the fiduciary of the Plan with respect to the proposed purchases. Mr. Sims has substantial experience in employee benefit administration, and serves as a trustee for his corporation's employee benefit plans. Mr. Sims is also knowledgeable in commercial and industrial real property matters. Mr. Sims understands his duties, liabilities and responsibilities involved in serving as a fiduciary with respect to the Plan. Mr. Sims has no business or commercial relationships with Mr. Voss, ISIS and its affiliates, or any of the principal officers of ISIS or its affiliates.

8. Mr. Sims has determined that the proposed purchases are appropriate, suitable, and in the best interests of the Plan. Mr. Sims reprsents that the fact that no prinicpal will be paid until the end of the participations' terms does not detract from the quality of the investments. Mr. Sims states that the payments of interest only under the participations assures the Plan of a steady stream of income, and due to the high quality of the investments, the underlying principal payment obligation will remain a valuable asset in the Plan's investment portfolio throughout its five year term. Mr. Sims has also examined the Plan's portfolio and has determined that the proposed purchases will have no adverse impact on either the liquidity of the Plan's assets or the diversification of the Plan's assets. Mr. Sims represents that ISIS Ltd. is a solvent entity with excellent prospects for future growth.

9. With respect to each purchase of a participation in the Mortgage Mr. Sims will determine, on the date of purchase, the fair market value of a participation by examining the prevailing commercial mortgage rates in Fairfield County, Connecticut, for similar instruments secured by commercial property, and by examining the credit worthiness and financial condition of ISIS and its affiliates. Mr. Sims will ensure that in no event will the payment for a participation be greater than its fair market value.

10. Mr. Sims has personally inspected the Property and has verified through Mr. John Davies, vice president of Union, that the Property has a value in excess of $1,000,000 a value three times greater than the outstanding principal balance of the Mortgage. Mr. Sims has been assured that the Property is adequately insured against fire or other loss. Mr. Sims will insure that payments due under a participation are made timely and will be empowered to take all necessary steps to enforce the rights of the Plan in the event of a default of principal or interest under a participation.

11. In summary, the applicant represents that the proposed transactions satisfy the statutory criteria of section 408(a) of the Act because (a) each participation will be purchasd by the Plan at a price equal to its fair market value as determined by Mr. Sims: (b) the Plan will not incur any expenses with respect to the purchases, and Union will service the participations at no cost to the Plan; (c) each participation will be adequately secured by the duly recorded first security interest in the Mortgage; (d) Mr. Sims, an independent, qualified party will serve as the fiduciary for the Plan with regard to the transactions, and has determined that the proposed purchases are appropriate, suitable, and in the best interests of the Plan; and (e) Mr. Sims will completely monitor the payments under the participations and be empowered to protect the Plan's interests in the event of default.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523–881. (This is not a toll-free number.)

Richard M. Leslie, P.A. Defined Benefit Plan and Trust (the Plan) Located in Miami, Florida

[Application No. D–3948]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the purchase on December 1, 1982, by the Plan from Mr. Richard M. Leslie (Mr. Leslie), the sole shareholder of the Plan sponsor and the sole participant in the Plan, of shares of common stock traded on the New York Stock Exchange (the NYSE) at the closing prices of such shares on the NYSE on that date and the concurrent extension of credit by Mr. Leslie to the Plan. Since Mr. Leslie is the sole shareholder of the Plan sponsor and the only participant in the Plan, there is no jurisdiction under Title I of the Act pursuant to 29 CFR 2510.3–3(b) and (c)(1). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

Effective Date: If the proposed exemption is granted, the exemption will be effective on December 1, 1982.

Summary of Facts and Representations

1. The Plan is a defined benefit pension plan covering only Mr. Leslie, who is an employee and the sole shareholder of the Plan sponsor. Under the terms of the Plan, Mr. Leslie has authority to make investment decisions for the Plan. In addition to the shares of common stock in question, the Plan's other investments include $15,000 in a 3-year certificate of deposit, $12,000 in a money market certificate, approximately $3,000 in Phoenix Fund, approximately $5,000 in Putnam Health Mutual Fund, approximately $25,000 in real estate mortgages, and over $500,000 face value in life insurance.

2. The shares of common stock in question are shares in well known companies: Coca-Cola, Disney, Eastman-Kodak, International Business Machines, NCR, PPG, and Xerox. Mr. Leslie sold these shares at their closing prices on the NYSE on December 1, 1982, to the Plan. The total purchase price was approximately $23,000, representing approximately 15–20% of the Plan's total assets. Of this amount, the Plan paid $19,000 in cash to Mr. Leslie at the time of the purchase and

will pay him the remaining $4,000 within the next few weeks. No interest was or will be charged to the Plan on any portion of the purchase price. No brokerage commissions were charged to the Plan with respect to the purchase.

3. Mr. Leslie believes the purchase was in his best interests as the sole participant of the Plan because the purchase has diversified the Plan's investments and did not involve brokerage commissions chargeable to the Plan. He states that the subject transaction has saved the Plan approximately $1,000 in brokerage commissions because the Plan was going to purchase these common stocks anyway.

4. In summary, the applicant represents that the purchase satisfies the exemptive criteria provided in section 408(a) of the Act because (a) the purchase price equalled the sum of the closing prices on the NYSE of the subject shares of common stock on the purchase date; (b) no commissions were charged to the Plan in effecting the purchase; (c) no interest has been or will be charged to the Plan with respect to that portion of the purchase price not paid on the date of purchase; and (d) Mr. Leslie is the only Plan participant and he desired that the purchase be effected.

Notice to Interested Persons: Since Mr. Leslie is the only participant affected by the transaction,it has been determined that there is no need to distribute notice to interested persons. Comments and hearing requests are due 30 days after the date of publication in the **Federal Register.**

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Polar Employee Stock Ownership Trust (the Plan) Located in Billings, Montana

[Application No. D–3962]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) the proposed transfer by the Plan to Polar Industries, Inc. (the Employer), the Plan sponsor, of 70,523 shares of Centura Energy Corporation (Centura), the former parent of the Employer; and (2) the receipt by the Plan from the Employer in consideration of such transfer of 74,857 shares of Employer stock, provided that the fair market value of the Employer stock received by the Plan is at least equal to the fair market value of its Centura stock.

Summary of Facts and Representations

1. The Plan is an employee stock ownership plan with net assets, excluding its Centura stock, of $150,801.64 as of January 14, 1983 and approximately 48 participants and beneficiaries as of November 23, 1982. The Plan's trustee (the Trustee) is Mr. Ronald Walter, who is the secretary/treasurer of the Employer. The Plan was created effective June 30, 1975 for the Employer and its wholly-owned subsidiary, Capital City Gas, Inc. The Employer is engaged in the sale of liquified petroleum and related equipment and products. Centura is primarily engaged in the oil and gas business.

2. Effective June 30, 1982, pursuant to an agreement (the Agreement) which was executed on October 12, 1982, the officers and directors of the Employer purchased the Employer's from Centura, which held 100% of the Employer stock. The applicant represents that the terms of the Agreement were negotiated at arms's length by the principals of each company, none of whom were principals of both companies. The purchase price of $3,155,000 involved cash, notes and an exchange of 170,339 shares of the Employer's stock for 160,477 shares of Centura stock held by certain employees of the Employer. Pursuant to the Agreement, the Employer executed a note payable to Centura in the amount of $352,618 due on or before September 30, 1983 with interest thereon payable at the rate of 12% per annum. The note provides that in lieu of the cash payment of principal and interest, the Employer may assign on or before September 30, 1983, the 70,523 Centura shares (valued pursuant to the Agreement at $5.00 per share) held by the Plan.

3. The Employer has requested an exemption to exchange the Plan's 70,523 shares of Centura stock for 74,857 shares of the Employer's stock having a fair market value of $5.09 per shares as of June 30, 1982, as determined in an appraisal of the Employer's stock performed by Marquette & Company, which is unrelated to Centura, the Employer or the Plan. The stock exchange ratio of 1.06 shares of the Employer for each share of Centura, which was established pursuant to the Agreement, is the same ratio utilized for all stock exchanges between Centura and Employer shareholders, would provide the Plan with Employer stock worth $381,022.13. Centura stock, which is traded over the counter, had a bid and ask of 3⅛ and 3⅜ respectively, on February 1, 1983. Therefore, the Plan would secure Employer stock worth $381,022.13 for Centura stock worth $229,199.75 (averaging the bid and ask) on the open market, representing a gain of $151,822.38. The Employer would satisfy an obligation to Centura of $352,615, by securing the Plan's Centura stock and transferring it to Centura, but would be transferring Employer stock to the Plan worth $381,022.13. The Plan would pay no commission or other charge with regard to the stock exchange. The applicant also emphasizes that the purpose of the Plan which is an employee stock ownership plan, is to hold the securities of the Plan sponsor. This purpose would be defeated if the proposed exemption is not granted.

4. John B. Van Heuvelen, who is the sole proprietor and owner of Marquette & Company, has agreed to act as the Plan's independent fiduciary with regard to the proposed stock exchange and accordingly has reviewed the terms of the proposed exchange of stock between the Employer and the Plan. Mr. Van Heuvelen has stated that the terms of the exchange, particularly the valuation of each company's stock, are fair and equitable to the Plan. He believes that the proposed stock exchange is in the interests of the Plan and recommends that the Plan enter into the exchange. Mr. Van Heuvelen has 14 years of experience in analyzing and valuing companies and has, in the normal course of his business, prepared many in-depth studies regarding the prudency of employee benefit plans investing in the stock of plan sponsors. Mr. Van Heuvelen states that he has consulted with an attorney concerning his duties, responsibilities and liabilities as a fiduciary under Part 4 of Title I of the Act.

5. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act due to the following:

a. An independent fiduciary, Mr. Van Heuvelen, has reviewed and approved the terms of the stock exchange;

b. The stock exchange ratio is the same as was utilized for all other stock exchanges under the Agreement; and

c. Based on the recent trading price of Centura stock, the Plan will realize a substantially larger gain by entering in the exchange than it could by selling its Centura stock on the open market.

For Further Information Contact: Mr. Robert Sandler of the Department,

telephone (202) 523–8195. (This is not a toll-free number.)

Coldwell Banker Commercial Group, Inc. (CBCG) Located in New York, New York

[Application No. D–3966]

Proposed Exemption

On the basis of the facts and representations set forth in the application, the Department is considering granting the following exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75–1:

I. Transactions

A. Effective November 30, 1982, the restrictions of sections 406(a) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the following transactions involving mortgage pools (Mortgage Pools) in which employee benefit plans will invest:

(1) The direct or indirect sale, exchange or transfer of certificates (Certificates) representing interests in Mortgage Pools in the initial issuance of Certificates between CBCG and an investing plan when CBCG, Dean Witter Reynolds, Inc. (Dean Witter), the trustee (Trustee) of a Mortgage Pool or a mortgagor of such Mortgage Pool is a party in interest with respect to such plan, provided that the plan pays no more than fair market value for such Certificates, and provided further that the rights and interests evidenced by such Certificates are not subordinated to the rights and interests evidenced by other Certificates of the same Mortgage Pool; and

(2) The continued holding of Certificates acquired by a plan pursuant to subparagraph (1), above.

B. Effective November 30, 1982, the restrictions of sections 406(a), 406(b) (1) and (2) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the direct or indirect sale, exchange or transfer of Certificates in the initial issuance of Certificates of a Mortgage Pool between CBCG and an investing plan, and the continued holding of such Certificates, when CBCG, Dean Witter or the Trustee of such Mortgage Pool is a fiduciary with investment discretion with respect to the plan assets invested in such Certificates, provided that:

(1) The plan pays no more for such Certificates than the plan would have paid in an arm's-length transaction;

(2) The rights and interests evidenced by such Certificates are not subordinated to the rights and interests evidenced by other Certificates of the same Mortgage Pool;

(3) Such sale, exchange or transfer is expressly approved by a fiduciary independent of CBCG or the Trustee or any affiliate thereof, who has authority to manage and control those plan assets being invested in the Certificates;

(4) The total value of Certificates purchased by the plan does not exceed 25% of the amount of the issue; and

(5) At least 50% of the aggregate amount of the issue is acquired by persons independent of CBCG or the Trustee.

C. Effective November 30, 1982, the restrictions of sections 406(a), 406(b)(1) and (2) and 407(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to transactions in connection with the servicing and operation of the Mortgage Pool provided that:

(1) Such transactions are carried out in accordance with the terms of a binding pooling and servicing agreement (Pooling and Servicing Agreement); and

(2) Such Pooling and Servicing Agreement is made available to investors before they purchase Certificates in a Mortgage Pool.

D. Effective November 30, 1982, the restrictions of sections 406(a) and 407(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to any transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to a plan by virtue of providing services to the plan (or who has a relationship to such service provider described in section 3(14)(F), (G), (H) or (I) or the Act), solely because of the ownership by such plan of a Certificate.

II. General Conditions

A. The relief provided under Section I above, is available only if the following conditions are met:

(1) The Trustee for each Mortgage Pool must not be an affiliate of CBCG provided, however, the Trustee shall not be considered to be an affiliate of CBCG solely because the Trustee has succeeded to the rights and responsibilities of CBCG pursuant to the terms of the Pooling and Servicing Agreement providing for such succession upon the occurrence of one or more events of default by CBCG; and

(2) the sum of all payments made to and retained by CBCG in connection with a Mortgage Pool, and all funds inuring to the benefit of CBCG as a result of the administration of any Mortgage Pool, must represent not more than adequate consideration for selling the Certificates, plus reasonable compensation for services provided by CBCG and the Trustee of the Mortgage Pool, and by Dean Witter as underwriter.

III. Definitions

A. For the purposes of this exemption, the term "Mortgage Pool" means an investment pool the corpus of which

(1) is held in trust; and

(2) consists solely of

(a) Interest bearing obligations secured by multi-famly residential property;

(b) Property which had secured such obligations and which has been acquired by foreclosure;

(c) Federal Housing Authority (FHA) debentures; and

(d) Undistributed cash.

B. For the purposes of this exemption, the term "Certificate"means a certificate representing a beneficial undivided fractional interest in a Mortgage Pool and entitling the holder of such certificate to pass-through payment of principal and interest from the pooled mortgage loans, less any fees retained by CBCG.

C. For the purposes of this exemption, the term "affiliate" of another person means:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(2) Any officer, director, partner, employee, or relative (as defined in section 3(15) of the Act) of such other person; and

(3) Any corporation or partnership of which such other person is an officer, director, or partner.

For purposes of this paragraph, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

D. For the purposes of this exemption, a person will be "independent of CBCG or the Trustee" only if:

(1) Such person is not an affiliate (as defined in Section III(C) of this exemption) of CBCG or the Trustee; and

(2) Neither CBCG nor the Trustee, nor any affiliate thereof, is a fiduciary who has investment management authority

or renders investment advice with respect to the assets of such person.

Summary of Facts and Representations

1. CBCG is a wholly-owned indirect subsidiary [1] of Sears Roebuck and Co. (Sears), and an affiliate of Dean Witter. CBCG's principal offices are at 533 Freemont Avenue, Los Angeles, California, and it maintains offices in 40 states. CBCG is engaged in the business of real estate brokerage and finance, real estate asset management, mortgage banking, mortgage brokerage, and the provision of a wide variety of other diversified real estate and financial services.

2. Dean Witter is a wholly-owned indirect subsidiary [2] of Sears. Dean Witter's principal offices are located in New York, New York, and it maintains officers in 50 states. Dean Witter is engaged in the brokerage business and is a broker in securities, commodities and futures contracts, a dealer in corporate and municipal securities and is an investment banking firm. The Trustee for each Mortgage Pool will be a substantial financial institution or trust company experienced in trust activities. The Trustee will be independent of CBCG and Dean Witter.

3. The Government National Mortgage Association (GNMA) is a government corporation operating under the direction of the Secretary of Housing and Urban Development. GNMA operates several multi-family direct mortgage purchase programs which are designed to make Project Loans, which are low interest rate FHA-insured mortgage loans, available to multi-family housing projects and certain health care facilities during periods of monetary stringency. GNMA accomplishes this objective by committing in advance, generally prior to commencement of construction, to purchase after completion of construction, such low interest rate loans at prices substantially above prices at which such mortgage loans could otherwise be sold in the private secondary market. The Project Loans generally have an outstanding principal balance of not less than $200,000 nor more than $20,000,000 and normally have a 40 year maturity and an average life of 18 to 20 years. Also, pursuant to FHA regulations, the loan to value ratio on a Project Loan can be no higher than 90 percent. Periodically, as the inventory of these loans builds, GNMA sells them in the private market at prevailing commercial rates, which may reflect a substantial discount from the face principal amount. The resulting loss is borne by the U.S. Treasury and is, in fact, a housing subsidy program.

4. The sale of Project Loans is accomplished through an auction procedure. Approximately one month prior to the date selected by GNMA for an auction, GNMA sends an auction invitation to all FHA-approved mortgagees, such as CBCG. GNMA warrantees to each purchaser of a Project Loan that, as of the settlement date with GNMA, such loan:

(a) Is not delinquent under the original or modified terms thereof to the extent of more than one monthly installment of interest, principal or escrow deposits (subject to certain limited exceptions) and is not otherwise in default; (b) is not subject to any defect which would prevent recovery in full or in part against FHA as insurer; and (c) is not subject to any outstanding advance or advances by the mortgagee to the mortgagor. GNMA's obligation under its warranty is limited to the correction of such exceptions as shall be specified in a written notice furnished to it by the purchaser within 90 days of the settlement date with GNMA, or to the repurchase of the related mortgage loan in the event that such exceptions may not be corrected promptly.

5. When CBCG is the successful bidder for a group of Project Loans at a GNMA auction, CBCG will either transfer and assign all of its right, title and interest in such loans, including all interest and principal payments received after a specified date, to the Trustee without recourse, or cause GNMA to assign them directly to the Trustee. With respect to each Project Loan transferred, CBCG will deliver, or cause to be delivered to the Trustee, a mortgage note containing the full endorsement of the Commissioner of the FHA, the mortgage (with appropriate evidence of the recording thereof indicated thereon), and an assignment of the mortgage to the Trustee, which the Trustee will record or cause to be recorded.

6. Concurrently with the transfer and assignment of the mortgage notes, the Trustee will authenticate and deliver to the order of CBCG the Certificates in authorized denominations, evidencing in the aggregate the entire ownership of the Mortgage Pool. These Certificates will be sold by CBCG to investors, including plans, through one or more underwriters, including Dean Witter, for which Dean Witter would receive a fee from the plans.

7. The price at which the Certificates are sold to plans is determined with reference to the price paid by CBCG for the Project Loans underlying the Certificates, the net return to the plans (the Pass-Through Rate) based on the Project Loan interest rates minus CBCG's compensation (discussed below), and the general market for similar securities. The first Mortgage Pool was sold to a single plan on November 30, 1982 with a Pass-Through Rate of 11.99%.

8. The applicant represents that the total value of Certificates purchased by a plan with assets with regard to which CBCG or the Trustee or an affiliate thereof is a fiduciary with investment discretion over such assets, will not exceed 25 percent of the amount of the Certificates in a Mortgage Pool, and, furthermore, at least 50 percent of the aggregate amount of such Certificates will be acquired by persons independent of CBCG, the Trustee or their affiliates.

9. On the 25th day of each month, CBCG will distribute to each Certificateholder its proportionate share of the net proceeds from the Mortgage Pool for the prior month. CBCG will also furnish to each Certificateholder, promptly after each distribution, a statement setting forth certain information about the Project Loans and including CBCG's servicing compensation for the month. Furthermore, within a reasonable period of time after the end of each calendar year, CBCG will furnish a report to each Certificateholder summarizing for the year, certain of the information set forth in the monthly reports, including CBCG's compensation

10. A Mortgage Pool will terminate upon: (a) the later of the final payment or other liquidation of the last Project Loan in such Pool or the disposition of all property acquired upon foreclosure of any Project Loan; or (b) the repurchase by CBCG of all Project Loans and all property acquired in respect of any Project Loan remaining in the Mortgage Pool. In no event, however, will a Mortgage Pool continue beyond a period which would violate the applicable rule against perpetuities.

11. CBCG or the Trustee or one of their affiliates may have a pre-existing relationship as a service provider or fiduciary to the plans. However, all decisions relating to the sale, exchange or transfer of Certificates will be made on the plans' behalf by fiduciaries independent of CBCG or the Trustee or any affiliate thereof.

12. The applicant states that although the Certificates are not insured or guaranteed by any agency or

[1] The parent of CBCG, Coldwell Banker Company, is a wholly-owned subsidiary of Sears.

[2] The parent of Dean Witter, Dean Witter Reynolds Organization, Inc., is a wholly-owned direct subsidiary of Sears.

instrumentality of the U.S. Government, the Project Loans underlying the Certificates are insured by the FHA. In addition, the FHA will not insure a mortgage unless it contains a covenant, acceptable to the Commissioner of the FHA, binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner may stipulate.

13. If a mortgagor defaults on a Project Loan payment, the mortgagee may either assign the mortgage to the FHA or acquire title through foreclosure proceedings and convey title to such property to the FHA. If the mortgagee elects to assign the mortgage to the FHA, the insurance benefits payable to the mortgagee (either in cash or FHA Debentures which are discussed below) are equal to the sum of: (a) The amortized principal balance of the defaulted Project Loan; plus (b) certain eligible payments made by the mortgagee with respect to taxes and other prior liens and for the preservation of the property; and (c) interest accrued from the end of the grace period at the interest rate of FHA Debentures, the rate of which is determined by the higher of theprevailing rate at the time: (1) when the commitment for FHA mortgage insurance was issued; or (2) when the Project Loan was initially endorsed for FHA mortgage insurance; less (1) an assignment fee of 1% of the principal balance; and (2) legal costs and other expenses associated with the assignment of the Project Loan. The insurance proceeds may be further reduced, however, according to the terms of the GNMA Insurance Proceeds Participation Certificate (IPPC-discussed more fully below).

14. In the event that the mortgagee elects to acquire title to the mortgaged property and convey title to such property to the FHA, the insurance benefits payable to the mortgagee are computed as above-described except that such benefits are not subject to the 1% assignment fee. The mortgagee is, however, required to pay the costs of foreclosure. Since foreclosure proceedings can be expensive and in some cases, time consuming (during which time, for purposes of insurance proceeds, interest accrues at the applicable FHA Debentures rate rather than at the generally higher Pass-Through Rate), the majority of mortgagees elects to assign the mortgage to the FHA (and incur the 1% assignment fee) rather than foreclose and convey title to the property to the FHA.

15. For defaulted Project Loans, the FHA generally pays 90 percent of the insurance claim within 15 days of the recordation of the assignment or conveyance (which action may take 30 to 90 days) and the balance of the claim, after completion of an audit, within three to six months after such recordation.

16. The Certificateholders, in the event of a default on a Project Loan and its subsequent assignment to the FHA, bear the risk of: (a) The loss of 30 days' interest during the grace period; (b) forgoing principal and interest payments pending recovery from the FHA in the event CBCG does not advance such payments; (c) the accrual of interest at the FHA Debentures rate which is generally lower than the Pass-Through Rate; and (d) the incidence of legal and other expenses associated with the assignment.

17. The winning bidder on a Project Loan for which FHA insurance proceeds are payable in cash, must sign an IPPC providing for the sharing of a portion of the FHA insurance proceeds with GNMA upon default on a Project Loan, during the first 36 months following the date the Project Loan was purchased from GHMA. The reason for the IPPC is to prevent a potential windfall to a mortgagee due to the fact that a Project Loan is purchased at a discounted price from GNMA because of the low interest rate, while FHA insurance is based on 100 percent of the principal of the Project Loan.

18. A number of the Project Loans will be Section 221 Loans, under which a mortgagee has the right, pursuant to 24 CFR Section 221.770, to assign such Section 221 Loan to the FHA at the expiration of 20 years from the date of final endorsement of the related mortgage, if the Section 221 Loan is not in default at such time. Such option to assign a Section 221 Loan to the FHA may be exercised at any time during the one year period following the twentieth anniversary of the final endorsement of the related mortgage.

19. Any mortgagee electing to assign a Section 221 Loan to the FHA will receive in exchange therefor, FHA Debentures having a total fact value equal to the then outstanding principal balance of the Section 221 Loan plus accrued interest to the date of assignment. The FHA Debentures will mature 10 years from the date of assignment of the related section 221 Loan and will bear interest at the "going Federal rate" on such date. The "going Federal rate" is defined to be the annual rate of interest specified by the Secretary of the Treasury for the six month period which includes the issuance date of the Debentures.

20. As compensation for its activities pursuant to the Pooling and Servicing Agreement, CBCG is entitled, pursuant to that Agreement, to retain its servicing fee from interest payments on the Project Loan (including, for this purpose, the portion of FHA insurance proceeds allocable to interest). CBCG will also receive compensation through the retention of any late payment charges. In addition, CBCG may purchase, at a substantial discount, FHA Debentures for use in paying FHA insurance premiums on the Project Loans. If certain procedures are followed, such FHA Debentures may be applied against FHA premiums at the face amount of the FHA Debentures and CBCG may thereby realize additional compensation from such use of FHA Debentures. Moreover, CBCG may receive additional compensation by depositing collections on the Project Loans, and amounts received from the mortgagors to be held in escrow, in accounts maintained with banks it selects (including banks with which it maintains banking relationships) until such time as those amounts must be disbursed to Certificateholders, the FHA as insurance premiums or otherwise.

21. CBCG represents that the sum of all payments made to and retained by CBCG in connection with a Mortgage Pool, and all funds inuring to the benefit of CBCG as a result of the administration of such Mortgage Pool, will represent not more than adequate consideration for the sale of the Certificates, plus reasonable compensation for services provided by CBCG and the Trustee (the Trustee's fee is paid by CBCG out of its servicing fee) to the Mortgage Pool, and for Dean Witter as underwriter.

22. In summary, the applicant represents that the transactions for which exemptive relief is requested satisfy the statutory criteria of section 408(a) of the Act due to the following:

(a) A plan's decision to purchase Certificates will be made by a plan fiduciary independent of CBCG, the Trustee or any of their affiliates;

(b) All of the transactions for which CBCG seeks exemptive relief will be governed by the terms of the Pooling and Servicing Agreement, which is made available to the plans' fiduciaries for their review prior to investment;

(c) Investment in the Certificates will represent a sound method by which the plans may be able to diversify their investments to include investments in real estate mortgages;

(d) The total value of Certificates purchased by a plan with assets with respect to which CBCG or the Trustee is

a fiduciary with investment discretion will not exceed 25% of the amount of the Certificates in a Mortgage Pool, and at least 50% of the aggregate amount of such Certificates will be acquired by persons independent of CBCG or the Trustee; and

(e) The applicant emphasized that the requested exemption is substantially similar to the class exemption granted as PTE 81–7 (46 FR 7520, January 23, 1981, as amended by PTE 83–1, 48 FR 895, January 7, 1983). The principal difference is that the CBCG sponsored Mortgage Pools will consist of first mortgages or deeds of trust on multi-family residential property as opposed to single family residential property in PTE 81–7. The applicant represents that the risk to plans investing in Mortgage Pools is no greater than the risk in investing in single family residential property mortgage pools.

For Further Information Contact: Robert Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

Southern Welding Supply Co., Inc. Profit Sharing Plan (the Plan) Located in Bowling Green, Kentucky

[Application No. D–4190]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to: (1) a loan of $125,000 by the Plan to Southern Welding Supply Co., Inc. (SWSC), under the terms set forth in this notice of proposed exemption, provided such terms are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party; and (2) the personal guarantee of repayment of the loan to the Plan by Mr. Jerry Baker (Baker).

Summary of Facts and Representations

1. The Plan is a profit sharing plan with approximately 19 participants and total assets, as of November 30, 1982, of approximately $614,500. SWSC is a Kentucky corporation engaged in the welding supply business. Baker is the sole shareholder of SWSC.

2. The Plan proposes to lend $125,000 to SWSC. The proceeds of the loan will be used by SWSC to increase its working capital. The loan from the Plan would be made pursuant to a written promissory note and a security agreement between SWSC and American National Bank & Trust Company (the Bank) as trustee of the Plan. The loan will be amortized over a period of five years and will bear interest at the rate of 14% per annum. Principal and interest will be paid quarterly.

3. The Bank, which is independent of the parties to the transaction, has agreed to act as an independent fiduciary of the Plan with respect to the transaction. The Bank and SWSC have no common officers or directors. For the 10 month period ending October 31, 1982, the average deposits of SWSC in the Bank averaged less than .07% of the Bank's total average deposits during that period of $162 million, and as of December 31, 1982, SWSC had one outstanding loan from the Bank of $30,000 which is about .05% of the total loans of approximately $59 million issued by the Bank to its customers.

4. As security for the loan, SWSC will grant to the Plan a first security interest in SWSC's accounts receiviable. The value of SWSC's accounts receivable, adjusted for uncollectibles, has averaged $340,200 during the 11-month period ending November 25, 1982. The receivables represent goods sold. The payment of the accounts receivable is not conditioned on the future performance of services nor the satisfaction of future conditions. Baker represents that over the 11-month period used in determining the average accounts receivable, uncollectible receivables have averaged less than ½ of 1%. The accounts receivable as of May 31, 1982 (the fiscal year end of SWSC) were reviewed by Touche Ross & Company, and the amount of the accounts receivable as of that date was $309,655. A security agreement and financing statement will be filed with the appropriate government office when the loan is executed so that the Plan's security interest in the accounts receivable will be perfected. In addition to the accounts receivable, Baker will also personally guarantee the repayment of the loan to the Plan. As of June 30, 1982, Baker's net worth was approximately $4.2 million.

5. The Bank represents that it has reviewed the terms of the proposed transaction and has determined that it is a suitable and appropriate investment for the Plan and that it is in the interest of and protective of the Plan and its participants and beneficiaries. The interest rate on the loan was determined in arm's-length negotiations between SWSC and the Bank as trustee of the Plan. The terms of the loan including the interest rate are comparable to commercial loans transacted in the community in which SWSC and the Bank are located, considering the type of loan and the credit worthiness of SWSC. The Bank and SWSC confirm that the interest rate on the note shall be no less than the greater of 14% per annum or a commercially reasonable rate at the time the loan is effected. The Bank represents that it finds the security of accounts receivable which average in excess of 200% of the principal amount of the loan, plus Baker's personal guarantee, to be adequate to safeguard repayment of the loan. The Bank represents that it will review and monitor the transaction until its completion and will take all the steps necessary and proper to protect the Plan's interest, including insuring that SWSC will maintain security in an amount of at least 200% of the loan balance.

6. In summary, the applicant represents that the subject transaction meets the criteria of section 408(a) of the Act because: (1) the loan only involves approximately 20.4% of the Plan's assets; (2) the interest rate was negotiated at arm's-length and is a commercially reasonable rate; (3) the Plan's independent fiduciary, the Bank, has determined that the proposed transaction is appropriate for the Plan and in the best interests of and protective of its participants and beneficiaries; and (4) the Bank will monitor the loan until its completion and will take whatever action is necessary to enforce the rights of the Plan.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

BR Medical Clinic, Inc. Defined Benefit Pension Plan (the Plan) Located in Los Gatos, California

[Application No. D–4217]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of a parcel of real property (the Property) by the Plan to Steven Green, for $100,000 in

cash, provided such amount is not less than the fair market value of the Property on the date of the sale.

Summary of Facts and Representations

1. The Plan is a defined benefit plan with two participants. The Plan sponsor is BR Medical Clinic, Inc. (the Employer). F.W. Green, Jr., M.D. (Dr. Green) is the sole shareholder of the Employer and is the trustee of, and a participant in, the Plan.

2. The Plan had been holding as an investment a note and second deed of trust which it had acquired in March, 1980, from an unrelated party. The note was for $15,000 at 17% interest. Payments were made until July, 1982, when it became necessary for the Plan to foreclose on the Property to protect its investment.[1] The Property consists of a detached single-family dwelling located at 4864 Rue Calais, San Jose, California. The foreclosure was final on October 14, 1982. The trustee received notice from the holder of the first deed of trust, San Francisco Federal Savings and Loan Association (the Bank), that the Property must be sold within 120 days or the Plan must apply to assume the first deed of trust. The Bank has been notified of the subject proposed sale of the Property, and is willing to delay action until the exemption proposed herein is granted.

3. With its limited assets and income, the applicant represents that it would be difficult if not impossible for the Plan to assume the first deed of trust. In addition, the Property is in a bad state of repair and would be unrentable without significant expenditures. There are taxes owing on the Property in the amount of $3,198.13. The rent from the Property would not cover the cost of maintaining the Property and servicing the debt. Even if the Plan were to pay off the first deed of trust, there would be little current cash flow to the Plan.

4. Mr. Steven Green, who is the son of Dr. Green, has offered to purchase the Property from the Plan. According to the terms of the proposed sale, Steven Green will pay all costs of escrow, back taxes and current taxes, for a total of $4,399.13, in addition to paying $10,000 as a purchase price to the Plan. The sale will be for cash, and no commission will be charged on the sale. Mr. Jack L. Sears, M.A.I., an independent appraiser, has estimated the fair market value of the Property to be $100,000 as of December 6, 1982.

5. The first deed of trust on the Property is approximately $72,000. The Plan will be totally cash out by the sale and will have no liability remaining with respect to the Property. The first deed of trust will either be assumed by the buyer or will be paid off out of the proceeds of the sale. The costs to the Plan of the foreclosure were approximately $11,000, of which $9,600 represented past due payments on the first deed of trust.

6. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because: (1) The sale is a one-time transaction for cash; (2) no commission will be charged on the sale; (3) the Plan will dispose of an unproductive asset at its fair market value as established by an independent appraisal; and (4) Dr. Green, the Plan's trustee, has determined that the proposed transaction is appropriate for the Plan and in the best interest of its participants and beneficiaries.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

William F. Cardman, D.M.D., P.A., Profit-Sharing Plan (the Plan) Located in Lakeland, Florida

[Application No. D-4221]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale of a vacant residential building lot (the Land) located in Polk County, Florida, by the Plan to William F. Cardman, D.M.D. (the Buyer), a party in interest with respect to the Plan, provided the sales price is at least equal to the fair market value of the Land on the date of such sale.

Summary of Facts and Representations

1. The number of participants in the Plan for the fiscal year of the Plan that began on November 1, 1982, is estimated to be five. The Buyer is the Plan Administrator and the Plan Trustee and is also the sole shareholder, sole director, and President of William F. Cardman, D.M.D., P.A., the employer of the participants in the Plan.

2. The Land is described in the public records of Polk County, Florida (pages 31 and 32 of Plat Book 72) as Lot 352, Christina Woods, Phase 9. The Land is not adjacent to any property already owned by the Buyer. The Plan acquired the Land from Douglas L. Hall and Sharon P. Hall, his wife, by a Warranty Deed dated June 1, 1982. Mr. and Mrs. Hall were completely independent third parties with respect to the Plan. The purchase price was $52,500.00, with $14,726.40 of the net purchase price being paid in cash at the closing and the remainder being paid under the terms of a promissory note secured by a mortgage encumbering the Land. Such note and mortgage provide for repayment of the remaining $37,773.60 of the 6/1/82 purchase price in 20 equal consecutive installments of $702.68 each, including interest at the rate of 13 percent per year on the unpaid balance, with a final payment of $31,620.57 due February 1, 1984, the maturity date of the note and mortgage. The note permits prepayment of the debt without penalty. Other costs incurred by the Plan in acquiring and holding the Land as of April 26, 1983, were: $522.25 in closing costs and expenses, paid by the Plan at closing; $130.14, representing the Plan's prorated share of real estate taxes for 1982; and $4,320.67 in aggregate interest payments under the note and mortgage. Thus, the Plan's total costs in acquiring and holding the Land equalled $19,099.40 as of April 26, 1983. The applicants believe that historically the ownership of real property in the Polk County area, including undeveloped land, has been a very safe and sound investment, with normal average increases in value in the neighborhood of 10 percent. When the Plan purchased the Land, it was anticipated that the recession would soon end and the Plan would be able to realize a sizable profit on the sale of the Land. The Land produces no income. So long as the Plan owns the Land, the Plan may maintain liability insurance with respect to the Land (although it has not yet done so) and will be responsible for the real property taxes payable with respect to the Land.

3. Since the Plan purchased the Land, the recession has deepened, particularly in the Polk County area, where the real estate market remains stagnant primarily due, according to the applicants, to an exceptionally high unemployment rate (between 15 percent and 20 percent). The applicants state further that the outlook for the foreseeable future is not very encouraging. Real estate brokers in the Polk County area have been contacted concerning the sale of the Land and,

[1] In this proposed exemption, the Department expresses no opinion as to whether the Plan's acquisition of the note or the Property violated any provision of Part 4 of Title I of the Act,

although all of them expressed willingness to try to sell the Land, none indicated any real hope that a qualified purchaser could be found anytime soon unless the sales price is discounted substantially. If the Land should be sold through the services of a broker, the Plan would incur a substantial broker's commission of 7 percent to 10 percent of the sales price.

4. The Plan desires to sell the Land to the Buyer, who has agreed to purchase the Land from the Plan for a purchase price equal to the greater of (a) the then current fair market value of the Land as determined by an independent M.A.I. certified appraiser, or (b) the amount of the Plan's total costs in acquiring and holding the Land. The purchase price would be paid by the buyer's assuming and agreeing to pay the then unpaid principal balance of the existing mortgage, with the balance being paid in cash at the closing. The Buyer will agree to indemnify and hold harmless the Plan against any and all claims and causes of action arising under the terms of such mortgage and the promissory note secured thereby. By selling the Land to the Buyer, the Plan will avoid the necessity of employing a broker and paying a broker's commission. At the present time, the Buyer has no intention to do anything with the Land other than to hold it as an investment.

5. In summary, the applicants represent that the proposed sale satisfies the exemptive criteria provided in section 408(a) of the Act because: (a) The purchase price will equal the greater of (i) the current fair market value of the Land as determined by an independent M.A.I. certified appraiser, or (ii) the amount of the Plan's total costs in acquiring and holding the Land; (b) the total purchase price in excess of the existing mortgage will be paid in cash to the Plan at the time the Land is conveyed to the Buyer; (c) the Buyer will assume and agree to be responsible for all future payments under the terms of the existing note and mortgage encumbering the Land and will agree to indemnify and hold harmless the Plan against any and all claims and causes of action arising under the terms of such mortgage and the promissory note secured thereby; (d) the Plan will avoid the necessity of employing a broker and paying a broker's commission; (e) the proposed sale will rid the Plan of a non-income producing asset of questionable marketability; and (f) the proposed sale will relieve the Plan of the expenses of maintaining liability insurance with respect to the Land, paying real property taxes relating thereto, and making the mortgage payments required under the terms of the existing note and mortgage encumbering the Land

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which amont other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions an transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be suject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 7th day of June, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83–15915 Filed 6–13–83; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses to Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the application, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated: this 8th day of June, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Marvin R. Peterson,

Acting Assistant Director Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (EXPORT)

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Mitsui & Co., Inc., June 1, 1983, June 3, 1983, XSNM02046.	3.95 percent enriched uranium.	20,185	803	Fuel for Onagawa powerplant	Japan.
Marubeni America Corp., June 3, 1983, June 6, 1983, XSNM02047.	3.95 percent enriched uranium.	23,647	723	Reload fuel for Fukushima I-6	Do.
Marubeni America Corp.; June 3, 1983, June 6, 1983, XSNM02048.	3.95 percent enriched uranium.	5,007	181	Reload fuel for Fukushima I-6	Do.

[FR Doc. 83-15906 Filed 6-13-83; 8:45 am]
BILLING CODE 7590-01-M

Application for License To Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following application for an import license. A copy of this application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the application, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

Dated this 1st day of June at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards Office of International Programs.

FEDERAL REGISTER (IMPORT)

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Exxon Nuclear Co., May 20, 1983, May 26, 1983, ISNM83014.	3.65 percent enriched uranium.	52,000	2,000	Two reloads each for Blayais I & II to be fabricated in U.S.	From France.

[FR Doc. 83-15909 Filed 6-13-83; 8:45 am]
BILLING CODE 7590-01-M

[Dockets Nos. 50-440 and 50-441]

Cleveland Electric Illuminating Co., et al. (Perry Nuclear Power Plant, Units 1 & 2); Request for Action Under 10 CFR 2.206

By a motion for summary disposition filed before the Atomic Safety and Licensing Board in the Perry operating license proceeding, Ohio Citizens for Responsible Energy (OCRE) alleged that Cleveland Electric Illuminating Co. had made false statements in its application concerning the use of herbicides to control vegetation along transmission lines. The Board denied OCRE's motion because it was not directed at an issue pending before the Board. The Board asked, however, that the issues raised in the motion be forwarded to the Staff for its consideration. OCRE's motion is therefore being handled pursuant to 10 CFR 2.206 of the Commission's regulations. Copies of the motion for summary disposition are available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room for the Perry Nuclear Power Plant located at Perry Public Library, 3753 Main Street, Perry, Ohio, 44081.

Dated at Bethesda, Maryland this 6th day of June 1983.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 83-15910 Filed 6-13-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-10, 50-237, 50-249, 50-295, 50-304]

Commonwealth Edison Co. (Dresden Nuclear Power Station; Zion Nuclear Power Plant); Issuance of Director's Decision Under 10 CFR 2.206 (DD-83-8)

Notice is hereby given that the Director of the Office of Inspection and Enforcement had denied a petition filed by Catherine Quigg on behalf of Pollution and Environmental Problems, Inc., Palatine, Illinois, which requested initiation of show-cause proceedings to suspend the licenses issued to the Commonwealth Edison Company for the Dresden and Zion nuclear power plants. The petitioner had requested such relief on the basis of alleged drug abuse and other malfeasance by plant employees. The petition has been considered in accordance with 10 CFR 2.206 of the Commission's regulations.

On the basis of the results of the NRC's investigation of the allegations, I have determined that initiation of the requested proceedings to suspend operation of the plants is not warranted. The reasons for my decision are more fully described in a "Director's Decision under 10 CFR 2.206," which is available in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., 20555, and in the local public document rooms for the Dresden and Zion plants at the Morris Public Library, 604 Liberty Street, Morris, IL 60451, and the Zion-Benton Public Library, 2600 Emmaus Avenue, Zion, IL

60099. A copy of the decision will be filed with the Secretary to the Commission for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland, this 8th day of June 1983.

For the Nuclear Regulation Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 83-15911 Filed 6-13-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

GPU Nuclear Corp., et al; Correction

On May 31, 1983, the Federal Register published (48 FR 24231) a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" related to GPU Nuclear Corporation's May 9, 1983, application for amendment of Facility Operating License No. DPR-50 for the Three Mile Island Nuclear Station, Unit No. 1 (the facility), located in Dauphin County, Pennsylvania. The requested amendment involves steam generator tube repair at the facility.

This Notice stated June 27, 1983, as the date by which the licensees may request a hearing and interested parties may file a written petition for leave to intervene. This date was based on an anticipated publication date of May 27, 1983; however, the Notice was not published until May 31, 1983. Accordingly, the date by which the licensees may request a hearing and interested parties may file a written petition for leave to intervene is hereby extended to June 30, 1983.

Dated at Bethesda, Maryland, this 3rd day of June 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83-15912 Filed 6-13-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-245 & 50-336]

Northeast Nuclear Energy Co. et al. Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Provisional Operating License No. DPR-21 and Facility Operating License No. DPR-65, issued to Northeast Nuclear Energy Company, the Connecticut Light & Power Company, and Western Massachusettes Electric Company (the licensees), for operation of Millstone Nuclear Power Station Units 1 and 2 located in New London County, Connecticut.

The amendments would delete superfluous Appendix B environmental technical specifications relative to meteorological monitoring, terrestrial monitoring, and transmission line right-of-way management, in accordance with the licensee's application for amendment dated February 16, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

Deletion of the environmental technical specifications relative to meteorological monitoring would have no effect since the emergency preparedness requirements of Appendix E to 10 CFR Part 50 and the requirements of the Unit 2 operating license Appendix A technical specification 3/4.3.3.4 ensure that sufficient meteorological data are available for estimating potential doses to the public as a result of radiological releases from either unit at the Millstone Station. The annual surveys required by the environmental technical specifications have indicated no significant adverse effects on flora and fauna from station operation since Units 1 and 2 began operation in 1970 and 1975, respectively; the staff considers these results a sufficient demonstration that continuation of the surveys is not warranted. The environmental technical specification which requires an annual report concerning the use of herbicides to control vegetation on transmission line rights-of-way is also superfluous since the use of such chemicals must comply with control measures established by the U.S. Environmental Protection Agency and the Connecticut Department of Environmental Protection rather than the NRC.

The proposed changes in the environmental technical specifications will have no effect on the safe operation of Millstone Station Units 1 and 2. Therefore, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 14, 1983, the licensee or a petitioner may file a request for a hearing with respect to issuance of the amendments to the subject operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature or the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for

leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut

Dated at Bethesda, Maryland, this 3rd day of June, 1983

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-15813 Filed 6-13-83; 8:45 am]
BILLING CODE 7590-01-M

[NRC Form 371]

"List of College Courses and Certificate of Scholastic Achievement"; Agency Forms Submitted to OMB for Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the Office of Management and Budget (OMB) review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget, for review, the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: new, revision or extension: revision

2. The title of the information collection: NRC Form 371, "List of College Courses and Certificate of Scholastic Achievement"

3. The form number if applicable: NRC Form 371

4. How often the collection is required: On occasion. Use is dependent on the number of applications submitted by respondents.

5. Who will be required or asked to report: Students who are interested in seeking employment with the NRC.

6. An estimate of the number of responses: Estimated annual submittal for all respondents is 600.

7. An estimate of the total number of hours needed to complete the requirement or request: Estimated total annual hours for all respondents is 600 hours.

8. Section 3504(h), Pub. L. 96–511 does not apply.

9. Abstract: NRC Form 371 is the means by which the NRC can evaluate the qualifications of student applicants for employment in the NRC student programs. Failure to complete this form would prevent the NRC from making a determination whether an individual has the necessary background to do NRC work.

ADDRESSES: Copies of the submittal will be made available for inspection or copying for a fee at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395–7340.

NRC Clearance Officer R. Stephen Scott, (301) 395–6585.

Dated: June 3, 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administrator.

[FR Doc. 83-15914 Filed 6-13-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Notice of Information Collection for OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of information collection from the public submitted to OMB for clearance.

SUMMARY: In accordance with the "Paperwork Reduction Act of 1980", (44 U.S.C. Chap. 35), this notice announces a collection of information from the public which has been submitted to OMB for clearance. The request is for a clearance covering all categories of information collected from bidders during the solicitation/execution of contracts for procuring goods/services by OPM. For copies of this proposal, call John P. Weld, Agency Clearance Officer, on (202) 632-7720.

DATES: Comments on this proposal should be received within 10 working days from date of this publication.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Room 6469, Washington, D.C. 20415; and

Frank Reeder, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503

FOR FURTHER INFORMATION CONTACT:

John P. Weld, (202) 632-7720.
Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83-15825 Filed 6-13-83; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13308; 812-5381]

AARP U.S. Government Market Trust et al.; Hearing

In the Matter of AARP U.S. Government Money Market Trust; American Leaders Fund, Inc.; Automated Cash Management Trust; Automated Government Money Trust; Boston Foundation Fund Incorporated; EGT Money Market Trust; Federated Exchange Fund, Ltd.; Federated GNMA Trust; Federated High Income Securities, Inc.; Federated Income & Private Placement Fund; Federated Income Trust; Federated Intermediate Government Trust; Federated Master Trust; Federated Short-Intermediate Municipal Trust; Federated Stock Trust; Federated Tax-Free Income Fund, Inc.; Federated Tax-Free Trust; Fort Washington Money Market Fund; Fund for U.S. Government Securities, Inc.; Gateway Money Market Trust; Government Money Instruments Trust; Edward D. Jones & Co. Daily Passport Cash Trust; Legg Mason Cash Reserve Trust; Liquid Cash Trust; Lutheran Brotherhood Fund, Inc.; Lutheran Brotherhood Income Fund, Inc.; Lutheran Brotherhood Money Market Fund; Lutheran Brotherhood Municipal Bond Fund, Inc.; Lutheran Brotherhood U.S. Government Securities Fund, Inc.; Money Market Instruments Trust; Money Market Management; Money Market Trust; Morgan Keegan Daily Cash Trust; New York Tax-Free Trust; Sutro Money Market Fund; Tax-Free Instruments Trust; Trust for Cash Reserves; Trust for Short-Term U.S. Government Securities; Trust for U.S. Treasury Obligations; Ziegler Money Market Trust; Asset Management Research Corp.; Cash Reserves Management Corp.; Daily Cash Research Corp.; Exchange Fund Research Corp.; Federated Research Corp.; I.F.F. Research Corp.; Institutional Research Corp.; Liquid Assets Research Corp.; LM Research Limited Partnership; Lutheran Brotherhood Research Corp.; MYD Research Limited Partnership; Money Market Counselors, Inc.; Passport Research, Ltd.; Securities Advisory Services, Inc.; Short-Term Instruments Research Corp.; and Sutro Cash Research, Ltd., 421 Seventh Avenue, Pittsburgh, PA 15219; Filing of Application for an Order of the Commission Pursuant to Sections 6(c) and 17(b) of the Act Granting Exemptions From the Provisions of Sections 17(a)(1), 17(a)(2) and 17(e)(1) of the Act.

June 7, 1983.

Notice is hereby given that the investment companies named above (the "Fund Applicants," together with all future investment companies for which any subsidiary of Federated Investors, Inc., serves as investment adviser, principal underwriter, or sponsor, hereinafter referred to as the "Funds"), each of which is registered under the Investment Company Act of 1940 ("Act"), and the investment advisers named above (the "Adviser Applicants," together with all future investment advisory subsidiaries of Federated Investors, Inc., hereinafter referred to as the "Advisers") (the Fund Applicants and Advisory Applicants are hereinafter referred to collectively as "Applicants"), filed an application on November 19, 1982, and an amendment thereto on May 11, 1983, requesting an order of the Commission pursuant to Sections 6(c) and 17(b) of the Act (1) exempting from Sections 17(a)(1), 17(a)(2) and 17(e)(1) of the Act certain purchase and sale transactions between the Funds and certain banks, bank holding companies or affiliates thereof (hereinafter, "banks") which directly or indirectly (1) own, control or hold 5 percent or more of the outstanding voting securities of any of the Funds ("upstream bank affiliates"), or (2) act as investment adviser to any one of the Funds ("advisory bank affiliates," collectively with upstream bank affiliates hereinafter referred to as "Affiliated Banks"). The order would cover transactions between Affiliated Banks and any of the Funds which involve the following specific types of instruments: (a) money market instruments of an Affiliated Bank which is one of the 50 largest United States banks (measured by deposits), their bank holding companies or affiliates thereof, (b) repurchase agreements with no more than 20 Affiliated Banks which participate in the "wholesale" repurchase agreement market and which are among the 50 largest United States banks (measured by deposits), and (c) tax exempt obligations. (Transactions described in (a), (b), and (c) are hereinafter referred to as "Covered Transactions.") All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of those of its provisions from which the Applicants request exemption.

The application states that all of the Fund Applicants are registered under the Act as open-end management investment companies and have currently-effective registration statements under the Securities Act of 1933, except for Federated Income and Private Placement Fund, which is a closed-end investment company, and Gateway Money Market Trust, which was in the registration process as of the date of filing of the application. Several of the Funds are designed principally or exclusively for institutional investors, particularly banks investing funds on behalf of accounts for which the banks act in an agency, trustee or other fiduciary capacity. Applicants represent

that banks acting in such capacities usually purchase shares of the Funds through a "master" account, pursuant to which the shares issued by the Funds are registered in the name of the bank (or its nominee). Applicants further represent that five of the Fund Applicants are utilized extensively by banks. Because those funds are money market funds, the amount of a bank's holdings of their shares can fluctuate significantly, and thus, from time to time, the number of a Fund's shares held of record by a bank in a "master" account for its agency or fiduciary accounts may exceed five percent of a Fund's outstanding voting shares. Applicants state that where a bank holds legal title to more than five percent of the outstanding shares of a Fund, the bank may be deemed an "affiliated person" of that Fund.

Applicants also represent that within the past few years, some banks have become involved in the management of money market funds, commonly known as "private label funds" because those funds' shares are expected to be sold exclusively to the customers of the participating bank or its affiliates. Applicants state that in such situations the bank will often act as an investment adviser of its private label fund. One of the Adviser Applicants participates in the management of a bank private label fund in which the participating bank acts as investment adviser to the fund; Adviser Applicants have several other private label funds in the registration process, and expect to enter into similar arrangements with banks in the future. Applicants note that a bank that acted as an investment adviser to a private label fund would be deemed an affiliated person of that fund.

Applicants state that the provisions of Sections 17(a)(1) and 17(a)(2) of the Act prohibit all Affiliated Banks (whether an upstream bank affiliate or an advisory bank affiliate) from engaging in any Covered Transaction with the Fund with which it is affiliated. Further, Applicants state that the Commission has taken the position that registered investment companies may be deemed to be affiliates of each other where they share common officers, common directors, or common investment advisers. Applicants state that although they disagree with this interpretation, they assume for the purposes of the application that the Funds are affiliates of each other, and that, as a result, a bank that is an affiliate of one of the Funds is an affiliate of all of the Funds, and the provisions of Sections 17(a)(1) and 17(a)(2) of the Act prohibit all Affiliated Banks from engaging in Covered Transactions with any of the Funds.

Applicants assert that because a "bank" is specifically excluded from the definition of "broker" in Section 2(a)(6) of the Act, and probably does not satisfy the definition of "underwriter" in Section 2(a)(40) of the Act, a bank probably could not take advantage of either the exception from the prohibitions of Section 17(e)(1) provided for brokers and underwriters, or the "safe harbor" clause of Section 17(e)(2). Thus, an Affiliated Bank would be prohibited from accepting any consideration whatsoever in connection with a brokerage transaction where it acted as agent for a Fund. Applicants further conclude that, if the Commission's position regarding investment companies that share common officers, common directors, or common investment advisers being deemed affiliated persons of each other is applicable, the prohibition in Section 17(e)(1) would apply to all securities transactions where an Affiliated Bank wished to Act as agent for any of the Funds.

Section 17(b) of the Act, provides, in part, that the Commission shall issue an order exempting a proposed transaction from one or more provisions of subsection (a) if evidence establishes that: (1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of each registered investment company concerned; and (3) the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act provides, in part, that the Commission may exempt any classes of transactions from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The application states that Applicants, in order to comply with the requirements of the Act, have adopted internal control procedures requiring that banks that would otherwise qualify for Applicants' "approved list" of banks whose money market instruments and repurchase agreements may be purchased for the Funds' portfolios be either removed from the list or eliminated from consideration for inclusion on the list when they have been identified as a possible affiliated person of one of the Funds. Applicants state that the approved list is based on strict credit and financial statement criteria established by Applicants, and that the criteria and the list are reviewed periodically by the Funds' management. Applicants state that as a result of "upstream" affiliation, at least four banks have already been either removed from the approved list or eliminated from consideration for inclusion on the list. According to the application, at the present time, there are approximately 60 banks on the Federated "approved list." These 60 banks, which provide in excess of 80% of all bank-issued money market instruments, must provide the Funds with between $10 bilion and $11 billion in money-market instruments and repurchase agreements. If the Funds continued to grow and if additional Funds were created, the demand for money market instruments from this limited number of banks would become even greater.

Applicants assert that these figures demonstrate that each of the banks on the "approved list" contributes substantially to the depth and liquidity of the market for money market instruments, and that if the number of banks utilizing the Funds continues to expand resulting in more Affiliated Banks, the restrictive impact of the statutory prohibitions could increase to the point of adversely affecting portfolio liquidity and increasing portfolio exposure to adverse credit risk.

Applicants state that although there are approximately 60 banks on the approved list, they regularly engage in repurchase agreements with only 12 to 14 of these banks. In the opinion of Applicants' management, there are only about 20 banks in the United States that regularly sell large denomination ("wholesale") repurchase agreements in this market place and that have the size, the expertise, and the willingness to engage in the type of repurchase agreements Applicants' management believes are most cost effective i.e., those backed by a single, large dollar-valued United States government security. In practice, the Funds have found that it is reasonable to enter into repurchase agreements only with those banks whose portfolio of United States Government Securities exceed $500 million. According to the application, there were 17 banks ranked among the 25 largest domestic banks in terms of deposits that show positions of that magnitude. Applicants assert that the Funds' practice of engaging in repurchase agreements with those banks holding in excess of $500 million in United States Government Securities

has been established due to the existence of several market factors which have historically limited the market in repurchase agreements. According to the application, a major factor that limits the use of a bank's portfolio of United States Government Securities as collateral for repurchase agreements is that not all of a bank's United States Government Securities portfolio are made available to serve as collateral for repurchase agreements; a portion of a bank's United States Government Securities portfolio must be used as collateral supporting Treasury Tax and Loan account deposits and for other municipal deposits. Moreover, Applicants assert that it has been the practice of regional banks to favor local customers by giving those customers first preference on the use of their United States Government Securities portfolio before making such securities available to the Funds to use as collateral for repurchase agreements. In addition to these market limitations, Applicants assert that the Fund's policies on repurchase agreements, which emphasize safety and economies of scale (such that the collateral consists of relatively short-term United States Government Securities transmittable through the Federal Reserve Board's book entry system, which require individual transactions to be a minimum of $20 million and a margin premium of 2% including accrued interest) further limit available repurchase agreement collateral, since not all banks are willing or able to adhere to such policies. In addition to the 12 to 14 banks on the "approved list," Applicants enter into repurchase agreements with four large broker/dealers that Applicants believe have the necessary qualifications to participate in this wholesale repurchase agreement market. Applicants state that in this narrow market of suppliers, they purchase, on an average, approximately $6 billion in repurchase agreements every day and at any given time will own approximately 30% of all repurchase agreements owned by all money market funds. They assert that in the event that one or more of the 12 to 14 banks which sell repurchase agreements to the Funds would become an Affiliated Bank, the potential supply of repurchase agreements available to the Funds would be substantially reduced. To the extent that the available supply narrowed, the degree of potential diversification and liquidity of a Fund would be reduced, and a Fund, as a result of statutory prohibitions, would be obliged to refrain from engaging in those repurchase agreements which could be the most suitable and most capable of satisfying the "high-quality" standards set forth in the money market Funds' amortized cost orders.

According to the application, during the period from January 1, 1981, through September 30, 1982, the four municipal bond Funds, which are authorized to purchase or sell municipal bonds or notes from or to banks, transacted 51% of their total dollar volume transactions with banks that acted in a principal or brokerage capacity. Applicants note that two more municipal bond Funds have recently become effective, and that they anticipate that additional municipal bond Funds will be organized in the forseeable future. Applicants assert that just as banks have been excluded from the approved list because they have been identified as possible affiliated persons of the Funds, similarly, banks offering to act as broker or as dealer for the Funds in connection with municipal bond transactions have been disqualified from acting in such capacities because they have been identified as possible Affiliated Banks. Applicants assert that the need for portfolio management flexibility, particularly as it relates to liquidity and credit standards, is as important for municipal bond funds as for money market funds, and that commercial banks are important participants in the municipal bond dealer community.

Applicants express concern that the prohibition in Section 17(e)(1) would significantly limit the Funds' ability to select the best source available for execution of their securities transactions. Applicants state that the Funds frequently purchase or sell securities in transactions executed in the secondary markets, and that some of those transactions are executed by commercial banks acting as broker for a particular Fund. All securities transactions involve costs, and transactions where the intermediary acts as broker traditionally involve payment of a commission intended to cover the intermediary's costs and to provide an appropriate element of profit. If an Affiliated Bank acted on behalf of a Fund in connection with a securities transaction, it could not accept even the customary broker's commission from the Fund, and the Funds might, as a practical matter, be precluded from using that particular bank for securities transactions, even where the bank acting as broker might have provided the Funds with the best available execution.

In further justification of their request for exemptive relief, Applicants have expressed a willingness to adopt certain internal control procedures consistent with the underlying purposes of Sections 17(a)(1), 17(a)(2), and 17(e)(1) of the Act. Applicants contend that the overall purpose of the provisions of Sections 17(a)(1), and 17(a)(2), and 17(e)(1) is to prevent a party with strong potential adverse interests and some influence over the investment decisions of a registered investment company from causing or inducing the investment company to engage in transactions that unfairly inure to the benefit of such party and that are detrimental to the best interests of the investment company and its shareholders. The Fund Applicants state their belief that they can best serve the interests of their shareholders by investing in money market instruments, repurchase agreements, and tax-exempt instruments that best suit the investment objective of the Funds, regardless of whether the bank that issues or deals in those securities is an affiliated person of one of the Funds. Applicants assert that it is extremely unlikely that an Affiliated Bank would be able to exercise any adverse influence over the Funds and their investment advisers with respect to Covered Transactions. First, they assert that it is unlikely that a bank could induce the Funds to pay a premium for these instruments, because transactions in these securities occur in an intensely competitive well-informed market among sophisticated parties. Purchasing securities at a premium price or upon a higher than normal commission would cause the Funds to earn a reduced rate of return that could jeopardize their competitiveness. Second, they assert that because those Funds that operate pursuant to amortized cost orders must purchase securities which are of "high quality," a bank could not induce those Funds to purchase a security of inferior or questionable quality. The Fund Applicants state their belief that they can best safeguard their investors from any possibility of abuse by concentrating their attention directly on the inherent fairness of transactions with banks that are affiliated persons of the Funds. Thus, the Funds propose to create additional internal control procedures for carefully monitoring securities transactions with Affiliated Banks, assigning the responsibility for monitoring the reasonableness and fairness of those transactions to the Funds' trustees, directors, or general partners.

Applicants have also agreed that any order that the Commission may issue in response to the requested exemption may include a condition forbidding any securities transactions between a Fund and a bank that is affiliated with that

Fund because it is that Fund's investment adviser. In addition, Applicants state that solely with respect to repurchase agreements with an Affiliated Bank, no Fund will engage in such repurchase agreements if, as a result, more than 5% of that Fund's total assets would be so invested. Furthermore, these policies will also apply for each additional investment company for which subsidiaries of Federated may act as investment adviser or principal underwriter in the future.

Applicants represent that there is no express or implied understanding between Applicants and any bank which is (or may become) an Affiliated Bank of a Fund that Advisers will cause any of the Funds to enter into purchase or sale transactions with such bank. Moreover, Applicants' represent that they will give no preference to any Affiliated Bank in effecting purchase or sale transactions between the Funds and an Affiliated Bank which involve either the money-market instruments or repurchase agreements issued by such bank or tax-exempt obligations from or through such bank because the bank is (or may become) an Affiliated Bank of a Fund or because the customers of such bank purchase shares of any of the Funds unless the Board of Trustees, Directors or General Partners of the Fund shall have approved such a policy and its pursuit is disclosed in a prospectus of such fund declared effective by the Securities and Exchange Commission. The Advisers further represent that, consistent with their fiduciary duties to the Funds, they will initiate all purchase and sale transactions between the Funds and an Affiliated Bank and that such transactions will be entered into with the purpose of satisfying the investment objectives of the Funds.

Applicants state that in the case of each of the private label Funds that now exist, an advisory bank affiliate and an Adviser Applicant act as coinvestment advisers to the private label Fund. Under these arrangements, the Adviser Applicant is responsible for all purchases, sales and exchanges of securities in the private label Fund, subject to the direction and control of the Board of Trustees of the Fund; the bank adviser consults with the Adviser Applicant, provides money market research and analysis, and renders advice as to interest rate trends and the composition and average maturity of the portfolio. Applicants represent that if any of the Advisers enter into any new private label fund relationships with banks, it is likely that the bank adviser and the Adviser will exercise their respective responsibilities in the manner described. Applicants agree that if an Adviser enters into a private label relationship with a bank that would be materially different from the type of relationship described above, the staff of the Securities and Exchange Commission will be notified of the relationship.

Accordingly, the Funds state that they request an order of the Commission, pursuant to Section 17(b) of the Act, exempting from Sections 17(a)(1) and 17(a)(2) of the Act Covered Transactions with Affiliated Banks. Further, the Funds request an Order of the Commission, pursuant to Section 6(c) of the Act, exempting from Section 17(e)(1) of the Act any compensation, not to exceed the limitations in Section 17(e)(2) of the Act, which may be accepted by Affiliated Banks for acting as broker for the Funds in connection with Covered Transactions. The Funds agree that the following conditions may be imposed in any order of the Commission granting their requested exemptive relief:

(a) The Board of Trustees, Directors of General Partners of each of the Funds (1) will adopt procedures, pursuant to which Covered Transactions may be effected for the Funds, which are reasonably designed to provide that all the conditions in paragraphs (b) through (f) below have been complied with, (2) will review those procedures no less frequently than annually for their continuing appropriateness, and (3) will determine no less frequently than quarterly that Covered Transactions made during the preceding quarter were effected in compliance with those procedures. Those procedures will also be approved by a majority of the disinterested Trustees, Directors or General Partners of the Funds. The investment adviser of each Fund will implement those procedures and make decisions necessary to meet these conditions, subject to the direction and control of the Board of Trustees, Directors or General Partners of each Fund.

(b) No fund will engage in a Covered Transaction with a bank that is an investment adviser to that Fund. No Fund will purchase money market instruments of any Affiliated Bank if, as a result, more than 5 percent of that Fund's total assets would be invested in the money market instruments of that Affiliated Bank. No Fund will enter into repurchase agreements with any Affiliated Bank if, as a result, 5 percent of the Fund's total assets would be invested in repurchase agreements issued by that Affiliated Bank.

(c) The Funds (1) will maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph (a) of this section, and (2) will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any Covered Transactions occurred, the first two years in an easily accessible place, a written record of each Covered Transaction setting forth a description of the security purchased or sold, the identity of the person or the other side of the transaction, the terms of the purchase or sale transaction, and the information or material upon which the determinations described below were made.

(d) The security to be purchased or sold by a Fund will be consistent with the investment objectives and policies of that Fund as recited in the Fund's Registration Statement, and will be consistent with the interests of that Fund and its shareholders. Further, the security to be purchased or sold by that Fund will be comparable in terms of quality, yield, and maturity to older similar securities that are appropriate for that Fund and that are being purchased or sold during a comparable period of time.

(e) The terms of the transaction will be reasonable and fair to the shareholders of that Fund and will not involve overreaching of that Fund or its shareholders on the part of any person concerned. In considering whether the price to be paid or received from the security is reasonable and fair, the price of the security will be analyzed with respect to comparable transactions involving similar securities being purchased or sold during a comparable period of time. In making this analysis, the Board of Trustees, Directors, or General Partners may rely on a matrix pricing system which they believe properly assists them in determining the value of securities pursuant to Section 2(a)(41) of the Act.

(f) The commission, fee, spread or other remuneration to be received by the bank will be reasonable and fair compared to the commission, fee, or spread or other remuneration received by other brokers or dealers in connection with comparable transactions involving similar securities being purchased or sold during a comparable period of time but in no event will such fee, commission, spread or other remuneration exceed that which is stated in Section 17(e)(2) of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later

than July 5, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15864 Filed 6-13-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22968; 70-6872]

New England Power Company et al.; Proposed Equity Investment in Joint Venture, Capital Contributions to Subsidiary, and Conforming Amendments to Related Agreement and Charter

June 8, 1983.

New England Power Company ("NEPCO") and New England Energy, Inc. ("NEEI"), subsidiaries of New England Electric System ("NEES"), 25 Research Drive, Westborough, Massachusetts 01581, a registered holding company, have filed an application-declaration with this Commission pursuant to Sections 9, 10, 12, and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder.

By order dated February 13, 1981 (HCAR No. 21919, File No. 70-6518), this Commission authorized NEEI to participate in a joint venture with Keystone Shipping Company ("Keystone"), a subsidiary of Chas. Kurz & Co., Inc., for the construction and operation of a self-unloading, coal-fired collier (the "Vessel") to transport coal to NEPCO's plants. NEEI is a 51% participant in the joint venture and Keystone a 49% participant. The Joint Venture Agreement contemplates that the joint venture will arrange construction of the Vessel and operate it under a 24½ year Time Charter with NEPCO, as authorized by Commission order dated December 9, 1981 (HCAR No. 22809, File No. 70-6518). A construction contract was signed with the General Dynamics Corporation. The contract price for the Vessel is approximately $60 million, with additional equipment and other costs, including interest during construction, bringing the total estimated cost to approximately $73 million.

To provide permanent debt financing for the Vessel, NEEI previously requested authorization from the Commission to issue up to $52 million in bonds and notes, guaranteed by an agency of the United States, of which $36 million has currently been authorized (HCAR Nos. 22526 and 22877, File No. 70-6722). It was originally expected that the permanent equity financing of the Vessel would be provided through a leveraged lease transaction or a so-called Safe Harbor Lease under Section 168(f)(8) of the Internal Revenue Code. Interim financing during the period of construction has been provided through a credit agreement with the Bank of America, as authorized by this Commission (HCAR No. 22146, File 70-6601). It is expected that this loan will be repaid with the proceeds from the equity portion of the Vessel financing.

Applicants-declarants have now indicated their intention to alter the ownership agreement for the Vessel whereby the joint venture will retain full ownership rights in lieu of a leveraged lease arrangement. In connection therewith, authorization is requested:

(1) For NEEI to invest up to $15 million in the joint venture as its 51% share in the equity of the Vessel;

(2) For NEES to invest up to $15 million in NEEI for the purpose set forth in (1) above; and

(3) To make necessary, related amendments to the Joint Venture Agreement between NEEI and Keystone, and to the Time Charter between NEPCO and the joint venture.

Under the prior leasing arrangements, the tax benefits related to the Vessel would have been transferred to a third party. NEEI and Keystone, however, have reviewed their respective federal income tax positions and have determined that each expects to have sufficient taxable income to make economical use of the tax benefits (primarily investment tax credits and accelerated depreciation). Rather than transfer these benefits at a discount to a lessor through a lease arrangement, NEEI and Keystone propose to provide the equity portion of the Vessel financing using their own funds, through either capital contributions or subordinated notes, and thereby retain the tax benefits themselves. These funds will be required on or before delivery date of the Vessel, currently schedule to occur during July 1983.

In order to have the flexibility to make its share of any additional equity contributions to the joint venture which may be necessary from time to time, NEEI requests authority to invest up to $15 million in the joint venture, either in the form of capital contributions or in the form of subordinated loans. The total amount of equity required for the Vessel, including amounts needed for working capital, will be about $25 million. NEEI proposes to provide its 51% share of this equity in the form of capital contributions and/or subordinated loans. As contemplated by the Joint Venture Agreement, at least $450,000 of the total equity will be in the form of capital contributions. Any subordinated loans made by NEEI or Keystone to the joint venture will be payable on demand, will bear no interest, and will be evidenced by subordinated notes.

In order that NEEI have the funds necessary to make its equity contributions to the joint venture, as described above, NEES proposes to provide to NEEI up to $15 million either in the form of capital contributions or loans. If the money is provided in the form of loans, the loans will be evidenced by notes, will bear no interest, and will be payable on demand.

The Joint Venture Agreement was originally drafted contemplating a leveraged lease of the Vessel. Where NEEI and Keystone now propose to provide the equity financing themselves, a number of the provisions must be amended to reflect this change. These amendments principally concern the terms under which the joint venture may be terminated and changes necessary to assure the proper allocation of tax benefits.

The Time Charter was also drafted contemplating a leveraged lease. The terms of the Time Charter currently provide that, in the event of premature termination of the Charter, NEP may be required to purchase the Vessel at an amount sufficient to satisfy the debt financing and the obligations under the leveraged lease. The applicants propose to amend the Time Charter to require that, under such circumstances, NEP will be subject to the same potential obligations to purchase the Vessel at a price sufficient to repay the debt financing and to make NEEI and Keystone whole, including their capital and any adverse tax consequences, on the same basis as if they were leveraged lessors. The Time Charter will also be amended to reduce the amount NEP will

be required to pay while the collier is in dry dock.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 5, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-15866 Filed 6-13-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0305]

Enterprise Venture Capital Corp.; Issuance of a License to Operate as a Small Business Investment Company

On June 30, 1982, a notice was published in the **Federal Register** (47 FR 28519), stating that Enterprise Venture Capital Corporation, located at 1922 The Alameda, Suite 305, San Jose, California 95126, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102(1983), for a license to operate as a small business investment company under the provisions of Section 301(c) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on July 15, 1982, and no significant comments were received.

Notice is hereby given that considering the application and other pertinent information, SBA has issued License No. 09/09-0305 to Enterprise Venture Capital Corporation.

(Catalog of Federal Domestic Assistance, Program Number 59.011, Small Business Investment Companies)

Dated June 3, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-15843 Filed 6-13-83; 8:45 am]

BILLING CODE 8025-01-M

Paperwork Reduction Policies Affecting Small Business; Change in Hearing Date

On May 12, 1983, the Chief Counsel for Advocacy announced a series of six public hearings on small business paperwork burdens.

The date of the Boston hearing has been changed from Thursday, June 30, to Thursday, July 21. Listed below is the schedule for the five remaining hearings:

Wednesday, June 15, 1983, Room 7A2, Earle Cabell Federal Building, 1100 Commerce Street, Dallas, Texas 75242

Wednesday, June 22, 1983, Conference Room, 2nd Floor, Indiana State Chamber of Commerce, One North Capitol, Indianapolis, Indiana 46204

Wednesday, July 13, 1983, Room 543, 211 Main Street, San Francisco, California 94105

Friday, July 15, 1983, Board Room, Dexter Horton Building, 710 Second Avenue, Seattle, Washington 98104

Thursday, July 21, 1983, Room AV1, Federal Reserve Bank Building, 600 Atlantic Avenue, Boston, Massachusetts 02210

All hearings will be from 9:30 a.m. to 4:30 p.m.

Written comments or personal appearances are requested. Statements should respond to some or all of the issues mentioned in the notice of May 12, copies of which are available upon request.

Interested parties who wish to submit written statements should submit their comments, suggestions, or other information about Federal paperwork reduction policies to Mr. Frank S. Swain, Chief Counsel for Advocacy, U.S. Small Business Administration, Room 1012, 1441 "L" Street, NW., Washington, D.C. 20416, Attention: Paperwork Hearings.

To schedule oral testimony at one of the hearings, contact Dr. Philip Nicoll, Senior Advocate for Paperwork Policy, at the Office of Advocacy, U.S. Small Business Administration, Room 1012, 1441 "L" Street NW., Washington, D.C. 20416; phone (202) 634-6160.

The goal of the hearings is to assess the impact of the Paperwork Reduction Act of 1980 on the small business community and to explore ways to provide greater relief from paperwork burdens.

Dated: June 9, 1983.

Frank S. Swain,

Chief Counsel for Advocacy.

[FR Doc. 83-15861 Filed 6-13-83; 8:45 am]

BILLING CODE 8025-01-M

Region III—Advisory Council Meeting; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Richmond, Virginia, will hold a public meeting at 1:00 P.M., Tuesday, June, 28, 1983, through Noon, on Wednesday, June 29, 1983, at the Ingleside Red Carpet Inn, Staunton, Virginia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call M. Hawley Smith, District Director, U.S. Small Business Administration, P.O. Box 10126, Richmond, Virginia 23240, (804) 771-2741.

Jean M. Nowak,

Director, Office of Advisory Councils.

June 8, 1983.

[FR Doc. 83-15842 Filed 6-13-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0441]

ALPHA Financial Corp.; Filing of Application for Transfer of Ownership and Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1983)) for transfer of ownership and control of ALPHA Financial Corporation, 485 Morris Avenue, Springfield, New Jersey 07081, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*). The proposed transfer of ownership and control of ALPHA Financial Corporation (ALPHA), which was licensed October 13, 1982, is subject to the prior written approval of SBA.

ALPHA is owned and controlled by the following:

Name, title, and percent of ownership.

Michael Miller, President, Treasurer, Director, 50.

Carol B. Miller, Secretary.

Howard Shapiro, Director.

Howard Sterling, Director.

Howard Sterling is Trustee for two irrevocable trusts provided by Randolph Pace for the benefit of his minor children: Kimberly N. Pace, 25; and Allison B. Pace, 25.

Pursuant to a request of Howard Sterling that ALPHA redeem the stock issued to him in his capacity as Trustee of the above Trusts and the undertaking of a private offering of common stock, ALPHA's ownership and control would be as follows:

Name and address, title, and percent of ownership.

Michael Miller, 57 Farbrook Drive, Short Hills, N.J. 07078; President, Treasurer and Director, 76.25.

Carol B. Miller, 57 Farbrook Drive, Short Hills, N.J. 07078; Secretary.

Gerald N. Wachs, M.D., 459 Long Hill Drive, Short Hills, N.J. 07078; Director.

Joseph J. Bianco, 924 Edgewater Ave., Ridgefield, N.J. 07657; Director.

Other shareholders will own less than 10 percent of ALPHA's stock.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed transfer of ownership and control to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Springfield, New Jersey.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 8, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-15944 Filed 6-13-83; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

June 9, 1983.

[Department Circular Public Debt Series—No. 17-83]

Treasury Notes of June 30, 1985; Series V-1985

1. Invitation for Tenders

1. 1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $8,000,000,000 of United States securities, designated Treasury Notes of June 30, 1985, Series V-1985 (CUSIP No. 912827 PQ 9). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2. 1. The securities will be dated June 30, 1983, and will bear interest from that date, payable on a semiannual basis on December 31, 1983, and each subsequent 6 months on June 30 and December 31, until the principal becomes payable. They will mature June 30, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2. 3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2. 4. Securities registered as to principal and interest will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominaitons and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2. 5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sales Procedures

3. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, June 15, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, June 14, 1983, and received no later than Thursday, June 30, 1983.

3. 2. The face amount of securities bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3. 3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each

customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Thursday, June 30, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, June 28, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6. 2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,
Fiscal Assistant Secretary.

[FR Doc. 83-15884 Filed 6-9-83; 4:55 pm]
BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 115
Tuesday, June 14, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Commodity Futures Commission	2, 3, 4, 5
Federal Energy Regulatory Commission	6
Pacific Northwest Electric Power and Conservation Planning Council	7
Postal Rate Commission	8
Securities and Exchange Commission	9

1

CIVIL AERONAUTICS BOARD

[M–382, June 9, 1983]

TIME AND DATE: 10 a.m., June 16, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket 39550, People Express—Review of the DBC and baggage liability exemptions previously granted to the carrier. (Memo 1866, 1866–A, BDA, OGC, OCCCA)
3. Docket 41361, Application of ERA Helicopters, Inc. for certificate authority to engage in scheduled interstate and overseas air transportation. (BDA)
4. Docket EAS–382, Essential Air Service for Brunswick, Georgia. (Memo 1869, BDA, OCCCA)
5. Docket 40929, Notice of Air U.S. to suspend service at Worland, Wyoming. (BDA, OCCCA)
6. Docket s 40205 and EAS–622, Essential air service for Manitowoc, Wisconsin. (BDA, OC, OCCCA)
7. Dockets EAS–604, EAS–606 and Docket; Essential air service for Moses Lake/Ephrata and Wenatchee. (BDA, OCCCA)
8. Docket 41071, *Akron/Canton Airlines Fitness Investigation;* Order Declining Review. (Memo 1876, OGC)
9. Docket 41007, *In the matter of Air National Aircraft Sales and Service;* Order on Reconsideration. (OCG)
10. Docket 41333, *Lillian H. Reynolds, Geraldine P. Hartzog, and Patricia Benner, et al. v. Republic Airlines, Inc., and Air Line Employees Association, International,* petition to compel arbitration under labor protective provisions. (Memo 1879, OGC)
11. Notice of terms of contracts of carriage for domestic travel sold at ticket locations outside of the United States. (Memo 1863, OGC, BDA, BIA, OCCCA)
12. Docket 41220, Conforming Amendments to Part 250. (Memo 1878, OGC, BDA, BIA, OCCCA)
13. Docket 27891, Realistic scheduling by certificated carriers. (Memo 1877, OGC, OC, BDA, OCCCA)
14. Docket 41303, Proposal for a penalty-free turn-back period, and subsequent reallocation, for unneeded Japan charter authorizations in this allocation year. (Memo 1723–D, BIA, OGC)
15. Revocation of the foreign air carrier permits held by certain foreign air carriers and dismissal of the applications of: (a) Air Manila, Inc. (Docket 37815), (b) Belize Airways Limited (Docket 36280), (c) Iscargo, H. F. (Docket 37745), and (d) Montana Austria Flugbetrieb Gesellshaft m.b.H. d.b.a. Montana Austria Airlines (Docket 37834). (BIA, OGC)
16. Petition of Cargolux Airlines International for review of staff action denying its joint request with Air-India for a statement of authorization to operate three scheduled, all-cargo, India-New York round-trip flights. (BIA, OGC)
17. Dockets 41288, Petition of Continental Air Lines for revocation of certificate of Western Air Lines (Texas/Alberta/Alaska); Application of Continental Air Lines for section 401 certificate, primary or backup (Texas/Alberta/Alaska); Docket 41237, Application of American Airlines for back-up authority (Texas/Alberta/Alaska). (Memo 1875, BIA, OGC, BALJ)
18. Docket 31777, Application of Trans World Airlines, Inc. for amendment of its certificate of public convenience and necessity for Route 147 to authorize foreign air transportation (U.S.-Barcelona, Casablanca, Nice, Austria). (Memo 310–C, BIA, OGC, BALJ)
19. Docket 40751, In the Matter of Intra-Hawaii Service Mail Rates. (Memo 351–E, BIA)
20. Docket 37392, *Transatlantic, Transpacific and Latin American Service Mail Rates Investigation.* (Memo 343–P, BIA)
21. Docket 37294, *Priority and Nonpriority Domestic Service Mail Rates Investigation.* (Memo 343–Q)
22. Docket 38961, In the Matter of Intra-Alaska Class Service Mail Rates; Docket 38019, *Wien Air Alaska Mainline and Bush Mail Rate Investigation. (Memo 1882, BIA)*
23. Docket 38623, Agreement C.A.B. 28987, IATA agreement proposing international construction rules (Resolution 014a) for U.S./Canada/Mexico-Africa passenger fares. (Memo 1873, BIA)
24. Petition of the Flying Tiger Line Inc. for review of staff action granting Caribbean Air Cargo Company a statement of authorization to complete a cargo charter program. (BIA, OGC)
25. Docket 40046, Petition for review of staff actions renewing the authorities held by El Al and Nordair to conduct a wet-lease operation between Montreal, Canada and Miami, Florida. (BIA, OGC)
26. Docket 41158, Application of South Pacific Island Airways, Inc. for a certificate of public convenience and necessity (Pago Pago, American Samoa-Auckland, New Zealand). (Memo 1884, BIA, OGC)
27. Report on negotiations with Italy. (BIA)
28. Report on negotiations with Israel. (BIA)
29. Report on negotiations with Jamaica. (BIA)
30. Report on negotiations with United Kingdom. (BIA)
31. Report on negotiations with Netherlands-Antilles. (BIA)

STATUS: 1–23 open, 24–31 closed.

FOR MORE INFORMATION CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

Richard B. Dyson,

Associate General Counsel, Rules and Legislation Division.

[S–851–83 Filed 6–10–83; 1:30 pm]

BILLING CODE 6320–01–M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, June 24, 1983.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–845–83 Filed 6–10–83; 1:30 pm]

BILLING CODE 6351–01–M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, June 14, 1983.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Contract Market Rules; Proposed Disapproval of the Chicago Board of Trade Rules 353.00 and 354.00

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–846–83 Filed 6–10–83; 1:40 pm]

BILLING CODE 6351–01–M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, June 21, 1983.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

NFA Briefing
NFA Registration Delegation

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–847–83 Filed 6–10–83; 1:40 pm]

BILLING CODE 6351–01–M

5

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, June 28, 1983.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Rule Review

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–848–83 6–10–83; 1:41 pm]

BILLING CODE 6351–01–M

6

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: 10 a.m., June 15, 1983.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the division of public information.

Consent Power Agenda—772nd Meeting—June 15, 1983, Regular Meeting (10 a.m.)

CAP–1. Project No. 6301–000, Woods Creek, Inc., and Murray-Pacific Corp.
CAP–2. Project No. 6885–002, Richard Moss; Project No. 6156–000, Milton and Morris Zack
CAP–3. Project No. 3628–002, Power Authority of the State of New York
CAP–4. Project No. 5313–001, Hydro Energies Corp.; Project No. 3214–000, Water Power Development Corp.; Project No. 3780–000, Vermont Electric Cooperative, Inc.
CAP–5. Project No. 6808–002, New York State Energy Research and Development Authority; Project No. 4113–001, Long Lake Energy Corp.; Project No. 5315–001, Phoenix Hydro Corp.; Project No. 5323–001, Village of Phoenix, New York
CAP–6. Project Nos. 6873–002 and 6374–002, Thomas M. McMaster and Robert L. Schroder
CAP–7. Project No. 137–000, Pacific Gas & Electric Co.; Project No. 2745–000, City of Santa Clara, California
CAP–8. Project No. 4829–000, City of Rohnert Park; Project No. 5049–001, Modest Irrigation District
CAP–9. Project Nos. 5853–000, 5855–000 and 5856–000, Flathead Joint Board of the Flathead Mission and Jocko Valley Irrigation Districts
CAP–10. Omitted
CAP–11. Project No. 4368–001, City of Hibbing, Minnesota; Project No. 3850–000, Mitex, Inc. (formerly Mitchell Energy Co.); Project No. 4250–000, City of Shakopee, Minnesota; Project No. 4277–000, Energenics Systems, Inc.; Project No. 4323–000, Northeastern Minnesota Municipal Power, Inc.; Project No. 4670–000, City of Winona, Minnesota
CAP–12. Project No. 2045–001, Niagara Mohawk Power Corp.
CAP–13. Docket No. DA–207—Utah, Bureau of Land Management, Mineral Management Service
CAP–14. Docket No. ER83–487–000, South Carolina Electric & Gas Co.
CAP–15. Docket No. ER83–286–000, Iowa Electric Light & Power Co.
CAP–16. Docket No. ER83–481–000, New England Power Co.
CAP–17. Docket No. ER81–141–002, Potomac Edison Co.
CAP–18. Docket No. ER82–709–002, Minnesota Power & Light Co.
CAP–19. Docket No. ER80–573–001, 002, and 003, Southwestern Public Service Co.
CAP–20. Docket No. EL83–11–000, Virginia Electric & Power Co.
CAP–21. Docket No. E–7706–007, Pacific Power & Light Co.
CAP–22. Docket No. ER83–136–001 (phase I), the Cleveland Electric Illuminating Co.
CAP–23. Docket Nos. ER81–749–000, ER82–325–000, ER83–110–000, ER83–112–000 and ER83–136–000, Montaup Electric Co.
CAP–24. Docket No. ER80–506–000, Boston Edison Co.
CAP–25. Docket Nos. ER82–80–000 and ER82–389–000, Public Service Co. of Oklahoma
CAP–26. Docket No. ER80–502–000, et al., Allegheny Power Systems, et al.; Docket Nos. ER80–675–000 and ER80–320–003, Iowa Southern Utilities Co.; Docket Nos. ER80–620–000, ER80–683–001 and ER80–593–000, Ohio Edison Co.; Docket Nos. ER80–659–000 and ER81–320–004, Interstate Power Co.
CAP–27. Docket No. ER82–211–002, Utah Power & Light Co.
CAP–28. Docket No. ER83–173–000, Metropolitan Edison Co.
CAP–29. Docket No. ER82–732–000, 001, ER83–123–000 and 001, Duke Power Co.
CAP–30. Docket No. ER83–515–000, Appalachian Power Co.
CAP–31. Docket No. ER82–491–000, Arizona Public Service Co.
CAP–32. Docket No. EF83–4021–000, U.S. Secretary of Energy—Southwestern Power Administration (Sam Rayburn Dam Project)
CAP–33. Docket No. QF83–244–000, U.S. Windpower, Inc., Small Power Production and Cogeneration Facilities—qualifying status
CAP–34. Docket No. QF83–102–000, University of San Francisco, Small Power Production and Cogeneration Facilities—qualifying status
CAP–35. Docket No. EL81–14–002 (remand), American Municipal Power-Ohio, Inc. and City of St. Marys, Ohio v. Dayton Power & Light Co.
CAP–36. Docket No. EL83–5–000, Wisconsin Public Power Inc. v. Wisconsin Public Service, Inc.
CAP–37. Docket No. EL82–1–000, Town of Easton, Maryland v. Delmarva Power & Light Co. and Pennsylvania-New Jersey-Maryland Interconnection
CAP–38. Docket No. EL83–14–000, Connecticut Municipal Electric Energy Cooperative v. Northeast Utilities and its subsidiaries, the Connecticut Light & Power Co., Northeast Utilities Service Co., and Northeast Nuclear Energy Co.
CAP–39. Docket Nos. EL83–6–000, ER82–774–000, ER82–529–000, ER83–208–000, ER83–219–000, and ER83–227–000, Rufus L. Edmisten, Attorney General of the State of North Carolina v. Aluminum Co. of America, Tapoco, Inc., and Nantahala Power & Light Co.

Consent Miscellaneous Agenda

CAM–1. Docket No. RM81–7–001, exemption from the licensing requirements of Part I of the Federal Power Act of certain categories of small hydroelectric power projects with an installed capacity of 5 megawatts or less
CAM–2. Docket No. PL83–2–001, off-system sales
CAM–3. Docket No. RM79–76–166 (Texas—3 addition V), high-cost gas produced from tight formations
CAM–4. Docket No. RM79–76–160 (Texas—30), high-cost gas produced from tight formations
CAM–5. Docket No. RM79–76–167 (New Mexico—22), high-cost gas produced from tight formations
CAM–6. Docket No. RM79–76–168 (New Mexico—23), high-cost gas produced from tight formations
CAM–7. Docket No. RA81–71–000, Wilson Oil Co.
CAM–8. Docket No. RA83–14–000, Texas City Refining, Inc.
CAM–9. Docket No. RO82–80–000, Paul D'Arpino d.b.a. Terrace Mobil
CAG–1. Docket Nos. TA82–221–002, 003 and 004 (PGA82–2) (IPR82–2) and (AP82–2) and RP82–120–005, Columbia Gas Transmission Corp.
CAG–2. Docket Nos. RP80–100–111 and 012, Trunkline Gas Co.
CAG–3. Docket Nos. RP76–94–014, 015 and 016, Texas Gas Transmission Corp.
CAG–4. Docket No. TA83–2–1–001 (PGA83–2), Alabama-Tennessee Natural Gas Co.

CAG–5. Docket No. TA83–2–4–000 (PGA83–3, PGA83–3a), Granite State Gas Transmission, Inc.
CAG–6. Docket No. TA83–2–10–000 (PGA83–2), Tennessee Natural Gas Lines, Inc.
CAG–7. Docket No. TA83–2–40–000 (PGA83–3), Raton Natural Gas Co.
CAG–8. Docket No. CP81–388–015 Northwest Alaskan Pipeline Co.
CAG–9. Docket No. RP83–87–000,Algonquin Gas Transmission Co.
CAG–10. Omitted
CAG–11. Docket No. RP82–56–000, Northwest Pipeline Corp.
CAG–12. Docket No. RP82–59–000, Panhandle Eastern Pipe Line Co.; Docket No. RP82–60–000, Trunkline Gas Co.
CAG–13. Docket No. RP82–74–006 (PGA82–2 and IPR82–2), Texas Gas Transmission Corp.
CAG–14. Docket No. TA82–2–11–000, United Gas Pipe Line Co.
CAG–15. Docket No. IN83–1–000, Amoco Production Co. (Amerada Hess Corp.)
CAG–16. Docket No. IN83–1–000, Amoco Production Co. (Goldking Production Co., Goldrus Drilling Co. and Goldking Properties, Inc.)
CAG–17. Docket No. IN83–1–000, Amoco Production Co., (Getty Oil Co.)
CAG–18. Docket No. IN83–1–000, Amoco Production Co. (Peninsula Resources Corp.)
CAG–19. Docket No. ST82–319–000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG–20. Docket No. ST 83.219–000, Riverway Gas Pipeline Co.
CAG–21. Docket No. CI83–165–001, Cabot Petroleum Corp.
CAG–22. Docket No. CI73–860–022, Conoco Inc.
CAG–23. Docket No. CP76–362–006, 007 and CP78–189–007, Texas Eastern Transmission Corp.
CAG–24. Omitted
CAG–25. Docket No. CP82–499–001, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Columbia Gulf Transmission Co. and United Gas Pipe Line Co.
CAG–26. Docket No. CP83–340–000, producer-suppliers of Transcontinental Gas Supply Corp.
CAG–27. Docket No. CP73–235–000, Texas Eastern Transmission Corp.
CAG–28. Docket No. CP89–89–000, Algonquin Gas Transmission Co.
CAG–29. Docket No. CP83–235–000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG–30. Omitted
CAG–31. Omitted
CAG–32. Docket No. CP83–215–000, Northern Natural Gas Co., Division of Internorth, Inc.
CAG–33. Docket No. CP83–255–000, Houston Pipe Line Co.
CAG–34. Docket No. TA83–2–6–000 (PGA83–2), South Georgia Natural Gas Co.
CAG–35. Docket Nos. RP82–116–000 and RP83–58–002, Southern Natural Gas Co.

I. Licensed Project Matters

P–1. Project No. 5951–000, Gordon Ravenscroft; Project No. 6660–000, Raleigh and Virginia Stevens
P–2. Project No. 4922–000, Arizona Power Authority and Colorado River Commission of Nevada
P–3 Project No. 5207–000, City of Gillette, Wyoming Project No. 6113–000, Wyoming Municipal Power Authority
P–4. Project No. 3564–000, City of Duchesne, Utah; Project Nos. 5059–000 and 4424–000, Central Utah Water Conservancy District; Project No. 4497–000, Water Power Co.; Project No. 5354–000, Utah Power & Light Co.
P–5. Project Nos. 2497–001, 2758–001, 2676–001, 2768–001, 2770–001, 2771–001, 2772–001, and 2775–001, Linweave, Inc.
P–6. Project No. 6076–000, Fairview Orchards Associates; Project No. 6639–000, Piedmont Camp Fire Council and Lake Vera Mutual Water

II. Electric Rate Matters

ER–1. Docket No. E–8851–002, Alabama Power Co.
ER–2. Docket Nos. ER82–493–000 and ER82–494–000, Pennsylvania Power & Light Co.
ER–3. Docket No. ER81–197–006 (phase I), Arizona Public Service Co.
ER–4. Docket Nos. EF81–2011–000, EF81–2021–000 and EF82–2011–001, U.S. Department of Energy—Bonneville Power Administration

Miscellaneous Agenda

M–1. Docket No. RM81–41–000, sales of electric power to the Bonneville Power Administration; methodology and filing requirements
M–2. Reserved
M–3. Reserved
M–4. Docket No. RM81–21–000, recovery of Alaska Natural Gas Transportation System charges
M–5. Docket No. RM83–64–000, amendment to notice of procedures and to protest and intervention time limits for oil pipeline tariff filings
M–6. Docket No. GP80–117–000, Exxon Corp.
M–7. (a) Docket No. RP75–105–000, Columbia Gulf Transmission Co.; Docket No. RP75–106–000 (consolidated taxes), Columbia Gas Transmission Corp.; (b) Docket Nos. RP80–102–000 and RP81–86–000 (consolidated taxes), Southern Natural Gas Co.; (c) Docket No. ER81–141–000, Potomac Edison Co.

I. Gas Agenda

RP–1. (a) Docket No. RP82–137–000, Texas Gas Transmission Corp.; Docket No. RP83–4–000, Columbia Gas Transmission Corp. v. Texas Gas Transmission Corp.; (b) Docket No. RP83–8–000, Columbia Gas Transmission Corp. v. Tennessee Gas Pipeline Co., a division of Tenneco Inc.; Docket No. RP83–19–000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. v. Columbia Gas Transmission Corp.
RP–2. Docket No. RP81–80–000 (phase I) Consolidated Gas Supply Corp.
RP–3. Omitted
RP–4. Docket No. RP79–23–003, Distrigas of Massachusetts Corp.; Docket No. RP79–24–002, Distrigas Corp.

II. Producers Matters

CI–1. Docket Nos. RI73–60–006 and 007, Mitchell Energy Corp.
CI–2. Docket No. CI78–966–001, United Gas Pipeline Co.

III. Pipeline Certificate Matters

CP–1. Docket Nos. CP81–302–004 and CP81–303–007, Natural Gas Pipeline Co. of America; Docket No. CP81–322–003, Texas Gas Transmission Corp.; Docket Nos. ST82–322–001 and CP82–356–001, Dow Intrastate Gas Co.
CP–2. Docket Nos. CP83–7–000 and CP83–334–000, Louisiana Resources Co.; Docket Nos. CP83–9–000, CP83–13–000 and CP83–337–000, Faustina Pipe Line Co.
CP–3. Docket No. CP81–494–001, Natural Gas Pipeline Co. of America
CP–4. Omitted
CP–5. Docket No. CP83–151–000, Carnegie Natural Gas Co.; Docket No. CP83–150–000, Texas Eastern Transmission Corp.
CP–6. Docket No. CP83–217–000, National Fuel Gas Supply Corp.
CP–7. Docket No. CP82–194–000, Pacific Interstate Offshore Co.
CP–8. Docket Nos. CP81–107–000, CP81–108–000, CP81–296–000, CP81–298–000, Cp82–296–000, 001 and 002, CP82–470–000 and CP83–103–000, Boundary Gas, Inc. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Docket Nos. CP82–119–001 and 002, Algonquin Gas Transmission Co.; Docket Nos. CP82–478–000 and 001, ANR Michigan Storage Co.; Docket Nos. CP82–420–000 and 001, ANR Storage Co.; Docket Nos. CP82–428–000 and 001, Great Lakes Gas Transmission Co.; Docket Nos. CP82–502–000 and 001, Michigan Consolidated Pipeline Co.; Docket Nos. CP83–170–000 and 001 and CP83–249–000, Niagara Interstate Pipeline System; Docket Nos. CP82–326–000 and 001, CP82–423–000, CP82–446–001 and 002, Texas Eastern Transmission Corp.; Docket Nos. CP82–46–001 and 002, Transcontinental Gas Pipe Line Corp., Algonquin Gas Transmission and Texas Eastern Transmission Corp.; Docket Nos. CP82–125–000, 001 and 002, CP82–385–000, CP82–383–001 and 002, CP82–503–000 and 001 and CP83–314–000, Transcontinental Gas Pipe Corp.; Docket Nos. CP82–125–003, 004, 005 and 006, Trans-Niagara Pipeline
CP–9. Docket No. CP83–180–000, Montana Dakota Utilities Co., Complainant v. Colorado Interstate Gas Co., respondent
CP–10. Docket No. CP83– , Phillips Petroleum Co., and Marathon Oil Co.

Kenneth F. Plumb,

Secretary.

[S–843–83 Filed 6–9–83; 4:40 pm]

BILLING CODE 6717–01–M

7

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

(Northwest Power Planning Council)

ACTION: Notice of meeting to be held pursuant to the Government in the Sunshine Act (5 U.S.C. 552b).

STATUS: Open.

DATE AND TIME: June 22, 1983, 11 a.m.; June 23, 1983, 9 a.m.

PLACE: Remington Room, Outlaw Inn, Kalispell, Montana.

MATTERS TO BE CONSIDERED:

June 22:

- •Public comment on Draft Fiscal Year 1985 Budget and Fiscal Year 1984 Revisons
- •Council discussion of Budget
- •Status Report on BPA's Conservation Contracts
- •Public comment

A portion of the meeting scheduled for June 22 may be closed to the public to discuss personnel matters. The Council will consider the matter of closing a portion of this meeting as its first item of business on June 22.

June 23:

- •Status Report on Implementation of Fish and Wildlife Program including Water Budget, Montana Fish, Wildlife and Parks
- •Council Business
- •Public Comment

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong (503) 222–5161.

Edward Sheets,

Executive Director.

[S–650–83 Filed 6–10–83; 3:54 pm]

BILLING CODE 0000–00–M

8

POSTAL RATE COMMISSION

TIME AND DATE: 2 p.m., Wednesday, June 15, 1983.

PLACE: Conference Room, room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: (Closed pursuant to 5 U.S.C. 552b(c)(10)):

USPS Motion of Waiver of Certain Commission Rules in E–COM filing (Docket No. R83–1).

CONTACT PERSON FOR MORE INFORMATION: Cyril J. Pittack, Acting Secretary, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, telephone (202) 254–5614.

[S–649–83 Filed 6–10–83; 2:07 pm]

BILLING CODE 7715–01–M

9

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 26582, June 8, 1983.

STATUS: Open/closed meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, June 3, 1983.

CHANGE IN THE MEETING: Deletion/rescheduling. The Commission has cancelled the open meeting scheduled to consider the following item on Thursday, June 16, 1983, at 2:30 p.m.:

Consideration of whether to allow, or under what conditions to allow, the use of letters of credit: (1) As "cover," in lies of margin, when establishing short options positions in foreign currency or stock index options; (2) as collateral for secured demand notes made by subordinated lenders contributing capital to broker-dealers; and (3) as margin deposits required by the Options Clearing Corporation for certain aggregate short or exercised options positions of participants. For further information, please contact Thomas V. Sjoblom at (202) 272–7379.

A closed meeting scheduled for Thursday, June 16, 1983, following the now cancelled 2:30 p.m. open meeting has been rescheduled for Thursday, June 16, 1983, at 10 a.m.

Chairman Shad and Commissioner Evans, Thomas and Longstreth determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

June 9, 1983.

[S–644–83 Filed 6–10–83; 1:39 pm]

BILLING CODE 8010–01–M

0
4 8
ISS
1
1
5
J E
1 4
1983
UMI

federal register

Tuesday
June 14, 1983

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Land Program; Grants—Administrative Procedures

DEPA

Offic
and E

30 CF

Aban
Grant

AGEN
Recla

ACTIO

SUMM
(OSM
aband
relatin
for Sta
amend
which
from a
cooper
closed
was de
statem
entitle
refund
from th
These
reduce
recipie

EFFECT

FOR FU
Donald
Grants
Mining
1951 Co
Washin
343–795

SUPPLE

Backgr

The A
Reclam
establis
Control
Pub. L. 9
over ex
caused
activitie
disturbe
a fee im
produce
the fund
Indian t
reclama
for Fede
out by th
through
agencies

- Abando
administ
Agricult
Conserv

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 886

Abandoned Mine Land Program; Grants—Administrative Procedures

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining (OSM) has amended portions of the abandoned mine land reclamation rules relating to the administrative procedures for State Reclamation Grants. This amendment will eliminate form OSM–62 which was developed to release OSM from all obligations under the grant or cooperative agreement funding being closed out. Also, form OSM–63 which was developed to provide OSM with a statement indicating that OSM will be entitled to its share and payment of all refunds, rebates, and credits arising from the performance of the agreement. These forms are being eliminated to reduce the paperwork burden on the recipients as much as possible.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Donald W. Willen, Chief, Division of Grants Administration, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue N.W., Washington, D.C. 20240, Telephone (202) 343–7951 or 343–4225.

SUPPLEMENTARY INFORMATION:

Background

The Abandoned Mine Land Reclamation (AMLR) Program was established under the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87, in response to concern over extensive environmental damage caused by the failure of past coal mining activities to adequately reclaim disturbed lands. Funds are generated by a fee imposed on each ton of coal produced. Congress then appropriates the funds for: 1) grants to States and Indian tribes to plan and carry out reclamation programs and projects, 2) for Federal reclamation projects carried out by the Secretary of the Interior through OSM and other Interior agencies, and 3) for the Rural Abandoned Mine Program (RAMP) administered by the Secretary of Agriculture and carried out by the Soil Conservation Service.

Introduction to Final Rule Revision

Section 886.20 presently reads as follows:

§ 886.20 Administrative procedures.

The agency shall follow administrative procedures governing accounting, payment, property, and related requirements contained in Office of Management and Budget Circular No. A–102 and use the following forms: OSM–60 (Report of Government Property), OSM–62 (Recipients' Release), and OSM–63 (Recipients Assignments of Refunds, Rebates and Credits).

In OSM's effort to reduce the paperwork burden on the recipient as much as possible, it was decided to revise 30 CFR 886.20 to eliminate the forms OSM–62 and OSM–63 which were burdensome and unnecessary. This action would also reduce the number of forms required from the recipient for closing out OSM financial assistance grants.

Therefore, OSM published a proposed rule in the **Federal Register** on Friday March 4, 1983 (Volume 48, No. 44). The comment period closed at 5 p.m. April 4, 1983.

Form OSM–62 was developed to release OSM from all obligations under the grant or cooperative agreement funding being closed out. OSM will require this information be provided in the grantee's transmittal letter at the time the grantee submits the final closeout report.

The transmittal letter will indicate that the recipient discharges the Government from all obligations arising from the agreement, unless any exceptions are noted. Information on audit exceptions will also be included.

The purpose of Form OSM–63 was to provide OSM with a statement indicating that OSM will be entitled to its share and payment of all refunds, rebates, and credits arising from the performance of the agreement.

OSM will ensure that a statement is included in each grant agreement that will indicate that OSM will be entitled to its share and payment of all refunds, rebates and credits arising from the performance of the agreement.

Disposition of Comments

Two comments were received from the States and considered in the rulemaking process. The two comments are available for inspection in the Administrative Record, Room 5315, 1100 L Street, N.W., Washington, D.C.

The two commenters fully support the proposed rule change of 30 CFR 886.20 (Administrative procedures).

Procedural Matters

The following determinations have been made by OSM in reference to the rule change:

This rule is being made effective immediately to avoid unnecessary expense and administrative burdens.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

The Department of the Interior has determined, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), that this action will not have a significant effect on the quality of the human environment and an environmental impact statement need not be prepared.

The information collection requirements contained in this rule was approved by OMB under 44 U.S.C. 3507 and assigned clearance number 1029–0070.

Form OSM–62 was assigned number 1029–0077 and Form OSM–63 was assigned number 1029–0068.

Author of Rule Change: Carole L. Battle, Division of Grants Administration, Telephone: (202) 343–4714.

List of Subjects in 30 CFR Part 886

Coal mining, Grant program/natural resources, Reporting requirements, Surface mining, Underground mining.

For the reasons set forth in this preamble, 30 CFR Part 886.20 is amended as set forth herein.

Dated: May 13, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 886—STATE RECLAMATION GRANTS

Section 886.20 is revised to read as follows:

§ 886.20 Administrative procedures.

The agency shall follow administrative procedures governing accounting, payment, property, and related requirements contained in Office of Management and Budget Circular No. A–102 and use the following form: OSM–60 (Report of Government Property).

Authority: Pub.L. 95–87, 30 U.S.C. 1201 *et seq.*

[FR Doc. 83–15944 Filed 6–13–83; 8:45 am]

BILLING CODE 4310–05–M

OL
48
ISS
1
1
5
JE
14
1983
UMI

federal register

Tuesday
June 14, 1983

Part III

Department of the Interior

Bureau of Land Management

Procedures for Management of Designated Wilderness Areas

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8560

Designated Wilderness Areas; Procedures for Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would establish procedures for the administration of wilderness areas on public lands that are designated by Congress as part of the National Wilderness Preservation System. This proposed rulemaking would enable the Bureau of Land Management to carry out the congressional direction to manage wilderness areas to preserve their wilderness character. The proposed rulemaking is based on the Bureau's Wilderness Management Policy as published in the **Federal Register** on September 24, 1981 (46 FR 47180), and is similar to the Forest Service wilderness management regulations.

DATE: Comments should be received by August 15, 1983.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: David E. Porter, (202) 343–6064.

SUPPLEMENTARY INFORMATION: Section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) requires that once an area of public lands has been designated for preservation as wilderness, the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131) which apply to national forest wilderness areas shall also apply to areas under the jurisdiction of the Bureau of Land Management. The Wilderness Act directs that wilderness areas be managed to provide for their protection and the preservation of their wilderness character. The Wilderness Act prohibits certain uses and activities in wilderness areas. It is important that the public be aware of the restrictions on use and visitation. There are presently no regulations that directly pertain to management of public land wilderness areas. This proposed rulemaking would put provisions relating to the management of wilderness areas into a single part of the Code of Federal Regulations rather than spread them piecemeal among several parts of existing regulations.

The proposed rulemaking is concerned primarily with the restraints placed on the public. Certain uses such as mining, mineral leasing and grazing are specifically provided for in the Wilderness Act, and activities related to these uses would also be managed by the Bureau of Land Management.

The proposed rulemaking would enable the Bureau to manage these activities to minimize the impact on the wilderness character of the lands, and enable the Director of the Bureau of Land Management or the authorized officer, by directive or order, to impose qualifications or restrictions on such uses as circumstances require and as permitted by law.

This proposed rulemaking would have no effect on the process for designating wilderness areas. Further, this proposed rulemaking would have no effect on the jurisdiction or responsibility of the States to manage fish and wildlife on public lands, and would not constitute an express or implied claim of exemption from State water laws on the part of the Bureau of Land Management or the Department of the Interior.

The proposed rulemaking would require the authorized officer of the Bureau of Land Management to permit reasonable access to inholdings within wilderness areas. The responsibility for determining what is reasonable access would remain with the authorized officer, who would consult closely with inholders to determine and meet their needs. Any decision of the authorized officer would be subject to appeal.

Mining operations authorized by the U.S. Mining Laws in BLM administered wilderness areas may require an approved plan of operations under 43 CFR 3809. Any plan of operations approved on or before December 31, 1983, will be allowed to continue pending a determination that valid rights exist.

Before approving plans of operations submitted after December 31, 1983, or such other date on which the mining laws cease to apply to an affected wilderness area, the authorized officer will request a mineral examiner to make an informal examination of the operation area. If the evidence of mineralization appears sufficient to justify a determination that a valuable mineral deposit has been discovered, the authorized officer may process the plan of operations. If the mineralization does not appear sufficient, the authorized officer will disapprove the plan of operations and initiate a formal validity determination. Any disapproval of a plan of operations by the authorized officer would be subject to appeal by the operator under 43 CFR 3809.4.

The proposed rulemaking would close all wilderness areas on public lands to mineral leasing. Exercising the discretion granted to him by the mineral leasing laws, the Secretary of the Interior has directed that no mineral leases shall be issued before midnight, December 31, 1983, after which the mineral leasing laws cease to apply to wilderness ares. A provision to that effect has been included in this rulemaking.

The principal author of this proposed rulemaking is David E. Porter, Division of Recreation, Cultural, and Wilderness Resources, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility act (5 U.S.C 601 et seq.) The proposal favors no demographic group, and applies equally to all users, regardless of size, pursing a particular activity in any wilderness area administered by the Bureau. Information is required from the public for certain uses and activities in wilderness areas in accordance with existing procedures found in 43 CFR 2800, 2880,, 2920, 3045, 3209, 3809, 4100 and 8372. The information collection requirements of those procedures, which are referred to in this rule, have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

List of Subjects in 43 CFR Part 8560

Grazing lands, Livestock, National Wilderness Preservation System, Oil and gas exploration, Penalties, Public lands—mineral resources, Public lands—recreation, Recreation.

Under the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and the Wilderness Act of 1964 (16 U.S.C. 1131), it is proposed to amend Subchapter H, Chapter II, Title 43 of the Code of Federal Regulations by adding a new Group 8500 as set forth below:

Group 8560—Wilderness Management

PART 8560—WILDERNESS AREAS

Subpart 8560—Management of Designated Wilderness Areas

Sec.

8560.0–1 Purpose.
8560.0–2 Objectives.
8560.0–3 Authority.
8560.0–5 Definitions.
8560.0–6 Policy.
8560.1 Uses and prohibited acts.
8560.1–1 Permits for and restrictions on use.
8560.1–2 Prohibited acts.
8560.2 Special provisions applicable to Alaska (reserved).
8560.3 Administrative and emergency functions.
8560.4 Special uses.
8560.4–1 Livestock grazing.
8560.4–2 Aircraft and motorboats.
8560.4–3 Access.
8560.4–4 Commercial services.
8560.4–5 Gathering information about resources.
8560.4–6 Mining law administration.
8560.4–7 Mineral leases and permits.
8560.4–8 Water and power resources.
8560.5 Penalties.

Authority: 43 U.S.C. 1701 et seq., 16 U.S.C. 1131 et seq.

Subpart 8560—Management of Designated Wilderness Areas

§ 8560.0–1 Purpose.

The purpose of this part is to provide procedures for the mangement of public lands designated by Congress as part of the National Wilderness Preservation System and administered under provisions of the Wilderness Act of 1964.

§ 8560.0–2 Objective.

The objective of these regulations is management of the public lands designated as part of the National Wilderness Preservation System to preserve and protect their wilderness character, provide for their use and enjoyment by the American people in a manner that will leave them unimpaired for future use and enjoyment as wilderness, and allow for recreational, scenic, scientific, educational, conservation and historic use.

§ 8560.0–3 Authority.

This part is issued under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.).

§ 8560.0–5 Definitions.

As used in this part, the term:

(a) "Adequate access" means the combination of routes and modes of travel to non-Federal inholdings that will, as determined by the authorized officer, serve the reasonable purposes for which the non-Federal lands are held or used, and at the same time, cause impacts of least duration and degree on the wilderness resource.

(b) "Authorized officer" means any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described in this part.

(c) "Bureau" means the Bureau of Land Management.

(d) "Mechanical transport" means any device for transporting personnel or material with: wheels, tracks or skids, or by flotation, for traveling over land, water or snow, and is propelled by a nonliving power source contained or carried on or within the device.

(e) "Motorized equipment" means any machine activated by a nonliving power source except small battery-powered, handcarried devices such as flashlights, shavers, Geiger counters and cameras.

(f) "Motor vehicle" means any vehicle which is self-propelled or any vehicle which is propelled by electric power obtained from batteries.

(g) "Mining operations" means all functions, work and activities in connection with prospecting, exploration, development, mining or processing of mineral resources and all uses of the land reasonably incident thereto, including roads and other means of access on lands subject to the regulations in this part, regardless of whether said operations take place on or off mining claims.

(h) "Primitive and unconfined recreation" means nonmotorized types of outdoor recreation activities that do not require developed facilities.

(i) "Public lands" means any lands and interests in lands owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management without regard to how the United States acquired ownership.

(j) "Solitude" means the state of being alone or remote from habitation; isolation; also, a lonely, unfrequented, or secluded place.

(k) "Visitor use" means on-site use of the wilderness area for recreation, inspiration, stimulation, solitude, relaxation, education, scientific research, pleasure or satisfaction.

(l) "Wilderness" is defined in the same way as in section 2(c) of the Wilderness Act of 1964, 16 U.S.C. 1131(c).

(m) "Wilderness character or characteristics" are defined in the same way as in section 2(c) of the Wilderness Act of 1964, 16 U.S.C. 1131(c).

§ 8560.0–6 Policy

Wilderness areas shall be managed to promote, perpetuate and, where necessary, restore the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, primitive recreation, watersheds and water yield, wildlife habitat, natural plant communities, and similar natural and recreational values.

(a) Natural ecological succession shall be allowed to operate freely to the extent permitted by the Wilderness Act;

(b) Wilderness shall be made available for human use to the optimum extent consistent with the maintenance of primitive conditions;

(c) In resolving conflicts in resource use, wilderness values shall be primary to the extent provided by the Wilderness Act or subsequent establishing legislation.

§ 8560.1 Uses and prohibited acts.

§ 8560.1–1 Permits for and restrictions on use.

(a) Unless otherwise designated by the authorized officer, all wilderness areas shall be open to uses consistent with the preservation of their wilderness character and their future use and enjoyment by the American people as wilderness, including, but not limited to, primitive recreation and scientific study. The authorized officer may require permits for any use of particular wilderness areas, including, but not limited to, camping, campfires and grazing of recreation livestock, and may isue written orders to close or restrict the use of lands and water surface administered by the Bureau within the boundary of any component of the Natural Wilderness Preservation System when necessary to carry out the intent of the Wilderness Act. Each order shall:

(1) Describe the lands, trail or waterway to which the order applies;

(2) Specify the time during which the closure or restriction applies;

(3) State each prohibition that is applied; and

(4) Specify any person exempted from any of the prohibitions contained in the order.

(b) An order to close or to restrict the use of lands and water surface shall be effective upon posting. Posting shall be by:

(1) Placing a copy of the order in each local office of the Bureau having jurisdiction over lands affected by the order; and

(2) Displaying each order near and/or within the affected wilderness area in such reasonable locations and in such a

manner as to bring the prohibitions contained in the order to the attention of the public.

(c) The authorized officer may publish in the **Federal Register**, and/or in a newspaper of general circulation in the area of the affected lands, a copy of the order to close or restrict the use of lands or water surface.

(d) Permits may be requested from the Bureau office exercising field-level jurisdiction over the wilderness areas for which use permits are required by the authorized officer.

(e) When a permit for use is required by the authorized officer, applications for recreation uses shall be completed in accordance with the provisions of 43 CFR Part 8372.

§ 8560.1–2 Prohibited acts.

Except as provided in the Wilderness Act or subsequent legislation establishing a particular wilderness area, or as specifically provided for elsewhere in this subpart, and subject to valid existing rights, the following are prohibited in wilderness areas managed by the Bureau;

(a) Commercial enterprises;

(b) Temporary or permanent roads;

(c) Aircraft landing strips, heliports, or helispots;

(d) Use of motorized equipment, motor vehicles, motorboats or other forms of mechanical transport;

(e) Landing of aircraft;

(f) Dropping of materials, supplies or persons from aircraft;

(g) Structures or installations, including motels, summer homes, stores, resorts, organization camps, hunting and fishing lodges, electronic installations, and similar structures and uses;

(h) Cutting of trees;

(i) Violating any order or regulation established by the authorized officer;

(j) Entry into or use of wilderness areas without a permit, where such permits are required by the authorized officer.

§ 8560.2 Special provisions applicable to Alaska (Reserved).

§ 8560.3 Administrative and emergency functions.

To the extent authorized by law, the authorized officer may:

(a) Use, construct or install motorized equipment, mechanical transport, aircraft, aircraft landing strips, heliports, helispots, installations or structures in designated wilderness areas, and prescribe conditions under which such items may be used, transported or installed by other Federal, State or county agencies or their agents, to meet the minimum requirements for protection and administration of the wilderness area and its resources.

(b) Authorize occupancy and use of wilderness areas by officers, employees, agencies or agents of the Federal, State and local governments to carry out the purposes of the Wilderness Act.

(c) Prescribe measures to be taken, as necessary, to control fire, insects and diseases where these threaten human life, property or high value resources within the wilderness area or on adjacent nonwilderness lands.

(d) Prescribe measures which may be used in emergencies involving the health and safety of persons or damage to property, including the conditions for use of motorized equipment, mechanical transport, aircraft, installations and structures.

§ 8560.4 Special uses.

All uses specifically permitted in wilderness areas by the Wilderness Act and subsequent laws shall be conducted in a manner that will prevent unnecessary or undue degradation of the wilderness character of the land.

§ 8560.4–1 Livestock grazing.

(a) The grazing of livestock, where such use was established before the date of the establishment of the area as a unit of the National Wilderness Preservation System, shall be permitted to continue under the regulations on the grazing of livestock on public lands in part 4100 of this chapter and in accordance with any special provisions covering grazing use in wilderness areas that the Director may prescribe.

(b) Grazing activities may include the construction, use and maintenance of livestock management improvements and facilities associated with grazing that are in compliance with approved plans for the area.

§ 8560.4–2 Aircraft and motorboats.

The authorized officer may permit the landing of aircraft and use of motorboats at places within any wilderness area where these uses were established before the date the area was designated by Congress as a unit of the National Wilderness Preservation System, and where such uses have continued, subject to such restrictions as he/she finds necessary. The authorized officer may also permit the maintenance of aircraft landing strips, heliports or helispots that existed when the area was designated a unit of the National Wilderness Preservation System.

§ 8560.4–3 Access.

(a) States or persons, and their successors in interest, who own lands completely surrounded by a wilderness area or who hold valid mining claims or other valid occupancies, shall be given adequate access to such lands, as determined necessary by the authorized officer.

(b) Persons with valid mining claims or other valid occupancies wholly within wilderness areas shall be permitted access to such surrounded occupancies by means that are consistent with the preservation of such wilderness and that have been or are being customarily used with respect to other such occupancies surrounded by wilderness. Permits issued under 43 CFR Parts 2800, 2880 or 3809 by the authorized officer shall prescribe the routes of travel to and from the occupancies surrounded by wilderness, the mode of travel, and other conditions reasonably necessary to preserve the wilderness areas.

(c) No roads shall be constructed across wilderness areas unless permitted by the authorized officer. Access by routes or modes of travel not available to the general public may, when fully justified, be permitted by written authorization of the authorized officer. The authorization shall prescribe routes and modes of travel which will result in impacts of least duration and degree on wilderness characteristics and, at the same time, serve the reasonable purposes for which the lands are held or used.

§ 8560.4–4 Commercial services.

The authorized officer may permit temporary structures and commercial services such as those provided by packers, outfitters and guides within wilderness areas to the extent he/she finds necessary for activities appropriate for realizing the recreational or other wilderness purposes of the area.

§ 8560.4–5 Gathering information about resources.

(a) Any person desiring to conduct any activity, for purposes of gathering information about natural resources in wilderness may do so provided it is carried on in a manner compatible with the preservation of the wilderness environment. Where required by other law or regulation, such person shall obtain the necessary permits or authorizations. The authorized officer in granting such permits or authorizations shall allow such activities, subject to such restrictions as he/she may impose to insure that they are carried on in a manner compatible with the preservation of the wilderness environment. This section shall not apply to mineral prospecting under the

mining or mineral leasing laws conducted prior to the date when the mining and mineral leasing laws cease to apply to the respective component of the system. (See § 8560.4–6.)

(b) Any person desiring to use motor vehicles, motorized equipment, mechanized transport, or to land aircraft for mineral prospecting or for gathering information about resources, shall notify the Bureau in writing. No form of overland mechanical transport may be used unless approved in accordance with subparts 2920, 3045 or 3209 of this title. If a permit is required, it shall provide for the protection of public land resources, including wilderness characteristics, protection of the public and restoration of disturbed areas, and may provide for the posting of performance bonds.

§ 8560.4–6 Mining law administration.

The United States mining laws shall apply to each wilderness area under the jurisdiction of the Bureau for the period specified in the Wilderness Act and subsequent establishing legislation to the same extent they were applicable on the date of the designation of the area as part of the National Wilderness Preservation System.

(a) No person shall obtain any right or interest in or to any mineral deposits that may be discovered through prospecting or other information-gathering activity after the date on which the United States mining laws cease to apply to the specific wilderness area.

(b) No mining operating shall be conducted on Bureau-administered wilderness areas without an approved plan of operations where required by subpart 3809 of this chapter.

(c) Holders of valid mining claims established on any Bureau-administered wilderness area before the date such unit was included in the National Wilderness Preservation System shall be accorded the rights provided by the United States mining laws then applicable to the public lands involved.

(d) Any person prospecting or locating a mining claim in a Bureau-administered wilderness area on or after the date the wilderness area was included in the National Wilderness Preservation System, but prior to the date on which the mining laws cease to apply to that area, shall have the rights provided by the United States mining laws, subject to the provisions of the Wilderness Act and subsequent establishing legislation.

(e) All mining claimants shall comply with conditions established by the authorized officer for the protection of resources in accordance with the general purposes of maintaining the National Wilderness Preservation System unimpaired for future use and enjoyment as Wilderness and to preserve its wilderness character, consistent with the use of the lands for mineral location, exploration, development, drilling and production, and for transmission lines, water lines, telephone lines and processing operations. The conditions shall control, where essential, the use of mechanized transport, aircraft and motorized equipment.

(f) As soon as feasible after mining operations cease, but no more than one year thereafter, the operator shall remove all structures, equipment and other facilities and, no more than 6 months thereafter, commence reclamation. Reclamation shall be completed within a reasonable time as determined by the authorized officer. Whenever possible and feasible, reclamation shall restore the surface to a contour which appears to be natural, although this may not be the original contour. Where such measures are impractical or impossible, as determined by the authorized officer, reclamation shall provide the maximum achievable slope stability.

(g) In the development and operation of mining claims, claimants shall, to the extent practicable as determined by the authorized officer, prevent erosion, deterioration of the land, and the obstruction, pollution or siltation of streams, lakes or springs.

(h) The owner of patented mining claims located after the lands were included in the National Wilderness Preservation System may cut and use as much of the mature timber as is needed in the extraction, removal and benefication of the mineral deposits, if needed timber is not otherwise reasonably available. The cutting shall comply with sound principles of forest management as set forth in stipulations issued by the authorized officer.

(i) Prior to approving plans of operations or allowing operations to continue on unpatented claims after the date on which the mining laws cease to apply to the affected wilderness area, the authorized officer shall determine to his/her satisfaction the validity of such claims. Where the authorized officer determines that the claims are not valid, he/she shall institute a contest to establish conclusively the validity or invalidity of the claim. Producing operations shall be permitted to continue until a plan of operations is approved.

(j) Activities, including prospecting under the United States mining laws, for the purpose of gathering information about minerals in wilderness, shall be allowed, except that any such activity for gathering mineral information after the date on which the United States mining laws cease to apply shall be conducted in a manner compatible with the preservation of the wilderness environment. After such date, mining claims shall not be located in wilderness areas.

§ 8560.4–7 Mineral leases and mineral permits.

(a) Although the Wilderness Act permits mineral leasing in wilderness areas until midnight, December 31, 1983, no mineral leases shall be issued under the mineral leasing laws in any wilderness area on public lands.

(b) No person shall obtain any right or interest in or to any mineral deposits that may be discovered in a wilderness area through prospecting or other information-gathering activity after the date on which the laws pretaining to mineral leasing cease to apply to the specific wilderness area, nor shall any person after such date have any preference in applying for a mineral lease, license or permit.

(c) Permits shall not be issued for the removal of mineral materials commonly known as "common varieties" under the Minerals Act of July 31, 1947, as amended and supplemented (30 U.S.C. 601, 604).

§ 8560.5–8 Water and power resources.

Prospecting for water resources and the establishment of new reservoirs, water-conservation works, power projects, transmission lines and other facilities needed in the public interest, and the subsequent maintenance of such facilities, all pursuant to section 4(d)(4)(1) of the Wilderness Act, may be permitted under authorization by the President.

§ 8560.6 Penalties.

Any person who knowingly and willfully violates the regulations § 8560.1–2 is subject to arrest, conviction and punishment by a fine of not more than $1,000 or imprisonment for not more than 12 months, or both.

Dated: May 20, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83–15897 Filed 6–13–83; 8:45 am]

BILLING CODE 4310–84–M

4 8

ISS

1
1
5

J E

1 4

1983

UMI

federal register

Tuesday
June 14, 1983

Part IV

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 908]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 8, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
- 102-2: New well (2.5 Mile rule)
- 102-3: New well (1000 Ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease)

Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal Seams
- 107-DV: Devonian Shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 908

ISSUED JUNE 8, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ABCO ENERGY CORP			RECEIVED: 05/16/83 JA: TX						
8336899	F-04-063587	4221531242		103		HIDALGO CO IRRIG DIST #6 #1	PENITAS (7400')	49.0	VALERO INTERSTATE
[illegible]	F-7C-066306	4210533786		103	107-TF	JOE PIERCE-WINCHESTER "A" #7-A1	HUDSPETH (CANYON)	30.2	TEXAS INTRA-MARK
8336935	F-7C-066301	4210533787		103	107-TF	JOE PIERCE-WINCHESTER "A" #8-A1	HUDSPETH (CANYON)	2.0	TEXAS INTRA-MARK
8336936	F-7C-066304	4210533785		103	107-TF	PIE PIERCE-WINCHESTER "A" #10-A1	HUDSPETH (CANYON)	32.0	TEXAS INTRA-MARK
8336937	F-7C-066303	4210533841		103	107-TF	PIE PIERCE-WINCHESTER "A" #11-A1	HUDSPETH (CANYON)	1.5	TEXAS INTRA-MARK
8336940	F-7C-066307	4210533779		103	107-TF	PIE PIERCE-WINCHESTER "A" #2-A1	HUDSPETH (CANYON)	31.7	TEXAS INTRA-MARK
8336935	F-7C-066302	4210533784		103	107-TF	PIE PIERCE-WINCHESTER "A" #9-A1	HUDSPETH (CANYON)	22.6	TEXAS INTRA-MARK
-AMERICAN PETROFINA COMPANY OF TEXAS			RECEIVED: 05/16/83 JA: TX						
8336856	F-03-057043	4216730759		102-4	103	MACO STEWART WELL #1	LEAGUE CITY (10980)	120.0	HOUSTON PIPE LINE
-AMERICAN SHORELINE, INC.			RECEIVED: 05/16/83 JA: TX						
8336922	F-02-065582	4229400000		102-4		CHANDLER-NESTER UNIT #1-T	GRANT RANCH	456.3	SOUTHERN GAS PIPE
-AMOCO PRODUCTION CO			RECEIVED: 05/16/83 JA: TX						
8336917	F-8A-065495	4221932966		103		MAY MONTGOMERY UNIT #54	LEVELLAND	0.6	AMOCO PRODUCTION
[illegible]	F-8A-67328	4244531180		103		PRENTICE NORTHEAST UNIT #153	PRENTICE (6700)	0.2	AMOCO PRODUCTION
-ARCO OIL AND GAS COMPANY			RECEIVED: 05/16/83 JA: TX						
8337034	F-08-67368	4230130367		103		W B JOHNSON JR A #1	BIMMITT (CHERRY CANYO	18.0	INTRATEX GAS CO
8336949	F-7B-066738	4241734655		103		W M GREEN #1	ROCKWELL (CONGL UPPER	135.0	DELHI GAS PIPELIN
8336950	F-8A-066739	4250131962		103		WAPLES PLATTER "IG" #4	DUNBY (CLEARFORK UPPE	14.0	AMOCO PRODUCTION
8336877	F-04-062055	4213135431		102-4		WELDER #2	SEVEN SISTERS EAST (R	1135.0	ARCO CHEMICAL CO
-AUGUSTA OIL & GAS INC			RECEIVED: 05/16/83 JA: TX						
8336964	F-7B-067064	4225300000		102-4		HANNER #3	ACE-TINER (CANYON REE	28.0	CONOCO INC
-B & B FARM INDUSTRIES INC			RECEIVED: 05/16/83 JA: TX						
[illegible]	F-16-062105	4248330499		102-4		BOMER-REED #1-2	ALLISON-BRITT (12350)	540.0	WESTAR TRANSMISSI
-BASS ENTERPRISES PRODUCTION CO			RECEIVED: 05/16/83 JA: TX						
8336839	F-06-064353	4234730410		102-4	103	HARRISON GAS UNIT #7 WELL #1	HARRISON	0.0	UNITED GAS PIPE L
-BEST PETROLEUM EXPLORATION INC			RECEIVED: 05/16/83 JA: TX						
8336864	F-09-060432	4249700000		103		BUCKNER #1	PARK SPRINGS (CONGL)	0.0	CITIES SERVICE CO
-BETTIS BOYLE & STOVALL			RECEIVED: 05/16/83 JA: TX						
8336975	F-04-067182	4224900000		108		M A & M J HOFFMAN #1 (014795)	YSLETA (3400)	3.0	VALLEY GAS TRANSM
-BLOCKER EXPLORATION CO			RECEIVED: 05/16/83 JA: TX						
8336847	F-04-053827	4221531122		102-4	103	ELLA THOMPSON YOUNGBLOOD #1	SAN SALVADOR (7750')	116.0	
-BURRELL & ICE			RECEIVED: 05/16/83 JA: TX						
8337027	F-08-6736	4238900000		108		M T HODGE #1	MARA (DELAWARE)	1.0	TRANWESTERN PIPEL
8337026	F-08-67341	4238900000		108		J M HODGE #2-A	MARA (DELAWARE)	6.1	TRANWESTERN PIPEL
-C F LAWRENCE & ASSOC INC			RECEIVED: 05/16/83 JA: TX						
8336838	F-7B-037304	4210500000		108-ER		OWENS C #1	CLARA COUCH (WOLFCAMP	0.0	EL PASO NATURAL G
-CHALMERS OPERATING CO INC			RECEIVED: 05/16/83 JA: TX						
8336948	F-7B-066637	4241734815		102-2		EDNA DILLER BLANTON UNIT A 019418	DILLER-BLANTON (MISS)	7.3	DELHI GAS PIPELIN
8336944	F-7B-066494	4209330816		102-4		PUTMAN	CHARLIE (MISSISSIPPI	1.6	LONE STAR GAS CO
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 05/16/83 JA: TX						
8336926	F-04-065901	4235500000		108		O P WARDNER 039 C	STRAYTON	0.0	TENNESSEE GAS PIP
-CLAYTON W WILLIAMS JR			RECEIVED: 05/16/83 JA: TX						
8336873	F-03-061796	4214900000		102-2		CITZLER-TIEMANN UNIT #1	GIDDINGS (EDWARDS GAS	0.0	VALERO TRANSMISSI
8336867	F-03-060710	4214900000		102-2		JOE KIRSCH UNIT 1-A	GIDDINGS [illegible] GAS	0.0	VALERO TRANSMISSI
8336894	F-03-062701	4214900000		102-2		PHILLIPS-RAUCH UNIT #1	GIDDINGS [illegible] GAS	0.0	VALERO TRANSMISSI

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO
-COASTLINE EXPLORATION INC		
8336929	F-04-066342	4224931625
-COLLINS OIL & GAS		
8336913	F-10-065257	4223330873
-COMANCHE RESOURCES INC		
8336845	F-7B-047982	4204900000
8336844	F-7B-047981	4204900000
8336842	F-7B-047979	4208300000
8336843	F-7B-047980	4208300000
-CONOCO INC		
8336972	F-08-067160	4222700000
8336971	F-08-067150	4210931662
8336970	F-08-067158	4238931361
-CONTINENTAL US EXPLORATION INC		
8336980	F-03-067198	4205132310
-COTTON PETROLEUM CORPORATION		
8336954	F-10-066856	4235700000
-CRESCENT ENERGY CORP		
8336863	F-10-060317	4248330885
-CROWN PRODUCTION CO INC		
8336853	F-01-056001	4216331792
-D L WHITAKER OIL CO		
8336914	F-7B-065377	4244732851
-DEVON ENERGY CORP		
8337019	F-10-67323	4229530991
-ENERGETICS INC		
8336932	F-10-066075	4234130898
8336931	F-10-066074	4237530901
8336930	F-10-066073	4237530902
-EXPANDO OIL CO		
8336934	F-09-066246	4219730303
-EXXON CORPORATION		
8337021	F-03-67326	4233930561
8337020	F-03-67325	4233930562
8337005	F-04-67260	4227331736
8337023	F-04-67335	4204700000
8337025	F-04-67339	4204700000
8336957	F-04-066889	4226130661
8337024	F-04-67336	4242700000
8337006	F-04-67261	4204731213
-FAGADAU ENERGY CORP		
8336963	F-09-067058	4207700000
-FARGO ENERGY CORP		
8336907	F-03-064416	4214931461
-GENERAL AMERICAN OIL COMPANY OF TEX		
8336909	F-08-065010	4210333056
-GETTY OIL COMPANY		
8337012	F-7C-67292	4238300000
8337018	F-7C-67319	4238300000
8336862	F-03-059989	4204100000
8336837	F-7B-028407	4241700000
8337050	F-7C-67404	4238300000
-GHR ENERGY CORP		
8336898	F-04-063238	4247933396
8336903	F-04-063738	4247933405
8336848	F-04-053938	4247933030
8336852	F-04-055936	4250531485
8336849	F-04-055092	4247933051
8336904	F-04-064157	4250531574
8336846	F-04-062302	4250531537
8336947	F-04-066594	4250531591
8336919	F-04-065517	4247933462
8336859	F-04-058613	4247933258
-GILLRING OIL CO		
8336905	F-04-064111	4235500000
8336912	F-04-065253	4235500000
-GOLDEN TREND OIL & GAS CORP		
8336879	F-04-062103	4248900000
-GRAND BANKS ENERGY CO		
8336958	F-08-066949	4217331313
-GULF ENERGY PRODUCING COMPANY		
8336874	F-7B-061865	4236300000
-GULF OIL CORPORATION		
8336882	F-10-062157	4239300000
8336884	F-10-062160	4239300000
8336885	F-10-062161	4239300000
8336881	F-10-062152	4229500000
8336925	F-08-065771	4210333067
8336961	F-03-066983	4206130531
8337013	F-08-67301	4210332784
-GUNN OIL CO		
8336883	F-8A-062159	4226930998
-H & S OPERATING INC		
8336902	F-09-063726	4223734902
8336901	F-09-063725	4223700000
-HCW EXPLORATION INC		
8336951	F-03-066807	4214931415
-HENDON EXPLORATION INC		
8336966	F-08-067139	4217331363
-HILL JOHN H		
8336941	F-04-066402	4224931536
-HNG OIL COMPANY		
8336887	F-04-062384	4250531048
8336888	F-04-062385	4250531031
-HOME PETROLEUM CORPORATION		
8336856	F-01-056067	4212732360
-HORN J R		
8336866	F-09-066659	4223734697
-HUMBLE EXPLORATION CO INC		
8336942	F-03-066418	4214931280
8336946	F-03-066590	4228731319
-INWOOD EXPLORATION INC		
8336893	F-7B-062646	4236732368
-J M HUBER CORPORATION		

D	SEC(1)	SEC(2)	WELL NAME
	RECEIVED:	05/16/83	JA: TX
102-4	103		MUIL ESTATE #1
	RECEIVED:	05/16/83	JA: TX
108			J J PERKINS #13
	RECEIVED:	05/16/83	JA: TX
108			GEER J R #2
108			GEER J R #3
108			GEER J R #5
108			GEER J R "A" #2
	RECEIVED:	05/16/83	JA: TX
103			G O CHALK #23 (18986)
103			RAMSEY "44" #9 (27636)
108			W E BELL "44" #17 (27756)
	RECEIVED:	05/16/83	JA: TX
103			PORTER #1
	RECEIVED:	05/16/83	JA: TX
108			LANDRUM #1
	RECEIVED:	05/16/83	JA: TX
103			DAVID CROCKETT (1015222) #1
	RECEIVED:	05/16/83	JA: TX
103			KING J M "B" 5
	RECEIVED:	05/16/83	JA: TX
103			NASH #1A
	RECEIVED:	05/16/83	JA: TX
102-4			STUART RANCH #11
	RECEIVED:	05/16/83	JA: TX
103			MASTERSON G-41 (03839)
103			MASTERSON G-45 (03839)
103			MASTERSON G-46 (03839)
	RECEIVED:	05/16/83	JA: TX
102-4			MCNABB #1 19811
	RECEIVED:	05/16/83	JA: TX
103			CONROE FIELD UNIT #1316
105			CONROE FIELD UNIT #1936
103			K R EAST LAURELES G-48 (1041553)
108			MCGILL BROS 314-D (051506)
108			MCGILL BROS 343-D (055146)
102-4			MRS S K EAST 129-D (ID PENDING)
108			N R & E A MONTALVO 10 (061881)
103			VIBORAS FIELD G U #1 V-106 104089
	RECEIVED:	05/16/83	JA: TX
102-4			SCALING RANCH "B" #2 RRC #
	RECEIVED:	05/16/83	JA: TX
102-2			ELTON BOEHNKE #1
	RECEIVED:	05/16/83	JA: TX
103			CENTRAL DUNE 0509
	RECEIVED:	05/16/83	JA: TX
108			C W MERCHANT #2
108			C W MERCHANT #4
102-2			C W MOODY #1-U
108-ER			O R DAVIS #1
108			J F NUNN 'A' #5
	RECEIVED:	05/16/83	JA: TX
102-4	107-TF		ARCO FEE B-1
102-4	107-TF		ARCO FEE C-1
102-4	107-TF		B M T 11-C
102-4	107-TF		B R BENAVIDES #2
102-4	107-TF		FROST NATIONAL BANK #8
102-4	107-TF		LA PERLA #43
102-4	107-TF		LUNDELL #B-1
102-4	107-TF		O GUTIERREZ #1-T
102-4	107-TF		SAMUELS GAS UNIT #1 WELL #3
102-4	107-TF		YATES #2
	RECEIVED:	05/16/83	JA: TX
103			J C INGRAM #2
102-4			SIMMONDS & PERRY #2
	RECEIVED:	05/16/83	JA: TX
102-4	103		DON M CUDE #1
	RECEIVED:	05/16/83	JA: TX
102-2	103		DOOLEY #1
	RECEIVED:	05/16/83	JA: TX
102-4			HART RANCH #8762
	RECEIVED:	05/16/83	JA: TX
108			G MCCUISTION #1
108			G MCCUISTION #5
108			G MCCUISTION #6
104			H FRASS JR "A" #5
103			J T MCELROY CONSOLIDATED 0223-R
103			MOORE UNIT 1 WELL #1
103			W M WADDELL #1128
	RECEIVED:	05/16/83	JA: TX
102-4			J J GIBSON 2-3
	RECEIVED:	05/16/83	JA: TX
102-4			CHERRYHOMES #1
102-4			CHERRYHOMES #2
	RECEIVED:	05/16/83	JA: TX
102-2			APPELT #1
	RECEIVED:	05/16/83	JA: TX
102-4			POWELL "32A" #2
	RECEIVED:	05/16/83	JA: TX
102-4			RUSSELL PIERCE #1
	RECEIVED:	05/16/83	JA: TX
102-4	103		M M ALEXANDER "A" #1
102-4	103		TERRELL BARTLETT #2
	RECEIVED:	05/16/83	JA: TX
102-4	103		M E STUMBERG JR #4-U (OLMOS D)
	RECEIVED:	05/16/83	JA: TX
103			GRAHAM #5
	RECEIVED:	05/16/83	JA: TX
103			ALICE PAULUS #1-A
102-2	103		EVA MAE #1
	RECEIVED:	05/16/83	JA: TX
102-4			JACKSON #2
	RECEIVED:	05/16/83	JA: TX

FIELD NAME	PROD	PURCHASER
MUIL SOUTH (5,000')	220.0	HOUSTON PIPE LINE
PANHANDLE HUTCHINSON	1.0	PHILLIPS PETROLEU
BROWN COUNTY REGULAR	0.0	EL PASO HYDROCARB
BROWN COUNTY REGULAR	0.0	EL PASO HYDROCARB
COLEMAN COUNTY REGULA	0.0	EL PASO HYDROCARB
COLEMAN COUNTY REGULA	0.0	EL PASO HYDROCARB
HOWARD-GLASSCOCK (GLO	0.4	PHILLIPS PETROLEU
GERALDINE (DELAWARE 3	3.3	EL PASO NATURAL G
JESS BURNER (DELAWARE	27.7	EL PASO NATURAL G
GIDDINGS (AUSTIN CHAL	195.0	CLAJON GAS CO
WEST PERRYTON (MORROW	0.0	NORTHERN NATURAL
EAST PANHANDLE	11.0	HIGH PLAINS NATUR
PEARSALL (AUSTIN CHAL	189.5	T G P INC
THROCKMORTON COUNTY R	49.5	WOODSON GAS INC
LADY (MORROW UPPER) F	738.0	TENNGASCO GAS GAT
PANHANDLE (RED CAVE)	6.1	COLORADO INTERSTA
PANHANDLE (RED CAVE)	78.2	COLORADO INTERSTA
PANHANDLE (RED CAVE)	97.7	COLORADO INTERSTA
F M MCNABB (MISSISSIP	54.8	SHELL OIL CO
CONROE	292.0	MORAN UTILITIES C
CONROE	920.0	MORAN UTILITIES C
LAGUNA LARGA (8-1 III	606.8	ARMCO STEEL CORP
KELSEY DEEP (20-F C)	16.0	TRUNKLINE GAS CO
KELSEY DEEP (21-H)	11.0	TRUNKLINE GAS CO
RITA (4-Q II)	113.0	NATURAL GAS PIPEL
SUN (D-1)	7.0	TENNESSEE GAS PIP
VIBORAS (MASSIVE FIRS	350.0	ARMCO STEEL CORP
BELLEVUE NO (CONGL OI	11.0	BLUEGROVE GASOLIN
GIDDINGS (AUSTIN CHAL	365.0	PHILLIPS PETROLEU
DUNE	0.0	HARREN PETROLEUM
CALVIN (DEAN)	5.7	EL PASO NATURAL G
CALVIN (DEAN)	4.7	EL PASO NATURAL G
BRAYN (WOODBINE)	0.0	FERGUSON CROSSING
WINDHAM	0.0	LONE STAR GAS CO
SPRABERRY (TREND AREA	91.3	EL PASO NATURAL G
HORDAN (LOBO)	350.0	TRANSCONTINENTAL
HORDAN (LOBO)	500.0	TRANSCONTINENTAL
LA ROSITA (9600)	120.0	VALERO TRANSMISSI
BENAVIDES (LOBO)	750.0	VALERO TRANSMISSI
CATTO (LOBO 9900)	250.0	VALERO TRANSMISSI
LA PERLA RANCH (LOBO	900.0	NATURAL GAS PIPEL
BLANCAS CREEK (10850)	650.0	NATURAL GAS PIPEL
BENAVIDES (LOBO)	500.0	UNITED TEXAS TRAN
SAMUELS (LOBO)	300.0	NATURAL GAS PIPEL
VAQUILLAS RANCH (WILC	707.0	VALERO TRANSMISSI
AGUA DULCE (6020')	45.6	TENNESSEE GAS PIP
BRAYTON SOUTH	82.1	CHANNEL INDUSTRIE
TAFT SOUTH 6800	500.0	
CONOCO SW (PENN)	0.0	NORTHERN NATURAL
HART RANCH (CONGL 415	0.0	TEXAS UTILITIES F
QUINDUNO (LOWER ALBAN	3.0	NATURAL GAS PIPEL
QUINDUNO (LOWER ALBAN	3.0	NATURAL GAS PIPEL
QUINDUNO (LOWER ALBAN	3.0	NATURAL GAS PIPEL
FRASS WEST (TONKAWA)	9.0	PHILLIPS PETROLEU
MCELROY	1.0	PHILLIPS PETROLEU
KURTEN (WOODBINE)	10.0	PRODUCERS GAS CO
UNIVERSITY WADDELL (D	34.1	
TOM ("B" CONGL)	0.0	PALO DURO PIPELIN
STEWARTON S (CONGL)	188.0	TEXAS UTILITIES F
STEWARTON (CONGL)	188.0	
GIDDINGS (EDWARD GAS)	2646.0	PHILLIPS PETROLEU
POWELL (8300)	340.0	PHILLIPS PETROLEU
HALDEMAN SOUTH	817.6	TRUNKLINE GAS CO
LAS LOMAS (WILCOX 780	22.0	HOUSTON PIPE LINE
LAS LOMAS (WILCOX 950	29.0	HOUSTON PIPE LINE
CATARINA FARMS (OLMOS	36.0	VALERO TRANSMISSI
JACK COUNTY REGULAR	342.7	FAST GAS INC
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
DOUGLASS (STRAWN)	251.0	INTRASTATE GATHER

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8336977	F-10-067190	4223331684		103		MAGNOLIA HERRING #27	PANHANDLE	53.0	COLORADO INTERSTA
8336976	F-10-067189	4223331685		103		MAGNOLIA HERRING #28	PANHANDLE	29.0	COLORADO INTERSTA
				RECEIVED:	05/16/83	JA: TX			
-JOHN G MCCABE				108		J F WEBSTER #2	FT MCKAVITT (LIME 427	0.0	ARCO OIL & GAS CO
8336974	F-7C-067175	4261300000		RECEIVED:	05/16/83	JA: TX			
-KTX MANAGEMENT CO				102-4		R S WILLIAMS #6 (ID NOT ASSIGNED)	ANAQUA (5600 STRAY)	50.0	NATURAL GAS PIPEL
8336916	F-02-065463	4246931962		RECEIVED:	05/16/83	JA: TX			
-KILLAM & HURD LTD				102-4	107-TF	FEE 942 WELL #1	VILLEGAS (LOBO)	0.0	
8337009	F-04-67280	4247933133		102-4	107-TF	KILLAM & HURD FEE "942" WELL #3	VILLEGAS (LOBO)	0.0	
8337010	F-04-67281	4247933375		RECEIVED:	05/16/83	JA: TX			
-L & M OIL CO				104-ER		M C LAIR #1	BOOMSVILLE BEND	0.0	LONE STAR GAS CO
8336857	F-09-057844	4223700000		104-ER		W M BELDING #1	BRAD SOUTH (LAKE)	0.0	LONE STAR GAS CO
8336872	F-7B-061680	4256300000		RECEIVED:	05/16/83	JA: TX			
-LENOIR M JOSEY INC				103	107-TF	C S PRICE ET AL UNIT WELL #3	OAK HILL (COTTON VALL	0.0	DELHI GAS PIPELIN
8336861	F-06-059596	4248131499		RECEIVED:	05/16/83	JA: TX			
-LUCKY BIRD PETROLEUM, INC.				108		PREWIT #1	PANHANDLE	1.8	GETTY OIL CO
8336891	F-10-062555	4206530919		108		PREWIT #2	PANHANDLE	3.6	GETTY OIL CO
8336892	F-10-062556	4206531016		RECEIVED:	05/16/83	JA: TX			
-MARK PRODUCING INC				102-4		PRYOR M S TRUST #1 (LEASE # NOT ASS	PROPOSED BONUS SOUTHW	144.0	
8336920	F-03-065539	4248132596		RECEIVED:	05/16/83	JA: TX			
-MARSHALL EXPLORATION INC				101		FROST LUMBER CO #1-U	BELLE BOWER (ROBESSA	110.0	DELHI GAS PIPELIN
8336851	F-06-055422	4236531499		RECEIVED:	05/16/83	JA: TX			
-MATZINGER PETROLEUM CO				103	107-TF	B EARP GAS UN 102188	KOSSE S E (COTTON VAL	0.0	TEXAS UTILITIES F
8336943	F-05-066478	4229300000		RECEIVED:	05/16/83	JA: TX			
-MCZ INC				102-2		MOORE UNIT #2	KURTEN (BUDA)	145.0	FERGUSON CROSSING
8336967	F-03-067165	4204100000		RECEIVED:	05/16/83	JA: TX			
-MILES PRODUCTION CO				102-4		M P HOEFLE #6	ANTELOPE S E (MARBLE	38.0	SOUTHWESTERN GAS
8336876	F-09-061987	4223736529		RECEIVED:	05/16/83	JA: TX			
-MINERAL DEVELOPMENT INC				103		MAGNOLIA TRIPOLEY #17	PECOS VALLEY HIGH ORA	19.2	PERRY PIPELINE CO
8336928	F-08-065978	4237133979		RECEIVED:	05/16/83	JA: TX			
-MITCHELL ENERGY CORPORATION				102-4	103	FREYSCHLAG 220 A #1 U	KWD (CANYON)	1095.0	ESPERANZA PIPELIN
8336878	F-7C-062063	4240131058		RECEIVED:	05/16/83	JA: TX			
-MOBIL PRDG TEXAS & NEW MEXICO INC				108		C M ABNEY GAS UNIT #1 #4	MASKOM/COTTON VALLEY	19.4	TEJAS GAS CORP
8336979	F-06-067196	4220330488		102-4		W D JOHNSON JR 34 #1	DIMMIT (CHERRY CANYON	28.1	INTRATEX GAS CO
8336952	F-08-066846	4236138378		102-4		WEAVER-MCDONALD #1	BRAHANEY NORTHWEST DE	4.4	
8336953	F-8A-066847	4250132328		RECEIVED:	05/16/83	JA: TX			
-OBK INC-K-M ACCOUNT				103		VERA HENDERSON #1	NEEBE (COMO)	20.0	SOUTHWESTERN GAS
8337059	F-09-67427	4223733315		RECEIVED:	05/16/83	JA: TX			
-OSO ENERGY INC				103		KING #1 89797	KING (ELLENBURGER)	175.0	B-SYSTEMS INC
8336962	F-7C-067007	4239932588		RECEIVED:	05/16/83	JA: TX			
-PANGAEA RESOURCE CORP				103		BIVINS PR #33-15	PANHANDLE (RED CAVE)	0.0	
8336911	F-10-065147	4217500000		RECEIVED:	05/16/83	JA: TX			
-PEERLESS DRILLING CO				102-4		GILL #3 ID NUMBER APPLIED FOR	H & R (BEND CONGL)	387.0	SOUTHWESTERN GAS
8336933	F-7B-066078	4236732413		RECEIVED:	05/16/83	JA: TX			
-PETRO-LEWIS CORPORATION				103	107-TF	GATES "A" LEASE #1-223	GATES CATARINA	93.2	VALERO TRANSMISSI
8336841	F-01-046987	4212732250		103		KIMBROUGH LEASE #3	NORTH DEIKE	7.3	UNION TEXAS PETRO
8336910	F-7C-065129	4239931538		103	107-TF	O S PETTY LEASE #4-15	DOS HERMANOS WEST (OL	36.9	VALERO TRANSMISSI
8336840	F-04-045793	4247933035		RECEIVED:	05/16/83	JA: TX			
-PETROLEUM CORPORATION OF TEXAS				103		SECTION 606 "A" #4	JAMES	2.7	EAGLE PETROLEUM C
8337008	F-09-67270	4250336472		103		SECTION 606 "A" #5	JAMES	1.1	EAGLE PETROLEUM C
8336981	F-09-067208	4250336698		RECEIVED:	05/16/83	JA: TX			
-PHILLIPS PETROLEUM COMPANY				103		DAUGHT #2	WEST PANHANDLE	0.0	EL PASO NATURAL G
8336870	F-10-061472	4234130893		108		NORTH PENWELL UNIT #102	PENWELL (SAN ANDRES)	7.0	EL PASO NATURAL G
8337011	F-08-67290	4213520113		RECEIVED:	05/16/83	JA: TX			
-PROFESSIONAL PETROLEUM				101		GUNSIGHT "A" #2	LEE RAY (RANGER)	54.8	ENSEARCH EXPLORAT
8336868	F-7B-061018	4242932725		RECEIVED:	05/16/83	JA: TX			
-PYRO ENERGY CORP				102-4	103	BURCHARD #1 #38448	PEACH CREEK (AUSTIN C	0.0	VALERO TRANSMISSI
8336955	F-01-066879	4217730794		102-4	103	BURCHARD #4 #38448	PEACH CREEK (AUSTIN C	0.0	VALERO TRANSMISSI
8336956	F-01-066880	4217731044		RECEIVED:	05/16/83	JA: TX			
-S K ROGERS OIL CO				103		NEAL #4	LEVELLAND	4.0	AMOCO PRODUCTION
8336889	F-8A-062436	4221933602		103		REEVES #6	LEVELLAND	3.0	AMOCO PRODUCTION
8336890	F-8A-062437	4221933619		RECEIVED:	05/16/83	JA: TX			
-SAGE ENERGY CO				102-2		MORSE #1 RRC #16335	GIDDINGS (AUSTIN CHAL	32.4	PHILLIPS PETROLEU
8336897	F-03-062880	4214931427		102-2		MORSE #2	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8336927	F-03-065959	4214900000		RECEIVED:	05/16/83	JA: TX			
-SANCHEZ-OBRIEN OIL & GAS CORP				102-4		STATE TRACT "G" GAS UNIT #1 WELL #2	INDIAN POINT WEST (CO	500.0	UNITED TEXAS TRAN
8336900	F-04-063607	4235531842		RECEIVED:	05/16/83	JA: TX			
-SANDEFER PETROLEUM CO				102-4		KENDALL #1	KENDALL (9250' WILCOX	989.0	
8336945	F-02-066579	4229733241		RECEIVED:	05/16/83	JA: TX			
-SCANDRILL INC				103		WILLIAM KURK #29	YOUNG COUNTY REGULAR	68.6	SUN GAS TRANSMISS
8336904	F-09-064859	4250335961		RECEIVED:	05/16/83	JA: TX			
-SEGREST-WARD JOINT VENTURE				102-4	103	TRUDIE BRUTON #1	WILLOW SPRINGS (TRAVI	0.0	ARKANSAS LOUISIAN
8336855	F-06-056356	4218300000		RECEIVED:	05/16/83	JA: TX			
-SEYCO RESOURCES INC				102-4		PATTERSON-VASSAR #1	SALESVILLE SOUTH (LOW	90.0	SOUTHWESTERN GAS
8336865	F-7B-060649	4236332892		RECEIVED:	05/16/83	JA: TX			
-SHELL OIL CO				107-DP		G P MUZZA #2	FANDANGO (WILCOX UPPE	900.0	UNITED TEXAS TRAN
8336871	F-04-061651	4250531386		102-4	107-TF	HAMMAN RANCH #16	MONTE CHRISTO (VKSBO-	800.0	VALERO TRANSMISSI
8336918	F-04-065510	4221531301		RECEIVED:	05/16/83	JA: TX			
-SINGER OIL & GAS CO				103		ALFORD #1	MARBLE FALLS	0.0	SIOUX NATURAL GAS
8336846	F-7B-053636	4204900000		RECEIVED:	05/16/83	JA: TX			
-SOUTHERN UNION EXPLORATION COMPANY				102-4	103	MALCORINE M STASNEY #4	FUZZY CREEK	150.0	J-W OPERATING CO
8336921	F-7C-065552	4209530644		RECEIVED:	05/16/83	JA: TX			
-SOUTHLAND ROYALTY CO				108		GAR-TEX B #6	KERMIT	4.5	CABOT CORP
8337007	F-08-67263	4249302717		108		TODD 47 #1	WYATT	13.0	PERMIAN CORP
8336978	F-7C-067194	4210532587		RECEIVED:	05/16/83	JA: TX			
-STAHL PETROLEUM CO				103		RAILSBACK #1	EAST PANHANDLE	0.0	PHILLIPS PETROLEU
8337016	F-10-67313	4217931198		103		TEXOLA #1	EAST PANHANDLE	0.0	PHILLIPS PETROLEU
8337017	F-10-67314	4217931199		RECEIVED:	05/16/83	JA: TX			
-SUN EXPLORATION & PRODUCTION CO				108		AGUSTIN OLIVARES #1	SUN (D-1)	2.0	TRANSCONTINENTAL
8337049	F-04-67403	4242700000		103		CENTRAL LEVELLAND UNIT #267	LEVELLAND	0.7	AMOCO PRODUCTION
8337046	F-8A-67398	4221933640		103		CENTRAL LEVELLAND UNIT #269	LEVELLAND	2.8	AMOCO PRODUCTION
8337045	F-8A-673978	4221933638		103		CENTRAL LEVELLAND UNIT #272	LEVELLAND	0.7	AMOCO PRODUCTION
8337047	F-8A-67399	4221933657		108		D D OIL CO -B- #11	RINCON NORTH (5600 D-	9.0	TRANSCONTINENTAL
8337004	F-04-67240	4242700000		108		DURHAM "F" GAS UNIT #1	BOOMSVILLE (BEND CONG	13.0	LONE STAR GAS CO
8337001	F-09-67235	4223700000		103		G M ARLEDGE "C" #19	KELLY-SNYDER	69.0	MONSANTO OIL CO
8337000	F-8A-67233	4241532328		108		GEORGE M SPEER - STATE "B" #5	SUN (D-1)	21.0	TRANSCONTINENTAL
8337002	F-04-67236	4242700000		103		MITTS LAKE UNIT #1-25	MITTS LAKE (PALUXY)	2.0	LONE STAR GAS CO
8337032	F-06-67364	4242330628		103		J F MCCABE "C" #5	JAMESON M (ELLEN)	24.0	LONE STAR GAS CO
8337030	F-08-67361	4233532457		103		J M WARD "C" #136	STEPHENS COUNTY REGUL	18.0	PETROLEUM CORP OF
8337028	F-7B-6735	4242933499		103		J M WARD "C" #137	STEPHENS COUNTY REGUL	4.0	PETROLEUM CORP OF
8337029	F-7B-67358	4242933498		103		JAMESON REEF UNIT #11-72	JAMESON	62.0	LONE STAR GAS CO
8337033	F-7C-67366	4208131150		103		JANIE DAVIS #2	N LANSING (TRAVIS PEA	9.0	TEJAS-SW TWO
8337044	F-06-67396	4220300000		108		LA BRISA L & C COMPANY #1	GARCIA (COATES)	20.0	
8337048	F-04-64701	4242700000		108		ROSA BARNETT "A" #2	KING MOUNTAIN-STRAWN	11.0	PHILLIPS PETROLEU
8337003	F-7C-67239	4246100000							

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8336999	F-84-67238	4226900000		108		SEELIGSON UNIT 811-16C
8337031	F-88-67363	4222732895		103		W L WILSON 819
-TENNECO OIL COMPANY				RECEIVED:	05/16/83	JA: TX
8336908	F-10-864951	4221131507		103		HOBART 86
-TERRY L MCIVER				RECEIVED:	05/16/83	JA: TX
8336860	F-78-859262	4208300000		102-4		A E RICHMOND 81
-TEXACO INC				RECEIVED:	05/16/83	JA: TX
8336858	F-84-858578	42479332222		103	107-TF	A M BRUNI FEE 813
8336995	F-88-67224	4232900000		108		ANDREW FASKIN UNIT 7 82
8336997	F-88-67226	4213500000		108		ECTOR "C" FEE MCT-2 81
8336994	F-88-67223	4213500000		108		ECTOR AI FEE 81-U
8336998	F-88-67227	4213500000		108		ECTOR AN FEE 83
8336982	F-88-867204	4231700000		108		FT WORTH NATIONAL BANK 84
8336973	F-88-867171	4213500000		108		H S FOSTER "C" 85
8336993	F-88-867218	4213500000		108		O B HOLT MCT-1 8103
8336986	F-88-867210	4213500000		108		O B HOLT MCT-1 83
8336985	F-88-867209	4213500000		108		O B HOLT MCT-1 84
8336983	F-88-867207	4213500000		108		O B HOLT MCT-1 865
8336987	F-88-867211	4213500000		108		O B HOLT MCT-1 866
8336988	F-88-867212	4213500000		108		O B HOLT MCT-1 868
8336989	F-88-867213	4213500000		108		O B HOLT MCT-1 871
8336984	F-88-867208	4213500000		108		O B HOLT MCT-1 881
8336990	F-88-867214	4213500000		108		O B HOLT MCT-1 882
8336991	F-88-867215	4213500000		108		O B HOLT MCT-1 888
8336992	F-88-867216	4213500000		108		O B HOLT MCT-1 894
8336996	F-10-67225	4235700000		108		SAM HALCOMB 83
8336924	F-8A-865718	4216532485		103		WHARTON UNIT 8109
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	05/16/83	JA: TX
8336869	F-86-861470	4260100000		103		TATUM CRANE UNIT 820
-TEXCAN RESOURCES CORP				RECEIVED:	05/16/83	JA: TX
8337035	F-7C-67375	4239932678		103		MCCORD B-3
8336959	F-7C-866962	4239932672		103		MCCORD B-6
-TEXLARK EXPLORATION CO INC				RECEIVED:	05/16/83	JA: TX
8336960	F-7C-866965	4239931985		103		JENNINGS 81
-TXO PRODUCTION CORP				RECEIVED:	05/16/83	JA: TX
8336896	F-86-862737	4240131142		102-4		CLINTON "A" 81
8336895	F-82-862728	4217500000		102-4		SALYER A-1
8336858	F-83-855379	4224531603		102-4		SMITH "LL" 82
-UNION OIL COMPANY OF CALIF				RECEIVED:	05/16/83	JA: TX
8336968	F-10-867149	4219500000		108		S B LASATER "C" 81-17
-USEMCO INC				RECEIVED:	05/16/83	JA: TX
8336965	F-78-867898	4236732378		103		GENE HODGES 84
-W L COTTON				RECEIVED:	05/16/83	JA: TX
8336923	F-81-865686	4231131739		103		SMITH GAS UNIT 81
-WAGNER & BROWN				RECEIVED:	05/16/83	JA: TX
8336969	F-88-867156	4243131288		103		HILDEBRAND 852-16
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	05/16/83	JA: TX
8337015	F-88-67303	4210333085		103		M B MCKNIGHT 8139
8337014	F-88-67302	4210333084		103		M B MCKNIGHT 8141
8337056	F-88-67410	4210330729		104		W N WADDELL 81082
8337058	F-88-67412	4210333039		103		W N WADDELL 81268
8337036	F-88-67387	4210301701		108		W N WADDELL 8231
8337037	F-88-67388	4210301772		108		W N WADDELL 8304
8337038	F-88-67389	4210301773		108		W N WADDELL 8305
8337039	F-88-67390	4210301785		108		W N WADDELL 8317
8337040	F-88-67391	4210301786		108		W N WADDELL 8318
8337057	F-88-67411	4210301793		108		W N WADDELL 8325
8337041	F-88-67392	4210301813		108		W N WADDELL 8342
8337042	F-88-67393	4210301815		108		W N WADDELL 8347
8337043	F-88-67394	4210301855		108		W N WADDELL 8396
8337051	F-88-67405	4210301872		108		W N WADDELL 8413
8337052	F-88-67406	4210301919		108		W N WADDELL 8460
8337053	F-88-67407	4210301986		108		W N WADDELL 8536
8337054	F-88-67408	4210301990		108		W N WADDELL 8540
8337055	F-88-67409	4210302008		108		W N WADDELL 8558
-WINN EXPLORATION/DULCE CO				RECEIVED:	05/16/83	JA: TX
8336875	F-81-861918	4250700000		102-4		PRYOR RANCH
-WOODSON GAS INC				RECEIVED:	05/16/83	JA: TX
8336913	F-78-865419	4244733375		102-2		DEWEY ODELL UNIT 81 176358

FIELD NAME	PROD	PURCHASER
SEELIGSON (ZONE 17-82	6.0	TENNESSEE GAS PIP
EAST VEALMOOR	69.0	GETTY OIL CO
HEMPHILL (GRANITE WAS	95.0	WESTAR TRANSMISSI
TRICKHAM (CROSSCUT LO	40.0	LONE STAR GAS CO
JUANITA	500.0	INTRASTATE GAS CO
SPRABERRY (TREND AREA	4.4	PHILLIPS PETROLEU
MOSS (GRAYBURG)	0.4	PHILLIPS PETROLEU
GOLDSMITH N (SAN ANDR	1.6	PHILLIPS PETROLEU
GOLDSMITH E (GRAYBURG	1.4	PHILLIPS PETROLEU
SPRAYBERRY TREND AREA	0.6	ADOBE OIL CO
DOUBLE M GRAYBURG	0.9	PHILLIPS PETROLEU
NORTH COWDEN	0.7	AMOCO PRODUCTION
NORTH COWDEN	0.6	AMOCO PRODUCTION
NORTH COWDEN	0.6	AMOCO PRODUCTION
NORTH COWDEN	0.7	AMOCO PRODUCTION
NORTH COWDEN	0.6	AMOCO PRODUCTION
NORTH COWDEN	1.1	AMOCO PRODUCTION
NORTH COWDEN	0.7	AMOCO PRODUCTION
NORTH COWDEN	0.6	AMOCO PRODUCTION
NORTH COWDEN	0.6	AMOCO PRODUCTION
NORTH COWDEN	0.6	AMOCO PRODUCTION
NORTH COWDEN	0.6	AMOCO PRODUCTION
FARNSWORTH N (MARMATO	6.1	PHILLIPS PETROLEU
HARRIS	11.1	PHILLIPS PETROLEU
TATUM (LOWER PETTIT)	0.0	UNITED TEXAS TRAN
BERNARD (GARDNER LOWE	40.0	EL PASO NATURAL G
BERNARD (GARDNER LOWE	36.5	EL PASO NATURAL G
KENDRICK (GARDNER)	10.0	LONE STAR GAS CO
SHILOH (PETTIT TRANS)	67.5	DELHI GAS PIPELIN
MAETZE WILDCAT	0.0	DELHI GAS PIPELIN
WILDEBRANDT BAYOU SE	0.0	
SPEARMAN EAST (MORROW	15.0	PANHANDLE EASTERN
POOLVILLE SW (CONGL 4	250.0	LONE STAR GAS CO
HOSTETTER (1650)	91.0	HOUSTON PIPE LINE
CONDER (PENN)	88.1	TEXAS UTILITIES F
SAND HILLS (MCKNIGHT)	8.3	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	9.2	EL PASO NATURAL G
RUNNING W (WADDELL)	14.1	EL PASO NATURAL G
SAND HILLS (TUBB)	0.9	EL PASO NATURAL G
RUNNING W (TUBB)	9.0	EL PASO NATURAL G
RUNNING W (TUBB)	7.8	EL PASO NATURAL G
RUNNING W (WADDELL)	2.8	EL PASO NATURAL G
RUNNING W (TUBB)	5.5	EL PASO NATURAL G
RUNNING W (TUBB)	10.5	EL PASO NATURAL G
RUNNING W (WADDELL)	7.6	EL PASO NATURAL G
RUNNING W (TUBB)	9.4	EL PASO NATURAL G
RUNNING W (WADDELL)	3.9	EL PASO NATURAL G
RUNNING W (WADDELL)	10.0	EL PASO NATURAL G
RUNNING W (WADDELL)	9.5	EL PASO NATURAL G
RUNNING W (WADDELL)	7.3	EL PASO NATURAL G
RUNNING W (WADDELL)	7.5	EL PASO NATURAL G
RUNNING W (WADDELL)	4.5	EL PASO NATURAL G
RUNNING W (WADDELL)	4.6	EL PASO NATURAL G
WINN-DULCE	8.0	NORTHERN NATURAL
CRIPPLE CREEK (CADDO)	7.2	LONE STAR GAS CO

[FR Doc. 83-15888 Filed 6-13-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 909]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 8, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS VOLUME 909
ISSUED JUNE 8, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-EXXON CORPORATION				RECEIVED:	05/16/83	JA: LA			
8337135	81-1397	1772520205		102-2		S L 6894 0A-2	MAIN PASS BLOCK 74	359.0	
8337134	81-1396	1772520207		102-2		S L 6894 A 03	MAIN PASS BLOCK 74	330.0	UNITED GAS PIPE L
8337136	81-1398	1772520219		102-2		S L 6894 A 04	MAIN PASS BLOCK 74	658.0	
MONTANA BOARD OF OIL & GAS CONSERVATION									
-CLAY M MCCARTNEY				RECEIVED:	05/16/83	JA: MT			
8337127	6-82-158	2508521375		108		MUELLER #3 31-32-19	BLACK COULEE	14.3	NORTHERN NATURAL
-MERLAND OIL & GAS INC				RECEIVED:	05/16/83	JA: MT			
8337126	6-82157	2508521368		103		PICARD #13-12	TARGET FIELD	9.0	DOME PETROLEUM CO
-TRICENTROL UNITED STATES INC				RECEIVED:	05/16/83	JA: MT			
8337133	6-82-165	2504121167		108		BOYCE 21-7-T30N-R15E	TIGER RIDGE - BULLHOO	13.0	NORTHERN NATURAL
8337132	6-82-166	2504122184		108		BOYCE 27-7-T30N-R15E	TIGER RIDGE FIELD - B	14.0	NORTHERN NATURAL
8337130	6-82-162	2508522163		108		FINCH 35-1-T32N-R18E	TIGER RIDGE	13.0	NORTHERN NATURAL
8337129	6-82-163	2504122084		108		HEGLE 1-1-30-15	TIGER RIDGE FIELD - B	28.0	NORTHERN NATURAL
8337128	6-82-160	2501503026		108		HUEBSCHWERLEN 1-17-T25N-R17E	SHERARD - HUEBSCHWERL	14.0	NORTHERN NATURAL
8337124	6-82-161	2508521597		108		ROBERTS 28-4-T31N-R19E	TIGER RIDGE	6.0	NORTHERN NATURAL
8337131	6-82-164	2504122155		108		WAVRICK 25-2-T31N-R14E	TIGER RIDGE - BULLHOO	12.0	NORTHERN NATURAL
-WEST GAS INC				RECEIVED:	05/16/83	JA: MT			
8337125	6-82-159	2508521148		108		LEUTHOLD 7-24	LAKE BASIN	12.5	MONTANA DAKOTA UT
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ABARTA OIL & GAS INC				RECEIVED:	05/16/83	JA: NY			
8337307	4229	3102917828		107-TF		ABARTA E-82-013 EDIE #1	LAKE SHORE	12.0	NATIONAL FUEL GAS
8337306	4226	3102917622		107-TF		EVANS LAND #1 E-82-012 ABARTA	LAKE SHORE	6.0	NATIONAL FUEL GAS
8337308	4227	3102917176		107-TF		LAMBRIX #1 02325	LAKE SHORE	12.0	NATIONAL FUEL GAS
8337270	5090	3102917829		107-TF		ZIMMER #1 03062	COLLINS	0.0	NATIONAL FUEL GAS
8337271	5089	3102917829		103		ZIMMER #1 03062	COLLINS	0.0	NATIONAL FUEL GAS
-AMERICAN PENN ENERGY INC				RECEIVED:	05/16/83	JA: NY			
8337301	4491	3101316224		102-2		STATE REFORESTATION AREA #2 (#1511)	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
8337300	4493	3101316224		107-TF		STATE REFORESTATION AREA #2 (#1511)	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
8337299	4494	3101316223		107-TF		STATE REFORESTATION AREA #2 (#1512)	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
8337298	4492	3101316223		102-2		STATE REFORESTATION AREA #2 (#1512)	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
-APPALACHIAN BASIN OIL & GAS				RECEIVED:	05/16/83	JA: NY			
8337251	4814	3101314649	D	107-TF		STRAWSER #1	LAKESHORE	0.0	NATIONAL FUEL GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	05/16/83	JA: NY			
8337292	4545	3101317729		102-2		BAUER UNIT #1	WILDCAT	14.0	COLUMBIA GAS TRAN
8337293	4546	3101317729		107-TF		BAUER UNIT #1	WILDCAT	14.0	COLUMBIA GAS TRAN
8337294	4549	3101317817		102-2		BROWN UNIT #2	WILDCAT	16.0	COLUMBIA GAS TRAN
8337295	4550	3101317817		107-TF		BROWN UNIT #2	WILDCAT	16.0	COLUMBIA GAS TRAN
8337305	4481	3101317742		102-2		C BAUER #2	WILDCAT	18.0	COLUMBIA GAS TRAN
8337304	4482	3101317742		107-TF		C BAUER #2	WILDCAT	18.0	COLUMBIA GAS TRAN
8337273	4508	3101317851		102-2		CRUMB UNIT #1	WILDCAT	14.0	COLUMBIA GAS TRAN
8337272	4509	3101317851		107-TF		CRUMB UNIT #1	WILDCAT	14.0	COLUMBIA GAS TRAN

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8337257	4479	3101317743		102-2		G HILL #3	WILDCAT	15.0	COLUMBIA GAS TRAN
8337256	4480	3101317743		107-TF		G HILL #3	WILDCAT	15.0	COLUMBIA GAS TRAN
8337277	4510	3101317776		102-2		P ALLNATT #1	WILDCAT	16.0	COLUMBIA GAS TRAN
8337276	4511	3101317776		107-TF		P ALLNATT #1	WILDCAT	16.0	COLUMBIA GAS TRAN
-BOUNTY OIL & GAS INC				RECEIVED:	05/16/83	JA: NY			
8337289	4542	3101317682		102-2		THOMPSON #1	WILDCAT	0.0	COLUMBIA GAS TRAN
8337288	4543	3101317682		107-TF		THOMPSON #1	WILDCAT	0.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED:	05/16/83	JA: NY			
8337285	4525	3101317223		102-2		C AIKEN #1 KA-140	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337284	4526	3101317223		107-TF		C AIKEN #1 KA-140	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337261	4487	3101317827		102-2		C BROWN UNIT #1 KV-44	CARROLL	30.0	COLUMBIA GAS TRAN
8337260	4488	3101317827		107-TF		C BROWN UNIT #1 KV-44	CARROLL	30.0	COLUMBIA GAS TRAN
8337334	4646	3101317703		102-2		C BRUMAGIN #1 KA-148	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337333	4649	3101317703		107-TF		C BRUMAGIN #1 KA-148	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337279	4527	3101317625		102-2		CLYDE VOLK #1 KA-142	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337278	4528	3101317625		107-TF		CLYDE VOLK #1 KA-142	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337283	4523	3101317765		102-2		GEORGE CARUTIS UNIT #1 KA-159	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337282	4524	3101317765		107-TF		GEORGE CARUTIS UNIT #1 KA-159	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337330	4644	3101317861		102-2		I EDWARDS UNIT #1 KA-167	HARMONY	30.0	COLUMBIA GAS TRAN
8337329	4648	3101317861		107-TF		I EDWARDS UNIT #1 KA-167	HARMONY	30.0	COLUMBIA GAS TRAN
8337255	4485	3101317745		102-2		J VAN EARDEN #1 KA-154	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337254	4484	3101317745		107-TF		J VAN EARDEN UNIT #1 KA-154	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337336	4645	3101317844		102-2		L PHELPS UNIT #1 KA-163	MINA	30.0	COLUMBIA GAS TRAN
8337335	4647	3101317844		107-TF		L PHELPS UNIT #1 KA-163	MINA	30.0	COLUMBIA GAS TRAN
8337303	4489	3101317699		102-2		LITTLEFIELD UNIT #1 KV-37	CARROLL	30.0	COLUMBIA GAS TRAN
8337302		3101317699		107-TF		LITTLEFIELD UNIT #1 KV-37	CARROLL	30.0	COLUMBIA GAS TRAN
8337281	4521	3101317721		102-2		M HAGBERG #1 KV-38	CARROLL	30.0	COLUMBIA GAS TRAN
8337280	4522	3101317721		107-TF		M HAGBERG #1 KV-38	CARROLL	30.0	COLUMBIA GAS TRAN
8337338	4638	3101317748		102-2		P YOTOPLIS #1 KA-155	MINA	30.0	COLUMBIA GAS TRAN
8337337	4641	3101317748		107-TF		P YOTOPOLIS #1 KA-155	MINA	30.0	COLUMBIA GAS TRAN
8337259	4572	3101317811		102-2		R MCCHESNEY #1 KV-43	CARROLL	30.0	COLUMBIA GAS TRAN
8337258	4573	3101317811		107-TF		R MCCHESNEY #1 KV-43	CARROLL	30.0	COLUMBIA GAS TRAN
8337344	4643	3101317869		102-2		R WILLINK UNIT #1 KA-172	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337343	4650	3101317869		107-TF		R WILLINK UNIT #1 KA-172	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337253	4483	3101317651		102-2		T MARTIN UNIT #1 KA-145	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337252	4484	3101317651		107-TF		T MARTIN UNIT #1 KA-145	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
-EBENEZER OIL CO INC				RECEIVED:	05/16/83	JA: NY			
8337325	4189	3100310118		108		FORSYTHE #11 #31-003-10118	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337324	4172	3100311024		108		FORSYTHE #12 - 31-003-11024	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337322	4171	3100311072		108		FORSYTHE #13 31-003-11072	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337321	4170	3100311134		108		FORSYTHE #14 31-003-11134	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337327	4185	3100311201		108		FORSYTHE #16 31-003-11201	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337328	4186	3100312027		108		FORSYTHE #17 31-003-11072	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337323	4187	3100312028		108		FORSYTHE #18 31-003-12028	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337326	4188	3100312150		108		FORSYTHE #19 31-003-12150	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337319	4181	3100313619		108		GRANTIER #1 31-003-13619	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337318	4180	3100314440		108		GRANTIER #2 31-003-14440	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337317	4179	3100314477		108		GRANTIER #3 31-003-14477	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337320	4178	3100314603		108		GRANTIER #4 31-003-14603	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337313	4173	3100310575		108		MERVINE #17 #31-003-10575	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337310	4175	3100312229		108		MERVINE #18 #31-003-12229	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337315	4174	3100312780		108		MERVINE #19 #31-003-12780	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337314	4177	3100313039		108		MERVINE #24 #31-003-13039	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337316	4183	3100313057		108		MERVINE #25 #31-003-13057	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337309	4176	3100313115		108		MERVINE #26 #31-003-13115	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337312	4184	3100314793		108		MERVINE #27 #31-003-14793	INDEPENDENCE	0.0	NATIONAL FUEL GAS
8337311	4172	3100314897		108		MERVINE #30 #31-003-14897	INDEPENDENCE	0.0	NATIONAL FUEL GAS
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	05/16/83	JA: NY			
8337274	5094	3102917730		107-TF		RIGLEY #1 (6249)	HAMBURG	60.0	NATIONAL FUEL GAS
8337275	5093	3102917730		103		RIGLEY #6249	HAMBURG PRODUCTION	0.0	NATIONAL FUEL GAS
-RUEL ENERGY INC				RECEIVED:	05/16/83	JA: NY			
8337269	5085	3102918168		103		ANDZEL #2	BRANT	20.0	SCO GAS QUEST INC
8337268	5086	3102918168		107-TF		ANDZEL #2	BRANT	20.0	SCO GAS QUEST INC
-TRAHAN PETROLEUM INC				RECEIVED:	05/16/83	JA: NY			
8337265	4279	3100917171		102-2		BEAVER #2 31-009-17171	WILDCAT	36.0	COLUMBIA GAS TRAN
8337264	4264	3100917171		107-TF		BEAVER #2 31-009-17171	WILDCAT	36.0	COLUMBIA GAS TRAN
8337267	4277	3101317750		102-2		CONDON #2-B 31-013-17750	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8337266	4262	3101317750		107-TF		CONDON #2-B 31-013-17750	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8337340	4278	3101317152		102-2		CONDON #2A 31-013-17152	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8337339	4263	3101317152		107-TF		CONDON #2A 31-013-17152	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8337332	4276	3101317737		102-2		CURTIS #1 31-013-17737	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8337331	4261	3101317737		107-TF		CURTIS #1 31-013-17737	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8337287	4275	3101317738		102-2		CURTIS #2 31-013-17738	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8337286	4260	3101317738		107-TF		CURTIS #2 31-013-17738	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8337263	4586	3101317192		102-2		WEHRENBERG #1 31-013-17192	ELLINGTON	36.0	COLUMBIA GAS TRAN
8337262	4587	3101317192		107-TF		WEHRENBERG #1 31-013-17192	ELLINGTON	36.0	COLUMBIA GAS TRAN
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED:	05/16/83	JA: NY			
8337297	4534	3101316988		107-TF		DROZDOWSKI #1	CHARLOTTE	20.0	COLUMBIA GAS TRAN
8337296	4533	3101316988		102-2		DROZDOWSKI #1	CHARLOTTE	20.0	COLUMBIA GAS TRAN
8337291		3101317894		102-2		F GIERLINGER #1	CHARLOTTE	20.0	COLUMBIA GAS TRAN
8337290	4536	3101317894		107-TF		F GIERLINGER #1	CHARLOTTE	20.0	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP				RECEIVED:	05/16/83	JA: NY			
8337342	4345	3101316592		102-2		POWERS/LIND #1	GERRY	20.0	COLUMBIA GAS TRAN
8337341	4346	3101316592		107-TF		POWERS/LIND #1	GERRY	20.0	COLUMBIA GAS TRAN

OHIO DEPARTMENT OF NATURAL RESOURCES

-ALTEX INC				RECEIVED:	05/17/83	JA: OH			
8337060		3411926619		103	107-TF	NETHERS #2			
-ALTHEIRS OIL INC				RECEIVED:	05/17/83	JA: OH			
8337062		3412725086		103		MCLAIN/SIMS #1	JACKSON	9.0	
8337061		3412724805		103		WILLIAM MIDDAUGH #1	JACKSON TOWNSHIP	4.0	
-APPALACHIAN EXPLORATION INC				RECEIVED:	05/17/83	JA: OH	JACKSON	3.5	
8337067		3415321109		107-TF		ALLAN UNIT #1	BATH	11.0	YANKEE RESOURCES
8337069		3415321175		107-TF		AMMONS UNIT #1	NORTON	91.3	YANKEE RESOURCES
8337064		3410323564		107-TF		COZAD UNIT #1	SHARON	11.0	YANKEE RESOURCES
8337065		3415321000		107-TF		G WEEKS #1	COPLEY	36.5	YANKEE RESOURCES
8337066		3415321106		107-TF		GENTSCH UNIT #1	BATH	18.3	YANKEE RESOURCES
8337068		3415321110		107-TF		HOLLERAN UNIT #1	BATH	14.6	YANKEE RESOURCES
8337070		3415321314		107-TF		MILLS-HARTZ UNIT #3	COPLEY	11.0	YANKEE RESOURCES
8337063		3410323061		107-TF		W WALTERS #2	WADSWORTH	7.3	YANKEE RESOURCES
-B & B ENTERPRISES				RECEIVED:	05/17/83	JA: OH			
8337071		3411522885		107-TF		BRANHAM #2	MARION QUAD	1.0	COLUMBIA GAS TRAN
-BELDEN & BLAKE & CO #1				RECEIVED:	05/17/83	JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8337072		3410323126		103	107-TF	D & F THOMPKINS 34-1251	GRANGER	36.5	
-CHARLES E CUTTER				RECEIVED:	05/17/83	JA: OH			
8337073		3416723449		103	107-TF	POZAR #2	CHESTER	29.0	COLUMBIA GAS TRAN
-EDCO DRILLING & PRODUCING INC				RECEIVED:	05/17/83	JA: OH			
8337074		3403521172		107-TF		JOHNSTON #1J	INDEPENDENCE	18.0	
-EDWARD M EVERETT CO				RECEIVED:	05/17/83	JA: OH			
8337116		3411924088		103		J A MASSENGILL #2	LICKING	7.3	NATIONAL GAS & OI
-FLOYD J LAUBER				RECEIVED:	05/17/83	JA: OH			
8337075		3416720882		102-4		EUGENE HOLTHAUS #1	CYNTHIANA	30.0	
-FORAKER PRODUCING COMPANY INC				RECEIVED:	05/17/83	JA: OH			
8337077		3412723894		108		FRIES-FORAKER #1		1.5	
8337076		3412723880		108		STAR MINING #1		2.0	
-FREDERICK PETROLEUM CORP				RECEIVED:	05/17/83	JA: OH			
8337078		3411122671		103		FREDERICK PETROLEUM CORP #4	FRANKLIN	11.0	
-GENERAL ELECTRIC CO				RECEIVED:	05/17/83	JA: OH			
8337079		3408722170		103	107-TF	GULLO #2		20.0	EAST OHIO GAS CO
-H I SNYDER OIL & GAS #765				RECEIVED:	05/17/83	JA: OH			
8337080		3405921993		108		SNYDER #2	WHEELING	2.0	COLUMBIA GAS TRAN
-H I SNYDER OIL & GAS #760				RECEIVED:	05/17/83	JA: OH			
8337081		3405921994		108		SNYDER #1	WHEELING	2.0	COLUMBIA GAS TRAN
-H I SNYDER OIL & GAS-76C				RECEIVED:	05/17/83	JA: OH			
8337082		3405921995		108		BUSH #1	WHEELING	3.0	COLUMBIA GAS TRAN
-HOPCO RESOURCES INC				RECEIVED:	05/17/83	JA: OH			
8337085		5503125020		103		BRUSHWOOD #1	KEENE	5.0	
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:	05/17/83	JA: OH			
8337083		3412725852		103		DAVID LEWIS #1 (CLAYTON)	CLAYTON	10.0	NATIONAL GAS & OI
8337084		3408724578		103		JAMES & RITA DICKSON #1A	WASHINGTON	0.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC				RECEIVED:	05/17/83	JA: OH			
8337086		3415123494		107-TF		W & J LINGENHOEL #1	MIMISHILLEN	15.0	EAST OHIO GAS CO
-LANDSERVEST INC				RECEIVED:	05/17/83	JA: OH			
8337088		3405923315		107-TF		C WILSON #2	BLOOMFIELD	50.0	
8337089		3405923362		107-TF		D BAY #1A-82	CUMBERLAND	20.0	
8337087		3405923141		107-TF		FOLEY #1	INDIAN CAMP	20.0	
8337090		3405923431		107-TF		OAKLEY 1A-82	INDIAN CAMP	25.0	
-LESLIE OIL AND GAS CO INC				RECEIVED:	05/17/83	JA: OH			
8337092		3407520217		108		AKINS #1		20.0	COLUMBIA GAS TRAN
8337094		3410322180		108		BARGE #1		20.0	COLUMBIA GAS TRAN
8337091		3407522023		108		BOUGHMAN #2		20.0	COLUMBIA GAS TRAN
8337096		3410322727		108		FARMERS SAVINGS BANK #1		20.0	COLUMBIA GAS TRAN
8337098		3410322427		108		GIN-NEPTUNE UNIT #4		20.0	COLUMBIA GAS TRAN
8337095		3410322169		108		RICE #1		20.0	COLUMBIA GAS TRAN
8337097		3410322632		108		RICE #4		20.0	COLUMBIA GAS TRAN
8337099		3410323031		108		SMITH #1		20.0	COLUMBIA GAS TRAN
8337100		3410323304		108		SMITH #2		20.0	COLUMBIA GAS TRAN
8337093		3410322197		108		T RICE #3		20.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION				RECEIVED:	05/17/83	JA: OH			
8337101		3408720339		102-3		AGER-BIRNEY UNIT 1-4 339	CLINTON	0.0	EAST OHIO GAS CO
-O E D CO				RECEIVED:	05/17/83	JA: OH			
8337102		3407322655		107-TF		C L POSTON HEIRS #6	HARD	7.3	
-OHIO FUEL OIL CORP				RECEIVED:	05/17/83	JA: OH			
8337106		3407323978		103		STITZLEIN 6A2	WASHINGTON	3.0	DOEHLER-JARVIS
8337107		3407526019		103		STITZLEIN 80-1	WASHINGTON	3.0	DOEHLER-JARVIS
8337108		3407526035		103		STITZLEIN 80-2	WASHINGTON	3.0	DOEHLER-JARVIS
8337103		3400523543		103		YOUNG 6A4	LAKE	10.0	DOEHLER-JARVIS
8337104		3400523571		103		YOUNG 80-3	LAKE	10.0	DOEHLER-JARVIS
8337105		3400523581		103		YOUNG 80-4	LAKE	10.0	DOEHLER-JARVIS
-OXFORD OIL CO				RECEIVED:	05/17/83	JA: OH			
8337117		3407523953		103		DAVID ARNOLD #1	KNOX	12.0	
-QUADRANT EXPLORATION				RECEIVED:	05/17/83	JA: OH			
8337110		3416726883		103		MUHLBACH 81-4	NEWPORT	2.9	EAST OHIO GAS CO
8337109		3416726738		103		STRICKLER 81-28	LAWRENCE	2.9	EAST OHIO GAS CO
8337111		3416726836		103		WHITE 81-26	LAWRENCE	2.9	EAST OHIO GAS CO
-RESERVE EXPLORATION CO				RECEIVED:	05/17/83	JA: OH			
8337112		3412122751		102-3		PARKS #1	MACKSBURG	506.0	FREDERICK PETROLE
-RPJ ENERGY FUND MANAGEMENT INC				RECEIVED:	05/17/83	JA: OH			
8337113		3411926396		107-TF		MITCHELL-WIGH #1	BLUE ROCK	18.0	
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	05/17/83	JA: OH			
8337114		3416727253		107-TF		H KOARK #1	WESLEY	0.0	
8337115		3416727254		107-TF		P HARSHBERGER #1	WESLEY	0.0	
-TIGER OIL INC				RECEIVED:	05/17/83	JA: OH			
8337118		3412723795		103		F CRANDELL #2	THORN	2.0	NATIONAL GAS & OI
-TOMMER PETROLEUM CO				RECEIVED:	05/17/83	JA: OH			
8337119		3412122037		103	107-TF	BURNS R #4	WAYNE	988.0	TENNESSEE GAS PIP
8337120		3412122388		103	107-TF	RICHEY G #1	WAYNE	258.0	TENNESSEE GAS PIP
8337121		3412122397		103	107-TF	SCHAFER R #3	OLIVE	312.0	EAST OHIO GAS CO
-W E SNYDER CO				RECEIVED:	05/17/83	JA: OH			
8337122		3407322792		103		CARL RIDDLEBARGER #2	MARION	3.0	PARAMOUNT TRANSMI
-WAYNE W WATSON				RECEIVED:	05/17/83	JA: OH			
8337123		3412725618		107-TF		BEAM #3	MONDAY CREEK	15.0	COLUMBIA GAS TRAN
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-GULF OIL CORPORATION				RECEIVED:	05/16/83	JA: PA			
8337137 14890		3703320542		108-PB		KOSTOVENY #2	REED-DEEMER	16.0	NATIONAL FUEL GAS
WEST VIRGINIA DEPARTMENT OF MINES									
-BEREA OIL AND GAS CORPORATION				RECEIVED:	05/16/83	JA: WV			
8337140		4700121620		102-4		BRADSHAW #2	BARKER	42.0	CONSOLIDATED GAS
8337143		4700121652		102-4		DELAUDER #1	BARKER DISTRICT	15.0	BROOKLYN UNION GA
8337142		4700121620		102-4		M PRICE #1	VALLEY DISTRICT	7.0	CONSOLIDATED GAS
8337138		4700121765		102-4		NESTOR #1	GLADE	28.6	CONSOLIDATED GAS
8337141		4700121648		102-4		SFAMENI #1	VALLEY DISTRICT	19.0	CONSOLIDATED GAS
8337139		4700121504		102-4		W BOOTH #1	GLADE	69.0	CONSOLIDATED GAS
-D G BARRY INC				RECEIVED:	05/16/83	JA: WV			
8337144		4710900867		103		UNITED POCAHONTAS #6	BARKERS RIDGE DISTRIC	28.0	CONSOLIDATED GAS
NM DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE, NM									
-AMERADA HESS CORPORATION				RECEIVED:	05/16/83	JA: NM 4			
8337197 NM-1860-82		3003922925		103		JICARILLA APACHE "B" #17	PICTURED CLIFFS	182.1	EL PASO NATURAL G
8337192 NM-1861-82		3003922920		103		JICARILLA APACHE "H" #4	SOUTH BLANCO PICTURED	264.6	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	05/16/83	JA: NM 4			
8337200 NM 0936-83		3004520341		108		E E ELLIOTT "B" #18	BLANCO - PICTURED CLI	28.0	EL PASO NATURAL G

JD NO	JA DKT	API NO
8337221	NM 0055-83	3004525202
8337228	NM 0058-83	3004524869
-ANADARKO PRODUCTION COMPANY		
8337235	NM-0198-83	3001524160
-BLACKWOOD & NICHOLS CO LTD		
8337191	NM-1873-82	3004525359
-BURNETT OIL CO INC		
8337160	NM0241-83	3001523771
8337161	NM-0240-83	3001523772
-CAULKINS OIL COMPANY		
8337157	NM0005-83B	3003922909
8337156	NM0005-83-A	3003922909
8337184	NM-0008-83-A	3003922941
8337187	NM 0008-83B	3003922941
8337185	NM 0006-83B	3003922911
8337186	NM 0006-83A	3003922911
8337184	NM 0007-83-A	3003922908
8337189	NM 0007-83B	3003922908
8337183	NM 0004-83A	3003922955
8337182	NM 0004-83	3003922936
8337202	NM-0003-83-B	3003922912
8337203	NM 0003-83A	3003922912
-CONOCO INC		
8337243	NM-0224-83	3002506152
8337155	NM-0259-83	3002506850
8337237	NM-0260-83	3002506835
8337229	NM-0263-83	3002504837
8337230	NM-0262-83	3002509009
8337181	NM-0283-83	3002524859
8337165	NM-0225-83	3002526412
8337164	NM-0282-83	3002504214
-CONSOLIDATED OIL & GAS INC		
8337242	NM8379-82-PB	3004510936
-DEPCO INC		
8337177	NM-021683107	3000500000
-DUGAN PRODUCTION CORP		
8337224	NM 0030-83	3003922835
-EL PASO EXPLORATION CO		
8337205	NM-0139-83	3002500000
8337190	NM 2010-82-A	3003922966
8337195	NM 2010-82-B	3003922966
-EL PASO NATURAL GAS COMPANY		
8337234	NM-1464-82	3002500000
8337245	NM-1440-82	3003906059
8337201	NM 1309-82	3004520309
8337173	NM-0031-83PB	3004506326
8337194	NM-1809-82	3002500000
8337169	NM-0028-83PB	3003906872
8337249	NM0020-83-PB	3003920732
8337247	NM0023-83-PB	3003920954
8337217	NM 0081-83-A	3003922638
8337216	NM 0081-83-B	3003922638
8337244	NM0024-83-PB	3003930602
8337218	NM 0080-83-B	3003922639
8337219	NM 0080-83-A	3003922639
8337168	NM-0029-83PB	3003907342
8337170	NM-0025-83PB	3003920878
8337232	NM-1808-82	3003907101
8337246	NM-1370-82	3003907308
8337158	NM1101-82	3003907291
8337250	NM0009-83-PB	3003907497
8337171	NM-0026-83PB	3003907828
8337199	NM 1365-82	3003907895
8337248	NM0021-83-PB	3003907858
8337231	NM 1367-82	3003907831
8337172	NM-0027-83PB	3003900000
8337174	NM-0030-83PB	3003982393
8337233	NM-1721-82	3002500000
8337196	NM-1104-82	3004521265
-GETTY OIL COMPANY		
8337208	NM-1340-82	3001522437
8337212	NM 0039-83	3003923008
8337179	NM-026183103	3002527603
-GULF OIL CORPORATION		
8337163	NM0082-83	3002527718
-H & S OIL CO		
8337239	NM-0206-83	3001522852
8337238	NM-0207-83	3001522852
8337176	NM-0208-83	3001523186
8337175	NM-0210-83	3001523821
8337178	NM-0211-83	3001522348
-J FELIX HICKMAN		
8337210	NM 0077-83-A	3003923041
8337209	NM 0077-83-B	3003923041
-MERRION OIL & GAS CORP		
8337227	NM 0010-83	3003923079
-MESA PETROLEUM CO		
8337206	NM0180-83107	3000561628
8337241	NM 0179-83	3001524094
-MEWBOURNE OIL COMPANY		
8337204	NM-0002-83	3002527989
-READ & STEVENS INC		
8337207	NM 0066-83	3000561179
8337222	NM 0052-83	3000561372
-SHERMAN F WAGENSELLER		
8337240	NM 0084-83	3003923166
8337215	NM 0078-83	3003923107
8337214	NM 0079-83	3004520445
-SOUTHLAND ROYALTY CO		
8337159	NM-0258-83	3001523449
-SUN EXPLORATION & PRODUCTION CO		
8337193	NM-1814-82	3002527787
-SUPERIOR OIL CO		
8337211	NM 0074-83	3002525218

D	SEC(1)	SEC(2)	WELL NAME
103			GALLEGOS CANYON UNIT 0174E
103			GALLEGOS CANYON UNIT "H" 0180E
RECEIVED: 05/16/83 JA: NM 4			
103			TRAVIS D-19
RECEIVED: 05/16/83 JA: NM 4			
103			NORTHEAST BLANCO UNIT 020A
RECEIVED: 05/16/83 JA: NM 4			
103			GISSLER "B" 016
105			GRAYBURG JACKSON SAN ANDRES 047
RECEIVED: 05/16/83 JA: NM 4			
103			BREECH B 172 E
105			BREECH B 172 E
103			BREECH C 389 E
105			BREECH C 389 E
103			BREECH D 685E
105			BREECH D 685E
105			BREECH E 50 E
103			BREECH E 50 E
105			BREECH F 11 M
105			BREECH F 11 M
103			SANCHEZ 4 E
105			SANCHEZ 4 E
RECEIVED: 05/16/83 JA: NM 4			
108			BRITT B-18 01
108			LOCKHART A-27 01
108			LOCKHART A-27 08
108			LOCKHART A-30 06
108			MEYER B-23 01
108			MEYER B-23 04
108			MEYER B-31A 04
108			SANDERSON A 03
RECEIVED: 05/16/83 JA: NM 4			
108-PB			FREEMAN 01-11
RECEIVED: 05/16/83 JA: NM 4			
102-2	107	-TF	ROSE FEDERAL 05
RECEIVED: 05/16/83 JA: NM 4			
103			LOUGH ERNE 01
RECEIVED: 05/16/83 JA: NM 4			
108			CARLSON FEDERAL 01
103			JICARILLA 126 S 017 (MV)
105			JICARILLA 126 S 017 (PC)
RECEIVED: 05/16/83 JA: NM 4			
108			CAGLE B 02
108			CANYON LARGO UNIT 029
108			HUERFANO UNIT 0182
108-PB			LODEWICK #8
108			R S U 022 WDRL
108-PB			SAN JUAN 27-4 UNIT 012
108-PB			SAN JUAN 27-4 UNIT 062
108-PB			SAN JUAN 27-4 UNIT 078
105			SAN JUAN 27-5 UNIT 0113E
103			SAN JUAN 27-5 UNIT 0113E
108-PB			SAN JUAN 27-5 UNIT 0149
103			SAN JUAN 27-5 UNIT 099E
105			SAN JUAN 27-5 UNIT 099E
108-PB			SAN JUAN 28-5 UNIT 046
108-PB			SAN JUAN 28-5 UNIT 095
108			SAN JUAN 28-6 UNIT 054
108			SAN JUAN 28-6 UNIT 88
108			SAN JUAN 28-7 UNIT 027
108-PB			SAN JUAN 29-7 UNIT 095
108-PB			SAN JUAN 30-4 UNIT MP 09
108			SAN JUAN 30-6 UNIT 037
108-PB			SAN JUAN 30-6 UNIT 039
108			SAN JUAN 30-6 UNIT 042
108-PB			SAN JUAN 32-5 UNIT 017
108-PB			SAN JUAN 32-5 UNIT 03
108			SHEPHERD B 04
108			TAPP #11
RECEIVED: 05/16/83 JA: NM 4			
103			FEDERAL "34" WELL 01
105			L L MCCONNELL #13
105			NORTH DILBREY "7" FEDERAL 01
RECEIVED: 05/16/83 JA: NM 4			
103			LANGLEY FEDERAL "A" COM 01
RECEIVED: 05/16/83 JA: NM 4			
108			MASTIE #17
108			MASTIE 18
108			MASTIE 19
108			MASTIE 21
108			SAUNDERS 12
RECEIVED: 05/16/83 JA: NM 4			
103			SCHMITZ 02
103			SCHMITZ 02
RECEIVED: 05/16/83 JA: NM 4			
103			MCKENZIE FEDERAL 01
RECEIVED: 05/16/83 JA: NM 4			
102-2	107	-TF	CHINA FEDERAL 07
105			STRONG FEDERAL COM 02E
RECEIVED: 05/16/83 JA: NM 4			
103			FEDERAL "F" 02
RECEIVED: 05/16/83 JA: NM 4			
103			HARRIS FEDERAL 07
103			HARRIS FEDERAL 08
RECEIVED: 05/16/83 JA: NM 4			
103			MOBIL APACHE 019
105			MOBIL APACHE 18 02
105			MOBIL APACHE 21 01
RECEIVED: 05/16/83 JA: NM 4			
102-3			EMPIRE FEDERAL "33" COM 01
RECEIVED: 05/16/83 JA: NM 4			
103			COURTLAND MYERS 09
RECEIVED: 05/16/83 JA: NM 4			
108			GOVERNMENT "E" 07

FIELD NAME	PROD	PURCHASER
BASIN DAKOTA	36.4	EL PASO NATURAL G
BASIN DAKOTA	18.9	EL PASO NATURAL G
LOCO HILLS	4.0	PHILLIPS PETROLEU
BLANCO MESAVERDE	175.0	EL PASO NATURAL G
SQUARE LAKE (GB-SA)	1.0	CONOCO INC
GRAYBURG JACKSON SAN	1.0	CONOCO INC
BASIN DAKOTA	2.5	GAS CO OF NEW MEX
BLANCO MESA VERDE	2.5	GAS CO OF NEW MEX
BLANCO MESA VERDE	3.0	GAS CO OF NEW MEX
BASIN DAKOTA	3.0	GAS CO OF NEW MEX
BASIN DAKOTA	3.0	GAS CO OF NEW MEX
BLANCO MESA VERDE	3.0	GAS CO OF NEW MEX
BLANCO MESA VERDE	2.0	GAS CO OF NEW MEX
BASIN DAKOTA	2.0	GAS CO OF NEW MEX
BLANCO MESA VERDE	2.5	GAS CO OF NEW MEX
BASIN DAKOTA	2.5	GAS CO OF NEW MEX
BASIN DAKOTA	1000.0	EL PASO NATURAL G
BLANCO MESA VERDE	1000.0	EL PASO NATURAL G
NMFU - EUNICE MONUMEN	4.9	WARREN PETROLEUM
NMFU - BLINEBRY	8.5	GETTY OIL CO
NMFU - BLINEBRY & DRI	7.3	GETTY OIL CO
NMFU - EUMONT	14.1	EL PASO NATURAL G
NMFU - JALMAT	8.5	EL PASO NATURAL G
NMFU - JALMAT	3.3	EL PASO NATURAL G
NMFU - JALMAT	1.8	PHILLIPS PETROLEU
NMFU - EUNICE-MONUMEN	2.0	WARREN PETROLEUM
BLANCO MESA VERDE	0.0	EL PASO NATURAL G
PECOS SLOPES ABO	657.0	TRANSWESTERN PIPE
LYBROOK GALLUP	25.0	EL PASO NATURAL G
JUSTIS GLORIETTA	22.0	EL PASO NATURAL G
BLANCO MESAVERDE	1.0	NORTHWEST PIPELIN
BLANCO SOUTH PICTURED	28.0	NORTHWEST PIPELIN
RHODES - YATES SEVEN	19.1	EL PASO NATURAL G
SOUTH BLANCO - PICTUR	23.0	EL PASO NATURAL G
BASIN - DAKOTA	21.0	EL PASO NATURAL G
BASIN DAKOTA	0.0	EL PASO NATURAL G
RHODES - YATES 7 RIVE	7.0	EL PASO NATURAL G
TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
BLANCO MESAVERDE	160.0	EL PASO NATURAL G
BASIN DAKOTA	150.0	EL PASO NATURAL G
TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
BASIN DAKOTA	150.0	EL PASO NATURAL G
BLANCO MESAVERDE	160.0	EL PASO NATURAL G
BLANCO - MESAVERDE	0.0	EL PASO NATURAL G
TAPACITO	0.0	EL PASO NATURAL G
BLANCO - MESA VERDE	22.0	EL PASO NATURAL G
BLANCO - MESA VERDE	20.0	EL PASO NATURAL G
BLANCO - MESA VERDE	20.0	EL PASO NATURAL G
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO - MESA VERDE	0.0	EL PASO NATURAL G
BLANCO MESAVERDE	20.0	EL PASO NATURAL G
BLANCO - MESA VERDE	0.0	EL PASO NATURAL G
BASIN DAKOTA	18.0	EL PASO NATURAL G
RHODES - YATES 7 RIVE	0.0	EL PASO NATURAL G
SOUTH BLANCO - PICTUR	19.0	EL PASO NATURAL G
UNDESIGNATED DELAWARE	21.0	EL PASO NATURAL G
LINDRITH GALLUP-DAKOT	27.7	TRANSWESTERN PIPE
SOUTH SALT LAKE MORRO	70.0	NORTHWEST PIPELIN
BUFFALO PENNSYLVANIAN	329.0	EL PASO NATURAL G
QUEEN GRAYBURG SAN AN	0.0	EL PASO NATURAL G
QUEEN GRAYBURG SAN AN	11.5	PHILLIPS PETROLEU
QUEEN GRAYBURG SAN AN	23.0	PHILLIPS PETROLEU
QUEEN GRAYBURG SAN AN	16.5	PHILLIPS PETROLEU
QUEEN GRAYBURG SAN AN	17.5	PHILLIPS PETROLEU
QUEEN GRAYBURG SAN AN	0.0	PHILLIPS PETROLEU
OJITO GALLUP DAKOTA	300.0	SOUTHWEST GAS COR
BLANCO MESAVERDE	300.0	SOUTHWEST GAS COR
OTERO GALLUP	95.0	
WEST PECOS SLOPE	340.0	
WHITE CITY PENN	390.0	NATURAL GAS PIPEL
QUERECHO PLAINS - QUE	8.0	PHILLIPS PETROLEU
UND DIAMOND MOUND	164.0	EL PASO NATURAL G
BUFFALO VALLEY PENN	1975.0	TRANSWESTERN PIPE
SOUTH BLANCO PC	39.4	EL PASO NATURAL G
SOUTH BLANCO PC	31.8	EL PASO NATURAL G
SOUTH BLANCO PC	32.9	EL PASO NATURAL G
UNDESIGNATED	50.0	NORTHERN NATURAL
JALMAT TANSIL YTS 7 R	628.0	EL PASO NATURAL G
PEARL (BONE SPRINGS)	0.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8337213	NM 0038-83	3002527556		101		GOVERNMENT "23" #1	WILDCAT	0.0	
-TENNECO OIL COMPANY				RECEIVED:	05/16/83	JA: NM 4			
8337225	NM 0012-83	3004525178		103		GOOCH #1E	BASIN DAKOTA	100.0	EL PASO NATURAL G
8337226	NM 0011-83	3004525186		103		GOOCH #3F	BASIN DAKOTA	100.0	EL PASO NATURAL G
-TEXOM PETROLEUM CORP				RECEIVED:	05/16/83	JA: NM 4			
8337198	NM-0001-83	3002526245		103		LINEBERRY #1	[illegible]	11.0	WARREN PETROLEUM
-UNION TEXAS PETROLEUM				RECEIVED:	05/16/83	JA: NM 4			
8337162	NM-0231-83	3000520890		101		MILLER FEDERAL 33 #4	TOM-TOM (SAN ANDRES)	0.0	CITIES SERVICE CO
-YATES PETROLEUM CORPORATION				RECEIVED:	05/16/83	JA: NM 4			
8337166	NM-0317-83	3001524330		103		BENSON DEEP UNIT #3	[illegible]	0.0	TRANSWESTERN PIPE
8337236	NM 0194-83	3001524238		103		BLUFFSIDE "WF" FED #1	WILDCAT	0.0	TRANSWESTERN PIPE
8337167	NM-0316-83	3001522128		105		FEDERAL "CX" #2	EAGLE CREEK PERM-PEN	0.0	TRANSWESTERN PIPE
-COTTON PETROLEUM CORPORATION				RECEIVED:	05/16/83	JA: OK 4			
8337206	OKA-0124-83	3501521329		107-DP		MARY #1	VERDEN WEST	0.0	UNITED GAS PIPELI
-SANTA FE-ANDOVER OIL CO				RECEIVED:	05/16/83	JA: OK 4			
8337223	OKA 0042-83	3512121017		103		ARMY AMMO #14-1		360.0	ARKANSAS LOUISIAN
-STEPHENS PRODUCTION COMPANY				RECEIVED:	05/16/83	JA: OK 4			
8337188	OKA-0307-83	3502920382		103		EMMA VITOSH #1-28	CENTRAHOMA	150.0	EL PASO NATURAL G
## BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK									
-GOLDEN OIL CO				RECEIVED:	05/16/83	JA: OK 8			
8337145		3511300000		105		ADAMS #1 NE/4 25-28-7	DOG CREEK	4.1	PHILLIPS PETROLEU
8337147		3511300000		105		CHAPMAN #1-A NE/4 19-28-8	DOG CREEK	2.7	PHILLIPS PETROLEU
8337148		3511300000		101		CHAPMAN #2-A NE/4 19-28-8	DOG CREEK	2.7	PHILLIPS PETROLEU
8337149		3511300000		101		CHAPMAN #3-A NE/4 19-28-8	DOG CREEK	2.7	PHILLIPS PETROLEU
8337150		3511300000		101		CHAPMAN #4-A NE/4 19-28-8	DOG CREEK	2.7	PHILLIPS PETROLEU
8337151		3511300000		103		CULVER 5-2 SW/4 5-27-10	DOMES POND	2.7	AJAX OIL & GAS CO
8337146		3511300000		101		ROBINSON 18-1 SE/4 18-28-8	DOG CREEK	2.7	PHILLIPS PETROLEU
8337152		3511300000		101		USA #2-B NW/4 1-28-10	DOMES POND	5.5	AJAX OIL & GAS CO
8337153		3511300000		101		USA #3-B NW/4 1-28-10	DOMES POND	5.5	AJAX OIL & GAS CO
8337154		3511300000		101		USA #509 NW/4 1-28-10	[illegible]	5.5	AJAX OIL & GAS CO

[FR Doc. 83-15894 Filed 6-13-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 910]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 8, 1983.

The following notices of determination were received from the indicated jurisdictional agenices by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED JUNE 8, 1983
VOLUME 910

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-KEP EXPLORATION INC				RECEIVED:	05/19/83	JA: MI			
8337416		2110115012		103		LARSEN 1-28	BEAR LAKE 22 T22N R15	82.0	CONSUMERS POWER C
-SHELL OIL CO				RECEIVED:	05/19/83	JA: MI			
8337423		2107900000		102-4		HOLCOMB-STATE KALKASKA 1-16	KALKASKA 16S	174.0	MICHIGAN CONSOLID
8337425		2107900000		102-4		KALKASKA TOWNSITE 1-17B	KALKASKA 26S	122.0	MICHIGAN CONSOLID
8337419		2107900000		102-4		RICHMAN-STATE BLUE LAKE 1-23	BLUE LAKE 23	1194.6	MICHIGAN CONSOLID
8337420		2107900000		102-4		STATE BOARDMAN 3-4	BOARDMAN 4S	729.0	MICHIGAN CONSOLID
8337424		2107900000		102-4		STATE BOARDMAN 3-8A	BOARDMAN 8	673.7	MICHIGAN CONSOLID
8337422		2107900000		102-4		STATE KALKASKA 1-11	KALKASKA 11	164.6	MICHIGAN CONSOLID
8337427		2107900000		102-4		STATE UNION 3-18A	UNION 18A	1130.0	MICHIGAN CONSOLID
8337426		2107900000		102-4		VILLIAGE OF KINGSLEY 1-6	PARADISE 6A	839.5	MICHIGAN CONSOLID
8337421		2107900000		102-4		WICHMANN 4-32	KALKASKA 35	485.0	MICHIGAN CONSOLID
NORTH DAKOTA INDUSTRIAL COMMISSION									
-MONSANTO COMPANY				RECEIVED:	05/19/83	JA: ND			
8337572	708	3301300926		103		DOROTHY NELSON 01	FLAXTON	16.0	CITIES SERVICE CO
8337573	709	3301300912		103		EDITH 01	FLAXTON	4.0	CITIES SERVICE CO
8337570	706	3301300939		103		GALVIN 01	FLAXTON	11.0	CITIES SERVICE CO
8337571	707	3301300944		103		GALVIN 02	FLAXTON	9.4	CITIES SERVICE CO
8337566	702	3301300929		103		GWENDOLYN 02	FLAXTON	8.0	CITIES SERVICE CO
8337568	704	3301300870		103		OAS 01	BLACK SLOUGH	2.0	CITIES SERVICE CO
8337567	703	3301300816		103		PAULSON 01	BLACK SLOUGH	3.0	CITIES SERVICE CO
8337569	705	3301300824		103		POOLEY 01	BLACK SLOUGH	2.0	CITIES SERVICE CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-ALAN J ANTWEIL				RECEIVED:	05/20/83	JA: NM			
8337583		3002528124		103		MONSTRO 01 1-M-6-20S-30E	WEST RADIUM DRINKARD	95.0	HARDIE PETROLEUM
-AMERADA HESS CORPORATION				RECEIVED:	05/20/83	JA: NM			
8337595		3002500000		108		STATE 'Y' 05	EUNICE - MONUMENT	12.0	HARDIE PETROLEUM
-ARCO PRODUCTION CO				RECEIVED:	05/20/83	JA: NM			
8337592		3002528009		103		STATE BY 01	BAUM UPPER PENN	48.0	HARDIE PETROLEUM
-GETTY OIL COMPANY				RECEIVED:	05/20/83	JA: NM			
8337582		3003922350		103		FARMING "E" 04	DEVIL'S FORK GALLUP	20.0	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:	05/20/83	JA: NM			
8337602		3002525545		108		CENTRAL DRINKARD UNIT 0417	DRINKARD	5.8	EL PASO NATURAL G
8337603		3002511573		108		LEARCY MCBUFFINGTON 012	JUSTIS BLINEBRY	2.2	EL PASO NATURAL G
-MARATHON OIL COMPANY				RECEIVED:	05/20/83	JA: NM			
8337594		3002508988		108		L G WARLICK "C" 04	DRINKARD	10.0	GETTY OIL CO
-MCCLELLAN OIL CORPORATION				RECEIVED:	05/20/83	JA: NM			
8337588		3000561826		102-4		MCCLELLAN BEAVERS PEE 01	UNDESIGNATED (ABO)	109.5	TRANSWESTERN PIPE
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	05/20/83	JA: NM			
8337591		3003907472		108-PB		SAN JUAN 29-5 UNIT 38	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
-PIONEER PRODUCTION CORPORATION				RECEIVED:	05/20/83	JA: NM			
8337593		3004500000		108		FARMINGTON "C" COM 01	BASIN DAKOTA	0.0	WESTAR TRANSMISSI

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-S & I OIL CO				RECEIVED:	05/20/83	JA: NM			
8337397		3004500000		103		BARBARA #1			
8337599		3004500000		103		BOS-BLANCHE #1	CHA-CHA GALLUP	18.3	INTRASTATE GATHER
8337598		3004500000		103		DAVIE #1	CHA-CHA GALLUP	14.5	INTRASTATE GATHER
8337600		3004500000		103		DOROTHY #1	MEADOWS-GALLUP	11.1	INTRASTATE GATHER
8337596		3004500000		103		TFS-EVI #1	CHA-CHA GALLUP	5.2	INTRASTATE GATHER
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	05/20/83	JA: NM	CHA-CHA GALLUP	5.9	INTRASTATE GATHER
8337587		3002500000		108		STATE "A" A/C 1 #100U	LANGLIE-MATTIX	0.1	EL PASO NATURAL G
-WARREN PETR CO A DIV OF GULF OIL			CO	RECEIVED:	05/20/83	JA: NM			
8337601		3002506832		108		CENTRAL DRINKARD UNIT #113	DRINKARD	6.0	EL PASO NATURAL G
8337604	10440	3002504932		108		HARRY LEONARD (NCT-C) #5	ARROWHEAD	5.2	EL PASO NATURAL G
8337585		3002506361		108		HARRY LEONARD (NCT-F) #7	TUBB	2.7	EL PASO NATURAL G
8337589		3002526851		108		MARK #11	MANTZ GRANITE WASH	1.9	EL PASO NATURAL G
8337585		3002512142		108		VIVIAN #4	BRUNSON ABO S	7.8	EL PASO NATURAL G
8337590		3002525213		108		VIVIAN #9	MANTZ GRANITE WASH	5.6	EL PASO NATURAL G
8337586		3002506951		106		W T MCCOMACK #2	PENROSE SKELLY	9.8	EL PASO NATURAL G
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-BENNETT PETROLEUM CORP				RECEIVED:	05/18/83	JA: NY			
8337430	5073	3112114378		107-TF		FREDERICK HERMAN #1		38.0	COLUMBIA GAS TRAN
8337429	5074	3112114379		107-TF		FSC FARMS INC #1		46.0	COLUMBIA GAS TRAN
8337431	5072	3112114616		107-TF		HEYWARD HUMPHREY #1		43.0	COLUMBIA GAS TRAN
8337433	5082	3112115948		107-TF		LESLIE WRIGHT #1-31-121-15948	UNNAMED	36.5	COLUMBIA GAS TRAN
8337434	5071	3105100000		107-TF		MILO PATRICK & SONS #1 31-051-14380		0.0	COLUMBIA GAS TRAN
8337432	5069	3105115961		107-TF		MILO PATRICK #3 -31-051-15961		0.0	COLUMBIA GAS TRAN
8337435	5068	3112114483		107-TF		ROBERT PATRICK #1		28.0	COLUMBIA GAS TRAN
-PENNZOIL COMPANY				RECEIVED:	05/18/83	JA: NY			
8337428	4514	3100917268		102-4		CHIPMUNK FEE #1	CHIPMUNK	0.0	
OKLAHOMA CORPORATION COMMISSION									
-AH-SON CORPORATION				RECEIVED:	05/16/83	JA: OK			
8337373	20227	3503920719		102-2		SWARTHEY #1-17	S E HAMMON	54.8	
8337417	24230	3514920311		107-DP		WHAM #1	E BURNS FLAT	115.7	
-AMADARKO PRODUCTION COMPANY				RECEIVED:	05/16/83	JA: OK			
8337358	21670	3513920981		108		BAWBELL A-2	POSTLE HOUGH GAS AREA	16.8	PANHANDLE EASTERN
8337357	21669	3513921245		108		BIGGS A-1	GUYMON	3.8	PANHANDLE EASTERN
8337416	21654	3508721436		108		DAVIS TRUST A-1	GREENOUGH	8.5	PANHANDLE EASTERN
-ARCO OIL AND GAS COMPANY				RECEIVED:	05/16/83	JA: OK			
8337380	21161	3505121195		103		VIRGIL F DOUGHERTY #2	S E BRADLEY	73.0	TRANSOK PIPE LINE
-ARKOMA PRODUCTION CO				RECEIVED:	05/16/83	JA: OK			
8337419	21624	3507920478		103		QUEBEL #1	PEHO	108.0	ARKANSAS LOUISIAN
-ATLAS OIL INC				RECEIVED:	05/16/83	JA: OK			
8337400	19526	3508322020		102-2		TONTZ 1-29	WEST GUTHRIE FIELD	71.2	EASON OIL CO
8337399	19499	3508322018		102-2		TONTZ 2-33 LEASE	WEST GUTHRIE	69.4	EASON OIL CO
-B & N OIL PRODUCERS INC				RECEIVED:	05/16/83	JA: OK			
8337370	19564	3508300000		102-2 103		ELLIOTT #1	SOUTH GUTHRIE	4.0	BUCKEYE NATURAL G
8337371	19565	3508321808		102-2 103		ELLIOTT #2	SOUTH GUTHRIE	11.0	BUCKEYE NATURAL G
-BLUE QUAIL ENERGY INC				RECEIVED:	05/16/83	JA: OK			
8337388	21110	3501722349		103		ESTATES #1	NORTH YUKON	324.0	PHILLIPS PETROLEU
-BOGERT OIL CO				RECEIVED:	05/16/83	JA: OK			
8337363	19174	3501128701		108		WISDOM #1-9		19.0	ARKANSAS LOUISIAN
-C E DINSMORE				RECEIVED:	05/16/83	JA: OK			
8337356	21664	3509321294		108		VOORHEES #1	KINGWOOD	8.0	UNION TEXAS PETRO
-CHEYENNE EXPLORATION INC				RECEIVED:	05/16/83	JA: OK			
8337361	21686	3510321617		103		KARCHER #1		0.0	AMINOIL USA INC
-CITIES SERVICE COMPANY				RECEIVED:	05/16/83	JA: OK			
8337354	21660	3508720635		103		SCHONWALD C-1	GOLDEN TREND (BRADLEY	93.0	WARREN PETROLEUM
8337345	21718	3513900000		108		SIMMONS B #3	NW POSTLE	8.3	NORTHERN NATURAL
-CLARK RESOURCES INC				RECEIVED:	05/16/83	JA: OK			
8337366	18764	3509322523		103		HOMESTEAD 15-1	SOONER TREND	80.0	DELHI GAS PIPELIN
-DAMSON OIL CORPORATION				RECEIVED:	05/16/83	JA: OK			
8337398	19485	3505520419		108		WILLIAMS 1-29	MANGUM	3.7	ARKANSAS LOUISIAN
-DAVIS OIL COMPANY				RECEIVED:	05/16/83	JA: OK			
8337404	21648	3501722403		103		ELSIE BROOKS #1	FORT RENO II	0.0	PHILLIPS PETROLEU
8337405	21649	3501722312		103		O U #1	FORT RENO	0.0	PHILLIPS PETROLEU
8337403	21646	3501722267		103		WARD #1-28	BIG EAGLE	0.0	OKLAHOMA GAS & EL
-DECK OIL CO				RECEIVED:	05/16/83	JA: OK			
8337409	20739	3508700000		108		EDWARDS #1	NE MAYSVILLE	15.8	WARREN PETROLEUM
8337410	20740	3508720396		108		HOLIM #1	NE MAYSVILLE	5.3	WARREN PETROLEUM
-EL PASO NATURAL GAS COMPANY				RECEIVED:	05/16/83	JA: OK			
8337348	21919	3512920577		107-DP		PIERCE #2	REYDON S E MORROW UPP	759.0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED:	05/16/83	JA: OK			
8337355	21661	3501121717		103		BEATRICE F PAULSEN #2	SW CANTON	387.0	OKLAHOMA GAS & EL
-F C D OIL CORP				RECEIVED:	05/16/83	JA: OK			
8337407	19942	3504722748		102-4		DEBRA 1-10	KREMLIN	118.6	FARMLAND INDUSTRI
8337408	19944	3504722749		102-4		F W 2-15	NORTH KREMLIN	89.8	FARMLAND INDUSTRI
8337381	21201	3505320939		103		M A S 1-29	SE POND CREEK	13.9	FARMLAND INDUSTRI
8337382	21202	3505320944		103		REYNOLDS 1-19	SOUTH POND CREEK	43.8	FARMLAND INDUSTRI
-GILL JOHN K				RECEIVED:	05/16/83	JA: OK			
8337402	21325	3511100000		108		WHITAKER #3	BALD HILL	7.0	PHILLIPS PETROLEU
-GREEN OPERATING CO				RECEIVED:	05/16/83	JA: OK			
8337375	21068	3508121075		102-4		ELVINA #11-1	SOUTHWEST MT VERNON	165.0	SUN EXPLORATION &
-HARPER OIL COMPANY				RECEIVED:	05/16/83	JA: OK			
8337349	21724	3504723160		103		TOM HAYES #4	N DRUMMOND	182.0	ARKANSAS LOUISIAN
8337347	21721	3509322596		103		WOOD #2	S AMES	35.0	PHILLIPS PETROLEU
-HEARTLAND EXPLORATION INC				RECEIVED:	05/16/83	JA: OK			
8337377	21198	3510321777		103		BLACK #1-19	SOUTH TONKAWA	55.0	ARCO OIL & GAS CO
-HNG OIL COMPANY				RECEIVED:	05/16/83	JA: OK			
8337374	20310	3512920629		102-2 103		ALLEE "9" #1	REDFORK	110.0	TRANSOK PIPELINE
-HPC INC				RECEIVED:	05/16/83	JA: OK			
8337376	21162	3506700000		105		WATKINS #18-6		10.0	PHILLIPS PETROLEU
-INTERNORTH INC				RECEIVED:	05/16/83	JA: OK			
8337364	19402	3512920766		102-2		LOVETT 4 #1		350.0	NORTHERN NATURAL
-J WALTER DUNCAN JR				RECEIVED:	05/16/83	JA: OK			
8337394	21264	3514920341		107-DP		LORENZ #1-7	S E ELK CITY	474.5	
-JUMAS OIL PART CORP				RECEIVED:	05/16/83	JA: OK			
8337397	19260	3511100000		108		GUNNING #2	HENNYETTA	22.5	PHILLIPS PETROLEU
-MAGANA OIL CO				RECEIVED:	05/16/83	JA: OK			
8337395	19004	3510525806		102-2		BLYTH #1		657.0	A-G SYSTEMS INC
8337396	19009	3510525867		102-2		BLYTH #2		657.0	A-G SYSTEMS INC
-MAGIC CIRCLE ENERGY CORP				RECEIVED:	05/16/83	JA: OK			
8337369	21719	3515121222		103		MC NALLY #1	S E WAYNOKA	45.0	MAGIC CIRCLE GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MARRS BROTHERS OIL CO				RECEIVED:	05/16/83	JA: OK			
8337412	21616	3503700000		103		MABLE DALE #19-A	CUSHING	1.0	PARKS ENERGY INVE
-MOBIL OIL CORP				RECEIVED:	05/16/83	JA: OK			
8337387	20406	3513921656		103		WEEKS #2 (RMO 1988) WELL #3	GUYMON-HUGOTON CHASE	40.0	CITIES SERVICE GA
-NATOMAS NORTH AMERICA INC				RECEIVED:	05/16/83	JA: OK			
8337401	20225	3500920285		102-4		THURMOND #1	SECTION 21 T-12-N R-2	345.0	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/16/83	JA: OK			
8337365	19398	3513900000		108		RATZLAFF #1	OKLAHOMA HUGOTON	0.0	PANHANDLE EASTERN
-PHOENIX ENERGY CORP				RECEIVED:	05/16/83	JA: OK			
8337398	21697	3507323542		103		POPE #1 (MOSKINS #3)	SOONER TREND	300.0	PHILLIPS PETROLEU
-PORTS OF CALL OIL CO				RECEIVED:	05/16/83	JA: OK			
8337386	20319	3510920487		102-4		SOUTHERN #7-1	EAST YUKON	300.0	MOBIL OIL CORP
-PROSPECTIVE INVESTMENT & TRADING CO				RECEIVED:	05/16/83	JA: OK			
8337385	21319	3504921089		102-4	103	BAKER #1		500.0	PRODUCERS GAS CO
8337384	21338	3504521048		102-4		COLONIAL #1		500.0	PRODUCERS GAS CO
-RICK BUCK				RECEIVED:	05/16/83	JA: OK			
8337360	21674	3501722322		103		BENNETT #1-17	SOONER TREND	37.0	PHILLIPS PETROLEU
8337359	21673	3507321878		106		LANKARD #1-25	SOONER TREND	24.0	CITIES SERVICE GA
-RUSCO PETROLEUM				RECEIVED:	05/16/83	JA: OK			
8337413	21618	3511100000		103		WILSON #1		8.0	PHILLIPS PETROLEU
-SAMSON RESOURCES COMPANY				RECEIVED:	05/16/83	JA: OK			
8337372	19878	3506120514		102-4	103	COX #1-SPIRO	QUINTON	629.6	ARKANSAS LOUISIAN
8337367	19180	3512120904		102-4	103	OLSON #1	QUINTON	177.9	ARKANSAS LOUISIAN
-SHELL OIL CO				RECEIVED:	05/16/83	JA: OK			
8337415	21625	3507300000		108		TAGGART #6	HENNESSEY EAST	11.6	EXXON CORP
-SILVAN SUPPLY CO				RECEIVED:	05/16/83	JA: OK			
8337406	17934	3503700000		108		LEDGERWOOD #3	LEDGERWOOD #1	9.8	ARCO OIL & GAS CO
-TENNECO OIL COMPANY				RECEIVED:	05/16/83	JA: OK			
8337368	21710	3510321809		103		SOUTH LONE ELM CLEVELAND SAND #77	SOUTH LONE ELM	90.0	AMINOIL USA INC
-TEXACO INC				RECEIVED:	05/16/83	JA: OK			
8337383	21323	3513123090		103		I CREEL #8	DOYLE	344.9	TENNESSEE GAS PIP
8337411	21610	3508520681		103		QUINTON LITTLE #3	ENVILLE NW	67.9	CIMARRON TRANSMIS
-TRIGG DRILLING COMPANY INC				RECEIVED:	05/16/83	JA: OK			
8337362	21687	3508720805		103		D M BROOKS #1	WALNUT CREEK	180.0	LONE STAR GAS CO
8337346	21720	3508720821		103		THREE BROOKS #1	WALNUT CREEK	365.0	LONE STAR GAS CO
-TXO PRODUCTION CORP				RECEIVED:	05/16/83	JA: OK			
8337378	21689	3500300000		108		ECK #1	WYNONA	0.0	OG&E CO & PUBLIC
8337350	21690	3515321103		108		HUFFMAN #2	N W CEDARDALE	14.9	DELMI GAS PIPELIN
8337389	21694	3500700000		108		KERNS #1	N GATE	8.8	CITIES SERVICE GA
8337351	21691	3500721284		108		ROBERTSON "A" #1	MADISON	8.0	DELMI GAS PIPELIN
8337353	21693	3505920250		108		SELLS #2	S E MAY	8.0	DELMI GAS PIPELIN
8337352	21692	3505520563		108		WHITENECK #1	S E KIBBY	124.0	DELMI GAS PIPELIN
-WARD PETROLEUM CORP				RECEIVED:	05/16/83	JA: OK			
8337391	21700	3502777961		103		HANLY #1	EAST MOORE	21.0	SUN GAS CO
-WHITMAR EXPLORATION CO				RECEIVED:	05/16/83	JA: OK			
8337379	21124	3505320755		103		KRETCHMAR #1-27	NORTHEAST MEDFORD	8.0	CITIES SERVICE GA
-WILMAR OIL INC				RECEIVED:	05/16/83	JA: OK			
8337392	21703	3508100000		108		BROWN A 1	UNALLOCATED	3.3	WELLSTON NATURAL
8337393	21704	3508100000		108		BROWN B 1	UNALLOCATED	3.9	WELLSTON NATURAL

WEST VIRGINIA DEPARTMENT OF MINES

-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	05/18/83	JA: WV			
8337477		4703300967		108		A-612	EAGLE DISTRICT	0.0	CONSOLIDATED GAS
8337478		4700100800		108		A-609	PLEASANT DISTRICT	0.0	CONSOLIDATED GAS
8337479		4703301014		108		A-637	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8337480		4703301962		108		A-683	UNION DISTRICT	0.0	CONSOLIDATED GAS
8337481		4709701803		108		A-737	UNION DISTRICT	0.0	CONSOLIDATED GAS
8337482		4708504854		108		A-866	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8337483		4704102990		108		A-950	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS
8337485		4704103017		108		A-965	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8337484		4704103013		108		A-973	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
-ARTEX OIL CO				RECEIVED:	05/18/83	JA: WV			
8337469		4704102004		108		JAMES MULLOOLY #5	FINSTER-ASPINALL	5.0	EQUITABLE GAS CO
8337468		4704102005		108		JAMES MULLOOLY #6	FINSTER-ASPINALL	5.0	EQUITABLE GAS CO
8337467		4704102006		108		JAMES MULLOOLY #7	FINSTER-ASPINALL	5.0	EQUITABLE GAS CO
8337466		4704102011		108		JOHN BRANNON #12	FINSTER-ASPINALL	6.0	EQUITABLE GAS CO
8337466		4702101868		108		SCOTT VANHORN #1	GLENVILLE SOUTH	10.0	CONSOLIDATED GAS
8337470		4702102700		108		SCOTT VANHORN #3	GLENVILLE SOUTH	4.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC				RECEIVED:	05/19/83	JA: WV			
8337533		4704501079		104		W M RITTER #220-A - 091611	LOGAN-WYOMING	15.0	CONSOLIDATED GAS
-BIGLEY REUBEN & MABLE				RECEIVED:	05/19/83	JA: WV			
8337562		4703500956		108		A W MILHOAN #1	NEPTUNE	1.5	GAS TRANSPORT INC
-BRAXTON OIL AND GAS CORP				RECEIVED:	05/19/83	JA: WV			
8337532		4704102135		108		WHITE #1	VANDALIA	10.0	EQUITABLE GAS CO
-C L KINGSBURY				RECEIVED:	05/18/83	JA: WV			
8337456		4710500843		108		SCOTT BROTHERS #2	BURNING SPRINGS DISTR	1.0	CABOT CORP
8337457		4710500832		108		SCOTT BROTHERS #3	BURNING SPRINGS DISTR	1.0	CABOT CORP
8337458		4710500758		108		SCOTT BROTHERS #4	BURNING SPRINGS DISTR	1.0	CABOT CORP
8337465		4710500844		108		SCOTT BROTHERS #5	BURNING SPRINGS DISTR	1.0	CABOT CORP
8337454		4710500846		108		SCOTT BROTHERS #7	BURNING SPRINGS DISTR	1.0	CABOT CORP
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	05/19/83	JA: WV			
8337542		4700100102		106		A J WOLFE JA ETAL 650504	UNION DISTRICT	4.0	COLUMBIA GAS TRAN
8337544		4704103173		106		CARRIE MAE RICHARDS-650121	UNION DISTRICT	1.0	COLUMBIA GAS TRAN
8337543		4704103172		108		LEO RILEY 650067	UNION DISTRICT	1.0	COLUMBIA GAS TRAN
-CONTINENTAL PETROLEUM CO				RECEIVED:	05/19/83	JA: WV			
8337494		4702102311		108		SHIFLETT (KLOTZ) #1	GLENVILLE SOUTH	9.6	CONSOLIDATED GAS
-DOMINION OIL & GAS CO				RECEIVED:	05/19/83	JA: WV			
8337550		4700700669		108		BOSLEY #1	SALT LICK	1.0	EQUITABLE GAS CO
8337514		4700700453		106		C E RUCKS #1	SALT LICK	3.0	EQUITABLE GAS CO
8337516		4700700449		108		C R LINGER #1	SALT LICK	14.2	EQUITABLE GAS CO
8337515		4700700451		108		COGAR UNIT #1	SALT LICK	5.7	EQUITABLE GAS CO
8337517		4700700448		106		DEAN UNIT #1	SALT LICK	18.5	EQUITABLE GAS CO
8337546		4700700480		108		F W HAYMOND #1	SALT LICK	2.4	EQUITABLE GAS CO
8337513		4700700459		106		J N BULL #1	SALT LICK	1.6	EQUITABLE GAS CO
8337552		4700700473		108		POST #1	SALT LICK	8.9	EQUITABLE GAS CO
8337551		4700700470		108		SINGLETON "D" #1	SALT LICK	2.5	EQUITABLE GAS CO
8337545		4700701193		106		STONESTREET BRADY #1	SALT LICK	5.5	EQUITABLE GAS CO
-DORAN & ASSOCIATES INC				RECEIVED:	05/19/83	JA: WV			
8337527		4703322149		108		EDWARD LEGGETT #1 KL-126	EAGLE DISTRICT	30.0	CARNEGIE NATURAL
-EARL KNOTTS				RECEIVED:	05/19/83	JA: WV			
8337534		4701300318		108		ROY PARSONS #1		0.0	CABOT CORP
8337535		4701301384		108		ROY PARSONS #2		0.0	CABOT CORP
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:	05/18/83	JA: WV			
8337440		4704103122		107-DV		HAYDEN #1	COURT HOUSE	10.5	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8337439		4702103854		107-DV		S A HAYS #9	GLENVILLE	78.0	
-FRANCIS E CAIN				RECEIVED:	05/19/83	JA: WV			
8337518		4708500752		108		GAMBRILL #10 CONTRACT #3271 #2830	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8337526		4708500919		108		GAMBRILL #11 CONTRACT #3271 #2830	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8337529		4708503233		108		GAMBRILL #12 CONTRACT #3271 #2830	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8337548		4708500449		108		GAMBRILL #3 CONTRACT #3271 #2830	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8337491		4708500508		108		GAMBRILL #5 CONTRACT #3271 #2830	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8337492		4708500589		108		GAMBRILL #6 CONTRACT #3271 #2830	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8337520		4708500725		108		GAMBRILL #8 CONTRACT #3271 #2830	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8337519		4708500736		108		GAMBRILL #9 CONTRACT #3271 #2830	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8337530		4708501077		108		WILSON #3 CONTRACT #3271 CODE #2891	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8337531		4708503259		108		WILSON #7 CONTRACT #3271 CODE #2891	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8337547		4708500327		108		WILSON #8 CONTRACT #3271 CODE #2891	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
-HARBRO EXPLORATION CO LTD				RECEIVED:	05/18/83	JA: WV			
8337445		4702103914		107-DV		DAVIDSON #3	GLENVILLE NORTH	50.0	
-INDUSTRIAL GAS ASSOCIATES				RECEIVED:	05/19/83	JA: WV			
8337493		4701302887		108		RICHARD BINGHAM #1	LEE DISTRICT	3.4	CABOT CORP
-INTERSTATE DRILLING INC				RECEIVED:	05/18/83	JA: WV			
8337471		4704102941		108		FISHER #1	UNION	9.0	CONSOLIDATED GAS
-JACKSON RIVER OIL CO				RECEIVED:	05/19/83	JA: WV			
8337539		4701301131		108		D W WILSON #4	SYCAMORE CREEK	1.0	CONSOLIDATED GAS
8337540		4701300418		108		MCDONALD #1	SYCAMORE	1.0	CONSOLIDATED GAS
8337556		4701300439		108		MCDONALD #2	SYCAMORE	1.0	CONSOLIDATED GAS
8337557		4701300673		108		MCDONALD #3	SYCAMORE	1.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	05/19/83	JA: WV			
8337536		4703302574		102-4		ISABEL MORGAN S-351	COAL	6.0	CONSOLIDATED GAS
-JAMES W HARMAN JR				RECEIVED:	05/19/83	JA: WV			
8337541		4710900139		108		HARMAN GAS WELL #1	BAILEYSVILLE DISTRICT	12.1	CABOT CORP
-JOHN E LAVELLE				RECEIVED:	05/18/83	JA: WV			
8337475		4710300456		108		BROOKOVER #1	CHURCH	2.8	EQUITABLE GAS CO
8337473		4710300575		108		COSGRAY #2	CHURCH	5.0	CARNEGIE NATURAL
-JOHNSON EXPLORATION CO				RECEIVED:	05/19/83	JA: WV			
8337486		4708505350		108		E V COOKRO #2-H	MURPHY DISTRICT	8.3	CONSOLIDATED GAS
-KEITH CRIMFIELD				RECEIVED:	05/19/83	JA: WV			
8337549		4701302491		108		JOHNSON #2	COLE RUN	3.0	COLUMBIA GAS TRAN
8337498		4701300454		108		NICUT GAS CO #1	NICUT	2.0	CONSOLIDATED GAS
8337559		4700701853		108		P S GERWIG #2		4.0	CONSOLIDATED GAS
-L & M OIL & GAS INC				RECEIVED:	05/18/83	JA: WV			
8337476		4710300460		108		MAPLE #3	CHURCH	0.5	PENNZOIL CO
8337474		4710300119		108		OLIVER #1	CHURCH	1.0	COLUMBIA GAS TRAN
8337472		4710300005		108		S S MAIN #1	CHURCH	4.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED:	05/18/83	JA: WV			
8337443		4707301367		107-DV		ARLINGTON SHUTLZ #2	CENTERVILLE	10.0	COLUMBIA GAS TRAN
8337444		4707321358		107-DV		CHARLES LARUE #2	CENTERVILLE	10.0	COLUMBIA GAS TRAN
8337441		4707320950		107-DV		HIRAM CARPENTER #1	CENTERVILLE	10.0	COLUMBIA GAS TRAN
8337442		4707301375		107-DV		HIRAM HALL #4	CENTERVILLE	10.0	COLUMBIA GAS TRAN
-LELAND PETROLEUM PRODUCTION INC				RECEIVED:	05/19/83	JA: WV			
8337537		4701501628		108		MARY BROWN #2	PLEASANT DISTRICT	2.4	CABOT CORP
-LURAY LAND INC				RECEIVED:	05/19/83	JA: WV			
8337553		4704700583		108		CHEMICAL BANK & TRUST #1	BIG CREEK	6.4	CABOT CORP
8337554		4704700589		108		CHEMICAL BANK & TRUST #2	BIG CREEK	6.4	CABOT CORP
8337555		4704700598		108		CHEMICAL BANK & TRUST #3	BIG CREEK	6.4	CABOT CORP
-MARTIN STANLEY				RECEIVED:	05/19/83	JA: WV			
8337565		4701302108		108		T F ROBERTS #1	SHERMAN DISTRICT	0.0	CABOT CORP
-MARY E RAMSEY				RECEIVED:	05/19/83	JA: WV			
8337561		4706700818		108		C D BACKAS #1	JEFFERSON DISTRICT	12.4	CABOT CORP
-MORRIS & CONNER				RECEIVED:	05/19/83	JA: WV			
8337563		4710700010		108		W H BICKLE #1	W H BICKLE FARM	0.0	CONSOLIDATED GAS
-M G & K E BUSCH DBA RICHTER OIL CO				RECEIVED:	05/19/83	JA: WV			
8337564		4701303135		108		HAUGHT & COOPER #1	SHERIDAN DISTRICT	1.0	CONSOLIDATED GAS
-NORWES INDUSTRIES INC				RECEIVED:	05/19/83	JA: WV			
8337489		4701303318		108		M C CARPENTER #4	MINNORA GAS	[illegible].0	CONSOLIDATED GAS
8337522		4701303327		108		M C CARPENTER #5	MINNORA GAS	[illegible].0	CONSOLIDATED GAS
8337521		4701303328		108		M C CARPENTER #6	MINNORA GAS	[illegible].0	CONSOLIDATED GAS
-PATTY R RICHNER				RECEIVED:	05/19/83	JA: WV			
8337538		4710900844		108		BUZZO #1	BEAR HOLE	12.0	ROARING FORK GAS
-PETRO UNITED LTD				RECEIVED:	05/19/83	JA: WV			
8337558		4708100796		108		PAUL RUCKMAN #1 PUL NO 9601		16.8	CONSOLIDATED GAS
-PETRO-LEWIS CORPORATION				RECEIVED:	05/19/83	JA: WV			
8337524		4709700925		108		J R BENNETT #2	UNION DISTRICT	3.1	PARTNERSHIP PROPE
8337507		4700100507		108		MARTIN #2	ELK DISTRICT	6.6	PARTNERSHIP PROPE
8337506		4700100508		108		MARTIN #3	ELK DISTRICT	6.6	PARTNERSHIP PROPE
8337523		4709700996		108		PORTER BRINKLEY #1	UNION DISTRICT	5.9	PARTNERSHIP PROPE
8337503		4703320640		108		TKE EWING #1	BUSHY FORK	8.8	PARTNERSHIP PROPE
8337526		4703320641		108		TKE EWING #2	BUSHY FORK	1.8	PARTNERSHIP PROPE
8337525		4700100579		108		TKE GOSS #1	UNION DISTRICT	2.5	PARTNERSHIP PROPE
8337504		4709721222		108		WEST #1 GLADYS	WEBB	3.7	PARTNERSHIP PROPE
8337505		4709721223		108		WEST #2 GLADYS	WEBB	7.0	PARTNERSHIP PROPE
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	05/18/83	JA: WV			
8337448		4700100884		108		CRISS & WOLFE #2	ELK CREEK	[illegible].6	CONSOLIDATED GAS
8337447		4700100962		108		R CORDER #1	GLENTOWN	33.0	CONSOLIDATED GAS
-PETROLEUM RESOURCES INC				RECEIVED:	05/19/83	JA: WV			
8337487		4704103102		108		CLARENCE FINSTER #1A		10.0	CONSOLIDATED GAS
8337488		4702103815		108		N W WELCH #1A		10.0	CONSOLIDATED GAS
-ROSS-WHARTON GAS CO				RECEIVED:	05/18/83	JA: WV			
8337463		4709700563		108		GARLAND WEST #1	BUCKHANNON	6.0	COLUMBIA GAS TRAN
8337462		4709700636		108		R R COLERIDER #2	WARNER	2.0	CONSOLIDATED GAS
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	05/19/83	JA: WV			
8337497		4709702236		108		J M HUBER #70	WASHINGTON	35.0	EQUITABLE GAS CO
8337496		4709702268		108		J M HUBER #71	WASHINGTON	35.0	EQUITABLE GAS CO
8337498		4705900948		108		P-213	STAFFORD	35.0	CONSOLIDATED GAS
[illegible]337499		4705900949		108		P-231	STAFFORD	35.0	CONSOLIDATED GAS
[illegible]337501		4704700823		108		P-236	ADKIN	35.0	CONSOLIDATED GAS
8337502		4704700824		108		P-262	ADKIN	35.0	CONSOLIDATED GAS
[illegible]337508		4704700825		108		P-264	ADKIN	35.0	CONSOLIDATED GAS
8337512		4704700839		108		P-265	ADKIN	35.0	CONSOLIDATED GAS
-SOD OIL & GAS				RECEIVED:	05/18/83	JA: WV			
8337453		4704301540		108		PAULEY STOWERS #1	DUVAL DISTRICT	1.0	ROARING FORK GAS
8337461		4704301541		108		PAULEY STOWERS #2	DUVAL DISTRICT	1.0	ROARING FORK GAS
8337459		4704301573		108		PAULEY STOWERS #4	DUVAL DISTRICT	1.2	ROARING FORK GAS
[illegible]337460		4704301572		108		PAULEY-STOWERS #3	DUVAL DISTRICT	1.2	ROARING FORK GAS
-SOUTHEASTERN GAS COMPANY				RECEIVED:	05/19/83	JA: WV			
8337560		4701501769		108		B M SAMPLES #A-21	UNION	1.9	CONSOLIDATED GAS
-STERLING DRILLING AND PROD CO INC				RECEIVED:	05/18/83	JA: WV			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8337436		4708703464		107-DV		JONES 0552	WALTON DISTRICT	2.5	
8337438		4708703495		107-DV		LOWE 0573	SPENCER DISTRICT	5.7	
8337437		4708703516		107-DV		TAYLOR 0599	SMITHFIELD DISTRICT	5.7	
-STONEWALL GAS CO				RECEIVED:	05/19/83	JA: WV			
8337509		4701702594		108		BERNICE L DAVIS #1	WOLFPEN RUN	0.0	CONSOLIDATED GAS
8337508		4703302245		108		G WILLIAMS #1	TEN MILE	18.0	CONSOLIDATED GAS
8337511		4703302646		108		NUZUM #2 29-SH	TENMILE	15.0	CONSOLIDATED GAS
8337495		4701702852		108		ORRAHOOD #1	GREENBRIER	7.7	CONSOLIDATED GAS
8337510		4703302413		108		WILLIAM J NUZUM #1	COBURN FORK TENMILE D	7.7	CONSOLIDATED GAS
-UNITED OPERATING COMPANY				RECEIVED:	05/18/83	JA: WV			
8337449		4708101326		108		DARL HEATHERLY 1-A	TYGART RIVER VALLEY	0.0	CONSOLIDATED GAS
8337464		4701702648		108		DOUGLAS #1-A	RED LICK RUN	0.0	CONSOLIDATED GAS
8337450		4701702651		108		F F RANDOLPH 2-A	MEATHOUSE FORK	5.0	CONSOLIDATED GAS
8337451		4701702649		108		F F RANDOLPH 5-A	MEATHOUSE FORK	5.0	CONSOLIDATED GAS
8337452		4701702652		108		RANDOLPH #3-A	MEATHOUSE FORK	5.0	CONSOLIDATED GAS
8337455		4708101321		108		THORN #1-A	TYGART RIVER	15.0	CONSOLIDATED GAS
**********									
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK									
**********									
-CLASS PETROLEUM CORP				RECEIVED:	05/20/83	JA: OK 8			
8337576		3511300000		108		TATE #11	MELOGOMEY	2.8	PHILLIPS PETROLEU
8337577		3511300000		108		TATE #15	MELOGOMEY	2.8	PHILLIPS PETROLEU
8337578		3511300000		108		TATE #16	MELOGOMEY	2.8	PHILLIPS PETROLEU
-DUGGAN STEPHEN F				RECEIVED:	05/20/83	JA: OK 8			
8337580		3511300000		108		ZINN 1-G	EDGEWOOD C NW SEC3 21	2.8	PHILLIPS PETROLEU
8337581		3511300000		108		ZINK # 26	EDGEWOOD W/2 SW NW SE	16.8	PHILLIPS PETROLEU
-HALLER J P				RECEIVED:	05/20/83	JA: OK 8			
8337579		3511300000		101		BIG ELK LEASE - 12A	BIG ELK	0.0	PHILLIPS PETROLEU
-J M GRAVES				RECEIVED:	05/20/83	JA: OK 8			
8337574		3511300000		101		MULLENDORE #5-B	HICKORY CREEK	18.0	AJAX OIL & GAS CO
8337575		3511300000		101		MULLENDORE #7-B	HICKORY CREEK	18.0	AJAX OIL & GAS CO

[FR Doc. 83-15935 Filed 6-13-83; 8:45 am]

BILLING CODE 6717-01-C

0
4 8
ISS
1
1
5
J E
1 4
1983
UMI

federal register

Tuesday
June 14, 1983

Part V

Department of Health and Human Services

Food and Drug Administration

Drugs Composed Wholly or Partly of Insulin; Advance Notice of Proposed Rulemaking; Extension of Comment Period

DEPAR
HUMA

Food a

21 CFR

[Docke

Drugs
Insulin;
Rulema
Period

AGENCY

ACTION
rulemak
period.

SUMMA
Admini
July 15,
advance
for drug
insulin.
request

DATE: C

ADDRES
Manage
and Dru
Fishers

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201 and 429

[Docket No. 83N–0023]

Drugs Composed Wholly or Partly of Insulin; Advance Notice of Proposed Rulemaking; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to July 15, 1983, the comment period on its advance notice of proposed rulemaking for drugs composed wholly or partly of insulin. This action is in response to a request to extend the comment period.

DATE: Comments by July 15, 1983.

ADDRESS: Comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert D. Bradley, National Center for Drugs and Biologics (HFN–8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 19, 1983 (48 FR 16704), FDA published an advanced notice of proposed rulemaking announcing the agency's intention to review its existing regulations on insulin. The advance notice gives interested individuals and organizations an opportunity to submit their comments (1) for revising the regulations, and (2) on several specific issues concerning the packaging and labeling of insulin products as set forth in the advance notice of proposed rulemaking. Interested persons were given to June 20, 1983, to submit comments.

In response to the advance notice of proposed rulemaking, counsel for Nordisk-USA has requested that the comment period be extended to July 15, 1983. Reasons for requesting the extension are that in addition to FDA's soliciting general comments, there are 15 separate and distinct subjects on which FDA solicits comments, some of which are complex and therefore require a significant amount of time for review and preparation of useful comments. FDA has considered this request and believes it is in the public interest to grant the extension. Further, the agency has determined that its schedule for preparing a proposed regulation will permit a general extension of the comment period to July 15, 1983, as requested.

Interested persons may, on or before July 15, 1983, submit written comments on the advance notice of proposed rulemaking to the Dockets Management Branch (address above). The comments will be considered in the agency's review and revision of its insulin regulations. Comments should be in two copies (except that individuals may submit single copies), identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 10, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–16129 Filed 6–13–83; 11:61 am]

BILLING CODE 4160–01–M

31
48
ISS
1
1
5
JE
14
1983
UM

Rea

INFORM

PUBLIC

Code of
CFR Uni

General
Incorpor
Printing

Federal

Correctio
Daily Iss
General
Privacy
Public In

Schedule

Laws

Indexes
Law num

Slip law

Presiden

Executive
Public Pa
Weekly

United S

SERVICE

Agency
Automati
Library
Magnetic
volume
Public In
Special P
Subscripti
Subscripti
TTY for

FEDERAL

24311-246
24653-246
24855-251
25109-262
26279-264
26443-265
26585-267
26751-270
27027-272
27219-273

Reader Aids

Federal Register

Vol. 48, No. 115

Tuesday, June 14, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

24311-24652.....1
24653-24854.....2
24855-25168.....3
25169-26278.....6
26279-26442.....7
26443-26584.....8
26585-26750.....9
26751-27026.....10
27027-27218.....13
27219-27390.....14

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:

Presidential Determinations:

No. 83-7 of June 3, 1983.....26585

Executive Orders:

September 15, 1916 (Revoked in part by PLO 6392).....26315

September 30, 1916 (Revoked in part by PLO 6392).....26315

May 21, 1920 (Revoked in part by PLO 6392).....26315

12400 (Amended by EO 12424).....27219

12424.....27219

Proclamations:

5066.....24855

5067.....26443

5 CFR

213.....24857

581.....26279

7 CFR

51.....26751

52.....26752

68.....24857

319.....24311

354.....26284

905.....27221

910.....24859, 26587, 26757

915.....24860

916.....24653

932.....24311

944.....24860

959.....25169

966.....26757

1033.....24861

1036.....24863

1139.....24864

3015.....27222

Proposed Rules:

51.....24723

800.....27082, 27084

1007.....24391

1046.....24905

1125.....26460

1133.....26460

1207.....24724

9 CFR

92.....24866

318.....24314

Proposed Rules:

72.....27256

91.....27255

92.....27257

10 CFR

20.....26295

25.....24316

61.....26295

95.....24316

Proposed Rules:

50.....24391

960.....26440

11 CFR

102.....26300

114.....26303

12 CFR

5.....26758

32.....27224

207.....26587

211.....26445

220.....26587, 26589

221.....26587

224.....26587

303.....27027

505c.....26590

Proposed Rules:

7.....24913

614.....25210

13 CFR

121.....26760

14 CFR

39.....26590-26593, 27030, 27031

71.....25169, 25170, 26594-26596, 27032-27034

75.....26596

95.....24654

204.....26596

252.....24866

389.....24323

Proposed Rules:

23.....26623

39.....25210, 27085-27087

121.....25211

139.....25211

159.....25215

221.....24916

252.....24916

291.....24922, 26630

377.....24923

15 CFR

369.....24323

371.....25171

373.....25174

376.....25171

379.....25171

386.....25171, 26303, 26449

399.....25171, 25174, 26450

16 CFR

423.....24868, 27225

453.....25174
1406.....26761
Proposed Rules:
13.....24724, 27089, 27258
457.....25218

17 CFR

170.....26304
200.....24663
211.....27225
240.....24663
249.....24663
270.....25175
Proposed Rules:
12.....25218
210.....26623
240.....24725, 24728
270.....25220, 26460

18 CFR

2.....24323, 24358
35.....24323
271.....25177-25179
Proposed Rules:
35.....26831
271.....24730-24732, 25223

19 CFR

101.....25180
177.....25180
Proposed Rules:
Ch. I.....26831
101.....27092, 27265
123.....26832
175.....26833
177.....25224

20 CFR

Proposed Rules:
632.....24392
633.....24392
634.....24392
635.....26430
684.....24392

21 CFR

5.....26311
131.....24868
175.....24869
177.....26312, 26761
178.....24869
357.....27004
510.....24870, 24871
520.....24871, 26762
522.....26313
540.....24872, 24873
558.....24871
600.....26313
895.....25126, 25137
Proposed Rules:
101.....27266
158.....26319
201.....27389
310.....26986
312.....26720
341.....24925
429.....27389

22 CFR

Proposed Rules:
11.....26834

23 CFR

Ch. I.....24852, 25181

24 CFR

111.....24361
221.....27035
234.....27035
235.....27035
1800.....24873

25 CFR

Proposed Rules:
700.....24734

26 CFR

601.....24668
Proposed Rules:
1.....24736, 25224, 25228

27 CFR

21.....24672
212.....24672
Proposed Rules:
9.....24737

28 CFR

0.....25183
540.....24622
550.....24623
551.....24623
Proposed Rules:
547.....24626
570.....24626
571.....24626

29 CFR

Proposed Rules:
1910.....26962
1952.....26836
2670.....27092
2675.....27092

30 CFR

226.....26763
256.....26778
260.....24873
784.....24638
785.....24638
816.....24638
817.....24638
818.....24638
886.....27363
916.....24874
944.....24876
946.....25184
1625.....26434
Proposed Rules:
57.....27024
250.....26837
901.....24739
913.....24741
917.....26839, 27101
936.....24928
938.....27102
942.....25229
946.....26624
948.....24393

32 CFR

242b.....26451
806b.....24878

33 CFR

100.....25186, 26599-26602
117.....26602
165.....25187
Proposed Rules:
117.....26625
162.....25231, 27103

34 CFR

668.....26779
682.....24584

36 CFR

222.....25187
262.....26603
Proposed Rules:
13.....26319

37 CFR

2.....27225
Proposed Rules:
1.....26319
5.....26319

38 CFR

3.....27036
36.....27226
Proposed Rules:
17.....26627

39 CFR

10.....27227
Proposed Rules:
111.....27103, 27267

40 CFR

1.....27227
52.....24362, 24689
144.....27039
146.....27039
162.....26451
180.....24364, 24365, 24689, 26452
204.....27039
205.....27039
211.....27039
271.....27040
712.....27041
716.....24366
720.....27043
763.....27041
Proposed Rules:
Ch. I.....24930
51.....26840
52.....26841
65.....24930
66.....26627
67.....26627
81.....24393
86.....24932
145.....26842
180.....24394, 24396, 26629
271.....25236
403.....24933
405.....24742
406.....24742
407.....24742
408.....24742
409.....24742
411.....24742
412.....24742
422.....24742
424.....24742
426.....24742
429.....24742
430.....24742
431.....24742
432.....24742
433.....24742
440.....24742
600.....26698
610.....24397

41 CFR

Ch. 7.....25188
1-15.....26453
3-3.....26605
101-29.....25196
101-41.....27235
101-45.....24878, 27236
101-47.....24879, 25199
105-53.....25200

42 CFR

57.....25064
66.....24879
Proposed Rules:
57.....25071, 25072

43 CFR

Public Land Orders:
23.....27008
1600.....26314
3200.....24367
3210.....24367
3220.....24367
3240.....24367
3250.....24367
3600.....27008
3610.....27008
3620.....27008
6377.....26780
6391.....25205
6392.....26315
Proposed Rules:
3000.....26320
3100.....26320
8370.....26485
8560.....27356

44 CFR

64.....24369, 26780, 26796, 27248,
65.....26605, 27247, 27249
67.....24370, 26784, 26796
70.....27237-27246
Proposed Rules:
67.....24743, 26629, 26630
302.....27105

45 CFR

1207.....26602
1208.....26606
1209.....26615

46 CFR

221.....27044
310.....27044
Proposed Rules:
125.....26631
126.....26631
127.....26631
128.....26631
129.....26631
130.....26631
131.....26631
132.....26631
133.....26631
134.....26631
135.....26631
136.....26631
542.....27112
543.....27112
544.....27112

47 CFR

Ch. I.....
0.....
1.....
2.....
21.....
22.....
23.....
31.....
73.....
74.....
81.....
87.....
90.....
94.....
95.....
97.....
Proposed
2.....
22.....
94.....
69.....
73.....
74.....
76.....
94.....
96.....
97.....

49 CFR

Ch. X.....
192.....
195.....
571.....
1011.....
1033.....
1039.....
1153.....
1162.....
1175.....
1176.....
1307.....
Proposed
Ch. X.....
25.....
172.....
173.....
179.....
571.....
1152.....
1155.....
1186.....

50 CFR

20.....
250.....
260.....
301.....
371.....
424.....
611.....
674.....
Proposed
17.....
23.....
424.....
611.....
646.....
661.....
674.....
675.....

47 CFR

Ch. I..... 27044
0..... 24383, 26606
1..... 24884, 27182
2..... 27054
21..... 27251
22..... 26820, 27182, 27251
23..... 27251
31..... 27072
73..... 24383, 24898, 26453, 26608, 27054, 27182
74..... 24383, 27054
81..... 27182
87..... 27182
90..... 26617, 27182
94..... 27182
95..... 24884
97..... 26455, 26606

Proposed Rules:

2..... 24945, 26461
22..... 24945
94..... 27113
69..... 26632
73..... 24945, 24949, 26462–26471
74..... 24945
76..... 26472
94..... 24950
96..... 24953
97..... 24954, 26647

49 CFR

Ch. X..... 27253
192..... 25206
195..... 25206
571..... 24690, 24717, 25209
1011..... 26456
1033..... 24386
1039..... 24900, 26822, 27254
1153..... 24386
1162..... 24388
1175..... 26317
1176..... 26317
1307..... 24388

Proposed Rules:

Ch. X..... 24397
25..... 26649
172..... 26650
173..... 25236, 26650
179..... 25236
571..... 24751, 25237
1152..... 27269
1155..... 27271
1186..... 26485

50 CFR

20..... 26457
250..... 26621
260..... 24901
301..... 27073
371..... 24902
424..... 24718, 24903
611..... 24719, 27075
674..... 27080

Proposed Rules:

17..... 26488
23..... 26651
424..... 27273
611..... 25238
646..... 26843
661..... 26653
674..... 24751
675..... 25238

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing June 9, 1983

Just Released

Code of Federal Regulations

Revised as of April 1, 1983

Quantity	Volume	Price	Amount
_____	Title 20—Employees' Benefits (Parts 1 to 399) (Stock No. 022-003-95149-1)	$5.50	$_____
_____	Title 21—Food and Drugs (Parts 100 to 169) (Stock No. 022-003-95153-9)	6.50	_____
_____	Title 21—Food and Drugs (Parts 600 to 799) (Stock No. 002-003-95158-0)	5.00	_____
		Total Order	**$**_____

A cumulative checklist of CFR issuances for 1982-83 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐-☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

nt

20402

Charges

4 E
ISS
1
1
5
J E
1 4
1983
MI

6-15-83
Vol. 48

United St
Governm
Printing O
SUPERINTEND
OF DOCUMEN
Washington, D C

OFFICIAL BUS
Penalty for priv

Federal Regist
(ISSN 0097-632

6-15-83
Vol. 48 No. 116

federal register

Wednesday
June 15, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D.C. 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

A FR SERIA300S NOV 83 R DIR
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

Postage and Fees Paid
U.S. Government Printing Office
375

SECOND CLASS NEWSPAPER

48
ISS
1
1
6
JE
15
1983
UMI

6-15-83
Vol. 48
Pages

6-15-83
Vol. 48 No. 116
Pages 27391-27530

Federal Register

Wednesday
June 15, 1983

Selected Subjects

Banks, Banking
Federal Reserve System

Commodities Exchanges
Commodity Futures Trading Commission

Employment
Army Department

Flood Insurance
Federal Emergency Management Agency

Handicapped
Housing and Urban Development Department

Loan Programs—Housing and Community Development
Veterans Administration

Mortgage Insurance
Federal Housing Commissioner—Office of Assistant Secretary for Housing

Savings and Loan Associations
Federal Home Loan Bank Board

Securities
Securities and Exchange Commission

Strategic and Critical Materials
Energy Department

Television Broadcasting
Federal Communications Commission

Vessels
Panama Canal Commission

Veterans
Veterans Administration

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

27391
27415
27399
27415
27411
27409
27416
27464
27464
27464
27420
27420
27421
27421
27422
27422
27422
27423
27423
27424
27424

Contents

Federal Register

Vol. 48, No. 116

Wednesday, June 15, 1983

The President

PROCLAMATIONS

27391 Baltic Freedom Day (Proc. 5068)

Executive Agencies

Agriculture Department

NOTICES

27415 Agency forms submitted to OMB for review

Army Department

RULES

27399 Panama Canal employment system

Civil Aeronautics Board

NOTICES

Hearings, etc.:

27415 Buffalo Airways, Inc.

Commerce Department

See International Trade Administration; National Bureau of Standards.

Commodity Futures Trading Commission

PROPOSED RULES

27411 Contract market designations; schedule of fees

Consumer Product Safety Commission

PROPOSED RULES

27409 Expandable children's enclosures; risk of injury regulated under Consumer Product Safety Act procedures

NOTICES

Meetings:

27416 Commission priorities for FY 1985; inquiry

Defense Department

See Army Department.

Drug Enforcement Administration

NOTICES

Registration applications, etc.; controlled substances:

27464 Lambert, Ralph E., M.D.; hearing

27464 Park, Nam Jin, M.D.; hearing

27464 Robinson, James Louis, M.D.; hearing

Economic Regulatory Administration

NOTICES

Natural gas; fuel oil displacement certification applications:

27420 Allentown Hospital

27420 F&M Schaefer Brewing Co.

27421 Faultless Rubber Co.

27421 General Tire & Rubber Co.

27422 Harbison-Walker Refractories, U.S.

27422 Heinz U.S.A.

27422 Hofmann Industries, Inc.

27423 Kaiser Aluminum & Chemical Corp.

27423 Kerr Glass Manufacturing Corp.

27424 National Starch & Chemical Corp. (2 documents)

27424 O. M. Scott & Sons Co.

27425 Oscar Mayer Foods Corp.

27425 Phoenix Forging Co.

27427 Providence Hospital

27427 Quincy Soybean Co.

27427 Reilly Tar & Chemical Corp.

27428 St. Joseph Hospital and Health Care Center

27428 Toledo Alfalfa Mills, Inc.

27429 Verhoff Alfalfa Mill, Inc.

Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:

27426 Procter & Gamble Manufacturing Co.

Education Department

NOTICES

27418 Research and development centers and regional educational laboratories; inquiry and hearings

Energy Department

See also Economic Regulatory Administration; Federal Energy Regulatory Commission.

PROPOSED RULES

27482 Strategic petroleum reserve petroleum; price competitive sale

Environmental Protection Agency

NOTICES

Pesticide, food and feed additive petitions:

27439 Diamond Shamrock Corp. et al.

Pesticides; experimental use permit applications:

27440 Ciba-Geigy Corp. et al.

Pesticides; temporary tolerances:

27441 American Cyanamid Co.

27439 Butachlor

Federal Communications Commission

RULES

Television broadcasting:

27405 Auxiliary broadcast pickup stations on a secondary basis; frequency band allocation

NOTICES

Meetings:

27441 Radio Broadcasting Advisory Committee

Federal Deposit Insurance Corporation

NOTICES

27470 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency

RULES

Flood elevation determinations:

27404 Arizona

PROPOSED RULES

Flood elevation determinations:

27414 Idaho; correction

Federal Energy Regulatory Commission

NOTICES

Hearings, etc.:

27430 Columbia Gas Transmission Corp.

27431 Columbia Gas Transmission Corp., et al.

27431 CP National Corp.

27432 Devon Energy Corp.

27431 Dubrul, David B.
27432 Florida Gas Transmission Co.
27433 Kent, Ohio
27433 Michigan Consolidated Gas Co. et al.
27434 Mountain Fuel Supply Co.
27435 Natural Gas Pipeline Co. of America
27435 Northern Natural Gas Co.
27435 Northwest Central Pipeline Corp.
27436 Oasis Pipe Line Co.
27436 Potomac Electric Power Co. et al.
27437 Public Service Co. of Colorado
27437 Shenandoah Hydro Co.
27437 Southern California Edison Co.
27437 Texaco Inc.
27438 West Dudley Power Co.
27438 Wisconsin Electric Power Co.
27438 Wisconsin Public Service Corp.
27438 Woodside, Robert M., et al.
Natural gas companies:
27429 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend (ARCO Oil & Gas Co. et al.)
Natural Gas Policy Act:
27514, 27518 Jurisdictional agency determinations (2 documents)
27436 Oil pipelines, interstate; tentative basic valuations

Federal Home Loan Bank Board
RULES
Federal savings and loan system:
27394 Merger approvals; authority delegation to Principal Supervisory Agents

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
27398 Interest rate changes

Federal Maritime Commission
NOTICES
Complaints filed:
27442 Pascoe Building Systems et al.

Federal Reserve System
RULES
Interest on deposits (Regulation Q):
27393 Early withdrawal penalty; temporary suspensions; Mississippi
27393 Early withdrawal penalty; temporary suspensions; Utah
NOTICES
Applications, etc.:
27442 Alaska Pacific Bancorporation
27443 Central Pacific Corp.
27443 Dauphin Deposit Corp.
27444 First Oak Brook Bancshares, Inc., et al.
27444 Mellon National Corp.
27445 Palmer National Bancorp, Inc., et al.
27444 Ranier Bancorporation
27445 Toledo Trustcorp, Inc.
Bank holding companies; proposed de novo nonbank activities:
27445 RIHT Financial Corp. et al.
27442 Skandinaviska Enskilda Banken et al.
27470 Meetings; Sunshine Act

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
27468 American Fidelity Fire Insurance Co.; terminated

Fish and Wildlife Service
NOTICES
27447 Endangered and threatened species permit applications

General Services Administration
RULES
Property management:
27404 Foreign gifts and donations; utilization, donation, and disposal; correction

Health and Human Services Department
NOTICES
Meetings:
27446 Social Security Advisory Council

Housing and Urban Development Department
See also Federal Housing Commissioner—Office of Assistant Secretary for Housing.
RULES
Nondiscrimination:
27528 Handicapped in federally assisted programs and activities; interim rule effective date revocation
PROPOSED RULES
Nondiscrimination:
27529 Handicapped in federally assisted programs and activities
NOTICES
Senior Executive Service:
27447 Performance Review Board; membership

Indian Affairs Bureau
NOTICES
Judgment funds; plan for use and distribution:
27447 Choctaw Nation of Oklahoma

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

Internal Revenue Service
NOTICES
Meetings:
27468 Commissioner's Advisory Group

International Trade Administration
NOTICES
Countervailing duties:
27415 Carbon steel wire rod from Tobago and Trinidad

International Trade Commission
NOTICES
Import investigations:
27449 Braiding machines
27448 Canned mushrooms from China
27449 Caulking guns
27449, 27450 Copper-clad stainless steel cookware (3 documents)
27453 Cyanuric acid and its chlorinated derivatives from Japan
27451 Direction-reversing musical crib toys
27451 Multicellular plastic film
27453 Nitrocellulose from France

27452 Self-stripping electrical tap connectors
27454 Stainless steel sheet and strip from West Germany and France and stainless steel sheet and strip and plate from United Kingdom
27452 Vertical milling machines and parts, attachments and accessories
27452 Welded carbon steel pipes and tubes from Korea and Taiwan

Interstate Commerce Commission
NOTICES
Motor carriers:
27454 Finance applications
27455 Permanent authority applications
27457 Permanent authority applications; operating rights republication
27458 Permanent authority applications; restriction removals
27459 Temporary authority applications
Motor carriers; control purchase, and tariff filing exemptions, etc.:
27458 D & J Enterprises et al.
27458 Security Van Lines, Inc., et al.
27455 Petitions, applications, finance matters (including temporary authorities), alternate route deviations, intrastate applications, gateways, and pack and crate

Justice Department
See Drug Enforcement Administration; Juvenile Justice and Delinquency Prevention Office; Prisons Bureau.

Juvenile Justice and Delinquency Prevention Office
NOTICES
Meetings:
27464 Juvenile Justice and Delinquency Prevention National Advisory Committee

Land Management Bureau
NOTICES
Meetings:
27447 Casper District Grazing Advisory Board

National Aeronautics and Space Administration
NOTICES
Environmental statements; availability, etc.:
27465 Space Shuttle program launch, Kennedy Space Center, Fla.

National Bureau of Standards
NOTICES
Meetings:
27416 Visiting Committee

National Labor Relations Board
NOTICES
27471 Meetings; Sunshine Act

Panama Canal Commission
RULES
Panama Canal employment system. *See* entry under Army Department.
27399 Reporting and recordkeeping requirements

Prisons Bureau
NOTICES
Meetings:
27464 Advisory Corrections Council

Railroad Retirement Board
NOTICES
27471 Meetings; Sunshine Act

Securities and Exchange Commission
RULES
27524 Acquisition transactions, cash tender offers, and cash mergers; equalization of fees
NOTICES
Hearings, etc.:
27466 Standard Oil Co.

Small Business Administration
NOTICES
27467 Preferred lenders pilot program; expanded

State Department
NOTICES
Meetings:
27467 International Investment, Technology, and Development Advisory Committee
27467 Shipping Coordinating Committee

Tennessee Valley Authority
NOTICES
27467 Agency forms submitted to OMB for review

Treasury Department
See Fiscal Service, Internal Revenue Service.

Veterans Administration
RULES
27400 Benefit overpayments waiver request; time limit
Loan guaranty:
27401 Refinancing loans, automatic closing; requirements for maximum allowable discount points
NOTICES
Meetings:
27468 Geriatrics and Gerontology Advisory Committee
27469 Wage Committee

Separate Parts in This Issue

Part II
27482 Department of Energy

Part III
27514 Department of Energy, Federal Energy Regulatory Commission

Part IV
27524 Securities and Exchange Commission

Part V
27528 Department of Housing and Urban Development, Office of the Secretary

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
5068.....27391

10 CFR
Proposed Rules:
625.....27482

12 CFR
217 (2 documents).....27393
572a.....27394

16 CFR
Proposed Rules:
1145.....27409

17 CFR
240.....27524
Proposed Rules:
1.....27411

24 CFR
8.....27528
203.....27398
213.....27398
234.....27398
Proposed Rules:
8.....27529

35 CFR
101.....27399
103.....27399
253.....27399

36 CFR
1.....27400
36.....27401

41 CFR
101-49.....27404

44 CFR
67.....27404
Proposed Rules:
67.....27414

47 CFR
74.....27406

Federal Register
Vol. 48, No. 116
Wednesday, June 15, 1983

Presidential Documents

Title 3—

The President

Proclamation 5068 of June 13, 1983

Baltic Freedom Day, 1983

By the President of the United States of America

A Proclamation

In 1940, Soviet armies invaded and occupied the independent countries of Lithuania, Latvia, and Estonia. The peaceful, Western-oriented Baltic nations were crushed by the force of arms of their hostile neighbor. Under the cynical arrangements of the infamous Ribbentrop-Molotov agreement, the Soviet Union forcibly incorporated the three Baltic Republics into its empire.

Following the Soviet takeover, tens of thousands of the Baltic peoples were subject to imprisonment, deportation, persecution, and execution. Their religious, cultural, and historical heritage has been denigrated. The foreign political system which now controls their homelands has attempted to force these unwilling people to accept an alien life of totalitarian domination. But it has failed.

Today, the Baltic peoples continue to struggle to attain the freedoms we enjoy. These men and women still suffer harsh imprisonment, banishment, and persecution for their beliefs. Brave Lithuanians, Latvians, and Estonians still seek to exercise their human rights to think, speak, and believe as their conscience directs them.

The people of the United States of America share the just aspirations of the people of the Baltic nations for national independence, and we cannot remain silent in the face of the continued refusal of the government of the U.S.S.R. to allow these people to be free. We uphold their right to determine their own national destiny, free of foreign domination.

The government of the United States has never recognized the forced incorporation of the Baltic States into the Soviet Union and will not do so in the future.

In its defense of the rights of the Baltic people, the United States does not stand alone. On January 13th, the Parliament of Europe passed a resolution by an overwhelming majority on "The situation in Estonia, Latvia and Lithuania," calling for the restoration of self-determination for the Baltic States.

By House Joint Resolution 201, the Congress of the United States has authorized and requested the President to designate June 14, 1983, as "Baltic Freedom Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate June 14, 1983 as Baltic Freedom Day. I call upon the people of the United States to observe this day with appropriate remembrances and ceremonies and to reaffirm their commitment to principles of liberty and freedom for all oppressed people.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of June, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-16249
Filed 6-13-83; 10:18 am]
Billing code 3195-01-M

48
ISS
116
JE
15
1983
UMI

Rule

This sec
contains
general
of which
the Code
published
U.S.C. 1
The Cod
by the S
Prices o
first FED
month.

FEDERA

12 CFR

[Docket

Regulati
Tempor
Withdra

AGENCY:

ACTION:
Regulati

SUMMAR
acting th
delegate
temporar
the withd
maturity
deposito
tornadoe
Mississip
Rankin, M
Holmes.

EFFECTIV
counties
June 6, 19
and June
Leake, W

FOR FURT
Daniel L.
3711), Leg
Governor
System, W

SUPPLEM
1, 1983, p
Disaster
5141) and
15, 1979,
the Direc
Managem
Mississip
and Rank
June 6, 19
of a major
include th
Warren. T
was furth
to include

Rules and Regulations

Federal Register
Vol. 48, No. 116
Wednesday, June 15, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0471]

Regulation Q; Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, tornadoes and flooding in the Mississippi counties of Hinds, Madison, Rankin, Warren, Leake, Washington and Holmes.

EFFECTIVE DATES: June 1, 1983, for the counties of Hinds, Madison and Rankin; June 6, 1983, for the county of Warren; and June 7, 1983, for the counties of Leake, Washington and Holmes.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On June 1, 1983, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Mississippi counties of Hinds, Madison and Rankin major disaster areas. On June 6, 1983, the Presidential declaration of a major disaster was amended to include the Mississippi county of Warren. The Presidential declaration was further amended on June 7, 1983, to include the Mississippi counties of Leake, Washington and Holmes. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms, tornadoes and flooding beginning on or about May 18, 1983. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to June 1, 1983, for the Mississippi counties of Hinds, Madison and Rankin; June 6, 1983, for the Mississippi county of Warren; and June 7, 1983, for the Mississippi counties of Leake, Washington and Holmes, and will remain in effect until 12 midnight, December 2, 1983.

List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated counties in Mississippi directly affected by the severe storms, tornadoes and flooding, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Boards's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, June 9, 1983.

William W. Wiles,
Secretary of the Board.

[FR Doc. 83-15989 Filed 6-14-83; 8:45 am]
BILLING CODE 6210-01-M

12 CFR Part 217

[Docket No. R-0472]

Regulation Q; Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, landslides and flooding in the Utah counties of Carbon, Emery, Utah, Davis, Salt Lake, Sanpete, Juab, Millard, Sevier and Beaver.

EFFECTIVE DATES: April 30, 1983, for the counties of Carbon, Emery and Utah; June 3, 1983, for the counties of Davis, Salt Lake and Sanpete; and June 7, 1983, for the counties of Juab, Millard, Sevier and Beaver.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On April 30, 1983, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Utah counties of Carbon, Emery and Utah major disaster areas. On June 3, 1983, the Presidental declaration of a major disaster was amended to include the Utah counties of Davis, Salt Lake and Sanpete. The Presidential declaration was further amended on June 7, 1983, to include the Utah counties of Juab, Millard, Sevier and Beaver. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions had occurred. The President's designations enable victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a

member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms, landslides and flooding beginning on or about April 12, 1983. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to April 30, 1983, for the Utah counties of Carbon, Emery and Utah; June 3, 1983, for the Utah counties of Davis, Salt Lake and Sanpete; and June 7, 1983, for the Utah counties of Juab, Millard, Sevier and Beaver, and will remain in effect until 12 midnight, December 2, 1983.

List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

In view of the urgant need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated counties in Utah directly affected by the severe storms, landslides and flooding, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the Unites States Code with respect to this action. Because of the need to provide assistance as soom as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, June 9, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-15970 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 572a

[No. 83-333]

Voluntary Assisted-Merger Program; Delegation of Authority

June 9, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation") has determined to delegate to its Principal Supervisory Agents authority to negotiate and approve certain mergers and acquisitions of eligible institutions, as designated by the Board, and to authorize financial assistance from the FSLIC to facilitate such mergers and acquisitions. The authority delegated covers mergers or acquisitions assisted by the FSLIC and voluntarily entered into by the affected institutions. The Board's action is intended to permit earlier solution of relatively simple situations, to reduce the time and cost required to complete those solutions, and to encourage innovative approaches to the financial problems of insured institutions.

EFFECTIVE DATE: June 15, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald Scott Taylor, Attorney, Office of General Counsel (202-377-6442), or Alan Hawkins, Office of the Federal Savings and Loan Insurance Corporation (202-377-6114), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Savings and Loan Insurance Corporation may provide financial and other assistance to insured institutions in default or at risk of default, using a range of techniques under the authority of section 406(f) of the National Housing Act ("NHA"), as amended by the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320 ("1982 Act"). These techniques include direct loans to an insured institution, deposits in an insured institution, contractual assistance to purchase classes of assets or to cover part of an institution's operating losses, purchase of Income Capital Certificates and, since passage of the 1982 Act, purchase of Net Worth Certificates under 12 CFR Part 572.

Another major assistance technique employed by the FSLIC is the assisted merger or acquisition, in which the FSLIC arranges a merger, acquisition or other business combination of the troubled insured institution with a stronger merger partner or acquirer. The assisted-merger technique is usually less costly to the FSLIC than alternative methods of assistance, preserves thrift and lending services to the community, reduces adverse impact on the community and the economy from an outright closing of an institution in default, and takes full advantage of the skills, staff and franchise value of the institutions involved in such a merger.

Recent economic conditions required a significant increase in the number of assisted-merger transactions, from 11 in 1980 to 23 in 1981 and a total of 47 during calendar year 1982. While improvement in the economy, reductions in the prevailing level of interest rates and passage of the 1982 Act have all contributed to a lessening of the severe economic pressures on institutions the accounts of which are insured by the FSLIC, a number of insured institutions will require assistance from the FSLIC during calendar year 1983, including assistance in connection with a merger or acquisition.

Within the group of insured institutions which will predictably qualify for participation in FSLIC-assisted mergers and acquisitions are a number of institutions which find themselves in relatively uncomplicated financial condition. While these institutions are typically operating at a loss, and may have very low net worth, they are capable of revival in the context of a merger or acquisition. However, ongoing losses and low net worth may require assistance from the FSLIC to an acquirer or merger partner in order to make the merger or acquisition a commercially practicable proposition.

The course of negotiating an assisted merger or acquisition through the FSLIC directly can entail a long process including detailed contract drafting and revisions before a transaction is complete. The extended negotiations and contacts now used in the FSLIC's assisted-merger programs are well-suited to insured institutions with larger, more complex, problems requiring time to detail and resolve. During the period of negotiation, troubled institutions often continue to incur operating losses which make them less attractive as merger or acquisition partners. These losses also complicate the process of negotiations and increase the risk to the FSLIC. In some cases this extended process may fail to produce a voluntary merger or acquisition altogether, thus requiring the Board to appoint a conservator or receiver for the insured institution or, in extreme cases, to make payment of insurance of accounts and to liquidate the institution.

The Board, as operating head of the FSLIC, has concluded that certain insured institutions whose financial difficulties are relatively straightforward may be more properly dealt with by the Principal Supervisory Agents and their designees in the several Federal Home Loan Bank districts, rather than through the full process of negotiations. The Board further believes that uncomplicated assisted merger transactions in appropriate cases can be completed in less time, with fewer

resources, and at lower cost by allowing the Principal Supervisory Agents to authorize assistance for a merger or acquisition within a specific cost allocation, rather than by requiring that negotiations for such assistance be conducted solely through the Washington office of the FSLIC.

For institutions whose problems could be resolved at the District Bank level at an earlier time, the Board concludes that a merger or acquisition can be eased by involving the Principal Supervisory Agents and the institution's board of directors and management in a program which combines voluntary participation by the institution with the provision of financial assistance from the FSLIC through a specific maximum allocation to the Principal Supervisory Agent for each such institution.

The voluntary assisted-merger program will minimize the significant time and resources now spent on resolving problem cases, which often involve relatively simple issues and forms of assistance. In addition, the program will provide associations with a voluntary alternative to Net Worth Certificate assistance under the 1982 Act and 12 CFR Part 572 ("Garn-St Germain assistance"), which, in some cases, does not result in a long-term viable solution of an institution's problems and simply makes the ultimate resolution less favorable to the insured institution and potentially more costly to the FSLIC.

Further, the voluntary assisted-merger program is expected to reduce the FSLIC's costs in resolving cases by solving problems earlier, when an association may be more attractive to potential merger partners. The Board has observed that, in addition to the operating losses and reductions in net worth discussed above, an extended period of financial difficulties may result in a loss of an insured institution's key management officials and employees, a withering of longstanding loan and deposit relationships, and a sharp reduction in the institution's viability as a competitor even if it is adequately refinanced through a merger or acquisition. By reducing the time and uncertainty associated with assisted merger and acquisition negotiations in suitable cases, the voluntary assisted-merger program will preserve a participating institution's strengths as an ongoing business enterprise. And by directly engaging the management and board of directors in the assisted-merger process, the program will encourage participating institutions to seek out and develop innovative merger and acquisition opportunities to the benefit of all parties and the communities they serve.

The program is intended to encourage early voluntary mergers in problem cases by making available to designated institutions the services of Principal Supervisory Agents in arranging assisted mergers or acquisitions. In order to facilitate these transactions, the Principal Supervisory Agents will be given an allocation of assistance, and may authorize all or part of that allocation as part of a merger or acquisition approved under the program. In this way, the program will serve four major objectives: (1) To minimize time and resources spent on resolving assisted problem cases involving simple issues; (2) to provide eligible institutions with voluntary alternatives to Garn-St Germain assistance and other forms of FSLIC assistance; (3) to reduce the FSLIC's costs of assistance in resolving cases earlier; and (4) to resolve suitable problem cases in the field at the earliest feasible time.

II. General Policies

A. A Discretionary Alternative Program

The Voluntary Assisted-Merger Program is established as one among a number of alternative assistance methods which the FSLIC may employ depending on the facts and circumstances of an individual case. It does not establish any right or entitlement in any person or insured institution to apply for or to participate in the program.

The Director of the Office of the FSLIC is responsible for recommending to the Board that certain insured institutions be designated as Eligible Institutions. Recommendations and designations are made without application by the subject institutions. The program does not establish any right or procedure to protest recommendation or failure to recommend an institution.

B. A Voluntary Alternative

Designation as an Eligible Institution offers the designated institution a voluntary alternative. No institution will participate in the program unless it has assented to participation, either by assent after designation pursuant to 12 CFR 572a.5(a) or by resolution of its board of directors appointing the Supervisory Agent, a Principal Supervisory Agent or the FSLIC to negotiate and effect a merger or acquisition of that institution and consenting to such a merger or acquisition. *See* section 572a.5(b).

C. A Program for Principal Supervisory Agents

Principal Supervisory Agents or their designees are expected to participate actively in merger and acquisition negotiations. Sections 572a.5(a)(2) and 572a.5(b). A Principal Supervisory Agent may facilitate adoption of a plan of merger for an Eligible Institution by authorizing FSLIC assistance of all or part of the Allocation established by the Board for that institution. Sections 572a.5(a)(2), 572a.5(b), 572a.5(c). In addition, a Principal Supervisory Agent may approve a merger or acquisition meeting the standards of § 572a.5(d) under delegated authority, without referral to the Board, if the merger or acquisition meets the standards set forth in § 572a.5(c).

D. Role of Allocations

At the time the Board designates an Eligible Institution, it will also establish an Allocation for that institution, constituting the maximum amount of cash assistance that may be approved by the Principal Supervisory Agent. No other financial assistance will be afforded or considered in such a merger or acquisition, and the Principal Supervisory Agents will treat Allocation amounts as confidential information throughout the process. Principal Supervisory Agents will not automatically authorize the full amount of the Allocation, and are encouraged to minimize the costs of assistance so authorized.

III. Major Program Features

A. Recommendations and Designations

The Director of the Office of the FSLIC, with the concurrence of the Office of General Counsel and the Office of Examinations and Supervision, may recommend institutions for eligibility to the Board. 12 CFR 572a.2(b) and 572a.3. No other person may recommend an institution for designation.

In order to qualify for recommendation, an institution must meet, in the judgment of the Director, the Standards of Eligibility in § 572a.3: *i.e.* (1) The institution is within 24 months to insolvency; (2) no unassisted in-state merger is available for the institution; (3) the Allocation recommended does not exceed the cost of liquidating the institution; and (4) the institution is in the mutual form of organization.

The Board will make determinations regarding eligibility and allocations giving full consideration to the delicate and confidential nature of the

information and issues presented. If the Board designates an institution as eligible, it will establish an Allocation at the same time.

B. Procedure After Designation

A designation is effective for six months unless extended by the Director for not more than three additional months. § 572a.4(b). The Director will promptly notify the Principal Supervisory Agent concerned, who will contact the institution (if proceeding under § 572a.5(a)) or will proceed to negotiations (if proceeding under § 572a.5(b)).

The Principal Supervisory Agent will develop a list of qualified acquirers meeting the standards of § 572a.2(d). A qualified acquirer must have the requisite capital adequacy, maintain one or more authorized branches in the same State, and be viable and well-managed. Additionally, the Board has determined to limit acquirers to institutions which are in the mutual form of organization and which, accordingly, do not involve the added complexity and time involved in mutual-to-stock-company mergers or conversions that are more suitable for handling in the Washington office. Once a list has been developed, the Principal Supervisory Agent or his designee and the Eligible Institution will proceed to negotiations with one or more Qualified Acquirers. It is expected that the Principal Supervisory Agents will actively encourage the Eligible Institutions to conduct these negotiations directly, where possible, but that the Principal Supervisory Agents or their designees will participate in all phases.

In order to facilitate an acceptable plan of merger (or acquisition), the Principal Supervisory Agent may authorize financial assistance from the FSLIC as a part of that plan, in an amount not to exceed the Allocation for each Eligible Institution involved. 12 CFR 572a.5 (a) and (b). The Principal Supervisory Agent may approve a merger or acquisition directly if it meets the test of 12 CFR 572a.5(c)(5) (pertaining to delegated authority to approve unassisted mergers), and may grant certain supervisory forbearances set forth in 12 CFR 546.2 (i)(3) (i)–(v).

In order for a merger or acquisition to be approved by the Principal Supervisory Agent under Part 572a, certain additional requirements apply. The resulting or acquiring institution must be a Qualified Acquirer; the Principal Supervisory Agent's financial projections must show that the resulting or acquiring association will remain viable after the effective date and will have a ratio of regulatory net worth to total assets not less than three percent throughout the period of projection; and the resulting or acquiring institution must agree to the conditions of sections 572a.5(c) (3) and (4) (pertaining to contracts of employment and compensation.) A merger or acquisition not meeting any one of the requirements must be referred to the Board for approval.

The FSLIC will pay the amount of the financial assistance approved by the Principal Supervisory Agent, not exceeding the Allocation(s) involved, within 10 days of receiving notice from the Principal Supervisory Agent that a merger or acquisition approved under the program has become effective.

Payments from the FSLIC to a resulting or acquiring institution are considered to be contributions to the net worth, rather than income, of the receiving institution. The Principal Supervisory Agent will provide appropriate certifications of the approved transaction to any Federal or State governmental agency upon request of the resulting or acquiring institution.

List of Subjects in 12 CFR Part 572a

Savings and loan association, Voluntary assisted-merger program.

The Board finds that observance of the public notice and comment period pursuant to 5 U.S.C. 553(b) and 12 CFR 508.12, and delay of the effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, are unnecessary and inappropriate in this case, because the regulation pertains to internal Board procedures and practices whereby currently-exercised Board activities are delegated to its Principal Supervisory Agents.

However, the Board will entertain comments regarding this program in determining whether any changes are appropriate. Comments should be sent to the Director, Information Services, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at the same address.

Accordingly, the Board hereby adds a new Part 572a to Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 572a—VOLUNTARY ASSISTED-MERGER PROGRAM

Sec.

572a.1 Statement of policy.
572a.2 Definitions.
572a.3 Standards of eligibility.
572a.4 Procedure for recommendation and designation.
572a.5 Actions by Principal Supervisory Agent.
572a.6 Sunset.

Authority: Secs. 401, 402, 403, 405, 406, and 407, 48 Stat. 1255, 1256, 1257, 1259, and 1260, as amended (12 U.S.C. 1724, 1725, 1726, 1728, 1729, and 1730); secs. 2 and 5, 48 Stat. 128 and 132, as amended (12 U.S.C. 1462 and 1464); Reorg. Plan No. 3 of 1947, 3 CFR Part 1943–1948 Comp., p. 1071.

§ 572a.1 Statement of policy.

(a) This section describes general policy applicable to the Corporation's provision of assistance to certain insured institutions in the context of voluntary mergers or acquisitions of those institutions under a program to be administered by the Principal Supervisory Agents. The Voluntary Assisted-Merger Program is one of a number of assistance techniques employed by the Corporation in its default-prevention activities depending upon the facts and circumstances of an assistance case.

(b) The Corporation periodically reviews the records of insured institutions which may require financial or other assistance under Section 406(f) of the National Housing Act, as amended. In order to minimize time and resources spent on resolving assisted problem cases involving simple issues, to provide eligible institutions (as defined in § 572a.2(c) of this Part) with voluntary assistance alternatives, to reduce the Corporation's costs of assistance by earlier resolution of cases, and to resolve suitable problem cases at the district level at the earliest feasible time, the Corporation, based on its review and upon the recommendation of its Director, may designate an insured institution as eligible for the Voluntary Assisted-Merger Program. The Corporation may so designate an insured institution, and approve a maximum amount of assistance which may be provided to the insured institution under the program if, in its sole judgment and discretion, that institution meets the qualifications of this Part. An insured institution which has been so designated is an "Eligible Institution" for purposes of this Part. A Principal Supervisory Agent or his designee may then negotiate and approve a merger or acquisition of the Eligible Institution, with cash financial assistance from the Corporation up to the approved amount.

(c) Designation as an Eligible Institution does not create any right or entitlement in the institution so designated, or in any other person, insured institution or other organization,

to receive assistance under, or to be considered for or designated as eligible for, the Voluntary Assisted-Merger Program.

(d) The amount of an Allocation will be kept confidential by the Corporation and the Principal Supervisory Agent, and may not be disclosed to any person other than an officer or employee of the Federal Home Loan Bank Board, the Corporation or a Federal Home Loan Bank in the course of that person's official duties. That amount is the maximum assistance which can be provided to an Eligible Institution under the program; a Principal Supervisory Agent is responsible for compliance with the Corporation's policy of minimizing the costs of assistance under the program below the Allocation to the extent possible.

§ 572a.2 Definitions.

For purposes of this Part 572a, the following terms shall have the meaning given here.

(a) *Allocation.* A dollar amount representing the maximum amount of cash assistance that may be approved by a Principal Supervisory Agent as part of an assisted merger or acquisition of an Eligible Institution with or by a Qualified Acquirer under this Part.

(b) *Director.* The Director, Deputy Director or Acting Director of the Office of the Federal Savings and Loan Insurance Corporation, or the Director of the Problem and Rehabilitation Division of the Office of the Federal Savings and Loan Insurance Corporation.

(c) *Eligible Institution.* An insured institution which has been designated by the Corporation as meeting the qualifications of § 572a.3 of this Part.

(d) *Qualified Acquirer.* A mutually-held insured institution whose ratio of regulatory net worth to total assets will be not less than three percent immediately following its merger with or acquisition of an Eligible Institution, after giving effect to the amount of any assistance which may be provided under this Part in connection with such a merger or acquisition; which maintains one or more authorized branches in the same state as each Eligible Institution proposed to be merged with it or acquired by it; and which is, in the judgment of the Principal Supervisory Agent, viable and well-managed.

(e) *Principal Supervisory Agent.* The Principal Supervisory Agent for the Federal Home Loan Bank district of which an insured institution is a member.

(f) *Unassisted in-state merger.* A merger, consolidation, acquisition, reorganization, or purchase of assets and assumption of liabilities of an insured institution with or into another insured institution or another person or entity headquartered in the same state, not involving financial assistance from the Corporation.

§ 572a.3 Standards of eligibility.

The Director may recommend an insured institution to the Corporation for designation as an Eligible Institution if, in the judgment of the Director, that institution meets all of the following standards:

(a) The institution is within 24 months to insolvency, or is currently insolvent;

(b) The Director is satisfied that no unassisted in-state merger is available for the institution;

(c) The amount of the Allocation recommended by the Director does not exceed the cost of liquidating the institution through a receivership accompanied by payment of insurance of accounts; and

(d) The institution is in mutual form.

§ 572a.4 Procedure for recommendation and designation.

(a) *Director's recommendation.* With the concurrence of the Federal Home Loan Bank Board's Office of General Counsel and Office of Examinations and Supervision, the Director may recommend insured institutions to be considered for participation in the Voluntary Assisted-Merger Program if, in the view of the Director as of the time the recommendation is made, the institution so recommended complies with the standards set forth in § 572a.3 of this Part. Each recommendation shall include the Director's estimates of the cost of assistance, the cost of liquidation, and the cost of any other solutions which have been proposed and are available at the time the recommendation is made, and the Director's recommendation for an Allocation with respect to the institution.

(b) *Designation.* If the Corporation accepts the Director's recommendation, the institution shall be designated an Eligible Institution, with an Allocation based on the amount recommended by the Director or as the Corporation may determine. The Director shall then notify the Principal Supervisory Agent of that designation and Allocation. Each designation shall be effective for a period of six calendar months from the date of the Corporation's action, provided that a designation may be extended by the Director for a further period not to exceed three calendar months.

§ 572a.5 Actions by Principal Supervisory Agent.

(a) *New participants.* Upon being advised by the Director that an insured institution has been designated as an Eligible Institution, the Principal Supervisory Agent or his designee shall meet with the institution's board of directors and discuss the various options, including participation in the Voluntary Assisted-Merger Program. If the institution desires to participate in the program, the Principal Supervisory Agent or his designee shall:

(1) Provide the board of directors with a list of Qualified Acquirers for the institution's review, and determine an order of preference within that list; and

(2) Continue to work with the board of directors and management of the Eligible Institution to arrange and conduct negotiations with one or more qualified Acquirers and to reach a mutually acceptable plan of merger between a Qualified Acquirer and the Eligible Institution. The Principal Supervisory Agent or his designee is authorized to commit financial assistance from the Corporation as a part of such plan of merger or acquisition, in an amount not to exceed the amount of the Allocation for each Eligible Institution involved.

(b) *Other participants.* If, at the time a Principal Supervisory Agent receives notice that an institution has been designated as an Eligible Institution, there is outstanding a resolution of that institution's board of directors which authorizes and appoints either the Supervisory Agent, a Principal Supervisory Agent or the Corporation to negotiate and effect a merger or acquisition of that institution, and which consents to such a merger or acquisition, then the Principal Supervisory Agent or his designee may proceed to negotiate and effect a merger of the Eligible institution with a qualified Acquirer notwithstanding anything in paragraph (a) of this section. In order to effect such a merger, the Principal Supervisory Agent or his designee is authorized to commit financial assistance from the Corporation as a part of the merger or acquisition in an amount not to exceed the amount of the Allocation for each Eligible Institution involved.

(c) *Approvals.* A Principal Supervisory Agent is authorized to approve a merger or acquisition negotiated under paragraph (a) or (b) of this section, if:

(1) The resulting or acquiring institution is a Qualified Acquirer;

(2) Financial projections prepared by the Principal Supervisory Agent or his designee using the Corporation's standard forecasts, models and

procedures show that the resulting or acquiring institution, following the merger or acquisition (after giving effect to the assistance to be provided under this Part), will

(i) Be viable throughout the period of projection, and

(ii) Have a ratio of regulatory net worth to total assets of not less than three percent throughout that period;

(3) The resulting or acquiring institution agrees that for a period of three years following the effective date of the merger or acquisition it will not enter into or extend any contract of employment or other contract of compensation with any officer of former officer of the Eligible Institution which has a term (including any renewals) greater than one year, and further agrees that, with regard to any plan or contract involving compensation tied to increases in the net worth or equity of the Eligible Institution or the book value of its assets, or any plan or contract of severance or other benefits, no present or former officer or employee of the Eligible Institution will be provided or afforded benefits of a kind or amount more favorable to such person than would otherwise be available to an officer or employee of the resulting or acquiring institution;

(4) As a condition to the effectiveness of the merger or acquisition, and to the provision of assistance by the Corporation under this Part, the plan of merger provides that the resulting or acquiring institution does not assume and will promptly terminate any and all existing contracts of employment, severance, compensation tied to increases in the net worth or equity of the Eligible Institution or the book value of its assets, or any other contracts of compensation with any officer or employee of the Eligible Institution which have a term (including any renewals) greater than one year from the effective date of such merger or acquisition, unless such contracts are specifically disclosed to and approved by the Principal Supervisory Agent in advance of the merger; and

(5) The merger or acquisition could be approved under § 546.2(h)(1) of this Chapter without regard to § 546.2(h)(1)(i) and (xiii). In connection with a merger or acquisition so approved, a Principal Supervisory Agent may grant the resulting institution supervisory forbearances as provided in § 546.2(i)(3)(i)–(v) of this Chapter.

(d) *Assistance.* As part of a merger or acquisition approved by a Principal Supervisory Agent under this Part, the Corporation will provide financial assistance to the acquiring or resulting entity in an amount certified by the Principal Supervisory Agent to the Director, not to exceed the amount of the Allocation for each Eligible Institution involved. The Corporation will pay the amount of the financial assistance in a single payment within 10 days of receiving notice from the Principal Supervisory Agent that a merger or acquisition so approved has become effective.

§ 572a.6 Sunset.

(a) The Voluntary Assisted-Merger Program shall terminate on December 31, 1983, unless extended by regulatory amendment by the Corporation.

(b) No institution shall be designated as an Eligible Institution after the termination of the program. No designation which is outstanding at the termination of the program shall be further extended, but any designation outstanding as of that date shall remain valid until expiration of the period of designation, including any extension made on or before that date.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 83-16029 Filed 6-14-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 213, and 234

[Docket No. R-83-1103]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, Housing and Urban Development Department.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable finance charge on insured home programs. This action by HUD is designed to bring the maximum financing charges on home loans into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: June 8, 1983.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 (202–755–7270).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA home mortgage insurance programs has been raised from 11.50 percent to 12.00 percent for level payment insured home mortgage programs (including operative builder home loan programs), and from 11.75 percent to 12.25 percent for graduated payment home loan programs (GPM).

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709–1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

This is a procedural and administrative determination as set forth in the statutes and as such does not require a determination of environmental applicability.

List of Subjects in 24 CFR Parts 203, 213, and 234

Mortgage insurance.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subject A—Eligibility Requirements

1. Section 203.20 paragraph (a) is revised to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.00 percent per annum with respect to mortgages insured on or after June 8, 1983.

* * * * *

2. Section 203.45 paragraph (b) revised to read as follows:

§ 203.45 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.25 percent per annum with

respect to mortgages insured on or after June 8, 1983.

* * * * *

3. Section 203.46 paragraph (c) is revised to read as follows:

§ 203.46 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.25 percent per annum with respect to mortgages insured on or after June 8, 1983.

* * * * *

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

4. Section 213.511 paragraph (a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.00 percent per annum with respect to mortgages insured on or after June 8, 1983.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

5. Section 234.29 paragraph (a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.00 percent per annum with respect to mortgages insured on or after June 8, 1983.

* * * * *

6. Section 234.75 paragraph (b) is revised to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.25 percent per annum with respect to mortgages insured on or after June 8, 1983.

* * * * *

7. Section 234.76 paragraph (c) is revised to read as follows:

§ 234.76 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.25 percent per annum with respect to mortgages insured on or after June 8, 1983.

* * * * *

(Sec. 3(a), 82 Stat. 113; 12 U.S.C. 1709–1; Section 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: June 8, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-15985 Filed 6-14-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF DEFENSE

Department of the Army

35 CFR Part 253

Regulations of the Secretary of the Army; Panama Canal Employment System

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: By this document the regulations governing employment in the Panama Canal Commission are amended to add certain positions in the Panama Canal Commission to those which are excluded from various provisions of 35 CFR Part 253. These positions are new positions in the Commission.

EFFECTIVE DATE: June 15, 1983.

FOR FURTHER INFORMATION CONTACT: Colonel Robert D. Banning, Military Assistant, Office of the Assistant Secretary of the Army (Civil Works), Washington, D.C. 20310, (202) 695–1370.

SUPPLEMENTARY INFORMATION: Because this rule pertains to personnel of an agency, it is not necessary to issue a notice ofproposed rulemaking under 5 U.S.C. 553, and review by the Office of Management and Budget under Executive Order 12291 dated February 17, 1981 (47 FR 13193) is also unnecessary. Further, the agency has determined, for the same reason, that the requirements of sections 603 and 604 of Title 5, United States Code, are not applicable to this rule. List of index subjects: Employment, exclusions from coverage of regulations.

PART 253—[AMENDED]

Accordingly, 35 CFR Part 253 is amended as set forth below.

Section 253.8(c)(9) is added to read as follows:

§ 253.8 Exclusions.

* * * * *

(c) * * *

(9) Area coordinators of the Staff Assistant to the Administrator, Panama Canal Commission.

* * * * *

Dated: June 10, 1983.

Michael Rhode, Jr.,

Secretary, Panama Canal Commission.

[FR Doc. 83-15973 Filed 6-14-83; 8:45 am]

BILLING CODE 3640-04-M

PANAMA CANAL COMMISSION

35 CFR Parts 101 and 103

Paperwork Reduction Act; OMB Approved Collections of Information

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: In accordance with the requirement of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) that agencies publish Office of Managment and Budget (OMB) control numbers assigned to their collections of information contained in regulations, the Panama Canal Commission is amending Parts 101 and 103 of Title 35, Code of Federal Regulations to reflect current OMB numbers in the format recommended by the Office of the Federal Register. In addition, one section of Part 101 is being amended to reflect current information about one of the forms mentioned therein.

EFFECTIVE DATE: June 30, 1983.

ADDRESS: Secretary, Panama Canal Commission, Suite 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004; or Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011.

FOR FURTHER INFORMATION CONTACT: Barbara Fuller, Assistant to the Secretary for Commission Affairs, telephone 202–724–0104.

SUPPLEMENTARY INFORMATION: 44 U.S.C. Chapter 35 requires Federal agencies to obtain approval from the Office of Management and Budget (OMB) before collecting information from ten or more members of the public. As evidence of such approval, agencies are required to display an OMB control number on collection of information requirements.

The Panama Canal Commission has received OMB approval for the collection of information requirements contained in 35 CFR Parts 101 and 103.

The clearance information for Part 101 is presently included therein; it is being

amended, however, in accordance with recent guidance from OMB and the Office of the Federal Register.

The clearance information for Part 103 is being included for the first time.

The Panama Canal Commission has received clearance from OMB for the modification of one of the forms listed in § 101.10. That section is, accordingly, being amended to reflect the new form title.

The Commission has determined that this is not a major rule as defined under Section 1(b) of Executive Order 12291, dated February 17, 1981. Furthermore, the Regulatory Flexibility Act is inapplicable since this rule concerns a Commission service and the rates to be charged for such service [5 U.S.C. 601(2)]. This regulation does not affect any trade-sensitive activity.

List of Subjects

35 CFR Part 101

Panama Canal, Vessels, Documentation.

35 CFR Part 103

Panama Canal, Vessels, Order of transit, Advance reservations, Booking system.

For the reasons set out in the preamble, Parts 101 and 103, Subchapter C, Chapter I of Title 35, Code of Federal Regulations, are amended as set forth below.

PART 101—[AMENDED]

Section 101.10 is amended by revising paragraphs (a)(11) and (c) to read as follows:

§ 101.10 Same; list.

(a) * * *

(11) Passenger list, transiting or landing (Panama Canal Form 20)–1

* * * * * *

(c) Passenger list. The passenger list required by this section shall be accurate and legible and shall be delivered to the boarding officer. The list shall show passengers in alphabetical order.

(Approved by the Office of Management and Budget under control number 3207–0001)

PART 103—[AMENDED]

Section 103.8 is amended by adding the clearance language to read as follows:

§ 103.8 Preference in the transit schedule; order of transiting vessels.

* * * * * *

(Approved by the Office of Management and Budget under control number 3207–0001)

Dated: June 6, 1983.

D. P. McAuliffe,

Administrator.

[FR Doc. 83-16031 Filed 6-14-83; 8:45 am]

BILLING CODE 3640-04-M

VETERANS ADMINISTRATION

38 CFR Part 1

Time Limit To Request Waiver

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration has amended its regulation concerning the time limit in which to request waiver of benefit overpayments. The "Veterans' Compensation, Education, and Employment Amendments of 1982", Pub. L. 97–306, revised the statutory time limit in which to request waiver of benefit overpayments which is found in 38 U.S.C. 3102(a). A payee will now have 180 days, instead of two years, in which to request waiver of a benefit overpayment. This new 180 day time limit affects only those waiver requests based upon a notification of indebtedness issued after March 31, 1983.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Peter T. Mulhern (202) 389–3405, Office of Budget and Finance (047C5), 810 Vermont Avenue, NW., Washington, D.C., 20420.

SUPPLEMENTARY INFORMATION: On page 15271 of the **Federal Register** of April 8, 1983 there was published a notice of proposed rulemaking to amend the regulation pertaining to the time limit in which to request waiver of a benefit indebtedness. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulation. We received no comments during this time period

The Administrator hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–602. Pursuant to 5 U.S.C. 605(b), this rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of section 603 and 604. The reason for this certification is that this rule affects only those individuals indebted to the U. S. Government as a result of participation in Veterans Administration programs. This rule has also been reviewed under E.O. 12291 and has been determined to be nonmajor because it only revises the time limit in which to request waiver and does not have any adverse economic impact on or increase costs to consumers, individual industries, Federal, State and local government agencies or geographic regions.

(There is no Catalog of Federal Domestic Assistance number.)

List of Subjects in 38 CFR Part 1

Claims, Administrative practice and procedure, Veterans.

The proposed regulation is hereby adopted as final and is set forth below.

Approved: May 31, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 1—GENERAL

1. Section 1.963 is amended by revising paragraph (b) to read as follows.

§ 1.963 Waiver—other than loan guaranty.

* * * * * *

(b) *Application.* A request for waiver of an indebtedness under this section shall only be considered:

(1) If made within 2 years following the date of a notice of indebtedness issued on or before March 31, 1983 by the Veterans Administration to the debtor, or

(2) Except as otherwise provided herein, if made within 180 days following the date of a notice of indebtedness issued on or after April 1, 1983 by the Veterans Administration to the debtor. The 180 day period may be extended if the individual requesting waiver demonstrated to the Chairperson of the Committee on Waivers and Compromises that, as a result of an error by either the Veterans Administration or the postal authorities, or due to other circumstances beyond the debtor's control, there was a delay in such individual's receipt of the notification of indebtedness beyond the time customarily required for mailing (including forwarding). If the requester does substantiate that there was such a delay in the receipt of the notice of indebtedness, the Chairperson shall direct that the 180 day period be computed from the date of the requester's actual receipt of the notice of indebtedness. (38 U.S.C. 3102(a))

* * * * * *

§ 1.963a [Amended]

2. Section 1.963a(b)(2)(ii) is amended by changing the word "Cor troller" to

the words "Office of Budget and Finance."

[FR Doc. 83-16003 Filed 6-14-83; 8:45 am]
BILLING CODE 8320-01-M

38 CFR Part 36

Loan Guaranty; Closing Refinancing Loans on the Automatic Basis

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is amending its regulations to include a provision allowing the maximum reasonable discount points paid by a veteran-borrower to be established based on a readily ascertainable source. This will allow those lenders who have authority to close acquisition loans automatically (without VA prior approval) to begin closing refinancing loans on the automatic basis.

The governing statute allows a veteran to pay a reasonable discount as required by a lender for such loans. The amendments will eliminate the requirement that lenders obtain the prior approval of the VA as to the amount of discount points charged a veteran and provide for a uniform objective determination of the maximum reasonable discount points chargeable by lenders for these types of loans. The amendments should simplify the processing of refinancing loans.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Administration, Washington, D.C. 20420, (202) 389-3042.

SUPPLEMENTARY INFORMATION: In the September 23, 1982 **Federal Register** (47 FR 41997), the VA proposed to amend §§ 36.4306, 36.4306a and 36.4312 of the regulations. The proposal was to incorporate into the regulations a provision for objectively calculating the maximum allowable discount points which a lender could collect from a veteran-borrower. The proposal also would allow closing of refinancing loans on the automatic basis. For a complete discussion of the regulatory proposal please refer to the September 23, 1982 **Federal Register.**

A VA guaranteed refinancing loan is a loan for the purpose of paying off existing mortgage loans or other liens secured by a home which is owned and occupied by the veteran. A veteran may refinance up to 100% of the reasonable value of the property and use of cash proceeds as he or she chooses. Hereafter, these types of loans will be referred to as regular refinancing loans.

Another type of refinancing loan may be used to reduce the interest rate on an existing VA guaranteed loan on a home owned and occupied by the veteran. The veteran may not obtain any cash proceeds from the loan for his/her personal use as the loan may only be used to reduce the loan rate. Hereafter, these types of loans will be referred to as interest rate reduction refinancing loans.

VA previously required that all applications for VA guaranteed refinancing loans be submitted to the local VA office for approval of the amount of the loan discount to be paid by the veterans homeowner. Loan discount, sometimes called points, is a charge by the lender. It is based on the fact that investors often do not purchase mortgages for par or 100% of the face amount of the loan notes. An investor will purchase a group of mortgages at a certain simple interest rate and a certain loan term for a price; e.g. 97% of the total dollar value shown on the face amount of the loan notes. This group of mortgage notes is known as a pool of mortgages. Since the lender is lending 100% of the face amount of the note to the consumer and the investor is only purchasing the note at 97%, the lender will charge 3% discount or points to make up the money difference. The investor by paying less than 100% of the face amount of the note increases the return or yield on the mortgage. On VA guaranteed loans to acquire a home the discount may not be paid by the buyer. On a refinancing loan, the veteran homeowner is the party who must bear the expense. Section 1803(c)(3), title 38, United States Code, authorizes the veteran to pay a reasonable discount on a refinancing loan. Previously, the reasonableness of the proposed discount charge had to be approved in advance by the local VA office.

The amended regulations will allow lenders to charge a discount on a refinancing loan without VA prior approval provided the discount charged does not exceed the reasonable maximum based upon a readily available source for determining the maximum. It has been decided that lenders may use two methods for determining the maximum allowable discounts. Both methods will use the GNMA (Government National Mortgage Association) pass through securities 90-day forward closing bid rounded to the lower whole number for pass through securities ½% less than the face note rate of the loan. If the lender and borrower choose to negotiate a firm written commitment for a maximum amount of discount to be paid, the GNMA bid price to be used in the computation must be the closing quote for that business day prior to the negotiation of the discount commitment. The firm written commitment may be negotiated at any time from the date the borrower's loan application is signed to the date of loan closing. Lenders negotiating firm commitments must close the loan at a discount no higher than the firm commitment regardless of changes in the maximum allowable VA interest rate. If a lender's discount commitment expires prior to loan closing, the lender and borrower may negotiate a new firm commitment based on the procedure outlined above or may use the following other optional method for determining the maximum discount.

If the lender and borrower choose not to negotiate a firm written discount commitment, the lender and borrower may agree to establish the discount using the following procedure. The discount may not exceed the difference between the GNMA 90-day forward bid closing quote and par value for any business day one to four days prior to loan closing. The closing quotes must be for securities ½% lower than the face note rate of the loan. The quotes may be rounded down to the lower whole numbers. "Loan closing" is defined for this purpose as the date on which the borrower's three day right of rescission commences pursuant to the Truth in Lending Act.

The foregoing two methods for computing maximum discount will be used for loans closed on the automatic and prior approval basis. If the lender and borrower negotiate a firm written discount commitment, a copy of this agreement must be submitted with the report of a home loan processed on the automatic basis. For prior approval loans, if the discount commitment is negotiated prior to submission of an application for home loan guaranty, a copy of the discount commitment must be submitted with the application for home loan guaranty. If the firm discount commitment is negotiated after submission of the application; for home loan guaranty, the loan application shall reflect an estimated discount, and a copy of the written discount commitment must be submitted with the certification of loan disbursement. If no firm written commitment has been submitted when the lender submits its request for loan guaranty, VA will assume that the lender has chosen the method for establishing the discount using a discount quote from one of the four days prior to closing. As long as the discount charged does not exceed an

amount which would be allowable rounding down the quotes from each of the four days prior to loan closing, the discount charged to the veteran-borrower will be acceptable.

These new procedures give lenders a readily ascertainable index for determining the maximum reasonable discount on a VA guaranteed loan. If the lender and borrower choose to lock in a discount, they may refer to the prior business day closing bid for GNMA securities ½% less than the note rate. If the previous day's closing bid on a proposed 13½% loan for GNMA 13% Issues is 97 and 1⅝₂nds, the lender may round down the price to 97, and the lender and borrower may negotiate a written commitment for a discount of up to 3% of the loan amount. VA will not require that discount commitments have a minimum term. If the lender and borrower choose to base maximum loan discounts on GNMA closing quotes one to four days prior to closing; for example, if the closing bid quotes for the four days prior to closing are 96 and 2⅝₂nds, 97, 97 and ⅜₂nds and 97 and ⅝₂nds, the lender and borrower may negotiate a closing discount of up to 4% of the loan amount since the first day's quote could be rounded down to 96.

GNMA pass through certificates are nationally traded including forward Issues. Price quotes indicate both a Bid and an Asked price. We require the use of the bid price as the basis for determining the maximum VA loan discount because this reflects what investors are willing to pay for a pool of loans at a particular interest rate. The previous day's closing price will also be a readily ascertainable quote.

The amendments authorize the Administrator to allow a lender to charge a veteran a higher discount than determined by the GNMA index in unusual cases. For instance, an investor might determine that a home's size or age would require a higher yield thereby requiring a higher discount than authorized by the use of the GNMA index. In these circumstances, the lender could seek approval from the Administrator to charge the higher discount.

Since we are establishing a method which allows lenders to readily determine the maximum reasonable discount, we are also deleting the requirement that all refinancing loans must be submitted to the local VA office for prior approval of the amount of discount.

Three other types of loans are similar to VA refinancing loans in that the veteran is authorized to pay a loan discount. These are loans on existing, occupied homes for the purposes of repairs, alterations, or improvements when such loans are to be secured by a first lien; loans to construct homes on land already owned or to be acquired by the veteran where the veteran acts as his/her own contractor; and loans to purchase a dwelling from a class of sellers which are legally precluded from paying a loan discount. For consistency, the amendments allow eligible lenders to close these types of loans on either the prior approval or automatic basis using the GNMA index to determine the reasonable loan discount to be paid by the veteran.

Alteration, improvement, or repair loans which are unsecured or secured by less than a first lien must continue to be submitted to the local VA regional office for approval of the credit underwriting and the loan discount to be paid by the veteran, if any. These loans are more akin to second mortgage financing or consumer installment loans than to first mortgage loans for the purpose of acquiring real estate. Thus, the use of the GNMA index would probably not be reflective of the current discount being charged by lenders for home improvement loans secured by less than a first mortgage.

Thirteen comments were received concerning the proposed regulations published on September 23, 1982 (47 FR 41997). Two comments endorsed the proposal, one offered no comments, and ten offered suggestions for improving the regulatory proposal. Eight of the comments suggested adopting a GNMA forward bid price for delivery of mortgages in 30 to 120 days. One comment suggested using the FNMA (Federal National Mortgage Association) 30-day mandatory delivery yield. Two of the comments additionally suggested establishing the maximum allowable discounts at the time of the loan application with renegotiation of the discount if the VA maximum interest rate is changed. These two comments suggested that it was unfair to the veteran to be unaware of his/her discount costs until one or two days prior to closing as suggested in the proposed regulations. Other comments endorsed a system of establishing the maximum discount closer to the closing date but suggested that the index dates be three to five days prior to closing to give the lender a better opportunity to prepare the closing documents and furnish them to the loan closer.

All of the suggestions made in the public comments were carefully considered. We have chosen to adopt a system with these final regulations which is based on three major suggestions received in the public comments. First, the discount will be based on a GNMA forward commitment for delivery of mortgages within 90-days. Second, one method of computing the maximum discount will allow lenders to use the closing bid quote for any day one to four days prior to the date of loan closing in lieu of only up to two days prior to loan closing as suggested in our proposed regulations. This should allow a lender a better opportunity to prepare loan closing documents based on an acceptable level of discount, and allow the lender and borrower more flexibility in negotiating a maximum loan discount. For lenders who wish to offer a written discount commitment and borrowers who wish to be certain of the discount costs they will be paying at loan closing, one of the available methods for establishing the maximum discount will allow the lender and borrower to negotiate a firm written discount commitment.

VA believes that a new system of establishing maximum discount points along with the ability to close refinancing loans on the automatic basis should be implemented. After reviewing the public comments and the available alternatives, we have chosen to adopt these final regulations. Our review of the issue indicates that any system adopted probably will have positive and negative points. Changes or refinements in the system may be necessary after the VA, lenders, and borrowers have an opportunity to use the new system.

An editorial amendment had been proposed to section 36.4312(d)(7)(iii) to correct a regulatory citation. In addition we propose to combine paragraphs (a) and (b) of section 36.4306 to make the regulation more understandable.

The Administrator hereby certifies that these regulation changes, as promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these regulations are exempt from the final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that these regulations will allow refinancing and similar loans to be closed on the automatic basis with a discount charge reflective of the current mortgage money market. We believe that the regulations will have no impact on small private and non-profit organizations, and small governmental jurisdictions. Small businesses should be aided since automatic loan processing of these types of loans is simpler and should be less costly. In addition, allowing the GNMA 90-day forward closing bid price to be used

should aid lenders by allowing them to charge loan discounts reflective of current market conditions. Small businesses should be aided but not in a significant manner by these amendments. There will be no compliance costs or reporting burdens on individuals or organizations.

The regulations have been reviewed pursuant to Executive Order 12291 and have been found to be nonmajor regulation changes. The amendments will ease processing restrictions while allowing loan discounts to be charged to the veteran based upon free market forces. The regulations will not impact on the public or private sectors as major rules. They will not have an annual effect on the economy of $100 million or more, and will not cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; nor will they have other significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(Catalog of Federal Domestic Assistant Program number, 64.114.)

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured homes, Veterans.

These amendments are proposed under authority granted the Administrator by sections 210(c) and 1803(c) (1) and (3) of title 38, United States Code.

Approved: May 31, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 36—LOAN GUARANTY

Part 36, Title 38, Code of Federal Regulations, is amended as follows:

1. In § 36.4306, paragraph (a) is revised and paragraphs (b) and (e) are removed. Paragraph (a) reads as follows:

§ 36.4306 Refinancing of mortgage or other lien indebtedness.

(a) Any loan for the purpose of refinancing (38 U.S.C. 1810(a)(5)) an existing mortgage loan or other indebtedness secured by a lien of record on a dwelling or farm residence owned and occupied by an eligible veteran as the veteran's home shall be eligible for guaranty in an amount not to exceed sixty (60) percent of the loan amount or $27,500, whichever is less, *Provided*, That—(38 U.S.C. 1810(c))

(1) The dollar amount of discount, if any, to be paid by the veteran is reasonable in amount as determined by the Administrator in accordance with § 36.4312(d)(7)(i),

(2) The loan is otherwise eligible for guaranty.

(b) [Removed]

* * * * *

(e) [Removed]

* * * * *

2. In § 36.4306a, paragraph (a) is revised as follows:

§ 36.4306a Interest rate reduction refinancing loan.

(a) Pursuant to 38 U.S.C. 1810(a)(8), a veteran may refinance an existing Veterans Administration guaranteed, insured or direct loan to reduce the interest rate payable on the Veterans Administration loan provided the following requirements are met:

(1) The loan must be secured by the same dwelling or farm residence as the loan being refinanced and such dwelling or farm residence must be owned and occupied by the veteran as such veteran's home;

(2) The amount of the refinancing loan may not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as authorized by § 36.4312(d) and a discount not to exceed a dollar amount determined in accordance with § 36.4312(d)(7)(i);

(3) The dollar amount of the guaranty of the 38 U.S.C. 1810(a)(8) loan may not exceed the original dollar amount of guaranty applicable to the loan being refinanced, less any dollar amount of guaranty previously paid as a claim on the loan being refinanced; and

(4) The term of the refinancing loan (38 U.S.C. 1810(a)(8)) may not exceed the original term of the loan being refinanced.

* * * * *

3. In § 36.4312, paragraph (d)(6)(i) is revised and redesignated (d)(6) and paragraph (d)(6) (ii) through (iv) is revised and redesignated (d)(7). Paragraph (d) (6) and (7) read as follows:

§ 36.4312 Charges and fees.

* * * * *

(d) * * *

(6) Allowable discounts. The veteran borrower subject to the limitations set forth in paragraph (d) (6) and (7) of this section may pay a discount required by a lender when the proceeds of the loan will be used for any of the following purposes:

(i) To refinance existing indebtedness pursuant to 38 U.S.C. 1810(a) (5) or (8);

(ii) To repair, alter or improve a dwelling owned by the veteran pursuant to 38 U.S.C. 1810(a) (4) or (7) if such loan is to be secured by a first lien;

(iii) To construct a dwelling or farm residence on land already owned or to be acquired by the veteran, provided that the veteran did not or will not acquire the land directly or indirectly from a builder or developer who will be constructing such dwelling or farm residence;

(iv) To purchase a dwelling from a class of sellers which the Administrator determines are legally precluded under all circumstances from paying such a discount if the best interest of the veteran would be so served.

(7) Computation of discounts—(i) Computation of discount—loans secured by a first lien. Unless otherwise approved by the Administrator, the discount, if any, to be paid by the borrower may not exceed the difference between the bid price, rounded to the lower whole number, and par value for GNMA (Government National Mortgage Association) 90-day forward bid closing price for pass through securities ½ percent less than the face note rate of the loan. Unless the lender and borrower negotiate a firm written commitment for a maximum amount of discount to be paid, the bid price to be used in the computation must be the GNMA 90-day forward bid closing quote for any day 1 to 4 business days prior to loan closing. "Loan closing" is defined for this purpose as the date on which the borrower's 3-day right of rescission commences pursuant to the Truth in Lending Act. If the lender and borrower choose to negotiate a firm discount commitment for a maximum amount of discount to be paid, the bid price to be used in establishing the maximum discount must be the closing quote for the business day prior to the date of the commitment. Lenders negotiating firm commitments must close that loan at a discount no higher than the firm commitment regardless of changes in the maximum allowable Veterans Administration interest rate. If a lender's commitment expires prior to loan closing, the lender and borrower may negotiate a new firm commitment based on the procedure outlined in this paragraph (d)(7)(i) or may use the procedure for determining the discount based on the GNMA 90-day forward bid closing quote for any day 1 to 4 business days prior to loan closing.

(ii) Computation of discount—unsecured loans or loans secured by

less than a first lien. The borrower, subject to the limitations set forth in paragraph (d) (6) and (7) of this section, may pay a discount required by the lender when the proceeds of the loan will be used to repair, alter, or improve a dwelling owned by the veteran pursuant to 38 U.S.C. 1810(a)(4) or (7) if such loan is unsecured or secured by less than a first lien. No such discount may be charged unless:

(A) The loan is submitted to the Administrator for prior approval;

(B) The dollar amount of the discount is disclosed to the Administrator and the veteran prior to the issuance by the Administrator of the certificate of commitment. Said certificate of commitment shall specify the discount to be paid by the veteran, and this discount may not be increased once the commitment is issued without the approval of the Administrator;

(C) The discount has been determined by the Administrator to be reasonable in amount.

(iii) A veteran may pay the discount on an acquisition and improvement loan (as defined in § 36.4301 provided:

(A) The veteran pays no discount on the acquisition portion of the loan except in accordance with paragraph (d)(6)(iv) of this section; and

(B) The discount paid on the improvements portion of the loan does not exceed the percentage of discount paid on the acquisition portion of the loan.

Acquisition and improvement loans may be closed either on the automatic or prior approval basis.

(iv) Unless the Chief Benefits Director otherwise directs, all powers of the Administrator under paragraph (d) (6) and (7) of this section are hereby delegated to the officials designated by § 36.4342(b). (38 U.S.C. 1803(c) (1) and (3), 1810(a))

* * * * *

[FR Doc. 83-16026 Filed 6-14-83; 8:45 am]

BILLING CODE 8320-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-49

[FPMR Amdt. H-137]

Utilization, Donation, and Disposal of Foreign Gifts and Decorations—Miscellaneous Changes

Correction

In FR Doc. 83-7474 beginning on page 12089 in the issue of Wednesday, March 23, 1983, make the following correction:

On page 12090, middle column, § 101-49.303, line thirteen, "the outlining" should have read "the recipient outlining".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Base (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated of the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The base (100-year) flood elevations are finalized in the communities listed below. Any appeals of the proposed or proposed modified base flood elevations which were received have been resolved by the Agency.

[illegible]	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
[illegible]	Gilbert (Town of) Maricopa County FEMA-6457	Consolidated canal	At the Elliot Road crossing of Consolidated Canal	#2
		Sheet Flow Area	Area generally located west of Cooper Road and northeast of the Southern Pacific Railroad.	#2
Maps are available for review at the Office of the Town Clerk, Gilbert Town Hall, 119 North Gilbert Road, Gilbert, Arizona.				
[illegible]	Goodyear (Town of) Maricopa County FEMA-6473	Gila River and Agua Fria River	Just upstream of Sarival Avenue extended	*908
			Approximately 3,600 feet southwest of the intersection of Reems Road and Broadway Road.	*910
			Approximately 500 feet southwest of the intersection of Reems Road and Broadway Road.	*914

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Just downstream of Bullard Avenue	*918
			At the intersection of Broadway Road and Litchfield Road	*933

Maps are available for review at the Office of the Mayor, City Hall, 119 North Litchfield Road, Goodyear, Arizona.

California	Healdsburg (City of) Sonoma County FEMA-6474	Russian River	Just upstream of old U.S. Highway 101	[illegible]
			Just upstream of Healdsburg Avenue	[illegible]
			At easternmost corporate limits	*104

Maps are available for review at the Department of Public Works, 550 West Side Road, Healdsburg, California.

California	Imperial Beach (City of) San Diego County FEMA-6464.	Tijuana River	At confluence with Oneonta Slough	*6
		Oneonta Slough	At upstream corporate limits	*17
			Area generally located south of Coronado Avenue and between First Street and Fifth Street.	*6
		Pacific Ocean	Open Coast	*6
			At western end of Descanso Avenue	*10

Maps are available for review at the Planning Department, Imperial Beach City Hall, 825 Imperial Beach Boulevard, Imperial Beach California.

California	Sunnyvale (City of) Butler County FEMA-6465.	San Francisco Bay	Along the coastline	*7
		Shallow Flooding	Area located east of Southern Pacific Railroad crossing at Calabazas Creek.	*50
			Area located approximately 1000 feet east of Killer Road crossing of Calabazas Creek.	#1

Maps are available for review at the Public Library, 665 West Olive Avenue, Sunnyvale, California.

Colorado	Gypsum (Town of) Eagle County FEMA-6466.	Eagle River	At the western corporate limits	[illegible]
			At a point located approximately 225 feet downstream of Price Lane extended.	[illegible]
			At a point located approximately 975 feet upstream of Price Lane extended.	[illegible]

Maps are available for review at the Gypsum Town Hall, 300 First Street, Gypsum, Colorado.

Colorado	City of Longmont Boulder County FEMA-6437	Spring Gulch	Just upstream of the Colorado and Southern Railroad	[illegible]
			At a point located approximately 500 feet upstream of East 11th Avenue.	[illegible]
			At a point located approximately 50 feet downstream of Mountain View Avenue.	[illegible]
			At East 15th Avenue	*5,003

Maps are available for review at the Office of Planning and Development, Civic Center Complex, 3rd & Kimbark, Longmont, Colorado.

Georgia	Unincorporated areas of Catoosa County (Docket No. FEMA-6454)	Spring Branch	Northern Catoosa County limits at Hamilton County, Tennessee.	[illegible]
			Just downstream of confluence of Black Branch	[illegible]
		West Chickamauga Creek	Northern Catoosa County limits at Hamilton County, Tennessee.	[illegible]
		West Chickamauga Creek	Immediately downstream of Route 2	[illegible]
		West Chickamauga Creek	Approximately 2,500 feet downstream of Alexandria Bridge Road.	[illegible]
		West Chickamauga Creek	Western Catoosa County limits at Walker County	*720

Maps are available for inspection at the Catoosa County Office of Commissioner of Roads and Revenue, Ringgold, Georgia

Idaho	Latah County (Unincorporated areas) FEMA-6508	Paradise Creek	Confluence with an unnamed stream approximately 2,000 feet north of the Burlington Northern Railroad.	*2,587
			At D Street	[illegible]

Maps are available for review at the Office of the Auditor, Latah County Courthouse, 520, South Adam, Moscow, Idaho 83843.

Missouri	City of Mount Vernon (Docket No. FEMA-6446)	Williams Creek	At a point located approximately 800 feet downstream of County Highway Y.	*1,166
			At a point located approximately 100 feet upstream of County Highway Y.	*1,168
			At the eastern corporate limits	*1,171

Maps are available for inspection at 319 East Dallas, P.O. Box 70, Mount Vernon, Missouri.

Nevada	Douglas County (Unincorporated areas) FEMA-6430	Martin Slough	At a point located approximately 150 feet upstream of U.S. Route 395.	*4,700
			At a point located just upstream of Buckeye Road	*4,714
			At a point located approximately 100 feet downstream of High School Street.	*4,740
			At a point located just downstream of Tolaz Avenue	4,751

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Shallow Flooding	At the intersection of South Lampe Lane and Tolyabe Avenue.	#1
			At a point located approximately 500 feet east of the intersection of Waterloo Lane and U.S. Route 395.	#2

Maps are available for review at the Community Development Department, Valley Professional Building, 1645 Highway 395, Minden, Nevada.

[illegible]	Las Vegas (City of) Clark County FEMA-6467	Shallow Flooding	Intersection of Jackson Avenue and D Street	*#2
			Intersection of Owens Avenue and Tonopah Highway	#1
			Intersection of Lexington Street and Balzar Avenue	#1

Maps are available for review at the Land Development and Flood Control Division, Department of Public Service, 400 East Stewart Avenue, Las Vegas, Nevada.

Oregon	Lebanon (City of) Linn County FEMA-6508	South Santiam River	Approximately 1,200 feet upstream of the Southern Pacific Railroad.	*344
			Approximately 2,500 feet upstream of the Southern Pacific Railroad.	*346
			At eastern corporate limits	*356

Maps are available for review at City Hall, 929 Main Street, Lebanon, Oregon 97355.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 20, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15820 Filed 6-14-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

[Gen. Docket No. 81-415; FCC 83-267]

Experimental, Auxiliary and Special Broadcast and Other Program Distributional Services; Allocate the 38.6–40 GHz Band to TV Auxiliary Broadcast Pickup Stations on a Secondary Basis

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission has allocated the 38.6–40 GHz band to television pickup stations on a secondary basis to fixed operations in the Report and Order in this Docket. Because a frequency tolerance specification in the Report and Order appeared to be too stringent, it is being relaxed for transmitters which have reduced power and which employ directional antennas.

EFFECTIVE DATE: July 15, 1983.

FOR FURTHER INFORMATION CONTACT: Harding Chism/Thomas S. Tycz, Office of Science and Technology, Spectrum Management Division, Spectrum Utilization Branch, Washington, D.C. 20554. (202) 653–8166 Room 7310.

List of Subjects in 47 CFR Part 74

Television broadcasting.

Memorandum Opinion and Order

In the matter of amendment of Part 2 and 74 of the Commission's rules and regulations to allocate the 38.6–40 GHz band to TV Auxiliary Broadcast Pickup Stations on a secondary basis; General Docket No. 81–415.

Adopted: June 2, 1983.
Released: June 7,1983.

By the Commission; Commissioner Fogarty not participating.

Introduction

1. On April 1, 1982, the Commission adopted a Report and Order which allowed TV Auxiliary Broadcast Pickup Stations (hereinafter referred to as TV Pickup Stations) to operate in the 38.0–40 GHz band on a secondary basis to Domestic Public Fixed and Private Operational Fixed Microwave Stations.[1] These TV Pickup Stations were constrained to have a maximum transmitter output power of 1.5 watts and a frequency tolerance of ±0.005%[2].

The Commission has before it a petition for reconsideration filed by the M/A–COM Corporation on May 13, 1982 ("M/A–COM"). Pursuant to Section 1.429 of the Commission's Rules, M/A–COM is requesting the Commission to relax the frequency tolerance specification of ±0.005 to ±0.05 percent for the operation of TV Pickup Stations under certain conditions, because this lower standard would permit it to meet what it perceives to be the current marketplace demands for "shirt pocket" transmitters[3]. The instant Memorandum Opinion and Order amends section 74.661 of the Commission's Rules to relax the frequency tolerance of ±0.005% to ±0.05% for transmitters with a maximum output power of 50 milliwatts and which employ a directional antenna.

Discussion

2. In its petition for reconsideration M/A–COM explains that a marketing study and development program of a 40 GHz microwave transmitter commenced promptly after the issuing of the NPRM in this proceeding. Therefore M/A–COM maintains it had not advanced far

[1] Report and Order in Docket No. 81–415, FCC 82–148 (April 14, 1982) 47 FR 17994 (April 27, 1982).

[2] *Frequency tolerance* is the maximum permissible departure by the center frequency of the frequency band occupied by an emission from the assigned frequency or, by the characteristic frequency of an emission from the reference frequency. The frequency tolerance is expressed in parts in 10^6, in Hertz or in the percentage of the assigned frequency.

[3] Comments to the petition were filed by National Association of Broadcasters ("NAB"), Standard Communications Incorporated ("Standard Communications"), CBS Incorporated ("CBS"), Hughes Aircraft Company ("Hughes"). Reply comments were filed by M/A–COM. Supplemental comments were filed by Hughes, CBS and M/A–COM.

enough at the time of the commenting stage of the proceeding to discover the existence of a substantial demand for what it terms a "shirt pocket" transmitter. M/A–COM contends that a "shirt pocket" transmitter could meet the demands its study uncovered, provided a frequency tolerance specification of ±0.05% is allowed. It points out the advantages of the "shirt pocket" transmitter. It is small, flexible, mobile, and it has a range of transmission which makes it applicable for use with Electronic News Gathering (ENG) camera equipment. It further indicates that the transmitter is powered by the same battery pack used by the camera equipment. The "shirt pocket" transmitter can operate up to one and one half hours with an output power of approximately 75 milliwatts with a range of about five hundred feet. M/A–COM maintains that the ±0.005% frequency tolerance specification requires a transmitter to occupy a volume three times that of the "shirt pocket" transmitter. The larger unit would also weigh three to four times more and consume three to four times more power than the "shirt pocket" unit. To obtain a ±0.005% frequency tolerance, M/A–COM asserts, requires a crystal reference plus phase lock loop circuitry to accomplish frequency control of a Gunn-diode oscillator. In contrast, M/A–COM's "shirt-pocket" transmitter would use a Gunn-diode oscillator coupled with a tuned cavity. In summary, M/A–COM requests that the Commission recognize the need for flexibility with respect to frequency tolerance in this band and grant its request. It points out that there are relatively few licensees in the reference band and that congestion is unlikely in the foreseeable future. It suggests that a less stringent frequency tolerance requirement would not contribute to increased interference problems.

3. Standard Communications supports M/A–COM's contention that a frequency tolerance of ±0.005% is excessive. Standard Communications believes the request by M/A–COM for a ±0.05% frequency tolerance requirement is reasonable and reiterates arguments mentioned by M/A–COM. It supports, however, the ±0.005% frequency tolerance requirement for applications of high-power or long-haul microwave utilization.

4. The NAB also supports M/A–COM's petition. In its comments NAB requests that the Commission reconsider the technical standards because a miniaturized remote pickup transmitter for operation in the 38.6–40 GHz band has become available since the adoption of the rules in this proceeding. NAB claims that this new technical development clearly warrants reconsideration and modification of the Commission's Rules as adopted for this new service. NAB also maintains that the Commission chose not to designate channel assignments, operating modes or bandwidth, because the intent was to facilitate experimentation. Yet, NAB argues, for all practical purposes the Commission's decision ruled out the use of cavity-stabilized oscillators. The ±0.005 percent frequency tolerance can be achieved only with a crystal referenced oscillator. Furthermore, NAB claims that the likelihood of interference would be small. The signal propagation characteristic of the 40 GHz band would severely limit the range of equipment operation and the band is essentially an unused portion of the spectrum. For these reasons NAB believes the Commission should not require a frequency tolerance more stringent then ±0.05%.

5. In contrast to M/A–COM, CBS believes that the lower frequency broadcast auxiliary bands are currently congested and there is a likelihood that the 38.6–40 GHz band will become readily attractive. As a consequence, it believes the adopted frequency tolerance requirement must be maintained to minimize the potential for interference among users. With respect to spectral efficiency, it indicates that equipment with a frequency tolerance specification as petitioned by M/A–COM would use about twice the bandwidth. Furthermore, CBS states that M/A–COM has not provided any documentation to support its claim that a substantial demand exists for the "shirt pocket" transmitter.

6. Hughes urges the Commission to maintain the frequency tolerrance requirement it adopted. It claims that the 38.6–40 GHz band is primarily allocated for fixed users and that a proliferation of units operating with a relaxed frequency tolerance would contribute to increased interference and an inefficient use of the spectrum. Hughes states that in a marketing study it conducted, the users of ENG equipment mentioned that transmitting equipment larger than "shirt pocket" size would be entirely acceptable. Accordingly, to meet this market demand, Hughes is developing a light mobile transmitter for use in this band, powered by a battery-belt pack which meets the adopted frequency tolerance requirement without the use of a crystal reference. Hughes contends that M/A–COM's market study did not indicate whether users are willing to trade increased risk of interference and decreased spectral efficiency for the convenience M/A–COM states their units would offer. It is Hughes' contention that the rules that have been adopted should not be relaxed to permit production and marketing of a substandard unit.

7. CBS and M/A–COM subsequently developed a compromise standard. Both filed late supplemental comments requesting that the frequency tolerance requirement be relaxed to ±0.05% for the 38.6–40 GHz band provided two conditions are imposed on the operation of such equipment. First, a directional antenna would be required to be used with any transmitter employing a frequency tolerance of ±0.05%. The parties contend the directivity of the signal would significantly reduce the risk of potential interference. Second, CBS and M/A–COM concur that the power output of such a transmitter be limited to not more than 50 milliwatts (0.05 watts) to ensure further the minimum likelihood of interference. Hughes, however, in its supplemental comments reiterated its opposition to a relaxation of the ±0.005% tolerence because it is spectrally inefficient.

8. As was discussed in the Report and Order, we did not adopt a channeling plan for TV Pickups in this band to allow manufacturers the flexibility to design equipment with different modulation techniques and bandwidths. However, a frequency tolerance was adopted to maintain a degree of control over the spectral occupancy of each emission and thereby protect adjacent channel operations from interference. To loosen this tolerance without any restriction would decrease the opportunities for TV Pickup operations to have an adequate amount of spectrum when operating in close proximity to one another. We believe that the restrictions suggested by MA/COM and CBS should provide adequate measures to further limit the likelihood of interference.[4]

9. Accordingly, we are amending § 74.661 of our Rules to allow TV Pickup Stations to maintain a frequency tolerance within ±0.05 percent of the operating frequency provided the transmitter output power does not exceed 50 milliwatts and a directional

[4] To ensure that this relaxation is not causing spectrum congestion problems, the Commission will revise this rule section in three years. Moreover, the issue of technical standards is presently being addressed in a Notice of Inquiry and Proposed Rule Making in Gen. Docket 83–114 (48 FR 14398; April 4, 1983). The public may also wish to express its opinions concerning the issue of frequency tolerance standards by filing comments in Docket 83–114.

antenna is used. Otherwise, the frequency tolerance for these stations shall be maintained within ±0.005 percent. We believe these restrictions are sufficient to make certain that the operation of this equipment complying with the relaxed frequency tolerance standard will not be detrimental to the operation of equipment using the originally adopted standards.

10. Accordingly, it is ordered, under the provisions of Section 1, 4(i) and 303 of the Communications Act 1934, as amended, that the Report and Order adopted in this docket proceeding is modified to the extent set forth herein.

11. It is further ordered that the petition for reconsideration of the Report and Order is granted to the extent set forth herein and otherwise denied.

12. It is further ordered that § 74.661 of the Commission's Rules is amended as set forth in the Appendix, effective July 15, 1983.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTION SERVICES

In § 74.661, paragraph (d) is revised to read as follows:

§ 74.661 Frequency tolerance.

* * * * *

(d) Television Pickup stations operating in the 38.6–40 GHz band shall maintain the carrier frequency of each authorized transmitter within plus or minus 0.005 percent of the operating frequency; as an exception, stations shall maintain the carrier frequency of the transmitter within plus or minus 0.05 percent of the operating frequency provided that the transmitter output power is no greater than 50 milliwatts and a directional antenna is used.

* * * * *

[FR Doc. 83-15857 Filed 6-14-83; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 48, No. 116
Wednesday, June 15, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1145

Proposed Rule To Regulate Under the CPSA a Risk of Injury That May Be Presented by Certain Expandable Children's Enclosures

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is investigating the possibility that certain circular, expandable children's enclosures (sometimes called "corrals") made from criss-crossed slats of solid material, may present a potential hazard of strangulation if a child's neck becomes entrapped in an intersection of the slats. The Commission proposes, should regulatory action become necessary regarding the possible risk of strangulation which may be associated with these products, to use the procedures of the Consumer Product Safety Act rather than those of the Federal Hazardous Substances Act. The Commission preliminarily determines that this transfer is in the public interest because, in the event the Commission believes that a risk of strangulation is associated with these products, public notification and remedial action can be accomplished more expeditiously under the CPSA than under the FHSA.

DATE: Comments concerning this proposal must be received in the Office of the Secretary by July 15, 1983.

ADDRESS: Comments should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492-6800.

FOR FURTHER INFORMATION CONTACT: Earl A. Gershenow, Trial Attorney, Division of Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492-6626.

SUPPLEMENTARY INFORMATION: By this notice, the Commission proposes to regulate under the Consumer Product Safety Act (CPSA, 15 U.S.C. 2051 *et seq.*) a possible risk of strangulation that may be associated with certain expandable children's enclosures, which are described in detail below.

Section 30(d) of the CPSA [15 U.S.C. 2079(d)] governs this proposed rule. That section provides:

> A risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act . . . may be regulated under this Act [the CPSA] only if the Commission by rule finds that it is in the public interest to regulate such risk of injury under this Act.

A. Background

In 1981, the Commission received two reports of deaths of children associated with expandable children's enclosures, sometimes called "corrals." These products are made from criss-crossed slats of solid material which are riveted at most crossings to form a continuous, circular enclosure. These products are expandable to various diameters, and are intended to serve a purpose similar to that of a playpen: to confine a child within a restricted area, either indoors or outdoors.

When such a product is in use, the slats cross one another and form a series of V-shaped configurations at the top and bottom of the enclosure.

Investigations of the fatalities reported to the Commission in 1981 indicate that the children involved may have slipped while attempting to climb out of the enclosures, catching their necks in one of the V-shaped configurations formed by the crossing of the slats at the top of the enclosure. If a child's feet were not in contact with the ground, and if the angle formed by the crossing of the slats were sufficiently acute, the child's head might not pass through the opening. The weight of the body pressing the neck against the slats of the enclosure may block passage of air, resulting in death or injury by strangulation.

The Commission has also received information about a third death associated with an expandable enclosure which occurred in 1982.

In addition to the three deaths associated with expandable enclosures, the Commission received a report of a non-fatal accident associated with an expandable enclosure in 1980, in which irreversible brain damage may have resulted from oxygen deprivation after a child's neck became entrapped in the V-shaped opening between two of the slats at the top of an expandable enclosure.

The Commission also has information about four other incidents involving entrapment of children in expandable enclosures, one of which resulted in lacerations and abrasions to the child's head; the other three incidents resulted in minor injuries or no injuries to the children involved. These four accidents resulted when children put their heads through a diamond-shaped opening formed by criss-crossed slats in the side of the enclosure.

B. Regulation Under FHSA

At this time, the expandable enclosures described above could be subject to regulation by the Consumer Product Safety Commission under provisions of the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 *et seq.*) as articles intended for use by children.

In accordance with provisions of section 3(e) through (i) of the FHSA (15 U.S.C. 1262(e), (f), (g), (h), (i)), the Commission could begin a proceeding for the issuance of a rule to declare that the expandable enclosures described in this notice present a mechanical hazard. If issued on a final basis, such a rule would have the effect of classifying these children's articles as "banned hazardous substances" as that term is used in section 2(q)(1)(A) of the FHSA (15 U.S.C. 1261(q)(1)(A)), and would prohibit the distribution or sale of these products in the United States, as well as their importation into this country. If a children's article presents an "imminent hazard," provisions of section 3(e)(2) of the FHSA (15 U.S.C. 1262(e)(2)) authorize the Commission to issue an immediate order declaring to the product to be a banned hazardous substance pending completion of a proceeding to issue a banning rule.

A final rule issued under provisions of sections 3(e) through (i) of the FHSA would also make the products in question subject to provisions of section 15 of the FHSA (15 U.S.C. 1274). That section authorizes the Commission to determine, after affording all interested persons opportunity for a hearing, that notification to the public of the hazard presented by a product which is a "banned hazardous substance" is necessary in order to adequately protect the public. That section also authorizes the Commission, after affording all

interested persons opportunity for a hearing (which could be combined with a hearing regarding the need for public notification), to require the manufacturer, distributor or dealer of a product which is a banned hazardous substance to elect to repair or replace the product, or to refund the purchase price of the product.

However, the provisions of section 15 of the FHSA concerning public notification and corrective action would be applicable to the products which are the subject of this notice only if the Commision had first issued a rule under provisions of sections 3(e) through (i) of the FHSA to announce the Commission's determination that the products present a mechanical hazard.

A prodeeding to issue such a rule is initiated by publication of an advance notice of proposed rulemaking in the **Federal Register** to invite comments from all interested persons about the risk of injury associated with the product which is the subject of the proceeding and possible means of addressing that risk of injury, including voluntary standards now in existence or which might be developed. If, after consideration of all information received in response to the advance notice of proposed rulemaking, the Commission decides to continue the proceeding, publication of a second notice in the **Federal Register** is required to propose the rule and invite written comments on the proposal. The Commission must then analyze all comments received in response to the proposal and publish a third notice in the **Federal Register** to issue the rule on a final basis.

C. Regulation Under CPSA

The CPSA has provisions for requiring public notification of substantial hazards which may be presented by these articles and for ordering corrective action to be taken with regard to them without the necessity of first completing a rulemaking proceeding.

Additionally, the CPSA has provisions which authorize the Commission in certain cases to obtain an administrative order for public notification of the hazard presented by a product and for repair, or replacement of the product, or refund of the purchase price of the product without any necessity of first completing a rulemaking proceeding. The FHSA has no corresponding provisions.

Section 15 of the CPSA (15 U.S.C. 2064) confers upon the Commission the authority to order public notification of the hazard presented by a product if the Commission determines, after affording all interested persons opportunity for a hearing, that the product presents a "substantial product hazard," and that notification is required in order to adequately protect the public from that substantial product hazard. Additionally, section 15 of the CPSA authorizes the Commission to order any manufacturer, importer, distributor, or retailer of a product to elect to repair or replace the product, or to refund the purchase price of the product, if the Commission determines, after affording all interested persons opportunity for a hearing, that the product presents a "substantial product hazard," and that issuance of such an order is in the public interest.

If the products described in this notice were subject to regulation under the CPSA, no requirement for rulemaking would exist in order to invoke the provisions of section 15 of that Act.

Additionally, provisions of section 12 of the CPSA (15 U.S.C. 2061) authorize the Commission to file an action in a United States district court against a manufacturer, importer, distributor, or retailer of a consumer product which presents an imminent and unreasonable risk of death or severe personal injury. The court has the authority to order the recall of the product, its repair or replacement, or refund of the purchase price. The court also has authority to order a firm to undertake extensive notification efforts to advise purchasers and the general public of the nature of the risk and of the firm's obligation for remedial action. The Commission may file an action under section 12 of the CPSA without any requirement for having first undertaken a rulemaking proceeding. As noted above, no corresponding provisions exist in the FHSA.

Because notification to the public of any hazard which may be presented by the products described in this notice and remedial action with regard to those products could be accomplished more expeditiously under the CPSA than under the FHSA, the Commission has preliminarily determined that it would be in the public interest to regulate under the CPSA rather than the FHSA any risk of strangulation which may be associated with the expandable children's enclosures described in this notice if a child's neck becomes entrapped between the slate of such an enclosure.

As noted above, the FHSA has provisions for issuance of an immediate order to declare a children's article to be a banned hazardous substance if it presents an "imminent hazard." However, some products may present a "substantial product hazard" warranting issuance of an order for public notification and corrective action, without amounting to an "imminent hazard" as that term is used in section 3(e)(2) of the FHSA.

In making the preliminary determination set forth above, the Commission has decided that, notwithstanding provisions of section 3(e)(2) of the FHSA, use of the procedures of the CPSA may lead to more expeditious notification and corrective action than might be obtained by following the procedures of the FHSA.

If the Commission issues the rule proposed below on a final basis, and thereafter determines that a standard or regulation may be needed to address any risk of which these products may present, the CPSA would also authorize the Commission to issue a standard or banning rule. Procedures for issuance of a standard are set forth in sections 7 and 9 of the CPSA (15 U.S.C. 2056, 2058); procedures for issuance of a banning rule are in sections 8 and 9 of the CPSA (15 U.S.C. 2057, 2058).

D. Discussion of Recent Judicial Decision

In a recent decision that vacated the Commission's ban of urea formaldehyde foam insulation (UFFI), the U.S. Court of Appeals for the Fifth Circuit Discussed section 30(d) of the CPSA as a "tangential" procedural issue. *Gulf South Insulation, et al. v. CPSC, F.2d* (5th Cir. No. 82–4218; April 7, 1983). After rejecting the Commission's finding that the UFFI "risk could not have been regulated sufficiently under the Federal Hazardous Substances Act," the Court focused on the Public interest finding of section 30(d).

The Commission had found that it was in the public interest to regulate UFFI under the CPSA instead of by using the "complex and lengthy" rulemaking proceeding required by the FHSA. The Court rejected that finding and held, narrowly, that the Commission could not discard "the due process procedures mandated by the Federal Hazardous Substances Act" to regulate UFFI under the CPSA. Slip op. at 3646.

The Commission disagrees with this holding and has petitioned the Court for a rehearing of its UFFI decision, based on this 30(d) issue and other issues. In any case, however, the Commission believes preliminarily that the Court's discussion of section 30(d) does not apply to the rule proposed below. As discussed in this notice, the Commission's proposed public interest finding is based on the expeditious notification and corrective action that is more likely to be obtained under the CPSA than under the FHSA. There are

at least two major reasons for this conclusion, and both distinguish the expandable enclosure situation from the UFFI situation:

1. The Court seems to have been particularly concerned about the "due process" procedures that would have been provided, had UFFI been regulated under the FHSA. 15 U.S.C. 1261(q)(2), referring to sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act which may involve a formal, trial-type rulemaking proceeding after an informal notice and comment rulemaking proceeding has been completed. However, the expandable enclosures that are the subject of the rule proposed below are children's products, and therefore governed by different regulatory procedures of the FHSA. 15 U.S.C. 1262(e)—(i). Under those procedures, unless the Commission *specifically elects* to use the section 701 procedures, a simple three-stage, informal notice and comment proceeding would apply. This proceeding is virtually identical to the three-stage, informal notice and comment proceeding that would apply to the expandable enclosures if they were the subject of a rulemaking proceeding under the CPSA. 15 U.S.C. 2058(a)—(g).

2. If the Commission addressed the expandable enclosure entrapment risk under section 15 of the CPSA, an adjudicatory hearing must be provided before the Commission could order a recall or other mandatory action. 15 U.S.C. 2064.

That hearing would provide any affected industry party with the "due process" safeguards that the Court apparently believed were being denied to the UFFI industry.

In short, therefore, the UFFI judicial decision does not apply to the expandable enclosure situation. A public interest finding that CPSA procedures should be used instead of FHSA procedures is not "based solely on a desire to avoid" the FHSA procedures. *Gulf South* at 3646. In any case, the Court also limited its discussion to products that are not "extremely dangerous," as it found that UFFI was not. Since the expandable enclosures are potentially extremely dangerous—responsible for two, three, or more deaths of children—they are beyond the scope of the Court's decision on UFFI.

E. Impact on Small Businesses

Section 603 of the Regulatory Flexibility Act (RFA, 5 U.S.C. 603) requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis of the impact of any proposed rule on small entities, including small businesses. Section 605(b) of the RFA provides that an agency is not required to prepare a regulatory flexibility analysis if the agency certifies that the rule, if issued on a final basis, will not have a significant economic impact on a substantial number of small entities.

The regulation proposed below, if issued on a final basis, will not by itself impose any legal or other obligation on any person or firm. The rule would simply express the Commission's determination that any action taken to eliminate or reduce the risk of injury with which it is concerned will be taken following the procedures set forth in the CPSA rather than the FHSA.

If the Commission issues a final rule based on the proposal published below, and then determines that it should act to eliminate or reduce the risk of injury which is the subject of the rule, the Commission will be required to initiate and follow through to completion appropriate judicial or administrative proceedings under one or more sections of the CPSA before it can impose any obligation on any person or firm.

Since a final rule based on the proposal imposes no obligation on any person or firm, the Commission hereby certifies that it will not have a significant economic impact on a substantial number of small businesses.

F. Environmental Considerations

The regulation proposed below falls within the categories of Commission actions described in 16 CFR 1021.5(c) that have little or no potential for affecting the human environment. For this reason, neither an environmental assessment nor an environmental impact statement is required.

G. Conclusion and Proposal

After consideration of the information set forth above, and provisions of the FHSA and the CPSA, the Commission hereby proposes to regulate under the CPSA rather than the FHSA the possible risk of strangulation which may be associated with the children's expandable enclosures described in this notice if a child's neck becomes entrapped between the slats of such an enclosure. Until issuance of any final regulation under section 30(d) of the CPSA, the Commission has authority to regulate under the FHSA any risk of injury described in this notice which these products may present.

List of Subjects in 16 CFR Part 1145

Administrative practice and procedures, Consumer protection, Infants and children.

Therefore, under provisions of the Consumer Product Safety Act (section 30(d), Pub. L. 92–573, 86 Stat. 1207, as amended Pub. L. 94–284, 90 Stat. 503, Pub. L. 97–35, 95 Stat. 703; 15 U.S.C. 2079(d)), the Commission proposes to amend the Code of Federal Regulations, Title 16, Chapter II, Subchapter B, Part 1145, by adding new a § 1145.13 as follows:

PART 1145—REGULATION OF PRODUCTS SUBJECT TO OTHER ACTS UNDER THE CONSUMER PRODUCT SAFETY ACT

§ 1145.13 Certain expandable children's enclosures; risk of strangulation.

(a) The Commission finds that it is in the public interest to regulate under the Consumer Product Safety Act, rather than under the Federal Hazardous Substances Act, the possible risk of strangulation that may be associated with expandable children's enclosures made from criss-crossed slats of solid material.

(b) Therefore, if the Commission finds regulation to be necessary, any such expandable children's enclosures shall be regulated only under one or more provisions of the Consumer Product Safety Act.

Interested persons are invited to submit written comments by July 15, 1983. Comments may be accompanied by written data, views, and arguments, and should be addressed to the Secretary, Consumer Product Safety Commission, Washingon, D.C. 20207.

Received comments may be seen in the Office of the Secretary, eighth floor, 1111 18th Street, NW., Washington, D.C., between 8:30 a.m. and 5:00 p.m., Monday through Friday..

(Sec. 30(d), Pub. L. 92–573, 86 Stat. 1207, as amended Pub. L. 94–284, 90 Stat. 503, Pub. L. 97–35, 95 Stat. 703; 15 U.S.C. 2079(d))

Dated: June 10, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-16822 Filed 6-14-83; 8:45 am]

BILLING CODE 6355-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Fees for Contract Market Designations

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed schedule of fees.

SUMMARY: As part of the Futures Trading Act of 1982, Congress amended

Section 26 of the Futures Trading Act of 1978 to allow the Commission to promulgate a schedule of fees "to be charged for services rendered and activities and functions performed by the Commission in conjunction with its administration with its administration and enforcement of the Commodity Exchange Act." In this regard the Commission proposes to establish a standard formula for contract market designation applications. The proposed formula is based upon a moving average of Commission costs expended reviewing contract marketing applications over the previous three fiscal years. Under the proposed formula, using the costs for fiscal years 1981, 1982 and the first half of fiscal year 1983, the Commission proposes an application fee of $10,000 for all pending applications or new applications submitted.

DATE: Comments must be received on or before July 15, 1983.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Stacy Dean, Counsel to the Executive Director, Commodity Furtures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone (202) 254–7360.

SUPPLEMENTARY INFORMATION:

1. Introduction

The Futures Trading Act of 1982 (Pub. L. No. 97–444, 96 Stat. 2294, Jan. 11, 1983) amended Section 26 of the Futures Trading Act of 1978 (7 U.S.C. 16a) [1] to provide specific authority to the Commission:

> To promulgate, after notice and opportunity for hearing, a schedule of appropriate fees to be charged for services rendered and activities and functions performed by the Commission in conjunction with its administration and enforcement of the Commodity Exchange Act: *Provided*, That the fees for any specific service or activity or function shall not exceed the actual costs thereof to the Commission. (96 Stat. 2326.)

The Conference Report accompanying the legislation (H.R. Rep. No. 964, 97th Cong. 2d Sess. (1982)) states that "the conferees intend that the fee schedule addressed by the Conference substitute be strictly limited to Commission activities directly related to: . . . contract market designation . . . ." as well as other enumerated Commission functions (p. 57).

In this regard, the Commission proposes to add an Appendix A to Part 1 of its regulations to set forth a standard formula which would be used to establish a fee each fiscal year for contract market designation applications. The Commission proposes to establish a standard methodology, as explained in further detail below, which will result in the calculation of a fee for a particular year which will vary depending upon actual costs to the Commission expended for the previous three fiscal years and the number of contracts reviewed in that three year period. Thus, a contract market application would be subject to the fee in effect on the date the application is filed, regardless of the date of designation.

II. Contract Market Designation

The Commodity Exchange Act authorizes the Commission to designate any board of trade as a "contract market" to buy and sell futures or options on specified commodities under certain conditions. Accordingly, contract market applications are reviewed to ensure compliance with all requirements of the Act and all rules and regulations of the Commission. Specific economic and public interest factors are considered in accordance with the Commission's Guidelines No. 1, 17 CFR, Part 5, Appendix A. In this regard, the Commission seeks to ensure, among other things, that the contract is a viable mechanism for commercial hedging and price discovery; deliverable supplies of the underlying commodity are adequate; the contract conforms with commercial practices in the cash market; the contract is in the public interest; and the contract market will maintain adequate rule enforcement programs.

Pursuant to the Commission directive, the staff has reviewed various ways to establish an application fee which reflects actual costs expended by the Commission with respect to the contract market designation process mandated by the Act. While the Commission recognizes there may be varying methods to establish an appropriate application fee, the Commission has taken into consideration potential anticompetitive effects and is proposing a fee based upon actual costs expended over the last three fiscal years.

In essence, the Commission proposes to publish each year an application fee based upon a three year moving average of actual costs expended and the number of contracts reviewed in that period of time. Thus for FY 1984, the Commission would calculate the costs associated with contract market applications for fiscal years 1981, 1982 and 1983. The total three year costs would be divided by the total number of applications reviewed during those three fiscal years. The Commission believes that establishment of this standard methodology is a fair and accurate means of establishing an application fee for each fiscal year.

In addition, the Commission proposes to set a fee for all pending applications and new applications submitted prior to the publication to the FY 1984 fee. Because the Commission believes that the data beginning in fiscal year 1981 is the most reliable and most accurately reflects the annual costs and contracts reviewed, the Commission proposes that the fee applicable to contracts pending or submitted would be based upon the cost expended and number of contracts reviewed in FY 1981, FY 1982 and the first six months of FY 1983.

Since the beginning of fiscal year 1981 through the first half of fiscal year 1983 the staff estimates that the Commission has spent approximately $950,537 in considering applications for contract market designations.[2] During that time period review has been undertaken on 91 contract market designation applications. Thus, the staff estimates that the Commission spent an average of $10,445 on each application for contract market designation on which review has been undertaken.[3]

---

[1] Section 26, formerly entitled "Plan for User Fees," gave the Commission, with certain restrictions, the authority "to charge and collect reasonable fees to cover the estimated cost of regulating transactions under the jurisdiction of the Commission." No fees were promulgated by the Commission under this provision.

[2] In FY 1981 the Commission spent $312,634; FY 1982 $449,345; and in the first half of FY 1983 $188,558. These figures include compensation and benefit costs of the staff time devoted to review and analysis of applications for contract market designation. Costs were derived by using the Commission's Budget Account Codes. The $950,537 figure also includes actual travel costs associated with the review and an overhead cost of 32%, the Commission's actual overhead percentage for space, supplies, utilities, etc. However, the figure does not include the costs of reviews performed by the Division Directors or the Commissioners or the overhead associated with such costs. Nor does it include the costs of staff support provided to the Commission by the Secretariat, Administrative Services, Personnel, and other support units. Consequently, use of this cost figure results in a conservative estimate of the average costs of considering an application for contract market designation.

[3] This is a conservative estimate not only for the reasons stated in footnote 2 above, but also because considerable work and therefore cost to the Commission was expended on some of these 91 applications before fiscal year 1981, and, for those of the 91 applications not yet approved, disapproved or withdrawn, additional work and cost has yet to be incrred. These unaccounted for additional costs would obviously raise the average costs expended on each application. In addition, the average cost would be higher if the FY 1981 and FY 1982 expenditures were expressed in terms of [illegible] dollars.

The Commission proposes to charge a fee of $10,000 for each application for contract market designation, based on the average actual cost to the Commission for work done on each application considered in fiscal years 1981, 1982 and the first half of fiscal year 1983. The figure of $10,445 has been rounded to $10,000. For the reason stated in footnotes 2 and 3 above, this figure is conservative. The use of the $10,000 figure is consistent with the language in the statute which prohibits the Commission from recovering more than its actual costs. The $10,000 figure would be subject to review each year as current data for the costs of considering applications in the previous three fiscal years becomes available.[4]

While the costs of reviewing individual applications will obviously vary, the Commission believes it is appropriate to charge the same "average" fee for each application, rather than attempting to determine the actual costs of considering each separate application. To do otherwise would have the effect of discouraging innovation, since innovative applications for contract market designation are often the most time consuming to analyze. Moreover, it is appropriate to charge the same price for a less innovative application, since these applications are less costly to consider only because of the efforts that the Commission staff previously expended on previous applications.

The Commission proposes to publish early in each fiscal year the fee for contract market applications submitted after that date in a new Appendix A to Part 1 of the Commission's regulations. A check or money order should be made payable to the Commodity Futures Trading Commission with the application for contract market designation and should be submitted to the Office of the Secretariat. No fees or applications would be accepted in the regional offices, in order to centralize bookkeeping procedures for fee collection. Fees would be deposited through the Commission's Budget Office to the U.S. Treasury for disbursement from the general fund in accordance with Congressional appropriations.[5]

Applications received without fees would be returned by the Secretariat to the submitting exchange, and the one-year statutory time period for reviewing applications would not begin to run.

The Commission further recommends that in the event that an application for contract market designation is withdrawn or disapproved the fee would not be refunded. *See New England Power Co.* v. *United States Nuclear Regulatory Commission*, 683 F.2d 12 (1st Cir. 1982). The costs of analyzing an application which is ultimately withdrawn or disapproved should be recovered by the Commission. Further, a non-refundable fee should ensure that the Commission receives serious and well-reasoned applications.

Finally, the Commission proposes that the $10,000 fee apply to all applications for contract market designation which are pending as of the effective date of the proposed regulation, as well as to applications submitted after that date. *See Hannifin* v. *Morton*, 444 F.2d 200 (10th Cir. 1971); *Miller* v. *Udall*, 317 F.2d 573 (D.C. Cir. 1963).[6] Exchanges with pending applications would be instructed to submit the $10,000 fee for each such application within 30 days of the effective date of the proposed regulation. To avoid any unfairness to pending applicants, however, the Commission further proposes that exchanges be allowed to withdraw without prejudice applications which are pending as of the effective date of the proposed regulation without incurring the $10,000 fee. If an exchange with a pending application fails to submit the $10,000 fee within the 30-day period, the application would be considered withdrawn, and the exchange would not be liable for any fee. The exchange could, of course, resubmit its application at another time, along with the appropriate fee.

[4] The Commission projects that, because of the large inventory of contracts on which review is ongoing but has not been completed the costs expended reviewing contract market applications for fiscal year 1983 will increase significantly without a corresponding increase in the number of contracts reviewed. This will result in a significant increase in the three year moving average and the fee to be charged in fiscal year 1984.

[5] 31 U.S.C.A § 3302 (1983). *See also* 31 U.S.C.A. § 9701 (1983).

[6] In *Hannifin*, the Secretary of the Interior promulgated a rule imposing an annual fee of 25 cents per acre on prospecting permits for federally owned sulphur lands. The plaintiffs challenged the validity of the rule insofar as it applied to permit applications which were pending before the proposed rule was announced. The Tenth Circuit rejected that challenge:

> We are of the opinion that the plaintiff and the members of the class had not acquired any vested right which would preclude subjecting them to the operation of the regulation.
>
> To hold otherwise, and to thereby recognize that the mere filing of an application creates a property right which is immune from modification, would seriously handicap the Secretary in the exercise of his proprietary duties.

444 F.2d at 202–03. Similarly, in *Miller*, the D.C. Circuit held that a statutory change in the minimum annual rental fee for oil and gas leases should be applied to pending applications.

III. Regulatory Flexibility Act

The Commission has previously determined that contract markets are not "small entities" for purposes of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) (47 FR 18618; April 30, 1982). The requirements of the Regulatory Flexibility Act do not, therefore, apply to those entities. Accordingly, the Acting Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the rule proposed herein, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 17 CFR Part 1

Applications for contract market designation, Fees.

Adding Appendix A to Part 1 of Chapter 1 of Title 17 CFR

PART 1—[AMENDED]

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in particular Sections 2(a)(11), 8a(5) and 26, 7 U.S.C. 4a(j), 12a(5) and 16a (1976 and Supp. V 1981), as amended by the Future Trading Act of 1982, Pub. L. 97–444, Section 237, 96 Stat. 2328 (Jan. 11, 1983), and the Independent Offices Appropriations Act, as amended by Pub. L. 97–258, 96 Stat. 1051 (Sept. 13, 1982) (see 31 U.S.C.A. § 9701), the Commission proposes to amend Part 1 of Chapter 1 of Title 17 of the Code of Federal Regulations by adding Appendix A, to read as follows:

Appendix A—Schedule of Fees

(a) Applications for Contract Market Designation. All applications for designation as a contract market shall be subject to an application fee based upon the average Commission costs expended reviewing contract market applications over a period of the preceding three fiscal years.

(b) Each application for designation as a contract market must be accompanied by a check or money order in the amount of $10,000 made payable to the Commodity Futures Trading Commission.

(c) Checks and applications should be sent to the attention of the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. No checks or money orders may be accepted by personnel other than those in the Office of the Secretariat.

(d) Failure to submit the fee with an application for designation as a contract market (or, if an application is pending, within 30 days of the effective date of this regulation) will result in return of the application. Fees will not be returned after receipt.

Issued in Washington, D.C., on June 10, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-16021 Filed 6-14-83; 8:45 am]

BILLING CODE 6351-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6506]

National Flood Insurance Program, Proposed Flood Elevation Determination; Idaho

Correction

In FR Doc. 83-12002 beginning on page 20443 in the issue of Friday, May 6, 1983, make the following corrections:

1. On page 20444, in the table, under column two, "City/town/county" line five, "Lath County" should read "Latah County."

2. On page 20444, in the table, under column five, "#Depth in feet above ground. *Elevation in feet (NGVD), "lines six and seven," "(¹)" should read "(²)".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 48, No. 116
Wednesday, June 15, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review by Office of Management and Budget

June 10, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Department Clearance Officer, USDA, OIRM, Room 108–W, Admin. Bldg., Washington, D.C. 20250, (202) 447–6201.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Agricultural Stabilization and Conservation Service

Financial Statement
ASCS–398
On occasion
Farms: 15,000 responses; 15,000 hours; not applicable under 3504(h)
Beverly Pritts, (202) 447–8374

- Economic Research Service

Survey of Plant Capacity for Refining Fats and Oils
On occasion
Businesses: 105 responses; 105 hours; not applicable under 3504(h)
Duane Hacklander, (202) 447–8776.

Marshall L. Dantzler,
Acting Department Clearance Officer.

[FR Doc. 83–15894 Filed 6–14–83; 8:45 am]
BILLING CODE 3410–01–M

CIVIL AERONAUTICS BOARD

[Docket 41499]

Buffalo Airways, Inc., Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on June 30, 1983, at 10:000 a.m. (local time) in Room 1012, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., June 9, 1983

John M. Vittone,
Administrative Law Judge.

[FR Doc. 83–16032 Filed 6–14–83; 8:45 am]
BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Countervailing Duty Investigation; Carbon Steel Wire Rod From Trinidad and Tobago

AGENCY: International Trade Administration, Commerce.

ACTION: Inititiation of Countervailing Duty Investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in Trinidad and Tobago of carbon steel wire rod, as described in the "Scope of the Investigation" section below, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before August 9, 1983.

EFFECTIVE DATE: June 15, 1983.

FOR FURTHER INFORMATION CONTACT: Vincent P. Kane, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (202) 377–5414.

SUPPLEMENTARY INFORMATION:

Petition

On May 16, 1983, we received a petition from counsel for Atlantic Steel Company, Continental Steel Corporation, Georgetown Steel Corporation, Georgetown Texas Steel Corporation and Raritan River Steel Company on behalf of the U.S. industry producing carbon steel wire rod. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in Trinidad and Tobago of steel wire rod receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Trinidad and Tobago are not "countries under the Agreement" within the meaning of section 701(b) of the Act and therefore section 303 of the Act applies to this investigation. Under this section, because the merchandise under investigation is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten to cause material injury to a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the

petitioner supporting the allegations. We have examined the petition on carbon steel wire rod and we have found that the petition meets these requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Trinidad and Tobago of carbon steel wire rod as described in the "Scope of the Investigation" section of this notice, receive bounties or grants. If our investigation proceeds normally, we will make a preliminary determination by August 9, 1983.

Scope of the Investigation

The product covered by this investigation is carbon steel wire rod, a coiled semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured, and valued over 4 cents per pound. The merchandise is currently classified under item number 607.17 of the Tariff Schedules of the United States.

Allegations of Bounties or Grants

The petition alleges that producers, manufacturers, or exporters in Trinidad and Tobago of carbon steel wire rod receive the following benefits that constitute bounties or grants: government equity contributions onterms inconsistent with commercial considerations, government loan guarantees, import duty exemptions on capital equipment, government cash infusions to cover operating losses, preferential natural gas prices, preferential rental or lease terms for facilities provided by the Point Lisas Development Project, government provision of infrastructure at the Point Lisas Development Project, worker training subsidies, preferential export credit insurance, preferential shipping rates, government sponsored marketing assistance, and tax concessions under the Trinidad and Tobago Corporation Tax Act of 1966.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-16004 Filed 6-14-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

National Bureau of Standards' Visiting Committee; Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the National Bureau of Standards' Visiting Committee will meet on Wednesday, July 13, 1983, from 8:30 a.m. to 5:15 p.m., and Thursday, July 14, 1983, from 9:00 a.m. to 11:45 a.m. in Lecture Room B, Administration Building, National Bureau of Standards, Gaithersburg, Maryland, and from 2:00 p.m. to 3:00 p.m. in Room 5854, Department of Commerce, Washington, D.C.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment in order to assist the Committee in reporting to the Secretary of Commerce as required by law.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting. Any person wishing to attend the meeting should inform Mrs. Carolyn Goodfellow, Office of Research and Technology Applications, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921-2226.

Dated: June 10, 1983.

Ernest Ambler

Director.

[FR Doc. 83-16005 Filed 6-14-83; 8:45 am]

BILLING CODE 3510-13-M

CONSUMER PRODUCT SAFETY COMMISSION

Public Meeting Concerning Commission Priorities

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public meeting.

SUMMARY: The Commission will conduct a public meeting to obtain views from interested parties about priorities for Commission attention during ficsal year 1985. Participation by members of the public is invited.

DATES: The meeting will begin at 9:30 a.m. on June 27, 1983. Requests from members of the public who desire to make presentations should be received by the Office of the Secretary not later than June 20, 1983.

ADDRESS: The meeting will be in the third flood conference room, 1111 18th Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: For information about the meeting or to request opportunity to make a presentation at the meeting, contact Sadye E. Dunn, Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6800.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission will conduct as public meeting to receive views from interested parties concerning establishment of priorities for Commission attention during fiscal year 1985 (October 1, 1984 through September 30, 1985). The meeting will begin at 9:30 a.m. on June 27, 1983, in the Commission's conference room, third floor, 1111 18th Street, NW., Washington, D.C.

The purpose of the meeting is to obtain views concerning projects and activities which should be given priority by the Commission during fiscal year 1985 from a wide range of interested parties including representatives of consumers; manufacturers, importers, distributors, and retailers of consumer products; members of the academic community; and representatives of health and safety agencies of state and local governments.

The Commission is charged by Congress with protection of the public from unreasonable risks of injury associated with consumer products. In accordance with that mandate, the Commission administers and enforces the following laws, and rules issued under those laws:

The Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*);

The Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*);

The Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); and

The Poison Prevention Packaging Act (15 U.S.C. 1471 *et seq.*).

Standards and regulations issued under those statutes are published in the Code of Federal Regulations, Title 16, chapter II.

While the Commission has broad jurisdiction over products used by consumers in or around their homes, in schools, in recreation, and other settings, its staff and budget are limited. For that reason, the Commission must concentrate its resources on the most serious hazards associated with consumer products within its jurisdiction in order to discharge its Congressional mandate effectively.

In it Budget Request for fiscal year 1984 (October 1, 1983 through September 30, 1984), the Commission identified nine priority projects for that fiscal year. Those projects are described in Appendix 1 to this notice. The Commission's priority projects for fiscal year 1983 (October 1, 1982 through September 30, 1983) are also described in Appendix 1. The order in which the projects appear in Appendix 1 does not

reflect the relative priority of one project over another, and that appendix does not contain a complete list of all projects undertaken by the Commission during those fiscal years.

Commission priorities are selected in accordance with Commission's policy governing establishment of priorities, published at 16 CFR 1009.8.

Interested parties who desire to make presentations at this meeting should call or write Sadye E. Dunn, Secretary, Consumer Product Safety commission, Washington, D.C. 20207; telephone (301) 492–6800 not later than June 20, 1983.

Presentations should be limited to approximately ten minutes. Persons desiring to make presentations are encouraged to submit a written text or summary of their presentations to the Office of the Secretary, not later than June 20, 1983.

The Commission reserves the right to impose further time limitations on all presentations and further restrictions to avoid duplication of presentations.

The public meeting will begin at 9:30 a.m. on June 27, 1983, and will conclude on the same day

Dated: June 13, 1983.

Sadye E. Dunn,

Secretary Consumer Product Safety Commission.

Appendix 1—Commission Priorities for Fiscal Year 1984 (October 1, 1983 Through September 30, 1984)

Chain Saws—Each year, an estimated 28,000 medically attended injuries occur from chain saw "kickback" (the sudden rearward and upward travel of a chain saw when it bucks, kicks or unexpectedly jumps toward the operator). In FY 1984, the Commission will continue work toward development of a mandatory product safety standard designed to address the kickback hazard, and will work with industry on a voluntary standard as an alternative. In addition, the agency will work on strategies to address non-kickback injuries (estimated at 95,000 per year, but generally less serious than kickback injuries), and will conduct an information and education program to inform consumers how to use chain saws safely.

Chlorocarbons—Long-term animal testing of two chemicals (perchloroethylene, widely used in dry cleaning, and dichloromethane, used as a paint remover and solvent) will be completed in FY 1983. Preliminary indications are that both compounds may cause cancer. In FY 1984, CPSC will continue work to analyze the potential risk to consumers from exposure to these chemicals, and, if appropriate, will develop remedial strategy options.

Gas Heating Equipment—Gas heating systems account for the majority of carbon monoxide deaths in the home—about 290 deaths each year. In addition, gas-fired heating systems account for a significant number of fire-related deaths and injuries. In FY 1984, the Commission will work with voluntary standards groups (for example, the American National Standards Institute) to improve the safety of these products, and will conduct an outreach program to increase consumer awareness of potential hazards.

Indoor Air Quality—Combustion Products—The Commission is concerned about possible health problems caused by pollutant emissions from fuel-fired appliances. Pollutants include carbon monoxide, nitrogen oxides, and formaldehyde. Studies indicate that living in homes with gas stoves may have increased the incidence of respiratory disease and lung dysfunction in children. In FY 1984, the Commission will continue to conduct tests to measure consumers' exposure to pollutants from these sources, and will seek the aid of appliance and heater manufacturers to develop appropriate remedial strategies.

Juvenile Sports Equipment—Each year, there are over 900,000 medically attended injuries of children from the ages of 5 through 14 associated with baseball, football and soccer activities. Between 1973 and 1980, there were over 60 deaths of children in this same age group which were associated with these sports. In FY 1984, the Commission will conduct a detailed analysis of injuries, test protective equipment, and develop proposals to improve safety in the juvenile sports area. Proposals to improve safety may include information and education efforts, rule changes, and equipment improvements.

Particleboard and Paneling—Formaldehyde emissions from these pressed wood products may constitute a health risk to consumers. Both acute and chronic health hazards are of concern. In FY 1984, the Commission will continue the evaluation of formaldehyde emissions from these products and the assessment of consumer exposure and risk resulting from the use of these products in conventional (as opposed to mobile) homes. This work will provide the basis for determining whether any action is necessary to reduce possible health hazards. Industry is working cooperatively with the Commission in evaluating technical data on methods of measuring formaldehyde emissions as well as sharing information on resin technology and product use.

Poison Prevention Packaging—The Poison Prevention Packaging Act provides authority to issue regulations requiring child-resistant packaging for certain products to protect children from serious injury or illness. In FY 1984, CPSC will investigate and develop proposals, if appropriate, to require child-resistant packaging for certain camphorated products, petroleum distillates and topical drugs to prevent ingestion injuries from these products. In addition, CPSC is concerned that increased usage of dual purpose closures may lead to increased accidental ingestion of dangerous chemicals by children. In FY 1984, the agency will continue to monitor market data and ingestion data, and, if necessary, will develop regulations regarding the use of dual purpose closures.

Safety for Older Consumers—The elderly are the largest growing segment of our society and suffer most severely from product-related accidents. The special circumstances and life styles of persons aged 65 and over which make them particularly vulnerable to injury will be addressed. Attention will center on reducing incidence of falls, fires, scalds and the effects of indoor air pollution.

Smoldering Ignition—Fire is the fourth leading cause of accidental death in the United States, and the second leading cause of accidental death in the home. Upholstered furniture fires cause more deaths than any other product under CPSC jurisdiction. It is estimated that 1,150 deaths, 4,200 injuries and 24,600 fires occur annually as a result of cigarette ignition of upholstered furniture. Mattress and bedding fires, which cause an estimated 1,000 deaths annually, are also a serious safety problem.

In FY 1984, the Commission will continue its cooperative efforts with industry to improve the resistance of upholstered furniture to cigarette ignition. The agency will also conduct an information and education program to warn consumers of the fire hazard. In addition, CPSC will analyze injury data associated with mattress and bedding fires, and will develop remedial strategies for the hazard.

Commission Priorities for Fiscal Year 1983 (October 1, 1982 Through September 30, 1983)

Chain Saws—See discussion in FY '84 priorities.

Smoldering Ignition of Furniture and Bedding—See discussion in FY '84 priorities.

Children's Exposure to Carcinogens—Various rubber and plastic children's products may contain the potentially cancer causing substances, nitrosamines or phthalates. The Commission will evaluate the extent to which children are exposed to these substances and will consider alternatives to reduce any risk to children, including cooperative efforts with industry.

Heating Equipment Fires—An estimated 850 deaths and 8,700 injuries each year result from heating equipment fires. The Commission will work with industry to develop safer gas water heaters, solid fuel appliances and kerosene heaters. Consumers will be informed of the potential hazards of these products and how to safegured against them.

Smoke Detectors—The Commission will work with fire departments, insurance companies and state and local agencies to promote the wider use of smoke detectors in residences.

Formaldehyde Released from Plywood and Particle Board—See discussion in FY '84 priorities.

Pharmacy/Medical Community Awareness—The Commission will attempt to further reduce accidental ingestions of prescription drugs by children under five by working with State Boards of Pharmacy to bolster enforcement of child-resistant closure dispensing regulations and by preparing instructional materials for pharmacy and medical school students to increase their awareness of ingestion hazards.

Indoor Air Quality—Combustion Products—See discussion in FY '84 priorities.

Dual Purpose Closure Analysis—See discussion in FY '84 priorities under the heading *Poison Prevention Packaging.*

School Laboratory Chemicals—The Commission will increase awareness of potential hazards from school laboratory chemicals so that safety precautions can be taken by students and their teachers. The CPSC will also make a strong effort to find substitutes for the chemicals used today.

[FR Doc. 83-16186 Filed 6-14-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF EDUCATION

Office of Educational Research and Improvement

Planning for Future Support of Research and Development Centers and Regional Educational Laboratories; Public Meetings and Request for Public Comment

AGENCY: Department of Education.

ACTION: Notice of public meetings and request for public comment on planning for future support of research and development centers and regional educational laboratories.

SUMMARY: The National Institute of Education (NIE) will hold public meetings, and the Director of NIE is inviting written comments from the public, regarding educational research, issues, problems, needs, and priorities of each region of the country in planning for future support of the research and development (R&D) centers and regional educational laboratories through open competitions.

DATES: Public meetings are scheduled for June 16, June 20, June 22, and June 24, 1983. Written comments must be submitted on or before July 9, 1983.

ADDRESSES: Public meetings will be held in the following cities on the dates shown, starting at 9:00 a.m. and ending at 5:00 p.m. except for the Washington meeting which will start at 8:30 a.m. and end at 4:30 p.m.

Washington—June 16, 1983—GSA Regional Office Building Auditorium, Room 1041, 1st Floor, 7th and D Streets SW., *Contact:* Phillip Whiteman, NIE, 202–254–5740

Atlanta—June 20, 1983—Senator Richard Russell Building, L. D. Strom Auditorium, 75 Spring Street SW., *Contact:* John Lovegrove, ED Region IV Office, 404–221–2063

Chicago—June 20, 1983—300 S. Wacker Drive Building, 35th Floor Conference Room. *Contact:* Vince Birdin, ED Region V Office, 312–353–0966

Philadelphia—June 20, 1983—Drexel University, Main Auditorium, 32nd and Chestnut Streets. *Contact:* Joseph P. Ambrosino, ED Region III Office, 215–596–1001

San Francisco—June 20, 1983—San Francisco Unified School District, Edison Elementary School, School Auditorium, 3531 22nd Street. *Contact:* Eugene Gonzales, ED Region IX Office 415–556–4920

Dallas—June 22, 1983—El Centro College, Performing Arts Theatre, Market and Main Streets. *Contact:* Scott Tuxhorn, ED Region VI Office, 214–767–3626

Kansas City—June 22, 1983—Kansas City Technical Education Center, Auditorium, 1215 Truman Road. *Contact:* Harry Kellman, ED Region VII Office, 816–374–2276

New York—June 22, 1983—Courtroom #238, 26 Federal Plaza. *Contact:* Lorraine Colville, ED Region II Office, 212–264–7005

Seattle—June 22, 1983—New Federal Building, South Auditorium, Room 514, 915 Second Avenue. *Contact:* Hyrum M. Smith, ED Region X Office, 206–442–0460

Boston—June 24, 1983—Administration Building for Boston School Department, Boston School Committee, Meeting Room, 1st Floor, 26 Court Street. *Contact:* Dr. Thomas J. Burns, ED Region I Office, 617–223–5814

Denver—June 24, 1983—Mountain Bell Auditorium, 1005 17th Street. *Contact* Tom Tancredo, ED Region VIII Office, 303–837–3544.

FOR FURTHER INFORMATION CONTACT: Individual coordinators for meetings, whose telephone numbers are listed in the **ADDRESSES** section above.

SUPPLEMENTARY INFORMATION: NIE is planning the competition of a nationwide network of R&D centers and regional educational laboratories to be held during 1984. To prepare for this competition, NIE is holding a series of 11 public meetings across the country from June 16 through June 24, 1983.

The agenda for each meeting will be as follows:

*9:00–9:30 Registration
9:30–10:00 Briefing on Background of Meeting by NIE Staff
10:00–12:00, 1:00–5:00 Presentations/Comments
**Exception:* The Washington meeting will be held from 8:30 to 4:30.

Purposes of the Public Meetings

These public meetings are intended to:

- Provide interested groups and individuals with an opportunity to advise NIE on the educational needs and priorities of their regions and the types of educational research and development services they believe would be most responsive to those needs;
- Inform NIE about the education community's views regarding the most appropriate institutional characteristics for the laboratories and centers; and
- Discuss NIE's plans for the laboratory and center competition.

The Director wishes to hear from as many people as possible regarding the Institute's efforts to improve education through the work of laboratories and centers. Following the meetings, NIE will review all correspondence and contributions of participants, consult with a national advisory panel, and develop final plans for the competition.

Background

NIE currently supports seven regional laboratories and nine R&D centers located throughout the country. They are the remaining organizations of a nationwide network of 20 laboratories and 10 centers established by the U.S. Office of Education in the mid-60's. Over the years, some of the original institutions closed as a result of evaluations of their work, increasing competition for available funds, changes in Federal policy, and other circumstances.

The current funding cycle for the existing labs and centers is scheduled to end during 1984–1985, and the Congress has instructed NIE to conduct an open competition for future laboratory and center support. This will be the first competition of its kind since the regional laboratories and R&D centers were established almost twenty years ago.

This competition will meet statutory requirements that the Director of NIE "make grants to, and enter into contracts with—(A) regional educational laboratories established by public agencies or nonprofit organizations; and (B) research and development centers established by institutions of higher education or by interstate agencies established by compact which operate subsidiary bodies established to conduct postsecondary educational research and development." [Sec. 405(f)(1) of the General Education Provisions Act, 20 U.S. Code 1221e (Pub. L. 96–374)]

The law also requires that such institutions will conduct research and development activities according to a long-range plan, ensure the dissemination of the results of such work, provide technical assistance to appropriate educational agencies and institutions, and to the extent practicable, provide training to women and members of minority groups.

R&D Centers

The purpose of NIE centers has been to provide research leadership in educational problem areas that are of national importance. Each center has been responsible for establishing strategies and programs in pursuit of its mission through consultation with scholars and practitioners in its field and in collaboration with NIE staff. The current centers have been focusing their resources on particular topics or problem areas for extended periods of time. These topics include: evaluation, educational finance and governance, the social organization of schools, educational policy and management, higher education management systems, learning research and development, education and work, teacher education, and individualized schooling.

Center research is typically long-term, multidisciplinary and programmatically integrated. Each center works actively with a national advisory panel of scholars, educators and policymakers to guide and review its direction and performance. Implied in the notion of leadership are key responsibilities that each center strives to carry out: (1) Encouraging excellence in research and related activities, (2) breaking new ground in areas where progress in education is needed, (3) participating in national networks of scholars and practitioners working on similar problems, and (4) making the results of research available in forms that are most useful to partitioners and policymakers.

Current R&D centers are as follows:

- Center for Educational Policy and Management (CEPM), Eugene, OR
- Center for Social Organization of Schools (CSOS), Baltimore, MD
- Center for the Study of Evaluation (CSE), Los Angeles, CA
- Institute for Research on Educational Finance and Governance (IFG), Standford, CA
- Learning Research and Development Center (LRDC), Pittsburgh, PA
- National Center for Higher Education Management Systems (NCHEMS), Boulder, CO
- National Center for Research in Vocational Education (NCRVE), Columbus, OH
- Research and Development Center for Teacher Education (RDCTE), Austin, TX
- Wisconsin Center for Education Research (WCER), Madison, WI

As the Institute plans for center competitions, the Director invites comments and advice, first of all, on those research issues and educational problems that should have the highest priority for the work of centers. In addition, the Director invities opinions on particular options for structuring centers around the issues and problems identified by commenters. The following topics may be used as a guide in organizing comments:

1. The balance of basic, applied, and policy research appropriate for a center for the issues identified;
2. The need for training, development, dissemination, technical assistance, or other related activities for the problems and issues having the highest priority;
3. The most productive relationship between NIE and its centers regarding the initiation of research projects;
4. The primary audiences for work on the problems and issues identified by the commenter, and the method for disseminating results of the work to those audiences; and
5. Options, if any, for the structure and organization of centers (single site, consortium, multi-site network, etc.).

Regional Educational Laboratories

NIE currently sponsors regional laboratories that are intended to complement the work of other educational agencies (including state departments of education, school districts, colleges and universities, private firms, and other organizations) in identifying and helping to meet educational R&D needs in specified geographical areas of the country.

The current laboratories are governed by boards of directors that reflect the many interests of educational groups in the regions. Although the specific activities of individual laboratories may vary considerably, they generally perform the following functions:

- Identify concerns and priorities through regionally repersentative governance and advisory structures,
- Conduct applied research and development in pursuit of those priorities,
- Provide technical assistance to the region,
- Facilitate communication among educational agencies and individuals in the region,
- Promote the regional use of R&D results from all sources, and
- Disseminate nationally the results of their own activities.

Current laboratories are as follows:

- Appalachia Educational Laboratory, Inc. (AEL), Charleston, WV (AL, KY, OH, PA, TN, VA, WV)
- Far West Laboratory for Educational Research and Development (FWL), San Francisco, CA (CA, NV, UT)
- Mid-continent Regional Educational Laboratory (McREL), Kansas City, MO (CO, KS, MO, NE, ND, SD, WY)
- Northwest Regional Educational Laboratory (NWREL), Portland, OR (AK, HI, ID, MT, OR, WA, American Samoa, Guam, Micronesia, Northern Marianas)
- Research for Better Schools, Inc. (RBS), Philadelphia, PA (DE, NJ, PA)
- Southwest Educational Development Laboratory (SEDL), Austin, TX (AR, LA, MS, NM, OK, TX)
- Southwest Regional Laboratory (SWRL), Los Alamitos, CA (AZ, CA, NV)

Note.— As alternatives to full laboratory services, Mc RDL and AEL provide interim services to IL, IN, IA, KY, MI, MN, MO, OH, TN, and WI.

As the Institute plans for the laboratory competitions, the Director invites comments on the needs and priorities of each region of the country, as well as on laboratory purposes, functions, structures, governance and boundaries. The following topics may be used as a guide in organizing comments:

Boundaries

1. The combination of states in the commenter's area of the country that would make for the most sensible, effective grouping for laboratory governance and activities;
2. The general policies on regional boundaries that NIE should establish with respect to minimum/maximum size, overlap of service areas, or eligibility of states to receive services from more than one institution;
3. The key educational issues on which the work of a laboratory in the commenter's region should focus;

Purposes and Functions

4. The activities and client groups on which the laboratory in the commenter's region should concentrate over the next several years;
5. The most effective strategies and activities for improving educational quality, based on the commenter's past experience with laboratories or similar institutions;
6. The manner in which a laboratory should work with other agencies already involved in research, development, dissemination, or technical assistance in the commenter's region;
7. The core functions—such as assessing regional needs, conducting applied research, or disseminating exemplary research and practice—that NIE should require for all laboratories to ensure consistency and coordination across institutions, if any;

Structure and Governance

8. The advantages and problems in using existing organizations, creating new organizations, or using collaborative arrangements among existing groups as the basis for laboratory operations in the commenter's region;

9. The basis on which regional laboratories should select representatives for their governing boards, and the roles the boards should play; and

10. The most productive relationship between NIE and its laboratories with respect to decision-making concerning the goals, structure, and quality of their projects.

Invitation To Comment

The Director invites interested persons to make an oral presentation on the meeting dates scheduled. To make an oral presentation, contact in advance the coordinator for the meeting you wish to attend. Interested persons wishing to make an oral presentation without contacting the appropriate meeting coordinator in advance to reserve a slot may schedule an oral presentation in person on the day of the meeting if slots are available. Speakers will be scheduled on a first-come, first-served basis. Presentations may not exceed ten minutes. Oral testimony should be accompanied by a written statement to be included in the meeting record.

The Director encourages persons unable to participate in a meeting to send their written comments to: Phillip L. Whiteman, Office of the Director, National Institute of Education, 1200 19th Street, N.W., Washington, D.C. 20208. Written comments will become part of the official record of these meetings if they are submitted no later than July 9, 1983.

(Catalog of Federal Domestic Assistance: 84-117, Educational Research and Improvement)

Dated: June 8, 1983.

Fred W. Decker,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 83-16122 Filed 6-14-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 83-CDRT-144]

Allentown Hospital; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Allentown Hospital, 17th & Chew Streets, Allentown, Pennsylvania 18102, filed an application on May 26, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at the Allentown, Pennsylvania Hospital facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Allentown Hospital indicates that the volume of natural gas for which it requests certification is approximately 70,000 Mcf per year. This volume is estimated to displace the use of approximately 500,000 gallons of No. 2 fuel oil (0.2 percent sulfur) per year.

The eligible seller is Exxon U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314; and by UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Allentown Hospital and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16076 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-162]

The F&M Schaefer Brewing Co.; Application For Certification of the Use of Natural Gas To Displace Fuel Oil

The F&M Schaefer Brewing Co. (Schaefer), Lehigh Valley Brewery, SW Corner Route 22 and Highway 100, P.O. Box 2568, Allentown, Pennsylvania 18001, filed an application on June 7, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its brewery in Allentown, Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Schaefer indicates that the volume of natural gas for which it requests certification is approximately 590,673 million cubic feet per year. This volume is estimated to displace the use of approximately 3,835,540 gallons of No. 6 fuel oil (2.2 percent sulfur) per year.

The eligible seller is Exxon USA, P.O. Box 2180, Houston, Texas 77001. This gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charlestown, West Virginia 25314; and by UGI Corporation, Gas Utility Division, 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation in necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Schaefer and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 9, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16075 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-147]

The Faultless Rubber Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

The Faultless Rubber Company (Faultless Rubber), 268 East Fourth Street, Ashland, Ohio 44805, filed an application on May 26, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Ashland, Ohio plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Faultless Rubber indicates that the volume of natural gas for which it requests certification is approximately 140,000 Mcf per year. This volume is estimated to displace the use of approximately 933,300 gallons of No. 6 fuel oil (.5 percent sulfur) per year.

The eligible seller is Exxon-U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gulf Transmission Corporation, 3805 West Alabama Avenue, Houston, Texas 77027; Columbia Gas Transmission Company, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314; and by Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Faultless Rubber and any person filing comments and will be published in the **Federal Register**

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16084 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-105]

The General Tire & Rubber Co.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

The General Tire & Rubber Company (General Tire), One General Street, Akron, Ohio 44239, filed an application on May 19, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Jeannette, Pennsylvania, and at its Toledo, Ohio, plants pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, General Tire indicates that the volume of natural gas for which it requests certification is a total of approximately 370,000 Mcf per year at the two plants (220,000 Mcf at Jeannette and 150,000 Mcf at Toledo). This volume is estimated to displace the use of approximately 2,480,000 gallons of No. 6 fuel oil (less than 1.0 percent sulfur) per year at the two plants (1,480,000 gallons at Jeannette and 1,000,000 gallons at Toledo).

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001, and Victory Development Company, 1460 U.S. Steel Building, Pittsburgh, Pennsylvania 15219. The gas will be transported by the Columbia Gulf Transmission Corporation, 3805 W., Alabama Avenue, Houston, Texas 77027, Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virgina 25325; and by Columbia Gas of Pennsylvania, 99 North Front Street, Columbus, Ohio 43215 (Jeannette plant), and Columbia Gas of Ohio 99 North Front Street, Columbus, Ohiol 43215 (Toledo plant), each a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to General Tire and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 83-16083 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-124]

Harbison-Walker Refractories U.S.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Harbison-Walker Refractories U.S. (Harbison-Walker), 2 Gateway Center, Pittsburgh, Pennsylvania 15222, filed an application on May 25, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Baltimore, Maryland facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Harbison-Walker indicates that the volume of natural gas for which it requests certification is approximately 547,500 Mcf per year. This volume is estimated to displace the use of approximately 93,075 barrels of No. 2 fuel oil (0.2 percent sulfur) per year.

The eligible seller is POI Energy, Inc., Subsidiary, Park-Ohio Industries, Inc., 777 East 79th Street, Cleveland, Ohio 44103. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25325; and by Baltimore Gas & Electric Company, P.O. Box 1475, Baltimore, Maryland 21203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Harbison-Walker and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16079 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-125]

Heinz U.S.A; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Heinz U.S.A., a division of H.J. Heinz Co. (Heinz), P.O. Box 57, Pittsburgh, Pennsylvania 15230, filed an application on May 25, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Fremont, Ohio plant pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Heinz indicates that the volume of natural gas for which it requests certification is approximately 553,500 Mcf per year. This volume is estimated to displace the use of approximately 3,690,000 gallons of No. 6 fuel oil (1.5 percent sulfur) per year.

The eligible seller is Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001. The gas will be transported by Columbia Gulf Transmission Corporation, 3805 West Alabama Avenue, Houston, Texas 77027; Columbia Gas Transmission Corporation, P.O. box 1273, Charleston, West Virginia 25325; and by Columbia Gas of Ohio, 99 North Front Street, Columbus, Ohio 43215 a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposal oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Heinz and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16077 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-120]

Hofmann Industries, Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Hofmann Industries, Inc., (Hofmann), 3145 Shillington Road, Sinking Spring, Pennsylvania 19608, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Sinking Spring, Pennsylvania plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Hofmann indicates that the volume of natural gas for which it requests certification is approximately 44,056 Mcf per year. This volume is estimated to displace the use of

approximately 299,293 gallons of No. 6 fuel oil (1.5 percent sulfur) per year.

The eligible seller is Exxon U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, W. Virginia 25314; and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution Company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 100 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Hofmann and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–16061 Filed 6–14–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–148]

Kaiser Aluminum & Chemical Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Kaiser Aluminum & Chemical Corporation (Kaiser), 300 Lakeside Drive, Oakland, California 94643, filed an application on May 26, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Kaiser Agricultural Chemical plant in Hamilton County, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Kaiser indicates that the volume of natural gas for which it requests certification is approximately 215,000 Mcf per year. This volume is estimated to displace the use of approximately 1,550,215 gallons of No. 2 fuel oil (.3 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; The Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012; and by The Concinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Kaiser and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 9, 1983

James W. Workman,

Director, Economic Regulatory Administration.

[FR Doc. 83–16074 Filed 6–14–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–011]

Kerr Glass Manufacturing Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On April 11, 1983, Kerr Glass Manufacturing Corporation (Kerr), 501 South Shatto Place, Los Angeles, California 90020, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 5,000 Mcf per day of natural gas which is expected to displace the use of approximately 794 barrels of No. 6 fuel oil (1.0–2.0 percent sulfur) per day at its glass production facility in Dunkirk, Indiana.

The eligible sellers of the natural gas are SW Pipeline Company, c/o Industrial Gas Services, Inc., 4501 Wadsworth Boulevard, Wheatridge, Colorado 80033; and IGC Energy, Inc., 1630 North Meridian Street, Indianapolis, Indiana 46202. The gas will be transported by Panhandle Eastern Pipeline Company, P.O. Box 1642, Houston, Texas 77001; and by Indiana Gas Company, P.O. Box 1231, Muncie, Indiana 47305, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 23298, May 24, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Kerr's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Kerr's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural

Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on June 9, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–16066 Filed 6–14–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–118]

National Starch and Chemical Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

National Starch and Chemical Corporation (National), P.O. Box 1084, Indianapolis, Indiana 46206, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Indianapolis, Indiana, facility pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, National indicates that the volume of natural gas for which it requests certification is approximately 660,000 Mcf per year. This volume is estimated to diplace the use of approximately 4,011,960 gallons of No. 6 fuel oil (1.5 percent sulfur) per year.

The eligible seller is Oklahoma Natural Gas Company, P.O. Box 871, Tulsa, Oklahoma 74102. The gas will be transported by Panhandle Eastern Pipeline Company, 3000 Bissonnet Avenue, Houston, Texas 77005; and Citizens Gas & Coke Utility, 2020 North Meridian Street, Indianapolis, Indiana 46202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to National and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 9, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 16071 Filed 6–14–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–121]

National Starch & Chemical Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

National Starch & Chemical Corporation (National Starch), P.O. Box 197, Meredosia, Illinois 62665, filed an application on May 25, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Meredosia, Illinois plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Furls Conversion Division Docket Room, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, National Starch indicates that the volume of natural gas for which it requests certification is approximately 192,500 Mcf per year. This volume is estimated to displace the use of approximately 1,300,600 gallons of No. 5 fuel oil (0.8 percent sulfur) per year.

The eligible seller, who is also a transporter, is Panhandle Eastern Pipeline Company, 3000 Bissonnet Avenue, P.O. Box 1642, Houston, Texas 77001. The gas will also be transported by Central Illinois Public Service (CIPS), 607 East Adams Street, Springfield, Illinois 62701, a local distributor.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class or persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to National Starch and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–16078 Filed 6–14–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–78]

O. M. Scott and Sons Co.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

O. M. Scott and Sons Company (O. M. Scott), 14111 Scottslawn Road, Marysville, Ohio 43041, filed an application on May 25, 198? with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Marysville, Ohio, facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, O. M. Scott indicates that the volume of natural gas for which it requests certification is approximately 32,170 Mcf per year. This

volume is estimated to displace the use of approximately 231,000 gallons of No. 2 fuel oil (0.3 percent sulfur) per year.

The eligible sellers are Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055, and Ohio Shale Pipeline Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to O. M. Scott and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 9, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–16067 Filed 6–14–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA No. 83–CERT–122]

Oscar Mayer Foods Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Oscar Mayer Foods Corporation (OSCAR MAYER), P.O. Box 7188, Madison, Wisconsin 53707, filed an application on May 25, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Beardstown, Illinois processing plant, pursuant ot 10 CFR Part 595 (44 FR 47920, August 16 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, OSCAR MAYER indicates that the volume of natural gas for which it requests certification is approximately 182,500 Mcf per year. This volume is estimated to displace the use of approximately 1,377,510 gallons of No. 2 fuel oil (0.1 percent sulfur) per year.

The eligible seller, who is also the interstate transporter, is Panhandle Eastern Pipeline Company, 300 Bissonnet Avenue, P.O. Box 1642, Houston, Texas 77001. The gas will be distributed locally by Central Illinois Public Service Corporation (CIPS), 607 East Adams Street, Springfield, Illinois 62701.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application my be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to OSCAR MAYER and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–16068 Filed 6–14–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–145]

Phoenix Forging Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Phoenix Forging Company (Phoenix), P.O. Box 70, Catasauqua, Pennsylvania 18032, filed an application on May 26, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Catasauqua, Pennsylvania, plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Phoenix indicates that the volume of natural gas for which it requests certification is approximately 102,060 Mcf per year. This volume is estimated to displace the use of approximately 745,038 gallons of No. 2 fuel oil (0.25 percent sulfur) per year.

The eligible seller is Exxon U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314; and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within

the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Phoenix and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 9, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16073 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-006; OFP Case No. 56372-9228-20-24]

The Procter & Gamble Manufacturing Co.; Order Granting Exemption

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order Granting to The Procter & Gamble Manufacturing Company an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On March 4, 1983, The Procter & Gamble Manufacturing Company (P&G), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for an electric powerplant from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1981). Final rules governing the cogeneration exemption were revised on June 25, 1982 (47 FR 29209 (July 6, 1982)), and are contained in 10 CFR 503.37.

P&G requested a permanent cogeneration exemption for a 20 megawatt powerplant consisting of a combustion turbine capable of using natural gas or No. 2 distillate oil to produce electricity and a heat recovery boiler equipped with a duct burner to generate process steam at P&G's Sacramento, California consumer and industrial products manufacturing facility.

Pursuant to section 212(c) of the Act and 10 CFR 503.37, ERA hereby issues this Order granting a permanent cogeneration exemption for the new powerplant. The basis for ERA's Order is provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATES: In accordance with section 702(a) of FUA, this Order and its provisions shall take effect on August 14, 1983.

The public file containing a copy of this Order and other documents and supporting materials on this proceeding is available for inspection upon request at: DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.-4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Anthony Wayne, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-073C, Washington, D.C. 20585, Phone (202) 252-1730.

Allan Stein, Esq., Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-222, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: P&G proposes to operate a cogeneration system at its Sacramento, California plant which will generate electrical power for sale to Pacific Gas and Electric Company (PG&E), and produce steam to meet the plant's process requirements. The proposed system will consist of a 20 megawatt aircraft derivative gas turbine/generator, together with a heat recovery boiler, which will utilize exhaust heat from the turbine to produce steam for use in the plant. The heat recovery boiler will be supplemented by a natural gas-fired duct burner with a rating of 40 MM Btu/hr., which will be used only when the plant steam demand exceeds the recoverable heat capacity of the turbine exhaust.

P&G expects to sell all the net annual electric power generation of the turbine generator to PG&E.

The petitioner certified that: (1) the gas or oil to be consumed by the congeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility where the calculation of savings is in accordance with 10 CFR 503.37(b); and, (2) the use of a mixture of petroleum and natural gas and an alternate fuel is not feasible, as required under 10 CFR 503.9.

In accordance with 10 CFR 503.37(c), P&G also included as part of its petition: (1) exhibits containing the basis for the foregoing certifications, and (2) an environmental impact analysis, as required under 10 CFR 503.13(a).

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(b), ERA published its Notice of its Acceptance of Petition for Exemption and Availability of Certification relating to the subject powerplant in the **Federal Register** on April 5, 1983 (48 FR 14740), commencing a 45-day public comment period pursuant to section 701(c) of FUA. As required by section 701(f) of the Act, ERA provided a copy of the petition to the Environmental Protection Agency for comments. During the public comment period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on May 20, 1983. No comments were received and no hearing was requested.

Decision and Order:

Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all the eligibility requirements for the requested exemption as set forth in 10 CFR 503.37(a)(1) and, pursuant to section 212(c) of FUA, ERA hereby grants P&G a permanent cogeneration exemption for the subject new powerplant to be located at its Sacramento, California plant.

Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this Order may petition for judicial review thereof at any time before the 60th day following the publication of this Order in the **Federal Register.**

Issued in Washington, D.C. on June 8, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16080 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-097]

Providence Hospital; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Providence Hospital, 2446 Kipling Avenue, Cincinnati, Ohio 45239, filed an application on May 16, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its hospital facility in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Providence Hospital indicates that the volume of natural gas for which it requests certification is approximately 90,000 Mcf per year. This volume is estimated to displace the use of approximately 652,140 gallons of No. 2 fuel oil (0.5 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; Texas Gas Transmission Corporation, 3800 Frederica Street, Owensboro, Kentucky 43201; and by Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, and the Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012, the local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Providence Hospital and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 9, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16066 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-123]

Quincy Soybean Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Quincy Soybean Company (Quincy Soybean), P.O. Box 329, Quincy, Illinois, 62306, filed an application on May 25, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Quincy, Illinois processing plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m. Monday through Friday, except Federal holidays.

In its application, Quincy Soybean indicates that the volume of natural gas for which it requests certification is approximately 1,116,170 Mcf per year. This volume is estimated to displace the use of approximately 8,088,400 gallons of No. 2 fuel oil (0.3 percent sulfur) per year.

The eligible seller, who is also the interstate transporter, is Panhandle Eastern Pipeline Company, 3000 Bissonnet Avenue, P.O. Box 1642, Houston, Texas 77001. The gas will be distributed locally by Central Illinois Public Service Company (CIPS), 607 East Adams Street, Springfield, Illinois 62701.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Quincy Soybean and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 9, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16072 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-117]

Reilly Tar & Chemical Corp.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Reilly Tar & Chemical Corporation (Reilly), 151 North Delaware Street, Suite 1510, Indianapolis, Indiana 46204, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA), for certification of an eligible use of natural gas to displace fuel oil at its Indianapolis, Indiana, chemical facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Reilly indicates that the volume of natural gas for which it requests certification is approximately 1,424,000 Mcf per year. This volume is estimated to displace the use of approximately 8,307,000 gallons of No. 6 fuel oil (1.0 percent sulfur) per year.

The eligible seller is Oklahoma Natural Gas Company, P.O. Box 571,

Tulsa, Oklahoma 74102. The gas will be transported by Panhandle Eastern Pipe Line Company, 3000 Bissonnet Avenue, Houston, Texas 77005; and by Citizens Gas & Coke Utility, 2020 North Meridian Street, Indianapolis, Indiana 46202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Adminstration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necesary.

If ERA determines that an oral presentation is necessary, further notice will be given to Reilly and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 9, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 16070 Filed 6–14–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–146]

St. Joseph Hospital; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

St. Joseph Hospital and Health Care Center (St. Joseph), 250 College Avenue, Lancaster, Pennsylvania 17604, filed an application on May 26, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Lancaster, Pennsylvania facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, St. Joseph indicates that the volume of natural gas for which it requests certification is approximately 84,000 Mcf per year. This volume is estimated to displace the use of approximately 630,000 gallons of No. 2 fuel oil (1.2 percent sulfur) per year.

The eligible seller is Exxon U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314; and by UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG–42, Room GA–093, Forrestal Building, 100 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to St. Joseph and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–16065 Filed 6–14–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–112]

Toledo Alfalfa Mills, Inc., Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Toledo Alfalfa Mills, Inc. (Alfalfa Mills), 861 South Stadium Rd., Oregon, Ohio, 43616, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Oregon, Ohio, facility pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Alfalfa Mills indicates that the volume on natural gas for which it requests certification is approximately 30,000,000 Mcf per year. This volume is estimated to displace the use of approximately 4,771,000 barrels of No. 6 fuel oil (0.6 percent sulfur) per year.

The eligible sellers are J & J Enterprises, Inc., P.O. Box 697, Indiana, Pennsylvania 15701; and Castle Gas Inc., P.O. Box 10337, Pittsburgh, Pennsylvania 15324. The gas will be transported by Columbia Transmission Line No. 1711, Charleston, W. Virginia 25325; and Columbus Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a

summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If the ERA determines that an oral presentation is necessary, further notice will be given to Alfalfa Mills and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 9, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16069 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-116]

Verhoff Alfalfa Mills, Inc.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Verhoff Alfalfa Mills, Inc. (Verhoff), 12394 Rd. 9-L, Ottawa, Ohio 45875, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Ottawa, Ohio plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Verhoff indicates that the volume of natural gas for which it requests certification is approximately 41,000,000 Mcf per year. This volume is estimated to displace the use of approximately 6,521,500 barrels of No. 6 fuel oil (1.0 percent sulfur) per year.

The eligible seller is Appalachian Petroleum Co., Box 319, Lowell, Ohio 45744. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and West Ohio Gas Company, P.O. Box 149, Lima, Ohio 45802, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposal oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Verhoff and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16062 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. G-3894-015, et al.]

ARCO Oil and Gas Company, Division of Atlantic Richfield Company, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

June 9, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 27, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
G-3894-015, D, May 26, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Texas Gas Transmission Corporation, North Tepetate Field, Acadia Parish, Louisiana.	(1)	
G-3894-016, D, May 26, 1983	do	Natural Gas Pipeline Company of America, Hagist Ranch Field, McMullen and Duval Counties, Texas.	(2)	
G-10269-000, D, May 26, 1983	do	Texas Eastern Transmission Corporation, East white Point Field, Nueces County, Texas.	(2)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI85-513-000, D, May 26 1983	do	Natural Gas Pipeline Company of America, Indian Basin Field, Eddy County, New Mexico.	(1)	
CI88-1240-000, D, May 26, 1983	do	Northern Natural Gas Company, N. E. Oates Field, Pecos County, Texas.	(1)	
CI71-451-000, D, May 25, 1983	do	Natural Gas Pipeline Company of America, Evetts Field, Loving and Winkler Counties, Texas.	(4)	
CI78-1041-000, May 20, 1983	Texaco Inc., P.O. Box 2100 Denver, Colorado 80201.	Montana-Dakota Utilities Co., Mondak Field, Richland County, Montana.	(5)	
CI83-246-000 B, May 9, 1983	Hanson Oil Corporation, P.O. Box 1515, Roswell, New Mexico 88201.	Warren Petroleum Co. (Division of Gulf Oil Corporation), Sec. 2-T9S-R33E, Vada Penn Field, Lea County, New Mexico.	(6)	
CI83-247-000(CI73-252), B, May 25, 1983.	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77252.	Northern Natural Gas Company, Flying "W" (Ellenburg) Field, Winkler County, Texas.	(7)	
CI83-148-000 (CI79-506), B, May 25, 1983.	Tenneco Exploration, Ltd., P.O Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, High Island Block A-336, Offshore Texas.	(8)	
CI83-249-000, A, May 27, 1983	do	Cajun Natural Gas Company, High Island Block A-270 "B", Offshore Texas South Marsh Island Block 116, Offshore Louisiana Brazos Block A-22, Offshore Texas.	(9)	14.73
CI83-250-000, A, May 27, 1983	do	Cajun Natural Gas Company, Ship Shoal Block 181 "B", Offshore Louisiana Ship Shoal Block 170 #4, Offshore Louisiana.	(9)	14.73

[1] Deletion of acreage. ARCO has no remaining reserves or production.
[2] ARCO no longer owns any interest in Lease No. TX-12135.
[3] ARCO no longer owns any interest in Lease Nos. 97 and 29.
[4] ARCO on longer owns any interest in Lease Nos. TX-50593C and TX-50596B.
[5] Applicant is filing to reflect the change in delivery point.
[6] Reserves in both wells depleted.
[7] Uneconomical to both parties due to the low pressure and minimal quantities of the casinghead gas.
[8] Economic depletion of reserves.
[9] Applicant is filing under Gas Purchase and Sales Agreement dated May 26, 1983.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession

[FR Doc. 83-16063 Filed 6-14-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-324-000]

Columbia Gas Transmission Corp.; Application

June 10, 1983.

Take notice that on May 13, 1983, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83-324-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Allied Corporation, Fibers & Plastics Company (Allied), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 15,000 dt equivalent of natural gas per day on a best-efforts basis for one year from the date delivery of natural gas commences and year to year thereafter. Applicant proposes to receive the gas for the account of Allied at existing points of receipt from Allegheny Land & Mineral Company (Allegheny) located in Randolph County, West Virginia. Applicant proposes to deliver those quantities to Commonwealth Gas Pipeline Corporation (Commonwealth) for the account of Allied at an existing point of delivery located in Greene County, Virginia. It is stated that Commonwealth would make ultimate delivery of the gas to Allied through an existing point of delivery at Allied's plant site in Hopewell, Virginia. It is further stated that the gas would be purchased by Allied from Allegheny, such purchase materially affecting the ability of Allied to continue the operation of its Hopewell, Virginia plant.

Applicant states that no additional facilities would be required to effectuate the receipt and delivery of the gas to be transported. Applicant also states that the transportation charge for the proposed service is presently 40.11 cents per dt equivalent, with retainage for company-use and unaccounted-for gas of 2.85 percent of the total quantity received for the account of Allied. Applicant further states that the transportation charge is subject to adjustment to reflect revised average system-wide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, contained in future rate filings by Applicant. Further, it is stated that the gas is subject to the General R&D Funding Unit of the Gas Research Institute and further that the treatment of revenues received by Applicant for its proposed service would be subject to Applicant's ongoing rate proceeding pending in Docket No. RP82-120-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing wil be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16038 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-331-000]

Columbia Gas Transmission Corp. and Columbia Gulf Transmission Corp.; Application

June 10, 1983.

Take notice that on May 20, 1983, Columbia Gas Transmission Corporation (Columbia Transmission), P.O. Box 1273, Charleston, West Virginia 25325, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP83-331-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of The Brooklyn Union Gas Company (Brooklyn Union), all as more fully set forth in the application which is on file with the Commisssion and open to public inspection.

Applicants propose to transport up to 10,000 dt equivalent of natural gas per day on a best-efforts basis for Brooklyn Union. It is stated that Columbia Transmission would receive the gas in Barbour, Randolph and Tucker Counties, West Virginia, and would make thermally equivalent quantities of natural gas, less retainage, available to Columbia Gulf by reducing its takes from Columbia Gulf at mutually agreeable existing points of interconnection. It is further stated that Columbia Gulf would redeliver thermally equivalent quantities, less retainage, to Transcontinental Gas Pipe Line Corporation (Transco) at an existing point of interconnection between Columbia Gulf and Transco in Terrebonne Parish, Louisiana, for the account of Brooklyn Union. Applicants indicate that the gas to be transported would be purchased for system supply by Brooklyn Union from its affiliate, Fuel Resources Inc.

It is submittted that Columbia Transmission's transportation charge for this proposed service would be its average systemwide unit srorage and transmission costs, exclusive of company-use and unaccounted-for gas, which charge is currently 40.11 cents per dt. Columbia Transmission states it would retain for company-use and unaccounted-for gas a percentage of the total quantity of natural gas delivered into its system for account of Brooklyn Union, which percentage is currently 2.85 percent. Columbia Gulf proposes to retain for company-use and unaccounted-for gas a percentage of the total quanity of gas delivered into its system by Columbia Transmission for the account of Brooklyn Union, which percentage is currently 3.33 percent. Columbia Gulf states it would not make a transportation charge for this backhaul service.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 285.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commisson or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16039 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-534-000]

CP National Corp.; Filing

June 10, 1983.

The filing Company submits the following:

Take notice that on May 31, 1983, CP National Corporation (CPN) tendered for filing related to a Residential Purchase and Sale Agreement (Agreement) between CPN and the Bonneville Power Administration (BPA):

1. Bonneville Power Administration's written report on Appendix 1 and Average System Cost submitted January 6, 1983.

2. The average System Cost as determined by Bonneville of 23.15 mills per kilowatt-hour.

3. A revised Appendix 1 of CP National wherein the Average System Cost is 23.15 mills per kilowatt-hour.

CPN states that the Agreement provides for the exchange of electric power between CPN and BPA for the benefit of CPN's residential and farm customers.

A copy of the filing was served upon BPA and Industrial Customers of BPA.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16040 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7257-000]

David B. Dubrul; Exemption From Licensing

June 9, 1983.

A notice of exemption from licensing of a small hydroelectric project known as Lane Shops, Project No. 7257, was filed on May 4, 1983, by Mr. David B. Dubrul. The proposed hydroelectric project would have an installed capacity of 190 kW and would be located on the North Branch of the Winooski River in Washington County, Vermont.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this

notification that the above project is exempted from licensing as of June 3, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-16056 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI74-118-000 et al.]

Devon Energy Corp. (Devon Corporation); Application for Amendment of Certificates of Public Convenience and Necessity, Related FERC Gas Rate Schedules, and Certain Proceedings To Reflect Merger

June 10, 1983.

Take notice that on September 16, 1981, Devon Energy Corporation (Devon Energy), of 1500 Mid-American Tower, Oklahoma City, Oklahoma 73102 filed an application to amend the certificates of public convenience and necessity and the FERC Gas Rate Schedules of Devon Corporation (Devon), and certain proceedings in which Devon is a party, to reflect the merger of Devon into Devon Energy.

Devon Corporation was incorporated on July 25, 1969, under the laws of the State of Oklahoma. Devon Energy Corporation was incorporated on March 25, 1981, under the laws of the State of Nevada. Pursuant to a Plan and Agreement of Merger and Reorganization executed May 14, 1981, Devon agreed to merge with and into Devon Energy, effective June 25, 1981.

The certificate proceedings and FERC Gas Rate Schedules of Devon for which amendment to reflect the change in corporate name is requested, are listed in the attached Appendix A, and the proceedings in which Devon is a party for which amendment to reflect the change in corporate name is requested, are listed in Appendix B attached hereto.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 27, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

APPENDIX A

Docket No.	Purchaser	Rate schedule No.
CI74-118	Southern Natural Gas Co.	1
CI74-230	Columbia Gas Transmission Corp.	9
CI76-482	Tennessee Gas Pipeline Co.	44

* * * * *

Docket Nos.

CI74-140
CI79-107
CI79-525
CI76-842

Appendix B

Columbia Gas Transmission Corporation, Docket No. GP80-11*

Texas Gas Transmission Corporation, Docket No. GP80-23*

Transcontinental Gas Pipe Line Corporation, Docket No. GP80-24*

Tennessee Gas Pipeline Company, Docket No. GP80-20*

Southern Natural Gas Company, Docket No. GP80-35*

Panhandle Eastern Pipeline Company, Docket No. GP80-19*

Texas Eastern Transmission Corporation, Docket No. GP80-21*

[FR Doc. 83-16042 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

*Pursuant to § 154.94 of the Regulations, as a supplier to each of the pipeline companies listed, Devon Energy is automatically a party in protest proceedings involving payment of Natural Gas Policy Act prices under its contract with that pipeline company. Devon was recently officially dismissed from the proceedings in Docket No. GP80-12.

[Docket No. CP83-227-001]

Florida Gas Transmission Co.; Amendment

June 10, 1983.

Take notice that on May 11, 1983, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP83-227-001 an amendment to its application filed in Docket No. CP83-227-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect a change in the transportation service to be provided Southern Natural Gas Company (Southern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Pursuant to an agreement dated October 8, 1982, Applicant states that it proposes to transport natural gas for Southern. Applicant would receive the volumes for the account of Southern at an existing point of interconnection between the facilities of Louisiana Resources Company and Applicant in Vermilion Parish, Louisiana. Applicant proposes to transport and deliver these quantities to Southern at existing points of interconnection between its facilities and those of Southern in Washington Parish, Louisiana or between the facilities of Applicant and Trunkline Gas Company in Calcasieu Parish, Louisiana.

Pursuant to an agreement dated November 23, 1982, Applicant proposes to change the term to state that the agreement would be in effect for a term of five years from the effective date and shall extend thereafter until either party given six months written notice to terminate.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons

who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16043 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3279-002]

Kent, Ohio; Exemption From Licensing

June 9, 1983.

A notice of exemption from licensing of a small hydroelectric project known as the Kent Dam, Project No. 3279, was filed on April 25, 1983, by the City of Kent, Ohio. The proposed hydroelectric project would have an installed capacity of 420 kW and would be located at the Kent Dam on the Cayahoga River in Portage County, Ohio.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in Section 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of May 25, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-16055 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST83-356]

Michigan Consolidated Gas Co.; Self-Implementing Transactions

June 10, 1983.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any interested persons may file a complaint concerning such transaction pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HT)" or "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Expiration date[2]	Transportation rate (cents per MMBTU)
ST83-310	Transok Pipl Line Co	Delta Gas, Inc	4/1/83	C		
ST83-311	Trunkline Gas Co	Panhandle Eastern Pipe Line Co	4/4/83	G		
ST83-312	Michigan Wisconsin Pipe Line Co	Transcontinental Gas Pipe Line Corp	4/5/83	G		
ST83-313	do	Michigan Consolidated Gas Co	4/5/83	B		
ST83-314	Michigan Consolidated Gas Co	Citizens Gas Fuel Co	4/5/83	G(HT)		
ST83-315	Western Slope Gas Co	Northwest Pipeline Corp	4/18/83	G(HT)		
ST83-316	Southern Natural Gas Co	Northern Natural Gas Co	4/6/83	G		
ST83-317	Sugar Bowl Gas Corp	Texas Eastern Transmission Corp	4/6/83	C		
ST83-318	Tennessee Gas Pipeline Co	Southern Natural Gas Co	4/15/83	G		
ST83-319	United Gas Pipe Line Co	Clarke-Mobile Counties Gas District	4/7/83	B		
ST83-320	Natural Gas Pipeline Co. of America	Houston Pipe Line Co	4/8/83	B		
ST83-321	Northwest Pipeline Corp	Moutain Fuel Resources, Inc	4/8/83	G		
ST83-322	do	Northern Natural Gas Co	4/8/83	G		
ST83-323	United Gas Pipe Line Co	Delhi Gas Pipeline Corp	4/11/83	B		
ST83-324	Colorado Interstate Gas Co	Western Slope Gas Co	4/11/83	B		
ST83-325	Delhi Gas Pipeline Corp	United Gas Pipe Line Co	4/11/83	C		
ST83-326	Western Slope Gas Co	Mountain Fuel Resources Inc	4/18/83	G(HS)		
ST83-327	Producer's Gas Co	Tennessee Gas Pipeline Co	4/15/83	C	9/11/83	37.50
ST83-328	Columbia Gas Transmission Corp	Bridgeline Gas Distribution Co	4/15/83	B		
ST83-329	Mississippi Valley Gas Co	Texas Eastern Transmission Corp	4/15/83	G(HT)	9/11/83	21.90
ST83-330	Trunkline Gas Co	Dow Intrastate Gas Co	4/18/83	B		
ST83-331	Michigan Consolidated Gas Co	Michigan Wisconsin Pipe Line Co	4/18/83	G(HT)		
ST83-332	Tennessee Gas Pipeline Co	Natural Gas Pipeline Co. of America	4/19/83	G		
ST83-333	do	Southern Connecticut Gas Co	4/21/83	B		
ST83-334	Michigan Wisconsin Pipe Line Co	Cajun Natural Gas Co	4/21/83	B		
ST83-335	do	Texas Eastern Transmission Corp	4/21/83	G		
ST83-336	National Fuel Gas Supply Corp	Southern Connecticut Gas Co	4/22/83	B		
ST83-337	do	Eastern Shore Natural Gas Co	4/22/83	G		
ST83-338	El Paso Natural Gas Co	Westar Transmission Co	4/22/83	B		
ST83-339	Northern Natural Gas Co	Cajun Natural Gas Co	4/25/83	B		
ST83-340	Tennessee Gas Pipeline Co	United Gas Pipe Line Co	4/25/83	G		
ST83-341	do	do	4/25/83	G		
ST83-342	Panhandle Eastern Pipe Line Co	Citizens Gas Fuel Co	4/25/83	B		
ST83-343	Trunkline Gas Co	Michigan Wisconsin Pipe Line Co	4/25/83	G		
ST83-344	United Gas Pipe Line Co	Delta Gas, Inc	4/29/83	B		
ST83-345	Texas Eastern Transmission Corp	Southern Natural Gas Co	4/29/83	G		
ST83-346	do	United Gas Pipe Line Co	4/29/83	G		
ST83-347	Florida Gas Transmission Co	Northern Natural Gas Co	5/2/83	G		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284, subpart	Expiration date[2]	Transportation rate (cents per MMBtU)
ST83-348	National Fuel Gas Supply Corp	Ferro Corp	5/3/83	F		
ST83-349	Michigan Consolidated Gas Co	City Gas Co	5/3/83	G(HS)		
ST83-350	do	Fountaintown Gas Co	5/3/83	G(HS)		
ST83-351	do	Lincoln Natural Gas Co	5/3/83	G(HS)		
ST83-352	do	Michigan Gas Utilities Co	5/3/83	G(HS)		
ST83-353	do	Michigan Power Co	5/3/83	G(HS)		
ST83-354	do	North Central Public Service Co	5/3/83	G(HS)		
ST83-355	do	Ohio Gas Co	5/3/83	G(HS)		
ST83-356	do	Ohio Valley Gas Corp	5/3/83	G(HS)		
ST83-357	do	Paris-Henry Co. Public Utility Dist	5/3/83	G(HS)		
ST83-358	do	Wisconsin Fuel and Light Co	5/3/83	G(HS)		
ST83-359	do	Wisconsin Gas Co	5/3/83	G(HS)		
ST83-360	do	Wisconsin Natural Gas Co	5/3/83	G(HS)		
ST83-361	do	Wisconsin Power and Light Co	5/3/83	G(HS)		
ST83-362	do	Wisconsin Public Service Co	5/3/83	G(HS)		
ST83-363	Rocky Mountain Natural Gas Co., Inc	Northwest Pipeline Corp	4/27/83	C	9/23/83	19.80
ST83-364	Southern Natural Gas Co	Tennessee Gas Pipeline Co	5/4/83	G		
ST83-365	Northern Natural Gas Co	Southern Natural Gas Co	5/5/83	G		
ST83-366	Panhandle Eastern Pipe Line Co	Peoples Natural Gas Co	5/5/83	B		
ST83-367	Trunkline Gas Co	Southern Natural Gas Co	5/5/83	G		
ST83-368	Northern Natural Gas Co	Florida Gas Transmission Co	5/6/83	G		
ST83-369	Texas Eastern Transmission Corp	Texas Gas Transmission Corp	5/6/83	G		
ST83-370	do	Natural Gas Pipeline Co. of America	5/6/83	G		
ST83-371	Canyon Creek Compression Co	Columbia Gas Transmission Corp	5/6/83	G		
ST83-372	Texas Gas Transmission Corp	Texas Eastern Transmission Corp	5/6/83	G		
ST83-373	Panhandle Eastern Pipe Line Co	Seward County Gas Co	5/6/83	B		
ST83-374	do	Columbia Gas of Pennsylvania, Inc	5/10/83	F		
ST83-375	Texas Gas Transmission Corp	The Cincinnati Gas and Electric Co	5/9/83	B		
ST83-376	Houston Pipe Line Co	Southern Natural Gas Co	5/4/83	C		
ST83-377	Delta Natural Gas Co., Inc	Columbia Gas Transmission Corp	5/11/83	G(HT)		
ST83-378	Tennessee Gas Pipeline Co	Transcontinental Gas Pipe Line Corp	5/12/83	G		
ST83-379	do	do	5/12/83	G		
ST83-380	El Paso Natural Gas Co	United Texas Transmission Co	5/12/83	B		
ST83-381	Northern Natural Gas Co	Florida Gas Transmission	4/27/83	G		
ST83-382	do	Coronado Transmission Co	4/27/83	B		
ST83-383	Western Slope Gas Co	Northwest Pipeline Corp	5/16/83	G(HT)		
ST83-384	National Fuel Gas Supply Corp	Bethlehem Steel Corp	5/16/83	F		
ST83-385	Tennessee Gas Pipeline Co	Natural Gas Pipeline Co. of America	5/16/83	G		
ST83-386	National Fuel Gas Supply Corp	Bethlehem Steel Corp	5/17/83	F		
ST83-387	do	do	5/17/83	F		
ST83-388	Michigan Consolidated Gas Co	Iowa Southern Utilities Co	5/17/83	G(HS)		
ST83-389	Michigan Wisconsin Pipe Line Co	Producers Gas Co	5/17/83	B		
ST83-390	do	Michigan Consolidated Gas Co	5/17/83	G		
ST83-391	United Gas Pipe Line Co	Delhi Gas Pipeline Corp	5/19/83	B		
ST83-392	El Paso Natural Gas Co	Westar Transmission Co	5/20/83	B		
ST83-393	United Gas Pipe Line Co	United Texas Transmission Co	5/23/83	B		
ST83-394	Transcontinental Gas Pipe Line Corp	Northern Natural Gas Co	4/25/83	G		

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the commission's regulations.
[2] The Intrastate Pipeline has sought commission approval of its transportation rate pursuant to section 284.123(b)(2) of the commission's regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the commission does not take action by the date indicated.

[FR Doc. 83-16044 Filed 6-14-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP79-19-004]

Mountain Fuel Supply Co.; Petition to Amend

June 10, 1983.

Take notice that on May 13, 1983, Mountain Fuel Supply Company (Petitioner), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket NO. CP79-19-004 a petition to amend the order issued June 5, 1979, as amended, in Docket No. CP79-19 pursuant to Section 7 of the Natural Gas Act so as to authorize the transportation of natural gas for Panhandle Eastern Pipe Line Company (Panhandle) from two additional receipt points and to add or delete receipt points in the future as required to facilitate transportation by Petitioner on behalf of Panhandle, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is authorized to transport up to 48,200 Mcf of natural gas per day for Panhandle's account pursuant to a transportation and exchange agreement dated June 28, 1978. Petitioner now seeks authority to establish receipt points for Panhandle's Nitchie Gulch and Steamboat Mountain Prospect area supplies with both points located in Sweetwater County, Wyoming.

Additionally, Petitioner requests blanket authority to add ro delete receipt points as required for Panhandle's gas within the authorized volume limitations.

Petitioner states that no new facilities would be required at this time to effectuate the service requested.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, ia motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211) and the Regulations under the Natual Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-16045 Filed 6-14-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-341-000]

Natural Gas Pipeline Co. of America; Request Under Blanket Authorization

June 10, 1983.

Take notice that on May 26, 1983, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP83-341-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Natural proposes to abandon facilities and gas service to Northern Illinois Gas Company (NI-Gas) at Natural's Lemont delivery point, near Lemont, DuPage County, Illinois, under authorization issued in Docket No. CP82-420-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

NI-Gas, it is said, has informed Natural that, due to construction of additional facilities by NI-Gas in the Lemont area designed to improve service to its customers, Natural's Lemont delivery point would no longer be necessary to serve NI-Gas. Natural states that there would be no adverse effect on any of the customers of NI-Gas, or Natural, by reason of the abandonment and removal of the subject facilities.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 159.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16046 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-350-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

June 10, 1983.

Take notice that on May 26, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-350-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a transportation agreement with Natural. It is stated that Applicant would receive up to 13,000 Mcf of natural gas per day (contract quantity) at Matagorda Island Area Block 686, offshore Texas (MAT 686), transport such gas on a firm basis through its ownership interest in the Matagorda Offshore Pipeline System (MOPS) and redeliver equivalent quantities less fuel and unaccounted for gas to Houston Pipe Line Company (HPL) for Natural's account at the terminus of MOPS near Tivoli in Refugio County, Texas. Applicant also proposes to transport through MOPS on a best-efforts basis volumes in excess of the contract quantity which Natural tenders to Applicant in MAT 686. Applicant notes that it commeced the proposed service on September 27, 1982 pursuant to Part 284 of the Commission's Regulations. It is further stated that the term of the proposed service would be 8 years from the September 13, 1982, date of the transportation agreement and year to year thereafter.

Applicant proposes to change Natural a monthly demand charge of $4.18 per Mcf of contract quantity for the service and 13.75 cents per Mcf for volumes in excess of the contract quantity.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-16047 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-344-000]

Northwest Central Pipeline Corp.; Request Under Blanket Authorization

June 10, 1983.

Take notice that on May 26, 1983, Northwest Central Pipeline Corporation (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP83-344-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to add a new delivery point for the Gas Service Company (Gas Service) under the authorization issued in Docket No. CP82-479-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant proposes to construct and operate metering, regulating, and appurtenant facilities in Sedgwick County, Kansas. It is stated that Gas Service, an existing customer of Applicant, has requested this additional delivery point in order to serve better its customers in this general area and to make a sale of gas to a new asphalt plant operated by the Ritchie Corporation. Applicant estimates the cost to these facilities to be $37,940, which would be paid from treasury cash. Applicant states that the projected volume of gas delivered through these facilities would be 55,000 Mcf per year with a maximum peak load of 165 Mcf per hour at 60 psig.

Applicant states that its tariff does not prohibit adding new delivery points

for existing customers. It is further stated that Applicant has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16048 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-328-000]

Oasis Pipe Line Co.; Application

June 10/1983.

Take notice that on May 16, 1983, Oasis Pipe Line Company (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP83-328-000 an application pursuant to Section 311 (a)(2) of the Natural Gas Policy Act of 1978 and § 284.127 of the Commission's Regulations for authority to transport certain quantities of natural gas for El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is currently engaged in the transportation of natural gas on behalf of El Paso pursuant to a transportation agreement dated August 13, 1979. It is stated that service under this agreement commenced August 14, 1979, for an initial term of two years under the self-implementing provisions of § 284.122(a) of the Commission's Regulations and was extended for a period of two years commencing August 14, 1981, pursuant to § 284.125 of the Commission's Regulations. In order that the transportation service might be continued on an uninterrupted basis, Applicant requests the Commission authorize a continuation of the transportation arrangement for a period of two years commencing August 14, 1983, and ending August 13, 1985.

Applicant proposes to transport up to 50,000 Mcf of gas per day for El Paso. Applicant states that it would transport gas acquired by El Paso from certain wells located in the East Chapa Field Area, Live Oak County, Texas, under the terms and conditions of a gas transportation agreement dated August 13, 1979, as amended May 4, 1983. Applicant states that a thermally equivalent quantity of gas so delivered, less El Paso's *pro rata* share of compressor fuel on Applicant's system, would be redelivered by Applicant to El Paso, or for its account, at a point or points located at the existing interconnection of Applicant's and El Paso's pipeline facilities near the Mobil Waha Plant in Pecos County, Texas, and the existing interconnection of Applicant's and Northern Natural Gas Company's pipeline facilities in the Gomez Field Area, Pecos County, Texas. It is stated that El Paso has agreed to pay Applicant 12.39 cents per million Btu of gas delivered.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16049 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

Oil Pipeline Tentative Valuation

June 10, 1983.

The Federal Energy Regulatory Commission by order issued February 10, 1978, established on Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative annual valuation is under consideration for the common carrier by pipeline listed below:

1980 Basic Report

Valuation Docket No. PV—1465-000, C & T Pipeline, Inc., P.O. Box 6317, Columbia, South Carolina 29260.

On or after July 18, 1983, persons other than those specifically designated in Section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 214 of the Federal Energy Regulatory Commission's "Rules of Practice and Procedure" (18 CFR 385.214), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under Section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the individual company at its address shown above and an appropriate certificate of the service must be attached to the petition. Persons specifically designated in Section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 83-16041 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-535-000]

Potomac Electric Power Co.; Filing

June 10, 1983.

The filing Company submits the following:

Take notice that the Potomac Electric Power Company and Virginia Electric and Power Company tendered for filing under § 35.12 of the Commission's regulations on June 3, 1983 and Agreement dated May 25, 1983 providing general terms for interchange services between the parties, and establishing rates for limited term power and reserved energy services.

The Companies request an effective date of May 29, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16050 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-530-000]

Public Service Company of Colorado; Filing

June 10, 1983.

The filing Company submits the following:

Take notice that Public Service Company of Colorado (PSCo) on May 31, 1983, tendered for filing a Firm and Non-Firm Letter Agreement between PSCo and the Colorado-Ute Electric Association, Inc. (Ute).

PSCo states that the Agreement provides for the sale of both firm and non-firm electric energy between the electric systems of PACo and Ute. The Agreement provides for establishing terms and conditions of such firm and non-firm electric energy.

PSCo states that copies of the filing were served upon all parties and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16051 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6898-002]

Shenandoah Hydro Co.; Exemption From Licensing

June 9, 1983.

A notice of exemption from licensing of a small hydroelectric project known as Chapman Dam, Project No. 6898, was filed on April 19, 1983, by Shenandoah Hydro Company. The proposed hydroelectric project would have an installed capacity of 500 kW and would be located on the North Fork of the Shenandoah River in Shenandoah County, Virginia.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of May 19, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-16057 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-532-000]

Southern California Edison Co.; Filing

June 10, 1983.

The filing Company submits the following:

Take notice that on May 31, 1983, the Southern California Edison Company (SCE) tendered for filing a notice of change of rates for transmission services as embodied in SCE's agreements with the following entities:

	Rate schedule FERC No.
City of Anaheim	130
City of Azusa	160
City of Banning	159
City of Colton	162
City of Riverside	129
City of Vernon	148

SCE requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16033 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-32-000]

Texaco Inc.; Petition for Declaratory Order

Issued: June 10, 1983.

On May 27, 1983, Texaco Inc. (Texaco), P.O. Box 53232, Houston, Texas 77052, filed a petition pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure for a Declaratory Order relative to the question of whether the filing of a blanket affidavit pursuant to § 154.94(h) of the Commission's regulations (18 CFR 154.94(h)) eliminates the requirement to file Format FERC No. 559 (18 CFR 250.14) before a producer is authorized to collect new or adjusted tax reimbursements resulting from changes in a state's severance taxes on natural gas.

Under § 154.94(h), an independent producer may file a blanket affidavit to collect "any maximum lawful price (including periodic escalations) which is applicable under section 104(b)(1)(A), 106(a), 102(d) or 108 of the Natural Gas Policy Act of 1978 (NGPA) * * *" Format FERC No. 559 is used to collect data concerning changes in rates other than the periodic escalations authorized under the blanket affidavit.

NGPA section 110(a)(1) states that a price for the first sale of natural gas is not considered to exceed the maximum lawful price if such a price is necessary to recover state severance taxes borne by the seller. Texaco states that once a producer files a blanket affidavit, the Commission has all the necessary relevant information concerning contractual authority to collect tax reimbursement for severance taxes borne by the seller. "Therefore, Texaco asserts that section 110 of the NGPA does not require that changes in the amount of state severance tax reimbursement collected by a qualifying seller be reported to the Commission as a change to base rates collectible under a producer's rate schedule and blanket affidavit." [1] Accordingly, Texaco states

[1] Texaco Petition for Declaratory Order at 4.

that the Commission should not require it to file Format FERC No. 559 to reflect changes in state-mandated severance taxes.

Texaco requests an order declaring that producers who are contractually authorized to collect NGPA maximum lawful prices, and who have already on file with the Commission a rate schedule and blanket affidavit indicating the contractual authority to collect tax reimbursements for state severance taxes borne by the producer, may collect such tax reimbursements without first filing Format FERC No. 559.

Any person desiring to be heard or to protest this petition for a declaratory order should file, within 30 days after publication of this notice in the Federal Register, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16034 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No.7254-000]

West Dudley Power Co.; Exemption From Licensing

June 10, 1983.

A notice of exemption from licensing of a small hydroelectric project known as West Dudley, Project No. 7254, was filed on May 2, 1983, by the West Dudley Power Company. The proposed hydroelectric project would have an installed capacity of 350 kW and would be located on the Quinebaug River in Worcester County, Massachusetts.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commissions's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of June 1, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-16035 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-536-000]

Wisconsin Electric Power Co.; Filing

June 10, 1983.

The filing Company submits the following:

Take notice that Wisconsin Electric Power Company (WEP) on June 3, 1983 tendered for filing executed service agreements between the Company and Alger Delta Cooperative Electric Association and Ontonagon County Rural Electrification Association. The service agreements set forth the terms and conditions upon which WEP will provide electric service to the Customers. The service agreements replace unexecuted service agreements, which have been in effect with the Commission since July 30, 1982. The rates under the filed service agreements are the same as those under the unexecuted service agreements to be superseded.

WEP requests that the service agreements be allowed to become effective sixty days after the filing date as replacements to the unexecuted service agreements now in effect.

Copies of the filing have been served on the Customers and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16036 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-529-000]

Wisconsin Public Service Corp.; Filing

June 10, 1983.

The filing Company submits the following:

Take notice that Wisconsin Electric Power Company (WPS) on May 31, 1983, tendered for filing annual contract demand quantities to the "Partial Requirements Service Agreement" with the City of Marshfield, Wisconsin, City of Manitowoc, Wisconsin, and the Consolidated Water Power Company. This agreement will revise the contract demand quantities for peak load, intermediate load, and base load in accordance with Exhibit 1 of the agreement, Paragraph 6, *Requirements*, and also amends Appendix A, Exhibit 1, Section 3, Paragraph 3.01, to properly describe the current metering installations.

WPS requests an effective date of June 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the City of Marshfield, Wisconsin, City of Manitowoc, Wisconsin, and the Consolidated Water Power Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are avialable for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16037 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7268-000]

Mr. & Mrs. Robert M. Woodside; Exemption From Licensing

June 10, 1983.

A notice of exemption from licensing of a small hydroelectric project known as Woodside Hydro, Project No. 7268, was filed on May 9, 1983, by Mr. & Mrs. Robert M. Woodside. The proposed hydroelectric project would have an installed capacity of 300 kW and would be located on the Gihon River in Lamoille County, Vermont.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is

exempted from licensing as of June 8, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-16052 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 6G1838/T410; PH-FRL-2378-8]

Butachlor; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed temporary tolerances for residues of the herbicide butachlor in or on the raw agricultural commodities rice and rice straw.

DATE: These temporary tolerances expire April 23, 1984.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM), 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 19, 1982 (47 FR 21617) stating that temporary tolerances had been extended for residues of the herbicide butachlor [N-butoxymethyl)-2-chloro-2',6'-diethylacetanilide] in or on raw agricultural commodities rice at 0.5 part per million (ppm), and rice straw at 3 ppm. A feed additive regulation permitting the residues of butachlor in rice hulls at 1 part per million (ppm), and in rice bran at 0.5 ppm has been published.

These tolerances were renewed in response to pesticide petition (PP 6G1838), submitted by Monsanto Company, 1101 17th St., NW., Washington, DC 20036.

The company has requested a one-year renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 524-EUP-30 which is being rtenewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136). The scientific data reported and other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been renewed on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Monsanto Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire April 23, 1984. Residues not in excess of the temporary tolerances in or on the above raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: June 1, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-15436 Filed 6-14-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-326; PH-FRL 2379-8]

Certain Companies, Pesticide Petitions; Diamond Shamrock Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to: Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-326] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, 703-557-1900.

SUPPLEMENTARY INFORMATION: EPA gives notice that the agency has received the following pesticide petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues where required, is given in each petition.

Initial Filing

PP 3F2875. Diamond Shamrock Corp., 1100 Superior Ave., Cleveland, OH 44114. Proposes amending 40 CFR 180.275 by establishing tolerances for the combined residues of the fungicide chlorothalonil (2,4,5,6-tetrachloroisophthalonitrile and its metabolite (4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the commodities almonds and meat at 0.05 part per million (ppm); almond hulls, eggs, milk, poultry, and wheat at 0.1 ppm; and rice at 4.0 ppm. The proposed analytical method for determining residues is by gas chromatography.

Amended Petition

PP 2F2607. Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001. EPA issued a notice published in the **Federal Register** of January 27, 1982 (47 FR 3875) which announced that Upjohn Co., had submitted pesticide petition 2F2607 to the Agency proposing to amend 40 CFR 180.200 by establishing tolerances for the residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the commodities peanuts at 0.5 ppm; peanut hulls at 5.0 ppm; peanut hay (vines) at 50.0 ppm; fat, meat, and meat

byproducts of cattle, goats, hogs, horses, and sheep at 0.06 ppm; and milk at 0.01 ppm. Upjohn Co., has amended the petition by:

a. Deleting the proposed tolerances on peanuts at 0.5, and peanut hay (vines) at 50.0 ppm.

b. Adding peanut nutmeats at 1.0 ppm; peanut vines (forage) at 25.0 ppm and peanut hay at 10.0 ppm; eggs, meat, and meat byproducts of poultry at 0.01 ppm.

c. Decreasing the tolerance levels on fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep from 0.06 to 0.01 pm.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136))

Dated: June 3, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-15581 Filed 6-14-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50595; PH-FRL 2380-1]

Issuance of Experimental Use Permits; Ciba-Geigy Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

100-EUP-64. Renewal. Ciba-Geigy Corporation, P.O. Box 18300, Greensboro, NC 27407. This experimental use permit allows the use of 150 pounds of the fungicide 1-[[2-(2,4-dichlorophenyl)-4-ethyl-1,3-dioxolan-2-yl] methyl]-1*H*-1,2,4,-triazole on almonds, apples, cherries, peaches, plums, and fresh prunes to evaluate the control of apple scab, apple powdery mildew, brown rot blossom blight, cedar apple rust, cherry leaf spot, cherry powdery mildew, fruit brown rot, and quince rust. A total of 265 acres are involved; the program is authorized in the States of Arkansas, California, Georgia, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Utah, Virginia, Washington, and West Virginia. The permit was previously effective from October 7, 1980 to December 31, 1982. The permit is now effective from April 22, 1983 to December 31, 1983. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (Henry Jacoby, PM 21, Rm. 229, CM#2 (703-557-1900)).

464-EUP-80. Issuance. Dow Chemical, U.S.A., P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 65 pounds of the herbicide methyl 2-[4-[(3-chloro-5-(trifluoromethyl)-2-pyridinyl)oxy]phenoxy) propanoate in industrial sites to evaluate the control of weeds. A total of 260 acres are involved; the program is authorized only in the States of Alabama, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oregon, South Carolina, Tennessee, Texas, Vermont, Virginia, and Washington. The experimental use permit is effective from April 20, 1983 to April 20, 1984. (Robert Taylor, PM 25, Rm. 245, CM#2 (703-557-1800))

352-EUP-107. Issuance. E.I. du Pont de Nemours and Company, Wilmington, DE 19898. This experimental use permit allows the use of 3,741 pounds of the herbicide methyl 2[[[[(4,6 dimethyl-2-pyrimidinyl)amino]carbonyl]amino] sulfonyl]benzoate on noncropland areas to evaluate the control of weeds. A total of 4,988 acres are involved; the program is authorized in all 50 States except Alaska, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, South Dakota, Vermont, and Wyoming. The experimental use permit is effective from April 20, 1983 to April 20, 1984. (Robert Taylor, PM 25, Rm. 245, CM#2 (703-557-1800)).

1471-EUP-75. Amendment. Elanco Products Company, 740 S. Alabama St., Indianapolis, IN 46285. A notice was published in the **Federal Register** of January 5, 1983 (48 FR 504) pertaining to the extension of an experimental use permit, 1471-EUP-75, to Elanco Products Company. At the request of the company, the permit has been amended to reduce the acreage and quantity of the active ingredient for grapes. This experimental use permit now allows the use of 4,875 pounds each year of the fungicide fenarimol on apples and grapes to evaluate the control of foliage and fruit diseases. A total of 6,188 acres are involved; 5,188 acres of apples to be treated and 1,000 acres of grapes to be treated. The program is authorized only in the States of California, Indiana, Michigan, New York, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, and Washington for apples and in California, Michigan, New York, Ohio, Oregon, and Washington for grapes. The experimental use permit is effective from March 19, 1983 to March 19, 1985. Temporary tolerances for residues of the active ingredient in or on apples and grapes have been established. (Henry Jacoby, PM 21, Rm. 229, CM#2 (703-557-1900)).

21137-EUP-3. Extension. EM Industries, Inc., 5 Skyline Drive, Hawthorne, NY 10532. This experimental use permit allows the use of 41.1 pounds of the herbicide 2-chloro-9-hydroxyfluorene-9-carboxylic acid on cucumbers to evaluate its ability to induce seedless fruit in all-female cultivars of pickling cucumbers. A total of 750 acres are involved; the program is authorized only in the States of Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, Michigan, Minnesota, New York, North Carolina, Ohio, South Carolina, Texas, and Wisconsin. The experimental use permit is effective from March 22, 1983 to March 22, 1984. A temporary tolerance for residues of the active ingredient in or on cucumbers has been established. (Robert Taylor, PM 25, Rm. 245, CM#2 (703-557-1800)).

279-EUP-96. Issuance. FMC Corporation, 2000 Markets St., Philadelphia, PA 19103. This experimental use permit allows the use of 480 pounds of the fungicide triforine on almonds to evaluate the control of brown rot blossom blight. A total of 400 acres are involved; the program is authorized only in the State of California. The experimental use permit is effective from April 18, 1983 to March 1, 1985. A temporary tolerance for residues of the active ingredient in or on almonds has been established. This permit is issued with the limitation that all almond hulls are destroyed or used for research purposes only. Hulls from treated almond trees may not be fed to animals. (Henry Jacoby, PM 21, Rm. 229, CM#2 (703-557-1900)).

8730-EUP-12. Renewal. Health-Chem Corporation, 1107 Broadway, NewYork, NY 10010, this experimental use permit allows the use of 8,14 pounds of the pheromone (Z,Z)-3,13-octadecadien-1-o1 acetate on peachtrees to evaluate the control of the peachtree borer and lesser peachtree borer. A total of 500 acres are involved: the program is authorized only

in the State of Georgia. The permit was previously effective from January 18, 1982 to January 18, 1983. The permit is now effective from April 11, 1983 to April 11, 1984. A temporary exemption from the requirement of a tolerance for residues of the active ingredient in or on peaches has been established. (Timothy Gardner, PM 17, Rm. 207, CM#2 (703–557–2690)).

11273–EUP–34. Issuance. Sandoz, Inc., 480 Camino Del Rio South, San Diego, CA 92108. This experimental use permit allows the use of 54 pounds of the biological insecticide *Bacillus thuringiensis* var. *Kurstaki* on forests to evaluate the control of various forest insects. A total of 600 acres are involved; the program is authorized only in the State of Pennsylvania. The experimental use permit is effective from May 15, 1983 to May 15, 1984. (Timothy Gardner, PM 17, Rm. 207, CM#2, (703–557–2690)).

748–EUP–18. Issuance. PPG Industries, Inc., P.O. Box 31, Barberton, OH 44203. This experimental use permit allows the use of 844 pounds of the herbicide 1-(carboethoxy) ethyl 5-[2-chloro-4-(trifluoromethyl) Phenoxy]-2-nitrobenzoate on soybeans to evaluate the control of weeds. A total of 5,000 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from April 22, 1983 to April 22, 1984. This permit is issued with the limitation that treated plants are not used for feed or forage. A temporary tolerance for residues of the active ingredient in or on soybeans has been established. (Richard Mountfort, PM 23, Rm. 237, CM#2 (703–557–1830)).

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136)).

Dated: June 3, 1983.

Douglas D. Campt.

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83–15582 Filed 6–14–83; 8:45 am]

BILLING CODE 6560–50–M

[PP 2G2622/T419 PH–FRL 2381–6]

Pesticides; American Cyanamid Co.; Renewal of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed temporary tolerances for residues of the pesticide (+)cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(1-methylethyl) benzeneacetate in or on the raw agricultural commodity apples.

DATE: This temporary tolerance expires April 11, 1984.

FOR FURTHER INFORMATION CONTACT: Timothy Gardner, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of May 5, 1982 (47 FR 19445) stating that a temporary tolerances had been extended for residues of the pesticide (+)cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(1-methylethyl) benzeneacetate in or on the raw agricultural commodity apples at 1.0 part per million (ppm). This tolerance had been established in response to pesticide petition (PP 2G2622), submitted by American Cyanamid Company, Agricultural Research Division, P.O. Box 400, Princeton, NJ 08540.

The company has requested a one-year renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 241–EUP–99 which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that a renewal of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been renewed on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authority by the experimental use permit.

2. American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance, and on request make the records available to any authorized office or employee of the EPA or the Food and Drug Administration.

This tolerance expires Aprill 11, 1984. Residues not in excess of this amount remaining in or on the above raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: June 6, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83–15689 Filed 6–14–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Technical Subgroup of Radio Advisory Committee; Resumed Meeting

The Technical Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Thursday July 28, 1983 at 10 a.m. in the Vincent Wasilewski Room of

the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The Subgroup will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to the ongoing U.S.-Canadian discussions on the drafting of a new bilateral AM agreement which, it is expected, will replace the North American Regional Broadcasting Agreement (NARBA).

The Subgroup will also discuss preparations for bilateral discussions which have started with Mexico, looking toward post-Rio revision of the U.S-Mexican AM Agreement.

The meeting, a continuing one, will be resumed after the July 28, 1983 session at such time and place as is decided at that session. It is open for participation by all interested persons.

For further information, please call the Subgroup Chairman, Mr. Wallace E. Johnson, at (703) 841-0500.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-15990 Filed 6-14-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-27]

Pascoe Building Systems v. Pacific Westbound Conference and American President Lines, Ltd.; Filing of Complaint and Assignment

Notice is given that a compliant filed by Pascoe Building Systems against Pacific Westbound Conference and American President Lines, Ltd. was served June 8, 1983. Complainant alleges that respondents have subjected it to an overcharge of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-16011 Filed 6-14-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Alaska Pacific Bancorporation; Proposed Acquisition of Pentek Leasing, Inc.

Alaska Pacific Bancorporation, Anchorage, Alaska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Pentek Leasing, Inc., San Jose, California.

Applicant states that the proposed subsidiary would engage in the activities of leasing (and brokering leases of) personal property; and commercial finance activities such as factoring of receivables and making commercial loans. These activities would be performed from offices of Applicant's subsidiary in San Jose and Sacramento, California, and Seattle, Washington, and the geographic areas to be served are Washington, Oregon, California and the western United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 7, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15981 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities; Skandinaviska Enskilda Banken, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consumation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increase competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Skandinaviska Enskilda Banken,* Stockholm, Sweden (finance and leasing; New York): To engage *de novo* through its subsidiary, FinansSkandic Corporation and, from time to time,

through subsidiaries of FinansSkandic Corporation or its New York Article XII Investment Company, Skandinaviska Enskilda Banken Corporation, in providing financing primarily in connection with imports of capital goods into the United States by Swedish, Nordic and U.S. companies, and their affiliates, including receivables and inventory financing, lease financing and making or acquiring for its own or for the account of others, loans and other extensions of credit such as would be made by a finance or factoring company. These activities will be conducted from an office in New York which would serve the United States. Comments on this application must be received not later than July 6, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Barnett Banks of Florida, Inc.*, Jacksonville, Florida (check verification services; Florida and Tennessee): To engage through its subsidiary, Verifications, Inc., in offering from additional offices, check verification services, including authorizing subscribing merchants to accept certain personal purchase money checks and obligating Verifications, Inc. to purchase properly verified checks which are subsequently dishonored. These activities would be conducted from additional offices in Fort Lauderdale, Florida and Chattanooga, Tennessee, as well as from existing office of Verifications, Inc. in Florida and Tennessee, serving the States of Florida and Tennessee. Comments on this application must be received not later than July 6, 1983.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First City Financial Corporation*, Albuquerque, New Mexico (underwriting of credit life insurance and credit accident and health insurance; New Mexico): To engage, through its subsidiary, First City Life Company, in operating as an underwriter of credit life insurance and credit accident and health insurance which is directly related to extensions of credit made by subsidiaries of First City Financial Corporation. These activities would be conducted from an office in Albuquerque, New Mexico, serving the State of New Mexico. Comments on this application must be received not later than July 5, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15967 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

Central Pacific Corp.; Proposed Acquisition of Executive Appraisers, Inc.

Central Pacific Corporation, Bakersfield, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Executive Appraisers, Inc., Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activities of real estate appraisals. These activities would be performed from offices of Applicant's subsidiary in Phoenix, Arizona, and the geographic areas to be served are the State of Arizona and principally in and around the city of Phoenix, Arizona. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in effeciency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 7, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15962 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

Dauphin Deposit Corp.; Formation of Bank Holding Company

Dauphin Deposit Corporation, Harrisburg, Pennsylvania, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent or more of the voting shares of Bancorp of Pennsylvania, Reading, Pennsylvania and thereby indirectly acquire Bank of Pennsylvania, Reading, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Dauphin Deposit Corporation, Harrisburg, Pennsylvania, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Collowhill Life Insurance Company, Reading, Pennsylvania.

Applicant states that the proposed subsidiary would engage in the activities of reinsuring credit life health and accident insurance related to extensions of credit by Bank of Pennsylvania. These activities would be performed from offices of Applicant's subsidiary in Reading, Pennsylvania. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party

commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than July 7, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15963 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Oak Brook Bancshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Oak Brook Bancshares, Inc.*, Oak Brook, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Oak Brook Bank, Oak Brook, Illinois; First National Bank and Trust Company of Oak Brook, Oak Brook, Illinois; and Metropolitan Trust & Savings Bank of Addison, Addison, Illinois. Comments on this application must be received not later than July 6, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Memsec, Inc.*, Elm Creek, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Elm Creek, Elm Creek, Nebraska. Comments on this application must be received not later than July 6, 1983.

2. *Summit Bancshares* (a Missouri partnership), Lee's Summit, Missouri; to become a bank holding company by acquiring at least 50.25 percent of the voting shares of Bank of Lee's Summit, Lee's Summit, Missouri. Comments on this application must be received not later than July 6, 1983.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Brenham Bancshares, Inc.*, Brenham, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The Brenham National Bank, Brenham, Texas. Comments on this application must be received not later than July 8, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15964 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

Mellon National Corporation; Merger of Bank Holding Companies

Mellon National Corporation, Pittsburgh, Pennsylvania, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with CCB Bancorp, Inc., State College, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 7, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15968 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

Ranier Bancorporation; Proposed Arranging of Equity Financing

Ranier Bancorporation, Seattle, Washington, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(a) of the Board's Regulation Y (12 CFR 225.4(a)), for permission to engage in the activity of arranging equity financing for income producing real properties with institutional and sophisticated individual investors through its wholly-owned subsidiary, Ranier Mortgage Company, Seattle, Washinton.

These activities would be performed from offices of Applicant's subsidiary in Santa Ana, California and Seattle, Washington, and the geographic area to be served is the entire United States. Although arranging equity financing has not been added to the list of permissable activities specified by the Board in § 225.4(a) of Regulation Y, the Board has determined by order that this activity is closely related to banking. *E.g. Trust Company of Georgia*, 69 Federal Reserve Bulletin 225 (1983).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than July 7, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15965 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

Toledo Trustcorp, Inc.; Proposed Acquisition of SeaGate Community Development Corporation

Toledo Trustcorp, Inc., Toledo, Ohio, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of SeaGate Community Development Corporation, Toledo, Ohio.

Applicant states that the proposed subsidiary would engage in community development projects. These activities would be performed from offices of Applicant's subsidiary in Toledo, Ohio, and the geographic area to be served is the State of Ohio. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than July 7, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15966 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Federal Reserve Bank of Richmond, et al.

The companies listed in this notice hav applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c)of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. **Palmer National Bancorp, Inc.,** Washington, D.C.; to become a bank holding company by acquiring 100 percent of the voting shares of Palmer National Bank, Washington, D.C., a *de novo* bank. Comments on this application must be received not later than June 29, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303

1. *Wrightsville Holding Company,* Wrightsville, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Exchange Bank of Wrightsville, Wrightsville, Georgia. Comments on this application must be received not later than July 8, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missiouri 63166:

1. *Danville Bancorp, Inc.,* Danville, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens National Bank of Danville, Danville, Kentucky. Comments on this application must be received not later than July 6, 1983.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Buffalo Bancshares, Inc.,* Buffalo, Oklahoma; to become a bank holding company by acquiring 80 percent of the voting shares of Oklahoma State Bank, Buffalo, Oklahoma. Comments on this application must be received not later than July 8, 1983.

Federal Reservel Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *The First Jefferson Company,* Jefferson, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of The Jefferson Company, Jefferson, Texas. Comments on this application must be received not later than July 8, 1983.

2. *Keene Bancorp, Inc.,* Keene, Texas; to become a bank holding company by acquiring 91.08 percent of the voting shares of First State Bank, Keene, Texas. Comments on this application must be received not later than July 8, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15971 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed de Novo Nonbank Activities; Federal Reserve Bank of Boston, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a

written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *RIHT Financial Corporation* (formerly Hospital Trust Corporation), Providence, Rhode Island (Mortgage banking and servicing activities; Nationwide): To engage through its subsidiary, RIHT Mortgage Corporation, in the origination, sale and servicing of residential and commercial mortgage loans. These activities would be conducted from an office to be located in Tysons Center, Virginia. The services area for the mortgage banking activities would be Virginia; the servicing activity would be offered on a nationwide basis. Comments on this application must be received not later than July 8, 1983.

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, Barclays Bank International Limited, each a bank holding company whose principal office is in London, England (reinsurance or underwriting of credit life and credit accident and health insurance; Delaware): To engage through their subsidiary, Citadel Life Insurance Company, in the reinsurance or underwriting of credit life and credit accident and health insurance in Delaware. Such insurance will be sold in connection with extensions of credit by BarclaysAmericanCorporation and its subsidiaries (all indirect subsidiaries of Barclays) through their offices in Delaware, serving the State of Delaware. Comments on this application must be received not later than July 8, 1983.

2. *Chemical First State Corporation*, Wilmington, Delaware (data processing activities, Somerset, New Jersey): To engage through its subsidiary, ChemNetwork Processing Services, Inc., in providing data processing and data transmission services, data bases and facilities for the internal operations of Chemical New York Corporation, including Chemical Bank, Chemical Bank (Delaware) and all other Chemical New York Corporation subsidiaries; providing to others data processing and transmission services, facilities, data bases or access to such services, facilities or data bases by any technologically feasible means for financial, banking or economic data; and providing to others excess capacity and time sharing on data processing or transmission equipment or facilities. The service area of the company will be the eastern United States. Comments on this application must be received not later than July 8, 1983.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Railroad & Banking Company of Georgia*, Augusta, Georgia (personal property leasing; southeastern United States): To engage, through its subsidiary, Capital Lease Plan Corporation, in making leases of personal property in accordance with the Board's Regulation Y. These activities would be conducted from an office in Charlotte, North Carolina, serving the southeastern United States. Comments on this application must be received not later than July 5, 1983.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Missouri Banc-Management, Inc.*, Kansas City, Missouri (management consulting advice; Missouri): To engage in the activity of providing management consulting advice to financial institutions, pursuant to 12 CFR 225.4(a)(12). This activity will be conducted in the State of Missouri. Comments on this application must be received not later than July 6, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15972 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Advisory Council on Social Security; Meeting

AGENCY: Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Council on Social Security, as established by the Secretary of Health and Human Services, in accordance with Section 706 of the Social Security Act, 42 U.S.C. Sec. 9007.

DATE/ADDRESS: The meeting will be held July 18-19, 1983, from 9:00 a.m. to 4:00 p.m. on July 18, and from 9:00 a.m. to 5:00 p.m. on July 19. It will be held in the first floor Auditorium of the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burke, Executive Director, 200 Independence Avenue, SW., Washington, D.C. 20201; telephone 202/755-8670 or 755-8671.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Attendance will be limited to the space available. The meeting will be structured as follows: July 18 will be constituted as a meeting of the Advisory Council; on July 19, the period from 9:00 a.m. to 12:00 noon will continue as a Council meeting; the period from 1:00 to 5:00 p.m. will be constituted as a public hearing.

The subject of the hearing will be alternatives for increasing trust fund revenues through taxation. The Hospital Insurance (HI) Trust Fund (Part A) is financed primarily by payroll taxes. (The Supplementary Medical Insurance (SMI) Trust Fund (Part B) is financed by beneficiary premiums and general revenues). Under current law, projections of income and outlays indicate a cumulative HI Trust Fund deficit in excess of $200 billion in 1995. The Council is seeking advice on whether to recommend in its report additional taxes, and if so, from what sources. Possibilities include, but are not limited to increasing payroll contributions, annual budget appropriations, percentage of income taxes, or earmarked user taxes on such items as alcoholic beverages and tobacco products. Interested parties are invited to present testimony limited to this subject only; however, only those requesting in advance, preferably in writing, to appear will be permitted to present oral statements. Presenters representing organizations and associations should submit two days in advance 20 copies of their presentation, and should bring an additional 50 copies to the hearing to be made available to the public. Presenters speaking as private citizens should submit two

copies two days in advance. Oral presentation should summarize the written statement, and will be limited to a maximum of five minutes. Other written material can be submitted for the record. Submit written requests to the Advisory Council on Social Security, Attn: Public Hearing, 200 Independence Avenue, SW., Washington, D.C. 20201, or telephone 202/755–8670 or 755–8671. The Chairperson or Executive Director reserves the right to determined order of presentation, but will make every effort, within the time constraints, to hear all who wish to be heard.

The proposed meeting agenda includes further discussions on the Medicare program and such other business as the Chairperson, the Executive Director, or the membership may put before the Council.

A previous meeting of the Advisory Council on Social Security was announced in 48 **Federal Register** 25278, June 6, 1983.

Sign language interpreting services will be provided if requested in advance.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Administrative Officer, Advisory Council on Social Security, Room 317–H, HHH Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Thomas R. Burke,

Executive Director.

[FR Doc. 83–15997 Filed 6–14–83; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N–83–1255]

Performance Review Board; Appointments

ACTION: Notice of Appointment.

SUMMARY: The Department of Housing and Urban Development announces the appointments of Maurice L. Barksdale and Martha D. Lamkin to the Departmental Performance Review Board. Mr. Barksdale is the Deputy Assistant Secretary for Multifamily Housing Programs, Office of Housing, Department of Housing and Urban Development, Washington, D.C. 20410. Ms. Lamkin is the Area Manager, Indianapolis Area Office, Region V, Department of Housing and Urban Development, Indianapolis, Indiana 46207.

FOR FURTHER INFORMATION CONTACT: Persons desiring any further information about the Performance Review Board and its members may contact Thomas R. Whittleton, Acting Director of Personnel, Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755–5500. (This is not a toll-free number.)

Dated: June 8, 1983.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 83–15998 Filed 6–14–83; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Choctaw Nation of Oklahoma; Plan for the Use and Distribution of Choctaw Nation of Oklahoma Judgment Funds Docket 249 Before the United States Court of Claims

June 2, 1983.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on September 30, 1976, in satisfaction of the award granted to the Choctaw Nation of Oklahoma in United States Court of Claims Docket 249. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated January 28, 1983, and was received (as recorded in the Congressional Record) by the House of Representatives on February 10, 1983, and by the Senate on February 28, 1983. The plan became effective on May 10, 1983, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plans reads as follows:

"The entirety of the funds appropriated by the Act of September 30, 1976, 90 Stat. 1415, in satisfaction of a judgment awarded to the Choctaw Nation of Oklahoma before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and litigation expensed, shall be invested by the Secretary of the Interior and the principal and interest and investment income accrued shall be expended in a Choctaw Nation health program designed to benefit tribal members who have attained the age of at least fifty (50) years. Such program shall be implemented according to a Plan of Operations adopted by the tribal governing body subject to the approval of the Secretary of the Interior. Eighty-seven (87) percent of the funds shall be used for obtaining dentures, eyeglasses and hearing aids; and thirteen (13) percent shall be used for the administration of the program. None of the funds utilized for such programing purposes shall be considered as income or resources in determining either eligibility for or the amount of assistance under the Social Security Act of any Federal or federally assisted programs."

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83–16016 Filed 6–14–83; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

Casper District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Casper District Grazing Advisory Board will be held July 27, 1983.

The meeting will consist of a tour of range management projects in the Bates Hole area southwest of Casper. The tour will leave the Bureau of Land Management Office, 951 Rancho Road, Casper, Wyoming at 8 a.m.

The tour will include discussion of pasture systems, sagebrush burning, range trend plots and watershed sedimentation studies.

The tour is open to the public. Those attending must furnish their own transportation and lunch. Those attending should notify the District Manager, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601 by July 22.

A summary of the tour presentation will be maintained at the District Office and be available for public inspection within 30 days following the meeting.

Leslie A. Olver,

Acting District Manager.

[FR Doc. 83–16009 Filed 6–14–83; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Endangered Species Permit, Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Zoological Society of San Diego, San Diego, CA—PRT 2–10576

The applicant requests a permit to import one male and two female captive-born brown hyenas (*Hyaena brunnea*) from the Natal Parks, Game & Fish Preservation Board, Pietermaritzburg, South Africa for enhancement of propagation.

Application: Cheyenne Mountain Zoological Park, Colorado Springs, CO—PRT 2–10581

The applicant request a permit to import one male white-cheeked gibbon (*Hylobates concolor leucogenys*) from Ouwehand Zoo, Holland for enhancement of propagation.

Applicant: Florida Wildlife Sanctuary, Melbourne, FL—PRT 2–10584

The applicant requests a permit to export four disabled brown pelicans (*Pelecanus occidentalis*) to the Stockholm Zoo, Sweden for enhancement of propagation and survival.

Documents and other information submitted with these applications are available to the public normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these application within 30 days of the date of this publication by submitting written data, views, or arguments to the above adress. Please refer to the file number when submitting comments.

Dated: June 9, 1983.

Larry LaRochelle,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-16095 Filed 6-14-83; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-115 (Final)]

Canned Mushrooms From the People's Republic of China

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: June 10, 1983.

SUMMARY: As a result of an affirmative preliminary determination by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from the People's Republic of China of canned mushrooms, prepared or preserved, other than frozen, provided for in item 144.20 of the Tariff Schedules of the United States, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–115 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. On June 6, 1983, Commerce notified the Commission that it had postponed the date for its final determination to September 28, 1983. The Commission, therefore, will make its final determination by November 14, 1983 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Mr. Timothy McCarty (202–724–1753), Office of Industries, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background.—On December 2, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of canned mushrooms from the People's Republic of China which were alleged to be sold at LTFV. The preliminary investigation was instituted in response to a petition filed on October 18, 1982, by counsel for the Four "H" Corp.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on September 16, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m., on October 4, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on September 14, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on September 16, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is September 27, 1983.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on October 11, 1983.

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before October 11, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in

accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207, as amended by 47 FR 33682, Aug. 4, 1982), and part 201, subparts A through E (19 CFR part 201, as amended by 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: June 10, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16093 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-130]

Certain Braiding Machines; Commission Decision Not To Review Initial Determination

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the above-captioned investigation. Accordingly, as of June 9, 1983, the initial determination became the Commission's determination.

AUTHORITY: This investigation is instituted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), 19 U.S.C. 1337a, and paragraph 3 of the Commission Order issued on June 29, 1979, in connection with investigation No. 337-TA-54, Certain Multicellular Plastic Film (USITC Pub. 987, June 1979).

SUPPLEMENTARY INFORMATION: This investigation was instituted on September 24, 1982. *See* 47 FR 42845 (Sept. 29, 1982).

On May 6, 1983, the Commission's presiding officer issued an initial determination finding no violation of section 337. Complainant New England Butt Co. filed a petition for review, which was opposed by the respondents and by the Commission's investigative attorney (except regarding the presiding officer's treatment of the issue of secondary meaning).

Having examined the record in this investigation, including the initial determination of the presiding officer, the petition for review, and the responses thereto, the Commission determined not to review the initial determination.

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, III, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

Issued: June 9, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16089 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-139]

Certain Caulking Guns; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Great American Marketing, Inc. (GAM).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 9, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the Federal Register. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: June 9, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16086 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-141]

Certain Copper-Clad Stainless Steel Cookware; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Household Merchandising, Inc. (referred to in the Notice of Investigation as Ben Franklin, Division of Household Merchandising Inc.).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act

of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 10, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

Issued: June 10, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–16082 Filed 6–14–83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–141]

Certain Copper-Clad Stainless Steel Cookware; Commission Determination Not To Review Initial Determinations

AGENCY: Internatonal Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determinations (Orders Nos. 6, 7, 8, 9, and 10) granting joint motions by the complainant, various respondents, and the Commission investigative attorney to terminate the above-captioned investigation as to those respondents.

Authority: Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983; to be codified at 19 CFR 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: On May 16, 1983, the presiding officer issued five initial determinations granting five joint motions to terminate the above-captioned investigation as to the following respondents: Order No. 6 grants Motion No. 141–8 (regarding Aldens, Inc.,; Gamble Skogmo, Inc.; GRF, Inc.; National Brand Distributors Corp., Celadon Trading Corp.; L.S. Ayres Co.; Baek Yang Stainless Steel Industrial Co., Ltd.; Gum Jong Stainless Steel Co.; and Tae Chang Industrial Co., Ltd.); Order No. 7 grants Motion No. 141–9 (regarding Stop and Shop, Inc.); Order No. 8 grants motion No. 141–13 (regarding Dayton-Hudson Corp.); Order No. 9 grants Motion No. 141–5 (regarding Coast to Coast Stores); and Order No. 10 grants Motion No. 141–6 (regarding TG&Y Stores, Inc.).

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

Issued: June 8, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–16080 Filed 6–14–83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–141]

Certain Copper-Clad Stainless Steel Cookware; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Sears, Roebuck & Company.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 10, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

Issued: June 10, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–16084 Filed 6–14–83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-135]

Certain Direction-Reversing Musical Crib Toys; Receipt of Initial Determination Terminating Respondents on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a consent order agreement: Durham Industries, Inc., and Durham Industires of Hong Kong, Ltd.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 9, 1983.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the Federal Register. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: June 9, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16088 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-54B]

Certain Multicellular Plastic Film; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation to determine whether the process used by Unipak (H.K.) Ltd. to manufacture multicellular plastic film abroad would, if practiced in the United States, infringe claims 1 or 2 of U.S. Letters Patent 3,416,984.

AUTHORITY: The authority for the Commission's disposition of this matter is contained in section 337 and in §§ 210.53(a) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983); to be codified at 19 CFR 210.53(a) and (h)).

SUPPLEMENTARY INFORMATION: At the conclusion of investigation No. 337-TA-54, the Commission, on June 29, 1979, ordered exclusion of multicellular film manufactured abroad in accordance with the process disclosed by claims 1 and 2 of U.S. Letters Patent 3,416,984 owned by Sealed Air Corporation of Saddle Brook, New Jersey. Paragraph 3 of the Commission's order provided that persons desiring to import multicellular plastic film into the United States could petition the Commission to institute such further proceedings as would be appropriate in order to determine whether the multicellular plastic film sought to be imported should be allowed entry into the United States.

On May 5, 1983, a petition was filed with the Commission on behalf of Unipak (H.K.) Ltd., of Hong Kong, requesting the Commission to institute further proceedings for the purpose of determining whether the process used by that firm to manufacture multicellular plastic film abroad would, if practiced in the United States, infringe claims 1 or 2 of Sealed Air Corporation's '984 patent.

Having considered the petition before it, the Commission on June 7, 1983, instituted an investigation to determine whether the process used to manufacture multicellular plastic film abroad by Unipak (H.K.) Ltd. would, if practiced in the United States, infringe claims 1 or 2 of U.S. Letters Patent 3,416,984.

Parties

For the purpose of the Commission's investigation, the following are named parties upon which this notice of investigation shall be served:

(1) The petitioner is Unipak (H.K.) Ltd., 59-61 Wong Chuk Hang Rd., 1st and 2d Fl., Aberdeen, Hong Kong.

(2) Sealed Air Corporation, Park 80 Plaza East, Saddle Brook, New Jersey 07662, owner of U.S. Letters Patent 3,416,984 and complainant in the Commission's earlier investigation, is named an interested party upon which the petition and the affidavits attached thereto are to be served.

(3) A Commission investigativen attorney shall be appointed by Mr. David I. Wilson, Chief, Unfair Import Investigations Division, U.S. International Trade Commission.

Presiding Officer and Recommended Determination

Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate a presiding officer who is directed to issue an initial determination as soon as feasible. The initial determination shall be limited to the question of whether the process employed by Unipak (H.K.) Ltd. to manufacture multicellular plastic film abroad would, if practiced in the United States, infringe claims 1 or 2 of Sealed Air Corporation's '984 patent. The burden of proof shall be upon petitioner to show that its process would not, if practiced in the United States, infringe the patent in question.

Petition Available for Public Inspection

The petition and the accompanying affidavit filed on behalf of Unipak (H.K.) Ltd. are available for inspection by interested persons during official business hours (8:45 a.m to 5:15 p.m.) at the Office of the Secretary, U. S. International Trade Commission, 701 E. Street, NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0189.

By order of the Commission.

Issued: June 9, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16087 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-150]

Certain Self-Stripping Electrical Tap Connectors; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: June 9, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 16081 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-133]

Certain Vertical Milling Machines and Parts, Attachments and Accessories Thereto; Receipt of Initial Determination Terminating Respondents on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Intermark-Hartford Corporation

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 10, 1983.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments:

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.

Issued: June 10, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16083 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-131 and 132 (Preliminary)]

Certain Welded Carbon Steel Pipes and Tubes From the Republic of Korea and Taiwan

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonble indication that an industry in the United States is materially injured by reason of imports from the Republic of Korea (Korea) and Taiwan of certain small diameter circular welded carbon steel pipes and tubes,[2] which are alleged to be sold in the United States at less than fair value (LTFV).

The Commission further determines that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry is materially retarded, by reason of imports from Korea [3] and Taiwan of welded carbon steel pipes and tubes, of heavy-walled rectangular (including square) cross section, provided for in item 610.3955 of the TSUSA, which are alleged to be sold at LTFV.

The Commission further determines that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry is materially retarded, by reason of imports from Korea [4] and Taiwan of welded carbon steel pipes and tubes, of light-walled rectangular (including square) cross section, provided for in item 610.4975 of the TSUSA, which are alleged to be sold at LTFV.

Background

On April 21, 1983, counsel for the Commitee on Pipe and Tube Imports (CPTI) filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that an industry in the United States is materially injured or is threatened with material injury, by reason of imports from Korea and Taiwan of certain welded carbon steel pipes and tubes which are alleged to be sold at LTFV. Accordingly, effective April 21, 1983, the Commisson instituted preliminary antidumping investigations under section 733(a) of the Act (19 U.S.C. 1673b(a)).

Notice of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on May 4, 1983 (48 FR 20164). The conference was held in Washington, D.C. on May 16, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigations to the Secretary of Commerce on June 6, 1983. A public version of the Commission's report, *Certain Welded Carbon Steel Pipes and Tubes from the Republic of Korea and*

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] For purposes of these investigatons, the term "certain small diameter circular welded carbon steel pipes and tubes" covers welded carbon steel pipes and tubes, of circular cross section, with walls not thinner than 0.065 inch 0.375 inch or more but not over 4.5 inches in outside diameter, provided for in items 610.3231, 610.3232, 610.3241, and 610.3244 of the Tariff Schedules of the United States Annotated (1983) (TSUSA).

[3] Commissioner Haggart determines that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Korea of welded carbon steel pipes and tubes, of heavy-walled rectangular (including square) cross section, which are alleged to be sold at LTFV.

[4] Commissioner Haggart determines that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Korea of welded carbon steel pipes and tubes, of light-walled rectangular (including square) cross section, which are alleged to be sold at LTFV

Taiwan (investigations Nos. 731-TA-131 and 132 (Preliminary), USITC Publication 1380, 1983), contains the views of the Commission and information developed during the investigations.

By order of the Commission.
Issued: June 6, 1983.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-16091 Filed 6-14-83; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 731-TA-136 (Preliminary)]

Cyanuric Acid and Its Chlorinated Derivatives From Japan

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

EFFECTIVE DATE: June 3, 1983.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of cyanuric acid and its chlorinated derivatives, provided for in item 425.10 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Mr. George Deyman, Investigator (202-523-0481), or Mr. John MacHatton, Supervisory Investigator (202-523-0438), Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted in response to a petition filed on June 3, 1983, on behalf of the Monsanto Industrial Chemicals Co., a U.S. producer of cyanuric acid and its chlorinated derivatives. The Commission must make its determination in the investigation within 45 days after the date of the filing of the petition, or by July 18, 1983 (19 CFR 207.17).

Participation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of documents.—The Secretary will compile a service list from the entries of appearance filed in the investigation. Any party submitting a document in connection with the investigation shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of the nonconfidential version of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)), as amended by 47 FR 33682, Aug. 4, 1982.

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written submissions.—Any person may submit to the Commission on or before July 1, 1983, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., on June 28, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the staff investigator, Mr. George Deyman (202-523-0481), not later than June 24, 1983, to arrange for their appearance. Parties in support of the imposition of antidumping duties in the investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public inspection.—A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR 207, as amended by 47 FR 33682, Aug. 4, 1982), and part 201, subparts A through E (19 CFR part 201, as amended by 47 FR 33682, Aug. 4, 1982). Further information concerning the conduct of the conference will be provided by Mr. Deyman.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: June 8, 1983.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-16086 Filed 6-14-83; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 701-TA-180 (Final)]

Nitrocellulose From France

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 705(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)), that an industry in the United States is materially injured by reason of imports of nitrocellulose [3] which have been found by the Department of Commerce to be subsidized by the Government of France.

Background

The Commission instituted this investigation effective March 22, 1983, following a final determination by the Department of Commerce that subsidies were being provided to Societe Nationale des Poudres et Explosifs, a producer and exporter of nitrocellulose in France.

---

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i), 47 FR 6180, Feb. 10, 1982).

[2] Commissioner Stern dissenting.

[3] For purposes of this investigation, nitrocellulose is provided for in item 445.25 of the Tariff Schedules of the United States.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on April 6, 1983 (48 FR 15018). The hearing was held in Washington, D.C. on May 9, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on June 6, 1983. A public version of the Commission's report, Nitrocellulose from France (investigation No. 701–TA–190 (Final), USITC Publication 1390, 1983) contains the views of the Commission and information developed during the investigation.

By order of the Commission.

Issued: June 6, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–16884 Filed 6–14–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–92, 731–TA–95, 701–TA–195, and 701–TA–196 (Final)]

Stainless Steel Sheet and Strip From the Federal Republic of Germany and France and Stainless Steel Sheet and Strip and Plate From the United Kingdom

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to sections 735(b)(1) and 705(b)(1) of the Tariff Act of 1930 (19 U.S.C. Sections 1673d(b)(1) and 1671d(b)(1)), that—

An industry in the United States is materially injured by reason of imports of stainless steel sheet and strip [2] from the Federal Republic of Germany (investigation No. 731–TA–92 (Final)) and France (investigation No. 731–TA–95 (Final)) which have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV);

An industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports of stainless steel sheet and strip from the United Kingdom (investigation No. 701–TA–195 (Final)) which have been found by the Department of Commerce to be subsidized by that Government; and

An industry in the United States is materially injured by reason of imports of stainless steel plate [3] from the United Kingdom (investigation No. 701–TA–196 (Final)) which have been found by the Department of Commerce to be subsidized by that Government.

Background

The Commission instituted investigation No. 731–TA–92 (Final) effective December 17, 1982, following a preliminary determination by the Department of Commerce that imports of stainless steel sheet and strip from the Federal Republic of Germany were being, or were likely to be, sold in the United States at LTFV. Investigation No. 731–TA–95 (Final) was instituted effective December 9, 1982, following a similar determination by the Department of Commerce concerning imports of stainless steel sheet and strip from France. Investigations Nos. 701–TA–195 and 701–TA–196 (Final) were instituted effective February 10, 1983, following preliminary determinations by the Department of Commerce that imports from the United Kingdom of stainless steel sheet and strip and stainless steel plate were being subsidized by the Government of that country.

Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing them in the **Federal Register** as shown below:

Investigation No.	Federal Register
731–TA–92 (Final):	
Instituted	Jan. 5, 1983 (48 FR 538)
Hearing rescheduled	Feb. 24, 1983 (48 FR 7825)
731–TA–95 (Final):	
Instituted	Jan. 5, 1983 (48 FR 539)
Hearing rescheduled	Feb. 24, 1983 (48 FR 7824).
701–TA–195 and 196 (Final): Instituted	Mar. 2, 1983 (48 FR 8876)

The hearing in connection with these investigations was held in Washington, D.C. on May 4, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on these investigations to the Secretary of Commerce on June 9, 1983. A public version of the Commission's report, Stainless Steel Sheet and Strip from the Federal Republic of Germany and Stainless Steel Sheet and Strip and Plate from the United Kingdom (investigations Nos. 731–TA–92, 731–TA–95, 701–TA–195, and 701–TA–196 (Final), USITC Publication 1391, 1983) contains the views of the Commission and information developed during the investigations.

By Order of the Commission.

Issued: June 9, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–16882 Filed 6–14–83; 8:45 am]

BILLING CODE 7020–02–M

---

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] For purposes of these investigations, stainless steel sheet is provided for in items 607.7610, 607.9010, and 607.9020 of the Tariff Schedules of the United States Annotated (1983) (TSUSA) and stainless steel strip is provided for in items 608.4300 and 608.5700 of the TSUSA.

[3] For purposes of these investigations, stainless steel plate is provided for in items 607.7605 and 607.9005 of the TSUSA.

INTERSTATE COMMERCE COMMISSION

[OP–5FC–268]

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor the major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notice within 20 days after publication, or within any approved extension period. Otherwise, the

decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Members Carleton, Williams and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, (202) 275-7289.

MC-FC-81483. By decision of June 2, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board approved the transfer to BRUNK TRUCK LINE, INC., Inman, KS, of Certificates Nos. MC-112869 Subs 6, 9, 10, 13, and 14, issued August 17, 1966, March 11, 1968, September 16, 1977, March 15, 1977, and May 12, 1978, respectively, to FRIESEN TRUCK LINE, INC., Hutchinson, KS, authorizing the transportation of dairy products from Hutchinson, Wichita, and Hillsboro, KS, to points in named counties in CO, and points in NM; (1) ice cream, ice cream products, and frozen bakery products, and (2) meats, meat products and meat byproducts, and packinghouse products, with exceptions, when moving at the time and in the same vehicle with the commodities in (1) above, from Hutchinson, KS, to points in AR and MO; ice cream products and ice products, from the facilities of Jackson Ice Cream Co., Inc. at or near Denver, CO, to the facilities of Jackson Ice Cream Co, Inc., at or near Hutchinson, KS; ice cream products and ice products, from Hutchinson, KS, to points in Denver County, CO; and dairy products and ice products, from the facilities of Jackson Ice Cream Company, at Hutchinson, KS, to points in IA, NE, and OK. Representative: William L. Mitchell, 119 West Sherman, P.O. Box 604, Hutchinson, KS 67501.

[FR Doc. 83-15990 Filed 6-14-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 30]

Motor Carrier; Intrastate Application

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by 49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

New York Docket No. T-10212, filed May 17, 1983. Applicant: ENDO FREIGHT FORWARDERS (N.Y.) INC., 21-17 37th Ave., Long Island City, NY 11101. Representative: Arthur Kulik, Esq., 3 East 54th St., New York, NY 10022. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Household Goods:* Between all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

[FR Doc. 83-15987 Filed 6-14-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement

in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team Three at (202) 275–5223.

Volume No. OP3–246

Decided: May 27, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 144314 (Sub-4), filed May 16, 1983. Applicant: FARWEST INDUSTRIES OF LONGVIEW, INC., 225 Industrial Way, P.O. Box 1793, Longview, WA 98632. Representative: Robert Portner (same address as applicant), (206) 425–6210. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 168104, filed May 16, 1983. Applicant: CONTINENTAL TRANSPORTATION BROKER, 1333 Willow Pass Rd., P.O. Box 4027, Concord, CA 94524. Representative: Lee Michael Chapple (same address as applicant), (415) 827–2668. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168124, filed May 16, 1983. Applicant: TRINITY TRANSPORTATION SERVICES, 5031 Rangeline, P.O. Box 551, Joplin, MO 64802. Representative: Lloyd E. Denman (same address as applicant), (417) 623–8556. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 168164, filed May 20, 1983. Applicant: THE TOUR PEOPLE, LTD., 819 Sunrise Circle, Muscatine, IA 52761. Representative: Ralph C. Eucher, P.O. Box 619, Muscatine, IA 52761, (319) 263–8771. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 168165, filed May 20, 1983. Applicant: LAKES REGION TRANSIT CO., INC., RFD 7, Box 9, Laconia, NH 03246. Representative: Frederick M. Shurbert, Sr. (same address as applicant), (603) 524–8820. Transporting *passengers*, in charter and special operations, between points in NH, ME, MA, VT, RI, NY, NJ, DE, CT, MD, OH, PA, VA, WV, AL, FL, GA, KY, MS, NC, SC, TN, and DC.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

Volume No. OP3–249

Decided: June 2, 1983.

By the Commission, Review Board Members Parker, Fortier, and Krock.

MC 168155, filed May 18, 1983. Applicant: EXCEL INTERMODAL, INCORPORATED, Oak Brook Office Pavillion, Oak Brook, IL 60521. Representative: Paul T. Saharack, 7 So. Dearborn St., Suite 1412, Chicago, IL 60603, (312) 346–6347. As a *broker* of *general commidites* (except household goods), between points in the U.S. (except AK and HI).

MC 168195, filed May 20, 1983. Applicant: DON BAUER, RICK BAUER, KEVIN BAUER, A Partnership, d.b.a. BAUER FARMS, Route 2, Box 24, Ronan, MT 59864. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, (406) 543–8369. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP3–252

Decided: June 7, 1983.

By the Commission, Review Board Members Carleton, Dowell, and Williams.

MC 168145, filed May 18, 1983. Applicant: BLOCK & ROSE WAREHOUSE CORP., 258 Sherman Ave., Newark NJ 07114. Representative: A. David Millner, P.O. Box Y—7 Becker Farm Rd., Roseland, NJ 07068, (201) 992–2200. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 168044, filed May 16, 1983. Applicant: PURCELL TRAFFIC SERVICE, INC., 4615 Walzem, San Antonio, TX 78218. Representative: Kenneth R. Hoffman, 1600 W. 38th St., Suite 410, Austin, TX 78731, (512) 451–7409. As a *broker* of *general commodites* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP–214

Decided: June 7, 1983.

By the Commission, Review Board Members Krock, Carleton, and Parker.

MC 168290, filed May 23, 1983. Applicant: BOARDWALK LIMO, INC., 80 Maple Dr., Spring Lake Heights, NJ 07762. Representative: Kenneth A. Melveney, (same address as applicant), (201) 499–0471. Transporting *passengers*, in special operations, between points in NY, NJ, CT, PA and DE.

Note.—Applicant seeks to provide privately-funded special transportation.

MC 168321, filed May 25, 1983. Applicant: HARRIS TRUCK BROKERAGE, Route 1, Box 50–B, Rice, TX 75155. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 168360, filed May 27, 1983. Applicant: ARKANSAS TRUCK BROKERAGE, INC., P.O. Box 446, Fayetteville, AR, 72701. Representative: Grant M. Davis, 2217 Juneway Terrace, Fayetteville, AR 72701, (501) 443–3257. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 168380, Filed May 31, 1983. Applicant: BARLOW VAN LINES, INC., 1005 South Provence, Olthe, KS 66061. Representative: Jack L. Schiller, 11–56 76th Drive, Forest Hills, NY 11375, (212) 263–2078. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–259

Decided: June 3, 1983.

By the Commission, Review Board Members Joyce, Williams, and Dowell.

MC 157182 (Sub-2), filed May 26, 1983. Applicant: PARKWAY DISTRIBUTORS, INC., P.O. Box 2301, San Antonio, TX 78298. Representative: Kenneth R. Hoffman, Ste. 410, 1600 W. 38th St., Austin, TX 78731, (512) 451–7409. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 159212, filed May 23, 1983. Applicant: OTTIS BENN, 3044 N. Ewing Ave., Altadena, CA 91001. Representative: Donald R. Hedrick, P.O.

Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 165802 (Sub-1), filed May 23, 1983. Applicant: SHULTZ TRANSPORTATION CO., R.D. #2, Box 112, Conestoga, PA 17516. Representative: Richard E. Freeburn, 130 State St., P.O. Box 1000, Harrisburg, PA 17108, (717) 232–1876. Transportating *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant intends to provide privately-funded special and charter transportation.

MC 166913, filed May 23, 1983. Applicant: HAPPY TIME EXPRESS, LTD., 4980 Paradise Rd., Ste. 108, Las Vegas, NV 89119. Representative: Bernard S. Gilman (same address as applicant), (702) 798–4448. Transporting *passengers*, in special and charter operations, between points in NV, AZ, CA, UT, and CO.

Note.—Applicant intends to provide privately-funded charter and special transportation.

MC 166342, filed May 27, 1983. Applicant: ROGERS SERVICES, INC., 10735 South Cicero Ave., Oak Lawn, IL 60453. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603, (312) 236–9375. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–271

Decided: June 3, 1983.

By the Commission, Review Board. Members Parker, Joyce, and Dowell.

MC 118638 (Sub-6), filed May 25, 1983. Applicant: GCS AIR SERVICE, INC., 8240 S.R. 309, Galion, OH 44833. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting (1) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

Volume No. OP5–274

Decided: June 2, 1983.

By the Commission, Review Board. Members Dowell, Carleton, and Parker.

MC 167998, filed May 12, 1983. Applicant: ROBERT A. STRAIGHT, d.b.a. STRAIGHT TRUCKING, R.R. #3, Box 125, Bedford, IA 50833. Representative: Robert A. Straight (same address as applicant), (712) 523–2720. Transporting *food and other edible products and byproducts, intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except HI).

MC 168169, filed May 19, 1983. Applicant: UNICORN GRAPHICS, INC., d.b.a. UNICORN DELIVERY SERVICE, 1500 Eckington Place, NE., Washington, DC 20002. Representative: Robert K. Goren, 11300 Rockville Pike, Suite 1017, Rockville, MD 20852 (301) 984–6266. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 168178 filed May 20, 1983. Applicant: DALE NEWMAN & JOAN NEWMAN d.b.a. D.J.N. TRUCKING, 304 Park Ave., Odebolt, IA 51458. Representative: Dale Newman (same address as applicant) (712) 668–4282. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168179, filed May 20, 1983. Applicant: DARYL J. PETERSON, d.b.a. A&P TRUCKING, E. 10421 5th, Spokane, WA 99206 Representative: Daryl J. Peterson (same address as applicant), (509) 926–6337. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168208, filed May 23, 1983. Applicant: MARQUIS TRAVEL SYSTEMS, INC., 12823 E. Imperial Hwy., No. 202, Santa Fe Springs, CA 90670. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714–667–8107. Transporting *passengers* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-15882 Filed 6-14-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-262]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grant(s) of operating right authority is republished by order of the Commission to indicate a broadened grant of authority over that previous notice in the Federal Register.

An original and one copy of an appropriate petition for leave to intervene, setting forth in detail the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this Federal Register notice.

By the Commission.

Agatha L. Mergenovich,
Secretary.

MC 159632 (Sub-1) (republication), filed December 6, 1982, published in the Federal Register issue of December 20, 1982, and republished this issue. Applicant: JACK D. BAILEY TRUCKING, P.O. Box 245, Dade City, FL 33525. Representive: Jack D. Bailey (same address as applicant). A Decision of the Commission, *Review Board 1*, decided April 29, 1983 and served May 12, 1983, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting (1) *food and related products*, between points in Arizona, California, Oregon, Washington, Idaho, and Florida, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) *printed matter*, between points in Arizona, California, Oregon, Washington, Idaho, and Florida, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Massachusetts, New York, and Tennessee; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 83-15886 Filed 6-14-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-253]

Motor Carriers, Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 7, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, the Review Board Members Carleton, Dowell, and Williams.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, at (202) 275–5223.

MC 145595 (Sub-9)X, filed May 20, 1983. APPLICANT: WARREN G. GORMLEY, d.b.a. GORMLEY TRUCKING, 842 S. Glenn, Springfield, MO 65802. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Lead and Subs 2, 4, and 6F, certificates: Broaden (1) sand, gravel, rock, and coal (lead) "to coal, nonmetallic minerals, and clay, concrete, glass and stone products"; (2) foodstuffs (Sub 2) "to food and related products,"; (3) charcoal, fireplace logs, wood chips, and lighter fluid and accessories (Sub 4); and charcoal, charcoal briquets, fireplace logs, wood chips, and lighter fluid and materials, equipment, and supplies (Sub 6F) "to petroleum and coal products, lumber and wood products, and chemicals and related products"; (4) eliminate the "facilities of" restriction in Sub 2; (5) eliminate the "except commodities in bulk" (Sub 2 and 6F) and "except liquid commodities in bulk" (Sub 4); (6) replace authority to serve named points to county-wide authority, Osage County, MO for Meta, MO in (Sub 4); Taney County, MO for Branson, MO in (Sub 6F); and Jackson County, MO, for Independence, MO in (Sub 2); and authorize radial authority to replace existing one-way authority in (Lead and Subs 2, 4, and 6F).

[FR Doc. 83-15088 Filed 6-14-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Proposed Exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume OP3–257

Decided: June 8, 1983.

Jim L. Langenfeld, d.b.a. D&J Enterprises—Purchase Exemption—Double "S" Truckline, Inc.

MC–F–15294. Jim L. Langenfeld, d.b.a. D&J Enterprises (D&J) (MC 156387) and Double "S" Truckline, Inc. (Double "S") (MC 146055), seek an exemption from the requirement under section 11343 of prior regulatory approval for the purchase by D&J of a portion of the operating rights of Double "S" namely its (Sub-21) authorizing the transportation of food and related products, between points in the United States (except Alaska and Hawaii).

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioners representative: James F. Crosby, Registered Practitioner James F. Crosby & Associates, 7363 Pacific Street, Suite #210B, Omaha, NE 68114, (402) 397–9900.

Comments should refer to MC–F–15294.

Volume OP5–F269

Decided: June 7, 1983.

Krajack Tank Lines, Inc.—Purchase Exemption—Kupper Bros., Inc.

MC–F–15286 Krajack Tank Lines, Inc. (Krajack) (MC–89697), and Kupper Bros., Inc. (Kupper) (MC–106958), seek an exemption from the requirement under 49 U.S.C. 11343(e) of prior regulatory approval for the purchase by Krajack of all of Kupper's operating rights in Docket No. MC–106958 and Sub-Nos. 2, 4, 5, and 6X permits. No application for TA has been filed. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423. (2) Petitioner's representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048.

Comments should refer to No. MC–F–15286.

[FR Doc. 83-15091 Filed 6-14-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 39241 et al.*]

Motor Carriers; Security Van Lines, Inc.; Petition for Exemption from Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemptions.

SUMMARY: Four motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762.

The petitions for exemption from the tariff filing requirements may be inspected at the Public Docket Room (Room 1227) of the Commission in Washington, D.C.

Any interested party may file a comment in this proceeding.

DATES: Comments are due on June 30, 1983. If no timely filed adverse comments are received, the sought relief

*This proceeding embraces Nos. 39243, C & L Transport, Inc., 39244 Ro-Mar Terminal & Warehouse Co., Inc., and 39245, M. H. Hillery, Inc.

will automatically become effective at the close of the comment period. If opposition comments are filed, the comments will be considered and, within 20 days of the close of the comment period, the Commission will issue a final decision granting or denying the relief sought.

ADDRESS: Send an original and 15 copies of comments to: Docket No. 39241, Room 2203, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane Morris, (202) 275–6434

or

Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, D.C. 20423 or call 289–4357 in the DC metropolitan area or toll free (800) 424–5403.

Decided: May 31, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-15999 Filed 6-14-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–268

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 167379 (Sub-II–1TA), filed April 25, 1983. Originally published in **Federal Register** dated June 16, 1983. Applicant: ROBERT W. DIEFENDERFER, R.D. 5, Coatesville, PA 19320. Representative: Steven T. Blomberg, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. *Such commodities as are dealt in or used by refiners of precious metals and manufacturers of precious metal products*, between pts. in the US (except AK & HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Johnson Matthey, Inc., 4 Malin Rd., Malvern, PA 19355.

The purpose of republication is to change from a contract to a common carrier.

MC 167479 (Sub-II–2TA), filed May 31, 1983. Applicant: DARL ALTMAN, d.b.a. ALTMAN TRUCKING, 1207 Albon Rd., Holland, OH 43528. Representative: Jack L. Schiller, 111–56 76th Drive, Forest Hills, NY 11375. *Scrap and processed* metal from the facilities of King Scrap Iron and Metal Co., Inc., located at or near Detroit, MI and the facilities of Mercier Corporation located at or near Dearborn, MI to points in IN and OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: King Scrap Iron and Metal Co., Inc., P.O. Box 14018, Jefferson Station, Detroit, MI 48214; Mercier Corporation, 115 W. Brown Street, Birmingham, MI 48011.

MC 165526 (Sub-II–2TA), filed June 2, 1983. Applicant: BAMBRICK ENTERPRISES, INC., P.O. Box 216, Douglassville, PA 19518. Representative: Joseph T. Bambrick, Jr. (address same as applicant). Contract, irregular: *General commodities (except classes A and B explosives and used household goods)*, between points in the U.S. (except AK and HI), under continuing contracts with Nature Food Centres, Inc., Wilmington, MA, and Koffman Products, Inc., Haverhill, MA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Nature Food Centres, Inc., 1 Nature's Way, Wilmington, MA 01887 and Koffman Products, Inc., 555 Broadway, Haverhill, MA 01830.

MC 166313 (Sub-2–1TA), filed May 26, 1983. Applicant: BUCKO VAN LINES, INC., P.O. Box 457, Germantown, MD 20874. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Houshold goods and business and electronic data processing machinery*, between points in NY, NJ, PA, RI, VA, WV, CT, DE, DC, MD, NC, MA, SC, GA and OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205; National Bureau of Standards, Building 301, Washington, D.C. 20234; Hechinger Company, 3500 Pennsy Drive, Landover, MD 20785; Martin Marietta Aluminum, Inc., 6801 Rockledge Drive, Bethesda, MD 20817, and Routed Thru-Pac, Inc., 8019 Blair Road, P.O. Box 28368, Baltimore, MD 21236.

MC 163566 (Sub-II–1TA), filed June 2, 1983. Applicant: CLINGERMAN TRUCKING CO., Star Route 4, Everett, PA 15537. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Concrete products* between points in OH, IL, KS, NJ, MD and FL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: G.H.A. Lock Joint, Inc., 150 North Main St., Wharton, NJ 07885.

MC 166159 (Sub-II–1TA), filed June 1, 1983. Applicant: C. E. DAVIS TRUCKING, INC., 4004 Taylor Ave., Baltimore, MD 21236. Representative: Robert K. Goren, One Central Plaza, Suite 1017, 11300 Rockville Pike, Rockville, MD 20852. Building materials between points in the U.S. (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Tamko Asphalt Products, Inc., 220 West 4th St., Joplin, MO 64801.

MC 48388 (Sub-II–6TA), filed May 26, 1983. Applicant: GRAVER TRUCKING, INC., R.D. #7, Box 7655, Stroudsburg, PA 18360. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517. *Floor covering and related commodities*, between Mercer County, NJ, on the one hand, and, on the other, NC, SC, GA and FL, for 270 days.

Supporting shipper: American Built Rite, 3131 Princeton Pike, Building 4A, Lawrenceville, NJ 08648.

MC 168326 (Sub-II-1-TA), filed May 31, 1983. Applicant: JAFFEE TRUCKING, 6028 Stanton Ave., Baltimore, MD 21210. Representative: Allan C. Jaffee (same as applicant). Contract Irregular: *Fruit juice and juice products,* between Baltimore, MD; Phila, and Pittsburgh, PA; New York, NY, and DC under continuing contract(s) with Purity Products of Baltimore, MD for 270 days. Supporting shipper(s): Purity Products Inc., 1794 Union Ave., Baltimore, MD 21211.

MC 168310 (Sub-II-1-TA), filed May 26, 1983. Applicant: JENKINS TRUCKING & SONS, INC., Route 2, Albright, WV 26519. Representative: Harold E. Jenkins (same as applicant). *General commodities (except Classes A and B explosives, household goods and commodities in bulk, in tank vehicles),* between points in WV, on the one hand, and, on the other, pts. in DE, IL, IN, KY, MD, NJ, NC, OH, PA, SC and VA, for 270 days. Supporting shipper(s): Preston Energy, Co. Kingwood, WV 26537. Brytes Equipment, L.T.D., Hazelton, WV 26535. Harbova Mining, Co., Kingwood, WV 26537. Bruceton Mills Farm Service, Bruceton Mills, WV 26252. T & T Coals, Inc., Bruceton Mills, WV 26525.

MC 168003 (Sub-II-1-TA), filed May 26, 1983. Applicant: JOHN'S MOBILE HOME SERVICE, INC., 2771 Lincoln Hwy. East, Rte. 30, Ronks, PA 17572. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. *Mobile homes* between points in Lancaster County, PA, on the one hand, and on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Redman Homes, Inc., P.O. Box 428, Ephrata, PA 17522.

MC 167906 (Sub-II-1-TA), filed May 31, 1983. Applicant: GRIFF JONES TRANSPORT, INC., 177 Old Churchmans Rd., New Castle, DE 19720. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22901. Contract, irregular: *Fluid petroleum coke,* from Delaware City, DE to Pedricktown, NJ, under continuing contract with National Smelting Co. of NJ, Inc., for 270 days. Supporting shipper: National Smelting Co. of NJ, Inc., Penns Grove-Pedricktown Rd., Pedricktown, NJ 08067.

MC 168327 (Sub-II-1-TA), filed May 31, 1983. Applicant: W. D. KERR & SONS, INC., 118 Ritter Rd., RD. #2, Sewickley, PA 15143. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *(1) Metal products excluding (commodities in bulk), (2) machinery, (3) clay, concrete, glass or stone products (excluding commodities in bulk) and (4) commodities which, because of size or weight, require special equipment or special handling:* between PA, on the one hand, and, on the other pts. in DC, IL, IN, KY, MD, MI, NJ, NY, OH, WV and VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: There are 8 supporting shippers. Their statements can be examined at the Phila. Reg. Ofc.

MC 107012 (Sub-II-308TA), filed May 26, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *general commodities* (except Class A & B explosives and commodities in bulk) between points in the US under continuing contract(s) with universal Foods of Milwaukee, WI. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Universal Foods Corporation, 433 East Michigan Street, Milwaukee, WI 53202.

MC 107012 (Sub-II-309TA), filed May 26, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *general commodities* (except Class A & B explosives and commodities in bulk) between points in the US under continuing contract(s) with The Lockheed Corporation, of Burbank, CA. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Lockheed Corporation, P.O. Box 551, Burbank, CA 91520.

MC 107012 (Sub-II-310TA), filed June 1, 1983. Applicant: NORTH AMERICAN VAN LINES INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: margaret S. Vegeler (same as applicant). Contract irregular: *general commodities* (except Classes A & B explosives and commodities in bulk) between points in the US under continuing contract(s) with Seagate Technology, of Scotts Valley, CA, and its divisions and subsidiaries. An underlying ETA seeks 120 days authority. Supporting shipper: Seagate Technology, 360 El Pueblo Rd., Scotts Valley, CA 95066.

MC 139243 (Sub-II-6TA), filed May 31, 1983. Applicant: RIVER BEND TRANSPORT COMPANY, Sunset Avenue, North Bend, OH 45052. Representative: David F. Boehm, 2208 Central Trust Tower, Cincinnati, OH 45202. *General commodities* (except Class A and B explosives) from Cincinnati, OH commercial zone to the states of AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IA, KS, LA, ME, MD, MA, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, and WY for 270 days. Supporting shipper(s): River Transportation Company, 5297 River Rd., Cincinnati, OH 45233. North Bend Terminal Company, Sunset Ave., North Bend, OH 45052.

MC 155322 (Sub-II-2TA), filed June 1, 1983. Applicant: HANDY ROYALTY DBA ROYALTY TRUCKING, 2311 Starling Road, Bethel, Ohio 45106. Representative: JOHN L. ALDEN, 1396 W. Fifth Avenue, Columbus, OH 43212. Industrial air moving equipment, shutters, parts, and related equipments used for installation, except commodities in bulk, between Amelia, Clermont County, OH, on the one hand, and, on the other, Detroit MI, West Jefferson AL, Prescott AR, Mansfield LA, Shakopee MN, and the international border at or near Detroit MI and Niagara Falls NY for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper(s): Industrial Air, Inc., Box 215, Bach-Buxton Road, Amelia, OH 45102.

MC 167344 (Sub-II-1 TA), filed May 26, 1983. Applicant: IVAN STUTZMAN & SON TRUCKING, INC., City Road 626, P.O. Box 134, Berlin, OH 44610. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501-2028. *Garage doors,* from the facilities of Wayne Dalton Corporation at or near Mt. Hope, OH, to points in and west of MI, IN, KY, TN and MS (excluding AK and HI) for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: Wayne Dalton Corporation, P.O. Box 67, Mt. Hope, OH 44660.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4-104 TA), filed June 1, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods,* between points in the U.S. (except AK and HI), under a continuing contract(s) with the Harris Corporation and its subsidiaries of Ft. Lauderdale, FL. Supporting shipper: Harris Corporation, 2102 Cypress Creek Rd., Ft Lauderdale, FL 33310.

MC 15735 (Sub-No. 4-105 TA), filed June 1, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. Contract irregular: Household Goods, between points in the U.S.

(Except AK & HI), under a continuing contracts(s) with United Telecommunications, Inc. and its subsidiaries of Westwood, KS. Supporting shipper: United Telecommunications, Inc., 2330 Johnson Dr. Westwood, KS 66205.

MS 69833 (Sub-4–17 TA), filed May 31, 1983. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave., NW., Grand Rapids, MI 49503. Representative: Bruce A. Bullock, One Woodward Ave., 26th Fl., Detroit, MI 48226. *Contract;* irregular, *General Commodities* (except classes A and B explosives, commodities in bulk and those requiring special equipment, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), under continuing contract with General Mills, Inc. and its subsidiaries. Supporting shipper: General Mills, Inc. and its subsidiaries, 9200 Wayzata Blvd., P.O. Box 1113, Minneapolis, MN 55440.

MC 87113 (Sub-4–8TA), filed May 31, 1983. Applicant: WHEATON VAN LINES, INC., 6010 Castleton Road, Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. *Contract* irregular: *household goods* between points in the U.S. under continuing contract(s) with American McGaw Division of American Hospital Supply Corp., of Irvine, CA, and its affiliates and subsidiaries. Supporting shipper: American McGaw Division, 2525, McGaw Ave., Irvine, CA 92714.

MC 108937 (Sub-4–7TA), filed June 1, 1983. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Representative: Jerry E. Hess, General Counsel, P.O. Box 43640, St. Paul, MN 55164. Contract irregular: *General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between points in the U.S. under continuing contracts with General Mills, Inc. Supporting shipper: General Mills, Inc., P.O. Box 1113, Minneapolis, MN 55440.

MC 110923 (Sub-4–3TA), filed May 31, 1983. Applicant: ALBERT LIVEK, d.b.a. AL LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, IL 61443. Representative: Edward D. McNamara, Jr., 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705. *Contract* irregular: *Alcoholic beveroges* between Perry, GA, on the one hand, and Kewanee, IL, on the other hand. An underlying ETA seeks 120 days' authority. Supporting shipper: C. L. Van DeVoorde Distributing, Inc., 337 Tenney Street, Kewanee, IL 61443.

MC 141753 (Sub-4–2TA), filed June 1, 1983. Applicant: G. P. SULLIVAN COMPANY, 1808 South Laramie Ave., Cicero, IL 60650. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 482–2400. *Furniture* between Des Moines County, IA, on the one hand, and, on the other, points in IN, IL, MI, MN, MO and WI. An underlying ETA seeks 120-days authority. Supporting shipper: Lehigh Leopold Furniture Company, Division of Litton Industries, 2825 Mt. Pleasant St. Burlington, IA 52601.

MC 143500 (Sub-4–11TA), filed June 1, 1983. Applicant: R. B. CARRIERS, INC. 305 S. Missouri Ave., P.O. Box 942, Jeffersonville, IN 47130. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. Contract; Irregular. *General commodities* (except household goods, Classes A & B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Mallinckrodt, Inc. Supporting shipper: Mallinckrodt, Inc., P.O. Box M, Paris, KY 40361.

MC 156845 (Sub-4–3TA), filed June 1, 1983. Applicant: FLEET CARRIERS, INC., 3158 Des Plaines Avenue, Des Plaines, IL 60018. Representative: Thomas M. O'Brien, Sullivan & Associates, Ltd., 180 North Michigan Ave., Suite 1700, Chicago, IL 60601. *Contract, Irregular: General commodities* (except Classes A and B explosives, household goods, and commodities in bulk), from the facilities of American Cyanamid Company located at Rosemont, IL to points in IA, IN, MI, MN, MO, NE, ND, OH, SD, and WI, under continuing contract(s) with American Cyanamid Company of Wayne, NJ. Supporting shipper: American Cyanamid Company, 1 Cyanamid Plaza, Wayne, NJ 07470.

MC 166111 (Sub-4–2TA), filed May 31, 1983. Applicant: LA VERNE R. KREGER, d.b.a. KREGER TRANSPORT, Route 4, P.O. Box 360, Minot, ND 58701. Representative: Jack L. Schiller, 111–56 76th Drive, Forest Hills, NY 11375. Contract, irregular: *Lumber and building materials* between points in ID, MN, MT, OR, WA and WY, on the one hand, and, on the other, Minot, ND under continuing contract(s) with Construction Supply and Warehouse Company of Minot, ND and G & M Lumber of Minot, ND. Supporting shippers: Construction Supply & Warehouse Company, 21 3rd St., SE., Minot, ND 58701 G & M Lumber; P.O. Box 3207, Minot, ND 58701.

MC 166393 (Sub-4–1TA), filed June 1, 1983. Applicant: TRUCK AMERICA, INC., 11938 Waveland, Franklin Park, IL 60131. Representative: Donald S. Mullins & T. M. Schlechter, 1033 Graceland Avenue, Des Plaines, IL 60016, (312) 296–1094. *General Commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk),* Between points in the Chicago, IL Commercial Zone, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: There are 18 shippers.

MC 99986 (Sub-4–1TA), filed May 27, 1983. Applicant: BELLEVILLE TRUCK LINE, INC., Route #1, Cross Plains, WI 53528. Representative: Richard D. Armstrong, 925 Hyland Drive, Stoughton, WI 53589. *General commodities* (except Classes A and B explosives, household goods an commodities in bulk) between points in Dane, Green and Rock Counties, WI and points in IA, IL, IN, MI, MN and WI. An underlying ETA seeks 120 days authority. There are nine (9) statements of support.

MC 113855 (Sub-4–14TA), filed May 26, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55903. Representative: Thomas J. Van Osdel, 15 Broadway—Suite 502, Fargo, ND 58102. Contract: Irregular: *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI), under a continuing contract(s) with Cammacorp of El Segundo, CA. Supporting shipper: Cammacorp, 360 N. Sepulveda, Suite 1000, P.O. Box 987, El Segundo, CA 90245.

MC 153273 (Sub-4–7 TA), filed May 10, 1983. Applicant: SCHREIBER TRANSIT, INC., 425 Pine St., P.O. Box 610, Green Bay, WI 54303. Respresentative: John H. Sage, 425 Pine St., P.O. Box 610, Green Bay, WI 54305. Contract: Irregular *Alcoholic Beverage* from and to all points in CA, WI, MO, TX, AZ, WA, and Ogden, UT, under continuing contract with Wasatch Distributing Company of Ogden, UT. An underlying ETA seeks 120 days authority. Supporting shipper: Wasatch Distributing Company, Inc., P.O. Box 1492, Ogden, UT 84402.

MC 159423 (Sub-4–2 TA), filed May 27, 1983. Applicant: JOEL CARLSON TRUCKING, INC., Rt. 3 Box 128, North Branch, MN 55056. Representative: Jim Pitzer, P.O. Box 895, Renton, WA 98057, (206) 235–1111. *Pulp, Paper or Allied Products* between points in GA, IA, IL, IN, MI, MN, MO, ND, NE, NJ, NY, OH,

PA, SD, WI, for 270 days. (An underlying E.T.A. has been filed.) Supporting shippers: Quality Park Products, 1621 E. Henn., Minneapolis, MN. Continental Forest Industries, P.O. Box 348, Three Rivers, MI 49093.

MC 165668 (Sub-4–2 TA), filed May 26, 1983. Applicant: WAUSAU CARRIERS, INC., P.O. Box 398, Wausau, WI 54401. Representative: James A. Spiegel, Attorney Olde Time Office, 6333 Odana Road, Madison, WI 53719. *General commodities (except Classes A and B explosives, household goods as defined by the Commission and commodities in bulk)* between points within WI and the Upper Peninsula of Michigan on the one hand and on the other hand points within the U.S. (execpt AK and HI). There are nine (9) supporting shippers.

MC 168306 (Sub-4–1 TA), filed May 26, 1983. Applicant: TWIN CITY FRUIT, INC., d.b.a. TWIN CITY FRUIT FREIGHT, P.O. Box 390, Deadwood, SD 57732. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *General commodities* between points in NE and SD on the one hand, and on the other hand, points in CO, WY and MT. An ETA application has been filed for 120 days. Supporting shippers: Black Hills Packing Co., 1330 West Chicago St., Rapid City, SD and Twin City Fruit, Inc., P.O. Box 390, Deadwood, SD 57732.

MC 168333 (Sub-4–1 TA), filed May 26, 1983. Applicant: BETLEY ARMORED COURIER, INC., Box 66, Dowdam Road, Amberg, WI 54102. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Common;* irregular; *Money, Currency, Coins, Bullion, Securities, Food Stamps, Jewelry, or Other Valuables* between points in WI, MI, MN, and IL. Supporting shippers: Northern Michigan, Bank, 723 Ludington St., Escanaba, MI 49829; First National Bank at Manistique, P.O. Box 369, 130 S. Cedar St., Manistique, MI 49854; First National Bank and Trust Co., 1205 Ludington St., Escanaba, MI 49829; The State Savings Bank, P.O. Box 271, Manistique, MI 49854.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 53985 (Sub-5–15TA), filed May 31, 1983. Applicant: GRAVES TRUCK LINE, INC., 8717 W. 110th St., Suite 700, Overland Park, KS 66210. Representative: Bruce A. Bullock, One Woodward Ave., 26th Fl., Detroit, MI 48226. *Contract;* irregular, *General Commodities (except classes A and B explosives, commodities in bulk and those requiring special equipment, and household goods),* between points in the U.S. (except AK and HI), under continuing contract with General Mills, Inc. and its subsidiaries. Supporting shipper: General Mills, Inc. and its subsidiaries, Minneapolis, MN.

MC 79658 (Sub-23TA), filed May 31, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47711. Representative: Michael L. Harvey, 1212 St. George Road, Evansville, In 47711. Contract, Irregular; *Household goods* between points in the U.S. (except AK and HI). Supporting shipper: Beatrice Food Co., and Affiliates, Chicago, IL.

MC 79658 (Sub-5–24TA), filed May 31, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same as above). Contract, Irregular; *Household goods* between points in the U.S. (exclusive of AK and HI). Supporting shipper: MCI Communications Corporation, Arlington, VA.

MC 79658 (Sub-5–25TA), filed May 31, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47711. Representative: Michael L. Harvey. Contract, Irregular; *Household goods* between points in the U.S. (exclusive of AK and HI). Supporting shipper: Moore Business Forms, Inc., Glenview, IL.

MC 143702 (Sub-5–2TA), filed May 31, 1983. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th Street, Kansas City, KS 66105. Representative: Donald J. Quinn, commerce Bank Building, 8901 State Line—Suite 232, Kansas City, MO 64114. *Paint, varnish, lacquer or stains, liquid or resin, solution liquids* between points in the U.S. (except AK and HI). Supporting shipper: Cook Paint and Varnish Co., North Kansas City, MO.

MC 147204 (Sub-5–1TA), filed May 31, 1983. Applicant: JACK'S TRUCK RENTAL, INC., Route 3, Box 61, Holts Summit, MO. 65043. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. *Such commodities as are used by or dealt in by manufacturers and distributors of shoes,* between Cole County, MO on the one hand, and, on the other, Kansas City, KS, Kansas City, MO, St. Louis, MO. and E. St. Louis, IL and their commercial zones. Supporting Shipper: Florsheim Shoe Company, Chicago, IL.

MC 147378 (Sub-5–8TA), filed May 31, 1983. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, 9 East Fourth Street, Suite 305, Tulsa, OK 74103. Contract; Irregular. *Liquid corn sweetener, in bulk* from Tulsa, OK to all points in AR, KS, MO and OK, under a continuing contract(s) with A. E. Staley Manufacturing Company, Inc. of Decatur, IL.

MC 155903 (Sub-5–3TA), filed May 31, 1983. Applicant: DAHLIA PLANTATION, INC., Rt. 2, Box 18, Tallulah, LA 71282. Representative: Janet Boles Chambers, 8211 Goodwood Blvd., Suite C–1, Baton Rouge, LA 70806–7782. *Coal and coal products,* between Madison Port at or near Tallulah, LA on the one hand, and, on the other, the facilities of International Paper in Morehouse Parish, LA. Supporting shipper: Madison Parish Port, Tallulah, LA.

MC 154872 (Sub-5–3TA), filed May 31, 1983. Applicant: SOLAR TRANSPORT, INC., P.O. Box 537, Hampton, IA 50441. Representative: William L. Fairbank, 1300 United Central Bank Building, Des Moines, IA 50309. *Liquid calcium chloride, in bulk,* from Chicago, IL to points in IA and MN. Supporting shipper: House-Loebig Enterprises, Inc., Hampton, IA.

MC 161162 (Sub-5–TA), filed May 31, 1983. Applicant: SEITZ TRANSPORTATION, INC., Lake Road & Packers Ave., St. Joseph, MO 64502. Representative: E. Wayne Farmer, P.O. Box 26010, Kansas City, MO 64196. *Fresh, frozen and dehydrated meat and meat by-products, food and foodstuffs, containers, boxes, printed materials and those commodities used by meat packaging and processing houses or sold or distributed by grocery retail or wholesale operations* between points in MN, WI, NE, IA, IL, IN, CO, KS, MO, KY, OK, AR, TN, TX, LA, and MS. Supporting shipper(s): 9.

MC 168348 (Sub-5–TA), filed May 31, 1983. Applicant: THE FEED STORE & SUPPLY COMPANY, 238 N. Zaragosa, El Paso, TX 79907. Representative: Joe S. Carrasco, partner (same as applicant). *Metals, Metal Products and Building Materials,* between, Phoenix, AZ, Dallas, El Paso, Houston, San Antonio and Sweetwater, TX, on the one hand, and, on the other, points in AZ, AR, CA, LA, MO, NM, OK and TX. Supporting Witnesses: Specialty Forest Products, Inc., Phoenix, AZ; Wholesale Lumber Company, El Paso, TX; Lopez Scrap Metal, Inc., El Paso, TX and Drywall Supply Company, El Paso, TX.

MC 168350 (Sub-5–TA), filed May 31, 1983. Applicant: CLIFFORD SMOTHERS, d.b.a. SMOTHERS FARMS, Rural Route, North English, IA 52316. Representative: Richard D. Howe,

600 Hubbell Building, Des Moines, IA 50309. *Farm machinery or equipment,* between points in Iowa County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Kinze Manufacturing, Inc., Williamsburg, IA.

MC 29910 (Sub-5–79TA), filed June 2, 1983. Applicant: ABF FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. *Contract Carrier: general commmodities (except Classes A and B explosives, household goods, and commodities in bulk),* between points in the U.S. (except AK and HI), under a continuing contract with General Mills, Inc., its Divisions, Subsidiaries and Affiliates, Minneapolis, MN.

MC 98614 (Sub-5–7TA), filed June 3, 1983. Applicant: ARKANSAS TRANSPORT COMPANY, P.O. Box 702, Little Rock, AR 72203. Representative: Roland M. Lowell, Fifth Floor, 501 Union Street, Nashville, TN 37219. *Petroleum and petroleum products, in bulk,* from Shreveport, LA and its commercial zone to Houston, TX and its commercial zone. Supporting shipper: Atlas Processing, Inc., Shreveport, LA.

MC 145970 (Sub-5–5TA), filed June 1, 1983. Applicant: SKILLETT & SONS, INC., P.O. Box 196, Rush Center, KS 67575. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601. *Animal food and materials and supplies used in the manufacture and distribution of animal food,* between McPherson County, KS on the one hand, and on the other points in the U.S. in and west of MN, IA, MO, AR, and LA (except AK and HI). Supporting shipper: Hubbard Milling Co., Mankato, MN.

MC 146055 (Sub-5–18TA), filed June 2, 1983. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Building, Omaha, NE 68107. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, D.C. 20036. *General Commodities, except classes A&B explosives, commodities in bulk, and household goods,* between points in AR, CA, CO, CT, IL, IN, IA, KS, KY, MA, MI, MN, MO, NE, NJ, NY, OH, OK, PA, SD, TN, TX, and WI. Supporting shipper: Interstate Freight Brokers, Inc., Sioux City, IA.

MC 146730 (Sub-5–5TA), filed June 2, 1983. Applicant: L & W TRANSPORTATION, INC., Route 3, Box 214A, Sedalia, MO 65301. Representative: Robert B. Reeser, Jr., PO Box 388, Sedalia, MO 65301. Contract; Irregular. *General commodities, except Class A and B explosives and household goods* between points in the U.S. except AK and HI under continuing contract with Broderick and Bascom Rope Co., Inc., Sedalia, MO.

MC 151915 (Sub-5–4TA), filed June 1, 1983. Applicant: KELWORTH TRUCKING COMPANY, INC., Hwy 59 South, Hodgen, OK 74939. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. (1) *Dry chemicals, fertilizers and feed supplements,* between points in AR, CO, IA, KS, LA, MS, MO, NE, NM, OK, TN and TX, and (2) *Clay, Concrete, glass and stone products* between points in IL, IN, KY and OH. Applicant intends to tack this authority to existing irregular route authority to permit movements between this authority and existing authority. Supporting shippers: The Bassichis Company, Cleveland, OH; and Chem-Quip, Inc., Tulsa, OK.

MC 168411 (Sub-5–1TA), filed June 2, 1983. Applicant: SHARED SERVICE SYSTEMS, A DIVISION OF NEBRASKA METHODIST HOSPITAL, 1725 South 20th Street, Omaha, NE 68105. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Contract, Irregular; *hospital and medical supplies* between points in IA, NE, and KS under continuing contract(s) with American McGaw, Division of American Hospital Supply Corporation of Santa Ana, CA.

MC 168419 (Sub-5–1TA), filed June 2, 1983. Applicant: MITCHELL TRUCKING COMPANY, P.O. Box 82, Stamps, AR 71860. Representative: David L. Beatty, Drawer 640, Lewisville, AR 71845. *Lumber, plywood and other wood products* between points in AR, TX, LA and OK. Supporting shipper: Marlar & Whistle Lumber Co. Inc., Lewisville, AR.

MC 168429 (Sub-5–1TA), filed June 3, 1983. Applicant: KENNETH E. MANN d.b.a. K.E.M. TRUCKING, P.O. Box 213, Blair, NE 68008. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Such commodities as are used or dealt in by manufacturers and distributors of concrete mixing machinery,* between Blair and Omaha, NE on the one hand, and, on the other, points in the U.S. (except AK and HI), and points in their respective commerical zones. Supporting shipper: Concrete Equipment Company, Inc., Blair, NE 68008.

The following applications where filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board (RMBC), 211 Main St., Suite 500, San Francisco, CA 94105.

MC 133589 (Sub-6–4TA), filed June 6, 1983. Applicant: BCT, INC., P.O.B. 7219, Boise, ID 83707. Representative: James R. Daly (same address as applicant). *Commodities as are sold by wholesale, retail, and discount automotive parts stores* between points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Pacific Wholesalers Inc., 17972 S.W. McEwan Road, Portland, OR 97223.

MC 42487 (Sub-6–81TA), filed June 6, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Contract Carrier,* irregular routes: *General commodities,* (except Classes A and B explosives, household goods and commodities in bulk), between points in the U.S., (except AK and HI), for 270 days. Supporting shipper(s): Caterpillar Tractor Co., 100 N.E. Adams St., Peoria, IL 61629.

MC 168128 (Sub-6–1TA) filed June 3, 1983. Applicant: HUMBOLDT LOADERS INC., P.O. Drawer RR, Arcata, CA, 95521. Representative: Gary Blanks (same as applicant). *Contract carrier;* irregular route: *Timber by-products,* from Arcata, CA to Keswick (Hwy 299) to So. Redding and Anderson (Old I5) and/or Arcata to Calpella, Willits and Ukiah, CA for 270 days. Supporting shipper: Simpson Timber Co., P.O. Drawer V., Arcata, CA 95521.

MC 149386 (Sub-6–1TA), dated: June 6, 1983. Applicant: LIQUID SUGARS INC., P.O. Box 96, Oakland, CA 94604. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Food and food products, including those in bulk,* between Emeryville and Stockton, CA; Salt Lake City, UT; Seattle, Tukwila, Toppenish and Spokane, WA; Salem, OR; Worland, WY; Denver, CO; Dallas, TX and New Orleans, LA, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shippers: Cargill Inc., Box 9300, Minneapolis, MN 55440; Hubinger Co., 1417 Exchange St., Keokuk, IA.

MC 160195 (Sub-6–2TA) filed June 6, 1983. Applicant: SAN RAFAEL TRUCK LINE, 1625 N. 26th Ave., Phoenix, AZ 85009. Representative: Kinley T. Gleave, P.O. Box 3916, Phoenix, AZ 85030. *Contract;* irregular; *General commodities* (except class A and B explosives, commodities in bulk and household goods) between points in the U.S. (except AK and HI), for 270 days. Supporting shipper: K Mart Corp., 3100 West Big Beaver Rd., Troy MI 48084.

MC 168480 (Sub-6–1TA), filed June 6, 1983. Applicant: ROBERT & BARBARA SWASH, 24959—8 Ave., RR No. 10, Aldergrove, B.C. VOX 1AO. Representative: (same as applicant). (1)

Horses, from ports of entry on the International Boundary between the U.S. and Canada located in WA and OR. Supporting shippers: Galloway Farms, 25152 40 Ave., Aldergrove, B.C. VOX 1AO; Napaley Lane Farm, 24905 25 Ave., Aldergrove, B.C. VOX 1AO.

MC 141871 (Sub-6-4TA), filed June 6, 1983. Applicant: WNI, INC., 8560 S.W. Salish Lane, Wilsonville, OR 97070. Representative: Thomas E. Vandenburg, P.O.B. 2298, Green Bay, WI 54306. *Contract*: irregular, *General Commodities, with usual exceptions*, between points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Montgomery Ward and Co., One Montgomery Ward Plaza, Chicago, IL 60671.

WC 1373 (Sub-6TA), filed June 2, 1983. Applicant: IMPERIAL NAVIGATION, LTD., d.b.a. INLAND RAIL & BARGE SERVICE, 4533 N. Channel Ave., Portland, OR 97217. Representative: James H. Sanders (same as applicant). *Contract carrier*, irregular routes, *general commodities* (except class A & B explosives) between points in the U.S. for the account of Marine Intermodal Cooperative Association for 180 days. Supporting shipper: Marine Intermodal Cooperative Association, 4533 N. Channel Ave., Portland, OR 97217.

WC 1374 (Sub-6-1TA), filed June 6, 1983. Applicant: NORMAN F. RICHARDS, d.b.a. MARINE RAIL LINES, 44 Golf Club Rd., #148, Pleasant Hill, CA 94523-1582. Representatives: N. F. Richards (same as applicant). *General commodities* between San Francisco Bay and Humboldt Bay, CA, for 180 days. Supporting shippers: Louisiana-Pacific Corporation, 111 S.W. Fifth Ave., Portland, OR 97204; Pacific Lumber Co., P.O.B. 37, Scotia, CA 95565; Arcata Redwood Co., P.O.B. 218, Arcata, CA 95521; and Sierra Pacific Industries, P.O.B. 4728, Redding, CA 96099.

Agatha L. Mergenovich,

Secretary.

[FR Doc.83-15993 Filed 6-14-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 83-7]

Ralph E. Lambert, M.D., Westwego, Louisiana; Hearing

Notice is hereby given that on March 7, 1983, the Drug Enforcement Administration, Department of Justice, issued to Ralph E. Lambert, M.D., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration AL3378824.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Thursday, June 23, 1983, commencing at 9:30 a.m. in the U.S. Tax Court, Courtroom 211, U.S. Custom House, 423 Canal Street, New Orleans, Louisiana.

Date: June 7, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 16023 Filed 6-14-83; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 83-8]

Nam Jin Park, M.D., Searingtown, New York; Hearing

Notice is hearby given that on February 22, 1983, the Drug Enforcement Administration, Department of Justice, issued to Nam Jin Park, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on June 9, 1982, for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Thursday, June 30, 1983, commencing at 10:00 a.m. in Courtroom No. 3-B, Room 309, United States Claims Court, 717 Madison Place, NW., Washington, D.C.

Dated: June 7, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-16025 Filed 6-14-83; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 82-40]

James Louis Robinson, M.D., Carrollton, Georgia; Hearing

Notice is hereby given that on November 24, 1982, the Drug Enforcement Administration, Department of Justice, issued to James Louis Robinson, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AR1188398.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, June 21, 1983, commencing at 9:30 a.m. in Courtroom 1707, U.S. Courthouse, 75 Spring Street, SW., Atlanta, Georgia.

Dated: June 7, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-16024 Filed 6-14-83; 8:45 am]

BILLING CODE 4410-09-M

Office of Juvenile Justice and Delinquency Prevention

National Advisory Committee for Juvenile Justice and Delinquency Prevention; Meeting

The twenty-seventh quarterly meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention will be held in St. Louis, Missouri on June 13 and 14, 1983. The meeting will take place at the Sheraton Hotel and will run from 9:00 a.m. to 5:00 p.m. on Monday, June 13 and 9:00 a.m. to 12:00 noon on Tuesday, June 14.

The main topic of this meeting is reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. Members of the public are welcome to attend.

Further information regarding this meeting may be obtained by contacting Sharon A. Wagner, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (202) 724-7751.

This notice is being published less than 15 days before the meeting pursuant to 41 CFR 101-6.1015(b)(2) due to staff changes and consequent oversight. Wire service announcements have also been made for this meeting. Copies of minutes will be made available to any person, upon request.

Dated: June 9, 1983.

Approved:

Alfred S. Regnery,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 83-15956 Filed 6-14-83; 8:45 am]

BILLING CODE 4410-18-M

Bureau of Prisons

Advisory Corrections Council; Meeting

Notice is hereby given that the Advisory Corrections Council in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on June

20, 1983, at the Federal Institution, Ray Brook, New York.

The purpose of the meeting is to discuss: Comprehensive Crime Control Act of 1983: Impact on Corrections, S. 1182 Sentencing Reform Act of 1983, Implementation of Pretrial Service Act of 1983, Role of the Parole Commission in Reducing Overcrowding, Strategies to Reducing Overcrowding, and the Proposed Phase-out of U.S. Public Health Service Staff from Federal Bureau of Prisons.

Signed at Washington, D.C., this 8th day of June 1983.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 83-15985 Filed 6-14-83; 8:45 am]

BILLING CODE 4410-05-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-58]

National Environmental Policy Act; Finding of No Significant Impact

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of finding of no significant impact.

SUMMARY: The seventh flight of the Space Shuttle (STS-7) with a crew of five is currently planned for June 1983 from Kennedy Space Center (KSC), Florida. This is the first flight which will return directly to KSC. The previous landing site, Edwards Air Force Base, California, will be an alternative landing site.

The primary purposes of the STS-7 mission are: (1) To launch two communications satellites to geosynchronous orbit with their associated Propulsion Assist Modules (PAM's) and (2) to conduct a variety of research experiments before returning the experimental equipment to Earth. A significant secondary objective is to acquire technical information about STS equipment for use in the Shuttle Program.

The two communications satellites are manufactured by Hughes Aircraft Company of El Segundo, California, for Telesat of Canada and Perumtel of Indonesia, the countries' telecommunications organizations. The technical characteristics and operations of these almost identical satellites have been approved by the associated telecommunications authority in each country. The frequency and orbital position allocations of each satellite have been negotiated by the Canadian and Indonesian authorities through world and regional administrative radio conferences. The gross mass (including the PAM) and volume of each communication satellite are 4106 kg and 35 m^3, respectively. Each mission uses two solid propellant motors with a total of 2251 kg of propellants as well as approximately 148 kg of hydrazine for use in the station-keeping propulsion systems. While the probability of a catastrophic Space Shuttle accident is very low, these propellents represent a major hazard source.

There are two major research payloads in the Space Shuttle's Cargo Bay, the SPAS-01 and OSTA-2. The SPAS-01 will be deployed from the Cargo Bay as a free-flyer to perform experiments and test the spacecraft's performance, before retrieval to the Cargo Bay. The OSTA-2 payload will remain in the Cargo Bay for the entire flight. The SPAS-01 is 4.2 m wide and 1.4 m long as mounted in the Cargo Bay and has a mass of about 1800 kg. Its propellant is nitrogen gas. The OSTA-2 pallet is similar to SPAS-01 in size and weight. There also will be seven self-contained research payloads mounted on the side of the Cargo Bay in cannisters with a diameter of 52 cm and a length of 83 cm. The seven experiments will be initiated by the crew's remote commands; neither the crew's services nor Shuttle's utilities (e.g., electrical power) will be required after this initiating event.

Within the crew's compartment there are two major MidDeck-mounted research payloads: the Continuous Flow Electrophoresis System (CFES) and the Monodisperse Latex Reactor (MLR). Both of these systems have been flown successfully on previous Shuttle flights. The CFES uses electrophoretic techniques to separate pharmaceutically active compounds. The MLR reacts a water-latex solution to produce uniformly spherical latex particles for later use as a laboratory standard to determine pore size in membranes. In addition to the CFES and MLR, there will be a small number of student research experiments selected from among those ready at flight time. These are typically stored in cabin lockers.

The research payloads contain materials which are not normally considered hazardous. The major source of risk to the STS-7 mission from the research payloads is considered to come from their batteries. Any battery-related accident is unlikely to be catstrophic to the Space Shuttle.

Possible alternatives to the use of the Shuttle to transport the payloads (the proposed action) are: (1) No Action and (2) Use of Expendable Launch Vehicles.

The No Action alternative is defined as using terrestrial methods to achieve the goals of the STS-7 mission. For the two communications satellites, the terrestrial methods of providing the communications relay capacity include the use of microwave relay towers and submarine cables. The technology competes with and complements satellite relay technology. For relatively short distances and over high-traffic-density routes, ground microwave relay can provide lower service costs. For long distances and in remote areas, satellite relay usually provides lower service costs. Ground microwave relay service is also used to provide local service near satellite relay stations. The goals of the research payloads, however, could not be accomplished under the No Action alternative. There is no known way to conduct experiments in the terrestrial environment requiring more than very short periods (2-5 minutes) of weightlessness. Some of the payloads require views of the Earth or other aspects of the space environment (such as a view of the sun or stars unimpeded by the Earth's atmosphere) which can only be obtained from orbit. Selection of the No Action alternative thus implies foregoing the benefits from the proposed research experiments.

For the Expendable Launch Vehicle (ELV) alternative, one communications satellite would be flown on one Delta Launch Vehicle. The Hughes HS-376 spacecraft were designed to be launched by either the Delta or Shuttle, and several prior units have been launched by both vehicles. The research payloads, however, have been designed specifically for use with the Shuttle. Substantial redesign would be needed to reconfigure these payloads to fly on ELV's. In addition, a reentry system would be required. The SPAS-01 and OSTA-2 pallets, reconfigured, would each require a Delta launch. The remaining Shuttle Cargo Bay experiments and the crew-cabin experiments together would require at least one more Delta launch. Thus, the ELV equivalent to the STS-7 mission would require at least five Delta launches.

For the proposed action, the only measurable long-term adverse enviromental impact from the normal activities with these payloads is the addition of two expendable PAM solid rocket motors, and two ultimately abandoned communications satellites to an already large population of manufactured space debris. The major concern associated with this debris is an increasing probability of collision with spacecraft. While the current debris

accumulation poses little threat to the terrestrial environment, there is a low probability of a collision with an active spacecraft. This collision would likely destroy the spacecraft with its fragments adding to the long-term debris population. If the spacecraft were manned, it is possible that a direct hit by debris would result in the loss of life.

If the communications satellites were launched by a Delta ELV, the Delta's second stage would also become part of the space debris population in addition to the spent PAM stage. For either alternative, the potential collision risk from their addition to the space debris population is currently considered by NASA to be acceptable in view of the benefits achievable through improved communications capabilities.

For both space launch alternatives, there is a low probability of a catastrophic accident caused either by the payload or by the launch vehicle. NASA safety procedures for payload design and operation significantly reduce the risk of payload-caused accidents. In the case of the Shuttle, such an accident could result in loss of the crew's lives. The Delta is unmanned. Accident consequences have been examined and have been determined to result in only local and temporary effects to the environment. Launch system accidents and detailed descriptions of their potential consequences are provided in the final Environmental Impact Statements for the Space Shuttle Program and for the Expendable Launch Vehicle Program. The STS-7 payload contribution to potential consequences is estimated to be very small when compared to the launch vehicle itself.

The research experiments are intended to be returned to the Earth and will have no interaction with the environment. These experiments have undergone safety reviews to assure that both the experiments and their ancillary equipment (such as batteries) cannot fail in a manner which would result in a hazard to the Shuttle mission. No synergistic hazards have been found for these payloads.

For the proposed action and alternatives, ground-based installations are needed. The construction, operation, and maintenance of these installations represent most of the direct impact on the human environment. For launch of communications satellites by either Shuttle or Deltas, the ground stations will be the same. For the No Action alternative, many microwave relay towers would be needed to provide coverage equivalent to the communications satellites. Resaunce use would be the lowest for launch of the payloads on ELV's, and the all ground-based system would be the highest.

The short-term, temporary environmental impact of the ELV launches would be less than a Space Shuttle launch in terms of noise and rocket exhaust effluents. Under the No Action alternative, communications systems using relay towers and submarine cables would have a longer impact on the terrestrial environment than a space-based system. This increased impact, however, would be dispersed geographically.

The Shuttle launch of the payloads is the currently proposed approach to the achievement of improved communication capabilities and for the research objectives in the space environment. The conclusion of all analyses is that the environmental effects of the proposed action are not significant.

EFFECTIVE DATE: June 15, 1983.

ADDRESS: National Aeronautics and Space Administration, Code MC, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Ott, 755-7472.

SUPPLEMENTARY INFORMATION: The environmental assessment for this proposed project was completed by the National Aeronautics and Space Administration in May 1983.

Conclusion: The launch of STS-7 payloads will not result in any significant adverse environmental impacts. No environmental impact statement is required for this launch

Dated: June 10, 1983.

Ann P. Bradley,

Acting Associate Administrator for Management.

[FR Doc. 83-16002 Filed 6-14-83; 8:45 am]

BILLING CODE 7510-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-12527]

Standard Oil Co; Application and Opportunity for Hearing

June 8, 1983.

Notice is hereby given that the Standard Oil Company, an Ohio Corporation (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the trusteeships of Chemical Bank under an existing indenture that has been qualified under the Act and a Trust Indenture with Guadalupe-Blanco River Authority (the "Issuer") dated as of May 1, 1983, which has not been qualifed under the Act, are not so likely to involve a material conflict of interst as to make it necessay in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under either of such Indentures.

The Applicant alleges that:

(1) Applicant is an obligor under an indenture dated as of May 1, 1971 and entered into between Kennecott Corporation and Chemical Bank, Trustee (the "original Indenture"), which indenture involved the issuance of $200,000 principal amount of 7 ⅞% Debentures Due 2001 (the "Debentures"). The Original Indenture has been qualified under the Act. Pursuant to a First Supplemnetal Indenture to the Original Indenture dated as of July 1, 1982 (the first Supplemental Indenture and the Original Indenture being hereinafter called the "1971 Indenture"), Applicant expressly guaranteed the payment of the principal of and premium, if any, and interest on the Debentures (the "July 1982 Guarantee").

(2) The Applicant is not in default in any respect under the 1971 Indenture, the July 1982 Guarantee or under any other existing indenture.

(3) On May 11, 1983 Chemical Bank entered into a Trust Indenture dated as of May 1, 1983 with the Issuer (the "1983 Indenture"), pursuant to which there were issued $4,700,000 principal amount of Floating Rate Monthly Demand Water Supply Refunding Revenue Bonds, Series 1983 (Sohio Chemical Company Project) (the "Bonds").

(4) The Applicant is obligated to pay the principal of, premium, if any, and interest on the Bonds pursuant to a direct guarantee contained in a Guarantee Agreement dated as of May 1, 1983 between the Issuer and Applicant, which has been assigned to Chemical Bank, as Trustee (the "May 1983 guarantee").

(5) The Bonds have not been registered under the Securities Act of 1933 on the basis of the exemption provided by Section 3(a)(2) thereof, and the 1983 Indenture has not been qualified under the Act in reliance upon Section 304 thereof.

(6) The May 1983 Guarantee, if enforced against Applicant, would rank on a parity with the obligations evidenced by the July 1982 Guarantee, and the obligations of Applicant under the May 1983 Guarantee and the July 1982 Guaranty are wholly unsecured.

(7) Aside from differences among the 1971 Indenture and the 1983 Indenture as to amounts, interet rates, maturity

dates, redemption dates and redemption powers, and differences in form between the 1971 Indenture and the 1983 Indentures, the terms of said Indentures are substantially similar. In the opinion of Applicant, the differences between the 1971 Indenture and the 1983 Indenture are not so likely to involve a material conflict of interst as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under either of said Indentures.

(8) Applicant has waived notice of hearing, any right to a hearing, and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said applications, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than July 5, 1983, submit to the Commission his views or any substantial facts bearing on this application or request that a hearing be held on such matter. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues to fact and law reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission. Persons who request a hearing or advice as to whether the hearing is ordered will receive all notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporation Finance, pursuant to delegated aurthority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-16039 Filed 6-14-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Preferred Lenders Pilot Programs; Expansion

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: The Small Business Administration has decided to expand the Pilot Preferred Lenders Program into Region IX (AZ, CA, HI, NV). This program allows certain lenders to approve and issue Small Business Administration loan guaranties without prior approval of SBA. The program is more fully explained on page 7667 in the **Federal Register**, Vol. 48, No. 37, February 23, 1983. The lenders participating in the Region IX pilot from the State of California will be Bank of America, Crocker National Bank, First Interstate Bank of California, Security Pacific National Bank, West Coast Bank, and Wells Fargo Bank; from the State of Arizona will be Thunderbird Bank and Valley National Bank; from the State of Hawaii will be the Bank of Hawaii; and from the State of Nevada will be the First Interstate Bank of Nevada.

At this time, it is planned that the pilot program will terminate on or before May 31, 1983. By that time, SBA plans to have completed an evaluation of the program and made a decision regarding nationwide implementation.

FOR FURTHER INFORMATION CONTACT: Dan Gibb, Chief, Financial Institutions Branch, (202) 653-6076 or Jim Hammersley, Financial Analyst, (202) 653-6266, Small Business Administration, Room 720, 1441 L Street NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans)

Dated: June 9, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-16028 Filed 6-14-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

Advisory Committee On International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Working Group on Multilateral Investment Standards for MNE's and UN Activities of the Advisory Committee on International Investment, Technology, and Development on Wednesday, July 6, 1983, from 9:30 a.m. to noon, Room 6320, Department of State, 2201 C Street, NW., Washington, D.C. 20520.

The purpose of the meeting is to: discuss future steps on negotiations on a UN Code of Conduct on TNC's; discuss the outcome of the June OECD meetings on Guidelines for MNE's, national treatment and performance requirements; and review developments relating to the draft UN code on transfer of technology.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office (202-632-2728) in order to arrange admittance to the State Department. Please use the "C" Street entrance.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: June 1, 1983.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 83-16015 Filed 6-14-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/638]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea, Working Group on Fire Protection; Meeting

The U.S. Safety of Life at Sea (SOLAS) Subcommittee Working Group on Fire Protection will conduct an open meeting on June 28, 1983, at 9:30 A.M., in Room 1303 of the Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C 20593.

The purpose of the meeting will be to discuss the results of the 28th session of the International Maritime Organization (IMO) Subcommittee on Fire Protection, 17-21 January, 1983.

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. Donald J. Kerlin, U.S. Coast Guard (G-MTH-4/13), Washington, D.C. 20593. Telephone: (202) 426-2197.

Dated: June 1, 1983.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 83-16014 Filed 6-14-83; 8:45 am]

BILLING CODE 4710-07-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395-7313.

Agency Clearance Officer: John O. Catron, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2523, FTS 858-2523.

Type of Request: Revision of a currently approved collection
Title of Information Collection: Electric Load Research Questionnaire
Frequency of Use: On occasion
Type of Affected Public: Individuals or households, farms, and businesses or other for-profit
Standard Industrial Classification: All
Small Businesses or Organizations Affected: Yes
Federal Budget Functional Category Code: 271
Estimated Number of Annual Responses: 1500
Estimated Total Annual Burden Hours: 750
Estimated Annual Cost to TVA: $100,000

Need for and Uses of Information: Information is needed to evaluate the effects of demographic and other characteristics on the use patterns of electricity. This information is vital as input into ratemaking, cost-of-service, and forecasting procedures of the agency.

Dated: June 7, 1983.

John W. Thompson,

Assistant General Manager, Senior Agency Official.

[FR Doc. 83-16017 Filed 6-14-83; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circular 570, 1982 Rev., Supplement No. 25]

American Fidelity Fire Insurance Company; Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the Certificate of Authority issued by the Treasury to American Fidelity Fire Insurance Company, Woodbury, New York under Section 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date. The company was last listed as an acceptable surety on Federal bonds at 47 FR 28871, July 1, 1982.

With respect to any bonds currently in force with American Fidelity Fire Insurance Company, bond-approving officers of the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Questions concerning this termination notice may be directed to the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226. Telephone (202) 634-5745.

Dated: June 9, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations

[FR Doc. 83-15982 Filed 6-14-83; 8:45 am]

BILLING CODE 4810-35-M

Internal Revenue Service

Commissioner's Advisory Group; Open Meeting

There will be a meeting of the Commissioner's Advisory Group on June 29 and 30, 1983. The meeting will be held in Room 3313 of the Internal Revenue Service Building. The building is located at 1111 Constitution Ave., NW., Washington, D.C. The meeting will begin at 9:00 A.M. on Wednesday, June 29, and 9:00 A.M. on Thursday, June 30. The agenda will include the following topics:

Wednesday, June 29, 1983

Organizational Structure and Functional Responsibilities
Tax Shelters and Partnerships
Tax Havens
Revenue Agent Training Program

Thursday, June 30, 1983

Automated Collection System
Tax Forms Development
Overview of Research Initiatives Within IRS
Automation Developments

The meeting, which will be open to the public, will be in a room that accommodates approximately 50 people. If you would like to have the Committee consider a written statement, please call or write to John E. Burke, Assistant to the Deputy Commissioner, 1111 Constitution Ave., NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: John E. Burke, Assistant to the Deputy Commissioner, (202) 566-4143 (Not toll free).

James I. Owens,

Acting Commissioner.

[FR Doc. 83-16006 Filed 6-14-83; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Geriatrics and Gerontology Advisory Committee; Meeting

The Veterans Admistration, in accordance with Pub. L. 92-463, gives notice that a meeting of the Geriatrics and Gerontology Advisory Committee will be held in Room 119 on June 28 and 29, 1983, at the Veterans Administration Central Office, 810 Vermont Avenue, N.W., Washington, DC. The purpose of the Geriatrics and Gerontology Advisory Committee is to advise the Administrator and the Chief Medical Director relative to the care and treatment of the aging veterans, and to evaluate the Geriatric Research, Educational and Clinical Centers establsihed by the Department of Medicine an Surgery.

The sessions on June 28 will be closed to the public. The sessions on June 29 will be open to the public from 9 a.m. to conclusion at noon. Because seating capacity of the meeting room is limited, it will be necessary for those wishing to attend the open session to contact Mrs. Von Hudson, Program Assistant, Veterans Administration Central Office (phone 202-389-2298) prior to June 17, 1983.

The sessions will be closed since they involve discussion, examination, reference and and review of staff and consultant critiques of research and medical care protocols and programs, and other similar documents in connection with the committee's evaluation of the Veterans Administration health care system, such as the President's Private Sector Survey.

The discussion and recommendations will deal with both qualifications of personnel conductiong these studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, nad with agency plans to respond to the various critiques, the premature disclosure of which would frustrate the agency's responsibile planning efforts. In addition, the premature public disclosure of the Committee's (GGAC) report would signficantly frustrate the agency's implementation of the requirements of 38 U.S.C. 4101(f)(2)(C). Closure of the

meeting is in accordance with subsection 10(d) of Pub. L. 92–463, as amended by Pub. L. 94–409, and as cited in 5 U.S.C. 552b(c) (6) and (9)(B).

Dated: June 8, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83–15984 Filed 6–14–83; 8:45 am]

BILLING CODE 8320–01–M

Veterans Administration Wage Committee; Meetings

The Veterans Administration, in accordance with Pub. L. 92–463, gives notice that meetings of the Veterans Administration Wage Committee will be held on:

Wednesday, July 6, 1983
Thursday, July 21, 1983
Thursday, August 4, 1983
Thursday, September 1, 1983
Thursday, September 29, 1983.

The meetings will begin at 2:30 p.m. and will be held in Room 304, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420.

The Committee's purpose is to advise the Chief Medical Director on the development and authorization of wage schedules for Federal Wage System (blue-collar) employees.

At these meetings the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules.

All portions of the meetings will be closed to the public because the matters considered are related solely to the internal personnel rules and practices of the Veterans Administration and because the wage survey data considered by the Committee have been obtained from officials of private business establishments with a guarantee that the data will be held in confidence. Closure of the meetings is in accordance with subsection 10(d) of Pub. L. 92–463, as amended by Pub. L. 94–409, and as cited in 5 U.S.C. 552b(c) (2) and (4).

However, members of the public are invited to submit material in writing to the Chairman for the Committee's attention.

Additional information concerning these meetings may be obtained from the Chariman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: June 8, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83–15983 Filed 6–14–83; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 116
Wednesday, June 15, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Deposit Insurance	1, 2
Federal Reserve System	3
National Labor Relations Board	4
Railroad Retirement Board	5

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 20, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Request for reconsideration of a previous denial of an application for consent to purchase assets and assume liabilities, establish eight branches and redesignate the main office:

Valley Bank and Trust Company, Mishawaka, Indiana, and insured State nonmember bank, for consent to purchase the assets of and to assume the liability to pay deposits made in American National Bank and Trust Company of South Bend, South Bend, Indiana, to establish the eight offices of American National Bank and Trust Company of South Bend as branches of Valley Bank and Trust Company, and to redesignate the present main office of American National Bank and Trust Company of South Bend as the main office of the resultant bank.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 13, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-854-83 Filed 6-13-83; 2:31 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, June 20, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to merge and establish three branches:

People's Savings Bank—Bridgeport, Bridgeport, Connecticut an insured mutual savings bank, for consent to merge, under its charter and with the title "People's Bank," with People's Bank, Vernon, Connecticut, an insured mutual savings bank, and to establish the three existing offices of People's Bank as branches of the resultant bank.

Report of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or Associate Director (Administration and Corporate Applications) of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 13, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-855-83 Filed 6-13-83; 2:31 pm]

BILLING CODE 6714-01-M

3

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, June 20, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed purchase of currency sorters within the Federal Reserve System.

2. Proposed purchase of telephone equipment within the Federal Reserve System.

3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: June 10, 1983.

James McAfee,

Associate Secretary of the Board.

[S–863–83 Filed 6–13–83; 1:51 pm]

BILLING CODE 6210–01–M

4

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 9 a.m., Monday, 13 June 1983.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, N.W.

STATUS: Closed to public observation pursuant to 5 U.S.C. 552b(c)(2) (internal personnel rules and practices) and Section 552b(c)(10) (specifically concern * * * the agency's participation in a civil action or proceeding, * * *)

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D. C. 20570, telephone (202) 254–9430.

Dated: Washington, D.C., 10 June 1983.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S–868–83 Filed 6–13–83; 3:31 pm]

BILLING CODE 7545–01–M

5

RAILROAD RETIREMENT BOARD

TIME AND DATE: 9 a.m., June 23, 1983.

PLACE: Board's meeting room, eight floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED:

(1) Canadian service.

(2) Appeal of Southern Pacific Transportation Company.

(3) Bureau of Audit and Investigation—independence of the internal auditor.

(4) Audit priorities.

(5) Proposed revisions to Board Orders 75–1 and 75–6.

(6) Field office hours.

(7) Proposed disability regulations (Part 220).

(8) Supplemental budget request.

(9) Report on benefit accuracy recommendations.

(10) Part 395 of Board 's regulations under Title VII of the Regional Rail Reorganization Act of 1973.

CONTACT PERSON FOR MORE INFORMATION: Beatrice Bzerski, COM No. 312–751–4920, FTS No. 387–4920.

[S–863–83 Filed 6–13–83; 1:04 pm]

BILLING CODE 7905–01–M

0L
48
ISS
1
1
6
JE
15
1983
UMI

federal register

Wednesday
June 15, 1983

Part II

Department of Energy

Sale of Strategic Petroleum Reserve Petroleum; Standard Sales Provisions

DEPARTMENT OF ENERGY

10 CFR Part 625

Sale of Strategic Petroleum Reserve Petroleum; Standard Sales Provisions

AGENCY: Procurement and Assistance Management Directorate, Assistant Secretary for Management and Administration, Department of Energy.

ACTION: Request for comments on appendix to proposed rule.

SUMMARY: On March 16, 1983, the Department of Energy (DOE) proposed to adopt a rule governing price competitive sales of petroleum from the Strategic Petroleum Reserve (SPR) in the event that the SPR is drawn down to respond to a severe energy supply interruption or to meet obligations of the United States under the International Energy Program. The rule would establish a framework for conducting the price competitive sale of SPR petroleum and for entering into contracts with successful offerors. The proposed rule provides for the publication in the **Federal Register**, as an appendix to the rule, of Standard Sales Provisions (SSPs) containing or describing contract clauses, terms and conditions of sale, and performance and financial responsibility measures, which may be applicable to a particular sale of SPR petroleum. DOE now solicits written comments with respect to the proposed SSPs.

DATES: Comments on the SSPs by August 1, 1983.

ADDRESSES: Send comments to: Lynn Warner, MA–963.1, Department of Energy, Room 1J–027, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Marcia L. Morris, MA–441, Procurement and Assistance Management Directorate, Department of Energy, Room 1I–030, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9073;

Fred A. Hutchinson, EP–532, Strategic Petroleum Reserve, Environmental Protection, Safety and Emergency Preparedness, Department of Energy, Room 3E–042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–4734;

E. Grant Garrison, GC–11, Office of Assistant General Counsel, International Trade and Emergency Preparedness, Department of Energy, Room 6A–141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2900

SUPPLEMENTARY INFORMATION:

I. Background
- A. Establishment of the SPR
- B. Drawdown and Distribution of the SPR
- C. SPR Storage and Distribution Facilities

II. The Pending Rulemaking
- A. Regulatory Background
- B. The Proposed SPR Competitive Sales Rule

III. Proposed Standard Sales Provisions (SSPs)
- A. Purposes
- B. General Sales Procedures
- C. Purchaser Performance and Financial Responsibility
  - 1. Offer Guarantee
  - 2. Performance and Payment Guarantee
  - 3. Liquidated Damages
  - 4. Termination for Default
  - 5. Other Performance and Financial Responsibility Measures
- D. Additional Comments Sought

IV. Comment Procedures

Appendix: Proposed Standard Sales Provisions

I. Background

A. Establishment of the SPR

The Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, 42 U.S.C. section 6201 *et seq.*, signed into law on December 22, 1975, authorized the creation of the SPR. The objective of the SPR is to provide for the storage of substantial quantities of petroleum in order to dimish U.S. vulnerability to the effects of a severe energy supply interruption, and to facilitate carrying out U.S. obligations under the Agreement on an International Energy Program.

B. Drawdown and Distribution of the SPR

Section 161(b) of the EPCA provides that "no drawdown and distribution of the Reserve may be made except in accordance with the provisions of the Distribution Plan contained in the Strategic Petroleum Reserve Plan which has taken effect pursuant to section 159(a)."

An SPR Plan, which included detailed proposals for development of the SPR, was transmitted to the Congress as Energy Action No. 10 on February 16, 1977, and became effective on April 18, 1977. Subsequently, four amendments have been made to this Plan; Amendment No. 3, setting forth the planned method of withdrawal and distribution of the SPR oil, was transmitted to the Congress as Energy Action DOE No. 5 on October 21, 1979, and became effective on November 15, 1979.

In the Energy Emergency Preparedness Act of 1982 (EEPA), Pub. L. 97–229, Congress required that a new "Drawdown" (Distribution) Plan replacing SPR Plan Amendment No. 3 be transmitted to the Congress; it provided that this Amendment No. 4 to the SPR Plan would take effect on the date transmitted, without Congressional review. The new Distribution Plan was transmitted to Congress on December 1, 1982, and took effect on that date. The new Plan provides that the principal method of distributing SPR oil will be price competitive sale. These Standard Sales Provisions (SSPs) are being developed in order to provide the contractual framework for implementing the sales policies described in Amendment No. 4.

Section 161(d) of the EPCA stipulates that drawdown and distribution of the SPR may not be undertaken unless the President finds that such actions are "required by a severe energy supply interruption or by obligations of the United States under the international energy program." A severe energy supply interruption is defined in section 3(8) of the EPCA as a national energy supply shortage which the President determines:

> (A) is, or is likely to be, of significant scope and duration, and of an emergency nature;
>
> (B) may cause major adverse impact on national safety or the national economy; and
>
> (C) results, or is likely to result, from an interruption in the supply of imported petroleum products, or from sabotage or an act of God.

The International Energy Program referred to in section 161(d) is the Agreement on an International Energy Program (IEP) signed by the United States on November 18, 1974. This Agreement authorizes, under specific conditions, an emergency program among participating countries for sharing the world-wide crude oil supplies available to them. The existence of IEP obligations can serve as a basis for authorizing an SPR drawdown. However, there is no requirement that the SPR be used to satisfy these obligations.

C. SPR Storage and Distribution Facilities

As of May 1, 1983, about 318 million barrels of crude oil were in storage in the SPR; virtually its entire permanent storage capacity currently available is filled with oil. That oil is stored in five Gulf Coast sites, each in proximity to and connected with one of three major interstate crude oil distribution pipelines, and with Gulf Coast docks from which the oil can be moved by water. Those current sites, pipelines and docks are:

Site	Pipeline	Docks
Bryan Mound, Tex.	Seaway	Seaway Docks, Freeport, Tex.
West Hackberry, La.	Texoma	Sunoco Docks, Nederland, Tex.
Sulphur Mines, La.	Texoma	Sunoco Docks, Nederland, Tex.
Bayou Choctaw, La.	Capline	St. James, La. (U.S.-owned).
Weeks Island, La.	Capline	St. James, La. (U.S.-owned).

These sites are filled with a number of different crude oils from a variety of sources. With one exception, crudes have been commingled in the storage caverns with other crudes of similar quality. There are four basic categories of crude oils stored in the SPR: (1) sour crude oil, consisting of a commingled blend of Arabian Light and similar high sulfur crudes; (2) sweet crude oil, consisting of a commingled blend of United Kingdom Forties and similar low sulfur crudes; (3) the SPR's Weeks Island mix, consisting of a commingled blend of Alaskan North Slope and similar crude oils; and (4) Mexican Maya, the only generic crude oil that is segregated in storage from other crudes. These crudes will be made available at terminals at the following locations for sale and delivery by pipeline or ship:

Location	Crudes
Freeport, Tex.	Sweet; sour; Maya
Nederland, Tex.	Sweet; sour.
St. James, La.	Sweet; sour; Weeks Island mix.

With the exception of Maya crude oil, no petroleum currently stored in the SPR will be offered for sale by generic type. For detailed specifications of the various blends, see Exhibit D to the SSPs.

The SPR now has the capability to withdraw petroleum from its sites for distribution at a sustainable rate of 1.7 million barrels per day. At an oil storage level of 500 million barrels, the SPR's distribution capability will increase to 3.5 million barrels per day. At a level of 750 million barrels SPR withdrawal capacity would be 4.5 million barrels per day.

II. The Pending Rulemaking

A. Regulatory Background

The previous SPR Distribution Plan, SPR Plan Amendment No. 3, set out a number of alternative distribution methods. To establish the regulatory basis for such distribution methods, DOE in 1980 adopted 10 CFR Part 220 pursuant to section 161(e) of the EPCA, as well as conforming amendments to its Standby Mandatory Crude Oil Allocation Program and Buy/Sell Program (45 FR 55379, Aug. 19, 1980). Part 220 provided for the distribution of SPR oil only to refiners, and established three regulatory mechanisms for allocating SPR oil.

Under these regulations, prices were to be set for allocated high sulfur and low sulfur crude oils, with adjustments for gravity and sulfur content. The prices were not to be significantly higher or lower than the highest and lowest prices respectively, in comparable sales of allocated crude oil occurring in the month of sale.

On January 28, 1981, President Reagan issued Executive Order No. 12287, revoking allocation and price controls on crude oil and refined petroleum products. Part 220 was amended on April 3, 1981, to eliminate use of the Buy/Sell Program as means for distributing SPR oil (46 FR 20508). No further changes have been adopted to Part 220; however, those regulations are to be reviewed and revised as necessary to conform them with the new Distribution Plan, which relies primarily on price competitive sales for distributing SPR petroleum. Part 220 will continue to cover only the allocation of SPR petroleum in accordance with the new Distribution Plan, which provides that in any calendar month the Secretary may direct the distribution of up to 10 percent of the volume of the SPR oil sold in that calendar month, in such manner as he determines at his discretion; the price of such oil shall be the average price of SPR oil sold at the most recent competitive sale.

B. The Proposed SPR Competitive Sales Rule

On March 16, 1983, DOE published in the **Federal Register** (48 FR 11125) its notice of proposed rulemaking to establish the framework for the price competitive sales of SPR petroleum in accordance with Amendment No. 4 to the SPR Plan. The proposed rule would adopt procedures governing the process by which DOE will conduct the price competitive sale of SPR oil during drawdown.

Price competitive sale of SPR petroleum involves four basic steps: the promulgation of SSPs; the issuance of a Notice of Sale; the selection of the highest offers; and the award of sales contracts. The purpose of the proposed rule is to facilitate the sales process, primarily by requiring the development of SSPs containing contract clauses which the Notice of Sale may make applicable to particular price competitive sales of SPR petroleum. These provisions will include any contract clauses that are required by law, regulation, SPR programmatic considerations, or sound business practice. They also will include purchaser performance and financial responsibility measures or descriptions thereof. The SSPs differ in four main ways from the Basic Sales Agreement which DOE had issued in connection with the previous Distribution Plan: first, the SSPs place greater emphasis on purchaser performance and financial guarantees; second, they allow for significantly less subjective judgment in the evaluation of offers; third, they contain model contract terms and conditions, while providing a method of altering them at the time of drawdown through the Notice of Sale, if that proves necessary; and fourth, whereas the Basic Sales Agreements were to be signed in advance, there will be no presigning of the SSPs.

The proposed competitive sales rule would require the publication of the SSPs in the **Federal Register** and in the Code of Federal Regulations as an appendix to the final rule. It also provides for the periodic review and republication of the SSPs in the **Federal Register**, including any revisions thereto.

It is anticipated that the Notice of Sale will specify, by referencing the **Federal Register** and the Code of Federal Regulations in which the latest version of the SSPs was published, the contractual provisions contained or described therein that apply to that particular sale. The Notice of Sale may revise such terms and conditions, or add new ones which would apply to that particular sale, consistent with the SPR Distribution Plan. Offerors, as part of their offers for SPR petroleum, must agree to all contractual provisions and performance and financial responsibility measures made applicable by the Notice of Sale. The proposed rule provides that no contract may be awarded to an offeror which has not unconditionally agreed to all of the SSPs made applicable by the Notice of Sale. The proposed rule also provides that the terms and conditions set out in the Notice of Sale and the SSPs may be referenced in the contract documents rather than physically incorporated.

In order to assure that the drawdown objectives of the SPR are achieved and that only responsible offerors are awarded contracts, the proposed rule itself contains a measure to ensure purchaser performance, consisting of procedures for excluding a firm from participating in any future sale of SPR petroleum when that firm had previously been awarded a contract, yet failed to take delivery of the petroleum in accordance with the terms of the contract. This exclusion would be in addition to the other purchaser performance and financial guarantees

provided for in the SSPs. In addition to the remedies available to the Government under the contract and under the rule, a purchaser which defaults on a contract also may be subject to debarment procedures pursuant to other applicable DOE regulations.

III. Proposed Standard Sales Provisions (SSPs)

A. Purposes

The "Drawdown" (Distribution) Plan, SPR Plan Amendment No. 4, requires that sale of at least ninety percent of the SPR petroleum sold in any one month, be exclusively by price competitive sale, to those eligible offerors making the highest offers. With respect to such sales, it provides:

> At or before the time of offer, all buyers must sign the DOE's standard sales agreement which will set forth all of the provisions regarding the sale. The sales agreement is designed to expedite the process of selling and distributing SPR oil, and assuring performance under resulting awards. Provisions covered in a sales agreement may include such subjects as liability of the parties, payment procedure, crude oil quality differential pricing, and inspection and acceptance procedures, irrevocable letters of credit, performance bonds and/or other requirements or provisions which the Secretary may determine to be necessary or appropriate to assure performance and payment. Provisions in the sales agreement may be modified or deleted, as the Secretary may deem appropriate for a particular sale, through changes noted in the NS for that sale. Prior to award, successful bidders must provide financial and performance assurances which will guarantee their capability to carry out the contract.

The SSPs are the "standard sales agreement" provided for in Amendment No. 4. The pending DOE rule on competitive sales of SPR petroleum provides that no contract can be awarded to any offeror which fails to accept unconditionally those provisions made applicable to a particular sale by the Notice of Sale.

Plan Amendment No. 4 provides that price competitive sales of SPR petroleum will be open to all interested buyers; the universe of eligible offerors is to be as large as possible in order to facilitate the efficient distribution of SPR petroleum. Amendment No. 4 also provides for performance and financial responsibility measures in the SPR oil sales process, to reduce the risk that a buyer of SPR oil might fail to meet its contractual obligations to lift this oil on schedule or to pay the Government all amounts due.

The procedures and provisions contained in the proposed SSPs published as an Appendix to this Notice have been designed to balance and achieve both of these objectives, permitting any offeror to compete in SPR oil sales, but assuring that each buyer will perform its contract in a responsible manner, thereby contributing to the success of SPR drawdown and distribution.

In order to maximize competition, DOE has made the SPR oil sales process as unrestricted and nonjudgmental as possible. Anyone may make an offer to purchase SPR oil, and prerequisites to doing so have been minimized. Wherever possible, the need for subjective judgements has been eliminated. As provided in Amendment No. 4, price is to be the determining factor in the award of SPR petroleum sale contracts.

In order to reduce the risk of purchases by persons who lack the capability or intent to take timely delivery of SPR petroleum, or the financial wherewithal to pay for it, the SSPs require that (1) a firm transportation plan showing an ability to move the oil must be submitted by a high offeror before it is awarded a contract, and (2) binding guarantees of the offeror's full performance and payment under the contract must be agreed to by each offeror as a precondition to contract award. The measures included in the SSPs to ensure the offeror's fulfillment of its repsonsibilities include:

1. Requirement for offer guarantee;
2. Requirement for letter of credit or cash deposit to guarantee performance and payment;
3. Assessment of liquidated damages for failure to lift oil in accordance with the contract; and
4. Possible termination for default.

In addition, the pending rulemaking contemplates the possible denial of future contracts for failure to perform in accordance with an SPR oil sale contract. Thus, an offer or agreement to acquire SPR oil will involve a substantial commitment to the implementation of SPR drawdown and distribution in a manner consistent with the purposes of the SPR.

It should be noted that the export of crude oil distributed from the SPR is limited by U.S. export control laws, the provisions of which differ depending on the source of the oil proposed to be exported. The most stringent statutory tests that must be met prior to export apply to domestically produced crude oil from the U.S., including Alaskan North Slope oil (section 7(d) of the Export Administration Act of 1979, 50 U.S.C. App. section 2406(d)) and Naval Petroleum Reserves oil (10 U.S.C. section 7430(e)), both of which are contained in the SPR. The SPR also holds domestic oils which may be subject to other export limitations if the oil has been transported across a right-of-way granted under section 28(u) of the Mineral Lands Leasing Act (30 U.S.C. section 185(u)). The export of foreign oil is governed by the less stringent export controls in the Department of Commerce's "Short Supply Controls," 15 CFR Part 377. Because oil from various sources has been commingled in SPR storage, the applicability of these export control laws and regulations to any given lot of SPR oil is difficult to predict. The SSPs contain a warning concerning these restrictions and forbid the export of SPR petroleum in violation of applicable laws and regulations (see provision No. B.4 and Provision No. B.22).

B. General Sales Procedures

The SPR sales process starts with the issuance of a Notice of Sale, followed by the submission of offers by prospective buyers. The Government will evaluate the offers and award SPR sales contracts to those offerors making the highest priced responsive offers, which have provided the necessary assurances of performance and financial responsibility. The Notice of Sale is the document announcing the sale of SPR petroleum, the amount, characteristics and location of the petroleum being sold, the delivery period (presently expected to cover 30–60 days) and the procedures for submitting offers, as well as providing other information pertinent to a particular sale. In additon, the Notice of Sale will specify what contractual provisions and performance and financial responsibility measures are applicable to a particular sale. A sample Notice of Sale is at Exhbit B to the SSPs.

Over the course of an SPR drawdown, a number of Notices of Sale may be issued. Initially, Notices of Sale issued during SPR drawdown may allow an extremely short leadtime for bids and deliveries. While the amount of available leadtime of course will vary with the circumstances, it is possible that offerors might be given as little as seven days from the issuance of the Notice of Sale until offers are due, and as little as fifteen days from the time of issuance until oil delivery starts; a less compressed schedule may become more feasible after the initial stages of drawdown. Because of the possible short leadtime, the SSPs provide for the establishment of a list of prospective offerors. The Government will provide offerors on that list with copies of all

Notices of Sale. Prospective offerors are urged to submit their names for inclusion on the mailing list so that they will be assured of receiving the Notice of Sale in a timely fashion. No assurance can be given that requests for copies of a Notice of Sale that are received after the Notice has been issued will be processed in time for the requestor to submit an offer.

The next step in the sale process is the preparation by prospective purchasers of offers which must be submitted before a time specified in the Notice of Sale. The offer must unconditionally accept all terms and conditions made applicable to that sale by the Notice of Sale; must include an offer guarantee (Provision No. B.24); and must offer at least the minimum price, if any, specified in the Notice of Sale.

Following the receipt of offers the Government will evaluate the offers to select the "apparently successful" offerors. Offers will be for a specified amount of petroleum announced by DOE as available from the SPR at a given delivery point on a designated delivery date (termed a "delivery line item," see Exhibit A to the SSPs). Offers for a particular delivery line item will be ranked from highest to lowest with the offeror making the highest offer being selected as the apparently successful offeror. In the event that no offers are received for a particular item the SSPs establish a procedure for selecting an apparently successful offeror for that item without soliciting further offers (see Provision B.20). This procedure is designed to obtain the highest offer for the unsold petroleum without the delays inherent in negotiating with offerors or in issuing a new Notice of Sale.

All apparently successful offerors will be required, within as little as 72 hours, to provide firm transportation arrangements for the crude oil as well as either a letter of credit or a cash deposit as a guarantee of performance and payment of amounts due under the contract. Upon timely receipt of those items, and upon a final determination by the contracting officer that the offer is responsive and the offeror responsible, the Government will issue the Notice of Award.

As in any contracting program, it is possible that protests will be received regarding the Notice of Sale and the award process. However, given the importance to the Nation of the expeditious distribution of SPR petroleum and the achievement of the SPR's desired drawdown rate, DOE may elect notwithstanding such protests to proceed with contract awards and the delivery of SPR petroleum. This underscores the need for public comment on the SSPs at this time.

C. Purchaser Performance and Financial Responsibility

As explained above, the SSPs provide four major measures to assure purchaser performance and financial responsibility: (1) the offer guarantee, (2) the performance and payment guarantee, (3) liquidated damages, and (4) termination for default remedies.

1. Offer Guarantee. With its offer, the offeror must submit a guarantee that the offer will remain valid for ten days after the date set for receipt of offers. This guarantee may take the form of an offer bond on the Government's Standard Form 24, a certified or cashier's check, or a cash deposit to a special DOE account (see Provision No. B.24). The maximum amount of the required guarantee is ten million dollars or 30 percent of the total of all of the bidder's offers for SPR petroleum line items, whichever is less. The offer guarantee is to be available for offset against any damages incurred by the Government, including lost revenue on resale of the petroleum, in the event that an offeror makes the highest offer for an amount of petroleum but then does not provide the required performance and payment guarantee, or fails to execute the contract.

2. Performance and Payment Guarantee. In order to assure that the Government receives payment for oil delivered or for other amounts due under the contract in connection with the buyer's performance, such as liquidated damages or other damages for breach of contract, apparently successful offerors must provide a performance and payment guarantee prior to contract award. This may be in the form of either a letter of credit or an advance cash payment (see Provision No. C.15).

A letter of credit must be for 115 percent of the contract; this is because the quantity of crude oil specified in the contract is an estimated amount, with the Government reserving the right to over-deliver by as much as 15 percent in light of operational and logistical considerations. The letter of credit must be issued by a bank that participates in the Federal Reserve Bank FEDWIRE system (see Provision No. C.17). All letters of credit must be in the form of Exhibit F to the SSPs. The letter of credit will be an irrevocable clean letter of credit, with payment upon draft accompanied by a statement of an authorized Government official either that payment is due for oil delivered, or that payment is due for liquidated or other damages. The letter of credit contains two statements which will oblige the issuer to make payment, so that a single letter of credit will suffice rather than requiring one letter as a performance guarantee and another as a payment guarantee. Prospective offerors are cautioned that the short time period between selection of the apparently successful offeror and contract award will not permit review of non-conforming letters of credit. Therefore, letters of credit containing language not in exact conformity with the SSPs will be unacceptable.

The letter of credit form at Exhibit F provides that (a) the Government may draw against it by partial drafts, (b) drafts will be received by the bank by wire message, and (c) the bank will honor the draft by directing a wire transfer of funds to the U.S. Treasury Account at the Federal Reserve Bank of New York.

After delivering the SPR petroleum to the purchaser, DOE will prepare a Department of Defense Standard Form DD250, and a message containing the wire draft and the prescribed statement of an authorized Government official. The message containing the wire draft and prescribed statement will be sent by the SPR's New Orleans office to the New Orleans Branch of the Atlanta Federal Reserve Bank for wire transmittal to the Bank which issued the letter of credit. Copies of the invoice and the DD250 will be mailed to the contractor and to the bank. The bank must wire the funds thus drawn upon to the U.S. Department of the Treasury Account at the New York Federal Reserve Bank by the next business day after receipt of the draft.

As an alternative to submitting a letter of credit, the apparently successful offeror may submit an advance cash payment by wire transfer to a special DOE Account, in an amount of 45 days' delivery revenue under the contract plus 15 percent of the total contract amount, or 115 percent of the entire contract amount, whichever is less. DOE would invoice the purchaser after each delivery, and the purchaser would make payment by wire transfer to the U.S. Department of the Treasury account. The cash guarantee will be applied as a credit against the final invoice.

Purchasers which are late in accepting delivery may be asked, before delivery is commenced, to provide additional payment guarantees in the form of either a wire transfer or an increase in the letter of credit, in order to assure the Government of full payment of amounts due under the contract (see Provision No. C.16). Purchasers failing to provide

such additional guarantees may have their deliveries reduced accordingly.

3. *Liquidated Damages.* A failure by purchasers to honor SPR petroleum sales contracts could hinder the attainment of the desired rate of SPR drawdown and distribution, with possible adverse effects on the Nation. To provide compensation for the damages incurred by the country from any such behavior, the SSPs impose liquidated damages on a buyer's unexcused failure to comply with the contractually agreed delivery schedule. These damages would be in an amount equal to one percent of the contract price per barrel of undelivered petroleum, for each day or fraction thereof that a purchaser is late in accepting the petroleum, up to a maximum of 30 days. For tanker deliveries, if the vessel arrives late, liquidated damages shall continue to run until delivery is completed. Liquidated damages will not be assessed when the contractor is late for reasons excused by Provision No. C.26, which provides in pertinent part:

> (b) Except with respect to defaults of subcontractors, the purchaser shall not be charged with any liability to the Government under circumstances which prevent the purchaser's acceptance of delivery hereunder due to causes beyond the control and without the fault or negligence of the purchaser as determined by the Contracting Officer. Such causes shall include but are not limited to:
>
> (1) Acts of God or the public enemy;
>
> (2) Acts of the Government of the United States, acting in its sovereign or contractual capacity;
>
> (3) Fires, explosions or other catastrophes; or
>
> (4) Strikes.

In addition to being liable for liquidated damages, a purchaser which, without valid excuse, fails to take delivery of SPR petroleum it has contracted to buy, also may be liable to the Government for lost receipts in the event that its contract is terminated for default, and the petroleum is sold to another buyer at a lower price.

4. *Termination for Default.* The SSPs indicate, in Provision No. C.26, that in the event that:

(a) The Government does not receive payment in accordance with any payment provision of the contract;

(b) the purchaser fails to accept delivery under the terms of the contract; or

(c) The purchaser fails to comply with any other term or condition of the contract within five working days after written notice of such failure;

and if such conduct is not excused (for the same reasons discussed above with respect to liquidated damages), the Contracting Officer may terminate the contract in whole or in part. Should the Government exercise its right of termination, the Government may sell any contracted-for and undelivered petroleum and the original purchaser will be liable for the difference between the contract price and any lesser price obtained for the sale of the crude, as well as for any liquidated damages attributable to delivery delays occurring before another purchaser has lifted the petroleum. In no event shall the liquidated damages be assessed for more than thirty days.

If there is insufficient time to decide whether a failure or refusal to lift SPR oil on the contractually agreed schedule is due to a reason for which the contractor is culpable, DOE may elect initially to terminate the contract before determining whether there is a basis to declare a default. In this way, the Government can proceed to resell SPR petroleum that otherwise would not be distributed in a timely manner, and thereby maintain the desired drawdown rate. The Contracting Officer would proceed promptly to examine the facts, and would be allowed ten days within which he might convert the termination to one for default.

5. *Other Performance and Financial Responsibility Measures.* In addition to the performance and financial responsibility measures contained in the SSPs, the pending DOE rule on competitive SPR sales provides an additional remedy in the event of purchaser non-performance. The proposed rule would permit the DOE Headquarters Senior Procurement Official to exclude a firm from participating in any future sale of SPR petroleum when that firm had previously bid, was awarded a contract, and failed to take delivery of SPR petroleum in accordance with the terms of the contract. The ineligibility would not come into effect until after the firm had been given an opportunity to submit information or argument in opposition to the ineligibility. The Senior Procurement Official must consider the firm's response, if any, before making the purchaser ineligible for future award of SPR sales contracts. The ineligibility would continue for the length of time determined by the Senior Procurement Official as appropriate under the circumstances. The purchaser is to be notified of the result of the ineligibility proceedings. The proposed rule provides that at his discretion, the Senior Procurement Official may permit any such firm that petitions for reinstatement to participate in future SPR sales.

DOE believes that the five measures described above will adequately assure purchaser performance and payment responsibility, so as to eliminate the need for subjective determinations of offeror responsibility by the Contracting Officer. Thus, the only other bases upon which the Contracting Officer will make a finding of nonresponsibility are a failure of an apparently successful offeror to submit a transportation plan showing its ability to take timely delivery of the SPR petroleum and move it to its destination, or if evidence comes to the Contracting Office's attention, with respect to an offeror, of conduct or activity which (a) represents a violation of law or regulation, or Executive Order having the force and effect of law, or (b) shows a lack of integrity or willingness to perform, and which would substantially diminish the Contracting Officer's confidence in the offeror's required performance under the proposed contract.

D. Additional Comments Sought

DOE solicits comments on the Standard Sales Provisions, and on the following related questions:

1. Do prospective offerors need any additional information on specifications for SPR petroleum, beyond that contained in Exhibit D of the SSPs?

2. Do the proposed gravity and sulfur adjustments (see Provision No. C.7) accurately reflect the possible quality differentials between SPR specifications and any non-conforming petroleum which may be delivered?

3. Absent events outside of the tanker master's control, can purchasers provide, five days prior to a tanker's estimated arrival time, a one day window for the tanker's arrival?

4. What should be the smallest and the largest quantity of SPR barrels sold as a single delivery line item? While administrative convenience would be served by selling large lot sizes, DOE seeks comments on the extent to which small sized lots may be needed by prospective offerors.

5. A transportation plan (see Exhibit C) is proposed to be required prior to contract award in order to assure the timely movement of SPR petroleum. Are there likely to be any circumstances where it is unreasonable to require such a plan before award?

6. It is intended that the transportation plan be accepted by the Contracting Officer so long as it shows credible arrangements consistent with the terms of the Notice of Sale for timely movement of the SPR petroleum to be awarded. Are there additional specific questions which could be asked on Exhibit C to further mechanize the

Contracting Officer's review of transportation plans?

7. For tanker and pipeline shipments, what minimum leadtime is required from the date of SPR contract award until the time of delivery to the buyer of SPR oil? Please specify what assumptions about tanker or pipeline capacity availability your answer is based on.

8. Will Forms DD250 and DD250-1 at Exhibit I provide adequate documentation of delivery? If not, suggestions of alternative forms would be welcome.

9. DOE has under consideration the question of need for additional SSPs concerning ship and dock demurrage. What other SSPs, if any, may be needed?

IV. Comment Procedures

You are invited to participate in this proceeding by submitting information, views or arguments with respect to the proposed adoption of the Standard Sales Provisions. Comments should be submitted no later than [insert date 45 days from date of publication] to the address indicated in the "ADDRESSES" section of this preamble and should be identified on the outside envelope and on the document with the designation: "Sales Provisions for Strategic Petroleum Reserve Petroleum". Ten copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

DOE does not intend to hold a hearing in connection with its inquiry on these matters.

Issued in Washington, D.C., June 2, 1983.

Hillary J. Rauch,

Director, Procurement and Assistance Management Directorate.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; Department of Energy Organization Act, Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163)

List of Subjects in 10 CFR Part 625

Strategic petroleum reserve, Drawdown sales.

Accordingly, it is proposed to add the following Appendix A to proposed Part 625:

Appendix A to Part 625

Standard Sales Provisions

Index

Section A—General Pre-Sale Information
A.1 List of abbreviations.
A.2 Definitions.
A.3 Standard Sales Provisions.
A.4 Application of the Standard Sales Provisions.
A.5 Periodic revisions of the Standard Sales Provisions.
A.6 Offerors list for sales of petroleum.
A.7 Publicizing the Notice of Sale.
A.8 Issuing office for the Standard Sales Provisions and Notice of Sale.
A.9 Penalty for false statements in offers to buy SPR petroleum.

Section B—Sales Solicitation Provisions
B.1 Requirements for a valid offer—caution to offerors.
B.2 Requirements of the Jones Act for U.S. flag vessels—caution to offerors.
B.3 "Superfund" tax on SPR petroleum—caution to offerors.
B.4 Export limitations and licensing—caution to offerors.
B.5 Preparation of offers.
B.6 Submission of offers and modification of previously submitted offers.
B.7 Acknowledgment of amendments to a Notice of Sale.
B.8 Documents required in offer and award.
B.9 Late offers, modifications of offers, and withdrawal of offers.
B.10 Explanation requests from offerors.
B.11 Currency for offers.
B.12 Financial statement.
B.13 Proprietary data.
B.14 Notice of Sale line item schedule—petroleum quantity, quality, etc.
B.15 Reserved.
B.16 Information to be provided to DOE by the offeror on each delivery line item of its offer to buy petroleum.
B.17 Information to be provided by DOE to purchaser on each delivery line item awarded in the Notice of Sale.
B.18 Delivery points for crude oil sold from storage.
B.19 Evaluation of offers.
B.20 Procedures for evaluation of offers.
B.21 Procedures for resolicitation of offers on unsold delivery line items.
B.22 Transportation arrangements.
B.23 Offeror's certification of acceptance period.
B.24 Offer guarantee.
B.25 Procedures for selling to other U.S. Government Agencies.

Section C—Sales Contract Provisions
C.1 Information gathered for statistical purposes.
C.2 Certification of independent price determination.
C.3 Reserved.
C.4 Certification of compliance with the Jones Act and the U.S. export control laws.
C.5 Schedule line items.
C.6 Acceptance of quality.
C.7 Quality differential for crude oil.
C.8 Delivery and acceptance of crude oil.
C.9 Title and risk of loss.
C.10 Environmental requirements—marine transportation.
C.11 Purchaser liability for excessive berth time.
C.12 Determination of quantity of petroleum.
C.13 Determination of quality of petroleum.
C.14 Delivery documentation.
C.15 Performance and payment guarantee.
C.16 Replacement of funds in the performance guarantee.
C.17 Letters of credit, general requirements.
C.18 Contract amount estimated for crude oil.
C.19 Purchaser payment options.
C.20 Billing and payment—with purchaser's advance payment.
C.21 Billing and payment—with purchaser's letter of credit.
C.22 Method of payment—general.
C.23 Currency for payment of contract.
C.24 Interest.
C.25 Government options if payment is not received.
C.26 Termination.
C.27 Other Government remedies.
C.28 Liquidated damages.
C.29 Failure to perform SPR contracts.
C.30 Reserved.
C.31 Limitation of Government liability.
C.32 Government options in case of impossibility of performance.
C.33 Purchaser's responsibility.
C.34 Notices.
C.35 SPR/Project Management Office representative for contract administration.
C.36 Disputes.
C.37 Assignment.
C.38 Order of precedence.
C.39 Gratuities.
C.40 Officials not to benefit.
C.41 Reserved.

Exhibits.
A—Schedule Line Items.
B—Sample Notice of Sale.
C—Offeror Transportation Plan.
D—SPR Crude Oil Charateristics and Delivery Point Data.
E—Sample Offeror Response Sheet.
F—Letter of Credit—Required Form.
G—Information for Statistical Purposes.
H—Instructions Guide for Funds Transfer.
I—DD Forms 250 and DD Form 250-1.

Section A—General Pre-Sale Information

A.1 List of abbreviations.

(a) *DOE:* Department of Energy
(b) *EPCA:* Energy Policy and Conservation Act, Pub. L. 94-163 (42 U.S.C. Section 6201 *et seq.*)
(c) *NA:* Notice of Acceptance
(d) *NS:* Notice of Sale
(e) *SSP:* Standard Sales Provisions
(f) *SPR:* Strategic Petroleum Reserve
(g) *SPR/PMO:* Strategic Petroleum Reserve/Project Management Office

A.2 Definitions.

(a) *Contract.* The term "Contract" means the sales contract under which the purchaser buys SPR petroleum from the Government. It

is composed of the NS, the NA, the successful offer, and the SSPs which are incorporated by reference.

(b) *Contracting Officer.* The term "Contracting Officer" means the person executing sales contracts on behalf of the Government, and any other Government employee properly designated as Contracting Officer. The term includes the authorized representative of a Contracting Officer acting within the limits of his authority, except as may be otherwise provided in the contract.

(c) *Department of Energy.* The term "Department of Energy" means the agency established by Pub. L. 95–91, 42 U.S.C. Section 7101 *et seq.* and any component thereof including the SPR Office.

(d) *Government.* The term "Government", unless otherwise indicated in the text, means the United States Government.

(e) *Line Item.* The term "line item" means a numbered listing of petroleum available for purchase by an offeror. A master line item is a listing of delivery line items consisting of quantities of crude available for sale, each with the same specifications, delivery point, and transportation restrictions. A delivery line item is a numbered item listed on a master line item specifying the amount of crude available for sale on a particular date. (See Exhibit A, Schedule of Line Items, and Provision No. C.5.)

(f) *Notice of Acceptance (NA).* The term "Notice of Acceptance" means the document which is signed by the Government to accept the purchaser's offer to create a contract.

(g) *Notice of Sale (NS).* The term "Notice of Sale" means the document announcing the sale of SPR petroleum, the amount, characteristics and location of the petroleum being sold, the delivery period and the procedures for submitting offers, as well as providing other information pertinent to a particular sale. In addition, the NS will specify what contractual provisions and financial and performance responsibility measures are applicable to a particular sale of petroleum. (See Exhibit B, Sample Notice of Sale).

(h) *Offeror.* The term "offeror" means any person or entity (including a Government agency) which submits an offer in response to a NS. An apparently successful offeror is one which will be awarded a sales contract, after it is determined that the offer is responsive and the offeror is responsible.

(i) *Petroleum.* The term "petroleum" means crude oil owned or contracted for by DOE and in storage in any permanent SPR facility, or temporarily stored in other storage facilities, or in transit to such facilities (including petroleum under contract but not yet delivered to a loading terminal).

(j) *Price Competitive Sale.* The term "price competitive sale" used in connection with a sale of SPR petroleum means one in which contract awards are made to those responsive, responsible offerors offering the highest prices.

(k) *Project Manager.* The term "Project Manager" means the chief operating officer of the SPR/PMO. He is the duly authorized representative of the Secretary of Energy for the sale of petroleum from the Reserve. He is also the Head of Procuring Activity for the SPR/PMO.

(l) *Project Management Office.* The term "Project Management Office" means the collective staff of the SPR Office in Louisiana and Texas.

(m) *Purchaser.* The term "purchaser" means any person or entity (including a Government agency) which enters into a contract with DOE to purchase SPR petroleum.

(n) *Secretary.* The term "Secretary" means the Secretary of Energy or his duly authorized representatives.

(o) *Standard Sales Provisions.* The term "Standard Sales Provisions" means a set of terms and conditions of sale, which may contain or describe financial and performance responsibility measures, for petroleum sold from the Strategic Petroleum Reserve. These SSPs constitute the "standard sales agreement" referenced in the Strategic Petroleum Reserve "Drawdown" (Distribution) Plan, Amendment No. 4 to the SPR Plan.

(p) *Strategic Petroleum Reserve.* The term "Strategic Petroleum Reserve" means that program of the Department of Energy established by Title I, Part B of EPCA.

(q) *Strategic Petroleum Reserve Office.* The term "Strategic Petroleum Reserve Office" means the Deputy Assistant Secretary for the SPR and the collective staff reporting to him.

(r) *Work day.* The term "work day" means any day except Saturday, Sunday, or a U.S. Federal Government holiday.

(s) *Headquarters Senior Procurement Official.* The term "Headquarters Senior Procurement Official" means the Director, Headquarters Procurement and Assistance Management Directorate, DOE, or his duly authorized representative.

A.3 Standard Sales Provision.

(a) These Standard Sales Provisions (SSPs) contain general pre-sale information, sales solicitation provisions, and sales contract provisions setting forth terms and conditions of sale including purchaser financial and performance responsibility measures, or descriptions thereof. The NS may specify which of such terms and conditions shall apply to a particular sale of such petroleum, and it may specify any revisions therein and any additional provisions which shall be applicable to that sale. (See Exhibit B, Sample Notice of Sale.)

(b) All offerors must, as part of their offers for SPR petroleum in response to a NS, agree without exception to all provisions of the SSPs which the NS makes applicable to the particular sale. The Government will not award a contract to an offeror which has failed to so agree.

(c) The applicable provisions of the SSPs will be incorporated into the sales contracts by referring in the NS to the SSPs.

A.4 Application of the Standard Sales Provisions.

These SSPs apply to all price-competitive sales of petroleum from the SPR.

A.5 Periodic revisions of the Standard Sales Provisions.

DOE will review the SSPs periodically and republish them in the **Federal Register**, with any revisions. When a NS is issued, it will cite the **Federal Register** and the Code of Federal Regulations in which the latest version of the SSPs was published. Since the **Federal Register** is published on a daily basis, and the Code of Federal Regulations is only revised on an annual basis (and a further time lapse occurs between the end of the period covered by the revision and the availability of the Code of Federal Regulations volume in published form), some applicable SSPs may be available at a given time in published form only in the **Federal Register**. Interested persons may obtain a copy of the SSPs by writing to the address set forth in Provision No. A.8.

A.6 Offerors list for sales of petroleum.

(a) The SPR/PMO will maintain a list of those potential offerors which wish to receive a NS whenever such a document is issued. Signatories to the Basic Sales Agreement (BSA) which was intended to be utilized in SPR sales, but which no longer applies to such sales, will automatically be included unless they ask, in writing, to be excluded. They should update the information required by (c) below. In order to assure that potential offerors will receive the NS in timely fashion, they are encouraged to submit the information in (c) as soon as possible. *A NS may be issued by telegram, with as little as a week or less allowed for the receipt of offers.* While the Government will use its best efforts to supply copies of the NS to persons not on the list who request the NS at the time an SPR petroleum sale is announced this may not always be feasible in light of the short amount of time available before offers must be received.

(b) Any firm or individual may send a written request to be on the list to the following address:

U.S. Department of Energy, Strategic Petroleum Reserve, Project Management Office, Procurement Division, Mail Stop EP 5501, 900 Commerce Road East, New Orleans, Louisiana 70123, Telephone Number (504) 734–4220

(c) The request should be in writing and should include the following information:

Name of firm
Mailing address
City, State, Zip Code
Name of authorized agent
Telephone number for agent including area code
TWX number/code
Telecopier brand name and model number
Is telecopier automatic or operator controlled?
Telephone number for telecopier transmission including area code
Telephone number for verification of message receipt including area code
Dunn's Number

A.7 Publicizing the Notice of Sale.

(a) The NS will be sent to persons whose names are on the offerors list referenced in Provision No. A.6. Potential offerors are encouraged to send a representative to the SPR/PMO to obtain a copy of the NS.

(b) The NS will be sent to firms requesting it when a sale is announced. Firms may request the NS by telephone or in writing to

the telephone number or address in Provision A.6 above.

(c) A DOE press release, which will include the salient features of the NS, will be available to any news agency.

(d) At the option of the SPR Project Manager, advertisements may be placed in publications likely to reach interested parties, such as *Oil Daily, The Wall Street Journal* or *Commerce Business Daily.* The advertisements will contain the salient features of the NS and a name and telephone number at the SPR/PMO to call for further information.

A.8 Issuing office for the Standard Sales Provisions and Notice of Sale.

Copies of the SSPs, after publication in the **Federal Register**, and copies of the NS, when one is issued, may be obtained from the following address:

U.S. Department of Energy, Strategic Petroleum Reserve Office, Project Management Office, Procurement Division, Mail Stop EO 5501, 900 Commerce Road East, New Orleans, Louisiana 79123.

A.9 Penalty for false statements in offers to buy SPR petroleum.

A penalty for making false statements is imposed in the False Statements Act, 18 U.S.C. Section 1001, which provides:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

Section B—Sales Solicitation Provisions

B.1 Requirements for a valid offer—caution to offerors.

A valid offer to purchase SPR petroleum must meet the following conditions:

(a) The offer guarantee in an amount adequate to guarantee the offer must be received prior to the time set for the receipt of offers;

(b) The offer must be received prior to the time set for receipt of offers;

(c) All required representations and certifications must have been made;

(d) Any amendments to the NS which explicitly require acknowledgment of receipt must be properly acknowledged; and

(e) The offeror must agree without exception to all provisions of the SSPs which the NS makes applicable to a particular sale, as well as to all provisions in the NS.

B.2 Requirements of the Jones Act for U.S. flag vessels—caution to offerors.

The Jones Act, 46 U.S.C. Section 883, prohibits the transportation of any merchandise, including SPR petroleum, by water or land and water, on penalty of forfeiture thereof, between points within the United States (excluding the Virgin Islands) in vessels other than vessels built in and documented under laws of the United States, and owned by United States citizens, unless the prohibition has been waived by the Secretary of the Treasury. Transportation plans required by Provision No. B.22 shall reflect compliance with the Jones Act.

B.3 "Superfund" tax on SPR petroleum—caution to offerors.

The Hazardous Substance Response Revenue Act of 1980 Pub. L. 96-510, 26 U.S.C. Section 4611 *et seq.* imposes a tax of .079 cent a barrel on (1) crude oil received at a United States refinery and (2) petroleum products (including crude oil) entered into the United States for consumption, use, or warehousing. The Government already has paid the tax on some of the oil imported and stored in the SPR. No tax has been paid either on imported oil stored in the SPR prior to the effective date of this Act, or on the domestic oil stored in the SPR. Because various crude oils have been commingled in the SPR, on drawdown of the SPR it will not be possible to indicate to a purchaser of SPR crude oil which oil already has been taxed and which oil has not. Therefore, offerors may be liable to the Internal Revenue Service for the tax on SPR oil either received at a U.S. refinery, used, or exported. DOE has requested that the Internal Revenue Service develop a method to designate the oil on which the taxes have been paid; until such time as procedures are developed, or the tax expires, offerors are advised that they are responsible for payment of any "Superfund" taxes if they are assessed.

B.4 Export limitations and licensing—caution to offerors.

(a) Export of SPR crude oil is subject to U.S. export control laws, the provisions of which differ depending on the source of the crude oil proposed to be exported. For example, imported crude oil stored in the SPR may be exported pursuant to applicable Department of Commerce "Short Supply Controls", 15 CFR Part 377, if: the export is part of a transaction resulting in the importation of refined products of a quantity and quality not less than would be derived from domestic refining; the products are to be sold at prices no higher than the lowest prices at which they could have been sold by the nearest capable U.S. refinery; and for compelling economic or technological reasons beyond the exporter's control, the crude oil cannot reasonably be processed in the U.S (10 CFR Section 377.6(d)(1)(vii)). However, there are somewhat more stringent, independent statutory tests to be met as preconditions to the export of certain other crude oils stored in the SPR, including Alaskan North Slope (ANS) and Naval Petroleum Reserves (NPR) oil. *See* section 7(d) of the Export Administration Act of 1979, 50 U.S.C. App. Section 2406(d) (ANS oil) and 10 U.S.C. Section 7430(e) (NPR oil); *see also* 30 U.S.C. Section 185(u) (oil shipped across a Mineral Lands Leasing Act Section 28(u) right-of-way) and 43 U.S.C. Section 1354(a) (OCS oil).

(b) The transportation plan required in Provision No. B.22 shall reflect compliance with the U.S. export control laws. However, offerors for SPR petroleum are put on notice that the various SPR crude oils, subject to different export control laws, have been commingled in storage.

B.5 Preparation of offers.

In the event petroleum is sold from the SPR, the Government will issue a NS containing all of the pertinent information necessary for the offeror to prepare a priced offer. *A NS may be issued by telegram, with as little as a week or less for the receipt of offers.* Offerors are expected to examine the complete NS document, and to become familiar with the SSPs cited therein. Failure to do so will be at the offeror's risk.

B.6 Submission of offers and modification of previously submitted offers.

(a) Unless otherwise provided in the NS, offers may be submitted to the Government by mail, telegram, or mailgram. Offerors using offer bonds (SF-24), cashier's checks or certified checks may not submit them by telegram but must submit them in hard copy by mail or hand delivery.

(b) Unless otherwise provided in the NS, offers may be modified or withdrawn by mail, telegram, or mailgram, provided that the mail, telegram, or mailgram is received at the designated office prior to the hour and date specified for receipt of offers.

(c) Envelopes containing offers shall be plainly marked on the outside; "RE: SALE OF PETROLEUM FROM STRATEGIC PETROLEUM RESERVE. OFFERS ARE DUE (insert time of opening), LOCAL NEW ORLEANS, LA TIME on (insert date of opening). MAIL ROOM MUST MARK DATE AND TIME OF RECEIPT ON FACE OF THE ENVELOPE."

(d) The envelop shall be marked with the full name and return address of the offeror.

(e) Offers and modifications being sent by mail, telegram, or mailgram must be received at the address specified in the NS.

(f) Handcarried offers brought to the SPR/PMO in New Orleans, Louisiana on the day set for receipt of offers, or any day prior to that day, shall be taken by the offeror to the place specified in the NS. This includes mail being delivered by a delivery service. Handcarried offers shall be placed in the bid box on Saturdays, Sundays, and U.S. Government holidays or after business hours on workdays.

B.7 Acknowledgement of amendments to a Notice of Sale.

When an amendment to a NS requires acknowledgement of receipt, receipt by an offeror must be acknowledged (a) by signing and returning the amendment, or (b) by letter, mailgram, or telegram in either case to be sent to the address specified in the NS. Such acknowledgement must be received prior to the hour and date specified for receipt of offers.

B.8 Documents required in offer and award.

If an offeror is successful, the Government will make award using a Notice of Acceptance (NA) signed by the Contracting Officer. The NA will identify the items, quantities and prices, and method of delivery which the Government is accepting. Attached to the NA will be the NS and the successful offer. Provisions form Section C of the SSPs

will be made applicable through incorporation by reference in the NS. The Contracting Officer also shall provide the purchaser with an information copy of the then-current SSPs as published in the **Federal Register.** If time constraints require it, the Government may accept the offeror's offer by an electronic notice, such as telegram or telegraph, and the contract award shall be effective upon issuance of such notice. The electronic notice will be followed by a mailing of full documentation as described above.

B.9 Late offers, modifications of offers, and withdrawal of offers.

(a) Any offer received at the office designated in the NS after the exact time specified for receipt will be considered only if it is received before award is made and only under the following conditions:

(1) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for the receipt of offers (e.g., an offer submitted in response to a NS requiring receipt of offers by the 20th of the month must have been mailed by the 15th or earlier); or,

(2) It was sent by mail, telegram or mailgram if authorized, and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation.

(b) Any modification or withdrawal of an offer is subject to the same conditions as in (a) above. An offer may also be withdrawn in person by an offeror or its authorized representative, provided the representative's identity is made known and the representative signs a receipt for the offer, but only if the withdrawal is made prior to the exact time set for receipt of offers.

(c) The only acceptable evidence to establish:

(1) The date of mailing of a late offer, modification, or withdrawal sent either by registered or certified mail is the U.S. Postal Service postmark on both the envelope or wrapper and the original receipt from the U.S. Postal Service. If neither postmark shows a legible date, the offer, modification or withdrawal shall be deemed to have been mailed late. (The term "postmark" means a printed, stamped, or otherwise placed impression, exclusive of a postage meter machine impression, that is readily identifiable without further action as having been supplied and affixed on the date of mailing by employees of the U.S. Postal Service. Therefore, offerors should request the postal clerk to place a hand cancellation bull's-eye "postmark" on both the receipt and the envelope or wrapper.)

(2) The time of receipt at the Government installation is the time/date stamp of such installation on the offer's wrapper or other documentary evidence of receipt maintained by the installation.'

(d) Notwithstanding (a) and (b) of this provision, a late modification of an otherwise successful offer which makes its terms more favorable to the Government will be considered at any time it is received, and may be accepted.

B.10 Explanation requests from offerors.

Offerors may request explanations regarding meaning or interpretation of the NS on other than SSPs from the individual and telephone number indicated in the NS. On complex and/or significant questions, the Government reserves the right to have the offeror put the question in writing by mail, telegram of mailgram. Explanation or instructions regarding complex or significant issues will be given to prospective offerors only as an amendment to the NS.

B.11 Currency for offers.

Prices shall be stated and amounts shall be paid in U.S. dollars.

B.12 Financial statement.

After receipt of offers but prior to making award, the Government reserves the right to ask for the offeror's latest annual financial statement containing its balance sheet and profit and loss statement for the period covered thereby. A certification by a principal accounting officer that there have been no material changes in financial condition since the date of the statement, and that it presents the true financial condition as of the date of the offer, shall accompany the statement. If there has been a change, the amount and nature of the change must be specified and explained. The Contracting Officer must receive the data within three work days of a telephone request to the offeror.

B.13 Proprietary data.

If any data submitted in connection with a sale is considered proprietary, that information should be so marked. An explanation shall also be submitted as to the reason such data should be considered proprietary. Any final decision as to whether the material so marked is proprietary will be made by the Government. All DOE Freedom of Information regulations governing the release of proprietary data shall apply.

B.14 Notice of Sale line item schedule—petroleum quantity, quality, etc.

(a) Unless the NS provides otherwise, the master line items and delivery line items for sales contracts are as provided in Exhibit A, Schedule Line Items, to these SSPs. Each master line item is a listing of delivery line items consisting of quantities of crude oil available for sale, each with the same specifications, delivery point and transportation restrictions. Currently, in a drawdown the SPR may offer for sale up to seven mixtures of crude oil and/or a single generic type. Each master line item also will impose either one of two possible delivery restrictions on the sale of SPR crude: (1) either the oil must be moved from the delivery point by a major common carrier pipeline connected to the SPR sites (over the Seaway, Texoma or Capline pipeline), or (2) it must be moved by other means, including tanker or non-common carrier pipeline. Thus there currently are sixteen master line items in Exhibit A (eight SPR crudes, each with two possible delivery restrictions). These will be further divided into lots of various sizes, and each lot will have a specified delivery line item. Each delivery line item will contain only one lot of a specified amount of petroleum with a specific delivery date. Each offeror, if determined to be the highest bidder on a delivery line item, agrees to enter into a contract and take delivery from the Government of the petroleum specified in that delivery line item on the date specified, in accordance with the terms of the contact. Both the master line items and the delivery line items may be supplemented or changed by the NS. For example, the NS may provide for two different lots on the same day, which would be reflected as two subitems on a delivery line item.

(b) Exhibit D, SPR Crude Oil Characteristics and Delivery Point Data, contains current specifications of each SPR crude oil and the delivery point for each. These specifications may change as more crude oils are stored in the SPR. Prospective purchasers are cautioned that the NS will provide the actual specification as to petroleum to be sold, should SPR petroleum specifications change as the SPR acquires additional crude oil. To the extent practicable, the NS will provide more specific data on each SPR crude offered.

DOE will use its best efforts to determine the availability of excess common carrier pipeline capacity before deciding how much of each SPR crude oil to make available for major common carrier pipeline delivery. However, DOE cannot guarantee that such capacity is available, and each apparently successful offeror is responsible for complying with the applicable pipeline tariffs.

(c) Offerors may make offers on more than one delivery line item. Offerors may not propose a different delivery point, delivery method or date from the delivery point, method and date set out by master line item and delivery line item. Unless otherwise specified in the NS, offerors may not make alternate offers; e.g., the offer may *not* state: either delivery line item number 0001A or delivery line item number 0001B, but not both.

(d) On some delivery line items the Government may receive no acceptable offers. Such delivery line items will behandled by the Phase II procedure set out in Provision No. B.20, Procedure for evaluation of offers. OFFERORS SHOULD INDICATE WHETHER OR NOT THEY WANT TO BE CONSIDERED FOR AWARDS UNDER PHASE II PROCEDURE.

B.15 Reserved.

B.16 Information to be provided to DOE by the offeror on each delivery line item of its offer to buy petroleum.

The following information will be provided to the Government by the offeror in its offer on each delivery line item (see also Exhibit E, Sample Offeror Response Sheet).

(a) Price offered in U.S. dollars per specified unit of measure, i.e., barrels;

(b) Maximum quantity from this delivery line item wanted by the offeror, if the NS permits the offeror to so specify;

(c) Minimum quantity from this delivery line item wanted by the offeror, if the NS permits the offeror to so specify;

(d) Elected method of taking delivery, if a choice is given;

(e) Acknowledgement and acceptance of the time period provided for in the NS; and
(f) Any other data required by the NS.

B.17 Information to be provided by DOE to purchaser on each deilivery line item awarded in the Notice of Award.

The following information will be provided to the purchaser by the Government on the NA for each master line item and/or delivery line item if the offeror is awarded a contract:
(a) Line item number;
(b) Characteristics of petroleum awarded;
(c) Total quantity awarded on the master line item and on each delivery line item;
(d) Price in U.S. dollars per specified unit, i.e., barrels;
(e) Extended total price offer for that line item;
(f) Delivery point;
(g) Delivery period;
(h) Method of delivery; and
(i) Any other data necessary for the sales contract.

B.18 Delivery points for crude oil sold from storage.

(a) The NS may specify delivery at one or more delivery points. The following list of delivery points and their geographical locations represent the terminal and dock facilities currently interconnected with permanent SPR storage facilities (see also Exhibit D. SPR Crude Oil Characteristics and Delivery Point Data):

Delivery point	Geographical location
Seaway Terminal	Freeport, Tex.
Seaway Docks	Freeport, Tex.
Sonoco Terminal	Nederland, Tex.
Sunoco Docks	Nederland, Tex.
Locap Terminal	St. James, La.
DOE St. James Docks	St. James La.

(b) Delivery points are subject to change by the NS and may include additional or alternate facilities utilitized in connection with Government contracts for the purchase of petroleum to fill the SPR. These may include loading terminals or transshipment terminals. Alternatively, the Government or its contractor may provide the transportation to the purchaser's facility, for example, when the oil is in transit to the SPR at time of sale.
(c) The NS may specify facility operator, contact information for scheduling delivery of cargoes purchased, and modes of transportation applicable for each delivery point (i.e., pipeline, barge, tanker, etc.), as well as applicable port data/restrictions (see Exhibit D, SPR Crude Oil Characteristics and Delivery Point Data, for additional information).

B.19 Evaluation of offers

The Contracting Officer will be the sole judge as to whether an offer conforms to the SSPs and the NS. The Contracting Officer will award to the highest responsible offeror whose offer is responsive to the SSPs and NS. The Government reserves the right to reject any or all offers and to waive minor informalities or irregularities in offers received.

B.20 Procedures for evaluation of offers.

(a) Evaluation of offers will take place in two phases. In Phase I, only offers on each delivery line item will be evaluated against each other. In Phase II, all offers for a particular master line item will be evaluated for the purpose of awarding contracts on delivery line items which had no acceptable offers. Offerors' attention is directed to the definition of "line item" in Provision No. A.2(e).
(b) Phase I—delivery line item evaluation—
(1) Any offers below a minimum acceptable price, specified in the NS, will be rejected as being non-responsive.
(2) All other offers on each delivery line item will be arrayed from highest price to lowest price for award consideration.
(3) Tied offers are two or more offers on the same delivery line item at the same price. Tied offers will be arrayed by drawing lots.
(4) The highest offers will be reviewed for responsiveness to the terms of the NS.
(5) Determinations of responsibility of potential purchasers before each award will be made by the Contracting Officer. Compliance with required performance and payment guarantees will effectively assure a finding of responsibility of offerors, except where: (i) a transportation plan on its face, or documents furnished in response to the Contracting Officer's request, raise substantial doubt as to the offeror's ability to take timely delivery of SPR petroleum and transport it to its destination point; (ii) evidence comes to the attention of the Contracting Officer, with respect to an offeror, of conduct or activity which represents a violation of law or regulation (including an Executive Order having the force and effect of law); or (iii) evidence is brought to the attention of the Contracting Officer of past activity or conduct of the offeror which shows a lack of integrity or willingness to perform, so as to substantially diminish the Contracting Officer's confidence in the offeror's performance under a proposed contract. Apparently successful offerors will be contacted by telephone and advised to provide the Contracting Officer, within three business days or such other time as the Contracting Officer shall determine, a letter of credit (see Exhibit F, Letter of Credit—Required Form) for cash guarantee as specified in the NS or SSPs, and details on transportation arrangements (see Exhibit C, Offeror Transportation Plan).
(6) Award on each delivery line item will be made to the responsive, responsible offeror which has offered the highest acceptable offer and which has provided the required letter of credit or cash guarantee.
(c) Phase II—master line item evaluation—
(1) If after Phase I, there are any delivery line items for which no acceptable offers were received, then Phase II will occur. During Phase II all offers above the minimum acceptable price (from offerors who have indicated that they wish to participate in Phase II) in each master line item with unawarded lots, will be arrayed in a single list from highest price to lowest price without regard to the delivery line item on which prices were originally offered.
(2) In Phase II, tied offers are two or more offers for the same master line item of petroleum at the same price. In tie breaking under Phase II, offerors which were unsuccessful as a result of the tie breaking procedures in (b)(3) above shall be arrayed above successful offerors at the same price. Any ties in Phase II not broken by that procedure will be arrayed by a new drawing of lots.
(3) Subject to paragraph (2), each offer of an offeror which made offers on more than one delivery line item on a master line item will be ranked according to price.
(4) Because of the extremely short time contraints which will have to be placed on Phase II, offerors participating in Phase II are encouraged to consider in advance which other delivery line items the offeror would contract for.
(5) The Contracting Officer will offer by telephone or other appropriate means the remaining delivery line items (for which no acceptable offers had been received) to the offeror with the highest arrayed offer for that master line item. The offeror will have the option of taking delivery of any or all of the remaining delivery line items in that master line item. The price for each of these delivery line items will be the price that the offeror had offered for delivery line items in the Phase I evaluation.
(6) The offeror shall have one hour after specific offer by the Contracting Officer to accept the Government's offer for the additional delivery line items. Such acceptance may be by telephone. The Contracting Officer may make a recording of such conversation. The Contracting Officer may require immediate confirmation of the offeror's acceptance in writing.
(7) If the first offeror does not accept delivery of all of the delivery line items on the master line item offered by the Contracting Officer, the offeror with the next highest arrayed offer will be given the option of taking delivery of any or all of the remaining delivery line items, within the same length of time specified in (c)(6). The Contracting Officer shall continue down the list of offers in this manner until there is an acceptable offer for all of the delivery line items on the master line item, or until the remaining delivery line items are offered to the offeror with the lowest arrayed offer above the minimum price.
(8) The price that an offeror which offered different prices on different delivery line items for the Phase I evaluation shall pay for a delivery line item offered in Phase II shall depend upon when the offeror agrees to accept the Government's offer of the delivery line item. Offers are arrayed rather than offerors; therefore, in Phase II an offeror with multiple offers may refuse to accept a delivery line item under the Phase II offer at the higher offered price, but may accept it later if the Contracting Officer again offers the delivery line item after contacting all other offerors with offers arrayed between the first offeror's highest and next lowest offer. The Contracting Officer will not accept the lower price from an offeror with multiple offers without first making the delivery line items in that master line item available to all other offerors with higher prices. Offerors with multiple offers are cautioned that in

refusing delivery at a higher offered price, they may risk not being given a later opportunity to acquire the oil at a lower offered price.

(9) At the Contracting Officer's option, an apparently successful offeror in the Phase I evaluation, which is offered delivery line items under a master line item in Phase II, may be allowed to accept the Phase II delivery line item as a substitute for the first, provided the Phase II delivery line item is for a larger quantity of oil than was to be delivered under the apparent Phase I award. In the event that the Contracting Officer allows this substitution, the original delivery line item will go to the next highest arrayed offer for that delivery line item in Phase I. In the event that there is no other Phase I offer, the original delivery line item shall be included in the Phase II evaluation.

(10) Award of contracts for delivery line items accepted by offerors in Phase II will be made after the Contracting Officer has determined that the offer is responsive and that the offeror is responsible in accordance with (b)(4), (b)(5) and (b)(6) above.

B.21 Procedures for resolicitation of offers on unsold delivery line items.

(a) In the event that delivery line items remain unsold after completion of the Phase I and Phase II evaluation process, the Contracting Officer may issue an amendment to the NS, resoliciting offers on these delivery line items from all interested parties, not just those making offers in response to the original NS. Evaluation procedures for these delivery line items shall follow the procedures set forth in B.20. The Government reserves the right to change the master line items and delivery line items to propose different SPR crudes, delivery methods, lot sizes and delivery dates for the purpose of such resolicitation.

(b) In the event that for any reason a delivery line item which has been awared becomes available to the Government for resale, the Contracting Officer may use the following procedures:

(1) If priced offers remain valid in accordance with Provision No. B.23, the delivery line item will go to the next highest arrayed offer for that delivery line item in Phase I; otherwise, it shall be offered in accordance with the master line item evaluation procedures in Provision No. B.20(c).

(2) If offers have expired in accordance with Provision No. B.23, the delivery line item may be offered to the next highest arrayed offer for that delivery line item in Phase I. The pertinent offeror may, at its option, accept or reject that delivery line item at the price originally offered, and if that offeror rejects the delivery line item, it will be offered to the next highest offeror, etc.

(3) If the delivery line item is not then resold, the Contracting Officer may at his option proceed with the Phase II master line item evaluation procedures of Provision No. B.20(c), amend the NS to resolicit offers for that delivery line item, or add the delivery line item to the next sales cycle.

B.22 Transportation arrangements.

(a) By submission of an offer, the offeror represents that it or another party with which it has a resale or exchange agreement, can take timely delivery of all petroleum for which a priced offer has been submitted.

(b) After the time set for receipt of offers, but prior to the award of a contract, each apparently successful offeror will be required to give the Government information showing its capability, or that of another party with which it has a resale or exchange agreement, to transport the petroleum from the delivery point. Such transportation plans must be submitted in the form provided in Exhibit C, Offeror Transportation Plan. If the apparently successful offeror does not provide such arangements within a time limit to be set by the Contracting Officer, the Government will not award a contract to that offeror. Such time limit in the case of a Phase I apparently successful offer shall not be less than three business days (or such other time the Contracting Officer shall determine) from the time the offeror is first notified of the apparently successful offer.

(c) The offeror's attention is directed to Provision No. B.4, Export limitations and licensing and Provision No. B.2, Requirement of the Jones Act for U.S. flag vessels.

B.23 Offeror's certification of acceptance period.

(a) By submission of an offer, the offeror certifies that its priced offer will remain valid for 10 calendar days after the date set for the receipt of offers.

(b) By written mutual agreement of DOE and the offeror, an individual offeror's acceptance period may be extended for a longer period.

B.24 Offer guarantee.

(a) Each offeror must submit an acceptable offer guarantee. The offer guarantee must be received at the place specified for receipt of offers prior to the time and date set for receipt of offers.

(b) An offeror's failure to submit a timely, acceptable guarantee will result in rejection of its offer.

(c) The amount of the offer guarantee is ten million dollars or 30 percent of the total offer, whichever is less.

(d) Each offeror must submit one of the following types of offer guarantees with its offer:

(1) An offer bond executed on U.S. Government Standard Form 24;

(2) A certified or cashier's check payable to the Treasurer of the United States, drawn on a U.S. Bank that is a member of the Federal Reserve System; or

(3) A wire cash deposit to a special SPR/PMO account.

(e) If the offeror, a surety company or bank forwards the offer guarantee separately from the offer, the envelope shall clearly say "OFFER GUARANTEE OF (Name of company)" and shall be clearly marked in accordance with Provisions No. B.6(c).

(f) In the event that the offeror withdraws its offer within 10 days following the date set for receipt of offers, or in the event that the offeror fails to furnish a satisfactory transportation plan or performance and payment guarantee within the time limit specified by the Contracting Officer, it shall be liable for any amount lost by the Government due to the difference between its offer and the resale price, and the offer guarantee shall be used toward offsetting such difference. Use of the offer guarantee for such recovery will not preclude recovery by the United States of damages in excess of the amount of the offer guarantee caused by the offeror's failure to keep its offer open for 10 calendar days after receipt of offers, or to provide the required transportation arrangements or performance and payment guarantee with the time limit set by the Contracting Officer.

(g) Guarantees (except bonds) will be returned to unsuccessful offerors within 25 calendar days after the date set for receipt of offers, and to successful offerors upon receipt of a satisfactory performance and payment guarantee. Offer bonds (Standard Form 24) will be returned only upon written request. Where the offer guarantee was a wire cash deposit, a cashier's check or a certified check, it may be applied toward either advance payment or cash guarantee amounts.

B.25 Procedures for selling to other U.S. Government Agencies.

(a) If a U.S. Government Agency submits an offer for crude oil in a price competitive sale, that offer will be arrayed for award consideration in Phase I and Phase II evaluation in accordance with Provision No. B.20, Procedures for Evaluation of Offers. If a U.S. Government Agency is an apparently successful offeror, award and payment will be made exclusively in accordance with statutory and regulatory requirements pertaining to interagency agreements, and the U.S. Government Agency will be responsible for complying with these within the time limits set by the Contracting Officer.

(b) U.S. Government Agencies are exempt from all guarantee requirements, but must complete all data on transportation arrangements (modified as appropriate to reflect differences in the applicability of laws referred to in Exhibit C, Offeror Transportation Plan) and representations and certifications. No failure by a U.S. Government Agency to comply with any of the requirements of thes SSPs shall provide a basis for challenging a contract award to the U.S. Government Agency.

Section C—Sales Contract Provisons

C.1 Information gathered for statistical purposes.

The Contracting Officer, at his discretion, may require the purchaser to submit information called for in Exhibit G, Information for Statistical Purposes. That information may be used for analytical purposes, but will have no effect on contract evaluation and award.

C.2 Certification of independent price determination.

(a) By submission of an offer, the offeror certifies that in connection with the offer:

(1) The prices in the offer have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices, with any other offeror or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in the offer have not been knowingly disclosed by the offeror and will not knowingly be disclosed directly or indirectly by the offeror prior to award, to any other offeror or to any competitor; and

(3) No attempt has been made or will be made by the offeror to induce any other person or firm to submit or not to submit an offer for the purpose of restricting competition.

(b) Each person signing the offer certifies that:

(1) He is the person within the offeror's organization responsible for the decision as to the prices being offered, and that he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above; or

(2)(i) He is not the person in the offeror's organization responsible within that organization for the decision as to the prices being offered but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above.

(c) An offeror will not be considered for award where (a)(1), (a)(3), or (b) above has been deleted or modified. Where (a)(2) above has been deleted or modified the offer will not be considered for award unless the offeror furnishes with the offer a signed statement which sets forth in detail the circumstances of the disclosure and unless it is determined that such disclosure was not made for the purpose of restricting competition.

C.3 Reserved.

C.4 Certification of compliance with the Jones Act and the U.S. export control laws.

By submission of this offer, the offeror certifies that it will comply with the Jones Act, 46 U.S.C. Section 883, regarding use of United States flag vessels in the transportation of oil between points within the United States, and with any applicable U.S. export control laws affecting the export of SPR petroleum. Purchasers who have failed to comply with the Jones Act or the export control laws in the SPR sales may be found to be nonresponsible in the evaluation of offers under Provision No. B.20 of the SSPs. Those purchasers may also be subject to proceedings to make them ineligible for future awards in accordance with 10 CFR Part 625.

C.5 Schedule line items.

Exhibit A, Schedule Line Items, gives a schedule of master line items and their associated delivery line items which may be used in a sale. There will be no minimum price on either kind of line item unless the NS specifically gives one. The quality differentials will be as specified in Provision No. C.7 unless the NS specifically changes them. The quantity for each delivery line item which will be given in the NS is not subject to increase or decrease at the choice of the offeror. The DOE may vary actual delivery plus or minus 15% in accordance with Provision No. C.18.

C.6 Acceptance of quality.

Except as provided hereafter, the Government does not guarantee that the crude oil delivered will meet the characteristics cited in the NS, and assumes no responsibility for deviations in quality. The NS will specify the range of specifications for each SPR crude oil offered on a master line item as well as the average characteristics as shown in Exhibit D, SPR Crude Oil Characteristics and Delivery Point Data. In the event that the specifications of the crude oil delivered do not fall within the range of specifications in the NS, the purchaser has the option of either accepting the crude oil with the price adjusted in accordance with Provision No. C.7, or not accepting the crude oil. In the event that the specifications of the crude oil delivered fall within the range of specifications in the NS but do not meet the specific range of API gravity and/or total sulfur content cited in the NS as the average specifications for that crude oil, the price shall be adjusted in accordance with Provision No. C.7.

C.7 Quality differential for crude oil.

Unless otherwise specified in the NS, the following price adjustments will be made:

(a) A price adjustment (increase price as API gravity increases; decrease price as API gravity decreases) shall be made for any API gravity differential by adding or subtracting seven cents ($.07) per barrel for each whole degree API that the crude oil delivered varies either from the offered crude oil's API gravity, or the outer edge of the range of API gravity, whichever is specified in the NS.

(b) Another price adjustment (decrease price as total sulfur content increases; increase price as total sulfur content decreases) shall be made for any sulfur differential by adding or subtracting seven cents ($.07) per barrel for each one-tenth of one percent that the sulfur content of the crude oil delivered varies either from the offered crude oil's total sulfur content, or the outer edge of the range of sulfur content, whichever, is specified in the NS.

C.8 Delivery and acceptance of crude oil.

(a) The purchaser, at his expense, shall make all necessary arrangements to accept delivery of the SPR petroleum. The Government will deliver and the purchaser will accept said petroleum at delivery points listed in the NS. Title and risk of loss shall pass to the purchaser at such delivery points in accordance with Provision No. C.9. The purchaser shall be responsible for meeting any delivery requirements imposed at those delivery points including complying with the rules, regulations, and procedures contained in applicable port/terminal manuals or other applicable documents such as pipeline tariffs on file with the Federal Energy Regulatory Commission.

(b) The following tanker loading conditions shall apply:

(1) Upon receipt of the NA, the purchaser shall furnish the SPR/PMO with an estimated schedule of planned lifting vessel arrivals.

(2) The arrival window shall be as established in the NS.

(3) The tanker shall have a minimum average load rate of 20,000 barrels per hour.

(4) At least ten (10) days in advance of each scheduled arrival date, unless the NA specifies another time, the purchaser shall furnish the SPR/PMO with vessel nominations specifying: (i) name and size of vessel, (ii) date of arrival, (iii) quantity to be loaded and contract number, and (iv) other relevant information requested in writing by the Contracting Officer. Once established, such nomination details can only be changed with the Government's prior written consent. The purchaser shall be entitled to substitute another vessel of similar size for any vessel so nominated, subject to the Government's approval. The Government should be given at least four (4) days notice prior to the actual firm date of arrival loading specified in the contract. The Government shall make a reasonable effort to accept any nomination for which notice has not been given in strict accordance with the above provisions.

(5) The purchaser shall arrange to have its vessel notify the SPR/PMO of the expected hour of arrival 72, 48 and 24 hours in advance, and after the first notice, to advise of any variation of more than four (4) hours. When the vessel is not more than six (6) hours from the load port and is ready to load, a Notice of Readiness shall be tendered by the tanker's Master and promptly confirmed in writing to the SPR/PMO and the terminal responsible for coordination of crude oil loading operations. Such notice shall be effective only if given during customary business hours of the port of loading.

(6) The Government shall use its best efforts to berth the purchaser's vessel as soon as possible after receipt of the Notice of Readiness.

(7) Hose and fittings for loading shall be provided by the Government.

(c) The following pipeline delivery conditions shall apply:

(1) Prior to the 26th day of the month preceding the month of delivery, the purchaser shall furnish the SPR/PMO with the following information: (i) confirmation of the pipeline's acceptance of the full amount of the petroleum proposed to be delivered; (ii) an estimated schedule (consistent with the terms of the contract) for delivery of the petroleum to the pipeline; and (iii) the name and telephone number of the pipeline point of contact with whom the SPR/PMO should coordinate the petroleum delivery.

(2) Once established, the pipeline delivery schedule can only be changed with the Government's prior written consent.

C.9. Title and risk of loss.

Unless otherwise provided in the NS, title to and rise of loss for petroleum purchased from the Government will pass to the purchaser at the delivery point as follows:

(a) For marine shipment—when the petroleum passes the permanent loading equipment connections of the dock facility to the tankship/barge flange.

(b) For pipeline shipment—when the petroleum passes the permanent flange connecting the commercially owned pipeline

to the terminal central manifold at the delivery point.

(c) For in transit shipments—when the petroleum passes the permanent flange of the tankship manifold upon discharge into a marine terminal facility or another vessel.

(d) Terms for other SPR petroleum outside the U.S. will be given in the NS if they are applicable to the sale.

C.10 Environmental requirements—marine transportation.

(a) Vessels to be used for the transportation of oil purchased from the SPR will comply with all applicable rules and regulations, including The Ports and Waterways Safety Act, the Federal Water Pollution Control Act of 1972, the Oil Pollution Control Act of 1961, and other applicable statutes, rules and regulations, including the following: Parts 151, 153, 157, and 159, of Title 33 and Parts 30–36 and 542 of Title 46 of the Code of Federal Regulations.

(b) The purchaser will employ in the performance of this contract only vessels whose owners are parties to the Tanker Owners Voluntary Agreement Concerning Liability for Oil Pollution (TOVALOP) or who carry equivalent liability coverage.

(c) All crude oil transfer operations in performance of the purchase will be in accordance with the guidelines detailed in the International Oil Tanker Safety Guide, and U.S. Coast Guard Regulations, and the "Ship to Ship Transfer Guide" of the International Chamber of Shipping Oil Companies International Marine Forum.

(d) Failure to comply with all environmental requirements will be considered a failure to comply with the terms of any contract containing these SSPs, and may result in termination for default in accordance with Provision No. C.26.

C.11 Purchaser liability for excessive berth time.

The Government reserves the right to direct a marine vessel loading SPR oil at a delivery point specified in the NS, to vacate its SPR berth, should such vessel, through its operational inability to receive oil, cause the berth to be unavailable for an already scheduled follow-on vessel. Furthermore, should a breakdown of the vessel's propulsion system prevent its getting under way on its own power, the Government may cause the vessel to be removed from the berth with all costs to the account of the purchaser.

C.12 Determination of quantity of petroleum.

(a) Quantities will be determined from certified opening and closing tank gauge reports or delivery meter reports. All volumetric measurements will be converted to net barrels at 60°F using ASTM–ID Tables 5A and 6A, Petroleum Measurement Tables (American Edition), and by deducting basic sediment and water (BS&W) as determined from the composite all levels samples taken from the delivery tanks, and free water.

(b) The quantity determination shall be made and certified by the Government's authorized contractor responsible for loading operations, and witnessed by a Government Quality Assurance Representative at the delivery point. Should the purchaser arrange for additional inspection services to witness quantity determination, such services will be for the account of the purchaser. Any disputes shall be settled in accordance with Provision No. C.36, Disputes.

C.13 Determination of quality of petroleum.

(a) The quality determination of the crude oil delivered to purchaser shall be made from a composite of all levels of samples taken from delivery tanks or line samples. Tests to be performed by the Government or its authorized contractor are:

(1) ASTM D96 Water and Sediment in Crude Oils or ASTM D95 Water in Petroleum Products by Distillation and ASTM D473 Sediment in Crude Oils by Extraction.

(2) ASTM D1552 Sulfur in Petroleum Products (high temperature method) or ASTM D2622 Sulfur in Petroleum Products (X-Ray Spectographic Method).

(3) ASTM D1298–72 API Gravity of Crude Petroleum by Hydrometer Method.

(4) ASTM D445 Kinematic Viscosity of Transparent and Opaque Liquids.

(b) If a purchaser requires additional tests to be performed upon delivery, their cost shall be for the account of the purchaser. Any disputes shall be settled in accordance with Provision No. C.36, Disputes.

C.14 Delivery Documentation.

The quantity and quality determination shall be documented on the appropriate Department of Defense Petroleum Shipping and Inspection Report, DD250 (Pipeline) or DD250–1 (Tanker/Barge) (see Exhibit I for copies of the forms). Copies of the complete DD Form 250 or DD250–1 will be furnished to the purchaser and/or the purchaser's authorized representative upon completion of delivery. They will serve as the basis for invoicing and/or reconciliation invoicing for the sale of petroleum as well as for invoicing such associated services as may be provided for in the contract.

C.15 Performance and payment guarantee.

(a) The purchaser shall maintain in full force and effect a performance and payment guarantee satisfactory to the Contracting Officer for a period of one year from the date of the NA, unless otherwise released from this requirement by the Contracting Officer. The performance and payment guarantee must be in place before the Government will execute a NA. Failure to provide an acceptable performance and payment guarantee within a time limit to be specified by the Contracting Officer will be cause for rejection of the offeror's offer and grounds for liability by the offeror under the offer guarantee.

(1) The Contracting Officer or his designee may draw against this performance and payment guarantee at any time after the first delivery date specified in the contract for any monies due under the contract; and

(2) The Contracting Officer or his designee may draw against this performance and payment guarantee for any monies owing to the Government under the contract, no matter how the debt to the Government arose.

(b) The purchaser must furnish an acceptable performance and payment guarantee before the government will execute the contract. The Government may specify a time deadline for furnishing the guarantee which may be as short as three (3) business days. The Government will give the purchaser a provisional contract number to use on the performance and payment guarantee.

(c) The performance and payment guarantee must be either (1) a cash wire deposit or (2) a letter of credit as shown in Exhibit F, Letter of Credit—Required Form. If a letter of credit is chosen, all costs will be borne by the purchaser.

(d) The amount of the letter of credit shall be 115 percent (115%) of the contract amount. The cash guarantee, on a contract for one month or less, is 115% of the contract price; on a contract for more than one month, it is 100% times 45 days delivery under the contract plus 15% of the entire contract amount.

C.16 Replacement of funds in the performance and payment guarantee.

(a) If the SPR/PMO (which may act through its Finance Division), with the approval of the Contracting Officer draws against the letter of credit, or cash deposit, for monies owed the Government for liquidated damages or other funds due the Government, the SPR/PMO or its Finance Division shall notify the purchaser within twenty-four hours of the fact of the withdrawal and the amount thereof. The Government shall dispatch such notification by U.S. Express Mail, U.S. Mail or telegraphic means. Purchaser is deemed to have received a mailed notice on the second day after its dispatch and to have received telegraphic notice the day after its dispatch.

(b) In the event that such a draw against the performance and payment guarantee exceeds 15 percent of the total contract amount the purchaser shall, within five working days after it is deemed to have received such notification, replenish an amount equal to that withdrawn or a lesser amount if specified by the contracting Officer, either by the wire transfer of funds in accordance with Provision No. C.22, or by the provision of a new letter of credit or amendment of the old letter of credit. If such replenishment is not made within five working days, the Contracting Officer may withhold deliveries under the contract on the sixth working day with no prior notice to the purchaser, and/or the Contracting Officer may terminate the contract in whole or in part on the sixth day without prior notice to the purchaser. Such termination would be for default in accordance with Provision No. C.26, Termination for purchaser default.

C.17 Letters of credit, general requirements.

Letters of credit must meet the following criteria:

(a) They must be from a bank which is a participant in the Federal Reserve Bank FEDWIRE funds transfer system.

(b) Each letter of credit must conform without exception to the standard letter of credit provided as Exhibit F, Letter of Credit—Required Form. The Government does not require information concerning the bank's agreement with its customer. Therefore *any* language in the letter of credit in addition to that specified in Exhibit F shall

cause the letter of credit to be unacceptable and shall be cause for rejection of the offeror's offer.

(c) The corporate minutes authorizing the bank official signing the letter of credit to do so, must be attached to it.

(d) The purchaser should request each issuing bank to send a copy of each letter of credit that it has issued in accordance herewith for an amount of $100 million or more of its credit, as follows:

(1) If an issuer is a national banking association, to the Office of the Regional Administrator of National Banks in the Region in which the issuer's head U.S. office is located, and also to the Federal Reserve Bank of the District in which the issuer's head office is located; and

(2) If an issuer is a state member bank, a branch or agency of a foreign bank or an Edge Act Corporation, to the Federal Reserve Bank of the District in which the issuer's head U.S. office is located.

(e) As set forth in Exhibit F, the letters of credit must provide for drafts against the letters of credit by wire and for payment to the Government by wire transfer.

(f) As set forth in Exhibit F, the letters of credit shall be valid for a period of one year and may be drawn against by one or more partial drafts.

C. 18 Contract amount estimated for crude oil.

The contract amount stated in the award documents for crude oil is an estimate. The per barrel unit price is subject to adjustments based on the sulfur and API gravity characteristics of the crude oil actually delivered. In addition, the Government reserves the right to deliver up to fifteen percent (15%) less or more than the scheduled delivery quantity. This can result in a delivery uder the contract of as much as fifteen percent (15%) less or more for one line item. In the event that the Government delivers more than the contract amount, the purchaser shall not be required to engage additional vessels to take delivery of the additional quantity at its own expense unless notified by the Contracting Officer of the Government's intent to increase delivery prior to issuance of the NA.

C. 19 Purchaser payment options.

(a) If the contract delivery period is one month or less, the purchaser may pay one hundred and fifteen percent (115%) of the contract amount in advance. A purchaser electing this option must inform the Government in its offer. Payment is required before award of the contract, and will be made by wire transfer in accordance with Provision No. C.22

(b) If the contract delivery period is longer than one month, the purchaser may pay in advance a cash deposit equal to forty-five days delivery in addition to fifteen percent (15%) of the entire contract amount. A purchaser electing this option must so inform the Government in its offer. Payment is required before award of the contract and will be made by wire transfer in accordance with Provision No. C.22. See Provision No. C.20 for details of other billings under this method of payment.

(c) Unless the offeror indicates that it will use the payment options in (a) or (b) above, payment for SPR petroleum will be by letter of credit in accordance with Provision No. C. 15(d) and Provision No. C.21.

C.20 Billing and payment—with purchaser's advance payment

(a) If the offeror has notified the Government in its offer that it elects to pay in advance, the following procedure will be applicable. After evaluation of offers is completed the Contracting Officer shall telephone the tentatively selected offeror and inform it that its offer is apparently successful. The Contracting Officer will inform the offeror that the advance payment specified in Provision No. C.19(a) or the cash deposit in Provision No. C.19(b) must be made within the time limit set by the Contracting Officer. This time limit shall be three business days, or such other time as the Contracting Officer may decide. The Contracting Officer may, at his discretion, send a confirming telegram, but the timeliness of the cash deposit is determined by the date of the telephone call. After the last delivery under the contract, a reconciliation billing will be made in accordance with paragraph (c) below.

(b) If the contract delivery period is more than one month, and the offeror has notified the Government in its offer that it elects to give a cash deposit, the purchaser will then be billed monthly for crude oil delivered. Payments on all but the last month will be in accordance with paragraph (e) below. The cash deposit will be credited against the last month's deliveries, and a reconciliation billing will be made by the Government to the purchaser in accordance with paragraph (c) below.

(c) On every contract with an advance payment or cash deposit there will be a reconciliation billing by the Government after final delivery under the contract. If money is due from the purchaser to the Government, an invoice will be issued to the purchaser (see paragraph (e) below). If money is due the purchaser, a Treasury check will be issued in accordance with the Treasury Fiscal Requirements Manual.

(d) Invoices may be issued at any time to the purchaser for other monies due and payable under the contract. These would include, but are not limited to, interest due the Government, liquidated damages, amounts owing for any services provided for under the contract, and the difference between the sale price and resale price as defined in the clauses entitled Termination and Other Government remedies, Provision Nos. 28 and 27 respectively.

(e) The Contracting Officer shall determine the amount of any invoice issued and shall provide invoices to the purchaser by U.S. Express Mail, U.S. Mail or telegraphic invoice. A purchaser is deemed to have received a mailed invoice on the second day after its dispatch. Telegraphic invoices are deemed to have been received on the day after dispatch. All invoices payable by the purchaser must be paid in accordance with Provision No. C.22 no later than close of business, local SPR/PMO time, five business days after the purchaser is deemed to have received them.

C.21 Billing and payment—with purchaser's letter of credit.

(a) All purchasers not electing a cash deposit shall provide a letter of credit in accordance with Exhibit F. After the evaluation of offers is completed the Contracting Officer shall telephone the tentatively selected offeror and inform it that its offer is apparently successful. The Contracting Officer will inform the offeror that the letter of credit specified in Provision No. C.19(c) must be submitted within the time limit set by the Contracting Officer. This time limit shall be three business days, or such other time as the Contracting Officer may decide. The Contracting Officer may, at his discretion, send a confirming telegram, but the timeliness of the letter of credit is determined by the date of the telephone call.

(b) All costs associated with the letter of credit will be borne by the purchaser. Payment via sight draft against that letter of credit shall be made by wire transfer to the U.S. Treasury Department Account at the Federal Reserve Bank in New York in accordance with the letter of credit.

(c) After delivery of the SPR petroleum, and completion of the form DD250, the SPR/PMO Finance Division, with the approval of the Contracting Officer, shall prepare an invoice for the amount due in accordance with the contract and the DD250. The Contracting Officer shall have sole responsibility for determining the amount of any invoice.

(d) Upon completion of the invoice, the SPR/PMO Finance Division shall prepare a wire message in accordance with the letter of credit and present it to the New Orleans Branch of the Federal Reserve Bank in Atlanta for transmittal over the FEDWIRE system to the bank issuing the letter of credit. The bank shall use the wire transfer procedure specified in the letter of credit to transfer the invoiced funds to the Government.

(e) The SPR/PMO Finance Division Shall provide copies of the invoices and the draft to the purchaser and the issuing bank by U.S. Express Mail or U.S. Mail.

(f) In the event that the issuing bank refuses to honor the sight draft against the letter of credit, the purchaser shall be responsibile for paying any interest due from the time the wire message is transmitted to the notifying bank.

C.22 Method of payments—general.

(a) Notwithstanding any other clause of the contract, the Government may invoice the purchaser at any time for payment of monies due under the contract. If the invoice is for money, the payment of which is delinquent, interest on the money shall accrue from the date of the deliquency and not from the deemed date of receipt by purchaser of the invoice.

(b) All amounts payable by the purchaser in excess of $1,000.00 shall be by wire transfer as a deposit to the account of the U.S. Treasury through the Federal Reserve Communications System (FRCS), i.e., payments made by wire transfer to a Federal Reserve Bank. Certain information which must be included on each wire trahsfer is

specified in Exhibit H, Instructions Guide for Funds Transfer.

(c) Payments in amounts less than $1,000.00 shall be by check made out to the "Treasurer of the United States." Such payments will be sent to the SPR/PMO Finance Division.

(d) The Government may designate another place, different timing, or another method of payment after reasonable notice to the purchaser.

(e) No payment due the Government hereunder shall be subject to reduction or set-off for any claim of any kind against the United States arising independently of the contract.

(f) If a purchaser disagrees with the amounts claimed by the Government to be due from the purchaser on any invoice, the purchaser shall pay immediately the amount billed in the invoice, and notify the Contracting Officer of the basis for his disagreement. Any request for adjustment under this provision must be asserted within 10 days of the date the purchaser is deemed to have received the objectionable invoice; provided, however, that if the Contracting Officer decides that the facts justify such action, he may receive and act upon any such objection asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute, and purchaser shall file a claim promptly in accordance with Provision No. C.36, Disputes.

C.23 Currency for payment of contracts.

Payment for all petroleum purchase from the SPR shall be made in U.S. dollars only.

C.24 Interest.

All amounts due from and payable by the purchaser or its bank must be paid in accordance with the provision governing such payments. Amounts not paid in accordance with such provisions shall bear interest from the date due until the date payment is received by the Government. Interest shall be computed on a daily basis. The interest rate shall be in accordance with the Current Value of Funds rate as indicated in the Treasury notice published in the **Federal Register**, Vol. 48, No. 17, on January 25, 1983, at page 3443, or as subsequently amended quarterly by the Department of the Treasury in Bulletins to the Treasury Fiscal Requirements *Manual* and in the **Federal Register**.

C.25 Government options if payment is not received.

(a) All amounts due from and payable by the purchaser or by the bank issuing the purchaser's letter of credit must be paid by the deadlines set by the provisions governing them.

(b) If any amount owed to the Government is not paid within the time deadlines specified by the applicable provisions, the Contracting Officer may, at his discretion, take any of the actions listed in (1) thru (5) below. The Contracting Officer may take these steps simultaneously or in any sequence he deems appropriate. The Contracting Officer may, with or without prior notice to the purchaser:

(1) Invoice the purchaser for the amount on which payment is delinquent or provide written notice that payment is delinquent;

(2) Draw against the letter of credit for all amonts due and delinquent;

(3) Apply any advance payment received aganist the amount due and delinquent;

(4) Withhold all or any part of future deliveries under the contract; and/or

(5) Terminate the contract, in whole or in part, for purchaser default, in accordance with Provision No. C.26, by sending written notice of such default termination to the purchaser.

(c) Any disputes will be settled by the Contracting Officer in accordance with Provision No. C.36, Disputes.

C.26 Termination.

(a) Immediate termination:

(1) The Contracting Officer may terminate this contract in whole or in part, without liability of the Government, by written notice to the purchaser effective upon its being deposited in the U.S. Postal System addressed to the purchaser as provided in Provision No. C.34, Notices, in the event that the purchaser either notifies the Contracting Officer that it will not be able to accept, or fails to accept, any delivery line item in accordance with the terms of the contract. Such notice shall invite the purchaser to submit information to the Contracting Officer as to the reasons for the failure to accept the delivery line item in accordance with the terms of the contract.

(2) Within ten business days after the issuance of the notice of termination, the Contracting Officer may determine that such termination was a termination for default under subparagraph (b)(1)(ii), provided that in the absence of information which persuades the Contracting Officer that the purchaser's failure to accept the delivery line item was excusable, the Contracting Officer may base his default determination upon the fact of such failure without having to determine whether such failure was excusable under the terms of the contract. The Contracting Officer shall promptly give the purchaser written notice of such determination.

(3) Any termination other than one determined to be a termination for default in accordance with subparagraph (a)(2) and paragraph (b) shall be a termination for the convenience of the Government.

(b) Termination for Default:

(1) Subject to the provisions of subparagraphs (c)(2) and (c)(3) below, the Contracting Officer may terminate the contract in whole or in part for purchaser default, without liability of the Government, by written notice to the purchaser, effective upon its being deposited in the U.S. Postal System, addressed to the purchaser as provided in Provision No. C.34, in the event that:

(i) The Government does not receive payment in accordance with any payment provision of the contract;

(ii) The purchaser fails to accept delivery of petroleum in accordance with the terms of the contract; or

(iii) The purchaser fails to comply with any other term or condition of the contract within five (5) business days after the purchaser is deemed to have received written notice of such failure from the Contracting Officer.

(2) Except with respect to defaults of subcontractors, the purchaser shall not be determined to be in default or be charged with any liability to the Government under circumstances which prevent the purchaser's acceptance of delivery hereunder due to causes beyond the control and without the fault or negligence of the purchaser as determined by the Contracting Officer. Such causes shall include but are not limited to:

(i) Acts of God or the public enemy;

(ii) Acts of the Government of the United States, acting in its sovereign or contractual capacity;

(iii) Fires, explosions or other catastrophes;

or

(iv) Strikes.

(3) If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of the purchaser and its subcontractor, and without the fault or negligence of either of them, the purchaser shall not be determined to be in default or to be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the purchaser to meet the delivery schedule.

(4) In the event that the contract is terminated in whole or in part for default, the purchaser shall be liable to the Government for:

(i) The difference between the contract price on the contract termination date and any lesser price the Contracting Officer obtained upon sale of the petroleum; and

(ii) Liquidated damages as specified in Provision No. C.28 and paragraph (5) below.

(5) In the event that the Government exercises its right of termination for default as provided in this paragraph (b), then the purchaser shall be liable to the Government for liquidated damages in an amount as set forth in Provision No. C.28, as fixed, agreed, liquidated damages. Liquidated damages will be collected for each calendar day of delay or fraction thereof from the delivery date set forth in the line item contracted for until such time as another purchaser lifts that particular delivery line item. If that delivery line item is not resold, liquidated damages will run until the Government makes its first delivery under a contract awarded in response to the next NS issued after the defaulted contract's delivery date. In no event shall liquidated damages be assessed for more than 30 days.

(6) In the event that the Government exercises its right of termination for default, and it is later determined that the purchaser's failure to perform was excused in accordance with subparagraphs (2) and (3), the rights and obligations of the parties shall be the same as if such termination was a termination for convenience under paragraph (c).

(c) Termination for convenience:

(1) The sale of petroleum hereunder may, without liability of the Government, be decreased by more than 15 percent or terminated in whole or in part by the Government whenever the Secretary or his designee, at his discretion, determines that the current rate of sale from the SPR should be decreased or terminated.

(2) In addition to any other right or remedy provided for in the contract, the Government may terminate this contract at any time in whole or in part, without liability to the Government, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government.

(3) The purchaser will be given immediate written notice of any decrease of greater than 15 percent, or of termination, under this paragraph (c). The termination or reduction shall be effective upon its being deposited in the U.S. Postal System unless otherwise specified in the notice. The purchaser is deemed to have received a mailed notice on the second day after its dispatch. A telegraphic notice is deemed to be received on the day after dispatch.

(4) Termination for the convenience of the Government shall not excuse the purchaser from liquidated damages accruing prior to the effective date of the termination.

(d) Nothing herein contained shall limit the Government in the enforcement of any legal or equitable remedy which it might otherwise have, and a waiver of any particular cause for termination shall not prevent termination for the same cause occurring at any other time or for any other cause.

(e) In the event that the Government exercises its right of termination, as provided in paragraphs (a), (b), or (c)(2) above, the Contracting Officer may sell, upon such terms and conditions as he deems appropriate, any undelivered petroleum.

(f) The Government's ability to deliver petroleum under another contract on the date which the defaulted purchaser was scheduled to accept delivery, shall not excuse a purchaser that has been defaulted for failure to perform in accordance with the contract, from either liquidated damages or the difference between the contract price and any lesser price obtained on resale.

(g) Any disagreement with respect to the amount due the Government for either resale costs or liquidated damages shall be deemed to be a dispute and will be decided by the Contracting Officer pursuant to Provision No. C.36, Disputes.

(h) As used in the Provision No. C.26, the term "subcontractor" or "subcontractors" includes subcontractors at any tier.

C.27 Other Government remedies.

(a) The Government's rights under this provision are in addition to any other right or remedy available to it in law or by virtue of this contract.

(b) The Government may, without liability on its part, withhold deliveries hereunder if payment is not made in accordance with this contract.

(c) If the purchaser fails to take delivery of a delivery line item in accordance with the terms of the contract, but the Government does not elect to terminate that item for default under Provision No. C.26, the purchaser nonetheless shall be liable to the Government for liquidated damages in the amount set forth in Provision No. C.28 as fixed, agreed and liquidated damages for each calendar day of delay or fraction thereof until such time as it accepts delivery of the petroleum, or until the delivery line item is terminated for the convenience of the Government, whichever occurs sooner. In no event shall such damages be assessed for longer than 30 days. No purchaser that fails to perform in accordance with the terms of the contract shall be excused from liability for liquidated damages in the event that the Government is able to deliver petroleum under another contract on the date which the non-performing purchaser was scheduled to accept delivery.

C.28 Liquidated damages.

(a) In case of failure on the part of the purchaser to perform within the time fixed in the contract or any extension thereof, the purchaser shall pay the Government liquidated damages in the amount of one percent (1%) of the contract price of the undelivered petroleum per calendar day of delay or fraction thereof (see paragraph (g) of Provision No. C.26, Termination for purchaser default, and paragraph (c) of Provision No. C.27, Other Government remedies).

(b) As provided in (a) above, liquidated damages will be assessed for each day or fraction thereof a purchaser is late in performing in accordance with the contract with respect to the delivery of petroleum sold under this contract, unless such tardiness is excused under the terms or this contract. For petroleum to be lifted by ocean vessel, damages will be assessed in the event that the tanker vessel has not commenced loading by 11:59 p.m. on the last day of the firm, agreed upon delivery window, unless the tanker has arrived at the roads and the tanker's Master has presented a notice of readiness to the Government or its agents prior to 6:00 p.m. of the last day of the firm, agreed upon delivery window. In the event that the vessel is tendered for loading after 6:00 p.m. on the last day of the delivery window, the Government shall use its best efforts to have the vessel loaded as soon as possible in its proper turn with other vessels under the circumstances prevailing at the time. However, purchasers are warned that except in the case of the DOE St. James Facility, loading arrangements must be made with privately owned docks and terminals in accordance with port manuals or other applicable documents, and the Government's authority to reschedule loading times accordingly may be limited to those facilities. Presentation of the notice of readiness after 6:00 p.m. of the last day of the firm, agreed upon delivery window by a vessel arriving late does not stop the assessment of liquidated damages, which shall continue until loading of the vessel is complete.

(c) Any disagreement with respect to the amount of liquidated damages due the Government will be deemed to be a dispute and will be decided by the Contracting Officer pursuant to Provision No. C.36, Disputes.

C.29 Failure to perform SPR contracts.

In addition to the usual debarment procedures, 10 CFR 625.3, provides that:

(a) In addition to any remedies available to the Government under the Contract of Sale, in the event that a purchaser fails to perform in accordance with applicable SPR petroleum sale contractual provisions, and such failure is not excused by those provisions, the [Headquarters Senior Procurement Official] or his designee, at his discretion, may make such purchaser ineligible for future awards of SPR petroleum sales contracts.

(b) No purchaser shall be made ineligible for the award of any SPR sales contract prior to notice and opportunity to respond in accordance with the requirements of this subsection.

(1) Upon the determination that a purchaser is to be considered for ineligibility, the purchaser shall be sent by certified mail return receipt requested, the following:

(i) Notification that the [Headquarters Senior Procurement Official], is considering making the purchaser ineligible for future awards;

(ii) Identification of the SPR sales contract which the purchaser failed to comply with, along with a brief description of the events and circumstances relating to such failure;

(iii) Advice that the Purchaser may submit in writing for consideration by the [Headquarters Senior Procurement Official], in determining whether or not to impose ineligibility on the purchaser, any information or argument in opposition to the ineligibility; and

(iv) Advice that such information or argument in opposition to the ineligibility must be submitted within a certain time in order to be considered by the [Headquarters Senior Procurement Official], such time to be not less than 21 days.

(2) After the elapse of the time period established under subsection (1) for receipt of the purchaser's response, the [Headquarters Senior Procurement Official] at his discretion, and after consideration of the purchaser's written response, if any, may make the purchaser ineligible for future award of SPR petroleum sales contracts. Such ineligibility shall continue for the time period determined by the [Headquarters Senior Procurement Official] as appropriate under the circumstances.

(3) The purchaser shall be notified of the [Headquarters Senior Procurement Official's] decision.

(c) Any purchaser who has been excluded from participating in any SPR sale under (a) may request that the [Headquarters Senior Procurement Official] reconsider the purchaser's ineligibility. The [Headquarters Senior Procurement Official] at his descretion, may reinstate any such purchaser to eligibility for future competitive sales.

C.30 Reserved.

C.31 Limitation of Government Liability.

The Government's obligation under these SSPs and any resultant contract is to use its best efforts to perform in accordance therewith. The Government under no circumstances shall be liable thereunder to the purchaser for the conduct of its contractors or subcontractors or for indirect, consequential, or special damages arising from its conduct; neither shall the Government be liable thereunder to the purchaser for any damages due in whole or in part to causes beyond the control and without the fault or negligence of the Government, including but not restricted to, Acts of God or public enemy, acts of the

Government acting in its sovereign capacity, fires, floods, earthquakes, explosions, or other catastrophes or strikes.

C.32 Government options in case of impossibility of performance.

In the event that the Government is unable to deliver petroleum contracted for to the purchaser due either to events beyond the control of the Government, or to acts of the Government, its agents or its contractors or subcontractors at any tier, the Government at its option may offer different SPR crudes or delivery times to the purchaser in substitute for the deliveryline items included in the contracts. In the event that different SPR petroleum than originally contracted for is offered to the purchaser, the contract price will be as actually agreed to by the parties but in no event shall this price if used, be lower than the minimum acceptable price if used, in the most recent NS. The Government's obligation in such circumstances is to use its best efforts, and the Government under no circumstances shall be liable ot the purchaser for damages arising from its failure to offer alternate SPR petroleum of delivery times.

C.33 Purchaser's responsibility.

The Government shall provide, at no cost to the purchaser, transportation by pipeline from the SPR storage sites to the supporting terminal facility specified in the master line item and, for tanker vessel loadings, a safe berth and loading facilities sufficient to deliver petroleum to the vessel's permanent hose connection. The purchaser agrees to assume responsibility for, to pay for, and to hold the Government harmless for any other costs associated with terminal, port, vessel and pipeline services necessary to receive and transport the oil, including but not limited to ship or port demurrage, tank storage charges and port charges incurred in the transportation of SPR petroleum sold under a contract incorporating this provision. The purchaser also agrees to assume responsibility for, to pay for and to hold the Government harmless for any liability, including consequential or other damages, incurred or occasioned by the purchaser, its agent, subcontractor at any tier, assignee or any subsequent purchaser, in connection with movement of oil sold under a contract incorporating this provision.

C.34 Notices

(a) Any notices required to be given by one party to the contract to the other shall be in writing, and shall be forwarded to the addressee, prepaid, by U.S. mail or telegram. Each party shall give the other written notice of any change of address.

(b) Notices to the purchaser shall be forwarded to the purchaser's address as it appears in the offer and in the contract.

(c) Notices to the Contracting Officer shall be forwarded to the following address:

U.S. Department of Energy, Strategic Petroleum Reserve, Project Management Office, Procurement Division, Mail Stop EP No. 5501, 900 Commerce Road East, New Orleans, Louisiana 70123

C.35 SPR/PMO representative for contract administration.

The SPR/PMO representative for each sale and the representative's telephone number will be provided in the NS. After award of a contract, the SPS/PMO representative for each contract and the representative's telephone number will be provided in the NA.

C.36 Disputes.

(a) This contract is subject to the Contract Disputes Act of 1978 (41 U.S.C. Section 601 *et seq.*). If a dispute arises relating to the contract, the purchaser may submit a claim to the Contracting Officer, who shall issue a written decision on the dispute in the manner specified in 41 CFR 1–1–318.1.

(b) "Claim" means:

(1) A written request submitted to the Contracting Officer;

(2) For payment of money, adjustment of contract terms, or other relief;

(3) Which is in dispute or remains unresolved after a reasonable time for its review and disposition by the Government; and

(4) For which a Contracting Officer's decision is demanded.

(c) In the case of dispute requests or amendments to such requests for payment exceeding $5,000, the purchaser shall certify at the time of submission as a claim, as follows:

I certify that the claim is made in good faith, that the supporting data are accurate and complete to the best of my knowledge and belief and that the amount requested accurately reflects the contract adjustment for which the purchaser believes the Government is liable.

Purchaser's Name _____

Signature _____

Title _____

(d) The Government shall pay the purchaser interest:

(1) On the amount found due to the purchaser on claims submitted under this clause;

(2) At the rates fixed by the Secretary of the Treasury;

(3) From the date the amount is due until the Government makes payment.

(e) The purchaser shall pay the Government interest:

(1) On the amount found due to the Government and unpaid on claims submitted under this clause;

(2) At the rates fixed by the Department of Energy for the payment of interest on past due accounts;

(3) From the date the amount is due until the purchaser makes payment.

(f) The decision of the Contracting Officer shall be final and conclusive and shall not be subject to review by any forum, tribunal, or Government agency, unless an appeal or action is commenced within the times specified by the Contract Disputes Act of 1978.

(g) The purchaser shall comply with any decision of the Contracting Officer and at the direction of the Contracting Officer shall proceed diligently with performance of this contract pending final resolution of any request for relief, claim, appeal, or action related to this contract.

C.37 Assignment.

The purchaser shall not make or attempt to make any assignment of a contract which incorporates these SSPs or any interest therein contrary to the provisions of Federal law, including the Anti-Assignment Act (41 U.S.C. Section 15), which provides:

No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.

C.38 Order of precedence.

In the event of an inconsistency between the terms of the various parts of this contract, the inconsistency shall be resolved by giving precedence in the following order:

(a) Written amendments to the contract concerning scheduling instructions issued by the Government to the purchaser;

(b) The NA;

(c) The NS;

(d) Those provisions of the SSPs (as published in the **Federal Register**) made applicable to the contract by the NS; and

(e) The successful offer.

C.39 Gratuities.

(a) The Government, by written notice to the purchaser, may terminate the right of the purchaser to proceed under this contract if it is found, after notice and hearing, by the Secretary of his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered by or given by the purchaser, or any agent or representative of the purchaser, to any officer or employee of the Government, with a view toward securing a contract or securing favorable treatment with respect to the awarding, amending, or making of any determinations with respect to the performing of such contract; *provided*, that the existence of the facts upon which the Secretary or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event that this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (1) to pursue the same remedies against the purchaser as it could pursue in the event of a breach of the contract by purchaser, and (2) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Secretary or his duly authorized representative) which shall not be less than three nor more than ten times the cost incurred by the purchaser in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

C.40 Officials not to benefit.

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

C.41 Reserved.

Exhibits

A—Schedule Line Items
B—Sample Notice of Sale
C—Offeror Transportation Plan
D—SPR Crude Oil Characteristics and Delivery Point Data
E—Sample Offeror Response Sheet
F—Letter of Credit—Required Form
G—Information for Statistical Purposes
H—Instructions Guide for Funds Transfer
I—DD Form 250 and DD Form 250–1

EXHIBIT A

SCHEDULE OF LINE ITEMS

Item No.	Description of supplies	Quantity	Unit	Unit price	Amount
Master line item No. 001 Seaway Sweet (see Exhibit D) Delivery point: Freeway, TX—Seaway Terminal Delivery method: Common carrier pipeline					
	Delivery line items are as follows:				
001A	Delivery on 1st of month		Bbls	$	$
001B	Delivery on 2d of month		Bbls	$	$
001C	Delivery on 3d of month		Bbls	$	$
001D	Delivery on 4th of month		Bbls	$	$
001E	Delivery on 5th of month		Bbls	$	$
001F	Delivery on 6th of month		Bbls	$	$
001G	Delivery on 7th of month		Bbls	$	$
001H	Delivery on 8th of month		Bbls	$	$
001J	Delivery on 9th of month		Bbls	$	$
001K	Delivery on 10th of month		Bbls	$	$
001L	Delivery on 11th of month		Bbls	$	$
001M	Delivery on 12th of month		Bbls	$	$
001N	Delivery on 13th of month		Bbls	$	$
001P	Delivery on 14th of month		Bbls	$	$
001Q	Delivery on 15th of month		Bbls	$	$
001R	Delivery on 16th of month		Bbls	$	$
001S	Delivery on 17th of month		Bbls	$	$
001T	Delivery on 18th of month		Bbls	$	$
001U	Delivery on 19th of month		Bbls	$	$
001V	Delivery on 20th of month		Bbls	$	$
001W	Delivery on 21st of month		Bbls	$	$
001X	Delivery on 22d of month		Bbls	$	$
001Y	Delivery on 23d of month		Bbls	$	$
001Z	Delivery on 24th of month		Bbls	$	$
001AA	Delivery on 25th of month		Bbls	$	$
001BB	Delivery on 26th of month		Bbls	$	$
001CC	Delivery on 27th of month		Bbls	$	$
001DD	Delivery on 28th of month		Bbls	$	$
001EE	Delivery on 29th of month		Bbls	$	$
001FF	Delivery on 30th of month		Bbls	$	$
001GG	Delivery on 31st of month		Bbls	$	$
Master line item No. 002 Seaway Sour (see Exhibit D) Delivery point: Freeport, TX—Seaway Terminal Delivery method: Common carrier pipeline					
	Delivery line items are as follows:				
002A	Delivery on 1st of month		Bbls	$	$
002B	Delivery on 2d of month		Bbls	$	$
002C	Delivery on 3d of month		Bbls	$	$
002D	Delivery on 4th of month		Bbls	$	$
002E	Delivery on 5th of month		Bbls	$	$
002F	Delivery on 6th of month		Bbls	$	$
002G	Delivery on 7th of month		Bbls	$	$
002H	Delivery on 8th of month		Bbls	$	$
002J	Delivery on 9th of month		Bbls	$	$
002K	Delivery on 10th of month		Bbls	$	$
002L	Delivery on 11th of month		Bbls	$	$
002M	Delivery on 12th of month		Bbls	$	$
002N	Delivery on 13th of month		Bbls	$	$
002P	Delivery on 14th of month		Bbls	$	$
002Q	Delivery on 15th of month		Bbls	$	$
002R	Delivery on 16th of month		Bbls	$	$
002S	Delivery on 17th of month		Bbls	$	$
002T	Delivery on 18th of month		Bbls	$	$
002U	Delivery on 19th of month		Bbls	$	$
002V	Delivery on 20th of month		Bbls	$	$
002W	Delivery on 21st of month		Bbls	$	$
002X	Delivery on 22d of month		Bbls	$	$
002Y	Delivery on 23d of month		Bbls	$	$
002Z	Delivery on 24th of month		Bbls	$	$
002AA	Delivery on 25th of month		Bbls	$	$
002BB	Delivery on 26th of month		Bbls	$	$
002CC	Delivery on 27th of month		Bbls	$	$
002DD	Delivery on 28th of month		Bbls	$	$
002EE	Delivery on 29th of month		Bbls	$	$
002FF	Delivery on 30th of month		Bbls	$	$
002GG	Delivery on 31st of month		Bbls	$	$

EXHIBIT A—Continued

Item No.	Description of supplies	Quantity	Unit	Unit price	Amount
	Master line item No. 003 Maya (see Exhibit D) Delivery point: Freeport, TX—Seaway Terminal Delivery method: Common carrier pipeline				
	Delivery line items are as follows:				
003A	Delivery on 1st of month		Bbls	$	$
003B	Delivery on 2d of month		Bbls	$	$
003C	Delivery on 3d of month		Bbls	$	$
003D	Delivery on 4th of month		Bbls	$	$
003E	Delivery on 5th of month		Bbls	$	$
003F	Delivery on 6th of month		Bbls	$	$
003G	Delivery on 7th of month		Bbls	$	$
003H	Delivery on 8th of month		Bbls	$	$
003J	Delivery on 9th of month		Bbls	$	$
003K	Delivery on 10th of month		Bbls	$	$
003L	Delivery on 11th of month		Bbls	$	$
003M	Delivery on 12th of month		Bbls	$	$
003N	Delivery on 13th of month		Bbls	$	$
003P	Delivery on 14th of month		Bbls	$	$
003Q	Delivery on 15th of month		Bbls	$	$
003R	Delivery on 16th of month		Bbls	$	$
003S	Delivery on 17th of month		Bbls	$	$
003T	Delivery on 18th of month		Bbls	$	$
003U	Delivery on 19th of month		Bbls	$	$
003V	Delivery on 20th of month		Bbls	$	$
003W	Delivery on 21st of month		Bbls	$	$
003X	Delivery on 22nd of month		Bbls	$	$
003Y	Delivery on 23rd of month		Bbls	$	$
003Z	Delivery on 24th of month		Bbls	$	$
003AA	Delivery on 25th of month		Bbls	$	$
003BB	Delivery on 26th of month		Bbls	$	$
003CC	Delivery on 27th of month		Bbls	$	$
003DD	Delivery on 28th of month		Bbls	$	$
003EE	Delivery on 29th of month		Bbls	$	$
003FF	Delivery on 30th of month		Bbls	$	$
003GG	Delivery on 31st of month		Bbls	$	$
	Master line item No. 004 Texoma Sweet (see Exhibit D) Delivery point: Nederland, TX—Sunoco Terminal Delivery method: Common carrier pipeline				
	Delivery line items are as follows:				
004A	Delivery on 1st of month		Bbls	$	$
004B	Delivery on 2d of month		Bbls	$	$
004C	Delivery on 3d of month		Bbls	$	$
004D	Delivery on 4th of month		Bbls	$	$
004E	Delivery on 5th of month		Bbls	$	$
004F	Delivery on 6th of month		Bbls	$	$
004G	Delivery on 7th of month		Bbls	$	$
004H	Delivery on 8th of month		Bbls	$	$
004J	Delivery on 9th of month		Bbls	$	$
004K	Delivery on 10th of month		Bbls	$	$
004L	Delivery on 11th of month		Bbls	$	$
004M	Delivery on 12th of month		Bbls	$	$
004N	Delivery on 13th of month		Bbls	$	$
004P	Delivery on 14th of month		Bbls	$	$
004Q	Delivery on 15th of month		Bbls	$	$
004R	Delivery on 16th of month		Bbls	$	$
004S	Delivery on 17th of month		Bbls	$	$
004T	Delivery on 18th of month		Bbls	$	$
004U	Delivery on 19th of month		Bbls	$	$
004V	Delivery on 20th of month		Bbls	$	$
004W	Delivery on 21st of month		Bbls	$	$
004X	Delivery on 22d of month		Bbls	$	$
004Y	Delivery on 23d of month		Bbls	$	$
004Z	Delivery on 24th of month		Bbls	$	$
004AA	Delivery on 25th of month		Bbls	$	$
004BB	Delivery on 26th of month		Bbls	$	$
004CC	Delivery on 27th of month		Bbls	$	$
004DD	Delivery on 28th of month		Bbls	$	$
004EE	Delivery on 29th of month		Bbls	$	$
004FF	Delivery on 30th of month		Bbls	$	$
004GG	Delivery on 31st of month		Bbls	$	$
	Master line item No. 005 Texoma Sour (see Exhibit D) Delivery point: Nederland, TX—Sunoco Terminal Delivery method: Common carrier pipeline				
	Delivery line items are as follows:				
005A	Delivery on 1st of month		Bbls	$	$
005B	Delivery on 2d of month		Bbls	$	$
005C	Delivery on 3d of month		Bbls	$	$
005D	Delivery on 4th of month		Bbls	$	$
005E	Delivery on 5th of month		Bbls	$	$
005F	Delivery on 6th of month		Bbls	$	$
005G	Delivery on 7th of month		Bbls	$	$
005H	Delivery on 8th of month		Bbls	$	$
005J	Delivery on 9th of month		Bbls	$	$

EXHIBIT A—Continued

Item No.	Description of supplies	Quantity	Unit	Unit price	Amount
005K	Delivery on 10th of month		Bbls	$	$
005L	Delivery on 11th of month		Bbls	$	$
005M	Delivery on 12th of month		Bbls	$	$
005N	Delivery on 13th of month		Bbls	$	$
005P	Delivery on 14th of month		Bbls	$	$
005Q	Delivery on 15th of month		Bbls	$	$
005R	Delivery on 16th of month		Bbls	$	$
005S	Delivery on 17th of month		Bbls	$	$
005T	Delivery on 18th of month		Bbls	$	$
005U	Delivery on 19th of month		Bbls	$	$
005V	Delivery on 20th of month		Bbls	$	$
005W	Delivery on 21st of month		Bbls	$	$
005X	Delivery on 22d of month		Bbls	$	$
005Y	Delivery on 23d of month		Bbls	$	$
005Z	Delivery on 24th of month		Bbls	$	$
005AA	Delivery on 25th of month		Bbls	$	$
005BB	Delivery on 26th of month		Bbls	$	$
005CC	Delivery on 27th of month		Bbls	$	$
005DD	Delivery on 28th of month		Bbls	$	$
005EE	Delivery on 29th of month		Bbls	$	$
005FF	Delivery on 30th of month		Bbls	$	$
005GG	Delivery on 31st of month		Bbls	$	$
	Master line item No. 005				
	Bayou Choctaw Sweet (see Exhibit D)				
	Delivery point: St. James LA–LOCAP pipeline terminal				
	Delivery method: Common carrier pipeline				
	Delivery line items are as follows:				
006A	Delivery on 1st of month		Bbls	$	$
006B	Delivery on 2d of month		Bbls	$	$
006C	Delivery on 3d of month		Bbls	$	$
006D	Delivery on 4th of month		Bbls	$	$
006E	Delivery on 5th of month		Bbls	$	$
006F	Delivery on 6th of month		Bbls	$	$
006G	Delivery on 7th of month		Bbls	$	$
006H	Delivery on 8th of month		Bbls	$	$
006J	Delivery on 9th of month		Bbls	$	$
006K	Delivery on 10th of month		Bbls	$	$
006L	Delivery on 11th of month		Bbls	$	$
006M	Delivery on 12th of month		Bbls	$	$
006N	Delivery on 13th of month		Bbls	$	$
006P	Delivery on 14th of month		Bbls	$	$
006Q	Delivery on 15th of month		Bbls	$	$
006R	Delivery on 16th of month		Bbls	$	$
006S	Delivery on 17th of month		Bbls	$	$
006T	Delivery on 18th of month		Bbls	$	$
006U	Delivery on 19th of month		Bbls	$	$
006V	Delivery on 20th of month		Bbls	$	$
006W	Delivery on 21st of month		Bbls	$	$
006X	Delivery on 22d of month		Bbls	$	$
006Y	Delivery on 23d of month		Bbls	$	$
006Z	Delivery on 24th of month		Bbls	$	$
006AA	Delivery on 25th of month		Bbls	$	$
006BB	Delivery on 26th of month		Bbls	$	$
006CC	Delivery on 27th of month		Bbls	$	$
006DD	Delivery on 28th of month		Bbls	$	$
006EE	Delivery on 29th of month		Bbls	$	$
006FF	Delivery on 30th of month		Bbls	$	$
006GG	Delivery on 31st of month		Bbls	$	$
	Master line item No. 007				
	Bayou Choctaw Sour (see Exhibit D)				
	Delivery point: St. James, LA–LOCAP pipeline terminal				
	Delivery method: Common carrier pipeline				
	Delivery line items are as follows:				
007A	Delivery on 1st of month		Bbls	$	$
007B	Delivery on 2d of month		Bbls	$	$
007C	Delivery on 3d of month		Bbls	$	$
007D	Delivery on 4th of month		Bbls	$	$
007E	Delivery on 5th of month		Bbls	$	$
007F	Delivery on 6th of month		Bbls	$	$
007G	Delivery on 7th of month		Bbls	$	$
007H	Delivery on 8th of month		Bbls	$	$
007J	Delivery on 9th of month		Bbls	$	$
007K	Delivery on 10th of month		Bbls	$	$
007L	Delivery on 11th of month		Bbls	$	$
007M	Delivery on 12th of month		Bbls	$	$
007N	Delivery on 13th of month		Bbls	$	$
007P	Delivery on 14th of month		Bbls	$	$
007Q	Delivery on 15th of month		Bbls	$	$
007R	Delivery on 16th of month		Bbls	$	$
007S	Delivery on 17th of month		Bbls	$	$
007T	Delivery on 18th of month		Bbls	$	$
007U	Delivery on 19th of month		Bbls	$	$
007V	Delivery on 20th of month		Bbls	$	$
007W	Delivery on 21st of month		Bbls	$	$
007X	Delivery on 22d of month		Bbls	$	$
007Y	Delivery on 23d of month		Bbls	$	$
007Z	Delivery on 24th of month		Bbls	$	$

EXHIBIT A—Continued

Item No.	Description of supplies	Quantity	Unit	Unit price	Amount
007AA	Delivery on 25th of month		Bbls	$	$
007BB	Delivery on 26th of month		Bbls	$	$
007CC	Delivery on 27th of month		Bbls	$	$
007DD	Delivery on 28th of month		Bbls	$	$
007EE	Delivery on 29th of month		Bbls	$	$
007FF	Delivery on 30th of month		Bbls	$	$
007GG	Delivery on 31st of month		Bbls	$	$
	Master line item No. 008				
	Week Island Mix (see Exhibit D)				
	Delivery point: St. James, LA–LOCAP pipeline terminal				
	Delivery method: Common carrier pipeline				
	Delivery line items are as follows:				
008A	Delivery on 1st of month		Bbls	$	$
008B	Delivery on 2d of month		Bbls	$	$
008C	Delivery on 3d of month		Bbls	$	$
008D	Delivery on 4th of month		Bbls	$	$
008E	Delivery on 5th of month		Bbls	$	$
008F	Delivery on 6th of month		Bbls	$	$
008G	Delivery on 7th of month		Bbls	$	$
008H	Delivery on 8th of month		Bbls	$	$
008J	Delivery on 9th of month		Bbls	$	$
008K	Delivery on 10th of month		Bbls	$	$
008L	Delivery on 11th of month		Bbls	$	$
008M	Delivery on 12th of month		Bbls	$	$
008N	Delivery on 13th of month		Bbls	$	$
008P	Delivery on 14th of month		Bbls	$	$
008Q	Delivery on 15th of month		Bbls	$	$
008R	Delivery on 16th of month		Bbls	$	$
008S	Delivery on 17th of month		Bbls	$	$
008T	Delivery on 18th of month		Bbls	$	$
008U	Delivery on 19th of month		Bbls	$	$
008V	Delivery on 20th of month		Bbls	$	$
008W	Delivery on 21st of month		Bbls	$	$
008X	Delivery on 22d of month		Bbls	$	$
008Y	Delivery on 23d of month		Bbls	$	$
008Z	Delivery on 24th of month		Bbls	$	$
008AA	Delivery on 25th of month		Bbls	$	$
00888	Delivery on 26th of month		Bbls	$	$
008CC	Delivery on 27th of month		Bbls	$	$
008DD	Delivery on 28th of month		Bbls	$	$
008EE	Delivery on 29th of month		Bbls	$	$
008FF	Delivery on 30th of month		Bbls	$	$
008GG	Delivery on 31st of month		Bbls	$	$
	Master line item No. 009				
	Seaway Sweet (see Exhibit D)				
	Delivery point: Freeport, TX				
	Delivery method:				
	(a) Private pipeline—delivered Seaway Terminal				
	(b) Tanker—delivered at Seaway Docks				
	Delivery line items are as follows:				
009A	Delivery on 1st of month		Bbls	$	$
009B	Delivery on 2d of month		Bbls	$	$
009C	Delivery on 3d of month		Bbls	$	$
009D	Delivery on 4th of month		Bbls	$	$
009E	Delivery on 5th of month		Bbls	$	$
009F	Delivery on 6th of month		Bbls	$	$
009G	Delivery on 7th of month		Bbls	$	$
009H	Delivery on 8th of month		Bbls	$	$
009J	Delivery on 9th of month		Bbls	$	$
009K	Delivery on 10th of month		Bbls	$	$
009L	Delivery on 11th of month		Bbls	$	$
009M	Delivery on 12th of month		Bbls	$	$
009N	Delivery on 13th of month		Bbls	$	$
009P	Delivery on 14th of month		Bbls	$	$
009Q	Delivery on 15th of month		Bbls	$	$
009R	Delivery on 16th of month		Bbls	$	$
009S	Delivery on 17th of month		Bbls	$	$
009T	Delivery on 18th of month		Bbls	$	$
009U	Delivery on 19th of month		Bbls	$	$
009V	Delivery on 20th of month		Bbls	$	$
009W	Delivery on 21st of month		Bbls	$	$
009X	Delivery on 22d of month		Bbls	$	$
009Y	Delivery on 23d of month		Bbls	$	$
009Z	Delivery on 24th of month		Bbls	$	$
009AA	Delivery on 25th of month		Bbls	$	$
00988	Delivery on 26th of month		Bbls	$	$
009CC	Delivery on 27th of month		Bbls	$	$
009DD	Delivery on 28th of month		Bbls	$	$
009EE	Delivery on 29th of month		Bbls	$	$
009FF	Delivery on 30th of month		Bbls	$	$
009GG	Delivery on 31st of month		Bbls	$	$

EXHIBIT A—Continued

Item No.	Description of supplies	Quantity	Unit	Unit price	Amount
Master line item No. 010 Seaway Sour (see Exhibit D) Delivery point: Freeport, TX Delivery method: (a) Private pipeline—delivered at Seaway Terminal (b) Tanker—delivered at Seaway Docks					
	Delivery line items are as follows:				
010A	Delivery on 1st of month		Bbls	$	$
010B	Delivery on 2nd of month		Bbls	$	$
010C	Delivery on 3rd of month		Bbls	$	$
010D	Delivery on 4th of month		Bbls	$	$
010E	Delivery on 5th of month		Bbls	$	$
010F	Delivery on 6th of month		Bbls	$	$
010G	Delivery on 7th of month		Bbls	$	$
010H	Delivery on 8th of month		Bbls	$	$
010J	Delivery on 9th of month		Bbls	$	$
010K	Delivery on 10th of month		Bbls	$	$
010L	Delivery on 11th of month		Bbls	$	$
010M	Delivery on 12th of month		Bbls	$	$
010N	Delivery on 13th of month		Bbls	$	$
010P	Delivery on 14th of month		Bbls	$	$
010Q	Delivery on 15th of month		Bbls	$	$
010R	Delivery on 16th of month		Bbls	$	$
010S	Delivery on 17th of month		Bbls	$	$
010T	Delivery on 18th of month		Bbls	$	$
010U	Delivery on 19th of month		Bbls	$	$
010V	Delivery on 20th of month		Bbls	$	$
010W	Delivery on 21st of month		Bbls	$	$
010X	Delivery on 22d of month		Bbls	$	$
010Y	Delivery on 23d of month		Bbls	$	$
010Z	Delivery on 24th of month		Bbls	$	$
010AA	Delivery on 25th of month		Bbls	$	$
010BB	Delivery on 26th of month		Bbls	$	$
010CC	Delivery on 27th of month		Bbls	$	$
010DD	Delivery on 28th of month		Bbls	$	$
010EE	Delivery on 29th of month		Bbls	$	$
010FF	Delivery on 30th of month		Bbls	$	$
010GG	Delivery on 31st of month		Bbls	$	$
Master line item No. 011 Maya (see Exhibit D) Delivery point: Freeport, TX Delivery method: (a) Private pipeline—delivered at Seaway Terminal (b) Tanker—delivered at Seaway Docks					
	Delivery line items are as follows:				
011A	Delivery on 1st of month		Bbls	$	$
011B	Delivery on 2d of month		Bbls	$	$
011C	Delivery on 3d of month		Bbls	$	$
011D	Delivery on 4th of month		Bbls	$	$
011E	Delivery on 5th of month		Bbls	$	$
011F	Delivery on 6th of month		Bbls	$	$
011G	Delivery on 7th of month		Bbls	$	$
011H	Delivery on 8th of month		Bbls	$	$
011J	Delivery on 9th of month		Bbls	$	$
011K	Delivery on 10th of month		Bbls	$	$
011L	Delivery on 11th of month		Bbls	$	$
011M	Delivery on 12th of month		Bbls	$	$
011N	Delivery on 13th of month		Bbls	$	$
011P	Delivery on 14th of month		Bbls	$	$
011Q	Delivery on 15th of month		Bbls	$	$
011R	Delivery on 16th of month		Bbls	$	$
011S	Delivery on 17th of month		Bbls	$	$
011T	Delivery on 18th of month		Bbls	$	$
011U	Delivery on 19th of month		Bbls	$	$
011V	Delivery on 20th of month		Bbls	$	$
011W	Delivery on 21st of month		Bbls	$	$
011X	Delivery on 22d of month		Bbls	$	$
011Y	Delivery on 23d of month		Bbls	$	$
011Z	Delivery on 24th of month		Bbls	$	$
011AA	Delivery on 25th of month		Bbls	$	$
011BB	Delivery on 26th of month		Bbls	$	$
011CC	Delivery on 27th of month		Bbls	$	$
011DD	Delivery on 28th of month		Bbls	$	$
011EE	Delivery on 29th of month		Bbls	$	$
011FF	Delivery on 30th of month		Bbls	$	$
011GG	Delivery on 31st of month		Bbls	$	$
Master line item No. 012 Texoma Sweet (see Exhibit D) Delivery point: Nederland, TX Delivery method: (a) Private pipeline—delivered at Sunoco Terminal (b) Tanker—delivered at Sunoco Docks					
	Delivery line items are as follows:				
012A	Delivery on 1st of month		Bbls	$	$
012B	Delivery on 2d of month		Bbls	$	$
012C	Delivery on 3d of month		Bbls	$	$

EXHIBIT A—Continued

Item No.	Description of supplies	Quantity	Unit	Unit price	Amount
012D	Delivery on 4th of month		Bbls	$	$
012E	Delivery on 5th of month		Bbls	$	$
012F	Delivery on 6th of month		Bbls	$	$
012G	Delivery on 7th of month		Bbls	$	$
012H	Delivery on 8th of month		Bbls	$	$
012J	Delivery on 9th of month		Bbls	$	$
012K	Delivery on 10th of month		Bbls	$	$
012L	Delivery on 11th of month		Bbls	$	$
012M	Delivery on 12th of month		Bbls	$	$
012N	Delivery on 13th of month		Bbls	$	$
012P	Delivery on 14th of month		Bbls	$	$
012Q	Delivery on 15th of month		Bbls	$	$
012R	Delivery on 16th of month		Bbls	$	$
012S	Delivery on 17th of month		Bbls	$	$
012T	Delivery on 18th of month		Bbls	$	$
012U	Delivery on 19th of month		Bbls	$	$
012V	Delivery on 20th of month		Bbls	$	$
012W	Delivery on 21st of month		Bbls	$	$
012X	Delivery on 22d of month		Bbls	$	$
012Y	Delivery on 23d of month		Bbls	$	$
012Z	Delivery on 24th of month		Bbls	$	$
012AA	Delivery on 25th of month		Bbls	$	$
012BB	Delivery on 26th of month		Bbls	$	$
012CC	Delivery on 27th of month		Bbls	$	$
012DD	Delivery on 28th of month		Bbls	$	$
012EE	Delivery on 29th of month		Bbls	$	$
012FF	Delivery on 30th of month		Bbls	$	$
012GG	Delivery on 31st of month		Bbls	$	$

Master line item No. 013
Texoma Sour (see Exhibit D)
Delivery point: Nederland, TX
Delivery method:
(a) Private pipeline—delivered at Sunoco Terminal
(b) Tanker—delivered at Sunoco Docks

Delivery line items are as follows:

013A	Delivery on 1st of month		Bbls	$	$
013B	Delivery on 2d of month		Bbls	$	$
013C	Delivery on 3d of month		Bbls	$	$
013D	Delivery on 4th of month		Bbls	$	$
013E	Delivery on 5th of month		Bbls	$	$
013F	Delivery on 6th of month		Bbls	$	$
013G	Delivery on 7th of month		Bbls	$	$
013H	Delivery on 8th of month		Bbls	$	$
013J	Delivery on 9th of month		Bbls	$	$
013K	Delivery on 10th of month		Bbls	$	$
013L	Delivery on 11th of month		Bbls	$	$
013M	Delivery on 12th of month		Bbls	$	$
013N	Delivery on 13th of month		Bbls	$	$
013P	Delivery on 14th of month		Bbls	$	$
013Q	Delivery on 15th of month		Bbls	$	$
013R	Delivery on 16th of month		Bbls	$	$
013S	Delivery on 17th of month		Bbls	$	$
013T	Delivery on 18th of month		Bbls	$	$
013U	Delivery on 19th of month		Bbls	$	$
013V	Delivery on 20th of month		Bbls	$	$
013W	Delivery on 21st of month		Bbls	$	$
013X	Delivery on 22d of month		Bbls	$	$
013Y	Delivery on 23d of month		Bbls	$	$
013Z	Delivery on 24th of month		Bbls	$	$
013AA	Delivery on 25th of month		Bbls	$	$
013BB	Delivery on 26th of month		Bbls	$	$
013CC	Delivery on 27th of month		Bbls	$	$
013DD	Delivery on 28th of month		Bbls	$	$
013EE	Delivery on 29th of month		Bbls	$	$
013FF	Delivery on 30th of month		Bbls	$	$
013GG	Delivery on 31st of month		Bbls	$	$

Master line item No. 014
Bayou Choctaw Sweet (see Exhibit D)
Delivery point: St. James, LA
Delivery method:
(a) Private pipeline—delivered at Locap Terminal
(b) Tanker—delivered at DOE St. James Docks

Delivery line items are as follows:

014A	Delivery on 1st of month		Bbls	$	$
014B	Delivery on 2d of month		Bbls	$	$
014C	Delivery on 3d of month		Bbls	$	$
014D	Delivery on 4th of month		Bbls	$	$
014E	Delivery on 5th of month		Bbls	$	$
014F	Delivery on 6th of month		Bbls	$	$
014G	Delivery on 7th of month		Bbls	$	$
014H	Delivery on 8th of month		Bbls	$	$
014J	Delivery on 9th of month		Bbls	$	$
014K	Delivery on 10th of month		Bbls	$	$
014L	Delivery on 11th of month		Bbls	$	$
014M	Delivery on 12th of month		Bbls	$	$
014N	Delivery on 13th of month		Bbls	$	$
014P	Delivery on 14th of month		Bbls	$	$

EXHIBIT A—Continued

Item No.	Description of supplies	Quantity	Unit	Unit price	Amount
014Q	Delivery on 15th of month		Bbls	$	$
014R	Delivery on 16th of month		Bbls	$	$
014S	Delivery on 17th of month		Bbls	$	$
014T	Delivery on 18th of month		Bbls	$	$
014U	Delivery on 19th of month		Bbls	$	$
014V	Delivery on 20th of month		Bbls	$	$
014W	Delivery on 21st of month		Bbls	$	$
014X	Delivery on 22d of month		Bbls	$	$
014Y	Delivery on 23d of month		Bbls	$	$
014Z	Delivery on 24th of month		Bbls	$	$
014AA	Delivery on 25th of month		Bbls	$	$
014BB	Delivery on 26th of month		Bbls	$	$
014CC	Delivery on 27th of month		Bbls	$	$
014DD	Delivery on 28th of month		Bbls	$	$
014EE	Delivery on 29th of month		Bbls	$	$
014FF	Delivery on 30th of month		Bbls	$	$
014GG	Delivery on 31st of month		Bbls	$	$

Master line item No. 015
Bayou Choctaw Sour (see Exhibit Do
Delivery point: St. James, LA
Delivery method:
(a) Private pipeline—delivered at Locap Terminal
(b) Tanker—delivered at DOE St. James Docks

Delivery line items are as follows:

015A	Delivery on 1st of month		Bbls	$	$
015B	Delivery on 2d of month		Bbls	$	$
015C	Delivery on 3d of month		Bbls	$	$
015D	Delivery on 4th of month		Bbls	$	$
015E	Delivery on 5th of month		Bbls	$	$
015F	Delivery on 6th of month		Bbls	$	$
015G	Delivery on 7th of month		Bbls	$	$
015H	Delivery on 8th of month		Bbls	$	$
015J	Delivery on 9th of month		Bbls	$	$
015K	Delivery on 10th of month		Bbls	$	$
015L	Delivery on 11th of month		Bbls	$	$
015M	Delivery on 12th of month		Bbls	$	$
015N	Delivery on 13th of month		Bbls	$	$
015P	Delivery on 14th of month		Bbls	$	$
015Q	Delivery on 15th of month		Bbls	$	$
015R	Delivery on 16th of month		Bbls	$	$
015S	Delivery on 17th of month		Bbls	$	$
015T	Delivery on 18th of month		Bbls	$	$
015U	Delivery on 19th of month		Bbls	$	$
015V	Delivery on 20th of month		Bbls	$	$
015W	Delivery on 21st of month		Bbls	$	$
015X	Delivery on 22d of month		Bbls	$	$
015Y	Delivery on 23d of month		Bbls	$	$
015Z	Delivery on 24th of month		Bbls	$	$
015AA	Delivery on 25th of month		Bbls	$	$
015BB	Delivery on 26th of month		Bbls	$	$
015CC	Delivery on 27th of month		Bbls	$	$
015DD	Delivery on 28th of month		Bbls	$	$
015EE	Delivery on 29th of month		Bbls	$	$
015FF	Delivery on 30th of month		Bbls	$	$
015GG	Delivery on 31st of month		Bbls	$	$

Master line item No. 016
Weak Island Mix (see Exhibit D)
Delivery point: St. James, LA
Delivery method:
(a) Private pipeline—delivered at LOCAP Terminal
(b) Tanker—delivered at DOE St. James Docks

Delivery line items are as follows:

016A	Delivery on 1st of month		Bbls	$	$
016B	Delivery on 2d of month		Bbls	$	$
016C	Delivery on 3d of month		Bbls	$	$
016D	Delivery on 4th of month		Bbls	$	$
016E	Delivery on 5th of month		Bbls	$	$
016F	Delivery on 6th of month		Bbls	$	$
016G	Delivery on 7th of month		Bbls	$	$
016H	Delivery on 8th of month		Bbls	$	$
016J	Delivery on 9th of month		Bbls	$	$
016K	Delivery on 10th of month		Bbls	$	$
016L	Delivery on 11th of month		Bbls	$	$
016M	Delivery on 12th of month		Bbls	$	$
016N	Delivery on 13th of month		Bbls	$	$
016P	Delivery on 14th of month		Bbls	$	$
016Q	Delivery on 15th of month		Bbls	$	$
016R	Delivery on 16th of month		Bbls	$	$
016S	Delivery on 17th of month		Bbls	$	$
016T	Delivery on 18th of month		Bbls	$	$
016U	Delivery on 19th of month		Bbls	$	$
016V	Delivery on 20th of month		Bbls	$	$
016W	Delivery on 21st of month		Bbls	$	$
016X	Delivery on 22d of month		Bbls	$	$
016Y	Delivery on 23d of month		Bbls	$	$
016Z	Delivery on 24th of month		Bbls	$	$
016AA	Delivery on 25th of month		Bbls	$	$

EXHIBIT A—Continued

Item No.	Description of supplies	Quantity	Unit	Unit price	Amount
[illegible]	Delivery on 26th of month		Bbls	$	$
016CC	Delivery on 27th of month		Bbls	$	$
016[illegible]	Delivery on 28th of month		Bbls	$	$
016[illegible]	Delivery on 29th of month		Bbls	$	$
016FF	Delivery on 30th of month		Bbls	$	$
016[illegible]	Delivery on 31st of month		Bbls	$	$

Note that the letters "I" and "O" are not used in numbering the delivery line items.

Exhibit B—Telegraphic Notice of Sale (NS) (Sample)

(If the NS is sent by telegram, it could look substantially as shown below. If the NS is sent by mail, a Standard Form 33 will be included as a cover sheet.)

1. NS NO. DE–NS96–83P010001 IS ISSUED (date) FOR SALE OF STRATEGIC PETROLEUM RESERVE (SPR) CRUDE OIL. ALL REFERENCES TO "PROVISION NO." REFER TO THE STANDARD SALES PROVISIONS (SSPS) PUBLISHED IN THE FEDERAL REGISTER (date). ALL PROVISIONS ARE APPLICABLE TO THIS SALE EXCEPT THAT PROVISION NO(S). (give number or numbers) ARE CHANGED TO READ: (give changes). ADDITIONAL PROVISIONS ARE HEREBY ADDED (give new numbers which do not duplicate others in SSPs) WHICH READ (give text).

2. OFFERS AND OFFER GUARANTEES MUST BE RECEIVED BY 12 NOON LOCAL TIME ON (date) AT ADDRESSES FOR MAILED AND HANDCARRIED OFFERS GIVEN IN SSPS.

(or)

2. OFFERS AND OFFER GUARANTEES MUST BE RECEIVED BY 12 NOON LOCAL TIME ON (date) AT (address) FOR MAILED BIDS AND (address) FOR HAND CARRIED BIDS.

3. PUBLIC OPENING OF OFFERS WILL BE 1 P.M. LOCAL TIME, ROOM 333, (address). OFFERORS' REPRESENTATIVES ARE ENCOURAGED TO ATTEND.

4. SUBMIT TRANSPORTATION ARRANGEMENTS AS REQUIRED BY SSPS.

5. REPRESENTATIONS AND CERTIFICATIONS OF EXHIBIT G OF SSPS (ARE) (ARE NOT) REQUIRED.

(or)

5. ONLY REPRESENTATIONS NOS. (give numbers) OF EXHIBIT G OF SSPS ARE REQUIRED.

6. DIRECT QUESTIONS REGARDING NS TO (name of individual), TELEPHONE (504) 734–4220. COLLECT CALLS WILL NOT BE ACCEPTED.

7. QUALITY DIFFERENTIALS GIVEN PROV. NO. C. 7 IN SSPS NOT, REPEAT, NOT VALID. SUBSTITUTE PLUS OR MINUS ———— CENTS PER BBL.

8. MINIMUM ACCEPTABLE PRICES FOR OFFERED CRUDES ARE: BAYOU CHOCTAW SWEET, TEXOMA SWEET, AND SEAWAY SWEET ———— DOLLARS ($) PER BBL; BAYOU CHOCTAW SOUR, ———— DOLLARS ($) PER BBL; MAYA, ———— DOLLARS ($) PER BBL. WEEKS ISLAND MIX, TEXOMA SOUR, AND SEAWAY SOUR NOT OFFERED THIS SALE.

9. COMMON CARRIER AND PRIVATELY OWNED PIPELINE PICKUP WINDOW IS PLUS OR MINUS FIVE DAYS. TANKER AND BARGE PICKUP WINDOW IS PLUS OR MINUS ONE DAY.

10. LINE ITEM NUMBERS GIVEN HEREIN REFER TO THOSE CITED IN PROVISION NO. C.5 AND ATTACHED AS EXHIBIT A OF SSPS. THE SPECIFICS FOR LINE ITEMS ARE GIVEN IN EXHIBIT A. QUANTITIES FOR LINE ITEMS ARE GIVEN BELOW:

QUANTITIES OFFERED THIS SALE ARE: LI 001A, TWO HUNDRED THOUSAND BARRELS; LI 001D, ONE HUNDRED THOUSAND BARRELS; LI 001U, TWO HUNDRED THOUSAND BARRELS; LI 002C, ONE HUNDRED THOUSAND BARRELS; LI 002J, NINETY THOUSAND BARRELS; LI 002X, SIXTY THOUSAND BARRELS; LI 004P, TWO HUNDRED THOUSAND BARRELS; LI 004GG, TWO HUNDRED THOUSAND BARRELS; LI 0011M, THREE HUNDRED THOUSAND BARRELS; ETC.

Exhibit C

OFFEROR TRANSPORTATION PLAN

(check all applicable items and provide all requested information)

Name of Offeror: ————————————

———This is the transportation plan required to be submitted by the apparently successful offeror on delivery line item number ———.

The destination of this petroleum is: (Give geographical destination and identify facility which is to receive the shipment.)

———Shipment of this petroleum from the delivery point to its destination will be by ——— common carrier, ——— noncommon carrier pipeline. The identity of the pipeline(s) and the status of arrangments for the shipment of the delivery line item, through the pipeline(s) in accordance with the Notice of Sale, are as follows:

———Shipment of this petroleum from the delivery point to its destination will be by ——— tanker, ——— barge. The identity and basic characteristics of the vessel(s), and the status of arrangements for shipment of the delivery line item by the vessel(s) in accordance with the Notice of Sale, are as follows:

———The destination of the petroleum is a point within the United States for purposes of the Jones Act, 46 U.S.C. Section 883, and:

———the petroleum will be shipped by United States flag vessel(s) in accordance with that Act;

———the requirements of that Act have been or are being waived, as follows:

———The destination of the petroleum is outside the United States, its territories and possessions, but export of the delivery line item will be in accordance with applicable law, for the following reasons:

Documentation available in support of the above information will be provided with the submission of the transportation plan.

EXHIBIT D

SPR CRUDE OIL CHARACTERISTICS, ST. JAMES, LA

Characteristics	Weeks Island Mix	Bayou Choctaw Sweet	Bayou Choctaw Sour
API gravity	29.0±1	36.5±1	33.0±1.
Total Sulfur, wt. %, max.	1.44	0.5	2.0.
Pour Point, °F, max.	5	50	50.
Viscosity, SUS@ 100°F, max.	72	75	75.
Total Nitrogen, wt. % max.	0.196	TBD	TBD.
Carbon Residue, wt. % max.	5.29	TBD	TBD.
Reid vapor pressure, max.	5.2	11	11.
Total Acid Number, max.	0.11	0.40	0.40.
Water and Sediment, vol. %, max.	1.0	1.0	1.0.
Crude Oils Comprising Stream * (percentage of stream)	Alaskan North Slope (43%)	Ninian (39%)	Isthmus (45%)
	Isthmus (21%)	EsSider (27%)	Iranian Light (33%).
		Forties (15%).	Maya (9%).

EXHIBIT D—Continued

Characteristics	Weeks Island Mix	Bayou Choctaw Sweet	Bayou Choctaw Sour
	Gulf of Suez Blend (6%)	Brent (8%)	Gulf of Suez Blend (3%).
	Maya (6%)	Zarzaitine (3%)	
	Dubai [Fateh] (5%)	Kole (3%)	Dubai [Fateh] (3%).
	Abrabian Light (4%)	Sirtica (3%)	Iranian Heavy (3%).
	Oman (4%)	Loreto (2%)	Arabian Light (2%).
	Mandji (3%)		Oriente (1%).
	Iranian Light (3%)		Lagomedio (1%).
	Oriente (2%)		
	Flotta (1%)		
	Iranian Heavy (1%)		
	Qustar Marine (1%)		

TBD—To be determined.
*As of December 31, 1982. Subject to change.

SPR Crude Oil Characteristics—Nederland, TX

Characteristics	Texoma Sweet	Texoma Sour
API Gravity	36.5±1.	33.0±1.
Total Sulfur, wt. %, max	0.41	1.93.
Pour Point, °F, max	30.	5.
Viscosity, SUS@ 100°F, max	40.	58.
Total Nitrogen, wt. %, max	0.117	0.199.
Carbon Residue, wt. %, max	2.44	TBD.
Reid vapor pressure, max	7.0	11.
Total Acid Number, max	0.19	0.40.
Water and Sediment, vol. %, max	1.0	1.0.
Crude Oils Comprising Stream* (percentage of stream)	Brent (22%).	Isthmus (42%).
	Bonny Light (17%).	Arabian Light (25%).
	EsSider (16%).	Iranian Light (11%).
	Ninian (10%).	Dubai [Fateh] (10%).
	Forties (8%).	Oriente (3%).
	Zueitina (5%).	West Texas Blend (3%).
	Forcados (5%).	Iranian Heavy (2%).
	West Texas Intermediate (5%).	Lagomedio (1%).
	Sirtica (4%).	Flotta (1%).
	Saharan Blend (4%).	Gulf of Suez Blend(1%).
	Kole (4%).	

TBD—To be determined.
* As of December 31, 1982. Subject to change.

SPR Crude Oil Characteristics Freeport, TX

Characteristics	Seaway Sweet	Seaway Sour	Maya
API Gravity	36.0±1	33.0±1	22.1.
Total Sulfur, wt. %, max	0.37	2.0	3.44.
Pour Point, °F, max	40	50	5.
Viscosity, SUS@ 100 °F, max	46	75	375.
Total Nitrogen, wt. %, max	0.117	TBD	TBD.
Carbon Residue, wt. %, max	TBD	TBD	TBD.
Reid vapor pressure, max	11	11	11.
Total; Acid Number, max	0.40	0.40	0.40.
Water and Sediment, vol. %, max	1.0	1.0	1.0.
Crude Oils Comprising Stream* (percentage of stream)	Forties (47%).	Isthmus (64%).	Maya (100%).
	Ninian (21%).	Arabian Light (10%).	
	Es Sider (17%).	Dubai [Fateh] (9%).	
	Bonny Light (4%).	Gulf of Suez Blend (6%).	
	Sirtica (3%).	Iranian Light (6%).	
	Ekofisk (3%).	Oriente (3%).	
	Forcados (2%).		
	Brent (1%).		
	Saharan Blend (1%).		
	Zarzaitine (1%).		

TBD—To be determined.
*As of December 31, 1982. Subject to change

DELIVERY POINT DATA

Terminal	Seaway Terminal, Freeport, Texas	Sunoco Terminal, Inc., Nederland, Texas	DOE St. James Terminal, St. James, Louisiana
Delivery points:	(1) Seaway pipeline marine dock facility. (2) Jones Creek tank farm (Seaway pipeline).	(1) Sunoco terminal marine dock facility. (2) Sunoco terminal (Texoma or local pipelines).	(1) St. James terminal marine dock facility. (2) Locap terminal (Capline or local pipelines)
Marine dock facility data: (A)			
Number of berths	3	5	2.
Max LOA	750 ft [B]	1,000 ft	940 ft [B]
Max beam	107 ft	145 ft	NA.
Max draft (B)	35 ft	40 ft.	39 ft [B]
Max air draft	NA	136	153 ft.
Max DWT (C)	80,000 dwt [B]	140,000 dwt [B]	120,000 dwt [B]

EXHIBIT D—Continued
DELIVERY POINT DATA—Continued

Terminal	Seaway Terminal, Freeport, Texas	Sunoco Terminal, Inc., Nederland, Texas	DOE St. James Terminal, St. James, Louisiana
Barging capability	Yes [3]	Yes [3]	No.
	[1] Max LOA 615 ft during hours of darkness. [2] Dwt can be larger if draft, LOA and beam restrictions are met. Max at dock 1 is 50,000 dwt. Terminal permission is required for less than 32,000 dwt. [3] Only dock No. 1 has barge loading capability. [4] No deballasting facilities are available.	[1] 85,000 dwt or larger are limited to daylight transfer. Max dwt may be larger if draft, LOA and beam restrictions are met and the pilots agree to bring vessel in. [2] There are 2 crude barge docks; docks A&B with max draft of 15 ft. Other barges go to ship dock No. 1.	[1] Discharging ships over 750 ft LOA may require tugs in attendance. Holding tugs cannot be used for ships loading. Max LOA for loading is 750 ft. [2] St. James terminal draft is 42 ft at the dock. Draft at the bar at the mouth of the Mississippi is 39 ft for 100,000 dwt or over 40 ft for under 100,000 dwt. [3] Larger dwt can be accommodated with terminal approval. [4] No deballasting facilities are available.

(A) Contractor shall be responsible for confirming that proposed vessels can be accommodated by terminals, harbors and channels involved.
(B) Maximum draft is subject to varying limitations at river and harbor entrances due to tidal variances.
(C) Maximum DWT is theoretical berth handling capability; however, contractors must be aware that harbor and channel physical contraints are the controlling factor as to ship size, and are varying.

SPR CRUDE OIL SPECIFICATION RANGES FOR INFORMATION PURPOSE ONLY

The NS will establish the final ranges for the SPR petroleum to be sold.

	API gravity	Total sulfur, wt. %
Sweet (Bayou Choctaw, Texoma, Seaway)	32–38	0.1–0.5
Sour (Bayou Choctaw, Texoma, Seaway)	30–36	1.0–2.0
Weeks Island Mix	26–31	0.9–1.9
Maya	21–25	2.5–3.5

Oil delivered by the SPR to the purchaser that falls outside of the ranges for the oil contracted for as established by the NS may be rejected by the purchaser in accordance with Provision C 5.

Exhibit R

NAME OF OFFEROR ———————

OFFEROR RESPONSE SHEET (SAMPLE)

(The following provides general guidance only. Offer may take any written form. The offeror has total responsibiliity for the accuracy and completeness of its offer.)

1. We acknowledge receipt of Notice of Sale (NS) No. DE–NS96–83P010001 issued (date).

2. We acknowledge receipt, if applicable, of the following:

Amendment No.	Date issued
001	
002	
etc.	

3. We agree without exception to all provision of the Standard Sales Provisions (SSPs) which the NS makes applicable to this sale as well as all provisions in the NS and all amendments to the NS. We understand that our offer is not valid without this agreement.

4. We understand that our offer is not valid unless we submit an offer guarantee in the amount of $10 million or 30 percent of our total offer, whichever is less. The offer guarantee must reach you prior to the time and date set for receipt of offers.

a. The amount of our offer guarantee is (check one)

——— $10 million
——— $——— which is 30% of our total offer

b. The form of our offer guarantee is (check one)

——— a cash deposit to the special SPR/PMO account
——— a cashier's or certified check payable to the Treasurer of the United States
——— a Standard Form (SF) 24, entitled "Bid Bond"

c. Our offer guarantee was forwarded (check one)

——— by wire transfer
——— in this envelope with our offer
——— by our bank under a separate cover
——— by our surety company under a separate cover

d. If I submitted a cash deposit or cashier's or certified check, and, if I am an apparently successful offeror, (check one)

——— I want the amount of the offer guarantee applied toward the advance payment or cash guarantee.
——— I intend to furnish a letter of credit for a financial guarantee and want the cash returned as soon as the letter of credit is approved by DOE.
——— I will furnish the entire amount of the advance payment or cash guarantee by a new cash wire deposit. I want the original cash offer guarantee returned as soon as the new cash deposit is received.

5. We understand that a transportation plan must be submitted if we are an apparently successful offeror.

6. The NS ———, did ——— did not require any Representations or Certifications from Exhibit G. They are attached if they are required.

7. Our offers on available crude oil are:

Line Item No.	Quality offered (BBLs)	Unit price	Amount

8. We ——— do,——— do not want to be included for Phase II evaluation.

9. Our authorized agent ——— will, ——— will not attend the public opening of offers and be available for Phase II evaluation.

I am ———, (name) ——— (title) of ——— (name of company, etc). I am the authorized agent of the offeror, in proof of which I submit a power of attorney or other enabling documents.

———————

Signature of Authorized Agent

All offerors will supply the following information:

Name of firm
Mailing address
City, State, zip
Name of authorized agent
Telephone number for authorized agent including area code
TWX number (if any)
Telecopier brand name and model number (if any)
Is telecopier automatic or operator controlled?
Telephone number, including area code, for telecopier verification of message receipt
Dunn's number (if any)

Exhibit F—Letter of Credit

Procurement Division
Mail Stop EP–5501
Project Management Office
Strategic Petroleum Reserve
Department of Energy
900 Commerce Road East
New Orleans, Louisiana 70123

To the Strategic Petroleum Reserve Drawdown Sales Coordinator:

By order of our customer (name and address) ——— we hereby establish in the Department of Energy's favor an irrevocable Letter of Credit, Numbered ———, for an amount not to exceed U.S. $——— ——— ——— (the U.S. dollar amount expressed in word form) effective immediately and expiring at our office located at ——— (address) three hundred and sixty-five (365) days from the date of issuance of this Letter of Credit, relative to an offer by our customer dated ——— (date), to purchase Strategic Petroleum Reserve petroleum. Liability under this Letter of Credit shall commence upon

acceptance by the Government of our client's offer and the award of a contract for the delivery of Strategic Petroleum Reserve petroleum.

Funds under this Letter of Credit are available to the Department of Energy by its draft or drafts drawn on ourselves and accompanied by either a statement of a duly authorized official of the Department of Energy stating that:

This drawing is due the U.S. Government in payment for ——— barrels of petroleum sold to ——————— (customer's name) under Contract No. ——— at a price of $——————— per barrel ——————— (plus or minus) a sulfur differential of ——— tenths of one percent at $——————— per one tenth of one percent per barrel and ——————— (plus or minus) a gravity differential of ——— degrees at $——————— per degree API per barrel, for a total amount due of $——————— — ——————— (U.S. dollar amount expressed in word form). The Government's invoice and supporting standard form DD250 will be forwarded by regular mail,

or a statement that:

This drawing is due the U.S. Government because of the failure of

———————————————

(customer's name)

to accept delivery of petroleum under Contract No. ——————— at the time specified in the contract, resulting in damages due under the contract of $——————— — ——————— (U.S. dollar amount expressed in word form),

or both. The Department of Energy may make multiple drawings totalling not more than the amount of funds specified in the first paragraph as available under this Letter of Credit. We will honor drafts presented by wire provided that each such draft contains either one of the two above statements.

Upon receipt of the Department of Energy's draft and accompanying statement we will honor the draft and make payment by 3 p.m. Eastern Standard Time of the next business day following receipt of the draft by wire transfer to the account of the U.S. Treasury through the Federal Reserve Communications System. Each wire transfer shall be formatted in accordance with prescribed Treasury requirements as set forth in Exhibit H of the Standard Sales Provisions.

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (1974 Revision, International Chamber of Commerce Publication No. 290, and except as may be inconsistent therewith, to the Uniform Commercial Code in effect on the date of issuance of this Letter of Credit in the state in which the issuer's head office within the United States is located.

Address all communications regarding this Letter of Credit to ———————

———————————————

———————————————

(address and any applicable reference)

Yours Truly,

———————————————

Authorized Signature.

Exhibit G—Information for Statistical Purposes

1. *Small and Small Disadvantaged Business Certification.*

a. The offeror ( ) certifies that it is ( ) is not ( ) a small business concern as defined in accordance with Section 3 of the Small Business Act (15 U.S.C. 632).

b. The offeror ( ) certifies that it is a small business concern (as set forth in a above) and is ( ) is not ( ) owned and controlled by socially and economically disadvantaged individuals. Such a firm is defined as one—

(1) which is at least 51 per centum owned by one or more such individuals or, in the case of publicly owned business, at least 51 per centum of the stock is owned by such individuals;

(2) whose management and daily business operations are controlled by one or more such individuals; and

(3) which certifies concerning said ownership and control in accordance with section c below.

c. The offeror ( ) certifies that it is ( ) is not ( ) a minority individual(s) in accordance with c(1) below or that it is ( ) is not ( ) socially and economically disadvantaged in accordance with section c(2) or c(3). Socially and economically disadvantaged individuals are defined as:

(1) United States citizens who are Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or other specified minorities;

(2) any other individual found to be disadvantaged pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637); or

(3) any other individual defined by the Small Business Administration as socially and economically disadvantaged for purposes relating to other sections of the Small Business Act.

Failure to execute all parts of the representation will be deemed a minor informality and the bidder of offeror shall be permitted to satisfy the requirement prior to award.

2. *Woman-Owned Business (FPR Temp. Reg. 48, 1978 Dec).*

Concern is ( ), is not ( ) a woman-owned business.

A woman-owned business is a business which is, at least, 51 percent owned, controlled, and operated by a woman or women. Controlled is defined as exercising the power to make policy decisions. Operated is defined as actively involved in the day-to-day management.

For the purposes of this definition, businesses which are publicly owned, joint stock associations, and business trusts are exempted. Exempted businesses may voluntarily represent that they are, or are not, woman-owned if this information is available.

3. *Labor Surplus Area Concern (FPR § 1-1.807, 1968 Nov).*

It ( ) is, ( ) is not, a labor surplus area concern. (For definition of "labor surplus area concern," see Code of Federal Regulations, Title 41, Subpart 1-1.8, Section 01.)

4. *Type of Business Organization (1977 Mar).*

It operates as ( ) an individual, ( ) a partnership, ( ) a joint venture, ( ) a nonprofit organization, ( ) a not-for-profit organization, ( ) an educational institution, ( ) a hospital, ( ) a State or local government agency, ( ) a U.S. Government Agency, ( ) a corporation, etc.

Offeror shall indicate the State and/or county in which it is incorporated, authorized to do business, or in residence.

5. *Affiliation and Identification Data.*

a. Offeror shall incorporate in its offer the same data required by Provision No. A 6(c).

b. As part of its offer, offeror shall state whether it is owned or controlled by a parent company or other entity. If offeror is owned or controlled by a parent company or other entity, it shall state the name of the controlling entity, the main address of that entity, and the telephone number thereof.

c. A parent company for the purposes of this clause is a company which either owns the offeror or controls the activities and basic business policies of the offeror. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in the company. To control another company, such ownership is not required; if another company is able to formulate, determine, or veto basic business policy decisions of the offeror, such other company is considered the parent company of the offeror. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.

Exhibit H—Instructions Guide for Funds Transfer Messages to Treasury

The following instructions provide specific information which is required so that a funds (wire) transfer message can be transmitted to the Department of the Treasury. The funds transfer message format is shown in Attachment 1. A narrative description of each item on the funds transfer message follows:

Line 1

Item 1—*Priority Code*—The priority code will be provided by the sending bank. (Note: Some Federal Reserve district banks may not require this item.)

Line 2

Item 2—*Treasury Department Code*—The 9-digit identifier "021030004" is the routing symbol of the Treasury. This item is a constant and is required for all funds transfer messages sent to Treasury.

Item 3—*Type Code*—The type code will be provided by the sending bank (will be a 10 or 12).

Line 3

Item 4—*Sending Bank Code*—This 9-digit identifier will be provided by the sending bank.

Item 5—*Class*—The class field may be used at the option of the sending bank. (Note: Some Federal Reserve Districts prohibit use of this field.)

Item 6—*Reference Number*—The reference number will be inserted by the sending bank to identify the transaction.

Item 7—*Amount*—The amount must include the dollar sign and the appropriate

punctuation including cents digits. This item will be inserted by the sending bank.

Line 4

Item 8—*Sending Bank Name*—The telegraphic abbreviation which corresponds to Item 4 will be provided by the sending bank.

Line 5

Items 9, 10, and 11—*Treasury Department, Name, Agency Location Code, Agency Number*—This item is of critical importance. It must appear on the funds transfer message in the precise manner as stated to allow for the automated processing and classification of funds transfer message to Treasury for credit to the Department of Energy. This item is comprised of a rigidly formatted, nonvariable sequence of characters as follows:

TREAS NYC/(89000201) DEPT OF ENERGY (SPRO)

Item 12—*Payment Identification*—The payment identification should be furnished by the remitter in the following manner:

Lines 6 and 7

The constant "Payment for the Sale of Crude Oil Under Contract No. ————, DD 250 No. ———— will be inserted.

Line 8

The constant "Deposit Account 89X0233" will be inserted.

Important Note: Line Nos. 2 and 5 are edited by the Federal Reserve Bank. If the wire transfer message is not formatted as prescribed above, the message will be rejected by the FED Bank and returned to the sending bank.

Sample of Funds Transfer Message Format for SPR Oil Sales

02			
To 021030004	Type 10		
From 011000390		Ref 0650	Amount $500,000.00
Ordering Bank and Related Data FIRST BOS			
TREAS NYC/(89000201) DEPT OF ENERGY (SPRO)			
PAYMENT FOR THE SALE OF CRUDE OIL UNDER			
CONTRACT # DD250 #			
DEPOSIT ACCOUNT 89X0233			

Attachment 1 to Exhibit H

BILLING CODE 6450-01-M

[FR Doc. 83-15314 Filed 6-14-83; 8:45 am]
BILLING CODE 6450-01-C

MATERIAL INSPECTION AND RECEIVING REPORT	1. PROC. INSTRUMENT IDEN(CONTRACT) / (ORDER) NO. Exhibit I	6. INVOICE NO. / DATE	7. PAGE / OF
			8. ACCEPTANCE POINT
2. SHIPMENT NO. / 3. DATE SHIPPED	4. B L / TCN	5. DISCOUNT TERMS	
9. PRIME CONTRACTOR CODE		10. ADMINISTERED BY CODE	
11. SHIPPED FROM (If other than 9) CODE / FOB		12. PAYMENT WILL BE MADE BY CODE	
13. SHIPPED TO CODE		14. MARKED FOR CODE	

15. ITEM NO.	16. STOCK/PART NO. DESCRIPTION (Indicate number of shipping containers - type of container - container number)	17. QUANTITY SHIP/REC'D *	18. UNIT	19. UNIT PRICE	20. AMOUNT

21. PROCUREMENT QUALITY ASSURANCE				22. RECEIVER'S USE
A. ORIGIN		B. DESTINATION		Quantities shown in column 17 were received in apparent good condition except as noted
☐ PQA ☐ ACCEPTANCE of listed items has been made by me or under my supervision and they conform to contract except as noted herein or on supporting documents.		☐ PQA ☐ ACCEPTANCE of listed items has been made by me or under my supervision and they conform to contract, except as noted herein or on supporting documents.		DATE RECEIVED / SIGNATURE OF AUTH GOVT REP
DATE	SIGNATURE OF AUTH GOVT REP	DATE	SIGNATURE OF AUTH GOVT REP	TYPED NAME AND OFFICE
TYPED NAME AND OFFICE		TYPED NAME AND TITLE		* If quantity received by the Government is the same as quantity shipped, indicate by (✓) mark; if different, enter actual quantity received below quantity shipped and encircle

23. CONTRACTOR USE ONLY

DD FORM 250 1 NOV 68 REPLACES EDITION OF 1 AUG 67 WHICH MAY BE USED

TANKER/BARGE MATERIAL INSPECTION AND RECEIVING REPORT	1. TANKER/BARGE ☐ LOADING REPORT ☐ DISCHARGE REPORT	2. INSPECTION OFFICE	3. REPORT NUMBER
4. AGENCY PLACING ORDER ON SHIPPER, CITY, STATE AND/OR LOCAL ADDRESS (Loading)		5. DEPARTMENT	6. PRIME CONTRACT OR P.O. NUMBER
7. NAME OF PRIME CONTRACTOR, CITY, STATE AND/OR LOCAL ADDRESS (Loading)			8. STORAGE CONTRACT
9. TERMINAL OR REFINERY SHIPPED FROM, CITY, STATE AND/OR LOCAL ADDRESS			10. ORDER NUMBER ON SUPPLIER
11. SHIPPED TO. (Receiving Activity, City, State and/or Local Address)			12. B/L NUMBER
			13. REQN. OR REQUEST NUMBER / 14. CARGO NUMBER
15. VESSEL		16. DRAFT ARRIVAL FORE / AFT	17. DRAFT SAILING FORE / AFT
18. PREVIOUS TWO CARGOES FIRST / LAST		19. PRIOR INSPECTION	
20. CONDITION OF SHORE PIPELINE		21. APPROPRIATION (Loading)	22. CONTRACT ITEM NUMBER
23. PRODUCT		24. SPECIFICATIONS	

25. STATEMENT OF QUANTITY	LOADED	DISCHARGED	LOSS/GAIN	PER CENT
BARRELS (42 Gals) (Net)				
GALLONS (Net)				
TONS (Long)				

26. STATEMENT OF QUALITY		
TESTS	SPECIFICATION LIMITS	TEST RESULTS

27. TIME STATEMENT	DATE	TIME
NOTICE OF READINESS TO LOAD DISCHARGE		
VESSEL ARRIVED IN ROADS		
MOORED ALONGSIDE		
STARTED BALLAST DISCHARGE		
FINISHED BALLAST DISCHARGE		
INSPECTED AND READY TO LOAD DISCHARGE		
CARGO HOSES CONNECTED		
COMMENCED LOADING DISCHARGE		
STOPPED LOADING DISCHARGING		
RESUMED LOADING DISCHARGING		
FINISHED LOADING DISCHARGING		
CARGO HOSES REMOVED		
VESSEL RELEASED BY INSPECTOR		
COMMENCED BUNKERING		
FINISHED BUNKERING		
VESSEL LEFT BERTH (Actual/Estimated)		

28. REMARKS (Note in detail cause of delays such as repairs, breakdown, slow operation, stoppages, etc.)

29. COMPANY OR RECEIVING TERMINAL

(Signature)

30. I CERTIFY THAT THE CARGO WAS INSPECTED, ACCEPTED AND LOADED/DISCHARGED AS INDICATED HEREON.

(Date) (Signature of Authorized Government Representative)

31. I HEREBY CERTIFY THAT THIS TIME STATEMENT IS CORRECT.

(Master or Agent)

DD FORM 1 MAR 66 250-1

REPLACES DD FORM 250-1, 1 JUL 63, WHICH MAY BE USED.

federal register

Wednesday
June 15, 1983

Part III

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 911]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 9, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, VA 22161.

Categories within each NGPA Section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir and old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED JUNE 9, 1983
VOLUME 911

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALTHEIRS OIL INC				RECEIVED: 05/23/83		JA: OH			
8337695		3405320463		107-TF		HAROLD MACK #1	CHESHIRE TOWNSHIP	8.5	COLUMBIA GAS TRAN
-ATWOOD RESOURCES INC				RECEIVED: 05/23/83		JA: OH			
8337696		3407524014		103	107-TF	AMOS YODER #1	CLARK	15.0	
-B-J INC				RECEIVED: 05/23/83		JA: OH			
8337697A		3407523936		103		R HOXWORTH #4	KILLBUCK	18.0	NATIONAL GAS & OI
8337697B		3407523936	D	107-TF		R HOXWORTH #4	KILLBUCK	18.0	NATIONAL GAS & OI
-BECK OIL & GAS CO				RECEIVED: 05/23/83		JA: OH			
8337698		3413322699		103	107-TF	ANN GRANC #1	FRANKLIN	0.0	COLUMBIA GAS OF O
-BLACK RUN DEVELOPMENT CO				RECEIVED: 05/23/83		JA: OH			
8337699		3411966330		107-TF		JAMES GAUSE #1	LICKING	7.3	NATIONAL GAS & OI
-CAVENDISH PETROLEUM OF OHIO INC				RECEIVED: 05/23/83		JA: OH			
8337701		3411926429		103	107-TF	OHIO POWER 2-A	MEIGS	89.0	TEXAS EASTERN TRA
8337700		3411926430		107-TF		OHIO POWER 4-A	MEIGS	113.0	TEXAS EASTERN TRA
-CLARENCE SHERMAN				RECEIVED: 05/23/83		JA: OH			
8337702B		3407521713		107-RT		BEACHY #4	CLARK	1825.0	
8337702A		3407521713	D	103		BEACHY #4	CLARK	1825.0	
-DEVON PETROLEUM CORP				RECEIVED: 05/23/83		JA: OH			
8337704		3416727041		108		KENNETH R CHRISTOPHER #1		35.0	
8337703		3416727032		108		RONALD & SHELBA MAYLE #1		10.0	RIVER GAS CO
-DISCOVERY OIL LTD				RECEIVED: 05/23/83		JA: OH			
8337706		3416922206		103		CHARLES ZOLLINGER #1	CHIPPEWA	0.0	
8337707		3416922737		103		ELWOOD M STOUT #1	CHIPPEWA	0.0	
8337709		3416922739		103		ELWOOD M STOUT #3	PITTMAN	0.0	
8337708		3416922738		103		ELWOOD STOUT #2	CHIPPEWA	0.0	
8337705		3416922033		103		RALPH J & ELOISE BUSSON #1	CHIPPEWA	0.0	
-EDWARD E ATHA				RECEIVED: 05/23/83		JA: OH			
8337710		3408922232		107-TF		MICHAEL KUBACH #1	LODI	1.5	
-FREDERICK PETROLEUM CORP				RECEIVED: 05/23/83		JA: OH			
8337711		3411122675		107-DV		FREDERICK PETROLEUM #8	FRANKLIN	11.0	
8337712		3412122827		103		J SHOCKLING #2	ENOCH	10.0	
-GLACIER ENERGY CORP				RECEIVED: 05/23/83		JA: OH			
8337713		3408922305		107-TF		WAGNER #1	AMES	48.0	COLUMBIA GAS TRAN
-GMC ENERGY CORP				RECEIVED: 05/23/83		JA: OH			
8337714		3411522623		107-TF		WARREN & LILLIE FUSSNER #1	RINGGOLD	15.0	
-GREENLAND PARTNERSHIP-82-2				RECEIVED: 05/23/83		JA: OH			
8337694		3412725749		107-TF		CAMERON #4	MONDAY CREEK	20.0	COLUMBIA GAS TRAN
-JERRY MOORE INC				RECEIVED: 05/23/83		JA: OH			
8337715		3403123305		107-RT		DALE SCHLARB #1	KEENE	14.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC				RECEIVED: 05/23/83		JA: OH			
8337718		3415321219		103	107-TF	KAPUSINSKI #1	HUDSON	40.0	YANKEE RESOURCES
8337720		3415321249		103	107-TF	MANNING #1	TWINSBURG	40.0	YANKEE RESOURCES
8337717		3415321146		103	107-TF	MCGHEE #1	TWINSBURG	36.0	YANKEE RESOURCES
8337716		3415321145		103	107-TF	MINIHAN #1	TWINSBURG	35.0	YANKEE RESOURCES
8337719		3415321237		103	107-TF	MORIARTY-DRIVER #1	HUDSON	50.0	YANKEE RESOURCES
-L & M PETROLEUM INC				RECEIVED: 05/23/83		JA: OH			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8337749		3415122223		108		BARTLETT #1		10.0	BONANZA GAS LINE
8337750		3415122246		108		BARTLETT #2		10.0	BONANZA GAS LINE
8337745		3415122161		108		BOWMAN #1		10.0	BONANZA GAS LINE
8337746		3415122162		108		BOWMAN #2		10.0	BONANZA GAS LINE
8337726		3401921158		108		CONOTTON LAND CO #1A		10.0	BONANZA GAS LINE
8337783		3401921069		108		CONOTTON QUARRIES #1		10.0	BONANZA GAS LINE
8337747		3415122207		108		DIEST #1		10.0	BONANZA GAS LINE
8337748		3415122209		108		DIEST #2		10.0	BONANZA GAS LINE
8337753		3401920812		108		GRAHAM #1		10.0	BONANZA GAS LINE
8337754		3401920813		108		GRAHAM #2		10.0	BONANZA GAS LINE
8337755		3401920814		108		GRAHAM #3		10.0	BONANZA GAS LINE
8337756		3401920815		108		GRAHAM #4		10.0	BONANZA GAS LINE
8337757		3401920816		108		GRAHAM #5		10.0	BONANZA GAS LINE
8337777		3401921036		108		GRIMES #1		10.0	BONANZA GAS LINE
8337779		3401921044		108		GRIMES #2		10.0	BONANZA GAS LINE
8337734		3401921265		108		HARDING #3		10.0	BONANZA GAS LINE
8337733		3401921263		108		HARDING #4		10.0	BONANZA GAS LINE
8337768		3401920872		108		HILL #1		10.0	BONANZA GAS LINE
8337769		3401920873		108		HILL #2		10.0	BONANZA GAS LINE
8337767		3401920864		108		HILL #3		10.0	BONANZA GAS LINE
8337766		3401920862		108		HILL #4		10.0	BONANZA GAS LINE
8337735		3401921339		108		HOLLYFIELD #B2		10.0	BONANZA GAS LINE
8337773		3401921008		108		HUFF #1		10.0	BONANZA GAS LINE
8337782		3401921051		108		KORNS #1		10.0	BONANZA GAS LINE
8337780		3401921048		108		KORNS #3		10.0	BONANZA GAS LINE
8337762		3401920842		108		KRANTZ #1		10.0	BONANZA GAS LINE
8337763		3401920843		108		KRANTZ #3		10.0	BONANZA GAS LINE
8337772		3401920963		108		LATIMER #1		10.0	BONANZA GAS LINE
8337765		3401920846		108		LINDER #1		10.0	BONANZA GAS LINE
8337764		3401920845		108		LINDER #2		10.0	BONANZA GAS LINE
8337736		3415121865		108		MAUER #2		10.0	BONANZA GAS LINE
8337738		3415122118		108		MAUER/THIESSEN #1		10.0	BONANZA GAS LINE
8337737		3415122117		108		MAUER/THIESSEN #2		10.0	BONANZA GAS LINE
8337732		3401921234		108		MCCARTY #1		10.0	BONANZA GAS LINE
8337774		3401921017		108		MITCHELL #1		10.0	BONANZA GAS LINE
8337775		3401921018		108		MITCHELL #2		10.0	BONANZA GAS LINE
8337776		3401921019		108		MITCHELL #3		10.0	BONANZA GAS LINE
8337760		3401920840		108		NAYLOR #1		10.0	BONANZA GAS LINE
8337761		3401920841		108		NAYLOR #2		10.0	BONANZA GAS LINE
8337759		3401920839		108		NAYLOR #3		10.0	BONANZA GAS LINE
8337725		3401921146		108		OTTE #5		10.0	BONANZA GAS LINE
8337724		3401921145		108		OTTE #6		10.0	BONANZA GAS LINE
8337723		3401921144		108		OTTE #7		10.0	BONANZA GAS LINE
8337751		3415122274		108		OYER #4		10.0	BONANZA GAS LINE
8337752		3415122275		108		OYER #5		10.0	BONANZA GAS LINE
8337789		3415122290		108		OYER #6		10.0	BONANZA GAS LINE
8337788		3415122286		108		OYER #7		10.0	BONANZA GAS LINE
8337787		3415122280		108		OYER #8		10.0	BONANZA GAS LINE
8337743		3415122146		108		PICKENS #1		10.0	BONANZA GAS LINE
8337744		3415122152		108		PICKENS #2		10.0	BONANZA GAS LINE
8337786		3401921111		108		PUSKARICH #1		10.0	BONANZA GAS LINE
8337722		3401921129		108		PUSKARICH #2		10.0	BONANZA GAS LINE
8337721		3401921114		108		PUSKARICH #3		10.0	BONANZA GAS LINE
8337727		3401921166		108		PUSKARICH #4		10.0	BONANZA GAS LINE
8337758		3401920837		108		SANFORD #1		10.0	BONANZA GAS LINE
8337778		3401921040		108		SHARP #2		10:0	BONANZA GAS LINE
8337781		3401921049		108		SHARP #3		10.0	BONANZA GAS LINE
8337741		3415122135		108		SICKAFOOSE #1		10.0	BONANZA GAS LINE
8337740		3415122134		108		SICKAFOOSE #2		10.0	BONANZA GAS LINE
8337790		3415122336		108		SICKAFOOSE #3		10.0	BONANZA GAS LINE
8337771		3401920923		108		SIMLER #1		10.0	BONANZA GAS LINE
8337770		3401920922		108		SIMLER #3		10.0	BONANZA GAS LINE
8337729		3401921198		108		SLUTZ #2		10.0	BONANZA GAS LINE
8337728		3401921195		108		SLUTZ #3		10.0	BONANZA GAS LINE
8337785		3401921110		108		SMITH #1		10.0	BONANZA GAS LINE
8337784		3401921109		108		SMITH #2		10.0	BONANZA GAS LINE
8337730		3401921209		108		STERNER #2		10.0	BONANZA GAS LINE
8337731		3401921210		108		STERNER #3		10.0	BONANZA GAS LINE
8337742		3415122136		108		TIDENBURG #1B		10.0	BONANZA GAS LINE
8337739		3415122133		108		TIDENBURG #2B		10.0	BONANZA GAS LINE
-LEADER EQUITIES INC		RECEIVED: 05/23/83 JA: OH							
8337791		3407322742		103	107-TF	CHERRY #1	WASHINGTON	13.0	
8337792		3411523113		103	107-TF	CLEMENS #1	BLOOM	12.0	
-M B OPERATING CO INC		RECEIVED: 05/23/83 JA: OH							
8337794		3401421592		107-TF		BOWLING U #1-A	BROWN	7.5	
8337805		3415123769		107-TF		BRESSON #1	NIMISHILLEN	7.5	
8337813		3415123825		107-TF		BROOKSIDE FARMS #2	NIMISHILLEN	5.5	
8337797		3401921627		107-TF		CERNAVA UNIT #1	HARRISON	3.5	
8337806		3415123777		107-TF		COBLENTZ #1-A	LAKE	7.5	
8337820		3415723796		107-TF		DEMYAN #1	WAYNE	13.0	
8337803		3415123765		107-TF		DICKERHOOF #1	WASHINGTON	7.5	
8337800		3415123704		107-TF		F&M CHARTON #2	BETHLEHEM	7.5	
8337816		3415723714		107-TF		G & B MIZER #4	MARKEM	3.8	
8337796		3401921625		107-TF		GOTSCHALL U #1	HARRISON	2.5	
8337818		3415723758		107-TF		HEID UNIT #4	LAWRENCE	5.5	
8337815		3415123831		107-TF		KNODEL U #1	SUGAR CREEK	3.8	
8337801		3415123759		107-TF		L KING #1	LAKE	14.5	
8337810		3415123792		107-TF		LAUTZENHEISER #2-A	BETHLEHEM	18.5	
8337809		3415123791		107-TF		MCCAULEY U #1	NIMISHILLEN	12.8	
8337814		3415123826		107-TF		NEEDHAM U #1	PERRY	7.5	
8337812		3415123819		107-TF		NEUBURN U #1	LEXINGTON	3.5	
8337807		3415123784		107-TF		O FRANK U #1-A	NIMISHILLEN	7.5	
8337819		3415723766		107-TF		O SCHOTT #1-A	WAYNE	9.1	
8337811		3415123811		107-TF		P FRANK #1	LAWRENCE	5.5	
8337802		3415123762		107-TF		RABER U #1	NIMISHILLEN	7.5	
8337817		3415723757		107-TF		SOEHNLEN #1	WAYNE	12.5	
8337799		3415123689		107-TF		STARK TRUSS #2	BETHLEHEM	12.5	
8337795		3401921594		107-TF		W SNYDER #1	BROWN	3.7	
8337798		3407523970		107-TF		WEAVER U #1-A	WALNUT CREEK	3.5	
8337821		3415723797		107-TF		WILKIN U #1	WAYNE	14.5	
8337808		3415123785		107-TF		WOLFE #7	NIMISHILLEN	3.8	
8337804		3415123765		107-TF		YODER-SLATER U #1	NIMISHILLEN	3.5	
-MARK RESOURCES CORP		RECEIVED: 05/23/83 JA: OH							
8337793		3400722186		107-TF		KENNEDY #1	KINGSVILLE	30.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-NORTH EAST NATURAL GAS CO INC				RECEIVED:	05/23/83	JA: OH			
8337823		3415721558		108		CANFIELD-MUNTZ #1		0.7	M B OPERATING CO
8337822		3415721503		108		FATE #1		0.0	M B OPERATING CO
-OHIO L & M CO INC				RECEIVED:	05/23/83	JA: OH			
8337826		3416923357		107-TF		MIKE MOORE #1	CHESTER	10.0	COLUMBIA GAS TRAN
-OHIO OIL & GAS CO				RECEIVED:	05/23/83	JA: OH			
8337825		3415522311		107-TF		STANDARD SLAG #2	WEATHERSFIELD	20.0	COLUMBIA GAS TRAN
8337824		3415522307		107-TF		STANDARD SLAG #3	WEATHERSFIELD	20.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED:	05/23/83	JA: OH			
8337839		3416922956		107-TF		JOHN SWANSON #1	CHESTER	12.0	
8337838		3411926482		107-TF		LULA ALIFF #1	HARRISON	11.0	
8337837		3411122946		107-DV		MARY WINLAND #1	FRANKLIN	10.0	
-POI ENERGY INC				RECEIVED:	05/23/83	JA: OH			
8337830		3405520437		103	107-TF	BAINBRIDGE INVESTMENT #2	BAINBRIDGE	41.0	
8337829		3405520436		103	107-TF	BAINBRIDGE INVESTMENT #3	BAINBRIDGE	41.0	
8337827		3400722188		103	107-TF	HRABAL UNIT #7	ANDOVER	64.0	
8337828		3400722197		103	107-TF	MURPHY #3	ROME	28.0	
-R C POLING CO INC				RECEIVED:	05/23/83	JA: OH			
8337831		3412725836		107-TF		HURST #1	MADISON	5.0	
-SANDHILL ENERGY INC (OH)				RECEIVED:	05/23/83	JA: OH			
8337833		3411122933		103		MERCKLE #5	BENTON	29.2	
8337832		3416727279		107-DV		RIDGEWAY #7	GRANDVIEW	56.5	
-THE BENATTY CORPORATION				RECEIVED:	05/23/83	JA: OH			
8337836		3411522349		103	107-TF	C DILLON #1	DEERFIELD	25.0	COLUMBIA GAS TRAN
8337835		3411522075		107-TF		CO INFIRMARY #19	MORGAN	25.0	COLUMBIA GAS TRAN
8337834		3411522002		107-TF		HUCK 5-24	MORGAN	30.0	COLUMBIA GAS TRAN
-UNIVERSAL EXPLORATION				RECEIVED:	05/23/83	JA: OH			
8337840		3410323356		107-TF		JAMES E & KATHY PACE 2	WADSWORTH	15.0	YANKEE RESOURCES
-VICTOR PETROLEUM CORP				RECEIVED:	05/23/83	JA: OH			
8337841		3407524028		103	107-TF	AMOS YODER #2	CLARK	3.0	
-WHITACRE ENTERPRISES				RECEIVED:	05/23/83	JA: OH			
8337844		3411122977		107-DV		H KNOWLTON #1	WASHINGTON	9.0	RIVER GAS CO
8337842		3411122951		107-DV		H MCDONALD #4	WASHINGTON	12.0	COLUMBIA GAS TRAN
8337843		3411122952		107-DV		H MCDONALD #5	WASHINGTON	16.0	COLUMBIA GAS TRAN
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-A J MARTHA & ASSOCIATES INC				RECEIVED:	05/20/83	JA: PA			
8337668	19789	3706327426		1[illegible]		MOUNTAIN VIEW RANCH #3	WHITE	50.0	PEOPLES NATURAL G
-ALAN I RENKIS				RECEIVED:	05/20/83	JA: PA			
8337646	19374	3704922432		107-TF		RENKIS #1 API-37-049-22432-00-03	MILLCREEK	27.4	NATIONAL FUEL GAS
8337645	19373	3704922432		102-3		RENKIS #1 API-37-049-22432-00-03	MILLCREEK	27.4	NATIONAL FUEL GAS
-ASHTOLA PRODUCTION CO				RECEIVED:	05/20/83	JA: PA			
8337635	18468	3705120274		10[illegible]		J SINAL #1	WALTERSBURG	0.0	INDUSTRIAL ENERGY
-ATLAS RESOURCES INC				RECEIVED:	05/20/83	JA: PA			
8337612	17517	3706325883		10[illegible]		BROTHERS #1	GREEN	0.0	COLUMBIA [illegible] TRAN
8337618	17523	3706326332		108		COUDRIET #2	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8337611	17516	3706325845		10[illegible]		FRAMPTON #1	GREEN	0.0	COLUMBIA GAS TRAN
8337614	17519	3706325831		108		MCCLURE #1	GREEN	0.0	COLUMBIA GAS TRAN
8337615	17520	3706325847		10[illegible]		MCCOMBS #1	GREEN	0.0	COLUMBIA GAS TRAN
8337616	17521	3706325909		10[illegible]		NICHOLS #1	GREEN	0.0	COLUMBIA GAS TRAN
8337613	17518	3706325648		108		ORMISTON #2	GREEN	0.0	COLUMBIA GAS TRAN
8337617	17522	3706325641		1[illegible]		ORMISTON #3	GREEN	0.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:	05/20/83	JA: PA			
8337624	18102	3712331357		107-TF		B I LAY #3	WILDCAT	12.0	COLUMBIA GAS TRAN
8337623	18101	3712331357		102-3		B I LAY #3	WILDCAT	12.0	COLUMBIA GAS TRAN
8337632	18228	3712331551		107-TF		B LAY #10	WILDCAT	18.0	COLUMBIA GAS TRAN
8337631	18227	3712331551		102-3		B LAY #10	WILDCAT	18.0	COLUMBIA GAS TRAN
8337633	18229	3712331554		102-3		M J WOJTOWICZ UNIT #3	WILDCAT	15.0	COLUMBIA GAS TRAN
8337634	18230	3712331554		107-TF		M J WOTJOWICZ UNIT #3	WILDCAT	15.0	COLUMBIA GAS TRAN
8337644	19212	3712332204		107-TF		M MORRISON UNIT #6	WILDCAT	0.0	COLUMBIA GAS TRAN
8337605	19211	3712332204		102-3		M MORRISON UNIT #6	WILDCAT	14.0	COLUMBIA GAS TRAN
8337607	18099	3712331552		102-3		M WOJTOWICZ #4	WILDCAT	15.0	COLUMBIA GAS TRAN
8337622	18100	3712331552		107-TF		M WOTJOWICZ #4	WILDCAT	15.0	COLUMBIA GAS TRAN
-CUMBERLAND OIL CORP				RECEIVED:	05/20/83	JA: PA			
8337626	18104	3712331340		107-TF		J RUPCZYK #1	SUGAR GROVE	20.0	NATIONAL FUEL GAS
8337625	18103	3712331340		103		J RUPCZYK #1	SUGAR GROVE	20.0	NATIONAL FUEL GAS
-DORAN & ASSOCIATES INC				RECEIVED:	05/20/83	JA: PA			
8337619	17553	3706322120		108		DALE MILLER #1 KN-10	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
-EDWARD HOLLOBAUGH				RECEIVED:	05/20/83	JA: PA			
8337647	19421	3703100000		10[illegible]		HOLLOBAUGH #1	MAPORT	0.0	PEOPLES NATURAL G
-LEE E MINTER				RECEIVED:	05/20/83	JA: PA			
8337679	19950	3703320318		10[illegible]		B & O RAILROAD #1 CLE-20318	BOONE MOUNTAIN (CLEAR	20.0	CONSOLIDATED GAS
8337693	20018	3703320320		10[illegible]		CITY OF DUBOIS #2 CLE-20320	BOONE MOUNTAIN (CLEAR	16.4	CONSOLIDATED GAS
8337692	20017	3703320321		108		CITY OF DUBOIS #3 CLE-20321	BOONE MOUNTAIN (CLEAR	12.0	CONSOLIDATED GAS
-MITCH-WELL ENERGY INC				RECEIVED:	05/20/83	JA: PA			
8337661	19558	3704922486		102-2		BEEMAN #1	LEBOEUF FIELD	0.0	NATIONAL FUEL GAS
8337660	19557	3704922486		107-TF		BEEMAN #1	LEBOEUF FIELD	0.0	NATIONAL FUEL GAS
8337655	19552	3704922424		102-2		FALKOWSKI #1	REEDS CORNER	0.0	COLUMBIA GAS TRAN
8337654	19551	3704922424		107-TF		FALKOWSKI #1	REEDS CORNER	0.0	COLUMBIA GAS TRAN
8337653	19550	3704922526		107-TF		FALKOWSKI #2	REEDS CORNER	0.0	COLUMBIA GAS TRAN
8337652	19549	3704922526		102-2		FALKOWSKI #2	REEDS CORNER	0.0	COLUMBIA GAS TRAN
8337657	19554	3704922522		102-2		GRAFIUS #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8337656	19553	3704922522		107-TF		GRAFIUS #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8337659	19556	3704922423		107-TF		MARTHA SMITH #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8337658	19555	3704922423		102-2		MARTHA SMITH #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8337649	19546	3704922375		102-2		RINDERLE #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8337648	19545	3704922375		107-TF		RINDERLE #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8337651	19548	3704922327		107-TF		SAUR #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8337650	19547	3704922327		102-2		SAUR #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
-NRM PETROLEUM CORPORATION				RECEIVED:	05/20/83	JA: PA			
8337663	19[illegible]	3704922394		102-2		BROWN D #1	NEW IRELAND	0.0	COLUMBIA GAS TRAN
8337662	19697	3704922394		107-TF		BROWN D #1	NEW IRELAND	0.0	COLUMBIA GAS TRAN
8337678	19910	3704922456		102-2		CLARKSON #2	WEST WATERFORD	0.0	COLUMBIA GAS TRAN
8337677	19909	3704922456		107-TF		CLARKSON #2	WEST WATERFORD	0.0	COLUMBIA GAS TRAN
8337665	19700	3704922396		102-2		POPOVICH #2	NEW IRELAND	0.0	COLUMBIA GAS TRAN
8337664	19699	3704922396		107-TF		POPOVICH #2	NEW IRELAND	0.0	COLUMBIA GAS TRAN
8337670	19894	3704922471		107-TF		SALMON B #2	WEST WATERFORD	0.0	COLUMBIA GAS TRAN
8337669	19893	3704922471		102-2		SALMON B #2	WEST WATERFORD	0.0	COLUMBIA GAS TRAN
8337672	19902	3704922475		102-2		SALMON B #3	WEST WATERFORD	0.0	COLUMBIA GAS TRAN
8337671	19901	3704922475		107-TF		SALMON B #3	WEST WATERFORD	0.0	COLUMBIA GAS TRAN
8337676	19906	3704922477		102-2		SALMON B #5	WEST WATERFORD	0.0	COLUMBIA GAS TRAN
8337675	19905	3704922477		107-TF		SALMON B #5	WEST WATERFORD	0.0	COLUMBIA GAS TRAN
8337674	19904	3704922496		102-2		SALMON B #6	WEST WATERFORD	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8337673	19903	3704922496		107-TF		SALMON B #6
-PENN-OHIO ENERGY CORP				RECEIVED:	05/20/83	JA: PA
8337639	18654	3712331993		102-2		C MESSENGER #1
8337638	18653	3712331993		107-TF		C MESSENGER #1
8337643	18737	3712331992		107-TF		RUHLMAN #2
8337642	18736	3712331992		102-2		RUHLMAN #2
8337641	18735	3712331991		107-TF		RUHLMAN #3
8337640	18734	3712331991		102-2		RUHLMAN #3
-PETROTECH INC				RECEIVED:	05/20/83	JA: PA
8337621	17940	3705324587		103		TPT-6 = TA6
-PHILLIPS PRODUCTION CO				RECEIVED:	05/20/83	JA: PA
8337609	17381	3706324468		108		HELEN MCCORMICK #1
8337620	17786	3706325778		108		LEONARD MUMAU #1
8337610	17391	3706324140		108		WILLIAM A GEORGE #1
-RICHARD M STEWART				RECEIVED:	05/20/83	JA: PA
8337681	19956	3706301749		108		SHAFFER #1
8337682	19957	3706302030		108		SMITH #1 TR 1 (FEE) IND-2030
8337680	19955	3706301767		108		SMITH #1 TR 2 IND-1767
-T W PHILLIPS GAS & OIL CO				RECEIVED:	05/20/83	JA: PA
8337689	19973	3700500000		108		A RUSH #1
8337688	19972	3700500000		108		H M NICHOLS #1
8337690	19974	3700500000		108		H W SHERRIED #1
8337683	19967	3700500000		108		JOHN G STIVENSON #1
8337684	19968	3700500000		108		JOHN G STIVENSON #2
8337687	19971	3700500000		108		MABEL CUNNINGHAM #3
8337691	19975	3700500000		108		R F SHOUP #2
8337686	19970	3700500000		108		W M YOUNT #1
8337685	19969	3700520578		108		WAGLE HEIRS #3
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED:	05/20/83	JA: PA
8337628	18145	3712331095		102-2		D SEKERAK #2
8337627	18144	3712331095		107-TF		D SEKERAK #2
-US ENERGY DEVELOPMENT CORP				RECEIVED:	05/20/83	JA: PA
8337630	18159	3712331749		107-TF		A SAVKO #2
8337629	18158	3712331749		102-2		A SAVKO #2
8337637	18635	3712331790		102-2		CORRY ROD & GUN #1
8337636	18634	3712331790		107-TF		CORRY ROD & GUN #1
8337608	9364	3712328594		107-TF		D LITTLE #1
8337606	9363	3712328594		102-3		D LITTLE #1
-VINEYARD OIL & GAS CO				RECEIVED:	05/20/83	JA: PA
8337667	19709	3704922628		102-2		HARDING #1
8337666	19708	3704922628		107-TF		HARDING #1

FIELD NAME	PROD	PURCHASER
WEST WATERFORD	0.0	COLUMBIA GAS TRAN
COLUMBUS	20.0	COLUMBIA GAS TRAN
COLUMBUS	20.0	COLUMBIA GAS TRAN
COLUMBUS	20.0	COLUMBIA GAS TRAN
COLUMBUS	20.0	COLUMBIA GAS TRAN
COLUMBUS	20.0	COLUMBIA GAS TRAN
COLUMBUS	20.0	COLUMBIA GAS TRAN
KOPPERS-SURFACE MATIO	0.0	NATIONAL FUEL GAS
WEST MAHONING	8.0	COLUMBIA GAS TRAN
GRANT	18.0	COLUMBIA GAS TRAN
CENTER	12.0	COLUMBIA GAS TRAN
WESTERN PENNA UPPER D	2.0	PEOPLES NATURAL G
WESTERN PA UPPER DEVO	1.1	PEOPLES NATURAL G
WESTERN PA UPPER DEVO	0.1	PEOPLES NATURAL G
MADISON	1.1	T W PHILLIPS GAS
MADISON	1.1	T W PHILLIPS GAS
MADISON	1.1	T W PHILLIPS GAS
BURRELL	1.6	T W PHILLIPS GAS
BURRELL	1.4	T W PHILLIPS GAS
MADISON	1.1	T W PHILLIPS GAS
MADISON	4.4	T W PHILLIPS GAS
BURRELL	1.8	T W PHILLIPS GAS
BURRELL	1.5	T W PHILLIPS GAS
COLUMBUS	20.0	NATIONAL FUEL GAS
COLUMBUS	20.0	NATIONAL FUEL GAS
COLUMBUS	20.0	COLUMBIA GAS TRAN
COLUMBUS	20.0	COLUMBIA GAS TRAN
COLUMBUS	20.0	COLUMBIA GAS TRAN
COLUMBUS	20.0	COLUMBIA GAS TRAN
SUGAR GROVE	20.0	NATIONAL FUEL GAS
SUGAR GROVE	20.0	NATIONAL FUEL GAS
WATERFORD	18.0	COLUMBIA GAS TRAN
DRUMLIN	18.0	COLUMBIA GAS TRAN

[FR Doc. 83-16056 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 912]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 9, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The application for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir and old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS VOLUME 912
ISSUED JUNE 9, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-LLOYD GEORGE				RECEIVED:	05/23/83	JA: KS			
8337847	K-82-0651	1512500000		108		BENNING #1	HERMAN BENNING	3.0	VERDIGRIS ENERGY
8337845	K-82-0652	1512500000		108		BENNING #2	HERMAN BENNING	3.0	VERDIGRIG ENERGY
8337846	K-82-0653	1512500000		108		BENNING #3	HERMAN BENNING	3.0	VERDIGRIS ENERGY
MONTANA BOARD OF OIL & GAS CONSERVATION									
-FALCON-COLORADO EXPLORATION INC				RECEIVED:	05/23/83	JA: MT			
8337850	6-82-168	2507121755		108		LEWIS 1-23	SWANSON CREEK	14.[illegible]	MONTANA-DAKOTA UT
-MIDLANDS GAS CORPORATION				RECEIVED:	05/23/83	JA: MT			
8337853	12-81-258	2510521145		108		KUKI #1 2406	UNNAMED	[illegible].[illegible]	KN ENERGY INC
-SHELL OIL CO				RECEIVED:	05/23/83	JA: MT			
8337851	6-82-170	2502521199		103		UNIT 11-29C	PENNEL	11.[illegible]	MONTANA DAKOTA UT
8337852	6-82-171	2502521206		103		UNIT 31-8B	PENNEL	1.1	MONTANA DAKOTA UT
-TRICENTROL UNITED STATES INC				RECEIVED:	05/23/83	JA: MT			
8337849	6-82-167	2504121575		108		CROWE 10-10X-T31N-R15E	TIGER RIDGE FIELD - B	4.0	NORTHERN NATURAL
8337848	6-82-172	2504122199		103		HERRON 31-16-T31N-R15E	BULLHOOK UNIT	37.0	NORTHERN NATURAL
NORTH DAKOTA INDUSTRIAL COMMISSION									
-AMERADA HESS CORPORATION				RECEIVED:	05/23/83	JA: ND			
8337856	712	3300700000		108		FRYBURG HEATH MADISON UNIT 0813	FRYBURG	1.[illegible]	WESTERN GAS PROCE
-PETRO-LEWIS CORPORATION				RECEIVED:	05/23/83	JA: ND			
8337863	719	3301100286		108		A E OSTROW 4-33	LITTLE MISSOURI	11.1	MONTANA-DAKOTA UT
8337860	716	3301100263		108		AASEN #1	LITTLE MISSOURI	10.8	MONTANA-DAKOTA UT
8337858	714	3301100292		108		AASEN 1-9	LITTLE MISSOURI	11.5	MONTANA-DAKOTA UT
8337857	713	3301100261		108		CHAPMAN #1	LITTLE MISSOURI	10.0	MONTANA-DAKOTA UT
8337859	715	3301100283		108		CHAPMAN 2-33	LITTLE MISSOURI	10.8	MONTANA-DAKOTA UT
8337862	718	3301100285		108		MARY CARPENTER 3-33	LITTLE MISSOURI	9.7	MONTANA-DAKOTA UT
8337861	717	3301100314		108		STATE 4-16	LITTLE MISSOURI	6.8	MONTANA-DAKOTA UT
-TENNECO OIL COMPANY				RECEIVED:	05/23/83	JA: ND			
8337855	711	3300700860		102-2		AMERADA STATE 1-16	ANDERSON COULEE	401.0	MONTANA DAKOTA UT
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:	05/23/83	JA: ND			
8337854	710	3305300000		102-2		NORBY 2A-20	KEENE	0.0	AMINOIL USA INC
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ANGELA P HOPKINS				RECEIVED:	05/23/83	JA: NY			
8337890	4815	3101315517		107-TF		HOPKINS YERICO WELL METER 4099	LAKESHORE	0.0	NATIONAL FUEL GAS
-BATH ELECTRIC GAS & WATER SYSTEMS				RECEIVED:	05/23/83	JA: NY			
8337913	3676	3110115492		102-2		FEE #1	EXPERIMENTAL SHALE WE	10.0	CONSOLIDATED GAS
8337914	3677	3110116103		102-2		FEE #3	EXPERIMENTAL SHALE WE	7.1	CONSOLIDATED GAS
8337912	3678	3110116102		102-2		WARD #1	EXPERIMENTAL SHALE WE	5.4	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	05/23/83	JA: NY			
8337872	5099	3105104089		108		ROBERT L YUNKER N-810	LEICESTER	13.0	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC				RECEIVED:	05/23/83	JA: NY			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8337917	4560	3101317702		102-2	107-TF	CHESTER CAREY #1 KA-151	MINA	30.0	COLUMBIA GAS TRAN
8337922	4556	3101315980		107-TF		J JONES #1 KV-41	CARROLL	30.0	COLUMBIA GAS TRAN
8337865	4564	3101317675		102-2	107-TF	L BARRINGER #1 KA-147	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337869	4529	3101317614		102-2	107-TF	MELVIN WALLACE #1 KA-141	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337867	4566	3101317648		102-2	107-TF	NEIL NORCROSS #1 KA-144	MINA	30.0	COLUMBIA GAS TRAN
8337868	4570	3101317774		102-2	107-TF	R HUNNINK UNIT #1 KA-139	CLYMER	30.0	COLUMBIA GAS TRAN
8337921	4576	3100917723		102-2	107-TF	ROGER ANNIS #1 KV-40	SOUTH VALLEY	30.0	COLUMBIA GAS TRAN
8337918	4558	3100917605		102-2	107-TF	SCHULTZ UNIT #1 KX-18	CORNINGO	30.0	COLUMBIA GAS TRAN
8337920	4574	3101317727		102-2	107-TF	T SWANSON UNIT #1 KV-39	CARROLL	30.0	COLUMBIA GAS TRAN
8337883	4568	3101317728		102-2	107-TF	THOMAS ACORN #1 KA-161	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8337916	4562	3101317798		102-2	107-TF	W D WALLACE UNIT #1 KA-164	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
-ECLIPSE MANAGEMENT ASSOCIATES INC				RECEIVED:	05/23/83	JA: NY			
8337871	5133	3101314288		108		BELL #5010	LAKE SHORE	38.8	NATIONAL FUEL GAS
-ENVIROGAS INC				RECEIVED:	05/23/83	JA: NY			
8337870	4452	3100917714		102-2	107-TF	A VISKER #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8337886	4471	3101317818		102-2	107-TF	D EMORY #1	CLYMER	18.0	TENNESSEE GAS PIP
8337919	3702	3100917216		102-2	107-TF	G BROWN #6	WILDCAT	18.0	COLUMBIA GAS TRAN
8337888	4199	3101317277		102-2	107-TF	J COOPER # 6	WILDCAT	18.0	COLUMBIA GAS TRAN
8337882	4456	3101317249		102-2	107-TF	J COOPER #5	WILDCAT	18.0	COLUMBIA GAS TRAN
8337881	4474	3101317710		102-2	107-TF	J REDLECKI #2	CLYMER	18.0	TENNESSEE GAS PIP
8337887	4200	3101317686		102-2	107-TF	L MICHIELSEN #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8337885	4470	3101317111		102-2	107-TF	L WHITE #3	CLYMER	18.0	TENNESSEE GAS PIP
8337879	4472	3101317112		102-2	107-TF	L WHITE #4	CLYMER	18.0	TENNESSEE GAS PIP
8337866	4468	3101317712		102-2	107-TF	M BAYLE #1	CLYMER	18.0	TENNESSEE GAS PIP
8337880	4473	3101317722		102-2	107-TF	W ROBINSON #1	CLYMER	18.0	TENNESSEE GAS PIP
8337884	4469	3101317758		102-2	107-TF	X ANDERSON #1	CLYMER	18.0	TENNESSEE GAS PIP
-LENAPE RESOURCES CORP				RECEIVED:	05/23/83	JA: NY			
8337892	3731	3105117306		102-2		A E SCOTT #2 LRC #103	WILDCAT	20.0	NEW JERSEY NATURA
8337894	3728	3105116196		102-2		A K MCILWAINE NO 1 LRC #88	CALEDONIA	20.0	NEW JERSEY NATURA
8337907	3733	3105117311		102-2		C A ANDERSON #1 LRC #105	WILDCAT	20.0	NEW JERSEY NATURA
8337906	3734	3105117312		102-2		DOOLITTLE #1 - LRC #106	WILDCAT	20.0	NEW JERSEY NATURA
8337910	4892	3105117369		102-2		E C AYERS UNIT #1 LRC #155	WILDCAT	20.0	NEW JERSEY NATURA
8337895	3729	3105116193		102-2		E VOGEL UNIT #1 LRC #92	WILDCAT	20.0	NEW JERSEY NATURA
8337897	3727	3105116132		102-2		GRACE MITCHELL #1 LRC #76	WILDCAT	20.0	NEW JERSEY NATURA
8337896	3727	3105116132		102-2		GRACE MITCHELL #1 LRC #76	WILDCAT	20.0	NEW JERSEY NATURA
8337893	3730	3105117301		102-2		H WILSON #1 LRC #98	WILDCAT	20.0	NEW JERSEY NATURA
8337903	3692	3105116192		102-2		J P KRENZER UNIT #1 LRC #82	CALEDONIA	20.0	NEW JERSEY NATURA
8337900	3887	3105116144		102-2		JOHN S REED UNIT #1 LRC #81	CALEDONIA	20.0	NEW JERSEY NATURA
8337901	3887	3105116144		102-2		JOHN S REED UNIT NO 1 LRC #81	CALEDONIA	20.0	NEW JERSEY NATURA
8337909	4890	3105117358		102-2		L L POWELL NO 1 LRC #147	WILDCAT	20.0	NEW JERSEY NATURA
8337908	3732	3105117310		102-2		L P HILL UNIT #1 LRC #104	WILDCAT	20.0	NEW JERSEY NATURA
8337904	3736	3105117303		102-2		R GRANT #1 LRC #133	CALEDONIA	20.0	NEW JERSEY NATURA
8337905	3735	3105116190		102-2		S DEUEL #1 LRC #132	WILDCAT	20.0	NEW JERSEY NATURA
8337911	4891	3105117368		102-2		S R POWELL #1 LRC #154	WILDCAT	20.0	NEW JERSEY NATURA
8337899	3726	3105116141		102-2		THOMAS COONEY UNIT #1 LRC #69	CALEDONIA	20.0	NEW JERSEY NATURA
8337898	3726	3105116141		102-2		THOMAS COONEY UNIT #1 LRC #69	CALEDONIA	2.0	NEW JERSEY NATURA
8337889	3693	3105117308		102-2		W A DENOON #1 LRC #85	CALEDONIA	20.0	NEW JERSEY NATURA
8337902	3694	3105116186		102-2		WEEWOOD FARM UNIT #1 LRC #86	CALEDONIA	20.0	NEW JERSEY NATURA
-SINCLAIRVILLE PETROLEUM CORP				RECEIVED:	05/23/83	JA: NY			
8337878	5106	3102914666		107-TF		NAGEL #1	AURORA	2.0	NATIONAL FUEL GAS
8337873	5105	3102915533		107-TF		RICHARDSON #1	WILDCAT	5.0	NATIONAL FUEL GAS
-TRAHAN PETROLEUM INC				RECEIVED:	05/23/83	JA: NY			
8337891	4635	3101317802		102-2	107-TF	PAGETT #1 31-013-17802	ELLINGTON	36.0	COLUMBIA GAS TRAN
-TRISON PETROLEUM				RECEIVED:	05/23/83	JA: NY			
8337877	5100	3102915466		107-TF		CHILCOTT #1	AURORA	5.0	NATIONAL FUEL GAS
8337875	5102	3102915235		107-TF		TAGLIARAMO #1	AURORA	5.0	NATIONAL FUEL GAS
8337876	5101	3102915534		107-TF		TREFTS #2	AURORA	5.0	NATIONAL FUEL GAS
8337864	5104	3102915192		107-TF		YATES #1	AURORA	10.0	NATIONAL FUEL GAS
8337874	5103	3102915487		107-TF		YATES #2	ORCHARD PARK	5.0	NATIONAL FUEL GAS
-US ENERGY DEVELOPMENT CORP				RECEIVED:	05/23/83	JA: NY			
8337915	4343	3101316590		102-2	107-TF	LIND #1	CHARLOTTE	20.0	COLUMBIA GAS TRAN

OKLAHOMA CORPORATION COMMISSION

-AMOCO PRODUCTION CO				RECEIVED:	05/20/83	JA: OK			
8338002	21728	3509322464		103		INMAN UNIT "H" #2	EAST CAMPBELL - (HUNT	20.0	MICHIGAN WISCONSI
8338001	21727	3507323306		103		J M EISCHEN UNIT #1	NORTH OKARCHE - (MISS	73.0	PHILLIPS PETROLEU
-AN-SON CORPORATION				RECEIVED:	05/20/83	JA: OK			
8338007	21737	3507321607		105		SMITH BROTHERS #1	S W LINCOLN	12.2	TRANSOK PIPE LINE
-ARCO OIL AND GAS COMPANY				RECEIVED:	05/20/83	JA: OK			
8338012	20261	3511921987		102-4		ROBERT M MURPHY #1	N W STILLWATER AIRPOR	18.3	ARCO OIL & GAS CO
-BRUNAR EXPLORATION CO				RECEIVED:	05/20/83	JA: OK			
8338004	21731	3504723104		103		BEEBY #1	N E ELKHORN	100.0	EASON OIL CO
8338003	21729	3504721174		103		CASSODY #1	N E ELKHORN	75.0	EASON OIL CO
-CHEYENNE EXPLORATION INC				RECEIVED:	05/20/83	JA: OK			
8337996	21685	3510321402		103		MADDEN #1		0.0	AMINOIL USA INC
-CLARK RESOURCES INC				RECEIVED:	05/20/83	JA: OK			
8337985	21440	3507323701		103		CURRY 8-1	SOONER TREND	50.0	CONOCO INC
-DAVIS OIL COMPANY				RECEIVED:	05/20/83	JA: OK			
8337994	21650	3501521238		103		BROOKS #1	WALNUT CREEK	0.0	LONE STAR GAS CO
8337993	21647	3505121283		103		MONTY #1	WALNUT CREEK	0.0	LONE STAR GAS CO
-DESPAIN ENERGY ASSOCIATES INC				RECEIVED:	05/20/83	JA: OK			
8337998	21695	3504700000		103		JOHNSON #1	WEST ENID	36.0	GRACE PETROLEUM C
-F-C D OIL CORP				RECEIVED:	05/20/83	JA: OK			
8337984	21373	3505320946		103		LEONARD 1-20	S POND CREEK	76.7	FARMLAND INDUSTRI
8337988	21493	3505320916		103		MARGARET 1-29	S E POND CREEK	54.8	FARMLAND INDUSTRI
8337989	24494	3507323691		103		OLIVER 1-13	SOONER TREND	39.1	EXXON CO U S A
-GEODYNE RESOURCES INC				RECEIVED:	05/20/83	JA: OK			
8338008	21773	3500722278		103		MCALLISTER #1-19	DOMBEY	35.0	K N ENERGY INC
-GEORGE RODMAN INC				RECEIVED:	05/20/83	JA: OK			
8338000	21705	3504921747		105		LEESE #1-7	BRADLEY POOL	0.0	TRANSOK PIPE LINE
-GREAT SOUTHWESTERN EXPLORATION INC				RECEIVED:	05/20/83	JA: OK			
8338011	16127	3511900000		102-4		SAND SPRINGS HOME #1-A	QUAY-YALE	1.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:	05/20/83	JA: OK			
8337986	21471	3501721919		103		GEORGE MORGAN #1-14	YUKON SOUTH	0.0	
8338010	22293	3500300000		104		TAYLOR-HEATH #1	CHEROKEE WEST (CHEROK	6.0	DELHI GAS PIPELIN
-L G WILLIAMS OIL COMPANY INC				RECEIVED:	05/20/83	JA: OK			
8337995	21675	3501722364		103		WRIGHT 8-33	N W YUKON	238.0	PHILLIPS PETROLEU
-LADD PETROLEUM CORPORATION				RECEIVED:	05/20/83	JA: OK			
8338005	21732	3509322552		103		SHIDDELL #4 (MANNING)	RINGWOOD	47.9	RINGWOOD GATHERIN
8338006	21733	3509322552		103		SHIDDELL #6 (MISSISSIPPI)	RINGWOOD	47.9	RINGWOOD GATHERIN
-LINN L SHANKS				RECEIVED:	05/23/83	JA: OK			
8338014	2092	3511100000		105		CARNEY #3	BALDHILL	11.0	PHILLIPS PETROLEU
-MARLIN OIL CORPORATION				RECEIVED:	05/20/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8337999	21701	3500721570		103		BARFIELD #1	SE FLORIS	12.0	PHILLIPS PETROLEU
8337987	21472	3507323526		103		KUNTZ #1	KINGFISHER	3.6	CITIES SERVICE GA
-NORTEX GAS & OIL CO				RECEIVED:	05/20/83	JA: OK			
8337997	21683	3500722351		103		BERYL 5 #1	IVANHOE	44.0	NORTHERN NATURAL
-PETRO-LEWIS CORPORATION				RECEIVED:	05/20/83	JA: OK			
8337991	21627	3507300000		103		HOFFMAN 32-2		0.0	CITIES SERVICE GA
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/20/83	JA: OK			
8337992	24643	3504721516		108		ALWERT "A" #1	SOONER TREND	12.0	TRANSOK PIPELINE
8337990	21534	3501700000		103		JIMBO A #1		10.5	OKLAHOMA GAS & EL
-THOMAS N BERRY & CO				RECEIVED:	05/20/83	JA: OK			
8338009	21774	3508121854		103		WILKINS #2		100.0	SUN GAS CO
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:	05/23/83	JA: WV			
8338026		4708703647		107-DV		B FERRELL #1	HARPER DISTRICT	3.6	ROARING FORK GAS
8338027		4708703656		107-DV		J KEE #2	HARPER DISTRICT	36.0	ROARING FORK GAS
8338031		4708703848		107-DV		O RAY #1	WALTON DISTRICT	36.0	ROARING FORK GAS
-ASHLAND EXPLORATION INC				RECEIVED:	05/23/83	JA: WV			
8338024		4703903796		107-DV		BRIAR MTN COAL & COKE ## - 092842	PAINT CREEK	87.0	COLUMBIA GAS TRAN
8338028		4701900479		107-DV		EASTERN GAS & FUEL #75 - 092992	PAINT CREEK	22.0	COLUMBIA GAS TRAN
-BADGER OIL & GAS CO INC				RECEIVED:	05/23/83	JA: WV			
8338023		4705900987		107-DV		DUTY #1	DEVONIAN SHALE - BROW	12.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	05/23/83	JA: WV			
8338016		4701900371		108		H BRADLEY #1		9.0	EQUITABLE GAS CO
8338015		4706700492		108		ROY LEE WALKER #1	JEFFERSON	17.0	EQUITABLE GAS CO
-D C MALCOLM INC				RECEIVED:	05/23/83	JA: WV			
8338013		4701501665		108		MULLINS #1	SWANDALE-WIDEN	24.0	EQUITABLE GAS CO
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:	05/23/83	JA: WV			
8338030		4702103905		107-DV		B S MESSENGER #5	GLENVILLE	12.0	
8338025		4702103906		107-DV		FRASHURE #6	GLENVILLE	12.0	
8338029		4704103093		107-DV		LOUDIN #3	COURTHOUSE DISTRICT	10.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	05/23/83	JA: WV			
8338020		4703323220		103		B-314	EAGLE	0.0	CONSOLIDATED GAS
8338019		4700101723		103		B-482	PHILIPPI	0.0	CONSOLIDATED GAS
8338021		4703327750		103		B-499	SIMPSON	0.0	CONSOLIDATED GAS
8338022		4703327910		103		J-636	TEN MILE	0.0	CONSOLIDATED GAS
8338017		4703302793		103		J-655	SARDIS	0.0	CARNEGIE NATURAL
-SPARTAN GAS COMPANY				RECEIVED:	05/23/83	JA: WV			
8338018		4710900890		103		Y & O COAL 89-S-280	CENTER	100.0	COLUMBIA GAS TRAN
## DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
-AMOCO PRODUCTION CO				RECEIVED:	05/23/83	JA: LA 3			
8337969	G3-3590	1771041027		102-1		OCS-G-3571 WELL #3	EUGENE ISLAND	1460.0	TENNESSEE GAS PIP
-ANADARKO PRODUCTION COMPANY				RECEIVED:	05/23/83	JA: LA 3			
8337941	G2-2701	1770440492		102-5		EAST CAMERON BLK 359 #A-4	EAST CAMERON	842.0	TRUNKLINE GAS CO
8337958	G2-2663	1770440486		102-5		EAST CAMERON BLK 359 WELL #A-1	EAST CAMERON	2400.#	TRUNKLINE GAS CO
8337951	G2-2664	1770440486		102-5		EAST CAMERON BLK 359 WELL #A-1D	EAST CAMERON	2083.0	TRUNKLINE GAS CO
8337937	G2-2699	1770440488		102-5		EAST CAMERON BLK 359 WELL #A-2	EAST CAMERON	1101.0	TRUNKLINE GAS CO
8337925	G2-2700	1770440488		102-5		EAST CAMERON BLK 359 WELL #A-2D	EAST CAMERON	1347.0	TRUNKLINE GAS CO
8337963	G2-2684	1770440491		102-5		EAST CAMERON BLK 359 WELL #A-3D	EAST CAMERON	2033.0	TRUNKLINE GAS CO
8337939	G2-2714	1770440498		102-5		EAST CAMERON BLK 359 WELL #A-5	EAST CAMERON	1179.#	TRUNKLINE GAS CO
8337946	G2-2715	1770440498		102-5		EAST CAMERON BLK 359 WELL #A-5D	EAST CAMERON	1179.#	TRUNKLINE GAS CO
8337942	G2-2682	1770440516		102-5		EAST CAMERON BLK 359 WELL #A-9D	EAST CAMERON	1743.0	TRUNKLINE GAS CO
8337932	G2-2679	1770440496		102-5		EAST CAMERON BLK 359 WELL NO A-7	EAST CAMERON	674.#	TRUNKLINE GAS CO
8337964	G2-2680	1770440496		102-5		EAST CAMERON BLK 359 WELL NO A-7D	EAST CAMERON	1179.#	TRUNKLINE GAS CO
-ARCO OIL AND GAS COMPANY				RECEIVED:	05/23/83	JA: LA 3			
8337956	G3-3608	1770040483		102-1		OCS G-4392 WEST CAMERON BLK 211 #1	WEST CAMERON	7300.0	CAJUN NATURAL GAS
8337968	G3-3609	1770040544		102-1		OCS G-4758 WEST CAMERON BLK 212 #C#	WEST CAMERON	7300.0	CAJUN NATURAL GAS
8337947	G3-3610	1770040587		102-1		OCS G-4758 WEST CAMERON BLK 212 #C#	WEST CAMERON	3650.0	CAJUN NATURAL GAS
8337976	G2-3110	1781740176		102-1		OCS-G 4501 A-4 ST #1	MISSISSIPPI CANYON	3650.0	TENNESSEE GAS PIP
-CONOCO INC				RECEIVED:	05/23/83	JA: LA 3			
8337960	G2-3115	1770340368		102-5		EAST CAMERON 47 J-3	EAST CAMERON	1175.0	TENNESSEE GAS PIP
-EXXON CORPORATION				RECEIVED:	05/23/83	JA: LA 3			
8337971	G2-2860	1772240079		102-5		OCS-G 1619 #A-14	SOUTH PASS	400.0	COLUMBIA GAS TRAN
8337950	G2-3308	1772240081		102-5		OCS-G 1619 #A-15 S/T	SOUTH PASS	330.0	COLUMBIA GAS TRAN
8337955	G2-3030	1772240062		102-5		OCS-G 1619 #A-#	SOUTH PASS	275.0	COLUMBIA GAS TRAN
-FOREST OIL CORPORATION				RECEIVED:	05/23/83	JA: LA 3			
8337949	G2-3084	1771040865		102-5		EUGENE ISLAND BLK 309 H-1	EUGENE ISLAND	1095.0	COLUMBIA GAS TRAN
8337934	G2-3093	1771040948		102-5		EUGENE ISLAND BLK 309 H-10	EUGENE ISLAND	1825.0	COLUMBIA GAS TRAN
8337967	G2-3085	1771040866		102-5		EUGENE ISLAND BLK 309 H-2	EUGENE ISLAND	30.0	COLUMBIA GAS TRAN
8337948	G2-3086	1771040866		102-5		EUGENE ISLAND BLK 309 H-2D	EUGENE ISLAND	108.0	COLUMBIA GAS TRAN
8337938	G2-3087	1771040898		102-5		EUGENE ISLAND BLK 309 H-3	EUGENE ISLAND	1825.0	COLUMBIA GAS TRAN
8337972	G2-3088	1771040898		102-5		EUGENE ISLAND BLK 309 H-3D	EUGENE ISLAND	912.0	COLUMBIA GAS TRAN
8337977	G2-3089	1771040904		102-5		EUGENE ISLAND BLK 309 H-4	EUGENE ISLAND	54.0	COLUMBIA GAS TRAN
8337962	G2-3090	1771040904		102-5		EUGENE ISLAND BLK 309 H-4D	EUGENE ISLAND	84.0	COLUMBIA GAS TRAN
8337973	G2-3091	1771040925		102-5		EUGENE ISLAND BLK 309 H-6	EUGENE ISLAND	1095.0	COLUMBIA GAS TRAN
8337936	G2-3092	1771040936		102-5		EUGENE ISLAND BLK 309 H-7	EUGENE ISLAND	2555.0	COLUMBIA GAS TRAN
8337923	G2-3043	1770840263	D	102-5		SOUTH MARSH ISLAND BLK 142 A-9B	SOUTH MARSH ISLAND	400.0	COLUMBIA GAS TRAN
-GULF OIL CORPORATION				RECEIVED:	05/23/83	JA: LA 3			
8337944	G2-3138	1771540473		102-5		OCS-G 2624 #G-2	SOUTH TIMBALIER	32.0	TEXAS EASTERN TRA
8337983	G3-3583	1770040537		102-1		WEST CAMERON BLK 204 OCS-G 3964 #C#	WEST CAMERON	4000.0	TEXAS EASTERN TRA
-HUNT OIL COMPANY				RECEIVED:	05/23/83	JA: LA 3			
8337954	G3-3575	1770940525		107-DP		WELL #3	EUGENE ISLAND	3600.0	MICHIGAN WISCONSI
-KERR-MCGEE CORPORATION				RECEIVED:	05/23/83	JA: LA 3			
8337930	G2-2988	1771140598		102-5		OCS G-1528 #B-3	SHIP SHOAL	730.0	TRANSCONTINENTAL
8337943	G2-3153	1771140401		102-5		OCS-G-1528 #B-2	SHIP SHOAL	1253.0	TRANSCONTINENTAL
-SHELL OFFSHORE INC				RECEIVED:	05/23/83	JA: LA 3			
8337978	G2-2914	1770840380	D	102-5		OCS-G 2280 D-4	SOUTH MARSH ISLAND	95.0	TRANSCONTINENTAL
-SONAT EXPLORATION COMPANY				RECEIVED:	05/23/83	JA: LA 3			
8337982	G2-2939	1770340371		102-5		EAST CAMERON 45/46 A-7A	EAST CAMERON	239.0	SOUTHERN NATURAL
-SUPERIOR OIL CO				RECEIVED:	05/23/83	JA: LA 3			
8337927	G3-3621	1770340163		102-1		OCS-G-3527 #A-1	EAST CAMERON	1000.0	
8337945	G3-3631	1770340355		102-1		OCS-G-3527 #A-2	EAST CAMERON	1000.0	
8337935	G3-3606	1770740399		102-1		OCS-G-4270 #C-1	SOUTH MARSH ISLAND	2000.0	
8337965	G3-3612	1770740401		102-1		OCS-G-4270 #C-2	SOUTH MARSH ISLAND	2000.0	
8337931	G3-3607	1770740401		102-1		OCS-G-4270 #C-2-D	SOUTH MARSH ISLAND	2000.0	
8337933	G3-3602	1770740404		102-1		OCS-G-4270 #C-3	SOUTH MARSH ISLAND	2000.0	
-TENNECO OIL COMPANY				RECEIVED:	05/23/83	JA: LA 3			
8337961	G2-3112	1770540342		102-5		VERMILION 191 #C-1	VERMILION	1095.0	TENNESSEE GAS PIP
8337924	G2-2962	1770540346	D	102-5		VERMILION 246 #9	VERMILION	0.0	TENNESSEE GAS PIP
-TEXACO INC				RECEIVED:	05/23/83	JA: LA 3			
8337966	G3-3582	1770740411		102-1		SOUTH MARSH ISLAND 236 #A-5	SOUTH MARSH ISLAND	300.0	NATURAL GAS PIPEL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8337970	G3-3570	1770540534		102-1		VERMILION 30 #2	VERMILION	1132.0	
-TRANSCO EXPLORATION COMPANY				RECEIVED:	05/23/83	JA: LA 3			
8337974	G3-3563	1772640016		102-1		#1	BRETON SOUND	200.0	TRANSCONTINENTAL
8337979	G3-3564	1772640019		102-1		#2	BRETON SOUND	100.0	TRANSCONTINENTAL
8337981	G3-3567	1772640018		102-1		#2 S/T	BRETON SOUND	365.0	TRANSCONTINENTAL
8337975	G3-3565	1772640020		102-1		#3	BRETON SOUND	100.0	TRANSCONTINENTAL
8337980	G3-3568	1772640021		102-1		#3	BRETON SOUND	100.0	TRANSCONTINENTAL
8337952	G3-3566	1772640014		102-1		#5	BRETON SOUND	300.0	TRANSCONTINENTAL
-UNION OIL COMPANY OF CALIF				RECEIVED:	05/23/83	JA: LA 3			
8337940	G2-3134	1770040137		102-5		OCS-G 0911 #A-2	WEST CAMERON	625.0	TEXAS EASTERN TRA
-EXXON CORPORATION				RECEIVED:	05/23/83	JA: TX 3			
8337928	G2-2989	4270340104		102-5		OCS-G-3091 A-1	MATAGORDA 633 FIELD	900.0	SOUTHERN NATURAL
8337929	G2-2990	4270340107		102-5		OCS-G-3091 A-2	MATAGORDA 633 FIELD	1800.0	SOUTHERN NATURAL
8337953	G2-2991	4270340115		102-5		OCS-G-3091 A-3	MATAGORDA 633 FIELD	1800.0	SOUTHERN NATURAL
8337957	G3-3546	4270340151		102-1		OCS-G-4139 B-2	MATAGORDA 665 FIELD	1800.0	SOUTHERN NATURAL
-PENNZOIL COMPANY				RECEIVED:	05/23/83	JA: TX 3			
8337959	G2-3119	4270940706		102-5		HIGH ISLAND A-499 #C-4	HIGH ISLAND AREA SOUT	876.0	UNITED GAS PIPE L
8337926	G2-3120	4270940706		102-5		HIGH ISLAND A-499 #C-4A	HIGH ISLAND AREA SOUT	730.0	UNITED GAS PIPE L

[FR Doc. 83-16059 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-C

48
SS
1
1
6
JE
15
1983

federal register

Wednesday
June 15, 1983

Part IV

Securities and Exchange Commission

Equalization of Fees for Cash Tender Offers, Cash Mergers and Similar Acqisition Transactions; Final Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-19870]

Equalization of Fees for Cash Tender Offers, Cash Mergers and Similar Acquisition Transactions

AGENCY: Securities and Exchange Commission.

ACTION: Notice of legislative action.

SUMMARY: The Commission today issued a notice of the enactment and effectiveness of legislation that requires the payment to the Commission of a filing fee for cash tender offers, proxy and information statements involving an acquisition, merger, consolidation or sale or other disposition of substantially all the assets of a company and certain other filings. In light of this legislation which became effective upon enactment, the Commission will commence the collection of these statutory fees and will no longer collect fees for affected filings which have been required pursuant to pre-existing rules.

FOR FURTHER INFORMATION CONTACT: Joseph G. Connolly, Jr. (202) 272-3097, Office of Tender Offers, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549.

EFFECTIVE DATE: June 7, 1983.

SUPPLEMENTARY INFORMATION: On June 6, 1983, President Reagan signed into law H.R. 2681 (Pub. L. 98-38) which, among other matters, amended Sections 13 and 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78m and 78n) (the "Exchange Act") to establish a fee for the filing of documents in connection with certain acquisitions and business combinations and consolidations. The statutory amendments which became effective immediately were enacted to equalize the fees imposed for similar types of business combinations as well as to raise additional revenues.[1]

Pub. L. 98-38 amended the Exchange Act to require a fee for filings made with the Commission pursuant to: a) Section 13(e)(1) of the Exchange Act (one-fiftieth of one percent of the value of the securities proposed to be purchased [2]); b) Section 14(a) and (c) of the Exchange Act of the filing relates to an acquisition, merger, consolidation or proposed sale or other disposition of substantially all the assets of an issuer (one-fiftieth of one percent of the consideration being offered in the transaction); and c) Section 14(d)(1) of the Exchange Act (on-fiftieth of one percent of the consideration being offered in the transaction).

The filings under the Exchange Act that, as of June 7, 1983, became subject to one-fiftieth of one percent filing fee are: (a) Schedule 13E-4 (17 CFR 240.13e-101) filed pursuant to Rule 13e-4 (17 CFR 240.13e-4); (b) Schedule 14D-1 (17 CFR 240.14d-100) filed pursuant to rule 14d-3 (17 CFR 240.14d-3); (c) preliminary proxy material filed pursuant to Rule 14a-6 (17 CFR 240.14a-6) relating to a proposed acquisition, merger, consolidation or sale or other disposition of substantially all the assets of the issuer; (d) preliminary information statements filed pursuant to Rule 14c-5 (17 CFR 240.14c-5) relating to such transactions; (e) Schedule 13E-3 (17 CFR 240.13e-100) filed pursuant to Rule 13e-3 (17 CFR 240.13e-3) in connection with the acquisition; of securities and which is not subject to any of the filing requirements set forth in paragraphs (a) through (d) above; and (f) a disclosure statement filed pursuant to Rule 13e-1 (17 CFR 240.13e-1).

The fee for the affected filings is to be paid by the person making the filing, except that in the case of proxy or information material involving two or more companies subject to the Commission's proxy rules, each such person must pay a proportionate share of such fee. Only one fee per transaction is required to be paid however. Accordingly, where a transaction involves more than one of the above referenced filing requirements or the registration provisions of the Securities Act of 1933, the payment of the fee with the initial filing will offset any subsequent filing fee obligation.

In view of the fact that the new filing fees are in lieu of, rather than in addition to the filing fees presently being collected for proxy material involving acquisitions, mergers and sales of assets pursuant to rule 14a-6(i) and information statements relating to similar acquisitions pursuant to Rule 14c-5 the Commission is suspending its collection of fees pursuant to Rule 14a-6(i) and Rule 14c-5(a), for the filings now subject to Public Law 98-38. The Commission intends to promptly initiate a rulemaking proceeding to rescind the suspended fees and to further implement this legislation.

In order to provide guidance, set forth below are the relevant sections of Public Law 98-38:

---

[1] H.R. Rep. No. 98-106, Cong. 1st Sess. 1-2 and 5-6 (1983). For example, prior to this legislation, a bidder in a tender offer in which the consideration offered was securities subject to the registration provisions of the Securities Act of 1933 (15 U.S.C. 77a et seq.) was required by Section 6(b) of that Act to pay a registration fee of one-fiftieth of one percent; had the bidder commenced a cash tender offer, no fee would have been required.

[2] Until the incorporation of the provisions of the amendments into the Commission's regulations, the Commission will not object if the computation of this fee is based upon the criteria set forth in Rule 457(e) (17 CFR 230.457(e)) promulgated under the Securities Act of 1933.

SEC. 2. (a) Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end thereof the following new paragraph:

"(3) At the time of filing such statement as the Commission may require by rule pursuant to paragraph (1) of this subsection, the person making the filing shall pay to the Commission a fee of 1/50 of 1 per centum of the value of securities proposed to be purchased. The fee shall be reduced with respect to securities in an amount equal to any fee paid with respect to any securities issued in connection with the proposed transaction under section 6(b) of the Securities Act of 1933, or the fee paid under that section shall be reduced in an amount equal to the fee paid to the Commission in connection with such transaction under this paragraph.".

(b) Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following new subsection:

"(g)(1)(A) At the time of filing such preliminary proxy solicitation material as the Commission may require by rule pursuant to subsection (a) of this section that concerns an acquisition, merger, consolidation, or proposed sale or other disposition of substantially all the assets of a company, the person making such filing, other than a company registered under the Investment Company Act of 1940, shall pay to the Commission the following fees:

"(i) for preliminary proxy solicitation material involving an acquisition, merger, or consolidation, if there is a proposed payment of cash or transfer of securities or property to shareholders, a fee of 1/50 of 1 per centum of such proposed payment, or of the value of such securities or other property proposed to be transferred; and

"(ii) for preliminary proxy solicitation material involving a proposed sale or other disposition of substantially all of the assets of a company, a fee of 1/50 of 1 per centum of the cash or of the value of any securities or other property proposed to be received upon such sale or disposition.

"(B) The fee imposed under subparagraph (A) shall be reduced with respect to securities in an amount equal to any fee paid to the Commission with respect to such securities in connection with the proposed transaction under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), or the fee paid under that section shall be reduced in an amount equal to the fee paid to the Commission in connection with such transaction under this subsection. Where two or more companies involved in an acquisition, merger, consolidation, sale, or other disposition of substantially all the assets of a company must file such proxy material with the Commission, each shall pay a proportionate share of such fee.

"(2) At the time of filing such preliminary information statement as the Commission may require by rule pursuant to subsection (c) of this section, the issuer shall pay to the Commission the same fee as required for preliminary proxy solicitation material under paragraph (1) of this subsection.

"(3) At the time of filing such statement as the Commission may require by rule pursuant to subsection (d)(1) of this section, the person making the filing shall pay to the Commission a fee of 1/50 of 1 per centum of the aggregate amount of cash or of the value of securities or other property proposed to be offered. The fee shall be reduced with respect to securities in an amount equal to any fee paid with respect to such securities in connection with the proposed transaction under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), or the fee paid under that section shall be reduced in an amount equal to the fee paid to the Commission in connection with such transaction under this subsection.

By the Commission.

George A. Fitzsimmons,

Secretary.

June 13, 1983.

[FR Doc. 83-16248 Filed 6-14-83; 11:23 am]

BILLING CODE 8010-01-M

UMI
0L
48
ISS
1
1
6
15
1983
UMI

federal register

Wednesday
June 15, 1983

Part V

Department of Housing and Urban Development

Office of the Secretary

Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities of the Department of Housing and Urban Development; Revocation of Notice of Effective Date of Interim Rule; and Proposed Rulemaking

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 8

[Docket No. R-83-528]

Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities of the Department of Housing and Urban Development

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Interim rule; revocation of notice of effective date.

SUMMARY: HUD is revoking the published effective date of the interim rule published May 6, 1983 (republished May 18, 1983) implementing Section 504 of the Rehabilitation Act of 1973, as amended. The interim rule, as published, will be treated as a proposed rule.

FOR FURTHER INFORMATION CONTACT: John Putman, Special Advisor to the Deputy Under Secretary for Intergovernmental Relations, or Clifton L. Baldwin, Disability Access Coordinator, Room 10184, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6732. A telecommunications device for deaf persons (TDD) is available at (202) 426-0016. These are not toll free numbers.

SUPPLEMENTARY INFORMATION: On May 6, 1983 HUD published an interim rule establishing procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from the Department. The rule implemented Section 504 of the Rehabilitation Act of 1973, as amended. 48 FR 20638 (republished at 48 FR 22470, May 18, 1983). The interim rule was scheduled to become effective June 15, 1983, but public comments, to be considered prior to issuance of a final rule, were solicited for a 90-day period ending August 4, 1983.

A proposed rule was published on April 19, 1978 (43 FR 16652). In addition, ten public hearings were conducted throughout the country. More than 225 individuals and organizations presented testimony at the public hearings, and 258 written comments on the proposed rule were received. Many of the changes made in the interim rule reflected consideration of the comments received in the public hearings and in response to the proposed rule. However, as indicated in the preamble to the interim rule, substantial changes also were based on consideration of other factors, including the decision of the United States Supreme Court in *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), and subsequent appellate decisions regarding the extent of obligations of a recipient of Federal financial assistance imposed by Section 504 to accommodate the needs of handicapped persons, and a Report to Congress (B-197756, June 19, 1981) issued by the Comptroller General entitled "Weaknesses in the Planning and Utilization of Rental Housing for Persons in Wheelchairs".

Because of substantial changes that had been made from the proposed rule published in 1978 on grounds not fully discussed in connection with the publication of the proposed rule, the Department noted, in the preamble to the interim rule, that it normally would publish the revised regulation as a revised proposed rule for further comment, rather than for immediate effect. However, on June 16, 1981 the United States District Court, Central District of California, issued an order requiring HUD and certain other Federal agencies to publish final regulations implementing Section 504 on an expedited basis. *Paralyzed Veterans of America, etc., et al.* v. *William French Smith, et al.*, No. 79-1979 WPG, June 16, 1981. The Department noted that while it did not construe the District Court order as necessarily overriding public notice and comment requirements otherwise applicable, the Department believed, on balance, that regulatory implementation of Section 504 with respect to HUD programs should not be subjected to further delay. In reaching this conclusion, the Department took into account the fact that principal substantive requirements under Subpart C of the rule, regarding program accessibility, already were in effect through program regulations and the HUD Minimum Property Standards.

Since publication of the interim rule, the Department has received comments which have led it to reconsider the balance struck between obtaining early effectiveness and encouraging broad participation in the rulemaking process through public comment. Certain organizations representing disabled persons have disclosed a concern that publication of an interim rule, to become effective before receipt and consideration of public comments, indicates that the Department is "locked in" to the provisions of the interim rule and will not give serious consideration to further changes in response to comments.

The Department reiterates that this is not its intention. The Department publishes interim rules frequently and gives no less open and serious consideration to comments received on interim rules than to comments on proposed rules. In this particular instance, moreover, the election to proceed by interim rule was based solely upon the circumstances of the *Paralyzed Veterans* action.

The Department is concerned, however, that notwithstanding its own intentions, the reaction noted above of some organizations may indicate that publication of the rule as an interim rule may deter other interested persons from preparing and submitting comments. The Department's own experience would not support a conclusion that interested persons are less inclined to comment on interim rules than on proposed rules. Nonetheless, because the interests affected by this rule are extraordinarily broad and diverse and in order to encourage the broadest possible participation in this rulemaking, the Department has determined to revoke the notice of effective date of the interim rule and to treat the rule, as published, as a proposed rule.

Accordingly, the notice of effective date of the interim rule is hereby revoked. A notice of proposed rulemaking, converting the interim rule to a proposed rule and extending the comment period to September 6, 1983, appears elsewhere in this Part V of today's issue of the **Federal Register.**

Dated: June 14, 1983.

John J. Knapp,

General Counsel.

[FR Doc. 83-16280 Filed 6-14-83; 12:30 pm]

BILLING CODE 4210-27-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 8

[Docket No. R-83-528]

Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities of the Department of Housing and Urban Development

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Notice of proposed rule making; cross reference.

SUMMARY: Elsewhere in this Part V of today's issue, HUD is publishing a document announcing revocation of the notice of effective date of an interim rule published in the **Federal Register** on May 6, 1983 (48 FR 20638) and republished on May 18, 1983 (48 FR 22470). As more fully explained in the document published elsewhere in this Part V, the interim rule, scheduled to become effective on June 15, 1983, would have established procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from the Department of Housing and Urban Development.

HUD will now treat the published interim rule as proposed rule making and will consider the public comments received on that interim rule as comments on the proposed rule making.

DATE: The 90-day public comment period announced in the interim rule (which was scheduled to expire August 4, 1983) is hereby extended until September 6, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address. The rule text is available on tape for persons with vision impairments in the office of the Rules Docket Clerk shown above.

FOR FURTHER INFORMATION CONTACT: John Putman, Special Advisor to the Deputy Under Secretary for Intergovernmental Relations, or Clifton L. Baldwin, Disability Access Coordinator, Room 10184, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Both of the above persons may be reached by telephone at (202) 755-6732. A telecommunications device for deaf persons (TDD) is available at (202) 426-0016. These are not toll free numbers.

Dated: June 14, 1983.

John J. Knapp,

General Counsel.

[FR Doc. 83-16279 Filed 6-14-83; 12:30 pm]

BILLING CODE 4210-27-M

48
ISS
1
1
6
J E
15
1983
UMI

Rea

INFORM
PUBLIC
Code of
CFR Un
General
Incorpor
Printing
Federal
Correcti
Daily Is
General
Privacy
Public in
Scheduli
Laws
Indexes
Law num
Slip law
Presiden
Executiv
Public P
Weekly
United S
SERVICE
Agency
Automat
Library
Magnetic
volum
Public In
Special
Subscrip
Subscrip
TTY for

FEDERA

24311-24
24653-24
24855-25
25169-26
26279-26
26443-26
26585-26
26751-27
27027-27
27219-27
27391-27

Reader Aids

Federal Register

Vol. 48, No. 116

Wednesday, June 15, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

24311-24652	1
24653-24854	2
24855-25168	3
25169-26278	6
26279-26442	7
26443-26584	8
26585-26750	9
26751-27026	10
27027-27218	13
27219-27390	14
27391-27530	15

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:

Presidential Determinations:

No. 83-7 of June 3, 1983 26585

Executive Orders:

September 15, 1916 (Revoked in part by PLO 6392) 26315

September 30, 1916 (Revoked in part by PLO 6392) 26315

May 21, 1920 (Revoked in part by PLO 6392) 26315

12400 (Amended by EO 12424) 27219

12424 27219

Proclamations:

5066 24855

5067 26443

5068 27391

5 CFR

213 24857

581 26279

7 CFR

51 26751

52 26752

68 24857

319 24311

354 26284

905 27221

910 ..... 24859, 26587, 26757

915 24860

916 24653

922 24311

944 24860

959 25169

966 26757

1033 24861

1036 24863

1139 24864

3015 27222

Proposed Rules:

51 24723

800 ..... 27082, 27084

1007 24391

1046 24905

1125 26460

1133 26460

1207 24724

9 CFR

92 24866

318 24314

Proposed Rules:

72 27256

91 27256

92 27257

10 CFR

20 26295

25 24318

61 26295

95 24318

Proposed Rules:

50 24391

960 26440

625 27482

11 CFR

102 26300

114 26300

12 CFR

5 26758

32 27224

207 26587

211 26445

217 27393

220 ..... 26587, 26589

221 26587

224 26587

303 27027

505c 26590

572a 27394

Proposed Rules:

7 24913

614 25210

13 CFR

121 26760

14 CFR

39 ..... 26590-26593, 27030, 27031

71 ..... 25169, 25170, 26594-26596, 27032-27034

75 26596

95 24654

204 26596

252 24866

389 24323

Proposed Rules:

23 26628

39 ..... 25210, 27085-27087

121 25211

139 25211

159 25215

221 24916

252 24916

291 ..... 24922, 26630

377 24928

15 CFR

369 24323

371 25171

373 25174

376 25171

379 25171

386 ..... 25171, 26603, 26449

399 ..... 25171, 25174, 26450

16 CFR

423.....24868, 27225
453.....25174
1406.....26761

Proposed Rules:

13.....24724, 27089, 27258
457.....25218
1145.....27409

17 CFR

170.....26304
200.....24663
211.....27225
240.....24663, 27524
249.....24663
270.....25175

Proposed Rules:

1.....27411
12.....25218
210.....26623
240.....24725, 24728
270.....25220, 26460

18 CFR

2.....24323, 24358
35.....24323
271.....25177-25179

Proposed Rules:

35.....26831
271.....24730-24732, 25223

19 CFR

101.....25180
177.....25180

Proposed Rules:

Ch. I.....26831
101.....27092, 27265
123.....26832
175.....26833
177.....25224

20 CFR

Proposed Rules:

632.....24392
633.....24392
634.....24392
635.....26430
684.....24392

21 CFR

5.....26311
131.....24868
175.....24869
177.....26312, 26761
178.....24869
357.....27004
510.....24870, 24871
520.....24871, 26762
522.....26313
540.....24872, 24873
558.....24871
600.....26313
895.....25126, 25137

Proposed Rules:

101.....27266
158.....26319
201.....27389
310.....26986
312.....26720
341.....24925
429.....27389

22 CFR

Proposed Rules:

11.....26834

23 CFR

Ch. I.....24852, 25181

24 CFR

8.....27528
111.....24361
203.....27398
213.....27398
221.....27035
234.....27035, 27398
235.....27035
1800.....24873

Proposed Rules:

8.....27529

25 CFR

Proposed Rules:

700.....24734

26 CFR

601.....24668

Proposed Rules:

1.....24736, 25224, 25228

27 CFR

21.....24672
212.....24672

Proposed Rules:

9.....24737

28 CFR

0.....25183
540.....24622
550.....24623
551.....24623

Proposed Rules:

547.....24626
570.....24626
571.....24626

29 CFR

Proposed Rules:

1910.....26962
1952.....26836
2670.....27092
2675.....27092

30 CFR

226.....26763
256.....26778
260.....24873
784.....24638
785.....24638
816.....24638
817.....24638
818.....24638
886.....27363
916.....24874
944.....24876
946.....25184
1625.....26434

Proposed Rules:

57.....27024
250.....26837
901.....24739
913.....24741
917.....26839, 27101
936.....24928
938.....27102
942.....25229
946.....26624
948.....24393

32 CFR

242b.....26451
806b.....24878

33 CFR

100.....25186, 26599-26602
117.....26602
165.....25187

Proposed Rules:

117.....26625
162.....25231, 27103

34 CFR

668.....26779
682.....24584

35 CFR

101.....27399
103.....27399
253.....27399

36 CFR

222.....25187
262.....26603

Proposed Rules:

13.....26319

37 CFR

2.....27225

Proposed Rules:

1.....26319
5.....26319

38 CFR

1.....27400
3.....27036
36.....27226, 27401

Proposed Rules:

17.....26627

39 CFR

10.....27227

Proposed Rules:

111.....27103, 27267

40 CFR

1.....27227
52.....24362, 24689
144.....27039
146.....27039
162.....26451
180.....24364, 24365, 24689, 26452
204.....27039
205.....27039
211.....27039
271.....27040
712.....27041
716.....24366
720.....27043
763.....27041

Proposed Rules:

Ch. I.....24930
51.....26840
52.....26841
65.....24930
66.....26627
67.....26627
81.....24393
86.....24932
145.....26842
180.....24394, 24396, 26629
271.....25236
403.....24933
405.....24742
406.....24742
407.....24742
408.....24742
409.....24742
411.....24742
412.....24742
422.....24742
424.....24742
426.....24742
429.....24742
430.....24742
431.....24742
432.....24742
433.....24742
440.....24742
600.....26698
610.....24397

41 CFR

Ch. 7.....25188
1-15.....26453
3-3.....26605
101-29.....25196
101-41.....27235
101-45.....24878, 27236
101-47.....24879, 25199
101-49.....27404
105-53.....25200

42 CFR

57.....25064
66.....24879

Proposed Rules:

57.....25071, 25072

43 CFR

Public Land Orders:

23.....27008
1600.....26314
3200.....24367
3210.....24367
3220.....24367
3240.....24367
3250.....24367
3600.....27008
3610.....27008
3620.....27008
6377.....26780
6391.....25205
6392.....26315

Proposed Rules:

3000.....26320
3100.....26320
8370.....26485
8560.....27366

44 CFR

64.....24369, 26780, 26796, 27248,
67.....27404
65.....26605, 27247, 27249
67.....24370, 26784, 26796
70.....27237-27246

Proposed Rules:

67.....24743, 26629, 26630, 27414
302.....27105

45 CFR

1207.....26802
1208.....26808
1209.....26815

46 CFR

221.....27044

310.....27044
Proposed Rules:
125.....26631
126.....26631
127.....26631
128.....26631
129.....26631
130.....26631
131.....26631
132.....26631
133.....26631
134.....26631
135.....26631
136.....26631
542.....27112
543.....27112
544.....27112

47 CFR

Ch. I.....27044
0.....24383, 26606
1.....24884, 27182
2.....27054
21.....27251
22.....26820, 27182, 27251
23.....27251
31.....27072
73.....24383, 24898, 26453, 26608, 27054, 27182
74.....24383, 27054, 27406
81.....27182
87.....27182
90.....26617, 27182
94.....27182
95.....24884
97.....26455, 26606
Proposed Rules:
2.....24945, 26461
22.....24945
67.....00
94.....27113
69.....26632
73.....24945, 24949, 26462-26471
74.....24945
76.....26472
94.....24950
96.....24953
97.....24954, 26647

49 CFR

Ch. X.....27253
192.....25206
195.....25206
571.....24690, 24717, 25209
1011.....26456
1033.....24386
1039.....24900, 26822, 27254
1153.....24386
1162.....24388
1175.....26317
1176.....26317
1307.....24388
Proposed Rules:
Ch. X.....24397
25.....26649
172.....26650
173.....25236, 26650
179.....25236
571.....24751, 25237
1152.....27269
1155.....27271
1186.....26485

50 CFR

20.....26457
250.....26621
260.....24901
301.....27073
371.....24902
424.....24718, 24903
611.....24719, 27075
674.....27080
Proposed Rules:
17.....26488
23.....26651
424.....27279
611.....25238
646.....26843
661.....26653
674.....24751
675.....25238

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing June 9, 1983

will be
he

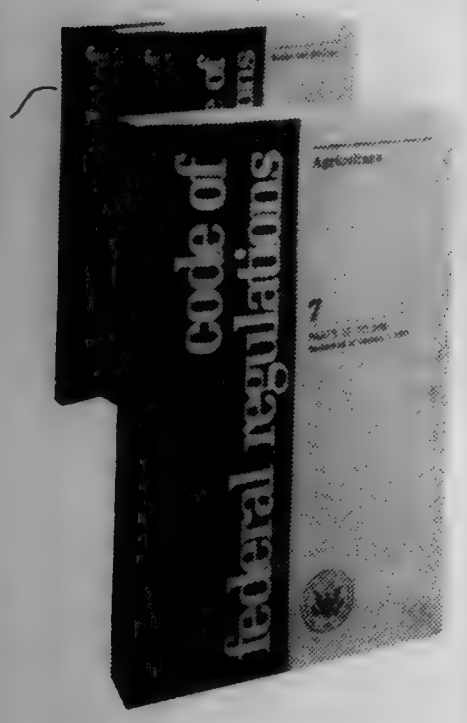

Just Released

Code of Federal Regulations

Revised as of January 1, 1983

Quantity	Volume	Price	Amount
_____	Title 7—Agriculture (Parts 53 to 209) (Stock No. 022-003-95104-1)	$7.50	$_____
_____	Title 7—Agriculture (Parts 300 to 399) (Stock No. 022-003-95106-7)	5.50	_____
_____	Title 12—Banks and Banking (Parts 200 to 299) (Stock No.022-003-95126-1)	8.00	_____

Total Order $_____

A cumulative checklist of CFR issuances for 1982-83 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐-☐

Order No._____

VISA® MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the Code of Federal Regulations publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

nt

ch

. 20402

Charges

48
ISS
1
1
6
JE
15
1983
UMI

0
4 8
ISS
1
1
7
J E
1 6
1983
UMI

6-16-83
Vol. 48

United
Govern
Printing
SUPERINTE
OF DOCUM
Washington,

OFFICIAL B
Penalty for

Federal Reg
(ISSN 0097-

6-16-83
Vol. 48 No. 117

federal register

Thursday
June 16, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D C 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

A FR SERIA300S NOV 83 R DIR
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

Postage and Fees Paid
US Government Printing Office
375

SECOND CLASS NEWSPAPER

4 8

ISS

1
1
7

J E

1 6

1983

6-16-
Vol. 4
Pages

5-16-83
Vol. 48 No. 117
Pages 27531-27714

federal register

Thursday
June 16, 1983

Selected Subjects

Administrative Practice and Procedure
Interstate Commerce Commission

Authority Delegations (Government Agencies)
National Highway Traffic Safety Administration
Transportation Department

Aviation Safety
Federal Aviation Administration

Classified Information
Nuclear Regulatory Commission

Federal Buildings and Facilities
Air Force Department

Flood Insurance
Federal Emergency Management Agency

Foreign Trade Zones
Customs Service

Hazardous Materials Transportation
Research and Special Programs Administration

Labor Management Relations
Federal Labor Relations Authority

Marine Safety
Coast Guard

Marketing Agreements
Agricultural Marketing Service

National Parks
National Park Service

Radio Broadcasting
Federal Communications Commission

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

Supplemental Security Income
Social Security Administration — 27532

Surface Mining
Surface Mining Reclamation and Enforcement Office — 27540

Television Broadcasting
Federal Communications Commission — 27540

Treaties
Federal Communications Commission — 27553

27589

27536

27538

27591,
27592
27591

27592

27594
27594
27594
27595

Contents

Federal Register
Vol. 48, No. 117
Thursday, June 16, 1983

Agricultural Marketing Service
RULES
27532 Oranges and grapefruit grown in Tex.

Agriculture Department
See Agricultural Marketing Service; Commodity Credit Corporation; Federal Grain Inspection Service; Forest Service.

Air Force Department
RULES
Public relations:
27540 Individuals and organizations; CFR Part removed

Coast Guard
RULES
Regattas and marine parades; safety of life:
27540 International Freedom Festival fireworks; Detroit, Mich.
PROPOSED RULES
Inland waterways navigation regulations:
27553 Connecting waters from Lake Huron to Lake Erie; correction

Commerce Department
See Foreign-Trade Zones Board; International Trade Administration.

Commodity Credit Corporation
NOTICES
Meetings:
27589 Study Committee to Study Alternative Methods of Establishing Premiums and Discounts for the Upland Cotton Loan Program

Customs Service
RULES
Foreign trade zones:
27536 Transfer of merchandise to customs bonded warehouse
Tariff classification of merchandise:
27538 Footwear having foxing or foxing-like band; correction

Defense Department
See also Air Force Department; Engineers Corps.
NOTICES
Meetings:
27591, 27592 Science Board (3 documents)
27591 Science Board task forces
Senior Executive Service:
27592 Performance Review Board; membership

Economic Regulatory Administration
NOTICES
Natural gas; fuel oil displacement certification applications:
27594 Burlington Industries, Inc.
27594 Eastern Stainless Steel Co.
27594 J. P. Stevens & Co., Inc.
27595 Koppers Co., Inc.
27595 Newport Steel Corp.
27596 Ohio Dehy, Inc.
27596 Spaulding Fibre Co., Inc.

Energy Department
See Economic Regulatory Administration; Energy Information Administration; Energy Research Office.

Energy Information Administration
NOTICES
27597 Agency forms submitted to OMB for review

Energy Research Office
NOTICES
Meetings:
27597 High Energy Physics Advisory Panel; date changes

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
27590 Barbers Point Deep Draft Harbor, Ewa, Oahu, Hawaii

Equal Employment Opportunity Commission
NOTICES
27642 Meetings; Sunshine Act

Federal Aviation Administration
RULES
Airworthiness directives:
27533 Societe Nationale Industrielle Aerospatiale
27534 Standard instrument approach procedures
PROPOSED RULES
Airworthiness directives:
27549 Gates Learjet; withdrawn

Federal Communications Commission
RULES
Frequency allocations and radio treaty matters:
27541 World Administrative Radio Conference, 1979; implementation
Radio stations; table of assignments:
27545 Hawaii
27546 New Mexico
PROPOSED RULES
Radio stations; table of assignments:
27565 Arizona
27567 Florida
27572 Indiana
27570 Kansas
27564, 27573, 27575 Michigan (3 documents)
27577 Oregon
27579, 27580 Wisconsin (2 documents)
Television stations; table of assignments:
27563, 27569 Florida (2 documents)
27562 Kansas and Missouri

27571 Kentucky
27574 Michigan
27581 Oklahoma
27578 Texas
27566 Washington

Federal Election Commission
NOTICES
27642 Meetings; Sunshine Act

Federal Emergency Management Agency
PROPOSED RULES
Flood elevation determinations:
27555 Connecticut et al.

Federal Grain Inspection Service
NOTICES
Agency designation actions:
27589 Texas

Federal Highway Administration
RULES
Engineering and traffic operations:
27539 Highway design standards; streets and highways; resurfacing, restoration and rehabilitation; information regarding FHWA policy and procedure
NOTICES
Environmental statements; availability, etc.:
27628 Orange County, Calif.; intent to prepare

Federal Home Loan Bank Board
NOTICES
27642 Meetings; Sunshine Act
Receiver appointment:
27597 1st Dakota Home Savings & Loan Association, Pierre, S. Dak.

Federal Labor Relations Authority
RULES
27531 Unfair labor practice proceedings

Federal Maritime Commission
NOTICES
27642 Meetings; Sunshine Act

Federal Register, Administrative Committee
(*Editorial Note:* For the revised edition of the **Federal Register** Thesaurus of Indexing Terms, see Reader Aids carried in Part II of this issue.)

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
27590 Ohio

Forest Service
NOTICES
Meetings:
27590 Lincoln National Forest Grazing Advisory Board

General Services Administration
RULES
Property management:
27541 Shipping-type discrepancies and billing adjustments; minimum line item dollar values; expiration date extended

Health and Human Services Department
See National Institutes of Health; Social Security Administration.

Indian Affairs Bureau
NOTICES
Child custody proceedings, reassumption of jurisdiction; petition receipt, approval, etc.:
27601 St. Regis Mohawk Tribe
Irrigation projects; operation and maintenance charges:
27602 Flathead Irrigation Project, Mont.
27602 San Carlos Irrigation Project, Ariz.

Interior Department
See Indian Affairs Bureau; Land Management Bureau; Minerals Management Service; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Trade Administration
NOTICES
Antidumping:
27590 Stainless sheet and strip products from France; correction

International Trade Commission
NOTICES
Import investigations:
27611 Treadmill joggers

Interstate Commerce Commission
RULES
Practice and procedure:
27547 Rail lines, out of service; exemption
PROPOSED RULES
Practice and procedure:
27584 Rail lines, out of service; exemption
NOTICES
Motor carriers:
27611 Finance applications
27613, 27615 Permanent authority applications (2 documents)
27612 Permanent authority applications; restriction removals
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
27612 Alltex Industries, Inc., et al.
Railroad operation, acquisition, construction, etc.:
27618 Seaboard System Railroad, Inc.

Justice Department
See also Juvenile Justice and Delinquency Prevention Office.
NOTICES
Pollution control; consent judgments:
27619 Aluminum Co. of America et al.

Juvenile Justice and Delinquency Prevention Office
NOTICES
Meetings:
27619 Coordinating Council

Land Management Bureau
NOTICES
Coal leases, exploration licenses, etc.:
27607 Colorado

Coal management program:
27707 Thunder Basin National Grasslands, Campbell County, Wyo.; coal core analyses, availability
Conveyance and opening of public lands:
27604, 27609 Montana (2 documents)
Conveyance of public lands:
27603 Idaho
27603 Montana
Exchange of public lands for private land:
27602 Utah
Geothermal resources lease sales:
27608 California
Meetings:
27604 Albuquerque District Advisory Council
27603 Canon City District Grazing Advisory Board
27610 Roseburg District Advisory Council
27610 Salem District Advisory Council
Opening of public lands:
27609 Oregon
Sale of public lands:
27605 Arizona and New Mexico
27603, 27604 California; correction (2 documents)
27608 Colorado (2 documents)
Survey plat filings:
27606, 27607 California (4 documents)
Wilderness areas; characteristics, inventories, etc.:
27605 Utah

Minerals Management Service
NOTICES
Meetings:
27610 Minerals Accountability Advisory Committee

National Aeronautics and Space Administration
NOTICES
Meetings:
27619 Aeronautics Advisory Committee; cancellation

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
27547 Lamps, reflective devices, and associated equipment; two-lamp rectangular sealed beam headlamp system; correction
Organization, functions, and authority delegation:
27547 Deputy Administrator; provision to act as Administrator
PROPOSED RULES
Motor vehicle safety standards:
27583 Seat belts, automatic locking retractors in rear seats; rulemaking petition denied
NOTICES
27629 Fuel economy program, automotive; annual report to Congress
Meetings:
27629 Rulemaking, research and enforcement programs
Motor vehicle safety standards:
27635 Tires; code marks assigned to new manufacturers; publication
Motor vehicle safety standards; exemption petitions, etc.:
27634 Chrysler Corp.
27635 Goodyear Tire & Rubber Co.
27635 Suzuki Motor Co., Ltd.
27637 Zimmer Motor Vans

National Institutes of Health
NOTICES
Meetings:
27598 Arthritis Prevention Conference
27598 Dental Research Institute, National; Special Grants Review Committee

National Park Service
PROPOSED RULES
Special regulations:
27553 Rocky Mountain National Park, Colo.; snowmobile regulations
NOTICES
Meetings:
27610 San Antonio Missions Advisory Commission

National Transportation Safety Board
NOTICES
27627 Railroad yards, hazardous materials safety; hearing

Nuclear Regulatory Commission
RULES
27533 Access authorization fee schedule; publication timetable
NOTICES
Applications, etc.:
27620 Baltimore Gas & Electric Co.
27621 Consumers Power Co.
27621 Duke Power Co.
27623, 27624 Florida Power & Light Co. (2 documents)
27626 Portland General Electric Co. et al.
27626 Washington Public Power Supply System et al.
Meetings:
27627 Reactor Safeguards Advisory Committee
27627 Reactor Safeguards Advisory Committee; location change
27619 Review of Nuclear Reactor Licensing Reform Proposals Ad Hoc Committee
27642 Meetings; Sunshine Act
27620 Regulatory guides; issuance, availability, and withdrawal
Reports; availability, etc.:
27619 Radionuclide compounds for high level waste repository safety assessments, solubility and speciation; draft technical position

Research and Special Programs Administration
RULES
Hazardous materials:
27674 Cryogenic liquids transportation requirement
NOTICES
Hazardous materials:
27639 Applications; exemptions, renewals, etc.

Securities and Exchange Commission
NOTICES
Hearings, etc.:
27628 Diversified Tech, Inc.

Small Business Administration
NOTICES
Applications, etc.:
27628 Seafirst Capital Corp.
Meetings; regional advisory councils:
27628 Arizona

Social Security Administration
RULES
Supplemental security income:
27538 Hold-harmless payments; phaseout
NOTICES
Grants; availability, etc.:
27598 Refugee mental health demonstration projects

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission; various States:
27550 Illinois
27551 Pennsylvania
27552 Virginia

Tennessee Valley Authority
NOTICES
27641 Agency forms submitted to OMB for review

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration.
RULES
Organization, functions, and authority delegations:
27546 Secretary's annual report; DOT systems of internal accounting and administrative control
NOTICES
27636 Agency forms submitted to OMB for review

Treasury Department
See Customs Service.

Separate Parts in This Issue

Part II
27646 Administrative Committee of the Federal Register

Part III
27674 Department of Transportation, Research and Special Programs Administration

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
2423.....27531

7 CFR
906.....27532

10 CFR
25.....27533

14 CFR
39.....27533
97.....27534
Proposed Rules:
39.....27549

19 CFR
146.....27536
177.....27538

20 CFR
416.....27538

23 CFR
625.....27539

30 CFR
Proposed Rules:
913.....27550
938.....27551
946.....27552

32 CFR
823.....27540

33 CFR
100.....27540
Proposed Rules:
162.....27553

36 CFR
Proposed Rules:
7.....27553

41 CFR
Ch. 101.....27541

44 CFR
Proposed Rules:
67.....27555

47 CFR
2.....27541
73 (2 documents).....27545, 27546
Proposed Rules:
73 (18 documents).....27562–27581

49 CFR
1.....27546
171.....27674
172.....27674
173.....27674
174.....27674
176.....27674
177.....27674
178.....27674
179.....27674
501.....27547
571.....27547
1152.....27547
Proposed Rules:
571.....27583
1152.....27584

46
ISS
1
1
7
JE
16
1983
UMI

Rul

This se
contains
general
of whic
the Co
publishe
U.S.C.
The Co
by the
Prices
first FE
month.

FEDER
AUTHO
OF THE
AUTHO

5 CFR

Informa
Practic

AGENCY
Authori
Federal

ACTION
regulati

SUMMA
Federal
pursuan
Federal
Relation
has det
revision
the rule
informa
practice
Federal
FR 1074
normall
investig
the part
period o
charge,
to infor

EFFECTI

FOR FUR
David L
Counsel
(202) 38

SUPPLE
January
the Auth
regulati
to: (1) R
Authorit
encoura
unfair la

Rules and Regulations

Federal Register
Vol. 48, No. 117
Thursday, June 16, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL LABOR RELATIONS AUTHORITY AND GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2423

Informal Resolution of Unfair Labor Practice Allegations

AGENCY: Federal Labor Relations Authority and General Counsel of the Federal Labor Relations Authority.

ACTION: Amendment of rules and regulations.

SUMMARY: The General Counsel of the Federal Labor Relations Authority, pursuant to section 7118(a)(5) of the Federal Service Labor-Management Relations Statute (5 U.S.C. 711(a)(5)), has determined to adopt the proposed revision of §§ 2423.2(c) and 2423.7(a) of the rules and regulations relating to informal resolution of unfair labor practice allegations published in the **Federal Register** on January 10, 1983 (48 FR 1074). The amendments provide that normally, an unfair labor practice investigation will not commence until the parties have had a reasonable period of time *after* the filing of a charge, not to exceed fifteen (15) days, to informally resolve their dispute.

EFFECTIVE DATE: June 20, 1983.

FOR FURTHER INFORMATION CONTACT: David L. Feder, Assistant General Counsel, Office of the General Counsel (202) 382-0834.

SUPPLEMENTARY INFORMATION: On January 10, 1983, the General Counsel of the Authority published proposed regulations at 48 **Federal Register** 1074 to: (1) Reaffirm the existing policy of the Authority and the General Counsel to encourage the informal resolution of unfair labor practice allegations both prior and subsequent to the filing of an unfair labor practice charge; and (2) reinforce this policy by affording the parties an opportunity to resolve among themselves unfair labor practice allegations after the filing of an unfair labor practice charge but prior to the commencement of an investigation of the charge.

Parties were afforded an opportunity to submit written comments by February 25, 1983. Three labor organizations (two national and one local) and eight agencies (five Departments and three independent agencies) submitted written comments on the proposed revision. All of the agencies commenting opposed the revision, taking the position *inter alia* that the parties should be required to attempt to settle alleged unfair labor practice charges prior to the commencement of an investigation. All of the labor organizations commenting took the position that the revision was unwarranted and only would further delay the processing of unfair labor practice charges.

The General Counsel of the Authority has carefully considered all of the comments received on the proposed revision and has concluded that the proposed amendments further the policy of the Authority and the General Counsel by affording the parties an apportunity to informally resolve an unfair labor practice allegation among themselves after the filing of the charge without the intervention of an Authority agent occasioned by the commencement of an investigation.

With regard to the agencies' comments, it was determined that a regulation *requiring* parties to attempt to settle alleged unfair labor practice charges prior to the commencement of an investigation could lead to allegations of noncompliance with this requirement thus raising issues collateral to the unfair labor practice dispute necessitating further investigations, determinations and litigation, only complicating resolution of the alleged unfair labor practice. Additionally, since the rules and regulations provide the parties with every opportunity to resolve their dispute voluntarily prior to the commencement of an investigation and throughout all subsequent stages of the processing of an unfair labor practice charge, it was concluded that *requiring* the parties to attempt to resolve their dispute would not promote the purposes and policies of the Statute. Moreover, parties are still strongly encouraged by the Authority and the General Counsel to attempt to resolve their dispute *prior* to the filing of a charge and to continue settlement efforts at all stages of the processing of a charge.

As to the commenting labor organizations' concern about delay in the processing of unfair labor practice charges resulting from adoption of the proposed amendments, it was determined that a fifteen (15) day time period would provide a reasonable opportunity for the parties to explore settlement after the filing of an unfair labor practice charge, while not unduly delaying the investigation and disposition of the charge. In this latter regard, and as noted in the publication of the proposed amendments, Regional Offices, in many instances, do not commence their investigations of unfair labor practice charges until at least fifteen (15) days after the filing of the charge. Further, the amendments, as adopted, provide that the investigation *normally* will not commence for a time period not to exceed fifteen (15) days from the filing of the charge. This allows investigations to commence prior to the expiration of such fifteen (15) day period in the discretion of the Regional Directors; e.g., where appropriate temporary relief under section 7123(d) of the Statute appears to be warranted or where a pending representation election is blocked by an unfair labor practice charge.

Accordingly, the General Counsel of the Authority adopts the amendments as proposed. The promulgation of the proposed rules is not intended to limit the discretion of Regional Directors in commencing investigations of unfair labor practice charges where circumstances warrant that an investigation be commenced prior to the expiration of the fifteen (15) day period or that an investigation be delayed beyond the expiration of the fifteen (15) day period where the parties agree that the investigation should be further delayed to afford them an additional opportunity to resolve their dispute. In this regard, Regional Directors retain the

discretion they now possess under the rules and regulations to conduct such investigations as they deem necessary.

List of Subjects in 5 CFR Part 2423

Administrative practice and procedure, Government employees, Labor management relations.

PART 2423—UNFAIR LABOR PRACTICE PROCEEDINGS

Accordingly, the final rules and regulations of the Authority and the General Counsel of the Authority are amended as follows:

1. Section 2423.2 is amended by adding a new paragraph (c) to read as follows:

§ 2423.2 Informal proceedings.

* * * * *

(c) In order to afford the parties an opportunity to implement the policy referred to in paragraphs (a) and (b) of this section, the investigation of an unfair labor practice charge by the Regional Director will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, during which period the parties are urged to attempt to informally resolve the unfair labor practice allegation.

2. Section 2423.7(a) is revised to read as follows:

§ 2423.7 Investigation of charges.

(a) The Regional Director, on behalf of the General Counsel, shall conduct such investigation of the charge as the Regional Director deems necessary. Consistent with the policy set forth in section 2423.2, the investigation will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, to informally resolve the unfair labor practice allegation.

* * * * *

(5 U.S.C. 7118(a)(5) and 7134)

Note.—In accordance with section 605(b) of the Regulatory Flexibility Act of 1980, the General Counsel of the Federal Labor Relations Authority has determined that this document does not require preparation of a Regulatory Flexibility Analysis.

Dated: June 2, 1983.

General Counsel of the Federal Labor Relations Authority.

John C. Miller,

General Counsel

[FR Doc. 83-16202 Filed 6-15-83; 8:45 am]

BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 906

Oranges and Grapefruit Grown in Texas; Relaxation of Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule relaxes current handling requirements to permit shipment of Texas grapefruit in bulk (not in any of the currently authorized containers), if it grades at least U.S. No. 2 Russet, and it is at least 3⁵⁄₁₆ inches in diameter. Such action is designed to provide an outlet for grapefruit remaining on the trees at the end of the season after the commercial packing and processing facilities have closed.

DATES: Effective June 10, 1983, through July 31, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been certified a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Texas grapefruit crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Texas Valley Citrus Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This final rule relaxes until July 31, 1983, current grade and size requirements for grapefruit, provided such fruit is shipped in bulk and it grades at least U.S. No. 2 Russet and it is at least 3⁵⁄₁₆ inches in diameter. Such shipments shall be exempt from assessments, and inspection and certification requirements.

This action reflects the current crop and marketing conditions and the composition of the remaining supplies for Texas grapefruit. The Texas Valley Citrus Committee reports that all processing and packing facilities available to Texas grapefruit growers will likely be closed for the season by June 11. The committee estimates that about 2,000 tons of grapefruit remain unharvested and may be abandoned unless current handling requirements are relaxed. Reportedly, demand exists for such fruit in nearby markets. Prompt action is required because prolonged hot weather will likely render the grapefruit unmarketable. These shipments are viewed as special purpose shipments because the grapefruit would be shipped in bulk form by growers and the quantities handled would be relatively insignificant. Such shipments may be exempted from inspection and certification requirements and assessments under § 906.42 of the order. The regualtion provides for such exemption because it would be administratively impracticable to assure compliance with these provisions due to the small quantities involved.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that the time intervening between the date when information upon which this final rule is based became available and the time when this final rule must become effective in order to effectuate the declared policy of the Act is insufficient. Interested persons were given an opportunity to submit information and views on the revision of grade and size requirements for certain bulk shipments at an open meeting, at which the committee, without opposition, recommended the requirements specified in this final rule. It is necessary to effectuate the declared purposes of the Act to make this final rule effective as specified. This final rule relieves restrictions on the handling of grapefruit and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 906

Marketing agreement and orders, Oranges, Grapefruit, Texas.

PART 906—[AMENDED]

Therefore, § 906.365 (47 FR 1265) is amended by adding a new paragraph (c)

to the section to read as follows (this final rule expires July 31, 1983, and will not be published in the annual Code of Federal Regulations):

§ 906.365 Texas orange and grapefruit regulation 34.

* * * * *

(c) Notwithstanding the requirements specified for grapefruit in paragraphs (a) (3) through (6) of this section, during the period (insert date of signature of this final rule), through July 31, 1983, any handler may ship grapefruit in bulk (defined to mean in containers other than those specified in § 906.340): *Provided,* That such grapefruit grades at least U.S. No. 2 Russet and is not smaller than 3⅛₆ inches in diameter. Sections 906.34 (assessments) and 906.45 (inspection and certification) shall not apply to the handling of bulk grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 10, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–16134 Filed 6–15–83; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 25

Amendment to the Timetable for the Publication of a Revised Access Authorization Fee Schedule

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to change the date of publication for the annual access authorization fee schedule from December to July. The Office of Personnel Management (OPM) sets the basic cost for the access authorization background investigations and notifies the NRC of adjustments for the cost on or about July 1. The change in publication date for the fee schedule will enable NRC to comply more promptly with OPM's revised cost adjustments.

EFFECTIVE DATE: June 16, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Dopp, Chief, Security Policy Branch, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Telephone: (301) 427–4549.

SUPPLEMENTARY INFORMATION: The current § 25.17 indicates that access authorization fees will be published in December of each year and will be applicable to each access authorization request received during the following calendar year. The Office of Personnel Management (OPM) conducts the access authorization background investigation for the NRC under an interagency agreement and set the basic cost for such investigations. However, OPM notifies the NRC of adjustments to the cost of these investigations on or about July 1 of each year. In order to comply more promptly with the OPM cost adjustment timetable, the NRC is amending this section to establish July rather than December as the month when the annual revised access authorization fee schedule will be published. In order to implement this change, no revised fee schedule was published during December 1982, and the next revised fee schedule will be published in July 1983. Since this is a minor procedural amendment, the notice and comment procedures of the Administrative Procedure Act (5 U.S.C. 553) do not apply, and good cause exists for making the amendment effective upon publication in the Federal Register.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget approval number 3150–0046.

List Of Subjects in 10 CFR Part 25

Classified information, Penalty, Reporting and recordkeeping requirements, Security measures.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Independent Offices Appropriation Act of 1952 and Section 553 of Title 5 of the United States Code, the following amendment to Part 25 of Title 10, Chapter 1, Code of Federal Regulations is published as a document subject to codification.

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

1. The authority citation for Part 25 continues to read as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10865, as amended, 3 CFR 1959–1963 COMP., p. 398, (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

Appendix A also issued under Title V, Pub. L. 82–137, 65 Stat. 290 (31 U.S.C. 483a).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 25.13, 25.17(a), 25.33(b) and (c) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 25.13 and 25.33(b) are also issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 201(o)).

2. In § 25.17, paragraph (e) is revised to read as follows:

§ 25.17 Approval for processing applicants for access authorization.

* * * * * * *

(e) Applications for access authorization processing must be accompanied by a check or money order, payable to the United States Nuclear Regulatory Commission, representing the current cost for the processing of each "Q" and "L" access authorization request. Access authorization fees will be published in July of each year and will be applicable to each access authorization request received upon or after the date of publication. Applications from individuals having current Federal access authorizations may be processed expeditiously at less cost, since the Commission may accept the certification of access authorization and investigative data from other Federal Government agencies which grant personnel access authorizations.

Dated at Bethesda, Maryland, this 6th day of June 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83–16226 Filed 6–15–83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83–ASW–23; Amdt. 39–4657]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale (SNIAS), Models AS350B, AS350C, AS350D, and AS350D–1

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires modification of a wiring harness previously installed as part of Aerospatiale Helicopter Corporation's (AHC) Supplemental Type Certificate (STC) number SH4032SW on Societe Nationale Industrielle Aerospatiale (SNIAS) Model AS350B or STC SH2825SW on Societe Nationale Industrielle Aerospatiale (SNIAS)

Models AS350C, AS350D, and AS350D–1. The AD is needed to prevent failure of the emergency flotation system (i.e., failure of float bags to inflate). Failure of a bag to inflate could result in loss of the helicopter in the event of ditching.

EFFECTIVE DATE: June 16, 1983.

Compliance is required prior to any further overwater flight operation of the helicopter after the effective date of this AD (unless already accomplished in accordance with Aerospatiale Helicopter Corporation (AHC) Service Bulletin No. SB 350–18, dated April 4, 1983).

ADDRESSES: The applicable service bulletin may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

A copy of the service bulletin is contained in the Rules Docket at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: J. R. Bannister, Helicopter Certification Branch, ASW–170, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 877–2590.

SUPPLEMENTARY INFORMATION: The FAA has determined that the electrical wires to the float actuation squibs have been installed without adequate chafing protection and thus could fail and prevent proper inflation of the emergency flotation system and subsequent loss of the helicopter should a water landing be required. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires modification of the electrical harness for the float actuation. The modification must be accomplished on all SNIAS Models AS350B, AS350C, AS350D, and AS350D–1 helicopters equipped with emergency flotation kits (Air Cruiser P/N E16636–505), except for AHC kits delivered after April 4, 1983, installed in accordance with AHC's STC SH4032SW or SH2825SW. Approximately 110 helicopters have the kits installed with adequate protection of the wiring harness.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to all SNIAS Models AS350B, AS350C, AS350D, and AS350D–1 helicopters, certificated in all categories, that have Air Cruiser flotation kits, P/N E16636–505, installed in accordance with STC SH4032SW or SH2825SW, and delivered by AHC prior to April 4, 1983.

Compliance is required as indicated unless already accomplished in accordance with Aerospatiale Helicopter Corporation Service Bulletin No. SB 350–18, dated April 4, 1983.

To prevent possible failure of the Air Cruiser emergency flotation system, accomplish the following prior to further overwater flight.

(a) Reroute harness and add ¼ inch diameter heat shrink tubing to electrical harness in accordance with Figure 1.[1]

(b) Add ¾ inch diameter heat shrink tubing to encase both mechanical cable and electrical harness. Assure that ¾ inch tube overlaps ¼ inch shrink tubing as shown in Figure 1.

(c) Install four supporting clamps, P/N MS21919WDG2, on each float bottle valve assembly side plate (drill and fit per Figure 1).

(d) Install three clamps, P/N MS 21919WDG36, on each cross tube to support squib harness (reference Figure 2). Ground strap is to be clamped at the lowest point on cross tube that will allow float to be pivoted between operating and ground handling position.

(e) Inspect the harness installation and perform the electrical test described in Air Cruiser's Overhaul Manual, reference 25.60.93, page 706, or FAA approved equivalent.

(f) Materials necessary to complete the modification are listed below.

[1] Figures 1 and 2 are filed as a part of the original document only. They will not be published in the **Federal Register.**

Description	Part No.	[illegible]	Quantity
Rivet	MS20470AD3–4	Standard hardware	4
Bracket	AN743–13	Standard hardware	2
Clamp	MS21919WDG2	Standard hardware	8
Clamp	MS21919WDG36	Standard hardware	6
Screw	NAS603–[illegible]	Standard hardware	4
Washer	AN960–10L	Standard hardware	4
Nut	MS21044N3	Standard hardware	4
Heat shrink tubing	¾ inch	Raychem (Mouser Alt)	10 feet
Heat shrink tubing	¼ inch	Raychem (Mouser Alt)	3 feet

This amendment becomes effective June 13, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation involves approximately 119 helicopters and the cost to each helicopter is approximately $165. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Fort Worth, Texas, on May 24, 1983.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 83–15166 Filed 6–15–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 23660; Amdt. No. 1244]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight

operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

* * * *Effective August 4, 1983*

La Verne, CA—Brackett Field, VOR/DME–B, Amdt. 1, cancelled
La Verne, CA—Brackett Field, VOR–A, Amdt. 4
Louisville, KY—Standiford Field, VOR or TACAN Rwy 29, Amdt. 16
Flint, MI—Bishop, VOR Rwy 18, Amdt. 16
Sherman-Denison, TX—Grayson County, VOR/DME–A, Amdt. 5
Wharton, TX—Wharton Muni, VOR/DME–A Amdt. 3

* * * *Effective July 21, 1983*

Talladega, AL—Talladega Muni, VOR–A, Amdt. 6
Mena, AR—Intermountain Regional, VOR/DME–A, Amdt. 6
West Memphis, AR—West Memphis Muni, VOR/DME–A, Amdt. 4
Destin, FL—Destin-Ft. Walton Beach, VOR–A, Amdt. 4
Muscatine, IA—Muscatine Muni, VOR Rwy 5 Amdt. 2
Muscatine, IA—Muscatine Muni, VOR Rwy 23, Amdt. 2
Muscatine, IA—Muscatine Muni, VOR Rwy 30, Amdt. 2
Muscatine, IA—Muscatine Muni, VOR/DME Rwy 12, Amdt. 2
Auburn-Lewiston, ME—Auburn-Lewiston Muni, VOR/DME–A, Amdt. 1
Charlotte, MI—Fitch H. Beach, VOR Rwy 20, Amdt. 6
Carlsbad, NM—Cavern City Air Terminal, VOR Rwy 32L, Amdt. 4
Granbury, TX—Granbury Muni, VOR–A, Original, cancelled
Granbury, TX—Granbury Muni, VOR–B, Original,
Hawkins, TX—Holly Lake Ranch, VOR/DME–A, Amdt. 1
Logan, UT—Logan-Cache, VOR/DME Rwy 17, Orig, cancelled
Logan, UT—Logan-Cache, VOR–C, Amdt. 2, cancelled
Roosevelt, UT—Roosevelt Muni, VOR–A, Amdt. 2
Manassas, VA—Manassas Muni/Harry P. Davis Field, VOR–B, Amdt. 2

* * * *Effective July 7, 1983*

Long Beach, CA—Long Beach/Daugherty Field, VOR or TACAN Rwy 30, Amdt. 5
New Haven, CT—Tweed-New Haven, VOR Rwy 2, Amdt. 19
New Haven, CT—Tweed-New Haven, VOR Rwy 20, Amdt. 4

* * * *Effective May 31, 1983*

Pago Pago, American Samoa—Pago Pago Intl, VOR–D, Amdt. 4
Pago Pago, American Samoa—Pago Pago Intl, VOR/DME or TACAN–A, Amdt. 2
Pago Pago, American Samoa—Pago Pago Intl, VOR/DME or TACAN–B, Amdt. 2

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

* * * *Effective August 4, 1983*

Salem, OR—McNary Fld, LOC BC Rwy 13, Amdt. 3-
Salem, OR—McNary Fld, LOC/DME Rwy 31, Original

* * * *Effective July 21, 1983*

Macon GA—Herbert Smart Downtown, LOC Rwy 9, Amdt. 2

* * * *Effective July 7, 1983*

Cape Girardeau, MO—Cape Girardeau Muni, LOC/DME BC Rwy 28, Amdt. 3

* * * *Effective May 26, 1983*

Brownsville, TX—Brownsville Intl, LOC BC Rwy 31L, Amdt. 8

* * * *Effective May 24, 1983*

Greeneville, TN—Greeneville Muni, LOC Rwy 5, Amdt. 1

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective August 4, 1983*

Louisville, KY—Standiford Field, NDB Rwy 29, Amdt. 13
Salem, OR—McNary Fld, NDB Rwy 31, Amdt. 17
Sherman-Denison, TX—Grayson County, NDB Rwy 17L, Amdt. 4
Wharton, TX—Wharton Muni, NDB Rwy 32, Amdt. 1
Wharton, TX—Wharton Muni, NDB Rwy 14, Amdt. 1

* * * *Effective July 21, 1983*

Mena, AR—Intermountain Regional, NDB–B, Amdt. 4
West Memphis, AR—West Memphis Muni, NDB Rwy 17, Amdt. 8
West Memphis, AR—West Memphis Muni, NDB–B, Amdt. 1
Muscatine, IA—Muscatine Muni, NDB Rwy 5, Amdt. 8
Auburn-Lewiston, ME—Auburn-Lewiston Muni, NDB Rwy 4, Amdt. 4
Jackson, MS—Hawkins Field, NDB Rwy 16, Amdt. 2
Beaufort, NC—Beaufort-Morehead City, NDB Rwy 14, Amdt. 3
Palestine, TX—Palestine Muni, NDB–A, Amdt. 2, cancelled
Palestine, TX—Palestine Muni, NDB Rwy 17, Original
Palestine, TX—Palestine Muni, NDB Rwy 35, Amdt. 4
San Marcos, TX—San Marcos Muni, NDB Rwy 12, Original
Victoria, TX—Victoria Regional, NDB Rwy 12L, Original
Manassas, VA—Manassas Muni/Harry P. Davis Field, NDB–A, Amdt. 6

* * * *Effective July 7, 1983*

Long Beach, CA—Long Beach/Daugherty Field, NDB Rwy 30, Amdt. 7
Tupelo, MS—C. D. Lemons Muni, NDB Rwy 36, Original
Cape Girardeau, MO—Cape Girardeau Muni, NDB Rwy 10, Amdt. 6
Bremerton, WA—Bremerton National, NDB Rwy 1, Amdt. 12

* * * *Effective May 31, 1983*

Pago Pago, American Samoa—Pago Pago Intl, NDB–C, Amdt. 4

* * * *Effective May 26, 1983*

Miami, FL—Tamiami, NDB Rwy 9R, Amdt. 5

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

* * * *Effective August 4, 1983*

Louisville, KY—Standiford Field, ILS Rwy 19, Amdt. 4
Louisville, KY—Standiford Field, ILS Rwy 29, Amdt. 14
Salem, OR—McNary Fld, ILS Rwy 31, Amdt. 25

* * * *Effective July 21, 1983*

Auburn-Lewiston, ME—Auburn-Lewiston Muni, ILS Rwy 4, Amdt. 2
Jackson, MS—Hawkins Field, ILS Rwy 16, Amdt. 1
Manassas, VA—Manassas Muni/Harry P. Davis Field, ILS Rwy 16L, Original

* * * *Effective July 7, 1983*

Long Beach, CA—Long Beach/Daugherty Field, ILS Rwy 30, Amdt. 30
New Haven, CT—Tweed-New Haven, ILS Rwy 2, Amdt. 12
Tupelo, MS—C. D. Lemons Muni, ILS Rwy 36, Original
Cape Girardeau, MO—Cape Girardeau Muni, ILS Rwy 10, Amdt. 7
Bremerton, WA—Bremerton National, ILS Rwy 19, Amdt. 9

* * * *Effective June 1, 1983*

Williamsport, PA—Williamsport-Lycoming County, ILS Rwy 27, Amdt. 14

* * * *Effective May 31, 1983*

Pago Pago, American Samoa—Pago Pago Intl, ILS/DME Rwy 5, Amdt. 10

* * * *Effective May 26, 1983*

Miami, FL—Tamiami, ILS Rwy 9R, Amdt. 3

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective August 4, 1983*

Louisville, KY—Standiford Field, RADAR–1, Amdt. 20

* * * *Effective July 21, 1983*

Augusta, GA—Bush Field, RADAR–1, Amdt. 6
North Kingston, RI—Quonset State, RADAR–1, Amdt. 2

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective August 4, 1983*

Sherman-Denison, TX—Grayson County, RNAV Rwy 35R, Amdt. 1

* * * *Effective July 21, 1983*

Carlsbad, NM—Cavern City Air Terminal, RNAV Rwy 14R, Amdt. 1
Manassas, VA—Manassas Muni/Harry P. Davis Field, RNAV Rwy 16R, Amdt. 6

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a) 1421, and 1510); Sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C. on June 10, 1983.

John M. Howard,

Manager, Aircraft Programs Division.

[FR Doc. 83-16027 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 146

[T.D. 83-139]

Customs Regulations Amendments Relating to the Transfer of Merchandise From a Foreign-Trade Zone to a Customs Bonded Warehouse

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to permit the transfer of zone-restricted merchandise from a foreign-trade zone to a Customs bonded warehouse pending exportation, without obtaining approval of the Foreign-Trade Zones Board, Department of Commerce. This change is being made because elimination of this unnecessary requirement will expedite the transfer process.

EFFECTIVE DATE: July 18, 1983.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: William D. Lawlor, Carriers, Drawback and Bonds Division (202–566–5856); Operational Aspects: John R. Holl, Office of Cargo Enforcement and Facilitation (202–566–8151); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Foreign-trade zones (zones) are areas within the United States (but outside of the "Customs territory" of the United States, as defined in § 146.1, Customs Regulations (19 CFR 146.1)), where foreign or domestic merchandise may be brought for manipulation, manufacture, assembly, or other processing, or for

storage or exhibition, provided that these operations are not otherwise prohibited by law. Foreign merchandise may be brought into a zone without being subject to the usual Customs entry procedures and payment of duty. Foreign or domestic merchandise may be exported or entered into the Customs territory from a zone.

Zones are established under the Foreign-Trade Zone Act of 1934, as amended (19 U.S.C. 81a–81u), and the general regulations and rules of procedure of the Foreign-Trade Zones Board (the Board), Department of Commerce (15 CFR Part 400). Part 146, Customs Regulations (19 CFR Part 146), governs the admission of merchandise into a zone; the manipulation, manufacture, or exhibition in a zone; the exportation of merchandise from a zone; and the transfer of merchandise from a zone into the Customs territory.

Articles taken into a zone from the Customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage are given "zone-restricted" status upon proper application. (Certain shipments of zone-restricted merchandise which have been placed in a zone to obtain the benefit of drawback or cancellation of a temporary importation bond are subject to footnote 3 of § 22.2, Customs Regulations (19 CFR 22.2) and T.D. 55819(11).)

Upon receiving zone-restricted status, merchandise is considered exported and may be returned to the Customs territory for domestic consumption only after the Board has determined that the transfer is in the public interest.

Because obtaining Board approval may be a time-consuming process and may result in lost sales to merchants who wish to transfer zone-restricted merchandise to a Customs bonded warehouse pending exportation, the question has arisen whether zone-restricted merchandise may be transferred to a Customs bonded warehouse pending exportation, without Board approval. While 19 U.S.C. 81c prohibits the return of merchandise to Customs territory from a zone for domestic consumption without Board approval, it does not prohibit the return of merchandise to Customs territory for warehousing prior to exportation. It is noted that section 557, Tariff Act of 1930, as amended (19 U.S.C. 1557), provides, in part, that the total period of time that merchandise may remain in a bonded warehouse shall not exceed five years from the date of importation.

Customs published a notice in the **Federal Register** on August 27, 1982 (47 FR 37927), proposing to amend § 146.47, Customs Regulations (19 CFR 146.47), to permit the transfer of zone-restricted merchandise from a zone to a Customs bonded warehouse pending exportation, without obtaining approval of the Board.

Discussion of Comments

Two of the three comments received in response to the notice support the change.

The third commenter opposes the change. He contends: (1) that there is no need to remove merchandise from a zone prior to actual exportation since an immediate export or a transportation and exportation movement can be arranged to take the merchandise directly from the zone to the exporting carrier without the involvement of the Board; (2) that the change creates a means of circumventing the prohibition against retail trade in a zone by allowing the merchandise to move from a zone to a warehouse, and eventually to a duty-free shop; and (3) that the change can only enhance the possibility that Customs may lose complete control of zone-restricted merchandise, in view of an historic control problem with warehouse entries and immediate export and transportation for exportation bonded movements, and in view of the new warehouse procedures.

As the commenter notes, an immediate export or a transportation and exportation movement can be arranged without approval of the Board. However, commercial realities sometimes require the movement of zone-restricted merchandise to the port of exportation before there is a firm commitment with an exporting carrier. The amendment will simply permit such merchandise to be held in a bonded warehouse pending exportation. Approval of the Board will still be necessary where the goods are to be entered into the Customs territory for consumption or into a warehouse for any purpose other than exportation.

With respect to the commenter's second contention, Customs notes that there is no prohibition against retail trade in a Customs bonded warehouse operated as a duty-free shop. Merchandise sold from a duty-free shop is for export, and not for domestic consumption. Retail trade in a duty-free shop is not in derogation of the Foreign-Trade Zones Act of 1934 or the Customs Regulations.

Customs believes that the new warehouse audit/inspection approach provided for by T.D. 82–204 (see **Federal Register** of November 1, 1982 (47 FR 49355)), provides for adequate control over merchandise in warehouses, including zone-restricted merchandise transferred to warehouses. Pursuant to § 146.47(e)(4), Customs will maintain "paper control" over zone-restricted merchandise.

After analysis of the comments and further review of this matter, the proposal to amend section 146.47 is adopted. Language has been added to proposed section 146.47(e)(4) to provide that zone-restricted merchandise transferred from a zone to a Customs bonded warehouse may not be manipulated, except packing or unpacking incidental to exportation. Further, pursuant to 19 U.S.C. 1557, the total period of time that merchandise may remain in a Customs bonded warehouse may not exceed five years from the date of importation.

List of Subjects in 19 CFR Part 146

Customs duties and inspection, Exports, Imports, Foreign-trade zones.

Amendments to the Regulations

Part 146, Customs Regulations (19 CFR Part 146), is amended as set forth below.

PART 146—FOREIGN-TRADE ZONES

1. Section 146.47(a) is revised to read as follows:

§ 146.47 Transfer of zone-restricted merchandise into Customs territory.

(a) *Types of entry.* If the return of zone-restricted merchandise to Customs territory for domestic consumption has been ruled by the Board to be in the public interest, it may be entered for consumption, for warehousing, or for immediate transportation without appraisement, unless the Board has specified which of these forms of entry shall be made. Otherwise, zone-restricted merchandise may be returned to Customs territory only for entry for exportation, for Customs bonded warehousing at the same or a different port prior to exportation, for entry for transportation and exportation, for destruction (except destruction of distilled spirits, wines, and fermented malt liquors), for transfer from one zone to another, or for delivery to a qualified vessel or aircraft or as ground equipment of a qualified aircraft under sections 309 or 317 of the Tariff Act of 1930, as amended.

* * * * *

2. Section 146.47 is further amended by adding a new paragraph (e)(4) to read as follows:

* * * * *

(e) * * *

(4) Zone-restricted merchandise may

be transferred from a foreign-trade zone to a Customs bonded warehouse for storage pending exportation. The warehouse entry, Customs Form 7502, shall be endorsed by the district director to show that the merchandise may not be withdrawn for consumption. In the case of zone-restricted merchandise transported in bond to another port for warehousing and exportation, Customs Form 7512 shall be endorsed by the district director to show that the merchandise is foreign-trade zone merchandise in zone-restricted status, which shall be entered for warehouse, with proper endorsement on Customs Form 7502, and which may not be withdrawn for consumption. Zone-restricted merchandise transferred from a foreign-trade zone to a Customs bonded warehouse may not be manipulated, except packing or unpacking incidental to exportation. Pursuant to section 557, Tariff Act of 1930, as amended (19 U.S.C. 1557), any merchandise placed in a Customs bonded warehouse may not remain in the warehouse after five years from the date of importation and no merchandise may be placed in a Customs bonded warehouse after five years from the date of importation.

(R.S. 251, as amended; section 1, 48 Stat. 998, *et seq.*, as amended; section 624, 46 Stat. 759 (19 U.S.C 66, 81a–81u, 1624)).

Regulatory Flexibility Act

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that the regulations set forth in the document will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

Because this document does not meet the criteria for a "major rule" as defined in section 1(b) of E.O. 12291, a regulatory impact analysis as prescribed by section 3 of the E.O. is not required.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: May 26, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-16171 Filed 6-15-83; 8:45 am]

BILLING CODE 4820-02-M

19 CFR Part 177

[T.D. 83-116]

Tariff Classification of Footwear; Correction

AGENCY: Customs Service, Treasury.

ACTION: Correction.

SUMMARY: This document corrects an error in a document published in the **Federal Register** on Monday, May 23, 1983 (48 FR 22904), relating to the tariff classification of imported footwear.

FOR FURTHER INFORMATION CONTACT: Jesse V. Vitello, Regulations Control Branch, U.S. Customs Service (202–566–8237).

Background

In FR Doc. 83–13803, appearing at page 22911, in the issue of May 23, 1983, the word "upper" was inadvertently included in the first line of item 4 under the sub-heading "Characteristics of a Foxing-like Band". This line should read as follows:

4. A foxing-like band must be applied, or molded at the sole and must overlap the upper.

Dated: June 10, 1983.

B. James Fritz,

Director, Regulations Control & Disclosure Law Division.

[FR Doc. 83-16172 Filed 6-15-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Reg. No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Phaseout of Hold-Harmless Protection

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These rules revise current regulations to implement section 184 of Pub. L. 97–248 (Tax Equity and Fiscal Responsibility Act of 1982) and continuing budget resolutions for fiscal year 1982 (Pub. L. 97–51, 97–85, 97–92, and 97–161) which provide for the phase-out of Federal hold-harmless payments which are payable to States under certain conditions toward the cost of federally administered State supplementary payments under the Supplemental Security Income Program (SSI) for the Aged, Blind, and Disabled. The law and thus the rules provide that for fiscal year 1982, these Federal payments were reduced to 60 percent of what they otherwise would have been. For fiscal year 1983, these Federal payments will be reduced to 40 percent of what they otherwise would be. For fiscal year 1984, they will be reduced to 20 percent. The Federal payments will be completely discontinued for fiscal years after fiscal year 1984. Since Hawaii and Wisconsin are the only States which continue to receive Federal contributions toward the cost of their supplementation programs, the phase-out of these payments will affect only these two States.

DATES: These regulations are effective June 16, 1983. The statutory amendments upon which the regulations are based became effective beginning on October 1, 1981. We will consider any comments received by August 15, 1983, and will revise these regulations if public comment warrants it.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Adminstration, 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Irving Darrow Esq., Legal Assistant, 3–B–3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland, 21235; (301) 597–3409.

SUPPLEMENTARY INFORMATION: The hold-harmless provision was included in the legislation establishing the SSI program (Pub. L. 92–603) as an inducement to States which had payment levels in the pre-SSI assistance programs for the aged, blind, and disabled that were higher than the new Federal SSI benefit levels, to supplement Federal SSI benefits. Under the hold-harmless provisions as originally enacted, State liability for the cost of supplementing SSI benefits was limited to the amount spent by the State for assistance on behalf of aged, blind, and disabled people in calendar year 1972. Under certain conditions, costs for such supplementation which were above this amount were borne by the Federal government. The added cost against which States were protected related to increased numbers of people made

eligible for SSI and, thus, for State supplementary payments, by demographic changes or SSI eligibility provisions.

The hold-harmless provision was intended to be transitional with Federal contributions toward federally administered State supplementary payments phasing out as Federal SSI benefits increased. However, two of six States originally eligible to receive hold-harmless funds continue to receive Federal contributions toward the costs of their supplementary payments. Hawaii and Wisconsin continue to benefit from the hold-harmless provision of primary because of a 1976 change in the law (section 2(b) of Pub. L. 94–585) which provided that hold-harmless payments would no longer be reduced by the effect of cost of-living increases in Federal SSI benefits. The provisions of the continuing resolutions for fiscal year 1982 and section 184 of Pub. L. 97–248 ensure that hold-harmless funding will also phase out for Hawaii and Wisconsin.

Final Rule

Generally, it is the Department's policy to use notice and comment procedures in the development of rules. However, under the Administrative Procedure Act (5 U.S.C. 553(b)(B)), an agency for good cause may issue rules without using notice and public comment procedures. One such situation arises, as in this case, when the statute is so explicit that there is no room for policy formulation. Accordingly, we find that publication of a notice of proposed rulemaking is "unnecessary" because the statutory provision upon which the regulations are based allows for no discretion. Therefore, these rules are being issued as final rules.

Regulatory Procedures

Executive Order No. 12291—The phase out of hold-harmless payments is expected to result in Federal Savings of $13.2 million for fiscal year 1982, $17.4 million for fiscal year 1983, $20 million for fiscal year 1984, and $23 million for fiscal year 1985. Since these regulations do not "result in" a cost impact of $100 million or more or otherwise meet the criteria for a major regulation, a regulatory impact analysis is not required.

Regulatory Flexibility Act—We certify that these regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities because they affect only two States. Therefore, a regulatory flexibility analysis as provided for in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act of 1980—These regulations impose no additional reporting and recordkeeping requirement requiring Office of Management and Budget clearance.

(Catalog of Federal Domestic Assistance program No. 13.807, Supplemental Security Income Program)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance programs, Supplemental security income (SSI).

Dated: March 23, 1983.

John A. Svahn,

Commissioner of Social Security.

Approved: May 19, 1983.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 416—[AMENDED]

Part 416 of Title 20 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Subpart T of Part 416 reads as follows:

Authority: Secs. 1102, 1601, 1616, 1631, and 1634, Social Security Act, as amended, sec. 401 of Pub. L. 92–603 as amended, sec. 212 of Pub. L. 93–66, sec. 8 of Pub. L. 93–233, secs. 1 and 2 of Pub. L. 93–335, 49 Stat. 647, as amended, 86 Stat. 1465, 1474, 1475, 1478, and 1485, 87 Stat. 155 and 956, 88 Stat. 291; 42 U.S.C. 1302, 1381, 1382e, 1383, 1383c, 1382e nts, 1382 nt (7 U.S.C. 2012 nts) Pub. L. 97–51, 97–85, 97–92, and 97–161.

2. In § 416.2080, paragraph (a) is revised to read as follows:

§ 416.2080 Limitation of fiscal liability of States.

(a) *Fiscal limits.* (1) *Fiscal years before fiscal year 1982.* For each fiscal year before fiscal 1982, the amount payable to the Secretary by a State for the amount of the supplementary payments described in paragraph (c) of this section which are made on its behalf pursuant to the administration agreement with the Secretary as described in § 416.2005 shall not exceed the total amount of the State's calendar year 1972 non-Federal share of expenditures as aid or assistance under the State plan(s) approved under title I, X, XIV, or XVI of the Act, as set forth in § 416.2082.

(2) *Fiscal years after fiscal year 1981.* For each fiscal year after fiscal year 1981, the amount payable to the Secretary by a State for the amount of the supplementary payments described in paragraph (c) of this section which are made on its behalf pursuant to the administration agreement with the Secretary as described in § 416.2005 shall not exceed the total amount of the State's calendar year 1972 non-Federal share of expenditures as aid or assistance under the State plan(s) approved under title I, X, XIV, or XVI of the Act, as set forth in § 416.2082. *Except that:* If the total amount of the supplementary payments described in paragraph (c) (protected payments) exceeds the total amount of the State's calendar year 1972 non-Federal share of expenditures as set forth in § 416.2082, for any fiscal year after fiscal year 1981, additional amounts shall be payable to the Secretary by the State as follows:

(i) For fiscal year 1982, 40 percent of the amount of the total protected payments that exceeds the State's calendar year 1972 non-federal share of expenditures;

(ii) For fiscal year 1983, 60 percent of the amount of the total protected payments that exceeds the State's calendar year 1972 non-federal share of expenditures;

(iii) For fiscal year 1984, 80 percent of the amount of the total protected payments that exceeds the State's calendar year 1972 non-federal share of expenditures; and

(iv) For fiscal years after fiscal year 1984, 100 percent of the amount of total protected payments that exceeds the State's calendar year 1972 non-federal share of expenditures.

* * * * *

[FR Doc. 83-16140 Filed 6-15-83; 8:45 am]
BILLING CODE 4190-11-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 625

Design Standards for Highways; Resurfacing, Restoration, and Rehabilitation of Streets and Highways Other Than Freeways

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rule-related notice.

SUMMARY: This notice provides information and advises interested persons of the steps FHWA has taken to effectuate section 110(a) of the Surface Transportation Assistance Act of 1982 and the implementing regulation issued March 31, 1983 regarding the FHWA policy and procedure applicable to resurfacing, restoration, and rehabilitation (RRR) projects on federally financed highways other than freeways.

FOR FURTHER INFORMATION CONTACT: David K. Phillips, Director, Office of Engineering (202) 426–4853, or Lee J. Burstyn, Office of the Chief counsel (202) 426–0800, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C., 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 110(a) of the Surface Transportation Assistance Act of 1982, Pub. L. 97–424, 96 Stat. 2105 (January 6, 1983), 23 U.S.C. 109(o), added to the Federal-Aid Highway Act a statement of Congressional intent that "any project for resurfacing, restorating, or rehabilitating any highway, other than a highway access to which is fully controlled, in which Federal Funds participate shall be constructed in accordance with standards to preserve and extend the service life of highways and enhance highway safety."

To implement 23 U.S.C. 109(o), FHWA amended its nonfreeway RRR regulation. 48 FR 13410 (March 31, 1983). The amendment adds to the definition of RRR work at 23 CFR 625.2(b), the requirement that it be undertaken to enhance safety:

> The RRR work is defined as work undertaken to extend the service life of an existing highway and enhance highway safety.

The regulation implementing section 109(o) has the effect of superseding certain features of the prior regulation (47 FR 25268, June 10, 1982) and its accompanying preamble which may be construed as indicating that FHWA does not consider highway safety a primary objective of RRR projects. The FHWA does consider the enhancement of highway safety as a primary objective of RRR projects.

The FHWA has revised the Technical Advisory 5040.19 [1] issued July 16, 1982 as management guide to assure that certain design-related factors which enhance safety and preserve and extend service life are considered in the States' development of geometric design criteria for nonfreeway RRR projects. These revisions, as incorporated in a new Technical Advisory, T 5040.21, issued April 4, 1983, ensure its consistency with 23 U.S.C. 109(o) and the amended regulation.

On April 8, 1983, the FHWA took the added measure of instructing its field offices that all state procedures and separate geometric design criteria for nonfreeway RRR projects approved in the future shall be consistent with new section 109(o), the RRR regulation as amended on March 31, 1983, and the revised Technical Advisory.

Finally, the FHWA has instructed that all separate geometric design criteria and procedures submitted by the States for nonfreeway RRR projects approved prior to the issuance of the March 31 amendment and the revised Technical Advisory, including those approved under Certification Acceptance or Secondary Road Plan Procedures, be re-evaluated to assure that they are consistent with the intent of Congress that such RRR projects be constructed in accordance with standards to preserve and extend the service life of highways and enhance highway safety.

Issued on: June 9, 1983.

L. P. Lamm,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 83–15829 Filed 6–15–83; 8:45 am]

BILLING CODE 4910–22–M

[1] Available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 823

Individuals and Organizations

AGENCY: Department of the Air Force, Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 823 Individuals and Organizations, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 145–15, Air Force Commissary Store Regulation, has been revised. It is intended for internal guidance and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: June 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Odom, Headquarters Air Force Commissary Service (HQ AFCOMS/DOS), Kelly AFB, TX 78241, telephone (512) 925–6414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 823

Armed Forces Reserves, Federal buildings and facilities, Military personnel, Veterans.

PART 823—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 823.

(10 U.S.C. 8012)

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–16135 Filed 6–15–83; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CDG 09–83–09]

Special Local Regulations; International Freedom Festival Fireworks; Detroit, Michigan

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the International Freedom Festival Fireworks. This event will be held on the Detroit River on 30 June 1983. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective and terminate on 30 June 1983.

FOR FURTHER INFORMATION CONTACT: MSTC Bruce Graham, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522–4420.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations. Following normal rule making procedures is unnecessary as per 5 U.S.C. 553(b)(3)(B). This has been an annual event for many years and no negative comments have been received concerning the holding of the event in the past.

Drafting Information

The drafters of this regulation are MSTC Bruce Graham, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The International Freedom Festival Fireworks Display will be conducted on the Detroit River on 30 June 1983. An unusually large concentration of spectator boats could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol

Commander (U.S. Coast Guard Group Detroit, MI).

List of Subjects in 33 CFR Part 100

Marine safety, Navagation (water).

Regulations

PART 100—[AMENDED]

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–0909 to read as follows:

§ 100.35–0909 Special Local Regulations

(a) *Regulated Area.*—(1) The following area will be closed to vessel navigation or anchorage for vessels of 65 feet in length or greater from 9:00 p.m. (local time) until 11:15 p.m. on 30 June 1983: The U.S. waters of the Detroit River between the Ambassador Bridge and the downstream end of Belle Isle. (2) The following portion of the Detroit River will be closed to all vessel traffic, from 9:00 p.m. (local time) until 11:15 p.m. on 30 June 1983: The area bound on the south by the International Boundary, on the west by 083 degrees 03 minutes West, on east by 083 degrees 02 minutes West, and the north by the U.S. shoreline.

(b) *Special Local Regulations.*—(1) Vessels under 65 feet shall begin clearing the shipping channels at 10:45 p.m. local or when the fireworks display ends, whichever comes first.

(2) Fireworks barges will be moved to positions in the Detroit River after 5:00 p.m. on 30 June 1983, and will be removed immediately after the fireworks display. The barges will be located within 950 feet of the U.S. riverbank opposite each of the following landmarks: Cobo Hall, Veterans Memorial Bldg., and the Ford Auditorium. Vessel masters shall pass with caution. Each barge will be marked in accordance with rule 30 of the Inland Rules of the road for a vessel at anchor, and a fixed white light on each corner of the barges will be shown at night and an orange buoy with horizontal white bands will mark each special mooring.

(3) If the weather on 30 June 1983 is inclement, the fireworks display and the river closure will be postponed until 9:00 p.m. to 11:15 p.m. on 01 July 1983. If postponed, notice will be given on 30 June 1983 over the U.S. Coast Guard Radio Net.

(4) Vessels desiring to transit the restricted area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants in the event or vessels of the patrol, in the performance of the their assigned duties.

(5) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: May 27, 1983.

Henry H. Bell,

U.S. Coast Guard.

[FR Doc. 83–16189 Filed 6–15–83; 8:45 am]

BILLING CODE 4910–14–M

GENERAL SERVICES ADMINISTRATION

Federal Supply and Services

41 CFR Ch. 101

[FPMR Temp. Reg. E–79, Supp. 1]

Supply and Procurement; Adjustments

AGENCY: Office of Federal Supply and Services, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to April 30, 1984, the expiration date of FPMR Temporary Regulation E–79 (47 FR 20589, May 5, 1982) which raised the minimum line item dollar values required for shipping-type discrepancies in GSA or DOD shipments to $50 for reporting and $100 for billing adjustments. This change was necessary because the costs associated with processing discrepancies had increased significantly.

DATES: Effective date: April 23, 1983. Expiration date: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. James W. Jeremiah, Director, Requisition Management Division (703–557–7580).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual affect on the economy of $100 million or more; or major increases in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

CHAPTER 101—[AMENDED]

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter E:

Note.—The text to Supplement 1 to FPMR Temporary Regulation E–79 is filed with the original document, and its text does not appear in this volume.

[Federal Property Management Regulation Temporary Regulation E–79; Supplement 1]

May 20, 1983.

To: Heads of Federal agencies.

Subject: Adjustments.

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation E–79.

2. *Effective date.* This regulation is effective on April 23, 1983.

3. *Expiration date.* This supplement expires on April 30, 1984.

4. *Explanation of change.* The expiration date in paragraph 3 of FPMR Temporary Regulation E–79 is revised to April 30, 1984.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–15952 Filed 6–15–83; 8:45 am]

BILLING CODE 6820–AM–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Gen. Docket No. 80–739; FCC 83–272]

Frequency Allocation and Radio Treaty Matters; General Rules and Regulations; Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: The Federal Communications Commission amends Part 2 of its Rules to implement domestically the Final Acts of the 1979 World Administrative Radio Conference with regard to the 11.7–12.2 GHz band. This action brings the Commission's Rules into conformity with international regulations. This provides domestic radio spectrum users with international recognition and rights

to protection from harmful interference as provided by international regulations.

EFFECTIVE DATE: July 18, 1983.

ADDRESS: Federal Communications Commission, 2025 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Thomas/Mr. William Torak, Office of Science and Technology, 2025 M Street, NW., Washington, D.C. 20554, (202) 653–8171/(202) 632–7025.

List of Subjects in 47 CFR Part 2

Frequency allocations, Treaties.

First Report and Order

In the matter of amendment of Part 2 of the Commission's Rules Regarding Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979, General Docket 80–739.

Adopted: June 2, 1983.
Released: June 10, 1983.

By the Commission: Commissioner Fogarty not participating; Commissioner Rivera concurring in the result.

Purpose

1. The purpose of this proceeding is to implement into Part 2 of the Commission's Rules and Regulations the Final Acts of the 1979 World Administrative Radio Conference. This First Report and Order will be limited to addressing the issues affecting only the 11.7–12.2 GHz band. Of particular interest in this band is the issue of domestic adoption of international footnote 836, which would allow transponders on space stations in the fixed-satellite service (FSS) to be used for broadcasting-satellite service (BSS) operations. This issue of BSS use of FSS satellites was originally raised by the Commission in its Order, *GTE Satellite Corporation*, 90 FCC 2d 1009 (1982), where the Commission authorized GSAT, pursuant to Section 214 of the Act, to acquire transponders for the provision of video service to single unit dwellings in addition to more conventional FSS terminals serving cable television systems, broadcast stations, hotels, etc. The Commission further decided that the domestic adoption of footnote 836 should be fully addressed in the instant proceeding. Accordingly the issue was raised in the Notice of Proposed Rule Making (NPRM), FCC 82–508, released December 30, 1982, of this proceeding. We believe that, due to the great interest and response to the NPRM regarding this issue by the public and due to the ongoing public concern regarding the GTE Order, it would be in the public interest to resolve this issue without delay. Additionally, we will address the issue of adopting footnote NG143, which would permit international FSS operations in this band, and the issue of a secondary mobile-satellite allocation in this band. The remainder of the issues addressed in the NPRM will be dealt with in future Report and Orders in this proceeding.

Discussion

2. Those who filed comments and reply comments to the issues raised in the NPRM regarding the 11.7–12.2 GHz band are listed in Appendix A.

International Footnote 836

3. Comments regarding footnote 836 were filed by SPSC, STC, USCI and USSB and reply comments were filed by DBSC, GSAT, MOBILSAT, RCA, STC, SPSC, USCI and USSB.

4. In their comments both SPSC and USCI supported the footnote and urged the Commission to adopt it domestically, as they claim that it provides flexibility. However, both STC and USSB in their comments were opposed to the footnote and requested that it be suppressed. STC and USSB argued that permitting BSS/FSS sharing in this band would go against the long standing policy of the Commission of providing separate allocations for BSS and FSS operations. They noted that this point was vigorously debated and thoroughly aired in the 1979 WARC preparatory proceeding. They also argued that allowing BSS/FSS sharing would be poor spectrum management and that the consumer of DBS services would lose because he would not be able to view all available DBS programming with one set of receiving equipment. Further, STC and USSB claimed that it may be impossible for the Commission to carry out its intentions of not compromising on its proposed 2° spacing policy. They argued that spacing greater than 2° would require more cumbersome and complex spectrum management and would reduce the number of FSS satellites that could be accommodated. STC, supported by its Technical Appendix, went on to argue that BSS operations would be subject to interference levels substantially higher than acceptable under established standards if co-channel adjacent fixed-satellite operations (2° away) were transmitting typical FM/TV programming. STC also argued that BSS operations would produce interference to co-channel adjacent (i.e. 2° away) FSS operations if the FSS operator was providing single-channel-per-carrier (SCPC) service. The interference levels in this case would be much higher than the international standards for such service. STC went on to note that these interference assessments assumed a homogeneous satellite environment and clear-sky conditions. However, STC claimed these conditions will probably not exist in a real environment and the interference levels will probably be worse. Further, STC claimed that permitting FSS/BSS sharing in this band would jeopardize the validity and integrity of the U.S. position to the RARC–83 because it would put in question both the need to divide the FSS and BSS allocations at 12.2 GHz and the need for a full 500 MHz allocation for BSS.

5. In reply comments, DBSC, STC and USSB supported and reinforced the comments of STC and USSB and requested that the footnote not be adopted. MOBILSAT in its reply comments also requested the footnote not be adopted. It shared the concern raised by STC regarding interference to SCPC operations and claimed the problem would be exacerbated by allowing effective isotropic radiated powers (e.i.r.p.'s) up to 53dBW.

6. In their reply comments GSAT, RCA, SPSC and USCI rejected the claims made by STC and USSB. Both GSAT and USCI argued that technology has changed since the formulation of the U.S. positions for the 1979 WARC and that it is now possible to provide a relatively inexpensive high quality direct-to-home service with medium-powered FSS facilities. They argued that no change is necessary to the adopted 2° satellite spacing in our *Report and Order* adopted April 27, 1983 in Docket No. 81–704, FCC 83–184, or to the 53dBW per channel power limit of the footnote in order to accommodate direct-to-home service in the FSS band. Further, they argued, STC's Technical Appendix, filed with STC's comments, was incomplete, full of mathematical errors, and based on invalid assumptions of a highly unlikely worst-case scenario. In response, USCI submitted its own Technical Appendix performed by Stern Telecommunications Corporation. USCI claimed that the study demonstrates that interference to and from adjacent FSS satellites, at 2° satellite spacing and under the parameters and limitations of footnote 836, would be well within acceptable limits and that the conclusions of the STC study are wrong. GSAT also argued, with regard to STC claims of video interference to SCPC signals, that FSS operators currently provide video service for a number of other users and that the potential for interference to SCPC signals from adjacent video operations will exist regardless of whether the video signals are for direct-to-home distribution or some other purpose. Both GSAT and

USCI rejected the STC and USSB assumption that adjacent satellite operators will make no prior effort to coordinate their frequency use. They argued that careful coordination between adjacent users is essential for realistic business planning regardless of whether or not footnote 836 is adopted. GSAT further argued that adoption of footnote 836 would provide a clear opportunity for direct-to-home video program providers to make and implement rational economic trade-offs in a "free market" environment.

7. We have reviewed the technical appendices filed by STC in its comments and by USCI in its reply comments and have come to the following conclusions. First, we agree with GSAT and USCI that technology has changed substantially since the U.S. positions for the 1979 WARC were formulated and that the assumptions made by STC are outdated and no longer valid. In particular, the assumption that led to the allocation of separate bands to the FSS and BSS at the 1979 WARC was based upon the large power difference between the high-powered BSS and low-powered FSS satellites. Prior to the 1979 WARC power differences as large as 20dB existed between then planned FSS systems and the BSS parameters adopted at the 1977 WARC-BS in these two 12 GHz services. Such large power differences would have resulted in a requirement for excessive orbit spacings and other sharing problems if both services were provided in the same band. For these reasons, as well as regulatory provisions governing the use of the 11.7–12.2 GHz band by both FSS and BSS in Region 2, we successfully advocated separate allocations for the two services. However, because of technical advances, domestic FSS systems in this band are now able to use medium-powered FSS satellites with powers about 10dB higher than the early domestic FSS satellites. These new satellites are capable of providing e.i.r.p.'s greater than 50dBW over significant portions of the U.S.[1] Further, the powers proposed for BSS operations in this band are substantially lower than those proposed for the 12.2–12.7 GHz BSS band. Therefore, these new medium-powered FSS satellites should be able to provide BSS operations as proposed without any adverse impact on orbit spacing in this band.

8. Second, a number of assumptions made in STC's technical analysis do not reflect the current state of technology nor do they reflect the ability to coordinate traffic on adjacent satellites. Some degree of coordination will be required by FSS systems to operate successfully with 2 degree orbit spacings. In addition, the copolar and cross-polar antenna patterns used by STC are several dB less stringent than the antenna standard in Part 25 of the FCC Rules, which is applicable to calculating interference into receiving antennas operating in this band.[2] Furthermore, small antennas of offset design, as proposed by USCI, are capable of exceeding the Part 25 antenna standard, thereby providing additional protection to the BSS receiver. Further, STC performs a voltage summation of the cross-polar antenna isolations to arrive at the total isolation available through cross-polarization. This model is inaccurate when applied to interference arriving through the sidelobes of an antenna. In addition, both STC and USCI assumed that all satellies are simultaneously located at the worst extreme of the 0.1 degree station keeping limit. This assumption is conservative since this is a parameter that is controllable by the satellite operators and the technology and economic incentives are there to maintain the station keeping to less than half this value. In fact, several recent domestic satellite applications have stated a station keeping accuracy of 0.05 degrees. With respect to interference from the BSS signal into FSS SCPC channels, STC has evaluated the co-channel case that has long been recognized as a potentially severe case that would require orbit spacings in excess of 10° to satisfy. However, this case is routinely avoided by all U.S. domestic satellite operators by simply avoiding SCPC assignments within the 2 MHz around the TV carrier frequency. This 2 MHz loss of bandwidth has little or no impact on the SCPC operator since he is generally power limited and cannot use the full bandwidth of the transponder.[3]

9. Finally, we believe that allowing BSS operations in this band will be in the best interest of the general public by enhancing the opportunities for the market place to develop BSS to the extent technically possible. In order to accommodate the intent of footnote 836 and remain consistent with the format of our domestic table we have adopted footnote NG145 which reads as follows:

"NG145 In the band 11.7–12.2 GHz, transponders on space stations in the fixed-satellite service may be used additionally for transmissions in the broadcasting-satellite service, provided that such transmissions do not have a maximum e.i.r.p. greater than 53 dBW per television channel and do not cause greater interference or require more protection from interference than the coordinated fixed-satellite service frequency assignment. With respect to the space services, this band shall be used principally for the fixed-satellite service."

Implementation of such service will be conducted in accordance with our domestic satellite licensing policies and procedures.[4]

Footnote NG143

10. Comments regarding footnote NG143 (see Appendix B), which would allow space stations to operate internationally so long as they impose no unacceptable constraints on operations or orbit locations of space stations in conformance with international footnote 839, were filed by AT&T, M/A-COM and WU and reply comments were filed by COMSAT.

11. M/A-COM supported the footnote, noting that the 10.7–11.7 GHz band, which is allocated for such international systems, is heavily used by terrestrial microwave; therefore, coordination of earth stations is difficult. Since terrestrial microwave is not allocated on a primary basis in the 11.7–12.2 GHz band, this problem does not exist. WV is opposed to the footnote and requested that it not be added to the Table until it has been conclusively demonstrated that there is a need for international fixed-satellite operations in this band (including showing that such operations cannot be provided in the 10.7–11.7 GHz band) and until the Commission provides a full explanation of the criteria used to determine what constraints on domestic or sub-regional systems would be acceptable. AT&T requested that NG143 be expanded to embrance all services, including terrestrial, that may be operating in accordance with the international Radio Regulations as well as U.S. domestic rules. It proposed the following language be added at the end of the footnote:

. . . and impose no unacceptable constraints on operations or locations and

[1] Generally this involves both higher power amplifiers and increased gain antennas to increase e.i.r.p. Thus, it appears that the FSS satellites will continue to increase the e.i.r.p. for all services, including data and message service as well as program distribution. In one recent example, the application from National Exchange (NEX) for the "Spotsat" domestic FSS system proposed 59 dBW e.i.r.p. spot beams. This power level is near that provided by the DBS satellites in the 12.2–12.7 GHz band and is 6dB higher than the limit in footnote 836.

[2] In particular, we refer to § 25.209 as modified in the Report and Order in CC Docket 81–704, FCC 83–184, adopted April 27, 1983. This antenna standard is 29–25 log θ (1–7 degrees off-axis) for the copolar pattern, and 19–25 log θ (1.8–7 degrees off-axis) for the cross-polar pattern.

[3] American Satellite Corporation, 72 FCC 2d 750, 758 (1979).

[4] *See* e.g., GTE Satellite Corporation, *supra*, *recns. den.* June 1, 1983.

pointing of terrestrial systems operating in accordance with the international Rules and Regulations and the domestic Table of Allocations.

12. COMSAT in its reply comments claimed that the concerns raised by both AT&T and WU are unfounded and requested that the footnote be included in the Table in its present form. It noted, as did M/A-COM, that the 11 GHz band currently allocated for international fixed-satellite service is shared with terrestrial microwave systems and that FSS users in that band are likely to suffer from interference in metropolitan areas where the demand for FSS service is strongest. Therefore, it claimed that the 11.7–12.2 GHz band would be desirable for international FSS use, recognizing that such use would only be permitted as long as it does not impose unacceptable constraints on the U.S. domestic fixed-satellite services. In reponse to AT&T's claim, COMSAT argued that it fails to see how interregional FSS could place any additional constraints on the secondary services than those already imposed by the national and sub-regional FSS.

13. We agree with M/A-COM and COMSAT that this band could provide additional opportunities for international FSS operations, particularly in light of the anticipated availability of earth station equipment capable of both domestic and international FSS service. We further agree with COMSAT that there is no reason to provide secondary terrestrial operations any more protection from this type of FSS operation than they currently receive from domestic FSS operations. Further, we believe that adoption of this footnote as proposed will result in a higher degree of flexibility in the use of this band, better spectrum utilization, and wider availability of services and equipment to users without adversly affecting the primary domestic use of this band. Consequently, sufficient reasons exist for use to adopt NG143 as proposed.

Secondary Mobile-Satellite

14. M/A-COM requested that the 11.7–12–2 GHz band be allocated on a secondary basis for the land mobile-satellite service (space-to-earth) to be paired with the mobile-satellite service (MSS) uplink allocation at 14.0–14.5 GHz, which was proposed by footnote US287. Also, MOBILSAT included its comments originally submitted in response to RM-4247 (NASA petition for establishment of a mobile-satellite service). In those comments it requested that 50 MHz of this band be allocated for feeder links for MSS. However, SPSC in its reply comments claimed that an allocation for feeder links for MSS could prove both spectrally ineffecient and disruptive to the FSS authorized to operate in these bands. It further argued that such an allocation is inappropriate for consideration in this proceeding.

15. With regard to MACOM's request for a secondary mobile-satellite allocation to be paired with the 14.0–14.5 GHz MSS allocation (US287), we feel the proposed allocations will satisfy current and proposed spectrum requirements including those for which US287 was written. The purpose of US287 was to provide for a one way MSS link from mobile or transportable earth stations to central or fixed earth station installations. We foresee no requirement or practical effect for a secondary downlink MSS allocation for a return link to the mobile earth station. Additionally, it should be noted that WARC-79 did not provide a MSS allocation in the band 11.7–12.2 GHz. With regard to MOBILSAT's request, we see no reason to provide specific recognition of feeder links in this band since the definition of the FSS currently provides for feeder links operations. Therefore, no additional footnotes are required.

Conclusion

16. We are adopting the allocations for the 11.7–12.2 GHz band as proposed in the NPRM with the exception of international footnote 836, which has been changed to NG145 and modified to include the band limits as discussed above. The revisions to § 2.106 of the Rules are shown in Appendix B. We will address adoption of the new format for the Table of Frequency Allocations (Table), proposed in the NPRM, in a subsequent Report and Order in this proceeding that will consider the vast majority of the allocations Table. Therefore, we are using the current Table format for the purposes of this proceeding.

Administrative

17. Regulatory Flexibility Act Final Analysis.

I. *Need for and objective of final rules:*

The objective is to allocate the 11.7–12.2 GHz band domestically taking into consideration the Final Acts of the 1979 World Administrative Radio Conference. This is necessary as domestic systems operating within the provisions of the treaty will have rights to international protection from harmful interference as provided for by the Final Acts.

II. *Summary of issues raised by public comments:*

There were no comments filed addressing the matters discussed in the initial regulatory flexibility analysis.

III. *Alternatives to the rule:*

It does not appear that there are any significant alternatives to the adopted rules that would accomplish the stated objectives. No public comment was received regarding such alternatives.

18. Accordingly, it is ordered, That pursuant to the authority found in Section 4(i), 301 and 303(r) of the Communications Act of 1934, as amended, (47 U.S.C. 154(i), 301, 303(r)), Part 2 of the Commission's Rules and Regulations is amended as specified in Appendix B. These amendments become effective July 18, 1983.

19. Points of contact on this matter are William Torak (202) 632-7025 and Fred Thomas (202) 653-8171.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

William J. Tricarico,

Secretary.

Appendix A

The following submitted timely Comments concerning 11.7–12.2 GHz band in response to the NPRM in General Docket 80-739, Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979:

1. American Telephone and Telegraph Co., AT&T.
2. M/A-COM, Inc., M/A-COM.
3. Mobile Satellite Corporation, MOBILSAT.
4. Satellite Television Corporation, STC.
5. Southern Pacific Satellite Company, SPSC.
6. United Satellite Communications, Inc., USCI.
7. Western Union Telegraph Company, WU.

The following submitted late comments:

1. United States Satellite Broadcasting Company, Inc., USSB.

The following submitted timely reply comments:

1. Communications Satellite Corporation, COMSAT.
2. Direct Broadcasting Satellite Corporation, DBSC.
3. GTE Satellite Corporation, GSAT.
4. Mobile Satellite Corporation, MOBILSAT.
5. RCA American Communications, Inc., RCA.
6. Satellite Television Corporation, STC.
7. Southern Pacific Satellite Company, SPSC.
8. United Satellite Communications, Inc., USCI.
9. Unites States Satellite Broadcasting Company, Inc., USSB.

Appendix B

PART 2—[AMENDED]

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 2.106 [Amended]

1. In § 2.106, the Table of Frequency Allocations is revised for the band 11.7–12.2 GHz as follows:

United States			Federal Communications Commission				Nature of services of stations
Band (GHz)	Allocation	Band (GHz)	Service		Class of station	Frequency (GHz)	
	6	7	8		9	10	11
11.7–12.2	NG (839) (840)	11.7–12.2	FIXED-SATELLITE (NG143) (NG145)	(space-to-Earth) Mobile except aeronautical mobile.	Common carrier land. Common carrier mobile (except aeronautical mobile). Space.		

2. In the list of footnotes immediately following the table in § 2.106, footnotes 839, 840, NG143 and NG145 should be added in proper numerical sequence. The text of these footnotes is as follows:

839 The use of the band 11.7–12.7 GHz in Region 2 by the fixed-satellite and broadcasting-satellite services is limited to national and sub-regional systems and is subject to previous agreement between the administrations concerned and those having services, operating or planned to operate in accordance with the Table, which may be affected (see Articles 11, 13, 14, and Resolution 33).

840 For the use of the band 11.7–12.75 GHz in Regions 1, 2 and 3, see Resolutions 31, 34, 504, 700 and 701.

NG143 In the band 11.7–12.2 GHz protection from harmful interference shall be afforded to transmissions from space stations not in conformance with international footnote 839 only if the operations of such space stations impose no unacceptable constraints on operations or orbit locations of space stations in conformance with 839.

NG145 In the band 11.7–12.2 GHz, transponders on space stations in the fixed-satellite service may be used additionally for transmissions in the broadcasting-satellite service, provided that such transmissions do not have a maximum e.i.r.p. greater than 53 dBW per television channel and do not cause greater interference or require more protection from interference than the coordinated fixed-satellite service frequency assignments. With respect to the space services, this band shall be used principally for the fixed-satellite service.

[FR Doc. 83-16132 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 82-211; RM-4052; 82-236; RM-82-236]

FM Broadcast Stations in Pearl City, Hawaii; Kaneohe, Hawaii; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 270 to Pearl City, Hawaii, and Channel 282 to Kaneohe, Hawaii, as a first local broadcast service to each, in response to expressions of interest from Pearl City Broadcasting Company and Sunflower Broadcasting Co., Inc., respectively.

EFFECTIVE DATE: July 31, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Mass Media Bureau (202) 632–5414.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of: amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Pearl City, Hawaii), BC Docket No. 82–211, RM–4052; amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Kaneohe, Hawaii), BC Docket No. 82–236, RM–4050.

Adopted: May 4, 1983.

Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration its *Further Notice of Proposed Rule Making*, published in the **Federal Register** on December 8, 1982 (47 FR 55256). The *Further Notice* proposed the assignment of FM Channel 270 to Pearl City, Hawaii, and Channel 282 to Kaneohe, Hawaii, as the result of petitions by Pearl City Broadcasting Company and Kaneohe Broadcasting Company, respectively.

2. Pearl City is located in Honolulu County, approximately 16 kilometers (10 miles) northwest of Honolulu, Hawaii. Kaneohe, also in Honolulu County, is located approximately 13 kilometers (8 miles) north of Honolulu. Neither city has a local broadcast service.

3. In the *Further Notice*, questions were raised concerning § 73.240(a) (1) and (2) of our rules regarding multiple ownership since Mr. J. Boyd Ingram is a principal of both Pearl City Broadcasting and Kaneohe Broadcasting. In addition, Maui Broadcasting Company, the proponent of an FM channel assigned to nearby Lahaina, Hawaii, also lists Mr. Ingram as a principal. The Pearl City and Kaneohe proposals involve prohibited overlap of the 1 mV/m contours; and the Pearl City, Kaneohe and Lahaina proposals appeared to involve prohibited regional concentration of control by the same owner.

4. Pearl City Broadcasting filed a response stating that J. Boyd Ingram will have no ownership interest in an application for operation on the Kaneohe channel. Rather, that interest has been assumed by U. J. Gilbert of Sunflower Broadcasting Co., Inc. ("Sunflower"). U J. Gilbert and Barbara

Gilbert are the sole principals of Sunflower and they filed comments stating that they would apply for Channel 282 at Kaneohe if it is assigned. The withdrawal of J. Boyd Ingram from the Kaneohe proposal removes the foregoing ownership questions.

5. We conclude that the public interest would be served by the assignment of Channel 270 to Pearl City, Hawaii, and Channel 282 to Kaneohe, Hawaii, in order to provide a first local broadcast service to each of the communities.

6. Authority for the adoption of the amendments herein is contained in Sections 4(i), 5(b)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.283 and 0.204(b) of the Commission's Rules.

7. Accordingly, *it is ordered*, That effective July 31, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, *is amended* with regard to the following communities:

City	Channel No.
Kaneohe, Oahu, Hawaii	282
Pearl City, Oahu, Hawaii	270

8. *It is further ordered*, That this proceeding *is terminated*.

9. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632-5414.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-16102 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 82-698; RM-4172]

FM Broadcast Stations in Maljamar, New Mexico; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns and reserves for noncommercial educational use, Channel *254 to Maljamar, New Mexico, in response to a petition filed by the Board of Regents, Eastern New Mexico University.

EFFECTIVE DATE: August 5, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of; amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Maljamar, New Mexico), BC Docket No. 82-698, RM-4172.

Adopted: May 5, 1983.
Released: June 6, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 47 FR 45060, published October 13, 1982, proposing the assignment of FM Channel *254 to Maljamar, New Mexico, with the reservation of that channel for noncommercial educational use. The *Notice* was issued in response to a petition filed by the Board of Regents, Eastern New Mexico University ("Board"). Supporting comments were filed by the petitioner,[1] restating its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Mexican concurrence has been obtained in the proposed assignment of Channel *254 to Maljamar, New Mexico, since that community is located within 320 kilometers (199 miles) of the U.S.-Mexican border.

3. We believe that the public interest would be served by the assignment of Channel *254 to Maljamar, as it would provide a first noncommercial educational broadcast service to the community. We indicated in the *Notice* that we do not usually assign and reserve commercial channels for noncommercial educational use. Here, however, it has been shown that there are no FM channels available in the noncommercial band which would not cause interferrence to a Channel 6 television station pursuant to the proposals set forth in Docket No. 20735. The Commission has in similar situations reserved a commercial frequency for noncommercial educational use. See *Comobabi, Arizona*, 47 FR 32717, published July 29, 1982, and *Burlington and Newport, Vermont*, 45 R.R. 2d 786 (1979).

4. Accordingly, pursuant to the authority contained in §§ 4(i), 5(d) (1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b), and 0.283 of the Commission's Rules, *it is ordered*, That effective August 5, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, *is amended* with respect to the community of Maljamar, New Mexico, as follows:

City	Channel No.
Maljamar, New Mexico	*254

5. *It is further ordered*, That this proceeding *is terminated*.

6. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-16113 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

[1] The Commission did not receive comments specifically referring to this docketed proceeding. Rather, the petitioner submitted its application before the channel was assigned. We have taken this response as sufficient to satisfy our usual request for a commitment that the petitioner would apply for the channel, if assigned.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-181]

Organization and Delegation of Powers and Duties; Federal Managers' Financial Integrity Act of 1982

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This amendment reserves to the Secretary the functions vested in her as head of an executive agency by the Federal Managers' Financial Integrity Act of 1982. The purpose of this amendment is to reserve to the Secretary the functions vested in her by the Act so that the annual report will be a comprehensive report reflecting all DOT systems of internal accounting and administrative control.

EFFECTIVE DATE: The effective date of this amendment is June 16, 1983.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register**.

The Federal Managers' Financial Integrity Act of 1982 (Pub. L. 97-255; September 8, 1982; 96 Stat. 814) requires the head of each executive agency to

report annually to the President and the Congress on the extent to which the agency's systems of internal accounting and administrative control comply with guidelines to be issued by the Comptroller General of the United States and the Director of the Office of Management and Budget under the Act. Under normal DOT practice, authority vested in the Secretary as head of the agency is automatically delegated to each DOT Administrator, under § 1.45(a)(2) of this title, unless reserved to the Secretary.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies); Organization and functions (Government agencies); Transportation Department.

PART 1—[AMENDED]

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended in § 1.44 by revising the introductory text and adding paragraph (b)(3) to read as follows:

§ 1.44 Reservations of Authority.

The delegations of authority in § 1.45 through § 1.53 and § 1.66 and § 1.67 do not extend to the following actions, authority for which is reserved to the Secretary or the Secretary's delegatee within the Office of the Secretary:

* * * * *

(b) *Legislation and reports.* * * *

(3) Submission of the annual statement on systems of internal accounting and administrative control under the Federal Managers' Financial Integrity Act of 1982 (Pub. L. 97–255).

* * * * *

(49 U.S.C. 322)

Issued in Washington, DC, on April 12, 1983.

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 83–15974 Filed 6–15–83; 8:45 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

49 CFR Part 501

Organization and Delegation of Powers and Duties

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This notice amends the provisions on reservation of authority to allow the Deputy Administrator to exercise the authority of the Administrator when the office of the Administrator is vacant due to death or resignation.

EFFECTIVE DATE: June 16, 1983.

FOR FURTHER INFORMATION CONTACT: Kathy DeMeter, Assistant Chief Counsel for General Law, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–426–1834).

SUPPLEMENTARY INFORMATION: This notice amends § 501.7 of Part 501 (49 CFR Part 501) to revise the provision on the authority which is reserved to the Administrator. As currently written, the section does not provide for instances when the office of the Administrator is vacant, due to death or resignation, and a new Administrator is not immediately appointed. The amendment adopted today provides that during the period between the death or resignation of an Administrator and the appointment and confirmation of a new Administrator, the Deputy Administrator shall exercise all of the authority of the Administrator. Upon appointment and confirmation of a new Administrator, only the Administrator can exercise the authority reserved by § 501.7.

List of Subjects in 49 CFR Part 501

Authority delegations (Government agencies), Organization and functions (Government agencies).

This amendment relates to matters of agency organization and procedure and therefore can be issued without opportunity for notice and comment.

PART 501—[AMENDED]

In consideration of the foregoing, Part 501 of Title 49 of the Code of Federal Regulations is amended as follows:

1. The introductory paragraph of § 501.7 is revised to read as follows:

§ 501.7 Administrator's reservations of authority.

The delegations of authority in this part do not extend to the following authority which is reserved to the Administrator and, in those instances when the office of Administrator is vacant due to death or resignation, to the Deputy Administrator:

* * * * *

(Delegation at 49 CFR Part 1.50)

Issued on June 9, 1983.

Diane K. Steed,

Acting Administrator.

[FR Doc. 83–16080 Filed 6–15–83; 8:45 am]

BILLING CODE 4910-59-M

---

49 CFR Part 571

[Docket No. 82–17; Notice 3]

Lamps, Reflective Devices and Associated Equipment; Correction

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule; correction.

SUMMARY: This notice corrects an error in the amendment published on May 16, 1983 (48 FR 21955). The error appears on page 21957 in the amendment to Paragraph S4.1.1.13(c) in which a reference to SAE Standard J580b appeared as J580a. *It* is, therefore, necessary to correct the error.

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202–426–2720)

PART 271—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

§ 571.108 [Amended]

The reference to "J580a" in paragraph S4.1.1.13(c) of Title 49 Code of Federal Regulations, § 571.108 is amended to read: "J580b".

(Secs. 103, 112, 114, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83–16019 Filed 6–15–83; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1152

[Ex Parte No. 274 (Sub-8)]

Exemption of Out of Service Rail Lines

AGENCY: Interstate Commerce Commission.

ACTION: Final rule and exemption.

SUMMARY: The Commission is adopting rules (in the Appendix) which exempt abandonments under 49 U.S.C. 10903–10905 from the requirements of prior approval where the lines have been out of service for at least 2 years, subject to certain conditions and standard labor protection provisions. Where a rail line has been out of service for at least 2 years, actual abandonment of the line would have no impact on interstate commerce or the rail transportation

policy. The rule will allow rail carriers to file a notice of exemption which will be published in the **Federal Register** designating the line to be abandoned.

EFFECTIVE DATE: August 16, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision in this proceeding. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

The Secretary (See 49 CFR 1011.7(h)) has certified that this action (which will benefit railroads through a relaxation of regulation) will not have a significant economic impact on a substantial number of small entities. Because the lines at issue will not have been used for at least 2 years, small business entities that would be served by the lines either were not dependent on that rail service or have made other arrangements for service.

List of Subjects in 49 CFR Part 1152

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements, Uniform system of accounts.

This action is taken under the authority of 49 U.S.C. 10321 and 10505, and 5 U.S.C. 553.

Dated: June 3, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, and Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1152—[AMENDED]

49 CFR Part 1152 is amended by adding a new Subpart F to read as follows:

Subpart F—Exempt Abandonments

§ 1152.50 Exempt abandonments.

(a) A proposed abandonment of a railroad line is exempt from the provisions of 49 U.S.C. 10903–10905 if the criteria designated in this section are satisfied.

(b) An abandonment is exempt if the carrier certifies that no local traffic has moved over the line for at least 2 years and any overhead traffic on the line can be rerouted over other lines, and that no formal complaint filed by a user of rail service on the line regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The complaint must allege (if pending) or prove (if decided) that the carrier has imposed an illegal embargo or other unlawful impediment to service.

(c) The Commission has found that its prior review and approval of these transactions: (1) Is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a; and (2) is of limited scope or unnecessary to protect shippers from abuse of market power. 49 U.S.C. 10505. A notice must be filed to use this class exemption. The procedures are set out in § 1152.50(d). This exemption does not relieve a carrier of its statutory obligation to protect the interests of employees. 49 U.S.C. 10505(g)(2) and 10903(b)(2). This also does not preclude a carrier from seeking an exemption of a specific abandonment.

(d) Notice of exemption.

(1) At least 10 days prior to filing a notice of exemption with the Commission, the railroad seeking the exemption must notify in writing the Public Service Commission (or equivalent agency) in the State(s) where the line will be abandoned; The notice shall name the railroad, describe the line to be abandoned, indicate that the exemption procedure is being used, and include the approximate date the notice of exemption will be filed with the Commission.

(2) The railroad must file a verified notice using its appropriate abandonment docket number and sub number with the Commission at least 50 days before the abandonment is to be consummated, including the proposed consummation date, the certification required in § 1152.50(b), the information required in § 1152.22 (a) (1–4), (8) and (e)(5), the level of labor protection, and a certificate that the notice requirements of § 1152.50(d)(1) have been complied with.

(3) The Commission through the Director of the Office of Proceedings, shall publish a notice in the **Federal Register** within 20 days after the filing of the notice of exemption. Petitions to stay the effective date of the exemption must be filed within 10 days after publication and petitions for reconsideration must be filed within 20 days after publication (unless stayed pending reconsideration). If the notice of exemption contains false or misleading information, the use of this exemption is void *ab initio* and the Commission shall summarily reject the exemption notice.

(4) To address environmental issues and whether the right of way is suitable for other public purposes under 49 U.S.C. 10906, a party shall submit evidence to the Commission within 20 days of publication in the **Federal Register**. A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

(49 U.S.C. 10321 and 10505; 5 U.S.C. 553)

[FR Doc. 83–16149 Filed 6–15–83; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 48, No. 117
Thursday, June 16, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-88-AD]

Airworthiness Directives; Gates Learjet Model 35, 36, 35A, and 36A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws a Notice of Proposed Rulemaking (NPRM) which proposed the adoption of an Airworthiness Directive (AD) for Gates Learjet Model 35, 36, 35A and 36A series airplanes that would have required the installation of a trim-in-motion warning, redesigned pitch axis master interrupt, improved takeoff out-of-trim warning system, modified Mach trim system, modified stick pusher system, and modified overspeed warning system. Additionally, the proposal would have added Airplane Flight Manual (AFM) procedures for the above changes. Upon further consideration and in light of comments received, the FAA has determined that the proposed AD is not required at this time; and accordingly the NPRM is withdrawn.

DATE: This withdrawal is effective June 21, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Bennett Sorensen, Aerospace Engineer, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 269-7012.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) for Gates Learjet Model 35, 36, 35A and 36A series airplanes which, if adopted, would have required the installation of a trim-in-motion warning, redesigned pitch axis master interrupt, improved takeoff out-of-trim warning system, modified Mach trim system, modified stick puller system, modified overspeed warning system, and Airplane Flight Manual procedures for the above changes was published in the Federal Register on September 27, 1982 (47 FR 42371). The Learjet Model 30 series airplanes are similar in design to the Learjet Model 25 series airplanes on which an AD was previously issued to correct deficiencies in various pitch axis systems. The Model 30 series AD was proposed because similar failures in its pitch axis systems might also lead to possible unsafe conditions. Comments were requested from the public to help determine if any undocumented adverse service history of failures existed on any of the affected pitch axis systems.

Seventy-three written comments were received addressing the NPRM. Sixty-nine of the comments opposed the AD because no documented high speed accidents had occurred on the subject airplanes. Two comments stated that the system improvements were safety related and should therefore be made madatory. Two commenters were neutral on imposing the AD. No unsafe system malfunctions were disclosed in these comments. One commenter telephoned and stated that his overspeed warning and puller had failed even though they preflighted properly. No incident or injury resulted. Twenty-seven commenters felt that the proposed kits should be offered by Gates Learjet as a product improvement. Eighteen commenters stated that pilot training, inexperience or inadequate Type Rating requirements were at least partially responsible for the relatively high rate of Gates Learjet 24 and 25 series accidents.

The accident free service history of the 30 series airplanes in the high speed flight regime could be partially attributed to external differences between the 30 series airplanes and the 20 series airplanes. The Learjet 30 series airplanes are equipped with turbofan engines while the 20 series Learjets have turbojet engines. As a result of the larger turbofan engine nacelles, a higher drag rise at high Mach numbers causes the 30 series airplanes to accelerate much more slowly in the event of a nose down upset or system malfunction. Consequently it is more difficult to reach very high speeds. Each 30 series airplane also has a full time Mach trim system to artificially increase longitudinal stability at high speeds. The 20 series airplanes do not have Mach trim systems.

In consideration of all factors, the FAA has concluded that an Airworthiness Directive requiring the installation of a trim-in-motion warning, redesigned pitch axis master interrupt, improved takeoff out-of-trim warning system, modified stick puller system, and modified warning system in Gates Learjet Model 35, 36, 35A and 36A series airplanes is not justified. However, it has been recommended that the manufacturer offer the proposed modification kits as non-mandatory product improvements. Gates Learjet has agreed to do this. However, since many of the changes are interrelated, individual kits for each change may not be possible.

Withdrawal of this Notice of Proposed Rulemaking constitutes only such action, and does not preclude the agency from issuing another Notice in the future, or commit the agency to any course of action in the future.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Withdrawal

PART 39—[AMENDED]

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, the proposed airworthiness directive published in the Federal Register on September 27, 1982, (47 FR 42371), is hereby withdrawn.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.

Note.—Since this action withdraws a proposed restriction and imposes no additional burden on any person, it may be made effective in less than 30 days. It is neither a proposed nor final rule, and therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on June 1, 1983.

Wayne J. Barlow,
Acting Director, Northwest Mountain Region.

[FR Doc. 83-15987 Filed 6-15-83; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Public Comment Period and Opportunity for Public Hearing on Proposed Condition of Approval to the Illinois Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing a public comment period and opportunity for a public hearing on a proposed action to impose a new condition on the Secretary of the Interior's approval of the Illinois Permanent Regulatory Program (hereinafter referred to as the Illinois program) under the Surface Mining Control and Reclamation Act of 1979 (SMCRA). The proposed condition relates to the authority of the State to deny an application for a permit or permit renewal unless the applicant submits proof that all required Federal reclamation fees have been paid.

This notice sets forth the times and locations that the Illinois program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and information pertinent to the public hearing.

DATES: Written comments, data or other relevant information relating to the propose amendment to the Illinois program not received on or before 4:00 p.m. on July 18, 1983, will not necessarily be considered.

A public hearing on the proposed modifications has been scheduled for 10:00 a.m., June 30, 1983, at the address listed under **ADDRESSES.**

Any person interested in making an oral or written presentation at the hearing should contact Mr. James Fulton at the address or phone number listed below by June 23, 1983. If no one has contacted Mr. Fulton to express an interest in participating in the hearing by the above date, the hearing will not be held. If only one person has so contacted Mr. Fulton by the above date, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

EFFECTIVE DATE: Written comments should be mailed or hand delivered to: James Fulton, Director, Springfield Field Office, Office of Surface Mining Reclamation and Enforcement, No. 4 Old Capitol Plaza North, Springfield, Illinois 62701.

The public hearing will be at the Springfield Field Office, Office of Surface Mining, No. 4 Old Capitol Plaza North, Springfield, Illinois 62701.

Copies of the Illinois program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM and State regulatory authority offices listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240.
Office of Surface Mining Reclamation and Enforcement, No. 4 Old Capitol Plaza, North, Springfield, Illinois 62701
Illinios Department of Mines and Minerals, Land Reclamation Division, 227 South 7th Street, Springfield, Illinois 62706

FOR FURTHER INFORMATION CONTACT: James Fulton, Director, Springfield Field Office, Office of Surface Mining, No. 4 Old Capitol Plaza North, Springfield, Illinois 62701, Telephone: (217) 492–4495.

SUPPLEMENTARY INFORMATION: The Illinois program was conditionally approved by the Secretary of the Interior on June 1, 1982 (47 FR 23858). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Illinois program can be found in the June 1, 1982 **Federal Register.**

Background

Sections 510(b) and 510(c) of SMCRA limit the issuance of new permits and permit renewals to those applicants who are in compliance with the requirements of SMCRA. As specified in section 402 of SMCRA and Subchapter R of 30 CFR, the operators of coal surface mines are to pay reclamation fees to the Secretary of the Interior. Further, section 402(f) of SMCRA specifically mandates full cooperation with the Secretary by all Federal and State agencies in the enforcement of this provision.

Recently it was brought to the Secretary's attention that the Illinois program does not contain regulatory language consistent with 30 CFR 786.19(h) which requires the State to deny permit applications and permit revision applications unless the applicant has submitted proof that all Federal reclamation fees required under 30 CFR Subchapter R have been paid. The Illinois regulation at 1786.19(h) requires that operators pay all fees required by the State's regulations.

To resolve this issue, on February 1, 1983, the Director, OSM, sent a letter to Illinois to request that Illinois confirm that section 1786.19(h) also requires the applicant to submit proof that all required Federal reclamation fees have been paid, consistent with 30 CFR 786.19(h). To date, Illinois has not formally responded to the February 1 letter.

Therefore, the Secretary proposes to add a new condition to the Illinois program requiring the State to amend its program by a specified date to incorporate requirements no less effective than 30 CFR 786.19(h). The Secretary requests public comment on this proposed action.

Pursuant to 30 CFR 732.17(e), the Secretary notified Illinois by letter of June 7, 1983, that a State program amendment is required because conditions or events indicate that the approved State program no longer meets the requirements of SMCRA and the Federal regulations. Therefore, pursuant to 30 CFR 732.17(f)(1), Illinois shall submit to the Secretary within 60 days of receipt of notification either a proposed written amendment or a description of an amendment to be proposed that meets the requirements of SMCRA and the Federal regulations, and a timetable for enactment which is consistent with established administrative or legislative procedures. Failure of the State to submit the proposed amendment or description and the enactment timetable within the prescribed 60 days, or subsequent failure to comply with the submitted timetable, or disapproval by the Secretary of the amendment, could result in proceedings under 30 CFR Part 733 to either enforce that part of the State program affected to withdraw approval in whole or in part, of the State program and implement a Federal program.

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or

conditional approval of State regulatory programs. Therefore, for this action OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)).

This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 913

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, 30 CFR 913.11 is proposed to be amended as set forth herein.

(Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 20) *et seq.*))

Dated: June 10, 1983.

Steven Griles,

Acting Director, Office of Surface Mining.

PART 913—ILLINOIS

30 CFR 913.11 is proposed to be amended to impose an additional condition by adding a new paragraph (f) to read as follows:

§ 913.11 Conditions of State regulatory program approval.

* * * * *

(f) Steps will be taken to terminate the approval found in § 913.10 unless Illinois submits to the Secretary by _____, a copy of promulgated regulations or otherwise amends it program to contain provisions no less effective than 30 CFR 786.19(h) to require the State to deny permit applications and permit revision applications unless the applicant has submitted proof that all Federal reclamation fees required under 30 CFR Subchapter R have been paid.

[FR Doc. 83–16212 Filed 6–15–83; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 938

Permanent State Regulatory Program of Pennsylvania

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM), is considering modifying the deadline for Pennsylvania to meet condition (d) of its approved State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The condition relates to prime farmland requirements for a permit applicant who proposed to mine coal in the anthracite region.

DATE: Comments must be received by July 18, 1983, at the address below, no later than 4:00 p.m.

ADDRESS: Written comments must be mailed or hand-delivered to: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101, (717) 782–4036.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The curing of each deficiency is a condition of the approval. Steps to terminate the conditional approval must be taken if the conditions are not met according to the schedule. The dates are established in consultation with the State, based on the regulatory and administrative needs of the State's permanent program and SMCRA and the time required for changes to be adopted under State procedures or legislative schedules.

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary of the Interior disapproved the program. The State resubmitted its program on January 25, 1982, and, subsequently the Secretary approved the program conditioned on the correction of minor deficiencies. Information pertinent ot the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** (47 FR 33050).

In a letter dated April 25, 1983, from the Commonwealth of Pennsylvania, the State requested an additional six months to satisfy condition (d).

The State explains that because of the recently passed Regulatory Review Act, which took effect on March 1, 1983, proposed regulations must be submitted to both houses of the Pennsylvania General Assembly and an Independent Regulatory Review Commission prior to adoption. Proposed regulations can be disapproved by either the General Assembly or the Commission. Since a portion of the condition may require a regulatory change, and such a revision must be submitted to the General Assembly and the Commission, Pennsylvania claims it is highly unlikely that the State will be able to meet the August 1, 1983, deadline for satisfying the condition.

Therefore, the Secretary proposes to allow the State until February 1, 1984, to meet condition (d) pertaining to certain coal mine permit requirements with respect to prime farmland in the anthracite region

The Secretary is continuing to review with the State all of the outstanding program conditions. A final rule implementing this proposed extension may, in response to public comment, be different than the one proposed in this notice.

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemamking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subject in 30 CFR Part 938

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

(Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.))

Dated: June 10, 1983.

J. Steven Griles,

Acting Director, Office of Surface Mining.

The following are proposed amendments to 30 CFR, Chapter VII, Subchapter T, Part 938:

PART 938—PENNSYLVANIA

§ 938.11 [Amended]

30 CFR 938.11(d) is proposed to be amended by substituting "February 1, 1984" for August 1, 1983 each time it appears.

[FR Doc. 83-16214 Filed 6-15-83; 8:45 am]
BILLING CODE 4310-05-M

---

30 CFR Part 946

Public Comment Period and Opportunity for Public Hearing on Proposed Amendment to the Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing a public comment period and oportunity for public hearing on a proposed amendment to the Virginia Permanent Regulatory Program (hereinafter referred to as the Virginia program) submitted by the State pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The Proposed amendment relates to the State's Coal Surface Mining Reclamation Fund which is an alternative reclamation bonding system.

This notice sets forth the times and locations that the Virginia program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed asmendment, and information pertinent to the public hearing.

DATES: Written comments, data or other relevant information relating to the proposed amendment to the Virginia program not received on or before 4:00 p.m. on July 18, 1983, will not necessarily be considered.

A public hearing on the proposed modifications has been scheduled for July 11, 1983, from 7:00 p.m. to 9:00 p.m. at the address listed under **ADDRESSES.**

Any person interested in making an oral or written presentation at the hearing should contact Mr. Ralph Cox at the address or phone number listed below by July 7, 1983. If no one has contacted Mr. Cox to express an interest in participating in the hearing by the above date, the hearing will not be held. If only one person has so contacted Mr. Cox by the above date, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Highway 23, South, P.O. Box 626, Big Stone Gap, Virginia 24219.

The Public hearing will be held in the Conference Room of the Lebanon Area Office, Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266.

Copies of the Virginia program, the proposed amendment, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM and State regulatory authority offices listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240;
Office of Surface Mining Reclamation and Enforcement, highway 23, South, Big Stone Gap, Virginia 24219;
Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266;
Virginia Division of Mined Land Reclamation, 622 Powell Avenue, Drawer U, Big Stone Gap, Virginia 24219.

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219. Telephone: (703) 523-4303.

SUPPLEMENTARY INFORMATION: The Virginia program was conditionally approved by the Secretary of the Interior on December 15, 1981 (46 FR 61088-61115). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981, **Federal Register.** Information pertinent to the previous amendments submitted by Virginia concerning reclamation bonding can be found in the September 21, 1982, **Federal Register** (47 FR 41556), in the January 18, 1983, **Federal Register** (48 FR 2123) and in the February 28, 1983, **Federal Register** (48 FR 8271).

On May 20, 1983, Virginia submitted a proposed State program consisting of an act, which amends and reenacts Sections 45.1-270.2—45.1-270.4 of the Code of Virginia, passed by the 1983 Virginia General Assembly relating to the State's Coal Surface Mining Reclamation Fund (Fund) and a draft copy of proposed regulations developed to implement the statutory amendment. The statutory amendment, referred to as Chapter 131, modifies the statutory amendment creating the Fund submitted by Virginia on July 8, 1982, and approved by the Director, OSM, on September 21, 1982 (47 FR 41556). Chapter 131 would become effective upon approval by OSM. The draft proposed regulations to implement Chapter 131 have been tentatively approved by the State for adoption on an emergency basis once Chapter 131 becomes effective, although the regulations are being processed through the Virginia Administrative Process Act requirements for public comment with a public hearing scheduled for August 15, 1983. The State also provided a side by side comparison of the original program amendment of July 8, 1982, and the proposed Chapter 131 amendment.

Therefore, OSM requests public comment on the substantive adequacy of the above modifications.

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and

Budget (OBM) granted OSM an exemption from Sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

(Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*))

Dated: June 13, 1983.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83–16213 Filed 6–15–83; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD 78–151]

Inland Waterways Navigation Regulations; Connecting Waters From Lake Huron to Lake Erie

Correction

In FR Doc. 83–14897 beginning on page 25231 in the issue of Monday, June 6, 1983, make the following correction:

On page 25235, first column, § 162.132(b)(1), in the table, the last entry should have read.

Downbound vessels	Calling points	Upbound vessels
Security Call	Fighting Island South Light.	
	Detroit River Light	Security Call.

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Rocky Mountain National Park, Colorado; Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The proposed regulations set forth below are necessary to provide the public the opportunity for snowmobile access in winter to certain areas of Rocky Mountain National Park and the adjacent Arapaho National Forest that are accessible by other vehicles during other seasons of the year. These regulations have been designed to provide for increased recreational use and enjoyment of park resources as well as to provide for the preservation of the Park in a way that is consistent with the general snowmobile policy of the National Park Service and the off-road vehicle policy of the Department of the Interior.

DATE: Written comments, suggestions or objections will be accepted until July 18, 1983.

ADDRESS: Comments should be directed to: Superintendent, Rocky Mountain National Park, Estes Park, Colorado 80517.

FOR FURTHER INFORMATION CONTACT: David J. Essex, Chief Park Ranger, Rocky Mountain National Park, Estes Park, Colorado 80517, Telephone: (303) 586–2371.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (37 FR 2877; February 9, 1972), later amended by Executive Order 11989, imposed restraints on off-road uses on Federal lands in 1972, including snowmobiles. Pursuant to that order, the National Park Service promulgated the regulation contained in 36 CFR 2.34 on April 1, 1974, which had the effect of closing all National Park System lands to snowmobiling except those specifically designated as open through publication of a notice in the **Federal Register**. The Superintendent of Rocky Mountain National Park, in response to Executive Order 11644, prepared an environmental assessment of snowmobile use, and public meetings were held at Grand Lake, Colorado on October 24, 1973 and February 28, 1974, to discuss routes and areas of proposed snowmobile use on lands administered by the National Park Service, including the former Shadow Mountain Recreation Area. On April 12, 1975, a meeting attended by the Grand County commissioners, Grand Lake Chamber of Commerce directors and snowmobile club officers was held to hear proposals to open routes in addition to those proposed in a Federal Register notice of February 14, 1975 (40 FR 6797). The final notice was published in the **Federal Register** of January 13, 1976 (41 FR 1933) adopting the proposed routes, plus an additional access trail to Forest Service land. The route designations were: (a) Green Ridge Snowmobile Trail (now under U.S. Forest Service jurisdiction), (b) Summerland Park Snowmobile Trail, (c) Supply Creek Access Snowmobile Trail, (d) Trail Ridge Road (a portion of * * *), (e) Bowen Gulch Access Trail.

In August of 1977, the National Park Service appointed a task force to review snowmobile use in all areas of the National Park System and to: "develop a policy * * * that will clearly state the National Park Service's position on the legitimacy of mechanized over snow travel in the parks and enable the Superintendents to address the question uniformly."

During the winter of 1978–1979, a series of public meetings were held at key locations throughout the United States to hear comments on a proposed revised national snowmobile policy for NPS areas. A "Notice of Revised Snowmobile Policy" was published in the **Federal Register** (44 FR 47412) on August 13, 1979 which stated, in part, that in areas of the National Park System where snowmobiling is permitted, snowmobiles shall be confined to properly designated routes and water surfaces, and such routes shall be promulgated as special regulations in the Code of Federal Regulations, Title 36, Part 7.

The designated routes specified in the proposed rule are necessary to comply with Servicewide policy. These routes are as follows: (1) Summerland Park Route, a .5-mile unplowed roadway lying in Sections 32 and 33, T4N, R75W, just north of Grand Lake. The route is a continuation of a public road maintained by the Town of Grand Lake to service its water system, designated as a town snowmobile route. (2) Supply Creek Access Route, two spur access routes of about 2.2 miles connecting Grand Lake to "Supply Creek Road," for access to Forest Service trails designated as snowmobile routes. (3) Trail Ridge Road, specifically the 17-mile stretch from the West Unit Visitor Center to Milner Pass, of which the lower 9.7 miles from Timber Lake Trailhead to the visitor center would be plowed and open to dual-use with other motorized vehicles. (4) Bowen Creek

Access Trail, a .8-mile unplowed roadway leading from Trail Ridge Road to the Bowen Gulch Trail on Forest Service lands.

With the exception of the Trail Ridge Road route, the snowmobile routes proposed for designation are short-distance corridors or spurs leading to primary snowmobile use areas outside park boundaries. The 9.7 miles of dual-use on Trail Ridge Route, as well as a portion of the Supply Creek Access Route, represent a significant exception to the National Park Service's snowmobile policy by allowing snowmobilers on roads simultaneously with other motorized vehicles. The proposed regulations include operating restrictions to ensure snowmobile safety on dual-use roads. Four short segments, totaling 1.3 miles of abandoned roadway and open land, are used as point-to-point connectors on the Supply Creek Access Route to reach snowmobile routes on adjacent Forest Service lands. These too represent an exception to the Servicewide snowmobile policy.

The Act of October 11, 1978 (Pub. L. 95-450; 92 Stat. 1095), created the Arapaho National Recreation Area, transferring the former Shadow Mountain Recreation Area to the U.S. Forest Service. Certain National Park Service designated snowmobile routes were, therefore, transferred to the Forest Service to manage. House Report 95-1460, accompanying Pub. L. 95-450, instructed the National Park Service to address the possibility of designating a snowmobile route along the east shore of Shadow Mountain Lake, located in Rocky Mountain National Park, to connect with the Arapaho National Recreation Area.

Subsequently, the Act of December 22, 1980 (Pub. L. 96-560; 94 Stat. 3265), revising the boundaries of Rocky Mountain National Park, authorized the East Shore Trail along Shadow Mountain Lake for snowmobile use, provided studies show there will be no significant adverse impact on wildlife. Until the required studies are conducted, the East Shore Trail will not be proposed as a designated route.

Public Participation

The superintendent initiated action to prepare another environmental assessment in the winter of 1979-1980. The purpose of this environmental assessment was to re-analyze permitted snowmobile use in Rocky Mountain National Park (West Unit), along with environmental impacts expected to be associated with alternative courses of action addressed, prior to promulgation of special regulations. This involved continued public involvement through written responses, telephone contact, and re-contacting representatives from most all agencies and organizations contacted in the past and listed below:

U.S. Bureau of Reclamation
U.S. Forest Service
Colorado Division of Wildlife
Grand County Commissioners
Grand County Sheriff's Department
Town of Grand Lake (Mayor, Marshal, Town Council)
Grand Lake Metropolitan Recreation District
Grand Lake Chamber of Commerce
Trailblazers Snowmobile Club.

In reviewing the old assessment, addressing new proposals, and identifying other environmental concerns, additional contacts were made with representatives from U.S. Fish & Wildlife Service, National Wildlife Federation (Boulder) and Sierra Club (Denver).

Separate contact was made with private inholders and "use and occupancy" residents on the question of plowing the lower portion of Trail Ridge Road which has been open to dual use of snowmobiles and other wheeled vehicles since 1973.

The Environmental Assessment was completed and approved by the Acting Regional Director on April 4, 1980. Two public meetings were held on May 20 and 21, 1980 at Denver and Granby, Colorado, respectively. Written comments were received on the assessment until June 30, 1980.

A "Record of Decision" on the alternatives was prepared on September 16, 1980, along with a "Finding of No Significant Impact," for the purposes of the National Environmental Policy Act (42 U.S.C. 4332). Both documents are available from the Superintendent, Rocky Mountain National Park.

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed regulations to the address noted at the beginning of this rulemaking.

Drafting Information

The following persons participated in the writing of these regulations: David J. Essex, Chief Park Ranger; Darrell C. Grossman, Supervisory Park Ranger, both of Rocky Mountain National Park.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 49 U.S.C. 3501 *et seq.*

Compliance with Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This conclusion is based on the finding that snowmobile use of the park now ranges from 2,500-3,500 snowmobiles annually. While most snowmobiling occurs on adjacent lands outside the park, the proposed rule will contribute to the local tourism economy of Grand Lake, Colorado, by ensuring the continued availability of snowmobiling opportunities in Rocky Mountain National Park.

As noted previously, pursuant to the National Environmental Policy Act (42 U.S.C. 4332), the Service has prepared an environmental assessment on this proposed regulation which is available at the address noted above.

Authority

Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3).

Indexing Terms

List of Subjects in 36 CFR Part 7

National parks.

PART 7—[AMENDED]

In consideration of the foregoing, it is proposed to amend Part 7 of Title 36 of the Code of Federal Regulations by adding paragraph (i) to § 7.7, to read as follows:

§ 7.7 Rocky Mountain National Park.

* * * * *

(i) *Snowmobiles.* (1) Designated routes open to snowmobile use: The Summerland Park Snowmobile Trial, the Supply Creek Access Snowmobile Trail, the plowed portion of the Trail Ridge Road between the West Unit Visitor Center and the Timber Trailhead, the unplowed portion of the Trial Ridge Road between the Timber Lake Trailhead and Milner Pass, and the Bowen Gulch Access Trail. These routes will be marked by signs, snow poles or other appropriate means.

(2) Detailed descriptions of designated routes and appropriate maps are available at Park Headquarters, the West Unit Office and the Grand Lake Entrance Station.

(3) The maximum speed limit is 35 m.p.h. unless changed by the posting of appropriate signs. On routes open to dual use of both motor vehicles and snowmobiles, the maximum snowmobile

speed limit is 25 m.p.h. All posted speed limits are subject to further limitations as required under § 4.14 of this chapter. No person shall operate a snowmobile at a speed in excess of the maximum limits so posted.

(4) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated road or parking area is closed to all other motor vehicle use by the public except on the dual use routes described in (5).

(5) Routes open to dual use of both motor vehicle and snowmobiles: that portion of the Supply Creek Access Snowmobile Trial which extends along the plowed Trial Ridge Road from the Grand Lake Lodge Road junction to Sun Valley Road junction, then along the plowed Sun Valley Road to the Park boundary where it intersects with a plowed Grand County road; that portion of the plowed Trail Ridge Road between the West Unit Visitor Center and the Timber Lake Trailhead. On such dual use routes, the operation of snowmobiles is permitted only along the far right portion of the plowed roadway and in a single-file manner. Dual use routes will be marked with appropriate signs and snow poles. The maximum snowmobile speed limit on such dual use routes is 25 m.p.h.

(6) The Superintendent shall determine the opening and closing dates for use of designated snowmobile routes each year, taking into consideration the location of wintering wildlife, road plowing schedules and other factors that may relate to public safety, and he/she shall notify the public of such dates through normal news media channels. Temporary closure of dual-use routes for public safety reasons will be initiated through the posting of appropriate signs and/or barriers when road plowing operations are taking place. Routes will be open to snowmobile travel when they are considered to be safe for travel but not necessarily free of safety hazards. Snowmobilers may travel these routes with the permission of the Superintendent, but at their own risk.

Dated: April 27, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-16097 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-70-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6535]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Connecticut et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Bridgeport, City, Fairfield County	Long Island Sound	Shoreline of Ash Creek at Livingston Street extended	*11
			Entire shoreline of Black Rock Harbor	*14
			Shoreline at Hilltop Road extended	*15
			Shoreline at Battery Park Drive extended	*17
			Shoreline at Barnum Dyke extended	*18

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Entire shoreline of Bridgeport Harbor	*14
			Shoreline at eastern corporate limits	*15

Maps available for inspection at the City Engineer's Office, City Hall, Bridgeport, Connecticut.

Send comments to Honorable Leonard Paoletta, Mayor of the City of Bridgeport, 450 Lyon Terrace, Bridgeport, Connecticut 06604.

[illegible]	Old Saybrook, Town, Middlesex County	Connecticut River	South of CONRAIL crossing	*13
			Shoreline at Cornwell Place (extended north)	*13
			Shoreline at Dock Road (extended)	*15
			Shoreline of South Cove at Clinton Avenue (extended)	*13
			Shoreline of South Cove at Read Cove (extended)	*13
		Long Island Sound	Entire shoreline within community	*16

Maps available for inspection at the Town Hall, 302 Main Street, Old Saybrook, Connecticut.

Send comments to Honorable Barbara Maynard, First Selectwoman for the Town of Old Saybrook, Town Hall, P.O. Box 618, Old Saybrook, Connecticut 06475.

Connecticut	Old Lyme, Town, New London County	Long Island Sound	Shoreline east of Griswold Point	*16
			Shoreline at Oak Road (extended)	*15
		Connecticut River	Shoreline of Lord Cove 600 feet north of Binney Road (extended)	*13
			Shoreline at Huntley Road (extended)	*12
			Shoreline at Noyes Road (extended)	*13

Maps available for inspection at the Town Hall, Office of Planning and Building, Old Lyme, Connecticut.

Send comments to Honorable Wallace Moore, First Selectman for the Town of Old Lyme, Memorial Hall, Old Lyme, Connecticut 06371.

[illegible]	Stratford, Town, Fairfield County	Long Island Sound	Western corporate limits to Jefferson Street	*15
			Jefferson Street to Stratford Point	*16
			Stratford Point to Crimbo Point	*15
			Fifth Avenue extended	*15
			York Street extended	*16
			Short Beach Road extended	*15
			Homestead Avenue extended	*13

Maps available for inspection at the Office of the Commissioner of Buildings, Stratford, Connecticut.

Send comments to Honorable Gloria Minio, Town Manager of Stratford, 2725 Main Street, Stratford, Connecticut 06497.

Florida	City of Cedar Key, Levy County	Gulf of Mexico	At the intersection of Shelcrest Avenue and Gulf Boulevard	*15
			At the intersection of Merle Street and Sherril Street	*17

Maps available for inspection at City Clerk's Office, City Hall, Second Street, Cedar Key, Florida 32625.

Send comments to Mayor Gary Haldeman or Ms. Frances Hodges, City Clerk, City Hall, P.O. Box 417, Cedar Key, Florida 32625.

Florida	Unincorporated Areas of Hernando County	Withlacoochee River	Approximately 1,000 feet downstream of Interstate Highway 75.	*53
			Approximately 500 feet upstream of U.S. Highway 301	*71
		Little Withlacoochee River	Approximately 1,000 feet downstream of U.S. Highway 301.	*71
			Approximately 200 feet upstream of U.S. Highway 301	*72
		Ponding Area 1	At Brooksville Quarry	*70
		Ponding Area 2	Approximately 1,000 feet southwest of intersection of Wellen Drive West and Cook Drive.	*84
		Ponding Area 3	Along Country Club Drive approximately 500 feet south of 5th Avenue.	*81
		Ponding Area 4	Approximately 1,500 feet southeast of intersection of Martin Drive and Weeks Drive.	*82
		Shallow Flooding	Entire shoreline of Horse Lake lying south of the intersection of State Highway 50 and County Road 485.	*72
		Shallow Flooding	Approximately 1,000 feet northwest of intersection of Croom Road (County Road 478) and Patrick Road.	*84
		Shallow Flooding	Along Martin Drive approximately 300 feet east of Wellen Drive East.	#1
		Gulf of Mexico	Along County Road 595 approximately 500 feet north of Hammock Creek.	*16
		Gulf of Mexico/Indian Bay	Just South of the intersection of Hernando Beach Road and County Road 595.	*13
		Gulf of Mexico/Little Pine Bay	Intersection of Hernando Beach and Hernando Blvd.	*12
		Gulf of Mexico/Centipede Bay	Along County Road 595 approximately 500 feet southwest of Weekiwachee River.	*13
		Gulf of Mexico/Rock Island Bay	Intersection of State Highway 50 and County Road 595.	*16
		Gulf of Mexico/Chassahowitzka Bay	Along the northern county limits at the crossing of Rylo Creek.	*16

Maps available for inspection at Board of County Commissioners' Office, John Law Ayers Building, 1 North Brooksville Avenue, Brooksville, Florida 33512.

Send comments to Mr. Henry Ledbetter, Chairman or Mr. Greg Copeland, Vice Chairman, Board of County Commissioners, P.O. Box 185, Brooksville, Florida 33512.

Florida	Town of Inglis, Levy County	Gulf of Mexico	At intersection of Aragon Drive and Riverside Drive	*10
		Withlacoochee River	Just east of water control structure on overflow channel located just north of Inglis Lock.	*25

Maps available for inspection at Town Hall, Highway 40 West, Inglis, Florida 32649.

Send comments to Mayor Martha Elland or Mr. Bennett Waltee, Building Inspector, Town Hall, P.O. Drawer 429, Inglis, Florida 32649.

Florida	Manatee County (Unincorporated areas)	Manatee River	Center of intersection of Gates Creek Road and Upper Manatee River Road.	*10

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Braden River	At the intersection of Linger Lodge Road and Braden River Road.	*9
		Gamble Creek	125 feet south from the center of intersection of Jim Davis Road and Golf Course Road.	*18
		Mill Creek	Center of Upper Manatee River Road crossing	*12
		Sawgrass Creek	Center of intersection of Danny Drive and Magellan Drive.	*15
		Frog Creek	80 feet upstream from the center of U.S. Highway 41	*18
		Little Manatee River	At the northeastern crossing of the county limit and the stream.	*32
		Myakka River	Center of State Highway 70 crossing	*38
		Gulf of Mexico	150 feet west from the center of intersection of Vacanti Street and State Highway 789.	*15
			150 feet west from the center of intersection of 3rd Avenue and 36th Street.	*14
		Tampa Bay	Center of U.S. Highway 19	*14
			At the center of intersection of Flamingo Road and Spoonbill Road West.	*13
			150 feet west from the center of intersection of 45th Street and 6th Avenue Boulevard West.	*12
			At the center of intersection of Bayshore Drive and Horseshoe Loop Road.	*11
			At the center of intersection of Tarpon Road and Dolphin Lane.	*10
			At the center of intersection of Seaboard Coast Line Railroad and Armstrong Road.	*8
			At the center of intersection of 59th Street N.W. and Riverview Boulevard N.W.	*8
		Sarasota Bay	80 feet west from the center of intersection of Somerset Avenue and Longbay Boulevard.	*18
			170 feet southwest from the center of intersection of Bay Drive and Smith Avenue.	*17
			At the center of intersection of 22nd Street and Bay Drive.	*16
			At the center of intersection of Westmoreland Drive and Gannis Avenue.	*15
			At the center of intersection of Pearl Avenue and Broughton Drive.	*14
			At the center of intersection of Smith Avenue and Auburn Avenue.	*13
			At the center of intersection of 34th Street West and Bayshore Gardens Parkway.	*12
			At the center of intersection of 8th Street and Cortez Road.	*11
			550 feet southeast from the center of intersection of 7th Street North and Vacant Street.	*10
		Lake Manatee	At the center of State Highway 64 crossing	*45

Maps are available for inspection at the Planning and Development Department, 212 6th Avenue East, Bradenton, Florida.

Send comments to the Honorable Edward W. Chance, 1115 Manatee Avenue West, Bradenton, Florida 33506.

Florida	Town of Yankeetown, Levy County	Gulf of Mexico	At westernmost end of Hodges Island	*21
			At intersection of Riverside Drive and 58th Street	*12

Maps available for inspection at Town Hall, Harmony Lane, Yankeetown, Florida 32698.

Send comments to Mayor Robert Reusch or Mr. Herbert Heasch, Zoning Officer, Town Hall, P.O. Box 280, Yankeetown, Florida 32698.

Illinois	(Uninc). Champaign County	Sangamon River	Just upstream of State Route 47	*684
			About 0.4 mile upstream of Interstate 74	[illegible]
		McCullough Creek	Just upstream of Race Street	*718
			About 2,900 feet upstream of Race Street	*725
		Upper Boneyard Creek	About 750 feet upstream of Neil Street	[illegible]
			About 2,200 feet upstream of Neil Street	*744
		Saline Branch	About 1,500 feet downstream of Interstate 74	[illegible]
			About 1,400 feet upstream of Lincoln Ave	*717
		Phinney Branch	Just upstream of Interstate 57	[illegible]
			Just downstream of Windsor Road	[illegible]
		Salt Fork	About 0.52 mile downstream of Conrail	[illegible]
			About 0.13 mile upstream of U.S. Route 150	*685
		Copper Slough	Just upstream of Interstate 57	*712
			About 500 feet upstream of Westbound Interstate 72	*734
			Just upstream of Conrail	*750

Maps available for inspection at the County Zoning Administrator's Office, 1905 East Main Street, Urbana, Illinois.

Send comments to Honorable Gary Adams, Chairman, Champaign County Board, Champaign County Courthouse Annex, Urbana, Illinois 61801.

Iowa	(C) Marshalltown, Marshall County	Iowa River	About 0.5 mile downstream of Chicago and Northwestern Railroad	[illegible]
			About 1,800 feet upstream of County Road E36	[illegible]
			About 1 mile upstream of the confluence of Braddy Creek.	
		Linn Creek	At downstream corporate limit	*871
			Just upstream of South 6th Street	[illegible]
			At upstream corporate limit	[illegible]
		Anson Creek	Mouth at Linn Creek	*877
			Just upstream of South Center Street	*944

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Braddy Creek	Mouth at Iowa River	*879
			Just downstream of North 13th Street	*891
			Just upstream of North 13th Street	*896
			Just upstream of West Main Street	*924

[illegible] for inspection at City Hall, P.O. Box #757, Marshalltown, Iowa.

Send comments to Honorable Howard Stegelman, Mayor, City of Marshalltown, City Hall, P.O. Box #757, Marshalltown, Iowa 50158.

Iowa	(Uninc.) Polk County	Fourmile Creek	City of Des Moines corporate limits	*823
			Just downstream of Chicago and North Western Railroad (downstream crossing).	*839
			Just downstream of Interstate 35	*896
			Just upstream of NE 110th Avenue	*910
			Just upstream of State Highway 67	*936
			Just downstream of NE 134th Street	*958
			Just upstream of NW 158th Avenue	*999
			At upstream County Boundary	*1,005
		Mud Creek	Just upstream of SE 56th Avenue	*780
			About 100 feet upstream of SE 20th Avenue	*803
			Just downstream of NE 12th Avenue	*830
			Just upstream of NE 27th Avenue	*883
			Just downstream of Chicago, Rock Island and Pacific Railroad (downstream crossing).	*892
			Just upstream of Chicago, Rock Island and Pacific Railroad (downstream crossing).	*897
			Just downstream of Chicago, Rock Island and Pacific Railroad (upstream crossing).	*904
			About 150 feet upstream of NE 80th Street	*909
			At City of Bondurant corporate limits (downstream crossing).	*921
		Mud Creek (above the City of Bondurant	City of Boundurant corporate limits (upstream crossing).	*947
			Just downstream of NE 94th Avenue	*952
		Rock Creek	About 0.51 mile upsteram of mouth	*813
			Just upstream of State Highway 415	*883
			Just upstream of NE 102nd Avenue	*941
			Just downstream of Chicago and North Western Railroad.	*953
		Spring Creek	About 100 feet upstream of SE 82nd Street	*784
			About 100 feet upstream of SE 80th Street	*823
			Just downstream of State Highway 163	*860
			Just upstream of State Highway 163	*878
			Just downstream of NE 80th Street (downstream crossing).	*878
			Just upstream of NE 80th Street (downstream crossing.	*881
			Just downstream of NE 27th Avenue	*917
			About 100 feet upstream of NE 27th Avenue	*923
			Just upstream of NE 80th Street (upstream crossing)	*931
		Walnut Creek	At City of Chive corporate limits	*864
			Just upstream of U.S. Highway 6	*879
			About 1.45 miles upstream of U.S. Highway 6	*886
		North Walnut Creek	Just upstream of Meredith Drive	*892
			Just downstream of NW 100th Street	*907
			Just upstream of NW 100th Street	*913
			About 0.48 mile upstream of NW 100th Street	*914
		Tributary to Walnut creek	Mouth at Walnut creek	*878
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*881
			About 1.3 miles upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*909
		Beaver Creek	City of Johnston Corporate limits (downstream crossing)	*822
			Just upstream of Herrold Street Herrold Street	*835
			Just downstream of State Highway 141	*842
		Little Beaver Creek	Mouth at Beaver Creek	*823
			Just upstream of NW 100th Street	*856
			Just upstream of State Highway 141	*877
			City of Grimes corporate limits (upstream crossing)	*919
		Little Beaver Creek tributary	Mouth at Little Beaver Creek	*914
			About 0.4 mile downstream of State Highway 44	*922
			Just downstream of Trail Ridge Road	*932
		Tributary A	Mouth at Little Beaver creek	*906
			About 100 feet downstream Chicago, Milwaukee, St. Paul and Pacific Railroad.	*918
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*925
			Just upstream of NW 142nd Street	*936

[illegible] for inspection at the Physical Planning Department, 5898 N.W. 14th, Des Moines, Iowa.

Send comments to Honorable Jack Bishop, Chairman of the Board of Supervisors, 2nd and Court, Des Moines, Iowa 50313.

New Jersey	Brick, Township, Ocean County	Kettle Creek	Entire shoreline within community	*8
		Atlantic Ocean	Entire shoreline within community	*13
		Barnegat Bay	Mantoloking Road	*7
			Swan Point	*7
			Havens Points	*8
			Dutchman's Point Road	*7

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Metedeconk River	Dock Road extended	*8
		Manasquan River	Entire shoreline within community	*8

Maps available for inspection at the Brick Municipal Building, 401 Chambers Bridge Road, Brick, New Jersey.

Send comments to Honorable John H. Kinnevy, Mayor of the Township of Brick, 401 Chambers Bridge Road, Brick , New Jersey 08723.

New Jersey	Clinton, Township, Hunterdon County	South Branch Raritan River	Most downstream corporate limits	*202
			Gray Rock Road (upstream side)	*213
			1,575' upstream of Gray Rock Road	*219
			At corporate limits 3,110' downstream of Cokesbury Road.	*290
			Cokesbury Road (upstream side)	*314
			Most upstream corporate limits	*327
		Beaver Brook	Downstream corporate limits	*207
			Eastbound State Route 31 (upstream side)	*218
			Allerton Road (upstream side)	*234
			Upstream of CONRAIL crossing	*290
		South Branch, Rockaway Creek	Downstream corporate limits	*173
			Blossom Hill Road at first upstream corporate limits	*212
			At most upstream corporate limits with the Borough of Lebanon.	*221

Maps available for inspection at the Clinton Municipal Building, West Street, Clinton, New Jersey.

Send comments to Honorable Theodore Savage, Mayor of the Township of Clinton, P.O. Box 36, Annandale, New Jersey 08801.

New Jersey	Franklin Lakes, Borough, Bergen County	Hohokus Brook	Downstream corporate limits	*212
			Upstream side of dam above Forest Road	*325
			Upstream side of Pulis Avenue	*332
			Upstream side of spillway upstream of Woodside Avenue bridge.	*346
			Approximately 50 feet upstream of Old Mill Road	*368
			Upstream side of dam at DeYoes Pond	*373
		Pond Brook	Downstream corporate limits	*325
			Upstream side of CONRAIL bridge	*337
			Upstream side of dam upstream of Colonial Road	*370
			Upstream side of Summit Avenue	*408
			Upstream side of Old Mill Ruins upstream of Franklin Lakes Road bridge.	*416

Maps available for inspection at the Franklin Lakes Municipal Building, DeKorte Drive, Franklin Lakes, New Jersey.

Send comments to Honorable William J. Vichiconti, Mayor of the Borough of Franklin Lakes, DeKorte Drive, Franklin Lakes, New Jersey 07417.

New Jersey	Jersey City, City, Hudson County	Newark Bay	Western shoreline of community	*10
		Upper New York Bay	Eastern shoreline of community	*10

Maps available for inspection at the Division of Engineering, Public Works Building, 575 Route 440, Jersey City, New Jersey.

Send comments to Honorable Gerald McCann, Mayor of Jersey City, 280 Grove Street, Municipal Building, Jersey City, New Jersey 07302.

New Jersey	Neptune, Township, Monmouth County	Atlantic Ocean	Entire shoreline within community	*13
		Shark River	Shoreline at Sylvan Drive (extended)	*10

Maps available for inspection at the Neptune Township Municipal Building, 25 Neptune Boulevard, Neptune, New Jersey.

Send comments to Honorable Joseph M. Pepe, Mayor of the Township of Neptune, P.O. Box 1125, Neptune, New Jersey 07753.

New York	Corinth, Township, Saratoga County	Hudson River	Downstream corporate limits	*556
			Upstream corporate limits	*559
		Sturdevant Creek	At confluence with Hudson River	*556
			Upstream of corporate limits of Village of Corinth	*596
			Heath Road upstream	*616

Maps available for inspection at the Townhall, 600 Palmer Avenue, Corinth, New York 12822.

Send comments to Honorable Harry Waring, Supervisor of the Town of Corinth, Town Hall, 600 Palmer Avenue, Corinth, New York 12822.

New York	Corinth, Village, Saratoga County	Hudson River	Downstream corporate limits	*446
			Upstream Palmer Falls Dam	*524
			Upstream Curtis Mill Dam	*557
			Upstream corporate limits	*559
		Sturdevant Creek	At confluence with Hudson River	*556
			Upstream Maple Street	*596
			Downstream International Paper Company Railroad	*591
			Upstream corporate limits	*596

Maps available for inspection at the Village Hall, 280 Main Street, Village of Corinth, New York.

Send comments to Honorable Donald E. Williams, Mayor of the Village of Corinth, Village Hall, 280 Main Street, Village of Corinth, New York 12822.

New York	Halfmoon, Town, Saratoga County	Anthony Kill	Downstream corporate limits	*105
			Upstream of footbridge	*132
			Upstream of Coons Crossing Road	*156
			Upstream corporate limits	*160
		Dwaas Kill	Downstream corporate limits	*181
			Upstream corporate limits	*184
		Hudson River	Downstream corporate limits	*36
			Downstream Lock No. 2	*45
			Upstream corporate limits	*61
		Mohawk River	Downstream corporate limits	*183
			Upstream corporate limits	*186

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Town Hall Building Department, Harris Road, Half Moon, New York.				
Send comments to Honorable John Dudek, Supervisor of the Town of Half Moon, Town Hall, Harris Road, Half Moon, New York 12186				
New York	Kingston, City, Ulster County	Esopus Creek	Downstream corporate limits	*160
			Upstream corporate limits	*166
		Rondout Creek	Confluence with Hudson River	*9
			Upstream corporate limits	*10
		Hudson River	Entire shoreline within community	*9
Maps available for inspection at the Office of the City Engineer, City Hall, 1 Garranghan Drive, Kingston, New York.				
Send comments to Honorable Donald E. Quick, Mayor of the City of Kingston, City Hall, 1 Garranghan Drive, Kingston, New York.				
New York	Malta, Town, Saratoga County	Ballston Creek	Downstream corporate limits	*164
			Upstream of Interstate Route 87	*171
			Upstream of Ruhle Road	*190
			Upstream corporate limits	*256
		Morning Kill	Confluence with Kayaderosseras	*225
			Upstream corporate limits	*227
		Anthony Kill	Downstream corporate limits	*159
			Confluence with Round Lake	*160
		Kayaderosseras Creek	Confluence with Saratoga Lake	*210
			Upstream U.S. Route 9 South	*215
			Approximately 140 feet upstream of North Line Road	*225
			Upstream corporate limits	[illegible]
		Round Lake	Entire shoreline within community	*160
		Saratoga Lake	Entire shoreline within community	*210
Maps available for inspection at the Town Hall, R.D. 3, Ballston Spa, New York.				
Send comments to Honorable David Meager, Supervisor of the Town of Malta, Malta Town Hall, R.D. 3, Ballston Spa, New York 12020.				
New York	Marcy, Town, Oneida County	Mohawk River	Most downstream corporate limits	*414
			Upstream New York State Thruway	*415
			Upstream Hayes Road	*417
			At corporate limits located downstream of River Street	*419
		Ninemile Creek	Most upstream corporate limits	*420
			Approximately 1,700' (.32 mile) upstream of Powell Road	*499
			Approximately 4,600' downstream of Main Street	*507
			Approximately 2,900' (.55 mile) downstream of Main Street	*514
			Upstream Main Street	*527
			Upstream corporate limits	*544
Maps available for inspection at the Town Hall, 9455 Toby Road, Marcy, New York 13403.				
Send comments to Honorable Frank Stocks, Supervisor of the Town of Marcy, 9455 Toby Road, Marcy, New York 13403.				
New York	Ulster, Town, Ulster County	Esopus Creek	Approximately 750' downstream of downstream CONRAIL crossing.	[illegible]
			Approximately 125' upstream of downstream CONRAIL crossing.	*133
			Downstream of Leggs Mill Road	*150
			New York State Thruway—downstream side	*163
			Upstream corporate limits	*167
		Rondout Creek	Downstream corporate limits	*10
			Upstream corporate limits	*27
		Hudson River	Entire shoreline within community	*9
Maps available for inspectin at the Clerk's Office, Town Hall, Lake Katrine, New York.				
Send comments to Honorable Charles Rider, Supervisor, Town of Ulster, Town Hall, Lake Katrine, New York 12449.				
New York	Sylvan Beach, Village, Oneida County	Oneida Lake	Entire shoreline within the community	*373
		Erie Canal	Entire shoreline within the community	[illegible]
		Wood Creek	Entire shoreline within the community	*373
		Fish Creek	Confluence with Erie Canal	*373
			Upstream corporate limits	*377
Maps available for inspection at the Municipal Building, Route 13, Sylvan Beach, New York.				
Send comments to Honorable Joseph DeFazio, Mayor of the Village of Sylvan Beach, P.O. Box 508, Sylvan Beach, New York 13157.				
New York	Vienna, Town, Oneida County	Fish Creek	Confluence with Erie Canal	*373
			Confluence of Mill Stream	[illegible]
			Upstream State Route 49	*399
			Upstream Oswego Road	*401
		Hall Brook	Confluence of West Branch of Fish Creek	[illegible]
			Confluence with Oneida Lake	*373
			Upstream State Route 49	[illegible]
		Halstead Creek	Upstream of third crossing of Mill Road	*429
			Confluence with West Branch Fish Creek	*462
		Mill Stream	Upstream McConnellsville Road	*490
			Confluence with Fish Creek	[illegible]
			Upstream State Route 49	*434
		Murray Brook	Downstream Dam and Spillway	*490
			Confluence with Oneida Lake	*373
			Approximately 1,435' upstream of West Lake Street	*420
		West Branch Fish Creek	Upstream of dam	*476
			Confluence with Fish Creek	[illegible]
			Upstream County Route No. 69	*417

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Approximately 1.5 miles downstream of Factory Street	*440
			Confluence of Halstead Creek	*462
		Oneida Lake	Confluence with Erie Canal	*375
		Erie Canal	Confluence with Fish Creek	*373

Maps available for inspection at the Town Hall, Route 49, Vienna, New York.

Send comments to Honorable George Harrison, Supervisor of the Town of Vienna, P.O. Box 127, North Bay, New York 13123.

New York	Warrensburg, Town, Warren County	Hudson River	Upstream of State Route 418	*615
			Approximately 15,000' upstream of State Route 418	*626
			Approximately 25,000' upstream of State Route 418	*636
			Potter Brook Road extended	*687
			Upstream corporate limits	*709
		Schroon River	Confluence with Hudson River	*618
			Upstream of Pulp Mill Dam (breached)	*634
			Upstream of Milton Road	*648
			Upstream of New Street	*685
			Upstream of U.S. Route 9	*698
			Upstream of Interstate 87	*701
			Upstream of bridge at USGS gage	*712
			Upstream corporate limits	*734

Maps available for inspection at the Emerson Town Hall, Assessor's Office, Main Street, Warrensburg, New York.

Send comments to Honorable Charles E. Hastings, Supervisor of the Town of Warrensburg, Emerson Town Hall, Main Street, Warrensburg, New York 12885.

Pennsylvania	Darby, Township, Delaware County	Darby Creek	Downstream corporate limits	*11
			Upstream Hook Road	*17
			Upstream corporate limits	*19
		Cobbs Creek	Confluence with Darby Creek	*16
			Upstream corporate limits	*20
		Muskinipatis Creek	Downstream corporate limits	*18
			Upstream footbridge	*63
			Upstream corporate limits	*63

Maps available for inspection at the Darby Township Building, 1063 Cedarwood Avenue, Glenolden, Pennsylvania.

Send comments to Honorable Harry Modesti, Township Manager of Darby, 1063 Cedarwood Avenue, Glenolden, Pennsylvania 19036.

Pennsylvania	Warwick, Township, Chester County	French Creek	County Park Road	*290
			Ridge Road (State Rouute 23 (upstream side)	*307
			CONRAIL (upstream side)	*418
			Approximately 90 feet downstream of Trythall Road	*446

Maps available for inspection at the Offie of Edward Fowler, Keen and Company, Routes 23 and 345, Warwick, Pennsylvania.

Send comments to Honorable Edward Fowler, Chairman of the Warwick Township Board of Supervisors, R.D. 1, Box 164, Elverson, Pennsylvania 19520.

Texas	Bonney, Town, Brazoria County	Oyster Creek	Southern corporate limits near Access Road (upstream side) located south of FM 655	*44
			FM 655 (upstream side)	*45
			Northern corporate limits	*47

Maps available for inspection at the Town Hall, Rosharon, Texas.

Send comments to Honorable Don Zwahr, Mayor of the Town of Bonney, Box 88, Rosharon, Texas 77583.

Wisconsin	(V) Big Bend, Waukesha County	Fox River	Within the corporate limits	*760

Maps available for inspection at the Village President Office, Village Hall, W230 S9175 Nevins Street, Big Bend, Wisconsin.

Send comments to Honorable Gary Arkin, Village President, Village Hall, W230 S9175 Nevins Street, Big Bend, Wisconsin 53103.

Wisconsin	(V) Plover, Portage County	Wisconsin River	At downstream corporate limit	*1,046
			At upstream corporate limit	*1,047

Maps available for inspection at the Clerk's Office, Village Hall, 704 Washington Avenue, Plover, Wisconsin.

Sent comments to Honorable Daniel H. Schlutter, Village President, Village of Plover, Village Hall, 704 Washington Avenue, Plover, Wisconsin 54467.

Wisconsin	(V) Wyeville, Monroe County	South Fork Lemonweir River	Just upstream of Chicago and North Western Railroad	*817
			About 0.55 mile upstream of Chicago and North Western Railroad.	*818

Maps available for inspection at the Village President's Office, Village Hall, P.O. Box #47, Wyeville, Wisconsin.

Send comments to Honorable Phyllis E. Sorensen, Village President, Village of Wyeville, Village Hall, P.O. Box #47, Wyeville, Wisconsin 54671.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: June 3, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–15921 Filed 6–15–83; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-490; RM-4395]

TV Broadcast Station in Fort Scott, Kansas and Poplar Bluff, Missouri; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 26 to Fort Scott, Kansas, as its first television assignment, in response to a petition filed by K of K Communications, Inc.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

In the matter of: amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Fort Scott, Kansas and Poplar Bluff, Missouri), MM Docket No. 83-490, RM-4395.

Proposed Rule Making

Adopted: May 9, 1983.
Released: June 2, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed March 7, 1983, by K of K Communications, Inc. ("petitioner") seeking the assignment of UHF television Channel 26 to Fort Scott, Kansas, as its first television assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

2. Fort Scott (population 8,893),[1] seat of Bourbon County (population 15, 989), is located in eastern Kansas, approximately 140 kilometers (83 miles) south of Kansas City. It has no local TV service.

3. Petitioner states that Fort Scott has demonstrated remarkable population stability between the 1960 and 1980 censuses. Petitioner believes that Fort Scott is a vibrant area deserving a first television service.

4. The proposed assignment meets all spacing requirements if the offset of unused and unapplied for Channel *26 at Poplar Bluff, Missouri, is changed. In view of the above and the fact that Fort Scott could receive its first local commercial television broadcast service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following communities:

City	Channel No.	
	Present	Proposed
Fort Scott, Kansas		26-
Poplar Bluff, Missouri	15+, *26-	15+, *26+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Commissions Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and

[1] Population figures are taken from the 1980 U.S. Census Advance Reports.

Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16101 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-486; RM-4425]

TV Broadcast Stations in Gainesville, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 61 to Gainesville, Florida, as its third television service, as requested by Holt-Robinson Communications.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Mass Media Bureau (202) 632-5414.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of: amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Gainesville, Florida), MM Docket No. 83-486, RM-4425.

Adopted: May 9, 1983.
Released: June 2, 1983.
By the Chief, Policy and Rules Division.

1. The Commission has before it a petition filed by Holt-Robinson Communications ("Holt") to assign UHF television channel 61 to Gainesville, Florida, as its third television outlet. Gainesville (population 81,371) [1] the seat of Alachua County (population 151,348), is located in north central Florida, approximately 105 kilometers (65 miles) southwest of Jacksonville, Florida. Holt states tht Gainesville, often referred to as the "University City," is the focal point for health and educational services throughout the state and is also the agricultural hub of Florida. Holt further states that if the proposed assignment is made, it will promptly apply for a construction permit to operate on the channel and will, if granted, construct and operate a new television station on the channel. The proposed assignment meets all minimum spacing requirements of our Rules.

2. In view of the foregoing, we conclude that the public interest would be served by our proposing an amendment of the TV Table of Assignments, § 73.606(b) of the Commission's Rules, for the following community:

City	Channel No.	
	Present	Proposed
Gainesville, Florida	*6-, 20	*6-, 20, 61+

3. The commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632-5414. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.
Roderick K. Porter,
Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16109 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-487; RM-4403]

FM Broadcast Stations in Harbor Beach, Michigan, Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 288A to Harbor Beach, Michigan, as that community's first FM assignment, in response to a petition filed by Midwest Radio Consultants, Inc.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of; amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Harbor Beach, Michigan), MM Docket No. 83-487, RM-4403.

Adopted: May 9, 1983.
Released: June 2, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed March 15, 1983, by Midwest Radio Consultants, Inc. ("petitioner"), proposing the assignment of FM Channel 288A to Harbor Beach, Michigan, as that community's first local FM broadcast service. Petitioner submitted information in support of the proposal and expressed interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since the assignment of FM Channel 288A is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian clearance must be obtained.

3. In view of the fact that the proposed assignment would provide a first local FM broadcast service to Harbor Beach, Michigan, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Harbor Beach, Michigan		288A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concering this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and

307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.402(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an orginal and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16104 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-462; RM-4402]

FM Broadcast Station in Williams, Arizona; Proposed Changes in Tables of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign FM Channel 257A to Williams, Arizona, in response to a petition filed by Soho Broadcasting. The assignment could provide Williams with a second local FM service.

DATES: Comments must be filed on or before July 18, 1983, and reply comments must be filed on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of; amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Williams, Arizona) MM Docket No. 83-462, RM-4402.

Adopted: May 4, 1983.
Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Soho Broadcasting ("petitioner"), seeking the assignment of Channel 257A to Williams, Arizona, as that community's second FM assignment.

2. Previously, Soho filed a petition for rule making seeking the assignment of Channel 244A to Williams, Arizona (BC Docket No. 81-714, RM-3890), which was granted by *Memorandum Opinion and Order*, adopted August 23, 1982, 47 FR 40168, published September 13, 1982. Thereafter, on October 21, 1982, petitioner filed an application for a construction permit to operate on Channel 244A (File No. 821021AC), followed on February 14, 1983, by a second application for than channel by T.A. Hunt and R. Hunter ("H&H") (File No. 830214AD).

3. In view of the second expression of interest in Channel 244A, petitioner requests that, in order to avoid a comparative hearing, the Commission consider amending the FM Table of Assignments to also assign Channel 257A to Williams, Arizona; grant the construction permit application of H&H for Channel 244A; and amend petitioner's construction permit application to specify Channel 257A in lieu of Channel 244A.

4. Based on petitioner's expression of interest in providing Williams with a second local FM service, Channel 257A will also be proposed for assignment. However, we cannot abide by petitioner's request to grant the construction permit for Channel 244A to H&H as a part of this rule making proceeding. Nor can we amend petitioner's application to specify Channel 257A, if assigned.

5. In accordance with *Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327 (1945), the addition of a new channel at a community requires that the assignment be made available for competing applications. Petitioner has not set forth any precedent for its request. Therefore, petitioner will have no protected rights as against other potential applicants for Channel 257A. If petitioner does in fact apply for Channel 257A, it will be required to withdraw its pending application for a construction permit for Channel 244A at that time. Petitioner is requested to set forth its intention to file for Channel 257A if assigned to Williams.

5. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Williams, Arizona	244A	244A, 257A

6. The Commission's authority to institute rule making procedings, showings required, cut-off procedures,

and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to lrule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in this proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) and 0.204(b) of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (see § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in the *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rule and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–16105 Filed 6–15–83; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket 83–481; RM–4382]

TV Broadcast Station in Morton, Washington; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 39 to Morton, Washington, in response to a petition filed by the Daily Chronicle, Inc. The proposed assignment could provide for a first commercial television service to Morton.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of: amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Morton, Washington), MM Docket No. 83–481, RM–4382.

Adopted: May 4, 1983.
Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. The Daily Chronicle, Inc. ("petitioner") submitted a petition for rule making on February 16, 1983, requesting the assignment of UHF Television Channel 39 to Morton, Washington, as a first commercial television assignment. Petitioner stated that it, or an entity of which it is a part, will apply for the channel, if assigned.

2. Morton (population 1,264),[1] in Lewis County (population 55,279), is located in

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

western Washington, approximately 120 kilometers (75 miles) south of Seattle. Morton is currently without local television service.

3. In support of its proposal, petitioner submitted population data and statistics on the consumer spendable income and retail sales for Lewis County.

4. We believe that the petitioner's proposal warrants consideration. The assignment of Chanel 39 to Morton would require a site restriction of 1 mile north of the city to avoid short spacing to a construction permit on Channel 24 at Portland, Oregon. As Morton, Washington, is within 400 kilometers (250 miles) of the U.S.-Canadian border, Canadian coordination is required.

5. Comments are invited on the proposal to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Morton, Washington		39

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which had not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16106 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-493; RM-4393]

FM Broadcast Stations in Gulf Breeze, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a first FM assignment to Gulf breeze, Florida, in response to a petition filed by Eugene Hobdy.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), table of Assignments, FM Broadcast Stations, (Gulf Breeze, Florida), MM Docket No. 83–493, RM–4393.

Adopted: May 9, 1983.
Released: June 3, 1983.

By the Chief; Policy and Rules Division.

1. Eugene Hodby ("petitioner") submitted a petition for rule making on February 23, 1983, which seeks the assignment of Channel 237A to Gulf Breeze, Florida, as its first FM assignment. Petitioner stated his intention to apply for the channel, if assigned.

2. In an effort to demonstrate a need for the requested assignment, petitioner submitted population and community data. In view of the action taken in *Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982), this information is no longer needed in this type of proceeding.

3. We have determined that Channel 237A can be assigned to Gulf Breeze in conformity with the minimum distance separation requirements, provided the transmitter site is located approximately 5.6 miles northeast of the city. This restriction is necessary to avoid short-spacing to Station WKSJ–FM (Channel 235), Mobile, Alabama.

4. In view of the fact that the proposal could provide a first local broadcast service to Gulf Breeze, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Gulf Breeze, Florida		237A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307 (b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-16120 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-498; RM-4306]

TV Broadcast Stations in Miami, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 35 to Miami, Florida, as the result of a petition by Harry C. Powell, Jr. The assignment could provide a ninth commercial TV service to Miami.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or befor August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau (202) 632-5414.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assigments, TV Broadcast Stations (Miami, Florida), MM Docket No. 83-498, RM-4306.

Adopted: May 5, 1983.
Released: June 6, 1983.

By the Chief; Policy and Rules Division.

1. The Commission has before it a petition by Harry C. Powell, Jr. ("Powell") to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules, by adding UHF Television Channel 67 to Miami, Florida. Powell states that, if the channel is assigned as requested, either he or an entity of which he is a part, will promptly apply for operation on the channel.

2. Miami (population 346,934) [1] is the county seat of Dade County (population 1,625,979) and is located in southeastern Florida.

3. Powell's Channel 67 proposal cannot be acted upon because it is short spaced to a proposal to add Channel 67 to Lake Worth, Florida, BC Docket No. 82-597. Moreover, his proposal cannot be accepted as a counterproposal in that docket because it is untimely. However, Channel 35 could be assigned to Miami with a site restriction of 7.8 miles southwest of the city to avoid a short-spacing conflict with Station WDZL, Channel 39, Miami.

4. We conclude that the public interest would be served by our seeking comments on a proposal to amend § 73.606(b) of the Commission's Rules, the TV Table of Assignments by adding Channel 35 to Miami, Florida, as its ninth commercial TV service, as follows:

City	Channel No.	
	Present	Proposed
Miami, Florida	*2, 4, 6, 7-, 10+, *17-, 23-, 33, 39, 45+.	*2, 4, 6, 7-, 10+, *17-, 23-, 33, 35, 39, 45+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632-5414. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16115 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-492; RN-4405]

FM Broadcast Stations in Wamego, Kansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 237A to Wamego, Kansas, as its first FM assignment in response to a petition filed by Cheryl A. Stallard.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Wamego, Kansas), MM Docket No 83-492, RN-4405.

Adopted: May 9, 1983.

Released: June 2, 1983.

By the Chief, Policy and Rules Division:

1. A petition for rule making was filed March 16, 1983, by Cheryl A. Stallard ("petitioner") seeking the assignment of Channel 237A to Wamego, Kansas, as its first FM assignment. Petitioner submitted information in support of the proposal and stated that she will apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Wamego, Kansas, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Wamego, Kansas	.....	237A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, Published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this appendix is attached proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16121 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-479; RM-4390]

TV Broadcast Stations in Paintsville and West Liberty, Kentucky; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to reassign UHF Television Channel 69 from Paintsville, Kentucky, to West Liberty, Kentucky, as its first television assignment, in response to a petition by Morgan Supply Company.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Mass Media Bureau (202) 632-5414.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Paintsville and West Liberty, Kentucky), MM Docket No. 83-479, RM-4390.

Adopted: May 4, 1983.
Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition by Morgan Supply Company ("Morgan") to reassign UHF Television Channel 69 from Paintsville, Kentucky, to West Liberty, Kentucky. The channel was assigned to Paintsville on May 19, 1981, 46 FR 30089, in response to a request from Hometown Television, Inc. No application has been filed for operation of a station on the channel. Morgan states that no other UHF channel is available for use at West Liberty. Morgan states further that it will promptly apply for a construction permit on Channel 69 at West Liberty, if the reassignment is made.

2. West Liberty (population 1,381),[1] the seat of Morgan County (population 12,103), is located in eastern Kentucky, approximately 110 kilometers (80 miles) east of Lexington, Kentucky. It has no local TV service.

3. Paintsville (population 3,815), the seat of Johnson County (population 24,432), is located approximately 42 kilometers (26 miles) east of West Liberty. It has one unoccupied and unapplied for channel (69). Inasmuch as no interest has been expressed in use of the channel at Paintsville and Morgan would provide a first television outlet in West Liberty, we believe that the public interest would be served by the proposal to amend the TV Table of Assignments, § 73.606(b) of our Rules, as follows:

City	Channel No.	
	Present	Proposed
Paintsville, Kentucky	69-	
West Liberty, Kentucky		69+

4. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632-5414. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

[1] Population figures are taken from the 1980 U.S. Census Advance Reports.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompained by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-16109 Filed 6-15-83 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-499; RM-4391]

FM Broadcast Stations in Van Buren, Indiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 257A to Van Buren, Indiana, as its first FM assignment in response to a petition filed by William Edwin Loucks.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Van Buren, Indiana), MM Docket No. 83-499, RM-4391.

Adopted: May 5, 1983.
Released: June 6, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 22, 1983, seeking the assignment of Channel 257A to Van Buren, Indiana, as its first FM assignment. The requested assignment is short spaced by 5 miles to the current location of Station WZPL (Channel 258), Greenfield, Indiana. However, Station WZPL was recently granted a construction permit to move its transmitter. Based on this move taking place, the Van Buren channel can be assigned provided that a 1.2 mile north site restriction is adhered to. Petitioner failed to state that he would apply for the channel, if assigned. He merely indicated that he would be a possible owner with an undetermined percentage. Petitioner should indicate in comments a specific commitment.

2. Since the proposed assignment of Channel 257A to Van Buren, Indiana, is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian clearance must be obtained.

3. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Van Buren, Indiana, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Van Buren, Indiana		257A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 18, 1983 and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assigment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petition for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendiix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16114 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-480; RM-4366]

FM Broadcast Stations in Baraga, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C FM Channel 278 to Baraga, Michigan, in response to a petition filed by Keweenaw Bay Tribal Center. The proposed assignment could provide a first FM service to that community.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), table of Assignments, FM Broadcast Stations (Baraga, Michigan), MM Docket No. 83-480, RM-4366.

Adopted: May 4, 1983.
Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making by Keweenaw Bay Tribal Center ("petitioner") was filed March 2, 1983, proposing the assignment of Class C FM Channel 278 to Baraga, Michigan, as its first FM assignment. Petitioner submitted information in support of the proposal but failed to state that it would apply for the channel, if assigned. It is expected to do so in its comments. A site restriction of 5.3 miles south of Baraga is required to avoid short spacing to unused Channel 279C in Nipigan, Ontario (Canada).

2. Since Baraga, Michigan, is located within 320 kilometers (20 miles) of the U.S.-Canadian border, Canadian clearance must be obtained.

3. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Baraga, Michigan, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Baraga, Michigan		278

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in

the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel that was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–16108 Filed 6–15–83; 8:45 am]
BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 83–496; RM–4384]

TV Broadcast Station in Cadillac, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 33 to Cadillac, Michigan, as its third television assignment in response to a petition filed by the GRK Productions.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of; amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Cadillac, Michigan), MM Docket No. 83–496, RM–4384.

Adopted: May 9, 1983.
Released: June 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed February 18, 1983, by GRK Productions ("petitioner") seeking the assignment of UHF Television Channel 33 to Cadillac, Michigan, as its third television assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements and other criteria.

2. Cadillac (population 10,199),[1] seat of Wexford County (population 25,102), is

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

located approximately 280 kilometers (175 miles) northwest of Detroit, Michigan..

3. Since Cadillac, Michigan, is located within 402 kilometers (250 miles) of the U.S.-Canadian border, Canadian clearance must be obtained.

4. In view of the fact that Cadillac could receive its third local television broadcast service, the Commission believes it is appropriate to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Cadillac, Michigan	9, *27	9, *27, 33+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 F.R. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-16117 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-497; RM-4404]

FM Broadcast Stations in Glen Arbor, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 232A to Glen Arbor, Michigan, as that community's first FM assignment, in response to a petition filed by Midwest Radio Consultants, Inc.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Glen Arbor, Michigan), MM Docket No. 83-497, RM-4404.

Adopted: May 9, 1983.
Released: June 6, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed March 15, 1983, by Midwest Radio Consultants, Inc. ("petitioner"), seeking the assignment of Channel 261A to Glen Arbor, Michigan, as its first FM broadcast service. Petitioner submitted information in support of the proposal and expressed its interest in applying for the channel, if assigned.

2. The requested assignment is short-spaced to a proposal for Channel 261A in Bear Lake, Michigan. Our staff has determined that Channel 232A in Glen Arbor meets all spacing requirements.

3. Since the assignment of Channel 232A to Glen Arbor, Michigan is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

4. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Glen Arbor, Michigan, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Glen Arbor, Michigan		232A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of The Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding wil be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16116 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-491; RM-4420]

FM Broadcast Station in Baker, Oregon; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C Channel 284 to Baker, Oregon, as that community's second FM assignment, in response to a petition by James T. Frakes.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Baker, Oregon), MM Docket No. 83-491, RM-4420.

Adopted: May 9, 1983.
Released: June 2, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed March 31, 1983 by James T. Frakes ("petitioner"), seeking the assignment of Class C FM Channel 284 to Baker, Oregon as that community's second FM assignment. Petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a second local FM broadcast service to Baker, Oregon, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Baker, Oregon	...	237A, 284

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a massage (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitoner consititutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in section 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in intital comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies

of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16112 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-478; RM-4371]

TV Broadcast Stations in Blanco, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule

SUMMARY: This action proposes to assign UHF television Channel 52 to Blanco, Texas as its first television assignment in response to a petition filed by Opal Chadwell.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Blanco, Texas), MM Docket No. 83-478, RM-4371

Adopted: May 4, 1983.
Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed February 3, 1983, by Opal Chadwell ("petitioner") seeking the assignment of UHF television Channel 52 to Blanco, Texas, as its first television asignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

2. Since Blanco is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires the concurrence of the Mexican government.

3. Blanco (population 1,179)[1] in Blanco County (population 4,681), is located in central Texas approximately 72 kilometers (45 miles) west of Austin, Texas.

4. In view of the fact that Blanco could receive its first local television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Blanco, Texas		52+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules.* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in §§ 4(i), (5)(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will be govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

---

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16111 6-15-83; 9:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-477; RM-4397]

FM Broadcast Stations in Antigo, Wisconsin; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 280A to Antigo, Wisconsin as its second FM assignment in response to a petition filed by Stewart-Monroe Broadcast Enterprises.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Antigo, Wisconsin), MM Docket No. 83-477, RM-4397.

Adopted: May 4, 1983.
Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 18, 1983, by Stewart-Monroe Broadcast Enterprises ("petitioner") proposing the assignment of Channel 280A to Antigo, Wisconsin, as its second FM assignment. Petitioner submitted information in support of the proposal but failed to express an interest in applying for the channel, if assigned. It is expected to do so in its comments. A site restriction of 6.7 miles east of Antigo is required to avoid short spacing to Station WWIB (Channel 279), Ladysmith, Wisconsin, and to Station WWRW (Channel 277) in Wisconsin Rapids, Wisconsin.

2. Since the proposed asignment of Channel 280A to Antigo, Wisconsin, is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian clearance must be obtained.

3. In view of the fact that the proposed assignment could provide a second local FM broadcast service to Antigo, Wisconsin, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules), with respect to the following community.

City	Channel No.	
	Present	Proposed
Antigo, Wisconsin	257	280A, 257

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the persons(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the

consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply coments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rule and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16110 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-494; RM-4394]

FM Broadcast Stations in Trempealeau, Wisconsin; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 288A to Trempealeau, Wisconsin, in response to a petition filed by Greater Trempealeau Broadcasting Company. The proposed assignment could provide a first FM service to Trempealeau.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Trempealeau, Wisconsin), MM Docket No. 83-494, RM-3494.

Adopted: May 9, 1983.
Released: June 2, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed on February 28, 1983, by Greater Trempealeau Broadcasting Company ("petitioner"), proposing the assignment of Channel 288A to Trempealeau, Wisconsin, as its first FM assignment. Petitioner expressed its desire to apply for the channel, if assigned.

2. The proposed assignment of Channel 288A to Trempealeau can be made in conformity with the minimum distance separation requirements, provided the transmitter site is located approximately 4.9 miles southwest of the city. [1] This restriction is necessary to avoid short-spacing to Station WCFW(FM) (Channel 288A) at Chippewa Falls, Wisconsin.

3. In view of the foregoing and the fact that the proposed assignment could provide a first FM service to Trempealeau, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following community:

[1] Petitioner proposed a transmitter site 5.1 miles southwest of the city.

City	Channel No.	
	Present	Proposed
Trempealeau, Wisconsin		288A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 F.R. 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and

307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-16119 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 83-495; RM-4407]

TV Broadcast Stations in Claremore and Tulsa, Oklahoma; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to reassign UHF noncommercial television Channel *35 from Tulsa, Oklahoma, to Claremore, Oklahoma, and to assign Channel *59 to Tulsa, Oklahoma, in response to petition for rule making.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Claremore and Tulsa, Oklahoma), MM Docket No. 83-495, RM-4407.

Adopted: May 9, 1983.
Released: June 3, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed March 18, 1983, by Rogers State College, seeking the reassignment of UHF noncommercial educational television Channel *35 from Tulsa, Oklahoma, to Claremore, Oklahoma. Petitioner also proposed the assignment of non-commercial educational UHF television Channel *53 to Tulsa, Oklahoma, to replace Channel *35. Petitioner submitted information in support of the proposal and expressed an interest in applying for the Claremore channel, if assigned.

2. Channel *35 in Claremore meets all spacing requirements. However, the assignment of Channel *53 to Tulsa, Oklahoma, is mutually exclusive with a petition from Harry C. Powell (MM Dkt. 83-241) requesting the assignment of Channel 53 to Tulsa for commercial use. As an alternative, we have determined that Channel *59 can be assigned and reserved at Tulsa for noncommercial educational use in compliance with all spacing requirements.

2. Claremore (population 12,085)[1], seat of Rogers County (population 46,436), is located approximately 40 kilometers (25 miles) northeast of Tulsa. It has no local TV service.

4. In view of the fact that Claremore, Oklahoma, could receive its first noncommercial educational television broadcast service, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following communities:

City	Channel No.	
	Present	Proposed
Claremore, Oklahoma	.....	*35
Tulsa, Oklahoma	2+, 6+, 8-, *11-, 23, *35-, 41+, and 47.	2+, 6+ 8-, *11-, 23, 41+, 47, 53, and *59

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channmel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules.

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–16118 Filed 6–15–83; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Dot.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice explains the denial of a petition for rulemaking submitted by Ms. Margo Savitz to amend Safety Standard No. 208 to preclude the use of seat belts having automatic locking retractors in rear seats of vehicles. The petition stated that these seat belts tighten excessively on small children and cause extreme discomfort. The petition is being denied because the agency has previously considered this issue during a rulemaking proceeding and determined that considerations other than comfort make use of these retractors advantageous in rear seating positions.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Nelson, Office of Vehicle Safety Standards National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–2264).

SUPPLEMENTARY INFORMATION: Ms. Margo Savitz submitted a petition for rulemaking stating that the rear seat belts on her passenger car do not work properly on small children (3–4 years of age) because they continually retract and get tighter, thereby causing great discomfort. Ms. Savitz requested that another design of seat belt be required for rear seating positions.

Safety standard No. 208, *Occupant Crash Protection* (49 CFR 571.208), currently requires lap belts to be equipped with either automatic locking retractors (ALR's) or emergency locking retractors, in order to assure that belts are sufficiently tightened to be effective in the event of a crash. Emergency locking retractors are sensitive to vehicle deceleration (either directly or indirectly) and lock only when there is an accident. These retractors allow occupant movement without tightening when the belt is fastened, i.e., the belts do not lock until they are needed. On the other hand, ALR's lock to hold the occupant in place as soon as the belt is fastened. Moreover, if the occupant compresses the seat cushion as a result of movement, the belt can tighten further, making it necessary to unbuckle and refasten the belt if pressure becomes too great. This is the comfort problem to which the subject petition refers.

The agency considered the issues raised in Ms. Savitz's petition in a rulemaking proceeding commenced in 1979 to improve the comfort and convenience of seat belt systems. (See NPRM, 44 FR 77210, December 31, 1979; Final Rule, 46 FR 2064, January 8, 1981.) That proceeding recognized the comfort problems caused by ALR's and amended Standard No. 208 to preclude their use in the lap belt portion of belts installed in *front* outboard seating positions (this amendment is not yet effective; NPRM issued November 15, 1982, to delay effective date for two years until September 1, 1985, 47 FR 51432).

However, other overriding considerations led the agency to conclude that ALR's should not be prohibited in *rear* seating positions. The primary reason for this conclusion is that automatic locking retractors are better suited for use with child restraint systems than emergency locking retractors. Since emergency locking retractors allow movement when the belt is fastened, the child restraint system could slide out of position prior to a crash if the retractor cannot be locked manually. Given the low usage rate of rear seats compared to front seats and considering the cost of installing emergency locking retractors equipped with manual locking devices in rear seats, the agency determined that the requirement for emergency locking retractors should not apply to rear seats (although these retractors are permitted in rear seats, at the option of the manufacturer).

It is the agency's position that small children should be placed in child restraints in the rear seats rather than in front seating positions or in rear seating positions restrained by a lap belt only. NHTSA crash statistics show that a child restraint installed in the rear seat of a passenger car is the safest environment for small children during a crash. Since this is true, the agency encourages the use of child restraints in rear seats, and ALR's facilitate the proper use of these devices. If child

restraints are used, the comfort problems mentioned in the petition will not occur because the ALR tightens the seat belt against the restraint system and not against the child.

Ms. Savitz's petition did not provide any information which would cause the agency to reverse the conclusions it had reached in the above-referenced rulemaking proceeding. In consideration of this fact, the petition is hereby denied.

(Secs. 103, 119, Pub. L. 89-563 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 9, 1983.

Kennerly H. Digges,

Acting Associate Administrator for rulemaking.

[FR Doc. 83-16020 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1152

[Ex Parte No. 274 (Sub-No. 8A)]

Exemption of Out of Service Lines (Discontinuance of Service and Trackage Rights)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking and exemption.

SUMMARY: We propose to expand the exemption granted in Ex Parte No. 274 (Sub-No. 8), *366* I.C.C. *885*, which exempts abandonments of rail lines which have been out of service for at least 2 years by also exempting from regulation under 49 U.S.C. 10505 the discontinuance of service and of trackage rights over rail lines which have been out of service for at least 2 years. It appears that, as with abandonments, there is no evident need for the service and no shipper would be adversely affected by the discontinuance of service over a line or the discontinuance of trackage rights when no traffic has been handled locally on the line by the carrier seeking the discontinuance for at least 2 years. Carriers using this exemption will remain subject to standard employee protective conditions. We invite public comment on this proposal.

DATES: Comments must be submitted by July 18, 1983.

ADDRESSES: Send an original and 10 copies of comments to: Interstate Commerce Commission, Office of the Secretary, Room 2215, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. For a copy of the full decision, contact the Office of the Secretary, Interstate Commerce Commission, Room 2215 Twelfth and Constitution Avenue, N.W., Washington, DC 20423, or call (202) 275-7428.

The Secretary of the Commission has certified that this action will not have a significant economic impact on a substantial number of small entities. If no service has been performed for at least 2 years, small entities that could conceivably be served either were not dependent on that service or have made other arrangements for service.

List of Subjects in 49 CFR Part 1152

Administrative practice and procedure; Railroads; Reporting and record keeping requirements' uniform system of accounts.

This action is proposed under the authority of 49 U.S.C. 10321 and 10505, and 5 U.S.C. 553.

It does not appear that this action will significantly affect the quality of the human environment or the conservation of energy resources.

Decided: June 3, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, and Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-16150 Filed 6-15-83; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 48, No. 117
Thursday, June 16, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Meeting of Study Committee To Study Alternative Methods of Establishing Premiums and Discounts for the Upland Cotton Loan Program

1. Meeting

Pursuant to the provisions of Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following committee meeting.

Name: Study Committee to Study Alternative Methods of Establishing Premiums and Discounts for the Upland Cotton Loan Program.

Date: July 6 and 7, 1983.

Place: U.S. Department of Agriculture, 14th and Independence Avenue S.W., Room 4960 South Building, Washington, D.C. 20250.

Time: 9:00 a.m.—4:00 p.m.

Purpose: To consider methods of establishing premiums and discounts for grade, staple and micronaire for 1984 and subsequent crops of upland cotton that will represent true relative market values and reflect actual market demand for upland cotton produced in the United States. The committee shall submit the results of the study to the Secretary at the earliest practicable date together with recommendations as the committee considers appropriate.

Agenda: The agenda will include consideration of methods of establishing premiums and discounts for the 1984 and subsequent crops.

The meeting will be open to the pub.ic but space and facilities are limited. Public participation will be limited to written statements submitted before the meeting to the Chairman unless their participation is otherwise requested by the Committee Chairman. Written statements should be sent Charles V. Cunningham, Deputy Director, Analysis Division, ASCS, Room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013, telephone (202) 447–7954.

Signed at Washington, D.C., on June 13, 1983.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 83–16144 Filed 6–15–83; 8:45 am]

BILLING CODE 3410-05-M

Federal Grain Inspection Service

Request for Comments on Need for Service in North Central Texas and Request for Designation Applicants to Perform Official Services (TX)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments on the need for official inspection service in a currently unassigned area in North Central Texas. At the same time it requests applications from interested parties for designation as an official agency to provide official inspection services in this area.

DATE: Applications and comments to be postmarked on or before July 18, 1983.

ADDRESS: Applications should be submitted to James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647, South Building, Washington, D.C. 20250; telephone (202) 447–8525. All applications received will be made available for public inspection at the above address during regular business hours.

Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250; telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) of the U.S. Grain Standards Act, as amended (7 U.S.C. *et seq.*, at 79(f)(1)) (Act), specifies that the Administrator of the Federal Grain Inspection Service (FGIS) is authorize, upon application by any qualified agency or person, to designate such agency or person to perform official services after a determination is made that the applicant is better able than any other applicant to provide such official services in an assigned geographic area. Applications submitted and other available information will be considered in making a determination as to which applicant will be designated to provide official services in a georgraphic area..

Interested parties are hereby given opportuinty to apply for designation as the official agency to perform official services in the geographic area, as specified below, under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. Parties wishing to apply for this designation should contact the Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than July 18, 1983 to be eligible for consideration.

Pursuant to Section 7(f)(2) of the Act, the geographic area that may be assigned to the applicant selected for designation is the following Counties in North Central Texas: Archer, Baylor, Callahan, Cottle, Eastland, Erath, Fisher, Foard, Haskell, Hood, Jack, Jones, King, Knox, Montague, Nolan, Palo Pinto, Parker, Shackelford, Somerville, Stephens, Stonewall, Taylor, Throckmorton, Wise, and Young.

This geographic area available for assignment has never previously been assigned to an official agency. FGIS has information that there will be a need for official inspection service in this area. Comments are solicited on the need for such service in North Central Texas. All comments must be submitted to the Regulations and Directives Management Staff, Resources Management Division, specified in the address section of this notice, and postmarked not later than July 18, 1983.

A 30-day period for submission of comments and applications is deemed appropriate so as to permit the performance of official inspection service, if determined to be needed, at the earliest possible time. Consideration will be given to comments and to all other available information before a final decision is made in this matter.

(Sec. 8, Pub. L 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: June 13, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83-16139 Filed 6-15-83; 8:45 am]

BILLING CODE 3410-EB-M

Forest Service

Lincoln National Forest Grazing Advisory Board; Meeting

The Lincoln National Forest Grazing Advisory Board will meet at 9:00 a.m., July 15, 1983, at the Multipurpose Room, Cloudcroft High School, Cloudcroft, New Mexico. The agenda for the meeting will be as follows:

(a) Reading of Minutes of January 27, 1983, meeting;

(b) Installation of officers;

(c) Management Plans update;

(d) Scott Able Allotment Management Plan;

(e) Range Betterment Funds.

Other items to be discussed are environmental analyses and assessments, Term 10-Year Grazing Permits, permittee/USFS law enforcement, fencing and maintenance requirements, and off-road travel for allotment management.

Persons who wish to attend should notify Don Cunico, Lincoln National Forest Supervisor's Office, Federal Building, 11th & New York, Alamogordo, New Mexico (Telephone: 505-437-6030). Written statements may be filed with the Board before or after the meeting.

Rules for public participation will be established at the meeting.

James R. Abbott,

Forest Supervisor.

June 8, 1983.

[FR Doc. 83-16139 Filed 6-15-83; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 20-83]

Foreign-Trade Zone 6, Toledo, Ohio; Application for Subzone at Jeep Corporation Plants in Toledo

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Toledo-Lucas County Port Authority, grantee of Foreign-Trade Zone 6, requesting subzone status for the vehicle manufacturing facilities of Jeep Corporation, a subsidiary of American Motors Corporation, in Toledo, Ohio, within the Toledo Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 6, 1983. The applicant is authorized to make this proposal under section 1743.11 of the Ohio Revised Code.

On October 11, 1960, the Board authorized the Port Authority to establish a foreign-trade zone in Toledo (Board Order 51, 25 FR 9900, 10-15-60). the project currently involves a 135,000 square foot warehouse within the Port of Toledo's 135 acre general-cargo facility on Lake Erie.

The proposed subzone involves Jeep Corporation's two manufacturing facilities in Toledo, Ohio. One plant covers 108 acres at 940 North Cove Boulevard and the other 230 acres at 4000 Stickney Avenue. The plants produce four wheel-drive passenger vehicles. Most of the parts and material are purchased from domestic sources, with less than 5 percent purchased from foreign plants. Foreign parts include optional engines and transmissions, valves, springs, radios, relays and mirrors. Some 35 to 40 percent of the plant's output is exported.

Zone procedures will exempt Jeep from paying duties on foreign components used for its exports. On its domestic sales, the company will be able to take advantage of the same duty rate available to importers of finished vehicles. The average duty rate for the foreign components used by Jeep is 4.2 percent, whereas the rate for finished passenger vehicles is 2.8 percent. The savings from zone procedures are expected to help the company compete more effectively in foreign and domestic markets with comparable vehicles produced abroad.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; John F. Nelson, District Director, U.S. Customs Service, 55 Erieview Plaza, 6th Floor, Cleveland, Ohio 44114; and Colonel Robert R. Hardiman, District Engineer, U.S. Army Engineer District Buffalo, 1776 Niagara Street, Buffalo, NY 14207.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board s Executive Secretary at the address below and postmarked on or before July 13, 1983.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 136 N. Summit Street, Toledo, Ohio 43604.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, NW., Washington, D.C. 20230.

Dated: June 10, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-16168 Filed 6-15-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Certain Stainless Sheet and Strip Products From France: Amendment to Final Determinations of Sales at Less Than Fair Value

Correction

In FR Doc. 83-15020, beginning on page 25244, in the issue of Monday, June 6, 1983, on page 25245, in the second column, the first line of the table should read "Cold-rolled stainless steel strip:"

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) for Barbers Point Deep Draft Harbor, Ewa, Oahu, Hawaii

AGENCY: Army Corps of Engineers, Honolulu District, DOD.

ACTION: Notice of Intent to Prepare a draft Supplemental Environmental Impact Statement (SEIS).

SUMMARY: 1. Construction of a deep draft harbor at Barbers Point, Ewa, Oahu, Hawaii is currently underway. This second supplemental EIS evaluates the environmental consequences of detailed master planning now being prepared by the local sponsor, the State of Hawaii Department of Transportation.

2. Alternative harbor sites or basin-channel configurations are not being considered. Alternative types, locations

and construction phasing of shoreside facilities will be addressed. Harbor facility construction is currently divided into three approximate implementation phases (1985–1993, 1993–1998, and 1999–2000) leading to a Year 2000 Plan and an undetermined phase leading to the Ultimate Development Plan by 2030. Most on- and off-site grading, drainage, emplacement of utilities and provision of administrative buildings would be accomplished in the first phase. Phase I consruction of piers, concrete aprons, paved storage areas and storage sheds for general cargo, dry-bulk cargo and liquid bulk cargo, including propane and high explosives would occur in the southern quadrant of the harbor area. Subsequently phased construction would occur counter-clockwise around the harbor with a new general cargo berth being constructed in the 3rd phase and a possible coal terminal berth in the 4th phase. Provision for recreational facilities as proposed in earlier planning are not addressed in the current preliminary master plan.

3. a. The State of Hawaii Department of Transportation is the principal cooperating agency in preparation of the Supplement. Other affected Federal, State or County agencies and other interested parties are invited to participate in the identification and evaluation of key issues and environmental impacts associated with planning for harbor-related facilities.

b. The scoping process and the Supplement will also update the public on environmental issues raised and environmental studies and coordination accomplished since filing the Final EIS in December 1976 and the first Supplement in February 1977, and it will summarize the environmental impacts associated with recent project changes which were addressed in an Environmental Assessment prepared in December 1982. An Information Packet discussing these various issues and impacts has been prepared and will be made available upon request.

c. Scoping meetings will be held with concerned agencies. If response to this notice indicates a significant desire for a public meeting, the District Engineer shall specify whether, when and where the public meeting will be held.

d. Significant issues which shall be analyzed in depth include primary and secondary socio-economic effects of the harbor facilities and their operation, provision for recreational/park facilities, construction of offsite drainage and road systems, water supply and waste disposal facilities, and an assessment of community response to long-range planning alternatives.

e. As principal cooperating agency, the State of Hawaii Department of Transportation will be responsible for providing input on the master planning process and alternatives and an assessment of road transportation needs. Other significant input may be expected from the County Board of Water Supply and Department of Public Works on water supply and waste disposal, the James Campbell Estate on offsite land-use planning, the National Marine Fisheries Service and U.S. Fish and Wildlife Service on marine resources, the State Department of Planning and Economic Development on coastal zone planning, and the State Department of Health on noise, air and water quality management.

f. There are no other requirements for Federal environmental review and consultation to address the master planning issue. The supplement will summarize all environmental reviews and consultations accomplished to date for Federal actions relating to the harbor project including ongoing consultation with the National Marine Fisheries Service, the State Historic Preservation Officer and Advisory Council on Historic Preservation, the State Department of Health, the Office of Coastal Zone Management of the State Department of Planning and Economic Development, and the U.S. Fish and Wildlife Service.

4. The draft Supplement is expected to be distributed to the public for review during the third quarter of calendar year 1983.

ADDRESS: For more information on this matter, please contact Dr. James Maragos, Chief, Environmental Resources Section, Planning Branch, U.S. Army Engineer District, Honolulu, Building 230, Fort Shafter, Hawaii 96858 or telephone (808) 438–2263.

Dated: June 3, 1983.

Kenneth E. Sprague,

Lt. Colonel, Corps of Engineers, Acting District Engineer.

[FR Doc. 83-16000 Filed 6-15-83; 8:45 am]

BILLING CODE 3710-HN-M

Office of the Secretary

Defense Science Board Task Force on Fire Support for Amphibious Warfare; Advisory Committee Meeting

The Defense Science Board Task Force on Fire Support for Amphibious Warfare will meet in closed session on July 21–22, 1983 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on July 21–22, 1983 the Task Force will consider the basic requirements for fire support during amphibious warfare operations.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

June 13, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83-16210 Filed 6-15-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board, Advisory Committee Meeting

The Defense Science Board will meet in closed session August 8–12, 1983 at the Naval Ocean Systems Center, San Diego, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting to be held August 8–12, 1983 the Board will examine the substance, interrelationships, and U.S. national security implications of three critical areas identified and tasked to the Board by the Secretary of Defense and Under Secretary of Defense for Research and Engineering. The subject areas are Joint Service Acquisition Programs, Ground Survivability of NATO Tactical Aircraft/Air Bases, and Conventional Munitions and the Nuclear Threshold. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Under Secretary of Defense for Research and Engineering, for his consideration in determining resource policies, short- and long-range plans, and in shaping appropriate implementing actions as they may affect the U.S. national defense posture.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)). It has been determined

that this DSB Summer Study meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83-16209 Filed 6-15-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board; Advisory Committee Meeting

The Defense Science Board will meet in closed session August 1–5, 1983 at the Naval Ocean Systems Center, San Diego, California.

The mission of the Defense Science Board is to advice the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on Scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting to be held August 1–5, 1983 the Board will examine the substance, interrelationships, and U.S. national security implications of three critical areas identified and tasked to the Board by the Secretary of Defense and Under Secretary of Defense for Research and Engineering. The subject areas are Joint Service Acquisition Programs, Ground Survivability of NATO Tactical Aircraft/Air Bases, and Conventional Munitions and the Nuclear Threshold. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Under Secretary of Defense for Research and Engineering, for his consideration in determining resource policies, short- and long-range plans, and in shaping appropriate implementing actions as they may affect the U.S. national defense posture.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)). It has been determined that this DSB Summer Study meeting concerns matters listed in 5 U.S.C. 552b(c)((1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

June 13, 1983.

[FR Doc. 83-16208 Filed 6-15-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Summer Study Panel on Aircraft Survivability in NATO; Advisory Committee Meeting

The Defense Science Board 1983 Summer Study Panel on Aircraft Survivability in NATO will meet in closed session on 13–14 July 1983 at the Institute for Defense Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 13–14 July 1983 the Panel will examine the threat to tactical aircraft on the ground and assess the major sources of their attrition and sortie rate degradation.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Summer Study Panel meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83-16211 Filed 6-15-83; 8:45 am]

BILLING CODE 3810-01-M

Membership of the Office of the Secretary of Defense (OSD) Performance Review Board

AGENCY: Office of the Secretary of Defense (OSD), DOD.

ACTION: Notice of Membership of the Office of the Secretary of Defense Performance Review Board.

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the Office of the Secretary of Defense. The OSD PRB's jurisdiction includes: OSD, OSD field activities, the Organization of the Joint Chiefs of Staff (OJCS), the Office of the Inspector General (IG), the Defense Investigative Service (DIS), the U.S. Court of Military Appeals (USCMA), and the U.S. Mission to NATO. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The Performance Review Board provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance and performance awards to the Secretary of Defense.

EFFECTIVE DATE: June 30, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Sharon B. Brown, Chief, Senior Executive Service Division, Directorate for Personnel & Security, WHS, Office of the Secretary of Defense, Department of Defense, The Pentagon, (202) 697–3305 or 697–8304.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following are names and titles of the executives who have been appointed to serve as members of the Performance Review Board. They will serve a one-year renewable term, effective on June 30, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 13, 1983.

Adams, Benson D.
Adams, Mac C.
Agnew, Ann C.
Alderman, Craig (NMN)
Alderman, Karen A.
Alewine, Ralph W. III
Alterman, Stanley
Alvarado, Donna M.
Anderson, David L.
Anderson, Maynard C.
Armitage, Richard L.
Bachkosky, John M.
Bader, George W.
Bain, James D.
Barringer, Philip E.
Barry, Albert P.
Batjer, Marybel
Bayse, William Alfred
Beach, John W.
Beary, John F. III
Becker, Karl F.
Berenson, Paul J.
Bergmann, Walter B. II
Bernard, Charles W.
Bertapelle, Arthur H.
Bialick, Irving
Blaker, James R.
Bloom, Harold (NMN)
Bott, Robert F.
Brandenstein, Albert E.
Brannan, James T.
Briskin, Manuel (NMN)
Bruh, Brian M.
Bryen, Stephen D.
Buck, Kathleen A.
Buzalski, Ernest A.
Calais, Mary J.
Callaway, Paul R.
Calhoun, Jerry L.
Campbell, Leonard G.
Campen, Alan D.
Carabello, John M.
Cavaney, William T.
Chapman, Ray E.
Christie, Deborah P.
Christie, Thomas P.
Christle, Gaylord E.
Chu, David S. C.
Cipolla, Charles L.
Cipolla, Frank P.
Cittadino, John C.
Coakley, William F.

Colson, Janet (NMN)
Comptom, James M.
Conte, Albert V.
Cooke, David O.
Cooper, Robert S.
Cratch, Geoffrey A.
Crehan, John T.
Croteau, Robert J.
Crouch, Horace J.
Culosi, Salvatore J.
Curry, James H.
Dashiell, Thomas R.
Davidson, Ronald A.
Delaney, Robert P.
Dix, Donald M.
Donnelly, John F.
Donnelly, Richard E.
Donovan, Paul (NMN)
Douglas, Terrence Richard
Dube, Lawrence P.
Earich, Douglas R.
Eaton, Nelson W.
Eberhardt, Michael C.
Ehlers, Athur H., Jr.
Engel, Roger K.
Facey, Albert G., Jr.
Farbrother, Douglas D.
Fawsett, John
Feld, Benjamin
Fields, Craig I.
Finsterle, James C.
Fisher, Herbert L.
Fites, Jeanne B.
Forsythe, Conrad O.
Franklin, William S.
Gaffney, Henry H., Jr.
Garcia, Ernest E.
Gardner, John L.
Garnett, Thomas F.
Genalis, Paris
Gilleece, Mary Ann
Gilliat, Robert L.
Glaister, Clyde O.
Gold, Theodore S.
Goldberg, Alfred (NMN)
Gontarek, Stanley J.
Goodwyn, James C.
Gordon, Harvey J.
Granahan, Thomas F.
Greenlee, Donald R.
Groover, Charles W.
Grove, H. Mark
Hamilton, Dale L.
Hanmer, Stephen R.
Hansen, John W.
Harshman, Richard A.
Haughton, Claiborne D., Jr.
Hawkins, Charles A., Jr.
Hessler, David J.
Hinkle, Charles W.
Hinman, Kenneth R.
Hoehn, William E., Jr.
Horton, Cyril F.
Howe, Richard G.
Hyman, Paul J.
Ioffredo, Michael L.
Jefferson, Ralph H.
Johns, John H.
Jones, Thomas K.
Juliana, James N.
Kahn, Robert E.
Kammerer, Joseph T.
Kapper, Francis B.
Kauvar, Gerald Bluestone
Keesee, William K.
Kelly, Merrill T.
Kendig, John L.
Killin, Edward C.
Knowles, Cyrus P.
Koch, Noel C.
Kopscak, George C.
Kraft, Herbert H., Jr.
Kugler, Richard L.
Lanoue, Robert J.
Latham, Donald C.
Lauder, Ronald S.
Leary, William H., III
Leedom, Dennis K.
Leftwich, Norma B.
Legere, Laurence J.
Lehman, Ronald F., II
Lelli, Thomas J.
Leonard, Michael (NMN)
Lese, William G., Jr.
Levinthal, Elliott C.
Lewis, William J.
Lieberman, Richard D.
Lieberman, Robert J.
Ligon, Walter B.
Linder, Isham W.
Lindstrom, Talbot S.
Lomacky, Oles
Lose, Graydon I.
Loveland, Trafton J.
Lynch, John E.
Lynn, Verne L.
MacCallum, John M., Jr.
Major, Philip L.
Maldonado, Joe P.
Mangano, Joseph A.
Margolis, Milton A.
Marquet, Louis C.
Marquis, Dennis C.
Marquitz, William J.
Marshall, Andrew W.
Martin, Edith M.
Martin, John D.
McCarthy, Herbert W.
McCarty, Thomas F.
McKenzie, Vernon
McLaughlin, Frank L.
McNeill, John
McNicol, David L.
Meehan, Patrick J.
Melburn, Michael J.
Melchner, John W.
Meling, Merle A.
Michael, Louis G.
Michel, Werner E.
Millburn, George P.
Miner, Francis (NMN)
Minichiello, Lee P.
Minneman, Milton J.
Mintz, Jeanne S.
Mittino, John A.
Mobbs, Michael H.
Moore, Robert H.
Moore, Robert J.
Morgan, John D.
Morris, Herbert K.
Murrell, Billy C.
Nelson, Wayne S.
Niederlehner, Leonard (NMN)
O'Neil, William D., III
Pallas, Spiros G.
Pennington, Arthur W.
Persh, Jerome
Phillips, Gary R.
Porter, John M.
Quetsch, John R.
Quinn, Thomas P.
Rauner, Robert M.
Reynolds, Herbert A.
Reynolds, Richard A.
Richardson, William A.
Robertson, William B.
Romney, Carl F.
Rosen, E.
Rudd, Glenn A.
Ruffine, Richard S.
Russ, John M.
Russ, Richard T.
Sanchez, Nestor D.
Saylor, James W.
Schmidt, Raymond E.
Scott, Robert S.
Sepucha, Robert C.
Sharkey, William J., Jr.
Shaw, Dennis R.
Sheils, Marylou
Shilling, David M.
Shorey, Russell R.
Shriber, Maurice N.
Shulsky, Abram N.
Sicilia, Thomas G.
Siewert, Raymond F., Jr.
Smiley, Orville L.
Smith, Homer D., Jr.
Smith, John E.
Snider, L. Britt
Snider, Larry E.
South, Allen D.
Spaulding, Harry S.
St. John, Adrian II
Stephens, W. Beth
Stilwell, Richard G.
Stimson, Richard A.
Stivers, Ronald H.
Stone, Robert A.
Sullivan, Alden P.
Sullivan, Gerald D.
Surgenis, Joseph R.
Tahtinen, Dale R.
Tanter, Raymond
Tapparo, Frank A.
Tegnelia, James A., Jr.
Tether, Anthony J.
Thomas, Reynold (NMN), Jr.
Thomas, Ronald D.
Thomas, William F.
Thorkildsen, Ray
Tillson, John C.
Toulme, Clarence V.
Trodden, Stephen A.
Troia, Kathleen M.
Troech, Dennis H.
Tucker, Alvin
Turner, Robert D.
Tyler, John T.
Vajta, Mary L.
Vander Schaaf, Derek J.
Vanreuth, Edward C.
Wade, James P., Jr.
Walsh, William B., Jr.
Watt, Charles K.
Webster, Richard D.
Welles, Benjamin (NMN)
Whitman, Edward C.
Wienberg, Harold F.
Winshurst, Thomas H. E.
Wood, Theodore D.
Woods, James L.
Woods, James R.
Woodworth, James A.
Young, Leo (NMN)
Zakheim, Dov S.
Dinan, Daniel J.

O'Brien, Thomas J.
Reusch, Ronald E.
Quill, John J.
Starrett, Charles O., Jr.
Brown, James R.
Kabeiseman, Karl W.
Maclin, James F.
Whealen, John T.
Atkins, Marvin C.

[FR Doc. 83-16207 Filed 6-15-83; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 83-CERT-016]

Burlington Industries, Inc.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On April 12, 1983, Burlington Industries, Inc. (Burlington), P.O. Box 21207, Greensboro, North Carolina 27420, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application, and amended it on May 3, 1983, for certification of an eligible use of approximately 892,790 Mcf per year of natural gas which is expected to displace the use of approximately 4,962,541 gallons of No. 6 fuel oil (2.1 percent sulfur) per year at three of its facilities in Greensboro, Burlington and High Point, North Carolina.

The eligible seller of the natural gas is Oklahoma Natural Gas Company, Post Office Box 871, Tulsa, Oklahoma 74102. The gas will be transported by Transcontinental Gas Pipeline Corporation, Post Office Box 1396, Houston, Texas 77251; Northern Natural Gas Company, 2223 Dodge Street, Omaha, Nebraska 68102; and Piedmont Natural Gas Company, Inc., Post Office Box 33068, Charlotte, North Carolina 28233.

Notice of that application was published in the **Federal Register** (48 FR 22352, May 18, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Burlington's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Burlington's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16176 Filed 6-15-83; 8:45 am]
BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-169]

Eastern Stainless Steel Company; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Eastern Stainless Steel Company ("Eastern Stainless") Post Office Box 1975, Baltimore, Maryland 21203, filed an application on June 7, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Rolling Mill Road facility in Baltimore, Maryland, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Eastern Stainless indicates that the volume of natural gas for which it requests certification is approximately 1,300,000 Mcf per year. This volume is estimated to displace the use of approximately 9,538,960 gallons of No. 2 fuel oil (0.3 percent sulfur) per year.

The eligible sellers are: Yankee Oil & Gas, Inc., 1105 Schrock Road, Columbus, Ohio 43229; Target Exploration, Inc., Columbia, Maryland; Exxon Corporation, P.O. Box 2180, Houston, Texas 77001. This gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and by Baltimore Gas & Electric Company, P.O. Box 1475, Baltimore, Maryland 21203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**. An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary further notice will be given to Eastern Stainless and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels programs, Economic Regulatory Administration.

[FR Doc. 83-16179 Filed 6-15-83; 8:45 am]
BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-012]

J. P. Stevens & Company, Inc., Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On April 12, 1983, J. P. Stevens & Company, Inc. (Stevens), P.O. Box 2850, Greenville, South Carolina 29602, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application, and amended it on May 3, 1983, for certification of an eligible use of approximately 520,125 Mcf per year of natural gas which is expected to displace the use of approximately 3,569,524 gallons of No. 6 fuel oil (2.1 percent sulfur) at its facility in Lincolntown, North Carolina, and at eight of its facilities in Greenville (4), Piedmont (2), Slater (1) and Anderson (1), South Carolina.

The eligible seller of the natural gas is Oklahoma Natural Gas Company, Post Office Box 871, Tulsa, Oklahoma 74102. The gas will be transported by Transcontinental Gas Pipeline Corporation, Post Office Box 1396,

Houston, Texas 77251; Northern Natural Gas Company, 2223 Dodge Street, Omaha, Nebraska 68102; and Piedmont Natural Gas Company, Inc., Post Office Box 33068, Charlotte, North Carolina 28233.

Notice of that application was published in the **Federal Register** (48 FR 22353, May 18, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Stevens' application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Stevens' application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–16178 Filed 6–15–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–166]

Koppers Company, Inc., Piston Ring and Seal Division; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Koppers Company, Inc., Piston Ring and Seal Division ("Koppers") P.O. Box 626, Baltimore, Maryland 21203, filed an application on June 7, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Piston Ring and Seal Division Plant in Baltimore, Maryland, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Koppers indicates that the volume of natural gas for which it requests certification is approximately 76,517 Mcf per year. This volume is estimated to displace the use of approximately 542,765 gallons of No. 6 fuel oil (1.0 percent sulfur) per year.

The eligible seller are: Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Target Explorations, Inc., 301 Clark Building, Columbia, Maryland 21044; Yankee Resources, Inc., Suite 800, 1105 Schrock Road, Columbus, Ohio 43229. This gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and by Baltimore Gas and Electric Company, P.O. Box 1475, Baltimore, Maryland 21203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Koppers and any person filing comments will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–16173 Filed 6–15–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–111]

Newport Steel Corporation; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Newport Steel Corporation (Newport), Ninth and Lowell Streets, Newport, Kentucky 41072, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its plant in Wilder, Kentucky, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Newport indicates that the volume of natural gas for which it requests certification is approximately 651 million cubic feet per year. This volume is estimated to displace the use of approximately 4,649,000 gallons of No. 2 and No. 6 oil (less than 1.0 percent sulfur) per year.

The eligible sellers are: Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055; Kaiser Exploration and Mining Co., 300 Lakeside Drive, Oakland, California 94543; Sterling Drilling and Production Co., 360 Madison Avenue, New York, New York 10017; Devon Energy Corporation, P.O. Box 1134, Charleston, West Virginia 25324; Peake Operating Corporation, 201 Dunbar Office Park, Dunbar, West Virginia 25064; and Spartan Gas Corporation, P.O. Box 766, Charleston, West Virginia 25325. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and the Union Light, Heat and Power Company, P.O. Box 32, Covington, Kentucky 41012, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention

Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Newport and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Office of Fuels Program, Economic Regulatory Administration.

[FR Doc. 83-16177 Filed 6-15-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-113]

Ohio Dehy, Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Ohio Dehy, Inc. (Dehy), P.O. Box 151, Oak Harbor, Ohio 43449, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Cygnet and Oak Harbor, Ohio, plants, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Dehy indicates that the volume of natural gas for which it requests certification is approximately 58,000 Mcf per year (28,000 Mcf at Cygnet and 30,000 Mcf at Oak Harbor). This volume is estimated to displace the use of approximately 382,800 gallons of No. 6 fuel oil (0.6 percent sulfur) per year (184,800 gallons at Cygnet and 198,000 gallons at Oak Harbor).

The eligible sellers are J & J Enterprises, Inc., 43 South Ninth St., Indiana, Pennsylvania 15701; and Castle Gas, Inc., P.O. Box 10337, Pittsburgh, Pennsylvania 15324. The gas will be transported by Columbia Transmission Corporation, Charleston, West Virginia 25325; and Columbia Gas of Ohio, P.O. Box 910, Toledo, Ohio 43653 (for the Oak Harbor plant); and Consumers Natural Gas Co., Cygnet, Ohio 43412 (for the Cygnet plant), the local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Dehy and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16175 Filed 6-15-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-165]

Spaulding Fibre Company, Inc., Industrial Plastics Division; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Spaulding Fibre Company, Inc., Industrial Plastics Division (Spaulding), 310 Wheeler Street, Tonawanda, New York 14150, filed an application on June 7, 1983, with The Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its industrial plastics facility at Tonawanda, New York, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Spaulding indicates that the volume of natural gas for which it requests certification is approximately 517,700 Mcf per year. This volume is estimated to displace the use of approximately 89,425 barrels of No. 2 fuel oil (1.0 percent sulfur) per year.

The eligible seller is Northern Intrastate Pipeline Company, 2223 Dodge Street, Omaha, Nebraska 68102. This gas will be transported by National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301; and by National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-12, Room GA-093, Forrestal Building, 100 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Spaulding and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Program, Economic Regulatory Administration.

[FR Doc. 83-16174 Filed 6-15-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of the Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since Thursday, April 28, 1983. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act.

Each entry contains the following information and is listed by the DOE sponsoring office (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent bruden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATE: Last Notice published Thursday, April 28, 1983.

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H–023, Forrestal Building, 1000 Independence Ave., NW., Washington, D.C. 20585, (202) 252–2308;

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395–7340;

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395–3087.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this should be directed to the OMB reviewer; as shown in "For Further Information Contact." If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., June 10, 1983.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE Forms Under Review at OMB

Form No. (1)	Form title (2)	Type request (3)	Response frequency (4)	response obligation (5)	respondent description (6)	Estimated number of respondents (7)	Annual respondent burden (8)	Abstract (9)
ER–485A, B	DOE health studies	New	On occasion	Voluntary	Current and former DOE and Contractor workers.	11,107	3,832	Forms ER–485A and B will be used in telephone surveys on the non-fatal health effects associated with occupational exposure to radiation.
FERC–561	Report of interlocking Directorates.	Extension	Annual	Mandatory	officers in electric utilities.	1,500	375	The information collected on FERC–561 will be used by FERC to serve as support for the Commission staff in performing review and oversight responsibilities under FPA Section 305(C).
FERC–577	Environmental impact statement.	New	Other	Mandatory	interstate natural gas pipelines.	284	95,040	18 CFR 157.14 2.80, 2.82—requires a regulatory review of factors applicable to environmental standards as established by the National Environmental Policy Act of 1969. Data used to assess environmental impacts in relation to determining whether to issue a certificate of public convenience and necessity.

[FR Doc. 83–16100 Filed 6–15–83; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

High Energy Physics Advisory Panel; Change of Meeting Dates

The dates of the meeting of the High Energy Physics Advisory Panel, previously scheduled for June 29 and 30, 1983 (48 FR 26331, 6–7–83), have been changed to Monday, July 11, 1983 and Tuesday, July 12, 1983. The meeting will be held at the U.S. Department of Energy Auditorium, 19901 Germantown Road, Germantown, Maryland.

Issued at Washington, DC on June 13, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83–16180 Filed 6–15–83; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL HOME LOAN BANK BOARD

1st Dakota Home Savings and Loan Association, Pierre, South Dakota; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C.A. 1729 (c)(1)(B)(i)(I) (West Supp. 1983), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole reciever for 1st Dakota Home Savings and Loan Association, Pierre, South Dakota, on June 9, 1983.

Dated: June 10, 1983.

J. J. Finn,

Secretary.

[FR Doc. 83–16204 Filed 6–15–83; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Arthritis Advisory Board and the Department of Defense Conference on Arthritis Prevention

Notice is hereby given of the "Arthritis Prevention Conference," sponsored by the National Arthritis Advisory Board with the assistance of the Department of Defense and the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases. The Conference will be held on July 19, 20, 21, and 22, 1983 at the Airlie House in Warrenton, Virginia.

The goals of this conference are to identify current and prospective opportunities for effective prevention of major rheumatic diseases and, through interdisciplinary approaches, to develop strategies for implementing such interventions.

This Prevention Conference will convene riheumatologists, biomedical and bioengineering research scientists, orthopedic surgeons, public and patient educators, rehabilitation specialists, and other persons from relevant fields, consumers, and representatives of public interest groups. The conference will begin at 4:30 p.m. on July 19 and will continue until approximately noon on July 22. Attendance by the public is limited to space available.

Information on the Conference may be obtained from Mr. William Plunkett, Executive Director, National Arthritis Advisory Board, P.O. Box 30286, Bethesda, Maryland 20814, (301) 496–1991. Administrative information may be obtained from Ms. Michelle Dillon, Prospect Associates, 2115 East Jefferson Street, Rockville, Maryland 20852, (301) 468–6555.

Dated: June 9, 1983.

Betty J. Beveridge,

NIH, Committee Management Officer.

[FR Doc. 83-16125 Filed 6-15-83; 8:45 am]

BILLING CODE 4140-01-M

NIDR Special Grants Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Institute of Dental Research Special Grants Review Committee, July 14–15, 1983, in Conference Room 7, Building 31–C, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m. to 9:30 a.m. July 14 for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 930 a.m. July 14 to adjournment July 15 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. H. George Hausch, Executive Secretary, NIDR Special Grants Review Committee, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, MD 20205, (telephone 301 496–7658) will provide summaries of meeting, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13.840-Caries Research, 13.841-Periodontal Diseases Research, 13.842-Craniofacial Anomalies Research, 13.843-Restorative Materials Research, 13.844-Pain Control and Behavioral Studies, 13.845-Dental Research Institutes, 13.878-Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

Dated: June 6, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-16124 Filed 6-15-83; 8:45 am]

BILLING CODE 4140-01-M

Social Security Administration

Proposed Availability of Funding for Refugee Mental Health Demonstration Projects

AGENCY: Office of Refugee Resettlement (ORR), SSA, HHS.

ACTION: Notice of Availability of funding for Refugee Mental Health Demonstration Projects.

SUMMARY: This notice governs the award of grants to public or private non-profit agencies or organizations for demonstration projects to provide alternative mental health care for refugees. These projects also include provision for documenting alternatives successful mental health service models and effective treatment practices for dissemination to other refugee mental health service providers.

DATE: An application must be mailed or hand delivered by the closing date August 15, 1983. The Director invites application for projects to demonstrate alternative mental health care for refugees.

FOR FURTHER INFORMATION CONTACT: Nguyen T. Kimchi, Telephone: 202–245–0403.

Authorization

Authority for this activity is contained in the Immigration and Nationality Act (8 U.S.C. 1522) as amended by the Refugee Act of 1980, Section 412, Public Law 96–212. No catalogue of Federal Domestic Assistance Number has been issued.

Available Funds

It is expected that approximately $220,000.00 will be available for new grants in fiscal year 1983. The Director estimates that these funds could support three (3) projects. The anticipated award for a project is between $60,000 and $100,000. However, these estimates do not bind the Office of Refugee Resettlement to a specific number of grants or to the amount of any grant unless the amount is otherwise specified by statute or regulations.

Awards will be for 12 months with no further funding anticipated.

Application Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, Grants Management Branch, Room 1332, Switzer Building, 330 C Street, S.W., Washington, DC 20201. An applicant must show proof of mailing on or before the closing date, August 15, 1983, consisting of one of the following:

(1) A legible dated U.S. Postal Service postmark;

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service;

(3) A dated shipping label invoice or receipt from a commercial carrier.

If an application is sent through the U.S. Postal Service, the Director does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

Applicants should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method the applicant should check with its local post office.

Applicants are encouraged to use registered or at least first class mail. Each late applicant will be notified that the application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Health and Human Serivces, Social

Security Administration, Office of Refugee Resettlemnt, Grants Management Branch, Room 1332, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

The Grants Management Branch will accept a hand-delivered application between the hours of 8:30 am and 5:00 pm Eastern Standard time daily except Saturday, Sunday or Federal Holidays. Hand delivered applications will not be accepted after 5:00 pm on the closing date for the announcement.

Supplementary Information

This announcement describes the availability of funding for demonstration projects in the following areas of refugee mental health care: (1) training in mental health problem detection and referral methods, crisis intervention and crisis management techniques for non-professionals including service providers and community leaders, (2) development of one or more models for mainstream mental health service providers to provide culturally appropriate mental health services using refugee staff and (3) development of service models using indigeneous healing practices.

I. Purpose and Scope

The purpose of this program is to provide for effective delivery of refugee mental health services through demonstration projects that emphasize the role of the refugee community. These projects would develop and test alternative mental health service delivery models for different refugee populations, in particular for the high risk goups.

Though current data on the prevalence of mental health problems among refugee populations are not available, there is no question that refugee mental health problems do exist. A survey conducted in 1979 by the Bureau of Research and Training, Pennsylvania Office of mental Health, funded by this office, confirmed such problems. Another study by the Southeast Asian Refugee Mental Health Training Project in California found that 86.5 percent of the refugees apparently were suffering from depression. ORR recognized these mental health services needs and funded several programs annually through fiscal year 1980. With the enactment of the Refugee Act of 1980, all direct funding for social services were assumed by the States. Accordingly, on April 28, 1980, ORR issued a Program Instruction to States—ORR–AT–80–2—to clarify that mental health services activities are allowable with refugee social services funds.

However, efforts to deliver adequate mental health care to refugees have been hampered by cultural differences, a scarcity of resources and the lack of bilingual/bicultural service capacity in the mainstream mental health system. Currently, the majority of refugees suffering from non-physical health problems appear to be primarily dependent upon their families and/or friends to deal with their problems. (Moon, Anson, and Tashmina, Nathaniel—*Help Seeking Behavior and Attitudes of Southeast Asian Refugees*—San Francisco: Pacific Asian Mental Health Research Project, November 1982, pp. 16–19)

This community support has always been important to Southeast Asians. In traditional Vietnam, life centered around the village and villagers were supposed to help each other during crises. In Cambodia and Loas, the *Wat*—Buddhist Pagoda—served as a "community center" where religious and cultural activities took place. The Hmong have always been tightly knit people who depend on the community through the clan system (Le, Xuan Khoa—*Indochinese Mutual Assistance Associations As Mechanisms In community Mental Health*, Paper presented at the Natinal Conference on Social Welfare, Cleveland, Ohio, May 1980). In the United States, the same traditions still exist where friends and relatives are frequently called upon for advice and counsel. (Moon, Anson, and Tashima, Nathaniel, pp. 16–19)

Not all refugees, however, are fortunate enough to come to the United States with families and friends. Many are now relying on services providers, in particular bilingual/bicultural staff, to assist them with social adjustment or mental health problems.

Bilingual/bicultural staff, if properly trained, could also bridge the gap between the cultural context of the client and that of the existing mental health system. Additionally, given appropriate training, members of the refugee community and organizations can also provide effective outreach and orientation service resulting in early detection and prevention of mental health problems. Bilingual/bicultural staff drawn from the refugee community are likely to enhance the credibility of the system and thereby increasing its utilization. Such culturally relevant programs will become more effective in service to the refugee population. ORR proposes that culturally relevant programs are more likely to occur if refugee traditions beliefs and resources can become integral parts of mental health care to refugees.

To encourage the development of culturally appropriate mental health services, ORR proposes to fund three types of projects as follows:

Objective I: The Office of Refugee Resettlement proposes to strengthen the refugee community support system by providing training in mental health problems detection and referral methods, crisis intervention and crisis management techniques for non-professional refugee service workers and refugee community leaders, including Mutual Assistance Association members, Buddhist monks, Catholic priests, clergy, healers and indigenous leaders.

Objective II: The second objective is to encourage the delivery of linguistically and culturally appropriate mental health services through utilization of trained refugee paraprofessionals in the mainstream mental health system, which currently has neither the personnel nor the resources to provide such services for refugees. ORR proposes to provide incentives to mainstream mental health facilities located in high refugee concentration areas to hire one or more qualified refugee paraprofessionals and to demonstrate the effectiveness of this mental health treatment approach.

Objective III: The third objective of this program is to develop treatment models that are culturally appropriate to special groups of refugees as an alternate way to respond to their mental health problems.

As numerous studies have indicated, indigenous concepts of health and illness often differ considerably from Western concepts. It has been noted that among some groups of refugees, traditional healers are being utilized despite the existence of the sophisticated American mental health system. Other groups indicate their preference for seeking advice from spiritual leaders such as monks or priests for adjustment problems. ORR proposes to develop and test the refugee practice of using indigenous healers in mental health treatment.

II. Eligible Grantees

Eligible grantees are public entities and private organizations incorporated as non-profit under the laws of their state. Applicants submitting proposals for Project II—Grant to Integrate Refugee Paraprofessionals into the Mainstream Mental Health System—must be established mental health service facilities. That is, facilities receiving Federal, State or local funding for a minimum of one year prior to the date of this grant application, for the

specific purpose of providing mental health services to a broadly based clientele.

III. Activities

Applicants may submit proposals for any or all of the following activities:

Project I: Mental Health Training for Refugee Service Workers and Community Leaders

Applicants seeking assistance under Project I shall carry out the following activities:

1. Identification ans selection of participants for a series of short-term training workshops. Participants may include state and local governments refugee staff, voluntary agencies staff, sponsors, Mutual Assistance Associations' members, refugee community leaders and other servie providers who are in contact with refugees.

2. Design and implementation plan for a short-term training program, using the workshop format to (a) increase the participants' awareness and knowledge of serious emotional problems which may be experienced by refugees and their families; (b) instruct participants in method of identifying mental health problems of refugees; (c) provide them with methods of encouraging refugees to seek professional help; and (d) instruct participants in crisis intervention and management techniques.

3. Workshop content shall include but not be limited to the following topics:

- Cross-cultural orientation with special emphasis on refugee versus Western health and mental health concepts, and pertinent cultural/traditional practices;
- Current mental health service delivery system and refugee mental health programs;
- Major mental health problems of refugees—e.g., differentiation between culture shock, emotional difficulties and psychosis, identification of high risk populations;
- Methods of identifying mental health problems of refugees;
- Methods of encouraging refugees to seek professional help;
- Techniques to address crises; how to use existing resources; when to seek specialized help.

4. An evaluation plan to assess the success of each workshop and plan for revision as necessary.

Project II: Grant to Integrate Refugee Paraprofessionals into the Mainstream Mental Health System.

The Integration project application should include the following activities:

1. A discussion of needs in the proposed service area to include demonstrated need of culturally appropriate mental health services and the applicant's lack of bilingual/bicultural staff capacity.

2. The design of a comprehensive mental health program for refugees that is culturally relevant and acceptable. This program must provide for:

- The utilization of bilingual/bicultural refugee paraprofessionals in mental health treatment of refugees:
- The provision of on-going training and supervision of these paraprofessionals;
- The provision of cultural awareness training for the refugee paraprofessionals and the mainstream professionals involved;
- The refugee community's participation and comment, in particular through consultation with refugee professionals, where possible, and/or consultation with refugee leaders who are familiar with both the Western treatment system and the refugee cultural background.

3. The design of a capacity building plan which includes (a) the acquisition of one or more trained refugee paraprofessionals; (b) a plan to utilize the paraprofessional(s) during the grant period; and (c) a plan to permanently integrate the paraprofessional(s) into the regular mental health services provided to the community.

4. The design of an outreach and educational program for the community utilizing bilingual/bicultural paraprofessionals.

5. The coordination of sevices with other health and social service agencies serving refugees.

6. An evaluation component to assess the effectiveness of the program service model.

Jointly funded and supported activities are allowed and encouraged.

Project III: Utilization of Traditional Healers in Refugees Mental Health Treatment

Proposed projects will develop and test alternative models using indigenous healers for the provison of mental health care for refugees.

Proposed projects must provide for direct services for refugees and must be designed as therapeutic treatments. Grantees applying for Project III shall be required to carry out the following activities;

1. Identification of the target population and the need for culturally appropriate mental health services.

2. Design of an integrated mental health service program using both traditional healing practices and western treatment appropriate for the target population and under the general supervision of a qualified therapist who is knowledgeable in both western mental health system and in the refugee cultures.

3. Documentation of the treatment process and service results.

IV. Application Submission and Approval Procedures

Applicants may request grant applications from the Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, Grants Management Branch, Room 1332, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201, 202–472–4440. Prospective grantees must submit an original application and two copies to the Grants Management Branch. An independent panel will be convened to evaluate and rate applications. Final funding decisions will be made by the Director of the Office of Refugee Resettlement. Criteria for panel evaluation are listed in Section VI below. It is estimated that grant awards will be issued on or about September 15, 1983.

V. Applicable Regulations

The following HHS regulations apply to grants under this Notice:

45 CFR Part 16 Department Grant Appeals Process;
45 CFR Part 74 Administration of Grants;
45 CFR Part 75, Informal Grant Appeals Process;
45 CFR Part 80 Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964.
45 CFR Part 81 Practice and Procedures for Hearings Under Part 80 of this Title.
45 CFR Part 84 Nondiscrimination on the Basis of Handicap in Programs and Activities Benefitting from Federal Financial Assistance.
45 CFR Part 90 Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance.

VI. Criteria for Evaluating Applications

All competing applications received in response to this annoucement will receive a technical review by qualified experts.

Each project proposal will be evaluated separately and applicants seeking assistance for multiple projects

under this announcement should present each project as a separate entity.

Applications will be evaluated against the following criteria:

Project I: Mental Health Training for Refugee Service Workers and Community Leaders

A. Completeness and feasibility of the proposed training project design and work plan:

- Feasibility of participants recruitment plan including identification process and selection criteria; 10 points.
- Quality of proposed workshop content and its relevance to the project objectives; 25 points.
- Methodology to be employed in implementing the project and its feasibility for the achievement of the project objectives; 15 points.

B. Qualifications of the Project Director and instructional staff. Appointment of Project Director is subject to ORR's approval; 20 points.

Project II: Grant to Integrate Refugee Paraprofessionals into the Mainstream Mental Health System

A. Completeness and feasibility of the proposed integration plan and implementation:

- Quality of proposed integrative program with specific objectives and measurable outcomes; 15 points.
- Feasibility of the consultation process with refugee experts and leaders; 5 points.
- Qualify of the outreach and educational program; 5 points.
- Adequacy of proposed capacity building plan including the acquisition of refugee paraprofessionals and description of provision for integrating the paraprofessionals into the mainstream service. Documentation of plan for continuance of services beyond the grant support period; 25 points.

B. Experience of applicant organization in providing mental health services; 10 points.

C. Qualifications of proposed staff including refugee paraprofessionals. Appointment of project director is subject to ORR's approval; 5 points.

D. Potential for replication of the service model: plans for implementation and dissemination of results of project, including any products for use by others; 5 points.

Project III: Utilization of Traditional Healers in Refugee Mental Health Treatment

A. Completeness and feasibility of proposed culturally appropriate treatment model:

- Description of how applicant plans to determine client need for traditional healer services; 10 points.
- Description of the proposed traditional healer methods to be used, identification of the types of mental health problems for which these methods are appropriate, and evidence of the efficacy of these methods in treating the mental health problems of the target refugee population; 30 points.
- Description of role and relationship between trained therapist(s) and the indigenous healer(s); 5 points.

B. Familiarity and experience of applicant organization in refugee mental health programs; 5 points.

C. Qualification of proposed staff including indigenous healers. Appointment of project director is subject to ORR's approval; 10 points.

D. Likelihood of developing innovations and transferrable knowledge in refugee mental health service and significance in national program development; 10 points.

All Projects

- Relevance of the needs of the target population with special consideration for proposals which serve areas of large refugee populations. Indication of the number of refugees to be served; 10 points.
- The extent to which the proposal provides for an evaluation methodology, including the manner in which such methodology will be employed to measure project outcomes; 5 points.
- The evidence of coordination and linkages with service providers and the refugee community; 5 points.
- The reasonableness of the budget in relation to the proposed project and the anticipated results; 5 points.
- Adequacy of facilities and resources; 5 points.

VII. A–95 Notification Process

These projects are not covered by the requirements of OMB Circular A–95.

VIII. Application Content

All applicants will use Standard Form SSA–96, "Federal Assistance" in submitting project proposals. Grant applications must also include the following:

1. Discussion of need for culturally appropriate mental health services and discussion of characteristics of clients to be served;

2. A work plan to meet the project objectives including identification of all services and materials to be developed and a dissemination plan. The work plan should describe in detail the implementation and the evaluation of the required activities indicated in Section III above;

3. A management plan for fiscal and program administration to accomplish the grant objectives including a project management chart, time line and staff resume and assignments;

4. Detailed program budget;

5. Description of the applicant organization. If other than a public agency, description of its organizational mandate, funding sources, key staff, principal officers, organization chart, organization's address and telephone number;

6. Documentation of applicant's experience with the services proposed including description of other projects similar to the proposed activities; and

7. Documentation of non-profit status-IRS form 501 C3 or other proof of non-profit status.

IX. Records and Reports

Grantees will be required to maintain such fiscal and operational records as are necessary for federal monitoring and auditing of the grants. Grantees shall insure that ORR will:

1. Have complete access to all subrecipients' (contractors or subgrantees) records;

2. Receive all materials to be disseminated.

Quarterly fiscal and program progress reports will be due 30 days after the first calendar day of each quarter following the effective date of the grant award with the exception of final fiscal and program progress reports which shall be due 90 days after the expiration of the grant.

June 13, 1983.

Phillip N. Hawkes,

Director, Office of Refugee Resettlement.

[FR Doc. 83–16805 Filed 6–15–83; 8:45 am]

BILLING CODE 4160–11–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Reassumption of Jurisdiction St. Regis Mohawk Tribe of the St. Regis Mohawk Reservation

June 3, 1983.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.

The Indian Child Welfare Act of 1978 provides, subject to certain specified conditions, that Indian tribes may petition the Secretary of the Interior for reassumption of jurisdiction over Indian child custody proceedings.

This is notice that a petition has been received by the Secretary from the St. Regis Mohawk Tribe of the St. Regis Mohawk Reservation, for the tribal reassumption of jurisdiction over child custody proceedings. The petition is under review, and may be inspected and copied at the Eastern Area Office, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-16192 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-02-M

San Carlos Irrigation Project, Arizona; Operation and Maintenance Charges Villages, Towns, and Schools

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Public notice.

SUMMARY: The purpose of this public notice is to change the per acre foot assessment rate for the operation and maintenance of the irrigation facilities of the Joint Works of the San Carlos Irrigation Project serving Villages, Towns, and Schools, to properly reflect the cost of labor, materials, equipment, and services. The change is from $57.00 to $65.00 per acre foot.

EFFECTIVE DATE: This public notice shall become effective July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ralph Esquerra, Project Engineer, San Carlos Irrigation Project, P.O. Box 250, Coolidge, Arizona 85228, telephone (602) 723-5439.

SUPPLEMENTARY INFORMATION: This notice is issued by authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior in 209 DM 8 and redelegated by the Deputy Assistant Secretary for Indian Affairs (Operations) to the Area Directors in 10 BIAM 3. An analysis of the costs of operation and maintenance of the Joint Works of the San Carlos Irrigation Prject serving villages, towns, and schools was made and, on December 6, 1982, was presented to the Fact Finding Committee which is made up of representatives form the San Carlos Irrigation and Drainage District, San Carlos Irrigation Project, Gila River Indian Community, Pima Agency, and the Phoenix Area Office. There was no objection to increase the assessment rate.

The Public Notice shall read as follows:

San Carlos Irrigation Project

Assessment, Villages, Towns, and Schools

(a) Such project water as shall be available may be delivered to the villages, towns, and schools, not included in the designated area of the San Carlos Irrigation Project, for the irrigation of lawns and gardens. Beginning on July 1, 1983, and until further order, the charge for such service shall be $65.00 per acre foot of water delivered, payable in advance of delivery.

(b) The delivery of water and the collection therefor shall be made by the San Carlos Irrigation and Drainage District. It is agreed that the District shall retain $21.00 per acre foot on which collection shall be made, and as its compensation for rendering the service. The remainder of the collections shall be paid to the Project Engineer for the San Carlos Irrigation Project for the benefit of the Joint Works.

Walter R. Mills,

Acting Assistant, Area Director.

[FR Doc. 83-16190 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Flathead Irrigation Project, Montana

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 209 DM8 redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3, and by authority delegated to the Project Engineer and to the Superintendents by the Area Director in 10 BIAM 7.0, Sections 2.70-2.75. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

Puruant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operations and maintenance charges and related information applicable to the Flathead Irrigation Project, St. Ignatius, Montana. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928, (38 Stat. 583, 25 U.S.C. 382; 45 Stat. 210, 25 U.S.C. 387).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provision. No comments were received during the 30 days period.

In compliance with the above, the operation and maintenance charges for the lands under the Flathead Irrigation Project, Montana, for the season of 1983 and 1984 and subsequent years until further notice, are hereby fixed as follows:

For the season of 1983 for lands not included in an Irrigation District but including land held in trust for Indians, the rate per acre for the various divisions are as follows:

Jocko	$9.32/acre
Mission Valley	$8.29/acre
Cames	$8.12/acre

For the season of 1984 for lands included in an irrigation Disrict, the Project charge per acre is as follows:

Jocko Valley Irrigation District	$6.50/acre
Mission Irrigation District	$7.00/acre
Flathead Irrigation District	$8.34/acre

E. M. Axtell,

Project Engineer, Flathead Irrigation Project.

[FR Doc. 83-16142 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

[U-060]

Realty Action-Exchange; Public Land in Grand County, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty action-exchange; public land in Grand County, Utah.

This Notice of Realty Action involves an exchange of public land in Utah managed by the Bureau of Land Management (U-45314).

The following described lands have been determined to be suitable for exchange under Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Selected lands:

Salt Lake Base and Meridian, Grand County, Utah

T. 21 S., R. 16 E.,
Sec. 1, Lot 7, Lot 10, Lot 14, Lot 15;
T. 21 S., R. 17 E.,
Sec. 6, Lot 6, Lot 11, Lot 12, Lot 13, Lot 14, Lot 17, Lot 18, E½ SW¼.
Comprising 495.79 acres.

In exchange for the above lands the Federal Government would acquire the following private lands in Grand County, Utah from Donald K. Bazemore, Cupertino, California 94014.

Offered lands:

Salt Lake Base and Meridian, Grand County, Utah

T. 20 S., R. 16 E.,
Sec. 3, Lot 8, Lot 9, and Lot 10.

Comprising 60.29 acres.

The mineral estate (all minerals) on the offered land would be exchanged for 60 acres of the selected land described as Salt Lake Base and Meridian, T. 21 S., R. 16 E., Section 1, S½ lot 10 and lot 15. An appraisal indicated that mineral values are equal on an acre for acre basis. The surface estates of the selected and offered lands have been determined to be equal in value.

The selected lands are segregated from appropriation under the public land laws including the mining laws but not the mineral leasing laws. The segregative effect of this notice of realty action on the public lands shall terminate upon issuance of patent to such lands, upon publication in the **Federal Register** of a termination of the segregation or 2 years from the date of this notice, whichever comes first.

The purpose of the exchange is to obtain river front property for use as a takeout point for river trips and development of a recreation area. Presently use of the property is being allowed for takeout purposes, however, development of facilities cannot occur until the United States acquires an interest in the land.

The selected land would be subject to the following conditions:

1. A reservation for a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

2. A reservation of all minerals except for 60 acres described as Salt Lake Base and Meridian, T. 21 S., R. 16 E., Section 1: S½ lot 10 and lot 15, together with the right to prospect for, mine and remove the same.

This exchange is consistent with the Bureau's planning and county officials have been consulted.

Detailed information concerning the proposed exchange, including the environmental assessment is available for review at the Moab District Office, 125 West 2nd South Main, Moab, Utah 84532.

For a period of 45 days interested parties may submit comments to the Moab District Manager, P.O. Box 970, Moab, Utah 84532. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department.

Dated: June 9, 1983.

Gene Nodine,

District Manager.

[FR Doc. 83-16127 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Canon City District Grazing Advisory Board

A meeting of the Canon City District Grazing Advisory Board will be held at 10:00 a.m., Friday, July 29, 1983, at the Chaffee County Bank, 146 G Street, Salida, Colorado, pursuant to Pub. L. 92-463.

The purpose of the meeting is to review allotment management plan implementation, initiate, conduct and settle business pertaining to expenditure of Range Betterment and Improvement Funds, discuss Cooperative Management Agreement, and to hear an update on the grazing fee study.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first come, first serve basis. Any person may file with the Board a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting may contact Melvin D. Clausen, District Manager, Bureau of Land Management, 3080 East Main Street, Canon City, Colorado 81212, at (303) 275-0631.

Minutes of the meeting will be made available for public inspection 30 days after the meeting.

Dated: June 9, 1983.

Melvin D. Clausen,

District Manager.

[FR Doc. 83-16139 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

State of California; Realty Action, Sale of Public Lands in Riverside County, Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: State of California, Realty Action, Sale of Public Lands in Riverside County—CA-13587 through CA-13602—Correction.

SUMMARY: This document corrects the requirements for participating in the oral bidding procedures. The original requirements were published on page 23924 and 23925 in *Federal Register* of Friday, May 27, 1983. This notice restricted participating in the oral bidding to only those bidders that submitted qualified sealed bids. This correction extends the opportunity to participate in the oral bidding to individuals that had not previously submitted a sealed bid.

On page 23924 column three, second paragraph titled "Dates," the sentence which begins on line thirty with the words "only those bidders" * * * and ends on line thirty-three should be deleted to read:

Anyone wishing to participate in the oral bid must meet all of the citizenship requirements as outlined in part 4 of this notice. Individuals wishing to participate in the oral bidding must submit not less than one-fifth of the payment by cash, personal check, bank draft, money order, or any combination for not less than one-fifth of the appraised value of the land.

Dated: June 8, 1983.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-16141 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-20085]

Idaho; Conveyance of Public Land, Power County

June 8, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to Leonard B. Kopp and Patricia C. Kopp for the following-described public land:

Boise Meridian, Idaho

T. 8 S., R. 32 E.
Sec. 5, lot 6, SW¼NW¼, NW¼SW¼.
Containing 120.38 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 83-16156 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84

[M 55228]

Montana; Conveyance of Public Land; Valley County

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Conveyance of public land.

SUMMARY: Notice is hereby given that pursuant to the Act of October 21, 1976 (43 U.S.C. 1713 (1976)), the following described land was sold to the Hinsdale Cemetery District:

Principal Meridian, Montana

T. 30 N., R. 36 E.,
Sec. 5, S½SW¼SW¼NW¼SW¼, SW¼SE¼SW¼NW¼SW¼, W½NE¼ NW¼SW¼ SW¼, NW¼NW¼ SW¼SW¼, excluding a strip of land situated in the S½SW¼, containing 0.067 acre.

Containing 5.56 acres.

The purpose of this notice is to inform the public and interestd state and local governmental officials of the issuance of the conveyance document to the Hinsdale Cemetery District.

Dated: June 9, 1983.

Edgar D. Stark,

Chief, Lands Adjudication Section.

[FR Doc. 83-16161 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[M 55145]

Montana; Conveyance and Order Providing for Opening of Public Lands

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Conveyance and Order Providing for Opening of Public Lands in Richland and McCone Counties, Montana.

SUMMARY: Notice is hereby given that pursuant to Section 206 of the Act of October 21, 1976 (43 U.S.C. 1716 (1976)), the following described land was conveyed to Robert G. Voorhees and Marjorie R. Voorhees, husband and wife, and O. Joyce Voorhees, tenants in common:

Principal Meridian, Montana

T. 26 N., R. 50 E.,
Sec. 2, Lots 3 and 4;
Sec. 11, SW¼NW¼, N½S½;
Sec. 12, NW¼NW¼, NE¼SW¼, SW¼SE¼;
Sec. 13, NW¼NE¼, S½NW¼; and
Sec. 24, SE¼NE¼.
T. 26 N., R. 51 E.,
Sec. 18, Lot 4, SE¼SW¼;
Sec. 19, Lot 1.
T. 27 N., R. 51 E.,
Sec. 31, Lots 3 and 4, E½SW¼, SE¼.

Aggregating 993.85 acres.

In exchange for the above land, the United States acquired the following described land in McCone County, Montana:

Principal Meridian, Montana

T. 27 N., R. 50 E.,
Sec. 25, S½SW¼; and
Sec. 26, Lots 1, 2, 3, SE¼.

Containing 311.34 acres.

No minerals were transferred in the exchange. This order restores the lands acquired by the United States to the operation of the public land laws generally.

DATES: At 8 a.m. on July 22, 1983, the lands shall be open to the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All applications received at or prior to 8 a.m. on July 22, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: June 8, 1983.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83-16162 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Albuquerque District, New Mexico District Advisory Council Meeting

The BLM Albuquerque District Advisory Council meeting scheduled for July 21, 1983 has been postponed until July 26, 1983. The meeting will be held in the conference room of the District Office, 3550 Pan American Freeway, NE., Albuquerque, beginning at 9 a.m.

Following its field trip to the Bisti coal region and the Rio Puerco water pipeline system at its April 25–27 meeting, the District Advisory Council will determine which management issues facing the District Manager it will focus on to provide timely advice. Among the issues being considered are: federal coal leasing in the San Juan Basin; maintenance options for the Rio Puerco range watering system; public lands suitable for sale under BLM's assest management program; and planning issues and planning criteria for the Rio Puero Resource Area's Resource Management Plan.

This council is managed in accordance with the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976, and the Rangeland Improvement Act of 1976.

The public is welcome to attend all portions of this meeting. Statements by the public to members of the Council may be made at 11:30 a.m., July 26, 1983.

Minutes of the meeting will be prepared and made available for review within 30 days following the meeting.

L. Paul Applegate,

District Manager.

[FR Doc. 83-16166 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[CA 13279]

State of California: Realty Action, Sale of Public Lands in Riverside County; Correction

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Realty Action—Sale of Public Lands in Riverside County—CA 13279—Correction.

SUMMARY: This document corrects the requirements for participating in the oral biding portion of the land sale. The original requiements were published on pages 23720 and 23721 in the **Federal Register** of Thursday, May 26, 1983.

Page 23720, column three, last paragraph and page 23721, column one, paragraphs one, two, and three should be corrected to read:

DATE: The above described land will be offered for sale by sealed and oral bids. The sealed bids will be opened at 10:00 a.m. on July 26, 1983, at the California Desert District Office of the Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507. Bids may be made by a principal or a duly qualified agent, either mailed or delivered to the California Desert District Office, Bureau of Land Management, at the above address. Sealed bids shall be considered only if received prior to 10:00 a.m. on July 26, 1983, and are made for at least the appraised value of the land. Each sealed bid shall be accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed envelope must be marked in the lower left hand corner "Public Sale Bid, Serial Number CA–13279, sale held July 26, 1983". No bid will be accepted for less than the appraised value, and bids must include all of the land in the parcel. The sealed bids shall be opened and publicly declared at the beginning of the oral bidding.

Anyone wishing to participate in the oral bidding must meet all of the citizenship requiements as outlined in part 4 of this notice. Individuals wishing to participate in the oral bidding must submit not less than one-fifth of the payment by cash, personal check, bank draft, money order, or any combination for not less than one-fifth of the appraised value of the land. Oral bidding will begin at 11:00 a.m. on July 26, 1983 at the California Desert District Office. The person declared to have entered the highest qualifying oral bid shall submit payment for cash, personal check, bank draft, money order, or any combination for not less than one-fifth of the amount of the bid immediately following the close of the sale.

The successful bidder, whether such bid is a sealed or oral bid, shall submit the remainder of the full bid price prior to the expiration of 30 days from the date of the sale. Failure to submit the

full bid price prior to, but not including the 30th day following the day of the sale, shall result in cancellation of the sale of the specific parcel and the deposit forfeited and disposed of as other receipts of sale. If two or more sealed bids for the same amount are received and no oral bids are received, then the apparent high bidder shall be determined by a drawing.

For a period of 30 days following the date of the sale, Ladyvest, Inc., will have the opportunity to claim the preference rights indicated above. Refusal or failure to meet the highest bid shall constitute a waiver of such bidding provisions.

FOR FURTHER INFORMATION CONTACT: Concerning the sale, including the land report and environmental assessment report, information is available for review at the California Desert District Office at the above address. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the State Director, California State Office, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: June 8, 1983.

Gerald E. Hillier,
District Manager.

[FR Doc. 83–16183 Filed 6–15–83; 8:45 am]
BILLING CODE 4310–84–M

Utah; Intensive Wilderness Inventory, Decisions Set Aside and Remanded

AGENCY: Bureau of Land Management (BLM), DOI.

ACTION: Notice.

SUMMARY: On April 18, 1983, the Interior Board of Land Appeals (IBLA) set aside and remanded to the Utah State Director for further action the decisions on wilderness inventory units as summarized below:

Unit No.	Unit name	Approx. acreage appealed	Board's decision
UT–020–037	Newfoundland Mtns.	23,286	Set aside and remanded.
UT–020–129/050–130A	Dugway Mtns.	18,000	Set aside and remanded.
UT–040–075	Horse Spring Canyon	[1] 30,060	Set aside and remanded.
UT–040–076	Carcass Canyon	12,180	Set aside and remanded.
UT–040–077	Mud Spring Canyon	18,065	Set aside and remanded.
UT–040–078	Death Ridge	60,040	Set aside and remanded.
UT–040–079	Burning Hills	61,550	Set aside and remanded.
UT–040–204B	Central Wah Wah Range	37,228	Set aside and remanded.
UT–040–230	Parunuweap Canyon	[1] 180	Affirmed as modified.
UT–040–247	Paria-Hackberry	24,726	Affirmed in part; set aside and remanded in part.
UT–040–248	Wahweap	137,880	Set aside and remanded.
UT–050–238	Mt. Ellen	30,000	Set aside and remanded in part; appeal dismissed in part.
UT–050–241	Fiddler Butte	82,500	Set aside and remanded.
UT–050–248	Mt. Pennell	60,000	Set aside and remanded.
UT–061–056A	Desolation Canyon	70,000	Affirmed in part; set aside and remanded in part.
UT–061–056B	Floy Canyon	75,100	Set aside and remanded.
UT–060–100B	Diamond Canyon	4,300	Affirmed in part; set aside and remanded in part; appeal dismissed in part.
UT–060–100C	Cottonwood Canyon	21,470	Affirmed in part; set aside and remanded in part.
UT–060–161	Mancos Mesa	51,440	Set aside and remanded.
UT–060–730	Winter Ridge	43,963	Set aside and remanded.

[1] Approximate.

Pursuant to the action by IBLA, BLM will reassess pertinent information related to making a determination if the requisite wilderness characteristics exist within the unit or portion of units on remand from IBLA. A formal public comment period on a proposed decision will be conducted before finalizing and publishing a final decision in the **Federal Register**. The units or portion of units remanded by IBLA will remain under management restrictions imposed by Section 603 of Pub. L. 94–579. Those units or portions of units affirmed or dismissed by IBLA will no longer be subject to management restrictions imposed by Section 603 of Pub. L. 94–579 and are hereby released from further wilderness review. For those units which were affirmed in part or dismissed in part refer to the above list. Those units affirmed by IBLA in total are:

Unit No.	Unit name	Aprox. acreage
UT–040–104	Mountain Home Range	19,000
UT–040–266	East of Bryce	887
UT–050–221B	Fremont Gorge	5,500
UT–060–122/CO–070–132A	Granite Creek	7,920
UT–060–171	Sweet Alice Canyon	8,880
UT–060–191	Cheese Box Canyon	12,110
UT–060–205A	Arch Canyon	7,500

Two inventory unit decisions were reversed by IBLA. Both of these units are now Wilderness Study Areas (WSAs) and will remain under management restrictions imposed by Section 603 of Pub. L. 94–579. The two units are:

Unit No.	Unit name	Approx. acreage
UT–060–139A	Mill Creek	10,320
UT–060–175	Middle Point	5,000

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah BLM Wilderness Coordinator (801) 524–4257.

Dated: June 8, 1983.

Dean E. Stepanek,
Associate State Director.

[FR Doc. 83–16139 Filed 6–15–83; 8:45 am]
BILLING CODE 4310–84–M

[A–6762 and NM–24763]

Arizona: Realty Action; Competitive Sale of Public Land in Cochise County, Arizona and Hidalgo County, New Mexico

The Bureau of Land Management will offer the following described lands for sale at public auction on August 25, 1983, at 1:00 p.m. at the Douglas City Hall, 425 10th Street, Douglas, Arizona. It has been determined that the sale of these tracts is consistent with Section

203(a)(1) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale at no less than the appraised fair market value indicated below.

Parcel	Legal description	Acreage	Value
	GILA AND SALT RIVER MERIDIAN, ARIZONA.		
	T. 20 S., R. 32 E.,		
	Section 11: Lots 1, 2, 3, 4		
	Subtotal	147.88	$11,091
Q	NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO.		
	T. 30 S., R. 22 W.,		
	Section 11: Lots 1, 2, 3, 4		
	Section 14: Lots 1, 2, 3, 4		
	Subtotal	96.00	7,200
	Total Parcel Q	243.88	18,291
	GILA AND SALT RIVER MERIDIAN, ARIZONA.		
R	T. 20 S., R. 32 E.,		
	Section 15: E½SE¼	80.00	8,000
	GILA AND SALT RIVER MERIDIAN, ARIZONA.		
	T. 20 S., R., 32 E.,		
S	Section 23: Lots 3, 4	73.60	7,360

The above land aggregates 301.48 acres in Cochise County, Arizona and 96.00 acres in Hidalgo County, New Mexico near Rodeo, New Mexico.

A patent for the land, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All minerals will be reserved to the United States. These mineral estates may be conveyed to the successful bidder subject to Section 209 of the Federal Land Policy and Management Act.

3. A right-of-way under Serial Numbers NM–52975 and A–18639 for a road granted under the authority of the Federal Land Policy and Management Act of 1976 (90 Stat. 2776; 43 U.S.C. 1761) on Parcel Q.

The patent will also be subject to:

1. Those rights granted by Oil and Gas Leases A–13939 and NM–34069, made under Section 29 of the Act of February 25, 1920 (41 Stat. 437) and the Act of March 4, 1933 (47 Stat. 1570). This patent is issued subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations without compensation, resulting from proper oil and gas operations, for the duration of the leases A–13939 and NM–34069, and any authorized extension of the lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate. This lease applies to all parcels.

2. Those rights granted by a term permit for grazing lease Number 1515, which affect that portion of Parcel Q located in New Mexico including the allowance of continued year-long grazing of 12 head (144 AUMs) until February 29, 1990 at a cost not higher than the BLM grazing fee scheduled for a given year. The date of this Notice provides the beginning of the two year notice of the cancellation of the grazing preference if the land is sold.

3. Those rights granted by a term permit for grazing lease Number 5292, which affect that portion of Parcel Q located in Arizona, and Parcels R and S including the allowance of continued grazing of 5 head (57 AUMs) until May 12, 1985 at a cost not higher than the BLM grazing fee scheduled for a given year.

4. Range improvements consisting of 3.8 miles of fence granted under Permits Number NM 3–4–429 and Arizona Number 1170, located in Parcel Q. In accordance with 43 CFR 4120.6–6, the grazing lessees will be allowed a period of 180 days from the date of cancellation of the range improvement permit to salvage the fences. The cancellation of the range improvement permits will occur at the same time as the cancellation of the grazing.

Upon publication of this Notice in the **Federal Register**, the land described above will be segregated from all forms of non-discretionary appropriation under the public land laws, including the mining laws but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

Lands not sold on August 25, 1983, will be reoffered for sale by competitive bid at the Safford District Office, 425 East 4th Street, Safford, Arizona, at 1:00 p.m. on September 22, 1983. Any remaining unsold land will be available for over-the-counter purchase beginning on September 23, 1983 at 8:00 a.m.

Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from the Safford District Manager, 425 East 4th Street, Safford, Arizona 85546, or by calling (602) 428–4040.

For a period of 45 days from the date of this Notice, interested parties may submit comments regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Daniel C. B. Rathbun,

District Manager, Las Cruces District, New Mexico.

Dated: June 9, 1983.

Lester K. Rosenkrance,

District Manager, Safford District, Arizona.

Dated: June 9, 1983.

[FR Doc. 83–16164 Filed 6–15–83; 8:45 am]

BILLING CODE 4310–84–M

[Group 683]

California; Filing of Plat of Survey

June 8, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Humboldt Meridian

T. 8 N., R. 4 E.

2. This plat, in four (4) sheets, representing the dependent resurvey of the boundaries of Hosler Field, the Upper and Lower Settlement Tracts, Soctish Field, the Chenone Field Settlement Site, and Chenone and Norton Fields of the Hoopa Valley Indian Reservation in T. 8 N., R. 4 E., Humboldt Meridian, under Group No. 683, California, was accepted May 11, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau and the Bureau of Indian Affairs.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Dated: June 8, 1983.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83–16165 Filed 6–15–83; 8:45 am]

BILLING CODE 4310–84–M

[Group 663]

California; Filing of Plat of Survey

June 8, 1983.

. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian

T. 10 N., R. 8 W.

2. This plat, representing the corrective resurvey of a portion of the subdivision of section 5, T. 10 N., R. 8 W., Mount Diablo Meridian, under Group No. 663, California, was accepted May 23, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Dated: June 8, 1983.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-16187 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 822]

California; Filing of Plat of Survey

June 9, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian

T. 26 S., R. 38 E.

2. This plat, representing the dependent resurvey of a portion of the subdivisional lines and the survey of the subdivision of sections 15, 22, 25, and 26, T. 26 S., R. 38 E., Mount Diablo Meridian, under Group No. 822, California, was accepted May 19, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Dated: June 8, 1983.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 83-16189 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

California; Filing of Plat of Survey

June 8, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian

T. 16 N., R. 9 E.

2. This supplemental plat of the W½ of section 19, T. 16 N., R. 9 E., Mount Diablo Meridian, was accepted May 19, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Dated: June 8, 1983.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 83-16188 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Casper District, Wyoming; Availability of Coal Core Analyses

AGENCY: Bureau of Land Management, Interior.

ACTION: Public notice of availability of four coal analyses within the Thunder Basin National Grasslands, Campbell County, Wyoming.

SUMMARY: Notice is hereby given that Bureau of Land Management (BLM) core analyses of four coal test holes located in the Thunder Basin National Grasslands of Campbell County, Wyoming, are now available to the public. The analyses, completed January 1982, as a result of U.S. Geological Survey, Conservation Division efforts during 1981 in support of the Federal coal management program, provide geologic information necessary to evaluate and classify coal resources on lands in the public domain.

The test holes, located in Townships 41, 42, and 43 North, Range 70 West, Sixth Principal Meridian, Wyoming, were designed to investigate coal quality in the Fort Union Formation of Paleocene age in the Eastern Powder River Basin of northeastern Wyoming.

Location of documents: Copies are available for reproduction at the address listed below.

FOR FURTHER INFORMATION CONTACT: To obtain copies for reproduction of the coal analyses or for additional information contact: Barbara L. Harris, Geologist, Casper District—Branch of Solid Minerals, 111 S. Wolcott, Room 111, Casper, Wyoming 82601, (307) 261-5181.

Dated: June 15, 1983.

Leslie A. Oliver,

Acting District Manager.

[FR Doc. 83-16200 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[C-4275 and C-0125386]

Colorado; Coal Lease Applications; Rio Blanco County; Public Hearing and Request for Public Comments

The Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colorado, hereby gives notice that a public hearing will be held on July 20, 1983, at 7:30 p.m. at the Fairfield Center, Basement Conference Room, 200 Main Street, Meeker, Colorado 81641. Applications have been made to the United States that it lease non-competitively coal resources in the public lands hereinafter described:

The coal resource to be leased under Serial No. C-4275 is located in the following-described lands approximately 9 miles northeast of Meeker, Colorado:

T. 2 N., R. 92 W., 6th P.M.
Sec. 31, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32, W½NW¼, NW¼SW¼.
The area described contains 480 acres.

The coal resource to be leased under Serial No. C-0125386 is located in the following-described lands approximately 9 miles northeast of Rangely, Colorado:

T. 3 N., R. 102 W., 6th P.M.
Sec. 22, All.
The area described contains 640 acres.

The purpose of the hearing is to obtain public comments on the Environmental Assessments and on the following items: (1) The method of mining to be employed to obtain maximum economic recovery of the coal; (2) the impact that mining the coal in the proposed leaseholds may have on the area,

including, but not limited to, impacts on the environment.

Written requests to testify orally at the July 20, 1983, public hearing should be received at the Craig District Office, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81625, prior to the close of business July 19, 1983. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard. Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of three or five minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes.

Written comments may also be submitted to Craig District Office at the above address, prior to close of business on July 22, 1983. Substantive comments, whether written or oral, will receive equal consideration prior to any lease issuance.

The Environmental Assessments will be available for review in the Craig District Office and the White River Resource Area Office at Meeker, Colorado. Single copies are available for distribution upon request from the Craig District Office at the above address.

Copies of the Environmental Assessments and the case files will be available for public inspection at the Colorado State Office, Bureau of Land Management, 1037—20th Street, Denver, Colorado 80202.

Rodney A. Roberts,

Chief, Mineral Leasing Section.

[FR Doc. 83-16167 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[CA 13616]

Geothermal Resources Lease Sale, East Brawley, East Mesa, Dunes Glamis, Mono Long Valley, Salton Sea, and Wendel Amedee KGRA's

Notice is hereby given that approximately 72,365.20 acres of land in 35 parcels within East Brawley (7,253.52 acres), East Mesa (1,560.00 acres), Dunes, (3,280.47 acres), Glamis (13,375.64), Mono Long Valley (31,736.64), Salton Sea (13,775.04 acres), and Wendel Amedee (1,383.89 acres) KGRA's in Imperial, Mono, and Lassen Counties, California will be offered competitively for lease under the Geothermal Steam Act of 1970 through sealed bids to the qualified responsible bidder of the highest cash amount per parcel. Bids will be received until 10:00 a.m. on July 19, 1983.

For further information contact the California State Office, Division of Operations, Room E-2605, 2800 Cottage Way, Sacramento, California 95825. Phone (916) 484-4492.

Dated: June 10, 1983.

Joan B. Russell,

Chief, Leasable Minerals Section.

[FR Doc. 83-16195 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Land Use Analysis on BLM Administered Lands in Eastern Plains Planning Units

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Land Use Analysis on BLM Administered Lands in Eastern Plains Planning Units (05-07).

SUMMARY: This notice issued pursuant to 43 CFR Parts 1600 and 2700, invites public review and comment on preliminary issues and planning criteria to be used in completing a land use analysis on a proposal to offer for sale certain public lands, administered by BLM, located in eastern counties of Colorado.

This proposed planning action involves preparation of a land use analysis and an environmental assessment utilizing input received from the public. The analysis and environmental assessment to be completed on or about December 29, 1983, will be prepared in accordance with 40 CFR Part 1500 and will include a determination of the consistency of the proposed action with the policies and programs of local, state, and other Federal agencies. A decision statement will then be issued by the District Manager with the concurrence of the State Director allowing a 30-day protest period (43 CFR 1601.6-1).

The public lands administered by BLM being analyzed and considered in this land use analysis are:

County	Acres
Kiowa	3,810
Prowers	830
Baca	1,200
Las Animas	1,040
Bent	1,135
Otero	4,292
Crowley	2,740
Pueblo	16,515
Total	31,628

If any lands are found potentially suitable for public sale during this planning effort, these lands will be offered at fair market value with all minerals reserved to the United States.

Preliminary issues identified include: economics of continued management as part of the public lands, rights of premittees and lessees, interests of adjoining landowners, and consistency with the plans and programs of other government entities.

Planning criteria to be used in evaluating the proposal are:

1. Public lands may be offered for sale when such lands, because of location or other characteristics, are difficult and uneconomical to manage and are not suitable for management by another Federal, state, or local public entity.

2. Disposal of these lands would better serve the public than retaining and managing such lands under Federal ownership.

The interdisciplinary team performing the land use analysis/environmental assessment represents the following disciplines: realty, wildlife, geology, cultural resources, recreation, and economics.

Public participation will be obtained by a public comment period initiated by this notice. Comments received on or before July 27, 1983, will be considered. An open house will be held July 12, 7:00 p.m. at the Sangre de Cristo Arts Center in Pueblo, Colorado, to allow the public the opportunity to discuss this planning effort and potential land disposal. Preliminary Issues and Planning Criteria will be available for review.

Comments or requests for further information should be addressed to: James Sazama, Area Manager, RGRA-BLM, P.O. Box 1470, Canon City, Colorado 81212; telephone (303) 275-7578.

Copies of the land use analysis and the environmental assessment will be available for review at the Royal Gorge Resource Area Office listed above and at the Canon City District Office, 3080 East Main Street, Canon City, Colorado.

Melvin D. Clausen,

District Manager.

[FR Doc. 83-16203 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Lands and Realty Planning Amendment

Summary: This notice issued pursuant to 43 CFR Part 1600, invites public review and comment on preliminary issues and planning criteria to be used in evaluating a proposal to offer for public sale certain public lands located in the San Luis Valley of Colorado.

The proposed planning action involves preparation of a Lands and

Realty Planning amendment and an environmental assessment utilizing input received from the public. The Lands and Realty Planning amendment and environmental assessment to be completed on or about March 5, 1984, will be prepared in accordance with 40 CFR 1500 and will include a determination of the proposed action's consistency with the policies and programs of local, state, and other federal agencies. A decision statement will then be issued by the District Manager with the approval of the State Director allowing a thirty-day protest period (43 CFR 1601.6–1).

The public lands being analyzed and considered as potentially suitable for public sale are:

County	Acres of public land
Alamosa	1,062.85
Conejos	1,825.29
Hinsdale	66.58
Rio Grande	475.43
Saguache	4,283.20
Total	8,526.25

Preliminary issues identified include: economics of continued management as part of the public lands, rights of permittees and lessees, interests of adjoining landowners, and consistency with the plans and programs of other government entities.

Planning criteria to be used in evaluating the proposal are:

1. Public lands may be offered for public sale when such lands, because of location or other characteristics, are difficult and uneconomic to manage and are not suitable for management by another federal, state, or local public entity.

2. Disposal will serve important public objectives which outweigh public objectives and values which would be served by maintaining such lands in federal ownership.

The interdisciplinary team performing the Lands and Realty Planning amendment and the environmental assessment represent the following disciplines: Realty, Range, Wildlife, Geology, Cultural Resources, Recreation, and Economics.

Public participation will be obtained by a public comment period initiated by this notice. Comments received on or before August 30, 1983, will be considered.

Comments or requests for further information should be addressed to: Tom Sieverding, Area Manager, SLRA—BLM, 1921 State Street, Alamosa, Colorado 81101; phone (303) 589–4975.

Copies of the Lands and Realty Planning amendment and the environmental assessment will be available for review at the San Luis Resource Area Office listed above, and at the Canon City District Office, 3080 East Main Street, Canon City, Colorado 81212.

Melvin D. Clausen,

District Manager.

[FR Doc. 83-16194 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[M 43811]

Montana; Conveyance and Order Providing for Opening of Public Lands

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Conveyance and Order Providing for Opening of Public Lands in Powell County, Montana.

SUMMARY: Notice is hereby given that pursuant to Section 206 of the Act of October 21, 1976 (43 U.S.C. 1716 (1976)), the following described land was conveyed to Burlington Northern Railroad Company:

Principal Meridian, Montana

T. 12 N., R. 17 W.,
Sec. 4, Lots 1, 2, 3, SW¼NE¼, SE¼NW¼; and
Sec. 6, All.
T. 13 N., R. 17 W.,
Sec. 18, Lots 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 20, All;
Sec. 22, Lots 3 and 4, W½ and W½SE¼;
Sec. 26, All;
Sec. 28, N½ and SE¼;
Sec. 30, All;
Sec. 31, Lots 6 and 7, N½SE¼;
Sec. 32, Lots 1, 2, 3, 4, W½NW¼ and N½SW¼; and
Sec. 34, All.
T. 12 N., R. 18 W.,
Sec. 1, Lots 5, 6, 7, 8 and 9.

Aggregating 5,478.98 acres.

In exchange for the above land, the United States acquired the following described land in Powell County, Montana:

Principal Meridian, Montana

T. 13. N., R. 12 W.,
Sec. 19, All.
T. 12 N., R. 13 W.,
Sec. 1, All; and
Sec. 3, Lots 1 and 2, S½NE¼, SE¼.
T. 13 N., R. 13 W.,
Sec. 25, All;
Sec. 27, All;
Sec. 29, All;
Sec. 33, All; and
Sec. 35, All.

Aggregating 4,810.50 acres.

This order restores the lands acquired by the United States to the operation of the public land laws generally.

DATES: At 9 a.m. on September 1, 1983, the lands shall be open to the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All applications received at or prior to 9 a.m. on Septmenber 1, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: June 10, 1983.

Edgar D. Stark,

Acting Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83-16191 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 23969]

Oregon; Order Providing for Opening of Public Lands

1. A Notice of Airport Lease application was published in the Federal Register (45 FR 65323) dated Thursday, October 2, 1980. The following described land was segregated from all forms of appropriation pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214):

Willamette Meridian

T. 2 S., R. 4 E.,
Sec. 35, SW¼NE¼ and S½NW¼.

The area described contains 120.00 acres in Clackamas County, Oregon.

2. The application was rejected except as to the following described land which has been approved for lease and remains segregated from all forms of appropriation:

Willamette Meridian

T. 2 S., R. 4 E.,
Sec. 35, Beginning at the point of intersection of the projected airport runway centerline and the east line of the SW¼NE¼ of said Sec. 35; thence north along said east line 126.36 feet to an iron pipe; thence N 74°47'30" W, 1,657.81 feet to an iron pipe; thence S 09°29'30" W, 577.24 feet to an iron pipe; thence S 86°13'30" E, 1,694.00 feet, more or less, to an iron pipe, said pipe located on said east line; thence north along said east line 126.36 feet to the point of beginning.

The area described contains approximately 15.74 acres in Clackamas County, Oregon.

3. At 9:30 a.m., on July 22, 1983, the land described in paragraph 1, except as provided in paragraph 2, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of

applicable law. All valid applications received at or prior to 9:30 a.m., on July 22, 1983, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. At 9:30 a.m., on July 22, 1983, the land described in paragraph 1, except as provided in paragraph 2, will be open to location under the United States mining laws. Appropriation of land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

5. The land has been and remains open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: June 8, 1983.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-16198 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Roseburg District Advisory Council; Meeting

Notice is hereby given that in accordance with Section 309 of the Federal Land Policy and Management Act (as amended), the Roseburg District Advisory Council will meet July 19, 1983. The meeting will convene at 9:30 a.m. in the conference room at the Rosenburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, Oregon. Agenda items will include: (1) Discussion of the final environmental impact statement on the district's 10-year timber management plan; (2) an overview of the Fiscal Year 1984 timber sale plan; and (3) an update on possible land sales in the Roseburg BLM District during Fiscal Year 1984.

All Council meetings are open to the general public and news media. Interested persons or organizations may make oral statements to the Council at 11:30 a.m. or they may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager by July 12, 1983. Depending upon the number of people wishing to speak, a per person time limit may be established by the District Manager.

Summary minutes of each Council meeting will be maintained in the Roseburg District Office and will be available for public inspection and copying during regular business hours within 30 days following the meeting.

For more information, contact Gary Majors, Public Information Officer, telephone (503) 672-4491.

Dated: June 7, 1983.

James E. Hart,

District Manager.

[FR Doc. 83-16161 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Salem District Advisory Council; Meeting

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that a meeting of the Salem District Advisory Council will be held on July 15, 1983, at 8:30 a.m. at the BLM Salem District Office, 1717 Fabry Road S.E., Salem, Oregon.

Agenda for the meeting will include:

1. Briefing on the East Salem Final Environmental Impact Statement.
2. Oral statements from the public.
3. Briefing on public comments received regarding proposed decision on the Westside Salem Timber Management Plan.
4. Discussion and development of recommendations on the proposed decision on the Westside Salem Timber Management Plan.
5. Discussion on future council meetings.

The meeting is open to the public. Any organization, associations or individual may file a statement or appear before the council regarding topics on the meeting agenda. Anyone wishing to make an oral statement must notify the Salem District Manager, P.O. Box 3227, Salem, Oregon 97302, by July 11, 1983. Summary minutes will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: June 7, 1983.

Joseph C. Doso,

District Manager.

[FR Doc. 83-16160 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Monthly Meeting of the Advisory Committee on Minerals Accountability

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of monthly meeting.

SUMMARY: The purpose of the Advisory Committee on Minerals Accountability is to develop over a 1-year period an expanded policy of cooperation with States and Indian tribes in the royalty management area and to develop a detailed plan for carrying out Federal/State/Indian cooperation on a comprehensive basis. The purpose of the Advisory Committee meeting will be to have State representatives and any other interested parties discuss with the Committee the Federal Oil and Gas Guidelines explaining Royalty Valuation Procedures. In addition, the Audit Standards governing Sections 202 and 205 will be discussed.

The meeting will be open to the public. However, facilities and space to accommodate attendees are limited and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file with the Advisory Committee a written statement concerning the matters to be discussed.

Notice of the next monthly meeting will be published 15 days before the meeting is to take place.

DATE: Wednesday, June 29, 1983, 9:00 a.m.

ADDRESS: Casper Hilton Inn, I-25 at Rancho Road, Casper, Wyoming.

FOR FURTHER INFORMATION CONTACT: John Sullivan, Department of the Interior, 18th & C Streets, N.W., Room 4216, Washington, D.C. 20240, telephone: (202) 343-3526.

SUPPLEMENTARY INFORMATION: The Advisory Committee was created by the Secretary of the Interior on November 15, 1982 (Order No. 3071).

The Committee will have one or more Executive Sessions at this meeting.

Dated: June 13, 1983.

David C. Russell,

Acting Director, Minerals Management Service.

[FR Doc. 83-16215 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee

Act that a meeting of the San Antonio Missions Advisory Commission will be held at 1:30 p.m., Tuesday, June 21, 1983, at the Federal Building, 727, E. Durango, Room A612, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Pub. L. 95–629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the park and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed at this meeting include:

—Park Operations Update;

—Commissioners' Committee Reports;

—Gifts Catalog Slide Presentation.

The meeting will be open to the public, however, facilities and space for accommodating members of the public will be limited and persons will be accommodated on a first-come, first-serve basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park.

Persons wishing further information regarding this meeting or who wish to submit a written statement may contact Jose A. Cisneros, Superintendent, 727 E. Durango, Room A612, San Antonio, Texas 78206, telephone (512) 229–6000.

Minutes of the meeting will be available for public review approximately four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: June 1, 1983.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 83–16096 Filed 6–15–83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–134]

Treadmill Joggers; Initial Determination Terminating Respondents on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a settlement agreement: Heinz Kettler Metallwarenfabrik GmbH & Co. & Kettler International, Inc. (Kettler).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 10, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

WRITTEN COMMENTS: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436 no later than 10 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: June 13, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–16170 Filed 6–15–83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Volume No. OP2–FC–261]

Motor Carriers; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

The decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 2, (202) 275–7030.

MC–FC–81378. By decision of June 7, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, and the Review Board approved the transfer to American International Freight Co., Inc., of Springfield, VA, of Permit No. FF–471 Sub 1, to American International Freight Forwarding, Inc., of Arlington, VA, authorizing authority to engage in operations as a freight forwarder, in the transportation of (a) used household goods and unaccompanied baggage; and (b) used automobiles, between points in the U.S. (including HI, but excluding AK).

Representative: Martin R. Martino, 333 So. Glebe Rd., Arlington, VA 22204 (703) 979–1627.

MC-FG–81417. By decision of June 7, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board approved the transfer the Brighton Van Lines, INC., of Troy, MI, of Certificates No. MC–5722 and Sub-No. 2, issued March 15, 1957, and January 31, 1974, respectively, to M. T. P. R. CORP., of Orlando, FL, authorizing, as a common carrier, over irregular routes, the transportation of (1) household goods, (a) between Detroit, MI, and points within five miles of Detroit, on the one hand, and, on the other, points in OH and PA, and (b) between Detroit, MI, and points within ten miles of Detroit, on the one hand, and, on the other, points in IL, NY, IN, MD, NJ, OH, PA, WI, VA, WV, CT, MA, and DC, St. Louis, MO, and points in MO within ten miles of St. Louis, and points in KY bordering on the Ohio River; and (2) household goods, and used store fixtures and office fixtures, between points in St. Clair, Sanilac, and Huron Counties, MI, on the one hand, and, on the other, the U.S-Canada boundary line through the port of entry at Port Huron, MI, and points in WI, IL, IN, OH, KY, PA, and NY. Representative: William B. Elmer, P.O. Box 801 Traverse City, MI 49685–0801, (616) 941–5313.

MC-FC–81447. By decision of June 8, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board approved the transfer to PRIME TRANSFER, INC., of Morristown NJ, of certificate No. MC–92193, issued October 11, 1966, to Despatch Moving & Storage Co., Inc., of New York, NY, authorizing, as a common carrier, over irregular routes, the transportation of household goods, between New York, NY, and points in Westchester County , NY, on the one hand, and, on the other, points in CT, NY, NJ, PA, RI, MA, MD, DE, and DC. Representative: Arthur J. Piken, 95–25 Queens Blvd., Rego Park, NY 11374, (202) 275–100.

MC-FC–81465. By decision of June 8, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board approved the transfer to 4H MOUNTAIN VALLEY EXPRESS, INC., Los Angeles, CA, of authority issued to Peerless Trucking Company, City of Commerce, CA, in Certificate MC–96622 (Sub-No. 6)X, issued July 27, 1981 (and the underlying authority in MC–96622 (Sub-No. 5), issued Novermber 7, 1980), authorizing the transportation of general commodities (except clasess A and B explosives), between Los Angeles, CA, on the one hand, and, on the other, points in San Diego, Orange, Riverside, San Bernardino, Ventura, Los Angeles, Kern, Santa Barbara, San Luis Obispo, Kings, Tulare, Monterey, San Benito, San Joaquin, Fresno, Madera, Stanislaus, Merced, Santa Clara, Santa Cruz, San Mateo, San Francisco, Alameda, Contra Costa, Marin, Napa, Solano, Calaveras, Amador, and Sacramento Counties, CA. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA, 90602.

Note.—Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation of Certificate of Registration MC–96622 (Sub-No. 3), issued April 14, 1964, pursuant to applicant's request.

[FR Doc. 83–16146 Filed 6–15–83 8:45 am]

BILLING CODE 7035–01

[Proposed Exemptions—OP3–261]

Motor Carriers; Proposed Exemptions; Alltex Industries, Inc., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: June 10, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

MC–F–15302; Alltex Industries, Inc.—Control Exemption—Wales Transportation, Inc.

Alltex Industries, Inc. (Alltex), and in turn, Edward L. McCormick (McCormick) seek an exemption from the requirements under 49 U.S.C. 11343 of prior regulatory approval for their acquisition of control of Wales Transportation, Inc. (Wales) (MC–83835). McCormick also owns 150 shares of preferred stock in C.A. White Trucking Company (MC–60157), which owns all of the stock of Federal Transport, Inc. (MC–167537). Send comments to: (1) Motor Section, Room 2139 Interstate Commerce Commission Washington, D.C. 20423, and (2) Petitioner's representative James W. Hightowers 5801 Marvin D. Love Freeway-Suite 301 Dallas, TX 75237. Comments should refer to No. MC–F–15302.

Petitioners

MC–F–15312; E. L. Tidd Truck Lines, Inc.—Purchase Exemption—Whiteford Truck Lines, Inc.

E. L. Tidd truck lines, Inc., seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating rights of Whiteford Truck Lines, Inc. (No. MC–133635 Sub-Nos. 63, 69 and 71). Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioners' representative; Mr. Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Comments should refer to No. MC–F–15312.

[FR Doc. 83–16152 Filed 6–16–83; 8:45 am]

BILLING CODE 7035–01–M

Office of Proceedings

Motor Carriers; Permanent Authority Decisions, Restriction removals

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, The Review Board, Members Joyce, Fortier, and Krock.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, at (202) 275–5223.

MC 124964 (Sub-75)X, filed May 25, 1983. Applicant: BOOTH TRANSPORT, INC., P.O. Box 265, Tavares, FL 32778. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., N.W., Washington, DC 20006, (202) 828–5015. Sub–No. 38F permit: (1) remove the restriction limiting the service to transportation "in vehicles equipped with mechanical refrigeration," and (2) broaden the territorial description to between points in the U.S. (except AK and HI), under continuing contract(s) with named shipper.

[FR Doc. 83–16145 Filed 6–15–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.66. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (excepts those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.— All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a-named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–216

Decided: June 10, 1983.

By the Commission, Review Board Members Carleton, Fortier, and Joyce.

MC 16691 (Sub-2), filed May 31, 1983. Applicant: EMERSON ELECTRIC CO., 514 Earth City Expressway, Suite 100, Earth City, MO 63045. Representative: Fred Lenkman (same address as applicant), (314) 291–8281. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 168320, filed May 25, 1983. Applicant: NEWGATE, INC., 2109 Marydale Ave., Williamsport, PA 17701. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW, Suite 500, Washington, DC 20006, (202) 828–5015. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 168371, filed May 31, 1983. Applicant: FOX VALLEY COACHES, INC., 704 Raymond Street, Elgin, IL 60120. Representative: James E. Wilson (same address as applicant), (312) 695–8853. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–247

Decided: June 1, 1983.

By the Commission, Review Board Members Carleton, Parker, and Joyce.

MC 163215 (Sub-1), filed May 17, 1983. Applicant: TOWNE VAN LINES OF TEXAS, INC., P.O. Box 17006, San Antonio, TX 78217. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833–8884. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168025, filed May 13, 1983. Applicant: FW FREIGHT SERVICE, INC., 12675 Stephenson-Levey Rd.,

Burleson, TX 76028. Representative: A. William Brackett, 623 So. Henderson, 2nd Fl., Fort Worth, TX 76104, (817) 332–4415. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168084, filed May 16, 1983. Applicant: DOUBLE "M" TRANSPORT, Rt. 1, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 168125, filed May 17, 1983. Applicant: PAUL T. KUPRAS d.b.a. NORCAL TRANSPORTATION CONSULTANTS, 340 Goshen Ct., San Ramon, CA 94583. Representative: Paul T. Kupras (same address as applicant), (415) 828–5208. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168134, filed May 18, 1983. Applicant: KOT ENTERPRISES, P.O. Box 909, Trenton, FL 32693. Representative: Hughan R. H. Smith, 26 Kenwood Pl., Lawrence, MA 01841, (617) 657–6071. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168194, filed May 20, 1983. Applicant: ROSS TRUCKING, INC., 7525 Mitchell Rd., Eden Prairie, MN 55344. Representative: C. Jack Pearce, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785–0048. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP3–255

Decided: June 7, 1983.

By the Commission, Review Board members Joyce, Dowell, and Carleton.

MC 105154 (Sub-16), filed May 27, 1983. Applicant: TETON STAGE LINES, INC., Rt. 5, Box 402, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Over regular routes transporting *passengers*, between Pocatello and Idaho Falls, ID, over U.S. Hwy 15, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(B) over the same route.

MC 105154 (Sub-16(a)), filed May 27, 1983. Applicant: TETON STAGE LINES, INC., Rt. 5, Box 402, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 160254 (Sub-1), filed May 18, 1983. Applicant: ALERT COACH LINES, INC., 24 Railroad Ave., East Northport, NY 11731. Representative: John V. N. Klein, One Huntington Quadrangle, Suite One North Nine, Melville, NY 11747, (516) 293–1300. Transporting *passengers*, in charter and special operations, beginning and ending at points in Nassau and Suffolk Counties, NY and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168154, filed May 18, 1983. Applicant: C.H.L. BROKERS, INC., P.O. Box 234, Blaine, ME 04734. Represenative: Roland B. Durost (same address as applicant), (207) 429–9498. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168204, filed May 23, 1983. Applicant: CLASSIC CRUISERS, INC., 236 West County Line Road, P.O. Box 1053, Jackson, NJ 08527. Representative: Mark R. Waterhouse, 1 Farmhouse Drive, Marlboro, NJ 07746, (201) 536–8975. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI)

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168224, filed May 23, 1983. Applicant: FUN CHARTER LINES, 1930 S. Alma School Rd., No. B204, Mesa, AZ 85202. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168244, filed May 23, 1983. Applicant: COTY ENTERPRISES, LTD., 600 Richmond Terrace, Staten Island, NY 10301. Representative: Robert J. Gallagher, 1435 G St., NW., Suite 848, Washington, DC 20005, (202) 628–1642. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, and (3) *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation in (3) above.

MC 168244 (A), filed May 23, 1983. Applicant: COTY ENTERPRISES, LTD., 600 Richmond Terrace, Staten Island, NY 10301. Representative: Robert J. Gallagher, 1435 G St., N.W., Suite 848, Washington, D.C. 20005, (202) 628–1642. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168245, filed May 23, 1983. Applicant: GENE AKINS, d.b.a. GENE AKINS TRUCKING CO., Route 4, Box 5160, Weatherford, TX 76086. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768 (512) 476–6391. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168264, filed May 23, 1983. Applicant: BAG LUMBER AND STEEL BROKERS, INC., P.O. Box 186, Fayette, AL 35542. Representative: Daniel T. Bagwell (same address as applicant) (205) 932–3100. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168344, filed May 24, 1983. Applicant: FIORE BUS SERVICE, INC., 24 Bennett Highway, U.S. Route 1, Saugus, MA 01906. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103 (413) 781–8205. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note:—Applicant seeks to provide privately-funded charter and special transportation.

MC 168384, filed May 27, 1983. Applicant: PLEASURE MOTORCOACH, INC., 2708 Interlacken Dr., Springfield, IL 62704. Representative: Bruce E. Mitchell,

Fifth Floor, Lenox Towers, 3390 Peachtree Rd., N.E., Atlanta, GA 30326 (404) 262–9488. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note:—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–16153 Filed 6–15–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers or property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team One at (202) 275–7992.

Volume No. OP1–213

Decided: June 7, 1983.

By the Commission, Review Board Members Krock, Carleton, and Parker.

MC–52460 (Sub-344), filed May 20, 1983. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th St., Tulsa, OK 74107. Representative: William P. Parker, 4400 N. Lincoln, Suite 10, Oklahoma City, OK 73105 (405) 424–3301. Transporting *general commodities* (except classes A and B explosives), (a) between points in CT, DE, MA, MD, ME, MT, ND, NH, NJ, NY, PA, RI, SD, VT and WY, and (b) between points in CT, DE, MA, MD, ME, MT, ND, NH NJ,NY, PA, RI, SD, VT, and WY, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MI, MN, MO, MS, NC, NE, NM, NV, OH, OK, OR, SC, TN, TX, UT, VA, WA, WI and WY.

MC 146730 (Sub-12), filed May 23, 1983. Applicant: L & W TRANSPORTATION, INC. Route 3, Box 214A, Sedalia, MO 65301. Representative: Robert B. Reeser, Jr., P.O. Box 388, Sedalia, MO 65301 (816) 827–4410. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with R & R Truck Brokers, Inc., of Central Point, OR.

MC 146730 (Sub-13), filed May 23, 1983. Applicant: L & W TRANSPORTATION, INC., Route 3, Box 214A, Sedalia, MO 65301. Representative: Robert B. Reeser, Jr., P.O. Box 388, Sedalia, MO 65310 (816) 827–0314. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Broderick and Bascom Rope Co., Inc., of Sedalia, MO.

MC 159040 (Sub-3), filed May 24, 1983. Applicant: K.I.S.S. EXPRESS CO., 4020 W. Belmont, Chicago, IL 60641. Representative: Larry M. Preston (same address as applicant) (312) 545–7575. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in

bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Douglas Furniture Corp., American Backhaulers Corp., Arvey Paper and Supplies Corp., and Gotham Chicago Corp., all four of Chicago, IL, and Future Foam, Inc., of Council Bluffs, IA, and White Felt, Inc., of Rushville, IN.

MC 163250 (Sub-1), filed May 31, 1983. Applicant: VASS LIQUID TRANSPORT, INC., 6433 Wilshire Drive, Tampa, FL 33615. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI (401) 884–0969. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with The Hubinger Company, of Keokuk, IA, and H.P. Hood, Inc., of Dunedin, FL.

MC 166780, filed May 23, 1983. Applicant: SEA BRIGHT TRANSPORTATION COMPANY, INC., 106 North St., Wilder, KY 41071. Representative: Lewis S. Witherspoon, 2455 North Star Road, Columbus, OH 43221 (614) 486–0448. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Sea Bright Environmental Co., Inc., of Wilder, KY.

Volume No. OP1–215

Decided: June 10, 1983.

By the Commission, Review Board Members Carleton, Fortier, and Joyce.

MC 2900 (Sub-469), filed May 31, 1983. Applicant: RIDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant), (904) 353–3111. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Federated Department Stores, Inc., of Cincinnati, OH.

MC 28241 (Sub-3), filed May 31, 1983. Applicant: ASSOCIATED STORAGE & VAN, INC., 120 West Monroe St., Kokomo, IN 46901. Representative: Constance J. Goodwin, Suite 800, Circle Tower Bldg., Five East Market St., Indianapolis, In 46204, (317) 634–8313. Transporting *household goods*, between points in IN, MI, and OH, on the one hand, and on the other, points in the U.S. (except AK and HI, and OR).

MC 115730 (Sub-101), filed May 31, 1983. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Bodg., Des Moines, IA 50307, (515) 243–4191. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI).

MC 118561 (Sub-23), filed May 31, 1983. Applicant: HERBERT B. FULLER, d.b.a. FULLER TRANSFER COMPANY, 212 East Street, Marysville, TN 37801. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401, (205) 578–3212. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in AL, AR GA, IL, IN, IA, KY, LA, MS, MO, NC, OH, PA, SC, TN, TX, and WI.

MC 144370 (Sub-13), filed May 31, 1983. Applicant: DON NASS TRUCKING, INC., 210 Front St., Clinton, WI 53525. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting (1) *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers and distributors of containers.

MC 147251 (Sub-2), filed May 25, 1983. Applicant: FRISKNEY & HARDING TRUCKING, INC., P.O. Box 3, Kendallville, IN 46755. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885, (219) 422–8884. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV and WI.

MC 138101 (Sub-3), filed May 23, 1983. Applicant: DOUGLAS ARMORE, d.b.a. DOUGLAS AMORE'S HEAVY DUTY WRECKER SERVICE, 355 Gale Street, Oconto, WI 54153. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203, (414) 273–7410. Transporting *disabled motor vehicles and replacement vehicles*, between points in the Upper Peninsula of MI, and points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–248

Decided: June 1, 1983.

By the Commission, Review Board members Parker, Joyce, and Fortier.

FF–695, filed May 16, 1983. Applicant: ARIES EXPRESS INTERNATIONAL FORWARDERS, INC., 3555 Torrance Blvd. Torrance, CA 90503. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, (202) 833–8884. As a *freight forwarder*, in connection with the transportation of *used household goods, unaccompanied baggage*, and *used automobiles*, between points in the U.S.

MC 2934 (Sub-152), filed May 9, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry, (same address as applicant), (317) 875–1142. Transporting *computers and household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Agietron Corporation, of Addison, IL.

MC 99685 (Sub-9), filed February 17, 1983. Applicant: G. I. TRUCKING COMPANY, 14727 Alondra Boulevard, La Mirada, CA 90638. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067, (213) 879–5955. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA, AZ, WA, OR, ID, MT, WY, NV, UT, CO, NM and TX.

MC 135154 (Sub-13), filed May 16, 1983. Applicant: BADGER LINES, INC., 2640 South 5th St., Milwaukee, WI 53207. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 135154 (Sub-13(a)), filed May 16, 1983. Applicant: BADGER LINES, INC., 2640 South 5th St., Milwaukee, WI 53207. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with National Automotive & Rubber Marketing, Inc., of Huntington Woods, MI.

MC 135365 (Sub-1), filed May 19, 1983. Applicant: ADAMS CARTAGE LIMITED, 3300 Russell, Windsor, Ontario, Canada N9C1E6. Representative: Leonard R. Kofkin, Suite 1515, 140 South Dearborn Street, Chicago, IL 60603, (312) 580–2210. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 136774 (Sub-32), filed May 20, 1983. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative:

Donald B. Levine, 180 North LaSalle Street, Chicago, IL 60601, (312) 368–0100. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with CPC International, Inc. of Englewood Cliffs, NJ.

MC 153714 (Sub-4), filed May 19, 1983. Applicant: FREDDY'S TRUCKING, 2200 SE. 45th No. 49, Hillsboro, OR 97123. Representative: Wiliam A. Murray (same address as applicant), (503) 640–8303. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Ada County, ID, Salt Lake County, UT and Missoula and Cascade Counties, MT and points in CA, WA, CO and OR, on the one hand, and, on the other, points in CO and OR.

MC 154214 (Sub-1), filed May 20, 1983. Applicant: VO CONCRETE PIPE & PRODUCTS, INC., d.b.a. VO–CON, 2018 Stefko Blvd., Bethlehem, PA 18017. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting *food and related products*, between those points in the U.S. in and east of WI, IL, MO, AR, and LA.

MC 159384 (Sub-2), filed May 16, 1983. Applicant: DAVID KURK, INC., P.O. Box 112, Eitzen, MN 55931. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *commodities in bulk*, between points in U.S. (except AK and HI), under continuing contract(s) with the Hubinger Co., of Keokuk, IA.

MC 165345, filed May 16, 1983. Applicant: AURORA SERVICE, INC., 24160 Silver Spray Dr., Diamond Bar, CA 91765. Representative: Dale Wood, (same address as applicant), (714) 594–0260. Transporting *food and related products*, between points in IA, IL, KS, and MO, on the one hand, and, on the other, points in CA, under continuing contract(s) with (1) Dolores Canning Co., of Los Angeles, CA, and (2) Honeyville Grain Co., of City Commerce, CA.

MC 167975, filed May 12, 1983. Applicant: B.J.Y. ENTERPRISES, INC., P.O. Box 865, Owensboro, KY 42302. Representative: Fred F. Bradley, P.O. Box 773 Frankfort, KY 40602, (502) 227–2254. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Daviess, Henderson, Hancock, McLean and Ohio Counties, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167984, filed May 12, 1983. Applicant: McGIFFIN TRUCKING, INC., R.D. #1, Mt. Pleasant, PA 15666. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI), under continuing contract(s) with Alverton Fuel, Inc. of Mt. Pleasant, PA.

MC 167994, filed May 12, 1983. Applicant 10 LAKES, INC., P.O. Box 83, Acton, ME 04001. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St. NW., Washington, D.C. 20005 (202) 783–3525. Transporting *petroleum products*, between points in NH and ME, under continuing contract(s) with Agway Petroleum Corp., of Syracuse, NY.

MC168064, filed May 16, 1983. Applicant: ROBERT D. McKUNE, d.b.a. BOB McKUNE TRUCKING, 216 Si Town Rd., Castle Rock, WA 98611. Representative Robert D. McKune, (same address as applicant), (206) 274–4074. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AK, AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC 168074, filed May 16, 1983. Applicant: BADER & SONS, INC., 4330 E. Road, Lima, OH 45807. Representative: Stephen L. Oliver, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in that part of OH on and west of Interstate Hwy 71, on the one hand, and, on the other, those points in that part of the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 168075, filed May 16, 1983. Applicant: WACHTER'S INC., Box 838, Bismarck, ND 58502. Representative Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502, (701) 223–5300. Transporting *telephone equipment and materials and supplies used in the construction and maintenance of telephone systems*, between points in ND.

MC 168095, filed May 16, 1983. Applicant: RAYMOND P. ADDINGTON, d.b.a. SONNY ADDINGTON TRUCKING, P.O. Box 5234, Polson, MT 59860. Representative William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, (406) 543–8388. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in ID, MT, OR, and WA, on the one hand, and, on the other, points in AL, AZ, CA, CO, GA, ID, IL, IN, IA, MI, MN, MS, MT, NE, NY, ND, OH, OR, PA, SD, TX, UT, WA, WI, and WY.

MC 168184, filed May 20, 1983. Applicant: SAMACK, INC., 14750 SW 72nd Ave., Tigard, OR 97223. Representative Hyman Sadoff (same address as applicant), (573) 620–2100. Transporting *general commodities* (except classes A and B explosive households goods, and commodities in bulk), between points in the U.S. (except AK and HI).

Volume No. OP3–251

Decided: June 6, 1983.

By the Commission, Review Board Members Williams, Carleton, and Dowell.

MC 109094 (Sub-20), filed May 20, 1983. Applicant: GAULT TRANSPORTATION, INC., 2381 Cranberry Hwy, West Wareham, MA 02576. Representative: David F. McAllister (same address as applicant), (617) 295–0227. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and east of MN, IA, MO, AR and TX, under continuing contract(s) with The Standard Oil Co. (Ohio) and its subsidiary BP Oil, Inc., both of Cleveland, OH.

MC 143165 (Sub-10), filed May 20, 1983. Applicant: CHARLES W. McCLELLAND, d.b.a. McCLELLAND LUMBER TRANSPORTS, P.O. Box 73, Cuba, MO 65453. Representative: Charles W. McClelland (same address as applicant), (314) 885–3332. Transporting *metal products*, between points in Franklin County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148284 (Sub-7), filed May 19, 1983. Applicant: DON YOUNGBLOOD TRUCKING COMPANY, INC., P.O. Box 309, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *new furniture*, between points in the U.S. (except AK and HI).

MC 148105 (Sub-8), filed May 20, 1983. Applicant: OVERLAND EXPRESS, INC., P.O. Box 12322, Houston, TX 77017. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437–1766. Transporting (1) *lumber and wood products*, (2) *building materials*, (3) *plumbing equipment*, (4) *electrical machinery, equipment or supplies*, (5) *clay, concrete, glass or stone products*, and (6) *restaurant equipment and supplies*, between points in the U.S. (except AK and HI).

MC 149295 (Sub-6), filed May 20, 1983. Applicant: H & H HOT SHOT DELIVERY SERVICE, INC., P.O. Box 96503, Houston, TX 77015. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437–1768. Transporting (1) *lumber and wood products,* (2) *building materials,* (3) *plumbing equipment,* (4) *electrical machinery, equipment or supplies,* (5) *clay, concrete, glass or stone products,* and (6) *restraurant equipment and supplies,* between points in the U.S. (except AK and HI).

MC 151444 (Sub-5), filed May 20, 1983. Applicant: RAC TRANSPORT COMPANY, INC., 2794 Winters Ave., Grand Junction, CO 81501. Representative: Lee E. Lucero, 601 E. 18th Ave., #107, Denver, CO 80203, (303) 861–8046. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 168175, filed May 18, 1983. Applicant: J. H. SCHULER CO., a corporation, d.b.a. BROADWAY TRUCKING CO., 1649 Broadway, Hanover, PA 17331, Representative: Daniel M. Frey 31 York St., Hanover, PA 17331, (717) 637–6239. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Baltimore, MD and Hanover, PA, under continuing contract(s) with Moller Steamship Company, Inc., of New York, NY.

Volume No. OP3–256

Decided: June 7, 1983.

By the Commission, Review Board Members Fortier, Carleton, and Parker.

MC 30464 (Sub-3), filed May 23, 1983. Applicant: BESTWAY FREIGHT LINES, INC., 30 Wood Rock Rd., Weymouth, MA 02189. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MA, CT, RT, NH, ME, and VT, and New York, NY.

MC 128544 (Sub-10), filed May 24, 1983. Applicant: IOWA STEEL EXPRESS, INC., 2519 16th Avenue SW, P.O. Box 1926, Cedar Rapids, IA 52406. Representative: Richard D. Smith (same address as applicant), (319) 363–6268. Transporting *metal products,* between points in ND, SD, WI, IN, MI, OH, KS, CO, NE, IA, IL, MO, MN, WY, OK, TX, AR, LA, MS, AL, KY, TN, GA, SC, NC and FL.

MC 135364 (Sub-57), filed May 24, 1983. Applicant: MORWALL TRUCKING, INC., R.D. #3, Box 76–C, Moscow, PA 18444. Representative: Raymond Talipski 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Inner-Harbor Warehousing and Distribution. Inc., of Baltimore, MD.

MC 138184 (Sub-6), filed May 23, 1983. Applicant: WALLACE TRUCKING COMPANY, Route 4, Box A–71, Laurinburg, NC 28352. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602, (919) 828–2421. Transporting *containers, container components and ends, and container closures,* between points in the U.S. (except AK and HI).

MC 153634 (Sub-2), filed May 23, 1983. Applicant: LITTLE MONTANA TRANSPORTATION, P.O. Box 3485, 704 E. Front Street, Bozeman, MT 59715. Representative: Rand E. Little (same address as applicant), (406) 586–4503. Transporting *furniture and fixtures,* between points in the U.S. (except AK and HI).

MC 167724, filed May 24, 1983. Applicant: TRINITY TRUCKING, LTD., R. D. #1, Randolph Center, VT 05061. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in VT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168114, filed May 23, 1983. Applicant: GROSCH IRRIGATION CO., INC., Box 337, Highway 30 West, Silver Creek, NE 68663. Representative: Lavern R. Holdeman, 1610 South 70th St., Suite 200, Lincoln, NE 68506, (402) 488–0985. Transporting *such commodities* as are dealt in or used by industrial, farm, and agricultural supply business houses, between those points in the U.S. in and south of CA, NV, ID, MT, WY, SD, IA, IL, KY, TN, and NC.

MC 168235, filed May 23, 1983. Applicant: EAGLE CARTAGE, INC., 16W523 Timberlake Dr., Hinsdale, IL 60521. Representative: Irwin Rozner, 134 North Lasalle St., Chicago, IL 60602, (312) 782–6937. Transporting *animal hides and skins,* between points in IL, on the one hand, and, on the other, points in IN, MI, WI, IA, NV, MO, and MN.

MC 168254, filed May 23, 1983. Applicant: J. A. MARTIN, JR. TRUCKING, INC., Rt. 2, Box 9, Axton, VA 24054. Representative: Terrell C. Clark, P. O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *furniture and fixtures,* between points in VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

[FR Doc. 83–16154 Filed 6–15–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30181]

Rail Carriers; Seaboard System Railroad, Inc—Abandonment Exemption—in Jefferson and Walker Counties, AL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment by the Seaboard System Railroad, Inc. of 15.15 miles of railroad in Jefferson and Walker Counties, AL, subject to conditions for protection of employees.

DATES: The exemption is effective on July 18, 1983. Petitions for reconsideration must be filed by July 6, 1983; petitions for stay must be filed by June 27, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30181 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioners' representative: Emried D. Cole, Jr., 500 Water Street, Jacksonville, FL 32202

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Decided: June 8, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Vice Chairman Sterrett and Commissioner Andre would not impose a deadline for consummation of the transaction.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–16151 Filed 6–15–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Proposed Consent Decree Under the Toxic Substances Control Act To Require Defendants To Remove PCB-Contaminated Oil, Sludge, Water and Soil From the Technical Services Company, Inc. Facility, Atkinson, Henry County, Illinois

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Aluminum Company of America and Technical Services Company, Inc.*, Civil No. 83–1137, was lodged with the United States District Court for the Central District of Illinois, Peoria Division on June 1, 1983.

The complaint filed with the consent decree alleges that Aluminum Company of America (Alcoa) and Technical Services Company (Tech Services) transported PCB-contaminated waste oil to Tech Services' Atkinson, Illinois facility in violation of Section 6(e)(2) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605(e)(2) and 40 CFR 761.30. The waste oil was disposed of into a surface lagoon at the Atkinson facility in violation of Section 15 of TSCA, 15 U.S.C. 2614. The consent decree requires Aloca to remove and lawfully dispose of the waste oil, as well as water and PCB-contaminated soil from the lagoon.

The proposed consent decree may be examined at the Office of the United States Attorney, Room 271, 100 NE. Monroe Street, Peoria, Illinois; at the Region V office of the United States Enviromental Protection Agency, 230 South Dearborn Street, Chicago, Illinois; and at the Office of the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1521, Tenth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Please forward a check in the amount of $1.20 ($.10 per page) for each copy requested.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Tenth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to the *United States of America* v. *The Aluminum Company of America and Technical Services Company, Inc.*, D.J. Ref. 90–5–1–1–1570.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83–16150 Filed 6–15–83; 8:45 am]

BILLING CODE 4410–01–M

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council on Juvenile Justice and Delinquency Prevention; Meeting

Notice is hereby given that the Coordinating Council on Juvenile Justice and Delinquency Prevention will meet on Thursday, June 30, 1983 at the Department of Justice, 10th Street and Constitution Avenue, N.W., Andretta Room, Room 1101, Washington, D.C. 20530. This meeting will be open to the public and will begin at 9:30 a.m.

The meeting will be concerned with issues related to the Coordinating Council Program Plan.

For further information, contact Mr. William Modzeleski, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, 633 Indiana Avenue, N.W., Room 1102, Washington, D.C. 20531, Telephone: (202) 724–7655.

Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 83–16201 Filed 6–15–83; 8:45 am]

BILLING CODE 4410–18–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83–59]

NASA Advisory Council (NAC); Meeting Cancellation

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting cancellation.

SUMMARY: The scheduled meeting on June 20–21, 1983, of the NAC Aeronautics Advisory Committee, Informal Advisory Subcommittee on Transport Aircraft, published in the **Federal Register** on May 27, 1983 (48 FR 23941), has been cancelled.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Winblade, National Aeronautics and Space Administration, Code RJT–2, Washington, DC 20546 (202/755–3000).

Dated: June 10, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83–16126 Filed 6–15–83; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals; Meeting

Notice is hereby given in accordance with Section 10 of the Federal Advisory Committee Act that NRC's Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals will hold its next meeting at 10:00 a.m., July 6, 1983. This meeting will take place at the office of Shaw, Pittman, Potts and Trowbridge, South Building, 9th Floor Lobby, 1800 M Street, NW., Washington, D.C. and will be open for public observation.

At this meeting, the committee will continue its review of administrative proposals for reforming the NRC's licensing process for nuclear plants. A transcript of the meeting will be made available for public inspection and copying at NRC's Public Document Room, 1717 H Street, NW., Washington, D.C.

Further information on the meeting may be obtained from Mr. Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 202/634–1465).

Dated at Washington, D.C. this 10th day of June, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–16228 Filed 6–15–83; 8:45 am]

BILLING CODE 7590–01–M

Availability; Draft Technical Position

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission (NRC) has completed a draft technical position on the "Solubility and Speciation of Radionuclide Compounds for High Level Waste Repository Safety Assessments."

A public comment period has been scheduled for 60 days following publication of this Notice of Availability.

ADDRESS: Copies of this draft document may be obtained free of charge upon written request to Nancy Still, Docket Control Center, Division of Waste

Management, U.S. Nuclear Regulatory Commission, Mail Stop 623–SS, Washington, D.C. 20555, (301) 427–4087.

FOR FURTHER INFORMATION CONTACT: Julia A. Corrado, Project Manager, High Level Waste Technical Development Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone No. (301) 427–4543.

SUPPLEMENTARY INFORMATION: This technical position is one in a series of technical positions prepared by the NRC staff establishing what must be achieved by DOE in investigation programs at potential repository sites. (Subsequent technical positions also will be noticed in the **Federal Register**). The purpose of this technical position is to provide guidance on methods for obtaining acceptable data on radionuclide solubility. The NRC staff considers that determining the solubility of radionuclides which are contained in waste disposed of in a high level waste repository will be essential to predicting long term repository performance.

The principal mechanism for providing guidance to the DOE is completion by the NRC staff of Site Characterization Analyses which document critical reviews on DOE Site Characterization Plans submitted according to the Nuclear Waste Policy Act of 1982 (H.R. 3809–2). The NRC staff already has dealt with major issues of isolation in a comprehensive fashion in NUREG–0960, the Draft Site Characterization Analysis of the Site Characterization Report for the Basalt Waste Isolation Project. In NUREG–0960, the NRC staff addresses the full gamut of issues that will present themselves in evaluating performance of the repository system, including both natural and engineered barriers.

On selected key issues important to repository performance, the staff will be addressing generic concerns in technical positions which are developed through a process that allows for public comment. The intent of the staff is to assure that guidance is provided to DOE at an early time and thus assure that the DOE gathers needed data in site characterization programs.

Dated at Silver Spring, Maryland, this 25th day of May 1983.

For the Nuclear Regulatory Commission.

Hubert J. Miller,

Chief, High-Level Waste Technical Development Branch, Division of Waste Management.

[FR Doc. 83–16227 Filed 6–15–83; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, MS 203–4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 1 to Regulatory Guide 1.82, "Sumps for Emergency Core Cooling and Containment Spray Systems." It is one of the documents developed to serve as the staff's resolution of Unresolved Safety Issue A–43, "Containment Emergency Sump Performance," when they are issued in final form. The other documents are NUGED–0897, "Containment Emergency Sumps Performance," proposed Revision 4 to Standard Review Plan Section 6.2.2, "Containment Heat Removal Systems," and NUREG–0869, "USI A–43 Resolution Positions." The issuance of these documents for public comment was announced in the **Federal Register** on May 9, 1983 (48 FR 20829).

This draft guide is being issued to involve the public in the early stages of the development of a regulatory position in this area. It has not received complete staff review and does not represent an official NRC staff position.

Public comments are being solicited on the proposed revision, including its implementation schedule. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by July 11, 1983.

Although a time limit is given for comments on these draft guides, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 8th day of June 1983.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 83–16224 Filed 6–15–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-317]

Baltimore Gas and Electric Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–53 issued to Baltimore Gas and Electric Company (the licensee), for operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 1 located in Calvert County, Maryland.

The amendment would revise the Limiting Conditions for Operation and Surveillance Requirements for containment tendons as contained in the Appendix A Technical Specifications for Calvert Cliffs Unit No. 1 in accordance with the licensee's application dated March 7, 1983. The proposed changes in the Technical Specification include a provision to allow normalization of tendon lift-off forces in determining continued containment tendon integrity. In addition, a 90 day period would now be permitted to investigate evidence of possible adnormal degradation of the tendon system.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By July 18, 1983 the licensee or a petitioner may file a request for a hearing with respect to issuance of the amendment to the subject facility

operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chariman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effects of any order which may be entered in the proceding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

No later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington. D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be givern Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: (petitioner's name and telephone number), (date petition was mailed); (plant name), and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director. U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to James A. Biddison, Jr., General Counsel, G and E Building, Charles Center, Baltimore, Maryland 21203, attorney for the licensee.

Nontimely fillings of petitions for leave to intervene, amemded petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request. That determinatin will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and § 2.714(d).

For further details with respect to this action, see the application for amendment dated March 7, 1983, which is available for public inspection at the Commission's Public Document Room 1717 H Street, N.W. Washington, AD.C., and at the Calvert County Library, Prince Frederick, Maryland.

Dated at Bethesda, Maryland this 7th day of June, 1983.

For the Nuclear Regulatory Commission.

Robert A, Clark,

Chief, Operating Reactors Branch No. 3 Division of Licensing.

[FR Doc 83-16218 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

[ASLBP Nos. 78-389-03 OL, 80-429-02 SP; Docket Nos. 50-329 OL, 50-330 OL; and Docket Nos. 50-329 OM, 50-330 OM]

Consumers Power Co. (Midland Plant, Units 1 and 2); Continuation of Evidentiary Hearings

June 9, 1983.

Notice is hereby given that further evidentiary hearings on QA/QC issues in this consolidated OM/OL proceeding have been scheduled for June 27–July 1, 1983 and (to the extent necessary) for July 25–29, 1983. Hearings will begin at 9 a.m. each day and will be held at the Quality Inn, 1815 S. Saginaw Road, Midland, Michigan.

Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 83-16223 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 and 50-370]

Duke Power Co., Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License No. NPF–9 and Facility Operating License No. NPF–17, issued to Duke Power Company (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The amendments would revise the setpoint and its tolerance for the Upper Head Injection (UHI) accumulator automatic isolation, in accordance with the licensee's application for amendments dated April 18, 1983.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendments request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3)

involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these Standards by providing certain examples (48 FR 14870). One of these examples of actions likely to involve no significant hazards consideration relates to an amendment which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The Commission proposes to determine that the amendment does not involve a significant hazards consideration since the change does not adversely affect the most limiting large break LOCA event for the McGuire facility and will not cause the limits of 10 CFR 50.46 (Acceptance Criteria For Emergency Core Cooling Systems for Light Water Nuclear Power Plants) to be exceeded.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a finally determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 18, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commssion will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazard consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 2055, and to Mr. Albert Carr, Duke Power Company, P.O. Box 33189,442 South Church Street, Charlotte, North Carolina 28242, attorney for the license.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors

specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d)

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Atkins Library, University of North Carolina, Charlottee (UNCC Station), North Carolina 28242.

Dated at Bethesda, Maryland, this 9th day of June, 1983.

For the Nuclear Regulatory Commission.

Kahtan N. Jabbour,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-16219 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

Florida Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

[Docket No. 50-335]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-67, issued to Florida Power and Light Company (the licensee), for operation of the St. Lucie Plant, Unit No. 1 located in St. Lucie County, Florida.

The amendment would permit operation after approval of changes to the Radiological Effluent Technical Specifications that bring them into compliance with Appendix I of 10 CFR Part 50. The amendment specifically deals with such changes as indicating shared instrumentation with St. Lucie Plant, Unit No. 2. It provides new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. This change also incorporates into the Technical Specifications the bases that support the operation and surveillance requirements. In addtion, some changes were made in administrative controls, specifically dealing with the process control program and the offsite dose calculation manual. The amendment makes the United 1 Technical Specifications as similar as possible to those already approved by the Commission for St. Lucie Plant, Unit No. 2. The amendment is in accordance with the licensee's application for amendment dated March 29, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibity of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards considerations relates to changes that constitute additional restrictions or controls not presently included in the technical specifications.

The Commission, in a revision to Appedix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. In addition, since St. Lucie Plant, Unit 1, an existing operating reactor, and Unit 2, a newly licensed reactor, are colocated, it is desirable to have their Technical Specifications as nearly alike as possible for ease of application and interpretation. The staff proposes to determine that the application does not involve a singnificant hazards consideration since the change costitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable", and to make the technical specifications, as nearly as practicable, like those previously approved for St. Lucie Plant, Unit No. 2.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 18, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the

Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final detemination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: petitoner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harold R. Reis, Esquire, Lowestein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Dated at Bethesda, Maryland, this 10th day of June, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83–16220 Filed 6–15–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–335]

Florida Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–67, issued to Florida Power and Light Company (the licensee), for operation of the St. Lucie Plant, unit No. 1 located in St. Lucie County, Florida.

The amendment would permit operation after approval of changes to the Technical Specifications resulting from the installation of the overpressure mitigation system at St. Lucie Plant, Unit No. 1. The changes will incorporate limits and surveillance requirements associated with the overpressure mitigation system by the addition of new specifications that define the low temperature reactor coolant system overpressure protection range, incorporates a limit on the maximum primary-to-secondary differential temperature that is permitted prior to starting a reactor coolant pump and incorporates new requirements on the operability of power operated relief valves. The amendment also adds a note to limit the establishment of a high pressure safety injection pump flow path under certain conditions and revises requirements on the positioning of certain safety injection valves. These changes are in accordance with the licensee's application for amendment dated April 13, 1978.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the

examples of actions involving no significant hazards considerations (ii) relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications. These changes are the direct result of compliance with requirements that resulted from Commission directed evaluations dealing with pressure transients at relatively low temperatures to obtain added assurance that the plant can be operated without violating operating curve limitations. As such, the changes enhance the ability of the licensee to monitor and control plant conditions under these operating circumstances. The staff proposes to determine that the application does not involve a significant hazard since the new specifications limits on the high pressure safety injection pump flow path under certain conditions, and the revision of the requirements on positioning of certain safety valves will provide the added assurance that the licensee will be able to operate St. Lucie Plant, Unit No. 1 without violating operating curve limitations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S, Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 18, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harold R. Reis, Esquire, Lowestein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Washinton, D. C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a

substantial showing of good cause for the granting of a late petition and/or request. That determiantion will be based upon a balancing to the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Indian River Junior College Library, 3209 Virginia Avenue, Forth Pierce, Florida 33450.

Dated at Bethesda, Maryland, this 10th day of June, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3 Division of Licensing.

[FR Doc. 83-16221 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–1 issued to Portland General Electric Company, Pacific Power and Light Company, and the City of Eugene, Oregon (the licensee) for operation of the Trojan Nuclear Plant located in Columbia County, Oregon.

The amendment would revise the method for conducting the flow balance test for the four emergency core cooling injection lines from the centrifugal charging pumps and safety injection pumps. At present, each cold-leg injection line from these pumps must have a designated minimum and maximum flow. Under the licensee's proposal, the *sum* of the injection line flow rates, excluding the highest flow rate, must have a designated minimum value, and the total flow must be less than a specified maximum (pump runout limit).

The amendment would also revise the minimum injection flow from a single charging pump from 345 gpm (for 3 injection lines) to 339 gpm, consistent with a revised analysis, and delete the flow balancing requirement for the hot-leg injection lines for the safety injection system. These revisions to the technical specifications would be made in response to the licensee's application for amendment dated June 3, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The revised method for flow balancing represents an improvement in the surveillance method. It ensures that minimum injection line flow is maintained while at the same time allowing for differences in total flow between individual pumps.

The minimum injection flow change from 345 gpm to 339 gpm is not a significant change. It results in a calculated peak clad temperature for a loss-of-coolant accident of less than 1°F. Thus, the peak clad temperature, under the change, would be 1971°F, well below the acceptance criterion of 2200°F.

Deleting the flow balancing test for hot leg injection is not a significant change since flow balance is not required to satisfy the current safety analysis. Hot leg injection is used during the recirculation phase of a loss-of-coolant accident. Under this condition, the core is covered with water and all hot-leg injection water flows to the top of the core. Therefore, a specific flow balance between injection lines is not important. Therefore, based on these considerations and the three criteria given above, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission has determined that failure to act in a timely way would result in extending the shutdown of the facility. Therefore, the Commission has insufficient time to issue its usual 30-day notice of the proposed action for public comment.

If the proposed determination becomes final, an opportunity for a hearing will be published in the **Federal Register** at a later date and any hearing request will not delay the effective date of the amendment.

If the Commission decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the **Federal Register** and, if a hearing is granted, it will be held before any amendment is issued.

The Commission is seeking public comments on this proposed determination of no significant hazards consideration. Comments on the proposed determination may be telephoned to Robert A. Clark, Chief of Operating Reactors Branch No. 3, by collect call to 301–492–4559 or submitted in writing ot the Secretary to the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attn: Docketing and Service Branch. All comments received by July 6, 1983 will be considered in reaching a final determination. A copy of the application may be examined at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Dated at Bethesda, Maryland, this 10th day of June, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-16222 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-508 and ASLBP No. 83-486-01-OL]

Washington Public Power Supply System, et al. (WPPSS, Nuclear Project No. 3); Order

June 10, 1983.

Rescheduling Special Prehearing Conference

It appearing, that a special prehearing conference was to be held in the captioned proceeding at 9:30 a.m. local time, on August 3 and 4, 1983, in the Commissioners' Conference Room, New County Courthouse, 100 West Broadway, Montesano, Washington; and

It further appearing, that on June 1, 1983, Washington Public Power Supply System, Nuclear Regulatory Commission Staff and Coalition for Safe Power have requested the rescheduling of the special prehearing conference to August 17 and 18, 1983 because of scheduling conflicts that have arisen.

It is hereby ordered, that the special prehearing conference scheduled for August 3 and 4, 1983 be rescheduled to August 17 and 18, 1983, at the same time of day and place as originally set.

Dated at Bethesda, Maryland this 10th day of June 1983.

For the Atomic Safety and Licensing Board.

Morton B. Margulies,

Chairman, Administrative Law Judge.

[FR Doc. 83-16225 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Committee Activities; Location Change

The ACRS Subcommittee Meeting on Committee Activities scheduled for Wednesday, June 22, 1983, 8:30 a.m. until the conclusion of business at Scripps Institution of Oceanography, La Jolla, CA has been relocated to the *Double Tree Inn at Scottsdale Mall, Bonsai Room, 7353 East Indian School Road, Scottsdale, AZ.*

All other items regarding this meeting remain the same as announced in the **Federal Register** published Monday, June 6, 1983 (48 FR 25291).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Marvin C. Gaske (telephone 202/634-3265) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 13, 1983.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 83-16217 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on June 30, 1983, Room 1046, 1717 H Street, NW, Washington, DC.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Thursday, June 30, 1983—8:30 a.m. until the conclusion of business.* The Subcommittee will meet to review draft versions of proposed rules and regulatory guides related to Pub. L. 97-425 Section 306, "Nuclear Regulatory Commission Training Authorization".

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, David Fischer (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated June 13, 1983.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 83-16216 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Hazardous Materials Safety at Railroad Yards; Public Hearing

AGENCY: National Transportation Safety Board.

ACTION: Notice of public hearing.

SUMMARY: The Independent Safety Board Act of 1974 (49 U.S.C. 1901, et seq.) authorized the National Transportation Safety Board (Board) to conduct open public inquiries into matters pertinent to transportation safety. The Board, as part of a project to evaluate the need for improved hazardous materials safety and emergency preparedness for railroad yards, will hold a public hearing to inquire into hazardous materials safety at railroad yards. This document sets forth areas of interest the Board would like to have addressed in written and oral submissions.

DATES: The Public hearing will be held July 26 and 27, 1983, at 9:00 a.m.; written statements should be submitted on or about July 11, 1983.

ADDRESS: Hearing Location: Crystal City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, Virginia 22202.

Forward written statements to Chief, Hazardous Materials and Pipeline Division (AI-70), Bureau of Accident Investigation, National Transportation Safety Board, Washington, D.C. 20594.

FOR FURTHER INFORMATION CONTACT: Mr. Charles H. Batten, Chief, Hazardous Materials and Pipeline Accident Division (AI-70), Washington, D.C. 20594 (phone: 202-382-0870), or Mr. Bill Gossard, Program Analyst, Office of Safety Studies and Analysis (SP-10), Washington, D.C. 20594 (phone: 202-382-6566).

SUPPLEMENTARY INFORMATION: Under Section 304(a)(7) of the Transportation Safety Act (the Act) of 1974 (Pub. L. 93-633), the Congress specifically authorized the National Transportation Safety Board to ". . . evaluate, assess the effectiveness, and publish the findings of the Board with respect to the transportation safety consciousness and efficacy in preventing accidents of other Government agencies." The Board will hold a public hearing to gather information on specific problems and the need for improved hazardous materials safety and emergency preparedness for railroad yards, including but not limited to such issue areas as coordination among the various organizations involved in, or directly affected by hazardous materials emergencies in railroad yards; training and emergency preparedness; oversight of hazardous materials safety for railroad yards; and related tank car safety ad hazardous materials classification improvements.

The hearing will be held in the Crystal City Marriott hotel, 1999 Jefferson Davis Highway, Arlington, Virginia 22202 on July 26 and 27, 1983, commencing at 9:00 a.m., on each date. The format will involve oral/and written presentations by invited participants. interested persons are invited to submit written comments.

Four copies of the statement must be filed with the Chief, Hazardous Materials and Pipeline Division (AI-70), Bureau of Accident Investigation by July 11, 1983, copies of all written submissions will be available for public inspection and copying upon request in

accordance with the Safety Board's rule regarding availability of information.

Jim Burnett,

Chairman.

June 9, 1983.

[FR Doc. 83-16182 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-58-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-83148]

Diversified Tech, Inc.; Order of Suspension of Trading

June 10, 1983.

In the Matter of Trading in the Securities of; Diversified Tech, Inc.; File No. 2-83148; Securities Exchange Act of 1934 Section 12(k).

It appearing to the Securities and Exchange Commission that because there is an apparent lack of adequate and accurate information concerning the company's business and finances, the protection of investors requires a summary suspension of trading in the securities of Diversified Tech, Inc.

Further, while the company has requested this ten day suspension of trading of its securities in order to enable the company to disseminate a release to its stockholders and others, the Commission has not passed upon the accuracy or adequacy of such release.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities is suspended for the period from 5:00 p.m. E.D.T. on June 10, 1983, through midnight June 19, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-16157 Filed 6-15-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 10/10-0166]

Seafirst Capital Corp.; Filing of Application for Transfer of Ownership and Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1983)) for transfer of ownership and control of Seafirst Capital Corporation, Fourth and Blanchard Building, Seattle, Washington, 19121, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), of 1958, as amended (Act), (15 U.S.C. 661, *et. seq.*). The proposed transfer of ownership and control of Seafirst Capital Corporation, which was licensed on June 18, 1980, is subject to prior written approval of SBA.

Seafirst Capital Corporation is a wholly-owned subsidiary of Seafirst Mortgage Corporation. Seafirst Mortgage Corporation is a wholly-owned subsidiary of a Seattle-First National Bank, which is a wholly-owned subsidiary of Seafirst Corporation, a bank holding company. The Board of Directors of Seafirst Corporation has recommended to the company's shareholders that Seafirst Corporation be merged with a subsidiary of Bank America Corporation, a bank holding company, 555 California Street, San Francisco, California 94109. While no direct change in the ownership of Seafirst Capital Corporation will occur, a change in control will occur because Bank America Corporation will have full control of Seafirst Corporation. No substantial changes in location, management, or the operations of Seafirst Capital Corporation are planned at this time by Bank America Corporation. No single stockholder of Bank America Corporation owns more than ten percent of its common stock.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners and management, and the probability of the proposed new owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is given that any person may, no later than ten (10) days from the date of publication of this Notice, submit written comments on the proposed transfer of ownership and control to the Associate Administrator for Finance & Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Seattle, Washington, and San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 10, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-16230 Filed 6-15-83; 8:45 am]

BILLING CODE 8025-01-M

Region IX—Advisory Council Meeting; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Phoenix, Arizona, will hold a public meeting at 10:30 A.M., Thursday, July 7, 1983, at the Doubletree Inn, 3rd Avenue and Osborn, Phoenix, Arizona, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Walter Fronstin, District Director, U.S. Small Business Administration, 3030 North Central Avenue, Suite 1201, Phoenix, Arizona 85012, (602) 241-2206.

Jean M. Nowak,

Director, Office of Advisory Councils.

June 10, 1983.

[FR Doc. 83-16229 Filed 6-15-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Orange County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Orange County, California.

FOR FURTHER INFORMATION CONTACT: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440-2804.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans) will prepare an Environmental Impact Statement (EIS) on a proposal to upgrade a section of conventional highway (State Route 133) from the San Diego Freeway (State Route 405) to Canyon Acres Drive in the City of Laguna Beach. The proposed upgrading is required in order to relieve congestion and to improve both the safety and the operational characteristics of the route. Alternatives considered for the project are:

A. *Transportation System Management.* This alternative may include improvements such as passing lanes.

B. *Highway Capacity Improvements.* This alternative may include: Widen the

highway. Realign the highway. Construct freeway.

C. *Transit.* This may include construction of transit lanes.

D. *No Project.* This alternative includes maintenance and operation of the existing facility essentially "as is", with such minor safety improvements as may be warranted from time to time.

Scoping meetings are tentatively scheduled for late June, 1983. Once dates are established, appropriate notification will be given so to encourage affected parties to identify crucial issues and insure that matters of importance are not overlooked in the early stages of review.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: June 9, 1983.

Albert J. Gallardo,

District Engineer, Sacramento, California.

[FR Doc. 83-16184 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Rulemaking, Research and Enforcement Programs; Public Meetings

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting on July 21, 1983, to answer questions from the public and industry regarding the Agency's rulemaking, research and enforcement programs. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m. if necessary. It will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

At the July meeting, representatives of DOT will answer questions received from the industry and the public relating to NHTSA's rulemaking, research and enforcement programs (including defects). The purpose of this is to focus on those phases of these NHTSA activities which are technical, interpretative or procedural in nature. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions).

Questions for the July meeting should be submitted in writing by June 30 to Kennerly H. Digges, Acting Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, S.W., Washington, D.C. 20590. If sufficient time is available, questions received after the June 30 date may be answered at the meeting. The individual group, or company submitting a question does not have to be present for the question to be answered.

A consolidated list of the questions submitted by June 30 and the issues to be discussed will be mailed to interested persons on or before July 18, 1983, and will be available at the meeting. This list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington D.C., within four weeks after the meeting. Copies of the transcript will then be available at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon request to NHTSA, Technical Reference Section, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C. on June 13, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-16306 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

Automotive Fuel Economy Program; Report to Congress

The attached document, *Automotive Fuel Economy Program, Seventh Annual Report to the Congress,* has been prepared pursuant to Section 502(a)(2) of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163), which requires in pertinent part that "each year beginning in 1977, the Secretary shall transmit to each House of Congress, and publish in the **Federal Register**, a review of average fuel economy standards under this part."

Diane K. Steed,

Acting Administrator.

Automotive Fuel Economy Program

Seventh Annual Report to the Congress—January 1983

Table of Contents

Section I: Introduction
Section II: Fuel Economy Improvement by Manufacturers
Section III: Rulemaking Activities
A. MY 1982 Light Truck Standards
B. Automobile Fuel Efficiency Act of 1980—Procedures for Petitions
C. Low Volume Manufcaturers
D. Automotive Fuel Economy Reporting Requirements
E. MY 1986-87 Light Truck Standards
Section IV: Legislative Recommendations
Section V: Use of Advanced Technology

Section I: Introduction

This Seventh Annual Report to the Congress (1983) summarizes the activities of the National Highway Traffic Safety Administration (NHTSA) during Fiscal Year (FY) 1982 regarding the implementation of applicable sections of Title V: "Improving Automobile Fuel Efficiency," of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*), as amended (the Act). Section 502(a)(2) of the Act requires submission of a report by January 15th of each year. Included in this report are sections summarizing:

(1) Rulemaking activities during Fiscal Year 1982; (2) Recommendations submitted to Congress concerning proposed amendments to the Act; and (3) A discussion of the use of advanced automotive technology by the industry as required by Section 305, Title III of the Department of Energy Act of 1978 (Pub. L. 95-238).

Title V of the Act requires the Secretary of Transportation to administer a program for regulating the fuel economy of new passenger cars and light trucks in the United States' (U.S.) market. On June 22, 1976, the authority to administer the program was delegated by the Secretary to the Administrator of NHTSA (41 **Federal Register** (FR) 25015).

The National Highway Traffic Safety Administration's responsibilities in the fuel economy area include: (1) Establishing average fuel economy standards for manufacturers of passenger automobiles and light trucks as necessary; (2) promulating regulations concerning procedures, definition, and reports necessary to support the fuel economy standards; (3) considering petitions for exemption from established fuel economy standards by low volume manufacturers (those producing less than 10,000 passengers cars annually worldwide) and establishing alternative standards for them; (4) preparing reports to Congress annually on the progress of the fuel economy program; (5) enforcing the fuel economy standards and regulations; and (6) responding to petitions concerning domestic production by foreign manufacturers and other matters.

To date, passenger car fuel economy standards have been established by the

Congress for model years (MY's) 1978 through 1980 and for 1985 and thereafter and by the Department of Transportation for the 1981 through 1984 model years. Standards for light trucks have been established by the Department of Transportation for MY's 1979 through 1985. The standards are listed in Table I–1.

TABLE I–1.—FUEL ECONOMY STANDARDS FOR PASSENGER CARS AND LIGHT TRUCKS FOR THE 1978 THROUGH 1985 MODEL YEARS (IN MPG)

Model year	Passenger cars	Light trucks [1]		
		Two-wheel drive	4-wheel drive	Composite [2]
1978	[3] 18.0	(*)	(*)	(*)
1979 [4]	[3] 19.0	17.2	15.8	17.2
1980 [5]	[3] 20.0	16.0	14.0	
1981 [6]	22.0	16.7	15.0	
1982	24.0	18.0	16.0	17.5
1983	26.0	19.5	17.5	19.0
1984	27.0	20.3	18.5	20.0
1985	[3] [6] 27.5	21.8	19.5	21.0

[1] Standards for 1979 model year light trucks were established for vehicles with a gross vehicle weight rating (GVWR) of 6,000 lbs. or less. Standards for MY's 1980 through 1985 are for light trucks with a GVWR of up to 8,500 lbs.
[2] For model years 1982–1985 manufacturers may comply with the two-wheel and four-wheel drive standards or may combine their two-wheel and four-wheel drive light trucks and comply with the combined standard.
[3] Established by Congress in the Energy Policy and Conservation Act of 1975.
[4] For MY 1979, light truck manufacturers may comply separately with standards for four-wheel drive, general utility vehicles and all other light trucks, or combine their trucks into a single fleet and comply with the 17.2 mpg standard.
[5] Light trucks manufactured by a manufacturer whose fleet is powered exclusively by basic engines which are not also used in passenger automobiles, must meet standards of 14 mpg and 14.5 mpg in model years 1980 and 1981, respectively.
[6] For MY 1985 and thereafter.
[7] TBD/ established.

Section II: Fuel Economy Improvement by Manufacturers

During MY 1982, domestic passenger automobile and light truck manufacturers continued to increase the average fuel economy of their fleets. The fuel economy achievements of both domestic and foreign manufacturers in MY 1981 have been updated since their publication in the *Sixth Annual Report to the Congress*, and together with current data for MY 1982, are listed in Tables II–1 and II–2. The total fleet average fuel economy exceeded the passenger car standard by more than 3 mpg in MY 1981 nd by more than 2 mpg in MY 1982. Similarly, total fleet average fuel economy values of light trucks have exceeded standards in MY's 1981 and 1982. By 1995 the projected cumulative fuel savings if all new cars and light trucks were to just meet the Federal fuel economy requirements through 1985 would amount to approximately 400 billion gallons, compared to consumption projected at 1976 vehicle fuel economy levels.

TABLE II–1.—PASSENGER CAR FUEL ECONOMY PERFORMANCE BY MANUFACTURER AND MODEL YEAR [1]

Manufacturer	Model Year—CAFE [2] (MPG)	
	1981	1982
Domestic:		
AM	22.5	24.0
Chrysler	26.4	27.0
Ford	23.3	24.5
GM	23.2	24.3
Sales weighted average	23.5	24.6
Imported:		
Alfa Romeo	22.5	24.2
BMW	26.6	28.4
Chrysler	32.0	34.2
Datsun	30.5	30.8
Fiat	27.5	28.6
Ford	34.3	34.6
Honda	30.8	33.4
Isuzu	34.7	35.0
Jaguar Rover Triumph (JRT) [3]	18.4	18.6
Mazda	31.1	29.6

TABLE II–1.—PASSENGER CAR FUEL ECONOMY PERFORMANCE BY MANUFACTURER AND MODEL YEAR [1]—Continued

Manufacturer	Model Year—CAFE [2] (MPG)	
	1981	1982
Mercedes-Benz	25.1	26.1
Peugeot	27.9	27.1
Renault	29.4	32.2
Saab	23.4	24.1
Subaru	30.4	32.3
Toyota	30.9	30.4
Volvo	22.3	25.0
VW [4]	33.5	32.4
Sales weighted average	30.4	30.7
Total fleet average	25.1	26.2
Fuel economy standards	22.0	24.0

[1] Manufacturers of less than 10,000 passenger cars annually are not listed.
[2] Corporate Average Fuel Economy.
[3] JRT earned sufficient credits in MY's 1978 and 1979 to offset MY's 1981 and 1982 penalties.
[4] Includes VW domestic production as well as Audi and Porsche.

TABLE II–2.—LIGHT TRUCK FUEL ECONOMY PERFORMANCE BY MANUFACTURER AND MODEL YEAR

Manufacturer	Model year CAFE (MPG)				
	Two-wheel drive		Four-wheel drive		Combined [1]
	1981	1982	1981	1982	1982
Domestic:					
AM		23.7	18.1	19.7	
Chrysler	18.2		15.2		19.0
Ford	18.5		15.7		17.5
GM	18.9	21.1	16.8	18.0	
Sales weighted average	18.7	21.1	17.1	19.3	17.9
Imported:					
Chrysler	24.6				26.3
Datsun	30.0	29.2	23.2	24.1	
Ford	26.2	27.7			
GM	30.0	36.1	26.1	31.0	
Isuzu	32.9	34.4	28.2	29.3	
Mazda	30.9	31.6			
Suzuki			25.2	25.0	
Toyota	27.6	27.1	21.9	22.6	
VW	31.0	32.7			
Sales weighted average	26.3	29.1	24.2	23.6	26.3
Total fleet average	20.6	23.1	16.5	20.6	18.5
Fuel economy standards	16.7	18.0	15.6	16.0	17.5

[1] In MY 1982, manufacturers could comply with the two-wheel and four-wheel drive standards or could combine their two-wheel and four-wheel drive light trucks and comply with the combined standard.

Section III: Rulemaking Activities

A. MY 1982 Light Truck Standards

On March 31, 1980, separate standards were established for manufacturers of MY 1982 two-wheel drive (18.0 mpg) and four-wheel drive (16.0 mpg) light trucks. When standards were later established for the 1983–85 model years, NHTSA not only set separate two-and four-wheel drive standards, but also set an optional combined standard for each manufacturer's entire light truck fleet. The combined standard was intended to achieve essentially the same overall fuel efficiency improvement as the separate standards, while giving manufacturers the flexibility of making greater improvements to one class or the other.

When the MY 1983–85 standards were established in December 1980, NHTSA did not make corresponding changes to the MY 1982 standards by adding a separate combined standard option for that year. However, on July 29, 1982, NHTSA took such action by setting an optional combined standard of 17. 5 mpg. The figure of 17.5 mpg was dertermined by harmonically weighing the separate standards based on the 75 percent/25 percent sales mix of two-wheel drive light trucks and four-wheel drive light trucks used for MY 1982 in the MY's 1983–85 rulemaking. Thereby manufacturers have been given greater flexibility in all four model years, 1982–85, to choose how each one allocates its efforts to improve fuel economy between technology changes and sales mix changes.

B. Automobile Fuel Efficiency Act of 1980—Procedures for Petitions

The Automobile Fuel Efficiency Act of 1980 (Act of 1980) modified several provisions of Title V of the Motor Vehicle Information and Cost Savings Act. Four of these call for affected manufacturers to present data to NHTSA in support of a request for modification of existing Title V requirements. On July 29, 1982, the agency issued a final rule (47 FR 7245) identifying the specific information it would expect to receive on these four topics in order to meet the requirements outlined by the Congress in the Act of 1980.

1. The first set of requirements concerned the exemption provided by Section 4(a) of the Act of 1980 from the domestic content provision in section 503 of Title V. Section 503 specifies that passenger cars having less than 75 percent of the cost to the manufacturer attributable to value added in the U.S. or Canada are considered to be foreign manufactured. Conversely, vehicles with at least 75 percent value added in the U.S. or Canada are considered to be domestically manufactured for the purposes of complying with fuel economy regulations. Since section 503 also requires that domestically and foreign produced passenger automobiles not be grouped together for the purpose of complying with fuel economy standards, highly fuel efficient vehicles with less than 75 percent value added in the U.S. or Canada may not be used by a manufacturer to offset the lower fuel economy of its domestically produced cars.

The domestic content provision was included in Title V to promote employment in the U.S. autombile industry by encouraging manufacturers to produce high fuel economy vehicles in this country, instead of relying on the importation of such cars which they produce or purchase abroad. However, foreign manufacturers choosing to build their most fuel efficient vehicles in the U.S. or Canada, with at least 75 percent domestic content, would not, under the original domestic content provision, be permitted to average such cars with their less fuel efficient foreign-produced models. Thus there existed a disincentive for foreign manufacturers to initiate U.S. production and to achieve high levels of domestic content. The Act of 1980 permits manufacturers completing their first year or production in the period 1975–85 to petition NHTSA for exemption from the separate compliance provisions of Section 503 of Title V. Such a petiton must be granted unless the agency finds that doing so would result in reduced employment in the U.S. automobile industry.

In the July 29 rule the agency identified the information it believes would be necessary to determine whether granting a petition would reduce U.S. automobile employment. First, petitioners must stipulate the vehicle that is expected to be sold in the U.S. during the period for which the exemption is being sought, the projected sales of that vehicle, its domestic content, and plans for obtaining components from domestic sources. Petitioners must also indicate the extent, if any, to which additional sales of the petitioner's vehicles are expected to be gained at the expense of current U.S. manufacturers, and the net employment impact of the shift in sales. Data must also be submitted on the petitioner's total U.S. employment and the effect of the agency's granting or denying the petition on the petitioner's product plan and component sourcing decisions. The agency sought information like that outlined above before it granted Volkswagen of America, Inc.'s (VWOA) petition for relief from the domestic content provision on October 23, 1981. The agency could not find a basis for concluding that granting the petition would result in adverse effects on employment in the U.S. automobile industry.

As required by the Act of 1980 (Section 512(c)(1) of Title V), the Secretaries of Transportation and Labor have made during FY 1982 their first annual examination of the impact of the domestic content amendment to Title V. Although significant declines in vehicle sales experienced by VWOA and other domestic manufacturers in MY 1982 have prevented growth in U.S. autombile industry employment, VWOA has nonetheless followed its plan, as presented to NHTSA in 1981, and expects that its MY 1983 U.S. produced vehicles will contain over 75 percent domestic content. There is no reason, at present, to change the 1981 findings of NHTSA that granting VWOA's petition will promote employment in the U.S. automobile industry without causing undue harm to domestic manufacturers. Also, no evidence has been found that the domestic content provision has permitted a manufacturer of domestically produced cars to attain the 75 percent level, and then subsequently to fall below the 75 percent requirement.

2. The second provision of the Act of 1980 is intended to encourage manufacturers to transfer production of a foreign-produced vehicle to this country. Given the original provisions of Section 503, a passenger automobile with less than 75 percent U.S. content cannot be included in a domestic manufacturer's fuel economy compliance fleet. Although the manufacturer might intend to reach the 75 percent content level after a few years below that mark, it would not b permitted to average a higher fuel economy car model with its domestic fleet until that car model reached 75 percent U.S. content.

To remove this disincentive to domestic production and increase U.S. employment, the Act of 1980 permits any manufacturer to apply for an exemption from the domestic content requirement if it plans to phase in domestic production of a new vehicle by gradually increasing its domestic content to at least 75 percent. A manufacturer which satisfies the statutory requirements is permitted to include up to 150,000 passenger automobiles in its domestic fuel economy compliance fleet if the cars have at least 50 percent domestic content initially and if the manufacturer submits and the agency approves a plan for achieving 75 percent domestic content by the fourth year of the exemption. In its final rule of July 29, 1982, the agency stated that such a plan shall include an estimate of the total manufacturing costs of the vehicles whose production is to be transferred to the U.S., data on the changes in domestic content of such vehicles during each of the four years covered by the plan, and information on the timing and nature of the domestic content changes.

During FY 1982 one manufacturer, American Motors (AMC), petitioned the agency to be permitted to take advantage of this amendment to Title V. American Motors sought approval to include up to 150,000 of its new Alliance vehicles in its domestic average fuel economy calculation. To support its petition, AMC supplied the required data on costs and changes in domestic content. The National Highway Traffic Safety Administration granted the AMC petition on August 23, 1982. To include the Alliance in its domestic fleet for calculation of corporate average fuel economy, AMC must achieve a domestic content of at least 50 percent in MY 1983 and at least 75 percent in model year 1986.

3. The third provision authorizes the agency to adjust the manner in which agerage fuel economy is calculated for a petitioner's four-wheel drive light truck fleet or to provide other relief with repect to a fuel economy standard for four-wheel drive light trucks. A petitioner must show that it would be unable to comply with such a standard "withou causing severe economic

impacts such as plant closings or reduction in employment in the U.S. related to motor vehicle manufacturing."

In its July 1982 rulemaking the ageny specified that a petitioner seeking relief under this provision must: provide data on the vehicle changes being made to achieve compliance and the costs and fuel economy impacts of each change; and identify those compliance steps it believes would cause "severe impacts" and the nature of those impacts. Information must also be submitted on monetary credits likely to be earned in the three model years preceding and the three model years following the model year of which relief is sought. Finally, the petitioner must specify the precise type and extent of relief being sought. As of November 1982 NHTSA had received no petitions for relief based on this provision.

4. The Act of 1980 also amended the provisions of Title V concerning carry forward and carryback of fuel economy compliance credits. Prior to enactment of the amendment, manufacturers could use credits earned in one year to offset penalties assessed in the prior or succeeding model year. Both are calculated at the rate of $5 per tenth of a mpg by which the manufacturer exceeds or falls short of a standard, multiplied by the number of such vehicles it produces in the subject model year. The Act of 1980 changed the one year provision to three years. It also authorized a manufacturer which expects to fail to meet a fuel economy standard in a particular model year to file a plan with NHTSA regarding the prospects for earning credits in the next three model years. The July 1982 rule states that such a plan must include the individual actions to be taken by the manufacturer and a schedule for their accomplishment. It must also include a demonstration of the feasibility of the plan. It the plan is approved, the manufacturer avoids ever being deemed to have violated the fuel economy standard for a praticular model year, provided that the projected credits are actually earned.

C. Low Volume Manufacturers

In addition to the relief provisions discussed above in Section B, the Act of 1980 also authorizes a low volume manufacturer (one manufacturing fewer than 10,000 passenger automobiles whether or not in the United States) to apply to the Secretary of Transportation for alternative average fuel economy standards for two or more model years after model year 1980 and before model year 1986. Such a manufacturer could, given favorable action on its application, be exempted from meeting more stringent standards governing higher volume manufacturers. However, before approving a low volume manufacturer's request, the Secretary must determine that the existing standard is indeed more stringent than the maximum feasible average fuel economy level which the applicant can attain.

The original provisions of Title V concerning low volume manufacturers led to the setting of 17 alternative standards for model years 1978–80. Eleven notices of proposed rulemaking and eleven final rules were needed to set those standards. While the Congress in drafting the Act of 1980 did not approve NHTSA's request to reduce this administrative burden on the agency and the manufacturers by exempting the manufacturers entirely from meeting fuel economy standards, it did give the agency authority to grant an exemption and set an alternative standard or standards for all model years covered in an application.

During fiscal year 1982 Aston, Martin Lagonda, Ltd. (Aston Martin), Avanti Motor Corporation (Avanti), Checker Motors Corporation (Checker), Excalibur Automobile Corporation (Excalibur), and Rolls-Royce Motors, Ltd. (Rolls-Royce), petitioned the agency requesting that they be exempted from the generally applicable average fuel economy standards for model year 1981–85, and that lower alternative standards be established for them. As required by Title V, the agency reviewed each manufacturer's capability to improve fuel economy in order to determine each firm's maximum feasible fuel economy level for the five model years included in their petitions. Seven different methods for increasing fuel economy were examined of all five firms to determine the maximum feasible level: weight reduction, aerodynamic improvement, engine improvements, transmission improvements, drive line improvements, reduced rolling resistance, and mix shifts (decreasing sales of lower fuel economy models and increasing sales of higher fuel economy models). In making its evaluation of the actions available to each firm for improving fuel economy the agency included as a fundamental evaluation factor the economic practicability of the projected action.

Before concluding that it had made an accurate estimate of maximum feasible fuel economy levels to be used to establish alternative standards for the firms, the agency also sought to determine what effect other regulation of passenger cars might have on low volume manufacturer fuel economy achievement levels. The agency found that a fuel economy penalty of seven percent would result from California's MY 1983–85 emission standard for oxides of nitrogen. Each firm's projected fuel economy achievement level for those MY's was thus reduced by seven percent. California emission standards are critical for low volume manufacturers because they certify their vehicles to the most stringent standards to reduce costs and must be prepared to take advantage of the limited demand for their products whenever and wherever it may occur.

On May 13, 1982 (47 FR 20639), NHTSA issued a notice of proposed rulemaking outlining its analysis and proposing the establishing of a single standard for each petitioner for each model year 1981–85. Table III–1 contains a listing of the proposed standards. This approach was selected because it was viewed as providing maximum assurance that manufacturers will fully utilize their capabilities. Other alternatives such as a standard for each model year indentical to each manufacturer's maximum feasible average fuel economy level for the five year period or a single standard for all exempted manufacturers were considered less likely to assure full utilization of manufacturer capabilities.

On December 13, 1982 (47 FR 55684), the agency issued a final rule setting alternative standards for the petitioners. The standards are indentical to those proposed in May 1982 except in the case of Checker Motors Corporation. Checker ceased producing passenger automobiles on July 9, 1982, therefore its petition for exemption during MY's 1983–85 was deemed moot. Alternative standards were set for Checker for MY's 1981 and 1982.

TABLE III–1.—LOW VOLUME MANUFACTURER'S AVERAGE FUEL ECONOMY STANDARDS, MY'S 1981–1985 (MPG)

Model year	Avanti	Rolls-Royce	Checker	Aston Martin	Excalibur
1981	18.2	10.7	18.5	12.2	17.9
1982	18.2	10.6	18.4	12.2	17.9
1983	18.9	9.9	19.2	11.3	16.6
1984	16.9	10.0	21.0	11.3	16.6
1985	16.9	10.0	22.8	11.4	16.6

D. Automotive Fuel Economy Reporting Requirements

Title V requires each automobile manufacturer to submit to NHTSA semiannual reports relating to that manufacturer's efforts to comply with average fuel economy standards. Each report must include a statement indicating whether the manufacturer

will comply with standards for that year, steps taken or to be taken to comply, plus any other information the agency may require. On December 12, 1977 (42 FR 62374); the agency established form and content requirements for fuel economy reports. Those requirements were designed to elicit information necessary to monitor compliance with standards and to assist the agency in its standards setting activities for passenger automobiles and light trucks. Experience with the manufacturers' submissions showed that some of the data was not required as frequently as submitted, some was redundant, or could be obtained through other sources, and some proved not to be as useful as originally believed. For these reasons, coupled with the reduced rulemaking schedule in automotive fuel economy, the agency decided that some of the information required to be submitted in fuel economy reports is no longer needed.

On August 12, 1982 (47 FR 34985), the agency issued a final rule revising the fuel economy reporting requirements. As a result of that action manufacturers will not have to submit data on technology and sales changes from the preceding model year or changes during the current model year intended to increase fuel economy. No data will be required on marketing measures to be used to increase fuel economy. Also, manufacturers will be required to submit a variety of technical and sales data for each vehicle configuration only once rather than twice a year.

E. MY's 1986–87 Light Truck Standards

Section 502(b) of Title V requires NHTSA to issue light truck standards at least 18 months before the beginning of each model year after 1978. The agency therefore began in FY 1982 a rulemaking analysis which is intended to culminate in the issuance of fuel economy standards for MY's 1986–87 light trucks. The first step in the rulemaking was the issuance in October 1982 of a questionnaire to the five domestic manufacturers of light trucks and to four foreign manufacturers. Information was requested on such items as product plans, fuel economy gains expected from particular technology items, sales projections, capital expenditures, etc. Most responses were received in December 1982. They are now being used to develop proposed MY's 1986–87 standards on which public comments will be sought. Final standards are scheduled to be issued by December 1983.

Section IV: Legislative Recommendations

During FY 1982, the Secretary of Transportation submitted to the Congress three proposed amendments to Title V of the Motor Vehicle Information and Cost Savings Act. The first proposed amendment would make the MY 1985 light truck standards applicable to each model year thereafter. The Secretary would be given the authority to amend the standards for MY 1985 and any subsequent MY to a level which he determines is the maximum feasible average fuel economy level for such MY. The effect of this amendment would be to make the Secretary's authority to issue fuel economy standards for light trucks as parallel as is possible to his authority regarding passenger automobiles.

The second amendment is intended to provide for similar treatment of low volume and high volume passenger automobile manufacturers after MY 1985. This would be accomplished by continuing the MY 1985 alternative fuel economy standard(s) for low volume manufacturers, as prescribed by the Secretary, into subsequent model years. The Secretary (i.e., NHTSA) would be given the discretion to revise such an alternative standard(s) after MY 1985 at a level he determines is the maximum feasible average fuel economy level for such MY.

The third amendment would reduce the fuel economy reporting requirements of the automobile manufacturers by requiring the reports on an annual rather than a semiannual schedule. Annual reporting will, in the opinion of NHTSA, meet the information requirements for monitoring manufacturer compliance with fuel economy standards.

Section V: Use of Advanced Technology

This section fulfills the statutory requirement of the Department of Energy Act of 1978 (Pub. L. 95–238) Title III, Section 305, which directs the Secretary of Transportation to submit an annual report to Congress on the use of advanced technologies by the automotive industry to improve motor vehicle fuel economy. This report focuses on the application of materials to save weight, introduction of new engines and modification to existing power train and other improvements made during 1982.

Recent events in the automotive market caused manufacturers to improve product quality without incurring higher costs. The softness of domestic sales and the competition of foreign manufacturers required domestic manufacturers to rely on materials with proven qualities. Small improvements were made in the use of high strength steel, aluminum and plastics. *Ward's Automotive Yearbook 1982* estimated that between model years 1981 and 1982 the use of higher strength steel increased on the average by approximately 13 pounds, aluminum by 4 pounds and plastics by 2 pounds. The application of plain carbon steel decreased 133 pounds per vehicle. Total overall weight of a typical automobile dropped an average of 114 pounds.

Aluminum was used in new applications at General Motors whose engineers were anticipating the future of aluminum for major structural components. Transmission supports in the GMC S–15 and Chevrolet S–10 pickups and cast aluminum cases, covers and extensions for 4-speed automatic truck transmissions and new 4- and 5-speed manual transmissions are being produced used aluminum.

The Pontiac Division has an optional aluminum hood for the 1982 Firebird and front-wheel drive 6000. Ford Motor Company is using stamped aluminum hoods, forged aluminum wheels, and aluminum bumpers on its Lincoln Continental.

The increased use of high strength steel (HSS) was approximately 10 to 15 pounds per vehicle. Specific uses of HSS are in the wheels for GM's Camaro and Firebird models and in structural members of Ford's new Ranger pickup. The expanded use of HSS continued in applications such as suspension system cross members, seat backs, door beams, side rails, bumper reinforcements, and rear frame rails. Chrysler is using HSS in many applications on its new E car which is a stretched version of the K car. The Ford Escort and Lynx also have HSS fenders and hoods.

New applications of plastics were not as dramatic as in previous years when flexible fenders, plastic seats, and composite leaf springs were introduced. New application of plastics include hoods, grill, opening panels, and panels below the bumpers. The use of plastics increased by approximately 2 pounds per vehicle.

Ford engineers forecast significant growth in the use of magnesium. Magnesium was introduced by Ford into the clutch housing and pedal supports for the brake and clutch in the new Ranger pickups and in the steering column lock housing on the 1982 Escort/Lynx. However, usage in current domestic automobiles is less than 3 pounds per vehicle. General Motors is planning to use magnesium servo pistons in its new 440 hydramatic transmission in 1983 models.

Material substitution was only one of the methods used to reduce average vehicle weight. Manufacturers also transferred model names from heavier to lighter vehicle platforms and introduced smaller more fuel efficient front-wheel drive automobiles as compact and mid-size vehicles. For example, GM moved its Bonneville nameplate down to the mid-size G-body LeMans chassis and introduced an A-body for four of its divisions as a mid-size front-wheel drive passenger car. Chrysler moved the full sized New Yorker nameplate to the intermediate platform of the Le Baron and introduced a New Yorker E car, a slightly longer K car to compete in the mid-size market. Ford trimmed 18 inches and 500 pounds from its Lincoln Continental and placed it on a Thunderbird platform. It will introduce the Ford Tempo in model year 1983, a stretched version of the subcompact Escort to replace the compact Fairmont.

Along with these model changes, manufacturers reduced aerodynamic drag on the new models. Using wind tunnel testing, GM designed the front-wheel drive A-body and redesigned the rear drive F-body, Camaro and Firebird. Fords' two seater EXP/LN7 has one of the lowest drag coefficients in the industry. Its new Tempo/Topaz and Thunderbird/Cougar also reflect this effort to reduce wind drag. Other subtle changes such as flush mounted windshields, redesigned drip mouldings, new front dams, and repositioned hood ornaments are apparent in most of the domestic manufacturers' models.

New engines were also introduced into the 1982 model year automobiles including optional powerplants for the smaller automobiles and diesel engines for both passenger cars and trucks. General Motor introduced an overhead cam naturally aspirated 1.8 liter engine from Brazil into its J-body, subcompact line. It is also producing a new domestic 2.0 liter engine for the J-body Cavalier. To provide a broader selection of diesel engines, GM introduced a new V–6, 4.3 liter diesel for automobiles and a new V–8, 6.2 liter diesel for light trucks. Another development called throttle body fuel injection took the place of the traditional carburetor on GM's X-, A-, and F-bodies equipped with the 2.5 liter engine. Chrysler is upgrading its 2.2 liter engine to provide 16 percent more horsepower and 9 percent more torque for its K and E passenger automobiles. Ford has a new domestically produced 2.3 liter engine for its front wheel drive passenger cars which will be introduced in 1983. They are also upgrading the old 2.3 liter engine through turbocharging and by converting the engine to use propane. Ford offered a new fuel efficient 3.8 liter, V–6 engine as an option in the 1982 model year Continental, Granada, Thunderbird, Cougar, and XR–7 automobiles. Ford is also purchasing a 2.2 liter diesel engine from Toyo Kogyo for the Ranger pickup truck. A new electronic control module EEC–IV to improve fuel economy is being introduced in the 1.6 liter engine in the Escort and Lynx to control spark advance exhaust gas recirculation and air-fuel mixture. Staged two barrel carburetors using electronic feedback are also being installed on Chrysler's Aires/Reliant and GM's Chevette/T1000.

Sales of front-wheel drive cars increased to 40 percent of the car sales in the period from January through October of 1982. Front-wheel drive passenger automobiles were approximately 34 percent of the 1981 domestic fleet. Introduction of Ford's front-wheel drive Tempo/Topaz automobiles in 1983 will increase the market share of front-wheel drive vehicles. They can be expected to dominate the domestic market soon.

In 1982, the domestic industry experienced its worse sales year in more than 20 years. However, they now have their fleets of smaller more fuel efficient automobiles developed and in production. Diesel engines are available in the larger automobiles and light trucks. The technology is developed and awaiting acceptance in the marketplace. Technological improvements during 1982 were aimed at increasing efficiency through: improvements in aerodynamics; stretching existing front-wheel drive models to replace less efficient rear-wheel drive compact and mid-size automobiles; and adding domestically produced small pickups to existing light truck model lines.

[FR Doc. 83–15099 Filed 6–15–83; 8:45 am]
BILLING CODE 4910–59–M

[Docket No. IP83–6; Notice 1]

Chrysler Corp.; Receipt of Petition for Determination of Inconsequentiality

Chrysler Corp., Detroit, Michigan ("Chrysler" herein), has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.110, *Tire Selection and Rims for Passenger Cars*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decisions or other exercise of judgment concerning the merits of the petition.

Approximately 1350 1983 model Dodge Shelby Charger passenger cars may carry tire inflation placards (required by Standard No. 110) with an incorrect minimum tire size designation. the placards indicate that the size is P195/50R15 when the correct designation is 195/50R15 (no ISO "P" symbol).

Chrysler argues that the incorrect designation do not exist, and therefore tires of this designation is inconsequential because such a tire size and designation are not available in the replacement market. If such a tire becomes available, it will be suitable for the vehicles in question, differing only in a slightly higher load rating. This difference is attributable solely to different methods used in the U.S. and Europe to rate tires. The tire inflation placard otherwise conforms to the requirements of Standard No. 110.

Interested persons are invited to submit written data, views, and arguments on the petition of Chrysler Corp. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials will be filed, and comments received after the closing date will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and lawyer primarily responsible for this notice are P. L. Moore and Taylor Vinson, respectively.

Comment closing date: July 18, 1983.

(Sec. 102. Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83–16000 Filed 6–15–83; 8:45 am]
BILLING CODE 4910–59–M

[Docket No. IP82-20; Notice 2]

Goodyear Tire & Rubber Co.; Denial of Petition for Determination of Inconsequential Noncompliance

This notice denies the petition by the Goodyear Tire & Rubber Co. of Akron, Ohio, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on October 21, 1982, and an opportunity afforded for comment (47 FR 46956).

Paragraph S4.3 requires that the sidewalls of each passenger car tire be labeled with the maximum load rating. Between September 20, 1981, and June 5, 1982, Goodyear produced over 31,000 Convenience Spare Tire size T145/80D16 tires on which the maximum load was stated as 2260 pounds. The correct figure is 2050 pounds. The error came to Goodyear's attention when Transport Canada discovered failure to meet Canadian Standard No. 109's endurance test requirements, 4 of 18 tires failing when tested at 2240 pounds. Canada then tested 12 tires for endurance at 2030 pounds two of which failed the post inspection test with sidewall bulges. Goodyear's own test of 64 tires at 2050 pounds showed 15 failures.

Goodyear believes that the noncompliance is inconsequential as the heaviest vehicle using the tire, the 1982 Oldsmobile Custom Cruiser Station Wagon, uses as an optional extra load tire one which has a maximum load capacity of 1874 pounds. On the Oldsmobile, the maximum load on each tire will be 1499 pounds. There thus exists a 25% reserve load capacity. Tires tested for endurance under Standard No. 109 at 1874 pounds all passed. The noncompliance then is said to be inconsequential.

No comments were received on the petition.

There are in fact two noncompliances at the heart of this petition, one with the labelling requirements and one with the performance requirements of Standard No. 109. The labelling requirements are violated because the maximum load figure given on the tire is not what the manufacturer says it should be. The tires are labelled "2260" (Table 1–LL of Standard No. 109) but the correct figure, according to Goodyear, is "2050" (Table 1–AAA). The safety significance of the noncompliance is a vehicle driver may impose a heavier load on a tire labelled "2260" than if it is labelled "2050". The performance requirements are violated because, even at 2050 pounds, the tires have failed to meet the endurance requirements.

Nevertheless, Goodyear argues, the endurance test failures are "inconsequential" because the tire has sufficient reserve enven with the maximum weight on it expected in service. The agency does not agree. The reserve load of 25 percent quoted by Goodyear for this vehicle was found to be erroneous. Temporary spare tires need a large margin of reserve. When the Gross Axle Weight Rating (GAWR) of 3301 lbs, 1650 lbs per tire, of a similar vehicle was compared with the Goodyear calculated load of 1499 lbs per tire, the actual reserve load was 12 percent. NHTSA believes that they are often installed in an under inflated condition because they are neglected while stored unused in the trunk, and their pressure falls below the 60 psi required. Overloading of the tire can easily result under reduced pressure, with adverse consequences to safety. The margin of reserve is too close to the border under these circumstances. Further, as a tire infrequently used, the "space saver" spare may outlive the vehicle with which it was originally supplied, and find its way to a car for which it was not intended.

Accordingly, petitioner has not met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby denied.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-16801 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP82-18; Notice 2]

Suzuki Motor Co., Ltd.; Grant of Petition for Inconsequential Defect

This notice grants the petition by Suzuki Motor Co., Ltd., of Brea, California, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a defect in certain of is motorcycles that it deems is safety-related. The basis of the petition is that the defect is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on September 20, 1982, and an opportunity afforded for comment (47 FR 41458).

Among the information that 49 CFR Part 567 requires to be placed on a motor vehicle's permanently attached certification of compliance is the vehicle's gross vehicle weight rating (GVWR). The GVWR is "not less than the sum of the unloaded vehicle weight, rated cargo load, and 150 times the vehicle's designating seating capacity (§ 567.4(g)(3)). Suzuki manufactured, imported, and sold almost a thousand 1982 model year GS450GA motorcycles with incorrectly marked certification labels. The GVWR marked on these labels is 60 lbs. The correct value is 800 lbs.

Suzuki argued that the error is inconsequential as it relates to motor vehicle safety because directly beneath the erroneous value are the correct values for the front gross axle weight rating (330 lbs.) and the rear gross axle weight rating (530 lbs.). Therefore, simply by adding the two additional ratings the operator can determine the correct GVWR for the motorcycle.

No comments were received on the petition.

The erroneous GVWR is such a low value that it is not likely to mislead any motorcycle operator. The other axle ratings are correctly stated, and the noncompliance has no effect upon the ability of the motorcycle to carry the weight for which it was designed. Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby granted.

The engineer and attorney responsible for this notice are James Thomas and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1983.

George L. Parker,

Acting Associate Administrator for Enforcement.

[FR Doc. 83-15805 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

Tire Code Marks Assigned to New Tire Manufacturers

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Publication of tire code marks assigned to new tire manufacturers.

SUMMARY: The NHTSA last published a complete listing of the tire code marks assigned to new tire manufacturers in 1972. Since that time, there have been several additions and changes in names and addresses for the assigned code marks. This publication will inform the public of those additions and changes

FOR FURTHER INFORMATION CONTACT: P. L. Moore, Office of Vehicle Safety Standards, Crash Avoidance Division, NHTSA, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–2153).

SUPPLEMENTARY INFORMATION: Section 574.5 of the Title 49, Code of Federal Regulations, requires tire manufacturers to mold a tire identification number onto or into the sidewall of each tire they manufacture. In the case of new tires, the first two digits of the tire identification number are the code mark assigned to the manufacturer. This code mark identifies the manufacturer and the plant where the tire was manufactured.

The NHTSA published a complete listing of the tire codes at 37 FR 342, January 11, 1972. This list enables interested members of the public to identify the manufacturer and place of manufacture of any new tire.

Since 1972, there have been several changes in the names of the manufacturers and the plant addresses for the assigned code marks. Further, there have been some 150 additional code marks assigned for new tires since the 1972 publication. Accordingly, this updated listing of the assigned code marks for new tires is being published to bring the public up-to-date with the revisions and new code numbers which have been assigned since the publication of the 1972 list.

(Secs. 103,113,119,201,and 206, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1402,1407,1421, and 1426); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

Additional Tire Codes Assigned

New Tire Manufacturers

A1 Manufacture Francaise Pneumatiques Michelin, Poitiers, France
A2 Lee Tire & Rubber Co., Anhanguera Highway, Kilometer 128, Sao Paulo, Brasil
A3 General Tire & Rubber Co., Mount Vernon, Illinois 62864
A4 Hung-A Industrial Co. Ltd., 42 JyonPo-Dong Pusanjin-ku, Pusan, Korea
A5 Debickie Zaklady Opon Samochodowych "Stomil," A1.1 Maja 1, 39-200 Debica, Poland
A6 Apollo Tire Ltd, Jos. Anne M.C.Road, Cochin 682016, Kerala, India
A7 Thai Bridgstone Tire Co. Ltd., Tambol Klong-1, Amphur Klong Luang, Changwad Patoom, Thani, Thailand
A8 P.T. Bridgstone Tire Co. Ltd., Desa Harapan Jaya-Bekasi, Km27–Jawa Barat, Indonesia
A9 General Tire & Rubber Co., 927 S. Union St., Bryan, Ohio 44350
B1 Manufacture Francaise Pneumatiques Michelin, LaRoche Sur Yon, France
B2 Dunlop Malaysian Industries Berhad, Selangor, Malaysia
B3 Michelin Tire Mfg. Co. of Canada Ltd., Bridgewater, Nova Scotia
B4 Taurus Hungarian Rubber Works, 1965 Budapest, Kerepesi UT17, Hungary
B5 Olsztynskie Zaklady Opon Samochodowych 'STOMIL," A1.Zwyciestwa 71, Olsztyn, Poland
B6 Michelin Tire Corp., P.O. Box 5049, Spartanburg, S. Carolina 29304
B7 Michelin Tire Corp., 2308 Industrial Road, Dothan, Alabama, 36301
B8 Cia Brasiliera de Pneumaticos Michelin Ind., Estrada Da Cachamorra 5000, 23000 Campo Grande, Rio De Janeiro, Brazil
B9 Michelin Tire Corp., 2520 Two Notch Road, P.O. Box 579 Lexington, S. Carolina, 29072
C1 Michelin (Nigeria) Ltd., Port Harcourt, Nigeria
C2 Kelly Springfield Companhia Goodyear Do Brasil, Km–128 Americana, Sao Paulo Brazil
C3 McCreary Tire & Rubber Co., 3901 Clipper Road, Baltimore, Maryland, 21211
C4 Armstrong Rubber Co., Eagle Bend Industrial Park, Clinton, Tennessee
C5 Poznanskie Zaklady Opon Samochodowych "STOMIL," ul. Starolecka 18, Poznan, Poland
C6 Mitas NP Praha 10–Zahradni Mesto, Komarovova 1900, Praque, Czechoslovakia
C7 Ironsides Tire & Rubber Co., 2500 Grassland Drive, Louisville, Ky 40299
C8 Bridgestone Hsin Chu Plant, Chung Yi Rubber Industrial Co. Ltd., No. 1 Chung Ching Road, Taiwan
D1 Viking-Askim-1800 Askim, Norway
D2 Dayton Tire & Rubber Co. P.O. Box 1000, LeVergne, Tennessee 37086
D3 United Tire & Rubber Co., Northam Ind. Park Cobourg, Ontario, Canada K9A 4K2
D4 Dunlop India Ltd., P.O. Sahaganj, Dist. Hooghly, West Bengal, India
D5 Dunlop India Ltd., Ambattur, Madras–600053, India
D6 Borovo, Ygoslavenski Kombinat Gume i Obose, Borovo, Yugoslavia
D7 Dunlop South Africa Ltd., Ladysmith Plant 151, Helpmekaar Road, Danskraal Ind. sites, Rep. of S. Africa
D8 Dunlop South Africa Ltd., Durban Plant 265, Sydney Road, 4001 Durban, Rep. of S. Africa
D9 United Tire & Rubber Co., Ltd., 275 Belfield Road, Rexdale, Ontario, Canada, M9 W 5C6
E1 Chung Hsin Industrial Co. Ltd., Taichong Hsin, Taiwan
E2 Industria de Pneumatico Firestone SA, Sao Paulo, Brazil
E3 Seiberling Tire & Rubber Co., P.O. Box 1000, LaVergne, Tennessee 37086
E4 Firestone of New Zealand, Papanuvi, Christ Church 5, New Zealand
E5 Firestone South Africa (Pty) Ltd., P.O. Box 992, Port Elizabeth 6000, S. Africa
E6 Firestone Tunisie SA, Boite Postale 55, Menzel-Bourguiba, Tunisia
E7 Firestone East Africa Ltd., P.O. Box 30429, Nairobi, Kenya
E8 Firestone Ghana Ltd., P.O. Box 5758, Accra, Ghana
E9 Firestone South Africa (Pty), P.O. Box 496, Brits 0250, South Africa
F1 Michelin Tyre Co. Ltd., Baldovie Dundee, Scotland
F2 CA Firestone Venezolana, Valencia, Venezuela
F3 Manufacture Francaise Des Pneumatic Michelin, Roanne, France
F4 Fabrica De Pneus Fapobol, Sarl Rua Azevedo Coutinho 39–1.0, Oporto, Portugal
F5 Fate S.A.I.C.I., Avda Alte Blanco Encalada 3003, Buenos Aires, Argentina
F6 General Fabrica Espanola (Firestone Owned) Torrelavega Plant, Spain
F7 General Fabrica Espanola (Firestone Owned) Puente San Miguel Plant, Spain
F8 Vikrant Tyres Ltd., K.R.S. Road, Mysore (Karnataka State) India
H1 De La SAFE Neumaticos Michelin, Valladolid, Spain
H2 SamYang Tire Mfg. Co. Ltd., Song Jung Plt., Junnam, Korea
H3 Sava Industrija Gumijevih, 64,000 Kranj, Yugoslavia
H4 Bridgestone-Houfu, Yamaguchi-ken, Japan
H5 Hutchinson-Mapa, 45210 Chalette Sur Loing, France
H6 Shin Hung Rubber Co. Ltd., 156 Sang Pyong-Dong Jinju, Kyung Nam Korea
H7 Li Hsin Rubber Industrial Co. Ltd., 42 Yuan Lu Road, Sec. 1, Taiwan, China
H8 Firestone, 2600 South Council Road, Oklahoma City, OK 73214
J1 Phillips Petroleum Co., Bartlesville, OK 740004
J2 Bridgestone Singapore Co. Ltd., 2 Jurong Port Road, Jurong Town, Singapore 22, Singapore
J3 Gumarne Maja, Puchov, Czechoslovakia
J4 Rubena N.P., Nachod, Czechoslovakia
J5 Lee Tire & Rubber Co., State Rt. 33, Box 799, Logan Ohio 43138
J6 Jaroslavl Tire Co., Jaroslavl, USSR
J7 R&J Mfg. Corp. 1420 Stanley Dr., Plymouth, Indiana 46563
J8 DaChung Hua Rubber Ind. Co., Shanghai Tire Plant, 839 Hanyshan Rd., Shanghai, China
K1 Phillips Petroleum Co., 1501 Commerce Drive, Stow, Ohio 44224
K2 Lee Tire & Rubber Co., Madisonville, Ky. 42431
K3 Kenda Rubber Industrial Co., Ltd., Yuanlin, Taiwan
K4 Uniroyal S.A., Queretaro, Qte. Mexico
K5 VEB Reifenkombinat Furstenwalde, GDR–124 Furstenwalde-Sud, Trankeweg, Germany
K6 Lee Tire & Rubber Co., One Goodyear Blvd. Lawton, Oklahoma
K7 Lee Tire & Rubber Co., Camino Melipilla KM16, Maipu Box 3607, Santiago, Chile

K8 Kelly Springfield Tire Co., Peti Surat 49, Shah Alam, Sehngor, Malaysia
L1 Goodyear Taiwan Ltd., Taipei, Taiwan, Rep. of China
L2 Wuon Poong Industrial Co., Ltd., 112–5 Sokong-Dong, Chung-Ku, Seoul, Korea
L3 Tong Shin Chemical Products Co., Ltd., Seoul, Korea
L4 Cipcmp Intreprinderea De Anvelope, Danubiana, Romania
L5 Lassa Lastik Sanayi VeTicaret, A.S. Fabrikas, Kosekoy P.K. 250 Izmit, Turkey
L6 Modi Rubber Limited, Modipuram Plant, Meerut UP250110, India
L7 Cipcmp Intreprinderea De Anvelope, Zalau, Romania
L8 Dunlop Zimbabwe Ltd., Donnington, Bulawayo, Zimbabwe
M1 Goodyear Maroc S.A. Casablanca, Morocco
M2 Goodyear Tire & Rubber Co., Madisonville, Ky. 42431
M3 Michelin Tire Corp., 730 S. Pleasantburg Drive, Greenville, S. Carolina 29602
M4 Goodyear Tire & Rubber Co., Logan, Ohio 43138
M5 Michelin Tire Mfg. Co. of Canada Ltd., P.O. Box 5000, Kentville, Nova Scotia B4NV36
M6 Goodyear Tire & Rubber Co., One Goodyear Blvd., Lawton OK 73504
M7 Goodyear DeChile S.A.I.C., Camino Melipilla K.M.16 Maipu, P.O. Box 3607, Santiago, Chile
N1 Maloja AG Pneu Und Gummiwerke. Ormalingerstrasse Gelterkinden, Switzerland, CH 4460
N2 Hurtubise Nutread, 525 Vickers Street, Tonawanda, N.Y. 14150
N3 Ryoto Tire Co., Ltd., Kuwana Plant, 2400 Arano Nakagami, Tohin-Cho Inabe-Gun, Mie-ken, Japan
N4 Cipcmp—intreprinderea De Anvelope, Victoria, Romania
N5 Pneumant, VEB Reifenwerk Riesa, Paul-Greifzu-Strasse 20, 84 Riesa, Germany
N6 Pneumant VEB Reifenwerk Heidenau Haudtstrass 44 GDR, 8312 Heidenau, Germany
N7 Cipcmp Intrepinderea De Anvelope, Caracal, Romania
N8 Lee Tire & Rubber Co. (Goodyear, Malaysia Berhad), Peti Surat 49, Shah Alam, Selengor, Malaysia
P1 Gislaved Gummi Fabriken, 33200 Gislaved, Sweden
P2 Kelly Springfield, Madisonville, Ky. 42431
P3 Skepplanda Gummi AB, 440–40 Alvangen, Sweden
P4 Kelly Springfield, Route 33, Logan, Ohio, 43138
P5 General Popo S.A., Central Camionera, Zona Industrial, San Luis Potosi S.L.P., Mexico
P6 Kelly Springfield Tire Co., One Goodyear Blvd, Lawton, OK 73504
P7 Kelly Springfield, Camino Melipilla K.M.16, Maipu, P.O. Box 3607, Santiago, Chile
P8 China National Chemicals Import & Export Corp., Shandong Branch, Quingdao 97 Cangtai Rd. China
T1 Hankook Tire Mfg. Co., Ltd., Seoul, Korea
T2 Ozos (Uniroyal) A.G., Olsztyn, Poland
T3 Debickie Zattldy Opon Samochodowych, Stomil, Debica, Poland (Uniroyal)
T4 S.A. Carideng (Rubber Factory), Jan Rosierlaan 114, B 3760 Lanaken, Belgium
T5 Tigar Pirot, 18300 Pirot, Yugoslavia
T6 Hulera Tornel S.A., Sta. Lucia 198 Fracc. Ind. San Antonio, Mexico, 16, D.F.
T7 Hankook Tire & Mfg. Co. Inc., Daejun Plant, 6581–1 Sukbong-RI, Daeduk-kun, Choongchung Namdo, Korea
T8 Goodyear Tire & Rubber Co., Goodyear Malaysia Berhad, Peti Surat 49, Shah Alam, Selangor, Malaysia
U1 Lien Shin Tire Co. Ltd., 20 Chung Shan Road, Taipei, Taiwan
U2 Sumitomo Rubber Industries Ltd., Shirakawa City, Fukoshima Pref. JAPAN (Dunlop)
U3 Miloje Zakic, 3700 Krusevac, Yugoslavia
U4 Geo. Byers Sons, Inc., 46 East Town Street, Columbus, Ohio, 43215
U5 Farbentabriken Bayer GMBH, D 5090 Leverkusen, West Germany
U6 Pneumant-VEB Reifenwerk Dresden, GDR–8040 Dresden, Mannheimer Strasse GERMANY
U7 Pneumant-VEB Reifenwerk Neubrandenburg GOR–20 Neubrandenberg, GERMANY
U8 Hs in Fung Factory of Nankang Rubber Corp. Ltd., 399 Hs in Shing Road, Yuan San, Taiwan
V1 Livingston Tire Shop, North Main Street, Hubbard, Ohio 44425
V2 Volzhsky Tire Plant, Volzhak 404103, USSR
V3 Tahsin Rubber Tire Co. Ltd., Tuchen Village Taipei, Hsieng, Taiwan
V4 Ohtsu Tire & Rubber Co., Miyakonojo City, Miyazaki Pref., JAPAN (Firestone)
V5 Firestone Tire & Rubber Co., Mexico City, Mexico
V6 Firestone Tire & Rubber Co., Cuernavaca, Mexico
V7 Voronezhsky Tire Plant, Voronezh 404034 USSR
V8 Boras Gummi Fabrik A.B, Dockvagenl, S502 38 Boras, Sweden (Mac Ripper Tire an Rubber Company)
W1 Firestone Tire & Rubber Co., P.O. Box 1000, LaVergne, Tennessee 37086
W2 Firestone Tire & Rubber Co., Wilson, N. Carolina 27893
W3 Vredestein Doetinchem B.V., Doetinchem, The Netherlands (B.F. Goodrich)
W4 Dunlop Tyres, Somerton, Victoria, Australia
W5 Firestone Argentina SAIC, Antartida, Argentina, 2715 Llavollol, Buenos Aires, Argentina
W6 Firestone Tire & Rubber Co., P.O. Box 1355 Commerce Center, Makati, Risal, Philippines
W7 Firestone Portuguesa S.A.R.L., Apartado 3, Alcochete, Portugal
W8 Firestone Tire & Rubber Co. Ltd., P.O. Box Prakanong 11/118, Bangkok Thailand
W9 Industrie De Pneumaticos Firestone S.A., Caixa Postal 2505, Rio De Janeiro, Brizil
X1 Tong Shin Chemical Products, Co. Inc., Seoul, Korea
X2 Hwa Fong Rubber Ind. Co. Ltd., 45 Futsen Road, Yuanlin, Taiwan
X3 Belotserkovsky Tire Plant, Belaya Tserkov, 256414, U.S.S.R.
X4 Pars Tyre Co., (Pirelli), Saveh, Iran
X5 JK Industries Ltd., Kankroli, Udaipur District, Rajasthan, India
X6 Bobruysky Tire Plant, Bobruysk 213824 U.S.S.R.
X7 Chimkentsky Tire Plant, Chimkent 485025 U.S.S.R.
X8 Dnepropetrovsky Tire Plant, Dnepropetrovsk 320033 U.S.S.R.
X9 Moscovsky Tire Plant, Moscow 109088 U.S.S.R.
X10 Nizhnekamsky Tire Plant, Nishnekamsk 423510 U.S.S.R.
Y1 Companhia Goodyear DoBrasil, KM–128 Americana, Sao Paulo, Brasil
Y2 Dayton Tire Co., Wilson, N. Carolina 27893
Y3 Seiberling Tire & Rubber Co., Wilson, N. Carolina 27893
Y4 Dayton Tire & Rubber Co., 345-15th St. S.W., Barberton, Ohio (Firestone)
Y5 Tsentai Rubber Factory, 27 Chung Shan Rd., E.I. Shanghai, China
Y6 I.T. International Sdn. Bhd., P.O. Box 100 Alor Setar Kedah, Malaysia
Y7 Bridgestone Tire Co., (U.S.A.) Ltd., I–24 Waldron Dr., Lavergne, Tenn.

[FR Doc. 83-16018 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP83–5; Notice 1]

Zimmer Motor Vans; Receipt of Petition for Determination of Inconsequential Noncompliance

Zimmer Motor Vans, Cordele, Georgia, a division of Zimmer Corp., Pompano Beach, Florida, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 3161 *et seq.)* for an apparent noncompliance with 49 CFR 571.208, Motor Vehicle Safety Standard No. 208, *Occupant Restraint Systems.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Petitioner produces van conversions using Ford, General Motors, and Chrysler Corporation vehicles. The conversions are certified as "multipurpose passenger vehicles." The petition covers 3,570 conversions produced from September 1, 1981, through February 18, 1983.

Paragraph S4.2.2 of Standard No. 208 specifies that multipurpose passenger

vehicles have the same occupant protection systems as passenger cars under paragraph S4.1.2, in essence a Type 2 seat belt assembly at each front outboard designated seating position, a Type 1 assembly at all other designated seating positions, and a warning system. The Zimmer conversions have the requisite number and types of seat belt assemblies; however, the assemblies have a manual adjusting device instead of an emergency-locking adjusting device, and a single point push button latch release. Further, the vehicles (though having a warning light) lack an audible warning.

Zimmer comments that the level of protection it has provided exceeds that required for forward-control vehicles before September 1, 1981 when only Type 1 belts were mandated for the front seating positions and a warning need not have been provided. Because its van conversions are similar to motor homes and it meets motor home protection requirements, the petitioner asks that its noncompliances be deemed inconsequential. It also cites in support the agency's temporary exemption of Vintage Reproductions Inc. (47 FR 40047) from these requirements.

Interested persons are invited to submit written data, views and arguments on the petition of Zimmer Corporation described above. Comments should refer to the docket number amd be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: July 18, 1983.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-15908 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB May 1–May 31, 1983

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, during May 1983 to the Office of the Management and Budget (OMB) for its approval. This notice is published in accordance with the requirments of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35)

FOR FURTHER INFORMATION CONTACT: John Windsor, John Chandler, or Annette Wilson, Information Requirement Division, M-34, Office of the Secretary of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1887 or Gary Waxman or Wayne Leiss, Office of Management and Budget, New Executive Office Building, Room 3001, Washington, D.C. 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of the Management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements.

On Mondays and Thursdays, as needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. This list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following information for each item submitted to OMB:

(1) A DOT control number.

(2) An OMB approval number if the submittal involves the renewal, reinstatement or revision of a previously approved item.

(3) The name of the DOT Operating Administration or Secretarial Office involved.

(4) The title of the information collection request.

(5) The form numbers used, if any.

(6) The frequency of required responses.

(7) The persons required to respond.

(8) A brief statement of the need for, and uses to be made of, the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the **"FOR FURTHER INFORMATION CONTACT"** paragraph set forth above.

Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the **"FOR FURTHER INFORMATION CONTACT"** paragraph set forth above. If You anticipate submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB during May 1983:

DOT No: 2167.

OMB No: 2137-0030.

By: Research and Special Programs Administration.

Title: Application for exemption renewal.

Forms: None.

Frequency: Biennially.

Respondents: Applicants for exemption renewals.

Need/Use: Needed to make safety analysis of exemption holders who wish to renew their exemption. Used by staff of Materials Transportation Bureau (MTB) to evaluate the renewal request to determine if exemption should be renewed or denied.

DOT No: 2168.

OMB No: 2137-0027.

By: Research and Special Programs Administration.

Title: Exemption Holder Recordkeeping.

Forms: None.

Frequency: On Occasion.

Respondents: Holder of Exemptions.

Need/Use: Used by the MTB to evaluate the level of safety maintained by exemption holders during shipments of hazardous materials made under the terms of an exemption.

DOT No: 2169.
OMB No: 2137–0028.
By: Research and Special Programs Administration.
Title: Application to become a party to an exemption.
Forms: None.
Frequency: One-Time, when applying.
Respondents: Shippers and carriers of hazardous materials, manufacturers of containers for hazardous materials.
Need/Use: To allow applicants to be included in exemptions previously granted rather than applying separately for an exemption which would entail duplication of material previously submitted.

DOT No: 2170.
OMB No: (New).
By: Office of the Secretary.
Title: Department of Transportation Procurement Operations.
Forms: SF–33.
Frequency: On Occasion.
Respondents: The public, including businesses and local governments.
Need/Use: DOT is requesting an interim clearance to cover all procurements where information is provided by the public until a better estimate can be prepared for burdens on the public and accurate clearance requests prepared.

DOT No: 2171.
OMB No: 2137–0023.
By: Research and Special Programs Administration.
Title: Special Instructions for Cryogenic Liquids.
Forms: None.
Frequency: Each shipment of a flammable cryogenic of over 125 gallons.
Respondents: Motor carriers.
Need/Use: To ascertain that drivers know emergency procedures and who to notify in case of accident or container failure.

DOT No: 2172.
OMB No: 2137–0024.
By: Research and Special Programs Administration.
Title: Flammable Cryogenic Liquid Training Records.
Forms: None.
Frequency: Biennially.
Respondents: Motor Carriers.
Need/Use: To ascertain that drivers of vehicles transporting cryogenic liquids are educated in the regulations pertaining to cryogenic liquids, driver requirements of the Motor Carrier Safety Regulations, hazards of cryogenics and emergency procedures.

DOT No: 2173.
OMB No: 2137–0025.
By: Research and Special Programs Administration.
Title: Shipper or Carrier Registration Statement.
Forms: None.
Frequency: Biennnially.
Respondents: Shippers and Carriers of Flammable Cryogenic Materials.
Need/Use: To ascertain who is shipping flammable cryogenic liquids, location of facilities warranting public inspections, the number and types of portable tanks and cargo tank cars used to transport flammable cryogenic liquids.

DOT No: 2174.
OMB No: 2137–0026.
By: Research and Special Programs Administration.
Title: Cargo Tank Pressure and Temperature Record.
Forms: None.
Frequency: For each shipment of over 125 gallons of a flammable cryogenic.
Respondents: Motor Carriers.
Need/Use: To ascertain that cargo tanks have not been overfilled and to guard against possibilities of malfunction during the trip which would allow the product to expand causing the tank to explode; and to assure shippers and operators of motor carriers that the tank is safe to refill.

Issued in Washington, D.C., on June 7, 1983.

Karen S. Lee,
Deputy Assistant Secretary for Administration.

[FR Doc. 83–15945 Filed 6–15–83; 8:45 am]
BILLING CODE 4910–62–M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions; Los Alamos Scientific Laboratory, et al.

AGENCY: Materials Transportation Bureau, RSPA, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in May 1983. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2000–X	DOT–E 2000	Los Alamos Scientific Laboratory, Los Alamos, NM.	49 CFR 172.101, 173.304(a), 173.315(a)(2).	To authorize use of a non-DOT specification portable tank or a DOT Specification 4L cylinder, for shipment of flammable liquefied compressed gases. (Mode 1.)
4108–P	DOT–E 4108	Welding and Therapy Service, Inc., Louisville, KY.	49 CFR 173.315(a)	To become a party to Exemption 4108. (Mode 1.)
6151–X	DOT–E 6151	Virginia Chemicals Inc., Portsmouth, VA	49 CFR 173.302(a)(4), 173.304(a)(1), 173.305(c).	To authorize shipment of liquefied, nonliquefied flammable and nonflammable gases, in DOT Specification 39 seamless aluminum cylinders. (Modes 1, 2)
6184–X	DOT–E 6184	Air Products and Chemicals, Incorporated Allentown, PA.	49 CFR 172.101, 173.315(a)(1)	To authorize use of non-DOT specification portable tanks, for transportation of a nonflammable gas. (Mode 1, 30)
6443–X	DOT–E 6443	Montana Sulphur & Chemical Company, Billings, MT.	49 CFR 173.315(a)(1)	To authorize use of DOT Specification MC–331 insulated cargo tanks not presently authorized, for transportation of a flammable gas. (Mode 1.)
6736–X	DOT–E 6736	El Paso Products Company, Odessa, TX	49 CFR 172.101, 173.315(a)	To authorize shipment of liquefied ethylene in non-DOT specification cargo tanks. (Mode 1.)
6738–X	DOT–E 6738	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 172.101, 173.315(a)	To authorize shipment of liquefied ethylene in non-DOT specification cargo tanks. (Mode 1.)
6739–X	DOT–E 6739	Texas Eastman Company, Longview, TX	49 CFR 172.101, 173.315(a)	To authorize shipment of liquefied ethylene in non-DOT specification cargo tanks. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6800–X	DOT–E 6800	Plasti-Drum Corporation, Lockport, Il	49 CFR 173.119(a), 173.119(b), 173.245(a)(26), 173.245b(a)(6), 173.249(a)(1), 173.250a(a)(1), 173.257(a)(1), 173.263(a)(26), 173.265(d)(6), 173.266(b)(8), 173.271, 173.272(i)(9), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 173.357(b), 178.19.	To authorize manufacture, marking and sale of non-DOT specification 50- and 55-gallon polyethylene containers similar to DOT Specification 34, for shipment of certain flammable, corrosive, poison B liquids and hydrogen peroxide classed as an oxidizer (Modes 1, 2, 3.)
[illegible]	DOT–E 6863	Hedwin Corporation, Baltimore, MD	49 CFR 173.119, 173.154, 173.221, 173.245.(a)(26), 173.249(a)(1), 173.250(a)(1), 173.256(a), 173.257(a)(1), 173.263(a)(26), 173.265(d)(6), 173.266(b)(8), 173.272(g), 173.272(i)(9), 173.277(a)(6), 173.287(c)(1), 173.288, 173.289(a)(1), 173.292(a)(1), 173.346(a), 178.19.	To authorize manufacture, marking and sale of non-DOT specification molded polyethylene containers, for shipment of oxidizers, poison B, corrosive liquids, organic peroxides and flammable liquids. (Modes 1, 2, 3.)
7010–X	DOT–E 7010	Great Lakes Chemical Corporation El Dorado, AR.	49 CFR 173.252(a)(4)	To authorize transport of bromine in non-DOT specification lead lined portable tanks. (Modes 1, 2, 3.)
7252–X	DOT–E 7252	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE	49 CFR 173.93	To authorize transport of Pourvex and Tovex Extra in DOT Specification 17H metal drums. (Mode 3.)
7526–X	DOT–E 7526	Schering AG, West Berlin, West Germany	49 CFR 173.134	To authorize shipment of a pyrophoric liquid in non-DOT specification portable tanks. (Modes 1, 3.)
[illegible]	DOT–E 8008	Wheaton Aerosols Co., Mays Landing, NJ	49 CFR 173.305, 173.306(a)	To authorize manufacture, marking and sale of non-DOT specification aerosol container consisting of a glass bottle externally coated with plastic, for shipment of compressed gases. (Modes 1, 2, 3, 4.)
[illegible]	DOT–E 8079	Container Corporation of America, Wilmington, DE.	49 CFR 178.35a–1	To authorize manufacture, marking and sale of DOT Specification 2SL inside polyethylene containers using a higher density, higher melt index resin, for shipment of those materials authorized in a DOT Specification 2SL. (Modes 1, 2, 3.)
8269–X	DOT–E 8269	M–D Trailer Company, Fort Worth, TX	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340–7, 178.342–5, 178.343–5.	To authorize manufacture, marking and sale of certain non-DOT specification cargo tanks complying with DOT Specification MC–307/MC–312 except for bottom outlet valve variations, for transportation of flammable, corrosives, poison waste liquid or semi solids. (Mode 1.)
[illegible]	DOT–E 8526	Bass Transportation Company, Inc., Farmington, NJ.	49 CFR 177.834(L)(2)(i)	To become a party to Exemption 8526. (Mode 1.)
8552–X	DOT–E 8552	Brenner Tank, Incorporated, Fond du Lac, WI.	49 CFR173.119(a),(m), 173.245(a), 173.346(a), 178.340–7, 178.342–5, 178.343–5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC–307/312 except for bottom outlet valve variations, for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)
[illegible]	DOT–E 8556	Helium Sales, Inc., Amarillo, TX	49 CFR 172.101, 173.315(a)	To become a party to Exemption 8556. (Modes 1, 3.)
[illegible]	DOT–E 8556	Air Products and Chemicals, Incorporated, Bethlehem, PA.	49 CFR 172.101 173.315(a)	To authorize use of non-DOT specification containerized portable tanks for transportation of liquefied hydrogen. (Modes 1, 3.)
8644–X	DOT–E 8644	Richmond Lox Equipment Company, Livermore, CA.	49 CFR 172.101, 173.315	To authorize shipment of liquid nitrogen or oxygen, in vacuum insulated non-DOT specification cargo tanks. (Mode 3.)
[illegible]	DOT–E 8691	Aluminum Company of America, Palestine, TX.	49 CFR 173.333	To provide for shipments by common or contract carrier rather than private. (Modes 1, 2, 3.)
[illegible]	DOT–E 8723	Ireco Chemicals, Salt Lake City, UT	49 CFR 173.114a(h)(3)	To authorize a portable tank as an additional container for shipment of blasting agents. (Mode 1.)
[illegible]	DOT–E 8725	CGN Fuel Cylinder Corporation, Long Beach, CA.	49 CFR 173.302(a)	To use NOL ring testing instead of tensile testing and to modify cycling test requirements. (Mode 1.)
8877–X	DOT–E 8877	Allied Chemical, Morristown, NJ	49 CFR 173.119(m)(3), 173.245, 175.3	To authorize shipment of certain materials described as flammable liquids, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s., in DOT–12B65 fiberboard boxes with inside glass bottles having a capacity not to exceed one-gallon. (Modes 1, 2, 3.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8896–N	DOT–E 8896	Kerrco Inc., Hastings, NE	49 CFR 178.19, Part 173, Subpart F	To authorize manufacture, marking and sale of non-DOT specification 55 gallon polyethylene drums comparable to DOT Specification 34, for shipment of those corrosive liquids presently authorized in DOT Specification 34. (Modes 1, 2.)
8917–N	DOT–E 8917	Morrison–Knudsen Company, Inc., Burlingame, CA.	49 CFR 173.182, 176.400	To authorize transport of ammonium nitrate prills in large, lined steel container. (Modes 1, 2, 3.)
8936–N	DOT–E 8936	Great Lakes Chemical Corporation, West Lafayette, IN.	49 CFR 173.357(b)(2)	To authorize shipment of a mixture containing 57% chloropicrin and 43% 1,3–dichloropropene, 1,2–dichloropropane and related hydrocarbons, respectively, by weight, in non-authorized DOT Specification 5B metal drums. (Modes 1, 2, 3.)
[illegible]	DOT–E 8948	Immuno Nuclear, Corporation Stillwater, MN.	49 CFR 173.242, 173.25(b)	To authorize shipment of limited quantities of a radioactive material, flammable liquid and corrosive material (liquid), in non-DOT specification single well, corrugated fiberboard boxes. (Modes 1, 4.)
8951–N	DOT–E 8951	Presto Products, Inc., Appleton, WI	49 CFR 173.1200(a)(1)(ii)	To authorize shipment of small quantities of a nail polish remover solution containing a mixture of ethyl acetate and aqueous isopropyl alcohol, almost completely absorbed in a roll of rayon fiber wipes (towelettes) and packaged in non-DOT specification containers. (Modes 1, 3.)
8968–N	DOT–E 8968	Degussa Corporation, Peterboro, NJ	49 CFR 173.206	To authorize use of a non-DOT Specification IMO Type 1 portable tank, for transportation of a flammable solid. (Modes 1, 2, 3.)
8978–N	DOT–E 8978	A/S Hellesens, Soborg, Denmark	49 CFR 172.101, 175.3	To authorize transport of lithium cells containing more than 12, but not more than 50, grams of lithium metal, in non-DOT specification, non-reusable, open head, steel drums. (Modes 1, 2, 4.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6987–N	DOT–E 6987	Hedwin Corporation, Baltimore, MD	49 CFR 178.35a–1	To authorize manufacture, marking and sale of DOT Specification 2SL inside polyethylene containers of Type III, high density, high molecular weight resin, for transportation of those commodities presently authorized to be packaged in a DOT Specification 2SL inside polyethylene container. (Modes 1, 2, 3.)
9012–N	DOT–E 9012	Thiokol Corporation, Brigham City, UT	49 CFR 173.182, 173.239a	To authorize shipment of ammonium perchlorate and sodium nitrate, classed as oxidizers, in DOT Specification 53 aluminum portable tanks modified to incorporate a pressure equalizing apparatus. (Modes 1, 2.)
9034–N	DOT–E 9034	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To authorize use of a previously not authorized DOT Specification 3AL aluminum cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 4, 5.)
9035–N	DOT–E 9035	Rohm and Haas Company, Philadelphia, PA.	49 CFR 173.245	To authorize use of DOT Specification 51 stainless steel portable tanks, for transportation of corrosive liquid. (Mode 1.)
EE 8907–X	DOT–E 8907	U.S. Department of Defense, Washington, DC.	49 CFR 172.101(6)(ix), 175.3, 175.30	To authorize air transport of Class A and C explosives that are packed, marked, labeled and loaded in accordance with 49 CFR Part 173 or AFR 71–4. (Mode 4.)
EE 9056–N	DOT–E 9056	Hodgdon Powder Co., Inc., Shawnee Mission, KS.	49 CFR 173.93(a)	To authorize shipment of certain identified solid propellant explosives, in polyethylene bottles packed in DOT Specification 12B boxes. (Mode 1.)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6958–X	Great Lakes Chemicals Corporation, El Dorado, AR.	49 CFR 173.252(a)(5)	To authorize Shipment of elemental bromine in a portable tank not presently authorized in the regulations. (Modes 1, 3.)
7060–X	Cheshire Airways, Inc., Keene, NH	49 CFR 175.702(b), 175.75(a)(3)(ii)	To authorize carriage of radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)
8393–N	United Parcel Service Greenwich, CT	49 CFR 172.200	To authorize shipment of radioactive materials, limited quantity, n.o.s. and radioactive devices n.o.s. without shipping papers. (Modes 1, 2.)
8941–N	Day & Zimmermann, Inc., Philadelphia, PA	49 CFR 172.101, 173.65, 175.30	To authorize a one-time shipment of a high explosive, Class A, contained in 35 non-DOT specification fiberboard drums net weight not over 139 pounds each. (Mode 4.)

Denials

8861–N Request by Hoover Universal, Inc., Beatrice, NE to reconsider denial of their request to manufacture, mark and sell DOT Specification 57 portable tanks for shipment of various flammable liquids which are also corrosive or poison and certain Class B poison liquids denied May 23, 1983.

8974–N Request by Fabricated Metals, Inc., San Leandro, CA to reconsider denial of their request to manufacture DOT Specification 56 portable tanks from an aluminum alloy which does not have the mechanical properties specified in 49 CFR 178.251–2(d)(1) denied May 26, 1983.

Issued in Washington, DC, on June 10, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation Materials Transportation Bureau.

[FR Doc. 83–16096 Filed 6–15–83; 8:45 am]

BILLING CODE 4910–60–M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395–7313.

Agency Clearance Officer: John O. Catron, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751–2523, FTS 858–2523

Type of Request: Extension

Title of Information Collection: Foreign Line Crossing Data (form TVA 6573)

Frequency of Use: Nonrecurring

Type of Affected Public: State or local governments and small businesses or organizations

Standard Industrial Classification: N/A

Small Businesses or Organizations Affected: Yes

Federal Budget Functional Category Code: 271

Estimated Number of Annual Responses: 135

Estimated Total Annual Burden Hours: 1,350

Estimated Annual Cost from Federal Government appropriated funds: None

Need For and Uses of Information: When a company wishes to build a line over or under a power transmission line owned by TVA, TVA must review certain engineering data to ensure reliability of the power system and to protect the public by ensuring that the crossing meets the National Electrical Safety Code. The information collection will provide such engineering data.

Dated: June 10, 1983.

John W. Thompson,

Assistant General Manager, Senior Agency Official.

[FR Doc. 83–16103 Filed 6–15–83; 8:45 am]

BILLING CODE 8120–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 117
Thursday, June 16, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Federal Election Commission	2
Federal Home Loan Bank Board	3
Federal Maritime Commission	4
Nuclear Regulatory Commission	5

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, June 21, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room No. 200, second floor, Columbia Plaza Office Building, 2401 E. Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83–4–FOIA–31–NO, concerning a request for ADEA Charge Files.
4. Freedom of Information Act Appeal No. 83–3–FOIA–51–HQ, concerning a request for contents of an ADEA Charge File.
5. Recommended Mid-Year Modifications to FEP Agency FY 83 New Charge and ADEA Contracts.
6. Interpretative Bulletin on Employee Benefit Plans, 29 CFR 860.120 (For Public Comment on Particular Questions).

Closed:

1. Litigation Authorization General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notice on EEOC Commission meetings in the Federal Register, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634–6748.

This Notice Issued June 14, 1983.

[S–660–83 Filed 6–14–83; 3:42 pm]

BILLING CODE 6570–06–M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, June 21, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Litigation. Audits. Personnel.

DATE AND TIME: Thursday, June 23, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Draft advisory opinion 1983–15: J. Curtis Herge, on behalf of Republican Party of Virginia
Eligibility reports for candidates to receive presidential primary matching payments
Certification Reports:
(1) 1984 Democratic National Convention Committee
(2) Committee on Arrangements for the 1984 Republican National Convention
Explanation and justification of Presidential Election Campaign Fund Regulations (11 CFR 9001 *et seq.*) (Tentative)
Proposed changes in procedures for processing purchase orders, obligations, vendor invoices, and payments
Budget execution report for May 1983
Finance Committee Report
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer; telephone 202–523–4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S–657–83 Filed 6–14–83; 12:55 pm]

BILLING CODE 6715–01–M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, June 23, 1983.

PLACE: Board Room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6970).

MATTERS TO BE CONSIDERED:

Information Disclosure Requirements in Connection with Conversions from the Mutual to the Stock Form of Organization, Filings Under the Securities Exchange Act of 1934, the Issuance of Mutual Capital Certificates, Debt Securities, and Retail Repurchase Agreements.

[No. 44, June 14, 1983]

[S–658–83 Filed 6–14–83; 2:32 pm]

BILLING CODE 6720–01–M

4

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., June 22, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Status of Agreement No. 10429 between Naviera Central, C.A. and Naviera Continental, S.A.
2. A. N. Deringer, Inc. and W. R. Filbin & Co., Inc.—Purchase and Sales Agreement and Related Covenants Not to Compete—Issue of Commission Jurisdition.
3. Agreement No. 10463: Sailing and Space Charter Agreement between Lineas Maritimas Paraguayas S.A. and Holland Pan-American Line.
4. Agreements Nos. 7540–38 and 7540–39: Modifications of the United States Atlantic and Gulf/Southeastern Caribbean Conference Agreement to clarify that the Conference has the authority to establish rules on demurrage and for other purposes.
5. Agreements Nos. 14–48, 5700–31, 10107–15 10108–10: Modifications, respectively, of the Trans Pacific Freight Conference (Hong Kong), New York Freight Bureau, and Agreements Nos. 10107 and 10108 to authorize payment of compensation to container freight station and container yard operations in Hong Kong and Tawain.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–661–83 Filed 6–14–83; 3:15 pm]

BILLING CODE 6730–01–M

5

NUCLEAR REGULATORY COMMISSION

DATE: Week of June 13, 1983 (Revised) and Week of June 20, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Wednesday, June 15:*

10:00 a.m.:
Discussion on Status of Staff Certification in TMI–1 Restart Proceeding (Public Meeting) (As Announced)
2:00 p.m.:
Briefing on Status of Midland Plant (Public meeting) (New Item)

Thursday, June 16:

2:00 p.m.:
Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 and 6) (As Announced)

Friday, June 17:

2:00 p.m.:
Discussion of Regulatory Reform Task Force—Administrative Proposals—Backfit Rule (Public Meeting) (Time Change)

Monday, June 20:

2:00 p.m.:
Briefing on Integrated Scheduling Concept—Duane–Arnold (Public Meeting)

Tuesday, June 21:

10:00 a.m.:
Discussion of TMI–1 Restart (Open/Closed to be Determined) (*Postponed* from June 16)

Wednesday, June 22:

10:00 a.m.:
Discussion of Regulatory Reform Task Force—Administrative Proposals—Revisions to Part 2 (Public Meeting)
2:00 p.m.:
Briefing on Prioritization of Generic Issues (Public Meeting)

ADDITIONAL INFORMATION: On June 9, 1983 the Commission voted 5–0 to hold Discussion and Vote on Indian Point Order, held on June 10.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Linda Stoloff (202) 634–1410.

Linda Stoloff,

Office of the Secretary.

[S–859–83 Filed 6–14–83; 3:14 pm]

BILLING CODE 7590–01–M

4 8
ISS
1
1
7.
J E
1 6
1983

federal register

Thursday
June 16, 1983

Part II

Reader Aids

Federal Register Thesaurus of Indexing Terms

Federal Register Thesaurus of Indexing Terms

1 CFR 18.20 requires Federal agencies to identify major topics and categories of persons affected in their regulations in standard terms from the Federal Register Thesaurus of Indexing Terms. The Thesaurus was last published in the **Federal Register** of February 17, 1981 (46 FR 12618). A revised edition of the Thesaurus is published today for use by agencies and for public information.

Scope

The Federal Register Thesaurus is a basic indexing vocabulary for Federal regulations which are published in the **Federal Register** and the *Code of Federal Regulations*. It includes indexing terms to describe the specific program regulations of individual agencies as well as general administrative regulations common to all agencies. The indexing terms included are intended to express and organize the often technical regulatory concepts in research terms familiar to laypersons.

Use

The Office of the Federal Register uses the Thesaurus as the basis for the subject entries in the *Code of Federal Regulations* Index which is published annually as of January 1. Federal agencies also use the Thesaurus to prepare the "List of Subjects" which is included in rule and proposed rule documents submitted for publication in the **Federal Register**. The Office of the Federal Register selects terms from these agency-compiled subject lists to prepare the "Selected Subjects" which appears on the inside cover of the **Federal Register** daily.

Federal agencies and Office of the Federal Register staff members have suggested a number of additions and/or changes to the Thesaurus during the past two years. Some of these suggestions have been incorporated into this edition of the Thesaurus as indexing terms. Others have been added as cross-references to indexing terms. For the convenience of users a list of indexing terms added since the last printing of the Thesaurus appears below.

Adoption and foster care
Animal biologics
Animal welfare
Bank deposit insurance
Child support
Confidential business information
Countervailing duties
Disability benefits
Equal access to justice
Flood control
Food packaging
Fuel economy
Government publications
Hazardous substances
Hazardous waste
Homeworkers
Hostages
Indians-judgment funds
Indians-tribal government
Lobbying
Pension insurance
Plant diseases and pests
Real property acquisition
Reporting and recordkeeping requirements

Organization

There are two sections to the Thesaurus. The first is an alphabetic list of all indexing terms with a series of notations under each term to refer users to preferred or related terms. The second is a grouping of terms under 19 broad subject categories, allowing the user to determine quickly the existing Thesaurus terms for that broad subject.

Copies

Copies of the Thesaurus are available from the Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Carol Mahoney, telephone (202) 523–5240.

Accidents
see Safety

Accountants (02, 13)
Accounting (02, 08)
sa Uniform System of Accounts
xx Business and industry

Acreage allotments (01)
xx Agricultural commodities

Additives
see Color additives
Food additives
Fuel additives

Adhesives
Adjustment assistance
see Trade adjustment assistance

Administrative practice and procedure (08)
(Use for hearing, appeal, petition, rulemaking, etc., procedures)
sa Claims
Environmental impact statements
Equal access to justice
Freedom of information
Privacy
Sunshine Act
x Appeal procedures
Ex parte communications
Hearing and appeal procedures
Practice and procedure
xx Law

Adoption and foster care (18)
x Foster care
xx Infants and children

Adult education (04)
x Continuing education
Extension and continuing education
xx Education

Advertising (02)
xx Business and industry

Advisory committees (08)
(Use for management of advisory committees within an agency)
x Committees

AFDC
see Aid to Families with Dependent Children

Affirmative action plans
see Equal employment opportunity

Aged (13)
sa Medicaid
Medicare
Public assistance programs
Supplemental Security Income (SSI)
x Discrimination against aged
Elderly
Senior citizens

Agricultural commodities (01)
(The names of specific agricultural commodities, e.g. Corn, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific commodities*
Acreage allotments
Commodity futures
Crop insurance
Fruits
Grains
Marketing agreements
Marketing quotas
Nuts
Oilseeds
Price support programs
Surplus agricultural commodities
Vegetables
x Commodities
Crops
xx Agriculture

Agricultural research (01, 17)
xx Agriculture
Research

Agriculture (01)
sa Agricultural commodities
Agricultural research
Fertilizers
Food assistance programs
Foods
Forests and forest products
Irrigation
Migrant labor
Pesticides and pests
Range management
Rural areas
x Farmers

Aid to Families with Dependent Children (18)
sa Public assistance programs
Work Incentive Programs (WIN)
x AFDC
xx Child welfare
Infants and children
Public assistance programs
Social security

Air carriers (19)
(Organizations operating passenger or cargo carrying aircraft)
sa Air rates and fares
Air taxis
Charter flights
x Airlines
Foreign air carriers
Shipping
xx Air transportation
Common carriers

Air fares
see Air rates and fares

Air pollution control (06)
sa Motor vehicle pollution
x Clean Air Act
xx Environmental protection

Air rates and fares (19)
x Air fares
Air tariffs
Rates and fares
xx Air carriers
Air transportation

Air safety
see Aviation safety

Air tariffs
see Air rates and fares

Air taxis (19)
xx Air carriers
Air transportation

Air traffic control (19)
xx Air transportation

Air transportation (19)
sa Air carriers
Air rates and fares
Air taxis
Air traffic control
Aircraft
Airmen
Airports
Airspace
Aviation safety
Charter flights
Military air transportation
Navigation (air)
xx Transportation

Aircraft (19)
x Airplanes
Airworthiness directives and standards
Balloons
Helicopters
Kites
Parachutes
Rockets
Rotorcraft
Seaplanes
xx Air transportation

Aircraft pilots
see Airmen

Airlines
see Air carriers

Airmen (13, 19)
x Aircraft pilots
Pilots
xx Air transportation

Airplanes
see Aircraft

Airports (19)
x Heliports
xx Air transportation

Airspace (19)
x Airways
xx Air transportation

Airways
see Airspace

Airworthiness directives and standards
see Aircraft

Alaska natives
see Indians

Alcohol and alcoholic beverages (01)
sa Beer
Gasohol
Liquors
Wine
xx Beverages

Alcoholism (09)
xx Drug abuse

Alien property (07)
Aliens (07, 13)
sa Citizenship and naturalization
Immigration
Refugees
x Deportation
Foreign persons
xx Citizenship and naturalization
Immigration
Refugees

Alimony (12)
sa Child support

Amateur radio service
see Radio

American Indians
see Indians

Ammunition
see Arms and munitions

Anchorage grounds (19)
sa Harbors
x Water transportation
xx Vessels

Animal biologics (01, 09)
xx Animal drugs
Biologics

Animal diseases (01, 09)
x Diseases
xx Animals

Animal drugs (01, 09)
sa Animal biologics
xx Animal feeds
Animals
Drugs

Animal feeds (01)
sa Animal drugs
xx Animals

Animal foods (01)
xx Animals
Foods

Animal welfare (01)
x Humane treatment of animals
xx Animals

Animals (01)
sa Animal diseases
Animal drugs
Animal feeds
Animal foods
Animal welfare
Livestock
Pets
Wildlife

Annuities
see Pensions

Antennas
see Communications equipment

Antibiotics (09)
xx Drugs

Antidumping (02, 07)
(Prohibition on sales of imports at less than fair value)
xx Customs duties and inspection
Imports

Antiquities
see Historic preservation

Antitrust (02)
x Interlocking directorates
Management official interlocks
xx Business and industry

Appeal procedures
see Administrative practice and procedure

Appliances
see Household appliances

Apprenticeship programs
see Manpower training programs

Archaeology
see Historic preservation

Architects (13)
Architectural barriers
see Handicapped

Archives and records (08)
sa Classified information
x Historical records
Information
Records

Armed forces (14)
(Use for general regulations applicable to all services)
sa *Specific military departments*
Armed forces reserves
Conscientious objectors
Military academies
Military law
Military personnel
Selective service system
xx National defense

Armed forces reserves (14)
x National guard
Reserve forces
xx Armed forces
Military personnel

Arms and munitions (14)
x Ammunition
Firearms
Guns
Military arms sales
Munitions
Weapons
xx National defense

Arms control (07, 14)
x Disarmament
xx Foreign relations
National defense

Art (04)
Arts and crafts (04)
sa Indians–arts and crafts
x Crafts
Handicrafts

Asbestos
Asylum
see Immigration

Atomic energy
see Nuclear energy

Attorneys
see Lawyers

Authority delegations (Government agencies) (08)
sa Organization and functions (Government agencies)
xx Organization and functions (Government agencies)

Automatic data processing
see Computer technology

Automobiles
see Motor vehicles

Aviation safety (09, 19)
x Air safety
xx Air transportation
Safety

Awards
see Decorations, medals, awards

Baggage
see Freight

Bakery products (01)
x Bread
xx Foods

Balloons
see Aircraft

Bank deposit insurance (02)
x Deposit insurance
xx Banks, banking
Insurance

Bankruptcy (02)
xx Business and industry

Banks, banking (02)
sa Bank deposit insurance
Credit
Electronic funds transfers
Federal home loan banks
Federal reserve system
Foreign banking
National banks
Savings and loan associations
Trusts and trustees
x Checks
Finance
xx Credit

Barges
see Cargo vessels

Barrels
see Packaging and containers

Beaches
see Seashores

Beef
see Meat and meat products

Beer (01)
xx Alcohol and alcoholic beverages

Bees (01)

Beverages (01)
sa Alcohol and alcoholic beverages
Coffee
Fruit juices
Tea
Vegetable juices
xx Foods

Bicycles (16, 19)

Bilingual education (04)
xx Education

Biologics (09)
(Viruses, serums, toxins, etc., used in disease treatment)
sa Animal biologics
Blood
x Serums
Toxins
Vaccines
Viruses
xx Drugs

Birds
see Wildlife

Birth control
see Family planning

Black lung benefits (09)
x Pneumoconiosis
xx Health insurance
Lung diseases
Mine safety and health

Blind (09, 13)
sa Medicaid
Public assistance programs
Supplemental Security Income (SSI)
xx Handicapped

Blood (09)
xx Biologics

Blood diseases (09)
x Hemophilia

Boats and boating safety
see Marine safety
Navigation (water)

Bonding
see Surety bonds

Bonds (02)
x Savings bonds
xx Government securities
Securities

Borders
see International boundaries

Boycotts (07)

Bread
see Bakery products

Bridges (19)
x Drawbridges
xx Highways and roads
Transportation
Waterways

Broadcasting
see Radio
Television

Brokers (02, 13)
xx Investments

Buildings (10)
sa Federal buildings and facilities

Buses (19)
sa Motor carriers
Motor vehicles
x Charter buses
xx Motor carriers
Motor vehicles

Business and industry (02)
(The names of specific industries, e.g. Construction industry, are not listed in this Thesaurus but may be used as indexing terms. For a standard list of industry names we recommend using the *Standard Industrial Classification Manual*.)
sa *Specific industries*
Accounting
Advertising
Antitrust
Bankruptcy
Concessions
Confidential business information
Holding companies
Indians-business and finance
Labeling
Labor
Minority businesses
Packaging and containers
Relocation assistance
Small businesses
Taxes
Trade adjustment assistance
Trade names
Trade practices
Trademarks
Warranties
x Corporations
Industry

Butter (01)
sa Margarine

Cable television (03)
x Community antenna television systems
xx Television

Cacao products (01)
x Chocolate
Cocoa
xx Foods

Campaign funds (08)
x Election finance
xx Elections
Political candidates

Cancer (09)

Candy (01)
x Confectionery
xx Foods

Cargo
see Freight

Cargo vessels (19)
sa Maritime carriers
x Barges
Tank vessels
xx Maritime carriers
Vessels

Carpets and rugs
x Rugs

Carpools (19)
x Vanpools
xx Highways and roads
Motor vehicles

Cemeteries
x National cemeteries

Census data (08)
x Population census
xx Statistics

Cereals (commodity)
see Grains

Cereals (food) (01)
xx Foods

Chaplains (13)
Charter buses
see Buses

Charter flights (19)
xx Air carriers
Air transportation

Checks
see Banks, banking

Chemicals (01, 09)
(The names of specific chemicals are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific chemicals*
Drugs
Fertilizers
Hazardous substances
Pesticides and pests

Child abuse
see Child welfare

Child health
see Maternal and child health

Child labor (11, 13)
xx Child welfare
Labor

Child support (18)
xx Alimony
Child welfare

Child welfare (18)
sa Aid to Families with Dependent Children
Child labor
Child support
Day care
Maternal and child health
x Child abuse
xx Infants and children
Public assistance programs
Social security

Children
see Infants and children

Chocolate
see Cacao products

Cigars and cigarettes (01)
sa Smoking
xx Tobacco

Citizens band radio service
see Radio

Citizenship and naturalization (07)
sa Aliens
Immigration
x Nationality
Naturalization
Repatriation
xx Aliens
Foreign relations
Immigration

Citrus fruits (01)
sa *Specific fruits*
xx Fruits

Civil defense (14)
sa Disaster assistance
x Emergency mobilization
xx Disaster assistance
National defense

Civil disorders (12)
Civil rights (12)
sa Equal educational opportunity
Equal employment opportunity
Fair housing
Religious discrimination
Sex discrimination
Voting rights
x Discrimination
Minority groups
Nondiscrimination

Civil service system
see Government employees

Claims (12)
sa Foreign claims
Indians–claims
War claims
x Tort claims
xx Administrative practice and procedure

Classified information (14)
x Declassification
Information
Intelligence
National security information
Security information
xx Archives and records
National defense
Security measures

Clean Air Act
see Air pollution control

Clemency (12)
x Pardon

Clothing (02)
sa Footwear

Coal (05)
sa Coal conversion program
xx Energy
Mineral resources

Coal conversion program (05)
xx Coal

Coal miners
see Miners

Coal mines
see Mine safety and health
Mines
Surface mining
Underground mining

Coastal zone (15)
sa Continental shelf
Flood plains
Seashores
x Estuaries
Wetlands
xx Natural resources
Seashores

Cocoa
see Cacao products

Coffee (01)
xx Beverages

Coin operated machines
Coins
see Currency

Collective bargaining
see Labor management relations

Colleges and universities (04)
sa Medical and dental schools
Military academies
Student aid
x Community colleges
Higher education
Universities
xx Education
Schools

Color additives (01, 09)
x Additives
xx Food additives

Commercial fisheries
see Fisheries

Committees
see Advisory committees

Commodities
see Agricultural commodities

Commodity futures (01, 02)
xx Agricultural commodities
Investments

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

Common carriers (02, 19)
- sa Air carriers
  Communications common carriers
  Freight forwarders
  Maritime carriers
  Motor carriers
  Railroads
- xx Transportation

Communicable diseases (09)
- x Contagious diseases

Communications (03)
- sa Communications common carriers
  Communications equipment
  Defense communications
  Motion pictures
  News media
  Recordings
  Telecommunications

Communications common carriers (02, 03)
- x Rates and fares
- xx Common carriers
  Communications

Communications equipment (03)
- x Antennas
- xx Communications

Communist countries (07)
- sa *Specific countries*

Community action programs (18)
(Financial assistance to local communities to provide basic antipoverty services)
- x Poverty
- xx Community development

Community antenna television systems
- see Cable television

Community colleges
- see Colleges and universities

Community development (10)
(Economic development of deprived areas, emphasizing improved living conditions and participation of the local population.)
- sa Community action programs
  Urban renewal
- x Economic development
  Unemployment
- xx Urban renewal

Community development block grants (10)

Community facilities (10)
- sa Health facilities
- x Public works

Compensation
- see Indemnity payments
  Unemployment compensation
  Wages
  Workers' compensation

Comprehensive Employment and Training Act
- see Manpower training programs

Computer technology (17)
- x Automatic data processing
  Data processing
  Electronic data processing

Concessions (02)
- xx Business and industry

Condominiums (10)
- xx Housing

Conduct standards
- see Conflict of interests

Confectionery
- see Candy

Confidential business information (02)
- x Information
- xx Business and industry
  Freedom of information
  Privacy

Conflict of interests (08)
- sa Political activities (Government employees)
- x Conduct standards
  Ethical conduct
  Financial disclosure
- xx Government employees

Congressional elections
- see Elections

Conscientious objectors (13, 14)
- xx Armed forces

Conservation
- see Energy conservation
  Natural resources

Consular services
- see Foreign Service

Consultants (13)

Consumer protection (02)
- sa Labeling
  Trade practices
  Truth in lending
- xx Safety

Contagious diseases
- see Communicable diseases

Containers
- see Packaging and containers

Continental shelf (15)
- x Offshore structures
  Outer continental shelf
- xx Coastal zone
  Natural resources

Continuing education
- see Adult education

Contracts
- see Government contracts

Controlled substances
- see Drug traffic control

Cooperative agreements
- see Grant programs

Cooperatives

Copyright (12)
- x Royalties

Corporations
- see Business and industry

Cosmetics (09)
- x Toiletries

Cottonseeds (01)
- xx Oilseeds

Counterfeiting (12)
- xx Crime

Countervailing duties (02, 07)
(Duties on sales of subsidized imports)
- xx Customs duties and inspection
  Imports

Courts (12)
- xx Law

Crafts
- see Arts and crafts

Credit (02)
- sa Banks, banking
  Credit unions
  Mortgages
  Truth in lending
- x Debts
  Equal credit opportunity
  Finance
- xx Banks, banking

Credit unions (02)
- xx Credit

Crime (12)
- sa Counterfeiting
  Drug abuse
  Forgery
  Fraud
  Juvenile delinquency

Crime insurance (02)
- xx Insurance

Crop insurance (01, 02)
- xx Agricultural commodities
  Insurance

Crops
- see Agricultural commodities

Crude oil
- see Petroleum

Cultural exchange programs (04, 07)
x Exchange visitor program
xx Foreign relations

Currency (02)
sa Foreign currencies
Gold
Silver
x Coins
Finance
Foreign exchange
Money

Customs duties and inspection (02, 07)
sa Antidumping
Countervailing duties
Imports
x Tariffs
xx Foreign trade
Imports
Taxes

Dairy products (01)
(The names of specific dairy products, e.g. Cheese, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific dairy products*
xx Foods

Dams (15)
xx Flood control
Water supply

Dangerous cargo
see Hazardous materials transportation

Data processing
see Computer technology

Day care (18)
xx Child welfare

Deaf
see Handicapped

Debts
see Credit

Declassification
see Classified information

Decorations, medals, awards (08)
x Awards
Medals

Deepwater ports
see Harbors

Defense
see National defense

Defense acquisition regulations
see Government procurement

Defense communications (03, 14)
xx Communications
National defense

Defense contracts
see Government contracts
Government procurement

Deliquency
see Juvenile delinquency

Dental health (09)
xx Health

Dental schools
see Medical and dental schools

Deportation
see Aliens

Deposit insurance
see Bank deposit insurance

Desegregation in education
see Equal educational opportunity

Dietary foods (01)
xx Foods

Disability benefits (11)
(Use for insurance and retirement benefits provided for individuals unable to work)
sa Railroad retirement
Workers' compensation
x Disabled
xx Handicapped

Disabled
see Disability benefits
Handicapped
Medicaid
Medicare
Public assistance programs
Supplemental Security Income (SSI)

Disarmament
see Arms control

Disaster assistance (08)
sa Civil defense
Emergency medical services
x Drought assistance
Floods
xx Civil defense

Discrimination
see Civil rights

Discrimination against aged
see Aged

Discrimination against handicapped
see Handicapped

Discrimination in education
see Equal educational opportunity

Discrimination in employment
see Equal employment opportunity

Discrimination in housing
see Fair housing

Diseases
(The names of specific diseases, with some exceptions, are not listed in this Thesaurus but may be used as indexing terms.)
see *Specific diseases*
Animal diseases

Distilled spirits
see Liquors

Diving

Doctors
see Health professions

Domestic animals
see Livestock

Draft
see Selective service system

Drawbridges
see Bridges

Drinking water
see Water supply

Drought assistance
see Disaster assistance

Drug abuse (09)
sa Alcoholism
xx Crime
Health

Drug traffic control (12)
x Controlled substances
Narcotics
xx Law enforcement

Drugs (09)
(The names of specific drugs are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific drugs*
Animal drugs
Antibiotics
Biologics
Over-the-counter drugs
Prescription drugs
xx Chemicals
Health

Eavesdropping
see Wiretapping and electronic surveillance

Ecology
see Environmental protection

Economic development
see Community development

Economic statistics (02)
x Economics
xx Statistics

Economics
see Economic statistics
Price controls

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

Education (04)
- sa Adult education
- Bilingual education
- Colleges and universities
- Education of disadvantaged
- Education of handicapped
- Educational facilities
- Educational research
- Educational study programs
- Elementary and secondary education
- Equal educational opportunity
- Indians-education
- Libraries
- School breakfast and lunch programs
- School construction
- Schools
- Student aid
- Students
- Teachers
- Vocational education

Education of disadvantaged (04)
- x Follow Through Program
- Head Start Program
- Upward Bound Program
- xx Education

Education of handicapped (04)
- xx Education
- Handicapped

Educational facilities (04)
- xx Education
- Schools

Educational research (04, 17)
- xx Education
- Research

Educational study programs (04)
(Use for particular areas of study, e.g. Reading, Foreign languages)
- xx Education

Elderly
- see Aged

Election finance
- see Campaign funds

Elections (08)
- sa Campaign funds
- Political activities (Government employees)
- Political candidates
- Political committees and parties
- Voting rights
- x Congressional elections
- Presidential elections

Electric power (05)
- sa Electric power plants
- Electric power rates
- Electric utilities
- x Hydroelectric power
- xx Energy

Electric power plants (05)
- xx Electric power

Electric power rates (05)
- x Rates and fares
- xx Electric power

Electric utilities (05)
- x Public utilities
- xx Electric power
- Utilities

Electronic data processing
- see Computer technology

Electronic funds transfers (02)
- xx Banks, banking

Electronic products (17)

Electronic surveillance
- see Wiretapping and electronic surveillance

Elementary and secondary education (04)
- x Secondary education
- xx Education

Emergency medical services (09)
- xx Disaster assistance
- Health care

Emergency mobilization
- see Civil defense

Emergency powers (08, 14)
(Extraordinary authority delegated to the Executive in time of national emergency)
- xx National defense

Employee benefit plans (11)
(Various plans established by employers to provide financial protection to employees against accidents, illness, death; or to provide certain services such as training, day care, etc.)
- sa Pensions
- x Fringe benefits
- xx Labor
- Wages

Employee management relations
- see Labor management relations

Employee Retirement Income Security Act
- see Pensions

Employment (11)
- sa Equal employment opportunity
- Government employees
- Manpower
- xx Labor

Employment taxes (02)
- xx Taxes

Endangered and threatened wildlife (15)
- xx Wildlife

Energy (05)
- sa Coal
- Electric power
- Energy conservation
- Geothermal energy
- Natural gas
- Nuclear energy
- Petroleum
- Pipelines
- Solar energy
- x Fuel
- Power resources
- xx Natural resources

Energy conservation (05)
- sa Fuel economy
- x Conservation
- xx Energy

Engineers (13)

Environmental impact statements (06)
- xx Administrative practice and procedure
- Environmental protection

Environmental protection (06)
- sa Air pollution control
- Environmental impact statements
- Natural resources
- Noise control
- Pesticides and pests
- Reclamation
- Waste treatment and disposal
- Water pollution control
- x Ecology
- Pollution
- xx Natural resources

Equal access to justice (08)
- xx Administrative practice and procedure

Equal credit opportunity
- see Credit

Equal educational opportunity (04, 12)
- x Desegregation in education
- Discrimination in education
- School integration
- Segregation in education
- xx Civil rights
- Education

Equal employment opportunity (11, 12)
- x Affirmative action plans
- Discrimination in employment
- xx Civil rights
- Employment
- Labor

Eskimos
- see Indians

Estate taxes (02)
- xx Taxes

Estates (02)

Estuaries
- see Coastal zone

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

Ethical conduct
see Conflict of interests

Ex parte communications
see Administrative practice and procedure

Exchange visitor program
see Cultural exchange programs

Excise taxes (02)
x Stamp taxes
xx Taxes

Executive orders (08)
xx Presidential documents

Explosives (09)
sa Hazardous materials transportation
Hazardous substances
xx Hazardous substances

Exports (02, 07)
xx Foreign trade

Expositions
see Fairs and expositions

Extension and continuing education
see Adult education

Fabrics
see Textiles

Fair housing (10, 12)
x Discrimination in housing
xx Civil rights
Housing

Fairs and expositions (02, 07)
x Expositions
International expositions
Trade fairs
xx Foreign trade

Fallout shelters (14)
Family health
see Maternal and child health

Family planning (09, 18)
x Birth control
Population control
Sterilization
xx Health

Farmers
see Agriculture

Fats and oils
see Oils and fats

Federal aid programs
see Grant programs
Indemnity payments
Loan programs
Price support programs
Technical assistance

Federal buildings and facilities (08)
x Government buildings
Military installations
Public buildings
xx Buildings
Government property

Federal employees
see Government employees

Federal home loan banks (02)
xx Banks, banking

Federal Prison Industries (12)
xx Prisons

Federal procurement regulations
see Government procurement

Federal property management regulations
see Government property management

Federal reserve system (02)
xx Banks, banking

Federal–State relations
see Intergovernmental relations

Federally affected areas (08)
(Use for local jurisdictions, especially school districts, financially burdened by serving Federal installations in the area)
x Impacted areas programs

Feed grains (01)
xx Grains

Fellowships
see Scholarships and fellowships

Fertilizers (01)
xx Agriculture
Chemicals

Films
see Motion pictures

Finance
see Banks, banking
Credit
Currency
Indians-business and finance
Investments
Loan programs
Mortgages
Revenue sharing
Trusts and trustees

Financial disclosure
see Conflict of interests

Fines and penalties
see Penalties

Fire prevention (09)
xx Safety

Firearms
see Arms and munitions

Firefighters (13)
Fish (15)
(Use for conservation, etc., of fish as marine life. Use Seafood for documents on fish as food)
sa Fisheries
Seafood
xx Natural resources
Seafood

Fisheries (15)
(Use for commercial fishing)
x Commercial fisheries
xx Fish
Marine resources
Seafood

Fishing (16)
(Use for sport fishing)
x Recreational fishing
Sport fishing
xx Recreation and recreation areas

Fishing vessels (19)
xx Vessels

Flags (08)
Flammable materials (09)
xx Hazardous substances

Flavorings
see Spices and flavorings

Flaxseeds
see Oilseeds

Flood control (15)
sa Dams
Reservoirs

Flood insurance (02)
xx Insurance

Flood-plains (15)
x Wetlands
xx Coastal zone

Floods
see Disaster assistance

Follow Through Program
see Education of disadvantaged

Food additives (01)
sa Color additives
x Additives
Food ingredients
Generally Recognized as Safe (GRAS) food ingredients
xx Foods

Food assistance programs (01, 18)
sa Food stamps
School breakfast and lunch programs
x Poverty
xx Agriculture
Foods
Nutrition

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

Food grades and standards (01)
sa Meat inspection
x Food inspection
xx Foods

Food ingredients
see Food additives

Food inspection
see Food grades and standards

Food labeling (01)
xx Foods
Labeling

Food packaging (01)
xx Foods
Packaging and containers

Food stamps (01, 18)
xx Food assistance programs

Foods (01)
(The names of specific foods are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific foods*
Animal foods
Bakery products
Beverages
Cacao products
Candy
Cereals (food)
Dairy products
Dietary foods
Food additives
Food assistance programs
Food grades and standards
Food labeling
Food packaging
Frozen foods
Fruits
Meat and meat products
Nutrition
Nuts
Oils and fats
Poultry and poultry products
Seafood
Spices and flavorings
Sugar
Vegetables
xx Agriculture
Nutrition

Footwear (02)
x Shoes
xx Clothing

Foreign aid (07)
xx Foreign relations

Foreign air carriers
see Air carriers

Foreign banking (02)
xx Banks, banking

Foreign claims (07, 12)
sa War claims
xx Claims
Foreign relations

Foreign currencies (02)
x Foreign exchange
xx Currency

Foreign exchange
see Currency
Foreign currencies

Foreign investments in U. S. (02)
xx Investments

Foreign officials (07, 13)
Foreign persons
see Aliens

Foreign relations (07)
sa *Specific countries*
Arms control
Citizenship and naturalization
Cultural exchange programs
Foreign aid
Foreign claims
Foreign Service
Foreign trade
Immigration
International boundaries
Passports and visas
Treaties

Foreign Service (07)
x Consular services
xx Foreign relations
Government employees

Foreign trade (02, 07)
sa Customs duties and inspection
Exports
Fairs and expositions
Imports
Maritime carriers
Trade adjustment assistance
Trade agreements
x International trade
xx Foreign relations

Foreign trade zones (02, 07)
Forests and forest products (01, 15)
sa National forests
x Lumber
Naval stores
Timber
Turpentine
Wood
xx Agriculture
Natural resources

Forfeitures
see Seizures and forfeitures

Forgery (12)
xx Crime

Foster care
see Adoption and foster care

Foundations (13)
Fraud (12)
xx Crime

Freedom of information (08)
sa Confidential business information
x Information
Records
xx Administrative practice and procedure

Freight (19)
sa Hazardous materials transportation
x Baggage
Cargo
xx Transportation

Freight forwarders (19)
x Shipping
xx Common carriers

Fringe benefits
see Employee benefit plans

Frozen foods (01)
xx Foods

Fruit juices (01)
xx Beverages

Fruits (01)
(The names of specific fruits, e.g. Apples, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific fruits*
Citrus fruits
xx Agricultural commodities
Foods

Fuel
see Energy

Fuel additives (05)
x Additives
Gasoline additives
xx Petroleum

Fuel economy (05)
xx Energy conservation
Gasoline
Motor vehicles

Furs
Gambling (12)
sa Lotteries

Garnishment of wages
see Wages

Gas exploration
see Oil and gas exploration

Gas reserves
see Oil and gas reserves

Gas utilities
see Natural gas

Gases (15)
sa Helium
Natural gas

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

Gasohol (05)
xx Alcohol and alcoholic beverages
Gasoline

Gasoline (05)
sa Fuel economy
Gasohol
xx Petroleum

Gasoline additives
see Fuel additives

Generally Recognized as Safe (GRAS) food ingredients
see Food additives

Genetic diseases (09)
Geothermal energy (05)
xx Energy

Gift taxes (02)
xx Taxes

Gifts to Government
see Government property

Glass and glass products (02)
Gold (02)
xx Currency
Metals

Government buildings
see Federal buildings and facilities

Government contracts (08)
(Use for contracts for services in operating or researching specific government programs. Use Government procurement for contracting for supplies, equipment or related services.)
sa Government procurement
x Contracts
Defense contracts
National defense contracts
xx Government procurement

Government employees (08, 11, 13)
sa Conflict of interests
Foreign Service
Military personnel
Political activities (Government employees)
x Civil service system
Federal employees
xx Employment

Government in the Sunshine Act
see Sunshine Act

Government procurement (08)
(See note under Government contracts.)
sa Government contracts
x Defense acquisition regulations
Defense contracts
Federal procurement regulations
National defense contracts
Procurement
xx Government contracts

Government property (08)
sa Federal buildings and facilities
Government property management
Surplus Government property
x Gifts to Government

Government property management (08)
x Federal property management regulations
xx Government property

Government publications (08)
x Information
Publications

Government securities (02, 08)
sa Bonds
xx Securities

Grain sorghum (01)
Grains (01)
(The names of specific grains, e.g. Wheat, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific grains*
Feed grains
x Cereals (commodity)
xx Agricultural commodities

Grant programs (08)
(Use for programs involving financial aid without repayment by the Federal Government. Divide by the following categories to indicate broad subject area of grant: Agriculture, Business, Communications, Education, Energy, Environmental protection, Foreign relations, Health, Housing and community development, Indians, Labor, Law, National defense, Natural resources, Recreation, Science and technology, Social programs, Transportation, Veterans, e.g. Grant programs-agriculture)
x Cooperative agreements
Federal aid programs
Subsidies
xx Intergovernmental relations

Grants administration (08)
Grazing lands (15)
x Land
xx Public lands

Guaranteed loans
see Loan programs

Guarantees
see Warranties

Guns
see Arms and munitions

Handicapped (09, 13)
sa Blind
Disability benefits
Education of handicapped
Medicaid
Medicare
Public assistance programs
Supplemental Security Income (SSI)
Vocational rehabilitation
x Architectural barriers
Deaf
Disabled
Discrimination against handicapped
Physically handicapped
xx Health

Handicrafts
see Arts and crafts

Hansen's disease
see Leprosy (Hansen's disease)

Harbors (19)
x Deepwater ports
Ports
Water transportation
Waterfront facilities
xx Anchorage grounds
Waterways

Hatch Act
see Political activities (Government employees)

Hazardous materials transportation (19)
sa Pipeline safety
x Dangerous cargo
xx Explosives
Freight
Hazardous substances

Hazardous substances (09)
sa Explosives
Flammable materials
Hazardous materials transportation
Hazardous waste
Poison prevention
Radioactive materials
x Toxic substances
xx Chemicals
Explosives
Safety

Hazardous waste (09)
x Radioactive waste
xx Hazardous substances
Waste treatment and disposal

Head Start Program
see Education of disadvantaged

Health (09)
sa *Specific diseases*
Dental health
Drug abuse
Drugs
Family planning
Handicapped
Health care
Health facilities
Health insurance
Health maintenance organizations (HMO)
Health professions
Health records
Health statistics
Maternal and child health
Medical and dental schools
Medical devices
Medical research
Mental health programs
Nutrition
Occupational safety and health
Public health
Quarantine
Radiation protection
Safety

Health care (09)
sa Emergency medical services
Health planning
Medicaid
Medicare
x Medical care
xx Health

Health facilities (09)
sa Hospitals
Nursing homes
x Medical facilities
xx Community facilities
Health
Nursing homes

Health insurance (02, 09)
sa Black lung benefits
Medicare
xx Health
Insurance

Health insurance for aged
see Medicare

Health maintenance organizations (HMO) (09)
(Prepaid group medical practice)
xx Health

Health planning (09)
xx Health care

Health professions (09, 13)
sa Veterinarians
x Doctors
Medical personnel
Physicians
xx Health

Health records (09)
x Medical records
Records
xx Health

Health statistics (09)
xx Health
Statistics

Hearing and appeal procedures
see Administrative practice and procedure

Heart diseases (09)
Helicopters
see Aircraft

Heliports
see Airports

Helium (15)
xx Gases

Hemophilia
see Blood diseases

Herbicides
see Pesticides and pests

Higher education
see Colleges and universities

Highway safety (09, 19)
xx Highways and roads
Safety

Highways and roads (19)
sa Bridges
Carpools
Highway safety
Motor carriers
Motor vehicle safety
Motor vehicles
Parking
x Roads
xx Transportation

Historic preservation (15)
sa Monuments and memorials
x Antiquities
Archaeology
National Register of Historic Places

Historical records
see Archives and records

Hobbies (16)
Hogs (01)
x Swine

Holding companies (02)
xx Business and industry

Holidays (08)
Home improvement (10)
xx Housing

Homesteads (15)
xx Public lands

Homeworkers (11, 13)
xx Labor

Hospitals (09)
xx Health facilities

Hostages
Hours of work
see Wages

Household appliances (02)
x Appliances

Household goods
see Moving of household goods

Housing (10)
sa Condominiums
Fair housing
Home improvement
Housing standards
Low and moderate income housing
Mobile homes
Mortgage insurance
Mortgages
New communities
Public housing
Relocation assistance

Housing assistance payments
see Mortgages
Rent subsidies

Housing standards (10)
xx Housing

Human research subjects
see Research

Humane treatment of animals
see Animal welfare

Hunting (16)
xx Recreation and recreation areas

Hydroelectric power
see Electric power

Immigration (07)
sa Aliens
Citizenship and naturalization
x Asylum
xx Aliens
Citizenship and naturalization
Foreign relations

Immunization (09)
xx Public health

Impacted areas programs
see Federally affected areas

Imports (02, 07)
sa Antidumping
Countervailing duties
Customs duties and inspection
Oil imports
Trade adjustment assistance
xx Customs duties and inspection
Foreign trade

Income taxes (02)
sa Tax treaties
xx Taxes

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Numbers in parenthesis refer to subject category listings following alphabetical listing of terms

Indemnity payments (08)
x Compensation
Federal aid programs

Indians (13)
sa Indians–arts and crafts
Indians–business and finance
Indians–claims
Indians–education
Indians–enrollment
Indians–judgment funds
Indians–lands
Indians–law
Indians–tribal government
x Alaska natives
American Indians
Eskimos
Native Americans

Indians–arts and crafts (04)
xx Arts and crafts
Indians

Indians–business and finance (02)
x Finance
xx Business and industry
Indians

Indians–claims (12)
xx Claims
Indians

Indians–education (04)
xx Education
Indians

Indians–enrollment (12)
xx Indians

Indians–judgment funds (12)
xx Indians

Indians–lands (15)
x Land
xx Indians

Indians–law (12)
xx Indians
Law

Indians–tribal government (12)
xx Indians

Industrial safety
see Occupational safety and health

Industry
see Business and industry

Infants and children (13)
sa Adoption and foster care
Aid to Families with Dependent Children
Child welfare
Youth
x Children
xx Youth

Information
see Archives and records
Classified information
Confidential business information
Freedom of information
Government publications
Privacy
Reporting and recordkeeping requirements
Sunshine Act

Inland waters
see Waterways

Insecticides
see Pesticides and pests

Insignia
see Seals and insignia

Insulation

Insurance (02)
sa Bank deposit insurance
Crime insurance
Crop insurance
Flood insurance
Health insurance
Insurance companies
Life insurance
Mortgage insurance
Pension insurance
Surety bonds
Unemployment compensation
War risk insurance
Workers' compensation

Insurance companies (02)
xx Insurance

Insured loans
see Loan programs

Intelligence
see Classified information

Interest equalization tax (02)
xx Taxes

Intergovernmental relations (08)
sa Grant programs
Revenue sharing
x Federal–State relations
State–Federal relations

Interlocking directorates
see Antitrust

Intermodal transportation (19)
xx Transportation

International agreements
see Treaties

International boundaries (07)
x Borders
xx Foreign relations

International expositions
see Fairs and expositions

International organizations (07)

International trade
see Foreign trade

Inventions and patents (17)
x Patents

Investigations (08, 12)

Investment advisers
see Securities

Investment companies (02)
xx Investments

Investments (02)
sa Brokers
Commodity futures
Foreign investments in U. S.
Investment companies
Securities
United States investments abroad
x Finance

Irrigation (01)
xx Agriculture
Water supply

Jewelry
see Watches and jewelry

Job Corps (11)

Job Training Partnership Act
see Manpower training programs

Jukeboxes

Juvenile delinquency (12)
x Delinquency
xx Crime
Youth

Kidney diseases (09)
x Renal diseases

Kites
see Aircraft

Labeling (02)
sa Food labeling
Packaging and containers
xx Business and industry
Consumer protection
Packaging and containers

Labor (11)
sa Child labor
Employee benefit plans
Employment
Equal employment opportunity
Homeworkers
Labor management relations
Manpower
Migrant labor
Occupational safety and health
Retirement
Unemployment compensation
Wages
xx Business and industry

Labor management relations (11)
sa Labor unions
x Collective bargaining
Employee management relations
xx Labor

Labor unions (11)
x Trade unions
Unions
xx Labor management relations

Laboratories (17)

Land
see Grazing lands
Indians–lands
Public lands
Rights–of–way

Land sales (10)
sa Public lands–sale

Lasers (17)
xx Scientific equipment

Law (12)
sa Administrative practice and procedure
Courts
Indians–law
Lawyers

Law enforcement (12)
sa Drug traffic control
Wiretapping and electronic surveillance

Law enforcement officers (12, 13)
x Police

Lawyers (12, 13)
sa Legal services
x Attorneys
xx Law

Lead poisoning (09)
x Paint
xx Poison prevention

Legal services (12)
xx Lawyers

Leprosy (Hansen's disease) (09)
x Hansen's disease

Libraries (04)
xx Education

Life insurance (02)
xx Insurance

Linseeds
see Oilseeds

Liquors (01)
x Distilled spirits
xx Alcohol and alcoholic beverages

Livestock (01)
(The names of specific animals, e.g. Cattle, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific animals*
Meat and meat products
Meat inspection
x Domestic animals
xx Animals

Loan programs (02, 08)
(Use for Federal Government loan and loan guaranty programs. Divide by the following categories to indicate broad subject area of loan: Agriculture, Business, Communications, Education, Energy, Environmental protection, Foreign relations, Health, Housing and community development, Indians, Labor, Law, National defense, Natural resources, Recreation, Science and technology, Social programs, Transportation, Veterans, e.g. Loan programs–labor)
x Federal aid programs
Finance
Guaranteed loans
Insured loans

Lobbying (08)

Longshoremen (13, 19)

Lotteries (12)
xx Gambling

Low and moderate income housing (10)
sa Public housing
Rent subsidies
xx Housing
Public housing

Lumber
see Forests and forest products

Lung diseases (09)
sa Black lung benefits
Tuberculosis
x Respiratory and pulmonary diseases

Magazines
see Newspapers and magazines

Mail
see Postal Service

Management official interlocks
see Antitrust

Manpower (11)
sa Manpower training programs
xx Employment
Labor

Manpower training programs (11)
(Use for occupational or on–the–job training, distinguished from vocational education within a school curriculum)
sa Vocational education
Work Incentive Programs (WIN)
x Apprenticeship programs
Comprehensive Employment and Training Act
Job Training Partnership Act
Occupational training
Training programs
Unemployment
xx Manpower
Vocational education

Manufactured homes
see Mobile homes

Margarine (01)
x Oleomargarine
xx Butter

Marine engineering
see Vessels

Marine mammals (15)
x Seals
Whales

Marine pollution
see Water pollution control

Marine resources (15)
sa Fisheries
x Ocean resources
xx Natural resources

Marine safety (09, 19)
sa Vessels
x Boats and boating safety
Water transportation
xx Safety
Vessels

Marital status discrimination (12)

Maritime carriers (19)
(Organizations operating passenger or cargo carrying vessels)
sa Cargo vessels
Passenger vessels
Seamen
Vessels
x Merchant marine
Rates and fares
Shipping
Water carriers
Water transportation
xx Cargo vessels
Common carriers
Foreign trade
Passenger vessels
Vessels

Marketing agreements (01)
sa Milk marketing orders
xx Agricultural commodities

Marketing quotas (01)
xx Agricultural commodities

Mass transportation (19)
xx Transportation

Maternal and child health (09)
x Child health
Family health
xx Child welfare
Health

Measurement standards (17)
sa Metric system
x Weights and measures

Meat and meat products (01)
sa Meat inspection
Stockyards
x Beef
xx Foods
Livestock

Meat inspection (01)
xx Food grades and standards
Livestock
Meat and meat products
Public health

Medals
see Decorations, medals, awards

Medicaid (09, 18)
sa Professional Standards Review Organizations (PSRO)
Public assistance programs
x Disabled
Medical assistance program
xx Aged
Blind
Handicapped
Health care
Public assistance programs
Social security

Medical and dental schools (04, 09)
x Dental schools
Nursing schools
xx Colleges and universities
Health

Medical assistance program
see Medicaid

Medical care
see Health care

Medical devices (09)
x Prosthetic devices
xx Health
Scientific equipment

Medical facilities
see Health facilities

Medical personnel
see Health professions

Medical records
see Health records

Medical research (09, 17)
xx Health
Research

Medicare (09)
sa Professional Standards Review Organizations (PSRO)
x Disabled
Health insurance for aged
xx Aged
Handicapped
Health care
Health insurance
Social security

Memorials
see Monuments and memorials

Mental health programs (09)
xx Health

Merchant marine
see Maritime carriers
Seamen

Metals (15)
(The names of specific metals, e.g. Copper, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific metals*
xx Mineral resources

Metric system (17)
xx Measurement standards

Micrographics (17)

Migrant labor (01, 11, 13)
xx Agriculture
Labor

Migratory birds
see Wildlife

Military academies (04, 14)
xx Armed forces
Colleges and universities

Military air transportation (14, 19)
xx Air transportation
National defense

Military arms sales
see Arms and munitions

Military installations
see Federal buildings and facilities

Military law (12, 14)
x Uniform Code of Military Justice
xx Armed forces

Military personnel (13, 14)
sa Armed forces reserves
xx Armed forces
Government employees

Milk (01)
sa Milk marketing orders

Milk marketing orders (01)
xx Marketing agreements
Milk

Mine safety and health (09)
sa Black lung benefits
x Coal mines
xx Miners
Mines
Occupational safety and health
Safety
Surface mining
Underground mining

Mineral resources (15)
sa Coal
Metals
Oil and gas reserves
Public lands–mineral resources
xx Natural resources

Mineral royalties (15)
x Royalties

Miners (13)
sa Mine safety and health
x Coal miners
xx Mines

Mines (15)
sa Mine safety and health
Miners
Surface mining
Underground mining
x Coal mines
xx Reclamation

Minimum wages (11)
xx Wages

Minority businesses (02)
x Minority groups
xx Business and industry
Small businesses
Women

Minority groups
see Civil rights
Minority businesses

Mobile homes (10)
x Manufactured homes
xx Housing

Mobile offshore drilling units
see Vessels

Money
see Currency

Monuments and memorials (15)
x Memorials
xx Historic preservation

Mortgage insurance (02, 10)
xx Housing
Insurance
Mortgages

Mortgages (02, 10)
- sa Mortgage insurance
- x Finance
- Housing assistance payments
- xx Credit
- Housing

Motion pictures (03)
- x Films
- xx Communications

Motor carriers (19)
- (Organizations operating passenger or cargo carrying motor vehicles)
- sa Buses
- x Rates and fares
- Shipping
- Trucks
- xx Buses
- Common carriers
- Highways and roads
- Motor vehicles

Motor vehicle pollution (06, 19)
- xx Air pollution control
- Motor vehicles

Motor vehicle safety (09, 19)
- xx Highways and roads
- Motor vehicles
- Safety

Motor vehicles (19)
- sa Buses
- Carpools
- Fuel economy
- Motor carriers
- Motor vehicle pollution
- Motor vehicle safety
- Traffic regulations
- x Automobiles
- Motorcycles
- Trucks
- xx Buses
- Highways and roads

Motorcycles
- see Motor vehicles

Moving of household goods (19)
- x Household goods

Munitions
- see Arms and munitions

Museums (04)

Music (04)

Narcotics
- see Drug traffic control

National banks (02)
- xx Banks, banking

National cemeteries
- see Cemeteries

National defense (14)
- sa Armed forces
- Arms and munitions
- Arms control
- Civil defense
- Classified information
- Defense communications
- Emergency powers
- Military air transportation
- Strategic and critical materials
- x Defense

National defense contracts
- see Government contracts
- Government procurement

National forests (15)
- xx Forests and forest products
- Natural resources
- Public lands
- Recreation and recreation areas

National guard
- see Armed forces reserves

National parks (15)
- x Parks
- xx Public lands
- Recreation and recreation areas

National Register of Historic Places
- see Historic preservation

National seashores
- see Seashores

National security information
- see Classified information

National trails system (16)
- x Trails
- xx Recreation and recreation areas

National wild and scenic rivers system (16)
- xx Rivers

National Wildlife Refuge System
- see Wildlife refuges

Nationality
- see Citizenship and naturalization

Native Americans
- see Indians

Natural gas (05)
- sa Oil and gas exploration
- Oil and gas reserves
- Pipelines
- x Gas utilities
- Public utilities
- Rates and fares
- xx Energy
- Gases
- Pipelines
- Utilities

Natural resources (15)
- sa Coastal zone
- Continental shelf
- Energy
- Environmental protection
- Fish
- Forests and forest products
- Marine resources
- Mineral resources
- National forests
- Public lands
- Reclamation
- Recreation and recreation areas
- Soil conservation
- Water resources
- Wildlife
- x Conservation
- xx Environmental protection

Naturalization
- see Citizenship and naturalization

Naval stores
- see Forests and forest products

Navigable waters
- see Waterways

Navigation (air) (19)
- xx Air transportation

Navigation (water) (19)
- x Boats and boating safety
- Water transportation
- xx Vessels

New communities (10)
- x Planned communities
- xx Housing

News media (03)
- sa Newspapers and magazines
- Radio
- Television
- xx Communications

Newspapers and magazines (03)
- x Magazines
- xx News media

Noise control (06, 19)
- xx Environmental protection
- Transportation

Nondiscrimination
- see Civil rights

Nonprofit organizations (13)

Nuclear energy (05)
- sa Nuclear materials
- Nuclear power plants and reactors
- x Atomic energy
- xx Energy

Nuclear materials (05)
- xx Nuclear energy
- Radioactive materials

Nuclear power plants and reactors (05)
- xx Nuclear energy

Nuclear safety
see Radiation protection

Nuclear vessels (19)
xx Vessels

Nursery stock (01)
sa Plants (agriculture)

Nursing homes (09)
sa Health facilities
xx Health facilities

Nursing schools
see Medical and dental schools

Nutrition (09)
sa Food assistance programs
Foods
xx Foods
Health

Nuts (01)
xx Agricultural commodities
Foods

Occupational safety and health (09, 11)
sa Mine safety and health
Workers' compensation
x Industrial safety
xx Health
Labor
Safety

Occupational training
see Manpower training programs
Vocational education

Ocean dumping
see Water pollution control

Ocean resources
see Marine resources

Oceanographic research vessels (19)
xx Vessels

Off-road vehicles
see Traffic regulations

Offshore structures
see Continental shelf

Oil
see Oils and fats
Petroleum

Oil and gas exploration (05)
x Gas exploration
xx Natural gas
Petroleum

Oil and gas reserves (05, 15)
x Gas reserves
xx Mineral resources
Natural gas
Petroleum

Oil imports (02, 05, 07)
xx Imports
Petroleum

Oil pollution (06)
xx Petroleum
Vessels
Water pollution control

Oils and fats (01)
sa Oilseeds
x Fats and oils
Oil
xx Foods

Oilseeds (01)
sa Cottonseeds
x Flaxseeds
Linseeds
Tung nuts
xx Agricultural commodities
Oils and fats

Old-age, Survivors and Disability Insurance (11, 18)

Oleomargarine
see Margarine

Ophthalmic goods and services

Organization and functions (Government agencies) (08)
sa Authority delegations (Government agencies)
xx Authority delegations (Government agencies)

Outer continental shelf
see Continental shelf

Over-the-counter drugs (09)
xx Drugs

Overseas private investment
see United States investments abroad

Overtime pay
see Wages

Packaging and containers (02)
sa Food packaging
Labeling
x Barrels
Containers
xx Business and industry
Labeling

Paint
see Lead poisoning

Paperwork requirements
see Reporting and recordkeeping requirements

Parachutes
see Aircraft

Pardon
see Clemency

Parking (19)
xx Highways and roads

Parks
see National parks

Parole
see Probation and parole

Passenger vessels (19)
sa Maritime carriers
xx Maritime carriers
Vessels

Passports and visas (07, 19)
x Visas
xx Foreign relations
Travel

Patents
see Inventions and patents

Pay
see Wages

Penalties (12)
sa Seizures and forfeitures
x Fines and penalties

Pension insurance (11)
xx Insurance
Pensions

Pensions (11)
sa Pension insurance
Railroad retirement
Social security
x Annuities
Employee Retirement Income Security Act
xx Employee benefit plans
Retirement

Pesticides and pests (01, 06)
sa Plant diseases and pests
x Herbicides
Insecticides
Rodenticides
xx Agriculture
Chemicals
Environmental protection

Petroleum (05)
sa Fuel additives
Gasoline
Oil and gas exploration
Oil and gas reserves
Oil imports
Oil pollution
Petroleum allocation
Petroleum price regulations
Pipelines
x Crude oil
Oil
xx Energy

Petroleum allocation (05)
xx Petroleum

Petroleum price regulations (02, 05)
xx Petroleum
Price controls

Pets (01)
xx Animals

Physically handicapped
see Handicapped

Physicians
see Health professions

Pilots
see Airmen

Pipeline safety (09, 19)
xx Hazardous materials transportation
Pipelines
Safety

Pipelines (05, 19)
sa Natural gas
Pipeline safety
xx Energy
Natural gas
Petroleum
Transportation

Planned communities
see New communities

Plant diseases and pests (01)
xx Pesticides and pests
Plants (agriculture)

Plants (agriculture) (01)
sa Plant diseases and pests
Seeds
xx Nursery stock

Plastics materials and synthetics (02)
Pneumoconiosis
see Black lung benefits

Poison prevention (09)
sa Lead poisoning
x Toxic substances
xx Hazardous substances
Safety

Police
see Law enforcement officers

Political activities (Government employees) (08)
x Hatch Act
xx Conflict of interests
Elections
Government employees

Political affiliation discrimination (12)
Political candidates (08)
sa Campaign funds
xx Elections

Political committees and parties (08)
xx Elections

Pollution
see Environmental protection

Population census
see Census data

Population control
see Family planning

Ports
see Harbors

Postal Service (03)
x Mail
Rates and fares

Posters
see Signs and symbols

Poultry and poultry products (01)
xx Foods

Poverty
see Community action programs
Food assistance programs
Public assistance programs

Power resources
see Energy

Practice and procedure
see Administrative practice and procedure

Prescription drugs (09)
xx Drugs

Presidential documents (08)
sa Executive orders
Proclamations

Presidential elections
see Elections

Price controls (02)
sa Petroleum price regulations
x Economics

Price support programs (01)
x Federal aid programs
xx Agricultural commodities

Prisoners (12, 13)
Prisoners of war (13, 14)
Prisons (12)
sa Federal Prison Industries
Probation and parole

Privacy (08, 12)
sa Confidential business information
x Information
Records
xx Administrative practice and procedure

Private schools (04)
xx Schools

Probation and parole (12)
x Parole
xx Prisons

Proclamations (08)
xx Presidential documents

Procurement
see Government procurement

Professional Standards Review Organizations (PSRO) (09)
xx Medicaid
Medicare

Prosthetic devices
see Medical devices

Public assistance programs (16)
(Cash assistance programs under the Social Security Act)
sa Aid to Families with Dependent Children
Child welfare
Medicaid
Supplemental Security Income (SSI)
x Disabled
Poverty
Welfare programs
xx Aged
Aid to Families with Dependent Children
Blind
Handicapped
Medicaid
Social security

Public buildings
see Federal buildings and facilities

Public health (09)
sa Immunization
Meat inspection
Quarantine
Waste treatment and disposal
x Sanitation
xx Health

Public housing (10)
sa Low and moderate income housing
Rent subsidies
xx Housing
Low and moderate income housing

Public lands (15)
sa Grazing lands
Homesteads
National forests
National parks
Public lands–classification
Public lands–grants
Public lands–mineral resources
Public lands–rights-of-way
Public lands–sale
Public lands–withdrawal
Reclamation
x Land
xx Natural resources

Public lands–classification (15)
xx Public lands

Public lands–grants (15)
xx Public lands

Public lands–mineral resources (15)
xx Mineral resources
Public lands

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

Public lands–rights–of–way (15)
xx Public lands
Rights–of–way

Public lands–sale (15)
xx Land sales
Public lands

Public lands–withdrawal (15)
xx Public lands

Public meetings
see Sunshine Act

Public utilities
see Electric utilities
Natural gas
Utilities
Water supply

Public works
see Community facilities

Publications
see Government publications

Quarantine (09)
xx Health
Public health

Radiation protection (09)
sa Radioactive materials
x Nuclear safety
xx Health
Radioactive materials
Safety

Radio (03)
x Amateur radio service
Broadcasting
Citizens band radio service
xx News media
Telecommunications

Radioactive materials (09)
sa Nuclear materials
Radiation protection
xx Hazardous substances
Radiation protection

Radioactive waste
see Hazardous waste

Railroad employees (13, 19)
sa Railroad retirement
Railroad unemployment insurance
xx Railroads

Railroad retirement (11)
xx Disability benefits
Pensions
Railroad employees
Railroads
Retirement

Railroad safety (09, 19)
xx Railroads
Safety

Railroad unemployment insurance (11)
xx Railroad employees
Railroads
Unemployment compensation

Railroads (19)
sa Railroad employees
Railroad retirement
Railroad safety
Railroad unemployment insurance
x Rates and fares
Shipping
xx Common carriers
Transportation

Range management (01)
xx Agriculture

Rates and fares
see Air rates and fares
Communications common carriers
Electric power rates
Maritime carriers
Motor carriers
Natural gas
Postal Service
Railroads

Real property acquisition (10)
Reclamation (15)
sa Mines
Surface mining
xx Environmental protection
Natural resources
Public lands

Recordings (03)
xx Communications

Records
see Archives and records
Freedom of information
Health records
Privacy
Reporting and recordkeeping requirements

Recreation and recreation areas (16)
sa Fishing
Hunting
National forests
National parks
National trails system
Rivers
Seashores
Wilderness areas
xx Natural resources

Recreational fishing
see Fishing

Recycling (06)
xx Waste treatment and disposal

Refugees (07, 13)
sa Aliens
xx Aliens

Religious discrimination (12)
xx Civil rights

Relocation assistance (10)
xx Business and industry
Housing

Renal diseases
see Kidney diseases

Rent subsidies (10)
x Housing assistance payments
Subsidies
xx Low and moderate income housing
Public housing

Repatriation
see Citizenship and naturalization

Reporting and recordkeeping requirements (08)
x Information
Paperwork requirements
Records

Research (17)
sa Agricultural research
Educational research
Medical research
x Human research subjects

Reserve forces
see Armed forces reserves

Reservoirs (15)
xx Flood control
Water supply

Respiratory and pulmonary diseases
see Lung diseases

Retirement (11)
sa Pensions
Railroad retirement
Social security
xx Labor

Revenue sharing (02, 08)
x Finance
xx Intergovernmental relations

Rights–of–way (12)
sa Public lands–rights–of–way
x Land

Rivers (16, 19)
sa National wild and scenic rivers system
xx Recreation and recreation areas
Waterways

Roads
see Highways and roads

Rockets
see Aircraft

Rodenticides
see Pesticides and pests

Rotorcraft
see Aircraft

Royalties
see Copyright
Mineral royalties

Rubber and rubber products (02)
sa Tires

Rugs
see Carpets and rugs

Rural areas (01)
xx Agriculture

Safety (09)
sa Aviation safety
Consumer protection
Fire prevention
Hazardous substances
Highway safety
Marine safety
Mine safety and health
Motor vehicle safety
Occupational safety and health
Pipeline safety
Poison prevention
Radiation protection
Railroad safety
x Accidents
xx Health

Salaries
see Wages

Sanitation
see Public health
Waste treatment and disposal

Satellites (17)
sa Space transportation and exploration
xx Telecommunications

Savings and loan associations (02)
xx Banks, banking

Savings bonds
see Bonds

Scholarships and fellowships (04)
x Fellowships
xx Student aid

School breakfast and lunch programs (01, 04, 18)
xx Education
Food assistance programs

School construction (04)
xx Education
Schools

School integration
see Equal educational opportunity

Schools (04)
sa Colleges and universities
Educational facilities
Private schools
School construction
xx Education

Science and technology (17)
x Technology

Scientific equipment (17)
sa Lasers
Medical devices

Scientists (13, 17)

Seafood (01)
(Use for documents on fish as food. Use Fish for documents on conservation, etc., of fish as marine life)
sa Fish
Fisheries
xx Fish
Foods

Seals
see Marine mammals

Seals and insignia (08)
x Insignia
Symbols
xx Signs and symbols

Seamen (13, 19)
x Merchant marine
xx Maritime carriers

Seaplanes
see Aircraft

Search warrants (12)

Seashores (16)
sa Coastal zone
x Beaches
National seashores
xx Coastal zones
Recreation and recreation areas

Secondary education
see Elementary and secondary education

Securities (02)
sa Bonds
Government securities
x Investment advisers
Stocks
xx Investments

Security information
see Classified information

Security measures (08)
sa Classified information

Seeds (01)
xx Plants (agriculture)

Segregation in education
see Equal educational opportunity

Seizures and forfeitures (12)
x Forfeitures
xx Penalties

Selective service system (14)
x Draft
xx Armed forces

Senior citizens
see Aged

Serums
see Biologics

Sewage disposal (06)
xx Waste treatment and disposal

Sex discrimination (12)
xx Civil rights
Women

Shipping
see Air carriers
Freight forwarders
Maritime carriers
Motor carriers
Railroads

Ships
see Vessels

Shoes
see Footwear

Signs and symbols (03)
sa Seals and insignia
Trademarks
x Posters
Symbols

Silver (02)
xx Currency
Metals

Sirup
see Sugar

Slum clearance
see Urban renewal

Small businesses (02)
sa Minority businesses
xx Business and industry

Smoking (09)
xx Cigars and cigarettes

Social security (11, 18)
sa Aid to Families with Dependent Children
Child welfare
Medicaid
Medicare
Public assistance programs
Supplemental Security Income (SSI)
Unemployment compensation
xx Pensions
Retirement

Soil conservation (01,15)
xx Natural resources

Solar energy (05)
xx Energy

Solid waste disposal
see Waste treatment and disposal

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

Space transportation and exploration (17, 19)
xx Satellites
Transportation

Spices and flavorings (01)
x Flavorings
xx Foods

Sport fishing
see Fishing

Stamp taxes
see Excise taxes

State–Federal relations
see Intergovernmental relations

Statistics (08)
sa Census data
Economic statistics
Health statistics

Sterilization
see Family planning

Stockpiling
see Strategic and critical materials

Stocks
see Securities

Stockyards (01)
xx Meat and meat products

Strategic and critical materials (14)
x Stockpiling
xx National defense

Strip mining
see Surface mining

Student aid (04)
sa Scholarships and fellowships
xx Colleges and universities
Education

Students (04, 13)
xx Education

Subsidies
see Grant programs
Rent subsidies

Sugar (01)
x Sirup
Syrup
xx Foods

Sunshine Act (08)
x Government in the Sunshine Act
Information
Public meetings
xx Administrative practice and procedure

Supplemental Security Income (SSI) (18)
(Assistance to aged, blind and disabled)
x Disabled
xx Aged
Blind
Handicapped
Public assistance programs
Social Security

Surety bonds (02)
x Bonding
xx Insurance

Surface mining (15)
sa Mine safety and health
x Coal mines
Strip mining
xx Mines
Reclamation

Surplus agricultural commodities (01)
xx Agricultural commodities

Surplus Government property (08)
xx Government property

Swine
see Hogs

Symbols
see Seals and insignia
Signs and symbols

Syrup
see Sugar

Tank vessels
see Cargo vessels

Tariffs
see Customs duties and inspection

Tax treaties (02, 07)
xx Income taxes
Taxes
Treaties

Taxes (02)
sa Customs duties and inspection
Employment taxes
Estate taxes
Excise taxes
Gift taxes
Income taxes
Interest equalization tax
Tax treaties
xx Business and industry

Tea (01)
xx Beverages

Teachers (04, 13)
xx Education

Technical assistance (08)
x Federal aid programs

Technical education
see Vocational education

Technology
see Science and technology

Telecommunications (03)
sa Radio
Satellites
Telegraph
Telephone
Television
xx Communications

Telegraph (03)
xx Telecommunications

Telephone (03)
xx Telecommunications

Television (03)
sa Cable television
x Broadcasting
xx News media
Telecommunications

Textiles (02)
x Fabrics

Timber
see Forests and forest products

Time (08)

Tires
xx Rubber and rubber products

Tobacco (01)
sa Cigars and cigarettes

Toiletries
see Cosmetics

Tort claims
see Claims

Tourist trade
see Travel

Toxic substances
see Hazardous substances
Poison prevention

Toxins
see Biologics

Toys

Trade adjustment assistance (02, 07)
(Aid to domestic industries or workers injured by competition from imported products)
x Adjustment assistance
xx Business and industry
Foreign trade
Imports

Trade agreements (02, 07)
xx Foreign trade
Treaties

Trade fairs
see Fairs and expositions

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

Trade names (02)
xx Business and industry

Trade practices (02)
xx Business and industry
Consumer protection

Trade unions
see Labor unions

Trademarks (02)
xx Business and industry
Signs and symbols

Traffic regulations (19)
x Off-road vehicles
xx Motor vehicles

Trails
see National trails system

Training programs
see Manpower training programs

Transportation (19)
sa Air transportation
Bridges
Common carriers
Freight
Highways and roads
Intermodal transportation
Mass transportation
Noise control
Pipelines
Railroads
Space transportation and exploration
Vessels

Travel (19)
sa Passports and visas
Travel and transportation expenses
Travel restrictions
x Tourist trade

Travel and transportation expenses (19)
xx Travel

Travel restrictions (19)
xx Travel

Treaties (07)
sa Tax treaties
Trade agreements
x International agreements
xx Foreign relations

Trucks
see Motor carriers
Motor vehicles

Trusts and trustees (02)
x Finance
xx Banks, banking

Truth in lending (02)
xx Consumer protection
Credit

Tuberculosis (09)
xx Lung diseases

Tung nuts
see Oilseeds

Turpentine
see Forests and forest products

Underground mining (15)
sa Mine safety and health
x Coal mines
xx Mines

Unemployment
see Community development
Manpower training programs
Unemployment compensation

Unemployment compensation (11)
sa Railroad unemployment insurance
x Compensation
Unemployment
xx Insurance
Labor
Social security

Uniform Code of Military Justice
see Military law

Uniform System of Accounts (02, 08)
(Use for uniform financial reporting requirements for common carriers.)
xx Accounting

Unions
see Labor unions

United States investments abroad (02)
x Overseas private investment
xx Investments

Universities
see Colleges and universities

Upward Bound Program
see Education of disadvantaged

Uranium

Urban renewal (10)
sa Community development
x Slum clearance
xx Community development

Utilities (02, 05, 15)
sa Electric utilities
Natural gas
Water supply
x Public utilities

Vaccines
see Biologics

Vanpools
see Carpools

Vegetable juices (01)
xx Beverages

Vegetables (01)
(The names of specific vegetables, e.g. Potatoes, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific vegetables*
xx Agricultural commodities
Foods

Venereal diseases (09)

Vessels (19)
sa Anchorage grounds
Cargo vessels
Fishing vessels
Marine safety
Maritime carriers
Navigation (water)
Nuclear vessels
Oceanographic research vessels
Oil pollution
Passenger vessels
x Marine engineering
Mobile offshore drilling units
Ships
Water transportation
xx Marine safety
Maritime carriers
Transportation

Veterans (13, 14)

Veterinarians (01, 13)
xx Health professions

Viruses
see Biologics

Visas
see Passports and visas

Vocational education (04)
(Use for vocational instruction within a school curriculum. Distinguish from manpower training programs for on-the-job training)
sa Manpower training programs
x Occupational training
Technical education
xx Education
Manpower training programs

Vocational rehabilitation (18)
(Training of the handicapped for employment)
xx Handicapped

Voluntary standards (02)

Volunteers (13)

Voting rights (08, 12)
xx Civil rights
Elections

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

Wages (11)
- sa Employee benefit plans
- Minimum wages
- x Compensation
- Garnishment of wages
- Hours of work
- Overtime pay
- Pay
- Salaries
- xx Labor

War claims (07, 12)
- xx Claims
- Foreign claims

War risk insurance (02)
- xx Insurance

Warehouses (02)

Warranties (02)
- x Guarantees
- xx Business and industry

Waste treatment and disposal (06)
- sa Hazardous waste
- Recycling
- Sewage disposal
- x Sanitation
- Solid waste disposal
- xx Environmental protection
- Public health
- Water pollution control

Watches and jewelry
- x Jewelry

Water bank program (15)
- xx Water resources

Water carriers
- see Maritime carriers

Water pollution control (06)
- sa Oil pollution
- Waste treatment and disposal
- x Marine pollution
- Ocean dumping
- xx Environmental protection

Water resources (15)
- sa Water bank program
- Water supply
- Watersheds
- xx Natural resources

Water supply (15)
- sa Dams
- Irrigation
- Reservoirs
- x Drinking water
- Public utilities
- xx Utilities
- Water resources

Water transportation
- see Anchorage grounds
- Harbors
- Marine safety
- Maritime carriers
- Navigation (water)
- Vessels
- Waterways

Waterfowl
- see Wildlife

Waterfront facilities
- see Harbors

Watersheds (15)
- xx Water resources

Waterways (19)
- sa Bridges
- Harbors
- Rivers
- x Inland waters
- Navigable waters
- Water transportation

Weapons
- see Arms and munitions

Weather (17)

Weights and measures
- see Measurement standards

Welfare programs
- see Public assistance programs

Wetlands
- see Coastal zone
- Flood plains

Whales
- see Marine mammals

Wilderness areas (16)
- xx Recreation and recreation areas

Wildlife (15)
- sa Endangered and threatened wildlife
- Wildlife refuges
- x Birds
- Migratory birds
- Waterfowl
- xx Animals
- Natural resources

Wildlife refuges (15)
- x National Wildlife Refuge System
- xx Wildlife

Wine (01)
- xx Alcohol and alcoholic beverages

Wiretapping and electronic surveillance (12)
- x Eavesdropping
- Electronic surveillance
- xx Law enforcement

Women (13)
- sa Minority businesses
- Sex discrimination

Wood
- see Forests and forest products

Work Incentive Programs (WIN) (11)
- xx Aid to Families with Dependent Children
- Manpower training programs

Workers' compensation (11)
- x Compensation
- xx Disability benefits
- Insurance
- Occupational safety and health

X-rays (17)

Youth (13)
- sa Infants and children
- Juvenile delinquency
- xx Infants and children

Zoning (10)

01

AGRICULTURE AND FOOD

Acreage allotments
Agricultural commodities
Agricultural research
Agriculture
Alcohol and alcoholic beverages
Animal biologics
Animal diseases
Animal drugs
Animal feeds
Animal foods
Animal welfare
Animals
Bakery products
Beer
Bees
Beverages
Butter
Cacao products
Candy
Cereals (food)
Chemicals
Cigars and cigarettes
Citrus fruits
Coffee
Color additives
Commodity futures
Cottonseeds
Crop insurance
Dairy products
Dietary foods
Feed grains
Fertilizers
Food additives
Food assistance programs
Food grades and standards
Food labeling
Food packaging
Food stamps
Foods
Forests and forest products
Frozen foods
Fruit juices
Fruits
Grain sorghum
Grains
Hogs
Irrigation
Liquors
Livestock
Margarine
Marketing agreements
Marketing quotas
Meat and meat products
Meat inspection
Migrant labor
Milk
Milk marketing orders
Nursery stock
Nuts
Oils and fats
Oilseeds
Pesticides and pests
Pets
Plant diseases and pests
Plants (agriculture)
Poultry and poultry products
Price support programs
Range management
Rural areas
School breakfast and lunch programs
Seafood
Seeds
Soil conservation
Spices and flavorings
Stockyards
Sugar
Surplus agricultural commodities
Tea
Tobacco
Vegetable juices
Vegetables
Veterinarians
Wine

02

COMMERCE

Accountants
Accounting
Advertising
Antidumping
Antitrust
Bank deposit insurance
Bankruptcy
Banks, banking
Bonds
Brokers
Business and industry
Clothing
Commodity futures
Common carriers
Communications common carriers
Concessions
Confidential business information
Consumer protection
Countervailing duties
Credit
Credit unions
Crime insurance
Crop insurance
Currency
Customs duties and inspection
Economic statistics
Electronic funds transfers
Employment taxes
Estate taxes
Estates
Excise taxes
Exports
Fairs and expositions
Federal home loan banks
Federal Reserve System
Flood insurance
Footwear
Foreign banking
Foreign currencies
Foreign investments in U. S.
Foreign trade
Foreign trade zones
Gift taxes
Glass and glass products
Gold
Government securities
Health insurance
Holding companies
Household appliances
Imports
Income taxes
Indians--business and finance
Insurance
Insurance companies
Interest equalization tax
Investment companies
Investments
Labeling
Life insurance
Loan programs
Minority businesses
Mortgage insurance
Mortgages
National banks
Oil imports
Packaging and containers
Petroleum price regulations
Plastics materials and synthetics
Price controls
Revenue sharing
Rubber and rubber products
Savings and loan associations
Securities
Silver
Small businesses
Surety bonds
Tax treaties
Taxes
Textiles
Trade adjustment assistance
Trade agreements
Trade names
Trade practices
Trademarks
Trusts and trustees
Truth in lending
Uniform System of Accounts
United States investments abroad
Utilities
Voluntary standards
War risk insurance
Warehouses
Warranties

03

COMMUNICATIONS

Cable television
Communications
Communications common carriers
Communications equipment
Defense communications
Motion pictures
News media
Newspapers and magazines
Postal Service
Radio
Recordings
Signs and symbols
Telecommunications
Telegraph
Telephone
Television

04

EDUCATION

Adult education
Art
Arts and crafts
Bilingual education
Colleges and universities
Cultural exchange programs
Education
Education of disadvantaged
Education of handicapped
Educational facilities
Educational research
Educational study programs
Elementary and secondary education
Equal educational opportunity

Indians–arts and crafts
Indians–education
Libraries
Medical and dental schools
Military academies
Museums
Music
Private schools
Scholarships and fellowships
School breakfast and lunch programs
School construction
Schools
Student aid
Students
Teachers
Vocational education

05

ENERGY

Coal
Coal conversion program
Electric power
Electric power plants
Electric power rates
Electric utilities
Energy
Energy conservation
Fuel additives
Fuel economy
Gasohol
Gasoline
Geothermal energy
Natural gas
Nuclear energy
Nuclear materials
Nuclear power plants and reactors
Oil and gas exploration
Oil and gas reserves
Oil imports
Petroleum
Petroleum allocation
Petroleum price regulations
Pipelines
Solar energy
Utilities

06

ENVIRONMENTAL PROTECTION

Air pollution control
Environmental impact statements
Environmental protection
Motor vehicle pollution
Noise control
Oil pollution
Pesticides and pests
Recycling
Sewage disposal
Waste treatment and disposal
Water pollution control

07

FOREIGN RELATIONS

Alien property
Aliens
Antidumping
Arms control
Boycotts
Citizenship and naturalization
Communist countries
Countervailing duties
Cultural exchange programs
Customs duties and inspection
Exports
Fairs and expositions
Foreign aid
Foreign claims
Foreign officials
Foreign relations
Foreign Service
Foreign trade
Foreign trade zones
Immigration
Imports
International boundaries
International organizations
Oil imports
Passports and visas
Refugees
Tax treaties
Trade adjustment assistance
Trade agreements
Treaties
War claims

08

GOVERNMENT

Accounting
Administrative practice and procedure
Advisory committees
Archives and records
Authority delegations (Governmen agencies)
Campaign funds
Census data
Conflict of interests
Decorations, medals, awards
Disaster assistance
Elections
Emergency powers
Equal access to justice
Executive orders
Federal buildings and facilities
Federally affected areas
Flags
Freedom of information
Government contracts
Government employees
Government procurement
Government property
Government property management
Government publications
Government securities
Grant programs
Grants administration
Holidays
Indemnity payments
Intergovernmental relations
Investigations
Loan programs
Lobbying
Organization and functions (Government agencies)
Political activities (Government employees)
Political candidates
Political committees and parties
Presidential documents
Privacy
Proclamations
Reporting and recordkeeping requirements
Revenue sharing
Seals and insignia
Security measures
Statistics
Sunshine Act
Surplus government property
Technical assistance
Time
Uniform System of Accounts
Voting rights

09

HEALTH AND SAFETY

Alcoholism
Animal biologics
Animal diseases
Animal drugs
Antibiotics
Aviation safety
Biologics
Black lung benefits
Blind
Blood
Blood diseases
Cancer
Chemicals
Color additives
Communicable diseases
Cosmetics
Dental health
Drug abuse
Drugs
Emergency medical services
Explosives
Family planning
Fire prevention
Flammable materials
Genetic diseases
Handicapped
Hazardous substances
Hazardous waste
Health
Health care
Health facilities
Health insurance
Health maintenance organizations (HMO)
Health planning
Health professions
Health records
Health statistics
Heart diseases
Highway safety
Hospitals
Immunization
Kidney diseases
Lead poisoning
Leprosy (Hansen's disease)
Lung diseases
Marine safety
Maternal and child health
Medicaid
Medical and dental schools
Medical devices
Medical research
Medicare
Mental health programs
Mine safety and health
Motor vehicle safety
Nursing homes
Nutrition
Occupational safety and health
Over–the–counter drugs
Pipeline safety
Poison prevention
Prescription drugs

Professional Standards Review Organizations (PSRO)
Public health
Quarantine
Radiation protection
Radioactive materials
Railroad safety
Safety
Smoking
Tuberculosis
Venereal diseases
Veterinarians

10

HOUSING AND COMMUNITY DEVELOPMENT

Buildings
Community development
Community development block grants
Community facilities
Condominiums
Fair housing
Home improvement
Housing
Housing standards
Land sales
Low and moderate income housing
Mobile homes
Mortgage insurance
Mortgages
New communities
Public housing
Real property acquisition
Relocation assistance
Rent subsidies
Urban renewal
Zoning

11

LABOR

Child labor
Disability benefits
Employee benefit plans
Employment
Equal employment opportunity
Government employees
Homeworkers
Job Corps
Labor
Labor management relations
Labor unions
Manpower
Manpower training programs
Migrant labor
Minimum wages
Occupational safety and health
Old–age, Survivors and Disability Insurance
Pension insurance
Pensions
Railroad retirement
Railroad unemployment insurance
Retirement
Social security
Unemployment compensation
Wages
Work Incentive Programs (WIN)
Workers' compensation

12

LAW

Alimony
Civil disorders
Civil rights
Claims
Clemency
Copyright
Counterfeiting
Courts
Crime
Drug traffic control
Equal educational opportunity
Equal employment opportunity
Fair housing
Federal Prison Industries
Foreign claims
Forgery
Fraud
Gambling
Indians–claims
Indians–enrollment
Indians–judgment funds
Indians–law
Indians–tribal government
Investigations
Juvenile delinquency
Law
Law enforcement
Law enforcement officers
Lawyers
Legal services
Lotteries
Marital status discrimination
Military law
Penalties
Political affiliation discrimination
Prisoners
Prisons
Privacy
Probation and parole
Religious discrimination
Rights–of–way
Search warrants
Seizures and forfeitures
Sex discrimination
Voting rights
War claims
Wiretapping and electronic surveillance

13

NAMED GROUPS

Accountants
Aged
Airmen
Aliens
Architects
Blind
Brokers
Chaplains
Child labor
Conscientious objectors
Consultants
Engineers
Firefighters
Foreign officials
Foundations
Government employees
Handicapped
Health professions
Homeworkers
Indians
Infants and children
Law enforcement officers
Lawyers
Longshoremen
Migrant labor
Military personnel
Miners
Nonprofit organizations
Prisoners
Prisoners of war
Railroad employees
Refugees
Scientists
Seamen
Students
Teachers
Veterans
Veterinarians
Volunteers
Women
Youth

14

NATIONAL DEFENSE

Armed forces
Armed forces reserves
Arms and munitions
Arms control
Civil defense
Classified information
Conscientious objectors
Defense communications
Emergency powers
Fallout shelters
Military academies
Military air transportation
Military law
Military personnel
National defense
Prisoners of war
Selective service system
Strategic and critical materials
Veterans

15

NATURAL RESOURCES

Coastal zone
Continental shelf
Dams
Endangered and threatened wildlife
Fish
Fisheries
Flood control
Flood plains
Forests and forest products
Gases
Grazing lands
Helium
Historic preservation
Homesteads
Indians–lands
Marine mammals
Marine resources
Metals
Mineral resources
Mineral royalties
Mines
Monuments and memorials
National forests

National parks
Natural resources
Oil and gas reserves
Public lands
Public lands–classification
Public lands–grants
Public lands–mineral resources
Public lands–rights–of–way
Public lands–sale
Public lands–withdrawal
Reclamation
Reservoirs
Soil conservation
Surface mining
Underground mining
Utilities
Water bank program
Water resources
Water supply
Watersheds
Wildlife
Wildlife refuges

16

RECREATION

Bicycles
Fishing
Hobbies
Hunting
National trails system
National wild and scenic rivers system
Recreation and recreation areas
Rivers
Seashores
Wilderness areas

17

SCIENCE AND TECHNOLOGY

Agricultural research
Computer technology
Educational research
Electronic products
Inventions and patents
Laboratories
Lasers
Measurement standards
Medical research
Metric system
Micrographics
Research
Satellites
Science and technology
Scientific equipment
Scientists
Space transportation and exploration
Weather
X-rays

18

SOCIAL PROGRAMS

Adoption and foster care
Aid to Families with Dependent Children
Child support
Child welfare
Community action programs
Day care
Family planning
Food assistance programs
Food stamps
Medicaid
Old–age, Survivors and Disability Insurance
Public assistance programs
School breakfast and lunch programs
Social security
Supplemental Security Income (SSI)
Vocational rehabilitation

19

TRANSPORTATION

Air carriers
Air rates and fares
Air taxis
Air traffic control
Air transportation
Aircraft
Airmen
Airports
Airspace
Anchorage grounds
Aviation safety
Bicycles
Bridges
Buses
Cargo vessels
Carpools
Charter flights
Common carriers
Fishing vessels
Freight
Freight forwarders
Harbors
Hazardous materials transportation
Highway safety
Highways and roads
Intermodal transportation
Longshoremen
Marine safety
Maritime carriers
Mass transportation
Military air transportation
Motor carriers
Motor vehicle pollution
Motor vehicle safety
Motor vehicles
Moving of household goods
Navigation (air)
Navigation (water)
Noise control
Nuclear vessels
Oceanographic research vessels
Parking
Passenger vessels
Passports and visas
Pipeline safety
Pipelines
Railroad employees
Railroad safety
Railroads
Rivers
Seamen
Space transportation and exploration
Traffic regulations
Transportation
Travel
Travel and transportation expenses
Travel restrictions
Vessels
Waterways

BILLING CODE: 1505-02-T

federal register

Thursday
June 16, 1983

Part III

Department of Transportation

Research and Special Programs Administration

Cryogenic Liquids; Final Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 176, 177, 178, and 179

[Docket No. HM-115, Amdt. Nos. 171-74, 172-82, 173-166, 174-43, 176-17, 177-60, 178-77, 179-32]

Cryogenic Liquids

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the Hazardous Materials Regulations to establish requirements for the transportation of certain cryogenic liquids and also to authorize the transportation of certain gases that are transported in cold liquid form.

Included in the final rule are provisions—

(1) To provide a new DOT specification cargo tank for the transportation of cryogenic liquids;

(2) To authorize the rail carriage of ethylene, cryogenic liquid in addition to hydrogen, cryogenic liquid;

(3) To establish requirements governing the maintenance and use of packagings used to transport these liquids;

(4) To establish minimum requirements for the transportation of nonflammable, nonpressurized cryogenic liquids that until now were not generally subject to the Hazardous Materials Regulations;

(5) To authorize the bulk transportation of ethane and hydrogen chloride in cold liquid form; and

(6) For flammable cryogenic liquids—

(i) To expand the scope of the regulations to apply to the intrastate as well as the interstate transportation of these materials; and

(ii) To require DOT registration of shippers and carriers and the specific training of drivers.

This rule will alleviate the difficulties engendered under the exemption program and the standardization achieved by issuing these rules will contribute to improved overall safety in the transportation of these materials.

EFFECTIVE DATE: January 1, 1984. However, compliance with the regulations as amended herein is authorized on and after September 15, 1983.

For the purpose of this final rule, the 30 day limitation for the receipt of a petition for reconsideration (49 CFR 106.35) is hereby waived and 90 days provided in place thereof. Petitions for reconsideration will be received on or before September 14, 1983.

The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Jose Pena, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 755-4906. Office hours are 8:30 to 5:00 p.m., Monday through Friday

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned the following numbers: OMB #2137-0541 (Shipper's or Carrier's Registration Statements, §§ 173.11 and 177.826), OMB #2137-0542 (Cargo Tank Pressure and Temperature Records, § 177.840), OMB #2137-0539 (Special Instructions for Cryogenic Liquids, § 177.818), OMB #2137-0540 (Flammable Cryogenic Training Records, § 177.816), and OMB #2137-0017 (Cargo Tank Certification Record Requirements, §§ 178.338-2, 178.338-4, 178.338-19).

This rulemaking has a long history. Prior to today's publication the following notices have been published in the **Federal Register**, and a public hearing held, with regard to Docket HM-115:

(1) On March 1, 1974, the Hazardous Materials Regulations Board, MTB's predecessor, published a Notice of Proposed Rulemaking (NPRM) (39 FR 7950).

(2) On June 19, 1974, the Board extended the comment period (39 FR 21166).

(3) On September 10, 1974, the Board converted the NPRM into an Advance Notice Of Proposed Rulemaking (ANPRM) and further extended the comment period (39 FR 32624).

(4) On March 8, 1979, MTB published a NPRM which, while in general terms continuing the regulatory scheme proposed in the 1974 ANPRM, made significant changes in several areas. Readers who wish more information on these changes are referred to the preamble discussion in the NPRM (44 FR 12826). This notice also announced a public hearing.

(5) On April 5, 1979, corrections and changes were made to the NPRM (44 FR 20461).

(6) On April 17, 1979, MTB held a public hearing on the NPRM.

(7) On June 21, 1979, additional changes were made in the NPRM and the deadline for filing comments was extended (44 FR 36211).

The purpose of this rulemaking is discussed in the March 8, 1979 preamble. Briefly, some of the transportation subject to this rule has historically been permitted only under an exemption (called in years past a special permit). This exemption program, provided for in § 107(a) of the Hazardous Materials Transportation Act (49 U.S.C. 1806(a)), has required those wishing to transport these commodities to come to MTB for specific approval of the packaging (and how the packaging is to be maintained), the hazardous materials to be transported in the packaging and the conditions of transportation. Exemptions create burdens on shippers, carriers, packaging manufacturers and the MTB itself and should be replaced by regulation as soon as appropriate. To the extent that the regulations have not provided for the carriage of these materials, these burdens have been necessary in order to accommodate commerce and, at the same time, ensure public safety. This rule will alleviate the difficulties engendered under the exemption program and the standardization achieved by issuing these rules will contribute to improved overall safety in the transportation of these materials.

Another major impact of this rule is the application of certain regulatory requirements to nonflammable cryogenic gases, like nitrogen and helium, transported in nonpressurized form. These commodities have previously been unregulated by MTB except when transported by vessel. However, MTB believes that the extreme thermal hazards these materials pose in their cryogenic form warrant the imposition of the limited requirements contained in this rule. This will be more fully discussed below.

Approximately 30 comments were received on the proposals contained in the NPRM. All comments, including late submissions, have been fully considered by MTB during the development of this final rule. Several well-defined aspects of the NPRM were the subject of most of the commentary. These significant issues are discussed below by subject. Following the subject-by-subject review is a Review by Section which briefly discusses each section of the rule and the significant changes that have been made since the NPRM.

Use of Aluminum

The NPRM proposed that aluminum be permitted to be used to fabricate the

inner vessel of an MC–338 cargo tank, but that the jacket surrounding the insulation of these containers, when used in oxygen service, must be made of steel. This proposal was based on the adequacy of recently developed industry cleaning standards. The NPRM included a discussion of the use of aluminum in certain packages that come in contact with cryogenic oxygen and specifically asked for public comment concerning this issue (44 FR 12828).

Several commenters supported the use of aluminum in the fabrication of the outer jacketing, as well as the inner vessels, of packagings used for the transportation of cryogenic oxygen. The commenters mentioned the excellent low temperature characteristics of aluminum and the fact that the oxygen does not react adversely with aluminum. In further support of this position, one commenter noted that MTB was planning to issue a proposal for an aluminum cylinder specification for the transportation of oxygen and other gases. (The final rule was published in the **Federal Register** on December 24, 1981, under Docket HM–176, Specification and Usage Requirements for DOT–3AL Seamless, Aluminum Cylinders (46 FR 62452)).

MTB agrees with these comments to the extent that it proposed, and now adopts in this rule, requirements permitting the use of inner tanks constructed of aluminum to transport cryogenic oxygen, if proper precautions are taken to ensure that the packaging is cleaned of all foreign matter. In order to ensure the cleanliness of cargo tanks, MTB is adopting the cleaning standards contained in Compressed Gas Association (CGA) Pamphlet G–4.1. However, MTB strongly believes that it should not permit the use of aluminum jackets on cargo tanks used to transport a flammable cryogen or pressurized, cryogenic oxygen. In a fire situation any escape of these materials would serve to greatly intensify the fire. Considering that aluminum loses most of its strength at 500° F. and melts at 1200° F., it follows that the protection afforded by aluminum is far less than that afforded by steel, which retains a great deal of its strength at aluminum's melting point and which does not melt until heated to approximately 2600° F. Notwithstanding the good safety experience of nonregulated, nonpressurized cryogenic oxygen cargo tanks, as well as some early exemption (special permit) tanks, and in the absence of any meaningful tests on cargo tanks demonstrating the survivability of aluminum in a fire environment, MTB has concluded that aluminum outer jackets do not provide an acceptable level of safety in cargo tanks used to transport cryogenic oxygen, at pressures in excess of 25.3 psig, or flammable cryogens.

As proposed in the NPRM, this rule prohibits the use of aluminum valves with rubbing or abrading aluminum internal parts in packagings transporting cryogenic oxygen. The reason for this prohibition is the possibility that the heat generated by abrading parts, together with the formation of feather-tipped projections creates a potential for combustion. The same prohibition was also proposed for flammable cryogens; however, in the final rule, based on comments and MTB's reevaluation of potential consequences resulting from release in a fire, this prohibition has been extended to any aluminum valve, pipe or fitting.

Pressure Relief Device Systems

Several commenters suggested that the requirements contained in CGA Pamphlets S–1.1, S–1.2 and S–1.3 provide adequate protection for cargo tanks from overpressurization. One commenter contended that a single relief device system that is sized using the CGA standards is adequate. The commenter believes that the proposal in the NPRM, that there be a primary and secondary pressure relief device system of equal capacity, was excessive and unwarranted. This contention has also been raised in applications for exemption. MTB has consistently maintained that spring loaded relief valves are mechanical and therefore subject to malfunction, and that in an accident situation a tank may be in an inverted position discharging liquid and therefore relieving pressure at a much lower rate than when discharging vapor. There is also a significant body of analytical and experimental data that raises questions as to the adequacy of the CGA valve sizing due to several assumptions made in the formulas, such as the heat conduction values of the insulation and the total tank area considered as exposed to fire, which provide lower calculated capacities than MTB believes is necessary to assure an acceptable level of safety in a fire situation. Therefore, MTB considers that the primary and secondary relief capacities prescribed in the NPRM are necessary to assure an acceptable level of protection in transportation and they have been retained in this rule at § 173.318(b).

One commenter objected to the proposed marking of each valve with a rated pressure equal to or exceeding the tank design pressure at the coldest temperature expected to be encountered (proposed § 178.338–8(b)(2)). The commenter believed that such marking conflicts with requirements found to be acceptable by the ASME Code and various piping codes. MTB agrees and has determined that this marking is not necessary and therefore has revised this paragraph to require only that each valve must be constructed and rated for a pressure equal to or exceeding the tank design pressure at the coldest temperature to be encountered. Additional proposed market requirements in § 173.318(b)(5)(ii), for pressure relief devices remain unchanged in this final rule.

Minimum Outage and Filling Densities

One commenter implied that the proposed minimum outage requirement was too restrictive for pressurized nonflammable cryogenic liquids. The commenter expressed that the minimum outage for pressurized nonflammable cryogenic liquids should be 0.5%. MTB believes that a 2.0% minimum outage is appropriate for pressurized nonflammable as well as flammable cryogenic liquids. The greater minimum outage requirement will significantly reduce the likelihood that a cryogenic liquid will vent as a liquid through a pressure relief device. Given the fact that thermal hazards are posed by the release of these extremely cold liquid materials, whether they are flammable or not, this rule retains the proposed outage requirements.

Section 173.318(d) has been revised to exclude helium from the outage requirement because at relieving pressures it is no longer a liquid.

The commenter also recommended that the filling densities proposed in § 173.318(f) be changed to be consistent with his minimum outage recommendation. Since MTB will continue to use a minimum outage of 2.0%, the filling density changes are not necessary.

Venting, Holding Time, Trip Monitoring, and Equilibration of Cryogenic Liquids

In the NPRM venting, holding time and trip monitoring were addressed in proposed §§ 173.33(d)(1)(ii), 173.318(e), 177.840 (h), (i), and (j), and 178.338–9, and these requirements would have applied to all cryogenic liquids. Several commenters strongly urged that these requirements only apply to flammable cryogenic ladings. MTB has looked again at the issue of enroute venting and agrees with the commenters that enroute venting of nonflammable atmospheric cryogens and helium presents little hazard. Except for the holding time test contained in the MC–338 cargo tank specification, these requirements now

only apply to flammable cryogenic liquids. Each MC–338 cargo tank must have a rated holding time to be considered a specification cargo tank, whether it is used to transport flammable or pressurized nonflammable cryogenic liquids.

Equilibration, which was not addressed in the NPRM, is permitted at § 177.840 (i) and (j) of this rule. The concept of equilibration was advocated by several commenters. Essentially it represents a relaxation of the holding time requirement for flammable cryogens by allowing one-way travel time to be redetermined after a full equilibration of the cargo tank is performed. Equilibrations may only be performed at a facility that handles, and is therefore familiar with, flammable cryogenic liquids. Allowing such equilibrations will permit longer hauls to be made safely.

Liquefaction Temperature

There has been some confusion regarding the term "liquefaction temperature" which was used at several points in the NPRM in specifying design service requirements for packagings (see §§ 173.315(a) Table, Note 11, 178.338–1(c)(2)). The term was used without specifying the pressure at which the liquefaction temperature was to be established. This was an unintended omission because the liquefaction temperature of a cryogenic liquid or cold refrigerated gas varies with pressure. When transported in a pressurized condition the temperature is higher than at one atmosphere.

Several commenters called MTB's attention to this problem. (In the ANPRM at § 178.338–1(b)(2) the liquefaction temperature had been stated as being at one atmosphere.) Some commenters who favor design service temperatures based on liquefaction temperatures under pressurized shipping conditions indicated their belief that the omission seemed to support their position. One commenter indicated that it was his understanding that liquefaction temperature was to be determined at one atmosphere. It was MTB's intention that the liquefaction temperature be determined as indicated by this latter commenter.

Despite the omission in the NPRM, in the exemption process for cryogenic liquids and refrigerated gases such as ethane-propane mixes, MTB has, with but a single exception, specified that design service temperature be based on the liquefaction temperature at a pressure of one atmosphere, and MTB is continuing with the limitation in this rule. If a packaging has a design service temperature based on the liquefaction temperature of the lading under pressurized conditions and there is a sudden rapid release of the pressure for one reason or another, the release could result in temperatures colder than the design temperature of the packaging.

The reference pressure of one atmosphere has been added in the rule at §§ 173.315, Note 11, and 178.338–1(c)(2) to make the meaning of the term "liquefaction temperature" absolutely clear.

Jacket Design

Both the ANPRM and the NPRM contained lengthy formulas, details of welding and reinforcing ring construction, etc. for cargo tank evacuated jackets, which were patterned from rail car specifications. The June 21, 1979 **Federal Register** publication of changes to the NPRM altered this approach, at § 178.338–1(f), by simply referring to specific paragraphs of the ASME Code. One industry commenter was critical of this approach asserting that the ASME charts could be misapplied and/or are in error. As best MTB can determine, the commenter's point is that using ASME Appendix V charts in designing a tank for 7.5 p.s.i. minimum external pressure, which based on a safety factor of four should produce a collapsing pressure of 30 p.s.i., will theoretically result in a collapsing pressure of less than 30 p.s.i. as a result of a reduction in safety factors by ASME in 1977. MTB has dealt with this concern by revising § 178.338–1(f)(1) to reference a critical collapsing pressure of 30 p.s.i. rather than a design pressure of 7.5 p.s.i. This gives the same result as was intended in the NPRM and at the same time avoids any possible ambiguity that may result from the use of the ASME charts. This is consistent with the original Compressed Gas Association (CGA) proposal in CGA–341.

Postweld Heat Treatment

One commenter recommended that in the case of tanks constructed in accordance with Part UHT of the Code, postweld heat treatment be required by MTB only when required by the ASME Code (§ 178.338–2(e)). If postweld heat treatment were only conducted when required by the ASME Code, most of these cargo tanks would not be postweld heat treated since the cargo tank thickness is less than the thickness that the ASME Code requires be postweld heat treated. However, MTB believes that the postweld heat treatment of these thinner materials is necessary to provide maximum ductility to resist the vibrations and stresses inherent in the highway environment. Experience over many years with the use of postweld heat treatment in cargo tanks has been favorable and MTB feels there are important safety considerations justifying the requirement with regard to MC–338 tanks.

Pressure Testing

The NPRM, at § 178.338–16, proposed that newly constructed tanks be subjected to a pressure test at 1½ times design pressure, except that for tanks constructed of UHT steel a test pressure of two times design pressure was proposed. Several commenters urged that a test pressure of only 1¼ times design pressure be required. MTB believes that a test to 1½ times design pressure is necessary to prove tank integrity. One industry group asserted that such a requirement precludes pneumatic testing, which is necessary for tanks designed to carry large volumes of low density material, such as hydrogen or helium, and for which testing with dense material such as water presents difficulties. To the extent that a manufacturer does not wish to perform a pneumatic test, MTB does not believe this point is meritorious with regard to initial manufacturer's testing which can be performed while a tank is still on the fabrication floor where it can be supported over sufficient tank area to avoid distortion from water weight. MTB believes the general test pressure requirement of 1½ times design pressure ensures tank integrity and represents sound design and engineering practice in light of the fact that the highest setting for a relief device is 150 percent of design pressure.

The two times design pressure requirement for tanks constructed in accordance with Part UHT of the ASME Code is also being retained. It is not anticipated that this material will be used frequently in the construction of MC–338 cargo tanks; however, to the extent that it is used, MTB believes that the particular composition of this material and the process by which it is manufactured justify the higher test pressure requirements. This is consistent with other MTB requirements that exceed ASME Code requirements in several areas (such as in § 178.337 for MC–331 cargo tanks) when UHT steels are used.

One commenter recommended that the retest requirement at proposed § 173.33(d)(2) be eliminated for MC–338 cargo tanks with evacuated jackets. The commenter stated that such tanks in cryogenic liquid service are not subject to internal or external corrosion, and

that in effect the tank is under constant "leak test" because the slightest leak into the vacuum space would be readily detected. MTB does not agree that this retest should be eliminated. The retest, at higher that service pressure, is necessary to ensure the continued integrity of the tank.

MTB does agree with industry commenters that the proposed retest at 1½ times design pressure would, for purposes of personnel safety, require hydrostatic testing and that this not only poses structural problems for hydrogen and helium tanks, but creates problems in drying and preventing contaminants from entering the tank. Since the cryogenic materials are noncorrosive and since the tank has been subjected to a pressure integrity test of 1½ times design pressure at time of manufacture, MTB believes it is appropriate, without compromising safety, to allow the retest to be performed at 1¼ times design pressure. A procedure for performing pneumatic tests is provided at § 178.338–16(b).

Design Loadings

MTB received several comments concerning the "g" loading requirements. Concern was expressed regarding the different methods contained in the NPRM for defining the loadings (i.e., by "g" loadings and also as a function of weight of the tank). In order to clarify the support and anchoring requirements, MTB has revised § 178.338–13 by expressing all design forces as a function of the static loading imposed in the cargo tank and its attachments when the cargo tank is filled to the design weight of lading. These design forces apply to the tank and jacket as well as the support system.

One commenter urged that the proposed design forces be reduced. While present DOT exemptions (not specifying MC–331 construction) do not specify design forces for the tank or jacket of the vacuum-insulated cargo tank, MTB believes that it is necessary to specify some minimum design force considerations. It should be noted that the static loading requirements for the inner tank of a vacuum-insulated cargo tank were reduced from those proposed in the original NPRM by the June 21, 1979 publication modifying the NPRM. At the time this change was made, MTB stated that it would "not compromise the safety of the cargo tank because the outer tank, which is the structural member used in place of a motor vehicle frame, is proposed to be designed to "g" loadings of three vertical and two longitudinal and lateral." (44 FR 36211.)

As for the outer tank (generally referred to as a jacket in this rule) of a vacuum-insulated cargo tank, the same commenter believes the static loading requirements should be reduced from three vertical and two in all other directions to two vertical and 1½ in all other directions. This is the same loading requirement that was proposed (and is here made final) for the inner tank and its suspension members. MTB does not believe the commenter's recommended design forces are adequate. However, upon reevaluation, MTB does believe that the vertical loading requirement of three, proposed in the NPRM can be safely reduced since, for tanks with evacuated jackets, any dynamic forces are dampened by virtue of the double wall construction. This rule, therefore, imposes static loading requirements for the jacket of an MC–338 cargo tank of two in all directions. This agrees with the industry standard expressed in CGA–341.

Nonvacuum-insulated MC–338 cargo tanks are very similar in construction to MC–331 tanks with support members attached directly to the cold liquid tank. The NPRM proposed static loadings for this type of MC–338 tank that were the same as the required loadings for the MC–331. MTB believes the construction of this tank justifies the loading requirement of three in the vertical downward direction since those dampening factors that supported the reduction in vertical loading for the evacuated jacket are not present in this type of construction. There is also no logical reason for having a lower vertical loading requirement for this tank than for the MC–331 tank. For this tank, the proposed loadings in the NPRM are retained in the final rule.

Nonpressurized Atmospheric Gases and Helium

The MTB is adopting regulations that will apply to nonpressurized atmospheric gases and helium. In the NPRM, MTB stated as a basis for its proposed regulation of nonpressurized atmospheric gases and helium that "* * * certain requirements apply due to the extreme thermal hazard these low temperature materials pose to human tissue and, in the case of vessels, to shipboard structures."

Several commenters took strong exception to this specific proposal. Generally, they questioned the value of shipping papers and incident reports in dealing with the "so-called" thermal hazard of these cryogens. Also, commenters took exception to a statement in the regulatory evaluation for the proposal that indicated such materials could be considered corrosive from a technical standpoint. A commenter suggested that MTB's actual motivation was to obtain a reliable record (through incident reporting) of experience in transportation of such materials for purposes of more extensive regulation in the future. This commenter suggested such a record could be developed based on existing incident and accident reports without additional regulation. Further, he asserted that the existing safety record leads inevitably to the conclusion that such a "thermal hazard" does not, in fact, exist.

Another commenter noted that the ANPRM issued on March 1, 1974, and September 10, 1974 (39 FR 7950; 39 FR 32624) did not include these materials. He further indicated that MTB's proposal to regulate these materials due to the extreme thermal hazards these low temperature materials pose is tantamount to a finding by MTB, which the commenter felt had not been adequately supported, that, pursuant to 49 U.S.C. 1803 (enacted after the ANPRM was issued), the transportation of these cryogens may pose an unreasonable risk to health and safety or property.

MTB finds that the quantity and form of all materials subject to this final rule as cryogenic materials may pose an unreasonable risk to health and safety or property when transported in commerce due to the extreme thermal hazard they pose to human tissue. However, MTB acknowledges that the unreasonable risk potential presented by these materials because of their low temperature is not as significant as the risks posed by many other hazardous materials and, therefore, only a limited number of regulations should apply to their transportation.

If a liquid cryogen were to come into contact with any part of a human body, irreversible damage to tissue could be caused unless the contact is of short duration. This fact is verified in industry literature. While the industries known by MTB to engage in shipment and transportation of these materials have a good safety record, MTB concludes these materials are hazardous materials for purposes of transportation in commerce and that some, but not all, of the hazard communication regulations and the incident reporting requirements should apply to them.

Other cryogens are regulated because they pose risks in addition to their extreme thermal hazard. Principal among these risks are flammability and toxicity (e.g., carbon monoxide). A lesser degree of risk is posed by atmospheric gases and helium when transported at pressures greater than

25.3 psig. These pressurized materials are presently required to be carried in cargo tanks under conditions specified in exemptions because they are, by definition, compressed gases. The principal reason for a higher level of regulation of these materials is to assure that the integrity of their packagings is sufficient to prevent failure at the pressures the packagings can be expected to encounter during transportation. However, in terms of immediately available energy, there is no significant difference in the risk presented by a tank containing a cryogenic atmospheric gas at a pressure above 25.3 psig versus a tank containing a cryogenic atmospheric gas at a pressure below 25.3 psig. (MTB does not draw the same conclusion relative to tanks only partially filled since they have a greater immediate available energy potential when their relief valves are set at higher discharge pressures.)

Therefore, MTB concludes that the principal risk presented by packagings filled with atmospheric gases and helium is the thermal hazard these low temperture materials pose to human tissue and to shipboard structures and that specification packagings are not required for these materials when transported by motor vehicle or railroad at pressures at or below 25.3 psig.

It must be noted that the absence of accident data cannot be conclusive as to whether or not a material is a hazardous material. There are a number of hazardous materials currently subject to the regulations (e.g., spent nuclear fuel) for which there is no accident data indicating fatalities, injuries, or serious property damage as a result of accidents in transportation. If MTB were to agree that a material can not and should not be regulated unless there is accident data concerning transportation of the material in the form and manner to be regulated, MTB would be agreeing that it could only react to adverse experience in deciding if a material may pose an unreasonable risk when transported in commerce. The legislative history of the Hazardous Materials Transportation Act clearly establishes that a strictly reactive posture was not the intent of Congress.

In this final rule, MTB is adopting requirements pertaining to the identification of atmospheric gases and helium when they are carried in packagings at pressures at or below 25.3 psig, and incident reporting requirements consistent with those specified for other hazardous materials. The communications requirements relate to the preparation of shipping papers and the marking of packagings including cargo tanks and tank cars. Except for oxygen, MTB is not adopting requirements pertaining to labeling of packages and the placarding of vehicles and rail cars (except for carriage aboard aircraft and vessels). With the exception of oxygen, MTB does not believe that placarding and labeling are necessary for these materials. The identification of the materials by marking will be sufficient for communication of the risk they present during transportation and will allow for improved emergency response through use of identification numbers. MTB believes the risk presented by oxygen warrants the implementation of placarding and labeling requirements for this material (see NFPA Pamphlet 53M entitled, "Fire Hazards in Oxygen-Enriched Atmospheres 1979", for information concerning accidents involving oxygen, including cryogenic oxygen).

The Impact of This Rulemaking on Existing Exemptions

A number of cargo tanks are currently being operated under exemption, carrying pressurized and/or flammable cryogenic liquids. The NPRM proposed that where practicable these tanks be modified, remarked and rerated to MC-338 Specifications. Where not practicable, the NPRM proposed that the exemption holder so advise MTB, giving the reasons. The NPRM did not address what MTB would do after being so notified. The same process was proposed for rail cars currently transporting ethylene, cryogenic liquid under exemption. Exemption holders were concerned about the impact of the rule on outstanding exemptions and the extent of modifications to these existing tanks, and attendant expense, that MTB would require in an effort to bring them into compliance with the new specification requirements.

MTB has decided to completely resolve this issue by allowing existing cargo tanks and tank cars authorized to transport a cryogenic liquid or certain cold refrigerated gases under an outstanding exemption to be remarked and rerated as specification tanks without undergoing modification. MTB believes this "grandfathering" of existing tanks is necessary to avoid potential severe economic consequences to some exemption holders and can be justified from a safety point of view because of the thorough technical review involved in the exemption process, notwithstanding the fact that certain aspects of certain exemptions may differ from this final rule. However, no new construction under these exemptions may be initiated after January 1, 1984.

Under this rule, the owner or the person using a cargo tank or tank car complying with a DOT exemption listed below should remove the DOT exemption number stenciled on the cargo tank or tank car and stamp the identification plate as specified by § 173.31(a)(8), § 173.33(b)(2), or § 173.33(b)(3), as applicable, according to the proper specification. A copy of the applicable exemption in effect on December 31, 1983, must be retained by the owner or operator, if not the owner, for a tank remarked as a DOT specification packaging.

The DOT exemptions affected by this rulemaking are as follows:

Exemptions—Tank Cars

4717	6231	7491
5736	6193	
5792	6625	

Exemptions—MC-338 type Cargo Tanks

2587	5959	7102
2708	6039	7207
2805	6111	7444
3367	6113	7494
3648	6173	7513
4106	6197	7600
4299	6206	7603
4400	6218	7949
4404	6243	7911
4490	6403	8286
4497	6432	8393
4554	6464	8404
4760	6536	8583
5106	6545	8753
5108	6571	8763
5322	6738	8768
5365	6755	8776
5413	6760	8805
5485	6802	8809
5825	6919	8894
5852	6923	8954
5954	7025	

Exemptions—MC-330 or MC-331 Cargo Tanks

5082	7744	8443
6939	7957	8476
6978	8336	8504
7632	8442	

Exemptions-Cylinders

Cylinders marked "DOT E-6668", "DOT E-8404" or cylinders marked "DOT SP-6668" prior to issuance of the exemption may be marked "DOT-4L" as specified by § 173.23(D) of the rule.

Review by Section

Readers are reminded that this Review discusses only significant comments on the proposals in the NPRM and changes made to the NPRM in this Final Rule. For those provisions that are unchanged, readers are referred to the preamble discussion in the original NPRM (44 FR 12826, March 8, 1979) and subsequent correction documents (44 FR 20461, April 5, 1979; 44 FR 36211, June 21, 1979).

Section 171.1. There is no change, except that the proposed language in § 171.1(a)(i) is now contained in § 171.1(a)(iii) due to amendments to the Hazardous Materials Regulations subsequent to the issuance of the NPRM. Due to the length of time between the NPRM and this Final Rule, provisions have been relocated within a section in a number of instances. Throughout the remainder of this preamble, only significant relocations will be commented on.

Section 171.7. In § 171.7, paragraph (c)(3) is revised to reflect the new address of the Compressed Gas Association and, although they were not a part of the NPRM, paragraph (d)(3)(v) is revised to recognize the 1980 edition of CGA Pamphlet S–1.2 and paragraph (d)(12) is revised to recognize the 1978 edition of Federal Standard H–28 which superseded National Bureau of Standards Handbook H–28. The purpose of these and other changes is to recognize the most up-to-date standards so that users of these references will not have to hold superseded editions. MTB has examined the new standards and for the purpose of this incorporation by reference, recognition of the newer editions does not substantively affect the Hazardous Materials Regulations.

Section 171.8. The proposed definition of "filling density" is changed by including a separate entry for hydrogen, cryogenic liquid, in cylinders. The separate filling density reference for hydrogen, cryogenic liquid, in cylinders is needed for clarity. The separate requirement for hydrogen existed at proposed § 173.316(c)(3) of the NPRM, however the lack of a separate reference in § 171.8 may have led to some confusion. This change will avoid that. Also, MTB has added definitions of "atmospheric gases", "BTU", "cryogenic liquids", and "NPT". These added definitions are also to add clarity. The definition of "atmospheric gases" is especially important since under certain circumstances this rule excepts these materials from certain requirements.

Section 172.101. Five commenters addressed the proposed changes to the Hazardous Materials Table, including the Air Transport Association (ATA) and the Compressed Gas Association (CGA).

ATA's comments included the following suggestions: (1) to add "air, cryogenic liquid", "neon, cryogenic liquid", and "cryogenic liquid, n.o.s." to the Hazardous Materials Table (the Table); (2) to forbid pressurized argon, helium, and nitrogen in cryogenic form from transportation by passenger aircraft; and (3) to authorize the use of cylinders for all cryogenic liquids listed in the Table. In the final rule, MTB has amended the Hazardous Materials Table as suggested by ATA to add "neon, cryogenic liquid". However, MTB does not agree that the descriptions "air, cryogenic liquid" and "cryogenic liquid, n.o.s." should be added to the Table. MTB is unaware of any exception from the practice whereby the various cryogenic liquid fractions are separated and shipped in the form of liquid oxygen, liquid nitrogen, etc. Concerning the prohibition proposed by the ATA on the transportation of cryogenic argon, helium and nitrogen aboard passenger carrying aircraft, ATA did not provide any explanation of its concerns that malfunctioning of a pressure controlling valve would result in operation of a safety relief valve. If for any reason, including a blockage in the pressure controlling valve, there is pressure rise in the cylinder, MTB believes that the safety valve should function at its set-to-discharge pressure. MTB's decision to authorize these materials aboard passenger carrying aircraft is consistent with the decision made by the Dangerous Goods Panel of the International Civil Aviation Organization (ICAO). MTB agrees with ATA that the use of cylinders should be allowed and, accordingly, has authorized these materials to be transported by air in DOT–4L cylinders or in accordance with ICAO requirements under § 171.11.

ATA also proposed that three separate entries be provided in the Table for each nonflammable cryogen. The entries would designate the cryogen as pressurized, low pressure and nonpressurized. MTB does not agree with ATA that three separate entries should be listed for the cryogenic liquids. The basis for ATA's recommendation was that separate entries, rather than the exception proposed at § 173.320, would clarify the applicable requirements for the varying pressures. MTB takes the position that the use of a single entry in the Table, with the exceptions referenced in column 5(a), is consistent with the format of the Table and is well understood by persons affected by the regulations. Should MTB conclude at some future date that some means are needed to differentiate among the various categories of these materials, it will consider the matter in a future rulemaking.

ATA also expressed concern that cryogenic liquids, such as helium and neon, having boiling points colder than the freezing point of air should not be permitted in air transportation when in Dewar flasks because of the possibility the vents may freeze with solid air thereby allowing internal pressure build-up MTB is aware that these packagings have been transported aboard passenger aircraft in the past with no reports of adverse experience that would justify such a prohibition. ATA provided insufficient data as to why this prohibition should be imposed and MTB is not aware of any data or information that supports ATA's position. MTB's decisions not to prohibit the transportation of Dewar flasks containing authorized cryogenic liquids by aircraft is consistent with ICAO. MTB's response is the same with regard to ATA's suggestion that, as another alternative, MTB should consider banning all air transportation of cryogenic liquids regardless of pressure in the packaging.

Another concern of ATA's was that the provisions in proposed § 173.320 do not clarify the fact that such shipments offered for transportation by aircraft are subject to shipping papers, marking, labeling and other requirements pertaining to carriage aboard an aircraft in Part 175. MTB agrees and has revised § 173.320 by removing the reference to aircraft.

Maximum net quantity limits aboard aircraft (the Table, column (6)) were recommended by ATA based on the pre-December 31, 1982 listings in the International Air Transport Association (IATA) Restricted Articles Regulations and the Air Transport Association's Tariff 6–D. CGA's comments also addressed quantity limits. CGA suggested quantity limitations for argon, helium, and neon (CGA, as well as ATA, suggested that neon be added to the Table) that exceeded those in the NPRM. A quantity limitation of 550 pounds of argon by cargo-only aircraft was recommended to allow the shipment of the "150 liter, industry standard container". A similar quantity limitation was recommended for neon. CGA recommended that the quantity limitation of 300 pounds of helium by cargo-only aircraft be increased to 1100 pounds to be consistent with present air shipments in standard containers that include a 1000 gallon container. CGA did not suggest any change in the proposed passenger aircraft limitation of 100 pounds for argon or helium and suggested the same limitation be provided for the new neon entry. MTB agrees with the intent of CGA's suggestions relative to maximum quantity per package aboard an aircraft, however, MTB has modified the suggestion by adopting the limitations used by ICAO for cryogenic liquids, rather than those of CGA, ATA or IATA. MTB believes usage of these

quantity limitations will facilitate transportation of these materials moving in international commerce by air without compromising safety. The maximum net quantity in one package by cargo-only aircraft of helium, neon, and nitrogen is 1,100 pounds and the maximum net quantity of argon is 300 pounds. The quantity limitation in one package of these gases by passenger aircraft is 100 pounds.

Several commenters addressed the proposed stowage requirements for water shipments, which in several instances were more stringent that the stowage currently allowed. Specifically, argon, cryogenic liquid and helium, cryogenic liquid were proposed to be allowed "on deck" stowage, and oxygen, cryogenic liquid was proposed to be allowed "on deck" stowage on a cargo vessel, but forbidden on a passenger vessel. (Present regulations allow helium and the cryogenic forms of argon and oxygen to be stowed on deck or under deck. Argon and oxygen when stowed under deck must be "under deck away from heat.") After further consideration of the proposed stowage requirements, the Coast Guard, which assisted MTB in the preparation of these requirements, agreed to the stowage requirements contained in the present regulations except for that which permits oxygen, cryogenic liquid, to be stowed "under deck" on a passenger vessel. This rule does, however, permit oxygen, cryogenic liquid to be stowed on deck on a passenger vessel and it does not appear there will be any hardship created by this requirement.

Three commenters also objected to the proposed provision prohibiting hydrogen, cryogenic liquid, on board a cargo vessel. The commenters argued that the "5" in column 7(a) should be changed to "1" for consistency with other flammable cryogenic liquids which have similar properties. MTB and the Coast Guard do not agree with the commenters because hydrogen with its wider flammability limits poses a greater potential hazard than other flammable cryogenic liquids. Therefore, the suggested change has not been made.

A change has been made in column (7)(b) for gaseous hydrogen from "54" to "4". The reason for this second change is to correct a typographical error since the number "54" had no meaning and the entries "5" and "4" were conflicting. Retaining only the number "4" allows the water shipment aboard passenger vessels of limited quantities of the material.

ATA and CGA were not in favor of including the term "cryogenic liquid" as part of the proper shipping name. ATA, as discussed earlier, supported use of the descriptions "low pressure", "non-pressurized" and "pressurized". CGA recommended that the term "pressurized liquid" be used for consistency with the terminology in existing regulations. MTB believes the "cryogenic liquid" terminology more readily conveys the thermal hazard posed by these materials to emergency personnel and transport workers. Therefore, the term "cryogenic liquid" is being retained as part of the proper shipping description in the final rule.

MTB has added identification numbers to the new entries being included in the Hazardous Materials Table. This is in accordance with the final rule issued under HM-126A (which was completed after the NPRM for this action (45 FR 34560; May 22, 1980)). The new cryogenic liquid descriptions are preceded by an "NA" prefix.

Another major change since the NPRM is the addition of certain entries designated as "liquid (*refrigerated*)". These entries cover materials that, while not meeting the definition of a cryogenic liquid, are gases at atmospheric pressure and ambient temperatures and are transported in cold liquid form. MTB has added these materials to this rulemaking in order to eliminate a number of exemptions. Because of the grandfathering of packagings covered by existing exemptions, the addition of these materials to the Table and related requirements will not add to the burden of current exemption holders. In fact, the addition of these materials to the Table eliminates the need for an exemption to transport these hazardous materials.

Finally, several commenters requested that the current proper shipping name of hydrogen chloride be retained rather than modified by the description "anhydrous", as proposed in the NPRM. The commenters pointed out that the use of "hydrogen chloride" to describe anhydrous material is universally known in the industry and adding the word "anhydrous" is unnecessary. As requested by these commenters, MTB has allowed the current name, "hydrogen chloride", to remain.

Section 172.203. Three commenters pointed out that the notation on shipping papers used to alert rail carriers that certain tank cars may not be humped or cut off while in motion should be applicable to DOT 113D tank cars. MTB agrees with the commenters. Omission of the DOT 113D tank car was an oversight. MTB has revised paragraph (g)(3) to clarify that the notation is applicable to any class DOT 113 tank car.

Section 172.328. The parenthetical language "(including a cryogenic liquid)" has been added to clarify the fact that this provision applies to those materials.

Section 172.504. Instead of deleting Note 2 to Table 2 and renumbering the remaining Notes, as proposed in the NPRM, the text to Note 2 is removed and Note 2 is reserved.

Section 173.11 (proposed as § 173.5). Several commenters objected to the proposed requirements in this section for shippers of flammable cryogenic liquids in portable tanks, cargo tanks and tank cars, and the proposed requirements in § 177.825 (now § 177.826) for carriers of flammable cryogenic liquids in cargo tanks by highway, to file registration statements with MTB. Three of the commenters opposed the requirements as unnecessary. One of the commenters pointed out that registration is not required for other hazardous materials, that there is no evidence that it is needed here, and that such a requirement is contrary to the intent of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520). Three commenters objected to the provision in the proposal that would require the registration statement to be acknowledged by MTB prior to shipment of flammable cryogenic liquids since it was believed this would result in unnecessary and unreasonable delays. A different commenter suggested that the words "cargo tank" should be included in paragraph (a)(5) for consistency with the intent stated in the preamble. The remaining commenter suggested that the requirement should not apply to shippers of tank cars since it was not a requirement in the exemptions and the requested information would not enhance safety.

MTB disagrees with the commenters who believe that there is no need for registration of shippers and highway carriers of flammable cryogens. The registration requirement adopted in this rule will provide important information which will enable MTB to identify and locate shippers and carriers of these very hazardous materials for periodic inspections of their operations. For the same reason, MTB has not excepted shippers of tank cars from the requirement.

MTB does agree with the commenters' concern regarding the potential time lapse prior to MTB acknowledgement. It is MTB's intention that the registration statements be processed in a timely manner. Accordingly, as suggested by one of the commenters, MTB has revised the requirement to allow the registration statements to be filed by certified mail with a return receipt requested. The signed copy of the returned certified

mail receipt will serve as MTB's acknowledgement of the registration statement. A similar change has been made to § 177.828.

Additional changes to this section since the NPRM, include the requirement that registration filings be with the Associate Director for Hazardous Materials Regulation, rather than the Associate Director for Operations and Enforcement. This is not a substantive change and merely represents a reorganization of functions within MTB. The section has been reorganized and the commenters suggestion that cargo tanks be added in proposed paragraph (a)(5) has been adopted (the corollary paragraph in the final rule is (b)(4)). Finally, the dates on which registration begins have been revised to be consistent with the effective date of this rule.

Section 173.23. A new paragraph (d) is added to permit remarking of cylinders covered by a DOT exemption, as discussed under the heading "Impact of This Rulemaking on Existing Exemptions."

Section 173.29. Proposed paragraph (f)(3) would have prohibited venting of any gas, other than an atmospheric gas, remaining in a tank car previously used to transport a cryogenic liquid. Upon review, MTB believes the same purpose is served by the present requirement of paragraph (c)(2) which requires that an empty tank car that has been used to transport a hazardous material must be shipped in the same manner as when it contained a greater quantity of material unless it has been cleaned, purged or reloaded with a material not subject to the regulations. Therefore, proposed paragraph (f)(3) has not been incorporated into the final rule.

Section 173.31. Proposed paragraph (a)(6) (paragraph (a)(8) herein) is revised as discussed under the heading "Impact of this Rulemaking on Existing Exemptions" to permit remarking of tank cars covered by a DOT exemption. Additionally, the provision has been changed to allow the operator as well as the owner to do the remarking.

A new paragraph (a)(9) is added to provide that tank cars built to Specifications DOT–113A175W, DOT–113C60W, DOT–113D60W, or DOT–113D120W may continue in service, but no new construction of these tank cars is authorized. No new construction of any of the tanks have been authorized under exemption since 1973. The only tank cars authorized for new construction are specification DOT–113A60W (for hydrogen) and specification DOT–113C120W (for ethylene).

Proposed paragraph (c)(13)(i) is revised, as suggested by two commenters, to clarify that a class DOT–113 tank car is not required to be retested unless the pressure rise in the tank exceeds 3 psi per day. If the pressure rise exceeds 3 psi, the tank must be properly retested prior to being returned to service. The NPRM language was not as clear and referred only to 113A cars. Application of this provision to all DOT–113 cars was intended. The correction of this oversight represents a relaxation of the proposed requirements. Two commenters to paragraph (c)(13)(i) stated that the requirement to monitor the cars for pressure rise should only apply to cars transporting flammable cryogens. MTB notes that at the present time the only cryogens authorized for shipment in tank cars are flammable and hence although the language of this section does not limit application to flammable cryogens, § 172.101 does.

In paragraph (c)(13)(ii)(B), the proposed evaporation rate retest has been replaced with a calculated heat transfer rate (CHTR) retest to more accurately reflect the performance tests specified for class DOT–113 tank cars operating under exemption and to be consistent with a change made to proposed § 179.400–4 and published in this rule. The CHTR retest provides a method for qualification of a tank car insulation system that can be more readily accomplished than that which was proposed in the NPRM.

Paragraph (c)(iii) has been rewritten to clarify the fact that successfully completing either of the retests prescribed in (c)(ii) will allow a car to be placed back in service.

In this section, as in a number of others, the term "safety relief valve" has been replaced by the term "pressure relief valve." While both terms are generally understood by industry to refer to the same device, MTB believes that "pressure relief valve" is the more accurate term and MTB, in line with certain industry groups, is using this terminology in this rule. MTB has not attempted to change all references in the Hazardous Materials Regulations where the term "safety relief valve" is used. For purposes of the Hazardous Materials Regulations the terms have the same meaning.

Retest Table 1, which until this rule followed paragraph (d)(4), now follows paragraph (c)(13) and has been expanded to include tank cars formerly under DOT exemption that are to be remarked in accordance with paragraph (a)(8) of this section. Additionally, the DOT–113A175W car, proposed to be deleted, has been left in the Retest Table to meet the needs of a commenter who indicated that tank cars of this type have been reconditioned and returned to service. In response to another comment, the footnote references have been corrected. Also, the vapor tight pressure for the DOT–113A175W tank car has been reduced to 80 percent of the start-to-discharge pressure of the safety relief valve. This change is consistent with the vapor tight pressure valves used for other DOT class tank cars. Two other commenters recommended that a new footnote "t" be added following the table to cover the retest of alternate safety relief valves when installed. Such a footnote is not necessary, however, because § 173.31(c)(13)(v) prescribes a retest that is applicable to any alternate safety relief device.

Section 173.33. Several changes to this section have been discussed previously in the preamble in the subject-by-subject review: (1) Cargo tanks currently used to transport cryogenic liquids under exemption will be "grandfathered" and will not have to be modified or have the inability to make such modifications explained to MTB (proposed §§ 173.33 (b)(2) and (b)(2)(iii)); (2) the holding time verification (proposed § 173.33(d)(1)(ii)) now only applies to cargo tanks containing flammable cryogenic liquids rather than all cryogenic liquids; and (3) the required retest pressure for an MC–338 tank (proposed § 173.33(d)(2)) has been reduced from 1⅛ times maximum allowable working pressure to 1¼ times that figure.

Additionally, the section has been revised to require cargo tanks currently used to transport certain cold, refrigerated gases under exemption to be stamped with the MC–330 or MC–331 specification identification followed by the exemption number. This serves to "grandfather" these tanks, thereby removing them from the exemption program (although the exemption number will remain with the tank for its service life to substantiate the authorized use of the tank).

The pneumatic testing method in paragraph (d)(2) no longer specifies that a soap and water solution or other suitable material must detect leaks through the presence of foaming or bubbling. Now any "equally sensitive method" is acceptable. This change provides greater flexibility and recognizes that there may be a number of acceptable methods for detecting leaks.

Another change allows either the owner or operator of a tank currently operating under exemption to perform the remarking. The NPRM spoke in terms of the exemption "holder". This

change recognizes the fact that frequently a tank may be under long-term lease to an operator who has exclusive use and possession of the tank. This person is authorized to perform the remarking, thereby reducing the possibility that a tank would have to be taken out of service so that the "holder" could perform the remarking.

The names "carbon dioxide" and "nitrous oxide" are removed and replaced by "carbon dioxide, liquid *(refrigerated)*" and "nitrous oxide, liquid *(refrigerated)*" each time they appear in this section.

Section 173.300. A commenter suggested that the definition of a cryogenic liquid in proposed paragraph (f) be changed to specify a reference pressure at 14.7 psig for "technical clarification." MTB believes a reference pressure would clarify the provision and, for consistency with the liquefaction temperature, has specified a pressure of one atmosphere.

In the NPRM, the definition for filling density in paragraph (g) would have been redesignated as paragraph (h) and amended to indicate the different sections applicable to cryogenic liquids. However, MTB has removed present paragraph (g) in the final rule since a definition of filling density has been added to § 171.8.

Section 173.304. The proposed Table to paragraph (a)(2) has been changed. "Hydrogen chloride" is no longer being deleted and added as "Hydrogen chloride, anhydrous." As noted in the discussion of § 172.101, the name of this material is no longer being changed. However, the name "carbon dioxide, liquefied" is being removed and the name "carbon dioxide" is added.

As noted in the April 5, 1979 addition to the NPRM, paragraph (b) has been revised to clarify filling limits for vinyl fluoride, inhibited.

Section 173.314. Several commenters suggested that tank cars containing hydrogen chloride, liquid *(refrigerated)* should be marked "HYDROGEN CHLORIDE" for consistency with the requirement for chloride materials which have similar hazards. MTB agrees and has added the requirement in paragraph (b)(6). In addition, in the Table to paragraph (c), the maximum pressure for tank cars containing hydrogen chloride, liquid *(refrigerated)* when offered for transportation is increased from 80 psig to 90 psig, based on the concerns of several commenters that increased time be allowed for adequate inspection of tank cars. The effect of the change is minimal and will have no adverse effect on safety. Also, the entries to the Table have been changed, as noted in discussions of other sections, to reflect different shipping names for carbon dioxide, liquid *(refrigerated)* and hydrogen chloride, liquid *(refrigerated)*.

Section 173.315. MTB believes the reference to the marking requirement in the introduction text to this paragraph is unnecessary and, therefore, it has been deleted. In the Table to paragraph (a), the obviously incorrect filling density for hydrogen chloride, liquid *(refrigerated)* of "10.3 percent" is changed to "103.0 percent". Also, MTB is authorizing the shipment of refrigerated ethane, ethane-propane mixture, and hydrogen chloride, liquid *(refrigerated)*, in insulated MC-338, as well as MC-331, cargo tanks. This eliminates an unnecessary restriction in the NPRM that precluded the use of an MC-338 tank for materials for which a less heavily insulated MC-331 tank was authorized.

Note 11 to the Table has been extensively revised. The NPRM proposed that each tank have a design service temperature no warmer than the material's liquefaction temperature. As discussed earlier in the preamble under the heading "Liquefaction Temperature," the term "liquefaction temperature" has been replaced with the more readily understood term "boiling point at one atmosphere" to eliminate possible ambiguity. The requirement in present Note 11 that a cargo tank must be designed for a service temperature no higher than minus 100° F, which was inadvertently omitted in the NPRM, has been retained.

The holding time requirement has been rewritten for clarity, but without changing the substance of the requirement.

The last sentence in proposed Note 11 would have required that, before being transported in an empty condition, a cargo tank be drained, vented or blown down sufficiently to prevent venting while en route. In view of the existing requirement that an empty cargo tank last used to transport a hazardous material must be transported in the same manner as when it contained a greater quantity of material, MTB does not believe the provision is necessary and therefore it has not been included in the final rule.

A requirement has been added to Note 11 that a cargo tank used to transport a flammable gas must have an outer steel jacket. The reasons are discussed earlier in this preamble under the heading "Use of Aluminum."

Finally, the names "carbon dioxide" and "nitrous oxide" are removed and replaced by the names "carbon dioxide, liquid (*refrigerated*)" and "nitrous oxide, liquid (*refrigerated*)," respectively, each time they appear in this section.

Section 173.316. Proposed paragraph (a)(3) has been changed so that the steel jacket requirement does not apply to cylinders transporting cryogenic oxygen. This change was urged by several commenters and also responds to petitions submitted by CGA dated July 3, 1975, and January 19, 1977. This change is supported by the satisfactory safety record of aluminum jacketed cylinders in cryogenic oxygen service under DOT E-6668, and the fact that prior to the granting of this exemption, in 1972, extensive fire tests were performed with satisfactory results. These factors, as well as the quality of material in each package, distinguish cylinders from cargo tanks and support the position adopted in this final rule that aluminum jackets be authorized for cylinders, but not for cargo tanks, used to transport cryogenic oxygen. See the earlier preamble discussion under the heading "Use of Aluminum."

Proposed paragraph (a)(4) has been revised to limit its applicability to cylinders used to transport cryogenic oxygen. Flammable cryogens are now addressed in a new paragraph (a)(5), which prohibits an aluminum valve, pipe or fitting on any cylinder used to transport a flammable cryogenic liquid. This prohibition was supported by the commenters and is necessary, due to the low melting point of aluminum, in order to preclude an increase in the consequences of a fire involving a cylinder containing a flammable cryogenic liquid.

One commenter suggested that pressure relief devices on cylinders should comply with CGA Pamphlet S-1.1, entitled "Pressure Relief Device Standards, Parts I—Cylinders for Compressed Gases." MTB adopted CGA Pamphlet S-1.1 under an earlier rulemaking to require that pressure relief devices on cylinders comply with CGA standards (Docket HM-163E, 46 FR 22194, April 16, 1981). The requirement is contained in § 173.34(d).

Hydrogen has been excepted from applicability of the filling density definition in paragraph (c)(1) and a separate definition has been added as Note 1 to the Table in (c)(3). This was an oversight in the NPRM since the Table to (c)(3) clearly stated that filling density was based on cylinder capacity at minus 423° F.

As suggested by commenters and discussed in the explanation for § 172-101, cryogenic helium and neon are authorized for shipment in cylinders in this final rule and this is reflected by their addition to paragraph (c)(2).

Section 173.318. The proposed requirement to allow aluminum valves

without rubbing or abrading aluminum parts has been retained in paragraph (a)(4) for cargo tanks used to transport cryogenic oxygen. However, a prohibition on an aluminum valve, pipe or fitting being used on a cargo tank used to transport a flammable cryogenic liquid has been placed in a new paragraph (a)(5). The reason for this change is the same as for the similar change made to §173.316.

A new paragraph (b)(1)(ii) has been added to clarify that each pressure relief valve must be designed and constructed for a pressure equal to or exceeding the tank design pressure at the coldest temperature to be encountered. New paragraph (b)(5)(iii) contains a requirement to mark the set-to-discharge pressure of each pressure control valve. This requirement is consistent with that contained in § 173.315 for other cargo tanks.

In the Table to proposed paragraph (f)(3), the design service temperature for methane or natural gas was −320° F. This was in error. The correct design service temperature specified in the final rule is −260° F.

The operational requirement, proposed in §§ 178.338–9(c) and 178.338–18(d), specifying that a cargo tank containing a flammable cryogenic liquid must be marked with the one-way travel time (OWTT) for the material contained in the cargo tank has been deleted from the specification section. The requirement is now, more appropriately, in new paragraph 173.318(g). Additional comments and changes to this section have been addressed earlier in this preamble under the headings "Pressure Relief Device Systems," "Minimum Outage and Filling Densities," and "Venting, Holding Time, Trip Monitoring and Equilibration of Cryogenic Liquids."

Section 173.319. The requirements in this section have been revised to clarify that they apply only to flammable cryogens.

MTB received conflicting comments on the use of scales to determine the amount of cryogenic liquids loaded into a tank car as proposed in paragraph (a)(2). MTB has decided to delete the required use of scales for hydrogen cars, but has retained the method for cars containing other cryogenic liquids. The exception for hydrogen is made due to the extremely low density of this material and the fact that even a reasonably accurate scale capable of weighing a rail tank car would likely have a plus or minus error that would make it unreliable as a method of checking the amount of hydrogen that has been loaded.

The requirement in proposed paragraph (a)(3) to notify the Bureau of Explosives (B of E) when a tank car has not been received by the consignee after 20 days was opposed by three commenters. One of these commenters pointed out that a tank car operating between such places as Texas and Alaska would exceed 20 days in transit on every shipment. The other two commenters argued that the design of cars for flammable cryogenic ladings provides for a 30 day holding time and therefore taking action after 20 days is premature. After considering the matter, MTB has decided to retain the notification requirement. MTB and the Federal Railroad Administration believe that, for tank cars transporting flammable cryogens, tracing should begin after 20 days in transit to ensure that a car will be located and routed to reach its destination within the holding time of the car.

Paragraph (c) has been changed to relate filling temperature to pressure rise, instead of the holding time, for consistency with changes made to § 179.400–4. These changes recognize that it is not current practice to conduct holding time tests on tank cars in cryogenic liquid service.

Finally, the permitted filling densities in the table in paragraph (d)(2) have been modified for ethylene to accommodate tank cars currently operating under a DOT exemption that under this rule will be remarked in accordance with § 173.31(a)(1). The DOT–113A175W car has been added to the authorized specifications for hydrogen as noted in the preamble discussion of § 173.31.

Section 173.320. The applicability of the exception provided by this section is expanded to include all atmospheric gases and to make it clear that the regulations pertaining to cryogenic liquids do not apply to refrigeration systems during transportation by motor vehicle, railcar, or vessel. The wording has also been clarified to emphasize that in order to qualify for this section, the design and construction of the packaging, not the thermal protection, must limit the pressure to 25.3 psig.

The exception has also been expanded to exclude atmospheric gases (except oxygen) and helium in qualifying packaging from the labeling and placarding requirements in Part 172. For carriage aboard aircraft, the provisions of § 173.11 apply; therefore, there is no reference to aircraft in § 173.320.

The issue of imposing any requirements on the shipment of atmospheric gases and helium is discussed earlier in this preamble under the heading "Nonpressurized Atmospheric Gases and Helium."

Part 174. Except for minor reorganization of § 174.204(a)(2), the sections in this Part are amended and revised as proposed in the NPRM.

Section 176.76. A number of changes have been made to this section. Several commenters recommended that this section be expanded to provide for cargo tanks formerly under a DOT exemption that have been remarked in accordance with § 173.33(b)(2). MTB agrees and this change has been made in paragraph (h)(1).

The reference, in proposed paragraph (h)(1) to § 173.316(a)(4) is now treated more clearly by restating the applicable requirements in paragraph (h)(2). Proposed paragraph (h)(2) is now (h)(3).

In line with other provisions regarding holding time, proposed paragraph (h)(2) (now paragraph (h)(3)) has been changed so that it now only applies to flammable cryogens. See the discussion under the heading "Venting, Holding Time, Trip Monitoring and Equilibration of Cryogenic Liquids" earlier in this preamble. Several commenters correctly pointed out that proposed paragraph (h) does not provide for tank cars containing a cryogenic liquid to be transported by vessel. This was an oversight on MTB's part. Accordingly, a new paragraph (h)(4) has been added to allow shipment of cryogenic liquids by vessel in DOT–113 or (for nonpressurized atmospheric gases and helium) AAR 240W tank cars. Because of the extreme thermal hazard cryogenic liquids pose to shipboard structures, a requirement has been added in new paragraph (h)(4) to require portable tanks, cargo tanks and tank cars containing cryogenic liquids to be stowed "on deck" only.

Section 177.816. The NPRM proposed that drivers of cargo tanks used to transport a flammable cryogenic liquid be required to receive formal training, at least once every 24 months, on the proper handling of the particular flammable cryogen being transported in the particular type of cargo tank. Included in the proposal were requirements that written records of training be kept by the carrier and that the driver be issued a certificate of training to be carried on his person while operating the motor vehicle. Three comments were received concerning this section. The Interstate Commerce Commission supported a detailed, structured curricula. The second commenter suggested that corresponding revisions should be made to §§ 391.11, 391.51, and 397.19 of the Federal Motor Carrier Safety Regulations, and the third commenter opposed the proposal as redundant and

as an unnecessary regulatory burden that would do nothing to enhance safety in view of § 177.800. This commenter also questioned whether the driver would be placed out-of-service if he did not have the certificate of training in his possession during a DOT roadside inspection.

This final rule adopts a driver training requirement because MTB believes that the program will increase a driver's knowledge and general awareness of the applicable Hazardous Materials Regulations, and his knowledge of the hazard of cryogenic liquids and the handling and operating characteristics of the particular vehicle used to transport the material. This requirement reflects good business practice and helps to ensure that this type of training will be performed at regular intervals.

In response to the comments, MTB notes that the training presently required by § 177.800 is general in nature and does not cover the details proposed, and now contained, in § 177.816, which is specifically applicable to flammable cryogenic liquids. Adoption of a structured curricula as suggested by the ICC, is outside the scope of this rulemaking. If MTB determines in the future that there is a need for a structured driver training program, it will be made the topic of a future rulemaking.

The major change to the NPRM is that a certificate of training is no longer required. MTB reevaluated the burdens and benefits of such a requirement and now believes that requiring the paperwork to be completed and then retained by the driver is unnecessary in view of the fact that the information can be obtained from the carrier's files.

In order to reduce paperwork burdens, MTB has reduced the period of time that a carrier must keep the driver's record of training after a driver has left the carrier's employ from three years to 90 days.

Paragraph (a) is changed to indicate that when interchange operations are involved, only the originating carrier is subject to this section.

Section 177.818. One commenter recommended that the provisions of this section be limited to transportation of *flammable* cryogenic liquids. The omission of the word "flammable" preceding "cryogenic liquid" in this section was in error. The omission has been corrected.

Section 177.824. This section is adopted as proposed in the NPRM.

Section 177.828. MTB has revised this section along the lines of § 173.11 to allow carriers to file registration statements by certified mail with a return receipt serving as MTB's acknowledgment. One commenter expressed concern that certain information contained in the registration statement, such as the number and type of vehicles in use by a carrier, may be considered proprietary and should be protected from public release. For years, each motor carrier has filed with the Federal Highway Administration's Bureau of Motor Carrier Safety (BMCS) a listing of all MC–330 and MC–331 cargo tanks the carrier has in service (49 CFR § 177.824(f)). MTB does not believe that the type of information that must be provided under this section is any more proprietary than that provided to BMCS on the MC–330 and MC–331 cargo tanks. However, if a carrier believes that its information is entitled to confidentiality under the Freedom of Information Act (5 U.S.C. 552), or is the type of material referred to in 18 U.S.C. 1905, the carrier is entitled to request confidential treatment under the terms of 49 CFR 107.5.

In paragraph (c), the initial filing period has been revised to be consistent with the effective date of this amendment.

Section 177.840. Paragraph (h) has been restructured for clarity.

Paragraphs (i) and (j) have been rewritten to allow for equilibrations. This is discussed earlier in the preamble under the heading "Venting, Holding Time, Monitoring, and Equilibration of Cryogenic Liquids."

MTB believes paragraph (j) of the NPRM which specified a 50 percent reduction in one-way travel time for cargo tanks used in distribution service (peddle runs) is no longer necessary in light of the new provision on equilibration specified in § 177.840 and the modified provisions to allow venting of nonflammable cryogens as specified in § 173.320. Accordingly, it has been deleted.

Paragraph (k) of the NPRM, which discussed empty cargo tanks has also been removed. as discussed previously in this preamble with regard to § 173.29, MTB believes that this proposal was unnecessary in light of the present requirement in § 173.29(c)(2).

Paragraph (l) of the NPRM is now paragraph (k) and has been clarified to indicate that the apparatus must be approved by the National Institute of Occupational Safety and Health.

Section 178.57. Several changes have been made to this section that were not addressed in the NPRM. These changes, however, reflect an expanded use of the DOT–4L cylinder and in most instances are necessary to conform to other changes that have been made in this rule.

In § 178.57–2, The maximum service pressure has been revised to more accurately reflect the maximum pressures authorized in Part 173 for cryogenic liquids during transportation. In paragraph (c) of this section, design service temperatures are specified for argon, helium, neon, nitrogen and oxygen, in addition to hydrogen. The temperatures specified are the same as those previously required under paragraph (c) except for helium and neon, which were not previously authorized for transportation in DOT–4L cylinders.

Section 178.57–5 has been changed to reflect the fact that for the carriage of certain commodities an aluminum outer jacket is authorized. See the discussion of this in the preamble discussion of § 173.316.

Section 178.57–8 has been revised to provide for aluminum as well as steel jackets on DOT–4L cylinders. A steel jacket on a non-evacuated insulation system may be no less than 0.060 inch thick, as prescribed by present regulations. When an aluminum jacket is used on a non-evacuated insulation system, it may be no less that 0.070 inch thick. This is consistent with existing exemptions. Paragraph (c) also provides that when a steel or an aluminum jacket is used on vacuum insulated cylinders, the jacket must be designed to a minimum collapsing pressure of 30 psi. The 30 psi minimum collapsing pressure will provide greater flexibility than the specification of a minimum thickness and is better suited to controlling the wall thickness of an evacuated jacket to provide resistance to collapsing. Paragraph (d) of the same section has been added to ensure that the requirement in § 178.57–20(a)(4) is complied with at the time of manufacture.

In § 178.57–10, the definition of "P" has been rewritten to indicate that the pressure test need not be hydrostatic and to clarify that this figure is to be expressed in psi.

Section 178.57–12 now provides that the fitting, boss or pad provided for each opening may be "integral" in lieu of "securely attached". The reference in paragraph (a)(2) has been changed from "American Standard taper pipe threads" to "NPT". This change, with the associated definition in § 171.8, helps pinpoint the reference without making a substantive change. Paragraph (a)(3) has been rewritten for clarity. As previously worded it was unclear whether the required inertness and leakage prevention characteristics referred to the threads or the gasket. Although the

answer may have been obvious, it has now been stated correctly.

Section 178.57–13 was addressed in the NPRM and it is adopted here with the added requirement that flow capacity meet the industry standard in CGA Pamphlet S–1.1.

In § 178.57–20, the references to "service temperature" in paragraph (a)(2) have been changed to "design service temperature", without substantive effect. An identical change has been made in paragraph (a)(4) along with minor rewriting for clarity. The examples shown in the present paragraph (a)(4) have been moved to paragraph (a)(5). Paragraphs (a)(8) and (a)(9) have been added to require special orientation instructions and, when appropriate, a marking which identifies a cylinder with an aluminum jacket.

Section 178.57–21 has been revised to recognize that an aluminum jacket is authorized for nonflammable cryogens and therefore the materials of construction for the cylinder and outer jacket are now specified separately.

Section 178.57–22 is being changed to make very minor changes to correct improper uses of plurals, to change "service temperature" to "design service temperature" and to move the chemical analysis table to the proper location.

Section 178.337. MTB has revised § 178.337–1(a) for clarity and to authorize MC–331 cargo tanks to be constructed with aluminum. If aluminum is used for the inner tank, the tank must be insulated. When an insulated tank is intended to be used to transport a flammable gas, a steel jacket is required. Although not addressed in the NPRM, MTB believes these modifications are justified in view of its decision to allow aluminum in the construction of MC–338 cargo tanks under similar conditions. Section 178.337–1(e) has been revised to recognize the changes made to §§ 173.315(a) Table Note 11 and 178.337–1(a).

Section 178.337–11(c) has been revised to include the term "NPT" as a reference standard for the discharge openings. Also the reference to hydrogen chloride has been changed to be consistent with the new proper shipping name "hydrogen chloride, liquid *(refrigerated)*."

Section 178.338–1. An additional reference has been added in paragraph (a)(2) of § 178.338–1 to clarify the design service temperature. See the preamble discussion under the heading "Liquefaction Temperature" for further discussion.

A commenter requested that paragraph (c)(1) be revised to require each tank to be "designed, constructed, *and stamped* * * *." A tank constructed to the MC–338 specification is required to be marked by stamping, embossing, or other means, as prescribed by § 178.338–18. Therefore, MTB believes adding the word "stamped" to this section is not appropriate. Also, the commenter requested that paragraph (c)(1) allow closing welds to be made with non-removable backing strips. Construction of such a cargo tank is not prohibited by the regulations provided the tank is designed and constructed to allow washing of the interior surface, as prescribed by paragraph (c)(3), and meets the cleanliness requirements contained in § 178.338–15. Therefore, no change is necessary. As suggested by the same commenter, MTB has made a minor revision in the lower design pressure value specified in paragraph (c)(1) from 25 psig to 25.3 psig for consistency with § 173.320. The word "cargo" has been removed, in the reference to "cargo tank" in paragraph (c)(3), for consistency with the definition of tank in § 178.338–1(b).

In paragraph (e), a commenter requested that MTB specify a thickness in inches, in addition to the gauge values specified for the minimum metal thicknesses, in order to ensure proper calculations. However, the gauge-to-inch values suggested by the commenter were not in accordance with guage thicknesses prescribed in the Table to § 173.24(c). The commenter did not explain why the values in § 173.24 were unsuitable. MTB has now specified minimum thicknesses, in inches, based upon the minimum thicknesses prescribed in § 173.24(c).

The design parameters for evacuated jackets in paragraph (f) were revised in the June 21, 1979 notice. In that notice, MTB acceded to commenter's requests and incorporated some of CGA's recommendations for a vacuum jacket contained in CGA–341 which, to a large extent, references the ASME Code. In its comments to the NPRM, as modified, the CGA recommended adoption of § 178.338–1(f) as initially proposed in the March 8, 1979 NPRM and expressed its view that the June 21, 1979 revision to paragraph (f)(2) was unsuitable. After considering these comments, and for reasons discussed under the heading "Jacket Design" earlier in this preamble, MTB has adopted the proposals for evacuated jackets contained in the June 21, 1979 notice, but has specified that the minimum collapsing pressure for evacuated jackets must be at least 30 p.s.i. This is consistent with standards in Pamphlet CGA–341.

Section 178.338–2. A commenter objected to the proposed requirements in paragraph (a) that jacket material must be in accordance with the ASME Code and to the additional postweld heat treatment required for cargo tanks constructed of UHT materials in proposed paragraph (e). The commenter stated that ASME material has never been mandatory for evacuated jacket material. This commenter cited the narrow temperature range for proper heat treatment of 5%, 8% and 9% nickel steels as the reason for opposing the proposed requirements for UHT materials. These same objections were raised to proposed § 178.338–4(a).

MTB is not aware of any test or experience data on the suitability of cargo tanks constructed of UHT materials that have not been postweld heat treated. Also, MTB is not aware of any cargo tank constructed of 5% or 8% nickel steels in pressurized cryogenic liquid service. Furthermore, there is no authorized cargo tank constructed of 9% nickel steels in pressurized cryogenic liquid service under exemption that MTB can use as the basis for obtaining experience data. The one cryogenic cargo tank constructed of a modified 9% nickel steel being operated under exemption has not been postweld heat treated, but it is mounted on a flat-bed trailer; therefore, it is not subject to full torsional forces and dynamic shock loadings normally encountered during transportation. In the absence of such data, MTB strongly believes the requirements proposed in the NPRM are justified in order to fully account for the dynamic forces encountered in the transportation environment. These forces are not considered by the ASME Code, which basically establishes standards for stationary pressure vessels. Furthermore, MTB believes that anyone who fabricates with UHT material is capable of properly heat treating these materials. Other UHT steel pressure vessels require postweld heat treatment. Therefore, the proposed requirements are retained in the final rule.

Section 178.338–3. A commenter requested that MTB incorporate the more lenient metal thickness requirements of the ASME Code. Since, as noted above, ASME designs do not consider the dynamics of the transportation environment, MTB is adopting the proposal contained in the NPRM.

Section 178.338–4. One commenter recommended that proposed § 178.338–4(c), which deals with the intersection of nozzles, supports, and other welds with longitudinal welds in the tank and load bearing jacket, be deleted. The commenter believes that the ASME Code adequately addresses welding

details. However, MTB believes that the prohibition on such intersections, other than by the welds of load rings or stiffening rings, contributes to overall tank integrity at negligible additional cost. Therefore, MTB is retaining § 178.338–4(c) and, along the same lines, is adding language to proposed § 178.338–13(d) (now at § 178.338–13(a)), specifically providing for fillet weld discontinuity in the attachment of supports and bumpers, in order to reinforce the § 178.338–4(c) requirement.

Section 178.338–5. This section is adopted as proposed in the NPRM.

Section 178.338–6. One commenter recommended that MTB delete the requirement for a manhole on cargo tanks in oxygen service. The manhole requirement was proposed as § 178.338–6 in the June 21, 1979 **Federal Register** publication amending the NPRM. The commenter stated that oxygen is not a corrosive and that by following the proposed tank cleaning requirements the possibility of contamination of the tanks would be reduced to a level that would eliminate the need for a manhole. The commenter also believes that a manhole would provide a means of future contamination by allowing for an internal inspection without proper follow-up cleaning procedures. MTB believes that contamination of oxygen tanks during construction could pose a serious safety problem and therefore, in order to assure that the proper degree of cleanliness has been accomplished, the tank must be internally inspected after construction and prior to final closure. At the time of tank manufacture, a manhole provides the surest means of ensuring that the tank is contaminant-free prior to final closure. This assurance of cleanliness is crucial in tanks intended for oxygen service.

After the tank has been in service, the presence of a manhole allows for subsequent thorough internal examination. MTB believes the benefits to be gained by having the manhole outweigh any risk that a subsequent examination will cause contamination. The cleanliness requirements are geared to ensuring that after a tank has been reentered, and prior to subsequent reuse, that an oxygen compatible environment, i.e. no contamination, is reestablished.

Section 178.338–7. A commenter recommended that proposed paragraph (a), providing for complete drainage of flammable ladings, be revised to remove the implication that a pipe must drain down from the lowest point of the tank. MTB agrees and has revised the paragraph accordingly. The requirement for the closure of openings in a tank in proposed paragraph (b) is addressed in §§ 178.338–8, 178.338–10 and 178.338–11; therefore, proposed paragraph (b) has not been adopted.

Section 178.338–8. Paragraph (a) has been reworded to specifically require compliance with § 173.318(b) rather than merely referring to that section. The wording in paragraph (b)(2) has been simplified without a change in meaning. In paragraph (b)(5), at the suggestion of one commenter, MTB is allowing a check valve to be used on MC–338 cargo tanks. Allowing the use of a check valve provides an alternative that meets the intent of MTB's initial proposal in that it provides for complete, positive closure. Further discussion of this section is contained under the heading "Pressure Relief Device Systems" earlier in the preamble.

Section 178.338–9. In response to proposed paragraph (b), a commenter pointed out that it is impossible to maintain a liquefied gas at a temperature corresponding to its boiling point at atmospheric pressure, as proposed in the NPRM. The commenter maintained that "in the absence of thermal stratification, the fluid would maintain itself at a saturation temperature corresponding to the lowest back pressure that can be maintained stable after filling the vessel." MTB agrees with the commenter. Accordingly, MTB has specified the boiling point at a reference pressure of one atmosphere and has revised the requirements to reflect a more practical pressure as suggested by the commenter. The requirement appears in paragraph (b)(1) of the final rule.

In proposed paragraph (b)(1) (paragraph (c) of this final rule), a commenter recommended that the holding time obtained in the optional test be required to be not less than 90% of the marked rate holding time, rather than requiring test results be within 10% of the original test. The commenter also recommended that MTB specify the Normal Evaporation Rate (NER) at not more than 110% of the original test. MTB has incorporated the suggested change to the optional test regimen in paragraph (c), but has not included the NER test (which was not defined by the commenter). This test has been mentioned by various industry members in the past and MTB has always requested that the test be defined. Further, MTB believes a test should be performed to validate the use of the NER test by comparing the results of the NER to the currently specified holding time tests. Without this information, MTB is unable to evaluate the value of the NER versus the holding time test.

Proposed paragraph (c) has been revised for clarity and it appears as paragraph (b)(2) in the final rule. The one-way travel time requirements have been moved to § 173.318(g).

Section 178.338–10. A commenter recommended certain changes be made in proposed paragraph (a) to specify applicability of the collision damage protection requirements to lines on a tank which, if damaged, could result in the loss of the lading, and to lines which connect to the safety relief devices. MTB has incorporated the intent of the comment into the final rule. In paragraph (c), the word "cargo" is added, as suggested by a commenter, when referring to the tank. MTB is not incorporating a comment suggesting a specific bumper height requirement. The NPRM contained a performance-oriented requirement ("adequate to protect all valves and fittings * * *.") that is adopted in this final rule.

Section 178.338–11. A commenter suggested that the first sentence in paragraph (b) be revised to read "Each *liquid* filling and *liquid* discharge line * * *." MTB agrees that the word "liquid" should be added since the lines being referred to in this paragraph are not those which discharge vapor. This change makes the meaning clearer and it has also been incorporated into paragraphs (b) and (c).

As proposed in paragraph (c) in the NPRM, the location of valve seats on cargo tanks was dependent on whether the tank was vacuum insulated or not. A commenter disagreed with the proposal as it related to tanks with evacuated jackets. The commenter pointed out that, based on its information, the construction of vacuum jacketed valves does not facilitate location of the valve seat inside the jacket. The commenter argued that attempts to comply with the proposed requirement will result in vacuum and maintenance problems. As part of its analysis of the comment, MTB reviewed the outstanding DOT exemptions for vacuum insulated cargo tanks designed to carry flammable cryogens. This review revealed that none of these cargo tanks had the construction specified in the NPRM. After reevaluating the matter, MTB agrees with the commenter that for evacuated jacket construction it is not necessary to specify valve seat location inside the jacket and therefore this provision has been changed to require the valve to be as close to the tank as practicable.

The wording regarding the remotely controlled valves in proposed paragraph (c) has been changed in response to a comment. For consistency with other requirements in paragraph (c), the references in proposed paragraphs (c)(1)

and (c)(2) to internal shut-off valves have been changed to remotely controlled shut-off valves. Paragraph (c)(1) has also been changed to make clear that the thermal means of closure need not be a fusible element and that equivalent devices are acceptable.

Section 178.338–12. A commenter objected to the proposal on yield section and suggested that it be deleted. The commenter indicated that it had been reported to him that yield sections are hazardous and voiced the opinion that the risk of catastrohpic failure appears to exceed the hazard which the yield section was intended to eliminate. The yield section is designed to break under strain without affecting the product retention capabilities of valves on a tank, and there is no evidence that safety has been compromised because of such a requirement in the past. Therefore, MTB has incorporated the requirement in the rule. The term "shear section" rather than "yield section" is being used since MTB believes the former term more accurately describes the mode of failure.

Section 178.338–13. This section has been reorganized. Paragraph (d) in the NPRM is now paragraph (a). Paragraph (b) in the NPRM is essentially continued as paragraph (b), however paragraph (c) in the NPRM, which referred to paragraph (b), has been deleted as unnecessary. Paragraph (e) in the NPRM is now paragraph (c). Paragraph (a) in the NPRM which dealt with cargo tanks that were "not permanently attached to or integrated with" the vehicle chassis has been deleted since it is unnecessary. MTB is not aware of any cargo tank designed or fabricated in this fashion that is used in cryogenic service.

Changes in static loading requirements in this section have been made and these are discussed earlier in the preamble under the heading "Design Loadings."

Section 178.338–14. The only change made to this section since the NPRM is in paragraph (a)(1) where the requirement that the device indicate the maximum permitted liquid level now specifies that this indication be "at the loading pressure." MTB believes this improves the clarity of this provision without making a substantive change.

Section 178.338–15. The only change to this section is that the closure that is now specified is that of the "manhole of the tank" instead of the "manway or the tank" specified in the NPRM. This change is necessary to conform to the requirements in § 178.338–6, which were first proposed in the June 21, 1979 amendment of the NPRM (§ 178.338–15 was not corrected at that time).

Section 178.338–16. The discussion of testing requirements in this section is discussed earlier in this preamble under the heading "Pressure Testing."

Paragraph (a) has been reorganized so that the basic test pressure requirements need not be stated twice, once under "hydrostatic test" and once under "pneumatic test". Now the basic test requirements have been set out as paragraph (a) and the additional requirements applicable to pneumatic testing are set forth in paragraph (b).

It was proposed in paragraph (b) that "all welds in or on the cargo tank shell or heads shall be radiographed * * *." One commenter recommended that jacket welds not be required to be radiographed and that additional methods of weld inspection be authorized for the internal tank. MTB agrees that jacket welds need not be radiographed because weld integrity is established by other means, such as the thermal integrity test. However, MTB believes that radiographic inspection of all tank heads and shell welds is necessary to ensure the pressure integrity of the tank. The revised requirement, which is at § 178.338–16(c) of the rule, does not preclude the use of other inspection methods in addition to that required by this rule, so long as any deposits or other contamination from such methods are removed prior to final tank closure. This incorporates a change to the NPRM that was made in the June 21, 1979 **Federal Register** publication.

Paragraph (c) in the NPRM (paragraph (d) herein) has been changed by removing the proposed requirement that any non-mechanical cutting undertaken in defect repair required the qualification of the cutter, the welder and the combination of cutting and welding. These requirements are covered by the ASME Code.

Section 178.338–17. This section has been adopted as proposed in the NPRM.

Section 178.338–18. A commenter recommended that the nameplate be affixed to the left side rather than to the right (curb) side of the vehicle. No reason was provided for the suggested change, which would modify a long standing requirement. The recommendation is not adopted.

The commenter also stated that it is unnecessary and redundant to require two plates. The matter of duplicate plates is particularly important. The ASME Code requires that the nameplate be attached to the Code vessel and be visible after insulation is applied to the Code vessel. If duplicate plates were not used, an opening would have to be made in the insulation system to expose the nameplate. Such an opening would adversely affect the efficiency of the insulation system. Further, paragraph UG–119(e) of the Code contains provisions for installation of a duplicate nameplate on the insulation jacket. This duplicate plate must contain all of the information found on the original plate, including the Code symbol. Therefore, MTB is retaining the requirement in this final rule.

Finally, the commenter favored a ¼ inch size letter requirement in place of the proposed ⅜ inch lettering for the identification plates. MTB believes ⅜ inch letters provide more legible markings than smaller sizes without imposing undue burdens on manufacturers and therefore has retained the proposed requirement in this rule.

Only minor changes have been made in this section. Paragraphs (b)(8) and (b)(9) in the NPRM have been placed in reverse order in this rule. Paragraph (b)(9) has been expanded to specify that for a cargo tank used to transport several cryogenic liquids only one MRHT need be marked on the specification plate. The MRHT's for the additional commodities may be placed adjcent thereto.

The NPRM proposal for paragraph (d) has been deleted from this section and is now the introductory paragraph of § 173.318(g).

Section 178.338–19. Certain minor changes have been made to this section. A commenter recommended to delete the words "including the ASME Code" in proposed paragraph (a) because "the manufacturer will provide the U–1 form as required by the Code." These forms are not always available. A person has only to review the exemption requests received by MTB to realize the significant number of instances wherein an applicant has a tank made to ASME Code, but where no drawings, nameplates, or U–1 forms are available. Therefore, the proposed requirement has been retained in the final rule. Paragraph (a) has been restructured and it now specifies that the manufacturer shall furnish the required documents to the owner.

Paragraph (b) has been changed to specifically require the manufacturer of each stage to not only furnish a certificate covering his work to any succeeding manufacturer, but also to pass along any certificates received from earlier manufacturers. This will ensure that at the end of staged construction the final manufacturer will possess certificates covering the entire construction. Another change requires that all these certificates be furnished to the owner.

Paragraph (c) has been changed so that upon change of ownership, the old owner does not retain the original documents for one year as proposed in the NPRM, but need only retain photocopies for that time. This change allows the original documents to be transferred to the new owner.

Section 179.100–7. In § 179.100–7(a), the reference entry "ASTM–A537–70, Grade A" is corrected to read "ASTM–A537–80, Class 1." The erroneous reference to Grade A has appeared in several editions of Title 49 CFR. This change correcting the error is also made at various other places in §§ 179.102–4 and 179.102–17.

Section 179.102—1. In § 179.102—1 the heading and the introductory text to paragraph (a) have been amended to read "carbon dioxide, liquid (refrigerated)."

Section 179.102–4. Several commenters recommended that proposed paragraph (b) be revised to allow the manway, nozzles and anchorlegs to be fabricated with stainless steel, which would not be required to be impact tested. The commenters supported their position on the grounds that stainless steel can substantially reduce the heat flow into the tank, and thereby increase the holding time and improve transportation safety. MTB believes the recommendation has merit and has provided for the use of ASTM A240 Type 304, 304L, 316, or 316L stainless steel. The use of ASTM Specification A516 and A537 materials are authorized, as proposed in the NPRM.

Several commenters objected to the requirement in proposed paragraph (c) that insulation material must be "self-extinguishing." The commenters argued that even though most insulations do not support combustion, the materials are not technically "self-extinguishing" as the term would indicate. Two commenters indicated that they were unsure how the term would be defined. MTB agrees with the commenters that the use of the term "self-extinguishing" without further definition would be confusing and that presently approved materials are not in fact "self-extinguishing." After reevaluating this proposal, MTB has decided to remove the "self-extinguishing" requirement and require that the insulation be of approved material.

Commenters pointed out that in proposed paragraph (d) there is no need to require dual safety relief systems for vinyl fluoride. Two commenters indicated that a rupture disc on a tank of flammable gas can be considered a poor safety practice. MTB agrees with the commenters and has deleted the proposed requirement for a safety vent. In proposed paragraph (d) the word "piped" is changed to "directed", as suggested by two commenters, for consistency with § 179.102–3(a)(2), which requires openings in the protective housing cover for relief valve discharge.

In paragraphs (f) and (h), the use of a thermometer well or a pressure gage has been made optional rather than mandatory. This option offers a shipper flexibility in the manner in which compliance with the provisions of Note 17 to the Table in § 173.314(c) is determined

Finally, paragraph (1) has been revised to define more clearly the acceptance standards for welds. The welds must meet the acceptance standards contained in W11.06 of AAR specifications for Tank Cars, Appendix W.

Section 179.102–17. Paragraphs (b), (c), (d), (f) and (m) have been changed in the same manner, and for the same reasons, as their counterparts in § 179.102–4 ((b), (c), (d), (f) and (l)). In addition, as suggested by commenters, paragraph (d) has been revised to allow a pressure relief device to be trimmend with monel "or other approved material" and to change "teflon coated monel" to read "fluoronated hydrocarbon polymer coated monel" since the word "teflon" is a registered trademark of E. I. du Pont de Nemours and Company.

Section 179.400. The nomenclature used to identify tank cars was questioned by two commenters. In the final rule, "Class DOT–113" is used to refer inclusively to specifications DOT–113A, DOT–113C, DOT–113D, etc. When a specific design is being referred to, it will be identified by a particular specification, for example "DOT–113A60W". This procedure conforms to that stated in section 2–2(b) of AAR Specifications for Tank Cars.

Section 179.400–1. Except for an editorial change, this section is adopted as proposed in the NPRM.

Section 179.400–2. This section is adopted as proposed in the NPRM.

Section 179.400–3. This section has been restructured for clarity. Additionally, a change was made to correct an error in the NPRM which indicated that the tank must have "heads designed concave to pressure." While this is correct for the inner tank heads, it is wrong with regard to the jacket heads. Jacket heads must be designed convex to pressure and this necessary change has been made in the final rule.

Section 179.400–4. The section heading and the requirements in § 179.400–4 are revised. The performance standard proposed in the NPRM has been modified, as suggested by commenters, to allow nitrogen to be used as the test medium rather than the actual lading which may be a flammable gas. In addition, the formulas for heat transfer rates have been defined and clarified.

Section 179.400–5. Two commenters to this section requested that MTB allow the use of nickel steel in the construction of DOT–113D tank cars. MTB is not authorizing nickel steels for newly constructed Class DOT–113 tank cars because this material does not have adequate impact properties when subject to temperatures as low as the design service temperature authorized for these tank cars.

Section 179.400–6. Two commenters requested that in proposed paragraph (b) the words "and stresses" be deleted since the AAR Specifications for Tank Cars specifies "loads". This has been done. An updated section of AAR Specifications for Tank Cars is also referenced.

Section 179.400–7 (proposed § 179.400–8). MTB has deleted the reference to "approved contour" of tank heads since all heads specified meet this requirement.

Section 179.400–8 (proposed § 179.400–7 (a) through (d)). In proposed paragraphs (a) and (b) (which are also paragraphs (a) and (b) herein), the inference that 2:1 or 3:1 ellipsoidal heads are required for the inner tank has been removed by replacing the word "the" with the word "any". Paragraph (d) has been reworded for consistency with the wording in the other paragraphs. Also, the jacket head thickness of ⅛ inch provides head puncture resistence equivalent to that required of certain other classes of tank cars.

Section 179.400–9 (proposed § 179.400–7(e)). The formula in paragraph (b) (proposed paragraph (e)(1)), which specifies the width of the jacket plate on each side of the stiffening ring, has been corrected. Also as suggested by commenters, MTB has reworded § 179.400–9(c) (proposed as § 179.400–7(e)(2)) to allow differing structural shapes to be credited for stiffening of the outer jacket with external pressure, and to add a provision to require external closed rings be provided with a drain opening to reduce corrosion of the stiffening ring.

Sections 179.400–10, 179.400–12 through 179.400–15, 179–400–18, 179.400–21 through 179.400–23 and 179.400–26. Except for minor corrections and editorial changes, requirements in these sections have been adopted as proposed in the NPRM. Most of the changes were suggested by commenters. The sections

have been renumbered in the sequence normally followed in designing a tank car:

Present	Proposed
179.400–10	179.400–7(f)
179.400–12	179.400–10
179.400–13	179.400–11
179.400–14	179.400–12
179.400–15	179.400–13
179.400–16	179.400–16
179.400–21	179.400–19
179.400–22	179.400–20
179.400–23	179.400–21
179.400–26	179.400–24

Section 179.400–11 (proposed as § 179.400–9). Two commenters suggested in proposed paragraph (a) that "access opening" be changed to "opening" to eliminate the implication that the opening is a manway, and to revise the weld procedures to recognize difficulties in performing a fusion double welded butt joint for certain circumferential closing joints in the cylindrical portion of the outer jacket. MTB agrees with the commenters and has revised paragraphs (a) and (b) accordingly.

Section 179.400–16 (proposed as § 179.400–14). Except for an editorial change, the requirements are adopted as proposed in the NPRM. Two commenters has suggested that the provision in the last sentence in paragraph (b), stating that a cutting torch "may not be used", be revised by using the wording "must not". The term "may not", as used in this sentence, means no person is authorized or permitted to use a cutting torch on the welded closure. This use of the term is consistent with the rule of construction set forth at § 171.9(b)(4).

Section 179.400–17 (proposed as § 179.400–15). Two commenters brought to MTB's attention that the proposed requirements for vacuum insulated loading and unloading lines and insulated shut-off valves in paragraph (a)(1) should apply only to DOT–113A60W tank cars (which are designed only for hydrogen). Other DOT–113 tank cars are designed for the warmer cryogens and the requirements are unnecessary. MTB agrees and has made an appropriate revision.

The commenters also requested that the proposed provision in paragraph (a)(3) requiring vapor phase blowdown line discharge to be directed upward and away from operating personnel be deleted. The commenters indicated that the vapor blowdown valve is used only when the tank car is hooked up to a closed system and that "blowdown flare may be hazardous to personnel." Despite the fact that in normal operations the line will only be opened to a closed system, MTB agrees with the commenters about the hazard of blowdown flare but believes if a flare occurs, for whatever reason (including inadvertently opening the wrong valve), the flare should be directed away from operating personnel. For this reason, MTB has retained this requirement in the final rule.

Section 179.400–19 (proposed as § 179.400–17). Proposed paragraph (b) of this section contained a requirement that a tank car be equipped with a connection for a liquid gage and, in addition, a fixed length dip tube and a vapor phase pressure gage. As recommended by two commenters, the word "liquid" has been removed before the word "gage" and all of paragraph (b) has been reorganized to clarify that a car is required to be equipped with only one of the two alternative methods provided in paragraph (b)(1) to determine the quantity of liquid lading in the car.

Section 179.400–20 (proposed as § 179.400–18). Paragraph (c)(4) has been revised to include a pressure controlling and mixing device on DOT–113A60W tank car, as required in the past by § 179.400–18(c)(3). The requirement in § 179.400–18(c)(3) that the device must prevent venting of certain gas mixtures was inadvertently omitted in the proposal and has been added in paragraph (c)(4)(iii) of the final rule.

Section 179.400–24 (proposed as § 179.400–22). Three commenters took exception to the proposal in paragraph (b) to prohibit marking, stenciling or stamping on shells or heads of inner tanks. One of the commenters pointed out the provision would conflict with requirements for identification markings of plate thickness, material, and welds contained in § AAR.15 (now contained in § AAR 5.1.4) and in Appendix W, § W10.04, of the AAR Specifications for Tank Cars. MTB believes that the structural integrity of a tank at cold temperatures should not be compromised by stamping; however, MTB agrees that there is no valid reason to preclude the marking or stenciling of a tank and these prohibitions have been removed from the final rule. The requirements in the final rule are consistent with present requirements in the AAR Specifications for Tank Cars.

Section 179.400–25 (proposed as § 179.400–23). Two commenters recommended that in proposed paragraph (a) MTB reference the standard stenciling requirements of Appendix C of the AAR Specifications for Tank Cars. MTB believes the commenters' suggestion has merit and has incorporated the change into the final rule at § 179.400–25.

Three commenters maintained that the requirement for marking the name of the hazardous material for which the tank was designed on a tank car is covered by § 173.319 and, therefore, proposed paragraph (b) is unnecessary. MTB agrees with the commenters. Proposed paragraph 173.319(a)(4)(iv) (which has been adopted into the final rule) requires a tank car be marked with the name of the material contained in the tank car during transportation. Therefore, proposed paragraph (b) has been removed. The remaining paragraphs have been redesignated as paragraphs (b), (c), (d), and (e) in this final rule.

Exceptions were taken, in proposed paragraph (c), to the use of the words "minimum loading temperature", on the basis that "design service temperature" was used elsewhere in the proposal to indicate the same thing. MTB agrees with the commenters and has made the change in the final rule.

Finally, exception was taken to the proposals in paragraphs (c) and (d) on the basis that these requirements would conflict with a suggestion by the commenters that the filling density volume be marked on the tank. This suggestion was tied to a suggested revision to the definition of filling density in § 173.300 of the NPRM. MTB has not adopted this revision to the definition of filling density in § 173.300 and therefore, has not incorporated these additional changes suggested here.

Section 179.401–1. Except for minor changes in terminology due to changes elsewhere in the rule, this section is adopted as proposed in the NPRM.

List of Subjects

49 CFR Part 171

Hazardous materials transportation, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation.

49 CFR Part 173

Gases, Hazardous materials transportation, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 174

Hazardous materials transportation, Railroad safety.

49 CFR Part 178

Hazardous materials transportation, Maritime carriers, Cargo vessels.

49 CFR Part 177

Motor carriers, Hazardous materials transportation, Highway safety.

49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

49 CFR Part 179

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, Parts 171, 172, 173, 174, 176, 177, 178 and 179 of Title 49 Code of Federal Regulations are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.1, paragraph (a)(3)(iii) is added to read as follows:

§ 171.1 Purpose and scope.

* * * * *

(a) * * *

(3) * * *

(iii) Flammable cryogenic liquids in portable tanks and cargo tanks.

* * * * *

2. In § 171.7, paragraphs (c)(3), (d)(3)(v) and (d)(12) are revised and paragraphs (d)(3)(ix) and (d)(5)(xix) through (d)(5)(xxiii) are added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(3) CGA: Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Arlington, Virginia 22202.

* * * * *

(d) * * *

(3) * * *

(v) CGA Pamphlet S–1.2 is titled, "Pressure Relief Device Standards, Part 2, Cargo and Portable Tanks for Compressed Gases," 1980 edition;

* * * * *

(ix) CGA Pamphlet G–4.1 is titled, "Cleaning Equipment for Oxygen Service," 1977 edition.

* * * * *

(5) * * *

(xix) ASTM A 20–81 is titled, "Standard Specification for General Requirements for Steel Plates for Pressure Vessels," revision C, 1982 edition.

(xx) ASTM A 240–82 is titled, "Standard Specification for Heat-Resisting Chromium and Chromium-Nickel Stainless Steel Plate, Sheet and Strip for Fusion-Welded Unfired Pressure Vessels," revision A, 1982 edition.

(xxi) ASTM A 370–77 is titled, "Standard Methods and Definition for Mechanical Testing of Steel Products," 1982 edition.

(xxii) ASTM A 516–79b is titled, "Standard Specification for Pressure Vessel Plates, Carbon Steel, for Moderate- and Lower-Temperature Service," 1982 edition.

(xxiii) ASTM A 537–80 is titled "Standard Specification for Pressure Vessel Plates, Heat-Treated, Carbon-Manganese-Silicon Steel," 1982 edition.

* * * * *

(12) Federal Standard H28 is titled, "Screw-Thread Standards for Federal Services," March 31, 1978, edition.

3. In § 171.8, definitions for "atmospheric gases," "Btu," "cryogenic liquid," "filling density," "NPT" and "SCF" are added in alphabetical sequence to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

"Atmospheric gases" means gases that are commercially derived through an air separation process. For purposes of this subchapter, "atmospheric gases" means argon, krypton, neon, nitrogen, oxygen and xenon.

* * * * *

"Btu" means British thermal unit.

* * * * *

Cryogenic liquid. See § 173.300(f).

* * * * *

"Filling density" has the following meanings:

(1) For compressed gases in cylinders, see § 173.304(a)(2) Table Note 1.

(2) For compressed gases in tank cars, see § 173.314(c) Table Note 1.

(3) For compressed gases in cargo tanks and portable tanks, see § 173.315(a) Table Note 1.

(4) For cryogenic liquids in cylinders, except hydrogen, see § 173.316(c)(1).

(5) For hydrogen, cryogenic liquid in cylinders, see § 173.316(c)(3) Table Note 1.

(6) For cryogenic liquids in cargo tanks, see § 173.318(f)(1).

(7) For cryogenic liquids in tank cars, see § 173.319(d)(1).

* * * * *

"NPT" means an American Standard taper pipe thread in compliance with the requirements of Federal Standard H28, Part II, Section VII. See § 171.7(d)(12).

* * * * *

"SCF" (standard cubic foot) means one cubic foot of gas measured at 60° F. and 14.7 psia.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

4. In § 172.101, the Hazardous Materials Table is amended by removing, revising and adding various entries, in alphabetical sequence, as follows:

§ 172.101 Hazardous Materials Table

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or rail car	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(a)	(c)
	Remove										
	Argon, liquid pressurized	Nonflammable gas	UN 1951	Nonflammable gas	None	173.304	Forbidden	300 pounds	1,3	1,3	
	Carbon dioxide, liquified	Nonflammable gas	UN 2187	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
+	Hydrogen, liquified	Flammable gas	UN 1966	Flammable gas	None	173.316	Forbidden	Forbidden			Forbidden.
	Nitrogen, pressurized liquid	Nonflammable gas	UN 1977	Nonflammable gas	None	173.304	Forbidden	300 pounds	1,3	1,3	
	Oxygen, pressurized liquid	Nonflammable gas	UN 1073	Oxidizer	None	173.304	Forbidden	Forbidden	1,3	1,3	Stow separate from acetylene. Do not overstow with other cargo.

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required if not excepted	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
	Revise										
	Argon	Nonflammable gas	NA 1006	Nonflammable gas	173.306	173.302 173.314	150 pounds	300 pounds	1,2	1,3	
+	Ethane	Flammable gas	NA 1035	Flammable gas	173.306	173.304	Forbidden	300 pounds	1,2	4	Stow away from living quarters.
+	Ethylene	Flammable gas	NA 1962	Flammable gas	173.306	173.304	Forbidden	300 pounds	1,2	4	Stow away from living quarters.
	Helium	Nonflammable gas	NA 1046	Nonflammable gas	173.306	173.302 173.314	150 pounds	300 pounds	1,2	1,2	
+	Hydrogen	Flammable gas	NA 1049	Flammable gas	173.306	173.302 173.314	Forbidden	300 pounds	1,2	4	Stow away from living quarters.
E	Hydrogen chloride (*RQ-5000/2270*)	Nonflammable gas	NA 1050	Nonflammable gas	173.306	173.304	Forbidden	300 pounds	1	4	Stow away from foodstuff and living quarters.
+	Methane	Flammable gas	NA 1971	Flammable gas	173.306	173.302	Forbidden	300 pounds	1,2	4	Stow away from living quarters.
	Neon	Nonflammable gas	NA 1065	Nonflammable gas	173.306	173.302	150 pounds	300 pounds	1,2	1,2	
	Nitrogen	Nonflammable gas	NA 1066	Nonflammable gas	173.306	173.302 173.314	150 pounds	300 pounds	1,2	1,2	
	Nitrous oxide	Nonflammable gas	NA 1070	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	Under deck stowage must be in well ventilated space.
	Oxygen	Nonflammable gas	NA 1072	Oxidizer	173.306	173.302 173.314	150 pounds	300 pounds	1,2	1,2	Under deck stowage must be in well ventilated space.
	ADD										
	Argon, cryogenic liquid	Nonflammable gas	NA 1951	Nonflammable gas	173.320	173.316 173.318	100 pounds	300 pounds	1,3	1,3	
	Carbon dioxide	Nonflammable gas	UN 1013	Nonflammable gas	173.306	173.302 173.304	150 pounds	300 pounds	1,2	1,2	
	Carbon dioxide, liquid (*refrigerated*)	Nonflammable gas	NA 2187	Nonflammable gas	173.306	173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Carbon monoxide, cryogenic liquid	Flammable gas	NA 9202	Flammable gas	None	173.318	Forbidden	Forbidden	1	5	Stow away from living quarters.
	Ethane, liquid (*refrigerated*)	Flammable gas	NA 1961	Flammable gas	None	173.315	Forbidden	Forbidden	1	5	Stow away from living quarters.
	Ethane-Propane mixture, liquid (*refrigerated*)	Flammable gas	NA 1961	Flammable gas	None	173.315	Forbidden	Forbidden	1	5	Stow away from living quarters.
	Ethylene, cryogenic liquid	Flammable gas	NA1038	Flammable gas	None	173.318	Forbidden	Forbidden	1,3	5	Stow away from living quarters.
	Helium, cryogenic liquid	Non-flammable gas.	NA 1963	Non-flammable gas.	173.320	173.316 173.318	100 pounds	1,100 pounds.	1,3	1,3	
	Hydrogen, cryogenic liquid	Flammable gas	NA 1966	Flammable gas	None	173.316 173.318 173.319	Forbidden	Forbidden	5	5	
E	Hydrogen chloride liquid (*refrigerated*) (*RQ-5000/2270*)	Nonflammable gas	NA 2186	Nonflammable gas	None	173.314 173.315	Forbidden	300 pounds	1,2	4	Stow in well ventilated space.
	Methane, cryogenic liquid	Flammable gas	NA 1972	Flammable gas	None	173.318	Forbidden	Forbidden	1	5	Stow away from living quarters.
	Natural gas, cryogenic liquid	Flammable gas	NA1972	Flammable gas	None	173.318	Forbidden	Forbidden	1	5	Stow away from living quarters.
	Neon, cryogenic liquid	Nonflammable gas	NA1913	Nonflammable gas	173.320	173.316	100 pounds	1,100 pounds.	1,3	1,3	
	Nitrogen, cryogenic liquid	Nonflammable gas	NA1977	Nonflammable gas	173.320	173.316 173.318	100 pounds	1,100 pounds.	1,3	1,3	
	Nitrous oxide, liquid (*refrigerated*)	Nonflammable gas	NA 2201	Nonflammable gas	173.306	173.315	Forbidden	Forbidden	1	1	Stow away from flammables. Do not overstow with other cargo.
	Oxygen, cryogenic liquid	Nonflammable gas	NA 1073	Oxidizer	173.320	173.316 173.318	Forbidden	Forbidden	1	1	Stow separate from flammables. Do not overstow with other cargo.

5. In § 172.203, paragraph (g)(3) is added to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(g) * * *

(3) The shipping paper for each Class DOT–113 tank car must contain the appropriate notation, such as "DOT–113A," and the statement "Do Not Hump or Cut Off Car While in Motion."

* * * * *

6. In § 172.328, the introductory text of paragraph (c) is revised to read as follows:

§ 172.328 Cargo tanks.

* * * * *

(c) *Required markings: Gases.* Each cargo tank transporting flammable or nonflammable gas (including a cryogenic liquid) subject to this subchapter must be marked as specified

in this part on each end and each side with—

* * * * *

7. In § 172.504, Table 2 is amended by removing the entry for "Nonflammable gas (oxygen, pressurized liquid)", replacing it with an entry for "Nonflammable gas (oxygen, cryogenic liquid)" and footnote 2 is removed and reserved, as follows:

§ 172.504 General placarding requirements.

* * * * *

TABLE 2

If the motor vehicle, rail car, or freight container contains a material classed (described) as—	The motor vehicle, rail car, or freight container must be placarded on each side and each end—
(Remove) Nonflammable gas (oxygen, pressurized liquid).	Oxygen.
(Add) Nonflammable gas (oxygen, cryogenic liquid).	Oxygen.

* * * * *

[2] [Reserved]

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

8. The Table of Sections to Part 173 is amended by revising the headings for §§ 173.315 and 173.316 and adding headings for §§ 173.11, 173.318, 173.319 and 173.320 to read as follows:

Subpart A—General

* * * * *

Sec.

173.11 Shipper's registration statement; flammable cryogenic liquids.

* * * * *

Subpart G—Compressed gases; definition and preparation

* * * * *

173.315 Compressed gases in cargo tanks and portable tanks.

173.316 Cryogenic liquids in cylinders.

173.318 Cryogenic liquids in cargo tanks.

173.319 Cryogenic liquids in tank cars.

173.320 Cryogenic liquids; exceptions.

* * * * *

9. Section 173.11 is added to read as follows:

§ 173.11 Shipper's registration statement; flammable cryogenic liquids.

(a) No person may offer a flammable cryogenic liquid for transportation in a portable tank, cargo tank or a tank car unless he has filed a registration statement by certified mail, return receipt requested, with the Associate Director for HMR, MTB, in accordance with paragraphs (b), (c) and (d) of this section.

(b) The registration statement must contain the following information:

(1) The shipper's name and principal place of business;

(2) Location where flammable cryogenic liquids are offered for transportation, including transportation by private carriage;

(3) The name and principal place of business of each initial carrier used to transport flammable cryogenic liquids and the name of each flammable cryogenic liquid the carrier is offered for transportation; and

(4) The serial number or vehicle identification number of each portable tank and cargo tank, and the reporting mark and number of each tank car, owned, leased, or otherwise controlled by the shipper and used to offer a flammable cryogenic liquid for transportation.

(c) The registration statement must be filed:

(1) Initially between July 1 and August 31, 1984 (this initial statement is only required to contain information regarding operations that took place during the 90 days prior to the date of the statement); and

(2) Subsequently, between July 1 and August 31 of each even numbered year after 1984.

(d) For operations begun between the two-year filing intervals specified in paragraph (c) of this section, the information must be provided on the registration statement filed during the next required filing period.

10. In § 173.23, paragraph (d) is added to read as follows:

§ 173.23 Previously authorized packaging.

* * * * *

(d) After January 1, 1984, cylinders manufactured for use under exemptions DOT E-6668 or E-8404 may be continued in use, and must be marked "DOT-4L" in compliance with Specification 4L (§ 178.57 of this subchapter) before or at the time of the first required retest. The "DOT-4L" marking must appear in proximity to other required specification markings.

11. In § 173.31, paragraphs (a)(8), (a)(9) and (c)(13) are added; Retest Table I, which now appears after paragraph (d)(4), is amended by removing certain entries and adding others in the proper number/alphabet sequence and transferred to immediately follow paragraph (c)(13); footnote "s" following Retest Table I is revised to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

(a) * * *

(8) The owner or operator, if not the owner, of each tank car used under, and in conformance with, an exemption issued before January 1, 1984, which authorizes the transportation of a cryogenic liquid in a tank car, shall remove the exemption number stenciled on the car and stamp the tank car with the appropriate Class DOT-113 Specification followed by the applicable exemption number, for example, "DOT-113D60W-E****." (Asterisks to be replaced by the exemption number.) The owner or operator, if not the owner, of a tank car that is remarked in this manner must retain a copy of the exemption that is in effect on December 31, 1983. No new construction of such tank cars may be initiated on or after January 1, 1984.

(9) Specification DOT-113A175W, DOT-113C60W, DOT-113D60W, and DOT-113D120W tank cars may continue in use, but new construction is not authorized.

* * * * *

(c) * * *

(13) *Special requirements for Class DOT-113 tank cars.*

(i) A Class DOT-113 tank car need not be periodically pressure tested; however, each shipment must be monitored to determine the average daily pressure rise in the tank car. If the average daily pressure rise during any shipment exceeds 3 psi per day, the tank car must be retested for thermal integrity prior to any subsequent shipment.

(ii) Thermal integrity retest. Either of the following alternative thermal integrity retests may be used:

(A) *Pressure rise retest:* The pressure rise in the tank may not exceed 5 psi in 24 hours. When the pressure rise retest is performed, the absolute pressure in the annular space of the loaded tank car may not exceed 75 microns of mercury at the beginning of the retest, and may not increase more than 25 microns during the 24 hour period; or

(B) *Calculated heat transfer rate retest:* The insulation system must be performance tested as prescribed in § 179.400-4 of this subchapter. When the calculated heat transfer rate retest is performed, the absolute pressure in the annular space of the loaded tank car may not exceed 75 microns of mercury at the beginning of the retest, and may not increase more than 25 microns during the 24 hour period. The calculated heat transfer rate in 24 hours may not exceed—

(*1*) 120 percent of the appropriate standard heat transfer rate specified in § 179.401-1 of this subchapter, for DOT-113A60W and DOT-113C120W tank cars;

(*2*) .1164 Btu/day/lb. of inner tank water capacity, for DOT–113A175W tank cars;

(*3*) .3272 Btu/day/lb. of inner tank water capacity, for DOT–113C60W and 113D60W tank cars; or

(*4*) .4740 Btu/day/lb. of inner tank water capacity, for DOT–113D120W tank cars.

(iii) If the car fails either of the retests prescribed in paragraph (c)(13)(ii) of this section, the car must be removed from service and may not be placed back in service until one of the applicable retests in paragraph (c)(13)(ii) of this section is successfully completed.

(iv) Each frangible disc must be replaced every 12 months and the replacement date stenciled on the car near the pressure relief value information.

(v) An alternate pressure relief valve must be retested at the same time interval prescribed for the required pressure relief valve. The start-to-discharge pressure and vapor tight pressure requirements for the alternate pressure relief valve must be as shown in § 179.401–1 of this subchapter.

RETEST TABLE 1

Specification	Retest interval years[1]			Safety relief valve	Tank	Retest pressure—p.s.i.	
	Tank and interior heater systems					Safety relief valve	
	Up to 10 years	Over 10 to 22 years	Over 22 years			Start-to-discharge	Vapor tight
(Remove)							
DOT–113A60W	[2]	[2]	[2]	5	[2]	30	24
DOT–113A175W	[2]	[2]	[2]	5	[2]	115	92
(Add)							
DOT–113A60W	[2]	[2]	[2]	5	[2]	[2]30	[2]24
DOT–113A175W	[2]	[2]	[2]	5	[2]	[2]115	[2]92
DOT–113C60W	[2]	[2]	[2]	5	[2]	[2]45	[2]36
DOT–113C120W	[2]	[2]	[2]	5	[2]	[2]75	[2]60
DOT–113D60W	[2]	[2]	[2]	5	[2]	[2]45	[2]36
DOT–113D120W	[2]	[2]	[2]	5	[2]	[2]75	[2]60

[1] See paragraph (c)(13) of this section for additional requirements for Class DOT–113 cars.

* * * * *

12. In § 173.33, all references to "carbon dioxide" are changed to read "carbon dioxide, liquid (*refrigerated*)" and all references to "nitrous oxide" are changed to read "nitrous oxide, liquid (*refrigerated*)", paragraphs (a) and (b) are revised, and paragraphs (d) (1), (2) and (4) are revised to read as follows:

§ 173.33 Qualification, maintenance, and use of cargo tanks.

(a) *General:* Unless otherwise provided in this Part, every cargo tank (or compartment) used for the transportation of hazardous materials must be an authorized packaging. Such authorized packaging shall comply with requirements as set forth in this section, in addition to those regulations applicable for the transportation of the particular material. For the purposes of this Part, whenever reference is made to a Specification MC–338 insulated cargo tank, the definitions in §§ 178.338–1 (a) and (b) of this subchapter apply.

(1) A cargo tank is authorized for shipment of a hazardous material by vessel when in conformance with the requirements of Part 176 of this subchapter and the following limitations:

(i) On carfloats or trailerships if the material is permitted aboard a cargo vessel by § 172.101 of this subchapter, or

(ii) On passenger ferry vessels or railroad car ferry vessels if the material is permitted aboard a passenger vessel by § 172.101 of this subchapter.

(2) [Reserved]

(b) Cargo tank qualification as an authorized packaging requires compliance with the applicable specification MC–300, MC–301, MC–302, MC–303, MC–304, MC–305, MC–306, MC–307, MC–310, MC–311, MC–312, MC–330, MC–331, or MC–338 (§ 178.341, § 178.342, § 178.343, § 178.337 or § 178.338 of this subchapter), this section, and the inspection, retest and marking requirements of § 177.824 of this subchapter. Any specification MC–304 cargo tank on which construction began before September 2, 1967, may have the vents and outlets modified to comply with specification MC–307 cargo tanks (See §§ 178.342–4 and 178–342–5).

(1) A cargo tank of the specification listed in Column 1 may be used when authorized in this Part, provided the tank construction began before the date in Column 2:

Column 1	Column 2
MC–300	Sept. 2, 1967.
MC–301	June 12, 1961.
MC–302, MC–303, MC–304, MC–305, MC–310, MC–311.	Sept. 2, 1967.
MC–330	May 15, 1967.

(2) The owner or operator, if not the owner, of each cargo tank used under, and in conformance with, an exemption issued before January 1, 1984, which authorizes the transportation of a cryogenic liquid in a cargo tank, shall remove the exemption number stenciled on the cargo tank and stamp the specification plate (or a plate placed adjacent to the specification plate) "DOT MC–338" followed by the applicable exemption number, for example, "DOT MC–338–E****." (Asterisks to be replaced by the exemption number.) The owner or operator, if not the owner, of a cargo tank that is remarked in this manner must retain a copy of the exemption in effect on December 1, 1983. No new construction of such cargo tanks may be initiated on or after January 1, 1984.

(i) The holding time must be determined, as required in § 178.338–9 of this subchapter, on each cargo tank or on at least one cargo tank of each design. Any subsequent cargo tank manufactured to the same design, if not individually tested, must have the optional test regimen performed during the first shipment (see §§ 178.338–9 (b) and (c) of this subchapter). For the purpose of performing the holding time test, same design means cargo tanks having the same manufacturer, same drawings, same dimensions (of length, diameter, and volume), same materials of construction, and the same insulation system.

(ii) The holding time determined by test for one authorized cryogenic liquid may be used as the basis for establishing the holding time for other authorized cryogenic liquids.

(3) The owner or operator, if not the owner, of each MC–331 (§ 178.337 of this subchapter) cargo tank operating under an exemption issued before January 1, 1984, that authorizes the transportation of ethane, liquid (*refrigerated*); ethane-propane mixture, liquid (*refrigerated*); or hydrogen chloride, liquid (*refrigerated*) shall remove the exemption number stenciled on the cargo tank and stamp the exemption number on the specification plate immediately after the DOT Specification, for example, "DOT MC–331–E* * * *." (Asterisks to be replaced by the exemption number.) If there is not adequate room on the specification plate, the exemption number may be stamped on a plate placed adjacent to the specification plate. The owner or operator, if not the owner, of a cargo tank that is remarked in this manner must retain a copy of the exemption in effect on December 31, 1983.

* * * * *

(d) A Specification MC-330, MC-331 or MC-338 (§ 178.337 or § 178.338 of the subchapter) cargo tank may not be used unless it meets the following requirements, as applicable:

(1) Each cargo tank must be tested and inspected at least once every 5 years in accordance with paragraphs (d)(2), (3), (4), (10), (11) and (12) of this section.

(i) The tank, and each pressure relief valve, of any cargo tank used for the transportation of chlorine must be tested at least once every 2 years.

(ii) Each cargo tank used to transport a flammable cryogenic liquid must be examined after each shipment to determine its actual holding time. The record required by § 177.840(h) of this subchapter may be used for this determination. If the examination indicates that the actual holding time of the cargo tank, after adjustment to reflect an average ambient temperature of 85° F., is less than 90 percent of the marked rated holding time (MRHT) for the cryogenic liquid marked on the specification plate or adjacent thereto (§ 178.338-18(b) of this subchapter), the tank may not be refilled with any flammable cryogenic liquid until it is restored to its marked rated holding time value or it is re-marked with the actual marked rated holding time determined by this examination. If the name of the flammable cryogenic liquid that was transported and its marked rated holding time is not displayed on or adjacent to the specification plate, this requirement may be met by deriving the MRHT of the cargo tank for that flammable cryogenic liquid and comparing that derived MRHT with the actual holding time after adjustment.

(2) Each tank (less fittings) must be subjected to a minimum internal pressure as shown below:

Specification	Ratio[1]
MC-330, MC-331	1½
MC-338	1¼

[1] Ratio of test pressure to the design pressure (maximum allowable working pressure or re-rated pressures) of the tank.

The internal pressure may be hydraulically or pneumatically generated. If a pneumatic test is used, a suitable method must be used for detecting the existence of leaks at all joints under pressure. This method must consist either of coating the entire surface of all joints under pressure with a solution of soap and water, or using another equally sensitive method. When a pneumatic test is performed, suitable safeguards should be provided to protect employees and other persons should a failure occur.

* * * * *

(4) When testing cargo tanks, the insulation and jacketing need not be removed unless it is otherwise impossible to reach test pressure and maintain a condition of pressure equilibrium after test pressure is reached, or the vacuum integrity cannot be maintained in the insulation space.

* * * * *

13. In § 173.300, paragraph (g) is removed, paragraph (f) is redesignated paragraph (g), and a new paragraph (f) is added to read as follows:

§ 173.300 Definitions.

* * * * *

(f) *Cryogenic liquid.* A "cryogenic liquid" is a refrigerated liquefied gas having a boiling point colder than −130°F. (−90°C.) at one atmosphere, absolute.

* * * * *

14. In § 173.304, the text of paragraph (a)(2) preceding the Table is revised, paragraph (a)(2) Table is amended by removing the entries for "Argon, pressurized liquid," "Carbon dioxide, liquefied," "nitrogen, pressurized liquid" and "Oxygen, pressurized liquid," and by adding an entry for "Carbon dioxide", and paragraph (b) is revised to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(2) The following requirements must be complied with for the gases named (for cryogenic liquids, see § 173.316):

Kind of gas	Maximum permitted filling density (see note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in §§ 173.34 (a) and (b), and 173.301(j) (see notes following table)
(Remove)		
Argon, pressurized liquid.	115	DOT-4L200.
Carbon dioxide, liquefied (see Notes 4, 7 and 8).	68	DOT-3A1800; DOT-3AX1800, DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-3HT2000; DOT-39.
Nitrogen, pressurized liquid.	68	DOT-4L200.
Oxygen, pressurized liquid.	68	DOT-4L200.
(Add)		
Carbon dioxide (see Notes 4, 7, and 8).	68	DOT-3A1800; DOT-3AX1800, DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-3HT2000; DOT-39.

* * * * *

(b) *Filling limits.* Except for carbon dioxide, nitrous oxide and vinyl fluoride, inhibited, the liquid portion of a liquefied gas must not completely fill the packaging at any temperature up to and including 130°F. The liquid portion of vinyl fluoride, inhibited, may completely fill the cylinder at 130°F. provided the pressure at the critical temperature does not exceed one and one-fourth times the service pressure.

* * * * *

15. In § 173.314, paragraphs (b)(6) and (c) preceding the Table are revised, the Table in paragraph (c) is amended by removing, revising and adding various entries, in alphabetical sequence, Note 17 to the Table in paragraph (c) is revised, paragraph (g) is redesignated paragraph (h), and a new paragraph (g) is added to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(b) * * *

(6) Each tank car containing anhydrous ammonia; hydrogen chloride, liquid (*refrigerated*); or chlorine must be marked "Anhydrous Ammonia," "Hydrogen Chloride," or "Chlorine," as appropriate, in accordance with the requirements of § 172.330 of this subchapter.

(c) *Authorized gases, filling densities, tank cars.* A compressed gas offered for transportation in a tank car must be prepared in accordance with paragraphs (b) and (h) of this section, § 173.432, and the following table (for cryogenic liquids, see § 173.319):

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
(Remove)		
Carbon dioxide, liquefied.	Note 5	DOT-105A500W, Note 6.
(Add)		
Carbon dioxide, liquid (refrigerated).	Note 5	DOT-105A500W, Note 6.
Hydrogen chloride, liquid (*refrigerated*).	59.0 maximum to 60.1 minimum at maximum 60 psig, when offered for transportation.	DOT-105A600W, Note 17.
(Revise)		
Vinyl fluoride, inhibited.	59.6 maximum to 53.8 minimum at maximum 105 psig, when offered for transportation.	DOT-105A500W, Note 17.

* * * * *

Note 17.— See paragraph (g) of this section.

* * * * *

(g) *Special requirements for hydrogen chloride, liquid (refrigerated), and vinyl fluoride, inhibited.*

(1) The shipper shall notify the Bureau of Explosives whenever a car is not received by the consignee within 20 days from the date of shipment.

(2) Prior to the release of an "empty" car for transportation, the pressure in the car may not exceed 70 psig.

(3) A tank car containing hydrogen chloride, liquid (*refrigerated*) must have the auxiliary valve on the pressure relief device closed during transportation.

* * * * *

16. In § 173.315, all references to "carbon dioxide" are changed to read "carbon dioxide, liquid (*refrigerated*)" and all references to "nitrous oxide" are changed to read "nitrous oxide, liquid (*refrigerated*)", the introductory text of paragraph (a) is revised, the Table in paragraph (a) is amended by adding certain entries in alphabetical sequence, Note 11 to the Table in paragraph (a), and paragraph (c) are revised, and the Table in paragraph (h) is amended by adding certain entries in alphabetical sequence to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tanks.

(a) A compressed gas offered for transportation in a cargo tank or a portable tank must be prepared in accordance with this section (for cryogenic liquids, see § 173.318) and may only be shipped in a tank as provided in §§ 173.32, 173.33 and this section, as follows:

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see note 1)	Percent by volume (see par. (f) of this section)	Type (see note 2)	Minimum design pressure (psig)
(Remove)				
Carbon dioxide, liquefied	See par. (c) of this section.	95	do	200; see Note 3
Nitrous oxide	See par. (c) of this section.	95	do	200; see Note 3.
(Add)				
Carbon dioxide, liquid (*refrigerated*)	See par. (c) of this section.	95	do	200; see Note 3.
Ethane, liquid (*refrigerated*)		See par. (c) of this section.	MC-331, MC-338	100; see Note 11.
Ethane-propane mixture, liquid (*refrigerated*).		See par. (c) of this section.	MC-331, MC-338	275; see Note 11.
Hydrogen chloride, liquid (*refrigerated*)	103.0, 91.6, 86.7	See Note 7	MC-331, Mc-338	100; see Note 11. 300; see Note 11. 450; see Note 11.
Nitrous oxide, liquid (*refrigerated*)	See par. (c) of this section.	95	do	200; See Note 3.

Note 11: MC–330, MC–331 and MC–338 cargo tanks must be insulated. Cargo tanks must meet all the following requirements. Each tank must have a design service temperature of minus 100°F., or no warmer than the boiling point at one atmosphere of the hazardous material to be shipped therein, whichever is colder, and must comply with the low-temperature requirements of the ASME Code. When the normal travel time is 24 hours or less, the tank's holding time as loaded must be at least twice the normal travel time. When the normal travel time exceeds 24 hours, the tank's holding time as loaded must be at least 24 hours greater than the normal travel time. The holding time is the elapsed time from loading until venting occurs under equilibrium conditions. The cargo tank must have an outer jacket made of steel when the cargo tank is used to transport a flammable gas.

* * * * * * *

(c) Except as otherwise provided, the loading of a liquefied gas into a cargo tank or a portable tank shall be determined by weight or by a suitable liquid level gauging device. The liquid portion of the gas shall not fill the tank at 105°F. if the tank is lagged, or at 115°F. if the tank is unlagged, except that this requirement shall not apply to—

(1) A tank containing carbon dioxide, liquid *(refrigerated)* or nitrous oxide, liquid *(refrigerated)*. Such tank is required to be equipped with suitable pressure control valves and may not be filled to a level exceeding 95 percent of the volumetric capacity of the tank.

(2) A tank containing ethane, liquid *(refrigerated)*; ethane-propane mixture, liquid *(refrigerated)*; or hydrogen chloride, liquid *(refrigerated)*. Such tank must be filled to allow at least two percent outage below the inlet of the pressure relief valve or pressure control valve under conditions of incipient opening, with the tank in a level attitude.

* * * * * * *

(h) * * *

Kind of gas	Gauging device permitted for filling purposes
(Remove)	
Carbon dioxide, liquefied	Rotary tube; adjustable slip tube; fixed length dip tube.
Nitrous oxide	Rotary tube; adjustable slip tube; fixed length dip tube.
(Add)	
Carbon dioxide, liquid (*refrigerated*)	Rotary tube; adjustable slip tube; fixed length dip tube.
Ethane, liquid (*refrigerated*)	Rotary tube; adjustable slip tube; fixed length dip tube.
Ethane-propane mixture, liquid (*refrigerated*)	Rotary tube; adjustable slip tube; fixed length dip tube.
Hydrogen chloride, liquid (*refrigerated*)	None.
Nitrous oxide, liquid (*refrigerated*)	Rotary tube; adjustable slip tube; fixed length dip tube.

* * * * * * *

17. In Part 173, § 173.316 is revised to read as follows:

§ 173.316 Cryogenic liquids in cylinders.

(a) *General requirements.*

(1) A cylinder may not be loaded with a cryogenic liquid colder than the design service temperature of the packaging.

(2) A cylinder may not be loaded with any material which may combine chemically with any residue in the packaging to produce an unsafe condition.

(3) The jacket covering the insulation on a cylinder used to transport any flammable cryogenic liquid must be made of steel.

(4) A valve or fitting made of aluminum with internal rubbing or abrading aluminum parts that may come in contact with oxygen in the cryogenic liquid form may not be installed on any cylinder used to transport oxygen, cryogenic liquid.

(5) An aluminum valve, pipe or fitting may not be installed on any cylinder used to transport any flammable cryogenic liquid.

(6) Each cylinder must be provided with one or more pressure relief devices, which must be installed and maintained in compliance with the requirements of this subchapter.

(7) Each pressure relief device must be installed and located so that the cooling effect of the contents during venting will

not prevent effective operation of the device.

(8) The maximum weight of the contents in a cylinder with a design service temperature colder than −320° F. may not exceed the design weight marked on the cylinder (see § 178.57–20(a)(4) of this subchapter).

(b) *Pressure control valves.* Each cylinder containing a cryogenic liquid must have a pressure control valve that complies with § 173.34(d) and is designed and installed so that it will prevent the cylinder from becoming liquid full.

(c) *Specification cylinder requirements and filling limits.* Specification 4L cylinders (§ 178.57 of this subchapter) are authorized for the shipment of cryogenic liquids as follows:

(1) For purposes of this section, "filling density," except for hydrogen, is defined as the percent ratio of the weight of lading in the packaging to the weight of water that the packaging will hold at 60° F. (1 lb. of water=27.737 cubic inches at 60° F.).

(2) The cryogenic liquids of argon, nitrogen, oxygen, helium and neon must be loaded and shipped in accordance with the following table:

Pressure control valve setting (Maximum start-to-discharge pressure, psig)	Maximum permitted filling density (percent by weight)				
	Argon	Nitrogen	Oxygen	Helium	Neon
45	133	76	108	12.5	109
75	130	74	105	12.5	104
105	127	72	103	12.5	100
170	122	70	100	12.5	92
230	119	69	96	12.5	85
295	115	69	96	12.5	77
360	113	69	93	12.5	
Design Service Temperature	−320°F	−320°F	−320°F	−452°F	−411°F

(3) *Hydrogen (minimum 95 percent parahydrogen)* must be loaded and shipped as follows:

Column 1	Column 2
Design service temperature	Minus 423° F. or colder.
Maximum permitted filling density, based on cylinder capacity at minus 423° F (see Note 1).	6.7 percent.
The pressure control valve must be designed and set to limit the pressure in the cylinder to not more than.	17 psig.

Note 1.—The filling density for hydrogen, cryogenic liquid is defined as the percent ratio of the weight of lading in a packaging to the weight of water that the packaging will hold at minus 423° F. The volume of the packaging at minus 423° F is determined in cubic inches. The volume is converted to pounds of water (1 lb. of water=27.737 cubic inches).

(i) Each cylinder must be constructed, insulated and maintained so that during transportation the total rate of venting shall not exceed 30 SCF of hydrogen per hour.

(ii) In addition to the marking requirements in § 178.57–20 of this subchapter, the total rate of venting in SCF per hour (SCFH) shall be marked on the top head or valve protection band in letters at least one-half inch high as follows: "VENT RATE**SCFH" (with the asterisks replaced by the number representing the total rate of venting, in SCF per hour).

(iii) Carriage by highway is subject to the conditions specified in § 177.840(a) of this subchapter.

18. In Part 173, § 173.318 is added to read as follows:

§ 173.318 Cryogenic liquids in cargo tanks.

(a) *General requirements.*

(1) A cargo tank may not be loaded with a cryogenic liquid colder than the design service temperature of the packaging.

(2) A cargo tank may not be loaded with any material that may combine chemically with any residue in the packaging to produce an unsafe condition (see § 178.338–15).

(3) The jacket covering the insulation on a tank used to transport a cryogenic liquid must be made of steel if the cryogenic liquid—

(i) Is to be transported by vessel (see §§ 173.320(a)(4) and 176.76(h)(1) of this subchapter); or

(ii) Is oxygen or a flammable material.

(4) A valve or fitting made of aluminum with internal rubbing or abrading aluminum parts that may come in contact with oxygen in the cryogenic liquid form may not be installed on any cargo tank used to transport oxygen, cryogenic liquid.

(5) An aluminum valve, pipe or fitting, external to the jacket may not be installed on any cargo tank used to transport oxygen, cryogenic liquid or any flammable cryogenic liquid.

(6) A cargo tank used to transport oxygen, cryogenic liquid must be provided with a manhole (see § 178.338–6 of this subchapter).

(b) *Pressure relief devices and pressure control valves.*

(1) *General requirements.*

(i) Each tank must be protected by a primary system of one or more spring loaded pressure relief valves and, except for tanks in carbon monoxide service, by a secondary system of one or more frangible discs arranged to discharge upward and unobstructed to the outside of the protective housing in such a manner as to prevent impingement of gas upon the jacket or any structural part of the vehicle. For tanks in carbon monoxide service, the secondary system must be comprised of one or more pressure relief valves instead of the frangible discs.

(ii) Each pressure relief device must be designed and constructed for a pressure equal to or exceeding the tank's design pressure at the coldest temperature reasonably expected to be encountered.

(iii) The rated relieving capacity for each pressure relief valve, pressure control valve and frangible disc must be as determined by the flow formulas contained in paragraph 4.3.4 of CGA Pamphlet S–1.2.

(iv) Each pressure relief valve must be designed and located to minimize the possibility of tampering. If the pressure setting or adjustment is external to the valve, the valve adjustement must be sealed.

(v) Each pressure relief device must have direct communication with the vapor space of the tank at the midlength of the top centerline.

(vi) Each connection to a pressure relief device must be of sufficient size to allow the required rate of discharge through the pressure relief device.

(vii) No shut-off valve may be installed between a pressure relief device and the tank except when two or more pressure relief valves or two or more frangible discs are installed on the same tank. In that case, one or more shut-off valves may be so installed if the installation is arranged to allow the required relief capacity at all times through at least one pressure relief valve and at least one frangible disc.

(viii) Any shut-off valve or device that interferes with the proper operation of a pressure control valve must be designed and installed so that the cargo tank may not be operated for transportation purposes when the pressure control valve operation is impeded.

(ix) Each pressure relief valve must be arranged or protected to prevent the accumulation of foreign material between the relief valve and the

atmospheric discharge opening in any relief piping. The arrangement or protection must not impede flow through the device.

(x) Each pressure relief device must be installed and located so that the cooling effect of the contents during venting will not prevent the effective operation of the device.

(2) *Capacity and performance.*

(i) The required primary system of pressure relief valves and the required secondary system of relief devices must each have, as a minimum, the total capacity prescribed in section 4 of CGA Pamphlet S–1.2 for a bare tank, unless the insulation remains in place and effective under accident-fire conditions, in which case the insulation space is considered to be saturated with the gaseous lading at atmospheric pressure.

(ii) The primary system of pressure relief valves must have the minimum total capacity specified in paragraph (b)(2)(i) of this section, at a pressure not exceeding 120 percent of the tank design pressure.

(iii) The secondary system of frangible dics or additional pressure relief valves must have the minimum total capacity specified in paragraph (b)(2)(i) of this section, at a pressure not exceeding 150 percent of the tank design pressure.

(iv) The primary system of pressure relief valves must have a liquid flow capacity equal to or exceeding the maximum rate at which the tank is to be filled, at a pressure not exceeding 120 percent of the tank design pressure.

(v) Each primary pressure relief valve must have a set pressure no higher than 110 percent of the tank design pressure.

(vi) The secondary system of pressure relief devices must be designed to commence functioning at a pressure no lower than 130 percent and no higher than 150 percent of the tank design pressure.

(3) *Pressure relief devices for piping, hose and vacuum-insulated jackets.*

(i) Each portion of connected liquid piping or hose that can be closed at both ends must be provided with either a hydrostatic pressure relief valve without an intervening shut-off valve, or a check valve permitting flow from the pipe or hose into the tank. If used, the relief valve must be located so as to prevent its discharge from impinging on the tank, piping, or operating personnel.

(ii) On a vacuum-insulated cargo tank the jacket must be protected by a suitable relief device to release internal pressure. The discharge area of this device must be at least 0.00024 square inch per pound of water capacity of the tank. This relief device must function at a pressure not exceeding the internal design pressure of the jacket, calculated in accordance with the ASME Code, or 25 psig, whichever is less.

(4) *Optional pressure relief devices and pressure control valves.*

(i) In addition to the required pressure relief devices, a cargo tank may be equipped with one or more pressure control valves if they meet applicable requirements contained in this Part.

(ii) In addition to the required pressure relief devices, a cargo tank may be equipped with one or more frangible discs set to function at a pressure not less than one and one-half times or more than two times the tank design pressure.

(5) *Tank inlet, outlet, pressure relief device and pressure control valve markings.*

(i) Each tank inlet and outlet, except pressure relief devices and pressure control valves, must be permanently marked to indicate whether it communicates with "vapor" or "liquid" when the tank is filled to the maximum permitted filling density.

(ii) Each pressure relief valve must be plainly and permanently marked with the pressure, in psig, at which it is set-to-discharge, the actual discharge rate of the device in SCF per minute (SCFM), and the manufacturer's name or trade name and catalog number. The marked set pressure valve must be visible with the valve in its installed position. The rated discharge capacity of the device must be determined at a pressure of 120 percent of the design pressure of the tank.

(iii) Each pressure control valve must be plainly and permanently marked with the pressure, in psig, at which it is set-to-discharge.

(c) *Weight of lading requirements.* The weight of a cryogenic liquid in the tank must be determined by weighing or by the use of a liquid level gauging device authorized in § 178.338–14(a) of this subchapter, and may not exceed the lesser of:

(1) The weight of lading in the tank, based on the water capacity stamped on the nameplate (§ 178.338–18(a)(4) of this subchapter) and the appropriate maximum permitted filling density specified in paragraph (f) of this section; or

(2) The maximum weight of lading for which the cargo tank was designed, as marked on the specification plate (see § 178.338–18(b) of this subchapter).

(d) *Outage.* Except for a cargo tank containing helium, cryogenic liquid, a cargo tank offered for transportation must have an outage of at least two percent below the inlet of the pressure relief device or pressure control valve, under conditions of incipient opening, with the tank in a level attitude.

(e) *Temperature.* A flammable cryogenic liquid must be loaded into a cargo tank at a temperature sufficiently cold that the pressure setting of the pressure control valve or the required pressure relief valve, whichever is lower, will not be reached in less time than the marked rated holding time for the cryogenic liquid (see §§ 173.33(d)(1)(ii) and 178.338–9(b) of this subchapter).

(f) *Specification MC–338 (§ 178.338 of this subchapter) cargo tanks* are authorized for the shipment of the following cryogenic liquids subject to the following additional requirements:

(1) For purposes of this section, "filling density" is defined as the percent ratio of the weight of lading in the tank to the weight of water that the tank will hold at the design service temperature (one pound of water=27.737 cubic inches at 60° F., or one gallon of water=231 cubic inches at 60° F. and weighs 8.32828 pounds).

(2) *Argon, helium, nitrogen, and oxygen, cryogenic liquids* must be loaded and shipped in accordance with the following table:

PRESSURE CONTROL VALVE SETTING OR RELIEF VALVE SETTING

Maximum set-to-discharge pressure (psig)	Maximum permitted filling density (percent by weight)			
	Argon	Helium	Nitrogen	Oxygen
26		12.5		
30	129	12.5	74	105
40		12.5		
50		12.5		
55	125	12.5	71	102
60		12.5		
80		12.5		
85	121	12.5		[illegible]
100		12.5		
105		12.5	67	
120		12.5		
140		12.5		
145	115	12.5	64	[illegible]
160		12.5		
200	110	12.5	61	[illegible]
250	106	12.5	57	[illegible]
275	105	12.5	56	[illegible]
325	101		53	[illegible]
Design service temperature.	Minus 320° F.	Minus 452° F.	Minus 320° F.	Minus 320° F.

(3) *Carbon monoxide, hydrogen (minimum 95 percent para-hydrogen), ethylene, and methane or natural gas, cryogenic liquids* must be loaded and shipped in accordance with the following table:

PRESSURE CONTROL VALVE SETTING OR RELIEF VALVE SETTING

Maximum set-to-discharge pressure (psig)	Maximum permitted filling density (percent by weight)			
	Carbon monoxide	Ethylene	Hydrogen	Methane or natural gas
13			6.8	
15	75.0		6.6	
17	74.0		6.5	
20		53.5		40.0
25	73.0			
30	72.0	52.7	6.3	38.1
35				
40		52.0		36.5
45	71.5			
50		51.4	6.0	36.2
55				
60		50.8		
70		50.2	5.7	37.5
90		49.2		
95				
100		48.4	5.4	36.6
115		48.2		
125			5.0	
175	62.5	45.8		
265	56.0			
Design service temperature.	Minus 320° F.	Minus 155° F.	Minus 423° F.	Minus 260° F.

(g) *One-way travel time; marking.* The jacket of a cargo tank to be used to transport a flammable cryogenic liquid must be marked on its right side near the front, in letters and numbers at least two inches high, "One-way Travel Time ——— hrs.", with the blank filled in with a number indicating the one-way travel time (OWTT), in hours, of the cargo tank for the flammable cryogenic liquid to be transported.

(1) OWTT is based on the marked rated holding time (MRHT) of the cargo tank for the cryogenic liquid to be transported in the cargo tank. If the MRHT for the flammable cryogenic liquid is not displayed on or adjacent to the specification plate, this MRHT may be derived.

(2) The MRHT is converted to OWTT, in hours, as follows:

(i) For a tank with an MRHT of 72 hours or less,

OWTT=MRHT−24/2

(ii) For a tank with an MRHT greater than 72 hours,

OWTT=MRHT−48

(3) Only the OWTT for the flammable cryogenic liquid in the cargo tank may be displayed on the cargo tank.

19. In Part 173, § 173.319 is added to read as follows:

§ 173.319 Cryogenic liquids in tank cars.

(a) *General requirements.*

(1) A tank car containing a flammable cryogenic liquid may not be shipped unless it was loaded by, or with the consent of, the owner of the tank car.

(2) The amount of flammable cryogenic liquid loaded into a tank car must be determined, either by direct measurement or by calculation based on weight, to verify that the tank has not been filled to a level in excess of the limits specified in paragraph (d)(2) of this section. The weight of any flammable cryogenic liquid loaded, except hydrogen, must be checked by use of scales after disconnecting the loading line.

(3) Whenever a tank car containing any flammable cryogenic lading is not received by the consignee within 20 days from the date of shipment, the shipper of the lading shall notify the Bureau of Explosives.

(4) A tank car may not be loaded with any flammable cryogenic liquid—

(i) That may combine chemically with any residue in the tank to produce an unsafe condition,

(ii) That is colder than the design service temperature of the tank,

(iii) If the average daily pressure rise in the tank exceeded 3 psi during the prior shipment (see § 173.31(c)(13)),

(iv) Unless it is marked with the name of contents, in accordance with § 172.330 of this subchapter.

(b) When a tank car containing a flammable cryogenic liquid is offered for transportation—

(1) At least 0.5 percent outage must be provided below the inlet of the pressure relief or pressure control valve at the start-to-discharge pressure setting of the valve, with the tank car in a level attitude, and

(2) The absolute pressure in the annular space must be less than 75 microns of mercury.

(c) *Temperature.* A flammable cryogenic liquid must be loaded into a tank car at such a temperature that the average daily pressure rise during transportation will not exceed 3 psi (see paragraph (a)(4)(iii) of this section and § 173.31(c)(13)).

(d) A Class DOT–113 tank car is authorized for the shipment of the following cryogenic liquids subject to the following additional requirements:

(1) For purposes of this section, "filling density" is defined as the percent ratio of the weight of lading in the tank to the weight of water that the tank will hold at the design service temperature (one pound of water = 27.737 cubic inches at 60° F., or one gallon of water = 231 cubic inches at 60° F. and weighs 8.32828 pounds).

(2) *Ethylene, and hydrogen (minimum 95 percent parahydrogen), cryogenic liquids* must be loaded and shipped in accordance with the following table:

PRESSURE CONTROL VALVE SETTING OR RELIEF VALVE SETTING

Maximum start-to-discharge pressure (psig)	Maximum permitted filling density (percent by weight)			
	Ethylene	Ethylene	Ethylene	Hydrogen
17				6.80.
45	52.6			
75		51.1	51.1	
Maximum pressure when offered for transportation.	10 psig	10 psig	20 psig	
Design service temperature	Minus 260° F.	Minus 260° F.	Minus 155° F.	Minus 423° F.
Specification (see § 173.31(a)(9))	113D60W. 113C60W.	113C120W.	113D120W.	113A175W. 113A90W.

20. In Part 173, § 173.320 is added to read as follows:

§ 173.320 Cryogenic liquids; exceptions.

(a) Atmospheric gases and helium, cryogenic liquids, in Dewar flasks, insulated cylinders, insulated portable tanks, insulated cargo tanks, and insulated tank cars, designed and constructed so that the pressure in such packagings will not exceed 25.3 psig under ambient temperature conditions during transportation (excluding loading and unloading operations or operation of a process system such as a refrigeration system) are not subject to the requirements of this subchapter when transported by motor vehicle or railcar except:

(1) Sections 171.15 and 171.16 of this subchapter pertaining to the reporting of incidents, not including a release that is the result of venting through a pressure control valve, or the neck of the Dewar flask.

(2) Subparts A, B, C, and D of Part 172, Sections 174.24 (for rail) and 177.817 for highway) and in addition, Part 172 in its entirety for oxygen.

(b) For transportation by vessel, the requirements of this subchapter do not apply to atmospheric gases used in a refrigeration system.

PART 174—CARRIAGE BY RAIL

21. The Table of Sections to Part 174 is amended by revising the heading for § 174.204 to read as follows:

Sec.

174.204 Tank car delivery of gases, including cryogenic liquids.

22. In § 174.25, paragraph (a), the Table is amended by removing the entry "Oxygen (liquefied)" and adding in its place the entry "Oxygen, cryogenic liquid," as follows:

§ 174.25 Additional information on waybills, switching orders and other billings.

(a) * * *

Hazardous material or class	Placard notation	Placard endorsement
REMOVE		
Oxygen (liquefied)	Placarded OXYGEN.....	Dangerous.
ADD		
Oxygen, cryogenic liquid.	Placarded OXYGEN.....	Dangerous.

* * * * *

23. In § 174.67, the introductory text of paragraph (a) is revised to read as follows:

§ 174.67 Tank car unloading.

(a) In unloading tank cars, the following rules must be observed (see subpart F of this Part for gases):

* * * * *

24. In § 174.83, paragraph (b) is revised to read as follows:

§ 174.83 Switching of cars containing hazardous materials.

* * * * *

(b) Any tank car placarded "EXPLOSIVE A" or "POISON GAS" and any Class DOT–113 tank car placarded "FLAMMABLE GAS" may not be—

(1) Cut off while in motion,

(2) Coupled into with more force than is necessary to complete the coupling, or

(3) Struck by any car moving under its own momentum.

* * * * *

25. In § 174.204, the heading and paragraph (a)(2) are revised to read as follows:

§ 174.204 Tank car delivery of gases, including cryogenic liquids.

(a) * * *

(2) The following tank cars may not be delivered and unloaded on carrier tracks unless the lading is piped directly from the car to permanent storage tanks of sufficient capacity to receive the entire contents of the car; however, such cars may be stored on a private track (see § 171.8 of this subchapter) or on carrier tracks designated by the carrier for such storage:

(i) A tank car containing flammable cryogenic liquid; or

(ii) A tank car, except for a DOT–106A or 110A multi-unit tank car tank (§ 179.300 or § 179.301 of this subchapter), containing anhydrous ammonia; hydrogen chloride, liquid (*refrigerated*); hydrocarbon gas, liquefied; or liquefied petroleum gas; and having interior pipes for liquid and gas discharge valves equipped with check valves.

PART 176—CARRIAGE BY VESSEL

26. In § 176.76, paragraph (h) is added to read as follows:

§ 176.76 Highway vehicles, railroad vehicles, freight containers, and portable tanks containing hazardous materials.

* * * * *

(h) *Cryogenic liquids.* For shipment of cryogenic liquids on board a vesel the packaging must be designed and filled so that:

(1) Any cryogenic liquid being transported in a cargo tank, regardless of the pressure in the package, must be contained in a steel jacketed Specification MC–338 (§ 178.338 of this subchapter) insulated cargo tank, or a cargo tank approved under the provisions of § 173.33(b)(2) of this subchapter.

(2) Any valve or fitting with moving or abrading parts that may come in contact with any cryogenic liquid may not be made of aluminum.

(3) For a flammable cryogenic liquid being transported in a cargo tank, the elapsed time between the loading of the cargo tank and the subsequent unloading of the cargo tank at its final destination may not exceed the marked rated holding time (MRHT) of the cargo tank for the cryogenic liquid being transported, which must be displayed on or adjacent to the specification plate.

(4) Portable tanks, cargo tanks, and tank cars containing cryogenic liquids must be stowed "on deck" regardless of the stowage authorized in § 172.101 of this subchapter. Cargo tanks or tank cars containing cryogenic liquids may be stowed one deck below the weather deck when transported on a trailership or trainship that is unable to provide "on deck" stowage because of the vessel's design. Tank cars must be Class DOT–113 or AAR–204W tank cars.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

27. In Part 177, the Table of Sections is amended by revising the headings for §§ 177.816 and 177.840, and adding headings for §§ 177.818 and 177.826 to read as follows:

* * * * *

Sec.
177.86 Training
* * * * *
Sec.
177.818 Special instructions; flammable cryogenic liquids.
* * * * *
177.826 Carrier's registration statement; flammable cryogenic liquids.
* * * * *
177.840 Compressed gases, including cryogenic liquids.
* * * * *

28. In Part 177, § 177.816 is revised to read as follows:

§ 177.816 Training.

(a) *Applicability.* No carrier may transport a flammable cryogenic liquid in a cargo tank on a public highway unless the driver of the vehicle has received the training specified in paragraph (b) of this section This section applies only to an originating carrier when an interchange operation is involved.

(b) *Training required.* Each carrier subject to paragraph (a) of this section must—

(1) Provide the required training in written form;

(2) Provide the required training before a driver may drive a motor vehicle transporting a flammable cryogenic liquid in a cargo tank and at least one every 24 months thereafter;

(3) Include in the training program instructions pertaining to—

(i) Requirements in this subchapter applicable to cryogenic liquids, generally;

(ii) Requirements in the Federal Motor Carrier Safety Regulations, Parts 390–397 of this title, applicable to drivers;

(iii) The properties and potential hazards of the particular material to be transported;

(iv) The safe operation of the type of cargo tank the driver will be operating, including its handling characteristics, emergency features and loading limitations; and

(v) Procedures to be followed in case of accident or other emergency, including unanticipated pressure increase or decrease.

(c) *Record of training.* A record certifying that current training has been provided in accordance with paragraph (b) of this section shall be retained in the driver's qualification file (see § 391.51 of this title) for as long as the driver is employed by that carrier and for 90 days thereafter. The record shall include—

(1) The driver's name and operators license number;

(2) The date the driver was provided the training and the due date for subsequent training;

(3) A copy of the written training material required by paragraph (b) of

this section or a reference indicating the location of a readily available copy; and

(4) The name and address of the person providing the training.

29. In Part 177, § 177.818 is added to read as follows:

§ 177.818 Special instructions; flammable cryogenic liquids.

(a) No carrier may operate, and no driver may drive, a motor vehcile transporting a flammable cryogenic liquid in a package exceeding 125 gallons water capacity unless written instructions containing the following information are carried with the required shipping papers:

(1) General precautions,

(2) Manual venting instructions,

(3) Emergency procedures, and

(4) The names and telephone numbers of persons to be contacted in case of emergency or accident.

(b) [Reserved]

30. In § 177.824, paragraph (a)(1) is amended by revising the first phrase to read, "Each cargo tank, except a specification MC–330, MC–331, or MC–338 cargo tank, * * *." and paragraph (e) is revised to read as follows:

§ 177.824 Retesting and inspection of cargo tanks.

* * * * *

(e) *Compressed gas and cryogenic liquid cargo tanks, specifications MC–330, MC–331, and MC–338.*

(1(*Specification MC–330 and MC–331.* Each cargo tank constructed in compliance with specification MC–330 or MC–331 (§ 178.337 of this subchapter) must be inspected and tested in accordance with § 173.33 of this subchapter.

(2) *Specification MC–338 insulated cargo tanks.* Each insulated cargo tank constructed in compliance with specification MC–338 (§ 178.338 of this subchapter) must be tested, except for the retest pressure, in accordance with § 173.338–16(a) of this subchapter, and must be in compliance with § 173.33 of this subchapter. If the tank is opened for any reason, the cleanliness must be verified after closure in accordance with § 178.338–15.

* * * * *

31. In Part 177, §177.826 is added to read as follows:

§ 177.826 Carrier's registration statement; flammable cryogenic liquids.

(a) No person may transport a flammable cryogenic liquid in a portable tank or a cargo tank unless he has filed a registration statement by certified mail, return receipt requested, with the Associate Director for HMR, MTB in accordance with paragraphs (b), (c) and (d) of this section.

(b) The registration statement must contain the following information:

(1) The carrier's name and principal place of business.

(2) Locations where cargo tanks used to transport flammable cryogenic liquids are domiciled.

(3) The serial number or vehicle identification number of each cargo tank used by the carrier to transport flammable cryogenic liquids, and the name of each flammable cryogenic liquid transported in each cargo tank.

(c) The registration statement must be filed:

(1) Initially between January 1 and February 28, 1984 (this initial statement is only required to contain information regarding operations that took place during the 90 days prior to the date of the statement); and

(2) Subsequently, between January 1 and February 28 of each even numbered year after 1984.

(d) For equipment obtained or operations begun between the two-year filing intervals specified in paragraph (c) of this section, the information must be provided on the registration statement filed during the next required filing period.

* * * * *

32. In § 177.840, the heading and paragraph (a)(2) are revised; paragraphs (h), (i), (j), and (k) are added to read as follows:

§ 177.840 Compressed gases, including cryogenic liquids.

(a) * * *

(2) *Cylinders for hydrogen, cryogenic liquid.* A Specification DOT–4L cylinder containing hydrogen, cryogenic liquid may only be transported on a motor vehicle as follows:

(i) The vehicle must have an open body equipped with a suitable rack or support having a means to hold the cylinder upright when subjected to an acceleration of 2 "g" in any horizontal direction;

(ii) The combined total of the hydrogen venting rates, as marked, on the cylinders transported on one motor vehicle may not exceed 60 SCF per hour;

(iii) The vehicle may not enter a tunnel; and

(iv) Highway transportation is limited to private and contract carriage and to direct movement from point of origin to destination.

* * * * *

(h) The driver of a motor vehicle transporting a flammable cryogenic liquid in a package exceeding 125 gallons of water capacity shall avoid unnecessary delays during transportation. If unforeseen conditions cause an excessive pressure rise, the driver shall manually vent the tank at a remote and safe location. For each shipment, the driver shall make a written record of the cargo tank pressure and ambient (outside) temperature—

(1) At the start of each trip,

(2) Immediately before and after any manual venting,

(3) At least once every five hours, and

(4) At the destination point.

(i) No person may transport a flammable cryogenic liquid in a cargo tank unless the one-way travel time (OWTT), marked on the tank in compliance with § 173.318(g) of this subchapter, is equal to or greater than the elapsed time between loading and unloading of the cargo tank. This prohibition does not apply if, prior to expiration of the OWTT, the tank is brought to full equilibration as specified in paragraph (j) of this section.

(j) Full equilibration of a cargo tank transporting a flammable cryogenic liquid may only be done at a facility that loads or unloads a flammable cryogenic liquid and must be performed and verified as follows:

(1) The temperature and pressure of the liquid must be reduced by a manually controlled release of vapor;

(2) The pressure in the cargo tank must be measured at least ten minutes after the manual release is terminated, and

(3) The pressure in the cargo tank must be equal to or less than the pressure at which the cargo tank was loaded.

(k) A carrier of carbon monoxide, cryogenic liquid must provide each driver with a self-contained air breathing apparatus that is approved by the National Institute of Occupational Safety and Health; for example, Mine Safety Appliance Co., Model 401, catalog number 461704.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

33. In Part 178, the Table of Sections is amended by adding a heading for § 178.338 to read as follows:

Sec.

178.338 Specification MC–338, insulated cargo tank.

34. In § 178.57–2, the heading and paragraphs (b) and (c) are revised and footnotes 1 and 2 are removed to read as follows:

§ 178.57–2 Type, size, service pressure, and design service temperature.

* * * * *

(b) The service pressure shall be at least 40 and not more than 360 pounds

per square inch. The service pressure limits the use of the cylinder and is shown by marks on the cylinder. For example, DOT–4L200 indicates the authorized pressure is 200 pounds per square inch.

(c) The design service temperature is the coldest temperature for which a cylinder is suitable. The required design service temperatures for each cryogenic liquid is as follows:

Cryogenic liquid	Design service temperature
Argon	Minus 320°F. or colder.
Helium	Minus 452°F. or colder.
Hydrogen	Minus 423°F. or colder.
Neon	Minus 411°F. or colder.
Nitrogen	Minus 320°F. or colder.
Oxygen	Minus 320°F. or colder.

* * * * *

35. Section 178.57–5 is revised to read as follows:

§ 178.57–5 Material.

(a) *Inner containmemt vessel (cylinder).* Designations and limiting chemical compositions of steel authorized by this specification shall be as shown in § 178.57–21(a) Table 1.

(b) *Outer jacket.* Steel or aluminum may be used subject to the requirements of § 178.57–21(b).

36. In § 178.57–8, paragraph (c) is revised and paragraph (d) is added to read as follows:

§ 178.57–8 Manufacture.

* * * * *

(c) The surface of the cylinder must be insulated. The insulating material must be fire resistant. The insulation on non-evacuated jackets must be covered with a steel jacket not less than 0.060-inch thick or an aluminum jacket not less than 0.070 inch thick, so constructed that moisture cannot come in contact with the insulating material. If a vacuum is maintained in the insulation space, the evacuated jacket must be designed for a minimum collapsing pressure of 30 psi differential whether made of steel or aluminum. The construction must be such that the total heat tranfer, from the atmosphere at ambient temperature to the contents of the cylinder, will not exceed 0.0005 Btu per hour, per Fahrenheit degree differential in temperature, per pound of water capacity of the cylinder. For hydrogen, cryogenic liquid service, the total heat transfer, with a temperature differential of 520 Fahrenheit degrees, may not exceed that required to vent 30 SCF of hydrogen gas per hour.

(d) For a cylinder having a design service temperature colder than minus 320°F, a calculation of the maximum weight of contents must be made and that weight must be marked on the cylinder as prescribed in § 178.57–20(a)(4).

* * * * *

37. In § 178.57–10, paragraph (b) is amended by revising the definition of "P" as follows:

§ 178.57–10 Wall thickness.

* * * * *

(b) * * *

P=minimum test pressure prescribed for pressure test in pounds per square inch;

* * * * *

38. In § 178.57–12, paragraph (a) is revised to read as follows:

§ 178.57–12 Openings in cylinder.

(a) Openings permitted in heads only. They must be circular and shall not exceed 3 inches diameter or one third of the cylinder diameter, whichever is less. Each opening in the cylinder must be provided with a fitting, boss or pad, either integral with, or securely attached to, the cylinder body by fusion welding. Attachments to a fitting, boss or pad may be made by welding, brazing, mechanical attachment, or threading. Threads must comply with the following:

(1) Threads must be clean-cut, even, without checks and cut to gauge.

(2) Taper threads to be of a length not less than that specified for NPT.

(3) Straight threads must have at least 4 engaged threads, tight fit and calculated shear strength at least 10 times the test pressure of the cylinder. Gaskets, which prevent leakage and are inert to the hazardous material, are required.

* * * * *

39. Section 178.57–13 is revised to read as follows:

§ 178.57–13 Pressure relief devices and pressure control valves.

Each cylinder must te equipped with pressure relief devices and pressure control valves as prescribed in §§ 173.34(d) and 173.316 of this subchapter. Flow capacity of relief devices must meet the requirements of paragraph 5.9 of CGA Pamphlet S–1.1.

40. In § 178.57–20, paragraphs (a)(2) and (a)(4) are revised, paragraphs (a)(5) and (a)(6) are redesignated (a)(6) and (a)(7) respectively, and new paragraphs (a)(5), (a)(8) and (a)(9) are added to read as follows:

§ 178.57–20 Marking.

(a) * * *

(2) ST followed by the design service temperature (for example, ST–423F), on cylinders having a design service temperature of colder than minus 320°F. only. Location to be just below the DOT mark.

* * * * *

(4) Maximum weight of contents, in pounds (for example, Max. Content 51#), on cylinders having a design service temperature colder than minus 320°F. only. Location to be near symbol.

(5) Examples of required markings are:

Design service temperature minus 320° F. or warmer.	Design service temperature colder than minus 320° F.
DOT–4L 150	DOT–4L 150
1234	ST–423F
XY	1234
	XY
	MAX CONTENT 51#

* * * * *

(8) Special orientation instructions (for example, THIS END UP), if the cylinder is used in an orientation other than vertical with openings at the top of the cylinder.

(9) "Aluminum Jacket," if the jacket of the cylinder is constructed of aluminum.

* * * * *

41. Section 178.57–21 is revised to read as follows:

§ 178.57–21 Authorized materials of construction.

(a) *Inner containment vessel (cylinder).* Electric furnace steel of uniform quality. Chemical analysis must conform to ASTM A240, Type 304 Stainless Steel. The following chemical analyses and physical properties are authorized:

TABLE 1—AUTHORIZED MATERIALS

Designation	Chemical analysis, limits in percent
Carbon [1]	0.08 max.
Manganese	2.00 max.
Phosphorus	0.045 max.
Sulphur	0.030 max.
Silicon	1.00 max.
Nickel	8.00–10.50
Chromium	18.00–20.00
Molybdenum	
Titanium	
Columbium	

[1] The carbon analysis must be reported to the nearest hundredths of one percent.

	Physical properties (annealed)
Tensile strength, p.s.i. (minimum)	75,000
Yield strength, p.s.i. (minimum)	30,000
Elongation in 2 inches (minimum), percent	30.0
Elongation other permissible gauge lengths (minimum), percent	15.0

NOTE 1.—A heat of steel made under the above specification is acceptable, even though its check chemical analysis is slightly out of the specified range, if it is satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded

CHECK ANALYSIS TOLERANCES

Element	Limit or maximum of specified range, percent	Tolerance over the maximum limit or under the minimum limit
Carbon	To 0.030, inclusive	0.005
	Over 0.030 to 0.20, inclusive	0.01
Manganese	To 1.00, inclusive	[illegible]
	Over 1.00 to 3.00, inclusive	0.04
Phosphorus [1]	To 0.040, inclusive	[illegible]
	Over 0.040 to 0.20 inclusive	[illegible]
Sulfur	To 0.40, inclusive	[illegible]
Silicon	To 1.00, inclusive	[illegible]
Chromium	Over 15.00 to 20.00, inclusive	[illegible]
Nickel	Over 5.00 to 10.00, inclusive	0.10
	Over 10.00 to 20.00, inclusive	0.15

[1] Rephosphorized steels not subject to check analysis of the phosphorus.

(b) *Outer jacket.*

(1) *Nonflammable cryogenic liquids.* Cylinders intended for use in the transportation of nonflammable cryogenic liquid must have an outer jacket made of steel or aluminum.

(2) *Flammable cryogenic liquids.* Cylinders intended for use in the transportation of flammable cryogenic liquid must have an outer jacket made of steel.

42. Section 178.57–22 is revised to read as follows:

§ 178.57–22 Inspector's report.

(a) This report is required to be clear, legible and in following form:

(Place) ———
(Date) ———
Steel gas cylinders
Manufactured for ———
Location at ———
Manufactured by ———
Location at ———
Consigned to ———
Location at ———
Quantity ———
Size ——— inches outside diameter by ——— inches long
Cylinders were pressure tested at ——— pounds per square inch and found to be satisfactory.
Maximum and minimum weight ———
Maximum and minimum volumetric capacity ———
Jacket material ———
Insulation type ———
Marks stamped into the ——— (Location of marking) of the cylinder are:
Specification DOT ———
Design service temperature—minus——°F.
Maximum weight of content — (pounds)
Serial numbers — to — inclusive
Inspecter's mark ———
Identifying symbol (registered) ———
Test date ———
Tare weight (yes or no) ———
Other marks ———
These cylinders were made by process of———

The material used was authorized by § 178.57–21.

The material used was identified by the following ——— (Heat-purchase order) numbers ———

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers ——— (were—were not) marked on the material.

Test No.	Heat No.	Check analysis No.	Cylinders represented (serial Nos.)	Chemical analysis C	P	S	Si	Mn	Ni	Cr	Mo	Cu	Al	Zr

All material was inspected and all that was accepted was found free from seams, cracks, laminations and other injurious defects.

The compliance of cylinders with specification requirements was verified including markings, condition of inside, tests, threads, etc. All cylinders with defects which might prove injurious were rejected. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was —— inch. The outside diameter was determined by a close approximation to be —— inches. The wall stress was calculated to be —— pounds per square inch under an internal pressure of —— pounds per square inch.

Pressure tests, tensile tests of material, and other tests as prescribed in specification No. DOT–4L——— were made in the presence of the inspector and all cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

Each cylinder ——— (Has—has not) been equipped with safety devices as follows:

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Department of Transportation specification No. 4L except as follows:

Exceptions ———
(Manufacturer's name) ———

By ———
(Signed) ———
(Inspector)
(Place) ———
(Date) ———

Record of Chemical Analysis of Steel for Cylinders

Numbered ——— to ——— inclusive.
Size —— inches outside diameter by —— inches long.
Made by ——— Company.
For ——— Company.

Steel was manufactured by ——— Company. The originals of the certified mill test reports are in the files of the manufacturer.

Note: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Chemical analyses were made by ———
(Date) ———
(Place) ———

Record of Physical Tests of Material For Cylinders

Numbered ——— to ——— inclusive.
Size ——— inches outside diameter by——— inches long
Made by ——— Company
For ——— Company

Test No.	Cylinders represented by test (serial Nos.)	Yield strength (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in inches)	Impact test results	Weld tensile test	Weld bend test

(Signed) ———

43. In § 178.337–1, paragraphs (a) and (e) are revised to read as follows:

§ 178.337–1 General requirements.

(a) *ASME Code construction.* Tanks must be—

(1) Seamless or welded construction, or a combination of both;

(2) Designed and constructed in accordance with the ASME Code;

(3) Made of steel or aluminum; however, if aluminum is used, the cargo tank must be insulated and the hazardous material to be transported must be compatible with the aluminum (see §§ 173.33(i), 173.315(a) Table Note 11, and 178.337–2(a)(1) of this subchapter); and

(4) Covered with a steel jacket if the cargo tank is insulated and used to transport a flammable gas (see § 173.315(a) Table Note 11 of this subchapter).

* * * * *

(e) *Insulation.* Compliance with the requirements for use and performance of insulation is required (see §§ 173.33(i), 173.315(a) Table Note 11, and 178.337–1(a)(3) of this subchapter).

* * * * *

44. In § 178.337–11, the introductory text to paragraph (c) is revised to read as follows:

§ 178.337–11 Emergency discharge control.

* * * * *

(c) *Liquid or vapor discharge openings.* Except for an engine fuel line on a truck-mounted tank of not over ¾ inch NPT and equipped with a valve having an integral excess flow valve, each liquid or vapor discharge opening in a tank intended to be used for a flammable liquid; flammable compressed gas; hydrogen chloride, liquid (*refrigerated*); or anhydrous ammonia, must be equipped with a remotely controlled internal shut-off valve. However, on any liquid or vapor discharge opening 1¼ inches NPT or smaller, an excess flow valve together with a manually operated external valve may be used in place of a remotely controlled internal shut-off valve. Each remotely controlled internal valve must comply with the following requirements:

* * * * *

45. In Part 178, § 178.338 consisting of §§ 178.338–1 to 178.338–19 is added to read as follows:

§ 178.338 Specification MC–338; insulated cargo tank.

§ 178.338–1 General requirements.

(a) For the purposes of this section—

(1) *"Design pressure"* means the "maximum allowable working pressure" as used in the ASME Code, and is the gauge pressure at the top of the tank.

(2) *"Design service temperature"* means the coldest temperature for which the tank is suitable (see §§ 173.318 (a)(1) and (f) of this subchapter).

(b) Each cargo tank must consist of a suitably supported welded inner vessel enclosed within an outer shell or jacket, with insulation between the inner vessel and outer shell or jacket, and having piping, valves, supports and other appurtenances as specified in this subchapter. For the purpose of this specification, "tank" means inner vessel and "jacket" means either the outer shell or insulation cover.

(c) Each tank must be designed and constructed to meet the requirements of the ASME Code.

(1) The design pressure of the tank must be at least 25.3 psig but not more than 500 psig. To determine the required thicknesses of the parts of the tank, the static head of the lading shall be added to the design pressure. If the jacket is evacuated, the tank must be designed for a pressure of 14.7 psi, plus the lading static head, higher than its "design pressure." The jacket must be designed in accordance with paragraph (e) or (f) of this section, as appropriate.

(2) The design service temperature of the tank, piping and valves may not be warmer than the liquefaction temperature at one atmosphere of the lading to be transported (see §§ 173.318 (a)(1) and (f) of this subchapter).

(3) Design and construction details of the tank interior may not allow collection and retention of cleaning materials or contaminants. To preclude the entrapment of foreign material, the design and construction of the tank must allow washing of all interior surfaces by the normal surging of the lading during transportation.

(d) The exterior surface of the tank must be insulated with a material compatible with the lading.

(1) Each cargo tank must have an insulation system that will prevent the tank pressure from exceeding the pressure relief valve set pressure within the specified holding time when the tank is loaded with the specific cryogenic liquid at the design conditions of—

(i) The specified temperature and pressure of the cryogenic liquid, and

(ii) The exposure of the filled cargo tank to an average ambient temperature of 85°F.

(2) For a cargo tank used to transport oxygen, the insulation may not sustain combustion in a 99.5 percent oxygen atmosphere at atmospheric pressure when contacted with a continuously heated glowing platinum wire. The cargo tank must be marked in accordance with § 178.338–18(b)(7).

(3) Each vacuum-insulated cargo tank must be provided with a connection for a vacuum gauge to indicate the absolute pressure within the insulation space.

(e) The insulation must be completely covered by a metal jacket. The jacket or the insulation must be so constructed and sealed as to prevent moisture from coming into contact with the insulation (see § 173.318(a)(3) of this subchapter). Minimum metal thicknesses are as follows:

Type metal	Jacket evacuated		Jacket not evacuated	
	Gauge	Inches	Gauge	Inches
Stainless steel	18	0.0439	20	0.0324
Low Carbon Mild Steel	12	0.0946	14	0.0677
Aluminum		0.155		0.0100

(f) An evacuated jacket must be in compliance with the following requirements:

(1) The jacket heads, shell and stiffening rings must be designed in accordance with paragraphs UG–28, UG–29 and UG–33 of the ASME Code to sustain a critical collapsing pressure of at least 30 psi. The jacket need not be marked with the ASME stamp.

(2) If the jacket also supports additional loads, such as the weight of the tank and lading, the combined stress, computed according to the formula in § 178.338–3(b), may not exceed 25 percent of the minimum specified tensile strength.

§ 178.338–2 Material.

(a) All material used in the construction of a tank and its appurtenances that may come in contact with the lading must be suitable for use with the lading to be transported. All material used for tank pressure parts, including evacuated jackets, must conform to the requirements of the ASME Code.

(b) All tie-rods, mountings, and other appurtenances within the jacket and all piping, fittings and valves must be of material suitable for use at the lowest temperature to be encountered.

(c) Impact tests are required on all tank materials, except aluminum, and must be performed using the procedure prescribed in the ASME Code.

(d) The direction of final rolling of the shell material must be the circumferential orientation of the tank shell.

(e) Each tank constructed in accordance with Part UHT of the ASME Code must be postweld heat treated as a unit after completion of all welds to the shell and heads. Other tanks must be postweld heat treated as required by the ASME Code. For all tanks the method must be as prescribed in the ASME Code. Welded attachments to pads may be made after postweld heat treatment.

(f) The fabricator shall record the heat and slab numbers and the certified Charpy impact values of each plate used in the tank on a sketch showing the location of each plate in the shell and heads of the tank. A copy of the sketch must be provided to the owner of the cargo tank and a copy must be retained by the fabricator for at least five years and made available, upon request, to any duly identified representative of the Department.

§ 178.338–3 Metal thickness.

(a) The metal thickness of the tank must be as prescribed in the ASME Code and paragraph (b) of this section.

Metal less than 3/16 inch thick may not be used for the shell or heads of a tank unless the tank is enclosed in an evacuated or load-bearing jacket. Metal less than 1/8 inch thick may not be used for the shell or heads of the tank under any circumstances.

(b) The minimum thickness of metal in the shell (cylindrical portion) of the tank must be such that at no point will the stress on a plane normal to the longitudinal axis exceed 25 percent of the minimum specified tensile strength of the metal. The forces, loads, and stresses considered in this requirement must take into account the weight of the tank itself, its maximum weight of contents, and articles supported by the tank, not including the weight of structures supporting the tank in normal conditions. The stresses involved are not all uniform through the length of the tank. For purposes of this requirement, calculation must be made by the following formula:

$$S=(T/2)+((T^2/4)+S_s^2)^{0.5}$$

where at any point under consideration and for the worst combination of loadings:

S = Effective stress as limited by this requirement, in psi;

T = The sum of the longitudinal tensile stresses due to external vacuum and internal pressure and other causes, including direct tensile stress due to a rearward acceleration force, tensile stress due to the bending moment of a rearward acceleration force applied at the road surface, and tensile flexure stress using applicable static loadings specified in paragraphs (b), (e) and (f) of § 178.338–13, in psi; and

S_s = The vectorial sum of the shear stresses in the plane in question, including direct vertical shear due to the static vertical loading, direct lateral shear due to a lateral accelerative force, and torsional shear due to a lateral accelerative force, applied at the road surface using applicable static loadings specified in paragraphs (b), (e) and (f) of § 178.338–13, in psi.

(c) Maximum stress concentrations that may be created at supports due to shear, bending, and torsion must be calculated in accordance with Appendix G of the ASME Code.

(d) Where a tank support is attached to any part of a tank head, the stresses imposed on the head must be in accordance with the requirements in paragraph (c) of this section.

§ 178.338–4 Joints.

(a) All joints in the tank, and in the jacket if evacuated, must be as prescribed in the ASME Code, with all undercutting in shell and head material repaired as specified therein.

(b) Welding procedure and welder performance tests must be made in accordance with Section IX of the ASME Code. Records of the qualification must be retained by the tank manufacturer for at least five years and must be made available, upon request, to any duly identified representative of the Department, or the owner of the cargo tank.

(c) All longitudinal welds in tanks and load bearing jackets must be located so as not to intersect nozzles or supports other than load rings and stiffening rings.

(d) Substructures must be properly fitted before attachment and the welding sequence must minimize stresses due to shrinkage of welds.

(e) Filler material containing more than 0.05 percent vanadium may not be used with quenched and tempered steel.

(f) All joints must be in accordance with Part UW of the ASME Code, except that a butt weld with one plate edge offset is not authorized. All tank nozzle to shell and nozzle to head welds must be full penetration welds.

§ 178.338–5 Stiffening rings.

(a) A tank is not required to be provided with stiffening rings, except as prescribed in the ASME Code.

(b) If a jacket is evacuated, it must be constructed in compliance with § 178.338–1(f). Stiffening rings may be used to meet these requirements.

§ 178.338–6 Manholes.

(a) Each tank in oxygen service must be provided with a manhole as prescribed in the ASME Code.

(b) Each tank having a manhole must be provided with a means of entrance and exit through the jacket, or the jacket must be marked to indicate the manway location on the tank.

(c) When a manhole is provided, it may not be located on the front head of the tank.

§ 178.338–7 Openings.

(a) The inlet to the liquid product discharge opening of each tank intended for flammable ladings must be at the bottom centerline of the tank.

(b) If the leakage of a single valve, except a pressure relief valve, pressure control valve, full trycock or gas phase manual vent valve, would permit loss of flammable material, an additional closure that is leak tight at the tank design pressure must be provided outboard of such valve.

§ 178.338–8 Pressure relief devices, piping, valves, and fittings.

(a) *Pressure relief devices.* Each tank pressure relief device must be designed, constructed, and marked in accordance with § 173.318(b) of this subchapter.

(b) *Piping, valves, and fittings.*

(1) All piping, valves, and fittings shall be as required by §§ 173.33(f) and 173.318(b) of this subchapter.

(2) Each valve must be suitable for the tank design pressure at the tank design service temperature.

(3) All fittings must be rated for the maximum tank pressure and suitable for the coldest temperature to which they will be subjected in actual service.

(4) All piping, valves and fittings must be grouped and protected from damage as required by § 178.338–10.

(5) When a pressure-building coil is used on a tank designed to handle oxygen or flammable ladings, the vapor connection to that coil must be provided with a valve or check valve as close to the tank as practicable to prevent the loss of vapor from the tank in case of damage to the coil. The liquid connection to that coil must also be provided with a valve.

§ 178.338–9 Holding time.

(a) "Holding time" is the time, as determined by testing, that will elapse from loading until the pressure of the contents, under equilibrium conditions, reaches the level of the lowest pressure control valve or pressure relief valve setting.

(b) *Holding time test.*

(1) The test to determine holding time must be performed by charging the tank with a cryogenic liquid having a boiling point, at a pressure of one atmosphere, absolute, no lower than the design service temperature of the tank. The tank must be charged to its maximum permitted filling density with that liquid and stabilized to the lowest practical pressure, which must be equal to or less than the pressure to be used for loading. The cargo tank together with its contents must then be exposed to ambient temperature.

(2) The tank pressure and ambient temperature must be recorded at 3-hour intervals until the pressure level of the contents reaches the set-to-discharge pressure of the pressure control valve or pressure relief valve with the lowest setting. This total time lapse in hours represents the measured holding time at the actual average ambient temperature. This measured holding time for the test cryogenic liquid must be adjusted to an equivalent holding time for each cryogenic liquid that is to be identified on or adjacent to the specification plate, at an average ambient temperature of 85°F. This is the rated holding time (RHT). The marked rated holding time (MRHT) displayed on or adjacent to the specification plate (see §178.318(b)(9)) may not exceed this RHT.

(c) *Optional test regimen.*

(1) If more than one cargo tank is made to the same design, only one cargo tank must be subjected to the full holding time test at the time of manufacture. However, each subsequent cargo tank made to the same design must be performance tested during its first trip. The holding time determined in this test may not be less than 90 percent of the marked rated holding time. This test must be performed in accordance with §§ 173.33(d)(1)(ii) and 177.840(h) of this subchapter, regardless of the classification of the cryogenic liquid.

(2) *Same design.* The term "same design" as used in this section means cryogenic cargo tanks made—

(i) By the same manufacturer;

(ii) To the same engineering drawings, and calculations;

(iii) To the same dimensions of length, diameter, and volume;

(iv) Of the same materials of construction; and

(v) With the same insulation system.

§ 178.338–10 Collision damage protection.

(a) All valves, fittings, pressure relief devices and other accessories to the tank proper, which are not isolated from the tank by closed intervening shut-off valves or check valves, must be installed within the motor vehicle framework or within a suitable collision resistant guard or housing, and appropriate ventilation must be provided. Each pressure relief device must be protected so that in the event of the upset of the vehicle onto a hard surface, the device's opening will not be prevented and its discharge will not be restricted.

(b) Each protective device or housing, and its attachment to the vehicle structure, must be designed to withstand static loading in any direction that it may be loaded as a result of front, rear, side, or sideswipe collision, or the overturn of the vehicle. The static loading shall equal twice the loaded weight of the tank and attachments. A safety factor of four, based on the ultimate strength of the material, shall be used. The protective device or the housing must be made of steel at least 3/16-inch thick, or other material of equivalent strength.

(c) Each tank motor vehicle must be provided with a least one rear bumper designed to protect the cargo tank and piping in the event of a rear end collision. The bumper design must transmit the force of the collision directly to the chasis of the vehicle. The rear bumper and its attachments to the chasis must be designed to withstand a load equal to twice the weight of the loaded cargo tank and attachments, using a safety factor of four based on the ultimate strength of the materials used, with such load being applied horizontally and parallel to the major axis of the cargo tank, or within 30 horizontal degrees thereof. The rear bumper dimensions must meet the requirements of §393.86 of this title and extend vertically to a height adequate to protect all valves and fittings located at the rear of the cargo tank from damage that could result in loss of lading.

(d) Every part of the loaded cargo tank, and any associated valve, pipe, enclosure, or protective device or structure (exclusive of wheel assemblies), must be at least 14 inches above level ground.

§ 178.338–11 Discharge control devices.

(a) Excess-flow valves are not required.

(b) Each liquid filling and liquid discharge line must be provided with a shut-off valve located as close to the tank as practicable. Unless this valve is manually operable at the valve, the line must also have a manual shut-off valve.

(c) Each liquid filling and liquid discharge line on a cargo tank intended for service transporting a flammable lading must be provided with a remotely controlled shut-off valve. If pressure from a reservoir or from an engine driven pump or compressor is used to open this valve, the control must be of fail-safe design, spring-biased to stop the admission of such pressure. If the jacket is not evacuated, the seat of the valve must be inside the tank, in the opening nozzle or flange, or in a companion flange bolted to the nozzle. If the jacket is evacuated, the remotely controlled valve must be located as close to the tank as practicable.

(1) On a cargo tank with a capacity in excess of 3,500 gallons of water, each remotely controlled shut-off valve must be provided with remote means of automatic closure, both mechanical and thermal, installed at the ends of the cargo tank in at least two diagonally opposite locations. The thermal means shall consist of fusible elements actuated at a temperature not exceeding 250°F., or equivalent devices. One means may be used to close more than one remotely controlled valve.

(2) On a cargo tank with a capacity of 3,500 gallons of water or less, each remotely controlled shut-off valve must be provided with at least one remote control station on the end of the cargo tank opposite the main control station. The remote control station must contain a manual means of closure. In addition, it may contain fusible elements actuated at a temperature not exceeding 250°F., or equivalent devices. One means may be used to close more than one remotely controlled valve.

§ 178.338–12 Shear section.

The design or installation of each valve, damage to which could result in loss of liquid or vapor, must incorporate a shear section or breakage groove adjacent to and outboard of the valve. The section or groove must yield or break under strain without damage to the valve that would allow the loss of liquid or vapor. The protection specified in § 178.338–10 is not a substitute for a shear section or breakage groove.

§ 178.338–13 Supports and anchoring.

(a) All attachments of supports and bumpers to tanks and to load-bearing jackets must be made by means of pads of material similar to that of the tank or jacket, by load rings, or by bosses designed or gusseted to distribute the load. The pad must be at least ¼-inch thick, or as thick as the tank or jacket material, if less, but shall in no case be thicker than the tank or jacket material. Each pad must extend at least four times its thickness, in each direction, beyond the weld attaching the support or bumper. Each pad must be preformed to an inside radius no greater than the outside radius of the tank or jacket at the place of attachment. Each pad corner must be rounded to a radius at least one-fourth the width of the pad and no greater than one-half the width of the pad. If weep holes or telltale holes are used, they must be drilled or punched before the pads are attached. Each pad must be attached to the tank or jacket by continuous fillet welding using filler material having properties conforming to the recommendations of the manufacturer of the tank or jacket material. Any fillet weld discontinuity may only be for the purpose of preventing an intersection between the fillet weld and a tank or jacket seam weld.

(b) A tank motor vehicle constructed so that the cargo tank constitutes in whole or in part the structural member used in place of a motor vehicle frame must have the tank or the jacket supported by external cradles or by load rings. A cargo tank mounted on a motor vehicle frame must have the tank or jacket supported by external cradles, load rings, or longitudinal members. If cradles are used, they must subtend at least 120 degrees of the cargo tank circumference. The design calculations for the supports and load bearing tank or jacket, and the support attachments must include beam stress, shear stress, torsion stress, bending moment, and acceleration stress for the loaded

vehicle as a unit, using a safety factor of four, based on the ultimate strength of the material, and static loadings that take into consideration the weight of the cargo tank and its attachments when filled to the design weight of the lading (see Appendix G of the ASME Code). The effects of fatigue must also be considered in the calculations. Minimum static loadings must be as follows:

(1) For a vacuum-insulated cargo tank—

(i) Vertically downward of 2;
(ii) Vertically upward of 2;
(iii) Longitudinally of 2; and
(iv) Laterally of 2.

(2) For a nonvacuum-insulated cargo tank—

(i) Vertically downward of 3;
(ii) Vertically upward of 2;
(iii) Longitudinally of 2; and
(iv) Laterally of 2.

(c) When a loaded tank is supported within the vacuum jacket by structural members, the design calculations for the tank and its structural members must use a safety factor of four, based on the ultimate strength of the material at the tank's design service temperature, and static loadings that take into consideration the weight of the tank and the structural members when the tank is filled to the design weight of lading (see Appendix G of the ASME Code). When load rings in the jacket are used for supporting the tank they must be designed to carry the fully loaded tank at the specified static loadings, plus external pressure. Minimum static loadings must be as follows:

(1) Vertically downward of 2;
(2) Vertically upward of 1½;
(3) Longitudinally of 1½; and,
(4) Laterally of 1½.

§ 178.338–14 Gauging devices.

(a) *Liquid level gauging devices.*

(1) Unless a cargo tank is intended to be filled by weight, it must be equipped with one or more gauging devices, which accurately indicate the maximum permitted liquid level at the loading pressure, in order to provide a minimum of two percent outage below the inlet of the pressure control valve or pressure relief valve at the condition of incipient opening of that valve. A fixed-length dip tube, a fixed trycock line, or a differential pressure liquid level gauge must be used as the primary control for filling. Other gauging devices, except gauge glasses, may be used, but not as the primary control for filling.

(2) The design pressure of each liquid level gauging device must be at least that of the tank.

(3) If a fixed length dip tube or trycock line gauging device is used, it must consist of a pipe or tube of small diameter equipped with a valve at or near the jacket and extending into the cargo tank to a specified filling height. The fixed height at which the tube ends in the cargo tank must be such that the device will function when the liquid reaches the maximum level permitted in loading. The setting (percent outage) must be indicated in a visible location at or adjacent to the valve.

(4) The liquid level gauging device used as a primary control for filling must be designed and installed to accurately indicate the maximum filling level at the point midway of the tank both longitudinally and laterally.

(b) *Pressure gauges.* Each cargo tank must be provided with a suitable pressure gauge indicating the lading pressure and located on the front of the jacket so it can be read by the driver in the rear view mirror. Each gauge must have a reference mark at the cargo tank design pressure or the set pressure of the pressure relief valve or pressure control valve, whichever is lowest.

(c) *Orifices.* All openings for dip tube gauging devices, trycock lines, and pressure gauges must be restricted at or inside the jacket by orifices no larger than 0.060-inch diameter.

§ 178.338–15 Cleanliness.

A cargo tank constructed for oxygen service must be thoroughly cleaned to remove all foreign material in accordance with CGA Pamphlet G–4.1. All loose particles from fabrication, such as weld beads, dirt, grinding wheel debris, and other loose materials, must be removed prior to the final closure of the manhole of the tank. Chemical or solvent cleaning with a material compatible with the intending lading must be performed to remove any contaminants likely to react with the lading.

§ 178.338–16 Inspection and testing.

(a) *General.* The material of construction of a cargo tank, its appurtenances, and the jacket if evacuated, must be inspected for compliance with the ASME Code. The tank must be subjected to either a hydrostatic or pneumatic test. The test pressure must be one and one-half times the sum of the design pressure, plus static head of lading, plus 14.7 psi if subjected to external vacuum, except that for tanks constructed in accordance with Part UHT of the ASME Code the test pressure must be twice the design pressure.

(b) *Additional requirements for pneumatic test.* A pneumatic test may be used in place of the hydrostatic test. Due regard for protection of all personnel should be taken because of the potential hazard involved in a pneumatic test. The pneumatic test pressure in the tank must be reached by gradually increasing the pressure to one-half of the test pressure. Thereafter, the test pressure must be increased in steps of approximately one-tenth of the test pressure until the required test pressure has been reached. Then the pressure must be reduced to a value equal to four-fifths of the test pressure and held for a sufficient time to permit inspection of the cargo tank for leaks.

(c) *Weld inspection.* All tank shell or head welds subject to pressure shall be radiographed in accordance with the ASME Code. A tank which has been subjected to inspection by the magnetic particle method, the liquid penetrant method, or any method involving a material deposit on the interior tank surface, must be cleaned to remove any such residue by scrubbing or equally effective means, and all such residue and cleaning solution must be removed from the tank prior to final closure of the tank.

(d) *Defect repair.* All cracks and other defects must be repaired as prescribed by the ASME Code. The welder and the welding procedure must be qualified in accordance with the ASME Code. After repair, the tank must again be postweld heat-treated, if such heat treatment was previously performed, and the repaired areas must be retested.

(e) Verification must be made of the interior cleanliness of a tank constructed for oxygen service by means that assure that all contaminants that are likely to react with the lading have been removed as required by § 178.338–15.

§ 178.338–17 Pumps.

See §§ 173.33(f) and 173.318(a)(4) of this subchapter.

§ 178.338–18 Marking.

(a) *Nameplate.* On the right side near the front of each tank a corrosion resistant metal nameplate must be permanently affixed by brazing or welding around its perimeter. If this nameplate is attached by welding, it must be welded before the tank is postweld heat-treated. The nameplate must be plainly marked by stamping, embossing, or other means of forming letters into the metal of the plate, in characters at least ⅜-inches high. The following information, in addition to that required by the ASME Code, must be included (parenthetical abbreviations may be used):

(1) DOT Specification number MC–338 (DOT MC–338);

(2) Material specification number (Mat. Spec. No.);

(3) Maximum density of lading for which the tank is designed (Max. Dens. of Lading);

(4) Water capacity, in pounds net at 60°F., with the tank at its coldest operating temperature, after deduction for the volume above the inlet to the pressure relief device or pressure control valve, structural members, baffles, piping, and other appurtenances inside the tank (W. Cap.); and

(5) Original test date (Orig. Test Date);

(b) *Specification plate.* An additional plate, in the form specified in paragraph (a) of this section, must be welded, brazed, or riveted to the jacket on the right side near the front, or at the control station, in a position readily legible to operating personnel. It must be marked with the information specified in paragraph (a) of this section and in addition, in characters at least ⅜-inches high, the following (parenthetical abbreviations may be used):

(1) Vehicle manufacturer (Veh. Mfr.);

(2) Manufacturer's vehicle serial number (Veh. No.);

(3) Lining material, if any (Lining);

(4) Date of manufacture (Date of Mfr.);

(5) Certificate date (Cert. Date);

(6) Design service temperature (Design Serv. Temp.);

(7) "Insulation for Oxygen Service" or "Not Authorized for Oxygen Service," as appropriate;

(8) Maximum weight of lading for which the cargo tank is designed, in pounds (Max. Net Wgt.——lbs.);

(9) Marked rated holding time for at least one cryogenic liquid, in hours, and the name of that cryogen (MRHT—— hrs., name of cryogen). MRHT markings for additional cryogenic liquids may be displayed on or adjacent to the specification plate.

(c) The design weight of lading used in determining the loading in §§ 178.338–3(b), 178.338–10 (b) and (c), and 178.338–13 (b) and (c) must be shown as the maximum weight of lading marking required by paragraph (b) of this section.

§ 178.338–19 Certification.

(a) The manufacturer of a cargo tank vehicle shall furnish to the owner of the completed vehicle, at or before the time of delivery, the following:

(1) the tank manufacturer's data report required by the ASME Code,

(2) a photograph, pencil rub, or other facsimile of the plates required by paragraphs (a) and (b) of § 178.338–18, and

(3) a certificate bearing the manufacturer's vehicle serial number stating that the completed cargo tank vehicle conforms to all applicable requirements of Specification MC–338, including the ASME Code, in effect on the date (month, year) of certification.

(b) In the case of a cargo tank vehicle manufactured in two or more stages, each manufacturer who performs a manufacturing operation on the incomplete vehicle or portion thereof shall furnish to the succeeding manufacturer, at or before the time of delivery, a certificate covering the particular operation performed by that manufacturer and any certificates received from previous manufacturers. The certificates must include sufficient sketches, drawings, and other information to indicate the location, make, model and size of each valve and the arrangement of all piping associated with the tank. Each certificate must be signed by an official of the manufacturing firm responsible for the portion of the complete cargo tank vehicle represented thereby, such as basic tank fabrication, insulation, jacket, or piping. The final manufacturer shall furnish the owner with all certificates, as well as the documents required by paragraph (a) of the section.

(c) The owner shall retain the data report, certificates, and related papers throughout his ownership of the cargo tank. In the event of change of ownership, the prior owner shall retain non-fading photographically reproduced copies of these documents for at least one year. Each operator using the cargo tank vehicle, if not the owner thereof, shall obtain a copy of the data report and the certificate or cetificates and retain them during the time he uses the cargo tank and for at least one year thereafter.

PART 179—SPECIFICATIONS FOR TANK CARS

46. The Table of Sections of Part 179 is amended by revising the headings for Subpart F and §§ 179.400 and 179.401 to read as follows:

Subpart F—Specification for Cryogenic Liquid Tank Car Tanks and Seamless Steel Tanks (Classes DOT–113 and 107A)

* * * * *

179.400 *General specification applicable to cryogenic liquid tank car tanks.*

179.401 *Individual specification requirements applicable to inner tanks for cryogenic liquid tank car tanks.*

* * * * *

47. In § 179.100–7, the Table in paragraph (a) is amended by removing the entry for "ASTM A 537–70, GR. A" and replacing it with an entry for "ASTM A 537–80, Class 1" as follows:

§ 179.100–7 Materials.

(a) * * *

Specifications	Minimum tensile strength (p.s.i.) welded condition [1]	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
[REMOVE]		
ASTM A 537–70, GR. A	70,000	23
[ADD]		
ASTM A 537–80, Class 1	70,000	23

* * * * *

§ 179.102–1 [Amended]

48. In § 179.102–1, the heading and the introductory text of paragraph (a) are amended by removing the words "liquefied carbon dioxide" and inserting, in their place, the words "carbon dioxide, liquid (*refrigerated*)".

49. Section 179.102–4 is revised to read as follows:

§ 179.102–4 Vinyl fluoride, inhibited.

Each tank used to transport vinyl fluoride, inhibited, must comply with the following special requirements:

(a) The tank must comply with specification DOT–105A600W and must be designed for loading at minus 50° F. or colder.

(b) All plates for the tank, and appurtenances must be fabricated of—

(1) Stainless steel, ASTM Specification A240, Type 304, 304L, 316 or 316L, in which case impact tests are not required; or

(2) Steel complying with ASTM Specification A516; Grade 70; ASTM Specification A537, Class 1; or AAR Specification TC128, Grade B, in which case impact tests must be performed as follows:

(i) ASTM Specification A516 and A537 material must meet the Charpy V-notch test requirements, in longitudinal direction of rolling, of ASTM Specification A20.

(ii) AAR Specification TC128 material must meet the Charpy V-notch test requirements, in longitudinal direction of rolling, of 15 ft./lb. minimum average for 3 specimens, with a 10 ft./lb. minimum for any one specimen, at minus 50° F. or colder, in accordance with ASTM Specification A370.

(iii) Production welded test plates must—

(A) Be prepared in accordance with AAR Specifications for Tank Cars, Appendix W, W4.00;

(B) Include impact specimens of weld metal and heat affected zone prepared and tested in accordance with AAR Specifications for Tank Cars, Appendix W, W9.00; and

(C) Meet the same impact requirements as the plate material.

(c) Insulation must be of approved material.

(d) The tank must be equipped with at least one safety relief valve, set for the start-to-discharge pressure listed in § 179.101–1. The discharge capacity of each safety relief device must be sufficient to prevent the build up of pressure in the tank in excess of 82½ percent of the tank test pressure. The discharge from each safety relief device must be directed outside the protective housing.

(e) Excess flow valves must be installed under all liquid and vapor valves, except safety relief valves.

(f) A thermometer well may be installed.

(g) A gaging device may be installed. If one is installed it must be a fixed length dip tube.

(h) A pressure gage may be installed.

(i) Aluminum, copper, silver, zinc, or an alloy containing any of these metals may not be used in the tank construction, or in fittings in contact with the lading.

(j) The jacket must be stenciled, adjacent to the water capacity stencil, "COLDEST LADING TEMPERATURE ——— ° F."

(k) The tank car and insulation must be designed to prevent the vapor pressure of the lading from increasing from the pressure at the maximum allowable filling density to the start-to-discharge pressure of the safety relief valve within 30 days, at an ambient temperature of 90° F.

(l) Tank anchor-to-tank shell fillet welds must be examined by radioscopy or other non-destructive testing technique and must meet the acceptance standards of AAR Specifications for Tank Cars, Appendix W, paragraph W11.06.

50. Section 179.102–17 is added to read as follows:

§ 179.102–17 Hydrogen chloride, liquid (refrigerated).

Each tank car used to transport hydrogen chloride, liquid (*refrigerated*) must comply with the following special requirements:

(a) The tank car must comply with Specification DOT–105A600W and be designed for loading at minus 50° F. or colder.

(b) All plates for the tank and appurtenances must be fabricated of—

(1) Stainless steel, ASTM Specification A240, Type 304, 304L, 316, or 316L, in which case impact tests are not required; or

(2) Steel complying with ASTM Specification A516, Grade 70; ASTM Specification A537, Class 1; or AAR Specification TC128, Grade B, in which case impact tests must be performed as follows:

(i) ASTM Specification A516 and A537 material must meet the Charpy V-notch test requirements, in longitudinal direction of rolling, of ASTM Specification A20.

(ii) AAR Specification TC128 material must meet the Charpy V-notch test requirements, in longitudinal direction of rolling, of 15 ft./lb. minimum average for 3 specimens, with a 10 ft./lb. minimum for any one specimen, at minus 50° F. or colder, in accordance with ASTM Specification A370.

(iii) Production welded test plates must—

(A) Be prepared in accordance with AAR Specifications for Tank Cars, Appendix W, W4.00;

(B) include impact test specimens of weld metal and heat affected zone prepared and tested in accordance with AAR Specifications for Tank Cars, Appendix W, W9.00; and

(C) meet the same impact requirements as the plate material.

(c) Insulation must be of approved material.

(d) Safety relief valves must be trimmed with monel or other approved material and equipped with a frangible disc of silver, a fluorinated hydrocarbon polymer coated monel, or tantalum. Each safety relief device shall have the space between the frangible disc and the relief valve vented with a suitable auxiliary valve. The discharge from each safety relief valve must be directed outside the protective housing.

(e) Loading and unloading valves must be trimmed with Hastelloy B or C, monel, or other approved material, and identified as "Vapor" or "Liquid". Excess flow valves must be installed under all liquid and vapor valves, except safety relief valves.

(f) A thermometer well may be installed.

(g) A gaging device may be installed. If installed the gage must be a fixed length dip tube.

(h) A sump must be installed in the bottom of the tank under the liquid pipes.

(i) All gaskets must be made of, or coated with, a fluorinated hydrocarbon polymer, or other approved material.

(j) The tank car tank may be equipped with exterior cooling coils on top of the tank car shell.

(k) The jacket must be stenciled, adjacent to the water capacity stencil, "COLDEST LADING TEMPERATURE ——— ° F."

(l) The tank car and insulation must be designed to prevent the pressure of the lading from increasing from the pressure at the maximum allowable filling density to the start-to-discharge pressure of the safety relief valve within 30 days, at an ambient temperature of 90° F.

(m) Tank anchor-to-tank shell fillet welds must be examined by radioscopy or other non-destructive testing techniques and must meet the acceptance standards of AAR Specifications for Tank Cars, Appendix W, paragraph W11.06.

51. The heading of Subpart F and § 179.400 consisting of §§ 179.400–1 to 179.400–26 are revised to read as follows:

Subpart F—Specification for Cryogenic Liquid Tank Car Tanks and Seamless Steel Tanks (Classes DOT—113 and 107A)

§ 179.400 General specification applicable to cryogenic liquid tank car tanks.

§ 179.400–1 General.

A tank built to this specification must comply with §§ 179.400 and 179.401.

§ 179.400–2 Approval.

See § 179.3 for approval procedure.

§ 179.400–3 Type.

(a) A tank built to this specification must—

(1) Consist of an inner tank of circular cross section supported essentially concentric within an outer jacket of circular cross section, with the out of roundness of both the inner tank and outer jacket limited in accordance with Section VIII, Division I, Paragraph UG–80 of the ASME Code;

(2) Have the annular space evacuated after filling the annular space with an approved insulating material;

(3) Have the inner tank heads designed concave to pressure; and

(4) Have the outer jacket heads designed convex to pressure.

(b) The tank must be equipped with piping systems for vapor venting and transfer of lading, and with pressure relief devices, controls, gages and valves, as prescribed herein.

§179.400–4 Insulation system and performance standard.

(a) For the purposes of this specification—

(1) *Standard Heat Transfer Rate* (SHTR), expressed in Btu/day/lb., means the rate of heat transfer used for determining the satisfactory performance of the insulation system of a cryogenic tank car tank (see § 179.401–1 Table).

(2) *Test cryogenic liquid* means the cryogenic liquid, which may be different from the lading intended to be shipped

in the tank, being used during the performance tests of the insulation system.

(3) *Normal evaporation rate* (NER), expressed in lbs. (of the cryogenic liquid)/day, means the rate of evaporation, determined by test of a test cryogenic liquid in a tank maintained at a pressure of approximately one atmosphere, absolute. This determination of the NER is the NER test.

(4) *Stabilization period* means the elapsed time after a tank car tank is filled with the test cryogenic liquid until the NER has stabilized, or 24 hours has passed, whichever is greater.

(5) *Calculated heat transfer rate.* The calculated heat transfer rate (CHTR) is determined by the use of test data obtained during the NER test in the formula:

$$q=[N(\Delta h)(90-t_i)]/[V(8.32828)(t_s-t_f)]$$

Where:

q = CHTR, in Btu/day/lb.;
N = NER, determined by NER test, in lbs./day;
Δh = latent heat of vaporization of the test cryogenic liquid at the NER test pressure of approximately one atmosphere, absolute, in Btu/lb.;
90 = ambient temperature at 90° F.
V = gross water volume at 60° F. of the inner tank, in gallons;
t_i = equilibrium temperature of intended lading at maximum shipping pressure, in ° F.;
8.32828 = constant for converting gallons of water at 60° F. to lbs. of water at 60° F., in lbs./gallon;
t_s = average temperature of outer jacket, determined by averaging jacket temperatures at various locations on the jacket at regular intervals during the NER test, in ° F.;
t_f = equilibrium temperature of the test cryogenic liquid at the NER test pressure of approximately, one atmosphere, absolute, in ° F.

(b) DOT–113A60W tank cars must—

(1) Be filled with hydrogen, cryogenic liquid to the maximum permitted fill density specified in § 173.319(d)(2) Table of this subchapter prior to performing the NER test; and

(2) Have a CHTR equal to or less than the SHTR specified in § 179.401–1 table for a DOT–113A60W tank car.

(c) DOT–113C120W tank cars must—

(1) Be filled with ethylene, cryogenic liquid to the maximum permitted fill density specified in § 173.319(d)(2) Table of this subchapter prior to performing the NER test, or be filled with nitrogen, cryogenic liquid to 90 percent of the volumetric capacity of the inner tank prior to performing the NER test; and

(2) Have a CHTR equal to or less than 75 percent of the SHTR specified in § 179.401–1 Table for a DOT–113C120W tank car.

(d) Insulating material must approved.

(e) If the insulation consists of a powder having a tendency to settle, the entire top of the cylindrical portion of the inner tank must be insulated with a layer of glass fiber insulation at least one-inch nominal thickness, or equivalent, suitably held in position and covering an area extending 25 degrees to each side of the top center line of the inner tank.

(f) The outer jacket must be provided with fittings to permit effective evacuation of the annular space between the outer jacket and the inner tank.

(g) A device to measure the absolute pressure in the annular space must be provided. The device must be portable with an easily accessible connection or permanently positioned where it is readily visible to the operator.

§ 179.400–5 Materials.

(a) Stainless steel of ASTM Specification A240, Type 304 or 304L must be used for the inner tank and its appurtenances, as specified in AAR Specifications for Tank Cars, Appendix M, and must be—

(1) In the annealed condition prior to fabrication, forming and fusion welding;

(2) Suitable for use at the temperature of the lading; and

(3) Compatible with the lading.

(b) Any steel casting, steel forging, steel structural shape or carbon steel plate used to fabricate the outer jacket or heads must be as specified in AAR Specifications for Tank Cars, Appendix M.

(c) *Impact tests* must be—

(1) Conducted in accordance with AAR Specifications for Tank Cars, Appendix W, W9.01;

(2) Performed on longitudinal specimens of the material;

(3) Conducted at the tank design service temperature or colder; and

(4) Performed on test plate welds and materials used for inner tanks and appurtenances and which will be subjected to cryogenic temperatures.

(d) Impact test values must be equal to or greater than those specified in AAR Specifications for Tank Cars, Appendix W. The report of impact tests must include the test values and lateral expansion data.

§ 179.400–6 Bursting and buckling pressure.

(a) The inner tank shall have a bursting pressure no less than that listed in § 179.401–1.

(b) The outer jacket of the required evacuated insulation system must be designed in accordance with § 179.400–7(d) and in addition must comply with the design loads specified in Section 6.2 of the AAR Specifications for Tank Cars. The designs and calculations must provide for the loadings transferred to the outer jacket through the support system.

§ 179.400–7 Tank heads.

(a) Tank heads of the inner tank and outer jacket must be flanged and dished, or ellipsoidal.

(b) Flanged and dished heads must have—

(1) A main inside dish radius not greater than the outside diameter of the straight flange;

(2) An inside knuckle radius of not less than 6 percent of the outside diameter of the straight flange; and

(3) An inside knuckle radius of at least three times the head thickness.

§ 179.400–8 Thickness of plates.

(a) The minimum wall thickness, after forming, of the inner shell and any 2:1 ellipsoidal head for the inner tank must be that specified in § 179.401–1, or that calculated by the following formula, whichever is greater:

$$t=Pd/2SE$$

Where:

t = minimum thickness of plate, after forming, in inches;
P = minimum required bursting pressure, in psi;
d = inside diameter, in inches;
S = minimum tensile strength of the plate material, as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M1, in psi;
E = 0.9, a factor representing the efficiency of welded joints, except that for seamless heads, E = 1.0.

(b) The minimum wall thickness, after forming, of any 3:1 ellipsoidal head for the inner tank must be that specified in § 179.401–1, or that calculated by the following formula, whichever is greater:

$$t=1.83\ Pd/2SE$$

Where:

t = minimum thickness of plate, after forming, in inches;
P = minimum required bursting pressure, in psi;
d = inside diameter, in inches;
S = minimum tensile strength of the plate material, as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M1, in psi;
E = 0.9, a factor representing the efficiency of welded joints, except that for seamless heads, E = 1.0.

(c) The minimum wall thickness, after forming, of a flanged and dished head for the inner tank must be that specified

in § 179.401–1, or that calculated by the following formula, whichever is greater:

$t = PL[(3 + \sqrt{(L/r)}]/8SE$

Where:

t = minimum thickness of plate, after forming, in inches;
P = minimum required bursting pressure, in psi;
L = main inside radius of dished head, in inches;
r = inside knuckle radius, in inches;
S = minimum tensile strength of plate material, as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M1, in psi;
E = 0.9, a factor representing the efficiency of welded joints, except that for seamless heads, E = 1.0.

(d) The minimum wall thickness, after forming, of the outer jacket shell may not be less than 7/16 inch. The minimum wall thickness, after forming, of the outer jacket heads may not be less than ½ inch and they must be made from steel specified in § 179.100–23(a)(1). The annular space is to be evacuated, and the cylindrical portion of the outer jacket between heads, or between stiffening rings if used, must be designed to withstand an external pressure of 37.5 psi (critical collapsing pressure), as determined by the following formula:

$P_c = [2.6E(t/D)^{2.5}]/[(L/D) - 0.45(t/D)^{0.5}]$

Where:

P_c = Critical collapsing pressure (37.5 psi minimum), in psi;
E = modulus of elasticity of jacket material, in psi;
t = minimum thickness of jacket material, after forming, in inches;
D = outside diameter of jacket, in inches;
L = distance between stiffening ring centers in inches. (The heads may be considered as stiffening rings located ⅓ of the head depth from the head tangent line.)

§ 179.400–9 Stiffening rings.

(a) If stiffening rings are used in designing the cylindrical portion of the outer jacket for external pressure, they must be attached to the jacket by means of fillet welds. Outside stiffening ring attachment welds must be continuous on each side of the ring. Inside stiffening ring attachment welds may be intermittent welds on each side of the ring with the total length of weld on each side not less than one-third of the circumference of the tank. The maximum space between welds may not exceed eight times the outer jacket wall thickness.

(b) A portion of the outer jacket may be included when calculating the moment of inertia of the ring. The effective width of jacket plate on each side of the attachment of the stiffening ring is given by the following formula:

$W = 0.78(Rt)^{0.5}$

Where:

W = width of jacket effective on each side of the stiffening ring, in inches;
R = outside radius of the outer jacket, in inches;
t = plate thickness of the outer jacket, after forming, in inches.

(c) Where a stiffening ring is used that consists of a closed section having two webs attached to the outer jacket, the jacket plate between the webs may be included up to the limit of twice the value of "W", as defined in paragraph (B) of this section. The outer flange of the closed section, if not a steel structural shape, is subject to the same limitations with "W" based on the "R" and "t" values of the flange. Where two separate members such as two angles, are located less than "2W" apart they may be treated as a single stiffening ring member. (The maximum length of plate which may be considered effective is 4W.) The closed section between an external ring and the outer jacket must be provided with a drain opening.

(d) The stiffening ring must have a moment of inertia large enough to support the critical collapsing pressure, as determined by either of the following formulas:

$I = [0.035D^2LP_c]/E$, or
$I' = [0.046D^2LP_c]/E$

Where:

I = required moment of inertia of stiffening ring about the centroidal axis parallel to the vessel axis, in inches to the fourth power;
I' = required moment of inertia of combined section of stiffening ring and effective width of jacket plate about the centroidal axis parallel to the vessel axis, in inches to the fourth power;
D = outside diameter of the outer jacket, in inches;
L = one-half of the distance from the centerline of the stiffening ring to the next line of support on one side, plus one-half of the distance from the centerline to the next line of support on the other side of stiffening ring. Both distances are measured parallel to the axis of the vessel, in inches. (A line of support is:

(1) A stiffening ring which meets the requirements of this paragraph, or
(2) A circumferential line of a head at one-third the depth of the head from the tangent line);

P_c = critical collapsing pressure (37.5 psi minimum), in psi;
E = modulus of elasticity of stiffening ring material, in psi.

(e) Where loads are applied to the outer jacket or to stiffening rings from the system used to support the inner tank within the outer jacket, additional stiffening rings, or an increased moment of inertia of the stiffening rings designed for the external pressure, must be provided to carry the support loads.

§ 179.400–10 Sump or siphon bowl.

A sump or siphon bowl may be in the bottom of the inner tank shell if—

(a) It is formed directly into the inner tank shell, or is formed and welded to the inner tank shell and is of weldable quality metal that is compatible with the inner tank shell;

(b) The stress in any orientation under any condition does not exceed the circumferential stress in the inner tank shell; and

(c) The wall thickness is not less than that specified in § 179.401–1.

§ 179.400–11 Welding.

(a) Except for closure of openings and a maximum of two circumferential closing joints in the cylindrical portion of the outer jacket, each joint of an inner tank and the outer jacket must be a fusion double welded butt joint.

(b) The closure for openings and the circumferential closing joints in the cylindrical portion of the outer jacket, including head to shell joints, may be a single welded butt joint using a backing strip on the inside of the joint.

(c) Each joint must be welded in accordance with the requirements of AAR Specifications for Tank Cars, Appendix W.

(d) Each welding procedure, welder, and fabricator must be approved.

§ 179.400–12 Postweld heat treatment.

(a) Postweld heat treatment of the inner tank is not required.

(b) The cylindrical portion of the outer jacket, with the exception of the circumferential closing seams, must be postweld heat treated as prescribed in AAR Specifications for Tank Cars, Appendix W. Any item to be welded to this portion of the outer jacket must be attached before postweld heat treatment. Welds securing the following need not be postweld heat treated when it is not practical due to final assembly procedures:

(1) the inner tank support system to the outer jacket,
(2) connections at piping penetrations,
(3) closures for access openings, and
(4) circumferential closing joints of head to shell joints.

(c) When cold formed heads are used on the outer jacket they must be heat treated before welding to the jacket shell if postweld heat treatment is not practical due to assembly procedures.

§ 179.400–13 Support system for inner tank.

(a) The inner tank must be supported within the outer jacket by a support

system of approved design. The system and its areas of attachment to the outer jacket must have adequate strength and ductility at operating temperatures to support the inner tank when filled with the lading to any level incident to transportation.

(b) The support system must be designed to support, without yielding, impact loads producing accelerations of the following magnitudes and directions when the inner tank is fully loaded and the car is equipped with a conventional draft gear:

Longitudinal	7"g"
Transverse	3"g"
Vertical	3"g"

The longitudinal acceleration may be reduced to 3"g" where a cushioning device of approved design, which has been tested to demonstrate its ability to limit body forces to 400,000 pounds maximum at 10 miles per hour, is used between the coupler and the tank structure.

(c) The inner tank and outer jacket must be permanently bonded to each other electrically, by either the support system, piping, or a separate electrical connection of approved design.

§ 179.400–14 Cleaning of inner tank.

The interior of the inner tank and all connecting lines must be thoroughly cleaned and dried prior to use. Proper precautions must be taken to avoid contamination of the system after cleaning.

§ 179.400–15 Radioscopy.

Each longitudinal and circumferential joint of the inner tank, and each longitudinal and circumferential double welded butt joint of the outer jacket, must be examined along its entire length in accordance with the requirements of AAR Specifications for Tank Cars, Appendix W.

§ 179.400–16 Access to inner tank.

(a) The inner tank must be provided with a means of access having a minimum inside diameter of 16 inches. Reinforcement of the access opening must be made of the same material used in the inner tank. The access closure must be of an approved material and design.

(b) If a welded closure is used, it must be designed to allow it to be reopened by grinding or chipping and to be closed again by rewelding, preferably without a need for new parts. A cutting torch may not be used.

§ 179.400–17 Inner tank piping.

(a) *Product lines.* The piping system for vapor and liquid phase transfer and venting must be made for material compatible with the product and having satisfactory properties at the lading temperature. The outlets of all vapor phase and liquid phase lines must be located so that accidental discharge from these lines will not impinge on any metal of the outer jacket, car structures, trucks or safety appliances. Suitable provison must be made to allow for thermal expansion and contraction.

(1) *Loading and unloading line.* A liquid phase transfer line must be provided and it must have a manually operated shut-off valve located as close as practicable to the outer jacket, plus a secondary closure that is liquid and gas tight. This secondary closure must permit any trapped pressure to bleed off before the closure can be removed completely. A vapor trap must be incorporated in the line and located as close as practicable to the inner tank. On a DOT–113A60W tank car, any loading and unloading line must be vacuum jacketed between the outer jacket and the shut-off valve and the shut-off valve must also be vacuum jacketed

(2) *Vapor phase line.* A vapor phase line must connect to the inner tank and must be of sufficient size to permit the pressure relief devices specified in § 179.400–20 and connected to this line to operate at their design capacity without excessive pressure build-up in the tank. The vapor phase line must have a manually operated shut-off valve located as close as practicable to the outer jacket, plus a secondary closure that is liquid and gas tight. This secondary closure must permit any trapped pressure to bleed off before the closure can be removed completely.

(3) *Vapor phase blowdown line.* A blowdown line must be provided. It must be attached to the vapor phase line specified in paragraph (a)(2) of this section, upstream of the shut-off valve in that line. A by-pass line with a manually operated shut-off valve must be provided to permit reduction of the inner tank pressure when the vapor phase line is connected to a closed system. The discharge from this line must be outside the housing and must be directed upward and away from operating personnel.

(b) Any pressure building system provided for the purpose of pressurizing the vapor space of the inner tank to facilitate unloading the liquid lading must be approved.

§ 179.400–18 Test of inner tank.

(a) After all items to be welded to the inner tank have been welded in place, the inner tank must be pressure tested at the test pressure prescribed in § 179.401–1. The temperature of the pressurizing medium may not exceed 100°F. during the test. The inner tank must hold the prescribed pressure for a period of not less than ten minutes without leakage or distortion. In a pneumatic test, due regard for the protection of all personnel should be taken because of the potential hazard involved. After a hydrostatic test the container and piping must be emptied of all water and purged of all water vapor.

(b) Caulking of welded joints to stop leaks developed during the test is prohibited. Repairs to welded joints must be made as prescribed in AAR Specifications for Tank Cars, Appendix W.

§ 179.400–19 Valves and gages.

(a) *Valves.* Manually operated shut-off valves and control valves must be provided wherever needed for control of vapor phase pressure, vapor phase venting, liquid transfer and liquid flow rates. All valves must be made from approved materials compatible with the lading and having satisfactory properties at the lading temperature.

(1) Liquid control valves must be of extended stem design.

(2) Packing, if used, must be satisfactory for use in contact with the lading and of approved materials that will effectively seal the valve stem without causing difficulty of operation.

(3) Each control valve and shut-off valve must be readily operable. These valves must be mounted so that their operation will not transmit excessive forces to the piping system.

(b) *Gages.* Gages, except portable units, must be securely mounted within suitable protective housings. A liquid level gage and a vapor phase pressure gage must be provided as follows:

(1) *Liquid level gage.*

(i) A gage of approved design to indicate the quantity of liquefied lading within the inner tank, mounted where it will be readily visible to an operator during transfer operations or storage, or a portable gage with a readily accessible connection, or

(ii) A fixed length dip tube, with a manually operated shut-off valve located as close as practicable to the outer jacket. The dip tube must indicate the maximum liquid level for the allowable filling density. The inner end of the dip tube must be located on the longitudinal centerline of the inner tank and within four feet of the transverse centerline of the inner tank.

(2) *Vapor phase pressure gage.* A vapor phase pressure gage of approved design, with a manually operated shut-off valve located as close as practicable to the outer jacket. The gage must

indicate the vapor pressure within the inner tank and must be mounted where it will be readily visible to an operator. An additional fitting for use of a test gage must be provided.

§ 179.400–20 Pressure relief devices.

(a) The tank must be provided with pressure relief devices for the protection of the tank assembly and piping system. The discharge from these devices must be directed away from operating personnel, principal load bearing members of the outer jacket, car structure, trucks and safety appliances. Vent or weep holes in pressure relief devices are prohibited. All main pressure relief devices must discharge to the outside of the protective housings in which they are located, except that this requirement does not apply to pressure relief valves installed to protect isolated sections of lines between the final valve and end closure.

(b) *Materials.* Materials used in pressure relief devices must be suitable for use at the temperature of the lading and otherwise compatible with the lading in both the liquid and vapor phases.

(c) *Inner tank.* Pressure relief devices for the inner tank must be attached to vapor phase piping and mounted so as to remain at ambient temperature prior to operation. The inner tank must be equipped with one or more pressure relief valves and one or more safety vents (except as noted in paragraph (c)(3)(iv) of this section), and installed without an intervening shut-off valve (except as noted in paragraph (c)(3)(iii) of this section). Additional requirements are as follows:

(1) *Safety vent.* The safety vent shall function at the pressure specified in § 179.401–1. The safety vent must be flow rated in accordance with the applicable provisions of AAR Specifications for Tank Cars, Appendix A, and provide sufficient capacity to meet the requirements of AAR Specifications for Tanks Cars, Appendix A, A8.07(a).

(2) *Pressure relief valve.* The pressure relief valve must:

(i) be set to start-to-discharge at the pressure specified in § 179.401–1, and

(ii) meet the requirements of AAR Specifications for Tank Cars, Appendix A, A8.07(b).

(3) *Installation of safety vent and pressure relief valve.*

(i) *Inlet piping.*

(A) The opening through all piping and fittings between the inner tank and its pressure relief devices must have a cross-sectional area at least equal to that of the pressure relief device inlet, and the flow characteristics of this upstream system must be such that the pressure drop will not adversely affect the relieving capacity or the proper operation of the pressure relief device.

(B) When the required relief capacity is met by the use of multiple pressure relief device placed on one connection, the inlet internal cross-sectional area of this connection must be sufficient to provide the required flow capacity for the proper operation of the pressure relief device system.

(ii) *Outlet piping.*

(A) The opening through the discharge lines must have a cross-sectional area at least equal to that of the pressure relief device outlet and may not reduce the relieving capacity below that required to properly protect the inner tank.

(B) When the required relieving capacity is met by use of multiple pressure relief devices placed on a common discharge manifold, the manifold outlet internal cross-sectional area must be at least equal to the combined outlet areas of the pressure relief devices.

(iii) Duplicate pressure relief devices may be used when an approved 3-way selector valve is installed to provide for relief through either duplicate pressure relief device. The 3-way valve must be included in the mounting prescribed by AAR Specifications for Tank Cars, Appendix A, A6.02(g), when conducting the flow capacity test on the safety vent prescribed by AAR Specifications for Tank Cars, Appendix A, A6.01. Flow capacity tests must be performed with the 3-way valve at both of the extreme positions as well as at the mid-position and the flow capacity must be in accordance with AAR Specifications for Tank Cars, Appendix A, A8.07(a).

(iv) An alternate pressure relief valve, set as required in § 179.401–1, may be used in lieu of the safety vent, provided it meets the flow capacity prescribed in AAR Specifications for Tank Cars, Appendix A at a flow rating pressure of 110 percent of its start-to-discharge pressure. Installation must—

(A) Prevent moisture accumulation at the seat by providing drainage away from that area,

(B) Permit periodic drainage of the vent piping, and

(C) Prevent accumulation of foreign material in the vent system.

(4) *Evaporation control.* The routine release of vaporized lading may be controlled with a pressure controlling and mixing device, except that a pressure controlling and mixing device is required on each DOT–113A60W car. Any pressure controlling and mixing device must—

(i) Be set to start-to-discharge at a pressure not greater than that specified in § 179.401–1;.

(ii) Have sufficient capacity to limit the pressure within the inner tank to that pressure specified in § 179.401–1, when the discharge is equal to twice the normal venting rate during transportation, with normal vacuum and the outer shell at 130°F; and

(iii) Prevent the discharge of a gas mixture exceeding 50% of the lower flammability limit to the atmosphere under normal conditions of storage or transportation.

(5) *Safety interlock.* If a safety interlock is provided for the purpose of allowing transfer of lading at a pressure higher than the pressure control valve setting but less than the pressure relief valve setting, the design must be such that the safety interlock will not affect the discharge path of the pressure relief value or safety vent at any time. The safety interlock must automatically provide an unrestricted discharge path for the pressure control device at all times when the tank car is in transport service.

(d) *Outer jacket.* The outer jacket must be provided with a suitable system to prevent buildup of annular space pressure in excess of 16 psig or the external pressure for which the inner tank was designed, whichever is less. The total relief area provided by the system must be a minimum of 25 square inches, and means must be provided to prevent clogging of any system opening, as well as to ensure adequate communication to all areas of the insulation space. If a safety vent is a part of the system, it must be designed to prevent distortion of the frangible disc when the annular space is evacuated.

(e) *Piping system.* Where a piping circuit can be isolated by closing a valve, means for pressure relief must be provided.

§ 179.400–21 Test of pressure relief valves.

Each valve must be tested with air or gas for compliance with § 179.401–1 before being put into service.

§ 179.400–22 Protective housings.

Each valve, gage, closure and pressure relief device, with the exception of secondary relief valves for the protection of isolated piping, must be enclosed within a protective housing. The protective housing must be adequate to protect the enclosed components from direct solar radiation, mud, sand, adverse environmental exposure and mechanical damage

incident to normal operation of the tank car. It must be designed to provide reasonable access to the enclosed components for operation, inspection and maintenance and so that vapor concentrations cannot build up to a dangerous level inside the housing in the event of valve leakage or pressure relief valve operation. All equipment within the protective housing must be operable by personnel wearing heavy gloves and must incorporate provisions for locks or seals. A protective housing and its cover must be constructed of metal not less than 0.119 inch thick.

§ 179.400–23 Operating instructions.

All valves and gages must be clearly identified with corrosion-resistant nameplates. A plate of corrosion-resistant material bearing precautionary instructions for the safe operation of the equipment during storage and transfer operations must be securely mounted so as to be readily visible to an operator. The instruction plate must be mounted in each housing containing operating equipment and controls for product handling. These instructions must include a diagram of the tank and its piping system with the various gages, control valves and pressure relief devices clearly identified and located.

§ 179.400–24 Stamping.

(a) A tank that complies with all specification requirements must have the following information plainly and permanently stamped into the metal near the center of the head of the outer jacket at the "B" end of the car, in letters and figures at least ⅜-inch high, in the following order:

	Example of required stamping
Specification	DOT–113A60W.
Design service temperature	Minus 423° F.
Inner tank	Inner Tank.
Material	ASTM A240–304.
Shell thickness	Shell 9/16 inch.
Head thickness	Head 9/16 inch.
Inside diameter	ID 107 inch.
Inner tank builder's initials	ABC.
Date of original test (month and year) and initials of person conducting original test.	00–0000GHK.
Water capacity	00000 lbs.
Outer jacket	Outer jacket.
Material	ASTM A515–70.
Outer jacket builder's initials	DEF.
Car assembler's initials (if other than inner tank or outer jacket builder).	XYZ.

(b) Any stamping on the shell or heads of the inner tank is prohibited.

(c) In lieu of the stamping required by paragraph (a) of this section, the specified markings may be incorporated on a data plate of corrosion-resistant metal, fillet welded in place on the head of the outer jacket at the "B" end of the car.

§ 179.400–25 Stenciling.

Each tank car must be stenciled in compliance with the provisions of the AAR Specifications for Tank Cars, Appendix C. The stenciling must also include the following:

(a) The date on which the frangible disc was last replaced and the initials of the person making the replacement, on the outer jacket in letters and figures at least 1½ inches high.

(b) The design service temperature and maximum lading weight, in letters and figures at least 1½ inches high adjacent to the hazardous material stencil.

(c) The water capacity, in pounds net at 60°F., with the tank at its coldest operating temperature, after deduction for the volume above the inlet to the pressure relief device or pressure control valve, structural members, baffles, piping, and other appurtenances inside the tank, in letters and figures at least 1½ inches high.

(d) Both sides of the tank car, in letters at least 1½ inches high, with the statement "Do Not Hump or Cut Off While in Motion."

(e) The outer jacket, below the tank classification stencil, in letters at least 1½ inches high, with the statement, "vacuum jacketed."

§ 179.400–26 Certificate of construction.

See § 179.5.

52. Section 179.401 is revised and § 179.401–1 is added to read as follows:

§ 179.401 Individual specification requirements applicable to inner tanks for cryogenic liquid tank car tanks.

§ 179.401–1 Individual specification requirements.

In addition to § 179.400, the individual specification requirements for the inner tank and its appurtenances are as follows:

DOT specification	113A60W	113C120W
Design service temperature, °F.	−423	−260.
Material	§ 179.400–5	§ 179.400–5.
Impact test (weld and plate material).	§ 179.400–5(c)	§ 179.400–5(c).
Impact test values	§ 179.400–5(d)	§ 179.400–5(d).
Standard heat transfer rate. (Btu per day per lb. of water capacity, max.) (see § 179.400–4).	0.097	0.4121.
Bursting pressure, min. psi.	240	300.
Minimum plate thickness shell, inches (see § 179.400–7(a)).	9/16	9/16.
Minimum head thickness, inches (see § 179.400–7 (a), (b), and (c)).	9/16	9/16.
Test pressure, psi (see § 179.400–16).	60	125.
Safety vent bursting pressure, max. psi.	80	120.
Pressure relief valve start-to-discharge pressure, psi (± 3 psi).	30	75.
Pressure relief valve vapor tight pressure, min. psi.	24	60.
Pressure relief valve flow rating pressure, max. psi.	40	85.
Alternate pressure relief valve start to-discharge pressure, psi (± 3 psi).		90.
Alternate pressure relief valve vapor tight pressure, min. psi.		72.
Alternate pressure relief valve rating pressure, max. psi.		100.
Pressure control valve, psi.	17	Not required.
Start-to-vent, max. psi (see § 179.400–18(c)(4) Relief device discharge restrictions.	§ 179.400–18	§ 179.400–18.
Transfer line insulation	§ 179.400–15	Not required.

53. Paperwork Reduction Act: Information collection requirements contained in the following sections of this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Following the text of each section listed below, add parenthetically the specified OMB control number.

Section	*OMB Control No.*
173.11	2137–0541
177.816	2137–0540
177.818	2137–0539
177.836	2137–0541
177.840	2137–0542
178.338–2	2137–0017
178.338–4	2137–0017
178.338–19	2137–0017

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A. to Part 1)

Note.—The Materials Transportation Bureau has determined that this document 1) will not result in a "major rule" under the terms of Executive Order 12291, 2) is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), and 3) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*). Based on comments received in response to the NPRM, I certify that this amendment will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation and environmental assessment is available for review in the docket. Approval of reporting and recordkeeping requirements under the Paperwork Reduction Act of 1980 has been issued by the Office of Management and Budget.

Issued in Washington, D.C. on June 2, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83–15211 Filed 6–15–83; 8:45 am]

BILLING CODE 4910–60–M

18
189
1
1
7
JE
16
1985
UMI

Rea

INFORM

PUBLI

Code o
CFR Un

General
Incorpo
Printing

Federal

Correct
Daily I
General
Privacy
Public

Schedul

Laws

Indexes
Law nu

Slip law

Presiden

Executi
Public
Weekly

United

SERVIC

Agency
Automa
Library
Magnet
volu
Public
Special
Subscri
Subscri
TTY fo

FEDERA

24311-2
24653-2
24855-2
25169-2
26279-2
26443-2
26585-2
26751-2
27027-2
27219-2
27391-2
27531-2

Reader Aids

Federal Register

Vol. 48, No. 117

Thursday, June 16, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual	523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

24311-24652	1
24653-24854	2
24855-25168	3
25169-26278	6
26279-26442	7
26443-26584	8
26585-26750	9
26751-27026	10
27027-27218	13
27219-27390	14
27391-27530	15
27531-27714	16

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:

Presidential Determinations:

No. 83-7 of June 3, 1983 26585

Executive Orders:

September 15, 1916 (Revoked in part by PLO 6392) 26315

September 30, 1916 (Revoked in part by PLO 6392) 26315

May 21, 1920 (Revoked in part by PLO 6392) 26315

12400 (Amended by EO 12424) 27219

12424 27219

Proclamations:

5066 24855

5067 26443

5068 27391

5 CFR

213 24857

581 26279

2423 27531

7 CFR

51 26751

52 26752

68 24857

319 24311

354 26294

905 27532221

906 27532

910 ..... 24859, 26587, 26757

915 24860

916 24653

932 24311

944 24860

959 25169

966 26757

1033 24861

1036 24863

1139 24864

3015 27222

Proposed Rules:

51 24723

800 ..... 27082, 27084

1007 24391

1046 24905

1125 26460

1133 26460

1207 24724

9 CFR

92 24865

318 24314

Proposed Rules:

72 27256

91 27255

92 27257

10 CFR

20 26295

25 ..... 24318, 27533

61 26295

95 24318

Proposed Rules:

50 24391

960 26440

625 27482

11 CFR

102 26300

114 26303

12 CFR

5 26758

32 27224

207 26587

211 26445

217 27393

220 ..... 26587, 26589

221 26587

224 26587

303 27027

505c 26590

572a 27394

Proposed Rules:

7 24913

614 25210

13 CFR

121 26760

14 CFR

39 ..... 26590-26593, 27030, 27031, 27533

71 ..... 25169, 25170, 26594-26596, 27032-27034

75 26596

95 24654

97 27534

204 26596

252 24866

389 24323

Proposed Rules:

23 26623

39 ..... 25210, 27085-27087, 27549

121 25211

139 25211

159 25215

221 24916

252 24918

291 ..... 24922, 26830

377 24923

15 CFR

369 24323

371 25171

373.....25174
376.....25171
379.....25171
386.....25171, 26303, 26449
399.....25171, 25174, 26450

18 CFR

423.....24868, 27225
453.....25174
1406.....26761

Proposed Rules:

13.....24724, 27089, 27258
457.....25218
1145.....27409

17 CFR

170.....26304
200.....24663
211.....27225
240.....24663, 27524
249.....24663
270.....25175

Proposed Rules:

1.....27411
12.....25218
210.....26623
240.....24725, 24728
270.....25220, 26460

19 CFR

2.....24323, 24358
35.....24323
271.....25177-25179

Proposed Rules:

35.....26831
271.....24730-24732, 25223

13 CFR

101.....25180
146.....27536
177.....25180, 27538

Proposed Rules:

Ch. I.....26831
101.....27092, 27265
123.....26832
175.....26833
177.....25224

20 CFR

416.....27538

Proposed Rules:

632.....24392
633.....24392
634.....24392
635.....26430
684.....24392

21 CFR

5.....26311
131.....24868
175.....24869
177.....26312, 26761
178.....24869
357.....27004
510.....24870, 24871
520.....24871, 26762
522.....26313
540.....24872, 24873
558.....24871
600.....26313
895.....25126, 25137

Proposed Rules:

101.....27266
158.....26319
201.....27389
310.....26986
312.....26720
341.....24925
429.....27389

22 CFR

Proposed Rules:

11.....26834

23 CFR

Ch. I.....24852, 25181
625.....27539

24 CFR

8.....27528
111.....24361
203.....27398
213.....27398
221.....27035
234.....27035, 27398
235.....27035
1800.....24873

Proposed Rules:

8.....27529

25 CFR

Proposed Rules:

700.....24734

26 CFR

601.....24668

Proposed Rules:

1.....24736, 25224, 25228

27 CFR

21.....24672
212.....24672

Proposed Rules:

9.....24737

28 CFR

0.....25183
540.....24622
550.....24623
551.....24623

Proposed Rules:

547.....24626
570.....24626
571.....24626

29 CFR

Proposed Rules:

1910.....26962
1952.....26836
2670.....27092
2675.....27092

30 CFR

226.....26763
256.....26778
260.....24873
784.....24638
785.....24638
816.....24638
817.....24638
818.....24638
886.....27363
916.....24874
944.....24876
946.....25184
1625.....26434

Proposed Rules:

57.....27024
250.....26837
901.....24739
913.....24741, 27550
917.....26839, 27101
936.....24928
938.....27102, 27551
942.....25229
946.....26624, 27552
948.....24393

32 CFR

242b.....26451
806b.....24878
829.....27540

33 CFR

100.....25186, 26599-26602, 27540
117.....26602
165.....25187

Proposed Rules:

117.....26625
162.....25231, 27103, 27553

34 CFR

668.....26779
682.....24584

35 CFR

101.....27399
103.....27399
253.....27399

36 CFR

222.....25187
262.....26603

Proposed Rules:

7.....27553
13.....26319

37 CFR

2.....27225

Proposed Rules:

1.....26319
5.....26319

38 CFR

1.....27400
3.....27036
36.....27226, 27401

Proposed Rules:

17.....26627

39 CFR

10.....27227

Proposed Rules:

111.....27103, 27267

40 CFR

1.....27227
52.....24362, 24689
144.....27039
146.....27039
162.....26451
180.....24364, 24365, 24689, 26452
204.....27039
205.....27039
211.....27039
271.....27040
712.....27041
716.....24366
720.....27043
763.....27041

Proposed Rules:

Ch. I.....24930
51.....26840
52.....26841
65.....24930
66.....26627
67.....26627
81.....24393
86.....24932
145.....26842
180.....24394, 24396, 26629
271.....25236
403.....24933
405.....24742
406.....24742
407.....24742
408.....24742
409.....24742
411.....24742
412.....24742
422.....24742
424.....24742
426.....24742
429.....24742
430.....24742
431.....24742
432.....24742
433.....24742
440.....24742
600.....26698
610.....24397

41 CFR

Ch. 7.....25188
Ch. 101.....27541
1-15.....26453
3-3.....26605
101-29.....25196
101-41.....27235
101-45.....24878, 27236
101-47.....24879, 25199
101-49.....27404
105-53.....25200

42 CFR

57.....25064
66.....24879

Proposed Rules:

57.....25071, 25072

43 CFR

Public Land Orders:

23.....27008
1600.....26314
3200.....24367
3210.....24367
3220.....24367
3240.....24367
3250.....24367
3600.....27008
3610.....27008
3620.....27008
6377.....26780
6391.....25205
6392.....26315

Proposed Rules:

3000.....26320
3100.....26320
8370.....26485
8560.....27366

44 CFR

64.....24369, 26780, 26796, 27248,
67.....27404

65.....26605, 27247, 27249
67.....24370, 26784, 26796
70.....27237-27246

Proposed Rules:
67.....24743, 26629, 26630, 27414, 27555
302.....27105

45 CFR

1207.....26802
1208.....26808
1209.....26815

46 CFR

221.....27044
310.....27044

Proposed Rules:
125.....26631
126.....26631
127.....26631
128.....26631
129.....26631
130.....26631
131.....26631
132.....26631
133.....26631
134.....26631
135.....26631
136.....26631
542.....27112
543.....27112
544.....27112

47 CFR

Ch. I.....27044
0.....24383, 26606
1.....24884, 27182
2.....27054, 27541
21.....27251
22.....26820, 27182, 27251
23.....27251
31.....27072
73.....24383, 24898, 26453, 26608, 27054, 27182, 27545, 27546
74.....24383, 27054, 27406
81.....27182
87.....27182
90.....26617, 27182
94.....27182
95.....24884
97.....26455, 26606

Proposed Rules:
2.....24945, 26461
22.....24945
69.....26632
73.....24945, 24949, 26462-26471, 27562-27581
74.....24945
76.....26472
94.....24950, 27113
96.....24953
97.....24954, 26647

49 CFR

Ch. X.....27253
1.....27546
171.....27674
172.....27674
173.....27674
174.....27674
176.....27674
177.....27674
178.....27674
179.....27674
192.....25206
195.....25206
501.....27547
571.....24690, 24717, 25209, 27547
1011.....26456
1033.....24386
1039.....24900, 26822, 27254
1152.....27547
1153.....24386
1162.....24388
1175.....26317
1176.....26317
1307.....24388

Proposed Rules:
Ch. X.....24397
25.....26649
172.....26650
173.....25236, 26650
179.....25236
571.....24751, 25237, 27583
1152.....27269, 27584
1155.....27271
1186.....26485

50 CFR

20.....26457
250.....26621
260.....24901
301.....27073
371.....24902
424.....24718, 24903
611.....24719, 27075
674.....27080

Proposed Rules:
17.....26486
23.....26651
424.....27273
611.....25238
646.....26843
661.....26653
674.....24751
675.....25238

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Last Listing June 9, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents. U.S. Government Printing Office, Washington, D.C. 20402 (phone 202–275–3030).

H.J. Res. 201 / Pub. L. 98–39 Designating June 14, 1983, as "Baltic Freedom Day". (June 13, 1983; 97 Stat. 208) Price: $1.50

will be

4 8
ISS
1
1
7
J E
1 6
1983
UMI